

Preliminary Study on the Maintenance Level of Waqf Properties: Federal Territory, Kuala Lumpur

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Abstract

There has been a growing interest in the development of income-generating Waqf (endowments) properties in recent times. This is quite justifiable considering the fact that Waqf properties estimated to worth up to USD 1 Trillion globally have failed to generate adequate income to meet up the maintenance costs thus resulting in poor maintenance and the inability of these properties to meet Waqf objectives. Consequently, this paper presents preliminary findings on an on-going research aimed at developing a maintenance management framework for income-generating Waqf properties. Data were gathered through content analysis and secondary sources. Findings in this paper indicate that the inadequate maintenance of Waqf properties is partly due to relatively low rents and high rental arrears. The paper also gathered that despite the unique features of Waqf, there is no specific study aimed at developing a user-driven maintenance management framework for income-generating Waqf properties. Such omission could slow down the much-anticipated progress particularly at this point in time when different funding initiatives have resulted in the construction of high-rise income-generating properties on Waqf lands. The paper also provided current information on the state of income-generating Waqf properties in Kuala Lumpur.

Keywords: Waqf property, Maintenance, property management, Kuala Lumpur.

1.0 INTRODUCTION

1.1 Research Background

There has been a growing interest in the subject matter of Waqf and its management among various stakeholders - researchers, business practitioners, government authorities, religious scholars, social analysts, urban planners and designers, existing and potential donors, target beneficiaries and the media. This is quite understandable considering the fact that Waqf properties and assets, estimated to worth upto USD 1 Trillion globally , are either left undeveloped (Kamaruddin, 1992; Mar Iman A and Muhammad S. 2014), underdeveloped or outrightly abandoned. In some cases, the developed Waqf properties are either poorly managed or not properly maintained (Abas and Raji, 2018), thus resulting in environmental nuisance, low economic contribution, and more importantly, the inability of these properties to fulfil the aim of the donors (waqif) - to continuously support target beneficiaries (Mawquf alaihi).

Waqf is a form of sustainable acts of charity through endowed assets and properties- movable or immovable- (Abas and Raji, 2018; Dahlia & Haslindar, 2013; Obaidullah, 2014; Kahf, 2003; Raissouni, 2001; Sadeq, 2002), governed by the fundamental principles of perpetuity, inalienability, and irrevocability (Sarkawi and Aripin, 2017; YWM, 2016). Waqf is a perpetual endowment (Obaidullah, 2014) setup to generate continuous benefits to specified group of beneficiaries or the community. Properties donated under Waqf can neither be inherited, gifted and mortgaged (Hassan, 2016), used as collateral nor sold (Mohammad & Mar-Iman, 2006; and Abas, Raji and Yaacob, 2017). For many centuries, Waqf has continued to play a significant role in enhancing economic growth (Raji and Abas, 2018), promoting equitable distribution of income and wealth, sustaining welfare of the needy and providing essential services to the larger society such as supplying water, hosting and feeding the poor, streets' paving, building mosques, schools and hospitals (Hamouche, 2007). While many poverty alleviation initiatives have failed to reduce the ever increasing gap between the rich and the poor in the world (Obaidullah 2014), the institution of Waqf offers an efficient alternative to mitigate poverty as the returns on the Waqf properties could be dedicated to meeting the needs of the poor and less privileged (Shaikh, S. A., Ismail A. G., Shafiai M. H, 2017; and Sarkawi and Aripin, 2017).

Properties are generally a store of wealth with potentials to generate future streams of income. When effectively managed, properties have potentials to increase in value (Noor and Eves, 2011, Puķite and Geipele, 2017), enhance occupancy rates, consumer experience and satisfaction (Oyedokun, Oletubo, and Adewusi, 2014, Dean and Lee 1998), generate high returns on investment (Mar Iman A. H and Sabit Muhammad M. T, 2014, Abas and Raji, 2018) while beautifying the built environment. The capacity of properties to generate increasing returns on investment has also led to continued growth of investments in property development by financial institution, corporate bodies, individuals and other stakeholders. In addition, the ability of a property of generate increasing returns on investment for a long period of time is premised on adequate and proactive management and maintenance plan. A proactive approach to building maintenance involves scheduled maintenance that takes into consideration the lifespan of each building component.

Waqf properties refer to movable and immovable (or real) properties that have been endowed for the purpose of assisting the poor and providing needed services for the entire public. The immovable properties include land and buildings while movable properties include motors and vehicles, cash and shares. These properties can be further categorized into income-generating and non-income generating properties. The income generating properties refers to the properties that

yield income such as residential properties and commercial properties such as offices, hotels and business centres while the non-income generating Waqf properties include properties used for religious purposes, social services or public supports. Income-generating properties are very important to the sustenance of Waqf system. Rents from Waqf properties are utilized in line with the dictates of the Waqf deed developed by the donor. Usually, such incomes are shared to four broad categories: i) distribution to beneficiaries; ii) maintenance of the building itself and/or another public waqf such as school, mosque, hospital; iii) contribution to the development of waqf assets (usually from the surplus income after deduction of other expenses) (Abas, Raji and Yaacob, 2017), and iv) payment for the services of Waqf managers. The focus of this paper is on the income-generating Waqf properties.

Malaysia is one of the countries with a good number of Waqf properties. The Malaysia Waqf Foundation (YWM, 2016) indicated the total Waqf land area - both general and specific Waqf types- as 30,888 hectares or 308.88km². This is more than the land area of some of the World cities such as Durham (USA)-280.5 km², Kuala Lumpur (Malaysia)-243km², Dkaha (Bangladesh)- 311km², Tunis (Tunisia)- 363km², Liverpool (UK)-111.8km², Hong Kong (China)- 220km², Alexandria (Egypt)- 293km², Surabaya (Indonesia)- 376km², Dar es Salaam, (Tanzania)- 324km², Amman (Jordan)- 344km² and Ahmedabad (India)- 202km². Despite the relatively large Waqf land area and properties in Malaysia, only two per cent of the total area has actually been redeveloped thus representing investment opportunities for public and private sector. The Department of Awqaf Zakat and Hajj (Jabatan Wakaf, Zakat dan Haji- JAWHAR) put the estimated total value of these properties at RM4 billion (Norinah, M., Rahman, M., Ahmad, R., & Mahdzan, N. 2015). The substantial quantity of waqf properties in the country has facilitated interest among businesses and academia.

To ensure proper monitoring and effective development of Waqf properties, the government decentralized Waqf administration putting it under the control of the State Religious Islamic Council(SIRC) in each of the 13 States while the management of Waqf properties in the Federal Territory is under the Federal Islamic Religious Council (MAIWP). Although, the SIRC's represent the sole trustees of Waqf property in each of the thirteen states and the Federal Territory, the Department of Awqaf Zakat and Hajj (JAWHAR) facilitates and coordinates in matters related to Waqf at the federal level. Also, Malaysia Waqf Foundation (YWM) was also established to collaborate with MAIN in executing Waqf property development policies decided by JAWHAR (YWM, 2016). The government provides funding for these agencies and bodies to ensure smooth operations and attainment of their goals (Mar Iwan and Muhammed, 2014). Up until 2013, a total of 170 waqf properties have been fully developed by the intergovernmental agencies across the 13 states and the Federal Territory at a total cost of RM949.84 Million (YWM, 2016). While such investment reports look promising for the Waqf sector, the reality is quite different. Abas and Raji (2018) noted that Waqf properties in the country are characterized by poor management and maintenance, with the majority of these properties not being fully utilized (Noor et al., 2014). Saad, Kassim, and Hamid (2013), added that poor management and maintenance are major reasons for the low rental incomes realized from these properties. This, in turn, leads to inadequate funds thereby hindering the attainment of even the basic purpose of the waqf- continuous wealth distribution to beneficiaries and maintenance of the properties.

Despite the huge potentials derivable from investments in properties, many researchers have noted the relative poor performance of Waqf properties (Chowdhury, Ghazali, & Ibrahim, 2011; Abas & Raji, 2018, Mar Iman A. H and Sabit Muhammad M. T, 2014, Nour, 2015; Kamaruddin, 1992, Kahf 2003, Hamouche, 2006; Dahlia & Haslindar, 2013; Majid & Said, 2014). This has led to a reduction in the profit-generating abilities of these properties as well as the flow of expected

benefits to a benevolent social objective for the poor such as provision of education, health services, enhancement of vocational and managerial skills, provision of micro financial services and sustainable support for small businesses. While several reasons have been identified as factors responsible for the poor performance of Waqf properties, none seems to have greater reference than the poor management and maintenance of Waqf properties (Mar Iman A. H and Sabit Muhammad M. T, 2014, Abas and Raji, 2018; Sapuan, Zeni and Hashim, 2017).

1.2 Problem Statement

The widening gap between the haves and the have-nots in society has been identified as the main cause of increasing violence in different parts of the world. The report of the International Monetary Fund (IMF) in 2015 indicated widening income inequality as the defining challenge of our time, noting that the gap between the rich and poor is at its highest level in decades (Dabla-Norris E., Kochhar K., Suphaphiphat N., Ricka F., and Tsounta E., 2015). Oxfam (2017) further noted that the richest eight people own as much wealth as half of the world's population. Widening inequality has significant implications for growth and macroeconomic stability. It can concentrate political and decision making power in the hands of a few thus leading to suboptimal use of human resources, which ultimately results in political and socio-economic instability as well as crises risk and violence (Dabla-Norris et al, 2015).

While inequality and poverty levels represent global phenomenon, researches have shown that these problems are more profound in Muslim-majority countries (Shaikh, Ismail and Shafiai, 2017). Although, the Muslim population is only 24% of the world, the Muslim world accounts for half of the global poverty level. For instance, Alpay and Haneef (2015) note that 31 per cent of the total population in the 57 Organisation of Islamic Cooperation (OIC) member countries live in poverty with average incomes below US\$1.25 per day. Some of these countries even record a poverty headcount ratios as high as 62% (The World Bank, 2015). While several factors have been identified as causes of the ugly phenomenon, none seems to have greater effect than the underutilization or outright abandonment of the socio-economic, wealth redistribution and poverty alleviation tools recommended in Islam more than 1400 years ago- the institutions of Zakat and Waqf (Qaradawi, 1999 and Jalil, Yahya, & Pitchay, 2016).

The institution of Waqf is particularly effective in social intermediation through enabling the surplus households that want to engage in continued philanthropic spending to help resource-deficient households that require income and social assistance (Shaikh, Ismail and Shafiai, 2017). Such philanthropic gestures are common phenomenon especially in Muslim communities. For instance, Alam (2010) noted that the annual philanthropic giving in Muslim communities could be as high as US\$1tn. He added that the private charitable donations in some of these Muslim-majority countries are more than four times the total foreign aids received in these countries annually. While some of these donations are given in the form of cash, many donors also prefer to donate their real properties as a form waqf. The use of real or immovable properties is particularly preferred by some donors (or waqif) due to the fact that its usufructs can be used without having to use up the property itself (Osman, 2012; Kahf, 2007). In this situation, the rental income generated from the waqf properties continues to help the less privileged in the society and also serve other benefits so indicated by the donors (Lim, 2006). Despite these noble objectives and importance of such endeavors, previous studies such as (Mar Iman & Sabit 2014; and Nour, 2015) have shown that properties donated for waqf purposes are poorly managed and maintained thereby hampering the attainment of waqf objectives. This could also discourage new donors and prospective participants in waqf schemes. Consequently, this paper highlights current scenario in the management of income-generating Waqf properties.

2.0 PROPERTY MAINTENANCE AND MANAGEMENT

Property Maintenance refers to the required processes and services undertaken in order to preserve, repair and care for building's fabric, structure, components and engineering services after completion or after completion, repair, refurbishment or replacement to current standards to enable it perform intended functions throughout its entire life-span without drastically upsetting its basic features and use (Rakhra, 1983 and Olanrewaju, 2009). A good building maintenance practices will increase lifespan of the building as well as its functionality, physical appearance and economic values (Olanrewaju, Khamidi, & Idrus, 2011).

Management, on the other hand, is an economic activity that involves operation, repair and maintenance of a building with the aim of protecting it at its preliminary stage; keeping the property fit to fulfil its purpose; and ensuring it presents an attractive exterior (Abas, Raji and Yaacob, 2017). Like humans, buildings have a lifecycle- birth, growth, maturity, decline, decay, death, and rebirth. Buildings deteriorate through natural occurrences and human activities that leads to physical, functional and economic obsolescence. Gravity, wind and seismic movement constantly test the stability of the structure while ultraviolet wavelengths of sunlight fade and decompose organic building materials through molecular breakdown. Some of the human activities that may contribute to early deterioration of the building include inadequate design, poor workmanship, defective materials and components, wrong installations and applications and the failure to provide the required maintenance (Kalinger, 1997 and Allen, 2005). Maintenance is thus a crucial factor in sustaining the value of a building.

The Malaysia Property Management Standards (MPMS) indicated the building management tasks to include setting up of management office, recruitment of competent and skilled staff, development of operational policies to ensure all aspects of the building maintenance are well handled to meet client's expectations as well as the design of standard operational procedures (SOP) guidelines which will promote consistency in performance delivery of the management office personnel, vendors and service providers. Maintenance management tasks include developing appropriate corrective maintenance to ensure that the rectification and remedial actions on defects, failures and malfunctions are dealt with effectively and efficiently; notifying personnel and service providers well ahead of any planned maintenance; and formulate job specifications towards recruiting the most suitable service providers for any maintenance service. Financial management tasks include developing a robust accounting system for the billing, collection and disbursement of monies, maintaining a separate property management account for each individual project; and prompt collection of rentals or service charges.

Proper building maintenance increases a building's lifespan, level of tenants' satisfaction and possibility of rental payments. Loh (1991) summarized that the main aim of property management and maintenance- to preserve the building and its functionality and optimize its return on investment and rental income. Such returns optimization are better achieved when the tenants and users of the buildings are satisfied (Oyedokun, Oletubo, and Adewusi, 2014). The role of tenants' satisfaction in the property market is so important (Dean & Lee, 1998 and Baharum, Nawaawi, & Saat, 2009) that their contribution is reflected in rental growth, vacancy rate, lease execution, lease breaks, landlord-tenant disagreements and building reputation (RICS, 2005). Tenant selection and satisfaction is a very crucial waqf component of waqf properties. Being an Islamic endowment, the type of tenant allowed into a waqf properties must also align with dictate of Islam. In essence, only tenants that use the properties for halal activities are allowed to rent waqf properties. In addition, tenants' satisfaction, cooperation and regular payment of rents are particularly important factors in the success of Waqf since a Waqf cannot be sold and used as collateral (Mohammad &

Mar-Iman, 2006). Thus, even though Waqf properties, like other properties, are expected to increase in value over time, only proceeds of Waqf rentals can be used for finance estimations and projections, investment returns, maintenance costs as well as fulfilling objectives of the Waqf.

3.0 CLASSIFICATION OF WAQF PROPERTIES

Waqf can be categorised based on different factors such as the purpose of the waqf, intended usage of the property, nature of the donation or the nature of the beneficiaries.

A: Waqf categorization based on the nature of usage- direct waqf and investment waqf

Obaidullah (2014) categorised waqf into two broad categories- direct waqf and investment waqf. A direct waqf refers to a situation where the waqf asset itself is directly used for fulfilment of the intended community need. An example is a building donated for the purpose of a school or hospital. In essence, the asset itself offers direct benefits to its users and beneficiaries. An investment Waqf is a situation where the donor of a waqf asset stipulates that it be put to productive use so that the earnings therefrom are used for fulfillment of the intended community need. For example, a residential or commercial building may be leased to tenants while the rental income is used for provision of scholarships to poor and needy students or for defraying the cost of healthcare of poor patients. Generally, investment assets, which represents the core focus of this study, require careful investment decision so that earnings from the asset(s) are not only maximized but also sustained into the future.

B: Waqf categorization based on motion- Movable or immovable asset

Waqf properties can be broadly categorised based on motion abilities- movable or immovable. Immovable assets include land and buildings while movable assets include motors and vehicles, cash and shares. Historically, camels, cows, sheep, books, jewelry, swords and other weapons, agricultural tools, etc have been used as alternative forms of waqf in addition to real estate and buildings (Kahf, 2011). While most of the property dedicated to waqf is generally immovable, such as land and estate (Salbiah 2015 & Kahf 2011), the need to sustain waqf development has necessitated recent efforts towards the revival of other forms of waqf such as the use of cash and shares (Cizakza, 2001, Qasmi, 2002 & Mohsin, 2009). The earliest origins of cash waqf may be traced back to the eighth century. When asked how a cash waqf should function, Imam Zufar replied that the corpus of the waqf should be entrusted to entrepreneurs in the form of Mudarabah (Cizakza, 2001).

C: Waqf categorization based on income-generating abilities: income generating and non-income generating waqf assets.

Waqf assets can be categorized into income-generating and non-income generating assets. The income generating assets or properties refers to the properties that yield income such as residential and commercial properties like houses, offices, hotels and business centres as well as cash and shares; while non-income generating Waqf properties include properties used for religious purposes, social services or public support. Although the non-income generating waqf properties do not are not setup to necessarily generate income, they provide essential services required to sustain a community's social fabric and development support. Income-generating properties, on the other hand, are particularly important to the sustenance of Waqf. Rents (cash waqfs may also generate revenue through equity), after expenses, are channelled to the original charitable purpose in line with the dictates of the Waqf deed developed by the donor. Usually, such incomes are shared to four broad categories: i) distribution to beneficiaries; ii) maintenance of the building itself and/or another public waqf such as school, mosque, hospital; iii) contribution

to the development of waqf assets (usually from the surplus income after deduction of other expenses) (Abas, Raji and Yaacob, 2017), and iv) payment for the services of Waqf managers. The focus of this thesis is income-generating Waqf properties. This is because the ability of a waqf property to generate income contributes to its long-term sustainability. The perpetuity feature or preservation of a waqf property would be meaningless if such properties fail to generate income for its maintenance. Qasmi (2002) added that necessary steps are required to generate income from awqaf, and to increase it, so the object for which the awqaf is created is achieved.

D. Waqf categorization based on the nature of intended beneficiary

Waqf can be categorized into three types based on the nature of the intended beneficiaries. Mahamood (2006) indicated two such categories: Waqf ‘Amm; and Waqf Khas; while the third category, quasi-public waqf was indicated by Ali (1884) cited in Mahamood (2006). Waqf Amm is a waqf intended for the benefit of the general public. Waqf Amm is structured to indicate a dedication, in perpetuity, of an asset and its usufruct for charitable, religious and educational purposes, in accordance with sharia principles. Waqf khas, Waqf Ahli or Waqf al-dhurri, on the other hand, refers to a private waqf and family waqf. Waqf khas is structured to indicate a dedication, in perpetuity, of an asset and its usufruct for a specific purpose or particular individuals including members of founders’ family or his/her descendants. Indicating a waqf as Waqf khas means that descendants of the wāqif have a first right on the benefits and revenues.

Waqf khas is a popular practice during the early periods of Islam. For instance, it is reported in Ibn al-Humam’s Fath al-Qadir that Abu Bakr Siddiq, the first caliph, made a waqf of his house for his children; Sa’ad bin Abi Wiqas made waqf of his houses in Medina and Egypt for the benefit of his children. These Waqf were in existence even 800 years after they were created by the founder (Qasmi, 2002). The third waqf type in this category- Quasi-public waqf - is structured in a way to partly serve the general public and partly for particular individual(s) or class. Quasi-public waqf thus combine the features of waqf Amm and Waqf Khas.

4.0 RENTAL ARREARS ON WAQF PROPERTIES IN MALAYSIA

The Auditor General Report on Waqf properties in 2014 (Series 3) indicated that several SIRC’s have difficulties in collecting rental income from tenants in Waqf properties. For instance, the accumulated rental arrears reported by SIRC Kedah (MAIK) is about RM1,050,000; SIRC Pulau Pinang (MAIPP) about RM4,560,000; SIRC Melaka (MAIM) about RM420,083 (Abas, Raji and Yaacob, 2017) and SIRC, Penang about RM200,000 (Mohd Ali et al, 2016). Poor rental collection system threatens the growth of the Waqf particularly the effective maintenance and management of waqf properties. The framework to be developed in the ongoing study will incorporate strategies to improve rental collection on waqf properties.

5.0 METHODOLOGY

Being a preliminary study, the research gathered its data through primary and secondary sources. Interview sessions were organized with the Head of Investment and Development Division (IDD) at the Federal Islamic Religious Council. This provided deeper understanding of the situation obtainable with regards to the maintenance management of the income generating waqf properties. In addition, secondary data were also gathered through review of relevant literature, government publications as well as content analysis.

6.0 PRELIMINARY FINDINGS

This research gathered data on all 38 Waqf properties under the management of the Federal Islamic Religious Council (MAIWP). As indicated in Table 1 below, these properties are broadly classified into Waqf Am and Waqf Khas.

Table 1 Waqf Properties in the Federal Territory, Kuala Lumpur

Property categorization	AM	KHAS	Percentage
Rumah (Housing)	10	6	42.1
Masjid and Surau	0	10	26.3
Kedai (Business Premises)	2	0	5.3
Tanah Kosong (Empty Land)	4	3	18.4
Pusat Pengajian (Training Centres)	1	2	7.9
Total	17	21	100

Source: Authors (2020)

Information contained in the table above also indicates that about 50% of the properties donated as Waqf Khas are for religious purposes. In fact the other properties in the Waqf Khas category as mostly meant to provide maintenance funds to maintain these religious buildings. On the other hand, over 60% of the properties donated as Waqf AM are for housing purposes, and there is no mosque or surau in the Waqf AM category. This implies that Waqf Am properties in the study area are mainly meant to support general societal needs and assist the poor while Waqf khas properties are mainly meant for worship purposes.

Furthermore, the land-use assessment indicates that waqf properties in the federal territory of Kuala Lumpur are distributed into five categories- housing, mosques (masjid), business and commercial uses, vacant land and training centres. Table 1 also indicates that housing accounts for the highest land-use category for waqf properties with a percentage of 42.1. This is followed in rank by mosques and religious uses with a percentage of 26.3 percent while commercial and business account 5.3 percent. Vacant land and training centres account for 18.4 percent and 7.9 percent respectively. This indicates that higher number of donors of Waqf properties in the federal territory donate their assets for residential and religious purposes.

Also, during the visitations were made to these properties to ascertain their level of maintenance as well as income generation abilities. Thereafter, the properties were categorised based on income -generating abilities. Findings in the study indicate that the residential and commercial Waqf properties are managed by the maintenance department of MAIWP or outsourced to contractors, while the mosques, surau and religious buildings are managed by the Department of Federal Territory Islamic Affairs (JAWI).

Findings also indicate that, although MAIWP has a very good rent collection records, it still has some rental arrears. Some of the properties also indicate signs of low maintenance as the maintenance unit do not have a framework to guide their maintenance activities towards improving

the property performance. Such omission could slow down the much-anticipated progress particularly at this point in time when different funding initiatives have resulted in the construction of highrise income-generating properties on Waqf lands.

7.0 CONCLUSION

This paper has presented preliminary information on the waqf properties in Kuala Lumpur. The paper gathered that rental arrears poses major threat to the maintenance and sustenance of waqf properties. Although MAIWP has a good record of rental collections, the organisation still has some outstanding rents yet to be received especially from tenants who are in the Asnaf category. The paper also observed that waqf properties that are built for religious functions are maintained by the Department of Federal Territory Islamic Affairs (JAWI), while waqf properties for general uses such as houses and commercial properties are managed by the maintenance unit of MAIWP or outsourced to maintenance contractors.

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