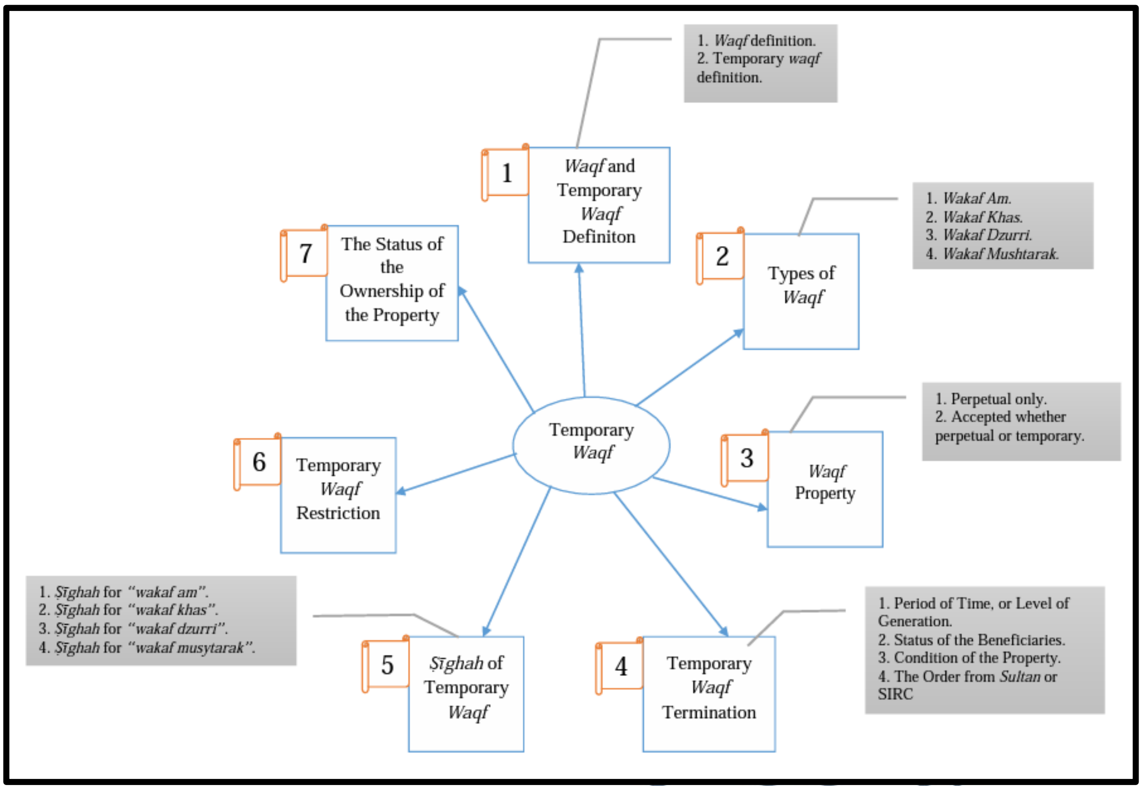
CHAPTER 4

THEORETICAL FRAMEWORK OF TEMPORARY WAQF FOR SELECTED STATES IN MALAYSIA

In chapter three, the implementation of the existing *waqf* and the application of the temporary *waqf* was analysed based on the respective enactments of the selected states. This was followed by an analysis of the interview data to record the information and experience of the practitioner in the field of *waqf*, which was the representative from the SIRC and the State Mufti Department. Based on the results from chapter three, the representative of the SIRC and the State Mufti Department agreed that temporary *waqf* did not have any issue with its permission from the Islamic jurisprudence's perspective. The respondents also emphasised that the SIRC is ready to implement and practise the temporary *waqf* if there is a guideline or any clear parameter that could be referred to. Thus, the researcher proposed a theoretical framework for the reference of SIRC that covers the essential factor in implementing and practicing the temporary *waqf* in the future. In this chapter, the discussion will be made on seven crucial parts of temporary *waqf*, as shown in Figure 1:



Sources: Author's declaration

Figure 1*:* Crucial instrument of temporary *waqf* implementation.

Based on Figure 1, the vital instruments to implement the temporary *waqf* were highlighted based on the interviewees' suggestions and the researcher's observation of the collected data. In this chapter, the focus was placed on (1) the *waqf* and temporary *waqf* definition, (2) types of *waqf*, (3) *waqf* property, (4) temporary *waqf* termination, (5) *ṣīghah* of temporary *waqf*, (6) temporary *waqf* restriction, and (7) the status of the ownership of the property. These instruments would be discussed thoroughly in the next topics.

4.1. *Waqf* and Temporary *Waqf* Definition

In the second chapter, a thorough discussion was made regarding the *waqf* definition from the modern and four prominent Islamic scholars' perspectives and the *waqf* definitions based on the respective *waqf* statutory of the selected states. As the result of the research analysis, the following *waqf* definition that is suitable to be included in the *waqf* enactment was suggested:

> *""Wakaf" denotes a preservation of any property owned by the donor in which the benefits and the usufruct can be utilised, or the donor contributes the benefits or usufruct from any property, and the property is dedicated either in perpetuity or for a specific period of time, whether as "wakaf khas" or "wakaf am", for the righteous or charitable purposes that comply with the Islamic law and the current needs."*

The *waqf* definition suggested in this research is similar to the definition of *waqf* by the Shāfiᶜiy schools although the term "*terminating the ownership of the property*" is not included. This definition appears to be similar to the definition of *waqf* provided by Qahf (2000), which has been stated in chapter two. The term "*perpetuity or for a specific period of time*" was included in the definition above to declare that temporary *waqf* is permissible and can be practised. The definition is also similar to the *waqf* definition provided by Ibn ᶜAbd Al-Salām from Mālikī schools, which allows the *waqf* to be practised either in perpetuity or temporarily.

In spite of the specific definition of temporary *waqf*, it was not discussed by the previous Islamic scholars in detail. The word 'temporary' is only mentioned in the *waqf* definition presented by Ibn ᶜAbd Al-Salām from Mālikī schools. In Terengganu, Section 18 (2) (c) of the *Wakaf* (Terengganu) Enactment 2016 presents a provision that highlights the following definition of temporary *waqf*:

> *""Wakaf muaqqat" means giving as wakaf for a certain period;"*

Based on the provision above, the researcher opined that the definition provided in *Wakaf* (Terengganu) Enactment 2016 is excessively general and ambiguous. Therefore, the following new definition of temporary *waqf* is suggested, which is suitable to be included in the respective *waqf* enactment of the selected states:

> *""Wakaf muaqqat" means a wakaf declared by the donor on a specific property bound with a particular period of time or generations, with a specific purpose, and the property will be returned to the donor's possession or donor's heirs, or the wakaf will be changed from "wakaf dzurri" or "wakaf khas" to "wakaf am" after the wakaf period is expired as determined by the donor."*

It could be seen that the definition above is more precise than the definition presented in *Wakaf* (Terengganu) Enactment 2016. The researcher clarified that temporary *waqf* could be bound either with a particular period of time or the level of generations. The sentence that stated "*wakaf will be changed from "wakaf dzurri" or "wakaf khas" to "wakaf am"*" was adapted from the definition of *waqf* by Al-Kashnawi (1986), as described in chapter two. Besides, the representative of the Mufti Department of Perak agreed that if the beneficiaries of the *waqf* are not continuous, the property will be channelled to another beneficiary or returned to the donor's heirs. The representative of the SIRC of Penang also stated that no issue would arise if the donor wishes to declare the *waqf* as "*wakaf dzurri*" at the beginning and change it to "*wakaf am*" after the beneficiaries of the "*wakaf dzurri*" are no longer present.

4.2. The Types of *Waqf*

In practising the temporary *waqf*, it is crucial to categorise the types of *waqf* that can be practised only in perpetuity (*muabbad*) and temporarily (*muaqqat*). The suggestions from the research are as follow:

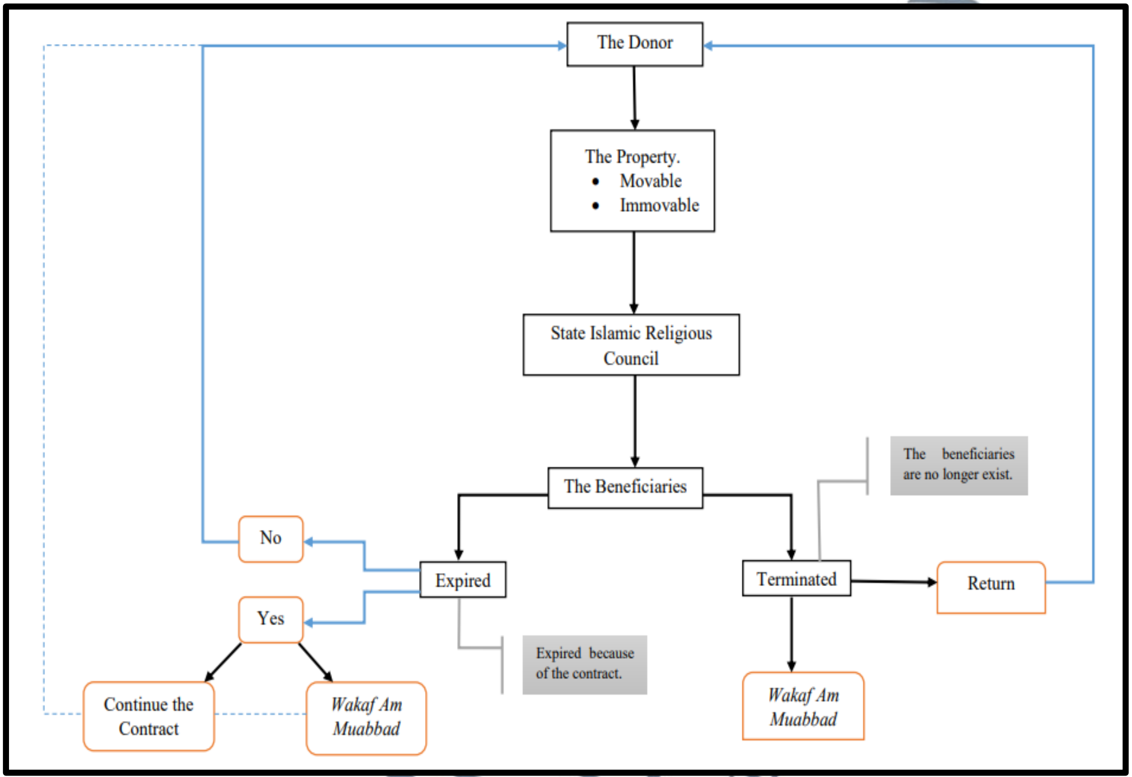
1. *"Wakaf khas"* except for mosque, cemetery, and the purpose of the mosque shall be declared as *"wakaf muaqqat"*.

2. *“Wakaf dzurri”* is only allowed to be declared as *“wakaf muaqqat”*.
3. *“Wakaf am”* shall be declared as *“wakaf muabbad”* and *“wakaf muaqqat”*.
4. *“Wakaf mushtarak”* shall be declared as *muabbad* for the portion of *“wakaf am”*, while the portion of *“wakaf khas”* or *“wakaf dzurri”* shall be declared either as *muaqqat* or *muabbad*.

Based on the suggestions above, it was stated that *“wakaf khas”* and *“wakaf dzurri”* shall be declared as *“wakaf muaqqat”*. The *waqf* could be categorised as *“wakaf khas”* if the donor has appointed specific beneficiaries, such as any individuals or specific group of people that are not continuous, or the *waqf* is preserved for any specific purposes. Both of these *waqf* are only allowed to be declared temporarily. However, the donor is allowed to choose whether to declare and practise both of these *waqf* for perpetuity or temporary if it is declared as *“wakaf mushtarak”*. As for *“wakaf am”*, the donor is allowed to declare the *waqf* either as *muabbad* or *muaqqat* based on the advice from SIRC. If the donor declares the *waqf* as *“wakaf mushtarak”*, the portion for *khairiy* or *“wakaf am”* must be declared perpetual. As discussed in chapter three, the representative of the Mufti Department of Perak agreed that if the beneficiaries of the *waqf* are the public, the needy, the poor, or mosque congregants, it would not be reasonable nor permissible to declare the *waqf* as temporary *waqf*.

4.2.1. The Framework of Temporary *Waqf* for *“Wakaf Khas”* and *“Wakaf Dzurri”*

The researcher proposed the framework to implement temporary *waqf* on *“wakaf khas”* and *“wakaf dzurri”* as follows:



Sources: Author’s declaration.

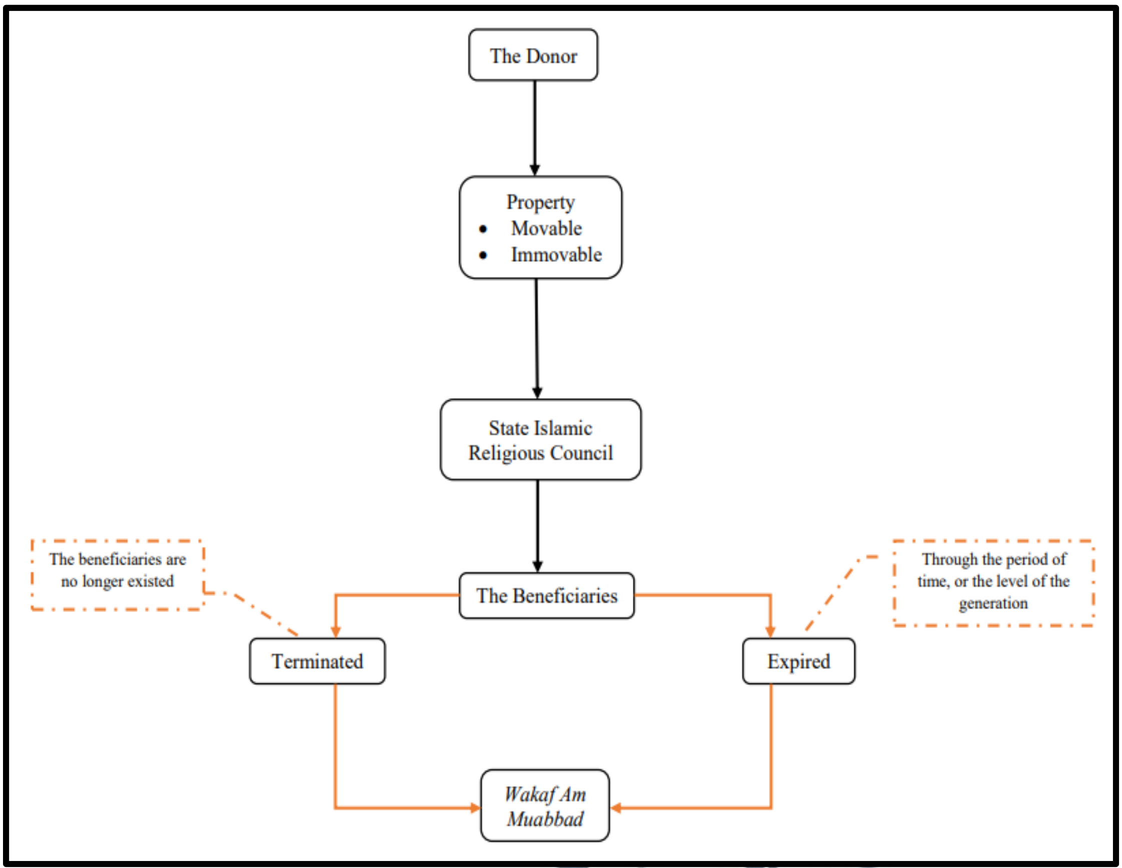
Figure 2*:* Framework for temporary *waqf* implementation on "*wakaf khas*".

As seen in Figure 2, the suggested framework was for *“wakaf khas”*, which indicated that the beneficiaries of the *waqf* are appointed specifically by the donor, such as the orphans in a specific place, particular schools, and specific individuals. Following are the relevant explanations:

1. The donor will *waqf* any specific property in his possession, which could be either movable, immovable, or both to the State Islamic Religious Council.
2. The property will be registered as a temporary *waqf* property and managed by the SIRC.

3. The property will be contributed to the appointed beneficiaries as determined by the donor in the contract.
4. The temporary *waqf* of *"wakaf khas"* could be ended in two ways, which include the termination when the beneficiaries are no longer present, or the expiry period as stipulated by the donor in the contract.
5. If the *"wakaf khas"* is ended through the termination, the *waqf* property could be converted to the *"wakaf am"*, which is for perpetuity, or the property will be returned to the donor's possession.
6. If the *"wakaf khas"* is ended because of the period of time as stipulated by the donor in the contract, the donor is allowed to renew the *waqf* contract and set a new period of time to continue the *waqf*. The donor is also allowed to convert the *waqf* to *"wakaf am"* for perpetual after the contract of *"wakaf khas"* is expired.
7. If the donor does not desire to continue the contract or convert the *waqf* as *"wakaf am"* for perpetual, the property will be returned to the donor's possession or the donor's heirs if the donor has passed away.

This is the researcher's point of view in implementing the temporary *waqf* on *"wakaf khas"*. However, the SIRC and *Sultan* have the authority to advise and order the donor to convert the *"wakaf khas"* to *"wakaf am"* for perpetual if it is necessary to fulfil the public interest as long as it is complying with the Islamic law. While for the temporary *waqf* on *"wakaf dzurri"*, the researcher opined that the implementation is different from *"wakaf khas"*. The researcher proposed as follows on the next page:



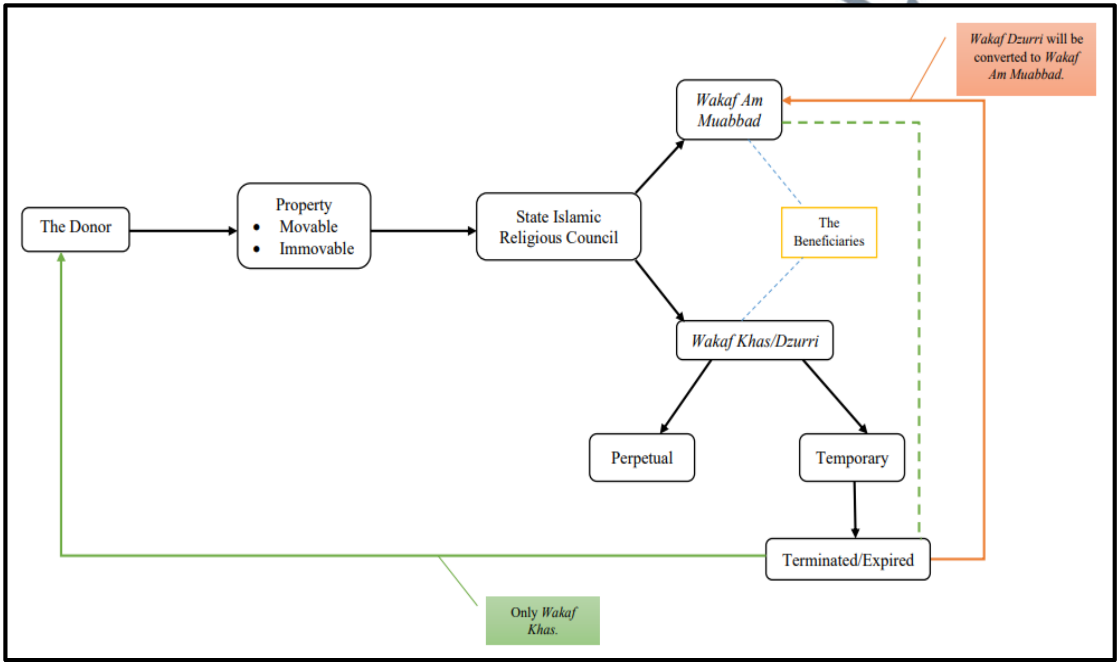
Sources: Author's declaration.

Figure 3:Framework for temporary *waqf* implementation on "*wakaf dzurri*".

It could be seen in Figure 3 that the *waqf* property cannot be returned to the donor's possession. The main purpose of the researcher to introduce the temporary *waqf* on *"wakaf dzurri"* is to provide opportunities for the donor to practise the *waqf* for their family members and relatives for a specific period of time. Furthermore, if the *"wakaf dzurri"* is terminated either due to the beneficiaries not being continuous or present, or the contract has expired as stipulated by the donor, the *waqf* will be automatically converted to *"wakaf am"* perpetually. However, the beneficiaries of the *waqf* property will be informed by the SIRC when the *waqf* contract is near the expired date as stated by the donor.

4.2.2. The Framework Temporary *Waqf* for *"Wakaf Mushtarak"*

A framework of temporary *waqf* has been proposed to implement and practise temporary *waqf* on *"wakaf khas"* and *"wakaf dzurri"*. In this sub-topic, the framework of temporary *waqf* on *"wakaf mushtarak"* was proposed for this research, which is as follows:



Sources: Author's declaration.

Figure 4:Framework for temporary *waqf* implementation on "*wakaf mushtarak*".

As described in the second chapter of this article, *"wakaf mushtarak"* is a combination between *"wakaf dzurri"* or *"wakaf khas"*, with *"wakaf am"*, which indicates a portion of *waqf* is preserved for *"wakaf am"* and another portion preserved for *"wakaf khas"* or *"wakaf dzurri"*. As shown in the figure above, the portion of the *waqf* property was divided into two parts, which are for the beneficiaries in the category of *"wakaf am"* and the beneficiaries in the category of *"wakaf khas"* or *"wakaf dzurri"*. It was previously mentioned that the portion of *"wakaf am"* that the portion must be preserved only in perpetuity. As for the portion of the *"wakaf khas"* or *"wakaf dzurri"*, the donor is allowed to choose whether to declare it perpetual or temporary as shown in the figure above.

In the case of *"wakaf khas"* or *"wakaf dzurri"* for the *"wakaf mushtarak"*, the researcher proposed a guideline in the event when the donor desires to declare it as a temporary *waqf*. Based on Figure 4, if the donor declares a portion of the *"wakaf mustarak"* as *"wakaf dzurri"*, the status of the *waqf* will be converted automatically to *"wakaf am"* for perpetuity after the contract for the *"wakaf dzurri"* is terminated either when the beneficiaries are no longer present, or the date of the *waqf* contact expires as determined by the donor. If the donor declares the *waqf* as *"wakaf khas"* temporarily, they are allowed to decide whether to retract the *waqf* property into his possession or change the status of the *"wakaf khas"* to *"wakaf am"* after the contract of the *"wakaf khas"* expires and is terminated.

4.3. The *Waqf* Property

As previously discussed, the types of property that are allowed for *waqf* are immovable and movable property. Thus, there is a property that cannot be accepted for temporary *waqf*, while a property that is accepted for temporary or perpetual *waqf* is also present. Following are the relevant suggestions in this research:

4.3.1. Only for Perpetual

1. *Waqf* the land for the purpose to build a mosque or the purpose of a mosque, cemetery, and any developments that involve construction activities on the land.
2. All the *waqf* decided by the government needs to be endowed perpetually.

3. All the *waqf* that the SIRC found is unreasonable to be endowed in perpetual.

The researcher opined that it is crucial to mention all the property that cannot be declared as temporary *waqf*. Based on the interview data in chapter three, the representative of the SIRC and State Mufti Department of all the selected states agreed that all the *waqf* for the mosques, cemeteries, and the purpose of the mosques and cemetery is not allowed to be declared as temporary *waqf*. This statement indicates that the *waqf* for mosques, which includes the land, mosque, and all the buildings in the area of the land should be endowed perpetually. This condition also applies to the land that goes through *waqf* for the purpose of the cemetery and is parallel with the opinion of the majority of Islamic scholars (Al-Kubaisiy, 1977; Al-Zuhaili, 1997). Besides, it is in line with the provision from *Kaedah-Kaedah Wakaf* (Johor) 1983, which prohibits the *waqf* for the mosque to be declared as temporary *waqf*. In the case of the aforementioned two suggestions, all the *waqf* properties decided by the government and the SIRC declared as *muabbad* should realise the public interest and current needs. It was also added that all the *waqf* property necessary to realise the public interest shall be declared perpetual.

4.3.2. Accepted to be *Waqf* in Temporary and Perpetual

1. *Waqf* land for the agricultural purpose or any activities that do not involve any building construction.
2. The movable and immovable property that is not depreciated and reasonable to be endowed in temporary.
3. *Waqf* of the usufruct, yield, and benefit of the property or anything that could benefit the needy, which complies with the Shariah law and the public interest.

Based on the previously highlighted types of property, the temporary *waqf* could be applied to the movable and immovable property. However, an exception should be placed on certain types of property. Although it was suggested that the land is permissible to be declared as temporary *waqf*, the land is only allowed to be endowed for the purpose of agricultural activities that are reasonable with the structure of the land and environment. This measure prevents conflicts from occurring in the management of temporary *waqf* between the SIRC, the donors, and all the involved parties. In the case of the application of temporary *waqf* for the movable properties, the representative of the SIRC of Penang emphasises that the property should not be depreciated, such as the value of cash. In this case, it was highlighted that movable property that is allowed to be declared as temporary *waqf* must be reasonable from the perspective of the SIRC.

4.4. Temporary *Waqf* Termination

The researcher opined that a few methods could be applied in terminating the temporary *waqf*, which is as follows:

1. The *waqf* will be terminated according to the period of time or level of family generation as determined by the donor in the contract.
2. The beneficiaries of the *waqf* are not continuous or no longer exist.
3. The *waqf* property is damaged and can no longer be utilised or benefited.
4. The *waqf* will be terminated through the decision of the *Sultan* or the SIRC.

It could be seen that the temporary *waqf* can be terminated over a period of time as determined by the donor. In this case, it was suggested that the minimum period of the temporary *waqf* is not less than 10 years from the date when the *waqf* contract is sealed.

While the maximum period of temporary *waqf* does not exceed 60 years, the minimum and maximum periods of the temporary *waqf* are applied to all types of *waqf*. Although there is no specific evidence regarding the specific duration to practise the temporary *waqf* from prominent Islamic scholars, the duration to practise temporary *waqf* suggested by the researcher is for the purpose of management and to prevent any conflict in the future. Besides, it was also stated that the donor is allowed to determine the period to practise the temporary *waqf* through the level of generations. This was followed by the suggestion that the temporary *waqf* must not exceed two generations of the beneficiaries. For example, the donor endows a specific property on his children and the temporary *waqf* will expire two generations after his children. Overall, both of these methods comply with the *Kaedah-Kaedah Wakaf* (Johor) 1983.

The researcher also opined that the temporary *waqf* can be terminated through the existence of the beneficiaries. As proposed by the researcher, the temporary *waqf* will be terminated if the beneficiaries are not continuous or no longer exist. In this case, the *waqf* will be terminated if the donor does not state another continuous beneficiary as the next benefactor of the *waqf* after the first beneficiary no longer exists. Although the donor has stated the period of time on that particular *waqf*, it will also be considered terminated if the beneficiaries no longer exist. This suggestion is parallel with the opinion of Mālikī schools and Imām Muḥammad bin Ḥasan from Ḥanafī schools, as discussed in chapter two.

The *waqf* will also be considered terminated if the endowed property is damaged and perished, which indicates that the endowed property could no longer be benefited and utilised by the beneficiaries. The *waqf* property also cannot be restored and contain no value for *istibdāl*. This situation is parallel to the opinion of Ḥanafī and Ḥanbalī schools as both of these *madzhab* determine that the character of *waqf* property should last long and could be preserved in the future. When the property is damaged and cannot be restored, the *waqf* will be revoked (Al-ᶜAini, 2000; Al-Bahūti, 2000; Ibn ᶜAbidīn, 2003; Ibn Qudāmah, 2005). The second and third methods of temporary *waqf* termination are in-line with the opinion of the representative of Mufti Department of Perak, as discussed in chapter three.

The temporary *waqf* could be terminated through the orders of the *Sultan* or government whenever necessary or when conflict occurs between the parties involved in the *waqf*. This statement is parallel with the provision stated in *Kaedah-Kaedah Wakaf* (Johor) 1983. Section 18 (3) of *Kaedah-Kaedah Wakaf* (Johor) 1983 states that the court has the authority in terminating the temporary *waqf* and deciding whether the property will be returned to the donor's possession if the donor is still alive, or to the donor's heirs, or any qualified individuals.

4.5. *Ṣīghah* of Temporary *Waqf*

To practise the temporary *waqf*, the *ṣīghah* of temporary *waqf* should be clear and precise, which is a measure to prevent any conflict and ambiguity during the declaration of *waqf*. As stated in the previous topic, *"wakaf khas"* and *"wakaf dzurri"* are only allowed to be declared as temporary *waqf*. Accordingly, the *ṣīghah* suggested by the researcher is as follows:

1. I ………(Name)………, …. (I/C Number) …. hereby declared my property … (Types of Property) … as *"wakaf dzurri"*, which the benefits of the property will be distributed to … (The Beneficiaries) … temporarily, which is only for

… (Years/Generations) …., from … (Date Begin the *Waqf*) … until … (Date End the *Waqf*) …, for the purpose … (Purpose) ….

2. I ………(Name)………, …. (I/C Number) …. hereby declared my property … (Types of Property) … as *"wakaf khas"*, which the benefits of the property will be distributed to … (The Beneficiaries) … temporarily, which is only for … (Years) …., from … (Date Begin the *Waqf*) … until … (Date End the *Waqf*) …, for the purpose … (Purpose) …. After the *waqf* is expired, the status of the *waqf* shall be changed to *"wakaf am"* for perpetual/… (Donor's desire) …

While for the *"wakaf am"* except for the *"wakaf mushtarak"*, the researcher suggested that the donor has given the opportunity to choose either to declare it as temporary or perpetual. The researcher also will suggest the *ṣīghah* of *"wakaf mushtarak"*. The *ṣīghah* suggested by the researcher is as follows:

1. I ………(Name)………, …. (I/C Number) …. hereby declared my property … (Types of Property) … as *"wakaf am"*, which the benefits of the property will be distributed to … (The Beneficiaries) … perpetually/temporarily, which is only for … (Years) …., from … (Date Begin the *Waqf*) … until … (Date End the *Waqf*) …, for the purpose … (Purpose) … After the *waqf* is expired (if temporary), the status of the *waqf* shall be changed to *"wakaf am"* for perpetual/… (Donor's desire) …

2. I ………(Name)………, …. (I/C Number) …. hereby declared my property … (Types of Property) … as *"wakaf musytarak"*, which is … (Portion) … of the benefits of the property will be distributed to … (The Beneficiaries) … as

"wakaf am" perpetually for the purpose … (Purpose) …, and … (Portion) … of the benefits of the property will be distributed to … (The Beneficiaries) … as *"wakaf khas/wakaf dzurri"* perpetually/temporarily, which is only for … (Years/Generations) …., from … (Date Begin the *Waqf*) … until … (Date End the *Waqf*) …, for the purpose … (Purpose) … After the *waqf* is expired, the status of the *waqf* shall be changed to *"wakaf am"* for perpetual/… (Donor's desire) …

Based on the *ṣīghah* above, the researcher has suggested two categories of the *ṣīghah* in declaring the *waqf*. As for the first category, the *ṣīghah* for *"wakaf dzurri"* and *"wakaf khas"* was proposed, while the *ṣīghah* for *"wakaf am"* and *"wakaf mushtarak"* was suggested in the second category. It is important for the donor to distinguish whether the *waqf* can only be declared as temporary or perpetual, or it could be declared as temporary or perpetual.

4.6. The Restriction of Temporary *Waqf*

The researcher opined that it is mandatory to determine the restriction in practising the temporary *waqf* to prevent any conflicts between the SIRC as a sole trustee, the donor, and other involved parties. The following suggestions have been made:

1. The donor is prohibited to take back the endowed property before the expiry date as sealed in the *waqf* contract.
2. The period of the temporary *waqf* is allowed to be extended to any other specific period of time, or changed the *waqf* status as *"wakaf muabbad"* with permission from the donor or the donor's heirs.

3. The SIRC or *Sultan* may have the authority to advise the donor to change the status of the *"wakaf muaqqat"* to *"wakaf muabbad"* if the termination of the *waqf* will harm the beneficiaries and against the public interest.

Based on these suggestions, it was emphasised that it is prohibited for the donor to retract the *waqf* property when the contract has been sealed. At this point, the donor is not allowed any rights to take back the *waqf* property until the *waqf* has reached the expiry date. This statement is in line with the opinion of the representative of the SIRC of Penang as described in chapter three. Besides, the duration of the temporary *waqf* is allowed to be extended to any particular period of time with the permission and consent of the donor. The status of *"wakaf muaqqat"* could also be changed to *"wakaf muabbad"* after the *waqf* has expired with the permission and consent of the donor. In some reasonable situations that concern the public interest, the SIRC or *Sultan* holds the authority to advise the donor to change the status of *"wakaf muaqqat"* to *"wakaf muabbad"*, which is crucial for preventing the conflict in managing the *waqf* in the future.

4.7. The Status of the Ownership of the Property

In the matter of the ownership of the *waqf* property for temporary *waqf*, the following suggestions were made:

1. Once the *waqf* has been declared and the contact has been sealed, the ownership of the property will be registered under the SIRC as it is the sole trustee of the *waqf* property.

2. After the temporary *waqf* on *"wakaf dzurri"* has been terminated or expired, the status of the ownership of the *waqf* property will be transferred to the *Baitulmal* or SIRC and changed to *"wakaf am"* for perpetual.
3. After the termination or expiry of temporary *waqf* on *"wakaf am"* and *"wakaf khas"*, the ownership of the property is allowed to be returned to the donor's possession or the donor's heirs. Meanwhile, *"wakaf khas"* could be changed to *"wakaf am"* and the ownership of the property will be transferred to *Baitulmal* or SIRC for perpetual.

Based on the above statement, the researcher opined that after the contract of temporary *waqf* has been sealed, the status of the ownership of the property will be registered and belong to SIRC. To illustrate this point, SIRC is the sole trustee of all *waqf* property. However, the status of the ownership of the property is bound to the stipulation determined by the donor in the *waqf* contract. It was also suggested that the ownership of the property from *"wakaf dzurri"* will be transferred to *Baitulmal* or SIRC as *"wakaf am"* for perpetuity after the *waqf* expires or is terminated. This method could enhance the potential of the *waqf* property and broadly contribute to the benefits of the *waqf* property. In the case of the temporary *waqf* for *"wakaf am"* and *"wakaf khas"*, the ownership of the property could be returned to the donor's possession or the donor's heirs after the *waqf* is expired. However, as for *"wakaf khas"*, it was added that the ownership of the property could also be transferred to the *Baitulmal* or SIRC and would be changed to *"wakaf am"* for perpetuity. This suggestion is in line with the opinion of the Shāfiᶜiy schools as described by the representative of the Mufti Department of Perak in chapter three.

Conclusion

In conclusion, a guideline and parameter were proposed to implement the temporary *waqf* in the selected states. This research emphasised and included all the mandatory elements for implementing the temporary *waqf*, followed by the proposal of *waqf* and temporary *waqf* definitions that are suitable and comprehensive to be included in the *waqf* enactment. As for the types of *waqf* property, the researcher suggested that *"wakaf dzurri"* is only allowed to be practised and declared as temporary *waqf*, followed by its conversion into *"wakaf am"* perpetually after the contract is expired. In respect of *"wakaf am"* and *"wakaf khas"*, the donor has the opportunity to choose whether to declare the *waqf* as perpetual or temporary. In the case of *"wakaf mushtarak"*, it was suggested that *"wakaf am"* is only allowed to be declared perpetually. The researcher also has proposed the framework to implement the temporary *waqf* on *"wakaf khas"*, *"wakaf am"*, *"wakaf dzurri"*, and *"wakaf mushtarak"*.

The researcher also described the characteristic of the *waqf* property, which is only permissible for perpetual *waqf* and the property that is accepted for perpetual and temporary *waqf*. Preventing any conflict between the donor, the beneficiaries, and the SIRC is important in practising the temporary *waqf* in the future. This research also presented the methods through which the temporary *waqf* could be terminated, specifically the period of time or the level of a generation determined by the donor, the status of the beneficiaries, the condition of the *waqf* property, the order of the SIRC, or the *Sultan*. Besides, this research also proposed the *ṣīghah* of temporary *waqf* for *"wakaf khas", "wakaf am", "wakaf dzurri",* and *"wakaf mushtarak"* that are suitable to be applied by the SIRC of the selected states.

In practising the temporary *waqf*, the restriction on practising the temporary *waqf* is laid down to prevent any misunderstanding and conflict between the SIRC and the involved parties in the future. Several restrictions are present: (1) the donor is prohibited to take back the endowed property before the expiry date as sealed in the *waqf* contract; (2) the period of the temporary *waqf* is allowed to be extended to any other specific period of time, or have its status changed into *"wakaf muabbad"* with the permission from the donor or the donor's heirs, and; (3) the SIRC or *Sultan* may have the authority advise the donor to change the status of the *"wakaf muaqqat"* to *"wakaf muabbad"* if the termination of the *waqf* will harm the beneficiaries and be against the public interest. The researcher also stated the status of the ownership of the *waqf* property along the *waqf* contract, which is effective after the *waqf* contract is expired.