

THE NADZIR'S ROLE IN WAQF EMPOWERMENT FOR PEOPLE'S WELFARE (CASE STUDY IN THE NADZIR OF UNIVERSITAS ISLAM MALANG FOUNDATION)

Anisa Fitria Utami^{1*}, Agus Suman², Asfi Manzilati³

¹The Faculty of Economics and Business of UPN "Veteran" Jawa Timur

^{2,3}The Faculty of Economics and Business of Brawijaya University Malang

Email: anisafitriautami@gmail.com

Abstract

This paper reviews how the management of productive waqf is able to realize the welfare of the people. In Islamic history, waqf has a very important role. If waqf is managed properly, it will provide benefits in the form of sustainable funding so that people are able to use these funds for education, health and welfare. The management of productive waqf is handled by nadzir. The research methods that used is case study with qualitative approach, this paper describes the role of Nadzir in managing productive waqf at the Universitas Islam Malang Foundation. The Nadzir of Universitas Islam Malang Foundation is stick with the sharia law and UU No. 41 Tahun 2004. The role of Universitas Islam Malang's nadzir is suitable with the duties and roles that listed on UU No 41 Tahun 2004. The duties and roles are first, accepting and administrating the waqf asset. Second, managing and developing waqf asset through build VIP Rooms, Al-Khaibar Minimarket and Go Fish Restaurant. Third, keep the waqf asset through pledging the waqf asset to Bank Muamalat and fourth, reporting the waqf asset management to Kementerian Agama as waqif.

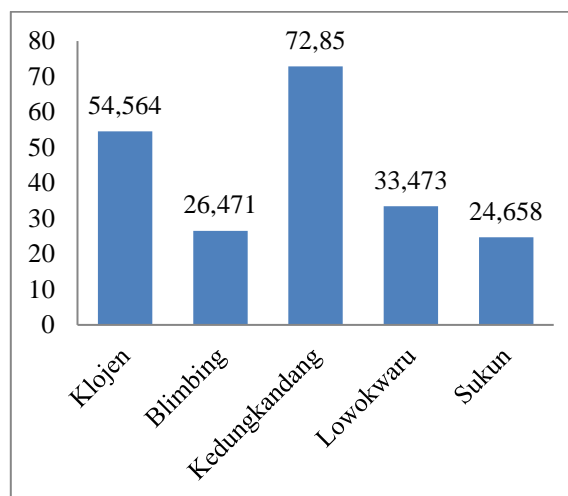
Key words: Productive Waqf, The Nadzir of UNISMA Foundation, Nadzir's Role

1. INTRODUCTION

Malang City encountered poverty escalation from the previous year that is 3,6%, so in 2017, the percentage of poverty in Malang City is 4,17% (BPS, 2018). The poverty can be solved with several alternatives that are Zakat, Waqf, and poverty program from the government.

Waqf is one of the instrument in islamic economy that has purpose to redistribute income. Different with Zakat, the maagement of waqf must keep the asset to be everlasting or doesn't run out. The outcome of waqf management was given to mauqf alaih (waqf outcome receiver).

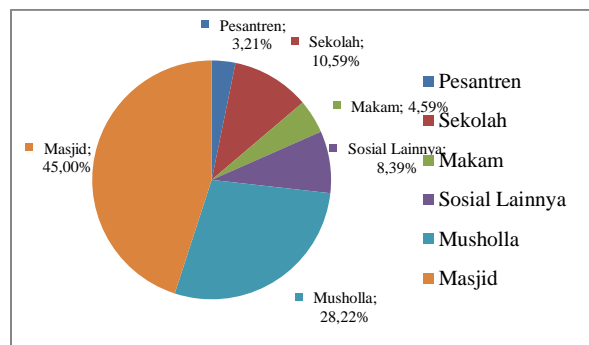
The development of waqf in Malang City has increased every year, besides the waqf assets was spreaded equally in several sub-districts in Malang City.



Picture 1. The Total of Waqf Land in Malang City

Besides that, there are several formal and informal nadzir, like KUA (Religious Affair Offices) in several sub-districts in Malang City. Nevertheless the waqf management in Malang

City is still not optimal yet now, because the waqf management is still traditional. The waqf management becomes an islamic boarding school and mosque are still practiced until now. The Nadzir (waqf manager) assumed that the waqf management becomes a worship place is the easiest management and its hereditary. Waqf has played the role to facilitate kinds of either religious or social activities, such as places for worship, for travelers, for science, for schools, for scientific papers making, for water supply and for the needs. The problem is this management pattern has not touch the social aspect yet, that is people's welfare. According to Astuti, the waqf's purpose on social concern is people's welfare enhancement through increased revenue of poor people. It can be said that traditional management has not been able to improve people's welfare.



Picture 2. Waqf Management

The main role in the waqf management is placed on the waqf nadzir, both in the form of individuals and institutions. The productive waqf management in Indonesia has been supported by the government by issuing UU No 41 tahun 2004 about productive waqf management through Lembaga Keuangan Syariah. Even though the legal protection about the productive waqf management has been set by the government, but several waqf institutions are still managing waqf traditionally.

Therefore, the nadzir must have an ability to innovate waqf management. One of the waqf institution in Malang City that is Lembaga Wakaf Universitas Islam Malang (UNISMA) has been asked by Kementrian Agama as the pilot of Nadzir that can manage waqf productively. The waqf fund is rolled out in 2006 in the amount of 2 billion Rupiahs. Therefore the purpose of the research is

to find out the role of the nadzir in managing productive waqf for people's welfare.

2. RESEARCH METHOD

The research methods that used is case study with qualitative approach. The data that used is primary data that obtained by interview. the informant is H.A. Zawawi Mochtar as chairman of the Nadzir Universitas Islam Malang Foundation. H.A. Zawawi Mochtar as the administrator of the waqf and he is the key informant who provides information about other informants. In order to support the interview result, the researcher use secondary data in the forms of the foundation's profile and the details of budget for productive waqf management needs.

The data interpretation method that used is content analysis. This method is used to analyze and give meaning to the results of the interview. The data validity test that used is the source triangulation.

3. RESULT AND DISCUSSION

Universitas Islam Malang (UNISMA) Foundation was established by the muslim scholars who are Ahlussunnah Wal Jama'ah in March 27th 1981. On its progress, corresponding with the foundation internal need as core business has several business units like islamic hospital, business units and productive economic businesses. Therefore the UNISMA Foundation already has a business unit, so the foundation was asked by Kementerian Agama to submit a proposal about productive waqf management in 2006.

In 2006, the fund from APBN-P (Anggaran Pendapatan Belanja Negara Perubahan) that listed in SK NO 030/25-03.0/-/2006, was given to the leader of the Nadzir of UNISMA Foundation, Mr. Zawawi. In the submitted proposal, there is an explanation about the waqf fund management for various things like The VIP of Rumah Sakit Islam UNISMA, and minimarket in several regions.

After the issuance of the decree about the waqf fund management responsibility that was given by Kementerian Agama, UNISMA Foundation formed Nadzir management that responsible to managing waqf fund. The Nadzir management are from academic community of UNISMA Foundation and also outside community.

3.1 The Role of The Nadzir of Universitas Islam Malang Foundation as The Waqf Asset Receiver and Administrator

In 2006, The Nadzir of UNISMA Foundation was asked to submitted a proposal by Kementerian Agama that has a pilot program of productive waqf management. Not only The Nadzir of UNISMA Foundation, but also 4 other universities that have business units was asked to submitted a proposal about productive waqf management.

After submitting funds to Kementerian Agama, the waqf fund was submitted to the waqf nadzir, represented by Mr. Zawawi as the leader of the nadzir. The submission of waqf fund was held in Jakarta. Before that there are several responsibilities that must be conducted by the Nadzir to the waqif, that is periodic report to the waqif.

UU No 41 Tahun 2004 mention that the nadzir's role that is administrating waqf property. Therefore the nadzir administrating waqf fund that submitted by Kementerian Agama.

The orderly administration of waqf was stated in the making of Akta Ikrar Wakaf (AIW). The istructions of waqf administration was listed in UU no 41 Tahun 2004 Pasal 32 and 39. All these regulations was only made to maintain and preserve waqf property in Indonesia. If the property is well organized, then we can develop and manage the waqf property well. So the outcome of the management can be distributed as is the allotment of waqf property.

3.2 The Role of The Nadzir of Universitas Islam Malang Foundation in Managing and Developing Waqf Fund

Based on UU no 41 tahun 2004, the role of waqf nadzir is managing and developing waqf assets. The nadzir of UNISMA Foundation has managed the waqf fund from Kementerian Agama. The management of waqf fund start from the capital of 2 bilion Rupiahs, then it can be maintained and developed until now.

In managing waqf fund, the nadzir apply the principle of prudence. Evidently, the nadzir inviting several consultants in order to allocating the waqf fund, so it can minimalize the deviation in the waqf management.

The Nadzir of Universitas Islam Malang Foundation is managing the waqf fund in the form of

The VIP Room of Rumah Sakit Unversitas Islam Malang

The main waqf fund management is set up a VIP room in Rumah Sakit Islam UNISMA. According to Yusuf Qardhawi, hospitals that were established in the heyday of Islam, for example during the caliph Harun ar-Rasyid, namely al-Bimaristan hospital in Baghdad, as-Sayyidah hospital and al-Muqtadiri hospital were also in Baghdad during the caliph al -Muqtadir Billah in 203H can be accessed for free by everyone, both rich and poor.

By building a VIP room, it is expected that UNISMA Hospital will provide optimal services to patients who need comfort when restoring their health. It is hoped that management of waqf funds into VIP space will also provide maximum benefits, so that waqf funds can be more developed.

The construction of the VIP Room was carried out in two stages. The first stage is to build a VIP room on the 1st floor which consists of 4 VIP rooms and 7 main classrooms. Provision of a VIP room at UNISMA Hospital was able to generate large profits, so it was planned to build a VIP room on the 2nd floor. The funds used for the construction of the VIP room then came from the profit of the VIP room that had been built previously.

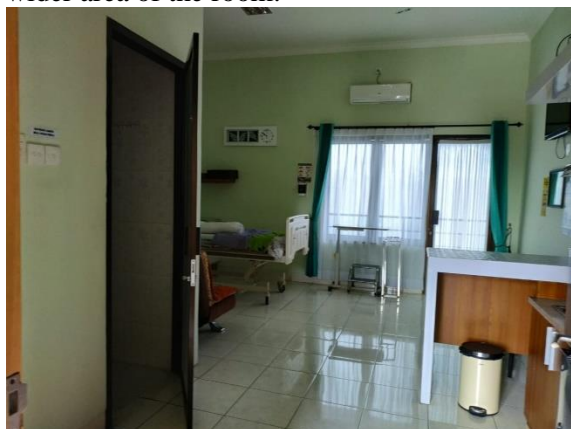
Today the amount of VIP rooms from the productive waqf management outcome is 14 rooms. The leader of nadzir said, the waqf management for VIP room will continue to grow, because the fund turnover there is rapid. It is proved by the breakeven point which obtained faster than the expactation or the plan in the proposal.

The initial estimation, the breakeven point will happens in 7th year. It turns out that the breakeven point can be obtained in 6th year. See the development of VIP Room very quickly, so the nadzir decided to set up additional VIP room. The management of productive waqf is supported by high public interest to get treatment in Rumah Sakit UNISMA.

The VIP room built by waqf funds consists of 2 classes, namely Orchid 1 and Orchid 2. The VIP Room building is separate from the Hospital building, so it is able to meet the demands of patients who want peace.

Orchid Room 1 is located on the 1st Floor at a price of 550,000 / night with luxurious facilities, namely an electric bed, Television 21 ", AC, Bathroom that provides a choice of hot and cold faucets, wardrobe and spacious rooms.

While Orchid Room 2 is located on the 2nd floor with a rental price of 475,000 / night. The facilities provided are also quite luxurious, which distinguishes only the location of the room and the wider area of the room.



Picture 3. Ruang VIP Orchid 2

The income obtained by Nadzir is only the price of renting a room. While nutritionists, doctors and medicine patients still pay to the hospital. In managing the VIP Room Nadzir is assisted by several nursing staff, cleaning services and administration. These staff get a salary from the management of waqf funds by Nadzir.

The waqf fund management outcome with set up VIP Room give benefits that exceeded the expectation. So the nadzir considered to developed waqf fund management furtherly, so it can reach its purpose to welfare of the people. Therefore, in 2012, the nadzir decided to set up Al-Khaibar Minimarket which located in waqf land as wide as 300 m².

Al-Khaibar Minimarket

The nadzir set up a minimarket from the excess fund of the waqf management outcome that became VIP rooms. The first one stands in the college student area in Kerto Street. This minimarket stands in a waqf land as wide as 300 m². Today, the nadzir is successfully set up 6 minimarkets that consisting of 3 branches of Al-Khaibar Minimarket and 3 partnerships with Al-Khaibar Minimarket.

3 cooperation branches are located at Jalan Bondowoso, Pujon and Bantaran. the cooperation carried out in the form of supplying goods, there were also those who asked for training of employees. then the minimarket management will open a branch on Jalan Candi.

During its development, Al-Khaibar minimarket has advantages compared to other minimarkets. That is cheap and has complete items. With cheaper prices, many people prefer to shop for daily necessities in Al-Khaibar minimarket compared to other minimarkets, even though they are close.

Low prices are given, because the minimarket has no collaboration with the franchisor, so there is no percentage of the results that must be given to other parties. This makes the price of goods only come from the cost of goods plus other needs. Another strategy used by management so that the price of goods is cheaper is to take a multilevel discount.

Minimarkets only take 10% profit for each item. While conventional minimarkets take advantage of up to 30% due to high costs and promotional costs reaching 100 million per month.

Go Fish Restaurant

After they successfully set up a minimarket, the nadzir add another business unit that is Go Fish Restaurant. The Go Fish Restaurant is besides Al-Khaibar Minimarket III which located in college area. So the restaurant's existence is able to generate adequate profit for waqf fund development.

initially decided to set up a Go fish restaurant because of public demand. food stalls around are not open until evening. so that the community around the housing asked to establish a place to eat that provides food that can serve until evening.

Restaurant Go fish is a franchise with entrepreneurs in Sidoarjo. The percentage of profit sharing is 40 for the Franchisor and 60% for the Franchise (Nadzir). In the cooperation agreement it is stated that 10% of the profits will be given to mauqf alaih.

In the process of managing waqf fund, the nadzir implementing the management pattern written in UU no 41 tahun 2004 about productive management of waqf. After it reached breakeven point so the capital can be returned from the waqf fund management outcome, so the waqf fund

management outcome can be divided into 3 parts. First, 70% of the waqf fund management outcome are returned to the nadzir to be used as the waqf assets management and development fund. Second, 20% of the waqf management outcome are given directly to the mauquf 'alaih that had been agreed upon by the nadzir. Third, the last 10% is the nadzir's right.

The distribution of waqf fund allocation is determined for mutual benefit, in the other hand, so that the waqf fund can continue to grow and more beneficial to the community.



Picture 4. Allocation of results of Waqf Management

In other hand, there is an obligation from the waqf management outcome that it must given to the mauquf 'alaih (waqf outcome receiver). In terms of waqf distribution, the sharia rules are not really clear and decisive. This is different from Zakat which confirms the zakat distribution for the clear ashnaf. The fiqh scholars according to Al-Mishri in Imam (2010) are agreed that the zakat fund can not be given to people before the needy and poor people can fulfilled their needs. In distributing zakat, it should be used to empowering the community around muzzaki first, and do not move it to other place except there is an excess. While, waqf is an element of element of enhancement of good deeds that has the dimension of continuity of reward in order to improve the welfare of people (Bimas: 2013).

The waqf fund management outcome was given to the people in need that is mauquf alaih. Mauqif alaih is a recommendation from every business unit that submitted to nadzir, then nadzir determine who deserved to receive the waqf outcome fund.

The mauquf 'alaih who received the waqf outcome are about 40 people that consisting of school teachers, TPQ teacher, mosque takmir, and the mosque cleaning service. The consideration in selecting those mauquf 'alaih is because they are not civil worker that always get salary every

minth. In order to get support from the waqf management outcome, the mauquf 'alaih should fulfilled the requirements files. The funding will be given every 3 months with the amount around 300.000-450.000 Rupiahs every 3 months.

In determining mauquf alaih nadzir also requires approval from the Ministry of Religion as Wakak. Previously Nadzir had submitted a proposal to provide results of management of waqf funds to patients of Islamic hospitals who were less capable, but the proposal was rejected by the Ministry of Religion, because patients who were less able had received assistance from Government Programs such as BPJS, Insurance and other forms of financing.

The following 10% of the fund of waqf management outcome is given to the nadzir. The nadzir is a professional job, so in the process managing waqf that conducted, nadzir must get a share as an encouragement in managing waqf. According to Rosalinda (2012) a professional nadzir should referring to the modern management principles. A waqf nadzir is considered professional if he can do the job because he is expert on that field, exerting his time, thought and energy for the job, not as the side job.

3.3 The role of The Nadzir of Universitas Islam Malang Foundation in Keeping The Waqf Assets

The waqf practice is different than another alms practice. Refer to the Abu Hanifah's opinion, then waqf has a different character than another alms forms. The character that become the waqf privilege is the waqf asset must be detained and cannot be reduced. Therefore the nadzir has an important role to maintain the waqf asset. The nadzir must maintain the waqf asset so as not to run out, but also has a duty to manage the waqf asset so it developed and provide wider benefits for people.

The Nadzir of Universitas Islam Malang Foundation emphasize on the prophet's hadith "*insyi'ta khabasta ashlahaa watashodaqtabihaa*". If you like it, hold that land and you give the alms the benefits. The Nadzir is trying to keep up the continuity of waqf that is the eternity of cash waqf (money) that from the waqif (Kementerian Agama). The main nature of the waqf requires the eternity of the basic asset, the it managed and the

outcome is channeled according its purpose and in accordance with the social security system or insurance program. In waqf, the waqif can decide the allotment of waqf assets management outcome (*mauquf 'alaih*). (Arif.2010)

To anticipating losses, so the nadzir of UNISMA Foundation pledge the waqf assets to the Takaful insurance. Badan Wakaf Indonesia is also instructed to pledge the waqf assets to Bank Muamalat. This step is done, so that later there will be no risk of expiration of the waqf assets that mandated by the waqif.

The agreed contract for pledging the waqf assets is mutual help contract. This contract is one of the contracts in sharia economy that means take risks together. If there is a loss in business practice, so the nadzir and the guarantor bear the losses together. Moreover, the nadzir invest waqf assets in the real sector which has a high risk loss.

3.4 The Role of The Nadzir of Universitas Islam Malang Foundation in Reporting Waqf Fund Management

The nadzir has a responsibility to reporting the waqf asset management outcome to the waqif. It was mentioned in UU no 41 Tahun 2004, that the nadzir's role is reporting the waqf management outcome to the waqif periodically. The waqf assets management reporting are aims to find out the waqf management outcome, so the waqif aware where the funds have been given.

The accountability report that made by the nadzir from the collection of financial reports of every business units owned by the nadzir of UNISMA Foundation.

According to Antonio in Mubarak (2008: 35), the productive waqf is a waqf empowerment marked by three main characters, that is integrative management, following nadzir's welfare principle, and transparency and responsibility principle. The integrative waqf management pattern means giving a chance for waqf fund to be allocated to the empowerment programs with all kinds of costs included in it.

Once every 3 months, the nadzir make a responsibility report that contains the nadzir's activity and financial report about the waqf assets management. The responsibility report that made

was intended to the Kementerian Agama and UNISMA Foundation. The responsibility report that made by the nadzir shows that the nadzir is willing to publicize the waqf assets management so there will be no deviation in the waqf assets management.

4. CONCLUSION

The role of the nadzir of Universitas Islam Malang in order to develop productive waqf for people's welfare that are:

Receiving and administrating waqf assets

In accordance with Law No. 41 of 2004 concerning Nadzir's role and duties, namely administering waqf assets. Administration of waqf assets aims to make waqf assets well organized. As well as making it easier to report the management of waqf assets to Wakif.

Managing and developing waqf assets

Nadzir is tasked with managing the waqf property productively so that the results can be given to mauquf alaih. The Nadzir Yayasan UNISMA manages waqf assets from the Kementerian Agama to become a VIP Room at UNISMA Islamic Hospital, 6 Minimarket branches spread in Malang City / Regency, and Go Fish Restaurant. 6 Minimarket branches consist of 3 branches, namely Jalan Tata Surya, Jalan Kertoraharjo and Masjid Sabilillah, while 3 other branches are in the form of cooperation located at Jalan Bondowoso, Pujon and Bantaran.

Maintaining waqf assets

Nadzir's next role is to keep the assets of the waqf from running out. To anticipate losses that might be experienced due to unfavorable efforts, Nadzir UNISMA Foundation insures waqf assets with Takaful contract at Bank Muamalat according to the instructions of the Badan Wakaf Indonesia.

Reporting the waqf assets management to the waqif

Nadzir is required to report the results of waqf management to Wakif. Therefore every 3 months Nadzir UNISMA Foundation reports the results of management of Waqf to the BPK and Inspectorate.

5. REFERENCE

- Arif, Muhammad. 2010. *Potensi Wakaf Uang Serta Dampaknya Terhadap Perekonomian*. Jurnal Dialog Balitbang Kemenag RI. No 70
- Badan Pusat Statistik. (2018) . *Tingkat Kemiskinan Jawa Timur*
- Dirjen Bimas Islam. (2013b). *Paradigma Baru Wakaf di Indonesia*. Jakarta: Kementerian Agama RI
- Huda, Nurul. Dkk. (2017). *Problems, Solutions and Strategies Priority for Waqf in Indonesia*. Journal of Economics Cooperation and Development, 38, 1 (2017), 29-54
- Iman, Nurul. 2010. *Telaah Konsep Mauquf Alaih dalam Rangka Optimalisasi Peruntukan Harta Wakaf*.
- Mubarok, Jaih, 2008, *Wakaf Produktif*, Bandung: Simbiosis Rekatama Media.
- Qurrata, Vika Annisa, dkk. (2019). *The Impelementation and Development of Productive Waqf in Indonesia : Case at Malang Islamic Hospital*. Humanities & Sciences Reviews.
- Ramli, Asharaf Mohd; Jalil, Abdullah. (2013). *Corporate Waqf Model and Its Distinctive Features: The Future of Islamic Philanthropy*. *Dipresentasikan pada Worlds Universities Islamic Philanthropy Conference di Kuala Lumpur, Malaysia*.
- Rofai, Yuli. Umar Burhan and Multifiah. (2016). *The Role of Productive Waqf for Public Welfare (Study case of Nadzir Foundation in University of Islam Malang)*
- Ryandono, Muhammad Nafik Hadi dan Bahlul Hazami. 2016. *Peran dan Implementasi Wakaf dalam Peningkatan Kesejahteraan Masyarakat*. *INFERENSI: Jurnal Penelitian Sosial Keagamaan*, Vol. 10 (No. 1), 239-264
- Siddiqi, Abdul Hamid (terj.), Imam Muslim. (2005). *Translation of Shahih Muslim, Book 13 Chapter 5: Waqf*. International Islamic University Malaysia. Diakses pada tautan http://www.iium.edu.my/deed/hadith/Muslim/013_smt.html pada tanggal 21 Juli 2017
- Syauqi, M. A. 2014. *Optimalisasi Pengelolaan Wakaf Uang untuk Kesejahteraan Umum*. *Kanun Jurnal Ilmu Hukum*, (No. 63), 369–383.
- Undang-Undang No. 41 Tahun 2004 tentang Wakaf. www.bpkp.go.id.