

**THE CHALLENGES OF *AL-TAWRIQ ISTIBDALIAH*
APPLICATION: A STUDY AMONG WAQF MANAGERS**

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UNIVERSITI SAINS ISLAM MALAYSIA

**THE CHALLENGES OF *AL-TAWRIQ ISTIBDALIAH*
APPLICATION: A STUDY AMONG WAQF MANAGERS**

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AUTHOR DECLARATION

I hereby declare that the work in this thesis is my own except for quotations and summaries which have been duly acknowledged.

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ABSTRAK

Terdapat tanah wakaf yang belum dibangunkan dan tidak produktif menjadi terbiar kerana kekurangan modal kewangan. Selain itu, kajian lepas telah menyebut bahawa salah urus, kekurangan pengalaman sama ada isu dalaman atau luaran adalah sebagai cabaran kepada pembangunan wakaf. Pengurus wakaf bertanggungjawab menguruskan harta wakaf agar dapat memberikan faedah terbaik kepada penerima manfaat. Oleh itu, *Al-Tawriq Istibdaliah* adalah instrumen yang boleh digunakan oleh pengurus wakaf untuk mencairkan aset wakaf yang tidak produktif, terbiar dan kekurangan modal. Justeru, matlamat utama kajian ini adalah untuk meneroka cabaran instrumen *Al-Tawriq Istibdaliah* dalam kalangan pengurus wakaf. Kajian ini mempunyai tiga objektif utama. Pertama adalah untuk mengenalpasti pendapat konsep wakaf *Al-Tawriq Istibdaliah* berdasarkan reaksi pengurus wakaf. Kedua, menilai potensi pelaksanaan *Al-Tawriq Istibdaliah* untuk membangunkan aset wakaf di Malaysia dan ketiga, mengenalpasti cabaran perlaksanaannya di Malaysia. Data dikumpulkan menggunakan kaedah temu bual untuk menilai kemungkinan cabaran dalam melaksanakan instrumen *Al-Tawriq Istibdaliah*. Kajian ini bertujuan untuk mengenal pasti cabaran kritikal dalam melaksanakan instrumen *Al-Tawriq Istibdaliah* terhadap aset wakaf yang belum dibangunkan. Kajian ini menggunakan pendekatan kualitatif dalam menjawab persoalan kajian. Analisis teks temu bual dinilai berdasarkan maklum balas pelaksanaan dan kemungkinan cabaran dalam melaksanakan instrumen *Al-Tawriq Istibdaliah*. Pengurus wakaf dari empat MAIN ditemu bual. Temu bual ditranskrip, diterjemah, dan dianalisis menggunakan perisian ATLAS.ti versi 8. Setelah mengenal pasti cabaran utama pelaksanaan *Al-Tawriq Istibdaliah*, kajian ini mendapati pelaksanaan *Al-Tawriq Istibdaliah* ini boleh dilaksanakan setelah membuktikan bahawa pelaksanaan *Al-Tawriq Istibdaliah* benar-benar wujud sebelum proses *Istibdal*. Pengistilahan *Al-Tawriq Istibdaliah* sangat penting kerana amalan ini telah dilaksanakan tetapi tidak dinamakan dalam satu istilah yang khusus. Oleh itu, signifikan kajian ini ialah implikasi polisi utama *Al-Tawriq Istibdaliah* sebagai pendekatan yang praktikal dalam mengatasi masalah aset wakaf yang tidak produktif dan terbiar dalam perspektif pengurus wakaf. *Al-Tawriq Istibdaliah* adalah proses yang berlaku sebelum proses *Istibdal* bermula, sebagai salah satu penyelesaian untuk membangunkan aset wakaf di Malaysia. Hasil dari kajian, terdapat tiga cabaran dikenal pasti dalam pelaksanaan *Al-Tawriq Istibdaliah*. Pertama, kurangnya kesedaran di kalangan pengurus wakaf mengenai kewujudan *Al-Tawriq Istibdaliah* dalam proses *Istibdal* dan kedua, daripada segi pengurusan tanah itu sendiri dan ketiga, kurangnya pengetahuan mengenai pelaksanaan *Al-Tawriq Istibdaliah*. Sehubungan dengan itu, pengurus wakaf perlu memahami dan mengenal pasti cabaran yang ada sebelum melaksanakan instrumen *Al-Tawriq Istibdaliah* untuk membangunkan aset wakaf yang terbiar dan tidak produktif. Walaupun kajian ini dilakukan di Majlis Agama Islam terpilih solusinya juga boleh dilaksanakan di institusi wakaf yang lain. Senarai cabaran untuk melaksanakan instrumen *Al-Tawriq Istibdaliah* yang komprehensif telah dikaji dan kemudiannya dinilai oleh pakar wakaf di MAIN. Ini adalah Langkah yang penting yang dapat membantu mengatasi cabaran dan mengembangkan strategi yang baik sebelum melaksanakan *Al-Tawriq Istibdaliah* pada masa akan datang.

ABSTRACT

There are many undeveloped and unproductive *waqf* land that became idle due to the lack of financial capital. On top of that, previous research had mentioned the mismanagement, lack of experience either internal or external issues as challenges to the effective *waqf* development for public goods. The *Waqf* manager is responsible for managing the *waqf* assets to provide the beneficiaries with the best benefits. Therefore, *Al-Tawriq Istibdaliah* is an instrument for *waqf* assets liquidation that can be used by the *waqf* manager to solve unproductive, idle and lack of funds *waqf* assets. Thus, the main aim of this study is to explore the challenges of *Al-Tawriq Istibdaliah* application among *waqf* managers. There are three main objectives in this study. The first is to describe opinions of the concept of *Al-Tawriq Istibdaliah* among *waqf* managers. The second is to assess the potential implementation of *Al-Tawriq Istibdaliah* for *waqf* assets in Malaysia. The third objective is to identify the challenges of its implementation in Malaysia. Data were collected using interview methods to assess possible challenges in implementing the *Al-Tawriq Istibdaliah* instrument. This study aims to identify critical challenges in the implementation of *Al-Tawriq Istibdaliah* instruments on undeveloped *waqf* assets. Therefore, this study used a qualitative approach to address the research questions. The interview text was analysed based on the feedback and possible challenges in implementing the *Al-Tawriq Istibdaliah* instrument. *Waqf* managers from four MAINs were interviewed. Interviews were transcribed, translated, and analysed using ATLAS.ti software version 8. After identifying the main challenges of implementing *Al-Tawriq Istibdaliah*, this study found that *Al-Tawriq Istibdaliah* can be implemented after proving that it exists as an instrument before the *Istibdal* process. Thus, conceptuality the terminology of *Al-Tawriq Istibdaliah* is very important because this practice has been implemented but not named in a specific term. Therefore, the significant of this study is the policy implication of *Al-Tawriq Istibdaliah* as a practical approach in overcoming the problem of unproductive and idle *waqf* assets among the *waqf* managers perspectives. *Al-Tawriq Istibdaliah* is a process that occurs before the *Istibdal* process begins. As a result of the study, three challenges were identified in the implementation of *Al-Tawriq Istibdaliah*. First, the lack of awareness among *waqf* managers about *Al-Tawriq Istibdaliah* in the *Istibdal* process and second, in terms of the *waqf* land management and third, the lack of knowledge on the implementation of *Al-Tawriq Istibdaliah*. In this regard, the *waqf* manager needs to understand and identify the challenges before implementing the *Al-Tawriq Istibdaliah* instrument to develop idle and unproductive *waqf* assets. Although this study was conducted in selected Islamic Religious Councils, the solution can also be implemented in other *waqf* institutions. The list of challenges to implementing the comprehensive instrument of *Al-Tawriq Istibdaliah* has been reviewed and then evaluated by a *waqf* expert at MAIN. It is an important step that can help overcome challenges and develop good strategies before implementing *Al-Tawriq Istibdaliah* in the future.

الملخص

هناك العديد من الأوقاف غير المطورة وغير المنتجة التي أصبحت معطلة بسبب نقص رأس المال المالي. علاوة على ذلك ، أشارت الأبحاث السابقة إلى أن سوء الإدارة ونقص الخبرة في القضايا الداخلية أو الخارجية يمثل تحديات أمام التطوير الفعال للوقف للمصالح العامة. مدير الوقف هو المسؤول عن إدارة عقار الوقف من أجل تقديم أفضل الفوائد للمتلقين. التوريق أداة لتصفية أصول الوقف غير المنتجة والعاطلة والناقصة. وبالتالي ، فإن الهدف الرئيسي من هذه الدراسة هو استكشاف تحديات تطبيق التورق الاستبدالية بين مديري الأوقاف. هذه الدراسة لها ثلاثة أهداف ، الأول هو التعرف على مفهوم وقف التوريق بين مديري الأوقاف ، لتحليل التنفيذ المحتمل للتورق لأصول الوقف في ماليزيا وتحليل وتحديد العوائق التي تحول دون تنفيذ التوريق في ماليزيا. تم جمع البيانات التجريبية باستخدام طرق المقابلة لتقييم التحديات المحتملة في تنفيذ أدوات التوريق. تمت مقابلة مديري أوقاف من أربعة مجالس دينية إسلامية تابعة للدولة. تم نسخ المقابلات وترجمتها وتحليلها باستخدام إصدار برنامج ATLAS version 8. بعد تحديد التحديات الرئيسية لتطبيق التورق الاستبدالي ، وجدت هذه الدراسة أن التورق الاستبدالية يمكن تنفيذها بعد إثبات وجودها كأداة قبل عملية الاستبدال. وبالتالي ، فإن المفهومية ، فإن مصطلحات التورق الاستبدالية مهمة جدًا لأن هذه الممارسة قد تم تنفيذها ولكن لم يتم تسميتها في مصطلح محدد. لذلك ، فإن أهمية هذه الدراسة تكمن في تداعيات سياسة التورق الاستبدالية كنهج عملي في التغلب على مشكلة الأصول الوقفية غير المنتجة والعاطلة بين وجهات نظر مديري الوقف. التوريق هي عملية تتم قبل أن تبدأ عملية الاستبدال كأحد الحلول لتطوير أصول الوقف في ماليزيا. وبسبب نقص رأس المال ، أصبح العديد من الأوقاف غير المطورة وغير المنتجة معطلاً. ونتيجة للدراسة ، تم تحديد ثلاثة تحديات في تنفيذ التوريق. أولاً ، قلة وعي مديري الأوقاف بوجود التوريق. ثانيًا ، تحدي الأرض نفسها ؛ وثالثًا ، قلة المعرفة بتطبيق التوريق. في هذا الصدد ، يحتاج مدير الوقف إلى فهم وتحديد التحديات الموجودة قبل تنفيذ أداة التوريق لتوسيع أصول الوقف المتروكة. بالرغم من أن هذه الدراسة قد أجريت في المجلس الديني الإسلامي ، إلا أنه يمكن تطبيقها في مؤسسات الوقف الأخرى. تمت مراجعة قائمة التحديات التي تواجه تنفيذ أداة التوريق الشاملة ثم تقييمها من قبل خبير في الوقف في مين. هذه خطوة أولى مهمة يمكن أن تساعد في التغلب على التحديات وتطوير استراتيجيات جيدة قبل تنفيذ التوريق في المستقبل.

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