

EMPOWERING THE PERIPHERAL UMMAH THROUGH WAQF

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ABSTRACT

The peripheral *ummah* is the community that is excluded socially and economically from the market system. The inaccessibility to the market makes them poor which later creates the vicious and spiral problem of poverty. This study aims to propose a mechanism using waqf to eradicate the causes of the problem and let them be accessible to the market. Taking into consideration of altruist behaviour of other mainstream communities and good coordination between government and non-government organizations, waqf mechanism is proposed as source of fund to finance the actions to include the peripheral *ummah* into the mainstream community. The mechanism focuses on wealth creation activities. The waqf mechanism is effective as its characteristics are irrevocability, perpetuity and inalienability. Therefore, partial influence from the government or the community regarding the management of the waqf fund can be avoided.

Keywords: Peripheral *ummah*, social exclusion, waqf

INTRODUCTION

In economics, the concept of periphery stems from the idea in geography economics where rich areas tend to be closed together (Baldwin & Wyplosz, 2012). The rich areas become the core while rural areas are scattered away from the core and known as the periphery.

Most of economic activities and resources centre at the core though the periphery constitutes larger land size. Income is higher at the core but unemployment rate is low. In contrast, due to low economic activities at the periphery the income is relatively low but the unemployment rate is higher. The situation has caused economic inequality between the two areas. According to Baldwin and Wyplosz (2012), the situation may slowdown the economic integration between the areas.

Although, Baldwin and Wyplosz's idea presented for the regional economic disparity, the concept of economic integration may be widened to understand the issue of community integration into the market system. Being uninterrupted with the market system leaves the community living in poverty, malnutrition, less education, improper healthcare and shelter, and so on. The problem becomes spiral and vicious as people living in poverty gives birth to another poor people.

The issue is an international problem as both developing and developed nations are facing this problem. However, in developing economies, the problem is worse as the policies to solve the problem is usually financed by tax. Since the tax collection is low, the size of money spent for the community is also small. Therefore, the Social Exclusion Knowledge Network (SEKN) Report (2008) recommends the use of targeted means-tested policies such as cash transfers to improve

households' income and assets. However, in some circumstances, the policies have limitations. The report outlines nine causes that limit the success of the policies; which are the amount of money transferred to households are usually low in order to provide better living standard, the information problem among the policy makers and recipients such as strict selection rules and stigma, improper distribution of resources on policy compliance with conditionality, management fraud, leakages due to complexity of eligibility process, delayed or incorrect payments, having perverse incentives, inadequate fund and lastly, failure to reduce inequality.

Therefore, the policies initiated by the government must be supported with the infrastructures that suit the problem eradication. The policies also need to be coordinated with the involvement of larger society to work hand in hand to overcome the problem. The Social Exclusion Knowledge Network (SEKN) Report (2008) also states that the large scale of social movements and formal civil society organizations have powerful drivers of social reform. People and government collaboration must therefore be recognized. In this regard, this paper aimed to propose waqf as the mechanism to eradicate the problem and integrate the peripheral *ummah* into the market system. In order to do that, we employ descriptive analysis to propose the waqf mechanism. The waqf mechanism has advantages. It will involve both people and government to collaborate in every action and policy to integrate the peripheral *ummah* into the market system. Besides, the government has no veto power in waqf fund as the fund

belongs to the society. This improves the fund management through democracy and autonomy. Therefore, the disbursement policy of the fund may be able to be more transparent and the decision making is more democratic. In this case, both government and people may become the trustees for that fund.

The rest of the papers are organized as follows. First, we discuss the literature reviews and the concept of waqf followed by the waqf mechanism. Finally, we conclude the paper by discussing policy design, delivery, evaluation and action.

LITERATURE REVIEW

Due to the inability to integrate into the market system, the *ummah* becomes economically and socially excluded from the mainstream system. Hence, they become a peripheral *ummah* or community. We generalize economic and social aspects of exclusion into a social perspective for terminological purpose. In this section, we review the definitions of social exclusion, its causes and consequences.

The concept of social exclusion

The term of social exclusion was first used in Europe where there was a policy that focused on those living in 'deprived areas' with poor facilities which caused them to be marginalized. The term is also widely used in social science studies such as sociology, education psychology, economics and politics. Silver (1994) provides three different paradigms to define social exclusion which are solidarity, specialization and monopoly. In solidarity paradigm, social exclusion is defined as the breakdown of social bond between

the individual and society. Based on this definition, the poor, unemployed and minority societies are considered socially excluded. In specialization paradigm, the individuals are discriminated across economic and social spheres that keep them legally separated but not free to move across the separated boundaries. Last, in monopoly paradigm, the certain individuals form monopolies in social and economic aspects of life, banning others from accessing the resources through "social closure".

Saith (2007) differentiates the definition of social exclusion according to the stages of economic development. According to Saith, the definition of social exclusion is different between developing and developed economies. In the absence of welfare state and formal labour market, the definition of social exclusion is usually defined interchangeably with poverty problem. In contrast, in developed nation, the social exclusion is defined as the exclusion from the normal activities of the society. Therefore, Saith (2007) suggests two approaches to define social exclusion: first, using the predetermined set of rules such as political rights or basic welfare, second, classifying groups of potentially socially excluded and identifying the dimensions of exclusion.

Many studies argue that the issue of social exclusion is multi-dimensional (Saith, 2007; Sen, 2000; De Haan, 1999; Bhalla & Lapeyre, 1997) as it involves various relations with different types of exclusion. Therefore, the scope of social exclusion involves inter-sectorial approaches and evaluation of social

processes and institutions that currently exist. Overall, the social exclusion may be referred to being marginalized and deprived. It indicates the situation where certain segments of community are ignored by government in any economic decision making consideration as such they benefit less from the policies taken as compared to other communities (Mohd Fauzi, 2006). Most of time, the social exclusion is defined as a new type of poverty (Siti Hajar, 2009).

Incidence of social exclusion

As argued above, social exclusion is not a problem exclusively for developing economies. In Europe, there are 120 million people in the European Union at risk of poverty or social exclusion. It includes mainly children and those over 65 years old. In 2010, the European Parliament launched campaign to combat poverty and social exclusion through campaigns to increase awareness, build new partnerships, create a momentum and get political commitment to fight poverty (European Commission, 2011). However, in a country like India, social exclusion has already its roots where the community is distinguished according to caste, tribe and gender that structurally kept the entire groups trapped (World Bank, 2011). In Malaysia, the poverty incidence has reduced significantly. In 1970, there were 49.3 percent of Malaysian population lived in poverty. In 2009, there were only 3.8 percent of whom living under poverty line. The same happened to the income inequality indicator as the Gini³ coefficient has improved (Economic Planning Unit, 2010). In contrast, the figure produced by the

³ Gini coefficient is the most common measure of inequality.

Department of Social Welfare Malaysia shows that there was an increase in number of cases that receive welfare aid schemes from 221,602 cases in 2008 to 473,928 cases in 2011. The contradicting figure justifies the argument that social exclusion is a new kind of poverty. The problem exists even though the economy grows. However, the study on social exclusion in Malaysia is still lacking. This paper attempts to explore the issue and propose a waqf mechanism to overcome the problem.

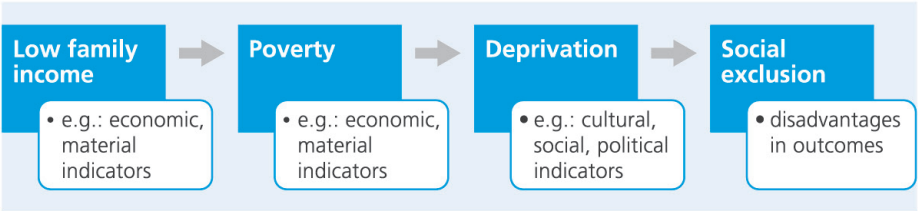
The causes of social exclusion

There are various causes of social exclusion. As it usually is associated with income, the causes that contribute to low level of income are considered as the causes of social exclusion. Parodi and Sciulli (2012) argue that the economic downturn has contributed to an increase in unemployment. During the crisis, government practices budget austerity to control deficit public debt levels. The policy affects unprivileged people and that situation leads to higher inequality, poverty and social exclusion. Additionally, the crisis also affects labour market. If the flexible market system with less labour protection is imposed, the crisis may reduce the wage and increase the unemployment rate.

Then, it also leads to poverty. Besides that, there are also social factors of social exclusion. The factors include inaccessibility to proper education, healthcare, housing and basic needs. Under certain circumstances, gender may also cause social exclusion. To summarize, the incidence of social exclusion can be shown in **Figure 1**. It shows inter-relation between causes and outcome of social exclusion. Earning low income leads to poverty. Due to being poor, people have less access to various economic, social and political opportunities. Eventually, they will be excluded from the market system.

Based on different causes of social exclusion, UNDP (2006) distinguishes eight types of social exclusion. Predominantly, people are socially excluded due to economic conditions such as being poor, unemployed or homeless. Other types are people are excluded because of family structure, identification, age, criminal wrongdoing, education, health and physical disability. Generally, the indicators of social exclusion can be divided into a few domains or themes. Those domains namely material or resources, economic participation, education, health and wellbeing, social participation, political participation,

Figure 1:
Causes and outcomes of social exclusion inter-relationship



Sources: Bynner (2000)

living environment, access to services and personal safety (Scutella et al., 2009). Meanwhile Saunders (2008) uses term disengagement as one of exclusion indicators in his study.

The consequences of social exclusion

The impact of social exclusion is structural and inter-sectorial. Besides, it worsens further its causes. Here, we outline few consequences of social exclusion. It seems repetitive because its impact is spiral and vicious. For instance, at the beginning, social exclusion happens due to poverty. In the next stage, it worsens the poverty. The consequences are:

- ***Health and education***

Social exclusion causes the peripheral *ummah* to have lack of good health care and education. The situation usually happens in remote areas where infrastructures are poor and social services are unavailable. This situation relates to the idea of periphery in geography economics. Lack of good healthcare affects education achievement. Then, it causes an increase of school dropouts.

- ***Income inequality***

Next, with low level of education, this peripheral *ummah* earns less income than others. At the same time, poor income redistribution policy affects inequality in asset and land ownership and access to external credit. This situation leads to low economic resources available for them.

- ***Poverty***

Consequently, they stay under the poverty line. Poverty becomes spiral and vicious as they give birth to other poor people. Then, the poor has less access to better healthcare and education.

- ***Productivity***

With less economic resources, they are unable to produce goods and services in economic activity. They also are unable to innovate the production. Instead, the existing productivity may drop further as they become less competitive. Consequently, they stay being poor. Hence, the poverty problem is never been abolished.

- ***Violence and insecurity***

Since they are poor, to sustain their life, they have to beg for people's sympathy. In some circumstances, they have to be involved in criminal activities. Therefore, the crime rate is usually higher in places where many poor people live or places where income is unequally distributed.

- ***Subjective wellbeing***

Ultimately, if the situation persists for a long periods of time, the poor people become totally ignored socially, politically and economically in the community. Their voice is unheard, their interest is subdued and their life is forgotten.

Therefore, Islam teaches us to avoid harmfulness and pray for betterment of life. Muslims ought to pray for shelter from being lazy and poor, debt ridden and oppressed by people. Here, we propose waqf mechanism in order to help out the peripheral *ummah*, and bring them along into the market system. In this regard, Suhaimi and Rahman (2014) have shown that the endowment fund scheme plays an important role in the economic development. They studied the case of waqf in Penang, Malaysia. However, the study does not focus specifically on empowering the peripheral *ummah*.

Waqf

Waqf is originated from an Arabic word of *waqf*. Besides, Muslim scholars also use word of *habs* to represent the same meaning. Literally, both *waqf* and *habs* mean to hold, confine, detain or restrain (Rahman, 2009). In term of fiqh terminology, various definitions are given by Islamic scholars. However, the definition by Abu Yusuf of Hanafi School is preferred. As quoted by Mohammad Tahir Sabit and Abdul Hamid (2006), *waqf* legally means "to protect something, by preventing it from being the property of a third person" (Mohammad Tahir Sabit and Abdul Hamid, 2006: 28). This definition constitutes three characteristics of waqf which are; the property is transferred from donor to recipient to him to benefit it perpetually, the transfer of benefit is irreversible and heirs of the donor cannot own it privately.

Three characteristics of waqf which are; the property is transferred from donor to recipient to him to benefit it perpetually, the transfer of benefit is irreversible and heirs of the donor cannot own it privately.

The property that is transferred should be in good condition, perpetuity and the intention of waqf is for the sake of Allah to benefit the community. Therefore, the ownership of the property is transferred from somebody who previously owns it as a private owner to a foundation that is being entrusted to allocate the benefit to larger community (Mohamad Akram et al., 2008).

Once, a donor makes a waqf he, himself, his heirs or trustees cannot revoke his donation. This means the contract of waqf is binding and effective, soon after the declaration is made. Thus, the delivery of the property is unnecessary because the donor transferred his ownership on property to ownership of Allah, which is irrevocable. Since waqf is irrevocable, it is not subject to time constraint and the subject matter must remain. This perpetuity characteristic of waqf implies that the waqf assets should be perpetually existent and giving benefits at all time. Similarly, the management of waqf property is forbidden from conveying, assigning and transferring waqf property. Therefore, it cannot be sold or mortgaged. This characteristic differentiates waqf from other types of transfer such as *sadaqah*, *zakat* and *hibah*.

The legality of waqf has been mentioned at various places in al-Quran and al-Sunnah. Though, the word of *waqf* is not mentioned explicitly, Islamic scholars argue that words such as *infaq*, *sadaqah jariah* and *habs* refer to the meaning of *waqf* as it is widely understandable in Islamic tradition. For example, Allah says in al-Quran (3:92), "Never will you attain the good (reward) until you spend (in the way of Allah) from that which you love. And whatever you spend, indeed, Allah knows of it". Ibn Kathir interprets this verse using a Hadith regarding the story of Abu Thalbah who did waqf on his most loved property. He did waqf for the sake of Allah.

Altruism and Waqf

As above mentioned, people do waqf for the sake of Allah to benefit other people. This pure intention is called altruism.

Altruism has its root in Latin which means “alter” or “other”, to describe actions performed in selfless manner for the benefit of others. In other words, altruism “is a concept of loving others as oneself, or a behaviour that promotes the survival chances of others at a cost to one’s own, or self-sacrifice for the benefit of others” (Wan Sulaiman, undated). In economics, altruism is previously ignored in many theoretical derivations. Instead, the principle of individuality and selfishness are promoted to measure optimization behaviour. However, as the economic theories try to abstract the reality as possible, and the concept of cooperation and trust have taken place, the concept of altruism is becoming recognized in economic model derivation rather than being explained normatively.

In economics, the impact of altruism can be discussed in two ways. In Islamic economics textbooks and articles, waqf is treated as another type of transfer payment. The transfer made by a consumer as part of his income or wealth for the benefit of others. This transfer affects the amount of his disposable income in which the transfer reduces the income or wealth. Even though, the income has been reduced, the believers have faith that in every transfer made for the sake of Allah will be rewarded ultimately. The belief is discussed under the concept of *barakah*, that his original income will be safeguarded and increased in future (al-Quran, 2:261 & 14:7). Eventually, the *barakah* affects the donor through an increase in the utility of consumer exogenously or endogenously. Besides, this good deed is accrued to the donor even after his death (Cizakca, 1998).

In this regard, waqf can also be treated as part of consumption commodities within consumption bundle. Therefore, based on this treatment, spending on waqf affects the utility maximization directly inside the model. Therefore, we can model waqf demand endogenously. As part of consumption commodities, waqf will be priced, at least according to the opportunity cost of consuming other commodities. Overall, both approaches provide the understanding why people do waqf and the impact of waqf can be analysed economically. In addition, waqf also embodies productive characteristics. Waqf combines the elements of fixed savings as the assets are perpetually existent and investment as the benefit should be long lasting (Mohamad Akram et al., 2008). This perpetuity feature affects positively the tendency of a consumer to do waqf.

Waqf Mechanism

Waqf mechanism is proposed to abolish any obstacles that keep the peripheral *ummah* away from the mainstream *ummah* or community. At the same time, the mechanism should be able to provide opportunities for capability building of the *ummah*. In Figure 2 we represent the process of social integration through capability building.

Figure 2:

Capability building process toward social inclusion



Sources: Modified from Bynner (2000)

The process involves various aspects of life; economy, culture, institutions and individual self. The improvement of these aspects indicates the betterment of quality of life. Rahman (2009) argues that the economic development should consider all aspects of human life. Therefore, we need major policy overhaul. Instead of being government initiated programmes, the policy is transformed into government-community partnership programme through waqf mechanism.

The advantages of the waqf mechanism are able to:

- Promote autonomy
- Promote democracy
- Promote transparency

As the characteristics of waqf are irrevocable, perpetual and inalienable, the government or the community has no partial influential role in influencing the decision making. Both community and government are trustees of the *ummah*. Both parties are responsible for effective management and continuous monitoring. The trustees are subjected to strict control to avoid misuse and embezzlements (Cizakca, 1998). Under this mechanism, democracy can be widely practiced. Besides, to promote efficiency, the trustees are liable to their decisions and actions. The activity and financial reports are disclosed to the public and communally audited.

The proposed mechanism is shown in **Figure 3**. The board of trustees has responsibility to plan, monitor and regulate the work plan of waqf mechanism. In order to manage the operational aspect of waqf, a waqf foundation is set up. The initial set up

is financed through government grants. The foundation will collect waqf contributions in any form either in moveable and non-moveable assets such as cash and land. To exchange unproductive waqf properties into more useful and productive properties, *istibdal* is employed. As a result, the waqf properties and funds are able to be relocated in any area of interest.

The waqf collections are allocated in four types of programmes. First, the establishment of waqf fund to function as a financial institution. The financial waqf fund institution operates to collect waqf deposit and give financing. The idea of waqf financing is to provide socially excluded ummah with financial resource to work on any productive and profitable activities. Al-Dajani and Marlow (2013) propose home-based entreprenuring approach to empower the subordinated groups in the community. While, Haneef et al. (2015) propose a waqf-based microfinance for project financing. The activities are monitored by the board of trustees and must comply with *shariah* regulations. As a financial institution, it must practise good governance, disclosure and proper risk management.

Second, the waqf market is established to ease the market accessibility of the peripheral *ummah*. In this market, market closure is prohibited but competition is promoted. Since, business activities of peripheral *ummah* start with small scales, their production with respect to cost may be inefficient. Hence, the waqf market works to increase the production scale in collective approach in which few businesses collectively supply the same products. Once the production achieves

the economies of scale, they may be able to compete with outside competitors. The market will provide the supply that may create its own demand.

Third, the waqf education is aimed to promote self-confidence. In contrast, the mainstream education practices focus on teaching and learning scientific knowledge and skills, providing nutritious food, giving financial and school equipment aids. To avoid redundancy with the normal education system, the waqf education focuses on personality and character building. These aspects are prerequisites for the peripheral *ummah* to sustain their lives and compete with others in the open world. This is because the peripheral *ummah* who suffers long periods of deprivation will be inflicted with high inferiority complex. Therefore, the normal classroom approach may be ineffective. More personal approach like face to face counselling and motivational therapy sessions is much more useful.

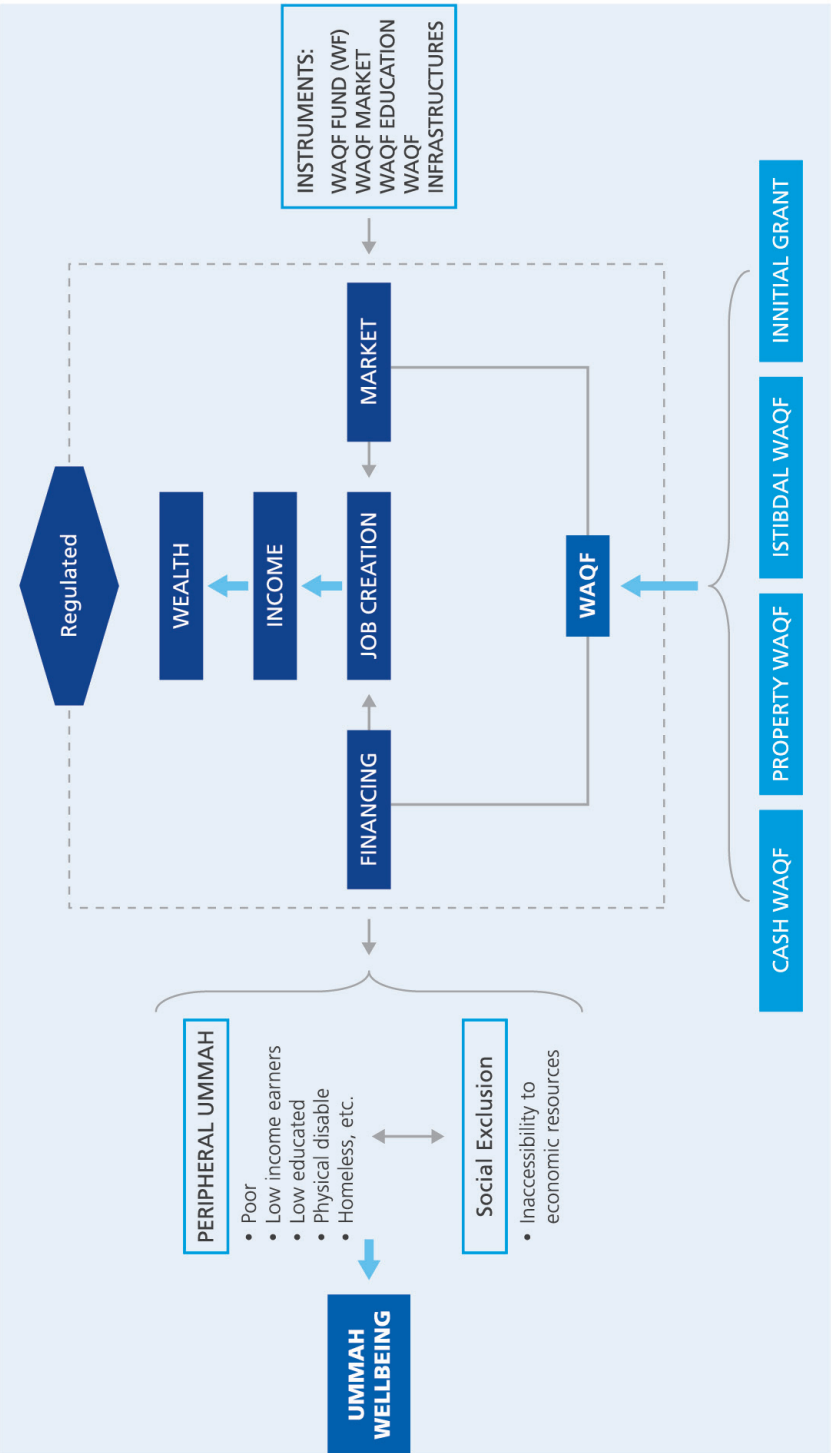
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Finally, the waqf collection is also allocated for infrastructure development. Living in remote areas with minimal infrastructures also causes the *ummah* to be socially excluded and inaccessible to the market. Besides, living in an improper shelter also put the *ummah* under the social exclusion. Therefore, waqf infrastructure has two objectives, to build infrastructures for peripheral *ummah*, and to relocate them in areas accessible to the market system.

The four programmes are coordinated by the waqf foundation in order to enhance the *ummah* wellbeing. Each programme facilitates the other. The programmes will involve large sum of waqf collection. In order to succeed, the normal system must recognize the urgency of the peripheral *ummah* so that the programmes are not compromised by the policies such as tax on waqf fund, tax on waqf land and ownership transfer fee, to name a few. Next, the empowerment of *ummah* is achieved and all members of the society have equal rights and access to the market system. Lastly, the programmes are able to create jobs and generate incomes for the peripheral communities. Next, the incomes generate other incomes through further investment activities. As wealth increases, the peripheral *ummah* becomes the mainstreamed *ummah* and they have better economic and social wellbeing.

Figure 3:

Waqf mechanism



CONCLUSION

The peripheral *ummah* or socially excluded community is not a problem of developing countries per se; in fact, it is an international issue. The negligence from solving the problem may cause new spiral and vicious poverty. This paper proposes the use of waqf mechanism to overcome the problem. Under the mechanism, four programmes are outlined. Each programme complements each other and will involve a huge sum of waqf collection. However, its success depends mostly on the recognition of normal system regarding the urgency to solve the social exclusion problem.

This paper has limitations. It does take into account the current practice of waqf system in Muslim countries and around the world; however, it does not survey the real need of socially excluded society. As it is totally a descriptive approach of analysis, this study is still able to shed light regarding the urgency to solve social exclusion issues. The literatures confirm the urgent needs.

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