
ADVANTAGES OF TEMPORARY WAQF IN COMBATING COVID-19 PANDEMIC IN MALAYSIA

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ABSTRACT

Waqf is a form of charity which is highly recommended in Islam. In Malaysia, most of the states impose solely on perpetuity property based on Shafi'i school of law view as stated in State Administration of Islamic Law Enactment and State Waqf Enactment. However, there are certain states allowed the implementation of temporary waqf such as Johor, Federal Territory of Kuala Lumpur, and Sarawak. In 2020, most of the country across the world including Malaysia are affected by deadly disease which is known as COVID-19. The World Health Organization (WHO) declare it as pandemic on January 2020. Malaysia Government has issued Movement Control Order (MCO) as a preventive measures to overcome this contagious disease. Many institutions and employment sectors are ordered to stop their operation temporarily. The negative impact of MCO affected daily life routine, public safety and security, education, and business. Thus, the objective of this paper is to study the concept of temporary waqf from the Islamic perspectives and to explore the advantages of temporary waqf in combating COVID-19. This paper has conducted inductive and deductive methods. In this qualitative research, data has been collected by using library research, observations, and interview. The result of this paper shows that temporary waqf products brought many advantages as compared to perpetuity waqf in combating this pandemic COVID-19.

Keywords: *Advantages, Temporary Waqf, COVID-19, Malaysia, MCO*

INTRODUCTION

Waqf literally means detention, to hold, and to preserve (Abbasi, 2012). In general, *waqf* can be defined as preserving the property and distribute the benefits of it to the needy (Asmak, 2009). In Malaysia, most of the states impose Shafi'iyy school when it comes to Islamic law matters includes *waqf* (M. Firdaus & Amanullah, 2016). In Shafi'iyy school, *waqf* is only valid in perpetuity. Hence, contract of *waqf* is invalid if the founder (*al-wāqif*) limit the *waqf* for a certain period (Al-Nawawi, 2008). However, there are certain states that allowed the temporary *waqf* such as Terengganu, Federal Territories, Johor, and Sarawak. This can be referred in State Administration of Islamic Law Enactment and State *Waqf* Enactment as stated below:

No.	Enactment	Statement
1	Section 2 of Administration of Islamic Law (Federal Territories) Act 1993	" <i>wakaf khas</i> " means a dedication in perpetuity or for a limited period of the capital of property for religious or charitable purposes recognized by Islamic Law, and the property so dedicated, the income of the property being paid to persons or for purposes prescribed in the <i>waqf</i> .
2	Section 18 (2) (c) of <i>Wakaf</i> (Terengganu) Enactment 2016	" <i>Wakaf muaqqat</i> " means a submission of <i>waqf</i> for a particular period.
3	Section 2, Majlis Islam Sarawak Ordinance 2001	" <i>wakaf khas</i> " means a dedication in perpetuity, or for a limited period, of the capital of property for religious or charitable purposes recognized by Islamic Law and the property so dedicated, the benefit and income of the property being given to specified persons or for purposes prescribed in the <i>waqf</i> ;
4	Section 17 of <i>Kaedah-Kaedah Wakaf</i> (Johor) 1983	<i>wakaf masjid</i> and the <i>waqf</i> for the purpose of <i>masjid</i> are considered as <i>muabbad</i> and the <i>waqf</i> for another purposes than the <i>masjid</i> and for the purpose of <i>masjid</i> and <i>waqf</i> other than the <i>waqf ahli</i> shall be <i>muabbad</i> and shall be <i>muaqqat</i> and if it is absolute then the <i>waqf</i> considered as <i>muabbad</i> or <i>wakaf ahli</i> is <i>muaqqat</i> which is not exceed 60 years from the death date of the founder (<i>waqif</i>) or two descendants which not include the founder (<i>waqif</i>).

Table 1: The provision on temporary *waqf* in the State Administration of Islamic Law Enactment/Act and State *Waqf* Enactment.

From the stated provisions above, it shows that the temporary *waqf* has been allowed in certain states in Malaysia even though Shafi'iyy school are only allowed *waqf* in perpetuity. This paper will describe the concept and application of temporary *waqf* from Islamic perspectives.

In December 2019, the epidemic outbreak threat emerged in Wuhan, China which is known as SARS-CoV-2. This outbreak spread all over the world. World Health Organization named this outbreak as COVID-19 and it became threat to the public health in 2020. In January 2020, WHO announced that this disease become a pandemic disease and Malaysia is among the affected country (Elengoe, 2020). As preventive measures to obviate this dangerous disease from spread, the Government of Malaysia has ordered to enforce Movement Control Order (MCO) in March 2020. During the MCO, the government has imposed a few restrictions such as prohibition from attending any mass gatherings including religious, social, sports, and cultural events. All worships places, business, and institutions were ordered to close temporarily. From this situation, many people were suffered in order to bear the cost of living especially for the B40 group (Ain Umaira et al., 2020).

Other than that, the front liner staffs of the Ministry of Health of Malaysia (MOH) are also facing a hard situation when the crucial equipment such as Personal Protective Equipment (PPE) suit, face mask, hand sanitizer, and temperature scanner are inadequate. Since the number of COVID-19 patient are bumping up in the graph, the capacity of the government hospital in each states have reach its limit to accommodate the COVID-19 patients. There also a need to have the additional quarantine centre for the suspected patient of COVID-19, homeless, and Malaysians that returning from aboard. Thus, this

paper will emphasize and explore the advantages of temporary *waqf* as a solution in combating this pandemic.

METHODOLOGY

This qualitative study comprised by three methodologies which is documentary research, qualitative data analysis and hermeneutic analysis. Documentary research methods can be understood as the way to evaluate and analysis the any documents either written by the scholars or academicians which is contains the information related to the field of study (Bailey, 2008). In the other words, this methods are used in order to gain and gather the data through the studies of the documents, literature, and records that have been produced (Neely & Ponshumugam, 2019). Thus, the main purpose of this methods is to appraise the written document that were used to gain information either it is public domain or private. In the other word, it is the way to recognize the documents either it is primary sources or secondary sources (Ahmed, 2010). In this paper, the researcher used to gain the information and data from both sources.

The primary sources were retrieved from Al-Quran verses and Prophetic Traditions (*Sunnah*). The researchers determined both documents as a primary sources because the data are not distorted by any individual thought and opinion. It is important especially in the religious studies. While the secondary sources that were used in this research is from the classical and contemporary Islamic documents, and also from the provisions and jurisprudence that related to the field of the research. This secondary data was obtained from the library and the indexed journals from the chosen website such as Scopus which is accessed through the Universiti Sains Islam Malaysia's Ezproxy portal.

After the data gained, it will be analysed by content analysis method. This method were used in order to classifying, comprehend, evaluating, and point out the interpretations of the data objectively and systematically (Lac, 2016). The nature of this research shows it is qualitative. Thus, the method were applied is inductive and deductive. By applying this method, the researchers can classify the data and arrange it properly. Other than that, this research applied hermeneutic analysis. The purpose of applying this method is to interpret the specific term and primary scriptures. Hermeneutic can be understood as the practice of interpretation (Paterson & Higgs, 2005). According the history, the hermeneutic words can be referred as the interpretation and translation of the classic manuscript and sacred text from the Holy scriptures (Batista, Mocrosky, & Mondini, 2019). In this research the hermeneutic analysis was applied in order to interpret the Islamic primary scripture and specific words. In order to gain the significant interpretation, the researchers had referred to several Islamic books.

FINDINGS

Concept of Temporary Waqf

Definition of Waqf

Waqf is a form of alms giving which is given to the needy and it is highly recommended in Islam. In the structure of *waqf*, there are four pillars that must fulfil according to majority of Islamic scholars which is the founder (*al-wāqif*), the beneficiaries (*al-mauqūf 'alaih*), the property (*al-mauqūf*), and the statement or declaration (*ṣighah*) (Al-Zuhaili, 1984). The origin of the term of *waqf* is from an Arabic word which is *waqafa* (وَقَفَ) (Ibrahim, Muntasir, Atiyyah, & Muhammad, 2004). Literally, *waqf* can be define as detention, preserve, hold, and stop (Wehr, 1976). Besides that, the Islamic scholar agreed in the literal definition of *waqf* as preserving the property (Asmak, 2009). In Arabic, it is known as *habs* (حَبْس) (Al-Raisuni, 2014). The word of *habs* has been mentioned by Prophet Muhammad ﷺ in the prophetic tradition which is tells about the *waqf* by the Companion, Saidina Umar R.A:

{إِنْ شِئْتَ حَبَسْتَ أَصْلَهَا وَتَصَدَّقْتَ بِهَا}

Translation: "If you like you can give the land as endowment and give its fruits in charity." (Hadith. Al-Bukhāri. Kitab Al-Waṣāyā. Bab Al-Waqf Kaifa Yuktab. Jil 10: #2587)

However, they are differed when it comes to epistemological definition. Based on Hanafi school, Imam Abu Hanifah defined *waqf* as “the detention of a specific property in the ownership of the founder (*al-wāqif*) while the benefits from the property is devoted for a charitable purpose although in small quantity” (Al-Haskafi, 2002). While the disciples of Imam Abu Hanifah which is Imam Abu Yusuf and Imam Muhammad defined *waqf* as “the detention on a specific property in the ownership of Allah ﷻ while the benefits from the property will be given to the needy as stated by the founder (*al-wāqif*)” (Al-Haskafi, 2002). The difference in the definition between Imam Abu Hanifah and his disciples is in the ownership of the property of *waqf* (*al-mauqūf*). Imam Abu Hanifah stated the ownership on the *waqf* property still remains to the founder while Abu Yusuf and Imam Muhammad elucidate that the ownership of *waqf* property is belong to Allah ﷻ.

On the other hand, Ibn Abd Al-Salam, one of the Maliki’s scholar defined *waqf* as “devoting the benefits from the property owned to the needy by the founder although by tenancy or lease based on the period required *al-wāqif*” (Al-Dardir, 2007). While Ibn ‘Arafah stated that *waqf* is “contribute the benefits of the property as long as it exists while the ownership of the property still remaining in the founder possession even assumingly” (‘Alish, 1979). From both definitions, it shows that Maliki’s school allowed the property to be endowed either it is fully owned by the founder (*al-wāqif*) or it is owned through tenancy. Maliki’s school also allowed the *waqf* to be done either in perpetuity or temporary Imam Al-Nawawi from Shāfi‘iy school defined *waqf* as “the detention on the property which can benefits the mankind by terminating the ownership of the founder and contributes the benefits for the good purpose as well as to worship Allah ﷻ” (Al-Sharbini, 1997). Al-Mardawi from Hanbali school also in the same page with Imam Al-Nawawi in defining *waqf* (Al-Mardawi, 1955). While Ibn Qudamah defined *waqf* as “the detention of the property and contributes the benefits of the property” (Ibn Qudamah, 2005). The definitions from Shāfi‘iy and Hanbali school shows that the ownership on the property will be terminated after the declaration of *waqf* is done.

Generally, all the definitions of *waqf* from the previous Islamic scholars shows that *waqf* are only applicable in perpetuity except from Maliki school scholars. The Maliki school allowed the *waqf* either in perpetuity or for particular period of time. In the other schools such as Hanafi, Shāfi‘iy, and Hanbali, the definitions indicate that the *waqf* will relinquish the ownership of the founder on the property after the declaration of *waqf* are done. This is because the ownership of the property is belonging to Allah ﷻ.

The legality of Waqf

The previous and modern Islamic scholars unanimously on the legality of *waqf* in Islam with the provision from Al-Quran, Al-Sunnah, and Ijma‘ and it is highly recommended to be practiced by all Muslims (Al-Zuhaili, 1984).

i. Al-Quran

﴿لَنْ تَنَالُوا الْبِرَّ حَتَّى تُنْفِقُوا مِمَّا تُحِبُّونَ وَمَا تُنْفِقُوا مِنْ شَيْءٍ فَإِنَّ اللَّهَ بِهِ عَلِيمٌ﴾

Translation: “Never will you attain the good [reward] until you spend [in the way of Allah] from that which you love. And whatever you spend - indeed, Allah is Knowing of it.” (Al-Quran. Āli Imran 3:92)

﴿يَا أَيُّهَا الَّذِينَ ءَامَنُوا أَنْفِقُوا مِنْ طَيِّبَاتِ مَا كَسَبْتُمْ وَمِمَّا أَحْرَجْنَا لَكُمْ مِنَ الْأَرْضِ﴾

Translation: “O you who have believed, spend from the good things which you have earned and from that which We have produced for you from the earth. And do not aim toward the defective therefrom, spending [from that] while you would not take

it [yourself] except with closed eyes. And know that Allah is Free of need and Praiseworthy.” (Al-Quran. Al-Baqarah 2:267)

Both verses from the Al-Quran does not mention *waqf* directly but the verses encourage the believers to spend their wealth for the good purposes such as charity. The first verse from *Surah Āli Āmrān* shows that for those who spend their property or wealth in the way of Allah ﷻ, they will be granted with paradise as a reward from Allah ﷻ (Ibn Kathir, 1999). While the second verse from *Surah Al-Baqarah*, it shows that the believers are encouraged to spend their property wisely by giving a charity. The best charity is from the best property that they had (Ibn Kathir, 1999).

ii. Sunnah

{ عن ابن عمر رضي الله عنهما، قال: ((أصاب عمر أرضا بخيبر، فأتى النبي صلى الله عليه وسلم يستأمره فيها، فقال: يا رسول الله إني أصبت أرضا بخيبر لم أصب مالا قط أنفس عندي منه، فما تأمرني به؟، قال: إن شئت حبست أصلها وتصدق بها. قال: فتصدق بها عمر أنه لا يباع أصلها ولا تورث ولا توهب، قال: فتصدق بها في الفقراء وفي القرى وفي الرقاب وفي سبيل الله وابن السبيل والضيف لا جناح على من وليها أن يأكل منها بالمعروف ويطعم صديقا غير متمول مالا. }

Translation: *Narrated Ibn Umar: Umar bin Khattab got some land in Khaibar and he went to the Prophet ﷺ to consult him about it saying, "O Allah's Messenger ﷺ got some land in Khaibar better than which I have never had, what do you suggest that I do with it?" The Prophet ﷺ said, "If you like you can give the land as endowment and give its fruits in charity." So `Umar gave it in charity as an endowment on the condition that would not be sold nor given to anybody as a present and not to be inherited, but its yield would be given in charity to the poor people, to the Kith and kin, for freeing slaves, for Allah's Cause, to the travelers and guests; and that there would be no harm if the guardian of the endowment ate from it according to his need with good intention, and fed others without storing it for the future.*” (Hadith. Al-Bukhāri. Kitab Al-Waṣāyā. Bab Al-Waqf Kaifa Yuktab. Jil 10: #2587)

{ عن أبي هريرة رضي الله عنه، أن رسول الله ﷺ قال: إذا مات الإنسان انقطع عمله إلا من ثلاثة، إلا من صدقة جارية، أو علم ينتفع به أو ولد صالح يدعو له. }

Translation: *Abu Hurairah R.A reported as Prophet ﷺ saying: “When a man dies, his acts come to an end, but three, recurring charity, or knowledge (by which people) benefit, or a pious son, who prays for him (for the deceased).”* (Hadith. Muslim. Kitab Al-Wasiyyah. Juz’ 3: #1631)

Based on the first prophetic traditions, it shows that the act of Saidina Umar R.A endowed a piece of his land in Khaibar was encouraged from Rasulullah ﷺ. While the second hadith shows that the word of *ṣadaqah* here also meant as *waqf*. This is because *waqf* also are considered as *ṣadaqah* (Al-Nawawi, 1994).

iii. Ijma^c

All the previous Islamic scholars unanimous on the legality to practice the *waqf* and it is highly recommended in Islam (Al-Zarqā, 1997). This is based on the famous hadith regarding the *waqf* of Saidina Umar R.A on a piece of land in Khaibar. One of the Companions of Rasulullah ﷺ, namely Jabir R.A also stated that none of the companions will keep their property unless all are endowed (Al-Zuhaili,

1984). Thus, *waqf* is acceptable in Islam based on the provision provided from Al-Quran and Al-Sunnah as well highly recommended to be practiced.

Definition of Temporary Waqf

Temporary *waqf* are derived from two words which is ‘*waqf*’ and ‘temporary’. In Arabic, temporary *waqf* were known as *al-waqf al-muaqqat*. The word *al-muaqqat* is the verbal noun (*masdar*) of *aqqata* (أَقَّت) or *waqqata* (وَقَّت). Literally, *al-waqt* (الوقت) means the period of time that unrelated with the past and future (Al-Jurjani, 1982). Thus, *al-ta’qīt* (التأقيت) is the period of time which had been set on something by stating clearly the time period (Ibn Manzur, 2007). In the other words, it is the limitation of time. Based on the literal definition of *al-ta’qīt* given, the researchers argue that the literal definition of *al-ta’qīt* is bind something with a specific period of time until the expiration date.

In terms of epistemological definition, *al-ta’qīt* means the specific period of time that has the limitation from the beginning until the end in order to do something (Abu Al-Baqa’, 1998). Sometimes, the principle of *al-ta’qīt* also had been applied in the rules of worship such as the determination of time for the five times mandatory prayers. In another Arabic terminologies dictionary, *al-ta’qīt* also can be defined as the period of time that has been set to do some work. In the other words, it is the the period of time that has been specified the limitation (Abu Jaib, 1988; Al-Razi, 1986)., Abu Al-Baqa’ (1998) stated that the definition of *al-ta’qīt* comprised the period of time from the beginning until the end. While the second definition by Al-Razi (1986) and Abu Jaib (1988) just stated that the term was used for describing the deadline for something.

Ibn Abd Al-Salam and Ibn ‘Arafah had mentioned in their definitions of *waqf* that temporary *waqf* can be applied. The previous Islamic scholar did not mention any specific definition of temporary *waqf*. However, there is a scholar from Maliki school that defined temporary *waqf*, such as Al-Kashnawi (1986) defined temporary *waqf* as “*the waqf that subjected to the specific period of time or limitation that set up by the founder (al-wāqif)*” (Al-Kashnawi, 1986). In the other words, the *waqf* will expired when the *waqf* has reached the deadline as stated by the founder. The status of the property of *waqf* (*al-mauqūf*) will be changed from *al-waqf al-dhuzzriy* (الوقف الذري) to *al-waqf al-khairiy* (الخيرى الوقف), or the property will be returned to the founder or his heir (Al-Kashnawi, 1986). Temporary *waqf* also known as *ta’qīt al-waqf*, or *tauqīt al-waqf*, or *al-waqf al-muaqqat*.

Other than that, Mundzir Qahf (2000) defined *waqf* as “*the detention on a specific property that can give benefits or profits for good purposes either generally or particularly in perpetuity and temporary*” (Qahf, 2000). According the definition given, the property that has been endowed cannot be sell, or give to other as a gift (*hibah*), or inherited. The *waqf* can be done in temporary and perpetuity based on the desire of the founder as well as the term and condition of *waqf*. The temporary *waqf* meant by Qahf (2000) is either it is temporary in term of the life expectancy of property or in terms of the conditions laid down by the founder. Thus, although the definition from Mundzir Qahf just describing *waqf* generally, he laid down the description regarding the temporary *waqf* which is it can be temporary in term of property and declaration.

Besides that, there is a definition from an academician that describe about temporary *waqf*. M. Firdaus and Amanullah (2016) defined it as:

“a form of waqf that gives the founder (al-wāqif) the right to laid down specific conditions either it is bind to specific period of time or to a specific group of the beneficiaries (al-mauqūf ‘alaih) based on principles and laws as provided by the Lembaga Wakaf Negeri, as allowed by shara’ and guarantees the welfare of the founder, the beneficiaries, and the property of waqf”

This definition is a more comprehensive and it is suitable to be applied in Malaysia. It is because all the matters that related to Islamic law are under the state jurisdiction. This can be referred based on Item 1 of State List in Ninth Schedule of Federal Constitution.

In a nutshell, the definition of temporary *waqf* from Al-Kashnawi (1986) and Qahf (2000) are more general. In the definition, both of these scholars just state that the temporary *waqf* is a detention on a specific property that can give benefits to mankind which is bound with a specific period of time that determined by the founder. Al-Kashnawi (1986) added that the temporary *waqf* also involves the group of beneficiaries subjected to the founder's conditions. While the definition from M. Firdaus and Amanullah (2016) are more inclusive which is clearly stated that the temporary could be in terms of period of time or the group of beneficiaries subjected to the law and provision as well as the conditions by the founder. The researcher argues that the definition of temporary *waqf* from M. Firdaus and Amanullah (2016) is more comprehensive and suitable to be applied in Malaysia.

The view of Islamic scholars regarding Temporary Waqf

There are no disputes between Islamic scholars regarding the legality of *waqf* and *waqf* is a perpetual charity and this perpetuity is its essential characteristic. However, the Islamic scholars have a different opinion when it comes to the validity of the temporary *waqf* into two opinions which is allowed the application of temporary as well as perpetuity *waqf*, and prohibit the temporary *waqf*. The discussion between Islamic scholars are more focusing on three of the *waqf* pillars which is the beneficiaries (*al-mauqūf ʿalaih*), the property (*al-mauqūf*), and the declaration (*ṣighah*), as below:

i. The Beneficiaries (Al-Mauqūf ʿAlaih)

The Islamic scholar were divided into two opinions as regards to temporary *waqf* matter. The first opinion stated that the beneficiaries must be permanent and continuous such as the needy and poor. If the founder used to appoint the beneficiaries from a temporary group or an individual, the *waqf* is invalid. This is because the fundamental principal of *waqf* is perpetuity and permanent (Al-Aini, 2000; Al-Nawawi, 2008). Al-Mausili (1937) stated that the *waqf* is invalid until the property are endowed to the permanent and continuous beneficiaries. This is the opinion from Imam Abu Hanifah and Muhammad (Al-Aini, 2000), Shāfiʿiy school (Al-Sharbini, 1997), and Hanbali school (Ibn Qudamah, 2005).

The second opinion allowed the founder to choose the beneficiaries either it is perpetuity or temporary such as family members. According to the scholars that agreed with this opinion, there are three stage of the beneficiaries that not continuous which is intermittent in the beginning, intermediate, and ending. If the founder decided to endow the property to the intermittent beneficiaries such as an individual, or family members, or specific temporary groups, the *waqf* are valid and permissible. This is the opinion of Imam Abu Yusuf (Al-Kasani, 2002; Al-Mausili, 1937), ultimate opinion of Maliki school (Ibn Qudamah, 2005), some of Shāfiʿiy school (Al-Dimyati, 2008), and the opinion of Ibn Qudamah Al-Hanbali. However, the scholar of Shāfiʿiy school has laid down a condition which is the property must be endowed to the perpetuity beneficiaries such as the poor and mosque after the intermittent beneficiaries are finish (Al-Dimyati, 2008).

ii. The Property (Al-Mauqūf)

Generally, the Islamic scholar has divided *waqf* property into two types which is immovable property (*al-ʿiqār*) and movable property (*al-manqūl*). From the Islamic scholars worldview, property is something that have a material value and can benefits the mankind as well as permissible by *sharaʿ* (Ibn ʿAbidīn, 2003). The Islamic scholars were differed into two opinions when it is related to temporary *waqf*. The first opinion mentioned that only immovable property is permissible in *waqf* and movable property is absolutely prohibited. For instance, if the founder endowed his property but it is movable such as books, vehicle, fan, and clothes, the *waqf* is invalid. This is because the movable property is not considered as perpetuity and it can be desolated (Al-Kasani, 2002). The basic principle of the property in *waqf* is perpetuity such as land and it is immovable property. This opinion is supported by Imam Abu Hanifah (Al-Aini, 2000).

The second opinion stated that it is permissible to endow the property either it is movable or immovable. This is because one of the purpose of *waqf* is to ensure the beneficiaries get the benefits from the property of *waqf*. Thus, it is included all kind of property that can give benefits such as land, buildings, vehicles, and grove. The movable property also parallel with the basic definition of *waqf*

which is the detention on a specific property and contributes the benefits to the needy (Ibn Qudamah, 2005). So, if the founder performs *waqf* with the movable property, the *waqf* is valid. This is the opinion of majority Islamic scholar which is the scholars from Hanafi school (Ibn Nujaim, 1997), Maliki school (Al-Dusuki, 1934), Shāfi'iy school (Al-Sharbini, 1997), and Hanbali school (Ibn Qudamah, 2005).

iii. *The Declaration (Ṣighah)*

The Islamic scholar also differed in the declaration of *waqf*, specifically on whether a *waqf* can be made temporary or it is limited to perpetuity. The first opinion stated that the declaration of *waqf* must be in perpetuity due to the fact, the terms, and condition of *waqf* is perpetuity. Hence temporary *waqf* is invalid. The literal definition of *waqf* is to preserve, to hold, and detention (Abu Al-Baqa', 1998). Basically, the term shows that the *waqf* must be continuous and perpetuity. Thus, this is the opinion of majority Hanafi school (Ibn Nujaim, 1997), the famous opinion of Shāfi'iy school (Al-Dimyati, 2008), and Hanbali school (Ibn Qudamah, 2005). There are also several modern Islamic scholars that unanimous with this opinion such as Abd Al-Jalil Abd Al-Rahman °Ashub (°Ashub, 2000), Umar Hilmi, and Ahmad Al-Raisuni (Al-Raisuni, 2014).

The second opinion mentioned that the declaration of *waqf* are allowed to be performed temporarily. The founder can determine the specific period of time in the declaration of *waqf* and it is valid. After the *waqf* reach the deadline as set by the founder, the property of *waqf* will be returned to the founder. If the founder dead before the deadline of the *waqf*, the property will be returned to his or her heirs (Al-Dardir, 2007). The declaration of *waqf* are permissible in temporary because perpetuity is not the mandatory condition in *waqf*. The aim of *waqf* is to worship Allah ﷻ and give contribution to the needy either in temporary or perpetuity. This is the opinion of Abu Yusuf Al-Hanafi (Ibn al-Humam, 2003), the absolute opinion of Maliki school (Al-Dardir, 2007), an opinion of Shāfi'iy school (Al-Nawawi, 1991), and Hanbali school (Al-Mardawi, 1955). Other than that, there are also a few modern Islamic scholars agreed with this opinion such as Abu Zuhrah (1971), Mustafa Al-Zarqā (2006), Al-Rifa'i Hasan Muhammad Al-Rifa'i (2006), Muhammad bin Yahya Al-Nujaimi (2006), and Majidah Mahmud Hazza° (2006).

DISCUSSION

The researchers have discussed on the Islamic jurist opinions regarding the implementation of temporary *waqf* from the Islamic perspective. Based on the collected data, the researchers found that the application of temporary *waqf* is allowed by most of the Islamic scholars such as the Abu Yusuf from the Hanafi school, Maliki school, Hanbali school, as well as some of the scholars of Shafi'iy school. The researchers argue that there are numerous advantages on the application of temporary *waqf*. Thus, this paper will emphasize on the advantages of temporary *waqf* especially in combating COVID-19 in Malaysia.

The Advantages of Temporary Waqf in Combating COVID-19

Most of the modern Islamic scholars have discussed that the temporary *waqf* has many advantages if compared to perpetuity *waqf*. The phenomenon of COVID-19 pandemic disease has affected the whole world including Malaysia. Due to the spreading of this dangerous disease, almost all the country had made the decision to stop the operation on many sectors as preventive measure. In Malaysia, the government had order to impose Movement Control Order (MCO) in March 2020 as the number of the COVID-19 patients increase. Although the enforcement of MCO is to restrain this contagious disease, it had affected many things such as daily life routine, the economic growth, public health, and national security.

The researchers realize that the temporary *waqf* has the upper hand to face this crisis because it could broaden the types of property that can be endowed. As mentioned in the previous discussion, property can be divided into two types which is moveable and immovable property. Basically, if the *waqf* is only applied in perpetuity, the type of property that are valid to endow is immovable property. This is because the basic principle of perpetuity *waqf* is the property shall remain physically as the original condition as well as it cannot be destroyed and damaged during it is favourable (Al-Kasani, 2002). This principle has a positive value but it is not too practical nowadays as the development of the

technology that produced various products that can benefits people. This is because, the bigger scope of the of the *waqf* property, the bigger size of contribution to the country.

As the pandemic COVID-19 has affected Malaysia, most of the netizens having the hard time especially for the B40 group. Those who were earns below RM4360 were categorised in this group (Zakiah, 2020). In order to reduce and maintain the operation cost, many company make a decision to resize the man power in the company, reduce the salary of the employee, and decide the close the company permanently. This situation also affected the income for the small businesses because of the order from the government to stop their operation during MCO. In order to ease their burden, the government has allocated the financial aid for the B40 as well as small and medium business (Budiman, 2014). Other than that, the medical frontliners staff also affected when the crucial equipment such as Personal Protective Equipment (PPE) suit, face mask, hand sanitizer, and thermal scanner are insufficient. Due to the number of COVID-19 patients are increase, the PPE suit are very important for the staff of Ministry of Health (KKM) in order to face this contagion patient. The same situation also happened to the other frontliners staff such as police and army when the face mask was insufficient. However, this problems have the attention from the various organization such as PEMADAM (Nurhidayah, 2020), the State Islamic Religious Council which is MAIS and MAIWP (Ahmad, 2020b; Aminnuralf, 2020), and the Higher Education Institution such as USIM, UiTM, and KUIPSAS (Jalil, 2020; Norzamira, 2020; Rafi, 2020). According to the statement given, all of the equipment and the financial aid were included in movable property. In the researchers point of view, this crisis can be solved by applying cash *waqf* and it is permissible in Islam (Al-Maiman, 2009). It is also a part of temporary *waqf*. If the *waqf* are only applied in perpetuity, these kind of properties are invalid to be endowed. Thus, this is the advantages of temporary *waqf* which is can broaden the type of *waqf* property and it is handy in combating COVID-19.

Other than that, temporary *waqf* also comply with public interest (Ab Rahman & Amanullah, 2017). This is because it will keep the welfare of all related parties as mentioned in the declaration such as the founder, the beneficiaries, and the property of *waqf*. Based on the observation during the enforcement of MCO, the government has converted several places as a quarantine center until this contagion can be overcome. There are about 153 quarantine center and 63 additional quarantine center all over Malaysia which is consist of premises, hotels, and halls (Luqman, 2020; Rafidah, 2020). The Malaysia Agro Exposition Park Serdang (MAEPS) is one of the Quarantine Center of COVID-19 for the Low Risk Patient (BERNAMA, 2020b). Besides, there are certain places that were used to accommodate the homeless. This is important in order to restrain this disease from spreading and become worst. Kuala Lumpur is the among the locations that has a large quantity of the homeless people. Thus, the Minister of Federal Territories take an action by placing about 864 homeless at the provided places such as *Anjung Singgah* and *Pusat Transit Gelandangan Jalan Pahang* (Ahmad, 2020a; Faris, 2020). All the basic needs for the homeless also get the attention from a few Non-Government Organization (NGO) bodies and the Islamic Religious Council of Federal Territories (MAIWP) (Norafiza, 2020).

Based upon above mentioned, the accommodations were prepared to accommodate the group of people that are not continuous such as the COVID-19 patients. As stated before, the beneficiaries of *waqf* can be divided into two categories which is continuous and non-continuous. The temporary *waqf* can be applied to the both categories while the perpetuity *waqf* are only can be applied to the continuous beneficiaries. Thus, if the temporary *waqf* are applied, it will ease the preparation of quarantine center for this contagion patient as well as accommodation for the homeless during the MCO. The researchers

argue that the premises, hotels, and halls which is has converted to quarantine center are an example of the application of temporary *waqf* theoretically as illustrated below:

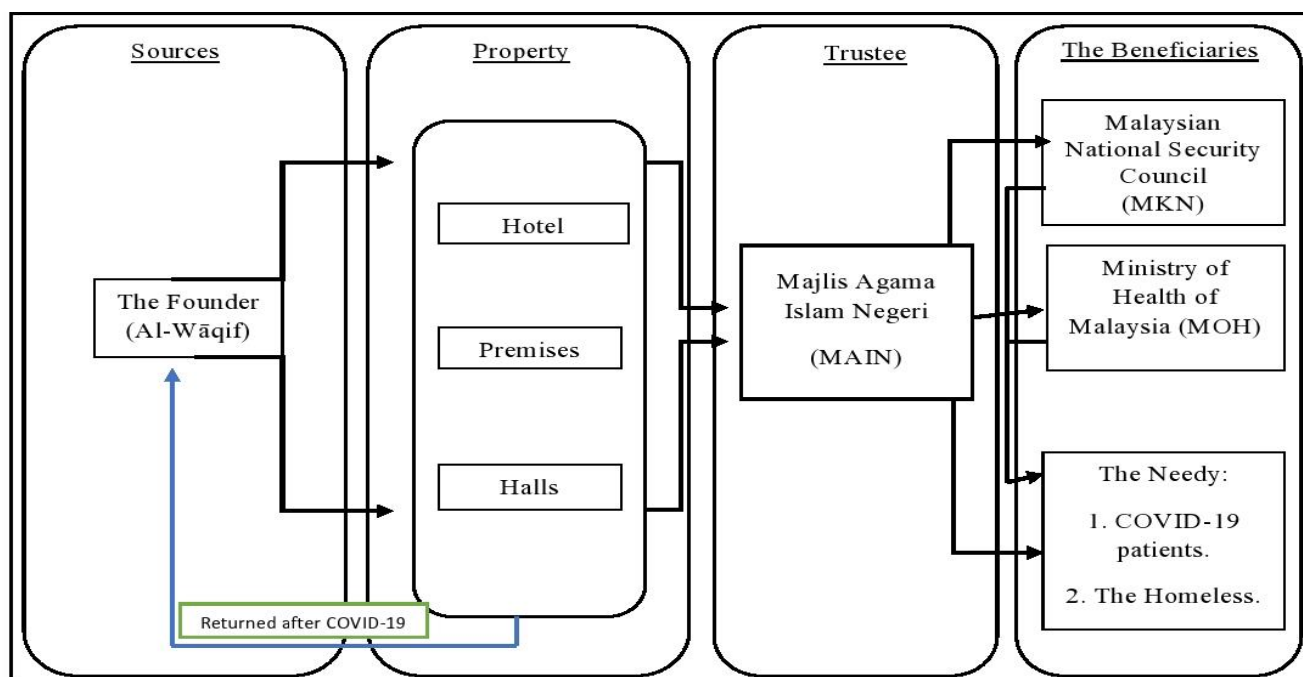


Figure 1: The illustration on the application of temporary *waqf* during MCO.

This is because all the buildings except mosque can be categorized as movable property because it is not long last and can be destroyed (Al-Kasani, 2002). The basic needs for the homeless also are include as temporary property such as pillows, blankets, and beds. Therefore, the temporary *waqf* are comply to the public interest and the current needs.

Besides that, temporary *waqf* also can be a medium to restore the distribution of income and wealth as well as enhance the economic progress. Due to the deadly threat from this pandemic and the enforcement of MCO, it put various sectors in jeopardy. This profound consequences has affected the economic growth in Malaysia (Ain Umaira et al., 2020). The Prime Minister of Malaysia, Tan Sri Muhyiddin Yassin stated that the national tourism industry has been paralyzed. The estimated loss is around RM 3.37 billion just in first two months (Dzulkifly, 2020). The closure of the small business especially for the small and medium sized of enterprise would probably lead to the permanent closure. It will cause many people lose their job and the source of income to bear the life cost as well as lead to the bankruptcy (Calvin, 2020). The pandemic COVID-19 hits caused the huge damages on human health and economic growth (OECD, 2020). However, the Malaysia government has launched a few initiatives to face this economic disruption such as the PRIHATIN Rakyat Economic Stimulus Package (PRIHATIN Package) (Ain Umaira et al., 2020). According to the statement of the Prime Minister Tan Sri Muhyiddin Yassin, the total allocation under this package is RM250 billion (BERNAMA, 2020b).

The purpose the government launched the Rakyat Stimulus Package is as one of the mechanism to strengthen the economy. From the researcher point of view, there is an advantages on temporary *waqf* in order to help economies recover from the COVID-19 pandemic. This is because the temporary *waqf* can play its role in order to restore the distribution of economy wealth and income (Budiman, 2014). Although there no research that measure the specific optimal level of redistribution, it is hard to determine the level of redistribution wealth through *waqf*. However, the researcher found that the society during the Ottoman Empire are dependent on the *waqf* mechanism to finance its education, health, and welfare. As recorded in the history, the community during Ottoman Empire can resided in the *waqf* house, ate and drank from the *waqf* property, read the *waqf* books, and receive the salary from the *waqf* institution (Budiman, 2014). From the researcher point of view, the *waqf* property during the Ottoman Empire were comprised of movable property. As mentioned by the researcher in the previous discussion, the *waqf* from the movable property can be considered as temporary *waqf*. This is because the movable property are not perpetuity and can be desolated (Rahman & Amanullah, 2017).

From the achieved data, it shows that temporary *waqf* clearly have many advantages in combating COVID-19 especially for the economic growth and social welfare due to its flexibility compared the existed perpetuity *waqf*. Based on the history, the *waqf* system can be strengthened by applying the temporary *waqf* which can be seen on the property of *waqf* and the beneficiaries.

CONCLUSION

The COVID-19 pandemic had a negative impact on domestic economic growth, health and security, as well as human daily routines. Most of the society in Malaysia bear the impact of the MCO such as the B40 group and the frontliners staff. From the conducted research, it shows that temporary *waqf* could ease the burden faced by the society during the enforcement of MCO. The advantages of temporary *waqf* not only benefits the society and community. In fact, it also can benefits the government and contributes to the development of the country. Among the advantages of temporary *waqf* that were focused by the researcher in combating this deadly pandemic is, 1) the temporary *waqf* can broaden the field of *waqf* which is include the property and the beneficiaries, 2) temporary *waqf* can fulfil the public interest, 3) temporary *waqf* can be an initiative to restore the national income and enhance the economy progress. Thus, the application of the temporary *waqf* does not have any problems from the Islamic scholars perspective because it is permissible. Due to the development of science and technology nowadays, the researchers claims that the application of temporary *waqf* can widen the opportunities for a better future.

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