



Management of *Waqf* Assets for the Welfare of the Community in the Perspectives of *Maqāṣid al-Sharī'ah*: A Case Study on Muhammadiyah Institution

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Abstract: This article aims to analyze the development of the *waqf* institution in Indonesia, with a particular emphasis on Muhammadiyah, which has experienced significant advancements in *waqf* governance and asset consolidation throughout the country. Muhammadiyah, as an organization, holds substantial promise for enhancing *waqf* in Indonesia, given its strategically important assets that carry significant economic value. Nonetheless, in various areas such as Aceh, West Sumatra, and Makassar, there are obstacles that contribute to the stagnation of the Muhammadiyah organization in terms of *waqf* governance. This study represents an empirical legal examination employing a *maqāṣid al-sharī'ah* framework. Information was collected via literature reviews and in-depth interviews with relevant participants, such as Muhammadiyah administrators and *waqf* managers. This analysis indicates that the Muhammadiyah organization has not effectively managed *waqf*, as demonstrated by numerous unrecorded *waqf* assets and various legal disputes. This arises from shortcomings in management, challenges related to human resources, and insufficient collaboration between institutions. The *Waqf* necessitates a legal framework that facilitates its growth and development, rather than one that imposes burdens. Furthermore, the importance of *waqf* socialization within the society is essential for the progress of *waqf* through mainstream media. Considering the principles of *maqāṣid al-sharī'ah*, Muhammadiyah, as an organization focused on enhancing education, social welfare, economics, and health, has significantly impacted the well-being of the Indonesian people.

Keywords: *Waqf*, Muhammadiyah, Welfare of the Community, *Maqāṣid al-Sharī'ah*

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Abstrak: *Tulisan ini bertujuan untuk menganalisis perkembangan wakaf di Indonesia, khususnya Muhammadiyah yang telah lebih maju dalam tata kelola wakaf serta penyatuan asset di seluruh Indonesia. Muhammadiyah mempunyai potensi yang besar dalam menumbuh-kembangkan wakaf di Indonesia mengingat asset-nya strategis yang mempunyai nilai ekonomis yang cukup besar. Akan tetapi, di beberapa wilayah, seperti di Aceh, Sumatera Barat, dan Makasar mempunyai kendala yang membuat persyarikatan Muhammadiyah ini menjadi stagnasi. Kajian ini merupakan studi hukum empiris dengan pendekatan maqāṣid al-sharī'ah. Data dikumpulkan dengan cara studi literatur dan wawancara mendalam terhadap informan yang relevan seperti; pengurus Muhammadiyah dan pengelola wakaf. Kajian ini berkesimpulan bahwa persyarikatan Muhammadiyah dalam mengelola wakaf belum maksimal, hal ini dapat dilihat dari banyak harta wakaf yang belum terdata dan tidak sedikit yang diperkarakan. Hal disebabkan oleh persoalan manajemen, sumber daya manusia, dan lemahnya koordinasi antar lembaga. Wakaf harus memiliki payung hukum yang menguntungkan dan tidak memberatkan dalam menumbuh-kembangkannya. Di samping itu, diperlukan sosialisasi wakaf kepada masyarakat merupakan hal yang sangat penting dalam pengembangan wakaf melalui media massa. Meskipun demikian, dalam perspektif maqāṣid al-sharī'ah, Muhammadiyah sebagai organisasi yang fokus pada pemberdayaan seperti pendidikan, sosial, ekonomi, kesehatan, maka lembaga tersebut telah mampu memberikan kontribusi yang signifikan pada kesejahteraan umat di Indonesia.*

Katakunci: *Wakaf, Muhammadiyah, Kesejahteraan Umat, Maqāṣid al-Sharī'ah*

Introduction

Waqf is one of the Islamic social institutions that is a charity of the Muhammadiyah organization in developing its organization, namely carrying out renewal (*tajdīd*) of many Health Education, Socio-Economic and Religious Institutions established on *waqf* assets. The use of *waqf* for various productive things has become a tradition and is inherent in one of the religious organizations that are spread not only in Indonesia, but also abroad.¹ *Waqf* is more oriented to become an institution that can develop and provide benefits on an ongoing basis. The purpose of writing this article is to analyze the inequality in several regions in carrying out health services, education and other social activities.²

¹ Amelia Fauzia, *Faith and the State: A History of Islamic Philanthropy in Indonesia*, (Leiden & Boston: Brill, 2013). Hilman Latief, "Philanthropy and "Muslim Citizenship" in Post-Suharto Indonesia," *Southeast Asian Studies* 5, No. 2 (2016), p. 269-286.

² Mohammed Sharif Bashir, "الأوقاف على الحرمين الشريفين في العالم الإسلامي: الواقع والمشكلات," *Qijis* 5, no. 1 (2017), p. 73.

In its initial purpose, Muhammadiyah only carried out activities in the fields of education and religion.³ However, it then positioned itself as a Movement for the propagation of good and forbidding evil, which was accompanied by renewal efforts (*tajdid*) in various fields of education and Islamic propagation.⁴ In this case, *tajdid* is synonymous to the words reform, renewal, innovation, restoration and modernization. As a reformer institution, Muhammadiyah has made various serious efforts to renew the understanding of Muslims about their religion: enlightening the hearts and minds of Muslims, spreading understanding that Islamic teachings are true teachings based on the Qur'an and the Sunnah of the Prophet SAW.

The *waqf* management system by the Muhammadiyah organization is recognized as being based on the principle of benefit in accordance with *al-maqa'ashid al-shari'ah*. Namely, the management of *waqf* is in accordance with the principle of trust given to the *nazirs* of the *waqfs*. In addition to alms and grants, Muslims share their wealth with others by managing *waqf* services. Through the principles of the welfare of Muslims and Muhammadiyah throughout Indonesia, including in Aceh, West Sumatra, Yogyakarta and South Sulawesi, it has represented a model of *waqf* asset management that can be developed by the *waqf* and property council.⁵

Waqf within the Muhammadiyah organization does not seem to have been carried out in accordance with the common principles of modern management.⁶ This is evident in the existence of a large area of unproductive *waqf* land and the emergence of cases of disputes and lawsuits that have long been managed by the organization.⁷ A significant issue appears to exist in the inconsistent management of Muhammadiyah's *waqf*, particularly in light of the slogan: "Muhammadiyah Develops Progressive Islam". Muhammadiyah perceives *waqf* as a sunnah practice that is encouraged by religious principles. However, it subsequently becomes obligatory if it is created through a will. Even in the absence of a will, it will be essential to adapt to current conditions, given the rising costs of education

³ Muharrir Asy'ari, "Problematika Tata Kelola Wakaf Di Lingkungan Muhammadiyah Aceh," *Jurnal Ilmiah Islam Futura* 16, no. 1 (2017), p. 32.

⁴ Fahmi Medias, et.al., "Waqf Development in Indonesia: Challenges Faced by Muhammadiyah Waqf Institutions," *Economica* 10, no. 2 (2019), p. 239-54. Anhar Anshori, *Kuliah Muhammadiyah: Pendekatan Ideologis, Historis dan Analisis*, Yogyakarta: Universitas Ahmad Dahlan Press, 2019, p. 43.

⁵ Lidya Komala Sari, "Manajemen Organisasi Badan Wakaf Uang Muhammadiyah Bwum Sumatera Barat Tinjauan Pengorganisasian," N.D.

⁶ Interview with Muharrir Asy'ari, Executive member of Muhammadiyah Aceh, 26 September 2022.

⁷ Seno and Hasanadi, *Perkembangan Organisasi Muhammadiyah Di Minangkabau, Provinsi Sumatera Barat 1925-2010*, (Padang: Kementerian Pendidikan dan Kebudayaan, Direktorat Jenderal Kebudayaan, Balai Pelestarian Nilai Budaya Padang, 2015).

and health services. As stated by Imam al-Syatibi, if an act is considered sunnah on an individual level, it becomes obligatory for the entire ummah.⁸

Related to the management of *waqf* in Indonesia which focuses more on Muhammadiyah, there are several studies that have been conducted, for example: Jahar discusses the management of *waqf* in Indonesia including in the *Sharia* "bureaucratization" project in addition to zakat, and Islamic family law. The *Sharia* bureaucratization aims to modernize the legal system for Muslims in order to provide certainty and justice in resolving legal disputes. Although some experts view the application of *Sharia* into state law as an effort to Islamize, the bureaucratization process reflects an increase compared to Islamization.⁹

Latief examines the development of the use of *waqf* funds through philanthropic movements carried out by religious organizations in Indonesia, such as NU, Muhammadiyah and political parties. Through charitable institutions by collecting funds or *waqf* from the community, it is then used to empower the community, especially education or Islamic schools. The philanthropic movement has been rampant since the New Order era to the present, and it is proven that the management of philanthropy makes a very important contribution to the fields of education and the economy in general.¹⁰

Furthermore, the management of *waqf* operated by Muhammadiyah in various regions of Indonesia continues to exhibit several challenges. In Blora, Central Java, Muhammadiyah offers support and enhancement for *waqif* intending to contribute their land. This enhancement aims to create a *waqf* land certificate that ensures legal certainty in the execution of the *waqf* land, facilitating the resolution of various disputes with ease. In this manner, *waqf* assets can be effectively managed in alignment with the *waqf* pledge.

⁸ Ibrāhīm ibn Mūsā Shātibī, Imran Ahsan Khan Nyazee, and Raji M Rammuny, *The Reconciliation of the Fundamentals of (Islamic) Law*, 1st ed, Great Books of (Islamic) Civilization (Reading, UK: Garnet Pub, 2011). Y J al-Marāghī, M A Khusravī, and Sāzmān-i Awqāf va Umūr-i Khayriyah, *Mawsū'at Al-Waqf Fī Al-Fiqh Al-(Islāmī): Majmū'at Ārā' Fuqahā' Al-(Imāmīyah) Wa-Al-Ḥanbalīyah Wa-Al-Ḥanafīyah Wa-Al-(Shāfi'īyah) Wa-Al-(Mālikīyah) Wa-Ghayrihim Fī Al-Alf Sanah Al-Mādīyah Fī Ahkām Al-Waqf Wa-Al-Ḥabs (منظمة الاوقاف والشؤون الخيرية، 2006)*, 'Ali Ahmad Nadwi, *Qawaid (Fiqhiyah)* (al-Riyad: Sharikat al-Rajihī al-Musarafiyyah lil-Istithmar, 2000).

⁹ Asep Saepudin Jahar, "Bureaucratizing Sharia in Modern Indonesia: The Case of Zakat, Waqf and Family Law," *Studia Islamika* 26, No. 2 (2019). Asep Saepudin Jahar, "The Clash of Muslims and the State: Waqf and Zakat in Post-Independence Indonesia." *Studia Islamika* 13, No. 3 (2006).

¹⁰ Hilman Latief, "Philanthropy and "Muslim Citizenship" p. 269-286. Hilman Latief, "The Politics of Benevolence: Political Patronage of Party-Based Charitable Organizations in Contemporary Indonesian Islam," *Al-Jamiah: Journal of Islamic Studies* 51, No. 2 (2013).

Muhammadiyah in Blora consistently supports *waqif* in the process of donating their land, ensuring that the *waqf* is managed effectively.¹¹

Similarly, in Bengkulu, the Muhammadiyah administrators have effectively managed *waqf*, encompassing planning, coordination, implementation, and supervision, despite facing challenges in the field, particularly regarding asset management oversight. *Waqf* managers are overseen by the appropriate assembly, and internal audits are conducted by the Muhammadiyah Central Leadership. The *waqf* land in the Muhammadiyah Bengkulu region has primarily been utilized for da'wah activities, including the construction of mosques, educational facilities, health services, and social initiatives such as the establishment of *Rumah Jumbo*, as well as productive *waqf* through land rentals and shops. Nonetheless, the issues or challenges encountered by Muhammadiyah in Bengkulu regarding the management of *waqf* assets are notably dynamic, including the reality that there remain *waqf* asset lands that have yet to be certified.¹²

Syahbandir et.al., indicate that the management of *waqf* in Aceh is more advanced compared to other regions in Indonesia. This results from the backing of robust legal frameworks and the application of Islamic law. The management of *waqf*, along with *zakat*, *infaq*, and *shadaqah*, is overseen by an official institution that reports directly to the Governor, known as *Baitul Mal Aceh*. *Waqf* assets are utilized for community development, focusing on areas such as the economy, education, and social support for vulnerable groups, including the poor, the elderly, orphans, and victims of conflict.¹³

Muslims contribute their wealth for *waqf* out of a genuine desire to seek the pleasure of Allah SWT. Through *waqf*, it serves as a foundation for the ongoing development of Islamic civilization, enhancing the community's capacity to remain engaged in various fields over time. The comprehension achieved by Muhammadiyah is indeed grounded in the consensus of the Islamic jurisprudence scholars who interpret *waqf* in accordance with the terminology, which signifies to hold (*al-Habs*), indicating that the assets remain in ones' possession and ensure they are utilized solely for positive endeavors. This is quite similar to the Western

¹¹Elfasari Kurniawati and Agus Saroni, "Penguatan Pengelolaan Wakaf Tanah Melalui Lembaga Muhammadiyah Blora Dari Perspektif Kepastian Hukum," *Notarius* 15, No. 2 (2022), p. 833-846.

¹²Sawati Sawati and Amrizal Amrizal, "Urgensi Pemberdayaan Tanah Wakaf Muhammadiyah Di Wilayah Bengkulu," *Jurnal Ilmiah Ekonomi Islam* 9, No. 3 (2023), p. 3929.

¹³Mahdi Syahbandir, et.al., "State and Islamic Law: A Study of Legal Politics on Zakat as a Tax Deduction in Aceh," *Ahkam: Jurnal Ilmu Syariah* 22, No. 1 (2022). Mahdi Syahbandir, et.al., "State Authority for Management of Zakat, Infaq, and Sadaqah as Locally Generated Revenue: A Case Study at Baitul Mal in Aceh," *al-Ihkam: Jurnal Hukum dan Pranata Sosial* 17, No. 2 (2022).

perspective, as even Western institutions like Oxford University have drawn inspiration from Islamic *Waqf*, exemplified by Al-Azhar University.¹⁴

This article focuses on the management of *waqf* assets in Indonesia, emphasizing their role in enhancing the welfare of the community, particularly within Muhammadiyah. This study holds significance as it contributes to enhancing the management of *waqf* by Muhammadiyah, both in general and specifically within Indonesia. This article aims to offer alternative perspectives and strategic approaches for *waqf* management in Indonesia, ultimately enhancing the welfare of the community.

This research is an empirical legal examination utilizing a *Maqāṣid al-Sharī'ah* framework.¹⁵ Data were gathered through literature studies and comprehensive interviews with pertinent participants, including Muhammadiyah administrators and *waqf* managers. Literature encompasses journal articles, books, research findings, and legal regulations pertinent to the topic of discussion. The collected data will be categorized, examined, and subsequently organized based on the discussion framework to provide clear insights into the management of Muhammadiyah *waqf* in Indonesia.

The Purpose of *Waqf* in the Islamic Law

Waqf is a form of charitable giving involving property that endures over time and can be utilized periodically for the benefit of the society and the promotion of good deeds.¹⁶ Acts of kindness have been a part of human history, both at the individual level and within communities. For instance, assisting those in need, beginning with family members and nearby neighbors. Contributing positively is also achieved through the construction of public facilities. *Waqf* serves as a profound means of drawing a servant nearer to Allah SWT, embodying acts of goodness, whether it is designated for public entities like the needy and seekers of knowledge, or for family and descendants. Its legitimacy is affirmed by the overarching texts of the Noble Qur'an, elaborated upon by the hadith of the revered *Sunnah*, and practiced by the companions, may Allah be pleased with them. Furthermore, the consensus among the early and later generations underscores its validity. The Noble Qur'an indicates that a person will not receive goodness until they donate something they truly value, and that Allah is certainly All-Knowing of all that is given (Ali 'Imrân/ 3: 92).

¹⁴ "Telaah Berdirinya Universitas Oxford Inggris Yang Terinspirasi Dari Sistem Wakaf, Badan Wakaf Indonesia, BWI.Go.Id," accessed June 1, 2021, <https://www.bwi.go.id/9168/2023/11/18/telaah-berdirinya-universitas-oxford-inggris-yang-terinspirasi-dari-sistem-wakaf/>.

¹⁵ Faisar Ananda Arfa and Watni Marpauang, *Metodologi Penelitian Hukum Islam*, Jakarta: Pustaka Media, 2018.

¹⁶ Muhammad ibn Mukarram Ibn Manzur, *Lisan al-'Arab* (Bayrut: Dar Sadir, 2014), p. 6.

Historically, Talhah, a companion of the Prophet Peace be upon Him, was recognized as the wealthiest individual in Medina. His cherished treasure was *Barkhâ* (a spring). Rasulullah Saw once visited and enjoyed its pure and clear water. Anas reported:¹⁷ that when this verse was revealed, Talhah remarked that the treasure he cherished was spring water (*Barkhâ*), and he donated to spring water in the path of Allah. Rasulullah Saw expressed his appreciation with the words: "Wow, that is a truly valuable and profitable treasure. I have heard what you said, and I believe you should share it with your closest family!" Abu Talhah declared, "I will do it, O Messenger of Allah!" Abu Talhah then allocated it to his immediate family, specifically the children of his uncle (his father's brothers).¹⁸

When discussing the *Hadiths* of the Prophet Muhammad, one can find various historical accounts related to *waqf*. Rasulullah SAW stated: "Whoever keeps a horse restrained in the path of Allah with faith and careful consideration, and then the food that satisfies him, his drink, his feces, and his urine will be weighed as good in his scales on the Day of Resurrection!" the hadith on *Waqf* from 'Umar R.A., Rasulullah SAW said to him: "If you wish, you may keep the original capital and give the proceeds as alms; the basic capital cannot be sold, traded, or inherited."

In addition to that, the Prophet Muhammad SAW stated that the legality of *waqf* is established through words (*qaul*), actions (*fi'l*), and provisions (*ikrâr*). "When a person passes away, all their good deeds cease, except for three: charitable giving, beneficial knowledge, or a righteous child who prays for their parents."¹⁹ The Prophet's direct involvement in *waqf* was the construction of the Quba mosque. The Nabawi mosque was constructed on the land belonging to the orphans Sahal and Suhail. The Prophet additionally contributed the possessions of a Jew named Makhriq, who lost his life in the battle of Uhud. The Jews made a testament to Rasulullah SAW to bequeath their wealth in accordance with his wishes upon his passing.²⁰

The aims and objectives of Islamic *waqf* can be understood from its wording, which includes the determination of property use, the release of ownership and use rights from the owner, and the intention that the property will remain and continue to serve as a good deed that brings one closer to Allah SWT.²¹ *Al-Birr* in Islam encompasses all virtuous actions that draw an individual

¹⁷ Muhammad ibn Isma'il al-Bukhari, *Sahih al-Bukhari: Being the Traditions of Saying and Doings of The Prophet Muhammad As Narrated By His Companions* (New Dehli: Islamic Book Service, 1997), p. 1461.

¹⁸ Muhammad ibn Isma'il al-Bukhari, *Sahih al-Bukhari*, p. 1461.

¹⁹ خان، محمد محسن، صحيح البخاري and بخارس، محمد بن اسماعيل. (Riyadh-Saudi Arabia: Darussalam Pub. & Distr., 1997).

²⁰ طبقات (تهران: فرهنگ و اندیشه، 1995)، 3-501، Muḥammad Ibn Sa'd.

²¹ Ibnu Hajar al-Haytami, *Tuhfah al-Muhtaj bi Syarh al-Minjahji* (Beirut, Matba'ah Dar Shadir, 2017), p. 3.

nearer to Allah SWT.²² Good deeds encompass all actions that provide assistance to those in need and support the less fortunate. The work associated with this initiative can be understood through the presentation and schedule that outlines the intent, purpose, and allocation of social funds. The concept of *Waqf* in Islam is characterized by its distinct pattern and purpose, which are as follows:²³

Table: Patterns of Activity in Islamic Waqf

Cluster	Patterns of Activity in Islamic Waqf
Religious services	Constructing, administering, and coordinating its operations Publishing and committing the Qur'an to memory Facilitating the organization of Hajj and Umrah
Health Services	Establishing medical facilities Dispensation of pharmaceuticals Establishing medical and nursing institutions Conducting health research and compiling health literature
Educational Services	Establishing educational institutions and delivering educational services, Establishment and advancement of libraries Publication Experts in counseling and empirical research Informal literacy instruction
Humanitarian Services	Assisting the impoverished and disadvantaged Pediatric and nursing care Services for the homeless Assistance for individuals with disabilities Emergency assistance Marital support Correctional services Women's assets Bridal accessories for women Sharing of death Elderly Cares
Public facilities	Infrastructure development and preservation Well drilling and water distribution Provision of transportation services Public bathing facilities

²² Fakhruddin al-Razi, *Tafsir al-Kabir* (Beirut, Dar al-Kutub al-Ilmiyah, 2000), p. 32

²³ Umar *Nizam al-Wakaf al-Islami wa Nizam al-Musyabahah fi Alam fi Alam al-Gharbi* (Kairo, Salih Kamil, Jami'ah Azhar, th), p. 12-13

	Public culinary spaces Residential apartments Housing for the impoverished and itinerants
Unemployed	Qardh Hasan Loan for business capital Procurement of tools for work Training
Environmental maintenance	Love animals and take good care of them Plant trees and preserve nature
Politics and Human rights	Political asylum Prisoner protection Freeing prisoners Helping freedom fighters

From the table above, we can also see the purpose of *waqf* in Islam, namely:

- a. The Islamic *waqf* serves a noble purpose, aiming to extend mercy throughout the universe. Its benefits are not limited to Muslims; they can also be offered to non-Muslims in need, without any coercion or persuasion towards other religious communities to adopt Islam.²⁴ This is evident in the way Muslim rulers were treated throughout history during their dominance over the Western world. The Islamic *waqf* is not intended for show or to garner the sympathy of the global community.
- b. Islamic *waqf* is a means to spread goodness alone. Therefore, Islamic *waqf* should not be used for sinful acts, such as giving *waqf* results for the benefit of homosexuals, lesbians or free sex practitioners.
- c. The collective benefit of humanity, particularly through *waqf*, can be extended to both humans and animals, while also promoting environmental sustainability.
- d. Flexible *waqf* results can be directed towards the promotion of human rights, the support of consumer welfare, and the development of small and medium enterprises. The Islamic *waqf* stands out compared to Western institutions regarding its objectives and the distribution of profits generated by these entities. Nonetheless, issues arise from the unequal distribution of wealth and the limited commitment to philanthropy within the community.²⁵

²⁴ Muhammad Amin Ibn Umar Ibn ‘Abidin, *Durr al-Mukhtar wa Hasyiah Ibn Abidin* (Kairo: Dar al-Ihya Turats al-Arabi, 1987), Jilid 3, p. 360.

²⁵ Elasrag, “(Activating the Role of the Islamic WAQF in Human Resources Development in the Arab States).”

The Problem of Muhammadiyah Waqf

The *waqf* procedures carried out by Muhammadiyah in Indonesia, particularly in regions such as Aceh, West Sumatra, and South Sulawesi align with Article 32 of Law No. 41 of 2004, along with Article 38 of PP No. 42 of 2006, Article 10 of PP No. 28 of 1977, and the Regulation of the Minister of Home Affairs No. 6 of 1977.²⁶ Once the Waqf pledge deed is submitted in line with the established provisions, the Waqf Pledge Deed Making Officer, representing the relevant *nazir*, submits an application to the Regent/Mayor of the Regional Head and the Head of the local Agrarian Sub-Directorate to register the *waqf* of land owned by the Association. Nevertheless, the effects of *waqf* do not apply to land that has been designated as *waqf*. The structures present and the activities conducted are still regarded as commercial enterprises that are subject to taxation.²⁷

Waqf and its profits are exempt from all taxes and fees, and the provisions of the tax law.²⁸ Stamp duty and the use of state resources are also not applicable to the *Waqf*, and are not subject to any direct cost imposition rules and taxes imposed now or to be imposed in the future, provided that the exemption is within the limits of the objectives in accordance with the *waqf*.²⁹ The resources allocated to the *Waqf* come from the donor's tax base according to the rules established by law, and they are exempt from the value added tax borne by the *Waqf* directly to achieve the goals and objectives of its establishment.³⁰

The primary issue encountered by Muhammadiyah in waqf governance in regions undergoing decline is the professionalism of management.³¹ In the Indonesian society, as well as in Southeast Asia and South Asia more broadly, *waqf* is traditionally managed; it has evolved into a custom handed down through generations. *Waqf* is primarily aimed at physical development, including mosques, prayer rooms, schools, Islamic boarding schools, orphanages, and cemeteries.³² Consequently, *waqf* assets have not significantly contributed to the

²⁶ Interview with Muhammad Ridho, the management of Muhammadiyah waqf, Jakarta November 2021.

²⁷ Muharrir Asy'ari, "Problematika Tata Kelola Wakaf di Lingkungan Muhammadiyah Aceh," *Jurnal Ilmiah Islam Futura* 16, no. 1 (2017), p. 32.

²⁸ Interview with Dr. Ir. Agus Adi Sunanto, "Jogjakarta 29 November 2021.

²⁹ Abd-ar-Rahmān Ibn-Aḥmad Ibn-Raḡab, *Al-Qawā'id Al-Fiqhīya*, ed. Muḥammad 'Alī al-Bannā, Aṭ-Ṭab'a 1 (Bairūt: Dār al-Kutub al-'Ilmīya, 2008).

³⁰ Interview with Faisal Abdurrahman, the management of Muhammadiyah waqf, Padang, 21 November, 2021.

³¹ Interview with Faisal Abdurrahman, the management of Muhammadiyah waqf, Padang, 21 November, 2021.

³² Hamdan Hambali, *Ideologi dan strategi Muhammadiyah*, Cet. 1 (Yogyakarta: Suara Muhammadiyah, 2006), p. 21. Mohamad Bazli Md Radzi, et.al., "The Impact of Mosque-Based Economic Activities on Local Communities: A Case Study in Sarawak," *El-Ussrah: Jurnal Hukum Keluarga* 7, No. 2 (2024).

social life of the community, as they primarily serve to fulfill consumptive needs.³³ Muhammadiyah, as an organization, has yet to implement modern management practices in the governance of *waqf* assets.³⁴ In certain regions, the Muhammadiyah Association has not progressed despite receiving a considerable influx of financial support from other Muhammadiyah areas.³⁵

Muhammadiyah's professionalism in regions facing decline, such as Aceh, West Sumatra, and Makassar, has yet to be reflected in the governance of the mandate entrusted to them.³⁶ The management of Muhammadiyah waqf land is characterized by a centralistic approach that appears authoritarian and lacks sufficient oversight.³⁷ The appointment of *Nazir* as the *waqf* manager is typically determined by titles and honors, including *ustaz*, *teungku*, *daeng*, *datuak*, and others. They still do not grasp the concept of modern management, which depends solely on properties situated near the Muhammadiyah *waqf* or merely indicating those locations. Achieving the welfare of Muslims is quite challenging in today's materialistic world, where personal interests often clash with the greater good of the community.³⁸

Sunanto, the manager of Muhammadiyah assets in Yogyakarta, explained that *Nazir's* hard work often goes unnoticed, while individuals deserving of management roles like *Nazir* are rare.³⁹ The managers believe that withdrawing funds from Muhammadiyah waqf undermines the core principle of sincerity in charity within the Muhammadiyah organization itself, particularly in light of Ahmad Dahlan's well-known saying: "Live and Revitalize Muhammadiyah, Don't Look for Life in Muhammadiyah!". Haedar Nashir stated that the return to the management of Muhammadiyah waqf contradicts the essence of the Muhammadiyah Movement, which is *tajdid*.⁴⁰ Consequently, the management of the *waqf* assets often appears to be limited to mere safeguarding, creating the

³³ Interview with Muhammad Ridho, management of Muhammadiyah waqf, Jakarta November 2021."

³⁴ Asy'ari, "Problematika Tata Kelola Wakaf Di Lingkungan Muhammadiyah Aceh."

³⁵ Interview with Zaim Ras Alfizal, the management of Muhammadiyah, Padang 12 February, 2021.

³⁶ Interview with Masri Mansoer, the central management of Muhammadiyah, Yogyakarta, 26 September 2021.

³⁷ Interview with Adi Sunanto, the management of waqf Muhammadiyah, Yogyakarta, 27 September 2021.

³⁸ Interview with Masri Mansoer, the central management of Muhammadiyah, Yogyakarta, September 26, 2021.

³⁹ Interview with Adi Sunanto, the management of Muhammadiyah waqf, Yogyakarta, 27 September 2021.

⁴⁰ Haedar Nashir, *Muhammadiyah Gerakan Pembaruan*, Cet. 1 (Yogyakarta: Suara Muhammadiyah, 2010), p. 76.

impression of simply addressing administrative requirements.⁴¹ If the *Nazir* cannot accept the mandate under specific conditions, he should decline the mandate and transfer it to a qualified professional *Nazir*. To ensure the purpose of the *waqf* is fulfilled, it is essential that at least some of the intentions of the *waqf* party are realized.⁴²

Furthermore, the Muhammadiyah organization encounters another challenge regarding the certification of *waqf* land. The area of *waqf* land overseen by Muhammadiyah is substantial, totaling 21 million square meters, although some portions are still hindered by certification issues stemming from inadequate management. This situation is indeed alarming, as it poses significant risks regarding the transfer of *waqf* land owned by the organization that lacks certification to other parties, whether they are registered or not. The legal status of the land is weak due to its ambiguity. This highlights the ongoing issue of insufficient experts in the land sector who are capable of supporting the legal proceedings related to the Muhammadiyah *waqf* land.⁴³

The situation is further complicated by insufficient government support in the recording of *waqf* land, coupled with a bureaucratic burden that is far from straightforward, leading to delays and obstacles. In addition, *Nazir's* limited understanding of the significance of documentation to safeguard *waqf* land and ensure its beneficial aspects is noteworthy. The *waqf* registration process may involve fees, and the *waqif*, despite their genuine intention to donate the land, may not always have the means, as some of the land is located in villages or areas outside the city. Ultimately, the *waqif* experienced disappointment, leading to the cancellation of the *waqf* due to financial constraints and government bureaucracy.⁴⁴ Managers and relevant government personnel who are Muslims should possess religious awareness to ensure the smooth operation of the *waqf* land registration process and the management of the *waqf*. The socialization and advantages of this *waqf* ought to be showcased through diverse media channels, to rejuvenate the Muslim economy.⁴⁵

⁴¹ Muharrir Asy'ari, *Pembaharuan Tata Kelola Harta Wakaf Di Lingkungan Persyarikatan Muhammadiyah Aceh* (Aceh: Pascasarjana Universitas Islam Negeri Ar-Raniry Banda Aceh, 2016), p. 151.

⁴² Medias, Pratiwi, and Umam, "Waqf Development in Indonesia."

⁴³ Muharrir Asy'ari, "Problematika Tata Kelola Wakaf Di Lingkungan Muhammadiyah Aceh."

⁴⁴ Interview with Masri Mansoer, an executive member of the central Muhammadiyah, Yogyakarta, 26 September 2011.

⁴⁵ Raditya Sukmana, "Critical Assessment of Islamic Endowment Funds (Waqf) Literature: Lesson for Government and Future Directions," *Heliyon* 6, no. 10 (2020).

Waqf, Muhammadiyah and the Welfare of the People: The Perspective of Maqashid al-Shariah

The concept of *Waqf* in the Islamic law is designed to promote the welfare of individuals across multiple aspects of life. Allah has set forth laws to prevent harm and promote benefits in alignment with the intent and purpose of the sharia as revealed in the Qur'an and al-Hadith.⁴⁶ The history of Islam, from the era of Prophet Muhammad SAW through the *Umayyads* and *Abbasids* to the present day, illustrates how *waqf* assets can play a significant role in enhancing state infrastructure development. In Indonesia, *waqf* serves as a means and activity of worship, as well as a tool for education and health initiatives. It provides assistance to the poor, abandoned children, orphans, and scholarships, while also working to enhance the economy of the community and promote general welfare in accordance with *sharia* and existing laws and regulations.⁴⁷

Moreover, while *waqf* has been crucial and has contributed significantly to the flourishing of Islamic civilization in the past, currently, all Islamic nations, including the administration of Muhammadiyah *waqf*, are facing challenges across various sectors, alongside a diminishing influence of *waqf* in the daily lives of Muslims.⁴⁸ A clear indication of this vulnerability is the government's intervention in various forms and the imposition of taxes on *waqf* assets, justified by claims of administrative errors.⁴⁹ Masri Mansur, a member of the Advisory Board of Muhammadiyah Indonesia, stated regarding the *Waqf* regulations; "numerous countries have enacted *waqf* laws and regulations, yet many of these contradict the fundamental principles of *waqf*." *Waqf* activities are fundamentally private; nonetheless, the government incorporates them into its administrative and managerial framework.⁵⁰ Sunanto observed that this hinders the endeavors of Muslims to establish new *waqf* institutions. In some nations, there are no restrictions pertaining to *waqf*.⁵¹

This has halted the construction of new *waqf* foundations; the existing *waqf* remain ancestral legacy. Muslims seldom form new *waqf* foundations due to government interference in *waqf* assets and a decline in religious fervor, comprehension, and awareness of *waqf*. The decline in enthusiasm for managing *waqf* in regions such as Aceh, West Sumatra, and Makassar is attributed to the

⁴⁶ Syihabuddin bin Idris Al-Qarafi, *Syarh Tanqih al-Fushul fi al-Ikhtisar al-Mahsul fi al-Ushul* (Beirut: Dar al-Fikr, 1988), p. 341.

⁴⁷ Muhammad Mashuri, et.al., "Wakaf Untuk Pembangunan Infrastruktur Negara Dalam Persepektif Hukum Islam," *Jurnal Asas* 14, No. 2 (2023), p. 106-119.

⁴⁸ Muharrir Asy'ari, "Problematika Tata Kelola Wakaf.

⁴⁹ Interview with Adi Sunanto, the management of Muhammadiyah *waqf*, Yogyakarta, 27 September 2021.

⁵⁰ Interview with Masri Mansoer, the management of central Muhammadiyah, Yogyakarta, 26 September 2011.

⁵¹ Mehmet Bulut and Cem Korkut, "Ottoman Cash Waqfs: An Alternative Financial System," *Insight Turkey* 21, no. 2 (2019).

minimal investment returns from *waqf* assets, resulting from inadequate management by unprofessional personnel, particularly in countries where *waqf* assets are directly overseen by the government. For instance, *waqf* in Egypt has attained 8 billion Egyptian pounds, with a net profit of 100 million pounds. The profit constitutes 1.25% of the managed capital.⁵²

Muharir stated that diminished profits could result in the disappearance of *waqf* assets due to the negligence of those in charge; this frequently occurs as a result of untrustworthy and unprofessional management.⁵³ The management of *waqf* lacks transparency, and the succession of managers through generations does not adhere to professional standards. A further factor is the insufficient upkeep of *waqf* assets that have ceased to produce revenue. The decline in profits, insufficient awareness among managers, and a deficit of trust in *nazir* contribute to a reduction in the distribution of *waqf* funds intended for societal welfare, education, and health, which continue to be costly and often exceed the expenses of institutions directly managed by the government. Muharir states that the allocation of *waqf* assets is shaped by political interests and has shifted away from being a social necessity. Furthermore, there is a pressing necessity in the domains of technology, academic advancement, and the preservation of civil rights that are currently nonexistent.⁵⁴

The lack of transparency and the failure to share information regarding financial management and the distribution of *waqf* asset profits can diminish the community's motivation to create new *waqf*. This is particularly true when existing *waqf* entities do not offer clear information about their financial administration practices. A crucial contributing element is the diminishing awareness among Muslims regarding the significance of *waqf* as a cornerstone of the economy. The involvement of academics and mass media is essential in highlighting the significance of *waqf* as an aspect of worship.⁵⁵ It is ironic that the instruction on *waqf* in Islamic universities lacks depth, resulting in scholars who will eventually oversee *waqf* not possessing a thorough understanding of comprehensive *waqf* management across various aspects. The distinction between *waqf*, associations, and social foundations is important. *Waqf* is recognized for its role in fostering education, health, social initiatives, and the welfare of orphans

⁵² Interview with Adi Sunanto, the management of Muhammadiyah *waqf*, Yogyakarta, 27 September 2021.

⁵³ Interview with Muharir Asy'ari, Executive member of Muhammadiyah Aceh, 21 September 2021.

⁵⁴ Interview with Muharir Asy'ari, the executive member of Muhammadiyah Aceh, 21 September 2021.

⁵⁵ "Wakaf Sebagai Engine Penggerak Belasan Universitas Terbaik Dunia - Badan Wakaf Indonesia, BWI.Go.Id," accessed June 1, 2024, <https://www.bwi.go.id/7767/2022/02/22/wakaf-sebagai-engine-penggerak-belasan-universitas-terbaik-dunia/>.

and abandoned children.⁵⁶ However, in the early 20th century AD, there was government intervention in *waqf* assets. Consequently, the connection between *waqf* and institutions, as well as social foundations, is distinct. The integration of *waqf* with foundations and social institutions is likely to enhance investment effectiveness and yield more promising returns, as it directly aligns with community interests.⁵⁷ This approach allows foundations and *waqf* managers to enhance their skills in financial administration and maximize potential profits.

Nonetheless, in light of the various obstacles and challenges, it is evident that Indonesia possesses significant *waqf* potential, as demonstrated by the predominantly Muslim population and the employment income sector in the country. Within the framework of *maqashid al-shariah*, it is essential to optimize *waqf* assets to enhance their functionality and impact on promoting societal welfare and alleviating poverty in Indonesia. This can be achieved by addressing the fundamental needs of the community, supporting local enterprises, and aiding religious organizations.⁵⁸

Consequently, significant initiatives should be undertaken to enhance awareness regarding the utilization of *waqf* assets, which can be achieved through organized counseling and outreach at the grassroots level. In a similar vein, collaboration and synergy with various institutions, including Islamic boarding schools, educational establishments, religious leaders, and social organizations, are considered essential for advancing *waqf* development.⁵⁹ Islamic law stipulates that assets eligible for *waqf* may consist of both movable and immovable objects. The utilization of *waqf* assets serves as a potential economic resource. However, in Indonesia, the development of *waqf* has not yet reached a stage where it can be anticipated to yield significant benefits from productive *waqf*. Ultimately, the core purpose of these assets is to enhance the prosperity and welfare of Muslims in Indonesia.⁶⁰

⁵⁶ Mursyid Djawas and Riska Fajrina, "Efektifitas Lembaga Perlindungan Anak Terlantar: Studi pada Panti Asuhan Suci Hati di Meulaboh, Kabupaten Aceh Barat," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 3, no. 2 (2019), p. 295.

⁵⁷ Interview with Adi Sunanto, the executive member of Muhammadiyah Yogyakarta, 29 November 2021.

⁵⁸ Syamsuri Syamsuri, et.al., "Potensi Wakaf di Indonesia (Kontribusi Wakaf dalam Mengurangi Kemiskinan)," *Jurnal Malia* 12, No. 1 (2020), p. 79-94.

⁵⁹ Muttaqin Choiri and Farid Ardyansyah, "The Politics of Waqf Practice in Pesantren Kyai Families in Bangkalan Madura, Indonesia," *El-Usrah: Jurnal Hukum Keluarga* 7, No. 1 (2024).

⁶⁰ Safiudin Safiudin, "Kontribusi Wakaf Terhadap Kegiatan Sosial Kemasyarakatan Dalam Upaya Pemberdayaan Ekonomi Umat: Studi Analisis Terhadap Perkembangan Wakaf," *CENDEKIA: Jurnal Ilmu Pengetahuan* 2, No. 3 (2022), p. 232-246.

Conclusion

The administration of *waqf* assets by Muhammadiyah, an organization dedicated to education, social welfare, economic development, and health, continues to encounter various challenges. For instance, challenges related to management, human resources, and suboptimal asset data collection, along with inadequate coordination among institutions. Consequently, it is essential that in the future, all types of businesses and foundations come together in *waqf* to ensure more effective oversight and to implement governance reforms led by professionals who genuinely engage with religious consciousness and devotion. The organization and management of Islamic *waqf* should be aligned with the principles of Islamic Fiqh to ensure a clear and effective approach. In addition, it is essential to prioritize *waqf* in the management of asset documentation, particularly regarding productive land and various social institutions, including educational facilities and hospitals. A portion of the *waqf* proceeds will be allocated to nursing homes and orphans. The development of *waqf* requires a legal framework that is advantageous rather than restrictive. Furthermore, engaging the community in *waqf* initiatives is crucial and should be facilitated through mass media channels. Furthermore, the government utilizes state facilities to bolster *waqf*, including socialization via mass media, financial oversight through public accountants, as well as grants, funding, and soft loans, among other measures. From the viewpoint of maqashid al-shariah, Muhammadiyah, as an organization dedicated to empowerment in areas such as education, social services, economics, and health, has made a notable impact on the welfare of the Indonesian population.

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