**Public Perception Regarding the Revitalization of BWI**

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***Abstract***

***Badan Wakaf Indonesia (BWI) was formed based on Law Number 41 of 2004 concerning Waqf. BWI has a firm legal standing within the national legal structure. However, several articles contained in the Waqf Law have an unfavorable impact on the performance of BWI. This study aims to determine the public's perception regarding the revitalization of the duties, functions, and authorities of BWI. The data collection method used is a questionnaire distributed to the public. The data obtained were analyzed by descriptive statistics. The results showed that the community disagrees with expanding the role of BWI. It is possible due to the lack of public knowledge regarding issues related to the management and development of waqf that is currently occurring. The community has not been able to adapt to changes, and it tends to be difficult to revitalize the duties, functions, and authorities of BWI in waqf regulations.***

***Keywords: Perception, Revitalization, Badan Wakaf Indonesia***

Abstrak

Badan Wakaf Indonesia (BWI) dibentuk berdasarkan Undang-Undang Nomor 41 tahun 2004 tentang Wakaf. BWI memiliki kedudukan hukum yang kuat dalam struktur hukum nasional. Namun, beberapa pasal yang tercantum dalam Undang-Undang Wakaf justru berdampak kurang baik terhadap kinerja BWI. Penelitian ini bertujuan untuk mengetahui persepsi masyarakat terkait adanya revitalisasi tugas, fungsi dan wewenang BWI. Metode pengumpulan data yang digunakan adalah kuesioner yang disebar kepada masyarakat. Data yang diperoleh dianalisis secara statistik deskriptif. Hasil penelitian menunjukan bahwa masyarakat kurang setuju dengan perluasan peran BWI. Hal ini dimungkinkan karena kurangnya pengetahuan masyarakat terkait isu permasalahan terkait pengelolaan dan pengembangan wakaf yang saat ini terjadi. Masyarakat belum dapat beradaptasi dengan perubahan dan cenderung resisten terhadap upaya revitalisasi tugas, fungsi dan wewenang BWI dalam regulasi wakaf.

**Kata Kunci:** Persepsi, Revitalisasi, Badan Wakaf Indonesia

**Introduction**

Waqf is one of the Islamic social and financial instruments that benefit development. The provision of waqf funds has implications as a means to increase the faith of those who provide waqf and minimize material difficulties experienced by waqf beneficiaries[[1]](#footnote-1). The development of waqf is not only concerned with the dimensions of divine worship but also the socio-economic dimensions of worship[[2]](#footnote-2). Indonesia has quite significant waqf assets. The World Giving Index conducted by the World Philanthropy Institute, and Charities Aid Foundation (CAF) results that Indonesia is the most generous country in the world. In 2019, WGI Indonesia was 69% and up 10% from the previous year, 59%. Indonesia's highest indicator was related to the donation indicator, with a rate of 83%, or eight out of ten Indonesians donating their money[[3]](#footnote-3). Of course, waqf is one of the instruments supporting Indonesia's success in this achievement.

Indonesia has excellent waqf potential. The number of waqf land assets in Indonesia is 417,095, with a land area of ​​55,682.47 hectares. However, it is unfortunate that most of the waqf assets in Indonesia are immovable and unproductive[[4]](#footnote-4). The Indonesian Waqf Agency noted that the potential for waqf in the form of cash was Rp. 188 trillion per year[[5]](#footnote-5). The use of waqf land in the social aspect as a worship interest has been very effective, but in the economic part, it is still lacking. The lack of use of waqf land in the financial aspect is because of Nazir's lack of ability to manage and develop waqf assets productively[[6]](#footnote-6).

Law Number 41 of 2004 concerning Waqf is a strategic effort to make the economic potential of the people still used in the consumptive productive and managed with traditional management to modern management. The goal is that the great potential significantly impacts the economy of Muslims in particular. This law is one factor supporting waqf's development in the contemporary era[[7]](#footnote-7).

One realization to implement the law's mandate is the establishment of the Badan Wakaf Indonesia (BWI). BWI is the answer to the management and development of Indonesian waqf and should occupy a vital role in the field of waqf. The establishment of BWI is needed to foster Nazir in managing and developing waqf assets nationally and internationally. However, several regulations contained in the Waqf Law have an unfavorable impact on the performance of BWI. Including the unclear person in charge of waqf management results in overlapping roles between BWI and the Ministry of Religion, imposing excessive restrictions such as cash waqf payments that are required only to be paid. Through Islamic financial institutions appointed by the Ministry of Religion and the lack of a BWI budget[[8]](#footnote-8).

In his research, [[9]](#footnote-9) agrees that until now, the status of BWI is unclear, whether it is a structural or non-structural institution in governance in the Republic of Indonesia. This ambiguity has an impact on the independence of BWI in carrying out its duties and authorities. It is necessary to analyze and review the effectiveness and role of the Waqf Law for the development of waqf in the country. Including the extent to which the part of the BWI itself is. There is an overlap in the guidance and supervision of Nazir and waqf assets carried out by another institution, namely the Ministry of Religion. An example of overlap in terms of fostering Nazir is in article 14, Nazir must register with the Ministry and BWI. Meanwhile, the overlap in the management of waqf assets is in article 28, "wakif can donate movable objects in the form of money through Islamic financial institutions appointed by the Minister." This regulation shows that there are excessive restrictions on the authority of BWI.

[[10]](#footnote-10) Added that the government does not seem serious about giving responsibility to BWI as an independent institution that carries out the management and development of waqf. This lack of seriousness is evidenced by the state of the BWI structure, which is not regulated explicitly and firmly in the Waqf Law. BWI in Jakarta is the Capital of the Unitary State of the Republic of Indonesia. Still, through the structure of BWI in Provinces and Regencies/Cities, it is not regulated. Regarding the system of the BWI institution, we can see in Article 48: Badan Wakaf Indonesia is domiciled in the capital city of the Unitary State of the Republic of Indonesia and can form representatives in the Province and Regency/City as needed. We can see this indecision from the sentence "… and can form representatives in the Province and Regency/City according to need." The words "can" and "and/or" are evidence of the indecisiveness of the makers of the Waqf Law in realizing waqf that brings public welfare. The existence of BWI at the Provincial and Regency/City levels should also be accommodated in this Waqf Law.

BWI representatives in regions that have not all carried out their duties and authorities properly are due to various obstacles and limitations, including operational costs and organizational resources, which are still crucial issues in several provinces. BWI's funding sources are still under the allocation of the Ministry of Religion. This allocation of funds contradicts Article 47 paragraph (2) of the Waqf Law, which states that BWI is an independent institution.

One of the efforts to maximize the management and development of waqf is to harmonize and improve the waqf law to make it more ideal in terms of direction, Islamic jurisprudence, norms, and community habits. It is necessary to revitalize the duties, functions, and authorities of BWI in waqf regulation which aims to enable BWI to have a leading role, given the importance of BWI's role in the management and development of waqf. Before making these efforts, it is necessary to know how the public's perception of the expansion of the part of BWI will be outlined in the revision of the Waqf Law. Because every policy made by the government is prioritized to meet the needs of the community. Based on this background, the author took the initiative to examine and examine the public's perception of the existence of BWI in the management and development of waqf in the form of research entitled “**Public Perception Regarding the Standing Revitalization of BWI”**.

­**Result and Discussion**

**Respondent Demographics**

|  |  |
| --- | --- |
| **Keterangan** | **Jumlah** |
| **Gender** |  |
| Man | 31 |
| Woman | 35 |
| **Age** |  |
| 18-35 | 46 |
| 35-50 | 10 |
| >50 | 8 |
| **Job** |  |
| Amil | 1 |
| State Civil Apparatus | 3 |
| Lecturers | 14 |
| Teacher | 1 |
| Employees | 7 |
| Consultant | 1 |
| Student | 29 |
| Paralegals | 1 |
| Retired | 1 |
| Civil Servant | 1 |
| Banking Practitioner | 1 |
| Private | 2 |
| Entrepreneurs | 3 |
| **Income** |  |
| < 1 million rupiah | 21 |
| 1-10 million rupiah | 15 |
| > 10 million rupiah | 16 |
| Not answer | 14 |
| **Affiliation** |  |
| Ahlu Sunnah Wal Jama'ah | 2 |
| Muhammadiyah | 13 |
| Nahdatul Ulama | 33 |
| Islamic Ummah Association | 1 |
| Not follow affiliation | 17 |

Source: Primary Data (processed), 2021

Based on Table 1. it is known that the respondents in this study consisted of 31 men and 35 women. Respondents were divided into three age groups which were 46 people in the 18-35 year age group, ten people in the 35-50 year age group, and eight people in the age group over 50 years old. Respondents in this study had different jobs, including 1 Amil, 3 State Civil Apparatus, 14 Lecturers, 1 Teacher, 7 Employees, 1 Consultant, 29 Students, Paralegals 1 person, one person retired, 1 Civil Servant, 1 Banking Practitioner, 2 Private and 3 Entrepreneurs. The income groups of respondents in this study were divided into four groups. Income less than 1 million totaled 21 people, income between 1 to 10 million amounted to 15 people, income above 10 million rupiah as many as 16 people, and other groups who did not mention or choose groups in the questionnaire as many as 14 people. For some respondents, earnings may be private. Respondents who follow the Ahlu Sunnah Wal Jama'ah affiliation are two people, Muhammadiyah 13 people, Nahdatul Ulama 33 people, the Islamic Ummah Association is one person, and 17 people do not fill or do not follow the affiliation.

**Public Perceptions Regarding the Revitalization of Duties, Functions, and Authorities of BWI in Waqf Regulation**

This study asked the respondents ten questions to find out how the public's perception regarding the revitalization of the duties, functions, and authorities of BWI in waqf regulation, which is described as follows:

1. Public perception of the BWI is domiciled in the Capital of the Unitary State of the Republic of Indonesia and can form a BWI at the Provincial, Regency/Municipal levels regulated in the Regulation of the BWI

**Figure 1. Percentage of Answers to Question 1**

Source: Primary Data (processed), 2021

Figure 1. shows that more than 50% of respondents agree that the BWI is domiciled in the Capital of the Unitary State of the Republic of Indonesia and can form a BWI at the Provincial, Regency/City level as regulated in the Indonesian Waqf Agency Regulations. The existence of BWI at the Provincial and Regency/City levels should also be accommodated in this Waqf Law. This question emphasizes article 48 of Law no. 41 of 2004 concerning waqf, which tends to be less firm and clear on the independence of BWI. Like the Zakat Institution, zakat is a religious instrument used as positive law. BWI representatives in each Province and district/city are deemed necessary to assist in the smooth, efficient, and optimization of the central BWI's duties in managing waqf. It also aims to make the empowerment of waqf in Indonesia more maximal and productive. So, the results can be used for the prosperity and welfare of the community.

1. Public perception if the BWI conducts guidance and supervision on the implementation of waqf to realize the goals and functions of waqf

**Figure 2. Percentage of Answers to Question 2**

Source: Primary Data (processed), 2021

On this question, as many as 56% of respondents agreed. As many as 5% strongly agreed that the BWI guided and supervised the implementation of waqf to realize the goals and functions of waqf. These results indicate that the community is aware of the crucial role of BWI in providing guidance and supervision of waqf administration to realize the goals and functions of waqf. It means that respondents agree that there is a revision of the Waqf Law Article 63 paragraphs (1) and (2), which state that the Minister carries out the guidance and supervision of waqf administration by involving BWI in terms of coaching.

BWI is an institution that has an essential role in fostering waqf Nazir through social services, economic empowerment, and infrastructure development. BWI considers understanding better how the implementation of waqf is suitable for realizing the goals and functions of waqf. The goal is to make waqf management more focused and productive and provide more significant benefits to the community. The supervision scheme by BWI must be integrated, including aspects of the collection, distribution (investment), managerial, and distribution of benefits from waqf. BWI needs to establish a Nazir supervision division supervising Nazir in Indonesia [[11]](#footnote-11).

1. The public perception that BWI is the only body that has the duty and authority to formulate policies in the field of waqf

**Figure 3. Percentage of Answers to Question 3**

Source: Primary Data (processed), 2021

From Figure 3. it can be seen that the majority of respondents stated that they disagreed that the BWI was the only body with the duty and authority to formulate policies in the field of waqf. It is possible for respondents to feel that in carrying out their duties, BWI must continue to pay attention to the suggestions and considerations of the Minister and the Indonesian Ulema Council. Another reason is possible because of the role of BWI as an operator who acts as a Nazir. Zainuri suggested that the Ministry of Religion maintain the policy and authority of waqf while BWI would focus on empowering national and international waqf. This is done so that there is no overlapping of tasks between the Ministry of Religion and BWI [[12]](#footnote-12).

[[13]](#footnote-13)Add that the dualism between BWI and the Ministry of Religion has created confusion in the role of the national waqf coordinator. In addition, the two institutions have funds from the government but in unequal amounts. As a result, mixed positions between the two institutions are inevitable. It is feared that if BWI becomes the only body that compiles policies in the field of waqf, it will interfere with the independence of policy-making on waqf management, which will interfere with the Nazir role of BWI. However, this public concern can be minimized by first establishing the status of BWI, whether as a regulator or operator.

1. The public perception that the position of Nazir is limited by a period and is continued by the next Nazir appointed and appointed by BWI

**Figure 4. Percentage of Answers to Question 4**

Source: Primary Data (processed), 2021

From Figure 4. it can be seen that 50% of respondents stated that they disagreed if the position of Nazir was limited by the period and continued by the next Nazir appointed and appointed by BWI. Before Law number 41 of 2004 and Government Regulation Number 42 of 2006, there was no restriction on the period of Nazir. Nazir has the right to manage his waqf property for life. However, in article 14 paragraphs (1) and (2) of Government Regulation number 42 of 2006, the term of service for an individual Nazir is five years, and BWI can reappoint him during his period of office Nazir carries out his duties properly. Nazir has carried out their duties well if they are responsible, efficient, and rational (Kasdi, 2014). The results of respondents' answers indicate that respondents disagree if, after the term of office of the Nazir has expired, it is replaced with the next Nazir appointed and appointed by BWI. Nazir can be the wakif himself without registering with the Minister and BWI.

1. The public perception that BWI has two functions as a maker of waqf pledge deeds and, at the exact time nadir

**Figure 5. Percentage of Answers to Question 6**

Source: Primary Data (processed), 2021

From Figure 5, most respondents stated that they disagreed that BWI had two functions as the maker of the waqf pledge deed and, at the exact time, Nazir. One of the functions of BWI in developing waqf is as a Nazir, namely managing and developing waqf assets on a national and international scale. Whereas in Article 37 of Government Regulation number 42 of 2006, the Official Making the Waqf Pledge Deed is the Head of the local Religious Affairs Office, for movable waqf in the form of money is the Sharia Financial Institution Officer, and the waqif can make the Waqf Pledge Deed before a Notary. The results of this study indicate that respondents disagree if BWI acts as the Official Making the Waqf Pledge Deed. Besides serving as Nazir, BWI currently works as a regulator. If BWI is given a role as an Official for Making Waqf Pledge Deeds, this function will increase BWI's responsibilities, and it is feared that it will not be optimal in its implementation.

1. Public perception if BWI becomes a national and international Nazir

**Figure 6. Percentage of Answers to Question 6**

Source: Primary Data (processed), 2021

Figure 6. shows that 49% of respondents disagreed if BWI becoming a national and international Nazir. It is possible because respondents agree more that BWI maximizes its role in supervising and fostering Nazir so that their performance of Nazir can constantly be monitored and improved. Waqf policy products issued by BWI can be more independent or not create a conflict of interest with BWI as Nazir. [[14]](#footnote-14)said that in addition to supervising and coaching, BWI could act as a regulator that focuses on managing, developing Nazir’s competencies, and making related regulations. If there is a dualism in the role of BWI, it will result in the mismanagement of other Nazir outside BWI so that it can weaken and make the development of national waqf not optimal.

1. The public perception that accountability for the implementation of the duties of the BWI is carried out through an annual report audited by an independent audit agency and submitted directly to the President

**Figure 7. Percentage of Answers to Question 7**

Source: Primary Data (processed), 2021

From Figure 7. It is known most respondents stated that they disagreed if the responsibility for implementing the duties of the BWI was carried out through an annual report audited by an independent audit institution and submitted directly to the President. This is possible because respondents are still considering what is explained in Article 61, paragraphs (1) and (2), which demonstrates that the accountability for the implementation of BWI's duties is carried out through an annual report audited by an independent institution and submitted to the Minister and the yearly report announced to the public.

A reporting system is an essential component in the accountability of the Nazir and BWI to the wakif and the waqf beneficiaries. Responsibility can foster public trust in institutions[[15]](#footnote-15). Until now, there is no specific reporting standard for waqf and still using PSAK Sharia 109 for infaq, zakat, and sadaqah. However, from the respondents' answers, they do not agree that BWI has a direct relationship with the President in reporting and still has to be under the Ministry.

1. Public perception if BWI can give administrative sanctions in the form of written warnings; temporary suspension or revocation of permits for activities in the waqf sector for Islamic financial institutions; temporary suspension from office or termination of PPAIW's position; and Temporary or permanent dismissal as a Nazir

**Figure 8. Percentage of Answers to Question 8**

Source: Primary Data (processed), 2021

Figure 8. shows that the majority of respondents stated that they disagreed that BWI could provide administrative sanctions in the form of written warnings; temporary suspension or revocation of permits for activities in the waqf sector for Islamic financial institutions; temporary suspension from office or termination from the position of the PPAIW; and Temporary or permanent dismissal as Nazir. It is possible because respondents still consider BWI's ability to carry out this task because BWI has many duties and authorities. In addition to BWI functioning as a regulator and motivator, BWI is also authorized as an operator (Nazir), namely managing and developing national and international waqf. Another reason is that respondents are still considering the mandate in Article 68 of Law number 41 of 2004 that the Minister who can give administrative sanctions to Islamic financial institutions is the Minister.

1. The public perception that waqif can donate movable objects in the form of cash waqf through Islamic financial institutions appointed by the BWI

**Figure 9. Percentage of Answers to Question 9**

Source: Primary Data (processed), 2021

In this question, as many as 58% of respondents agreed that wakif could donate movable objects in the form of money through Islamic financial institutions appointed by the BWI. These results indicate that respondents agree that Islamic financial institutions that can manage cash waqf are established by BWI, no longer by the Ministry of Religion as regulated in Law no. 41 of 2004 concerning Waqf Article 28, which contains "Receipt of cash waqf can be made through Islamic Financial Institutions that Receive Cash Waqf (LKS-PWU) appointed by the minister." [[16]](#footnote-16) explained that the existence of LKS-PWU functions as a sharia financial institution that accepts cash waqf, provides cash waqf forms, to registers cash waqf to the Minister of Religion on behalf of Nazir. The greater the number of Islamic financial institutions, the management of waqf becomes leveraged and has a significant impact on the management of waqf institutions and is the ability to provide general welfare.

1. The public perception that to carry out its duties, the BWI, is financed by the State Revenue and Expenditure Budget, rewards from the management and development of waqf assets, as well as other halal and non-binding sources.

**Figure 10. Percentage of Answers to Question 10**

Source: Primary Data (processed), 2021

Rewards from the management and development of waqf assets and other sources that were lawful and not binding. From Figure 10, it can be seen that as many as 51% of respondents stated that they disagreed that the State Revenue and Expenditure Budget financed the BWI to carry out its duties. It is possible because respondents think BWI's operational financing is sufficient to be funded by the government without disturbing the results of the management and development of waqf assets. Bearing in mind the mandate of Article 14 of BWI Regulation number 2 of 2012 that the operational costs required for carrying out the duties of BWI representatives can be obtained from government assistance, assistance from other parties that are lawful and non-binding, as well as compensation from the net proceeds of the management and development of waqf assets at a maximum of 10%. The majority of respondents realized that the results of the management and development of waqf were only given to the *mauquf 'alaih* (beneficiaries of the waqf). Another reason is the indefinite amount of the percentage distribution of rewards from the management and development of waqf assets that can be given to fund the operations of BWI in carrying out its duties in this question.

**Conclusion**

Kesimpulan menyajikan ringkasan dari uraian mengenai hasil dan pembahasan, mengacu pada tujuan penelitian. Berdasarkan kedua hal tersebut dikembangkan pokok-pokok pikiran baru yang merupakan esensi dari temuan penelitian.

**Daftar Pustaka**

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