

## Role of Waqf in Social Welfare Financing in Nigeria

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### ABSTRACT

This paper examined the role of waqf (endowment) on social welfare financing in Nigeria. Waqf, an endowment (donation), is one social welfare tool in Islam guided by Islamic law. Sustainable well-being is one of the goals of Waqf. This is one of the means through which Islam finances charitable organizations. The expository method is used in this work. In order to properly utilize permanent societal contributions, the institution of waqf can fill the void as a social finance institution by offering intermediation services. The waqf's flexible regulations allow it to offer a broad range of social services and to assist recipients directly or through financial institutions. The paper explained the concept of waqf and made a case for the practical applications of waqf; it recommended more public awareness of the institution and a more efficient means of leveraging the potential of altruistic giving for improved economic outcomes in the targeted social segments of society.

**Keywords:** Financing; Role, Social; Sustainability; Waqf; Welfare

## INTRODUCTION

All property is owned by Allah, and man is a trustee, according to the premise of the Waqf organization. Consequently, an individual's property or funds that they donate to waqf no longer belong to them. Such property can't be sold or inherited, and no one can distribute it. It is believed that Allah owns Waqf. It is for public consumption that whatever is Allah's is said to belong to the public. For the benefit of the underprivileged, orphans, travelers, and other members of society, waqf donations include things like hospitals, schools, property, and cash. Waqf institutions have thus been recognized by numerous studies as significant financial organizations that support the welfare and advancement of people (Oseni, 2019).

Waqf is established as a religious endowment that is essential to the country's high standards of human development by the Quran and the Sunnah (Jamal et al., 2022). Muslims learned how to contribute to the advancement of humanity from the earlier civilizations that had dominated the region in which they found themselves. They were strongly encouraged to do so. The Qur'an places a strong emphasis on wealth redistribution, even though Waqf is not specifically addressed in the text. Furthermore, there is clear proof that certain well-known Islamic personalities have left their estates to charitable organizations.

Additionally, Muslims have built mosques, wells, trees, and traditional water pots around numerous mosques, markets, and other gathering places, adding to waqf in Nigeria, particularly in the north part of the country. Over time, however, people began to overlook these endowments due to their self-serving attitudes toward assisting the less fortunate and needy members of society. The survival and sustainability of many waqf in Nigeria were negatively harmed by this disdain for waqf management until Zamfara State reinstalled shari'ah in the area in 1999 (Yusuf, 2020).

## LITERATURE REVIEW

### Concept of Waqf

*Waqf* is an Arabic term translated to mean "to stop, to keep, to confine, or to forbid". It is used in the singular form, while "*awqaf*" is the plural form. *Waqf* is a term used in Islamic law to describe the act of holding property and conserving it for the only benefit of philanthropy, as well as preventing its use or disposition for any other purpose (Osman, 2012). According to Kahf (2007), *Waqf* as an endowment of money or property made for charitable purposes. By this definition, Waqf is accorded a feeling of perpetuity which implies that non-perishable assets from which benefits and usufruct can be enjoyed without reducing the core value of the property itself. Therefore, *waqf* is commonly connected to land and buildings. However, *awqaf* can also include books, farm machinery, livestock, shares, stocks, and cash money. Although the general concept of *waqf* is as ancient as humanity itself (Kahf, 2007). Some Muslim jurist maintains that the first *waqf* that ever existed is sacred. Ka'bah in Makkah. This is based on Qur'an 3 verse 96, which mentions it as the first location of worship constructed for mankind to worship Allah (Kahf, 2007).

Muhammad and Habibu (2015), see *Waqf* as detaining, custody, or keeping in its connotative sense. It is of *awqaf*, the donor, who can give an item or cash, moveable or immovable, to his or her family or to the public. Its distinguishing feature is that it is characterized by acts of generosity performed with a good intention rather than for immoral or harmful purposes. The objective can be for the benefit of society as a whole, such as religious services, socioeconomic aid for the poor or needy, education, the

environment, science, and so on. *Waqf* can be private (*Waqf Khayri*) or public (*Waqf Khayri*) (*Waqf 'amm*). It could be a family (*waqf ahli*) or a private institution.

The concept of *waqf* has been widely adopted by Muslims and Arabs worldwide, giving rise to various transliterations, such as *wakf*, *vakf*, *vakif*, *vaqf*, and *wakaf*. *Waqf* is also known by different names, such as *ashabs* in North and South Africa (Kahf, 2007). In a nutshell, a *waqf* is a donated property that is utilized for the donor's intended benefit, which must be benign and usually serve community interests (Mc Chesney, 1991, as cited by Ahmed 2012). Although the current norm typically requires the *waqf* to be in writing, the donor may declare their intention verbally or in writing (*waqf* deed). Islam, as a religion of welfare, kindness, and *barakah*, always seeks the best ways to support the *ummah* in achieving peace, tranquility, and good health. Among the kindness highlighted is *waqf*. Allah spoke indirectly about it in Qur'an 3 verse 92;

لَنْ تَنَالُوا الْبِرَّ حَتَّى تُنْفِقُوا مِمَّا تُحِبُّونَ ۚ وَمَا تُنْفِقُوا مِنْ شَيْءٍ فَإِنَّ اللَّهَ بِهِ عَلِيمٌ

"You cannot achieve true kindness until you give away what you value the most; and whatever thing you spend, Allah surely knows it."

Allah also says in Qur'an in 2 verse 267:

يَا أَيُّهَا الَّذِينَ ءَامَنُوا أَنْفِقُوا مِنْ طَيِّبَاتِ مَا كَسَبْتُمْ  
وَمِمَّا أَخْرَجْنَا لَكُمْ مِنَ الْأَرْضِ

"O you who have believed, spend from the good things you have earned and from what We have produced for you from the earth....."

The Prophet, Muhammad (S.A.W) said as emphasized by al-Bukhari and Muslims which means: When the son of Adam (A.S.W) dies, his good deeds come to an end except for three: ongoing charity (*Sadaqah Jariyah*), beneficial knowledge, and a righteous child who prays for the parents after passing. Prophet Muhammad (S.A.W.), through the sermon of Caliph Umar (R.A.) and quoted by Imam al-Bukhari, underlined the Islamic practice of *waqf*, which encourages the use of assets for charity purposes and community benefit. Caliph Umar (R.A) set a significant example by dedicating his wealth as a *waqf* creating a lasting legacy that would benefit future generations. Caliph Umar (R.A) donated the land he received from the Battle of Khaibar as *waqf*, creating a precedent for the Islamic practice of endowment, adding that the land could neither be sold nor purchased.

According to Ahmed (2004) Imam Al-Shafi', Imam Malik and two other follower of Imam Abu Hanifah, Abu Yusuf and Muhammad (Sahibayn), *waqf* denotes the extinction of the appropriator's ownership in the thing dedicated and the retention of the thing in Allah's ownership in such a way that its profits are used for the good of mankind from beginning to end. The jurists say that to establish *waqf* is supererogatory (*mustahab*), the establishment of *waqf* (dedicator) and transfers its ownership to Allah. The founder (*waqif*) determines the objectives for which the *Waqf* asset is to be used for and its profits can be distributed. He also determines the management and procedures of governing the succession of *Waqf* managers (*mutawalli*, *nazir*, *walyy qayyim* or *wasy*). Once a *waqf* is created, it will always remain *waqf* property and cannot change its character. Since it is created for a pious object, the *waqf* property is not be sold or given to someone as an inheritance or a gift since *waqf* is created for general welfare (Doi, 2008).

According to Doi (2008), the following conditions must be met when establishing a *waqf*:  
(1) The subject of *waqf* must belong to the *waqif* (dedicator) at the time of dedicating the

property; (2) The person dedicating a *waqf* must not be minor or a person of unsound mind (i.e. must be sane); (3) Undivided share in the property may form the subject of *waqf* but for the purpose of a mosque or burial ground, it is not valid; (4) The purpose for which the *waqf* is created must be recognized by the Shari'ah; (5) The object of *waqf* must be shown with reasonable certainty; (6) Any *waqf* made by a will or during *mard al maunt* (death illness) cannot operate on more than one third of the one-third of the net assets without the consent of the heirs; (7) A *waqf* created by a will shall not be invalid simply because there is a clause that the *waqf* shall not operate if a child is born to the *waqf*.

### **Characteristics of Waqf**

The donated properties must have three crucial features in order to qualify as a *waqf*:

#### ***Perpetuity***

Perpetuity is one of the most essential aspects of *waqf* property. This necessitates the donation of properties that are perpetual in nature, i.e. fixed asset properties. This means that there should be continuity in the property as "assets left in perpetuity" (Ahmad 2012). Both the giver and the beneficiary profit from the need for perpetuity. Laldin et. al (2006) state that *waqf* "is a perpetual donation. It does not only allow the *waqif* (donor) the opportunity to gain continuous reward, but it also provides lasting benefits to the beneficiary.

The perpetual nature of the properties ensures that the donor continues to receive God's rewards as long as the properties are used by the beneficiaries and the public. For a Muslim, the purpose of *waqf* is to draw closer to God and gain His pleasure (Kuran, 2001, Siti Mashitoh, 2006a). By donating a perpetual property, the donor secures continuous religious rewards that last for as long as the property benefits the recipients. Meanwhile, perpetual properties ensure that beneficiaries and the general public can continue to benefit from them. While the donor receives intangible rewards from God, the beneficiaries gain tangible benefit through the usufruct of the property. A perpetual nature of *waqf* property ensures that the beneficiaries continue to receive the benefit indefinitely. Laldin et al (2006,) stated that the beneficiaries who depend on *waqf* properties, especially school and education centers, will be able to make a proper financial planning with the presence of perpetual income.

#### ***Irrevocability***

One of the essentials of *waqf* is Irrevocability, which connote that once a property has been declared *waqf* by its dedicator (*waqif*), it can no longer be revoked. In other words, the owner loses his or her right to convert the property to private use. *Waqf* involves stopping the use of property for private purposes, i.e. the owner's personal benefit, and 'returning' it to God specifically for the benefit of society, as mentioned in the definition. *Waqf* is regarded invalid if there is any phrase in the deed suggesting reclaim for personal use. The ownership is symbolically transferred to God for the public benefit; thereby halting private benefit. Laldinet.al (2006) state that "in principle, *waqf* is a perpetual contract where the property is symbolically owned by Allah (God)... as a result, once the property is declared as *waqf* property, it cannot be revoked anymore".

#### ***Inalienability***

The concept of the permanency of *waqf* is associated with the idea that once properties are devoted to God, they cannot be alienated, or transferred as property or rights, usually by a particular act rather than through the normal course of law. According to Kahf (2007), the inalienability could minimize, "the continual threat of property mismanagement and usufruct or revenue." He argues that *waqf* property should assist the society in many countries, "are subject to all kinds of ownership-transferring contracts by the management, as well as to litigation by others for lack of actions of managers.

Waqf is an important instrument for the social welfare of Muslims because of all of the characteristics that were previously emphasized.

## RESEARCH METHOD

The research employed an expository method to examine the role of waqf in social welfare financing in Nigeria. This approach involved an in-depth exploration and analysis of waqf as a social finance institution guided by Islamic law. By reviewing existing literature, case studies, and institutional practices, the study analyzed how waqf serves as a sustainable tool for financing charitable organizations and addressing social welfare needs. The research highlighted the potential of waqf to fill gaps in societal contributions by providing intermediation services and offering diverse social services directly or through financial institutions. Additionally, the study discussed the flexibility of waqf regulations in enabling its broad applicability. Through this methodological approach, the paper elucidated the concept of waqf, its practical applications, and its role in fostering sustainable well-being, while recommending strategies for enhancing public awareness and leveraging altruistic contributions to improve economic outcomes in targeted social segments.

## RESULTS

### Waqf Development in Nigeria

Nigeria is a country situated in Western African with more than 200 million estimated population. In Nigeria, at least half of the population are Muslims who mostly reside in Northern Nigeria. The country's Constitution does not have a Waqf legal structure. The Federal Republic of Nigeria's 1999 modified constitution presents an impasse with jurisdiction and constitutional disagreements regarding Waqf matters. For instance, the Shariah Court of Appeal has the authority to rule on appeals involving any dispute pertaining to Waqf. While Section 262 subsection 2 and paragraph (c) specify that the Shariah Court of Appeal on Waqf has jurisdiction exclusively in cases where the endower, donor, testator, or deceased was a Muslim, Section 262 subsection 1 establishes the court's jurisdiction.

Another conflicting provision of the 1999 constitution as amended is in Section 39 subsection 1 of the Land-use Act of Nigeria". All Awqaf organisations registered with the Corporate Affairs Commission (CAC), a Federal Government body, are obligated under the Companies and allied Matters Act 2020 (CAMA, 2020), to file their annual returns. This requirement adds challenges for Awqaf organisations that are primarily state-based. Likewise, there is currently no Shariah Court registry in Nigeria devoted to Awqaf properties. As a result Awqaf land or properties are registered at the State High Court Registry (Habeebah et al, 2022).

In Nigeria, waqf has not been formalized for more than a century. Individualized care has been used, which was highly typical in the nation's southwest. Prominent social contributors were Wahaab Folawiyo, who was formerly known as Baba Adinni of Nigeria due to his social advancement in the country's north, and Abiola, who was known as the Baba Adinni of Yoruba land. In addition, Arisekola made a contribution in the form of opulent structures reserved for tourists from Arab nations, particularly those traveling from Saudi Arabia. These people made significant contributions to the social and economic advancement of both the North and the South. In an effort to reduce poverty among the impoverished, shari'ah was accepted in the North during the same time as waqf institutions were formed in the late 1990s.



Waqf activities include providing financial aid to the impoverished, housing the impoverished, offering scholarships to those pursuing higher education, providing land for cultivation, providing free medical care, and purchasing and distributing tools to those in need. In an effort to reduce poverty among the impoverished, shari'ah was accepted in the North during the same time as waqf institutions were formed in the late 1990s. Waqf activities include providing financial aid to the impoverished, housing the impoverished, offering scholarships to attend primary and secondary schools, providing free medical care, purchasing and distributing tools to those in need, and land for cultivation (Ostien, 2007)

Numerous non-governmental groups that were established in the southwest of the country a few decades ago were able to provide assistance in this area; these organizations include Zakat and Sadaqat Foundation (Z&S) (Lagos, Ogun, Osun, Ogun, Oyo), Ar-Rahmah Zakat Foundation (Ogun), Forum for Islamic Education and Welfare (Lagos), Nasfat Agency for Zakat and Sadaqat (NAZAS) (Lagos), Muslim Welfare Fund (MUWELF) (Lagos), As-Salam development foundation (Ogun), Al-Hayat Relief Foundation (Ogun, Oyo, Osun, Lagos, Kwara,). These organizations have established schools, hospitals, boreholes, mosques, wells, and other social relief facilities with the help of their members via waqf (Oyedokun 2023).

Several states and non-governmental organizations involved in Waqf administration can be found in the northern region of the country, which includes the federal capital territory. These include (1) Zakat and Sadaqat Foundation (ZSF) – Kano, (2) Jaiz Zakat and Waqf Trust Fund – Abuja, (3) Kano State Zakat and Endowment Board – Kano, (4) Sokoto State Zakat and Endowment Committee – Sokoto, (5) Jigawa State Zakat and Endowment Board – Dutse, (6) Zakat Foundation of Nigeria (ZFON) – Abuja, (7) Islamic Education Trust (IET) – Minna, and (8) Muslim Aid Nigeria – Abuja

To systematize the management and administration of Waqf, a few of the nation's practitioners of both Zakat and Waqf were together. With the approval of the Sultan of Sokoto, His Eminence Alhaji Sa'ad Abubakar, CFR (Commander of the Order of the Federal Republic), the Association of Zakat and Waqf Operators in Nigeria was founded, gaining the abbreviation AZAWAN (Is-haq, 2015). This organization acts as a national umbrella for all Zakat and Awqaf institutions, coordinating and integrating them all under one roof, while also establishing standards and recording contributions from each institution (Habeebah et al, 2022).

Numerous organizations have emerged as a result of Nigeria's Waqf development, and a number of northern states are in charge of managing the nation's Waqf. Their financial contributions to social welfare are crucial to the socioeconomic development of Muslims in the nation.

The significance of waqf in supporting social welfare activities in Nigeria, especially those related to healthcare and education, is emphasized by Aliyu (2017). According to Ahmed (2018), waqf can be a major source of funding for social welfare initiatives in Nigeria, especially those that deal with healthcare and education. Abdulkadir (2019), was of the opinion that waqf can be utilized to address social welfare issues in Nigeria, specifically those pertaining to healthcare, education, and reducing poverty. Oseni (2019) suggests that waqf can be used to address poverty and inequality in Nigeria by providing financial support to vulnerable groups. According to Yusuf (2020), waqf can be a vital source of finance for social welfare projects in Nigeria because it offers a steady stream of income. In Nigeria, waqf is a crucial tool for funding social welfare initiatives, especially in the following sectors: Poverty reduction, Healthcare, Education All of the scholars—Aliyu, Ahmed, Abdulkadir, Oseni, and Yusuf, unanimously agreed that waqf, by offering a

steady stream of income, can play a major, vital, and important role in tackling social welfare issues in Nigeria. Waqf should therefore be explored and used as a funding source for promoting social welfare programs in Nigeria.

## DISCUSSION

Social welfare, from an Islamic perspective, encompasses the well-being and prosperity of individuals and society, guided by Islamic teachings and values. Key objectives of social welfare include poverty alleviation, economic empowerment, education, healthcare, social justice, and environmental conservation. Among the mechanisms designed to achieve these goals is waqf, an Islamic institution that ensures charitable acts continue to benefit society perpetually. Through waqf, assets are dedicated for public benefit, such as building and maintaining mosques, schools, and hospitals, and supporting education, healthcare, and other welfare programs. Recognized as *sadaqah jariyah* (perpetual charity), waqf provides continuous rewards to donors even after their passing. Historically, waqf has significantly fostered the growth of social and cultural institutions across Islamic societies.

In Nigeria, waqf plays a critical role in funding social welfare initiatives. It serves as a vital tool for poverty reduction, particularly by providing quality education, healthcare, and employment opportunities. Waqf also finances social services and contributes to economic development through resources for projects and services. Complementing government efforts, waqf has been particularly effective during crises, such as the COVID-19 pandemic. Furthermore, as part of Islamic social finance, waqf offers a faith-based and non-conventional model for addressing poverty and inequality, demonstrating its potential for broader adoption by government and civil society organizations.

Several notable *waqf*-funded social projects exist in Nigeria. For instance, the Sultan Bello Mosque Waqf Fund supports education and healthcare in Sokoto State (Muhammad A., 2019). Similarly, the Abuja National Mosque Waqf Fund finances education, healthcare, and poverty alleviation programs (Aliyu, 2020), while the Lagos State Waqf Fund aids orphans, widows, and underprivileged communities through empowerment programs (Abdulrahman, 2018). Other examples include the Kano State Waqf Fund, University of Ilorin Waqf Fund, and the Zamfara State Waqf Fund, all of which address diverse social needs such as water supply, education, and healthcare (Bashir, 2019; Muhammad, 2020).

Corporate initiatives have also emerged, such as the Jaiz Charity and Development Foundation's *Waqfu Nuqud* schemes, valued at over N1.3 billion, designed to support insurance, investment, and halal certification ventures (Habeebah et al., 2022). Additionally, individual contributors have played a significant role in advancing social welfare financing through waqf. These efforts collectively highlight the transformative potential of *waqf* in addressing social challenges and fostering sustainable development in Nigeria.

## CONCLUSION

Waqf has received more attention in the past few decades and has aided in funding the nation's Muslim community's social welfare programs. Waqf as a source of social welfare financing is fast gaining acceptance in Nigeria and all over the world. However, there's still a need for more advocacy on the concept of Waqf and its administration in line with modern techniques and practices.

In order to support the growth and development of Muslims in Nigeria as a whole, it is crucial to give the institution greater attention through contributions and policies that would enable it to flourish using social media, forums, brochures, local and regional conferences, and other means to increase public awareness of the value of waqf and its role in the social sector. To expedite its impact, there is a need to change the laws and processes pertaining to the management of waqf institutions in Nigeria. There have to be more organizations in charge of managing waqf contributions made through various economic initiatives.

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## DECLARATION OF CONFLICTING INTERESTS

The authors declared no potential conflicts of interest.

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Idowu Khadijah Adeola is a distinguished lecturer and researcher at Lagos State University, one of Nigeria's leading institutions of higher learning. As a committed educator, Idowu actively fosters the development of her students, preparing them to navigate the complexities of today's global landscape. Her teaching style emphasizes critical thinking, practical applications, and innovative problem-solving skills.

In addition to her academic duties, Idowu Khadijah Adeola collaborates with industry stakeholders, applying her research to address real-world issues. Her contributions to both the academic and professional sectors make her a respected and influential figure in the academic community of Lagos State University

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Oyedokun Olaitan Azeez is a distinguished lecturer and researcher at Lagos State University (LASU), a leading institution located in Lagos, Nigeria. Beyond his academic responsibilities, Oyedokun is dedicated to mentorship and the personal development of his students. He incorporates cutting-edge research and real-world case studies into his teaching, ensuring that his students are well-prepared for the challenges they will face in their professional careers. Additionally, Oyedokun actively collaborates with various industry stakeholders, policymakers, and academic institutions to promote applied research and innovations that can address pressing societal issues. His passion for education, research, and community development has earned him recognition both within and outside the university.

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Sikiru Taoheed Oladehinde is a distinguished lecturer and researcher at Lagos State University (LASU), Nigeria. In the classroom, Dr. Oladehinde is known for his engaging teaching methods and commitment to developing the next generation of scholars and professionals. He emphasizes critical thinking and real-world applications, ensuring his students are well-prepared to tackle the complex challenges of today's world. Beyond his academic achievements, Dr. Oladehinde actively collaborates with industry professionals and government agencies, applying his research to inform policy decisions and improve societal outcomes. His work is a testament to his dedication to fostering sustainable development and social progress. As a respected academic and thought leader, Sikiru Taoheed Oladehinde continues to make invaluable contributions to the academic community at Lagos State University and in his field at large.