
WAQF LAND IN PRODUCTIVE MANAGEMENT FOR COMMUNITY WELFARE

Burhanudin¹⁾

¹⁾Islamic Economics, Economics and Business faculty, Universitas Terbuka, Indonesia
Corresponding author: Burhanuddinfaqoth1@gmail.com

Abstract

The purpose of this writing is to find out financing models which can be used as an alternative in land development and management waqf so that it can be productive, the financing that is considered ideal is financing with a small risk of loss, empowering waqf land can It also absorbs labor so it also has the opportunity to open up fields work for those in need, the proceeds will be distributed to improve the community's economy. By using research methods literature views, observations and interviews compiled through the data reduction stage, presentation and drawing conclusions. Waqf has great opportunities for its use from time to time. However, in practice, many waqf assets are not managed well. so that many waqf assets are not utilized or are only being built for permanent interests. Various problems become obstacles including the absence of financing, the nadzir paradigm which is still traditional, so it is still not optimal in its management, to overcome obstacles In fact, there are many solutions offered, including intertwining partnerships with stakeholders to be able to finance management and empowerment waqf land. Productive waqf management is something that is still relevant to discuss.

Keywords: Waqf, Productive, Social Welfare

Introduction

Waqf is part of muamalah which is regulated by Islamic law, with a purpose for the benefit of humanity. The practice of waqf itself is well known and applied since the time of Rasulullah SAW, this can be seen by its existence physical evidence that the public still feels the benefits of today. In one statement in the book Tuhfah al-Muhtaj, juz 6, page 236 by Shaykh Ibn Hajar al-Haitami explained that the first person to give waqf was Rosulullah SAW which was received from the mukhairik, a pious person from Bani Nadlir, Rasulullah received in the third year of Hijriyah, which later after some time then he donated the gift. Apart from having spiritual value,

The role of waqf is also very important to support community welfare. Matter This will work if waqf assets are managed with a good strategy The benefits of waqf can also be felt in order to improve the standard of living society in the economic sector, especially if waqf is managed properly professional management (Fauzi, 2019).

Waqf is Islam's contribution to realizing the benefits of the people through sharia social instruments. Waqf is not something foreign to the Indonesian people The majority of the population is Muslim and Sharia law has also been implemented running as it should. Thus, the existence of waqf will be very important help improve the country's economy which has an impact on the economy society in the lower middle class. Apart from having an impact on society Waqf is also a very important Islamic financial instrument important for economic development, especially for the majority of countries the population is Muslim. (Ahmad Rizal et.al).

Broadly speaking, waqf assets are grouped into two parts, waqf assets movable like cash waqf and immovable like land and buildings. This grouping actually pivots on the same goal, namely obtain benefits to spur the achievement of social welfare development. However, in reality, the management of waqf assets in Indonesia is still very difficult not yet functioning optimally due to various impacts Obstacles include, lack of funds to empower waqf land, layout which is less strategic, community indifference and what often happens is Nadzir's ignorance about how to utilize the waqf assets. According to Hamzah (2016), optimization of waqf empowerment is supported by professionalism and the competence of the nadzir.

Recently, many waqf assets have been neglected due to the monotonous nadzir paradigm error towards the waqif pledge. Actually though Waqf assets can be transferred and utilized according to needs as long as they are not reduce the value of these assets. Empowerment aims to bring about potential that exists independently, providing equal business opportunities, providing capital as encouragement, there is strong cooperation and partnership support it as well as increasing access to human resources and infrastructure existing ones (Hadyantari, 2018). For example, a plot of land pledged by the waqif to build a mosque, while the geographical location of the land not very strategic, located far from residential areas and access to it getting

there is very difficult. So the nadzir may use the land as agricultural land whose results are used for the construction of an existing mosque.

This productive waqf practice will really help the community's economy, because with the use of waqf land the proceeds are returned to the community construction of a mosque, the original construction budget will automatically be paid imposed on society as a whole, will be reduced. Practice above can also be implemented in other things that will essentially create assets talent is more productive and will ultimately improve the economy society in general. Jaih Mubarak defines productive waqf as: transformation from natural waqf management to sound waqf management professionals to improve or increase the benefits of waqf.

Management of waqf land into productive waqf assets cannot be separated from financing. Financing is the main factor that is a mandatory muqodimatul management or investment of waqf assets. As time goes by, there are many financing models that can be used as alternatives, including institutions Islamic finance, from these financial institutions allows Nadzir to carry out cooperation in financing the management of waqf land, or carry out raising funds from the community through cash waqf and share waqf (Mohammed, 2009). Of the many financing models, if conceptualized with good management and managed properly will be a great opportunity in the use of waqf land which was previously less productive has become more productive so that it can help improve the economic level of society. So The approach used is not only an economic approach, but also an economic approach business. Business can be established firmly if it is supported by human resources tough and good management. (Zainuri, 2021).

Method

This writing method uses the literature view method, observation as well legal decision making through library research and document study as well as data interviews collected from librarian studies.

Results and Discussions

M.Q. Shihab explains in his interpretation that believers do not can achieve what is hoped for in the form of perfect goodness with please Allah SWT, until the person spends something he loves on the road Allah is sincere, whether it is a little or a lot, Allah is all-knowing. From the basis of the Koran, it can be concluded that spending a portion The wealth we have and the various ways to spend it can be done through grants, alms or waqf. Apart from being based on the Koran, there are also hadiths prophets narrated by Muslim imams which are the legal basis for waqf.

Among the deeds that do not end when a person dies is almsgiving Jariyah is something that is donated because of Allah which is permanent (lasting) for a benefit. From another hadith regarding the practice of waqf, namely about an incident experienced by Umar ibn Khotob R.A's friend when he received a plot of land in Khaebar, then asked the Messenger of Allah about the land, who then The Messenger of Allah ordered him to keep his essentials and give alms benefits (waqf). This hadith became the initial basis for the practice waqf. In the explanation of the book of Fath al Qorib, waqf is a certain property which is can be managed and allows the benefits to be obtained without spending (eliminate) its physical form.

Productive waqf is the management of assets given by someone to the waqf institution or nadzir (person who manages the waqf) for a benefit that is general and sustainable. Endowed assets It can be in the form of movable assets such as money and precious metals, it can also be in the form of assets do not move like land and buildings. From the management of waqf assets this is what become an eternal fund for the benefit of humanity. Sahidin (2021) said The two characteristics of waqf, namely continuous and sustainable, are what make it waqf becomes productive and empowered.

Monzer Kahf (2018) identified that productive waqf is the same by donating assets of a production nature, where the assets are within its management can produce goods or services that can be taken as a result for waqf purposes. Management can be done through agriculture, industry, trade and other fields. Nothing new, at this point waqf land management only focuses on matters of worship such as mosque, prayer room or Islamic boarding school. more than that, management of waqf land can also be done useful for improving the community's economy. Some things that resulting in the importance of managing waqf land productively, namely :

- A. The poverty rate is high, so solutions and steps are needed appropriate
- B. High social gap between poor and rich
- C. There are many Muslim communities, so waqf has high potential to be developed.
- D. There is the possibility of a disaster, so community independence is needed in the procurement of public goods.

Ahmad Furqon (2014) in his article entitled financing models Productive land waqf states that the absence of funding sources is The problem is that the existence of waqf land cannot be managed productive, when it is not managed there will be no financial results. See It can be concluded that the use of waqf land can open up more useful strategic opportunities, such as opening up the field sector work, managing public services,

helping to ease the burden on the economy and providing facilities for small and medium economic enterprises. So it's necessary make the right decisions in financing waqf land, but for more Ideally and without risk, this can be through raising funds from the community or procurement of cash waqf (money).

Waqf as an Islamic financial instrument has several regulations cannot be separated from the principles of muamalah, especially in financing Waqf, of course, has special provisions, including:

A. Financing in the management of waqf assets may not be used sources of financing obtained from illicit money or assets, such as use of money from the sale of liquor, theft and so on etc.

B. Management of waqf land may not be used or invested for prohibited projects, such as building gambling establishments, liquor or illegal drug factories. Although the result of The processing of the waqf land is channeled for the benefit of contrary to the principles of muamalah.

C. Financing in waqf land management aims to: benefits, both primary and secondary, and in accordance with regulations set by religion and government through Indonesian Waqf Board (BWI). This financing is not only for seeking profit, but the profit obtained must be in accordance with sharia provisions. (Azuz, 2003).

Various types of financing models in empowering waqf land aims to be more productive so as to improve welfare community economy. Among the financing models for land management There are two systems, namely credit-based and cooperation-based systems, from Both systems cannot be separated from the three principles contained in Sharia financing, namely: in the form of profit sharing, buying and selling and renting. Of the three principles In sharia financing, several financing models have emerged, including:

A. Mudharabah agreement

The mudharabah contract is a profit sharing system in which the financier (Shahibul Mall) provides full capital to capital managers (mudharib) to manage capital to do business. Mudharib is here is a nadzir who will manage the waqf land, then the proceeds from it The management is divided into two in accordance with the agreement agreed together. If there is a loss that occurs due to the business process Normally, losses are borne by the capital owner (shahibul mall). However, if the loss is caused by Nadzir's negligence as manager, then Nadzir is responsible for the loss. (Munir & Wardani 2013) In a mudharabah contract, there are two types of mudharabah that can be done applied in financing waqf land to make it more productive, namely Asset-based mudharabah, in this system Nadzir is the manager hand over land to investors (shahibul mall) for example for built a business premises which will later be rented to third parties. The proceeds from the rental will be divided in half according to the agreement between managers and financiers. Capital-based mudharabah, nadzir here positioning as an entrepreneur who receives financial assistance from institutions finance, which then built a building on the waqf land with management entirely in the hands of Nadzir. As for division The results are in accordance with the profit ratio obtained. (Khaf, 2006) An example of mudharabah practice can be implemented on waqf land a photocopying and printing place was built, because there were no costs In this business, Nadzir borrowed capital from financial institutions, with an agreement on benefits shared between the two parties in comparison 60:40, where Nadzir as a business actor gets 60% profit and 40% of the capital, after the business is running, Nadzir returns the capital The main thing is that it is used for business and provides appropriate profits with a mutually agreed agreement.

B. Murabahah contract

Financing using a murabahah contract can be done with carry out sales and purchase agreements between Nadzir and financial institutions. Nadzir order the goods needed to manage the waqf land, then Financial institutions or banks provide the goods Nadzir needs and sell it at a price with an agreed profit both parties (Rifa'I & Veithzal, 2008).

The goods ordered by Nadzir can include agricultural equipment, industrial and livestock equipment which is contracted to be paid in installments from income obtained from these business activities. Contract practice Murabaha sellers are required to provide honesty towards The initial price of the goods under the contract for sale before adding profits of goods provided to buyers (nadzir). in concept Sharia financial institutions (LKS) this contract is known as murabahah li al-amir bi ash-syra. This transaction can be binding or not binding (the bank can ask the customer for a down payment/DP for purchases) (Karim & Adiwarna, 2014). examples of practice in this contract, in utilization of waqf land, Nadzir wants to manage waqf land for land agriculture. due to the lack of financing Nadzir collaborates with financial institutions, in this case for example banks. Banks buy items that Nadzir needs for management purposes agriculture on waqf land such as water pumps, tractors, fertilizer, etc agricultural seeds with a total of 100,000,000. Then the bank provide an agreement on the price of the goods, namely the cost price of the goods plus the profit from the bank's sale to Nadzir in the amount a total of 120,000,000, then Nadzir can pay the bank with method of tempo or installments over several years according to Nadzir's ability with the agreement contained in the contract .

C. Ijarah agreement

The ijarah (rental) contract is in principle the same as ba'i (sale and purchase), in The object of buying and selling is goods, while ijarah is the object the transaction lies in the benefits or use rights. Ijarah in context waqf land management provides opportunities for tenants in the long term a certain time, with mutually agreed compensation. Nadzir handing over waqf land to tenants in exchange for compensation agreed to be managed and benefited from. As for the rewards received by Nadzir then it becomes

the property of Nadzir who is used for it benefit of society. The tenant can manage the waqf land for various kinds of activities, for example, agricultural land, livestock sites and business land. With provisions after a specified period of time Once completed, it must be returned to Nadzir. Examples of practice in contracts ijarah, nadzir as the person responsible for the waqf land rent the land to someone. Which will be the land will be managed and benefited by the lessee in the long run time, for example 2 years with a cost of 20,000,000. of the agreement.

The tenant can carry out the desired business from the waqf land for the agreed period of time, as for the term has been completed, the renter must return it to nadzir according to the mutually agreed agreement.

D. Musyarakah agreement

Will musyarakah or in Islamic jurisprudence more commonly known as A syirkah contract is a cooperation agreement between two or more parties for a purpose certain business. Each party contributes accordingly what is owned with profits shared according to mutual agreement. Each party can contribute in the form of funds, expertise, ownership, merchandise, equipment and so on. In Nadzir waqf land management collaborates with various parties who have the desire to build a business on the land. For example, on the land a rented house will be built, then every parties who contribute to meet needs such as Nadzir as land providers, and other parties as procurement of materials and energy carpentry, architectural staff, and so on can carry out contracts musyarakah, as for after the construction is completed, the results will be there The rent will be divided according to the agreement in the agreement agreed together.

Conclusions

Based on the discussion above, it can be concluded that there are various kinds financing methods in empowering waqf land to make it more productive. So that The results of waqf land management can be used as an alternative for improve the economic welfare of society, especially for people who disadvantaged and open up employment opportunities for those in need.

References

- Ahmad Rizal et al., "Integrating Zakah and Waqf for Developing Islamic Economic Boarding School (IEBS) Project in Indonesia" *Journal of Islamic Economics and Philanthropy* 3, no. 2 (2020): 698, <http://dx.doi.org/10.21111/jiep.v3i02.4577>.
- Ben Azuz, Abdul Qadir, 2003, *Fiqh Istitsmār al-Waqf wa Tamwīlul fi al-Islām (Dirāsāt Tathbiqiyah 'an al-Waqf al-Jazāir)*, Disertasi di Universitas al Jazair.
- Fauzi, F. (2019), *Pendaftaran Tanah Wakaf Untuk Tanah Milik Adat Yang Belum Terdaftar Berdasarkan Peraturan Perundang-Undangan Tentang Wakaf*. Depok : Fakultas Hukum Universitas Indonesia.
- Hadyantari, Faizatu Almas. 2018. *Pemberdayaan Wakaf Produktif: Upaya Strategis untuk Kesejahteraan Ekonomi Masyarakat*. MEIS. Volume 6(1), 1-22.
- Jaih Mubarak, *Wakaf produktif (Bandung: Simbiosis Rekatama Media, 2016)*, 79 Karim, Adiwarna A. (2014). *Analisis Fiqih dan Keuangan*. Jakarta: PT. RajaGrafindo Persada.
- Mohammad, Mohammad Tahir Tsabit Haji, 2009, *Alternative Development financing Instruments for Waqf Properties*, *Malaysian Journal of Real Estate*, Volume 4 No.2.hal.54, http://www.fksg.utm.my/cres/goldengate/application/pdf/vol4_no2_4.pdf.diakses tanggal 15 Juli 2014.
- Monzer Kahf, "الوقف السالمية: الحاجة لميثاق جديد" (*Islamic Endowments: The Need for a New harter*)," *journal of king Abdulaziz University Islamic Economics* 31, no. 3 (2018): 61, doi:10.4197/islec.31- 3.3.
- Munir, M., & Wardani, M. D. (2013). *Peran Pembiayaan Bagi Hasil Mudharabah Dalam pengembangan Usaha Nasabah (Studi Pada Kanindo Syariah Jatim)*. *El Dinar*, 1(01).
- M. Q. Shihab, *Tafsir Al-Mishbah: pesan, kesan, dan keserasian Al-Qur'an (Tangerang: Paguyuban Yayasan Ikhlas, 2000)*, 124.
- Riva'I, Veithzal & Andria Permata Veithzal, 2008, *Islamic Financial Management, Teori, Konsep dan Aplikasi Praktis untuk Lembaga Keuangan, Nasabah,Praktisi dan Mahasiswa*, Jakarta: Rajawali Press.
- Sahidin, A. (2021). *Pendayagunaan Zakat dan Wakaf Untuk Mencapai Maqashid Al-Syari'ah*. *Jurnal Wakaf Dan Ekonomi Islam (Al-Awqaf)*, 14(2), 97- 106.
- Zainuri, M. (2021). *Optimalisasi Wakaf Produktif Sebagai Upaya Pembangunan Dan Pemberdayaan Ekonomi Melalui Wisata Lokal*. *Ar-Ribhu : Jurnal Manajemen Dan Keuangan Syariah* 2(2), 267–27