

APPLICATION OF WAQF FOR SOCIAL ECONOMIC ADVANCEMENT OF ZANZIBAR

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Abstract

Despite the number of studies investigating the concept of Waqf for social economic advancement among Muslims, most have focused on Waqf outcomes and few have investigated the role of the Muslim perception in enhancing large economic projects, particularly on considering sources of Waqf and related challenges. To address these concerns, this paper examines importance of using Waqf for social economic advancement to people in Zanzibar. It assesses Muslims' perceptions in Zanzibar on Waqf. It also examines the nature of Waqf fund and addresses administrative challenges amongst Waqf administrators in Zanzibar. This is a conceptual review paper that aims to reflect all said aspects in order to enrich the scholarly discourse on Waqf in serving the community. Based on the focus of the paper, a literature search was conducted from July, 2015 to July, 2016 in ERIC, ProQuest, PsycArticles and PsycINFO, electronic journals and texts, dissertation abstracts and items on religion, using the hermeneutic framework. The data are also complimented by interviews with the management of Waqf and trust commission Zanzibar. The results show that there are limited understanding of the concept of Waqf and lack of awareness about its socio-economic potentials to Muslims in Zanzibar. It is concluded that there is a need for proper orientation and application of the Waqf in order to document its constructive role to the Zanzibaris

Keywords: *Waqf, Waqf and Trust Commission and Waqf model.*

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1. Introduction

Zanzibar has people with a mixture of ethnic backgrounds. Islam is the dominant religion practiced by most Zanzibaris, alongside the present Christians and Hindu (El-Gamal, 2006). By the year 2012, the Zanzibar population reached 1.3 million peoples (National Population and housing census, 2012). The Island of Zanzibar is a Muslim dominated society nearly 99% (Revolutionary Government of Zanzibar, 1999:7). For that reason, considerable Islamic economic activities have

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been taking place in the form of Islamic investment houses, *Waqf* and Islamic banking services. The largest population is concentrated in Zanzibar City. Fishing and agriculture are the main economic activities among the local people in Zanzibar. There is a trade liberalization policy which has given businessmen a big boost in revenue. The expectation is to benefit local Zanzibar traders and people by encouraging massive business activities. Through the policy, the traders are focusing large market in Tanzanian mainland.

Waqf is an institution related to the conscious religious practice and the socio-economic system of Muslim civilizations. It has factually cited to play considerable roles throughout Islamic history (Haneef, Pramanik, Mohammed, Dahiru & Amin, 2013). The history of *Waqf* in Zanzibar is as old as the establishment of Islam in the Islands. The purposes of *Waqf* are influenced by the emerging needs of the community, administration of mosques, sponsoring Islamic Studies and neighbourhoods. This shows that *Waqf* is well known in Zanzibar as an Institution of the Islamic Shari'ah dedicated to eradicate poverty, support welfare, peoples' comfort and charitable objects of the community (<http://awqaaf-znz.go.tz/waqfpractice.php>).

So far, however, data from the Household Budget Surveys (2010) shows growing size of household and poverty in Zanzibar rural and urban areas. Different measures have been in place to address low income people in Zanzibar. For instance, Zanzibar Strategy for Growth and Reduction of Poverty [ZSGRP] (2007) and Zanzibar Development Vision 2020 launched in 2000 have combined social, political, cultural and economic philosophy to alleviate absolute poverty and attain viable development. This means that authority in Zanzibar has considerable concerns to alleviate poverty of its people. Yet, the growing number of low income people is at alarming rate. The research to date has tended to focus on the mainstream conventional services than *Waqf* related attempts to improve life standard of low income people in Zanzibar. This practice has created knowledge gap that need to be addressed through research.

Based on the above experiences, therefore, this conceptual paper will examine the use of *Waqf* on serving low income people in Zanzibar. This conceptual paper aims to examine source of income from *Waqf* and trust commission in Zanzibar and challenges faces the *Waqf* commissioner in serving the low income people.

Apart from the introduction, part two the paper addresses literature reviews which is related to this study. Besides, it has part three which is methodology used by this study. Later, there is part four which has some findings /result of our objectives. The last part is expected contribution and conclusion.

2. Literature reviews

2.1 *Waqf*: Meaning and significance

This refers to endowment made by a Muslim in favour of religious, educational, or charitable cause. The Indian act, *Mussalman Waqf Validating Act* of

1913 defined a *Wakf (Waqf)* as: “a permanent dedication by a person professing the Mussalman faith of any property for any purpose recognized by the Mussalman law as religious, pious or charitable.” Bakhoum (2014), provides meaning of Waqf as literally “to stop” or “the act of stopping”, meaning that, it is a system of endowment that existed and still exists in numerous Islamic countries.

A part form meaning of Waqf, the Waqf institution is an important institution in the society and has the responsibility of ensuring the economic development in the society. According to AbulHasan (2002), show that, the institution of Waqf has played its role in poverty alleviation and socio-economics development throughout history especially in Islamic history. It is still playing an important role in Muslims countries and society. In 2014, the former Indian Prime Minister Singh said that, Waqf assets have the potential of generating considerable returns for socio-economic development of the community. Therefore, there is a potential to make it more effective to improve the socio and economic well fare.

2.2 Waqf property and Trust Property.

Waqf property is a property dedicated by Muslims in Muslims majority country for charitable purposes. The properties that are dedicated should be immovable and should not be in the public domain. The law of India through the Punjab Waqf Properties Ordinance 1979, make clarification on Waqf property and explain in detail that “Waqf property” means property of any kind permanently dedicated by a person professing Islam for any purpose recognized by Islam as religious, pious or charitable, but does not include property of any Waqf such as described in section 3 of the Musalman Waqf Validating Act, 1913 (VI of 1913), under which any benefit is for the time being claimable for himself by the person by whom the Waqf was created or by any, member of his family or descendants. The law of Zanzibar, the Act No. 2 of 2007 of The Waqf and Trust Commission of Zanzibar mv (WTCZ), defines the term Waqf property as “any property which the original owner based on Islamic religion grounds has devoted it to help religious cause or to cater for specific matters or specific persons. Any properties that can be contributed permanent without destroying its originality

At the same line of Act no. 2, of 2007 of the WTCZ, mentioned the term “trust property” and defined as any property or interest in property owned by person or institution, whether known or unknown, and which has been placed under management, supervision or control of the Commission. Consistent to Zanzibar, there is private ownership of property which may be unlawfully used. The estates of the deceased Muslims; according to Abdul Ghafar, Taufiq and Najib (2014) are treated under the Islamic inheritance system which is has more comprehensive and broad framework than inter-generational transfers from another system. In the framework of its core functions, the *Waqf* and Trust Commission Zanzibar consider ‘estate” as all movable and immovable properties of a deceased person. Such property is chargeable with and applicable to the payment of his or her debts and legacies, or available for distribution amongst his or her heirs and next-of-kin. This has a lot of meaning to say that, Waqf property and trust property can be used by the responsible commission in social and economic advancement.

2.3 Waqf and socio-economic growth

In the history of development economics, Waqf institution has been thought of as a key factor in a socio-economic advancement. The endowment fund scheme plays an important role in the economic development of the Muslim community in Penang. The Waqf Fund Scheme contributes by way of providing a financing facility towards the acquisition of Waqf assets or through cash support channelled to associations or committees of a masjid (Suhaimi, Ab Rahman &, 2014). Normally, the effectiveness of Waqf institution depends on how they well Waqf properties are organized and work perfectly. Not only that, but also bettered outcome which is due to the responsible person. According to Malaysia International Islamic Finance Centre (2015) said that, An encouraging development on Waqf in key Islamic finance jurisdictions is the realization on the importance of Waqf as a source of financing and a mechanism for wealth distribution. Therefore, the institution of Waqf can play its vital role in alleviating poverty and socio-economics development in the context of social welfare.

2.4 Waqf and Poverty Alleviation

Waqf has contribution to economic life of people. There are many reasons underpinning that connection. First, *Waqf* is connected with the distribution of wealth in national economy. In this way, Waqf transfers wealth for society (Sabahattin, 2012). According to the former Indian Prime Minister Singh, 2014, Waqf assets have the potential of generating considerable returns for socio-economic development of the community. However, lack of awareness about endowments (*awqaf*) can limit realization of the said potentials. For instance, unawareness to Waqf has barred determined efforts on redressing socio-economic inequities and improving the life quality of poor people in Kano, Nigeria (Muhammad, 2010). In this respect, lack of knowledge on how Waqf works can be a reason to failure attempts.

Second, there are many studies on alleviating poverty through Waqf which evidence the said relationship. Interestingly, the point is made that Waqf is a major aspect to reduce poverty in Muslims countries. The study by Mohsin (2013) shows that, cash *Waqf* can be used to finance religious related areas and other different goods and services needed globally. That may include such services as education, health and social care, commercial activities and basic infrastructures. By so doing Waqf can open up jobs for the majority of people and contribute to solve the poverty problem.

2.5 Types of Waqf in Zanzibar

To date, there are two types of Waqf; family Waqf and welfare Waqf. Generally, family Waqf (*ahli*) is created to benefit close relatives of the founder and his/her family, to ensure the economic well-being of his/her heirs. It also focuses to secure them with income, prevent dispersion of property, and protect in times of insecurity from unprincipled administrators and rulers. There are other possibilities that, some founders of the *Waqf Ahli* use it as a means and tools which could legally elude the law of inheritance. In that way they exclude in deed those who they do not need to include in *Waqf Ahli*.

On part of *Waqf khayr* (welfare) we found that it has religious societal objectives. Based on this understanding, *Waqf* is here established to build a religious

public facility, such as a mosque, a *madrassa*, a school, a scientific research, a hospital, a bridge, a library, a graveyard. This type of *Waqf* demonstrates the great variety of charitable purposes to provide for the needy people in the community, and disadvantaged communities⁴

2.6 Waqf Model: Waqf-Conservation Framework

The concept Conservation Framework is adapted from the British Columbia. This concept was developed by the Ministry of Environment in collaboration with other scientists and conservation organizations (2009). The said Framework was suggested to provide a science-based approach for the conservation of species and ecosystems in British Columbia. Its main goals include contribution to global efforts for species and ecosystem conservation, prevention of species and ecosystems from becoming at risk and preserving diversity of native species and ecosystems. According to report from Dina Bakhoun (2014), huge conservation projects were taking place in Historic Cairo in the first decade of the 21st century as supervised by the Supreme Council of Antiquities.

2.7 Waqf and Trust Commission in Zanzibar

The Waqf and Trust Commission is a governmental body cooperate having perpetuate succession and a common seal. The Commission was established by **Act No.2 of 2007**, its core functions are to administer Waqf properties, Trust properties and the estates of the deceased Muslims. It also coordinates Islamic affairs including Hajj (Pilgrimage) activities, Zakat, Charity, national Iddi prayers and Barazas.

2.8 Waqf Management in Zanzibar

The management of Waqf property in Zanzibar is basically coordinated under the Waqf Unit out of the Waqf and Trust Commission as a whole. The head of the unit is the main responsible person for all activities and issues related to the management of Waqf properties. Based on the nature and perception of the people in Zanzibar regarding Waqf matters, the unit does have a number of activities which are not limited to planning, estate management, researches, education, record keeping and so forth. With a well-structured organization/unit, Waqf employees are recruited based on their qualifications regarding the overall management of Waqf properties. From this point in view, there are lawyers, engineers, planners, record keepers etc.

So far, it is evident that Waqf institution is well known in Islamic majority countries and it is very effective. There are numerous studies concerning with the application of Waqf around the world. Yet, a study is needed in Zanzibar to address the application of Waqf for social economic advancement of Zanzibar.

3. Methodology

Based on the focus of the paper, primary and secondary data were used to complete this study. Through a secondary data, a literature search was conducted from July, 2014 to June, 2016 in ERIC, ProQuest, PsycArticles and PsycINFO, electronic journals and texts, dissertation abstracts and items on religion, using the

⁴ Dr. Issa Ziddi, The role of Waqf in the advancing of cultural and educational institutions in Zanzibar

hermeneutic framework. Letter it followed by primary data gathered through interviews with the management of Waqf and trust commission Zanzibar so as to provide valuable and reliable information for this paper. This approach involves searching the literature, classifying and mapping, doing a critical assessment, and developing the argument (Boell & Cecez-Kecmanovic, 2014). The hermeneutic framework is employed by this study through continually reviewing the literature to gain insights and a growing understanding of this topic on application of Waqf for social economic advancement to people in Zanzibar. The use of key words such as Waqf, Waqf and Trust Commission and Waqf model is in order because it has provided information for this paper.

4. Result and Discussion

To begin, as mentioned in methodology part, secondary data and primary data were used in order to complete this study. The findings and analysis rely according to the objectives of the paper.

4.1 Zanzibar Muslims' perception on Waqf.

Waqf in Zanzibar has started long time ago and the people of Zanzibar during that time have a very good understanding on Waqf and its meaning in general. They were putting their property into Waqf to help their families and support orphans and vulnerable children. On that time the administration of Waqf was divided in two perspectives; The Sultans of Waqf Administration (1832-1890) and The British Administration of Waqf (1890-1963).

After Zanzibar got its independence in 1964, the Government controlled all Waqf properties in the early days of revolution and the Government issued many decrees. The earlier period observed mismanagement and collapse of a number of Waqf assets and records. Some Mutawallis challenged the valid of the decree that nationalized many fertile Waqf plantations and its distribution as three – acre plots to people. Many communities were forced to accept the guardianship of the Waqf Commission which centralized the income of the Waqf properties. In 1980 the Revolutionary Council Decree no. 5 of 1980 re-established Waqf and Trust Property Commission. Re-establishment of new Commission also aimed at handling issues of Islamic affairs which were also centralized by the government.⁵

According to what was happened after independence, majority of Muslims currently in Zanzibar are not putting their property as Waqf as they were doing before. They have mistrust on Waqf and trust commission as government board or otherwise. They lost their trust and integrity to this board since the Government itself took the Waqf land and distributed to other people in what was so called “three-acre plot”. There is no any image of the word “Waqf” in the eyes of new generation in Zanzibar because nowadays there is a lack of education regarding the meaning and importance of Waqf in this world and hereafter.

Furthermore, the perception of Waqf now in Zanzibar is quite different compared with The Sultan's Administration of Waqf and The British Administration

⁵<http://awqaaf-znz.go.tz/waqfpractice.php>

of Waqf. Political issue is the main reason why people of Zanzibar misinterpret the Waqf and trust commission. They perceive that the Commission was set up to work for the government and not for the Muslims property, the perception which does not hold water. Also they are not aware about the functions of board that is to administer Waqf properties, Trust properties and the estates of deceased Muslims as its core functions. Moreover, it coordinates Islamic affairs including Hajj (Pilgrimage) activities, Zakat, Charity, national *Eid* prayers and Councils (*Barazas*).

4.2 Sources of income of Waqf in Zanzibar.

Currently the source of income of Waqf in Zanzibar is divided in to two parts; firstly, from Waqf property and secondly from Waqf amanah. The incomes from the Waqf property are attributable to those established by waqif in various forms such as farms and houses. The estimation of Waqf property previously was 200 firms in Unguja and 500 firms in Pemba, which makes total of 700 firms in Zanzibar (Unguja and Pemba) plus the available buildings/houses. At the present time there are only 4 and 6 firms in Unguja and Pemba respectively. The Waqf revenue is only 10 percent and the remaining is for the beneficiaries.

Once the Government recognized that many Waqf properties have disappeared in Zanzibar, it began to preserve the existing few properties and took extra efforts to bring back other firms to the ownership of the commission and paid compensation to the commission for those nationalised firms that currently are home places. Unfortunately the Waqf in Zanzibar does not have any other source of income from outside.

4.3 Waqf And Socio-Economic Growth In Zanzibar.

Although the contribution of Waqf in the socio-economic growth of Zanzibar has not been clearly seen from the society's perspectives due to its inadequate sources of income, yet there are some services provided to the society which in one way or another touch the socio-economic aspects. For example, the available houses which are rented to the people in affordable fees enable the Waqf unit to collect an income which is used in helping the vulnerable people such as orphans.

Also the Waqf unit from the same little income collected provides health services and facilities in various hospitals in Zanzibar. For example, purchase of beds and bed sheets for patients, provision of food staffs. It is also helping mosques and madrasa in running their regular activities, etc.

But there is still a long way for the Waqf unit in Zanzibar to ensure it contributes much on the socio-economic growth in Zanzibar, as currently there are some reforms underway including review of the fees paid by tenants, registration of the Waqf estates which unfortunately was taken by private individuals for their own benefits, strengthening the existing regulations as well as providing more education to the society on the importance of Waqf.

4.4 Application of Waqf Properties in Zanzibar

In Zanzibar the Waqf property remains in the hand of private trustee. The 1993 survey showed 4% (45 structures) of buildings in private ownership being newly constructed and some 16 (1.4%) cleared. Further, it is shown that among 98 buildings reported as radically altered, 72 come from private owners, 6 from Waqf,

and the remaining 20 belong to other ownership. Coincidentally, Khalfan and Ogura (2010) found additional 72 new structures from private developments were erected between 1993 and 2009. This means that private properties disappear at a higher rate compared to that of *Waqf*. The problem is that many of the tourist facilities, one of the financial generating sectors in the Zanzibar economic profile, often involve regarded unlawful activities which cannot be accommodate to such religiously-Waqf owned buildings (Khalfan, 2014). Therefore, that is one major reason that kept Waqf buildings far from such effects.

4.5 Issues And Challenges In The Waqf Practices

From the reviewed literature, it is shown that there are issues and challenges surrounding functioning of *Waqf*. For instance, Indonesia as a case study, it is shown that financing in BMT is very unique as it combines allocating capital and enhancing infrastructure and training for the poor. Moreover, it is shown that guarantee is provided as a screening process for the poor people to secure any form of financing (Kassim, 2016). The logic behind doing that is of two attentions: first, if there is no collateral, potential borrowers must opt for joint-liability financing. Second, if the poor people could not repay the financing, endowment coming from charity and compulsory Islamic tax including *Zakat*, *Infaq* and *Sadaqa* would be used to cover for financing default.

So far, however, there have been relatively little discussions and few studies on Waqf issues and challenges in Zanzibar. The little present studies seem to focus on effectiveness of commission on managing and developing the Waqf properties in their communities, which not necessarily concerned with poverty eradication. In Zanzibar, challenges related *Waqf* started far back in 1964 when the Revolutionary Government dissolved that Commission and transferred some of its duties to the Chief Registrar of documents and deaths. Similarly, on the pretext of socialism and revolutionary agenda the Zanzibar Government nationalized a lot of *Waqf* plantations and houses. More than that, other *Waqf* properties were sold at a very low price without members' permission.⁶ Many Stakeholders in Zanzibar felt that it was important for them to be involved with poverty reduction but they were worried about good governance, it means that, there are poor relationships between government officials and the public. Further challenge that faces Waqf and Trust commission in Zanzibar is where the Government spending on social services has lagged behind spending in other sectors. This has helped to create some of the non-income poverty problems. The data from Zanzibar Poverty Reduction Plan (ZPRP) 2002

- **Education**, About 40% of Zanzibaris are illiterate and 60% of these are women, the number of children enrolling in primary school went up from

⁶ Dr. Issa Ziddi, The role of Waqf in the advancing of cultural and educational institutions in Zanzibar

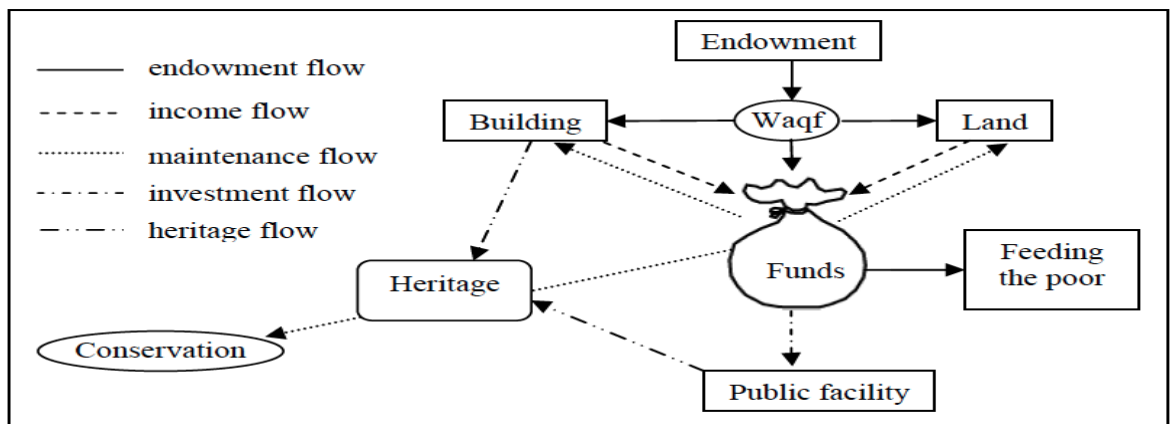
about 50% in 1990 to 67% in 1997. The dropout rate from primary school is about 64%. The dropout rate is about the same for boys and girls up to standard 7 where more girls drop out.

- **Health**, Life expectancy is only 48 years, Infant mortality rate is about 83 for every 1000 live births, Under five mortality rate is about 114 for every 1000 live births, Maternal mortality rate is 377 for every 100,000 live births, Malaria is the reason for 40% of all outpatient attendance and 28% of deaths amongst children below 15 years of age, the number of reported cases of HIV/AIDS has gone up from 3 in 1983 to 1,903 in 1999. 85% of all cases are in people aged between 15 and 49.
- **Nutrition**, There is a lot of malnutrition in Zanzibar. Problems include protein/energy malnutrition, and iodine and Vitamin A deficiency.
- **Water**, Access to safe water is a major problem in Zanzibar especially in the rural areas where piped water and access to safe protected sources has not increased very much in the last ten years.
- **Sanitation**, Sanitation is very poor in both urban and rural areas. This is true for sewerage generally and is becoming an increasing problem for garbage and solid wastes.

From this understanding, therefore, it can be reasoned that, despite its supposed protection and usefulness, *Waqf* Commission in Zanzibar suffered from critical and major drawbacks and challenges.

4.6 Waqf Model: Waqf-Conservation Framework In Zanzibar

In Zanzibar, the first asset is building or land itself. This is set as Waqf to generate income for social function, of which part is used for its upkeep. Second are an asset building and or land set as Waqf to provide income for the upkeep of another property, such as public facility, while part of it is retained to maintain the asset. Indeed, maintaining *awqaf* was a pre-requisite set by all waqif. So far, there is no recorded that a *waqif* attempted to skip such a requirement in all studied Waqf deeds. This means that the building assets and related facilities continue to be maintained through the system. Given the passage of time, the said assets have become heritage of which their conservation still depends on the same system. Hence, Waqf can be explained as a heritage and conservation inherent tradition.⁷



⁷ Khalfan Amour Khalfan, "Waqf as a Model for Production and Conservation of Architectural Heritage" Year 2014

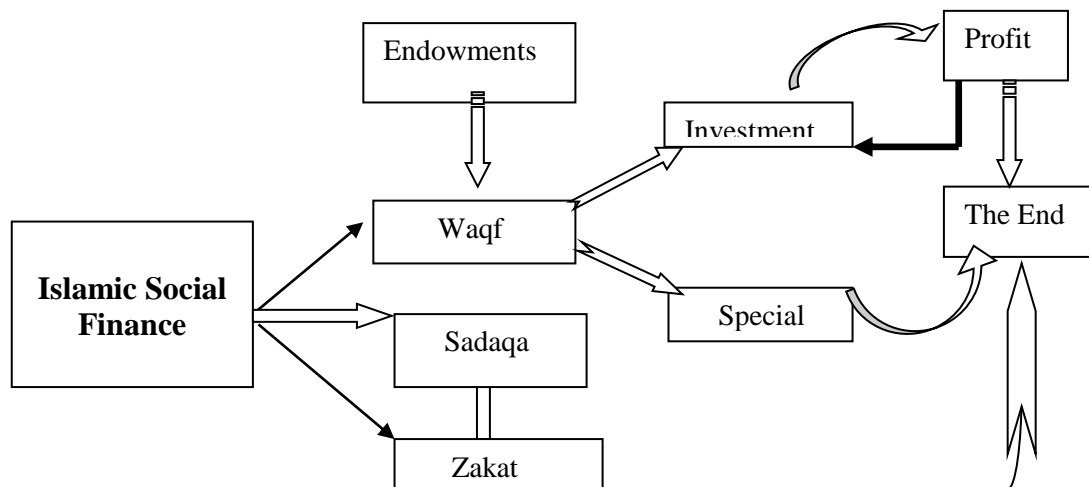
Source: Khalfan (2014)

4.7 Proposed Action Plan

In this study, the above model is adapted in favour of addressing low income people in Zanzibar. To date, there is no any improvement in the society seems the model faces many challenges. Lack of proper investment is the only reasons why the model fails because there is only cash out flow but not inflow. From the reviewed literature, the following figure bellow is a proposed Waqf model consistent to the attempts of improving peoples' quality of life in Zanzibar.

Figure 4: Recommended Integrated Waqf-Based Sadaqa and Zakat Model

(IWSZM)



Source: Authors, 2016

Illustration:

- The office of *Waqf* receives funds from the endorser (s).
- *Waqf* fund will be divided into two account; first, investment account and special account.
- The special account together with sadaqa and zakat will be used to serve the need.
- In investment account, the fund will be used to invest in Shari'ah-compliant projects. The profit if any will be apportioned in to two a well, the first part will be used to serve the need and the remaining will be returned to the project to increase capital as retain earning. When capita increase, the management will think out of the box for further investment.

5. Expected Contribution and Conclusion

5.1 Expected Contribution.

This study builds a foundation of knowledge and opens ways for further research and development on other Islamic social finance including Zakat, Sadaqa and Islamic microfinance. It also offers basis for planners, local government, non-governmental organizations (NGO's) and members of the public for decision making

on the impact of Islamic social finance strategies practices around the study areas and other areas. In addition, it may help to evaluate and promote self-individual knowledge seeking on the better of the Islamic social finance. Furthermore, it will provide extra knowledge/understanding to the Muslims in Zanzibar and whole regarding the important of Waqf in developing the better community. This is important in attempting to persuade policy makers on effectiveness of Waqf in Zanzibar and avoid severe impacts of interest base financial services.

5.2 Conclusion And The Way Forwards.

In summary various research methods will use in order to understand the magnitude of the of the Waqf impacts to the community. No single method can provide holistic approach to an investigation and that is why different approaches will be used where each serves a different but complimentary role within the overall research design.

More studies are needed concerning with the contribution of other social finance apart from Waqf on the improvement of small media enterprises (SME) in Zanzibar. This study according to the effort of the researchers will discuss the application of Waqf for social economic advancement of the people in Zanzibar. Since the people have no enough knowledge concerning the contribution of that social finance, so this study will keep open its effectiveness to the community of Zanzibar.

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