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Revitalization through Innovation WAQF Property Traditional Development

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Abstract:

Three people issues are: 1) the low quality of education, 2) the cost of increasingly expensive health care, and 3) lack of public welfare, has become a circle of "evil" interrelated and mutually influence one issue among others. Background on the issue tersebutlah, it is necessary that concrete efforts to revisit the idea of classical repertoire, especially Islamic instruments relating to poverty alleviation, one of which is "Waqf". Endowments aims to provide a benefit or benefits diwakafkan property to the person entitled to and used in accordance with teachings of Islamic Sharia. Waqf property in the financing model of traditional, classical fiqh book discusses five models of financing reconstruction waqf property, namely: First, the Loan; Second, Hukr (long-term lease contracts with a lump sum payment that is large enough in advance); Third, Al-Ijaratain (rent with two payments), the Fourth, add the addition of new waqf property and the fifth, onsite replacement (substitution) waqf property. This study develops and implements the fifth above.

Keyword: Hukr, Al-Ijaratain, SubstitutionWaqf Property

1. Background

Waqf is a unique Islamic economic instruments that bases its function on the elements of virtue (birr), kindness (ihsan) and fraternity (brotherhood). The main characteristic endowments are very different is when their redeemable endowments shift toward private property ownership Allah SWT. Expected lasting benefit on an ongoing basis. Through these donations is expected to occur the process of distribution of benefits to the wider public, of the benefits of a personal to the benefit of society. Waqf is an Islamic economic institution whose existence has existed since the beginnings of Islam. This is evident in the history of the institution of waqf one of the cornerstones proponent of economic activities of Islamic rule (caliphate). With the collapse of the Caliphate existing system, the role and existence of endowments in the economic sector also faded. Even at the end, the activities of this institution for many reasons, abandoned its role of Muslims and replaced by other financial institutions.

The present time reappears efforts to review the activities of Islamic economic institutions. This because the economic crises that hit the existing economic system. So that the various discourses ranging from studies and seminars have been conducted in connection with the 'revitalization' waqf institutions. In connection with that comes about how to manage endowments professionally. Perwakafan activities undertaken by the community at this time is characterized by religious activities that have less economic impact in our daily lives. Wakaf when viewed even by wakif more leads in the form of construction of houses of worship and burial lands. In fact, in addition to the dimensions of worship, activities endowments have other dimensions such as economic value. The economic dimension activities cash waqf is poorly understood by the public so mamfaat economically less impact in improving the welfare of the community itself, so do not be surprised if land and asset endowments are also frequently, are not maintained in accordance with the purpose of waqf itself. Therefore, we need a new concept or paradigm to revitalize the development of waqf.

Revitalization is a process or way and act to revive something that previously terberdaya that revitalization means to make something or act to be vital, while the vital words of great importance or very desirable to life and so on. With the above background, this study intends to explore and develop the concept of revitalization model of traditional waqf property management development.

2. Theory

2.1. Revitalization

Gouillart and Kelly (1995) defined the revitalization of an effort to boost growth by linking the organization to the environment ". According Asbhy (1999) Revitalization is included changes implemented in Quantum Leap, which is a big leap that includes not only gradual or incremental change, but getting to the point that much different from the initial conditions of the organization".

2.2. Waqf Theory in the Qur'an al Karim

Legal foundation that advocates waqf is the word of Allah. Surah Ali Imran verse 92: "You never get to virtue (perfect), before you spend most of that which ye love. And what you spend, Allah knows ".

Surat al-Baqara: 261 "Parable (income incurred by) those who spend their wealth in the way of Allah is like a seed that grows seven ears. In every ear a hundred grains. God magnifies (reward) for sesiapa He wills, and Allah is the area (his gift), the Knower."

2.3. *Waqf Theory in Al Hadith*

In the hadith there are many sayings about the endowment. According Djatnika there are 6 (six) Hadit which explains endowments that are not repetitive. Among them the word of the Prophet. It was narrated from Abu Hurairah.a. that the Messenger of Allah said: If a man dies terputuslah all his deeds except from three things, namely from perpetual alms (waqf), or science utilized, or a pious child who pray (HR. Muslim). "Umar acquire land in Khaibar, and then he asked the Prophet, saying; Messenger of Allah, I have acquired land in Khaibar whose value is high and do not ever get more valuable than him. What the king commanded me to do? Words of the Prophet: "If you want, hold down the source and sedekahkan benefit or a boondoggle." Then Umar giving it, he may not be sold, given or made to inherit. Umar menyedekahkan to the poor, for families, for freeing a slave, for those who fight for Allah, the travelers and guests.

The scholars agreed (ijma') received a waqf as a charity are prescribed in Islam. No one can negate and reject the practice of waqf in Islam as waqf has become the practice of continually used and practiced by the companions of the Prophet and the Muslim since the early days of Islam until now.

In the context of the Indonesian state, waqf practice has been carried out by the Indonesian Muslim community since before independence. Therefore, the government has enacted a special law governing perwakafan in Indonesia, namely Law No. 41 of 2004 concerning Waqf. To complete the Act, the government has issued Government Regulation number 42 of 2006 on the Implementation of the Law No. 41 of 2004. Indonesian Ulema Council has issued a fatwa on Endowments Money, as follows:

1. Money Waqf (Endowments Cash/Waqf al-nuqud) are endowments that a person, group, institution or legal entity in the form of cash.
2. Included in the definition of money is securities.
3. Endowments money jawaz legal (allowed).
4. Endowments money should only be channeled and used for things that are allowed in syar'i.
5. The principal value of Endowment Money must be guaranteed its preservation, may not be sold, assigned, or inherited.

About the permissibility of endowments of this type, there are some opinions that reinforce the fatwa, among others:

First, the opinion of Imam al-Zuhri (d. 124H.) That mewakafkan dinar is permissible, by making the dinar as working capital then the profits distributed to mauquf 'alaih (Abu Su'ud Muhammad. *Risalah fi JawaziWaqf al-nuqud*, [Beirut: Dar IbnHazm, 1997], pp. 20-21).

Second, mutaqaadimin of scholars Hanafi (Wahbah al-Zuhaili, al Fiqh al-Islam waAdillatuhu, [Damsyiq: Dar al-Fikr, 1985], the section VIII, p. 162) allows waqf dinar and dirham as an exception, on Istihsan basic bi al-'Urfi, based atsar Abdullah bin Mas'udra: "what is regarded by the Muslims then in the sight of God is good, and what is considered bad by the Muslims then in God's sight was bad".

Thirdly, the opinion of most scholars of al-Shafi'i school of thought: "Abu Tsyar narrated from Imam al-Shafi'i about the permissibility of waqf dinar and dirham (money)". (Al-Mawardi, al-Hawi al-Kabir, tahqiq Dr. Mahmud Mathraji, [Beirut: Dar al-Fikr, 1994 [, chapters IX, m p. 379).

2.4. *Management of Waqf*

Management of Waqf funds must have a culture of professionalism, transparency and accountability. In the case of this culture, then any institution that has had the culture, is actually the most prepared institutions in carrying out the management of cash waqf (IdrisToha, 2003, p. 228). The cultural importance of enforced because on the one hand wakif rights on assets (cash waqf) has been lost, so that with the culture of professional management, transparency and accountability, then some consumer rights (wakif) can be met, namely:

1. The right to information is correct, clear and honest about the condition and guarantee of the goods andor services;
2. The right to be heard and grievances of goods and or services used;
3. The right to receive guidance and consumer education.

For this reason, in order to cash waqf can provide tangible benefits to the broadest community, it is necessary to the management system (management) that professional standards. Cash waqf management involves three (3) main parties, namely: (1) giving waqf (wakif), (2) the management of waqf (nadzir), at the same time will act as an investment manager, and (3) the beneficiary (mauqufalaahi).

Wakif will give waqf to the manager and its benefits will be distributed to mauqufalaahi. In doing this waqf management of an institution that meets the following criteria: 1) The ability to access to potential wakif; The ability to invest waqf fund; The ability to administer the account of the beneficiary; ability to carry out distribution of waqf fund investments; and have credibility in the eyes of the community, and should be controlled by laws/regulations are strict. Investment Institute is actually engaged in the capital market can function nadzir. However, in view of the fact that there is that equity markets tend to be volatile, the more precise is the banks (especially banks shari'a).

2.5. *Innovation Theory*

Innovation at its core is a conceptualization activity, as well as ideas to solve the problem by bringing economic value to the company and social value for the community. So innovation departs from a preexisting, then given added value. Innovation stems from things

that seem trivial by opening their eyes and ears to listen to the aspirations or complaints of consumers, employees, the environment and society. The subject of the application of innovation itself biased individuals, groups or companies. This means that bias occurs in any individual or group of companies who are very brilliant and innovative. But the ideal company to be a place of institutionalized for the people who gathered to exploit new ideas. (Myers and Marquis, 2003)

3. Traditional Waqf Development Innovation Model

Interest develop waqf property is to optimize the function of waqf property as an infrastructure to improve the quality of life and the lives of human resources. According to MozerKahf as revealed by Pewawataatmaja, the idea of setting aside some endowment income to merekontruksikan waqf property or fixed assets to raise capital endowments are not discussed in classical fiqh. Therefore, Kahf (March 2-3, 1998) distinguishes waqf project financing into financing models traditionally cash waqf property and new funding models productive institutional waqf property.

In the traditional financing model waqf property, classical fiqh book discusses five models of financing the reconstruction of waqf property, namely: First, the Loan; Second, Hukr (long-term lease contracts with lump sum payments large enough in advance); Third, Al-Ijaratain (rental with two payments), Fourth, add the addition of new waqf property and fifth, onsite replacement (substitution) waqf property. Of the five models is only the addition of a new waqf property that creates additions to capital endowment and increased production capacity. The four models of many others to finance the operations and restore the productivity of all waqf property, namely:

1. Innovation Funding is Creating Wealth Creating Assets waqf with New Additions to Complement Its treasure Waqf.
Is the waqf drinking water carried by Usman bin Affan to the Prophet. Motivated by the Prophet, Usman able to buy Ruma original water source is given only in part, but then the owner agreed to sell again some others. Usman models can we adopt modifications as follows: Product Name waqf: waqf water. Nazhir collect funds (Pooling Fund) of the Wakif amount of value has been set. Nazhir then buy privately owned water sources, to be submitted to the community and become disposable managerial Rights (Management) made public in the presence of a team of experts from NazhirWaqf.
2. Innovation management of MosqueWaqf Development Model.
Expansion Nabawi mosque in Medina expanded during the period of the reign of Caliph Umar, Usman, the Umayyad and Abbasid Bani. Each extension has a long waqf property additions. This is evident from the addition of waqf property seen in the provision of new facilities such as water, electricity and cooling or heating system. This model can be adopted modifications to the product name waqf: Mosque Waqf Development. Nazhir collect funds (Pooling Fund) of the Wakif amount of value has been set. Nazhir then buy privately owned land, to be submitted to the public and management to mosque (expansion and management) made public in the presence of a team of experts from NazhirWaqf.
3. Model Development Innovation Loan to Finance Needs Operational Assets waqf. Loans to finance the operational and maintenance costs of the loan to restore the original function of waqf is commonly practiced.
Terms which normally must be met before to be able to do about loans is to get permission from the Supervisory Judge. We come across in books of jurisprudence, for example the discussion about a loan to buy seeds and fertilizer and labor costs required. Also on loans made to rebuild the waqf property that has been damaged or burned. This model can be adopted modifications to the Waqf Product Name: Treasure Maintenance Endowments Endowments. Nazhir collect funds (Pooling Fund) of the Wakif amount of value has been set. Also can be tangible collect funds from wakif who are willing to lend money (of course without any extra) for later use for e.g.: managing idle land, not occupied, and so on. After the endowment financed by borrowing it can produce so that it can restore Maintenance Loan Assets Endowment, as well as to the development and utilization of the others.
4. Innovation Exchange Replacement (substitution) Treasure Waqf.
Model substitution means an exchange of waqf property is one population to another, most substitutions do not provide the service or the same income without zoning changes are set giver waqf property (wakif). Therefore, it is the principle of substitution is not increase waqf property under normal market conditions. Consequently, the substitution is not a funding models. However, due to the unique character of waqf property, which in particular cannot be sold then sometimes substitution ended with an increase in services provided. The classic example of this is the exchange of school buildings in the sparsely populated with school buildings were densely populated. Furthermore, if for the majority of substitution has been defined as a way of financing especially for urban land that costs for most waqf property alone has been sufficient to establish a building above ground most of the others, then this substitution can increase revenue. Model substitution can easily provide the necessary liquid funds for operational activities waqf property. In certain cases, the substitution can improve the service of waqf property, especially when the use of the new waqf property occurred due to changing technologies and or demographics. This model can be adopted modifications to the product name Endowments: Endowment exchange Substitute Assets Endowments. Nazhir collecting Fund (the Fund & Asset Pooling) of the Wakif amount of value has been set. Can also raise funds and intangible assets that are willing wakif building of interchangeable building to be used more useful for the community.
5. Innovation Model Hukr financing (long-term lease with a lump sum payment in advance is great).
This financing model created by fukoha (Jurist) right to interrogate the ban can sell waqf property. Of the selling waqf property, nadzir (manager) can sell the rights for the term of the lease with a nominal value periodically. Rights sold for a large lump sum amount is paid in advance. Buyers of long-term lease rights can build waqf land by using its own resources at their peril as long as he pays the rent periodically to the organizer. The term Hukr means Monopoly in Exclusive. This exclusive rights may be for a period of time that typically exceeds the size of the normal life of human nature or may be permanent. This is one example of the financial rights which may be marketed, i.e. sold, inherited, gift and others. Hukr financing models could possibly be wrong to

exclusive price used to reduce operational costs because Hukr endowment income in the future. However, if the lump sum price exclusively used to buy new productive property as an endowment, the income stream will be unchanged or even increased. In other words, the model itself neutral medium application can give a negative result from the viewpoint of the objectives of waqf. If the model Hukr used in normal market conditions and if the price is exclusively used in a way that maintains the spirit of the immortality of waqf property, then this model should be considered neutral and can be used to ensure the acquisition of the liquidity needed to build a waqf property. Because the criteria for acceptance of this model is not dependent on the amount of the periodic lease, any small but in fairness to the practice and the final utilization of lump sum generated by selling exclusive rights. This model can be adopted modifications to the Waqf Product name: Wakaf Hukr. Nazhir collect waqf property of the Wakif, then nadzir (manager) sold the rights for the term of the lease with a nominal value periodically with a lump sum that large paid in advance then be used to buy productive assets recently as an endowment, the income stream will remain as original or even increased.

6. Financing Model Innovation Ijaratain (Lease Payment with Twice).

Model ijaratain generate long-term lease which consists of two parts: the first part, in the form of an advance lump sum which is great for reconstruction and developing waqf property in question, and the second part, in the form of annual rent on a periodic basis over the lease term. This model is similar to Hukr, the difference in ijaratain advances can only be used to reconstruct the waqf property is concerned. In ijaratain clearly that waqf property contracted after direkontruksikan in accordance with the specifications defined in the contract. This model can we adopt modifications to the Waqf Product name: "Waqf Ijaratain (Lease Payment with Twice)". Nazhir collect waqf property of the Wakif, then nadzir (manager) sold the rights for the term of the lease with a nominal value periodically with a large lump sum is paid in advance then be used for the first merekontruksikan waqf property in question can be used Wakaf Wakaf Maintenance treasure; Second, contracted after reconstruction waqf property in accordance with the specifications defined in the contract.

4. Conclusion

1. Based on research conducted major conclusions can be drawn, endowments can play a role in supporting the development process as a whole, both in the development of human resources, as well as in economic and social development.
2. Management of the endowments made through the classical approach, essentially correspond to those outlined in Islamic economics.
3. Optimization of education and socialization and the development of waqf endowments become an important strategy to consider for the development of waqf forward. This is where the will can be proved that the endowment is one important element in the economic financial Shari'ah.

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