

## **The Islamic Law's Implementation About Waqf**

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**Abstract :** *The problem is that the basis for the agreed upon legal source of wakefulness is very limited. The waqf researcher did not find an excerpts from the Koran about his study of waqf. Normally, the basis for the rain is hadis' umar ibn khattab when acquiring part of the land of khaibar and meaning to represent it. This gift can further interpret the practice and management of waqff. It's just that this ambiguous reference to the messenger of god's messenger is also very limited. Ijtihad therefore is the most sound solution for problems in waqf which is increasing. According to clerics of the waaf law sunnah, whereas hanfiyah sheikh hanfiyah said that waqf's law was muaba (may) because in his opinion even non-muslims could forgive part of his wealth and its law is legal. All scholars also agree that the one who agreed to the benefit of some of his assets was a shaleh charity found in the Islamic sharia.*

**Keyword :** *Implementation, Islamic Law, Waqf*

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### **Introduction**

The one form of worship to become closer to almighty god on matters is waqf. Waqf has been dedicated and it has been practiced by muslims all over the world since the time of the prophet Muhammad SAW until now including by Islamic society in Indonesia. Waqf means so much for social life economics, culture and religion. Islam therefore holds the religious excess as one of the most joyous forms of worship<sup>1</sup>.

While textually, waqf is not found in the Koran and as-sunnah, but the meaning and content of waqf are found in the two sources of Islamic law. The Koran often expresses the concept of waqf with expressions about dole (infaq) for the common good. Whereas in the hadith often we find wakefulness in the expression habs (hold)<sup>2</sup>.

The postulates which be main base is primarily understood in the context of a koranic verse, as a virtue. The understood texts relating to waqf are as in Surah Ali-imran 92, as well as in many of the sacred books.

Everything said in the Koran and as-sunnah is the same as waqf which means the imposition of the treasure which can be taken away without its immediate destruction and for the use of the subject is intended to get the blessing of Allah SWT<sup>3</sup>. Meanwhile it is seen of language, waqf is originally from the Arabic language waqf (the ancient people, waqf), gave up all property with full sincerity (dedication) and devotion, namely submission of something to an Islamic institution, by holding that thing.

The development of waqf is predictable will be greater to demand a comprehensive, reassuring answer solution. The problem is that the basis for the agreed upon legal source of wakefulness is very limited.

The waqf researcher did not find an source from the Koran about his study of waqf. Normally, the basis for source is hadis' Umar ibn Khattab when acquiring part of the land of khaibar and meaning to represent it. In this hadist Rasulullah SAW gave an explanation which can be interpreted further for the practice and management of waqf. It's just that this ambiguous

reference about waqf from hadith of the messenger is also very limited. Ijtihad therefore is the most sound solution for problems in waqf which is increasing.

### Discussion

In some of the literature of the books of hadith and fiqh also found many hadiths that speak related to Waqf. Among of them:

حَدَّثَنَا مُسَدَّدٌ حَدَّثَنَا يَزِيدُ بْنُ زُرَيْعٍ حَدَّثَنَا ابْنُ عَوْنٍ عَنْ نَافِعٍ عَنِ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ أَصَابَ عُمَرُ بِخَيْبَرَ أَرْضًا فَأَتَى النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ أَصَبْتُ أَرْضًا لَمْ أَصِبْ مَالًا قَطُّ أَنْفَسَ مِنْهُ فَكَيْفَ تَأْمُرُنِي بِهِ قَالَ إِنْ شِئْتَ حَبَسْتَ أَصْلَهَا وَتَصَدَّقْتَ بِهَا فَتَصَدَّقَ عُمَرُ أَنَّهُ لَا يُبَاعُ أَصْلُهَا وَلَا يُوهَبُ وَلَا يُورَثُ فِي الْفُقَرَاءِ وَالْقُرْبَى وَالرَّقَابِ وَفِي سَبِيلِ اللَّهِ وَالصَّيْفِ وَابْنِ السَّبِيلِ لَا جُنَاحَ عَلَى مَنْ وَلِيَهَا أَنْ يَأْكُلَ مِنْهَا بِالْمَعْرُوفِ أَوْ يُطْعِمَ صَدِيقًا غَيْرَ مُتَمَوِّلٍ فِيهِ

Meaning: "Has told us Musaddad has told us Yazid bin Zurai 'has told us Ibn' Aun of Nafi' from Ibn' Umar radiallallahu 'anhuma said; 'Umar got a treasure in the form of land in Khaibar and then he went to the Prophet sallallaahu 'alaihi wasallam and said: "I have got a treasure and I have never received a treasure more valuable from him. How did you order me about him?" He said: "If you want, you take care of the trees and then you send it (yield)". So 'Umar gave him his gift, which he did not sell his trees nor granted nor inherited, (but he gave it away) to the needy, relatives, to free slaves, fii sabilillah (in the way of Allah), to serve guests and ibn sabil. And it is not a sin for those who take care of it to eat from it in a way that is right and to feed their friends as long as it is not for the purpose of hoarding it.

حَدَّثَنَا يَحْيَى بْنُ يَحْيَى التَّمِيمِيُّ أَخْبَرَنَا سُلَيْمُ بْنُ أَحْضَرَ عَنْ ابْنِ عَوْنٍ عَنْ نَافِعٍ عَنِ ابْنِ عُمَرَ قَالَ أَصَابَ عُمَرُ أَرْضًا بِخَيْبَرَ فَأَتَى النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَسْتَأْمِرُهُ فِيهَا فَقَالَ يَا رَسُولَ اللَّهِ إِنِّي أَصَبْتُ أَرْضًا بِخَيْبَرَ لَمْ أَصِبْ مَالًا قَطُّ هُوَ أَنْفَسَ عِنْدِي مِنْهُ فَمَا تَأْمُرُنِي بِهِ قَالَ إِنْ شِئْتَ حَبَسْتَ أَصْلَهَا وَتَصَدَّقْتَ بِهَا قَالَ فَتَصَدَّقَ بِهَا عُمَرُ أَنَّهُ لَا يُبَاعُ أَصْلُهَا وَلَا يُبْتَاغُ وَلَا يُورَثُ وَلَا يُوهَبُ قَالَ فَتَصَدَّقَ عُمَرُ فِي الْفُقَرَاءِ وَفِي الْقُرْبَى وَفِي الرَّقَابِ وَفِي سَبِيلِ اللَّهِ وَابْنِ السَّبِيلِ وَالصَّيْفِ لَا جُنَاحَ عَلَى مَنْ وَلِيَهَا أَنْ يَأْكُلَ مِنْهَا بِالْمَعْرُوفِ أَوْ يُطْعِمَ صَدِيقًا غَيْرَ مُتَمَوِّلٍ فِيهِ

Meaning: "Having told us Yahya bin Yahya At Tamimi had preached to us Sulaim bin Ahdlar from Ibn 'Aun of Nafi' from Ibn Umar he said," Umar got a part of the plantation land in Khaibar, then he came to the Prophet sallallaahu 'alaihi wasallam and asking for advice on this part, he said, "O Messenger of Allah, I have a part of the estate in Khaibar, and I have never received a treasure that I am as proud of as the garden, so what do you order about the garden?" He replied: " If you want, take care of the tree and give the results. "Ibn Umar said," Then Umar offered it, the tree was not sold and the results were not inherited and not granted. "Ibn Umar continued," Umar offered the results to needy people, close friends, liberation of slaves, funds for struggle in the way of Allah, for warriors and for entertaining guests. And he also allows others to cultivate the garden and eat from their crops properly, or feed their friends by not storing them. "

أَنَّ هُرَيْرَةَ أَبِي عَنِ أَبِيهِ عَنِ الْعَلَاءِ عَنْ جَعْفَرِ بْنِ هُوَ إِسْمَاعِيلُ حَدَّثَنَا قَالُوا حُجْرٌ وَابْنُ سَعِيدٍ ابْنُ يَعْنِي وَفُقَيْبَةُ أَبُو بَنِي يَحْيَى حَدَّثَنَا وَوَلِدٌ أَوْ بِهِ يُنْتَفَعُ عِلْمٌ أَوْ جَارِيَةٌ صَدَقَةٌ مِنْ إِلَّا ثَلَاثَةً مِنْ إِلَّا عَمَلُهُ عَنْهُ انْقَطَعَ الْإِنْسَانُ مَاتَ إِذَا قَالَ وَسَلَّمَ عَلَيْهِ اللَّهُ صَلَّى اللَّهُ رَسُولٌ لَهُ يُدْعُو صَالِحٍ

Meaning: "Having told us Yahya bin Ayyub and Qutaibah - namely Ibn Sa'id - and Ibn Hujr they said; has told us Isma'il-namely Ibn Ja'far- from Al 'Ala' from his father from Abu Hurairah, that the Messenger of Allah sallallaahu ih alayhi wasallam said: "If one human dies, then all deeds are cut except for three cases; alms jariyah, knowledge that is useful for him and

pious children who always pray for him.

## 1. Schema of Syarah and criticism of Sanad.

### a. First Hadith

Ibn 'Umar

His full name is 'Abdullah bin 'Umar bin Al Khattab. His teachers were the Prophet Muhammad, Zaid bin Sabit. While his students were Salim bin 'Abdullah, Nafi' maula Ibn 'Umar, Maimun bin Mahran, according to Hafshah, saying that Abdullah bin' Umar bin al-Khattab was a pious.

Nafi'

His full name is Nafi 'bin Jubair bin Muth'am bin 'Adi bin Naufal bin' Abdi Manaf an-Naufali (Abu 'Abdillah al-Madani). Death 99 H. teacher of his teacher 'Abbas bin' Abdul Mutholib, Zubair bin 'Layman,' Ali bin Abi Th Thlib, Mughirah bin Syu'bah, Sahl bin Abi Hatsmah. Murit he 'Urwah bin Zubair, Sa'id bin Ibrahim, Shafwan bin Sulaim,' Abdulla h bin al-Fadl, Hakim bin 'Abdullah, According to Abu Zur'ah Nafi' bin Jubair who is a Tsiqqah.

Ibn Aun

His full name is Aun bin 'Abdullah bin' Utbah, died in 119 H. His teachers are Yusuf bin Abdullah, Abi Hurairah, Ubaidillah bin Abdullah bin Utbah bin Mas'ud. While his students were Abdurrahman bin 'Abdulla> h, Abdullah bin al-Walid al-Mazan, Salih bin Salih. Yahya bin Ma'in, al-Ajli, and al-Nasa'i prepared Aun.

Yazid bin Zurai

Full Name ; Yazid bin Zurai al-Aisyi, Abu Mu'awiyah al-Bashary. Ibn Hibban said another name Yazid bin Zurai bin Yazid. Yazid bin Zurai was born in 101 AH and died in 182 H. He narrated the hadith originating from; Ibrahim bin Ila 'Abi Harun al-Ghanawy, Israil ibn Yunus, Job as-Sahitany, Habib bin as-Shahid, Habib al-Mu'lam, Hajjaj bin Hajjaj al-Bahily and others. While the hadiths are widely narrated by the hadith scholars; Ahmad ibn Abdah ad-Dhabby, Ahmad bin Abi Abdillah as-Salimy, Abu al-Asy ast Ahmad bin al-Miqdam al-Ijly, Ismail bin Mas'ud al-jahdary, umayyah bin bistham al-Aisy, Byisr bin al-Harits al-Hafy and others.

As for the critics of Yazid bin Zurai ', 1) Ibrahim bin Muhammad bin ar-Arah said; there is no one who is more effective than Yazid bin Zurai 2) Abdullah bin Ahmad bin Hanbal said; He is intelligent and sharp in his views. 3) Abu Talib sourced from Ahmad bin Hanbal said; there is no one stronger and more memorized than him. 4) Ishaq bin Mansur said, about it; He is a man who is tsiqat (Trusted) 5) Abdul Khaliq bin Mansur said; He is a very honest, true and trustworthy person.

Musaddad bin Musarhad (died 228 H). His name is Musaddad ibn Musarhad ibn Musarbal ibn Mugharbal ibn Mura'bal ibn Urandal ibn Surandal ibn 'Urandal ibn Maasik ibn Mustaurid al Asadiy. Musaddad bin Musarhad was the first man who compose the Al Hadith musnad in Basrah. And in fact his name has been mentioned by al Hafidzh ad Dzahabiy and he is nukil of al Khalidi, or he is commonly called his title by Abul Hasan Basriyyu. He has 48 teachers, mentioned among them are 'Abdul Wahid bin Ziyaad,' Abdul Warist bin Sa'id, 'Abdul Wahab at-Taqowiyyu, and' Umar bin 'Ubaid at-Thonafisiyyu. Then he also had 20 students, among whom were mentioned were Al-Bukhari, Abu Dawud, Ibrohim bin Ya'qub al-Juzjaniyyu, the continuity of sanad between him and his teacher, Abdul Wahid, was proven through the data obtained in the research reference book. While historically, researchers still have difficulty in determining the position and continuity of the relationship between the teacher and student.

From the analysis of the continuity of the sanad and the quality of the narrators who have been carried out above, it is evident that from each of the sanads and the research of the narrators, from the first narrator to the Mukharrij al-Hadith as a whole are as follows:

- a. In terms of the continuity of sanad, it can be seen that all narrators in all tabaqat sanad indicated a meeting (al-liqa ') because each has a teacher and student relationship. Thus, Sanad al-Bukhari by Ibn 'Umar from beginning to end is continuous (muttasil).
- b. Based on the assessment of scholars as mentioned above, it can be stated that none of the scholars hadith critics who denounce the narrators in the hadith sanad. Therefore it can be stated that all narrators in the path of Ibn 'Umar are siqah. Considering that the ta'dil pronunciation used is also fariative but most mention it with the siqah pronunciation, the authors consider that the hadith of the Ibn 'Umar pathway in terms of jarh wa ta'dil is of a valid quality.
- c. The position of the above hadith is saheeh '.

## 2. Second Hadith

Ibn 'Umar

Nafi '

Ibn Aun

Yahya bin Yahya At Tamimi (w.226H)

Full name: Yahya bin Yahya bin Bakir bin Abdurrahman. Kuniah: Abu Zakaria Tobaqot: Large Tabiit. The teachers included: Ibrahim bin Said bin Ibrahim bin Abdurrahman bin Auf, Malik bin Anas bin Malik bin Abi 'Amr, Anas bin Iyadh bin Dhamrah Jarir bin Abdul Hamid bin Qirath.

The assessment of him from the scholars included: Ahmad bin Hambal considered him someone who was tsiqah ziyadah, Ahmad bin siyar called it tsiqah, Qutaibah bin Said rated it as Imam min aimmatil Muslimin, while An Nasa'I mentioned that Yahya bin Yahya was tsiqah tsabit. above the author concludes that Yahya bin Yahya is a person who is Tsiqah. Yahya bin Yahya, a person who died in 226H recited the hadith before Malik, a person who died in 179 H using sighat qara'tu ala. with the information above the authors conclude that both mu'asarah and liqa '.

From the analysis of the continuity of the sanad and the quality of the narrators who have been carried out above, it is evident that from each of the sanads and the research of the narrators, from the first narrator to the Mukharrij al-Hadith as a whole are as follows:

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- b. Based on the assessment of scholars as mentioned above, it can be stated that none of the scholars hadith critics who denounce the narrators in the hadith sanad. Therefore it can be stated that all narrators in the path of Ibn 'Umar are siqah. Considering that the ta'dil pronunciation used is also fariative but most mention it with the siqah pronunciation, the authors consider that the hadith of the Ibn 'Umar pathway in terms of jarh wa ta'dil is a valid quality.
- c. The position of the above hadith is saheeh '.

## 3. Third Hadith

Abu Hurairah, His full name is Abdurrahman bin Syakhr, died in 57 AH.226 Abu Hurairah's teachers were the Prophet Muhammad, Abi bin Ka'ab, Usamah bin Zaid.227 While his students were Kaisn, Abdur Rahman bin Ya'qub, Abdu al -Aziz bin Marwan.

Al-Ajli in the book ma'rifah al-siqat said, Abdur Rahman bin Shakhr was a friend.

Al-Ula'i bin Abdurrahman, His full name is al-Ula'i bin Abdurrahman bin Ya'qub, he was born in Medina and died in 132 AH It's just that the year of his birth is unknown. The kunyah's name is Abu Syubul among the ordinary Tabi'in. He had studied with 11 teachers, including Abbas bin Sahal, Abdullah bin as-Saib, and Abdurrahman bin Ya'qub, while those who had studied with him were 25, including Hafis bin Maisarah, Ismail bin Ibrahim and Ismail bin Ja'far. The critics' comments on him are as follows: Ahmad bin Hambal "tsiqah", Abu Hatim ar-Razi "shalih", an-Nasai "tsiqah according to the hadith expert", at-Tirmidhi "there is no concern for him", Ibnu' Adi "I do not see it worrying", Ibn Habban "tsiqah".

Ismail bin Ja'far, His full name is Ismail bin Ja'far bin Abi Kathir, born in Medina and died in Baghdad in 180 H. He has studied with 24 teachers, including Utbah bin Abi Utbah Muslim, Abdullah bin Abdurrahman, and al-Ula'i bin Abdurrahman, while those who have studied with him there are 23, including 'Ibad bin Musa, Ali ibn Hajar, and Sulaiman bin Daud. The critics' comments on him are as follows: Ahmad bin Hambal "tsiqah", Ali bin Madiny "tsiqah", Yahya bin Mu'in "tsiqah", Muhammad bin Sa' ad "tsiqah", an-Nasai "tsiqah" and Abu Zar 'Arrazi "tsiqah".

Qutaibah, His full name is Qutaibah bin Sa'id bin Jamil bin Tharif bin Abdullah al-Tsaqafiy, also known as Abu Raja 'al-Balkhiy al-Baghlaniy. The teachers in the narration of the hadith include: Ibrahim bin Sa'id al-Madaniy, Ishaq bin al-Qusyairi, al-Qasim bin Abdullah bin Umar al-Umairiy, al-Lais bin Sa'dn, Malik bin Anas, Mujammi 'bin Ya'qub al-Ansari, Muhammad bin Isma'il bin Abi Fadaik. While his students include: Ibn Majah, Ibrahim ibn Ishaq al-Harbiy, Ahmad ibn Abdurrahman ibn Basyar an-Nasaj, Ali ibn al-Madani, Qais ibn Abi Qais al-Bukhari, Muhammad ibn Ali al-Hakim al-Turmudzi.

The Center Hotel Critics' opinions about him: Al-Nasa'i said that Qutaibah was a person who was Sadiq (honest), Ibn Hirasyy also said that Qutaibah was a person who was Sadiq (honest), Ahmad bin Abi Khaistamah said that Qutaibah was a person who was Tsigah, Al-Nasa'i also said that Qutaibah was Tsigah, Abdullah bin Muhammad bin Sayyar al-Farhayaniy said that Qutaibah was a person who was shiddiq (honest).

From the analysis of the continuity of the sanad and the quality of the narrators who have been carried out above, it is evident that from each of the sanads and the research of the narrators, from the first narrator to the Mukharrij al-Hadith as a whole are as follows:

1. In terms of the continuity of sanad, it can be seen that all narrators in all tabaqat sanad indicated a meeting (al-liqa ') because each has a teacher and student relationship. Thus, Sanad al-Bukhari with the Abu Hurairah path from beginning to end is to be continued (muttasil).
2. Based on the assessment of scholars as mentioned above, it can be stated that none of the scholars hadith critics who denounce the narrators in the hadith sanad. Therefore it can be stated that all narrators in the Abu Hurairah path are siqah. Considering that the ta'dil pronunciation used is also fariative but most mention it with the siqah pronunciation, the authors consider that the Hadith sanad of the Abu Hurairah path in terms of jarh wa ta'dil is of good quality.
3. The position of the above hadith is saheeh '.

a. The meaning of hadith in general (ijmālî)

Hadith 'Umar is the most popular hadith in the study of waqf so it is not wrong if Ibn Hajar called it as aslun (origin / basis) for the prescription of waqf. Based on this hadith also Ibn Hajar mentioned the opinion that said that waqf 's Umar was the first waqf in Islamic history. In

addition, Ibn Hajar al-qAsqalani, also mentioned many conclusions about waqf from the hadith, namely the presenting waqf in the form of land and rejecting opinions that say that waqf is not eternal or may be withdrawn by waqf. According to Imam al-Shafi'i, endowments are characteristic of Muslims and it is not known whether endowments ever occurred during the time of ignorance.

In addition, Ibn Hajar also concluded the law which has relation to waqf, as follows:

- a. A person who waqf (waqf) may continue to take care of his waqf property as long as the person hands it over to another person or party. According to Imam al-Shafi'i, the companions and later generations always manage their waqf and no one disputes it.
- b. The Wakif may add certain conditions for the use of his waqf property and for other parties to respect these conditions.
- c. It is not required to explicitly determine the parties entitled to receive waqf benefits.
- d. It is permissible for a woman to become a waqf manager even though there are men who are like her.
- d. It is permissible to submit waqf to an unnamed person as long as certain characteristics are known which enable it to manage the waqf properly.
- f. Waqf is only permitted for assets whose origin can be used permanently and no endowments are allowed for assets which are perishable such as food.
- e. Permission for endowments to the rich person because the mention of the word relatives and guests is not limited by a certain limitation.
- f. Wakif may require for himself to get the benefits or benefits of the assets he represents, because in the hadith orang Umar said that people who manage endowments may benefit from endowments by regardless of whether the person is himself or someone else.
- g. If the waqf does not determine the reward for the Nazirite, then he has the right to take it
- h. wages based on the work done. However, if the waqf determines that his vow is himself then determines the reward for him, then a valid opinion in the al-Shafi'i school is to allow it.
- i. If the waqf allows the Nazir to take the benefits of waqf then he may take it and if it is not allowed then he may not except if it includes those who are entitled to get the benefits of waqf such as needy and poor people.
- j. Waqf cannot be limited by a certain time.
- k. Waqf may not be traded or transferred the ownership.
- l. Permission of waqf for property owned in flock.

In the third hadith, the ulama have interpreted the words of Rasullah SAW, Sadaqah Jariyah with endowments rather than ordinary alms or wills using wealth, Imam Muslim wrote this in the waqf chapter because the scholars interpreted that the term jāriyah alms in this hadīṣ with endowments. that waqf is a good deed whose reward will not be broken as long as the benefits of the assets represented can still be taken even though the wakif has passed away. Therefore, endowments can be classified into groups of one form of alms of mercy where the reward will continue to flow.

Hadith 'Umar Ibn Khattab, is the most famous hadith explaining waqf law. Among the laws contained in this hadith is a ban on the conversion of assets that have been represented by means of grants, buying selling and inheritance. But whether this hadith can provide answer whether the endowment has functioned to transfer the ownership rights of the endowment to

another owner? The answer based on this hadith varies, according to the diversity of opinions of fiqh scholars on this issue.

The Maliki Mazhab argues that the phrase "habbasta aslaha wa tasaddaqa biha" implies that in order to present the results or benefits derived from the assets represented, but the phrase "habbasta aslaha" gives the meaning that the ownership rights remain on the endowment. Regarding the object of waqf, the above hadiths have explained the permissibility of movable (manqul) and immovable property ('aqar). Also permitted endowments of property shuyu'.

The difference between ulamas is also widespread when discussing assets that may be represented. In the Hanbali Mazhab the rule applies, which says, "what is permissible to represent is any property that may be traded and may be used on condition that it is maintained (undamaged) of origin".

From the above hadith, it can be seen that waqf has certain criteria, namely the principal property is intact, eternal and durable, can be taken advantage of, has a specific purpose that is for the good of Muslims. In other words, the term waqf is applied to assets of economic value, the benefits can be taken without consuming or spending the principal of the assets themselves, so that the benefits can continue to be explored by many people.

#### b. asbāb al-wurūd

The background to the emergence of the above hadith (Asbabul wurud) is when 'Umar bin Al-Khaththab acquired land in Khaibar, which was worth one hundred dirhams, and that was his most valuable and precious treasure, let alone his land is fertile.

So people were competing to have it. Then 'Umar went to the Prophet Sallallahu 'Alaihi Wasallam because he was encouraged to obtain virtue. 'Umar went to the Prophet to ask for his opinion on the nature of offering the land, because he believed in the perfection of his advice. After accepting the arrival of Umar who asked for that advice, then the Prophet showed the best way, which is managed and spent for alms. You do this by holding the land and making it available, so that it cannot be sold, gifted, inherited or otherwise. Because it is feared, there will be a transfer of property rights or a cause of the transfer, even though it is intended to be used for public use.

The above hadith is interpreted as the concept of waqf by ulama on the basis of; an order to withhold property, be used for public purposes, be disconnected from ownership, and the goods are not easily damaged.

The results of the waqf from Umar were then used to spend to the poor, relatives in blood relations, to free the servants, or pay fines for those who bear the burden of kifarāt, help those who fight in the path of Allah to elevate His sentence and help His religion, feed foreigners (not from the country concerned) who travel and have run out of money, or feed their guests. Likewise, the people who manage the land are also allowed to take for their own food needs and his friends to the extent necessary without intending to accumulate wealth.

From the story of Umar above, it can be interpreted that in the beginning the endowments carried out in Islam were precisely about the economic empowerment of the people, not just the interests of worship. As found in Indonesia and the Islamic world in general, the interests of waqf are still limited to matters of worship and education. Even if the Muslim community has been able to increase economic progress, then other issues will also be raised. So that waqf movement in the context of economic empowerment is very close to the sunnah of the Prophet, it need to be developed.

In the story also mentioned the value of the land represented by Umar bin Khatthab, which is worth a hundred dirhams. The land is the best treasure he has, the quality is also good. It

shows that endowment indeed contains high economic value, especially with regard to land whose prices are creeping up every time.

c. Pillars and Requirements for Waqf

Waqf is declared valid when the pillars and conditions are met. Pillars of Waqf there are four (4), namely:

1. Wakif (people who donate their assets);
2. Mauquf bih (goods or assets represented);
3. Mauquf ‘alaih (those who are given endowments or allotments of endowments); and
4. Shighat (as a statement or endowment pledge of wakif as a will to donate part of his property).

Perfect or not waqf is strongly influenced by the pillars in the act of waqf. Each pillar must support one another. Because the existence of one of the pillars is very determining the existence of the other pillars. And each of the pillars of the waqf must also meet the conditions agreed upon by the ulamas.

The requirements that must be fulfilled from each pillar of the waqf are as follows:

1. Requirements for Waqif

Waqifs are required to have legal skills or (kamalul ahliyah) in spending their property.

The ability to act here includes four (4) criteria, which are as follows:

- a. Independent; waqf is performed by a slave (slave) are invalid, because he does not have private property rights, while waqfs are the abrogation of property rights by giving those property rights to others.
- b. Common sense; Waqf carried out by a madman, weak mentally or changed his mind because of age problems, illness or accident is not legal, because he is unable and can not do the contract and other actions.
- c. Adult (baligh); Waqf performed by children who are not mature yet (baligh), the law is invalid because he is seen as incapable of contracting and not capable of aborting his property rights.
- d. Not under authority; The purpose of forgiveness is to preserve waqf property so that it is not spent on something that is not true, and to keep himself from becoming a burden on others. People who are under the ability are seen as incompetent to do good, so the endowments carried out by the law are invalid. But based on istihsan, waqf of people who are under the ability of themselves during his life the law is valid.

2. Conditions of Mauquf bih

Goods or assets represented must fulfill the criteria of valuable property (māl mutaqaawwam), can be known (ma‘lum), and perfect property (not in a khiyar condition). The requirements for the validity of waqf assets are as follows: The assets represented must be valuable property (mutaqaawwam). Mutaqaawwam is anything that can be stored and halal used in normal circumstances (not in an emergency) and has value (price). The assets represented must be clear so they will not cause a dispute.

- a. Belonging to the waqif fully. These assets do not belong together (musya ‘) and are separate. The ulamas agree that waqf property must not be in mixed assets form.
- b. Conditions set by the endowment regarding waqf property. The conditions set by the endowments are acceptable as long as they do not violate the principles and laws of sharia or hinder the use of the goods represented.

3. The condition of Mauquf ‘alaih



Waqf must be utilized within the appropriate limits and permitted Islamic shari'ah. Because basically, waqf is a good deed that draws people closer to Allah SWT. There is a difference of opinion from the fiqh experts related to the requirements for the designation of waqf, namely as follows:

- a. Mazhab Hanafi, requires that the designation of waqf is intended for Islamic worship and syi'ar according to Islamic views and beliefs of endorsers. If one of them is not realized then endowment is invalid.
- b. Mazhab Maliki, requires that the allotment of waqf for worship according to the view of the endowment.
- c. Mazhab Syafi'i and Hambali require that the designation of waqf is worship in the view of Islam only, regardless of the beliefs of endowments. Imam Shafi'i divides the distribution channel of waqf into two parts, namely as follows: To certain people (one person or certain worshipers), such as endowments to Muslims and endowments to certain non-Muslims, to dzimmi infidel from Muslims is legal, as Shafi'i bint Huyyai wife The Messenger of Allah (peace be upon him) gave to his Jewish brother. While endowments to unbelievers harbi and apostates from Muslims are not legal. To those who are not certain, the purpose of this endowment is to give endowments to those who suffer from poverty and poverty in general or for Islamic scholars for the purpose of worship is legal. Such as endowments to the poor, mujahid, mosques, schools, the management of bodies, shelter for orphans and jihad.

#### 4. Requirements of Shighat

Shighat is all utterances, writings, or cues from people who are representative to express their will and explain what they want. But shighat waqf is sufficient with a statement / pledge of consent or submission of the endowment without requiring qabul from the recipient of waqf.

The statement in the form of consent / submission must be made because endowments are relinquishing the ownership rights to an object and its benefits or from the benefits only and transferring it to another one. The consent of the endowment expresses clearly the desire / allotment of the endowment of the endowment.

As for the pronunciation of waqf shighat there are two kinds, as follows:

1. A clear enunciation (sharih), in this enunciation there are no words that contain any other meaning except waqf. There are three types of this included in this group, namely: 1. al-waqf (waqf), 2. al-habs (hold) and 3. al-tasbil (giving). Ibn Qudamah said, the recitation of sharih (obviously) is waqftu (I am condoning), habistu (I hold the treasure), and sabbaltu (I am giving).

Pronounced pronunciation (kinayah), kinayah pronunciation is a pronunciation that shows several possible meanings, it can mean endowments and ordinary also other meanings. Alms or vows are pronunciation figuratively if not accompanied by indications that indicate the meaning of waqf. According to Ibn Qudamah, figurative pronunciations such as "I give alms" or "I perpetuate".

## Conclusion

The above hadiths are very clear that every person who died then the deeds were cut off, except for three things, namely almsgiving, useful knowledge and prayer of pious children. If it is associated with waqf then the meaning can be taken from alms almsyah can be in the form of land, where alms can continue continuously even though the person giving alms has died.

As for there are still some hadiths related to waqf, the difference from the hadith above is

that this hadith more firmly describes waqf worship. That is when the Prophet Muhammad ordered Umar bin Khattab to endow his land in Khaibar.

Regarding the hadith above waqf law is highly recommended in Islam. Even among the friends do not doubt waqf. While the waqf law according to some scholars of madzab there is no significant difference that explains about waqf. According to the scholars of waqf law that is sunnah, while according to the Ulama of Hanfiyah waqf law is permissible (permissible) because in his opinion even non-Muslim people can endow some of their property and the law is valid.

All ulama also agree that people who give away some of their wealth which can be taken benefit are good deeds that are contained in Islamic law. They agree that endowment can have a religious effect that is the reward that flows as long as the endowment object can still be benefited as it is with jariyah almsgiving.

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