Nadzir's Role in the Management of Waqf Mosque Land in Bone Bolango Regency, Indonesia

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ABSTRACT

The objectives of this research are: to analyze the task of nadzir in land management; to analyze the role of nadzir in the management of land in Bone Bolango Regency; and to describe the factors that affect the role of nadzir in land management. The management of land mosque in Bone Bolango district by Nadzir is clarified by two things, namely effective and ineffective. But the ineffectiveness is dominant, this is because, most nadzir in Bone Bolango district do not really understand what should be their duties, rights and obligations. The research was conducted in Bone Bolango Regency. This type of research is field research. The data sources in this research, are primary and secondary data sources. The data were collected from interviews, observations, and documentation. The results of this research showed that: Nadzir's task in the management of land in Kabupaten Bone Bolango has not been carried out as much as possible by nadzir who should be in charge of managing the land. This is due to their lack of knowledge about the task of nadzir itself.

INTRODUCTION

Waqf is one of the worships that includes hablu min Allah and hablu min an-nas, which is worship that in addition to being related to God as well as to fellow human beings. Throughout...
Islamic history, waqf has been an important means of capital in advancing the development of religion. Land has a multidimensional function in helping the welfare, development and progress of the community (Djatnika, 1983).

Waqf is not only ordinary alms, but in the religious aspect is a charity that has more value than other alms. Alms are greater in reward and benefit for the one who gives waqf, because the property of waqf will continue to flow to the one who gives waqf (wakif) even if he has died (shadaqah jariah), as long as the property waqf can still be used. In addition, waqf can be a way and intermediary to promote religion and build society in various areas of life. Waqf is a treasure entrusted from Allah SWT. Which in principle is a mandate that must be carried out in accordance with Islamic law, because if it is not carried out in accordance with the provisions of Islamic law, it will become a heavy burden after the life of the world, namely the hereafter (Muhibbuddin, 2020).

With regard to the waqf, Islam has clearly taught a person to spend some of his property to others, either individually or collectively. As explained in the Qur'an which at the same time became the basis of waqf law, as in QS. Ali Imran, verse 92 This verse is interpreted by the Ministry of Religious Affairs as a guide where a person will not reach the level of virtue in the sight of Allah, until he sincerely spends his beloved property in the way of Allah. After this verse was revealed, the Companions of the Prophet competed to do good, among them Abu Talhah al-Ansari, a treasurer among Ansar came to the Prophet gave a piece of date palm garden that he loved to be given in the way of Allah (Ministry of Religious Affairs, 2012).

Ministry of Religious Affairs (2007) with the consideration that waqf practices occurred in society have not fully run orderly and efficiently so that in various cases waqf property is not maintained and managed by Nadzir as it should be. Such circumstances are not only due to Nadzir's negligence or inability to manage and develop waqf property but also because of the attitude of people who are less concerned or do not understand the status of waqf property that should be protected for the sake of general welfare in accordance with the purpose, function, and allocation of waqf itself.

Nadzir is a party that receives waqf assets from wakif to be managed and developed in accordance with its provisions. The existence of nadzir is very important in maintaining and managing wakif assets because whether or not the waqf is beneficial for mauqaf a laih is very dependent on nadzir. However, this does not mean that nadzir has absolute power over the property entrusted to him (Ministry of Religious Affairs, 2007). To some extent nadzir is considered as the party that gets the mandate to carry out duties on behalf of the other party, maintenance, delegation of a work of another party (Ajuna, 2019). Kaida transfer of nadzir duties in waqf management is guided by al-Wakalah rules.

Thus, nadzir means a person who has the right to act on waqf property, either to take care of it, maintain and distribute the waqf to the person who is entitled to receive it, or do everything that allows the property to arise properly and eternally.

In waqf Law No. 41 of 2004, nadzir is defined as a party that receives waqf property from wakif (individuals, institutions, organizations, which do the waqf) to be managed and developed in accordance with its provisions (Directorate General, 2004). In short nadzir is a professional manager who manages, maintains and organizes waqf assets. The condition of a nadzir is clear, which according to the waqf law a nadzir must be Muslim, Indonesian citizen, adult, trustee, able physically and spiritually and not forbidden to do legal acts.

There is no denying that the majority of Indonesian waqf nadzir, especially in Bone Bolango Regency, are less professional in managing waqf mandated to them, because they have
permanent jobs such as civil servants, private servants, traders, farmers who must take precedence over *nadzir* duties.

This research will focus on the elements related in the management of the *waqf* of mosque land, whether it has functioned according the Law or whether the Law has not been able to accommodate the problem that occurs in the management of *waqf* of mosque land in Bone Bolango Regency. *Nadzir* role was chosen not on professional basis, but because of one particular character, relatives of the *wakif*, or trustee of the *wakif* (Rozalinda 2016). As a result of the unprofessionalism of *nadzir*, many *waqf* assets are not beneficial to the community and even worse many *waqf* assets are used as inheritance of *nadzir* *waqf* relatives, or disputed by *wakif’s* heirs. Thus, *nadzir* should be encouraged to achieve the best level of performance, so that he can be more significant in playing a social role for the development of *waqf*.

**LITERATURE REVIEW**

In Islamic economic system, *waqf* has not been widely explored, whereas *waqf* is very potential as one of the instruments for economic empowerment of Muslims. Therefore *waqf* institutions become very important to be developed. Moreover, *waqf* can be categorized as a *jariyah* charity whose reward never breaks, even if the *waqf* provider has died.

Realizing how important the problem of *waqf* land in Indonesia, the government established a law on the basic rules of agrarian staples (UUPA) namely Law No. 5 of 1960 which contains article that became the basis of the establishment of PP No. 28 of 1977, a government regulation that serves as the basis for the destruction of property for the benefit of Islam. Furthermore, it was refined in Law No. 41 of 2004 on *waqf*, which provides a wider scope for the development of *waqf* practices in Indonesia which is then followed by the issuance of PP RI No. 42 of 2006 on the implementation of Law No. 41 of 2004 on *waqf* (Ministry of Religion, 2007). In *Waqf* Law No. 41 of 2004, *nadzir* is defined as a party that receives *waqf* property from *wakif* (individuals, institutions, organizations, which are do the *waqf*) to be managed and developed in accordance with its provisions. In short *nadzir* is a professional manager who manage, maintain and organize.

In general, many new and different things are contained in the law No. 41 of 2004, when compared to PP No. 28 of 2004, as well as with KHI, although there are also many similarities. It can be said that Law No. 41 of 2004 regulates a broader and flexible substance compared to the existing legislation (Anshori, 2015).

In this Law of *waqf* there are several new and important things. Some of them are about *nadzir*, property for *waqf* (*mauquf bihi*) and the allocation of *waqf* property (*mauquf ‘ala’ih*), and the establishment of the Indonesian *Waqf* Board. With regard to the issue of *nadzir*, because in this law, not only immovable objects which have been commonly implemented in Indonesia, but also movable objects, such as money, precious metals, securities, intellectual property rights, rental rights, etc., are required to be able to manage these objects.(Prihatini, 2015).

While the new regulation contained in Law No. 41 of 2004 which did not exist in the previous two regulations is concerning the establishment of a new board, namely the Indonesian *Waqf* Agency. The Indonesian *Waqf* Agency is an independent institution established by the government to improve and develop Indonesian *waqf* system. The establishment of the Indonesian *Waqf* Agency has duties and authorities as mentioned in Article 49, namely: Farida Prihatini (2015).

1. Fostering *nadzir* in managing and developing *waqf* property;
2. Conducting management and *waqf* property on a national and international scale;
3. Giving approval and or permission for changes in the allocation and status of \textit{waqf} property;
4. Dismissing and replacing \textit{nadzir};
5. Giving approval for the exchange of \textit{waqf} property, and;
6. Providing advice and consideration to the government in the preparation of \textit{waqf} policy.

In general there are many similarities between Law No. 41 of 2004 and KHI or PP No. 28 of 2004 concerning duties or obligations of \textit{nadzir}. Here it can be found that Law No. 41 of 2004 refers to the previous legislation regarding \textit{waqf}. \textit{Nadzir} in Law No. 41 of 2004 in addition to managing it is also tasked with developing \textit{waqf} assets. The duties of \textit{nadzir} are as contained in Article 11, namely:
1. Administering \textit{waqf} property
2. Managing and developing \textit{waqf} property in accordance with its purpose, function and designation.
3. Supervising and protecting \textit{waqf} property and reporting the implementation of duties to the Indonesian \textit{Waqf} Agency

\section*{METHODOLOGY}

This type of research is field research, which is a study that examines objects in the field to obtain clear and concrete data and images of matters related to the problems studied (Suryabrata, 2013). In this research, the authors examined the role of \textit{nadzir} in managing \textit{waqf} land in Bone Bolango Regency and described factors that affect the task and role of the \textit{nadzir}.

The data were obtained using interview techniques by the researchers to \textit{nadzir}, \textit{wakif}, related parties such as the Ministry of Religious Affairs Bone Bolango Regency, and \textit{ta'mir} mosque in order to obtain in-depth information about the role of \textit{nadzir} in terms of managing \textit{waqf} of mosque land in Bone Bolango. The data were sourced from primary and secondary data. The primary data were collected through interviews and the secondary data were obtained from the web, documents, books related to the \textit{waqf} issue.

\section*{RESULTS AND DISCUSSION}

\subsection*{Overview}

Bone Bolango Regency is a part of Gorontalo Province which is geographically located in 00o 28' 17" LU – 00o 35' 56" LU and 122o 59' 44" BT – 123o 05' 59" BT. The area of Bone Bolango Regency is 1,984.58 Km2 with a percentage of 16.24\% of the area of Gorontalo Province. Gorontalo province is also known as "Serambi Madinah", because of the tradition of philosophy and religious life. Therefore, the name \textit{serambi Madinah} has become a tourism brand that began to be known by the public (Ajuna and Amri, 2020).

The numbers of subdistricts in Bone Bolango regency are as many as 18 subdistricts consisting of from 166 villages. The district that has the largest area is East Suwawa Subdistrict of 489.20 Km2 or 24.65\% of the total area of Bone Bolango Regency. While the sub district that has the smallest area is the southern Bulango Subdistrict with a percentage of 9.87 Km2 from the area of Bone Bolango Regency or 0.50\%.

\textbf{Nadzir's Role in the Management of Waqf Land Mosque in Bone Bolango Regency}

\textit{Nadzir}'s main role is to assert that the \textit{waqf} will not be able to run if \textit{nadzir} can not manage it. So it is clear that the benefir of \textit{waqf} is very dependent on \textit{nadzir} as the party that
receives waqf property to be managed and developed as it should be. Thus it can be said that nadzir as the manager of waqf must be better prepared in carrying out their duties, so what is desired by the wakif can be carried out. Nadzir in the Waqf Law has a very important position. In addition to being able to manage and develop waqf property, nadzir can also determine the allocation of waqf property as long as the wakif does not determine it and when the wakif also agrees with the allocation of waqf property proposed by nadzir.

Nadzir in North Bulango District, Bone Bolango said that waqf land is managed by one management (not by the nadzir) on the grounds that the previous waqf did not involve nadzir in its management. So far there has been no socialization from Religious Affairs Office (KUA) of North Bulango Subdistrict Bone Bolango related to waqf land management. In Law No. 41 of 2004 Article 11 said that the main obligations of nadzir are, namely; administering waqf property, managing and developing waqf property in accordance with its purpose, function, and allocation, supervising and protecting waqf property, reporting the implementation of duties to the Indonesian Waqf Agency.

The above roles are obligation that must be carried out by the nadzir who manage waqf. Such obligations are very important because without management by nadzir will result in unmanaged waqf land managed and difficulty to its development.

Based on the above research, due to the increasing expectations of Muslims then the management of waqf land can be carried out as well as possible and managed as much as possible. This is so that the waqf land that has been collected can be utilized to the maximum as the wishes of the representative, and this is the responsibility that manages both individuals and legal entities commonly known as nadzir. Each waqf land should be organized to its maximum potential thus it requires supervision, maintenance, and good management of waqf land.

**Nadzir's Role Regarding to Waqf Land Management in Bone Bolango Regency**

The role of nadzir in the management of waqf land in Bone Bolango Regency is not as a waqf land manager, but nadzir serves as a complement or formality. So that whether or not the existence of the nadzir will not affect the waqf land, this is what makes waqf land difficult to develop. According to the explanation of the parties who manage waqf land (not the nadzir), they received a mandate to be the manager of the community proposal such as mosque priests or public figures, this is because nadzir did not participate in managing waqf land since the issuance of AIW (waqf pledge deed) by PPAIW.

According to statements of nadzir in several districts Bone Bolango said that waqf land is managed by one management (not nadzir) on the grounds that the prevailing waqf has not involved nadzir in its management. So far, there has been a lack of socialization from the Ministry of Religious Affairs of Bone Bolango Regency related to waqf land management. In Law No. 41 of 2004 Article 11 stated that the main obligation nadzir, namely; administering waqf property, managing and developing waqf property in accordance with its purpose, function, and allocation, supervising and protecting waqf property, reporting the implementation of duties to the Indonesian Waqf Agency.

**Waqf Land in Bone Bolango Regency**

The results of the recapitulation of data we obtained indicate that waqf land in Bone Bolango District based on the status of Ministry of Religious Affairs Office. Bone Bolango Regency in 2021 are amounted to 289 locations spread across 17 sub-districts.
The data above shows that the number of waqf in Bone Bolango Regency are 289 locations spread across Suwawa 14 locations, East Suwawa 11 locations, Central Suwawa 10 locations, South Suwawa 7 locations, Kabila 39 locations, Tilongkabila 38 locations, Botupingge 19 locations, Kabila Bone 21 locations, Tapa 13 locations, Bulango Ulu 7 locations, North Bulango 17 locations, East Bulango 11 locations, Bulango Selatan 16 locations, Bone Beach 24 locations, Bulawa 10 locations, Bone Raya 16 locations, and Bone 17 locations. From the data the most waqf land is in Kabila subdistrict and the lowest is in South Suwawa and Bulango Ulu sub districts.

The data above shows that the status of waqf land in Bone Bolango District that has been certified is as many as 252 locations and there are 37 locations that have not been certified. This indicates there are more certified waqf lands than uncertified ones.

Waqf Land Management in Bone Bolango Regency

The management of waqf conducted by nadzir professionally provides opportunities for the development of waqf to be more productive, as well as providing opportunities for the application of modern management principles. In this framework, nadzir should strive to display the best performance of waqf possible. The management of waqf institutions becomes the most crucial part in understanding the issue of waqf. Waqf management is related to nadzir as waqf manager, waqf management system, and accountability.
The management of *waqf* that has been running in Bone Bolango district is still using a traditional and consumptive management pattern. It is based on the results of interviews with one of the employees of the *zakat* and *waqf* administration of the ministry of religion Bone Bolango as follows:

*Recruitment of Nazhir*

Many *nazhir waqf* are only based on the aspect of character such as the imam, not on the aspect of professionalism or ability to manage. So many *waqf* objects are not well managed.

*Empowerment Operation*

The pattern uses unclear system (does not have operational standards) because of weak human resources, vision and mission of empowerment, political support by the government that has not been maximized and still use *ribawi* system

*Pattern of Utilization of Results*

In carrying out efforts to utilize the results of *waqf* there are still many who are consumptive-static so that many people do not feel the benefits.

*Control And Accountability System*

A risk and centralistic leadership pattern and weak operation of empowerment resulted in weak control systems, both institutional, business development and financial.

The management pattern of *waqf* land management as above often occurs in areas, especially in Bone Bolango Regency because generally in doing *waqf* the society trust local imam the *nazhir*, because the public thinks that imam as a religious figure is better known or qualified in terms of *waqf*.

*Nadzir waqf* in Bone Bolango regency is a private board that contains a management structure and has representatives and members. The main obligation of the *nadzir* is to manage and maintain the properties for *waqf*, because, neglecting its management and maintenance will result in its destruction, and continue to the loss of the function of the *waqf* itself.

Based on the results of an interview with Mrs. Mosi, an employee at the Office of the Ministry of Religion, Bone Bolango Regency admitted that most *nadzir* of Bone Bolango region do not pay attention to the issue of *waqf* management, and are lack of knowledge to existing regulations. In addition other institutions are less to conduct briefings or coaching related to the issue of *waqf* to the *nadzir* Bone Bolango Regency.

Considering that *nadzirs* are not responsible for the management of *waqf*, they admitted that the most important *waqf* property has been pledged and has received a deed of pledge from KUA, thus thought that with the *waqf* pledge deed can be used to apply for funds through proposals and already have a permanent legal force. While the issue of management is not the responsibility of *nadzir* anymore, the public also does not know about the reward to *nadzir* for his efforts in managing *waqf* land that has been regulated in the Waqf Law no. 41 of 2004 and the Compilation of Islamic Law.

Given the importance of *nadzir* in *waqf* land management, *nadzir* has an obligation to manage and organize waqf land, which includes:
1. Keeping copies of the Waqf Pledge Act
2. Maintaining waqf land
3. Utilizing waqf land
4. Utilizing and trying to improve waqf yield
5. Conducting bookkeeping / administration which includes:
   a. Note on the state of waqf land
   b. Note on the management and yield of waqf land
   c. Note on the use of waqf land products.

In Law No. 41 of 2004 Article 11 the main obligations of nadzir, namely; to administer waqf property, to manage and develop waqf property in accordance with its purpose, function, and allocation, to supervise and protect waqf property, to report the implementation of duties to the Indonesian Waqf Agency (Ministry of Religious Affairs, 2015).

Based on information from Mr. Abdul Ghafar, the head of zakat and waqf organizing department of the Religious Affairs Office, Bone Bolango, said that; the role of nadzir in the management of waqf land in Bone Bolango Regency is not as a waqf land manager, but nadzir serves as a complement or formality. So that the existing of the nadzir will not much affect the waqf land, this is what makes waqf land difficult to develop, not to mention the average Nadzir waqf mosque in Bone Bolango have died and even until now no one has replaced the position of the nadzir who died, thus making the management of waqf land become abandoned.

According to the description of Mr. Sofyan and Agus as the one who manages waqf land (not nadzir) but ta'mirul mosque, they received a mandate to be the manager of the waqf land of the mosque on the proposal of the community, this is because nadzir did not participate in the management of waqf land since the issuance of the waqf pledge deed that has been certified.

Nadzir in North Bulango District, Bone Bolango said that waqf land is managed by one management (not nadzir) on the grounds that the previous waqf did not involve nadzir in its management. So far there has been no socialization from KUA of North Bulango Subdistrict Bone Bolango related to waqf land management.

Based on the above research, because of the greater expectations of Muslims then the management of waqf land can be done as best and managed as much as possible. This is so that the waqf land that has been collected can be utilized to the maximum as the wishes of the representative, and this is the responsibility that manages both individuals and legal entities commonly known as nadzir. Each waqf land should be cultivated as a result and utilization to the maximum so that here is required supervision, maintenance, maintenance, and good management of waqf land (Ministry of Religious Affairs, 2011).

Rofiq (2013) stated that Nadzir in the Waqf Law has a very important position. In addition to being able to manage and develop waqf property, nadzir can also stipulate the allocation of waqf property as long as the wakif does not determine it and when the wakif also agrees with the allocation of waqf property submitted by nadzir. In fact, the presence of nadzir as a party given trust in waqf management is very important. even though the mujtahids do not make nadzir as one of the pillars of waqf. However, the scholars agreed that wakif should appoint capable waqf nadzir, both individual and institutional (legal entity). The appointment of capable waqf nadzir aims to keep waqf assets maintained, managed and nadzir can carry out its obligations, so that the waqf property is useful..

**CONCLUSION**

Based on the description above, it can be concluded: that the management of waqf land mosque in Bone Bolango district by Nadzir is clarified by two categories, namely effective and ineffective. But the ineffectiveness is more dominant, this is because most nadzir in Bone
Bolango district do not really understand what should be the duties, rights and obligations. In addition there is also lack of socialization from related parties such as institutions that regulate the issue of representation about the duties and obligations of a nadzir, presumption that nadzir is as a formality, difficulty of coordinating with nadzir members, assumption of society that such a thing is in accordance with the rules of Islam and has been running since long ago.

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