

Unlocking Economic Opportunities: A Comprehensive Analysis of Land Waqf Transformation in Indonesia

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ABSTRACT

This study explores the transformation of land waqf in Indonesia, focusing on its potential to serve as a productive economic instrument within the Islamic economy. Utilizing a qualitative literature review, the research examines existing practices and challenges associated with land waqf management in Indonesia and compares them with successful models from other Muslim countries. The findings reveal that while land waqf holds significant promise for addressing socio-economic issues, it is hindered by managerial limitations, insufficient regulatory support, and low levels of community engagement. To realize the full potential of land waqf, the study advocates for a comprehensive approach that includes regulatory reforms, enhanced managerial capacity, community education, and the integration of innovative technologies. By adopting these strategies, land waqf can evolve from a traditional charitable practice into a dynamic economic tool that fosters sustainable development and empowers communities across Indonesia.

Keyword: Transformation, Land Waqf, Literature

INTRODUCTION

Three terms are commonly used by linguists to define waqf: *al-waqf* (endowment), *al-habs* (to withhold), and *at-tasbil* (to dedicate for the sake of Allah). The term *al-waqf* is derived from the gerund phrase *waqfu asy-syai'*, which means "to withhold something." Imam Antarah, as quoted by al-Kabisi, once said, "My camel is held in a certain place, as if it knows I could seek shelter there."(1)

In the book *Lisan al-Arab*, Ibn Manzur explains that the word *habasa* means *amsakahu*, which translates to "to withhold or restrain." He further elaborates: *al-hubusu ma wuqifa* (to withhold something that is endowed), as exemplified in the phrase: *habbasa al-faras fi sabilillah* (he endowed the horse for the sake of Allah), or *ahbasahu*, with its plural form being *habais*, indicating that the horse was endowed for soldiers to ride during jihad in the path of Allah. He also discusses the term *waqafa*, as demonstrated in the phrase: *waqafa al-arda 'alaalmasakin*, meaning "he endowed the land to the poor."(2)

Waqf is one of the Islamic charitable activities taught to determine the sustenance given by Allah to His servants. This is very beneficial because many people know its eternal benefits. Although the Qur'an does not explicitly recommend waqf, experts use these verses as a legal basis for legalizing waqf. One of them is found in Surah Al-Baqarah verse 267, which asks people to use their wealth for Allah. Waqf has formally developed, initially only using immovable objects, but now it can use dynamic objects such as money and shares. (3)

In most cases, waqf is carried out with the aim of helping other people, benefiting humanity, getting closer to Allah SWT, and making a profit from using the donated assets. This profit continues to flow from the donated assets even though the waqf has died. As long as waqf assets, they still have a social function because the purpose of waqf is not only for the poor but also for the public and community interests. Waqf has more specific goals, such as religious, social spirit, family desires, conditional encouragement, and instinct. (3)

Agrarian law encompasses the endowment of land and waqf land in Indonesia. This area of law regulates the utilization and management of Indonesia's land, water, and airspace for the public welfare of its citizens, as well as the legal relationship between individuals and these natural resources. Therefore, Article 49, paragraph (3) of Law No. 5 of 1960 concerning the Basic Agrarian Constitution (UUPA) states: "The endowment of privately-owned land shall be protected and regulated by Government Regulation."(4)

The area of waqf land is around 57,263.69 Ha or around 0.03% of Indonesia's land area, only 57.42% of which is certified as waqf land by the National Land Agency.



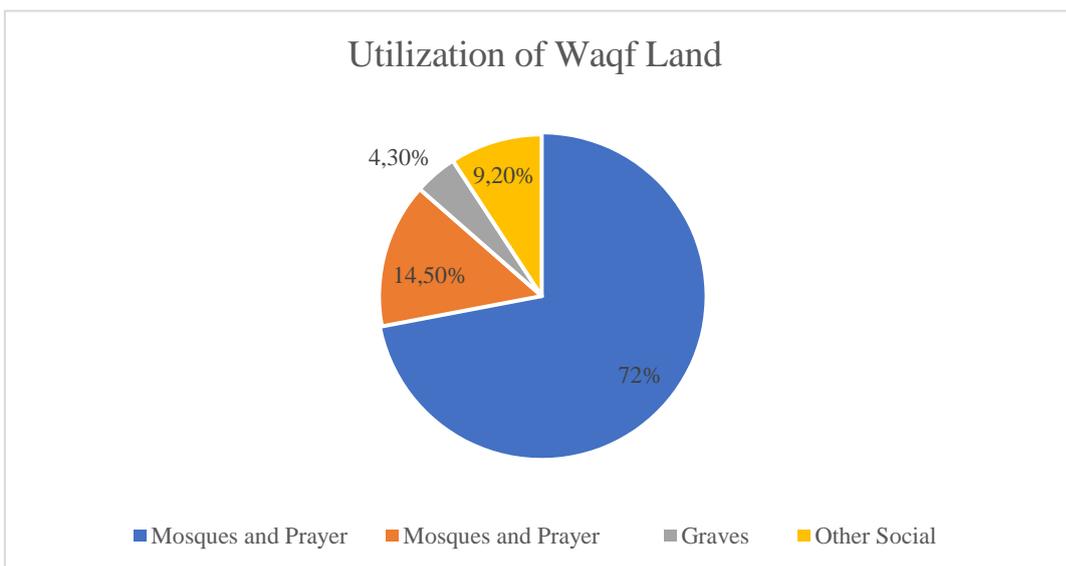
Figure 1 Development of the Number of Waqf Land in Indonesia

Source: Ministry of Religion, 2023

Land waqf is the transfer of land from private ownership to public ownership to be used for religious and social purposes. This is one of the experiences of Islamic law regarding the use of property which allows property to become worship and have social benefits. (5) The purpose of land waqf is to get closer to Allah, foster the attitude of not being stingy towards property, encourage other people to pay attention to their environment, clean up property from things that are haram, understand that property is a gift from Allah, and build good relationships with other people in society. (6) Because of Allah's command to humans to endow land, humans do not have absolute rights to property. The concept of property according to Islam shows that property is a gift from Allah, and humans are obliged to use it in a good way, including making waqf. (7)

Land waqf has a significant historical role in the social and economic development of Muslims, both in Indonesia and in various Muslim countries. Land waqf, as one of the philanthropic instruments in Islam, has been used for centuries to fund social infrastructure such as mosques, schools, hospitals, and various other public facilities. (8) Given that Indonesia is the country with the largest Muslim population in the world, there is a lot of land that can be donated by individuals and institutions. However, despite this high potential, the implementation of land waqf management still faces various challenges, both in terms of regulation, governance, and public

awareness of the importance of waqf. (9)The number of National Waqf Assets is up to 440,512 with growth in the last 4 years of around 8%, of which the use of land waqf is used for 72% for the construction of mosques and prayer rooms, 14.5% for schools and Islamic boarding schools, 4.3% for graves and 9.2% for other social purposes.



Source: siwak.kemenag.go.id 2022

However, in recent decades, attention to the management of land waqf in Indonesia has increased, especially with the presence of various regulations that support the development of waqf. One important milestone is Law No. 41 of 2004 concerning Waqf, which provides a stronger legal basis for the management of waqf, including land waqf. This regulation aims to ensure that waqf is managed productively, transparently, and accountably. However, implementation in the field shows that there are still gaps in terms of management and optimization of land waqf assets, especially related to the role of management institutions and the government in empowering waqf assets more effectively. (10)

The transformation of land waqf from merely a passive asset into a productive asset that can be used for community economic empowerment is one solution that is currently being widely discussed. In the context of Islamic economics, land waqf can play an important role in addressing social problems such as poverty, economic inequality, and lack of social infrastructure. Through proper transformation, land waqf can be optimized for productive activities such as the construction of low-cost housing, health centers, or educational facilities, which not only provide social benefits but also long-term economic impacts for the community. (11)

However, there are various challenges that hinder the transformation of land waqf into productive assets. These challenges include the lack of managerial capacity in waqf institutions (12) regulatory constraints that do not fully support innovation in land waqf management, and limited public understanding of the potential of waqf as an instrument of economic development. (13) This condition requires a more in-depth study of how current literature views the potential and role of land waqf in Islamic economics, and how best practices in various countries can be adapted in Indonesia.

Thus, the literature study on the transformation of land waqf becomes very relevant to explore the potential and role of land waqf in Islamic economic development in Indonesia. Through literature analysis, strategies and models of land waqf management that have been successfully implemented in various Muslim countries can be identified and how these models can be applied in the Indonesian context. This study is expected to provide a significant contribution to the understanding of more productive and sustainable land waqf management in Indonesia. Indonesia faces various socio-economic challenges, such as unequal access to

education, healthcare, and economic empowerment for the underprivileged, many of which can be addressed through the effective management of waqf land. However, current waqf practices encounter significant limitations, including inefficiencies in asset management due to a lack of professionalism and transparency. Regulatory barriers, such as misalignment between government policies and waqf administrators, further hinder the optimal utilization of waqf assets. Low public participation, driven by limited awareness of the importance of waqf and a lack of trust in managing institutions, also restricts the contribution of waqf in addressing socio-economic issues. Therefore, a holistic approach is needed to enhance waqf governance, improve regulatory frameworks, and encourage active public involvement.

RESEARCH METHODOLOGY

This research employs a qualitative design with a library research approach, focusing on the transformation of land waqf in Indonesia and its potential for unlocking economic opportunities. Data is sourced from a wide range of secondary materials, including academic journals, books, official reports, and relevant government regulations. The analysis uses thematic content analysis to systematically examine and interpret the literature, identifying key themes related to the governance, challenges, and economic contributions of land waqf. This method ensures a comprehensive understanding of the subject by relying on existing knowledge and scholarly perspectives.

RESULT and DISCUSSION

According to the Indonesian Dictionary, "wakaf" means to hold something. According to the Hanafi, Maliki, Syafi'i, and Hanbali Schools, "holding something" means keeping something owned to be used for the benefit of religion and humanity. Land is an immovable object due to its nature. (14) Waqf in Islam means storing property and profits given to others for the benefit of humanity with the aim of benefiting others with the aim of gaining the goodness and pleasure of Allah SWT. Therefore, waqf is a continuous charity, namely a donation of good deeds that will continue after the person dies. (15) In addition, waqf represents ownership of property, which means that the property cannot be inherited, sold, or donated, and the proceeds will be given to the recipient.

In Indonesian legislation, the issue of endowments has actually been known for a long time, along with the arrival of Islam to the archipelago, but this has not received clear regulations so that as a result the existence of endowments has provided less benefit to the community. Not long after Government Regulation Number 28 of 1977 concerning Endowments of Land Ownership was issued, the issue of endowment land began to be regulated. According to Article 1 Paragraph (1) of Government Regulation No. 28 of 1977 in conjunction with Article 215 of the Compilation of Islamic Law, endowments are legal acts of a person or legal entity that separate part of their wealth in the form of land ownership and institutionalize it forever for religious interests or other public needs in accordance with the teachings of Islam. (16)

After the ratification of Law Number 41 of 2004 and Government Regulation Number 42 of 2006, the legal basis for endowments has become increasingly strong. Regarding the basics of endowments, it is regulated in articles 2, 3, 4 and 5. Article 2 states that: "Endowments are valid if implemented according to sharia". While in article 3 it is emphasized: "Endowments that have been declared cannot be cancelled". Furthermore, article 4 states: "Endowments aim to utilize assets according to their function". Meanwhile, article 5 regulates: "Endowments function to realize the potential and economic benefits of endowment assets for the benefit of worship and to advance public welfare". (17)

In waqf there must be pillars and conditions that make the waqf valid. Pillars are elements that cause the validity of the implementation of waqf, so the pillars of waqf must be considered in carrying out waqf. Therefore,

the waqf is valid if it has fulfilled the pillars and conditions of the waqf itself. According to Asy-Syarbiny, the pillars of waqf consist of 4, namely: wakif, Mauquf bih, Mauquf 'Alaih and Sighat. (17)

The transformation of land waqf in Indonesia is one of the issues that has received increasing attention in recent years, especially because of its potential to support the socio-economic development of Muslims. (17) As a country with the largest Muslim population in the world, Indonesia has many land waqf assets. However, until now, the management of land waqf has not been optimal. Many land waqfs are only used for static purposes, such as building mosques or graves, without any effort to develop the land into productive assets that can provide long-term economic impacts (18)

In some literature, the transformation of land waqf towards more productive management is referred to as an important step in overcoming various socio-economic problems faced by Muslims in Indonesia. (19) For example, land waqf can be optimized to establish public facilities such as schools, hospitals, or business centers that not only provide social benefits, but are also able to generate income for the sustainability of these assets.(20) This model has been successfully implemented in several Muslim countries, such as Turkey and Malaysia, where land waqf is managed professionally by special institutions that focus on developing a waqf-based economy. (21)

The main challenge in managing land waqf in Indonesia is the lack of professional and structured management (22) Many waqf institutions do not have the capacity or knowledge to manage waqf assets productively. In addition, existing regulations, although they have improved, still do not fully support innovation in managing land waqf. For example, there are still obstacles in terms of licensing and tax policies that make many waqf management institutions reluctant to make long-term investments in waqf assets. (23)

Literature studies also show that community participation in the development of land waqf is still low. The community generally views waqf as a charity that is only spiritual in nature, without realizing that waqf can also be a strong economic instrument. (24)The lack of education and socialization regarding the economic potential of land waqf has caused many waqf assets to be left undeveloped or not used optimally. In fact, with good management, land waqf has great potential to overcome the problem of economic inequality and provide employment through commercial and social development projects. (25)

However, the transformation of land waqf is not impossible. Experience from various countries shows that with a supportive regulatory framework, as well as partnerships between the government, waqf institutions, and the private sector, land waqf can be managed professionally and productively(26) For example, in Malaysia, there is a national waqf institution dedicated to managing waqf land, which works with private companies to develop commercial properties on waqf land(27)This allows waqf assets to not only provide social benefits, but also become a source of income that can fund other social programs(28)

Thus, to realize the transformation of land waqf in Indonesia, a holistic approach is needed. In addition to strengthening regulations and increasing the managerial capacity of waqf institutions, it is also important to encourage community participation and introduce new innovations in waqf management. (29) With the right transformation, land waqf in Indonesia will not only be a symbol of worship and philanthropy, but also an economic instrument that can empower communities and support sustainable development.

Furthermore, the success of land waqf transformation is highly dependent on strengthening synergy between various stakeholders. The government, as the main regulator, must create more inclusive and proactive policies in supporting waqf management. (30) Among these are simplification of licensing, fiscal incentives for waqf institutions that successfully develop land productively, and strengthening supervision of waqf management to make it more transparent and accountable. These efforts will spur public and investor trust to participate in more

modern and results-oriented waqf management. The management of land waqf in Indonesia is deeply influenced by diverse social, economic, and cultural contexts.

Socially, public awareness of the concept of waqf remains low, often due to a lack of education about its benefits as an instrument for economic and social empowerment. Local traditions that view waqf as a limited act of worship, without recognizing its potential for economic development, further constrain the optimal utilization of waqf land. Economically, factors such as income levels and economic disparities influence participation in waqf. Communities with limited economic resources tend to prioritize basic needs over engaging in philanthropic practices, including waqf. Culturally, varying values and beliefs across regions affect how communities perceive and manage waqf land. For instance, in certain areas, waqf land is predominantly used for religious purposes, such as building mosques, without exploring its potential for productive management that generates sustainable benefits.

On the other hand, waqf institutions need to transform from traditional management to more professional. (31) This means involving competent human resources, both in the fields of asset management, property development, and sharia finance. Learning from countries that have been successful in managing land waqf can be an inspiration, such as the establishment of waqf bodies that are managed corporately but still based on sharia principles. (32) With this approach, waqf institutions can be more effective in optimizing waqf assets, which will ultimately have a more significant and sustainable economic impact.

In more professional waqf management, a professional Nazhir is needed for waqf management with the criteria of having special expertise and skills to be able to carry out a job well. A professional is someone who works seriously, is disciplined, responsible (trustworthy), and relies on high expertise and skills. (33) Therefore, his profession is attached to him, can be used as a basis for a decent life, and can be trusted by the community. Based on Waqf Law No. 41 of 2004, the duties of a Nazhir are to administer waqf assets, manage and develop waqf assets, manage and develop waqf assets in accordance with their objectives, functions and designations, supervise and protect waqf assets and report on the implementation of tasks to the Indonesian Waqf Board. (34)

A nazhir must have management skills, namely technical skills needed to perform certain specific jobs. Communication and interaction skills with the community (human relations skills), namely the ability to understand and interact with various types of people. Conceptual skills, namely the ability to think systematically and abstractly. Senior managers really need these skills because they deal with visions and missions, especially in terms of waqf. Decision-making skills, namely the ability to find problems and offer various ways to solve them. Time management skills, namely the ability to use time well. (35)

Public education and literacy are also important elements in accelerating this transformation. (36) The public needs to be educated about the benefits of land waqf which is not only valuable for worship, but can also function as an instrument of economic empowerment. Socialization through campaigns, media, and formal education about the importance of productive waqf must be part of a long-term strategy. (37) This is important to change the paradigm of waqf which has so far been understood as a static asset into a dynamic and productive asset.

Moreover, technological innovation can also play an important role in accelerating the transformation of land waqf. (38) The application of blockchain technology, for example, can increase transparency and accountability in waqf management, where every transaction and development of waqf projects can be audited and tracked in real-time. (39) In addition, digital platforms can be used to mobilize community participation in

productive waqf investments, enabling them to participate in projects that are socially and financially beneficial (40)

Blockchain is a digital ledger that stores various information, such as assets, identities, transactions, and contracts. It is possible that other blockchain models will emerge in the future because of the flexibility of this blockchain technology. (41) Blockchain storage technology allows data to be stored permanently and is very difficult to hack or change. The financial industry has many opportunities with blockchain technology because it can guarantee security, transparency, and data integrity. Blockchain recording is permanent, transparent, and accessible. Thus, the security of the Indonesian waqf application built using the blockchain method will be guaranteed, and balance transactions in the application will be recorded en masse. It is very easy to apply blockchain technology to the waqf system because everything can be done online without having to come directly to the waqf institution. (42)

To manage waqf assets, blockchain technology can be used. This can ensure that waqf assets are managed safely and transparently. By using blockchain-based smart contracts, waqf donations can only be given to organizations that have proven capacity to provide positive impacts (43) Blockchain technology can change the world, including the way waqf assets are managed. The World Economic Forum estimates that blockchain technology will store 10% of global Gross Domestic Product (GDP) by 2027. This shows that in the future, blockchain will be a very important technology. (44)

In conclusion, the transformation of land waqf in Indonesia requires a comprehensive approach, which includes supportive regulations, professional management, community participation, and technological innovation. With the right strategic steps, land waqf can become a powerful driving force for the Islamic economy, helping to overcome various socio-economic challenges in Indonesia, and creating more inclusive and sustainable development. This great potential must continue to be explored and optimized through various initiatives, both at the national and local levels, so that land waqf can truly become one of the solutions for better development for the wider community.

In the land waqf transformation scenario, strategic stages are needed involving various key actors, including the government, waqf institutions, the private sector, and the general public. This transformation process is not only aimed at optimizing the use of waqf land, but also ensuring that the land makes a real contribution to economic and social development.

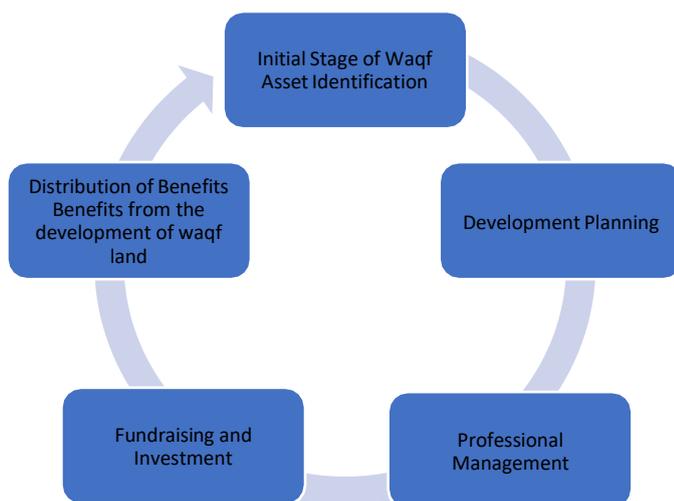


Figure 3 Stages of Waqf Transformation

Land Waqf Transformation Stages:

1. Identification Waqf Assets The initial stage involves mapping and recording waqf land in Indonesia. This is important to know the area, location, legal status, and economic potential of waqf assets that have not been optimized. (45)
2. Development Planning Once the assets have been identified, the waqf management institution together with the government and private sector carries out waqf land development planning. (46) At this stage, a master plan is drawn up which includes the use of the land for social purposes (such as schools or hospitals) or commercial (such as property or business areas) (47)
3. Professional Management At this stage, the waqf management institution implements professional management by involving experts in the fields of property, law and finance. Modern management systems, such as the use of digital technology, are also implemented to monitor and manage waqf assets transparently. (48)
4. Fundraising and Investment To finance development, funds are raised from both the community and investors through cash waqf mechanisms, waqf sukuk, or other sharia financial instruments. (49)
5. This enables the implementation of development projects to run smoothly and sustainably.
6. Development and Operation Once the funding is collected, the waqf land begins to be developed according to the plan that has been made. Once completed, the property is managed with the aim of generating profits that will be used to support other social programs (50)
7. Distribution of Benefits Benefits from the development of waqf land are then distributed to the community in the form of social services, such as education, health, and poverty alleviation, or returned for further development. (51)

Conclusion

The transformation of land waqf in Indonesia shows great potential in supporting the Islamic economy and overcoming socio-economic problems. Based on literature analysis, land waqf can be managed productively to support the education, health, and economic empowerment sectors of the community. However, the success of this transformation requires professional and transparent management, accompanied by supporting regulations. With innovation and modern management, land waqf can become a significant source of sustainable financing for social projects, while strengthening the economy of the Muslim community. This transformation plays a strategic role in accelerating economic equality, encouraging private sector growth, and increasing the economic independence of the community. The potential of land waqf will be maximized if it is integrated into a broader Islamic economic policy, with strong and accountable institutional support.

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