

## Conceptual paper on accountability : Waqf reporting

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### ABSTRACT

*Waqf is one of the voluntary activities that being managed by government-like entity in Malaysia The word Waqf is derived from the Arabic root verb waqafa, which means 'causing a thing to stop and standstill (Chowdury, et. al., 2012). The concern on waqf accounting and proper documentation has already been debated by various scholars few years ago. Ultimate accountability towards Allah is the priority of the personnel in charge to do waqf accounting. It is understood that waqf property is belong to Allah and we as His servant is accountable to report the genuine of waqf activities undertaken. As waqf meant to be a charitable organization which generate funds from public, thus public put a high expectation on the integrity of the mutawali in performing the task. Second accountability should be towards the wāqif, waqaf board, government, beneficiaries and others, (Ihsan, 2013). Those people represent the stakeholders in waqf environment and they should deserve waqf reporting with accountability. Twofold accountability mentioned above is vital in ensuring the waqf accounting system successfully implemented and waqf activities can be traceable through the financial statements done with accountability. Ihsan (2011) asserted that in order to execute accountability to Allah, mutawali who handle waqf assets should not contravene with syariah rules. By achieving this, it indirectly implies that waqf is instrument for the good of Muslims society. Having said that, public demand a vibrant reporting to allow users monitor whether accountability has been accomplish by mutawali. The aspiration of this study includes to instill the improvements that can be made in waqf state institution pertaining to their reporting as well as the mutawali roles.*

*Keywords: waqf , accounting, accountability, reporting, mutawali.*

## 1. INTRODUCTION

### 1.1. The substance of Waqf

*The word Waqf is derived from the Arabic root verb waqafa, which means 'causing a thing to stop and standstill (Chowdury, et al. 2012). It showed that this deed is known as eternal devotion by Muslim of any property for good faith (Ibrahim et al. 2013). Muslims who perform waqf are hoping for blessings from Allah and the rewards will wait for them in thereafter life. It is strongly narrated in a hadith by Imam Muslim that, "when a Muslim dies, therefore all the good deeds will be broken except three sources which is donation or beneficial knowledge or a soleh child that always pray for them." .The donation mentioned in the hadith indicated to donated property, money, beneficial knowledge and others that benefit other Muslims. It is in fact, Islam taught its ummah to give and share with the poorest as it is virtuous spending and remarkable charities, (Ibrahim et al. 2013). It is also one of the noble deeds that can be practiced in order to obtain blessing from Allah. Waqf contribution is absolutely magnificent and the beauty of waqf has spreading to every ummah who*

benefited from it. Few examples can be namely such as; Quba mosque in Madinah and Al-Azhar University in Egypt, proves that waqf operate as great financial assistance in serving public needs in terms of education, hospitality and others. The existence of cash waqf somehow leads to various welfare activities and do help numerous ummah in relieving their encumbrance when they faced with shortage of fund. For instance, cash waqf assist in supplying basic needs for the poor, widows, orphans and cash waqf also used to finance the maintenance of the infrastructure facilities. Those people who faced financial difficulties don't have to borrow or in worst scenario stealing from others to pursue their life if the countries maintain the cash waqf for indefinite time. Tohirin (2011) pointed that voluntary activities which conducted by Muslim individuals become a mirror image of altruism characteristic of human being. These activities might provide many benefits for the community in the form of public services be made available, such as educational services, orphanage shelters, medical clinic facilities and so on. Though those basic infrastructures should have been provided by government, there are always plenty of spaces for community members to furnish equal community's needs due to the shortage of government budget to cover the whole package of the public services. The significance of waqaf depends on the form of property being donated and it can be utilized for various types of interest or necessities for a good of ummah.

Waqf had received a tremendous development recently and has become one of fund raising mechanism for the benefits of the Muslims. In Brunei, according to Harun et al. (2012), the Majlis Ugama Islam Brunei (MUIB) is the sole administer of waqf fund especially on the property using an updated e-government technology. MUIB also responsible in giving information and awareness to the public and it has successfully generated a high income from the waqf properties. In our neighboring countries, Singapore, Majlis Ugama Islam Singapura (MUIS) has remarkable effort in developing a subsidiary for MUIS and maximizing the profit generated from waqf properties. This initiative has generated approximately SG\$250 million worth of rental income from waqf properties (Harun et. al, 2012). However in Indonesia, the development of waqf is stagnant as most of waqf is merely focusing on physical development such as mosque and cemetery. Nevertheless, the emergence of waqf management has turned the usage of mosques for place of discussion, wedding and seminar. Waqf lands also being utilized for other benefits such as farming activities, shop lots and rice factories.

## **1.2. Development of waqf in Malaysia**

As in Malaysia, waqf is one of the voluntary activities that being managed by government-like entity, (Osman, 2010). Management of waqf entities is conducted by Jabatan Wakaf dan Haji (JAWHAR) and each state also have their own entities to deal with waqf matters. For example; Perbadanan Wakaf Selangor, Johor Corporations, Perbadanan Wakaf Negeri Sembilan and others. Saad (2013) asserted that during the middle period of Islamic history, waqf institution have significant responsibility in socio economic of Muslim. Even for now, waqf do serve as a medium for financing Islam in terms of social, cultural, economy and political activities. The rapid development of waqf in Malaysia is also at a fast pace as for example the Pusat Wakaf Selangor (PWS) had introduced share units to waqf the certificates in the name of Allah S.W.T. PWS acts as the sole trustee and will manage the share units investment and generate income to fund permanent assets such as land, house, building, dialysis center, higher institution management and others.

Due to the fact that waqf had received a remarkable development it is specifically that this study would like to review the accountability of mutawali as agents or the managers of fund raising from the waqf fund. The accountability issue is considered to be highly significant as waqf is public fund and need to be managed wisely and efficiently. As noted by Osman (2010), the evolution of waqf management from a simple setting of donor- as- manager to a more structured form may also open the opportunity to threat of abuse, misuse and neglect of fund management and administer.

## 2. LITERATURE REVIEW

### 2.1 The magnitude of waqf

Waqf is a singular word whereas awqaf is a plural words originated from Arabic word which means to hold or stop, (Ihsan, 2002). Yaacob et al. (2012) asserted that waqf as the holding of assets and the fairly distribution to others. These kinds of deeds are examples of voluntary activities. Tohirin and Hidayati (2011) specifically point out that voluntary activities performed by Muslims indicate altruism of being a Muslim. It is because it will serve the benefits for society in terms of properties waqf for education, hospitality and others. Indirectly, this will strengthen the social welfare between family from different classes of income. Once the properties are dedicated for waqf, it is Allah belongings and it is not allowable to be taken by anyone. It is proven that the role of waqf in the past was importantly promoting the social welfare of the ummah (Ihsan, 2002). The richest act as a helping hand to the poorest to sustain the balance of social welfare. Allah's remark on waqf value in Al-Baqarah (2:267); *'O ye who believe! Spend of the good things which ye have earned, and of that which We bring forth from the earth for you, and seek not the bad (with intent) to spend thereof (in charity) when ye would not take it for yourselves save with disdain; and know that Allah is Absolute, Owner of Praise'*. This verse demand all Muslims to voluntarily contribute partly of our income which Allah bequeath through this earth. Those Muslims who understood this verse will opt for waqf indisputably. A choice of wealth purification is definitely waqf which shall be adapt in all Muslims countries for transformation in current life and hereafter. Abu-Zahrah (2007) mentioned that Masjidil Haram Makkah, Masjid al-Aqsa in Jerusalem, and Al-Azhar University are notorious example of waqf existence practices way back before disseminating of Islam around the world. This followed by Hadith Sahih (precise) on Umar ibn al-Khattab the second caliph in Islam who bequeathed his land in Khaibar as waqf property. It means, any crops yield from the land is for the poorest and <sup>1</sup>jihad. The moment that Muslims declared his property as waqf, he himself is not allow to enjoy any profit from it. Waqf means it belongs to Allah s.w.t and the misuse of it shall be averted. Islam is the religion which embraces the way of life and completely covers the aspects of human life (Yaacob et al. 2012). Islam taught the Muslims to share the prosperities and problems together as mentioned in Holy- Quran (Ali-Imran 4:92) *'You won't get the good deeds unless you share your wealth with the poor. The good deeds that Muslims executed will have a good return (Yunus 11:26). In Al-Quran, Al-Hadid 57:11 verse stated; 'Who is he that will lend unto Allah a goodly loan, that He may double it for him and his may be a rich reward'*. This proves waqf is most welcome activities and the people who perform the deeds have been guaranteed a reward from Allah. If we donate RM10 for education waqf, in return Allah has guaranteed that we will receive double or triple than RM10 in terms of enrichment wealth, lasting healthy, happiness life and many more. The return guaranteed not necessarily in terms of money but can be in any forms. Waqf is a mechanism which purifies our wealth as well as assistance for Muslims to face the Judgement Day. Allah has mentioned in Al- Baqarah (2:254); *'O ye who believe! spend of that wherewith. We have provided you a day come when there will be no trafficking, nor friendship, nor intercession. The disbelievers, they are the wrong-doers'*. This signified that the exclaiming of Allah to contribute our wealth in forms of waqf before it is too late. The disbelievers are the most cruel as they ignores the poorest and refuse to allocate their wealth for those needy. This verse continued with (2:261); *'The likeness of those who spend their wealth in Allah's way is as the likeness of a grain which growth seven ears, in every ear a hundred grains. Allah give increase manifold to whom He will. Allah is All- Embracing, All-Knowing'*. It can be described as Muslims who performed waqf is like one seeds planted will grow more. For every seeds grow, Allah gives unlimited rewards as He is the Most Knowing. In substance, the wealth that we have will be lessen but Allah knows more in which that good deeds will have Allah blessings and our life now and hereafter embraces the rewards from Allah. The verse on waqf significance continued in Al-Baqarah (2:262); *'Those who spend*

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<sup>1</sup> a [holy war fought](#) by Muslims against [people](#) who are a [threat](#) to [Islam](#)

*their wealth for the cause of Allah and afterward make not reproach and injury to follow that which they have spent; their reward is with their Lord, and there shall no fear come upon them, neither shall they grieve*. This can be interpreted as; for those Muslims who allocate their wealth upon waqf for Allah's sake and they bring no harm to anyone, Allah pledge a reward for them. Thus, they should not fear and grieve. Muslims should have sincerity and faith in Allah when the portion of their wealth has been channel to waqf. They shall not regrets or doubt on Allah's word in Al- Quran.

## **2.2 Agency theory vs accountability ('mas-u-liyah')**

To be held accountable is easy said than done. The word accountable is not as light as cotton since person has an obligation to prepare account and take responsible for his actions. Nonetheless, in waqf accounting, there is a claim on accountability from the mutawali. As stated by Ebrahim (2003) 'accountability is both about being "held responsible" by others and about "taking responsibility" for oneself. Trustee of waqf is known as mutawali. Mutawali hold the accountability towards various stakeholders in waqf environment. As found by Dhanani (2012), four key themes of accountability consists of strategic accountability, fiduciary accountability, financial accountability and procedural accountability. The results of the study suggest that the annual report served as the formal accountability document while the voluntary annual review principally performed a publicity role. In waqf case, though annual report is not revealed to the public, the accountability cannot be compromised. A related Quranic verse reads; "... and if there be no more than the weight of a mustard seed, We will bring it to account...". Hence, no matter the amount is small or large, we will held accountable on our doings since waqf derived from public funds which the spending of it is solely for Allah. As Muslims who have strong faith in Islam shari'ah should not compromise their deeds into sinful action. Therefore, in Islam context, accountability entails all Muslims to confirm that their actions currently are parallel with Islamic shari'ah (Mohamed et.al, 2014). Conversely, Jensen and Meckling (1976) have defined the agency relationship as a "contract under which one or more persons (the principal(s)) engage another person (the agent) to perform some services on their behalf which involves delegating some decision making authority to the agent." ICAEW<sup>2</sup> define as "an agency relationship arises when one or more principals (e.g. an owner) engage another person as their agent (or steward) to perform a service on their behalf." In simple words, for waqf management, the principal refers to the people who did the waqf in terms of properties and cash. The agent will be represented by trustee/ mutawali who is expected to perform their fiduciary duty towards the waqf assets that should be distributed accordingly to those needs. The demand of accountability among NGOs from the public has rose due to the embezzlement of fund and hiccup in the management which give adverse impact towards the NGOs (Dhanani and Connolly ,2012). Yaacob et al. (2012) asserted that conflict of interest may arise if the agents have their own self – interest in reporting the reality of entities economic activities. Normally, the agents might tempt to have the conflicts due to the financial desire of the entities. Nevertheless, in waqf management, the agency theory is applicable when the mutawali perform his duties to the waqf assets entrusted to him because waqf entities are not profit organization. The agency concept represent the ('mas-u-liyah') which referring to the mutawali who ought to accountable for his doings.

The evolution of fund raising in waqf had also given attention to the management and administration practices of the agent or the mutawalli. Looking at the perspective of accountability in Nahar and Yaacob (2011); where the study focus on the concept of accountability with special attention on the technical processes of accounting and reporting. According to Nahar and Yaacob, both processes are portraying through which the extent of managerial accountability in the corporate context could be objectively examined. As in the view of islam as the sacred religion with a complete code of life classifies accountability as being dual; in line with the duality concept in life and the hereafter. Moreover, accountability concept in accounting and reporting from the Islamic perspective is beyond the point of worldly objectives. Therefore, the study conducted analyses on the prospect to accounting, reporting and

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<sup>2</sup> Institute Chartered of Accountants in England and Wales

accountability practices of a Malaysian cash waqf (Islamic endowment) management institution over a six-year period, from 2000 to 2005. In contrast, Ihsan (2011) asserted that mutawalli should be responsible to various stakeholders such as waqif, waqaf board, waqaf employee, regulator, beneficiaries and community as a whole. Mutawalli cannot violate shariah rules in managing waqaf assets in order to discharge accountability to Allah. A virtuous mutawalli should show his accountability in fulfilling waqaf goal as per the wishes of the waqif. Moreover, mutawalli has to ensure that waqf will promote to the betterment of Muslim society. Thus, there is a strongly requirement on the clear and transparent reporting which will enable the users to discover whether the mutawallis have fulfilled their accountability. The waqf accounting will also portray whether mutawallis comply with the shariah rules in handling waqf assets. The discussion continues with Yaakob (2013). He pointed that, accountability of waqf manager is compulsory as it is in the boundaries of custody and integrity of charitable environment. Expectations of the public especially Muslims are extraordinary towards waqf managers as the waqf contributions derived from public's money and it is considered as noble deeds. The Muslims who perform waqf are hoping blessing and reward from Allah. Essentially, waqf manager who also known as mutawali hold enormous trust from Muslims who perform waqf. Due to that, Ihsan (2013) agreed that the suitable relevant model to portray accountability in waqf sectors is Islamic dual accountability. First and utmost, mutawalli is accountable to Allāh SWT. This kind of accountability is superior in nature, yet it can be made visible through the fulfillment of all Allāh's commands and hindrance of His prohibitions. On the other hand, mutawalli should satisfy his accountability to various stakeholders such as wāqif, waqaf board, government, beneficiaries and others. Hence, this study proposes the combination of MAW (Mitchell) model with Hayes accountability, regarding what kind information and to what extent it should be provided by mutawalli to various waqf stakeholders. The main concern is on the integrity and transparency of the waqf accounting prepared. Having said that, according to the fact that waqf asset is meant for public benefit; therefore there is a dissimilarity relating to the scope of accountability of mutawalli as compared to corporate manager. To further delve into this issue, we look at the study conducted by Nahar and Yaacob (2013). They try to review, understand and document the contemporary waqf management and relevant drivers motivate the current accountability culture in waqf practices in non-Islamic country. Three accountability drivers of regulatory, stakeholders and religious image are tested. It is interesting that the study found that management, accounting and reporting are being practiced efficiently and effectively in an Islamic organization setting in a non-Islamic country. The waqf management is very successful as it is carried out in the most effective manner with comprehensive rules, guidelines and procedures. In fact, the waqf financial reporting and management are impressive as annual financial reports are published on time and available for the public online. The study concludes that, the three propose lenses in examining the accountability drivers of waqf are equally important in driving the organization efficient and effective management.

Recent study done by Suhaimi et.al, (2014) is on analyzing the role of the Waqf Fund Scheme in Penang as an effort to develop the economy of the Muslim community in the state. The study found that, the endowment fund scheme plays an important role in the economic development of the Muslim community in Penang. The Waqf Fund Scheme contributes by way of providing a financing facility towards the acquisition of waqf assets or through cash support channeled to associations or committees of a masjid. It is be known that, Penang is one of the state of Malaysia that been populated by Chinese community therefore a research on the importance or the role play by the waqf fund give a significant information as a well administered waqf fund will contribute to the betterment of the community at large. Nevertheless, the management of Penang waqf fund can be comparable to the management of Singapore waqf management as the fund raising is far more than in Penang. From the study it can be concluded that, while the basis of accountability in the management, accounting and reporting practices seems to be practices in the waqf accounting and reporting, significant improvements to enhance and uphold the accountability is still necessary as there are a lot of room for improvement in the reporting and accountability prospects.

### **2.3 The variation and significance of accountability**

Kilby (2006), Benjamin (2007) and Osman (2010) reviewed aspect of downward accountability in various perspective. As there is no compliance for “downward” accountability, by any standard, non profit possess accountability mechanisms in place that scale from the formal to the very informal (Kilby, 2006). This normally impacted the stakeholders in waqf constituent. If they manage to fulfill their accountability to all stakeholders; there won’t be any argument on the mutawali’s (waqf context) act in performing his duty. Kilby (2006) also mentioned on “depth of accountability”. It indicates the feedback arrangements the nonprofit manage with beneficiaries. For instance; the number and varieties of topics discuss when chatting with beneficiaries including scope of discussion topics. This signifies that in waqf management, it is expected that in depth accountability should be considered as vital in order to regain and reclaim ideal accountability. As supported by Cordery and Baskerville (2007), there is a rise on the demand for accountability in which it is also comprises a claim on comparable financial and non-financial information. Hence, accountability aspects can’t be neglected in handling non profit organization especially waqf institution. Benjamin (2007) agreed that accountability for non profit sector is one of the significance issues to be improved. He further stressed that non profit accountability that undergo improvement implies that they seriously demonstrate commitments to the funders. This is very true if it can be apply in waqf context; improved accountability means mutawali give the best to Allah and also to the funder of waqf. The fear on the punishment of neglecting the accountability should be aware during judgment day. Hence, to improve accountability, Benjamin comes out with the idea on outcome measurement in year 2012. His idea is to produce “clearer accountability path” among nonprofits and their beneficiaries. What is outcome measurement? It actually focuses devotion on a nonprofit’s recipients and whether their hardship life is recuperate due to nonprofit’s work. Benjamin (2012) further stressed that the participation of beneficiaries is importance in the process of determining and selecting outcomes because outcome measurement is able to boost downward accountability. Other than that, the reinforcement of downward accountability is possible with outcome measurement implementation since nonprofits testify their routine to beneficiaries to let them enquire about services. Indirectly when beneficiaries sort of ‘monitor’ the nonprofits through outcome measurement; it promotes greater accountability among the mutawali (i.e; context of waqf ) in performing their job. Instead of Allah as ultimate ‘supervisor’ of our action; beneficiaries also play an important role to achieve victory in accountability. Benjamin ideas on taking into account the role of beneficiaries can be adapt in waqf institution for further improvement in waqf system involving various stakeholders. There seems to be question mark on how those non profit or specifically waqf institution being held accountable in broader aspects. Reviewing Osman (2010); the study examined the method in which improvement on the effectiveness and efficiency of waqf management may be made through its relationship with beneficiaries, specifically the poor. The study uses accountability as the main notion to describe this relationship. Years back, during the early period of Islam, the waqf management organization is relatively simple because the donor and manager is the same person. In this boundaries, there is no emphasize for alignment of interest between donor and manager (i.e., concern in agency theory), since misalignment of interest logically exists when there are at least two different persons. Accountability to beneficiaries is a proxy to a larger accountability to Allah. Execute accountability to Allah is demonstrated through honoring accountability to beneficiaries. Thus, beneficiaries derive its ‘authority’ from Allah so that waqf management should now be accountable to them. Hence, to ensure that waqf management committee is working towards benefiting beneficiaries, every project involving local beneficiaries, in which waqf properties is used, might need some forms of mechanisms which could move towards gaining greater local community participation in decision making; and not totally left to centralized body. Thus, instead of waqf management exclusively be accountable upwardly to higher authority, the accountability model should also engage downwardly to beneficiaries. In the context of enhancing management of waqf, accountability is not regarded as just a mechanistic tool (e.g., audit, accounting and reporting) used for monitoring an organisation. As an alternative, accountability should also be view as the capacity for organisation to learn from beneficiaries through engagement and participation, which in turn enlighten the

organisation concerned on how to improve and better serve them. In other words, an improved accountability relationship downwardly to beneficiaries offers an opportunity for the betterment on the effectiveness and efficiency of waqf management. Furthermore, the accountability issues of waqf management can be relate closely to the Non-Governmental Organization (NGO) issue as both are concerning on the same direction which serving the public without intention of profit. Added by Osman, conventionally there are upward, downward and holistic accountability that been issued within the NGO accountability literature, and it is to be found that the corporate upward accountability practices are not suitable to be applied in the management of NGO's. Moreover, downward accountability is seen as placing the right accountability as the beneficiaries or the public are given authority by virtue of rights, however, the study found that holistic accountability is more comprehend as it is a blend of upward and downward accountability . The above noted that, a better accountability may contribute to the betterment and improving waqf management. From the view of Islamic accountability perspective, according to Osman (2010) it can be demonstrate two important points that, firstly accountability is inherent in Islamic teaching as the concept of *Tawheed* (Unity of God) teaches muslims to be accountable to all the resources that belongs to Allah as put in Surah al-Fatir (35:39) "it is He that has appointed you as the trustee in the earth". Secondly, it is stressed in the concept of accountability to Allah there is a paramount of manifestation of accountability to the beneficiaries in which they have the God-given right to ask the rich to be accountable. Verbruggen et al. (2010) spotted the significance of accountability in Belgium. The scenario there is the same with other countries whereby nonprofit sector is facing with rapid call for transparency reporting and accountability and financial transparency. The ultimate concern is the financial reporting quality which can be used to strengthen accountability is worth measuring. Globally, accountability has become spotlight issues to be dealt with in non profit organization including waqf.

### 3. CONCLUSION

To put an end, the ultimate accountability following the Islam's rule, is to the Creator; Allah s.w.t. Mutawali hold this as long as he is a trustee of waqf. All his action whether good or bad will be judge by Allah because it is understood that wealth that pronounce as waqf is solely belong to Allah. It is not an easy task but yet it is not impossible to be accountable in every deed. Given that the person abides to Quran and Sunnah, he would never dare to cross the border limits since every actions will have a consequence to the mankind.

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