



Nadzir's Role in the Management of Waqf Mosque Land in Bone Bolango Regency, Indonesia

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ABSTRACT

The objectives of this research are: to analyze the task of nadzir in land management; to analyze the role of nadzir in the management of land in Bone Bolango Regency; and to describe the factors that affect the role of nadzir in land management. The management of land mosque in Bone Bolango district by Nadzir is clarified by two things, namely effective and ineffective. But the ineffectiveness is dominant, this is because, most nadzir in Bone Bolango district do not really understand what should be their duties, rights and obligations. The research was conducted in Bone Bolango Regency. This type of research is field research. The data sources in this research, are primary and secondary data sources. The data were collected from interviews, observations, and documentation. The results of this research showed that: Nadzir's task in the management of land in Kabupaten Bone Bolango has not been carried out as much as possible by nadzir who should be in charge of managing the land. This is due to their lack of knowledge about the task of nadzir itself.

Kata Kunci:

Kualitas Layanan, Bagi
Hasil, Kepuasan
Nasabah

ABSTRAK

Peran Nadzir dalam Pengelolaan Tanah Wakaf Masjid di Kabupaten Bone Bolango, Indonesia. Tujuan dalam penelitian ini adalah: Menganalisis tugas nadzir dalam pengelolaan lahan wakaf; Menganalisa peran nadzir dalam pengelolaan lahan wakaf di Kabupaten Bone Bolango, serta menggambarkan faktor-faktor yang mempengaruhi peran nadzir dalam pengelolaan lahan wakaf. Penelitian dilakukan di Kabupaten Bone Bolango. Pengelolaan tanah wakaf Masjid di Kab. Bone Bolango oleh pihak nadzir terklarifikasi oleh dua hal yaitu efektif dan tidak efektif. Namun yang tidak efektif lebih banyak dibandingkan dengan yang efektif, hal ini disebabkan karena, kebanyakan para nadzir di Kab. Bone Bolangot idak terlalu begitu paham apa yang harus menjaditugas, hak dan kewajiban dari nadzir itu sendiri, Jenis penelitian ini adalah penelitian lapangan. Sumber data dalam penelitian ini, adalah sumber data primer dan sumber data sekunder. Teknik pengumpulan data menggunakan wawancara, observasi, dan dokumentasi. Hasil penelitian ini adalah: Tugas Nadzir dalam pengelolaan lahan wakaf di Kabupaten Bone Bolango belum dilaksanakan sebanyak mungkin oleh nadzir yang seharusnya bertugas mengelola dan mengelola lahan wakaf. Hal ini disebabkan oleh kurangnya pengetahuan mereka tentang tugas nadzir sendiri sosialisasi atau pembinaan dan kurangnya yang dilakukan oleh lembaga terkait wakaf

INTRODUCTION

Waqf is one of the worships that includes *hablu min Allah and hablu min an-nas*, which is worship that in addition to being related to God as well as to fellow human beings. Throughout

Islamic history, *waqf* has been an important means of capital in advancing the development of religion. Land has a multidimensional function in helping the welfare, development and progress of the community (Djatnika, 1983).

Waqf is not only ordinary alms, but in the religious aspect is a charity that has more value than other alms. Alms are greater in reward and benefit for the one who gives *waqf*, because the property of *waqf* will continue to flow to the one who gives *waqf* (*wakif*) even if he has died (*shadaqah jariah*), as long as the property *waqf* can still be used. In addition, *waqf* can be a way and intermediary to promote religion and build society in various areas of life. *Waqf* is a treasure entrusted from Allah SWT. Which in principle is a mandate that must be carried out in accordance with Islamic law, because if it is not carried out in accordance with the provisions of Islamic law, it will become a heavy burden after the life of the world, namely the hereafter. (Muhibbuddin, 2020).

With regard to the *waqf*, Islam has clearly taught a person to spend some of his property to others, either individually or collectively. As explained in the Qur'an which at the same time became the basis of *waqf* law, as in QS. Ali Imran, verse 92 This verse is interpreted by the Ministry of Religious Affairs as a guide where a person will not reach the level of virtue in the sight of Allah, until he sincerely spends his beloved property in the way of Allah. After this verse was revealed, the Companions of the Prophet competed to do good, among them Abu Talhah al-Ansari, a treasurer among Ansar came to the Prophet gave a piece of date palm garden that he loved to be given in the way of Allah (Ministry of Religious Affairs, 2012).

Ministry of Religious Affairs (2007) with the consideration that *waqf* practices occurred in society have not fully run orderly and efficiently so that in various cases *waqf* property is not maintained and managed by *Nadzir* as it should be. Such circumstances are not only due to *Nadzir's* negligence or inability to manage and develop *waqf* property but also because of the attitude of people who are less concerned or do not understand the status of *waqf* property that should be protected for the sake of general welfare in accordance with the purpose, function, and allocation of *waqf itself*.

Nadzir is a party that receives *waqf* assets from *wakif* to be managed and developed in accordance with its provisions. The existence of *nadzir* is very important in maintaining and managing *wakf* assets because whether or not the *waqf* is beneficial for *mauquf alaih* is very dependent on *nadzir*. However, this does not mean that *nadzir* has absolute power over the property entrusted to him (Ministry of Religious Affairs, 2007). To some extent *nadzir* is considered as the party that gets the mandate to carry out duties on behalf of the other party, maintenance, delegation of a work of another party (Ajuna, 2019). *Kaid* transfer of *nadzir* duties in *waqf* management is guided by *al-Wakalah* rules.

Thus, *nadzir* means a person who has the right to act on *waqf* property, either to take care of it, maintain and distribute the *waqf* to the person who is entitled to receive it, or do everything that allows the property to arise properly and eternally.

In *waqf* Law No. 41 of 2004, *nadzir* is defined as a party that receives *waqf* property from *wakif* (individuals, institutions, organizations, which do the *waqf*) to be managed and developed in accordance with its provisions (Directorate General, 2004). In short *nadzir* is a professional manager who manages, maintains and organizes *waqf* assets. The condition of a *nadzir* is clear, which according to the *waqf* law a *nadzir* must be Muslim, Indonesian citizen, adult, trustee, able physically and spiritually and not forbidden to do legal acts.

There is no denying that the majority of Indonesian *waqf nadzir*, especially in Bone Bolango Regency, are less professional in managing *waqf* mandated to them, because they have



permanent jobs such as civil servants, private servants, traders, farmers who must take precedence over *nadzir* duties.

This research will focus on the elements related in the management of the *waqf* of mosque land, whether it has functioned according the Law or whether the Law has not been able to accommodate the problem that occurs in the management of *waqf* of mosque land in Bone Bolango Regency. *Nadzir* role was chosen not on professional basis, but because of one particular character, relatives of the *wakif*, or trustee of the *wakif* (Rozalinda 2016). As a result of the unprofessionalism of *nadzir*, many *waqf* assets are not beneficial to the community and even worse many *waqf* assets are used as inheritance of *nadzir waqf* relatives, or disputed by *wakif's* heirs. Thus, *nadzir* should be encouraged to achieve the best level of performance, so that he can be more significant in playing a social role for the development of *waqf*.

LITERATURE REVIEW

In Islamic economic system, *waqf* has not been widely explored, whereas *waqf* is very potential as one of the instruments for economic empowerment of Muslims. Therefore *waqf* institutions become very important to be developed. Moreover, *waqf* can be categorized as a *jariyah* charity whose reward never breaks, even if the *waqf* provider has died.

Realizing how important the problem of *waqf* land in Indonesia, the government established a law on the basic rules of agrarian staples (UUPA) namely Law No. 5 of 1960 which contains article that became the basis of the establishment of PP No. 28 of 1977, a government regulation that serves as the basis for the destruction of property for the benefit of Islam. Furthermore, it was refined in Law No. 41 of 2004 on *waqf*, which provides a wider scope for the development of *waqf* practices in Indonesia which is then followed by the issuance of PP RI No. 42 of 2006 on the implementation of Law No. 41 of 2004 on *waqf* (Ministry of Religion, 2007). In *Waqf* Law No. 41 of 2004, *nadzir* is defined as a party that receives *waqf* property from *wakif* (individuals, institutions, organizations, which are do the *waqf*) to be managed and developed in accordance with its provisions. In short *nadzir* is a professional manager who manage, maintain and organize.

In general, many new and different things are contained in the law No. 41 of 2004, when compared to PP No. 28 of 2004, as well as with KHI, although there are also many similarities. It can be said that Law No. 41 of 2004 regulates a broader and flexible substance compared to the existing legislation (Anshori, 2015).

In this Law of *waqf* there are several new and important things. Some of them are about *nadzir*, property for *waqf* (*mauquf bih*) and the allocation of *waqf* property (*mauquf 'alaih*), and the establishment of the Indonesian *Waqf* Board. With regard to the issue of *nadzir*, because in this law, not only immovable objects which have been commonly implemented in Indonesia, but also movable objects, such as money, precious metals, securities, intellectual property rights, rental rights, etc., are required to be able to manage these objects. (Prihatini, 2015).

While the new regulation contained in Law No. 41 of 2004 which did not exist in the previous two regulations is concerning the establishment of a new board, namely the Indonesian *Waqf* Agency. The Indonesian *Waqf* Agency is an independent institution established by the government to improve and develop Indonesian *waqf* system. The establishment of the Indonesian *Waqf* Agency has duties and authorities as mentioned in Article 49, namely: Farida Prihatini (2015).

1. Fostering *nadzir* in managing and developing *waqf* property;
2. Conducting management and *waqf* property on a national and international scale;



3. Giving approval and or permission for changes in the allocation and status of *waqf* property;
4. Dismissing and replacing *nadzir*;
5. Giving approval for the exchange of *waqf* property, and;
6. Providing advice and consideration to the government in the preparation of *waqf* policy.

In general there are many similarities between Law No. 41 of 2004 and KHI or PP No. 28 of 2004 concerning duties or obligations of *nadzir*. Here it can be found that Law No. 41 of 2004 refers to the previous legislation regarding *waqf*. *Nadzir* in Law No. 41 of 2004 in addition to managing it is also tasked with developing *waqf* assets. The duties of *nadzir* are as contained in Article 11, namely:

1. Administering *waqf* property
2. Managing and developing *waqf* property in accordance with its purpose, function and designation.
3. Supervising and protecting *waqf* property and reporting the implementation of duties to the Indonesian *Waqf* Agency

METHODOLOGY

This type of research is field research, which is a study that examines objects in the field to obtain clear and concrete data and images of matters related to the problems studied (Suryabrata, 2013). In this research, the authors examined the role of *nadzir* in managing *waqf* land in Bone Bolango Regency and described factors that affect the task and role of the *nadzir*.

The data were obtained using interview techniques by the researchers to *nadzir*, *wakif*, related parties such as the Ministry of Religious Affairs Bone Bolango Regency, and *ta'mir* mosque in order to obtain in-depth information about the role of *nadzir* in terms of managing *waqf* of mosque land in Bone Bolango. The data were sourced from primary and secondary data. The primary data were collected through interviews and the secondary data were obtained from the web, documents, books related to the *waqf* issue.

RESULTS AND DISCUSSION

Overview

Bone Bolango Regency is a part of Gorontalo Province which is geographically located in 00° 28' 17" LU – 00° 35' 56" LU and 122° 59' 44" BT – 123° 05' 59" BT. The area of Bone Bolango Regency is 1,984.58 Km² with a percentage of 16.24% of the area of Gorontalo Province. Gorontalo province is also known as "*Serambi Madinah*", because of the tradition of philosophy and religious life. Therefore, the name *serambi Madinah* has become a tourism brand that began to be known by the public (Ajuna and Amri, 2020).

The numbers of subdistricts in Bone Bolango regency are as many as 18 subdistricts consisting of from 166 villages. The district that has the largest area is East Suwawa Subdistrict of 489.20 Km² or 24.65% of the total area of Bone Bolango Regency. While the sub district that has the smallest area is the southern Bulango Subdistrict with a percentage of 9.87 Km² from the area of Bone Bolango Regency or 0.50%.

Nadzir's Role in the Management of *Waqf* Land Mosque in Bone Bolango Regency

Nadzir's main role is to assert that the *waqf* will not be able to run if *nadzir* can not manage it. So it is clear that the benefit of *waqf* is very dependent on *nadzir* as the party that



receives *waqf* property to be managed and developed as it should be. Thus it can be said that *nadzir* as the manager of *waqf* must be better prepared in carrying out thier duties, so what is desired bt the *wakif* can be carried out. *Nadzir* in the *Waqf* Law has a very important position. In addition to being able to manage and develop *waqf* property, *nadzir* can also determine the allocation of *waqf* property as long as the *wakif* does not determine it and when the *wakif* also agrees with the allocation of *waqf* property proposed by *nadzir*.

Nadzir in North Bulango District, Bone Bolango said that *waqf* land is managed by one management (not by the *nadzir*) on the grounds that the previous *waqf* did not involve *nadzir* in its management. So far there has been no socialization from Religious Affairs Office (KUA) of North Bulango Subdistrict Bone Bolango related to *waqf* land management. In Law No. 41 of 2004 Article 11 said that the main obligations of *nadzir* are, namely; administering *waqf* property, managing and developing *waqf* property in accordance with its purpose, function, and allocation, supervising and protecting *waqf* property, reporting the implementation of duties to the Indonesian *Waqf* Agency.

The above roles are obligation that must be carried out by the *nadzir* who manage *waqf*. Such obligations are very important because without management by *nadzir* will result in unmanaged *waqf* land managed and difficulty to its development.

Based on the above research, due to the increasing expectations of Muslims then the management of *waqf* land can be carried out as well as possible and managed as much as possible. This is so that the *waqf* land that has been collected can be utilized to the maximum as the wishes of the representative, and this is the responsibility that manages both individuals and legal entities commonly known as *nadzir*. Each *waqf* land should be organized to its maximum potential thus it requires supervision, maintenance, and good management of *waqf* land.

***Nadzir's* Role Regarding to *Waqf* Land Management in Bone Bolango Regency**

The role of *nadzir* in the management of *waqf* land in Bone Bolango Regency is not as a *waqf* land manager, but *nadzir* serves as a complement or formality. So that whether or not the existence of the *nadzir* will not affect the *waqf* land, this is what makes *waqf* land difficult to develop. According to the explanation of the parties who manage *waqf* land (not the *nadzir*), they received a mandate to be the manager of the community proposal such as mosque priests or public figures, this is because *nadzir* did not participate in managing *waqf* land since the issuance of AIW (*waqf* pledge deed) by PPAIW.

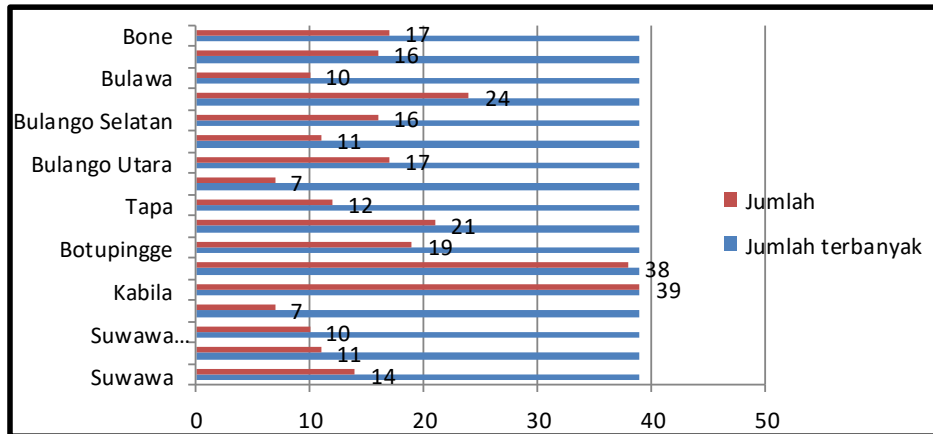
According to statements of *nadzir* in several districts Bone Bolango said that *waqf* land is managed by one management (not *nadzir*) on the grounds that the prevailing *waqf* has not involved *nadzir* in its management. So far, there has been a lack of socialization from the Ministry of Religious Affairs of Bone Bolango Regency related to *waqf* land management. In Law No. 41 of 2004 Article 11 stated that the main obligation *nadzir*, namely; administering *waqf* property, managing and developing *waqf* property in accordance with its purpose, function, and allocation, supervising and protecting *waqf* property, reporting the implementation of duties to the Indonesian *Waqf* Agency.

***Waqf* Land in Bone Bolango Regency**

The results of the recapitulation of data we obtained indicate that *waqf* land in Bone Bolango District based on the status of Ministry of Religious Affairs Office. Bone Bolango Regency in 2021 are amounted to 289 locations spread across 17 sub-districts.

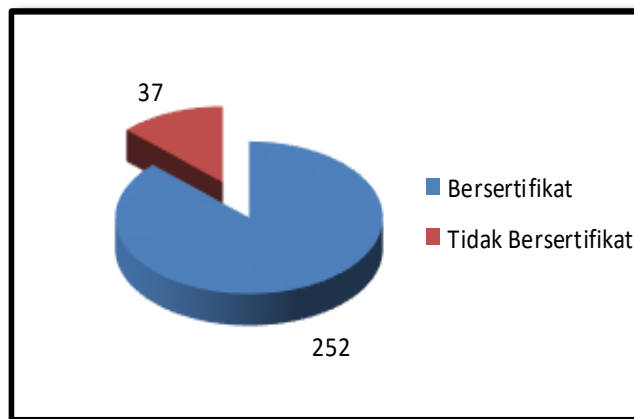


Graph 1: Number of *Waqf* Land in Bone Bolango Regency in 2021



The data above shows that the number of *waqf* in Bone Bolango Regency are 289 locations spread across Suwawa 14 locations, East Suwawa 11 locations, Central Suwawa 10 locations, South Suwawa 7 locations, Kabila 39 locations, Tilongkabila 38 locations, Botupingge 19 locations, Kabila Bone 21 locations, Tapa 13 locations, Bulango Ulu 7 locations, North Bulango 17 locations, East Bulango 11 locations, Bulango Selatan 16 locations, Bone Beach 24 locations, Bulawa 10 locations, Bone Raya 16 locations, and Bone 17 locations. From the data the most *waqf* land is in Kabila subdistrict and the lowest is in South Suwawa and Bulango Ulu sub districts.

Graph 2: Status of *Waqf* Land in Bone Bolango Regency



The data above shows that the status of *waqf* land in Bone Bolango District that has been certified is as many as 252 locations and there are 37 locations. that have not been certified. This indicates there are more certified *waqf* lands than uncertified ones.

Waqf Land Management in Bone Bolango Regency

The management of *waqf* conducted by *nadzir* professionally provides opportunities for the development of *waqf* to be more productive, as well as providing opportunities for the application of modern management principles. In this framework, *nadzir* should strive to display the best performance of *waqf* possible. The management of *waqf* institutions becomes the most crucial part in understanding the issue of *waqf*. *Waqf* management is related to *nadzir* as *waqf* manager, *waqf* management system, and accountability.

The management of *waqf* that has been running in Bone Bolango district is still using a traditional and consumptive management pattern. It is based on the results of interviews with one of the employees of the *zakat* and *waqf* administration of the ministry of religion Bone Bolango as follows:

Recruitment of Nazhir

Many *nazhir waqf* are only based on the aspect of character such as the imam, not on the aspect of professionalism or ability to manage. So many *waqf* objects are not well managed.

Empowerment Operation

The pattern uses unclear system (does not have operational standards) because of weak human resources, vision and mission of empowerment, political support by the government that has not been maximized and still use *ribawi* system

Pattern of Utilization of Results

In carrying out efforts to utilize the results of *waqf* there are still many who are consumptive-static so that many people do not feel the benefits.

Control And Accountability System

A risk and centralistic leadership pattern and weak operation of empowerment resulted in weak control systems, both institutional, business development and financial.

The management pattern of *waqf* land management as above often occurs in areas, especially in Bone Bolango Regency because generally in doing *waqf* the society trust local imam the *nazhir*, because the public thinks that imam as a religious figure is better known or qualified in terms of *waqf*.

Nadzir waqf in Bone Bolango regency is a private board that contains a management structure and has representatives and members. The main obligation of the *nadzir* is to manage and maintain the properties for *waqf*. because, neglecting its management and maintenance will result in its destruction, and continue to the loss of the function of the *waqf* itself.

Based on the results of an interview with Mrs. Mosi, an employee at the Office of the Ministry of Religion, Bone Bolango Regency admitted that most *nadzir* of Bone Bolango region do not pay attention to the issue of *waqf* management, and are lack of knowledge to existing regulations. In addition other institutions are less to conduct briefings or coaching related to the issue of *waqf* to the *nadzir* Bone Bolango Regency.

Considering that *nadzirs* are not responsible for the management of *waqf*, they admitted that the most important *waqf* property has been pledged and has received a deed of pledge from KUA, thus thought that with the *waqf* pledge deed can be used to apply for funds through proposals and already have a permanent legal force. While the issue of management is not the responsibility of *nadzir* anymore, the public also does not know about the reward to *nadzir* for his efforts in managing *waqf* land that has been regulated in the Waqf Law no. 41 of 2004 and the Compilation of Islamic Law.

Given the importance of *nadzir* in *waqf* land management, *nadzir* has an obligation to manage and organize *waqf* land, which includes:



1. Keeping copies of the *Waqf* Pledge Act
2. Maintaining *waqf* land
3. Utilizing *waqf* land
4. Utilizing and trying to improve *waqf* yield
5. Conducting bookkeeping / administration which includes:
 - a. Note on the state of *waqf* land
 - b. Note on the management and yield of *waqf* land
 - c. Note on the use of *waqf* land products.

In Law No. 41 of 2004 Article 11 the main obligations of *nadzir*, namely; to administer *waqf* property, to manage and develop *waqf* property in accordance with its purpose, function, and allocation, to supervise and protect *waqf* property, to report the implementation of duties to the Indonesian *Waqf* Agency (Ministry of Religious Affairs, 2015).

Based on information from Mr. Abdul Ghafar, the head of *zakat* and *waqf* organizing department of the Religious Affairs Office, Bone Bolango, said that; the role of *nadzir* in the management of *waqf* land in Bone Bolango Regency is not as a *waqf* land manager, but *nadzir* serves as a complement or formality. So that the existing of the *nadzir* will not much affect the *waqf* land, this is what makes *waqf* land difficult to develop, not to mention the average *Nadzir waqf* mosque in Bone Bolango have died and even until now no one has replaced the position of the *nadzir* who died, thus making the management of *waqf* land become abandoned.

According to the description of Mr. Sofyan and Agus as the one who manages *waqf* land (not *nadzir*) but *ta'mirul* mosque, they received a mandate to be the manager of the *waqf* land of the mosque on the proposal of the community, this is because *nadzir* did not participate in the management of *waqf* land since the issuance of the *waqf* pledge deed that has been certified.

Nadzir in North Bulango District, Bone Bolango said that *waqf* land is managed by one management (not *nadzir*) on the grounds that the previous *waqf* did not involve *nadzir* in its management. So far there has been no socialization from KUA of North Bulango Subdistrict Bone Bolango related to *waqf* land management.

Based on the above research, because of the greater expectations of Muslims then the management of *waqf* land can be done as best and managed as much as possible. This is so that the *waqf* land that has been collected can be utilized to the maximum as the wishes of the representative, and this is the responsibility that manages both individuals and legal entities commonly known as *nadzir*. Each *waqf* land should be cultivated as a result and utilization to the maximum so that here is required supervision, maintenance, maintenance, and good management of *waqf* land (Ministry of Religious Affairs, 2011).

Rofiq (2013) stated that *Nadzir* in the *Waqf* Law has a very important position. In addition to being able to manage and develop *waqf* property, *nadzir* can also stipulate the allocation of *waqf* property as long as the wakif does not determine it and when the wakif also agrees with the allocation of *waqf* property submitted by *nadzir*. In fact, the presence of *nadzir* as a party given trust in *waqf* management is very important. even though the *mujtahids* do not make *nadzir* as one of the pillars of *waqf*. However, the scholars agreed that wakif should appoint capable *waqf nadzir*, both individual and institutional (legal entity). The appointment of capable *waqf nadzir* aims to keep *waqf* assets maintained, managed and *nadzir* can carry out its obligations, so that the *waqf* property is useful..

CONCLUSION

Based on the description above, it can be concluded: that the management of *waqf* land mosque in Bone Bolango district by *Nadzir* is clarified by two categories, namely effective and ineffective. But the ineffectiveness is more dominant, this is because most *nadzir* in Bone



Bolango district do not really understand what should be the duties, rights and obligations, In addition there is also lack of socialization from related parties such as institutions that regulate the issue of representation about the duties and obligations of a *nadzir*, presumption that *nadzir* is as a formality, difficulty of coordinating with *nadzir* members, assumption of society that such a thing is in accordance with the rules of Islam and has been running since long ago.

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