

Waqf Land Management Problems and Solutions: A Case Study of the Regional Leaders of Muhammadiyah Tangerang Selatan

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Abstract

The purpose of this study was to analyze the solution to the problem of waqf land management and to analyze the characteristics of nazir. This article uses a qualitative descriptive analysis research design. The data sources used are based on interviews with experts in the Waqf field and through library studies based on books, journals, internet, and other literature studies. The results in this study are information about land waqf in the community is still lacking, the weak management and supervision system for waqf land, both those that have been and those that have not been certified. The low level of competent human resources or nazir in the Muhammadiyah Regional Leadership, South Tangerang. The solution to the problem of waqf land is to provide guidance, training, and guidelines to nazir regarding the procedure for receiving land waqf, about using the SIMAM website (Muhammadiyah Asset Management Information System) to make it easier for wakif, and other communities to find out information about waqf owned by Muhammadiyah. Muhammadiyah Regional Leaders need to pay attention to the welfare of Nazir who works full time. The characteristics of nazir that must be possessed by the Muhammadiyah Regional Leadership in South Tangerang are nazir who is competent in the field of waqf, nazir who can work full time, is able to develop the SIMAM Website (Muhammadiyah Asset Management Information System), openness about waqf funds, develop waqf with a franchise business. Muhammadiyah Regional Leaders need to pay attention to the welfare of Nazir who works full time. The characteristics of nazir that must be possessed by the Muhammadiyah Regional Leadership in South Tangerang are nazir who is competent in the field of waqf, nazir who can work full time, is able to develop the SIMAM Website (Muhammadiyah Asset Management Information System), openness about waqf funds, develop waqf with a franchise business. Muhammadiyah Regional Leaders need to pay attention to the welfare of Nazir who works full time. The characteristics of nazir that must be possessed by the Muhammadiyah Regional Leadership in South Tangerang are nazir who is competent in the field of waqf, nazir who can work full time, is able to develop the SIMAM Website (Muhammadiyah Asset Management Information System), openness about waqf funds, develop waqf with a franchise business.

Keywords

problems; management; waqf land



I. Introduction

Since the time of the Prophet Muhammad and his companions. Waqf has existed and is used as a productive solution to solve economic problems. The waqf institutional system itself is present in the midst of society as a source of national wealth and as a support for economic activities that can bring long-lasting benefits. The potential of waqf is very large

to improve the welfare of the community. Waqf assets can be allocated appropriately for social activities such as educational institutions, health institutions and other social institutions. Indonesia has also known about waqf for a long time and has a very high potential for waqf, estimated at trillions of rupiah. However, there are still many waqf lands that have not been fully managed optimally. The number of waqf lands in rural areas has a less strategic location and less potential to be used as productive waqf. There are also some waqf assets in strategic urban areas, but the limited human resources competent in managing waqf land are still lacking. The mission of productive waqf which was launched in 2004 shows that waqf can answer the economic problems of society. However, the reality and ideals cannot be realized due to obstacles. According to Abu Zahrah [1959] Waqf is a kind of charity after the death of a person who can make a charitable contribution. Everyone can feel his goodness, his reward is multiplied, and his various needs are met. Waqf can be used to develop various social systems such as hospitals, health institutions, aid for the poor and orphans, and fight hunger and malnutrition. Based on the point of view of worship, Islam explicitly teaches humans to spend some of their wealth for others, both individually and collectively. As explained in the Qur'an which is also the legal basis for Waqf, in Surah Ali-Imran verse 92 which reads as follows:

لَنْ تَنَالُوا الْبِرَّ حَتَّى تُنْفِقُوا مِمَّا تُحِبُّونَ وَمَا تُنْفِقُوا مِنْ شَيْءٍ
فَإِنَّ اللَّهَ بِهِ عَلِيمٌ

Meaning: "You will not get good, until you spend some of the wealth you love. And whatever you spend, about it indeed, Allah is Knowing."

Failure to register Waqf assets can lead to irregularities. From the perspective of Maslahah, this is very important. For example, an undue status change of the original contract due to the lack of original evidence makes it vulnerable to abuse. It is very important to register waqf land so that the management of waqf property does not change its status, as written by the Waqf Land Management Agency. Muhammadiyah has great potential in the field of waqf. Unfortunately, it is not implemented optimally based on a reliable database and technology. The conservative attitude of Muhammadiyah and excessive dependence on the central leadership of Muhammadiyah is one of the factors that can hinder the Waqf movement. Besides that, the limited number of people involved in full-time employment may affect the collection of data from waqf assets. For now, data on Muhammadiyah waqf assets are still being collected. Based on the results of the first interview with the Chair, Deputy Chair, and Secretary of the South Tangerang Muhammadiyah Regional Leadership on July 13, 2021, there are several that are considered to be obstacles to securing Muhammadiyah Waqf land assets, namely: the low sense of belonging from Muhammadiyah administrators and residents. Waqf land management in Muhammadiyah Regional Leadership is limited to bridging organizational gaps (working only part time, not full time). Changes in the management of waqf land at the Muhammadiyah Regional Leadership regarding waqf information, and the database is not well documented. Especially in areas that have many cases of loss of waqf land assets because there is no data or information explaining that there is waqf land that was granted to Muhammadiyah and there are no living witnesses. This article examines, How is the solution to the problem of waqf land management in the Regional Leadership of Muhammadiyah and what kind of Nazir characteristics are expected by the wakif? The purpose of this article is to analyze the solution to the problem of waqf land management and to analyze the characteristics of nazir. What is the solution to the problem of waqf land

management in the Muhammadiyah Regional Leadership and what kind of Nazir characteristics are expected by the wakif? The purpose of this article is to analyze the solution to the problem of waqf land management and to analyze the characteristics of nazir. What is the solution to the problem of waqf land management in the Muhammadiyah Regional Leadership and what kind of Nazir characteristics are expected by the wakif? The purpose of this article is to analyze the solution to the problem of waqf land management and to analyze the characteristics of nazir.

II. Review of Literature

Muhammad [2005] Management in Arabic is called *idarrah* which means controlling, regulating, managing, planning and preparing. In other words, blood is a special activity involving leadership, direction, personal development, planning, and supervision of the work relating to the main elements in a project with the aim that the targeted results can be achieved in an effective and efficient manner. The concept of Islamic management explains that every human being is not just an organization to always plan all activities that will be carried out in the future in order to get maximum results. The functions of management according to Veithzal [2015], namely planning is a process involving efforts to anticipate future trends and determine appropriate strategies and tactics to achieve organizational goals and objectives by preparing the organization for future situations. Organizing is a process in designing strategies and tactics that are formulated in plans with an appropriate and strong organizational structure, promoting organizational systems and environments, and achieving organizational goals by all parties in the organization and making it work effectively and efficiently. Directing is an activity that directs all employees to work effectively and efficiently. Leaders can give instructions by instructing their subordinates to do all their duties properly.

Waqf according to the Law of the Republic of Indonesia Number 41 concerning waqf in 2004 states that waqf is a legal act of wakif to separate and/or surrender part of his property to be used forever or for a certain period of time in accordance with his interests for the purposes of worship and/or public welfare according to Sharia. The legal basis of waqf according to Al-Quran Surah Al-Baqarah verse 267, namely:

يَا أَيُّهَا الَّذِينَ آمَنُوا أَنْفِقُوا مِنْ طَيِّبَاتِ مَا كَسَبْتُمْ وَمِمَّا أَخْرَجْنَا لَكُمْ
مِنَ الْأَرْضِ ۗ وَلَا تَيَمَّمُوا الْخَبِيثَ مِنْهُ تُنْفِقُونَ وَلَسْتُمْ بِأَخِيهِ
إِلَّا أَنْ تُغْمِضُوا فِيهِ ۗ وَاعْلَمُوا أَنَّ اللَّهَ غَنِيٌّ حَمِيدٌ

Meaning: O you who believe! Spend some of the results of your good deeds and some of what We put out for you from the earth. Do not choose what is bad for you to take out, even though you yourself do not want to take it except by squinting (reluctantly) towards it.

While the legal basis according to the hadith that explains about waqf is Umar bin Khattab said to the Messenger of Allah: "O Messenger of Allah, I actually have a plot of land in Khaibar, which I have never had such good land. Rasulullah SAW replied: "If you

want, waqf the land, give alms as a result. Then Umar bin Khattab gave alms from the land to the poor and relatives and to free slaves for the benefit of Allah SWT.

Umar's waqf incident occurred after the liberation of the land of Khaibar in the 7th year of Hijriyah, and Umar got his share as spoils of war. The land overgrown with date palms was very liked by Umar bin Khattab because it was fertile and had many results (<https://baitulwakaf.id/2021/02/05/wakaf-tanah-khaibar-umar-bin-khatab/>).

A review of waqf based on productivity according to the Ministry of Religion [2006], namely: Productive waqf, namely waqf that is managed for productive activities and consequently used for the public benefit. That is, waqf is managed for production activities that create economic value, and the results are given according to the purpose of waqf, such as agriculture, fisheries, plantations, commercial buildings and other waqf. Consumptive waqf, is waqf that is not used for productive activities. In other words, waqf whose main product is used directly in accordance with the purpose of waqf, such as waqf for mosques and schools. While the pillars and conditions of waqf are: Wakif or people who endow property, a wakif is required to have legal skills, there are four criteria for a person to be said to have legal competence, namely independence, common sense, adult (already mature), and not under care (wasteful or negligent). Mauquf bih is goods or property that is waqf. Mauquf 'alaih, namely the party who is given a waqf or waqf designation. Shigat is a statement or pledge of wakif as a will to make waqf as property.

Strategy according to David [2006] is an important tool to gain competitive advantage. Relatively large organizations require strategic management. The development of a successful strategy determines whether an organization is good or can even die. Weak waqf management strategies can result in less than optimal management of waqf assets, abandoned waqf assets, and even losses. Therefore, waqf assets need to be managed productively by paying attention to what needs to be done besides the concept of waqf fiqh, and waqf managers legally and regulations need to be promoted and trained to become professional waqf managers. Develop waqf assets that they manage. To manage waqf in order to be more productive in Indonesia, the first thing to do is the need to establish an institutional body that specifically manages waqf and is national in nature by Law no. 41 of 2004 was named the Indonesian Waqf Board. The Indonesian Waqf Board is tasked with developing waqf productively, so that waqf can improve people's living standards. The main task of this agency is to empower waqf, both movable and immovable waqf in Indonesia so that it can empower the people's economy.

Based on research conducted by Yasin Arifin [2018] with the title Research Model of Waqf Land Management in Semarang City, the results in this study are waqf practices in KUA still use manual recording techniques, for waqf land conditions that already have certificates are 79% and 21 % is still only limited to waqf pledge deeds, most of the waqf land in Semarang City is designated for prayer rooms by 40%, mosques by 27%, schools by 13%, pesantren by 3%, graves by 3% and other social institutions by 5%.

Based on research conducted by Siti Akhlaq [2021] with the research title Analysis of Waqf Management Strategies as an Islamic Social Business-A Case Study of the Productive Waqf Foundation for the Manager of Islamic Assets Indonesia, the results in this study are that the Productive Waqf Foundation for the Management of Islamic Assets Indonesia has a competent nazir and knows about waqf, conducting a feasibility study before choosing a business for waqf funds, and collecting waqf funds by using a personal approach to potential waqf.

Based on research conducted by Mahsun [2017] with the title Waqf Management System in Jordan, the results are that the management of waqf property in Jordan runs in an orderly and professional manner with full support from both the kingdom and the

government, so that the waqf property can function properly. which can provide enormous benefits for the Jordanian community such as welfare for the poor, orphans, several madrasas, and providing scholarships to students. The development of waqf in Jordan is a new innovation in the utilization of waqf assets which is expected to become a continuous flow of funds or investment funds. The waqf property management system in Jordan also has a family law system which is a compromise and a blend of Islamic and Western law.

Based on research conducted by Fitri and Wilantoro [2018] with the title Analysis of Priority Solutions to Productive Waqf Management Problems (Case Study of Banjarnegara Regency), it shows that the main priority of human resource problems is that Nazhir's managerial ability is still low. The institutional problem that becomes the main priority is that the role of the Indonesian Waqf Board in Banjarnegara Regency has not been optimal. The priority of government problems, namely the lack of support and the role of the government. The priority solution to the most important problem is the coaching and mentoring of Nazhir.

Research conducted by Yuliani [2017] with the title Strategy for Optimizing Waqf Management in Indonesia by Using the Analytic Network Process (ANP) Method. This study examines problem solutions, and strategies in optimizing waqf management. The problems that cause waqf management in Indonesia are not optimal are divided into two, namely internal and external problems. Internal problems are the main priority which causes waqf management in Indonesia to be not optimal. This research also presents solutions to optimize waqf management to be more productive. Solutions are also divided into two aspects, namely internal solutions and external solutions. Internal solutions are a top priority to optimize waqf management to be more productive. The strategy formulated based on problems and solutions is divided into three, namely synergy and collaboration between institutions, comprehensive socialization and education to all elements, and optimization of existing resources. A comprehensive socialization and education strategy to all elements is a top priority in this research.

Based on research conducted by Hamzah [2006] with the title Analysis of Factors Influencing Waqf Management in Bogor Regency. The results of this study are the factors that can affect the management of waqf in Bogor Regency in this study are divided into four aspects, namely aspects of human resources, aspects of institutions, aspects of government, and geographical aspects. Aspects of human resources have the greatest influence compared to other aspects.

III. Research Method

This article uses a qualitative descriptive analysis research design. The data sources used are based on interviews with experts in the Waqf field and through library studies based on books, journals, internet, and other literature studies. The types of data taken in this article are primary data and secondary data. The primary data used in this research is to conduct interviews with several respondents such as Nazir, and parties related to waqf land management. While the secondary data used in this article comes from books, journals, research reports, the internet, and others that discuss waqf. The list of respondents in this interview is as follows:

Table 1. Respondent List

Practitioner	POSITION
Mr. H. Taswim Hamto	Head of South Tangerang PDM
Mr. Dedi Firdaus	Secretary of PDM South Tangerang

Mr. H. Husni Thamrin, S. Ag	Treasurer of PDM South Tangerang
Academics	
Mr. Dr. IGN Oka Widana, SE, MM	ITB Lecturer Ahmad Dahlan Jakarta Islamic Finance Study Program

IV. Result and Discussion

4.1 Waqf Procedures

Based on an interview with Pak Oka on December 4, 2021, the solutions offered regarding the procedure for certifying waqf land in Muhammadiyah are almost the same in general, namely as follows:

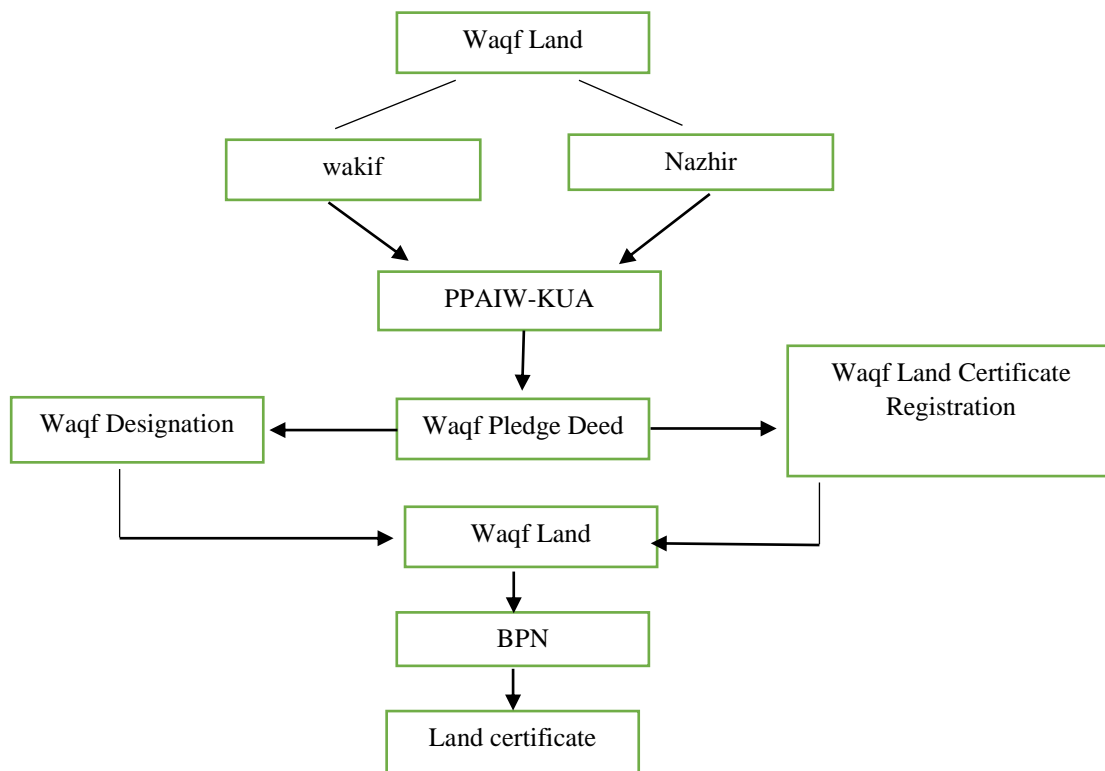


Figure 1. Waqf Land Certification Process Flow

4.2 Identification of Problems Faced in the Certification of Waqf Land

As stated above, one of the consequences of the unclear status of waqf land is that it is very possible to have a dispute between the wakif and the Muhammadiyah Regional Leadership in South Tangerang as nazir or the family of the wakif and the nazir. Based on the results of interviews with the chairman, deputy chairman, and secretary of the South Tangerang Muhammadiyah Regional Leadership [2021], it can be concluded that the causes that led to the dispute were as follows:

- As a result of a change in status, for example, it becomes privately owned land under the pretext of a grant from the wakif family
- After the wakif dies, some of his heirs refuse to acknowledge that the land is waqf land with a will (suspended waqf), a waqf whose pledge is made while the wakif is still alive but the implementation of the waqf itself will be carried out after the wakif dies.

- c. The heirs do not know about the waqf made by their parents, because there is no strong evidence such as written evidence, so the heirs sell the waqf land.
- d. There are still waqf lands that have not been certified with various problems, one of which is the lack of experts who have the ability and have many opportunities to take care of and seriously manage the wealth of the Muhammadiyah Regional Leadership in South Tangerang, and the lack of funds to fund the certificate of waqf land.

4.3 Problems in Waqf Land Management

a. Planning

Planning is an initial process of management in the company, where this planning is used to make decisions. The problem of human resources based on the results of an interview conducted on August 4, 2021 with several practitioners at PDM Tangsel is divided into three aspects, namely the understanding of the community is still traditional, Nazir is less creative, and Nazir's managerial ability is still low. Institutional problems are divided into two aspects, namely the role of PDM Tangsel which has not been optimal and the lack of coordination with related institutions. Therefore, PDM Tangsel has several plans for the management of waqf land management, namely as follows: (1) Recruit competent nazir, (2) Waqf land that is already owned, to be rented out or made a franchise business.

b. Organizing

Organizing is a process that involves how the strategies and tactics that have been formulated in planning are designed in an appropriate and strong organizational structure, a conducive organizational system and environment, and can ensure that all parties in the organization can work effectively and efficiently in order to achieve organizational goals.

c. Directing

Directing is an activity to direct all employees to work effectively and efficiently. Directions can be carried out by the leader by assigning subordinates to do all their duties properly. Directions that can be carried out by the Regional Leadership of Muhammadiyah South Tangerang in managing waqf land management.

d. Controlling

The function of supervision or control is a process carried out to ensure that the entire series of activities that have been planned, organized, and implemented can run according to the expected targets despite various changes in the environment faced. Supervision is an absolute must. Several decades of waqf in organizations, especially in PDM Tangsel, have received less serious supervision. As a result, quite a lot of waqf lands have been abandoned and some even lost some of the waqf property. The management of waqf land management must be carried out carefully, especially for Nazirs who were given the task of managing waqf land assets. As for the planning activities for the management of waqf property, it must be carried out based on a clear vision and mission and collect data on the waqf property of the Muhammadiyah association. Waqf land assets that have economic value and benefits must be managed productively by building Islamic Business Centers, Sharia Hotels, Shops, and Ruko and Culinary Restaurants.

4.4 Solutions Faced in the Certification of Waqf Land to Avoid Conflict

According to Mr. Dr. Oka as an academic from the Ahmad Dahlan Institute of Technology and Business Jakarta offers a solution in dealing with the certification of waqf land so that conflicts do not occur in the following ways:

1. The Regional Leadership of Muhammadiyah South Tangerang needs to consult with the National Land Agency (BPN) to find out the origin of the ownership of the land. So that in the future, when the waqf land has been donated, it will not cause conflict.
2. When the waqf land owned has been certified, but the land has not been used, it can be rented out, then the proceeds from the lease are used for the cost of certifying waqf land.
3. Waqf is like a basic need for humans, it's the same with us praying. So it is necessary to socialize waqf, so that people can donate their wealth in the way of Allah.
4. Need to recruit nazir who is professional and working full time. Because it has a nazir who has the ability, and has knowledge of waqf, it will make the existing waqf land more productive.

4.5 Solutions Faced in Waqf Land Management

As a mature religious organization in terms of experience, it should be quite trustworthy in carrying out the mandate, and public trust in managing waqf land. Departing from the problems above, which are really problems in accelerating the tasks and functions of Muhammadiyah Regional Leaders, therefore Pak Oka tries to offer several solutions and ideas as well as strategic steps to implement, including the following:

1. The Regional Leadership of Muhammadiyah South Tangerang provided guidance, training, and guidelines to Nazir regarding the procedure for accepting land waqf.
2. Provide guidance, training, and guidelines to nazir regarding the use of the SIMAM website (Muhammadiyah Asset Management Information System) in order to make it easier for wakif, and other communities to find out information about waqf owned by Muhammadiyah.
3. It is necessary to pay attention to the welfare of the Nazirites who work full time.

Meanwhile, according to several practitioners at the Muhammadiyah Regional Leadership in South Tangerang, the utilization of waqf land assets is still empty and tends to be neglected, it can be developed and empowered productively for the benefit of the people, for example by being used for parking lots, renting out, or making shop houses, businesses that operate in the agricultural sector. farms, restaurants, or household-scale industries. This can be done through cooperation which of course adheres to the principle of benefit and guarantees legal certainty in it.

V. Conclusion

The conclusion that can be drawn in this article is that the delivery of information about land waqf is only based on trust, lack of understanding and empathy from the community. Weak management and supervision systems that can have an impact on the handling of waqf land that is not managed properly. In addition, the lack of human resources who have competence in managing waqf land. The total waqf land owned by the Regional Leadership of Muhammadiyah South Tangerang is 13,788m² and is spread over several locations, and is used for mosques, educational institutions, health clinics, Muhammadiyah missionary buildings, and for other business areas. The solution to the problem of waqf land is to provide guidance, training, and guidance to nazir regarding the procedure for receiving land waqf. Provide guidance, training, and guidelines to nazir regarding the use of the SIMAM website (Muhammadiyah Asset Management Information System) in order to make it easier for wakif, and other communities to find out information about waqf owned by Muhammadiyah. Muhammadiyah Regional Leaders need to pay attention to the welfare of Nazir who works full time. The characteristics of nazir that must be possessed by nazir are competent in the field of waqf, nazir who can work full time,

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