



Navigating Legal Constraints in *Asnaf* Housing Development on *Waqf* Land in Malaysia

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Abstract: *Zakat* and *waqf* are Islamic social finance instruments with considerable potential to address the housing needs of the *asnaf* in Malaysia through a combination of immediate financial support and long-term asset-based provision. However, sustainable *asnaf* housing remains difficult to realise despite the increasing number of housing initiatives undertaken by *zakat* and *waqf* institutions under the State Islamic Religious Councils. This difficulty is not attributable solely to financial and administrative constraints, but also reflects structural legal and institutional issues, including regulatory fragmentation, the legal status of *waqf* land, institutional disharmony among State Islamic Religious Councils, and the absence of clear legal engineering mechanisms for integrating *zakat* and *waqf* in housing development. Existing studies have largely examined *zakat* and *waqf* separately, leaving a significant gap in the absence of an operational legal and institutional framework for their integration into *asnaf* housing development in Malaysia. Accordingly, this study aims to examine the theoretical foundations of *zakat waqf* integration and to analyse the principal challenges affecting *asnaf* housing and *waqf* land development. The study employed a qualitative narrative literature review supported by thematic content analysis of primary and secondary sources, including academic journals, research reports, books, and relevant legal materials. The findings show that *asnaf* housing problems are shaped by interrelated economic, governance, and legal factors, including limited access to adequate housing, financing constraints, weak *waqf* asset management, fragmented institutional practices, and unresolved legal issues that hinder the operational integration of *zakat* and *waqf*. This study contributes by demonstrating that the challenge of *asnaf* housing development is not merely a matter of welfare delivery



or resource limitation. However, it reflects a structural gap in the legal and institutional construction of *zakat* and *waqf* governance within Malaysia's multi-layered legal system.

Keywords: *Asnaf*; Housing; Integration; *Waqf*; *Zakat*.

Introduction

Zakat is a compulsory financial obligation in Islam that is distributed to eight categories of beneficiaries as prescribed by Shariah¹, among whom the *fakir* and *miskin* are the most directly associated with basic survival needs, including shelter.² Among these, the first four categories, namely the destitute, the poor, *zakat* administrators, and new converts to Islam, are prioritised in *zakat* distribution.³ In Malaysia, *zakat* institutions have long supported these groups through various welfare mechanisms⁴, such as monthly financial aid, rental deposits, monthly house rents, business assistance, educational support, healthcare assistance, social welfare, and other forms of aid.⁵ While these measures provide important relief, they remain largely short-term in nature and do not fully resolve the long-term issue of sustainable housing for the *asnaf*.

Waqf is an endowed asset mechanism in Islam that preserves the corpus of property while dedicating its benefits to specified beneficiaries in accordance with the donor's conditions.⁶ As a long-term and asset-based instrument, *waqf* has

¹ Dadang Husen Sobana & Fachrurazy Deni Kamaludin Yusup, "The Effectiveness of Zakat Distribution at the National Zakat Agency," *Al-'Adalah* 18, no. 1 (2021): 55–76; Yuli Yasin & Muhammad Irfan Zawawi, "Waqf and Sustainable Development Law: Models of Waqf Institutions in the Kingdom of Saudi Arabia and Indonesia," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 23, no. 1 (2023): 93–114, <https://doi.org/10.18326/ijtihad.v23i1.93-114>.

² Wahbah az-Zuhaili, *Fiqih Islam Wa Adillatuhu (Sistem Ekonomi Islam, Pasar Keuangan, Hukum Hadd Zina, Qadzaf, Pencurian)*, in *Darul Fikir*, ed. Abdul Hayyie Al-Kattani (Jakarta: Gema Insani, 2011).

³ Muhammad Misbahul Munir & Khamim, "Not Eight, But Four: Muhammad Syahrūr's Reconstruction of Mustahiq Zakah's Classification," *Journal of Islamic Law (JIL)* 4, no. 1 (2023): 67–87, <https://doi.org/10.24260/jil.v4i1.1211>; & Jhon Anwar TumanggorYayat Sujatna and Ahmad, "Strategies for Enhancing Zakat Fund Management in Minority Areas: A Case Study in Humbang Hasundutan Regency," *Jurnal Ilmiah MIZANI* 10, no. 02 (2023): 242–252.

⁴ Bambang Iswanto & Miftah Faried Hadinatha, "The Constitutional Court Decision and Islamic Philanthropy Movements: Analysis of Zakat Organizations Legality in Samarinda," *MAZAHIB Jurnal Pemikiran Hukum Islam* 22, no. 1 (2023): 1–36.

⁵ Muh. Arafah & Hamsah Hasan Hukmiah Husain, Wardana Said, Muh. Darwis, "Zakat and Empowerment of the Bajo Tribe Fishing Community in Bone, South Sulawesi: Collaboration between BAZNAS and the Ministry of Religion," *El-Usrab: Jurnal Hukum Keluarga* 7, no. 2 (2024): 462–479, <https://doi.org/10.22373/ujhk.v7i2.24961>.

⁶ Muttaqin Choiri & Farid Ardyansyah, "The Politics of Waqf Practice in Pesantren Kyai Families in Bangkalan Madura, Indonesia," *El-Usrab: Jurnal Hukum Keluarga* 7, no. 1 (2024): 272–293, <https://doi.org/10.22373/ujhk.v7i1.22186>; Habeebullah Zakariyah & Habeebullah Hassan

significant potential to contribute to sustainable social development⁷, including the provision of housing. The practice of *waqf* has been implemented since the time of the Prophet Muhammad (peace be upon him), during which assets such as houses, land, mosques, and hospitals were endowed for the benefit of the poor, *mujahidin*, and others.⁸ Land today constitutes a highly significant instrument in human life⁹, and also in Malaysia. *Waqf* is no longer confined to mosques, cemeteries, surau, or religious schools, but increasingly extends to broader socioeconomic purposes, particularly land development and housing.

Asnaf groups in Malaysia face serious challenges in obtaining safe and affordable housing due to rising living costs and high house prices. State *zakat* institutions provide *Zakat* assistance in the form of rental subsidies and housing deposits, but this approach is a short-term solution and does not resolve the issue of sustainable housing security. Meanwhile, *waqf* land holds significant potential for the development of *asnaf* housing. However, such potential remains underutilised not only because of funding limitations and governance weaknesses, but also because of restricted housing access. More fundamentally, it is shaped by structural legal and institutional constraints, including the legal status of *waqf* land as endowed and relatively inalienable property, the absence of clear legal-engineering mechanisms for housing development schemes on *waqf* land, and the fragmentation of authority between *zakat* and *waqf* institutions within Malaysia's state-based Islamic governance system.

Existing studies have largely examined *zakat* and *waqf* as separate instruments of Islamic social finance or discussed their integration in broad conceptual terms without critically analysing the legal and institutional conditions required for their operational coordination in *asnaf* housing development. As such, the main gap in the literature is not merely the lack of integrated studies, but the absence of a coherent operational legal framework that connects *zakat* financing and *waqf*-based land development within Malaysia's fragmented legal system. The novelty of this study, therefore, lies not only in proposing an integrated *zakat-waqf* approach but also in examining this integration through a legal and institutional

Bature, "Challenges Of Condition Of Waqif In Using Waqf As A Relief Tool To Fight Against The Covid-19 Pandemic," *Malaysian Journal of Syariah and Law* 9, no. 1 (2021): 125–136.

⁷ Qudsy Fakhruddin & Syabbul Bachri Sudirman, Irwan Abdullah, Saifuddin Zuhri, "Dysfunction of Muslim's Public Resource: A Study of Waqf Land Disorganization in Indonesia," *De Jure: Jurnal Hukum Dan Syariah* 14, no. 1 (2022): 92–110.

⁸ Muhammad Mustafa al-Zuhaily, *Al-Mu'tamad Dalam Fiqh Mazhab Syafi'i Jilid 6 (Ekonomi Islam)*, Cetakan Pe (Kuala Lumpur: Persekutuan Seruan Islam (Jami'ah) Selangor dan Wilayah Persekutuan, 2014).

⁹ Setiawan Wicaksono & Md Yazid Ahmad Iwan Permadi, Herlindah, M. Hamidi Masykur, "Resolving Disputes Arising from Land Acquisition for Public Purposes Involving Indigenous Peoples in the Nusantara Capital Region," *Journal of Law and Legal Reform* 5, no. 2 (2024): 705–748.

lens, particularly in relation to *waqf* land status, governance fragmentation, and implementation feasibility.

More importantly, the absence of a clear operational legal framework has created a significant gap in the formulation of sustainable policies and implementation models for *asnaf* housing on *waqf* land. Without such a framework, efforts to integrate *zakat* and *waqf* in *asnaf* housing remain conceptually appealing but legally and institutionally underdeveloped. Therefore, this study aimed to identify and analyse the principal challenges involved in developing *asnaf* housing on *waqf* land in Malaysia through the integration of *zakat* and *waqf*, while examining the legal and institutional barriers that hinder such integration. It sought to address several key research questions to achieve these objectives, namely, how can the integration of *zakat* and *waqf* contribute to the provision of sustainable housing for the *asnaf* in Malaysia, and what are the main challenges faced by *zakat* and *waqf* institutions when developing housing for the *asnaf*?

Waqf institutions in Malaysia today are organisations that continue to develop in line with contemporary progress and current needs. Endowed assets are generally land, and their implementation has traditionally been based primarily on religious practices.¹⁰ In the present Malaysian context, *waqf* is increasingly engaged in land development beyond traditional religious purposes, including projects with socioeconomic value such as housing.¹¹ All *waqf* land in Malaysia has the potential to be developed according to land-use suitability and public needs,¹² and *waqf* today also plays a role in the economy by creating employment opportunities.¹³ *Waqf* serves as a foundation for the sustainable development of Islamic civilisation and enhances the community's capacity to remain engaged in various sectors over time.¹⁴ This development is especially relevant at a time when Muslim communities face escalating living costs and rising barriers to home ownership, making housing provision for vulnerable groups, including the *asnaf*, an increasingly urgent policy and legal concern.¹⁵

¹⁰ Siti Rochmiyatun, "Pengembangan Paradigma Wakaf Hak Atas Tanah Di Indonesia Sebagai Upaya Meningkatkan Kesejahteraan Masyarakat," *Nurani* 17, no. 1 (2017): 101–116.

¹¹ Syarul Azman bin Shahrudin A. Zaenurrosyid, "The Dynamics of Productive Waqf Management of Islamic Kingdom Property in Java," *Al-Adalah* 21, no. 1 (2024): 149–174.

¹² Ismail Omar, "Wakaf Tanah Untuk Rumah Rakyat," *Utusan Online*, 2016.

¹³ Farhana Mohamad Suhaimi & Ahmad Fatin Mohamad Suhaimi, "Development of Waqf Land For Economic Development: Is A Hotel A Viable Project?," *Malaysian Journal of Syariah and Law* | 8, no. 1 (2020): 25–32.

¹⁴ Ali Sati & Syafrianto Tambunan, "Management of Waqf Assets for the Welfare of the Community in the Perspectives of Maqāṣid Al-Sharī'ah: A Case Study on Muhammadiyah Institution," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 9, no. 1 (2025): 254–272, <https://doi.org/10.22373/sjhk.v9i1.11839>.

¹⁵ Ismail Omar, "Wakaf Tanah Untuk Rumah Rakyat."

Observations and analyses of the *waqf* concept in the current context have increasingly focused on housing that low-income and needy communities can utilise. Contemporary discussions on *waqf* increasingly emphasise its potential to support housing for low-income and vulnerable communities, especially the *fakir* and *miskin* among the *asnaf*. As housing constitutes a basic human necessity, the failure to address this issue affects not only welfare provision but also broader social justice concerns. In this regard, the coordinated use of *zakat* and *waqf* offers a potentially sustainable approach to reducing housing insecurity and alleviating poverty within the Muslim community.

Therefore, this study seeks to examine the potential integration of *zakat* and *waqf* in addressing *asnaf* housing issues in Malaysia, not merely as a socioeconomic initiative, but as a legal and institutional framework for sustainable housing development. It aims to identify the principal challenges involved in such integration and to analyse how a more coherent operational structure may enhance the viability of *asnaf* housing on *waqf* land.

Literature Review

The *Fakir* and *Miskin Asnaf* in Housing Needs and the Concept of *Zakat* and *Waqf* Integration

The *fakir* and *miskin asnaf* groups are synonymous with poverty. In Arabic, the word *fakir* means “opposite of wealth”.¹⁶ The *Dewan Bahasa dan Pustaka* dictionary¹⁷ describes the *asnaf* as those entitled to receive *zakat* (the *fakir*, poor, *amil*, *muallaf*, enslaved people promised freedom by their owners, debtors, travellers, and those striving in the cause of Allah SWT). The word *fakir* refers to those living in deprivation and in urgent need of daily essentials.¹⁸ It also refers to individuals whose income is lower than that of the poor and insufficient to meet basic daily necessities.¹⁹ Meanwhile, *miskin* is defined as those lacking property and living in a state of deficiency of essential goods.²⁰ Generally, there is no significant distinction between *fakir* and *miskin*, as both require assistance and, without it, are unable to sustain their livelihoods.²¹

¹⁶ Suhaimi, “Sumbangan Institusi Zakat Terhadap Fakir Dan Miskin: Kajian Perbandingan Antara Badan Amil Zakat (BAZ) Riau Dan Lembaga Zakat Selangor” (Universiti Malaya Kuala Lumpur, 2017).

¹⁷ DBP, “Kamus Dewan Bahasa Dan Pustaka (Asnaf Dan Fakir),” Kamus Dewan Edisi Keempat, 2017, <https://prpm.dbp.gov.my/Cari1?keyword=fakir&d=41812&>.

¹⁸ Muhsin Nor Paizin & Suhaili Sarif, *Desentralisasi Dalam Organisasi Pengurusan Zakat Di Malaysia* (Kota Bharu, Kelantan: UMK Press, 2018).

¹⁹ DBP, “Kamus Dewan Bahasa Dan Pustaka (Asnaf Dan Fakir).”

²⁰ DBP, “Dewan Bahasa Dan Pustaka (Miskin),” Kamus Dewan Edisi Keempat, accessed July 17, 2024, <https://prpm.dbp.gov.my/Cari1?keyword=miskin>.

²¹ DBP.

According to the Selangor *Zakat* Board (LZS)²² and the Terengganu Islamic Religious and Malay Customs Council (MAIDAM)²³, *asnaf fakir* refers to Muslims who have no property or income, or those whose property or income covers less than 50% of their basic needs, and individuals under their care or responsibility. According to the Pahang Islamic Religious and Malay Customs Council (MUIP)²⁴, *asnaf fakir* are Muslims who either have no property or employment, or whose employment is not lawful, or whose income does not reach 50% of the *kifayah* threshold to meet their own needs or those of their dependents. The Federal Territory Islamic Religious Council (MAIWP)²⁵ and the Perlis Islamic Religious and Malay Customs Council (MAIPs)²⁶ define *asnaf fakir* as individuals without any property or employment, or who receive income from other sources that does not even meet 50% of their daily needs or the needs of their dependents, nor 50% of the living expenses of a person living at a moderate standard along with their dependents. According to the Kedah State *Zakat* Board (LZNK)²⁷, *asnaf fakir* are individuals without sufficient income or assets to meet their needs and who lack family support to cover necessities, such as food, clothing, and shelter.

LZS²⁸ and MAIDAM²⁹ describe *asnaf miskin* as Muslims who possess property or income that can cover more than 50%, but not 100% of the basic needs of themselves and their dependents, and still fall below the *kifayah* threshold. MUIP³⁰ defines *asnaf miskin* as Muslims with lawful property or income that can only cover 50% of their own and dependents' needs but does not reach the *kifayah* limit. MAIWP³¹ and MAIP³² describe *asnaf miskin* as individuals with employment or sources of income that only partially meet their basic needs but are insufficient to cover daily requirements and the needs of their dependents.

²² Lembaga Zakat Selangor, "Penerima Agihan Zakat," T.Th., accessed April 23, 2025, <https://www.zakatselangor.com.my/agihan-zakat/info-agihan-2/>.

²³ Majlis Agama Islam Dan Adat Melayu Terengganu, "Pengenalan Asnaf Zakat," 2022.

²⁴ Majlis Ugama Islam Dan Adat Resam Melayu Pahang, "Peruntukan Undang-Undang Berkaitan Dengan Taksiran Dan Pembayaran Zakat," 2023, <https://muip.gov.my/zakat/>.

²⁵ Pusat Pungutan Zakat MAIWP, "Asnaf Zakat," accessed June 25, 2024, <https://www.zakat.com.my/info-zakat/asnaf-zakat/>.

²⁶ Majlis Agama Islam dan Adat Istiadat Melayu Perlis (MAIPs), "Asnaf Fakir," accessed June 28, 2024, https://www.maips.gov.my/index.php?option=com_sppagebuilder&view=page&id=68&Itemid=838&lang=img#google_vignette.

²⁷ Lembaga Zakat Negeri Kedah (LZNK), "Takrifan Asnaf Fakir," <https://www.zakatkedah.com.my/penerima-zakat-2/>.

²⁸ Lembaga Zakat Selangor, "Penerima Agihan Zakat."

²⁹ Majlis Agama Islam Dan Adat Melayu Terengganu, "Pengenalan Asnaf Zakat."

³⁰ Majlis Ugama Islam Dan Adat Resam Melayu Pahang, "Peruntukan Undang-Undang Berkaitan Dengan Taksiran Dan Pembayaran Zakat."

³¹ Pusat Pungutan Zakat MAIWP, "Asnaf Zakat."

³² Majlis Agama Islam dan Adat Istiadat Melayu Perlis (MAIPs), "Asnaf Fakir."

LZNK³³ posits that *asnaf miskin* are individuals with the capacity to earn a livelihood, but whose efforts are still insufficient to meet their basic living requirements fully.

Over time, most *asnaf fakir* and *miskin* cannot afford to possess property or garner income exceeding 50% to fulfil the basic needs of themselves and their dependents, let alone own a house. A dwelling or house is a basic human necessity. However, not everyone can purchase, rent, or afford the housing they wish to occupy. Housing programs for people with low incomes, especially the *asnaf*, have been developed intensively to ensure that every household has access to adequate, quality, and affordable housing. Priority is given to housing programs for urban and rural poor populations, taking into account rising living costs, household income, and the *al-kifayah* threshold. Despite the establishment of various housing programs and assistance schemes, there remain challenges whereby the *asnaf* without homes continue to rely entirely on rental assistance from the State Islamic Religious Councils, and many lack private land to develop their own housing, among other issues.

In this context, the integration concept is generally defined as the unification of two or more groups, elements, components, or parts to form a strong and cohesive whole.³⁴ Integration, in a broader sense, is the action or process of unifying a system or organization toward predetermined objectives. In the context of Islamic socioeconomics, it refers to the process of harmonising the concepts of *zakat* and *waqf* to reduce poverty. Integration can also be defined based on an approach adapted from the Corporate Social Responsibility (CSR) integration concept, which involves coordination between employees and stakeholders. CSR practices aim to create a positive impact on stakeholders that goes beyond mere economic interests of the organization,³⁵ thus emphasising performance across economic, social, and environmental dimensions. Efforts to integrate *waqf* properties with *zakat* can also be synergised with other instruments, such as public financing.³⁶

³³ Lembaga Zakat Negeri Kedah (LZNK), “Takrifan Asnaf Fakir.”

³⁴ Saifulazry Mokhtar & Irma Wani Othman Abang Mohd Razif Abang Muis, Mohd Sohaimi Esa, Romzi Ationg, Budi Anto Mohd Tamring, Jais Abdul Hamid, “Konsep Integrasi Etnik Dari Perspektif Pembangunan Berteraskan Islam Di Malaysia,” *International Journal of Law, Government and Communication (IJLGC)* 6, no. 23 (2021): 104–14, <https://doi.org/10.35631/ijlgc.623007>.

³⁵ Suong Huynh Thi Thu & Anh Le Xuan Quynh University, “A Vivid Study on Corporate Social Responsibility and Its Internal Perception: Bibliometric Analysis Approach,” *Acta Psychologica* 251, no. November (2024): 1–13, <https://doi.org/10.1016/j.actpsy.2024.104611>.

³⁶ N. S. Fauzi and N. A. Salleh S N M Ali, S Mokhtar, A H Mohd Noor, N Johari, “A Study on Integration of Waqf Real Estate and Zakat: A Qualitative Investigation for Asnaf Muallafs’ Welfare,” *IOP Conference Series: Earth and Environmental Science* 117, no. 1 (2018), <https://doi.org/10.1088/1755-1315/117/1/012021>.

Housing Constructed Using *Zakat* Funds

State Islamic Religious Councils (MAIN) in Malaysia offer between twelve and fourteen types of *zakat* assistance schemes, including Monthly Financial/Allowance Aid, Ramadan Assistance, Direct Distribution to the Poor via *Zakat* Collectors, Scholarship Aid for Higher Education within and outside the country, Food/Daily Necessities Aid, Emergency/Disaster Assistance, Housing Construction and Renovation Aid, Courses/Training Assistance for Children from Poor Families, Medical Assistance, Business Capital/Raw Material Aid, Living Allowance, House Rental Assistance, Electricity/Water Supply Distribution Schemes, Micro-Distribution Schemes, and others, depending on the respective state MAIN.³⁷

The current condition of the dwelling determines the repair and construction of houses. In some cases, houses require only minor repairs, while in others, uninhabitable houses are demolished and rebuilt to provide better living conditions.³⁸ Studies examining the impact of constructing new houses using *zakat* funds and land owned by the *asnaf* indicate significant improvements in living comfort and family stability, and a reduction in financial burdens for the *asnaf fakir* and *miskin* after receiving housing assistance. As for those receiving house repair assistance, the observable impact includes enhanced physical and emotional comfort, as well as more organised living spaces, allowing each family member to enjoy greater privacy.³⁹

Zakat plays a crucial role in providing housing for people experiencing poverty and the *asnaf* in Malaysia.⁴⁰ *Zakat* is also utilised to support house rental payments and deposits, although it is traditionally recognised for meeting basic needs, such as food and healthcare. However, this study emphasised that funding constraints and inefficient management are major challenges in providing sustainable housing for the *asnaf*. Therefore, *zakat* needs to be optimised through

³⁷ Lembaga Zakat Selangor, “Jenis Bantuan,” 1–7, <https://www.zakatselangor.com.my/permohonan-zakat/>; Majlis Agama Islam Dan Adat Melayu Terengganu, “Skim Bantuan Mengikut Asnaf Zakat,” 1–6, <http://www.maidam.gov.my/Index.Php/Ms/8-Asnaf-Yang-Layak-Menerima-Zakat>.

³⁸ Suwarjin, “Contextualization of Employment of Zakat Form The Perspective of Mafhum Muwafaqah,” *Nusantara: Journal of Law Studies* 2, no. 1 (2023): 62–69.

³⁹ Nur Iylia Mohd Noor Be & Mohd Farkhi Azman Nur Afifah Fadzil, Muhammad Fairuz A. Adi, “Impak Bantuan Rumah Baitulmal Terhadap Kesejahteraan Hidup Asnaf,” *International Journal Of Entrepreneurship And Management Practices (IJEMP)* 8, no. 31 (2025): 36–45, <https://doi.org/10.35631/IJEMP.831004>.

⁴⁰ Khairuddin Abdul Rashid et al., “Zakat and Wakaf Funded Housing for the Poor and Needy – An Analysis of the Zakat and Wakaf Authorities Roles from the Authorities’ Perspectives,” *Planning Malaysia* 17, no. 1 (2019): 70–81, <https://doi.org/10.21837/pmjournal.v17.i9.587>.

collaboration between *zakat* authorities and the private sector to develop housing projects that benefit a larger number of *asnaf*.

The synergy imparted by Tenaga Nasional Berhad (TNB) through corporate *zakat* contributions, which allocated RM 1.26 million for an *asnaf* house repair programme in cooperation with JAWHAR, demonstrates that *zakat* funds from external institutions can help the *asnaf* reside in better and more comfortable housing.⁴¹ Further studies⁴² examined fatwa and Shariah aspects regarding the use of *zakat* funds in housing development. Although there are positive views on using *zakat* funds for *asnaf* housing, this study found that limitations in fatwa rulings remain a challenge in house construction using *zakat* funds. Shariah-compliant approaches that utilise *zakat* for housing development must receive special attention to ensure compliance with Islamic principles and avoid violating Shariah law.

One approach increasingly considered for the provision of *asnaf* housing is the integration of *zakat*, *waqf*, and baitulmal. In this model, *zakat* is used for immediate needs, such as rental assistance or home repairs, while *waqf* provides long-term capital for sustainable housing development. This study emphasised that cooperation between *zakat* and *waqf* authorities can accelerate the provision of housing for the *asnaf*; however, it requires a more organised and comprehensive management system to ensure long-term sustainable outcomes.⁴³

Studies by the Kedah State *Zakat* Board (LZNK) on the Individual Housing Assistance Scheme have shown a positive impact on the quality of life of *asnaf* beneficiaries. Assessments across four main categories, such as emotional, educational, safety and comfort, and social issues, indicated that safety and comfort were the most frequently mentioned. The *asnaf* had reported that this housing assistance would enable them to live more safely and comfortably without worrying about structural damage to their homes, while enjoying a more organised and secure living environment for the entire family.⁴⁴

⁴¹ Fitri Majid, *Siaran Akhbar TNB Peruntuk Rm1.26 Juta Untuk Bantuan Perumahan Asnaf Dengan Kerjasama JAWHAR*, (Melaka), 2021.

⁴² Azila Ahmad Sarkawi, "Analysis of Fatwa in Malaysia on the Provision of Housing Using Zakat Fund," *International Conference of Zakat* (Yogyakarta, Indonesia), 2018, 247–56, <https://doi.org/10.37706/iconz.2018.135>.

⁴³ Mohd Farhan bin Ahmad & Muhammad Abdul Hakim Bin Mohd Faidzullah Mohd Rilizam bin Rosli, Dr. Mohd Ali bin Muhamad Don, Mohd Shukri bin Mohd Senin, "Framework for Establishing Homes for the Poor Through the Combination of Zakat, Wakaf and Baitulmal Funds in Malaysia," *International Journal Of Academic Research In Business And Social Sciences* 14, no. 7 (2024): 1482–1487, <https://doi.org/10.6007/IJARBS/v14-i7/21869>.

⁴⁴ nur Fatin Husna Binti Mohd Nasir, "The Impact Of Skim Bantuan Rumah Lembaga Zakat Negeri Kedah To Asnaf In Kubang Pasu Nur" (Universiti Utara Malaysia, 2021).

Housing Constructed using *Waqf* Land

Waqf housing that has emerged in Malaysia in recent years has benefited the public, and several models have been developed by the respective State Islamic Religious Councils, including in Penang: The Seetee Aisah *Waqf* Land Housing Project, a collaboration between MAINPP and UDA Land North Sdn. Bhd. has been implemented to promote the sustainable development of *waqf* properties in Penang. This development comprises 76 two-storey terrace houses and 9 three-storey shop-office units. Residential sales are conducted under the *ijarah* concept, meaning a 99-year leasehold.⁴⁵ In addition, several other *waqf* land development projects have been implemented to establish housing, such as utilising the Khan Mohamad *waqf* land to build 34 units of four-storey medium-cost apartments (700 square feet each) on Lots 303 and 304 in Jalan Perak.⁴⁶

Similarly, housing projects are currently being developed on *waqf* land managed by Masjid Sungai Nibong, comprising a 14-storey low-cost apartment block with 77 units. In addition, the low-cost housing project in Butterworth consists of 2 building blocks with 152 units and is still under construction.⁴⁷ The *waqf* land managed by Masjid Alimsah Waley in Lebu Chulia is being developed into a 6-storey apartment complex with 56 units, while the *waqf* land managed by Masjid Melayu Lebu Acheh is being developed into 20 terrace houses, among others.⁴⁸ Furthermore, in Kedah, the MAIK *waqf* property development project is being carried out in collaboration with PKB Capital Sdn. Bhd., involving single-storey medium-cost houses and semi-detached houses on a 2.976-hectare plot at Lot 227, Mergong, Kota Setar District, Kedah Darul Aman.⁴⁹

A second housing project is underway on Lot 260, Sungai Petani, Kedah, under a 99-year lease agreement with Brilliant Contour Sdn. Bhd., with a lease value of RM 1,020,000. Meanwhile, in Melaka, the Al-Ehsan Apartment Project, valued at RM 2.27 million, has been developed on Lot 82, Tengkeru, in the urban

⁴⁵ Hisham Sabri & Mohamad Yazis Ali Basah Khairil Faizal Khairi, Nur Hidayah Laili, *Melestarikan Tanah Wakaf Melalui Pemerkasaan Wakaf Korporat*, Cetakan Pe (Negeri Sembilan: Penerbit USIM, 2019).

⁴⁶ Azreen Hamiza Abdul Aziz & Zakaria Bahari Baihaki Abdullah, “Negeri Pulau Pinang Dalam Sektor Komersial Implementing Waqf Development Property At State Of,” *International Journal of Modern Trends in Business Research (IJMTBR)* 3, no. 14 (2020): 1–13; Asmak Ab Rahman, “Peranan Wakaf Dalam Pembangunan Ekonomi Umat Islam Dan Aplikasinya Di Malaysia,” *Shariah Journal* 17, no. 1 (2009): 113–52.

⁴⁷ Baihaki Abdullah, “Negeri Pulau Pinang Dalam Sektor Komersial Implementing Waqf Development Property At State Of.”

⁴⁸ Baihaki Abdullah.

⁴⁹ Azizan Abdul Rahman, Hydzulkifli Hashim Omar, and Mohd Sollehuiddin Shuib, “Kaedah Pengurusan Harta Wakaf Oleh Majlis Agama Islam Negeri Kedah (MAIK): Pelaksanaan Pajakan Untuk 99 Tahun,” *International Journal of Management Studies* 23, no. 1 (2016): 73–89; Asmak Abdul Rahman, *Peranan Wakaf Dalam Membangunkan Ekonomi Umat Islam : Pengalaman Di Malaysia*, n.d.

area of Melaka Tengah. The *Waqf* Trust Fund and surplus *zakat* funds funded this project. The development consists of 40 residential units and 14 shop units. Its purpose is to provide rental housing for the poor and single mothers. The implementation of this project improves the quality of life for low-income families by enabling them to live in more comfortable homes through affordable rental housing.⁵⁰

Waqf housing can take three main forms: land, buildings, or cash used for housing development. This classification is divided into two categories: *waqf khas* (specific *waqf*) and *waqf am* (general *waqf*). *Waqf khas* refers to situations where the *waqf* donor specifies a particular purpose for the endowed property. In contrast, *waqf am* occurs when the donor does not specify a particular purpose, allowing the trustee flexibility to develop the property according to the community's most urgent needs and welfare.⁵¹ Studies have shown that *asnaf* complexes have been built on *waqf* land in Pahang for the poor and needy *asnaf*, particularly among the elderly.⁵²

This also illustrates the *zakat* concept meets the needs of the *asnaf*, focusing on *asnaf fakir* and *miskin*, and addresses one of the *maqasid* of life⁵³, namely housing. *Zakat* can be used to pay monthly rent or provide houses for the *asnaf* to occupy for a specified period. When *waqf* land owned by State Islamic Religious Councils is developed into housing, the units are allocated to the *asnaf*, especially the *fakir* and *miskin* groups. In this context, *zakat* funds are used to provide temporary housing for the *asnaf*, while *waqf* land is developed into permanent housing, with the land remaining under the *waqf*'s ownership and the *asnaf* occupying the homes for 7 to 10 years. This arrangement also allows the *asnaf* to eventually emerge from the cycle of dependency⁵⁴ and potentially become *zakat* contributors themselves in the future.

⁵⁰ Asmak Abdul Rahman, *Peranan Wakaf Dalam Membangunkan Ekonomi Umat Islam : Pengalaman Di Malaysia*.

⁵¹ Farhana Mohamad and & Azman Ab Rahman, "Wakaf Perumahan Dalam Pembangunan Ekonomi: Pelaksanaannya Menurut Maqasid Syariah," *Journal of Fatwa Management and Research* 16, no. 2 (2019): 31–42, <https://doi.org/10.33102/jfatwa.vol16no2.3>.

⁵² Ahmad Shazrin Mohamed Azmi & Nor Nazihah Chuweni Siti Nadiah Mohd Ali, Salbiah Mokhtar, Abd Halim Mohd Noor, "The Use Of Fiqh Muwazanat For Making Decision In The Integration of Waqf Real Estate And Zakat Project Development: Qualitative Study," *Malaysian Construction Research Journal (MCRJ)* 10, no. 2 (2020): 82–92.

⁵³ Muhammad Khaeruddin Hamsin & Ayesha binti Abul Hisyam Istianah Zainal Asyiqin, "From Hybrid Contracts to Waqf–Musyarakah-Based Takaful: A Maqāṣid al-Syarī'ah Comparative Legal Analysis of Indonesia and Malaysia," *JURIS (Jurnal Ilmiah Syariah)* 25, no. 1 (2026): 61–81, <https://doi.org/10.31958/juris.v25i1.13147>.

⁵⁴ Mansur Efendi, "Pengelolaan Zakat Produktif Berwawasan Kewirausahaan Sosial Dalam Pengentasan Kemiskinan Di Indonesia," *Al-Abkam Jurnal Ilmu Syariah Dan Hukum* 2, no. 1 (2017): 22–38.

Method

This study employed a qualitative narrative literature review supported by thematic content analysis. The choice of this approach was appropriate because the study aimed to examine and synthesise existing scholarly discussions, legal ideas, institutional practices, and policy issues relating to the integration of *zakat* and *waqf* in *asnaf* housing development in Malaysia. Since the research is situated within the fields of Islamic law and public policy, the literature was interpreted primarily through a normative-doctrinal legal approach, with particular attention to legal concepts, institutional frameworks, and governance-related issues.

The literature search was conducted using academic databases and relevant documentary sources, including Scopus, Google Scholar, books, institutional reports, and selected legal and policy documents related to *zakat*, *waqf*, and *asnaf* housing. The search process employed combinations of keywords such as “*zakat* and *waqf* integration”, “*asnaf* housing”, “*waqf* land development”, “Islamic social finance”, “legal issues in *waqf* governance in Malaysia” and risks exposed to the development of *zakat* and wakaf housing in Malaysia. Priority was given to contemporary academic publications published between 2009 and 2025, while selected classical fiqh sources and legal materials were included where necessary to clarify doctrinal and conceptual issues.

The inclusion criteria covered sources that directly discussed *zakat*, *waqf*, *asnaf* welfare, housing development, *waqf* land, Islamic social finance, risks exposed housing in Malaysia, and legal or governance issues relevant to the Malaysian context. These included journal articles, scholarly books, institutional reports, fatwa-related materials, and legal documents that contributed to the study's objectives. Sources were excluded if they were not directly relevant to the integration of *zakat* and *waqf*, did not address housing or governance issues, were repetitive, or lacked sufficient academic or legal relevance.

The selected materials were analysed using thematic content analysis. The coding process was conducted manually through careful reading, categorisation, and comparison of recurring themes across the literature. The unit of analysis comprised scholarly articles, legal documents, institutional reports, and key legal concepts relevant to *zakat* and *waqf* integration in *asnaf* housing development. The themes identified included the legal status of *waqf* land, *zakat* allocation for housing, institutional fragmentation, governance challenges, and the operational issues affecting the integration of both instruments. This analytical process enabled the study to synthesise existing knowledge in a structured manner and to identify the principal legal and institutional challenges involved in developing *asnaf* housing on *waqf* land in Malaysia.

Results and Discussion

Challenges in Addressing *Asnaf* Housing Issues and *Waqf* Land

The implementation of *waqf*-based housing for the *asnaf* is a noble initiative aimed at helping the underprivileged live in comfortable homes. However, there are various challenges in realizing this effort, particularly in terms of the *asnaf*'s inability to access suitable housing, financing, *waqf* asset management, governance and legal constraints involving multiple parties. These factors often hinder efforts to expand and streamline the implementation of *waqf*-based housing, while ensuring it provides long-term benefits to the *asnaf*.

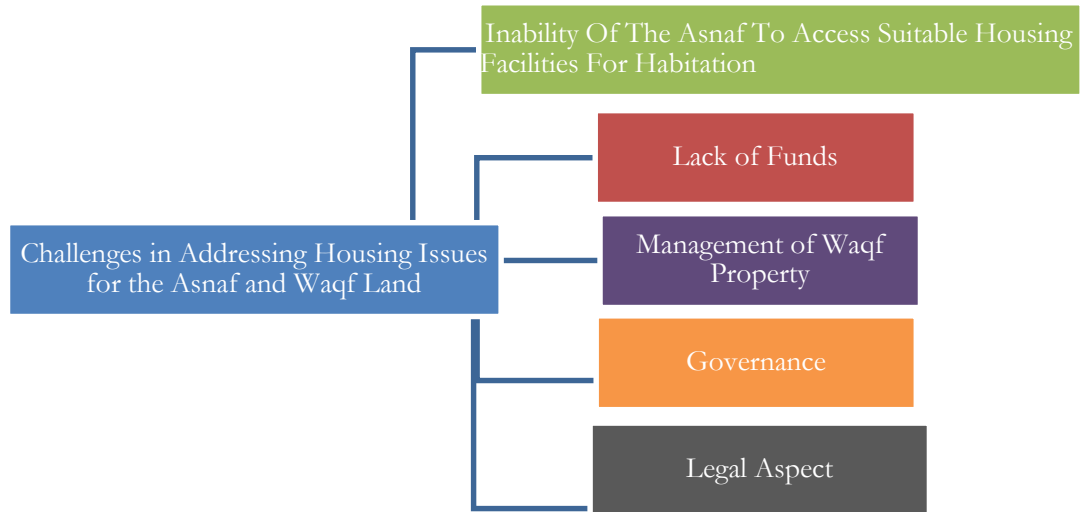


Figure 1: Challenges in Addressing Housing Issues for the *Asnaf* and *Waqf* Land
 Source: Asiah Aqilah (2025)

The *Asnaf*'s Inability to Access Suitable Housing Facilities

One of the central challenges in developing *asnaf* housing on *waqf* land is the inability of many *asnaf* households to access safe, affordable, and suitable housing for long-term habitation. This problem must be understood within the broader context of rising living costs, housing inflation, and stagnant household affordability in Malaysia, all of which have intensified the vulnerability of low-income groups, including the *asnaf*.⁵⁵ Rising living costs have significantly affected household affordability,

⁵⁵ Mustazar Mansur & Mohd Azlan Shah Zaidi Mohd Aqmin Abdul Wahab, Hazrul Izuan Shahiri, "Kos Sara Hidup Tinggi Di Malaysia: Pertumbuhan Pendapatan Isi Rumah Yang Perlahan Atau Taraf Hidup Yang Meningkatkan?," *Jurnal Ekonomi Malaysia* 52, no. 1 (2018): 117–33, <https://doi.org/10.17576/jem-2018-5201-10>; Kementerian Kewangan Malaysia Setiausaha Bahagian, Bahagian Fiskal dan Ekonomi, *Tinjauan Ekonomi 2024* (Putrajaya, Malaysia, 2023);

particularly in urban areas, where housing expenditure, rental commitments, and basic living needs increasingly exceed the financial capacity of vulnerable groups.⁵⁶ This issue must be addressed by the relevant authorities to ensure fair and controlled pricing for all citizens.⁵⁷

Beyond general cost-of-living pressures, access to home ownership and affordable rental housing has become increasingly difficult, especially for low-income households that lack financial reserves, stable income growth, or land ownership.⁵⁸ As of 2024, survey projections indicated an expected increase of 9.95% in residential property prices and 9.57% in rental costs over the following 12 months, further aggravating affordability pressures on economically vulnerable households.⁵⁹ This pattern is consistent with the broader trend in the Malaysian House Price Index, which shows a substantial increase in average house prices over time, from RM217,857 in 2010 to RM467,144 in 2023. Such increases indicate a widening gap between housing prices and the purchasing capacity of low-income groups.⁶⁰

Although the government has introduced several affordable housing and financing programmes, structural affordability problems remain unresolved, particularly for low-income households.⁶¹ The mismatch between household income, rising living costs, and housing prices continues to place secure housing beyond the reach of many vulnerable households.⁶² For the *asnaf*, particularly the *fakir* and *miskin*, this situation is even more acute because their limited income and asset ownership place them at the lowest end of housing accessibility⁶³. In this context, the provision

MPC) BNM Jawatankuasa Dasar Monetari (Monetary Policy Committee, *Menggalakkan Kestabilan Monetari* (2023).

⁵⁶ Setiausaha Bahagian, Bahagian Fiskal dan Ekonomi, *Tinjauan Ekonomi 2024*.

⁵⁷ Norazlinda Mohamad, “Tangani Masalah Ekonomi Dan Kos Sara Hidup Demi Kemaslahatan Rakyat,” *Dagang News*, 2024.

⁵⁸ Julizah Sabtu, “Kenaikan Kos Sara Hidup, Kesan Kepada Rakyat,” *Dimensikoop*, 2014, 15–19.

⁵⁹ Sri Ayu Kartika Amri, “Harga Rumah Melambung, Sewa Meningkatkan...,” *My Metro*, 2024.

⁶⁰ Pusat Maklumat Harta Tanah Negara Jabatan Penilaian dan Perkhidmatan Harta Kementerian Kewangan Malaysia, *Indeks Harga Rumah Malaysia (Malaysian House Price Index) 2023* (Putrajaya, Malaysia, 2023).

⁶¹ Sofea Azahar, “Gaji Tidak Padan Dengan Kos Sara Hidup,” *Sinar Harian*, 2021.

⁶² Mohd Yusof Saari, “Peningkatan Gaji Tidak Selari,” UPM Online, 2016, 1–2, https://ikdpm.upm.edu.my/berita/peningkatan_gaji_tidak_selari-20537.

⁶³ SK Muiz SK Abd Razak Umar Kassim, Roziah Ramli, Sinar Arzuria Adnan, Norazelina Awang@Man4, “Implikasi Bantuan Zakat Kediaman Terhadap Prestasi Akademik Dan Keselesaan Asnaf Di Perlis : Satu Analisis Deskriptif Dan Inferensi,” *International Journal Of Education, Psychology And Counselling (IJEPC)* 10, no. 59 (2025): 33–48, <https://doi.org/10.35631/IJEPC.1059003>.

of housing cannot be treated merely as a welfare supplement⁶⁴, but as a basic necessity requiring a more sustainable institutional response.⁶⁵

From the perspective of *maqasid al-shari'ah*, access to adequate housing falls within the domain of *daruriyyat*, as it is closely connected to the protection of life (*hifz al-nafs*), dignity, and family stability.⁶⁶ At the same time, the inability of vulnerable households to secure shelter also reflects a failure in the social protection of wealth (*hifz al-mal*), particularly when Islamic social finance instruments have not yet been effectively coordinated to address structural housing exclusion.⁶⁷ The persistent mismatch between housing supply and the affordability level of low-income groups reinforces the need for *waqf*-based housing supported by *zakat* as an integrated Islamic social finance mechanism.⁶⁸ These findings demonstrate that the housing vulnerability of the *asnaf* cannot be resolved through temporary assistance alone. Rather, they point to the need for an integrated *zakat-waqf* framework capable of addressing both immediate affordability pressures and the long-term security of shelter for eligible beneficiaries.

Lack of Funds for Housing Development on Waqf Land

Financing constraints constitute one of the principal barriers to the development of *asnaf* housing on *waqf* land. This problem is closely linked to the legal and institutional status of *waqf* land⁶⁹, which often limits its acceptability within conventional financing structures and restricts its treatment as a commercially flexible

⁶⁴ Nova Yarsina et al., "Ulayat Land Registration in Providing Legal Certainty through Certification Based on the Principle of Justice," *Nusantara: Journal of Law Studies* 5, no. 1 (March 2026): 187–204, <https://doi.org/10.66325/nusantaralaw.v5i1.121>.

⁶⁵ Mohd Rilizam bin Rosli, Dr. Mohd Ali bin Muhamad Don, Mohd Shukri bin Mohd Senin, "Framework for Establishing Homes for the Poor Through the Combination of Zakat, Wakaf and Baitulmal Funds in Malaysia."

⁶⁶ Siti Hajar Salwa Ahmad MusadikNor Syahidah Ishak & Nor Syahidah Ishak Nor Suzyilah Sohaimi, "Reimagining Housing for Human Security and Wellbeing : Maqasid Al Shari ' Ah as a Guide for Equitable and Resilient Communities," *Proceedings of the 9th International Conference on Quran as Foundation of Civilization (SWAT 2023) FPQS, Universiti Sains Islam Malaysia.*, no. October (2023): 4–5; Ahmad Rezy Meidina & Achmad Siddiq, Hariyanto, Ismatul Maula and Siti Arafah, "Reconstructing Waqf Share Policies : A Maqashid Sharia Approach with Insights from Indonesia," *El-Masblahah* 15, no. 1 (2025): 79–100, <https://doi.org/10.23971/el-mashlahah.v15i1.9029>.

⁶⁷ Akhmad Affandi Mahfudz, "EXPLORING THE UNTAPPED POTENTIALS OF ISLAMIC SOCIAL FUNDS IN ISLAMIC HOME," *International Journal of Islamic Business* 2, no. 1 (2017): 46–51.

⁶⁸ Hasanah Abd.Khafidz, *Pentaksiran Asnaf Zakat Di Malaysia Mengikut Masa Dan Tempat*, Cetakan Ke (Negeri Sembilan: Penerbit USIM, 2021).

⁶⁹ Fauzan Ulwan Fadhlurrahman, Muhammad Diaz Wahyu & Darmansyah, and Yogi Permana Adi Citra, "Managing Islamic Endowments (Waqf): Legal Challenges and Strategic Approaches for Sustainable Development," *Journal of Islamic Law and Legal Studies* 2, no. 1 (2025): 16–25.

development asset.⁷⁰ Although various financing mechanisms for *waqf* development have been discussed, the resources mobilised in practice often fall short of covering the full costs of housing construction, infrastructure provision, and long-term project maintenance.⁷¹ The problem is particularly evident in the large amount of *waqf* land with development potential that remains underutilised or idle due to the absence of adequate and sustainable financing arrangements.⁷²

One of the most persistent structural problems in *waqf* development is the “asset-rich, cash-poor” condition, in which institutions possess land assets but lack the liquid capital needed to convert them into functional housing projects. In the context of *asnaf* housing, this condition reveals that land availability alone is insufficient unless it is supported by a financing structure capable of translating endowed assets into habitable and sustainable residential development.⁷³

Importantly, this financing problem should not be understood in isolation, as it is closely intertwined with legal uncertainty, governance limitations, and the absence of an integrated development framework linking *zakat* and *waqf*.⁷⁴ These findings suggest that *waqf* land alone cannot resolve the housing problem of the *asnaf* unless a sustainable financing mechanism supports it, and that *zakat* resources, if properly coordinated, may serve as a complementary social finance instrument within such a framework.⁷⁵ The core issue, therefore, is not simply the shortage of money, but the

⁷⁰ Farhana Mohamad and & Azman Ab Rahman, “Wakaf Perumahan Dalam Pembangunan Ekonomi: Pelaksanaannya Menurut Maqasid Syariah”; Siti Mashitoh Mahamood & Ahmad Azam Sulaiman Syahnaz Sulaiman, Aznan Hasan, *Transformasi Pembangunan Hartanah Wakaf Menerusi Dana Amanah Hartanah Islam*, Cetakan Pe (Kuala Lumpur: Perniagaan Normahs, 2021); Yuhanif Yusof & Al Hanisham Mohd Khalid Mohd Zakhiri Md Nor, Alias Azhar, Ani Munirah Mohamad, *The Impact Of Law On The Development And Commercialisation Of Waqf Property*, 7, no. 28 (2022): 52–59, <https://doi.org/10.35631/IJLGC.728004>.

⁷¹ Kartina Pakpahan et al., “Wildlife Poaching: An Environmental Law Analysis of Transnational Organized Crime Networks,” *Nusantara: Journal of Law Studies* 5, no. 1 (March 2026): 171–86, <https://doi.org/10.66325/nusantaralaw.v5i1.36>.

⁷² Mohd.Ridzuan bin Mohamad & Ahmad Azrin bin Adnan, “Pelaksanaan Pembangunan Tanah-Tanah Wakaf Di Majlis Agama Islam Dan Adat Melayu Terengganu (Maidam),” *Al-'Abqari Journal* 30, no. 1 (2024): 96–115, <https://doi.org/10.33102/abqari.vol30no1.575>.

⁷³ Mohd Rilizam bin Rosli, Dr. Mohd Ali bin Muhamad Don, Mohd Shukri bin Mohd Senin, “Framework for Establishing Homes for the Poor Through the Combination of Zakat, Wakaf and Baitulmal Funds in Malaysia.”

⁷⁴ M Ashraf Al Haq & Norazlina Abd Wahab, “The Maqasid Al Shariah and the Sustainability Paradigm: Literature Review and Proposed Mutual Framework for Asnaf Development,” *Journal of Accounting and Finance in Emerging Economies* 5, no. 2 (2019): 179–196, <https://doi.org/10.26710/jafee.v5i2.854>.

⁷⁵ Noorsidi Aizuddin Mat Noor, Farhana Diana Deris & Afizan, and Mokhtar, “Islamizing Human Housing and Settlement: Integrating Islamic Principles in Sustainable Real Estate Development,” *Indonesian Journal Of Islamization Studies (INJAS)* 02, no. 02 (2025): 161–183, <https://doi.org/10.21111/injas.v2i2.12729>.

absence of an operational financial structure through which *zakat* and *waqf* can be legally and institutionally integrated for housing development.⁷⁶

In this regard, innovative instruments such as Islamic real estate investment or trust-based structures may offer potential, particularly if supported by a coordinated mechanism that links *waqf* land development with *zakat*-based social financing for eligible *asnaf* beneficiaries.⁷⁷ However, the effectiveness of such an approach depends on the existence of a coherent legal, financial, and governance framework capable of coordinating both instruments sustainably.⁷⁸ From the perspective of *maqasid al-shari'ah*, this financing gap affects not only the mobilisation of wealth for social benefit (*hifz al-mal*), but also the protection of life and dignity (*hifz al-nafs*), since inadequate housing financing directly limits access to secure shelter for vulnerable *asnaf* households.⁷⁹

The Management of *Waqf* Property

Inefficient management and weak administrative control over *waqf* assets constitute a significant obstacle to the effective development of *asnaf* housing on *waqf* land. In this context, *waqf* institutions face persistent difficulties in managing land and property resources to support their social function, particularly in providing housing for eligible *asnaf* beneficiaries. These difficulties include unregistered *waqf* lands, incomplete or unreliable asset records⁸⁰, and the prevalence of illiquid assets that cannot be readily mobilised for development purposes.⁸¹

In many cases, *waqf* lands are located in less strategic areas or exist in fragmented and relatively small parcels, thereby limiting their suitability for large-scale housing development. At the same time, some *waqf* lands in strategically valuable urban areas

⁷⁶ Afifuddin Kadir & Rachmat Hidajat Murdiansah S.A Karim, "Peran Zakat Dan Wakaf Dalam Mewujudkan Keadilan Distributif: Optimalisasi Instrumen Ekonomi Islam Untuk Kesejahteraan Sosial Dan Ekonomi," *Iqtisad: Journal Of Islamic Economic & Civilization* 1, no. 2 (2025): 236–56.

⁷⁷ Sharina Fariah & Mohd Fairullazi Khairuddin Abdul Rashid, Puteri Nur Farah Naadia, "Empowering Wakaf and Zakat in the Provision of Affordable Housing through Collaborative Procurement," *MATEC Web of Conferences* 266 (2019): 1–6, <https://doi.org/10.1051/mateconf/201926603015>.

⁷⁸ Syabbul Bachri & Hajed A. Alotaibi Huzaimah Al-Anshori, M. Syamsudin, Agus Triyanta, Ramadhita, "Clarifying Heirs' Rights in Indonesian Waqf Law: Toward Stronger Governance and Conflict Prevention," *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 25, no. 2 (2025): 529–53.

⁷⁹ M Ashraf Al Haq & Norazlina Abd Wahab, "The Maqasid Al Shariah and the Sustainability Paradigm: Literature Review and Proposed Mutual Framework for Asnaf Development."

⁸⁰ Kasim Mansur & Mohamad Isa Abd Jalil, *Isu-Isu Dan Cabaran Peranan Wakaf Sabah*, first edit (Selangor: Syahida Hassan Enterprise, 2024).

⁸¹ Muhammad Nasri Md Hussain & Mohd Sollehudin Shuib Noraini Ismail, Paiz Hassan, Amin Che Ahmat, *Asas Pengurusan Hartanah Islam*, 4th ed. (Selangor: Penerbit UiTM, 2023).

also remain undeveloped, indicating that locational advantage alone is insufficient in the absence of effective management, financing, and development planning.⁸² This suggests that the challenge lies not merely in the availability of *waqf* land, but in the institutional ability to identify, organise, and utilise such assets productively.

Waqf property management is further affected by inefficient administrative systems and the absence of standardised practices across State Islamic Religious Councils (MAIN). Since each MAIN operates according to its own institutional arrangements and management procedures, inconsistencies in land administration, record-keeping, valuation, and development priorities may arise, thereby weakening the overall effectiveness of *waqf*-based housing initiatives.⁸³ From the perspective of *zakat* and *waqf* integration, weak asset management undermines institutions' ability to plan viable housing projects, determine development needs, and align *zakat* financing with clearly identifiable *waqf* assets.⁸⁴ Accordingly, the management of *waqf* property should not be viewed merely as a technical administrative issue, but as a structural prerequisite for the successful operationalisation of *waqf*-based housing development. Without reliable records, proper land registration, and strategic asset planning, *waqf* land cannot be effectively transformed into a sustainable housing resource for the *asnaf*.⁸⁵

Governance

In addition to legal and financial constraints, the development of *asnaf* housing on *waqf* land is also hindered by governance-related challenges within the State Islamic Religious Councils (MAIN), particularly in terms of institutional capacity, technical expertise, and administrative coordination. These weaknesses are reflected in shortages of trained personnel, incomplete land and asset records, and limited expertise in the

⁸² Anan C. Mohd, "Pembangunan Wakaf Menerusi Pendanaan Kerajaan Dan Kerjasama Institusi Kewangan Dan Korporat: Hala Tuju, Cabaran Dan Harapan," in *Program Muzakarah Wakaf 2015*, vol. 1 (2015).

⁸³ Abul Hassan & Mohammad Abdus Shahid, "Management and Development of The Awqaf Assets," *Proceedings of Seventh International Conference The Tawhidi Epistemology: Zakat And Waqf Economy*, 2010, 310–328, <https://doi.org/10.1109/incos.2010.100>; Noraini Ismail, Paiz Hassan, Amin Che Ahmat, *Asas Pengurusan Hartanah Islam*.

⁸⁴ Amirul & Muhammad Fikri Haqem, "Productive Waqf Asset Management Based on Primary Scale and Implications for Community Welfare," *Management of Zakat and Waqf Journal MAZAWA* 5, no. 1 (2023): 85–104.

⁸⁵ Diana Herlin Widiastuti & Ade Nur Rohim Anggraini, "Designing Model of Integrated Land Waqf and Cash Waqf Empowerment in Providing Apartments: Potentials and Challenges," *NUKHBATUL 'ULUM: Jurnal Bidang Kajian Islam* 10, no. 2 (2024): 226–44, <https://doi.org/10.1596/978-1-4648-1389-4.3>; Alwahidin & Kaisar Lahiya Sikki Trisno Wardy Putra, "A Comparative Expert-Based Analysis for Prioritizing Waqf Asset Optimization Strategies in Indonesia: An Analytic Network Process (ANP) Approach Trisno," *Journal of Islamic Economics and Finance Studies Volume* 6, no. 1 (2025): 74–90; Khoirudin Nasution & Ali Sodikin Muh. Zumar Aminuddin, "Reconceptualising the Juristic Legitimacy of Cash Waqf: A Ta'Lili Examination of Classical Doctrines and Their Integration into Modern Financial Systems," *Justicia Islamica: Jurnal Kajian Hukum Dan Sosial* 23, no. 1 (2026): 313–346.

planning, administration, and development of *waqf* property.⁸⁶ Such limitations reduce *waqf* institutions' ability to manage housing projects efficiently and to respond strategically to the growing housing needs of the *asnaf*.⁸⁷

The problem is further compounded by the fragmented governance structure of *waqf* administration in Malaysia, where each MAIN operates according to its own institutional framework, administrative capacity, and development priorities.⁸⁸ This results in uneven implementation, inconsistencies in governance practices, and limited standardisation in *waqf*-based housing development across states.⁸⁹ In this context, governance challenges are not confined to internal administration alone but also reflect broader institutional fragmentation that weakens coordination across *zakat* and *waqf* functions.⁹⁰ Governance challenges also extend beyond institutional administration to the management of beneficiaries, including issues related to occupancy monitoring, compliance with housing arrangements, community participation, and the need for continuous social support and capacity-building among *asnaf* residents.⁹¹

⁸⁶ Khairuddin Abdul Rashid, Puteri Nur Farah Naadia, "Empowering Wakaf and Zakat in the Provision of Affordable Housing through Collaborative Procurement"; Nor Kartini Mohd Rodzi & Nadiyah Hashim Noor Azura Zainuddin, Hasyeilla Abd Mutalib, Rusnadewi Abdul Rashid, "Issues And Challenges Of Dana Wakaf Ilmu Uitm Perlis (DWIPs)," *International Journal of Law, Government and Communication (IJLGC)* 7, no. 28 (2022): 153–65, <https://doi.org/10.35631/ijlgc.728012>; Latifa Bibi & Nazifah Mustaffha Rabiatal Hasanah, S. Shahida, "Kawalan Dalaman Tadbir Urus Wakaf Di Malaysia," *Asian Journal of Accounting and Governance* 8, no. Special Issue (2017): 49–58, <https://doi.org/10.17576/ajag-2017-08si-05>.

⁸⁷ Ghazali Osman & AbdulRauf Ambali Nursyahida Zulkifli, Mohd Nasir Ismail, "An Empirical Investigation on Integrated Waqf Governance in Malaysian Waqf Institutions," *06th ABRA International Conference on Quality of Life* 7, no. 21 (2022): 3–8, <https://doi.org/10.21834/ebpj.v7i22.4146>.

⁸⁸ Mohd Yaziz Bin Mohd Isa & Zulkiflee Mohammed Julia Mustaffa, "Governance Structures : Dependability And Efficiency Of The Waqf Institutional System In Malaysia," *Journal of Economics and Business Aseanomics* 7, no. 2 (2022): 58–70; Nursyahida Zulkifli, Mohd Nasir Ismail, "An Empirical Investigation on Integrated Waqf Governance in Malaysian Waqf Institutions."

⁸⁹ Kamaruzaman Noordin & Siti Norashikin Ishak Mohd Hadli Shah Mohamad Yunus, Mohd Rizal Muwazir, "Enhancing Waqf Governance For Sustainable Development : A Critical Review," *International Journal Of Law, Government And Communication (IJLGC)* 9, no. 35 (2024): 89–96, <https://doi.org/10.35631/IJLGC.935008>.

⁹⁰ Mohd Sholeh Sheh Yusuff & Sarah Sabir Ahmad Yusuf Haji Othman, "A Proposed Financial Inclusion Model Integrating Zakat, Waqf, and Islamic Crowdfunding for Sustainable Poverty Alleviation in Supporting Ekonomi MADANI," *International Social Sciences and Education Conference 2025 "Empowering Knowledge: Driving Change Through Social Science and Educational Research, 2025*, 181–86.

⁹¹ Khairul Azhar Meerangani & Ummi Khasidah Zaham Azman, "Keberkesanan Program Pembangunan Ekonomi Asnaf Oleh Lembaga Zakat Selangor," *E-Academia Journal* 8, no. 2 (2019): 14–24, <https://doi.org/10.24191/e-aj.v9i2.7380>; Mahyuddin Haji Abu Bakar, "Hubungan Antara Agihan Zakat Dan Kualiti Hidup Asnaf Fakir Dan Miskin," in *UUM eThesis* (Universiti Utara Malaysia, 2012); Dziauddin Shariff & Sharipah Amirah Hj Abas Sarah Dina Mohd Adnan, Noorfazreen Mohd Aris, Mariam Farhana Md Nasir, Mohd Faisal P. Rameli, "Agihan Modal Zakat Terhadap Usahawan Tani Asnaf: Satu Tinjauan Awal Di Malaysia," *Journal*

From the perspective of *zakat* and *waqf* integration, such governance weaknesses reduce the ability of institutions to coordinate financing⁹², land development, beneficiary selection, and long-term project monitoring within a single operational framework.⁹³ Accordingly, governance should not be understood merely as an internal managerial issue but as a structural institutional factor that affects the viability, continuity, and scalability of *asnaf* housing development on *waqf* land.

Legal Aspect

The legal challenges affecting *waqf*-based *asnaf* housing are not merely technical in nature but stem from structural tensions between the juridical character of *waqf* property and the operation of the national land law framework. As an endowed asset, a *waqf* is generally intended to be preserved in perpetuity and not freely alienated, whereas modern housing development often requires flexible legal arrangements for tenure, financing, redevelopment, and long-term occupation rights. One of the most significant legal issues arises from the tension between *waqf* principles, particularly perpetuity and restricted alienability, and the national land law regime, especially when *waqf* land is held under leasehold tenure. In such cases, the development of *asnaf* housing becomes legally uncertain because the long-term use of the land for residential purposes may be constrained by tenure limitations, approval requirements, and the possibility that the land may ultimately revert to the State Authority upon expiry of the lease.⁹⁴ This legal uncertainty may also give rise to disputes among State Islamic Religious Councils (MAIN), the donor's heirs, and other stakeholders, particularly when questions arise regarding the validity, duration, and enforceability of a *waqf* over land subject to a limited lease.⁹⁵ In this sense, leasehold *waqf* should be critically understood as a legal contradiction within *waqf*-based development, since the temporary nature of leasehold tenure may conflict with the enduring social and juridical

of Islamic Philanthropy and Social Finance (JIPSF) 3, no. 1 (2021): 9–16, https://doi.org/10.24191/jipsf/v3n12021_9-16.

⁹² Ery Agus Priyono & Yunanto Turisno, Bambang Eko, “Strengthening Corporate Governance Through Legal Compliance And Ethical Codes Of Conduct,” *Jurnal Hukum UNISSULA* 40, no. 2 (2024): 214–234.

⁹³ Nor Aini Salleh and Nurul Sahida Fauzi Siti Nadiah Mohd Ali, Salbiah Mokhtar, Abdul Halim Mohd Noor, Noraini Johari, “A Conceptual Framework in Synergizing Waqf Real Estate and Zakat through Strategic Integration for Malaysian Asnaf,” *International Journal Of Academic Research In Business And Social Sciences* 8, no. 1 (2018): 815–828, <https://doi.org/10.6007/IJARBS/v8-i1/3889>.

⁹⁴ Syahnaz Sulaiman, “Isu Pembangunan Wakaf Menggunakan Struktur Amanah Pelaburan Hartanah Islam Di Malaysia: Satu Tinjauan,” *Jurnal KANUN* 24, no. 2 (2012): 149–77; Syahnaz Sulaiman, Aznan Hasan, *Transformasi Pembangunan Hartanah Wakaf Menerusi Dana Amanah Hartanah Islam*.

⁹⁵ Ahmad Syukran Baharuddin & Mohammad Amir Wan Harun Atikullah Abdullah, Mohd Nor Adzhar Ibrahim, Salmi Shaimi, “Cabaran Pengurusan Harta Tanah Wakaf: Kajian Kes Terhadap Pengalaman Majlis Agama Islam Negeri Pulau Pinang (MAINPP),” *Ulum Islamiyah* 33, no. 1 (2021): 85–97, <https://doi.org/10.33102/uij.vol33no1.242>.

character that *waqf* is meant to embody. Accordingly, legal reform is required not merely to modernise *waqf* administration in general, but to enable legally viable development structures that preserve the *waqf* character of the land while allowing its productive use for sustainable *asnaf* housing⁹⁶. In this context, the productive use of *waqf* assets should be structured in a manner that remains legally compliant and socially sustainable, particularly when intended to support long-term housing for the *asnaf*.⁹⁷

The problem is further compounded by overlapping legal questions concerning ownership, control, and development authority over *waqf* land. Particular attention must therefore be given to the registration and legal treatment of leasehold *waqf* land. This is not merely an administrative issue, but a structural legal problem, because once the lease expires, the land may revert to the State Authority, thereby undermining the permanence ordinarily associated with *waqf* and raising serious concerns about the long-term sustainability of *asnaf* housing developed on such land.⁹⁸ Additional legal complications may also arise from contractual default by occupants and competing claims by heirs, both of which may affect the enforceability and continuity of *waqf*-based housing arrangements.

The issue is further compounded by limitations in legal engineering and jurisdictional complexity. Although State Islamic Religious Councils (MAIN) act as the sole trustees of *waqf* property, land development, land registration, and planning approval remain closely tied to the state land administration framework.⁹⁹ As a result, *waqf*-based housing development may be hindered by overlapping authority, regulatory inconsistency, and the absence of a clear legal mechanism for coordinating *waqf* land development with the use of *zakat* funds for housing purposes.¹⁰⁰ These findings

⁹⁶ Gandhi Liyorba Indra & Rudi Santoso Mu'in, Fathul, Faisal, Relit Nur Edy, "Strengthening the National Waqf Ecosystem through Legal Reform: An Analysis of Waqf Issues in the Provinces of Lampung and South Sumatra," *Al-Istinbath Jurnal Hukum Islam* 9, no. 1 (2024): 81–100.

⁹⁷ Aditya Prastian Miftahul Huda and Supriyadi & Ramadhita, "Productive Waqf Law Reform: A Solution to Support Indonesian Local Economy amid Contemporary Global Recession," *MILRev : Metro Islamic Law Review* 4, no. 1 (2025): 319–359.

⁹⁸ Atikullah Abdullah, Mohd Nor Adzhar Ibrahim, Salmi Shaimi, "Cabaran Pengurusan Harta Tanah Wakaf: Kajian Kes Terhadap Pengalaman Majlis Agama Islam Negeri Pulau Pinang (MAINPP)"; Mohd Hamran Mohamad & Basri Abdul Ghani Sayuti Ab Ghani, Hasan al-Banna Mohamed, "Isu Pendaftaran Tanah Wakaf Dan Kanun Tanah Negara 1965," *Jurnal Intelekt* 7, no. 1 (2012): 38–45.

⁹⁹ Nor Jana Salim Che Zuina Ismail and Hanafiah & Nor Jawanees Ahmad, "Administration and Management of Waqf Land in Malaysia : Issues and Solutions," *Mediterranean Journal of Social Sciences* 6, no. 4 (2015): 613–620, <https://doi.org/10.5901/mjss.2015.v6n4s2p613>; Mohammad Tahir Sabit & Muhammad Arif Noor Azimah Ghazali, Ibrahim Sipan, "New Framework for the Management of Waqf Land Registration System in Malaysia," *International Journal of Islamic and Middle Eastern Finance and Management* 14, no. 3 (2020): 625–640, <https://doi.org/10.1108/IMEFM-04-2019-0172>.

¹⁰⁰ Fatin Dayana Rashid, Tarmisi Salaeh Razi Yaakob, Hanif Md Lateh, Mohd Ridhuan Tee Abdullah, and Khairuldin & Wan Mohd Khairul Firdaus Wan, "The Underlying Issues of

indicate that the legal challenge in *waqf*-based *asnaf* housing lies not only in land administration or statutory compliance, but also in the absence of a coherent operational legal framework capable of reconciling *waqf* principles, land law requirements, and the integrated use of *zakat* and *waqf* for sustainable housing development.¹⁰¹

Synthesis of Findings

Overall, the findings indicate that the challenges in developing *asnaf* housing on *waqf* land should not be understood as isolated financial, administrative, or legal difficulties, but as interrelated structural constraints within the broader framework of Islamic social finance governance in Malaysia. The inability of the *asnaf* to access safe and affordable housing reflects not only rising living costs and widening affordability gaps, but also the limited capacity of existing welfare mechanisms to provide long-term housing security. At the same time, the financing gap demonstrates that *waqf* land, despite its developmental potential, cannot be effectively utilised without a sustainable funding structure, while governance weaknesses and fragmented institutional practices among State Islamic Religious Councils further hinder coordination, implementation, and monitoring.

These problems are ultimately intensified by unresolved legal tensions involving the status of *waqf* land, leasehold tenure, jurisdictional overlap, and the absence of clear legal-engineering mechanisms for integrating *zakat* and *waqf* in housing development. Viewed collectively, these findings show that the principal obstacle is not merely the scarcity of resources, but the absence of a coherent operational framework that links *zakat*, as a distributive financial instrument, with *waqf*, as a long-term asset base. From the perspective of *maqasid al-shari'ah*, this condition directly implicates the protection of life (*hifz al-nafs*) and wealth (*hifz al-mal*), since adequate housing is a *darūriyyāt*-based necessity closely tied to human dignity, family stability, and social justice. Accordingly, the development of *asnaf* housing through *zakat-waqf* integration requires not only financial support but

Depravity in Waqf Land Development Within the Context of Malaysia,” *International Journal of Religion* 5, no. 11 (2024): 575–583.

¹⁰¹ Noor Azimah Ghazali, Ibrahim Sipan, “New Framework for the Management of Waqf Land Registration System in Malaysia”; Jelang Ramadhan & Imam Khomeini Hayatullah Mukhlisin, “View of Zakat and Waqf Synergies to Accelerating Sustainable Development.Pdf,” *Journal of Sustainable Development and Regulatory Issues (JSDEI)* 3, no. 1 (2025): 29–54; Widya Wahyu Utami & Ahmad Redi, “Reformulation of the Law on the Rights of Apartments Built on Waqf Land as an Effort to Synchronize Land Regulations and Waqf Regulations,” *Jurnal Greenation Sosial Dan Politik* 3, no. 2 (2025): 92–99; Muhammad Hadi et al., “Toward a Holistic Legal Framework for Effective Waqf Implementation : Integrating Islamic Socio-Economic Models,” *Jurnal Ilmu Hukum Dan Konstitusi Volksgeist* VIII, no. 1 (2025): 15–42, <https://doi.org/10.24090/volksgeist.v8i1.12590>.

also institutional alignment, legal clarity, and a more coordinated governance structure to ensure sustainability and effective implementation.

Conclusion

This study has shown that the problem of *asnaf* housing in Malaysia should not be understood merely as an issue of limited access to affordable housing, insufficient funding, or weak institutional implementation. Rather, it reflects a deeper structural gap in the legal and institutional framework governing *zakat* and *waqf* within the broader Islamic social finance system. Although both instruments possess considerable potential to complement one another in addressing long-term welfare needs, their integration in the context of *asnaf* housing remains constrained by interrelated financial, managerial, governance, and legal challenges. The findings demonstrate that the inability of the *asnaf* to access suitable housing is closely linked not only to rising living costs, housing unaffordability, and limited development resources, but also to the underutilisation of *waqf* land and the absence of a coherent mechanism for coordinating *zakat* and *waqf* in a sustainable housing model. In this respect, the challenges identified in this study are not isolated problems. Rather, they point to broader structural weaknesses involving financing constraints, weak *waqf* asset management, fragmented institutional practices among State Islamic Religious Councils, and unresolved legal tensions regarding *waqf* land status, leasehold tenure, and development authority. From a conceptual and normative perspective, this study argues that *zakat-waqf* integration should not be treated merely as an administrative initiative or a welfare-based policy option. Instead, it should be understood as a question of legal and institutional reconstruction within the contemporary governance of Islamic social finance. The core issue is therefore not simply how to expand assistance to the *asnaf*, but how to construct an operational framework through which *zakat* may function as a distributive financial instrument and *waqf* may operate as a long-term asset base for sustainable housing development. In the Malaysian context, this requires a more coherent alignment between *waqf* regulation, *zakat* institutional authority, land administration, and public policy design.

The study further argues that *zakat-waqf* integration should be regarded as a process of legal and institutional reconstruction rather than merely a welfare initiative, positioning *zakat* as a distributive financial mechanism and *waqf* as a sustainable asset base for long-term housing provision. This approach contributes to strengthening housing governance while advancing the objectives of *maqāṣid al-sharī'ah*, particularly the protection of life, wealth, human dignity, and social justice. Future research should employ empirical approaches involving *zakat* and *waqf* institutions, policymakers, developers, and *asnaf* beneficiaries, while also exploring legal reforms and governance models that can enhance institutional coordination and optimise the productive utilisation of *waqf* land for sustainable *asnaf* housing development in Malaysia.

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Author Contributions Statement

This research is the result of collaborative teamwork, where each author made significant contributions to the preparation and completion of the study. AA played a key role in developing the research framework and determining the methodological approach used in the study. She was responsible for conducting a thorough literature review, collecting relevant data, and performing the primary analysis that underpins this research. MY ensured that the research findings were clearly communicated and aligned with the study objectives. MY also provided critical input to strengthen the methodological aspects and validate the interpretation of the research results. NI organized the results and discussion sections, ensuring that the data used in this study adhered to applicable academic principles. NI also edited and revised the manuscript to comply with scholarly writing standards. MS and SMR played a role in establishing the theoretical foundation and data processing for this study and ensured that all parts of the research were systematically organized and adhered to the established guidelines.

Conflict of Interest

The author claims that there is no conflict of interest in the research and writing of this journal. All data and analysis are presented objectively without any influence from any third party that may affect the results of the research.

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