

## Conference paper

# The Urgency of Waqf in the Agrarian Reform Agenda as a Form of Post-Covid 19 Economic Recovery

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Waqf is one of the instruments to overcome social and economic problems, meanwhile, agrarian reform is one of the programs that have access to land and is something fundamental for socio-economic development, poverty reduction for handling the Covid-19 pandemic that has hit the world, especially Indonesia, handling the pandemic requires strategic and clear goals, as illustrated in the design of the concept of Agrarian Reform. This paper aims to analyze the urgency of waqf in the Agrarian Reform agenda as a form of economic recovery after the Covid-19 pandemic. The method used in this study is the Research and development method The results of the study show that in Indonesia the utilization of waqf to overcome economic problems after the Covid-19 pandemic is still not optimal, but waqf has great potential in providing facilities for support economic recovery the urgency of waqf is also appropriate with its needs and functions in the concept of economic recovery in the SHAT (Sertifikat Hak Atas Tanah) program which encourages the rise of MSMEs (Small and Medium Enterprises ) in a cooperation program built by the ministry.

**Keywords:** Waqf, Agrarian Reform, Economic Recovery, Post-Covid-19

## 1. INTRODUCTION

Looking back at the complex problems regarding land in Indonesia ranging from resource control, laws, economic strategies, and formal institutions that systematically remove rural communities from controlling land and other resources. In other words, a limping agrarian order or structure is created. Where most of the natural resources and land are controlled by large capital actors and are utilized according to the logic of market dynamics for their own maximum benefit Agrarian conflicts that arise due to differences in perceptions and interests concerning these natural resources and land, by themselves it can only be solved by making a fairly fundamental change to the Agrarian Reform approach but from some of the basic principles of agrarian reform it is also unable to accelerate rapidly to support the economic recovery of the community

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Published 24 July 2023

Publishing services provided by  
Knowledge E

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Selection and Peer-review under  
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as we know that we have just been hit by a big storm called the Covid-19 outbreak that devastated our economy, for this reason, the author feels it is very important to do to support the concept of waqf as an alternative economic recovery, together with the program of the Ministry of Agrarian Affairs and the Ministry of Religion through the concept of waqf land in supporting the agrarian reform program.

The COVID-19 pandemic that occurred in Indonesia had a fairly serious impact and caused a lot of unrest in the community. This is because people lost their income, where before this pandemic, people could carry out economic and business activities normally, but after Covid-19, there were many restrictions carried out by the government so that which caused the average income from the community to tend to decrease or no income received, Therefore, if allowed to continue the economic conditions in Indonesia will be further deteriorated and the poverty rate in Indonesia will be higher. This is evidenced by BPS data that the percentage of Indonesia's poor population in semester 1 of 2019 of 9.41 percent increased to 10.19 percent in semester 2 of 2020 <sup>1</sup>

Waqf utilization is an activity to reduce poverty by restoring the economy through waqf, waqf has a usefulness as a planner, implementer, and coordination of supervision with the aim of collecting, distributing, and utilizing waqf. These activities have been regulated in Law Number 41 of 2004 concerning Waqf and are carried out by the Indonesian Waqf Board (BWI).<sup>2</sup> According to the cleric, the funds represented are allowed to be managed for the benefit of the people, Then, in its management, it is not the same as the management of zakat or sadaqah in general. Waqf managers can maintain waqf assets as a whole but are seeking to be developed so that they are able to provide good and optimal output to *mauquf alaih*.<sup>3</sup> According to the commissioner of the Indonesian Waqf Agency (BWI) for advocacy and institutional affairs, Iwan Agustiawan Fuad, currently many waqf lands are not productive, so the role of waqf in the pandemic is still not optimal compared to zakat whose distribution is directly.<sup>4</sup>

<sup>1</sup> <https://www.bps.go.id>

<sup>2</sup> Aziz, Muhammad. 2017. *Peran Badan Wakaf Indonesia (BWI) Dalam Mengembangkan Prospek Wakaf Uang Di Indonesia*. JES (Jurnal Ekonomi Syariah) 2 (1): 35-54. <https://doi.org/10.30736/jesa.v2i1.14>.

<sup>3</sup> Miftkhuddin, M dkk, <https://ejournal.stiesyariahbangkalis.ac.id/index.php/iqtishaduna> Juni 2021, Vol.10, No.1: 76-90

<sup>4</sup> Handayani, Rossi. 2020. —Peran Wakaf Belum Optimal Tangani Pandemi Covid 19. *Republika*. 2020. <https://www.republika.co.id/berita/q9stx3327/peranwakaf-belum-optimal-tangani-pandemi-covid->

Based on some of the facts above, the researcher sees several literary writings from previous researchers who have close ties to waqf and agrarian reform including setyo Utomo (2021) *The Journey of Agrarian Reform Part of the Mandate of the State Constitution of Miftakhuddin* (2021) *the use of waqf instruments in the midst of the Covid-19 pandemic in the perspective of maqashid sharia*, Ahmad Hatim (2021) *Reform of the Role of the Indonesian Waqf Agency (BWI) in the National Waqf Ecosystem as a Path to Agrarian Reform*. Although there have been many studies that explore Waqaf and agrarian reform, there is no writing that specifically examines the urgency of waqaf in the concept of agrarian as a form of economic recovery so that it can be used as a loophole in research. This paper aims to strengthen the research of *Waqf Land Certification Through Agrarian Reform Principles To Realize Social Welfare In North Sumatra* which raises the theory of social welfare as a basis for thinking where the state of prosperity is interpreted as the improvement and eradication of certain social ugliness, but it is also a state and activity, which shows regulations in agrarian reform, especially land registration which is specifically for waqf land governance in North Sumatra is the design of a waqf land governance model that refers to Land Certification, not only realizing welfare, but will also reduce the occurrence of conflicts and land disputes in Indonesia, where with the reduction of land conflicts, agrarian reform can be resolved optimally which is greatly affected by welfare which can be interpreted as welfare is an implementation and as a form of economic recovery.

## 2. METHODOLOGY/ MATERIALS

Research methods used with a research and development approach carried out to elements of legal subjects related to waqf management include; Officials of the Office of Religious Affairs, nazir of waqf land, The Indonesian Waqf Agency (BWI), the Office of the National Land Agency (BPN). which was sampled based on the waqf land governance model based on the Agrarian Reform Principle in an effort to achieve economic recovery

### 2.1. Waqaf and some of its meanings

According to Abu Hanifah Waqf is to hold an object that, according to the law, remains in the wakif to use its benefits for virtue. Based on that definition, the ownership of waqf property cannot be separated from the wakif, in fact, he is justified in withdrawing it and he can sell it. Meanwhile, the Maliki School argues that the waqf does not release the waqf property from the ownership of the wakif, but the waqf prevents the wakif

from taking actions that can relinquish its ownership of the property to others and the wakif is obliged to endow its benefits and must not withdraw the waqf.<sup>5</sup> Imam Shafi'i and Ahmad argued that waqf is to release the waqf property from the ownership of the wakif, after the perfect procedure of waqf. The Wakif must not do anything to the property that is represented, such as the treatment of the owner by means of ownership to others, whether by exchange or not. If the waqf wakif, the waqf property cannot be inherited by the heir. The wakif distributes the use of the property he represents to the mauquf'alaih (who is given the waqf) as binding almsgiving, where the wakif cannot prohibit the distribution of his donations. If the wakif forbids it, then Qadli has the right to force him to give it to the mauquf'alaih. Therefore, the Shafi'i school defines waqf as: "not to perform an action on an object, which has the status of belonging to Allah Almighty, by endowing its benefits to a (social) virtual."<sup>6</sup>

<sup>5</sup> *Ibid*

<sup>6</sup> *Ibid*

## 2.2. Landreform dan Reforma agraria.

Land reform as part of Indonesia's five agrarian reform programs in its existence experienced various typologies, in the era of Soekarno's rule known as "Land reform", in the Soeharto era "transmigration", in the era Habibie "Agrarian renewal" until the Gusdur era", in the era SBY "National Agrarian Renewal program (PPAN) or popularly known as Agrarian Reform and continued in the era of the Jokowi-JK administration. During the time of President Joko Widodo, Agraria Reform became a National Priority program by giving birth to a policy in the form of Presidential Regulation No. 86 of 2018 concerning Agrarian Reform of the National Program which includes six aspects, namely:

1. Strengthening the regulatory framework and resolving agrarian conflicts
2. Structuring the control and ownership of land objects of agrarian reform
3. Legal certainty and legalization of land rights to the object of agrarian reform
4. Community empowerment in the use, utilization, and production of land objects of agrarian reform
5. Allocation of forest resources to be managed by the community, as well as
6. Implementing institutions of central and regional agrarian reform.<sup>7</sup>
7. Agrarian reform is a program formed in order to reorganize the structure of land control that is more just which is expected to be able to create equality and justice

in land ownership so that it can improve welfare for all layers community. Thus, in essence, the concept of agrarian reform includes 3 concepts, namely:<sup>8</sup>

- (a) Land reform concept, namely the realignment of a fairer land ownership structure
- (b) The concept of access reform is related to the arrangement of more productive land use or utilization accompanied by the arrangement of support for facilities and infrastructure that allow farmers to gain access to economic resources in rural areas. These accesses include access to agricultural facilities and infrastructure, irrigation, roads, farming, production marketing, farm business cooperatives, and banking (people's business credit)
- (c) The concept of Policy/Regulation reform, which is related to policy and legal arrangements that favor the people

### 3. RESULTS AND DISCUSSION

Waqf As one of the religious instruments of economic value and social dimensions, the representation of land is a logical consequence in the system of ownership in Islam. The possession of the property in Islam must be accompanied by moral responsibility. All that is in the heavens and on this earth belongs to God. Human ownership of property is a mere mandate or entrustment, so everything against this waqf must be empowered as well as possible with good methods and regulations, one of which is through the concept of Agrarian Reform.

The implementation of agrarian reform gives an idea that agrarian reform will not only achieve a form of legal certainty in land tenure and ownership for the community

<sup>7</sup> Kantor Staf Presiden 2017, *Pelaksanaan Reforma Agraria, arahan Kantor Staf Presiden: Prioritas nasional Reforma Agraria dalam Rencana Kerja Pemerintah Tahun 2017*

<sup>8</sup> Ben Cousins, *Agrarian Reform and The Two Economies: Transforming South Africa's4 Countryside*, draft of chapter 9 in Ruth Hall and Laungisile Ntsebeza, eds., *The Land Question in South*

*Africa: The Challenge of Transformation and Redistribution*, HSRC Press, Cape Town, South Africa, 2007, hal. 30

but is also expected to achieve the goal of community welfare in the form of economic improvement in the advanced program of land management. For this reason, there

should be a balance in the implementation of asset and access arrangements so that the objectives of agrarian reform can be carried out optimally.<sup>9</sup>

Currently, the government through the Ministry of Agrarian and Spatial Planning has made various improvements to land administration, including by creating a land database, so that people can easily access the data, asset management is carried out through the redistribution of agricultural and non-agricultural land, while asset legalization is carried out through land certification. Asset structuring is the basis for structuring access, where asset structuring consists of land restitution and asset legalization while access structuring is carried out on a cluster basis in order to increase economies of scale, and added value and encourages entrepreneurial innovation in the subject of Agrarian Reform.

The concept of economic recovery in the order of agrarian reform is carried out in the presence of a land timekeeping program. The government is synergizing the Land Rights Certificate Empowerment Program (SHAT), by providing assistance that will be able to support the productivity of MSME actors who want to establish their businesses. The SHAT Empowerment Program is organized under the coordination of the Coordinating Ministry for Economic Affairs and through cooperation with the Ministry of Agrarian and Spatial Planning / National Land Agency (ATR / BPN), the Ministry of Cooperatives and SMEs, the Ministry of Agriculture, the Ministry of Marine Affairs and Fisheries, and the Regency Government, with financial institutions distributing KUR including, BRI Syariah, and BNI Syariah. Through this program, it can be expected to improve the legal status of land rights of small and micro enterprises, increase accessibility to obtaining credit and financing from banks/cooperatives, and ultimately increase the capital and welfare of small and medium enterprises. Here is one of the data that can be used as a sample of the form of economic recovery in the classification of some of the land in the city of Binjai.

<sup>9</sup> Kartiwi & Hasyim, (2019). *Implementasi Kebijakan Pemerintah Di Bidang Pendaftaran Tanah Sistematis Lengkap di Kabupaten Garut*. Jurnal Ilmu Sosial Politik Dan Humaniora, 2(2), 43–53. <https://doi.org/10.36624/jisora.v2i2.45>. Hal. 44

<sup>10</sup> <https://lintor.atrbpn.go.id/Target>, diakses tgl 26 April 2022, pkl 10.26 WIB.

Based on the data above, it is explained that of the 45 files registered for the Cross-Sectoral, Small and Medium Enterprises (SMEs) program in the working area of the Binjai City Land Office, which includes 11 villages/kelurahan, which was helped as a result of the community's economic recovery. Looking at the data above, it is time for the waqf empowerment program to be intensified to actualize the potential of waqf to be more economically efficient so that Muslims in Indonesia are not only proud of the

TABLE 1: Land Registration Target Data on SME Cross-Sectoral Programs In the Working Area of the Binjai City Land Office<sup>10</sup>

No	Desa/ Kelurahan	Target	Berkas	PBT	SU
1	Jati Utomo	7	7	7	7
2	Cengkeh Turi	1	1	1	1
3	Jati Karya	3	3	3	3
4	Jati Makmur	3	3	3	3
5	Damai	1	1	1	1
6	Pahlawan	2	2	2	2
7	Sumber Karya	4	4	4	4
8	Sumber Mulioarjo	6	6	6	6
9	Berngam	16	16	16	16
10	Tanah Merah	1	1	1	1
11	Puji Dadi	1	1	1	1
Total		45	45	45	45

extraordinary area of waqf assets, but feel the benefits of managing waqf property that is produced as a form of implementation of waqf as one of the agrarian reform programs that have value for economic recovery after the Covid-19 pandemic.

However, the matter of controversy in terms of waqf in the concept of agrarian as a form of economic recovery is not followed by elements of man, machine, money, and methods that do not have a significant effect. However, when viewed from the material element, it turns out that there are quite a lot of factors that affect and are interrelated with each other, including in the fulfillment of the completeness of the file by Nazir, when the creation of AIW is not immediately carried out or only verbally, it can cause obstacles to the making of AIW (Deed of Waqf Pledge)/APAIW (Deed of Replacement for Waqf Pledge). Limited knowledge of the procedures and conditions of the representation. People's mindset regarding land tenure is that physical tenure is more believed than documents. The role of the village/kelurahan is considered to be less prioritized for waqf land in land registration activities through PTSL (Complete Systematic Land Registration) plus the KUA as PPAIW who does not know that this PTSL program can also be used to register waqf lands and the uneven understanding and new paradigm of waqf in the midst of the community in accordance with the provisions of the new waqf legislation. Therefore, socialization efforts are needed through various media, both directly and indirectly.

## 4. CONCLUSION AND RECOMMENDATION

Based on some of the above, several strategies are needed to increase the ghiroh of the nadzhirs and waqf land managers to think more creatively and productively for enrichment and empowerment to empower waqf land as a treasure of the people. Some of them can be done by mapping potential waqf lands that contain a high economic value, making proposals for the empowerment of waqf land, Establishing partnerships for efforts to empower waqf land, improving the quality of nazir's reliable and quality human resources, and professional modern management. all of which must be accompanied by professional and structured control. With systematic calculations for economic recovery, finally, waqf in the concept of agrarian reform can really be felt in the impact and benefits to recover from the impact of the Covid-19 pandemic outbreak.

## ACKNOWLEDGEMENTS

Finally, the author would like to express his infinite gratitude to the beloved Institution of Panca Budi Medan Development University, to the Management Of the Faculty of Social Sciences, Dean, Head of Study Program, and all Colleagues, Mrs. Dr. Onny Medaline, SH., MKn, Mrs. Dr. Siti Nurhayati and Mr. Dr. Rahmat Sembiring, SE., M.SP as research team colleagues.

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