The Strengthening Position and Functions of Waqf on Nadzir as an Independent Institution

by Faisal Faisal
The Strengthening Position and Functions of Waqf on Nadzir as an Independent Institution

Faisal* and Nursariani Simatupang**

* Faculty of Law, Universitas Muhammadiyah Sumatera Utara, Medan
  E-mail: faisal@umsu.ac.id
** Faculty of Law, Universitas Muhammadiyah Sumatera Utara, Medan
  E-mail: nursarianisimatupang@umsu.ac.id

Abstract. The purpose of writing in this study is to find out and analyze the position and function of nadzir Waqf as an independent institution so that it is expected to strengthen the role of nadzir Waqf in carrying out their duties, the approach used in this study uses normative juridical, the results of the research result state that Nadzir as the party who will determine the success of the Waqf implementation, only as an administrator who does not have more power, power and authority in managing the Waqf property that has been handed over to the Waqf. This is of course inseparable from the laws and regulations governing Nadzir Waqf itself as a guide in carrying out its activities. Nadzir Waqf in carrying out its duties and functions must pay attention to and be subject to various laws and regulations that are so many, many rules that must be obeyed by Nadzir made Nadzir inflexible in carrying out the development and management of the Waqf property.

Keywords: Function; Independent; Institution; Nadzir; Position; Waqf.

1. INTRODUCTION

Talking about the essence of Nadzir Waqf, as a Waqf institution, it has characteristics in its governance, in the implementation of Waqf practices, this is because in Waqf institutions, in fact there are Wakif who are people or legal entities who endow their assets, then Nadzir as a manager who is given the responsibility to managing Waqf assets. To make Waqf productive, it cannot be separated from the important role of Waqf managers (nadzir) in developing Waqf in order to have a positive impact on society and the state. Nadzir Waqf in proper company manager who must be able to plan and manage Waqf assets.¹

Waqf is one of economic resources that have been shown to play a major role in the economy. In language endowments meaningful stop or stand (waqafa, yaqiyu,

¹ Agung Abdullah, Nadzir dalam Perspektif Kelembagaan Wakaf di Indonesia, Jurnal Ilmiah Ekonomi Islam, Vol 6 No 03 2020, page 403–408
In the view of Islam, the assets that have been donated are no longer the property of the Waqf and will not be transferred to the property of the people or entities that are the purpose of the Waqf. Waqf assets have been separated from the ownership rights of the Waqf since the pledge of Waqf was carried out, which later became the property of Allah whose benefit is the right of the recipient of the Waqf. Thus, the Waqf property becomes the mandate of Allah to individuals or legal entities to manage and manage it. In essence, Waqf property as regulated in Article 40 of Act No. 41 of 2004 concerning Waqf and Government Regulation Number 42 of 2006 concerning the Implementation of Act No. 41 of 2004 concerning Waqf, that Waqf assets that have been donated are prohibited from being used as collateral, confiscated, granted, sold, inherited, exchanged, or transferred in the form of other transfer of rights.

As a tradition that has been practised for a long time, Waqf endowment is clear evidence that Muslims in Indonesia are developing through the worship. Waqf assets are public assets that must be legally protected. Waqf is a legal act whose implementation must be in accordance with statutory procedures, Waqf legal actions must be stated in the Waqf pledge deed. According to Islamic law, Waqf has indeed occurred immediately with the statement of Wakif (people who Waqf) which is an ijab, because the implementation of Waqf is seen as a unilateral legal act.

Nadzir as the person most responsible for the Waqf property that the Wakif has donated to him, the trust of the Wakif submits his assets in the form of Waqf to Nadzir, not only intended to maintain, but in order to develop, and make every effort to make the Waqf property productive. In various figh books, none of the scholars have stated that Waqf nadzir is a pillar of Waqf. However, the scholars agree that the Wakif must appoint the Waqf manager (nadzir), whether he is himself, the recipient of the Waqf or someone else.

Nadzir’s position as a central point in achieving successful management and empowerment of Waqf assets, of course, must be supported by good competence and skills. Even though Waqf property is an inanimate object that is tangible, as well as

---

3 Farhati, Dewi & Akhmad Khisni, Legal Review of Implementation Endowments Authority Relating to The Under Hand Agreement Made by Waqf (Case Study in KUA Wonosalam, Demak), Jurnal Akta, Vol 5 No. 3 2018, page.373-776
4 Agung Wicaksono, The Problematic of Waqf Representatives and The Settlement of Disputes, Jurnal Akta, Vol 7 No. 4 2020, page.329-332
5 Darmi Irawansyah, Ahmad Suchan, Implementation of Land Procurement for Waqf Land Affected by the Solo-Ngawi Toll Road, Jurnal Akta, Vol 8 No. 1 2021, page.7-15
7 Achmad Irwan Hamzani, Mukhidin, Perlindungan hukum terhadap harta benda wakaf sebagai aset publik di kecamatan Wiradesa Kabupaten Pekalongan, Jurnal: Jurnal Wacana Hukum Islam dan Kemanusiaan, Vol. 16, No. 2 2016, page.159-177
8 Achmad Irwan Hamzani, Perkembangan Hukum Wakaf di Indonesia, Diya Media Group, Brebes, 2015, page 172
movable and immovable objects, the value and benefits of Waqf property depend on how Nadzir can make it more productive and valuable in order to provide benefits to society, especially Muslims.

The management of Waqf assets by Nadzir in a professional and productive manner can be realized if Nadzir has broad authority and independence, namely through an independent Nadzir institution in the form of an independent legal entity, with the institutional system regulated in a centralized management/administration. Nadzirian institutions have a central role in the management of Waqf assets in general. Therefore, the existence and quality of Nadzir's human resources must be seriously considered. Nadzir (both individuals, organizations and legal entities) must consist of people who have noble character, are trustworthy, well-behaved, experienced, mastered administrative and financial sciences deemed necessary to carry out their duties in accordance with the type of Waqf and its purpose. In general, Waqf management can be directed and fostered optimally, if the nadzir is trustworthy (trustworthy) and professional. Because these two things will determine whether the institution can ultimately be trusted or not.

Currently, many Waqf assets are abandoned and unproductive due to Nadzir's inability to manage Waqf assets in a conventional manner, which is only used for consumptive activities, without knowing that Waqf assets can be managed productively, one of which is by investing Waqf assets for benefits. The obtained can continue to grow with the aim of diversifying the existence of the Waqf property without eliminating or reducing the initial essence of the Waqf property, namely taking its benefits without reducing its substance (zalim). Even though the position of Nadzir is very large with respect to Waqf assets, as according to the Waqf Law explained in Article 1 paragraph (4), it is the party who receives the Waqf property, which comes from the Waqf to be managed and developed according to its designation. Therefore, Nadzir’s position has a very important position as is his role in managing and developing Waqf assets that have been mandated by the Wakaf.

The purpose of writing in this study is to find out and analyze the position and function of nadzir Waqf as an independent institution so that it is expected to strengthen the role of nadzir Waqf in carrying out their duties

2. RESEARCH METHODS

The method that researchers use is juridical Normative research is legal research regarding the enactment or implementation of normative legal provisions in action at any particular legal event that occurs in society. This research uses the concept of law where, law is positive norms in the national legal system of legislation, the research is doctrinal, namely law is a manifestation of the symbolic meanings of social behavior as seen in their interactions. Non-doctrinal legal research, the approach uses qualitative research. This research is based on the legal positivist concept which states that legal

norms are identical to written norms and are made and promulgated by the competent state institutions.  

3. RESULTS AND DISCUSSION

3.1. Nadzir’s Position as an Independent Waqf Institution

*Nadzir* is a person who manages and maintains wakaf assets and income and implements the conditions set by the donor. The term is derived from the Arabic word *nazar* which means to watch over and keep something safe. Thus, a *nadzir* is a person who is entrusted with the power and obligation to administer and maintain wakaf assets. So the definition of *nadzir* according to the term is a person or entity that holds the mandate to maintain and manage wakaf property as well as possible in accordance with the form and purpose of the wakaf property. The *nadzir* language comes from the word *nazara*, which means to watch over (to see), and *nadabara*.

The word *nadzir* also has a meaning with *al-hāfiz* (guardian), *al-musynif* (manager), *al-qayyīm* (director), *al-mutawallī* (administrator), or *al-mudir* (leader). The word *nadzir* in the Indonesian Arabic dictionary also has meaning; “viewer”, “examiner”.  

*Nadzir* according to the *Waqf* Law as described in Article 1 paragraph (4) is the party who receives the *Waqf* property, which comes from the *Wakif* to be managed and developed according to its designation. Therefore, *Nadzir*’s position has a very important position. As is his role in managing and developing *Waqf* assets that have been mandated by the *Wakif*.

Hanafi scholars mention *Nadzir* as “*qayyīm al-Waqf*” or *Mutawallī*, namely the person who regulates and oversees the affairs of *Waqf*. In the book *al-Wilayat ‘ala al-Waqf*

---

18 ibid. Page 58.
related to Nadzir is defined as control or supervision of Waqf. As a person who is entrusted or given power or given the task of supervising the Waqf property.22

Nadzir is not in a position as the real owner of the property as Waqf, but only has the authority to manage and develop the Waqf property. Therefore, with Nadzir’s important position, Nadzir must really have knowledge and understanding of Waqf assets, both textually and contextually, especially in Waqf management and Waqf entrepreneurship, so that Waqf assets can be managed professionally and proportionally, so that they are maintained and develop according to its designation according to Islamic sharia.

Waqf assets are not yet productive in Indonesia, because Nadzir does not yet have entrepreneurial skills. Al-Buhūri in his book Kasyaf al-Qina’ an Matn al-Iqna’ explains that Nadzir Waqf is basically a person (organization) who controls, maintains the principal and results of the Waqf, then has the task of implementing it based on the Waqf pledge that has been required by the Wakif.23

According to Article 9 of the Waqf Law, there are three types of Nadzir, namely individual Nadzir, organizations and legal entities. However, in Wahbah Az-Zuhaili’s view, based on the agreement of the fuqaha that what is referred to as Nadzir are first, a Wakif who directly manages and develops his Waqf property in the sense of Wakif as well as Nadzir on his own Waqf property, second, the person who gets the Waqf who mandated by the Wakif is referred to as maquf‘alaih, third, apart from the two, it is defined as a third party who has the ability to maintain, safeguard and develop the Waqf property mandated by the Wakif. So in the determination of Nadzir according to the views of the scholars, the scope is wider, namely anyone can become a Nadzir Waqf when he fulfills the terms and conditions where that person is the most mature, the most pious, the oldest, or someone who has certain/special criteria.

The basis of this provision is as Saidina Ali Ra stipulates that his children Hasan and Husein are to be able to supervise the assets that are Waqf.24 Even the Waqf management process began to be managed independently, handed over to his relatives until another party was implemented by Umar bin Khattab, namely when the land he owned in Khairab was managed independently, then handed over to Hafsah until her death, then handed it over to be handed back to her family who have expertise in control of the property.25

Nadzir’s position as a central point in achieving successful management and empowerment of Waqf assets, of course, must be supported by good competence and skills. Although Waqf property is a tangible inanimate object which is categorized as movable and immovable object, the value and benefits of Waqf property depend on how

---

22 Majelis Wakaf dan ZIS Pimpinan Pusat Muhammadiyah Panduan Wakaf, Majelis Wakaf dan ZIS Pimpinan Pusat Muhammadiyah, Jakarta, 2010
25 Muhammad Mustafa, Muhadharat fi al-Waqf wa al-Washiyah, Mathba’ah Dar al-Ta’līf, Cairo, 1957
Nadzir can make it more productive and valuable in order to provide benefits to society, especially Muslims.

The position of Nadzir is a very important and central thing because the party who receives the Waqf property from the Wakif to be managed and developed according to its designation is called Nadzir. It is Nadzir who is responsible for maintaining, maintaining and developing Waqf so that Waqf can function as expected which is carried out in accordance with the objectives of the Sharia. Productive management and development of Waqf assets is carried out, among others, by collecting investing, investing, producing, partnering, trading, agribusiness, mining, industry, technology development, building construction, apartments, flats, supermarkets, shops, offices, educational facilities or health facilities and businesses that do not conflict with sharia. So Nadzir is the manager of Waqf property whose job is to manage and develop Waqf property according to its designation.  

Specifically in the Waqf Law, there is no article that specifically explains the position of Nadzir. In general, if it is related to Nadzir’s position, it can be elaborated based on Articles 7, 9 and 11 of the Waqf Law, where in Article 1 paragraph (4) it is stated that Nadzir is the party who receives Waqf property from the Wakif to be managed and developed according to its designation. Furthermore, Article 11 states that Nadzir has the task of administering Waqf assets; manage and develop Waqf property in accordance with its purpose, function and designation; supervise and protect the Waqf property; and report the implementation of duties to the Indonesian Waqf Board. Where those who can carry out these operational tasks based on Article 9 are Nadzir individuals, organizations and legal entities. So it can be concluded that Nadzir (individuals, organizations and legal entities) has a very important position in terms of his duties and responsibilities, in maintaining and empowering Waqf assets so that they can develop so that the value of the benefits (profits) obtained can be used for social interests, especially for the community. Islam.

The importance of Nadzir’s position in the context of Waqf is as a party who has the responsibility to maintain, maintain, manage and develop Waqf assets, but in the 11 divisions of Waqf fiqh, in the view of the scholars, in principle Nadzir is not included in one of the pillars of Waqf. However, the scholars agree that when the Wakif surrenders the Waqf property, it is obligatory for the Wakif to appoint Nadzir in maintaining and managing the Waqf property, whether the Nadzir is an individual/self, mauqaf alaih or other parties.

The importance of Nadzir’s position is also inseparable from the existence of the Waqf property handed over by the Wakif, so that it has legitimacy in the aspect of fiqh and the legislation in force in Indonesia. To gain legitimacy, for Waqf property from the aspect of Islamic and national law, a Waqf pledge is needed which in this case must have two elements, namely Wakif and Nadzir. Then Article 17 of the Waqf Law, in paragraph (1) states that the Waqf pledge is carried out by the Wakif to Nadzir before PPAIW (the Official Making the Waqf Pledge Deed) witnessed by 2 (two) witnesses.

---
While paragraph (2) states that the *Waqf* pledge as referred to in paragraph (1) is stated orally and/or in writing and is stated in the *Waqf* pledge deed by PPWIW.

### 3.2. *Nadzir*'s Function as an Independent *Waqf* Institution

As a party who has a very important role, where *Nadzir* can be one of the determining elements of the success or failure of *Waqf* assets to be managed and developed. Of course, to achieve this success, *Nadzir* must be able to understand his function as a person who has a great responsibility to be entrusted with managing *Waqf* assets. Based on the *Waqf* Law, the explanation of the function of *Nadzir* is not specifically explained in article by article, but in interpreting the law the emphasis is on the duties and responsibilities of *Nadzir* in managing *Waqf*. This can be seen in Article 11 of the *Waqf* Law, which states that *Nadzir* has the following duties: administering the *Waqf* property; manage and develop *Waqf* property in accordance with its purpose, function and designation; supervise and protect the *Waqf* property; report the implementation of duties to the Indonesian *Waqf* Board.

In Abdullah's view that a *Nadzir* must be able to implement the task of managing *Waqf* assets by collaborating with the community for development purposes, on the other hand working together to distribute the profits/results (benefits) of *Waqf* property to the parties (people) who are entitled to receive it. Furthermore, it is the obligation of *Nadzir* to always be able to maintain, develop, repair (if there is damage) and maintain its existence, both in the short and long term, so that it still exists as a part that contributes to the benefit of society, especially in the social aspect.

*Nadzir*'s function in the administration of *Waqf* assets is based on Article 11 of the *Waqf* Law, that *Nadzir* has an obligation to certify movable and immovable *Waqf* assets, which have been submitted by the *Wakif* as formal legality, especially in relation to legal certainty based on statutory regulations in Indonesia.

*Nadzir*'s function in managing and developing *Waqf* property in accordance with its purpose, function, and designation based on Article 11 of the *Waqf* Law, it is intended that *Nadzir* must be able to develop *Waqf* assets to be more productive. The management and development of *Waqf* assets must of course be based on sharia values.

Based on Article 42 of *Waqf*, it has been explained that *Nadzir* is obliged to manage and develop *Waqf* property in accordance with its purpose, function, and designation. Furthermore, Article 43 paragraph (1) Management and development of *Waqf* assets by *Nadzir* as referred to in Article 42 is carried out in accordance with sharia principles; paragraph (2) The management and development of *Waqf* assets as referred to in Paragraph (1) is carried out productively; paragraph (3) In the event that the management and development of *Waqf* assets as referred to in paragraph (1) requires a guarantor, then a sharia guarantor institution is used.

Furthermore, Article 44 paragraph (1) states that in managing and developing *Waqf* assets, *Nadzir* is prohibited from changing the designation of *Waqf* assets except on the basis of written permission from the Indonesian *Waqf* Board; Paragraph (2) The permit

---

as referred to in paragraph (1) can only be granted if the Waqf property cannot be used according to its designation, which is stated in the Waqf pledge.

Nadzir's function in supervising and protecting Waqf assets based on Article 11 of the Waqf Law, means that when Nadzir makes a Waqf pledge with Wakif, there is absolutely a transfer of responsibility for the control of Waqf assets, both movable and immovable from Wakif to Nadzir. Supervision and protection of Waqf property as Nadzir's responsibility certainly does not stop in a non-productive context, but can be done by: first, empowering Waqf assets, carrying out maintenance and repairs with the aim that Waqf assets can be protected from various damage and destruction, so that its existence can still provide benefits as the purpose of Waqf; second, protecting Waqf rights by defending or advocating in the face of legal disputes, or evictions and confiscations in order to preserve the preservation and benefit of Waqf for social welfare; third, to fulfill the rights of mauqif ala'alin by distributing the results of Waqf to those who are entitled and not delaying it unless it is due to an emergency or there are justified syari' reasons; and fourth, carry out the conditions of Wakif and must not violate these conditions except in special situations and conditions that are difficult to avoid, such as in the appointment of an individual Nadzir which is impossible because he does not meet the requirements of Nadzir.20

Nadzir in carrying out functions, reporting on the implementation of tasks to the Indonesian Waqf Board based on the provisions of Article 11 point "d" of the Waqf Law, of course confirms the need for accountability that Nadzir has in carrying out his duties. So that the reporting submitted can be formally accounted for to the Indonesian Waqf Board, as well as to the public or Wakif.

Based on the provisions of the Waqf Government Regulation, which regulates Nadzir's obligation to report his duties to the minister and BWI, it is stated in Article 13 paragraph (2), which states that, "Nadzir is obliged to make periodic reports to the Minister and BWI regarding Waqf activities as referred to in paragraph (1)")24 Meanwhile, in paragraph (3), further provisions regarding the procedure for making reports as referred to in paragraph (2) are regulated by a Ministerial Regulation.

Provisions for making reports are regulated through a Ministerial Regulation based on the Regulation of the Minister of Religion of the Republic of Indonesia No. 73 of 2013 concerning the procedures for Waqf of immovable and movable objects other than money. Where in Article 28 paragraph (1) it is stated that Nadzir is obliged to submit a report on the management of immovable Waqf property and/or movable Waqf property other than money to the Regional Office of the Provincial Ministry of Religion and BWI periodically every 6 (six) months. Furthermore, paragraph (2) that the report on the management of Waqf assets as referred to in paragraph (1) includes the implementation of management, development, and use of the results of the management.

The submission of the report by Nadzir will be followed up by the Office of the Ministry of Religion, based on Article 29 paragraph (1), that the Head of the Regency/Municipal Ministry of Religion Office is obliged to report the implementation of Waqf affairs for immovable objects and movable objects other than money as referred to in Article 2

letter a and letter b, to the Head of the Provincial office of the Ministry of Religion periodically every 6 (six) months; paragraph (2) The Head of the Provincial Office of the Ministry of Religion submits the report as referred to in paragraph (1) to the Minister through the Director General periodically every 6 (six) months. The form of the report submitted by Nadzir through the Office of the Ministry of Religion in accordance with Article 30, that the report on the management of Waqf assets as referred to in Article 28 and Article 29 contains at least: the scope of Waqf property being managed; form of utilization of Waqf property; the results of the management of Waqf assets; and the use of the results of the management of Waqf assets.

Nadzir Waqf activities are based on the Waqf Law, PP No. 42 of 2006, Minister of Religion Regulation No. 4 of 2009, and the Regulation of the Minister of Religion of the Republic of Indonesia No. 73 of 2013. Specifically in the Waqf Law relating to Nadzir, it is mentioned as a party who receives Waqf property from Wakil to be managed and developed according to its designation (Article 1), also referred to as individual Nadzir, organizational and legal entity (Article 9), and has the task of administering the Waqf property; manage and develop Waqf property in accordance with its purpose, function and designation; supervise and protect the Waqf property; and report the implementation of duties to the Indonesian Waqf Board (Article 11).

Nadzir’s position which is so important in the development of Waqf assets, of course, requires good and extensive professionalism and knowledge, so that the managed Waqf assets can develop and make a positive contribution to improving welfare, especially for Muslims. However, the problem that arises is that Nadzir’s independence in managing Waqf assets to be developed is often limited. Because the duties and authorities of Nadzir are limited by the current Waqf laws and regulations. The limitations that cause Nadzir not to be independent can be seen in the Waqf law, including: regarding the management and development of Waqf assets (Article 44), guidance that is not only carried out by BWI but also by the minister (Article 13), registration of Nadzir not only at BWI but also by the minister (Article 14 paragraph 1), changes in the designation of Waqf assets must be approved by the Indonesian Waqf Board (Article 44 paragraph 1), the Minister carries out guidance and supervision of the administration of Waqf to realize the purpose and function of Waqf (Article 63 paragraph 1). Limitations that cause Nadzir to be independent are also stated in PP no. 42 of 2006, including regarding the management and development of Waqf assets, must be guided by BWI regulations (Article 48), changes in the status of Waqf assets in the form of exchange are prohibited, except with written permission from the Minister based on BWI considerations (Article 49 paragraph 1), the exchange status of Waqf assets must have written permission from the minister (Article 49 Paragraph 2), exchange of Waqf assets managed by Nadzir has a very long procedure (Article 51), Nadzir’s obligation to make periodic reports not only to BWI but also the minister (Article 13 paragraph 2).

The various limitations stated above cause the development of Waqf in Indonesia to be said to be not fast compared to other countries such as Singapore, Malaysia, Brunei Darussalam, Turkey, Egypt, and so on. This is inseparable from the status and position of Nadzir individuals, organizations and legal entities that do not have clarity in their independence in managing Waqf assets. Because they must comply with other laws and regulations, such as the Ormas Law, Foundation Law, Cooperative Law, Limited Liability Company Law, Waqf Law, PP No. 42 of 2006, Minister of Religion Regulation No. 4 of 2009, and the Regulation of the Minister of Religion of the Republic of Indonesia No. 73.
of 2013. One of the overlapping regulations between the Waqf Law and Government Regulation No. 42 of 2006 with the Law on Ormas, Foundations, Limited Liability Companies and Cooperatives, namely regarding the disbandment of Nadzir, it is stated that the Nadzir organization is dissolved or dissolved in accordance with the provisions of the Articles of Association of the organization concerned (PP No. 42 of 2006 Article 8), the Nadzir of the organization must be a member of the organization (Article 10 paragraph 2 of the Waqf Law), Nadzir a legal entity is an administrator of a legal entity (Article 10 paragraph 3 of the Waqf Law).

Efforts in optimizing the management of Waqf assets so that they can develop rapidly in order to contribute to improving the welfare of Muslims both from the social, economic and religious aspects, it is necessary to reconstruct the Nadzir Waqf (individual, organizational and legal entity Nadzir Waqf) to become independent Waqf Nadzir. The independence of Nadzir Waqf cannot be separated and has synchronization with the reconstruction of individual Waqf institutions, organizations and legal entities as independent legal entities that have been stated previously. Because the reconstruction carried out on Nadzir Waqf individuals, organizations and legal entities to become independent Waqf Nadzir is certainly based on the structure of Waqf property management, where independent Waqf Nadzir will indirectly have independent status and position because they are in the Waqf institution as an independent legal entity.

Reconstruction carried out on individual Waqf Nadzir, organizations and legal entities to become independent Waqf Nadzir, among others are:

- Nadzir Waqf individuals, organizations and legal entities are part of the management of individual Waqf institutions, organizations and legal entities as independent legal entities.
- Nadzir individual Waqf is in the organ of the individual Waqf institution as an independent legal entity.
- Nadzir of organizational Waqf's is in the organ of the organization's Waqf institution as an independent legal entity.
- Nadzir Waqf legal entity is in the organ of the legal entity Waqf institution as an independent legal entity.
- The appointment of Nadzir Waqf is carried out by the Indonesian Waqf Board without government intervention/intervention (Ministry of Religion of the Republic of Indonesia), at the suggestion of the Waqf institution (individual Waqf institutions, organizations and legal entities that are independent legal entities).
- The exchange of Waqf assets for the purpose of development and empowerment can be carried out by Nadzir Waqf in accordance with the provisions of the Shari'a and the decisions of the respective Waqf institutions, guided by and harmonizing the regulations set by the respective Waqf institutions with the regulation set by BWI, without approval and permission from BWI and the government (Ministry of Religion of the Republic of Indonesia).
- Development of Waqf property becomes the progative right of Nadzir Waqf, as long as its management and designation does not violate Islamic law (Islamic law) and the rules set by BWI.
- The reporting system and accountability for activities carried out by Nadzir Waqf is carried out to each Waqf institution itself, with a copy to the Indonesian Waqf Board.
• Supervision of the activities of Nadzir Waqf is carried out by the respective Waqf institutions, the Indonesian Waqf Board, and the community. However, the structured supervision system is absolutely the responsibility of the Waqf institution itself. The Indonesian Waqf Board and the public can report irregularities and mistakes made by Nadzir Waqf to their respective Waqf institutions.

4. CONCLUSION

Nadzir as the party who really determines the success of the Waqf implementation, only as an administrator who does not have more power, power and authority in managing the Waqf property that has been handed over by the Wakif. This is of course inseparable from the laws and regulations governing Nadzir Waqf itself as a guide in carrying out its activities, Nadzir Waqf in carrying out its duties and functions must pay attention to and be subject to various laws and regulations that are so many, many rules that must be obeyed by Nadzir made Nadzir inflexible in carrying out the activities of developing and managing the Waqf property. So that it is difficult for Nadzir to move to develop and manage the Waqf property in the Waqf by the Wakif, in accordance with the purpose of the Waqf itself. In order for this goal to be realized, it is necessary to have an independent legal entity that has professional and proportional responsibility in managing Waqf assets. Where the independent legal entity includes Nadzir Waqf as an entity from a legal entity. As a legal entity, with Nadzir Waqf will certainly be able to realize justice and prosperity for the state in order to improve the welfare of the community. Therefore, the position and function of the Nadzir reality need to be placed independently so that its position, role and function can maximize the management of Waqf assets. This can be done by giving freedom, convenience, and strength to Nadzir Waqf in carrying out legal actions, so that efforts to develop Waqf assets, when given rights and obligations, can realize the purpose of Waqf itself. Nadzir’s independence is reflected in the certainty he has in taking actions in managing Waqf assets without the intervention of any party. The independence of Nadzir Waqf certainly cannot be separated from changes, improvements, to the Waqf Law, especially regarding articles related to Nadzir Waqf.

5. REFERENCES

Journal:

A. Zamakhysiari Baharuddin, Rifoq Qowiyul Iman, Nazir Wakaf Profesional, Standarisasi dan Problematisnya, Li Falah: Jurnal Studi Ekonomi dan Bisnis Islam, Vol 3, No 2 2018;

Abdulkadir Muhammad, 2004, Hukum dan Penelitian Hukum, Citra Aditya Bakti, Jakarta;

Abdurrahman Kasdi, Peran Nadzir Dalam Pengembangan Wakaf, ZISWAF, Vol 1 No. 2 2014;

Achmad Irwan Hamzani, 2015, Perkembangan Hukum Wakaf di Indonesia, Diya Media Group, Brebes;


Farhati, Dewi & Akhmad Khisni, Legal Review of Implementation Endowments Authority Relating to The Under Hand Agreement Made by Waqif (Case Study in KUA Wonesalam, Demak), *Jurnal Akta*, Vol 5 No. 3 2018;


Majelis Wakaf dan ZIS Pimpinan Pusat Muhammadiyah, 2010, *Panduan Wakaf*, Majelis Wakaf dan ZIS Pimpinan Pusat Muhammadiyah, Jakarta;


Muhammad Abid, 2013, *Hukum Wakaf*, Dompet Dhuafa Republika dan Iman, Jakarta;

Muhammad Musthafa, 1957, *Muhadharat fi al-Waqf wa al-Washiyah*, Mathba’ah Dar al-Ta’if, Cairo;

Muhammad Yunus, 1973, *Kamus Arab Indonesia*, Yayasan Penyelenggara Penterjemah/ Pentafsir al-Qur’an, Jakarta;
Murthada, *Nadzir Profesional Kunci Kesuksesan Wakaf Produktif*, *Jurnal Muqtasid* Vol 3, No. 1 2021;


Qal′a′ji, Muhammad Rawas, 1985, *Mu′jam al-Lughah al-Fuqaha′*. Dar an-Nafa′is, Beirut;


# The Strengthening Position and Functions of Waqf on Nadzir as an Independent Institution

## Originality Report

<table>
<thead>
<tr>
<th>Similarity Index</th>
<th>Internet Sources</th>
<th>Publications</th>
<th>Student Papers</th>
</tr>
</thead>
<tbody>
<tr>
<td>23%</td>
<td>20%</td>
<td>11%</td>
<td>10%</td>
</tr>
</tbody>
</table>

## Primary Sources

1. **ejournal.unisba.ac.id**
   - Internet Source
   - 1%

2. **Submitted to Sriwijaya University**
   - Student Paper
   - 1%

3. **journal.iainkudus.ac.id**
   - Internet Source
   - 1%

4. **Submitted to Universiti Tunku Abdul Rahman**
   - Student Paper
   - 1%

5. **journal.iaincurup.ac.id**
   - Internet Source
   - 1%

6. **journal.fh.unsri.ac.id**
   - Internet Source
   - 1%

7. **www.neliti.com**
   - Internet Source
   - 1%

8. **Submitted to Jabatan Pendidikan Politeknik Dan Kolej Komuniti**
   - Student Paper
   - 1%

   **Submitted to Universitas Islam Indonesia**
   - 1%
Achmad Irwan Hamzani, Mukhidin Mukhidin. "Perlindungan hukum terhadap harta benda"
<table>
<thead>
<tr>
<th>No.</th>
<th>Source / Paper Details</th>
</tr>
</thead>
</table>
| 21  | Submitted to Lincoln High School  
Student Paper |
Publication |
| 23  | moraref.kemenag.go.id  
Internet Source |
| 24  | www.ajhssr.com  
Internet Source |
| 25  | Submitted to International Centre for Education  
Student Paper |
| 26  | e-journal.metrouniv.ac.id  
Internet Source |
| 27  | Wildan Munawar, R Ali Pangestu, Qomaruddin S. "WAQF MANAGER (NAZIR) COACHING AND COMPETENCE IN THE DEVELOPMENT OF PRODUCTIVE WAQF", Indonesian Journal of Social Research (IJSR), 2022  
Internet Source |
<table>
<thead>
<tr>
<th>ID</th>
<th>Title</th>
<th>Author(s)</th>
<th>Source</th>
<th>Publication Date</th>
<th>Access URL</th>
</tr>
</thead>
<tbody>
<tr>
<td>28</td>
<td>Maqashid sharia-based mosque empowerment index</td>
<td>Aisyah As-Salafiyah, Aam Slamet Rusydiana, Muhammad Isa Mustafa.</td>
<td>International Journal of Ethics and Systems, 2021</td>
<td></td>
<td>ecommons.aku.edu</td>
</tr>
<tr>
<td>29</td>
<td></td>
<td></td>
<td>Internet Source</td>
<td></td>
<td>ecommons.aku.edu</td>
</tr>
<tr>
<td>30</td>
<td></td>
<td></td>
<td>Internet Source</td>
<td></td>
<td>journal.unpak.ac.id</td>
</tr>
<tr>
<td>31</td>
<td>THE ROLE OF SINCERITY AS A MOTIVATING FACTOR TO WORK FOR NON-PROFIT ORGANIZATIONS</td>
<td>Agung Abdullah.</td>
<td>Humanities &amp; Social Sciences Reviews, 2020</td>
<td></td>
<td>anzdoc.com</td>
</tr>
<tr>
<td>32</td>
<td></td>
<td></td>
<td>Internet Source</td>
<td></td>
<td>anzdoc.com</td>
</tr>
<tr>
<td>33</td>
<td></td>
<td></td>
<td>Internet Source</td>
<td></td>
<td>repository.uinsu.ac.id</td>
</tr>
<tr>
<td>34</td>
<td></td>
<td></td>
<td>Internet Source</td>
<td></td>
<td><a href="http://www.researchgate.net">www.researchgate.net</a></td>
</tr>
<tr>
<td>35</td>
<td></td>
<td></td>
<td>Internet Source</td>
<td></td>
<td>knepublishing.com</td>
</tr>
<tr>
<td>36</td>
<td></td>
<td></td>
<td>Internet Source</td>
<td></td>
<td>ejournal.iainbengkulu.ac.id</td>
</tr>
<tr>
<td>#</td>
<td>Reference</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>----</td>
<td>---------------------------------------------------------------------------------------------------</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>38</td>
<td>Submitted to Universitas Hasanuddin</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>39</td>
<td><a href="http://www.lppm-unissula.com">www.lppm-unissula.com</a></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>40</td>
<td>etheses.iainponorogo.ac.id</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>41</td>
<td>journal.iaimnumetrolampung.ac.id</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>42</td>
<td><a href="http://www.europarl.europa.eu">www.europarl.europa.eu</a></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>43</td>
<td>ejournal.iainkendari.ac.id</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>44</td>
<td>ijmmu.com</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>45</td>
<td>repository.iainbengkulu.ac.id</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>46</td>
<td>P Harahap, B Oktrialdi. &quot;Harmonisa in defibrillator equipment (DC Shock)using&quot;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Page</td>
<td>Author(s)</td>
<td>Title</td>
<td>Source</td>
<td></td>
<td></td>
</tr>
<tr>
<td>------</td>
<td>-----------</td>
<td>-------</td>
<td>--------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>48</td>
<td></td>
<td><a href="alumnidarussaadah.blogspot.com">alumnidarussaadah.blogspot.com</a></td>
<td>Internet Source</td>
<td></td>
<td></td>
</tr>
<tr>
<td>50</td>
<td></td>
<td><a href="Journal.iain-samarinda.ac.id">Submitted to Universitas Prima Indonesia</a></td>
<td>Student Paper</td>
<td></td>
<td></td>
</tr>
<tr>
<td>51</td>
<td></td>
<td><a href="journal.iain-samarinda.ac.id">journal.iain-samarinda.ac.id</a></td>
<td>Internet Source</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><a href="digilib.unila.ac.id">digilib.unila.ac.id</a></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>