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PROBLEMATICS IN DEVELOPMENT AND MANAGEMENT OF MONEY AFFAIRS (CASH AFFAIRS) IN INDONESIA

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This article explains the problems in the development and management of cash waqf in Indonesia. Cash waqf by people, groups of people, and institutions or legal entities in the form of cash. Waqf cash is still debated among scholars whether it is legal or not, and managing cash waqf professionally is still a discourse and not many people or institutions can accept such waqf models. This article also discusses understanding, legal basis, problematics, management and solutions. Also discussed about cash waqf as the basis for community economic development by opening up Muslim rigidity to cash waqf, as well as the economic prospects of waqf property. The potential of waqf is one of the instruments of economic empowerment for Muslims even though management in Indonesia is still not good. But seen from the number, waqf property in Indonesia is quite large. Money waqf has played an important role as one of the new Islamic fiscal instruments in the economy. Money waqf has two functions as a means of worship and the achievement of social welfare.

This article tries to explore how the problems in developing money waqf management such as the way it is distributed and its circulation and how the waqf is able to have a good impact on the surrounding community.

Keywords: Problems, Development, Management, Cash Waqf, Indonesia.

A. Background

Islam presents itself as a philanthropic-faced religion. The form of philanthropy is extracted from religious doctrines originating from the Qur'an and Hadith which are modified by the intermediary of the ijtihad mechanism so that the institutions of zakat, infaq, sadakah, and endowments arise. The latter institution, namely waqf, continues to experience a significant paradigm development along with adjusting various ijtihadi rules and implementing waqf in certain regions with ever-changing historical dimensions.

In its history, waqf is an instrument maliyah, which as a teaching he belongs to sharia which is sacred and sacred, but the understanding and implementation of the waqf are classified as fiqh (humanitarian efforts); therefore, it can be understood that the

practice and realization of waqf is closely related to the reality and interests of the ummah in each Muslim country (including Indonesia).¹

At present there have been significant changes in the understanding and empowerment of waqf assets in the community, initially waqf practices were more developed in religious facilities, educational facilities, health facilities, and other social benefits to become productive endowments including one in the form of money waqf. Endowments of the money can be collected in a container, so that it becomes a big business capital. Endowments of money collected can be managed productively with management institutions that have competencies and capabilities and are able to work professionally.²

According to Muhyar Fanani, Waqf money in Indonesia experienced various obstacles both at the level of socialization, application, and management. The most striking constraints to empowering money waqf are management issues. The Indonesian Muslim community does not have a strong tradition of maximizing the management of waqf money so that it can help improve the welfare of the people.³

This paper will discuss the problem of management and development of cash waqf funds included in the freezing of Muslims to endowments, understanding that is still wrong among some Muslims about cash waqf, and lack of professionalism of waqf managers (nadzir waqf) and managing good waqf assets that in the form of cash or non-cash waqf.

B. Literature Review

The study of cash waqf (waqf money) has been widely discussed by fiqh experts. Ahmad Atabik⁴ in the Cash Waqf Management and Utilization Strategy in Indonesia explained about waqf as a prospective institution as a supporter of the community's economy, there needs to be a strategic development step. By looking at how the strategy of utilization and management of cash waqf can be efficient for the surrounding community in particular.

Abdul Hakim⁵ in the Management of Productive Waqf Assets and Investments in the Sharia Economic System, this article explains about waqf as a solution for the development of productive assets in the midst of society and the solution of the personal greed and arbitrariness of the government simultaneously. Endowments can specifically

¹ Ali Amin Isfandiari, "Tinjauan Fiqh Muamalat dan Hukum Nasional tentang Wakaf di Indonesia" *Jurnal Ekonomi Islam* Vol II, No. 1, (Juli ; 2008); pp. 52

² M. Nur Rianto Al Arif, "Wakaf Uang dan Pengaruhnya terhadap Program Pengentasan Kemiskinan di Indonesia" *INDQ-ISLAMIKA*, Volume 2, Nomor 1, (2012/1433) ; pp. 18

³ Muhyar Fanani, "Pengelolaan Wakaf Tunai", *Walisongo*, Volume 19, Nomor 1, (Mei, 2011) ; pp. 180

⁴ Ahmad Atabik, "Strategi Pendayagunaan dan Pengelolaan Wakaf Tunai di Indonesia" *ZISWAF*, Vol. 1, No. 2, (Desember 2014); pp. 326

⁵ Abdul Hakim, "Manajemen Harta Wakaf Produktif dan Investasi dalam Sistem Ekonomi Syariah" *Riptek*, Vol.4, No.11, (2010) ; pp. 25

help the activities of the general public as a form of concern for the people, and future generations.

Muhammad Alfin Syauqi⁶ in *Optimizing Money Waqf Management for Public Welfare* explained that some of the obstacles that hinder the optimization of money waqf management include: inadequate and less competent human resources, the culture of people who do not understand money waqf, lack of socialization about waqf money, absence Government support regarding waqf money.

C. Results and Discussion

1. Understanding Waqf

According to Ali Amin Isfandiar, The word waqf () derived from Arabic originating from the root wa-qa-fa () means holding back, stopping, staying in place or standing. The word waqafa-yaqifu-waqfan, which means the word habasa-mbisan-tahbisan () means that it is obstructed to use. The word waqf in Arabic means: (ليستلا سيحتلا ننعيم فقولا), meaning: holding back, holding property to be represented, not being transferred.

In Arabic, the term waqf sometimes means objects or objects that are represented (al-mauquf bih) or used in the sense of waqf as an institution as used in Egyptian legislation. In Indonesia, waqf terms can mean objects that are represented or institutions.

According to the term even though there are differences in interpretation, it is agreed that the meaning of waqf is to restrain the essence of the object and to use the results or to hold back the essence and to provide its benefits. The differences of opinion of the scholars of fiqh in defining waqf resulted from the way of interpreting the nature of waqf.⁷ While according to Duddy Roesmara Donna, etymology comes from Arabic waqf "Wakafa" which means something that is detained. So, if talking about waqf issues means from the assets or property of a person or Muslim intended for the benefit of the people to take advantage or benefits and the principal that is detained. For example we are endowments of one hectare of land, 1 hectare as the principal, then on top of it is built for example a hospital, then that hospital is taken for the benefit of the community.⁸

Cash waqf (cash waqf or waqf al-nuqud) is one of the movable waqf that is specified in the form of money. Cash waqf is waqf that is carried out by a person, group of people, institution or legal entity in the form of cash, including in the sense that money is securities. Cash waqf is a productive form of endowment with a mechanism of investment in waqf funds and channeling the proceeds from the principal of invested capital. Comparing it with land waqf for example, land waqf is only enjoyed by people

⁶ Muhammad Alfin Syauqi, "Optimalisasi Pengelolaan Wakaf Uang untuk Kesejahteraan Umum" *Kanun Jurnal Ilmu Hukum*, No. 63, Th. XVI (Agustus, 2014) ; pp.381

⁷ Ali Amin Isfandiar, "Tinjauan Fiqh Muamalat dan Hukum Nasional tentang Wakaf di Indonesia" *Jurnal Ekonomi Islam* Vol II, No. 1, (Juli ; 2008) : pp. 53

⁸ Duddy Roesmara Donna, "Penerapan Wakaf Tunai pada Lembaga Keuangan Publik Islami" *Journal of Islamic Business and Economics*, Vol. 1, No. 1, (Desember, 2007) pp. 89.

who live around the waqf property. While the poor are domiciled in various places, so new funding sources are needed which are not bound by place and time. Because money is flexible and knows no boundaries in the distribution area.⁹ Waqf money is a legal act of wakif to separate and or surrender a portion of his money to be used forever or a certain period of time in accordance with his interests for the purposes of worship and or general welfare according to the Shari'ah.

According to Law No. 41 of 2004 concerning Waqf, waqf money is a legal act of Wakif to separate and or surrender a portion of his property in the form of money to be used forever or for a certain period of time in accordance with his interests for the purposes of worship and or general welfare according to sharia. Furthermore, money waqf in the definition of the Ministry of Religion is an endowment by a person, group of people, and an institution or legal entity in the form of money. Thus, money waqf is one form of waqf submitted by a wakif to nadzir in the form of cash. This is in line with the definition of waqf issued by the Fatwa Commission of the Indonesian Ulema Council on 11 May 2002 when releasing a fatwa on waqf money, namely: "Retaining property that can be used without the disappearance of the object or principle, by taking legal action against the object (selling, giving , or inherit it), to be channeled (the result) to something that is modified (not haram) that exists. "¹⁰

In Indonesia, cash waqf has also been strengthened by the issuance of the fatwa decision of the Indonesian Ulema Council on Money Waqf, whose principal decision is: Money waqf or waqf al-nuqud is an endowment by a person, group of people, institution or legal entity in the form of cash. Included in the definition of money are securities. Jawaz legal allowance (allowed)

1. Endowments of money may only be channeled and used for things that are permitted in a shady manner
2. The principal value of money waqf must be guaranteed for sustainability, may not be sold, granted, and or inherited.
3. There are several rules in moving money waqf in the form of cash (cash endowments), including:
4. Cash waqf through sharia financial institutions appointed by the Minister
5. Statement of willingness regarding cash waqf must be written
6. Islamic financial institutions issue waqf money certificates submitted to wakif and nadzir as proof of surrender of waqf property.
7. Islamic financial institutions in the name of Nadzir register endowments in the form of money to the Minister

⁹ Ali Amin Isfandiar, "Tinjauan Fiqh Muamalat dan Hukum Nasional tentang Wakaf di Indonesia" Jurnal Ekonomi Islam Vol II, No. 1, (Juli ; 2008) : pp. 67

¹⁰ Junaidi Abdullah dan Aristoni, "Wakaf Uang Sebagai Instrumen Sistem Ekonomi Islam yang Berkeadilan", ZISWAF, Vol. 2, No. 1, (Juni 2015), pp. 201-202

In terms of its benefits, according to Antonio, endowments of money today have four main benefits, first, the amount of money waqf can vary so that someone who has limited funds can begin to provide waqf funds without having to wait to become a landlord first. Secondly, through endowments of money, assets in the form of vacant land can begin to be used by building construction or processed for agricultural land. Third, cash waqf funds can also help some Islamic education institutions that sometimes flow deflated and pay off the academic community at large. Fourth, in turn, God willing, Muslims can be more independent in developing the world of education without having to depend too much on the country's education budget which is increasingly limited.¹¹

2. Legal Foundation

The proposition that has become the meaning of worship of waqf comes from:

- a. Al-Qur'an verse, among others : In surat al-haj verse 77 which means: "Do good, so that you may win". In the letter Ali Imran verse 92 which means: "You never come to virtue (perfect) before you spend some of the assets you love. And whatever you spend, then Allah knows.

In the letter Al-Baqarah verse 261 which means: "The parable (income issued by) the people who spend their wealth in the way of Allah, is similar to a seed that grows seven grains, on each item grows a hundred seeds. God multiplies (rewards) for anyone he wants. And Allah is great (His gift) is more omniscient. "

- b. Sunnah Rasullulah SAW which means: From Abu Hurairah ra., Actually the Prophet Muhammad. Saying: "If the son of adam (human) dies, then his charity is broken, except for three cases: shadaqah jariyah, useful knowledge and pious children who pray for their parents". (Narrated by Muslim).¹²

In the perspective of classical Islamic law, waqf is an Islamic charity in the form of fixed objects, such as land and buildings. But in subsequent developments, the Muslims implemented waqf with "cash" as it had once been done during the Ottoman Caliphate in Turkey. Waqf with a "cash" system opens opportunities to create investments in religion, education, and social services. Investment returns from Muslims in various high-income Islamic countries can be utilized through the exchange of cash waqf certificates, while the income earned from managing cash waqf can be used for various benefits of the people.

The Hanafi school allows cash waqf as an exception, on the basis of the Istihsan bi al- Urfi, because it is already widely used by the public. The Hanafi school of thought argues that the law stipulated based on 'Urf (customary customs) has a legal force that is as strong as the law stipulated based on texts (both the Qur'an and hadith).

¹¹ Ali Amin Isfandiari, "Tinjauan Fiqh Muamalat dan Hukum Nasional tentang Wakaf di Indonesia" *Jurnal Ekonomi Islam* Vol II, No. 1, (Juli ; 2008) :pp. 67-68)

¹² Drs. H. Khusaeri, M.Ag, "Wakaf Produktif", *Jurnal Pemikiran Islam dan Filsafat* Vol. XII, No. 1, (Januari – Juni 2015), pp. 85-86)

In the Hanafi School of Religion, there are several ways that need to be considered in conducting cash waqf, namely by making business capital by way of mudharabah or mubadha'ah. While the benefits are given to the waqf party. Ibn Abidin argued that cash waqf which is said to be a habit that prevails in the community is a habit that applies in the Roman region, whereas in other countries cash waqf is not a habit. Therefore, Ibn Abidin argued that cash waqf is not permissible or invalid. Which also holds that cash waqf is not allowed in the Shafi'i school. according to al-Bakri, the Syafi'ah school does not allow cash waqf, because money (formerly in the form of dinars and dirhams) will disappear when paid so that there is no more form. In essence, the difference in whether or not cash waqf can range from the form of money.¹³

3. Review of Money Waqf

The notion of money waqf is inseparable from the role of M.A.Mannan from Bangladesh who has popularized the term cash waqf certificate by establishing a body in Bangladesh called SIBL (Social Investment Bank Limited). This body has developed the Voluntary Capital Market. Islamic financial instruments that have been developed include: Waqf Properties Development Bond, Cash Waqf Deposit Certificate, Family Waqf Certificate, Mosque Bond Development Bond.

In Indonesia, the M.A.Mannan concept of waqf money received a positive response from the Indonesian Ulema Council (MUI). On May 11, 2002 MUI issued a fatwa on waqf money containing:

1. Waqf money (Cash Waqf / al-Nuqud Waqf) is an endowment by a person, group of people, institution or legal entity in the form of cash.
2. Included in the definition of money are securities.
3. Jawaz legal allowance.
4. Waqf money can only be channeled and used for things that are allowed in syar'i.
5. The principal value of money waqf must be guaranteed for sustainability, may not be sold, granted, and or inherited.

The fatwa of the MUI concerning money waqf is the result of Ijtihadi Jurisprudence, meaning it is the result of ijthad which is born from the understanding of the cleric on the texts which explain the expenditure of assets. Furthermore, in 2004, Law No. 41 of 2004 concerning Endowments was also made which also regulates money waqf. To complete the Law, the government has also stipulated Government Regulation number 42 of 2006 concerning Implementation of Law No. 41 of 2004.

The role of big money waqf in economic activities and the results that can be utilized for public welfare, money waqf opens opportunities to create investments to

¹³ Ahmad Atabik, "Strategi Pendayagunaan dan Pengelolaan Wakaf Tunai di Indonesia" ZISWAF, Vol. 1, No. 2, (Desember 2014), pp. 321-322)

provide health services, religion, education and socio-economic services. Money forgiveness can also be a strategy to prosper and release economic dependence .¹⁴

4. Purpose of Endowments

Endowments have two goal orientations, namely *habl min Allah* (relationship with Allah SWT) and *habl min al-nās* (relations with fellow humans). Relations with God as a manifestation of obedience to Allah and the desire of *wakif* to get a continuous reward from Allah SWT even though he has passed away. Whereas relations with humans are to realize *takāful al-ijtimā'iy* (social concern) among fellow Muslims. The scholars concluded the purpose of *waqf* with the expression: "Wisdom of *waqf*, in the world to do good to those who are loved and in the end, obtain merit".

Broadly speaking, *waqf* aims to obtain fixed and stable funding sources for the needs of the people, in the fields of religion, clothing, food, housing, education, economy, health and security. Endowments also aim at strengthening brotherhood and establishing values of solidarity and social solidarity in order to gain the pleasure of Allah SWT.

When referring to endowments carried out at the time of the Prophet Muhammad and during the time of *al-Khulafā' al-Rasyidīn*, it can be concluded that some of the aims of *waqf* are based on the *waqf* they have done, namely:

- a. Realizing food security for Muslim communities. This is reflected in the endowments of *Abi Talhah* who endowed the gardens of *Bairuhā`dan* made the results for poor people and relatives. It is also reflected in the *waqf* of the *Rumat* well by *Utsmān bin Affan* so that the water needs of the Islamic community can be fulfilled.
- b. Prepare strength and vital means that can strengthen the position of Muslims, and protect themselves and maintain their faith and religion. This goal is reflected in the weapons *waqf* conducted by *Khālid ibnu Wālid*.
- c. The place for the spread of Islamic *da'wah*, the place of implementation of *syi'ar-syi'ar Islam* and the place of teaching for generations of Islam. This goal is reflected in the mosque *waqf* carried out by the Prophet Muhammad, namely the *Quba* mosque and *Nabawi* mosque.
- d. Providing shelter for families, the poor and guests. This goal is reflected in the house *waqf* carried out by friends.¹⁵

5. Potential for Endowments

Waqf is one of the Islamic social economic institutions whose potential has not been fully explored and developed. The potential of *waqf*, especially productive cash

¹⁴ Ahmad Nizar, "Faktor-Faktor yang Mempengaruhi Persepsi Wakif tentang Wakaf Uang", *Jurnal Bisnis dan Manajemen* Vol. 4, No. 1, (April 2014); pp.28-29

¹⁵ Ahmad Furqon, "Wakaf Sebagai Solusi Permasalahan-Permasalahan Dunia Pendidikan di Indonesia", *Jurnal Hukum Islam (JHI)* Vol. 10, No. 1, (Juni 2012), pp. 39-40

waqf can be used as an alternative funding for mosques and Islamic boarding schools in order to lead to financial independence which leads to the benefit of the people.

Muslims in Indonesia are familiar with the word waqf. However, this familiarity did not make them understand correctly about waqf. Until now, they assumed that waqf was only in the form of mosques and graves. Though endowments have undergone development, and appear in other forms, productive endowments or cash endowments. Waqf is not only graves and mosques but the potential of waqf can be developed for productive things that will provide economic benefits to the wider community.

For Indonesian Muslims, the discourse of productive cash waqf is still relatively new. Can be seen from the rules that underlie it. The Indonesian Ulema Council (MUI) just filed it in mid-May 2002. During this time, waqf was popular among Indonesian Muslims limited to land and buildings intended for places of worship, hospitals and education.¹⁶

Waqf is one of the fiscal instruments of Islam that has existed since the beginning of the arrival of Islam. Historical facts show that waqf has shown various important roles in developing various social, economic, educational and cultural activities. Endowments must be able to play an effective role in building people, so they can reduce dependency on funding from the government. Waqf proved to be able to become a social security instrument in community empowerment.

The definition of waqf contained in the Law accommodates various types of waqf assets including waqf money. Specifically, the law contains a section on money waqf, which in article 28 to article 31 is a money waqf must be deposited through Islamic Financial Institutions (LKS) which have been determined by the Minister of Religion of the Republic of Indonesia. Endowments must be proven by a certificate.

In the Indonesian Waqf Agency Regulation No. 01 of 2009 concerning Guidelines for the Management and Development of Movable Waqf Property in the form of Money, certificates can be given to wakafi who have already accredited their money of at least Rp 1,000,000 (one million rupiah) by including the origin of money and their wakif complete identity.¹⁷

The largest number of Muslims in the world, especially in Indonesia, is the greatest asset for raising and developing money waqf. If waqf money can be implemented, there will be potential funds that can be used for the benefit of the people.

There are several benefits that can be obtained from money waqf compared to other fixed object endowments, including:

a) The amount of money waqf can vary so that someone who has limited funds can begin to provide waqf funds without having to wait to become a landlord first;

¹⁶ Duddy Roesmara Donna, "Penerapan Wakaf Tunai pada Lembaga Keuangan Publik Islami" *Journal of Islamic Business and Economics*, Vol. 1, No. 1, (Desember, 2007)pp. 92)

¹⁷ M. Nur Rianto Al Arif, "Efek Multiplier Wakaf Uang dan Pengaruhnya terhadap Program Pengentasan Kemiskinan" *Jurnal Ilmu Syari'ah dan Hukum*, Vol. 46 No. 1, (Januari-Juni 2012) : pp.301)

b) Through money waqf, waqf assets in the form of vacant land can begin to be used by building construction or processed for agricultural land.

According to Article 1 paragraph (4) Law No. 41 of 2004 concerning Waqf, nadzir (waqf manager) is a party that receives waqf property from wakif to be managed and developed in accordance with its allocation. So it can be said that nadzir waqf is a party that is directly related to the productive efforts of money waqf assets.

In Article 9 of Law No. 41 of 2004 concerning Waqf states that nadzir includes three forms, namely nadzir of individuals, organizations and legal entities. To become a nadzir must meet several requirements as contained in Article 10 of Law No. 41 of 2004 concerning endowments.¹⁸

Waqf law in Indonesia is politicized by the state because it sees great potential in waqf institutions from various aspects. Positivity of Indonesian waqf law by the state to have an economic impact on society. One important factor that has contributed to the style and development of waqf in the modern era is when the state participates in regulating waqf policies through a set of positive laws. There has been a politicization of Indonesian waqf law in managing money waqf, because there is economic potential. Politics is often synonymous with government decisions that are authoritative, because the authority is forced and monopolized by the government.

In the view of Islamic law State political arrangements and legal politics are interconnected. From the point of view of legal politics, the state places Islamic law into national law. Some view that the adoption of Islamic law from the formal legalistic aspect, Islamic law must go through acculturation of Islamic legal values into positive law.

Indonesian Waqf Agency as an independent state institution has the authority to develop representatives in Indonesia (Law Number 41 of 2004 concerning Endowments, Article 1). Indonesian Waqf Agency plays a big role in the development of money waqf in Indonesia. The Indonesian Waqf Agency politically has a lot of authority and is a double as the coach of Nazhir waqf, Nazhir BWI, mediator and regulator (Law Number 41 of 2004 concerning Endowments, Article 49). There is an Indonesian Waqf Agency hegemony towards construction in the context of money waqf management based on Indonesian waqf law.

Waqf should not be regulated from the center. Legal arrangements for the construction of the Indonesian Waqf Agency in the context of money waqf management are conditional. Waqf as an institution should grow from the bottom instead of growing from above. The process of policy formulation is determined from the point of view of the authorities in seeing the potential and institutions of waqf, both in terms of their interests and the interests of Muslims in general.

¹⁸ Muhammad Alfin Syauqi, "Optimalisasi Pengelolaan Wakaf Uang untuk Kesejahteraan Umum" Kanun Jurnal Ilmu Hukum, No. 63, Th. XVI (Agustus, 2014) pp. 377

Indonesian Waqf Agency as an institution is given full authority by the State to develop representatives in Indonesia including money waqf. Indonesian Waqf Agency as regulator regulates waqf legislation. The Indonesian Waqf Agency Regulation does not provide freedom of contract for Nazhir in management of waqf money management. Including to be able to become Nazhir of individual money donations, organizations and legal entities, it needs to be regulated for legal justice and benefit for the community. So that money waqf can prosper the people and create a sustainable community benefit.

Management of money waqf has unique characteristics. The concept is different from zakat management. Waqf has the principle of immortality. The principle of immortality in the management of waqf assets is basic maintenance and development, then what is channeled is only benefits or returns on investment. While in the management of assets zakat can be spent and / or maintained its assets to be managed and given the results for the benefit of the community.¹⁹

6. Constraints in Development and Management of Endowments

a. Freezing of Muslims against Waqf

The understanding of the Indonesian Islamic community regarding waqf is seen as an innocent attitude, because of trust in others and a high honest attitude that does not consider the manipulation and betrayal of others. The practice of implementing this kind of waqf, on its journey must be admitted, raises the issue of legal validity about waqf assets which ends in the dispute that occurs, because there is no evidence that is able to show that the objects concerned have been represented.

Development of waqf assets is also often also a debate that never ends among Muslims. For those who are fanatical about the Imam Shafi'i school of thought, the waqf assets should not be changed and exchanged for any reason. In the case of mosques, for example, Imam Shafi'i emphasized that it is not permissible to sell mosque waqf assets absolutely, even if the mosque collapsed. So many of us confuse the buildings of the old mosques around us which pay attention to their physical strength, which actually results in being lazy to go to the mosque. In comparison, the school of Ahmad Ibnu Hanbal (Hambali) actually allowed to sell mosque waqf assets with other waqf assets. Another problem that arises in implementing waqf is the development of waqf productively. This kind of waqf is still considered taboo in the sense of the community, this is due to a lack of broader socialization. Supposedly, religious leaders are more active in massively disseminating information by including waqf as part of the instrument of economic development of the ummah as an important aspect for the development of productive waqf ideas. Lack of public knowledge of the importance of waqf empowerment for general welfare is a problem that must be found a solution together.

¹⁹ Ulya Kencana & Abdul Hadi, "Wakaf Uang dalam Perspektif Hukum dan Politik", NURANI, Vol. 16, No. 2, (Desember, 2016) ; pp. 157-159

The problem of waqf management also lies in the not yet optimal role and synergy of waqf technical officials in the regions with related parties towards the efforts of the central government to empower waqf productively and in cash. The technical officials are better at dealing with the handling that is linear rather than marketing strategic ideas in the development of endowments that are more socially insightful. In addition, the lack of professionalism of waqf managers (nadzir waqf) also influences good management. Even though the role of nadzir sanat is central in realizing the goals of waqf who want to preserve the benefits of waqf.

b. Nadzir Human Resources

In the perspective of the books of jurisprudence, ulama 'do not include the manager of waqf (nadzir wakaf) as one of the pillars of waqf, because waqf is tabarru' worship (a sunnah gift). However, after paying attention to the purpose of the waqf who wants to preserve the benefits of the waqf property, then the existence of nadzir waqf is a necessity. Because with the presence of a manager, namely a nadzir, waqf assets can be maintained, managed and developed properly. On the shoulders of nadzir waqf management is at stake, whether waqf assets can develop or not.

Many nadzir in Indonesia do not have adequate abilities, so that waqf assets do not function optimally, not even giving benefits to the waqf target at all. For this reason, Nadzir's professionalism has become a benchmark in managing waqf assets both movable and immovable. In the Jurisprudence study, the professional qualifications of nadzir (mutawalli) are required as follows, namely: Muslim, mukallaf (having the ability to do legal actions), baligh (mature) and 'aqil (having a healthy mind), having the ability to manage waqf (professional) and has a trustful, honest and fair nature. To manage good waqf and in order to improve nadzir capabilities a reliable Human Resources (SDI) management system is needed. The SDI management system aims to:

First, develop and improve the knowledge, abilities and skills of waqf nadzir at all levels in order to build strong, professional managerial abilities and have full responsibility for waqf assets.

Second, forming attitudes and behaviors as required by Nadadir, namely trustworthiness and fairness, so that the Muslim community can entrust property that has become a waqf asset managed well and can be accounted for before Allah SWT. later.

Third, creating the same mindset or perception in understanding and implementing waqf management patterns, both in terms of legislation and managerial techniques so that control is more easily carried out, both in the central and regional areas.

Fourth, inviting waqf nadzir to understand the procedures and patterns of waqf management that are more oriented to the interests of implementing Islamic law

more broadly and in the long term. So that endowments can be used as an important element in supporting the implementation of an integrated Islamic economic system.

c. Issues of Political Will of Authority Holders

However, the issue of waqf cannot be separated from government authorities. A country that has a majority Muslim population, should make waqf as a tool for the prosperity and benefit of its people. In Indonesia, to advance the world of representation, the government through the Ministry of Religion seeks to carry out its functions and roles, in order to facilitate the development of the administration of Indonesian representatives in accordance with the demands of the development of society.

Government policy in endowments handled by the Ministry of Religion has the following functions and tasks:

First, functioning as a motivator, in this case the Ministry of Religion as an institution provides motivation, stimulation or stimulant especially for existing waqf management institutions in order to maximize the welfare of many people.

Secondly, having a function as a facilitator, in this case the Ministry of Religion provides facilities that are possible for cadres, waqf, candidates for wakif, institutions or other matters related to representatives, both physical and non-physical in optimizing the roles of management and development and supervision .

Third, to function as a regulator, in this case the Ministry of Religion becomes the parties that monitor all policies and legislation of the representatives in Indonesia that are deemed irrelevant to the current developments and then compile and or propose policy changes with other parties.

Fourth, to function as a public service, in this case the Ministry of Religion has a role as an institution that serves all levels of Islamic society about representatives. The form of public services carried out by the Ministry of Religion is the opening of access to information, waqf administration service policies, and assisting various problems, development and guidance of waqf.²⁰

In endowments management can use management models, among others, can use the Fundraising management model. Mifathul Huda stated that Fundraising is not identical just by raising funds. The scope is so broad and profound, the effect is very significant for the existence and growth of an institution. Therefore, it is not easy to understand the scope of fundraising. To understand it, it first requires an understanding of the fundraising substance. Fundraising substances can be summarized into three things, namely: motivation, programs, and methods.

Fundraising methods or techniques referred to as the third fundraising substance above are a typical form of activity carried out by Nadhir in order to raise

²⁰ Ahmad Atabik, "Strategi Pendayagunaan dan Pengelolaan Wakaf Tunai di Indonesia" ZISWAF, Vol. 1, No. 2, (Desember 2014) : pp. 322-328

funds / power from the community. This method can basically be divided into two types, namely direct (direct) and indirect (indirect). The purpose of fundraising is that there are five things, namely: raising funds / endowments, adding candidates for wāqif, enhancing the image of nādhir, establishing sympathizers or supporters and satisfying wāqif.

As is known, Nadhir in developing waqf management in general must pay attention to three important stages, namely: stages of collection or collection of waqf resources (resource management), stages of management of waqf assets received, and stages of utilization or utilization of waqf results (grant management) This means that the development of fundraising in the stages of management and utilization of waqf is also a concern.

The waqf fundraising mechanism is interpreted that each stage / pattern of waqf management (stages of waqf collection power, management power, usufructuary power / waqf benefits) is combined with fundraising activities so that it can fulfill the core of fundraising which is producing and productive both financially and non-financially . The implication is that you should develop a comprehensive and reliable endowment fundraising model (waqf fundraising concoction) from collecting waqf funds, managing them, and utilizing them. Endowments fundraising activities are not separated in the stages of waqf management, not only when collecting or accumulating endowments but also when managing waqf assets, and empowering the distribution of waqf benefits.²¹

7. Conclusion

Problems in the development and management of cash waqf funds in Indonesia due to a lack of understanding of the Indonesian Islamic community regarding this endowment. The practice of implementing and developing cash waqf assets in Indonesia is often also a never-ending debate among Muslims. The problem of waqf management also lies in the not yet optimal role and synergy of waqf technical officials in the regions with related parties towards the efforts of the central government to empower waqf productively and in cash. And the problem of the development and management of cash waqf is also due to the lack of optimal management of cash waqf itself because of the lack of support from the government.

²¹ Miftahul Huda, "Model Manajemen Fundrising Wakaf", Ahkam: Vol. XIII, No. 1, (Januari, 2013) : pp. 35-36

DAFTAR PUSTAKA

- Ahmad Atabik, “Strategi Pendayagunaan dan Pengelolaan Wakaf Tunai di Indonesia” ZISWAF, Vol. 1, No. 2, (Desember 2014)
- Ali Amin Isfandiar, “Tinjauan Fiqh Muamalat dan Hukum Nasional tentang Wakaf di Indonesia” Jurnal Ekonomi Islam Vol II, No. 1, (Juli ; 2008)
- Muhammad Alfin Syauqi, “Optimalisasi Pengelolaan Wakaf Uang untuk Kesejahteraan Umum” Kanun Jurnal Ilmu Hukum, No. 63, Th. XVI (Agustus, 2014)
- M. Nur Rianto Al Arif, “Efek Multiplier Wakaf Uang dan Pengaruhnya terhadap Program Pengentasan Kemiskinan” Jurnal Ilmu Syari’ah dan Hukum, Vol. 46 No. I, (Januari-Juni 2012)
- Duddy Roesmara Donna, “Penerapan Wakaf Tunai pada Lembaga Keuangan Publik Islami” Journal of Islamic Business and Economics, Vol. 1, No. 1, (Desember, 2007)
- Ahmad Furqon, “Wakaf Sebagai Solusi Permasalahan-Permasalahan Dunia Pendidikan di Indonesia”, Jurnal Hukum Islam (JHI) Vol. 10, No. 1, (Juni 2012)
- Junaidi Abdullah dan Aristoni, “Wakaf Uang Sebagai Instrumen Sistem Ekonomi Islam yang Berkeadilan”, ZISWAF, Vol. 2, No. 1, (Juni 2015)
- Drs. H. Khusaeri, M.Ag, “Wakaf Produktif”, Jurnal Pemikiran Islam dan Filsafat Vol. XII, No. 1, (Januari – Juni 2015)
- Ahmad Nizar, “Faktor-Faktor yang Mempengaruhi Persepsi Wakif tentang Wakaf Uang”, Jurnal Bisnis dan Manajemen Vol. 4, No. 1, (April 2014)
- Miftahul Huda, “Model Manajemen Fundraising Wakaf”, Ahkam: Vol. XIII, No. 1, (Januari, 2013)
- Ulya Kencana & Abdul Hadi, ”Wakaf Uang dalam Perspektif Hukum dan Politik”, NURANI, Vol. 16, No. 2, (Desember, 2016)
- Muhyar Fanani, “Pengelolaan Wakaf Tunai”, Walisongo, Volume 19, Nomor 1, (Mei, 2011) ; pp. 180)
- Abdul Hakim, “Manajemen Harta Wakaf Produktif dan Investasi dalam Sistem Ekonomi Syariah” Riptek, Vol.4, No.11, (2010)
- M. Nur Rianto Al Arif, “Wakaf Uang dan Pengaruhnya terhadap Program Pengentasan Kemiskinan di Indonesia” INDQ-ISLAMIKA, Volume 2, Nomor 1, (2012/1433)