

## The Permissibility, Potentials and Management of *Waqf al-Manafi'* (Usufruct Endowment): Pondok Modern Tazakka's Experience

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### Abstract

This paper explores the permissibility, potentials, and effective management of *waqf al-manafi'* (usufruct endowment) within the framework of Islamic jurisprudence, with a particular focus on the Maliki school. It examines how this form of endowment when entrusted to a competent and knowledgeable *nazhir* (waqf manager) can significantly enhance the sustainability of quality education in *pesantrens* and contribute to the economic welfare of the Muslim community. By analyzing the case of Pondok Modern Tazakka, the study highlights a successful model of *waqf al-manafi'* implementation. The research demonstrates how the systematic management of endowments has enabled Pondok Modern Tazakka to maximize their impact, ensuring financial stability and fostering the institution's educational mission. This paper provides valuable insights into the role of *waqf al-manafi'* in empowering Islamic education and offers a practical framework for optimizing its benefits within contemporary *pesantren* settings.

**Keywords:** *waqf al-manafi'* (usufruct endowment); Pondok Modern Tazakka Batang; LAZISWAF Tazakka

### Abstrak

Studi ini mengeksplorasi kehalalan, potensi, dan pengelolaan efektif *waqf al-manafi'* (wakaf manfaat) dalam kerangka hukum Islam, dengan fokus khusus pada mazhab Malikiyah. Tulisan ini meneliti bagaimana bentuk wakaf ini—ketika dipercayakan kepada *nazhir* yang kompeten dan berpengetahuan—dapat secara signifikan meningkatkan keberlanjutan pendidikan berkualitas di pesantren dan berkontribusi pada kesejahteraan ekonomi komunitas Muslim. Dengan menganalisis kasus Pondok Modern Tazakka, studi ini menyoroti model sukses implementasi *waqf al-manafi'* (wakaf manfaat). Penelitian ini menunjukkan bagaimana pengelolaan wakaf yang sistematis telah memungkinkan Pondok Modern Tazakka untuk memaksimalkan dampaknya, memastikan stabilitas keuangan, dan mendukung misi pendidikan lembaga tersebut. Makalah ini memberikan wawasan berharga tentang peran *waqf al-manafi'* (wakaf manfaat) dalam memberdayakan pendidikan Islam dan menawarkan kerangka praktis untuk mengoptimalkan manfaatnya dalam konteks pesantren kontemporer.

**Kata Kunci:** *waqf al-manafi'* (wakaf manfaat); Pondok Modern Tazakka Batang; LAZISWAF Tazakka

### Introduction

According to Fahrurroji's research (2019), the concept of *waqf al-manafi'* (usufruct endowment) is not well known by the community in Indonesia<sup>1</sup>, even though it has already been practiced by several ZISWAF (*Zakat, Infaq, Sadaqat, Waqf*) management institutions both domestically and internationally, such as the

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<sup>1</sup> Fahrurroji, *Wakaf Kontemporer* (Jakarta: Badan Wakaf Indonesia, 2019).

National Sharia Council in the Indonesian Ulema Council (MUI), the Pak-Kuwait Takaful Company in Pakistan, and the Al-Azhar Indonesia Waqf Institution. In addition, *waqf al-manafi'* has already and successfully been managed by many *pesantrens*; one of which is Pondok Modern Tazakka Batang, Central Java. Pondok Modern Tazakka is a *pesantren* located in Sidayu Village, Bandar District, Batang Regency, Central Java. This school was founded by three founders, namely KH. Anang Rikza Masyhadi, KH. Anizar Masyhadi, and Hj. Anisia Kumala Masyhadi, in 2012. In the year 2024, the age of *pesantren* is 12 years <sup>2</sup>.

Pondok Modern Tazakka has an institution for managing *zakat*, *infaq*, *sadaqat*, and *waqf*, called LAZISWAF Tazakka. LAZISWAF Tazakka is divided into two sub-managements, namely the ZIS management which handles *zakat*, *infaq*, and *sadaqat*, and the WAF management which deals with *waqf*.

Research on *waqf* management by LAZISWAF Tazakka has been extensively conducted by many researchers such as Abdul Chalim<sup>3</sup>; Suci Ramadhan<sup>4</sup>; Muhammad Arif Hudaya<sup>5</sup>; Doni Setiadi<sup>6</sup>; Sherly Budiarto<sup>7</sup>; Andri Prasetyo Utomo<sup>8</sup>; Muhammad Nabhan Perdana<sup>9</sup>; Wawan Tyas Setyawan<sup>10</sup>; Abdul Wahab<sup>11</sup>, and others. However, the research has focused on studies of productive *waqf*, professional *waqf*, and cash *waqf* only; research on usufruct *waqf* (*waqf al-manafi'*) management by LAZISWAF Tazakka is still relatively scarce. According to the researchers' investigation, there is only one study on the management of *waqf al-manafi'* by LAZISWAF Tazakka, namely the research by Mulyono Jamal et al.<sup>12</sup> written in Arabic about *waqf al-manafi'* Pondok Modern Tazakka and its role in building the economic independence of the *pesantren*. However, this research is not

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<sup>2</sup> Pondok Modern Tazakka, "AHSANTA: Kabar Tahunan Pondok Modern Tazakka Edisi III" (Pondok Modern Tazakka Batang, 2024).

<sup>3</sup> Abdul Chalim, "Pengelolaan wakaf uang di Pondok Modern Tazakka Kota Batang ditinjau dari Panca Jiwa pondok dan Undang-undang nomor 41 tahun 2004 tentang wakaf" (undergraduate, Universitas Negeri Islam Maulana Malik Ibrahim, 2016), <http://etheses.uin-malang.ac.id/5299/>.

<sup>4</sup> Suci Ramadhan, "Studi Tentang Pemberdayaan Pengelolaan Wakaf Di Pondok Modern Tazakka Batang" (undergraduate, Fakultas Agama Islam UNISSULA, 2018), <https://doi.org/10/FILE%209%20%28DAFTAR%20PUSTAKA%29.pdf>.

<sup>5</sup> Muhammad Arif Hudaya, "Pengembangan Wakaf Di Pondok Modern Tazakka Batang (Studi Terhadap Pemikiran Kh. Anang Rikza Masyhadi)" (Master Thesis, Universitas Islam Indonesia, 2018), <https://dspace.uin.ac.id/handle/123456789/10387>.

<sup>6</sup> Doni Setiadi, "Wakaf Profesi Dalam Perspektif Fiqih Dan Undang-Undang Wakaf Di Indonesia: Studi Kasus Di Pondok Modern Tazakka - Walisongo Repository" (Graduate, Semarang, UIN WALISONGO SEMARANG, 2019), <https://eprints.walisongo.ac.id/id/eprint/12175/>.

<sup>7</sup> Sherly Budiarto, "Desain Dan Implementasi Kurikulum Mu'adalah Pada KMI Pondok Modern Darussalam Gontor Putri Dan Pondok Modern Tazakka" (Banjarmasin, UIN Antasari Banjarmasin, 2020), <https://idr.uin-antasari.ac.id/13692/>.

<sup>8</sup> Andri Prasetyo Utomo, "Analisis Optimalisasi Manfaat Wakaf Dengan Inovasi Di Pondok Modern Tazakka Batang Jawa-Tengah" (S1, Yogyakarta, Universitas Muhammadiyah Yogyakarta, 2022), <https://doi.org/10/Daftar%20Pustaka.pdf>.

<sup>9</sup> Muhammad Nabhan Perdana, "Manajemen Sumber Daya Pendidik Di Pondok Modern Tazakka Kec. Bandar Kab. Batang" (masters, UIN Prof. K.H. Saifuddin Zuhri, 2022), <https://repository.uinsaizu.ac.id/13998/>.

<sup>10</sup> Wawan Tyas Setyawan, "Strategi Pengeloaan Wakaf Tunai Di Pondok Modern Tazakka Batang Jawa Tengah" (masters, IAIN Ponorogo, 2023), <https://etheses.iainponorogo.ac.id/24253/>.

<sup>11</sup> Abdul Wahab, Giyoto Giyoto, and Abdul Matin bin Salman, "Productive Waqf Management in Pondok Modern Tazakka, Batang District, Indonesia," *International Journal of Multicultural and Multireligious Understanding* 10, no. 2 (February 7, 2023): 319–28, <https://doi.org/10.18415/ijmmu.v10i2.4317>.

<sup>12</sup> Mulyono Jamal et al., "Tanmiah Waqf Al-Manāfi Min Ajl al-Istiqlāliyah Fī Majāli al-Iqtisād: Dirāsah Fī Ma'had Tazakkā al-'Aṣrī," *Al-Ahkam* 33, no. 1 (April 30, 2023): 89–112, <https://doi.org/10.21580/ahkam.2023.33.1.13586>.

comprehensive. Based on the above background, the present researchers found that the study of usufruct *waqf* or *waqf al-manafi'* and its management at Pondok Modern Tazakka Batang Central Java is a study that has not been extensively conducted by many researchers. In other words, there is a research gap that can be bridged by this study. In this paper, the researchers intends to study and examine the usufruct endowments managed and organized by LAZISWAF Tazakka.

What is very interesting to study is why LAZISWAF Tazakka chose usufruct endowments or *waqf al-manafi'* to be managed and turned into programs and targets. In the Bandar District, Batang Regency, there are several active community organizations (*ormas*), including: (1) Nahdlatul Ulama (NU); (2) Muhammadiyah; and (3) other organizations. Nahdlatul Ulama is the largest Islamic organization in Indonesia, with many followers in this region. NU is known for its moderate and traditionalist approach in religious practices, while Muhammadiyah is also an influential Islamic organization in the region, focusing on education and health. Besides those two organizations, there are also smaller organizations that focus on social and religious activities, although they are not as large as NU or Muhammadiyah.

In the Bandar District, Batang Regency, Central Java, there are five Islamic educational institutions managed by Nahdlatul Ulama (NU). Here is the list of those institutions: (1) Ma'arif NU Elementary School (MI); (2) Ma'arif NU Junior High School (MTs); (3) Ma'arif NU Senior High School (MA); (4) Ma'arif NU Islamic Boarding School; and (5) Diniyah Education Institution (*Lembaga Pendidikan Diniyah*). These institutions are part of NU's efforts to develop Islamic education in the region, in line with their commitment to education and teaching.<sup>13</sup>

The majority of mass organizations in the Bandar District, especially Nahdlatul Ulama, adhere to the Shafi'i school of thought in Islamic law in dealing with *waqf al-manafi'*.<sup>14</sup> The Shafi'i school considers *waqf al-manafi'* as a prohibited form of *waqf*.<sup>15</sup> Interestingly, amidst the majority of the NU community that prohibits *waqf al-manafi'*, Pondok Modern Tazakka Batang actually manages and organizes *waqf al-manafi'* and makes it a program and target of its own LAZISWAF. The question that arises is: what are the reasons behind Pondok Modern Tazakka Batang adopting *waqf al-manafi'*? This article seeks to find answer to this issue.

## Methods

This research is a field study that is descriptive in nature with a case study type of research. In this research, the present researchers observe and directly participate over a certain period to analyze *waqf al-manafi'* organized and managed by LAZISWAF Tazakka at Pondok Modern Tazakka. A case study is a research method used to analyze a specific event in depth through various informants. This study is a research on the specificity of a single event and aims to understand that event in a particular situation and time. In this study, the present researchers

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<sup>13</sup> Syarif Jamal, *Dinamika Lembaga Pendidikan Ma'arif NU Dalam Sistem Pendidikan Nasional | Perpustakaan UIN Antasari Banjarmasin* (Banjarmasin: Antasari Press, 2015), //opac.uin-antasari.ac.id%2Findex.php%3Fp%3Dshow\_detail%26id%3D17062%26keywords%3D.

<sup>14</sup> Ulin Ni'am, "Pandangan Tokoh Ormas NU terhadap Tradisi Slametan Cagak Cuak (Studi di Desa Lebo Kec. Warungasem Kab. Batang)" (S-1, Pekalongan, Prodi S-1 Hukum Keluarga Islam FASYA UIN K.H. Abdurrahman Wahid Pekalongan, 2023), (Pekalongan), //opac.uingusdur.ac.id%2Fperpus%2Findex.php%3Fp%3Dshow\_detail%26id%3D1013013; Hendra Gunawan, "Potret Perjalanan Hukum Islam Di Indonesia," *Jurnal Al-Maqasid* 4, no. 1 (June 2018): 43–60, <https://jurnal.uinsyahada.ac.id/index.php/almaqasid/article/viewFile/1418/1151>.

<sup>15</sup> Muhammad Khusaini, "Wakaf Muaqqat Perspektif Mazhab Syafi'i" (undergraduate, Lampung, IAIN Metro, 2020), <https://repository.metrouniv.ac.id/id/eprint/2234/>.

conducts an in-depth analysis of the usufruct *waqf* managed by LAZISWAF Tazakka at Pondok Modern Tazakka. This research was conducted in the area of Pondok Modern Tazakka, where the LAZISWAF Tazakka office is located and operates. Pondok Modern Tazakka is a *pesantren* with a system similar to that of Pondok Modern Darussalam Gontor, founded by alumni of Pondok Modern Darussalam Gontor, namely K.H. Anang Rikza Masyhadi, K.H. Anizar Masyhadi, and Hj. Anisia Kumala Masyhadi.

The data and sources of data for this study were obtained through direct interviews conducted by the present researchers with the high-ranking officials, officers, or important figures of LAZISWAF Tazakka, namely Ustadz Subhi Mahmassani and Ustadz Affandi. To obtain information and data regarding *waqf al-manafi'* management by LAZISWAF Tazakka, the present researchers used two data collection techniques: interview method and documentation method. The data validity techniques used by the researchers are two triangulations, namely source triangulation and method triangulation. The data analysis method in this study is qualitative data analysis conducted interactively and continuously until completion, resulting in data saturation. The data analysis process begins with reviewing all available data from various sources, namely from interviews and documentation. The data analysis of this research is conducted through two steps, namely data reduction and data presentation. The data conclusion technique used by the researchers is the deduction method.

## Results

Based on the interview results with the Director of the ZISWAF Tazakka Institute, Subhi Mahmassani, S.H.I., M.E., the authors found that LAZISWAF Tazakka chose *waqf al-manafi'* as the type of endowment to target for collection for four reasons. First, *waqf al-manafi'* can be made by many novice endowers, namely those who want to practice endowment or those who want to try endowing. That is, the *waqif* (endower) who does not know much about *waqf*. For beginner *waqf* donors, *waqf al-manafi'* is the ideal *waqf*.<sup>16</sup>

Second, the usufruct endowment does not disadvantage the endower. For those who are unwilling to part with their property, *waqf al-manafi'* is truly the best choice. *Waqf al-manafi'* does not eliminate the ownership rights of the endowers over the property they have endowed (*mawquf*), so the endowment does not harm the endower. The *waqif* does not need to surrender his ownership to Allah eternally; he/she still retains 100% of his/her personal ownership, and what he/she waqfs is the usufruct derived from that ownership. His/her ownership rights remain intact in the hands of the *waqif*. Therefore, it can be predicted that this type of *waqf* will be able to attract many *waqf* donors, and the number of donors interested in this type of *waqf* can be predicted to be much larger than other types of *waqf*, such as asset *waqf*, cash *waqf*, and others.<sup>17</sup>

Third, *waqf al-manafi'* can motivate endowers (especially those who endow their money) to endow again, especially when they are informed that the value of the usufruct from their *waqf* is higher than the nominal value of the *waqf* they provided.<sup>18</sup>

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<sup>16</sup> Subhi Mahmassani, Manajemen Wakaf Manfaat, June 1, 2024.

<sup>17</sup> Mahmassani.

<sup>18</sup> Mahmassani.

Lastly, *waqf al-manafi'* greatly assist *pesantrens*, especially when they face financial difficulties. Sometimes, the school is forced to build a new classroom because the number of students keeps increasing while the school's funds are dwindling. Therefore, the *waqf al-manafi'* provided by the benefactor is truly very helpful.<sup>19</sup>

Based on an interview with the Head of the Waqf Department at LAZISWAF Tazakka, Subhi Mahmassani, S.H.I., M.E., the present authors also found that the *waqf al-manafi'* collected by the Waqf Department from the endowers are categorized into four types, namely: (1) *waqf al-manafi'* of vehicle (cars); (2) *waqf al-manafi'* of accommodation (villas, hotels, and residences); (3) *waqf al-manafi'* of money; and (4) *waqf al-manafi'* of profession/skills.<sup>20</sup> Here are the details of the *waqf al-manafi'* obtained by LAZISWAF Tazakka from 2012 to 2024:

Table 1. Types of *Waqf al-Manafi'*

Transportation	Guest House	Money	Profession/Skill
Alphard (2012-2016)	Villa (Mbak Lingurang)	Yayasan Assalam Fil Alamin (500 jt)	Pak Ariston (architect)
Camry (2012-2017)	Villa (Ibu Fifi)	Pak Nur Ali Azis Faizin (50 jt)	Bu Ida Rachmi (physician)
Avanza (2021-2024)	Villa (Bu Gitta Maharti E.)	Bu Tri Wahyuni Budiningsih (100 jt)	Bu Beti (physician)
Inova (2022-2024)	Guest House (Bu Anisia)	Pak Dr. Setyoko (100 jt)	Pak Rendi (notary)
Fortuner (2022-2024)	Guest House (Pak Anizar)	Pak Ir. Anton Tatang H. (100 jt)	Pak Toni (lawyer)
	Guest House (Bu Shinta)	Bu Dewi Sitoresmi (500 jt)	Pak Farid Wajdi (motivation trainer)
		Pak Saifudin Zuhri (100 jt)	Pak Arifin (business consultant)
		Bu Eva (600 jt)	Pak Akbar Zainudin (motivation trainer)
		Bu Sugih Ningrum (125.000 jt)	Pak Dodi (physician)
		Pak Khafid Kurniawan (100 jt)	
		Pak Rd. Budi Setiajid (100 jt)	

Source: Authors' Interviews

Based on an interview with the Head of the Waqf Department at LAZISWAF Tazakka, the present authors found that the management of *waqf al-manafi'* applied in the Waqf Department at LAZISWAF Tazakka refers to general management principles, namely following the "Functions of Management," abbreviated as "POLC": **Planning**: determining in advance what will be done and who will do it or determining the objectives first and developing ways to achieve those objectives effectively and efficiently; **Organizing**: assigning tasks, grouping tasks, allocating the necessary human resources to carry out the previous planning; **Leading**: leading, influencing, and motivating employees to perform the assigned tasks, creating a conducive atmosphere so that employees work at their best; and **Controlling**: monitoring performance to achieve the targets set during the planning stage, determining performance standards, measuring performance, taking action if there is a deviation from the intended targets.<sup>21</sup>

An example of **Planning** is determining the target number of *waqif* who will be aimed to become *waqif* at LAZISWAF Tazakka. An example of **Organizing** is

<sup>19</sup> Mahmassani.

<sup>20</sup> Mahmassani.

<sup>21</sup> Subhi Mahmassani, Penerapan Fungsi Manajemen POACE, June 2, 2024.

determining who will serve as the fundraiser or *waqif*-seeker, defining their tasks, deciding on the strategies to be used to attract *waqif*, and setting the timeline for when the targets should be achieved. An example of **Leading** is directing and guiding the appointed fundraiser in the implementation of planning and the execution of tasks that have been established in the organizing process. An example of **Controlling** is monitoring, supervising, and overseeing the fundraiser, providing input, and ensuring that the targets and objectives set in the planning stage run smoothly, according to plan, and achieve the targets.<sup>22</sup>

Based on an interview with the Head of the Waqf Department at LAZISWAF Tazakka, the present authors also found that the maintenance of *waqf al-manafi'* is not only about the *waqf al-manafi'* itself but also about the development of the *waqif*. The point is, besides the object entrusted by the *waqif* that must be maintained, the *waqif* themselves must also be taken care of: their relationships must be maintained, their trust in the *nazhir* (endowment manager) must be preserved, they must be given periodic reports on their *waqf al-manafi'*, and they must be continually engaged and greeted.<sup>23</sup>

Based on an interview with Ahmad Afandi, a member of the Maintenance & Development Section of Waqf Assets, the authors also found that LAZISWAF Tazakka, as the manager of *waqf al-manafi'*, provides regular service for the *waqf* items, especially cars, for the *mawquf 'alayh* (the recipients of the *waqf*), which is Pondok Modern Tazakka.<sup>24</sup> The items entrusted to LAZISWAF Tazakka must be maintained in good condition, so that the *waqf al-manafi'* can be maximized. The better the condition of the *waqif's* entrusted item is maintained, the more usufruct from the *waqf* are provided, and the more the *waqif* trusts and has greater confidence in the *nazhir*.

Nevertheless, there are two weaknesses in the management of *waqf al-manafi'* conducted by the Waqf Department at LAZISWAF Tazakka. Based on an interview with the Head of the Waqf Department, Ustadz Subhi Mahmassani, the present authors found that the weakness in the management of *waqf al-manafi'* by LAZISWAF Tazakka is related to the annual turnover of management.<sup>25</sup> In addition to the turnover of the Waqf Department management, the next weakness is in the maintenance of the *waqf* donors. There are several *waqifs* who have trusted their *waqf al-manafi'* but are no longer contacted and offered to contribute *waqf al-manafi'* again. As a result, the number of *waqif* who provide *waqf al-manafi'* can decrease due to poor maintenance. According to the Head of the Waqf Department, Ustadz Subhi Mahmassani, this happens as a result of the annual turnover of the Waqf Department's management.<sup>26</sup>

Based on an interview with the Head of the Waqf Department at LAZISWAF Tazakka, Subhi Mahmassani, the authors found that the existence of *waqf al-manafi'* has many benefits for the *mawquf alayh*, namely Pondok Modern Tazakka. First, Pondok Modern Tazakka is visited by important guests such as national and international figures, but it does not have a villa or hotel for these important guests. Therefore, with the usufruct endowment (*waqf al-manafi'*) provided by a villa or

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<sup>22</sup> Mahmassani.

<sup>23</sup> Subhi Mahmassani, Maintenance Wakif Manfaat, June 24, 2024.

<sup>24</sup> Ahmad Afandi, Wakaf Manfaat Mobil dan Transportasi, June 21, 2024.

<sup>25</sup> Mahmassani, Maintenance Wakif Manfaat.

<sup>26</sup> Mahmassani.

hotel owner to Pondok Modern Tazakka, it can accommodate those important guests in very decent and luxurious accommodations.<sup>27</sup>

The second benefit is that Pondok Modern Tazakka needs money for the construction of a school building, while the financial condition of the school is truly dwindling and it is impossible to build such facilities. Thus, with the usufruct endowment (*waqf al-manafi'*) provided by a large deposit holder to Pondok Modern Tazakka, they can build a school building and settle it later, after the usufruct endowment period ends. This type of *waqf* is what is referred to in the concept of the Waqf Law No. 41/2004 as Time-Deposited Cash Waqf.<sup>28</sup>

The third benefit is that Pondok Modern Tazakka needs the expertise of an architect to create design drawings for the building that will be constructed, while Pondok Modern Tazakka does not have human resources capable of creating building design drawings. Thus, with the *waqf al-manafi'* of profession/skills provided by an architect to Pondok Modern Tazakka, they receive the expected building design drawings. This kind of *waqf al-manafi'* is referred to as a physical usufruct endowment (*waqf manafi'ul abdan*).<sup>29</sup>

The next benefit is that Pondok Modern Tazakka needs the expertise of doctors to treat the illnesses of its students, while Pondok Modern Tazakka cannot afford to hire doctors at high costs. Thus, through the *waqf al-manafi'* of a doctor's profession, who dedicates their expertise to help serve the health of students, teachers, and the community, Pondok Modern Tazakka receives the usufruct of the doctor's expertise free of charge.<sup>30</sup>

Another benefit is that Pondok Modern Tazakka needs the expertise of a notary to create agreements and legal documents for the pesantren, while the financial condition of the pondok is truly dwindling and it is impossible to pay for notary services. Therefore, with the usufruct endowment of the notary's professional services, who helps create agreements and legal documents for Pondok Modern Tazakka, the *pesantren* receives the usufruct of the notary's expertise for free.<sup>31</sup>

Based on an interview with the Head of the Tazakka Waqf Institution, Subhi Mahmassani, S.H.I., M.E., the present authors found that LAZISWAF Tazakka "*does not limit the waqifs to waqf al-manafi'*".<sup>32</sup> It means that from any social background and economic class, anyone can become a *waqif* of this kind of *waqf* who contributes to the community through the *waqf al-manafi'* they provide to the *mawquf alayh*. Here is the profile of the endowers of *waqf al-manafi'* from 2012-2024:

Table 2: Categories of *Waqif* Based on Profession/Skills

Businessperson	Professional	Academician	National Figure
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<sup>27</sup> Anang Rikza Masyhadi, "Wakaf Sebagai Instrumen Pengembangan Peradaban Umat," in *Workshop Pengembangan Wakaf Di Pondok Pesantren, Bandar* (Workshop Pengembangan Wakaf di Pondok Pesantren, Bandar, Bandar: <https://tarjih.or.id>, 2021), <https://tarjih.or.id/wp-content/uploads/2021/08/Anang-Rikza-Masyhadi-Wakaf-Sebagai-Instrumen-Pengembangan-Peradaban-Umat-compressed.pdf>.

<sup>28</sup> BWI, "Undang-Undang Republik Indonesia Nomor 41 Tahun 2004 Tentang Wakaf" (Badan Wakaf Indonesia, 2004), <https://www.bwi.go.id/3629/2007/09/17/undang-undang-no-41-tahun-2004-tentang-wakaf/#:~:text=Wakaf%20adalah%20perbuatan%20hukum%20wakif,atau%20kesejahteraan%20umum%20menurut%20syariah>.

<sup>29</sup> Setiadi, "Wakaf Profesi Dalam Perspektif Fiqih Dan Undang-Undang Wakaf Di Indonesia: Studi Kasus Di Pondok Modern Tazakka - Walisongo Repository."

<sup>30</sup> Setiadi.

<sup>31</sup> Setiadi.

<sup>32</sup> Mahmassani, Manajemen Wakaf Manfaat.

Mbak Lingurang	Pak Dr. Setyoko	Bu Eva	Pak Nur Faizi
Ibu Fifi	Pak Ir. Anton	Pak Khafid Kurniawan	Pak Ariston
Bu Gitta Maharti	Tatang A.		
Bu Dewi Sitoesmi	Pak Saifudin Zuhri		
Bu Sugih Ningrum	Ibu Ida Rachmi		
Pak Rd. Budi Setiajid	Ibu Beti		
Bu Shinta	Pak Rendy		
	Pak Toni		
	Pak Farid Wajdi		
	Pak Arifin		
	Pak Akbar Zainudin		
	Pak Dodi		

Source: Authors' Interviews

From the above explanation, it can be concluded that the benefactors who endow the usufruct of vehicles, accommodation, money, and their professions/expertise come from four groups: (1) the business community; (2) the professional community; (3) the academic community; and (4) government officials.

## Discussion

### ***Reasons for Managing Waqf al-Manafi'***

Based on the above explanation, it can be concluded that there are several reasons why *waqf al-manafi'* was chosen by LAZISWAF Tazakka. First, *waqf al-manafi'* is a type of *waqf* that does not eliminate the ownership rights of the *waqif* over the property they have endowed (*mawquf*), so the *waqf* does not disadvantage the *waqif*. The *waqif* does not need to permanently relinquish ownership to Allah; he still retains 100% personal ownership, and what he/she waqfs is the usufruct derived from that ownership. His ownership rights remain intact in the hands of the *waqif*. The usufruct of his/her ownership is what the *waqif* endows, so that this usufruct can be enjoyed by the *mawquf alayh*, either permanently (*muabbad*) or temporarily (*muwaqqat*). For *waqf* donors who are unwilling to part with their property, *waqf al-manafi'* is truly the best choice.<sup>33</sup>

Second, because what is endowed is its usufruct, this *waqf* includes everything that has utility value: from houses, hotels, inns, apartments to cars, computers, and private jets. From bank accounts to insurance policies. From copyrights and royalties to investments. In fact, not only the usufruct from tangible assets but also the one from intangible assets such as a person's intelligence, expertise, skills, abilities, genius, cleverness, energy, physical strength, and a person's connections/network as well as their social position and status. All the usufruct from both tangible and intangible assets can be endowed as *waqf*. This allows *waqf* to be performed by all social classes, from the lower social strata to the upper social strata.<sup>34</sup>

<sup>33</sup> Herlina Yustati, "Signifikansi Wakaf Manfaat Asuransi Melalui Instrumen Asuransi Jiwa Syariah Bagi Lembaga Wakaf Al-Azhar," *Syi'ar Iqtishadi : Journal of Islamic Economics, Finance and Banking* 5, no. 1 (June 8, 2021): 22–33, <https://doi.org/10.35448/jiec.v5i1.8993>.

<sup>34</sup> 'Athiyah al-Sayyid al-Sayyid Fayadh, "Waqf al-Manafi' fi al-Fiqh al-Islami," in *Waqf al-Manafi' fi al-Fiqh al-Islami* (Muktamar Waqf Kedua, Universitas Ummul Qura Makkah: Universitas Ummul Qura Makkah, 1427), <https://iefpedia.com/arab/wp-content/uploads/2010/12/%D9%88%D9%82%D9%81-%D8%A7%D9%84%D9%85%D9%86%D8%A7%D9%81%D8%B9-%D9%81%D9%8A-%D8%A7%D9%84%D9%81%D9%82%D9%87-%D8%A7%D9%84%D8%A5%D8%B3%D9%84%D8%A7%D9%85%D9%8A-%E2%80%93%D8%AF-%D8%B9%D8%B7%D9%8A%D8%A9-%D8%A7%D9%84%D8%B3%D9%8A%D8%AF-%D9%81%D9%8A%D8%A7%D8%B6.pdf>.

Third, the duration of the usufruct *waqf* (*waqf al-manafi'*) is flexible and not rigid. It can be adjusted according to the wishes of the *waqif*. For example, the *waqif* wants to endow the usufruct of the luxury car he/she owns for only 1 year. At the end of the year, the *waqf* giver can terminate the usufruct *waqf*. This makes the *waqf* easy to start and easy to stop if one wants to discontinue it.<sup>35</sup>

Fourth, *waqf al-manafi'* can be used as an "exercise" before a *waqif* endows their property permanently. There are endowers who are reluctant to endow their wealth for an indefinite period. *Waqf al-manafi'* can be used as an exercise of *waqf*. It is not uncommon for donors who have made a temporary endowment to change their minds and decide to make a permanent endowment.<sup>36</sup>

Lastly, *waqf al-manafi'* does not always incur costs. *Waqf al-manafi'* can be done without incurring any costs at all, such as *waqf al-manafi'* of the skill of reading the Quran, *waqf al-manafi'* of the ability to create building designs (3D-design), *waqf al-manafi'* of the skill of teaching biology, etc. This allows *waqf al-manafi'* to be performed by people with substantial capital as well as those with minimal resources.<sup>37</sup>

By accepting usufruct *waqf* (*waqf al-manafi'*), it means that the Waqf Department at LAZISWAF Tazakka is implementing the concept from the Maliki school of thought, which permits usufruct *waqf*. When receiving the usufruct endowment of lodging/villa, it means that the Waqf Department at LAZISWAF Tazakka applies the house lodging usufruct endowment (*iskan al-rajuli al-rajula maskanan*, إسكان الرجل الرجل مسكناً) taught by Imam Malik Ibn Anas, as outlined in his book *al-Mudawwanat al-Kubra*.<sup>38</sup> When receiving a *waqf al-manafi'*, it means that the Waqf Department at LAZISWAF Tazakka applies *waqf al-manafi'* as taught by the Maliki jurist Imam Ahmad al-Dardir in his book titled *al-Syarh al-Shaghir 'ala Aqrab al-Masalik ila Mazhab al-Imam Malik*.<sup>39</sup> When receiving *waqf al-manafi'* of body/skill/expertise, it means that the Waqf Department at LAZISWAF Tazakka applies the *waqf al-manafi'* of body/skill/expertise as taught by the Maliki school of thought jurist Syamsuddin Ibn 'Arafah al-Dasuqi in his book titled *Hasyiyah al-Dasuqi 'ala al-Syarh al-Kabir*.<sup>40</sup>

The acceptance of the Waqf Department at LAZISWAF Tazakka of the concept of *waqf al-manafi'* from the Maliki fiqh school is also reinforced by the fact regarding the concept of "6 Types of *Waqf*" that LAZISWAF has formulated. In that concept, *waqf al-manafi'* is included among the types of *waqf* targeted by the Waqf Department at LAZISWAF Tazakka: "*waqf al-manafi'* (*wakaf manfaat*) is *waqf in the form of the usufruct from an item*."

The selection of *waqf al-manafi'* as the prioritized *waqf* to be managed by the Waqf Department at LAZISWAF Tazakka is based on the following considerations: First, *waqf al-manafi'* is a type of *waqf* that does not eliminate the ownership rights of the *waqif* over the property they have endowed (*mawquf*), so this type of *waqf* does not disadvantage the *waqif*. Therefore, this type of *waqf* will be able to attract

<sup>35</sup> A. F. M. Idris, "Waqf al-Manafi'," in *Waqf al-Manafi'* (Muktamar Waqf Kedua, Universitas Ummul Qura Mekkah: Universitas Ummul Qura Mekkah, 1427), <https://down.ketabpedia.com/files/bkb/bkb-fi00039-ketabpedia.com.pdf>.

<sup>36</sup> Masyhadi, "Wakaf Sebagai Instrumen Pengembangan Peradaban Umat."

<sup>37</sup> Masyhadi.

<sup>38</sup> Malik Ibn Anas, *Al-Mudawwanat al-Kubra*, vol. 10 (Sumuw al-Syaikh Zaynuddin Sulthan Ali Nahyan., 1422).

<sup>39</sup> A. Al-Dardir, *Al-Syarh al-Shaghir 'ala Aqrab al-Masalik ila Mazhab al-Imam Malik*, vol. 4 (Dar al-Ma'arif, 1741).

<sup>40</sup> S.I. 'Arafah Al-Dasuqi, *Hasyiyah al-Dasuqi 'ala al-Syarh al-Kabir*, vol. 4 (Dar Ihya al-Kutub al-'Arabiyah, n.d.).

many *waqifs*. The above consideration is confirmed by Yustati in her study at the Al-Azhar Waqf Institution owned by the Al-Azhar Indonesia Foundation.<sup>41</sup> Many *waqifs* of Sharia life insurance usufruct who join submit *waqf al-manafi'* because this kind of *waqf* do not harm the *waqif*.

Second, the *waqf al-manafi'* can motivate the benefactors (especially those who endow their money) to make further endowments of usufruct, especially when they are informed that the value of the usufruct from their endowment is higher than the nominal value of the endowment they provided.

Third, usufruct endowments greatly assist *pesantrens*, especially when they face financial difficulties. *Waqf al-manafi'* greatly assist *pesantrens* during crucial and critical moments. For example, at important and critical moments when the *pesantren* is visited by important guests such as national and international figures, but the *pesantren* does not have a villa or hotel for these important guests. Thus, with the *waqf al-manafi'* provided by a villa or hotel owner, the *pesantren* can accommodate those important guests in very decent and luxurious lodging. Then, at a crucial and urgent moment when the *pesantren* needed money for the construction of a school building, while their financial condition was severely depleted and it was impossible to build such facilities. Thus, with the usufruct endowment (*waqf al-manafi'*) provided by an owner of a substantial savings fund, the *pesantren* was able to build the school building and could pay it off later, after the usufruct endowment matured. The funds whose usufruct was endowed could provide an advance for financing the construction of dormitories at the *pesantren*. Then, at a crucial and urgent moment when the *pesantren* needed the expertise of an architect to create design drawings for the building to be constructed, while the *pesantren* did not have human resources capable of making building design drawings. Thus, with the *waqf al-manafi'* of the professional services of an architect provided by an architect, the school received the expected building design. At a crucial and urgent moment when the *pesantren* needed a doctor's expertise to cure the illnesses of its students, while the school could not afford to hire a doctor at a high cost. Thus, with the *waqf al-manafi'* of the professional expertise of a doctor who dedicates his/her skills, the *pesantren* receives free medical treatment and care for its students and teachers. Lastly, at a crucial and urgent moment when the *pesantren* needed the expertise of a notary to create agreements and legal documents for the *pesantren*, while the financial condition of the *pesantren* was truly dwindling and it was impossible to pay for the notary's services. Thus, with the *waqf al-manafi'* of the professional services of a notary who helped create agreements and legal documents, the *pesantren* received the agreements and other important documents from the notary free of charge.

Fourth, the *waqf al-manafi'* can be done by all social classes, from the lower social strata to the upper social strata. High social classes who own hotels, apartments, cars, and private jets, who have bank accounts and insurance policies, and who have significant investments and extensive connections/networks, as well as high positions, high ranks, and high social status, can endow the usufruct of all these. Lower social classes who possess intangible assets such as intelligence, expertise, skills, abilities, genius, cleverness, energy, and physical strength can endow the usufruct of what they possess.

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<sup>41</sup> Yustati, "Signifikansi Wakaf Manfaat Asuransi Melalui Instrumen Asuransi Jiwa Syariah Bagi Lembaga Wakaf Al-Azhar."

This reason is confirmed by Fayadh in his research in Egypt. Many *waqf* benefactors engage in *waqf al-manafi'* because this type of *waqf* can be performed by various groups.<sup>42</sup>

Fifth, *waqf al-manafi'* does not always require costs and spending money. It can be done without incurring any costs at all, such as *waqf al-manafi'* in the skill of reading the Quran, *waqf al-manafi'* in the ability to create building designs (3D-design), *waqf al-manafi'* in the skill of teaching biology, etc. This allows *waqf al-manafi'* to be performed by both those with substantial resources and those with minimal means.

Sixth, the duration of the *waqf al-manafi'* is flexible and not rigid. It can be adjusted according to the wishes of the *waqif*. For example, the benefactor wants to endow the usufruct of the luxury car they own for just 1 year. At the end of the year, the benefactor can terminate the usufruct donation. This makes the *waqf al-manafi'* easy to start and easy to stop if one wants to discontinue it.

This reason is also confirmed by Idris in his research in Egypt.<sup>43</sup> According to his research, the benefactor of usufruct *waqf* is happy to endow usufruct *waqf* because usufruct *waqf* is not rigid but flexible.

Due to the advantages and benefits of *waqf al-manafi'* mentioned above, it is reasonable that the Waqf Department at LAZISWAF Tazakka receives many usufruct *waqf*, namely: (1) usufruct *waqf* of vehicles (cars); (2) usufruct *waqf* of accommodations (villas, hotels, and residences); (3) usufruct *waqf* of money; and (4) usufruct *waqf* of physical services (professions). The benefactors of the usufruct *waqf* also come from four social classes: (1) the business class; (2) the professional class; (3) the academic class; and (4) the government officials class. This shows that usufruct *waqf* has reached many circles and enabled many groups to perform the act of *waqf*. This finding confirms the findings of previous research conducted by Doni Setiadi (2019) in his thesis in the Islamic Religious Studies Program at UIN Walisongo Semarang titled "Wakaf Profesi Dalam Perspektif Fiqih Dan Undang-Undang Wakaf Di Indonesia (Studi Di Pondok Modern Tazakka)" that *waqf al-manafi'* of professional usufruct is a type of *waqf* that is highly sought after by professionals. Proven by the existence of *waqf al-manafi'* of professional usufruct and expertise usufruct *waqf* by professionals such as Mr. Ariston (architect), Mrs. Ida Rachmi (professional physician), Mrs. Beti (professional physician), Mr. Rendi (notary), Mr. Toni (lawyer), Mr. Farid Wajdi (workshop trainer), Mr. Arifin (business consultant), Mr. Akbar Zainudin (workshop trainer), and Mr. Dodi (professional physician).<sup>44</sup> This finding also confirms the findings of previous research conducted by Mulyono Jamal et al. (2023) in their Arabic-language paper titled "Tanmiyah Waqf al-Manāfi min Ajl al-Istiqlāliyah fī Majāli al-Iqtisād: Dirāsah fī Ma'had Tazakkā al-'Aṣrī" (2023), that LAZISWAF Tazakka manages *waqf al-manafi'* of objects (vehicles) and *waqf al-manafi'* of professions/expertise.<sup>45</sup>

### **Management of Waqf al-Manafi'**

The Quranic verse that encourages *waqf* (Surah Al-Imran 92) and the *hadiths* of the Prophet SAW that encourage *waqf* (narrated by Imam al-Bukhari, Imam Muslim, and narrated by Imam Ahmad Ibn Hanbal) serve as references for the duties of a *nazhir* or *waqf* management institution. From the Quranic verse in Surah

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<sup>42</sup> Fayadh, "Waqf al-Manafi' fi al-Fiqh al-Islami."

<sup>43</sup> Idris, "Waqf al-Manafi'."

<sup>44</sup> Setiadi, "Wakaf Profesi Dalam Perspektif Fiqih Dan Undang-Undang Wakaf Di Indonesia: Studi Kasus Di Pondok Modern Tazakka - Walisongo Repository."

<sup>45</sup> Jamal et al., "Tanmiyah Waqf Al-Manāfi Min Ajl al-Istiqlāliyah Fī Majāli al-Iqtisād."

Al-Imran 92, it can be concluded that the *nazhir* is tasked with safeguarding the assets cherished by the *waqf* donors so that these assets continuously serve as a source of reward for the donors and a source of usufruct for the recipients of the *waqf* (*mawquf 'alayh*). *Nazhir* guarantees the continuity of the donor's rewards and ensures the ongoing usufruct for the recipients of the *waqf*. Whereas from the *hadiths* of the Prophet SAW narrated by Imam al-Bukhari, Imam Muslim, and Imam Ahmad Ibn Hanbal, it is concluded that the *nazhir* is tasked with preserving the existence of the *waqf* ("do not sell it, do not gift it, do not inherit it," "hold onto the physical land," "maintain the trees," "hold onto the agricultural land") from destruction and loss, and the *nazhir* is tasked with ensuring the continuity of the *waqf*'s usufruct for the recipients of the *waqf* ("donate its benefits, donate its yields, distribute the proceeds of the *waqf* among your closest relatives," "distribute the yields from its farms"). *Nazhir* views the *waqf* donors as servants of Allah who sacrifice their beloved possessions for the public interest of the community, thus *nazhir* holds the highest respect for the *waqf* donors. The proof of his utmost respect for the *waqf* donors is by diligently preserving the existence of the *waqf* assets from extinction and destruction, as well as ensuring the continuity of the usufruct of the *waqf* assets for the community.

Furthermore, the Quranic commentator of the above verse (Imam Ibn Kathir) and the narrators of the Prophet's *hadiths* (Imam al-Bukhari, Imam Muslim, and Imam Ahmad Ibn Hanbal), who all convey the teachings of *waqf* to their readers, implicitly explain another duty of the *nazhir*, which is to socialize *waqf* and disseminate teachings and education about *waqf* to the community, so that Muslims are willing, eager, and inclined to immediately engage in *waqf*.

The tasks of the *nazhir* entrusted by the Quran, by the *hadith* of the Prophet SAW, by the Quranic interpreters, and by the narrators of the Prophet's *hadith* SAW are reflected in the organizational structure of LAZISWAF Tazakka. In the organizational structure of the Waqf Department, there are the Asset Development and Maintenance Divisions, the Productive Waqf Development Division, the Vehicle Asset Division, the Waqf Holding Division, and the Corporate and Partnership Division. These five sections are tasked with preserving the existence of *waqf* ("do not sell it, do not give it away, do not inherit it," "hold onto the physical land," "maintain its trees," "hold onto the plantation land") from destruction and loss. In addition, within the Waqf Department, there are also the Ziswaf OPPM Guidance Section (a special section who supervises Waqf Organization by Pondok Modern Tazakka's Students Organization), the Waqf Fundraising Section, the Waqf Development Section, as well as the Media Center Section and the Public Relations Section. These five sections perform functions similar to the Quranic interpreter's commentary of the above verse (Imam Ibn Kathir) and the narrators of the Prophet's *hadiths* (Imam al-Bukhari, Imam Muslim, and Imam Ahmad Ibn Hanbal), all of whom convey the teachings of *waqf* to prospective *waqf* donors, socialize *waqf*, and disseminate the teaching and education about *waqf* to the community, so that Muslims are willing, eager, and inclined to immediately engage in *waqf*.

Meanwhile, the Waqf Distribution Section and the Development & Infrastructure Section both function to ensure the continuity of the usufruct of *waqf* for the recipients, as mandated by the *hadiths* of the Prophet SAW mentioned above ("donate its benefits, donate its results, distribute the proceeds of *wakaf* among your closest relatives," "distribute the results from its gardens").

In order for the performance of the *nazhir* institution to remain consistently reliable, the *nazhir* institution must meet two types of criteria, namely: (1) national legal criteria, and (2) professional criteria.

The legislative criteria are formulated in the Republic of Indonesia Law Number 41 of 2004 concerning Waqf and in the explanation of the Waqf Empowerment Directorate of the Directorate General of Community Guidance of the Indonesian Ministry of Religious Affairs, while the professional criteria are formulated by *waqf* experts, such as Jaharuddin and Yenni Samri Juliati Nasution.

The legal criteria that must be met by the *nazhir* institution to ensure its performance remains consistently reliable are as follows: (1) Members of the *nazhir* institution must be Indonesian citizens, Muslim, adults, and trustworthy; (2) Members of the *nazhir* institution must be physically capable (not categorized as disabled) and mentally capable (not insane); (3) Members of the *nazhir* institution must not be hindered from performing legal actions (not imprisoned/detained); (4) At least one of the *nazhir* institution's administrators must reside in the district/city where the *waqf* property is located.

In the Republic of Indonesia Law Number 41 of 2004 concerning Waqf, several requirements that must be met by *nazhir* institutions to legalize their existence are also explained, namely: (1) The *nazhir* institution is an Indonesian legal entity established in accordance with the applicable laws and regulations; (2) The *nazhir* institution is an organization/legal entity that operates in the fields of social, educational, community, and/or Islamic religious activities; (3) The *nazhir* institution must have a notarial deed of establishment and articles of association, a list of the management structure, household budget, work program in the development of *waqf*, a list of assets derived from *waqf* property that is separate from other assets or that are the organization's assets, and a declaration letter stating willingness to be audited; (4) The *nazhir* institution must register with the Minister of Religious Affairs through the Office of Religious Affairs or the representative of the Indonesian Waqf Board (BWI) in the province or district/city to obtain proof of *nazhir* registration; (5) the *nazhir* institution must be able to carry out its *nazhir* duties: (a) administration of *waqf* assets; (b) management and development of *waqf* assets; (c) supervision and protection of *waqf* assets; and (d) reporting on the implementation of its *nazhir* duties to the Indonesian Waqf Board (BWI); (6) the *nazhir* institution must meet the "moral requirements" (understanding of *waqf* and ZIS (Zakat, Infaq, Sadaqat) law, both from the perspective of sharia and Indonesian state legislation, honest, trustworthy, and fair so that it can be trusted in the management of *waqf*, resistant to temptation, especially regarding business development, choices, diligent and fond of challenges, and possess intelligence, both emotional and spiritual); (7) The *nazhir* institution must meet the "management requirements" (having good capacity and capability in leadership, being visionary, possessing good intellectual, social, and empowerment intelligence, being professional in asset management, and having a clear work program); (8) The *nazhir* institution must meet the "business requirements" (having desire, having experience or being ready for an internship, and having the sharpness to see business opportunities like an entrepreneur does).

Meanwhile, the professional criteria that must be met by the *nazhir* institution are as formulated by *waqf* experts, such as Jaharuddin and Yenni Samri Juliati Nasution, namely: (1) the *nazhir* institution must have religious competence, specifically competence in the field of "*sharia knowledge and experience, along with the purpose of the waqf institution, which is to preach and convey the teachings of Islam to humanity*"; (2) The *nazhir* institution must possess business, managerial, and entrepreneurial competencies, namely the competency of "*the nazhir's ability to maintain, safeguard, protect, utilize, develop, invest, and distribute the results or profits of waqf to the entitled parties*," according to modern corporate management

standards; (3) The *nazhir* institution must possess skills not only in the field of Sharia but also, preferably, in the fields of law, management, and business; (4) The *nazhir* institution must have a good attitude, in accordance with the example set by Prophet Muhammad SAW, namely the qualities of *sidiq*, *amanah*, *fathanah*, and *tabligh*; (5) The *nazhir* institution must have good integrity, meaning it possesses seriousness and dedication in its work, always supported by positive character traits; (6) The *nazhir* institution must have a high work ethic, where it will work hard, smart, and sincerely; (7) The *nazhir* institution must implement the SOPs set by the government, so as to achieve good results; (8) The *nazhir* institution must possess creativity and be a lifelong learner, so it never stops discovering new creations to develop the trust being managed; (9) The *nazhir* institution must possess good leadership qualities, so that it can manage its subordinates and team to work together and achieve the best results; (10) The *nazhir* institution must be able to establish partnerships (networking), so that the managed *waqf* assets can develop further and provide more usufruct by expanding the network.<sup>46</sup>

Referring to the aforementioned legal and professional criteria, the Waqf Department within LAZISWAF Tazakka has met these criteria, namely the legal and professional criteria. As a *nazhir* institution, the Waqf Department at LAZISWAF Tazakka is composed of Indonesian citizens, Muslims, adults, and trustworthy individuals, who are not disabled or mentally ill, not involved in legal violations, not detainees, and reside in the area where the waqf assets are located, namely in the vicinity of Bandar District and Batang Regency, Central Java.

The members of the Waqf Department in LAZISWAF Tazakka are selected people—chosen by the *kiai* and senior *ustadz*—who understand the laws of *waqf* and ZIS, both in the review of sharia and state legislation of the Republic of Indonesia, honest, trustworthy and fair so that they can be trusted in the process of waqf management, resistant to temptation, have good capacity and capability in leadership, visionary, have good intelligence intellectually, socially and empowerment, professional in the field of asset management, and have a clear work program, have the desire, have experience or are ready to be traded, and have the acumen to see business opportunities as befits an entrepreneur, have religious competence, namely competence in the field of shar'i science and experience, coupled with the purpose of the *waqf* institution, namely in order to preach and convey the teachings of Islam to mankind, have business, managerial and entrepreneurial competence, namely the competence of the *nazhir's* ability to maintain, safeguard, protect, utilize, develop, invest and distribute the usufruct of *waqf* to those entitled to receive them according to modern corporate management standards, has skills that are not only from the field of sharia, but it is even better if it is complemented by the fields of law, management and business, has a good attitude, in accordance with what is exemplified by the Prophet Muhammad SAW, namely the traits of *sidiq*, *amanah*, *fathanah*, and *tabligh*, has good integrity, in the sense that he has sincerity and seriousness in his work which is always supported by positive characters, has a high work ethic, where he will work hard, smart, and sincere, implementing SOPs that have been set by the government; he has creativity and is a learner, so that he never stops to find new creations to develop the mandate that is being managed, has a good leadership spirit, so that he is able to manage his subordinates and team to jointly do the best, and is able to establish partnerships (networking), so that the *waqf* object that is managed is growing and providing more usufruct by expanding the network.

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<sup>46</sup> Yenni Samri Juliati Nasution, *Manajemen Zakat Dan Wakaf* (Medan: FEBI UIN-SU Press, 2021).

In short, the administrators selected in the organizational structure of the Waqf Department at LAZISWAF Tazakka are those who are able to carry out their *nazhir* duties: (1) administration of *waqf* assets; (2) management and development of *waqf* assets; (3) supervision and protection of *waqf* assets; and (4) reporting on the implementation of their *nazhir* duties to the Indonesian Waqf Board (BWI).

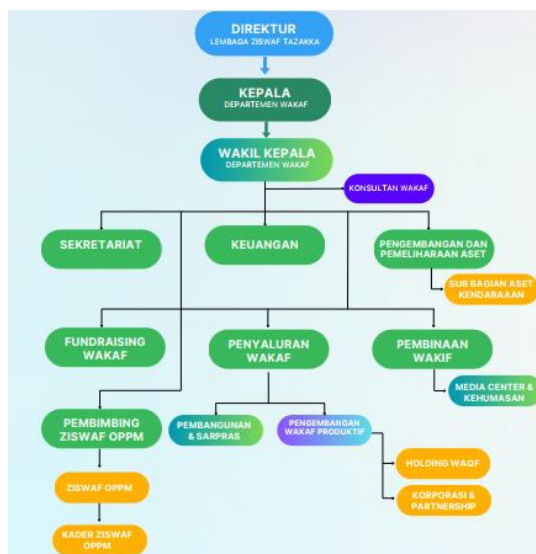
In terms of official state documents, the Waqf Department at LAZISWAF Tazakka is an Indonesian organization/legal entity that has been formed in accordance with applicable laws and regulations, which is engaged in Islamic education and religion, has a notarial deed of establishment and articles of association, a list of board members, work programs in the development of *waqf*, a list of assets derived from *waqf* assets that are separate from other assets or which are organizational assets and have a statement letter willing to be audited, and have registered themselves with the Minister of Religion through the Office of Religious Affairs or representatives of the Indonesian Waqf Board (BWI) in the province or district/city in order to obtain proof of *nazhir* registration.

Thus, the Waqf Department at LAZISWAF Tazakka is legally valid, professionally valid, and shar'i valid as a *waqf nazhir* institution for *waqf* donors who wish to endow their assets. It fulfills the requirements of the hadiths of the Prophet SAW, from the mufassir of the Quran, from the hadith narrators, and the requirements of the legislation of the Republic of Indonesia and the requirements of professionalism as a *nazhir* institution registered by the Indonesian Waqf Board, so that anyone who endows their property and assets to the Waqf Department at LAZISWAF Tazakka is legally valid, legally valid and professionally valid.

In accordance with the criteria that must be met by *nazhir* institutions in terms of legislation and in terms of professionalism, the Waqf Department at LAZISWAF Tazakka carries out *waqf al-manafi'* management in accordance with the criteria set earlier, namely by carrying out management functions abbreviated as POLC (*Planning, Organizing, Leading, Controlling*). **Planning**: determining in advance what will be done and who will do it or determine the goals first and develop ways to achieve these goals effectively and efficiently. **Organizing**: assigning tasks, grouping tasks, allocating the human resources needed to carry out the planning. **Leading**: leading, influencing, and motivating employees to perform their assigned tasks, creating a conducive atmosphere for employees to work optimally. **Controlling**: monitoring performance in order to achieve the goals set at the planning stage, setting performance standards, measuring performance, acting if there is a deviation from the intended goals.

The Waqf Department carries out the planning function when it determines the target number of *waqifs* who will be targeted to become *waqifs* at LAZISWAF Tazakka. The planning function is also carried out when the Waqf Department determines the *waqf al-manafi'* target that must be achieved within a year, the fundraising strategy that will be used in attracting *waqifs* of *waqf al-manafi'*, how to socialize and provide teaching about the advantages of *waqf al-manafi'* to prospective *waqifs*, and others.

The Waqf Department carries out the organizing function when it determines who is in charge of being a fundraiser or *waqif-finder*, determines what his duties are, determines what strategies are used to attract *waqif*, and determines the time when the target must be achieved. This organizing function is also carried out by the Waqf Department to determine the formation of the organizational structure of the Waqf Department and determine the parts and sub-sections in it, as seen in the structure as follows:



Picture: Organization Structure of ZISWAF Management

The Waqf Department carries out the leading function when it directs and guides the appointed fundraisers in the implementation of planning and the execution of tasks that have been determined in the organizing process. The actuating function is also carried out when the Waqf Department assigns its management to participate in the national certification of *waqf nazhir* organized by the Indonesian Waqf Board (BWI) periodically.

The Waqf Department carries out the controlling function when it monitors, supervises and supervises the fundraiser, provides input, and ensures that the targets and objectives set at the planning stage run smoothly, according to plan, and achieve the target. The controlling function is also carried out when the Waqf Department carries out maintenance of *waqf* assets entrusted to the Waqf Department for *waqf al-manafi'*. In addition to the objects entrusted to be maintained, the *waqif* must also be maintained: maintained friendship, maintained trust in the *nazhir*, given reports on the *waqf al-manafi'* periodically, continued to be bound and addressed. Waqf of transportation usufruct (cars) are also maintained by providing periodic services. Objects entrusted to LAZISWAF Tazakka are kept in good condition, so that the *waqf al-manafi'* of the goods/objects can be maximized. The more the *waqif's* property is preserved, the more *waqf al-manafi'* is provided and the *waqif* has more trust in the *nazhir*.

Carrying out the POLC management function by the Waqf Department is in accordance with the statutory provisions stipulated by the Indonesian Law on Waqf that the *nazhir* institution must be able to carry out its *nazhir* duties: (1) administration of *waqf* assets; (2) management and development of *waqf* assets; (3) supervision and protection of *waqf* assets; and (4) reporting on the implementation of their duties to the Indonesian Waqf Board (BWI).

Performing the POLC management function by the Waqf Department is also in accordance with the "management requirements" set by the Ministry of Religious Affairs, which states that *nazhir* institutions must have good capacity and capability in leadership, be visionary, have good intellectual, social and empowerment intelligence, be professional in the field of asset management, and have a clear work program.

Performing the management function of POLC by the Waqf Department is also in accordance with the provisions set by *waqf* experts, such as Jaharuddin and Yenni Samri Juliati Nasution, that the *nazhir* institution must have managerial competence, namely the competence to maintain, safeguard, protect, utilize, develop, invest and distribute the usufruct of *waqf* to the parties entitled to receive it, according to modern corporate management standards, and the *nazhir* institution must have a good leadership spirit, so that he is able to manage his subordinates and team to do the best together.<sup>47</sup>

## Conclusion

Based on the present authors' findings and analysis, it is concluded that LAZISWAF Tazakka chooses the management of *waqf al-manafi'* for several reasons: (1) *waqf al-manafi'* can be done by many novice *waqifs*; (2) *waqf al-manafi'* does not harm the *waqif* because it does not eliminate the *waqif's* ownership rights over the property they endow; (3) *waqf al-manafi'* can motivate *waqif* to endow again because the duration of *waqf al-manafi'* is flexible and not rigid; (4) *waqf al-manafi'* is very helpful for *pesantrens* when they face financial difficulties; and (5) *waqf al-manafi'* does not always incur costs. The five reasons above find their justification and concrete evidence in the fact that LAZISWAF Tazakka has successfully attracted four social groups that have become fanatical *waqif* of *waqf al-manafi'*, namely: (1) business people; (2) professionals; (3) academics; and (4) government officials. This shows that usufruct *waqf* has reached many groups and enabled many groups to perform the act of *waqf*. From the four social groups mentioned earlier, LAZISWAF Tazakka receives four types of *waqf al-manafi'*, namely: (1) *waqf al-manafi'* of vehicles (cars); (2) of accommodations (villas, hotels, and residences); (3) of money; and (4) of physical services (professions/skills/expertise).

In addition, *waqf al-manafi'* has characteristics that attract the attention of *waqf* donors from four social groups, which causes these donors to be loyal and fanatical in continuing to give their *waqf* because LAZISWAF Tazakka successfully maintains them and because their *waqf al-manafi'* is well-managed by LAZISWAF Tazakka according to modern management functions, namely POLC (*Planning, Organizing, Leading, Controlling*). From the perspective of legal compliance and the institution's legality as a *waqf* manager (*nazhir*), LAZISWAF Tazakka has met the following criteria: (1) Its official status is recognized by the state through the Indonesian Waqf Board (BWI); (2) all managers within the *nazhir* institution are rigorously selected, possessing extensive knowledge about *waqf*, especially *waqf al-manafi'*, understanding the management functions (POLC) well, and applying them in every activity and operation of the *nazhir* institution; (3) the selected *waqf* institution demonstrates trustworthiness in maintaining the *waqf al-manafi'* assets entrusted to it, conducting regular maintenance, and ensuring that the assets of the *waqf al-manafi'* are well-guarded; (4) the *nazhir* institution provides reports to the BWI and to each *waqf al-manafi'* endower regularly and continuously; (5) the *nazhir* institution interacts with prospective donors of *waqf al-manafi'* in a friendly and flexible manner, not rigid, because it is very adaptable and anti-rigid. The five criteria met by LAZISWAF Tazakka make it credible and accountable as a *waqf al-manafi'* management institution.

Nevertheless, LAZISWAF Tazakka has two weaknesses in the management of *waqf al-manafi'* that need to be addressed, namely: (1) the annual change of management which causes inefficiency due to the need for retraining; and (2) the

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<sup>47</sup> Nasution, *Manajemen Zakat Dan Wakaf*.

maintenance of *waqif* is not optimal because *waqif* of *waqf al-manafi'* who have conducted their *waqf al-manafi'* are no longer contacted and offered to contribute *waqf al-manafi'* again as a result of the annual change of the Waqf Department management and the absence of documentation from the previous management.

All in all, if *waqf al-manafi'* is well-managed by a trustworthy *nazhir* institution owned by a *pesantren*, it can benefit it at maximum with the usufruct which the *pesantren* obtains. In turn, the well-managed *waqf al-manafi'* can significantly enhance the sustainability of quality education in *pesantrens*, contribute to the economic welfare of the Muslim community, enable *pesantrens* to maximize their impact, ensure financial stability, foster the institution's educational mission, as well as empower Islamic education.

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