CHAPTER 5

CONCLUSION

This chapter summarises and concludes all the findings related to the research objective. Fundamentally, this research has successfully fulfilled all the research objectives. It aims to produce a guideline that the SIRC of Terengganu, Penang, and Perak could refer to for implementing the temporary *waqf* in the future.

As stated in the first chapter, three main objectives were established in this research. The researcher aims to critically examine the traditional and modern Islamic jurists' perspectives on temporary *waqf* for the first objective. Analysis was conducted on the data collected from the primary and secondary documents in the second chapter to fulfil the first objective. Based on the discussion in the second chapter, it was found that the *waqf* is not limited to perpetual practice. *Waqf* is allowed to be practised temporarily and is parallel with the absolute opinion of Mālikī schools. However, temporary *waqf* cannot be applied to mosques and cemeteries. Furthermore, it was also found that temporary *waqf* could be divided into three categories: (1) temporary *waqf* from the perspective of the *ṣīghah*; (2) temporary *waqf* from the perspective of the *waqf* property, and; (3) temporary *waqf* from the perspectives of the beneficiaries. At the end of the second chapter, it was acknowledged that the opinion of the Mālikī schools that allows the application of temporary *waqf* does not contradict the main principle and purpose of *waqf*, which is to worship and seek the blessing from Allah S.W.T by spending the wealth for pious deeds. Besides, modern Islamic scholars including Qahf (2000), Ab Rahman and Amanullah (2017c) stated that the application of temporary *waqf* could realise the public interest and enhance the potential of current *waqf*. It could also recognise the donor's interest, the *waqf* property, the beneficiaries, and other parties involved in the *waqf* contract. Therefore, it was emphasised that the findings presented in the second chapter have successfully achieved the first objective of this research.

The second objective of this research is to analyse the existing concept of temporary *waqf* and its implementation in the selected states in Malaysia. To achieve the second objective of this research, investigation and discussion were conducted on the implementation of the existing *waqf* in the selected states through the respective regulation in the third chapter. Generally, each of the selected states has a principal enactment that governs all Islamic matters, including the Administration of Islamic Religious Affairs (Terengganu) Enactment 2001, Administration of the Religion of Islam (Perak) Enactment 2004, and the Administration of the Religion of Islam (State of Penang) Enactment 2004. However, only the states of Perak and Terengganu have a specific *waqf* enactment, which includes (1) *Wakaf* (Terengganu) Enactment 2016 and (2) *Wakaf* Enactment (Perak) 2015. As for the state of Penang, the SIRC of Penang still refers to the Administration of the Religion of Islam (State of Penang) Enactment 2004 in governing all the *waqf* matters. Interviews were also conducted with the representative of the SIRC and the State Mufti Department of the selected states to gain in-depth information regarding the existing implementation of *waqf* and the views on temporary *waqf* implementation. As a result, it was found that the states only provide a general definition of *waqf*. Meanwhile, the terms *"wakaf muaqqat"* or temporary *waqf* are highlighted in *Wakaf* (Terengganu) Enactment 2016. After the discussion, the representative of the SIRC and the State Mufti Department of the selected states mentioned that no application for the temporary *waqf* is currently made. However, all the selected states agreed to implement and practise the temporary *waqf* when there is a guideline and practical parameter to be referred in implementing the temporary *waqf*. Overall, the third chapter of this research has accomplished the second objective of this research.

Following the achievement of the first two objectives, the research presented a theoretical framework that covers all the vital matters to implement and practise the temporary *waqf* for the reference of the SIRC of the selected states. The guideline was divided into seven crucial parts, as suggested by the representative of the SIRC of the selected states, namely (1) the *waqf* and temporary *waqf* definition, (2) the types of *waqf*, (3) the *waqf* property, (4) temporary *waqf* termination, (5) the *ṣīghah* of temporary *waqf*, (6) the restriction of the temporary *waqf*, and (7) the status of the ownership of the property. Moreover, an accurate description was made of the guideline to implement and practise the temporary *waqf* based on the capacity of the SIRC of the selected states, as mentioned by the interviewee. This guideline was established based on the parameters laid down by the traditional and modern Islamic scholars without denying the current needs and interest of the SIRC as the sole trustee of the *waqf* in managing and developing the *waqf* in the future. Thus, it was believed that the fourth chapter has fulfilled the final objective of this research based on the findings from the first and second objectives.

This study developed a theoretical framework and model that covers all the crucial parts in implementing and practising the temporary *waqf* that is suitable for use by the SIRC in Malaysia, especially for the selected states. All of the models proposed were developed theoretically after analysing all the data from the Islamic jurisprudence books, reliable journal articles, the statutory provisions, and the information and recommendation given by the representative of the SIRC of the selected states if they wish to practise and impose the temporary *waqf* in the future. This theoretical framework would assist and ease the SIRC and other *waqf* institutions to broaden the *waqf* potential through the application of temporary *waqf* in future.