



Legal Policy Study on the Authority and Responsibility of Nadzir in Waqf Management*

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Abstract:

Wakf plays a pivotal role in Muslims' economic development and social welfare. The nadzir, as the manager of waqf assets, possesses the legal authority and responsibility to optimize waqf utilization in conformity with Sharia principles. Nonetheless, in practice, numerous problems and constraints frequently impede the efficacy of nadzir's job. This article seeks to examine the legal framework governing the power and responsibilities of nadzir in waqf administration in Indonesia, intending to identify the support and challenges encountered by nadzir in managing waqf assets. This study employs a qualitative methodology utilizing a literature review and a legislative analysis, encompassing an examination of Law No. 41 of 2004 on Waqf and its associated regulations alongside diverse scholarly material pertinent to waqf management. The study's findings suggest that while legal frameworks in Indonesia establish a foundation for nadzir's power, it is necessary to enhance laws and governmental assistance to optimize waqf management. In conclusion, incentive policies and enhanced competence of nadzir are essential to augment efficiency and transparency in waqf management, so enabling a more significant contribution to community welfare.

Keywords: Legal Policy; Authority; Responsibility of Nadzir; Management of Waqf

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A. INTRODUCTION

Waqf is a significant mechanism in Islam that substantially enhances social welfare and fortifies the community's economy. Historically, waqf has been crucial in supporting several facets of Muslim community life, including education, healthcare, infrastructure development, and aid for the needy. Waqf, including assets contributed to benefit the community, possesses significant potential to promote economic equity and enhance the community's financial resilience. Moreover, the employment of productive waqf can yield sustained revenue that alleviates poverty, generates employment opportunities, and empowers communities. ([Nurfitriah; Marluwi; & Wibowo, 2022](#))

In waqf management, the nadzir (waqf manager) plays a crucial role. Nadzir is tasked with the maintenance, management, and utilization of waqf assets to ensure their continued productivity and utility for the community's benefit. Consequently, nadzir is not only mandated to preserve the value of waqf assets but is also obligated to administer them efficiently and effectively to yield optimal advantages. In this respect, nadzir must possess sufficient expertise, particularly in asset management and comprehension of waqf legislation, to guarantee that waqf assets are administered productively and transparently. The strategic function of nadzir is intrinsically linked to the endorsement of prevailing legal policies. The legal framework governing waqf, particularly concerning the status, authority, and duties of nadzir, significantly impacts the efficacy of waqf administration. In practice, certain nadzir encounter considerable problems, including insufficient resources, absence of comprehensive regulations, and inadequate oversight. The role of legal policy is crucial in establishing clear regulations, effective monitoring procedures, and empowering nadzir to perform their tasks optimally. ([Senjiati; Sulistiani; & Mubarok, 2020](#))

This paper examines the legal framework behind the authority and responsibilities of nadzir in the administration of waqf in Indonesia. This study aims to assess the degree to which current legal regulations have offered clarity, support, and recommendations for nadzir in managing waqf assets. This study will conduct a legal, political analysis to determine if current regulations, including Law Number 41 of 2004 regarding Waqf and its associated regulations, adequately empower nadzir to manage and utilize waqf assets for community welfare effectively. This study intends to identify potential regulatory deficiencies that may impede nadzir in fulfilling their responsibilities, as well as to propose enhancements to legislative rules to increase the effectiveness and accountability of nadzir. Consequently, the findings of this study are anticipated

to offer valuable recommendations for policymakers to enhance the legislative framework concerning waqf management and nadzir empowerment. This seeks to optimize the advantages of waqf for Muslims' social and economic well-being, ensuring that waqf effectively serves as a sustainable social financial instrument.

([Hayatudin; Ibrahim; & Ramadhanty, 2020](#))

This research offers significant advantages for advancing waqf legal theory and serves as a foundation for policy recommendations for stakeholders engaged in waqf management. This research contributes to waqf legal literature, particularly about the legal politics that regulate nadzir's authority and responsibilities. This research aims to elucidate the legal and political dimensions of the regulations controlling nadzir, hence enhancing comprehension of the role and responsibilities of nadzir within the framework of waqf law. This may serve as a foundation for advancing waqf legal theory that is more attuned to community needs and aligned with evolving socio-economic dynamics. This research offers practical advantages through policy recommendations for relevant stakeholders, including the government, waqf institutions, and regulatory bodies. These proposals will assist in formulating and revising policies that more effectively support the role of nadzir, thereby clarifying and enhancing their power and responsibility in administering waqf assets. It is anticipated that appropriate policies will enable nadzir to perform their functions effectively, hence strengthening the contribution of waqf to the social and economic prosperity of Muslims. This research is considered valuable in both academic theory development and in offering practical policy recommendations that enhance accountable, productive, and beneficial waqf management for the community.

This study's originality resides in integrating legal political analysis of the role of nadzir and a comprehensive assessment of regulations that facilitate waqf management. This methodology is anticipated to yield novel insights that have not been extensively examined previously, enabling this study's findings to serve as both an academic and practical reference for the advancement of waqf law in Indonesia. Alongside the legal political analysis employed to assess the role of nadzir, this study emphasizes the dimensions of authority and accountability that have frequently been overlooked in prior research.

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Indonesia. Alongside the legal political analysis employed to assess the role of nadzir, this study emphasizes the dimensions of authority and accountability that have frequently been overlooked in prior research. ([Umar, 2017](#))

This study offers practical advice and underscores those derived from the review of legal policy outcomes. This study aims to analyze the evolution of legal policies regarding waqf and the function of nadzir, offering pertinent and contextual recommendations to enhance rules that facilitate nadzir's responsibilities in waqf management. This study also examines the impact of current laws and regulations on the efficacy of waqf management by nadzir. This provides a novel viewpoint on the significance of adaptive policies in bolstering waqf as a socio-economic tool. Consequently, this investigation also aids in advancing a sustainable, productive waqf system. ([Sulaeman; Bayinah; & Hidayat, 2020](#))

B. METHODS

This paper employs a normative legal methodology alongside legal political analysis. This normative legal approach seeks to analyze the positive legal dimensions governing the power and responsibilities of nadzir in waqf management, as well as to scrutinize the rules that underpin the relevant legal policies. This study employs legal political analysis to evaluate the context and backdrop of the policies influencing the establishment of these regulations, offering a more comprehensive perspective on the effectiveness of legislation pertaining to the role of nadzir.

This research makes use of both primary and secondary sources of information. Among the primary sources of information are the numerous rules and regulations that govern waqf and the role of nadzir, fatwas that are associated with waqf, and any court rulings that may have been made. The scientific literature, which includes books, journals, and articles, is an example of a secondary data source. These include publications that explore the legal elements of waqf and the function that nadzir plays in its management.

Literature review and an examination of relevant legal documents are the kinds of data collection approaches utilized. With the use of legal document analysis, scholars can investigate the applicable provisions governing the power and responsibility of nadzir, while the study of literature enables them to comprehend concepts and theories that are pertinent to waqf law. Descriptive and qualitative analysis is the method of data analysis that is being utilized in

this study. The purpose of this study is to review and assess legal policies associated with the role of nadzir in waqf management. As a result of this analysis, the purpose of the study is to present a comprehensive picture of how existing policies either support or hinder the efficacy of waqf management by nadzir, as well as to make pertinent policy recommendations for improving the function of nadzir.

D. RESULTS AND DISCUSSION

1. The Role of Nadzir in Indonesian Positive Law

Within the framework of Indonesian positive law, the nadzir holds a significant position as a manager of waqf assets. The nadzir's role and responsibilities are outlined in Law Number 41 of 2004 concerning Waqf and its implementing regulations, such as Government Regulation 42 of 2006 concerning implementing the Waqf Law. Additionally, it is Nadzir's responsibility to oversee the management and development of waqf assets to ensure that they are preserved, have value, and offer advantages to the community. ([Mubarok, 2024](#))

According to the definition provided by Article 1 number 4 of Law No. 41 of 2004, nadzir is the person who receives waqf property from the wakif and is responsible for managing and developing it under the objective of the waqf. There are three possible forms that nadzir might take: an individual, an organization, or a legal body. These forms demonstrate the adaptability of Indonesian positive law, which allows for the incorporation of nadzir in various structures, including individuals and organizations that can be relied upon to carry out the waqf mandate for the beneficiary. ([Maksum & Hidayatullah, 2022](#))

An explanation of the general requirements that a nadzir must fulfill is provided in Article 10 of the Waqf Law. These requirements include that the nadzir must be a Muslim, an adult, trustworthy, physically and mentally capable, and not be hampered from carrying out his duties. In addition, this law says that nadzir, which takes the form of an organisation or legal entity, must fulfil specific standards, one of which is that they must have a distinct administration and structure. This highlights the fact that nadzir is not just a moral person but also an entity that is legally responsible for its actions. ([Uyun & Husaini, 2023](#))

According to Article 11 of the Waqf Law, the nadzir is responsible for the following responsibilities: administering waqf assets; managing and developing waqf assets under its purpose, function, and designation; and reporting the implementation of his duties to the Indonesian Waqf Board (BWI). Therefore, the

nadzir is obligated by law to administer and develop waqf in a transparent and accountable manner, as well as to ensure that the value and function of waqf assets are preserved. This reporting duty intends to ensure that waqf management is subject to more stringent supervision and accountability.

[\(Jayanti, 2023\)](#)

The Indonesian Waqf Board (BWI) is responsible for providing the nadzir with direction and oversight, as stated in Article 49 of the Waqf Law. Regarding the management of waqf assets, BWI is authorized to provide certification to the nadzir, to carry out monitoring, and to offer assistance or coaching to the nadzir. In additionally to being accountable to the wakif, the nadzir is also responsible for recognized state institutions because BWI has the position of supervisor.

Within the framework of Indonesian positive law, the role of nadzir is regarded as that of a "trustee" of waqf assets. This means that his legal status is acknowledged as that of a party that is responsible both legally and morally. Nadzir is obligated to ensure that the value of waqf assets is maintained sustainably through the implementation of optimal management. Still, it must continue to be subject to oversight by BWI. The requirement to report regularly to BWI and the obligation to maintain waqf assets in such a way that they continue to be productive and helpful to the community are how Nadzir is held accountable.

The role of nadzir in Indonesian positive law demonstrates that nadzir performs not only the duties of an ordinary manager but also those of an executor of the mandate who is required to be accountable for the outcomes of the management of waqf assets. In the Waqf Law, the regulation of nadzir emphasizes the significance of professionalism and accountability in waqf management. This is significant from a legal and political point of view. Following the objective of waqf, which is to facilitate the social and economic well-being of the community, the authority delegated to nadzir is intended to guarantee that waqf assets can continue to flourish productively and sustainably.

[\(Jayanti, 2023\)](#)

However, even though the Waqf Law has established the roles and responsibilities of nadzir, there are still several obstacles to overcome. One of these issues is the limited capacity of nadzir to manage productive waqf assets. Therefore, it is required to improve rules that are more specific, as well as measures to increase the capacity of nadzir, for them to be able to carry out their tasks in an appropriate manner.

As a result, the role of nadir in Indonesian positive law is that of a party entrusted with the responsibility of managing waqf assets. This party is also obligated to fulfill requirements that pertain to accountability and efficiency in administration, and it is anticipated that it will be able to have the greatest possible influence on the welfare of the community.

2. Nadzir's Authority in Waqf Management

To ensure that waqf assets can function in line with the aims of waqf and produce the maximum possible advantages for the welfare of the people, the authority of Nadzir in Waqf Management is of the utmost importance. In the context of positive Indonesian law, the authority of nadzir is regulated in full in Law Number 41 of 2004, covering Waqf and its derivative rules. This law was passed in 2004. This authority gives nadzir the space to manage, develop, and maintain waqf assets to ensure that they continue to be productive and under their designation by providing them with the space. ([Muslihati; Yunus; & Anwar, 2022](#))

It has been delegated to Nadzir the responsibility of managing and developing waqf assets to ensure that they continue to be valid and continue to grow. In addition to enhancing the value of waqf assets, this management also covers the administration and maintenance of those assets. Nadzir can develop waqf assets by various permissible measures, such as leasing, investing, or changing the form of assets, provided that these methods do not contradict the aims of waqf and stay within the framework of Islamic law throughout the development process. As an illustration, waqf land may be transformed into commercial buildings or productive social facilities, the outcomes of which will benefit the general public.

The outcomes of waqf asset management must be dispersed in a manner that is congruent with the purposes of the waqf, which may include the promotion of education, health, economic empowerment, and other forms of social welfare. Under the designation of the waqf, Nadzir is vested with the right to decide upon the distribution method for the results of the management to the beneficiaries (*mauquf 'alaih*). When it comes to attempts to improve the welfare of the community, particularly in economics and social welfare, the outcomes of waqf administration are of utmost significance. ([Kasanah, 2022](#))

Several restrictions are in place to ensure that waqf assets are maintained under waqf principles and Islamic law. One of these restrictions is that waqf

assets are not permitted to be transferred unless it is for sure very important purposes. For instance, if there is a change in conditions that renders the waqf assets unproductive, or if there is a change in circumstances that causes the waqf assets to become inefficient. Under these circumstances, it is necessary to obtain authorization from the Indonesian Waqf Board (BWI) or other authorized parties. A prohibition on the use of the waqf for personal or commercial objectives that are in direct opposition to the waqf's intended purpose. The nadzir is responsible for ensuring that the assets of the waqf are not used for activities that conflict with the objectives of the waqf or the societal goals that have been prescribed. Additionally, there is a significant demand for greater accountability and transparency in managing and reporting financial matters. To ensure that there is stringent oversight of both the finances and the outcomes of waqf asset management, the nadzir is obligated to provide BWI with monthly reports detailing the outcomes of waqf asset management services. ([Hasanah; Sulistya; & Irfany, 2020](#))

3. Nadzir's Duties in the Administration and Allocation of Waqf Outcomes

Nadzir is responsible for the management and distribution of waqf results, a crucial aspect of his mission to preserve, enhance, and allocate the benefits of waqf assets in compliance with sharia principles and favorable Indonesian law. According to Law Number 41 of 2004 about Waqf and its accompanying rules, nadzir is tasked with administering waqf assets and guaranteeing the appropriate distribution of rewards to the beneficiaries (*mauquf' alaih*). ([Hidayat; Hakim; Taufiqulloh; & Syarifah, 2023](#))

Nadzir is responsible for all aspects of waqf asset management, with the obligation to ensure that waqf assets remain well-maintained, sound, and sustainable. Nadzir must maintain the sustainability and value of waqf assets, including their physical maintenance and legality. Assets that are not appropriately managed can lose their value and benefits, so it is vital for nadzir to ensure the sustainability of waqf assets through maintenance and, if necessary, development. Asset development can be in the form of optimizing the use of productive waqf assets, such as the construction of commercial facilities whose income is distributed according to the purpose of the waqf.

Nadzir is responsible for ensuring that waqf assets can grow and provide maximum economic benefits for the community. In this context, nadzir can utilize waqf assets productively, such as investing in sharia-based commercial businesses, such as rentals, hotels, or other halal businesses. This optimization

must be carried out carefully so that it remains in accordance with sharia principles and does not ignore waqf values. ([Amin, 2020](#)), ([Sylvianie, 2023](#))

Nadzir must conduct transparent management, especially in financial matters, and must make financial reports that can be accounted for to the Indonesian Waqf Board (BWI) or other supervisory parties. This report includes income from managing waqf assets, operational costs, and details of using waqf proceeds. Thus, this accountability prevents misuse of assets and builds public trust in the role of nadir.

The responsibility of the nadzir does not stop at managing waqf assets, but also includes distributing the results of the waqf to those entitled, under the objectives of the waqf and sharia principles. The nadzir is obliged to distribute the results of waqf management to the beneficiaries specified in the waqf agreement (wakif). These results can be in the form of income from productive assets used for social interests, such as education, health, economic empowerment, or public welfare. Distribution must be carried out on target to be under the objectives of the waqf.

The distribution of waqf proceeds must be carried out while prioritizing sharia principles, such as avoiding usury, gharar (uncertainty), and unlawful practices. In addition, the nadzir must ensure that all income generated and distribution carried out do not violate religious provisions. For example, if management results come from a commercial business, the business must be a halal business and free from elements prohibited in Islam.

Nadzir must report the results of waqf distribution to the authorities, such as BWI, and maintain transparency in the distribution process. This report shows the public that the nadzir is carrying out his mandate well, and as a form of accountability for the proper and beneficial use of waqf. ([Nugroho, 2021](#))

In his responsibilities, the nadzir is also tasked with considering the sustainability aspects of the benefits of waqf for future generations. The results of waqf management distributed for community empowerment activities, such as education financing or health assistance, are expected to provide long-term impacts. For example, productive waqf invested in educational institutions or health facilities can offer sustainable benefits to the community. ([Hatimah, 2012](#))

Although the Nadir has great authority, the challenges in managing and distributing Waqf assets are also significant, including in terms of professionalism, managerial knowledge, and compliance with regulations. Therefore, it is important for the Nadir to continue to improve their capacity

through training and education on productive asset management and Sharia accounting so that Waqf management and distribution become more optimal.

The responsibilities of the nadzir include professional management, utilization by sharia, and distribution of accountable results to beneficiaries. The success of the nadzir in carrying out these responsibilities can have a significant impact on the social and economic welfare of the community. With good governance, waqf can be an effective instrument for community development and poverty alleviation, under the basic objectives of waqf in Islamic teachings. ([Putri, 2016](#)), ([Suandi, 2023](#))

4. Challenges and Problems Faced by Nadzir

Nadzir, as the party responsible for managing waqf assets, faces various challenges and practical problems that affect the effectiveness of waqf management. These challenges include limited resources, less than optimal supervision, and regulatory support that needs improvement. ([Hatimah, 2012](#))

First: Limited Resources ([Rahmadi, 2023](#)), ([Ulum, 2023](#))

Regarding managerial expertise and abilities, many talents are lacking, particularly in areas associated with managing productive assets, investment, and finance. When it comes to maximizing the potential of the waqf assets that they administer, the majority of nazirs come from communities that do not have a professional experience in asset management or sharia economics. As a result, they are not as effective as they might be. Nazirs, who is responsible for managing waqf, frequently do not have sufficient operating money to maintain, develop, or maximize waqf assets. Because of this limitation on finance, waqf assets may be ignored or may not develop to the extent they could have under different circumstances. Another thing is that nazirs have a tough time gaining access to facilities or training programs that can help them enhance their talents because they don't have sufficient funding. ([Matondang; Anam; Gunawan; & Ainun, 2023](#))

Additionally, nadzir has limitations in facilities and infrastructure, such as the lack of technology that allows for the recording and reporting of waqf holdings. When there is just a small amount of technology support, the process of waqf management becomes more sluggish and more accessible to make mistakes, particularly concerning accountability and transparency.

Second: Suboptimal Supervision ([Iskandar, 2020](#))

There are several places where the supervision that is supposed to be provided by authorities, such as the Indonesian Waqf Board (BWI) or the government, has not been functioning correctly. However, as a consequence, it is challenging to identify nadzir who are either less qualified or not transparent in their management of waqf assets. Inadequate supervision might create opportunities for waqf assets to be misappropriated or for management to be conducted unprofessionally. When there is no robust accountability framework, it is difficult for Nadzir to offer transparent reports on waqf management. When it comes to establishing public faith in waqf and nadzir, it is crucial to provide reports that are both accurate and consistent. The lack of an adequate accountability mechanism can reduce the efficiency of waqf management and restrict the engagement of the general people. ([Wulaningrum, 2023](#)), ([Rahayu, 2020](#))

Third: Inadequate Regulatory Support

Although the Waqf Law has provided a basic legal framework, more detailed technical regulations to support the management of productive waqf are still inadequate. For example, there is no comprehensive guideline or regulation on managing waqf assets in the form of commercial investments that remain under sharia principles.

The role of nadzir is often voluntary or does not provide adequate compensation, making it difficult for nadzir to fully focus on waqf management. The lack of incentives, whether in the form of funding, operational support, or fiscal incentives, makes nadzir tend to feel burdened in carrying out their duties, especially in the long term.

The absence of uniform standards to measure the performance or success of waqf management makes comparison and assessment between nadzirs difficult. These standards are needed to evaluate the effectiveness of nadzirs in utilizing waqf assets and improving the quality of management throughout the region.

Fourth: Social and Cultural Barriers ([Musyafah; Islamiyati; Muhyidin; & Andikatama, 2023](#)), ([Musyafah, 2023](#))

Public awareness of the importance of waqf and the role of nadzir is still low. Many people do not fully understand how waqf can be used for productive purposes, or the importance of the role of nadzir in managing waqf assets. As a result, public support for waqf activities is often minimal, whether in the form of funds, trust, or active involvement. ([Dulfikar, 2023](#)), ([Hafizd & Khoirudin, 2022](#))

In some cases, Nadir faces challenges from the surrounding environment, especially if the waqf assets are located in locations that are less supportive of productive activities. These obstacles can be lack of accessibility, inadequate infrastructure, or minimal support from the local government.

The above challenges and problems hinder Nadir from optimizing Waqf assets for the social and economic welfare of the community. Strengthening regulatory support, improving the quality of human resources, and providing better monitoring and accountability mechanisms can make Nadir's role as a Waqf manager more professional and effective.

5. Legal Political Analysis of Government Policy in Waqf Management

Legal political analysis of government policies in waqf management is important to understand the extent to which existing regulations and policies support or hinder the role of nadzir in managing waqf assets. Overall, the government through Law No. 41 of 2004 concerning Waqf has provided a legal basis for waqf management in Indonesia. However, there are many challenges and opportunities in implementing this policy.

First: Legal Basis and Role of Nadzir in Waqf Policy ([Rahmawati, 2010](#)), ([Syamsul, 2018](#))

The Waqf Law and Government Regulation No. 42 of 2006 concerning the Implementation of the Waqf Law provide a legal basis for nadzir to carry out the function of managing waqf assets. These two regulations outline the role of nadzir, the waqf registration mechanism, and the supervision and reporting of waqf assets. This policy provides flexibility to nadzir in managing waqf, both in the form of land assets and cash waqf, for productive purposes.

Establishing the Indonesian Waqf Board (BWI) is a strategic step in supporting waqf management. BWI has the task of fostering, supervising, and facilitating nadzir activities to be more professional. However, in practice, the role of BWI still faces limitations in carrying out effective supervision of nadzir throughout Indonesia, especially due to budget and human resource

limitations. ([Luthfi; Wardoyo; Kurniawan; Esfandiari; & Fajrin, 2022](#)), ([Lubis, 2020](#)).

Second: Support for Productive Waqf ([Rahman & Harahap, 2021](#)), ([Afandi, 2014](#))

One of the advantages of the Waqf Law is that it provides opportunities for nadzir to manage waqf productively, such as investment in the commercial sector that can generate sustainable profits. However, derivative regulations or practical guidelines regarding managing productive waqf are still limited. The absence of detailed regulations regarding investment strategies that are under sharia, for example, limits the nadzir's room to optimize productive waqf assets.

Cash waqf is a form of waqf that has the potential to be utilized productively and flexibly. The government has issued a policy on cash waqf, which is managed through Islamic financial institutions. Although this is a step forward, socialization and transparency mechanisms for managing cash waqf need to be improved so that the public has the confidence to participate in cash waqf, which will ultimately strengthen the role of nadzir as a manager.

Third: Barriers in Policy and Regulation ([Sukardi, 2014](#)), ([Indrayana, 2020](#)), ([Permatasari, 2024](#))

The lack of adequate incentives for nadzir is a significant obstacle in waqf management. Many nadzir serve without receiving insufficient compensation or financial support. The government has not fully provided incentives or facilities that can increase nadzir's capacity and motivation to manage waqf professionally. In this case, a policy that provides management training and operational assistance for nadzir would be very helpful.

Currently, there is no uniform standard regarding the professionalism of nadzir, either in the form of minimum qualifications or waqf governance guidelines. This makes the quality and competence of nadzir vary greatly, so most nadzir still do not have sufficient ability to manage waqf assets optimally. The government can take steps to set competency standards for nadzir so that waqf asset management runs under good management principles.

Fourth: Impact of Policy on the Utilization of Waqf for the Community

Optimal waqf management can contribute to the social welfare of Muslims, whether through education, health services, or improving the community's economy. However, without clear and effective regulatory support, nadir often has difficulty managing productive waqf, so the potential of waqf assets has not been fully utilized for the welfare of the community.

Government policies in the field of waqf are often not well socialized to the wider community. Many Muslims still understand waqf as a form of asset donation that is only used for places of worship or other social activities, without considering its economic value. If literacy about productive waqf and the role of nadzir is improved, community participation in waqf will be greater, and its impact on economic welfare will be more significant.

Therefore, the government needs to consider providing incentives for nadzir who excel in managing waqf assets. In addition, training programs in finance, asset management, and sharia law are needed to improve the competence of nadzir. The government and BWI can set professional standards for nadzir and ensure a stricter and more integrated monitoring mechanism. This will ensure that waqf assets are managed under the principles of accountability and transparency. More comprehensive regulations regarding productive waqf are needed, especially in the guidelines and mechanisms of sharia investment. This will clarify nadzir regarding the limitations and opportunities in managing productive waqf that are more beneficial to the community. ([Partono & Yulianto, 2023](#))

D. CONCLUSION

Based on the findings of the analysis concerning the legal politics of the authority and responsibility of nadzir in waqf management, it has been determined that the existing legal regulations in Indonesia, particularly Law No. 41 of 2004 concerning Waqf, have established a fundamental legal foundation for the role of nadzir as a waqf manager. The right to manage and develop waqf assets is granted to nadzir in this law. This jurisdiction extends to the management of productive waqf, which can potentially promote the welfare of Muslims. On the other hand, there are still many hurdles that arise during the process of putting this power into effect. These challenges include a lack of incentives, insufficient resources, and difficulties in supervision and accountability.

In waqf management, the strategic role of nadzir has not been completely supported by effective legislation, according to the findings of a legal political

study. A lack of professional standards and training that can increase their capacity to do out their tasks is one of the primary obstacles that they encounter. Other challenges include insufficient incentives for nadzir. A further factor that impedes the optimization of waqf asset usage for social and economic objectives is the absence of explicit legislation on sharia investment procedures in productive waqf. Because of this, there is a need for adjustments to be made in the laws and regulations that are associated with nadzir. These improvements should include the provision of incentives, the development of training programs, and the boosting of supervision and levels of professional standards. By the primary goals of waqf in Islam, it is envisaged that when these actions are taken, the position of nadzir in waqf management will be able to function more efficiently and have a substantial impact on the social and economic wellbeing of the community.

The implications of this study indicate a significant impact on the development of waqf law in Indonesia, especially in clarifying the nadir's authority and responsibilities and strengthening its position as the main manager of waqf assets. This study underlines the need for improvements in regulations related to waqf, especially in providing practical and strategic support for the nadir. Thus, this study provides a strong basis for policy recommendations to improve the efficiency and accountability of waqf management in Indonesia.

Implications for the development of waqf law include the need to update and clarify regulations related to productive waqf investment so that waqf assets can be managed professionally and provide optimal results for community welfare. In addition, this study also shows the importance of improving the standards of professionalism of nadzir, both in terms of competence, training, and coaching, which can be regulated in more detail in government regulations or regulations from the Indonesian Waqf Board (BWI).

To strengthen the role of nadzir, this study highlights the importance of incentives and institutional support so that nadzir can carry out their roles better and more motivated. This includes developing asset management training, financial incentives, and more substantial supervision and accountability. Thus, nadzir can optimize waqf assets more productively and ensure that the community can sustainably feel the benefits of waqf.

Recommendations

For further research, the following suggestions can be a direction in developing the understanding and effectiveness of waqf management in

Indonesia. It is recommended that in-depth research focuses on the role, challenges, and needs of nadzir in waqf management, especially productive waqf. This research can involve interviews and surveys of nadzir in various regions of Indonesia to understand the variations in management practices and the obstacles faced. This research can also identify the need for capacity building, such as management and investment training, which can help nadzir carry out their roles optimally.

A comparative study of the implementation of waqf regulations in several regions is needed to provide a more comprehensive picture of the effectiveness of existing rules. This study can compare areas that have successfully managed productive waqf with regions that have not been optimal, and identify key factors contributing to these differences. It can also indicate whether there is a need for regulatory adjustments that are more responsive to local characteristics.

To show the real impact of productive waqf, further research can measure the social and economic effects generated from waqf managed productively. This study will provide concrete evidence of the contribution of waqf to improving community welfare, which can strengthen the argument for developing policies and supporting programs for managing productive waqf.

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