

Islamic Unit Trust Waqf: References from PMB Investment Berhad

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Abstract

Purpose: Development of the industry in the form of collective investment has become an important factor in the Malaysian Financial System, especially the industry in the field of unit trusts. Islamic unit trusts prioritise quantitative and qualitative criteria set by Syariah guidelines. Waqf is a way to help the socio-economy development of the ummah and investment is an initiative to grow one's assets. This study displays a waqf model of Islamic unit trust that has been launched by PMB Investment Berhad (PMBI) to expand and sustain the existing waqf assets.

Design/methodology/approach: This study was used a qualitative approach by focus group and web-based document to gain in-depth understanding of waqf mechanism that apply in unit trust investment and the benefits consist of asset or investment growth, investment protection via takaful coverage and charitable endowment under Islamic law (waqf).

Findings: The result of this study found a new framework of unit trust waqf model that consist of three elements of waqf that contribute from income distribution, management fee and takaful protection.

Research limitations/implications: The findings of the present study indicate that unit trust waqf concept are the important determinants on the sustainability of Waqf institutions with innovation instrument of investment to develop and sustain waqf assets.

Practical implications: The findings of this study can help Islamic Fund Management company and unit trust industry to diversify and multiply new waqf funds with the privileges of waqf combine elements of investment and takaful.

Originality/value: This framework is important in the process of helping and developing the socio-economy of the ummah and it can be used as a reference in efforts to further develop ideas and research on waqf by investment and takaful in the future.

Paper type: Concept paper

Keywords: Malaysia, Investment, Islamic unit trust, Unit trust waqf, Mutual fund, Syariah



Introduction

Wakaf is not limited to traditional methods that only focus on immovable wakaf such as wakaf of land, cemeteries, mosque development, madrasah development and pondoks. In fact, it is also seen in the context of movable wakaf such as cash, shares, REITS, wakaf takaful hibah plans, sukuk, bonds and others. Mahamood (2007) found that there are still many communities that practice waqf immovable like property compared to movable waqf. If we look at the selection of waqif (person/s who participated in waqf), it was concluded that many studies state that waqif prefers to choose waqf specifically with elements that are considered purely religious, such as waqf for cemeteries, school development and mosques (Mahamood, 2007; Mohiddin, 2017). The narrowness of such thinking causes the contribution of waqf for other purposes to be much less than waqf focused on religion (Mohiddin, 2017). Mohamad Zaim et al. (2015) supported the statement assuming that there are still many people who are narrowminded and unaware of the importance of waqf today. This means that the community still views the practice of waqf as more traditional, that is, waqf on immovable or permanent assets. Among the proposals that have been studied and debated to identify the best instruments to expand cash waqf is through the investment of Islamic financial funds and takaful hibah to preserve cash waqf funds.

Sulaiman et al. (2019) through the statement of Siswantoro and Dewi (2011) showed that unit trust endowment fund is not something new because Indonesia has created this fund since 2004 by placing an initial capital of 80% in Sukuk and the rest of the capital in the Islamic financial markets. In fact, there is a takaful insurance product in Indonesia that has been value-added so that takaful participants can provide waqf benefits obtained through takaful insurance and investment profits to be channelled to those in need. The product is a shariah plan insurance product from Sun Life Financial Indonesia, named Asuransi Brilliance Hasanah Maxima to give the public the opportunity to commit to waqf where the benefits are obtained through takaful benefits and investment profits (Sun Life Financial Indonesia Website, 2018). The strategy combines takaful and investment plans to distribute the benefits of wakaf from takaful participants to several sectors, namely education, economy, and health.

In Malaysia, there are also several Sunlife Takaful Malaysia companies that have the same waqf concept as Takaful Mulia products through collaboration with the banking company CIMB Islamic Berhad and Yayasan Wakaf Malaysia. There are also other companies that offer hibah takaful plans such as Takaful Ikhlas, Prudential BSN Takaful and others. Most of the results from the author's reading, takaful companies in Malaysia are still lacking in adding value to their products with investment elements that can further expand waqf assets as in Indonesia which has experience in producing unit trust investment fund products that have waqf elements and takaful insurance products there also has a waqf element. Even in Indonesia, the concept of waqf has been implemented through a mechanism of combining elements of takaful and investment to produce a product that gives people the opportunity to waqf. Modern and highly relevant contemporary waqf products as a collective mechanism to increase the value of waqf property in order to optimise the development of waqf assets to a better and productive level (Sulaiman, 2012).

Literature Review

The Concept of Waqf

The original Malay word wakaf comes from the Arabic language that is waqf with the derivative word masdar and the verb waqafa (Asmak, 2009; Hashim et al., 2016). Where the word waqafa (stop) carries various meanings that is to withhold al-habs and withhold al-man '(Mahamood, 2007; Hashim et al., 2016). Based on the view (Haji Othman, 1982) expressed in (Salleh et al., 2006), this term waqf is not explicitly stated in any of the dalil Kitab al Furqan



and also the hadith of Rasulullah S.A.W. They also state that the fuqaha interpret waqf as the practice of sadaqah jariyah which indicates a practice of handing over property during one's lifetime and its benefits remain forever.

Mahamood (2001) emphasises that in terms of terminology in Islamic law, waqf is defined as visible property (sarih) or insinuation (kinayah), in other words, the property is withheld from its use, and the derived benefits are only used for charity for specific or general purposes.

In English, waqf means confinement i.e. segregation or abstinence, or prohibition i.e. prohibition (Oxford Islamic Studies Online; John, 2004). While in terms of terminology by the English dictionary referred from The New Palgrave Dictionary of Economics also explains waqf means "an unincorporated trust established under Islamic law by an individual owner of immovable property for the perpetual provision of a service". Similarly, it means a trust that is not incorporated and established under Islamic law by individual owners who own immovable property for the provision of ongoing services (Durlauf et al., 2008). While the word wakaf in Kamus Dewan is a donation to be used by the public and provides needs to the religion that is Islam, an example of waqf is developing a mosque or madrasah for the use of the ummah (Iskandar, 2000).

Definition of Investment

Investment is not an unfamiliar subject to Malaysians. It is an activity that is engaged in by all groups either directly or indirectly. Kamus Dewan (2007), points out that investment is an effort in a transaction or a purchase with a certain amount of money to be invested in the hope of providing a multiplied profit returns. In other words, investment is an activity with the hope of generating a return from the investment of capital or funds invested (Ramli, 2010). According to the Federal-Chambers dictionary: Advanced English Dictionary: English-English-Malay (2013) in English terms that is "invest or investment" is seen as a way of buying by using money to get a better return on investment. It can also be translated apart from money as time, effort, and energy simply to get good results as a success. In fact, it can also be bestowed through a person's power in bestowing the result of his work on something that he has done (M. Hawkins, 1991).

According to the definition by Ismail (1994), investment can be classified into two, namely from a social and economic perspective. From the social aspect, the increase in wealth affects one's wealth. While the economic aspect refers to the future profit earnings starting from the fund's investment in the present.

Definition of Unit Trust Investment

Abdullah and Shari (2019), the unit trust industry in Malaysia has existed since 1959 and it is a fast growing investment with significant growth. The English terms used are unit trusts in the United Kingdom (U.K.) and mutual funds in the United States (Julia, 2020). Unit trust is a form of collective investment scheme established under a trust deed, an investment that is openended and has a specific investment objective to determine the purpose and limits of management (Lembaga Hasil Dalam Negeri Malaysia, 2013). In other words, unit trusts are also accumulated investment schemes by investors who have the same goals as the funds are combined in one common trust to be managed by professional fund managers (Razaman, 2010).

Definition of Islamic Unit Trust Investment

Islamic and conventional unit trusts have a difference in stock counters where Islamic unit trusts attach great importance to Islamic principles in all aspects of stock activities and trading. Conventional unit trusts, on the other hand, are open in choosing between debt-related



investments and profitable investments and invest in a spectrum of all existing industries without any conditions and guidelines imposed. Compared to Islamic unit trusts which prioritise quantitative and qualitative criteria set by Shariah guidelines. Typically, the risk of Islamic unit trusts is lower than that of conventional unit trusts, while the returns of conventional unit trusts are higher than that of Islamic unit trusts (Karent Hunt-Ahmed, 2013). In managing Islamic or Syariah unit trust funds there are several things that need to be managed according to Syariah guidelines that have been set including fund objectives, investment strategies, operations and management, documentation, channels and activities, accounts, and reports (Othman & Ramli, 2018). The syariah principles published in PMB Investment Berhad's prospectus are that the fund must exclude conventional banking, insurance and financial institutions, gambling, alcoholic beverages, non-halal food products, interest from money market instruments and securities or as determined by the Commission's Shariah Adviser Securities or international bodies setting Syariah standards (if applicable).

Therefore, the definition that can be formulated for an Islamic unit trust waqf is a venture in a transaction or a purchase of shares in the form of a collective fund managed by a fund manager to be invested in accordance with shariah principles in the hope of providing multiple profit returns to investors and waqf assets for the benefit of the ummah.

Fatwas and Shariah Compliant on Unit Trust Waqf International Fatwas

The Council of the International Academy of Islamic Fiqh (Majma 'Fiqh) in its 19th meeting in 2009 in the United Arab Emirates, in its resolution number 181 has decided on the permissibility to endow financial assets including unit trusts, shares, sukuk, intangible rights (al-huquq al -ma'nawiyyah) and the following benefits:

"It is permissible to endow company shares (which are Syariah compliant), sukuk, intangible rights, benefits and unit trusts, as they are all forms of assets accepted by Syariah".

While the Accounting & Auditing Organisation for Islamic Financial Institutions (AAOIFI, 2017) in the 33rd Shariah Standard (related to waqf) numbered 3/4/3/4 states that shares that can also be compared to unit trusts should be allowed to waqfed:

"Shariah -compliant shares and sukuk are allowed to be waqfed (endowed). In this case, the income generated from shares or sukuk shall be distributed to the waqf beneficiaries. Meanwhile, when liquidated (the shares and sukuk), it is subject to the law of istibdal."

National Fatwa

The 111th Muzakarah Committee Meeting of the National Council for Islamic Religious Affairs Malaysia (MKI) which met on 8-9 November 2017 discussed the waqf laws of Amanah units. Muzakarah has decided that:

"Waqf for Syariah-compliant unit trusts is permissible because it is a form of asset that is recognised according to Shariah law," (JAKIM, 2017).

State Fatwa

Based on the fatwa decision from the Johor Mufti Department (2020), the Johor State Fatwa Committee which met on 30 September 2020 agreed to permissible, subject to the following conditions with four pillars under shariah principle as follows:



Table 1: Four Pillar Under Shariah Priciple

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PILLAR	STATUS	
Wakif (a party who waqf the asset)	Wakif or Investors	
Maukuf (asset)	30% of the income distribution from	
•	investment by Class A Unit Holders	
Maukuf a'laih (benefeciries)	Waqaf An-Nur	
Hujjah Waqf (declaration for creation of waqf)	Waqaf An-Nur will undertake formal	
	hujjah waqf via Wakalah on behalf of the	
	Unit Holder before two (2) witnesses	
	appointed by Waqaf An-Nur pursuant to	
	the Johor Waqf Rules, 1983	

Source: (PMB Investment Berhad, 2021)

Certified as Shariah-Compliance

Based on PMB Investment Berhad (2021) in prospectus, PMB An-Nur Waqf Income Fund (PAWIF) has been certified as Shariah-Compliant by the Shariah Adviser, appointed for the fund. The Shariah Adviser for PAWIF is Amanie Advisors Sdn Berhad, Through contemporary fatwas at the international and local levels with certified as Shariah-Compliant that permit the waqf of financial instruments such as unit trusts should be explored to realise the aspiration of elevating the waqf as an institution that guarantees the survival of the Ummah.

Past Studies on The Waqf Model of Unit Trust

There are several conceptual models of unit trust endowment that have been proposed in previous studies (Sulaiman et al., 2019) and these models were also presented in the MKI Muzakarah Committee Meeting in 2017. Among the conceptual models proposed consisted of unit trust waqf model, waqf of unit trust dividends, waqf of temporary unit trusts, waqf of cash used for the purpose of purchasing unit trusts and waqf of unit trust management fees (Sulaiman et al., 2019). All these conceptual models generally have the potential to be applied by unit trust fund managers in Malaysia.

The implementation of waqf related unit trusts must be implemented carefully to ensure the aspects of Syariah compliance, regulation and governance of the fund, risk management to preserve the waqf capital from losses and maintain the sustainability of the fund. Among the proposed approaches is to appoint a Syariah Advisory Committee as well as representatives from the State Islamic Religious Council as the Joint Management Committee to regulate waqf activities related to unit trusts (Sulaiman et al, 2019).

Meanwhile, Securities Commission of Malaysia, (2008) has also established new provisions related to waqf unit trust funds in the Unit Trust Fund Guidelines in November 2020. The guidelines reflect the readiness of the government and the Securities Commission Malaysia in particular who remain committed to supporting unit trust waqf initiatives in Malaysia. Among others, the guidelines stipulate that the dividend proceeds of the waqfed unit trusts must be channelled to the State Islamic Religious Council which will distribute the endowment funds to the beneficiaries of the endowment. In essence, the launch of the guidelines has been welcomed by unit trust fund managers and waqf managers who have started launching several unit trust endowment funds in the country. It is hoped that this effort will further invigorate waqf development activities as well as nurture waqf practices among the community and investors. This initiative is also a manifestation of a paradigm shift towards the management of waqf assets in a more dynamic and professional manner in line with current needs.



Methods

This study was utilised qualitative research which is focus group and web-based document was used data and information for this study. The participant that involved in the focus group is Southern reginal manager at PMB Investment Berhad, Senior Manager of Waqaf An-Nur Corporation Berhad, and lecturers in the field of finance from Universiti Teknologi Malaysia. Among the main objectives of this study are; Firstly, to analyse the concept of unit trust waqf in PMBI, secondly, discuss the model of unit trust waqf, third, the types of benefits obtained from unit trust waqf instruments in PMBI. The research used is by study of literature, establishment profiles, websites and secondary sources of information. Various data obtained are then analysed by content analysis in introducing a framework of Islamic trust unit waqf model in PMBI.

Findings

Framework of Islamic Trust Unit Waqf Model in PMB Investment Berhad

Waqaf An-Nur in collaboration with PMB Investment Berhad (PMBi), a subsidiary of Pelaburan MARA Berhad (PMB) has launched a waqf unit trust fund namely PMB An-Nur Waqf Income Fund (PAWIF) on 18 March 2021 which is a new framework issued by the Securities Commission Malaysia on 12 November 2020. The launch of PAWIF will provide an opportunity for all Malaysians to access waqf instruments in the form of unit trust investments and at the same time contribute to environmental, social, and governance (ESG) and community development nationwide.

This fund consists of three (3) elements, namely:

- a) Asset/Investment Growth through appreciation of investment over the medium to long term period;
- b) Investment Protection through takaful coverage for eligible investors and;
- c) Amal Jariah through 30% of the annual income distributions*, and 30% of the proceeds from the takaful benefits**:

Note: *subject to the availability of income;

**subject to the occurrence of event.

The investment that has been launched has its own uniqueness and distinctive features as a two-in-one package, which includes worldly interests as well as *Ukhrawi*, in addition to returns in the combination of investment, protection, and reward. Every human being on this earth must do his best to earn a living in a systematic and orderly manner. As Allah SWT says:

"And when the Prayer is finished, then may ye disperse through the land, and seek of the Bounty of Allah: and celebrate the Praises of Allah often (and without stint): that ye may prosper." (Tafsir by Yusuf Ali) (Surah Al-Jumu'ah (10)

When it comes to investing, it is often associated with profit in medium or long term. The returns can be temporary or permanent. Between those combinations, multiples and lasting returns will be highly sought on the assets invested. Allah SWT reminds us, while we are busy seeking the sustenance of Allah, do not ever forget Him because He is the one who determines our success in this world and the hereafter. Therefore, PAWIF offers the public to increase their sustenance and at the same time manage the charity of investors through waqf practices as shown in Figure 1 below:



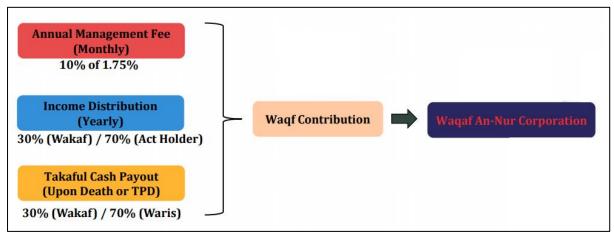


Figure 1: Waqaf Contribution of PMB An-Nur Waqf Income Fund (PAWIF)

Source: (PMB Investment Berhad, 2021d)



Figure 2: Waqaf Contribution by Annual Mangement Fee

Source: Source: (PMB Investment Berhad, 2021a)

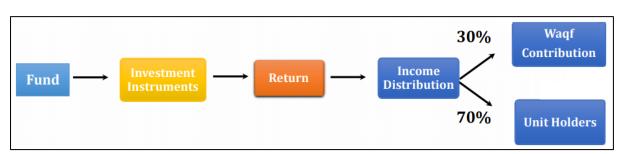


Figure 3: Waqaf Contribution by Income Distribution

Source: (PMB Investment Berhad, 2021b)

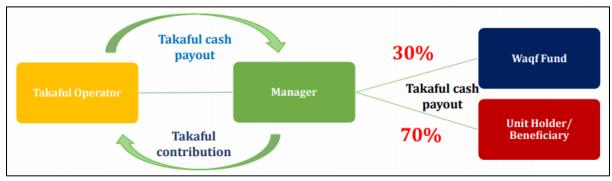


Figure 4: Waqaf Contribution by Takaful Benefit

Source: (PMB Investment Berhad, 2021c)

Figure 1 shows the Islamic unit trust waqf model that combines the concept of investment, protection, and reward. In Figure 2, waqf participation occurs when 10% of the annual



management charge imposed on this fund is endowed to a waqf institution. Next, the investment concept applied in the PAWIF fund as in Figure 3 is the distribution of income profit annually where this benefit is divided into two, namely 30% of the income distribution is endowed to waqf institutions and the remaining 70% is distributed to investors. The third concept is through the takaful plan protection benefits where each investor who invests RM1000 and above will receive death compensation or TPD benefits with compensation according to the value of the total savings during the claim from the heirs or nominee of the takaful holder. Of the total compensation, 30% of the total compensation will be endowed to the waqf institution while the remaining 70% will be handed over to the heirs or nominees as compensation as shown in Figure 4. Next Tables 2, 3 and 4 are profiles and information on PAWIF fund features that are described in-depth.

Background of The Fund PMB An-Nur Waqf Income Fund (PAWIF)

Table 2: PAWIF Profile

No.	Fund Items	Details
1.	Fund Objective:	The objective of the Fund is to primarily provide income as well as to provide capital growth over the medium to long term period by investing in a portfolio of investments that comply with Shariah principles and to enable the Unit Holders to channel all or part of the distribution for waqf purposes.
2.	Financial Year End:	30 April
3.	Asset Allocation:	The Fund shall invest up to 60% of its NAV in Shariah-compliant equities and Shariah-compliant equity-related securities. Notwithstanding the Fund can invest up to 100% for combination of sukuk, Islamic money market instruments, Islamic deposit placements and/or other Shariah-compliant permitted investment.
4.	Investors Profile:	The Fund is suitable for investors who: • have a moderate risk tolerance level; • prefer a fund that conforms to Shariah principles; • seek income and capital growth in the medium to long term period; • seek a fund that actively contributes for waqf purposes.
5.	Principal Risk(s):	 Equity market risk Stock specific risk Equity-related securities risk Shariah status reclassification risk Dividend policy risk Profit/Interest rate risk Structured product risk Derivative risk Credit/Default risk Country risk



		Currency risk
6.	Trustee:	CIMB Islamic Trustee Berhad
7.	Investment Strategy:	 The Fund invests primarily in Shariah-compliant securities which include; Shariah-compliant equities and Shariah-compliant equity-related securities listed on eligible markets, primarily Bursa Malaysia; and Islamic fixed income securities including sukuk, Islamic money market instruments, and Islamic deposit placements. The Fund shall invest up to 60% of its NAV in Shariah-compliant equities and Shariah-compliant equity-related securities. Notwithstanding the Fund can invest up to 100% for combination of sukuk, Islamic money market instruments, Islamic deposit placements and/or other Shariah-compliant permitted investment.
8.	Shariah Principles Applicable:	 Investor appoints PMB Investment to manage and invest the Fund under the Islamic contract of 'Wakalah' or Agency. PMB Investment is appointed to undertake the investment activities on behalf of the investors for 'Ujrah' or fee. Waqaf An-Nur Corporation Berhad is appointed as Nazir Khas by Majlis Agama Islam Negeri Johor to manage and fulfill the objectives of the waqf for religious and charitable purposes in accordance with Shariah principle.
9.	Parties Involved:	 PMB Investment Berhad: the Manager of the Fund CIMB Islamic Trustee Berhad: the Trustee of the Fund Amanie Advisors Sdn Bhd: the Shariah Adviser of the Fund Waqaf An-Nur Corporation Berhad: the waqf institution of the Fund

Sources: (Website: PMB Investment Berhad, no date)



Table 2: Payable Directly by Investor

Tuese 2: Tuyue	
Sales Charge	3.0%
(imposed for every transaction	
performed)	
Repurchase Charge	Nil
Switching Fee	Up to RM25.00 per transaction
Transfer Fee	Up to RM10.00 per transaction
Other Charges	Bank charges Rate is determined by
(imposed for every transaction	• Telegraphic the appointed
performed)	Transfer bankers
	charges
Distribution Channel(s)	• IUTA/CUTA
	• UTC
	 Direct Purchase
	Auto debit

Sources: (Website: PMB Investment Berhad, no date)

Table 3: Payable Indirectly by Investor

Management Fee	1.75% per annum	
Trustee Fee	0.025% per annum	
Other Fees Charged by the Fund	 Commissions/fees paid to brokers/dealers. Auditor's fee. Tax adviser's fee. Valuation fee. Taxes. Custodial Charges. Tax voucher/distribution warrants; and Any other fees/expenses permitted by the Deed 	

^{*}Note: In addition, the above fees and charges are subject to the SST at the prevailing rate Sources: (Website: PMB Investment Berhad, no date)

Discussion and Conclusion

Investment is a very important Islamic principle and encourages Muslims to seek wealth by engaging in halal and profitable economic activities (Daud, 1991). The probability of what could happen to an uninvested property is that the value of money or property will depreciate and decrease. Therefore, Faridi (2014) has elaborated that property in Islam has its own position that is as an award that must be gratified, trust that must be held accountable, test as a decoration of life that must be guarded, and servitude. Through the understanding of the position of property that has been outlined, human beings should relate the need for properties with the Islamic view that is not centered on worldly life only. This is because the waqfed property belongs to Allah SWT because everything in the heavens and the earth does not belong to humans (Ali, 2015). Wealth bestowed by Allah SWT can have an impact on human life. Sometimes it can make people more grateful for the blessings of God and spend the wealth on goodness and sometimes it can drag people into the pleasures of a careless world. So that



human beings need to be careful with the pleasures that have been given and wisely manage them. The words of Allah SWT:

"The (material) things which ye are given are but the conveniences of this life and the glitter thereof; but that which is with Allah is better and more enduring: will ye not then be wise?" (Surah Al Qasas, Ayat 60, Tafsir Yusuf Ali)

Islam has its own way of managing properties so that people are always grateful, do not waste, work hard, be generous, and utilised the property according to syariah guidelines. Thus, the diversity and innovation of waqf instruments in Malaysia can develop waqf products for the purpose of preserving the property so that it does not depreciate its value and originality. The wealth of God's grace is not allowed to decline, wasted, and not grow in value. The waqfed property should be developed according to syariah, not extravagant (excessive), not spent on the wicked, and squander the property on people who are stupid or do not know the intricacies of property management (An Nahlawi, 2004). Even property owners who let or freeze their properties for so long without an investment that can yield results can be considered as an act against God's favor and sinful (Haron, 2007). This means that the property that God has bestowed on human beings cannot be frozen just like that, in fact, it should be traded and invested in a place that can bring results and should be shared with others.

Theoretical Implications

Currently, the development of the industry in the form of collective investment has become an important factor in the Malaysian Financial System, especially the industry in the field of unit trusts. This shows that the presence of the unit trust industry has contributed a lot to the national economy. The existence of new funds based on Shariah principles also plays an important role in improving the country's economy. Furthermore, Islamic unit trust funds are the most popular types of Islamic financial instruments in Malaysia as well as gaining popularity among the people (Ali et al., 2015). The study will also propose a model that integrates waqf and capital market apparatus for the unit trust model by incorporating hibah takaful plans based on standards approved by the Securities Commission Malaysia (SCM) while at the same time complying with Shariah requirements. In addition, the participation of waqf from the unit trust fund management company by endowing 10 percent of the annual fee charged to the waqf institution to show the corporate culture that practices corporate responsibility in the waqf institution.

Practical and Social Implications

Provide the practical and social implications of the research. Here, the research direct impact on related practices or related parties (e.g., shareholders, creditors, customers, policy makers and other stakeholders) are being elaborated. Indirectly, it can help increase cash waqf property and attract people to waqf through contemporary waqf, namely with a combination of unit trust investment and hibah takaful which is a new waqf mechanism in further improving waqf practices in Malaysia.

Limitations and Suggestions for Future Research

The development of Islamic unit trust fund is important in order to make sure the development of socio-economic and the development of ummah. Hence, in order to make sure the implementation of Islamic Unit Trust are successful, it is important for the future research to take a look on the effectiveness of Islamic Unit Trust management, the impact toward the socio-economic and the factors that will effected the successful of Islamic unit trust toward economic,



social and environment. Finally, the investigation of the effectiveness of Islamic unit trust, more research is needed in the future in order to make sure the process of the management and implementation are in the right track.

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