


Implications of Waqf Land Management from the Perspectives of Positive Law and Islamic Law: A Case Study of Waqf Land in North Sumatra

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Abstract

Introduction: Waqf is a sign of giving whose implementation is carried out by retaining (ownership) of origin (tahbisul ashli), then making the benefits generally accepted.

Purposes of the Research: To find out about the management of waqf property in North Sumatra, especially the waqf land of Tengku Darwisyah in Serdang Bedagai according to positive law and Islamic law.

Methods of the Research: This research is a qualitative study with a social history approach to Islamic law.

Results of the Research: The management of the waqf land of Tengku Darwisyah is still far from expectations because it has not been managed perfectly and only has a traditional and consumptive nature, and there has been no good management. In addition, the trustee of the waqf of Tengku Darwisyah is passive and even fatalistic by allowing tenants to build permanent structures such as places of worship, sports halls (GOR), farms, and trading companies, which should be productive, and this policy is not based on any contract or agreement.

1. INTRODUCTION

One of the Islamic laws that has experienced a significant development is the issue of waqf. The emergence of waqf management from traditional-consumptive to modern-productive, the existence of cash waqf, and the development of waqf professions are evidence of very dynamic progress.¹ One of the evidences of the rapid development of waqf, especially in Indonesia, is the enactment of the Waqf Law Number 41 of 2004 regarding Waqf. After the enactment of this law, the management of waqf assets became broader and more brilliant.² This is due to the positivization of laws that are spread throughout classical Islamic jurisprudence about waqf, from the time of Prophet Muhammad SAW until the

¹ Saprida, Fitri Raya, and Zuul Fitriani Umari, "Manajemen Wakaf Dalam Perspektif Hukum Islam Dan Undang-Undang No. 41 Tahun 2004," *Ekonomika Sharia: Jurnal Pemikiran Dan Pengembangan Ekonomi Syariah* 8, no. 1 (2022): 59-74.

² Moh. Subhan, "Dasar-Dasar Pemikiran Ekonomi Islam," *Al Iqtishod: Jurnal Pemikiran Dan Penelitian Ekonomi Islam* 8, no. 2 (December 28, 2020): 81-90, <https://doi.org/10.37812/aliqtishod.v8i2.159>.

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present day. Until now, the management of waqf assets has been limited to social and religious functions such as mosques, madrasas, cemeteries, orphanages, nursing homes, and other non-formal Diniyah schools.³ Waqf as an investment that is used for everything that exists, is socially and religiously useful⁴, it is a factual truth that waqf has not been managed in a productive, professional, modern, and accountable manner. In religious institutions, waqf not only serves as a means of worship and social welfare, but also has great potential as an economic power, among other things, to advance public welfare. Therefore, its management requires Shariah principles. Managing waqf professionally, modernly, and accountably is a strategic step to improve public welfare and support the development of the Islamic community.⁵ The current practice of waqf management has not been orderly and efficient. In various cases, the management of waqf assets is unprofessional, such as being neglected, abandoned, or transferred to third parties unlawfully. This situation is not only due to the negligence or unprofessionalism of the Nazhir in managing and developing waqf assets. Another cause is the society's lack of understanding of the status of waqf assets, which should be protected for the sake of public welfare in accordance with the purpose, function, and designation of waqf.⁶

The management of waqf assets must be carried out productively to fulfill its purpose and function, which is to advance welfare and legal certainty. The purpose of the enactment of the Waqf Law is to: Firstly, guarantee legal certainty in the field of waqf. Secondly, protect and provide security for the Wakif and the Nazhir. Thirdly, improve the welfare of the community and the nation. Fourthly, serve as an instrument to develop a sense of responsibility for the parties entrusted with managing waqf. Fifthly, serve as a corridor for public policy in advocacy and the settlement of waqf cases. Sixthly, encourage the optimization of waqf potential. And seventhly, accommodate the growing diversity of waqf potential in line with the modern economy, such as cash waqf and others.⁷ In Islamic law, the management of waqf must be based on the objectives of Sharia and its benefits must be achieved, namely improving welfare and alleviating poverty. In this context, it is necessary to use the analytical tool of maqasid al-Sharia as its foundation. Maqasid al-Sharia is not just a doctrine with old examples, but it must be demonstrated to analyze a problem such as the professional, independent, and useful management of waqf with three priority scales: *dharuriyat* (necessities or essentials), *hajjiat* (needs), and *tahsiniat* (ornamental or decorative processes).⁸ In the practice of managing waqf assets, one that deserves attention and analysis is the waqf land owned by the late Tengku Darwisyah. The land consists of four parcels, three of which are located in Jambur Pulau Village. The first parcel has an area of 20,810 m² with certificate number 4/2014. The second parcel has an area of 4,176 m² with certificate

³ Aam Suryamah and Helza Nova Lita, "Pengaturan Pengelolaan Dana Wakaf Sebagai Modal Untuk Kegiatan Bisnis Oleh Yayasan," *Jurnal Bina Mulia Hukum* 5, no. 2 (March 26, 2021): 240-58, <https://doi.org/10.23920/jbmh.v5i2.269>.

⁴ Muchtar Anshary Hamid Labetubun, "The Implications of Islamic Law Related to the Implementation of CashWaqf / Money," *Jurnal Akta* 9, no. 2 (2022): 205-21, <https://doi.org/10.30659/akta.v9i2.21148>.

⁵ Nanda Suryadi and Arie Yusnelly, "Pengelolaan Wakaf Uang Di Indonesia," *SYARIKAT: Jurnal Rumpun Ekonomi Syariah* 2, no. 1 (2019): 27-36, <https://doi.org/http://dx.doi.org/10.32493/frkm.v4i1.6928>.

⁶ Agung Abdullah, "Nadzir Dalam Perspektif Kelembagaan Wakaf Di Indonesia," *Jurnal Ilmiah Ekonomi Islam* 6, no. 3 (2020): 403-8.

⁷ Dirjen Bimas Islam Kementerian Agama RI Tim Penyusun Direktorat Pemberdayaan Wakaf, *Proses Lahirnya Undang-Undang No 41 Tahun 2004 Tentang Wakaf* (Jakarta: Direktorat Pemberdayaan Wakaf Dirjen Bimas Islam Kementerian Agama RI, 2015).

⁸ Choirunnisak, "Konsep Pengelolaan Wakaf Uang Di Indonesia," *Ekonomica Sharia: Jurnal Pemikiran Dan Pengembangan Ekonomi Syariah* 7, no. 1 (2021): 67-82.

number 2/2014. The third parcel has an area of 4,103 m² with waqf land certificate number 3/2014. Meanwhile, the fourth parcel is located in Kota Galuh Village, Perbaungan District, Serdang Bedagai with an area of approximately 471,184 m² and an Akta Pengganti Akta Ikrar Wakaf (APAIW) certificate number of 05/AIW/XI/2006.

In 1948, the Sulaimaniyah King declared the wakaf land in front of the head of the Serdang Religious Affairs Department, T. Yafizham. The first Nazhir was al-Ustaz Wan Dumairi Ilyas Bin Haji Ilyas, who was appointed for the mosque, prayer house, Islamic education house, orphanage for Islamic children, and homes for poor Muslims. During his management, the utilization of the land was stagnant, only focusing on financing the orphanage in Lubuk Pakam. Before he passed away, the Nazhirship was continued by his daughter, Hj. Hulaimi Dumairi, including handing over the original Ikrar Wakaf deed. However, during this time, the deed was lost. Two reasons were mentioned: First, it was lost during the wakaf office relocation, and second, it was taken by an unknown party with an unknown intention.⁹ When looking at the chaotic utilization of Wakaf Tengku Darwisyah's assets, it is due to the unprofessional and incapable Nazhir who manages the valuable land in a traditional manner. According to its allocation deed, the land is intended for positive purposes. However, in reality, the land is leased to the Chinese ethnic group. Even worse, permanent residential and religious buildings (pekong) have been built on the land. In addition, the land has been converted into fish ponds, warehouses, semi-factories, and others. As stated in the law, in order to achieve its objectives and functions, wakaf assets can only be allocated to: a) facilities and worship activities; b) facilities and educational and health activities; c) assistance to the poor, orphans, and students; d) progress and improvement of the economy of the community; and e) other general welfare progress that is not in conflict with sharia and legal regulations.¹⁰ Based on those objectives and functions, there is a quite serious problem in the utilization of Tengku Darwisyah's waqf property.

The three parcels of wakaf land in Jambur Pulau, with a total area of 29,089 square meters, have been disputed by the Tengku Darwisyah Wakaf Foundation, led by Tengku Zafrul Bahar, through their legal representatives Soehrizar, SH and Nurdin Sipayung, SH. They claim that the wakaf land is for the family, not for the community, and that it is the family's property. However, the wakaf caretaker, the Head of the KUA Kec. Perbaungan, and the Head of Jambur Pulau Village faced the lawsuit, and lost in the first level of the Lubuk Pakam Religious Court. They won in the appeal court and also in the cassation level, where the cassation decision upheld the appeal court's decision. However, despite the legally binding cassation decision, the party claiming to be the manager of the Tengku Darwisyah Wakaf Family Foundation said that it had never been dedicated to anyone as wakaf land, and they removed one of the wakaf signboards made by the Head of the KUA Kecamatan Perbaungan. The installation of the signboard was witnessed by the local community and representatives of BWI North Sumatra and HIMNI North Sumatra.

2. METHOD

This study is a qualitative, descriptive research using a social history of Islamic law approach. The objective of this study is to describe the condition of the subject and object of

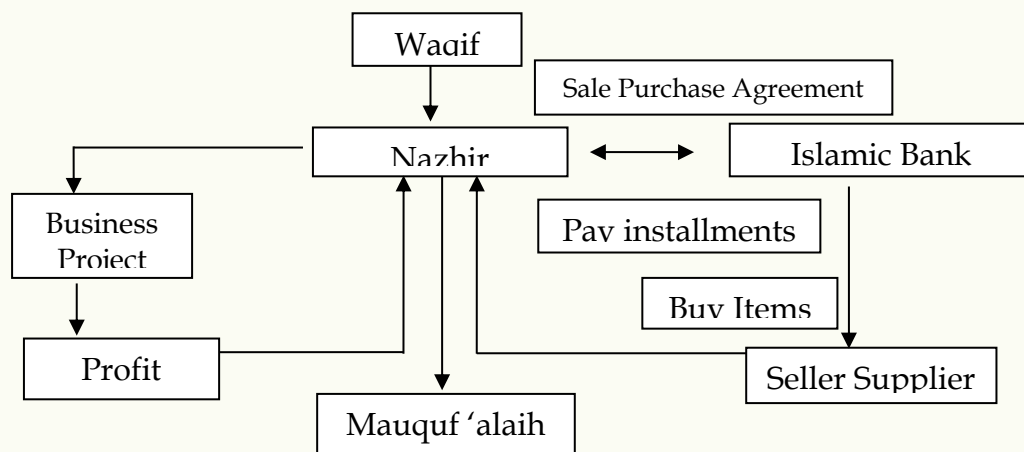
⁹ Abd. Rahman Harahap, "Pengelolaan Tanah Wakaf Tengku Darwisyah Di Kecamatan Perbaungan Menurut Hukum Positif Dan Hukum Islam," in *Doctoral Thesis* (Medan: Pascasajana Universitas Islam Negeri Sumatera Utara, 2021).

¹⁰ M. Yusuf Said, "Perubahan Fungsi Wakaf Menurut Kompilasi Hukum Islam," *Al-Irsyad: Jurnal Pendidikan Dan Konseling* 6, no. 2 (2016): 60-70.

research related to the management, social phenomena, and conflicts that have occurred with a rational interpretation using historical, societal, and conflict approaches.¹¹ This research is rooted in natural background as a whole, relies on humans as a research tool, utilizes qualitative methods, conducts inductive data analysis, is descriptive in nature, and places more emphasis on the process rather than the results.¹² This research was conducted in Perbaungan Serdang Bedagai, specifically in the villages of Jambur Pulau and Kota Galuh in the Perbaungan subdistrict of Serdang Bedagai, focusing on the endowment of Tengku Darwisyah. This research uses primary and secondary data sources. The primary data sources consist of information from the community who have knowledge about the wakaf Tengku Darwisyah and its management, including residents of Jambur Pulau and Kota Galuh villages in Perbaungan Serdang Bedagai district, the nazhir of the wakaf, the management of organizations, local leaders, government officials, the National Land Agency (BPN), and the verdicts of the Religious Court. The secondary data sources consist of primary, secondary, and tertiary legal materials. The primary legal materials include the Wakaf Law No. 41 of 2004 and Islamic Law. The secondary legal materials include verdicts of the Religious Court, books, and journals. The tertiary legal materials include legal dictionaries, encyclopedias of Islamic law, and other relevant materials. Several instruments are used in collecting data, including questionnaires, interviews, observations, tests, focus groups, and document studies. The data is analyzed using a data analysis method, which involves analyzing the available data with existing theories.¹³

3. RESULTS AND DISCUSSION

In the context of developing waqf land, it is very interesting to have a relationship or partnership with a bank, for example, with a murabaha product where the nazhir positions himself as a controlling investment entrepreneur who buys various necessities for the waqf project, such as materials, equipment, and others, from the bank. The payment will be paid later (in installments) taken from the income of the waqf development. This model is more suitable for developing waqf assets in the form of land and buildings.¹⁴ To clarify, here is the scheme in the form of a partnership with the banking sector:



Picture 1. Waqf Asset Management Scheme in Collaboration with Banks

¹¹ Dudung Abdurahman, *Metodologi Penelitian Sejarah Islam* (Yogyakarta: Penerbit Ombak, 2011).

¹² Faisar Ananda Arfa and Watni Marpuang, *Metodologi Penelitian Hukum Islam* (Jakarta: Prenada Media, 2016).

¹³ Mochamad Afroni, "Pendekatan Sejarah Dalam Studi Islam," *Jurnal Madaniyah* 9, no. 2 (2019): 268–76.

¹⁴ Dirjen Bimas Islam Kementerian Agama RI Tim Penyusun Direktorat Pemberdayaan Wakaf, *Buku Pedoman Teknis Kerjasama Pengembangan Wakaf* (Jakarta: Direktorat Pemberdayaan Wakaf Dirjen Bimas Islam Kementerian Agama RI, 2012).

The figure illustrates the waqf asset management scheme in collaboration with banks. The scheme involves three parties, namely the waqif (donor), nazhir (waqf manager), and the bank. *Firstly*, the waqif donates the land as waqf asset to the nazhir, who manages and develops it. *Secondly*, the nazhir collaborates with the bank by using the bank's murabahah financing to purchase the necessary materials and equipment for the waqf project. *Thirdly*, the nazhir develops the waqf asset, and the revenue generated from the project is used to pay back the bank's financing. Finally, once the financing has been repaid, the nazhir will have complete ownership of the developed waqf asset, which can then be used to benefit the community. This scheme is suitable for developing waqf assets in the form of land and buildings, and it can provide a sustainable source of funding for waqf projects.

Consistent with the above model, nazhir can also develop another cooperation model such as the istisna model. This model is not much different from the above murabahah model, except that the contract is not a sale and purchase, but rather a ordering of goods. Nazhir orders goods from the bank, for example building materials for building hospitals, properties, shops, and so on. After that, payment is made openly, from the profits of the management. This design is suitable for the development of assets in the form of land or buildings.¹⁵

Similarly, there are also other partnership models that can be developed, such as the models of wadiah yad damanah, mudharabah muqayyadah, musyarakah, ijarah, muzaraah, and qardul hasan. Interestingly, the nazhir can serve as both a nazhir for money and for land, commonly known as a dual nazhir.¹⁶ Nazhir of land and nazhir of waqf money can partner with banks. This is clearly regulated in Government Regulation No. 42 of 2006 as stipulated in Article 48 points 2 to 5 as follows: Management and development of waqf money can only be carried out through investment in Sharia financial institutions' products and/or Sharia financial instruments.¹⁷ If the LKS-PWU accepts a wakaf uang for a certain period of time, then the Nazhir can only manage and develop the wakaf uang asset in the said LKS-PWU. Management and development of the wakaf uang asset at a Shariah bank must follow the deposit insurance program according to the prevailing laws and regulations, and management and development of the wakaf uang asset in the form of investment must be insured by a Shariah insurance company.¹⁸

The breadth of waqf development today, especially with waqf money, is extensive. It has become a trend in waqf management internationally. In the concept of waqf development partnerships, there are five aspects that can be seen, namely: 1) waqf financing by creating new waqf to complement old waqf assets, 2) loans for operational needs of waqf

¹⁵ Basar Dikuraisyin, "Manajemen Aset Wakaf Berbasis Kearifan Lokal Dengan Pendekatan Sosio-Ekonomi Di Lembaga Wakaf Sabilillah Malang," *ZISWAF: Jurnal Zakat Dan Wakaf* 7, no. 2 (October 19, 2020): 100-116, <https://doi.org/10.21043/ziswaf.v7i2.7903>.

¹⁶ Zainur and Andri Soemitra, "Studi Literatur Model Penerapan Wakaf Pada Organisasi Pengelola Wakaf Di Indonesia," *Jurnal Ilmiah Ekonomi Islam* 8, no. 1 (2022): 483-90.

¹⁷ Rida Destiani Putri, Asep Ramdan Hidayat, and Ifa Hanifia Senjiati, "Analisis Peraturan Pemerintah No 42 Tahun 2006 Terhadap Pelaksanaan Wakaf Uang Di Bukopin Syariah," *Prosiding Hukum Ekonomi Syariah* 4, no. 2 (2018): 1063-67, <https://doi.org/http://dx.doi.org/10.29313/syariah.v0i0.11215>.

¹⁸ Salman Al Farisi, "Implementasi Wakaf Berjangka Menurut Undang - Undang Nomor 41 Tahun 2004 Dan Peraturan Pemerintah No. 42 Tahun 2006," *Jurnal PENA* 36 (2022): 8-15.

assets, 3) exchange of waqf assets, 4) financing models with long-term lease payments in lump sum, and 5) ijaratain financing models (rent with two payments).¹⁹

In Chapter V Management and Development, Article 45, point (1) states that the Nazhir is obligated to manage and develop the waqf property in accordance with the purpose stated in the Deed of Waqf, and (2) In managing and developing the waqf property as referred to in paragraph (1) to advance public welfare, the Nazhir may collaborate with other parties in accordance with Sharia principles.²⁰ Article 46 states that "The management and development of waqf assets from individual foreign citizens, foreign organizations and foreign legal entities that are national or international in scale, as well as unclaimed waqf assets, can be carried out by BWI. Article 47 mentions that "In the case of waqf assets originating from abroad, the Wakif must provide valid proof of ownership of the waqf assets in accordance with the provisions of the laws and regulations, and the Nazhir must report to the relevant institutions regarding the act of waqf.

Meanwhile, in Article 48 it is also explained that; (1) The management and development of waqf property must be guided by BWI regulations. (2) The management and development of waqf money assets can only be carried out through investment in Sharia financial institutions or Sharia financial instruments. (3) In the event that LKS-PWU receives waqf money for a certain period of time, then the Nazhir can only manage and develop waqf money assets at the aforementioned LKS-PWU. (4) The management and development of waqf money assets carried out at Sharia banks must follow the deposit insurance institution program in accordance with the regulations. (5) The management and development of waqf money assets carried out in the form of investment outside of Sharia banks must be insured by Sharia insurance.²¹

The PP also emphasizes how the management and development of waqf are very open with the keyword that the trustee is obligated to manage and develop waqf, and to realize public welfare, they may collaborate with other parties such as banks or others. (1) In managing and developing waqf, they must adhere to BWI regulations to avoid mistakes and violations of the rules.²² In addition, (2) the management and development of cash waqf assets can only be carried out through investment in financial products or instruments of Sharia financial institutions. (3) In the event that the LKS-PWU accepts cash waqf for a certain period of time, the trustee may only manage and develop the cash waqf assets in the said LKS-PWU. (4) Management and development of cash waqf assets carried out in a Sharia bank must follow the deposit insurance institution program in accordance with prevailing laws and regulations. (5) The management and development of cash waqf assets in the form of investment outside of Sharia banks must be insured in Sharia insurance.²³

From the perspective of the Ministry of Religious Affairs, the development of waqf is directed towards at least four things: firstly, the establishment of waqf institutions;

¹⁹ Choirunnisak, "Konsep Pengelolaan Wakaf Uang Di Indonesia."

²⁰ Aditya Putra Patria, "Tukar Menukar Harta Benda Wakaf Dalam Pengadaan Tanah Bagi Pembangunan Untuk Kepentingan Umum," *NoLaJ* 1, no. 1 (2022): 63-75.

²¹ Badan Wakaf Indonesia (BWI), *Himpunan Peraturan Perundang-Undangan Tentang Wakaf* (Jakarta: Badan Wakaf Indonesia (BWI), 2018).

²² Rahmat Dahlan, "Analisis Kelembagaan Badan Wakaf Indonesia," *Esensi: Jurnal Bisnis Dan Manajemen* 6, no. 1 (2016): 113-24.

²³ Siska Lis Sulistiani, "Penghimpunan Dan Pengelolaan Wakaf Uang Melalui Perbankan Syariah Di Indonesia," *Jurnal Wawasan Yuridika* 5, no. 2 (2021): 249-66, <https://doi.org/http://dx.doi.org/10.25072/jwy.v5i2.343>.

secondly, the waqf fund management system. In this second context, it is directed towards at least three things, namely: 1) Giving a role to Islamic banking, 2) Establishing investment fund institutions, 3) Establishing business partnerships and 4) giving a role to Sharia guarantee institutions. Thirdly, opening up waqf networks and collaborations, and fourthly, increasing the government's political will.²⁴

Looking at the wide range of waqf development, both individually and in partnership with banks, it seems that Wakaf Tengku Darwisyah can engage in such activities. Unfortunately, until now, the direction and plans towards that goal are still far away, and maybe not even considered, as trustees are often fixated on the original allocation of the waqf as stated by the waqif. The ideal development of waqf in the modern era is still far from expectations, both in terms of concept and reality. Once again, the management and development of Tengku Darwisyah waqf can be carried out extensively. However, in reality, it has not moved beyond its original allocation, which should have been utilized more extensively. Several figures from Serdang Bedagai have stated that Tengku Darwisyah waqf should go global, especially in this millennial era that is filled with progress.

According to the head of Kota Galuh Village, Mr. Bima Surya Jaya, he believes that the ±47.1184 Ha land of Wakaf T. Dawisyah has a very bright prospect for the future because of its location in the middle of the city, which should be in accordance with its designation and can be developed more extensively, such as the development of Islamic boarding schools, an Islamic center, a world-class mosque, a place for orphanages/ social activities, and simple apartments because of its location in the city center. The future of the wakaf land is quite promising because it already has a certificate, and I suggest that the central BWI build a comprehensive integrated education institution starting from universities, Islamic schools, kindergartens, and nationally and internationally recognized Islamic boarding schools. Likewise, in terms of business and other opportunities for prosperity.

Another obstacle that hinders the proper management of Wakaf land is the lack of fulfilled management requirements by the Nazhir. This means that a Nazhir must have good capacity and capability in leadership, vision, intellect, professionalism, and experience in managing Wakaf assets. The Nazhir's task in managing Wakaf land is to maintain, develop, and preserve the benefits of the assets that have been endowed for those who are entitled to receive them. The reality is that the Nazhir's function in managing Tengku Darwisyah's Wakaf assets has not been clearly seen, and so far, it has been managed in a traditional way or carried out without a clear plan.

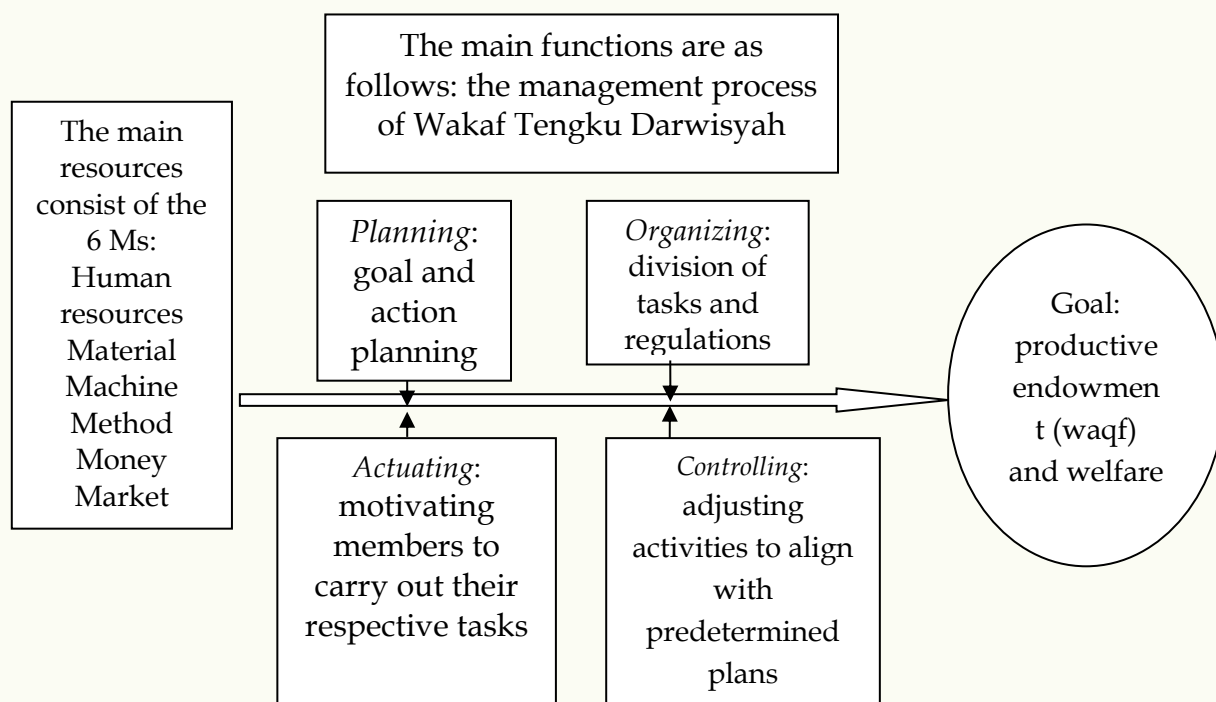
In the context of partnerships in managing the finances of the Nazhir of Wakaf Tengku Darwisyah, they have not yet utilized the services of Islamic economic and financial institutions to educate quality and dedicated human resources in accordance with the spirit of applying the Islamic economic system. The potential of Wakaf Tengku Darwisyah's assets is actually quite promising, but it has been neglected due to the lack of prepared and skilled human resources in this field. A Nazhir is required to have a business mindset within the existing economic system, so that the productivity of developing Wakaf assets can become the aspiration of every community in order to improve social welfare. This is where good human resources with management functions such as planning, organizing, directing and

²⁴ Ahmad Faathir, Komariah Komariah, and Idaul Hasanah, "Analisis Yuridis Sosiologis Perjanjian Wakaf Uang Pada Lembaga Keuangan Syariah Penerima Wakaf Uang (LKS-PWU) Di Kota Malang," *Indonesia Law Reform Journal* 2, no. 1 (April 1, 2022): 90-106, <https://doi.org/10.22219/ilrej.v2i1.18574>.

procurement, controlling, developing, compensating, maintaining workers, disciplining, and terminating employment are needed.

If the above concept can be applied, a Nazhir would be truly dynamic and capable of identifying and seizing opportunities and situations by utilizing the strengths of themselves and the people they recruit. One example is when tenants in Wakaf Tengku Darwisyah violate the rules by building places of worship that are not meant for Muslim worship, the Nazhir should be able to act decisively. This is a historical burden that could potentially create a very long-lasting problem. Wisdom is needed to resolve these issues, considering the aspects of humanity, property, business, and the non-formal forces that affect them.

So, from the aspect of wakaf management according to the desires of the Wakaf Law Number 41 of 2004 concerning Wakaf, Wakaf Tengku Darwisyah has not been managed and developed in accordance with the desires of the law in accordance with its management theories. In this case, the theory used is management based on the POAC theory owned by Geode R. Terry. This can be proven by the 72 years of management of Wakaf Tengku Darwisyah in the hands of three levels of management still running traditionally, not with modern management methods including building partnerships with third parties, especially the banking world. This situation has been going on for quite a long time and has been lingering until now. The following is a wakaf management chart with the pattern developed by Terry elaborated according to needs.²⁵



Picture 2. Terry's Developed Waqf Management.

First, let's look at the main resources, which consist of the 6 Ms: man (human resources), money, materials, machines, methods, and market. The concept of man (human) in management is the most determining factor. Humans create goals and are also the ones

²⁵ Putri Cahyani and Murtiadi Awaluddin, "Pengelolaan Wakaf Dalam Meningkatkan Kesejahteraan Umat (Studi Pada LAZ Aksi Cepat Tanggap Sulsel)," *AT TAWAZUN: Jurnal Ekonomi Islam* 1, no. 3 (2021): 128-44.

who carry out the process to achieve those goals. Without humans, there is no work process, because humans are essentially working creatures. The humans referred to in this text are the waqf trustees, Tengku Darwisyah, who is weak in various aspects of management.²⁶ From the aspect of money, it is one of the elements that cannot be ignored. Money is a medium of exchange and a measure of value. The magnitude of the results of an activity can be measured by the amount of money circulating within the organization. Therefore, money is an important tool to achieve goals because everything must be calculated rationally. This will be related to how much money should be allocated to finance employee salaries, required tools that need to be purchased, and how much results can be achieved by an organization.²⁷ Money management in Tengku Darwisyah's waqf is not running normally and even far from current rental standards. One of the leaders of the third-level waqf trustees estimated the profits and losses of Tengku Darwisyah's Waqf land so far.

Furthermore, in terms of materials, which consist of raw materials and finished goods. In the business world, to achieve better results, besides having experts in their field, materials must also be utilized as a means to achieve success. This is because materials and humans cannot be separated, without materials, desired results cannot be achieved. In the context of materials, there are no heavy or light tools provided by the waqf trustees to cultivate the waqf land to its maximum potential, so it is fully entrusted to the workers.²⁸

The same goes for machines. In company activities, machines are very necessary. The use of machines will bring ease or generate greater profits and create work efficiency.²⁹ Moreover, the machines used are far from satisfactory. Meanwhile, the concept of methods is related to the implementation of work. Good work procedures will facilitate the work process. A method can be described as determining the way to carry out a task by giving various considerations to the targets, available facilities, and the use of time, money, and business activities. It should be noted that even with a good method, if the person carrying it out does not understand or does not have experience, the result will not be satisfactory.³⁰

In summary, the six resources, known as 6Ms, which are man (human), money, materials, machines, methods, and market, do not seem to be prominent in the management of the nazhir and are still based on traditional theory of management, which relies on long-standing traditions and systematic practices. The market is also an important aspect as marketing the products is crucial for the company's survival. However, the marketing of Tanah Wakaf Tengku Darwisyah seems to have remained stagnant and even inherited a sense of ownership towards the land due to its long history. The quality and pricing of the products should match the consumers' tastes and purchasing power to dominate the market.³¹

²⁶ Choirunnisak, "Konsep Pengelolaan Wakaf Uang Di Indonesia."

²⁷ Ahmad Mu'is and Binti Nur Hamidah, "Penerapan Wakaf Uang Secara Profesional Menurut Hukum Islam (Application of Cash Waqf in Good Governance)," *Qawanin: Jurnal of Economic Syaria Law* 4, no. 1 (2020): 121-37.

²⁸ Cahyani and Awaluddin, "Pengelolaan Wakaf Dalam Meningkatkan Kesejahteraan Umat (Studi Pada LAZ Aksi Cepat Tanggap Sulsel)."

²⁹ Suryadi and Yusnelly, "Pengelolaan Wakaf Uang Di Indonesia."

³⁰ Ani Nurbayani, "Strategi Pemberdayaan Wakaf Produktif Dalam Upaya Memakmurkan Umat," *Tadbir: Jurnal Manajemen Dakwah* 5, no. 2 (2020): 176-87.

³¹ Zainur and Soemitra, "Studi Literatur Model Penerapan Wakaf Pada Organisasi Pengelola Wakaf Di Indonesia."

Secondly, from the aspect of POAC (Planning-Organizing-Actuating-Controlling), the management of wakaf Tengku Darwisyah is not running normally. For example, the planning aspect lacks significant direction and goals, except for just continuing what already exists. Even if there is, the path is often unclear or there is a change in assets. To make matters worse, the process of exchanging assets is not well-executed, experiencing significant obstacles and challenges due to the lack of proper procedures. In terms of organizing, the nazhir is very weak and lacks skills, with some degree of indulgence and giving opportunities to tenants of wakaf land to create according to their wishes and businesses, without any formal contracts or agreements. As a result, permanent businesses and buildings emerge on the land without any feedback or input from the nazhir.³²

In terms of member mobilization, it seems that the nazhir did not empower the members with a "one-woman show" management style that relies more on personal desires than an involved organizational mechanism. In terms of supervision, the nazhir of wakaf Tengku Darwisyah was also weak and less aware and in control, as evidenced by the development of attitudes and behaviors of tenants or cultivators that were not in accordance with the contract or agreement. Productive businesses were made for tenants on the wakaf land but resulted in losses for the nazhir. Ultimately, it all boils down to the wakaf goal that was not achieved properly due to very traditional and rigid management failure.

4. CONCLUSION

According to Law No. 41 of 2004, the management of the Wakaf land of Tengku Darwisyah is still far from expectations because it has not been managed perfectly and is only traditional and consumptive in nature, and there is no good management. In addition, the nazhir of the Wakaf Tengku Darwisyah is passive and even fatalistic by allowing tenants to build permanent buildings such as places of worship, sports halls (GOR), livestock farms, and trading companies, which should be productive. Such policies are not based on a contract or agreement. In his capacity as a professional and trustworthy nazhir, he is far from expectations because of defects in moral, management, and business requirements, especially in the second and third generation nazhirs. Based on the review of Islamic law with the Maqasid al-Shariah approach, the management of the Wakaf Tengku Darwisyah is not in line with the spirit and purpose of Islamic law, especially regarding the preservation of wealth (hifz al-Maal). In this concept, the nazhir should carefully protect the integrity of the Wakaf land from being controlled by irresponsible parties. Likewise, in terms of the benefit of the management of the Wakaf, it has not been managed in a modern and useful way as intended by the principle of benefit (maslahat), which is the usefulness and benefits of the Wakaf for the greater public interest. Regarding the management of the Wakaf property of Tengku Darwisyah, many obstacles were found after the end of Wan Dumeri Ilyas's management era, such as the lack of clear financial reports, no productive activities, closed and traditional management, and some people claiming that the Wakaf Tengku Darwisyah is an inheritance, not a Wakaf.

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