**Judicial Development on Waqf: Analysis of Court Decisions Pre and Post Independence**

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*Abstract*

*The development of Waqf in Malaysia is progressive and encouraging especially after independence. The development takes place not only from the religious perspective but socially and legally. This paper specifically discusses the legal development with special reference to court decisions. This study chooses to analyse case laws as well as the statutes on Waqf. It is common to hear allegation that the legal framework of Waqf has, to a certain extent, contributed to the slow development of Waqf. In some states, specific Waqf laws were enacted since 1999, yet the changes do not really taking place in other states. This paper investigates the issues in Waqf by looking at what are the developments taking place in Waqf enactments, what types of problems have been brought to courts, how the courts resolve the problems and whether there are effective solutions to the problem. The finding from this study is important to assess the actual issues in legal and regulatory Waqf framework and would help determining the most viable policy to enhance Waqf in Malaysia.*

*Keywords: Waqf, court decisions, independence, Malaysia, fatwa.*