

# PRODUCTIVE WAQF MANAGEMENT; A CASE STUDY OF BRUNEI DARUSSALAM

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**PRODUCTIVE WAQF MANAGEMENT; A CASE STUDY OF BRUNEI  
DARUSSALAM**

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**ABSTRACT**

This study aims to determine the state of the productive waqf management in Brunei Darussalam, ranging from nĒDir management, management of waqf collection, development and distribution of its investment returns. The analytical method used is descriptive analysis, that is, research that describes the data and information based on facts obtained by the researcher from books, papers, and seminars in charitable institutions in Brunei Darussalam. Results show that productive waqf management in Brunei Darussalam is singly handled by the Majlis Ugama Islam Brunei (MUIB) through a single unit. The nĒDir is appointed and sworn in by the Chair of Majlis Ugama Islam. In Brunei Darussalam, there are two kinds of objects as entities of productive waqf: Land and money. These waqf entities are utilized together with the other assets of other Islamic Religious Council Waqf investments using IjĒrah contract under the responsibility of an investment body of the *Badan Tanmiah Majlis Ugama Islam Brunei*. In terms of the development of the waqf, the nĒDir in Brunei Darussalam use the media as a means of fundraising. The distributions target of the productive waqf are education, health, religious and social development.

**Keywords:** Brunei Darussalam, Management, Productive Waqf.

**INTRODUCTION**

Waqf is one of Īadaqah jĒriyah, or continuous charities, that gets reward either the waqf endower is still alive or has died. In Islamic teachings waqf is a noble charity because it is in the forms of horizontal and vertical charity. It is called horizontal as waqf is very beneficial for mankind if the waqf properties can be utilized properly from which many people can take benefits either directly or indirectly. Meanwhile, it is called vertical as waqf is one proof of faith in Allah SWT (al Qhardhawi, 2004). Allah SWT promises people who give waqf that they will be rewarded doubled and continuously as long as the waqf properties provide

benefits (HR.Muslim No: 1631)

Brunei Darussalam is a small but rich country with a dominant Muslim population. The practice of waqf has become a common and highly favored kind of worship for Muslims in Brunei in all levels of society, including the Sultan of Brunei, Sultan Haji Hassanal Bolkiah, the government stakeholders, and the general public there (Sweeney, 2004). In Brunei, the word "waqf" is identical to the mosque or a place for public worship. The people believe that their waqf for such a place will give them continuous reward as long as it is used.

In such Middle East countries as Saudi Arabia, Qatar, Oman, and others, waqf is invested in various productive sectors such as in the fields of hospitality, shop houses, agriculture even stocks, etc. Similarly, Kuwait also has the Kuwait Public Waqf Foundation, which shows that the country places waqf as an economic instrument and social security (Suhrawadi K Lubis, 2010). The waqf fund receipts from the society are done easily, including through Mobile Banking, Short Message Service (SMS) and waqf stalls (Achmad Junaidi, 2006), then managed professionally through several economic development sectors.

When compared with the waqf management in the countries mentioned above, the waqf management in Brunei Darussalam is still far behind because empirical studies on waqf in the country are still limited. They are merely related to the understanding of waqf and have not touched the issue of productive waqf management. Not to mention the fact that its implementation is still oriented to facilities for public worship and is less directed at efforts to empower people. Although several waqf properties have been invested, their uses are still low when compared to the number of properties and the potential they have. Therefore, in this research, the researcher will focus on analyzing waqf management intermediary (nĒDir of waqf) and other management aspects including collection, investment, and productive waqf result distribution in Brunei Darussalam.

## LITERATURE REVIEW

### Management in Islamic Perspective

Management in Arabic means idĒrah. The word idĒrah is taken from the words 'Adarta as-Shai'a, or 'Adarta BihĒ, and can also be based on the word ad-Dauran (Mahdi bin Ibrahim, 1997). Linguists consider that the second word, 'Adarta BihĒ, is a more appropriate choice. Therefore in Elias' Modem Dictionary English-Arabic, the word management (English) is synonymous with tadbĒr, idĒrah, siyĒsah, and qiyĒdah in Arabic. In the Qur'an, only word tadbĒr is found regarding the themes in various publications. TadbĒr is the form of maĒdar of the verb dabbara, yudabbiru, and tadbĒ ran. TadbĒr means publishing, organizing, managing, planning and preparing (Munawwir, 1997). Based on terminology meaning, some experts

define waqf as a tool to achieve a common goal. Hence, they say that idÉrah is something that specifically concerns leadership, mobilization, self-development, planning, and supervision of employees about the main elements in a project, (Mubjir, t.th). The aim is to ensure that the targeted results can be achieved in effective and efficient ways.

In the industrial world, economic actors need management in running their businesses. Management is applied to regulate the activities of production, product marketing, and maintaining good relations between the chief and his subordinates. Definitions of management both in Islam and in economics are quite similar. Management is considered as a science as well as the art of leadership. According to Ahmad Ibrahim Abu Sinn in his book *al- id Érah fÊ al-Isl Êm*, management is defined as a series of integrated steps to develop an organization as a technical economic system (Abu Sinn, Ahmad, 1981). Ahmad al-Shabab (1997) states that management is a process carried out by mobilizing resources to realize the stated goals. Thus, the process is carried out through planning, organizing, leadership, and supervision by mobilizing organization resources to achieve the stated goals. One of the distinguishing features of management theory in Islam from other theories is other variables affect management activities. Islamic management theory provides moral drive in management, which regulates how individuals should behave. In other words, there is no management in Islam unless there is an ethic that guides and regulates it. This is similar to the statement that it is impossible for Muslim communities to be built without being based on morality.

#### **The concept of Productive Waqf**

Waqf in Arabic jurisprudence means al-×abs, namely 'being stop, being stood still, being held back'. The word al-waqf in the form of maǰdar is from the term waqafu as-shai', which means to stand still or to hold something back (Al Azhari, Muhammad, 2000). Meanwhile, based on shaÊñhi, Islamic scholars have different opinions in defining waqf. According to madhhab (school of thought) of Hanafi madhhab, waqf is to hold back properties whose status remains owned by the waqif or the endowers whereas the endowed ones are the benefits only. Meanwhile, al QÉdli Abu Yusuf al-TshaqÉfi and Imam Muhammad al-Shaib Éni (both were the students of Imam Abu Hanifa) interpreted waqf as holding back by endowed properties under the law of Allah. Thus, the properties of the endowers end and move to Allah by expecting that the results from waqf properties can be utilized by others (Ibnu Al Humam, 1970).

On the other hand, Maliki madhhab argues that waqf is to make benefits of the properties owned, whether in the form of rent or the results which are given to people who have the right to get in a particular period of time determined by the endowers (Sayyid Ali Fikri, t.th) This madhhab believes that waqf does not mean releasing the endowed properties from the

endowers' ownership, but waqf prevents the endowers from releasing their owned properties to others. Besides, the endowers are obliged to donate the benefits of endowed properties and are prohibited to draw back their endowments. Waqf, according to Syafi'i madhhab, is holding back properties which benefits can be utilized with their fulfillment. The properties are no longer under the owner's supervision, but their utilization must be based on Islamic law (As Sharbini, 2000). This concept is quite similar to Hanbali madhhabs notion of waqf which refers to resisting the freedom of the property owner to spend his useful property with the fulfillment while the benefits are used for good benefits (Ibn Al Humam, 1970).

Regarding the above definitions from the Islamic scholars, some conclusions can be drawn. There are two views in the understanding of waqf; one is from Hanafi and Maliki madhhab, and another one is from Syafi'i madhhab. The first view declares that waqf properties are still owned by the endowers, whereas the second view states that waqf can make the endowers lose the ownership of their endowed properties. Meanwhile, based on other Islamic scholars the waqf contract is *luzm* (binding) (Qadr Basya, 1995), in the sense that the endowers cannot draw back, sell, or inherit the properties they have endowed.

In regards to the word 'productive', there is one course in management science called production/operational management. Operation or production means the process of transforming input into output to add more values or benefits. The production process means an activity process in the forms of physical change, transfer, borrowing, and storage (Jaih Mubaraok, 2008). Thus, in terminological meaning productive waqf is a transformation from professional waqf management to increase the benefits of waqf. Besides, Muhammad Shafi'i Antonio (2007) states that productive waqf is the development of waqf with several main characteristics, namely: the integrated waqf management model, a welfare principle of *nÉDir*, and transformation and responsibility principles. The definition of productive in this research serves as an adjective. An adjective will give clear meaning when combined with the noun they represent. In this case, the represented noun is a waqf, thus it becomes a productive waqf which refers to waqf which management is productive, as opposed to consumptive (unproductive). More precisely, productive waqf in this research is investing waqf property productively which more focuses on how to provide waqf properties to the targets in a broader sense, according to the spirit and purpose of sharia (Asnaini, 2008).

### ***nÉDir* of Productive Waqf**

In waqf property management, the party that has the most roles in determining its success is *nÉDir* of waqf, a person or institution entrusted with the task by waqif to take care of waqf. According to Sherafat Ali Hashmi (1987), a professor as well as the Director of Commercial Management Institute from Karachi University, ideal waqf management must resemble a corporate management. In waqf management, the key role lies in the existence of *nÉDir* and



cooperative working groups to maximize expected waqf results. If waqf is managed professionally, then it will be a potential Islamic institution. Based on this point of view, waqf management needs to be based on the professionalism of the company's operations. Another professor at the Center for Islamic Economics Investigation from King Abdul Aziz University, (Muhammad Anas Zarqa, 2008) declares that waqf management must show the best outcomes. In other words, waqf management should be managed professionally to contribute better to the benefits of mankind in the economic, social and religious aspects. This is because of the success of waqf management is strongly influenced by professional management systems. Further, he adds that nÉDir should be responsible for the management of waqf projects on profitable financing sectors and investment that can provide high profits which forms are based on sharia. Achmad Djunaidi et al. (2007) explain that with the Total Quality Management (TQM) approach, the parameters of professional nÉDir are as follows: (1) Amanah (trustworthy), (2) ØiddÊq (honest), (3) faĒnah (smart), and (4) tablÊgh (transparent). Characters of a trustworthy nÉDir are: (1) educated and have high morals, (2) has superior and competitive skills, (3) able to do work division, (4) can carry out obligations and obtain fair rights, and (5) has clear and directed work expertise.

#### **Waqf Management in South East Asia region**

In Indonesia, there are three types of nÉDir waqf, namely nÉDir individuals, nÉDir organizations and nÉDir legal entity. The State acts as the Motivator, Regulator, and Facilitator. Among the nÉDir waqf institutions in Indonesia who are successful in the management of productive waqf are: Badan Wakaf Indonesia, Badan Wakaf Pondok Modern Darussalam Gontor, and Tabung Wakaf Indonesia with various models of investment concepts such as MuĒrabah, MuĒbahah, MushÉrakah, Ijarah, MuzÉra'ah, and they are also open to microfinance programs (Ihsan & Adnan 2018). However, In Malaysia, the Federal Constitution of Malaysia clearly states that the King is the ultimate authority in Islam for every state that is headed by the King or Sultan. In states within the Federation that do not have a king or Sultan such as Sabah, Sarawak, Malacca and Penang, the Chief authority in Islamic matters is the Yang di Pertuan of the State (Wu,1991). The nÉDir of Waqf is appointed and sworn in by the Chair of Majlis Agama Islam Negeri (MAIN). In Malaysia, there are many kinds of objects as entities of productive waqf: money, land, Buildings, and others. These waqf entities are utilized investments by using MuĒrabah, MuĒbahah, MushÉrakah, Ijarah, MuzÉra'ah contract under the responsibility of an investment body of the MAIN. In terms of the development of the waqf, there are similarities between the nÉDir in Indonesia and that in Malaysia, namely the use of media as a means of fundraising. Also quite similar is the distributions target of the results of productive waqf namely education, health, religious and social development. However, in Indonesia and Malaysia, there are more varied publications and socialization models and also they have been working with the Islamic banks.

When compared with the waqf management in the South East Asia region, like Indonesia and Malaysia the waqf management in Brunei Darussalam is still far because empirical studies on waqf in the country are still limited. They are merely related to the understanding of waqf and have not touched the issue of productive waqf management. The problems of the waqf management in Brunei Darussalam were expressed in the management of *nÉDir* waqf, management of collection, investment, and benefit waqf distribution.

## RESEARCH METHODOLOGY

This was qualitative research, which procedure must produce descriptive data in the form of written or verbal words about observed people or behavior (Aminudin, 1990). The aim was to find out how the productive waqf management in Brunei Darussalam from the perspectives of management concept, both management of waqf *nÉDir* and management of collection, investment and distribution. In this research, the main subject and source of data were: the Brunei Religious Council (*Majlis Ugama Islam Brunei/MUIB*) specifically in the field of waqf property management or the *Tanmiah* Agency (*Badan Tanmiah/BT*). To gather the necessary information to be analyzed, the researchers employed three techniques. The first was interviews, namely by asking several questions conducted systematically and were based on the objectives of the research (Sutrisno Hadi, 1991), or getting information by asking directly to respondents (Masri Singarimbun, 1998) with the leaders and employees of waqf institutions in Brunei Darussalam. This is important to ensure that the interviewees can demonstrate how waqf management is currently being practiced in their institution. Thus, three interviewees were selected, namely: (i) an officer who is directly involved in waqf collection process in *Majlis Ugama Islam Brunei* (MUIB); (ii) an officer who is responsible for managing waqf properties (including investment models and benefit waqf distribution) in *Majlis Ugama Islam Brunei* and *Badan Tanmiah*; and (iii) an officer who is responsible to conduct independent checks on waqf management process in Brunei Darussalam.

Every interview consists of four questions. Question one asks about the management of *nÉDir* waqf in Brunei Darussalam. Question two is on the models of waqf properties Collections. Question three is regarding the investment models of productive waqf, Finally, Question four is related to the issues of benefit waqf distribution.

The second was observation, namely a data collection technique in which the researchers conducted direct observations of the symptoms of the subject being investigated. The third was documentation, referring to analyzing written objects such as books, magazines, documents, regulations, daily notes, etc. that belonged to waqf institutions in Brunei Darussalam.

The data obtained from interviews, observation, and formal documentation were analyzed by conducting data reduction through the unit identification which was found in the data which were relevant to the focus and problem of research. The next was organizing categories which were done by sorting each unit into parts that had similarities, and then each category was labeled. The further step was synthesizing, namely finding links between one category and another one. Referring to the analysis of qualitative data, thus the first step undertaken in qualitative data analysis according to (Lexy J. Meleong, 2000) was to develop a comprehensive and thorough description of the research results. The second step was to classify the data by sorting through the data and re-integrating it. The classification was done to be able to make comparisons between one data and another.

## RESULTS AND ANALYSIS

### Development of Waqf in Brunei Darussalam

Before the waqf property management law in Brunei Darussalam, the implementation of waqf was carried out individually according to Islamic laws which were directly taught by ulama who came to Brunei. As time goes by, waqf became an on-going practice for Muslims in this country, including the previous kings. Therefore, His Majesty the Sultan Haji Hasanah Bolkiah Muizzudin Waddaulah has always been a role model for his people. Even though the process of transferring the status of the property from individual property belongs to the public (waqf) was done verbally and without any regulations, its implementation has proceeded as it usually was without any written pledges. In this period, waqf was still placed as pure Islamic teaching practice included in the category of principal worship. Almost all waqf properties were intended for physical development purposes, such as mosques, cemeteries, Islamic teaching forums, and others (Adli Kayfullah, 2017). There was still no organization for *nÉDir*. Anyone could become *nazir* without any requirements to have certain criteria because there were no laws that governed them. Those who usually became *nÉDir* were the *ulama* and village heads (Hj. Zulkifli Hj Abdullah, 2017) following the culture and customs in each district.

Then in the next period, waqf management in Brunei Darussalam has begun to improve. This is because there has been a special legislation to organize waqf written in the Laws of Brunei Darussalam (Laws Of Brunei), the Act of Religious Council and Kadis Courts Act (Chapter 77) which consigns that the Council becomes the sole trustee for all waqf, either waqf 'am (general waqf) or waqf has (specific waqf) as in chapter 100 in order to facilitate prospective endowers to do waqf (Laws of Brunei, Chapter 77). This Act was established in 1956 after the amendment of Law No. 20/1955 of the Religious Council and Kadis Courts Act in 1955. Further, this Act was given effect on February 1, 1956, in the reign of Al-Marhum Sultan



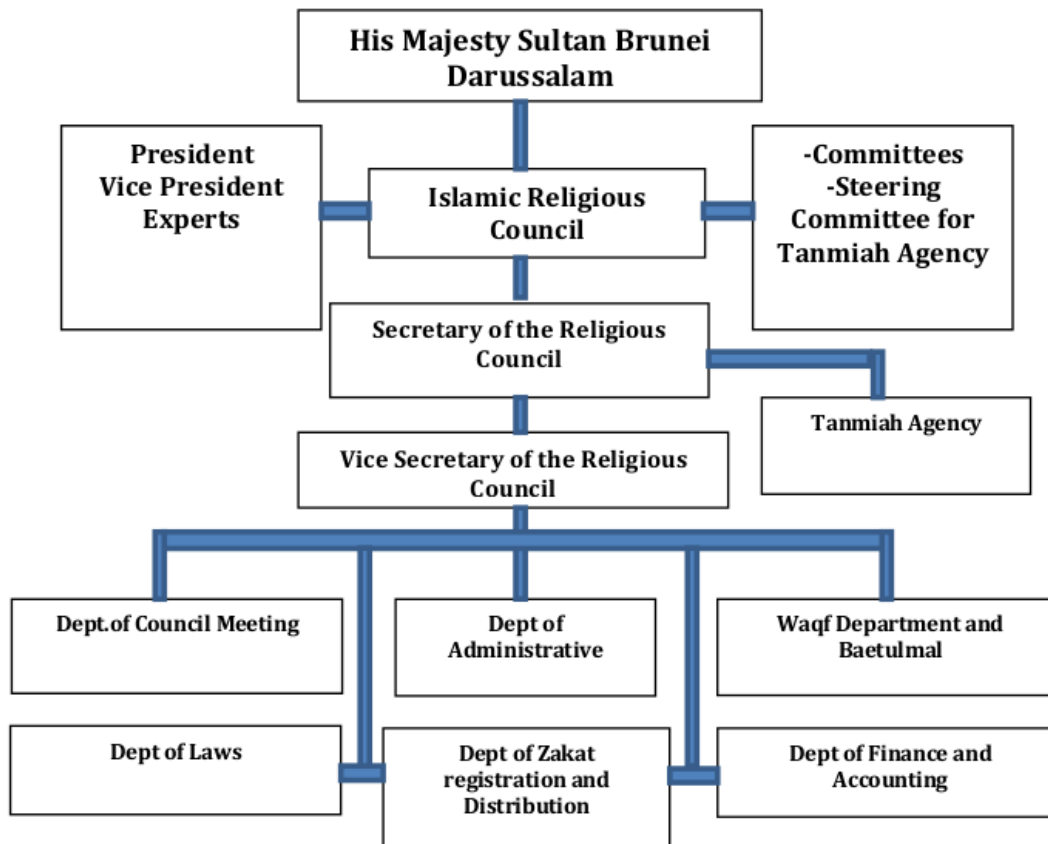
Haji Omar Ali Saifuddin Saadul Khairi Waddien. From then on, the waqf property management in Brunei Darussalam has become more directed and organized, no longer carried out individually. All waqf processes are under the supervision of the kingdom with written pledges. In this period, waqf properties are no longer confined to land assets, but there are also people endowed with money even though not many did. As the sole trustee for waqf, the Council has the right to administer and carry out any construction activities on these properties, as well as to take all the proceeds. The Council also plans to distribute the results obtained to those who have the right to receive waqf and to determine the use of the remaining results if the waqf properties are invested. Nevertheless, due to Islamic laws, waqf property management is dependent on the original purpose of waqf. The purpose of the waqf practice which is applied in Brunei is for the public benefit. Additionally, there are two types of applicable waqf, waqf 'am (general waqf) or waqf has (specific waqf). About managing properties of waqf 'am, the Council must take action based on sharia and legislation with *waqif* intention (Hj Zulkifli Hj Abdullah, 2017).

### Waqf Law in Brunei Darussalam

The Brunei Religious Council is the only legal institution under the kingdom of Brunei Darussalam in charge of all the affairs of waqf properties based on the designation of the law as embodied in Laws of Brunei, the Act of Religious Council and Kadis Courts Act (Chapter 77). The Act regarding this matter is as follows:

3  
"Notwithstanding any provision to the contrary contained in any instrument or declaration creating, governing or affecting the same, the *Majlis* shall be the sole trustee of all waqf, whether waqf am, or waqf has, of all nazar am, and of all trusts of every description creating any charitable trust or the support and promotion of the Islamic religion or for the benefit of Muslims in accordance with Muslim law, to the extent of any property affected thereby and situate in Brunei Darussalam and, where the settlor or other person creating the trust, waqf or Nazar am was domiciled in Brunei Darussalam, to the extent of all property affected thereby wherever situate " Laws of Brunei (Chapter 77).

Figure 1: Organization Structure of the Brunei Religious Council



Source: Brunei Religious Council

It is seen in Figure 1 that the waqf and Baitul Mal departments are the same positions as departments of sharia, laws, zakat, and finance, even though the duties and functions are different. This unit is to help the Council secretary regarding judge actions and *Baitul Mal* assets given, such as:

- Assets that are not inherited (land)
- Waqf properties (lands, buildings, etc)
- Relations with the Tanmiah Agency.
- Endowments of Baitul Mal assets.
- Project for fostering houses of the poor.
- Check and Receipt Management for fundraising of general administration.
- Money Collection Cash Book Management General Administration.
- Land asset management of *Baitul Mal*.

- Other tasks directed by the Secretary of the Religious Council.

To develop the Religious Council assets including waqf properties, an agency has been assigned on September 4, 1995, as an investment executor named the Tanmiah Agency under the Religious Council and courtesy of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam (The Tanmiah Agency, 2009). This agency functions to take care of the allotment of the Religious Council to develop and empower assets for the benefit of the future of Muslims in Brunei Darussalam. (the Brunei Religious Council, 2015). Any interests to achieve the goals of developing and empowering the Religious Council assets has been declared by His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam which was delivered on the 42nd anniversary of Sultanate's Day on July 15, 1988, as follows:

*"In the field of religion, the kingdom will continue from time to time to make efforts to pursue the sanctity of Islam and balance the development and progress in the field of material. In addition to attempting to develop Islamic religious teachings, the government is also considering to utilize all the assets collected in the BaitulMal to benefit those who are virtuous as desired by Islam" Sultan of Brunei (1998).*

Related to the interpretation of waqf definition, in the Act chapter 77 there is no specific interpretation defining of waqf based on the Law of Brunei. This indicates that waqf is still be interpreted broadly based on the views of *Fuqua* especially Imam Syafi'I since Brunei Darussalam is committed to this imam, even though other madhhabs are also accepted as the Ahlu Sunnah Wal Jama'ah madhhab. Similarly, in the Act chapter 77 Section 2, there is no specific interpretation also regarding waqf, but waqf is interpreted to waqf 'am and typical waqf. Waqf 'am is defined as the endowment of capital or income eternally for religious or good purposes which are recognized by sharia. Meanwhile, typical waqf is interpreted as the endowment of property capital eternally for religious or good purposes which are recognized by sharia for the people or specified purposes in waqf by the *waqif*.

### **Productive Waqf Management in Brunei Darussalam**

- **Management of productive waqf collection**

Waqf property management is carried out by the Brunei Religious Council as the waqf *nÉDir*. The properties are by the Act of Religious Council Chapter 77 regarding waqf, such as lands, buildings, cash, hearses, books, Al. Qur'an manuscripts, computer, air conditioning, facilities for mosques like loudspeakers, fans and so on (Hj Jamilah, 2005). In conducting community fundraising, the Brunei Religious Council uses media campaign strategy, seminars, and other strategies by Brunei laws. This shows that the efforts of the Brunei Religious Council to collect waqf properties and to facilitate anyone willing to endow. From

various media campaigns, mass media is the most effective means of raising public funds. Efforts to raise funds using mass media are generally carried out by campaigning in the mass media through advertising as well as reporting to get funding support or other forms of assistance from the people of Brunei. In some cases, the mass media have proven to be effective in fundraising. (Abidin Hamid & Kurniawati, 2004).

To collect waqf properties, the Brunei Religious Council chooses online media from the Ministry of Foreign Affairs as a means of promotion and collection of waqf properties from the community. Such media are chosen because it obtains the legality according to the laws of Brunei Darussalam and the main readers are the Muslim community in this country (Zarifah bin HJ Musa, 2017). Through the website, the endowers can also view information related to waqf requirements, types of property for waqf, as well as the Agency (*nÉDir*) of waqf as the sole trustee of waqf property. To facilitate the community in accessing information about waqf, then the Brunei Religious Council provides free online electronic media in every mosque, shopping malls and other strategic places throughout the districts in the country. It is hoped that the prospective *waqif* no longer needs to go to the Brunei Religious Council officials to ask information about waqf. With such socialization, the Brunei Religious Council manages to collect several waqf properties from year to year (Hj Zulkifli bin Hj Abdullah, 2017).

In raising waqf funds from the community, the Brunei Religious Council has a specific department to manage this, namely the department of waqf and *Baitul MÉl*. This department has a very important role in determining the size of waqf fundraising from the community. To become a professional *nazir*, the Council continues to set the best possible service system. Since its establishment, the Council has continued to hold discussions among ministries, seminars and even willing to conduct studies banding abroad to research waqf in this country. It is undeniable that the most effective effort to improve understanding of the importance of waqf is that *Nazir* is also required to give enlightenment about waqf in various higher education activities, discussions, seminars, and others, especially for academics and practitioners in the field (Hj Mahdini, 2017).

From the direct fundraising implemented, there are still many people who do not understand productive waqf. Thus, in carrying out the process of fundraising approach, firstly the Religious Council explains about waqf in general and even about zakat. According to officials, there are still many people who do not understand about productive waqf. Therefore, the first thing to do is providing knowledge and understanding of productive waqf as it is expected that there will be public awareness to donate their properties in the form of productive waqf.



**Table 1:** Properties of waqf *has* of the Brunei Religious Council until 2017

NO	DATE	PURPOSE OF WAQF	LOCATION	DISTRICT	LAND AREA	NOTE
1.	02-Feb-67	SITE OF MOSQUE	EDR. 294 KG BOKOK	TEMBURONG	½ HECTARE	The site of Pengiran Abu Bakar Mosque, Kampong Bokok
2.	13-May-67	SITE OF MOSQUE	LOT 9481 EDR. 8970 KG SUNGAI BESAR	BRUNEI MUARA	¼ HECTARE	The present mosque site, Kg Sungai Bakar
3.	03 Jul-67	SITE OF MOSQUE	LOT.842 KG SENGKURONG	BRUNEI MUARA	0.08 HECTARE	for additional Sultan Sharif Ali Mosque site, Kg Sengkurong
4.	02-Jul-68	SITE OF MOSQUE	EDR 1196 LOT: 1263 KG KATIMAHAR	BRUNEI MUARA	½ HECTARE	The present mosque site, Kg. Katimahar
5.	21-Dec-72	SITE OF MOSQUE	KG. MASIN	BRUNEI MUARA	35 PLS	The old mosque site, Kg. Masin
6.	17-Feb-73	SITE OF MOSQUE	EDR 227 KAMPUNG PENANJONG	TUTONG	¼ HECTARE	
7.	10-Apr-73	SITE OF MOSQUE	KG. KASAT	BRUNEI MUARA	0.30 HECTARE	The present mosque
8.	06-Jun-73	SITE OF MOSQUE	KG LAMUNIN	TUTONG	0.25 HECTARE	The present mosque
9.	16- March-74	SITE OF MOSQUE	LOT. 3133, KAMPONG SINAUT	TUTONG	0.44 HECTARE	The present mosque
10.	20-Jun-74	SITE OF MOSQUE	KG. TARAP BAU	BRUNEI MUARA	0.50 HECTARE	The construction of the mosque is included in the 6th country's development plan. The Perdana Wangsa Haji Mohammad Mosque site, Kampong Tarap Bau
11.	07-Jun-76	SITE OF MOSQUE	KG. PELAMBAYAN	BRUNEI MUARA	0.38 HECTARE	The present mosque
12.	23-Aug-76	SITE OF MOSQUE	KG .SUNGAI HANCHING	BRUNEI MUARA	2 R 00.5 P	
13.	07-Dec-77	SITE OF MOSQUE	EDR 11804 LOT 13007, KG PENGKALAN GADONG	BRUNEI MUARA	0.5 HECTARE	Still under the supervision and has not been any development yet because the site location is too small and less suitable for mosque building.
14.	04-Oct-80	SITE OF MOSQUE	KG. TARAP BAU	BRUNEI MUARA	0.17 HECTARE	The construction of mosques is included in the 6th country's development plan. The Perdana Wangsa Haji Mohammad Mosque site, Kampong Tarap Bau
15.	09-Feb-81	SITE OF MOSQUE	KG. BOKOK	TEMBURONG	2 HECTARES	The site of Pengiran Abu Bakar Mosque, Kampong Bokok
16.	01 Jan-84	LAND FOR MUSLIM CEMETERY	EDR 5748 LOT 6234 KG DOMBAK KILANAS	BRUNEI MUARA		
17.	31-Dec-84	SITE OF MOSQUE	EDR 751 LOT 7996 KG. URUK, JLN MUARA	BRUNEI MUARA	2 HECTARES	The present mosque
18.	23-Nov-88	SITE OF MOSQUE	KG. LUAGAN DUDUK	TUTONG	0.59 HECTARE	Abdul Azim Mosque, Luagan Village Seated
19.	07-Sep-89	SITE OF ISLAMIC SCHOOL	EDR 17392 LOT 18770 KG JERUDONG	BRUNEI MUARA	2.26 HECTARES	Jerudong Islamic school, and now is taken over by Jerudong Arabic Preparation School

NO	DATE	PURPOSE OF WAQF	LOCATION	DISTRICT	LAND AREA	NOTE
20.	9-Jan-91	SITE OF MOSQUE	LOT 6735 KG LUBUK PADIAN, BEBATIK KILANAS	BRUNEI MUARA	5 HECTARES	The waqf matters have been refined and circulated to the commissioner of land on 2/4/1991 Bil: 102 / MU / JUB / 1964 pt: 1
21.	18-Jul-00	A ROAD TO MOSQUE	LOT.21869 EDR. 20330 KG. LUPAK LUAS	BRUNEI MUARA	6,000 HECTARES	A road to Perdana Wangsa Haji Mohammad Mosque
22.	21-Dec-03	SITE OF MOSQUE	KG. LUAGAN DUDUK	TUTONG	4 HECTARES	The Abdul Azim Mosque site, Kampong Luagan Duduk
23.	07-Nov-05	SITE OF MOSQUE	EDR 5978 LOT 5884 KG. LUAGAN DUDUK	TUTONG	1½ HECTARES	This land is next to the present land of the mosque
24.	17-Jul-08	A ROAD TO MOSQUE	0.290/3480 U.S DARI EDR 100 LOT.114 KG. TARAP BAU,	BRUNEI MUARA	3,480 HECTARES	A road to the Pehin Orang Kaya Perdana Haji Mohammad Mosque
25.	21-Apr-09	FOR MOSQUE'S NEEDS	LOT: 1405, KG BUKIT UDAL	TUTONG	0.50 HECTARE	for the needs of Kampong Bukit Udal Mosque
26.	28-Sep-09	FOR MOSQUE'S NEEDS	UNMANAGED LAND FROM LOT. 21869 EDR 20330, KG. TARAP BAU	BRUNEI MUARA	UNMANAGED LAND FROM LOT. 21869 EDR 20330, KG. TARAP BAU	
27.	27-Oct-10	FOR MOSQUE'S NEEDS	A PART OF LOT.5505, KG TANJUNG BUNOT, JALAN TUTONG	BRUNEI MUARA	0.723 HECTARE	
28.	01-Jan-11	FOR MOSQUE'S NEEDS	EDR 15729 LOT 14336 KG.KATI MAHAR	BRUNEI MUARA		
29.	13-Dec-12	A ROAD TO MUSLIM CEMETERY	LOT EDR 02732 EDR 02770 (LOT LAMA) : LOT 16427 (BARU KAMPONG SINAUT, MUKIM KERIAM	TUTONG	6 METERS FROM THE LAND EDGE 0.087 HECTARE	The road to the muslim cemetery of Luagan Kelumpang, Kampong Sinaut, Tutong Region, Brunei Darussalam. Lafaz waqf has been spread to Tanah Tutong Offices
30.	13-Dec-13	ADDITIONAL AREA FOR WAQF, LAND LOT 38 993 A ROUTE TO SITE OF MUKIM KILANAS MOSQUE	LOT 38994, KG LUBUK PADIAN,BEBATIK KILANAS	BRUNEI MUARA	0.33 HECTARE	As an additional area of waqf, land lot 38993, the new Mukim Kilanas Mosque site. Lafaz waqf has been circulated to the commissioner of land (Management and Execution Department)
31.	13-Dec-14	A ROAD TO MUSLIM CEMETERY	LOT 9473 KAMPONG SUNGAI ASAM, MUKIM BURONG PINGAI AYER, NEGARA BRUNEI DARUSSALAM	BRUNEI MUARA	ABOUT 0.020 HECTARE	A road to the Muslim cemetery of Sungai Asam. Lafaz waqf has been circulated to the commissioner of land (Management and Execution Department)
32.	28-May-15	FOR ROAD CONSTRUCTION AND OTHER USES	EDR TU 07771 LOT07662 KAMPONG TANJONG MAYA	TUTONG	0.168 HECTARE	

Source: the Religious Council of Brunei Darussalam (Waqf Division)

From Table 2 data, it can be seen that based on the number of types of waqf *has* properties, waqf for mosques is the most dominant, followed by waqf for cemeteries, waqf for the religion school, and waqf for building bridge construction. Meanwhile, in terms of districts, Brunei Muara receives the most waqf, followed by Tutong and Temburong districts. However, there is no waqf *has* recorded in the Kuala Belait district. Apart from the listed waqf above, there are also some unrecorded waqf *has*, such as fans, air conditioners, refrigerators, and so forth. The data are presented as follows.

Figure 2: Presentation of Waqf *Has* of the Religious Council of Brunei Darussalam

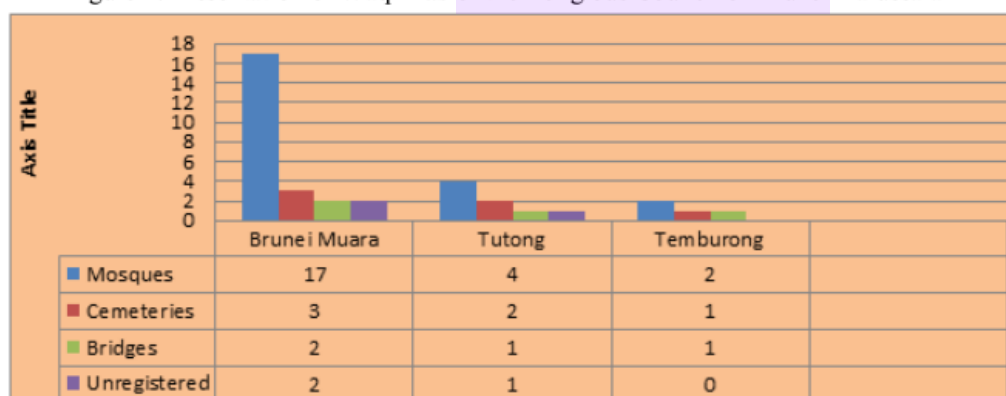


Table 2: Properties of waqf *am* of the Religious Council of Brunei until 2017

NO	DATE	PURPOSE OF WAQF	MAUQUF PLACE	DISTRICT	LAND AREA	NOTE
1.	Jan-01-54		EDR 12687 LOT 11614 KG KOTA BATU	BRUNEI MUARA	0.2030 HECTARE	The location and land area are not suitable for the construction
2.	Jan-01-54	WAQAF FOR MUSLIMS	EDR 12686 LOT 11613 KG KOTA BATU	BRUNEI MUARA	2.3760 HECTARES	48 units of commercial buildings have been built
3.	Jan-01-54	WAQAF FOR MUSLIMS	EDR 12685 LOT 11106 KG. KOTA BATU	BRUNEI MUARA	1,6150 HECTARES	24 flat-house units have been built and are now leased by the Ministry of Defense
4.	Jan-01-54	WAQAF FOR MUSLIMS	EDR 596 LOT 659 KG. PETAGIAN	BRUNEI MUARA	1.6700 HECTARES	The location of the land is not suitable for the construction
5.	Jan-01-54	WAQAF FOR MUSLIMS	EDR 727 LOT 658 KG PETAGIAN, KOTA BATU	BRUNEI MUARA	1,600 EKAR	The location of the land is not suitable for the construction
6.	Jun-19-68	FOR ISLAMIC WAQF THAT WILL BE SECURED BY THE RELIGIOUS COUNCIL	LOT 3850 EDR: RK: 55/81, KG. MELAYU ORIGINAL, WEEK KUALA	LEARN	0.078 HECTARE	The Religious Council agreed that the previous residence located on the land was torn down and now a building has been built and leased to KHEU for the use of the Religious Officers of Belait since December 2010

NO	DATE	PURPOSE OF WAQF	MAUQUF PLACE	DISTRICT	LAND AREA	NOTE
7.	Dec-22-92	WAQAF FOR MUSLIMS	LOT EDR 9607 5053 JLN: BAN 3A, KG MULAUT	BRUNEI MUARA	0.97 HECTARE	Under the supervision of the Brunei Religious Council and there has not been any development on it

Source: Religious Council of Brunei Darussalam (Division of Waqf)

Regarding waqf 'am provisions based on district, Brunei Muara is the district that accepts the most waqf 'am followed by Belait District. The purposes of waqf 'am are more general and not limited to particular objects, but merely for the benefits of Muslims. Here is the description of waqf 'am. The Data are presented as follows:

Figure 3: Presentation of Waqf Am of the Religious Council of Brunei Darussalam

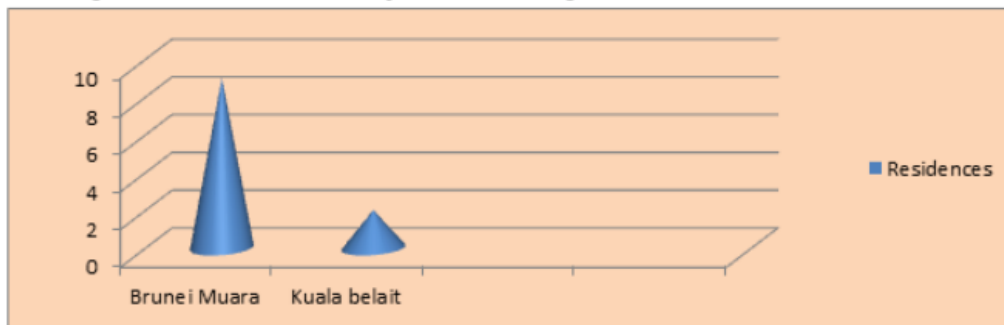


Table 3: Cash Waqf

No.	Types of Waqf	Endowments Object	Amount of money
1	Specific (Has)	Mosque Construction	\$ 1,836,781.00
2	General (Am)	Others	\$ 400.00
<b>Total Cash</b>			<b>\$ 1,837,181.00</b>

Source: Awangku Dr. Hj Md Hasnol Alwe Pengiran M Salleh, 2016

The data above shows that the nominal funds from the cash waqf have not been maximized because the ideal potential is far greater which can reach 10 times, even more, considering that Brunei's population is already sufficient in its economic aspect besides the sufficient agricultural products in the forms of oil and gas to support the country's economy. Cash waqf for this type of waqf 'am is made productive by the Tanmiah Agency along with other properties in the Brunei Religious Council.

- **Development of waqf properties**

In carrying out its duties as *nÉDir*, the Religious Council undergoes the management and



development of the collected waqf properties depending on its purposes, functions, and designation with sharia principles. The waqf management planned by the Religious Council is done based on two approaches, namely consumptive and productive approaches (Hj Zulkifli bin Hj Abdullah, 2017). The consumptive approach has been commonly done in anywhere, but in this research productive approach is used as the basis to explain the Waqf management in Brunei.

In this approach, the Religious Council manages the waqf properties for productive things that generate profits. It is implemented by empowering the properties then the profits are used for the benefit of the general public while maintaining the principal value of the waqf properties by the applicable laws in Brunei Darussalam. The kinds of properties to be utilized based on the Laws of Brunei are assets of *Baitul MĒl* of the Religious Council such as:

- Money from Kadis Courts fines
- Rent house payment
- Bank interests submitted
- Payment of Marriage, Divorce, and Reconciliation
- Waqf properties
- Assets from the rest inheritance treasures
- *LuqĒthah* assets

In managing the productive waqf sector, the Tanmiah Agency of the Religious Council is more likely to make a direct investment for waqf properties, such as lands and buildings by using the contract of *Ijarah* (Hj Zulkifli Hj Abdullah, 2017). One of the productive waqf management models carried out by the Tanmiah Agency is channeling waqf properties to various sectors such as housing, oil stations, business facilities, and other halal businesses. The development strategy implemented by the Tanmiah Agency (Hj Mahdini, 2013) uses a cautious approach as well as wise and astute investment selection. The main focus of the strategy is the construction of lands and buildings as well as its management which includes active investment. The leasing scheme is a scheme commonly offered by the Tanmiah Agency in investing waqf properties, with the aims of: (1) increasing institutional income, (2) avoiding capitals from the Agency, (3) helping the development of local businesses, (4) increasing market value of lands, and (5) actuating economic activities on unmanaged lands.

Example: Construction of vacant lands:

(1) 100% funded by the "self-funded" of the Tanmiah Agency

The building will be leased through two rental methods:

- "One-Single anchor tenant" to ensure a long rental period based on the good reputation of tenants and stable income to the Agency.

- "Multiple tenants", namely the method and period of ordinary leasing to individuals and companies.

(2) Funding Partnership

- The main objective: Soft capital rationing in addition to reducing the risk of over-funding the Agency.
- The focus of the development of vacant lands is only on strategic areas.
- The chosen parties such as local banks will be asked to take a role to jointly support Baitul Mal by investing capital funds into the planned development.
- The chosen parties must have a strong reputation and finance.

There is also another investment strategy undertaken by Tanmiah Agency, namely by involving the agency in issuing and participating in the purchase of low-risk Islamic financial products that provide stable income with short and long investment periods such as rates, "Islamic Real Estate Investment Trust Funds "(REITs), and others. However, the values are not very significant.

Table 4: Productive waqf project models of the Tanmiah Agency of Brunei Religious Council

No.	Type	Note
1	Business Complex of Kg. Kuala Lurah	-Consists of 24 units. -Ready to be built on 7.4.2001 -Cost of \$ 2,943.1 62.67 -Rented by the public since 1.4.2002 (ground floor \$ 1000, first floor \$ 600) - since 1.3.2003 until now the rental costs are \$ 600.00 for the ground floor and \$ 400.00 for the first floor)
2	Residence buildings, Kg Keriam Tutong	-Consists of 20 units (4 units of class B, 8 units of Class C and 8 units of Class G) -Ready to be built on 31.10.1994- -costs \$ 5,626,957.26 -rented by KHEU since 17.8.1995- -Rental cost a month \$ 31,400.00 - \$ 30,550.00
3	Residence buildings, Kg Selayu Sengkurong	-Consists of 16 units (4 units of Class B and 12 units of Class C) -Ready to be built on 14.9.1994 -costs \$ 5,673,329.46-

		-rented by KHEU since 24.4.1995 -monthly rental cost \$ 32,400.00 - \$ 31,100.00
4	Two-floor houses Lot 13712 Kampong Sg Hanching	-Ready to be built on 02.02.1992 -costs \$ 311,926.80 - -rented by KHEU on 1.1.1993 - Monthly rental cost \$ 3,200.00 (1.1.93-14.5.98) -monthly rental cost \$ 2,500.00 (15.5.98 until now)
5	Business Complex, Kg Kota Batu	-Consists of 2 blocks, each block has 24 units. -Ready to be built on 23.04.1994. -Costs \$ 5,858,904.22 (BlokA \$ 3,049,674.10 Blok B \$ 2,809,230.12. - Block A was rented by KHEU on 13.3.1996 -Monthly rental cost is \$ 33,600.00. -Block B is rented by public since 1.9.1994.
6	Kg Residential Building, Batu City	-Consists of 2 Blocks (each block has 24 units) -Ready to be built on 15.5.2000 -Cost: \$ 3,324,703.99 -Rented by the Ministry of Defense since 19.12.2000 until now. - Monthly rental cost: \$ 31,200.00
7	The gas station, Kg Kuala Lurah	- ready to be built on 12.2.2001 - Cost : \$ 1,203,943.81 - - Officially operated on 23.8.2000
8	Residence Buildings, Kg Tungku	-Consists of 8 units - ready to be built on 8.12.1999 -Cost: \$ 952,725.37 - Rented by KHEU from 20.4.2000 until now. - Monthly rental cost : \$ 8,750.00-\$ 8,550.00

Source: Tanmiah Agency of the Religious Council of Brunei Darussalam

In Brunei Darussalam, the Tanmiah Agency is not allowed to use cash waqf to be used by the community through microfinance programs and business assistance. Even though the microfinance assistance is accompanied by financial experts who would provide training to microcredit recipients on how to do business well. This is because it is not by the laws in this country.

- **Distribution of waqf results**

The benefits obtained from various waqf property investment are mainly distributed for the needs of poor and orphaned children in Brunei Darussalam through various programs and activities such as fulfilling the needs of education, health and social services (Hj Mahdini, 2017). In this case, the distribution of waqf results is more dominantly used for fulfilling educational needs which reach up to 50%, followed by 20% for the health sector, 15% for the religious sector, and 15% for the social sector. The detail is displayed in the figure 4.

Figure 4: Presentation of Distribution of Productive Waqf Investment Results



#### **Education facilities**

Education in Brunei Darussalam is a basic necessity for all the people of the Majesty guaranteed by the kingdom. The people are free from any payment, starting from the elementary up to higher education level. All the facilities in government schools receive assistance from His Majesty the Sultan and Yang Di-Pertuan, Sri Sultan. Every student even receives scholarship money each month. The Brunei Religious Council aids the results from waqf property investment to those who need the most, even though almost Brunei's people are not included in the category of the poor. The Tanmiah Agency made its first contribution of B\$ 10,000,000 in 1998 from the Crown Prince Al-Muhtadee Billah, including waqf funds, for orphans.

#### **Health Facilities**

There are also results from waqf investment channeled to health facilities such as for hospital development and their facilities. In addition to funding aids from the Kingdom, there is also fundraising from waqf investment held by the Tanmiah Agency. Although the amount is not as much as funds from the Kingdom, it is proof of concern for fellow Muslims through the



development of waqf properties that need to be continuously improved. One of the hospitals that receive the distribution is Raja Isteri Pengiran Hajah Saleha (RIPAS) Hospital (Adli Kayfullah, 2017).

### Religious Facilities

One of the Tanmiah Agency's missions to achieve its goal of paying attention to the goodness of the Muslims' lives in Brunei Darussalam is to hold a project for public worship place maintenance. It is as a contribution and charity in improving the quality of services, safety, and convenience of the community in using these buildings. The funding of the waqf program to prosper worship places such as mosques and Islamic teaching council is taken from the results of waqf investment conducted by the Tanmiah Agency of the Brunei Religious Council.

### Social Facilities

Aid programs provided by the Tanmiah Agency when distributing the results of waqf property investment are not only in the forms of cash or goods but also in the form of services such as blood donors held at Unit B10, Trade Buildings of Baitul Mal, Kota Batu Street. These were held based on the initiative of the Tanmiah Agency and the community for charity. Such charity received an extraordinary welcome. There were 50 people voluntarily donate their blood. Besides that, this activity was held aimed at promoting the Tanmiah Agency to the community.

### CONCLUSION

In Brunei Darussalam, the kingdom through the Religious Council is the sole trustee (*nÉDir*) for all management of waqf properties, both waqf 'am and waqf has as stated in the laws of Brunei and the Kadi Courts Article 77 Chapter 100. It means that only the Religious Council is the legal party which is justified by the Laws of Brunei as the *nÉDir* of waqf. In Brunei Darussalam, those who become the waqf *nÉDir* officials are the civil servants who receive a monthly salary from the government.

In the case of management of waqf property collection, the Kingdom of Brunei Darussalam uses media (website) of the Ministry of Religious Affairs as a means of promotion and socialization of waqf to the community. Some of the waqf properties that have been collected are lands, cash, hearses, electronic tools, books, and others.

Furthermore, in Brunei Darussalam, the investments of the Religious Council properties are managed by the Tanmiah Agency of the Brunei Religious Council (BT-MUIB). In managing the productive waqf sector, this agency tends to choose direct investment over the waqf

properties by only using the *ijÉrah* concept. The productive waqf management model carried out by the Tanmiah Agency includes the waqf property investment to various sectors such as housing, gas stations, and other business facilities.

Productive waqf results in Brunei Darussalam are distributed to education, religious, social, and health sectors. The aids for the health sector are given in the forms of facilities for hospitals and healthcare. Similarly, the aids for the education sector are in the form of facilities.

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