

**THE DEVELOPMENT OF WAQF ZURRI THROUGH  
THE FAMILY FOUNDATIONS MODEL**

Muhammad Hamizan Ab Hamid <sup>i</sup>, Mohd Afandi Mat Rani <sup>ii</sup>, Ismail Ahmad <sup>iii</sup>,  
Faezy Adenan<sup>iv</sup> & Mohd Izzat Amsyar Mohd Arif<sup>v</sup>

<sup>i</sup> (*Corresponding author*). Senior Lecturer, Academy of Contemporary Islamic Studies (ACIS), Universiti Teknologi MARA, Shah Alam. muhdhamizan@uitm.edu.my

<sup>ii</sup> Associate Professor, Academy of Contemporary Islamic Studies. Universiti Teknologi MARA, Shah Alam. mohdafandi@uitm.edu.my

<sup>iii</sup> Senior Lecturer, Arshad Ayub Graduate Business School. Universiti Teknologi MARA, Shah Alam. drismailahmad@uitm.edu.my

<sup>iv</sup> Senior Lecturer, Academy of Contemporary Islamic Studies (ACIS), Universiti Teknologi MARA, Shah Alam. faezyadenan@uitm.edu.my

<sup>v</sup> Senior Lecturer, Faculty of Law, The National University of Malaysia (UKM), Bangi. izzatamsyar@ukm.edu.my

<b>Abstract</b>	<p><i>Waqf zurri is a transactional asset that is unique in Islam. It will appear as a form of devotion to Allah and social responsibility to the community. Waqf zurri has a high socio-economy value to develop the community. This paperwork will discuss the development of waqf zurri through the family foundations model. This paperwork will include an inquiry about the result of waqf zurri, potential growth, and benefits. This research uses qualitative methods, informational research to collect data on waqf, and fieldwork that involves interviews with influential people to get the essential and primary information from those directly involved with the development of waqf zurri. Waqf zurri is crucial in providing a broader perspective of the process and characteristics of family waqf. It will help the public better comprehend the family waqf to practice it properly. It can be from a concise review of related studies that the development and sustainability of family waqf depend on all its aspects and characteristics. The result of this study will give awareness of the total or quantity of waqf land, especially for family waqf, so it will not become less parallel to the government, which intends to make the asset of waqf the centre line for the economic development of Muslims in Malaysia. Research shows that waqf zurri is special to ensure continuous benefits to the family. Good product of waqf zurri is crucial to ensure that the assets developed and their benefits can continue to grow for the use of the community.</i></p> <p>Keywords: <i>Waqf, Zurri, Asset, Development, Foundations.</i></p>
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**INTRODUCTION**

The well-being of the family institution is a priority in life nowadays. Islam strongly encourages the family institution to give the best in every affair by preserving the welfare of family members. Elements such as wills, grants and endowments are essential mechanisms for giving property owned to a loved family member. Islamic teachings have provided property management methods to facilitate property transfer while alive or after death (Taufiq & Muttaqin, 2021).

Waqf zurri is especially important to maintain the welfare of the waqf, family and community. The fuqaha have introduced the waqf zurri instrument to encourage the Muslim community to waqf for heirs and relatives (Noor, 2018). The privilege of waqf, which cannot

have inheritance, sale, and *hibah*, makes the property endowed as a permanent asset to the heirs and Muslims, which is constantly increasing (Ghazaleh, 2014).

Waqf *zurri* is an essential instrument for the economic development of the heirs. Waqf *zurri* is referred to as the voluntary granting of ownership of the waqf to the heirs and the next generation without expecting any return (Mohd Afandi, 2012). Magda (2017) emphasizes the importance and capability of waqf *zurri* in developing the economy by highlighting the role of waqf as an agent of wealth redistribution for economic development. Therefore, research on the comprehensive management of waqf *zurri* must encourage all Muslims to perform waqf (Mohsin, 2017).

Wakaf *zurri* has the potential to be integrated with a more effective and contemporary approach. The current practice of waqf *zurri* which is found in some states to implement waqf *zurri*, can be an example of developing waqf *zurri*. The success of developing waqf *zurri* assets has excellent potential for developing waqf in Malaysia (Mohamad, 2018). A specific study on waqf *zurri* uses the foundation model to solve the problems and fulfil the waqf's wishes in developing waqf *zurri* assets. This study is critical to see the management issues faced by MAIN, especially in developing waqf *zurri* assets using the foundation model. Similarly, this study is essential for improving the waqf *zurri* model in MAIN and indirectly encourages the heirs in particular and the Muslim community in general for the benefit of the family and relatives (Mohamad, 2018).

### DEFINITION OF WAQF ZURRI

In terms of language, the word waqf comes from the Arabic word waqf. The word waqf is a name derived from the verb *waqafa*. Regarding language, *al-waqf* means *al-qat'*, which is to stop. The word waqf has various meanings based on the purpose and use of the verse itself. In terms of language, waqf means to stand, hold, be silent or stop (Ibn Manzur, 1994).

In this regard, the scholars of fiqh have agreed to define waqf in linguistic terms with *al-habs*, which means detention, *al-man'*, which means prohibition and *al-tasbil*, which means channeling in the way of Allah (Ibn Qudamah, 1997). The word *al-habs* is closer to the term used in sharia (Ghurabal, 1972). In this case, the phrase *al-habs* by the words of the Prophet SAW in several hadiths (al-Bukhariyy, n.d; al-Naysaburiyy, 1997).

In general, waqf is divided into two, namely waqf *khairi* or welfare and waqf *zurri*, namely waqf of members or family (Muhammad Jawwad, 1966 & Siti Mashitoh, 2001). Waqf *khairi* into two general categories: general welfare waqf and special welfare waqf. General welfare waqf is any form of waqf property made for the welfare of real public good without specifying the recipient or specific purpose. The waqf also does not set any conditions for the waqf property. Meanwhile, special welfare waqf is special when the waqf determines the waqf for a specific purpose or recipient. For example, waqfs endow land for cemeteries or for the benefit of the poor (Umar, 2019).

Waqf *zurri* is another name by various names such as waqf '*anak cucu*', waqf '*ala Aulad*', waqf family, private waqf and waqf member. Wakaf *zurri* is a waqf determined to take care of the welfare and interests of the heirs of the waqf or their relatives (Mohd Afandi, 2012). Waqf *zurri* is part of a special waqf which is the waqf of the property initially for the waqf himself as the next priority to the heirs and relatives with the intention of charitable purposes. According to Awang (1994), the practice of waqf is by endowing his property for his benefit, followed by his children and then to relatives to obtain the benefits and advantages of waqf *zurri* assets.

In Islamic law, waqf *zurri* is obligatory because there is an element of welfare for the heirs and relatives who have a relationship with the waqf to channel assistance to the heirs. This waqf *zurri* can encourage the public to endow waqf property (Sabiq, 1946).

### LITERATURE REVIEW

Waqf *zurri* is an alternative division of property Muslims in the event of the death of the waqf. Waqf *zurri* has various privileges, especially maintaining property ownership and distributing wealth to heirs and relatives. Based on the database by the Department of the

Director General of Lands and Mines (JKPTG), in 2020, a total of RM70 billion of the unclaimed property was recorded (MyMetro, 2020). Among the causes are the absence of a will and lack of knowledge on property management from the heirs. Therefore, implementing waqf purr becomes a mechanism that could potentially help the family left behind by the deceased.

Mohiddin (2019) explains the contribution of waqf srikandi in Islam. This study focuses on the role of Muslim women in reviving and sustaining waqf institutions. For example, Hafsah r.a had sold his jewelry worth twenty thousand dirhams and the proceeds of the sale for the benefit of al-Khattab's family members. Similarly, Ummu Habibah r.a endowed a large piece of land for her helpers and family members. The study also explains that Zamrud Khatun, the wife of the sultan 'Imaduddin Zanki, has used the proceeds of the benefits of waqf property for special education for family members. Meanwhile, Latifah's study (2019) also explained the family endowment implemented in Kuwait, which is 27 people among women, 38 per cent of all people who endow for the benefit and well-being of family members. In this case, the benefits of waqf property assets from Muslim women significantly impact the development of family members and, at the same time, the progress of the Muslim community.

Umar (2020) discusses the integration of waqf and business as an alternative to the sustainability of their welfare. This study focuses on the family business sustainability model using waqf instruments as a mechanism for uniting heirs and relatives. The study also emphasizes the advantages of waqf to maintaining property assets and providing a good impact, especially in family businesses. Implementing waqf in the company will make the heirs utilize the assets in the family business. Similarly, business profits can be distributed equally to all heirs, and the distribution can help the heirs and relatives who are less able.

Mahamood (2020) describes waqf *zurri* as an instrument to strengthen the family economy. The discussion emphasizes many legal aspects of waqf *zurri* found in the state enactment. The standardization of laws related to waqf *zurri* should be developing waqf *zurri* land assets. In this regard, the discussion clarifies the definition of waqf *zurri* of current law to explain waqf law. Apart from that, an explanation of the need to create waqf *zurri* is essential nowadays to ensure the welfare of the heirs is guaranteed and strengthen the brotherhood among them. In this regard, various proposals have been submitted mainly to stakeholders to develop waqf *zurri* assets through *istibdal*, lease, and joint venture methods of GLC companies to develop waqf *zurri* land assets more effectively.

Baihaki & Bahari (2020) discuss the development management of Seetee Aishah's endowment. This study explains that the management of unique waqf assets commercially has grown productively on the waqf land of Seetee Aisah waqf. The study also demonstrates that implementing Seetee Aisah endowment property management in the commercial sector provides many benefits, especially to the Malay community in Penang, to obtain employment opportunities and increase the cumulative economic income of the Malays in Penang. Seetee Aisah endowment land commercial management projects in Penang have residential units, shop houses, office buildings, and office shops. Through this commercial activity, MAINPP can generate income through the rental of premises and the benefits of the proceeds have been channeled and distributed to the heirs of Seetee Aisah.

Mohamad (2020) discusses the implementation of waqf *zurri* in the state of Terengganu. One of the waqf pledges that has been reviewed and needs to be validated by the Terengganu State Fatwa Committee is the waqf of Haji Abdullah Bin Mohamad al-Fatani. Many studies discuss the problems of the implementation of waqf *zurri*, namely the position of *zurri* members who have no heirs, the role of the authorities on the status of the waqf and the endowment pledge that is difficult to understand as well as the low benefits of waqf land. This study also focuses on the quality of *zurri* members; namely, 3/12 is active while 9/12 is in the search effort by MAIDAM. As for the endowment pledge, 6/12 is written in Rumi, while the other 6/12 is in Jawi. In comparison, the endowment income is less encouraging. The heirs still get the return of waqf benefits at a low rate.

Sanusi et al. (2021) discussed waqf *zurri* as an alternative to managing estate after death. While property management already has options such as wills, faraid and hibah, waqf *zurri* can help beneficiaries hand over wealth to their families and descendants. This study also explains the waqf *zurri* absence of a will and lack of knowledge on property management heirs. In this study, it is also beneficial to gain more understanding of waqf *zurri* as a suitable instrument for property management of Muslims, such as land cultivated for agriculture and involving beneficiary involvement in generating revenue for benefit distribution can bring a significant impact on the future. There is a suggestion from the study that the *zurri* management procedure needs to be improved to encourage its implementation in the future.

Taufiq & Muttaqin (2021) discuss the implementation of wakaf *zurri* in Kyai families in Bangkalan Regency, Indonesia. The implementation of waqf *zurri* by the Kyai family has been a practice from generation to generation to manage the waqf property assets. The appointment of the waqf manager of family members who are trusted and trusted to develop helps sets of the waqf property. The generation of waqf property assets of the Kyai family is in the form of land assets. In this regard, the waqf property manager of the Kyai family has developed the land with various facilities, including agriculture, shop enterprises, building rental, *pesantren* huts and livestock. The company is for the benefit and convenience of heirs and relatives. The profits from the waqf *zurri* have been distributed equally among the heirs and used for various purposes, including financing education, and financing *pesantren*, further expanding the benefits of waqf assets and heirs who need monetary funds.

Sanusi et al., (2021) the issue of waqf reporting has become necessary in providing accurate information and data for stakeholders. Waqf reporting is essential to provide the latest information on the development of *zurri* waqf management. Dalila (2019) explains the management element in waqf reporting in MAIN. Emphasis on reporting and certification principles is crucial in every institution, whether it involves finance or expenditure. In this regard, Hisham & Muwazir's (2021) disclosure of information related to waqf in the annual financial report significantly increases public confidence. A waqf institution is responsible for managing the waqf fund and must provide sufficient information about the waqf fund.

Salman (2021) describes family endowment as an alternative to tackling poverty in the Southern Region of Nigeria. The study touches on the concept of family endowment in terms of definition, advantages and disadvantages in implementation. In this case, the study also looked at the extent the need for family endowment can solve the problem of poverty. Furthermore, the study also analyzes the sustainability of the family endowment instrument, significantly contributing to the community's well-being in addressing the problem of poverty. This study also proposes family endowment as a critical instrument for human development in the Southern Region of Nigeria. This study has legal issues related to waqf and general rules in the State.

Studies have proposed a model in waqf management based on the merger of aliyah and regions in waqf matters. Sakinah et al. (2021) discuss the improvement of the legal model of family waqf management through the concept of al-Wilayah. This discussion uses a comparative case study based on al-wilayah's theory on waqf management in five MAINs that implement *zurri* waqf. This study resulted in three improvements to the waqf *zurri* management model: the MAIN model, the third-party model, and the legal model. This fact is modeled through selected MAIN interviews, trustee companies representing third-party models, and religious councils in other countries that adopted the subsidiary body model in family endowment management. The empirical results from these interviews helped develop this model in detail after considering aspects of waqf legal jurisdiction in Malaysia, fatwa views, and challenges in each al-Wilayah.

A study on the management of waqf *zurri* is vital to ensure that the management of waqf *zurri* can be more systematically and effectively. In this regard, the study of waqf *zurri* in Malaysia, analysis of management perspectives, and the development of a model

framework should encourage the Muslim community to return to waqf and help heirs ease the burden in their lives. Similarly, this study to assist especially the MAIN and stakeholders in implementing dynamic management of waqf *zurri*. The survey of waqf *zurri* commands can open space for MAIN and the heirs to further improve the quality and quality of administration to play a more influential role in the success of all waqf *zurri* management activities. This study was implemented to improve the quality and productivity of waqf institutions, especially in Malaysia, in developing waqf property assets of Muslims.

## METHODOLOGY

This study uses the interview method to get data. This interview method is in a semi-structured manner that combines pre-planned interviews and an additional interview with respondents. In formants for this study on the administration division and development of waqf land, including Terengganu Islamic and Malay Religious Council (MAIDAM), Kelantan Islamic Religious Council and Malay Customs (MAIK), Penang Islamic Religious Council (MAINPP) and Kedah Islamic Religious Council (MAIK). In addition, among the informants who were also involved in this interview included the Terengganu State Mufti Department, Federal Territories Mufti Department, Head of Waqf Division, Assistant Islamic Affairs Officer (Waqf), Head of Waqf Property Development Division, heirs and relatives, general sources and etc. Through this interview the researcher can more easily identify the problems that often arise in the management of waqf *zurri*.

Besides that, the information on waqf in the Islamic Religious Council, books, journal articles, and conference papers closely related to the waqf *zurri* are used for further reference to get additional information regarding waqf *zurri*. The data analysis method is content analysis. Researchers will textually analyze the information and identify the contents according to specific themes.

## RESULTS

A foundation is an organizational entity formed to undertake something for charitable purposes (Kamus Dewan, 2010). The foundation's establishment requires an initial fund of RM1 million in cash as the primary condition to allow the foundation to operate legally (Companies Act, 2016). The procedure for the establishment and closure of the foundation must be at the Companies Commission of Malaysia (SSM), which is at Menara SSM Kuala Lumpur. Foundation registration is the same as any other company. Therefore, the establishment and operation of the founding organization are regulated under the Companies Act 2016.

Heirs with considerable assets can set up a foundation to look after their interests and channel the benefits of the property to family members and relatives. Similarly, the liability of the foundation is limited. It is limited based on the amount of guarantee made by its members when the foundation only. The foundation also has laws, including borrowing in its name, renting, buying, suing and owning property. All properties can use their name without involving the characters of foundation members.

For example, Tan Sri Azman Hashim, the chairman of Amcorp Group Berhad, has established the Azman Hashim Foundation as one of its corporate social responsibility (CSR). The establishment of Yayasan Azman Hashim is one of the founding entities that actively contributes mainly to education, welfare, poverty eradication and humanitarian assistance. Among the forms of contributions channeled to education, contributing RM30 million to create an endowment fund. The endowment fund provides scholarships to undergraduate students at Universiti Teknologi Malaysia (UTM). As a token of appreciation to the Azman Hashim Foundation, UTM has rebranded the business faculty as the Azman Hashim international business faculty.

The foundation's establishment is one of the mediums used to develop waqf *zurri* assets and can fully determine the distribution of waqf *zurri* benefits to the heirs. In addition, the foundation's establishment is to channel contributions to the well-being of the heirs without involving profit-seeking activities. Among them include assisting heirs in

terms of scholarships for education, welfare and development of heirs and welfare. In this regard, the researcher believes that with the foundation's establishment, waqf *zurri* assets can be more dynamic.

The establishment foundation improves the living standards of heirs. The foundation can provide employment opportunities for the heirs to build careers and improve their living standards. The donations can benefit all parties in need, including heirs, the community, stakeholders, partners, NGOs and all parties who work together. Therefore, there are suggestions to improve the framework of the waqf *zurri* management model through the establishment of the foundation as follows:

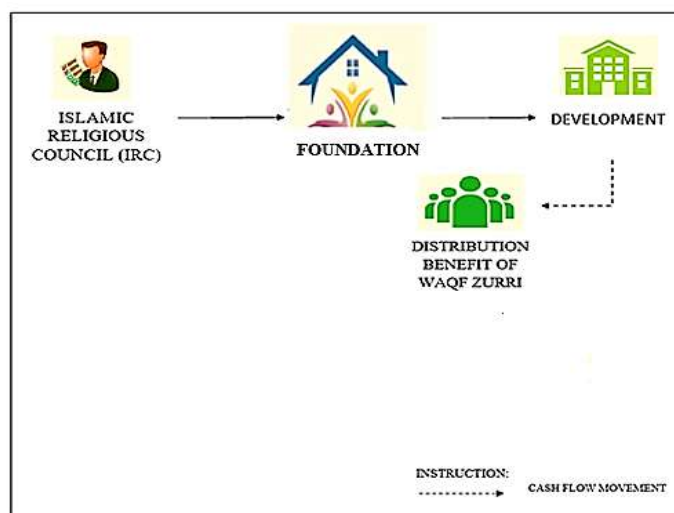


Figure 1: Waqf *Zurri* Model Through the Family Foundations Model

Figure 1 above explains the proposed improvement of the *zurri* endowment management model framework through the foundation. The establishment of a foundation requires at least two founders for the establishment of the foundation. These two individuals are the founders of a foundation known as the Founder and Co-Founder. This founder is the heir to the establishment of the foundation. The founder is essential in the foundation organization because it determines the direction and achieves the goals for the foundation's establishment. Meanwhile, for membership, the involvement of a minimum of only two heirs is required to complete the process of establishing the foundation. While in terms of implementation, in general, it is the same function as an organization that consists of a secretary, treasurer, economic exco, welfare exco and spiritual exco and educational development exco among the heirs.

In this regard, the Companies Act 2016 has provided that foundations must appoint a company secretary. The appointment of a qualified and professional secretary is significant to assist in managing all administrative matters of the foundation. The role of the secretary in establishing the foundation is essential to draft, make and submit the working foundation in SSM. In this case, SSM will review the working paper and approve if all documents have been completed and comply with the Companies Act 2016. SSM will send the work in operation on the establishment of the foundation to the minister of the Ministry of Domestic Trade, Cooperatives and Consumerism (KPDNKK).

Ministry-level approval must be obtained in advance to use the word foundation legally. In this case, if the minister is satisfied and agrees to approve the use of the word "Foundation", then the ministry will issue a certificate as proof of approval and permission for the foundation to operate legally without any problems. Case, foundation, an initial fund of RM1 million in cash in the foundation's account within six months after its establishment. Establishing a foundation is essential for heirs who own significant *zurri* endowment property assets and have multinational companies—retaining assets in the foundation while maintaining the welfare of the heirs in the long run. In this regard, the advantage of

establishing a foundation can also apply for tax exemption from the Inland Revenue Board of Malaysia (IRB).

The establishment of the Foundation can provide various benefits to the heirs. Multiple activities and activities can be implemented under the Foundation to improve family members' economy and living standards. It is the implementation of development in a joint venture between the Foundation and various agencies to develop waqf *zurri* assets. The joint venture development can include generating a commercial building and leasing it to stakeholders. Accordingly, this joint venture development can create a multi-purpose hall to use conventions and educational hubs. In addition, the Foundation can also provide short-term training sponsorship and donations of information technology items to empower the knowledge and economy of the heirs from the B40 group families. Through the training modules offered, beneficiaries have exposure to prepare themselves to create economic opportunities in new ways through digital platforms and creative industry skills-based.

The rules and procedures available at the foundation can maintain the accountability of the heirs in carrying out management activities. In this case, the heirs are fully responsible for performing the assigned tasks efficiently and prioritize a conservative attitude towards the foundation's management. It is important because the failure of the foundation in preparing the prescribed report may result in the foundation and the trustees by SSM. If convicted in court can have implications for the foundation with high penalties. The foundation's establishment will continue to operate despite changes or additions among the heirs. The foundation will also not stop working even with the death of all its members unless a closure procedure on the foundation's establishment is done either through SSM or court order. Therefore, comprehensive foundation management is essential to increase beneficiaries' confidence to cooperate in the foundation organization.

## DISCUSSION

The family foundation needs to have a plan to distribute the benefits of waqf property to the offspring. Systematic planning is essential, especially from the point of view of the distribution of waqf benefits for descendants so that each heir can receive good benefits while also being able to strengthen the family relationship between them. This systematic distribution of benefits also gives good long-term rewards to the waqf. That the distribution of the benefits of waqf offspring into two divisions, namely the first; distribution to heirs and the second; distribution to MAIN. The distribution to the heirs is as much as 85%, while the MAIN side is as much as 15%. Meanwhile, from the developer's point of view, the developer will benefit from developing the waqf assets following the agreement set by MAIN and the heirs.

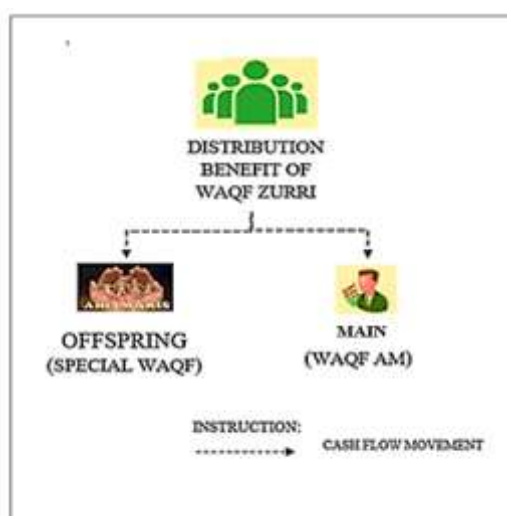


Figure 2: Distribution Benefit of Waqf Zurri

Figure 2 above explains the purpose of waqf for offspring, and the MAIN party can designate as much as 15% as a waqf benefit fund to be used as general waqf. Implementing this waqf benefit fund is essential to further develop waqf assets with various instruments that benefit the Muslim community. It aligns with MAIN's sole waqf trustee in managing waqf assets. MAIN is responsible for developing waqf assets in various forms of real estate development, developing existing waqf land and various socioeconomic development activities planned from time to time for the welfare and interests of Islam. Therefore, this inheritance waqf management model is fair and provides a more effective management system, primarily to MAIN, heirs and society in general.

MAIN can use this 15% rate to encourage heirs and the community further to give waqf while also increasing the assets of Muslims. The generation of waqf assets for offspring is essential so that the general public can enjoy the benefits, and the waqf will receive long-lasting rewards. The benefits can contribute to the public for welfare, education, worship, building maintenance, investment and asset generation that can profit MAIN and the heirs. In this regard, welfare activities include contributions to aspects of health, mosques, public organizations, orphans and other CSR projects.

Next, the distribution to the heirs is as much as 85%. In this case, the exceptional waqf manager among the heirs should be responsible for first identifying the heirs who need help from a financial point of view. It is the distribution of this offspring's waqf benefits to the heirs listed in the poor category—likewise, the distribution of waqf benefits for heirs who still need help from an education. Next, the benefits also need to be given to heirs who are disabled (OKU).

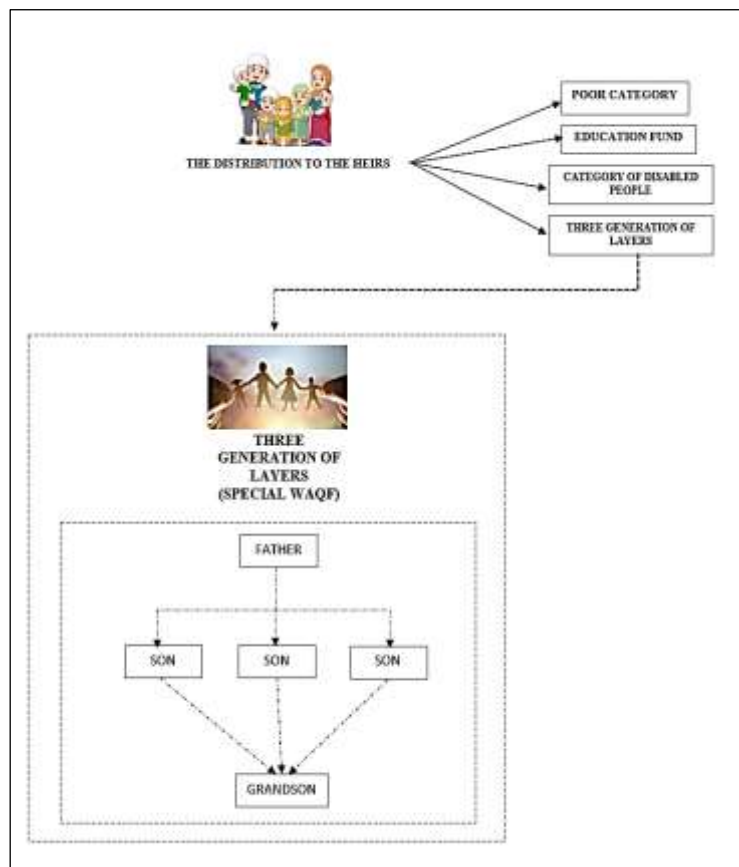


Figure 3: Distribution to The Heirs

Figure 3 above explains the purpose of distribution to the heirs. The poor and needy must first be channeling the benefits of the waqf of the descendants to lighten the burden in life. Assistance from the benefits of waqf offspring must be periodically so that the heirs of the

poor category can escape poverty. Accordingly, the use of the offspring's waqf can occur as a facility as a business start-up capital for the heirs who are in the poor group. This matter can indirectly improve the standard of living while also opening up employment opportunities for other heirs.

The establishment of the offspring waqf education fund aims to channel the benefits of the offspring waqf to the designated waqf recipients. Accordingly, the benefits also need to be given to heirs who still need help from an educational point of view. Heirs need to make waqf education savings for offspring to use it effectively. Therefore, heirs who need academic assistance can register and deal with the trustee of the waqf education fund for the offspring. Similarly, the benefits must also go to heirs who are disabled. A significant offspring waqf benefits the disabled heirs who are unable to work. Accordingly, the use of this offspring waqf provides a guarantee to encourage the disabled heirs to continue living with their families. Next, when the inheritance waqf distribution has to the needy category of heirs, it is suggested that the division of the inheritance waqf benefits the three generations of heirs. The purpose of the three layers of ages here is at the level of father, son and grandson. The benefit of the offspring's waqf property will lead to the next generation, the great-grandchild when the father's layer has passed away. The maintenance of three consecutive generations is essential to ensure that the benefits of waqf can be for the layers of the generation.

Each generation's turn begins after the father or son dies and divides the benefits of waqf property to the next generation. Next, the distribution will continue to the great-grandchild level after the generational layer at the father's level has passed away. In this regard, to ensure that the maintenance of these three generations works well, the MAIN has to play a role in monitoring and ensuring that the distribution of waqf benefits for offspring can survive for three generations. Monitoring by MAIN is essential so that the implementation can be effective and systematic.

## CONCLUSION

Therefore, waqf *zurri* is very important as one of the elements in helping the economy of heirs and relatives affected by the COVID-19 epidemic. This *zurri* waqf instrument not only trains the heirs to be independent without relying on government assistance but is even able to create more job opportunities and generate income continuously following the nature of *zurri* waqf is permanent and sustainable. The speciality of waqf *zurri* is an instrument that has strength with a dynamic structure and a flexible mechanism for giving birth to various functions to meet social needs and interests. Waqf *zurri* indirectly advocates the value of holistic and sustainable development and investment, even the benefits of which can be obtained continuously in this world and the hereafter.

Based on the explanation, the researcher believes that the implementation of the Foundation is one of the forms of charity implemented for the benefit of heirs and relatives. The implementation performance Foundation is an instrument for improving the quality of life and well-being of the heirs. The Foundation can enhance the involvement and participation of heirs and relatives in developing family institutions. *Zurri* waqf assets will be more secured under the Foundation through systematic control and management of *zurri* waqf assets.

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Abdul Halim bin Awang. Lecturer, Syariah Department, UniSZA, 12<sup>th</sup> February 2020.

Ahmad Zaki bin Haji Ghazali. Baitul Mal MAIK, Kedah Islamic Religious Council (MAIK). 7<sup>th</sup> February 2020.

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Muhammad Fairus Bin Abd Rahim. Head of Real Estate Development Division, Kedah Islamic Religious Council (MAIK). 7<sup>th</sup> February 2020.

Nor Hairani Binti Saad. Assistant Islamic Affairs Officer Waqf Division, Kedah Islamic Religious Council (MAIK). 7<sup>th</sup> February 2020.

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