

THE ROLE OF PRODUCTIVE WAQF FOR PUBLIC WELFARE (STUDY CASE OF NADZIR FOUNDATION IN UNIVERSITY OF ISLAM MALANG)

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Abstract

Productive Waqf for VIP room (Very Important Person) in RSI Malang (Islamic Hospital of Malang) which is managed by the foundation of Nadzir in University of Islam Malang is a pilot project of productive waqf that comes from the grants provided by the Ministry of Religious Affairs. The public strongly supports Productive Waqf for VIP room in RSI Malang and make the VIP room is never empty. So that in less than 7 (seven) years the VIP building have reached BEP (Break Event Point). Nadzir foundation of University of Islam Malang is also developing productive waqf by adding a VIP room and build a minimarket Al Khaibar. The existence of a pilot project of productive waqf VIP room and minimarket is perceived by the public. The construction of the VIP room in RSI Malang and minimarket create new jobs for the people. Productive waqf which is managed Nadzir foundation in University of Islam Malang is expected to be able to continue the developing and give more benefit to society.

Keywords: Productive waqf, Welfare, Nadzir

1. INTRODUCTION

Waqf can be understood as a social instrument in Islam that aims to improve the welfare of the people which can be done by increasing the income of Malang people (Astuti: 2012). The main characteristic of Waqf by Cizakca (1998) is when someone has accumulated his personal wealth and decided to cast his property for charitable purposes, there will be a shift of wealth to private property belongs to God whose benefits are fully allocated to the people.

In the history of Islam, Waqf plays an important role in the social life of the people and the Muslim community (Kahf, 2008), especially, in the efforts to combat the poverty because of the scarcity of jobs and income (Aimi, et al). Waqf which success in the history of Islam proves that Islam is able to provide solutions to social security and welfare to its adherents. Waqf in Islamic history is not only a pillar of the welfare of society or individuals, more than that Waqf have become a pillar of the nation's economy in building the infrastructure, economy and durability.

Indonesia with a Muslim majority population has the potential for huge Waqf. The data of waqf in Indonesia based on SIWAK (Information Systems Waqf) Ministry of Religious Affair Waqf Empowerment conductor

as much as 246 934 locations with an area of 39.708.08 hectares are spread throughout Indonesia. With details musholla 30.04%, 43.77% mosque, schools 10.59%, Islamic boarding schools was 2.97%, 4.32 tombs, other social 8,31% (accessed on 02.17.2016). Most of waqf land that is still in the form of unproductive land is still limited to places of worship, schools, madrasahs, tombs, orphanages. From the social point of view, especially for religious purposes is indeed effective, but in terms of the economy has not had a positive impact for the local economy (Hasanah: 2005). If the allotment of Waqf only to the extent that the above without a balanced Waqf managed productively then the role of Waqf as one means to achieve socio-economic welfare of society will not be realized optimally (Hanaf in Saepudin).

One of the efforts to optimize the potential of Waqf as one of the instruments in the income distribution, the Ministry of Religious Affairs seeks to develop Waqf to make some innovations or breakthroughs to manage and develop the waqf property to get Waqf's greater perceived benefits (Syukron: 2011). Since 2005 the Department of Religious Affairs has embarked on a program that aims to realize the Islamic economy based community through Waqf's device. The program called Earning Wakaf Land Empowerment Assistance from the State Budget (Mora, 2011: 3). Waqf lands were

given help to empower waqf land in order to use this fund more productively to open business units in various fields, namely Stores, Hospitals, Education, Gas Station, Supermarket, and so forth.

Especially in Indonesia, Waqf in the field of health or hospitals have already begun. This was caused by the need for Muslims of health care which is a primary need to have a tendency increasing (Usman: 2014). Islamic Hospital of Malang which is one of the hospitals assisted by the Ministry of Religion Affair is a Productive Waqf Land Empowerment Program. The funding aims to improve health services to the people and provide comfort to patients who are hospitalized, especially among able. The development in addition to providing services is also expected to provide benefit that is better for the people.

Based on the description and explanation above, this research is intended to describe the contributions that are given by Nadzir in managing productive Waqf to get the benefit to society (*mauquf alaiih*).

2. RESEARCH METHODS

This research was conducted at the Institute of Nadzir Foundation in University of Islam Malang, which is located at Jalan MT. Haryono 139 Dinoyo, Lowokwaru District, Malang, East Java Province. This research is descriptive qualitative approach. The study intends to understand the phenomenon of what is experienced by the subjects holistically by way of description in the form of words and language, in a specific context in which the natural with natural methods (Moleong, 2014: 6). This study aimed to obtain information about the management of waqf in a productive contribution to the welfare of society.

The sources of data was obtained through the office of the Nadzir Foundation in University of Islam Malang. The data collection was using primary sources and secondary sources. This research is a field study; the data comes from interviews, observation and documentation.

The analysis of the data used is descriptive qualitative analysis. Data analysis techniques used in this research is to use measures such as that proposed by Burhan Bungin (2008: 69), namely Data Collection, using interviews and documentation, data reduction which defined as data management ranging from editing, coding,

to tabulate the data. Data reduction also include forging service data collection as complete as possible and sort them into concepts, categories, or specific theme, display data, description set of information of data reduction results into a specific shape so it looks fuller figure. It can be shaped matrix, sketch, or a synopsis, verification and confirmation conclusions (conclusion drawing and verification).

3. RESULTS AND DISCUSSION

3.1. Definition and Types of Waqf Managed by the Foundation of Nadzir in University of Islam Malang

Etymologically, Waqf derived from Arabic word "Waqf" which means standing, stopped, hesitated, detain or silence. The word waqf is more popularly used for mauquf meaning, meaning arrested, stopped or questionable compared to the meaning of a transaction (Praja: 2009).

As for the terminology, the word waqf known as a different formulation in accordance with the views of each jurisprudent (Township: 2009). Abu Hanifa defines waqf as hold property and donate Wakif usefulness of such articles to anyone who wants to aim virtue. The notion explained that the position of waqf property is still stuck or stalled in the hands Wakif itself. He may revoke or sell goods being donated (Zuhaili: 2007).

The majority of scholars, defines Waqf is to resist the treasures that can be utilized while the goods are still intact, by stopping altogether supervision (management) goods from people donating for the purpose of virtue and draw closer to God. (Zuhaili: 2007). According Mannan (2005) waqf is defined as the act of holding waqf property and benefit from the use of assets for charitable purposes. Meanwhile, according to the Law No. 41 in 2004, Waqf defined by legal act Wakif to separate and / or hand over part of their wealth either permanently or for a specified period in accordance with their interests for purposes of worship and / or general well-being according to sharia.

The Waqf of some definitions, it can be concluded that the waqf is the act wakif (people who do waqf) to release his property partially or entirely with the purpose of giving the benefit of the property to the person entitled, while donated goods value is fixed or immutable.

Type Waqf managed by the Foundation Institute of Nadzir Islamic University of Islam Malang

1. VIP Lounge Islamic Hospital of Malang

VIP ward is located in an environment of Islamic Hospital of Malang "UNISMA". The building area of the VIP ward is 600 m² built on a land area of 20,080 m². Land of Islamic Hospital of Malang is owned by the Institute of Education Ma'Arif Nadlatul Ulama in Jakarta the custody of the Foundation of University of Islam Malang. VIP Lounge Islamic Hospital of Malang consists of 7 (seven) VIP rooms and four (4) main rooms.

BEP is achieved after six years of the VIP room's operationalization. In 2013, the development of VIP Lounge phase II was held, which is worth Rp. 1,350,000.00 (one billion three hundred and fifty million rupiah). VIP Phase II was built at the same location as the first phase of the VIP lounge with a building area of about 230 m². VIP Room Phase II consists of 4 rooms. So that the whole room was in the VIP room is 11 VIP rooms and the main hall consists of 4 rooms.

2. Minimarket Al Khaibar

In addition to the VIP ward Islamic Hospital of Malang, the development of productive Waqf developed by nadzir is the construction of minimarket Al Khaibar I. Construction of this minimarket provides basic supplies / daily necessities for the community, students who need the surrounding areas.

Minimarket Al Khaibar founded on waqf land belonging to the organization ma'arif the custody by the Foundation of University of Islam Malang. The minimarket is located in front of Post Graduate College University of Islam Malang and nearby housing, at Jalan Tata Surya 5A Malang. Minimarket Al Khaibar is a 2 store building with a building area of about 300 m². Minimarket Al Khaibar is the only minimarket located along the path of the Jalan Tata Surya. So the presence of the minimarket is very welcomed and supported by the surrounding community.

3.2. The Role of Nadzir's Productive Waqf University of Islam Malang Foundation for Community

Waqf is a religious dimension that has dual apart to get the reward of Allah. It is also a social dimension of worship. Waqf can be used as a tool of social welfare in general. Throughout the history of Islam, Waqf plays an important role in the provision of education, health center, the cultural center of social activity in the form of mosques, temples, and public facilities such as roads and bridges (Chepkwony: 2008).

Waqf which is managed by the manager or Nadzir Foundation of University of Islam Malang is a Waqf Khairi or public Waqf, namely Waqf whose purpose includes all those who are in the destination waqf (Qahaf, 2008: 23). Waqf is in the public interest with no limit to the aspects of the consumer covering all aspects for the benefit and welfare of mankind in general. The public interest could be for religious, social security, education, health, security and others, which can be tangible such as the construction of mosques, schools, bridges, hospitals, orphanage and other social facilities. As Waqf for the construction of mosques, schools, orphanages, and hospitals, it is the Waqf in the public interest and not for specific people (Isfandiar: 2008).

Waqf managed by the Nadzir Foundation of University of Islam Malang is a productive Waqf. Productive waqf property is used for the benefit of earning net profit result of the development of waqf given to people who are eligible (Qahaf, 2008: 22-23). Productivity VIP wards can be seen from the results and the development of waqf increasing. Management of the VIP ward Islamic Hospital of Malang has benefits not only for mauquf alaih, but also provides benefits to society at large. VIP ward provides care for patients who require a comfortable and clean. VIP room has a comfortable lounge with full facilities.

Health is one of the basic human needs since the beginning of Islam. According to Yusuf Qaradawi, hospitals founded in the Day of Islam, for example at the time of Khalifa Harun ar-Rashid, namely hospitals al-Bimaristan in Baghdad, hospital as-Sayyidah and hospital al-Muqtadiri also in Baghdad at the time of Caliph al-Muqtadir Billah in 203 H is freely accessible to everyone, rich or poor. Patients do not need to pay the cost of the room, examinations by doctors, medicines, blankets, food and all services and facilities. Even after recovering patients are given enough supplies to take home, so as not to start work immediately before his health really recovered (Aminuddin: 2011).

Al Mansuri Hospital in Cairo was founded in 682 H which provides health services to all levels of society, which includes kings, nobles, governors, the rich, the commoners, parents, children, men, women, and slaves. Ibnu Battuta comments on this hospital as a hospital that cannot be disclosed beauty with adjectives. Excess Al Mansuri Hospital is if the patient has recovered and was discharged, he supplied drugs and even clothing allowance (Usman: 2014).

In Indonesia, there are so many hospitals established by the waqf property. Religious organizations like Muhammadiyah Hospital manage PKU and with other names scattered in various places in Indonesia as the same as NU. Waqf institutions are also pretty much the developing hospitals, such as Sultan Agung Semarang Waqf Board which manage hospitals Islam Sultan Agung Islamic Health Foundation (baboon) Holy manage Islamic Hospital Sunan Kudus (Syaukani in Aminuddin: 2011). But there are still very few and rare even hospitals that provide free maid or waive fees for patients as performed by RBC (Maternity Home Free of Charge). Wallet Dhuafa provides free for patients who are from Malang.

RSI Malang's VIP room can be enjoyed by the entire community, but it is not free. VIP Lounge RSI Malang charge as hospitals generally do not come from waqf funds. The fee charged for all people who use VIP inpatient facility. RSI Malang VIP room is functioned as productive Waqf no longer as consumptive waqf as mosques and schools. VIP Lounge of RSI Malang tries to get benefit from the advantages that will be distributed to the public.

3.3 Utilization of Productive Organization in Nadzir Waqf Foundation of University of Islam Malang

In terms of the distribution of Waqf, sharia rules are not so clear and unequivocal. This is in contrast with the charity which confirms the distribution of zakat to ashnaf clear. Fiqh Ulama according to Al-Misri in Faith (2010) agrees that zakat funds should not be distributed to others prior to the needy and the poor can meet all their needs. In conducting the distribution of zakat, the funds should be used to empower communities around muzzakki in advance, and do not move to another place unless there is an excess. While the addition of waqf is an element of good deeds merit dimensional continuity in

order to improve the welfare of society (Guidance: 2006).

Waqf is the primary means of distributing assets / wealth of the people and the public. Through these donations expected economic resources not only concentrated on the rich but also distributed to some people in need. In Islam, the waqf is a religious doctrine, but in the economy is a means significant Waqf in the welfare (Munir: 2008).

According to Imam Dahlawi, Waqf has features that are not owned by another charity, where the donation comes in the form of patents and last a long time so that benefits can be used continuously. The goal is not only the poor but also for the public at large (Rahmawati: 2013). In general, it can be said that the waqf should be used within the limits permitted by Islamic law. Waqf is a charity that man closer to God, and therefore the jurists agree that the donation to the virtues that are closer to humans in their Lord (Iman: 2010).

The distribution of the benefits of waqf investment returns prioritized for development and community empowerment programs that have an impact on poverty reduction and job creation (Nasution: 2013). So it is aimed to encourage self-reliance in the long term and for the proselytizing activities in a broad sense. The distribution of the benefits of environmental management and development of waqf property can be made directly or indirectly.

The distribution of direct benefit is enhancement and community empowerment is done directly by nadzir, must be well targeted, impact on reducing poverty and creating jobs, sustainable programs and encourage self-reliance. It is stated in the Indonesian Waqf Board Regulation No. 10 of 2009 on guidelines for the management and development of waqf moving chapter VI, community development programs include:

1. Social Programs and umu form of construction of public facilities include bridges, roads, latrines, and mosques.
2. The education program in the form of the establishment of schools with a low cost to society could not afford and skills training.
3. The health program in the form of medical aid for the Malang and counseling pregnant and lactating mothers.
4. The economic program in the form of coaching and micro venture capital assistance.

5. Program of propaganda in the form of provision of preachers and preachers, teachers' aid, assistance for priests and marabouts.

Then, delivery of indirect management and development is development and community empowerment programs conducted by national and international institutions that implement training programs and community empowerment. For example, with the National Zakat Amin Board, Institute for Humanities, Social Institutions, representatives of BWI, and so forth.

In Act No. 41 of 2004 no specific provisions on the distribution of results or outcomes management of waqf Waqf. Distribution rules contained in the rules regarding the designation of waqf property (Aminuddin: 2011). In Article 22 of Law No. 41 of 2004, described the allotment result Waqf, namely waqf property can only be destined for facilities and religious activities; facilities and activities and health education; assistance to the Malang, abandoned children, orphans, scholarships; progress and economic improvement of the people; and / or the progress of other public welfare that is not contrary to the Shari'ah and legislation (article 22).

Under article above, allotment results of the productive Waqf nadzir Institute Foundation University of Islam Malang are intended for the general welfare is not contrary to the sharia. In this research note that Nadzir of University of Islam Malang Foundation in distributing the results of the management and development of productive Waqf using the distribution patterns directly. Nadzir set the utilization of the results of the management and development of waqf for propaganda program.

1. Earning VIP Wakaf RSI Malang

The results of waqf productive management of VIP room reserved for the provision of assistance to teachers who teach in diniyah TPQ TPQ Nurul Hidayah and the teachers of the Great Mosque Rois Dahlan. Giving Bisyaroh to the teachers of diniyah in TPQ TPQ Nurul Hidayah and the Great Mosque Rois Dahlan of Ketawanggede Village Malang is a result of the distribution of productive Waqf VIP lounge routinely issued every month. Channeling Bisyaroh is carried out every three months, amounting to Rp. 350.000,00 (three hundred and

fifty thousand rupiah) per person. Bisyaroh run since the VIP ward Islamic Hospital of Malang.

Nadzir has its own reasons in deciding the allotment results waqf form of bisyaroh to the teachers of diniyah and is not intended to help inpatients. The reason is the teachers of diniyah not get incentives from the government and they got a salary of infaq from the students for no more than Rp. 100,000 / month. While society (patients Malang VIP room RSI) for existing health BPJS that can be accessed and get free health care, no health insurance that it could give relief in the financing.

Bisyaroh Award is very helpful for the life of the teacher. They were very thankful and grateful for the attention given by nadzir who routinely provide incentives. As the information from Ms. Rubiani in an interview:

"Alhamdulillah, nggih bersyukur wonten sing merhathekaken, niki lare-lare alhamdulillah..."

(Praise be to God, there are many people who give their concern to me, the other teachers are also happy)

The average teacher had been a teacher of TPQ since 2000, it has been already 15-20 years they devote their time to the development of TPQ. They had been teaching with sincerity regardless of how much salary that will be obtained. The teachers get students' infaq monthly salary of Rp 5,000 / month. The number of students studying in Nurul Hidayah amounted to about 150 children. But among the students, that not all of them pay infaq. As the information from the Mrs. Rubiani as teacher in the TPQ, namely: *"Bulanan datheng mriki niko kan saking infaq lare-lare mboten mesti, maksute wonten infake tapi ibue santri tiap bulan mboten mesti ingkang ngertos nggih ngerti ingkang mboten nggih mboten ngreken."*

(The monthly salary was coming from student's infaq, but it was not sure for every month, I mean, there is infaq on the rule, but not all of their parents are aware of that.)

Bisyaroh Award is indeed not too big but enough to help increase the income of the mauquf 'alaih. Based on the interviews with the teachers of TPQ, bisyaroh received an average is used to meet the needs of everyday life. While salaries for nadzir is a maximum of 10% of yield management. Nadzir not positioned as a job carelessly but nadzir is a profession that gives well-being not only in the hereafter but also in

the world. In Turkey, the governing body of the waqf is allocated 5% of net income Waqf. In Bangladesh, the waqf administration office is also 5%. The central waqf Council while India gained about 6% of net income waqf fund management (Arif: 2010).

2. Minimarket Al Khaibar

Delivery of productive management of waqf minimarket Al Khaibar is as follows: the provision of incentives for energy security and cleanliness, support operational costs, including incentives Masjid Ainul Yaqin Mosque imams and the servants). The provision of assistance undertaken by nadzir referred to Bisyaroh (good news). This is consistent with the information provided by Mr. Achsan as manager minimarket:

"So, for mauquf alaih from the minimarket we distributed to security personnel or security guards, security guards actually housing but all keep minimarket too. Security guard's work began at 10pm. We give to the cleaners; this one is picking waste in homes but if there is trash all discarded minimarket. The others we give to the mosque imam Ainul Yaqin. And starting in January we help mosques for the operational costs of the mosque, I submit to takmir for any cost".

3. Utilization for nadzir

Using the findings of Waqf in addition to mauquf alaih, is the right to pay salaries nadzir at 10% of net profit. This is in accordance with article 11 of Law No. 41 of 2004, which states that Nadzir can receive compensation from the net proceeds for the management and development of waqf property in the amount not exceeding 10% (ten percent). Nadzir University of Islam Malang Foundation received the right of every month as salary. Nadzir entitled to a 10% (ten percent) of the profit after deducting operating expenses.

3.4. The multiplier effect Wakaf Productive

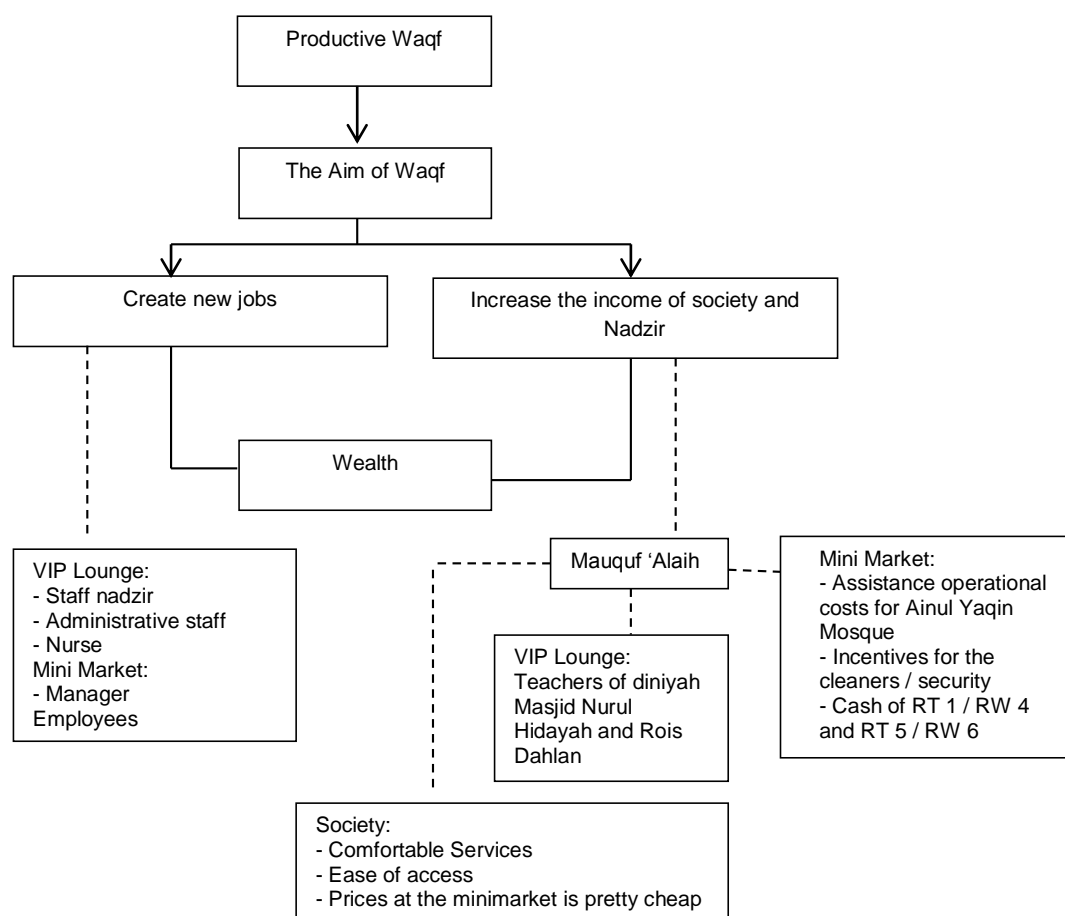
The use of the result of Waqf beside for mauquf'alaih, for Nadzir, also for investment. Investment here is intended to develop waqf property. Nadzir have great expectations to this productive Waqf, he has an idea far ahead, such as the desire to develop into a minimarket Al Khaibar Khaibar II, Al Khaibar III, and so on. Al Khaibar II targeted by 2016 was able to operate. The development of productive Waqf in retail in addition to channeling the profits to mauquf'alaih also can create new jobs for the people. More and more development of productive Waqf, the greater the benefits will be distributed to the public (*mauquh 'alaih*).

The distribution system of Islam has two (2) basic guidelines in an effort to improve the welfare of society, firstly, reduce social gaps between groups by opening or expanding jobs and provide opportunities for work, so that people can have the income to make ends meet. This is done by nadzir manage productive waqf both VIP RSI Malang and Minimarket Al Khaibar. Productive Waqf of VIP RSI Malang has opened up employment opportunities for 24 people to be employees in the VIP room RSI Malang, with details of 21 people as a nurse and three people as workers. While the minimarket opens the opportunities of chance to work for 5 people, one manager, one staff manager, three employees and one general assistant.

Second, provide direct assistance to the poor so that they can improve the quality of life. This is done by giving bisyaroh nadzir with the teachers of diniyah in Nurul Hidayah and Rois Dahlan, incentives for cleanliness and safety, and the assistants of Masjid Imam Ainul Yakin.

The authors will describe the impact of the management and development of productive Waqf managed by the Nadzir Foundation of University of Islam Malang in the welfare of society in Figure 1.

Figure 1: The Impact Productive Waqf for Public Welfare



From Figure 1 it can be concluded that in general the management of waqf productive utilization of the results are in accordance with the goals and objectives of waqf. The more waqf are managed by professionals, the more benefits that can be perceived by the public.

The most fundamental problems in the management of productive waqf of them are people's understanding of waqf. Socialization/preached the concept, the wisdom and benefits of waqf to society need to be done continuously. Waqf empowers optimally to provide a wider benefit. Waqf land has great potential in advancing the health sector, education, trade and other public needs. It takes institutions / agencies managing waqf professional and trustworthy.

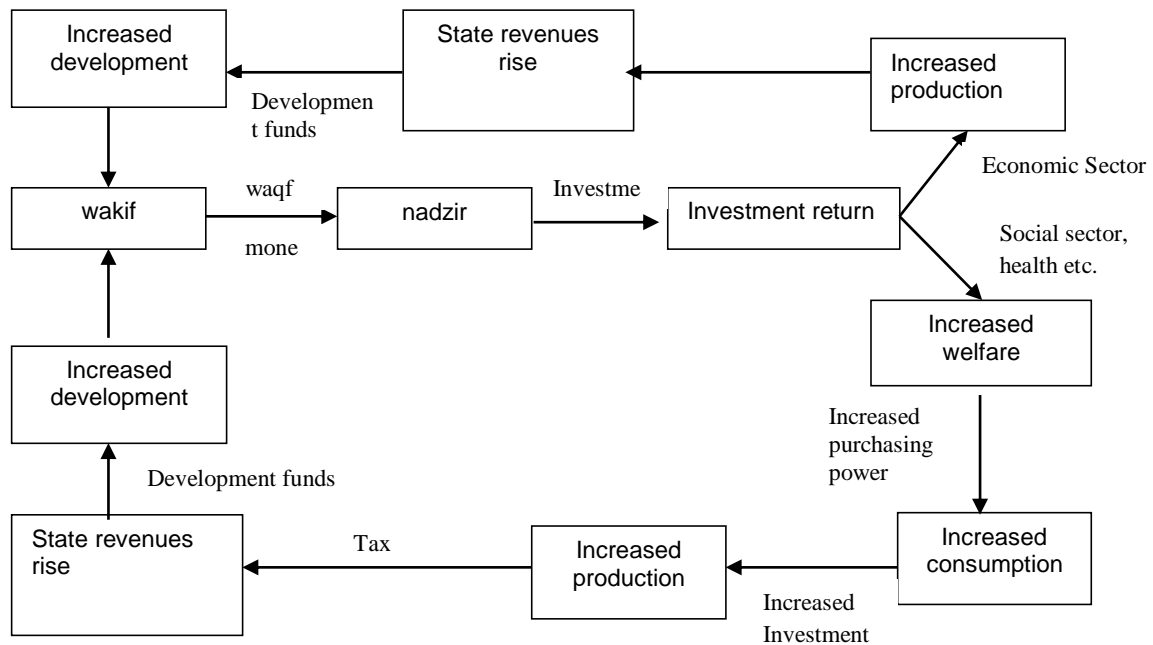
Waqf is one instrument in community empowerment has multiplier effects in the economy. It is based on the Quran surah Al Baqarah verse 261, which means "Parable (income incurred by) those who spend their

wealth in the way of Allah is like a seed that grows seven ears, then every ear a hundred grains, God multiplies (reward) for whom He will. And Allah is Immensity (His blessing), omniscient." In practical terms, the economic multiplier effect in this paragraph (a seed that grows seven spikes which each grain there are a hundred grains) is that waqf not only give impact merit alone but also give economic impact.

As done by Nadzir which allocates the management of waqf productive to help the consumer to mauquf'alaih. Help consumptive submitted by nadzir expected to increase the purchasing power of people who receive such assistance. Increasing the number of direct consumption would increase consumer demand. Increased demand by consumers will be followed by an increase in production by the manufacturer, and this could increase the level of investment. The increase in production followed by rising incomes Tax State will further enhance

the development fund, in which it will indirectly increase the revenue Wakif.

Figure 2: Double Effects of Productive Waqf



Sources: Arif (2010)

4. CONCLUSION

Productive VIP (Very Important Person) room waqf of RSI Malang which is managed by Nadzir Insitution of University of Islam Malang is a pilot project example of productive waqf which comes from grants provided by the Ministry of Religious Affairs. Nadzir manages the waqf by combining productive waqf and consumptive waqf. Besides developing the VIP room, nadzir also expand its business in the retail sector, with the establishment of Al Khaibar minimarket I, which is located in front of post graduate campus of Unisma and surrounding the housing, and Alkhaibar minimarket II in collaboration with Masjid Rois Dahlan.

The existence of productive waqf managed by the Nadzir Institution of University of Islam Malang contributes to the welfare of society. Public welfare in this study include the existence of a VIP room of RSI Malang which can provide an alternative choice for the people who want comfortable room, clean room and fast in terms

of hospitality. While the minimarket can provide convenience to the people arround in fulfilling their daily needs because the place is easily accessible and the price was pretty cheap compared to the others. Besides, the existence of productive waqf VIP room and minimarket provide job opportunities for the people who have the qualifications as required by nadzir.

Results distribution of the management of productive waqf VIP and minimarket is based on the direct distribution patterns, such as people's coaching and empowerment which is done directly by nadzir. Empowerment through dakwah program is applied by doing some programs such as grants / incentives for diniyah teachers, incentives for the imam of the mosques, mosque operational costs, and cash for local neighborhood. Hopefully, by using this help, the community can ease the difficulties of their daily needs.

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