

Revival of the Concept of Waqf among Scholars in Adamawa State Nigeria

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Abstract: Waqf as an Islamic charitable endowment, it has played a dynamic role in the socio-economic activities of Muslims all over the world. Studies have revealed that waqf has worked as an effective tool for improving socio-economic condition in several Muslims countries all over the world. The concept of waqf has been in existence for the long period of time in most Muslim communities. However, in most of the Muslim community the concept is still new in the public. The purpose of this paper is to revive the concept of waqf among scholars in Adamawa state Nigeria, to create awareness among on the substantial role of waqf on socio-economic development and to demand on people both the rich and the middle class to participate in waqf for the advantage of Ummah. The paper adopted qualitative research approach through interview. However, structural interview was conducted with five Islamic scholars in Adamawa state. The findings show that even among the scholars the familiarity of the concept of waqf is partial, majority of the scholars does not know much about developing waqf as well as the economic important of waqf. Therefore, the scholars, intellectuals, and practitioners of waqf have a vivacious role to play in creating awareness and sensitization among scholars on the general concept of waqf and its significant role in humanitarian and economic development of Muslims community.

Keyword: Revival, concept, scholars

I. INTRODUCTION

The institution of charitable trust is unique in performing a multitude of functions simultaneously. It is created to serve charitable purposes in continuity; to make separation of legal and beneficial interests of a single property; to rectify an unjust enrichment made through fraudulent activities. One of this charitable trust that exist and pay services for a long period is waqf. Historically, waqf had been long used as one of the famous tools for poverty reduction among people. Distinctly from religious purposes as building mosque and schools. However, waqf has played a significant role in the socio-economic part (Kayadibi, Polat, Fidan, & Kayadibi, 2014). Majority of the scholars in Adamawa state does not know the general concept of waqf neither its economic important not its worth in society and even how to develop waqf resources to generate revenue. Majority of the scholar's perception is just to keep it for use as it was given by the donor as it is witness in the state. Most of the waqf resources in the state were kept idle undeveloped due to ignorance on how to effectively manage and develop waqf resources.

Therefore, there is need to revive the concept of waqf among scholars in the state to enable them advocate the significance among the public (Amuda, 2017). The awareness should cover the concept, significance, economic, characteristics, types, and management so that scholars and managers will have the basic knowledge of waqf in Islamic perspective. Furthermore, it will increase the number of people donating for waqf and the society will also benefit in different aspect such as economic sustainability, poverty reduction, job creation, micro-finance, and social services. The waqf institutions will also relief the burden on government so that government will divert to order activities and renewal of mandate. The focus of this paper is on reviving the concept of waqf among scholars in the scope of study, it is believed when the concept is full invigorated among scholars being the backbone of any successful generation, its application and incentive can be easily gain.

II. LITERATURE REVIEW

Concept of Waqf

Waqf is charitable endowment that was known for the public and community services such as construction of mosque, schools, shelter, hospital, and education purpose. The founder of waqf donate a property in perpetuity to continue in charity for free services. Nevertheless, the property cannot be donated, sold, inherit, or bequeathed. So, the difference between waqf and sadaqah is Sadaqah is a charitable act that involves giving or donating to a someone in charity. By type sadaqa is not compulsory by shariah but it is commendable in Islam. However, waqf is an ongoing charity that comes from established act of giving or donating while Sadaqah is private charity that can be giving or assigned to people in a straight manner without establishing a legal entity. Obviously, waqf is a kind of institutionalized Sadaqah while Sadaqah is non institutionalized.

Definition of Waqf

Waqf is a charitable act set by Islam on a charitable basis since the lifetime of Prophet Muhammad PBUH. The term waqf derived from an Arabic verb "*waqafa*", which literally means, detention, confinement, and prohibition or causing a thing to stop or stand still (Yaacob, 2011). Technically, jurist defined as the detention of a specific thing that is in the ownership of the founder and the devotion of its profits for good objects. (Ibrahim, Amir, & Masron, 2013).

Legitimacy of Waqf

The majority of Islamic scholars hold the opinion that waqf is permitted and recommended in Islam, based on general and specific evidence from the Qur'an, Prophetic Hadith and Ijma (Zaki, 2006). In respect to the general evidence, they consider waqf as an act of charity and every verse of the glorious Qur'an that encourage Muslims to give out charity is an evidence to the lawfulness and legitimacy of waqf. Allah says,

"By no means shall ye attain righteousness unless ye give (freely) of what ye love"

"But if ye remit it by way of charity that is best for you if ye only knew".

From the Prophetic hadith, The Messenger of Allah (SAW) said,

"When a man dies, his deeds come to an end except for three things: Sadaqa Jāriyah (continual charity); a knowledge which is beneficial, or a virtuous descendant who prays for him (for the deceased)."

(Hadith Muslim 2682).

In the above-mentioned prophetic Hadith, waqf is regarded as an ongoing charity (Sadaqatu al jāriyah) which means the reward will be receiving continuously not only in this life but will remain to benefit the giver of the ongoing charity even after his death. Therefore, is a great opportunity to invest in something that will pay bonuses even after we depart this world. The key to making this occur is to invest in a process that will produce lasting and continued benefits among which is giving out waqf. Concerning the specific evidence, Narrated Ibn `Umar, that, Umar bin Khattab got some land in Khaibar and he went to the Prophet to consult him about it saying:

"O Allah's Apostle I got some land in Khaibar better than which I have never had, what do you suggest that I do with it?" The Prophet said, "If you like you can give the land as endowment and give its fruits in charity." So `Umar gave it in charity as an endowment on the condition that would not be sold nor given to anybody as a present and not to be inherited, but its yield would be given in charity to the poor people, to the Kith and kin, for freeing slaves, for Allah's Cause, to the travelers and guests; and that there would be no harm if the guardian of the endowment ate from it according to his need with good intention, and fed others without storing it for the future."

(Hadith Al-Bukhari 2737).

This Hadith, Narrated by Ibn Umar is the basis for the legality of waqf (Zaki, 2006). In assessment of the above charitable

act, Muslim countries formed waqf institution to apparent the core value of Islamic charitable system. Concerning the Ijma, Imam Annawawi, Ibn Alqudama and Rafi'i narrated a consensus of Muslims scholars on the validity of waqf practice of sahabah (Al-khirqi, 2013). It was on that Prophet PBHU advised Uthman Ibn Affan for purchasing of well (*Birrumah*) in Medina. Ibn Alqudama wrote that there was no one companion who owned any substantial property, except for what had been made waqf to them.

Difference between Waqf and Sadaqa

Waqf is a charitable endowment formed for catering some services such as mosque, education, shelter, public and community services. The waqf institution is ties up a property in permanency so that it will provide services forever. It cannot be sold donated, bequeathed or inherited. While sadaqa is a voluntary act that involves giving or donating to a person in charity by nature. Sadaqa is not impose or prescribe upon Muslims by shariah as it is the case with Zakah, and it is subjected to no specific rules or conditions, but it is commendable in shariah. However, waqf is a continuing charitable act that comes in a form of institutionalized act of giving for long period and stability used. While sadaqa is personal charity that can be given or assigned to others in a straight way without having to establish a legal entity. Naturally, waqf is a form of sadaqa institutionalized while sadaqa is not an institutionalized. 280).

Characteristics of Waqf

Waqf is an Islamic economic tool that has an extraordinary kind of generosity in its implementation, the following features must be consider in its excursion: Firstly, permanency, when a property is devoted as waqf it remains waqf permanently. There is no chance for the management to change or remove it except for a concrete reason. However, Permanency of the waqf property is not only by the nature of the property but also by legal status and by its accounting treatment. In that regards Only property like land has characteristics of perpetuity by nature (Kahf, 1999). Consequently, this is the reason why Muslim jurists have preferred real property as the most appropriate for endowment as waqf as it is most durable and conforms to the permanency nature of waqf. This view restricts the waqf development, as it means that only the rich would be able to make a waqf donation. In response to the view that shows only rich can donate for waqf, some scholars have applied the rule of ijthad and approve the temporality of waqf if it derives from the nature of certain assets such as buildings, trees, horses, books, swords, slaves (Abdullah & Ismail, 2017). Secondly, the permanency principle of waqf leads to another restriction, which is the irrevocability of the property. It means that the founder has no right to revoke the dedication of the property that has already been stated as waqf; once it is declared, is protected – no removal or reversal of waqf property can take place either by government or individuals. Property must have permanent usability and use of the property must be

administered by Islamic law. thirdly, Constancy of condition of the founder, the condition or specification of waqf founder must be fulfilled, if the conditions did not confront or oppose Islamic Shari`ah guides. This includes all the income and revenue generated by waqf should be implement and execute in accordance with the requirement and condition of the waqf founder (Haqeel, 2011).

Movable and Immovable Waqf

Even though there are some unsolved issues with regards to movable and immovable waqf property. Traditionally, the waqf property was in the form of land and estate. As land signifies a great expense for persons who wish to contribute to waqf, it limits the donation or the contribution waqf to only the rich while those that has no property or estate to donate cannot participate in waqf contribution or practice. Then, in order to allow more people to contribute in the practice to develop waqf so that waqf will play a vital role in the economy, the waqf property and donations should be wider in scope and type (Abdullah & Ismail, 2017). Muslim jurists have different views regarding the legitimacy and lawfulness of moveable waqf properties such as money, animal and crops. This is due to the lack of permanency quality in the properties concerned. However, many Muslim jurists approved the validity and legality of these items as waqf properties. Scholars from the Hanafi school of thought state that all movable properties may be dedicated as waqf including the waqf of dirham and dinar, that is waqf of money (cash waqf) and jewelry. The same view has been issued by Imam Malik bin Anas. The fatwa issued by the World Fiqh Council (Majma' al-Fiqh) in Musqat, Sultanate of Oman, March 6-11, 2004, also approved the creation of cash waqf in any shari`ah compliant mode of investment, such as mudarabah, murabahah and istisna. The return is to be utilized according to the wish of the founder (Mohsin, 2012). Moreover, many contemporary scholars, such as (A.Mohsin, 2012; Habib Ahmed, 2007), propose the revival of cash waqf which was practiced during the time of Islamic Empire and which continued until the Ottoman period.

Importance of Waqf Endowment in Funding Social Services

There is no doubt that waqf foundations have significant role and benefits to the beneficiary directly or indirectly. In the history waqf institution have provide financial support and relief to the recipient in several countries of the world (Amuda, 2013). Instituting waqf institution in order to manage the collection and distribution will contribute to the betterment of society and the number of beggars in the nation will be significantly reduced. Psychologically, waqf endowment played an important role in extensive religious activities by spending on mosques, paying the salaries of imams, teachers, preachers, and provisions of carpets, water, paying electricity bills and other mosque materials. Instituting waqf institution in Nigeria can reform and re-direct the direction of many social challenges across the nation, such as marriage assistance for those who are incapable of marrying

and unable to provide for his wife, or unable of rendering financial aid for those who are physically and mentally capable of marrying additional wives, but his income is insufficient to maintain additional wives. The foundation can assist such persons in order to reduce the percentage of unmarried women in society. On the other hand, charitable institutions can also free debtors from the bondage of debt for being incapable of paying his or her debt in order to protect the debtor's dignity and personality in society and to empower the debtor that will protect him from subsequent debt. For those who are facing housing problems or are unable to pay their house rent, the waqf commission can make a provision from integrated funds for such people in order to relieve their burden as an act of worship. In addition, the institution can make provisions for health services especially for the poor, needy, and orphans. The commission can also construct its own standard and modern hospital to assist incapable patients while the small amount of money would be charged to those capable of paying. Those who are suffering from mental problems can be sent to the specialist or psychiatric hospital for proper treatment and the institution would be fully responsible for the payment and medication recommended by the physician. Rendering financial assistance to the recipients serves as brotherhood and kindness recommended as a rewardable act in Islam. The institution is also capable of giving humanitarian services to the victims of natural disaster such as floods, fires, tsunamis, building collapse, and accidents. Honestly, the waqf foundation can sponsor many media programs on television and radio programs that will inculcate religious moral and teachings to the citizens across the nation and it should not be limited solely to the Ramadan period. In this regard, the waqf can choose qualified and competent scholars that will pass the message across the country.

Waqf and its Role in Economic Sustainability and Poverty Reduction

Waqf is one of the long-lasting forms of charity established by Islam to alleviate poverty. Therefore, waqf can alleviate poverty in a society in the following ways: Financing entrepreneur. Entrepreneurship is a process of innovation in the search of economic goals. Providing source of financing entrepreneurship to poor or less privilege who are restricted from accessing external finance will easily enhance the poor to be able to be self-reliant. A business entrepreneur is a great achiever with character and essential ability to gather wealth and to create economic success (Cooney, 2007; Wellington & Zandvakili, 2006). These are achieved with some amount of risk-taking. Lending money to SME as (*Qard al-hasan*). The term *qard al- hasan* literally means "good loan". Technically, it is an interest-free loan of a financial kind. The fundamental principles *qard al- hasan* in Islam is to place countless emphasis on social justice, inclusion, and distribution of resources between the reach and the poor. The major aims of Islamic finance are absolute prohibition of interest in lending transactions. The prohibition comprises prohibition of any

debt or loan which conveys a monetary reward secured to the time of lending. Therefore, *qard* is permissible and is highly commended with guarantee to pay back the same amount received exclusive of any interest or return or charge. The primary objective of *qard-al-hasan* is to assist poor to become part of economic activities in a proper and effective means. Meanwhile the poor do not have any considerable collateral, social capital is the only collateral for extending such credit. This also provides a motivation to poor to perform and be able to have access to such credit in the future.

Accounting and Reporting of Waqf Properties

There is need for accounting and reporting of waqf properties to develop, maintain and protect waqf properties from encroachment and miss management. Accounting keeps track and financial record of an institution by using standardized guidelines for recording transaction and activities of an institution. While reporting provides information about expenses and revenue that are generated or debited from institution, and it also provides some important records of the institution properties. However, numerous past studies on waqf mostly concentrated on its management and operational aspects and waqf property development and improvement

(Hasanuddin Ahmed & Khan, 1998; Deguilhem, 2004). Research on waqf accounting, reporting

and investments are still noticeably scanty with only few literature available focusing on Algeria (Hoexter, 1998), Malaysia (Yaacob, Petra, Sumardi, & Nahar, 2015), North Africa (Shatzmtler, 1991), Singapore (Nahar & Yaacob, 2011) and Turkey (Toraman, Tuncsiper, & Yilmaz, 2007).

III. METHODOLOGY

This paper used a qualitative research approach through interview. However, structural interview was conducted with five Islamic scholars in Adamawa state and thematic analysis was used to examine and analyze the data using Atlas. ti v8.0 software.

The below table 1 are the responses of the scholars in respect of the concept of waqf.

IV. DISCUSSION OF FINDINGS

This section discusses the findings derived from the structured interview that was conducted with some scholars in the state. The responses of the informants were presented on the table below to know the perception and understanding of scholars regarding the concept of waqf.

Concept of Waqf		Types of Waqf	Beneficiaries of Waqf you know	Socio-economic Importance of Waqf	Self-Contribution to Waqf	Available Waqf Institution
1	Waqfis leaving out a residential house free of rent over a period. It can be motor-vehicle, Borehole etc.	Farmland, House, Borehole or well, Masjid	No recipient yet, because of lack of Islamic knowledge	There is an everlasting reward called Sadakatul-Jariya.	None	None
2	Waqf is property leased voluntarily for the purpose of Islam.	House, Farmland, Vehicle, Masjid etc	None	Waqf is very important to Islam especially for propagation of Islamic injections. To the recipient he feels happy and alleviated. To the giver also feels he gained reward toward his dead.	Numerous, I usually give moral support.	Waqf institution is not available, but there are some waqf properties managed by individuals or organizations waqf.
3	Waqf in the Qur'an means a "coma" while reciting the Qur'an.	There is house waqf, Farmland waqf, Borehole waqf, School waqf.	There are pupils in primary schools that were trained from waqf initiative.	The giver enjoins an everlasting reward. Similarly, the receiver is elevated morally and Islamically waqf also promotes faithfulness of an individual, oneness of Allah.	If I disclose it will amount to "bosting" which will lead to loss of reward.	I have no idea, but there are similar initiatives.
4	Waqf is intentional leasing of property or structures for promulgation and propagation of Islam.	Residential House, School building, Borehole.	None	Waqf alleviate the suffering of less privilege and promotes love of one another.	I contributed to waqf several times	None
5	Waqf is just giving out a house, willingly for temporary or permanent rent free to alleviate suffering, and to Islamic functions.	Leasing of residential house	Seven people	Helps the less privilege and Muslim Ummah.	I have not yet contributed waqf.	None

Responses of scholars on the general concept of Waqf

From the foregoing as depicted by the scholars in the interview to assert the concept of waqf among the scholar, it is a response of partial indulgent. However, the third scholars respond showed some scholars are ignorant of waqf, it many assumed the interaction with the informant further raises a lot of interesting issues regarding the need for the revival of waqf even among the scholars.

The respondents have little challenge on the question regarding types of waqf, even do the question was responded fractionally showing people under the scope of study have the basic idea on only one types of waqf which is landed or property waqf, however, this show that the respond lack the knowledge that waqf can be a movable or immovable instrument.

Despite knowing some imperative types of properties, one may dedicate as waqf, the level of contribution to that act is quite inadequate, because the concept is fractional or silent among the scholars and this may tantamount to lack of awareness amongst the people, which may directly affects the given out of waqf and the consequence lead the beneficiary to suffer from the negative impact of not contributing.

There is need for joint reincarnation and re - orientation of the community on the socio-economic importance of waqf, though; from the discussion above, no hesitation the importance waqf is also granted limited recognized even among some the scholars. Therefore, there an express need for the establishment of waqf Institutions in Adamawa State is very essential to help in creating awareness on waqf, prudent management and distribution of waqf properties judiciously and reliably.

Consequently, there is urgent need for scholars to revive themselves and in lighting their follower on the need to participate in waqf, scholars should engage in sensitization using the mass media as a change agent, utilize their preaching, teaching and admonition session to encourage people engage their wealth in waqf for the sake of Allah.

V. CONCLUSION

Waqf is unlike other types of charitable acts such as gift or donations in which the property is retained and only the revenue of it will be used to help the poor and needy, and for the welfare of people. This will enable the donor to get continuous rewards if the property can still generate benefit from its revenues. Therefore, waqf has high possibility to become more popular as a source of funding for social and economic services. It can be concluded that Muslim ummah needs waqf services in all aspects of live especially in the economic sector, due to the increase of the high rate of poverty in some of the Muslim's area. Therefore, waqf can be used to transform many less privileges financially, socially, economically, and religiously. And when the concept is properly revived among the scholars and they lead by example this can boost the morale of both the rich, the poor and the

middle-class Muslims to invest in waqf practice in order to reduce their financial challenges and constraints and to improve the living standard of their people.

REFERENCE

- [1] A.Mohsin, M. I. (2012). Waqf-shares : new product to finance old waqf properties. *Bank and Bank Systems*.
- [2] Abdullah, R., & Ismail, A. G. (2017). Taking stock of the waqf-based Islamic microfinance model. *International Journal of Social Economics*, 44(8). <https://doi.org/10.1108/IJSE-06-2015-0176>
- [3] Ahmed, Habib. (2007). *Waqf -based microfinance: realizing the social role of Islamic finance*. Singapore.
- [4] Ahmed, Hasanuddin, & Khan, A. (1998). *Strategies To Develop Waqf Administration in India*.
- [5] Al-khirqi, A. alQasim U. bin H. bin A. bin A. (2013). *AlMukhtasar Almagny* (8th ed.). Dar 'Alam al Kutub.
- [6] Amuda, Y. J. (2013). Empowerment of Nigerian Muslim Households through Waqf, Zakat, Sadaqat and Public Funding. *International Journal of Trade, Economics and Finance*, 4(6), 419–424.
- [7] Cooney, T. M. (2007). *the irish journal of management incorporating*. 28(2).
- [8] Deguilhem, R. (2004). On the Nature of Waqf: Pious Foundations in Contemporary Syria. *Waqf En Méditerranée: Enjeux de Société, Enjeux de Pouvoir*, 395–430.
- [9] Haitam, S., (2016) *The Islamic Trust waqf: a Stagnant or Reviving Legal Institution*. *Electronic Journal of Islamic and Middle Eastern Law (EJIMEL)*, Vol.4 (2016). Pages, <http://www.ejimel.uzh.ch> ISSN 1664-5707
- [10] Haqee, I. M. (2011). *Waqf and its virtue*. Retrieved from <https://www.alukah.net/sharia/0/36834/>
- [11] Hoexter, M. (1998). *Endowments, Rulers, and Community: Waqf Al-Haramayn in Ottoman Algiers*. *Studies in Islamic Law and Society Leiden*: E. J. Brill, 6, 200–204.
- [12] Kahf, M. (1999). *Towards the Revival of Awqaf: A Few Fiqhi Issues to Reconsider*. *Harvard Forum on Islamic Finance and Economics*, 1–16.
- [13] Kayadibi, S., Polat, R., Fidan, Y., & Kayadibi, O. (2014). *The role of cash waqf in poverty alleviation: case of malaysia*. *International Journal of Business, Economics and Law*.
- [14] Mohsin, M. I. A. (2012). *Waqf-shares: New product to finance old waqf properties*. *Banks and Bank Systems*, 7(2), 72–78.
- [15] Nahar, H. S., & Yaacob, H. (2011). *Accountability in the sacred context: The case of management, accounting and reporting of a Malaysian cash awqaf institution*. *Journal of Islamic Accounting and Business Research*, 2(2), 87–113.
- [16] Salman, A.S, Abdul Ghafar,I and Muhammad, H.M.S (2017). *Application of waqf for social and development finance*. *International Journal of Islamic Finance*. Retrieved from <http://creativecommons.org/licenses/by/4.0/legalcode> pdf
- [17] Shatzmtler, M. (1991). *Waqf Khayri in Fourteenth-Century Fez: Legal, Social and Economic Aspects*. *Anaqueel de Estudios Arabes*, (2), 193–217.
- [18] Toraman, C., Tuncsiper, B., & Yilmaz, S. (2007). *Cash Awqaf in the Ottomans as Philanthropic Foundations and Their Accounting Practices*. *Fifth Accounting History International Conference*, Banff, Alberta., 2–19. Retrieved from <http://journal.mufad.org/attachments/article/452/7.pdf>
- [19] Wellington, D. C., & Zandvakili, S. (2006). *The entrepreneurial myth, globalization and American economic dominance*. *The Entrepreneurial Myth*, 33(9), 615–624.
- [20] Yaacob, H. (2011). *Accountability in the sacred context: The case of management, accounting and reporting of a Malaysian cash awqaf institution*. *Journal of Islamic Accounting and Business Research*, 2(2), 87–113.

- [21] Yaacob, H., Petra, S., Sumardi, A., & Nahar, H. S. (2015). Accountability through accounting and reporting lenses: Lessons from an awqaf institution in a Southeast Asia country. *Humanomics*, 31(3), 299–313. Yusuf Jelili Amuda. (2017). Commercialization of Cash Waqf In Nigeria: An Analysis Of Its Implementation. University of Malaya.
- [22] Zaki, E. (2006). A Summary of Waqf Regulations. Kuwait.