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**ZAKAT AND WAKAF FUNDED HOUSING FOR THE POOR AND
NEEDY – AN ANALYSIS OF THE ZAKAT AND WAKAF
AUTHORITIES ROLES FROM THE AUTHORITIES’ PERSPECTIVES**

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Abstract

This paper concerns the provision of affordable housing for the poor and needy Muslims through *zakat* and *wakaf* funding. The study’s objectives are to determine whether *zakat* and *wakaf* resources are employed therein, examine the roles of the *zakat* and *wakaf* authorities, and identify constraints and the ensuing strategies. The study was carried out through desk research and interviews with representatives of selected *zakat* and *wakaf* authorities. Key findings from the study are that *zakat* and *wakaf* are involved in the provision of affordable housing for the poor and needy Muslims and that their funds have been employed therein. However, their roles are dissimilar, therefore, each authority has its own *modus operandi*. In addition, both *zakat* and *wakaf* authorities have constraints in the availability of expertise to undertake the procurement of housing development and they address this problem through collaborative working styles, with each other, and with private property developers.

Keyword: funding, housing, procurement, *wakaf*, *zakat*

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INTRODUCTION

In Islam, *zakat* and *wakaf* are the two most important socio-economic tools aimed at equitable distribution of wealth among the *ummah*. Literature has reported on how *zakat* and *wakaf* have been employed and would continue to be employed to reduce poverty and to improve the living conditions of the *ummah*. However, most of the initiatives reported thus far appear to focus on addressing rudimentary problems: in the case of *zakat* in the provision of daily sustenance of the poor and needy and in the case of *wakaf* in the provision of basic Islamic infrastructures such as burial spaces for Muslims, building of *suraus*, mosques, religious schools and the likes. These efforts are not to be considered insignificant, but it is contended that improving living conditions of the Muslim *ummah* should include initiatives that extend beyond addressing these rudimentary problems.

One area that requires urgent attention is housing. Literature has been highlighting issues of housing inadequacies and affordability facing the poor and needy Muslims and others (Khairuddin, Sharina, & Azila, 2014; Nadiah, Ali, Halim, & Noor, 2016; Khazanah Research Institute, 2015; Cagamas, 2013; Azila, Khairuddin, & Sharina, 2015)(Khairuddin, et al., 2014; Nadiah, et al., 2016; Khazanah Research Institute, 2015; Cagamas, 2013; Azila, et al., 2015). Given that within the context of modern economy and *maqasid shariah*, the provision of shelter is considered a basic necessity and if the poor and needy Muslims could not afford to meet this needs, hence, an unpretentious question comes to mind: could *zakat* and *wakaf* be employed to help the poor and needy Muslims in the provision of housing in a big way?

Available literature suggests that initiatives in the provision of housing for the poor and needy Muslims utilizing *zakat* and *wakaf* funds are being done but they remained sparse and lacking in detailed and critical assessments (Khairuddin, et al., 2017; Mohit & Nazyddah, 2011) (Khairuddin et al., 2017; Mohit & Nazyddah, 2011). In addition, there is a lack of published data and information on the roles of the *zakat* and *wakaf* authorities, constraints they faced and the strategies they employed, in the provision of housing for the poor and needy Muslims.

This paper reports on a study on the roles of the *zakat* and *wakaf* authorities in the provision of adequate and affordable housing for the poor and needy Muslims. The objectives of the study are; (i) to determine whether *zakat* and *wakaf* resources are being employed in addressing the problems of affordable housing among the poor and needy Muslims, (ii) to examine the roles of the *zakat* and *wakaf* authorities therein; and (iii) to identify constraints facing the *zakat* and *wakaf* authorities in performing their roles and the appropriate strategies to alleviate or remove the identified constraints. The study was carried out through desk research and intensive interviews with representatives of selected *zakat* and *wakaf* authorities.

This paper is structured into five sections. Following the Introduction, an overview of *zakat* and *wakaf* is presented. This is followed by a review of the housing problems faced by Malaysians focusing on the poor and needy Muslims and initiatives taken by the authorities including by the *zakat* and *wakaf* in addressing the problem. In the subsequent section, a critical examination of the roles of the *zakat* and *wakaf* authorities in the provision of adequate and affordable housing for the poor and needy Muslims would be conducted. Finally, the paper offers a conclusion highlighting the key findings from the study.

OVERVIEW OF ZAKAT AND WAKAF

Zakat

In Islam, *zakat* refers to the act of making a contribution of one's wealth, on condition that he meets the prescribed criteriaⁱ, to the designated *zakat* recipients or *asnafs* (Quran *Surah At-Taubah*, 9:60). The act of giving away one's wealth, in this instant is compulsory, to help others in need for the sake of Allah SWT is akin to one making effort to purify his wealth.

Zakat in Malaysia is administered by the respective State Islamic Religious Councils (SIRCs) or *Majlis Agama Islam Negeri* (MAINs). The SIRCs are responsible to collect *zakat* contributions and disbursing them to the *asnafs*. In addition to disbursing *zakat* in the form of cash, the SIRCs are also utilizing the *zakat* monies to provide assistance including scholarships, building or repair of homes and religious schools, education, medical and health facilities and the likes.

Wakaf

In Islam, *wakaf* refers to an act of giving away of one's belongings, irrespective of amount or value, such as a piece of land, a house or cash to a person/persons/community for the recipient to enjoy the benefits derived therefrom for an indefinite periodⁱⁱ. *Wakaf* is not an obligation but Islam strongly encourages its followers to endow their belongings to help the poor and needy (Quran *Surah Al-Hajj*, 22:77 and *Al-Baqarah*, 2: 267).

Like *zakat*, the administration of *wakaf* in Malaysia falls under the respective SIRCs. The SIRCs are responsible to register, administer and implement all policies and projects entrusted to them as per the relevant States *wakaf* enactment. Review of available literature shows that authorities in Malaysia adopted a rather traditional style in administering the *wakaf* assets and properties under their care. In most cases the endowed assets and properties are utilized for religious related activities although there are SIRCs that have begun to embark on commercially oriented property development including housing projects (Rohaya & Rosli, 2014; Rabiatul, et al., 2017; Khairuddin, et al., 2017;

Khairuddin, et al., 2014) (Rohaya & Rosli, 2014; Rabiatal, Latifa, & Norhanizah, 2017; Khairuddin et al., 2017; Khairuddin et al., 2014).

AFFORDABLE HOUSING PROBLEM FACING THE POOR AND NEEDY MUSLIMS

The Affordable Housing Problem

Malaysia is facing a major housing affordability problem and that the problem is acuter in the urban areas (Khazanah Research Institute, 2015)(Khazanah Research Institute, 2015). An affordable housing market should sit in within the 3.0 times the median annual household income, but in 2014 the median house prices for Malaysia as a whole and for Kuala Lumpur stood at 4.4 times and 5.4 times the median annual household income respectively. The figures indicate that Malaysia is facing ‘seriously unaffordable’ and ‘severely unaffordable’ housing markets (Khazanah Research Institute, 2015)(Khazanah Research Institute, 2015). The above findings are consistent with the findings made by Cheah, Almeida, Muhamad and Lim (2017). They observed that the current housing affordability problem stems out not from the lack of housing stocks but due to supply-demand imbalances, and that the imbalances have increased since 2015. They argued that the prices of most new launches do not match the households’ affordability.

In the context of affordable housing for the poor and needy Muslims the problem appears to continue unabated (Khairuddin et al., 2017; Azila et al., 2015; Nadiah et al., 2016)(Khairuddin, et al., 2017; Azila, et al., 2015; Nadiah, et al., 2016). For instance, in 2014 the estimated shortfall of affordable housing for Malaysia as a whole stood at 960,000 units (Cheah & Almeida, 2016); and within that, the shortfall for the Muslims stood at about 480,960 units (Khairuddin, 2017)(Khairuddin, 2017)ⁱⁱⁱ.

In contrast to the works of Cheah and Almeida (2016) in which they suggested that the prices of affordable housing range between RM248,000 and RM261,000, most low and middle-income Malaysians are more comfortable to associate the term affordable housing with those styled under the “low cost/PPR” housing schemes. A low cost/PPR housing is defined by its selling price of between RM35,000 and RM42,000 per unit by the Malaysia Ministry of Housing and Local Government (Ministry of Urban Wellbeing, Housing, and Local Government Malaysia, n.d.) (Ministry of Urban Wellbeing, Housing, and Local Government Malaysia, n.d.). However, Khairuddin et al. (2017) claimed that even at this price range the problem of affordability among most low and middle-income Malaysians and especially the poor and needy Muslims persist.

The Roles of Zakat and Wakaf in the Provision of Affordable Housing

Zakat monies are only payable to the eight categories of recipients or *asnafs*. The two most vulnerable categories of *asnafs* are the *fakir* and *miskin*. The former refers to one that has neither material possession nor means of livelihood while the latter is one with insufficient means of livelihood to meet basic needs. These categories of the *asnaf* are eligible to be assisted as provided under the *haddul kifayah* (poverty line under the *zakat* system).

Generally, the *zakat* authorities in Malaysia provide 32 types of assistance to the *asnafs* including the provision of shelter, daily sustenance, clothes, medical and health, education and transportation (Jabatan Wakaf, Zakat dan Haji, 2008). In terms of shelter, *zakat* assistance covers repairs, the building of houses and down payment for purchasing new low-cost houses, the monthly rental and utility assistance and assistance for the building of new houses in collaboration with other agencies.

Published statistics on the detailed distribution of *zakat* funds for shelter across Malaysia is not available. However, an examination of the Selangor Zakat Board's *Laporan Pengurusan Zakat Selangor 2015* shows that the provisions of shelter, lumped together under social development programme, for *asnaf fakir* and *miskin* stood at repair and building new houses in 2015: RM27.8 million (2014: RM20.3 million); and house rental assistance in 2015: RM17.9 million (2014: RM 11.3 million). The said amount represents some 6.75% of the total *zakat* monies distributed to all *asnaf* for 2015 (2014: 5.30%). The total amount of *zakat* monies distributed in 2015 was RM676.047 million (2014: RM595.745 million) ((Lembaga Zakat Selangor, 2016)(Lembaga Zakat Selangor, 2016).

In contrast to *zakat*, *wakaf* authorities' initiatives in the provision of housing as a whole appear to be more active. However, their initiatives seem to be focusing on unlocking the values of *wakaf* land and properties. Initiatives on the development of low-cost housing including those designated for *asnafs* are still at their infancy (Khairuddin, 2017; Khairuddin et al., 2017)(Khairuddin, 2017; Khairuddin, et al., 2017).

A CRITICAL EXAMINATION OF THE ROLES OF THE ZAKAT AND WAKAF AUTHORITIES IN THE PROVISION OF ADEQUATE AND AFFORDABLE HOUSING FOR THE POOR AND NEEDY MUSLIMS

Preliminary Examination

On the basis of available literature, it appears that the focus of *zakat* authorities, in the provision of affordable housing, are on the *asnafs fakir* and *miskin*. In addition, the assistance appears to favour the *asnaf fakir* and *miskin* who are landowners or with permission to erect houses thereon, owners of houses needing repairs, tenants and those intending to purchase low-cost houses whereby the down payments are paid by the *zakat* authorities on their behalf. In addition, most

zakat housing being developed thus far appear to be comprehensive in style comprising residential, religious and common facilities. While such an idea is commendable as the development exhibits an ideal “Islamic village” but it would require a considerable sum of money to develop along with the appropriate land size. Small-scale developments or buying units direct from developers or from the secondary market were given less attention.

In the case of *wakaf*, data from published sources suggests that the initiative to utilize *wakaf* lands and assets for building affordable housing focusing on the low cost/PPR styles of residential units are still as its infancy. However, *wakaf* authorities seem to pay more attention towards property development initiatives aimed at unlocking the values of *wakaf* land such as in the commercial, medical and health and hospitality sectors (Khairuddin, 2017)(Khairuddin, 2017).

In carrying out their roles in the provision of affordable housing *zakat* and *wakaf* authorities were confronted with a variety of constraints. Topping the list of constraints are funding inadequacy, land matters (un-registered *wakaf* land, uneconomical *wakaf* land due to size, location, etc.) and constraint in the availability of expertise (Anan, 2015; Khairuddin et al., 2014) (Anan, 2015; Khairuddin, et al., 2014).

Some *zakat* and *wakaf* authorities have experimented with the idea of having *zakat* and *wakaf* working in collaboration in the provision of affordable housing to address the constraints they face. For example in Melaka, the RM2.27 million Al-Ehsan Flats at Tengkeru was built using *wakaf* funds, *Baitulmal* funds, and surplus *zakat* funds. The residential units were rented out to the poor and single mothers at below market rates(Asmak, 2009) (Asmak, 2009). In this context, Khairuddin et al. (2014) have proposed a model for the *zakat* and *wakaf* authorities and private property developers to work on the basis of joint-venture. However, they pointed out several issues that must be resolved before the model can be adopted for use.

Fieldwork

A set of open-ended questionnaires was prepared and piloted. Thereafter, a series of intensive face to face interviews were conducted. The key objectives of the interviews were to solicit responses from representatives of six (6) selected and willing SIRC’s with regards to the study’s objectives. The rich qualitative data was collected, analysed, summarized and is presented in Tables 1, 2 and 3.

Table 1: Zakat in the provision of affordable housing

No	Key factors	Current status	Remark
1	Permissibility under <i>shariah</i>	Yes	Assistance that benefits <i>asnafs</i> only.

2	Land	Normally <i>zakat</i> does not own land	Current housing assistance to <i>asnafs</i> is limited to those that have legal rights of the site where the houses are to be built; help with payments of rent and utilities or down payment for low-cost housing; house repairs, etc.
3	Ownership	<i>Zakat</i> properties belong to the <i>asnafs</i> (<i>tamleek</i>)	<i>Zakat</i> properties are transferable to next-of-kin of the <i>asnafs</i> under <i>faraid</i> .
4	Funding	Generally, <i>zakat</i> is endowed with cash	Surplus <i>zakat</i> funds may be utilized as project funding (subject to conditions) on behalf of the <i>asnafs</i> . Subject to <i>fatwa</i> , the “housing” portion of <i>haddul-kifayah</i> may be expended towards housing the <i>asnafs</i> (i.e. paid on their behalf).
5	Expertise	Most MAINs do not possess the requisite expertise to undertake housing development projects	<i>Zakat</i> may form joint-venture with <i>wakaf</i> and private developers. The interest of <i>zakat</i> is limited to housing the <i>asnafs</i> . <i>Zakat</i> may become ready buyers of completed units that would subsequently be distributed or rented to <i>asnafs</i> .
6	Expertise to manage completed properties		
7	Demand for <i>zakat</i> built affordable housing	High	High demand as expressed by <i>asnafs</i> / residents of <i>wakaf</i> houses. Most claimed to be living in inappropriate housing.
8	Experience in collaboration with others	Yes	In some states, <i>zakat</i> has collaborated with <i>wakaf</i> (in housing the <i>asnafs</i>).
9	Proceeds from the development	Not applicable	No returns expected. Incomes from rent collected should be channelled to enrich the <i>zakat</i> funds.
10	Motivation	<i>Zakat</i> authorities consider the provision of affordable housing for the <i>asnafs</i> is a problem to be handled by the State. They do undertake small scale projects.	

Table 2: *Wakaf* in the provision of affordable housing

No	Key factors	Current status	Remark
1	Permissibility under <i>shariah</i>	Yes	Assets belong to Allah SWT, only the <i>usufruct</i> is saleable on lease terms basis.
2	Land	Available	<i>Wakaf</i> owns sizeable land bank across Malaysia. The land is administered by the respective MAINs. Some site may

			have constraints thus, may require <i>Istibdal</i> to be done.
3	Ownership	Only to enjoy the <i>usufruct</i> . Land or assets created are Allah's property, MAINS are the administrators.	The land or created assets can only be leased to the buyer of the <i>usufruct</i> subject to the terms of the lease agreement. Ownership of the property is non-transferable, not even to next-of-kin.
4	Funding	Mostly constrained as almost all MAINs do not have funds in hand	<i>Wakaf</i> land can be used as sites for housing development and/or as collateral (subject to conditions), cash <i>wakaf</i> , <i>sukuk</i> , or form joint-venture with <i>zakat</i> and/or private developers.
5	Expertise to develop properties	Most MAINs do not possess the requisite expertise	MAINs may form joint-venture with private developers that have the capability to provide the necessary expertise to initiate, develop and market housing projects, construction and supervision, S&P and related legalities, home financing, collection of rents, maintenance, etc.
6	Expertise to manage completed properties		
7	Demand for <i>wakaf</i> built affordable housing	High	High demand as expressed by <i>asnafs</i> / residents of <i>wakaf</i> houses. They claimed to be living in inappropriate housing and lament on their inability to purchase or rent affordable houses.
8	Experience in collaboration with others	Yes	<i>Wakaf</i> has done works with private developers. <i>Wakaf</i> has collaborated with <i>zakat</i> in the provision of housing for <i>asnafs</i> .
9	Proceeds from the development	Subject to the style of development.	Proceeds from the development will be deposited into the <i>wakaf</i> funds of the respective MAINs. The funds are to be expended as prescribed by the <i>Wakeef</i> (donor).
10	The motivation for the development	Unlocking the value of <i>wakaf</i> land	<ol style="list-style-type: none"> 1. Physical value – affordable housing for the needy and poor. 2. Monetary value – the enhanced value of present land and as income generation.

Table 3: Constraints encountered and strategies employed

No	Key factors	Constraints and Strategies	
		Zakat	Wakaf
1	Permissibility under <i>shariah</i>	Permissible but only for <i>asnafs</i> .	Permissible but the style of development is as prescribed by the <i>Wakeef</i> .
2	Land	<i>Zakat</i> does not own land.	<i>Wakaf</i> has no “real” land ownership problem.
3	Ownership of developed housing units	<i>Zakat</i> properties belong to the <i>asnafs</i> (<i>tamleek</i>).	<i>Wakaf</i> properties are non-transferable. Buyers only enjoy the <i>usufruct</i> .
4	Funding	Generally, <i>zakat</i> is endowed with cash but the monies are strict to be spent on the immediate needs of the <i>asnafs</i> .	<i>Wakaf</i> authorities do have funding issues. However, <i>istibdal</i> and newer approaches such as cash <i>wakaf</i> , <i>sukuk wakaf</i> , and selling of the <i>usufruct</i> on a lease basis are some of the strategies adopted.
5	Expertise	MAINs do not possess the requisite expertise to undertake housing development projects.	
6	Expertise to manage completed properties	<i>Zakat</i> may form joint-venture with <i>Wakaf</i> and private developers. The interest of <i>zakat</i> is limited to housing the <i>asnafs</i> . <i>Zakat</i> may become ready buyers of completed units that would subsequently be distributed or rented to <i>asnafs</i> .	

Discussion of the Results

From the results, the following are the key findings of the study;

- It appears that *zakat* and *wakaf* are not prohibited from being involved in the provision of affordable housing for the poor and needy Muslims. Evidently, *zakat* and *wakaf* funds have been employed in the provision of affordable housing for the poor and needy Muslims.
- The roles of *zakat* and *wakaf* in the provision of housing are dissimilar. *Zakat* has very focused and compulsory beneficiaries i.e. the *asnaf fakir* and *miskin*. However, *wakaf* has no “real” restriction on the beneficiaries unless otherwise specified by the *wakeef*.
- Availability of land for development is an issue for *zakat* but not for *wakaf*. However, *wakaf* has to seek ways in maximizing their land potential through innovative funding strategies including *istibdal*, cash, and *sukuk wakaf*.
- Ownership of the completed units; in the case of *zakat*, the units belong to the *asnaf* while in the case of *wakaf*, they remained the property of *wakaf*, only the *usufruct* can be enjoyed by the buyers.
- In terms of funding, while *zakat* may have surplus in their collection but their immediate concern is to spend the monies on the *asnafs*. This situation would

require re-interpretation of the *shariah* to facilitate *zakat* monies to be spent on projects that have a gestation period. *Wakaf* may resort to the more contemporary styles of raising funds that include *istibdal*, cash *wakaf*, *sukuk* and selling the *usufruct* on a lease basis.

- Both *zakat* and *wakaf* authorities have a constraint in the availability of expertise to undertake the procurement of property development. In addition to *zakat* and *wakaf* working in collaboration, these authorities have embarked on working with private property developers.

In short, while both *zakat* and *wakaf* are the two key tools for addressing the socio-economic problems facing the *ummah*, their *modus operandi*, specific expected outcome and beneficiaries are dissimilar. It is therefore understandable why in most cases *zakat* and *wakaf* authorities prefer to handle issues, problems, and solutions thereto within the context of their own individual setting.

The outcome from the study is considered significant in terms of (i) better understanding on the *modus operandi* and constraints faced by the *zakat* and *wakaf* authorities in performing their roles in the area of affordable housing for the poor and needy Muslims, (ii) to afford data and information for professional involved in the process of construction procurement and thereafter to be drawn into the activities of *zakat* and *wakaf* funded housing provision for the poor and needy Muslims; and (iii) to contribute in the process of transformation of *zakat* and *wakaf* to become a credible player in the procurement and maintenance of built assets and facilities especially in provision of affordable housing for the poor and needy Muslims.

CONCLUSION

This paper reported on a study on the provisions of affordable housing for the poor and needy Muslims funded by *zakat* and *wakaf* funds. The following are the key findings;

- *Zakat* and *wakaf* are not prohibited from being involved in the provision of affordable housing for the poor and needy Muslims.
- However, the roles of *zakat* and *wakaf* are dissimilar therefore each authority has its own *modus operandi*. Thus, an approach taken by one authority may not be applicable to the other especially on matters concerning the *shariah*.
- Both *zakat* and *wakaf* authorities have a constraint in the availability of expertise to undertake the procurement of property development. In this instant, *zakat* and *wakaf* are working in collaboration with each other as well as with private property developers.

The study's main limitation is inaccessibility to data. Therefore, the outcome of the study must be interpreted within this limitation. Consequently, further and in-depth study is required.

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ⁱ For the types of *zakat* and conditions and criteria on *zakat* contributions and the types of wealth subjected to *zakat* refer to publications such as the 'Syarat Umum Wajib Zakat' published online by Lembaga Zakat Selangor at www.zakatselangor.com.my.

ⁱⁱ In order for a *wakaf* to be valid it has to meet specific requirements in terms of the pillars, types and characteristics of *wakaf*. A full discussion of these requirements are not within the scope of the current paper. Readers may refer to (Khairuddin, et al., 2017).

ⁱⁱⁱ The estimated shortfall of affordable housing for Malaysia as a whole stood at 960,000 units (Cheah & Almeida, 2016). Applying a simple estimate, based on Malaysia's population that comprise of 50.1% Malays and that they are Muslims, the proportion of shortfall for the Muslims is about 480,960 units (Khairuddin, 2017).

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