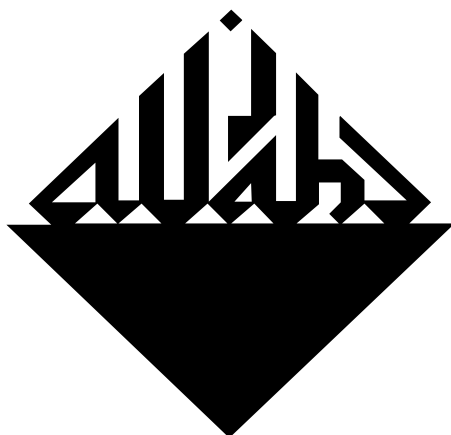


STUDIA ISLAMIKA

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RITUAL, *BID'AH*, AND THE NEGOTIATION OF
THE PUBLIC SPHERE IN CONTEMPORARY INDONESIA

Jajang Jahroni

HISTORICIZING ISLAM: ON THE AGENCY OF
SITI MARYAM IN THE CONSTRUCTION OF
BIMA'S HISTORY OF ISLAMIZATION

Muhammad Adlin Sila

CROSS-CULTURAL DIFFERENCES EXPERIENCED
DURING HAJJ: A CASE STUDY OF ACEHNESE HAJJ

Kamaruzzaman Bustamam-Ahmad & Rahmi Zakaria

ZAKAT AND POVERTY ALLEVIATION IN A SECULAR STATE:
THE CASE OF MUSLIM MINORITIES IN THE PHILIPPINES

Alizaman D. Gamon & Mariam Saidona Tagoranao

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Table of Contents

Articles

- 1 *Jajang Jabroni*
Ritual, *Bid'ah*, and the Negotiation of
the Public Sphere in Contemporary Indonesia
- 37 *Muhammad Adlin Sila*
Historicizing Islam: On the Agency of
Siti Maryam in the Construction of
Bima's History of Islamization
- 67 *Kamaruzzaman Bustamam-Ahmad & Rahmi Zakaria*
Cross-cultural Differences Experienced
during Ḥajj: A Case Study of Acehese Ḥajj
- 97 *Alizaman D. Gamon & Mariam Saidona Tagoranao*
Zakat and Poverty Alleviation in a Secular State:
The Case of Muslim Minorities in the Philippines
- 135 *Hermansyah*
Khalfiyat wa taḥaddiyāt al-aqaliyah
al-muslimah al-Ṣīniyah fi Pontianak

Book Review

- 177 *Dadi Darmadi*
Rindu Kembali Ke Baitullah:
Sejarah Haji Asia Tenggara

Document

- 199 *Dita Kirana*
Enhancing Religious Education: An Attempt
to Counter Violent Extremism in Indonesia

Alizaman D. Gamon & Mariam Saidona Tagoranao

Zakat and Poverty Alleviation in a Secular State: The Case of Muslim Minorities in the Philippines

Abstract: *Twelve million Filipinos live in extreme poverty. Despite a well-crafted government model for poverty alleviation, the state's role in managing charities to alleviate economic deprivation has been minimal. By reason of the state's strict adherence to secularism, the operation of Islamic institutions at the social level is deemed unconstitutional. It is unfortunate that the dynamics of Islamic social financial institutions, i.e. zakat, waqf and ṣadaqah, are not reflected in the economic road map for the reconstruction of the Autonomous Region in Muslim Mindanao, particularly the rehabilitation of the city of Marawi after the war. This study examines the initiatives taken by government agencies and Muslim organizations towards the gradual revival of zakat as an Islamic social financial institution. In addition, the study highlights issues on the management of zakat and its role in poverty alleviation within the context of a secular state. This study finds that due to mismanagement, zakat fails to eliminate or reduce the poverty of the Muslim minorities in the Philippines.*

Keywords: *Zakat Management, Alleviating Poverty, Muslim Minorities, Islamic Social Financial Institutions, Religious Organizations.*

Abstrak: Dua belas juta rakyat Filipina hidup dalam kemiskinan yang ekstrem. Meskipun sudah ada model pemerintahan yang untuk pengentasan kemiskinan, peran negara dalam mengelola lembaga amal untuk meringankan beban perekonomian masih sangat minim. Didasarkan pada alasan ketaatan negara terhadap sekularisme, keberadaan lembaga keislaman di level masyarakat malah dianggap inkonstitusional. Patut disayangkan bahwa dinamika lembaga keuangan Islam seperti zakat, wakaf, dan sedekah tidak tercermin dalam roadmap untuk merekonstruksi daerah otonomi muslim Mindanao, khususnya rehabilitasi kota Marawi setelah perang. Studi ini mengkaji inisiatif yang diambil oleh agensi pemerintah dan organisasi muslim untuk menghidupkan kembali peran zakat sebagai lembaga sosial keuangan Islam. Selain itu, kajian ini juga menyoroti isu-isu mengenai pengelolaan zakat dan perannya untuk pengentasan kemiskinan dalam konteks negara sekular. Akhirnya, studi ini menemukan bahwa karena terjadi kesalahan dalam manajemennya, zakat gagal berperan untuk menghilangkan atau mengurangi kemiskinan masyarakat minoritas muslim Filipina.

Kata kunci: Pengelolaan Zakat, Pengentasan Kemiskinan, Minoritas Muslim, Lembaga Sosial Keuangan Islam, Organisasi Keagamaan.

ملخص: عاش ١٢ مليوناً من الشعب الفلبيني تحت خط الفقر الشديد. وعلى الرغم من وجود نموذج الحكومة للحد من الفقر إلا أن دور الدولة في إدارة المؤسسات الخيرية من أجل تخفيف الأعباء الاقتصادية لم يزل ضئيلاً. واستناداً إلى مبررات خضوع الدولة للعلمانية، كان حضور المؤسسات الإسلامية وسط المجتمع يعتبر شيئاً غير دستوري. كان من المؤسف أن لا تنعكس ديناميات المؤسسات المالية الإسلامية مثل: الزكاة والوقف والصدقة في خريطة الطريق من أجل إعادة بناء مناطق الحكم الذاتي المحلي المسلم في مينداناو، وإعادة تأهيل مدينة ماراوي بعد الحرب بصفة خاصة. وتتناول هذه الدراسة المبادرة التي اتخذتها المؤسسات الحكومية والمنظمات الإسلامية من أجل إحياء دور الزكاة باعتبارها مؤسسة اجتماعية مالية إسلامية. كما تلقي هذه الدراسة الضوء على القضايا التي تتعلق بإدارة الزكاة ودورها في الحد من الفقر في سياق الدولة العلمانية. وأخيراً، كشفت هذه الدراسة عن فشل الزكاة في أداء دورها في انتشار أو تقليص الفقر في مجتمع الأقلية المسلمة في الفلبين بسبب الأخطاء في إدارة الزكاة.

الكلمات المفتاحية: إدارة الزكاة، الحد من الفقر، الأقلية المسلمة، المؤسسة الاجتماعية المالية الإسلامية، المنظمة الدينية.

As mandated by the Constitution of the Philippines, government institutions are expected to embrace the responsibility of producing a just and humane society, the aspirations and ideals of which are deeply enshrined in the rule of law and the principle of justice and equality. It is rather perturbing to many inquiring minds, however, to learn the historical reasons as to why the relationship between the state and Islamic institutions has given rise to an unpopular discourse among researchers for the past few decades. This is notwithstanding the fact that, prior to colonialism, a well-balanced *zakat*-system was operational and fulfilled its religious and economic purposes. Given the magnitude of secularism in the country, the relevance of all religious institutions, at least according to the state, is considered dubious. The systems that govern the institution of *zakat*, including procedural assessment, collection and distribution of *zakat* funds, will inevitably be greeted with apathy by non-Muslim policy makers. As we have seen, the plight of Muslim communities in the Philippines is disheartening, and yet a lack of knowledge on *zakat* is contributing to such incidences of high poverty in Filipino Muslim communities.

Historically, Islamic social financial institutions – i.e. *waqf* and *zakat* – were instrumental in the development of Muslim communities in the Philippines. They served the Muslim communities in almost all fields. The impact of colonialism, however, made Islamic institutions and culture dormant and less efficient in fulfilling the needs of Muslim communities in the Philippines. Muslim perspectives on the sustainability of *zakat* and *waqf* management are largely missing. Research on Islamic institutions in the Philippines are mostly examined from a secular perspective. It seems reasonable, therefore, to trace and examine the historical evolution of *waqf* and *zakat* institutions in the Philippines. Musib Buat (1984) traces the evolution of *waqf* institutions in the Philippines. Buat briefly outlines the legal status of *waqf* and its relation with other Islamic social financial institutions from the context of the secular state.

Muhammad Ariff (1991) provides an overview of the development of *waqf* and *zakat* institutions in ASEAN member states. A chapter in the book by Carmen Abubakar deals with the *zakat* and *sadaqah* practices of the Moro people of the Philippines. The works of Cesar Majul have been regarded as a valuable contribution since they provide relevant information on the historical aspects of Islamic institutions in the

Philippines. Those works provide a fairly extensive and comprehensive overview of Muslim social life, origin and culture, but also emphasize their status and situations. Majul's writings include: *Muslims in the Philippines*, (Quezon City: University of the Philippines Press, 1973), *The Contemporary Muslim Movement in the Philippines*, (Berkeley: Mizan Press, 1985), *Muslim in the Philippines: Past, Present and Future Prospects*, (Manila: Converts to Islam Society of the Philippines, Inc., 1971). Peter Gowing's work provides clues on the dimensions of the history of Islamic institutions in the Philippines Gowing contributed numerous books and articles on the study of Muslim Filipino culture, society and contemporary problems. Some of his publications include: *Acculturation in the Philippines* (Quezon City: New Day Publisher, 1971) and *Muslim Filipinos-heritage and Horizon* (Quezon City, New Day Publisher, 1981). Lela Noble's works are considered some of the most engaging attempts to understand the development of the relationship between Filipino and Malaysian Muslims. Her works provide a better understanding of Islamic institutions in Malaysia and the Philippines. Noble's works include: "Ethnicity and Philippine-Malaysian Relations," *Asian Survey* 15, no. 5 (May 1975) : 453-72. "Mindanao: A Perspective from the Philippine Frontier," *Crossroads* 1, no. 3 (October 1983): 41-50. T.S. George's *Revolt in Mindanao: The Rise of Islam in Philippine Politics* (1980) provides a good framework in understanding the evolution of Muslim organizations in the Philippines. It analyses how Muslim leadership used Islam as an instrument to attract Muslim masses to the struggle and to gain support from Muslim countries.

Given the scarcity of literature on Islamic social financial institutions in the Philippines, this article relies on both library research and field interviews. Primary sources and relevant books on economics and poverty alleviation were consulted and studied to explore their relevance to the issue of *zakat* management in the Autonomous Region in Muslim Mindanao. The development of the Islamic legal system in the Philippines is referred to as a framework in analyzing the main theme of the study. Studies on government initiatives for the transformation of Muslims communities in Mindanao were also studied.

This study is exploratory by nature. It involves a description and explanation of historical facts about Muslims in the Philippines. We used a qualitative method of gathering data, the flexibility of which allowed us to slightly modify and make necessary refinements to the

research problems as the study progressed. In maintaining the study's objectivity, we were quick to avoid anything that could interfere with the research setting, particularly the interview sessions, in order to better understand respondents' organizational and individual motivations, feelings and perceptions of the study and the pertinent issues. This allowed us to consider well-grounded descriptions and explanations of unforeseen thought and the implications thereof to the research statements.

There have been numerous books and periodical articles about Muslims in the Philippines since the inception of the government's policy of integration in 1954. These researches have failed, however, to appreciate the opinions of the Muslims intellectuals, particularly their views on *zakat* and poverty alleviation in the region.

Legislative acts including constitutions, laws, statutes, resolutions, charters, records, decisions, letters of instruction, decrees from the Spanish, American and post-independence eras were analyzed to trace the historical bases of the development of Islamic institutions, those being *waqf* and *zakat*.

We also conducted both formal and informal interviews with some of the members of the Ranao Council and Markaz As-Shabab in the Philippines in relation to the development of *zakat* and its contribution to poverty alleviation. Our acquaintances, as well as the members of the aforementioned organizations, provided a friendly atmosphere which facilitated the study.

In gathering data for *zakat* and poverty alleviation in the Philippines, relevant books, journals and other reading were gathered from different libraries in the Philippines and Malaysia. The data were gathered mostly from interviews with the trustees of *awqaf* properties in Lanao del Sur. In addition, few *muftis* from different Muslim organizations, *ulama* and government representatives were interviewed with regard to the legal and historical positions and contribution of *zakat* to poverty alleviation in the Philippines.

A Glimpse on Poverty Alleviation in the ARMM Region

In today's world, secular approaches to economy have powerfully shaped development theory and practice. The unprecedented economic challenge brought by global economic meltdown has an explicit impact on the socio-economic and cultural landscape of Muslim majority and

minority societies. The United Nation's Millennium Development Goals have been influential in moving states to organize programs as a sign of their commitment to put an end to poverty for all (United Nations 2012). Scholars from different parts of the world have studied the practicality of various development models and approaches to alleviate poverty in order to extirpate its roots at the global level. The inherent flaws of those ideas and theories, however, which are exhibited in dealing with poverty – such as the one-dollar a day measure to evaluate and monitor poverty levels – have obscured the true meaning of development.

The politics behind the creation of the Poverty Reduction Strategy, as initiated by the International Monetary Fund and the World Bank, have resulted in social inequalities rather than safeguarding the progress and welfare of poor communities. The extensive impact of such a materialistic approach to poverty reduction could possibly frustrate those who hope to see the end of ever-increasing hunger and malnutrition in different parts of the world, notwithstanding an abundance of resources and technological development. Over the years, the Poverty Reduction Strategy Papers, as a framework for reducing global poverty, and the UN-sponsored 18 development targets, had, as of 2015, shown weaknesses in tackling the multidimensional poverty and social inequities (United Nations 2012). In fact, the depth and breadth of the economic crises faced by Latin American and Muslim societies can be attributed to a Western approach to poverty alleviation, pursuant to which poor countries have been continuously dependent on external aid, their sovereignty has been challenged, and their governments have had no other option but to conform to the Poverty Reduction Strategy, regardless of the conditions it has imposed.

Poverty has been a serious problem faced by various Filipino governments. Each president has introduced different policies and strategies to combat the socio-cultural impact of poverty in the Philippines. The Tulong sa Tao program, the Social Reform Agenda (SRA), the Lingap para sa mahihirap, and the Kapit-Bisig Laban sa Kahirapan (Favoring the poor and neighbors against poverty), were introduced respectively by Aquino, Ramos, Estrada and Arroyo as innovative intervention programs for poverty reduction in the country. In spite of the country's capacity to meet the basic human needs, the weak and politicized policies of the government have been the cause of

sluggish poverty reduction in the Philippines. It is unfortunate that the poverty incidence target of 16.6 per cent in 2015 was not met; instead, that rate increased to 26.5 per cent, of which Mindanao has the highest rate of poverty at 39.8 per cent (Asian Development Bank 2009).

According to the National Anti-Poverty Commission (NAPC), the Autonomous Region in Muslim Mindanao (ARMM) is among those provinces with the highest incidence of poverty in the Philippines (Symaco 2014). Such a rate can be attributed to the situations of fragility in the ARMM region: Basilan (except Isabela City), Lanao de Sur, Maguindanao, Sulu and Tawi-Tawi. Undoubtedly, the 40 years of continuous vertical conflict with the government, in addition to the increasing clan wars or *rido*, have resulted in devastating economic instability in the region (Mantalbo).

Based on a study conducted by the World Bank and the World Food Program between 2000 and 2010, the wars in Maguindanao alone have resulted in 120,000 casualties. Needless to say, it is disheartening to recall that the historical injustices towards the Muslim communities, under the purview of social change, has served the interests of the modern regalia framework, instead of protecting the communal ownership of the indigenous people of Mindanao. Due to the absence of a clear policy on land ownership for the Bangsamoro, both local and foreign investors have been reluctant to invest in the disputed lands of the ARMM region.

From the inception of ARMM, local governments have essentially failed to fulfill their mandated task as governors, mayors and other regional heads. The presence of political dynasties and corruption has obliterated government development projects for the ARMM region. For instance, a detailed empirical survey on the expenditures of the ARMM government, from the tenure of Governor Misuari until recently, revealed a pattern of unusual spending in the areas of personnel services, maintenance and other operating expenses and capital outlay (Ramiro). Because the prevalence of unusual expenditures has a direct correlation with poverty in the ARMM region, it is necessary to have a constitutional mechanism in appropriating funds in the ARMM government.

For the past few decades, the ARMM region has been underdeveloped, with its people having poor access to basic needs. Comparatively, while 26.5 per cent of the Philippines lives below the poverty line, that figure

in the ARMM region skyrockets to 52.9 per cent (mantalbo). Paul Dominguez, former Presidential Assistant for Mindanao, has rightly pointed out that the widening economic gap between Christians and Muslims in parts of Mindanao is one of the causes of destabilizing factors in Mindanao. Indeed, if this economic disparity is not properly addressed by the government, Mindanao will continue to experience social fractures (Vitug and Gloria).

Subsequent empirical studies conducted by United Nations Development Programme (UNDP) since 2001 using the Minimum Basic Needs indicator have consistently shown that the ARMM is the most underdeveloped and poverty stricken region in Mindanao. To contain the implications of poverty, health, education, infrastructure issues in the ARMM, the government of the Philippines has been consistent in introducing well-balanced regional development projects aimed at addressing disparities, enhancing the roles of local government (LGUs), particularly in the field of capacity building, upgrading databases and coordinating statistical systems to provide the relevant government officials with timely, accurate, and relevant information for effective decision-making. Furthermore, the government has introduced policies on social justice and respect for ethnic traditions, which have been re-evaluated in favor of a multi-cultural Philippine society. The peacebuilding efforts of the previous administration were aimed at increasing cultural and economic participation of the Muslims and the *lumads* (Ramiro).

Discussions on poverty alleviation in the Philippines center on the material causes thereof and set aside the moral and spiritual dimensions. Poverty in the country is generally attributed to the sluggish economic growth for the past 40 years. Filipinos regarded sustainable economic growth as being in the public interest. The chronic poverty in the country, a result of the various internal conflicts over the past few decades, requires more effective policies to end the unresolved armed struggle, particularly in Mindanao (Muslim 1994). In addition, the recurrent exposure to environmental crises and natural disasters, the low growth elasticity of poverty alleviation, the lack of quality jobs and unemployment, the high inflation rate, an uncontrolled population increase, and the presence of persistent social inequalities and injustices, are among the main causes of poverty in the Philippines (Asian Development Bank 2009). Given that poverty in the Philippines remains unacceptably high, with 26.5 per cent of people living below the poverty line, and the gap between

the rich and the poor remains high particularly in the ARMM region, policy makers should be stressing the need for immediate government intervention to curb poverty and social inequalities. Conventional formulas and approaches to poverty reduction may not succeed while there is inaccurate and unreliable information or ideas being conveyed to the policy makers. Lawmakers must also revisit the historical grievances and modern injustices experienced by Muslim communities in the Philippines over the past 50 years.

While the administration of President Rodrigo Roa Duterte has shown great vigor in pursuing policies of poverty reduction, it is crucial that the divine character of the Islamic concept of social security must be gradually integrated into the 'definite direction' of the Philippines' national recovery program (Muslim 1994). Realigning the Islamic concept of social security with the national system may, however, inevitably encounter legal and constitutional disapproval due to state's adherence to the separation of Church and State. The historical roots of the Mindanao conflict are deep; it is beyond social and cultural. Understanding the people of Mindanao, their culture and religions, is paramount to the Philippines' social security system (Ferrer 1997). Upholding the demands of multiculturalism, particularly in Mindanao, poses a real test to the social security system. A paradigm shift or new mindset, armed with the knowledge of tolerance, justice, cooperation, and mastery of inter-religious dialogue (Hassan 2011, 149–208), must be contained in Philippines development forums. The State of the Nation Address speeches of Arroyo and Duterte in 2008 and 2016 respectively affirmed the government stance of no development without peace. In fact, President Duterte's speeches have been about peace as the foundation for nation building. An enquiring mind may attribute the overall failure of the "growth with Equity in Mindanao" program led by the World Bank, the EU, and the International Crisis Group, backed by Canada, Australia, New Zealand, Sweden and Japan, with the inefficiency of management strategies by the local government.

The Development of *Zakat* and its Implications for Islam in Southeast Asia

In order to deal with the present shortcomings of *zakat* and other Islamic financial institutions there is a need to understand the underlying causes of their shortcomings and their methodological

application within the context of secularism. The Islamic worldview, which serves as the core foundation of *zakat* institutions, is expected to provide methodological solutions that may secure a crucial position in addressing the national agenda for poverty alleviation. It is worth mentioning that classical Islamic economic thought, a science which is deeply connected with religion, along with metaphysics, ethics and psychology, has not caused Islamic societies to remain static (Ghazanfar 2004). In fact, the classical concepts of welfare and pension as a form of *zakat*, *waqf*, *waqf ahl* (Islamic family trust) and *waqf khayr* (charitable waqf), have clear influence on trust law, which was developed in England and subsequently introduced during the Crusades of the 12th and 13th centuries (Hudson 2003).

When we ponder the depths to which Islamic institutions such as *zakat* and waqf have plummeted within the cloak of Western economic theories and practices, and the extent to which Muslims have embraced Western principles, we begin to understand the gravity of its flaws, specifically with regard to accommodating the material and religious needs of Muslim minorities in the Philippines. Our study of the development of waqf in the Philippines found that most respondents understood the concepts of waqf and *zakat* derived as literal religious concepts, which they attributed to intellectual exhaustion posed by secularism in the country. Undoubtedly, the imitative foreign solution to poverty alleviation, which is a result of the cycle of emptiness and loss of vision of *zakat* institutions, has eventually repositioned Muslim communities as meager players of social change and development (Tagoranao and Gamon 2017).

A clearly formulated concept of *zakat* is thus required to meet the challenges of secularism that arguably undermines the dynamics of *zakat* in poverty alleviation. A just and critical assessment of *zakat* in the past will surely provide a well-informed approach to *zakat* reform for the realization of comprehensive poverty alleviation at the global level (Royle 2016). Notwithstanding that the guiding principles of *zakat* can be easily discerned in the Quran and Sunnah, a critical assessment of current *zakat* practices and management is necessary. Over the past few years, the welfare function of the state is conceptualized from major Western economic theories, which may not necessarily concede the ethical and moral foundation of *zakat* (Chapra 1993).

Discussion of *zakat* normally centers on the concept of God, man and wealth. *Zakat* is often translated as growth, a success that is experienced by both individuals and society that is anchored by the dictates of a 'stable state of the soul', or purity of the soul. The Quranic application of the meaning of *zakat* in its various conjugated forms, like *ṣadaqah*, relates to the responsibilities of every Muslim believer to secure the sustainable development of the *ummah* (Zayas 2008). With the smooth operation of *zakat* and its gradual realignment to its prime goals, the so-called 'definite direction' of Islamic institutions, which is to foster happiness (*sa'ādah*), welfare (*falāḥ*), good life (*ḥayāt tayyibah*) and to produce a generation of Muslims who are spiritually and materially prosperous, is attained at a certain level (Chapra 1993).

Contrary to secular or conventional finance, the institution of *zakat* ensures the sanctity of moral and social obligations to humanity. It is a divinely inspired institution that defines its character from the metaphysical relationship between man and God, by which, when a particular system operates within the spheres of pleasing God, certainty, social justice, fairness, and equity are assured. Undoubtedly, the triumphant success of *zakat* in battling all sorts of social inequalities during the early history of Islamic civilization was the result of the commitment of Muslims towards the spiritual and ethical foundation of the institution of *zakat*.

Zakat, as one of the financial institutions in Islam, is designed to create a cordial economic relationship between the rich and the poor, to combat the increasing rate of crime, divorce and social injustices (Saeed 1999). What drives the smooth operation of *zakat* is the established mindset of individual believers, as well as the community which constantly promotes and protects the underlying principles that govern the relationship between the donors, beneficiaries and the rest of the community, in an attempt to achieve sustainable development. Restricted for a plethora of reasons, mostly historical and political, we have witnessed how Muslims in the Philippines have struggled for the recognition of Islamic culture and institutions. There is no doubt that Muslim organizations are very much inspired by the wisdom of mutual assistance and solidarity that are anchored by Islamic social financial institutions. It is the unwavering hope of the ARMM region that the road map for the economic reconstruction of the region will be configured in accordance with the universal economic values of Islamic.

Contrary to the radical views on charity such as those of the Calvinists, where charity is viewed as an act of interference by man to God's blessing or damnation, Islam and other religions have maintained the socio-religious significance of charity. Giving charity to the poor is not only a social obligation but also a religious duty of every faithful individual. The realization of *zakat*'s prime goal can be attained if the rich are motivated by the love of God and a sense of social accountability – the poor too are then helped and relieved (Al-Qardawi 1999, 7). Fair distribution of wealth and income is regarded in Islam as one of the bases of Islamic religiosity. The act of *zakat* is being measured by its compliance with the command of Allah and guarantees fairness and concern to fellow Muslims. Therefore, government policies must be committed to upholding the role of *zakat* and its capabilities for the development of society.

The Quran delineates the position of *zakat* as the third pillar of Islam. *Zakat* is a vast concept that denotes the act of 'spending in the way of Allah', which is meant to purify one's self and wealth, freeing one from the danger of arrogance due to worldly possessions and, thus, inculcating discipline and humility. Unlike charity or any charitable activities, which are given as an act of kindness and generosity, *zakat*, on the other hand, is regarded as a mandatory religious obligation on every Muslim believer (Al-Quran, 9:71). The *shari'ah* specifies regularly giving 2.5 per cent of one's net wealth every year to fulfill the economic needs of the eight categories of the recipients of *zakat*: *masākin* (the destitute), *fuqarā'* (the needy or poor), *'āmil zakāh* (the alms collectors), *fi sabilillāh* (in the path of God), *ghārim* (people burdened with debt), *ibn al-sabil* (the wayfarers), *riqāb* (people in bondage or slavery), *mu'allaf* (those who have inclined towards Islam (Al-Quran, 9:60). All financially capable Muslims, whether they constitute a majority or minority Muslim society, are obliged by the *shari'ah* to pay *zakat* annually so that the specified role of the socio-economic security of Islam can be fulfilled (Ali 2016). Islam views poverty as a serious social problem. The Prophet used to remind his companions about the trials and affliction that poverty causes in life. The Prophet asked God: "O God! I seek refuge from *kufri* (disbelief) and poverty" (Al-Sijistāni 1990).

It is indeed humbling to understand that meaningful economic growth, progress, and change hinges on religiosity and personal beliefs. There are few studies that suggest the Islamic identity of the state and the willingness of its populace to give *zakat* to an organized *bayt al-māl*

reinforces the equity effect of *zakat* management. The potential role of *zakat* in curbing all forms of social inequalities could be realized if it is part and parcel of an Islamization process (Marunung 2013). The crystallization of the history of human social-economic development can be appreciated from the intrinsic features of the *dīwān* that was established by the companions of the Prophet Muhammad (s.a.w). The *dīwān* was entrusted to look after the operation of *baytul māl* (the treasury) by closely monitoring the wealth derived from *zakat*, *ṣadaqah*, *khums*, *jizyah*, *ʿushr*, etc. The continued trends of economic uncertainties brought by the greed of materialism have troubled many Muslim and non-Muslim societies to meet their basic human needs: food, clothing and shelter (Al-Ghazālī 1982).

The growth of a nation by means of upholding the central objectives of the Shar'iah – protection of religion, life, progeny, dignity, property, and the fulfillment of the basic needs of every believer – is regarded by many classical Muslim scholars as *fard kifāyah* (collective responsibility) (Ali 2016). Concerned with constructing a charitable system, the Quran has repeatedly reminded believers to preserve and develop the institution of *zakat* and to observe moderation while performing their religious and social obligations.

The Philippines is a secular state and a multi-religious society (Kim 2016). Unlike traditional societies such as Thailand and Korea, religious institutions play a significant role in unifying people, particularly when national harmony and development is challenged by the influence of a despotic ruler. The Philippines adopts the doctrine of the separation of Church and State. This highly politicized concept, since its inception in 1899, has categorically defined the meaning of the secular state in relation to Philippines' constitutional law, through the drafting of the independence constitution in 1935, the Marcos constitution adopted in 1973, and the 1987 constitution adopted under Corazon Aquino. The Constitution respects free exercise and enjoyment of religious profession and worship and forbids public funds from being used for religious purposes (*Philippine Law Journal*, Vol. 82, 2007). Needless to say, however, the Constitution exempts from taxation all lands, buildings, and improvements that are directly or exclusively used for religious, charitable, and educational purposes.

Historically, the Philippines social system is informed by the worldview of the conquistadors, who granted the friars and local

elites estates in exchange for their loyalty to the King of Spain from 1521-1898 (Quilop 2011). For three centuries, the conquistadors were armed by religion and material prestige, and mostly wielded economic and political influences to the state. The early political unit of the archipelago, the *barangay*, which had been regarded as society's most indispensable foundation, was inevitably challenged by the conquistadors' approach to social change and development (Quilop 2011). History has informed us that the church tried to block the penetration of secularism in the Philippines, the only strong hold of Catholicism in the region.

The Philippines' new colonial master, the Americans, embraced the ideology of secularism, glorified Protestantism, and promoted democracy, indeed marginalized the potential role of religious institutions in the state. In secular humanism, religion is viewed as an obstacle for progress and change (Al-Attas 1993). In advancing the ultimate goal of a new development strategy, the Philippines foresaw the importance of confiscating the lands given to the friar order and the church hierarchy as a measure to redress social inequalities (Agoncillo 1990). The paradoxical nature of the new approach for national recovery, however, has its underpinning implications toward the development of Islamic institutions in the Philippines.

It is indeed unfortunate that the economic development models adopted by successive governments were crafted in accordance with secularism, which emphasizes the economic interests of the state. Such an approach to nation-building has lost its identity, which has resulted in the widening of an intellectual vacuum that has failed to grasp the true substance of equity and poverty alleviation within the context of a multicultural society such as the Philippines (Gamon 1999). A secular approach to poverty alleviation may not necessarily emphasize the synergy of spirituality and material development within the realm of economic recovery, but certainly, the detachment of the state from its sacred origin has been addressed. In spite of this, man has constantly been in search of an all-embracing system of life.

Zakat plays an important role for the Muslim *ummah*, making it a sustainable society based on accountability and its capability to implement social justice. The Muslim Filipinos cannot just rely on limited government funds and international donations, particularly from Middle Eastern countries. It also needs the capacity to mobilize

independent local resources as in the case of collecting *zakat* to balance the distribution of income and wealth. *Zakat* is a core obligation of the Muslim *ummah* to develop through a range of charitable institutions. The presence of Muslim charitable institutions created by religious organizations in different regions reflects the richness of the Islamic culture in the Philippines. Muslims believe that it is a mandate to fulfill *zakat* in order to achieve the goal of Prophet Muhammad (s.a.w) to prohibit a large number of exploitative and unjust techniques in trade and commerce (Doi and Clarke 1989).

The *zakat* institution in the Philippines has never been considered by the government an important factor in raising the economic status of the Muslim populace. The government considered *zakat* as a fully religious institution. Therefore, it is not legally recognized under the Philippines' legal system. There is no law regulating the control, management or development of *zakat* properties, as we would find in Malaysia and Singapore. Muslims in the Philippines have, however, developed a strong civil society for the promotion of *zakat* as an important pillar of Islam. The *zakat* institution was able to curb the suppressive lack of interest for the government to assist the Muslim minority by providing education through madrasah and religious services, as well as other Islamic cultural development programs.

The collection and distribution of *zakat* (*zakat al-fitr* and *zakat al-māl*) becomes the responsibility of every religious organization in its own respective region. Some individuals who are not affiliated to any of those religious organizations give their *zakat* directly to the beneficiaries who are closely related to them. The concept of *zakat* in some cases is not fully realized because of poor management and administration. There is much to be done by the *ulama* (religious scholars) to make the people understand the real concept of *zakat*, particularly the strong concern of Islam in promoting social and economic justice.

As a consequence of the government's neglect of Islamic institutions for the past few decades, the societal roles of *zakat* and *waqf* institutions have not been fully appreciated by Filipino historians and economists, particularly following the country's declaration of independence. A social chasm between the Christian majority and Muslim minority was intensified by the secular economic approaches adopted by the government, particularly in dealing with *waqf* land and Islamic wealth management. Instead of addressing issues relating to the reservation

of Muslim land through waqf, the government granted legal rights to 200,000 Christian migrants to settle in traditional Muslim areas, thus exempting those areas from the government's development plan (Majul 1978). Land disputes and discrimination against Muslims contributed to the Mindanao conflict.

Anticipating the adverse impact of social marginalization, Singapore, as a secular state, recognizes the importance of social co-existence, by which, under the Administration of the Muslim Law Act (AMLA), the office of the Majlis Ugama Islam Singapura (MUIS) has been granted the legal rights by the state to administer *zakat*, *waqf* and *bayt al-māl* (Ariff 1991). With the integration of ASEAN, it is legally sensible for the Philippines to emulate the frameworks designed by Singapore to narrow the economic disparity on the island. Like Thailand, waqf and *zakat* institutions in the Philippines are not regulated or managed within the purview of Filipino laws that deal with land and property. Since Filipino independence, no law has been enacted for the management and administration of waqf and *zakat* institutions (Buat). The government has swiftly found the reason for the exclusion of waqf and *zakat* law in the final version of Code of Muslim Personal Law in the Philippines due to their inconformity with the Philippine secular legal system. Naturally, due to the state's perception of waqf and *zakat* institutions, reliance on legislative support to implement the laws of *waqf* and *zakat* have become difficult. As a result, no constitutional measure has been taken to administer the *awqaf* properties and *zakat* funds for the Muslim communities.

The Philippines, as a multi-cultural society, views the "Muslim problem" as a sort of 'cancer' to the government, which needs to be cured before it becomes terminal for the whole nation (Magdalena). To curtail the gap between secularism and Islam, it is necessary for the government to accommodate the codification of Muslim personal laws and the creation of the *shari'ah* as an instrument for the realization of durable and lasting peace, thereby ensuring the enhancement of the economic, social, cultural and educational position of Muslims in the Philippines. The legacy of a secular colonial legal system remains eminent, however, despite its historical encounter with the cultural and religious traditions of the minorities, particularly the Muslims in the South.

The Corporation Law on trust properties, adopted during the American regime, is relevant for purposes of governance and establishing

welfare and charitable institutions. The functions of the administration of trust assets are defined by various statutory enactments, depending on their nature, purposes and functions (Buat 1984). That said, the property rights of a person or an institution are governed by the Philippines Civil Code, the provisions of which are derived from the legacy of the Spanish Code. Rule 98 of the Revised Rules of Court defines the appointment and powers of trustees, whereas the registration and titling of properties are governed by the Public Land Act. It is painful for many to witness Muslims, notwithstanding the fact that legal means to accommodate their legal aspirations (Gamon 1999) exist, being forced from their land for performing their religious duties and intentions by adopting the above-mentioned laws. Had the proposals relating to waqf and *zakat* been approved, as they were legitimately articulated by the Research Staff of Presidential Decree 1083, consisting of Muslim and non-Muslim legal experts, there would have been a concrete convergence of Islamic and secular legal systems in establishing the 'General Muslim Endowment,' in which the donations and contributions collected from *zakat* and waqf could be exempted from income and gift taxes, and the money being spent shall be considered as deductible items within the meaning of the Revised Internal Revenue Code (Primer on the Proposed Code). In addition, the proposed modes for accounting, the role of administrator, the manner of funds investment and the character of the designated bank were all discarded by the government. The Research Staff of the Code had clearly insisted on a parallel relationship between the Constitution and Islam with regards to the abovementioned issues. The government amended the position of waqf as proposed in the Presidential 1083 as follows:

- 1) the testamentary waqf provided under the Law of Succession (Title III Book Three) and 2) the charitable trust property and ancestral lands as classified as communal properties. Under the testamentary waqf, the Muslim Code provides: "An endowment for Islamic purposes to take effect after the death of the donor (waqf bi'l-wasiyyah) partakes of the nature of a testamentary (*Muslim Code*, Article 104).

Undoubtedly, the devaluation of waqf as a social financial institution is a clear gesture of the state's adherence to both secularism and multiculturalism and thus, the inclusion of testamentary waqf justifies the government's recognition of the rights of Muslims to freely

exercise their religious beliefs and practices within the mandate of the Constitution. If one contemplates Islam in the Philippines, however, time has certainly changed the many patterns of looking at Islam as a religion and a social system.

Given the magnitude of the continued divergence of doctrinal differences among Christian policy makers and intellectuals in the Philippines, President Duterte has clearly spelled out his resolute policies toward development and a meaningful co-existence in the Philippines, despite enormous criticism from both within and outside the country. Provincial Governor of the Autonomous Region in Muslim Mindanao (ARMM), Mujiv S. Hataman, received direct instruction from President Duterte to explore the potential roles of Islamic institutions toward the rehabilitation of the ARMM region: Maguindanao, Lanao del Sur, Basilan, Sulu and Tawi-Tawi. and particularly Marawi. The ARMM and Universiti Sains Islam Malaysia (USIM) spearheaded a consultation project held in Bangi on August 24, 2017. The Lead Convener of the workshop, Assoc. Prof Dr. Mahazan Abdul Mutalib, who is the Director of Research Management Centre (RMC) USIM, has identified six priority areas for the transformation of ARMM: Islamic Micro Credit (Musharakah), Waqf Management, Sustainable Development, Halal Management, Peace and Combating Terrorism and Islamic Education (Baharom).

Management of Islamic Financial Institutions

The Philippines is a Christian country in Asia with a secular legal system. It is a state that does not recognize any religious elements as part of its affairs. The Philippines Constitution clearly provides for the separation of state and religion, but the philosophy of the divisibility of church and state contradicts or limits the Muslims' right to culture or the complete exercise of Islam as a way life, although Article XIV, Section 17 of the 1986 Constitution of the Philippines provides that:

The State shall recognize, respect, and protect the rights of indigenous cultural communities to preserve and develop their cultures, traditions and institutions. It shall consider these rights in the formulation of national plans and policies.

This provision affirms the old constitutional principle that the State shall consider the customs, traditions, beliefs and interests of the national cultural communities in the formation and implementation

of State policies. The dialogue between Islam and Philippines law, however, has found legal expressions to accommodate the aspirations of Muslim minorities in the South. For instance, the drafters of the Muslim Code under the supervision of the government have been mandated to incorporate the principle of *takhayyur* and thus conceded the practicality of the four schools of Islamic law in the Philippines, despite the predominant influence of the Shafi'i School in the country.

The ARMM region and other parts of the Philippines have no doubt been blessed with many resources, which are essential commodities for the world's market and economy. More often than not, mismanagement of Filipino resources is a widespread practice (Bello et al. 2004). Whether the poor get their fair share of the wealth is a question that is worth researching. Muslim societies need to address ways to resolve backwardness through the introduction of feasible development programs. Certainly, the *zakat* institution can play a major role provided it is managed in accordance with the law.

The administration of Islamic financial institutions is left at the hands of religious organizations. Successive governments have failed to recognize the implications of *zakat* and *waqf* on civil society and their role in rendering civil services, from education to health care, in sustaining a center of research and artistic creation, and in promoting an active civic life. In fact, many private schools and madrasah are established through *waqf* properties. Because of legal impediments on the implementation of religious institutions, the government did not pay much attention to the management and development of *zakat* in the country.

But the irony of such perspective on institutions of a religious character can be discerned from the operation of the Philippines Amanah Bank, which was established under Presidential Decree (P. D.) 264, which was later amended in 1974 by P. D. 542. It was established by the Government with an authorized capital of 100 million pesos to meet the financial needs of Muslims based on the concept of Islamic banking and finance. The charter provides for the establishment of a Muslim development fund, which would accrue all profits assigned from dividends of the government's share after payment of shareholders' profit other than the former. Aside from that, Muslim development fund managers expect to receive and administer contributions coming from Muslim individuals, organizations, and institutions in the form

of *zakat*, *fiṭrah*, *ṣadaqah*, and *awqaf* properties (Sharom and Siddique 1987). The philosophy of Islamic banking has been derived from the Quran and Sunnah, which also determines the structure of the Islamic economy (Mastura 1987). The instruments used by the Islamic bank, such as *mudārabah*, *murābahah*, *mushārahah*, *wādi‘ah* and others are based on the teachings of Islam. The Amanah Islamic Investment Bank was established as a statutory body to carry out banking operations on the basis of the Islamic concept of banking following the no-interest and partnership principles (Mastura 1987). *Riba* (or no-interest) is based on Islamic religious teachings.

Despite the obvious contradictions of the Islamic banking system and the conventional banking practices of the Development Bank of the Philippines, the government ignored the religious elements of the operational processes of Al Amanah Islamic Investment Bank (Mastura 1987). In fact, the refurbishment of its new branch in the city of Makati has signaled its “rebirth” as the country’s first and only Islamic bank. Whether to consider this a step by the government towards the realization of a multicultural society, or to benefit economically from Islamic banking products offered by Al-Amanah bank, can be left to the readers to re-evaluate the management status of Islamic institutions in the Philippines. Similarly, we have witnessed how the halal industry in the Philippines has experienced its own ups and downs, particularly with regard to the legalization of the halal concept given its spiritual aspect. It started with the National Commission of Muslim Filipinos (NCMF), formerly known as the Office of Muslim Affairs (OMA) under the Office of the President of the Philippines. The Philippines’ Halal industry is managed and developed in accordance with the constitutional provision regarding the preservation of the socio-cultural well-being of Muslim minorities. The president issued Executive Order 46 for the purpose of developing a strong halal system by recognizing the government as being responsible for the issuance of halal certification. This statute was challenged, however, by one of the religious organizations for allegedly contradicting state policy on the separation of religion and state. Thus, the Supreme Court decided that Executive Order 46 was null and void (Supreme Court G.R. No. 153888). Back in 2003, the Philippines Government realized the importance and relevance of the global halal industry to its own economy. The Department of Trade and Industry and the NCMF regularly

send representatives to annual world halal forums, halal international conferences, trade fairs and exhibits sponsored by international organizations and government agencies from other countries that promote the halal industry, including tourism and other commercial trades. Bilateral talks and business meetings on halal tourism markets have been conducted in and out of the country as part of a marketing campaign for enhancing the Philippines' economic opportunity in a global halal market environment. Local and international business sectors tried to engage themselves and support the development of the halal industry in the country. The business sector, especially those engaged in the export industry, considered the halal industry a solution to their demand for an organized and institutionalized halal system in the Philippines, in order to have a wider opportunity to be a part of the Islamic market worldwide (Tagoranao 2007). The Philippines' tourism industry has been trying to integrate the halal concept into its general economic market considering that there are Muslim-friendly tourist destinations in Manila, Cebu, Davao and other parts of Mindanao. It is, at least, a way forward for the global Muslim travel market, as well as a key *growth tourism* sector projected to be worth \$200 billion by 2020.

While other ASEAN member states have gradually integrated Islamic principles that govern finance, insurance, and the halal industry into their economic system, the secular stance of the state should not be taken as the reason for disregarding the interest of the Muslim minority, particularly with regard to the management of Islamic financial institutions. Otherwise, if the state does not fulfill this function, it becomes compulsory on every individual in the region to perform it on behalf of the Muslim *ummah*. Muslims believe that failure to manage and develop *zakat* institutions will make society liable in the hereafter. Muslim intellectuals have addressed questions on Islamic management with special reference to certain articles in the Constitution on the right of the Muslim minority to practice their Islamic culture based on the Quran and traditions of the Prophet Muhammad (s.a.w), and the practice of the early companions concerning the legal status of Islamic institutions concerned with economic development (Majul 1978).

Every state has its own minorities with certain rights to be protected by its fundamental law. The rights of minorities have been enshrined in the Constitution of the Philippines but these rights are not absolute. There must be an equal distribution of rights among the citizens,

regardless of their race, religion, and creed. The Muslim minority must have the right to preserve its Islamic culture, including the right of *waqf*, *zakat* and the establishment of *bayt al-māl*. Filipino Muslims have a long history of asserting rights for the recognition of Islamic institutions as part of Islamic culture (Majul 1978). All minorities have their own way of demanding rights, but thousands of Filipino Muslims have both died and lost land in the process, before they were even acknowledged (Majul 1978). The majority Christian lawmakers have misunderstood some of their demands, such as if what they demanded had been implemented, there would be the creation of a “state within a state.”

This aside, the government previously emphasized the separation of church and state as provided in the Constitution. The issue now becomes how to make Filipino lawmakers (especially the Christian majority) understand that Islam is not only a religion for Muslims, but also the foundation of their culture. The Code of Muslim Personal Laws was implemented after the proposed provisions on *waqf* and *zakat* were deleted from the draft submitted by the assigned research staff. Several years ago, government agencies (e.g. the National Commission on Muslim Filipino, formerly known as Office on Muslim Affairs) could certify whether products were *ḥalāl* or not. This case has been decided by the Supreme Court as being contrary to the Philippines’ Constitution.

It is a reality that Muslims have to determine the developmental role of Islamic properties in order to have economic stability within a non-Islamic country. It would be a great challenge for them not to fall behind neighboring countries, particularly non-Islamic countries with Muslim minorities, such as Thailand and Singapore, in the race to benefit from the global economy. In the absence of *bayt al-māl*, which is assigned by the government to administer the collection of *zakat*, the Muslim communities have been forced by the circumstances to take the initiative to perform their religious duties through self-help projects. Since there is no uniform management or administrative control on *zakat* in the Philippines, Muslim organizations are occasionally influenced by custom and tradition in administering Islamic institutions (Gamon 1999).

The government initiatives and proposed plans for economic recovery, particularly in the ARMM region, have its strengths and

drawbacks. Being perturbed by government pre-conceived ideas of change and development, which are mainly concerned with economic advancement of people, Muslim scholars have, nonetheless, indicated the relevance of *tawhīd*, that being the belief in the oneness of God, as the guiding principle of any type of reforms. They are disheartened by the fact that the concept of life as it has been conceptually conceived of by the state confines the meaning of human needs to economic needs. We have seen how such a view of social reform has resulted in legal impediments by the state to recognize the overwhelming historical contribution of the institution of *zakat*, particularly in the field of social security (Gamon 2014). Nonetheless, the government's response to the demands of Filipino Muslims was to establish the National Commission on Muslim Filipinos (NCMF), formerly known as the Office of Muslim Affairs (OMA) was created under Presidential Decree 697 on May 28, 1981. The NCMF is mandated by the Philippines Government to preserve and develop the culture, traditions, institutions, and well-being of Muslim Filipinos in conformity with Filipino laws and in consonance with national unity and development. The Office of the Autonomous Region was created not only for political purposes, but also to address the aspirations of the Muslims in the Philippines. The Regional Assembly is endowed with the power to support and encourage the establishment of banks in accordance with the principles of the Islamic banking system (Organic Act, R. A. No. 6734, Article XIII, Section 21).

Conceptualizing the Dynamics of *Bayt al-Māl*

A unique feature of the Islamic economic system can be discerned from the various processes that are involved in wealth management. Crystallized by the constructive intellectual interaction with other civilizations (Orman), Islam has gone beyond the conventional practices of wealth management by integrating material, spiritual, moral and legal dimensions to its governing principles. Therefore, modern approaches to wealth creation, wealth accumulation, wealth protection, and wealth distribution are not alien to the practices of *bayt al-māl*; in fact, Muslim societies such as Indonesia and Malaysia have incorporated these approaches for the dynamic operation of *bayt al-māl* within a particular system. It seems the dynamics of *bayt al-māl* and Islamic banks as Islamic financial institutions are partially

recognized by Philippines economists. A study of the historical development of modern Islamic banking in Southeast Asia conducted by Mohammad Taqiuddin and others has provided significant observations on Islamic banking in the Philippines. It was stressed that the Philippines Amanah Bank (PAB), the first Islamic bank in the Philippines, has been experiencing administrative turbulence due to the operational clash between a conventional banking system and an Islamic financial system – of course, this was inevitable as the majority of shareholders do not embrace the Islamic values system (Mohamad et al. 2013). The banking community's perceptions and doubts about an Islamic banking system has been a contributing factor to the sluggish operations of PAB. Since its establishment, the capital to finance its lending operations has mostly been sourced from government deposits (Nolan 1996).

The ARMM government is required to establish strong links with Muslim countries whose banking products have met the standard operations of *bayt al-māl*. The *bayt al-māl* as a financial institution is tasked for planning and distributing society's wealth. It serves as a public wealth sector agent that ensures a fair distribution of wealth in accordance with the principles of justice, equity and brotherhood. *Bayt al-māl* encourages religious spending (Al-Quran, 2:219), which may contravene with a secular economic approach. Muslims commonly view the spending of inheritance and earnings through *zakat* and *waqf* as a means for wealth purification and attainment of balanced happiness.

Historically, Muslims in the Malay-Indonesian archipelago have a long-established balanced system of governing Islamic institutions such as *bayt al-māl*, even before the arrival of Western colonialists (Majul 1978). Like Muslims in Thailand, the Philippines practiced a traditional system of *zakat* collection. The role of the *āmil* (*zakat* collector) is often bypassed without any legal offence being committed (Ariff 1991). As such, the payment of *zakat al-māl* (paid when savings reach the prescribed *niṣāb*) and *zakat al-ḥiṭr* (a poll tax or charity given to the poor at the end of Ramadan) through unofficial channels (Al-Ghazālī 1982) are a common practice in many Muslim-minority countries in Southeast Asia. Judiciously aware of the religious and economic benefits of *waqf* and *zakat* institutions, hundreds of mosques and *madāris* have been built throughout the Philippines with donations from other Muslim countries and Islamic organizations.

Recognizing the dynamics of Islamic financial institutions, a group of assemblymen from the ARMM region, have joined a chorus for the revival of *bayt al-māl*. Hon. Ronie A. Hantian of Loned Distric of Basilan, along with other assemblymen of the ARMM region, authored a statute institutionalizing the payment of *zakat*. It was presented before the eight-member legislative assembly of the Autonomous Region in Muslim Mindanao for the assent of the House of Representatives. Mandated by the state's policy to provide basic necessities of life for all Filipinos, the proposal views the urgency for the creation of *bayt al-māl* funds for Filipino Muslims by which, upon its smooth operation within the purview of the Philippines Constitution, would provide assistance to the destitute and needy and other beneficiaries of *zakat* institutions (Hantian et al. 2013). In addition, the statute specifies that the nature of fiscal and administrative power endowed to *zakat* institutions and the *bayt al-mal* will determine the success of its primary objectives under the supervision of the Department of Social Welfare and Development (DSWD) (Philippine Bait-ul-Mal Act of 2013). The State's strict adherence to the principle of the separation of church and state restricts the function of the Shari'ah Advisory Council into providing advice related to the application of the principles and ruling of the *shari'ah* on *zakat* and *ṣadaqah* transactions. The Shari'ah Advisory Council will not be directly involved in the operation of the *bayt al-māl* (Philippine Bait-ul-Mal Act of 2013). The power and functions of the board include the assessment and collection of *zakat* from Muslim *zakat* payers. The Implementing Rules and Regulations (IRR) shall guide the mechanics for *zakat* and *ṣadaqah*. The *bayt al-māl* and poverty reduction stem from the *shari'ah* principle of social justice. It is therefore expected that the corporate powers to be given to the *bayt al-māl* guarantee its operation according to the proper conduct stipulated by the statute and other laws (Philippine Bait-ul-Mal Act of 2013). The sources of finance, composition of the *Bait-ul-Mal* Board, and qualifications of members are clearly specified in the statute. The uncertain conditions of *zakat* and *bayt al-māl* in the Philippines are affected by the State's adherence to the principle of church and state. Therefore, until the Muslim communities have official permission to manage *zakat* institutions in accordance with the *shari'ah* principle of social justice, government strategies for poverty reduction in the ARMM region will remain in limbo.

In an effort to clarify the latent functions of poverty reduction, the state policies on the intervention of *zakat* and *bayt al-māl* must be viewed within the purview of government's strategic secularism. However, the Philippine policy makers have yet to clearly define what it means by 'religious harmony' through the state's recognition of *zakat* as important institution of social security system. Nevertheless, following the Philippine secular approach to social security strategy, educational support and welfare support for Muslim communities in the ARMM region have been clearly specified as part of the national economic recovery plan (Gerson 1998). Being the chair of ASEAN for 2017, the Republic of the Philippines and other ASEAN member states are duty bound to strategize the region common interest through mutual cooperation and observance of fundamental principles on which ASEAN is built (Jamil 2017).

The Case of Markaz al-Shabab al-Muslim fil-Filibbin

Markaz al-Shabab al-Muslim fil-Filibbin and Ranao Council are local organizations of the Province of Lanao del Sur. They are categorized as groups of moderate 'ulama and Muslim intellectuals. Their activities and social services are conducted in accordance with the motive of promoting mutual understanding among the people of Lanao del Sur (Tagoranao and Gamon 2017). The organization of Markaz and Ranao Council can be regarded as an ideal example of Muslim organizations who had introduced Islamic practices on management and development of waqf and *zakat* institutions in the Province of Lanao and the city of Marawi.

The authors conducted a formal interview with the relevant officials of the organization prior to and after the Marawi Siege (Tagoranao and Gamon 2017). It seems that Muslim organizations throughout the ARMM region operate waqf, *zakat* and *ṣadaqah* institutions in accordance with traditional Islamic practices (Abubakar 1991). This can often be the result of there being no central public agency assigned by the National Government to administer financial institutions in the country. Furthermore, because of the absence of uniform policies and administrative practices for the management of Islamic financial institutions in the ARMM region, Muslim communities have been forced to perform their religious duties through self-help projects. Following traditional practices commonly practiced in Thailand,

Malaysia and Indonesia, without government intervention, the Markaz has been involved in *zakat* collection with the help of the appointed *‘āmilīn* throughout the Province of Lanao and the city of Marawi. When the authors asked Alim Sarangani, the president of Markaz, about the challenges of managing *zakat* and *waqf*, he humbly replied, “This is an *amānah* entrusted upon us by our religion and people. We have to go on with all the obstacles, whether on aspects of law or culture.”

There are no studies that can substantiate the pattern that influences the behavior of the people of Lanao and Marawi, why they give *zakat* through formal channels such as Markaz and non-formal channels, namely person to person. Alim Sarangani explains that members of the organization are encouraged to channel their *zakat al-māl*, *zakat al-fitrī* and *waqf* through the appointed officers recognized by the organization. When asked about the confidence of the public towards the organization, Alim Sarangani shared the success story of Ibn Siena Integrated School Foundation (ISISF) as a sign that their practices are acceptable to the people of Lanao and Marawi. Meanwhile, he pointed out that there are people who are critical of their practices. The social services offered by Markaz, including pharmacies, hospitals, and radio stations, have helped the organization to discriminate between the religious and cultural stance of the organization. The sources of *zakat* and *waqf* are essentially civil servants, businessmen/businesswomen, farmers, fishermen of Lanao and Marawi, as well as foreign sources of *zakat* and *waqf*. The distribution of *zakat* as practiced by Markaz strictly adheres to the Quranic injunction on beneficiaries of *zakat*. *Zakat* funds are distributed to the gravely poor among the Maranaos, though a certain percentage of *zakat* funds are given to deserving poor students in both madrasah and secular schools (Gamon 2014).

In addition to the office of *zakat*, one division is assigned to administer endowment, which is classified as *waqf al-khayr* (public *waqf*), which involves religious or public charity (mosques, *madāris*, hospitals, radio station, pharmacy, multipurpose buildings, etc.) No *waqf al-ahli* (family *waqf*) is managed by Markaz (Gamon 2014).

With respect to the interpretation of *zakat*, whether it is a compulsory donation, a tithe payable annually, a gift required of a Muslim, a tithe upon property, a *zakat* on certain property, a tithe of certain property, or a tithe of paddy crop and livestock, the Markaz al-Shabab does not confine the interpretation of *zakat* to one school of

law (*madhhab*). Muslim legal experts in the Philippines are experienced in incorporating the principle of *takhayyur* (preference, selection) by conceding to the practicality of the four schools of Islamic law in the Philippines, despite the predominant influence of the Shafi'i School in the Philippines.

As we mentioned, because of the nonexistence of *bayt al-māl*, management inefficiencies, lack of awareness and other factors, financial institutions under the supervision of Markaz may experience obstacles in alleviating poverty in Lanao and Marawi. It is a common practice of Muslims in the Philippines for a dropbox to be placed in a mosque, sometimes at the entrance, to give their *zakat*. In other areas in Mindanao, particularly among the Tausugs, a monthly collection scheme is implemented for the maintenance of mosques and madrasah (Carmen). Imams are normally recognized by the society as *'āmil* or managers of the mosques. Abubakar (1991) has correctly pointed out that a lack of public awareness is a contributing factor to the gradual deterioration of *zakat* knowledge throughout the ARMM region.

The Markaz al Shabab provides capital aid for entrepreneur-oriented members of the organization. It is therefore imperative for the success of Markaz al-Shabab to train its members in *zakat* administration systems, in order to promote accountability and awareness in the collection and distribution of *zakat*. The prospect to offer tax incentives to *zakat* payers, as well as to free *zakat* collection systems from legal challenges, is a protracted process in a secular Muslim minority state such as the Philippines.

Over the years, Markaz al-Shabab's ability to manage *zakat* collections and *waqf* properties has enabled it to develop a good reputation. Due to the absence of enforcement authorities, however, the entire success of the division is determined by individual adherence to the Islamic teaching and objectives of the *zakat* institution. While it is not appropriate to presume without any proof of empirical evidence, there could have been instances where *zakat* distribution was carried out in accordance with personal motives rather than the desire to gain a spiritual merit. The Markaz al-Shabab, however, follows the conventional function of auditing, by which its Board of Trustees keeps a record of expenditures relating to entrusted properties (Gamon 2014).

The Markaz al-Shabab, as a religious organization and a non-governmental organization, has been involved on matters related to the

socio-cultural and religious affairs of the Maranaos. It is evident from the intellectual background of most scholars of Markaz al-Shabab that Wahhabbi interpretation of Islam predominates in the administration of the institutions that they manage (Gamon 2014). There is no doubt however, that the organization becomes a channel of Wahhabism in the Philippines, particularly on the aspect of *'aqidah* (Islamic belief system). The global war on terror has indeed, resulted into the destruction of life and properties, leaving most of the war victims being deprived of meeting their basic needs while they are struggling for survival in the evacuation centers with meager basic facilities. The Markaz al-Shabab condemns all forms of extremism as against with the teachings of Islam. In fact, the recent crisis in Marawi city, which has begun in 23rd of June 2017, and planned by Maute groups and other local ISIS inspired terrorist group, was strongly condemned by Markaz al-Shabab.

While Islamic radicalism and terrorism affects the socio-cultural landscape of the region, it is high time for the Philippines to popularize inter-civilizational discourse in ASEAN forums. Achieving national peace, stability, and socio-economic development are among the main concerns of the regional forum. Throughout the process, Islamic terms associated with the social security system can be introduced gradually to member states. These concepts are as follows: the sanctity of life (*ḥurmat al dam*) (Al-Quran, 5:32), the sanctity of human dignity (*ḥurmat al-ird*) (Al-Quran, 49:11-12), the sanctity of property (*ḥurmat al-māl*) (Al-Hadith, reported by Muslim), the sanctity of home (*ḥurmat al-bayt*) (Al-Quran, 24: 27-29), the affirmation of “freedom of belief” (*ḥurīyat al-i'tiqād*) (Al-Quran, 2:256-257), the affirmation of “the freedom of criticism” (*ḥaqq al-naqd*), the freedom of opinion and thinking (*ḥurriyat al-rāy wa al-fikr*) (Al-Hadith, reported by both al-Bukhari and Muslim), and the affirmation of the principle of individual responsibility (*al-mas'ūliyah al=fardīyah*) (Al-Quran, 74:38, 2:286).

Consistent with the national agenda of integration, the Duterte administration has introduced unflinching policies against terrorism after the liberation of Marawi from the combined forces of the ISIS-inspired Maute Group and Abu Sayyaf Group (MG-ASG). Aside from the bad image portrayed by the recent Marawi Siege (May 23 to 23 October 2017) to Islam, the war has clearly conveyed one clear message to the people of the world about the terrible sufferings of the internally displaced persons (IDPs) of Marawi. Collectively, the donations from

Muslim and non-Muslim organizations, from within and outside the Philippines, have helped tremendously in mitigating the humanitarian crisis resulting from the siege (Tagoranao and Gamon 2017). As a staunch advocate for democracy and secularism, the Philippines is prepared to protect its sovereignty against any potential threat. In dealing with the influence of ISIS and its ideology on the country, as passionately advocated by the Maute group and Abu Sayyaf group, it is more likely that a secular approach to legislation and restrictive administrative policies will be adopted to protect the mandate of the Philippines Constitution against any form of hostility to the state. Given the realities of the aftermath of the Marawi siege and its effect on Islam as a whole, it is quite unfortunate that any attempt to revitalize Islamic institutions may directly or indirectly receive a negative response from the members of the Senate and the House of Representatives.

Since the 1970's, a myriad of programs for poverty alleviation in the Philippines has been implemented. Government policies on land reform were introduced to find ways to reach a comprehensive land reform program. During the Aquino administration, government programs were geared toward reducing poverty and alleviating violent conflict, social unrest, and social inequalities, particularly in the rural areas that have been questioned by Filipino scholars and non-governmental organization for their inefficiency (El-Ghonemy 2006).

The ARMM has proposed various affirmative action policies to the government to cater for the socio-cultural and economic needs of the Bangsamoro. The establishment of Islamic banking and *zakat* institutions has been proposed despite their non-conformity with the Philippines financial system. Characterized by weak local government, endless conflict, and the questionable political will of the central government in tackling the real cause of the Mindanao problem, this will certainly undermine the economic development and poverty alleviation in the ARMM region (Resosudarmo 2016). In the words of President Benigno Aquino III, "the ARMM is a failed experiment" of the Philippine government.

No less than in the intellectual domain, there are two important institutions of higher learning – the King Faisal Center for Islamic and Arabic Studies of Mindanao State University, and the Institute of Islamic Studies at the University of the Philippines – which may undertake the challenge for the advancement of Islamic thought and

civilization studies through Islamic discourses on *zakat* and *waqf*. These institutions can also provide formal training for local staff of *zakat* institutions. Unlike the staff of financial institutions in other Muslim societies, local staff of *zakat* are in dire need of on-the-job training and *zakat*-related literature to better understand the nature of the challenges faced by Muslim communities in responding to the issues related to *zakat* institutions.

In reviewing the role of Islamic institutions in the Muslim community, they are to provide community self-help social services for those who without. Islamic charities, based on *zakat* and *waqf*, become a mechanism for narrowing social distances and inequalities. In fulfilling this obligation, the wealthy people in the Muslim community are able to interact with those less fortunate financially. The financially wealthy are able to understand and learn how low-income groups are having difficulties in pursuing a normal life. Government development programs may not always succeed in the economic redistribution of property, but this can be carried out if *zakat* institutions in the Philippines are well managed. This concept also does not burden the national budget. Therefore, the government should establish an organizational apparatus in developing the functions of Islamic banking, the *halal* industry, and the Islamic institutional charities.

Conclusion and Policy Recommendation

This article has analyzed the concept and historical evolution of Islamic financial institutions, i.e. *zakat*, *waqf* and *bayt al-māl*, in relation with the state. A secular approach to development is evident in the current Filipino social system. In the 1970's, the principles of *takhayyur* (selection and preference of available rulings of *madhhabs*) were adopted by legal experts who were then responsible for drafting the provisions of the Code of Muslim Personal Law. Being deeply influenced by a secular perspective, however, and being relatively naïve about Islamic knowledge, the Filipino government aborted the attempt to institutionalize *zakat* and *waqf* in the country due its suspected connection with the operation of rebellion in Mindanao (Ariff 1991). It can also be discerned from the religious character of *zakat* and its beneficiaries that Islam and secular economic approach will inevitably clash. *Waqf* laws and their societal relevance, however, particularly with regard to meeting the immediate needs of the people (Makdisi 1981),

may not necessarily contravene a secular approach. It is disheartening that the main objectives and implications of inter-cultural and religious dialogue to Islamic institutions are not fully recognized. The partial attitude of the government towards *zakat* and waqf institutions can also be attributed to the absence of Muslim experts on the Islamic economic system and its relevance, particularly its implications for ASEAN member states.

Several authoritative works on Islam in the Philippines, such as those by Cesar Majul, T.S. George and Lela Noble and others, have provided a detailed understanding of how the “Mindanao Conflict” affected the socio-cultural and economic life of Muslim communities in Mindanao. Government policies towards Muslim minorities have been eventually changed due to many factors and, certainly, adherence to the principles of human rights, multiculturalism, social existence, and religious tolerance, and pressure from the international community to uphold the values of humanity, are among them (Muslim). We have surveyed the literature on *waqf* and *zakat* in the Philippines quite intensively. It can be inferred that no studies have been done to validate the relevance of *zakat*, *bayt al-māl*, and *waqf* towards the national economic agenda.

It is explicit from Carmen Abubakar’s observation that despite legal impediments for the establishment of *zakat*, waqf and *bayt al-māl* in the secular Filipino state, such establishment is potentially viable not only as part of the Islamic faith and belief, but based on former practices of the Moros people prior to colonialism (Abubakar 1991). Meanwhile, greater awareness by the state and individuals of Islamic financial institutions should be reflected in the Philippines’ economic road map. If the government can integrate Islamic principles that govern the operation of the Philippines Amanah Bank and halal industry within the context of a secular approach, it is possible that, with the necessary legal backing of the government, Islamic financial institutions can flourish in the given economic system.

For the last few years, the ARMM government has been receiving government funds to win the battle against poverty in the region. The political realities that is taking place in ARMM leadership has caused the clash of interest between the constitutional mandate to bring meaningful reform and the political ambitions of Muslim leaders, whereby health related issue, infrastructure and education and others have been jeopardized to a certain extent (Russell, Ong and Ty). At

the heart of this political drama, many uninformed policy makers have generally described Islamic financial institutions as unreliable institution to bring tangible social change. Solutions to Muslim problems are mostly borrowed ideas adopted by the succeeding governments. Obviously, there are strengths and flaws in the government strategies but what is certain, is their failure to meet the religious needs of Muslim communities, by which, secular approach is almost silent.

The Philippines has been a keen observer of the economic development of ASEAN member states. The success of *zakat* and waqf in secular states such as Singapore (Tyabji) and Thailand should be emulated with special reference to the models on *zakat* collection and distribution as experienced by majority Muslim states like Indonesia (Abdullah 1991) and Malaysia (Ghazali 1991). Therefore, it is sensible for the national government to give special focus and attention to the potential roles of *zakat* and waqf to the rehabilitation, reconstruction, and development of the ARMM region. To avoid the tragic result of wars in Mindanao, both the government and Muslim populace should refrain from diversionary and contradictory activities that may result in social conflict (Muslim 1994).

Although there are ARMM and government initiatives designed to strengthen the economic independence of the region, it is equally necessary that social awareness of the history of *zakat* and waqf institutions must be reflected in the ARMM education curriculum. Meanwhile, because there are no laws for the management of *zakat*, waqf and *bayt al-māl* in the Philippines, Islamic knowledge of financial resources, the collection, distribution and management thereof must be properly understood and should captivate the attention of Muslim organizations and government agencies for its necessary realignment with the mandate of Islamic finance and the Philippines' economic system. This can be envisioned from the state's welfare activities sourced from government tax, in comparison with 2.5 per cent of annual *zakat* given by *muzakki* (tax payer) to fulfill the economic needs of the eight categories of the recipients of *zakat*, as well as to mitigate the worst negative impacts of economic inequalities and to save people who are incapable of coping with rapid changes posed by materialism. The convergence of ideas of the traditional 'ulama of Markaz as-Shabab and the intellectuals of Ranao in managing Islamic institutions must be regarded as a platform for understanding the embryonic stage of *zakat*,

waqf, *bayt al-māl* within the secular Filipino state (Tagoranao and Gamon 2017). Although there are inherent drawbacks in the system of *zakat* and *waqf* management, as traditionally practiced by Muslim organizations in the Philippines, the ARMM government should be allocated a special budget for the training of *‘āmil* (*zakat* collector) and *mutawallis* (trustees) throughout the region.

This is only feasible when knowledge and best practices of Western and Islamic economic legacies are profoundly understood by politicians and policy makers and the administrators. Therefore, management of *zakat*, *waqf* and *bayt al-māl* must be left in the hands of experts. In the absence of experts, mistakes of the past will be repeated again and again.

Inspired by the principle of humanity, the state's quest for meaningful coexistence should not hindered by the government's rehabilitation plan for Marawi city following the siege (May 23-October 23, 2017); rather, the unwavering efforts of NGOs for the revival of *zakat* institutions should be supported to mitigate the economic burden of the national government in meeting the immediate needs of the internally displaced persons (IDP's) of Marawi. Thus, collaborations with other communities must be established.

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The journal invites scholars and experts working in all disciplines in the humanities and social sciences pertaining to Islam or Muslim societies. Articles should be original, research-based, unpublished and not under review for possible publication in other journals. All submitted papers are subject to review of the editors, editorial board, and blind reviewers. Submissions that violate our guidelines on formatting or length will be rejected without review.

Articles should be written in American English between approximately 10,000-15,000 words including text, all tables and figures, notes, references, and appendices intended for publication. All submission must include 150 words abstract and 5 keywords. Quotations, passages, and words in local or foreign languages should

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All notes must appear in the text as citations. A citation usually requires only the last name of the author(s), year of publication, and (sometimes) page numbers. For example: (Hefner 2009a, 45; Geertz 1966, 114). Explanatory footnotes may be included but should not be used for simple citations. All works cited must appear in the reference list at the end of the article. In matter of bibliographical style, *Studia Islamika* follows the American Political Science Association (APSA) manual style, such as below:

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2. Booth, Anne. 1988. "Living Standards and the Distribution of Income in Colonial Indonesia: A Review of the Evidence." *Journal of Southeast Asian Studies* 19(2): 310–34.
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4. Wahid, Din. 2014. *Nurturing Salafi Manhaj: A Study of Salafi Pesantrens in Contemporary Indonesia*. PhD dissertation. Utrecht University.
5. Utriza, Ayang. 2008. "Mencari Model Kerukunan Antaragama." *Kompas*. March 19: 59.
6. Ms. *Undhang-Undhang Banten*, L.Or.5598, Leiden University.
7. Interview with K.H. Sahal Mahfudz, Kajen, Pati, June 11th, 2007.

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Letters: ' b, t, th, j, ḥ, kh, d, dh, r, z, s, sh, ṣ, ḍ, ṭ, ḏ, ḡ, f, q, l, m, n, h, w, y. Short vowels: a, i, u. long vowels: ā, ī, ū. Diphthongs: aw, ay. *Tā marbūṭā*: t. Article: al-. For detail information on Arabic Romanization, please refer the transliteration system of the Library of Congress (LC) Guidelines.

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تم اعتماد ستوديا إسلاميكا من قبل وزارة التعليم والثقافة بجمهورية إندونيسيا باعتبارها دورية علمية (قرار المدير العام للتعليم العالي رقم: 56/DIKTI/Kep/2012).

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قيمة الاشتراك السنوي خارج إندونيسيا:
للمؤسسات: ٧٥ دولار أمريكي، ونسخة واحدة قيمتها ٢٥ دولار أمريكي.
للأفراد: ٥٠ دولار أمريكي، ونسخة واحدة قيمتها ٢٠ دولار أمريكي.
والقيمة لا تشمل نفقة الإرسال بالبريد الجوي.

رقم الحساب:

خارج إندونيسيا (دولار أمريكي):
PPIM, Bank Mandiri KCP Tangerang Graha Karnos, Indonesia
account No. 101-00-0514550-1 (USD).

داخل إندونيسيا (روبية):

PPIM, Bank Mandiri KCP Tangerang Graha Karnos, Indonesia
No Rek: 128-00-0105080-3 (Rp).

قيمة الاشتراك السنوي داخل إندونيسيا:
لسنة واحدة ١٥٠.٠٠٠ روبية (للمؤسسة) ونسخة واحدة قيمتها ٥٠.٠٠٠ روبية،
١٠٠.٠٠٠ روبية (للفرد) ونسخة واحدة قيمتها ٤٠.٠٠٠ روبية.
والقيمة لا تشمل على النفقة للإرسال بالبريد الجوي.



ستوديا إسلاميكا

مجلة إندونيسيا للدراسات الإسلامية
السنة الخامسة والعشرون، العدد ١، ٢٠١٨

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حاجات برهان الدين

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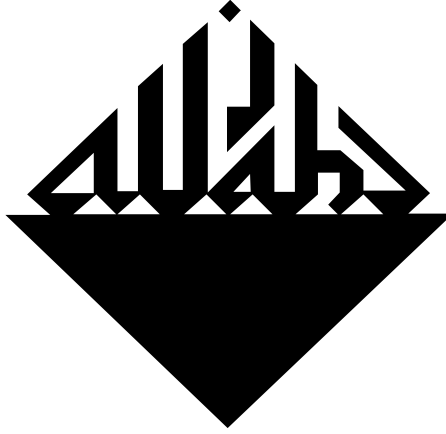
س. برنكا

ستوديا اسلاميا

سثوديا اسراميا

مجة إنلونيسية للدراسات الإسلامية

السنة الخامسة والعشرون، العدد ١، ٢٠١٨



خلفيات وتحديات الأقلية

المسلمة الصينية في Pontianak

هرمانشاه
