



DYNAMICS OF WAQF IN THE CITY OF LANGSA (CASE STUDY OF UNDERSTANDING RELIGIOUS FIGURES)

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Abstract

Purpose – to reveal and explain the dynamics of waqf in Langsa City starting from waqf regulation, public understanding, and understanding of Langsa City religious leaders.

Method – This research uses a descriptive method with a qualitative approach with primary and secondary data. Data collection methods used by observation, interviews, and documentation. This study can find that the community and religious leaders in Langsa City use the Syafi'i school of jurisprudence in the legal basis, including waqf.

Research Results - The results of this study related to the polemic of understanding religious leaders in Langsa City is because Aceh has its own fatwa institution not under the central MUI institution and Aceh's MPU so far has not issued a fatwa related to whether or not the practice of cash waqf is allowed. In this case, the researcher sees that if the Aceh MPU issues a regulation or fatwa regarding the permissible practice of cash waqf, then the harmony of understanding of religious leaders in Aceh, especially Langsa City will be reconciled over time.

Practical Implications – As a practical implication, the results of this study can be used as a reference by the government, especially waqf organizations.

Keywords:

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Regulation,
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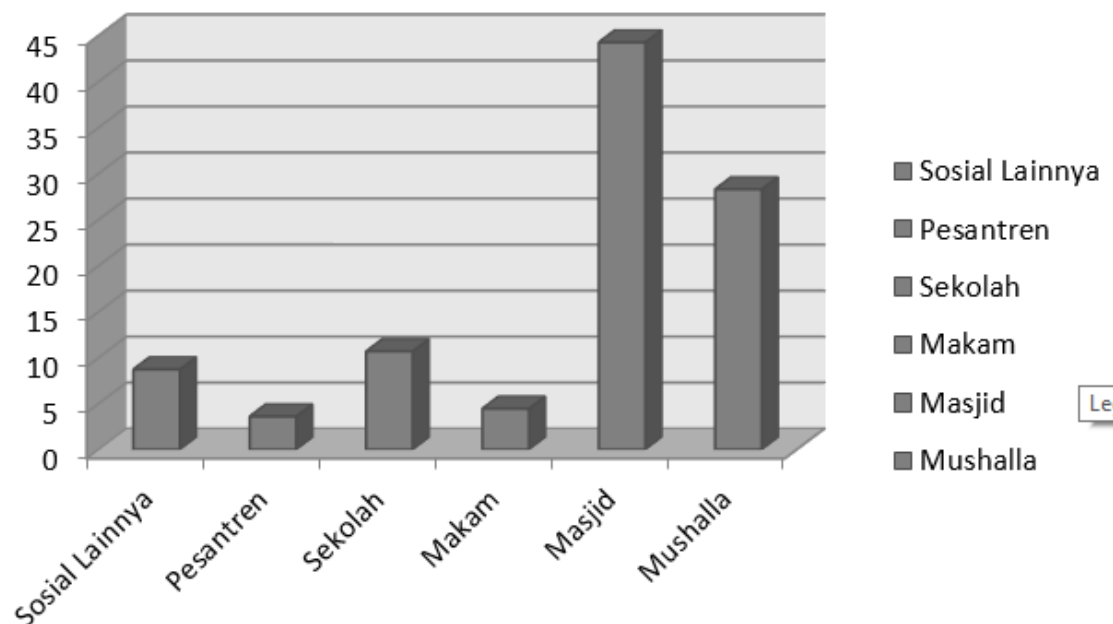
INTRODUCTION

The scope of muamalah covers all aspects of human life, one of which is the economic aspect (Kamal, 2018). In the economic aspect, it is discussed how humans can meet their needs. It also discusses issues related to poverty (Safwan Kamal, 2017). Poverty is a very tragic humanitarian catastrophe and is an almost absolute social fact, even poverty eradication has become one of the targets in economics, especially Islamic economics. So anything that brings goodness to

humans, animals and the environment, then it is called a form of worship called waqf. This concept also comprehensively refers to the concept of the treasury of the people as a whole which includes elements of capital, nature, people, business and financial capital. (Mohamad Akram Laldin, 2010).

Waqf has played a role in the social, economic and cultural development of the community. The things that stand out from waqf institutions in Indonesia are their role in financing various religious (Islamic) activities, Islamic education, and health. The sustainability of the benefits of waqf results is possible because of the promotion of productive waqf to support various social and religious activities. (Suhrawardi, 2010).

Figure 1.1
Utilization of Waqf Assets in Indonesia



However, the reality that is developing today seems to be inversely proportional to the above design and the realization of waqf has not been maximally realized. Waqf land in Indonesia covers an area of 52,828.56 Ha with 395,454 Locations that have not been able to prosper the Indonesian people, even the recent deteriorating economy and rampant corruption cases have caused losses. While the need for social welfare is an absolute thing desired by all levels of society. The desire

for the emergence of other sectors that contribute to solving the national problem will be stronger. The philanthropic sector for social justice is believed to be able to balance public policy and community empowerment. One of these sectors is productive waqf.

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The number of regulations that have supported cash waqf to be implemented should so far be able to create cash waqf instruments that are accepted by the community to be empowered and pursue the potential of the waqf as President Joko Widodo stated that "The potential of waqf in Indonesia is of great value, even Jokowi mentions the potential of waqf in Indonesia. waqf in Indonesia per year can reach Rp. 2 Trillion" This was conveyed at the State Palace in Jakarta.

However, the fact is that the practice of cash waqf is still controversial among the people of Aceh, especially Langsa. There are still some of the religious leaders who are still unable to accept the practice of direct waqf transactions using money. This is evidenced by the results of an interview with a Da'i in Langsa City, Ustazah. Siti Jamilah, where she said that she had not fully received support to invite the people of Langsa City to make waqf directly using money, was constrained because there were no clear regulations that could be accepted by all parties. So far, he is still waiting for regulations from relevant agencies such as MPU and the Ministry of Religion to provide a clear understanding of the practice and law of cash waqf.

From the explanation above, it can be understood how important the role of waqf in Muslim society is and the enormous potential that exists in cash waqf. However, the great potential of waqf has not been fully maximized by the waqf manager. Whereas waqf has a very good potential to improve the economic welfare of the people, especially with the concept of cash waqf. Moreover, when the government is no longer able to prosper its people, it is necessary to build an independent economy through a productive waqf basis.

LITERATURE REVIEW

Understanding Waqf in General

In Islamic law, waqf means handing over a durable property right (substance) to a person or nadzir (waqf manager), either in the form of an individual or a managing body, provided that the proceeds or benefits are used for things that are in accordance with the teachings of the Shari'ah. Islam. According to Abdul Halim,

waqf is to stop the benefits of property legally owned by the owner, which was originally allowed. Stopping everything that is allowed such as selling, inheriting, donating, and so on (Abdul Halim, 2015).

Waqf is a relationship between religious institutions in Islam that has a direct functional relationship with efforts to solve social and humanitarian problems, such as poverty alleviation and economic empowerment of the people. Waqf, in addition to other Islamic financial instruments, such as zakat, if managed productively, can be used to increase people's living standards. That means waqf can be a source of funding from the ummah for the ummah, both for religious, social, and economic interests. For this reason, an understanding of the function of waqf needs to be socialized and become a collective movement for all people in order to improve the people's economy (Rozalinda, 2016).

Many scholars are of the opinion that waqf contracts are binding (luzum). In that sense, wakif cannot withdraw the property that has been waqf and cannot be sold or inherited. According to the majority of these scholars, the assets that have been waqf are no longer the property of the wakif and move into the property of Allah which is used for the good of the Muslims. The opinion that is popular among the Shafi'i school is that waqf eliminates property ownership from wakif. Ahmad bin Hambal also stated the same thing, waqf is not common unless the wakif releases his rights from his power and gives it to someone else, the wakif cannot withdraw his waqf property.

Article 1 of Law Number 41 of 2004 concerning waqf is formulated, that waqf is a legal act of wakif to separate and surrender his property to be used forever or for a certain period of time in accordance with the interests of worship or public welfare according to the Shari'a. This law seems to be trying to combine the views of classical fiqh scholars on waqf. However, this article has a weakness. It is feared that the amalgamation of the opinions of the ulama in Article 1 will result in the status of the waqf being unclear because it has two options, namely permanently or temporarily.

In Indonesia, the regulations governing waqf have so far been contained in the main Agrarian Law Number 5 of 1960, government regulations no. 28 of 1997 concerning Waqf of owned land. In addition, it is also stated in the Compilation of Islamic Law (KHI), based on presidential instructions No. 1 of 1991. Finally, the laws and regulations governing waqf legally have begun to get a stronger position, namely the promulgation of Law No. 41 of 2004 concerning waqf and other

regulations. the government of the Republic of Indonesia Number 42 of 2006 concerning implementing regulations of Law Number 41 of 2004 concerning Waqf.

Legal Basis of Waqf

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a) Al-Quran

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

Meaning: "You will never reach the (perfect) virtue, before you spend some of the wealth you love. and whatever you spend, then verily Allah knows it." (Q.S Ali Imran, verse 92).

b) Sunnah of Rasulullah SAW

عن ابن عباس رضي الله عنهما: أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بَعَثَ مُعَاذًا رَضِيَ اللَّهُ عَنْهُ إِلَى الْيَمَنِ.. فَذَكَرَ الْحَدِيثَ، وَفِيهِ: أَنَّ اللَّهَ قَدْ افْتَرَضَ عَلَيْهِمْ صَدَقَةَ فِي أَمْوَالِهِمْ، تَأْخُذُ مِنْ أَغْنِيَائِهِمْ، فَتَرَدُّ فِي فُقَرَائِهِمْ. مُتَّفَقٌ عَلَيْهِ، وَاللَّفْظُ لِلْبُخَارِيِّ.

Meaning: "From Ibn Abbas r.a. That the Prophet (saw) sent Muadh to Yemen, then narrated the contents of the hadith in which it was stated, "Verily Allah has made zakat obligatory on them on their wealth which was taken from their rich people and given to their poor people". (Narrated by Bukhari – Muslim and Bukhari's Pronunciation)

RESEARCH METHODS

The type of research that researchers use is field research, namely research conducted by collecting field data related to the research title. Field research is carried out in real life. Field research is essentially a method to find out specifically and realistically what is happening at a time in the community. So, conduct research on some of the actual problems that are currently raging and express themselves in the form of social phenomena or processes. The research was conducted at the Office of the Ulama Consultative Council (MPU) of Langsa City, Langsa City's Dayah, and Recitation Councils.

In this study using data sources:

Primary data

Primary data is data that is directly obtained by researchers from primary sources (original data) (Kamal, 2016). The primary data in this study are data or the results of observations, interviews, and documentation with religious leaders in the Langsa City area.

Secondary Data

Secondary data is data obtained by researchers from other people or secondary sources so they are not original. In this study, the secondary data in the form of documents from this research are data such as books, newspapers, magazines, reading sources, sources from offices that support and are related to this research.

Method of collecting data

The method used is the qualitative method, the qualitative research method is a method that emphasizes the aspect of in-depth understanding of a problem rather than looking at the problem for generalization research.

Observation

The definition of observation is an observation showing a study or learning that is carried out intentionally, directed, sequentially, and according to the objectives to be achieved in an observation that records all events and phenomena called observations, which are explained in detail, thoroughly, precisely, accurately, , useful and objective in accordance with the observations made.

Interview

The definition of interview is a method used for a particular task, trying to obtain information and verbally forming respondents, to communicate directly.

Informant Data

Research informants are people who provide information to researchers to obtain information needed by researchers. The overall informants are 8 people which are explained as follows:

Table 2.1
Informant Data

No	Name	Institution	Position
1	Tgk. Muhammad Yusuf	Langsa City MPU	Chairman of the Commission A
2	Husni Tamrin	Langsa City Ministry of Religion	Zakat and Waqf Admin Staff
3	Tgk Budiman	Dayah Darul Abrar Langsa City	Head of Curriculum
4	Drs. Ismail A. Janan	Aceh Productive Waqf Nazir Forum	General Chair
5	Sariyana S.Sos	KUA Langsa Lama	Staff
6	Said Mahfud S.T	Langsa City Community	Islamic Economics Activist
7	Musliadi	Langsa City Community	-
8	M. Ikhsan	Langsa City Community	-

Data Validity Test

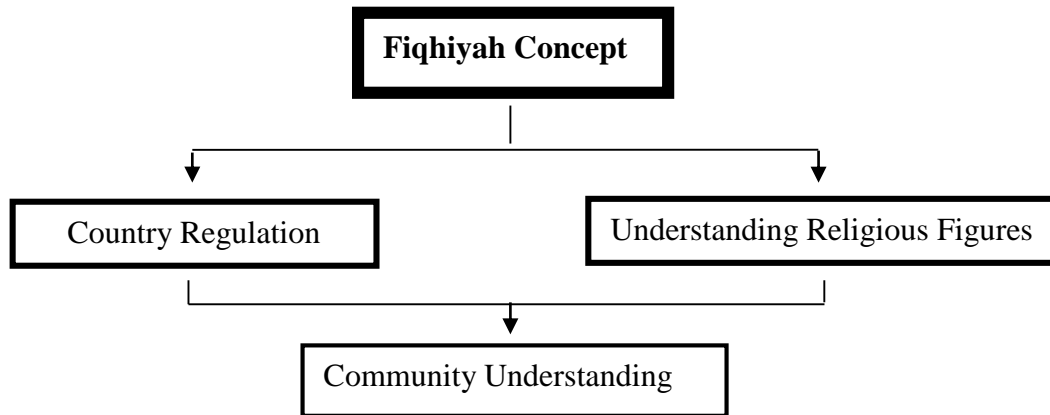
The validity of the data is the degree of confidence in the research data obtained and can be justified for the truth. To check the validity of the data in qualitative research includes the credibility test (credibility), transferability test (transferability), dependability test (dependability) and finally objectivity test (confirmability).

1. Credibility Test Credibility test is a test of confidence in qualitative research data. This credibility test has two functions, namely the first function is to carry out an examination in such a way that the level of confidence in our findings can be achieved, and the second function is to demonstrate the

degree of trustworthiness of our findings by means of proving the multiple facts being studied.

2. **Transferability Test** This transferability test is a technique to test external validity in qualitative research. This test can show the degree of accuracy or the applicability of the research results to the population where the sample was taken. Then transferability is an empirical problem that depends on the similarity of the context of the sender and receiver. To apply the transferability test in this study, the researcher will provide a detailed, clear, and also systematic description of the research results. The description of the research results in detail, clearly and systematically aims that this research can be easily understood by others and the research results can be applied to the population where the sample in this study was taken.
3. **Dependability test (Dependability)** is often referred to as reliability in quantitative research, dependability test in qualitative research is done by auditing the entire process in research. The dependability test was carried out by auditing the entire research process. In this study, the researcher will conduct an audit in a way that the researcher will consult again with the supervisor, then the supervisor will audit the entire research process. Here later the researcher will consult with the supervisor to reduce errors in the presentation of research results and the process during the research.
4. **Confirmability test (Confirmability)** is a test of objectivity in quantitative research, research can be said to be objective if this research has been agreed upon by many people. In this test, the researcher will re-examine the data obtained about the management of facilities and infrastructure.

Figure 2.1
Framework

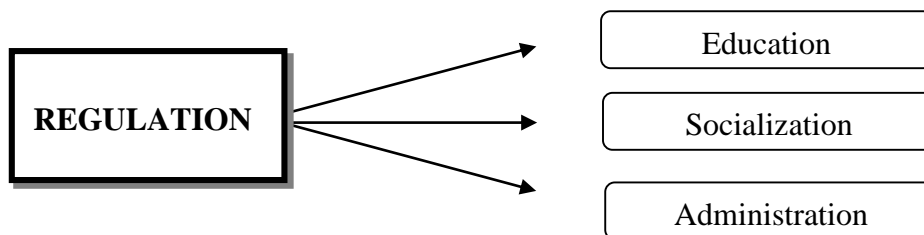


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RESULT AND DISCUSSION

Waqf regulations in Langsa City are still experiencing several important obstacles, namely the lack of education, socialization, and administration that has not been maximized. The existence of regulations as a response to the crisis that prompted a policy to appear for adjustments in setting standards that have relevance to the consequences that will be received by users of a regulation that is formed. However, the existing waqf regulations have not received serious consequences in Langsa City when they are not practiced in accordance with existing regulations.

Figure 3.1
Problems with Waqf Regulation in Langsa City



Thus, it can be predicted that if there is no improvement in education, socialization, and administrative issues related to waqf regulations, Langsa City will

continue to lag behind other regions, especially outside Aceh regarding productive waqf management. So here religious leaders in Langsa City should think about how this waqf is getting easier to access and can take advantage of existing technology but does not come out of fiqh law or existing waqf regulations.

On the other hand, Langsa City is an area whose people are identical to the Shafi'i school in the practice of fiqhiyah. In the issue of waqf, the basic concept of waqf does not differ in views, but in the discussion of contemporary waqf such as cash waqf, shares, and sukuk which are not included in the fiqh of the Shafi'i school, there are several perceptions, some of them support it because they see the magnitude of the benefit and there are still opinions from scholars from various perspectives. among the Hanafi school which allows it. However, some religious leaders in Langsa City have a perception that as long as they can donate things that are eternal, other things, then put this concept first, as in the Syafi'i school of jurisprudence or if someone donates money, the recipient of the waqf buys things that are eternal, and the goods are will later be donated.

A religious figure is someone who is knowledgeable, especially in terms of relations in Islam, he is naturally used as a role-model and a place of reference for knowledge for others. So it is only natural that society in general is very dependent on the understanding of religious leaders in carrying out their daily amaliyah worship. In Langsa City itself, the understanding of religious leaders varies from being consistent with one school of thought and some being muqaranah with 4 schools of thought. So this is what is still the reason why contemporary waqf has not run optimally in Langsa City.

The number of rejections of cash or contemporary waqf in Langsa City is due to the fact that people have not accepted other schools of thought in the discussion of waqf. This is supported by the results of Fitra Hayani's research on cash waqf in the perspective of fiqh scholars where cash waqf is not allowed in the Shafi'i school because dinars or dirhams will disappear when paid so that they no longer exist. Thus, if this matter is not immediately resolved, there is no harmony in understanding and practice of waqf among religious leaders. So in this case, the relevant institutions, namely the Aceh MPU and the Langsa City MPU, must immediately complete a problematic study of contemporary waqf and issue a fatwa that can harmonize the understanding and practice of waqf in Langsa City.

Based on the results of the explanation above, it can be understood that the polemic regarding the understanding of religious leaders in Langsa City is because

Aceh has its own fatwa institution not under the central MUI institution and Aceh's MPU so far has not issued a fatwa related to whether or not the practice of cash waqf is allowed. In this case, the researcher sees that if the Aceh MPU issues a regulation or fatwa regarding the permissible practice of cash waqf, then the harmony of understanding of religious leaders in Aceh, especially Langsa City will be reconciled over time. And this will also bring the community to a harmonious understanding so that cash waqf in Langsa City can be implemented immediately without any effort to corner those who carry out cash waqf regulations.

CONCLUSION

Langsa City is predominantly a follower of the Shafi'i school in the context of fiqh. So far, the concept of waqf in classical fiqh itself has not been controversial but has occurred in contemporary fiqh. So the reason the regulation has not been implicated in the community is because of three factors, namely the lack of education, socialization, and good administration in Langsa City.

While the public's understanding of waqf is adequate, some are even waiting for the results of the use of productive waqf that can help the economy of the ummah as practiced by several Muslim countries in the world. This will continue to approach the realization of contemporary productive waqf if the relevant agencies continue to be aggressive in correcting contradictory understandings among the community.

Regarding the polemic of understanding religious leaders in Langsa City, waqf is basically accepted by all circles, but there are some different perceptions regarding contemporary waqf, both in terms of law, mechanism, and management, such as cash waqf, shares, and sukuk. So in this case contemporary waqf will continue to grow if religious leaders in Langsa City continue to adapt the concept of fiqhiyah to the times.

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