



## Optimization of waqf land management in Indonesia

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### ABSTRACT

The purpose of this research is to find out what is meant by donated land, how is the existence of the waqf land and how to study the law of the waqf land and how to optimize the management of the donated land in Indonesia. The object of this research is related to the understanding and meaning of the donated land by the Muslim community in general and especially the Muslim community in Indonesia, which is the majority population. This study uses a literature study research approach, theoretical studies using descriptive analysis methods. The results show that the revitalization of the management of waqf land in Indonesia is a very important and urgent agenda at this time. This can be done through the waqf land certification program based on information and communication technology, making an agreement on wakaf fiqh related to the productivity of the waqf land, implementing modern concepts of waqf land management based on Islamic legal principles, and supported by reliable and professional human resources of waqf institutions. is a challenge and an opportunity for Indonesia to make a big leap as the center of waqf in the world. A strong factor to support this goal is the relatively large availability and existence of waqf land, the majority of Indonesia's population is Muslim, and the laws and regulations related to land and waqf land tend to be sufficient enough so that collaboration is needed. that is more integrated among the waqf land stakeholders in Indonesia.

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## Introduction

Currently, optimizing the management of waqf land has opportunities and challenges due to the increasing awareness and knowledge of the community regarding the issue of waqf, donating its assets. As stated in the preamble of the Waqf Law Number 41 of 2004 that waqf institutions are religious institutions that have economic potential and benefits so that they need to be managed and optimized for their use effectively and efficiently for the sake of worship and advancing the welfare of the ummah in general. Optimization of good waqf land management will be able to utilize waqf assets for mankind through economic development, education, religion and community facilities (Abd. Mutalib & Maamor, 2016: 36). Waqf literally comes from Arabic, waqf from the verb waqafa which means to stop, stay in place or hold something (Paratama, 2020; 10), last a long time (Nurachmi, 2013: 4), and preserve (Shukor et.al., 2017a) .. Waqf is the act of releasing ownership of an asset and transferring ownership to the public. Public, and the use of waqf can be categorized into two, namely land waqf and cash waqf.

*Core Principles For Effective Waqf Operation And Supervision* - A Joint Initiative of BI, BWI & IRTI-IsDB International Working Group on Waqf Core Principles (October 2018, p.ii) defines waqf as follows:

- i. *Waqf means resistance, brackets or prohibition;*
- ii. *Waqf is holding charitable property and preserving it for limited benefit from certain philanthropy and prohibits the use or disposition of anything beyond its specific purpose;*
- iii. *This definition is in accordance with the timelessness of waqf, that is, it applies to property which is not easy damaged whose benefits and results can be taken without consuming the property itself; and*
- iv. *Waqf can also be interpreted as a form of "sadaqah Jariyyah" (continuous charity), which is created by providing assets that generate benefits / income for targeted purposes. permanent. In other words,. waqf means 'withholding' which*

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*signifies the dedication or consecration of any property, either in the term or by implication, for a charity or religious object, or to secure any benefit to refer to humans (United Nations Development Program / UNDP, www.id.undp.org / 11/12/2017).*

In Indonesia, waqf has been widely practiced by many people and has been regulated in several laws and regulations, for example: Government Regulation No. 28 of 1977 concerning the Waqf of Owned Land, Law of Waqf Number 41 of 2004 concerning Waqf, Government Regulation Number 42 of 2006 concerning Waqf, Regulation of the Minister of Religion Number 73 of 2013 concerning Procedures for the Representation of Immovable Objects and Movable Objects Apart from Money, Ministerial Regulations Religion Number 4 of 2009 concerning Administration of Money Waqf Registration. According to Law on Waqf Number 41 of 2004 article 1 paragraph (1), what is meant by Waqf is a legal act of wakif (the party who donates his property) to separate and / or hand over part of his property to be used forever or for a certain period of time. according to their interests for the purposes of worship and / or public welfare according to sharia. Cizakca (1995) in Huda et al., (2017: 33) states that waqf assets can be used optimally and can be developed so that they become productive endowments that have lasting benefits, responsibility, professional management and social justice through the development of a waqf management system. , the Nazhir management system and the development of the right wakif recruitment for productive economic activities which will later be invested for employment.

However, it is important to answer various problems related to land waqf in Indonesia, especially with regard to optimizing the management of waqf land in Indonesia because there are quite a lot of waqf land properties in Indonesia, which include religious, social and other means. One of the main issues in optimizing the management of waqf land In Indonesia, most of the existing land waqf assets tend not to be cultivated productively by most of the nadzhirs who only use land waqf to build mosques, cemeteries, orphanages, and so on and not many of these waqf properties have formal legal certificates. Based on various descriptions and problems related to the waqf land in Indonesia, this is what attracts researchers to examine more deeply with the following title: "Optimizing the Management of Waqf Land in Indonesia".

Furthermore, what is meant by land in Law Number 5 of 1960 concerning Basic Agrarian Principles Article 4 paragraph (1) is the surface of the earth. Dj Sophisticated & Salle, 2017: 165-172 states that land can be interpreted as an agrarian resource that has an important role in human life. This view is in line with the opinion of Dahrendorf (1959,1989) in Noorhadi (2005: 37) which states that land occupies an important position in everyday life and has a multidimensional meaning for society so that land is one of the non-renewable natural resources and is a one of the most vital capitals for all production activities, both rural agriculture and strategic urban land. According to Zaki et al., (2008), the first donated land in Islamic history was land waqf for the construction of the Quba Mosque in Medina, which is located 400 kilometers north of Makkah, which still exists today. Then, land waqf aims for infrastructure development, education, health, and public facilities, for example the leading educational institutions of Al Azhar University in Egypt, Cordova University in Spain, and the Indonesian Islamic University in Jogjakarta, Indonesia established and maintained using waqf land (Zaki et al., 2008).

According to several scholars in Rohmaningtyas (2017: 41), the first to define waqf law is the Prophet Muhammad SAW, donating his land for the construction of a mosque based on the hadith narrated by Umar Bin Syabah from 'Amr Bin Sa'ad Bin Mu'adh, he said: We Asking about the first waqf in Islam, the mujhajirin said it was Umar's waqf, while Ansar said it was the waqf of the Prophet Muhammad SAW. In the context of Islamic law, waqf means the detention of an asset so that the results or income are always available for religious or charitable purposes. When waqf is made, the property is held or, 'tied' forever and after that it becomes non-transferable (Solanki, 2017). However, one of the problems in the archipelago related to the context of waqf land is the representation of land, and this is because waqf is a religious institution that can be used as a means of developing religious life.

According to Nasution (2007) in Rohmaningtyas (2017: 40), the development of waqf in Indonesia is synonymous with the development of the construction of mosques, cemeteries and schools that cannot provide significant benefits to the surrounding environment, whereas other countries such as Egypt and Bangladesh have developed waqf institutions. more productive so that it becomes an inexhaustible source of funding for economic development. The insignificant role of the government in developing waqf is believed to be one of the causes. The role of waqf is expected to improve people's welfare with the issuance of Law Number 41 of 2004 (Rohmaningtyas (2017: 40). In this case, from an economic perspective that waqf management is defined as changing the use of waqf assets, from consumption to production, so that waqf assets can be continue to provide future returns for the benefit of waqf recipients (Kahf, 1998).

According to Rahman (2009: 113-152), in principle, waqf property is a capital, once inherited as waqf, and the uniqueness of waqf lies in its immortality and ownership of waqf assets is considered by Allah SWT. Waqf assets remain inherited forever and the recipient can benefit from these waqf assets forever so that from an economic point of view the waqf assets must be invested so that the returns from the investment of these assets continue to provide benefits to the beneficiaries, which can be used to provide free education and health needs, alleviation poverty, job creation and so on (Rahman, 2009: 113-152). Therefore, it is necessary to open the minds of Muslims and create awareness of the existence of waqf assets, when waqf is developed and invested honestly and productively to produce returns that can help improve the economic status of the ummah. (Chandra and Rahman, 2010: 163-190).

The object of this research is related to the management and optimization of waqaf land in Indonesia, and this research uses a literature study research approach, theoretical studies using normative legal methods with descriptive analysis. According to Nazir (2013: 54),

the descriptive method is a method of examining the status of a group of humans, an object, a set of conditions, a system of thought or a class of events in the present. This type of research is in the form of literature studies related to culture, values and norms that develop in the social situation under study (Sugiyono: 2012) which is used to solve a problem based on a critical and in-depth study of relevant library materials such as: books, magazines, documents, notes and other historical stories (Basuki, 2010: 10). The purpose of this descriptive research is to make descriptions, descriptions systematically, factual and accurately regarding the facts, properties and relationships between the phenomena being investigated, and the sources studied are taken from several scientific references in the form of literature and the results of studies on land waqf the interest of researchers to conduct research. Thus, the study of literature in this research can be interpreted as a method of finding, collecting and analyzing data sources to be processed and presented in the form of literature research reports.

The data analysis technique in this study was carried out through several stages of activities consisting of classification, theorization, and interpretation which were descriptive normative and then analyzed qualitatively in order to draw conclusions, namely the inference stage as well as the answers to the questions generated based on the analysis and interpretation of the collected sources.

## **Waqf Land**

In the context of the current welfare state, waqf has great potential to sustain state spending for public services because most people provide waqf in the form of land, and this is related to the condition that waqf must be safe and permanent as a form of charity waqf *jâriyah*, a virtue that is not never stopped flowing (Ramadhan, 1983). Land waqf in Indonesia is one solution because Indonesia is the largest Muslim country in the world and has a great opportunity to maximize the potential of land waqf. The development of waqf in Indonesia is increasing from year to year, and Indonesian Muslims are interested in land waqf because it can be used directly for public purposes (Puspitasari, 2017: 105). Some movable assets can also be used as waqf assets, and the supervisor / manager of waqf (*nazir*) is obliged to carry out their duties and functions in accordance with applicable regulations, as well as general provisions regarding attitudes and actions that have been determined by Islamic teachings (Ramadhan, 1983).

One of the main issues in waqf management is *mutawalli* or waqf managers that do not meet the requirements resulting in a number of other problems such as being left idle, corruption of cash waqf funds, and not having funds to finance the operational costs of the planned project (Nurachmi, 2013: 3- 6) because most of the existing land waqf assets have not been cultivated productively by most of the *nadzhirs* who only use land waqf to build mosques, cemeteries, orphanages, and so on (Djunaedi, 2013, & Arifin, 2014: 250). Praja (1995: 6) in Arifin (2014: 250-251) states that the problem of waqf in Indonesia is that not many waqf assets have been certified as formal legal, this is due to several factors that surround Indonesian society, including:

- a. The strength of Indonesian people's understanding of the understanding of classic *fiqh* in the issue of waqf, such as the assumption that waqf belongs to Allah alone which cannot be changed / contested.
- b. Lack of socialization in Indonesian society regarding the latest waqf law so that it does not have understanding the latest paradigm of waqf and giving birth to a lack of knowledge of the Indonesian people on the importance of empowering waqf for the general welfare which should be a problem that must be resolved together;
- c. Waqf technical officials in Indonesia do not have the same perception as the related parties to make efforts in doing this. waqf development and empowerment,
- d. The existence of *Nazhir* d i Indonesia is not yet professional so that waqf cannot be managed optimally.; and
- e. The financing of waqf certificates is quite expensive and there are not many professional people in managing the waqf deed so that this is put aside by the Indonesian people and the deed is considered not so urgent.

Considering that Islamic countries have enormous potential for waqf, especially Indonesia, it is hoped that it can produce waqf institutions as a solution to economic problems, and it is hoped that Indonesia will become the center of world waqf (Rohmaningtyas, 2017: 41). According to data on the Waqf Information System (SIWAK) of the Directorate of Zakat and Waqf Empowerment, the Directorate General of Islamic Community Guidance at the Ministry of Religion of the Republic of Indonesia ([http://siwak.kemenag.go.id/tabel\\_jotal\\_tanah\\_wakaf.Php](http://siwak.kemenag.go.id/tabel_jotal_tanah_wakaf.Php), accessed March 2, 2021) is as follows:

**Table 1:** Land of Waqf throughout Indonesia

No	Region Name	The Amount of Waqf Land	Area [Ha]	Certified		Not Certified	
				The Amount of Waqf Land	Area [Ha]	The Amount of Waqf Land	Area [Ha]
1.	Aceh	16.094	8.699,00	7.836	1.046,65	8.258	7.652,34
2.	Sumatera Utara	11.218	7.754,05	6.501	806,64	4.717	6.947,40
3.	Sumatera Utara	5.485	630,18	3.687	395,82	1.798	234,36
4.	Riau	8.147	2.098,00	2.816	457,64	5.331	1.640,36
5.	Jambi	6.475	1.033,79	3.572	455,26	2.903	578,53
6.	Sumatera Selatan	3.973	945,06	1.964	147,03	2.009	798,03
7.	Bengkulu	2.294	408,69	1.643	235,17	651	173,52
8.	Lampung	13.189	5.674,75	7.491	2.836,99	5.698	2.837,76
9.	Kep. Bangka belitung	1.198	271,62	794	182,22	404	89,41
10.	Kepulauan Riau	1.522	283,85	498	67,32	1.024	216,53
11.	D K I Jakarta	6.735	271,99	4.105	158,35	2.630	113,64
12.	Jawa Barat	75.850	5.468,30	40.210	2.287,90	35.640	3.180,40
13.	Jawa Tengah	102.271	5.230,81	74.055	3.707,92	28.216	1.522,88
14.	D I Yogyakarta	10.280	366,37	9.261	327,15	1.019	39,22
15.	Jawa Timur	68.566	4.498,67	35.507	2.286,80	33.059	2.211,88
16.	Banten	15.472	1.077,50	8.585	553,19	6.887	524,31
17.	BALI	1.458	212,60	1.319	188,33	139	24,28
18.	Nusa Tenggara Barat	9.539	1.517,72	6.061	980,59	3.478	537,14
19.	Nusa Tenggara Timur	1.307	335,26	985	209,90	322	125,36
20.	kalmantan Barat	2.895	576,24	1.603	251,22	1.292	325,02
21.	Kalimantan Tengah	3.063	616,71	1.857	342,93	1.206	273,78
22.	Kalimantan Selatan	8.258	988,43	7.273	834,96	985	153,48
23.	Kalimantan Timur	2.599	633,01	1.256	198,40	1.343	434,61
24.	Kalimantan Utara	484	140,07	159	94,49	325	45,58
25.	Sulawesi Utara	775	102,78	344	34,40	431	68,37
26.	Sulawesi Tengah	2.229	902,52	1.413	141,26	816	761,26
27.	Sulawesi Selatan	7.189	911,44	4.440	363,47	2.749	547,97
28.	Sulawesi Tenggara	1.108	110,58	827	71,37	281	39,21
29.	Gorontalo	1.912	389,89	960	275,29	952	114,61
30.	Sulawesi Barat	2.958	441,92	990	121,47	1.968	320,45
31.	Maluku	469	121,36	213	38,96	256	82,39
32.	Maluku Utara	313	46,72	225	25,37	88	21,35
33.	Papua	287	59,97	141	19,28	146	40,69
34.	papua BaraT	50	20,17	35	6,19	15	13,98
<b>Total</b>		<b>395.662</b>	<b>52.840,02</b>	<b>238.626</b>	<b>20.149,92</b>	<b>157.036</b>	<b>32.690,09</b>

### Community Guidance, Ministry of Religion of the Republic of Indonesia

Based on table 1, Indonesia has a total of 395,662 waqf land with an area of 52,840.02 HA, and if viewed from the total number of waqf land in Indonesia that has a certificate compared to land that has not been certified, is as follows: (a) The number of certified waqf land is 60.31%, and (b) the area of the certified waqf land is 38.13%. Therefore, it is important for waqf land to have a certificate as stipulated in Law Number 41 of 2004 concerning Waqf Article 4 that waqf aims to utilize waqf property according to its function, and Article 5 that waqf functions to realize the potential and economic benefits of waqf property for the interests of worship and to promote the general welfare. Therefore, in order for Indonesia to become the center of world waqf, the main agenda needed is that the waqf land must be certified because waqf is a legal act of waqf to separate and / or surrender part of its property to be used forever or for a certain period of time according to its interests for purposes. worship and / or general welfare according to sharia (Law Number 41 of 2004 concerning Waqf Article 1). Then, there needs to be an agreement from the scholars in advance about the fiqh of waqf because this is related to differences in views in understanding of waqf so that it will hinder the empowerment of waqf institutions (Al-Hadi, 2009: 103). According to the scholars from several schools in Rozalinda (2015) quoted by Rohmaningtyas (2017: 41) and also other experts in Al-Hadi (2009: 103-197) defines waqf as follows:

- i. *The Hanafiyah school determines the definition of waqf as the willingness of other people to give endowments and donate benefits for the good of others now and in the future. In this case, waqf according to Abu Hanafiyah and some Hanafiyah scholars: is holding objects whose status still belongs to waqif (the person who donates their property), while what is donated is the benefit (Zainuddin Ibn Najim in Al-Hadi, 2009: 197).*
- ii. *The Malikiyah school of thought, waqf is the gift of wakif in the form of rent, or money (dirham) in a certain sighth and period of time according to the wakif's will. In short, waqf property is still the property of waqf, and it can still withstand its use. Similar to the previous explanation which only uses waqf assets. This perspective states that, endowments are only valid for a certain time, and therefore should not be implied as eternal endowments. Furthermore, according to Malikiyah, waqf is to make the benefits of owned objects, whether in the form of rent or the proceeds to be handed over to the rightful person, with a timeless surrender, according to the will of the waqif (Zainuddin Ibn Najim in Al-Hadi, 2009: 197).*
- iii. *The Shafi'iyah school defines waqf by holding property that can be used with fixed objects, and can fight Waqif and others from permissible legal actions aimed at taking sides and getting closer to Allah. Unlike the previous perspective definition, they found treasures that have changed status to belong to Allah SWT. Thus, when wakif dies, they cannot take back the assets that have been inherited, and the validity period of the waqf assets is forever. Then, according to Shafi'iyah, Waqf is holding property that can be taken advantage of accompanied by the immutability of material substances, free from waqif control and used in something that is allowed by religion (Ali Fikri in Al-Hadi, 2009: 197).*
- iv. *Waqf according to Hanabilah: is to hold back the freedom of the owner of the property in spending his useful assets accompanied by the immutability of material substances and to cut off all rights of authority over the object, while the benefits are used in terms of virtue to get closer to Allah (Ali Fikri, 1998 in Al-Hadi, 2009 : 197).*

This view is in line with Monzer Kahf (1999) in Al-Hadi, (2009: 197) which states that if you want to empower a waqf institution, it is clear that you have to agree in advance about wakaf fiqh, it is necessary to reach an agreement between the scholars regarding the revitalization of the institution. Waqf today include: (a). The principle of perpetuity versus temporality; (b). Waqf of usufructs and financial right; (c). Public waqf versus posterity or private waqf; (d). Waqf management; (e) ). The ownership of waqf and its legal entity; and (f). The special condition of the waqf founder. Furthermore, increasing the professionalism of the Waqf Management Institution (Mutawalli) and Nazir as human resources who have the ability of religious and managerial knowledge to create a unified vision and mission and actualize work programs based on good corporate governance (GCG), the principles applied to optimize corporate value. , improve the performance and contribution of the company, as well as maintain the sustainability of the company in the long term, especially in managing the waqf land as a mandate to be carried. Based on the various descriptions above, there are three important agendas in the context of optimizing the management of waqf land in Indonesia, namely the waqf land certification program is a must to ensure legal certainty, there needs to be an agreement among scholars on waqf fiqh, and the need for efforts to improve the professionalism of the Waqf Management Institution. (Mutawalli) and Nazir as human resources. Thus, these three things are critical issues to be followed up immediately so that the large potential of waqf land in Indonesia can be managed and optimized as an economic instrument to realize the problems of the ummah.

### The Existence of Waqf Land in Indonesia

One of the real products of Islamic finance is waqf (United Nations Development Program / UNDP, [www.id.undp.org/](http://www.id.undp.org/) 11/12/2017). According to the PEW Resesarch Center in Diamant (2019) that Indonesia is a country with the largest Muslim population in the world, 87.1% of the total population of 219.98 million Indonesians are Muslim as follows:

**Table 2:** 10 Countries with The Largest Muslim Populations, 2015 and 2060

2015	2015 MUSLIM POPULATION	% OF COUNTRY THAT IS MUSLIM	% OF WORLD'S MUSLIM POPULATION IN 2015	2060	2060 MUSLIM POPULATION	% OF COUNTRY PROJECTED TO BE MUSLIM	% OF WORLD'S MUSLIM POPULATION IN 2060		
1	Indonesia	219,960,000	87.1%	12.6%	1	India	333,090,000	19.4%	11.1%
2	India	194,810,000	14.9	11.1	2	Pakistan	283,650,000	96.5	9.5
3	Pakistan	184,000,000	96.4	10.5	3	Nigeria	283,160,000	60.5	9.5
4	Bangladesh	144,020,000	90.6	8.2	4	Indonesia	253,450,000	86.1	8.5
5	Nigeria	90,020,000	50.0	5.1	5	Bangladesh	181,800,000	91.9	6.1
6	Egypt	83,870,000	95.1	4.8	6	Egypt	124,380,000	96.6	4.2
7	Iran	77,650,000	99.5	4.4	7	Iraq	94,000,000	99.3	3.1
8	Turkey	75,460,000	98.0	4.3	8	Turkey	88,410,000	97.9	3.0
9	Algeria	37,210,000	97.9	2.1	9	Iran	82,980,000	99.7	2.8
10	Iraq	36,200,000	99.0	2.1	10	Afghanistan	81,870,000	99.7	2.7
	Subtotal	1,143,200,000		65.2		Subtotal	1,806,790,000		60.5
	Subtotal for rest of world	609,420,000		34.8		Subtotal for rest of world	1,180,600,000		39.5
	World total	1,752,620,000		100.0		World total	2,987,390,000		100.0

Source: Retrieved from PEW Resesarch Center in Diamant (2019)

Referring to table above, it can be interpreted that Indonesia in 2015 had the largest population of Muslims and was followed by several other countries such as: India, Pakistan, Bangladesh, Nigeria, Egypt, Iran, Turkey, Algeria and Iraq. Then, in 2060 it is estimated that Indonesia will occupy the 4th (fourth) position in the total population of Muslim countries with the largest number being India, Pakistan and Nigeria. In this case, Indonesia has an advantage in accessing and mobilizing Islamic finance, which other countries may not have compared to these countries. Indonesia's superiority is that the value of waqf land and property in Indonesia itself is estimated to have enormous productive potential and has not been optimally explored.

Based on statistical data, the Waqf Information System (SIWAK) of the Directorate of Zakat and Waqf Empowerment, Directorate General of Islamic Community Guidance at the Ministry of Religion of the Republic of Indonesia states that the number of waqf lands in Indonesia is 395,662 with an area of 52,840.02 hectares, and this waqf land is scattered in various regions throughout Indonesia. According to the United Nations Development Program / UNDP ([www.id.undp.org/11/12/2017](http://www.id.undp.org/11/12/2017)) which states that the land waqf property has provided benefits to the people of Indonesia, especially in the surrounding areas, but on the other hand Indonesia has not been able to optimize the potential of this waqf land. more productive efforts to fight and alleviate poverty, as well as eradicate inequality and ultimately achieve the Sustainable Development Goals / SDGs. Then, the distribution of points of the amount of waqf land with different levels with the highest position in Java is as follows, first, Central Java with 102,271; second, West Java with 75,850; third, East Java with 68,566 (see Table 1. Land of Waqf throughout Indonesia, Waqf Information System (SIWAK) - Directorate of Zakat and Waqf Empowerment, Directorate General of Islamic Community Guidance, Ministry of Religion of the Republic of Indonesia).

Based on the various descriptions, it can be interpreted that the potential of waqf land in Indonesia as an economic instrument for realizing the benefit of the ummah has not been managed optimally. Ironically, Indonesia is in a position behind Singapore in terms of the productivity of the waqf land. In this case, Singapore, through the waqf institution WAREES (Waqaf Real Estate Singapore), the management of all waqf assets is oriented towards the interests of community empowerment (Karim, S.A. 2010a, b in Pertiwi et.al., 2019; 767). Every year, the net proceeds obtained from the management of waqf assets are distributed to beneficiaries of waqf (maukuf alaih), such as mosques, madrasas, social institutions, the poor, and funeral services and their distribution even abroad. For example, in 2014, S \$ 2,823,223 was distributed to waqf beneficiaries. Of this amount, as much as S \$ 355,021 was channeled abroad and also supported the country's economy (see Singapore's Success in Managing Waqf, [www.sinergifoundation.org/17/11/2020](http://www.sinergifoundation.org/17/11/2020)).

Thus, revitalizing Indonesia's management and optimization of waqf land through modern management concepts based on Islamic legal principles and managed by a waqf management institution based on good corporate governance and supported by reliable and professional human resources (HR) is a challenge and opportunity for Indonesia to do so. a big leap as the center of waqf in the world. Supporting factors in order to achieve this goal are that the majority of Indonesia's population is Muslim, 87.1% of the Indonesian population, the availability and existence of a relatively large number of waqf lands and the area of waqf land reaching 52,840.02 HA, which is more than enough capital. According to Pasamai (2018: 81) that the purpose and function of land waqf, especially for Muslims in Indonesia, is to realize spiritual and material welfare towards a just and prosperous society based on Pancasila.

## **Review of the Law of Waqf Land in Indonesia**

Waqf law is derived from Islamic law and has been transformed into the legal system in Indonesia. For example, in Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA No 5/1960), Government Regulation Number 28 of 1977 concerning Ownership of Land Ownership, Regulation of the Minister of Home Affairs Number 6 of 1977 concerning Procedures for Land Registration Regarding Ownership of Land Ownership and Regulation of the Minister of Religion Number 1 of 1978 concerning Implementing Regulations of PP No. 28 of 1977 and the most recent of which is Law Number 41 of 2004 concerning Waqf. According to Yambo (2018: 97-98), in waqf it is necessary to understand that waqf must be accompanied by written evidence, so that the legal action of waqf has legal force and creates administrative order, and the basis is very clear, because the verse muamalah in the Qur'an Surah Al Baqarah verse 282, regarding the order to record in matters of debts, can be an analogy in recording waqf. In addition to authentic evidence that must be recorded, there is also a need for systematic supervision of the utilization of waqf objects that are managed by nazirs as parties who are entrusted with managing waqf objects (Yambo (2018: 98).

Waqf according to Government Regulation No. 28 of 1977 article 1 paragraph (1) is: a legal act of a person or legal entity which separates a portion of the price of his assets in the form of property in the form of property and institutionalizes it permanently for worship purposes or other public purposes in accordance with Islamic teachings. Asset in the form of property functions to preserve waqf objects that have been set aside in accordance with the purpose of waqf as according to Article 2 of Government Regulation No. 28 of 1977 concerning Owned Land Waqf that the function of waqf is to preserve the benefits of waqf objects in accordance with the purpose of waqf. Meanwhile, according to the Islamic Law Compilation, the meaning of waqf: is the legal act of a person or group of people or legal entities that separates a part of their property and institutionalizes it forever for the purpose of worship or other public purposes in accordance with Islamic teachings.

According to Law Number 41 of 2004 concerning Waqf articles 40 and 41 regulating the status of assets that have been donated, it is prohibited: (a) Make a guarantee; (b) Confiscated; (c) Granted; (d) On sale; (e) Passed down; (f) Exchanged; or Transferred in the form of other transfer of rights.

However, article 40 letter f of Law Number 41 Year 2004 regarding Waqf has exceptions, and this is regulated in Article 41 paragraphs (1), (2), (3), and (4) as follows: paragraph (1) as referred to in Article 40 letter f is exempted if the waqf assets that have been donated are used for the public interest in accordance with the general spatial planning (RUTR) based on the provisions of the prevailing laws and regulations and do not conflict with sharia; paragraph (2) The implementation of the provisions as referred to in paragraph (1) can only be carried out after obtaining written permission from the Minister with the approval of the Indonesian Waqf Board; paragraph (3) Waqf assets whose status has been changed due to the exemption provisions as referred to in paragraph (1) must be exchanged for assets whose benefits and exchange rates are at least the same as the original waqf assets; and paragraph (4) Provisions regarding changes in the status of waqf assets as referred to in paragraph (1), paragraph (2), and paragraph (3) shall be further regulated by a Government Regulation.

Meanwhile, Government Regulation Number 42 of 2006 concerning Implementation of Law Number 41 of 2004 concerning Waqf regulates the procedures for the exchange of waqf assets as regulated in Article 49 paragraphs (1), (2), (3), and (4) as follows : paragraph (1) Change in the status of waqf assets in the form of exchange is prohibited unless with a written permission from the Minister based on BWI's considerations; paragraph (2) A written permit from the Minister as intended in paragraph (1) can only be granted with the following considerations:

- i. *Changes in waqf assets are used for public interest in accordance with the spatial plan (RUTR) based on the provisions of laws and regulations and do not conflict with Sharia principles;*
- ii. *Waqf assets cannot be used in accordance with the waqf pledge; or c. exchanges are carried out for direct and urgent religious purposes; paragraph (3) Apart from the considerations as referred to in paragraph (2), a permit to exchange waqf assets can only be granted if: a. the substitute for the exchange of assets has a certificate or proof of legal ownership in accordance with statutory regulations; and b. the value of the exchanged assets is higher or equal and equal to the waqf assets; and paragraph (4) The balanced exchange rate as referred to in paragraph (3) letter b shall be determined by the Regent / Mayor based on the recommendation of an assessment team whose members consist of the following elements: (a) Regency / City Government; (b). Regency / City Land Office;*
- iii. *District / city Indonesian Ulema Council (MUI);*
- iv. *District / city office of the Ministry of Religion; and*
- v. *Nazhir the waqf land in question.*

According to Government Regulation Number 42 of 2006 concerning Implementation of Law Number 41 of 2004 concerning Waqf article 50 paragraph (1) and (2) regulating the Value and benefits of exchangeable assets as referred to in article 49 paragraph (3) letter b is calculated as follows: paragraph (1) Exchangeable assets have a Tax Object Selling Value (NJOP) at least equal to the NJOP of waqf assets; and paragraph (2) Exchangeable assets are located in a strategic area and easy to develop. Article 51 paragraphs (1), (2), (3), (4) and (5) Government Regulation Number 42 of 2006 concerning Implementation of Law Number 41 of 2004 concerning Waqf regulates the exchange of waqf property the status will be changed as follows: paragraph (1) Nazhir submits a request for exchange of compensation to the Minister through the local District Office of Religious Affairs explaining the reasons for the change in status / exchange; paragraph (2) The Head of the District Office of Religious Affairs forwards the application to the Regency / City Office of the Department of Religion; paragraph (3) After receiving the application, the Head of the Office of the Department of Religion shall form a team with the following structure and intention of the local regent / mayor to make a Decree; paragraph (4) Head of Regency / City Department of Religion Office forwards said application by attaching the results of the team's assessment to the Head of the Provincial Office of the Ministry of Religion and subsequently forward the application to the Minister; and paragraph (5) After obtaining written approval from the Minister, the exchange of compensation can be carried out and the results must be reported by Nazhir to the land office and / or related institutions for further registration.

In Law no. 41 of 2004 concerning Waqf regulates the management and allocation of waqf assets both in Islamic law and in the compilation of Islamic law as a reference. The Compilation of Islamic Laws (KHI) article 225 regulates the Status of Assets that have been Waived as follows: (1). Basically, no other changes or uses can be made other than what is meant in the waqf pledge; and (2). Deviations from these provisions can only be made for certain matters after first obtaining written approval from the Head of the District Religious Affairs Office based on the advice of the District Ulama Council and the local Camat for the following reasons: (a). Because it is no longer in accordance with the purpose of waqf as promised by wakif; and (b). because of the public interest. Then, in Law no. 41 of 2004 concerning Waqf regulates the management and allocation of waqf assets both in Islamic law and in the compilation of Islamic law as a reference. Whereas in Article 22 of Law no. 41 of 2004 concerning waqf has provided signs in terms of the allocation of waqf assets, namely for religious facilities and activities, education and health facilities and activities, assistance to the poor, abandoned children, namely orphans, scholarships, progress and improvement of the people's economy and progress in welfare other general public which is not contrary to shari'ah and the prevailing laws and regulations in the State of Indonesia.

According to Usman (2008) in Yambo (2006: 105) that Law Number 41 of 2004 has provided the widest possible opportunity for the community and Muslims to (be) donating part of their assets to advance public welfare, be it property, immovable, movable objects other than money or movable objects in the form of money, all of which are intended for the development and utilization of the potential economic strength of Muslims in the framework of advancing public welfare, as well as providing various religious and

social religious worship facilities. Then, the allocation of waqf objects is not only for the purposes of religious and social facilities, but can be directed more productively in order to advance the general welfare through the management and optimization of the donated land in Indonesia.

Based on the various existing laws and regulations, efforts to increase the potential and economic benefits of waqf land are relatively available when viewed from a legal aspect, for example: Article 16 paragraph (1) of Law Number 41 of 2004, that: Waqf assets consist of above (a). immovable object; and (b). moving objects. According to the provisions in Article 16 paragraph (2) of Law Number 41 Year 2004, the scope of the types of immovable objects that can be donated as referred to above includes Article 16 paragraph (1) is as follows: (a). land rights in accordance with the provisions of the applicable laws and regulations, both those that have been registered and those that have not been registered; (b). a building or part of a building standing on the land as referred to above; (c). plants and other objects related to soil; (d). ownership rights to apartment units in accordance with the provisions of the prevailing laws and regulations; (e). other immovable objects in accordance with the provisions of the sharia and applicable laws and regulations.

The scope of the types of assets that can be donated above, is further regulated in detail in Government Regulation Number 42 of 2006, namely Article 15, Article 16, Article 17, Article 18, Article 19, Article 20, Article 21, and Article 22. It is also stated that the types of waqf assets include 3 (three) types, namely: (a). immovable objects, (b). movable objects other than money, and (c). movable objects in the form of money. The immovable objects include: (a). land rights in accordance with the provisions of statutory regulations, either already registered or unregistered; (b). the building or part of the building that stands on top as referred to above; (c). plants and other objects related to soil; (d). ownership rights to apartment units in accordance with the provisions of laws and regulations; (e). other immovable objects in accordance with the provisions of sharia principles and statutory regulations. In the provisions of Article 17 of Government Regulation Number 42 of 2006, namely: (a). land ownership rights either already registered or not; (b). Right to build, right to cultivate or use right over state land; (c). Building use rights or use rights over management rights or ownership rights must obtain a written permit from the owner of the management right or property rights, provided that if this waqf is intended to be a permanent waqf, it is necessary to relinquish the rights from the holder of the management or property rights; (d). ownership rights to apartment units.

Thus, the management and optimization of waqf land and other waqf objects in Indonesia from the perspective of the law of the waqf land can be interpreted as relatively adequate, and has entered the broader economic domain. Therefore, efforts to manage and optimize donated land in Indonesia must be carried out in accordance with sharia rules, including the Qur'an and Sunnah of the Prophet Muhammad SAW, Ijma'a, Qiyas and Ijtihad providing a hierarchical framework of sources of rules governing economy and finance. Islam.

**Optimization of Waqf Land Management**

Waqf is one of the Islamic economic instruments applied by Muslims since 1400 years ago, and this situation has resulted in a decline in the role of the government in dealing with economic problems and society plays an active role, namely waqf is contributed by the community to society and supported by the government (Rohmaningtyas,2017:41). In this context, the application of optimizing waqaf land management can be analyzed based on various literature studies as follows:

**Table 3:** Optimization of Waqf Land Management

No	Optimization of Waqf Land Management	Analysis
1.	The period before the Prophet Muhammad SAW	The practice of waqf has been known since long before the presence of Islam brought by the Prophet Muhammad, although with different names and terms. Before the era of Rasullullah Muhammad SAW, there were many places of worship, such as Masjid al-Haram and Masjid al-Aqsa. Both of these places existed before the arrival of Islam. This place does not belong to anyone, but belongs to Allah SWT for the benefit of the people as stated in the Qur'an, waqf has been running since Prophet Ibrahim a.s. (Huda, 2012 in Rohmaningtyas, 2017: 41-53)). At the time of Prophet Ibrahim a.s. building the Ka'bah as a form of sacrifice and devotion to Allah, this place is the first place of worship. The construction was carried out by the people at that time, to worship Allah. This is stated in the Koran: A house where Man originally built into (a place of worship), is the Baitullah blessed with Bakka (Mecca) and a guide for all mankind (Qur'an Surah Ali Imran verse 96).
2.	The time of the Prophet Muhammad SAW	Waqf has a long history since the beginning of the development of Islam, and in the previous history of waqf, experts in Rohmaningtyas (2017: 41-53) stated that the Prophet Muhammad SAW had practiced it before the law of waqf appeared, the construction of the Quba Mosque which was the first Islamic waqf (Rozalinda) , 2015). Then proceed with the construction of the Prophet's Mosque on the orphanage purchased and awarded by the Prophet Muhammad. The next implementation was followed by Utsman Bin Affan who bought wells and waqf for the benefit of Muslims. Even the waqf from Usman Bin Affan is still maintained today by the ministry of waqf in Saudi Arabia. Abu Talha also donated his favorite treasure. Allah SWT said in the Qur'an surah Ali Imron verse

Table 3 Cont'd

92 which the interpretation is as follows: "You may never come to virtue (which is perfect), before you spend a portion of the treasures that you love. And whatever you supply then verily Allah knows ". Then, the legal basis for waqf is as follows. (1). Qur'an Surah Al-Baqarah verse (267): O you who believe, support (in the way of Allah) a part of your good efforts and a part of what We put out of the earth for you; (2). Qur'an Surah Ali 'Imran verse (92): You may not arrive at the service (which is perfect), before you spend part of the wealth you love; (3). Qur'an Surah An-Nahl verse (97): Whoever does good deeds, whether male or female, is in a state of faith, then in fact We will give him a good life; and (4). Qur'an Surah Al-Hajj verse (77): O you who believe, bow to you, bow down, worship your Lord and do good deeds so that you may gain victory. Furthermore, the traditions which give a signal to carry out waqf worship (Yambo, 2018: 99) are as follows (a). Hadith narrated by Jama'ah hadith experts other than Bukhari and Ibn Majah that Rasulullah saw. said: From Abu Hurairah, indeed the great Prophet. has said: When a man dies his charity ends (his good deeds will no longer increase) except for three things: waqf, developing knowledge (either by teaching or by composing and so on), a pious child who prays for his mother and father; (b). The hadith narrated by Nasa'i and Ibn Majah, the Prophet Muhammad, have said: Umar said to the Prophet: "Verily I have a hundred shares in Khaibar, I have never had any property that I love more than that, I actually intend to give it away. The Prophet replied, "Thou shalt hold back the origin and donate the fruit". The hadith narrated by Ibn Majah, that the Prophet SAW, once said: "In fact, some of the deeds and goodness of a believer who can follow him after he dies are: knowledge that is disseminated, pious children who have been left behind, the Al-Quran that was inherited, the mosque that was built, the house that was built for the traveler, the river that he streamed, or alms that were taken out of his belongings while he was still healthy or alive. This almsgiving can also catch up after the person dies.

3. After the Prophet Muhammad SAW died and several Islamic dynasties were born

Another waqf that was carried out at the beginning of Islam, Umar Ibn Khattab wakaf to the booty land in Khaibar, in the year 7 H. In fiqh, this event is considered the first in Islamic waqf. When Umar as the caliph wrote a waqf document that stated several elements of production, namely land, management of waqf (nazhir), and slaves who worked on the land (AlHarith, 2014). Thus, Nazhir is a basic element in waqf activities. The existence of Nazhir is a must, even if wakif does not require Nazhir not to manage his waqf, then the waqf is not allowed or canceled. In addition, Abu Bakr Al-Siddiq donated a plot of land in Makkah for his descendants who came to Makkah. Uthman donated his wealth in Khaibar. Ali Bin Abi Talib awarded his prosperous land. Then the implementation of other friends' waqf was followed by Anas Bin Malik, Abdullah Bin Umar, Awwam Bin Zubair and the wife of Prophet Aisyah. According to experts in Rohmaningtyas (2017: 41-53) and Yambo (2018: 98) that in Islamic history there were many dynasties that controlled various regions of the world, and some of these dynasties were Umayyah, Abbasid, Ayyubid, Ottoman and Ottoman in Turkey as following:

a. *During the Umayyad and Abbasid times* - During the time of Daullah Bani Umayyah and Bani Abasiyah, waqf had expanded and triggered Muslims to donate their assets. The reach of waqf at that time was not only limited to distribution to the poor, but had also penetrated the establishment of religious facilities, refugee camps, libraries and educational facilities as well as scholarships for students, teachers and people involved in them. . The wider and more important reach of waqf was then established by a special institution engaged in the field of waqf, both to accommodate waqf assets and to manage them. In addition, waqf, which was actually a private law, in its development requires government intervention to oversee its implementation. They established a special institution to oversee waqf and drafted specific laws and regulations regarding the management of waqf, the presentation of the form of waqf, and the technical distribution of the principles contained in the law are still used by waqf institutions today (Anshori , 2005 in Yambo, 2018: 98).

b. *During the Umayyad dynasty* - Tauba Bin Ghar Al-Hadramy strongly supported the development of waqf. He was a judge in Egypt at the time of Hisham bin Abdul Malik. To develop waqf, Tauba has established a waqf institution under the supervision of a judge (Mora, 2014). This body was the first waqf to be established in Egypt, even the first among all Islamic countries. At that time the management of waqf was carried out by the Ministry of Justice, and the Ministry of Justice distributed benefits to those who had the right and need. In this case, waqf institutions play a role in alleviating poverty, misery, disease, illiteracy, creating an unequal distribution of wealth (Chudhry, 2012 in Rohmaningtyas, 2017: 41-53)).

c. *During the Abbasid dynasty* - Has a waqf institution called Sadr al-Wuqûf, which acts as an administrator and administrator of the waqf selection agency (nazhir). As such, the use of waqf was well regulated during this dynasty. As a result, waqf is a form of social means such as schools and hospitals. As for other social facilities such as building dormitories and hotels for travelers and the poor (Al Sibaiy, 1985 in Rohmaningtyas (2017: 41-53)). Therefore, the endowment fund at that time was used to finance various kinds of charities.

Table 3 Cont'd

	<p>d. <i>During the Ayyubid Dynasty</i> - In Egypt, when the Ayyubids controlled the area, the development of waqf was promising, because almost all agricultural land in Egypt was awarded and everything was managed by the state. In fact, since the land waqf was running out, Salahuddin Al Ayubi intends to give up most of the land as custodian of religious and social foundations. It can be said that the condition of the people in the region is very prosperous. Because waqf is a complement to zakat, only those who have fulfilled zakat can practice it. During the Mamluk era, waqf was also quite promising. At that time, anything that generates a profit can be included as waqf. Even bondmen are waqf. Usually they are blessed to be treated in religious institutions (Mora, 2006 in Rohmaningtyas, 2017: 41-53)). Buildings and land are the most awarded endowments.</p> <p>e. <i>During the Ottoman Dynasty</i> - Ruling most of Arabia and Europe, they also developed waqf. Regulatory accounting is one of the laws issued by the Ottoman dynasty to implement an endowment fund. The law was issued on 19 Jumadil Ukhra 1280 H, and the contents of the law are to regulate waqf registration, waqf certification, and management of waqf.</p>
<p>4 In various modern countries, both the majority and the minority of the population are Muslim</p>	
<p>Egypt</p>	<p>One of the most developed waqf managers to date is Al Azhar University, Cairo, Egypt. More than 1000 years old, this university has a very large amount of waqf assets. This is not just the giving of land, buildings and farms and even more, the giving of money. With these various endowments, Al-Azhar University was able to finance its educational operations for centuries without depending on government funds and education costs. In addition, this university is able to provide scholarships to more than thousands of students over the centuries from all over the world. In addition, Cairo has a large number of mosques built from people's waqf. Therefore, this city is known as a city of hundreds of minarets or mosques. This college is also a role model and inspiration in managing the development of waqf in Indonesia (Muallim, 2015 in Rohmaningtyas, 2017: 41-53)). In history, in order to organize and manage waqf assets and make plans for productive management of waqf, the Egyptian government formed Diwan al-Auqaf. This department was formed on November 20, 1913 and the issue of waqf in Egypt is managed directly by the Ministry (wizârah al-Awqaf) (Religious Affairs, 2014). In 1971 the Egyptian government established the Waqf Board (Waqf Board). The agency's task is to handle waqf property and its construction in accordance with Egyptian law no. 80 of 1971. Its authority is to plan, distribute and report waqf assets to the state and society. As a result of the development of waqf by the waqf body, Egypt is able to provide assistance for the poor, orphans, small traders and others. Also for improving public health, establishing hospitals, and providing medicines for the community. And last but not least for the development of science and technology</p>
<p>Saudi Arabia</p>	<p>Saudi Arabia is a historic country as bestowed on Islam. Therefore, waqf taught in Islam automatically becomes a priority in economic development. Through Decree Number 574 Year 16 Rajab 1386 H and Royal Decree Number 35 Year 18 Rajab 1386 H, the Department of Waqf was officially formed. The department responsible for waqf assets and managing them productively. As a follow up, the head of this department is the Ministry of Haj and Waqf. Waqf in Saudi Arabia takes many forms, such as hotels, land, residential buildings, shops, parks and places of worship. Waqf varies, some of which are administered and designed specifically for the two holy cities, Mecca and Medina. This specificity applies to waqf properties around Masjid al-Haram and Masjid al-Nabawi. The benefits of waqf are deliberately prioritized for these two cities, as welcoming guests from Allah, for those who go to Mecca to perform the pilgrimage. In addition, endowments in other countries in the Middle East are reserved for people in need. Management carried out by Nazhir directly reports its implementation and management to the kingdom (Athoillah, 2014 &amp; Djunaidi, 2006 in Rohmaningtyas, 2017: 41-53)</p>
<p>Bangladesh</p>	<p>In Bangladesh, waqf has become a growing Islamic economic instrument. In this modern era, Prof. Dr. M. A. Mannan formed cash waqf to establish an institution called SIBL (Social Investment Bank Limited) in Bangladesh. SIBL introduced the Cash Waqf Certificate (Cash Waqf Certificate) for the first time in banking history. SIBL collects funds from the rich to be managed and shares the profits with the poor (Nasution, 2007). In addition, in addition to the Cash Waqf Certificate, SIBL also develops other sharia financial instruments, namely the Waqf Bond Development Tool (Waqf Development Association), Family Waqf Certificate (Family Waqf Certificate), Mosque Bond Development Tool (Community Sharing Mosque), Zakat Payer Certificate. (Zakat / Ushar Payment Certificate), Hajj Deposit Certificate (Hajj Savings Certificate), and others (Athoillah, 2014). In Bangladesh, waqf assets are managed by the Waqf Administration and foundations registered with the waqf administration at the Bangladesh Ministry of Religion. In these countries there are 8,317 Islamic educational institutions, 123,000 mosques, 55,584 lands for Eid prayers, 21,163 graves, and 3,859 other social institutions which include waqf properties (Rozalinda, 2015 in</p>

<i>Table 3 Cont'd</i>	Rohmaningtyas (2017: 41-53). Waqf land is considered as a gift for the state to have made a significant contribution to society to get proper education, health care and other social services.
Malaysia	The fiduciary waqf affair is the Ministry of Religion. The type of waqf in Malaysia is divided into two, which are called waqf 'am and khâsh. Waqf 'âm is a treasure trove for benefit and socio-economic development for Muslims. Wakif does not require certain things on the property of the waqf, but it is Nazhir who is responsible for the waqf. While waqf khash is waqf which is included in certain conditions by the waqf. For example, people who donate special treasures for schools, mosques, or other facilities. Along with the development of waqf, Malaysia has invested in waqf properties through the sukuk instrument. Sukuk are used to develop the benefits of waqf assets in collaboration with the Malaysian capital market. The issuance of sukuk was carried out by Suruhanjaya Security in February 2001. In addition, the issuance of waqf shares in several regions, such as Johor, Malaka and Selangor. This was implemented in accordance with the decision of Majma 'Fikih Islam on November 24, 2005 (Chik 2007). As a guarantor of cash waqf, the country established the Takaful Waqf by Syarikat Takaful Malaysia Berhad in 1997 on the principle of mudaraba. Some examples of waqf that have succeeded in Malaysia and have survived to the present day are Madrasah Al Attas which was founded in 1860 in Pekan Pahang, and developed in the Johor area in 1912. The Al-Masriyah Arabic Religious School which was founded in 1908, Madrasah Khairiah Islamiah in Pulau Pinang, Ma'had Al Yahwiyah in Perak, Maktab Mahmud, Kolej Islam Malaya (Zaki, 2008). Which with some of these schools has produced many alumni who play a role in the progress of the Malaysian state. And this is proof that the education sector is a top priority in the development of waqf in Malaysia. Such as the sector influenced by Anwar Allah Pitchay in his research in 2014. Based on his research, what a waqf is most interested in in developing cash waqf in Malaysia is education. The rating is (1). Education, (2). Health, (3). Mosques and Madrasas, (4). Social Welfare, (5). Trade, (6). Environment, (7). Infrastructure and (8) Arts and cultural heritage (Pitchay, 2014 in Rohmaningtyas, 2017: 41-53).
Non-Muslim Countries	Waqf in non-Muslim countries is also practiced. Waqf rules are also carried out by Muslims in these countries. In the United States, waqf is used for public purposes, such as humanitarian needs, and waqf for special purposes such as education, health, scientific research, and others. In New York City, waqf is managed by the Kuwait Awqaf Public Foundation (KAPF) which involves Al Manzil Islamic Financial Service for its investment. The form of waqf applied in the United States is waqf waqf, family waqf, waqf for minority religions, such as the North American Islamic Waqf Foundation which was built specifically for Muslims in 1971. The foundation of waqf is not profit-oriented, but rather focuses on religious services, education physical, health and others. In England, there is an organization that deals with endowment called Islamic Relief. Islamic Relief is a cash waqf management organization that is able to raise money every year not less than 30 million pounds or the equivalent of 600 billion rupiah. Cash waqf funds are professionally managed and distributed to 5 million people in 25 countries. Indonesia is one of the countries that receives waqf funding. The endowment fund is intended for community development, in collaboration with Bait al-Mal Muammalât. One of them is by developing Bait al-Mal wa Tamwil (BMT) in ten villages in Banten Province (Rozalinda, 2015 in Rohmaningtyas, 2017: 41-53)
Singapore	As a non-Muslim majority country, the arrangement of waqf in Singapore is based on the Administration of Muslim Law Act (AMLA) in 1966 and according to Article 59 of the AMLA that all waqf assets in Singapore must be under the arrangement and supervision of the Singapore Islamic Assembly ((Majlis Ugama) Islamic Singapore / MUIS) which is an Islamic regulatory and law enforcement agency in Singapore (Karim, 2007 in Pertiwi et.al., 2019: 777). Management in the development of productive waqf in Singapore uses the istibdal method, because it is considered the most appropriate method to use In developing and producing waqf land Initially in Singapore there were many waqf assets that were low in value and unproductive, but after using the istibdal method, the high value and productive waqf assets in Singapore were applied to the commercial property waqf.
Indonesia	The development of waqf in Indonesia is very much in line with the spread of Islam in the archipelago. Apart from being in the name of da'wah, preachers also teach the rules of waqf to the Indonesian people (Antonio, 2007 in Rohmaningtyas, 2017: 41-53). As a necessity for places of worship, Muslims in Indonesia are obliged to donate their land as waqf assets. In fact, the rule of waqf has spread throughout the archipelago, and it is proven by the existence of giant historic mosques that were built in the name of waqf. Along with the spread of waqf in Indonesia, it can be said that waqf or other terms have been applied by almost everyone in Indonesia. In fact, the existence of waqf land and its benefits can guarantee the welfare of the community, but until now in Indonesia, related to the management and optimization of the donated land, it is still far behind from several countries such as Egypt, Saudi Arabia, Bangladesh, Malaysia, non-Muslim countries and Singapore. At present the management and use of waqf land has begun to develop, marked by the use of waqf land for broader purposes such as the construction of

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hospitals, schools, other public facilities, but most of the waqf land in Indonesia is generally limited to being used for schools, mosques, and other public facilities. or public graves (Anwar, 2020). In this case, it can be interpreted that the acceleration of development related to the application of waqf land management in Indonesia tends not to be optimal

**Source:** Various secondary materials (processed)

Based on table 2, it can be analyzed that in reality the implementation of the management and optimization of the donated land in Indonesia is far behind when compared to Muslim-majority countries such as Egypt, Saudi Arabia, Bangladesh, Malaysia, and countries with a majority of non-Muslim populations. such as the United States, United Kingdom and Singapore. According to Nizar (2017) in Pertiwi et.al. (2019; 767) that these countries have developed productive waqf optimally, for example Bangladesh, Malaysia and Singapore have used modern waqf funds, where waqf is not only in the form of assets but is already in the form of cash waqf.

According to Fahrurroji (2015) in Pertiwi et.al., (2019; 767) that Majelis Ulama Islamic Singapore / MUIS, creatively uses the concept of istibdal in developing waqf land with a strategy of exchanging 20 waqf lands with low value and low yields to the waqf land high value and high yields. The istibdal waqf project was implemented by WAREES by issuing a sukuk musyarakah worth S \$ 25 million to purchase buildings on 11 Beach Road to replace 20 waqf lands located in areas that have no potential and are outside the main development zone. This sukuk is the first sukuk in Singapore to buy a 6-storey building for S \$ 31.5 million or S \$ 919 per meter istibdal waqf in Singapore has turned waqf assets into productive results MUIS's creativity and innovation in planning its strategy for developing waqf in Singapore has contributed in establishing a source of income for mawquf 'alayh, and also striving to enjoy more competitive results besides that the value of waqf assets also increases (Fahrurroji, 2015 in Pertiwi et.al., 2019; 779). According to Antonio (2007) in Rohmaningtyas (2017:41-53) that the historical management of waqf in Indonesia is divided into three major phases as follows:

- i. *In the Transitional Phase, this period places waqf as a religious teaching (mahdhah) (Rozalinda,2015: 238). Most of the objects of waqfare for physical construction such as mosques, schools and cemeteries. Because with these facilities, people can live alone and live well. In this period, donations did not make a big contribution to social life because of the consumptive lifestyle (Antonio 2007). However, the welfare of society in terms of religion and intelligence has been sufficiently fulfilled, because the community has been able to practice their religion calmly and obtain a proper education;*
- ii. *The professional phase, during the period of management of waqf assets, was developed with a pattern of productive waqf empowerment, but not maximally (Antonio,2007). For example, the development of productive waqf is related to business units to support educational activities that lead to educational institutions that are developed independently by the institution. It has been practiced in the Pondok Modern Darussalam Gontor since its establishment in 1926;*
- iii. *In the Professional Phase, in this period the potential of waqf assets is empowered to become productive waqf. The empowerment of waqf assets is supported by professional human resources and well-managed reports. And finally, several waqf institutions emerged, such as the Indonesian Waqf Tube, Republika Dhuafa Wallet and Muamalat Baitul Maal Muamalat Waqf Money. In terms of political will, the government supports it with the issuance of Law Number 41 of 2004 concerning waqf. Then, followed by the formation of the Indonesian Waqf Board (BWI) based on the Presidential Decree of the Republic of Indonesia Number 75 of 2007. According to Law Number 41 of 2004, the Indonesian Waqf Board (IWB) is an independent institution. which is in charge of developing waqf in Indonesia. This has resulted in the development of public facilities financed by waqf institutions, such as hospitals, schools, clean water facilities, electricity and others.*

Thus, the current management and optimization of waqf land in Indonesia needs to be encouraged by actively and continuously involving the whole community and collaboration with the government, especially with regard to policies, regulations and laws that are conducive as a stimulus to accelerate national programs related to management and optimization. waqf land in Indonesia in order to make Indonesia the center of land waqf in the world.

## Conclusions

Land is one of the non-renewable natural resources and is one of the most vital capital for all production activities, both rural agriculture and strategic land in urban areas. While waqf is a part of Islamic law that has been specifically regulated in the laws and regulations in Indonesia, namely Law Number 41 of 2004 concerning Waqf. Waqf is one of the Islamic law institutions that has become positive law in Indonesia which functions as worship to Allah SWT, as worship, waqf is expected to be a blessing for the life of the wakif (waqf giver) in the hereafter because the rewards will continue to flow as long as the waqf property is utilized. Then, land waqf has a social function that aims at the development of infrastructure, education, health, public facilities, improving the economy of the people and the advancement of other general welfare. The development of the optimal management of waqf land in Indonesia tends to be less than optimal because its allotment is limited to the construction of mosques, cemeteries and schools. In this context, the management of waqf land in Indonesia only provides benefits at the micro level, namely only for the surrounding environment but has not provided benefits with macro implications, namely as an inexhaustible source of funding for economic development.

Considering that waqf land in Indonesia is good in terms of its number and extent and the majority of Indonesia's population is Muslim, the management of waqf land in Indonesia can be optimized, as an economic instrument that has more macro impact in order to realize the problems of the ummah in general and can also contribute to the country's economic growth and The Indonesian nation in particular This can be done in the following ways: (1) accelerating the process of certification of waqf land as a crash program and is carried out based on information and communication technology (ICT) to ensure legal certainty and data accuracy, (2) The government facilitates the national meeting agenda with stakeholders including Ulama, Islamic Community Organizations that are members of the Indonesian Ulema Council, academics and NGOs to make an agreement on productive waqf fiqh in Indonesia, (3) Collaboration of the government and stakeholders of waqf to implement use training related to waqf land management in order to increase the professionalism of the Waqf Management Institution (Mutawalli) and Nazir as human resources in waqf, (4). carry out literacy and campaigns about waqf continuously and continuously and are total, systematic and massive and towards the Indonesian people in general and the Muslim community in particular. in order to increase the waqf land productivity program. Thus, the revitalization of Indonesia in terms of optimizing the management of donated land in Indonesia can be carried out through the application of modern management concepts supported by reliable and professional human resources (HR).

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