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The Governance of Islamic Development Institutions in Malaysia

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Abstract:
Islamic development institutions in Malaysia which include Islamic banks, Islamic universities, Islamic schools, zakat institutions, waqf institutions, madrasah etc. are among development institutions that are in the forefront from the aspect of expansion, number and operations. Looking at the positive expansion of Islamic development institutions, arises the question of how these institutions are governed in Malaysia. What are the governance characteristics that have been adopted unto the Islamic development institutions in Malaysia so that they would contribute towards the achievement of the institutions' objectives? Do the governance factor contributes towards the positive expansion of the Islamic development institutions in Malaysia? This article would try to elaborate on this matter. Specifically, this paper aims to understand the current governance practices and the state of the governance system of Islamic development institutions in Malaysia. This study utilizes descriptive analysis approach in extracting and analysing secondary data.

Keywords: Islamic development institutions, Islamic oriented governance, institutional management, Islam, Islamic development management in Malaysia, quality management

1. Introduction

Governance has numerous meanings depending under which perspective it is defined. UNDP (2010) refers to governance as "the implementation of economic, politic and administrative authority in order to manage all forms of national affairs at all levels, including development institutions". In this context, it includes all mechanisms, processes and bodies or organizations in which the people or certain groups could exercise their rights (Sharifah Hayaati Syed Ismail al-Qudsy, Asmak Ab Rahman & Mohd Izani Mohd Zain, 2008).

Next, to define the term Islamic development institution, it is essential to initially examine the meaning of the word 'institution'. Before discussing the meaning of the term, it is important to highlight that there are writers who refer to Islamic development institutions as Islamic institutions or Muslim institutions which refer to the same meaning. For the purpose of this article, the author use the term Islamic development institutions which adopted all these terms.

Back to the definition of the term, basically 'institution' has two literal meanings (Hasan Langgulung, 1986 and Dewan Bahasa and Pustaka, 2002). First, it is a practice, norm, habit or cultural element that is firmly grounded in a group or society. Second, an organization or body that has been officially formed for a specific purpose.

Based on this literal definition, Islamic development institutions are also referred to by one of these two meanings. Islamic development institutions according to the first meaning are more abstract in nature or *mujarrad* (Hasan Langgulung, 1986). In the context of the first meaning, Mahamoud A. Gulaid (1990:16) and Gaudefroy-Demombynes (1968:9) defined an Islamic development institution as "the implementation of any form of development activity based on the al-Quran and *al-Sunnah*, including the family institution, marriage institution, *khilafah* institution, *'ulama* institution and *tariqa* institution".

The Islamic development institution in the second context could ideally be defined as any form of organization, association, agency, body or academic that has a basic structure or administrative regulation to fulfil the development objectives based on Islam on whatever development activity implemented (Fadzila Azni Ahmad, 2010). However, in this chapter, the Islamic development institution is broadly defined as 'an institution that tries to fulfil Islamic-based development objectives although it is not done comprehensively'. This definition is based on the views of Muhammad Syukri Salleh (2002a), who stated that the implementation of Islamic-based development that actually portrays the concept and philosophy of Islamic-based development in a theoretical manner is yet to exist. According to him, the implementation of Islamic-based development that exists presently is only in the form of efforts towards that direction.

The question now, how such institutions are governed in Malaysia? What are the governance characteristics that have been adopted unto the Islamic development institutions in Malaysia so that they would contribute towards the achievement of the institutions' objectives and the development in Malaysia? Do the governance factor contributes towards the positive expansion of the Islamic development institutions in Malaysia?

To answer these questions, the discussions in this chapter are divided into two sub-topics. In the first sub-topic, the development of Islamic development institutions in Malaysia are highlighted. The next sub-topic looks into the governance of Islamic development institutions in Malaysia.

2. The Development and Expansion of Islamic Development Institutions in Malaysia

As in other Islamic countries, the development of Islamic development institutions in Malaysia is the product of various efforts carried out to realise Islamic-based development thought. Moreover, efforts to implement Islamic-based development in Malaysia, generally and the development of Islamic development institutions in Malaysia, specifically, are at the forefront when compared to other Islamic countries. This statement is proven through the following discussion.

The basis for Islamic-based development in Malaysia has existed since independence in 1957. The basis here refers to Articles 3 (1) and 12 (2) of the Malaysian Federal Constitution. Article 3(1) canonises Islam as the official religion of Malaysia. Article 12 (2) legitimises the formation or maintenance of Islamic institutions, preparing the Islamic religious education infrastructure and bearing costs related to it by the Federal Government (Federal Constitution, n.d.).

Nevertheless, at that time, the constitutional elements, mainly Article 3 (1), were frequently defined as 'the responsibility to implement Islam only in Islamic-based functions and festivities'. This kind of understanding makes the effort to implement Islamic-based development at the early stages very limited. Meanwhile, Article 3 (1) could be translated in a wider context, for example, implementing Islamic teachings in every aspect of life. Indirectly, the phenomenon mentioned earlier means that efforts to implement Islamic-based development in Malaysia at the beginning stage are strongly influenced by secularism (Ahmad Fauzi Abdul Hamid, 2004). This is among the factors why efforts to implement Islamic-based development and develop Islamic development institutions during the early years of independence were slow and not integrated. The influence of secular understanding is evident in the separation of religious administrative affairs and other national administrative affairs. The administrative design founded by the British colonialist had put religious administrative affairs under the auspices of the state government. Other national administrative affairs were under the auspices of the Government administration. Although there were several weaknesses from the implementation aspect; hence, some parties were of the opinion that its administrative design has its benefits. Among the benefits are that the status of Islam in the country would be maintained and not transgressed by other forces (Ahmad Baei Jaafar, 2005).

Thus, only during the end of the 60s and early 70s did the awareness to realise Islamic-based development in a wider context actually began. This awareness emerged due to preaching by Islamic movements in Malaysia. Among the main Islamic movements at that time were *Parti Islam Se-Malaysia* (PAS), *Jemaah Tabligh, Darul Arqam, Angkatan Belia Islam Malaysia* (ABIM) and *Jamaah Islah Malaysia* (JIM) (Muhammad Syukri Salleh, 1999, and Ahmad Fauzi Abdul Hamid, 2003). According to Muhammad Syukri Salleh (1999), although PAS and Jemaah Tabligh were formed much earlier (in 1952 and 1955, respectively); hence, the efforts of these religious teaching (*dakwah*) movements had been intensive only after the 1960s. The vigorous efforts of these religious teachings (*dakwah*) increased when Darul Arqam and ABIM were founded in 1968 and 1971, respectively. JIM was founded in 1991. However, JIM's efforts in religious propagation began through the IRC (*Islamic Representative Council*), which was founded in 1974 by Malaysian students living abroad. According to Muhammad Syukri Salleh (2000), all five main Islamic movements had different religious propagation approaches and concepts. PAS, ABIM and JIM had used this political approach, meanwhile Darul Arqam and Jemaah Tabligh had used the apolitical approach in their religious teaching efforts. For further elaboration on the struggles of these Islamic movements, refer to Muhammad Syukri Salleh (1999 and 2000).

At the beginning, the awareness created by Islamic movements was intense among the masses compared to the ruling side. Only after the rule of the fourth Prime Minister of Malaysia, Mahathir Mohamad (1981-2003), were efforts to implement Islamic-based development taken seriously by the government (Ahmad Fauzi Abdul Hamid, 2003:128). These efforts were then taken over by his predecessor Abdullah Ahmad Badawi (2003-2009) and Mohammad Najib Abdul Razak (2009-present). Consequently, the development of Islamic development institutions was more formal, organised and integrated. Specifically, the developments were based on basic development aspects, beginning from the complete basic worship by Muslims to more general aspects, such as education, administration, banking, finance etc. For example, the development of the institute of worship begins from the awareness and seriousness of the authorities to fulfil the Muslim population's needs in fulfilling basic worshiping practices such as prayers and paying alms (*zakat*) (Ahmad Fauzi Abdul Hamid, 2003:129).

For example, building a mosque is one complete part in the country's 5-year development plan. It is intended to prepare a modern environment for Muslims to fulfil their religious obligations (*ibadah*) (Osman Bakar, 2003). Besides that, the national mosque network was formed in order for the mosque institution's information system to be effectively administered. Next, to vitalise the mosque institution, the Mosque Takmir Program was created in 1986 (Md. Zaki Abd Manan, Hasnan Kasan & Mohd Zamir Bahall, 1999:20). In 1998, The Family, Social and Mosque Management Development Section (KESUMA) was formed. Its formation was intended to organise and implement activities that vitalised the mosque institution. This section was put under the auspices of the Malaysian Islamic Development Department (JAKIM). Other than coordinating and implementing activities that help prosper the mosque institution, KESUMA acts as a *Technical Work Group* or TWG. It eliminates social problems at the department level, whereby the Main Secretariat is under the auspices of the Ministry of National Unity and Social Development (KPNDPM) (JAKIM, n.d.).

In order to manage the implementation of *zakat* from the aspects of collection and distribution, several zakat management institutions were developed in most of the states in Malaysia. Among them were the Federal Territory Zakat Collection Centre (PPZ) formed in 1991, Selangor Zakat Centre (PZS) - now known as *Lembaga Zakat Selangor* (LZS) formed in 1994, Pulau Pinang Zakat Management Centre (PUZ) – now known as Zakat Pulau Pinang (ZPP) formed in 1994, Pahang Zakat Collection Centre (PKZ) formed in 1995, Melaka Zakat Centre (PZM) formed in 1996 and Negeri Sembilan Zakat Centre formed in 1998. By forming these *zakat* management centres, the effectiveness of *zakat* management in Malaysia has been enhanced (Muhammad Syukri Salleh, 2002). According to latest developments, the government had streamlined the collection and distribution of *zakat* between states through the formation of a new department called the *Wakaf, Zakat* and *Hajj* Department (JAWHAR) (Helmi Mohd Foad, 2004 and JAWHAR, 2008). Before this, the government had suggested the combination of all matters pertaining to *zakat* by forming the Malaysian Zakat Management Board (LUZAM). However, the suggestion was not seen through because it touched on the political position and powers of the states contained in the Federal Constitution. Refer to Helmi Mohd. Foad (2004).

Next, in order to manage and handle the implementation of the Hajj and Umrah of the Muslims in Malaysia, the Tabung Haji Board was formed in 1969. Originally, the Tabung Haji Board was founded in 1963 and was known as '*Perbadanan Wang Simpanan Bakal-bakal Haji*' (Ab. Mumin Ab. Ghani, 1999:326). The main aim of forming the board then was to manage *hajj* affairs and *hajj* pilgrims, including the receipt of deposits and investing those deposits through *syariah* based investments (Mohd. Daud Bakar 2000:78). This made the Tabung Haji Board the pioneer Islamic financial institution in the country.

The number of Islamic financial institutions in this country started to increase when on 1 March 1983, the first Islamic bank in Malaysia, which was Bank Islam Malaysia Berhad (BIMB), was formed (Sudin Haron & Bala Shanmugan, 1997). Nevertheless, the history behind the formation of BIMB began in the early 1970s. It began with the suggestion from the government to OIC (*Organisation of Islamic Conferences*) to help develop an Islamic bank in Malaysia. However, it just remained as suggestion (Zakariya Man, 1991:241). Efforts to form an Islamic bank in Malaysia re-emerged in 1980 when participants at the Bumiputera Economic Congress approved a motion asking the government to allow the Hajj Management Board to form an Islamic bank for Muslims at that time. In 1981, the government was again pressured to give serious thought about efforts to form an Islamic bank (Sudin Haron, 1996:20). Subsequently, on 30 July 1981 the government had formed the National Islamic Bank Steering Committee chaired by Raja Mohar Raja Badiuzaman. The Committee relied on the operations of Faisal Islamic Bank of Egypt and Faisal Islamic Bank of Sudan as a guide when forming an Islamic bank in this country. Lastly, on 1 March1983, BIMB was formed. BIMB was incorporated under the Company Act 1965. Besides the Company Act 1965, BIMB's operations were subject to the Islamic Banking Act 1983. For further elaboration, refer to Fadzila Azni Ahmad (2003:38).

In relation to the formation of BIMB, the Bank Islam Act 1983 was gazetted on 10 March 1983 and came into force on 7 April 1983. This Act contained the regulations that should be followed by BIMB or any Islamic bank that wished to operate in Malaysia. It also outlined the powers of Bank Negara Malaysia (BNM), as the central bank that supervises BIMB (Sudin Haron, 1996:21).

Formation of BIMB had become the starting point for the government to introduce the Islamic banking system in Malaysia. At the early stages, the Islamic banking system introduced in Malaysia existed alongside the conventional banking system. This phenomenon is also known as the Dual Banking System. Based on this policy, the Interest-Free Banking Scheme (SPTF), which was later known as the Islamic Banking Scheme (SPI), was created in 1993. Under this scheme, all commercial and trading banks as well as conventional financial companies are given permission to offer Islamic banking products and services besides conventional banking products (BNM, 2005).

After BIMB, Bank Kerjasama Rakyat Malaysia or better known as Bank Rakyat, started its operations as the first *syariah* cooperative bank in Malaysia when on 1 May 1993, it began to offer Islam banking products in four of its branches. In 2002, Bank Rakyat became a fully operating *syariah* cooperative bank (Bank Rakyat, du.). Meanwhile, the second Islamic bank, which was Bank Muamalat Malaysia Berhad (BMMB), was founded on 1 October 1999. In line with the rapid development of the Islamic banking system in the country, various Islamic financial institutions were also developed. Among them was Syarikat Takaful Malaysia (formed in 1984), Takaful Nasional Sdn Bhd (formed in 1993), Pasaran Modal Islam (formed in 1994) etc. The rapid expansion of the Islamic financial and banking systems in Malaysia had made Malaysia a model for implementing Islamic financial and banking systems in other countries (Mustapa Mohamed, 2003).

Islamic administrative institutions in this country are represented by the Department of Islamic Development, Malaysia or JAKIM. It was formed to draft policies as well as coordinate development and progress of Islamic affairs in Malaysia, including coordinating activities related to *halal* certification. JAKIM was actually formed based on the name National Council for Islamic Affairs (MKI) on 17 October 1968. It was later upgraded to the Islamic Affairs Section (BAHEIS) on 21 May 1985. The role of BAHEIS, which was to register Islamic affairs in this country, was substituted and taken over by JAKIM, when it was formed on 1 January 1997 (Md. Zaki Abd Manan, Hasnan Kasan & Mohd Zamir Bahall, 1999:12). State Councils and Islamic Religious Departments that were formed throughout the country supported JAKIM's role.

Other than the Islamic development institutions mentioned earlier, there are many other Islamic development institutions dealing with other development aspects that were formed in the 80s. In the education field for instance, the role of Islamic development institutions is prominent at the higher education level. There have been innumerable Islamic universities and college universities developed since the 1980s. Besides the Islamic education institutions, among other Islamic development institutions were legal institutions such as the Malaysian Syariah Judiciary Department (1996) and the state Syariah Courts, medical institutions such as Pusat Rawatan Islam Sdn Bhd (PUSRAWI) (1984), Tawakal Hospital (1984), Kohilal Medical Centre (1996) and Kampong Baru Medical Centre (KBMC). Meanwhile, social institutions were represented by the Islamic Consumer Association Malaysia (PPIM) (1997) and preaching institutions such as Yayasan Dakwah Islamiah Malaysia (1974).

3. The Governance of Islamic Development Instituions

Earlier discussions have shown that the development of Islamic development institutions in Malaysia, especially after the 1980s, had been rapid and pro-active. However, the development of Islamic development institutions is not supplemented by the formation or development of an administration or management as well as governance structure that could be adopted by these institutions. Moreover, based on the author's examinations, it is still unclear whether the Islamic development institutions in Malaysia adopt a particular concept or method of governance structure or governance characteristics. What is clear is that, generally, Malaysia's implementation of development is based on public governance. Such development system implemented in Malaysia has been based on the conventional development system, which in turn is based on a free market economic system and an important element in the liberal-capitalist system (Mustapa Mohamed, 2003 and Hassan Harun, 2004). For further elaboration related to the philosophy of conventional development from an Islamic perspective and its difference with Islamic-based development, refer to Muhammad Syukri Salleh (2003:7-18). Pertaining to the earlier discussion on public governance, the government through authoritative bodies such as the Public Services Department (JPA), would issue directives in the form of circulars to all government departments, including Islamic development institutions such as JAKIM, zakat centres etc. One of the directives issued was that pertaining to the adoption of specific management methods that have been extensively applied in government departments, especially in Malaysia's public service.

One the management methods is the *Quality Control Circle* (QCC). Suggestions and guidelines about the implementation of QCC in the public service were highlighted in the Public Service Development Circular (PKPA) No.7 of 1991 (Government of Malaysia, 2003). PKPA is an instruction and guideline on the implementation of Government transformation programs, which includes management methods for every department in the Public Service. The PKPA should be adhered by all Government agencies (Ahmad Sarji Abdul Hamid, 1994:9) including the Islamic development institutions.

Briefly, the basic concept of QCC is management by participation and management from a humane perspective. Management by participation means that every employee in an organization must be given the opportunity to contribute to the organization. Among the contributions are solving problems faced by the department or unit and making group decisions. Management from a humane perspective presumes that humans are an organizational asset (Wan Azmi Ramli, 2001:431).

Other than QCC, it is suggested that Total Quality Management (TQM) become a standard management tool in the public service in this country. The suggestion was made through PKPA No. 1 of 1992. The PKPA entitled *A Guide to Total Quality Management (TQM) for the Public Service* contains elaborations and guidelines pertaining to the implementation of TQM aimed at Heads of Government Departments (Government of Malaysia, 2003). From a conceptual aspect, TQM is a quality management process that is client-oriented, with the aim of bringing overall change that culminates in an outstanding and systematic organization (Oakland, 1996:318). It is based on the concept of continuous improvement at all levels of the organization and emphasises on systematic, integrated and consistent elements in a holistic manner in the organization. It comprises listening to the client's views, fulfilling their needs and achieving their expectations (Saylor, 1996:22).

Next, in order to implement the TQM management method, which is universal and based on an internationally recognised standard, the Government has outlined the implementation of MS ISO 9000 in the Public Service Development Circular No.2 of 1996. This was followed by PKPA No. 2 of 2002, which was issued with the intention of elaborating on the implementation of MS ISO 9000:2000 (Government of Malaysia, 2003). Moreover, with the intention of auditing the implementation of MS ISO 9000 in Ministries, Departments and Government Agencies, several bodies and consultants on the certification of MS ISO 9000 were appointed by the Malaysian Administrative Modernization and Management Planning Unit (MAMPU). Among those appointed were SIRIM QAS International Sdn Bhd, Malaysia Institute of Quality Assurance Bhd. (MIQA), National Productivity Corporation (NPC), and QMS Management Consultant Sdn. Bhd. (MAMPU, 2004).

Next, one more management method known as the *Business Process Reengineering* (BPR) was introduced in the Malaysian Civil Service. BPR is defined as the re-thinking and re-engineering of the organization's business designing process in order to enhance the organization's achievement in business (Malhotra, 1998). This management method was discussed in the *Generic Office Environment – GOE Workshop*, organised by the Prime Minister's Department on 22-23 June 1999. It was aimed at creating a paperless office environment and help the Malaysian Government to become more efficient and productive, in line with the intention to form an Electronic Government. Electronic Government is one the important applications in the Multimedia Super Corridor Project (MSC), which was the brainchild of Mahathir Mohamad and introduced in 1996. Under the Electronic Government application, various projects were developed based on information technology and communication (ICT) such as the *Project Monitoring System* (SPP II), *Human Resource Management Information System* (HRMIS), *Generic Office Environment* (GOE), *Electronic Procurement* (EP), *Electronic Services* (E-Services), *Electronic Labour Exchange* (ELX) and E-Syariah (Salmah Khairuddin, n.d.). In line with this development, the government had outlined its implementation through PKPA No. 1/2002.

Hence, to help departments in the Public Service to implement the suggested management method, the government had formed the Inspectorate Unit attached to MAMPU at the Prime Minister's Department. Besides that, the Institute of Public Administration (INTAN) had ardently implemented numerous training programs for employees and staff from government departments in order to ensure that management methods are clearly understood (Wan Liz Ozman, 1996:13). Besides providing training programs for employees in government departments, INTAN also provides training programs and courses related to the implementation of management methods suggested for the Public Service to non-governmental bodies and development institutions including Islamic development institutions in this country (INTAN, 2008).

Other than the departments in the Public Service, statutory bodies including Islamic development institutions that do not fully operate under government control such as Bank Islam Malaysia Berhad, Tabung Haji Board etc. were also encouraged to adopt the suggested management methods as a guide to organizational management. For these institutions, Institute of Public Administration (INTAN) and

the National Productivity Centre (NPC) (Ahmad Sarji Abdul Hamid, 1994:9) provide guidance and assistance related to the suggested management methods.

Despite the current governance practice which undoubtedly has a positive impact in increasing the number and operations of Islamic development institutions, this article would suggest Islamic oriented governance for the Islamic development institutions. Since Islamic development institutions are the mechanism of Islamic-based development, it is more appropriate to assure every aspect of Islamic development institutions should be in line with Islamic teachings including the governance. Islamic-based management models and good governance with Islamic values should be used as a standard requirement when implementing any form of policies and activities relating to Islamic development institutions. Therefore, an Islamic form of governance must be built or developed so that Islamic development institutions are managed according to Islam and have a choice to use the comprehensive and holistic Islamic management models.

Hence, besides the suggestion to use the Islamic management models, the governance of Islamic development institutions also needs to be organised and documented properly. In other words, there must be an information system for the governance and the management models adopted by the Islamic development institutions. The system must also be constantly updated for the use and benefit of the practitioners, policy makers, administrators, managers and academicians. In order to implement this suggestion, the information system for the Islamic-based development institution must also be developed. Thus far, there is yet to be any form of information system, database or at least a directory, especially for all the Islamic-based development institutions in this country.

Both the information system on the governance and the management models of Islamic-based development institutions are very important. All of this should be governed well in order to ensure that Islamic development institutions are managed properly and effectively. Therefore, it is suggested that in relation to the governance of Islamic development institutions in Malaysia, the initial step would be to form an information system and management information system for the Islamic-based development institutions.

4. Conclusion

Islamic development institutions are an important entity in the development of this country. Its development and achievement could be driven even further if these Islamic development institutions are better governed in an Islamic manner. The very first and important step is to develop and an information system and management information system for the Islamic-based development institutions.

5. Acknowledgement

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