

Unveiling Success Factors of Strata Waqf Development: Evidence from Penang, Malaysia

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Abstract

The strata waqf scheme is an innovative approach to waqf properties which are owned by individuals or organizations under the concept of waqf. Penang is the first state in Malaysia which successfully implemented this scheme. However, the development process of the strata waqf scheme differs from conventional strata schemes due to distinct legal and procedural requirements. The aim of this study is to identify the processes of strata waqf scheme development and factors that influence the success of strata waqf scheme development in Penang. A qualitative study was conducted through interviews with the stakeholders and analyzing with thematic analysis. The findings of the study found that clear legislation and governance, growth economic and technology incorporation are essential for successful waqf development. Furthermore, economic conditions have a direct impact on the viability of waqf land development, therefore both the public and private sectors must be involved. However, the implementation of strata waqf scheme development remains limited in Malaysia. Given Penang's success, similar development might successfully introduce a strata-based development strategy throughout Malaysia that satisfies the requirements of the population while ensuring a practical and sustainable approach to waqf land.

Keywords: Waqf Development, Waqf Governance, Property Development, Strata Waqf, Sustainability

Introduction

The term waqf originates from the Arabic verb 'waqafa', meaning to stop, prevent or withhold. In Islamic jurisprudence, waqf denotes a unique institution whereby a person dedicates an asset, typically property or land, to a charitable or religious purpose (Abas & Raji, 2018; Dahlia & Haslindar, 2013; Kahf, 2003; Sadeq, 2002; Raissouni, 2001). This dedication entails the permanent preservation of the asset, prohibiting its sale, transfer or use beyond the specified beneficent objectives. Importantly, waqf assets are meant to be perpetual; their benefits can be continually derived without diminishing the original property. Consequently, waqf is fundamentally associated with immovable properties like buildings and land as stated

by Kahf (2003), which can provide enduring social and economic benefits aligned with Islamic charitable principles.

Therefore, waqf development is a unique fusion of saving and investing. It works by reducing the use of some resources and repurposing them as productive assets that boost the economy's capital accumulation. According to the waqf principle of perpetuity, an asset may not be sold or otherwise disposed of (Sanusi & Shafiai, 2015; Budiman & Kusuma, 2011). It should always be within the waqf's authority. Kahf (1999) and Sanusi & Shafiai (2015) mentioned that waqf properties will continue to grow while also being prevented from decreasing because it is forbidden to use them or to leave them idle by any kind of neglect, violation or action. As a result, the waqf is not just an investment; it is also an increasing and cumulative investment (Ismail et al., 2019; Budiman, 2014; Budiman & Kusuma, 2011; Kahf, 1999). This practice can result in a responsible, helpful and loving character, which is something that Islam encourages, from the perspective of waqf growth. Therefore, the development of waqf properties is imperative to realize their core Islamic objectives, which encompass perpetual charitable benefits, community welfare and socioeconomic sustainability. In Malaysia, this necessitates strategic interventions by waqf institutions, such as State Islamic Religious Councils (SIRC), alongside contributions from communities and individuals through mechanisms like joint ventures, leasing and cash waqf schemes. Recent studies affirm that such collaborative approaches enhance asset optimization while ensuring Shariah compliance, thereby maximizing long-term returns for beneficiaries (Ishak et al., 2025; Daud et al., 2022). This research paper will examine the processes of strata waqf scheme development and the key factors influencing the success of these schemes in Penang.

Strata Waqf Development

Waqf Development

Waqf development widely refers to the possession of some property, its preservation for the limited benefit of particular philanthropies, and the prohibition of its use or disposition for purposes other than those specified. In short, it is the process of improving waqf assets to provide benefits while maintaining the property and the donor's objectives are met (Sayoti & Omar, 2025; Hassan et al., 2020; Kahf, 2003). In Malaysia, waqf falls under state jurisdiction as stipulated by the Federal Constitution, Ninth Schedule, List II (State List), granting states exclusive authority to legislate on waqf matters (Article 74). To date, only five states consist of Selangor, Melaka, Negeri Sembilan, Perak and Terengganu have enacted specific waqf legislation (Federal Constitution of Malaysia, Ninth Schedule, List II, Article 74). In states without a dedicated Islamic governance body, such as Sabah, Sarawak, Melaka and Penang, the Yang di-Pertua of the State holds the highest authority on Islamic affairs. In other states, waqf issues are managed by the respective State Islamic Religious Councils (SIRCs) (Azmi et al., 2017; Latif & Bahrom, 2008).

In Penang, the potential for development of 254,157 acres of waqf land is evidence of Penang Waqf's substantial and plentiful assets. To safeguard the welfare of the ummah through the provision of physical infrastructure and services in religion, education, health, agriculture and commerce, while also supporting the underprivileged, Malaysia, as an Islamic nation, is actively engaged in the planning and execution of the waqf property development initiative (Yusof & Sheh, 2024; Rahman, 2009). The waqf manager, who is typically referred to as Mutawalli, Nazir or Qayyim, is responsible for managing the waqf property in the

beneficiaries' most beneficial way. Mutawalli's primary responsibility is to protect the property, which is followed by maximizing the beneficiaries' income (Kahf, 2003).

A significant example of waqf growth in Malaysia is the founding of Madrasah Al-'Attas in Johor Bahru in 1913 by Habib Hassan al-'Attas, a prominent Arab figure who played a crucial role in establishing many Arabic schools in Malaya (Latiff, 2022). Madrasah al-Attas has produced several scholars, politicians, lecturers and officials. As an international exemplar, Masjid Omar Kampong Melaka which is the Singapore's oldest surviving mosque, illustrates an early waqf initiative in the region. Funded by Syed Sharif Omar Ali Aljunied, a Yemeni-Arab merchant and philanthropist who arrived around 1820, this wooden structure was later rebuilt in brick by his son in 1855, demonstrating the enduring commitment to waqf preservation amid urban redevelopment pressures (Bakar, 2024). Such historical precedents underscore the potential of waqf in sustaining religious and community infrastructure across Southeast Asia.

Success Factors of Waqf Development

The efficacy of waqf development hinges on several interrelated factors. Sari et al. (2015) identifies waqf management as a pivotal element in ensuring the physical expansion of waqf assets, noting that inconsistent administration often precipitates disputes in asset oversight (Abd Malib et al., 2015 cited in Baharuddin Sayin, 2015). Recent studies shown effective management practices, exemplified by the myWakaf initiative which is a collaborative model involving SIRC's and Islamic banks, demonstrate how standardized governance, professional mutawalli training and transparent reporting enhance accountability and mitigate operational inefficiencies across Malaysian waqf institutions (Aman et al., 2024; Ali & Markom, 2020; Sharip et al., 2019).

Financial resources constitute another critical determinant, indispensable for surmounting economic barriers to successful waqf initiatives; for instance, Khoo (1980) documents the construction of Sultan Zainal Abidin University (UniSZA) on waqf land donated by private benefactors. Sipan et al. (2021), Ali & Markom (2020) and Sulaiman & Zakari (2015) indicated the financial sustainability is further bolstered through diversified funding mechanisms such as cash waqf-linked sukuk, crowdfunding and public-private partnerships, which address liquidity shortages for maintenance and development, as evidenced in commercial waqf properties where tenancy management directly impacts revenue generation and long-term viability.

Moreover, the integration of technology via digital platforms for collection and administration, accelerates the transformation of waqf into productive, efficient and transparent models (Thamrin et al., 2021). Technological adoption, including blockchain for immutable records and centralized databases like those proposed for SIRC's, streamlines donor tracking, asset monitoring and Shariah-compliant reporting, significantly reducing administrative disputes and boosting public trust in initiatives such as tahfiz institutions' cash waqf systems (Sundari et al., 2025; Mahomed et al., 2023; Kamaruddin, 2018).

Strata Waqf Development

Strata waqf development was initially implemented in Penang, but it quickly gained acceptance and spread to neighbouring states such as Perak and Terengganu, demonstrating

the model's enormous potential to boost the sustainable and strategic use of waqf assets. This development is an approach of turning waqf land into multi-unit structures, with the underlying property remaining waqf while individual units (strata titles) are managed or leased. By allowing the vertical construction of residential apartments, business buildings and office spaces on waqf property, this strategy maximizes the economic potential of scarce waqf assets, especially in urban regions (Bakar et al., 2021; Bello et al., 2020). Vertical development refers to stratified development that has been developed by the Penang State Islamic Religious Council (MAINPP) on several waqf lands. By allowing for flexibility in both income production and usage, strata waqf allows the intended beneficiaries of the waqf to earn a steady income through the sale or rental of strata apartments (as permitted by Shariah) while maintaining perpetual ownership of the land ('ayn). Additionally, it facilitates greater integration into urban planning and effective asset management, particularly in land-constrained areas (Bahari and Mat Hassan, 2016).

Penang has successfully seen the development of five notable strata waqf projects: Taman Wakaf Seetee Aisah, Pangsapuri Wakaf Seetee Aisah, Pangsapuri An-Nur Wakaf, Pangsapuri Wakaf Mohamed Hashim and Pangsapuri Wakaf Khan Mohamed (Penang Land and Mining Office, 2025). Among these, Pangsapuri Wakaf Khan Mohamed in George Town, comprising 32 parcels and officially recorded on 25th April 2011, represents the earliest documented strata waqf development. The most recent project, Pangsapuri Wakaf An-Nur in North Seberang Perai, covers 120 parcels and was registered on 28th November 2024 (Penang Land and Mining Office, 2025).

These projects' success is attributed significantly to their strategic locations in neighborhoods with proximity to public amenities and established residential zones, thereby attracting strong investor interest. The high demand for these strata units has incentivized investors to lease units on waqf lands, fostering not only the economic viability of individual projects but also exerting a positive ripple effect on the broader waqf development ecosystem in Penang. Additionally, these developments contribute to urban regeneration, offering affordable housing options while sustaining the waqf assets for perpetuity under Islamic law, aligning with socio-economic objectives advocated by MAINPP's property development strategies. The progression underscores Penang's role as a pioneering state in Malaysia for integrating waqf with contemporary urban housing demands, marking a model for scalable and sustainable waqf property development.

Research Methodology

A research methodology refers to a set of methods used in the implementation of a research to ensure that the data obtained is valid, accurate and relevant to the study objectives. In this research, a qualitative approach was chosen as the main method, given the nature of the study that requires in-depth study of issues and views of various parties. Research data was obtained through a combination of primary and secondary data. Primary data was collected through semi-structured interviews, while secondary data was obtained from sources such as academic literature, official government reports, news articles, and previous case studies. The use of secondary data helps to strengthen the findings from the interviews and provide a comprehensive picture of the implementation of strata waqf development. Semi-structured interviews were chosen because this approach is flexible and allows researchers to respond to new information that may arise during the interview session. This format allows

researchers to ask prepared questions and encourage respondents to share their views openly, thus producing in-depth and information-rich qualitative data. This approach is very effective in understanding the process of developing the strata waqf scheme and the success factors influencing the strata waqf scheme in Penang.

This study engaged officers from the Penang State Islamic Religious Council (MAINPP) which is the sole trustee responsible for waqf administration and development in the state as the key respondents, given their direct role in proposing, overseeing and implementing strata waqf projects. Interviews also conducted on two land administrators from Penang Land and Mining Office, as well as two officers from UDA Holdings Berhad to obtain the insight regarding land administration practice of strata waqf development. Table 1 shows the detail of interviewees, each assigned a unique alphanumeric code (e.g., R1, R2) to anonymize identities, ensure confidentiality and streamline subsequent thematic analysis and cross-referencing of responses.

Table 1
List of Respondents

Respondent	Designation	Institution
R1	Officer	Penang Land and Mining Office
R2	Senior Assistant Director	Penang Land and Mining Office
R3	Head of Strategic, Development and Compliance Division	UDA Holdings Berhad
R4	Assistant Vice President (2) Sales and Marketing Department	UDA Holdings Berhad
R5	Business Development and Investment Unit Officer Real Estate	Wakaf Land Development Division of the Penang Islamic Religious Council

Research Findings and Discussion

The process of a waqf strata development follows a certain procedure and success factors of strata waqf development that are involved. In order for the waqf property to not only achieve its religious and philanthropic goals but also to sustainably and Shariah-compliant support economic development and social welfare, proper planning and cooperation are crucial.

Strata Waqf Development Process

Strata waqf development follows the same steps as conventional strata development, which include preparing a parcel schedule, obtaining a Planning Permission and getting the Certificate of Proposed Strata Plan (CPSP) approved as in Figure 1. Strata waqf development differs from conventional strata development, nonetheless, due to a number of particular circumstances. According to Section 14A of the National Land Code 1965 (NLC), this development prohibits both sale and buy transactions as well as any transfer of property ownership. Only Muslims have the right to lease land (Section 15A of the NLC), and waqf land cannot be mortgaged. According to R3, the lease offered has a 99-year term, and any loan financing (end financing) must adhere to the Ijarah-based Islamic financing concept.

Three waqf land developments in Penang which are Pangsapuri Wakaf Mohamed Hashim, Pangsapuri Wakaf Khan Mohamed and Pangsapuri Wakaf An-Nur had employed the strata lease scheme, whereby lessees hold 99-year leasehold interests on waqf-owned strata titles

while the underlying freehold remains vested in the MAINPP. Construction of these buildings has been fully completed, enabling operational leasing and revenue generation in alignment with Shariah-compliant asset preservation principles. However, strata titles have been issued solely for Pangsapuri Wakaf Mohamed Hashim and Pangsapuri Wakaf Khan Mohamed to date. The subdivision of Pangsapuri Wakaf Khan Mohamed adhered to the pre-amendment Strata Titles Act 1985, prior to its revision under Act A1450 in 2015, which introduced enhanced provisions for strata lease schemes on waqf lands. In contrast, the approval process for the SiFUS application related to Pangsapuri Wakaf Mohamad Hashim encountered delays due to the necessity for multiple revisions of the building plan and planning permissions to ensure full compliance with waqf principles and regulatory requirements.

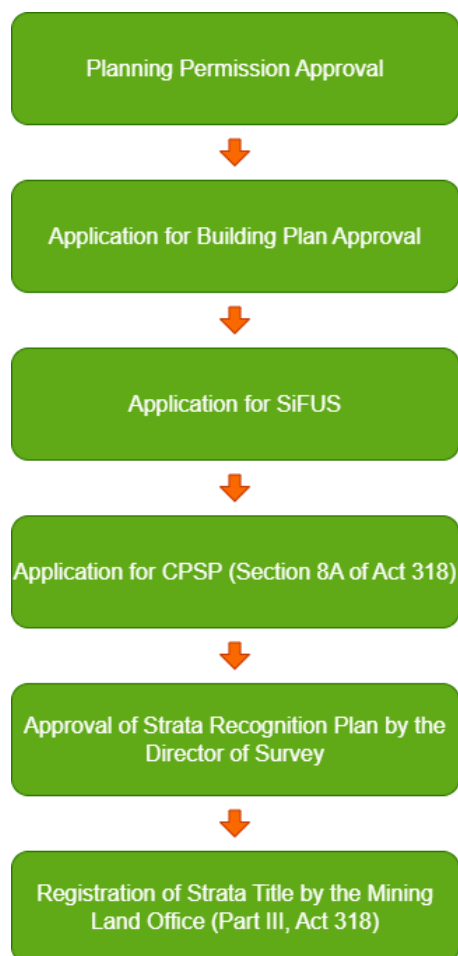


Figure 1. The Process of Strata Waqf Development (Penang Land and Mines Office, 2025)

According to R2, the procedure for acquiring a strata waqf development in Penang is similar to strata scheme development, as shown in the flowchart. In accordance with Section 21, Act 172, the first steps in the procedure are the appointment of a licensed land surveyor and the obtaining of planning permission. The building plan is approved if there is a stratum scheme included in the development. Following approval, an application for workbook and lot numbers is submitted along with a deposit for the survey price. A parcel schedule is next created, and then the Certificate of Share Unit Formula (SiFUS) application is submitted. The parcel schedule is submitted to the Commissioner of Buildings (COB) when it has been approved. If approved, parcel sales can start while the superstructure stage of construction is

ongoing. When the developer reaches the superstructure stage, they apply for the CPSP under Section 8A, Act 318 and notify the Land and Mines Office. An application for strata title (Section 9, Act 318) is filed after CPSP is authorized, together with the necessary paperwork and funds. Upon the completion of the application review by the Director of the State Land and Mines Office and the Director of Survey, the Department of Survey and Mapping Malaysia proceeds with the preparation of the strata title plans. The process culminates in the registration of the strata titles by the Land and Mines Office, which formally grants the parcel owners vacant possession of their respective units, thereby enabling lawful ownership and use. In strata waqf development, this procedure is crucial since it permits legal supervision of multi-unit waqf buildings while protecting the waqf land.

Success Factors of Strata Waqf Development

Strata waqf development success is based on a number of interconnected factors that impact the development's sustainability, efficiency and Shariah compliance. These elements ensure that waqf properties are developed in line with Islamic law while also promoting long-term value development, social well-being and economic growth.

Governance and Waqf Management Factors

MAINPP is the sole institution that in charge of waqf management and administration. As the only trustee of waqf property, MAINPP certainly faces a number of difficulties in managing it, particularly when other parties' cooperation is required according to R1. Effective governance is crucial to guaranteeing that all parties fulfill their obligations in a responsible, transparent and effective manner. The socio-economic aspects of the Islamic ummah can be developed by efficient waqf management and administration.

Agency's Goals

R3's interviews indicate that the objectives and intentions of the organizations engaged in waqf strata development contribute to the development's success. The sincerity and dedication of the agency in advancing the needs of the ummah, particularly to strengthen the Bumiputera economy, are critical to the success of a waqf initiative. The project's sustainability will be enhanced by having specific objectives including raising money for more development, increasing the community's advantages from waqf, and providing Muslims with a model of effective waqf management. Additionally, agencies are motivated to behave with more accountability and honesty by the need to satisfy religious requirements and maximize the potential of waqf land.

Stakeholder Involvement

According to R3, the term "entities" describes organizations or people who are either directly or indirectly involved in the creation of waqf. The development of strata waqf involves multiple key stakeholders, including MAINPP, which functions as the waqf trustee; real estate developers experienced in strata construction; local authorities responsible for regulatory approval; the Ministry of Housing and Local Government and the local community, which benefits from waqf and provides social support. The facilitation and successful execution of waqf development projects fundamentally depend on the degree of effective collaboration and coordination among these diverse entities, underscoring the critical importance of multi-stakeholder engagement in ensuring the viability and sustainability of strata waqf initiatives.

Resilience and Consistency

R3 also noted that the strata waqf development process is inherently protracted and intricate, requiring substantial patience which is manifested through resilience and unwavering consistency in order to achieve success amid persistent regulatory, administrative and coordination challenges, particularly when multiple agencies are involved and sharia and civil laws must be adhered. Furthermore, it typically takes a few years for waqf projects to yield a return on investment, which calls for patience from all stakeholders, including waqf institutions, developers and beneficiary communities.

Economic and Property Market Factors

Datuk Seri Dr. Mohd Uzir Mahidin, Malaysia's Chief Statistician, anticipates that Penang will grow by 3.3 percent in 2023. Penang has had tremendous economic, social and infrastructural advancement, establishing itself as a principal center for trade and tourism in northern Peninsular Malaysia. Numerous domestic and foreign investors have been attracted to this development to invest in and develop properties in strategic places such as George Town, Bayan Lepas and Seberang Perai. This situation has led to a significant increase in land values in Penang, especially in urban and industrial areas.

Strategic Location

Location remains paramount, encompassing accessibility to essential infrastructure such as roads, public transport and social amenities alongside adequate land size, as these directly determine the project's growth potential and market value. Pre-execution feasibility studies are indispensable for assessing risks, development costs and prospective returns. Land zoning regulations further necessitate conversion processes for agricultural waqf lands to enable residential strata use. Ultimately, integrating economic viability which is through land status evaluation, cost management and strategic positioning, to ensure optimal utilization and sustained returns for strata waqf initiatives.

Increased in Demand

The success of strata waqf development critically hinges on market demand, as the level of demand for completed property units directly governs the project's long-term sustainability and revenue generation potential. This demand is influenced by a number of factors, including the local population density, consumer spending power, and the demand for particular property kinds in the neighborhood. There is a higher chance that the units will be sold or rented if the project is built in a high-demand neighborhood, guaranteeing a steady income flow. However, a low level of demand could result in an excess of unsold units, which would strain the waqf institution's finances. To ensure that the waqf land is used efficiently and continues to serve the community, a thorough market demand analysis must be conducted prior to beginning development according to R2.

Financing and Investment Climate

R3 emphasized that since strata waqf development depends on having enough capital and funds, financing and investment climate is a major determinant of its success. A key factor in guaranteeing the sustainability of development is the availability of Islamic financing or other funding sources for waqf projects. The Tabarru' scheme, characterized by voluntary donations without expectation of return, is a vital funding mechanism for welfare initiatives such as waqf development. Currently, this program is offered by three major Islamic financial institutions

which are Bank Islam, Bank Muamalat and Bank Rakyat. Notably, Maybank has recently expressed interest in participating, suggesting a forthcoming expansion in the sources of funding available for waqf projects, which holds promise for enhancing financial sustainability and reach. Development potential is also influenced by investor confidence and money availability, as long-term sustainability and competitiveness are enhanced by ventures with strong financial backing. Thus, a favorable investment environment and a range of Islamic financing choices are crucial factors in the development of strata waqf.

Conclusion

In summary, the development of strata waqf is a proactive and innovative step in an effort to maximize the economic potential of waqf land without compromising the basic principle of waqf which prohibits transfer of ownership. This model has been proven to be shariah-compliant and has been approved by the Penang State Fatwa Committee, thus providing confidence from a religious and legal perspective. The impact of the implementation of this strata waqf development is very positive, as it not only generates multiple returns to the waqf through leasing, but the funds can also be used to develop more waqf land in other locations. Furthermore, the selection of strategic locations and high demand for strata units make this development competitive in the current property market. Overall, strata waqf development is a sustainable, shariah-compliant development model, with great potential in empowering the Muslim economy in the long term.

Theoretically, this study contributes to the body of knowledge on waqf development by integrating the principles of conventional strata development under civil law with Shariah law governing waqf property development. It provides a structured framework that clarifies the specific approval criteria required for strata waqf development, thereby enriching the interdisciplinary discourse between Islamic endowment jurisprudence and theoretical foundation of property development. In context, this study contributes to the practical development of strata waqf by identifying and detailing the key factors that influence the successful implementation of strata waqf development in Malaysia. These findings serve as a valuable reference for policymakers, waqf institutions and property developers in promoting and facilitating sustainable waqf real estate development within the Malaysian context.

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