

Empowerment of Waqf as Socio-Economic Development of Society (Analysis of Waqf as Social Responsibility in Islamic Organizations)

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Abstract

Involvement in the practice of social responsibility is currently seen as important for Islamic organizations. The potential use of waqf as a source of funding for such practices has not been explored much. The purpose of this study is to provide evidence of the practice of utilizing waqf as a social responsibility of Islamic organizations. The results of the study reveal that for the main program of social responsibility of Islamic organizations through the utilization of waqf, it can be carried out within the organization, while the programs considered in the utilization of waqf are focused on community issues. Waqf is seen as an alternative that can be used by Islamic organizations to help overcome social problems in society. However, there are problems that need to be addressed regarding the practice of waqf in Islamic organizations. So that further research is needed on waqf utilization reform.

Keywords: Utilization of Waqf, Socio-Economic, Islamic Organization

INTRODUCTION

One of the serious problems faced by third world countries today is the problem of poverty. Of course, there are many factors that cause the problem of poverty. Call it the uneven distribution of income to all levels and groups of society, the rapid rate of population growth which is not followed by the rate of economic growth in a country. Meanwhile, the low rate of economic growth is caused by the low level of investment or new economic sources in a country.

Therefore, it is not surprising that various governments in developing countries always try to take strategic steps on how to increase investment or new economic sources in their countries, including of course the Indonesian government. In the midst of these efforts, *waqf*, which is one of the carriages of the Islamic economy in the volunteer sector, is present as a potential alternative which, if developed and managed in such a way, can spur the rate of economic growth so that in turn it can also improve the welfare of the people (Gusriani, 2013, pp. 31-44).

The purpose of waqf is to provide benefits or benefits for the waqf property to people who are entitled and used in accordance with Islamic sharia teachings. The development of waqf in Indonesia is increasing. This is evident from the many mosques built on waqf land, Islamic boarding schools, tombs,

schools and much more. The practice of waqf that is often carried out by the community in waqf their assets is in the form of places of worship. The tradition of waqf land for places of worship continues to grow and spread so that the number of mosques and prayer rooms in several areas has a distance that is not too far from one another (Hotman & Efriniasih, 2021).

Doing waqf means developing productive assets for future generations in accordance with the purpose of waqf, both in the form of benefits, services and utilization of the results. The waqf becomes shares, and parts or units of investment funds. Cash waqf for investment purposes in Islamic banks is the most important form of modern waqf, because waqf like this can give an idea of the truth of the economic dimension of Islamic waqf, as practiced by the Prophet Muhammad and friends.

Based on Diana Farid research Appearances distribution of endowments can be used for productive activity in the era of economic downturn of the Islamic community in Indonesia (Farid, 2016). Based on Masoud Ahmad research In this context, Waqf can be one of the vital alternatives alongside Zakah because early history indicates free education, scholarship, orphanage, free treatment etc as provided by Waqf based institutions (Ahmad, 2015). Waqf in an economic perspective is an effort to build productive assets through investment and production activities, to be utilized for the results for future generations. Waqf also sacrifices current interests for consumption in order to achieve the development of socially oriented productive assets, and the results will also be shared by the community. Productive waqf is part of empowering the community's economic assets in the waqf property. Thus, waqf assets must be managed productively in order to generate opportunities for the opening of profitable strategic sectors, such as opening up new jobs and managing public services that ease the economic burden of the community. By doing waqf, it means that someone has transferred assets from consumption to production and investment in the form of productive capital that can produce and produce something that can be consumed in the future (Kasdi, 2014b).

Waqf is a pillar of support for the establishment of socio-religious institutions of the Muslim community for centuries. This is done through the provision of funds and supporting facilities for religious ritual activities, education, development of science, arts and culture. Even if managed productively, waqf will be able to carry out more functions, such as providing public facilities, such as roads, bridges, drinking water, city parks, public baths, and so on. The goals of waqf are in line with the benefit paradigm which is the orientation of Islamic law (Kasdi, 2015b). In his research, Mamat Rachmat Effendi (2020) explained Cash waqf as one of the shari'ah financial instruments should be able to provide added value usefulness and a multifier effect in reviving the community's economy.

Waqf institutions, especially those based on organizations and legal entities, can be an alternative philanthropic institution that works hand in hand with other civil society organizations in solving the nation's problems. This hope is very reasonable to be addressed to the waqf institution, considering that

it is a philanthropic institution for the Muslim community that has taken root in the lives of the people. This will happen when progress in fundraising is balanced with new breakthroughs in distribution and utilization, so that the role of waqf institutions can be more significant (Kasdi, 2014a).

The religious spirit seems to be one of the sources of the life force of religious organizations. This spirit also gave birth to social solidarity which was accompanied by high sacrificial power. On the basis of that strength, socio-religious organizations are able to give birth to movements in various fields of life. (Suprayogo, 2003) This can be seen during the COVID-19 pandemic, well-established religious civil society groups such as Nahdlatul Ulama (NU) are actively moving in the midst of society. The Nahdlatul Ulama (PBBNU) Executive Board forms the NU Cares for Covid 19 Task Force (Hidayah & Bastomi, 2020).

Islamic religious organizations are the largest group of organizations, both on a national and local scale. No less than 40 Islamic religious organizations on a national scale have organizational branches in provincial capitals and district/municipality capitals (Nottingham, 2002: 155). Therefore, what is interesting to be studied in this research is the Utilization of Waqf as Socio-Economic Development of the Community (Analysis of Waqf as Social Responsibility in Islamic Organizations).

METHOD

This research belongs to the type of library research, namely, by recording all findings and combining all findings, both theories or new findings from books, websites, articles and newspapers on the Utilization of Waqf as a Community Socio-Economic Development, analyzing all findings from various readings and provide critical ideas about the Analysis of Waqf as Social Responsibility in Islamic Organizations.

RESULTS AND DISCUSSION

Waqf

1. Waqf and its utilization

Waqf comes from Arabic which means *Al-Habsu*, in the Alwasith dictionary it is stated that *Al-habsu* means *al-man'u* (preventing or prohibiting) and *Al-Imsak* (withstanding) as in the sentence *habsu as-syai'* (holding something). *Habsu* which comes from the verb *habasa-yabisu-habasan* which means to keep people away from something or imprison. Then according to the term waqf means to stop or withhold property that can be taken advantage of without being destroyed immediately and for permissible use, and is intended to gain the pleasure of Allah SWT (Usman, 2009: 51).

Ibn Mandzur (1990: 80) in his book *Lisan al-Arab* says about the word *habas* which means *amsakahu* (holding it). He adds *al-hubus ma wuqifa* (something that is donated), as in the sentence *habbasa al-faras fi sabilillah* (he donates horses in the way of Allah SWT), or *ahbasahu*, and the congregation is

habaais. This word means that the horse is *waqfed* for the soldiers to ride when they are doing jihad.

Meanwhile, according to Al-Ashari, he said that *al-habus jama'* from *alhabis*, which means every object that is waqf by its owner as a waqf, is unlawful if it is sold or inherited, both the land, the trees and all the equipment. In the hadith about waqf it is stated that Khalid has made slaves and their descendants as *hubs (waqf)* in the way of Allah SWT. The correct use of the sentence for the word *habas* is as in the sentence *habastu* which means *wakaftu* (I have made waqf). Ibn Mandzur (1990: 81) added about the word *waqafa* as in the sentence *waqafa al-ardha ala al-masakin* (he gave land to the poor). Meanwhile in the Mukhtar As-Shahhah dictionary mentions *li al-masakin waqfan* which means *habasahu (waqf for the poor)*.

In conclusion, both *al-habsu* and *al-waqf* both contain the meanings of *al-imsak* (restraining), *al-man'u* (preventing or prohibiting), and *attamakkust* (silent). It is called withholding because the waqf is held back from damage, sale and all actions that are not in accordance with the purpose of the waqf. It is said to withhold because the benefits and results are withheld and prohibited for anyone other than those who are entitled to the waqf (Qahaf, 2005: 45).

Then in the government regulation of the Republic of Indonesia number 42 of 2006 it states that waqf is a legal act of wakif to separate and/or surrender part of his property to be used forever or for a certain period of time in accordance with his interests for the purposes of worship and/or public welfare according to sharia (PP RI nomor 42 Tahun 2006 Tantang Wakaf). From the various definitions above, it can be concluded that waqf is holding part of one's property to be used for social purposes.

2. Pillars of Waqf

Pillars in Arabic have a very broad meaning. Etymologically, *Rukun Disa* is translated as "the strongest side". Thus, the word pillar *al-sya'i* is defined as the side of something that makes a place to rest. As for the meaning of fiqh terminology, pillars are things that are considered to determine a certain discipline that is part of that something. Therefore, whether or not the waqf is perfect depends on the pillars of the waqf. In the Islamic concept, waqf is a legal act of a person or group of people or a legal entity that separates part of his property and institutionalizes it forever for the benefit of worship or other public purposes in accordance with Islamic teachings (Kompilasi Hukum Islam di Indonesia Bab I pasal 215 tentang Wakaf). There are four pillars of waqf, namely :

a) People who are waqf (waqif)

Waqif is a person who waqf part of his property. This waqif element can consist of individuals, organizations or legal entities. This person who waqf means he wants to do good and must be of his own free will (without coercion from others). Hanafiyyah requires the waqif not to be bankrupt unless he gets permission from his creditor. Bankruptcy will prevent a person from waqf, because there is still a person's obligation to

eliminate the difficulties that exist in him. The condition for waqif is that a wakif must include individuals who are deemed fit by law and sharia to carry out economic transactions, such as adults, with common sense and independence. The waqf of children, madmen and slaves is invalid.

b) Assets to be waqf (*mauquf*)

The scholars agree that the waqf property is *mal mutaqawwim*, that is, assets that can be used according to the Shari'ah. A waqf property must be an object whose benefits are eternal in the sense that the goods/objects are not damaged when the benefits are used. The condition for *Mauquf* is that the waqf property is real, usable, useful, durable and is the property of the waqif himself.

c) Purpose of Waqf (*al mauquf alaihi*)

The condition for *mauquf alaihi* is that the allocation of the waqf proceeds can be submitted to the party entitled to receive the waqf at the time the waqf is made. So the objects that are used as waqf objects should be objects that are included in the field to get closer to Allah swt and are useful for the public interest.

d) There is a contract as a statement of consideration of the receipt of the waqf property from the hand of the wakif to the person or place of waqf (*sighat*).

What is meant by *sighat waqf* are words or statements or pledges stated or spoken by someone who is waqf. The condition for the *lafadz* of the waqf contract is that the *lafadz* must clearly indicate the occurrence of the waqf act (Budiman, 2015: 25-38).

3. Terms of *Waqf*

The scholars have different opinions in providing the level of conditions. Muhammad Abu Zahrah (1994: 74) defines a condition as something that depends on the existence of law, common in the absence, absence of law, but becomes unusual for the existence of law from its existence.

From one point of view, conditions are the same as causes, namely laws that depend on the existence of conditions, so that if they do not exist, then the law does not exist. The difference between the two is the cause and condition. As in its existence, it provides examples of conditions, such as a guardian in a marriage which according to the majority of scholars is not valid to marry without a guardian. However, the presence of a guardian does not necessarily mean that marriage is legal because there are other conditions that must be met, such as witnesses, marriage contracts, and so on (Khosyiah, 2010: 27).

Then in the implementation of *waqf*, the *fuqaha* agree that the person who is waqf when *waqf* his property must make a statement called *lafad shighat*. In the *shighat* pronunciation, there are *sharih* (clear) and *ghoiru sharih* (unclear). Shari'ah *lafad* is a word in which words refer to the meaning of waqf explicitly. The *ghairu sharih* pronunciation is a *muhtamal* pronunciation or a word that contains more than one connotation. According to the Shafi'i school of thought, a *waqf* is invalid except with one word, both *sharih* and *kinayah*. With a *kinayah* pronunciation like this, it has shown the validity of a *waqf* even though the

word alms is used, because it has been based on a *qarinah* which shows the meaning or meaning of *waqf* (Khosyiah, 2010: 29).

As for the conditions for the validity of the meaning of *waqf*, the following conditions are needed:

- a. *Waqf* does not conflict with not being limited to a certain time, because *waqf* is valid forever, not for a certain time.
- b. The purpose of *waqf* must be clear, if someone surrenders *waqf* property without mentioning the purpose at all, it is considered invalid, unless it is given to a legal entity then it can be seen as *waqf*.
- c. *Waqf* is something that even though it is carried out without *khiyar* conditions (cancelling or carrying out the stated *waqf*) (Khosyiah, 2010: 28–29).
- d. Wahbah Az-Zuhaily (2011: 67) in his book *Al-Fiqh Al-Islam Wa AL-Adillatuhu* explains that according to the scholars the condition for giving *waqf* is in the form of objects and there must be a *waqf shighat*.

Religious Social Organizations And Social Solidarity

Islamic organizations in Indonesia are an interesting phenomenon to study, considering that Islamic organizations represent the majority of Muslims in Indonesia. This makes Islamic organizations a social and political force that is reckoned with in the political scene in Indonesia. From the historical aspect, it can be seen that the presence of Islamic organizations, both those engaged in politics and social organizations, brought a renewal to the nation, such as the birth of the Islamic Union as the forerunner to the formation of political organizations, Muhammadiyah, NU (Nahdlatul Ulama), the Islamic Trade Union, and others in pre-independence evoked a spirit of renewal that was so basic in society.

The development of religious organizations in Indonesia is indeed very long from the pre-independence era to the post-New Order era. Organizations are also commonly known as religious movements, defined by Nottingham as an organized effort to spread a new religion, or a new interpretation of an existing religion (Nottingham, 2002).

The religious spirit seems to be one of the sources of the life force of religious organizations. This spirit also gave birth to social solidarity which was accompanied by high sacrificial power. On the basis of that strength, socio-religious organizations are able to give birth to movements in various fields of life. The establishment of schools, madrasas, Islamic boarding schools, hospitals, orphanages, and places of worship that are very large in number in various regions is the fruit of the strength that comes from diversity. The intention to increase charity and sacrifice often trumps personal interests.

Such solidarity, in fact, can change along with changes in society. Homogeneous society seen from various aspects, for example the type of work, beliefs or beliefs, sentiments and so on will be different if the society is already differentiated in the division of labor, education level, and the like. Durkheim

distinguished the types of solidarity into mechanical solidarity and organic solidarity.

In addition, it appears that socio-religious organizations that have developed and are horizontally differentiated generally have various strengths. We see, for example, that there are several regions that are able to develop themselves significantly so that they have quite advanced educational, social and da'wah institutions, and vice versa, is experienced by other regions. The difference if observed carefully is not only caused by different natural potentials, but what is more prominent is caused by the availability of different human resources. Socio-religious organizations are more likely to be driven by private individuals even on behalf of the organization. These people are often small in number, but possess tremendous strength. People who have such abilities, strengths, and organizational driving roles are not evenly distributed in all regions. That is what causes the movement of religious organizations between each region is different.

Recognizing the sources of organizational strength is very important as an effort to dynamize religious organizations. It is not uncommon for socio-religious organizations to be only preoccupied with the affairs of the administrators. Moreover, due to the lack of awareness about the importance of quality human beings as organizational assets, there is a feeling of success only because they have been able to get rid of someone from the management of the organization. In terms of its success, it is not impossible that it actually results in the stagnation of the organization's movement itself (Suprayogo, 2003).

Empowerment of Waqf as Community Socio-Economic Development

Islamic organizations can channel *waqf* as an organizational social responsibility first internally, namely organizational development. Furthermore, Islamic organizations can channel waqf as a social responsibility that leads to community development. This is due to the limited funds available by an organization for social responsibility activities, where internal development is prioritized over external activities such as community or environmental activities.

Therefore, alternative sources of funding and realignment of social development activities need to be reviewed to ensure that Islamic organization-based development is more efficient in carrying out its social tasks in accordance with its Islamic-based status. In this context, waqf as an alternative means to generate funding for social responsibility activities seems to be a viable option.

Experts agree that more can be done in the context of waqf to address social problems. The concept of waqf is often misunderstood by the community where waqf is often seen as only related to land ownership. Therefore, waqf in an organization can provide a viable alternative for the social and economic development of the community (Darus et al., 2017).

Waqf is one of the important maliyah worship and has high economic potential. If waqf in the past was often associated with immovable objects, such

as land and buildings, now waqf has begun to be developed in other forms, such as cash waqf, which, apart from being used for this purpose, can also be used flexibly for the development of productive businesses. The main characteristic of waqf that really distinguishes it from others is when the waqf is fulfilled, there is a shift in private ownership towards the ownership of Allah SWT which is expected to be eternal and provide sustainable benefits (Kasdi, 2014b).

The problem is, the concept of waqf is often misunderstood by the public. People see waqf literally, where people interpret waqf as a donation of something, usually property rights to be used by other people in society. People are thinking about social benefits but economic improvement for the community is often left behind when the concept of waqf is not fully understood. Thus, the implementation of Waqf can act as an alternative tool that provides survival for the economy to produce lasting benefits for the community both in terms of fulfilling social responsibilities and increasing community economic development. Through waqf carried out by the organization, the benefits of waqf can be conveyed to a larger community group.

This view is held by scholars and scholars of Sharia. Sharia economists gave an example that currently the potential of waqf to improve social welfare and the economic welfare of the community has not been properly explored. The lack of such initiatives is mainly due to the mindset of society where people are resistant to waqf development out of concern that the shariah aspect of waqf is not enforced and it will lose its purpose.

However, the organizational waqf model introduced by Johor Corporation Berhad (JCorp) in Malaysia through Waqf An-Nur Corporation Berhad has provided evidence that the initiative can be successful in improving the economic condition of the community. Usually, the waqf property can be seen even after a few years later. Around the world, productive waqf has also become the main paradigm in managing assets. Call it Egypt, Algeria, Sudan, Kuwait, and Turkey, they had long ago managed waqf in a productive direction. For example, in Sudan, the Sudan Waqf Agency manages unproductive waqf assets by establishing a Waqf Bank. This financial institution is used to assist waqf development projects, establish business and industrial companies. Another example, to develop the productivity of waqf assets, the Turkish government established the Waqf Bank and Finance Corporation. This institution is specifically to mobilize waqf resources and finance various types of joint venture projects (Kasdi, 2015b).

When people hear about waqf, they think that waqf must be used as it is so that the potential of waqf is not fully explored. The community rejects the development of waqf because they do not want waqf to lose its purpose. However, Waqf institutions, especially those based on organizations and legal entities, can be an alternative philanthropic institution that works hand in hand with other civil society organizations in solving the nation's problems. This hope is very reasonable to be addressed to the waqf institution, considering that

it is a philanthropic institution for the Muslim community that has taken root in the lives of the people. This will happen when progress in fundraising is balanced with new breakthroughs in distribution and utilization, so that the role of waqf institutions can be more significant (Kasdi, 2014a).

Often people misinterpret waqf by associating it with religious purposes. However, waqf, apart from being a property right, was created for socio-economic benefits with the highest religious motive. People think that, when waqf is made for religious motives, its purpose is only limited to a religious context. So, the community feels that the context of waqf is limited to religious benefits and social benefits. Waqf companies have proven that waqf practices can be flexible, but at the same time maintain their goal of providing benefits to society.

There are several problems related to the implementation of waqf that need to be addressed to change the waqf practice carried out by the community. Reforms in the utilization of waqf need to be carried out. Reform is not only in the fundamental aspect of educating the public to understand waqf in a broader context, but also in policy aspects related to law. Now, want to change waqf on a larger scale by establishing waqf at the organizational level; but first must change the mindset of individuals by assessing other waqf approaches besides traditional practices. In the utilization of waqf for organizations, they must create their own model for sharia-based Organizational Waqf (Waqf Corporation), so that the purpose of implementing waqf in an organization does not conflict with Islam and should not only adapt conventional models in waqf management (Darus et al., 2017).

Issues that need to be studied related to the strategy of developing productive waqf are legal certainty and waqf legislation. It is very important to look carefully at the relevance and contribution of the socio-political context to fulfill the objectives of legislation, and its relation to various activities of waqf institutions. Likewise, how is the contribution of political configuration to the formation and improvement of legal construction that can support the implementation of waqf in order to improve the welfare of the people (Kasdi, 2015a).

The biggest challenge to better manage waqf is the mentality of the community. Policy makers and regulators must first understand fundamentally the purpose of waqf and explore its potential to be applied in various mechanisms. The government needs to provide opportunities for the utilization of waqf with other approaches, but at the same time, maintain the objectives of its implementation. Then, the government can provide understanding to the public by explaining and helping organizations to provide an understanding of the practicality of waqf to the public.

Ulama need to play a role in providing alternative ways of distributing waqf. Ulama need to do research on other ways of doing waqf apart from the traditional approach, so that people will have more choices in distributing waqf. In addition, to change the view on waqf, support from policy makers (the State) can assist in making rules and regulations related to waqf. The potential

of waqf can be utilized by organizations to generate alternative funding to increase external developments such as community and environmental needs. Organizations, particularly those based on Islam should explore the use of waqf in generating funds for socially responsible activities. To date; Waqf is still viewed from a traditional perspective related to the right to use the benefits for the hereafter (Darus et al., 2017).

Apart from the existing constraints, waqf has great potential to be developed into productive assets, which in the end are not only able to support socio-religious services, but are also directed to support various initiatives and goals of social justice. In addition, of course waqf is an enormous economic potential. The supporting fact is that currently Indonesia is the 4th largest country and the largest Muslim population in the world, the followers of Islam are the majority who are rich in natural resources and waqf is part of Islamic teachings which has the potential to empower Muslims, the nation and the state (Kasdi, 2016).

CONCLUSIONS

From the previous descriptions, the following points can be stated: First, Waqf is an important maliyah worship and has high socio-economic potential. Second, Islamic organizations can channel waqf as an organizational social responsibility first internally, namely organizational development. Furthermore, Islamic organizations can channel waqf as a social responsibility that leads to community development. Third, there are several problems related to the implementation of waqf that need to be addressed to change the waqf practice carried out by the community, so that reforms in the utilization of waqf need to be carried out.

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In writing this article the author made a full contribution independently from data collection to data analysis.

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