

Waqf Regulation: Potential and Social Problems of Mosque-Based

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***Waqf* Regulation: Potential and Social Problems of Mosque-Based Productive *Waqf* Management**

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Abstract

Waqf land in Indonesia is very large and very wide. But there has not been a maximum productive *waqf* management. The management of productive *waqf* that can be done is mosque-based. This article attempts to study the potential and social problems of mosque-based productive *waqf* management. It explored mosques in the study ranging from 'The *Jami*' mosque of Batanghari of East Lampung Regency, Babussalam Pekalongan Mosque of East Lampung Regency, Taqwa Mosque of Punggur, Central Lampung Regency, and Al-Muhajirin Mosque Abung Semuli of North Lampung Regency. Of the four mosques studied, it can be stated that all have the potential to be carried out productive *waqf* management considering assets like yard and strategic location and have strategic position to build businesses centres like shops / minimarkets, BMT, food stalls, clinics, schools, fish ponds.

Despite the existence of the Law on *Waqf* that allows the *Nazhir* to get not more than 10% of the profit, the *waqf* treasures of the mosques are not well managed by the *nazhir*, especially in its utilization.

Keywords: *Nazhir*; *Waqf*; Management; Mosque; *Waqf* Regulation.

A. Introduction

Waqf which is narrated in Islam is not only in the aspect of worship but also in the socio-economic dimension,¹ which is in line with the development of Muslims. It has evolved throughout the history of the development of Islam.² In the history of Islam, *waqf* has played an important role in Islamic civilization and become an economic instrument.³ Although *waqf* has had a significant contribution, but there is still found the management of *waqf* land has not been done to the maximum. Even though the number of locations and area of *waqf* land in Indonesia is very potential.

Based on data from the Ministry of Religious Affairs on *Waqf* Information System, *waqf* land has an area of 53,941.91 h.⁴ The potential of the *waqf* land can contribute significantly to the economy of the *ummah* and the interests of Islam in Indonesia. Bank Indonesia identified *waqf* land assets in Indonesia and has reported that its economic potential reached 370 trillion,⁵ yet they have not been optimally managed productively. *Waqf* land use is intended for 44.16% for

1 Siti Rochmiyatun, "Problematika Pengelolaan Tanah Wakaf Produktif Berbasis Masjid," *Nurani: Jurnal Kajian Syari'ah dan Masyarakat*, Vol. 18, No. 1, 2018, p. 87.

2 Jafril Khalil, *Standardization of Cash Waqf Profesional Nazir*, Jakarta: Indonesian Waqf Board, 2011, p. 87.

3 Anwar Pitchaya, Ahamed Kameel Mydin Meerab, dan Muhammad Yusuf Saleem, "Priority of Waqf Development Among Malaysian Cash Waqf Donor: An AHP Approach," *IIUM Institute of Islamic Banking and Finance* 3, Vol. 3, No. 1, 2014, p. 14.

4 Direktorat Pemberdayaan Zakat dan Wakaf, "Data Tanah Wakaf," in <http://siwak.kemenag.go.id>, accessed 1 February 2021.

5 Sigit Kamseno, "Perlunya Revisi PP 13/2010 untuk Kemajuan Wakaf Produktif," dalam <https://bimasislam.kemenag.go.id/post/opini/perlunya-revisi-pp-132010-untuk-kemajuan-wakaf-produktif>, accessed on 1 February 2021.

mosques, 28.21% for *musholla*, 10.67% for schools, 3.68% for *pesantren*, 4.46% for tombs, and 8.84% for other social affairs.⁶ This shows that *waqf* assets in Indonesia tend to focus only on worship activities while pay less attention to economic empowerment of the *ummah*.⁷ Based on a survey conducted by the Center for the Study of Religion and Culture (CSRC) that *waqf* assets are used productively only 23%. Of which are 19% in the form of land / gardens, 3% in the form of shops and 1% in the form of fish farms.⁸

As long as the studies on the potential of mosque-based productive *waqf* management are concerned, they tend to concern two aspects. One of which is the opportunity to manage *waqf* productively for the community.⁹ Another one is the problem of productive *waqf* management in the community.¹⁰ Both tendencies ignore mosque-based productive endowments. The birth of the *Waqf* Law brings hope to all parties to be able to utilize *waqf* as a mean of empowerment of the people.¹¹ The productive *waqf* paradigm is carried

6 Direktorat Pemberdayaan Zakat dan Wakaf, "Data Tanah Wakaf," in <http://siwak.kemenag.go.id>, accessed on 1 February 2021.

7 Rozalinda, *Manajemen Wakaf Produktif*, Jakarta: PT Raja Grafindo Persada, 2015, p. 5.

8 Tuti A. Najib dan Ridwan Al-Makassary, *Wakaf Tuhan dan Agenda Kemanusiaan, Studi Tentang Wakaf dalam Perspektif Keadilan Sosial di Indonesia*, Jakarta: Center for the Study of Religion and Culture, 2006, p. 123-124.

9 Dharma Satyawana, Achmad Firdaus, dan Bayu Taufiq Possumah, "Analisis Strategi Pengelolaan Wakaf Produktif di Indonesia," *Al-Kalam Jurnal Komunikasi, Bisnis dan Manajemen*, Vol. 5, No. 2, 2019, p. 49-64; Ahmadan B. Lamuri, "Pengelolaan Wakaf Alkhairaat Palu Sulawesi Tengah," *HUNafa: Jurnal Studia Islamika*, Sulawesi Tengah, LP2M Institut Agama Islam Negeri Palu, Vol. 11, No. 2, 2014, p. 315-346; Nilna Fauza, "Rekonstruksi Pengelolaan Wakaf: Belajar Pengelolaan Wakaf dari Bangladesh dan Malaysia," *Universum: Jurnal Keislaman dan Kebudayaan*, Jawa Timur, LP2M IAIN Kediri, Vol. 9, No. 2, 2015, p. 161-171.

10 Resfa Fitri dan Heni P. Wilantoro, "Analisis Prioritas Solusi Permasalahan Pengelolaan Wakaf Produktif (Studi Kasus Kabupaten Banjarnegara)," *Al-Muzara'ah*, Vol. 6, No. 1, 2018, p. 41-59; Firman Muntaqo, "Problematika dan Prospek Wakaf Produktif di Indonesia," *Al-Ahkam*, Vol. 1, No. 25, 2015, 83-108; Muhammad Afdi Nizar, "Pengembangan Wakaf Produktif di Indonesia," 2017, p. 1-48.

11 Muhammad Al Faruq, "Wakaf dalam Pemberdayaan Umat," *Salimiya: Jurnal Studi Ilmu Keagamaan Islam*, Vol. 1, No. 2, 2020, p. 71.

out by Law No. 41 of 2004 on *Waqf* to renew and expand the *waqf* object,¹² which was previously regulated in Government Regulation No. 28 of 1977 on Property Representation. The potential of *waqf* assets should be able to be managed properly and optimally as a productive endowment. The area of land used for mosque buildings turns out that its utilization does not waste the entire land so that the spare land of the mosque can be utilized as a model of productive *waqf* based on the mosque.

Based on the observations, there are several mosques that have potentials to be managed as productive *waqf* based on mosques. The management of productive *waqf* based on mosques is to utilize the remaining mosque *waqf* land from the mosque building. The potentials of some mosques that have the prospect to be managed productively with the criteria are still leftover land outside the mosque building and strategic location. A strategic location is one that is on a fairly crowded street, especially if it is near to the market. Based on these criteria, it has been identified several mosques that have the potential and prospects to be managed productively. Some of these mosques are The *Jami'* mosque of Batanghari, East Lampung Regency, Babusalam Pekalongan Mosque, East Lampung Regency, Taqwa Punggur Mosque, Central Lampung Regency, Al-Muhajirin Mosque Abung Semuli North Lampung Regency. This article attempts at elaborating the potential and social problems of mosque-based productive *waqf* management.

B. Empowerment of *Waqf* Land

By rejecting the strategic value of *waqf*, addressing *waqf* is likely similar to find a breakthrough to improve the welfare of people's economic life.¹³ In efforts to develop and empower *waqf* land, *nazhir* has

12 Eva Mir'atun Niswah, "Problematika Yuridis Wakaf Hak Kekayaan Intelektual di Indonesia," *Volksgeist: Jurnal Ilmu Hukum dan Konstitusi*, Vol. 1, No. 2, 2018, p. 124.

13 Direktorat Pemberdayaan Zakat dan Wakaf, *Panduan Pemberdayaan Tanah Wakaf Produktif Strategis di Indonesia*, Jakarta: Dirjend Binmas, 2003, p. 96.

an important role in carrying out duties,¹⁴ such as his understanding in Law No. 41 of 2004 on *Waqf*.¹⁵ If *nazhir* is able to manage and develop *waqf* property, then it can be ascertained that *waqf* property will be more productive.

Strategic productive *waqf* lands can be empowered to the maximum in the form of:¹⁶

a. *Waqf* assets that produce goods and services

Theoretically, Islam recognizes land as a factor of production. Therefore, *waqf* land that is considered strategic to be managed productively in order to increase the value of *waqf* for the welfare of many people. This form of management is realized in the forms of business that can generate profits, either through goods or services.

b. *Waqf* assets in the form of business investments

This *waqf* asset is the wealth of the *nazhir* institution resulting from the successful management of goods or services to be developed through investment to third parties or other *waqf nazhir* institutions. The form of business investment that will be carried out must meet *sharia* standards, namely *musyarakah* and *mudharabah*.

Before the *nazhir waqf* starts a productive business, it is important to observe the environmental situation carefully to predict what efforts are suitable to manage the existence of *nazhir* land and considered strategies to achieve optimal results. For this reason, the following questions is set forth.¹⁷ The questions are; Is there any possibilities for productive business opportunity for the location of *nazhir* land? Are the dynamics of the business that will be done have been known to be true, starting from how to start it, make, sell (market), store, to how to get usha capital? Are there competitors and potential

14 Murtadho Ridwan, "Nazhir Profesional Kunci Kesuksesan Wakaf Produktif," *Jurnal Muqtasid*, Vol. 3, No. 1, 2012, p. 102.

15 Zulfadli Hamzah, "Peran Nazir dalam Mengembangkan Wakaf Produktif," *Jurnal EKonomi KIAT*, Vol. 26, No. 1, 2016, p. 38.

16 Direktorat Pemberdayaan zakat dan Wakaf, *Panduan Pemberdayaan Tanah Wakaf Produktif Strategis di Indonesia*, p. 106.

17 *Ibid.*, p. 111-112.

competitors in the field of business and to what extent have those competitors been recognized? How big will the market be? If the business to be done requires a supplier, is it known who will be the supplier and whether there are other potential suppliers? Where the business is in the form of goods, how is it known the technique of making the goods in question? How much capital is already in hand or what if it requires a loan or investment from a third party in order to increase capital? How to get necessary workers? Is it understood the procedures of using the necessary equipment? Have all regulations that concern the business field, such as interference laws, business licenses, taxes, official quotes, cleanliness, urban planning and so on been recognized?

The list of the questions above would be helpful to identify business opportunities. Once environmental situation through the list of questions above is known, the analysis of the strengths and weaknesses by identifying what is known, mastered, and owned as the internal situation of the supporter.

If the identification of business opportunities has been done and the identification of business alternatives has been obtained, the productive empowerment steps have begun with the first step of the five steps that must be done by the *nazhir* institution, namely: (1) choosing business opportunities and types of business fields; (2) establishing or forming a business entity; (3) preparing for business activities; (4) planning business activities; (5) starting the planning process towards business relations.

Categories of strategic productive *nazhir* land and types of businesses that are considered appropriate can be seen in Table 1.

1. Potentials of Productive Nazhir Management of Batanghari Jami' Mosque

The Jami' Mosque of Batanghari is located in Banar Joyo village of Batanghari district of East Lampung district stands on *nazhir* land covering an area of 1500 m², while the area of the main building of the mosque is 100 m², including a terrace area of 143 m². The Jami'

Table 1. Categories of strategic productive *nazhir* land and their types of businesses

Category of Land	Type of Land Location	Business Type	
Rural	Rice fields	- Agriculture	- Fish ponds
	Plantation Land	- Plantations - Tourist attractions	- Home industry
	Farmland or Pasture	- Farming - Real estate	- The garden - Home industry
	Swamp Land	- Fisheries	
	Land of Hills	- Tourist attractions - Buildings - Home industry	- Distillation of mineral water - Etc.
Urban	HighwaySide Land - Near the protocol road	- Office - Shopping Mall - Apartment	- Hotel/inn - Meeting hall - Etc.
	- Near the Main Road	- Office - Shopping Mall - Hospital - Restaurants - Means of Educators - Hotel inn - Etc.	- Apartment - Meeting hall - Gas station - Pharmacy - Internet cafe - Car repair shop
	- Near the Toll Road	- Gas station - Workshop - Etc.	- The restaurant - Outlet
	- Near neighborhood roads	- Housing - Clinic - Means of education - Etc.	- Outlet - Pharmacy - Copy services
	- Land near/ inside the housing	- Means of education - Clinic - Pharmacy - Etc.	- Outlet - Catering - BMT
	- Land near crowds (Markets, Terminals, Stations, Public Schools etc.)	- The restaurant - Workshop - BPRS/ BMT	- Clinic - Service care - Etc.
	Coastal Land	Seafront	- Fish ponds - Handicrafts
	Mangrove Swamp	- Plantations	

mosque of Batanghari stands on land donated by Budiono in 1987.¹⁸

The *Jami'* mosque of Batanghari has potentials to be managed productively. The corner of the mosque courtyard in the east and south is quite wide, the potential for productive management of this *nazhir* land.¹⁹ The southern corner of the mosque courtyard is likely to be built 2 to 3 shops,²⁰ taking into account the location of the land categorized by the ministry, are: Shops, Restaurants, Workshops, BPRS / BMT, *Warung*, Clinics, day care services, and others.

1) Shops

Shops / stalls / mini markets are very likely to sell basic and daily necessities.²¹ Around the mosque / market is also crowded during business hours, considering that in the eastern part of Batanghari market there are schools, Batanghari police, Batanghari Religious Affairs Office, and adjoining the housing of residents of several complexes and residential alleys. If the congregations of the mosque²² have awareness and commitment to shop in the shops/stalls/minimarkets The *Jami'* mosque of Batanghari, it can improve welfare by involving in the capital of the business. Related to this effort, SWOT analysis is presented in Table 2.

Based on the SWOT analysis, the shops/minimarkets business is quite potential and has the opportunity to be done in the courtyard of The *Jami'* mosque of Batanghari.

2) BPRS/BMT

Sharia People's Financing Bank (BPRS) or *Baitul Maal wa Tamwil* (BMT) can potentially be done in the land *nazhir* courtyard of The *Jami'* mosque of Batanghari. The existence of BMT mosque can be side by side with the mosque shop/stalls/minimarkets. Consumers who are targeted by BMT mosques are market traders, employees / teachers of offices and schools located near the market/mosque, mosque worshippers/residents

18 Interview 4 July 2020.

19 Observation, 30 June 2020.

20 Observation, 30 June 2020.

21 Observation, 30 June 2020.

22 The community around the *Jami'* mosque of Batanghari are majority Muslims, reaching up to 92% of the total inhabitants.

Table 2. SWOT analysis of Shops

<p>Strenght</p> <ul style="list-style-type: none"> - It needs people - Capital from the mosque's coffers and worshippers/ surrounding communities - Strategic location 	<p>Weakness</p> <ul style="list-style-type: none"> - Understanding some Muslims who do not agree with the existence of a shop/ minimarkets in the courtyard of the mosque
<p>Opportunity</p> <ul style="list-style-type: none"> - Clear market segments (mosque worshippers and surrounding communities, in addition to market visitors) - More sales 	<p>Treats</p> <ul style="list-style-type: none"> - A lot of competitors

Table 3. SWOT analysis of BPRS/ BMT

<p>Strenght</p> <ul style="list-style-type: none"> - Can synergize with the mosque shop / minimarkets - It takes mosque worshippers and the surrounding community - Capital from the mosque and the congregation / surrounding community with the concept of cooperatives - Strategic location 	<p>Weakness</p> <ul style="list-style-type: none"> - Understanding some Muslims who do not agree with the existence of business in the courtyard of the mosque
<p>Opportunity</p> <ul style="list-style-type: none"> - Clear market segments (mosque worshippers and surrounding communities, traders in Batanghari market) - Growing awareness of Muslims' awareness of the services of Islamic financial institutions 	<p>Treats</p> <ul style="list-style-type: none"> - A lot of competitors

around who are Muslim. Related to this effort, SWOT analysis is drawn in Table 3.

Based on the SWOT analysis in the Table 3, BMT efforts are quite potential and have the opportunity to be done in the courtyard of 'The Jami' mosque of Batanghari .

3) House/ food stalls

Although in Batanghari market there are already several food stalls, if it can compete well it is quite promising. The business of

food stalls, then the main factors are the taste of food, cleanliness and comfort of the place. Considering the condition of the surrounding community are Javanese, the choice of Javanese cuisine may become alternative for the people around the mosque. Related to this effort, ³SWOT analysis is shown in Table 4.

Table 4. SWOT analysis of House /food stalls

<p>Strenght</p> <ul style="list-style-type: none"> - Can synergize with shops/ minimarkets, BMT mosque - Required traders/ market visitors, mosque worshippers/ surrounding communities - Capital from the mosque and the congregation/ surrounding community with the concept of cooperatives - Strategic location 	<p>Weakness</p> <ul style="list-style-type: none"> - Understanding some Muslims who do not agree with the existence of business in the courtyard of the mosque
<p>Opportunity</p> <ul style="list-style-type: none"> - Market segments are clear (mosque worshippers and the surrounding community, traders/ visitors in batanghari market) 	<p>Treats</p> <ul style="list-style-type: none"> - A lot of competitors

Table 5. SWOT analysis of Fish pond

<p>Strenght</p> <ul style="list-style-type: none"> - Required market visitors, mosque worshippers/ surrounding communities - Capital from the mosque and the congregation/ surrounding community with the concept of cooperatives - Utilizing water used wudhu 	<p>Weakness</p> <ul style="list-style-type: none"> - Can cause an atmosphere and environment that is less comfortable (cleanliness, air is not pleasant)
<p>Opportunity</p> <ul style="list-style-type: none"> - Clear market segments (mosque worshippers and surrounding communities, visitors at batanghari market) 	<p>Treats</p> <ul style="list-style-type: none"> - A lot of competitors

Based on the SWOT analysis in the Table 4, the food stalls business are quite potential and has the opportunity to be done in the courtyard of the *Jami'* mosque of Batanghari .

4) Fish pond

Fish pond efforts can also be done in The *Jami'* mosque of Batanghari, by mandating the water of the former wudhu, which has been abandoned. Potential local fish are highly recommended considering their affordable food. Related to this effort, SWOT analysis is displayed in Table 5.

Based on the SWOT analysis in the Table 5, the fish pond business is quite potential and has the opportunity to be done in the courtyard of The *Jami'* mosque of Batanghari.

2. Potential of Productive Nazhir Management of Babussalam Mosque Pekalongan Lampung Timur

Babussalam Mosque is located in Adirejo village of Pekalongan district of East Lampung district with 1670 m² of *nazhir* land, while the area of the main building of the mosque is 225 m², including a terrace area of 289 m². Babussalam Mosque stands on land donated Sudiono in 1982.²³

The condition of the mosque which is on the side of the main road, near the Pekalongan market area, the district office, health center, polsek, and has a large enough courtyard in the northern part of the mosque, has made this mosque to have potentials to be managed productively. In the corner of the courtyard of the mosque in the east and north that is quite wide, the potential for the management of this *nazhir* land productively.²⁴

Noting the potential possessed by the Babussalam Pekalongan Mosque of East Lampung, which is near the market, is on the main road. So that in the eastern and north corner of the mosque courtyard, it is very possible to build shops. While the efforts that are possible are done, by paying attention to the location of the land, as has been categorized by the ministry, are: Shops, Restaurants, BPRS/BMT, Warung, Warnet, Clinics, Care Services, and others. In addition, paying attention to the real condition of the land yard babussalam Pekalongan mosque, then the business that allows to be done

²³ Interview 8 July 2020.

²⁴ Observation 7 July 2020.

is shops, BPRS / BMT, fish ponds.

1) Shops

Shops/stalls/minimarkets are very likely to sell basic and daily needs are very potential.²⁵ Pekalongan market conditions that are not far from the location of the mosque are quite crowded. Around the mosque is also crowded during working hours due to its border to sub-district offices, Health Centers, Pekalongan Police, schools, Pekalongan Religious Affairs Office, side by side with residents' housing that is already quite dense, consisting of several complexes and residential alleys of residents. Related to this effort, SWOT analysis is demonstrated in Table 6.

Table 6. SWOT analysis of Shops

Strength <ul style="list-style-type: none">- It needs people- Capital from the mosque's coffers and worshippers/surrounding communities- Strategic location	Weakness <ul style="list-style-type: none">- Understanding some Muslims who do not agree with the existence of a shop/minimarkets in the courtyard of the mosque
Opportunity <ul style="list-style-type: none">- Clear market segments (mosque worshippers and surrounding communities, in addition to market visitors)- More sales	Treats <ul style="list-style-type: none">- A lot of competitors

Based on the SWOT analysis, the shops/minimarkets business is quite potential and has the opportunity to be done in the courtyard of Babussalam Pekalongan mosque.

2) BPRS/BMT

Sharia People's Financing Bank (BPRS) or Baitul Maal wa Tamwil (BMT), is very potentially done on the *nazhir* land of Babussalam Pekalongan Mosque. The existence of BMT mosque can be side by side with the mosque shop / stall / mini market. Consumers who are targeted by bmt mosques are market traders, employees/teachers of offices and schools located near the

²⁵ Observation 30 June 2020.

market / mosque, mosque congregations. Related to this effort, analysis can be illustrated in Table 7.

Table 7. SWOT analysis of BPRS/BMT

<p>Strenght</p> <ul style="list-style-type: none"> - Can synergize with the mosque shop/ minimarkets - Required mosque worshippers/ surrounding communities - Capital from the mosque and the congregation/surrounding community with the concept of cooperatives - Strategic location 	<p>Weakness</p> <ul style="list-style-type: none"> - Understanding some Muslims who do not agree with the efforts around the mosque
<p>Opportunity</p> <ul style="list-style-type: none"> - Clear market segments (mosque worshippers and surrounding communities, traders in batanghari market) - Growing awareness of Muslims' awareness of the services of Islamic financial institutions 	<p>Treats</p> <ul style="list-style-type: none"> - A lot of competitors

Table 8. SWOT analysis of Fish pond

<p>Strenght</p> <ul style="list-style-type: none"> - Required market visitors, mosque worshippers/surrounding communities - Capital from the mosque and the congregation/surrounding community with the concept of cooperatives - Utilizing water used wudhu 	<p>Weakness</p> <ul style="list-style-type: none"> - Can cause an atmosphere and environment that is less comfortable (cleanliness, bad smell)
<p>Opportunity</p> <ul style="list-style-type: none"> - Clear market segments (mosque worshippers and surrounding communities, visitors at batanghari market) 	<p>Treats</p> <ul style="list-style-type: none"> - A lot of competitors

Based the SWOT analysis in the Table 7, bmt efforts are quite potential and have the opportunity on to be done in the courtyard of The *Jami'* mosque of Batanghari .

3) Fish pond

Fish pond business can also be done at Babussalam Pekalongan mosque, by mandating the water of the former wudhu.

Possible fish options are gurami, patin or tilapia. Related to this effort, SWOT analysis can be found in Table 8.

Based on the SWOT analysis in the Table 8, the fish pond business is quite potential and has the opportunity to be done in the courtyard of The *Jami'* mosque of Batanghari .

3. Potential of Productive Nazhir Management of Taqwa Mosque of Punggur District of Central Lampung

Taqwa Mosque is located in Tanggul Angin village¹ of Punggur District of East Lampung Regency with a *nazhir* land area of about 2,500 m², the area of the main building of the mosque is 300 m², including a terrace area of 324 m². Taqwa Mosque stands on land that is represented/granted from the assets of the village of Tanggul Angin, there are individual *nazhir* that is Aziz's parents,²⁶ there is also *nazhir* collectively.²⁷

The condition of the mosque¹ which is on the side of the main road, near punggur market, near the district office, KUA (Islamic Affairs Office), Puskesmas (hospital), Police Office, and has a fairly large courtyard in the northern part of the mosque, In addition, there are also schools around the mosque, Islamic Elementary School which belongs to the Mosque Foundation.²⁸ The efforts that are possible to do, taking into account the location of the land, as has been categorized by the ministry are Shops, Restaurants, Workshops, BPRS/BMT, Canteen, Internet Cafe, Clinics, Care Services, and others. Based on the category and type of land location with regard to real conditions, the business that allows to be done are shops/minimarkets, BPRS/BMT, *madrasahs*, clinics, fish ponds.

1) Shops

Shops/stalls/minimarkets is very possible to be built on the

26 Interview, 5 August 2020.

27 Collective *waqf* is the transfer of waqf property that comes from a group of people obtained by collecting funds or waqf property to be used and utilized in the public interest without reducing the value of property.

28 Observation, 7 August 2020.

land of the courtyard of the Taqwa mosque.²⁹ Punggur market conditions that are very close to the mosque are quite crowded, considering that around the market and along the main road already stands shops. Around the mosque is also crowded during working hours. Related to this effort, SWOT analysis is presented in Table 9.

Table 9. SWOT analysis of Shops

<p>Strenght</p> <ul style="list-style-type: none"> - It needs people - Capital from the mosque's coffers and worshippers/surrounding communities - Strategic location 	<p>Weakness</p> <ul style="list-style-type: none"> - Understanding some Muslims who do not agree with the existence of a shop/minimarkets in the courtyard of the mosque
<p>Opportunity</p> <ul style="list-style-type: none"> - Clear market segments (mosque worshippers and surrounding communities, in addition to market visitors) - More sales 	<p>Treats</p> <ul style="list-style-type: none"> - A lot of competitors

Based on the SWOT analysis, the shops/minimarkets business is quite potential and has the opportunity to be done in the courtyard of Taqwa Punggur mosque.

2) BPRS/BMT

Sharia People's Financing Bank (BPRS) or *Baitul Maal wa Tamwil* (BMT), is very potentially done in the land of *nazhir* courtyard of Taqwa Punggur mosque. Similar to the shops / stalls / mini market of the mosque, the consumers who are targeted by the mosque BMT are market traders, employees / office teachers and schools that are near the market / mosque, mosque worshippers / residents around who are Muslim. Related to this effort, SWOT analysis can be seen in Table 10.

Based on the SWOT analysis in the Table 10, BMT efforts are quite potential and have the opportunity to be done in the courtyard of Taqwa mosque.

3) School/Madrasah

²⁹ Observation, 7 August 2020.

Table 10. SWOT analysis of BPRS/BMT

<p>Strenght</p> <ul style="list-style-type: none"> - Can synergize with the mosque shop/ minimarkets - Required mosque worshippers/ surrounding communities - Capital from the mosque and the congregation/surrounding community with the concept of cooperatives - Strategic location 	<p>Weakness</p> <ul style="list-style-type: none"> - Understanding some Muslims who do not agree with the existence of business in the courtyard of the mosque
<p>Opportunity</p> <ul style="list-style-type: none"> - Clear market segments (mosque worshippers and surrounding communities, traders in batanghari market) - Growing awareness of Islamic financial institution services 	<p>Treats</p> <ul style="list-style-type: none"> - A lot of competitors

Table 11. SWOT analysis of School/Madrasah

<p>Strenght</p> <ul style="list-style-type: none"> - Can synergize with shops/ minimarkets, BMT mosque - Needed by the sons/ daughters of mosque worshippers/ surrounding communities - Capital from the mosque and the congregation/surrounding community with the concept of cooperatives - Strategic location - Pages that allow, especially on the back. - Human resources are possible. 	<p>Weakness</p> <ul style="list-style-type: none"> - There is none
<p>Opportunity</p> <ul style="list-style-type: none"> - Clear market segments (sons and daughters of mosque worshippers and surrounding communities) 	<p>Treats</p> <ul style="list-style-type: none"> - A lot of competitors

A potential school/*madrasah* was built in the backyard of a mosque that is still very spacious. Currently, there is already an *ibtidaiyah* (Islamic elementary school) in the front yard of the mosque. But it is currently being built a *madrasah* at the back of the mosque courtyard. According to the Chairman of the

Mosque, enthusiasts to go to *madrasah* are quite high, so they built a *madrasah* at the back of the mosque.³⁰ Related to this effort, SWOT analysis is shown in Table 11.

4) Clinic

The clinic is also very likely to be built and used as a business for the productive management of *nazhir* land in the courtyard of Taqwa mosque. The clinic or hospital in Metro city is about 40 km away, Bandar Jaya is about 60 km away. While the clinic or hospital in Semuli Raya is about 25 km, in South Abung about 40 km, making this business worth considering. While the community's need for health services is very necessary. Related to this effort, SWOT analysis is drawn in Table 12.

Table 12. SWOT analysis of Clinic

<p>Strenght</p> <ul style="list-style-type: none"> - Can synergize with shops/minimarkets, BMT mosque - Required mosque worshipers/surrounding communities - Capital from the mosque and the congregation/surrounding community with the concept of cooperatives - Strategic location 	<p>Weakness</p> <ul style="list-style-type: none"> - Understanding some Muslims who do not agree with the existence of business in the courtyard of the mosque
<p>Opportunity</p> <ul style="list-style-type: none"> - Clear market segments (mosque worshippers and surrounding communities) 	<p>Treats</p> <ul style="list-style-type: none"> - A lot of competitors

5) Fish pond

The existence of the pool can adjust, even under the parking lot is also possible, so it does not require its own location / space. Related to this effort, SWOT analysis is illustrated in Table 13.

d. Potential of Productive Nazhir Management of Al-Muhajirin Mosque of Abung Semuli North Lampung

Al-Muhajirin Mosque is located in Semuli Jaya village of Abung Semuli Lampung Utara district. It stands on *nazhir* land covering an

³⁰ Interview, 5 August 2020.

Table 13. SWOT analysis of Fish pond

<p>Strenght</p> <ul style="list-style-type: none"> - Required market visitors, mosque worshippers/surrounding communities - Capital from the mosque and the congregation/surrounding community with the concept of cooperatives - Utilizing water used wudhu 	<p>Weakness</p> <ul style="list-style-type: none"> - Can cause an atmosphere and environment that is less comfortable (cleanliness, bad smell)
<p>Opportunity</p> <ul style="list-style-type: none"> - Clear market segments (fish traders, mosque worshippers and the surrounding community, visitors at batanghari market) 	<p>Treats</p> <ul style="list-style-type: none"> - A lot of competitors

1 area of 10,000 m², while the area of the main building of the mosque is 225 m² including a terrace area of 320 m². A Muslim Pancasila mosque, Al-Muhajirin mosque stands on land donated by the Indonesian Air Force in 1988. This *nazhir* land according to Nanang has a certificate and is registered as a *nazhir* land.³¹

The location of Al-Muhajirin mosque is very strategic. The condition of the mosque on the side of the main road is located near Semuli Jaya market, both old market and new market, near sub-district offices, Post offices, schools, densely populated settlements.³² Considering the real condition of the land yard of Al-Muhajirin mosque, the business that allows to be done is shops/minimarkets, BPRS/BMT, houses/food stalls, clinics, vehicle storage services, workshops, fish ponds. Almost all the types of businesses recommended by the Ministry of Trade are suitable to be done in the courtyard of Al-Muhajirin Abung Semuli North Lampung mosque.

1) Shops

Shops/stalls/minimarkets are very possible to be built on the land of the courtyard of al-Muhajirin mosque. Semuli Jaya market conditions that are not far from the location of the mosque are quite crowded, around the mosque is also crowded

31 Interview, 9 September 2020 .

32 Observation, 7 July 7 2020.

during working hours, considering that around the mosque there are sub-district offices, POS offices, schools. Likewise around the mosque side by side with the housing of residents of several complexes and residential alleys of residents.³³ Not to mention, if the worshipers of mosques/residents around the Muslim community built a commitment to shop at the store/stalls/minimarkets of Al-Muhajirin mosque. Related to this effort, SWOT analysis is demonstrated in Table 14.

Table 14. SWOT analysis of Shops

<p>Strenght</p> <ul style="list-style-type: none"> - It needs people - Capital from the mosque's coffers and worshippers/surrounding communities - Strategic location 	<p>Weakness</p> <ul style="list-style-type: none"> - Understanding some Muslims who do not agree with the existence of a shop/minimarkets in the courtyard of the mosque
<p>Opportunity</p> <ul style="list-style-type: none"> - Clear market segments (mosque worshippers and surrounding communities, in addition to market visitors) - More sales 	<p>Treats</p> <ul style="list-style-type: none"> - A lot of competitors

2) BPRS/BMT

Sharia People's Financing Bank (BPRS) or *Baitul Maal wa Tamwil* (BMT), is very potentially done in the *nazhir* land of al-Muhajirin Abung Semuli mosque. The location of the bank from the mosque is about 45 km, while the existing BMT is the BMT Fajar Metro branch. Consumers who are targeted by bmt mosques are market traders, employees/teachers of offices and schools located near the market/mosque, mosque congregations. Related to this effort, SWOT analysis can be seen in Table 15.

3) Clinic

Clinics are also very likely to be built and used as businesses, clinics or hospitals in Semuli Raya are about 25 km away, in South Abung about 40 km, making this business worth considering. Related to this effort, SWOT analysis is drawn in Table 16.

³³ Observation, 12 September 2020.

Table 15. SWOT analysis of BPRS/BMT

<p>Strenght</p> <ul style="list-style-type: none"> - Can synergize with the mosque shop/ minimarkets - Required mosque worshippers/ surrounding communities - Capital from the mosque and the congregation/surrounding community with the concept of cooperatives - Strategic location 	<p>Weakness</p> <p>Understanding some Muslims who do not agree with the existence of business in the courtyard of the mosque</p>
<p>Opportunity</p> <ul style="list-style-type: none"> - Clear market segments (mosque worshippers and surrounding communities, traders in batanghari market) - Growing awareness of Islamic financial institution services 	<p>Treats</p> <ul style="list-style-type: none"> - A lot of competitors

Table 16. SWOT analysis of Clinic

<p>Strenght</p> <ul style="list-style-type: none"> - Can synergize with shops/ minimarkets, BMT mosque - Required traders/market visitors, mosque worshippers/ surrounding communities - Capital from the mosque and the congregation/surrounding community with the concept of cooperatives - Strategic location 	<p>Weakness</p> <p>- Understanding some Muslims ho do not agree with the existence of business in the courtyard of the mosque</p>
<p>Opportunity</p> <ul style="list-style-type: none"> - Clear market segments (mosque worshippers and surrounding communities) 	<p>Treats</p> <ul style="list-style-type: none"> - There is a community health center

4) Fish pond

Fish pond business can also be done in Al-Muhajirin mosque, by mandating the water of the former wudhu, the existence of the pond can adjust, even under the parking lot is also possible, so it does not require its own location / space. Possible fish options are gurami, patin or tilapia. Related to this effort, SWOT analysis is displayed in Table 17.

Table 17. SWOT analysis of Fish pond

<p>Strenght</p> <ul style="list-style-type: none"> - Needed by fish traders in the market, mosque worshippers/surrounding communities - Capital from the mosque and the congregation/surrounding community with the concept of cooperatives - Utilizing water used wudhu 	<p>Weakness</p> <ul style="list-style-type: none"> - Can cause an atmosphere and environment that is less comfortable (cleanliness, bad smell)
<p>Opportunity</p> <ul style="list-style-type: none"> - Clear market segments (mosque worshippers and surrounding communities, visitors at batanghari market) 	<p>Treats</p> <ul style="list-style-type: none"> - A lot of competitors

C. Management and Commitment of *Nazhir*

Law No. 41 of 2004 on *Waqf* has the aim to protect, regulate, and manage *nazhir* land properly. So that *nazhir* treasures would be more functional and maintained despite the poor management. The productive management of *nazhir* is quite clearly regulated in Article 22 of Law No. 41 of 2004 on *Waqf*, and to strengthen the achievement of *nazhir* objectives and functions stipulated in Article 43 (2) of Law No. 41 of 2004 on *Waqf* which regulates the mechanism of management and development of *nazhir* property. Although in reality the productive management of *nazhir* still counts a little and in the view of the vast *nazhir* economy and occupies several strategic locations to be managed and developed productively.

The management of *nazhir* is not optimal based on the understanding of the community who hand over their property to people who are considered role models in the community such as scholars, *kyai*, *ustadz* and customary leaders. Lack of public understanding in handing over *nazhir* property can be solve with a registration to PPAIW on behalf of *nazhir* as stipulated in Article 32 of Law No. 41 of 2004 on *Waqf*. In addition, the handover of *nazhir* treasures that are only by verbal causes fear for a *nazhir* to receive *nazhir* treasures. Meanwhile, people who are given the responsibility to manage *nazhir* (*nazhir*) do not have good abilities in accordance with the purposes,

functions, and designations emphasized in Article 42 of Law No. 41 of 2004 on Waqf.

The inability to manage is based on unregistered *nazhir* to the Minister and The Indonesian *Nazhir* Agency stipulated in Article 14 of Law No. 41 of 2004 on *Waqf*, whereas the party that plays the most role in the successful utilization of *nazhir* assets is *nazhir nazhir*. The provisions of *nazhir* have been determined in Article 10 of Law No. 41 of 2004 on *Waqf*, the benefits of *nazhir* who have been registered will get coaching from the Minister and the Indonesian *Nazhir* Agency stipulated in Article 13 of Law No. 41 of 2004 on *Waqf*. The people's perception who judge *nazhir* as social service and does not deserve rewards has made *nazhir* feel reluctant to carry out his responsibilities. In fact, the Law has granted *nazhir* rights to possess not more than 10% of the profits.

In addition, al-Muhajirin Abung Semuli Lampung Utara mosque which has a certificate and registered *nazhir* land also has no productive utilization of *nazhir* assets. Supervision from the public and the government is regulated in Government Regulation in Article 56 No. 42 of 2006 on the Implementation of Law No. 41 of 2004 on *Nazhir Waqf*. Supervision is carried out by conducting assessment towards *nazhirs* in their asset management at least once a year. Supervision from the government is carried out by competent parties stipulated in Article 63 (1) of Law No. 41 of 2004 on *Nazhir Waqf* mentioned that the construction and supervision of the implementation of *nazhir* to realize the purpose and function of *nazhir*. Article 63 (2) also includes the Indonesian *Nazhir* Agency in conducting construction.

D. Conclusion

The productive use of mosque *nazhir* land has not been realized as well as possible. Of the four mosques studied, it can be stated that all have the potential to be carried out productive *nazhir* management. It is based on a large courtyard and strategic location. Unproductive management is caused by the *nazhirs'* failure to understand their duties mandated by Law No. 41 of 2004 on *Waqf*. Besides, people's negative

perception towards *nadzir* and undermine their job is another problem why the *nazhir* agencies are quite stucked and less productive. In the future, the management of mosque-based *waqf* has to selectively choose *nadzirs* based on competencies and transparencies mandated in Article 45 paragraph (1) point (d) of the Law No. 41 of 2004 on *Waqf* that where a *nazhir* is unable or fail to conduct his/her duty in *waqf* management, he/she shall be replaced by another *nadzhir*.

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Interview

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- Interview with Karyoso Manager of The *Jami'* mosque of Batanghari in East Lampung, July 4, 2020.
- Interview with Nanang Secretary of Al-Muhajirin Foundation in North Lampung, September 9, 2020.
- Interview with Romi Chairman of Babussalam Pekalongan Mosque in East Lampung, July 8, 2020.

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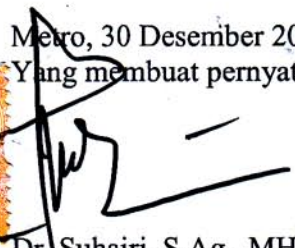
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