

# Development of Productive Waqf in Candimulyo Village from an Islamic Law Perspective

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## ABSTRACT

Istismari waqf is also commonly called productive waqf, which is a waqf of property used for investment purposes, either in agriculture, industry, trade, and services. The benefits of productive waqf are not obtained from the waqf object directly, but from the profits or results of waqf management. The word productive is an adjective derived from the word product which means results, work results, goods or objects that are produced. Based on this meaning, the word productive means something that has yield power or has the ability to produce (in large quantities). The formulation of the problem in this study is how is the strategy for developing productive rice field waqf in Candimulyo Village? And how is the development of productive rice field waqf in Candimulyo Village from an Islamic law perspective. This study aims to describe the strategy for developing productive rice field waqf in Candimulyo Village and to analyze the development of productive rice field waqf in Candimulyo Village from an Islamic law perspective. The research method used is field study with a qualitative approach. Data collection was carried out through interviews, observations, and documentation. Data analysis using descriptive-analytical methods. The results of the study show that: (1) The potential for productive waqf in Candimulyo Village is quite large, both in terms of land area, agricultural commodities, and the number of nazhirs. However, the management of productive waqf in this village is still not optimal. (2) From an Islamic legal perspective, the development of productive waqf in Candimulyo Village can be carried out through professional management, development of various types of productive businesses, and empowerment of the surrounding community. This is in line with the objectives of waqf in Islam, namely for the public interest and welfare of the community.

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## 1. INTRODUCTION

Indonesia has several waqf lands that are not managed productively, the benefits of which should be felt by the wider community. In terms of developing productive waqf land, it can certainly be an alternative source of funding in empowering the economy of the people in general. Waqf can be a source of funding from the people for the people, both for religious, social, and economic interests. For this reason, understanding the function of waqf needs to be socialized and become a collective movement of the entire community in order to improve the economy of the people. In terms of its use, waqf can be divided into wasteful waqf and istismari waqf. Wasteful waqf is a waqf asset that produces community services and can be used directly such as madrasahs and hospitals. Meanwhile, istismari waqf is a waqf asset that is intended for investment in the production of goods and services that are permitted by sharia in any form, then the results are waqfed according to the wishes of the waqif. Istismari waqf is also commonly called productive waqf, namely waqf assets that are used for investment purposes, both in the fields of agriculture, industry, trade, and services. The benefits of productive waqf are not obtained directly from the waqf object, but from the profits or results of waqf management. The word productive is an adjective derived from the word product which means results, work results, goods or objects produced. Based on this meaning, the word productive means something that has the power to produce or has the ability to produce (in large quantities).

Of course, Islam has taught about the recommendation to make waqf for anyone who is able and wants to make waqf. Islam encourages someone to spend part of their property. However, the allocation of waqf in Indonesia is still less directed at empowering the economy of the community and tends to be only for special worship activities due to the limitations of Muslims in understanding waqf, both regarding the assets that are donated, the allocation of waqf, and the nadzhir of waqf.

Many of the people of Cadimulyo Village donate their rice fields and plantations so that they can be used for the benefit of the community. In addition, there are also gardens and rice fields that are used to manage productive waqf in the form of rice, corn, and the like. The research on productive waqf in Candimulyo Village is one example that there are many benefits that can be used by the surrounding community. Among them is opening up job opportunities for the community to help empower the ongoing productive waqf. And also this research is very interesting to discuss because its empowerment is already good and widespread in various regions, making the author interested in researching how to manage and develop it so that it can be very productive and has many types of productive waqf forms until now. The progress of productive waqf in Candimulyo Village can be said to be amazing and can be an example to stimulate the community's economy.

## 2. METHOD

The research method used in this study is field research, namely research conducted directly according to facts and data in the field. In order to be well and correctly structured, researchers need to explain a series of research methods in this study, including, Data Collected Strategy for developing productive waqf of rice fields in Candimulyo Village and Development of productive waqf of rice fields in Candimulyo Village from an Islamic law perspective. Data collection is a way of collecting data needed to answer the formulation of research problems. Qualitative techniques produce verbal descriptions to describe the richness and complexity of events that occur in natural designs from the perspective of participants. Data collection methods generally used in qualitative research are interviews, observations, documentation, and focus group discussions.

## 3. RESULTS AND DISCUSSION

### General Overview of Waqf

In sharia terms, waqf is a type of gift whose implementation is carried out by holding (ownership) the origin (تحييس الأصل) then make its benefits apply generally. What is meant by (تحييس الأصل) is to hold the waqf goods so that they are not inherited, used in the form of being sold, donated, rented, loaned,

and the like. While the way to utilize it is to use it according to the will of the waqf giver without compensation.

There are several verses of the Quran and Hadith that are the basis for the prescription of waqf worship, but do not directly explain how the waqf is intended. The form of waqf worship is more often included in the words "infaq" and "nafkah", or the expression of donating part of the property, or spending part of the property in the way of Allah. While in the hadith the word waqf is more often expressed in the word "tahan" or "habs". Such as the verse of the Quran in Surah Ali-Imran verse 92, in Surah Al-Hajj verse 77, and there is also a hadith of the Prophet Muhammad SAW. Which is more explicit in describing the recommendation of waqf worship, namely the Prophet's order to Umar to donate his land in Khaibar. When viewed from the aspect of its intended use, waqf is divided into two types, namely Ahli Waqf and Khairi Waqf.

### **General Problems of Waqf Management in Indonesia**

1. Lack of understanding and concern of Muslims towards waqf, Currently, many Muslims in Indonesia still do not understand the importance of waqf issues.
2. Many Waqf Lands that are Not Yet Certified, many waqf lands do not yet have waqf land certificates. This is because the waqf lands do not have proof of waqf, such as letters stating that the land has been waqf. Waqf land that does not have administrative evidence is because many waqfs carry out oral traditions with high trust if they are going to waqf their land to individual nadzirs or institutions.
3. Human Resources in Productive Waqf Management. In the management of waqf assets, the party that plays the most important role in the utilization of waqf assets is the waqf nadzir, namely a person or group of people and legal entities who are assigned by the wakif (the person who donates assets) to manage the waqf. In the hands of the nadzir is the responsibility and obligation to maintain, guard and develop waqf and distribute the results of waqf or benefits from waqf right to the target or purpose of waqf. d. Number of Strategic Waqf Land and Controversy over the Diversion of Waqf for Productive Purposes. Currently, many of the land, plantations, rice fields, fields, and others that are donated have very minimal economic value. The location of non-strategic economics can be viewed from several aspects including, Land Location, Land Condition, and Minimal Land Management Ability.

### **Productive Waqf**

The management of productive waqf in Indonesia, the first thing that must be done is the need to establish a body or institution that specifically manages waqf and is national in nature which by Law No. 41/2004 is named the Indonesian Waqf Agency.

Indonesian Waqf Board (BWI) is tasked with developing waqf productively, so that waqf can function to improve people's standard of living. The main task of this agency is to empower waqf, both immovable and movable waqf in Indonesia so that it can empower the people's economy. The BWI organization should be lean and solid and its members consist of experts in various sciences related to the development of productive waqf, such as Islamic law experts (especially waqf law), Islamic economics experts, Islamic banking experts and other scholars who are concerned with waqf. In managing productive waqf, it is better to carry out proper supervision, namely administrative and financial supervision, while the rest is to provide services and support to managers of productive waqf assets) is tasked with developing waqf productively, so that waqf can function to improve people's standard of living. The main task of this agency is to empower waqf, both immovable and movable waqf in Indonesia so that it can empower the people's economy. Productive waqf is a waqf used for production purposes, both in agriculture, industry, trade and services whose benefits are not directly

from the waqf, but from the net profit from the development of the waqf given to those who are entitled according to the purpose of the waqf. In this case, productive waqf is processed to produce goods or services which are then sold and the results are used according to the purpose of the waqf. Productive waqf has two visions at once, namely destroying the inequality of social structure and providing fertile land to prosper the people. Productive waqf has a very social dimension. It is solely devoted to the welfare of the people. This type of waqf is more suitable to the reality of Muslims today who are facing problems of poverty, backwardness and ignorance. Productive waqf is thus a development of old interpretations of waqf.

### **Productive Waqf Development**

New financing models for productive waqf projects institutionally, namely by means of: Murabahah Financing, Istisnaa, Ijarah, Mudharabah, Ownership Sharing Financing, Profit Sharing (Output), Long-term lease and Huk.

#### **Waqf Objects of Candimulyo Village**

Many waqfs in Candimulyo Village are already classified as productive waqf, most of the waqf land is managed by village communities who are classified as underprivileged communities and some others are developed into business fields whose benefits can also be felt by the Candimulyo Village community.

Waqf management is not only managed in a consumptive form, but is also directed at productive development. This aims to improve community welfare in a sustainable manner. In its development, the productive waqf management model is increasingly gaining ground, because the benefits generated are more real compared to consumptive waqf management.

Candimulyo Village, Dolopo District, Madiun Regency, currently has many waqf assets that have begun to be developed into more productive areas. This can be seen based on the results of an interview with Mr. Sarmun as the person in charge of the Baitul Mal of Candimulyo Village, he said that:

"In Candimulyo Village, there are currently 5 waqf lands in the form of productive waqf. 3 of them are in the form of rice fields, 1 waqf in the form of a mini pertashop, and 1 more waqf in the form of a goat pen." (interview with Mr. Sarmun, May 25, 2024). Regarding the management system for waqf land for rice fields, Mr. Wkwkwk also explained that: "Terdapat tiga petak tanah wakaf lahan sawah di desa Candimulyo ini. Pengelolaannya saat ini dilakukan oleh Baitul Mal desa melalui sistem gilir. Setiap warga desa Candimulyo, terutama masyarakat yang kurang mampu atau tidak memiliki sawah sendiri, mendapat kesempatan untuk menggarap tanah wakaf ini selama dua tahun atau empat kali panen. Setelah itu, pengelolaan akan digilirkan ke warga desa lainnya." (wawancara dengan Bapak Sarmun, 25 Mei 2024).

This shows that the waqf land in Candimulyo Village is directed towards the underprivileged people in the village, so that the existence of waqf land can have a positive impact on the underprivileged village community.

### **Development of Productive Waqf of Rice Fields in the Perspective of Islamic Law**

Benefit in Islamic law is usually called *maslahah-mursalah*, benefit is the main principle in Islamic law, *maslahah-mursalah* is absolute benefit, benefit where the sharia does not prescribe the law to realize the benefit, but there is also no evidence that shows its recognition or cancellation. Absolute because it is not bound by evidence that recognizes it or evidence that cancels it. This definition explains that the formation of law is intended to realize the benefit of humanity, meaning it aims to bring benefits and reject harm and eliminate objections from them. According to the author, *maqashid sharia mmaslahat* has two positions, namely:

1. Maslahat as one of the sources of law, especially in matters not explained in the text. Maslahat becomes very important because the provisions of Islamic jurisprudence related to sharia business are not explained in the Qur'an and Hadith, therefore the evidence for maslahat such as maslahat-musalah, sad dzarai', urf and so on are important sources of law.
2. Maslahat is the target of law, so every result of ijihad and sharia law must be ensured to fulfill the aspects of maslahat and human needs. Such as the construction of Islamic institutional buildings, the construction of mosques and prayer rooms, the implementation of religious activities.

The purpose of sharia is substantially to create public interest in human life. Public interest is dynamic and flexible in line with the pace of development of the times. The values and objectives of sharia with consideration of public interest become an alternative solution to the complexity of human life problems.

Productive management of waqf assets (rice fields) carried out by Baitul Mal Candimulyo Village is a form of protecting, maintaining, and preserving land and the benefits of waqf assets. As carried out by Baitul Mal Candimulyo Village itself, which can take part in the construction of mosques and Islamic institutions in Candimulyo Village. The goal is none other than to make the waqf assets useful for the general public and bring goodness and prosperity to the surrounding life. Nadzir and other administrators have been trusted to carry out the mandate to guard the waqf property, in the sense that there will be an obligation to Allah in each of their responsibilities, then maintain themselves to continue to carry out the mandate as well as possible and as professionally as possible, help hone knowledge and insight regarding waqf in Islamic countries, especially Indonesia, protect descendants by not eating or drinking from something that is forbidden, or maintain the sanctity of their property so that their descendants are also protected from the sustenance given, and the last is to protect the property by optimizing the management and development of the waqf such as knowing the purpose of the waqf in waqfing his property, and knowing to whom the waqf property is given.

#### 4. CONCLUSION

That the strategies carried out in the development of productive waqf of rice fields in Candimulyo Village include: Identifying Candimulyo, and assessing its development potential, conducting comprehensive productive waqf planning and management, developing capacity and resources, Optimizing productive waqf results through developing utilization models. Efforts to develop productive waqf in Candimulyo Village from an Islamic law perspective include conducting comprehensive data collection and inventory of waqf assets, forming professional nadzirs who have competence in the field of productive waqf management, developing productive waqf assets through investments in accordance with sharia principles, increasing public understanding of productive waqf through socialization and education, and optimizing the role of the government and the Indonesian Waqf Agency in fostering and supervising the management of productive waqf.

#### REFERENCES

- Adelia, Nisa. *Pengelolaan Wakaf Produktif Dalam Perspektif Hukum Positif Dan Hukum Ekonomi Syariah*. Skripsi (Lampung: Unisversitas Islam Negeri Raden Intan).
- Adiana, Elisa Yesli. *Analisis Pengelolaan dan Pengembangan Wakaf Produktif Yayasan Pondok Pesantren Nurul Iman Silau Dunia*. Skripsi (Medan: Universitas Muhammadiyah Sumatera Utara).
- Al-Jauziyyah, Ibn Qayyim. *I'lam al-Muwaqqi'in 'an Rabb al'Alamin*. (Kairo: Dar al-Hadith, 2006).
- Djunaidi, Achmad, Al-Asyhar Thobie. *Menuju Era Wakaf Produktif*. (Jakarta : Mitra Abadi Press, 2006).

- Fikih Wakaf. Direktorat Pemberdayaan Wakaf dan Direktorat Jendral Bimbingan Masyarakat Islam dan Departemen RI (eds). 16.
- Mughniya, Muhammad Jawab. Fiqih Lima Mahzab. (Jakarta: PT Lentera Basritama, 2000).
- Muzarie, Mukhlisin. Hukum Perwakafan Dan Implementasinya Terhadap Kesejahteraan Masyarakat. cet. Pertama. (Jakarta: Kementrian Agama RI, 2010).
- Nawawi, Muhammad. Potensi Wakaf Produktif Menurut Perspektif Ekonomi Islam. Skripsi (Medan: Universitas Islam Negeri Sumatera Utara).
- Noor, Juliansyah. Metodologi Penelitian. (Jakarta: Kencana Prenada Media Group, 2011).
- Ramadhan, Taufiq. Pengelolaan Wakaf Produktif Dalam Mewujudkan Kesejahteraan Masyarakat Di Kota Banda Aceh. Skripsi (Jakarta: Institut Ilmu Al-Quran).
- Rozalinda. Manajemen Wakaf Produktif. (Jakarta: Raja Grafindo Persada, 2015).
- Sabiq, Sayyid. Fiqhu as-sunnah. (Lebanon : Dar al-“araby, 1971).
- Sugiyono. Metode Penelitian Kuantitatif, Kualitatif, dan R&D. (Bandung: Alfabeta, 2013).
- Suhairi. Wakaf produktif. (Yogyakarta: Kaukaba, 2014).
- Ulfah, Mutia. Analisis Manajemen Pengelolaan Wakaf Produktif Dalam Meningkatkan kemanfaatan Harta Wakaf. Skripsi (Lampung: Univeritas Islam Negeri Raden Intan Lampung).
- Usman, Rachmadi. Hukum Perwakafan di Indonesia. (Jakarta: Sinar Grafika, 2013).
- Yusuf, Muhammad. Pemberdayaan Wakaf Produktif Untuk Pemberdayaan Ekonomi Umat. (Semarang: Badan Wakaf Nusantara, 2009).
- Zulkifli. Wakaf Tunai dan Produktif Perspektif Hukum Ekonomi Islam