



MIZAN

Journal of Islamic Law

P-ISSN: 2598-974X. E-ISSN: 2598-6252

Vol. 6 No. 3 (2022), pp. 363-370

<https://www.jurnalfai-uikabogor.org/index.php/mizan/ind>



Implementation of Productive Waqf In Jogokariyan Mosque Perspective of Law Number 41 of 2004 *

Kholid Hidayat, Eka Rustiana

Sunan Kalijaga State Islamic University, Yogyakarta



<https://doi.org/10.32507/mizan.v6i3.1697>

Abstract

Waqf, like zakat, infaq, and alms, emphasizes collective tasks and responsibilities and promotes social security from economic progress. The productive waqf paradigm uses waqf assets and production management to create a group of entrepreneurs. UU no. 41 of 2004 encourages renewing and expanding waqf items' administration to maximize Indonesia's waqf potential. Yogyakarta's Jogokariyan Mosque's productive waqf administration affects Kampung Jogokariyan's social and economic life. Field researchers interviewed the caretakers of the Jogokariyan Mosque, Jln Jogokaryan No. 36, Mantrijeron District, Yogyakarta City, Special Region of Yogyakarta. Sharia-compliant banks like Bank Mandiri Syariah manage fruitful waqf. Ummah (public) renewal is also practiced. Mosque management learning with a modern social media-based recruitment strategy that reflects the professional nazhir waqf. This is because the mosque manager publishes financial and aspirational reports and consults with the mosque administration and Jogokariyan Yogyakarta village community. UU 41 of 2004 governs waqf at the Jogokariyan Mosque.

Keywords: Waqf; Law; Sharia Principle

Abstrak

Wakaf, seperti halnya zakat, infak, dan sedekah, menekankan tugas dan tanggung jawab bersama serta mendorong jaminan sosial dari kemajuan ekonomi. Paradigma wakaf produktif menggunakan harta benda wakaf dan manajemen produksi untuk membentuk kelompok wirausaha. UU No. 41 Tahun 2004 mendorong pembaharuan dan perluasan penatausahaan barang wakaf untuk memaksimalkan potensi wakaf Indonesia. Penatausahaan wakaf produktif Masjid Jogokariyan Yogyakarta berdampak pada kehidupan sosial ekonomi Kampung Jogokariyan. Peneliti lapangan mewawancarai pengurus Masjid Jogokariyan, Jln Jogokaryan No. 36, Kecamatan Mantrijeron, Kota Yogyakarta, Daerah Istimewa Yogyakarta. Bank syariah seperti Bank Mandiri Syariah mengelola wakaf yang bermanfaat. Pembaharuan umat (umum) juga dilakukan. Pembelajaran pengelolaan masjid dengan strategi rekrutmen berbasis media sosial modern yang mencerminkan nazhir wakaf profesional. Hal ini karena pengelola masjid menerbitkan laporan keuangan dan aspirasi serta berkonsultasi dengan pengurus masjid dan masyarakat desa Jogokariyan Yogyakarta. UU 41 Tahun 2004 mengatur tentang wakaf di Masjid Jogokariyan.

Kata Kunci: Wakaf; Hukum; Prinsip Syariah

*Manuscript received date: January 18, 2022, revised: February 22, 2022, approved for publication: August 30, 2022.

A. INTRODUCTION

Waqf is one of the philanthropic practices in Islam apart from zakat, infaq, and alms which emphasizes collective roles and responsibilities and encourages the development of social security practices from the growth of this paradigm.¹ Azyumardi Azra stated that waqf has an important role in the growth of Islamic society and is proven by the development of the education, social services, health, and cultural sectors both in historical overview and in practice in various other Islamic worlds.²

Practices and theories regarding waqf have undergone many reforms due to the view from the spirit of Islamic law as a tool that aims to realize the values of faith and creed. In addition, the more concrete mission of Islamic law on social and economic issues is the mission of justice which requires the distribution of justice for all levels of society.³ The productive waqf paradigm is a combination of the potential of waqf assets and production management that has economic substance by building entrepreneurial groups. In general, the concept of productive waqf is a development of consumptive waqf which involves productive people with high creativity and are able to read good business opportunities and foster broad economic insights.⁴

The birth of Law No. 41 of 2004 is part of the spirit to renew and expand the scope of waqf objects in their management in order to get more benefits from the potential of waqf in Indonesia. Therefore, the paradigm of productive waqf is a new paradigm in the development of waqf for the benefit of the public which can create new opportunities in the sector of improving public services, employment, and encouraging the growth of the community's economy.⁵

Waqf in Indonesia is currently still far from what is expected because its management has not been maximized properly and is different from zakat, infaq, and alms which have begun to be managed by involving professional and modern institutions.⁶ Muhammad Fuad said that problems in waqf arise because waqf management is still traditional so that it becomes a burden for the people.⁷ In research conducted by the CSRC (Center for Study of Religion and Culture) UIN Syarif Hidayatullah revealed that current waqf assets in the form of buildings standing on

¹ M. Dawam Raharjo, *Islamic Economic Architecture; Towards Social Welfare* (Bandung: Mizan, 2015), p. 145-151.

² Azyumardi Azra, *Network of Ulama of the Middle East and the Archipelago of the XVII and XVIII Centuries of the Roots of Indonesian Islamic Reform* (revised edition) (Jakarta: Kencana, 2004), p. 55-67.

³ Acmad Djunaidi and Thobieb Al-Asyhar, *Testing the Era of Productive Waqf: a Progressive Effort for People's Welfare* (Jakarta: Mitra Abadi Press, 2006), p. 5.

⁴ Sahal Mahfud, *Nuances of Social Fiqh*, (Yogyakarta, LkiS, 2004). hlm. 151.

⁵ Acmad Djunaidi and Thobieb Al-Asyhar, *Testing the Era of Productive Waqf: a Progressive Effort for the Welfare of the People* (Jakarta: Mitra Abadi Press, 2006), p. 62.

⁶ Suhrawardi K. Lubis, et al., *Endowments and Empowerment of the People* (Jakarta: Sinar Graphic, 2010), p. 101

⁷ Muhammad Fuad, *Awakening the Sleeping Giant The Problems of Waqf Management and Utilization in Indonesia* (Jakarta: Pustaka, 2008), p. 2.

land reach (87%) but the waqf financing still comes from the community whose percentage reaches (88%). %) while the waqf itself only reached (9%).⁸

In the development of waqf in Indonesia, there are three challenges that become obstacles, namely first, the public's understanding of waqf law still understands that it must be in the form of permanent and unchangeable waqf objects. Second, waqf management by nazhir waqf which is still in the traditional way and is not even administratively recorded and causes waqf assets to be neglected or lost, thirdly nazhir waqf is unprofessional such as the emergence of waqf disputes, and various other problems.⁹

Empowerment of waqf at the Jogokariyan Mosque in Yogyakarta is a realization of the principle "From Mosques to Building People" which is the paradigm that a mosque should not burden the people. Productive waqf at the Jogokariyan Mosque is an economic activity in the form of lodging and is a form of fundraising with the aim of financing the needs of the mosque.¹⁰

In addition, the management of productive waqf at the Jogokariyan Mosque also has quite a significant impact on the social and economic life of the people of Jogokariyan Village. Waqf management can be the economic foundation of the mosque in carrying out various religious activities at the Jogokariyan Mosque which involve the general public and Yogyakarta Jogokariyan Village in particular.¹¹

This journal will specifically discuss the implementation of productive waqf at the Jogokariyan Mosque in Yogyakarta from the perspective of Law No. 41 of 2004 concerning Waqf.

B. METHODS

The type of research that will be used in field research is because data collection and interpretation do not use numbers.¹² This research will collect data obtained in the form of descriptions, symptoms, and phenomena that occur at the Jogokariyan Mosque in Yogyakarta.¹³ This research is located at the Jogokariyan Mantijeron Mosque, Yogyakarta, but not in terms of the management of the mosque as a whole and comprehensive. But only on the implementation of productive waqf managed by Nazhir at the Jogokariyan Mosque in the context of empowering waqf.

⁸Tuti A. Najib, (ed.), *Waqf, God and Humanity's Agenda Study of Waqf in the Perspective of Social Justice in Indonesia* (Jakarta: CSRC UIN Syarif, 2006), p. 120.

⁹Miftahul Huda, *Streams Waqf Benefits; Portrait of Legal Development and Governance of Waqf in Indonesia* (Jakarta: Gramata Publishing, 2015), p. 2-4.

¹⁰M Taufiq, 2018. A Productive Empowerment Model of Mosque Waqf Assets at the Jogokariyan Mosque in Yogyakarta, *Perada: Journal of Islamic Sciences and Malay Treasures*, State Islamic College of Sultan Abdurrahman Riau Islands, Volume 1, Number 1, ISSN: 2655-6626: h . 138

¹¹Ahmad Ghajali, *Progressive Endowment Management of Jogokariyan Mosque Yogyakarta*, Postgraduate Dissertation at UIN Sunan Kalijaga Yogyakarta (2019), p. 80.

¹²Suharsimi Arikunto, *Research Procedure: A Practical Approach*, (Jakarta: PT. Rineka Cipta, 2002, p. 10.

¹³S. Margono, *Educational Research Methods*, (Jakarta: PT. Rineka Cipta, 2000), p. 9.

The research subjects in this study were the daily administrators of the Jogokariyan Mosque, Law No. 41 of 2004, and books related to waqf. The collected data will later be analyzed using descriptive qualitative analysis with data reduction methods, data presentation, drawing conclusions, and verifying results.¹⁴

C. RESULTS AND DISCUSSION

The management of productive waqf at the Jogokariyan Yogyakarta Mosque departs from the vision planned by the mosque management, namely to become an independent mosque.¹⁵ On the basis of this vision, the management then initiated the idea of being able to manage waqf productively to become the financial foundation for the mosque's needs. Currently, the business unit being run by the mosque in managing productive waqf is to build a number of lodging rooms that are rented out to visitors who come on holiday to Yogyakarta.

Apart from the lodging business unit, the Yogyakarta Jogokariyan Mosque also has another business unit, namely the Islamic Center hall in the mosque's grounds. The hall is rented out to congregations who want to hold meetings and the proceeds from renting rooms and halls are used to finance the needs of the mosque.

The construction of the business unit is carried out by the mosque management on waqf land which is located adjacent to the mosque. The financing was obtained through cash waqf which was raised from several sharia financing which at that time was assisted by Bank Mandiri Syariah and the congregation personally.¹⁶ The construction began in 2009 after the management of the mosque, represented by Ustadz Jazir Asp, purchased land in the mosque area for Rp. 485 million. The business units managed by the management as a development of productive waqf are sharia standard lodging rooms totaling 11 rooms and two hall units.¹⁷

The productive waqf managed by Nazhir in this case is that the mosque management has so far been able to maintain the waqf principal and even develop the assets that are now owned by the Yogyakarta Jogokariyan Mosque. The mosque management is very careful in managing and maintaining the trust of the congregation and the wakif in its management by managing the waqf assets transparently. The waqf management system at the Jogokariyan Mosque in Yogyakarta also emphasizes the professionalism of the nazhir by separating the roles between mosque administrators and waqf managers. This allows waqf managers to maximize their role in managing mosque business units which are also based on productive waqf.¹⁸

¹⁴Munaris, *Research Methods (A Proposal Approach)*. (Jakarta: Bumi Aksara, 1999). p. 47-48.

¹⁵Interview with the Syuro Board of the Yogyakarta Jogokariyan Mosque administrator Mr. Jazir ASP on September 23, 2022.

¹⁶Interview with the administrator of the Yogyakarta Jogokariyan Mosque Mr. Rizqi Rahim on 22 September 2022.

¹⁷Kholid Hidayat, *Implementation of Productive Waqf at the Jogokariyan Mosque, Yogyakarta*, Thesis (UIN Sunan Kalijaga Yogyakarta, 2019). p.65.

¹⁸Interview with the administrator of the Jogokariyan Mosque in Yogyakarta, Mr. Rizalnoor on September 22, 2022.

The existence of a mosque business unit which is the realization of productive waqf now the results can be felt by the people of Kampung Jogokariyan Yogyakarta in particular. Currently, the Jogokariyan Mosque has several social services that are provided free of charge to people who are engaged in several fields such as education in the form of scholarships and health services in the form of free medical treatment.

Implementation of Productive Waqf in Yogyakarta Jogokariyan Mosque According to Law No. 41 of 2004

Waqf is defined as an effort to retain assets where the benefits or results are used while retaining the principal assets of the waqf assets and intended to gain the pleasure of Allah.¹⁹ Meanwhile, Law No. 41 of 2004 states that waqf is a legal act of wakif to separate or surrender part of his property so that it can be used forever or within a certain period of time in accordance with the function and purpose of waqf, namely to support worship needs and encourage general welfare according to sharia. 'Ah.²⁰

Nazirite management or human resource management is one aspect of the aspects of the new waqf paradigm which is accommodated in the law on waqf because its management requires professional management.²¹ This law specifically regulates the management and development of waqf assets, in which article 42 states that "Nazhir is obliged to manage and develop waqf assets in accordance with their objectives, functions and assignments".²²

Takmir at the Jogokariyan mosque has an important role as nazir. The takmir of the mosque has a role and responsibility in managing and developing waqf at the Jogokariyan Yogyakarta mosque. The system that was built in terms of waqf nazhir at the Jogokariyan Mosque was directly led by Ustadz Jazir Asp who has a broad understanding of Islamic law so that he can reform the paradigm regarding waqf, especially for other mosque takmir administrators.

The basis of the legal determination of productive waqf is the incident involving Umar bin Khattab when he got a plot of land in Khaiar. The scholars of waqf fiqh agree that this event was the first form of waqf that occurred in Islamic history where the incident became the paradigm of the mosque administrator in managing waqf at the Jogokariyan Mosque.²³

The paradigm reform resulted in the growth of understanding about flexible waqf management but still implemented in accordance with existing sharia principles.

¹⁹Ministry of Religion of the Republic of Indonesia, Guidelines for Management and Development of Waqf. hlm. 25

²⁰Article 1 of Law No. 41 of 2004 concerning Waqf.

²¹Mohamad Ainun Najib, Najmudin, Isti Nuzulul Atiyah, 2021, Comparative Analysis of Productive Waqf Management LAZ HARFA and Dompot Dhuafa Banten, MIZAN: Journal of Islamic Law UIKA Bogor, Vol 5, No 3, ISSN : 2598-6252.

²²Article 42 Law No. 41 of 2004.

²³Monzer Kaf, Al-Waqf al-Islami Tathawwaruh, Idaratuh, Tanmiyatuh, (Damascus: Dar al-Fikr, 2000), pp. 19-22

This makes Nazhir's party still able to maintain the integrity of the waqf principal and even carry out the development of waqf assets today.

Conceptual management of productive waqf is an effort to carry out production management activities so that waqf assets can be managed by planning, organizing, and supervising. In this case, the Nazhir as the manager has an important role to develop the waqf property in accordance with its purpose, function, and designation in accordance with sharia principles and requires guarantees from sharia financial institutions.²⁴

The management of productive waqf at the Jogokariyan Mosque prioritizes sharia principles in its business units, namely by building a business unit in the form of standardized lodging based on religious values and ethics. The business unit built at the Jogokariyan Mosque does not come into contact with various business activities that contain elements of haram and doubt.

Initially, the waqf management at the Jogokariyan Mosque involved an Islamic financial institution, namely Bank Mandiri Syariah, as the institution that guaranteed the sustainability of productive waqf. This involvement was carried out by Bank Mandiri Syariah which was also one of the institutions that participated in providing assistance in the form of waqf which was used to carry out the construction of one lodging room at the Jogokariyan Mosque, Yogyakarta.

The results obtained from the management of productive waqf can then be utilized for the benefit of the people by building various social services such as mosques, schools, hospitals, markets, and sports facilities.²⁵ The Jogokariyan Mosque utilizes the results of productive waqf management which is intended for health services, education, and to support the needs of the mosque.

In 2005, Acmad Djunaidi and friends have provided a conceptual description of two things related to productive waqf: first, the principles of the new waqf paradigm, secondly aspects of the new waqf paradigm. The principles of the new waqf paradigm are: 1) the principle of immortality of benefits, 2) the principle of accountability, 3) the principle of management professionalism, and 4) the principle of social justice. Besides that, Djunaidi and friends also explained that the aspects of the new paradigm of waqf are: 1) updating/reforming the understanding of waqf, 2) a professional management system, 3) a system of management/human resource management, and 4) waqf recruitment system.²⁶

Waqf management at Jogokariyan Mosque Yogyakarta is also in accordance with two categories of productive waqf, namely the principles of the new waqf paradigm and aspects of the new waqf paradigm. In terms of the principle of the new waqf paradigm, waqf managers until now still maintain the immortality of the waqf

²⁴Mukhtar lutfi, *Empowerment of Productive Waqf Concepts, Policies and Implementation* (Makassar: Alauddin University Press, 2012), P173.

²⁵ Mundzir Qahaaf, *Productive Waqf Management* (Jakarta: Khalifa, 2005), Pg 161.

²⁶ Achmad Djunaidi (chairman), *New Paradigm of Waqf in Indonesia* (Jakarta: Directorate of Zakat and Waqf Development Ministry of Religion RI. 2005), p. 63-65.

principal, nazhir professionalism which can be seen from the way waqf assets are managed, transparency which can be seen from the publication of financial statements, and social justice where the results of waqf can now be developed into several social services in education and health.

The management of waqf at the Jogokariyan Mosque has also fulfilled aspects of the new waqf paradigm, including the renewal of the waqf paradigm among worshipers. In addition, the management of the mosque also provided a paradigm regarding waqf which has been implemented by the mosque to other mosque administrators who came to the Jogokariyan Mosque to conduct mosque management lessons.

The recruitment system implemented at the Jogokariyan Mosque is currently empowered by relying on its network and social media. Waqif recruitment is built by waqf managers who use cash waqf to worshipers who have become permanent donors, making it easier for Nazhir to access wakif if they need additional funds in the form of a cash waqf pledge if they want to build a business unit or physical mosque. So far, the implementation of productive waqf at the Jogokariyan Yogyakarta Mosque has been carried out and reflects a professional nazhir waqf. This is because the mosque manager fulfills certain aspects, namely transparency which can be seen from the publication of financial and aspirational reports where the manager conducts deliberations with the mosque management and the Jogokariyan Yogyakarta village community.²⁷

D. CONCLUSION

The implementation of waqf at the Jogokariyan Yogyakarta Mosque so far has been in accordance with Law No. 41 of 2004 in maintaining the main waqf assets and the process of waqf production therein. This can be seen from the nazhir or waqf manager who is also the takmir of the mosque chosen based on his expertise and ability in professional waqf management where nazhir can maintain the waqf principal and develop it.

In addition, the management of waqf at the Jogokariyan Mosque has also been carried out in accordance with sharia principles contained in Article 42 of Law No. 41 of 2004. To prevent losses, the waqf manager also involves a sharia financial institution, namely Bank Mandiri Syariah as an institution that guarantees the continuity of waqf in it.

REFERENCE

Ainun Najib, Mohamad, Najmudin, Isti Nuzulul Atiyah, 2021, Comparative Analysis of Earning Waqf Management LAZ HARFA and Dompot Dhuafa Banten, MIZAN: Journal of Islamic Law UIKA Bogor

²⁷Guidelines for the Empowerment of Strategic Productive Waqf Land in Indonesia (Jakarta: Project for Increasing Waqf Empowerment, Directorate General of Islamic Guidance and Hajj Organizers, Ministry of Religion RI, 2004), p. 98-99.

- Arikunto, Suharsimi. 2002. *Research Procedure: A Practical Approach*. Jakarta: PT. Rineka Cipta.
- Azra, Azumardi. 2004. *Network of Ulama of the Middle East and the Archipelago of the XVII and XVIII Centuries of the Roots of Indonesian Islamic Reform (revised edition)*. Jakarta: Kencana.
- Ministry of Religion of the Republic of Indonesia. *Waqf Management and Development Guidelines*. Jakarta.
- RI Ministry of Religion. 2004. *Guidelines for the Empowerment of Strategic Productive Waqf Land in Indonesia*. Jakarta: Waqf Empowerment Improvement Project, Directorate General of Islamic Guidance and Hajj Organizers, Ministry of Religion of the Republic of Indonesia.
- Djunaidi, Achmad and Thobieb Al-Asyhar. 2006. *Testing the Productive Waqf Era: a Progressive Effort for the Welfare of the People*. Jakarta: Mitra Abadi Press.
- Foad, Muhammad. 2008. *Awakening the Sleeping Giant The Problems of Waqf Management and Utilization in Indonesia*. New York: Piramedia.
- Gojali, Ahmad. 2019. *Progressive Wafak Management of the Yogyakarta Jogokariyan Mosque*. Yogyakarta: Postgraduate degree at UIN Sunan Kalijaga.
- Hidayat, Khalid. 2019. *Implementation of Productive Waqf at the Yogyakarta Jogokariyan Mosque*. Yogyakarta: Thesis of UIN Sunan Kalijaga Yogyakarta
- Huda, Miftahul,. 2015. *Flowing Waqf Benefits; Portrait of Legal Development and Governance of Waqf in Indonesia*. Jakarta: Grama Publishing.
- Lubis, Suhrawardi K, et al. 2010. *Endowments and Empowerment of the People*. Jakarta: Sinar Graphics.
- Lutfi, Mukhtar. 2012. *Productive Waqf Empowerment Concept, Policy and Implementation*. Makassar: Alauddin University Press.
- Mahfud, Shal. 2004. *Shades of Social Fiqh*. Yogyakarta: LkiS.
- Margono, S. 2000. *Educational Research Methods*. Jakarta: PT. Rineka Cipta.
- Monzer Kaf. 2000. *Al-Waqf al-Islami Tathawwaruh, Idaratuh, Tanmiyatuh*. Damascus : Dar al-Fikr.
- Munaris. 1999. *Research Methods (A Proposal Approach)*. Jakarta: Earth Literacy.
- Najib, Tuti A. 2006. *Waqf, God and Humanity's Agenda Study of Waqf in the Perspective of Social Justice in Indonesia*. Jakarta: CSRC UIN Syarif Hidayatullah.
- Qahaaf, Munzir. 2005. *Productive Waqf Management*. Jakarta: Khalifa.
- Raharjo, Dawam. 2015. *Islamic Economic Architecture; Towards Social Welfare*. Bandung: Mizan.
- Taufik, Muhammad. 2018. *A Productive Empowerment Model of Mosque Waqf Assets at the Jogokariyan Mosque, Yogyakarta*. Perada: Journal of Islamic Sciences and Malay Treasures, State Islamic College of Sultan Abdurrahman Riau Archipelago, Volume 1, Number 1, ISSN: 2655-6626.
- Law No. 41 of 2004 concerning Waqf.