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The Practice and Management of Waqf Education in Malaysia

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Abstract

Muslims throughout the world are exposed to the Waqf practice, but it is difficult to measure the level of their knowledge on the practice. In general, the awareness of the requirement in practicing Waqf among Muslims society are important since it is valuable to the Muslims and concurrently can help those needy people. In Malaysia, there are an increasing number of Waqf properties given by the Muslims from time to time. Some of the Waqf properties given were assigned for educational purposes. Due to such scenario, the development of the Waqf Education in Malaysia needs to be monitored to maintain the good practice and governance of Waqf property as well as the Waqf Education's development. The significance of this research is to examine the roles and importance of the Waqf Education development towards Malaysia and to determine the aims of Waqf for the society and the challenges in managing the property of Waqf Education. In addition, this research is also done to discover the initiatives taken by the ruler in handling the issues. Through this research, hopefully an effective model of Waqf Education management in Malaysia can be proposed in order to enhance the development of education system as well as the development of economy in Malaysia.

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1. Introduction

Muslims throughout the world are exposed to the Waqf practice, but it is difficult to measure the level of their knowledge on Waqf. In general, the awareness of the requirement of practicing Waqf among Muslims society is important since it is valuable to the Muslim community. Waqf practice in education among Muslims in Malaysia has started since the Islamic arrival in *The Malay Archipelago* and could be perceived as a positive tradition that needs to be expanded. Waqf education practice occurs in various forms and the nature of properties

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that have been donated by *waqif* such as students' hostels, scholarships, allowances, buildings and learning materials such as books, tables and others. *Pondok* institutions are one of the earliest waqf education properties in *Tanah Melayu* that had been donated by the *Ulama'* who mostly had completed their Islamic study in Mecca. This learning form of *Pondok* institution was enormously popular among people especially Muslims at the end 19th and 20th century. States that are well-known to be practicing the *Pondok* education are Pattani, Kelantan, Terengganu, Kedah, Seberang Perai and others (Ahmad Zaki, 2006).

In the early 20th century, learning form of *Madrasah* or Arabic School had been created to replace the *Pondok* Institution in order to concurrently synchronize with Islamic education that exists in the countries of Middle East (especially Egypt). Furthermore, the *Madrasah* system is very systematic and formal compared to *Pondok* institution system that was formed prominently after the *Islah* idea originated from Middle East begins to influence the Muslims thought *Tanah Melayu*. The earliest *Madrasah* built on waqf land is *Madrasah al-Attas*, Pekan or now is known as *Sekolah Menengah Agama al-Attas*. However, a contesting opinion posits that *Madrasah al-Misriyah*, Bukit Mertajam, Seberang Prai which was established in 1906 is the earliest waqf education institution (Rahim, 1976). Then this is followed by the establishment of *Madrasah al-Iqbal* in Singapore in 1907. With the existence of *Madrasah* education a systematic form of education facilitates the graduates to pursue their studies to the higher level especially in al-Azhar University, Egypt.

Western colonization's arrival to *Tanah Melayu* resulted in the erosion of Islamic education when the westerners had introduced the secular education system. Due to the implementation of the western system, the view in separating the religion from world affairs was inscribed in the Muslims thought. Consequently, the development of secular educational system had marginalized the Islamic religious institutions (*Madrasah*). Colonials have laid *Madrasah* under the responsibility of States Islamic Religious Council or Department for every state. Result from this condition; the facilities for learning are limited and segregated and the curriculae between one states to another are different. The examination handled personally by each state while the recognition of the certificate issued also varies.

2. Types of Waqf Educational Institution

The Waqf educational institution in Malaysia consists of *Sekolah Agama Rakyat (SAR)*, *Sekolah Agama Negeri (SAN)*, *Madrasah* and *Pondok*. *Sekolah Agama Rakyat* is a school that is built and administrated by the people through board administration or teacher. Most of these schools gain the financial resource from central government, state or Islamic Religious Council. While *Madrasah* on the other hand is much focused in town areas or small towns by regulating certain terms to pupils who want to study there, such as age limit (Sobri Salamon, 1985). The *Pondok* institutions on the other hand can be perceived as learning centres that are established in the form of small house successions or huts. These parishes also function as students' accommodation that come with their necessity goods. *Pondok* institutions focus more on activities of the villages which did not imposed any condition to the students who enter or study the Islamic religion education in the *Pondok* (Abdullah Ishak, 1995).

According to table 1, the state of Malacca shows the highest number of Waqf educational institution followed by Kedah and Selangor. On the other hand, there is no Waqf educational institution for the primary and secondary school estimated in Kuala Lumpur and Terengganu (Ahmad Zaki et al., 2006). Generally, the donation-based Islamic educational institutions are now governed by three parties:

- Board administration consists of the people or teacher. Most institutions gain financial resource from federal government, state government or State Islamic Religious Council. It is known as "Sekolah Agama Rakyat (SAR)".
- Administered by government through States Islamic Religious Council, fully financed by state government. It is known as "Sekolah Agama Negeri (SAN)".

- Under management of State Islamic Religious Council and *Zakat*. Similarly, it is also usually known as "Sekolah Agama Rakyat (SAR)".

Table 1: The Estimation of Waqf Educational Institution in Malaysia

States	<i>Sekolah Menengah Agama Rakyat/Madrasah/Pondok</i>
Kuala Lumpur	None
Selangor	19
Johor	27
Pahang	18
Kelantan	13
Kedah	29
Perak	40
Malacca	1
Negeri Sembilan	1
Perlis	4
Penang	18
Terengganu	None
Sarawak	1
Sabah	3
Total	175

Source: (Ahmad Zaki et al.,2006)

Madrasah al-Attas in Pahang was built with the waqf concept in 1860 when Syed Hasan bin Ahmad al-Attas donated his property to build the *Madrasah*. Later, the name was revised to Sekolah Menengah Agama Al-Attas. Similarly, Sekolah Agama Arab Al-Masriyah at Bukit Mertajam was established in 1906 and was founded by Tuan Guru Hj Salleh Al-Masri. Madrasah Kahiriah Islamiah, Pokok Sena, Kepala Batas, Penang was founded by Tuan Hj Husain Mohd Nasir Al-Masudi in 1936. Madrasah Masyhor al-Islamiyyah was founded by Syed Syeikh al-Hadi in 1916. Maahad al-Ihya al-Syarif Gunung Semanggol was founded by Syeikh Abu Bakar al-Baqir in 1934. Maahad al-Yahyawiyah, Padang Rengas was founded by Syeikh Juned Tola in 1927 (Ahmad Zaki, 2006). Many prominent Malaysian scholars and the Islamic warriors that claimed the independence of the country were the graduates from the *Maahad* mentioned above.

It can be said that most of waqf product for education comes in the form of *Maahad* or religious institution for primary and secondary level. The only *Maahad* for rated college is Islamic College of Malaya or Kolej Islam Malaya. Sultan Hisamuddin Alam Shah donated his Selangor palace in Klang to be the Islamic College in 1955 that sanctions the Certificate of *Shahadah Aliah* (high level) and the *takhussus* level (specialization) that are comparable to the Bachelor of al-Azhar University and Master of al-Azhar respectively (Ahmad Zaki, 2006). Currently, the government had approved the establishment of a university that possess the status of waqf that is protected by the Malay rulers namely Islamic University of Malaysia in Cyberjaya.

3. Roles and Importance of Waqf Educational Institution

Waqf educational institutions are considered as a platform of great social importance because Muslims are the agents of community development. The institutions do not only provide the opportunity to society in obtaining Islamic education through waqf property, as the institutions are often used as a platform that gives opportunities for Muslims to do welfare. Actually Muslims need to be aware that Waqf is a crucial investment to produce *ulama'* who should be the community leaders. This is due to the fact that the graduates are not only excellent in academic but most of them have become important figures who had contributed in the development of country. The graduates of waqf educational institution had proven that they are not only excellent in academic but often become people who are highly righteousness and ethical. Furthermore, these graduates would become key figures in educating people about religious learning at *surau* and mosques to provide religious life awareness to public. This role is usually unable to be played by the other institutions' graduates.

4. Society Motive in Donating their Property in Education Sector

There are many factors that drive the society especially Muslims to donate their property in this country for the interest of Islamic education. Four factors have been identified as the most prominent:

4.1 Looking for Allah's Blessing

Wealth and property are the pride and splendour of humans, so people who are willing to donate could be considered as people who find seek to find Allah's blessing. Therefore, the Waqf practice is an important medium to draw oneself closer to Allah. By willingly giving away things that are most loved, one is deemed to \ get Allah's blessings. This practice is being urged by Islamic doctrine which can guarantee favourable rewards in after world. It is also can be a source in developing the economy of Muslims, especially in this state.

“The example of those who spend their wealth in the way of Allah is like a seed [of grain] which grows seven spikes; in each spike is a hundred grains. And Allah multiplies [His reward] for whom He wills. And Allah is all-Encompassing and Knowing. Those who spend their wealth in the way of Allah and then do not follow up what they have spent with reminders [of it] or [other] injury will have their reward with their Lord, and there will be no fear concerning them, nor will they grieve,” (al-Baqarah 2:261-262)

In Allah's words above, He reminds the people about the benefits of spending wealth for religious purposes. Everyone needs to understand that “cost in Allah's way” includes all welfare and good practices like helping in hospital construction, learning institution, residence, help people in need, help old people and other good practices and welfare.

4.2 The Spread of Islamic Religion

The spread of Islamic religion is one of the most encouraged methods by Islamic religion to create a caring society, to tighten the gap between the rich and the poor with viewing the sacrifices as a symbol of cooperation among Muslims in order to strengthen the relationship. However, most people donate their property for the purpose of education to ensure the continuation and propagation of Islamic religion in a much effective manner. Apart from that, there are also some parties who donate their property in education as a showcase of support in contributing the effort to curb social illness among the young members of the community.

4.3 The Purpose of Nations' Education

There are some *waqifs* who donate their property because they do not have heir to inherit the property. Therefore, the *waqifs* donate the property for education in educating his own nation. For example, waqf land of SMU (A) Bustanus Saadah, Morak has been donated by Che Wok Bin Che Su because he has no children and relatives to inherit the land (Ahmad Zaki, 2008).

4.4 Encouraging the Development of Economy

There are some *waqifs* who donate their property to assist the development of the socio-economic status of the *ummah*. For instance, Syeikh Juned Tola had taken the initiative to generate economy by planting vegetables, fruits etc on the waqf land donated by him. He himself taught the right agricultural techniques to his students. Industrially and economically, he had invited several industrialist and clog makers to come to Padang Rengas and opened up an industry there. As a result of this effort, Padang Rengas at the end of 1930 hosted almost 30 units of shop that belonged to Malays, consisting of coffee shops, laundrettes, rubber shops, retails, barbershops and many others.

5. The Management of Waqf Practices in Education

Waqf in the education sector needs professional management to ensure the survival of followers' education. A good management will improve the effectiveness of the properties donated. In this matter, the *waqif* has the power to determine the person responsible as the waqf's property administrator. The common practice is that he appoints himself or other people like the judge (*Qadi*) who has been officially appointed as the government representative. The administrator is a compulsory to manage the waqf property properly by complying the terms and Islamic requirement. It is the property of *ummah*, hence it needs to be administered with greatest responsibility and trust. The administrator must be willing to act fair, wise, and honest and incorporate honesty and trust in its management (Hailani Bin Muji Tahir 1998).

Waqf education management system in Malaysia is not uniformed in every state. For example in Johor, the Islamic Religious Department (Religion School Unit/Bahagian Sekolah Agama) is a party that has full responsibility of the educational institutions. Based on Waqf Division in Johor, all costs of Islamic religious school is incurred by Islamic Religious Department. This means that local welfare committee applies to create schools at their locations and the Islamic Religious Department is fully responsible in all tasks of developing the schools (Mohd Jelani bin Ramly, 1998).

Property Division of Islamic Religious Council and Malay custom of Perak on the other hand is responsible in running and developing waqf property to build the economy of Islam in this state. To achieve the purpose, Property Division had withdrawn and processed the fund raising permit for building the Sekolah Agama Rakyat. Property Division has also allocated RM 870,400 to build new institutions or conserve the physical resource. Apart from that, Perak has 117 lots of waqf land supported by SAR which has been let to finance 97 units of the Sekolah Agama Rakyat (SAR).

The procurements of waqf properties in Selangor will be pooled in Tabung Kumpulan Wang Wakaf that would be established for fund raising to finance the waqf property development program. One of the distributions of fund activity for Kumpulan Wang Wakaf is to finance Islamic education in Selangor.

Islamic Religious Council and Malay Custom of Pahang (MUIP) administration is a body that is responsible in managing waqf properties in Pahang which has been sanctioned under Section 70, Islamic Religious Administration Enactment 1991. It introduced one new method for waqf which is known as Pahang Waqf Shares Scheme or *Skim Saham Waqf Pahang (SWP)*. This scheme is open to public according to sales method of waqf shares units with the value of RM10 per unit. The sales of this shares has created waqf fund and amassed in Tabung Amanah Saham Waqf of Pahang Account and consequently finance the projects planned by the management. Education is one of the activities financed by this account. Waqf contribution is channelled to Maahad Tahfiz all over Pahang and the classes of *Fardhu Ain* learning (*KAFa*).

The position of waqf properties in Kedah are located under the power of state government that is under Islamic Religious Council, Baitulmal Unit and waqf. Allocation on waqf certainly constituted under Number 9 of Islamic Religious Administration Enactment of Kedah 1962. Under this enactment, it has claimed and recognized two types of waqf which are specific waqf and general waqf. However, a rule that is specific regarding to this matter has not yet been issued. All the problems that occurred would be referred to the Islamic Law. According to waqf acceptance registration in this state, most assets for waqf educational inhering form of land namely Sekolah Agama Rakyat site.

MAIM have constituted Zakat Board or Lembaga Zakat and Baitulmal in Malacca on 1st December 1982 to develop the waqf properties especially for general waqf. Waqf lands developed by the said committee which some of them are orphan's hostel, Maahad Tahfiz, and many others. In educational aspect, the waqf had assisted by providing the land to build the Islamic religious schools/Maahad Tahfiz in Malacca.

The task and responsibility of any Islamic Religious Council in this country in solving various problems, developing and upholding the dignity of the Muslims and enhancing the greatness of Islam is very challenging especially towards achieving the 21st century. Therefore, cooperation of all parties in managing the specific waqf property of the educational institutions needs to reduce the task of Islamic Religious Council of all countries. The

participation and awareness from all parties is vital to accelerate and stabilize the management of properties in Malaysia.

6. The Challenges in Managing the Waqf Education

Providing education and awareness on the benefit and importance of waqf in developing Muslims is a major challenge. Most of Muslims think that waqf is only for worshipping objectives. The people are not aware that the waqf possesses big potentials in socio-economic, agricultural and other developments. To date, the waqf has only been seen for the interest of mosque and cemetery, whereas the waqf concept is very wide and can be applied in various sectors. For instance, the waqf in education as discussed above. There are lot of benefits towards the enhancement of knowledge and also the personality of society. The right and continuous information about waqf benefits need to be disseminated to the public. Hence, it needs intellectuals groups to change the mentality of people regarding the traditional way of waqf. For the Muslims, religious awareness and its importance to gain rewards after world through waqf practice need to be adapted and improved.

A second challenge in waqf management is the lack of funding and also the weakness in planning and developing the land. The management of waqf property involves many individuals and surely it is very costly. The shortage of skilled staff in waqf management consequently leads to the weakness in its management. Other than that, bureaucratic factor also has become a factor that contributes to the weakness in waqf management. The endorsement from the top management level is very important before a project can be run or operated. In this condition, this matter becomes one of the delay factors in waqf management. Managing and preserving waqf land with 36,000 hectare of areas (JAWHAR) is one of the challenges in this field. Based on statistical data of JAWHAR/JAKIM, states with the largest land of waqf are Johor, Perak and Pahang.

The next challenge in this waqf institution is from the transfer aspect and waqf property ownership. The problem will arise when the asset that wants to be donated did not officially registered, but it is done orally only. Confusion happened when *waqif* deceased and there is no witness to be contacted. As a result, the properties donated cannot be managed as required. There may be a party that will claim for the properties on legal grounds claiming that no agreement or contract was made between the possessor and the body responsible on managing the waqf properties.

Another problem is that the society has a perception that the value of the land donated is low. For example, abandoned waqf land has potential to be developed for agriculture but it is rented at an extremely low price. Such misconception makes the society uninterested to donate their land.

Waqf management is incongruous about its rules and laws as well as its administration between states within Malaysia. Legally, according to Article 74 (2) of Federal Constitution, waqf is stated under Islamic Religious Administration Enactment for states and exempted from National Land Code provision.

One of the challenges occurred in the effort of developing the educational field through waqf concept is the enactment constituted by each of states. Enactment of waqf billed by the states is not uniformed and synchronized between states thus causing disruption in the waqf administration. At the same time, there is no specific enactment provided for waqf educational development for every state in details.

Society's mentality, especially those that belong to the academicians have a vital role in developing the waqf educational development. This point of view has be taken into consideration through experience of some school administrators who claimed that waqf educational development depends on creativity and openness to create new ideas (Ahmad Zaki *et al.*, 2008).

Bureaucracy has become the constraint towards waqf educational expansion. It has many levels of management and every business needs to undergo every level of management. It costs long period of time to settle one matter/business. A business needs to be done and managed quickly. Otherwise the waqf educational development would be disrupted or likely to be abandoned. The knowledge regarding this matter however, is still limited to specific waqfs. Other than that, the weakness in future planning of *ummah* is also being seen as one of the reality in waqf.

A study was done to find out the main factor of the weakness in waqf educational property management in Malaysia. Five tests of hypotheses proposed as independent variable in the management which are finance, information, specialists, administration and marketing; while moderator variable is waqf development constraint (enactment, bureaucracy and static mind) and the dependent variable is waqf educational property development (refer to Figure1; Ahmad Zaki, 2006). This field quantitative research shows that only three main factors are strongly influenced the management of waqf educational. They are specialists, administration and marketing. At the same time, another constraints such as enactment, bureaucracy and static mind have relations with waqf property development and become the main factors that influence the waqf educational property management in Malaysia (refer to Figure 2; Ahmad Zaki, 2006).

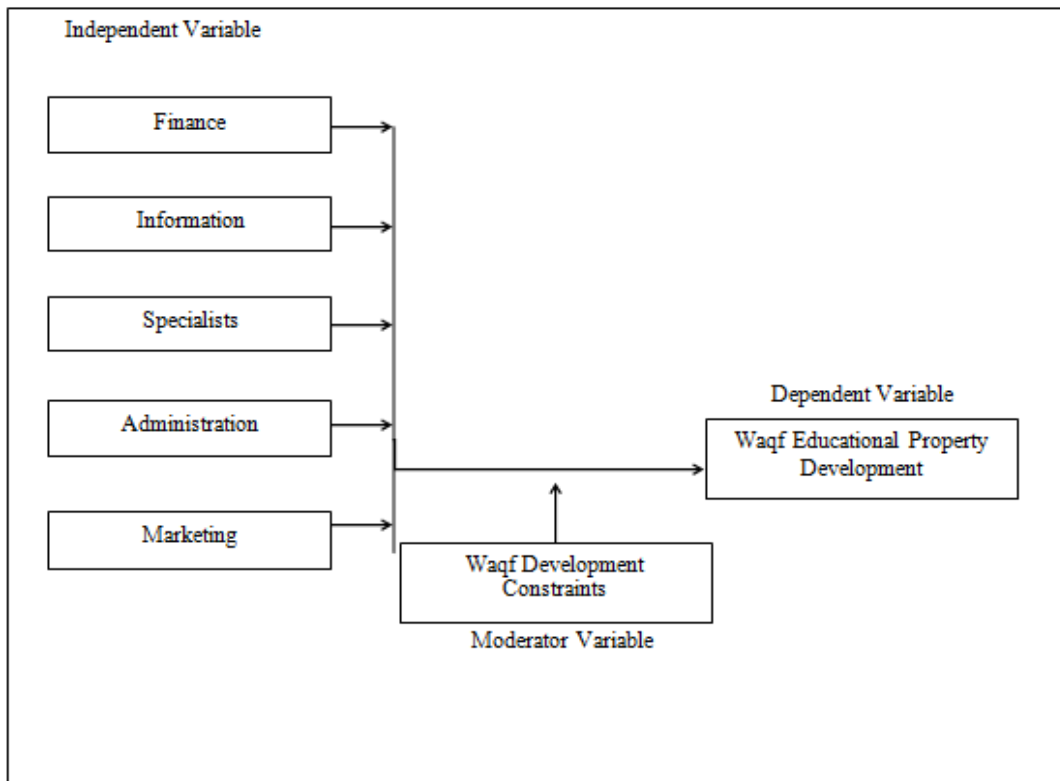


Figure 1 : Waqf Property Model on the Development of Waqf Education in Malaysia (Ahmad Zaki et.al, 2006)

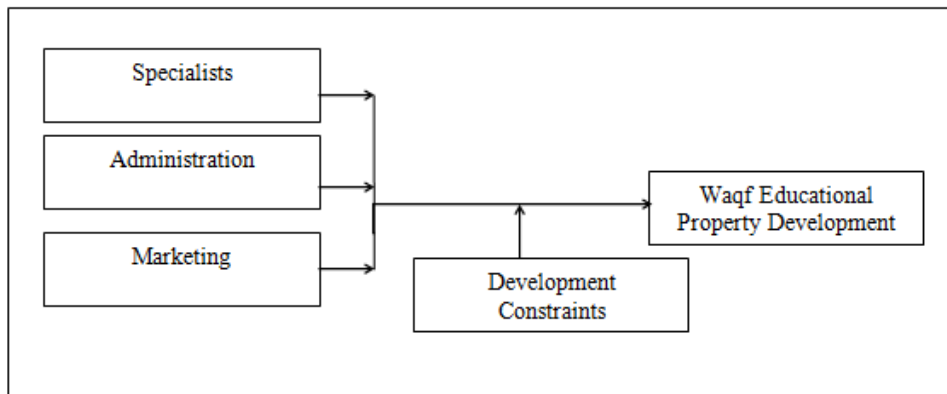


Figure 2 : The Final Model of Waqf Property Management on Waqf Educational Property in Malaysia (Ahmad Zaki et.al, 2006)

All challenges and constraints in waqf institutions can be solved and overcome by stabilizing the management of waqf property efficiently and systematically. Three crucial aspects in this management are specialists, administration and marketing that must be prioritized. Moreover, the problem can be overcome by reducing the bureaucracy and a good system application that can facilitate the administration affairs and fasten the endorsement process for waqf affairs. Apart from that, campaigns and information regarding cash waqf or waqf shares should be undertaken. The success of waqf shares known as corporate waqf that has been implemented by Johor Corporation, obviously resulted to a great success when this body takes over KFC Holdings from a Chinese entrepreneur. This body had expanded the business by franchising to several countries in Southeast Asia (BERNAMA, 2011). Matters pertaining waqf will be more ordered when the administration of waqf unit is improved and incorporated like *Perbadanan Wakaf Selangor*. At the same time, establishment of *Yayasan Wakaf* at state level will assist to process smoothly and the administration of waqf will be supervised elaborately without the interference of other states. Lastly, it is done by diversifying the financial and managerial methods and techniques in developing the waqf properties.

7. Government Initiatives in Waqf Development

Several initiatives had been carried out in developing the general waqf properties that have potential in development. Federal government in the effort of enriching the waqf practice had established Waqf, Zakat and Hajj Department (JAWHAR) in order to facilitate at state level. Funds channelled through JAWHAR for several development projects have started implemented in certain states. Among successful projects like Waqf Hotel development, Port Dickson, Taiping, shop houses in Perlis, Haemodialysis Centre in Johor Bahru, orphan's hostels in Kelantan, shelter for women in Johor Bahru, *Maahad al-Mashoor* education complex in Penang and Converted Muslims Activity Centre in Negeri Sembilan. Other than that, *Yayasan Wakaf Kebangsaan* (National Waqf Foundation) also had been established as a result from the effort taken by State Islamic Religious Council and JAWHAR. First project or product of this foundation is Cash Waqf.

Waqf development at states level has started the move in developing the waqf project. New efforts apparently done by states in waqf affairs are known as Waqf Share. Waqf Unit had been expanded and the main method that has been launched is Waqf Share. Cash waqf collected through Waqf Share program were being benefited to purchase property and other projects approved. Although this effort shows there are positive results, the development should be improved to strengthen waqf in educational sector and the economy of Muslims (Syed Mohd Ghazali Wafa, 2010)

8. Conclusion

Waqf educational institutions are institutions established or built by using properties that have been donated by Muslims. History has proven that waqf educational practice has evolved since the glory of Islam, after the emancipation of Prophet Muhammad (S.A.W) as the Messenger. Waqf practice in educational sector amongst Muslims in Malaysia has started since the arrival of Islam to *Alam Melayu* and it can be said as a positive tradition that needs to be expanded. *Pondok* institutions are the earliest waqf educational property in *Tanah Melayu* that had been donated by *ulama'* who ended their Islamic study in *Mecca*. Waqf educational institutions consist of *Sekolah Agama Rakyat (SAR)*, *Sekolah Agama Negeri (SAN)*, *Madrasah* and *Pondok*. From the researches done, several factors that motivate the Muslims to donate their property for the interest of Islamic education had been identified. Some of the factors are to find His willingness, to spread the Islamic religion, no heir, and encouraging economic development. Furthermore, Waqf educational institutions are important to develop Muslims education. They do not only provide facilities to the society by getting the benefit from the property, but it is to give the opportunity for Muslims to practise the Islamic philanthropy in their life. Furthermore, hopefully an effective model of Waqf Education management in Malaysia can be proposed in order to enhance the development of education system as well as the development of economy in Malaysia.

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Notes

1. The Qur'an (2:261-262)
2. Majlis Agama Islam Negeri

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