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Exploring the Role of *Fiqh Waqie* in *Zakat* and *Waqf* Collaboration Framework for Hostel Development

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Abstract

The goal of this research paper is to look into how the *Fiqh Waqie* method can be used to determine the collaboration framework of *waqf* (endowment) and *zakat* (a charity obligatory in Islam) in the construction of student hostel buildings, particularly at the university level. This one-off case study employs a qualitative methodology. Face-to-face interviews were carried out with three departments, namely the Mufti Department, the *Zakat* Department, and the *Waqf* Department, with the purpose of determining the extent to which the idea of the development of *zakat* and *waqf* working together could be highlighted.

Keywords: *Fiqh Waqie*; *Zakat*; *Waqf*; Collaboration framework

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1.0 Introduction

In Islam, powerful economic tools such as *zakat* and *waqf* aid in social mobility. According to the Quran, *zakat* is a mandatory contribution made by qualified Muslims to help specific groups in need (Yusuf Ali, 2013). While *waqf* is a voluntary contribution made by Muslims for the benefit of others, it is not an obligation (JAWHAR, 2008). Furthermore, the recipient of *waqf* benefit contributions is only bound by the *waqf*'s will. *Waqf* in the sharia context is defined as retaining property that can be used as long as it is in good condition by severing the right of ownership over the property and transferring it to permitted interests. The command of *waqf* was revealed by Allah in Surah Ali Imran, verse 92, in the second year of hijrah; "You will never achieve righteousness until you donate some of what you cherish. And whatever you give is certainly well known to Allah".

1.1 Statement of the Problem

This study aims to investigate the possibility of combining Islamic economic instruments such as *zakat* and *waqf* to finance the construction of hostels for university students. The significance of hostels to student welfare and academic performance justifies the university's responsibility to provide the best facilities for its students (Wanie et al., 2017). In recent years, however, hostels facilities

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have been financed differently, particularly with corporate donations (Opawole et al., 2019). The findings of the study conducted by Kampamba et al., (2020) also revealed that real estate developers are uninterested in developing student housing due to the low income generated from such projects. In fact, Kampamba proposed a model of public-private partnership designed to increase the involvement of developers in the development of student housing. This demonstrates that the need to construct a student hostel is incredibly difficult and necessitates the development of a new, simpler approach.

1.2 Objectives of Study

The purpose of this study is to determine if university's *waqf* land can be used to build a hostel for university students. The next concern is whether or not the hostel's construction and maintenance costs can be paid for with *zakat* funds. These concerns are justified due to the fact that, according to ones' underlying Islamic law, these two Islamic financial instruments cannot be randomly combined. The goal of this study is to outline the steps necessary to develop the *zakat* and *waqf* collaboration process for the purpose of constructing this hostel.

2.0 Literature Review

2.1 Zakat and Waqf Collaboration

Previous studies relating to the collaboration of *zakat* and *waqf* are not new concepts in terms of their development. Even the development of *zakat* and *waqf* collaboration has been guided by the development objectives that many researchers want to develop in their studies. This is the case even though *zakat* and *waqf* are different types of charitable giving. In Malaysia, a study on how *zakat* and *waqf* can collaborate in the development of *asnaf* housing has been initiated (Khairuddin et al., 2015; Khairuddin et al., 2018; Khairuddin et al., 2019;). Khairuddin and colleagues proposed that *waqf* land that is currently owned by State Islamic Religious Councils (SIRC) should be developed for *asnaf* housing using funds from *zakat*. In addition, the development of a collaboration between *zakat* and *waqf* is currently being explored in the education sector (R. Ahmad et al., 2018; Azman Ab Rahman et al., 2019; Rizal et al., 2020; Patel and Hassan, 2023). This collaboration encompasses the establishment of classrooms, hostels, and *pondok* institution premises. More interestingly, there are researchers who propose that a collaboration between *zakat* and *waqf* be developed in the areas of health (G. S. Ahmad et al., 2021), agriculture (Swandaru and Rizkiningsih, 2021) and the development of disaster management (Sulistyowati, 2018). Therefore, the purpose of this study is to explore how far the concept of *zakat* and *waqf* collaboration can be taken in order to construct a hostel building on land that is owned by the *waqf* of the university and, at the same time, use *zakat* funds collected by SIRC to cover the cost of construction and maintenance of the building.

2.2 Role of Fiqh Waqie in Zakat and Waqf Collaboration for Hostel Development: A Conceptual Framework

Due to the fact that *zakat* and *waqf* are Islamic financial instruments, their application is governed by Islamic law. This study employs Professor Qardawi's *Fiqh Waqie* approach (Mufid, 2017), which can be applied practically to address the issues of contemporary Islamic law. The essence of *Fiqh Waqie* is understanding the context in any verse of the Quran or a Hadith, as well as the context in which these texts will be applied. In brief, *Fiqh Waqie* is the comprehension of the present context and reality. It is impossible to issue a fatwa without knowledge of *Fiqh Waqie*. The need to collaborate *zakat* and *waqf* through the *Fiqh Waqie* approach is to provide facilities to students who are also classified as *asnaf fisabilillah* per the university's *waqie* requirements. It is proposed that the land belonging to the university on which the hostel building will be constructed be (*waqf*) endowed in order to preserve Muslim ownership. In fact, the collaboration space will be more vulnerable to being sequestered because only *asnaf zakat* funds were utilized in this development. To end up making this project legal and acceptable to all stakeholders, financing this building's construction with *zakat* funds must obtain the Mufti's special permission. As can be seen in Figure 1, the study's integrated and holistic framework was conceptualised using *Fiqh Waqie* to facilitate data collection and analysis.

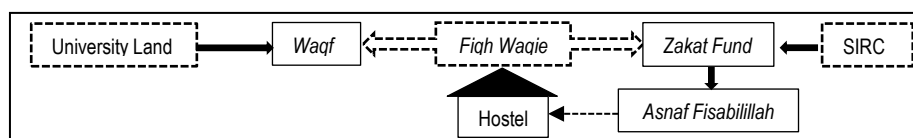


Fig. 1: Conceptual Framework of *Fiqh Waqie* Collaborating with *Zakat* and *Waqf* for Hostel Development
(Source:) Authors

3.0 Methodology

3.1 Qualitative Research

The use of qualitative research in this study is due to the exploration of the concept of *Fiqh Waqie* in the collaboration of *zakat* and *waqf*, which can be explored from the perspective of social phenomena when interviewing the experiences of informants in the research field (Merriam & Tisdell, 2016). Qualitative research is based on the notion that people construct knowledge continuously as they engage in an activity, experience, or phenomenon and make sense of it. This is in contrast to quantitative research paradigms, which are typically based on the idea that knowledge exists and is just ready to be discovered.

3.2 Data Collection and Analysis Process

In this study, three individuals from the Mufti Department, the Zakat Department, and the Waqf Department were interviewed face-to-face. These three departments were chosen because *zakat* and *waqf* are used in development projects in PPP states that they are in charge of. These three informants (M1, Z2, and W3) were chosen because they took part in building a *waqf* hostel at one of the public universities in the PPP state. Data collection and analysis are concurrent activities in qualitative research. The analysis starts with the first interview with M1 and the first document given by M1. The next phase of data collection was based on the ideas, hunches, and tentative hypotheses that came out of the interview with M1. This, in turn, led to the questions that were asked of Z2 and W3 being changed or improved. It is an interactive process that allows researchers to produce reliable findings. Rigor in qualitative research comes from the presence of the researcher as an instrument of analysis (Merriam and Tisdell, 2016), the nature of the interaction between the researcher and the informant, the triangulation of data, and the interpretation of rich perceptions. Table 1 shows the process analysis carried out by the researcher together with three informants.

Table 1. The procedure for collecting and analysing data

Face to face Interview	Face-to-Face Interview Questions Theme	Analysis Process
Mufti Department- Informant M1	The legislation that regulates the use of <i>zakat</i> funds for construction operating costs.	The conceptual framework that has been developed is referred to when coding the interesting features of the data.
Zakat Department- Informant Z2	The procedure for distributing <i>zakat</i> funds to <i>asnaf</i>	
Waqf Department- Informant W3	<i>Waqf</i> land regulations for construction projects	

(Source:) Authors

Researchers use NVIVO software to compile and analyse data more comprehensively. The NVIVO process analysis is displayed in Figure 2.

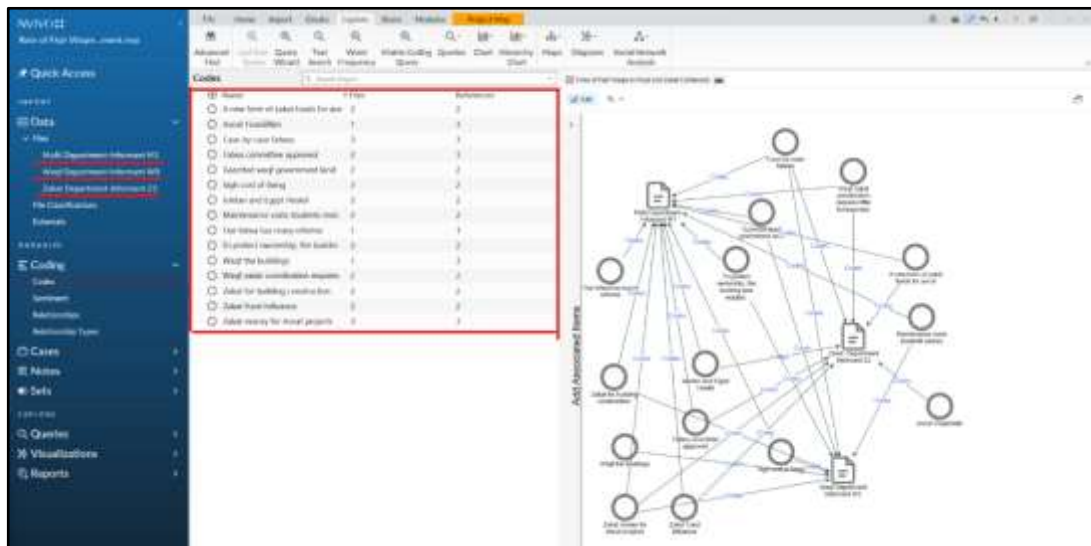


Fig. 2: Collaborative analysis of *zakat* and *waqf* for hostel development using *Fiqh Waqie*
(Source:) Authors

Data triangulation in qualitative research can improve the overall validity and quality of the study (Creswell, 2009; Merriam, 2009). In the context of research quality management, data triangulation refers to the researcher going to great lengths to ensure the rigour and credibility of the research, such as by using more than one source of data. Researchers used three major departments in this study to ensure the validity and reliability of the data obtained. Figure 3 depicts how the researcher's intended triangulation process employs three data sources from three distinct groups.

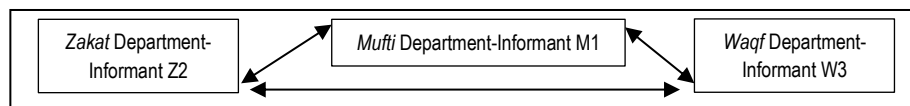


Fig. 3: Triangulation of data
(Source:) Authors

4.0 Findings

4.1 Fatwas are Made for Each Specific Case

The fatwa on collaborating to utilize *zakat* funds for hostel development costs is particular. This is because the study's findings revealed that the issued fatwas were required to refine each group of *asnaf*. If there is enough *zakat* funding that does not interfere with the needs of the poor and *masakin asnaf*, the funds can be used to reduce the cost of building construction. Findings also revealed that the *Fiqh Waqie* approach is applicable, referring to the needs of the situation at the time, once student hostels were needed as soon as possible. It does not apply to other universities unless the SIRC where the university is located requires approval. It also depends on the availability of *zakat* funds and the location of the university's proposed land. Since funds from the government could not be obtained in the case of the university PPP, the university PPP decided to apply to the PPP SIRC to build a hostel using *zakat* funds.

4.2 Final Framework for Determining the Role of *Fiqh Waqie* in *Zakat* and *Waqf* Collaboration for Hostel Development

The study discovered that 15 codes contributed to the success of *zakat-waqf* collaboration using the *Fiqh Waqie* approach. The role of the *Mufti* Department, which is open to new ideas in solving Muslim community problems, is among the most important. Figure 4 illustrates the 15 codes discovered by NVIVO analysis.

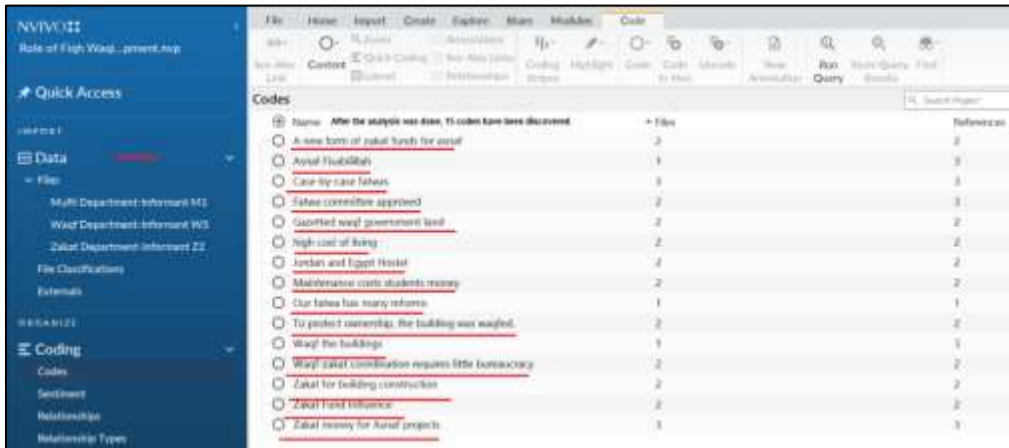


Fig. 4: 15 codes identified by NVIVO analysis
(Source:) Authors

Next, the process of analysing the 15 codes continues by classifying them according to themes relating to research questions, guided by the constructed conceptual framework. Table 2 shows that the classification of codes corresponds to the arranged themes. It has been determined that there are four primary themes, which are as follows; productivity and earnings of *zakat*, *Fiqh Waqie* approach, the readiness of SIRC to accept new *waqf* and building a hostel framework.

Table 2. The code table develops into a theme

The aim of research	Codes	Themes
Framework of <i>Fiqh Waqie</i> Collaborating with <i>Zakat</i> and <i>Waqf</i> for Hostel Development	1.A new form of <i>zakat</i> funds for <i>asnaf</i>	The productivity and earnings of <i>zakat</i>
	2. <i>Asnaf Fisabilillah</i>	
	3. <i>Zakat</i> money for <i>Asnaf</i> projects	
	4. <i>Zakat</i> Fund Influence	
	5. <i>zakat</i> for building construction	
	6. Case-by-case <i>fatwa</i>	<i>Fiqh Waqie</i> Approach
	7. <i>Fatwa</i> committee approved	
	8. Our <i>fatwa</i> has many reforms	
	9. Gazetted <i>waqf</i> government land	The readiness of SIRC to accept new <i>waqf</i>
	10. <i>Waqf</i> the buildings	
	11. To protect ownership of the building	
	12. High cost of living	Building a Hostel Framework
	13. Jordan and Egypt Hostel	
	14. Maintenance costs students' money	
	15. <i>Waqf- zakat</i> coordination requires little bureaucracy	

(Source:) Authors

The final framework for figuring out how *Fiqh Waqie* enable *zakat* and *waqf* collaborate to build a hostel for PPP university students is shown in Figure 5. According to the study, an important consideration in the decision to authorise this project was the urgent needs of the *asnaf fisabilillah*, who require the development of this hostel. These findings are probably related to the university administration's

savvy consideration of available opportunities to provide students with the best facilities. It is the commitment of SIRC to provide the most advantageous development opportunities for Muslims, particularly the *asnaf*.

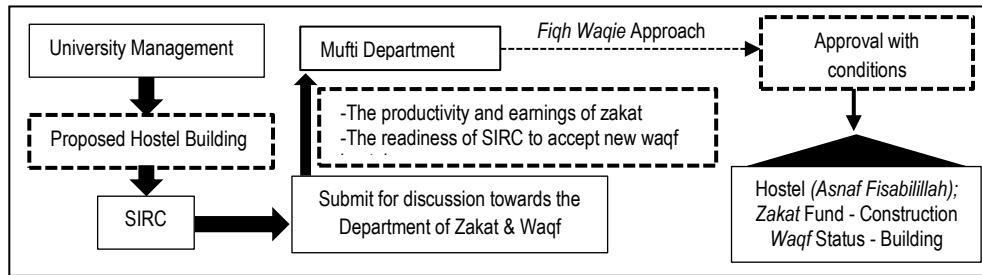


Fig. 5: Final Framework of *Fiqh Waqie* Collaborating with *Zakat* and *Waqf* for Hostel Development
(Source:) Authors

5.0 Discussion

5.1 Potential Benefits of Collaboration Between *Zakat* and *Waqf* for *Asnaf*

More research should be conducted to investigate the potential benefits of collaboration between *zakat* and *waqf* for *asnaf*. As we all know, the Quran specifies eight groups of *asnaf* who must be granted rights. This study adds value when a third party outside SIRC could indeed prepare a proposal for the development of *asnaf* under their supervision to be considered for SIRC approval. Simultaneously, this indicates that SIRC is open to accepting suggestions from third parties as long as they do not violate Sharia law. In this context, "third parties" refers to anyone except SIRC's management who stands to benefit from or gain insight into the possibility for development in *zakat* and *waqf*.

5.2 Malaysian Collaborative Practices Through *Zakat* and *Waqf* Fatwa

The opportunity of *zakat* and *waqf* is enormous in light of the growing number of *asnaf*, particularly after the COVID-19 pandemic. The power source and function of *zakat* and *waqf* are significant in assisting the government in developing the ummah from an educational, economic, and social perspective. In addition, this study demonstrates the significance of empowering education in the Muslim community. The *Mufti* Department acts as a forward-thinking problem-solver because it has the courage to issue a fatwa that deviates from customary practice.

6.0 Conclusion & Recommendations

Overall, this study supports the notion that combining *zakat* and *waqf* for the construction of hostel buildings is a sensible and wise choice. The lack of hostel for university students is the issue the project is effectively addressing, making it crucial for the people and the future of the nation. These students are also responsible for covering the expensive university fees. On behalf of the institution, university administrators, it is advised to think about this hostel project if they are able to follow the guidelines that have been sanctioned in using *zakat* funds for this type of collaboration. This collaborative space offers a further chance for growth by highlighting the value of *zakat* and *waqf* as a third economic force that should not be treated independently.

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Paper Contribution to Related Field of Study

This paper contributes to the study of *waqf* real estate management, *zakat* management, and *Fiqh Waqie* as one of the methods of determining Islamic law in the collaboration of *zakat* and *waqf*.

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