

Prospects And Problems of Waqf in Indonesia

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Abstrak

Tujuan penelitian ini adalah untuk mendeskripsikan prospek dan problematika wakaf di Indonesia. Penelitian ini menggunakan metode kualitatif deskriptif. Hasil penelitian menunjukkan bahwa Wakaf di Indonesia memiliki potensi yang cukup besar, pada tahun 2022 terdapat 440.512 titik tanah wakaf di Indonesia dengan luas total mencapai 57.263,69 hektar. Jika aset tersebut digunakan secara produktif, potensinya sangat besar sekitar 19,4% dari produk domestik bruto Indonesia. Selain itu, potensi wakaf uang diperkirakan mencapai angka 180 triliun rupiah per tahunnya. Selain potensi yang besar, terdapat problematika wakaf di Indonesia, yaitu: Pemahaman Nadir yang rendah tentang prinsip-prinsip wakaf, hukum, manajemen pengelolaannya dan profesi Nadir belum menjadi profesi utama menjadi penyebab rendahnya kualitas Nadir wakaf di Indonesia. Di samping itu, keterbatasan pemahaman Wakif tentang konsep, hukum, dan tujuan wakaf juga bagian dari problematika wakaf di Indonesia. Begitu juga pengetahuan masyarakat yang rendah mengenai wakaf menyebabkan aset wakaf yang ada di tengah masyarakat tidak dikelola dengan baik dan produktif. Pengelolaan wakaf di Indonesia yang cenderung tradisonal, proses sertifikasi wakaf yang rumit, koordinasi antar lembaga yang lemah, pemanfaatan aset wakaf yang belum produktif, kebijakan dan pengawasan pemerintah terkait pemanfaatan aset yang ada belum optimal, sehingga menyebabkan konflik tanah wakaf.

Kata Kunci: Prospek, Problematika, Wakaf

Abstract

The aim of this research is to describe the prospects and problems of waqf in Indonesia. This research uses descriptive qualitative methods. The research results show that Waqf in Indonesia has quite large potential, in 2022 there will be 440,512 points of waqf land in Indonesia with a total area of 57,263.69 hectares. If these assets are used productively, the potential is very large, around 19.4% of Indonesia's gross domestic product. Apart from that, the potential for cash waqf is estimated to reach 180 trillion rupiah per year. Apart from the great potential, there are problems with waqf in Indonesia, namely: Nadir's low understanding of waqf principles, law, management and Nadir's profession not yet being the main profession are the causes of the low quality of Nadir's waqf in Indonesia. Apart from that, Wakif's limited understanding of the concept, law and objectives of waqf is also part of the problems of waqf in Indonesia. Likewise, low public knowledge about waqf causes waqf assets in the community to not be managed well and productively. Waqf management in Indonesia tends to be traditional, the waqf certification process is complicated, coordination between institutions is weak, the use of waqf assets is not yet productive, government policies and supervision regarding the use of existing assets are not optimal, thus causing conflicts over waqf land.

Keywords: *Prospects, Problems, Waqf*

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Introduction

Indonesia has the largest Muslim population in the world. Around 86.7% of Indonesia's total population is Muslim (Amman, 2022). With such a large Muslim population, Indonesia has the potential to become the center of the world's Islamic economic development. Islamic economics has a more comprehensive goal than the conventional economy that already exists today. If the orientation of conventional economics is only worldly profit, then Islamic economics has a broader goal, namely the benefits or happiness of the world and the hereafter (Turmudi, 2017).

The economic welfare of a country will be achieved if economic instruments are managed properly. Instruments in macroeconomics consist of monetary and fiscal instruments. In conventional economics, fiscal policy is recognized in the form of tax instruments, then Islamic fiscal policy instruments consist of *zakat*, *infaq*, *shadaqah*, *waqf*, *ghanimah*, *fa'i*, *kharaj*, *jizyah*, *u'shur*, and *khums* (Miskiyah et al., 2022). From some of these instruments, it shows that fiscal instruments in Islam are not only monotonous about economics but contain social values. In Indonesia itself, there are several instruments that have been regulated in positive law, namely *Zakat*, *infaq*, *shadaqah*, and *waqf*. At first all of these instruments were only considered part of religious activities. However, after the development of Islamic economics, these instruments changed direction not only as part of religious rituals but also more economically, meaning that these fiscal instruments were encouraged to be more productive.

Several Muslim-majority countries have established productive waqf in a modern context, including Malaysia, Bangladesh, and Singapore (Nizar & Afdi, 2017). As a Muslim-majority country, Indonesia's government responded to the development of Islamic economics within its borders. In 2004, the government enacted Law number 41 of 2004, which primarily aimed to regulate waqf governance in the nation. Additionally, in 2006, government regulation number 42 concerning the implementation of Law number 41 of 2004 was issued. After that, in 2007 through Presidential Decree number 75, an independent institution tasked with managing waqf in Indonesia was formed, called the Indonesian Waqf Board. Since the issuance of the law on waqf, the perception of waqf in Indonesia began to change. Initially, people thought that waqf was only in the form of land and was intended for the construction of mosques, madrasas, and tombs, but now it has become a movable and more productive asset.

The shift in waqf function in Indonesia has not always gone smoothly, with various problems faced by waqf management institutions. Starting from the lack of competence of human resources, public trust in the management institution is still low, and the

management system is still in need of improvement. Based on research conducted by Muntaqo (2015), waqf management and the problem of Nadir or waqf managers are still problematic for productive waqf in Indonesia. Furthermore, research conducted by Rohana (2023) shows several problems faced by waqf institutions in the city of Langsa, namely, low public understanding, unprofessional waqf Nadir, low quality of Human Resources (HR) for waqf managers, traditional waqf management, and a weak waqf supervision system.

Research conducted by Nizar & Afdi (2017) proves that Indonesia has the largest waqf land in the world with an area of about 440,512 ha but the use of these land assets is still fixated on mosques and prayer room around 73%, educational facilities around 13.3%, and around 13.7% are used for social purposes such as cemeteries. If these assets are used productively, the potential is very large at around 19.4% of Indonesia's gross domestic product. The potential for waqf in Indonesia is significant, assuming that Indonesian Muslims donate IDR 10,000 monthly. This would result in potential waqf collections of 2.36 to 11.82 trillion per year. This paper will explore the prospects and problems of waqf in Indonesia based on the above background. The aim of this study is to describe the prospects and problems of waqf in Indonesia.

Literature Review

Based Law of the Republic of Indonesia number 41 of 2004, “Waqf is a legal action carried out by a waqf donor (Wakif) by separating or submitting part of his property to be utilized forever or for a certain period of time for the benefit of religion or public welfare based on Islamic sharia” (Undang-Undang No. 41 Tahun 2004). There is no explicit legal basis for waqf in the Qur'an. However, the fuqaha are of the opinion that the legal basis of waqf is found in the As-Sunnah which is equated to charity in general, as well as the hadith of *Sayyidina* Umar RA regarding the land of Khaibar (Fathurrahman, 2013). The jurists agree that waqf cannot stand alone without clear pillars. There are four pillars in waqf, namely: the person who endows (wakif), the property being endowed (*mauquf*), the purpose of waqf (*mauquf 'alaih*), and the statement (*shigat*) of waqf (Ahmadi, 2020).

Waqf can be divided into two main categories, namely: Ahli (family) waqf, which aims to help the family of the waqf owner; and Khairi (public) waqf, which aims to benefit the general public. It is important to note that Ahli waqf and Khairi waqf have different purposes, where Ahli waqf aims to help the family of the waqf owner and Khairi waqf aims to help the community at large (Mubarok, 2013). Waqf is an act of worship that has two dimensions: the *ubudiyah* dimension and the *ijtima'iyah* dimension. The *ubudiyah* dimension of waqf is a means of servitude to Allah SWT which aims to get closer to Him.

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Meanwhile, the *ijtima'iyah* dimension is a form of social care for fellow human beings (Khoerudin, 2018). Along with the development of waqf, which initially only aimed at *ubudiyah*, it has now shifted towards *ijtima'iyah*, so that waqf is encouraged to be more productive.

Based on data from the Ministry of Religious Affairs' Waqf Information System in 2022, there are 440,512 waqf land points in Indonesia with a total area of 57,263.69 hectares. Of the total number of waqf land points, only about 57.42% have been certified while 42.58% do not yet have certificates (Directorate of Zakat and Waqf Empowerment, 2023). In addition, the potential of cash waqf is estimated to reach IDR 180 trillion per year. The Indonesian Waqf Board noted that the acquisition of cash waqf reached 1.4 trillion rupiah in March 2022, this shows an increase from the total acquisition of cash waqf of 855 billion rupiah during the 2018-2022 period (Wahyu, 2023). This great potential has not been maximally achieved due to several existing problems. Research conducted by Muntaqo (2015) shows that the problems of waqf in Indonesia are motivated by several things, such as: Lack of socialization about *fiqh* waqf and legislation; half-hearted waqf management, Nadir commitment issues, weak institutional monitoring system, and funding issues. Likewise, the research results of Budiman et al. (2023) shows that the problems of waqf in BWI South Kalimantan consist of: lack of socialization to the community and government, low competence of Nadir, and lack of coordination with social institutions so that the distribution of waqf benefits is not optimal.

Further Supraptiningsih (2012) conducted research on waqf in Pamekasan Regency, the results show that waqf certificates are one of the problems of waqf in Pamekasan Regency. The problem that often occurs in the implementation of waqf is the transfer of waqf assets by the Wakif to Nadir without the consent of the Wakif's heirs so that when the Wakif dies, there are heirs who ask for their parents' land to be returned or file a lawsuit through legal channels. Likewise, the results of research Mukhalad (2020) shows that waqf management in Meureubo has not been implemented properly, there are several problems with waqf in Meureubo, namely: waqf management is still in the form of individuals, public understanding of waqf is still low, lack of awareness of Wakif and Nadir, lack of government role, low quality of human resources, and lack of supervision. In addition, research results Triyanta & Zakie (2014) shows that there are several problems in waqf empowerment in Indonesia, namely: the utilization of waqf land is still focused on places of worship, the certification process is still complicated so that there are still many waqf lands that have not been certified. Furthermore, the problem of waqf land conversion that takes a long time, because the bureaucracy in Indonesia has not been able to run efficiently.

Rohana (2023) conducted research on waqf management in Langsa City, the results showed that there were several problems faced by waqf management institutions in Langsa City, namely low public understanding, unprofessional waqf Nadir, low quality of Human Resources (HR) for waqf managers, traditional waqf management, and weak supervision of waqf institutions. Likewise, the results of research Risnaningsih & Nurhayati (2020) that there are several problems in the development of cash waqf through Islamic cooperatives, namely the level of literacy and public inclusion regarding cash waqf is very low plus the public's preference in choosing Islamic cooperatives as LKS PWU is also very low. Another time, Asy`ari (2017) conducted research on waqf in Muhammadiyah Aceh, the results showed that the waqf problems faced by Muhammadiyah in Aceh were caused by waqf management tends to be consumptive-traditional, Human Resources (HR) owned by Muhammadiyah Aceh are low and few, misunderstanding of Wakif and Nadir, management that tends to be traditional, and the existence of the Association that is not liked by some Acehnese people.

The results of research conducted by Rappe (2019) shows that there are several Problems of Waqf of Land Assets of the Muhammadiyah Association in South Sulawesi, First, the management of waqf land assets adheres to traditional practices. Secondly, it is important to note that land assets lack clarity and are not aimed at economic empowerment, but rather, are solely geared towards social activities. Likewise, research conducted by Huda et al. (2017) The study shows that the priority of waqf problems in Indonesia lies in the aspect of nadir, which is not the main occupation. The second difficulty is the insufficient socialization of the approved regulations, leading to a lack of understanding amongst Wakif.

Methods

This research uses qualitative methods with descriptive analysis techniques. Qualitative research aims to make valid conclusions from the data collected (Sekaran & Bougie, 2016). The type of data used is secondary data obtained using documentation techniques from various sources. The flow of this research is: at the data collection stage, researchers collect data about waqf from various sources such as books, articles, reports and publications from various related agencies. Then the researcher sorts and selects data (data reduction) related to the problems and prospects of waqf, then the researcher presents it in the form of an organized narrative. Next, the researcher describes the data that has been obtained and then draws conclusions.

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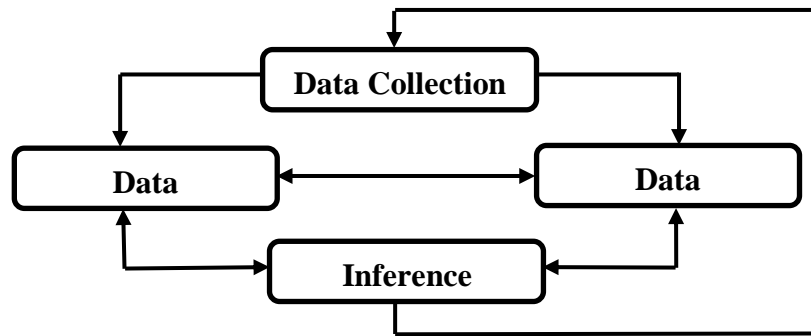


Image 1. Research flow

Result and Discussion

Prospective Waqf in Indonesia

Waqf is a form of Islamic philanthropy that involves the donation of assets for public benefit. Indonesia has the largest waqf land in the world. Based on data from the Ministry of Religious Affairs' Waqf Information system in 2022, there are 440,512 waqf land points in Indonesia with a total area of 57,263.69 hectares. (Directorate of Zakat and Waqf Empowerment, 2023). The use of these land assets is still confined to mosques and prayer room (around 73%), educational facilities (around 13.3%), and around 13.7% are used for social purposes such as cemeteries. In fact, if these assets are used productively, the potential is very large at around 19.4% of Indonesia's gross domestic product (Nizar & Afdi, 2017). In addition, the potential of cash waqf is estimated to reach 180 trillion rupiah per year. The Indonesian Waqf Board noted that the acquisition of cash waqf reached 1.4 trillion rupiah in March 2022, this shows an increase from the total acquisition of cash waqf of 855 billion rupiah during the 2018-2022 period (Wahyu, 2023). Moreover, Indonesia boasts the largest Muslim population in the world, indicating enormous potential for waqf. Assuming that Indonesian Muslims contribute IDR 10,000 per month, the potential annual waqf collection ranges from 2.36 to 11.82 trillion.

Productive waqf, which focuses on managing waqf assets to generate surplus or sustainable profits, has high potential in Indonesia and can be applied to various assets such as money, movable objects, metals, buildings, and land. Productive waqf aims to optimize waqf assets to provide long-term benefits for the community, and if managed properly, it has the potential to improve community welfare, support social and economic development, and advance various sectors such as education and health (Hidayat, 2020; Wahyu, 2023). Not only that, there are also opportunities for waqf development in Indonesia, such as: increasing religious awareness and concern for the community, increasing use of digital

technology, and the growing number of crowdfunding platforms. (Budiarto, 2021). Corporate waqf development is also seen as a promising alternative for productive waqf development in Indonesia (Hadyantari & Niswah, 2023).

Problems of Waqf in Indonesia

Based on the findings in the literature review that has been conducted by researchers, waqf problems in Indonesia are grouped into three aspects, namely the Human Resources (HR) aspect, the management aspect, and the trust or image aspect of the institution.

Limited Understanding Human Resources

Human resources play a vital role in accomplishing organizational objectives. These individuals are essential components in the organization's structure and its overall success. The success of an organization hinges on the competence and execution of human resources' duties and functions. Therefore, it is important to utilize and manage human resources effectively (Samsuni, 2017). In the context of waqf management in Indonesia, human resources pose a problem. The human resources in question are waqf managers (Nadir), waqf endowers (Wakif), and the people who receive the benefits of waqf. Nadir is a party or institution that manages waqf. The role of Nadir itself is very important in the development of waqf in Indonesia. The low quality of Nadir is still a problem for waqf development in Indonesia (Mukhalad, 2020; Rohana, 2023). The cause of the low quality of Nadir in Indonesia is the lack of understanding of waqf principles, laws, and management. Therefore, to overcome this problem, efforts are needed to improve the quality of Nadir in the form of training and certification to improve competence and skills. In addition, Nadir waqf has not yet become a main profession so that the focus on its management has not been maximized. Of course, this is influenced by the inadequate honorarium or salary so that the Nadir is forced to look for a job other than Nadir (Huda et al., 2017).

The next problem is the low knowledge of waqf donors (Wakif) (Asy`ari, 2017; Mukhalad, 2020; Supraptiningsih, 2012). There are several causes of low Wakif knowledge in Indonesia, namely: limited understanding of the concept, law, and purpose of waqf. In addition, the lack of socialization of waqf institutions, distrust and misunderstanding of the legality and effectiveness of waqf as a means of social and religious contribution, and also a lack of trust in waqf management institutions. Therefore, efforts are needed to improve Wakif's knowledge, such as: increasing literacy and awareness about waqf, socialization of the types and purposes of waqf by management institutions, and improving the image of waqf management institutions and transparency of institutional governance.

The community as the beneficiary of waqf is still a problem in waqf management in Indonesia. The lack of public knowledge about waqf has caused waqf assets in the

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community to not be managed properly and productively (Risnarningsih & Nurhayati, 2020). Waqf in Indonesia is still mostly focused on the construction of mosques, schools, and cemeteries. Whereas the purpose and benefits of waqf are so broad and should be productive. The understanding of the community is influenced by the understanding of fiqh that is followed and tends to be difficult to accept contemporary fiqh. Therefore, efforts are needed to break the reform and increase public knowledge so that existing waqf assets are more productive and in accordance with their purpose for the common good.

Unorganized Waqf Management

Management is the science of planning, organizing, directing, and supervising organizations to achieve goals (Sutrisno, 2017). Management is one of the problems of waqf in Indonesia. Waqf management in Indonesia is still traditional, this will certainly slow down development towards a more modern direction. For example, there are still many waqf in an area that have not been recorded and certified. Based on data from the Ministry of Religious Affairs' waqf information system in 2022, there are 440,512 waqf land points in Indonesia with a total area of 57,263.69 hectares. Of the total number of waqf land points, only around 57.42% have been certified, while 42.58% do not yet have certificates (Directorate of Zakat and Waqf Empowerment, 2023). This has led to many conflicts and land disputes when the Wakif passes away (Supraptiningsih, 2012). In addition, the complicated waqf certification process is also part of the problem of waqf in Indonesia. Most Waqifs do not certify their waqf assets due to the complexity of the certification process (Triyanta & Zakie, 2014). In addition, the lack of coordination between related institutions is one of the causes of the complexity of waqf certification in Indonesia (Budiman et al., 2023). There are at least three waqf-related institutions in Indonesia, namely: Ministry of Religious Affairs, National Land Agency, and Indonesian Waqf Board.

In addition, the utilization of waqf assets in Indonesia is still unproductive. Most land assets are only used for mosques, madrasas, and tombs. Whereas land waqf assets in Indonesia are the most extensive in the world. The existing waqf assets have only targeted the social aspect, not the economic aspect (Nizar & Afdi, 2017). Of course, the role of the government is also needed in terms of regulation and policy making related to the utilization of existing assets.

Low Supervision of Waqf Institutions

Public trust in waqf management institutions is still a problem for waqf in Indonesia. Some areas in Indonesia still have waqf managers managed by individuals (Mukhalad, 2020). This proves that public trust in waqf management institutions is still low. In addition,

some people do not like the existing waqf management institutions due to differences in views and differences in organizational flags (Asy`ari, 2017). The lack of supervision of waqf institutions is also a problem, because the lack of supervision makes the number of waqf land conflicts so that public trust decreases in the institution (Rohana, 2023). Therefore, efforts are needed to build a good image of the institution by improving institutional governance and management transparency so that the public can trust more. In addition, the role of the government is also very important in supervising and making policies or rules regarding waqf so that in the end the public can have more confidence in waqf management institutions (Mukhalad, 2020).

Conclusion

The waqf sector in Indonesia has considerable potential, with 440.5 thousand waqf land points with a total area of 57.2 hectares and an estimated potential waqf money of 180 trillion rupiah per year. Productive waqf, which focuses on managing waqf assets to generate surplus or sustainable profits, has high potential in Indonesia and can be applied to various types of assets such as money, movable objects, metals, buildings, and land. However, there are also opportunities for the development of waqf, such as the increasing religious awareness and concern for the community, the increasing use of digital technology, and the growing number of crowdfunding platforms.

The success of an organization depends on the ability of human resources to carry out their duties and functions. Low human resources are one of the problems with waqf management in Indonesia. Nadir's lack of understanding of waqf principles, laws, management, and the profession of Nadir is not yet a main profession, which is the cause of the low quality of waqf Nadir in Indonesia. In addition, the Wakif's limited understanding of the concept, law, and purpose of waqf is also part of the problem of waqf in Indonesia. Likewise, the lack of public knowledge about waqf has caused waqf assets in the community to not be managed properly and productively. Therefore, efforts are needed to breakthrough reforms and improve the knowledge of human resources so that existing waqf assets are more productive and in accordance with their purpose for the common good.

In addition to human resources, the traditional management of waqf in Indonesia, the complicated process of waqf certification, the lack of coordination between related institutions, the unproductive utilization of waqf assets and the lack of government role in terms of regulation and policy making related to the utilization of existing assets are also problems of waqf in Indonesia. In addition, the lack of supervision of waqf institutions is also a problem. The lack of supervision has led to many conflicts over waqf land, resulting in a

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decline in public trust in the institution. Therefore, efforts are needed to improve waqf governance and build a good image of the institution so that the potential of waqf in Indonesia can be achieved and more productive for the common welfare.

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