The Management of Cash Waqf on Dinar and Dirham from The View of Islamic Law (Case study at Wakala Parent Bintan)

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Abstract

Waqf is a struggling conscience to give something to the development of people’s welfare and struggle facilities. Many evidence conveys moving and stationary objects that can be represented but that is not enough to meet the growing needs of society. Based on the principle of waqf is made innovation of waqf products, namely cash waqf, which is with cash funds. The scholars’ past practiced a lot of cash waqf using the dinar and dirham which is currently reappointed by Wakala Parent Bintan. The purpose of this research is to know the theory of Islamic law regarding cash waqf property management, to know the concept and practice of cash, dinar and dirham, to know the Islamic law on the management of cash and dinar Wakalah Parent Bintan. Research method of this study authors using qualitative method, which is a writing aimed at describing and analyzing a phenomenon about what Wakala Parent Bintan did in managing the cash waqf. From this study, researchers concluded that the practice of cash waqf in Wakala Parent Bintan using dinar and dirham, is a cash waqf that replaces it with a stationary object that produces the benefits of education rulings ahlu the madinah is a buy and sell transaction using both dinar and dirham and helps to enrich the surrounding community with market building for merchants without the use of taxes or rental of stalls in the market, as well as build a civilization away from riba. Thus the study can be concluded, but the researcher is aware that the research is far from the word perfection and requires further study that will discuss this issue more clearly. Great researchers hope for the advice and criticism and hopefully this research is beneficial for the authors in particular and the readers in general.

Keywords: Waqf Cash, Dinar, Dirham
Introduction

Commonly *waqf* is understood by most people as an object that is not moving, such as the *waqf* of land for education, *waqf* of land and building, *waqf* of teak, wells, graveyard and others to be taken advantage of. The understanding of most people is one of the causes of the lack of optimal functions of the *waqf* as a means of development of Islamic syiar and the empowerment of Muslims.

Meanwhile, if we look back on Islamic history, it is very obvious that the progress of Muslims and the development of Islamic territories can not be removed from the role of *zakat, infaq (waqf),* and *sadaqah* (ZISWAF) conducted by Muslims since the time of the prophet Muhammad SAW. Even in the time of Rasulullah, Muslims have implemented *waqf.*

*Waqf* is the best investment in long-term world and the hereafter. *Waqf* has begun since the time before the prophet Muhammad, and this deed was justified and legalized by the prophet Muhammad and continued by the companions, and the Muslims until now. *Waqf* is a struggling conscience to give something to the development of people’s welfare and struggle facilities, so that with the permission of Allah *waqf* is able to develop the welfare of the people in Indonesia with the transparency of sacrifice, attitude this example is the key to the success of the *waqf* itself (Ust. Hasan Abdullah Sahal).

Since the advent of Islamic religion in Indonesia, the representative has existed and is valid in Indonesian society based on Islamic and customary law, although there is no law. The objects that are represented in the form of objects are not moving in the form of properties such as mosques, school buildings, boarding schools, and others. But the needs of today’s society continue to increase and so large that it needs cash funds to improve welfare. Based on the principle of *waqf* is made innovation of *waqf* products, namely cash *waqf,* which is *waqf* with cash funds.

There are interesting things that used to be done by the scholars’ Muslims and this time in the re-lift in the society of Indonesia in managing cash *waqf* is using dinars and dirhams.

In this case, people can feel the life of what the prophet has taught, namely using dinars and dirhams as *waqf* in cash without riba, but the management and utilization of cash *waqf* in our homeland is still a little missed let alone *waqf* cash using dinars and dirhams.
Definition of Waqf

Waqf in Arabic language can be interpreted with al-habs “to withhold”, or al-mani’ “to obstruct”.\(^1\) Said waqafa-yaqifu-waqfan there are with the word habaša-yahbisu-ordination meaning hindered to use. The word waqf in Arabic contains meaning: to hold, hold the treasure to be represented, not to be transferred.\(^2\)

In Arabic, the term endowments often in the direction of objects or objects to be represented (al-mauquf bih).

In Indonesia, the term waqf can mean the object that is represented. According to the term although there are differences in interpretation, it is agreed that the meaning of Waqf is to hold objects and utilize the results or hold their dzis and make the benefit.\(^3\) Waqf is a very important instrument for Muslims, and therein there is a principle of investment and shodaqoh which is very beneficial for Muslims. Because the benefits of waqf can be felt continuously and will not be interrupted.\(^4\)

In the fiqh of mu’amalah, the fuqoha disagreements in interpreting the meaning of waqf. Among the scholars’ who argue are:

First opinion according to the scholars’ Abu Hanafiyah defines waqf with Hadith Rasulullah:

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	ext{العيب على ملك الوقف وتصدق بمنفعتها على جهة من جهات البر والمال}
\]

أو التال

(To withhold the property of the waqf and the benefit of the good for the present or future.)

Imam Abu Hanifah explained that waqf is an act of withholding an object according to the law, ownership of the property remains

\(^3\)Abu Zahrah, Muhadharat fi al-Waqf (Beirut: Dar al-Fikr al-‘Arabi, t.th.), 41.
\(^4\)الدكتور ينقلي الداخلي، مؤلف: فؤاد إستيتي، دقيقة الوقف وأثر خلاف المذاهب الأربعة فيه، الرسالة البكالوريوسية، 2016، ص 60.
belonging to the *waqif* in order to use its benefits for virtue. Based on the definition, the property will not remove its ownership from the *waqif*, even the *waqif* in the allow to withdraw the property that has been represented and allow it to sell it. And what if the *waqif* dies, the property of the *waqf* can be an inheritance for his heirs. So the thing that is contained in the *waqf* is only “to represent the benefits.”

The second of the Maliki sect argues that the property of the *waqf* does not waive the possession of the assets that are represented from the *waqif*, but the *waqf* is to prevent the *waqif* from using his property for something that is not beneficial to him and *waqif* obligation to make the most of its benefits and should not withdraw its time. Although the property owned by *waqif* is in the form of wages, or the benefits of something or such a representative of money.

The implementation of *waqf* is done by pronouncing *waqf* pledge for a certain period according to what is desired *waqf*. In other words, *waqif* withholds the property that has been in the *waqf* of personal use, but will welcome *nazir* to utilize the property for the purpose of goodness.

The third of the Imam Shafi’i, who argues that *waqf* is a disconnection or separation of wealth from the possession of the *waqif*, *waqif* no longer has the right to intervene the property that has been in the *waqf*, and the result of the *waqf* is used to goodness and merely to draw closer to Allah SWT, and has been explained by the Imam Nawawi:

حبس مال يمكن الانتفاع به مع بقاء عينه بقطع التصرف في رقبته وتصرف منافعه البر تقربا الى الله تعال

“The containment of treasures that can be utilized while maintaining the integrity of the goods, regardless of the intervention of *waqif* or others, and the result is channeled for the sheer goodness and for the taqarrub (closer to God).”

The four of the Hanabilah scholars who defined *waqf* come from the prophet’s hadith. To Umar ibn Khatab RA, *(Endure the origins and cast the results.)* In the meaning of the word «origin» of the

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7 Idham Khalid Baedawi, *Fiqih Wakaf* (Jakarta: t.p., 2006), 2.
8 Ibid.
9 Ibid.
hadith is the property that has been represented and the meaning of the sentence «to drain the benefits» is to provide the benefits of goods that are represented, the result and profit of the waqf property, to the benefit of the people.

Al-Kabisi gives an opinion on the above definition. First, the definition does not mention nazir that will take care of waqf property after being represented. Secondly, the above definition does not have any additional definitions in detail, such as the obligation to draw closer to God, or not to move the possessions of the waqif property.¹¹

Cash Waqf

A. Meaning of Cash Waqf

Cash waqf is a physical charity that is done individually or more, or an institution or legal entity in the form of cash treasures. Cash waqf is one of the waqf moving objects in the form of cash that is used for profitable investments with the provisions that have been set to be used as a social service.¹²

Cash waqf or in another language we call waqf of money is managed waqf and generate beneficial benefits and used for the public interest such as education, research, health, economic empowerment of middle society down and more. Cash waqf can also devinpopulate the submission of the property of waqif cash to an institution or individual competent in the management of waqf, namely nazir to be managed productively.¹³

B. The Legal Basis of Cash Waqf

1. Al-Qur’an

   أن تَنْتَبَأَوا الْيَتَّارَ حَتَّى تَنْفَقُوا مَا تَنْفَقُوا مِنْ شَيْءٍ إِنَّ اللَّهَ بَعْلُهُ ¹⁴

   “Never will you attain the good (reward) until you spend (in the way of Allah) from that which you love. And whatever you spend—indeed, Allah is knowing of it.”

¹²Abu Bakar dan Chaider S. Bamualim, Filantropi Islam & Keadilan Sosial (Jakarta: CSRC UIN Jakarta, 2006), 78.
¹⁴Surah Ali Imran Verse 92.
The evidence above explains that the goodness will be reached by *waqf*. It is based on the history that Abu Talhah when he heard the verse, he rushed to represent some of the treasures he loved, namely Beiruha,\(^\text{15}\) a garden famous for its fertility. Rasulullah has advised him to make his plantation as *waqf*. Then Abu Talhah followed the advice of the prophet. Abu Ubaid said that although the word *infaq* in the verse above shows the meaning of *Sunnah*, but Muslims are always encouraged to realize and to achieve the goal of the *infaq*. Thus, the passage above becomes the evidence on the *sharia* of *waqf*.\(^\text{16}\)

“O you who have believed, spend from the good things which you have earned and from that which We have produced for you from the earth. And do not aim toward the defective therefrom, spending (from that) while you would not take it (yourself) except with closed eyes. And know that Allah is free of need and praiseworthy.”

Verse above describes the advice to Muslims to provide some of the results of the business of the good Muslims (*halal*) and some of what Allah has issued from the earth, which is meant *infaq* in terms of this verse is charity. Among the deeds to provide some of the results of the efforts of the Muslims who are good in the way of Allah is *waqf*.\(^\text{18}\)

“Indeed, the men who practice charity and the women who practice charity and (they who) have loaned Allah a goodly loan—it will be multiplied for them, and they will have a noble reward.”

The words of *tunfiqu*,\(^\text{20}\) in both these verses contain a general

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\(^\text{16}\)Abu Ubaid, *Al-Amwal* (Cairo: Daras Book at The Sharia Faculty of al-Azhar University, 1991), 552.

\(^\text{17}\)Surah al-Baqarah Verse 267.


\(^\text{19}\)Surah al-Hadid Verse 18.

meaning, which is to spend wealth on the path of goodness, while waqf is to provide of wealth on the path of goodness so that this verse is used as the proof of waqf.

2. Hadist

In Hadist narrated by al-Muslim:

إِلاَّ عَمَلُوُ عَنهُوا انْقَطَعَ الِْنْسَانُ مَاتَ إِذَا قَالَ وَسَلَّمَ عَلَيْهِ الْلَّهُ صَلَّى الْلَّهِ رَسُولَ أَبِ هُرَيْرَةَ أَنَّ عَنْ لَهِ يَدْعُوْ صَالِحٍ وَلَدٍ أَوْ بِهِ يَنْتَفَعُ عِلْمٍ أَوْ جَارِيَةٍ صَدَقَةٍ مِنْ إِلَّاََّ ثَلَََّثَةٍ مِنْ

Narrated by Abu Hurayrah RA indeed the prophet has said: «If a son of Adam dies, then his tight, except for three things: alms jariyah, a fruitful science, a son of shaleh who prays his parents.”

The above Hadith is a common basis for waqf, the Hadith encourages human beings to set aside part of his provision as the afterlife savings in the form of alms jariyah.

Imam Shafi’i said that there were eighty companions who issued a sadaqah with noble sadaqah from the people of Ansar.22 Imam Tirmidhi also narrated that the waqf was done by the previous scholars, both from the companions of the prophet and others, Imam Tirmidhi not see any difference of opinion among the scholars Mutaqaddimin about the ability of waqf, either waqf of land and waqf.23

In line with what was said by Imam Shafi-i, Imam al-Bagawi said that waqf was practiced by the previous scholars, both from among the companions, and circles after them, such as scholars Mutaqaddimin. There is no difference between them regarding the ability of waqf of land or waqf of goods in motion. The companions of Muhajirin and Ansar do waqf, both in the Medina and in other areas. There is not one history of those who deny the existence of the waqf, even never any of them who revoke his time for the reason he still needs it.24

22Ibid, 29.
23Ibid.
The Concept of Waqf Management

A. The Obligation of Nadzir

In practice, the management of waqf cash is not easy, because in managing it must go through various businesses, and this business has a high risk. Therefore, the management and development of waqf, especially cash waqf must be done by the professional mucconsulting. Ideally, mucconsulting is not only a person or legal entity that has religious abilities, but also has the expertise in looking at productive business opportunities so that the property of waqf is fully developed optimally.25

Nazir’s obligation when submitted by waqf, must maintain the property of waqf, its interests, rent, cultivation, and defense in the absence of conflicts in it, and produce a result of salary (ujrah), crops, fruit, and divide the results to the impossible, so also maintain the integrity of goods waqf and their income, because the waqf is a covenant. And for nazir should try to develop the property of the waqf and distribute it to the welfare, renovate, and give it to mustahik.

According to the Hanafiah sect that a nazir when submitted by waqf, he received a reward that was worth it during his tenure as nazir. Similarly, a nazir must maintain the conditions specified by the waqif in the exercise of waqf goods, because the condition that is in the term of the waqif as the sharia in Islam (Nash Asyari’).26 And nazir can not add the provisions of waqif, which can add only qaadi (judge), because the judge has power to the people, the person who does not exist, and the person who died. If waqif ignores the problem of leasing the waqf property There is a history of Hanafiah that it was handed over to nazir.27

According to the Malikiah sects when nazir rents nazir waqf should determine the price of rent according to the average rental price. If less or more then the rental becomes invalid.

Nazir can not share the rent price to the eligible for waqf except for the past. If nazir rushed to take wages for the upcoming tempo then he could not share his salary to the beneficiary of the current

26Nash asyari’: drafting of Islamic law in the view of ahlus sunnah wal jama’ah. (Wahbah Zuhaili, Fiqih Islam wa Adillatul, Jilid 10 (Jakarta: Gema Insani, 2011), 291).
waqf. Because there is a chance that the waqf recipient will die, and that results in granting the waqf result to the unauthorized person and can prevent the person.28

According to the Syafi’iyyah sect if nazir rents waqf goods to others instead of the average price then it is not valid. If the supervisor rents waqf goods then the rent price is increased at a tempo, then the rental is not canceled in the most saheeh opinion. Because if the rental is rising in the market then nazir should raise the price.29

Please Hanabilah different opinion about the rental price of the previous sect. Hanabilah said that, the price of waqf rental is valid if below average and nazir is deficient in the average price.30

In carrying out his obligations nazir need people who are competent and can continue the sustainability of the property of the waqf. Munzir Qahaf explained that a nazir should need a management board when waqif determines nazir who will avoid his possessions and also for the continuity of the waqf property for the future. He also explained about the provisions of the board, including:31 The board has a minimum of five people, appointing the chairman of the management, all of which are elected by agreement with the social organization and also attended by representatives from the Ministry of Waqf. Serve for a five-year term and can be renewed through an annual trial. To develop a future plan for the management of the waqf property, conducting associations for evaluation and decision making.32

B. Management of Waqf in Islamic Perspective

Islam has taught its people how to implement the practice of waqf, because waqf has been from the time of the Rosul to the present. Rasulullah SAW also once the representative of seven of his palm groves in the Medina region occurred in the third year of Hijrah. Among the gardens that were represented by Rosulullah are

28Wahbah Zuhaili, Fiqih Islam wa Adilatul ..., 336.
29Ibid, 336.
30Ibid, 337.
32Ibid, 169.
Mukhairih, Barqah, and other.

In the exercise of the plantation, Rosulullah did so by means of the plantation that had been given by Mukhairii, the result of the plantation he gave to Muslims and set aside some of the results to buy war equipment such as horses, weapons, and for the sake of the Muslims.

Although there are some differences of opinion among the fiqh scholars about the status of waqf plantations Mukhaglance, but the majority of the fiqh scholars say that the event is an practice of waqf done by Rosulullah. For when Abu Bakr became caliph the land of the plantation Mukhairii was not inherited to the Prophet’s family and some benefits of the garden were not given to them, but used for the sake of Muslims at the time. When Umar ibn al-Khatab became caliph to do so, he entrusted the management of the waqf plantation to Ali ibn Abi Talib and al-Abbas. However, when they differed, Umar was no longer ordered to take care of the land, and the plantation was feared as a treasure. Umar immediately requested the plantation again and was given back to the temple al-Mal Muslims.

There was land of Khaibar that had been endowed by Umar ibn al-Khatab in the time of Prophet Muhammad SAW. The prophet told Umar to endure the matter and to make the result to the poor, and Umar did what was commanded by Rosulullah. This event occurred after the liberation of Khaibar land that occurred in the seventh year of Hijri and recorded in a hadith of the history of al-Bukhari and Muslim:

عن ابن عمر قال أصاب عمر أرضا بخيبر فأتى النبصلى عليه وسلم يستأمره

فيها فقال يا رسول الله إني أصبت أرضا بخيبر لم أصب مالا قط هو أنفس عندي

فما تأمرني به قال إن شئت حبست أصلها وتصدقت بها

Mukhairik: a fertile plantation owned by a Jew named Mukhairik given to the Prophet SAW. (Abdurrohman Kasdi. Fiqih Wakaf ..., 35).


Abdurrohman Kasdi, Fiqih Wakaf ..., 35.

Ibid.

Ibid, 36.

Khaibar: an Oasis name about 153 km north of Medina. Before the rise of Islam the fortress city was inhabited by Jewish tribes, them fell to Muslim forces in 629 AD. (Https://id.m.wikipedia.org/wiki/khaybar#cite_re-1, accessed on January 09, 2019).

Abdurrohman Kasdi, Fiqih Wakaf ..., 37.
From Ibn Umar RA, he said, that the friend of Umar RA, obtained a plot of land at Khaibar, then Umar, facing the prophet. To ask for instruction, Umar said, “O Messenger of Allah, I got a plot of land in Khaibar, I have not had any treasures, then what did you command me?” The messenger said, “If you like it, you stand the word, and you are a good as a result.” Then Umar gave it up, the treasure was not sold, not dished and not inherited. Ibn Umar said, “Umar gave him (the result of land management) to the people, relatives, servants of sahaya, sabilillah, ibn sabil and guests. It is not forbidden for those who manage waqf (nazir), eat from the results in a good way (he said) or feed others by not intending to accumulate wealth (narrated by al-Bukhaari, 1319:2737 and Muslim, 1929 M: 1632).

Umar granted the outcome and made the provision that the land was not sold, not to be dished, nor handed down to poor relatives or fakers. For managers it is not haram to take advantage of it, as long as it is within the boundary that is marruf, or to help his/her life without intending to seek profit. At the time of Umar ibn al-Khatab became caliph, he recorded his representative in the waqf deed by being witnessed to the witnesses and announcing it. From then on, many of the Prophet’s families and companions had the land and plantation.

C. Types of Productive Waqf and Its Management

Throughout Islamic history, the form of waqf is very many and various types. It even covers all types and forms of property. Among these types of waqf objects if viewed from the context of possible moving is the waqf of moving objects and stationary objects that are productive.

The immovable object (al-‘iqar) is an object that cannot be moved from its original place, such as the house and the ground or

40Ibid.
41Ibid.
42Ibid.
43Ibid, 97.
44Al-‘iqar: in Arabic which means permanent property, building, and land. (Indonesian-Arabic dictionary al-Ma’aany).
something that remains. While the moving objects (al-manqul)\textsuperscript{45} are objects that can be moved from the original place, or something that can be moved from one place to another.\textsuperscript{46} 

There are differences in the opinion of the scholars about the group’s two forms of property. Whether the moving objects that change in shape are called stationary objects or moving objects as well as buildings and trees. In this case, there are two different opinions. \textit{First}, the opinion of the Hanafiyyah cleric who mentions that the object that when moved was changed form is moving objects (al-manqul) except when the buildings and trees are remain on the ground.\textsuperscript{47} \textit{Second}, the opinion of the Jumhur Ulama other than the Hanafiyyah sect mentions that the object is a category of objects not moving (al-’iqar).\textsuperscript{48}

1. The Management of Productive Waqf for Immoveable Assets

According to Kahf, in the management of waqf is not moving by providing assets or objects that are productive and remove from the personal intervention waqif, channeling the results and benefits of the waqf in order to be achieved objectives of the waqf.\textsuperscript{49} 

The object of productive waqf does not move should that can be used directly for the purpose of waqf such as mosques, schools, hospitals, libraries, until the establishment of buildings for residential settlements and shophouses as a place productive. Nazir should preserve these buildings for the preservation of the integrity of the basic waqf and its productivity.\textsuperscript{50} 

Waqf items are not sustainable forever unless they are treated and renovated while. According to mazhab Hanafiah when treating waqf goods, the cost of maintenance (cost) can be taken from the results of the waqf. If an waqif represents a rental house for his children the improvement of the house is lifted up by the child who lives in the house, because every need is cost. If the child who lived is reluctant

\textsuperscript{45}\textit{Al-manqul}: in Arabic which means movable property, which is transported. (Indonesian-Arabic dictionary al-Ma’aany)


\textsuperscript{47}Ibid, 195.


\textsuperscript{49}Bashlul Hazami, “Peran dan Aplikasi Wakaf dalam Mewujudkan Kesejahteraan Umat di Indonesia,” Vol. 16 No. 01, 2016, 177.

\textsuperscript{50}Abdurrohman Kasdi. Fiqih Wakaf ..., h. 97

\textit{Journal AL-IKTISAB}
or unable to take care of the house, nazir reserves the right to rent the property to another person, then take care of the house with his rent.  

The person who has the right to take the proceeds from the waqf property is not obliged to improve the waqf house, because he has no right of residence. If he has an increase in the waqf house he does not have to pay rent, because there is no point.

According to the Malikiyyah sect nazir can rent a residential house in case of damage to the rental house, the tenant is obliged to fix it, if they are reluctant after being asked to repair then nazir can issue the tenant. If it has been repaired then after the rental of the house is returned again to nazir.

According to Hanafiah, if waqif represents a mosque, the mosque already has the nature of immortality as a mosque, although the mosque is damaged until it becomes rubble or can not be reused because there is no charge for fix it in the opinion of Abu Hanifah and Abu Yusuf he will remain a waqf mosque until the day of judgment.

According to Muhammad, the debris from the mosque damaged can be sold and replaced with other waqf if it is not possible to buy then returned to the heir or to waqif, if waqif is not there or when it’s waqif has passed away then shared to fakir.

2. The Management of Productive Waqf for Moveable Assets

In the management of moving objects that have been represented such as agricultural tools, mushaf Qur’an, prayer mat for mosques, books for public libraries and libraries of mosques, these items can be managed as well as the management of waqf objects do not move. These items may require maintenance and repair to preserve eternity or preserve their functions. But any moving objects will be damaged, extinct and can not function again. Therefore, the fiqh experts argue that the waqf object ends with the loss of the form of waqf objects or their damage.

There is another opinion according to the Maliki sect, if the bowed moving objects have been represented, then the way to maintain them is by replacement (al-istibdal). Thus, the status of this

\[51\] Wahba Zuhaili, Fiqih Islam wa Adilatul, Jilid 10 (Jakarta: Gema Insani, 2011), 322.
\[52\] Ibid, 322.
\[53\] Ibid, 323.
\[54\] Ibid, 324.
\[55\] Ibid, 325.
\[56\] Abdurrohman Kasdi. Fiqih Wakaf ..., h. 97
movable property is replaced by immovable property.\textsuperscript{57}

In representing the moving object should be a property that can be borrowed or rented, when the item is returned in another form instead, the \textit{waqf} property does not lose its identity even produce something productive.\textsuperscript{58}

The preservation of \textit{waqf} that are moving is required because moving objects are not immortal, as well as land hijackers when damaged tenants to the contrary to \textit{nazir} to be fixed, otherwise tenants can use them as usual. If the repair of the apparatus has difficulty then the hijacker is sold and the result is used to repair the new goods in lieu of the damaged goods. The goods that were damaged or the replacement shall not be given to the person who is entitled to receive \textit{waqf} because the goods are made of \textit{waqf}. They have no right to the goods, their right is only the result of the goods, therefore they only get the right.\textsuperscript{59}

According to the Malikiyyah sect if the \textit{waqf} item is damaged, \textit{nazir} is obliged to repair it. If the person who represents the goods requires the opposite to not be repaired then the condition of the \textit{waqif} should not be followed, this can cause damage to the goods, \textit{waqf} goods do not exist anymore and this should not be.\textsuperscript{60}

\textit{Waqf} moving objects are also not produced for the treatment, the cost of care of the \textit{waqf} is done by Baitul Mal. If there is no damage then the object is left to be damaged, \textit{waqif} is not obliged to finance. Horses and war beasts financed by Baitul Mal, \textit{waqif} are not obliged to finance the \textit{waqf}. The horses are not leased for the maintenance of the rental. If not affordable Baitul Mal, or in the area there is no Baitul Mal, then the animal is sold and replaced by weapons and the like that do not require maintenance.\textsuperscript{61}

Management of Cash Waqf

According to Jumhurul Ulama’ among them Hanafi, Shafi’i, Maliki, Hambali, if it is reviewed from the jurisprudence, \textit{waqf} cash is allowed, because cash \textit{waqf} is a \textit{waqf} of moving objects, as long as it should not be exhausted or lost until the property cash \textit{waqf} remain

\begin{itemize}
  \item \textsuperscript{57}Yusep Rafiqi, \textit{“Wakaf Benda Bergerak dalam Prespektif Islam,”} al-Mashlahah, Vol. 06 No. 02, 2018, 199.
  \item \textsuperscript{58}Ibid, 200.
  \item \textsuperscript{59}Wahbah Zuhaili, \textit{Fiqih Islam wa Adilatul ...}, 322.
  \item \textsuperscript{60}Ibid.
  \item \textsuperscript{61}Ibid, 323.
\end{itemize}
intact and utilized continuously for the benefit of the people.\textsuperscript{62}

Waqf cash is used for two purposes. \textit{First}, to be loaned to the people who need it, then once fulfilled the need for the money is returned again to be lent to others without taking advantage of any kind of loan. \textit{Second}, waqf money for production purposes.\textsuperscript{63}

Hanafiyyah scholars allow the \textit{waqf} of moving objects as long as it is already an \textit{urf}\textsuperscript{64} (custom) in the society, like \textit{waqf} of mushaf and money.\textsuperscript{65} However, Hanafiyyah jurists require that there must be \textit{istibdal} (conversion)\textsuperscript{66} of objects that are represented when feared there is an inconsistency of substance. The way is to replace the object with a stationary object that allows the benefit of the object to be permanent. From this, the Hanafiyah jurists argue that the dinar and the dirham can be held through the replacement (\textit{istibdal}) with the object not moving so that the benefits remain.\textsuperscript{67}

Next is the statement of ulama’ \textit{mutaqaddimin} (early scholars),\textsuperscript{68} from the scholars of the Madzhab Hanafi, he allowed \textit{waqf} in cash dinar and dirham as an exception, on the basis of \textit{bi al-‘urf}, based on the \textit{atsar} Abdullah bin Mas‘ud RA:

\begin{quote}"
عن عبد الله بن مسعود عن النبي صلى الله عليه وسلم قال: فما رأى المسلمون حسنة فهو عند الله حسن وما رأوا سيئا فهو عند الله سيئ.
"\end{quote}

From Abdullah bin Mas‘ud of the Prophet SAW, he said, «What is considered good by the Muslims, so in the sight of God is good, and what is in poor view by the Muslims, then in the eyes of God is bad.» (HR. Ahmad).

\begin{quote}"\textsuperscript{62}Hendi Suhendi, \textit{Fiqih Muamalah} (Jakarta: PT Grafindo Persada, 2014), 242-243.
\textsuperscript{63}Abdurrohman Kasdi. \textit{Fiqih Wakaf} ..., h. 97
\textsuperscript{64}Urf: something that is familiar to people because it has become a habit and integrated into their lives in the form of actions or words. (Setiara Evendi and M. Zein, \textit{Ushul Fiqih} (Jakarta: Kencana, 2005).
\textsuperscript{65}Wahbah Zuhaili. \textit{Al-Fiqh al-Islamiy wa Adillatuh} ..., 162.
\textsuperscript{66}Istibdal: exchange \textit{waqf} property for something whether the property is sold first then replaced with other items or moved to a location. (Musyfikah Ilyas, “\textit{Istibdal Harta Benda Wakaf Prespektif Hukum Islam},” Vol. 3 No. 2, 2016, 1)
\textsuperscript{67}Muhammad Abbu Zahrah, \textit{Muhadharat fi al-Waqf} (Beirut: Dar al-Fikr al-Arabi, 1971), 104.
\textsuperscript{68}Ulama’ \textit{mutaqaddimin}: the scholars who lived in the 2\textsuperscript{nd} and 3\textsuperscript{rd} centuries of the Hijri compiled the Hadits of Prophet SAW. (http://anasafirda. blogspot. com/2012/01/materi-ulumul-hadis. html?m=1, accessed on January 10, 2019).
\textsuperscript{69}Muhammad bin Abdullah Abu Abdullah al-Hakim an-Nisyaburi, \textit{Mustadrik ala al-Shohihaini} (Beirut: Dar al-Kitab al-'Alamiah, 1990), 37.
\end{quote}
The purpose of the hadith above that has been presented by Rosulullah that is what is considered good by the Muslims, so in the view of God is good, and what is considered bad by the Muslims, then in the view of God is bad.\textsuperscript{70}

According to sectarian Hanafi how to manage cash \textit{waqf} is to make the business capital by means of \textit{mudharabah} in the profit is given to the \textit{waqf}. Or invested in \textit{sharia}, and the profit can be channeled as a result of \textit{waqf}. Cash \textit{waqf} is invested in the form of stocks or deposits, exists or more precisely the value of money is maintained and generates profits over a long period of time.\textsuperscript{71}

The opinion of Imam al-Zuhri who enabled the wealth of dinar and dirham, by making the dinar and dirham as business capital, then the profit channeled to \textit{mauqaf} \textit{<alaih}.\textsuperscript{72}

Then, from the history of Abu Saur from the Shafi\text{'}i sect said that cash \textit{waqf} was allowed by Imam al-Shaafa\text{'}i, with the condition of making money that was represented business capital (rented) to take the results (benefits). If the management of money from the \textit{waqf} is lent with the \textit{mudharabah} system and the result is returned with a nominal money that is still permissible, because the nominal money similar from \textit{mudharabah} results can still be considered replace the original \textit{waqf} money.\textsuperscript{73}

Conclusion

After doing the discussion that the author has exposed, then to the last chapter that is the juice from the discussion of this study, it will be the author to see some conclusions, among them as follows. First, cash \textit{waqf} is an innovation of Muslims who need to be socialized to all Muslims as a whole, especially using dinars and dirhams. The utilization of cash \textit{waqf} with dinars and dirhams is expected to contribute to the wider community. Second, cash \textit{waqf} sourced from the Quran, Hadist, and \textit{ijtihad} the scholars’, in this case cash \textit{waqf} has had a very strong basis to continue to be applied in the community.

\textsuperscript{71}Muhammad Tho\text{'}in and Jin Emi Prastiwi, “\textit{Wakaf Tunai Prespektif Syariah},” \textit{Ilmiah Ekonomi Islam}, Vol. 01 No. 01, 2015, 71.
\textsuperscript{72}Suhrawardi K. Lubis and Farid Wajdi, \textit{Hukum Wakaf Tunai} (Bandung: Citra Aditya Bakti, 2016), 75.
\textsuperscript{73}Mahmud al-Kafrawi, \textit{Al-Nuqud wa al-Masarif fi al-Nazmial Islami} (Aieksandria: Dar al-Jama\text{'}ah, t.th.)
Thirdly, the practice of *waqf* management using dinar and dirham, is a cash *waqf* that replaces it with a stationary object that produces the educational benefits of Ahlu Madinah, which is a buy and sell transaction using dinars and dinars and to help the people about the community with the market building for merchants without the use of taxes or rent a car in the market. Fourth, prospective *waqif* in the by where their *waqf* property will be distributed, such as their property will be made for the acquisition of *waqf* land that will benefit the interests of the people.

References


Http://www.ibnukatsironline.com/2015/04/tunfiqu.html?m=1
Https://id.m.wikipedia.org/wiki/khaybar#cite_re-1, accessed on January 09, 2019.


Ubaid, Abu. Al-Amwal. Cairo: Buku Daras di Fakultas Syari’ah

الدكتور مهند فؤاد إستيتي، دقيقة الوقف وأثر خلاف المذاهب الأربعة فيه، الرسالة استكمالاً
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