


Optimization Of Productive Wakaf Empowerment In Prosperity Of People

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Article Info	ABSTRACT
Keywords: Productive Waqf, Scholars' Opinion, People's Well-being	Productive waqf is an Islamic financial instrument that has great potential in supporting economic development and public welfare. However, optimizing the management and empowerment of productive waqf often faces various obstacles, such as lack of public understanding, lack of transparency in management, and limited innovation in the use of waqf assets. This study aims to examine strategies for optimizing the empowerment of productive waqf in order to increase its impact on public welfare. The approaches used include literature analysis, case studies, and interviews with experts in the field of waqf. The results of the study indicate that optimization can be done through strengthening regulations, increasing the capacity of nazir, using digital technology, and implementing the principles of good governance. With optimal management, productive waqf can be a strategic solution in overcoming socio-economic challenges, creating jobs, and supporting sustainable development for the community. This abstract is expected to provide insight for stakeholders in increasing the effectiveness of productive waqf empowerment for public welfare.
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INTRODUCTION

In the whole of human social life, land is a form of necessity that has a variety of functions that are specifically in it, because humans and land are a unity that cannot be separated from one another, humans need land and must depend on land to meet the various needs that they have. In human life, land is a necessity that has. In this sense, land is intended as a container for humans to settle and run and fulfill their lives in it and as a source of livelihood, for example, farmers. In Islam, every aspect of human life, both those concerning the relationship with God and those relating to social life between humans, all receive an umbrella of teachings. In other words, Islam provides guidance for the order of life and human life, both those concerning the relationship between humans and Allah (habl min Allah) and the relationship between humans and humans (habl min al-nas).

Waqf is mentioned as a form of institution which is taken from the source of law, namely the source of Islamic law, which means that waqf cannot be separated from Islamic law. It is stated that waqf is one form of Islamic institution which contains various forms of regulations that regulate both generally and specifically which are legally regulated in the laws in Indonesia. So it can be concluded that waqf is a form of religiously oriented institution that

has other functions apart from being tied to Allah SWT. Waqf is used as a place of hope to equip the person who gives the endowment for the deeds he will have in the afterlife, so that if the waqf can be managed well and can also provide convenience for the community, then this will become a source of water for him in the afterlife. If we look at it from a social perspective, waqf, especially land, is a very valuable form that has the function of providing welfare and poverty alleviation for the community, so this is one of the objectives of waqf. rent too. However, we know that if the rental right is granted to a tenant, the tenant has the right and authority to exercise and enjoy the benefits of the goods he has rented. Allah SWT says in surah Al-Baqarah Verse 267:

يَا أَيُّهَا الَّذِينَ ءَامَنُوا أَنْفِقُوا مِنْ طَيِّبَاتِ مَا كَسَبْتُمْ وَمِمَّا أَخْرَجْنَا لَكُمْ مِنَ ٱلْءَرْضِ ۗ وَلَا تَيَمَّمُوا ٱلْءَخْئَبَ مِنْهُ تُنْفِقُونَ وَلَسْتُمْ بِءَالٍ أَنْ تُعْمِضُوا فِيهِ ۗ
وَأَعْلَمُوا أَنَّ ٱللَّهَ ٱللَّهُ ۗ

Meaning: " *O you who believe, spend (in the way of Allah) from the good things you have earned and from what We have brought forth for you from the earth. And do not choose the evil and then spend from it. whereas you yourself do not want to take it except by squinting at it.*"

According to the congregation, the good word طيبات is halal. According to Jumhur, this is the best among all the business results you have obtained. From this verse, the law can be instilled, namely, trying is work that can be done, not obligatory. Narrated Bukhari from the hadith Misdan-marfu-The Prophet Muhammad SAW said, "There is no better food that a person eats than what he has cultivated with his own hands."

Apart from manual work, mining business is also permitted, such as removing metal and mineral goods from the ground, or acting as a farmer. That is what is meant by the word of Allah, "from what We have brought out of the earth for you." According to the Zahir verse, it is obligatory to pay zakat from all mining goods, whether in the form of gold, silver or other things. However, Shafi'i has specified that only gold and silver are required to be paid zakat on mining goods, not others, such as kerosene, copper, iron, and so on. Likewise, from agricultural products, zakat is required only in the form of seeds which are used as staple and long-lasting food. Meanwhile, the only fruits that must be given zakat are grapes and tamar (korma). Abu Hanifah is of the opinion that what must be given zakat is all metal objects that are removed from the ground, as well as all edible fruit and seeds, whether a little or a lot. One tenth of it must be spent.

The differences of opinion of scholars on this issue are explained at length in fiqh books. Some scholars explain that this verse indicates the obligation to spend expenditures such as zakat, and some are of the opinion that it is only for sunnah. only, not others, such as kerosene, copper, iron, and so on. Likewise, from agricultural products, zakat is required only in the form of seeds which are used as staple and long-lasting food. Meanwhile, the only fruits that must be given zakat are grapes and tamar (korma).

The use of waqf land in Indonesia is more than 50 % used for places of worship, namely mosques 45.02% and prayer rooms 28.17%. The remaining 10.60% is used for schools, 4.60% graves, 3.23% Islamic boarding schools and 8.39% of the use of waqf land is used for social activities. From these data it can be seen that the orientation of the use of waqf land is still managed very simply, namely, limited to uses related to worship, learning and reciting the

Koran. In fact, to be able to help support the sustainability of the function of the waqf assets, financing is needed which sometimes also results in the abandonment of waqf assets due to lack of maintenance costs. Meanwhile, if the waqf assets are managed properly, the results can be used to empower the community's economy.

In its utilization, waqf land can only be used to help others and help local residents, when waqf land is not used properly, it will be a bad thing for a waqf, especially if the land is used to fulfill personal interests, currently many people misunderstand the fact that waqf land can be utilized, waqf land can be utilized when someone who becomes the administrator of the waqf land uses it for the benefit of the community, outside the main purpose employed by the wakif, so in this case the researcher is interested in discussing about.

RESEARCH METHODS

This type of research is library research, this research is used to collect information and data in depth through various literature, books and research results related to this research. The research approach used in compiling this research is a scientific approach to obtain validity based on legal logic from a normative perspective. The data sources obtained are taken from various sources such as scientific articles, books and research journals related to the subject discussed, in addition, several sources are also taken from various official websites to prove that this research is concrete and uses reliable sources. Furthermore, the researcher will sort out sources related to the matter discussed to produce a discussion that is in accordance with the matter discussed and related to its aspects. Then the researcher will compile it into the latest form of research based on existing sources and become scientific research that discusses.

RESULTS AND DISCUSSION

Definition of Productive Waqf

Waqf is a word derived from Arabic, namely waqafa which means to hold, stop or restrain. In Indonesian the word waqf is usually pronounced as wakaf and this is the word used in Indonesian legislation. According to the term waqf is "holding property that can be used without spending or continuing its objects (*'ainnya*) and used for good. While the definition of waqf in fiqh terminology is the retention of ownership of property that can be used without changing the substance of all forms of action on it and transferring the benefits of the property for one of the worships of approaching Allah with the intention of seeking Allah's pleasure.

The word "waqf" or " *wacf* " comes from the Arabic word "waqafa" which means "to hold" or "to stop" or "to stay in place" or "to remain standing". In general terms of sharia, waqf is a type of gift whose implementation is carried out by holding (ownership) of the original (*tahbisul ashli*), then making its benefits apply generally. What is meant by *tahbisul ashli* is holding the waqf item so that it is not inherited, sold, donated, pawned, rented and the like. While the way to utilize it is to use it according to the wishes of the waqf giver (*wakif*) without compensation".

In the compilation of Islamic law in article 215 paragraph (1) it is explained that waqf is a legal act of a person or group of people or legal entity that separates part of their property

and institutionalizes it forever for the sake of worship or other general needs in accordance with Islamic teachings. "The Qur'an never speaks specifically and firmly about waqf. However, because waqf is a form of charity through property, scholars also understand that these are verses of the Qur'an.

وَسَلَّمَ عَلَيْهَا اللَّهُصَلَّى اللّهُأَبِي هُرَيْرَةَ قَالَ إِذَا مَاتَ الْإِنْسَانُ انْقَطَعَ عَنْهُ عَمَلُهُ إِلَّا مِنْ ثَلَاثَةٍ صَدَقَةٍ جَارِيَةٍ أَوْ عِلْمٍ يُنْتَفَعُ بِهِ أَوْ وَلَدٍ صَالِحٍ يَدْعُوهُ (رواه مسلم)

Meaning: " *From Abu Hurairah RA., Rasullullah SAW. said: "If the child of Adam (human) dies, then his deeds will end, except for three things: sadaqah Jariyah, useful knowledge and pious children who pray for their parents" 14. (HR. Muslim).*

The meaning of alms Jariyah is waqf. The meaning of this hadith is that rewards no longer flow to the corpse except for the three things that come from his efforts above. His pious son, the knowledge he left behind, and his alms, all came from his efforts. The waqf property is God's trust which lies in the hands of the nazir. Therefore, the nazir is the person who is most responsible for the waqf assets he holds, both for the waqf objects themselves, as well as for their results and development. The waqf assets do not belong to the Nazir. The Nazir only has the right to take compensation for his hard work in managing the waqf assets. Anything more than that is considered to be betraying God's trust. Because the position of the nazir is so important in the waqf, the nazir needs to have several requirements that must be met, namely, being mature and having a trustworthy personality.

A traitor or a liar is not worthy to be made a nazir in a waqf. In addition, the one who will become a nazir must be someone who has the willingness and ability to maintain and manage the waqf property. These two requirements are important, because without them, the waqf property will be cut off and wasted."

The implementation of waqf in a productive manner has been regulated in Article 43 paragraph (2) of Law No. 41 of 2004 concerning waqf, where the explanation of this article is as follows: "Management and development of waqf assets is carried out in a productive manner, including by means of collection, investment, capital investment, production, partnerships, trade, agribusiness, mining, industry, technology development, construction of buildings, apartments, flats, markets.

Productive waqf in Law Number 41 of 2004 is ijtihad. Ijtihad is to devote the ability to obtain operational sharia law. The efforts of the Fuqa'i to istinbath law carry out ijtihad against the zhani texts, carrying out tawil as their method. For Abu Zahra, tawil is included in the aspects of istinbath which are skilled in handling legal problems.

Legal Basis for Productive Waqf.

In the management of productive waqf in Indonesia, the legal basis for implementing waqf includes the legal basis derived from the text of the Qur'an and the hadith of law which is based on the laws and regulations of the Indonesian government. In general, the Qur'an does not explain the concept of waqf, because waqf is part of infaq. The basis used by scholars to explain the concept of waqf is based on the generality of the verses of the Qur'an that explain infaq. The content of waqf has two sources of Islamic law. In the Qur'an, the concept of waqf is often expressed, stating charity (infaq) for the public interest. In the hadith,

the expression land is often found. All expressions in the Qur'an and hadith are similar in meaning. The legal basis for waqf is.

Hadith of Rasulullah SAW narrated by Muslim from Abu Hurairah.

حدثنا يحيى بن أيوب وقتيبة يعنى ابن سعيد وابن حجرو أسما عيل - هو ابن جعفر - عن العلاء عن أبيه عن أبي هريرة أن رسول الله صلى الله عليه وسلم قال: *إلا من صدقة جارية أو علم ينتفع به أو وله*

Meaning: " *Yahya bin Ayyub, Qutaibah bin Sa'id, and Ibn Hujr have told us, all three of them said, Ismil-Ibn Ja'far- has told us, from Ai-Ala, from his father, from Abu Hurairah that the Messenger of Allah sallallaahu Alaihi wa Sallam said, "If a person dies then his good deeds are cut off, except for three things: almsgiving, knowledge gained useful, or a pious child who always prays for him."*

Imam Muhammad Ismail al-Kahlani's interpretation of ongoing charity in the hadith is:

God willing

Meaning: " *The hadith is stated in the chapter on waqf, because the scholars interpret sadaqah jariyah as waqf."*

In the hadith above, what is meant by sadaqah jariyah according to the interpretation of the scholars is waqf. Because the form of sadaqah jariyah like waqf, the reward will continue to flow, will not be interrupted or the acts of worship are still, even though the person has died.

The View of Ulama on Productive Waqf.

According to the Hanafiyah, waqf is defined as holding materials and objects (al-ain) belonging to the waqf and donating or donating the benefits to whoever is desired for the benefit of Imam Abu Hanifah, waqf is holding assets from the legal ownership of the waqif (giver of the endowment) and handing over the benefits for good. . In his view, the goods donated do not lose the nature of the waqif's ownership; Waqf owners are allowed to withdraw and sell them because waqf is considered ja'iz (permissible), not obligatory like borrowing goods. Syafi'iyah interprets waqf as holding property that can provide benefits and eternal material objects (al ain) by deciding the rights of management who own it by the wakif to hand it over to the nazir as permitted by sharia.

Maliki School: The Maliki School believes that in waqf, a person does not release his property from ownership. However, waqf can prevent the wakif (giver of endowments) from using the assets personally, so that the benefits are aimed at the public interest or other good purposes. HaMballi School: The Hanbali School defines waqf as retaining assets that can be utilized while the items are still intact, by ceasing control over these items from the person who is waqf for good purposes in order to get closer to Allah SWT. In this view, the assets donated must be used in accordance with the objectives of the waqf and cannot be transferred or sold.

Pillars and Conditions of Waqf.

- a. There are parties who are waqf (*wakif*).

The party who makes a waqf of the wealth he owns must meet the requirements, that he is a person who has the right to do an act or is capable of acting according to the law, namely a person who is an adult (*balig*), of sound mind, and is not prevented from carrying

out legal acts. In addition, in carrying out legal acts in the form of waqf, it must be based on one's own will, there must be no element of coercion whatsoever in it.

b. There are objects in the form of assets that are donated.

The object of waqf must meet certain requirements, namely its permanent substance, meaning that the waqf item is not used up once. In addition, the object in question must also truly belong to the person who makes the waqf legally according to the law. According to the provisions of PP No. 28 of 1997, it is required that the land that is waqf must be land with ownership rights status, not land with the status of business use rights, building use rights, use rights, or lease rights. And the land is free from all burdens, bonds, confiscations and cases.

According to Law No. 41 of 2004 concerning waqf, in the provisions of Article 16 it is stated that the object of waqf is in the form of immovable objects, or movable objects. Waqf objects in the form of immovable objects consist of rights to land, buildings or parts of buildings, plants and other objects related to land, ownership rights to apartment units, and other immovable objects in accordance with sharia provisions and applicable laws and regulations. Waqf objects in the form of movable objects are objects that cannot be used up due to consumption consisting of money, precious metals, securities, vehicles, intellectual property rights, lease rights, and other movable objects in accordance with sharia provisions and applicable laws and regulations. Briefly, it can be said that the requirements that must be met by assets as waqf objects are as follows:

1. The property must be something that can be used for profit.
 2. The assets donated to the recipient of the waqf clearly existed/were tangible at that time.
 3. The assets donated provide lasting benefits
 4. Endowed for good purposes only and does not violate sharak
 5. The assets that are donated are determined by the type, shape, location, area and quantity.
- c. There is acceptance and management of waqf assets (*nadzir*).

The recipient of the waqf must also be a person who is capable of carrying out legal acts. He must be an adult, of sound mind, and not hindered from carrying out any legal act.

d. There is a *sighat* in the form of a recited *ijab qabul*.

In the book of *fiqh* it is stated that anyone can become a *nazir* as long as they meet the requirements to become a *nazir*, a *wakif* can also appoint himself or someone else to become a *nazir*. The term of office of a *nazir* is not for life, a *nadzir* can stop at any time if caused by things that can cancel him as a *nazir*, such as:

- a. Die,
- b. Resign,
- c. His position as a *nadzir* was revoked by the Head of the District Religious Affairs Office because:
 - 1) Does not meet the requirements as regulated in government regulations and implementing regulations
 - 2) Committing a criminal act related to his position as a *nadzir*

3) Can no longer carry out his duties as a nadzir

The Encyclopedia of Islamic Law states that "Ulama require that:

- a. fair in the sense of a person who is always careful of forbidden actions, but according to the clerics, a wicked person is not yet a nazir as long as he is responsible and holds the Trust.
- b. have knowledge and skills in managing waqf assets including skills in legal actions
- c. According to the Hambali school of thought, if the waqf property comes from a Muslim, it is required that the nazir is also a Muslim

The Compilation of Islamic Law requires that in addition to being the right of the wakif, *the wakif* must be 21 years old, of sound mind and based on voluntary customs and a maximum of 1/3 of his/her assets (article 210). Meanwhile, the waqf made by parents to their children can later be counted as inheritance if the parents die (article 211). Meanwhile, regarding the withdrawal of assets that have been waqf, it is not possible to do so, except for grants that done by parents to their children (213). In order for the practice to be valid, the following conditions are required:

- a. Forever and ever

Waqf is forever, unlimited in time, is a condition for the validity of waqf practice, it is not valid if it is limited to a certain time,

- b. Cannot be removed.

If it happens that the waqf is invalid, then the waqf statement cannot be revoked. A waqf which is stated in a will regulation, is implemented after the wakif dies and no one can revoke the will.

- c. Ownership of waqf cannot be transferred.

With the occurrence of waqf, since then it has become the property of Allah SWT. Ownership may not be transferred to anyone, whether a person, legal entity or state. The state also supervises whether the waqf property can be utilized properly or not and the state is also obliged to protect the waqf property.

- d. Every waqf must be in accordance with the general objectives of waqf.

It is invalid if the objectives are not appropriate and if it conflicts with Islamic teachings.

If the waqf has finished saying his waqf pledge, then at that time the waqf has been implemented. So that there is legal certainty, it is good if waqf.

Allocation of Waqf

Waqf allocations are assets that are donated to be distributed and used for legitimate purposes, determined by the donors/Islamic principles, waqf allocations can be used for various good purposes, such as mosques, medical centers or anything that provides benefits to the general public. Types of waqf allocations:

- 1) Am waqf (for general use) waqf that does not have a specific use specified, and is used for public conveniences, such as mosques or hospitals.
- 2) Typical waqf (for special purposes) in this waqf, donors determine the purpose for certain assets that are donated. For example, waqf is intended to finance the education of orphans or provide assistance to the poor.

From the perspective of fiqh experts, assets that become waqf are arranged in various forms as follows:

- 1) Waqf in the form of a yard that can be used for various purposes, examples of this waqf are land, a house that can be occupied, a shop or garden and other examples which have been agreed upon by scholars. yard.
- 2) Waqf is in the form of goods where the goods here can be used and moved, based on the decision of the deliberation of the scholars. Goods that can be moved can be waqf, almost all schools of thought agree on this opinion except the Hanafi school of thought.
- 3) Waqf which is in the form of goods that can be used by many people in the form of public goods, in the opinion put forward by scholars except for the Malikis because the waqf of public goods cannot be divided according to the law and this item is popular for example a public goods car. According to the majority of scholars other than the Malikiyah, the waqf of goods that cannot be divided according to the law
- 4) Waqf which becomes the ownership right of joint ownership .
- 5) Iqtha'at waqf, which is a waqf in the form of land, but this land is owned by the state which is permitted to be managed and utilized for the residents, because of this, the residents are required to pay tax on it because the results will be put into the state treasury.

The purpose and benefits of waqf are the interests of the community in need of the goods that are donated, waqf is intended to provide welfare to the community. Whether it is zzakat on immovable objects, movable objects or objects that can be used for the public, all have the same purpose.

Islam is a religion that upholds morals which are intended to provide social welfare in society, besides that it also becomes an eradication of caste in the social world so that there will be no gaps in Muslims. Because of this, Islam is known not only as a person's identity but also contains a variety of ethics that help all forms of problems that exist in the social world of society. So that morals in this religion are always at the forefront of helping fellow human beings even those who are different from them.

To achieve the welfare of the Muslim community, they get a lot of help that has been written in various hadiths and even the Koran to help others. One form of providing growth for the welfare of society, therefore waqf becomes one form of helper to help the welfare of the community based on the principles of Islam. get various benefits without any accomplices from one party, in general the purpose of waqf supports the welfare of its wealth in large portions. claims itself as a social foundation that collects waqf, infaq, and shodaqoh funds to support educational activities and economic empowerment of the community. This foundation asserts that its operational principles are based on the Principle of *Ta'awun* which is connected to waqf. The institution is known as *TAWAF*, which is a combination of the words *Ta'awun* and Wakaf.

Productive Waqf in Improving the Economic Welfare of the Community.

Productive waqf is a concept of waqf management where waqf assets are not only left alone but are managed actively and productively to produce sustainable economic benefits. In the context of the economic welfare of the people, productive waqf plays an important role

as an instrument of social and economic empowerment. The following is an explanation of how productive waqf contributes:

1. **Optimizing the Utilization of Waqf Assets**
Waqf assets such as land, buildings, or money can be managed for productive efforts, such as building hospitals, schools, business centers, or the agribusiness sector. The results of this management are used to finance social programs, such as education, health, or direct assistance to the community.
2. **Creating Jobs.**
Productive waqf management often requires labor, so it can open up new job opportunities for the community. With the existence of jobs, the unemployment rate decreases, and the local economy can improve.
3. **Reducing Economic Inequality**
The results of productive waqf are distributed to the needs of the less fortunate community, helping to reduce the gap between the rich and the poor. Productive waqf is a tool for redistributing wealth based on the principle of social justice.
4. **Encouraging Economic Independence of the People**
Professionally managed waqf funds or assets can become a sustainable source of income to support da'wah, education, and social activities without relying on external funding sources. This helps the Muslim community become more economically independent.
5. **Strengthening the People's Economy through Investment**
Productive waqf is often directed to investment in strategic sectors, such as property, education, or technology. The profits from this investment can continue to be circulated to fund projects that are beneficial to the community. Examples of Productive Waqf Implementation: Entrepreneurial Islamic Boarding School: Islamic boarding schools that establish waqf-based businesses to finance the operation and empowerment of students. Waqf Hospital: Waqf-based health services that provide subsidies to underprivileged communities. Waqf Agriculture: Waqf land managed for the production of agricultural products that can be sold or donated to the community. With transparent and accountable management, productive waqf has great potential to be a solution to the economic and social challenges of the community, create a sustainable ecosystem, and support the prosperity of the community.

CONCLUSION

Waqf is *habsul ashli wa tasbiluts tsamrah* (holding its principal and releasing its fruits). It means holding property and distributing its benefits in the way of Allah. In Indonesian, the word waqf is pronounced with the word *wakaf*, this is what is used in Indonesian legislation, productive waqf in Indonesia, the legal basis for implementing waqf includes the legal basis derived from the text of the Qur'an and the hadith of the law which is based on the laws and regulations of the Indonesian government, in general, the Qur'an does not explain the concept of waqf. Productive waqf in Law Number 41 of 2004 is *ijtihad*. *ijtihad* is to devote the ability to obtain operational sharia law. The efforts of the *Fukaya* to *istinbath* the law of *ijtihad*

against the zhani text, doing tawil. Syafi'iyah defines waqf as holding assets that can provide benefits and the permanence of the material object (al ain) by deciding the management rights owned by the wakif to be handed over to the nazir who is permitted by sharia. Islamic waqf teachings are in line with the goals of the Indonesian state as stated in the 1945 Constitution, namely to advance public welfare, the existence of the waqf program is part of Islamic teachings, proof that Islam pays attention to problems in society and the lives of mankind. Waqf in Islam functions as an asset for economic development in the welfare of Muslims. Productive waqf in improving the economic welfare of the people must have a concept to strive for the welfare of Muslims referring to a fair distribution mechanism.

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