



## **DISORIENTATION IN THE IMPLEMENTATION OF COMMUNITY WAQF IN THE VILLAGE OF AEK GOTI, DISTRICT OF SILANGKITANG, LABUHAN BATU SELATAN REGENCY**

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**Abstract:** The implementation of waqf in Aek Goti Village, Silangkitang District, involves the community consistently requesting compensation for the properties they have donated to the trustees (nadzir) and the community. Subsequently, the nadzir and community provide monetary compensation to the waqif as a form of social assistance, which has become a common practice due to its perceived benevolence. However, this practice raises discrepancies in Islamic jurisprudence, as it contradicts Islamic law and regulations governing waqf. This article employs qualitative methods such as interviews and field research to investigate this issue. The author conducted direct field visits, engaged with informants relevant to the research problem, and gathered both written and oral data. Data analysis was conducted using inductive, descriptive, and comparative methods, integrating theory with societal findings into a cohesive framework.

The research findings indicate that proper implementation of waqf in accordance with Islamic law requires adherence to its fundamental principles and conditions for validity, ensuring that the charitable act is recognized as a worshipful deed by Allah SWT. However, in Aek Goti Village, Silangkitang District, the waqf practices observed are considered fasid (defective) because they deviate from religious guidelines. Specifically, the waqif's request for compensation, ostensibly to support their family, undermines the sanctity of waqf. Moreover, the compensation offered is significantly lower than the actual value of the waqf property, some of which was intended for charitable purposes.

**Keywords:** Implementation of Waqf, Disorientation, Islamic Law, Aek Goti Village

### **Introduction**

Islam is established as one of the legal foundations, particularly in countries with the largest Muslim populations in the world, such as Indonesia. Islam regulates all aspects of life based on evidence derived from the Qur'an and Sunnah. This includes rules regarding wealth preservation in Islam, such as those concerning waqf. According to many scholars, waqf is considered a benevolent act in wealth preservation aimed at enhancing the economy of the Muslim community (Sabiq 1987, 174).

The implementation of waqf must adhere to religious teachings and be included in written government regulations to ensure its validity and clarity. In the case of Aek Goti Village, Silangkitang District, the author found a discrepancy between the religious teachings on waqf and the local regulations. Here, waqf activities sometimes involve elements of buying and selling, whereas waqf is generally considered a pure act of worship where individuals donate their wealth for the benefit of the community without expecting anything in return. This has led to strong objections from some members of the community who disapprove of waqif taking advantage of their assets intended for public welfare.

Some residents of Aek Goti Village have attempted to address this issue by discussing it with the waqif and other community leaders. Despite differing opinions, some still view this practice positively.

However, many community members feel strongly that this practice contradicts the true spirit of waqf, which should be solely for the sake of Allah SWT. They believe that if profit is sought, then engaging in commercial transactions would be more appropriate.

It is suggested that they look to neighboring areas around Aek Goti Village, Silangkitang District, where individuals (waqif) have donated their wealth to build places of worship (mosques) or other facilities without expecting any personal gain. Examples include waqf lands used for schools, government offices, and more, often dedicated in the name of deceased parents. Despite some instances of waqf involving commercial elements for profit, many others are conducted correctly and in accordance with Islamic principles.

Waqf is vastly different from buying and selling. Buying and selling, known as mu'amalah transactions, have been practiced since ancient times, including during the eras of previous prophets and in the archipelago for centuries, though they were then termed as barter transactions. Before the time of Prophet Muhammad ﷺ, there were no standardized rules or laws to regulate every mu'amalah transaction or commercial exchange (Ghazali 2012, 67). Buying and selling transactions can provide various benefits or profits, unlike waqf, which does not seek material gain. In waqf, individuals or groups donate a portion of their wealth freely and sincerely (ikhlas) for the sake of Allah. This sincere intention is a benchmark for the waqif (donor) in the process, intending the donated property to be used for worship purposes or other public needs in accordance with Islamic teachings (Rofiq 1997, 491).

The view above explains that the implementation of wakaf law carried out in Aek Goti Village, Silangkitang District, differs from theory and legislation. Regarding this practice of wakaf, Allah SWT has explained in Surah Ali Imran verse 92:

لَنْ تَنَالُوا الْبِرَّ حَتَّى تُنْفِقُوا مِمَّا تُحِبُّونَ وَمَا تُنْفِقُوا مِنْ شَيْءٍ فَإِنَّ اللَّهَ بِهِ عَلِيمٌ ۝

"You will never attain righteousness until you spend from that which you love. And whatever you spend - indeed, Allah is Knowing of it." (Quran, Ali Imran: 92)

There is a hadith from the Prophet Muhammad ﷺ, which is as follows:

عَنْ ابْنِ عُمَرَ قَالَ أَصَابَ عُمَرُ أَرْضًا بِحَيِّبٍ فَأَتَى النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَسْتَأْمِرُهُ فِيهَا فَقَالَ يَا رَسُولَ اللَّهِ إِنِّي أَصَبْتُ أَرْضًا بِحَيِّبٍ لَمْ أُصِبْ مَالًا قَطُّ هُوَ أَنْفُسُ عِنْدِي مِنْهُ فَمَا تَأْمُرُنِي بِهِ قَالَ إِنْ شِئْتَ حَبَسْتَ أَصْلَهَا وَتَصَدَّقْتَ بِهَا قَالَ فَتَصَدَّقَ بِهَا عُمَرُ أَنَّهُ لَا يُبَاعُ أَصْلُهَا وَلَا يُبْتَاغُ وَلَا يُورَثُ وَلَا يُوهَبُ قَالَ فَتَصَدَّقَ عُمَرُ فِي الْفُقَرَاءِ وَفِي الرِّقَابِ وَفِي سَبِيلِ اللَّهِ وَابْنِ السَّبِيلِ وَالضَّيْفِ وَ لَا جُنَاحَ عَلَيَّ مَنْ وَلِيَهَا أَنْ يَأْكُلَ مِنْهَا بَا لَمَعْرُوفٍ أَوْ يُطْعِمَ صَدِيقًا غَيْرَ مُتَمَوِّلٍ فِيهَا (رواه البخاري و مسلم)

"From Abdullah bin Umar, he said that Umar received a piece of land in Khaibar, then he went to the Prophet (peace be upon him) to ask for advice regarding the land. He said, 'O Messenger of Allah, I have received a piece of land in Khaibar, and I have not obtained anything more valuable than this land. So what do you command me to do with this land?' He replied, 'If you wish, you can keep the land itself and give its yield as charity.' Abdullah bin Umar said, 'Then Umar gave its yield as charity, but the land itself was neither sold nor inherited.' He said, 'So Umar gave its yield as charity to the poor, relatives, to free slave women, in the way of Allah, to travelers, to the weak, and there was no harm for the one managing it to consume something from it, as long as it was not excessive. In one instance, it was mentioned, "as long as it was not for hoarding."' (Narrated by Bukhari-Muslim) (Mardani 2014, 154-155)."

Based on the words of the Prophet Muhammad ﷺ, it is explained that waqf is holding the original asset and distributing its benefits. The waqf property cannot be sold and cannot be inherited by the endower (wakif). The position of waqf property is that it remains in existence after it has been utilized (Mardani 2014, 157). Exploring the above argument, it is clear that the true meaning of waqf

is about sincerity with goods or wealth to be given for public interest or the interest of the larger community. This has led the author to investigate the practice of waqf in Aek Goti Village, Silangkitang District, because how can the act of waqf, which originates purely from the sincerity of giving part of one's wealth for public interest, instead be used to seek benefits and profit under the guise of waqf. This is important and very important for the author to review to raise awareness that waqf is truly a pure act of worship without taking any benefit or advantage from anyone because only Allah SWT rewards those who endow their wealth, especially for the benefit of the community forever.

The practice of waqf also applies to the community in Aek Goti Village, Silangkitang District, South Labuhan Batu Regency, North Sumatra Province. The organization of waqf is always accompanied by buying and selling in the form of compensation for the contract process as a form of reward for the community to the endower. This buying and selling transaction by the community, if it involves public interest, always uses the element of waqf in the process, becoming a tradition for the community. Such cases have occurred frequently in this region during the implementation of waqf, with suspicions that they are not sincere in carrying out waqf and continue to demand compensation from the trustees and the community.

The custom in Aek Goti Village when performing waqf is that the endowers request compensation, although the value from the sale price of the land itself is far from its actual price. This is because in the waqf contract, a buying and selling contract follows, such as a plot of land intended for waqf accompanied by compensation for the property. Thus, the implementation of waqf in Aek Goti Village, Silangkitang District, combines two elements of contracts and obtains profits.

A case involving the waqf of a plot of land for a mosque site in Pandan Sari Hamlet, Aek Goti Village, Silangkitang District, South Labuhan Batu Regency, from one of the residents, was initially intended for waqf, but the endower requested compensation for the land being endowed. The landowner named Sardi (land seller and endower) and Sugianto from BPM (Mosque Management Board) in Aek Goti Village, Silangkitang District. The area of the land endowed is approximately 2 rantai or 800 square meters, with compensation of Rp. 20,000,000 (twenty million rupiah). The standard price of land in the village per rantai is approximately Rp. 35,000,000 (thirty-five million rupiah), and the value of two rantai of land should be approximately Rp. 70,000,000 (seventy million rupiah). Because the land seller intended to endow the land, the surrounding community only needed to pay compensation or sell the land for Rp. 20,000,000 (twenty million rupiah). This practice not only applies to land but also to many other things with the same practice, though the items differ. This practice applies not only to Muslims but also to non-Muslims, as this activity has become a tradition that has been carried out for a long time by the community in Aek Goti Village, Silangkitang District.

## Method

Research is fundamentally a step to seek the truth. To seek this truth in writing the thesis, the author conducted field research. Field research is research conducted in the field using interviews. This research uses information obtained from research informants or respondents through data collection instruments such as interviews, observations, and others (Nata 2000, 125). Therefore, the author uses this method to seek definite truth. The author directly goes to the field or the relevant environment to gather sources and materials that will be used as data, which will later be compiled into the problems found in the implementation of waqf in Aek Goti Village, Silangkitang District. Furthermore, the problems that have been collected will be unified into correlations that will be elaborated one by one into a formulation that aims to find a solution to the problem.

This research uses a qualitative descriptive method, which describes the events or phenomena in the field that are the target objects of the research without intending to compare or contrast (Nawawi 2002, 3). Descriptive methods describe an event that occurs, whether it is an event that really happens or just a human fabrication (Dinata 2010, 72). This descriptive research relates to the

issues of disorientation in the implementation of waqf in Aek Goti Village, Silangkitang District, South Labuhan Batu Regency, based on the perspective of Islamic law.

Qualitative research is characterized by meeting the requirements of qualitative research, which are: first, a natural setting; second, humans as instruments; third, the research method is qualitative; fourth, data analysis is inductive; fifth, the theory used is grounded theory; sixth, it is descriptive or illustrative; seventh, it emphasizes the process more than the results; eighth, there is a certain limitation; ninth, there are specific characteristics for data validity; tenth, the design is temporary; eleventh, the research results are discussed and determined together (Moleong 2011, 8).

This is what the author will try to explain in its entirety. Because, in the first requirement, waqf is a natural act of worship carried out based on human awareness, by the command of Allah SWT. Second, humans act as executors. Third, the research method is qualitative, which means one must really go to the field to obtain the desired data. Fourth, analyzing data accurately. Fifth, the theory used corresponds to the research topic, which is about waqf. Sixth, describing the implementation of waqf conducted by the community in Aek Goti Village, Silangkitang District. Seventh, the steps used must be accurate to achieve precise results. Eighth, the time constraints are very relevant to the author. Ninth, there are waqf practitioners and waqf items and other data. And tenth, perfection belongs only to Allah SWT, but the author only sequences the theory with the practice of waqf implementation in Aek Goti Village, Silangkitang District.

## Results and Discussion

### Geographical and Demographical Characteristics of Aek Goti Village

The issue is specifically located in Aek Goti Village, Silangkitang Subdistrict, which is part of six villages in the Silangkitang Subdistrict area, South Labuhan Batu Regency. This regency was formed from the division of Labuhan Batu Regency in 2008 based on Law No. 22 of 2008 (Monographic Data and Description of Aek Goti Village, September 2021).

Aek Goti Village itself has sixteen hamlets. Since 2021, it has been led by Sarino (the local village head). Sarino administers the village in cooperation with the Village Consultative Body (BPD) and the Village Community Resilience Institution (LKMD) in Aek Goti Village, which consists of one chairman named Ahmad Rojali Siregar and eight members. The administrative tasks of Aek Goti Village are supported by one village secretary named Suwito, who has held the position since 2017, along with five other head of affairs (Kaur).

Geographically, this village is part of Silangkitang Subdistrict, South Labuhan Batu Regency, North Sumatra Province. The distance from the village to the subdistrict center is about 2 KM, and the distance from the subdistrict center to the regency center is about 40 KM. The boundaries of Aek Goti Village are as follows: to the north with Ulumahuam Village; to the east with Binanga Dua Village; to the south with Tanjung Siram Village; and to the west with Kampung Dalam Village and Rintis Village.

The area of Aek Goti Village is 2,200 hectares; the village area is divided into 16 hamlets, namely: Aek Gapuk, Aek Goti A, Aek Goti B, Goti C, Silangkitang A, Silangkitang B, Kampung Baru, Pandan Sari A, Pandan Sari B, Pandan Sari C, Tegal Sari A, Tegal Sari B, Padang Bulan A, Padang Bulan B, Gunung Tempurung, and Pembangunan SAA Hamlet. The topography of Aek Goti Village, with a total land area of around 2,200 hectares, is generally flat, and the elevation above sea level is around 1000 meters. The temperature in Aek Goti Village ranges from 29-33 °C with rainfall of 1000-1500 mm/year; the humidity is between 50%-100%, and the wind speed is 10-30 km/h.

The demographic population of Aek Goti Village consists of 5,870 people (forty percent male and sixty percent female). This data includes people from the elderly to children. The number of families is 1,350 households. Eighty-five percent of the population adheres to Islam, and fifteen percent adhere to non-Islamic religions. Aek Goti Village is inhabited by various ethnic groups, such as fifty percent Javanese, fifteen percent Batak, fifteen percent Mandailing, and twenty percent others. The professional background of the Aek Goti community includes thirty-five percent

agricultural laborers, twenty percent traders, ten percent teachers, ten percent civil servants, and fifteen percent other entrepreneurs.

## Community Waqf Implementation

The text about the worship of waqf will not be found in the Qur'an and Sunnah. However, the meaning and content of waqf are found in these two sources of Islamic law. The Qur'an conceptualizes waqf with the expression 'charity' of wealth (infaq) for the public good. The Sunnah explains waqf with the word 'habsu', meaning to withhold. Several evidence explain that implementing waqf for Muslims is a form of worship to Allah SWT from their wealth by dedicating it for public benefit.

Waqf in Sharia terminology is a kind of donation carried out by withholding (ownership) initially and then making that donation beneficial for the public. The original ownership means withholding the wakaf property so that it is not inherited, borrowed, sold, pawned, gifted, rented, or similar actions, while its utilization is done according to the intention of the wakif without any charge or remuneration (Jawad 2007, 635).

The giver of waqf in Sharia is called 'wakif', while the party responsible for managing and overseeing the waqf is called 'nadzir'. The property that has been wakafed cannot be transferred in ownership, except if it meets certain conditions stipulated by the value of the item. The wakafed item is valuable property and its value must be known. If the amount of the property is unknown (*majhul*), then the transfer of ownership of that waqf is deemed invalid. The wakafed property constitutes legitimate ownership of the wakif or does not adhere to other property (*mufaraz*) or by the term (*ghairah shai'*) (Jawad 2007, 637).

Regarding the case of waqf implementation in the community of Aek Goti Village, Silangkitang District, Labuhan Batu Selatan Regency, it can be explained based on interview results as follows.

Some objects of waqf implementation include:

### 1. Waqf of Land

Land is a crucial necessity in human life. Prophet Muhammad ﷺ emphasized the importance of land. He mentioned in a hadith:

عَنْ سَالِمٍ، عَنْ أَبِيهِ رَضِيَ اللَّهُ قَالَ : قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَ سَلَّمَ مَنْ أَحَدَّ مِنْ أَلَا ضِ شَيْئاً بَعِيرٍ حَقَّهُ حَسْفَ بِهِ يَوْمَ الْقِيَامَةِ إِي سَبْعِ أَرَضِينَ (رواه البخاري)

*Narrated by Salim, from his father, he said: Prophet Muhammad ﷺ said, 'Whoever takes something (a piece of land) from the Earth unlawfully, then on the Day of Judgment, he will sink down to seven earths.'* (Narrated by Bukhari, No. 2274) (al-Bukhari 1981, 196).

Based on this hadith, it is understood that the significance of land in Islam and its utilization must be maximized. The land in Aek Goti Village serves as a common waqf object used for various purposes such as mosques, schools, graveyards, and offices.

### 2. Waqf of a Funeral Car

A funeral car waqf is utilized by the community to transport deceased individuals to their burial sites. The people of Aek Goti Village have wakafed a funeral car twice. This waqf has provided significant benefits, helping the community meet their transportation needs for funerals when their previous car broke down.

### 3. Waqf of Building Materials

For various infrastructural developments such as mosques, graveyards, schools, and other facilities in Aek Goti Village, the community often wakafs building materials such as cement, roofing tiles, wood, iron, and others as needed. The people of Aek Goti have a high awareness of waqf as an act of worship for the public good. They intend these actions to seek the pleasure of Allah SWT and hope for rewards in the Hereafter.

The implementation of waqf in Aek Goti Village is explained based on several interview results with informants, as follows:

1. Sarino (Village Head)

According to Sarino, most residents of Aek Goti waqf their wealth for mosques, prayer halls, schools, graveyards, offices, and other communal purposes. As the village head, Sarino facilitates data collection and research on waqf activities in Aek Goti Village, Silangkitang District. He supports these endeavors during the research process (Sarino 2021).

2. Raden Hasibuan (*Nadzir*)

Raden Hasibuan serves as the manager, collector, and overseer (*nadzir*) of waqf activities in Aek Goti Village, Silangkitang District. He is a school teacher at SDN 114362 and also serves as a mosque administrator in Aek Goti Village. Raden Hasibuan has been a *nadzir* for seven years, receiving waqf donations primarily from affluent community members. He also receives voluntary donations and zakat for community welfare purposes. Raden Hasibuan often receives compensation from the waqf process, which he justifies as mutual assistance from the donors. This financial compensation comes from mosque funds. Raden Hasibuan and the community do not object to this 'flawed' waqf process, as it is based on mutual agreements among the residents and community leaders in Aek Goti Village (Hasibuan 2021).

3. Sardi (Wakif)

Sardi a donor (*wakif*), waqf land for the construction of a mosque in Pandan Sari Hamlet. As a self-employed entrepreneur with a family, Sardi donated an 800-square-meter plot of land. The *nadzir* and the community responded by offering to purchase the land, and Sardi accepted a small percentage of the money as compensation, despite initial offers being well below market value. Sardi's intention in waqfing the land was for the sake of charity and worship to Allah SWT, hoping to facilitate easier access to a local mosque for Muslim worshippers in Pandan Sari, due to the previous distant location (Sardi 2021).

4. Kiki Chandra (Wakif)

Kiki Chandra, a local businessman in Aek Goti Village, runs a building materials store and a welding workshop. He also has a family. Kiki Chandra regularly waqfs construction materials such as cement for the construction of mosques, prayer halls, public roads, offices, and other facilities. During the mosque construction project, the *nadzir* and community members visited his store to purchase necessary building materials. One of the items, cement, was priced at Rp. 70,000 per sack. They bought 100 sacks, totaling Rp. 7,000,000. However, because the cement was essential for mosque construction, Kiki Chandra decided to waqf it and took Rp. 3,000,000 as compensation. Kiki Chandra's initial intention was for charity and to assist in mosque construction in Pandan Sari Hamlet, Aek Goti Village, Silangkitang District (Chandra 2021).

5. Sudirman (Wakif)

Sudirman is an automotive spare parts dealer and motorcycle repair shop owner in Aek Goti Village, Silangkitang District. He has a wife and three children and is also part of the Mosque Management Committee (BPM) in Aek Goti Village. Sudirman waqf a funeral car because the old one was damaged, leaving no vehicle available to transport bodies from homes to graves. Initially, residents and community leaders visited Sudirman's home to purchase his car. Sudirman decided to waqf the car to the community but requested payment. If Sudirman had sold the car at standard market value in Aek Goti Village, it would have been worth Rp. 30,000,000. However, Sudirman accepted Rp. 10,000,000 as compensation because his intention was to waqf the funeral car for the benefit of Aek Goti Village residents (Sudirman 2021).

6. Sari (Wakif)

Sari waqf land for a public cemetery in Aek Goti Village, Silangkitang District. He is a self-employed entrepreneur and farmer on his own agricultural land. Sari donated the land for a new cemetery because the existing one was full and could no longer accommodate future burials. Initially, Sari approached the *nadzir* and expressed his intention to waqf his land for use as a public cemetery. However, Sari requested compensation as reimbursement. The area of land waqf by Sari measures 1,000 square meters, and he received Rp. 35,000,000 in compensation. If Sari had sold

the land at standard market price in Aek Goti Village, he would have received Rp. 100,000 per square meter, totaling Rp. 100,000,000 for 1,000 square meters. However, since Sari intended to waqf the land, he accepted Rp. 35,000,000 as agreed upon by the nadzir and community (Sari 2021).

7. Saidi Harahap (Scholar & Community Leader)

Saidi Harahap is a retired civil servant (ASN) who is now 65 years old. He is active as a religious scholar and community leader in Aek Goti Village. Saidi Harahap was an educator but retired due to age. According to Saidi Harahap, waqf implementation in Aek Goti Village varies greatly in terms of waqf objects and their utilization. This diversity stems from the community's high awareness of waqf as an act of worship and social responsibility toward local residents, facilitating easier access to religious activities in Aek Goti Village, Silangkitang District.

8. Poniman (Village Chief)

Poniman is a village chief in Aek Goti Village. As a village chief, Poniman oversees the needs and issues of his community. Poniman believes that waqf implementation in Aek Goti Village reflects the community's mutual care and concern. This reflects social needs and demonstrates devotion to Allah SWT.

Based on information from the above informants, it is evident that waqf implementation in Aek Goti Village represents a commendable level of religious awareness. Residents understand that waqf is a form of worship that earns rewards from Allah SWT. However, waqf practices among the local community involve economic transactions (buying and selling), which have become customary.

This economic and social factor prompts mutual assistance among community members. The implementation of waqf in Aek Goti Village aims to earn rewards from Allah SWT through the waqf of their wealth. However, these practices often involve economic and social factors, including compensation or reimbursement to the waqif. This has been a longstanding practice among the residents of Aek Goti Village, Silangkitang District, Labuhan Batu Selatan Regency, North Sumatra Province.

## Legal Review of Islamic Law on Community Waqf Implementation

The implementation of waqf according to Sharia terms is a form of endowment done by withholding ownership of the original property, making it beneficial for public interest. The essence of withholding ownership means the waqf property cannot be inherited, rented out, borrowed against, donated, sold, pawned, or similar actions. Its utilization should adhere to the intentions of the waqif (the person making the endowment) without any charges or compensation (Jawad 2007, 635).

The practice of waqf is supported by clear evidence and regulations in the Qur'an and Sunnah, encouraging Muslims to donate their wealth for the greater good without expecting any return, as waqf is akin to charity and distinctly different from transactions aimed at profit.

The fundamental pillars and conditions for waqf to be accepted include intention. Intention, in terms of Sharia, is the inner desire or will to obey Allah SWT by fulfilling His commands or refraining from His prohibitions (al-Jauhari n.d., 546).

According to al-Mawardi, intention is the purpose (*qashd*) accompanying an action, and preceding it is the firm resolve (*'azm*), without which worship is invalid (al-Jauhari n.d., 545). Scholars unanimously agree that actions such as ablution, prayer, charity, pilgrimage, and waqf are invalid without intention (al-Isnawi n.d., 55).

The scholars have unanimously agreed that actions like ablution, prayer, charity, pilgrimage, and waqf without intention are invalid. This consensus is based on a hadith narrated by Umar Ibnul Khathab Radhiyallahu 'anhu, who said:

عَنْ أَمِيرِ الْمُؤْمِنِينَ أَبِي حَفْصِ عُمَرَ بْنِ الْخَطَّابِ رَضِيَ اللَّهُ عَنْهُ قَالَ : سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ : إِمَّا الْأَعْمَالُ بِالنِّيَّاتِ وَإِمَّا لِكُلِّ امْرِئٍ مَا نَوَى . فَمَنْ كَانَتْ هِجْرَتُهُ إِلَى اللَّهِ وَرَسُولِهِ فَهَجْرَتُهُ إِلَى اللَّهِ

وَرَسُولِهِ، وَمَنْ كَانَتْ هِجْرَتُهُ لِدُنْيَا يُصِيبُهَا أَوْ امْرَأَةٍ يَنْكِحُهَا فَهِيَ هِجْرَتُهُ إِلَىٰ مَا هَاجَرَ إِلَيْهِ (رواه البخاري و مسلم)

" Narrated by Amirul Mu'minin, Abu Hafsh or Umar bin Khattab (may Allah be pleased with him), he said: I heard the Messenger of Allah (peace be upon him) saying, " Verily, actions are judged by intentions, and every person will have what they intended. So whoever migrates for Allah and His Messenger, then his migration is for Allah and His Messenger. And whoever migrates for worldly gain or to marry a woman, then his migration is for whatever he migrated for." (Bukhari 1981, 234).

This hadith underscores the principle that intentions define the validity of actions. According to Sheikh 'Abdurrahman bin Nashir As-Sa'diy in his Manzhumah:

الَّتِي شَرَطَ لِسَائِرِ الْعَمَلِ فِيهَا الصَّلَاحُ وَالْفَسَادُ لِلْعَمَلِ

"Intention is a prerequisite for all deeds; upon it depends the correctness or corruption of the deed". (Bukhari 1981, 243).

The implementation of community waqf in the village of Aek Goti, as discussed above, reveals that while the intention of the waqif to endow his property was correct, the execution did not strictly adhere to the pure intention for the sake of Allah SWT alone. There was an additional intention from the waqif to receive compensation for his waqf property, which contradicts the principles of waqf in Islamic law. According to Sayyid Sabiq, the conditions for waqf include giving away property to be inherited and benefiting the public interest for the sake of Allah SWT, without any form of compensation or charges, and with the intention of seeking Allah's pleasure (S. Sabiq n.d., 515).

According to Government Regulation No. 28 of 1977, waqf is a religious institution used as a means to develop religious life in order to achieve spiritual and material prosperity based on Pancasila (Rofiq 1997, 487).

Based on Law No. 41 of 2004, Article (2) states that "Waqf is valid if performed according to Sharia." From Article (2) of Law No. 41 of 2004, it can be seen that the practice of waqf carried out in Aek Goti Village, Silangkitang District, does not yet comply with the above-mentioned laws. In Islamic law, according to the pillars and conditions of waqf:

The procedural obligation or pillars of waqf are the waqif (endower), the property or assets for waqf (*maukuf*), the purpose of waqf must be clear (*maukuf 'alaih*), the declaration of waqf (*sighat*), and the waqf manager (*nadzir*) (S. Sabiq n.d., 980).

The conditions of waqf are: (S. Sabiq n.d., 981).

1. Waqf is perpetual without any minimum or maximum time limit, with the entire status of the waqf property withheld and its benefits used sincerely for the sake of Allah SWT, without any compensation or charges. According to Imam Syafi'i, waqf is an act of *tabarru'* or relinquishing ownership rights over the waqf property by transferring the initial ownership from the waqif to the nadzir without any replacement, payment, or exchange with any other goods, and without a specific time limit (Rofiq 1997, 515). The regulations on waqf in Indonesia are included in Government Regulation No. 42 of 2006, which contains the implementation of Law No. 41 of 2004, Article (1) stating that "waqf is a legal act of the waqif to separate and/or surrender some of his/her property for use forever or for a certain period according to its interests for worship and/or public welfare according to Sharia." According to the BWI (Indonesian Waqf Board), waqf for a specified period or *muaqqat* is allowed, but it requires a guarantee for the underlying waqf asset. However, the permissibility of waqf with a time limit is still debated among scholars regarding whether it is allowed or not.
2. Waqf must be immediately implemented after the declaration by the waqif.
3. Waqf is a matter that must be implemented without cancellation or implementing waqf that has been declared, because the declaration of waqf is effective immediately and forever.

Based on the pillars and conditions of waqf above, the implementation of waqf in the community in Aek Goti Village indicates that in each instance, the waqif surrenders his property



while demanding compensation for it, thus this form of waqf implementation is incorrect in terms of waqf conditions. Waqf property should be surrendered freely without any request for charges or compensation, with the sole intention of seeking reward and pleasure from Allah SWT.

The implementation of waqf in Aek Goti Village is not in line with Islamic Sharia rules, as stated in Law No. 41 of 2004, Article (2) which states that "Waqf is valid if performed according to Sharia." According to the function of waqf in the Compilation of Islamic Law (KHI) Article 216 and Government Regulation No. 28 of 1977 Article (2), it is stated that "the function of waqf is to maintain the benefits of waqf property according to the purpose of waqf, which is to establish it forever for the benefit of worship or other public needs according to Islamic teachings" (Article 215) (Rofiq 1997, 492).

The implementation of waqf in the community of Aek Goti Village, in terms of its purpose and function, was initiated by the waqifs based on their dedication to Allah SWT and the surrender of their assets for use by the entire community of Aek Goti Village. However, the execution involved the mistake of demanding compensation for their waqf assets, which clearly violates the provisions of Islamic law and applicable laws in Indonesia.

Furthermore, in the context of the concept of jariah, if charity or waqf is donated by the waqif from his wealth solely for the sake of Allah SWT without any compensation, in order to gain reward and pleasure from Allah SWT, then the waqf property donated should be used for good purposes, and the waqif will continue to receive rewards even after their death.

لَقَدْ خَلَقْنَا الْإِنْسَانَ فِي أَحْسَنِ تَقْوِيمٍ ثُمَّ رَدَدْنَاهُ أَسْفَلَ سَافِلِينَ إِلَّا الَّذِينَ آمَنُوا وَعَمِلُوا الصَّالِحَاتِ فَلَهُمْ أَجْرٌ غَيْرُ مَمْنُونٍ

"Indeed, We created man in the best form. Then We return him to the lowest of the low, except for those who believe and do righteous deeds; for they will have a reward uninterrupted." (Quran, Surah At-Tin, 95: 4-6)"

The act of endowment (wakaf) is an act of tabarru' (charitable donation of property). Therefore, a condition for the endower (pewakaf) is that they must be capable of performing the act of tabarru', meaning they must be of sound mind, in a conscious state, acting willingly and without coercion or compulsion, having reached maturity (baligh), and being the rightful owner of the endowed property. (Jay 1989, 877).

Referring to the opinion of Sayyid Sabiq, wakaf is the act of relinquishing the ownership of endowed property without expecting any compensation (tabarru'). After analyzing the case of wakaf implementation in the community of Desa Aek Goti, Kecamatan Silangkitang, it is concluded that the implementation is not in accordance with the principles of fiqh or Islamic law. This is because the wakaf practice in Desa Aek Goti involves the endower seeking compensation or indemnification for their endowed property.

Therefore, the solution to this issue lies in educating the community of Desa Aek Goti about the correct knowledge and understanding of wakaf. If individuals wish to endow while also needing financial return, there should be a clear separation between endowed assets and commercial assets, ensuring clarity in the contractual agreements.

## Conclusion

The implementation of wakaf by the community of Desa Aek Goti involves the endower seeking compensation for the indemnification of their endowed property as an expression of concern for their family. However, this compensation or indemnification is far from the standard value of endowed assets because part of the property was intended for wakaf purposes. Such practices of wakaf have long been occurring in the community of Desa Aek Goti, Kecamatan Silangkitang, Kabupaten Labuhan Batu Selatan, Provinsi Sumatra Utara.

From an Islamic law perspective, this implementation of wakaf shows a deviation or misalignment with the principles of Islamic law. The fundamental basis of wakaf should be purely from the heart of the endower, seeking only the pleasure and reward from Allah SWT, without any

expectation of compensation. As stated by Sayyid Sabiq, wakaf is an act of tabarru', meaning relinquishing ownership without expecting compensation.

Considering these issues, wakaf should fundamentally adhere to religious guidance and legal provisions as stipulated in Law No. 41 of 2004, Article (2), which states that "Wakaf is valid if conducted according to Islamic law". Therefore, the administration of wakaf in the community of Desa Aek Goti also reflects a deviation or misalignment with the legal framework of wakaf in Indonesia.

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