

Islamic Philanthropy: Implementation of Regulations And Utilization of Waqf Proceeds in Jambi

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Abstract

The management and utilization of waqf is regulated in the waqf law. However, the majority of *Nazirs* did not carry it out. This was caused by the *Nazirs'* doubts that the state legal norms governing waqf were not in accordance with Islamic legal norms. This research aims to analyze the application of state legal norms in managing and utilizing waqf assets. The research method uses empirical juridical with a qualitative approach combined with statutory and conceptual approaches. The research location is in East Tanjung Jabung Regency, Jambi. The research results show that *Nazir's* low knowledge and understanding of state legal norms governing waqf management, including their low experience and professionalism in managing waqf, causes doubts for *Nazir* in developing management and productive use of waqf. Even though state legal norms governing the management and use of waqf do not conflict with Islamic law, madhab scholars view the use of waqf assets as permissible, although some scholars have differing opinions regarding the limits of such use. Therefore, increasing *Nazir's* understanding of state legal norms and Islamic legal norms that regulate the management and utilization of waqf is an urgent agenda in order to improve the welfare of the people.

KEYWORDS *Islamic Law; Philanthropy; Regulation; Waqf.*

Abstrak

Pengelolaan dan pemanfaatan wakaf diatur dalam undang-undang wakaf. Namun, mayoritas *Nazir* tidak melaksanakannya. Hal ini disebabkan oleh keraguan para *Nazir* bahwa norma hukum negara yang mengatur wakaf tidak sesuai dengan norma hukum Islam. Penelitian ini bertujuan untuk menganalisis penerapan norma hukum negara dalam pengelolaan dan memanfaatkan harta wakaf. Metode penelitian menggunakan yuridis empiris dengan pendekatan kualitatif yang dipadukan dengan pendekatan perundang-undangan dan konseptual. Lokasi penelitian di Kabupaten Tanjung Jabung timur, Jambi. Hasil penelitian menunjukkan bahwa rendahnya pengetahuan dan pemahaman *Nazir* terhadap norma hukum negara yang mengatur tentang manajemen wakaf, termasuk rendahnya pengalaman dan profesionalisme mereka dalam mengelola wakaf, menyebabkan keraguan bagi para *Nazir* dalam mengembangkan manajemen dan pemanfaatan wakaf produktif. Padahal norma hukum negara yang mengatur tentang manajemen dan pemanfaatan wakaf tidak bertentangan dengan hukum Islam, dimana para ulama madzhab memandang penggunaan harta wakaf diperbolehkan, meskipun sebagian ulama mempunyai perbedaan pendapat mengenai batasan penggunaan

tersebut. Oleh karena itu, meningkatkan pemahaman para *Nazir* terhadap norma hukum negara dan norma hukum Islam yang mengatur pengelolaan dan pemanfaatan wakaf merupakan agenda mendesak dalam rangka meningkatkan kesejahteraan umat.

KATA KUNCI *Filantropi; Hukum Islam; Regulasi; Wakaf.*

Introduction

The contemporary era, philanthropy has gained significant prominence as a driving force for positive change and social impact.¹ The act of giving back to society and supporting various causes has become increasingly important across different cultures and religions, including Islam.² Islamic philanthropy, rooted in the principles and teachings of Islam, holds deep historical and religious significance. Within Islam, the concept of philanthropy is embodied in various forms of charitable giving, with zakat being a central pillar. Zakat, which means "purification" or "growth," is a compulsory form of giving in Islam.³ It involves donating a portion of one's wealth, typically 2.5%, to support the less fortunate and those in need. By fulfilling the obligation of zakat, Muslims purify their wealth and contribute to the well-being of society, promoting social justice and alleviating poverty. In addition to zakat, Islamic philanthropy encompasses voluntary acts of giving, such as sadaqah and waqf. Sadaqah

¹ Charles Harvey, Jillian Gordon, and Mairi Maclean. "The ethics of entrepreneurial philanthropy." *Journal of Business Ethics* 171 (2021): 33-49. <https://doi.org/10.1007/s10551-020-04468-7>

² Azwar Iskandar, et al. "Islamic philanthropy and poverty reduction in Indonesia: The role of integrated Islamic social and commercial finance institutions." *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 16.2 (2021): 274-301. <https://doi.org/10.19105/al-lhkam.v16i2.5026>.

³ Sharifah Fadylawaty Syed Abdullah, and Ikmal Hafiz Jamal. "Conceptual Analysis On Islamic Philanthropy: Towards A Contemporary Approach." *al-Qanatir: International Journal of Islamic Studies* 26.2 (2022): 143-152. See too, Sutan Febriansyah, and Sri Wahyuni. "Zakat Management: Study The History of Islamic Philanthropy." *THARWAH: Journal of Islamic Civilization and Thought* 1.2 (2021): 114-128. <https://doi.org/10.47766/tharwah.v1i2.13>

refers to voluntary acts of charity that can be given in various forms, including monetary donations, physical assistance, or even kind words and gestures.⁴

Waqf, on the other hand, involves dedicating assets or property for charitable purposes, such as establishing schools, hospitals, or community centers. Islamic philanthropy extends beyond individual acts of giving to encompass the establishment of institutions and organizations dedicated to social welfare.⁵ These institutions, often managed by religious bodies or philanthropic foundations, aim to ensure the efficient and equitable distribution of wealth to address societal needs, empower marginalized communities, and promote sustainable development.⁶ The principles of Islamic philanthropy emphasize the importance of selflessness, compassion, and the responsibility of the privileged to support and uplift those in need. By adhering to these principles, Islamic philanthropy strives to create a more equitable and just society, where the benefits of wealth and resources are shared among all members, irrespective of their social or economic status.⁷

Research on philanthropy has been carried out by Piliyanti⁸, Syamsuri⁹, Nengsih¹⁰, Almarri¹¹, Fauzia¹², Muhdor¹³, Triatmo¹⁴, Adi¹⁵,

⁴ Muhammad Hasbi Zaenal, Abdul Ghafar Ismail, and Muhammad Hakimi Mohd Shafiai. "Philanthropy from Islamic Tradition." *Islamic Philanthropy: Exploring Zakat, Waqf, and Sadaqah in Islamic Finance and Economics*. Cham: Springer International Publishing, 2022. 23-49. https://doi.org/10.1007/978-3-031-06890-4_2

⁵ Shaikh Hamzah Abdul Razak,. "Zakat and waqf as instrument of Islamic wealth in poverty alleviation and redistribution: Case of Malaysia." *International Journal of Sociology and Social Policy* 40.3/4 (2020): 249-266. <https://doi.org/10.1108/IJSSP-11-2018-0208>

⁶ Mohamad Akram Laldin,, Sharifah Zubaidah Syed Abdul-Kader, and Fares Djafri. "Waqf development in Malaysia." *Waqf Development and Innovation*. Routledge, 2021. 207-225. <https://doi.org/10.4324/9781003158073>

⁷ Ahmad Gaus A.F., *Filantropi dalam Masyarakat Islam* (Jakarta: PT Elex Media Kumputindo, 2008).

⁸ Indah Piliyanti, Hilman Latief, dan Syamsur Anwar, "Technologizing Islamic Philanthropy During The Covid-19 Pandemic in Indonesia," *Journal of Muslim Philanthropy and Civil Society*, 6.2 (2022).

⁹ Syamsuri dan Zaimudin Al-Mahdi Moka Moka, "Strategy of Islamic Philanthropy Management for Economic," *International Journal of Islamic Business*, 6.1 (2021).

Usman ¹⁶, Abrori ¹⁷, Fauzi ¹⁸, Mellyan ¹⁹, Tajuddin ²⁰, Hayati ²¹, Farma ²², Syujai ²³, and Solikah ²⁴ Both mentioned that this philanthropy is often used for an attitude of concern for others on the basis of love for fellow humans and then imprinted in the form of giving donations to others.

One of the philanthropic practices that has prevailed in society is in Indonesia, and the most famous is Dompot Dhuafa. With a noble purpose, *dompot dhuafa* runs various programs to alleviate poverty. *Dompot Dhuafa*, is a non-profit institution that has five main progresses, namely:

¹⁰ Sri Wahyu Nengsih, "TRADISI PERKAWINAN MASYARAKAT BANJAR DALAM PUISI BADATANG KARYA SYAMSIAR SEMAN," *Jurnal Lingko : Jurnal Kebahasaan dan Kesastraan*, 3.2 (2022) <<https://doi.org/10.26499/jl.v3i2.102>>.

¹¹ Jasem Almarri dan John Meewella, "Social entrepreneurship and Islamic philanthropy," *International Journal of Business and Globalisation*, 15.3 (2015) <<https://doi.org/10.1504/IJBG.2015.071901>>.

¹² Amelia Fauzia, "Islamic philanthropy in Indonesia: Modernization, islamization, and social justice," *Austrian Journal of South-East Asian Studies*, 10.2 (2017) <<https://doi.org/10.14764/10.ASEAS-2017.2-6>>.

¹³ N K Muhdlor, "Islamic Philanthropy (Zakat and Waqf) As A Form of Economic Crisis Management," *Budapest International Research and Critics Institute ...*, 2022.

¹⁴ Agus Wahyu Triatmo et al., "A political ideology of the Indonesian Islamic philanthropy: a case study of Suryakarta Berama foundation," *Indonesian Journal of Islam and Muslim Societies*, 10.2 (2020) <<https://doi.org/10.18326/IJIMS.V10I2.353-380>>.

¹⁵ T Adiprasetyo et al., "Pengelolaan Taman Nasional Kerinci Seblat," *Jurnal Bumi Lestari*, 9.2 (2009), 173–86.

¹⁶ Hardius Usman et al., "Integrating trust, religiosity and image into technology acceptance model: the case of the Islamic philanthropy in Indonesia," *Journal of Islamic Marketing*, 13.2 (2022) <<https://doi.org/10.1108/JIMA-01-2020-0020>>.

¹⁷ Abrori Abrori dan Ahmad Kharis, "DAKWAH TRANSFORMATIF MELALUI FILANTROPI: FILANTROPI ISLAM DALAM MENGENTAS KEMISKINAN DAN KETIDAKADILAN," *JURNAL AL-IJTIMAIYYAH*, 8.1 (2022) <<https://doi.org/10.22373/al-ijtimaiyyah.v8i1.13009>>.

¹⁸ Muhamad Fauzi dan Agus Gunawan, "Filantropi Global Membentuk Negara Kesejahteraan: Perspektif Islam dan Yahudi," *JSSH (Jurnal Sains Sosial dan Humaniora)*, 6.2 (2022) <<https://doi.org/10.30595/jssh.v6i2.13608>>.

¹⁹ Mellyan Mellyan dan Inayatillah Inayatillah, "Konsep Filantropi Islam Di Masa Pandemi Covid-19," *At-Tasyri': Jurnal Ilmiah Prodi Muamalah*, 2022 <<https://doi.org/10.47498/tasyri.v13i2.859>>.

²⁰ Tajudin Tajudin et al., "Menumbuhkan Filantropi Antar Sesama," *Jurnal Loyalitas Sosial: Journal of Community Service in Humanities and Social Sciences*, 3.1 (2021) <<https://doi.org/10.32493/jls.v3i1.p36-45>>.

²¹ Hayati dan Soemitra.

²² Junia Farma dan Khairil Umuri, "Filantropi Islam Dalam Pemberdayaan Ekonomi Umat," *JEIPS*, 1.1 (2021).

²³ Muhammad Syujai, "Transformasi Filantropi Digital Berbasis Aplikasi Fintech E-Money dalam Perspektif Islam," *PUSAKA*, 10.1 (2022) <<https://doi.org/10.31969/pusaka.v10i1.670>>.

²⁴ Ratna Junyekawati Sholikah, "Pemberdayaan Melalui Filantropi Islam Berbasis Masjid," *Jurnal Inovasi Penelitian*, 3.1 (2022).

contribution to education, da'wah, health, economy and social, and culture. Fundraising through the program has a huge impact on the community. So on October 8, 2001, the Ministry of Religious Affairs of the Republic of Indonesia issued Decree Number 439 of 2001 concerning the Inauguration of Dompot Dhuafa as the National Amil Zakat Agency.²⁵

Waqf assets play a vital economic and social role in Islamic history, such as financial resources for mosques, schools, studies and research, hospitals, social services and defence.²⁶ Therefore, waqf must be managed productively to contribute to improving community welfare and assist the government in improving community welfare and standard of living. This research is to examine the implementation of regulations regarding the management of waqf assets, and the proper use of waqf assets so that they can help empower the economy of Muslims.

Methods

This empirical legal research uses a qualitative approach in collaboration with statutory and conceptual approaches. The research location is in East Tanjung Jabung Regency, Jambi. Data collection uses observation, documentation and interview methods. The collected data will be classified and analyzed by means of data reduction, data presentation, and drawing conclusions. After reaching a conclusion, ensure the credibility of the data through Triangulation.

Discussion

²⁵ Marina Abu Bakar,, et al. "Governance And Waqf Funds Sustainability: Case Study In Dompot Dhuafa Republika, Indonesia." *resmilitaris* 13.1 (2023): 3690-3722.

²⁶ Abdullah, Mohammad. "Classical waqf, juristic analogy and framework of waqāf doctrines." *ISRA International Journal of Islamic Finance* 12.2 (2020): 281-296.

Implementation of Regulation about Waqf Property Management in Jambi

The waqf asset management regulation system is one of the important aspects in the development of a new paradigm of waqf in Indonesia, especially in Tanjung Jabung Timur District, Jambi Province. If in the old paradigm of waqf has emphasized the importance of preservation and permanence of waqf objects, then in the development of the new paradigm waqf emphasizes more on aspects of more tangible use without losing the existence of the waqf object itself.

Therefore, productive management of waqf assets needs to be carried out to create opportunities for the development of profitable strategic sectors. In this way, new jobs will be created and the management of public services will be more efficient, thereby easing the economic burden on the community, especially the people of East Tanjung Jabung Regency. Through strategic management and utilization of waqf assets, various economic sectors can be explored to encourage sustainable growth and community welfare. For example, waqf property can be used to establish a business or enterprise that creates jobs, stimulates economic growth, and contributes to overall regional development. In addition, income generated from waqf assets can be directed towards managing public services that meet the needs of local communities, such as health facilities, educational institutions, infrastructure development and social welfare programs. By managing waqf assets effectively and directing the results to strategic sectors, the economic potential of East Tanjung Jabung Regency can be utilized. This not only supports the local economy but also improves people's living standards, reduces financial burdens, and promotes sustainable development.²⁷

²⁷ Shehu UR Aliyu,. "Reflections on the socioeconomic role of waqf in an Islamic economic system." *IJUS| International Journal of Umranic Studies* 2.1 (2019): 31-43. <https://doi.org/10.59202/ijus.v2i1.560>

There are several important factors, which cause waqf management in Tanjung Jabung Timur Regency, Jambi province, not comply with waqf regulations, namely:

1. The appointment of *Nazir* is not based on competency and professional qualifications, but *Nazir* is appointed based on people's belief in one's character in the field of religion. This resulted in the *Nazir* not being able to carry out what was under his authority to the fullest.
2. The service period of the *Nazir* who has been more than 5 years has not been dismissed or reappointed by the BWI, in fact most of the *Nazir* have died and the elderly are still *Nazir*.
3. The existence of Wills Waqf, some wakifs, by asking for help from living relatives, entrust their property after they die.
4. The distribution of waqf assets to be used as economic empowerment caused conflict, because the people of East Tanjung Jabung Regency belonged to the Shafi'i school.
5. The condition of waqf land is partly in the form of peat scrub land and is often flooded if the rainy season plus the location of the tidal area.²⁸

After being examined, researchers found five obstacles faced in the implementation of waqf regulations for stakeholders in East Tanjung Jabung Regency, namely:

1. *Lack of Knowledge and Understanding of Stakeholders on Waqf Regulations*

Lack of stakeholder understanding of waqf regulations consisting of Law Number 41 of 2004 concerning Waqf, so that it can have an impact: *First*, many waqf assets that economically cannot be maximized because most of them are entrusted in the form of property such as land or buildings. *Second*, With regard to waqf objects which are partly in the form of peat scrub land and are often flooded. *Third*, the human resources capability of waqf managers (*Nazir*) is still very minimal. They mostly

²⁸ MH, ZN and NT, Personal interview March 28, 2023

work part-time and are not professionals who understand the productive management of endowments. *Fourth*, constraints related to the understanding of people who usually adhere to the view that prohibits the sale of waqf property and its exchange for other more productive assets and, *Fifth*, there is no innovative and creative effort by the *Nazir* to create a new waqf model with the aim of being more productive.

Therefore, it is necessary to strive optimally, a concrete step to determine a more strategic plan so that the management and development of waqf assets or assets, so that these waqf objects or assets can develop.

There are various reasons. There are still *Nazirs* who administer waqf in the conventional way. There are still wakifs who entrust their property to be used for the construction of worship sites. In addition, there are still changes in the status of waqf objects that change their function but are still within the corridor of the waqf function where there is no written permission from the minister based on BWI approval. *Secondly*, there are wakifs who continue to entrust their properties for the construction and maintenance of places of worship, preserving the traditional purpose of waqf. *Moreover*, certain waqf objects experience changes in their status, leading to a shift in their functions while still falling within the overall scope of waqf activities. However, in such cases, written permission from the minister, based on BWI (Basic Wakaf Indonesia) approval, is often lacking.

These factors contribute to the varied state of waqf administration and utilization, highlighting the need for continued efforts to enhance and modernize waqf management practices while preserving its original charitable intentions. Collaborative efforts between various stakeholders, including religious authorities and the community, are crucial to ensure the effective and appropriate use of waqf assets for the greater benefit of society.

In accordance with article 49 paragraph (1) of Government Regulation Number 25 of 2018 concerning amendments to Government

Regulation Number 42 of 2006 concerning the implementation of Law Number 41 of 2004 concerning waqf there is even a change from waqf status to non-waqf property rights, such as waqf land located in several State Madrasahs in East Tanjung Jabung Regency because they want to get building assistance through the State Sharia Securities (SBSN) channel, then the land that The status of waqf changed its status to freehold land.

2. Management and Administration of Waqf Has Not Been Orderly

The disorderly management and administration of waqf property can be seen from:

- a. There are no regular *Nazir* reports to the Indonesian Waqf Board regarding the waqf activities it manages.
- b. Waqf land that already has AIW / APAIW has not been registered with BPN Tanjung Jabung Timur Regency, so BPN Tanjung Jabung Timur Regency does not have data on waqf land that already has AIW that has not been certified.
- c. Waqf land certification has not been optimal. Many waqf lands have not been certified, potentially causing disputes for irresponsible parties.
- d. Not optimal management of waqf land assets productively. Many waqf lands that have very high economic potential are traditionally managed and lack trust.

3. There Are Still Unprofessional Nazir

Most waqf administrators do not fulfill their duties in accordance with the regulations stated in Law Number 41 of 2004 concerning waqf. These duties include: Administering waqf assets, Maintaining, managing, and developing waqf assets in alignment with their intended purpose and function, Supervising and protecting waqf assets, and Reporting on the implementation of activities related to waqf asset management.

4. Changes in Waqf Land that are not in accordance with Waqf Regulations

As happened to the change in the status of the use of waqf land utilization from Madrasah Aliyah Manbaul Ulum to Mushalla because Madrasah Aliyah Manbaul Ulum is no longer operational, so the wakif and his family agreed to transfer the benefits of waqf land in the form of oil palm plantations to be used for development and operational costs of the mushalla, but the change in the status of the use of waqf land benefits was not processed in accordance with waqf regulations (did not get permission from Indonesian waqf board) even these changes without any administrative process at all. Likewise, as happened to the waqf land intended for use by MAN 2 Tanjung Jabung Timur and MTsN 2 Tanjung Jabung Timur, because of his need to apply for assistance with the SBSN route, the waqf land was used as a grant by contacting the wakif family again, the Head of MAN 2 Tanjung Jabung Timur explained and explained that land grants are more useful for the development of Madrasah in the future than waqf land, then submit the certificate to BPN so that certificates that are not waqf can be issued by BPN.

5. *Waqf Disputes*

There are still disputes over waqf land as happened to waqf land in Muara Sabak Ulu Village, Muara Sabak Timur District, waqf land intended for places of worship in the form of violations, cemeteries, and education is occupied by some people in Muara Sabak Ulu Village totaling fifty-two (52) Heads of Families, so that nazir cannot manage the waqf land optimally, even though the location of the land is very strategic, around Muara Sabak Ulu Market which is the parent of Muara Sabak District before there was a division of the District and the number is quite extensive, This condition is due to several causes, including:

- a. The socialization of the Indonesian Waqf Board (BWI) to people who do not understand the definition and procedures for waqf has not been maximized, so sometimes wakif who want to waqf become reluctant to waqf because they do not know the procedures for waqf;

- b. Government guidance and supervision of wakif and nazir has not been maximized;
- c. Each waqf stakeholder has not carried out their duties optimally in accordance with waqf regulations;
- d. The implication is that many waqf assets are poorly managed and some are even still unutilized, so that in various cases waqf assets are not maintained, abandoned or passed into the hands of third parties, this is due to the negligence or inability of nazir in managing and developing waqf objects;
- e. Inadequate amount of waqf land certification assistance budget;
- f. Waqf is carried out on the basis of worship, sincerity and pleasure alone, and according to local customary procedures without being supported by authentic data and certificates;
- g. Untapped potential for cooperation between stakeholders in waqf.

In addition to the above, there are five factors that cause the large amount of land that has not been registered, namely: Lack of understanding from stakeholders of various regulations concerning land registration procedures, Some letters of proof of rights about the land no longer exist, lack of special personnel to pursue land registration, there is a temporary assumption that even without a certificate, the position of waqf land is strong enough, or legal certainty is guaranteed, the issue of management fees and land registration fees.

Management of Utilization of Waqf Asset

The utilization of waqf assets for education has proven to be highly beneficial for the community. In Malaysia, the responsibility for managing waqf properties lies with the State Islamic Council Authority (MAIN),

working in close collaboration with the education ministry. This strategic partnership is specifically designed to optimize the potential of educational waqf and ensure its widespread impact on various educational institutions throughout the country. By utilizing waqf assets for education, Malaysia has been able to establish and support educational institutions, such as schools, universities, and vocational training centers. These institutions play a crucial role in providing quality education and skill development opportunities to the local population.²⁹

The involvement of the State Islamic Council Authority and the education ministry ensures proper governance and effective management of waqf assets. This collaboration enables the identification of priority areas where educational facilities are needed the most, thereby enhancing access to education for the underprivileged segments of society. Furthermore, this initiative aligns with the principles of waqf, which emphasize the perpetual nature of these endowments and their intended use for the betterment of society. By channeling waqf assets into education, the benefits are not limited to the present generation but continue to impact future generations as well.

Overall, the collaboration between the State Islamic Council Authority and the education ministry in managing waqf assets has been a successful model for promoting education and social development in Malaysia, contributing to the nation's progress and prosperity.

Professional Nazhir, has the main task of increasing the productivity of waqf assets, this aims to achieve ideal results through productivity and investment. Then Suppress nazhr must also reduce as much as possible administrative costs, prevent irregularities, damage, theft and abuse of the trust that has been given. The Indonesian Waqf Board in providing socialization and education to nazhirs as part of the duties of the

²⁹ N Hassan, A A Rahman, dan Z Yazid, "Pengurusan Dan Pembangunan Wakaf Pendidikan: Kajian Kes Di Selangor, Malaysia the Management and Development of Waqfs ...," *Proceeding 1st Internasional ...*, May, 2013, 386-406 <<https://www.academia.edu/download/55441964/KertasKerjakonferensbogor.pdf>>.

Indonesian Waqf Board by providing guidance to nazhirs in the management and donation of waqf property. You can even dismiss and replace nazhir if you cannot carry out nazhir duties properly.³⁰

In Indonesia, there are various types of waqf assets, including those in North Kaur sub-district. In this area, there are 18 waqf assets that consist of worship facilities such as mosques, schools, and public burial places. Additionally, there is one vacant land that can be utilized for waqf purposes. Among the total number of waqf assets that have obtained new waqf certificates, four are in the form of mosque lands, while eight mosques still do not have waqf deeds. Furthermore, one school and a public burial place also lack a waqf deed. Similarly, the vacant land intended for constructing a mosque does not currently possess a waqf deed. To ensure proper management and utilization of these waqf assets, it is essential to obtain waqf deeds for all relevant properties. Waqf deeds serve as legal documentation that confirms the status and purpose of the waqf assets, providing a solid foundation for their effective administration and utilization. Obtaining waqf deeds for the mosques, school, public burial place, and vacant land will help establish a clear framework for their governance and enable their full potential to be realized in benefiting the community. And To ensure proper management and utilization of these waqf assets, it is essential to obtain waqf deeds for all relevant properties. Waqf deeds serve as legal documentation that confirms the status and purpose of the waqf assets, providing a solid foundation for their effective administration and utilization. Obtaining waqf deeds for the mosques, school, public burial place, and vacant land will help establish a clear framework for their governance and enable their full potential to be realized in benefiting the community.³¹

³⁰ M. Aziz, "Peran Badan Wakaf Indonesia (BWI) Dalam Mengembangkan Prospek Wakaf Uang Di Indonesia.," *JES (Jurnal Ekonomi Syariah)*, 2.1 (2017).

³¹ Nilda Susilawati, Ita Guspita, dan Dedy Novriadi, "Peran Nazhir Dalam Perlindungan Harta Wakaf," *ZAWA: Management of Zakat and Waqf Journal*, 1.1 (2021) <<https://doi.org/10.31958/zawa.v1i1.3593>>.

However, most nazhirs do not know that waqf property can be used productively. This is because since ancient times they were taught that waqf property must be managed in accordance with what is entrusted by the person who is endowed, if a land is entrusted to build a mosque, a mosque must be built and the rest of the land that can be used for rent does not dare to be used, because considering the prudence of nazhir. In fact, Nazhir is expected to have a spirit of entrepreneurship and understanding of waqf jurisprudence in terms of waqf development. Because there is partly a nazhir understanding that waqf assets should not be used as a tool to obtain economy or be commercialized, waqf assets should only be used for worship or other social activities, because the use of waqf outside of those entrusted by the wakif is considered to blame the management of waqf by nazhir.

The method of utilizing waqf assets with the intention of building the ummah is accepted by Hanafi scholars, the term for the utilization of these waqf assets is Istibdal. The concept of istibdal is accepted in the Hanafi school and they give ample space to carry out istibdal on a mawquf, in addition to maintaining the continuity of the waqf and the purpose (intention) of the waqf made by the waqf. However, the space for istibdal involves only mawquf that is other than the mosque. For the Hanafi school, the implementation of istibdal on the waqf of a mosque that has been damaged or no longer used is not required under any circumstances whether it is sold or replaced with another property. According to Abu Yusof, mosques cannot be involved with istibdal in case of damage and it remains as mawquf.

In line with the opinions of scholars from the Maliki and Shafi'i madhhabs, the concept of istibdal, or the utilization of waqf assets, is permitted by some scholars, although it may not be highly recommended as it deviates from the primary purpose of waqf properties. However, there are situations where istibdal is considered permissible, particularly when the original purpose of a waqf property is no longer feasible or serves a

limited benefit. For instance, if a mosque has suffered extensive damage and is no longer suitable for worship, some scholars allow for istibdal if there are alternative uses that would provide greater benefit to the surrounding Muslim community. This could involve transforming the property into a facility that caters to pressing needs, such as a community center, educational institution, or healthcare facility. It is important to note that the permissibility of istibdal may vary among scholars and may be subject to specific conditions and circumstances. Generally, the consensus is to prioritize the preservation and continuation of the original intended purpose of waqf assets. Any decision regarding istibdal should be made with careful consideration and consultation with knowledgeable scholars and relevant stakeholders, ensuring that the overall benefit to the community is maximized while respecting the sanctity and intentions of the waqf. Overall, while istibdal is allowed by some scholars in certain cases, it is essential to approach the matter cautiously, seeking guidance from qualified individuals who possess a comprehensive understanding of the principles and objectives of waqf in Islamic jurisprudence.³²

Indeed, Hambali scholars have a relatively more open stance on istibdal compared to other schools of thought. In cases where a mosque does not fulfill the intended purpose of the waqf due to factors such as inadequate space to accommodate worshippers or the inability to expand the area, or if the mosque is no longer utilized by residents or has suffered severe damage, istibdal becomes necessary according to the Hambali school. Indeed, Hambali scholars have a relatively more open stance on istibdal compared to other schools of thought. In cases where a mosque does not fulfill the intended purpose of the waqf due to factors such as inadequate space to accommodate worshippers or the inability to expand the area, or if the mosque is no longer utilized by residents or has suffered

³² Mushaddad Hasbullah, Sofia Hayati Yusoff, dan Mohamad Zaharuddin Zakaria, "Istibdal Harta Wakaf: Kajian Ringkas Terhadap Peranan dalam Mengembangkan Produk Wakaf," *Journal of Fatwa Management and Research*, 2019 <<https://doi.org/10.33102/jfatwa.vol16no2.13>>.

severe damage, *istibdal* becomes necessary according to the Hambali school. Based on the opinions of various scholars from different madhhabs, it can be concluded that the utilization of waqf properties is permissible as long as it aligns with the guidelines and principles established by Islam. However, it is crucial to approach such matters with caution and seek guidance from knowledgeable scholars who possess expertise in Islamic jurisprudence and the specific school of thought. It is worth emphasizing that the utilization of waqf assets should be done in accordance with the laws and teachings of Islam, ensuring that the overall objective of benefiting the community and preserving the spirit of waqf is upheld.

Conclusion

However, *Nazirs* feel hesitant to develop waqf assets productively, even though there are state legal norms that regulate this. Therefore, the management and utilization of productive waqf assets in Jambi Province, especially the East Tanjung Jabung district, is not being carried out optimally and there are many obstacles. Based on the consensus of scholars from the four schools of thought, the use of waqf proceeds is permitted, with differences in the limits on the use of waqf proceeds. This means that all scholars agree that the use and exploitation of the proceeds from waqf assets do not conflict with the principles of Islamic law. Therefore, in navigating these various points of view, an in-depth understanding and study of Islamic law and religious texts is very important in determining the norms for the appropriate and legal use of waqf proceeds. The main objective is to ensure that waqf funds are wisely directed to support the community of sustainable welfare

References

Abrori, Abrori, dan Ahmad Kharis, "Dakwah Transformatif Melalui

- Filantropi: Filantropi Islam Dalam Mengentas Kemiskinan Dan Ketidakadilan,” *Jurnal Al-Ijtima'iyyah*, 8.1 (2022) <<https://doi.org/10.22373/al-ijtima'iyyah.v8i1.13009>>
- Aliyu, Shehu UR. "Reflections on the socioeconomic role of waqf in an Islamic economic system." *IJUS| International Journal of Umranic Studies* 2.1 (2019): 31-43. <https://doi.org/10.59202/ijus.v2i1.560>
- Abdullah, Sharifah Fadylawaty Syed, and Ikmal Hafiz Jamal. "Conceptual Analysis On Islamic Philanthropy: Towards A Contemporary Approach." *al-Qanatir: International Journal of Islamic Studies* 26.2 (2022): 143-152.
- Adiprasetyo, T, Eriyatno, E Noor, dan F Sofyar, “Pengelolaan Taman Nasional Kerinci Seblat,” *Jurnal Bumi Lestari*, 9.2 (2009), 173–86
- Almarri, Jasem, dan John Meewella, “Social entrepreneurship and Islamic philanthropy,” *International Journal of Business and Globalisation*, 15.3 (2015) <<https://doi.org/10.1504/IJBG.2015.071901>>
- Aziz, M., “Peran Badan Wakaf Indonesia (BWI) Dalam Mengembangkan Prospek Wakaf Uang Di Indonesia.,” *JES (Jurnal Ekonomi Syariah)*, 2.1 (2017)
- Bakar, Marina Abu, et al. "Governance And Waqf Funds Sustainability: Case Study In Dompot Dhuafa Republika, Indonesia." *resmilitaris* 13.1 (2023): 3690-3722.
- Dewan Syariah Nasional MUI, “Fatwa Dewan Syariah Nasional-Majelis Ulama Indonesia No 131/DSN-MUI/X/2019 Tentang Sukuk Wakaf,” *Dewan Syariah Nasional MUI*, 131.X (2019), 1–11 <https://dsnemui.or.id/?s=SUKUK&post_types=all>
- Farma, Junia, dan Khairil Umuri, “Filantropi Islam Dalam Pemberdayaan Ekonomi Umat,” *JEIPS*, 1.1 (2021)
- Febriansyah, Sutan, and Sri Wahyuni. "Zakat Management: Study The History of Islamic Philanthropy." *THARWAH: Journal of Islamic Civilization and Thought* 1.2 (2021): 114-128. <https://doi.org/10.47766/tharwah.v1i2.13>
- Fauzi, Muhamad, dan Agus Gunawan, “Filantropi Global Membentuk Negara Kesejahteraan: Perspektif Islam dan Yahudi,” *JSSH (Jurnal Sains Sosial dan Humaniora)*, 6.2 (2022) <<https://doi.org/10.30595/jssh.v6i2.13608>>
- Fauzia, Amelia, “Islamic philanthropy in Indonesia: Modernization, islamization, and social justice,” *Austrian Journal of South-East Asian Studies*, 10.2 (2017) <<https://doi.org/10.14764/10.ASEAS-2017.2-6>>
- Harvey, Charles, Jillian Gordon, and Mairi Maclean. "The ethics of entrepreneurial philanthropy." *Journal of Business Ethics* 171 (2021): 33-49. <https://doi.org/10.1007/s10551-020-04468-7>
- Hasbullah, Mushaddad, Sofia Hayati Yusoff, dan Mohamad Zaharuddin Zakaria, “Istibdal Harta Wakaf: Kajian Ringkas Terhadap Peranan dalam Mengembangkan Produk Wakaf,” *Journal of Fatwa Management and Research*, 2019 <<https://doi.org/10.33102/jfatwa.vol16no2.13>>

- Hassan, N, A A Rahman, dan Z Yazid, "Pengurusan Dan Pembangunan Wakaf Pendidikan: Kajian Kes Di Selangor, Malaysia the Management and Development of Waqfs ...," *Proceeding 1st Internasional ...*, May, 2013, 386–406 <<https://www.academia.edu/download/55441964/KertasKerjakonferensbogor.pdf>>
- Hayati, Fitri, dan Andri Soemitra, "FILANTROPI ISLAM DALAM PENGENTASAN KEMISKINAN," *E-Mabis: Jurnal Ekonomi Manajemen dan Bisnis*, 23.2 (2022) <<https://doi.org/10.29103/e-mabis.v23i2.866>>
- Iskandar, Azwar, et al. "Islamic philanthropy and poverty reduction in Indonesia: The role of integrated Islamic social and commercial finance institutions." *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 16.2 (2021): 274-301. <https://doi.org/10.19105/al-lhkam.v16i2.5026>.
- Laldin, Mohamad Akram, Sharifah Zubaidah Syed Abdul-Kader, and Fares Djafri. "Waqf development in Malaysia." *Waqf Development and Innovation*. Routledge, 2021. 207-225. <https://doi.org/10.4324/9781003158073>
- Mellyan, Mellyan, dan Inayatillah Inayatillah, "Konsep Filantropi Islam Di Masa Pandemi Covid-19," *At-Tasyri': Jurnal Ilmiah Prodi Muamalah*, 2022 <<https://doi.org/10.47498/tasyri.v13i2.859>>
- Muhdlor, N K, "Islamic Philanthropy (Zakat and Waqf) As A Form of Economic Crisis Management," *Budapest International Research and Critics Institute ...*, 2022
- Piliyanti, Indah, Hilman Latief, dan Syamsur Anwar, "Technologizing Islamic Philanthropy During The Covid-19 Pandemic in Indonesia," *Journal of Muslim Philanthropy and Civil Society*, 6.2 (2022)
- Razak, Shaikh Hamzah Abdul. "Zakat and waqf as instrument of Islamic wealth in poverty alleviation and redistribution: Case of Malaysia." *International Journal of Sociology and Social Policy* 40.3/4 (2020): 249-266. <https://doi.org/10.1108/IJSSP-11-2018-0208>
- Sholikah, Ratna Junyekawati, "Pemberdayaan Melalui Filantropi Islam Berbasis Masjid," *Jurnal Inovasi Penelitian*, 3.1 (2022)
- Susilawati, Nilda, Ita Guspita, dan Dedy Novriadi, "Peran Nazhir Dalam Perlindungan Harta Wakaf," *ZAWA: Management of Zakat and Waqf Journal*, 1.1 (2021) <<https://doi.org/10.31958/zawa.v1i1.3593>>
- Syamsuri, dan Zaimudin Al-Mahdi Moka Moka, "Strategy of Islamic Philanthropy Management for Economic," *International Journal of Islamic Business*, 6.1 (2021)
- Syujai, Muhammad, "Transformasi Filantropi Digital Berbasis Aplikasi Fintech E-Money dalam Perspektif Islam," *PUSAKA*, 10.1 (2022) <<https://doi.org/10.31969/pusaka.v10i1.670>>
- Tajudin, Tajudin, Gilang Zulfikar, Mas Fierna Putri, Amrizal Amrizal, dan Rulli Hardi, "Menumbuhkan Filantropi Antar Sesama," *Jurnal Loyalitas Sosial: Journal of Community Service in Humanities and*

- Social Sciences*, 3.1 (2021) <<https://doi.org/10.32493/jls.v3i1.p36-45>>
- Triatmo, Agus Wahyu, Ravik Karsidi, Drajat Tri Kartono, dan Suwanto, "A political ideology of the Indonesian Islamic philanthropy: a case study of Suryakarta Berama foundation," *Indonesian Journal of Islam and Muslim Societies*, 10.2 (2020) <<https://doi.org/10.18326/IJIMS.V10I2.353-380>>
- Usman, Hardius, Dipa Mulia, Chairy Chairy, dan Nucke Widowati, "Integrating trust, religiosity and image into technology acceptance model: the case of the Islamic philanthropy in Indonesia," *Journal of Islamic Marketing*, 13.2 (2022) <<https://doi.org/10.1108/JIMA-01-2020-0020>>
- Zaenal, Muhammad Hasbi, Abdul Ghafar Ismail, and Muhammad Hakimi Mohd Shafiai. "Philanthropy from Islamic Tradition." *Islamic Philanthropy: Exploring Zakat, Waqf, and Sadaqah in Islamic Finance and Economics*. Cham: Springer International Publishing, 2022. 23-49. https://doi.org/10.1007/978-3-031-06890-4_2

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