Accountability Mechanisms for *Awqāf* Institutions: Lessons Learnt from the History

Hidayatul Ihsan, Eliyanora and Yossi Septriani

Padang State Polytechnic, Indonesia

Abstract. The last few years have witnessed the revitalisation of *waqf* institutions around the world. There is a growing awareness concerning the need for *waqf* revival in order to create a better society. The Muslim communities have realized that *waqf* possesses the potential to be an effective system for poverty eradication. Along with the revival of this historic institution, there is a call for greater accountability of the trustee in managing *waqf*. Despite the unprecedented call for accountability of *waqf* institutions, studies regarding *waqf* accountability are limited. Few attempts actually have been made to address accountability issue in *waqf*. However, most of the previous studies only focused on accounting. In fact, accountability is broader than that. This paper, therefore, aims to seek evidence as to how accountability in *awqāf* should be practised. In so doing, this paper explores and reviews the existing studies on *waqf*, particularly how accountability had been practised in the history of *waqf*.

Keywords: *Mechanisms of accountability, waqf, mutawallī, waqf history.*

KAUJIE Classification: E21, E22, E23.

1. Introduction

One of the important issues that emerged along with *waqf* (plural: *awqāf*) revitalization agenda is the accountability of *mutawallī* (trustee). There is a growing expectation for greater accountability of the *mutawallī* in managing *waqf* (Cajee, 2008). Being an institution that delivers social services to the community, *waqf* should demonstrate its accountability to a wide range of stakeholders. Moreover, accountability will become a necessity as there will be "competition" among *waqf* institutions to win public trust. In this sense, the importance of accountability in *waqf* is

indisputable. However, many *waqf* institutions today fail to take accountability seriously, and there have been some cases where *waqf* assets were misused and mishandled (Ihsan and Ibrahim, 2011a). Ironically, Rashid (2008) indicates that the common perception about those persons who manage *waqf* assets is one associated with dishonesty, corruption and mismanagement.

Rashid (2008) believes that the phenomenon of lack of accountability in *waqf* is due to the decline of

the standard of morality. He further argues that colonization has accelerated moral degradation through the removal of Sharīʿah based norms from every aspect of a Muslim's life. Therefore, in order to remedy the phenomena of the lack of accountability in *waqf*, Rashid (2008) urges the religious orientation to the *mutawallī*. He believes that through this method, the *mutawallī's* accountability can improve. However, before giving the prescription for the improvement of accountability, it is important to understand the concept of accountability and how it should be operationalised in the *awqāf* setting. As Sinclair (1995) said, the most essential issue with regard to accountability is its understanding. This is because, if there is no clear consensus about accountability, the means to deliver it will vary. Further, without a good understanding of accountability, an organisation is likely to fail (Frink and Klimoski, 2004).

There is a lack of evidence regarding how accountability operates within *waqf* institutions. Although a few attempts have been made to address the accountability issue in *waqf* (see for instance Maliah, Adnan and Putri, 2009; Ihsan and Shahul 2011a, and Hairul and Hisham, 2011), these studies only focused on accounting and performance. In fact, Ebrahim (2003) argues that accounting cannot be simply seen as the only mechanism to achieve accountability. According to him, there are other accountability mechanisms such as participation, self-regulation and social audit that can be used to discharge accountability to the public.

Given the fact that there is a lack of *waqf* literatures which discuss accountability issue, this paper aims to seek evidence as to how accountability in *awqāf* should be practised. In so doing, this paper explores and reviews the existing studies on *waqf*, particularly in the history of *waqf*. The reasons to review *waqf* history are twofold. First, as asserted by Rashid (2008), historically, accountability had underpinned the success story of *waqf* in the past, while its decline was attributed to the degradation of the *mutawallī's* accountability. This indicates that accountability in *waqf* was widely practised in the past. Second, Gil (1998) argues that learning about the earliest of *waqf* will help in getting a better understanding of this contemporary institution. Similarly, Cizkaca (1997)

believes that institutional reform of *awqāf* must be preceded by having a thorough understanding of *waqf* in the historical dimension.

In addition to the review of *waqf* history, this study uses mechanisms of accountability proposed by Ebrahim (2003) to explore how accountability was practised throughout history. The mechanisms of accountability encompass disclosure statements and reports, performance assessment, participation, self-regulation and social auditing. There are some reasons for choosing Ebrahim's framework in this study. Firstly, it is apparent that Ebrahim made accountability visible through several mechanisms. Although there were previous proponents of the accountability framework (for example, Edwards and Hulme, 1996), they did not explain how it should be operationalised. In fact, Roberts (1991) asserts that visibility is very important in accountability conceptualisation. Secondly, the five mechanisms proposed by Ebrahim are arguably more comprehensive compared to others. For instance, other writers like Jacobs (2000) focus on accountability mechanisms based on only two mechanisms, namely, reporting and performance. Brennan and Solomon (2008), on the other hand, are concerned with reporting and board of directors as accountability mechanisms. Thirdly, using Ebrahim's mechanisms of accountability will give a clearer image as to how the *mutawallī* deal with the multiplicity of accountability. As asserted by Cordery and Morley (2005), different groups of stakeholder might need a different approach of accountability. Fourthly, although Ebrahim's work was originally addressed for non-profit and non-governmental organisations (NGOs), indeed, *waqf* shares numerous characteristics with these organisations. *Waqf* is a public institution, but non-governmental (Kahf, 2007). Moreover, it is a non-profit organisation as its establishment is aimed at the benefit of society. Hence, *waqf* is sometimes called perpetual charity (Sadeq, 2002).

This paper is organised as follows. The next section discusses the basic concept of accountability. It is followed by the discussion about the importance and mechanisms of accountability respectively. The evidence regarding how accountability was practised in *waqf* history is presented before the conclusion.

2. Understanding the notion of accountability

The notion of accountability seems to be the product of modernity (Hoskin, 1996), which is commonly translated into a business environment (Lehman, 2004). However, a careful scrutiny of this concept has proven that accountability was actually widely practiced in the past. For instance, Premchand (2001) affirms that the concept of financial accountability had been introduced in the Athenian state and pre-Christian era. Carmona and Ezzamel (2006) even argue that the phenomenon of accountability had been found in ancient Egypt and Mesopotamia circa 4th millennium BC. Velayutham and Perera (2004), conclude that accountability concept is as old as civilization. Asutay (2007), however, gives a different perspective with regard to when accountability was actually introduced. He believes that it already existed since the creation of human beings as there would eventually be accountability before God. Indeed, Asutay's point of view does not contradict the former opinion, as Ammeter, Douglas, Ferris and Goka (2004) assert that accountability encompasses formal and informal forms. While the accountability referred by Premchand and Ezzamel is formal in nature, the conception of accountability mentioned by Asutay is more likely to be informal. Above all, the afore-mentioned historical dimension of accountability is relevant to highlight, as one of the succeeding sections of this paper will deal with the historical perspective of accountability in *awqāf*.

Despite the common interpretation, there is actually no consensus about what accountability really is. Kumar (1996) argues that the accountability concept is bound up in the philosophical debates. Accountability has discipline-specific meanings in which many parties, such as auditors, political scientists and philosophers, have their own definition (Sinclair, 1995). In other words, the definition of accountability could vary, depending on the culture, norms and beliefs, and from what perspective it is defined (Velayutham and Perera, 2004). For instance, some accounting academics relate account-ability to accounting techniques (Hopwood, 1985), while, from the human resource management dis-cipline, accountability is seen from the behavior of the employees (Ammeter et al., 2004). Thus, acc-ountability is a very elusive concept with cham-eleon characteristics (Sinclair, 1995).

The extant literature, however, suggests that there are at least two key ideas that constitute accountability. The first common idea that characterizes the notion of accountability is responsibility. Many authors agree that accountability exists due to the willingness to accept and discharge responsibility. Simply put, accountability is how responsibility is conferred (see for example Cutt and Murray, 2000; Velayutham and Perera, 2004). The question remains, by whom is accountability delivered and to whom is it due? Therefore, another common idea about accountability is that it involves, at least, two parties, one who allocates responsibility and one who accepts it with an obligation to report on, account for, justify or answer for (Cutt and Murray, 2000; Velayutham and Perera, 2004; Frink and Klimoski, 2004). The former party is sometimes called the principal or accountee while the latter is the steward or accountor (Gray and Jenkins, 1993). Therefore, from the aforementioned ideas, accountability can be seen as the willingness to discharge responsibility by those who accept it with an obligation to report on, account for or answer to those who allocate responsibility.

Accountability is a widespread phenomenon, which is embedded in every aspect of human life. It operates within social life, public sector, work organizations, and within the religious sphere. Willmott (1996) emphasizes that as human beings, people will continuously be involved in giving and receiving accounts to and from others about their conduct. He underlines that accountability is the condition to participate in the social world. Without accountability, people will be recognized as income-petent members of society. In line with Willmot, Roberts (1996) states that accountability can be a means to maintain the social system as it can remind each other of the conduct that promotes social cohesion among the community members.

From the religious point of view, Iqbal and Lewis (2009) opine that accountability is a central theme in Islam since accountability to Allah and the community is paramount to a Muslim's faith. As asserted by Askary and Clarke (1997), the word "*ḥisāb*", which is interrelated with account and accountable, is repeated more than eight times in different verses in the Qur'ān. Lehman (2004) believes that accountability is also part of Christian

thought, albeit, currently, the influence of the religious dimension has been eliminated from many aspects of Western life.

Due to the fact that this study is undertaken in a *waqf* context, the next section elaborates upon some issues pertaining to accountability from the Islamic perspective.

3. Accountability from the Islamic perspective

In the preceding discussion, it was mentioned that accountability is a central theme in Islam (Iqbal and Lewis, 2009). In addition to this, a few studies (Abdul Rahman and Goddard, 1998; Maliah et al., 2009) found that accountability practice in Islamic religious organizations recognizes twofold accountability, that is, to Allah and human beings. In this section, accountability from the Islamic perspective will be elaborated upon further. It is important to discuss this issue as accountability in Islam has different basic characteristics compared to non-Islamic accountability (henceforth referred to as conventional accountability). Although the various conceptions of conventional accountability discussed above do not seem to contradict Islam, they have some weaknesses in demonstrating accountability from the Islamic perspective. Firstly, conventional accountability concepts are man-made and are derived from various philosophies. According to al-Safi (1992), man-made definitions of accountability merely aim to establish a certain material status for the individual and community. In addition, al-Safi underlined that the conventional accountability concept neglects God's guidance, whereas, the accountability concept in Islam comes from God's revelation, which is aimed to achieve *al-falāḥ* (rewards in this world and the hereafter). The ultimate accountability in Islam is to Allah since all deeds will be counted in the hereafter (Haniffa, 2002).

The second weakness of conventional account-ability concept is that in the Western society–where conventional accountability concepts were born and developed – fulfilling accountability is regarded as nothing to do with religious matters. Accountability is more or less about relationships between human beings and society in attaining harmony (al-Safi, 1992). Although some studies describe that in some churches accountability is perceived as part of religious principles (Jacobs and Walker, 2004), Booth (1993) acknowledges that this is more likely due to a variation in theology between churches. Booth believes that different type of churches may affect the belief about sacred and secular. In fact, Lehman (2004) suggests that the current Western societies have neglected the religious dimension in their social systems. Meanwhile, in Islam, rendering an account to discharge accountability is identified as part of *ʿibādah* (worship) to Allah (Haniffa, 2002).

The above discussion provides insights about some basic principles which constitute accountability in Islam. However, it should be noted that the first and foremost principle is the concept of the absolute unity of God (*tawḥīd*) (al-Safi, 1992). *Tawḥīd* is the very foundation of Islam upon which other principles depend on. Philips (1994) notes that if *tawḥīd* is not sound, the rest of one's Islam will become pagan rituals. Philips further indicated that the consequence of *tawḥīd* is that, everybody should relate all of his/her actions to Allah. In the context of accountability, *tawḥīd* will guide humankind to be accountable to Allah, to Whom everyone is answerable on the day of judgement. Hence, an individual must seek guidance from the Creator of the universe in order to fulfil their obligation to society. It is revealed in the Holy Qur'ān:

> God holds whatever is in heaven and whatever is on earth; whether you disclose what is on your minds, or hide it, God will bring you to account it. He forgives anyone He wishes to and punishes anyone He wishes; God is capable of everything (Qur'ān, Al-Baqarah: 284).

Furthermore, *tawḥīd* will lead mankind to be aware that their existence on the earth is as the *khalīfah* (vicegerent) of Allah. The implication of the principle of *khalīfah* on accountability is that, as Allah's *khalīfah,* human beings are held accountable for all the resources entrusted to them. This is because everything in this world belongs to Allah, while human beings are just as trustees. The concept of *khalīfah* is actually related to the principle of *ʿibādah* (worship). It is clear that the main purpose of the creation of human being is to worship Allah (Philips, 1994). Hence, every deed should be aimed towards satisfying Allah. It is revealed in the Holy Qur'ān that: "I did not create the *jinn* and mankind except for my worship" (Qur'ān, Al-Dhāriyāt: 56). This verse indicates that discharging accountability should also be seen as part of *ʿibādah*.

The concept of *khalīfah* and *ʿibādah* will lead to another principle called *amānah* or trust which must be fulfilled. According to Zein et al. (2008), the word *amānah* is derived from three letters, a, m and n (*amn*). In Arabic, this could be *amān,* which means peace, safety and security. It can also be translated as *īmān* (faith). Therefore, in other words, the concept of *amānah* relates to establishing peace in society through faith in God. Moreover, the Qur'ān reminds the believers not to betray the *amānah* entrusted on them: "You who believe, do not betray God and the Messenger, nor knowingly betray your own trusts" (Qur'ān, Al-Anfāl: 27). The concept of *amānah* will determine the individual's relationship within the society. If an individual really understands the concept of *amānah*, the issues regarding the rights and responsibilities can be resolved. In the context of accountability, the implication of *amānah* is that everybody should fulfil his/her obligation in any contract made among them (Shahul, 2000).

Fulfilling *amānah* to Allah and society will lead mankind to promote the well-being among humanity and also to him/herself in this world and hereafter; this is referred to as *al-falāḥ* (Haniffa and Hudaib, 2002). In the accountability context, *al-falāḥ* will assist human beings to discharge accountability not only to achieve rewards in this world, but also in the hereafter.

> And the measuring out of that day will be just; then as for him whose measure (of good deeds) is heavy, those are they who shall be successful (Qur'ān, Al-Aʿrāf: 8)

Having discussed the basic principles of accountability from the Islamic perspective, it can be said that the holistic definition of accountability is different from its conventional counterparts. While in the conventional sense holistic accountability implies that organizations are accountable to every individual whose life might be affected by the organization's activities, directly or indirectly (O'Dwyer and Unerman, 2008), in Islam holistic means that individuals are accountable to Allah in addition to their fellow humankind and society.

According to Ihsan and Ibrahim (2011b), accountability to Allah can be discharged through the fulfilment of all Allah's commands and avoidance of His prohibitions. Meanwhile, with regard to accountability to human beings, there are some factors that

can make the accountability become visible. These factors are accountability mechanisms (Ebrahim, 2003). According to Ebrahim (2003), there are at least five mechanisms to operationalize accountability, namely, disclosure statements and reports, performance assessment, participation, self-regulation, and social audit. The next section discusses mechanisms of accountability.

4. Accountability mechanisms

Evidently, the discourse about accountability mechanisms has been extensively treated in the literature pertaining to non-profit organizations and NGOs. This is probably because in the last few years concern about non-profit's accountability has increased tremendously (Ebrahim, 2003). The discussion about accountability mechanisms is indeed much related to *awqāf*, as Kahf (2007) notes that *awqāf* is a public institution but non-governmental in nature. It should be noted, however, Ebrahim (2003) uses the terms non-profit and NGOs interchangeably in his work. Therefore, these terms are also used in the same way in this paper.

4.1. Disclosure statements and reports

Ebrahim (2003) states that disclosure statements and reports are the most widely used accountability tools, which are required by state law in many countries. This is because, to some degree, stakeholders like donors, clients, and beneficiaries, have limited legal standing to enquire about an organization's responsibility. Therefore, any kind of disclosure statement will enable stakeholders to have access to the reports. This is actually in line with the concept of stakeholder salience proposed by Mitchell, Agle and Wood (1997). Mitchell et al. suggest that not all stakeholders have the same power to ask the organizations to provide information. In fact, disclosure statements and reports are associated with the issue of transparency. In addition, Velayutham and Perera (2004) note that accountability would be impossible without transparency.

4.2. Performance assessment and evaluation

Performance assessment should encompass financial and non-financial measures (Kloot, 1999). Although financial indicators are frequently used to assess the performance of organizations, they are insufficient in determining accountability (Hyndman and Anderson,

1995). Therefore, Kloot (1999) notes that non-financial indicators are also needed to serve the best interests of stakeholders. Kloot furthermore argues that performance assessment is important for internal and external accountability. Kloot's point of view is actually similar to Ebrahim (2003, 2005) who insists that evaluation should cover internal and external assessments. According to Ebrahim (2003), external evaluation is typically aimed at evaluating whether the objective of the planned program has been achieved.

4.3. Participation

Participation is different from the two previous mechanisms because it is classified as a process instead of a tool. According to Ebrahim (2003), participation can be differentiated into four levels. The first level of participation refers to any efforts made by the organization to ensure that information about a planned project is available to the public. This includes public hearing and dialogue with the community leader with regard to the planned projects. The second level of participation is through the involvement of the public in the project implementation, especially in the form of labor contribution or fund donations. The issue of gender equity is also part of participation at this level (Ebrahim, 2005). The third level of participation includes the ability of the citizens to bargain over an organization's decisions. At the fourth level, people have their own initiatives, independently, over an organization's projects. Furthermore, Ebrahim (2005) notes that, in practice, only the first two levels of participations are commonly espoused.

4.4. Self-regulation

According to Ebrahim (2003, p.819), self-regulation refers to "[e]fforts by NGO or non-profit networks to develop standards or codes of behavior and performance". Although self-regulation is seen as the normative view of the organization, it sometimes emerges due to enforcement from the regulators. Ebrahim gives the example that, in some countries, NGOs are asked to have their codes of conduct by the governments or regulators. Ebrahim (2003) underlines that self-regulation is important not only because it can improve the public image of the organisation but it also enhances the performance. Indeed, self-regulation improves accountability to the funders, communities and to the organization

itself. However, regardless of the advantages of self-regulation, Lloyd and de Las Casas (2005) argue that it has some weaknesses. Since, in most cases, self-regulation lacks enforcement, and there are tendencies that organizations will reluctantly comply with such codes. In addition, Lloyd and de Las Casas are skeptical that stakeholders really care whether organizations comply with any standards or not due to ignorance. Therefore, Lloyd and de Las Casas suggest that commitment towards self-regulation should be followed by an enforcement mechanism.

4.5. Social auditing

Social auditing is defined as a "regular, externally verified process to understand, measure, report on and improve upon an organization's social performance through stakeholder dialogue" (Gonella, Pilling and Zadek, 1998). Although social auditing seems likely to overlap with participation, Ebrahim (2003) argues that it is an integrated element of all the previous mechanisms discussed above. In fact, although the issue of social auditing has become a concern of commercial entities since the early 1970s (Natale and Ford, 1994), it is not widely adopted by NGOs and the public sector (Ebrahim, 2003). Perhaps, the main constraint for these sectors to adopt social auditing is the cost factor, as it would normally impose a significant burden of time and money.

The above discussion gives insights that accountability mechanisms can be categorized as tools and process. Tools refer to the devices of techniques to achieve accountability, whilst process emphasizes action instead of the end-result (Ebrahim, 2003). As to how the accountability mechanisms are applied in the *waqf* context, this will be discussed in the next section.

5. Accountability in history of *waqf*

To find evidence concerning the practice of accountability in *waqf* administration in the past is challenging. No existing literature attempted to comprehensively scrutinize *waqf* accountability. Hence, bringing the perspective of accountability to the historical dimension is not easy. However, the writers believe that the phenomenon of accountability was there. As asserted by Abu Zahrah (1971) and Iqbal and Lewis (2009), accountability had been practiced since the early time of Islamic history. The

review presented in this section is built from various literatures on *waqf* history. In doing so, the writers focus on accountability mechanisms in order to limit the discussion.

5.1. Waqf reporting

The practice of *waqf* reporting in the early stage of *waqf* development is less informed. Although accounting historians noted that Umar developed accounting practice when he ruled as the second Caliph, it was mainly used to assess *zakāh* payments (Zaid, 2004). There is no evidence as to whether recording *waqf* revenue and expenses had been introduced at that time.

As far as the literature is concerned, *waqf* book keeping had been widely practiced in the Ottoman Empire in the sixteenth-century, although the accounts prepared were not in the same format among the *mutawallīs* (Faroqhi, 1974). Toruman, Tuncsiper and Yilmaz (2007) note that accounting for *waqf* was introduced for the first time in 1490. As a matter of fact, prior to the introduction of *waqf* reporting by the Ottoman state, *waqfīyah* was the most widely used tool in documenting *waqf*. It was also used as a means to assess whether the *mutawallī* had fulfilled the wishes of the *wāqif* (Peri, 1992). The *waqfīyah* normally specified the objective of *waqf*, the beneficiaries and the *mutawallī*. However, there were some cases where *waqf* revenue was mismanaged that could not be detected through the *waqfīyah*. For instance, there was a case when most *waqf* faced excessive expenses and many were even in debt (Peri, 1992). There was also an indication that the *mutawallī* distributed the excess of *waqf* revenue among themselves instead of investing it; therefore, accounting for *waqf* was introduced to ensure the accountability of the *mutawallī* (Yayla, 2007).

Yayla (2007) and Toruman et al. (2007) note that although the accounting system was still single entry, it provided all the information regarding cash *waqf* management, such as annual income of properties, expenditure by day, month and year and information about the increment of *waqf* assets for the year. Furthermore, Yayla (2007) discovered that accounting records could prevent the malfunction and misuse of *waqf* assets. Moreover, it was used to measure the performance of *waqf* by the Sultan's commissioners.

In addition to *waqf* reporting, the audit of *waqf* accounts had been conducted during the Ottoman era (Yayla, 2007). The audit of *waqf* accounts was performed to ensure whether *waqf* revenue had been spent in compliance with the *waqfīyah*. There were two types of audit at that time, either conducted by private auditors or by the *qāḍī* (Yayla, 2007). Yayla, notes that the institution of *qāḍī* had played a significant role in monitoring *waqf* during the Ottoman Empire.

5.2. Performance assessment

Although the modern-like performance assessment system was not yet introduced for *waqf*, measuring *waqf* performance based on certain criteria had been practiced in history. There were three issues of concern in measuring *waqf* performance in the past, i.e. fulfilment of the *waqf* objective, *waqf* expenses and *waqf* revenue. Abu Zahrah (1971) indicated that the first assessment of *mutawallī's* performance in managing *waqf* was during Umayyad Caliphate (661-750). It occurred when the first *dīwān of awqāf* was established in Egypt at the time of Caliph Hisham ibn Abd al-Malik where a *qāḍī* was appointed to monitor and evaluate *mutawallī's* performance. Evidently, there were some cases where *mutawallīs* were punished or even changed due to mismanaging *waqf* and failed to discharge accountability. However, there is no further explanation as to how the *dīwān of awqāf* reviewed *mutawallī* performance and what criteria had been used during the assessment process. Peri (1992) notes that in the sixteenth-century, one of the indicators of successful *waqf* was whether the *mutawallī* distributed *waqf* revenue among the beneficiaries in accordance with the terms laid down in *waqfīyah*. This implies that the more compliant the *mutawallī* is to the *waqfīyah*, the better his/her performance in managing *waqf*. In addition to the fulfilment of the *waqf* objective, Peri also emphasizes that *waqf* performance was measured through expenses, that is, whether *waqf* revenue could stand the pressure of any expenses paid. In addition, *waqf* performance was measured through the evaluation of income gained, which was most of the time from *ijārah* (Barnes, 1987). In the past, there were many *waqf* properties being rented out using *ijārah* contract, particularly during the time of the Ottoman Empire.

5.3. Participation

There is considerable evidence concerning the participation dimension of *waqf* accountability in the past. The first instance of participation in *waqf* administration can be found in the *waqf* of Umar, that is, when Umar delegated *waqf* management to his daughter, Ḥafṣah (van Leeuwen, 1999). Umar provided a real example that women are equal partners of men in many aspects of life. The involvement of women in *waqf* is continuously recognized throughout Islamic history. Lev (2005) notes that many royal women were recognized as predominant figures in distributing *waqf*. Khayzuran, the mother of Caliph Harun al-Rashid (786-809), and Zubaydah, his wife, were very famous because of their charitable works. The involvement of Jihah Maknun, the wife of al-Āmir, the Fatimid ruler, is another instance of women's participation in *waqf*. Lev, however, argues that this dominant participation was because women did not become involved in political matters.

The role of women in contributing to the development of *waqf* is also emphasized by Jennings (1990) and Fay (1997). Fay discovered that more than 36 per cent of *waqf* during the Ottoman Empire were founded and administered by women. Furthermore, Fay assessed that many elite women during the Mamluk sultanate used *waqf* income to free slaves. The participation of women in *waqf* was, therefore, not only contributing to the economic development at that time, but also to the social life. This is actually in line with Ebrahim (2005) who asserted that issue of gender equity is one of the elements of participation.

The second example of participation found in *waqf* history is given by van Leeuwen (1999). He notes that the *waqf* beneficiaries and other interested parties could complain if the *mutawallī* did not manage *waqf* properly. In doing so, they were represented by *qāḍī* or notable *ʿulamāʾ*. Furthermore, van Leeuwen noted that there was a case in which the *waqf* of the Umayyad mosque needed to be renovated. Since the *mutawallīs* were not aware of this situation, the *qāḍī* and a group of *ʿulamāʾ* came to ask the *mutawallī* to make the necessary restoration of the building. Hence, it can be said that *waqf* in the past was exposed to public scrutiny.

The participation of *waqf* in past times was not limited to the Muslims, but also involved non-Muslims. Faroqhi (1974) mentions that in the sixteenth-century there was evidence when non-Muslims contributed to *waqf* by paying twelve persons to recite the Qurʾān along with an *imām* (leader) and *noctaci* (a person who checks the attendance).

5.4. Self-Regulation

Kahf (2007) believes that self-regulation is the nature of *waqf* administration. Cizakca (1997) is of the same view in that he provided evidence of how government involvement in *waqf* has always had a bad impact on its survival. He asserts that when *waqf* was vested under the government during the Fatimid ruler and Ottoman Empire, it led to unfortunate events. Although the first inception of *waqf* was commanded by Prophet Muhammad (pbuh), the later development was subject to interpretation and innovation process. *Waqf* was, therefore, closely related to *fatwa*[1] throughout Islamic history (van Leeuwen, 1999). Moreover, van Leeuwen discovered that during the Ottoman Empire, before centralization, all *mutawallīs* were allowed to conclude all *waqf*-related transactions. The *mutawallīs* were under the supervision of *qāḍī* who acted on behalf of the community (Abu Zahrah, 1971; van Leeuwen, 1999). It is only if *waqf* cases were too complicated that the involvement of the Sultan's decree was required. Abu Zahrah narrated a story of the *qāḍī* Abd al-Malik bin Muhammed al-Hazmi (790 CE) when he did supervision on *waqf*. Every month, he and some interested parties from the society went down to the field to inspect the *awqāf*. If he discovered any mismanagement by the *mutawallī,* the *qāḍī* beat the *mutawallī* ten lashes.

5.5. Social Auditing

Waqf was also subject to social auditing in the past, although the practice was not exactly the same as today's definition of social auditing. As Ebrahim (2003) notes, the term social auditing refers to a complex process that encompasses other mechanisms of accountability, such as reporting, performance, participation and self-regulation. In fact, the most

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(1) *Fatwá* is a ruling on a point of Islamic law given by a recognized authority.

dominant mechanisms involved in the so called social auditing in the past were, reporting, performance and participation.

As mentioned previously, the reporting and disclosure statement of *waqf* was widely practiced during the Ottoman Empire. Meanwhile, the *waqfīyah* was used as the basis of measuring *waqf* performance. In addition, the *qāḍī* played a significant role in the process of social auditing in the sense that they acted as the representative of the community (van Leeuwen, 1999). According to van Leeuwen, the role of the *qāḍī,* among other things, was to check whether the *waqf* assets were maintained properly; to evaluate whether appropriate investments to cover *waqf* expenses were made by the *mutawallī*; to supervise the appointment of the *mutawallī* and *waqf* staff; to supervise the legal transaction of *waqf* and to hear any complaints from *waqf* beneficiaries.

The above review provides an insight into the fact that *waqf* management in the past was closely related to accountability. Although, one might argue that the evidence of accountability from the past is by chance, it should be noted that *waqf* was founded and administered by pious persons who were perceived as God-fearing individuals (Lev, 2005). Hoskin (1996) insists that accountability was present in ancient times, although it was more likely related to stewardship. Hence, although the phenomena of accountability presented above are not completely the same as the modern accountability concepts, the writers believe that it was practiced on purpose. In fact, one of the reasons for the decline of *waqf* was the removal of the sense of accountability in managing *waqf* (Rashid, 2008).

6. Concluding remarks

This paper presents the accountability practice in *awqāf* history in light of five accountability mechanisms proposed by Ebrahim (2003), i.e. accountability of the *mutawallī*. Therefore, the importance of accountability to revive *awqāf* institutions cannot be discounted.

Thus, this study suggests *waqf* regulators should immediately develop and introduce regulations pertaining to the accountability of *mutawallīs*. As far as *waqf* study is concerned, there is no clear guideline as to how accountability should be discharged. Apart from the mechanisms of accountability proposed by Ebrahim (2003), *waqf* regulator could include audit of *waqf* accounts as one of the mechanisms to show accountability. As indicated by Yayla (2007), audit on *waqf* accounts was performed during the Ottoman Empire as a controlling device. Moreover, perhaps, the most urgent regulation in the near future is that relating to *waqf* accounting standards and performance measurement indicators. This is because through these two mechanisms, the *wāqif*, regulator and also the public can easily evaluate the achievement of *waqf* institutions.

In addition to the abovementioned recommendation, there is a possibility to conduct case studies to see how accountability is practiced among *waqf* institutions. In fact, studies on *waqf* accountability are still very limited. The gap in the literature has given the opportunity to conduct more study pertaining to accountability within *waqf* institutions. Last but not least, a comparative study between two countries or more could also be possible. Looking into the different nature of different types of management and how it influences accountability can be very fruitful for the improvement of the management of *waqf*.

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آليات المساءلة لمؤسسات الأوقاف: دروس مستفادة من التاريخ

هداية الإحسان وإليانورة ويوسي سيبترياني

معهد الفنون التطبيقية – ولاية بادانج – إندونيسيا

المستخلص: شهدت السنوات القليلة الماضية إعادة تنشيط للمؤسسات الوقفية في جميع أنحاء العالم. هناك وعي متزايد فيما يتعلق بضرورة إحياء الوقف لإيجاد مجتمع أفضل. فقد أدركت المجتمعات الإسلامية أن الوقف يمتلك القدرة على أن يكون نظاماً فعالاً للقضاء على الفقر، ومع إحياء هذا الصرح التاريخي العريق، فهناك دعوات تطالب بقدر أكبر من المساءلة لمؤسسات هذا القطاع. وعلى الرغم من أن دعوات المساءلة للمؤسسات الوقفية غير مسبوقة، فإن الدراسات حول هذه المسألة لا تزال محدودة. لقد بُذلت محاولات قليلة لمعالجة قضية المساءلة في الوقف، غير أن معظم الدراسات السابقة ركزت على جانب المحاسبة فقط؛ والواقع أن مفهوم المساءلة هو أوسع من ذلك. وبالتالي فإن هذه الورقة تهدف إلى البحث عن أدلة فيما يتعلق بكيفية ممارسة المساءلة في الأوقاف. ولتحقيق ذلك، فإن الورقة تستكشف وتراجع الدراسات السابقة حول الوقف، مركزة على كيفية ممارسة المساءلة في تاريخ الوقف.

Hidayatul Ihsan is currently a lecturer at the accounting department, Padang State Polytechnic, Indonesia. He received his first degree in Bachelor of accounting from the Andalas University, Indonesia. Having done his M.Sc. in Accounting at the International Islamic University Malaysia, he completed his PhD in Accounting at the same university. His research interests are: Islamic accounting, espacially *waqf* accounting and account-ability. He has authored several articles on *waqf* which have been published in international journals. He has also edited some books on *waqf*. Ihsan has presented his papers on *waqf* at many international conferences in the last ten years.

E-mail: ihsanm@gmail.com

Eliyanora is a senior lecturer at the accounting department, Padang State Polytechnic, Indonesia. She completed her first degree in accounting at the Andalas University, Indonesia and received her Master's degree in Accounting from the University of Indonesia. Her teaching and research have been focused on accounting information system and banking. Eliyanora has published her works in many national journals in the last few years. Prior to joining Padang State Polytechnic, she served as a banker for several years. She has held a number of administrative posts at Polytechnic. She also has been actively involved as a member of Indonesian Institute of Accountants.

E-mail: norabuan@gmail.com

Yossi Septriani is a senior lecturer at the accounting department, Padang State Polytechnic, Indonesia. She received her first degree (Bachelor of Accounting) from Andalas University, Indonesia in 2002. She pursued her postgraduate study at the University of Melbourne, Australia, under Australian government scholarship and received a Master's degree in accounting in 2008. Her research interests are: auditing, accounting education, and accountability issues. She has been actively involved in research and has presented many papers in international and national conferences in the last 5 years.

E-mail: yseptriani@gmail.com.