

Management of Productive Waqf Assets in The Village of Deah Glumpang Meuraxa, Banda Aceh, According To Sharia Economic Law

Qana Saputri

Universitas Islam Negeri Ar-Raniry Banda Aceh, Indonesia

Email: 21010212@student.ar-raniry.ac.id

Chairul Fahmi

Universitas Islam Negeri Ar-Raniry Banda Aceh, Indonesia

Email: chairul.fahmi@ar-raniry.ac.id

Husni bin Abdul Jalil

Universitas Islam Negeri Ar-Raniry Banda Aceh, Indonesia

Email: husni.ajalil@ar-raniry.ac.id

Abstract

Productive waqf is an important instrument in Islamic economic law. This study aims to analyze the management of productive waqf assets in Gampong Deah Glumpang, Meuraxa District, Banda Aceh City, and to review its benefits from the perspective of Islamic economic law and Law No. 41 of 2004 on waqf. The research method is a normative-empirical approach with a descriptive qualitative design. Data were obtained through interviews, observations, and literature reviews related to productive waqf management. The study's results indicate that productive waqf assets, such as land and rental houses, have been utilized, but their management has not been optimal or professional. Waqf management is still carried out jointly by village officials, not by independent and competent nazirs as mandated by law. This condition has resulted in the suboptimal implementation of the principles of transparency, accountability, and productive waqf management in accordance with Islamic economic law. Therefore, it is necessary to increase human resource capacity by establishing and training professional nazirs to ensure that waqf management is productive and provides sustainable benefits for the community's welfare.

Keywords: Aceh, Nadhir Institution, Law No.41 of 2024, and Waqf

Introduction

The practice of waqf in society has been regulated in the form of regulations, which aim to provide legal certainty for both the waqif and the object of waqf. However, the level of legal compliance for waqif and nazir

remains low, leading to various legal problems that are often resolved through litigation. Based on the data obtained, several waqf disputes arise due to the failure to make a waqf declaration in accordance with applicable legal provisions. This condition results in weak legal protection for waqf objects, opening up opportunities for abuse by nazir or other parties, including embezzlement.¹

The government has established regulations for waqf, including productive waqf and cash waqf, to provide Islamic legal certainty regarding waqf objects. Conceptually, scholars have comprehensively explained the principles of waqf and emphasised the importance of productive waqf, which utilises waqf assets to generate economic value beneficial to the community.

The management of productive waqf assets in Indonesia is now a strategic issue in efforts to empower the Muslim community.² When used productively, waqf assets can generate sustainable benefits that can be distributed in accordance with the waqf's objectives. This purpose must be in line with the values of worship, considering that waqf is a form of Jariyah almsgiving. For a productive waqf to be managed optimally, professional, competent nazirs are needed. Nazirs are responsible for ensuring that waqf assets are managed in accordance with the principles, objectives, and provisions, and for supervising and protecting them.³

In Indonesia, the government has enacted Law No. 41 of 2004, which regulates waqf to ensure its effective implementation. This law defines waqf assets broadly and can be comprehensively understood through modern waqf management practices. Until now, the management of waqf assets has generally been carried out either individually or through organisations or legal entities, such as foundations, to optimise their use. In today's highly competitive economic environment, waqf management requires creativity and innovation to ensure waqf assets provide broader, more sustainable benefits.⁴

¹ Muamar Alay Indrus, "Validity, Legal Certainty and Legal Protection of Unregistered Waqf," *Jurnal IUS* 5, no. 1 (2017).

² Misbahul Munir Makka, Chairul Fahmi, and Jefry Tarantang, "Religiosity of Muslim Customers as a Motivation to Save at Bank Syariah Indonesia," *Kunuz: Journal of Islamic Banking and Finance* 4, no. 1 (June 30, 2024): 1–16, <https://doi.org/10.30984/KUNUZ.V4I1.838>.

A Zamakhsyari Baharuddin and Rifqi Qowiyul Iman, "Nazir Wakaf Profesional, Standarisasi Dan Problematikanya," *Li Falah: Jurnal Studi Ekonomi Dan Bisnis Islam* 3, no. 2 (2018), <https://doi.org/10.31332/lifalah.v3i2.1197>.

³Nuridin & Hidayat, *Undang-Undang Republik Indonesia No. 41 Tahun 2004 Tentang Wakaf, Pasal 5 Ayat 1*.

Various scholars emphasise the importance of managing waqf assets in a trustworthy, transparent manner that aligns with the objectives of waqf. Hanafi scholars, for example, emphasise increasing the benefits of waqf assets as long as it is in accordance with the intentions of the waqif. Imam Malik sees waqf as an instrument for meeting the needs of the community, while Imam Shafi'i emphasises the importance of managing with good intentions and maintaining asset productivity. Ibn Tarmiyah even emphasises that productive waqf can be developed through mudarabah contracts, as long as the principal assets are maintained.⁵

The management of waqf by the nazir not only requires measurable operational management in terms of productivity, but also demands innovation in the management of waqf assets. This is important so that waqf assets have competitive value and can develop dynamically in accordance with the objectives of waqf. Therefore, operational management principles must be implemented effectively by the Nazir to ensure that waqf management aligns with the waqif's intentions and objectives.⁶

In the management of productive waqf, the nazir plays an important role in the functioning and development of waqf assets. Therefore, the Nazir must have high integrity and professionalism in managing waqf assets to provide optimal benefits. The waqf given by the waqif is intended for the benefit of the wider community, covering the aspects of idarah (administration), imarah (utilisation), and riayah (maintenance). With waqf assets in place, the operations of Gampong Deah Glumpang can run more effectively, as funds from managing productive waqf assets support them.⁷

One example of a productive waqf is Deah Glumpang, a village in Meuraxa District, Banda Aceh City, with productive waqf assets that support its operations. The waqf asset is a plot of land managed by the village treasurer, which is used as a rental house and garden. Ideally, the proceeds from this management are used to support mosque operations and improve community welfare. However, in practice, the utilisation of the waqf has not been optimal because it is managed by village officials rather than the designated waqf administrator.⁸

³Abdul Haris Naim, "Pengembangan Objek Wakaf Dalam Fiqih Islam Dan Hukum Positif Di Indonesia."

⁴Baharuddin & Iman, "Nadzir Wakaf Profesional, Standarisasi Dan Problematikanya."

⁵Prayogo, Saputra, and Ramadan, "Analysis of Productive Waqf Management at the Azizi Mosque in Jelutung District, Jambi City."

⁸Ardiansyah, "Interview Results, Treasurer of Deah Glumpang Village."

This phenomenon reveals a gap between the concept of waqf under Sharia economic law and its practical management. This is an important reason to conduct a study on the management of productive waqf in Deah Glumpang village. First, waqf has great potential as an instrument for the community's economic development, but its management has not been optimal. Second, this research is important for providing an overview of how nazirs manage waqf assets, the extent to which the principles of transparency and accountability are implemented, and whether waqf outcomes truly improve community welfare. Third, this research is expected to provide a critical analysis to help make productive waqf practices more consistent with the principles of Islamic economic law.

Thus, research on the management of productive waqf in Gampong Deah Glumpang is not only academically relevant but also has practical value. The results of this study can inform nazirs, the community, and the government on how to improve the waqf management system so that waqf truly becomes an instrument for sustainable community empowerment.

Data and Method

This study uses a normative-empirical approach, which combines normative legal studies with empirical data in the field.⁹ This approach was chosen to analyse the concept of productive waqf from an Islamic legal perspective and its management practices in Gampong Deah Glumpang. The research is a descriptive qualitative study aimed at realistically describing the contribution of productive waqf to mosque operations and community welfare. The data sources are primary data obtained through interviews and direct observation of the nazir, treasurer, village, geuchik, and residents involved in managing waqf rental houses, and secondary data from books, articles, journals, and official documents on productive waqf and applicable regulations. This study aims to evaluate the effectiveness of the Nazir's role in managing productive waqf assets and to examine the relevance of productive waqf management in Gampong Deah, Glumpang Kec, Meuraxa, Banda Aceh.

RESULTS AND DISCUSSION

A. The Concept of Productive Waqf According to Sharia Economic Law

⁹ Muhammad Siddiq Armia, *PENENTUAN METODE & PENDEKATAN PENELITIAN HUKUM*, ed. Chairul Fahmi (Banda Aceh: Lembaga Kajian Konstitusi Indonesia, 2022).

Productive waqf is an important concept in Islamic economics that emphasises the management of waqf assets to create sustainable benefits for society.¹⁰ In this case, waqf is viewed not only as a form of worship but also as an economic instrument that can contribute to improving the social and economic welfare of the people.

The development of waqf practices today cannot be separated from the influence of Islam in Indonesia, considering that Indonesia is one of the countries with the largest Muslim population in the world.¹¹ Therefore, waqf has become a form of worship widely practised by Muslims, so that the potential for waqf in Indonesia is enormous. As a form of worship with many virtues, waqf has become a form of charity practised by Muslims. Indonesian society is competing to donate its best assets to waqf, motivated by religious and social reasons, to create a prosperous and flourishing society.

The development of waqf in Indonesia has been dynamic since 2001, when several Islamic economic practitioners introduced new perspectives on productive waqf management to improve people's welfare.¹² This concept received a positive response and provided impetus for the development of waqf, which had previously been hampered.

The concept of productive waqf implementation, from the perspective of Sharia economic law, must have a solid foundation to support various economic activities and achieve noble goals. The following are some of the basic principles in Sharia economic law that need to be considered: (a) The principle of Tawhid. This principle emphasises that all economic activities must be carried out with the awareness that everything belongs to Allah, and that humans, as caliphs, are responsible for managing existing resources. (b) The principle of justice. The principle of justice is a main pillar of Islamic economics. This principle states that every individual has the right to equal access to existing resources and equal opportunities in economic activities. (c) The Principle of Al-Maslahah. This principle aims to achieve happiness in this

¹⁰ Chairul Fahmi, "The Impact of Regulation on Islamic Financial Institutions Toward the Monopolistic Practices in the Banking Industrial in Aceh, Indonesia," *Jurnal Ilmiah Peuradeun* 11, no. 2 (May 30, 2023): 667-86, <https://doi.org/10.26811/PEURADEUN.V11I2.923>.

¹¹ Sabdo Sabdo and Mokhammad Samson Fajar, "WAKAF PRODUKTIF DAN PENINGKATAN TARAF HIDUP UMAT (STUDI KASUS WAKAF PRODUKTIF DI PIMPINAN DAERAH MUHAMMADIYAH METRO)," *JURNAL KEMUHAMMADIYAHAN DAN INTEGRASI ILMU* 1, no. 1 (2023), <https://doi.org/10.24853/jkii.1.1.1-24>.

¹² Sri Wahyuni et al., "THE ROLE OF COURTS IN RESOLVING CASES OF BANKRUPTCY OF ISLAMIC BANK CUSTOMERS," *JURISTA: Jurnal Hukum Dan Keadilan* 7, no. 1 (June 10, 2023): 1-23, <https://doi.org/10.22373/JURISTA.V7I1.42>.

world and the hereafter by taking advantage of benefits and rejecting harm. (d) The Principle of Representation (Khalifah). Humans have been endowed with mental, spiritual, and material characteristics to live and fulfill their mission as caliphs on earth. (e) The principle of Amar Ma'ruf Nahy Munkar. This principle emphasises the necessity of applying Islamic law principles in business activities and avoiding all forms of prohibition that involve elements of usury, gharar, maisyir, and (f) The principle of Tazkiyah. Namely, the principle of purification in the context of development. (g) The principle of Falah. This is a principle related to human success. Success achieved in this world contributes to success in the hereafter. Therefore, there is no dichotomy between efforts for development (economic sector) in this world and preparation for the hereafter. (h) The principle of honesty and truthfulness. This principle is applied in every transaction by prioritising social interests. Every transaction must be carried out in a firm, clear, and definite manner, both in terms of goods and prices. (i) The Principle of Goodness. This principle holds that the economy must benefit many people, regardless of religion, country, or nationality, or of being fellow human beings. (j) The Principle of Accountability (al-Mas'uliyah). This principle covers responsibility between individuals and between individuals and society. (k) The Principle of Kifayah. The principle of kifayah relates to the obligation of every Muslim to care for their fellow human beings. (l) The Principle of Balance (wasathiyah/i'tidal). Islam recognises individual rights within certain limits, including ownership of the means of production and factors of production.¹³

B. Definition of Productive Waqf and Scholars' Opinions on Productive Waqf Assets

Waqf is a highly valuable asset for Muslims when managed and developed through a sound management system. Waqf functions as a factor of production for economic development.¹⁴ Waqf comes from the Arabic word waqafa, synonymous with habs, which means to transfer long-term ownership rights to a nazir (custodian or administrator of waqf) with the stipulation that the proceeds or benefits are used in accordance with Islamic teachings. When an object is donated as a waqf, it is no longer the property of the waqif (the

¹³ Kholid, "Principles of Sharia Economic Law in the Sharia Banking Law."

¹⁴ Panji Adam, "LEGISLASI HUKUM EKONOMI SYARIAH: STUDI TENTANG PRODUK REGULASI HUKUM EKONOMI SYARIAH DI INDONESIA," *Tahkim (Jurnal Peradaban Dan Hukum Islam)* 1, no. 2 (2018), <https://doi.org/10.29313/tahkim.v1i2.4105>.

person donating the waqf) or the nazir (the waqf custodian or administrator), but becomes the property of Allah SWT.

Productive waqf is a form of waqf paradigm development, whereby waqf property is donated for use in production activities. Productive waqf can be defined as property that can be used for production purposes, the benefits of which can be felt from the profits generated by the waqf development given to those who are entitled to it.¹⁵ Productive waqf is a scheme for managing waqf donations from the community to generate sustainable benefits. Productive waqf donations can take the form of movable assets such as money and precious metals, or immovable assets such as land and buildings.

The definition of waqf varies among fiqh scholars, including:

1. Waqf according to Hanafi Scholars

In the view of Hanafi scholars, waqf is defined as the retention of property by the person making the waqf and donating its benefits for the common good. It can be understood that the waqif's ownership of the waqf property is not lost, so that the waqif may revoke his waqf property. Imam Abu Hanifah considers waqf to be permissible (jaiz) rather than obligatory, so its status is the same as 'ariyah (borrowing).

2. Waqf according to Imam Malik

According to Imam Malik, waqf is when the owner of the property gives up the benefits of the property, even if the ownership is with remuneration, or gives the proceeds of the waqf to those who are entitled to receive it with a shighat (declaration) according to the time determined by the waqif. The waqf remains the property of the waqif, but the waqf prevents the waqif from taking actions that could relinquish his ownership and obliges him to donate the benefits.

3. Waqf according to Imam Shafi'i

Waqf means to hold back property that can be utilised and is permanent in nature by not taking any legal action against the property, and channelling it to something permissible. This means that waqf can transfer ownership status from the waqif to the recipient of the waqf.

4. Waqf according to Imam Ahmad bin Hambal

In the view of Imam Ahmad bin Hambal, waqf is the withholding of the principal of waqf property and the donation of the proceeds. Waqf shows that there are two elements in waqf, namely the permanence of the waqf property and the benefits of the waqf property.

¹⁵ Purnomo and Khakim, "The Implementation of Productive Waqf from an Islamic Economics Perspective."

C. Management of Waqf According to the Waqf Law

Article 1 paragraph (1) of Law Number 41 of 2004 concerning Waqf explains that waqf is a legal act of the wakif to separate and/or transfer part of his property to be used forever or for a certain period of time in accordance with his interests for worship and/or public welfare according to sharia.¹⁶ The management of waqf is carried out by a nazir, who may be an individual, a religious social organisation, or a legal institution.¹⁷

Only property that is legally owned by the wakif and whose rights can be transferred can be donated as waqf, as stipulated in Law No. 41 of 2004 Article 15. Furthermore, Article 16 paragraph (1) explains the types of waqf assets, which consist of two types, namely immovable objects such as land, buildings, plants or other objects related to land. The second type comprises movable assets such as money, precious metals, securities, vehicles, intellectual property rights, lease rights, and other movable assets, in accordance with Sharia provisions.

The parties involved in waqf are called wakif and nazhir. Wakif is the party that waqfs their property.¹⁸ Meanwhile, a nazir is the party that receives waqf property from a wakif to be managed and developed in accordance with its purpose.¹⁹ Article 42 of Law No. 41 of 2004 states that nazir is obliged to manage and develop waqf property in accordance with its purpose, function, and designation. The management and development of waqf assets by the nazir must be carried out in accordance with Sharia principles and in a productive manner.

In managing and developing waqf property, the nazir is not permitted to change the purpose of the waqf property without written permission from the Indonesian Waqf Board. Permission can only be granted if the waqf property cannot be used in accordance with its purpose as stated in the waqf deed.²⁰ The Indonesian Waqf Board is an independent institution for developing waqf in Indonesia. Article 49 paragraph (1) of Law No. 41 of 2004

¹⁶ Law of the Republic of Indonesia Number 41 of 2004 Article 1 paragraph (1)

¹⁷ Nadhirah Nordin et al., "Developing Business Model Based on Islamic Classical Economic Thoughts," *Academic Journal of Interdisciplinary Studies* 11, no. 4 (2022), <https://doi.org/10.36941/ajis-2022-0105>.

¹⁸ Law of the Republic of Indonesia Number 41 of 2004 Article 1 paragraph (2)

¹⁹ Law of the Republic of Indonesia Number 41 of 2004 Article 1 paragraph (4)

²⁰ Jarmanisa et al., "ANALYSIS OF RISK COVERAGE AGREEMENT BETWEEN PT. J&T AND AN INSURANCE COMPANY FOR DELIVERY OF CONSUMER GOODS IN THE CONTEXT OF KAFALAH CONTRACT," *JURISTA: Jurnal Hukum Dan Keadilan* 5, no. 2 (October 1, 2021): 126-46, <https://doi.org/10.1234/JURISTA.V5I2.11>.

states that the Indonesian Waqf Board has the following duties and authorities: (a) to provide guidance to the nazir in managing and developing waqf assets; (b) to manage and develop waqf assets on a national and international scale; (c) granting approval and/or permission for changes in the purpose and status of waqf property; (d) dismissing and replacing Nazir; (e) granting approval for the exchange of waqf property; (f) providing advice and consideration to the Government in the formulation of policies in the field of waqf.

The proceeds from the management and development of waqf assets are the income or profits obtained after the management process. The management of waqf assets can take the form of investments, leases, or other productive forms that are in accordance with sharia principles. The proceeds from the management or development of waqf assets must be used in accordance with the purpose of the waqf as determined by the waqif.²¹ In carrying out the duties of managing and developing waqf, the nazir receives compensation from the net proceeds of waqf asset management and development, with the amount not exceeding 10% (ten percent).²²

D. Endowment Asset Management System for Land and Rental Properties

The management of waqf land and rental property assets requires a structured, transparent system to ensure these assets deliver optimal benefits in accordance with the waqf's purpose. Important components in the waqf land and rental property asset management system are:

1. Strategic Planning

Strategic planning is the first step in managing waqf assets. At this stage, waqf assets are identified by collecting data on the location, area, value, and physical condition of the land or rental house. This is done to understand the potential use of these assets. A feasibility study is also conducted to assess the potential for asset management and to determine whether the assets are suitable for constructing rental houses or for other, more productive purposes. In addition, planning must take into account the objectives of waqf management, which must align with the waqif's intentions and the assets' potential.

2. Waqf Asset Management

Waqf assets in the form of land and rental houses have economic value that can be utilised to support the objectives of the waqf. Waqf houses

²¹ Law of the Republic of Indonesia Number 41 of 2004 Article 43

²² Law of the Republic of Indonesia Number 41 of 2004 Article 12

can be rented out at market rates, so the rent becomes a source of funds for the waqf's objectives. Rental houses must also be maintained regularly to ensure they remain in good condition and maintain their economic value.

In the administration and management of waqf, the role of the nazir, who manages waqf assets, is indispensable. The Indonesian Waqf Board Regulation Number 1 of 2020 concerning Guidelines for the Management and Development of Waqf Assets clearly states that a nazir must manage and develop waqf assets productively in accordance with their objectives, functions, and purposes based on sharia principles. Furthermore, the Indonesian Waqf Board, hereinafter referred to as BWI, does not allow a nazir to change the purpose of waqf assets except with the permission of BWI. The waqf management mechanism comprises three waqf governance functions: collecting waqf assets, producing waqf assets, and distributing waqf assets.

3. Supervision and Evaluation

Supervision and evaluation are important to ensure that asset management complies with Sharia principles and applicable laws. Evaluations are conducted periodically to assess the effectiveness of management strategies and provide recommendations for improvement if necessary.

4. Compliance with Law and Sharia

The management of land and rental property waqf assets must comply with applicable laws, including Law No. 41 of 2004 on Waqf and Sharia principles. Consultation with fiqh experts is also necessary to ensure that all actions taken in managing waqf assets comply with Islamic religious provisions.

A well-planned management system can make waqf land and rental property assets a source of sustainable benefits and contribute to improving community welfare and the implementation of religious objectives.

E. Imarah Masjid and the Role of Waqf in Community Welfare

The concept of mosque management not only focuses on ritual worship but also includes efforts to promote the mosque through muamalah activities that support the community's economic empowerment. In this framework, productive waqf plays a vital role as a financial support instrument for mosque operations and social welfare. However, the ideal implementation in

Gampong Deah Glumpang faces structural obstacles: waqf asset management is still handled jointly by the treasurer of Gampong Deah Glumpang, who then hands it over to an independent nazir.²³

The absence of a specific Nazir is due to local human resources not yet meeting the required criteria for competence and professionalism. The limited quality of HR means that asset management cannot be carried out using innovative, modern management techniques; it is limited to asset maintenance. As a result, the economic potential of waqf assets has not been fully explored, so their contribution to the independence of mosques and the improvement of community welfare has not been maximised.

Conclusion

The management of productive waqf assets in Gampong Deah Glumpang, including land and rental houses, has been implemented. Still, it has not been implemented optimally in accordance with the concept of productive waqf in Islamic economic law. The utilisation of these waqf assets is still limited to meeting the short-term operational needs of the mosque, so it has not been directed towards sustainable asset development and oriented towards improving the welfare of the community (). Furthermore, this study found inconsistencies between waqf management practice in the field and the provisions of Law Number 41 of 2004 on waqf. The management of waqf assets is still carried out jointly by village officials rather than by independent, professional nazirs, as mandated by law. This situation is due to the limited number of human resources with adequate competence and understanding of waqf. As a result, the principles of transparency, accountability, and productive waqf management have not been fully implemented. Therefore, it is necessary to provide guidance and capacity building for nazirs through continuous training so that productive waqf management can be carried out in accordance with the principles of Sharia Economic Law and provide sustainable benefits to the community.

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²³ Muhammad Achyar, Chairul Fahmi, and Riadhus Sholihin, "ISLAMIC LAW REVIEW OF MONOPOLY PRACTICES IN MODERN ECONOMICS," *Al-Mudharabah: Jurnal Ekonomi Dan Keuangan Syariah* 5, no. 2 (December 30, 2024): 288–308, <https://doi.org/10.22373/AL-MUDHARABAH.V5I2.6545>.

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