

## Productive Waqaf: Development Strategy in History

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### ABSTRACT

*Keywords:*

*Development  
Strategy, and History,  
Productive Waqaf,*

The purpose of this research is to discuss the development strategy of productive waqf in history. As for the formulation of the problem of this research is how the strategy of developing productive waqf in history, the writer uses descriptive analysis method with qualitative research type. As for the results obtained is waqf as a prospective institution as support the community's economy, it is necessary to take steps strategic steps for its development. Government (umara '), figure society (ulama ') and Muslim society at large need to undertake strategic steps to develop and empowering waqf and empowering institutions potential so that it has a positive impact on life economic, social, educational and cultural communities.

### ABSTRAK

*Keywords:*

*Pengembangan  
Wakaf  
Strategi Wakaf  
Wakaf Produktif,*

Tujuan dari penelitian ini adalah untuk membahas strategi pengembangan wakaf produktif dalam sejarah. Adapun rumusan masalah penelitian ini adalah bagaimana strategi pengembangan wakaf produktif dalam sejarah, penulis menggunakan metode analisis deskriptif dengan jenis penelitian kualitatif. Adapun hasil yang diperoleh adalah wakaf sebagai lembaga yang prospektif sebagai penopang perekonomian masyarakat, maka perlu diambil langkah-langkah strategis untuk pengembangannya. Pemerintah (umara'), tokoh masyarakat (ulama') dan masyarakat muslim pada umumnya perlu melakukan langkah-langkah strategis untuk mengembangkan dan memberdayakan wakaf serta memberdayakan lembaga-lembaga potensial sehingga berdampak positif bagi kehidupan ekonomi, sosial, pendidikan dan budaya masyarakat..



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## INTRODUCTION

The empowerment of assets in Islam is basically aimed at the public interest that is sustainable. The category of asset management for the purpose of lasting public interest is called waqf. Generally and substantially, waqf management has been basically carried out by mankind throughout history. This can be seen from the progress of a human civilization in the form of physical remains as evidence of progress in all aspects of life. As for the law of fiqh is mandub (recommended), and mandub is something recommended by the Shari'a to get closer to Allah in the form of good deeds which are not obligatory.

Waqf or transfer of property rights has elements that must be present in order for the legal act to be carried out. Basically, the opportunity for the management and development of waqf assets already has a strong legal status, legally has been clearly regulated by law which also emphasizes the need for productive empowerment of waqf.

Government regulation number 41 of 2004 regarding ownership of land ownership is explained in article 2 that the function of waqf is to use the waqf object forever in accordance with the purpose of the waqf. Therefore, the donated goods or land can be used for public interest, both as a place of worship or for other public purposes in accordance with the provisions of Islamic teachings. Indonesia places more emphasis on waqf on the issue of land waqf. This does not mean that waqf other than land is not recognized, but because land is a very valuable object that has the potential to cause problems in society, besides that, land is an immovable object that is immovable and has a high economic value increase.

Waqf is not only for immovable objects but also movable objects. As in developed Muslim countries, waqf institutions hold or manage educational facilities, real estate and have been managed productively. Basically, many people want to donate their assets so that they attract the attention of the state to regulate and manage it. The practice of waqf that occurs in the community is not yet fully orderly and efficient, so that in various cases waqf is not maintained, is neglected or is transferred to the hands of a third party. Waqf that is managed properly will foster welfare for the community itself. Therefore, management with a good strategy must be implemented to achieve the goal of holding these waqf.

However, the utilization and management of productive waqf in the country is currently still a little behind compared to other Muslim countries. Likewise, research on waqf in the country on average still focuses only on the legal aspect of fiqh (muamalah) and has barely touched on the management of

waqf, departing from the problem of managing waqf assets, it is necessary to achieve waqf management with good management. One example of the existing practice of waqf, namely the terbanggi besar sub-district is actually not a strategic place to develop waqf assets in a modern way, such as in big cities where apartments or other things can be built. However, waqf managers have various strategies to keep waqf productive.

Waqf is one of the Islamic economic institutions that plays a role in empowering the economy of the people for the benefit of the ummah. Throughout Islamic history, waqf has played a major role in the social, economic, educational and cultural development of the Islamic community at that time. So it can be said that the economic turnover of waqf assets in the past in various Islamic governments has played a major role in the welfare of the people. Therefore, it is very natural that scholars and scholars' today try to study and examine the extent of the economic prospects for waqf property to rebuild Islamic civilization as it once triumphed in the world. In Indonesia, since independence the government has thought a lot about the management of waqf.

However, from the laws that have been issued, the ratification of Law of the Republic of Indonesia No. 41 of 2004 concerning waqf is considered very good because this law regulates all types of waqf assets, both movable and cash. The issuance of this law which is accompanied by serious attention from the government is considered as one of the factors that greatly benefit the waqf institution towards improving the economic prospects of waqf assets for the better (Lubis, 2010: 89). Everything aims to improve the economic welfare of the people, so that with a strong waqf institution a country with a majority Muslim population can live in prosperity and become a *baldatun thayyibatun warabbun ghofur* country.

In the Islamic world and in Indonesia in particular, it is believed that the economic prospects for waqf assets will be more developed and better if the results of studies by Islamic development experts on waqf assets are applied in a possible place and conditions. The existence of policies that have been practiced by the Prophet and his companions should be used as a basis and an example towards improving the economic prospects of existing waqf assets. Among the strategic policies in the field of waqf are related to the use or utilization of waqf, change of waqf assets, transfer of waqf assets, merging of waqf assets, change of management and so on (Lubis, 2010: 89).

In order for waqf to play a role as an economic supporter of the community's economy, the government needs to take strategic steps to develop and empower waqf institutions and empower their potential so that they have

a positive impact on the economic, social, educational and cultural life of the community. One of the strategic steps is to develop a waqf management and empowerment system in accordance with the times and the current situation with strong support and support from the government. Departing from the view point above, the writer wants to share ideas about waqf fund management strategies in Indonesia.

The author begins with the definition of waqf from the perspective of Islamic law and the juridical foundation of cash waqf. The next discussion regarding the problems in managing cash waqf funds includes the freezing of Islamic ummah on waqf, the misunderstanding among some Muslims about cash waqf, and the lack of professionalism in managing waqf (nadzir waqf) and managing waqf assets in the form of cash or cash waqf. not cash. In the final discussion, the author discusses the cash waqf management strategy which includes the importance of a national-scale Waqf Institution in the Indonesian Waqf Institution (BWI) which acts as a supervisor and productive management of waqf.

## **METHOD**

This type of research used in this research is qualitative. Moleong explained that qualitative research is research that intends to understand the phenomena experienced by research subjects such as behavior, perception, motivation, actions, etc. holistically (as a whole), and by means of description in the form of words and language. In a specific context whis is natural and by making use of various natural methods.

This type of qualitative research is used to obtain data that is carried out based on the background conditions and social realities that occur in the field, namely in the form of social processes that occur in society that spend part of their assets to pay income zakat. All of the data collected is likely to be the key to the phenomenon being studied. The research report will contain data quotations to provide an overview of the presentation of the report.

## **RESULT AND DISCUSSION**

Waqf literally means "al-habsu", which comes from the verb habasa-yahbisu-habsan, to keep people away from something. Waqf (word) comes from the word waqafa (fiil madi)-yakifu (fiil mudari)-waqfan (isim masdar) which means to stop while waqf according to the term syarak is "holding property that may be taken advantage of without spending the object and used for good. According to the popular Islamic dictionary, the term waqf is holding property and giving it its benefits in the way of Allah; transferring personal

rights to belong to a body that provides benefits to society with the aim of getting the goodness and pleasure of Allah SWT. Judging from some of the above definitions, both etymologically and terminologically, waqf is shadaqah Jariah, as a contribution of virtue that will continue to flow the reward even though the person concerned has passed away, and it can be concluded that waqf property is not personal property, but the property of certain groups in society which aims well-being. In the science of fiqh, many jurists have an opinion in defining waqf. The following are some descriptions and explanations of waqf from the scholars:

- (1) According to Abu Hanifah which was adapted by Wahbah al-Zuhaili: "Waqf is the termination of immovable objects from the legal ownership of waqif and the giving of its benefits for the public interest".
- (2) According to Abu Yusuf and Muhammad bin al-Hasan, the Syafi'iyyah group and the Hanabilah group; "Waqf is holding property that allows the benefits to be taken, but not for him, wasted waqif to get closer to Allah SWT." By being waqf, the property comes out of the possession of the waqif and the property legally belongs to Allah SWT. Waqif is prevented from using it and is obliged to donate the results for good.
- (3) According to the Malikiyah Group: "Waqf means that the owner of the property provides benefits to the property owned by the mustahiq". According to them, these assets can be in the form of objects that are rented and then the results are donated. The advantage of Malikiyah's opinion is that the person with waqf does not have to wait for him to have the object that is being donated, but he only needs to rent the object, what will be donated is the result. On the other hand, this opinion will cause the weakness of the waqf institution and is not in accordance with the opinion of Jumhur Ulama; that the waqfed object must remain in substance and can be used continuously.

In the Al-Qur'an there are several verses that recommend the use of waqf, some of which are QS. Ali 'Imran: 92: "You may not come to the virtue (which is perfect), before you spend all the treasures that you love. And whatever you supply, then verily Allah knows. " Another verse that becomes waqf is al-Baqarah: 261 and 267: "The parable (income issued by) those who spend their wealth in the way of Allah is similar to a seed that grows seven ears, on each one hundred seeds. Allah multiplies (rewards) for whom he wills, and Allah is vast (His grace), All-knowing. " "O you who believe, spend (in the way of Allah) a portion of the results of your efforts which are good and a part of what we put out of the earth for you, and do not choose bad things and then you spend

from them. Himself does not want to take it but by drawing an eye towards it, and know that Allah is Rich, the Most Praiseworthy.

Apart from the Al-Qur'an, there are also hadiths which serve as the basis for the practice of waqf: "From Abu Hurairah ra. In fact, the Prophet Muhammad said: When a human being is dead, his practice will be cut off, except for three things: almsgiving, a useful knowledge and a pious child who prays for him. (Narrated by Muslim). The hadith of the Prophet which explicitly alludes to the recommendation of waqf worship, namely the Prophet's command to Umar to donate his land in Khaibar: "From Ibn Umar ra. Said, that friend of Umar Ra. Acquired a plot of land in Khaibar then went to the Messenger of Allah to ask for guidance. Umar said: O Messenger of Allah, I got a piece of land in Khaibar, I have never had such good wealth, so do you order me? Rasulullah replied: If you like, you hold (in essence) the land, and you give (the result). Then Umar gave it to poor people, relatives, slaves, sabilillah, ibn sabil and guests. And there is nothing wrong with it or it is not forbidden for those who control the waqf land (the administrator) to eat from the results in a good (proper) way or eat without the intention of accumulating wealth. (HR. Muslim)

The practice of waqf in Indonesia has basically been implemented by the Muslim community since before Indonesia's independence. The government has also enacted a special law that regulates in detail about waqf in Indonesia, including Law No. 41 of 2004 concerning Waqf, Basic Agrarian Law, Government Regulation no. 42 of 2006, Presidential Instruction No. 1 of 1991 concerning the Compilation of Islamic Law (KHI).

Waqf can be divided into several classifications, namely based on its purpose, time, and usage. Waqf based on its objectives consists of:

- (a) Social waqf for the good of society, that is, if the purpose of the waqf is to
- (b) Family waqf, that is, if the purpose of waqf is to benefit waqif, his family and his descendants.
- (c) Combined waqf, that is, if the purpose of the waqf is for the public and the family at the same time.

Based on the time limit, waqf is divided into two types: Eternal waqf, namely waqf in the form of eternal goods such as land and buildings or movable property which is determined by waqf as eternal waqf. Temporary waqf, which is if the goods being donated are in the form of goods that are easily damaged when used without providing conditions for replacing the damaged part.

Based on its use, waqf is divided into two types (1) Direct waqf, namely waqf whose main items are used to achieve its objectives such as a mosque for prayer, a school for teaching and learning activities and so on. (2) Productive waqf, waqf whose main goods are used for production activities and the results are given according to the purpose of the waqf.

The opinion according to the scholars, there are four pillars of waqf, namely:

- (a) Waqif (the party who donated his property).
- (b) Mauquf bih (donated goods or assets).
- (c) Mauquf 'alaih (the party who is given waqf / allotment of waqf).
- (d) Shighat (waqif statement as a will to donate part of the property the object).

The pillars of waqf above have their own requirements that must be done for the validity of waqf, these conditions are as follows:

**Waqif** (people who donate). In this case the waqif requirements are independence, sound minded, not under interdiction, baligh (adult). Because waqif is the owner of the property who donates, then waqf can only be done if the land is the perfect property of the waqif.

**Mauquf bih** (donated goods or assets). In this case, there are several conditions that must be met as follows (a) waqf assets have value (there is a price); (b) the form of waqf assets is clear; (c) the waqf property is the property of the waqif; (d) waqf assets are in the form of immovable objects.

**Mauquf 'alayh** (allotment of waqf). The use of waqf must be within certain limits has been regulated by the Islamic Sharia, because waqf is basically an act of charity that aims to bring me closer to God. To avoid misuse of waqf, it is necessary for waqif to emphasize the purpose of the waqf. Is the donated property to help his own family as a family endowment, the needy, or something else.

**Shighat** (pledge of waqf). The statement of waqf must be stated explicitly either verbally or in writing, with the editorial "I donate" or something similar. However, shighat waqf is sufficient with the consent of the waqif and there is no need for qabul from mauquf 'alayh.

This statement is important because it implies the transfer of ownership rights for waqf and property of waqf to become the property of Allah or public property which is used in accordance with the purpose of benefit. As for the benefits of waqf, among others are:

- (1) Maintain state assets and protect them from being sold or pawned. public interest. 2) Maintaining ancestral heritage and maintaining the integrity of the family.

- (2) Family waqf assets are always new and dynamic in accordance with the times and times, so that the donated assets are not made extravagant (mubadzir) by the heirs. However, each heir can manage it.
- (3) Waqf that is well managed and productive, the benefits will return to the family. This is because a good management of productive waqf will increase the State's income to a large extent which will automatically provide welfare to the nation.
- (4) Waqf assets will continue to survive and will not go bankrupt even though the State is hit by an economic crisis, because waqf assets must be maintained and maintained forever.

In addition to developing and improving aspects of its benefits, the application of a good management system must be included, this can be seen in the aspects of its management:

*Institutional.* To manage waqf objects productively, an institution that specifically manages existing and national waqf is named: Indonesian Waqf Board (BWI), which is assigned the task of Operational Management.

In management terms, it is said that what is called operational management is the process of making decisions regarding the operational function. Standard operating decisions are a central theme in Nazhir's institutional operations that wish to manage productively.

*Public Relations.* The role of public relations is considered to occupy an important position because it strengthens the image that waqf objects managed by Nazhir can actually be developed and the results are for the welfare of many people, convincing prospective waqifs who are still in doubt whether the objects to be donated can be managed properly or not, and introducing aspects of waqf that are not only reward-oriented, but also prove that Islamic teachings really emphasize aspects of welfare for other human beings, especially for those who are less fortunate

*Application of finance.* The implementation of good finance in a management process for institutions at Nazhiran is closely related to accounting and auditing. Productive Waqf Model The government has attempted to develop and empower the potential of waqf by means of a strategic effort by creating waqf institutions that have had a positive impact in improving the social and economic life of Muslims. One of the concrete steps towards productive waqf, it is necessary to develop a system of development and management of waqf with various models and managerial in the perspective of the business world to advance the ummah.



As for the various models of efforts to improve the welfare of the economic life of the people, namely:

- (1) Productive waqf model for building construction (shops, waqf buildings and business centers, Muslim boarding houses, mini markets);
- (2) Productive waqf model;
- (3) business development (livestock, fisheries, plantations, home industry, workshops, etc.);
- (4) an optimal waqf cash management model for the welfare of the people (traditional waqf financing model, institutional financing model);

Waqf management continues to be carried out by various parties in seeking to develop the waqf itself. Starting from the government through the ministry of religion, NGOs and nadziran institutions such as the duafa republika wallet by issuing investment waqf certificates, cash waqf certificates and others. The hope is that an institution like this can be optimal in empowering the benefits of waqf like in Muslim countries that manage waqf productively. However, there are some waqf that do sometimes experience obstacles. The barriers to waqf management are lack of public understanding of waqf; lack of awareness of the candidates for wakif and nazhir; low quality waqf human resources; lack of supervision.

The fact is that in the development of waqf management, the management of productive waqf has been carried out and managed by several foundations, but its development is more utilized in the world of education that is shaded by the foundation.

### **Waqf Management**

Management management occupies the top position in managing waqf assets. The meaning of the word management according to the Big Indonesian Dictionary is the effective use of resources to achieve goals. There are two kinds of fund management in the perspective of productive waqf, namely mutlaq waqf and muqayyad waqf. Waqf mutlaq is the practice of waqf in which wakif gives to the waqf for manage indefinitely. As for muqqayyad waqf is waqf where waqf provides a condition so that the waqf property can only be managed in certain ways and given to certain parties as well. Of these two methods, the most common way is by renting out waqf assets. This is in line with the fact in the field that most waqf assets are in the form of al-iqar (immovable property). Several forms of rental contained in the concept of fiqh are as follows:

- (1) Ijarah is an ordinary lease

- (2) A double lease agreement ('aqd al-ijaratain), this is done in order to overcome the shortage of building on waqf land. In this case there are at least two levels of renting. First, rent is paid in advance with an amount that allows the building to be built. Second, the monthly rent at a lower price that must be paid while using the building.
- (3) Al-hikru, namely the concept of a lease agreement on waqf for a long period of time, and gives the tenant of the waqf property the right to live in it, either building or cultivating the land and giving him the right to extend the lease period after the first contract expires, as long as he is still able to pay the agreed rent.
- (4) Al-Marshid, which is an agreement with prospective tenants who are willing to lend nadzir a number of funds to repair the waqf building as debt which will then be paid by leasing the waqf property itself.

In Islamic history, Waqf has been known since the time of Rasulullah SAW because waqf was prescribed after the Prophet SAW Medina, in the second year of Hijriyah. There are two opinions that have developed among experts in Islamic jurisprudence (fuqaha ') regarding who was the first to implement the waqf law. According to some scholars' opinions, the Prophet SAW carried out waqf for the first time, it was the land waqf belonging to the Prophet SAW to build a mosque.

This opinion is based on a hadith narrated by Umar bin Shabah from 'Amr bin Sa'ad bin Mu'ad, he said: And it was narrated from Umar bin Shabah, from Umar bin Sa'ad bin Mu'ad said: "We asked about the beginning of waqf in Islam? Muhajirin people say it is Umar's waqf, while the Anzor people say it is the waqf of the Prophet Muhammad. " (Asy-Shyaukani: 129). Rasulullah SAW in the third year of Hijriyah donated the seven date palms in Medina; among them are A'raf, Shafiyah, Dalal, Barqah and other kebons. According to the opinion of some scholars, it was Umar bin Khatab who first implemented the Sharia Waqf.

This opinion is based on the hadith narrated by Ibn Umar ra, he said: From Ibn Umar, ra, said: "That the friend of Umar ra, obtained a plot of land in Khaibar, then Umar, ra, came to the Prophet Muhammad for guidance, Umar said:" O Rasulullah SAW., I got a piece of land in Khaibar, I have not received any property as well as it is, then what do you command me? " Rasulullah SAW. said: "If you like, you hold (in essence) the land, and you give (the result), not sold, not gifted and not inherited. Ibn Umar said: "Umar gave it (the results of land management) to poor people, relatives, servants, sabilillah, Ibn Sabil and guests. And it is not prohibited for those who manage (nazhir) waqf to eat from

the results in a good way (properly) or feed other people without the intention of accumulating wealth ”(HR.Muslim).

Then the waqf shari'a that has been carried out by Umar bin Khatab followed by Abu Talha who donated his favorite garden, the garden of "Bairaha". This was followed by the companions of the Prophet SAW. others, such as Abu Bakr who donated a plot of land in Mecca for his descendants who came to Mecca. Uthman donated his wealth in Khaibar. Ali ibn Abi Talib donated his fertile land. Mu'ads bin Jabal donated his house, which is popularly known as "Dar Al-Ansar". Then the implementation of waqf was followed by Anas bin Malik, Abdullah bin Umar, Zubair bin Awwam and Aisyah Isri Rasulallah SAW.

The practice of waqf became more widespread during the Umayyah and Abbasid dynasty, everyone flocked to carry out waqf, and waqf was not only for poor and poor people, but waqf became the capital to build educational institutions, build libraries and pay salaries of the public. stats, salaries of teachers and scholarships for students and students. Public enthusiasm for the implementation of waqf has attracted the attention of the state to regulate the management of waqf as a sector to build social and economic solidarity in the community.

Waqf was originally just the desire of someone who wanted to do good with the wealth he owned and managed individually without any definite rules. However, after the Islamic community felt how beneficial the waqf institution was, a desire arose to regulate waqf properly. Then an institution was formed that regulates waqf to manage, maintain and use waqf property, either in general, such as a mosque or individually or in a family.

During the Umayyad dynasty, the judge of Egypt was Taubah bin Ghar Al-Hadhramiy at the time of the caliph Hisham bin Abd. Malik. He was very concerned about and interested in the development of waqf so that a separate waqf institution was formed like other institutions under the supervision of judges. This waqf institution was the first to be carried out in the administration of waqf in Egypt, even in all Islamic countries. At that time, Hakim Taubah established a waqf institution in Basrah. Since then, the management of waqf institutions under the Ministry of Justice has been well managed and the results are distributed to those who are entitled and those who need them.

During the Abbasid dynasty there was a waqf institution called "shadr al-Wuquuf" which took care of administration and selected staff to manage the waqf institution. Such was the development of waqf during the Umayyah and Abbasid dynasties whose benefits could be felt by the community, so that waqf institutions developed in line with their administrative arrangements.

During the Ayyubid dynasty in Egypt, the development of waqf was quite encouraging, where almost all agricultural lands became waqf property and all were managed by the state and belonged to the state (baitul mal). When Salahuddin Al-Ayyuby ruled Egypt, he intended to donate state-owned lands to religious foundations and social foundations as was done by the previous Fathimiyah dynasty, although in Islamic jurisprudence, the law of donating baitulmal assets still has different opinions among the scholars.

The first time the person who donated land belonging to nagara (baitul mal) to foundations and social institutions was Raja Nuruddin Asy-Skyahid with the strictness of the fatwa issued by an ulama at that time, Ibn "Ishrun and supported by other scholars that donating state property by law may (jawaz), with arguments (arguments) to maintain and safeguard the country's wealth. Because basically assets that belong to the state cannot be donated. Shalahuddin Al-Ayyubi donated a lot of state-owned land for educational activities, such as donating several villages (qaryah) for the development of the asy-Shafi'iyah madrasa, al-Malikiyah madrasah and al-Hanafiyah school of madrasah with funds through the model of donating gardens and agricultural land. such as the construction of a Shafi'iy school of madrasa beside the Imam Shafi'i grave by donating agricultural gardens and the island of al-Fil.

In the context of the welfare of the scholars and the missionary interests of the Sunni School, Saladin al-Ayyuby established a policy (1178 AD / 572 H) that Christians who come from Iskandar to trade are required to pay customs duties. The results are collected and donated to jurisprudence experts (fuqahaa') and their descendants. Waqf has become a means for the al-Ayyubiyah dynasty for its political interests and the mission of its sect is the Sunni school and to maintain its power. Where state property (baitul mal) became the capital to be donated for the development of the Sunni school of thought and to overthrow the Shi'a sects brought by the previous dynasty, was the Fatima dynasty.

The development of waqf during the Mamluk dynasty was very rapid and varied, so that whatever could be benefited could be donated. However, most of which was donated at that time was agricultural land and buildings, such as office buildings, lodging and learning places. During the Mamluk era, there were waqf slaves who were donated by slaves to maintain mosques and madrassas. This was done for the first time by the leader of the Ustmani dynasty when he conquered Egypt, Solomon Basya, who donated his slave to look after the mosque.

The benefits of waqf during the Mamluk dynasty were used for the purpose of waqf, such as family waqf for the benefit of the family, public waqf

for social purposes, building a place to bathe corpses and to help needy and poor people. What carries the syiar of Islam more is waqf for the means of Harmain, which is Mecca and Medina, such as the cloth of the ka'bah (kiswaatul ka'bah). As was done by King Salih bin al-Nasir who bought the village of Bisus and then was donated to pay for the kiswa of the Ka'bah every year and to replace the cloth of the Prophet's grave and his pulpit every five years.

The next development in which the benefits of waqf were considered to have become the backbone of the economy during the Mamluk dynasty received special attention at that time, although it is not known exactly where the waqf law was passed. However, according to the news and files compiled, the waqf legislation in the Mamluk dynasty began when King al-Dzahir Bibers al-Bandaq (1260-1277 M / 658-676 H) where with this law King al-Dzahir chose a judge. from each of the four Sunni schools of thought.

In the al-Dzahir Bibers order, waqf can be divided into three categories: State opinion as a result of waqf given by the authorities to people who are considered meritorious, waqf to help haramain (facilities for Mecca and Medina) and the interests of the general public. Since the fifteenth century, the Ottoman Empire was able to expand its territory, so that Turkey could control most of the territory of the Arab country. The political power that was won by the Uthmani dynasty automatically made it easier to implement the Islamic Shari'at, including regulations on waqf.

Among the laws issued in the Uthmani dynasty were regulations regarding the bookkeeping of the implementation of waqf, which were issued on 19 Jumadil Akhir, 1280 Hijriyah. This law regulates the recording of waqf, certification of waqf, how to manage waqf, efforts to achieve the goal of waqf and institutionalize waqf in an effort to realize waqf from an administrative and statutory side.

In 1287 Hijriyah a law was issued explaining the position of the Ottoman lands and productive lands with the status of waqf. From the implementation of this law in Arab countries, there are still many lands that have the status of endowments and are practiced until now. Since the time of the Prophet, the period of the caliphate and the Islamic dynasties until now waqf is still being implemented from time to time in all Muslim countries, including in Indonesia.

This can be seen from the fact that the Islamic waqf institution has been accepted (perceived) to become the customary law of the Indonesian nation itself. Besides that, it is also a fact that in Indonesia there are many waqf objects, both moving objects or immovable objects. If we look at other Muslim countries, waqf has received sufficient attention so that it becomes a social charity that is able to provide benefits to the community at large.

In the course of the history of waqf continues to develop and will always develop along with the pace of changing times with various relevant innovations, such as the form of cash waqf, endowments for intellectual property rights (Haki), and others. In Indonesia itself, currently waqf is getting serious attention with the issuance of Law No. 41 of 2004 concerning Waqf and PP No. 42 of 2006 regarding its implementation.

## CONCLUSION

In the history of the economic prospect of waqf property is believed to be could be more developed and better if the results of the pra Islamic development experts about waqf assets applied to possible place and conditions. There is a policy which the Prophet and his companions had practiced should be used as a foundation and an example towards increasing the economic prospects of existing waqf assets. This can be done if all elements are government, ulama 'and Islamic society to carry out a strategy in its management.

Among the strategic steps in the field of waqf are related to utilization or utilization of waqf, change of assets waqf (not moving to movable property), transfer waqf assets, merger of waqf assets, changes in management and so forth. In the end, waqf as a prospective institution as a to support the community's economy, it is necessary to take steps strategic steps for its development. Government (umara '), figure society (ulama ') and Muslim society at large need to undertake strategic steps to develop and empowering waqf and empowering institutions potential so that it has a positive impact on life economic, social, educational and cultural communities. Wrong one strategic step is to develop a system management and empowerment of waqf in accordance with the times and the current situation by obtaining strong support and support from the government. So that with a strong waqf institution of a majority country a Muslim population can live in prosperity and become a country that is the best country.

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