

Modelling the Database Development for Waqf Land in District of Melaka Tengah Malaysia

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Abstract

The development of waqaf land database is an agenda that is increasingly given significant attention by the agency or institution around the world as that is the driving force to improving for management dan administration waqaf land. However, waqaf institutions have not yet been seen as institutions that can solve the management and administration problems of waqaf land. This is because there are problems in terms of registration and good procedures including in the State of Malacca. This study will comprehensively look at the waqaf system according to the latest technological developments such as the use of Geographic Information System (GIS) software. The method of interviewing those who are directly involved with waqf institutions, namely Majelis Agama Islam Melaka (MAIM) officials, land administrators at land officers and local authority officials has been conducted. In addition, site visits are also carried out on waqaf land or buildings. The results of the study shows that many data and documents related to waqaf are incomplete and not updated as they should be. MAIM is facing difficulties in developing its waqaf land due to the problem. Finally, this study presents some suggestions that can help strengthen the management and administration of MAIM such as prioritizing the waqaf land database system like the use of Mapinfo software for recording purposes. It can only be achieved if the lack of integration, lack of coordination and waqaf procedures can be overcome, then waqaf land registration can be collected and consolidated.

Keywords: Waqaf land, Technological developments, GIS software, Database system, Mapinfo software

1. Introduction

Waqaf is a form of giving that involves the sacrifice of property by a Muslim individual towards goodness on the basis of al-qurbah which is to draw closer to Allah SWT to get the pleasure and reward (thawab) that lasts from Him (Al-Zarqa,1998). The fact is that the concept of waqaf is beyond the meaning of worship which regulates the relationship of human obedience to Allah SWT (hablu mina Allah) because it also includes aspects of muamalah to maintain human relationships (hablu min al-nas) which is based on the values of brotherhood (ukhuwwah), love (mahabbah), cooperation and mutual assistance (ta'awun) (Sulaiman,2008) towards goodness (jihhat al-bir). Ashfaque (2002) found that although there are many waqaf properties in Islamic countries around the world, these properties are not developed to provide welfare services to Muslims.

While Kuran (2004) described the concept of waqaf as a factor that led to the occurrence of incidents of poverty and economic downturn in Islamic countries and territories as most of the wealth resources have been removed from the industrial sector. The concept of waqaf emphasizes permanent, non-tradable and transfer is also claimed to be an obstacle to the development of waqaf institutions as a commercial organization due to its resources not being managed effectively. Welfare-oriented waqaf institutions are also said to be a stumbling block

to efforts to collect and expand the wealth of Muslims optimally through a more productive modern investment and economic system. In addition, waqaf institutions that do not have the characteristics of corporate institutions make it less influential in 4 government. The State of Melaka among the main issues faced by waqaf managers are the lack of funds to finance development projects, arrears of waqaf property rental payments (Rani,2010), management and administrative inefficiency (Bakar,2007), location and size of waqaf land that are not strategic and economical, staff shortage as well as professional expertise, lack of political will, obstacles from a legal point of view such as the problem of encroachment as well as including waqaf property that is not clear its position because it is involved in lawsuits by heirs (Mahamood,2006). Apart from that, other issues in Melaka, for example, occur because most of the waqaf assets in this country are in the form of fixed assets (immovable property) such as land that does not have liquidity to develop and only a small part of the waqaf assets consist of movable property such as cash. This scenario clearly illustrates that the lack of adequate sources of development funds has hampered the development efforts of waqaf property in the state.

Among the other reasons that cause the development of waqaf is given less attention by MAIN (Majlis Agama Islam Negeri) including MAIM is due to the high cost of renovation or improvement of waqaf buildings as well as the position of waqaf which is not considered as a source of economic income for MAIM compared to zakat (Alias,2011). Therefore, it is not surprising that there are still many waqaf properties in Melaka that are in a latent and idle state because they only depend on three main sources of funds, namely rental payments from landlords or waqaf premises, cash waqaf contributions from the public and Baitulmal (Norhaliza,2009). Finally, the scenario that occurs is that some of these waqaf properties have to be "saved" by the Federal Government by using taxes paid by the people through the provision of specific development funds.

Therefore, in recent times, the database system related to waqaf land in the form of GIS has been given attention and emphasis by several Majlis Agama Islam in several states. It has been in focus because in today's situation where the boom of information technology and computer systems is sprouting. In addition, the declining existence of land coupled with the increasing market value of real estate demands an orderly, fast and reliable mechanism by MAIN. The discussion on the necessity of using a database system such as GIS as a waqaf subject is not something new because it has been discussed by researchers such as Azra (2013) and Saiful (2015). However, their study only involved the State of Selangor and the Federal Territory of Kuala Lumpur. What about GIS research in the state of Melaka? To date, there is almost no comprehensive study of waqaf land regarding GIS in the state of Melaka. The study by Azra (2013) only involved the management of waqaf land in Kuala Lumpur. In addition, it does not suggest any GIS software as a solution in waqaf land management. In addition, it also does not touch on the registration of waqaf land at the land office in Kuala Lumpur.

Apart from that, the initiative to establish a waqaf foundation and the introduction of corporate waqaf has been the main catalyst in developing these waqaf lands in a more efficient manner. Even with the various advantages available, how much of the allocation is for the state of Melaka? Why to this day it is not fully developed? Why is there no public announcement of development strategies on waqaf land? Comparison between land that has been developed with lands that are still idle, 10 land that has been developed is less than the total amount of land. Is it due to the characteristics of the soil that does not allow it to be developed. Or is it due to the weakness of the administrator who is not able to manage it well? Therefore, this study highlights some issues that arise related to waqaf land. It consists of the issue of weakness of the database and records of waqaf land as well as land that has been reserved for Muslims in the District of Melaka Tengah, management and administration of waqaf land by MAIM, issues related to the position of waqaf land, legal issues, rental rates and encroachment on land waqaf and the latter related to lack of funds for development purposes.

To achieve the objectives of this research, there are three research questions that have been set, namely:

1. What are the issues and challenges faced by the authorities in the development of a waqaf land database in Melaka Tengah?
2. What are the examples of the best practices development of a database for the waqaf land in Malaysia?
3. How the application of GIS can improve the efficiency of the waqaf land registration in Melaka Tengah?

The objectives of the research are as follows:

1. To identify the problems and challenges by the authorities in the development of waqaf land database in Melaka Tengah.
2. To evaluate best practices development of a database for the waqaf land in Malaysia.
3. To explore the application of GIS in providing the detailed database of the waqaf land registration in Melaka Tengah.

Geographic Information System (GIS), can be known as system to capture, store, examine, integrate, manipulate, analyze and displays spatial-related data referring to the earth (Ang,2015). Another meaning of GIS is ‘an information system related to referable geographical data, of which GIS is one computer-based information systems that enable the capture, modeling, storage, search, sharing, manipulation, analysis, and presentation of geographic data’ (Worboys,2003). This diversity of interpretations occurs due to the very widespread use of GIS. In addition, it happens because the GIS system itself is constantly evolving and can be used for various functions. Therefore, evolution and the rapid

development in GIS makes it more attractive and popular especially in involving geographic information software becomes an urgent need for users such as government departments, public and private institutions, politicians, educators and students, and others.

The history of GIS can generally be started by Charles Picquet. He was a French geographer who was a major pillar that gave birth to GIS. He applied spatial analysis to epidemiology in 1832. It was from there that John Snow who was the earliest user used geographical methods to predict an outbreak of cholera in 1854 (Ang,2015).

According to Fauzi (2011), the history of GIS in Malaysia began when the Jabatan Ukur dan Pemetaan Malaysia (JUPEM) undertook the transformation from analog to digital by developing the Digital Cadastral Database and the National Topographic Database in the mid-1980s. In addition, among the earliest agencies to implement GIS in Malaysia include MACRES (Malaysia Center for Remote Sensing) now known as the Malaysian Remote Sensing Agency (ARSM), Department of Agriculture, Forestry Department, Geology Department, Valuation and Property Services Department and Jabatan Kerja Raya (JKR).

Various parties and agencies at the federal and state levels have joined hands to strengthen GIS for better environmental management, natural resources and national economic planning. The initiative was taken by Penang which developed a GIS system or better known as Penang GIS (PEGIS) in 1992. The effort carried out is the first GIS project to be carried out comprehensively in Malaysia. It was followed by the Sistem Perancangan Informasi Berkomputer conducted by the Majlis Bandaraya Melaka Bersejarah (MBMB) in 1994 and upgraded in 1996. Then the Sarawak Forestry Department developed the Forest Management Information System in 1995 until 1996 and 1997 the Ministry of Federal Territories introduced ArcGISWlk and Unit Perancang Pembangunan Negeri Selangor (UPPN) has developed Darul Ehsan GIS (DEGIS). Starting in 2002, the Malaysia Geospatial Data Infrastructure or better known as MacGDI was established and developed.

At Perbadanan Wakaf Selangor (PWS), the agency also has a Geographical Information System (GIS) system called the ‘Sistem Data Tanah Wakaf’ (SISDATA) which serves to record land information with relatively good mapping. The owner of the SISDATA system is the Majlis Agama Islam Selangor (MAIS). PWS is allowed to use the system. This is because for waqaf property in the State of Selangor, MAIS is the sole actual trustee of the waqaf while PWS only performs its functions as stated under the PWS Establishment Order. This system has been in use since 15 July 2007 (MAIS, 2007) when PWS has not yet been established. However, the SISDATA system used at this time is the second version. The difference between the first version and the second version is the difference in the location plan displayed.

In an interview with PWS officials Miss Syazwarina (Personal communication, Sep 23, 2022), she said that the first version did not show the plan, only recorded waqaf matters such as Waqif information and waqaf land information. Along with the development of technology

and current needs, MAIS as the owner of the system has upgraded this system by including GIS functions. Among the GIS features included are 'Land use category', 'Zoning', 'Reserve Area' and 'Benefits on land'. Prior to the existence of the SISDATA system, MAIS also recorded their waqaf land manually. However, in line with the current technology, MAIS has switched to a computerized system that can record all waqaf land owned by MAIS. The purpose of creating this SISDATA system is due to current needs and demands.

As is well known, one of the weaknesses of the management and administration of waqaf land in each state is related to the recording and registration of waqaf land. In addition, the challenge of managing and developing waqaf land at this time requires MAIS to take efficient, fast and accurate action. This is because all the actions of MAIS related to waqaf land are currently observed by Muslims in the state. This cannot be done if MAIS is still with the old method of recording waqaf land. This is because any planning or development of waqaf land requires accurate data, fast information and most importantly the transparency of a record.

Therefore, MAIS has used an integrated or centralized system to record all waqaf land in the State of Selangor. The system is called the Sistem Data Tanah Wakaf (SISDATA). For information, this SISDATA system is only for the purpose of recording waqaf lands in the name of MAIS only in the State of Selangor. This system is not intended to register waqaf lands. This is because MAIS or PWS do not have the authority or are given any authority to register waqaf lands in the name of MAIS. The power to register every land title including waqaf lands in the name of MAIS is still under the jurisdiction of the land office in each district. Only the land office in each district is allowed to issue grants for each title as stipulated in Selangor state law.

In general, the action of the Melaka State government to establish an Islamic religious body called the MAIM in this state reflects the government's concern for the Muslim community itself in accordance with its status as a state whose official religion is Islam. MAIM is a single body that has been entrusted by the government to handle the waqaf assets of Muslims in the state of Melaka. From the statement of the study above explains MAIM manages waqaf property for the Muslim community in the state of Melaka based on the provisions of the existing in Administration Of The Religion Of Islam (State Of Malacca) Enactment 2002 and also the Wakaf (State Of Malacca) Enactment 2005. This shows that MAIM does not manage the waqaf assets arbitrarily without reference to the law. The two enactments do not contradict each other but instead aim to strengthen the affairs of waqaf property in the state of Melaka. It is emphasized in Wakaf (State Of Malacca) Enactment 2005, Section 52. Continuance application of sections 77 to 83 of the Administration Enactment:

(1) The application of sections 77 until 83 of the Administration Enactment shall, on the coming into operation of this Enactment remain in force, in so far as the provisions are not inconsistent with the provision with this Enactment.

(2) Every act or thing done taken or commenced by Majlis and officers appointed by Majlis

in relation to waqaf under the Administration Enactment before the coming into operation of this Enactment shall, on the coming into operation of this Enactment, be deemed to have been done, taken, or commenced under this Enactment. Improvements continued to be made by the Melaka state government when a Wakaf Management Committee (WMC) was created consisting of professionals aimed at helping MAIM. The strategy formulated by MAIM shows the seriousness of the body in developing waqaf asset in the state of Melaka. The consolidation of energy from the WMC is one of the solutions to overcome the difficulties that have been the cause of the stunted efforts to develop waqaf property over the years. On the part of MAIM, waqaf has many accumulated problems. The problem of waqaf started from MAIM starting to inherit waqaf property, no property inventory, waqaf administration under ‘Muttawali’ or unaccredited ‘Nazir’.

Apart from that, waqaf land is managed by non-Muslims, waqaf land is overgrown bush, abandoned and sold up to the issue of waqaf property orally, waqaf is not registered and there are no waqaf documents up to issues to develop and advance waqaf property. That is not to mention the issue of waqaf properties which cannot be controlled so as to cause various other problems such as land tax arrears, gate tax and waqaf land confiscated by the land office. It also covers waqaf income that cannot cover its expenses, waqaf that is not productive and ‘self-generating’, acquisition of waqaf land that has not been compensated, waqaf that has not been Istibdal (replacement land) and waqaf benefits that do not reach Maukuf Alaih (the recipient). It can be said that the issue of waqaf is very much chronic and needs full attention and focus. In terms of provisions, the waqaf enactment, the task of managing waqaf is in the hands of MAIM who is appointed as the sole trustee. In addition, a little introduction about GIS is also explained. The purpose is for researchers to be able to explain the advantages and functions of GIS in the collection of data and information. This is because in this study the researcher will use Mapinfo software to explain the information and position of waqaf land in District of Melaka Tengah. In addition, there is also a zoning analysis will be made using the same software.

Therefore, the implementation of the SISDATA system by MAIS and used by PWS can be used as an example in this study. The latest SISDATA 2.0 system has GIS features that are very relevant to its use today. However, this system is developed by a private IT company. Funds for development purposes are of course high in addition to the annual maintenance costs that have to be paid.

2. Method

In this study, researchers obtained information through in-depth face-to-face interviews consisting of four groups. The first group consists of waqaf practitioners such as MAIM, the second is land administrators in the District of Melaka Tengah, the third is PWS staff and the last is local government staff namely MBMB. The data obtained are categorized based on specific themes that give meaning to the problems of the study. This study also collects data in the form of figures, analyzes the figures displayed, and finds weaknesses or shortcomings

of waqaf land through the data. Sources of information will be investigated and explored through 3 main government departments, namely the Pejabat Tanah Daerah Melaka Tengah (PTDMT), the Majlis Agama Islam Melaka (MAIM), and the Jabatan Ukur dan Pemetaan Malaysia (JUPEM). Research framework and data collection method as shown in figure 2.1 and 2.2.

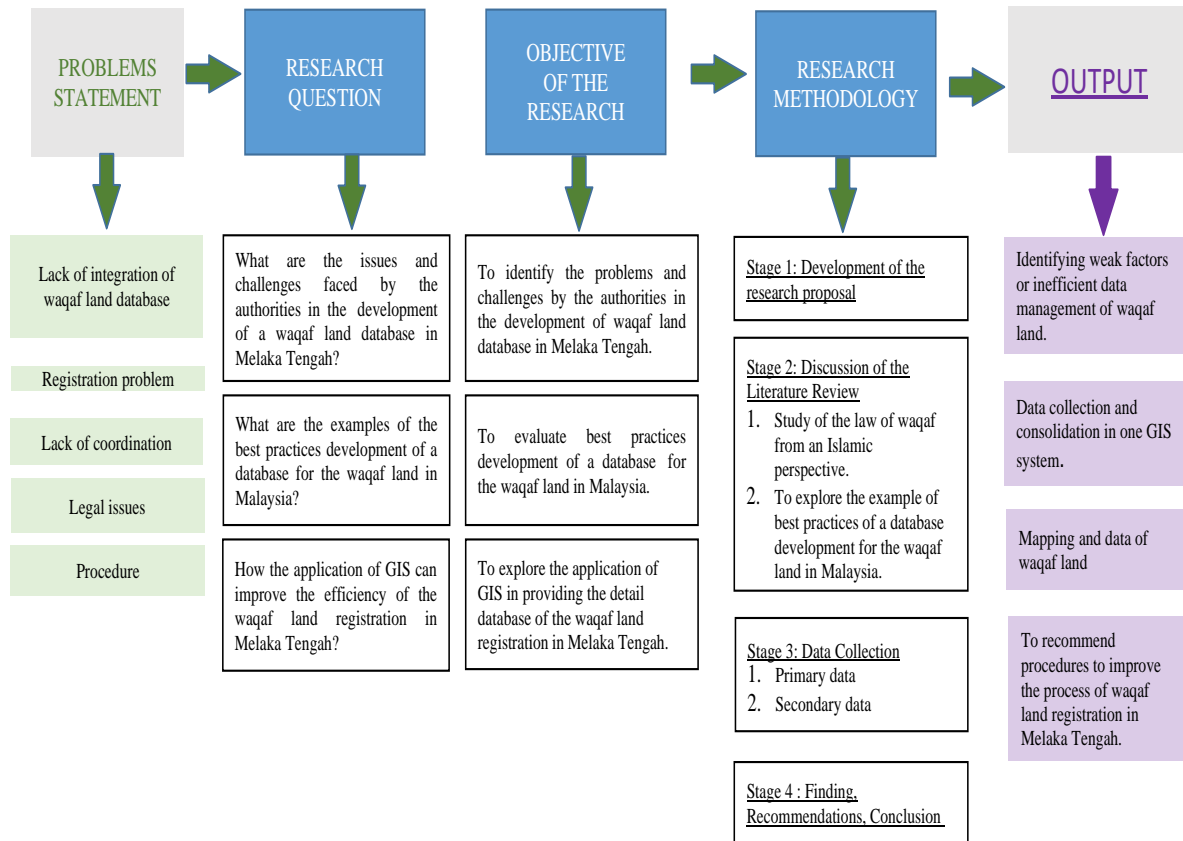


Figure 2.1. Research Framework

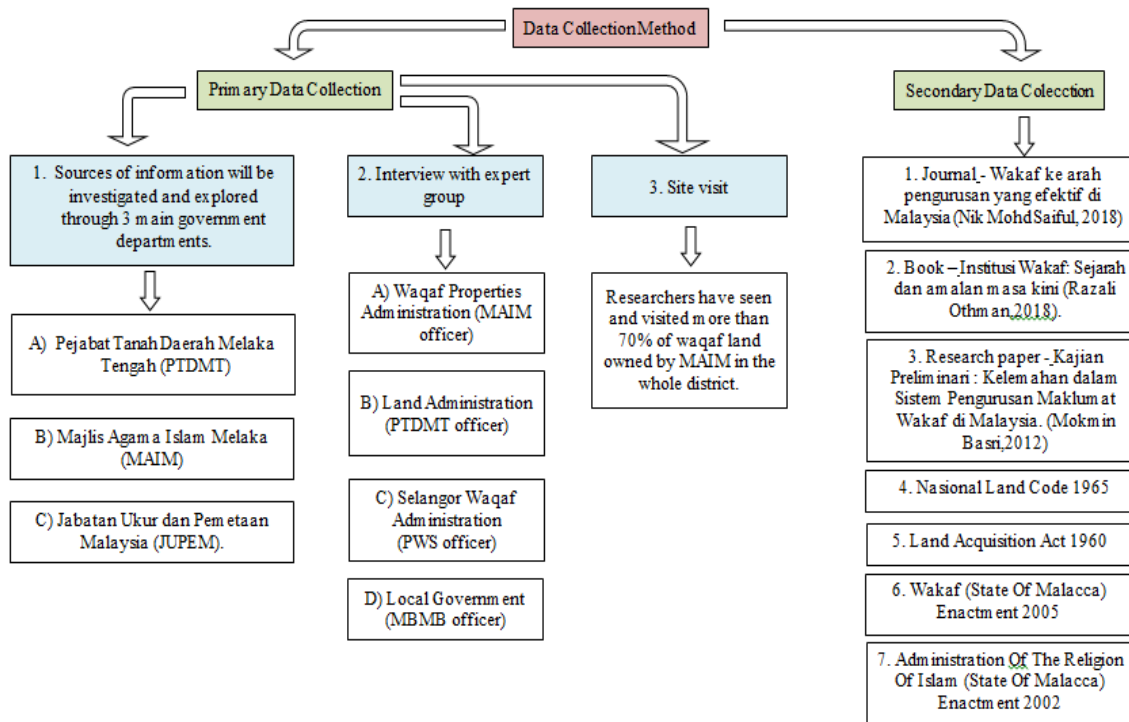


Figure 2.2. Data Collection Method

3. Results and Discussion

The result shows that the amount of waqaf land owned by MAIM in the District Of Melaka Tengah is large but in a scattered. The research also shows that the majority of waqaf land owned by MAIM is Melaka Customary Land (MCL) land and has permanent ownership. In addition, the analysis also shows that most of the waqaf land is the sole ownership of MAIM as the landlord and has an access road. This is important because all development on the waqaf land can be well planned and without interference from other parties who have interests on the land. However, research also shows that most of the waqaf land owned by MAIM is in the 'Agricultural' category. In addition, the majority of waqaf land owned by MAIM is less than one acre in area. The disadvantage of waqaf land that has a small area is that it is difficult to develop. The result of another analysis is that the ownership of waqaf land from Conformance, 212, 75% Not conformance, 70, 25% Conformance with Zoning Plan 238 the government is also not much, the majority is waqaf land from individuals. The contribution of waqaf land ownership by MAIM from the government needs to be increased especially to endow land that is more than one acre and above. The zoning research shows that the waqaf land owned by MAIM has a high real estate value potential because 49.29% is in 'Housing' zoning which is 139 lots. Of the 139 lots, 102 lots are still under the 'Agriculture' land category.

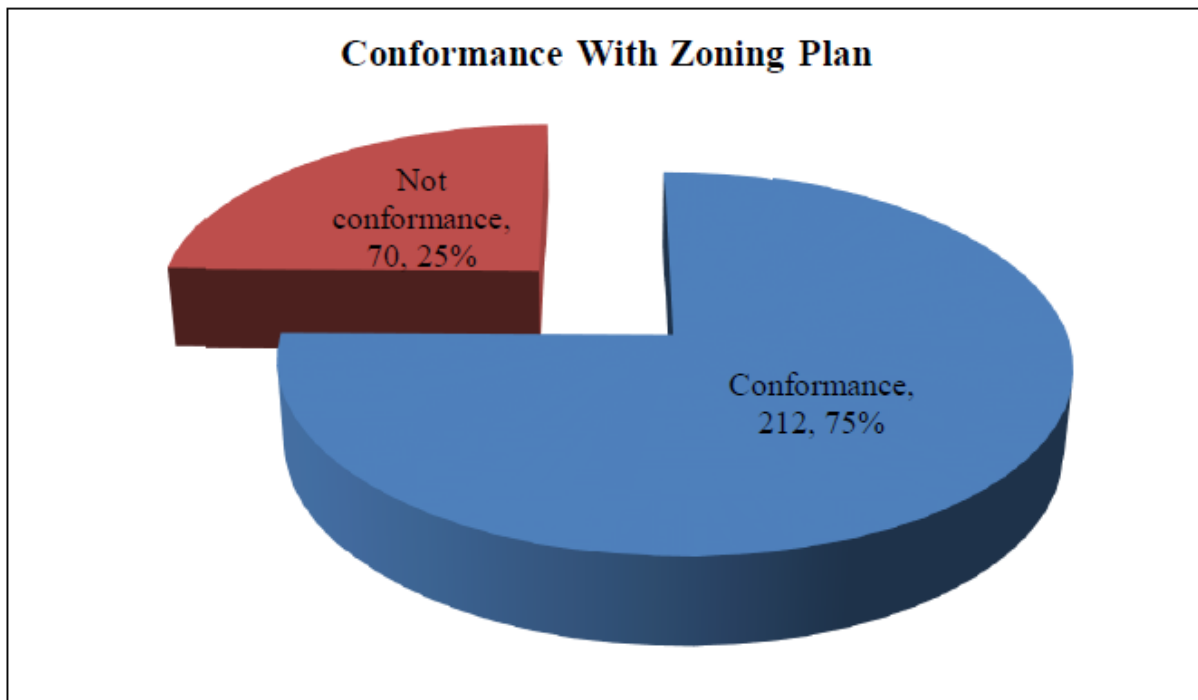


Figure 3.1. Conformance With Zoning Plan

MAIM as a single body needs to do something so that waqaf lands under the agriculture land category need to be aligned with housing zoning such as Melaka Tengah Local Plan 2035. Improvements also need to be made because there is still land owned by MAIM above the 'Infrastructure And Utilities' and 'Open Space And Recreation Areas' zoning. This needs to be handled well so that it does not become a problem later on. This is because this zoning area is mostly for public use. No ownership of grants should be issued, and it should be reserved for public use. In addition, the analysis shows that no waqaf land owned by MAIM is brought under the 'Industry' category or under industrial zoning. This is a loss because the industry category is more valuable than the 'Housing' or 'Business' category.

In the future, MAIM can focus on owning industrial waqaf lands under industrial zoning as a good improvement and investment. The result of the study also shows that the use and application of GIS are very important in providing a more detailed waqaf land database in District Of Melaka Tengah. This is because currently not all-important information is registered in land grants such as zoning information and local government information. The use of GIS applications such as MapInfo software can be used as an example to provide a waqaf land database for MAIM due to its widespread use, especially at the local government level. In addition, the use of Mapinfo software is also user-friendly with various functions that can be performed for the analysis of waqaf land data.

The practice of waqaf management in Melaka has not yet been able to carry out its function effectively in save database for waqaf land. MAIM as waqaf institutions should be the lead

and role model at other agencies in the use of GIS systems like Mapinfo for 253 recording waqaf land. This institution needs to be given a new lease of life so that it becomes a leading institution that management dan administration waqaf land. Through the strong support of the government and related parties, the GIS system like Mapinfo is believed to be able to preserve the waqaf land database system for Muslims, especially to ensure that they do not continue to be left behind in the development process.

Based on the growing practice of waqaf, the State of Melaka has made several specific provisions in the Wakaf (State Of Melaka) Enactment 2005 and Administration of The Religion Of Islam (State Of Melaka) Enactment 2002. The enactment gives absolute power to MAIM as the sole trustee for all waqaf assets whether General Waqaf or Special Waqaf. However, the administration and management of waqaf land in the State of Melaka has not yet reached the actual target. This is evident when there is still confusion about the status of land between MAIM waqaf land and land purchased by MAIM. Besides that there is also confusion between Special Waqaf and General Waqaf, apart from Baitulmal land. This has resulted in MAIM failing to declare the actual amount of the total waqaf property it owns accurately. Poor monitoring is also one of the identifiable causes. This is because MAIM has a lack of manpower to carry out enforcement work, apart from a lack of expertise to carry out legal actions.

MAIM needs to increase its level of professionalism and strive to resolve all the problems or shortcomings that arise. MAIM should not be complacent to cause the public, especially the Muslim community to lose faith and confidence by MAIM. The position of MAIM which was found to be inconsistent is also the cause of the incomplete data. As explained earlier, the study found that there are many waqaf lands that have not been applied for permanent title at the land office. On the other hand, MAIM only applies to reserved. The reason is that it is easier if the land is reserved instead of being owned by MAIM. Other technical problems such as procedures that are too long and long also need to be taken into account. For example, the 'Government Land Application' procedure by MAIM to obtain approval needs to be reviewed. Need to find a way so that it can be simplified and accelerated. This is because MAIM's application is not for its own benefit, but rather for the community.

4. Conclusion

Based on some suggestions and views above, the waqaf institution in the State of Melaka is able to become an institution that successfully solves all problems related to the recording and registration of waqaf land. It will only be achieved with the creation of a robust and integrated waqaf land database system. The responsibility to create a waqaf land database is the full responsibility of MAIM as the sole trustee. However, it should also get cooperation and energy from all parties such as the land office, JUPEM and Local Authorities. It is the responsibility of MAIM as the only body that administers waqaf land to use as best as possible the speed of technology available for this purpose. It not only solves the problems faced in the present but will also solve the problems in the future. The condition can help

solve the problem of duplication, leakage and missing data or information. Finally, if serious attention is given to waqaf institutions, there is no doubt that the problems that hinder the development of waqaf institutions will be overcome. Therefore, it is expected that love for Islam must be embedded in every Muslim individual and MAIM as a responsible body. Effort and trust from Allah S.W.T is the key to success for waqaf institutions.

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No additional data are available.

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