

# **Actions and Strategies of State Islamic Religious Councils (MAIN) On the Development of Abandoned Waqf Land in Malaysia**

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## **ABSTRACT**

Developing abandoned waqf land is a crucial action and strategy for optimally utilizing waqf assets. Fundamental waqf principles, such as the conditions that waqf property cannot be sold, transferred to others, inherited, or disposed of permanently, must be upheld in the development process. Typically, abandoned waqf land results from the absence of development projects that can generate optimal returns. The prevailing stigma that such issues stem from ineffective waqf management and the lack of efficient development mechanisms has had negative socioeconomic consequences for society and the nation. This study aims to analyze the measures taken by the State Islamic Religious Councils (MAIN) in developing abandoned waqf land. It employs a qualitative research approach, collecting data through both primary and secondary sources, including interviews, document analysis, articles, journals, theses, books, magazines, conference papers, the State Islamic Administration Enactment, state waqf enactments, and official websites of the State Islamic Religious Councils and State Islamic Departments. The findings reveal that MAIN has implemented measures to enhance management and monitoring by adopting efficient administrative systems and integrating modern technology into development projects. These efforts aim to ensure the effectiveness and efficiency of waqf land development in Malaysia.

**Keywords:** Actions, strategies, State Islamic Religious Council (MAIN), development, abandoned waqf land

## **INTRODUCTION**

Waqf is a key instrument in the Islamic economic system, allowing property owners to dedicate their assets for continuous community benefit. Waqf properties, particularly land, play a vital role in providing resources for education, healthcare, and welfare. However, reports indicate that a significant portion of waqf land in Malaysia remains unused, either due to ineffective management, the absence of practical development mechanisms, or the land's non-strategic location. Consequently, this situation has negatively impacted the socioeconomic landscape of both local communities and the nation (Rahisam Ramli et al., 2023).

The development of waqf assets is crucial, as they hold vast potential for generating income and fostering economic growth (Ab Rahman, 2009). Despite Malaysia's rapid urban development, issues surrounding abandoned waqf land persist, largely due to inadequate administrative strategies and ineffective land development mechanisms (Rahmawati et al., 2021). Without structured development plans, these lands remain idle and fail to contribute to national growth.

This issue is further compounded by the lack of proper development instruments and mechanisms, as observed in a study by Aminah & Sabit (2011). Their findings indicate that ineffective waqf property management has led to stagnant waqf land development, highlighting the sector's failure to match the rapid expansion of the

Islamic financial system (Syahnaz Sulaiman, 2012). Additionally, financial constraints limit the potential diversification of waqf development mechanisms (Siti Mashitoh Mahamood, 2007).

Thus, addressing the issue of abandoned waqf land is imperative, as waqf has historically played a crucial role in alleviating economic crises and poverty. Developing such lands contributes significantly to national socioeconomic progress by creating job opportunities and fostering dynamic community development. MAIN, as the governing institution of waqf (Razali Othman, 2018), must assume a proactive role in managing waqf assets in accordance with the State Waqf Enactment, which designates MAIN as the sole trustee responsible for overseeing, managing, and developing waqf land in alignment with societal and economic interests (Sanep Ahmad & Nur Diyana Muhamed, 2011).

## LITERATURE REVIEW

In the context of abandoned waqf land development, this issue demands focused attention and strategic action to ensure waqf land is developed in line with modernization and yields public benefits. This literature review aims to identify previous studies on abandoned waqf land, focusing on the evolution of waqf land management, waqf land development, and the factors contributing to the occurrence of abandoned waqf land in Malaysia, which have impacted the nation's socio-economic well-being.

### Waqf Land Management in Malaysia

In Malaysia, the management and administration of waqf land falls under the jurisdiction of the State Islamic Religious Councils (MAIN), which hold full authority as the sole trustee of waqf assets. In addition to MAIN, the Department of Waqf, Zakat, and Hajj (JAWHAR) plays a role in waqf matters at the federal level, aiming to ensure that the implementation of waqf across states is organized and systematic. JAWHAR reported that approximately 16% (3,018 plots) of waqf land remain unutilized and undeveloped (JAWHAR, 2024) due to several contributing factors.

Historically, waqf has proven to be a powerful tool for continuous economic development, capable of driving socioeconomic growth through waqf mechanisms. Although waqf development has progressed incrementally, early records of waqf administration in Malaysia lack explicit documentation of waqf asset management. Initially, waqf management relied on traditional practices where waqf assets were either managed directly by the waqf donor or by local community leaders involved in religious activities, such as the local judge (kadi), imam, village head, chief, or mosque committee. Traditionally, individuals who wished to dedicate waqf would do so orally in the presence of trustworthy Muslim witnesses, and those appointed to manage the waqf would either handle the responsibility individually or form a group for the purpose (Ahmad & Muhamed, 2011).

Waqf management was less complex at the time, as the community adhered closely to waqf principles. Specific waqf proceeds were allocated for designated purposes, while general waqf assets and income served the broader welfare of the Muslim community. However, the traditional management system had limitations: there was no written documentation for waqf assets, and no formal authority was responsible for waqf management. This lack of formal structure often led to disputes among heirs (Ahmad & Muhamed, 2011). Many waqf assets, particularly in the form of land and buildings, remain undeveloped due to management challenges and insufficient funding (Ahmad & Muhamed, 2011).

Idle waqf lands that are left undeveloped do not contribute to addressing the nation's socio-economic issues, despite historical evidence supporting the benefits of waqf in these areas. This situation has also fostered a sense of doubt among potential waqf donors, creating a negative perception within the community regarding the practice of waqf due to the inefficiencies in waqf land management (Noor Inayah, 2014). The lack of development in waqf land impedes progress and contributes to the rising number of abandoned waqf lands (Bahari & Mat Hassan, 2017).

Institutions responsible for waqf land management in Malaysia must play a proactive role in developing waqf land and exercise full authority in managing and administering waqf assets. Waqf institutions must be

committed to waqf land development through various mediums and mechanisms, fully exploring all possible methods for implementing waqf in property development projects. Acquiring waqf properties in strategic areas, especially urban centers, can substantially enhance the economic and social welfare of the Muslim community (Bahari, 2012).

### Development of Waqf Land

The development of waqf land is viewed as a key means of strengthening the role of waqf. Such development should be carried out professionally and efficiently, as its returns have the potential to significantly impact the economic progress of the Muslim community, in particular, and the nation at large. Waqf land, an immovable asset, has been traditionally endowed since the time of the Prophet Muhammad (SAW) and his companions, continuing to this day (Ab Rahman, 2009).

In Malaysia, data on waqf land compiled by the Department of Waqf, Zakat, and Hajj (JAWHAR) reveals that the country has a substantial amount of waqf property, especially land, which could make a positive contribution to the economic development of the Muslim community if properly developed. Waqf land is highly valuable, and it is a significant loss if not managed effectively to prevent it from remaining abandoned and neglected. Additionally, the development of waqf land has broader benefits, potentially serving both Muslim and non-Muslim communities alike (Yusuf Othman et al., 2022).

Table 1: Area of Waqf Land by Classification of Utilized and Unutilized in Malaysia

Classification of Waqf Land	Unutilized Waqf Land	Utilized Waqf Land
<b>Total Lots</b>	3,018 lots (16%)	15,384 lots (84%)
<b>Total Area (hectares)</b>	2,415 hectares (12%)	18,578 hectares (88%)

Source: JAWHAR, 2023

This table shows that, out of the total lots and area of waqf land in Malaysia, 16% (3,018 lots) covering 2,415 hectares remain unutilized, while 84% (15,384 lots) covering 18,578 hectares have been utilized.

### Management of Waqf Land in Egypt

Apart from examining the management of waqf in Malaysia, an approach is also taken to assess the implementation of waqf management in Egypt, a country known for its extensive and well-organised waqf assets. Effective waqf management can provide long-term benefits in the fields of education, healthcare, and infrastructure development.

For instance, Egypt is renowned for its waqf system, which is entirely regulated by the government through the Ministry of Waqf. This ministry ensures that waqf assets are utilised for educational and welfare purposes.

In Egypt, the development of waqf is more advanced, as almost all funds for waqf management and development are sourced from waqf revenues themselves, without relying on government funding. These funds are generated from rental income and investments in waqf land, with the proceeds used to finance the operations of mosques, schools, universities, hospitals, and other social projects. Additionally, commercial projects are actively undertaken to build shopping malls, hotels, and office complexes, with the revenues reinvested into other waqf sectors.

All waqf assets in Egypt are overseen by a single Ministry of Waqf, which exercises full control over these assets. This centralised management ensures a more structured and cohesive waqf system, unlike in Malaysia, where waqf management is delegated to individual states, resulting in inconsistencies (Razali Othman, 2018). This decentralised approach in Malaysia leads to a lack of uniformity in waqf administration.

To further develop waqf in Egypt, the government collaborates with the private sector and Islamic banking institutions to invest in long-term waqf projects, such as commercialised agricultural waqf, where revenues are used to fund schools and hospitals. Moreover, under the long-term leasing system, many waqf lands are leased to private companies or individuals for extended periods (99 years) to ensure continuous revenue generation.

Malaysia's waqf management also adopts approaches from other countries to enhance the development of waqf land domestically. By doing so, waqf development in Malaysia can be implemented more effectively, contributing to a more advanced waqf sector.

## METHODOLOGY

This study adopts a qualitative research approach, utilizing and applying data collection methods through both primary and secondary sources. Secondary data were gathered through document analysis, reviewing various references including articles, journals, theses, books, magazines, seminar papers, State Islamic Administration Enactments, state waqf enactments, and official departmental websites. These primary and secondary data were collected to provide insights into the actions of State Islamic Religious Councils (MAIN) regarding the development of abandoned waqf land.

Primary data, on the other hand, were obtained directly through in-depth interviews with authoritative personnel directly involved in waqf management, particularly officers from the State Islamic Religious Councils. These interviews aimed to gain a deeper understanding of the policies and actions taken by MAIN towards the development of unutilized waqf land, as well as the challenges faced by authorities in managing abandoned waqf properties.

Each interview was recorded and transcribed to ensure the accuracy of the information. The transcripts were then meticulously analyzed using thematic analysis. This process involved grouping information under key themes emerging from the interviews. Thematic analysis enabled the researcher to identify major issues and the perspectives of authorities on waqf land development. The primary and secondary data were integrated to provide a comprehensive view of the issues and actions related to unutilized and abandoned waqf land. This approach allowed the study to connect practical perspectives from management officers with broader theoretical insights and secondary data, leading to more accurate and holistic findings.

This methodological approach helps the researcher assess the actions and effectiveness of efforts to utilize abandoned waqf land more efficiently. The comprehensive analysis of both primary and secondary data enables the study to propose more effective strategies for developing unused waqf land to maximize its benefits for society.

## FINDINGS

Several initiatives have been undertaken by the State Islamic Religious Councils (MAIN) to develop abandoned waqf lands in Malaysia. Under Malaysia's waqf jurisdiction, all matters related to waqf fall exclusively under the management of MAIN, as stipulated in the Ninth Schedule (State List) of the Federal Constitution. Article 74(2) of the Federal Constitution grants states the authority to legislate on matters listed in the State List, found in the Second List of the Ninth Schedule. Furthermore, there are only two main bodies, JAWHAR and MAIN, entrusted with the administration and management of waqf assets. With the jurisdiction granted, MAIN, as the sole trustee of waqf assets, has implemented various initiatives and mobilized significant efforts to develop abandoned waqf lands, ensuring their optimal utilization for the benefit of society.

### Restructuring and Managing Waqf Assets

The State Islamic Religious Councils (MAIN) have adopted strategies to streamline the management of waqf assets by resolving conflicts among heirs. MAIN plays a crucial role as a mediator in addressing disputes between waqf donors' heirs. Efficient and swift resolution of such conflicts allows waqf land to be developed without hindrance from heirs. Some heirs are uncooperative, engaging in disputes over control of the property

and refusing to tolerate one another. This lack of cooperation causes significant delays, sometimes taking years to resolve, leaving waqf land idle.

### **Applying *Al-Istibdal* to Address Non-Strategic Waqf Land Locations**

For small-scale or less viable land, MAIN can utilize the mechanism of *al-istibdal*, which involves exchanging waqf land for more strategic or developmentally promising land. This method reduces the issue of unproductive waqf land in non-strategic locations (Mohamed Noor & Ismail, 2016). Through this process, the exchanged land remains as waqf, but it can now generate benefits more effectively. The *al-istibdal* mechanism involves replacing unproductive waqf assets with those that are more valuable or easier to utilize, ensuring the asset's optimal potential and continuous benefit to society and the donor (MAIN Waqf Officer Interview, 2023).

Before implementing *al-Istibdal*, MAIN evaluates the property based on its location, market value, development potential, and physical condition. For instance, in Perak, *al-Istibdal* decisions require approval from the Fatwa Committee to ensure compliance with *shariah* principles. Only waqf lands that are no longer beneficial are considered for exchange. Once approved, the unproductive or non-strategic waqf property is either sold or swapped for another asset of equal or higher value, located in a more strategic area. Proceeds from these transactions are reinvested in new properties or income-generating projects, such as commercial centers, residential complexes, or rental buildings.

### **Collaborating with Corporate Institutions**

MAIN has established partnerships with corporate institutions to develop abandoned waqf land. In Johor, MAIN partnered with Johor Corporation (JCorp) and the Johor Islamic Religious Council (MAIJ) to implement effective waqf practices. JCorp's unique corporate waqf management system has significantly contributed to institutional productivity, employing innovative methods distinct from conventional waqf management practices (Abdul Shakor Baharom, 2013).

In Melaka, the Melaka Islamic Religious Council (MAIM) collaborated on developing the Pantai Puteri Hotel, a three-star hotel built on waqf land under MAIM's trusteeship. The project, valued at RM25.6 million, spans 6,304 square meters and includes facilities such as hotel rooms, seminar halls, banquet rooms, and recreational areas, completed in 2011. This project exemplifies how strategic collaborations can unlock the potential of waqf assets for socio-economic benefits.

### **Diversifying Mechanisms for Waqf Land Development**

MAIN has diversified contemporary approaches to waqf land development, adapting to the land's location and structural status to maximize productivity. For agricultural waqf land, MAIN can implement concepts such as *al-musaqat* and *al-muzara'ah*—profit-sharing agreements with farmers or entrepreneurs who manage the land. For instance, in Perak, MAIN initiated cattle farming projects for sales during *Eid al-Adha*, with proceeds directed towards helping underprivileged Muslim communities.

### **Developing Waqf Infrastructure**

MAIN also seeks partnerships with private sector investors to develop waqf land infrastructure. Strategic collaborations help share maintenance and development costs, accelerating project implementation effectively. Each waqf land requires a clear development plan, identifying its potential use for housing, agriculture, or commercial purposes. These steps ensure waqf assets are developed systematically, contributing to sustainable economic and social benefits for society.

## **DISCUSSION**

The actions and strategies undertaken by the State Islamic Religious Councils (MAIN) to develop abandoned waqf land in Malaysia are both necessary and urgent. MAIN, as the sole trustee of waqf properties under the State Waqf Enactments, holds full authority to manage and administer waqf properties in accordance with



Islamic law (*Shariah*). Any actions taken by MAIN must be well-planned and supported by in-depth studies to ensure that the outcomes are effective and impactful.

## **Factors Contributing to Abandoned Waqf Land**

Waqf land has immense potential to provide social benefits, yet many of these lands remain abandoned or underutilized. These issues arise from ineffective management, limited resources, or a lack of awareness about their potential. The problem of idle waqf lands poses significant challenges, including economic loss, unrealized job opportunities, and setbacks in poverty eradication efforts (Ramli et al., 2023).

### **Inefficient and Ineffective Waqf Management**

Waqf management in Malaysia is handled by different State Islamic Religious Councils, each with its own laws and administrative procedures. This fragmentation complicates management coordination. In many cases, waqf land remains idle due to inefficient management capabilities at the state level. Proactive management and initiatives for development are often lacking, leading to unproductive waqf lands (Sayin, Ali, & Suyurno, 2006). Effective waqf land development requires good governance, which depends on skilled, systematic, and professional administration (Abul Hassan & Mohammad Abdus Shahid, 2015).

### **Non-Strategic Locations of Waqf Land**

The remote and non-strategic location of waqf land is another major contributor to abandonment. Small or scattered plots make planned development challenging, especially in rural areas with inadequate access and infrastructure (Abdul Malik, 2012). Additionally, waqf lands located far from economic centers often have low market value, making them less attractive to investors (Mohd, 2012).

Land in non-strategic locations typically offers lower commercial, economic, or social returns. Without strong financial and infrastructural support, these lands are unsuitable for high-return projects such as commercial or business development (Alias, 2016). Addressing this issue requires innovative planning and the involvement of property management experts to unlock the potential of such lands (Ismail, 2015).

### **Lack of Comprehensive Development Mechanisms**

Development mechanisms for waqf land vary by state, depending on factors such as location and land status. One of the key reasons for abandoned waqf land is the absence of comprehensive and effective development models. In Malaysia, many waqf lands lack robust long-term development plans, and state Islamic councils often fail to strategize their utilization effectively.

Moreover, many waqf institutions rely entirely on government allocations or charitable donations, which are often insufficient to fund development. Developing waqf land requires substantial capital investment, which necessitates innovative strategies, including partnerships with private investors or corporations (Mustaffa & Muda, 2014). However, the lack of incentives for private sector investment in waqf projects limits the ability to leverage the potential of abandoned waqf lands.

## **Impacts and Implications of Abandoned Waqf Land**

Abandoned and undeveloped waqf land has significant negative economic and social impacts on society. The key effects include:

### **Stunted Economic Opportunities**

Undeveloped waqf land can greatly hinder economic opportunities. If these lands were developed through commercial projects, such as housing, agriculture, or business, they could generate stable revenue for waqf authorities and benefit society through various services and infrastructure. The failure to develop these lands prevents the creation of new jobs and business opportunities, thereby stifling local economic growth.

## Negative Public Perception and Trust in Waqf Institutions

Abandoned waqf lands can erode public trust in the management and efficiency of waqf institutions. When these lands are seen as neglected or poorly managed, the community may view waqf institutions as lacking in capability to steward waqf assets effectively. This can damage public perception regarding the trust vested in these institutions and may discourage people from making further waqf contributions.

## Deterioration of Waqf Assets and Decline in Asset Value

Abandoned waqf land, left unused and undeveloped, faces a high risk of natural degradation and a decline in commercial value over time. Such lands may become neglected and susceptible to issues like encroachment, illegal settlements, or environmental hazards (e.g., open burning). This situation not only diminishes the value of the asset itself but also complicates future development efforts, as restoration costs increase each year due to accumulating damages.

## Challenges and Solutions in Waqf Management by the State Islamic Religious Councils (MAIN)

The State Islamic Religious Councils (MAIN) face several challenges in managing waqf land, including:

### Inefficient Management

The lack of expertise in professional waqf asset management, along with variations in policies and regulations across different states, has led to imbalances in waqf development. Additionally, waqf management in Malaysia lacks a centralised monitoring system to ensure the efficient use of waqf assets, as waqf administration is placed under the jurisdiction of individual states. Therefore, MAIN must take the initiative to establish a Central Waqf Management Body to facilitate effective coordination of waqf development. Furthermore, increasing training courses and collaboration with Islamic finance experts can enhance MAIN's efficiency in managing waqf assets.

### Unstrategic Waqf Land Locations

Many waqf lands are located in rural or underdeveloped areas, making them less attractive for development. This issue arises due to a lack of capital to develop idle land and the absence of incentives for investors to develop waqf land in less strategic locations. As a solution, MAIN should expand collaboration efforts with the private sector to develop waqf properties in these areas and implement the concept of **productive waqf**, such as agricultural waqf, solar farms, or entrepreneurship training centres on rural waqf land.

### Lack of Public Awareness

Public awareness of the importance of waqf remains low, mainly due to a lack of knowledge about its benefits and practices. MAIN can address this issue by launching large-scale awareness campaigns through mass media and digital platforms to educate the public about waqf. Additionally, implementing incentive schemes for waqf donors, such as tax exemptions for individuals or companies that contribute to waqf, can encourage greater participation in waqf initiatives.

## DISCUSSION

Waqf management plays a crucial role in ensuring the stability of waqf lands, which significantly contributes to the socio-economic development of the country. In Malaysia, many waqf lands with high development potential remain largely underutilized, with numerous plots left idle and undeveloped. Moreover, a significant number of waqf lands lack systematic records and formal documentation, an issue that should be urgently addressed. Therefore, the establishment of a centralized Waqf Management Institution and improvements to the waqf concept are recommended. Without this approach, waqf institutions are unlikely to progress and operate in a structured and comprehensive manner.

The administration and implementation of these institutions and waqf projects require drastic reform to enhance their effectiveness and impact. Good waqf governance results from systematic administration, standardized regulations, and progressive development. The approach of the State Islamic Religious Councils (MAIN) towards unutilized waqf lands must be prioritized and advanced through effective development mechanisms, which can help address the ongoing challenges related to abandoned waqf properties.

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