

DEVELOPMENT OF WAQF MANAGEMENT IN JORDAN

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Abstract

Waqf is one of the teachings of Islam and has been known since the time of the Prophet SAW. There are two opinions about who was the first to implement waqf. The first opinion, some scholars say, is that the first person to implement waqf law was Rasulullah SAW, where he donated his land to later build the Quba mosque when Rasulullah moved to Medina. The Quba Mosque was built in 622, located about 400 kilometers north of the city of Makkah. During the leadership of King Abdullah II, the law on waqf and Islamic affairs was revised again and became law number 32 of 2011 with the same name. The spirit is to utilize the potential of waqf so that it can be maximized in line with current developments. The message contained in law number 32 of 2011 is, first, the Ministry of Waqf for Islamic Affairs and Holy Places and Islamic Affairs is institutionally and financially independent in order to develop and invest waqf assets. Development of Endowment Funds in Jordan 50% of the foundation's income is used for places of worship and other needs. Meanwhile, the other 50% of income is distributed to four other charities (poverty, disease, education and society).

Keywords: *Jordan, Management, Endowment Funds, Waqf,*

INTRODUCTION

Waqf is one of the teachings of Islam and has been known since the time of the Prophet SAW. There are two opinions about who was the first to implement waqf. The first opinion, some scholars say, is that the first person to implement waqf law was Rasulullah SAW, where he donated his land to later build the Quba mosque when Rasulullah moved to Medina. The Quba Mosque was built in 622, located about 400 kilometers north of the city of Makkah. (Kahf, 2011)

As a reference for the ulama in the law for implementing waqf which is of charity value, it can be found in Surah Al-Baqarah verse 267:

يَا أَيُّهَا الَّذِينَ آمَنُوا أَنْفِقُوا مِنْ طَيِّبَاتِ مَا كَسَبْتُمْ وَمِمَّا أَخْرَجْنَا لَكُمْ مِنَ الْأَرْضِ ۚ وَلَا تَيَمَّمُوا الْخَبِيثَ مِنْهُ تُنْفِقُونَ وَلَسْتُمْ بِأَجْدِيهِ إِلَّا أَنْ تُغْمِضُوا فِيهِ ۚ وَاعْلَمُوا

أَنَّ اللَّهَ غَنِيٌّ حَمِيدٌ

267. O you who believe, spend some of the good results of your efforts and some of what We bring out of the earth for you. Don't choose something bad to give away, even though you don't want to take it, except by squinting (reluctantly) at it. Know that Allah is Most Rich, Most Praiseworthy.

According to Imam Nawawi, the definition of waqf is holding assets that can be used, but not for himself, while the objects remain with him and can be used for good and to draw closer to Allah. Meanwhile, according to the Compilation of Islamic Law, waqf is a legal act of a person or group of people or legal entity who separates some of their objects and institutionalizes them forever for the purposes of worship or other public needs in accordance with Islamic teachings. In waqf management, the most important role lies in the existence of nazhir. If waqf is managed optimally, it can play a role in funding and improving the people's economy. Because, the progress and decline of waqf is determined by the good and bad of waqf management (Yunus & Putra, 2021). Apart from that, waqf management must display the best performance so that it can play a greater socio-economic role (Putra, 2021). The development of Islamic economics in Indonesia continues to experience evolution. It took 12 years since the birth of the sharia banking law which became the forerunner to the birth of the Islamic economy in Indonesia. In 2004 the Indonesian government together with the People's Representative Council of the Republic of Indonesia (DPR RI) formulated Law no. 41 concerning waqf and is the legal basis for waqf practice.

This is of course different from the development of waqf management in Jordan where the Kingdom established the Ministry of Waqf and Islamic Religious Affairs which has the special task of managing waqf assets, both movable and immovable waqf. This ministry formed the High Waqf Council chaired by Meteri. The Waqf High Council determines the proposals made by the Ministry of Waqf for Islamic Affairs and Holy Places which originate from the Director of Finance and then the Minister takes them to the Cabinet Council for approval. In carrying out its duties, the Ministry of Endowments for Islamic Affairs and Holy Places is always guided by Law no. 26 of 1966.

With the support of the royal government and involving the Ministry of Waqf for Islamic Affairs and Holy Places, Foundations and other institutions in managing waqf, this is what makes the Jordanian state able to create waqf that is very productive in managing waqf assets in the form of immovable waqf assets and movable waqf assets. A recent study entitled (The Impact of Endowment in Contemporary Jordanian Society) by Dr. Islamic Economics Muhammad AL-Omari, Director of the Islamic Cultural Center in Irbid and part-time lecturer at the College of Sharia and Islamic Studies at Yarmouk University said that 50% of the Endowment Funds Development Foundation's income is spent on mosque programs and the other 50% for four other charity programs (poor people, sick people, education, and society) equally. The amount of waqf land according to data from the Endowment Fund Development Foundation is five thousand plots of land, including four thousand plots of land for mosques and cemeteries and a thousand plots of endowment land for charitable investment, half of which is built on old building land at low rental prices, and the other half is for investment.

This research will present data on the management and development of waqf in Jordan, starting from the formal juridical aspects, namely the waqf law, the structure of the Ministry of Waqf for Islamic Affairs and Holy Places in Jordan, the role of waqf in economic and social development as well as a comparison with the development of waqf in Indonesia.

LITERATURE REVIEW

DEVELOPMENT OF WAQF IN JORDANIA

The Hashemite Kingdom of Jordan is a country in the Middle East with a population of 92% of the population being Muslim, founded in 1921 and gaining independence from Britain in 1946. It has a constitutional monarchy. The Jordanian government is led by King Abdullah II who is the head of government and commander of the armed forces. The king exercises executive power through the Prime Minister and his Cabinet. Jordan borders Syria to the north, Iraq to the east, Israel and Palestine to the west, and Saudi Arabia to the east and south. Most of Jordan is desert, especially the Arabian desert, but with the Jordan River, the region is a fertile agricultural area, and Amman, the capital of Jordan, is also located in this region. Waqf management in Jordan is regulated in the Ottoman waqf management regulations which were issued on 19 Jumadil Akhir 1280 AH. Then in 1287 AH a law was issued which explained the position of Ottoman lands and productive lands which had waqf status. From the implementation of this law, in Arab countries there is still a lot of land that has waqf status and this is still practiced today. Since the time of the Prophet, the Caliphate and the Islamic dynasties until now, waqf is still implemented from time to time in all Muslim countries.

In the Constitution which was passed on April 19 1928, article 61 states that waqf affairs and their financial management are specifically determined in a law. The benefit of waqf is considered to be one of the benefits of the government. On May 25, 1946, when Jordan's independence from British colonial rule was declared, the Waqf Law Number 25 of 1946 was born to strengthen the previous law. During the leadership of King Thalal bin Abdullah in 1952, Law No. 25 of 1946 by adding article 107 which is part of article 63 regarding the regulation that waqf assets cannot be mixed with other assets. At this time it was determined that only the Sharia Court had the right to decide waqf cases and apply Sharia laws.

The most important change was when Law number 26 of 1966 concerning waqf was changed to law on waqf and Islamic affairs number 4 of 1968. Thus, the affairs of the Ministry of Waqf for Islamic Affairs and Holy Places were not only about waqf but also related to hajjat. Muslims at large. During the leadership of King Abdullah II, the law on waqf and Islamic affairs was revised again and became law number 32 of 2011 with the same name. The spirit is to utilize the potential of waqf so that it can be maximized in line with current developments. The message contained in law number 32 of 2011 is, first, the Ministry of Waqf for Islamic Affairs and Holy Places and Islamic Affairs is institutionally and financially independent in order to develop and invest waqf assets. Second, seeking social funds (ziswaf) for imams, preachers and religious teachers in schools. Third, increase philanthropic programs to increase institutional funding capacity. Fourth, the Ministry of Waqf for Islamic Affairs and Holy Places is tasked with supervising and providing supervision over all existing waqf potential. They are even given the freedom to reprimand the nadzir if there are any irregularities. The Ministry of Waqf for Islamic Affairs and Holy Places is also permitted to provide financial assistance to waqf land controlled by the State as long as it does not conflict with the conditions requested by the wakif. Fifth, in terms of investment in waqf assets, the Ministry of Waqf for Islamic Affairs and Holy Places is required to form a business entity that is a legal entity and has

independence in financial management but still follows the vision and mission of the Ministry of Waqf for Islamic Affairs and Holy Places. (Ar-Rohahah, 2005).

The Ministry of Waqf for Islamic Affairs and Holy Places is given the authority to spend the proceeds from waqf development in accordance with the plans outlined by the Directorate of Finance. Based on this institutional model, waqf management in Jordan is classified as very productive in managing immovable waqf assets and movable waqf assets. In managing waqf assets, the Jordanian royal government divides it into two mechanisms. Firstly, waqf assets can be managed entirely by the government or based on a court decision, waqf assets can be managed by the heirs but still under the auspices of the government. Thus, the affairs of the Ministry of Waqf are not only waqf issues but are broader.

MANAGEMENT OF WAQF INSTITUTIONS IN JORDANIA

In Jordan, most philanthropic activities, charitable donations and development are managed by the government through the Ministry of Endowments for Islamic Affairs and Holy Sites. In the early stages of the founding of modern Jordan, in the mid-20th century, the state passed laws to manage and control social work and development. In 1951, the first Law of the Ministry of Endowments for Islamic Affairs and Holy Places was created to institutionalize the work of the social sector in Jordan. The law addresses all issues related to giving and alms. The culture of giving in Jordan is associated with Jordanian traditions that originate from Islam and Christianity. It is difficult to differentiate between philanthropy and Muslim philanthropy in Jordan. In Jordan the majority of recipients of philanthropic work will hesitate to engage in any philanthropic activity that is not religious in nature.

Ministry of Endowments for Islamic Affairs and Holy Places and Islamic Religious Affairs

In 1966 the Kingdom of Jordan issued Law Number 26 concerning Waqf with the name Islamic Waqf Law and Islamic Affairs contained in Article 107. Then in 1968 the Law was changed to the Law on Waqf, Islamic Affairs and Sanctity. Based on historical records, after the Council of Ministers formed a Ministry with the name Ministry of Religion and Holy Places on July 10 1967, a decision was made to connect the Department of Endowments and Islamic Affairs to the Ministry of Religion. On January 16 1968, based on this policy, the name of the Ministry of Religion was changed to the Ministry of Waqf, Islamic Affairs and Chastity in accordance with Law Number 4 of 1968 and stipulated that the Supreme Council of Waqf could be appointed as Meteri of Waqf. Meanwhile, Islamic Affairs and Holy Places are led by the Supreme Court. The Ministry of Endowments for Islamic Affairs and Holy Places is responsible for formulating general policies for Islamic affairs in the Kingdom. It is also responsible for administering Islamic endowments in the Kingdom and AlQuds Al-ASharif, maintaining the Al-Aqsa Mosque, supervising mosques, granting necessary permits to associations and Islamic institutions and centers for memorizing the Koran. Apart from that, the Ministry of Endowments for Islamic Affairs and Holy Places is tasked with supervising the implementation of the Hajj and Umrah pilgrimages, and increasing awareness of the obligations of zakat, infaq and alms and distributing them according to the legally determined method.

Endowment Fund Development Department

Waqf assets that are managed in accordance with the provisions of Islamic Sharia will increase public interest in investing their assets in the form of waqf assets with the government. For this reason, the Jordanian constitution has continued to amend laws since 1995, 1966, 1968 AD, until the issuance of the Waqf Law Number 23 of 2001 AD, explaining that the Endowment Fund Development Department was established to carry out the tasks of managing and developing endowment funds. The administration of endowment funds is separated from the Ministry of Endowments and Islamic Religious Affairs. Endowment fund foundations gain administrative and financial independence as independent public institutions. This institution started working in 2002. The Islamic Endowment Fund Development Department is the Ministry's investment window which functions to develop real estate and endowment funds to achieve optimal returns for the interests of endowment funds. This department implements investment projects on waqf land and invests waqf property according to its nature and partners with the public and private sectors to achieve optimal returns for waqf benefits. It also contributes to supporting social and economic development in Jordan, employing the workforce, and fighting poverty.

Waqf Property Development Department

This department manages waqf assets by conserving movable and immovable waqf funds for development, reconstruction, investment and agriculture as well as taking policies in the interests of the waqf and ensuring optimal use of the waqf. Endowment funds contribute positively to economic and social development and provide solutions to society's economic problems so that policy decisions in collecting endowment funds are needed so that people donate a portion of their income with the aim of getting large and multiple rewards as well as uninterrupted or sustainable practice. Within the waqf assets directorate there is a section for registration and settlement of waqf assets. This section has the task of following up on the registration of waqf land and waqf property and ensuring that all waqf land is registered in the name of the Ministry of Waqf for Islamic Affairs and Holy Places.

Based on the institutional model, waqf management in Jordan is classified as very productive, both managing waqf assets in the form of land and money. The way to receive cash waqf in Jordan does not have to be through a sharia bank, but can be given directly to the nazhir. Because of this, the Supreme Waqf Council only uses sharia banks as recipient institutions for cash waqf. This is to accommodate several waqifs who cannot directly give their waqf money to the nazhir directly. So, he can make waqf by coming to a sharia bank office or transferring to the designated Nazhir account number. (Ahmad Muhammad Abdul Adhim, Cairo: Dar al-Salam, 2007) Comprehensive renewal of the digital waqf property program, addition and integration of waqf information in the GIS (Geographic Information System) program and collaboration with the Minister's advisor for digital transformation to create a new and up-to-date waqf property program.

Several waqf development projects in Jordan include offices, residential apartments, shops and trade centers. All of this was built on waqf, with all construction costs handled by the waqf ministry. These costs were borrowed from the government, meanwhile, to optimize the development of the project so that it can run well, at the Ministry of Waqf there is a special institution tasked with carrying out feasibility studies on development plans for waqf land. Then the Directorate established by the Ministry of Waqf there also has programs in the context of developing and utilizing waqf assets. These programs then received strong support from the Jordanian cabinet and government. (Mahsun 2017)

Budget of the Directorate of Waqf Programs in the 2022 Report of the Ministry of Waqf for Islamic Affairs and Holy Places

General Program

No	Information	Spending Until 12/31/2022 (JOD)	Number of Beneficiaries
1	Reserve for capital maintenance costs of waqf property	502,200	100
2	Reserve costs for developing and documenting endowment software	4,849	220
3	Annual allocation to endowment funds	50,753	12
4	Miscellaneous Infaq	174,019	815
5	Cash endowment account	1,750,000	1000
6	Purchase of a plot of land	626,150	400
7	Total	3,107,971	

Mosque Program

No	Information	Spending Until 12/31/2022 (JOD)	Number of Beneficiaries
1	Assistance for building and maintaining mosques	377,753	185
2	Maintenance of residences for the faith and the muezzin	68,885	85
3	Annual allocation to endowment funds	10,737	385
4	Alternative energy project	130,732	12000
5	Awards for preachers and teachers	597,500	600
6	Income from charity box	547,500	1000
7	King Abdullah II Institute Courses	75,000	815
8	Supplies for the mosque	44,457	50
9	Total number	1,851,656	

COMPARISON WITH WAQF MANAGEMENT IN INDONESIA

The development of the waqf sector in Indonesia experienced extraordinary growth this year. It is estimated that the trend in national waqf management performance in 2023 will increase again compared to the performance in 2022. The level of public trust in waqf management institutions is of course thanks to regulatory support from both the central government (OJK) and regional governments such as the Sharia Economic and Financial Regional Committee in providing nazir guidance by authorities, to APBD support that supports Regional BWI operations. After being successful in developing the digital channel berkahwakaf.id and e-services for Nazirs, BWI will continue to develop this digitalization in 2023. Among the things that will be developed include encouraging the development of applications that will integrate waqf data owned by BPN (National Land Agency) with waqf information system data owned by the Ministry of Religion. A digital Waqf Pledge Deed (AIW) application and a blended commercial finance application will also be developed, which combine sharia social finance, especially cash waqf, with sharia commercial finance.

In terms of waqf knowledge products, there are also indications of the growing dynamics of waqf science. Starting from knowledge innovation through the development of the National Waqf Index, the WCP Implementation Index (Waqf Core Principles), to the Good Nazir Governance Index (GNG Index) which was just launched in Leeds, England in September 2022. Apart from that, the growing variety of waqf research developed by universities has also strengthened Indonesia's role as a leading producer of Islamic economics and social finance in the world. This is in line with this nation's aspirations to become the center of the world's sharia economy by 2024. Based on data from the Ministry of Religion's Waqf Information System (SIWAK) which was accessed on September 29 2021, the potential for land waqf in Indonesia reached 414,829 locations with an area of 55,259.87 hectares. Then, according to the Indonesian Waqf Board (BWI), the potential for cash waqf in Indonesia reaches IDR 180 trillion per year. However, the large potential of waqf cannot yet be optimized properly. Some of the challenges that cause this condition include not yet optimal waqf regulations, low waqf literacy, low nazhir capacity, and not optimal use of technology. As a result, the huge potential of waqf cannot be optimized to reduce poverty and inequality in Indonesia. In fact, waqf should be a very potential instrument in overcoming these two problems.



Figure 1.1 Source of the 2021 National Waqf Index Report

Waqf programs in Indonesia are very diverse and aim to help the community and increase waqf empowerment. In Indonesia, waqf management involves philanthropic institutions. The following are several waqf programs implemented in Indonesia:

1. Indonesian Care Waqf (Kalisa) is an initiative run by the Indonesian Waqf Board to help others in need, with a focus on helping communities affected by the Covid-19 outbreak.
2. The Indonesian Waqf Movement is a program that explains various productive waqf projects run by the Indonesian Waqf Board.
3. Berkah Wakaf is an online waqf platform managed by the Kenazhiran Institution (LK) Indonesian Waqf Board to make it easier for wakfi members to fulfill their waqf.
4. The Indonesian Ministry of Religion and Waqf has developed six priority programs in the field of zakat and waqf empowerment, including a productive waqf incubation pilot project program, namely building waqf land that has economic potential by providing training and assistance to waqf nazir
5. Charity Waqf is a waqf that is provided to provide direct benefits to the community, such as waqf for public and religious facilities such as waqf for mosques, water sources, madrasas and others.
6. Productive Waqf is the management of cash waqf which is managed in a productive way, so that the results of this productive waqf become a source of eternal funds to finance the needs of the people, such as financing education and quality health services.

CLOSING

In Jordan, waqf property management has been carried out professionally and orderly with full royal and government support. This management makes waqf assets function well and provide many benefits for the community, such as welfare for the poor, orphans, several madrasas, and student scholarships. Management of waqf assets in Jordan is developing rapidly, apart from administratively, it also includes innovation through digital improvements to make waqf assets into investment funds that flow continuously. The Jordanian waqf family law system that combines Islamic and Western law greatly facilitates rapid progress in waqf management. In Indonesia, the development of waqf in the industry 4.0 era is experiencing very rapid growth. Since Law Number 41 of 2004 concerning waqf was implemented in the management of waqf assets, various products were created to provide

benefits to waqf assets. The role of sharia financial institutions which involve elements of sharia banking, philanthropic institutions, academies give birth to more dynamic products. Various programs such as the Indonesian Caring Waqf (Kalisa), the Indonesian Waqf Movement initiated by the Indonesian Waqf Board and the Waqf Link Deposit Program initiated by Bank Syariah Indonesia in collaboration with the Bogor Agricultural Institute (IPB) provide solutions for productive waqf property development.

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