

Analysis of Waqf Assets from the Perspective of Islamic Law in Way Kanan Regency

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Abstract

The Islamic legal examination of waqf assets in Way Kanan Regency is examined in this paper. The study's goals are to outline the strategies for managing waqf assets, pinpoint challenges, and suggest remedies that adhere to Islamic law. A descriptive-analytical qualitative method was used in the field investigation. Among the techniques used to gather data were documentation, in-depth interviews, and observation. To ensure data validity, purposive sampling was employed, and sources and methods were triangulated. The study revealed that waqf is still conducted informally in Way Kanan Regency. People transfer waqf assets to religious figures without formal registration under the Waqf Declaration Deed (AIW). There are 562 waqf plots covering 174.59 hectares, but 67 of them remain unregistered. One of the main issues identified is the high cost of certification, People don't fully understand if waqf is allowed by law, and there isn't enough teamwork between the KUA and the BWI and limited authorization for waqf management. Proposed solutions include increasing public awareness, coordinating certification costs, enhancing the capabilities of wakaf trustees, optimizing KUA digital services, and improving coordination between the KUA and the BWI in tracking wakaf assets. According to this study, the management of waqf in Way Kanan Regency needs to be improved both administratively and substantively so that it complies with Islamic law and effectively and sustainably generates waqf income.

INTRODUCTION

The term waqf is "*waqafa*" in Arabic meaning to withhold, stop, or restrict. Terminologically, waqf is a type of donation in which the donor retains ownership of the original asset (*tahbisulashli*) and dedicates the profits of the asset to the public interest. Although not explicitly mentioned in the Quran, waqf is also an important type of charity inspired by the verses of the Quran. Waqf is also an important type of charity inspired by the verses of the Quran.¹ Waqf is not only a form of maliyah worship (in the form of asset management) that bridges the relationship between humans and their God, but also has a strong social dimension in improving the welfare of the community. Therefore, the optimal use of waqf is very important in strengthening the community's economy and creating sustainable benefits.²

Waqf is a legal process in which a person sets aside or gives up part of his property to be used forever or for a certain period of time for religious or social purposes, as allowed by regulations or according to Islamic law. One of the hadiths narrated by Imam Muslim discusses the practice that continues to flow rewards forever. The hadith reads: Meaning: "It is narrated from Abu Hurairah that the Prophet Muhammad (PBUH) said: 'When a person dies, his deeds are cut off except for three things: charity, useful knowledge, and a pious child who prays for him.'"³

In Indonesia, mosques, prayer rooms, schools, Islamic boarding schools, orphanages, and cemeteries are some examples of waqf land that is productively managed as a money-making business for people in need, especially for religious needs. Although this method is effective, its effect on the economic aspect is still small in society.⁴

The problems that need to be emphasized are in terms of the management of waqf assets. In waqf management, this is the most important aspect and plays a central role, because the management approach will determine the effectiveness of waqf. The most important aspect that makes waqf a component of successful Islamic public finance is how waqf assets are managed effectively and efficiently. Given the importance of waqf asset management for community welfare, an academic study is needed that comprehensively maps previous research on waqf assets.⁵

¹ Abdul Ghofur A., *Waqf Law in Indonesia* (Yogyakarta: Gajah Mada University Press, 2021).

² Andayani S and H Rhamadani, "Nazhir Waqf and Productive Waqf Management Case Study in West Java Province," *Indonesian Productive Journal* 9, no. 1 (2021).

³ Ahmad Furqon, "Waqf as a Solution to the Problems of the World of Education in Indonesia" *Journal of Islamic Law* 10, no. 1 (2012): 37.

⁴ Munzir Qohaf, *Productive Waqf Management* (Pustaka Kautsar Group, 2005):45.

⁵ Riska W. and Yuniarti H., "Mapping Research on Waqf Asset Management: A Bibliometric Study," *Scientific Journal of Islamic Economics* 9, no. 3 (2023).

In Indonesia, many waqf transactions are still carried out based on sharia law or on the basis of mutual trust, where the waqf giver hands over the land to the manager without making an official Waqf Pledge Deed (AIW). This condition ultimately causes the waqf land to have no strong legal basis; So, if an ownership dispute arises in the future, it becomes difficult to resolve, especially related to the burden of proof.⁶ Islamic charitable instruments known as waqf have great potential to encourage economic growth among Muslims. From the point of view of Islamic law, waqf is not just worship, but also includes social and economic aspects that can improve the welfare of the community if managed properly. The concept of "productive waqf" involves managing waqf assets in such a way that it produces sustainable economic benefits without reducing the value of the underlying asset.⁷

Many studies on waqf have been conducted, especially on management, legality, and practices in Indonesia based on sharia and government regulations. Fauzi Fadhillah wrote a thesis titled "A Review of Islamic Law on the Practice of Waqf Under the Hand (Study in Way Kanan Regency)," which focuses on how Islamic law allows waqf to be carried out without official registration. The results of the study show that meeting the requirements for waqf according to sharia can be considered legally valid. However, due to the lack of adequate administrative power, the positive law of waqf is still weak and is a research conducted traditionally.⁸

The research conducted by Enceng Iip Syaripudin entitled "The Implementation of Productive Waqf in Empowering the Economy of the Muslim Community from the Perspective of Islamic Law", examines the status of waqf assets in a certain area and its management according to the provisions of Islamic law. The purpose of this research is to explain the effectiveness of waqf asset management and highlight the various challenges faced by the community. In addition, this research is the basis for evaluating the most appropriate approach to waqf asset management and in accordance with sharia guidelines.⁹ This study helps fill the gaps in the literature in several ways, such as not only discussing the legality and management of waqf. Instead, this research focuses more on the analysis of waqf assets as an object of Islamic law, especially on how waqf assets

⁶ Khoiru Nisa, et al., "Analysis of Waqf Dispute Resolution in the Perspective of Religious Justice Law in Indonesia," *Al-Hukmu: Journal of Islamic Law and Economics* 3, no. 2 (2024): 80.

⁷ Ilham Habibi, Azhari Akmal, and Rahmi Syahriza, "Waqf as Islamic Economic Philanthropy in Creating Welfare: A Thematic Interpretation Perspective on QS. Ali Imran (3:92)," *Journal of Islamic Economics* 7, no. 1 (2025).

⁸ Fauzi Fadhillah, "A Review of Islamic Law on the Practice of Waqf Under the Hand (Study in Way Kanan Regency)" (UIN RIL, 2024).

⁹ Enceng Iip and Rano Nurhuda, "Islamic Law Perspectives on the Implementation of Productive Waqf in the Economic Empowerment of the People," *JHESY Sharia Economic Law* 3, no. 2 (2025).

can be used, protected, and not deviate from the principles of Islamic Law in practice in society. In addition, this study refers to the empirical conditions in the Way Kanan area.

Based on the above analysis, the design that must be answered is obtained, namely, 1) How is the practice of managing waqf assets in Way Kanan Regency reviewed from the provisions of Islamic law? 2) What are the obstacles that underlie the application of Islamic law to the management of waqf assets in Way Kanan Regency? 3) What is the solution in accordance with Islamic law to overcome the problem of managing waqf assets in Way Kanan Regency? Based on the discussion presented, it is important to conduct in-depth research on the practice of waqf asset management in Way Kanan Regency from the perspective of Islamic law, in order to identify the challenges faced, as well as formulate solutions in accordance with Islamic sharia for the creation of waqf management in the future in accordance with the provisions of Islamic fiqh.

METHODS

The Research Method is a form of field research (*Field Research*) that applies a qualitatively descriptive-analytical approach. Systematically, this method describes the facts and direct results of the case study in the Way Kanan area. take an innovative and supportive approach.¹⁰ Secondary data comes from the Qur'an, hadith, Islamic law books, laws on waqf, and supporting literature as well as the waqf system (giving, receiving, and using).¹¹ Primary Data by conducting in-depth interviews with community members and staff of the Waqf Board, field observations and documentation. The Research Method is a form of research in the field that applies a qualitative-descriptive-analytical approach.¹²

Purposive Sampling, also known as directed sampling, is a technique to select respondents or informants based on certain considerations that are in line with the purpose of the research. Consisting of 4 interviewees. This study uses triangulation of sources and methods, which means that this study compares results from various sources such as observations, interviews, and written notes. This method makes the results of the research more reliable and helps all parties understand the data in the same way, so that the findings can be trusted for their truth and objectivity. By utilizing this method, it is hoped that it can provide an objective legal perspective regarding the analysis of waqf assets in the review of Islamic law.¹³

¹⁰ Sugiyono, "Quantitative, Qualitative, and R&D Research Methods," 2nd ed. (Bandung: Alfabeta, 2019).

¹¹ Lexy J. Moleong, *Qualitative Research Methodology* (Bandung: PT Remaja Rosdakara, 2021).

¹² Dear Friends, *Qualitative Research Methods* (Yogyakarta: CV Azka Pustaka, 2023).

¹³ Niam Fathun and Dkk., *Qualitative Research Methods* (Bandung: Widina Media Utama, 2024).

RESULTS AND DISCUSSION

1. The Practice of Waqf Property Management in Way Kanan Regency Reviewed from the Provisions of Islamic Law

According to Islamic law, waqf is an action taken by a person, group, or organization to allocate part of its assets so that it can be used sustainably for religious activities or public interest. This is defined in Article 215 Paragraph (1) of the Complications of Islamic Law.¹⁴ In the management of waqf assets in Way Kanan Regency, there are many different patterns, ranging from traditional methods to conventional creative approaches to produce more efficient management. Waqf land in Way Kanan is usually used to build mosques, prayer rooms, madrasas, and religious affairs offices (KUA). Most of its leadership is left to individual nazhir appointed by the wakif, who usually comes from local families or community leaders.¹⁵

From the point of view of Islamic law, nazhir is a very important waqf requirement to achieve the goals of waqf. According to Mashab Shafi'i and Hambali, a nazhir must be Muslim, puberty, sensible, honest, and able to manage waqf assets.¹⁶ Most of the existing nazhir have met the basic requirements, such as Islam and puberty, but there are still many nazhir in Way Kanan Regency who still do not understand in terms of muamalah. In the Qur'an, it is not clearly explained about waqf but we can understand it from QS. Ali-Imran: 92 following,¹⁷

Meaning: You cannot achieve true goodness unless you give away some of the treasures that you love very much. Whatever you do, Allah is All-Knowing. (92)

Although the above verse does not explicitly mention waqf, fiqh scholars use it as a basis to encourage the practice of waqf. This is based on the universal nature of *qalamullah* regarding the command to do good, where the word "goodness" has a broad meaning and includes the human command to establish a waqf, because the waqf strengthens a servant's relationship with his Lord and with his fellow man. The scholars are of the opinion that the command to do *al-Birr*, which means to do good, is part of the command

¹⁴ Government of Indonesia, *Complications of Islamic Law Book III of Waqf Law*, cet. 9th (Jakarta: PT. Rinneka Cipta, 2002).

¹⁵ BPS Way Kanan Regency, *Way Kanan Regency in 2025*, (2025).

¹⁶ Roudhatun Nisa, Ahmad Gazali, and Sri Anafarhanah, "Analysis of Nazir Resource Management on Representation and Effectiveness on Waqf Management," *Journal of Da'wah Management Studies* 4, no. 2 (2022): 144-145.

¹⁷ Ministry of Religious Affairs of the Republic of Indonesia, "Al-Quran and Translation," accessed May 15, 2026, <https://quran.kemenag.go.id/>.

to do good.¹⁸ In addition, in terms of the law of waqf assets, the average waqf land in Way Kanan is not certified as title or unofficial. However, to avoid problems in the future, the law must guarantee the object of waqf. According to the rules of fiqh, *al-'aqdu al-kitabah aqwa' min al-'aqdi al-syafahi* (written contract is stronger than oral), so official recording through certification is a form of ihtiyath (prudence) that is highly recommended.¹⁹

Based on interviews regarding the management of waqf in Way Kanan Regency, it was found that there are two types of waqf used: money waqf and land waqf. The funds are distributed through the Office of Religious Affairs (KUA), but this is not the only way to distribute them.²⁰ The process of implementing money waqf is as follows: The waqf giver (called *waqf, can use the services of Islamic financial institutions that have been appointed by the Minister. This institution assists the wakif in handing over money as waqf. The wakif must make an official written statement stating his intention to carry out the waqf. After that, Islamic financial institutions provide certificates of proof of handing over money to *waqf* and *nazhir* (the party that manages waqf). Furthermore, the financial institution is required to register this money waqf with the Minister within seven working days after the certificate is issued.²¹

2. Obstacles to the Application of Islamic Law to the Management of Waqf Assets in Way Kanan Regency

The purpose of waqf, according to Article 5 of the Waqf Law, the purpose is to utilize waqf assets in accordance with their functions and purposes, so that they can generate economic benefits and worship needs and public needs.²² Based on data from the Ministry of Religion of the Republic of Indonesia, the number of waqf lands in Way Kanan Regency for the 2024–2025 period is as follows:

There are 562 waqf land locations, with a total area of 174.59 hectares. A total of 495 locations have been certified, while 67 other locations have not. Details by sub-district: Banjit has 99 locations, Bumi Agung has 74 locations, Baradatu has 56 locations, Blambangan Umpu has 54 locations, and Way Tuba has 50 locations. Regarding money waqf in Way Kanan Regency for 2024–2025, the Ministry of Religion and the Indonesian

¹⁸ Muhammad Siroj Judin, "Tafsir of Surah Ali Imran Verse 92: Recommendations for Waqf," *Tafsiralquran*, 2021, accessed May 15, 2026 <https://tafsiralquran.id/tafsir-surah-ali-imran-ayat-92-anjuran-untuk-wakaf/>.

¹⁹ Amir Syarifuddin, *Ushul Fiqh*, Volume 2 (Jakarta: Kencana, 2011).

²⁰ "Interview Results of Waqf Asset Management in Way Kanan Regency" (Way Kanan, 2026).

²¹ Nanda Suryadi and Arie Yusnelly, "Management of Money Waqf in Indonesia," *Company: Journal of Shariah Economic Cluster* 2, no. 1 (2019): 32.

²² Heniyatun, Puji Sulistyaningsih, and Heni Hendrawati, "Juridical Studies of Copyright Transition as an Object of Waqf," *Novelty Law Journal* 8, no. 1 (2017): 100.

Waqf Agency (BWI) have not provided specific data for the region. The data available at the moment is only national data.²³

With this data, there are various obstacles that occur in Way Kanan Regency related to the management and administration of waqf. Based on the results of interviews with the Chairman of BWI, religious leaders, and the people of Way Kanan Regency, obstacles occurred such as:

- a. The obstacle faced by the wakif and nazir is the cost of applying for certification, there is a deduction that occurs on the part of the National Land Agency (BPN). So that it causes misunderstandings among the public. Nazir is required to supervise and empower waqf assets in a productive, professional, and accountable manner (Indonesia). However, empirically, the implementation of this obligation is still administrative and has not fully focused on the economic empowerment of the people.²⁴
- b. The low understanding of the community and the lack of reporting, the regional sector is still in rural areas resulting in a lack of understanding of the public about the legality of waqf, this makes the community entrust local religious leaders to be trusted to take care of waqf assets or can be termed waqf under hand.²⁵
- c. In Way Kanan Regency, waqf administration is usually carried out by the local Religious Affairs Office (KUA), especially in the field of waqf services managed by officers or service operators. Waqf applications from waqif and nazhir are first verified by the KUA through the Waqf Pledge Deed (AIW) and the waqf pledge electronic system.²⁶
- d. According to the principle of waqf management, the value of waqf assets should not be reduced because waqf is permanent and must be used for the good of the people. However, the fact that there are several waqf management that has not been reported to BWI Way Kanan Regency during field operations. The majority of waqf assets are still managed by religious leaders and local village managers in a traditional manner, without complete administration.²⁷

²³ Directorate of Zakat and Waqf Empowerment of the Ministry of Religion of the Republic of Indonesia, "Waqf Land Data of Way Kanan Regency," SIWAK, 2026, Accessed May 15, 2026.

²⁴ Deonard Faishal, Khoiruddin, and Herlina Kurniati, "An Analysis of Islamic Law on the Role of Nazirs in Managing Waqf Assets in Indonesia" (UIN Raden Intan Lampung, 2026).

²⁵ Basaruddin, "Direct Interviews with Religious Leaders" (Way Kanan, 2025).

²⁶ Joko Susanto, "Direct Interview with the Chairman of BWI" (Way Kanan, 2025).

²⁷ Nasrun Iskandar, "Direct Interviews with the Community" (Way Kanan, 2025.).

3. Solutions in accordance with Islamic Law to overcome the problem of managing waqf assets in Way Kanan Regency

The management of waqf assets faces many problems. These include administrative issues, community understanding, professionalism of waqf managers, and productive waqf development. Therefore, the solutions offered in the context of Islamic economic law must be based on the principles of trust, public interest, justice, and protection of waqf assets to ensure that the benefits will continue.

- a. Increasing public awareness of the importance of certification and legal status of waqf land.

Waqf certification protects waqf assets from disputes, heirs' claims, or misuse. According to *maqashid al-shariah*, this action is part of *hifzh al-mal* (protecting property). Based on research on the development of waqf law in Indonesia, the weak legal status of waqf assets is one of the main obstacles in realizing effective waqf management.²⁸ The National Land Agency (BPN) must collaborate with other institutions to create a free waqf certification program or reduce certification costs for underprivileged communities. In addition, to prevent the community from feeling burdened in the process of managing waqf, administrative costs must be transparent.

- b. Improving Quality Nazhir is in charge of maintaining assets, but he is also able to be responsible for maintaining, managing, and developing waqf assets so that they are able to provide benefits to the community.

Local governments, the Office of Religious Affairs (KUA), and the Indonesian Waqf Agency (BWI) must collaborate to avoid misunderstandings in the community, training, and guidance on waqf management. The low capacity of waqf managers, according to research on strengthening productive waqf governance, is a real form of inhibiting factors that occur.²⁹

- c. Building better waqf services through local KUA.

According to the interview, the KUA service operator is responsible for managing the administration of waqf. Therefore, KUA needs to improve their digital services and support the community during the waqf application process. In order for the administrative process to be faster, more orderly, and easier for the public to understand,

²⁸ Assril, Rahmat Hidayatullah, and Azrizal Saiin, "The Dynamics of Waqf Law in Indonesia Challenges and Solutions in the Management of Productive Waqf Assets," *AlBarakat: Journal of Sharia Economic Law Studies* 5, no. 1 (2025): 16–18.

²⁹ Nuridin and Yusuf Hidayat, "Analysis of the Implementation of Waqf Law Number 41 of 2004 concerning the Role of Nazir in Waqf Management: A Case Study of Decision Number 20/Pdt.G/2023/PN Msb" 6, no. 3 (2024).

electronic systems such as the Waqf Pledge Deed (AIW) must continue to be developed. With good services, people will be more interested in registering their waqf officially.

d. Improving coordination between KUA and BWI in Way Kanan Regency.

Based on the findings of the interviews, AIW and the electronic waqf system verify the data of waqf applications, while BWI is responsible for the replacement of waqf administrators. However, many waqf management activities are not reported to BWI and are only carried out by religious leaders or village officials. This can lead to a lack of supervision of waqf assets. Therefore, to maximize supervision and guidance, all waqf assets must be reported periodically to BWI.

CONCLUSION

The management of waqf in Way Kanan Regency occurs when the community performs waqf by giving it to religious leaders as intermediaries to waqf, this is often known as waqf under hand. The waqf should be directly distributed through the local nazir to collect, maintain, and manage waqf. Waqf is used for productive activities, managed in a trustworthy manner, responsibly, and must be in accordance with Islamic law so that the benefits can be felt sustainably.

The problem that occurs regarding waqf in the Way Kanan Regency area is the difficulty of taking care of waqf certificates because the community is charged again by the Indonesian Land Agency. Causing the emergence of thoughts in the community when a waqf gives land or property must also think about additional costs to take care of the certificate. Another problem is that the use of waqf is not optimal, people only think that land waqf is only used for mosques or tombs, even though waqf can also be used in other forms, namely money waqf and other productive assets.

Solutions that can be offered to answer these problems such as increasing socialization to the community, helping in taking care of certificates so that they are easier and can be managed from the cost of making certificates, improving the quality of nazhir in charge of maintaining prices but must also be able to be responsible for maintaining management and increasing the use of waqf for community life. Finally, the coordination relationship between KUA and BWI in Way Kanan Regency in the management of waqf. The application of good governance in waqf management such as transparency, responsibility, and independence.

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