مجلة جامعة الشارقة للعلوم الإنسانية والاجتماعية

اسم المقال: تطبيق مقاصد الشريعة في إدارة صناديق المسجد: دراسة حالة صناديق المسجد (مسجد تابونج) في تيرينجانو، ماليزيا
اسم الكاتب: لقمان نيل زكريا
رابط ثابت: https://political-encyclopedia.org/index.php/library/8890
تاريخ الاسترداد: 2026/11/01 22:44 +03

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International Refereed Periodical

of

Humanities & Social Sciences

Special Issue on Islamic Finance



Vol. 13, No. Special Issue
Rabe'a Ala'wal 1438 A.H. / Dec. 2016 A.D.

ISSN : 1996 - 2339

Application of Maqāṣid al-Sharī‘ah in Managing Mosque Funds: A Case Study of Tabung Masjid in Terengganu, Malaysia

Luqman Nil Zakariyah

Kulliyyah of Islamic Revealed Knowledge & Human Sciences - International Islamic University Malaysia

Kuala Lumpur - Malaysia

Received on : 02-06-2015 **Accepted on : 31-07-2016**

Abstract:

Mosque funds in Muslim countries where Tabarru‘āt (donations) operates should have had an enormous impact on Muslim empowerment and poverty alleviation. However, these funds appear to be managed ineffectively. In Malaysia, the setup of Tabung Masjid (TM) has not effectively achieved its goals partly due to a lack of awareness of the Islamic jurisprudential perspectives on TM funds or partly due to the uninformed ways in which these funds are managed. This paper assesses the ways in which funds generated from TM in Terengganu, Malaysia are being managed from the Maqāṣid al-Sharī‘ah perspective.

Keywords: Malaysia Tabung Masjid, Mosques’ Funds, Maqāṣid al-Sharī‘ah, Management, Public Fund.

Introduction:

Mosques, which are conventionally known as Masjids in Arabic, are one of the most symbolic places of worship and spiritual enhancement in Islam. In some locations in the Qur'an, God mentions its significance and sacredness (Al Qur'an, 9:17-18; 24:36 and 72:18). It is a central point of Muslim congregational meetings and a house that binds the souls of Muslims. In medieval times, especially when Islam first emerged, Mosques played vital roles in enhancing Muslim spirituality, disseminating knowledge, delivering verdicts, and settling disputes among Muslims (Adil, Mohamed Azam et al., 2013, 24).

The early interpretation of the significance of mosques could have affected the understanding of the wide scope of the purpose of mosques in Islam. During the time of the Prophet (PBUH), mosques served as places for training, settling disputes, and community spiritual recreation. Since then, the mosque has been given wider meaning beyond a place of spiritual exercises. Today, mosques have gone beyond their normative functions to include societal welfare, such as youth orientation, Muslim education, financial assistance, etc. In progressive Muslim countries such as Malaysia, mosques have been transformed to serve as outlets for implementing government policies related to Islamic issues in the society (Adil et al., 2013, ibid.).

Not only that, mosques today serve the purpose of moral education where "Islamic programs and activities are carried out to instil and strengthen Islamic values among community members" (Adil et al., 2013: 24). The activities of mosques in Malaysia require serious attention to their financial management without which the mosques cannot sustainably continue to perform those duties. Thus, skilfully managing mosque funds becomes indispensable. This management requires professional skills and scholars trained in giving Islamic verdicts (Fatawa) on how to manage those funds according to the Sharī'ah. It also requires financial professionals who can guide the mosques on how to spend the funds and where to invest them.

One of the most obvious challenges facing the administration of modern mosques today is the management of funds generated from the public. This could be partly because the authorities of some mosques are unaware of the Islamic jurisprudential opinions on TM or partly due to the uninformed ways of managing these funds.

Mosque Funds (Tabung Masjid -TM) in Malaysia:

The funds generated from the mosques are not uniform in nature and purpose. Traditionally, mosques generate funds from the public in term of sadaqah (general donation), zakāt (mandatory religious alms), waqaf (endowment), and waṣiyyah (bequest). These are the main sources of funds for the running of the mosque. In modern times, where the government is Islamic, or the country is predominately Muslim, the government assumes the financial responsibility of the mosques, where an amount of money is assigned in the government budget as is the case in Saudi Arabia, UAE, Qatar, Bahrain, Oman, and other Muslim countries. In this case, donations might not be allowed or not essentially needed because all the funds including zakāt and waqf are administered by the Ministry of Endowment (Marican, 2003).

Hamdan et al. observed that TM in Malaysia can be categorised into traditional funds which include public contributions every Friday and Muslim festival congregations, and general funds which include fundraising activities organised by mosques (Hamdan et al. 2013). Funds generated from public contributions are not associated with a specific intention of donors in the way they are spent. Generally in Islamic law, the intention of the donor has a bearing upon how the funds generated from donors should be used. Like waqf, the intention of the contributor may be general or specific. In this case, funds dedicated for general purpose can be diversified and used for consumption or investment. However, the specific waqf may not be used for other than the intended purpose. In this case, funds generated from specific purpose, from strict Islamic jurisprudence cannot be used for investment. Hamdan et al. observed the lack of separation of these funds in Malaysian mosque management and suggested a systematic accounting system that will adequately distinguish one type of fund from others with proper "financial reporting" (Hamdan et al., 2013: 2).

According to the official portal of the Malaysian government, Malaysia consists of 13 states and three Federal Territories. The 13 sates are Negri Sembilan, Pahang, Perak, Selangor, Perlis, Kedah, Johore, Kelantan, Terengganu, Malacca, Penang, Sabah and Sarawak. The three Federal Territories are Kuala Lumpur, Putrajaya, and Labuan. The Federal Territories do not have state assemblies (http://mygov.malaysia.gov.my). Malaysia's Federal Constitution defines the power of the Federal government and the state governments with regards to the administration of Islamic affairs. The power given to each state includes the administration of Shariah Law which subsumes administration of Islamic affairs such as its laws

and social activities (Mosques) state mosques are "under the purview of the state governments". In other words, each state has autonomy to enact laws suitable for running the Islamic affairs and the conduct of Malay customs (Sulaiman, 2007, 103).

Management of Mosque Funds in Malaysia:

Adil et al. (2013) examined the financial management practices of mosques in Malaysia. They realised that there was a lack of systematic financial management of TM in Malaysia. They suggested ways for which "internal control system and performance" of mosques can be enhanced "to achieve mission and goals of these crucial institutions of societal development" (Adil et al., 2013: 23). Adil et al research focused on, among others, "the internal control system, fund usage and accountability on financial management practices in the mosque" (Adil et al., 2013: 24). While the research is broad in nature, the segment on "accountability on financial management practices" contributes to our present research. It sheds light on ways in which mosques diversify and maximise the benefit of their funds. The research also paves the way for further research on how those funds should be managed by influencing the financial institutions in which the funds are kept.

Traditionally, funds generated by non-profit organisations like mosques are not exposed to profit earning but for spending. Mosques are considered a non-profit-oriented organisation (Hamdan et al., 2013). This nature has for decades closed the mindset of the administrators to how the funds of the mosques can be effectively used.

Going beyond conservative dictates of mosque expenditure, mosques today are facing numerous challenges. One is improving the way their funds are managed. This improvement will earn mosques the opportunity to develop and "ease the delivery of related services to the community" (Adil et al., 2013: 23). Improving managing mosque funds will assist mosques to serve their social responsibility where mosques will pay roles of government agencies in taking care of youth orientation and rehabilitation where delinquency is rampant. It will also play a vital role of a charitable platform for the needy among the community. According to Adil et al., the roles of mosques have expanded beyond places of worships to include "center for political and economic orientation camp where information of Muslim status in a society is disseminated and accurate objective information are rendered to the community" (Adil et al., 2013: 24). For mosques to carry

out these functions accurately and efficiently, they need committees comprising professionals in areas of managing funds. One of the criticisms levied against mosques today is a lack of innovation for generating funds. Rather, some mosques are still relying on the old approach of soliciting for Sadaqah, Zakāt and other charitable means (Adil et al., 2013).

Yahaya (2014) proposed "a prototype (E-Mas) mosque accounting information system (AIS) that intended to network or link all the states mosques in Malaysia"(47). This effort aims to facilitate efficient management of mosques' financial activities. The strength of the research is garnered to make all the participating mosques in Malaysia who use the software to have access to financial data and promote the good governance of mosques. This idea is useful in informing mosques of the growth of their funds and ways to invest them. To realise this vision, Yahaya suggested that mosque committees have a role to play. One of their roles is to generate funds for the mosque including investing these funds in halal channels. This would "generate social and human capital that can be used by the mosque to render assistance to the needy and at the same time take care of the expenses of the mosque" (Yahaya, 2014: 49). Another pertinent suggestion of Yahaya is to centralise the mosque accounting system in Malaysia for transparency and accountability in running the affairs of the mosques. This proposal, perhaps, could also help in the collective investment of the TM for the betterment and empowerment of allied Muslim communities (Yahaya, 2014: 50).

In an accounting system, the profit-oriented organisation must use "the financial reporting standards for businesses" while non-profit entities need a "fund accounting model that focuses more on how effective and efficient the NPO managers are using the public donations to achieve the mission of the organisation" (Hamdan et al., 2013). The accounting practices of mosques in Malaysia focuses on "providing information about the sources of funding and how the funds are being used to achieve its mission" (Hamdan et al., 2013: 4). Efficient use of the mosque funds will create many opportunities for the members of the mosque and the community as a whole. Hamdan et al. also addresses the issue of segregation between restricted and unrestricted funds. The restricted funds are specified for specific purposes for which the managers of the funds cannot divert them to other purposes. Unrestricted funds are funds for which the managers are free to utilise or invest. The relevance of this issue lies in the fact that if the funds are restricted, using them for other purposes or investing them could lead to Sharī'ah non-compliance. However, from the maqāṣid al-Sharī'ah perspective, mosque funds today cannot sit in the banks

without being utilised. Banks will certainly use this money to generate profits. To deny mosques this opportunity, especially if the type of bank investment and the agreement between banks and mosques are Sharī‘ah non-compliant will result in waste of Muslim public funds (Hamdan et al., 2013).

Development of Maqāṣid Al-Sharī‘ah:

Maqāṣid al-Sharī‘ah is defined as the goals and objectives of Sharī‘ah and the wisdom behind each rule for the benefit of humanity. In other words, maqāṣid al-Sharī‘ are intended models set by the Lawgiver for realising the goals, intents, and purpose of the Islamic rulings which benefit the people and ward off evil and their detriments (Ibn Ashūr, trans El-Mesawi, 2006, 307; Ibn al-Qayyim, 1973, 3:3; Al-Qaradawi, 2000, 1:1; Al-Zuhayli, 1423H, 70). Maqāṣid al-Sharī‘ah in terms of derivatives are divided into the Maqāṣid al-Sharī’ (the purpose of the Lawgiver in legislating particular laws) and the Maqāṣid al-Mukallah (the purpose of the legally competent person to act upon God’s law). The scholars agreed that the purpose of Allah in enacting laws is to incur benefit and ward off evils from humans. They also agreed that the legal purpose of acting upon each law could be for serving God or others, and it could be valid and invalid. Another classification of Maqāṣid al-Sharī‘ah is in terms of the source to these Maqāṣid. The classification is divided into three. Ḍarūriyyāt (essential), Ḥājiyyāt (needs) and taḥsīniyyāt (embellishment). (Al-Qahtani, 2014 43; Hallaq, 1997, 168-170).

Maqāṣid al-Sharī‘ah, as a concept, is mostly a newly developed science extracted from the science of uṣūl al-fiqh (Larbani and Mustafa, 2011). The scholars who have written on Maqāṣid al-Sharī‘ah initially focused on the legal aspect of the science. This trend can be found in works of Al-Juwayni, Al-Ghazali, al-Shāṭibī, Ibn Taymiyyah, Ibn al-Qayyim, Ibn ‘Ashūr (Larbani and Mustafa, 2011, 51). It is equally essential to mention that the development of the science of Maqāṣid al-Sharī‘ah is credited to al-Shāṭibī and Ibn ‘Ashūr. Ibn ‘Ashūr is considered to be one of the scholars who call for independence of the science. Since the theory of Maqāṣid al-Sharī‘ah has been discussed in a legal capacity, Ibn ‘Ashūr has taken the science further to the stage of comprehensiveness. He developed the idea of application of the theory to all aspects of Islamic law including financial transactions. From this open application of Maqāṣid al-Sharī‘ah, scholars of different disciplines have seen Maqāṣid al-Sharī‘ah as a way out from the restrictive nature of Islamic law as presented in classical literature (El-Mesawi, 2003). Mustafa Omar (2006) has critically questioned the nonchalant attitude and

the slow moving Islamic banking in maximising the theory of Maqāṣid al-Sharī'ah in improving and achieving the purposes of the industry. He observes that Islamic banking can use this concept in promoting the welfare of the ummah. In discussing the role of Maqāṣid al-Sharī'ah in promoting welfare, Mustafa alludes to the fact that Muslim wealth must be fairly distributed and invested in serving the very purpose of the Sharī'ah (2006, 216).

Management of Mosque Funds in Malaysia: the case of Terengganu Mosques:

Terengganu is a state in Malaysia situated in north-eastern Peninsular Malaysia. As of 2010, the population of Terengganu was 1,015,776, of which 94.7% are Malay. Terengganu is divided into seven administrative districts namely, Besut, Dungun, Hulu Terengganu, Kemaman, Kuala Terengganu, Marang and Setiu. The majority of Terengganu are Muslims. According to the 2010 census, the population of Muslims in Terengganu was 96.9% making other religions non-visible in the state. Malaysia state governments fund the states' mosques except "for the state mosque of the Federal Territory and Terengganu" (Sulaiman, M 2007, 106. The state mosque of Terengganu unlike other state mosques is funded solely by public donations. By law, funds of all state mosques are managed by "the State Treasury Department with the assistance of the respective IRD" (Sulaiman, M., 2007, 106). As the state government-funded mosques have to follow the regulations laid out in the law, Treasury Instructions (Arahan Perbendaharaan) in terms of their financial control, budgetary control on receipts and disbursements, bank operations, stocks, tenders and quotation and fixed assets and document management (Sulaiman M., 2007), Terengganu's mosques are not subjected to this tight scrutiny and screen. This allows them the liberty to diversify the funds and manage them according to the public interest which emanates from Maqāṣid al-Sharī'ah.

In Terengganu, according to our recent survey, there are 183 mosques comprising districts which are governed by each local community and government mosques where are governed by the State authority. The distributions of these numbers are as follows:

District	Number of Mosques	Regional	State	Unknown
Besut	11	10	1	
Hulu Terengganu	76	68	4	4
Kemaman	10	5	5	
Kuala Terengganu	9	6	3	
Marang	50	47	2	1
Setiu	15	15	0	
Dungun	12	11	1	NA

Summary	Minimum	Maximum	Sum
Regional	5	68	162
State	0	5	15
Unknown	0	1	1

The administration of the funds of mosques in Terengganu is not different from other mosques in other states of the country. Apart from unique features the Terengganu's mosques enjoy in term of being financed by public donations, the way of managing those funds needs to be addressed. This section is dedicated to the assessment of strategic planning in banking and investing the funds of those mosques in Terengganu.

a. Banking:

According to the data collected from the mosques in Terengganu, there is no strategy in place for choosing financial institutions in which the funds of mosques should be deposited. This is tantamount to lack of collective wealth investment among mosques in Malaysia. Mosques are not united in banking their TM. According to the data collected in Terengganu mosques, the funds generated from public donations in those mosques are banked in a staccato manner. The 183 mosques used ten different banks in their region. It is observed that AGRO bank is used by the majority of the mosques. The total of mosques using AGRO amounts to 83 out of 183 mosques, though the full sum of TM banked together in AGRO Bank is less than BIMB. In some regions, one bank is more popular, and the reason is unknown. One can guess that it could be that other banks are not available in that region. For example, in Setiu out of 15 mosques, 12 mosques use AGRO Bank. The same high proportion is recorded in Hulu Terengganu, which is the capital of the state, where 45 mosques bank their TM with AGRO Bank. However, in some states such as Kuala Terengganu, none of the nine mosques use AGRO, and the

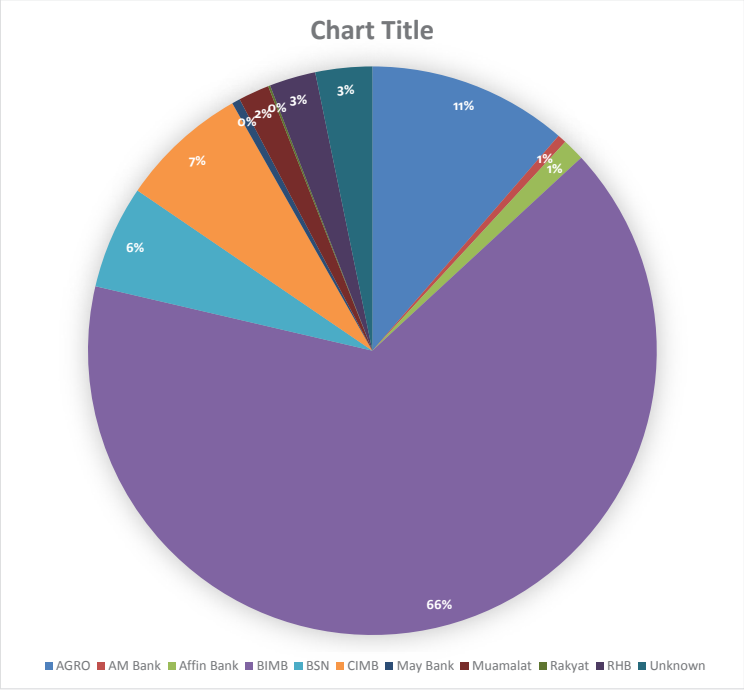
TM funds are banked in three different banks. In Dungun, seven out of 12 mosques bank their TM funds in BIMB, only two mosques use AGRO. This has raised the issues of strategic management of TM in term of collective banking among the mosques in the same region and that there is no strategic planning in mobilising the TM funds.

Distribution of Banking of TM in Terengganu:

Distribution of TM in Terengganu

Name of Bank	Number of Mosques Using the Bank	Number of Mosques That Disclose Amount in Bank	Amount in Bank
AGRO	83	37	377173.65
AM Bank	5	2	16856.28
Affin Bank	1	1	41759
BIMB	35	29	2175296.09
BSN	27	7	195415.54
CIMB	5	5	241591.59
May Bank	13	3	15530.44
Muamalat	6	4	58299.17
Rakyat	2	1	3893
RHB	4	3	87358.63
Unknown	2	2	107056.9
Total	183	94	3320230.29

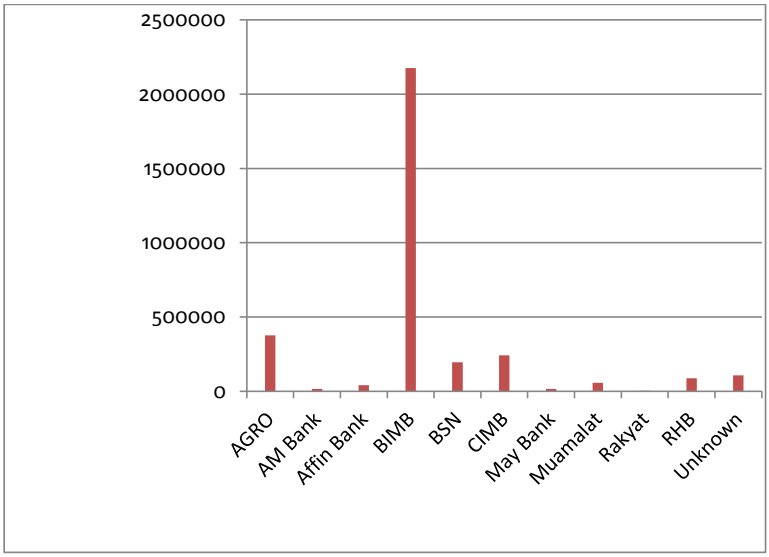
As mentioned above, the Terengganu mosques' funds are not banked in the same banks. Though it could be understood that some districts are in remote areas. Nevertheless, their funds can be banked in a single financial institution. Before analysing the generated capital of TM in Terengganu, it is worth mentioning that not all the mosques divulged their balance/funds in the banks. Out of 183, 94 mosques gave the balances of the funds and two out of these 94 did not disclose the name of its bank. The total funds of Terengganu mosques reached 3 million ringgit. According to the chart below, BIMB retains 66% of the fund followed by AGRO Bank with just 11%, though the number of mosques using AGRO is more than those using BIMB.



Within Terengganu, one bank is a custodian of almost more than half of mosque funds. In Marang, for example, where there are 22 mosques, half of the mosques use AGRO Bank, which has 40% of the total amount of money owned. In Besut, 51% of the total amount owned by 11 mosques is saved in BIMB of which five use the bank. AGRO Bank has 85% of the total sum of money belonging to 15 mosques in the Setiu region, 12 of these masjids use the AGRO Bank. In the Kemaman region, 5 of 10 mosques use BIMB which gives them about 74% of the total money owned by the mosques in the region. In Hulu Terengganu, 9 of 15 mosques use the AGRO Bank and 74% of money belonging to the mosques and lastly, BIMB has 98% share of money owned by nine mosques in Kuala Terengganu of which 6 of these 9 mosques uses the bank. Lastly, BIMB accounts for 61% of the total amount owned by the 12 mosques. These mosques could have a greater impact in Islamizing the banks that are not yet fully islamised and maximising their shares in banks that are already Islamic. This can be achieved, if they could jointly resolve in using one bank instead of using different banks. Alternatively, preferably, the total money generated on donation which is over 3 million ringgit is sufficient capital to establish a shareholding firm which would be more profitable and could be used for the development of the mosques in the region.

		Number of mosques
Amount	Pearson Correlation	.667*
	Sig. (2-tailed)	.025
	N	11

From the inferential point of statistics, it can be deduced that the number of mosques using a bank and the amount in the bank are correlated with a coefficient of 0.667, which implies that there is a positive belief that the greater the number of mosques using a particular bank, the higher the amount in that bank. Thus, if all the mosques in Terengganu use one bank, their share will be greater and their customer bargain will be more powerful. It can also be suggested that pooling those funds together can create a cooperative bank that can be used for microfinance for the less privileged in the community.



b. Investing:

As mentioned above, Terengganu's TM has not been collectively invested to yield the maximum benefit of the contribution. Rather, each mosque has chosen its desired bank without any proper strategy. This could be partly because of lack of Islamic jurisprudential discourse on the use of TM for various things. During

the time of Umar ibn al-Khattab, his two sons visited Basra where Abu Musa al-Ash‘ari was the governor of the region. During their visit, the governor gave them the TM in his possession to be used for business and to return the capital to the Khalifah Umar once they returned to Madinah. Upon their return, they remitted the capital to the Treasury of Muslims, but Umar was not satisfied and requested from them to return both capital and the profit. The two sons disagreed on the basis that they had taken the risk of investing the money at the end the two contending parties agreed to the terms of "muḍārabah" where Umar accepted the capital and half of the profit and gave the remaining half to the two sons (Malik, 2004). To be sure that the money given to the two sons of Umar ibn al-Khattab was public money from the mosque funds, Ibn Battal in his annotation on Ṣaḥīḥ al-Bukharī unequivocally mentioned that the money is from bayt al-māl. (Ibn Baṭṭāl, 2003/1423, 6:398). The term bayt al-māl in Islamic jurisprudence is used for any money that does not belong to any individual such as zakāt, waqaf and general sadaqāt (Al-Dahlawi, 2005/1426, 2:68-70).Thus, this event indicates that Muslim funds which is unrestricted and unidentifiable can be used for investment. The action of Abu Musa shows that using the TM for investment does not breach the trust vested in him, though, he did not suggest to the sons of Umar to make the deal a muḍārabah model. However, for Umar to have accepted the model and not putting blame on Abu Musa, signifies the importance of protection of wealth and validity of investing and trading with such funds.

Since the funds generated in the mosques are strictly for God's sake and individual interest is vested in it, the funds can be properly managed by dividing the funds into administrative expenditure, social spending and investment. Hamdan et al. in their effort to classify mosque funds have identified the importance of investing mosques funds. They asserted that unrestricted funds can be classified into three among which is the "tijari (investment and business purposes" (Hamdan et al., 2013: 9).

Investing Muslim public funds will go a very long way in contributing to the welfare of the Ummah in this contemporary age. As mentioned above, mosques have been transformed beyond being a place for spirituality alone. Mosques have become places for social, economic, political and strategic points for Muslims to meet the demands for services that mosques need to provide; there must be stable and sustainable ways of generating funds. To collectively invest TM will be a genius way of achieving this goal.

Maqāṣid al-Sharī'ah Paradigm in Managing Tabung Masjid:

Management of Muslim funds has been the focus of many Muslim economists in contemporary Islamic banking and finance discourses. This is because of the huge capital of Muslims that could be used to fund many Islamic projects but resides in financial institutions without any financial gains for Muslims (Benaouda and Aouidad, 2013). Discussion on whether Muslim funds can be invested or not starts from the issue of Zakāt. Zakāt, which is one of the five mandatory pillars of Islam, is considered today as a vibrant and huge capital of Muslims in the Muslim world. Management of this capital cannot be confined to a classical explanation as new methods of disbursement and regulations are emerging. Thus, whether Zakāt can be invested or not has been recently debated. According to Benaouda and Aouidad, there is no disagreement among the scholars that the original capital of Zakāt must be immediately disbursed for the legal recipients as they are also agreed on the fact that the ruler/imam has right to delay its disbursement if there is need for that (Benaouda and Aouidad, 2013).

It is also true that Zakāt must be disbursed once it is due. However, the legality of investing Zakāt has not been unequivocally mentioned which has led to division among the contemporary Muslim scholars. The Fiqh Assembly of IOC in its third assembly, Kuwait Zakāt House, Kuwaiti Finance House, Fatwa Committees of Kuwait Ministry of Endowments have all approved investing Zakāt funds (Benaouda and Aouidad,2013, 133). This view is also upheld by Shaykh Yusuf al-Qaradawi, Mustafa al-Zarqa, Abdul Fattah Abu Ghadda, Wahbah al-Zuhayli and a host of others (Benaouda and Aouidad, 2013). Those who approve investing Zakāt funds rest their case on many hadith which are not obvious in supporting the issues, though there is an allusion to the legality of investment. However, Benaouda and Aouidad indicated that the reasons behind procrastinating disbursement of Zakāt during the time of the Prophet (PBUH) and the companions were that "it is allowed for the Imam to manage the money/properties according to the benefit" (Benaouda and Aouidad, 2013: 134).

On the other hand, a host of scholars has rejected investing Zakāt funds. Among them are the Islamic World Leagues in its 15th session (Benaouda and Aouidad, 2013). Those who have disapproved investing Zakāt have rested their arguments on the basis that the Qur'anic verse (Al Qur'an, 9:60) in which Allah has sanctioned distribution of Zakāt does not mention investment and doing so will lead to a violation of the Quranic provision. Benaouda and Aouidad commented on this argument that the logic is inconsistent because the investment of the funds does

not exclude the purpose mentioned in the Quran but rather it is an effort on whom to dispense not for whom to dispense (Benaouda and Aouidad, 2013; Al-Fawzan, 2005).

It is permissible to invest Zakāt for maṣlaḥah purpose. Imam al-Nawawi says: “It is not allowed for the Imam and al-Sa’ (the employee) to sell any zakāt property without ḍarar” (Al-Nawawi, 1991/1412, 2: 337) This ḍarar could be if there is a need to protect the money from destruction or to raise funds for transportation charges, for these reasons, it is allowed to invest Zakāt money (Al-Nawawi, 1991; Ibn Qudamah, 1992).

If investing TM is not convincingly proved by analogy on Zakāt, considering investing of waqf will be more appealing. Waqf is one of the donations in Islamic law which could be general or specific. Muslim jurists have debated on the legality of investing waqf based on analogy with investing orphans’ property. It is reported that Umar ibn Khattab said: “Invest the orphans’ money so that it will not be exhausted by Zakāt” (Malik,1985/1406: 251). This is akin to the Maqāṣid al-Sharī‘ah in protecting orphans properties. By extension, if the purpose of allowing waqf to be invested which is also a donation, investing TM is much more needed to cater for the many challenges facing Muslim communities.

It has been realised in the Heads of States at the Third Extraordinary Session of the Islamic Summit Conference in Makkah al-Mukarramah on December 2005 that “transforming the tremendous collective wealth of Muslim world” will enhance comprehensive human development (Salih, 1999: 44). This decisive vision can be interpreted as managing any Muslim public fund including TM.

While seeking proof to justify managing TM by investing it to yield more from the jurisprudential opinions of Muslim scholars may be hard proving, resorting to Maqāṣid al-Sharī‘ah is most likely relaxing the ruling and gives a go for any way in which TM can be managed to serve the very purpose of Islamic law.

Existing researches have suggested that Maqāṣid al-Sharī‘ah is much more applicable in enhancing human development. The research of Ahmad (2011) on the use of Maqāṣid al-Sharī‘ah to enhance human development stresses the importance of financial capacity. “Human development at this level should primarily focus on alleviation of poverty and potentially on the entire removal of poverty at the end” (Ahmad, 2011: 11). In his article, Ahmad relates the three elements of ḍarūriyyāt together in the sense that to protect religion, human’s mind

and life must be in good order and to realise that; their financial needs must be targeted without which protection of religion may not be achieved.

> *"Protection of human life is an original maqasid of shariah. It neither comes second nor first to protection of religion. The two stands equal in relation to worshipping of Allah SW. Protection of human life has to be supported by provision of "economic needs" which are essential for living. Production of these needs and all activities which are necessary to support the production sector can be viewed as complementary maqasid" (Ahmad, 2011/1433: 4-5).*

Ahmad asserted that both natural wealth and man-made wealth serve the Maqāṣid al-Sharī'ah. The complementary and essential categories of Maqāṣid al-Sharī'ah can be realised by considering the creation of wealth and human labour together.

For the Muslim society to be potentially equipped to face the global challenges, all legitimate ways of public welfare must be taken into consideration. As Islamic banking and finance are growing and academicians are pushing the industry to play its role in corporate social responsibility (CSR), the untapped areas of Muslim wealth must also be taken seriously. To have a holistic Islamic environment requires a comprehensive approach. While we are calling for full halal products, we need to produce halal means. The TM is also one of the halal ways to produce ḥalāl products when TM is fully managed through halal investments that will lead to poverty eradication and Muslim youth empowerment. This can be easily done through "Mobilization of Financial Resources from halal sources" (Ahmad, 2011: 9).

Maqāṣid al-Sharī'ah theory has stressed on five daruriyāt which includes protection of religion din, life nafs, progeny nasl, intellect 'aql and property māl. These five essentials subsume in managing TM through investment. Some of the responsibility of Muslim leaders is to cater for the welfare of thier subjects. Catering for the wellbeing of the society will guarantee the preservation of religion. It is when the society as a whole can achieve at least the minimum level of their essentials can the religion be properly upheld. This is achievable through a solid financial platform in Muslim society. Ahmad (2011) writes:

> *Protection of Religion and Maintenance of Human Life in the long run calls for extending financial facilities to support the family institution. Provision of lodging at suitable cost for new families, supporting new mothers, free vaccinations and medicine for infants etc. are all very important items in the list".*

As mentioned above, if some scholars could have suggested that Muslim funds such as Zakāt and waqf could be invested to generate more funds for the improvement of Muslim societies such as education, health, and other social amenities, the use of TM should for the same reason be included but not only for spending but also for financial mobilisation (Salih, 1999; Ahmad 2004). The management of mosque funds for generating more money requires business planning. More than that, state mosques need to work together by pooling their funds to maximise the profits and to develop their respective states collectively. This mindset is missing in most Muslim countries.

Hamdan et al. observed that "The extended roles and functions of mosques that include the demanding tasks of managing funds and becoming an economic agent for Muslim community requires the appointment of eligible candidates to hold important positions in the mosque committee" (Hamdan et al., 2013: 4). The estimated balance of Terengganu mosques indicates "that a huge amount of funds amounting to hundreds thousands ringgits, which necessitating (sic) a sound and prudent fund management" (Hamdan et al., 2013: 4).

Ibn Ashur refers to this important aspect of Maqāṣid al-Sharī'ah saying:

> *"Accordingly, it is the duty of the community's rulers and those in charge of its public interests to pay special attention to the protection of its public wealth, whether this wealth is exchanged with other nations or kept in the hands of the community" (Ibn Ashūr, trans El-Mesawi, 2006/1427, 296).*

This includes the efficient management of the various Zakāt expenditures (maṣārīf) and public endowments.

The spirit that gave birth to Tabung Hajji (TH) in Malaysia in 1969 still replicates its self in the way TM is being managed in Malaysia. According to Mohammad Abdul Mannan, Tabung Hajj was established due to what Royal Professor Ungku Abdul Aziz observed during his research in the 1950s that "Muslims saved money in pillows, under mattresses and floors, in cupboards, in earthen jars, etc." for the purpose of Hajj, though, they did that to make their money free of riba. However, today, Muslim funds/wealth generated through generous donations for the mosques, are kept in various banks as money was kept in different places in those days. The benefits of money in the banks are not being fully utilised. The submission of Unkgu then was that the government should provide institutional cover for the pilgrims "under which they can invest in diverse lawful activities out of which dividends

can be paid, and this would assist them financially in meeting their expenses for the Hajj in an efficient way (Abdul Mannan, 1996: 22). The TH assets have increased to RM45.6 billion as at February 2013 and the group managing director of TH and the chief executive Datuk Ismee Ismail envisages that growth could reach RM50 billion before the end of 2014 (http://www.malaysiachronicle.com/). In a new development on the growth of TH, the cash asset of the institution reached RM10.7 billion as at Dec 31, 2015 (http://www.thesundaily.my/news/1677754 last viewed 18/5/2016) with RM3.55 billion net profit in 2015 (http://www.thesundaily.my/news/1727125 last viewed 18/5/2016). The secret behind this growth and the enormous opportunity for job creation and preservation of Muslim wealth is credited to the foresight of Ungku in 1969. Indeed, looking from the perspective of Maqāṣid al-Sharī'ah in managing Muslim funds, there could be no jurisprudential difference between TH and TM in the sense that both are wealth that needs to be protected and preserved for growth through investment.

However, TH is a pool of private money that explicitly got the approval of stakeholders for investing it, whereas, the TM is public funds that may have slight distinctive jurisprudential sanctions. This distinctive feature can be responded to by the action of Abu Musa Al-Ash'ari who gave both sons of Umar the Muslim treasures to trade with and return the capital back to Umar upon their return to Madinah. The Muslim scholars have agreed upon investing the wealth of orphans so that it would not be exhausted by zakāt. Taking this into consideration, it can be concluded that investing TM to generate more wealth for Muslim communities is not invalid in consideration of public interest and utilities.

Conclusion:

Tabung Masjid (TM) is still underutilised in the Muslim world. Despite the long experience of Malaysia in the management of Muslim funds especially TH, the TM has not been given due attention. The survey of mosques in Terengganu, which is one of the states that enjoys the autonomy of freedom of expedition of TM, the TM collected in each mosque has not been strategically managed. Each mosque banks its funds in a bank that pleases it without concern for investment. The total amount of TM in Terengganu is worth RM 3 million. This amount, if banked in one bank might have generated more profits which can be used for nation's development. Not only that, but the mosques can also influence the banks to have more Islamic compliant products. Jobs can also be created from the TM holdings if this strategy is well placed.

There is no jurisprudential breach in strategising TM. In fact, TM investment is more open to the Sharī'ah flexibility since the intention of donors is not specified. Besides, putting TM in different banks without a proper plan will render the purpose of Sharī'ah in preserving and protecting property (especially public funds) ineffective. Pooling the entire TM from mosques could go far in benefiting the Muslim Ummah. It will create more employment opportunities for the youth and improve the standard of mosques regarding amenities and recreation for adults and the disabled among the Muslim communities. On top of that, collective investment of TM will influence banks, be it conventional or Islamic, to be Sharī'ah compliant.

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تطبيق مقاصد الشريعة في إدارة صناديق المسجد: دراسة حالة صناديق المسجد (مسجد تابونج) في تيرينجانو، ماليزيا

لقمان نيل زكريا
كلية علوم الوحي والعلوم الإنسانية - الجامعة الإسلامية العالمية ماليزيا
كوالالمبور - ماليزيا

ملخص البحث:

ينبغي أن تلعب تبرعات المسجد دورا كبيرا في تعزيز قدرات المسلمين ورفع الفقر عنهم في الدول الإسلامية، إلا أن اللافت للنظر أن هذه التبرعات على وفرتها وكثرتها لم تحظ بإدراة رشيدة مؤثرة، فإذ نظرنا إلى «صندوق المسجد» (Tabung Masjid) المطبق في ماليزيا على سبيل المثال نجد أنه لم يبلغ أهدافه المنشودة، وذلك بسبب قلة معرفة وجهة النظر الشرعي المتعلق بصندوق المسجد من جانب، والآلية المتبعة في إدارة هذا الصندوق من جانب آخر. وتهدف هذه الورقة إلى مناقشة الطرق والآليات المستخدمة في جمع التبرعات لصندوق المسجد في ولاية ترانجانو- ماليزيا، وكيفية إدارة هذه التبرعات في منظور مقاصد الشريعة.

الكلمات الدالة: صندوق المسجد الماليزي، تبرعات المسجد، مقاصد الشريعة، إدارة المال العام.