

CASH WAQF AND INFAQ: A PROPOSED E- PHILANTHROPY IN MALAYSIA

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ABSTRACT

Malaysia is the country that consists of high population of muslim community. This shown by statistics in year 2010, 61.3% of Malaysia population is Muslim. The stability of economy allowed people to contribute towards the Muslims charity such as *waqf* and *infaq*. The paper is about the implementation of the online *waqf* technology that will benefits the *waqf* institution. There are three major mechanisms in doing charity in Islam that are

zakat, *waqf* (endowment) and *infaq* (donation or also known as *sadaqa*). Online donation shows that e-philanthropy entails the participation of everyone, not only the wealthy by investing not only money, but also time and skills with the activity happens directly with the people in need. The improved Internet banking facilities along with greater numbers of young generations who are IT literate and greater access to online facilities serve as a mechanism that can promote online *waqf*. Lastly online *waqf* improves the collection of *waqf* electronically; motivate existing Internet banking users to make charity and trustee able to generate more funds in Islamic way. These papers also include the information related with the issues and challenges and online cash *waqf* and *infaq*.

General Terms

Waqf, infaq, philanthropy.

Keywords

Online waqf, Online infaq, e-philanthropy.

INTRODUCTION

1.1 Background

Malaysia is one of Muslim country with statistics shown that in year 2010, 61.3% of Malaysia population is Muslim. Citizens are blessed with stable economy and living within generous society in peace. Stability in economy not only comes from government and private sectors only but also founded by the growth of Muslim economic and thus the society. One of the effective ways to promote growth of Muslim economy is by doing *waqf* and *infaq*.

1.2 Problem Statement

Due to tremendous *waqf* contributed by the public, Yayasan Waqaf Malaysia is appointed to manage *waqf* funds, conventionally and electronically from public

agencies and become as the trustee for development of Muslim society. However, private associations and institutions also contribute to the growth of Muslim economic and have *waqf* properties and funds. The different is most of the private associations and institutions have improper *waqf* collections system and management that is no longer suitable with the development of technology and digital lifestyle of Malaysian nowadays. Therefore, those associations and institutions need to have an enterprise system to manage the *waqf* revenues as well as the online transaction mechanism for the public to make *waqf* and *infaq*.

1.3 Objective of Study

This study is conducted to the benefit of private associations and institutions that depends on the charity of *waqf* for institution and society development, with the objectives to:

- i) Identify the conventional *waqf* collection method limitations and challenges;
- ii) Introduce online cash *waqf* platforms and methods; and
- iii) Identify issues to implement online cash *waqf*.

1.4 Significance of Study

This study conducted not only to achieve the objectives but also to complement the significance carry out throughout the study. The significance of this study include:

- i) To promote private associations and institutions *waqf* growth;
- ii) To expedite private associations and institutions project development; and
- iii) To enhance Muslim's quality society.

1.5 Scope of Study

The scope of this study is within the implementation of cash *waqf* and *infaq* in legalized private associations and institutions. The non-profitable private association selected is Ma'had Al-Qur'an Asy Syafie (MAQAS) that is in the midst of

building development consist of Islamic Study School for the students from foundation level until secondary level. The study is assisted with journals publications, observations on Malaysia *waqf* culture and direct interviews with MAQAS founder.

LITERATURE REVIEW

2.1 Definition of *waqf* and *infaq*

There are three major mechanisms in doing charity in Islam that are *zakat*, *waqf* (endowment) and *infaq* (donation or also known as *sadaqa*). Those mechanisms encourage philanthropy because charity in Islam is a foundation of social security and cannot be meaningless [1]. Not like *zakat* that is paying in charity at the rate of 2.5% of the wealth annually, *waqf* is promoting endowments that are gifts of productive resources to be spent for public benefit [1] while according to Mahamood [2], *waqf* describes certain property which is held and/or preserved for the confined benefit of any philanthropy use. *Infaq* in contrast is spontaneous voluntary charity that can be in tangible form or in intangible form such as helping people [3].

2.2 History of *waqf*

Waqf is permanent, neither non-returnable nor refundable and disposition of it outside the specific objective is prohibited. In history of Islam, first example of religious *waqf* is the mosque of Quba' in Medina. *Waqf* can be real property such as land, personal property (physical possessions) and intellectual property such as trademarks, patents or goodwill [1]. However after centuries of debates of *ulama*'s and schools, cash *waqf* later introduced. In Malaysia, cash *waqf* emerge with *waqf* revenues collected by State Religious Councils invested in the Islamic Bank Malaysia and Takaful Malaysia [4]. *Waqf* revenues from each State Religious Councils and other related government agencies are actually managed by Yayasan Waqaf Malaysia for cultivating Muslim economic, developing *waqf* property, carry

out social charity, invest in shariah legally financing before it is being distributed and performing promotion and publication. Yayasan Waqaf Malaysia also granted license or permission to private associations and institutions as authorized *waqf* collector for the associations' and institutions' self-development and management.

2.3 Donors and Trustee

Waqf donors is either performed by an individual to his society by giving his property; or organized by public organizations, private associations and institutions to raise funds from the public. Funds raised are use for development of social institutions for society uses and benefits. Private associations and institutions acted as the trustee may come from non-profitable background bodies. Whilst social institutions for the benefits of the society are vary from mosques, madrasa, hospitals or medical treatment centers, schools, shelter homes or even rehabilitation centers [2]. *Infaq* in contrary is donation or charity from individuals or any bodies' as sign of sincere devotion to the religion and gratitude to God [1] regardless whether he is rich or poor. People doing *waqf* and *infaq* for many reasons from one's personal reason until to an institution or society purposes. Whatever reasons laid will eventually benefit those in need from reduces less fortunate people and as personal way to make charity and philanthropy, which ultimately promotes the development of the society.

2.4 When to *waqf* and *infaq*

Personal people doing *waqf* usually when they feel of giving and donating their property as goodwill, while cash *waqf* and *infaq* has no specific time to implement, which means people are free from any obligations to perform this social service. However the percentage of people doing *waqf* and *infaq* increased during fasting month and at the end of the year because the benefits of manifold *pahala*, soul redemption and income taxes exemption [5].

2.5 Where to *waqf* and *infaq*

The institution of *waqf* plays a very important role in Muslim societies. Its has grown steadily since its beginning, benefiting the people and defraying public expenses such as the funding of mosques, graveyards, hospitals, schools, orphanages and others charitable, educational or religious foundation [6]. Yayasan Waqaf Malaysia is a foundation that managed *waqf* property from endowments donors and public resources. People can contribute their properties (real, physical or cash) to Yayasan Waqaf Malaysia as their trustee. Yayasan Waqaf Malaysia is also providing online cash *waqf* in their website at www.ywm.gov.my. People can also contribute *waqf* in property or cash and *infaq* directly to their preferred private associations and institutions such as the MAQAS that are legally permitted by Yayasan Waqaf Malaysia to collect them for their own projects and management.

2.6 Benefits of cash *waqf* and *infaq*

Cash *waqf* and *infaq* could benefit all from individual, institution and finally the society. According to Chowdhury et. al. [7], cash *waqf* can be participated by all segments of Muslim society, not just the wealthy one like in the case of real property. Therefore, everybody can contribute regardless of the amount. Through cash *waqf*, the scatters endowments can be gathered to create a common fund therefore maximizes its utilization by organize and develop projects or investments selected by priority at any institution. Finally, it benefit the community by relieves the pain of poverty, raised the recipients' *taqwah* and enhance peace in the community [1]. *Waqf* and *infaq* serves as an important social objective as well as economic growth by enhancing government national development plan for poverty eradication and social services.

2.7 Conventional versus online cash *waqf* and *infaq*

Traditionally, apart from Yayasan Waqaf Malaysia, most associations and institutions are raising *waqf* funds in conventional ways.

Even though there do exist private associations and institutions raising cash *waqf* and *infaq* through online, however the practice is still in dormant stage. Permitted private associations and institutions usually use personal people promoting their *waqf* funds among friends and colleagues, in front of the banks, in the dining places, in sundries shop and the most popular is in the mosques. After the agreement (*akad*) expression, they will produce a certificate to the endowment donors as proof of *waqf*. The certificates are eligible for income taxes exemption when necessary.

In contrast, online cash *waqf* is perform in more secured platform. The mechanism is similar to the implementation of online Qurban (example is HALUAN organization). Yayasan Waqaf Malaysia has two schemes of *waqf* donors that are registered on non-registered. For registered scheme, people are able to give *waqf* through monthly salary deduction while for non-registered scheme, there are several techniques in performing cash *waqf*. The techniques are; through online banking, participated banks cash deposit machines, auto debit, postal order or walk-in through Yayasan Waqaf Malaysia counters. This implementation can be an example to private associations and institutions to develop one system of their own.

2.8 Limitation in conventional and online method

Conventional methods also have flaws in implementation for both the endowment donors and endowment collectors. Firstly, people sometimes are not so convinced of the genuineness of the *waqf* collector permit, therefore donors will feel hesitation whether to make endowment or not. Secondly, not all the donors are ready to give endowment at that specific time and place although this is initially an advantage for the association and institutions in which they can recognize their target groups of donors. This will result of frustration emotion by both parties. Thirdly, most private associations and institutions have no capability to broadcast their projects

and their needs for *waqf* funds using the technology. Without proper and smart method of broadcasting their projects, the time spend for *waqf* fund raising becoming longer which eventually increase the delay of project completion time. Finally cash *waqf* is exposed to the risk of stolen and lost which is a great loss.

Online method in contrast has the limitation in performing the *waqf* agreement (*akad*) and producing *waqf* certificate. People may be at first wondering how the agreement would be able to be expressed if the cash *waqf* is done through online transaction and how the *waqf* certificate would be.

According to Karim [4], cash *waqf* is also exposed to the risk of complete lost if the implementation of cash *waqf* is abolished. However, this is most unlikely to happen in Malaysia since the government already well planned and implemented cash *waqf* and encourages other private associations and institution to implement it.

2.9 Advantages of online cash *waqf* and *infaq*

Despite the limitations of online cash *waqf*, there are more advantages in online cash *waqf* that become the opportunities to both *waqf* donors and *waqf* trustee. According to research done by Eller [8] to determine donors behavior while performing online donation shows that e-philanthropy entails the participation of everyone, not only the wealthy by investing not only money, but also time and skills with the activity happens directly with the people in need. Another research done in similar context also show that development of the Internet as a marketplace has brought an era of online giving where the donor's motivation in doing charity influenced by several factors including donors interest of the charitable work and donors have high accountability of the institution performance [9]. Research done by Amin [10] also support that improved Internet banking facilities along with greater number of young generations who are literate and greater access to online facilities serve as a mechanism that can

promote online *waqf*. Therefore, it can be concluded that people tends to be more satisfied doing cash *waqf* and *infaq* through online transactions, directly to the association or institution to fund for their charity projects thus support the *waqf* funds to be raised in more shorter duration. According to Amin [10], online *waqf* improves the collection of *waqf* electronically; motivate existing Internet banking users to make charity and trustee able to generate more funds in Islamic way.

ONLINE CASH WAQF AND INFFAQ

The *waqf* and *infaq* plays crucial roles in the development of the country. The best ways in measuring the development of the country is by measuring the number of poverty in the country. The increase of wealth in some Middle East country that does not proportionate with the increase of Muslims living below the poverty line does not reflect the success development of one country [4]. The advancement in technology of internet can actually provide the benefits towards *waqf* institution. The cash *waqf* and *infaq* can actually being done using internet.

According to Amin et. al., [10], the *waqf* has emerge from land *waqf* to cash *waqf* and recently to the online *waqf*. The online *waqf* has been established in Kuwait to improve the redistribution of wealth among muslims. This shows the important of *waqf* and how the online *waqf* can actually help in becoming the solution of redistributing the wealth among muslims.

3.1 Why online method

The best ways in managing the *waqf* is by reducing the number of intermediaries to reduce the cost while managing the *waqf* money. The institutional that manage the *waqf* should aware with the advancement of technology, it can actually benefit in reducing the cost in managing the *waqf* money.

The online *waqf* is still at the infant state; the system is still supported by all parties. The online *waqf* is where the transaction is been made using online banking [10]. The advancement of internet technology can actually benefits the organization that manages the *waqf* institution. The methods of selling the *waqf* certificate in electronic form will be the most effective and simple ways in reaching the millions of muslims [4]. Using the online transaction the muslims all over the world can actually buy the *waqf* certificate through online. The muslims that living in the non muslims country and western country can actually takes part in performing *waqf* by buying the *waqf* certificate using online transaction.

The online methods also will provide more systematics system for *waqf*. The online transaction will provide the track record [4]. This will provide the benefits for institution to manage and track *waqf* and *infaq* money. The online transaction usually will provide the organization with the digital system for organization to track the record of transaction in buying the *waqf* online certificate and *infaq* money. The online system also will enable the institution in making the transaction for the *waqf* and *infaq* money.

Amin et. al. [10], informed that the greater access to the online transaction serve as the mechanism that can promote online *waqf* cause by the improvement of the internet technology. According to Karim [4], six out of ten most top emerging market for mobile technology is the country with high number of muslims population. The development of mobile telephone is usually related with the technology of mobile internet. The high number of mobile phone user among muslims is one of the idea on why the *waqf* and *infaq* institution should implement the online system in selling the *waqf* certificate. The technology that allow the *waqf* certificate to be sell using mobile phone will encourage people to buy *waqf* certificate using mobile internet. This will allow *waqf* to be performing whenever and wherever possible.

3.2 Benefits of online *waqf*

The online *waqf* comes with benefits. According to Amin et. al., [10], there are three benefits of the online *waqf*. The first is online *waqf* is the Islamic based innovation on the *waqf* fund. This will increase and improve the collection of the *waqf* fund. Using the online *waqf* it will attract more people in performing the *waqf*. This is because some people do not have time in going to the *waqf* institution to perform *waqf*. Using the online *waqf* the people will no longer find the time as the constraint to perform *waqf*. The distance problem also one of the things that can be solve using the online *waqf*. According to Karim [4], the muslims that living in the non muslim or western country also can perform *waqf* using online *waqf*. This shows how the online *waqf* can benefits the *waqf* institution and muslims that living far to perform *waqf*.

The second benefit of online *waqf* is that it will be able to motivate the existing internet banking users to make *pahala*. *Pahala* is the reward in the world of hereafter. The internet banking users usually wants to make the charity but some of them have limited understanding on the channel of their charity. The advertisement about the online *waqf* will actually open their eyes and increase the understanding about the charity using *waqf* concept. Moreover the online *waqf* also will be able the people to perform from their home or everywhere on anytime.

The third benefit is the online *waqf* can actually generate more funds in the Islamic ways. This will actually improve the banks investments and importantly to strengthen the corporate social responsibilities programmed. The banks should consider the investment using the Islamic ways; this is because the Islamic banking system in *waqf* will provide the generation with the better economic stability. Apart from that the corporate social programs is the philanthropy for the banks.

According to Ibrahim et. al. [11] in Malaysia the *waqf* institution is not eager in using land *waqf* as the collateral as they are afraid of losing the financier. The financiers are not willing to accept the *waqf* land because of

legal problems caused by the label of inalienability and perpetuity. The cash *waqf* with the application of online *waqf* will provide the benefits as the people are encourage performing the cash *waqf*.

3.3 Factors that encourage the online *waqf*

There are several factors that encourage the online *waqf*. According to Amin et. al. [10], the government initiative of the online transaction through broadband and other Islamic banking business are one of the contributing factors for the online *waqf*. Apart from that the increase of the young generation that IT literate is actually the factors of the online *waqf*. The infrastructure also one of the important roles of the online *waqf*, Malaysia is one of the country that provide the best internet infrastructure and this will actually benefits the online *waqf* implementation because of the good internet architecture.

According to Rosland et. al. [12], most of the bank in Malaysia offer online banking services. This shows that the Malaysia infrastructure is ready in providing the online *waqf* system. Internet banking infrastructure is one of the most important aspect in encouragement of online *waqf*.

3.4 Websites maintenance

The online *waqf* will reduce the dependency of the system towards the human. This will help in reducing the cost of managing the *waqf* fund. There are several things that should be considered in online *waqf*. The *waqf* institution should consider the cost of managing the online *waqf* system. The cost of the transaction will usually manage by the banking institution, this is where the *waqf* institution have to pay the charge on the transaction been made to the institution. The institution will incur the maintenance cost of the websites. The *waqf* institution should consider on the agreement about the maintenance with the websites developer. There are some developer is putting the cost of maintenance with the cost of development. Some of the developer does not include the

maintenance of the development charge. The *waqf* institution should be clear on the agreement between the developer and the *waqf* institution.

CHALLENGES AND ISSUES

Cash Waqf

Waqf is the principle of the perpetuity, which means that once a property is dedicated as *waqf* it remains so until the judgement day. The usual scope of *waqf* is usually real property such as land, personal property such as physical possession and intellectual property such as right over artistic creations or invention.

Cash *waqf* is one of the issues in implementing the online *waqf*. The online *waqf* is one of the cash *waqf*. According to the Cizakca [13], before this the cash *waqf* were only legalized in the Turkish speaking part of Ottoman Empire. The pious arabs never allowed the cash *waqf* in the Arab province. In Malaysia, the cash *waqf* understanding comes from Balkans to Malay thus implies the general acceptance by all school of Islamic jurisprudence. The controversy of the cash *waqf* lasted from sixteenth century to twentieth century. Majority of the jurisprudential school are not very strict on the perpetuity so they generally approve the establishment of cash *waqf*.

The hadith that provides evidence about the practice of cash *waqf* is allowed in Islam based on the hadith.

Abu Daud and Nasa'I said that:

“A man said to Prophet Muhammad PBUH I have a dinnar money. Thus the Prophet Muhammad PBUH said you donate (*waqf*) your dinnar money to yourself”

According to Adam and Lahsasna [14], this hadith provides evidence that *waqf* practiced by using money or cash is allowed in Islam. The Islamic school of thought consisting of Shafie [15], Hambali, and Maliki [16] has agreed for allow *waqf* for movable property. This is because the moveable property can be sold which can receive benefits in return as

well as retail the physical condition. As a result the cash *waqf* is permissible.

This might be acceptable for the jurisprudential school but some of people have lack of trust in implementing the cash *waqf*. They usually preferred in using the real property as the medium of *waqf*. The online *waqf* offer more options in the way of performing *waqf*, people who do not interested in performing the online *waqf* can actually perform the *waqf* using the real property.

4.2 Payment method

There are several payment methods in performing the *waqf* using online system. As the organization is implementing online *waqf*, the organization can takes advantage with development of internet technology in Malaysia. The online banking system has evolved rapidly in this country. The *waqf* institution should consider the Islamic banking product in ensuring all the process and guidelines in performing the online *waqf* follow the Islamic guidelines. Islamic banking product in internet banking application is means to develop more product to the better stage and makes the customer easier to deals with the banks. The Islamic banking is intended that the both parties will get benefits from the transaction using the Islamic banking system [12].

There are many products of the Islamic banking in Malaysia. The Bank Islam, Maybank Islamic and others are the example of the bank that offers the Islamic banking product. The payment method for the *waqf* online is using the internet banking services. The bank that offers the online banking must be licensed with Banking and financial institution act 1989 and Islamic Banking Act 1983. Nowadays there are almost all banks in Malaysia offers the online banking system.

The online banking system can be used in making payment for the *waqf* and *infaq*. The user can make the payment using their savings account in the bank account or making payment using their credit card [5]. This will allow the user to make payment and

perform their *waqf* and *infaq* without considering time or places in performing the *waqf*.

The people also can use the mobile application such as mobile banking system that offers user to make payment. Most of the bank nowadays is offering the mobile banking that will allow people to make payment without consider the time and places. This will allow people to perform *waqf* in everywhere such as shopping complex, car or office.

4.3 Online akad

In the process of performing the online *waqf* the online transaction will be applied. It is important to consider the online *akad* that will be performed during the *waqf*. According to Rahman [17] the *akad* is a contract built on the requirement of the two or more parties will bring something affect of legislation. According to al-juraini the contract is the bond act through bargaining process (*ijab*) and acceptance (*qabul*). Sale and purchase must also involve an Islamic judge as property. This type of transaction should also involve the assignment of ownership and possession and cannot be fixed for a certain period only [18].

The rapid advance in technology cause the banking institution to provide the services according to the technology. Thus the banking industry nowadays already implementing the online banking that allows the online transaction to be done at anytime and anywhere. The *waqf* also move along with the advancement of the technology by introducing the online *waqf*. There are thing that should be considered as the online *waqf* been implemented.

According to Rosland et al. [12], the online akad transaction that is done using the internet banking service are allowed based on the contract made between two people are invisible and their intermediate only by a document found on the websites of banks. This shows that the *waqf* transaction using online banking is allowed because the *waqf* is using the online banking system to transfer the money. There are thing that should be

considered such as the checkbox that indicating the people are agreeing on performing the *waqf*. This will become the *aqad* that perform by the person that wants to perform *waqf* or *infaq*. The receipt of the *waqaf* is the *waqf* certificate whether it is digital certificate or the paper certificate that will be sends to the people who perform the *waqf*.

DISCUSSION

5.1 Limitation

There are several limitations of online cash *waqf* implementation found during this study that are, not many institutions have knowledge about how technology can facilitate them in doing *waqf* and *infaq* for the benefit of institution and society. They only depend on outside people to come and guide them. Besides, there are many institutions we would like to assist in developing online *waqf* platform but unfortunately they are not registered as legal *waqf* trustee. Therefore they need to apply for the license first and adhere with lengthy specifications. Finally, Malaysia has plenty of Islamic banking but lack of online *waqf* facilities.

5.2 Recommendation

Charity can come from any forms and any people, from as small as individual to as large as an organization. Since online cash *waqf* evolving in Malaysia, more programs should be conducted by public agencies and private companies to assist *waqf* trustee to be along with the Internet technology in our country, if not at par with the agencies and private companies. Some of the charitable activities that can be conducted and deem as a *waqf* from the private sectors and cloud computing provider is to provide an online *waqf* platform as part of their Corporate Social Responsibility (CSR) programs. Regular awareness programs also much help instead of traditional type donation.

CONCLUSION

Online *waqf* and *infaq* is the application that can become one of the Islamic based innovations that provide benefits for all Muslims around the world. This *waqf* system entails the participation of everyone, not only the wealthy by investing not only money, but also time and skills with the activity happens directly with the people in need. This *waqf* system is one of the ways in introducing the nature of Islam that is suitable through the ages. With the implement of the online *waqf* system the Islamic world move one step further towards the innovation of technology. The *waqf* institution should take part in supporting this implementation of online *waqf* and *infaq*. With the support from the *waqf* institution towards implementation of online *waqf*, it will actually ensure the successful implementation of *waqf* system. Malaysia is one of the advance countries in the information technology, with the high number of IT literate it will actually benefit if the *waqf* institution trying to implement the online *waqf* system that will actually attract more people to perform *waqf*. The online *waqf* systems will actually benefits the organization in the future by reducing the management cost.

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