

WAQF LAND'S UTILIZATION IN FULFILLING THE WELFARE OF THE WEST SUMATRA COMMUNITY

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WAQF LAND'S UTILIZATION IN FULFILLING THE WELFARE OF THE WEST SUMATRA COMMUNITY

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ABSTRACT

In Indonesia, waqf (endowment) is predominantly still administered conventionally. This research aims to examine the various models of waqf land utilization methods in West Sumatra, as well as their benefits and drawbacks. This is legal doctrinal research. The necessary materials for this study are collected through library research. The research demonstrates that financing is required to sustain the operation of the waqf asset itself, which can result in the asset's displacement due to a lack of maintenance expenditures. Many institutions have acted as locations for the diffusion of information and culture and have offered space for scholars, jurists, and culturalists to develop their competence. In addition, buildings of worship, school infrastructure, other social waqf, burial grounds, and Islamic boarding school education dominate the utilization of waqf land in West Sumatra. More economically empowering technologies ought to be incorporated into the development of waqf management models.

Key Words: *Waqf Land; Community; Welfare.*

INTRODUCTION

Waqf is one of Islam's most unique principles. Although waqf is a sort of derma that was developed by Muslims, it is quite distinct from the overall concept of generosity or philanthropy. Philanthropy or charity is a commonly used term denoting the existence of a provision for the benefit of the business. Yet, Islamic Law, or more precisely Fiqh *muamalah*

is Islamic law that regulates the connection between persons, rights, obligations, and various transactions, and there are a number of distinct charitable models.

The location of the characteristics of waqf, as compared to derma in general, when examined from the perspective of the form of the object handed over or given, the waqf must be an unbroken asset (both movable and immovable objects). Waqf is an asset that is not depleted by consumption. Consequently, food, for instance, cannot be utilized as a waqf object. For something to qualify as a waqf, it must be inexhaustible, such as land, buildings, trees, and so forth. Waqf may also only be utilized for ⁹the welfare of the people. Thereafter, however, the concept of expert waqf emerged, which is utilized by families. Nonetheless, waqf is typically utilized for the benefit of the people.

Waqf has been defined as an endowment type by withholding real ownership of the waqf object for not selling it and it is only used for the advantage of the public based on the Waqf giver (Abdul Rakhim, 2021). In addition, it is also defined as an eternal asset that is not degraded due to its users such as land and building that is used for the interest of the public (Triyanta, 2014). Moreover, the object of Waqf is a non-moveable object despite the fact that moveable objects such as cows, and buffalos helping to plow farming are also parts of Waqf objects (Faqih, 2005). Furthermore, waqf is also considered as legal action of a waqif (waqf giver) to transfer his own property for being used by the public along with its advantages based on sharia (Sulistiani, 2021).

In the implementation, this notion of waqf requires substantial further development. Waqf is still heavily utilized and maintained in a straightforward manner because to the prevalent and prevailing general tendency in Indonesia, especially in Western nations. The orientation of waqf in relation to worship and education or study is novel to the user. In fact, finance is required to continue the function of the waqf asset itself, which can result in the asset's displacement due to a lack of maintenance expenditures. Alternatively, ⁵economically empowering technologies should be incorporated into the construction of waqf management methods. For this reason, it is essential to explore the numerous realistic models of waqf land exploitation in West Sumatra,

as well as their benefits and drawbacks, so that in the future a variety of innovative efforts will be made that provide optimal profits.

The granting of waqf land to the community that utilizes and manages it, the law is legal (Onny Medaline, 2017). (Onny Medaline, 2017). In light of the fact that the act of waqf will result in the release of one's ownership into waqf property, the question of the legitimacy of land ownership is of utmost importance; therefore, a waqf must be the lawful owner and authorized to carry out the waqf. The waqf transfer will decide ¹³ the ownership of the waqf property from the owner. In the general view the property belongs to Allah swt and cannot be revoked. The property is retained or retained and can no longer be transferred and transferred (Onny Medaline, 2017) the benefits of waqf property are taken and utilized so that there is an increase in the social function of the waqf land. In other words, the occurrence of representation signifies the transfer of a form of ownership rights to land, into the form of utilizing the social function of waqf land.

Therefore, in concepts and studies in representation, it prioritizes the side of designation and utilization from the side of property ownership. This research aims to examine the various models of waqf land management methods in West Sumatra, as well as their benefits and drawbacks. This research is different from the previous research aforementioned above.

RESEARCH METHOD

This is doctrinal legal research, and the source of legal material in this study consists of primary sources of law, binding legal materials such as the Qur'an, al-hadith, classical works, fatwas of sharia councils, and legislation. Relevant literature is the form of secondary legal materials. Tertiary legal resources include dictionaries and encyclopedias. The outcomes of the investigation were analyzed in a descriptive-analytical manner. The data collected from the library study are evaluated using qualitative methods. The data gained from the research results are grouped and selected, and then linked to the topic under investigation.

RESEARCH OUTCOME AND DISCUSSION

1) DYNAMICS OF WAQF LAND UTILIZATION

Over 1400 years have passed since the beginning of their religion, which the Prophet Muhammad presented to the world. Equipped with the Prophet's teachings, Muslims are obligated and challenged to live spiritually and monetarily prosperous lives. For the advancement and well-being of Muslims, it is necessary to strengthen and optimize the Prophet's diverse teachings. Several re-actualizations (updates) must be carried out within the bounds of possibility. The past splendor of Islam is inseparable from the strength of religious doctrines prevalent at the time. Among these doctrines is sharia concerning waqf (Agus Triyanta, 2009). As a solution for the Muslim community to be able to strive for the realization of the fulfillment of community needs and religious activity-related demands, here is where the importance of land awareness comes to the fore. Hence, waqf entrusts the community with a solution that is not necessarily encountered in other societies with similar principles.

a) Definition and Form of Waqf

Waqf is derived from the Arabic word waqf, which has been adopted into Indonesian as waqf. Waqf is frequently referred to as *habs* (Sayyid Sabiq., 2011). Thus, waqf can signify cease, as well as retain (A.W. Munawir, 2014). In this language, waqf refers to the concept of reserving something for one's own benefit. According to Islamic Sharia terminology, waqf refers to the "surrendering of a durable property right to a *nadzir* (waqf keeper) or a governing body, provided that the proceeds or advantages be applied to matters consistent with Islamic shari'a" (Aaron Nasution et al., 2012). It is important to note that the thing represented is no longer the waived property right nor the property right of the location of surrender; rather, it becomes God's property (a general right). Therefore, the waqf commitment exists regardless of the legal relationship between the initial owner and the asset.

In terms of duration or longevity, this waqf is separated into two categories: everlasting waqf and transitory waqf. An everlasting waqf is a waqf that is intended to last forever and endures throughout the ages. This form of waqf can be utilized for an extended period of time, as the waqf is more concerned with the object's advantages than its occasional use. Upon closer

inspection, the true waqf in Islam is a perpetual waqf whose reward multiplies and continues to accrue so long as the waqf exists. This waqf benefit will flow to the waqf for as long as the waqf exists. This waqf is what is usually known as the most perfectly formed *shadaqah jariyah* (religious donation).

Temporary waqf is a waqf that is not perpetual due to the nature of the items and the wakif's aspirations (Mundzir Qahaf, 2015). Regarding the use of waqf property, waqf can be divided into *mubasyir* or *dzati* (waqf property that produces community services and can be used directly, such as *madrasahs* and hospitals) and waqf property intended for investment in the production of goods and services that are permitted by *syara'* in any form; the results are then represented according to the wishes of the wakif (Mundir Qohaf, 1420 H).

b) Utilization of Waqf Land in Islamic History

Waqf institutions or institutions play a part in the development of Muslim history and civilization. Different waqf institutions have facilitated the diffusion of information and culture and offered space for scholars, jurists, and cultural experts to advance their competence. Among the waqf institutions that perform these functions are the following.

Firstly, it is used for religious institutions (mosques). Waqf mosques emerged under the reigns of Khulaf' al-Rashidn, Bani Umayyad, and Bani al-Abbas. Ibn Bathutah recalls the scientific activity that took place in mosques at the time when mosques held *halaqah-halaqah* in which many types of science were taught. Every morning and evening, hadith scholars recite the hadith from a high bench and read the Qur'an with excellent reading. Some groups of teachers do not write the Qur'an on the blackboard for fear of tarnishing the Qur'an's image. Instead, they mentally recite the Qur'an to young students. Instructors of the science of writing instruct students on how to compose verses so that, after learning to read, they can subsequently learn to write. Along with the role of the mosque as a center for Islamic teaching and proselytizing, around the mosque stand dormitories that accommodate poor people or claimants of knowledge who come from faraway places, known as *Rubath*, *Khaniqah*, *Zawayah*, and *Khalawy* (Muhammad ibn Ahmad ibn Shalih al-Shalih, 2011).

Secondly, it is used is for al-Katatib (literacy center). Al-Kuttab or al-maktab is a location for young children or beginners who wish ³ to learn to read and write, the Qur'an, and the fundamentals of Islamic studies. During the Umayyad era, al-katatib was reserved for the children of the caliph, court families, and the wealthy; however, al-katatib was later established as a waqf for orphans and poor children by philanthropists. Ibn Huql observed that in a city like Sicily, there were 300 al-katatibs, which accommodated hundreds or thousands of pupils per al-kuttab (Mushtafa al-Siba'i, 1420 Hijri).

Third, it is used for Madrasah (Islamic school). Famous in Islamic history is the madrasa al-Nizhamiyah in Baghdad, which was founded by the Turkish Bani Saljuk in 459 Hijri. It was sponsored with waqf wealth. According to Nizham al-Mulk, the goal of creating this madrasa was to develop young men who would become knowledgeable national leaders based on ahlus-sunnah beliefs. The emergence of al-Nizhamiyah madrasas funded with waqf funds was followed by the establishment of other madrasas in various Islamic countries, such as the al-Nuriyah waqf madrasa in Syria, founded by Nuruddin al-Zengi, the al-Zahiriyyah waqf madrasa founded by al-Zahir Beybers in Cairo tahun 626 Hijri, the al-Shalhiyyah Madrasa which was the waqf of king ² al-Shalih Najm al-Din Ayyub in Egypt in 641 Hijri, Madrasa al-Mas'udiyah founded by ² Mas'ud al-Shafi'i in Baghdad. In addition to general sciences and medicine, this madrasa teaches the jurisprudence of the four madhabs. The madrasah al-Shalahiyah in Halab was established by ² Amir Shalahuddin. Yusuf al-Dawadar, madrasah al-Ghiyats or madrasah al-Malik Manshur in Mecca, which al-Manshur Ghiyats al-Din built in 813 Hijri. Other madrasas erected with waqf funds include the madrasa al-Mustanshiriyyah in Baghdad, the madrasa of ² Sulthan Hasan Jami' al-Azhar in Egypt, al-Oliveah in ² Tunis, and al-Qurawiyyinadi in Fes, Morocco (Muhammad ibn Ahmad ibn Shalih al-Shalih, 2011). ² Al-Jami' al-Azhar is a mosque and educational institution that was established in 359 H. by ² Jauhar al-Shaqily (commander of ² Mu'izli Dinillah al-soldiers). Fathimy's origin of the name al-Azhar is Fatimah al-Zahra.

Finally, it serves as Maktabah (library center). The maktabah or library is another waqf-based institution that ¹⁰ contributes to the intellectual formation of Muslims. Maktabah has various names such as khizanah al-kutub, bait alhikmah, dar al-ilm, dar al-kutub. During the fourth

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century, the Maktabah spread to nearly every Islamic country. Maktabah became a destination for information seekers because it assisted people in acquiring knowledge through free books. The Maktabah is supported by waqf assets that are well-known in Islamic histories, like Dar al-³Ilm in Mosul (4th century Hijri), Dar al-Ilm in Baghdad (in 381 A.D.), Dar al-Hikmah in Cairo (in 395 A.D.) (Yaqut ibn Abdullah al-Hamawy, 2008).

¹¹ 2) FORM OF WAQF LAND UTILIZATION IN WEST SUMATRA

The number of waqf land in West Sumatra is only 5,724 with the area of waqf land in West Sumatra reaching 648.33 m2. ⁷This waqf land is spread in various regions throughout districts and municipalities. The following are the data of waqf in Western Sumatra representation:

Table 1. Waqf Data in Districts and Municipalities in West Sumatra

No	Office of the Ministry of Religious Affairs	Sum	Area (Ha)	Already Certified		Belum Sertifikat	
				Sum	Area (Ha)	Sum	Area (Ha)
1	DISTRICT OF AGAM	914	125,51	618	79,38	296	46,13
2	DISTRICT OF PASAMAN	136	8,80	124	7,37	12	1,42
3	DISTRICT OF LIMA PULUH MUNICIPALITY OF	754	93,95	428	41,83	326	52,12
4	DISTRICT OF SOLOK	493	36,51	415	32,35	78	4,15
5	DISTRICT OF PADANG PARIAMAN	532	80,79	411	65,00	121	15,79
6	DISTRICT OF PESISIR SELATAN	336	18,91	271	15,37	65	3,54
7	DISTRICT OF TANAH DATAR	664	69,65	281	30,60	383	39,05
8	DISTRICT OF SIJUNJUNG	182	23,03	153	21,95	29	1,09
9	MUNICIPALITY OF BUKITTINGGI	109	7,47	99	7,17	10	0,30
10	MUNICIPALITY OF PADANG	449	51,72	230	15,93	219	35,79
11	MUNICIPALITY OF PADANG PANJANG	117	11,04	102	10,36	15	0,68
12	MUNICIPALITY OF SOLOK	58	3,82	9	0,39	49	3,42
13	MUNICIPALITY OF SAWAHLUNTO	73	5,53	73	5,53	0	0,00
14	MUNICIPALITY OF PAYAKUMBUH	198	17,89	178	16,81	20	1,08
15	DISTRICT OF SOLOK SELATAN	86	8,07	60	5,96	26	2,10
16	DISTRICT OF KEP. MENTAWAI	13	2,78	0	0,00	13	2,78
17	DISTRICT OF DHAMASRAYA	153	30,06	73	14,73	80	15,33
18	DISTRICT OF PASAMAN BARAT	322	30,36	146	13,57	176	16,79
19	MUNICIPALITY OF PARIAMAN	135	22,45	120	20,91	15	1,55
Total		5.724	648,33	3.791	405,20	1.933	243,13

Source: Waqf Information System, Ministry of Religious Affair

The table demonstrates that waqf land is distributed throughout the regencies and cities in Western Sumatra, albeit at varying levels. The order of provinces with the most extensive waqf land is presented in the following table.

Table 2. Widest Waqf Land Area Based on Districts and Municipalities

No	Office of the Ministry of Religious Affairs	Area (Ha)
1	DISTRICT OF AGAM	125,51
2	DISTRICT OF LIMA PULUH MUNICIPALITY OF	93,95
3	DISTRICT OF PADANG PARIAMAN	80,79
4	DISTRICT OF TANAH DATAR	69,65
5	MUNICIPALITY OF PADANG	51,72
6	DISTRICT OF SOLOK	36,51
7	DISTRICT OF PASAMAN BARAT	30,36
8	DISTRICT OF DHAMASRAYA	30,06
9	DISTRICT OF SIJUNJUNG	23,03
10	MUNICIPALITY OF PARIAMAN	22,45
11	DISTRICT OF PESISIR SELATAN	18,91
12	MUNICIPALITY OF PAYAKUMBUH	17,89
13	MUNICIPALITY OF PADANG PANJANG	11,04
14	DISTRICT OF PASAMAN	8,80
15	DISTRICT OF SOLOK SELATAN	8,07
16	MUNICIPALITY OF BUKITTINGGI	7,47
17	MUNICIPALITY OF SAWAHLUNTO	5,53
18	MUNICIPALITY OF SOLOK	3,82
19	DISTRICT OF KEP. MENTAWAI	2,78
Total		648,33

Source: Waqf Information System, Ministry of Religious Affair

The table above shows that Agam Regency appears to have the most extensive waqf land. This is advantageous for the residents of West Sumatra. The second is the Fifty Cities Regency, followed by the Padang Pariaman Regency. This is due to the fact that West Sumatra, an area renowned for its religiosity, has a culture that is extremely similar to Islam, which is a custom called *syara* and *syara* is based on *kitabullah*, the Holy book of al-Quran.

The use of waqf land is a crucial factor. This is due to the fact that the models used or chosen for the management and utilization of waqf land will depend heavily on the level of diversity comprehension. With the significant use for business-oriented and productive interests, it demonstrates that the understanding of the teachings and theology of representation in Indonesia, particularly West Sumatra, is still dominated by the old understanding, where waqf

is always for places of worship, and if there are other tendencies, the most recent are schools and Islamic boarding schools. In other words, Muslims have not given appropriate attention to social *fiqh*. In the meantime, tawhid and social *fiqh* are extremely necessary when examined through the lens of considerations for the advancement and welfare of Muslims. The spread of educational funds relating to *tawhid* and *fiqh* must therefore be further developed and enhanced.

In relation to the still tiny use of business-focused and productive, this demonstrates that Muslims are still deficient in innovation for the advancement and welfare of society.

There appears to be a lack of renewal and innovation that is genuinely essential for Muslims. Thus, there are action needed to be taken. Firstly, from a theological standpoint, there is a need to simultaneously educate the Muslim community on the values of tawhid and social *fiqh* in representation. Thus, waqf that is geared towards the advancement and welfare of the people will be a priority that is carried out collectively by Muslims. Secondly, enhancements to representational techniques and mechanisms. In order to improve the use of waqf land that is intended for business and productive purposes in the interest of community welfare, it is required to give incentives in terms of procedures and mechanisms in the productive waqf process. This can be accomplished by streamlining the application of the representation procedure for productive or commercial purposes, or by easing the conversion process for waqf utilization. Thirdly, institutions involved in the management of waqf processes and procedures and their management must collaborate. If the Ministry of Religious Affairs is the only ministry or department responsible for it, even if the Agricultural Office is involved in a small capacity, then synergy should be increased in the following step. Involvement should also be sought from the Ministry of Religious Affairs, the Agricultural Office, and the Department of Perindakop (Trade and Cooperative Industry). Therefore, all relevant parties can actively engage in optimizing the use of waqf land.

a) Problems in Waqf Empowerment

Waqf has been administered in accordance with the understanding embraced by the majority of Indonesians, namely the *Shafi'iyah* understanding as they adhere to their views, including on

the promise, the property that can be waived, and whether waqf property can be exchanged. The legal complexities involved in terms of its certification procedure and land conversion. In regard to the certification procedure, there is the fact that high amount of uncertified land resulting from agrarian operations is still viewed by the majority of people as a pretty complicated matter. Having to fulfil a variety of requirements is actually rather challenging. This is shown by the enormous amount of uncertified waqf lands, as seen in the table above. Concerning the conversion of waqf land, In accordance with the guidelines and the preceding flowchart, approval must be obtained from the government and the Indonesian Waqf Board (BWI). This is not a straightforward matter. Given that Indonesia's bureaucracy is still incapable of operating efficiently, it takes years to pursue such interests. Hence, a simpler procedure is required.

In addition, there is widespread data loss in disaster zones. Many waqf lands were subsequently lost due to the absence of certifications and witnesses. In Nanggroe Aceh Darussalam Province, for instance, the heirs of numerous waqf lands did not recognize their waqf status, while witnesses were scarce and certifications were unavailable. Thus, the waqf was reclaimed by the families. Since the tsunami catastrophe in Aceh, the regulation of waqf has become an issue that has yet to be resolved. In addition to the lack of legal documentation, many waqf lands have changed ownership and management. Initially, the Grand Mosque of Baiturrahman complex in Aceh possessed a substantial waqf territory. Even the complex, which is now a market in Banda Aceh and is overseen by the local government, is a waqf asset of the Grand Mosque. Moreover, the enormous Blang Padang field, which is currently described as belonging to the Ministry of Defense, is in fact a waqf asset of the Baiturrahman Grand Mosque. This demonstrates that the management of waqf land is not a straightforward task. In addition, the alignment of many associated organizations, particularly the Land Agency (BPN), is not desirable. This is essentially the source of the issue, as the managing or management of waqf land is not profitable in the sense that it does not provide immediate financial rewards.

Based on the fact above, it is vital to improve the current agrarian policy in order to achieve a more ideal policy. The most effective policies are those that reinforce are the use of waqf land functioning for welfare and poverty alleviation. It should be a priority in Indonesia's agricultural

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policy, particularly in West Sumatra as the endowment is a non-profit. It is only logical that the management of waqf lands receive a great deal of accessibility and service convenience. It is equal to the management of the legality of land owing to buying and selling or other kinds of economic transactions. In addition, it needs to offer incentives for the use of land for profitable productive interests, the benefits of which are intended for community interests. It is designed to encourage the conversion of as many assets as possible from cost-center to profit-center. In other words, waqf land, which was formerly utilized for interests requiring finance, is now utilized in a manner that generates profits as an agrarian strategy to promote the well-being of the people.

CONCLUSION

Waqf institutions play ¹²an important role in the development of Muslim history and civilization. Different waqf institutions have given a venue for the diffusion of knowledge and culture, as well as a venue for scholars, jurists, and cultural experts to advance their skills. Those functions include places of worship, literacy centers, madrasas, and libraries. Waqf land in West Sumatra has a total size of 648.33 square meters, the majority of which is designated as a place of worship. As a consequence, the proportion of business-oriented and productive waqf is still low. In addition, the existing data presentation does not take into account the business-oriented and productive calculation of waqf.

SUGGESTION

It is recommended that the insignificant use of these business-oriented and productive interests demonstrates that the understanding of the teachings and theology of representation in Indonesia, particularly in West Sumatra, is still dominated by the old pattern of understanding. In other words, social *tauhid* and social Fiqh have not received sufficient attention among Muslims. In addition, it needs to enhance the current agrarian policy in order to achieve a more perfect agrarian policy. Use of waqf land for welfare and poverty alleviation is reinforced by the policies that are most ideal. In addition to providing incentives for the use of land for profit-generating economic interests, the outcomes are meant for social objectives.

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