

AWQAF

Refereed Biannual Journal Specialized in Waqf and Charitable activities

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Abu Hurairah (may Allah be pleased with him) reported, The Messenger of Allah (peace be upon him) said: "When a man dies, his deeds come to an end except for three things: Sadaqah Jariyah (ongoing charity); a knowledge which is beneficial, or a virtuous descendant who prays for him (for the deceased)."

[Narrated by Muslim]

Project of AWQAF journal

AWQAF Project is based on a conviction that Waqf — as a concept and an experience — has a great developmental potential which entitles it to contribute effectively to the Muslim communities and cope with the challenges which confront the Muslim nation. The history of Islamic world countries also reflects on Waqf rich experience in devising a societal involvement which encompasses almost all diverse walks of life and helps primarily in developing solutions for emerging human difficulties. During the decline of the Muslim nation, Waqf provided shelter and support for a significant share of the innovations that Islamic civilization was famed for and secured their passing from one generation to another.

Nowadays, the Islamic world is witnessing a governmental and popular orientation towards mobilizing its material competencies and investing its genuine perceptions that culture makers' cherish in a spirit of scholarly innovation to arrive at fully comprehensive developmental models deeply rooted into the values of righteousness, virtue and justice.

Based on this conviction, AWQAF Journal embarks upon achieving a mission that would enable Waqf to assume the real and befitting standing in the Arab and Islamic field of thought. It therefore seeks to emphasize Waqf as a discipline those remotely or greatly interested in Waqf to uphold a scientific trend towards developing Waqf literature and link it to comprehensive social development considerations.

Since the basic concept of waqf is related to volunteering, such a requirement cannot prosper unless Awqaf Journal becomes concerned with the social work which is directly related to community issues, social work, volunteering and other relevant issues which, when combined together, accept that reaction between the state and the society and the balanced partnership in making the future of the society and the role of the NGOs in this effort.

AWQAF Journal Objectives

- Reviving the culture of Waqf through familiarizing the reader with its history, developmental role, jurisprudence, and achievements which Islamic civilization grew into until recent times.
- Intensifying the discussions on the scientific potentials of Waqf in modern societies through emphasis on its modern structures.
- Investing in current Waqf projects and transforming them into an intellectual and culture-based product for deliberation among specialists. This is hopefully expected to induce interaction among researchers and establish a linkage between theory and practice of the tradition of Waqf.
- Promoting reliance on the civilizational repertoire in terms of social potential resulting from a deeply rooted and inherent tendency towards charitable deeds at the individuals and nation's behavior levels.
- Strengthening ties between the Waqf school of thought, voluntary work and NGOs.
- Linking Waqf to other areas of social activities within an integrated framework to create a well-balanced society.
- Enriching the Arab library on this newly emerging topic, i.e. Waqf and Charitable Activities.

An Invitation to All Researchers and interested People

AWQAF Journal would naturally aspire to accommodate all the topics that have a direct or indirect relationship to Waqf such as charitable activities, voluntary works, community and development organizations, and reaches out to researchers and those interested in general in interacting with it; in order to meet the challenges that obstruct the march of our societies and peoples.

The journal is pleased to invite writers and researchers to contribute in one of the three languages (Arabic, English and French) to the material related to the objectives of the journal and Waqf horizons in the different sections such as studies, book reviews, academic dissertations abstracts and coverage of seminars and deliberations the ideas published on.

Materials intended for publication in AWQAF Journal should observe the following:

- The material should not have been published in any journal (electronic or printed)
- The material should abide by the academic ethics related to documenting the references and sources, together with conducting an academic handling.
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- A researcher should attach the form of Work Originality to his research.
- An article should fall in 2000 - 4000 words.
- The Journal receives book's presentations and here priority is given to modern publications. The revision should fall in 500 to 1000 words. The presentation should include the main points about the book, for example the author, publisher, year, version, along with laying stress on the presentation, analysis through scientific method, interest in the essence of the book and its chapters, and assessing it in the light of other relevant works.
- The Journal receives coverages of seminars and conferences, provided that a report should mention the organizing body, the subject of the seminar, place and date of the seminar, the major axes, survey of the researches submitted with their main ideas. There should be a stress on the recommendations of the seminar, together with indicating the activities conducted on the sidelines of the seminar (if any).
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Editorial



Endowment's Sociology Why Do Our Societies Need an Endowment Sector

Many historians, including British historian Arnold Joseph Toynbee, concur that one of the most important aspects of Islamic culture is that it successfully created a flexible and harmonious relationship between the different manifestations of religion, worship, and the spaces of the vast civil society movement. On the other hand, man's movement in the physical dimensions of existence did not stop at the limitations of pursuing the individual. However, they continued to grow and created social structures that adhered to their idea.

A prime example of a place of worship is a mosque. Even so, it is developing its duty to understand what constitutes a civil matter to become a beacon of education in the contemporary sense of educational institutions. Unsurprisingly, the history of education and its institutions in the Islamic world is connected to mosques, including Zitouna in Tunis, Al-Azhar in Egypt, and Kairaouine in Morocco. This is true not only in terms of the geographical facility or values of urging science but also in building a civil education system that cares about curricula,

teaching methods, scientific progression, qualifying generations of learners, and developing their intellectual and practical skills.

Against the same background, the Islamic civilization interacted with alms to revolutionize its concept, areas of action, and ways of interacting with it. Therefore, it was necessary from a cultural point of view that alms should not be limited to places of worship to be linked to individuals and segments in their livelihood and needs. It is important to emphasize that the revolution of concepts reflected in charity was accompanied by the creation of institutional and legal vessels that facilitated their practical applications and enriched their experience, and ended with the accumulation of experiences over many centuries that still testify to the significant change that has occurred in the field of charity in Muslim societies in concept and practice.

In the same context, we can look at the status of the Waqf within the Islamic meeting and its success as a sub-culture and movement that overlaps with the overall social connection. Therefore, the talk about the Waqf and its importance and roles in historical or contemporary Islamic societies is linked to the availability of the conditions for the establishment of this social situation, which succeeded in guiding the process of charity from the individual level to the collective level, and prolonging its impact through the flow of its benefit, and the necessary institutionalization of jurisprudential, legal and administrative controls, which worked under one roof to create a practical atmosphere to raise individual charitable behavior (charity) to the level of social action (ongoing charity); to eventually produce a social pattern that embraces the general theory of Islamic solidarity, and effectively reformulate it to become a significant focus in the linking operations between the components of Muslim society.

Unsurprisingly, the “public field” is the distinctive location for Waqf activity. Meanwhile, the mechanisms (legal, economic, and even political) has become the main crossing point for the Waqf movement concerning the pensions of both donor and beneficiary social segments. The flexibility of its formulas and proximity to social action provides vast possibilities for many social forces to contribute to the management of public affairs. The endowment sector has become a soft social authority that has established its position within the general context through the pivotal role played by its projects in establishing social, economic, and cultural infrastructure that collectively formed one of the pillars of the Islamic city.

Scientifically and practically, (sociology) refers us to a central question: How much do we need this sector today? What do Muslims want from the Waqf? At this stage, the answer must be cut from a premature conception of the Waqf and rethinking its institutions as a “social being” that needs a living and developing environment. In this context, we believe that the formulation of strategies and work on coordination among endowment institutions in the Islamic world is an essential step for the qualitative development of endowment work. Furthermore, to increase its administrative and organizational effectiveness and provide a high degree of credibility and confidence in its plans and programs of work among the segments dealing with it from the endowments and beneficiaries. Moreover, passing from the stage of endowment work scattered here and there to integrated endowment work with civilizational dimensions and contents.

The 44th Issue of Awqaf includes a variety of research fields, most of

which reflect the importance of the Waqf sector in historical and contemporary Muslim societies.

In the research entitled (Endowment texts in Kairouan Qur'an manuscripts in Ottoman era "A Study in codicology and cultural history"), the researchers, Sedk Al-Sallami and Manel Al-Ramah, address the cultural and spiritual activity through the endowment texts of Qur'an manuscripts of the Tunisian city Kairouan. The researchers seek to link the spiritual foundations represented in confinement, and the trends of the social movement, to explore the roles of the doers and their functions and the part of places of worship – such as zaouia - in dealing with visitors and beneficiaries of these aḥbās. Systematically, the research falls within the scope of manuscript science to consider the content of Waqf's arguments of artistic references -through drafting and language- and the social, economic, and even political relations that this implies a rich picture of the social reality in North Africa during the Ottoman era.

As for Dr. Mohamed Ahmad Malaka, he addressed in his research "The Endowment 'Waqf' Culture in the Mamluk Period and its Impact on the Ottoman Waqf", the directions of the Mamluk Waqfs in providing social needs such as schools, associations, and the reconstruction of cities through Waqfs, especially in Al-Quds Al-Sharif and Cairo. The research focuses on the civilizational aspects of the establishment of Waqfs. The prioritization of the Waqfs to contribute to confirming the Islamic character of the Mamluk cities and focusing on strengthening the infrastructure and the care needs for the Waqf buildings such as schools and mosques, as well as the care of the Waqf on scientific institutions, whether through the provision of means of education (books, libraries) or the support and validation of teachers

and scientists.

Dr. Mohamed Marzoug reviews in his research entitled “The Moroccan Experience of Contributing Waqf To the Health Care of The Poor Between Past and Present” the contribution of Waqf in health care for the poor in Moroccan society in the past and present, with a high level of quality. The researcher provides historical models in the care of Waqf health care for the poor in Morocco, such as the treatment of poor patients with costly diseases such as leprosy, the construction of entire neighborhoods that provide them with everything they need, and the care of Waqf institutions to treat patients with psychological and mental illnesses and shelter them. In the same context, the research deals with some contemporary models of the contribution of Waqf to the care of poor patients in Morocco, especially patients with chronic kidney failure. The research concludes that it is important to revive this experience by developing other contemporary models through which endowment plays an important role in supporting the health sector.

In the articles section, Dr. Ibrahim Moawad writes about the endowments of the neighboring of Al-Azhar Al-Sharif. He explains their role in maintaining the continuation of Al-Azhar Al-Sharif, one of its most important functions, which is the function of spreading science. The researcher explains the extent of the diversity of the segments of society and its classes that contributed to the endowments on the Al-Azhar Mosque and the extent of care to ensure scholars and provide food, drink, housing, and tools necessary for the educational process.

Zakaria Areef reviews the book “Awqaf Regulations and the Purposes of Sharia” by researcher Mohamed Hasan Badreddine, published by the Center for Studies and Research in 2022. Zakaria Areef confirms that the book is characterized by the comprehensiveness

of its approach, which combines jurisprudence, historical treatment, and the Makassedian vision, as well as looking forward to the future of the endowment by submitting recommendations and proposals aimed at raising its efficiency in contemporary reality, as well as the critical approach that the book was not devoid of. It appeared clearly through its weighting of some endowment issues, starting from the theory of purposes and needing more than some jurisprudential views linked to specific contexts.

In the English section, Dr. Sayyed Mohamed Muhsin, contributes his research “Innovative Waqf Practices: Justifications, Principles and Needs”.

The researcher starts by linking the remnants of negligence, misconduct, and mismanagement that have affected the Islamic Waqf sector over the past few centuries on the one hand and the great transformation that has taken place in social institutions in various countries of the world during the last decades on the other hand, and what is required to invent new visions and necessary to achieve the purposes of Sharia in general and the purposes of the Waqf in particular. The research seeks to emphasize the need for innovation in contemporary Waqf practices and to identify the conditions for creativity and its successful models. The research confirms that the transition in the methods of Waqf work from traditional models to contemporary formulas is an urgent task to reach the rank of (Ihsan) in the practices of Waqf. There is no escape for workers and those interested in the Waqf sector of creativity and selection of best practices, which, although different from traditional means, are required as long as they remain within the jurisprudential standard and the framework of the purposes of Sharia.

The Editorial Family.

Articles



Innovative Waqf Practices: Justifications, Principles and Needs

Sayyed Mohamed Muhsin*

ABSTRACT

The world we live in has undergone tremendous transformation and encountered utterly different lifestyles, which as a result, demands commensurate adjustments and modifications in waqf practices. That adjustment, innovation, and fresh insights are crucial in fulfilling *Maqāṣid Sharī'ah* in general and *Maqāṣid al-waqf* in particular. This change is noticeably inevitable due to the negligence, malpractices and mismanagement inflicted on the Islamic endowment sector for the last few centuries. Against this background, adopting exploratory, descriptive and analytical methods, the current study investigates the bases and glimpses of perfection and innovation permeated in the attributes of Allah, innovation as a duty of a Muslim, the necessity of innovation in waqf practices, the prerequisites of innovation and its successful models. This study asserts that a transition in the *modus operandi* from traditional and classical to progressive and contemporary is the high need of the hour. To achieve soulful

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excellence (*ihsān*) in waqf practices, the factor of innovation (*ibdā'*) is unavoidable. These changes and innovations might sometimes be unconventional but can be welcomed and accommodated as long as they are within the jurisprudential parameter and *Maqāṣid Sharī'ah* framework.

Keywords: Allah, *ibdā'*, *ihsān*, Waqf, innovation, sustainability, governance, *Maqāṣid Sharī'ah*

INTRODUCTION

Fiqh (Islamic jurisprudence) is about life. It deals with both trivial and complicated matters of human beings. It focuses on improving their relationship with the Creator and creatures. *Fiqh* is as holistic as life itself. Fiqh is oriented towards progress and comprehensive success. In a nutshell, all *fiqh* rulings are founded either for beneficence or non-maleficence. It draws the framework for leading a healthy and sophisticated living in this world and paves the pathway to success hereafter. It helps meet people's needs and answers questions across generations regardless of race, culture, and country differences. Therefore, the inherent nature of *fiqh* is neither static nor stagnant, but it is active, creative, accommodative, progressive and innovative. It makes all aspects of human life easier, more convenient and proper, including waqf.

Waqf is part of life, and therefore it is a subject matter in *fiqh*. As life progresses, waqf demands its progress. Waqf is a social institution and a vital catalyst for funding social projects. Indeed, fiqh guides that progress if the *fuqahā'* (Islamic jurists) deal with it creatively. The *fuqahā'* and other experts need to lead the way. Needless to say, waqf direly needs reprogramming as it suffers from impotence due to several reasons. Waqf is a highly fertile ground for the cultivation of manifold munificence and beneficence. At the moment, it appears a dry and

unfertile because of negligence, mismanagement, lack of creativity and visionary leadership. The stagnancy of waqf is akin to its destruction in many ways. The necessity of innovation is undebatable due to its extremely poor utilization in some areas, with the exception of a few countries.

The Sharī‘ah objectives of waqf are founded and crystal clear, whereas its media and routes can be modified and adjusted according to the needs of the hour. The modifications and concomitant changes in the tools and media are, firstly, for the prevention of setbacks or their elimination or at least minimisation in unavoidable circumstances. Secondly, changes are needed to ensure the achievement of optimum benefit and its preservation and promotion. In other words, the media and routes towards the objectives are by default in need of revival (*iḥyā’*), modification (*ta’dīl*), change (*taghyīr*), reform (*Iṣlāḥ*), renewal (*Tajdīd*) and *itjihād* (exercise of independent legal reasoning in facing new issues not covered by revealed texts). That adjustment, innovation, and fresh insights are crucial in fulfilling *Maqāṣid Sharī‘ah* in general and *Maqāṣid al-waqf* in particular.

Innovation in waqf needs to focus on the methods, formats and formulas that accrue benefits to the endowment, endower and its beneficiaries. In the serious discourses on access to education, health and other necessities, waqf’s role must be rediscovered. It does not mean efficient governance of waqf is one pill for every social disease, but the point here the researcher wants to make is potentialities of waqf in socio-economic development should be neither underused nor underestimated. A journey of thousand miles begins with a single step, as the Chinese proverb signifies. The tremendous achievements of innovation in waqf can be made through small but visionary and concrete initiatives accompanied by deep insight, determination and planning. Therefore, this study investigates the bases and glimpses of perfection and innovation permeated in the attributes of Allah (ﷻ),

innovation as a duty of a Muslim, the necessity of innovation in waqf governance, the prerequisites of innovation and its elements.

Literature Review

The literature on waqf is on the rise due to the added interest in its revival in the last few decades. In addition, earlier scholars also took this topic with due interest and many works are found in fiqh books. I have focused in this study on the works which touch on the threads of revival/innovation of waqf in contemporary times, and some key works from them are briefly mentioned below.

1. The thesis, *al-Ibtikārāt al-Waqfiyya fī Dawlat al-Imārāt al-‘Arabiyyah al-Muttaḥidah wa Taṭawwurātuhā* by Mohamed Suhail Salem Aladawi Almheiri¹ explores the various types of innovations carried out in the endowment sector of UAE from a jurisprudential and *maqāṣid al-sharī‘ah* perspective. This work provides significant details of the concept of innovation and its types and benefits based on the jurisprudential framework.
2. The thesis *Dawr Ṣanādīq al-Waqfiyyah fī Taḥqīq al-Tanmiyah al-Muṣṭadāmah: Dirāsah Muqāranah bayna Kuwayt wa Mālīziyā*² Soumia Djaafar discusses Waqf Sundūq (fund) role in the sustainable development. It discusses how waqf can be used to fund projects in education and healthcare, which would sort out some societal issues. It further explains the successful models of waqf management in Malaysia and Kuwait.

1 Mohamed Suhail Salem Aladawi Almheiri, *al-Ibtikārāt al-Waqfiyya fī Dawlat al-Imārāt al-‘Arabiyyah al-Muttaḥidah wa Taṭawwurātuhā* (PhD thesis, International Islamic University Malaysia, 2021).

2 Soumia Ja’far, *Dawr Ṣanādīq al-Waqfiyyah fī Taḥqīq al-Tanmiyah al-Muṣṭadāmah: Dirāsah Muqāranah bayna Kuwayt wa Mālīziyā*, (MA Thesis, University Ferhat Abbas, 2014).

3. The study, *al-Waqf al-Mubtakir: Aṣālat al-Mabda' wa Ḍarūrat al-Fikr*³ by Najat al-Marzooqi analyses the concept of innovative waqf and its legality and application, mentioning some models in the Islamic history and contemporary examples experimented in UAE.
4. The study *Namādhij al-Awqāf al-Mubtakirah*⁴ by al-Ayyāshī al-Ṣādiq Fadād, briefly deals with innovative waqf, its principles and foundation, shedding light on some examples experimented in history and contemporary times.
5. The article *Waqf, Sustainable Development Goals and Maqasid al-Sharī'ah* by Muhammad Abdullah explores the interconnections of the goals of waqf and sustainable development, explicating waqf's social goals and their potentiality in achieving the SDGs.
6. The study *al-Bu'd al-Maqāṣidī li al-Waqf fi al-Fiqh al-Islāmī*⁵ by 'Abd Raḥmān Ma'āshī discusses the dimensions of waqf from a *maqāṣid sharī'ah* perspective and its civilisational impacts in various walks of life.
7. The study *al-Waqf al-Islāmī bayna al-Nazariyyah wa al-Taṭbīq*⁶ by Ekrima Sa'id Sabri deeply delves into the study of waqf from a theoretical and applicational perspective. It explores some models of application from Islamic history.
8. The study *al-Waqf al-'Ālamī, Aḥkāmuhu, wa Maqāṣiduhu, wa*

3 Najat al-Marzooqi, *al-Waqf al-Mubtakir: Aṣālat al-Mabda' wa Ḍarūrat al-Fikr*; (Dubai: Islamic Affairs and Charitable Activities, 2017).

4 Ayyashi al-Ayyāshī al-Ṣādiq Fadād, *Namādhij al-Awqāf al-Mubtakirah*, (Fourth Waqf Conference, Riyad, 2018).

5 'Abd Raḥmān Ma'āshī, *al-Bu'd al-Maqāṣidī li al-Waqf fi al-Fiqh al-Islāmī*, (Algeria, MA thesis, 2006).

6 Ekrima Sa'id Sabri, *al-Waqf al-Islāmī bayna al-Nazariyyah wa al-Taṭbīq*, (Beirut: Dār al-Nafā'is, 2011).

7 Nūr al-Dīn al-Khādīmī, *al-Waqf al-'Ālamī, Aḥkāmuhu, wa Maqāṣiduhu, wa mushkilātuhi wa Āfāquhu* (Cairo: Dār al-Salām, 2014).

*Mushkilātuḥu wa Āfāquḥu*⁷ by Nūr al-Dīn al-Khādimī provides a detailed account of waqf from a global perspective, its challenges and prospects. This book also adds a philosophical and technical plan for the global endowment, followed by requirements of the global endowment and its conditions.

9. The work *Istithmār al-Waqf wa Ṭuruquḥu al-Qadīmah wa al-ḥadīthah* by Muḥyiddīn al-Quradāghī⁸ discusses the role of waqf in the building of Islamic civilisation, the revival of the Muslim ummah. In addition, he discussed certain contemporary issues related to waqf governance.
10. The two volumes of *Revitalization of Waqf for Socio-Economic Development*⁹ edited by Khalifa Mohamed Ali, M. Kabir Hassan Abd elrahman and Elzahi Saaid Ali address the important aspects related to the revitalization of waqf and its implication in the socio-economic development of modern societies. It includes the value of waqf in structuring *sukūk* and Islamic bank products.
11. The book *I'māl al-Maṣlaḥa fī al-Waqf*¹⁰ Abdulla bin Bayyah is an important reference as it elucidates the significance of consideration of welfare in fiqh rulings of waqf. He enumerates seven realms in Islamic jurisprudence where the matter of maṣlaḥah (welfare/public interest) has been taken into account.
12. The book *Aḥkām al-Awqāf*¹¹ by Muṣṭafa Ahmad al-Zarqā gives a comprehensive outlook of waqf, giving an introductory remark on the history of waqf and its basic rulings. It then delves deeply into

8 Muḥyiddīn al-Quradāghī, *Istithmār al-Waqf wa Ṭuruquḥu al-Qadīmah wa al-ḥadīthah* (9th conference on Qaḍāyā al-Waqf al-Fiqhiyyah, Oman, 2019)

9 Khalifa Mohamed Ali, M. Kabir Hassan Abd elrahman and Elzahi Saaid Ali (Eds.), *Revitalization of Waqf for Socio-Economic Development*, (Palgrave Macmillan, 2019).

10 Abdulla bin Bayyah, *I'māl al-Maṣlaḥa fī al-Waqf*, (Beirut: Mu'assasat al-Rayyān, 2005).

11 Muṣṭafa Ahmad al-Zarqā, *Aḥkām al-Awqāf*, (Oman: Dār 'Ammār, 1997).

the Islamic legal rulings related to the waqf itself in the first part and about the endower in the second part.

13. The work titled *Innovation Rules! A roadmap to creativity and innovation for not-for-profit organisations*¹² by Elisha Evans and Joe Saxton explains the definition of innovation, particularly in the context of the voluntary sector. It also provides a step-by-step guide to systematic innovation. It seems relevant for the waqf sector. This work sets forth six divers. This work benefits this study by providing some standards of competent and systematic practices in the endowment sector.
14. The book named *Boards and Innovation in Non-Profit organisations: A Sense-Making Reading*¹³ by Marku Kallifatides and Truls Neubeck identifies models to enact the impactful models of innovation which can be played by non-profit boards from five concepts, namely, efficiency, external context, internal context, board structure and board processes. This work can be a guide for the practitioners and researchers in the innovation for the endowment sector.
15. The book *al-Waqf al-Islāmī: Taṭawwuruḥu, idāratuḥu, tanmiyatudu*¹⁴ by Mundhir Qahf caters for details to historical aspects of waqf and its various dimensions of implications. It discusses the necessities of renewal and revival in waqf-related

12 Elisha Evans and Joe Saxton, *Innovation Rules! A Roadmap to creativity and innovation for non-profit organisation*, (nfp synergies, 2008). Retrieved from <https://nfpsynergy.net/innovation-rules-roadmap-creativity-and-innovation-not-profit-organisations>

13 Marku Kallifatides and Truls Neubeck, *Boards and Innovation in Non-Profit organizations: A Sense-Making Reading*, (Sweden, Stockholm School of Economics Institute for Research, 2020).

14 Mundhir Qahf, *al-Waqf al-Islāmī: Taṭawwuruḥu, idāratuḥu, tanmiyatudu* (Beirut: Dār al-Fikr al-Mu‘āshir, 2000).

matters. This work is relevant to the current study because it widely analyses the necessity of change and innovation in the governance and practices of waqf.

16. The book *Nizām al-waqf fī al-fiqh l-islāmi fī daw' al-nuṣūṣ wa al-maqāṣid al-shar'īyyah*¹⁵ by Yūsuf al-Qarḍāwī also deals with some contemporary topics related to waqf. This work is useful for the current study because it provides discourses on effective practices in the waqf sector.
17. The article *Best practices of waqf: Experiences of Malaysia and Saudi Arabia*¹⁶ by Norma Md Saad, Salina Kassim, and Zarinah Hamid provides a comparative analysis of diverse experiences of selected waqf entities in Malaysia and Saudi Arabia. This work is vital for this study as it sheds light on the innovative approaches for developing waqf programs and managing waqf assets.

The above-mentioned studies provide essential insights required for the current study. They provide crucial insights necessary for the current study. However, they do not focus on the bases of innovation in the attributes of Allah (ﷻ) and Prophetic traditions, innovation as a duty of a Muslim, the necessity of innovation in waqf governance, the prerequisites of innovation, and successful models of innovation. The current study will focus on these areas to fill this research gap moderately, with the hope that this will lead to further studies in the waqf sector and will bring about positive changes in waqf practices.

Features of Innovation in Allah's Attributes

As an introduction to innovation from an Islamic perspective, four

15 Yūsuf al-Qarḍāwī, *Nizām al-waqf fī al-fiqh l-islāmi fī daw' al-nuṣūṣ wa al-maqāṣid al-shar'īyyah*, 2015.

16 Norma Md Saad, Salina Kassim, and Zarinah Hamid, "Best practices of waqf: Experiences of Malaysia and Saudi Arabia" Saad, *Journal of Islamic Economics Lariba* (2016). vol. 2, issue 2: 57-74
DOI : 10.20885/jielariba.vol2.iss2.art5.

Quranic *āyāt* which contain Allah's various attributes and carry the implications to innovation features are presented here to lay a foundation for further discourse.

1. *Ibdā'*: Innovation

بَدِيعُ السَّمَوَاتِ وَالْأَرْضِ : {Allah is the originator and innovator (*badī'*: بدیع) of the heavens and the earth} (al-Baqarah: 117). Everything in heaven and earth celebrates the glory of God, as they are the creatures of God's will and design. The difference between *khalaqa* (created) and *bada'a* (originated) is that the former means bringing something to existence while the latter refers to the very primal origin and creation of an unprecedented thing. *Bada'a* is more specific than *khalaqa* because the former conveys the meanings of originality, novelty, unprecedentedness and freshness. At the same time, *faṭara*, like *bada'a*, implies the creation of a thing out of nothing with no pre-existing similitude. *Faṭara* indicates the manufacture of primaeval matter to which further processes are in need to get into a serviceable form. *Ja'ala* means made (e.g., new shapes, forms and new dispositions). *Bada'a* transfers more meaning than *Ja'ala* as well.

The above words are used in Quran associating with Allah (ﷻ), of which examples are given below:

1. *Khalaqa*: {Surely, We have created everything in perfect estimation (destiny and purpose)} (al-Qamar: 49).
2. *Ja'ala*: {And Allah has made the earth for you as a carpet (spread out)} (Nūḥ: 19). Qur'anic term *Ja'ala* indicates a stage subsequent to *Khalaqa*. The difference between them, as mentioned by al-Alūsī in his tafsir, is that *Khalaqa* means creation and origination, while *Ja'ala* refers to composition and innovation.¹⁷

¹⁷ Muḥammad Shukrī *al-Alūsī*, *Rūḥ al-Ma'ānī*, (Egypt: Idārat al-Ṭibā'ah al-Muniriyyah, 2008).

3. *Faṭara*: {the Originator of the heavens and the earth} (al-An'ām: 14).
4. *Bada'a*: {Allah is the originator and innovator of the heavens and the earth} (al-Baqarah: 117).

These Quranic *āyāt* substantiate that innovation is a key attribute of Almighty Allah.

2. *Khalq*: Artistry/Creation

فَتَبَارَكَ اللَّهُ أَحْسَنُ الْخَالِقِينَ {Allah is the best of artisans!} {So Blessed is Allah, the Best of Creators} (al-Mu'minun: 14). As al-Ṭabarī explained that the Arabs used to apply the designation "creator" to every artisan (*ṣāni'*). “Since God is the only Creator in the real, primary sense of this word, the phrase *aḥsan al-khāliqīn* must be understood in this secondary sense of the term *khāliq*”.¹⁸ Referring to this *āyat*, Muhammad Iqbal (1877-1938) commented that “human beings are creators too – not as good as God but creators nevertheless”.¹⁹ For him, this *āyat* propels humans to be creative, productive and innovative in fulfilling their duty as *Khalīfah* (vicegerent) and *'Abd* (servant).

Allah (ﷻ) loves humans to be innovators and producers of originality in discharging the duties entrusted with *amānah*. The *amānah* entails huge responsibility as seen in the *āyat* {We did indeed offer the Trust to the Heavens and the Earth and the Mountains: but they refused to undertake it being afraid thereof: but man undertook it he was indeed unjust and foolish} (al-Aḥzāb: 72). Allah (ﷻ) gave the human being the

18 Al-Ṭabarī, *Tafsīr al-Ṭabarī*, (Mu'assasat al-Risālah, 2014). Asad, Quran Translation, <https://www.alim.org/quran/compare/surah/23/14/>.

19 Popp, S., Muhammad Iqbal – Reconstructing Islam along Occidental Lines of Thought, *Interdisciplinary Journal for Religion and Transformation in Contemporary Society*, 5(1) (2019), 201-229. doi: <https://doi.org/10.30965/23642807-00501011>

power of disposition, with the rule that he has to use it according to God's wish. This trust is about the choice between good and evil, which the heavens, the earth, and the mountains, i.e., other creatures of Allah (ﷻ), besides man, refused to undertake, but they chose submission of their will entirely to Allah's will. Allah (ﷻ) placed a high destiny for human beings, who can consequently rise above the angels or go lower than beasts based on their choices. To be successful in this race, man has to use the divine gift of intellect, the power of rational exertion, various forms of innovative strategies and indeed utmost creativity.

3. *Itqān*: Precision/perfection

صُنِعَ اللَّهُ الَّذِي أَتَقَنَ كُلَّ شَيْءٍ {the artistry of Allah Who disposes of all things in perfect order} (al-Naml: 88). The close translation of *itqān* is precision and perfection. *Itqān* means arranging things scientifically and artistically to obtain the perfect results.²⁰ Allah (ﷻ) has ordered all things to perfection. That is the design of Allah, Who has perfected everything. Allah (ﷻ) loves this attribute in his servants. The Messenger ﷺ said: "Allah loves to see one's job done at the level of *itqān*" (Sahih Muslim 1976). The acquisition and assumption of the virtues of Allah (ﷻ) will facilitate exploring the pristine human nature and discharging his duties in an uncorrupted way. Innovation and perfection are two interlinked qualities.

4. *Ihsān*: Soulful Excellence

وَأَحْسِنَ كَمَا أَحْسَنَ اللَّهُ إِلَيْكَ {Do *ihsān* (good) to others as Allah did *ihsān* to you} (al-Qaṣaṣ: 77). Likewise, {Allah commands doing justice,

20 Ismail, Ahmad Faris and Shuriye, Abdi Omar and Adam, Ibrahim A. H. (2009) *The concept of Itqan and its role in Muslim professional life*. In: Ethics of engineering education. (Kuala Lumpur: IIUM Press, 2009), pp. 99-105.

doing good to others, and giving to near relatives, and He forbids indecency, wickedness, and rebellion: He admonishes you so that you may take heed.} (al-Naḥl: 90). These Quranic *āyāt* underpin the concern of Sharī'ah for being just, altruistic and helpful for others. It forms the foundation of Sharī'ah, as this *āyat* was projected as the most comprehensive Quranic *āyat* in terms of explaining *ḥalāl* (lawful), *ḥarām* (unlawful), *amr* (command) and *nahy* (prohibition) by 'Abd Allāh bin Mas'ud, the famous Companion of the Prophet (ﷺ).

Iḥsān as a term means “to worship Allah as if you see Allah, for even if you do not see Him, He sees you” (al-Bukhārī & Muslim). It is a persistent cause for the improvement of inward, which by default generates excellence outward. That is why I prefer to translate *iḥsān* as ‘soulful excellence’. It is just the opposite of “excellence without a soul”.²¹ The Messenger ﷺ said: “Verily, Allah has enjoined excellence (*iḥsān*) concerning everything” (Ṣaḥīḥ Muslim: 1955). *Iḥsān*, as bricks of excellence, is needed for innovative initiatives in and out to meet the standards of Sharī'ah.

The above discussion confirms that innovative ideas are well-rooted in Islam and highlighted as meritorious attributes in Islamic teachings. It also substantiates the significance and interrelationship between the concepts of innovation, originality, precision, perfection, and

21 Excellence Without A Soul: How a Great University Forgot Education (reissued as Excellence Without a Soul: Does Liberal Education Have a Future?) is a 2006 book by Harry R. Lewis (Gordon McKay Professor of Computer Science at Harvard University's School of Engineering and Applied Sciences) in which he examines the state of American higher education, particularly referencing to Harvard.

excellence.

Innovation as Duty of the Believer

Innovation is a distinguishing and exclusive ability of a human being that no other animal does not share. Some people will be able to make innovation at a minimal level, while others can put it forth at ground-breaking and cutting-edge levels. Innovation is for improving the quality and safety of life, living standard, comprehensive welfare of the community, material and spiritual prosperity, ecological and environmental balance. These goals are at the core of human vicegerency on the earth. In addition, these are fundamentals of any craftsmanship.

Allah (ﷻ) loves to see the characteristics, innovation, originality, precision, perfection, and excellence in human beings when they fulfil their duties, including the cultivation of the earth, as mentioned in the Quran {He brought you into being out of the earth, and made you thrive thereon} (Hūd: 61). These qualities will make the believers closer to Allah (ﷻ). In other words, innovation, originality, precision, perfection, and excellence contribute to the welfare of this world and the success of the next world. As a result, the first beneficiary of these qualities is the one who practises them.

Innovation portrays the keen interest and solid vision of the progressed and creative community. Innovation needs the intellectual capacity to invent or discover without imitating for the cause of public benefit. Islam encourages beneficial innovation. The value of a person is elevated according to the benefit he offers, the maximum service he caters and the sustainable development he produces. “The most beloved of the people to Allah (ﷻ) are the most beneficial for the people” (al-Mu‘jam al-Awsaṭ 6/139).

The human intellect has been entrusted by Allah (ﷻ) with a purpose, that is, to execute wholesome vicegerency, sincere servitude and fulfilment of *Amānah*. The intellect should be indeed for thinking, reflecting, understanding, knowing, translating, planning, pondering, leading, guiding, solving and acknowledging. All these things should be based on the concept of tawhid, realising and recognising the supremacy of Almighty Allah (ﷻ).

The present tense of '*aqala* which means 'to use one's intelligence', is used in Quran 46 times and the question "do you think" is repeated 13 times.²² Using the intellect is part of *hifz al-'aql* (preservation of intellect), one of the higher objectives of Sharī'ah. Islam encourages competition in doing good and excelling in creative endeavours. How can a person win a competition if he limits himself to imitation and monotonous activities? Allah says: {So, compete with one another in doing good} (al-Baqarah: 148) and {Those who wish to excel above others, let them endeavour to excel in this} (Al-Muṭaffifin: 26). This competition and excellence is an investment, he can its rewards in both worlds, as the Quran puts forth {Whatever good you will send forth for yourselves, you will find it with Allah, which will be much better and greater in reward} (Muzammil: 20). Especially, spending for the cause of Allah (ﷻ) is important investment, as Allah (ﷻ) guarantees {Whatever wealth you spend in charity, it is to your own advantage, provided you give to seek the pleasure of Allah. Whatever wealth you spend for the sake of Allah will be paid back to you in full, and you will not be wronged}. (al-Baqarah: 272).

These are essential values to be highly upheld in the lives of every

22 Mohd Kamal, H. (2011). The Human Intellect, Divine Revelation and Knowledge Based on Al-Qarad-howi's Work. *Revelation and Science*, 1(03). Retrieved from <https://journals.iium.edu.my/revival/index.php/revival/article/view/35>

believer. Even when someone spends or gives to others voluntarily, he has to choose the valuable and treasurable, not unworthy or waste. The Quran says {You can never attain righteousness unless you spend in the cause of Allah (ﷻ) that which you dearly cherish} (Āl-‘Imrān: 92). Two core lessons are inferred from this *āyat*. Firstly, give or take, do it in a valuable and commendable way. Second is the importance of charity and spending for the sake of Allah (ﷻ). One form of highly meritorious charity is waqf, which is the focus subject of this article. Waqf is a source of revenue for enhancing social welfare, particularly for the grassroots, and this article drafts its future directions. Along with choosing a cherishing product for waqf, the best party to the endower should be selected as beneficiaries, in terms of most deserving to him or her. Perpetuity is the exceptional attribute of waqf that distinguishes it from other forms of charity. Therefore, the governance that ensures its everlasting utility is an obligatory duty. These lessons can be seen in the practical example given in the hadith below:

Narrated by Ishaq bin `Abdullah that I heard Anas bin Malik saying:

Abū Ṭalḥa had more property of date-palm trees gardens than any other amongst the Anṣār in Medina, and the most beloved of them to him was Bayruḥā’ garden, and it was in front of the Mosque of the Prophet (ﷺ). Allah's Messenger (ﷺ) used to go there and used to drink its nice water." Anas added, "When these verses were revealed: “By no means shall you Attain righteousness unless You spend (in charity) of that Which you love”. (3.92) Abū Ṭalḥa said to Allah's Messenger (ﷺ) 'O Allah's Messenger (ﷺ)! Allah, the Blessed, the Superior says: By no means shall you attain righteousness, unless you spend (in charity) of that which you love. And no doubt, Bayruḥā’ garden is the most beloved of all my property to me. So, I want to give it in charity in

Allah's Cause. I expect its reward from Allah. O Allah's Messenger (ﷺ)! Spend it where Allah makes you think it feasible.' On that Allah's Apostle said, 'Bravo! It is useful property. I have heard what you have said (O Abū Ṭalḥa), and I think it would be proper if you gave it to your Kith and kin.' Abū Ṭalḥa said I will do so, O Allah's Apostle.' Then Abū Ṭalḥa distributed that garden amongst his relatives and his cousins (Sahih al-Bukhari 1461).

Another hadith related to the waqf of 'Umar bin Khaṭṭāb:

Ibn 'Umar reported: 'Umar acquired land at Khaybar. He came to the Messenger (ﷺ) and sought his advice in regard to it. He said: Allah's Messenger, I have acquired land in Khaybar. I have never acquired property more valuable for me than this, so what do you command me to do with it? Thereupon Messenger (ﷺ) said: If you like, you may keep the corpus intact and give its produce as Ṣadaqah. So 'Umar gave it as Ṣadaqah declaring that property must not be sold or inherited or given away as a gift. And 'Umar devoted it to the poor, to the nearest kin, and to the emancipation of slaves, aired in the way of Allah and guests. There is no sin for one who administers it if he eats something from it in a reasonable manner or if he feeds his friends and does not hoard up goods (for himself). (Sahih Muslim, Book 13, Number 4006)

In the above two examples, the leading Companions chose the most beloved and valuable to them for making endowment. Both judiciously chose who should be the beneficiaries of their waqf. In addition, the hadith of 'Umar laid the foundations for major juristic rulings related to waqf.

Waqf's Role in Islam

Waqf is one of the meritorious acts and formidable symbols of Islam. It is an inextinguishable spring of reward for a Muslim. It has both

spiritual and material benefits. It continues to create hope for students, researchers, patients, desperate widows, organisations, social services, religious institutions, educational entities, etc. An evident example of Islam's concern for sustainable development is endowment because sustainability is the inherent and integral characteristic of waqf.

Waqf has its soulful role in the Islamic revival from the period of the Prophet Muhammad (ﷺ), the Companions, the Followers, Umayyad and Abbasid dynasties until the period of the Ottoman Caliphate. It still continues with its services at various levels in different parts of the world. Muslims are obliged to extend the hand of help to needy people as a human duty to their fellow human. The companions of the Prophet such as Abu Bakar, 'Umar, 'Uthman, 'Ali, 'Āisha, Fatimah, 'Amr bin 'Ās, Jabir, are some examples who made endowment. Muslims made endowments of the masjid, wells, bridges, hotels, rest houses, madrassah, universities, medicines, and trees. In addition, Muslims, in the realisation of duties towards other creatures, initiated waqf for animals and birds, for example.

Waqf has a huge role to play in a humanitarian cause and social solidarity by taking care to translate the concept of leaving no-one-behind. Waqf can be used as a funding source for several social welfares, healthcare, educational, humanitarian activities, and voluntary services, subject to the conditions spelt out by the endower. In addition, it can be used for facing calamities and encountering epidemics and tribulations.

Waqf is no longer a subsidiary chapter in Islamic juristic literature. Instead, it has outgrown to become an independent Islamic institution. Its profound impacts in several fields being a repository of sustenance and survival for many generations. From the definitions of waqf by the scholars of various *madhāhib*, we can retrieve specific facts:

1. In waqf, the ownership is transferred to Allah (ﷻ), and its benefits are open to the people. Hence, its ownership cannot be moved to anyone else, and its benefit is long-lasting.
2. It has an irreversible nature.
3. It can be for self, family or others.
4. In waqf, the property is protected, and its usufruct is dedicated to designated beneficiaries.
5. The feature of waqf is perpetuity.

Ibn Ashur enumerated the goals of donations and charity²³, including waqf as:

1. To increase the number of endowments and to promote people for charity.
2. Plantation of generous behaviour and helping others for the sake of Allah (ﷻ) in the heart of believers.
3. Flexibility in making donations by allowing various conditions in its implementation from the side of the endower.

In addition, the net benefits of waqf can be encapsulated as follows:

1. cooperation (*Ta'āwun*)
2. Solidarity (*Takāful*)
3. Interdependence (*Tarābut*)
4. Sociability (*Ilfah*)
5. Brotherhood (*Ukhuwwah*)

23 Ibn 'Āshūr, Muḥammad al-Ṭāhir, *Maqāṣid al-Sharī'ah al-Islāmiyyah*(Tunisia: Dār Saḥnūn, 2014), p. 488-492.

6. Protection of wealth (*Hifz al-māl*)

7. Investment for both worlds

Shāh Walīullāh Dehlawī explained the benefits of Waqf. The waqf was not known to the people before Islam, and the Prophet (ﷺ) introduced it to them because it includes features which are not present in other forms of charities and donations. Maybe some people spend a good amount of wealth to help people. However, once that wealth is used, the same people may be in a needy position once again. In addition, another group of needy people will emerge who might be deprived of any help. To combat this situation, the best and most effective way is the endowment, in which the property, source of help, is protected and maintained whereas its fruits, benefits and usufruct are kept open for the beneficiaries.²⁴

Waqf plays its role impacts both worlds. It becomes an investment for the endower for the next world as a source of infinite reward, giving him a sense of satisfaction and social solidarity in this world. For the beneficiary, the endowment helps meet this world's needs and thus for working for the hereafter. The Islamic worldview is based on cultivating success in both worlds, as portrayed in the following Quranic verses: (1) {Our Rabb! Give us the good life, both in this world and in the Hereafter and save us from the torment of the fire} (al-Baqarah: 201). (2) {Rather seek, using what Allah has given you, to attain the abode of the hereafter while not neglecting your share in this world. Be good to others as Allah has been good to you} (al-Qasas: 77).

In Islam, types of obedience are classified into two:

1. Beneficial for its does in the hereafter like prayer, fasting, etc.
2. Beneficial for its doer (donor) in the hereafter and for the receive

er in this world like *hadiyyah*, waqf, etc.²⁵

Ibn 'Abd al-Salām further explained the Sharī'ah obligations are of two types one its reason and wisdom are intelligible for people (*ma'qūl al-ma'na*) and the other which has meaning and wisdom are known only to Allah (*ta'abbudiyy*).²⁶ Ibn Rushd coined the terms *maṣlahī* and 'ibādi for the above categories respectively. *ma'qūl al-ma'na* means its benefit (*maṣlahah*) is understandable for people.

Waqf is crucial in the preservation and promotion of the lofty goals of *darūriyyāt*, for example. The first waqf in Islam is the masjid which has a tremendous role in *hifẓ al-dīn*. Endowments help meet people's basic and physical needs such as food, income and home, which becomes *hifẓ al-nafs*. Waqf is used for education, research comes under the preservation of intellect (*hifẓ al-'aql*) where in addition waqf for the family will help in the preservation of lineage (*hifẓ al-nasl*). Obviously, maintaining the property and spreading wings of help ensures one form of *hifẓ al-māl*.

The role of waqf in preserving and promoting the five essentials in *maqāṣid* can be seen in the table below²⁷:

Table one: Role of Waqf in the preservation and promotion of five essentials of *Maqāṣid*.

24 Shāh Walīullāh al-Dehlawī, *Hujjat Allāh al-Bālighah* (Beirut: Dār Iḥyā' al-'Ulūm. 1992), vol 2, p 310.

25 Al-'Izz Ibn 'abd al-Salām, *Qawā'id al-Aḥkām fī Maṣāliḥ al-Anām*, (Beirut: Dār al-Jīl. 1980), p, 18.

Ibid, 19.

26 This table is retrieved from Muhsin, Sayyed Mohamed (2022) *Road towards a Maqāṣidic Governance of waqf in Kerala: a preliminary analysis*. AWQAF, 22 (42). pp. 38-39.

27 This table is retrieved from Muhsin, Sayyed Mohamed (2022) *Road towards a Maqāṣidic Governance of waqf in Kerala: a preliminary analysis*. AWQAF, 22 (42). pp. 38-39.

Definition of Innovation in Waqf

Literally, innovation means “the use of a new idea or method”.²⁸ Technically, Schumpeter defined “innovation as the economic impact of technological change, as the use of new combinations of existing productive forces to solve business problems”.²⁹ It is also defined as “a

No	Five essentials in Maqāsid	Waqf funds can be used for the purposes mentioned below:
1	Hifz al-dīn (protection of religion)	<ol style="list-style-type: none"> 1. Establishment of Islamic institutions. 2. Facilitation of religious practices. 3. Opportunity for Islamic education. 4. Funding for students, teachers, <i>imām</i>, <i>mu’addin</i>, etc. 5. Support for Da’wah activities.
2	Hifz al-Nafs (Protection of life)	<ol style="list-style-type: none"> 6. necessities for leading a healthy life, such as food, home, healthcare, etc.
3	Hifz al-Nasl (Protection of the family)	<ol style="list-style-type: none"> 7. Help the wedding of low-income families 8. Help pregnant women from low-income families. 9. Support for the expenses of child-delivery and post-delivery needs.
4	Hifz al-Aql (Protection of mind)	<ol style="list-style-type: none"> 10. Financial support for students, libraries, and educational institutions. 11. Support for research and intellectual activities, 12. Rehabilitation and care for addiction
5	Hifz al-Maal (Protection of properties)	<ol style="list-style-type: none"> 13. Plantation, agriculture and gardening. 14. Investments. 15. Use the money to help the needy create jobs and livelihood. 16. Development, social security. 17. Financial stability, wealth distribution, economic justice, altruism (<i>īthār</i>).

²⁸ Cambridge dictionary, <https://dictionary.cambridge.org/dictionary/english/innovation>

²⁹ Timur, Kogabayev And Antanas, Maziliauskas, The definition and classification of innovation, HOLIS-TICA - Journal of Business and Public Administration 8(1) DOI:10.1515/hjbpa-2017-0005, 60-61.

process that combines science, technology, economics and management, as it is to achieve novelty and extends from the emergence of the idea to its commercialization in the form of production, exchange, consumption.”³⁰

In light of the above definitions, the author defines the innovation in waqf as the “invention and use of new knowledge and methods for protection, governance, growth and distribution of waqf, fulfilling the objectives of Sharī'ah”. As per this definition, the invention could be on various sections and levels, such as encouraging people to do waqf, protecting and managing the existing waqf assets and ensuring their growth and further flourishing. It also means finding new ways to distribute waqf to deserving beneficiaries efficiently. The phrase “fulfilling the objectives of Sharī'ah”, among others, refers to conforming to the rules of Islamic jurisprudence, achieving the goals of waqf and meeting the needs of the time.

Necessity of Innovation in Waqf Governance

Undoubtedly waqf is underutilised in both Muslim majority and minority countries. Waqf funds are not well planned or invested for generating promising income to broaden its utility and expand its applications. Observing the existing scenarios, it is evident that the innovative, holistic, creative and efficient governance of waqf is a necessity more than ever. The need for a continuous and sustainable source of income to reach out to needy people has become nothing short of a necessity.

The researcher argues for a paradigm shift in existing attitudes, approaches, governance and the culture related to waqf as he observes

30 Twiss, B. (1989). Goodridge M., *Managing Technology For Competitive Advantage: Integrating Technological And Organisational Development: From Strategy To Action*. Trans-Atlantic Publications.

reluctance and indifference among people in making endowments. Seeing the negligence of the waqf assets, people are not motivated to make new endowments. It might seem true that if existing waqf is not of any noticeable use, why should they leave their valuable properties to decay? This attitude cannot be changed without ensuring efficient waqf governance with the help of innovative strategies with the leadership and participation of official bodies and NGOs. If not, it is like treating the symptoms, not the cause of diseases. The problem is not with waqf but its governance and concerned parties. To begin with, the revival should take place within the hearts and minds of believers.

The revival of waqf has become *darūriyyāt* in contemporary times due to the miserable and sympathetic state of the ummah. In contrast, waqf's potential in solving it is not explored and used yet. Waqf can be a crucial force for the welfare of current and future generations via taking care of orphans, needy, poor people, retired members, family of prisoners, disabled, and also for establishing educational and cultural centres, including masjids and hospitals.

Waqf is about long-lasting care. The soul of sustainable development goals (SDG) is inherently engrained in the application of endowment. The endowment is based on making development sustainable, convenient, effective and useful for many generations. By enhancing and revitalising waqf with innovative institutional strategies, SDGs and the socio-economic development of contemporary Muslim societies can be attained. A comprehensive discourse on the innovation of waqf promises the upbringing of a creative and healthy society.

Temporary assistance in the form of *ṣadaqah*, *zakāt* and other donations will vanish over time, but the list of people's needs goes endless. In addition, natural calamities, wars, and epidemics push the people to additional challenges for which the world remains

unprepared. Needless to say, the life of low and middle-class people and daily wage earners have become miserable as an explicit post-covid consequence. Unemployment is at its peak, particularly because the youth need opportunities to use their skills and bring about positive changes in society, but they are facing a shortage of chances, and the governments are unable to create and provide openings.

Against these heart-breaking scenarios, a believer has an obligatory duty to reach out to his fellow beings with help and support according to his capacity. Here, the necessity of innovation in the waqf sector becomes clearer as they have the potential to become a source of solace and support for thousands of people in several areas both in Muslim majority and minority countries. But they are underutilized and have not explored their potentialities in achieving welfare in this world and hereafter.

Several studies prove that the state of waqf institutions is unsatisfactory mainly due to the poor management, lack of political will and indifferent attitude of the community in general, despite waqf's vital potential in socio-economic development and commercial credentials.³¹ In the light of waqf experiences in Muslim countries, it is noted that the major challenges faced on the road to waqf development and revival are: legal practices, mismanagement, lack of trust, government interventions and corruption.³² However, in some countries, the waqf sector sets a high standard of efficient management.

31 Hassan, A., & Abdus Shahid, M. (2010). Management and development of the aqwaf assets. In *Seventh International Conference – The Tawhidi Epistemology: Zakat and Waqf Economy*. Selangor, Malaysia: Universiti Kebangsaan Malaysia.

32 Aimu Fadzirul Kamarubahrin, Abdullah Mohammed Ahmed Ayedh, "Critical Review on Waqf Experiences: Lessons from Muslim and Non-Muslim", *IQTISHADIA (Journal of Islamic Economics and Business)*, Vol 11, No 2 (2018).

As far as waqf in Muslim minority countries, some excelled while some are in need of urgent attention and revival. For example, Singapore developed into real estate, which generates a huge amount annually. On the other side, in India, it is reported that more than 490,000 registered Awqaf are found. According to the same report, “if all of the productive and unproductive properties are put to efficient and marketable use they can generate at least a minimum return of 10 per cent which is about Rs. 12,000 crores (one hundred and twenty billion) per annum”.³³

Innovation in waqf is *farḍ kifāyah* (collective duty), from a fiqh perspective, which means if nobody strives to bring about innovation in waqf and hence to put an end to the malaise of the waqf and its under-usedness, then every qualified believer will be accountable for his inaction in front of Allah (ﷻ). Waqf is deemed as *farḍ kifāyah* due to its nature of perpetuity and lasting nature and religious duty of waqf preservation. The reward for the endower is increased as much as its benefits are increased. The perpetuity and usefulness of waqf are guaranteed if it is supplemented with proper management and efficient governance. In that sense, waqf management is a communal obligation which is passed from one generation to another. If some took up this obligation, everybody is free from sin, whereas if it is neglected altogether, each capable member of the Muslim community in respective localities is accountable.

The revival of waqf could be a vital and efficient alternative to alleviate the suffering of thousands of deserving people, instead of pushing them to the streets as beggars and maintaining them as dependent on others for their survival. The ummah needs to position

33 Anwar Aziz & Jawwad Ali, “Comparative Study of Waqf Institutions Governance in India and Malaysia”, *Intellectual Discourse*, Special Issue (2018) 1233. (SCR, 2006: 156).

themselves as producers than consumers and to lead humanity towards goodness.

The colonial period had a great impact on the deterioration and misappropriation of the waqf properties. In Muslim-majority countries, the relevant ministries and official bodies should lead the way in innovation. In Muslim minority countries, the third sector, i.e., voluntary groups and NGOs, should emerge to take up the mission of the innovation and revival of waqf.

Solid Ends and Flexible Means

Ends of waqf are solid and synthetic as put forth in *Maqāṣid al-waqf*. Nevertheless, the means to reach the ends are flexible and adjustable according to the needs of the time. Waqf, throughout Islamic history, has been open and flexible to accommodate innovation and experiment in novel arenas. Now the world we live in has undergone tremendous transformation and encountered utterly different lifestyles, which as a result, demands commensurate adjustments and modifications in waqf practises as well. That adjustment, innovation, and fresh insights are crucial in fulfilling *Maqāṣid Sharī'ah* in general and *Maqāṣid al-waqf* in particular. This change is noticeably inevitable due to the negligence, malpractices and mismanagement that have occurred in endowment fields for the last few centuries. By this change, the Muslim ummah can lay the foundation for restoring its lost legacy of scholarship and leading role in educational achievements, intellectual contributions and scientific inventions, let alone taking care of needy fellow brethren. These changes and innovations might sometimes be unconventional but can be welcomed and accommodated as long as they are within the jurisprudential parameter and *maqāṣid sharī'ah* framework.

The nobility and sublimity of the objectives will not necessarily

make more profound impacts if they are not met with adequate, efficient and timely mechanisms and dynamism. In the context of waqf, innovation does not mean shaking the base, which is the objective of waqf. Instead, it means only how to engage and leverage their utilities by experimenting with new methods and frameworks. Otherwise, several meritorious acts will end up as mere rituals leaving no impact on religious, individual and social lives. This kind of innovation is a duty of every competent scholar towards the society he lives in.

Consideration of benefit and welfare people and meeting the needs of designed beneficiaries are the crucial factors in the legislation of waqf. Islamic jurisprudence of waqf confirms this fact in its several rulings. For example, movable and extinguishable properties can be endowed. Likewise, waqf properties can be replaced to meet the needs. In addition, particular beneficiaries can be preferred to others due to the situation.

Parameter of Innovation

Fiqh can be summarised as the achievement of benefit and repulsion of harm. By placing waqf in the matrix of fiqh, the ruling can be inferred as all that brings benefit to the waqf needs to be preserved and promoted. All that causes harm to waqf needs to be prevented and eliminated. Undoubtedly, the benefits in this world refer to its maximum utility by increasing its income and facilitating the beneficiaries. The mechanisms of waqf utilization need to be reexplored in the wake of radical and substantial changes. The world has witnessed unprecedented headways in several sectors of life over the last few decades.

Sharī‘ah has been constituted of wisdom and benefits for people here

and hereafter. Sharī'ah is full of justice, mercy, benefit and wisdom, as Ibn al-Qayyim explained.³⁴ *Maqāṣid Sharī'ah* could be either the objectives or ends. It could also be the rulings that help realise those objectives and ends. In addition, it could be the intentions of legally competent individuals and their goals, as Ibn Bayyah described.³⁵ The negligence towards the goals and wisdom imbued in the injunctions or proscriptions of Allah is the portrayal of a lack of vision and discernment about the positioning of al-Sharī'ah.³⁶

Innovation does not mean making an impact at any cost. In Islam, the end does not justify the means. Instead, the means should also be in conformity with Islamic teachings. Innovation and revival of waqf is a noble and well-rooted goal from Islamic jurisprudence and *maqāṣid sharī'ah* perspective. This goal should be achieved via the tools and media approved by Sharī'ah. Put simply, it needs to be without derailing from the waqf-related jurisprudential rules and Sharī'ah's objectives.

Any innovation in waqf needs a solid and systematic jurisprudential grounding because waqf, first and foremost, is an Islamic religious institution. The innovation should focus on realising the objectives of waqf. It entails the creative role of the institutional and legal systems.

Prerequisites of Innovation

The comprehension of Sharī'ah objectives is crucial for the proper

34 Ibn Qayyim al-Jawziyyah, *I'lām al-Muwaqqi'īn 'an Rabb al-'Ālamīn*, (Dār ibn al-Jawzī, 1423 AH), vol 4, p 337.

35 Ibn Bayyah, *Alāqat Maqāṣid al-Shar' bi Uṣūl al-Fiqh*, p. 14-21.

36 'Abd al-Malik bin 'Abd Allāh Al-Juwaynī, *al-Burhān fī Uṣūl al-Fiqh* (Beirut: Dār Iḥyā' al-Turāth al-'Arabī, 2002), vol 1, p. 91.

and efficient Islamic legal interpretation, also, it helps in choosing and benefitting from the works of early scholars in terms of their suitability in contemporary times. It indeed facilitates finding Islamic juristic perspectives on new issues which do not have a clear and direct ruling from the Quran and Sunnah. In addition, it appears inevitable in the prioritisation between conflicting interests. This juristic skill is inevitable in introducing and producing any innovation in waqf. Not only in waqf, but this skill is also unavoidable for alteration, adjustment and innovation in any field as well.

In the wake of introducing the innovations, the authorities should heed people's concerns in digesting the new methods and confirming their validities from a religious perspective. As part of exploring the innovations, the various advanced waqf practices in different regions must be studied. People's trust in waqf and its administration is crucial in bringing about changes and innovation in waqf. People need to be adequately enlightened about the potentiality of waqf. For that authoritative religious leadership is crucial.

The facts below are the prerequisite for the revival and innovation of the waqf:

1. Retrieval of misappropriated waqf.
2. Documentation of undocumented waqf properties.
3. Mass awareness about the importance of waqf.
4. Designing a juristic framework for Sharī'ah compliant application.
5. Scholarly research and scientific studies exist in the state of waqf in each region because each area got its own stories.
6. Planning because planning will take time and not-planning will

take more time.

7. Winning the trust of people.
8. Publicity and mass awareness.
9. Conducting surveys among the beneficiaries.
10. Formulation of proper policies.
11. Adequate infrastructure for governance purposes.
12. Honest, trustworthy and governance free from corruption and mismanagement.
13. Waqf should be protected from being prone to aggravated risks.
14. Attending to the needs of vulnerable strata of society.

Drivers and Elements of Innovation

The six drivers for innovation in non-profit organisations are identified³⁷:

1. Adapting to rapidly changing environments.
2. Giving service users the best value
3. Delivering extraordinary results.
4. Becoming thought leaders and policy pushers.
5. Increasing employee satisfaction and retention
6. Increasing organisational profile in a competitive marketplace.

Some significant elements that need to be ingrained in the innovative strategies from an Islamic perspective are given below:

1. This innovation should be based on the integration of a

³⁷ Elisha Evans and Joe Saxton, *Innovation Rules! A Roadmap to creativity and innovation for non-profit organisation*, (nfp synergies, 2008). Retrieved from <https://nfpsynergy.net/innovation-rules-roadmap-creativity-and-innovation-not-profit-organisations>.

combination of good traditional elements and beneficial contemporary methods (*al-qadīm al-ṣāliḥ wa al-jadīd al-nāfi*).

2. Novelty is the fundamental feature of innovation, whereas beneficence, effectiveness, efficiency and quality are its core elements from an Islamic perspective. Principles of justice and equity are crucial for any innovation in waqf practices.
3. Public interest is the fundamental axis of *maqāṣid al-sharī‘ah*, and so is of waqf. Maslaḥah (welfare) means the achievement of benefit and the repulsion of harm. It should be the governing principle of innovation.
4. In addition, Sharī‘ah is, as a whole, mercy for the world, therefore being merciful is an intrinsic characteristic of Sharī‘ah rulings. Denial of this fundamental happens to be the nullification of the *maqāṣid al-sharī‘ah*.³⁸ The element of mercy should permeate innovative strategies.
5. In innovation, the important concern is its conformity to the jurisprudential pillars and conditions. Waqf being an Islamic institution, its revival can be accepted without a solid and authentic juristic grounding (*al-takyīf al-Sharī‘ī*). In other words, strict adherence to the juristic parameters and arranging in accordance with the *maqāṣid al-sharī‘ah* is inevitable.
6. Collaboration and synergised initiatives with various stakeholders from society.
7. Adequate use and proper investment of waqf assets.

38 Shams al-Dīn ibn al-Qayyim, *I‘lām al-Muwaqqi‘īn ‘an Rabb al-‘Ālamīn*, ed. Taha Abd al-Ra‘ūf (Beirut: Dār al-Jīl, 1973), vol 3, p3. (Translation retrieved from the book, Jasser Auda, *Maqasid al-Sharī‘ah as Philosophy of Islamic Law; A Systems Approach*, (London, Washington: IIIT, 2008), xxii.

8. Visionary leadership and vibrant management: Leadership is doing the right things and management doing things right.

9. Engagement with stakeholders in the social and financial systems.

Successful Models of Innovation

To begin with, the innovation here does not imply inventing something new which is not found anywhere in the world. Rather, each initiative that helped to solve a problem, big or small, or to improve the offering of services and goods. As a subsequent step, it has to move to the next step thus to reach groundbreaking models of waqf practices.

Undeniably, in some parts of the world, desirable and effective models of waqf practices can be found, for example, Kumpulan Waqaf An-Nur Berhad, IIUM Endowment Fund and five waqf entities under Islamic Development Bank in Saudi Arabia. Waqaf An-Nur Corporation (WANCorp), founded on October 25, 2000, focuses on managing assets and shares of waqf under Johor cooperation. "WANCorp declares all income earned as dividend and distributes the benefits with 70:25:5 formulae, of which 70% of the benefit goes back to JCorp for reinvestment and human capital development, 25% goes to WANCorp for Fisabilillah and 5% is distributed to Islamic Religious Council of Johor".³⁹ This strategy equips the company to maintain steadfast development and produce more waqf benefits.

IIUM Endowment fund, established on March 15, 1999, at International Islamic University Malaysia, delivers assistance to needy students to meet their needs of tuition fees and the living cost of studying at the university. "IEF has been innovative in generating

39 Norma Md Saad, Salina Kassim, and Zarinah Hamid, "Best practices of waqf: Experiences of Malaysia and Saudi Arabia" Saad, *Journal of Islamic Economics Lariba* (2016). vol. 2, issue 2: 57-74
DOI : 10.20885/jielariba.vol2.iss2.art5. 59.

income by introducing the Kafalah program, which happens to be one of its major cash collection activities. It also has purchased 12 units of Putra Villa Condominium which are to be rented out at monthly rental rates ranging from RM2000 to RM2500 per unit. In addition, the Azman Hashim complex is also expected to generate a steady income flow of RM0.51 million per year to IEF”.⁴⁰

The Islamic Development Bank experimented with various initiatives to foster the waqf sector in Muslim and non-Muslim countries. This experiment seems to be successful and innovative, for example, one of its flagship programs is the Sustainable Villages Program (SVP), a crucial project with a profound social cause which is the eradication of poverty.⁴¹

Waqf in Kuwait leads the way with its remarkable performance, flexibility in legal injunctions, facilitations by the government, autonomy of the waqf department in decision-making, encouraging people to establish new waqf and establishing complaint waqf projects, and funding in research and charity initiatives.⁴²

Yayasan Iqra (Iqra Foundation) foundation in Malaysia promotes wealth creation through Muslim endowment principles and works to make Islamic endowment Malaysia’s third financial force. “The foundation provides a platform for individuals and the corporate sector to commit shares or financial instruments as an endowment with a portion of the profits returning to the principal sum and the remaining channelled to the community”⁴³.

40 Ibid, p. 73.

41 Ibid.

42 Aimu Fadzirul Kamarubahrin, Abdullah Mohammed Ahmed Ayedh, “Critical Review on Waqf Experiences: Lessons from Muslim and Non-Muslim”, *IQTISHADIA (Journal of Islamic Economics and Business)*, Vol 11, No 2 (2018),

43 Ibid.

Conclusion

New and serious discussions are on the rise regarding the revival of Waqf. The revival should start within the hearts and minds of believers. The change needs to start from the grassroots level. The innovation should focus on realising the objectives of waqf with due diligence to the fiqh principles of the core nature of its religious perspective.

The necessity of innovation is unequivocal due to its extremely poor utilization in some areas. As part of innovation, the extent of waqf utility for the benefit of the ummah in terms of economy, education, healthcare, food security, self-sufficiency, art, science, culture, spirituality and environmental stability needs to be further extensively explored in the light of the needs of contemporary times.

At times, the revival efforts seem like treating the symptoms, not the causes of diseases. In the researcher's view, a paradigm shift needs to happen in the existing attitude to waqf at a grassroots level and to experiment with innovation in proliferating the benefits of waqf. The problem is not with waqf but with the people around it and their governance. A transition in the modus operandi from traditional and classical to progressive and contemporary is the high need of the hour. Waqf revival can be done by leveraging the use of existing waqf and encouraging Muslims to do more waqf. To propose the innovative application of waqf and expedite sustainable growth, the waqf governance needs to be revised.

The characteristics of innovation and originality are distinctive qualities of human beings. The attitude towards Waqf and its governance needs drastic and transformative changes to sort out its malaise and boost it as a soulful religious and socio-economic catalyst.

Islam demonstrates its concern for people's welfare not only in this

world but also in the hereafter. Waqf can be a vital vehicle and engaging platform to cater to the needs of socio-economic development. Waqf represents a distinguishable segment of Islamic civilization with a pivotal role in the revival of Islamic society. Waqf promotes the core idea of sustainability. Waqf is about preserving the property and spreading its fruits and benefits. Endowed property simultaneously and inherently ingrates the features of preservation and investment.

This study proves only that innovation in the endowment sector is nothing short of a necessity in the current times. The authorities in various regions and countries need to assemble the brilliant minds of the ummah to explore the avenues and strategies of innovation and the prospective methods of its implementation.

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