
CASH WAQF MANAGEMENT PERSPECTIVE OF MAQASHID SHARIAH IBN 'ASYR (UNISIA CASH WAQF INSTITUTION STUDY)

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ABSTRAK

Penelitian ini merupakan penelitian normatif yang merupakan bagian dari penelitian kepustakaan (*library research*). Dalam penelitian ini akan mengkaji wakaf tunai yang tidak jauh dari rumusan masalah yang ada. Yaitu Bagaimana peran Lembaga Wakaf Uang UNISIA dalam mensukseskan wakaf tunai serta progres dalam membangun ekonomi masyarakat? serta Apa maqashid wakaf tunai sebagai pemberdaya masyarakat dalam perspektif maqashid Ibn 'Asyur?. Hasil dari penelitian menunjukkan bahwa di Indonesia sendiri sudah boleh adanya wakaf tunai atau wakaf uang dengan munculnya fatwa MUI tentang wakaf uang dan adanya peraturan undang-undang seperti UU Wakaf No. 41 tahun 2004 serta beberapa peraturan lain. Yayasan Badan Wakaf UUI juga melaunching Lembaga Wakaf Uang UNISIA pada 22 Desember 2021 yang diharapkan progresnya untuk membantu perekonomian masyarakat seperti memberdayakan UMKM, pendidikan, dan sektor ekonomi masyarakat lainnya. Analisis berbasis maqashid Ibn 'Asyur dalam hal ini menunjukkan bahwa adanya dua maqashid yang dilakukan dalam praktik wakaf tunai. Pertama, Maqashid khassah berupa *hifz al-mal* yang menjadikan benda wakaf untuk lebih produktif. Kedua, maqashid ammah berupa kemashlahatan secara universal dalam pemberdayaan ekonomi masyarakat yang dialokasikan ke pendidikan, kesehatan, tempat ibadah dan hal sosial lainnya.

Kata Kunci: Wakaf Tunai; Pemberdayaan Masyarakat; Maqashid Ibn 'Asyur

ABSTRACT

*This research is normativ research which is part of libery research. In this research we will examine cash waqf which is not far from the existing problem formulation. That is how the role of the UNISIA cash waqf institution in making cash waqf a success as well progress in developing the community's economy and what is the maqashid of cash waqf as a community empowerer from the perspective of Ibn'Assyria's maqashid. Results research shows that in indonesia itself it is allowed to exist cash waqf or cash waqf with the emergence of the MUI fatwa regarding cash waqf and the existence of statutory regulations such as the waqf law no. 41 of 2004 as well some other rules. The ull waqf board foundation also launched the institute UNISIA cash waqf of december 22 2021, which is expected to progress helping the community's economy such as empowering MSMES, education, and other economic sectors of society. Maqashid based analysis Ibn'Asyur in this case shows that there are two maqashid carried out in cash practice. First, Maqashid khassah is in the form of *hifz almal* which makes waqf objects more productive. Second, maqashid ammah in the form of universal benefit in economic empowerment community allocated to education, health, places of worship and things other social.*

Keywords: Cash Waqf; Community Empowerment; Maqashid Ibn'Asyur

A. INTRODUCTION

The economic crisis that is still being discussed in efforts to collect funds from Muslim contributions is in the form of waqf funds. The waqf funds are cash waqf. In Indonesia, donors can make waqf via various electronic banking services, such as QRIS Code, Mobile Banking, SMS Banking, Internet Banking and ATM (Sulasih & Adawiyah, 2021). Apart from that, various non-bank channels are also active in educating about waqf, such as Digital Wallet, E-commerce Platform, Fintech and Crowdfunding Platform. Some crowdfunding platforms have even been specially prepared by sharia banking for convenience for their customers. The donations raised from the community through cash waqf certificates will be invested in various

forms of investment. The profits from this investment can be used to meet poverty alleviation needs. With the need for funds to alleviate poverty, the idea arose to provide waqf with cash waqf or cash waqf. Where money is flexible and can be distributed without knowing territorial boundaries. Money can be easily collected using bank transfer facilities and can be immediately used for community welfare. The waqf doer does not have to meet and come directly to hand over the money to the waqf recipient, but can donate the money by transfer to buy a waqf certificate. Nadzir, in this case the zakat institution that previously existed in Indonesia, received the waqf funds and developed the money for programs that could be benefited by the community (Apriliyani, Malik, & Surahman, 2020).

So far, we are very familiar with other Islamic financial instruments, namely zakat, infaq, alms (ZIS). In contrast to cash waqf, ZIS principal funds can be distributed directly to entitled parties. Meanwhile, cash waqf basic funds must be maintained and investment profits from these basic funds will fund the needs of the poor people of Indonesia. Therefore, cash waqf instruments can complement and perfect ZIS as a tool for collecting funds from Muslims (Peraturan Menteri Agama Republik Indonesia, 2014).

The discourse of cash waqf is considered to be popular in Indonesia, people are already familiar with cash waqf, even though previously Indonesian people were used to donating using land or buildings with cash waqf, Indonesian Islamic umay are also not left behind by waqf with money. The view of several economic experts regarding waqf using money is that it is easier and more practical than donating waqf with tanas or other immovable objects, so that even now waqf land can be said to be rare and scarce. Moreover, currently land and property prices are increasingly soaring, both in large cities and certain areas. With the convenience of cash waqf, people can easily spend their money for waqf (Faisal, 2014).

Islam speaks of money as a means of exchange and store of value, but money is not a commodity, because money is only useful if it is exchanged for stated objects or if it is used to purchase services. Money is not someone's monopoly. So everyone has the right to have money that is valid in a country. In Islamic teachings, money must be rotated continuously so that it can bring greater profits, rotating money for production will create prosperity and economic health for the community (Suprayitno, 2005). There are four main benefits of cash waqf. First, cash waqf amounts are more varied so that someone who has limited funds can start giving away waqf funds without having to wait to become a landlord first. Second, through cash waqf, waqf assets in the form of empty land can begin to be utilized by building buildings or processing them for agricultural land. Third, cash waqf funds can also help some Islamic educational institutions which are sometimes underdeveloped and pay the academic community only modestly. Fourth, Muslims can be more independent in developing the world of education without having to depend on the state education budget which is increasingly limited.

The government has also legalized the existence of cash waqf with the enactment of the Waqf Law (UUD RI, 2004) and on May 11 2022 the Indonesian Ulema Council (MUI) through its fatwa commission decided on jawaz (permissible) laws regarding the existence of cash waqf. Then the UII Waqf Board Foundation launched the UNISIA Money Waqf Institution (LWU) on December 22 2022 to invite the entire community to participate in building the welfare of the ummah through waqf. In this capitalist era, there is nothing more difficult than giving up, so cash waqf is the most concrete form of measuring how big a community's social contribution is. The UNISIA Cash Waqf Institution has three cash waqf collection products,

namely Permanent Cash Waqf (WUP), Cash Waqf (WMU), and Temporary Cash Waqf (WUT) with the designation for educational development, business development and the benefit of the community.

In this research, the author formulates several problems that will be studied, including: What is the role of the UNISIA Cash Waqf Institution in making cash waqf a success and progress in developing the community's economy? Several problem formulations above can be concluded that the purpose of this research is to analyze the role of the UNISIA cash waqf institution in making cash waqf a success and progress in developing the community economy and explaining the maqashid of cash waqf as a community empowerer from the perspective of maqashid Ibn 'Asyur.

B. METHODE

This research uses the library research method, namely a method of collecting data by understanding and studying theories from various literature related to the research. The data collection uses searching for sources from various sources, for example books, journals and research. that has already been done. Library materials obtained from various references are analyzed critically and thoroughly so that they can support propositions and ideas.

C. DISCUSSION

RESULTS AND DISCUSSION

Apart from that, there is also an understanding of waqf in the Compilation of Islamic Law (KHI) as "the legal act of a person or group of people or legal entity which separates part of their property and institutionalizes it forever for the purposes of worship or other public purposes in accordance with Islamic teachings". (Hairunas, 2017). The second definition of waqf used by the Indonesian state is more dominant in the opinion of the Syafi'i school of thought. Based on the definition stated above, there are several differences that can be drawn.

Table 1. The Four Madzhab and Fiqh Wakaf concept of Indonesia

Madzhab	Wakaf concept
	a. The Wakaf (mauqūf bih) remains the Waqif It's only the benefit that's being dismissed.
Hanafi	a. Waqf objects (Mauqūf Bih) remain the property of the waqif but the right to benefit is terminated.
Maliki	b. Waqf objects (Mauqūf Bih) are free (may be permanent or not like money)
Syafi'i	a. Waqf objects are useful things (intifa'). b. It must be an object that is eternal in form and benefit (baqāu 'ainihi) and cannot be money. c. Loss of ownership or control. d. Worship needs
Hanbali	a. What is donated is the object (relinquish ownership). b. A waqf object (Mauqūf Bih) is something that is useful without limitation whether it is eternal or not.
Indonesian Waqf Fiqh	a. Waqf can be done by individuals or groups. b. Waqf objects (mauqūf bih) can be movable objects such as money and other assets or can be immovable objects. c. Perpetual in certain cases and term in certain cases including cash waqf. d. For the public benefit in accordance with sharia.

Meanwhile, the definition of cash waqf (money) or what is known as cash waqf has the meaning; cash in Indonesian is translated as money, cash and cash. Meanwhile, the word waqf is a loanword from Arabic which means waqf. The term cash waqf was first coined by A. Manan from Bangladesh. Mana founded an institution in Bangladesh called Social Investment Bank Limited (SIBL). This institution aims to print cash waqf certificates, from which cash waqf profits are allocated to the poor (Sulaiman, 1995).

The definition of waqf in Indonesia tends to be the definition put forward by followers of the Syafii school of thought. Clearly, the definition of waqf in Indonesia is contained in Government Regulation number 28 of 1977 article 1 (1) which reads: "Wakf is a legal act of a person or legal entity that separates part of its assets in the form of land and institutionalizes it forever for the benefit of worship or other public needs in accordance with the teachings of the Islamic religion (Daud, 1988).

The UNISIA Cash Waqf Institution was established by the Management

Indonesian Islamic University Waqf Board Foundation through Establishment Decree Number 01/KPTS/II/2020 and Decree on the Appointment of the UNISIA Cash Waqf Institution Number 01/SK-PYBW/Pjb/II/2020 (Forum Lembaga Keuangan Syariah Penerima Wakaf Uang., 2013). The UNISIA Cash Waqf Institution has been registered with the Indonesian Waqf Board and has a Nazhir Registration Certificate with Registration Number 3.3.00250 which was determined on July 3 2020. There are several products owned by the first UNISIA Cash Waqf Institution, Permanent Cash Waqf (WUP). In this Permanent Cash Waqf (WUP) product option, the wakif hands over money forever, without a minimum nominal amount of cash waqf, which will be distributed for the development of education, business and the benefit of the people. Second, Temporary Cash Waqf (WUT), namely the wakif hands over money that can be withdrawn as determined, with a minimum cash waqf nominal value of IDR 1,000,000 with a minimum period of 1 year, which will be distributed for the development of education, heritage and the benefit of the people. Third, Waqf through Money (WMU), namely the wakif gives money forever, the minimum nominal value of the cash waqf is IDR 10,000 which will be distributed to the UNISIA Qur'ani Scholars House.

Hafitalent UNISIA

UNISIA's Hafitalent is a scholarship program designed to help young people memorize the Al-Qur'an (hafiz) for the general public, to reduce educational costs.

UNISIA POND

Unisia POND is a real sector program by opening a fish cultivation business to help the community obtain nutritious food needs.

ELWA UNISIA

Elwa UNISIA is a scholarship program designed to help students at the Islamic University of Indonesia who are undertaking their final assignments

UNISIA WORKSPACE

Unisia Workspace is a real sector program designed to open a business providing a comfortable work space as a window for inspiration, a cozy place to study as well as a meeting room.

SUMMA UNISIA

Summa UNISIA is a clean water supply program to overcome the problem of water shortages

UNISIA RULIN

UNISIA Rulin is a program to provide birthing facilities for underprivileged families.

DISACARE UNISIA

UNISIA Disacare is a program to help people with disabilities get appropriate and comfortable assistive devices, as well as providing facilities for job training aimed at fostering independence. The UNISIA Cash Waqf Institution (LWU) distribution channel is very productive and the huge potential in cash waqf is a great opportunity for the country to empower the economic independence of the people with good management. Meanwhile, for the lower middle class, it is a source of life as some of the functions of cash waqf can grow the people's economy and become a separate way of thinking in alleviating economic conditions such as poverty and lack of employment opportunities. Many *mashlahah lil ummah* have been obtained from this cash waqf. So it is not the time for people to debate and question the cash waqf law itself.

Maqashid Cash Waqf Perspective of Muhammad Thahir bin 'Asyur

Maqâshid or what is known as maqâshid al-syari'ah, which is sometimes also called al-kulliyah al-khams, is a tool for interpreting the meaning of the texts (the Koran and hadith) when carrying out *ijtihad*. Despite the use of maqâshid itself, there is still a dispute (*khilaf*) among *ulama* between maqâshid as Adillah al-Syariyah and maqâshid as an independent scientific study apart from *ushul fiqh*. The use of maqâshid itself is often used as an analytical tool in every scientific study. It has a very broad scope with five components in protecting the Shari'a, namely protecting religion, protecting the soul, protecting the mind, protecting offspring, protecting property. Based on these five components, all Sharia issues are covered and nothing escapes the study. From any point of view, maqâshid can always be used as a reference in answering every problem, of course with the tendencies of the Qur'an, hadith or *qiyâs* and other arguments used by *ulama* in carrying out *ijtihad*. Maqâshid al-syari'ah is the wisdom of implementing a law. Maqâshid itself has a crucial role in determining the law (*istimbath al-hukm*). The study of maqashid has always attracted the attention of researchers, one of whom is Muhammad Thahir Ibn 'Assyur, he was the person who developed maqashid after al-Syathibi, he was born in Marasi, a suburb of Tunisia in September 1879 AD/Jumadil Ula 1296 AH and died on Sunday 12 October 1973 M/Rajab 1393 H with the full name Muhammad al-Thahir bin Muhammad bin Muhammad al-Thahir bin Muhammad bin Muhammad al-Syadzily bi Abd al-Qadir Ibn Muhammad Ibn 'Asyur.¹⁰ Ibn Asyur himself made maqashid al syari' ah as a theory of Islamic law and an independent science (*ilm al mustaqil*) not only that, it offers a new approach in understanding maqashid shari'ah in accordance with current realities and the modern context. This is stated in his phenomenal work "Maqashid al-Syari'ah al-Islamiyah".

Ibn 'Assyria's maqashid book seemed to be a flashlight that illuminated differences between people, where *ikhtilaf* among *madzhab ulama* at that time emerged and was very widespread due to social conditions, levels of ability in formulating laws and differences in time span or life span. Ibn 'Assyur classifies his maqashid into maqashid 'ammah (general), where the general maqashid in this refers to traits that indicate superiority, general goals and values found in most of the laws of the Shari'a, which include *fitrah*, *samahah*, benefit, universality, equality, legal substantiality, *sadd al-dzari'ah*, supremacy of law, *al-hurriyah*, social stability and resilience. As well as becoming a maqashid *khassah* (special) which is more specific in matters of *muamalah*, which includes family law, commerce, employment, *tabarruat*, testimonial justice and criminal sanctions. The steps in determining maqashid based on Ibn 'Assyria's reasoning must go through several stages.

Maqam al-Kitab al-Syar'i

Al-maqam is a device for limiting sharia goals because the character of this limitation is to set a *lafadz* goal and ignore other *dilalahs* that are not sharia goals. Based on the previous discussion, it shows that cash waqf (cash waqf) is still a mistake among the *ulama*, while the concept of alms or waqf in Islam that is recommended is something that contains benefits, as in QS. Ali Imran. (3): 92: "You will never reach (perfect) virtue. Before you spend some of the

wealth you love. And whatever you earn, Allah knows it." Inviting the benefits of a legal action is indeed the aim of maqashid sharia itself. In order for the assets donated to be of good use, it is in accordance with the concept of waqf from the imams of the madhhab, namely that the waqf objects must be something useful. Apart from that, there is no implicit prohibition in the texts (either the Qur'an or hadith) regarding the prohibition of waqf in cash or cash. However, what is not permitted in waqf is that it cannot be sold, cannot be inherited and cannot be donated. This is based on a hadith based on the story of Umar during the Khaibar war. Where he owned a plot of land which the Prophet Muhammad SAW ordered to be donated, until the Prophet said: "... basically objects that are donated cannot be sold, cannot be inherited and cannot be donated" (al-'Asqalâni, t.t.). The legal essence of the practice of waqf is the existence of benefits as well as the potential for cash waqf which can build the economic independence of the people in the future (Apriliyani et al., 2020). Of course, this is much more beneficial or productive than property waqf (immovable assets). The contradictions in madhhab regarding the permissibility of cash waqf or not are no longer an obstacle. Here *jalb al-manafi'* (attracting benefits) takes priority, especially regarding *mashlahah ammah*.

Al-Tamyiz baina al-Wasâil wa al-Maqshûd

There are two *wasilah* or intermediaries in the occurrence of maqashid cash waqf. Firstly, *wasilah* custody (*hifd*), the practice of cash waqf in this case requires a *nazhir* to manage or look after the waqf objects. In the context of Indonesian waqf fiqh, the *nazhir* (manager) is the Indonesian Waqf Board (BWI) along with other agencies that have the authority and fulfill the prerequisites for being a *nazhir* as mandated by law. Secondly, *wasilah* aims for continuity and sustainability (*istimrariyah wa al-dawam*), this *wasilah* takes the form of distributing cash waqf to the management as explained in the previous discussion, such as empowering MSMEs, sacrificial livestock, commerce and so on. So the results can be allocated to several things such as education, health, places of worship and so on. This is considered *maqashid ammah* (general) where there is *mashlahah kulliyah* aimed at in the practice of cash waqf. The maqashid of cash waqf itself is protecting assets. In other words, this maqashid (goal) will be realized with the aforementioned *wasilah*, be it the *wasilah* for safeguarding (*hifd*) or the *wasilah* for continuity and sustainability (*istimrariyah wa al-dawam*) (Jazari, 2020; Minka, 2013). From this approach it can be understood that this falls into the category of *maqashid khassah* (special). In other words, the existence of cash waqf will have more productive value and maqashid in safeguarding assets will be more achieved. Considering the many uses that will be achieved starting from places of worship, education, health and others from the economic independence of this people.

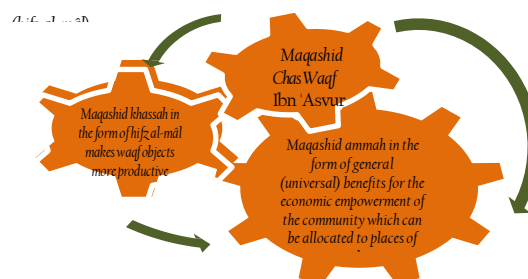


Figure 1. Waqf Practices

D. CONCLUSION

Based on the analysis of the UII Waqf Board Foundation, it has provided very productive benefits in building public awareness of the importance of cash waqf, namely by establishing the UNISIA Cash Waqf Institution (LWU) which will later also return to the community itself. The UNISIA Cash Waqf Institution (LWU) has played its role in promoting this money

with three products, namely the collection of cash waqf, namely Permanent Cash Waqf (WUP), Cash Waqf (WMU), and Temporary Cash Waqf (WUT) with the allocation for educational development, development business and the benefit of the community. Based on Ibn Asyur's maqashidy analysis, the magnitude of the benefits or mashlahat from cash waqf is universal (maqashid ammah), it is hoped that it can build several social infrastructure such as educational infrastructure, places of worship, health and other facilities. This social prosperity is obtained by allocating cash waqf in developing the people's economy so that waqf assets are more productive as the goal of maqashid khassah in the form of protecting assets (hifz al-mâl).

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