

# THE ROLE OF NAZHIR IN DEVELOPING WAQF

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**Abstract:** *Waqf property given by the wakif as a form of worship can be used for various activities. However, the development of the waqf has not been carried out optimally. For this reason, the role of nazhir is needed in developing waqf so that it can be managed and utilized for the welfare of the community. This research is a normative juridical research sourced from secondary data and uses documentation studies as a data collection tool. Nazhir has an important role in the development of waqf assets so that the benefits of waqf can reach the needs of the community. Nazhir as waqf manager, participate in maintaining and developing waqf property. Nazhir plays a role in empowering waqf assets and making maximum use of waqf assets, so that the benefits can reach the welfare needs of the community. The development of productive waqf is carried out in a directed and sustainable manner. The development of waqf assets is carried out in order to maximize the benefits of waqf in order to improve the welfare of the community.*

**Keywords:** *nazhir, developing, waqf*

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## Introduction

Waqf is an activity that has religious values. Waqf is a very important element in building the economy and the welfare of society. Waqf has a role in various fields, not only in the economy but also in education and public health.

Waqf has enormous potential to improve people's welfare. In today's society there are many waqf assets that can be used for several activities. Moreover, we know that the State of Indonesia has a majority population of Muslims.

Waqf is now something that is often done by Muslims. However, the development of waqf has not been carried out optimally. For this reason, it is necessary to carry out efforts to develop waqf so that waqf carried out by the community is more beneficial to the community.

The development of waqf in society requires a nazhir who is able to manage waqf, so that waqf can be used properly and can be utilized for the welfare of society. For this reason, it is necessary to do research on the role of nazhir in the development of waqf.

## Literature Review

### 1. Nazhir

Nazhir in Article 1 point 4 of Law number 41 of 2004 concerning Waqf is explained as a party that receives waqf property from the wakif to be managed and developed according to its designation.

Nazhir waqf includes individual nazhir, organizational nazhir or legal entity nazhir. A person can become an individual Nazhir if he meets the following requirements:

- a. Indonesian citizens.
- b. Islamic religion.
- c. Mature.
- d. Trust.

- e. Able physically and spiritually.
- f. Unhindered from taking legal action.

Organizations can also become nazhir waqf, if they meet the following requirements:

- a. The management of the organization concerned meets the requirements of an individual nazhir.
- b. Organizations engaged in the social, educational, community, and/or Islamic religious fields.

A legal entity can become a waqf nazhir, if it meets the following requirements:

- a. The management of the legal entity concerned fulfills the requirements for an individual nazhir.
- b. Indonesian legal entity formed in accordance with applicable laws and regulations.
- c. The legal entity concerned is engaged in the social, educational, community, and/or Islamic religious fields.

## **2. Waqf Property**

Person can legally donate assets that he owns or controls. This means that property that is not privately owned cannot be used as waqf property.

Property that can be donated is in the form of immovable objects and movable objects. Immovable objects that can be donated include rights to land, buildings, plants and other objects related to land, ownership rights to apartment units, other immovable objects in accordance with sharia provisions and applicable laws and regulations.

Movable objects that can be donated include money, precious metals, securities, vehicles, intellectual property rights, lease rights, and other movable objects in accordance with sharia provisions and applicable laws and regulations.

## **Method**

Normative legal research is also called doctrinal legal research, where law is conceptualized as what is written in statutory regulations (Koto. I., 2021).

The study uses secondary data, consisting of primary, secondary, and legal materials. The data collection tool used is a documentation study (Simatupang, N., 2021).

## **Result and Discussion**

Waqf is a legal act of a person or group of people or legal entity that separates or releases part of their property, and institutionalizes it forever for the sake of worship or other needs (Riza. F., & Zainuddin. Z., 2021).

Waqf based on Islamic Law is surrendering land or other objects that can be used by Muslims without destroying and consuming the waqf objects to a person or legal entity so that they can be used for the benefit of the people (Faisal, F., 2018).

Waqf as a form of human worship has been known for a long time in society. Not a few people have given their wealth in the form of waqf. So far, waqf assets that have been donated have focused more on assets in the form of land. The waqf assets given are used for matters related to the tomb or burial place, as well as used for community worship activities, namely mosques and prayer rooms.

The main characteristic of waqf that is very different from other worship is that when waqf is paid, there is a shift in personal ownership towards God's ownership which is

expected to be eternal, providing sustainable benefits (Muntaqo. F, 2015). Waqf assets that have been donated by the wakif will not belong to the wakif personally. Therefore the wakif also does not have the right to the assets that have been donated.

Waqf development is carried out continuously. For this reason, the development of waqf is directed at waqf that is more productive and can help people's lives. This productive waqf can be developed for various beneficial activities for the welfare of society, especially the poor. Development of waqf can be directed to various activities that can prosper the community, such as education and health activities.

Nazhir's roles in the Waqf Law are:

1. Administer waqf assets.
2. Manage and develop waqf assets according to their purpose, function and designation.
3. Supervise and protect waqf assets.
4. Report on the implementation of tasks to the Indonesian Waqf Board

Nazhir as the manager of the waqf, also plays a role in maintaining the waqf. In addition, nazhir also plays a role in developing waqf assets. Waqf development can be carried out optimally if nazhir as waqf manager performs his duties in accordance with existing regulations and is able to work professionally, transparently and accountably.

Management of waqf assets in a professional manner will be carried out optimally if it is supported by a nazhir as a waqf manager who has knowledge about waqf. Waqf management supported by good waqf knowledge is beneficial in developing waqf assets. The development of waqf assets is carried out to provide benefits to the community. the benefits of waqf assets can be felt by the community not only at this time, but also can be felt by the community in the future. On the other hand, the continuous use of waqf will bring rewards that will continue to flow to the waqif.

In order for the property to function as it should and be able to continue continuously, the property must be maintained, maintained, and if possible developed. Judging from his duties, a nazhir is obliged to administer waqf assets, maintain, develop property according to its function, purpose and designation and preserve the benefits of the waqf property for those who are entitled to receive it. In addition, nazhir is also obliged to supervise and protect waqf assets. Thus it is clear that the functioning or not of a waqf is highly dependent on the nazhir's ability. With regard to the quite heavy task, nazhir also has the right to obtain results from the development of waqf (Muntaqo. F., 2015).

The role of the waqf manager is even wider, not just maintaining and doing routine things, but also looking for new innovations in order to develop and empower the waqf assets. For this reason, there is a need for improvement efforts aimed at improving waqf management and eliminating the causes of deterioration in waqf management due to nazhir's actions and negligence (Hakim, 2010).

The development of waqf assets is centered on the role of a nazhir. Nazhir is the central point of waqf development. Nazhir is a decisive figure in efforts to develop waqf assets in society.

The success or failure of waqf management is highly dependent on the capacity and integrity of the nazhir himself. Therefore, some of the most important instruments in waqf management, nazhir must meet the criteria that allow waqf assets to be managed properly (Syafuri. B., 2018).

Waqf cannot be separated from the economic system with the aim of benefiting the people through community empowerment (Prasinanda. R. P., & Widiastuti. T., 2019). Development of waqf assets can be carried out by nazirs by managing and empowering waqf

assets according to their designation. This is done so that waqf assets are useful for the welfare of society.

Managing and empowering waqf assets can be done in a number of ways, including prioritizing the people's waqf assets (in the form of land) for productive purposes, raising waqf funds, and investing these waqf assets for the benefit of the people and channeling them in the right direction (Syafuri. B., 2018) .

Professional characteristics or characteristics as formulated by the Ministry of Religion of the Republic of Indonesia, Directorate of Zakat and Waqf Development, Directorate General of Islamic Community Guidance and Implementation of Hajj (Baharuddin. A. Z., & Iman. R. Q., 2018) are:

1. Have special expertise and skills to be able to do the job well.  
These skills and expertise are usually obtained from education, training and experience gained within a certain period of time. This knowledge, expertise and skills enable professional people to recognize properly and precisely the problem. With the knowledge and skills that enable a professional to carry out their duties with a level of success with good quality.
2. There is a high moral commitment.  
For social service professions, moral commitment is expressed in the form of a professional code of ethics. Ethics is a rule that must be followed in carrying out work. This professional code of ethics is intended to protect the public from losses and negligence, whether intentional or not, and is intended to protect the profession from bad behavior.
3. Professional people, usually live from the profession they are in.  
He is paid a decent salary as a consequence of exerting all his energy, mind, expertise and skills.
4. Community service.  
There is a moral commitment contained in the professional code of ethics where people who carry out a profession prioritize the interests of society rather than their own interests.
5. Legalization, licensing.  
For professions involving the interests of many people related to human values, the profession must be a legal and permissible profession

A professional nazhir waqf is if it meets the following criteria (Megawati. D., 2014):

1. Expert in his field. These special skills and expertise are generally obtained thanks to education, training, and experience. Therefore, professional Nazhir can identify quite quickly and precisely the problems faced and the right solutions.
2. Devoting all time, energy, attention to his work or fulltimer. As a consequence he was paid a high salary. In Indonesia, the share for nazhir is the highest, namely 10% of the net proceeds of waqf management.
3. Deep personal commitment that results in great responsibility for work.

Waqf in Indonesia is directed according to productive state policies for the benefit of worship and advancing public welfare (National Legal Studies Agency, 2009). This is of course in accordance with the goals of human life, that one of the goals of life is to achieve prosperity (Hanifah. I., 2020).

To be able to achieve this, Nazhir must understand and internalize religious knowledge and state policies, also understand general knowledge based on economics and profit-oriented business according to sharia, have entrepreneurial skills (entrepreneurial values and spirit); have leadership directed to achieve profit goals, design visions and

strategies based on pragmatic and economic calculations of profit and loss calculations; has the principle of not always relying on capital but how to create something, for example, what is dry becomes wet, what is barren becomes fertile, what grows develops; has the ability to invite other people to cooperate based on an adjusted plan and arrange it so that it runs as it should (National Legal Studies Agency, 2009).

Nazhir must also have the skills to analyze decision making, dare to take risks, be able to see and assess an opportunity that lies ahead, create opportunities (opportunity creator), have original new ideas (innovators), adaptability, information technology skills and communication, have strong management, problem solving, and dare to take risks (National Legal Studies Agency, 2009).

Regarding the use of waqf assets for the benefit of the people, it does not mean that the results of the waqf assets run out without any calculations and considerations. In utilizing the results, you must have the right priority scale and management so that the results of the waqf assets are truly utilized and used for useful things, not just for consumptive things without any control (Faisol. A., & Rodafi. D., 2021).

## Conclusion

Waqf is a form of worship that is very beneficial for the welfare of society. In order for the benefits of waqf to be maximized and can be felt continuously, nazhir as waqf manager must develop waqf by maximally empowering waqf assets. So that the benefits of waqf assets can not only be received or felt by the current community, but can also be received by the community in the future.

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