

Moving the people's economy through sustainable productive waqf in Jember regency from the perspective of maqashid al-syariah

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Abstract: Productive waqf is a waqf concept that not only functions as a donation for religious or social purposes, but is also managed professionally to generate profits that can be used for community empowerment. This research will examine how productive waqf management can make a real contribution to the local economy. Aspects to be studied include waqf asset management methods, economic sectors and long-term economic impacts resulting from the implementation of productive waqf from the perspective of maqashid al-syariah. Using a qualitative approach, this research will collect data from various sources, including interviews with waqf managers, community leaders, and waqf beneficiaries. Data analysis will be carried out to understand the dynamics and challenges faced in managing productive waqf and identify effective strategies to maximize the economic benefits of productive waqf. It is hoped that by adhering to the five main principles of religion (ad-din), soul (an-nafs), reason (al-'aql), descendants (an-nasl), and property (al-mal), which all work toward achieving community welfare, the study's findings will shed new light on the role of productive waqf as the primary tool in sustainable economic development in Jember Regency through the maqashid sharia approach. In this way, productive waqf also becomes a model of sustainable and inclusive economic development at the local level.

Keywords: Productive waqf, people's economy, maqashid al-shariah

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Introduction

According to (Ardiyansyah & Kasdi, 2021) and (Pratama & Sembada, 2023), productive waqf is an inventive way to maximize the advantages of waqf, not only for worship but also to enhance the welfare of the populace and the country. Improving the welfare of the populace, bolstering the economy, generating employment, and achieving social justice are some of the reasons why productive waqf is crucial (Lamido & Haneef, 2021; Ayub et al., 2024; Karimah et al., 2022). Several nazdhar (wakif) have donated their assets, including land, buildings, and business capital, to be administered in a profitable manner. This is one of the benefits of productive waqf.

Surah Ali Imran verse 92 contains the basis of Islamic law, which specifically addresses waqf, according to Allah SWT.:

لَنْ تَنَالُوا الْبِرَّ حَتَّى تُنْفِقُوا مِمَّا حُبَبْتُمْ وَمَا تُنْفِقُوا مِنْ شَيْءٍ فَإِنَّ اللَّهَ بِهِ عَلِيمٌ

Meaning: "You will never reach Virtue, (which is perfect), before you spend some of the wealth you love. And whatever you earn, Allah knows it." (QS. Ali Imran [3] : 92)

In the hadith, the Prophet Muhammad SAW said:

عَنِ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا أَنَّ عُمَرَ بْنَ الْخَطَّابِ أَصَابَ أَرْضًا بِحَيِّبٍ فَأَتَى النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَسْتَأْمُرُهُ فِيهَا فَقَالَ يَا رَسُولَ اللَّهِ إِنِّي صَبْتُ أَرْضًا بِحَيِّبٍ لَمْ أُصِبْ مَالًا قَطُّ أَنْقَسَ عِنْدِي مِنْهُ فَمَا تَأْمُرُ بِهِ قَالَ إِنْ شِئْتَ حَبَسْتَ أَصْلَهَا وَتَصَدَّقْتَ بِهَا

Meaning: “From Ibn Umar ra, that Umar bin Khattab got a portion of land in Khaibar, then he met the Prophet Muhammad to ask for advice. Umar said: ‘O Messenger of Allah, I got wealth in the form of very good land, which I have never gotten before. What will you advise me with that wealth?’ The Prophet said: “If you want, you can donate its principal and give charity with it.” (HR Imam Bukhari)

In the meanwhile, Imam Muslim's narration of the hadith about waqf, Prophet Muhammad SAW, stated:

إذا مات ابن آدم انقطع عمله إلا من ثلاث: صدقة جارية، وعلم ينتفع به، وولد صالح يدعو له

Meaning: “When a human dies, his good deeds are cut off, except for three things, namely almsgiving, knowledge that is used and pious children who pray for their parents.” (HR Imam Muslim)

Law Number 41 of 2004 respecting Waqf governs waqf laws in Indonesia. This is also governed by Government Regulation Number 42 of 2006 about the Implementation of Law Number 41 of 2004 respecting Waqf. Thus, it makes sense to believe that waqf monies, whether in the form of money or land, will assist the government in lowering poverty and enhancing the welfare of the community (Ulum, 2022). Maximizing the role of nazir and maximizing the empowerment of productive waqf are two essential components in attaining community economic wellbeing through productive waqf empowerment (Hadyantari, 2018).

Generally speaking, Jember Regency's waqf governance has faced challenges thus far since the enormous amounts of waqf land held are not matched with competent and effective administration, leading to less than ideal use of waqf outcomes. The Ministry of Religion's 2025 application system shows that there are 223.75 Ha of waqf land assets in Jember Regency, distributed among 2,443 places, of which 26.80 Ha have been certified. 196.95 Ha have not yet received certification. The majority of waqf administration is still done the old-fashioned way, i.e., for religious reasons solely, such constructing mosques, prayer halls, orphanages, and cemeteries, according to statistics collected in the field (https://siwak.tanah_wakaf_kab.php/siwak.kemenag.go.id).

Through the efficient use of waqf assets for endeavors that yield long-term gains, productive waqf can be a calculated approach to resolving socioeconomic issues in Jember (Prasetiya et al., 2021). Waqf assets, such land or buildings, can be administered in this way for profitable ventures like farming, trading, or real estate leasing. The outcomes of this management are then utilized to fund social initiatives including community empowerment, health care, and education. In addition to enhancing the well-being of impoverished communities, productive waqf fosters local economic growth and employment creation via competent and open management (Ulum et al., 2024). Because of Jember's wealth of natural and human resources, the use of productive waqf can serve as a tool for both social inequality reduction and economic empowerment (Al A'la Asysyafi et al., 2023).

The primary goal of sharia, maqashid al-syariah, is to administer fruitful waqf while ensuring the well-being of the community (Perdana et al., 2024). Five key concepts are involved in its implementation: property (hifz al-mal), reason (hifz al-aql), descendants (hifz al-nasl), religion preservation (hifz al-din), and life preservation (hifz al-nafs). This idea serves as the analytical foundation for managing productive waqf, ensuring that its assets are used in a way that complies with sharia and yields long-term gains. Hifz al-mal is carried out by making certain that waqf assets are safeguarded and expertly managed in order to provide long-term financial value. According to hifz al-nafs, the outcomes are utilized to meet the community's fundamental requirements. Hifz al-aql is supported by waqf-based education and training, whereas hifz al-nasl is supported by social assistance like health care. In accordance with hifz al-din, the entire management procedure is conducted

honorably to uphold religious ideals. By using this method, maqashid al-shariah guarantees that the administration of fruitful waqf promotes socioeconomic sustainability and the well-being of everybody (Sulistyowati et al., 2022).

Numerous scholars have examined the role of productive waqf in creating a sustainable economy in Jember Regency in a number of publications. One of them, titled *Waqf Governance in Improving Community Welfare in Jember Regency*, was carried out by Abd Syakur et al. (Syakur et al., 2018). This analysis shows that even though Jember has 141.06 hectares of potential waqf property, its administration is still conventional and subpar. The ego of the waqf heirs, the lack of professionalism of nazhir, the lack of socialization of waqf policies, the non-compliance of the community with the policy, and the absence of the Indonesian Waqf Board (BWI) at the local level are all problems that hinder the process. Wibisono (Wibisono, 2024) also emphasized the importance of waqf governance in Jember Regency to enhance the well-being of its citizens in his dissertation. According to this dissertation, waqf policies have not always been implemented as effectively as they could have in terms of enhancing community welfare. Low community compliance with waqf laws, a less professional naziran system, and a lack of cooperation among associated organizations are all inhibiting issues. In her study titled "Waqf Management in Jember," Shelly Justia Jatnyana (Jatnyana, 2015) claims that the economic sector still does not benefit from waqf management in Jember, particularly in the districts of Kaliwates, Summersari, and Patrang. Waqf assets are more frequently utilized for less profitable religious and educational endeavors like schools and mosques.

So the novelty of this study compared to previous studies lies in the integrative approach that combines the principles of maqashid sharia comprehensively in the management of productive waqf. This study not only analyzes the inhibiting factors and challenges in waqf management, but also offers an implementation model that emphasizes optimizing the benefits of waqf in accordance with the five main objectives of sharia: preserving religion, soul, mind, descendants, and property. Thus, this study contributes to the establishment of a more comprehensive and relevant paradigm for sustained productive waqf administration in Jember Regency.

Based on maqashid sharia, the management of productive waqf aims to maintain five main principles: religion, soul, mind, descendants, and property. In Jember Regency, productive waqf is directed to utilize local resources like land, agriculture, or micro-enterprises, which are professionally managed to generate sustainable income. Therefore, the goal of productive waqf in building a sustainable economy through maqashid sharia is to create holistic welfare by managing waqf assets strategically and oriented towards long-term benefits. The outcomes of this management are utilized to support *hifz al-nafs* (protecting the soul) and *hifz al-aql* (protecting the mind) by providing for the community's needs, including health, education, and economic empowerment. Additionally, equitable and open management practices guarantee the preservation of property (*hifz al-mal*) and reinforce religious values (*hifz al-din*) in communal life.

Method

Jember is one of the East Javan regions with the best chance of creating a successful waqf. Here are some justifications for searching Jember for efficient waqf solutions. The possibility for waqf in Jember is excellent because the majority of the population is Muslim and the city has a sizable population (around 2.2 million). This indicates that there is a great deal of waqf that might be utilized to propel the local economy. A number of productive waqf examples, such as cash waqf for business capital and land waqf for school development, have been successfully implemented by Jember. This demonstrates how productive waqf may be a helpful strategy to boost Jember's local economy (Hasanah, 2024).

Because case studies enable researchers to delve further into the particular context and current complexity, they were selected for the study on productive waqf to develop a sustainable economy in

Jember Regency. In this instance, the study focuses on the actual circumstances that the Jember community faces, where social and economic wellbeing are enhanced by productive waqf. Researchers can examine how several elements, including waqf management, the function of maqashid sharia, and current difficulties, interact in a particular local setting by using the case study technique. Due to their inability to examine the qualitative aspects and profound significance of community experiences in waqf administration, quantitative techniques may be less successful. The combination of methodologies approach, on the other hand, also necessitates a high level of complexity and may lessen the emphasis on in-depth study that is necessary to comprehend this phenomena holistically. In order to comprehend the phenomena in a local context that is rich in social and economic dynamics, case studies are therefore seen to be more relevant (Nartin et al., 2024).

Tabel 1 Research informants

No	Element	Number of Respondents	Gender		Code
			M	F	
1	Waqf Manager	4	3	1	YNS, SG, KII
2	Civil Servant	8	5	3	WH, UNS, PHS, UI, LPS, OL, SSH, RT
3	Waqf Beneficiaries	10	2	8	MRT, SYT, TKH, IWN, ASP, YBS, ACD, HNG, SSI, JHK
4	Religious Figures	2	2	0	SYH, WNK

Total Interview Informants : 24

In order to obtain a comprehensive knowledge of the administration of productive waqf in Jember Regency through maqashid sharia, the selection criteria for respondents in this study have been modified to align with the research aims. The respondents chosen comprise a range of stakeholders who are directly involved in the waqf process, including waqf recipient communities, nazhir (waqf managers), and other relevant stakeholders including zakat, waqf, and educational institution administrators. Gaining a thorough understanding of the difficulties, possibilities, and effects of effective waqf administration at the local level is the goal of this option. Even if there are 24 informants, the number of respondents can be deemed adequate in a qualitative method to gather comprehensive and significant data, particularly if the respondents' traits are varied and reflect a range of connected variables. Representativeness in qualitative research is more evident in the range of viewpoints gathered than in the quantity of respondents. As a result, in the context of waqf administration in Jember, the variety and connectivity of informants play a greater role in generating reliable and practical findings.

In accordance with the theory of Miles, Huberman, and Saldana, data were examined using descriptive analysis in a number of processes (Elliott, 2018). These steps were data condensation, data presentation (data display), and conclusion drafting and verification.. In the maqashid sharia evaluation, the data was then concentrated on the study requirements pertaining to productive waqf in Jember Regency for sustainable economic growth. Based on the analysis's conclusions, several recommendations can be made to increase the success of productive waqf in Jember. These include enhancing waqf-related community education and socialization, enhancing nazhir's capacity to manage waqf, promoting cooperation between nazhir and other parties, and fortifying waqf regulations.

Testing for data validity is necessary to ascertain the degree of confidence attained and demonstrate the reliability of the results via evidence provided by researchers in the reality under study. In this study, researchers employed source triangulation techniques to demonstrate the legitimacy of the data. The process of verifying data that has been gathered from many sources is known as source triangulation (Saadah et al., 2022). Waqf managers provided information about the title of management and development of productive waqf as a way to propel the people's economy sustainably in Jember Regency, and this information was then verified by other informants, including managers, business actors, and the community, as part of the study's source triangulation process.

Results and Discussion

According to data and information obtained from the Kabupaten Jember's Ministry of Religion, the concept of wakaf, whether silent or productive, has been in use since 1985 in various forms, such as 75% in the areas of mosques, mosques, and langgars and 25% in the areas of education, pesantren, kesehatan, pertanian, and permahan. The practice of wakaf in Jember is becoming more and more in line with the specific laws that govern wakaf in Undang-Undang No. 41 of 2004 concerning wakaf. This can be seen from the way that wakaf is being implemented to increase the social and economic well-being of the general public, such as the existence of wakaf tunai that has already been carried out by a few ZISWAF organizations in Jember (Choiriyah et al., 2023).

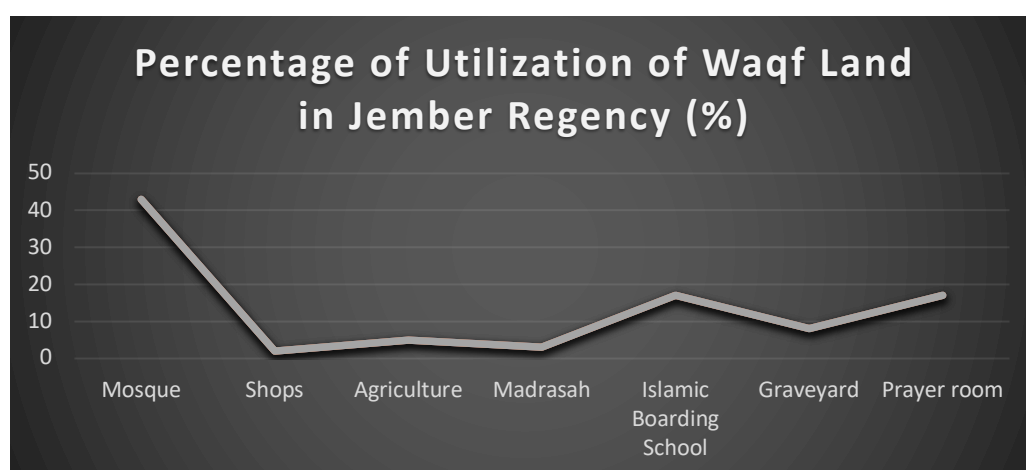


Figure 1. Percentage of utilization of waqf land in Jember Regency
(Source: Endowment Sector, Ministry of Religion, Jember Regency, 26/01/2025)

The Ministry of Religion's Zakat Management Institution, the Al Falah Social Fund Foundation (YDSF), the Ministry of Religion's Zakat Management Institution, Rumah Itqon Zakat Infak (Rizki), Azka Al Baitul Amil, Baitul Maal Hidayatullah (BMH), Yatim Mandiri, Nahdlatul Ulama Zakat, Infak and Shadaqah Management Institution (LAZISNU), and Muhammadiyah Zakat, Infak and Shadaqah Management Institution (LAZISMU) are some of the several zakat and waqf management organizations that are currently operating in the city of Jember. Along with these groups, there are educational establishments like the Ibnu Katsir Foundation, which already uses a waqf program as a means of obtaining money (Mustafidah, 2016). Traditional Nadzhir, which are run independently, exist in addition to contemporary ZISWAF institutions. The following explains the two different forms of cash waqf waqf management that exist in Jember, particularly in the Kaliwates, Summersari, and Patrang sub-districts, according to the findings of the study that has been conducted.

1. Fundraising for Cash Waqf, fundraising is the process of soliciting money from the general public. This fundraising serves as a management technique for making the most of funds or money to boost the growth of the cash waqf. In the absence of an effective fundraising strategy, the waqf's growth will encounter challenges.
 - a. LAZISWAF AZKA of Al Baitul Amien Jember Since August 2011, AZKA Al Baitul Amien Jember has operated a cash waqf program for a considerable amount of time. The foundation wishes to construct a school building, but there aren't enough finances available, thus the cash waqf program was created. LAZISWAF In order to maximize its cash waqf program, AZKA Al-Baitul Amien Jember has made good efforts to spread awareness of its cash waqf funds. Some of these efforts have been conducted in-person and on social media. The AZKA institution's efforts to spread awareness of waqf in the community are part of this plan, and the

results are quite positive since many individuals desire to donate their money using waqf (Is'adi, 2018).

By establishing the nominal value of the waqf, which is extremely affordable, AZKA Al-Baitul Amien Jember also makes it easier to collect money from members of the community who wish to donate their assets through the AZKA Institution's planned waqf program. This allows anyone who wishes to do so to choose from the smallest nominal, which starts at IDR 10,000, IDR 20,000, IDR 50,000, IDR 100,000, and up to IDR 400,000. A waqf voucher will be given to donors under IDR 400,000, while AZKA will issue a cash waqf certificate to donors over IDR 400,000. Additionally, AZKA will compile the gathered monies and deposit them in the Bank Muamalat Jember Branch Office.

AZKA has been tasked with overseeing funding for the construction of educational institutions. As part of its execution, AZKA has gathered waqf money from the local community up to the point of 2024, reaching billions of dollars. These monies will be allocated to educational facilities. Additionally, planning for cash waqf management will be done consistently (Al Baitul, 2024). Mr. Masdian Supriyanto, who oversees the fundraising department of LAZ Azka Al Baitul Amien Jember, clarified this by saying

It is true that cash waqf management planning is done once a year. During a work meeting, also known as an annual work meeting, all members including supervisors, administrators, mentors, and advisors participate in the activity. The management strategy for the assessment of cash waqf is also covered at the work meeting.

- b. Yatim Mandiri Jember LAZISWAF, according to Nadzhir's management approach, Yatim Mandiri's cash waqf management involves semi-professionally managed waqf assets. As Nadzhir, Yatim Mandiri continues to oversee its waqf assets, namely for the purpose of purchasing land and providing funding for the creation of the Insan Cendikia Mandiri Boarding School (ICMBS). Yatim Mandiri has no trouble collecting waqf funds because the institution's program is clear for acquiring land and funding building construction, allowing the waqif to choose how much money to donate based on nominal amounts of IDR 100,000, IDR 250,000, IDR 1,000,000, and IDR 5,000.00. The money received is sent straight to the Yatim Mandiri Surabaya Branch Office, where it is used exclusively to build educational facilities on Jl. Raya Sarirogo, Sidoarjo. Specifically, this includes purchasing land and constructing the Insan Cendikia Mandiri Boarding School (ICMBS) building (Adawiyah, 2021).

According to Mr. Ahmad, this is the nadhir waqf.

When it comes to the construction of the ICMBS building, cash waqf is crucial. From buying property to constructing a representational building for teaching and learning activities, the waqf monies obtained from the wakifs (waqf donors) are used for the structure's actual construction. Supporting facilities including dorms, classrooms, labs, and multipurpose spaces that may be utilized for a range of educational activities are also funded using these funding. We make sure that the money raised is utilized as effectively as possible for sustainable development and uphold openness in its administration.

Only the distribution of these monies is the responsibility of the Jember branch at Yatim Mandiri; management is delegated to the Surabaya branch of Yatim Mandiri's main office. The amount of money raised thus far indicates how enthusiastic the Jember community is about the cash waqf initiative at Yatim Mandiri.

- c. Ibnu Katsir Foundation, waqf assets may be thought of as clean money that has to be handled well by nazhir without destroying the waqf assets, and the outcomes must be given to the rightful owners (Muslich, 2017). The Ibnu Katsir Foundation's strategy for increasing

productivity in waqf management includes maximizing the following efforts: SMS, phone, website, email, direct mail, and print media like brochures and bulletins. It also involves creating profitable business units from waqf assets of buildings that bring in money for Islamic boarding schools. Sales of products, such as partnerships with sharia printing companies like Soerabaja'45, are one way to generate income. The foundation utilizes the revenues as input.

By creating cash waqf in a number of programs and nominal amounts, the Ibnu Katsir Foundation also makes it easier to raise money from the community. This way, anyone who wishes to donate their assets through waqf can select the program and nominal amount they want, such as the MasjidQu, GedungQu, TanahQu, and MobilQu programs. They can also invest business capital in business units whose profits will subsequently be used as input for Islamic boarding schools. In this instance, the Ibnu Katsir organization has not yet received an invitation from an outside partner to work together in developing the waqf monies that the organization has acquired. As of right now, the foundation continues to work internally and handle the cash raised through fundraising. As explained by Ustadz Najib that.

We are not yet on the path to development concerns, but there has to be a strategy in place to advance the investment sector going forward. Ibka has really offered to invest in the congregation, but the answer hasn't been positive. I've also talked to other foundation administrators about this.

The existence of a forum for friendship between nadhzir and waqif and the local community, which is formatted in the form of regular religious studies held every month in the third and fourth weeks, is evidence of efforts made to receive and collect waqf funds from potential waqifs.

2. Distribution of Cash Waqf Funds

- a. AZKA LAZISWAF Amien Al-Baitul, adequate infrastructure, including buildings and other educational facilities, is necessary for initiatives aimed at enhancing the role of education and madrasahs. Waqf monies, which are gathered by Islamic religious organizations, are a very likely source of funding. Following the collection of the cash waqf monies, Nazhir distributes the money to the eligible recipients in accordance with the desires of the waqif who provided the amounts in cash waqf. The money that is distributed at LAZISWAF AZKA is utilized to purchase a 1.1 Ha/10,000 m² piece of land in a prime position. situated in front of MAN I Jember on Jl. Imam Bonjol in Kaliwates District. Then an educational building will be built on the land.
- b. Yatim Mandiri Jember LAZISWAF, the money raised goes straight to the Yatim Mandiri Office, Surabaya Branch, where it is used to build educational facilities on Jl. Raya Sarirogo, Sidoarjo. Specifically, it is used to buy land and build the Insan Cendikia Mandiri Boarding School (ICMBS) building. According to the Branch Manager, Mr. Marzuki, the ICMBS school building is being built to fulfill the aspirations of orphans, as the institution is called Yatim Mandiri, with the goal of using ziswaf monies to help needy widows and orphans become self-sufficient.
- c. Ibnu Katsir Foundation, IKADI Jember City founded the Qur'an Memorization Islamic Boarding School, known as Ibnu Katsir Foundation. This foundation has a number of initiatives, including cash endowments, car endowments, and land and construction endowments. This foundation's endowment of buildings and land is used for Islamic boarding schools or educational facilities on Jl. Mangga No. 18, and other building endowments are used for business operations in partnership with Soerabaja'45, a sharia printing company on Jalan Jawa. The funds supplied by the endowment are meant for projects that the endowment

desires, according to information provided by Mr Agus Rohmawan, Head of Marketing. For instance, in the case of cash endowments, the foundation does not impose any restrictions on the endowment's ability to donate its assets. The only information they included in their brochure was that the Ibnu Katsir Foundation will use its cash endowment money to buy a Qur'an automobile, buy a ladies' dormitory, and buy land.

3. Productive waqf in the view of ulama. There will undoubtedly be disagreements among academics, including the viewpoints of academics who offer commentary on fruitful waqf. The majority of scholars agree with Imam al-Ma'ruf's assertion that waqfing anything with a moving item is acceptable in his book *al-baḥr al-ra'iq syarḥ kanz al-daqa'iq*, volume 12, page 62 (Al Ghamari, 2024).

Al-Nawawi cited Nafi's view in another *ibarah* on preserving Hafsa's jewels for al-Khattab's family. Zakat on the jewelry is not paid by the hafsa in the meanwhile. According to information found on page 325 of the book *Al-majmū'*, published on Juz 15, Al-Nawawi believes that the Companions issued loans and permitted waqf using dinars and dirhams, which had turned into jewelry. Because the waqf is legitimate if the material may still be used and its form is guaranteed to last eternally, similar to a stationary thing. Similar to immovable items, the waqf is legitimate if one keeps the source of their assets and donates the income. Ahmad's buddies share this viewpoint as well. This opinion is also in line with Ibn Hammam's opinion in the book *Fath al-Qadir*, volume 14, page 97.

Islamic jurists disagree over the legality of waqfing currency (Yumni, 2021). This is due to the fact that renting waqf assets such as land, buildings, homes, and the like is the most popular way for the community to grow waqf assets. As a result, some academics contest the legitimacy of the legislation governing the waqfing of dirhams and dinars (Maani, 2018). Money itself might run out of essence once it is spent, which is why scholars forbid waqf with it (Ulum, 2020). Waqf focuses on the continuation of the outcomes of the fundamental capital, which is everlasting, whereas money may only be used in such a way that the item vanishes. And since money like dirhams and dinars were made to be easily exchanged, people use them to buy and sell things rather than to profit from them by renting their essence.

Nonetheless, a fresh approach to addressing these financial issues is required in light of societal circumstances. The unemployment rate in Indonesia is also rising annually, with a large number of individuals without jobs. We examine al-Nawawi's viewpoint in the book *al-majmū'*, volume 15 page 325, in order to identify and implement the most pertinent productive waqf idea at this time. He said;

وقد اختلف اصحابنا في الدراهم والدنانير فمن قال يجوز ان تكون لها ثمرة دائمة كالاجارة اجاز وقفها، ومن قال بعد جواز الاجارة، قال بعدم جواز الوقف فيها،

Meaning: "And our friends disagree on using dinars and dirhams to donate waqf. Dirhams and dinars can be donated by those who are permitted to rent them out, while those who are not are not permitted to do so."

It is clear from the aforementioned example that the transaction contract determines whether productive waqf is permitted. According to al-Nawawi, based on the terms of the leasing agreement, the cash waqf legislation is acceptable. Because the advantages of renting do not include cost. According to this viewpoint, productive waqf is a novel offering in the banking industry and may be utilized as a financial system that benefits everyone (Hakim, 2010; Azzamani & Jaharuddin, 2024). There are several issues that need to be resolved, starting with the sociocultural and political issues, the educational system, and the economic order in Indonesia. And the government has to take this seriously.

In the book *Majma' al-Anhār*, volume 2, page 580, it says that

وقد أفتى صاحب البحر بجواز وقفهما ولم يحك خلافا كما في المنح وعن زفر رجل وقف الدراهم أو الطعام أو ما يكال أو يوزن قال يجوز قيل له وكيف يكون قال يدفع الدراهم مضاربة ثم يتصدق بفضلها في الوجه الذي وقف عليه وما يوزن ويكال يباع فيدفع ثمنه بضاعة أو مضاربة

Meaning: "As in the book *Al-Manḥ* and from *Zufar*, a man donates dirhams, food, measuring items, and weighing items. The author of the book *Al-Bahr* discussed whether it is acceptable to give dinars and dirhams, but he did not explain the difference. When asked, "How do I do it?" he replied that the money was invested using *mudharabah*, and the profits were given to charity. After the food products are sold, the assets are later used for *mudharabah* projects."

According to *Surah Al-Baqarah* verse 198, the Qur'anic mandate to seek food and even invest has become essential for the existence of civilization;

لَيْسَ عَلَيْكُمْ جُنَاحٌ أَنْ تَبْتَغُوا فَضْلًا مِنْ رَبِّكُمْ فَإِذَا أَفَضْتُمْ مِنْ عَرَفَاتٍ فَاذْكُرُوا اللَّهَ عِنْدَ الْمَشْعَرِ الْحَرَامِ وَاذْكُرُوهُ كَمَا هَدَاكُمْ وَإِنْ كُنْتُمْ مِنْ قَبْلِهِ لَمَنِ الضَّالِّينَ

Meaning: "There is no sin for you in seeking bounty (good fortune from business) from your Lord. So when you have left for *Arafah*, make *dhikr* of Allah at *Mash'ar al-Haram*. And *dhikr* (mentioning) Allah as He has shown you; and indeed you were truly among those who were astray before that." (*QS. al-Baqarah: 198*)

Considering some of the aforementioned parables of the academics' perspectives, the viewpoint that permits productive *waqf* is the most pertinent one to be implemented right now by examining the role of money at this moment for the following reasons: First, despite going through variations (increasing and decreasing currency prices), *waqf* employing currency is extremely likely to be utilized as a reference for future investments. Second, business players will find it simpler, faster, and quicker to invest thanks to cash *waqf*, which promotes economic empowerment. Third, *mudharabah* contracts as a means of reducing poverty through long-term investment initiatives that will have an influence into the future. Fourth, as more investors sign up for the cash *waqf* scheme, more earnings will be made, making it simpler to combat poverty.

Therefore, considering the contemporary role of money, the implementation of productive *waqf* is currently quite appropriate and its presence is much anticipated, particularly in Indonesia. Because it might be an alternate option and lower poverty rates, productive *waqf* is a channel for poverty alleviation (Umam, 2024).

Thus, the following are the goals of community cash *waqf*: First, increasing social savings, converting them into social capital, and assisting in the growth of the social capital market. Second, increasing investment in society. Third, allocating a portion of the wealth generated by the wealthy to the underprivileged and the children of the future. Fourth, teaching those who are wealthy or well-off about their social obligations to the community. Fifth, increasing welfare and integrating social security and social peace.

Therefore, the function of money itself disproves the worries of scholars who forbid productive *waqf* because of transient causes. In particular, the contributed funds are invested using the *mudharabah* philosophy, with the proceeds going to the underprivileged. And those who are in need will always feel this. Through government initiatives to enhance economic wellbeing, such as supplying working capital for labor-intensive, productive projects, society may also contribute to the reduction of poverty. In order for MSME actors to generate revenue for society, etc. Economic empowerment in the community may, of course, lower poverty

rates, so perhaps this will be a solution for the community. With the assistance of regional and national government representatives, as well as local stakeholders.

Scholars' opinions on productive waqf are highly pertinent to the demands of contemporary Indonesian society, particularly with relation to attempts to combat poverty. Scholars frequently point out that waqf can also refer to monetary waqf (cash waqf) utilized for productive endeavors, in addition to immovable assets like real estate or structures (Pesi, 2023). Many academics believe that well-managed productive waqf may be a very powerful tool for enhancing people's well-being. This aligns with the principles of maqashid sharia, which include preserving assets (*hifz al-mal*) and establishing long-term well-being. Poverty remains a significant issue in Indonesia that calls for long-term, sustainable solutions. We can empower the society and generate jobs by using productive waqf, such as cash waqf managed to support productive companies (Sania et al., 2024). Scholars' opinions on waqf as a social tool that helps the community in addition to the wakif are highly pertinent in this situation.

The administration of cash waqf in the agricultural or fishing industries is a practical illustration of its use in the productive sector. Many areas of Indonesia offer enormous potential for agriculture and fishing, but local communities are hindered by a lack of funding. The money raised through cash waqf can be utilized to give farmers or fishermen business capital so they can expand their enterprises and produce goods that can be sold in the marketplace. Cash waqf can also be utilized to finance cooperatives or small enterprises that employ a large number of community members. This funding enables those who previously faced barriers to obtaining business finance to launch or grow their enterprises, therefore generating employment opportunities and stimulating the local economy. This is consistent with the teachings of academics who assert that waqf serves as an efficient tool for economic empowerment in addition to religious activity.

4. Productive Waqf in Jember Regency from the perspective of Maqashid al-Shariah

Based on the aforementioned description, it can be inferred that the Jember district's productive waqf implementation follows a concept development framework. Based on maqashid sharia, which is a part of hajiyyat, the following is an effective waqf idea model that is used.

Tabel.1.1 The Concept of Productive Waqf According to the View of Maqashid al-Shariah Imam al-Syathibi

	Objective
<i>Hifz al-Din</i> (Guarding Religion)	Waqf that is productive can be utilized to fund religious endeavors like building madrasas, mosques, or other places of worship. This facilitates worship and the acquisition of religious knowledge within the community.
<i>Hifz al-Nafs</i> (Guarding the Soul)	The proceeds from the creation of waqf for productive endeavors can be utilized to address the community's fundamental needs, including health care, education, and food aid for those in need.
<i>Hifz al-Mal</i> (Guarding Property)	Ensuring that waqf assets continue to produce and create economic value that may be dispersed for the benefit of the community is the goal of productive waqf.
<i>Hifz al-Aql</i> (Keeping Reason)	Typically, productive waqf aims to promote education by constructing schools or offering scholarships. The community becomes more intelligent as a result, which fosters greater creativity and critical thinking.
<i>Hifz al-Nasl</i> (Guarding the Offspring)	Future generations benefit from the economic viability of families and communities, which may be facilitated by effective waqf administration.

Conclusion

The optimization of waqf assets plays an important role in improving the welfare of society and the national economy. The success of waqf in creating shared prosperity is highly dependent on professional management, the utilization of technology, and the application of the principles of accountability and transparency. From the maqashid sharia perspective, productive waqf in Jember Regency has great potential in supporting the economic growth of the community by upholding the five main principles: religion (ad-din), soul (an-nafs), intellect (al-'aql), offspring (an-nasl), and wealth (al-mal). Furthermore, further research is needed to analyze the long-term impact of waqf on purchasing power, employment opportunities, and community income. Comparative studies with best practices from other regions, both in Indonesia and internationally, can also provide insights in building a more effective and sustainable productive waqf model.

References

- ADAWIYAH, R. (n.d.). *STRATEGI FUNDRAISING WAKAF UANG PADA YATIM MANDIRI*. Retrieved January 26, 2025, from http://digilib.uinkhas.ac.id/7193/1/ROBIATUL%20ADAWIYAH_S20165026.pdf
- Al A'la Asyasyafi, A., Yuliarti, N. C., & Hermawan, H. (2023). Utilization Of Productive Zakat Funds In Realizing Economic Independence Of People With Disabilities In Lazismu Jember. *PROCEEDING INTERNATIONAL CONFERENCE ON ECONOMICS, BUSINESS AND INFORMATION TECHNOLOGY (ICEBIT)*, 4, 472–476. <http://jurnal.itsm.ac.id/index.php/eproceeding/article/view/782>
- AL BAITUL, A. K. J. (n.d.). *STRATEGI KOMUNIKASI PENGURUS MASJID DALAM UPAYA MEMBINA MORAL REMAJA MASJID JAMI'*. Retrieved January 26, 2025, from <http://digilib.uinkhas.ac.id/38864/1/SKRIPSI%20FIKS%20HADI%20OKE.pdf>
- Ardiyansyah, R., & Kasdi, A. (2021). Strategies and Optimizing the Role of Productive Waqf in Economic Empowerment of the Ummah. *Ziswaf: Jurnal Zakat Dan Wakaf*, 8(1), 61–71.
- Ayub, M., Khan, K., Khan, M., & Ismail, M. (2024). Waqf for accelerating socioeconomic development: A proposed model with focus on Pakistan. *Qualitative Research in Financial Markets*, 16(5), 937–961. <https://doi.org/10.1108/QRFM-07-2023-0161>
- Azzamani, A. N., & Jaharuddin, J. (2024). Menuju Kesejahteraan Ekonomi Umat Islam: Peran Strategis Pengembangan Sistem Keuangan Syariah. *EKOMA: Jurnal Ekonomi, Manajemen, Akuntansi*, 3(5), 1828–1845.
- Choiriyah, A. L. F., Rato, D., & Anggono, B. D. (2023). Urgensi Pembaharuan Pengelolaan Wakaf Di Indonesia. *JURNAL RECHTENS*, 12(2), 239–256.
- Elliott, V. (2018). Thinking about the coding process in qualitative data analysis. *Qualitative Report*, 23(11). <https://ora.ox.ac.uk/objects/uuid:5304bf7f-6214-4939-9f1b-b64415d4fac1>
- Hadyantari, F. A. (2018). Pemberdayaan Wakaf Produktif: Upaya Strategis untuk Kesejahteraan Ekonomi Masyarakat. *Jurnal Middle East and Islamic Studies*, 5(1), 1–22.
- Hakim, A. (2010). Manajemen Harta Wakaf Produktif dan Investasi Dalam Sistem Ekonomi Syari'ah. *Jurnal Riptek*, 4(2), 1–62.
- Hasanah, M. (2024). Pengukuran Dampak Sosial Sebagai Alat Tata Kelola Dan Akuntabilitas Pengelolaan Wakaf Produktif Pemanfaatan Tanah Wakaf Sebagai Lahan Parkir (Studi Kasus PCM Balung). *At-Tasharruf" Jurnal Kajian Ekonomi Dan Bisnis Syariah"*, 6(1), 1–13.
- IS'ADI, M. (n.d.). *Pemberdayaan dan Laporan Pertanggungjawaban Yayasan Masjid Jami' Al Baitul Amien Jember* [PhD Thesis]. Retrieved January 26, 2025, from <https://repository.unej.ac.id/handle/123456789/86990>
- Jatnyana, S. J. (n.d.). *PENGELOLAAN WAKAF DI JEMBER*. Retrieved January 26, 2025, from <https://repository.unej.ac.id/handle/123456789/66171>
- Karimah, D. A., Pamuncak, M. B., & Mubin, M. K. (2022). The Role of Waqf in Supporting Sustainable Development Goals: Linking theory and its practices. *Growth*, 2(1).

- https://www.researchgate.net/profile/Mohammad-Pamuncak/publication/375274934_The_Role_of_Waqf_in_Supporting_Sustainable_Development_Goals_Linking_theory_and_its_practices/links/6544fec6b86a1d521bb43fcb/The-Role-of-Waqf-in-Supporting-Sustainable-Development-Goals-Linking-theory-and-its-practices.pdf
- Lamido, A. A., & Haneef, M. A. (2021). Shifting the paradigms in waqf economics: Towards renewed focus on socioeconomic development. *Islamic Economic Studies*, 29(1), 18–32.
- Maani, B. (2018). Pemikiran Ekonomi Wakaf Imam Syafi'i (Analisis Wakaf Dirham dan Dinar Isyarat Wakaf Produktif). *Al-Risalah*, 14(01), 180–197.
- Muslich, A. (2017). Peluang dan tantangan dalam pengelolaan wakaf. *Muaddib: Studi Kependidikan Dan Keislaman*, 6(2), 200–218.
- MUSTAFIDAH, A. A. (2016). *PENGELOLAAN WAKAF TUNAI di YAYASAN IBNU KATSIR JEMBER PERSPEKTIF EKONOMI ISLAM*. http://digilib.uinkhas.ac.id/20278/1/Ayyu%20Ainin%20Mustafidah_0839214004.pdf
- Nartin, S. E., Faturrahman, S. E., Ak, M., Deni, H. A., MM, C., Santoso, Y. H., SE, S., Paharuddin, S. T., Suacana, I. W. G., & Indrayani, E. (2024). *Metode penelitian kualitatif*. Cendikia Mulia Mandiri. https://books.google.com/books?hl=id&lr=&id=43EJEQAAQBAJ&oi=fnd&pg=PA71&dq=Untuk+memahami+fenomena+dalam+konteks+lokal+yang+kaya+akan+dinamika+sosial+dan+ekonomi,+studi+kasus+dianggap+lebih+relevan.&ots=DDaMXyRtIz&sig=Ofb_D2eswTVsIrku9qNHqckyRYo
- Perdana, N. J. P., Zunaidi, A., & Maghfiroh, F. L. (2024). Increasing Mustahik Welfare Through Optimizing Productive ZIS Funds: Lessons from The Implementation of The BISA Program. *AZKA International Journal of Zakat & Social Finance*, 37–63.
- Pesi, A. (2023). *Analisis Manajemen Pengelolaan Wakaf Produktif di Masjid Jamik Baitul Jannah Kemukiman Tungkop Kecamatan Darussalam Kabupaten Aceh Besar* [PhD Thesis, Universitas Islam Negeri Ar-Raniry]. <https://repository.ar-raniry.ac.id/id/eprint/34017/>
- Prasetya, B., Halili, H. R., Syahrin, M. Al., & Arifin, M. (2021). LAZIZMU Philanthropy Potential in The Empowerment of Mustahiq's Economic and Welfare (A Case Study in Probolinggo, Jember, and Pasuruan). *Afkaruna: Indonesian Interdisciplinary Journal of Islamic Studies*, 17(2), 336–361.
- Pratama, T., & Sembada, Y. S. (2023). Productive Waqf and Poverty Alleviation: Government Contribution in Realizing Sustainable Development Goals. *Moneta: Journal of Economics and Finance*, 1(1), 1–14.
- Saadah, M., Prasetyo, Y. C., & Rahmayati, G. T. (2022). Strategi Dalam Menjaga Keabsahan Data Pada Penelitian Kualitatif. *Al-'Adad: Jurnal Tadris Matematika*, 1(2), 54–64.
- Sania, M., Sasiaji, D. D., & Abadi, M. T. (2024). PERAN DANA SOSIAL (Waqf) DALAM MENDORONG PERTUMBUHAN EKONOMI DAN PENGENTASAN KEMISKINAN DI NEGARA-NEGARA MUSLIM. *Jurnal Ekonomi Bisnis Dan Manajemen*, 2(1), 129–135.
- Sulistiyowati, Sukmana, R., Ratnasari, R. T., Ascarya, & Widiastuti, T. (2022). Issues and challenges of waqf in providing healthcare resources. *Islamic Economic Studies*, 30(1), 2–22. <https://doi.org/10.1108/IES-09-2021-0034>
- Syakur, A., Yuswadi, H., Sunarko, B. S., & Wahyudi, E. (2018). Tata kelola wakaf dalam meningkatkan kesejahteraan masyarakat di kabupaten Jember. *AL-IHKAM: Jurnal Hukum & Pranata Sosial*, 13(1), 73–96.
- Ulum, B. (2020). Zakat Profesi Dalam Pandangan Hukum Islam. *Tabsyir: Jurnal Dakwah Dan Sosial Humaniora*, 1(3), 10–25.
- Ulum, B. (2022). Wakaf Tunai dan Pengentasan Kemiskinan. *Al Fuadiy: Jurnal Hukum Keluarga Islam*, 4(1), 27–39.
- Ulum, B., Firmansyah, M., Hasan, Z., & Halili, H. (2024). Economic Empowerment of People Through Development of Sharia Cooperatives in Rural Communities. *Sahwahita: Community Engagement Journal*, 2(1), 11–20.
- Umam, K. (2024). Analisis Optimalisasi Wakaf Produktif Untuk Meningkatkan Kesejahteraan Masyarakat Dan Pengajar di Madrasah Pulau Panjang Banten. *Journal of Conflict and Social Class (JCSC)*, 1(01), 1–7.

- WIBISONO, H. A. (2024). *IMPLEMENTASI PENSERTIPIKATAN TANAH WAKAF SEBAGAI WUJUD MEMPEROLEH KEPASTIAN HUKUM (STUDI DI KABUPATEN JEMBER)* [PhD Thesis, Sekolah Tinggi Pertanahan Nasional]. http://repository.stpn.ac.id/4281/1/Herlambang%20Alvanto%20Wibisono_20293450_1.pdf
- Yumni, A. (2021). Wakaf Tunai Dalam Perspektif Fiqh Islam. *NIZHAMIYAH*, 11(1). <https://jurnaltarbiyah.uinsu.ac.id/index.php/nizhamiyah/article/view/923>
- الغماري, إ. (2024). أصول المشاركة بين الزكاة والوقف وضوابطها وتطبيقاتها (دراسة مقارنة). *مجلة اسرا الدولية للمالية الإسلامية*, 15 (1), 83-44.