
A CONCEPTUAL ANALYSIS: THE INCLUSION OF ELDER-CARE FUNDING IN CONTEMPORARY WAQF REVIVAL IN NIGERIA



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Abstract

The urgent need for eldercare funding follows an alarming increase in the population of elderly persons aged 65+ within the last two decades, implying the need for countries to prioritize funding in terms of policy and budget. However, most developing countries like Nigeria are lacking in this regard making the search for optional methods that could ensure funding and provision of functional elderly care more evident. *Waqf* counts as an avenue for social support especially the waqif of religion and philanthropy. Hence, it is a need for a study of the *waqf* model. The analysis hinged on the structural functionalist theory as presented by Talcott Parsons, (1951). In the current academic discourse on the need to revive *waqf*, the central argument of this research agrees that the *waqf* model needs revival but also an orientation towards addressing the excesses generated by population aging across Muslim countries. From the studies reviewed, it is clear that political practices affect the *waqf*. In addition, a poor application and execution of funds, mismanagement, misappropriation, corruption, and the poor attitude of the Ulama in reviving the age-long institution among others. The paper concludes that the functional role of the *waqf* in funding areas of social justice makes the *waqf* a key institution that can address the challenges of eldercare as posed by the aging of the population across Muslim countries. It recommends eldercare funding in the *waqf* revival debate in addition to addressing the numerous problems affecting the *waqf* institution for a successful revival towards addressing contemporary issues in Muslim communities in Nigeria.

Keywords: Elderly Care funding, Waqf Revival, Orientation, Population Aging

INTRODUCTION

The Baby Boomer population cohort is mainly responsible with a contribution of 11 percent to the total global population of the age bracket 60 and above. This increase is expected to be steady with a huge impact on global demand for elder care and related services (Troisi, 1998, 2001; Yakubu, 2020). However, most developing countries have not prioritized the issue of elderly needs and care in terms of policy and budget (A. Yakubu & Namadi, 2018). Sub-Saharan Africa is projected to experience considerable growth in the number of people older than 60 with half of all in West Africa at present residing in Nigeria. Thus, the elderly statistics in Nigeria are expected to rise from 6.4 million to 25.5 million by 2050 (ONU, 2015; United Nations, 2015). It implies that denying attention to elderly wellbeing could constitute a pandemic. Furthermore, the concentration of older people among the “poorest of the poor” poses a threat to their material, physical and emotional wellbeing (Ogwumike & Aboderin, 2014), a situation magnified by the visible evidence of increasing destitution and begging amongst older people in Nigeria.

Recent studies show an increasing consensus that developing countries need to focus on alternative funding systems that cover at least the basic needs of older adults. It follows the gaps noted in the inability of many developing countries to provide formal social protection to the growing number of older adults in terms of old age pensions, health coverage, and other forms of social security (Yakubu, 2019). Sources of funding for effective eldercare need to be identified. In the case of Nigeria, the institution of *Waqf* is governed by trustees as compared to it being governed by the law which is in the case with other countries such as Malaysia. It is important to highlight that there is no existing Federal law that directly overlooks the management as well as administration of *waqf* in Nigeria.

The only provision made for *waqf* in the Federal constitution is in highlighting that all issues pertaining to *waqf* are to be handled under the sharia law. More so, the institution of *waqf* has played a very important role in promoting widespread religious activities by encouraging the developments of mosques and catering to its maintenance. The *waqif* as a highly potent institution can serve as a source of redress against socio-economic inequalities.

The central argument of this research is in consensus with the *waqf* revival movement but also an orientation towards addressing the excesses generated by population aging across Muslim countries is desired. A macro sociological analysis of religious institution forwarded by Rojas (1996) based on the structural functionalist theory as presented by Talcott Parsons (1951), forms an orientation for the analysis.

REVIEW OF LITERATURE

The Waqf Mode

In Islamic societies, potential social capital exists under the general concept of Islamic charity, goodwill, community engagements, zakat, *waqif*, Hiba and Sadaqah. It also includes funding and the availability of instrumental social support for the elderly and all such social capital arising from a social process within an Islamic society. Further, in northeastern Nigeria, Islam is the basis of social action. It makes religion become an important factor in understanding the social process. Furthermore, based on religion, it is easier for both the formation and investment of social capital towards the creation of safety net for the aged. The mosque in the town of Quba was first established *waqf* in the Muslim world. According to Trakic, (2009), the word *waqf* comes from the Arabic verb *waqif*, which means retain for a purpose.

In accordance with the view of Imam Abu Hanifa, the *waqf* refers to the detention of ownership of a *waqif*, and devoting its profits for charity. (Khan, 2007; Mahamood, 2006; Zuki, 2012). The history of “*waqf*” also linked to Prophet Ibrahim (A.S.). Today in Palestine, a town known as Halilur Rahman exists on the property of Prophet Ibrahim (A. S). Ka’abah also exists as *waqf* from prophet Ibrahim (AS). Another historical tradition relates to Umar (R.A.), who came to Prophet (S.A.W.) and told Him about a property he owned at Hayber. The property, which happens to be his most loved and useful, is one that he wishes to retain as a perpetual good (Sadaqah). The Prophet urged him to detain it outside his property (*waqf*), and it should neither be sold, offered as gift or be inherited (Kahf, 2003).

Many of the companions of the prophet followed the example of Umar bin Khattab, by relinquishing some of their properties as *waqf*. The Prophet (S.A. W). also left seven

gardens out of his properties as *waqf* (Trakic, 2009). Qur'anic verses equally authorize the establishment of *waqf* in verse 92 of surah Ali Imran where Allah S.W.T. says:

“You will never attain virtue until you spend something you are fond of; while God is Aware of anything you may spend.”

In this verse, it is explained about wealth and useful donations, should be loved ones, because you will not get the most excellent and perfect virtue until you donate, in a good way and with the right purpose, some of the wealth you love, the best of what that you have.

The verse is also interpreted by Prophet Muhammad (SAW.). Bukhari and Muslim reported the Prophet S.A.W. as saying:

“After death of man, his traces in this world will disappear except in three situations: if he leaves perpetual good (Sadaqah), the knowledge that will benefit others, and well brought up child that will pray for him.”

“Zakat is the bridge of Islam.”

Through Zakat, we can make a link between humans with one another through the socio-economic dimension of the muslim community. Where zakat is also a liaison for believers whose wealth has been included in the nisab count so that he gives it to people who are entitled to receive their zakat (8 *asnaf zakat*) (Azmi et al., 2021). In the history of Islam, zakat has proven to be a solution for the social security system in society. At this time, it can also be used as a bridge in solving socio-economic problems of the people.

***Waqf* as a Key Institution in Welfare**

The *waqf* has remained a key institution in the provision of general welfare services across Muslim societies. Historical records abound to show that the *waqf* has performed better than many current nation states in the area of social justice. According to the history of *waqf* shows prominent achievements that have serve the plight of the poor. Mahed, (2009), has this to say about the *waqf* system:

“The flourishing *waqf* institutions during the Ottoman empire made it quite possible for a person to have been born in a house built by the *waqf* system, slept in a *waqf* cradle, eaten and drunk from the fruits of *waqf* properties, read *waqf* books, attended a *waqf* school, worked in a *waqf* hospital, received a salary from a *waqf* administration, retired to a *waqf* home for the elderly, and when he or she died, to have been wrapped in *waqf* cloth and buried in a *waqf* cemetery.”

Historically, the purpose of a *waqf* property determines its beneficiaries. These include categories of individuals that are underprivileged facing deprivation, the elderly, the sick, unsupported widows, orphans, travelers and others (Azizah, Badruddin, & Hidir, 2018). It is similar to the position of Abul & Shahid (2010). Other expenditures covered by *waqf* proceeds are the salaries of the Imam and Islamic teachers and the up keep of the mosque. Therefore, similar to previous epochs in the history of Islam, the proceeds obtained from *waqf* can also benefit the society towards overcoming socio-economic relief in contemporary times. These include relief for the needy, those in poverty circumstances, religious services, educational facilities, the promotion of scientific knowledge, elderly wellbeing, improvement of the environment and various other purposes.

Categories of Waqifs and Potentialities for Social Service Provision

Waqf comprises two main categories; *waqf khairi* (welfare) and *waqf zurri* (family). *Waqf khairi* can be sub-categorized into *waqf am* (general purposes) and *waqf khas* (specific purposes) (Borham, 2011). While the typology given by Hasbollah et. al (2010) has three types namely: religious *waqf*, referring to Waqf for mosques and religious schools. Philanthropic *waqf*: referring to humanitarian *waqf*, where benefits are allocated to support the society and promote social justice activities. For instance the library, educational centers, health care etc. Family *waqf*, *waqf* from parents to children and theirs. (Zakaria, Samad, & Shafii, 2013).

It was further elaborated by Abattouy, (1996), that the subjects of *waqf* included properties such as agricultural land, even whole villages, farms, gardens, as well as apartment buildings, houses, hotels, warehouses, shops, baths, mills, bakeries, looms, soap works, paper works, oil and sugar dresses, stables, and post houses. Except the money needed to repair the basic corpus of the *waqf* itself the proceeds of the *waqf* property is to be spent on the object of the *waqf*. Out of these typologies, of relevance to elderly citizens are the religious and philanthropic *waqf*.

RESEARCH METHOD

A qualitative research method is designed to explore related information and infer from relevant data on the selected respondent's opinion, perspective, and views about the study (Williams, 2018). The study therefore designs an interview method for collecting

relevant data to align with the main objectives of the study towards elder-care funding in contemporary *waqf* revival in Nigeria.

The study therefore designs an interview method for collecting relevant data to align with the main objectives of the study towards the inclusion of elder-care funding in contemporary *waqf* revival in Nigeria. Selected interviewees are from the existing and functioning *waqf* institutions in Nigeria. The selected interviewees are sufficient to represent the practical opinion and perceptions about the success and challenges in Nigeria because they represent registered *waqf* institutions from different states across the southern and northern parts of Nigeria. However, due to the limited numbers of *waqf* institutions in Nigeria, five prominent personalities from different institutions accepted the call for participation in the interview sessions. Creswell (2003) suggests that saturation in qualitative interview aiming at interpretative experience of the informants is sufficient when researcher perceived no further new data may be received.

RESULTS AND DISCUSSION

Within the last decade, studies have been more responsive on the need to revive *waqf*. As noted earlier, there have been increased attempts by Muslim scholars to reflect on the possibility of providing social welfare in muslim societies. There are two obvious implications of this renewed focus on the *waqf*. Firstly, existing *waqaf* will be able to manage and to use better ways for enhancing security of tenure, and also for poor section of the people. Secondly, future *waqf* will be able to help in the resources redistribution and to strengthen civil society. Such attempts, with special reference to muslim countries in Africa, are based on the need to widen the possibilities of enabling states to provide the basic needs to their subjects. The main reason is the painful state of welfare services that has become evident in most developing African states.

Another reason given for the upsurge in interest in *waqf* revival is due to the emergence of Islamism and the critical position of clerics on the secular state (Jalil et al., 2015; Elgahani, 2018). Such criticisms are currently prevalent throughout the muslim world. Since the *waqf* is an activity embedded in kindness, social justice, innovation, entrepreneurship and the philanthropic orientation of social development, the *waqf* has the potentiality to fill gaps and shocks within the socio-economic system.

Problems associated with the *waqf* have been extensively highlighted. In Malaysia, Muslims have practiced the *waqf* since the inception of Islam in Malaysia (Mahamood, 2006; Yusoff et al., 2017). *waqf* is pledged under the State List of the Federal Constitution 1957. The traditional management of *waqf* was granted to the State Islamic Religious Councils (SIRC) in 1952 (Mohamad, S.A. Kader, & Ali, 2012). According to Alam (2010), in Malaysia, the magnitude of Islamic philanthropy in Muslim communities is estimated around USD 1 trillion annually. The researchers however expressed concerns on the sustainability of the funds and in spite of having such a huge contribution and a wealth base; the application and execution of those funds are mismanaged or misappropriated (Alam, 2010).

The situation in Nigeria is not very different, neither is it impressive because *waqf* institutions are currently still underdeveloped. This has been the case since the fall of the Sokoto caliphate in 1903 (Sunni Muslim caliphate who ruled the West Africa between 1802-1903) where Islam and the *waqf* administration flourished (Oseni, 2012). However, some states in the country have tried to revive the *waqf* institution such as Zamfara State. This saw the re-establishment of *waqf* alongside Zakat institutions which was also experiencing a downfall. However, since their reestablishment, not much growth has been noticed. Ahmad and Rashid (2017) attribute this failure to lack of adequate corporate governance.

Ahmed et al.,(2015), examine the impact of public trust on revival of *waqf* institutions in Uganda, the results were that a majority of the people do not trust Islamic religious bodies in the country because they believed that Muslim leaders in charge of the *waqf* properties are not trustworthy, accountable, transparent, reliable, competent and honest. Moreover, respondents believed that good governance, transparency and accountability are vital in reviving *waqf* institution in Uganda.

Similarly, Trakic, (2009), postulated that the great period for *waqf* in Bosnia and Herzegovina came to an end with the change of regime when Hapsburg Monarchy took over Bosnia and Herzegovina from Ottoman Empire in 1878. From this year onwards the institution of *waqf* in Bosnia and Herzegovina was subject of enormous injustice, hostility, and devastation from the various regimes that have ruled the country. The attitude of legislative and political organs of Bosnia and Herzegovina, since the time of Hapsburg

Monarchy until today, was irrespective, hostile and destructive towards the institution of *waqf*. It is evident due to huge amounts of *waqf* property that has been unlawfully confiscated, especially by way of nationalization.

The *waqf* is clearly affected by political practices, poor application and execution of funds, mismanagement, misappropriation, corruption and the attitude of the Ulama in reviving the age long relevant institution. In Nigeria, Oseni, (2012), postulated that the so-called Muslim states in Nigeria are still groping in the darkness of colonial laws of trusts despite the importance and need to exploit the economic benefits of *waqf* as part of the global move towards the revival of waqif, in Nigeria, by enacting laws to regulate the management of *waqf* properties. As such, the current state of *waqf* in Nigeria in the provision of the 1999 Constitution of Nigeria does not really cater for the needs of Nigerian Muslims and the economy of the country. In Nigeria there is no existing law that provides for the management and administration of *waqf*; what is available in the Constitution of the Federal Republic of Nigeria 1999 (Constitution) is the reference to issues pertaining to *waqf* which fall under the jurisdiction of the Sharia Court of Appeal.

Amuda, (2013), examines the roles and efficiency of *waqf* properties and public funding in transforming and alleviating poverty among the less privileged Nigerian Muslims. The researchrs call for the integration of *waqf* properties and public funding in the interest of less privileged Nigerian Muslims. It can be applied for lucrative transactions or investment in the interests of the needy, finance religious programmers, the religious institutions across Nigeria, provide aid to the needy and underprivileged in society through Islamic restaurants, hotels, and resorts can be built for the benefit of citizens and visitors for a small and reasonable fee.

In an exploratory study that employed narratives and content analysis from available literature to highlight the role of *waqf* in enhancing public wellbeing, Muhammad, I. N. (2013), observed that the harnessing effectively the *waqf* proceeds requires the involvement of the ulama as change agents in Nigeria.

Hassan Abul & Mohammad Abdus (2010), postulated that vast *waqf* properties and their institutions are ill managed. In addition, to revitalize the institution of waqif is to fulfil its social purpose. There is needed to create sources of funding for reconstruction of waqif

buildings by creating cash *waqf* fund and by issuing *musharakah* sukuk. The returns from this initiative will be significant with more beneficiaries.

A significant number of scholars have proposed different ways that *waqf* could be adapted to address contemporary challenges. For example, Abd Jalil et al., (2016) suggests that a model of cash *waqf* can be applied to address contemporary issues of social significance in the society and proposes the establishment of a non-profit financial transitional method. Similarly, earlier positions by Kahf, (2011) and Ahmed (2004) proposed a combination of *waqf* and other sources of charity towards the formation of microfinance institutions.

In this model, it is suggested that the returns from waqif can be used to finance productive social enterprise at subsidized rates. However, a more radical position is glaring in the position of. Khan, (2013), who postulated that capitalist instruments are not successful in reducing income inequality. In this case, *waqf* can be one of the vital alternatives since the *waqf* have played key roles in reducing poverty among Muslims. Hence, the need to revive the institutions. Starting a worldwide *waqf* movement has been seen as indispensable by Ahmad & Yakubu (2015), who see the need for a shift towards the utilization of the *waqf* system to finance needed social services and education in sub-Saharan Africa. The reserachers maintained that it could be achieve by exploring historical and practical applications of the *waqf* in funding education across the continent. Other models worthy of consideration for funding functional eldercare are those for education found in some selected universities like Al-Azhar and number of Malaysian universities funded through the *waqf* Institution. In line with central argument of this paper, such a model can also be extended to include support for the elderly as a response to population aging crises.

According to Ahmed, (2007), the proceeds from the *waqf* may be for the benefit of society at large, such as socio-economic relief to the needy segment, the poor, provision of religious services, education, scientific, environmental, and other purposes. Generally, the purpose and beneficiary of *waqf* is dependent upon its purpose. The *waqf* for charity purposes which is of direct relevant to elder support can be expended on a particular category of individuals, such as underprivileged, deprived, aged, and sick, widows, orphans and travelers or everyone if doing so is beneficial to the entire society. *Waqf* revenues are

most frequently spent on mosques. This includes salaries of the Imam, teachers of Islamic studies, and maintenance of the mosque properties. Since the beginning of Islam, *waqf* and voluntary contributions finance education; therefore, education is the second largest recipient of *waqf* revenues. The third largest beneficiary of *waqf* are the needy with very low income, needy orphans, and persons with disabilities. The model proposed by Ahmad, M., & Yakubu, H. B. (2015), for education might as well be mobilized for elder support through the *waqf* based on model found in some selected universities like Al-Azhar and Malaysian universities.

Khan (2010), opined that despite various programmes that have been implemented for supporting the vulnerability in Bangladesh over the last three decades (Khan, 2014). It is proven around the globe that capitalist instruments are not successful in reducing Income Inequality. In this case, *waqf* can be one of the vital alternatives because early history indicates free education, scholarship, orphanage, free treatment, and *waqf* provided inn for nomad-based institutions. In fact, *waqf* played the key role in reducing poverty in Islam. If we really want to do something for the needy and poor, we have to revive this much needed institutions. Therefore, starting a worldwide *waqf* movement is indispensable. Ahmad supports this position, M., & Yakubu, H. B. (2015), who saw the need for a shift towards the utilization of the *waqf* system for financing the needed social services in sub-Saharan Africa.

CONCLUSION

When we adopt studies on the need to turn around the *waqf*, the argument for a the *waqf* to finance elder support as a response to the global ageing crises in Muslim countries becomes more established. Further, inference made from studies on *waqf* makes it clear that the *waqf* is highly potent option for funding a functional eldercare support system. Importantly, the need to revive the *waqf* arises from the pressing issues of welfare deficiencies experienced in most Muslim societies. In this regard, there may be no reason why a new and modern responsive rule of *waqf* cannot emerge to confront the current aging situation within Islamic jurisprudence, principles and modern management techniques. Although the Waqf does not directly capture the elderly as its main recipients, it still counts

as an avenue for social support especially the *waqf* of philanthropy in which the elderly is treated along the poor and vulnerable.

Finally, the functional role that *waqf* has played in funding areas of social justice makes the *waqf* a key institution that can address the challenges of eldercare posed by ageing of population across Muslim countries. However, in the light of numerous problems affecting the institution, the *waqf* model needs revival and orientation towards addressing the excesses generated by population aging with special reference to Muslim communities in Africa.

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