

WAQF IN A NON-MUSLIM COUNTRY: A PRELIMINARY SURVEY OF WAQF IN THAILAND

Tawat Noipom^{1*}
Aris Hassama²

^{1,2}College of Islamic Studies, Prince of Songkla University, Songkhla, Hat-Yai, Thailand
Email: ^{*}1noipom2000@yahoo.com, ²aris.h@psu.ac.th

ABSTRACT - *Waqf* in various forms has been found in Muslim communities throughout Thailand. However, small number of systematic enquiries has been conducted to document basic information such as forms, management and impacts of *waqf* in the country. As a result of that, it is difficult to further investigate whether *waqf* serves its objectives of socio-economic development of Muslim communities or otherwise. This study therefore aims at preliminary examining the forms, management, and issues on *waqf* in the Muslim majority area of Satun province in the south of Thailand. In order to arrive at the conclusion, a qualitative approach was employed. In-depth interview was used to gather information from Imams. Purposive sampling technique was used to choose the interviewees who have adequate knowledge on the topic. Narrative analysis was the method of analysis the collected data. The findings in this study show that *waqf* in Thailand can be found in various forms and mainly property *waqf* which include mosque buildings, Islamic schools, agricultural land and rental houses. Cash can also be found as a part of the process to purchase of *waqf* properties. These *waqf* properties are managed by mosque committee, but are not required to report to the Provincial Islamic Committee. As a result, the information on the value of *waqf* cannot be found anywhere. Willingness of *waqf* contributors and no provisions of law are the two main issues confronting *waqf* management in Thailand. This paper provides basic *waqf* information in Thailand and leads the way for further studies and subsequently effective model of *waqf* in a non-Muslim country.

Keywords: *Waqf management, Functions of waqf, Forms of waqf, Non-Muslim country, Thailand*

ABSTRAK – Wakaf di Negara Non Muslim: Suatu Survei Awal tentang Wakaf di Thailand. *Wakaf dalam berbagai bentuk telah ditemukan dalam komunitas Muslim di seluruh Thailand. Namun, sejumlah kecil pertanyaan sistematis telah dilakukan untuk mendokumentasikan informasi dasar seperti bentuk, manajemen dan dampak dari wakaf di negara tersebut. Sebagai hasil dari itu, sulit untuk menyelidiki lebih lanjut apakah wakaf dilaksanakan sesuai tujuannya untuk pembangunan sosial-ekonomi masyarakat Muslim atau sebaliknya. Oleh karena itu penelitian ini bertujuan untuk melakukan pemeriksaan awal terhadap bentuk, manajemen, dan isu-isu tentang wakaf di wilayah mayoritas Muslim di provinsi Satun di Thailand selatan. Dalam rangka penarikan kesimpulan, dilakukan pendekatan kualitatif. Wawancara mendalam digunakan untuk mengumpulkan informasi dari para Imam. Teknik purposive sampling digunakan untuk memilih responden yang memiliki pengetahuan yang memadai mengenai topik ini. Analisis naratif adalah metode analisis terhadap data yang telah dikumpulkan. Hasil penelitian ini menunjukkan bahwa wakaf di Thailand dapat ditemukan dalam berbagai bentuk dan terutama wakaf properti yang meliputi bangunan masjid, sekolah-sekolah Islam, lahan pertanian dan rumah sewa. Kas juga dapat ditemukan sebagai bagian dari proses untuk membeli properti wakaf. Wakaf properti ini dikelola oleh komite masjid, tetapi tidak diharuskan untuk melapor ke Komite Islam Provinsi. Akibatnya, informasi tentang nilai wakaf tidak dapat ditemukan dimanapun. Ketersediaan kontributor wakaf dan tidak ada ketentuan hukum adalah dua isu utama yang dihadapi manajemen wakaf di Thailand. Penelitian ini memberikan informasi wakaf dasar di Thailand dan membuka jalan untuk studi lebih lanjut dan model wakaf yang efektif setelah ini di negara non-Muslim.*

Kata kunci: *manajemen Wakaf, Fungsi wakaf, Bentuk wakaf, negara Non-Muslim, Thailand*

INTRODUCTION

Waqf has played an important role in the socio-economic development in the Muslim world and beyond. It is reported that *waqf* institutions have been established since the time of the Prophet Muhammad (peace be upon him) and have actively improved the lives of the people, Muslims and non-Muslims alike until the fall of Ottoman Empire (Kahf, 2003; Shaham, 1991). Since that time, the role of *waqf* has been reducing. Arif (1987) and Kahf (1989) stated that *waqf* is a part and partial of mechanism to achieve development goals of Islam *i.e.* *falah* (wellbeing or success) in this world and the hereafter. In the light of these, it aims at promoting the moral values and objectives of Islam. Chapra (1996) further explained that the key socio-economic goals of Islam shall include economic wellbeing within the framework of the moral norms of Islam, universal brotherhood and justice, equitable distribution of income and freedom of individual choice.

“The world *waqf* is used in the Islamic Law in the meaning of holding certain property and preserving it for the confined benefit of certain philanthropy and preventing any use and disposition of it outside it specific objectives” (Kahf, 2003, p.1). This meaning suggests that *waqf* properties shall be non-perishable properties in which benefits and usufruct can be attracted without consuming the properties themselves. These properties usually include land and buildings. However, books, livestock, agricultural machinery, cash and shares can be held as *waqf*. *Waqf* properties can be used for sustainable development such as improving levels of education and increasing income of the people in community. *Waqf* can also form a part of Islamic microfinance programmes to improve the livelihood of the poor and needy in society (Islahi, 1992; Kahf, 2012).

Basis of *waqf* can be found in the two main sources of the Islamic Law *i.e.* Quran and Sunnah. *Waqf* is mentioned in many verses of Quran. Allah, the Almighty, for example, says:

مَا آفَاءَ اللَّهُ عَلَى رَسُولِهِ مِنْ أَهْلِ الْقُرَىٰ فَلِلَّهِ وَلِلرَّسُولِ وَلِذِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسَاكِينِ
وَابْنِ السَّبِيلِ كَيْ لَا يَكُونَ دُولَةً بَيْنَ الْأَغْنِيَاءِ مِنْكُمْ ۚ وَمَا آتَاكُمُ الرَّسُولُ فَخُذُوهُ وَمَا نَهَاكُمْ عَنْهُ
فَانْتَهُوا ۚ وَاتَّقُوا اللَّهَ ۚ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ

“And what Allah restored to His Messenger from the people of the towns – it



is for Allah and for the Messenger and for (his) near relatives and orphans and the (stranded) traveler – so that it will not be a perpetual distribution among the rich from among you. And whatever the Messenger has given he has given you - take; and what he has forbidden you – refrain from. And fear Allah; indeed, Allah is severe in penalty” (Al-Hahsr, 59: 7)

In another verse, Allah mentions:

لَنْ تَنَالُوا الْبِرَّ حَتَّى تُنْفِقُوا مِمَّا تُحِبُّونَ ۚ وَمَا تُنْفِقُوا مِنْ شَيْءٍ فَإِنَّ اللَّهَ بِهِ عَلِيمٌ

“Never will you attain the good [reward] until you spend [in the way of Allah] from that which you love. And whatever you spend - indeed, Allah is Knowing of it.” (Ali-Imran, 3: 92)

In Sunnah, the traditions of the Prophet Muhammad (peace be upon him), it was reported that the Prophet said:

«إِذَا مَاتَ الْإِنْسَانُ انْقَطَعَ عَنْهُ عَمَلُهُ إِلَّا مِنْ ثَلَاثَةٍ إِلَّا مِنْ صَدَقَةٍ جَارِيَةٍ، أَوْ عِلْمٍ يُنْتَفَعُ بِهِ، أَوْ وَلَدٍ صَالِحٍ يَدْعُو لَهُ». أخرجہ مسلم.

The Messenger of Allah (ﷺ) said, "When a man dies, his deeds come to an end except for three things: Sadaqah Jariyah (ceaseless charity); a knowledge which is beneficial, or a virtuous descendant who prays for him (for the deceased)."

In other occasion, Anaf one of the prophet companions reported that Caliph Osman said (with the presence of Ali Zubiar and Talha) do you know that the messenger of Allah (peace be upon him) said that whoever bought *mirbat* (resting place for camels) Allah Almighty shall forgive him. After that I bought that piece of land and came to see the messenger. He said ‘you should give that land to the mosque so that you shall be rewarded’. The companions said ‘yes, we know’. Osman again said: Do you know the messenger said ‘whoever bought the well at Ruma, Allah Almighty shall forgive him’. After that I went to see the messenger and told him that I had bought the well. The messenger asked me to donate it to the public and you shall be rewarded. All the companions said ‘yes, we know’. (Reported by Al-Naza’i)



Management of *waqf* institutions in Muslim communities in Muslim and non-Muslim countries can be generally classified into two types i.e. *waqf institutions* managed by governmental agencies and *waqf* institutions managed by non-governmental organisations. These two types of organizational management have their own advantages and disadvantages. Nevertheless, governmental and non-governmental organisations require effective management tools and mechanism suitable to their environment.

Waqf in Malaysia is managed by religious governmental agencies. Islamic Religious Offices of each state of Malaysia manage their own *waqf* activities and these offices may have small unit responsible for *waqf* management. In State of Selangor, the religious office of Selangor came out with Selangor Share Scheme in which Muslims may buy bonds or *waqf certificates*. Cash received from the sale of bonds or certificates are used to help the poor and needy. This type of arrangement allows Muslims to easily contribute to *waqf* funds, even though they have small amount of money. In State of Kedah, *waqf* contributions are done differently. The Religious Office of Kedah purchases land and resell it to Muslims in small pieces. This land forms parts of *waqf* in which usufructs can be used for the benefit of Muslims and the public. In Penang, another state of Malaysia, *waqf* funds collected from Muslims are used to buy or build commercial buildings. Income from these buildings in the form of rental can be used for any projects benefit the general public. In other states, *waqf management* can be innovative. However, all *waqf* institutions fall under governmental organisations and agencies.

In Bangladesh, *waqf* institutions are controlled and monitored by *waqf* administration which is under the ministry of religion. The government official statistics shows that most mosques (approximately 200,000 mosques) are *waqf* properties. Only 15,300 mosques have registered with the *Waqf* Administration in 2014. This implies that many *waqf* properties are also managed by non-governmental or welfare organisations. As for the legal provisions of *waqf*, *waqf* law was enacted in 1962 during East Pakistan period. A new law was passed in 1972 after the country's independence. *Waqf* in Bangladesh is in the form of properties e.g. buildings and land and have not been managed in a way to the full benefit the general public (Ahmad & Safiullah, 2014)

Waqf management in Muslim minority countries is done differently. *Waqf* institutions in Singapore, for instance, were initially under the management of



Islamic Committee of Singapore within the provisions of the Administration of Muslim Law Act 1968. Some *waqf* institutions were managed by non-profit organisations and were not effective. In 1995, the government of Singapore amended the law in which all *waqf* institutions (100 institutions in 2000) to register with the Islamic Religious Committee of Singapore. *Waqf* in Singapore is in the form of developed properties such as commercial buildings. These buildings are a joint venture of many organisations and Islamic finance tools are used in the process of building these properties (Abdul-Karim, 2007) In India, *waqf* institutions can be traced back to the Moghul Empire (16-19 century). *Waqf* is in the form of land and buildings. These properties were managed by Muslim scholars in the locality. During the British colonial time, all *waqf* institutions became parts of religious organisations. After the colonial period, the government of India centrally managed the *waqf* institutions under the Ministry of Minority Affairs. *Waqf Act* 1954 and amended in 1995 provides legal provisions for the management of these institutions. All *waqf* institutions were brought under single umbrella called 'Waqf Management System of India' or 'WAMSI' (Nadwi, 2012).

Apart from general management of *waqf*, some articles highlight accounting management of *waqf* institutions. Ihsan and Adnan (2009) found that *waqf* managers must be responsible for their tasks and stakeholders of the *waqf* institutions *i.e.* staff, beneficiaries, non-governmental organisations among others. They should therefore act with honesty and integrity. Ihsan and Hameed (2011) examined accounting systems of *waqf* institutions in Indonesia and found that accounting practices of *waqf* institutions are diverse. Some have accounting procedures and practices which are transparent, using online accounting and internal control and issuing financial reports. Others may not provide such information at all.

There are various issues in management of *waqf* in Muslim communities. In Muslim countries where *waqf* institutions exist, management transparency and optimum utilisation of *waqf* funds are the key issues (Ibrahim, 2014). Most *waqf* institutions are found to be ineffective in investment and use of funds for the full benefit of the general public (Ahmad & Safiullah, 2014; Chowdhury et al., 2012; Isa et al., 2011; Ibrahim et al., 2015). Accounting system should be standardised so that comparison can be made and effectiveness and efficiency can be estimated (Ihsan, Hameed, & Ibrahim, 2011). As for non-Muslim countries, the main issue is no provision of law that can allow *waqf* institution to function more effectively and to contribute to



welfare of the people, Muslims and non-Muslim alike (Bin Yusof, 2013; Sitisan, 2009).

This paper therefore examines various basic aspects of *waqf* in Thailand, namely, forms, management and issues. The information on these aspects should pave the way for deeper studies and subsequently lead to a proposal for suitable model of *waqf* in Thailand. It is hoped that *waqf* will play the role in improving the lives of the Thai Muslims in particular and non-Muslim in general.

METHODS

This paper employs qualitative research. Primary data were collected through in-depth interview. Interviewees were chosen from Imams of all mosques in Kuandom district, Satun province in the south of Thailand. A number of 40 Imams were contacted to ensure that *waqf* properties are available in their villages. 12 Imams who manage *waqf* properties agreed to be interviewed. Narrative analysis was used to analyse the data, related to various aspects of *waqf* such as forms, management, functions and issues. The results of the analysis shall portray the current *waqf* institutions in Muslim communities in Thailand today.

RESULTS AND DISCUSSION

Forms of *Waqf*

From the interview, it was found that *waqf* in Satun province is in the form of educational rental and public benefit properties. Educational *waqf* can be found across Satun. All 12 Imams stated that *waqf* Islamic schools (*tadika*) are available in their village. These schools are open on Saturday or Sunday or both, to educate young Muslims about Islam. Each school houses more than 100 students and is located in the mosque compound. Some of these schools are also used for Quran lesson during the night. Islamic secondary schools in the form of *waqf* are also available in different villages. These schools are Islamic private schools. An Imam mentioned during the interview that:

“Our Islamic school is under waqf. We have tried our best to ensure that our young Muslims have at least basic Islamic education and can maintain our Islamic identity wherever they are. We cannot deny that most of these children will not study Islamic subjects anymore as they join public schools



after their primary education. Waqf plays a key role in Islamic education of the people here” (Source: from the interview).

Some of the mosques also have rental houses and the income is incorporated into the mosque’s income. According to an Imam, the rental of these houses is cheaper than that of private rented houses. The mosque committee, who take care of the houses, wants to ensure that poor people who have good behaviours rent the houses. This in a way helps the poor and the needy. Some of the mosques get enough income from the rented house to spend for the whole month.

It was also found that all the mosques in these villages are *waqf* properties, including land and the building. Some of the mosque buildings cost over THB10 million (USD303,000). However, many Imams do not know exactly how much the value of the mosques’ land and buildings. This is because the values of the land have increased in the past years and the buildings have been built in various times and no accounting records of properties have been kept. An Imam indicated that:

“I do not know the value of the mosque exactly because we are not required to keep the records. We only send receipt and payment account to the provincial Islamic committee, not balance sheet. In addition, we expanded the mosque many times in the past, we just asked for funding from the public in the form of waqf jariyah. We do not keep all those records” (Source: From interview).

In addition, some Imams mentioned that the mosques also own agriculture land such as palm oil plantation and rubber estates. Income received from these estates is treated as a part of mosques’ income and use to pay for mosques’ electricity and water, and for the operations of Islamic schools under the mosques’ control. No income from *waqf* properties are used to help the poor and needy in the communities. The value of the agricultural land is not recorded anywhere in the accounting records of the mosques. The Imams and the mosque committee however have knowledge of the value and regularly bring the information into the committee meeting when the need arises.

Management of Waqf

From pervious limited literature, most *waqf* in Thailand is managed by the mosque committee. *Waqf* in Satun province is no different. As mentioned in



the previous section, mosques, Islamic schools within the mosque compound, rental house and agricultural land are general forms of *waqf*. The value of these properties are not reported any in the mosque system. Thailand is not a Muslim country; mosques are built by villagers through *waqf* funds. Many mosques organise a feast to raise *waqf* for building the mosques and this fund raising activity is organised whenever needed. This is similar to *waqf* funds for the Islamic schools. One interesting fund raising activity is done by mosque committee at Ban Krang village. The Imam of this mosque explained that:

“Now we want to expand our mosque and have agreed to buy the land from the land owner who has a piece of land next to the current mosque area. We decided to divide the land into small blocks and sell the land for THB300 (USD9) a block. This allows the villagers to contribute to the waqf fund to acquire the land for the mosque. Even poor families can also buy a block or two. We almost finish selling the land blocks to the people. After we have enough money from the fund raising activity, we shall pay the land owner the full amount” (Source: From interview).

According to most Imams, the mosque committee report the receipts and payments account to the Satun Provincial Islamic Committee annually. In fact, all mosques in Thailand are required by laws (the Administration of Islamic Organisation Act 1997 and The Mosque Administration Act 1947) to report both receipts and payments account and balance sheet. In practice, none of the mosques prepare a balance sheet and the Islamic committee has not very strict about this. For this reason, no amount of *waqf* properties has been reported anywhere in the mosque system.

However, some mosques report money collected from fund raising activity, for instance, to purchase a piece of land in their receipts as donations received. They then record as payments when they use the money for mosque or Islamic school construction. An Imam accounted:

“...we usually record money received from fund raising activities in our monthly financial report shown on the mosque wall. The villagers can have a look at the receipts and payments that we have done. Should they have concerns or issues they can ask us, the mosque committee any time. Whenever we used the money to construct the mosque, it is reported as payment. We did not report it as assets. We do not really know the value of our mosque, the land



and the school building that we have here. We do not want to do such report because we do not have any knowledge on accounting and no governmental and non-governmental organisations need this information” (Source: From Interview).

To ensure transparency, the Imams often appoint different members of the mosque committee to take charge of money of different sources. One or more member is assigned to keep *waqf* funds acquired from fund raising activities. Other may be appointed to be in charge of money for Islamic school etc. As a result, they know exactly the value of cash *waqf* they have, but not *waqf* properties.

Key Issues on *Waqf*

During the interview, the Imams raise a number of issues on *waqf*. The main issues include lack of participation of *waqf* contributors and no provision of law on *waqf* in Thailand. According to an Imam, the villagers are reluctant to contribute to *waqf* fund for any purposes. The mosque committee needs to continuously encourage them to contribute to the funds. Interestingly, most Imams believe that the villagers have adequate knowledge on *waqf* and its significance. Some feel that economic situation does affect the possibility to donate among the villagers. An Imam reported that:

“...few years ago, it was easy for us to raise funds for public good such as mosque or Islamic schools. Recently, our villagers complained that they do not ear much income while household expenditure sharply increases. They tend to give small amount or not at all. This makes it hard for us to provide better services at the mosque and our Islamic school (tadika) alike. Whatever happens, we, the mosque committee, have to work to make sure that our children gain enough Islamic knowledge and survive in this competitive world” (Source: From Interview).

Many Imams are of the opinion that if the Thai Muslims are to fully benefit from *waqf* properties, *waqf* law must be introduced. At the moment, there is no Thailand law provides any reference to *waqf* and tends to cause tensions between Muslims and in many cases the governmental agencies. If the law is enforced, management of the *waqf* or *waqf* institutions can be done properly and more systematic. The Imams also feel that they can manage the available *waqf* properties well and require no more intervention from the governmental authority. One Imam stated that:



“...of course, if there are provisions of law, we can manage waqf more effectively. Since our waqf properties are not a lot, we can still manage it. Should we are required to provide financial reports on waqf, it is a big issue for us. We do not have anyone know how to prepare such reports. I personally believe that a number of mosques and Islamic schools in Satun province own considerable amount of waqf properties. Having law on waqf provides the chance for us to manage waqf more effectively and this can fully benefit our people here. We need scholarships for our children. Waqf funds should be the answer” (Source: From Interview).

CONCLUSION

From the above findings, *waqf* in Thailand can be found in various forms, ranging from for educational purposes, rental form and for public benefits. *Waqf* properties can be mosque buildings, Islamic schools (*tadika*), rental houses, agricultural land and cash. This is similar to *waqf* in many other non-Muslim countries, where mosques are not constructed by the government funding. Muslim therefore collected money in the form of *waqf jariyah* to buy land and build mosques and Islamic schools. Rental houses and agricultural land can be also found in the country. Innovation tools of *waqf*, such as land block purchase include poorer segment of Muslim society into *waqf* system as contributors. *Waqf* in Thailand are mostly managed by mosque committee. This is similar to *waqf* management in India, except that there is no law on *waqf* in Thailand. Cash *waqf* is recorded and reported as a part of receipts or income of the mosques and this report is sent to the Provincial Islamic Committee for inspection. *Waqf* properties are not recorded anywhere in the mosque’s reports. The willingness of *waqf* contributors to donate and lack of the provisions of law on *waqf* are regarded as two main issues for *waqf* management in Thailand. Further studies are needed to find the attitudes of Muslim towards *waqf*, detailed management of *waqf*, impacts of *waqf* on people’s lives and the possibility of enacting *waqf* law in Thailand. A proposal of an effective and suitable management system should be the final outcome of the further studies.

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