



## Waqf Management by Islamic Boarding Schools for Economic Independence of Muslim Communities: A Case Study of Persis in West Java

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### Abstract

*Waqf is a crucial institution in Islamic social practices utilised for community welfare since the era of Prophet Muhammad (peace be upon him). Initially, waqf primarily consisted of immovable assets, such as agricultural land, as Umar ibn Khattab's waqf demonstrated. In Islamic law, waqf has distinct legal characteristics that set it apart from zakat, infaq, sadaqah, and hibah, even though they share similarities in material nature. Over time, the scope and management of waqf have evolved, particularly in Islamic boarding schools (pesantren), which leverage waqf to foster economic independence for the Muslim community. This study explores waqf management within Persatuan Islam (Persis) pesantren in West Java, focusing on its regulatory framework, implementation, and distribution of benefits. The findings indicate that waqf management within Persis adheres to structured guidelines, as outlined in the Kaifiat Kerja and Pedoman Jam'iyah Persatuan Islam (2011). Waqf management in Persis pesantren is carried out independently, with pesantren acting as both managers (nadzir) and implementers. The distribution of waqf benefits is predominantly directed toward social and educational initiatives. However, efforts to expand its role in developing broader economic independence require further collaboration with economic actors to fully realise the potential of waqf in supporting the community's welfare.*

### Abstrak

Wakaf merupakan salah satu institusi penting dalam praktik sosial umat Islam yang telah dimanfaatkan untuk kesejahteraan masyarakat sejak masa Nabi Muhammad saw. Pada awalnya, wakaf terutama berupa aset tidak bergerak seperti lahan pertanian, sebagaimana dicontohkan oleh wakaf Umar bin Khattab. Dalam hukum Islam, wakaf memiliki karakteristik hukum yang berbeda dibandingkan dengan zakat, infaq, sedekah, dan hibah, meskipun secara material memiliki kesamaan. Seiring waktu, cakupan dan pengelolaan wakaf terus berkembang, khususnya di lingkungan pesantren, yang memanfaatkan wakaf untuk mendorong kemandirian ekonomi umat. Penelitian ini mengkaji pengelolaan wakaf di lingkungan pesantren Persatuan Islam (Persis) di Jawa Barat, dengan fokus pada kerangka regulasi, implementasi, dan distribusi manfaatnya. Hasil penelitian menunjukkan bahwa pengelolaan wakaf di Persis mengikuti pedoman yang terstruktur sebagaimana diatur dalam Kaifiat Kerja dan Pedoman Jam'iyah Persatuan Islam (2011). Pengelolaan wakaf di pesantren Persis dilakukan secara mandiri, di mana pesantren bertindak sekaligus sebagai *nadzir* dan pelaksana wakaf. Distribusi manfaat wakaf sebagian besar masih diarahkan pada kegiatan sosial dan pendidikan. Namun, upaya untuk memperluas perannya dalam membangun kemandirian ekonomi yang lebih luas memerlukan kolaborasi lebih lanjut dengan pelaku ekonomi agar potensi wakaf dapat dimanfaatkan secara optimal untuk mendukung kesejahteraan umat.

### Keywords:

*Waqf; Islamic Boarding Schools; Persatuan Islam (Persis)*

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## INTRODUCTION

Waqf is an essential component of Islamic social institutions, practised by Muslims since the time of Prophet Muhammad (peace be upon him) and continuing to this day. Initially, waqf predominantly involved immovable assets, such as agricultural land, as exemplified by Umar ibn Khattab's waqf. From the perspective of Islamic law, waqf possesses unique legal characteristics that differentiate it from zakat, *infaq*, *sadaqah*, and *hibah*. While these practices share similarities in their material nature, their objectives and utilisation vary significantly. Over time, the scope of waqf has transformed, evolving from immovable assets to movable ones. Each Muslim-majority country, including Indonesia, has specific regulations governing waqf. In Indonesia, land waqf is the most common form, often allocated for purposes such as mosques, educational institutions like *pesantren* and madrasah, and economic ventures such as rice fields or plantations.

Utilising waqf for communal benefit necessitates strategic planning and careful consideration. Consumptive spending without accountability is no longer sufficient. Instead, a structured approach is required, beginning with identifying general categories of benefit and establishing priorities among them. Effective waqf management should emphasise efficiency and sustainability, steering away from uncontrolled consumption or excessive focus on physical mosque construction, which often dominates mosque administrators' agendas.

In contemporary practice, several perceptions about waqf persist. Firstly, waqf is generally associated with immovable assets, particularly land. Secondly, it is commonly utilised to construct mosques or madrasahs on waqf land. Thirdly, the use of waqf is guided by the donor's stipulations (*waqif*). Additionally, a prevailing interpretation is that waqf land should remain perpetual and cannot be sold. Consequently, financial institutions in Indonesia are often reluctant to accept waqf land as collateral. However, if waqf land could be utilised more effectively, organisations such as Persatuan Islam (Persis), Nahdlatul Ulama (NU), Muhammadiyah, and universities could secure loans, reinvest them, and generate additional resources. Furthermore, assets from different waqfs are typically not consolidated, resulting in fragmented management. In contrast, pooling waqf resources could enable joint investment in various productive sectors. Some countries, such as Libya, allow the sale of waqf assets under the condition that proceeds are reinvested into perpetual assets, enabling waqf to serve as a productive economic tool for the benefit of the community.<sup>1</sup>

Throughout Islamic history, waqf has been pivotal in developing Muslim societies. However, mismanagement remains a recurring issue, underscoring the need for effective strategies to achieve waqf's objectives. Proper waqf management should include investment in various sectors to optimise its potential for the public good. Nazhir (waqf managers), whether appointed by the government or the community, are responsible for ensuring its effective administration.<sup>2</sup> The primary goal of waqf investments is to enhance the quality of life and human resource development. Monzer Kahf, an Islamic economist, emphasises that the concept of investing waqf funds—such as through the construction of movable assets or reinvestment of perpetual waqf funds—was not extensively discussed in classical Islamic jurisprudence. Kahf distinguishes between traditional waqf financing and institutional waqf investment models, advocating for broader

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<sup>1</sup> M. Dawam Raharja, "Pengorganisasian Lembaga Wakaf dalam Pemberdayaan Ekonomi Umat," dalam *Pemberdayaan Ekonomi Umat Melalui Wakaf: Workshop Internasional* (Wisma Haji Batam, 2002), 7.

<sup>2</sup> Raharja, 4.

approaches to maximise waqf's socioeconomic impact.<sup>3</sup>

Research on waqf and *pesantren* management is extensive. For instance, Deden Effendi's *Legislasi Wakaf dan Fungsi Sosial Ekonomi di Indonesia* examines key issues related to waqf law and its socioeconomic functions, categorising Indonesia's waqf legislation into pre-colonial, colonial, and post-colonial phases.<sup>4</sup> Jaih Mubarak's *Wakaf Produktif* explores waqf as an economic instrument to advance community welfare, focusing on productive waqf mechanisms.<sup>5</sup> Aden Rosadi's *Zakat dan Wakaf: Konsepsi, Regulasi, dan Implementasi* addresses foundational questions about zakat and waqf law in Indonesia, covering legal, regulatory, and managerial aspects.<sup>6</sup> Similarly, Zamaksyari Dhofir's *Tradisi Pesantren: Studi tentang Pandangan Hidup Kyai* highlights the role of pesantren leaders (*kyai*) in preserving and developing traditional Islamic teachings in Java.<sup>7</sup> Mastuhu's *Dinamika Sistem Pendidikan Pesantren* analyses pesantren as an Islamic education system emphasising moral development and societal contributions.<sup>8</sup>

Persatuan Islam (Persis), established in the early 20th century, emerged during heightened awareness of modern social structures and nationalism among Muslims. Rooted in reformist and modernist Islamic thought, Persis advocates a return to the Quran and Sunnah, emphasising *ushul fiqh* (Islamic legal principles) while rejecting non-Islamic mysticism and certain traditional practices.<sup>9</sup> This study focuses on waqf regulation within Persis, its management by Persis pesantren, and the distribution of waqf benefits to achieve economic independence for the Muslim community.

## RESEARCH METHODS

The research methodology is the systematic approach adopted following established scientific principles. This study employs a legal research framework encompassing three key dimensions of law: substantive, structural, and cultural. The substantive aspect pertains to written rules, such as statutes, regulations, and legal texts. The structural element involves the institutions and individuals responsible for implementing the law. The cultural aspect relates to the societal practices and norms surrounding the application of law.

This study focuses on the cultural aspect of the law, specifically the implementation of waqf by Islamic boarding schools (*pesantren*). Utilising a qualitative descriptive approach, the research presents findings through detailed explanations, complemented by an analysis of the content and implications of the study.

## RESULTS AND DISCUSSION

### Legal Foundations of Waqf

As the primary source of Islamic law, the Qur'an is the foundation for legal rulings within Islamic jurisprudence. This principle aligns with the Prophet's guidance on the hierarchical sources of law, as articulated in a hadith narrated by Imam al-Baghawi from Mu'adh ibn Jabal.<sup>10</sup> When the

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<sup>3</sup> Monzer Kahf, *Financing the Development of Anqaf Properti* (Kuala Lumpur: Irti, 1998), 13–38.

<sup>4</sup> Deden Effendi, *Legislasi Wakaf dan Fungsi Sosial Ekonomi di Indonesia* (Bandung: LP3ES UIN Bandung, 2019).

<sup>5</sup> Jaih Mubarak, *Wakaf Produktif* (Bandung: Simbiosia, 2008).

<sup>6</sup> Aden Rosadi, *Zakat dan Wakaf: Konsepsi, Regulasi, dan Implementasi* (Bandung: Simbiosia, 2019).

<sup>7</sup> Zamaksyari Dhofir, *Tradisi Pesantren: Studi tentang Pandangan Hidup Kyai* (Jakarta: LP3ES, 1982).

<sup>8</sup> Mastuhu, *Dinamika Sistem Pendidikan Pesantren* (Jakarta: INIS, 1994).

<sup>9</sup> Howard M. Fiederspiel, *Persatuan Islam: Pembaharuan Islam Abad XX* (Yogyakarta: Gadjah Mada University Press, 1996).

<sup>10</sup> Abdul Wahab Khalaf, *Ilmu Ushul Fiqh* (Iskandariyah: Muasasah Tsaqafah al-Jami'ah, 1989), 20.

Prophet Muhammad (peace be upon him) dispatched Mu'adh to Yemen, he inquired about his approach to judicial decisions. Mu'adh responded that he would first refer to the Qur'an, followed by the Sunnah of the Prophet if the matter was not addressed in the Qur'an, and resort to his reasoning (ijtihad) if neither source provided an answer. The Prophet affirmed Mu'adh's approach, praising Allah for guiding His messenger's envoy toward what pleases Him.

Based on this hadith, the hierarchy of legal sources is established: the Qur'an, the Sunnah, and ijtihad. The Qur'an, revealed to the Prophet Muhammad as a guide for humanity, encompasses three main legal aspects: creed (*aqidah*), morality (*akhlaq*), and practical jurisprudence (*fiqh*). Practical jurisprudence is further classified into seven domains: personal status law, civil law, criminal law, procedural law, constitutional law, international law, and economic and financial law.

Among the Qur'anic foundations for waqf is verse 110 of Surah Al-Baqarah. Sheikh Wahbah al-Zuhaili, in his exegesis *Tafsir al-Munir*, explains that Allah consistently pairs the commandment for prayer with almsgiving. While prayer purifies the individual, almsgiving ensures societal welfare. Together, these practices contribute to human prosperity in this world and the hereafter. Allah's command to perform these acts underscores the reward awaiting such efforts, as emphasised in the verse: "And whatever good you put forward for yourselves—you will find it with Allah. Indeed, Allah is All-Seeing of what you do" (Qur'an 2:110).

The practice of waqf is illustrated through historical examples. Imam Anas bin Malik narrated that Abu Talhah, a wealthy Ansar companion in Medina, owned an orchard named Bairaha, which he cherished deeply. When the verse "You will not achieve righteousness until you spend from that which you love" (Qur'an 3:92) was revealed, Abu Talhah offered this prized orchard as charity for Allah's sake. The Prophet commended his generosity, advising him to allocate the waqf to his relatives. Abu Talhah followed this guidance, distributing the orchard's benefits among his kin.

Ibn Umar narrates another significant example. Umar ibn al-Khattab acquired valuable land in Khaibar and sought the Prophet's advice. The Prophet recommended retaining land ownership while dedicating its benefits as waqf. Umar complied, stipulating that the land would not be sold, gifted, or inherited, and its yields would serve the needy, relatives, freed slaves, travellers, and other charitable purposes.

The term *waqf*, derived from the Arabic root *al-habs* (to restrain or detain),<sup>11</sup> signifies the dedication of specific assets for perpetual charitable use. In Islamic jurisprudence, *waqf* entails the legal transfer of ownership to ensure its benefits are utilised for specified social objectives, thereby preventing its use outside the stipulated purposes.<sup>12</sup>

Different Islamic traditions have developed varying terminologies for waqf. In Indonesia, the term *waqf* aligns with classical Islamic jurisprudence and is widely recognised. In contrast, countries such as Morocco, Algeria, and Tunisia use the term *hubus* or *habous* to denote similar practices.<sup>13</sup>

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<sup>11</sup> Sayyid Sabiq, *Fiqh al-Sunnah*, trans. oleh Mudakir AS (Bandung: PT. Al-Ma'arif, 1994), 148.

<sup>12</sup> Monzer Kahf, "Wakaf," dalam *Ensiklopedi Oxford Dunia Islam Modern*, ed. oleh John L. Esposito, trans. oleh dkk. Eva YN, vol. VI (Bandung: Mizan, 2001), 145.

<sup>13</sup> M. TH Haoutsma et al, *First Encyclopaedia of Islam*, vol. VIII (Leiden: E.J. Brill, 1987), 1096; H. A. R. Gibb dan J. H. Kramers, *Shorter Encyclopaedia of Islam* (Leiden: E.J. Brill, 1961), 624.

Imam Abu Hanifah defines waqf as "the retention of an asset's substance while donating its benefits for charity." This definition highlights the dual aspects of waqf: preserving the asset itself and ensuring its perpetual benefit for societal welfare.<sup>14</sup>

### **Persatuan Islam (Persis)**

At the dawn of the 20th century, when the sense of Indonesian nationalism was still emerging, the word "Islam" became a unifying term for the Indonesian people in their interactions with other nations, not only against the Dutch but also the Chinese. This was evident with the establishment of Sarekat Dagang Islam in 1911, followed by Sarekat Islam in 1912, which initially emerged as a response to the political plans of Christianization led by Governor-General Idenburg, as well as in reaction to Chinese merchants. The shared bond of Islam allowed the organisation to spread across the archipelago from Aceh in the West to Maluku in the East, encompassing various societal strata, from the lower to the upper classes, all motivated by a shared religious identity.<sup>15</sup>

The early 20th century witnessed the growth of Islamic reform movements in Indonesia, marked by the establishment of several Islamic organisations. The first and most influential reform movement then was the educational organisation managed by the Arab-Indonesian community, who were concerned about the state of Muslim education, which the Dutch colonial government largely controlled. Although the educational institutions initially catered primarily to the Arab community, their establishment positively impacted the development of Islamic education in the country. On July 17, 1905, *Al-Jam'iyah Al-Khairiyah*, later known as Jamiat Khaer, was founded in Jakarta. Like modern schools, Jamiat Khaer taught general subjects and Islamic studies.

Persatuan Islam (Persis) was officially founded on Wednesday, 1st of Safar 1342 Hijri, corresponding to September 12, 1923,<sup>16</sup> in Bandung by a group of Muslims who were dedicated to religious studies and activities, led by H. Zamzam and H. Muhammad Yunus. As an officially established organisation, Persis became a platform for the Muslim community.

The name "Persatuan Islam" was chosen to direct the spirit of *ijtihad* and *jihad*, striving to achieve the organisation's goals and ideals, including the unity of Islamic thought, sentiment, action, and voice. Unlike other organisations established in the early 20th century, Persis had its distinct characteristics, with its activities focusing primarily on developing religious ideology.

### **Waqf Regulation within the Organisation of Persatuan Islam (Persis)**

The regulation of waqf within the Persatuan Islam (Persis) organisation is a significant area of focus. Persatuan Islam's Jam'iyah established a guideline for managing waqf through the "Kaifiyat Kerja and Pedoman Jam'iyah Persatuan Islam" in 2011. According to these guidelines, Persatuan Islam defines waqf as the cessation of ownership rights over an asset, transferring it to a custodian—whether an individual, family, or institution—for public benefit, following the teachings of the Qur'an and Sunnah.<sup>17</sup> Waqf is intended to be used as a form of worship and charity in Allah SWT's path; thus, the asset should provide long-lasting benefits.

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<sup>14</sup> Abdul Aziz Dahlan, *Ensiklopedi hukum Islam* (Jakarta: Ichtisar Baru van Hoeve, 1996).

<sup>15</sup> Deliar Noer, *Partai Islam di Pentas Nasional 1945-1965* (Jakarta: Pustaka Utama Grafiti, 1987).

<sup>16</sup> The entire Qanun Asasi (Constitution) of Persis specifies the founding date of the organization as September 12, 1923. Subsequently, KHA. Ghazali conducted a calculation (*Hisab*) to convert this date to the Hijri calendar, which corresponds to 1 Shafar 1342 H. This conversion aligns with the Gregorian Conversion program by Adel A. Al-Rumaih (1996-1997). The Qanun Asasi that records the Hijri year was only included in the revised Qanun Asasi of Persis following the Eleventh Persis Congress in Jakarta in 1995.

<sup>17</sup> *Kaifiyat Kerja dan Pedoman Jam'iyah Persatuan Islam*, 2011.

Several key terms are used within the context of waqf: *Wakif* refers to the person or entity who donates their property for waqf; *Ikrar* is the declaration of the wakif's intention to dedicate their property for waqf; *Benda Wakaf* denotes the assets, either movable or immovable, that are donated for waqf and are considered enduring, reusable, and valuable under Islamic teachings; *Nazhir* refers to individuals or legal entities entrusted with the maintenance and management of waqf property; *Manihah* is the transfer of productive movable or immovable property to an organisation to generate benefits according to a set agreement for the advancement of religious activities. The primary function of waqf is to preserve the benefits of the donated property in line with its intended purpose.<sup>18</sup>

To be eligible for waqf, the donated assets must meet certain criteria, such as lawful ownership and long-term durability (*muabbad*), and must be free from disputes or safeguarded against natural disasters. The types of waqf property include both immovable and movable assets. Immovable waqf assets include productive lands such as gardens, fields, and other land-related resources; lands designated for religious or educational facilities; buildings; land under usufruct; and properties such as apartments or other immovable assets following Islamic principles. Movable waqf assets encompass money, precious metals, securities, vehicles, intellectual property rights, leases, and other movable assets as permitted by Islamic law.

The regulation surrounding waqf management is an essential aspect of the Kaifiyat Kerja and Pedoman Jam'iyah Persatuan Islam. The branch leadership handles the waqf asset management where the waqf property is located. The management and cultivation of waqf are outlined according to the type and function of the property. For instance, the management of *pesantren* (Islamic boarding schools) and madrasahs, along with their facilities, is entrusted to the Education Division, applicable to all levels. Similarly, mosques and their facilities are managed by the Da'wah Division at each level, assisted by mosque caretakers (*Qayyimul Masjid*) or local mosque committees (*DKM*). Productive waqf assets, such as land or other resources, support the organisation's activities. The management of other waqf lands is adapted according to the intended function and use of the land.

The management of productive waqf is carried out through several methods: *Masaqah* is an agricultural partnership where the landowner or *nazhir* entrusts the cultivation of the land to an individual, and the proceeds are shared equally based on mutual agreement for a predetermined period. *Muzara'ah* involves an agricultural partnership where the landowner provides the land, but the seeds come from the cultivator, and the profits are shared according to their agreement. *Mukhabarah* is another agricultural form of cooperation where the landowner provides the seeds, and the cultivator manages the land, with the distribution of profits agreed upon by both parties. *Ijarah* refers to leasing agreements involving land, vehicles, buildings, or other assets where rental terms are agreed upon.<sup>19</sup>

The proceeds from the management of productive waqf are fully dedicated to supporting the *sabilillah* cause, primarily aimed at bolstering the activities of the Jam'iyah, with priority given to supporting the fields of da'wah (Islamic preaching) and education within the Persatuan Islam (Persis) organisation.

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<sup>18</sup> *Kaifiyat Kerja dan Pedoman Jam'iyah Persatuan Islam.*

<sup>19</sup> *Kaifiyat Kerja dan Pedoman Jam'iyah Persatuan Islam.*

## Waqf Management by Islamic Pesantren Persatuan Islam (Persis)

The management of waqf by the *Pesantren* Persatuan Islam (Persis) is essential in supporting its educational and da'wah missions. *Pesantren* in the Persatuan Islam community serve as institutions established for education and Islamic outreach. Developing *pesantren* infrastructure is primarily driven by community self-help efforts, involving various contributions and synergies between the community and the *pesantren* management, including through waqf.

The enactment of Law Number 41 of 2004 concerning Waqf was intended to ensure order and regulation in the management of waqf assets, preserving the principles of shariah concerning waqf. This law has set provisions for the professional management of waqf, including establishing the Waqf Board of Indonesia (BWI), which is responsible for supervision and guidance at both the central and regional levels. The provisions in the law, especially those concerning the role of *nazhir* (waqf managers), provide a legal framework that protects the integrity of waqf, ensuring that *nazhir* organisations or legal entities are recognised and regulated alongside individual *nazhirs*. This legal framework should serve as an impetus for the optimal management of waqf assets and safeguard against potential deviations.

The government's efforts to optimize the productivity of waqf assets are evident in recognising *nazhir* organisations or legal entities, even though such entities are not recognized in classical *fiqh* texts. Article 3, Paragraph 2 of BWI Regulation No. 4 of 2010 explicitly states that the management of waqf assets must be carried out productively. This law encourages the professional management of waqf, whether by individuals, organisations, or legal entities. This approach is expected to drive the productive use of waqf assets.

Classical *fiqh* texts, such as al-Fiqh al-Islami wa 'Adillatuhu,<sup>20</sup> outline the qualifications and conditions for *nazhir* waqf. A *nazhir* must be of legal age and capable of managing waqf assets. However, the text does not specify such conditions explicitly. Law Number 41 of 2004, Article 10, Paragraph 1, outlines the conditions for *nazhir*, including being an Indonesian citizen, a Muslim, of legal age, trustworthy, physically and mentally capable, and not restricted from performing legal actions. These requirements are based on general shariah principles and *ijtihad*, particularly concerning the maqashid shariah, such as wealth protection (*hifzhulmal*).

The vision and mission of Persis are reflected in its Qanun Asasi and Qanun Dakhili, which aim to implement Islamic teachings in all aspects of its members' lives and to place Muslims in accordance with the teachings of *aqidah* and shariah based on the Qur'an and Sunnah. To achieve these objectives, the organisation operates collectively, under leadership, and with active engagement, as exemplified by the Prophet Muhammad SAW.

To remain aligned with its mission, Persis has defined itself as an educational, da'wah, and social organisation based on the Qur'an and Sunnah, with a jihad plan outlined in its Qanun Asasi and Qanun Dakhili. As an organisation focused on education and da'wah, Persis currently operates hundreds of educational institutions across Indonesia, particularly in West Java. These institutions are built on waqf land managed by Persis.

Persis has established a waqf management structure within its leadership. Prior to the enactment of Law Number 41 of 2004, it had already received waqf assets directly from waqifs. Currently, Persis manages numerous waqf lands located in various regions across Indonesia. Most

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<sup>20</sup> Wahbah Az-Zuhaili, *Fiqih Islam Wa adillatuhu*, trans. oleh Abdul Hayyie al-Kattani, Cet. 1 (Jakarta: Gema Insani, 2011).

of these lands were obtained directly from waqfs, while some were transferred from other *nazhir* organisations. The management of these assets is entrusted to the local branch leaders of Persis, not directly to the central leadership.

Persis has received at least three transfers of waqf management rights from individual *nazhirs*. These transfers were made with the initial assumption of ensuring the broader benefits of waqf assets. Moreover, when legal entities manage waqf land, the management is expected to be more professional.

The discourse surrounding waqf in Indonesia cannot be separated from the regulatory framework governing it. The concept of productive waqf gained attention with the introduction of Law Number 41 of 2004 concerning Waqf and its implementing regulation, Government Regulation No. 42 of 2006. This regulation departed from previous frameworks, notably introducing the productive waqf management and development paradigm. This shift was a response to the national trend of consumptive waqf, where waqf objects were predominantly limited to land, and thus, waqf regulations were often subsumed within land-related legislation, such as the Basic Agrarian Law of 1960 and the Minister of Religious Affairs Regulation No. 1 of 1978 concerning the implementation of Government Regulation No. 28 of 1977 on land waqf.<sup>21</sup>

The productive waqf paradigm represents a new spirit aimed at using waqf as a tool for the welfare of the Muslim community by shifting from a consumptive to a productive management model. This shift requires not only an economic approach but also a business-oriented approach. The new regulations mandate that *nazhirs* manage waqf assets productively, by their intended purposes and functions, without violating shariah principles. Productive management strategies include fundraising, investments, capital placement, production, partnerships, trade, agribusiness, mining, industry, technology development, and construction of buildings, apartments, housing, shopping centres, stores, offices, educational facilities, and other ventures in line with shariah.<sup>22</sup>

This productive approach is a challenge for traditional waqf institutions, which primarily focus on religious and educational purposes and are dominated mainly by land and buildings as their assets. The concept of productive waqf now demands that *pesantren*, which historically have had land and buildings as their main assets, become more dynamic.<sup>23</sup> They must transform into productive waqf institutions and da'wah organisations capable of contributing to the socio-economic development of society. This transformation includes community development programs, increased public participation, and advocacy for policies that support the marginalised. This shift is essential, considering that much of the waqf's growth has been directed towards financing religious and educational facilities, as seen in *pesantren* institutions.<sup>24</sup>

### **The Distribution of Waqf Benefits by Pesantren Persatuan Islam in Building Economic Independence for the Ummah**

The concept of productive waqf, reinforced by the regulations above, presents a significant challenge for waqf institutions that have historically been dominated by religious purposes, typically in the form of land and buildings, and often for consumptive use. This includes *pesantren*

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<sup>21</sup> This paradigm is reflected in the statement of Article 43, Paragraph 2 of Law Number 41 of 2004 concerning Waqf, which reads, "The management and development of waqf assets as referred to in Paragraph (1) shall be conducted in a productive manner."

<sup>22</sup> Rahmadi Usman, *Hukum Perwakafan di Indonesia* (Jakarta: Sinar Grafika, 2009).

<sup>23</sup> Mubarok, *Wakaf Produktif*.

<sup>24</sup> Mubarok.



(Islamic boarding schools), whose assets have traditionally been land and buildings inherited as part of a tradition. Now, with the concept of productive waqf, *pesantren* are required to manage their institutions, most of which hold waqf assets, dynamically, transforming them into productive waqf institutions. These institutions are expected to serve religious and educational purposes and contribute to society's socio-economic development through community development programs, increased public participation, and policy advocacy that supports disadvantaged groups. This transformation is crucial, given that historically, most waqf has been allocated to fund religious and educational facilities, as seen in *pesantren* institutions.

One example is the *Pesantren* Persis Rajapolah, which has developed a management model for its waqf assets by investing them in business units based on management principles. This *pesantren* applies the utilisation of waqf that extends beyond religious worship to encompass economic improvement and community welfare. For instance, the *pesantren* operates a canteen that is managed as a productive waqf. The profits generated are allocated to support the operational costs of the *pesantren*, including its waqf management activities. The *pesantren's* community feels the benefits of the canteen's waqf, including parents of students and local congregations. Collaborative efforts with the government and Islamic organisations within the Persatuan Islam community also support these initiatives. Community services, including religious study groups, scholarships for those excelling in memorisation (*tahfidz*) and academic achievements, and health services in partnership with the Sindang Kasih community health centre, further extend the impact of waqf. Additionally, annual social services cater to underprivileged community members.

*Pesantren* Persis Sindang Kasih Ciamis has similarly advanced the management of waqf assets by investing them in business units based on management principles. The *pesantren* applies productive waqf to improve both religious and socio-economic welfare. The waqf assets, which include land and buildings such as a mosque, study rooms, a communal library, dormitories for male and female students, and kitchens, are directly managed by the *pesantren*. The waqf assets serve the broader community through activities like religious study groups, collaborations with parents and guardians, scholarships for *tahfidz* students and achievers, and health services in partnership with the Sindang Kasih community health centre. Furthermore, the *pesantren* organises annual social services aimed at helping the less fortunate.

*Pesantren* Persis Purwakarta has also developed a model for managing waqf assets through investments in business units. This *pesantren*, which applies the concept of productive waqf, has extended the utilisation of waqf beyond religious rituals to encompass the economic and social welfare of the community. The waqf assets, including land used for the *pesantren's* construction and leased land for telecommunications towers (Telkom), a canteen, agricultural land, and fishponds, are utilised for economic activities. Cash waqf has been used for building construction and is sourced from the local community and the government. Other forms of waqf include books donated by departing students for the *pesantren* library. The proceeds from waqf management support various initiatives such as student scholarships, local community outreach, health services, and the support of both students and teachers. The *pesantren* also offers social services and organises events like exams and community outreach programs to serve local needs.

*Pesantren* Persis Purwakarta has successfully integrated the management of waqf assets into a productive model that contributes not only to religious and educational activities but also to the economic empowerment and social welfare of the community.

## CONCLUSION

Based on the results of the discussion and analysis, the following conclusions can be drawn: First, the management of waqf within the Persatuan Islam organisation is structured and implemented by the waqf division, adhering to the guidelines outlined in the *Kaifiyat Kerja* and the *Pedoman Jam'iyah* Persatuan Islam of 2011. Second, the management of waqf by the *pesantren* within Persatuan Islam is carried out independently, meaning that the *pesantren* act as both the waqf institution and the *nazhir* (administrator) of the waqf. Third, the distribution of waqf benefits by the Pesantren Persatuan Islam is primarily directed towards social and educational aspects. Therefore, developing a broader and more productive economic independence for the ummah still requires further development, involving economic actors to ensure that waqf benefits are maximised.

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