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Karya Tulis (Artikel)

INSTITUTIONAL STRENGTHENING OF INDIVIDUAL NAZHIR FOR OPTIMIZING THE UTILIZATION OF ENDOWMENT LAND IN BOGOR CITY

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Institutional Strengthening of *Individual Nazhir* for Optimizing the Utilization of Endowment Land in Bogor City

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ABSTRACT

The management of endowment in Indonesia is currently considered low, mainly the concentration of endowment land under *individual nazhir* (endowment organizer) management. Where, the wide distribution of endowment land and various endowment allocations become a big challenge for stakeholders to develop strategies. Bogor City has a potential in terms of development and utilization of endowment land. There are 403 endowment objects with a land area of 35.69 hectares spread over six districts. The distribution is dominated by the designation of mosques/mushalla, educational facilities, and funerals. This article examines the efforts to strengthen the Individual Nazhir carried out by the Office of the Ministry of Religion in the City along with the Indonesian Endowment Board (BWI) Representative as a function of regulator, motivator, and facilitator in endowment management. This article used a qualitative method by examining the principles, concepts, and the legal provisions of endowment management in Indonesian Regulations. In addition, this article offers the concept of strengthening individual nazhir based on regional conditions and community needs, especially in Bogor City. Institutionally, Individual Nazhir cannot be considered equal as organizational and Legal Entity Nazhir, which are generally known to have full support materially and immaterially so that they are quite productive in carrying out their *nazhir* profession.

Keyword: Strengthening, Individual Nazhir, Endowment Land; Bogor City.

Introduction

The explanation in Article 215 paragraph (1) KHI (Compilation of Islamic Law) states that *waqf* (endowment) is a legal act of a person or group of people or legal entities that separates part of his property and institutionalizes it forever for the purpose of worship or other public purposes in accordance with Islamic views. Meanwhile, according to Article 1 of Law Number 41 of 2004 concerning Endowment, it is stated that endowment is a legal act of wakif to separate and/or surrender part of his property to be used forever or for a certain period in accordance with its interests for the purposes of worship and/or general welfare according to Islamic Law.

Monzer Kahf argues that endowment is transferring assets from consumptive efforts to reproduction and investment in the form of production capital that can produce and produce something that can be consumed in the future, both by individuals and groups. Thus endowment is an activity of saving and investing simultaneously. This activity includes activities to hold assets that may be used by the wakif either directly or after turning into consumer goods, so that they are not consumed at this time and at the same time changing the management of assets into investments that aim to increase the number of productive assets in the community (Kahf, 2005, p. 58).

Kahf also argues that endowment entities are public sector organizations but are nongovernmental. Although nowadays there are quite a lot of endowment assets that are managed with a business pattern, this does not change the orientation of the endowment entity to become profit oriented. Meaning that the ultimate goal of endowment is for the benefit and benefit of society as a whole (Kahf, 2003, p. 4).

The development of endowment in Indonesia is currently increasing and experiencing significant development. This can be seen from the increasing number and objects of endowment assets, both in the form of land, buildings, and others, which are spread over various regions in Indonesia. The data on endowment land is always increasing. Even today, some Islamic philanthropic institutions organize endowment through cash endowment (*Wakaf Uang*) or endowment through money (*Berwakaf melalui Uang*). Based on data, there are 416,253 endowment land objects throughout Indonesia, with a land area of almost 55,513.13 hectares (Ha), (Ministry of Religion of the Republic of Indonesia, 2021). As for *nazhir*, it is one of the elements that must exist and be fulfilled in the administration of endowment. The existence of *Nazhir* is also one of the unique features of other forms of Islamic philanthropic fund management, namely Zakat. *Nazhir*'s role is to manage and empower endowment objects so that the existence of these endowment objects can provide benefits in a sustainable manner for the benefit of the general public (Mubarok,

2013, p. 7).

Based on research conducted by The National Development Planning Agency, Bappenas RI, it is known that there are several obstacles and problems that arise in terms of managing endowment funds in Indonesia from the institutional of *Nazhir* endowment, including: a) not all *Nazhir* in Indonesia are registered and supervised, so the total number of endowment becomes uncertain. This results in increased opportunities for abuse and risk of loss; b) lack of *Nazhir* institutions registered with Indonesian Waqf Board (BWI) and obtaining operational permits from BWI; and c) lack of public awareness of the role of endowment, which is not only to provide religious services but also to improve the welfare of the community (The National Development Planning Agency [Bappenas], 2016, p. 138).

Research Method

This study conducted a study of individual *nazhir* in Bogor City. Data analysis was carried out through searching in the Endowment Information System (SIWAK) of the Ministry of Religion of the Republic of Indonesia combined by interviews to the endowment stakeholders in Bogor City, and field observations of several endowment objects managed by Individual *Nazhir*. This article used a qualitative method by examining the principles,

concepts, and the legal provisions of endowment management in the laws and regulations in Indonesia.

Finding and Discussion

As is known, endowment is divided into several types. 1) Family Endowment, which is in the form of endowment intended for family, relatives, and loved ones. Family and close relatives who become *mauquf* 'alaihi in the context of this endowment act are called Family Endowment; 2) Charity Endowment, which is in the form of endowment in general intended for the benefit and good (*khairi*) of the community. One example of the current development of endowment is in the form of cash endowment. (Abu Zahrah, s.a., p. 5).

The appointment of responsibility for the management of endowment assets to *Nazhir* was hinted at by the Messenger of Allah followed by the Companions of the Prophet, by directly appointing a number of friends to preserve and develop the properties of endowment. Likewise, Abu Rafi 'was appointed by the Messenger of Allah, then Ali bin Abi Thalib, and other companions (Al-Asqalani, 1960). The appointment means that the endowment must be submitted to Nazhir or endowment institution to be managed. Nazhir expertise and creativity in this context becomes a necessity when it is associated with the purpose of endowment worship itself, which is to create value for the benefit of endowment property. What was done by the Prophet, then followed by other companions of the Prophet, including Abu Bakr with his endowment, Umar bin Khattab with Khaibar land, Ali bin Abi Talib with Land in Yanbu ', Khalid bin Walid in his armor, Ustman bin' Affan with the well of Raumah, Zubair bin Awwam, Sa'ad bin Abi Waqash, Amru bin 'Ash and Hakim bin Hazam with their houses, as well as several other companions of the Messenger of Allah.

Nazhir existence is one of the uniqueness of the form of management of Islamic philanthropic funds, namely endowment. As with other philanthropic funds, such as zakat, grants, infaq, and alms. However, one principle of principle that applies in endowment, is the permanence of its continuity, and its usefulness, which is a long time. As stipulated in Article 1 paragraph (5) of the Endowment Law, endowment property is property that has long-lasting durability and / or long-term benefits and has economic value according to sharia represented by the endowment.

Seeing the reality of *nazhir* as mentioned above, the program to improve the quality of becoming *nazhir-nazhir* who are professional and have adequate competence is a necessity in the context of empowering endowment now and in the future. Especially with the strengthening of the orientation of 'productive endowment' and 'cash endowment', which requires new managerial skills and expertise in banking administration (Hasan, 2011).

Generally, Nazhir is divided into two, namely individual Nazar and Nazar institution. Individual means that endowment will be handled by individuals, while the institution means that endowment will be handled by an institution (in the Indonesian context, the institution is a nonprofit-oriented foundation legal entity), (Sharia Economics and Finance Department (DEKS) Bank Indonesia and DES-FEB Airlangga University, 2016, p. 113).

Provisions in Article 9 of Law Number 41 Year 2004 concerning Endowments which confirms that Endowments include: a) Individuals; b) Organization; or c) Legal entity. In terms of

managerial professionalism of *Nazhir* Organizations and / or Legal Entities, according to the author, this matter has been accommodated in its interests as stipulated in the Foundation Law. So that the aspect of accountability, as a consequence of accountability to the public, has been fulfilled. As confirmed in Article 48 of Law Number 16 of 2001 concerning Foundations and Law Number 28 of 2004 concerning Amendments to Law Number 16 of 2001 concerning Foundations, that:

- (1) The Management is obliged to make and keep notes or writings containing information about rights and obligations as well as other matters relating to the Foundation's business activities.
- (2) In addition to the obligations referred to in paragraph (1), the Management is obliged to prepare and store Foundation financial documents in the form of bookkeeping evidence and supporting data on financial administration.

Article 49 explains that:

- (1) Within a period of no later than 5 (five) months from the date the Foundation book year is closed, the Management is required to prepare an annual report in writing containing at least:
 - a. a report on the situation and activities of the Foundation during the past financial year and the results achieved;
 - b. financial statements consisting of statements of financial position at the end of the period, activity reports, cash flow statements, and financial statement records.

One of the affirmations contained in the research results of the BI DEKS and DES FEB Airlangga University (2016) mentioned above is that when compared between individual scores and institutional scores, the ideal scores are institutions. One of the reasons is for individual Nazhir, when Nazhir died, then finding a substitute for Nazhir is not necessarily easy, especially if the endowment has also died. The same is true for Nazhir institutions, if the personnel inside have died, they can be replaced with others and Nazhir institutions remain the same.

Geographical Conditions and Distribution of Endowment Land in the Bogor City

Geographically, Bogor City is located between 160⁰ 48' east longitude and 6⁰ 26' south latitude, the geographical position of Bogor City in the middle of the Bogor Regency and its location is very close to the State Capital, is a strategic potential for economic development and growth and services, the center of national activities for industry, trade, transportation, communication, and tourism. Bogor City has an average minimum height of 190 meters and a maximum of 330 meters above sea level. The area of Bogor City is 11,850 ha consisting of 6 sub-districts and 68 urban villages. The area of each sub-district, namely: South Bogor District (30.81 km²), East Bogor District (10.15 km²), North Bogor District (17.72 km²), Central Bogor District (8.13 km²), District West Bogor (32.85 km²), and Tanah Sareal District (18.84 km²). Administratively, Bogor City is surrounded by several sub-districts within the Bogor Regency area (BPS Kota Bogor, 2021, p. 5).

With regard to the potential of endowment land spread across the city of Bogor, currently there are 403 endowment lands with an area of 35.69 hectares (Ha). In terms of the the endowment land, West Bogor is the sub-district with the highest number of endowment locations with 185 locations, followed by South Bogor District, East Bogor District, Central Bogor District, Tanah Sareal District, and North Bogor District. The details of the distribution of the endowment land are as shown in Table 1. below:

No	Kantor Urusan Agama (KUA)	Endowment Land Status						
				Certified		Not certified		
		total	Large (m ²)	total	Large (Ha)	total	Large (Ha)	
1.	Bogor Utara	7	0,30	0	0,00	7	0,30	
2.	Bogor Timur	35	11,53	33	11.48	2	0,05	
3.	Bogor Selatan	124	6,67	3	0,05	121	6,62	
4.	Bogor Barat	185	15,72	1	0,01	184	15,71	
5.	Bogor Tengah	27	0,61	27	0,61	0	0,00	
6.	Tanah Sareal	25	0,85	6	0,14	19	0,71	
	Total	403	35,69	70	12,30	333	23,39	

Table 1. Total Distribution of Endowment Land in Bogor City (The Ministry of Religion RI, 2021)

Based on the results of the author's confirmation and interviews with the Official of the Ministry of Religion of the Bogor City and the Office of Religious Affairs (*Kantor Urusan Agama*) in several sub-districts, it is known that the details of the data on endowment land as listed in the table above, there are still differences in numbers with the real data of the endowment object. Because there are some objects that have not been completed with the Endowment Pledge Deed (*Akta Ikrar Wakaf, AIW*).

Generally, the designation of endowment land managed by individual *nazhir* is identical to mosques, prayer rooms, madrasas (educational institutions), and graves. So from an economic point of view, it does not seem to provide a significant added value. In the city of Bogor, almost the majority of endowment lands are managed by individual *nazhir*. Even if it has been in the form of an educational foundation, this is only needed for the purpose of licensing the organization of the institution to the Education Office or to the Office of the Ministry of Religion. However, from the management aspect, the endowment assets are still managed by individual *nazhir*. Such as one of the endowment objects in the Kayu Manis Village, Tanah Sareal District which was donated by H. Muslim with an allocation for *Majlis Taklim* and educational institutions with a land area of 600 square meters (m²).

Representative of Indonesian Waqf Board (BWI) of Bogor City

The position of the Indonesian Endowment Board to endowment assets is an important role for the realization of professional productive endowment management, because Law Number 41 of 2004 concerning Endowment has regulated the duties and authorities of the Indonesian Endowment Board, as stipulated in Article 49. It is stated that, the Indonesian Endowment Board Indonesian endowment has duties and authorities, namely: a. Provide guidance to *nazhir* in managing and developing endowment assets; b. Carry out the management and development of endowment assets on a national and international scale; c. Giving approval and/or permission for changes to the designation and status of endowment property; d. Dismissing and replacing *nazhir*; e. Giving approval for the exchange of endowment property; f. Provide advice and consideration to the government in formulating policies in the field of endowment. In carrying out the tasks as referred to in paragraph (1), the Indonesian Endowment Board may cooperate with government agencies, both central and regional, community organizations, experts, international agencies and other parties deemed necessary.

Institutionally, the Representative Indonesian Endowment Board (BWI) in each region is an independent institution that provides guidance to *nazhir* in the management and development of endowment assets. Ideally, BWI Representatives together with *nazhir* endowment always synergize in carrying out their duties and functions. The relationship is in the form of a functional relationship between two institutions regulated by laws and regulations. Even though at the practical level, it is known that the functional relationship between the two institutions has not been implemented effectively.

The role of guidance and supervision at the regional level is under the authority of the Representative Office of the Indonesian Endowment Board (BWI) in each province, regency and city. Empowerment steps and strategies for individual *nazhir* need to be carried out in collaboration between the provincial government and the Indonesian Endowment Board (BWI). This includes financial support in the implementation of guidance and supervision that will be carried out by each BWI representative office.

In this state, BWI Representative of Bogor City is the spearhead of the orderly implementation of endowment in the Bogor City. This includes supervision of individual *nazhir* who manage endowment lands with various types of designations. In carrying out their duties, BWI Representatives from each region provide periodic reports and annual reports to BWI. The report is submitted every three months and the annual report is submitted in the first following month to BWI. The annual report shall at least contain: a) report on the progress of endowment; b) financial statements; and c) activities that have and have not been carried out and other matters deemed necessary to be reported (Article 13 of BWI Regulation Number 2 of 2012 concerning Representatives of the Indonesian Endowment Board).

Religious Affairs Office (Kantor Urusan Agama)

KUA is an agency of the Ministry of Religion in carrying out some of the duties of the Office of the Ministry of Religion of the Regency/City in the field of Islamic Religious Affairs. The Office of Religious Affairs (KUA) is an implementing unit that is directly under the scope of authority of the Ministry of Religion. In the context of the administration of endowment, KUA acts as the Official Making the Endowment Pledge Deed (PPAIW) who is the spearhead of administrative services and security of endowment property. Therefore, the Ministry of Religion not only gives priority to fostering and empowering *nazhir*, but also efforts to increase competence for PPAIW in terms of administration, service, and understanding of endowment and its legal aspects.

In the administration of endowment, it was found that not all Head Office of KUA office attached as PPAIW had adequate management and administrative support. Even in some areas, the Head of KUA does not have any staff and the support resources are very limited. While the demands of work, social and administrative responsibilities are very large and broad, so often the issue of endowment gets an adequate portion and attention of work (Directorate of Endowment Empowerment, 2013, p. 8).

Apart from this, in order to create PPAIW that is professional, has commitment and responsibility, it is necessary to make serious efforts with various approaches. One such strategic approach is in the form of providing education and training which are specifically structured with structured and measurable modules, both at the conceptual and operational level, and of course the capacity of a reliable tutor or *widyaiswara* (Directorate of Endowment Empowerment, 2013).

Nazhir's resource capacity as the manager of endowment assets is highly demanded in the context of fulfilling the benefits of endowment land. In line with the Hadith of the Prophet Muhammad saw., which means:

"If the trust is no longer held firmly, then wait for the time of destruction, Abu Hurairah asked, 'how is the person who does not hold the trust, O Messenger of Allah? The Prophet replied: "If a matter is left to someone who is not an expert, then wait for the time of destruction." (al-Bukhari, number 6131)

As an effort in the availability and seriousness of the government in allocating facilities, infrastructure, other resources, budgeting for social service efforts, and improving the quality of life of the community, several policies have been carried out. One of the concrete manifestations of the meaning of this point is contained in the formulation of Article 12 of Law Number 41 of 2004 which stipulates that a *nazhir* (person or legal entity responsible for property given as endowment) can earn no more than ten percent (10%) of the profit. clean from managing and developing endowment. This remuneration came as a result of *Nazhir*'s responsibility in managing endowment. The concept of remuneration has the potential to reflect the financial material in endowment. If endowment land can also be used for profit where a *nazhir* has a share, this can be seen as a commercial interest (B. F. Sihombing & Aden Sugiantoro, 2016, p. 53).

The Strategy of Strengthening Individual Nazhir

This is because the typology of endowment assets managed by individual *nazhir* is different from productive endowment assets. Productive endowment assets are generally supported by large financial support and by potential resources. So that individual *nazhirs* need to get serious attention from the authorities, especially from the aspect of developing the resources of their *nazhir* institutions.

The provision in Article 13 of the Endowment Law states that: "In carrying out his duties, *Nazhir* receives guidance from the Minister of Religion and the Indonesian Endowment Board (BWI). Furthermore, Article 63 of the Endowment Law explains that the function of the Ministry of Religion and the Indonesian Endowment Board is not only in the form of guidance, but also includes the function of supervising the performance of *nazhir* endowment.

Regarding the position of *nazhir*, there are still weaknesses that need to be updated in order to achieve sustainable community benefits. The endowment law still has many weaknesses, especially efforts to strengthen institutions. The existence of *nazhir* in Indonesian law needs to be strengthened and reaffirmed his professional status as other established professions and the legal realm in Indonesia (Kencana, 2017, p. 104).

Regarding with the functions of the Ministry of Religion and BWI as mentioned above, the authors argue that one form of guidance carried out is to change the paradigm of *nazhir*, especially individual *nazhirs* in managing, developing, and creating sustainable benefits of endowment assets. So that through coaching programs designed and organized by the Ministry of Religion and BWI, *nazhir* will know more about their duties and functions, maintain the potential for misappropriation of endowment assets, and carry out management that leads to long-term beneficial values. This will certainly create a responsible and professional *Nazhir* work culture.

The strategy for strengthening individual *Nazhir* in Bogor City is carried out through:

- 1) Mapping the type of endowment designation and the potential of endowment to be developed productively;
- 2) Identification of individual *nazhir* competencies based on the type of assets being managed;
- 3) Development of individual *Nazhir* at least 2 (two) times a year as well as preparation of reports on the management of endowment assets;
- 4) Basic training in the field of increasing hard skills for the parties involved in the structure of *nazhir* institutions, such as Mosque Managers, Grave Managers, *Majelis Taklim* Managers, and Orphans Managers who are within the scope of endowment assets.

Conclusion

It is known that individual *nazhir* in Bogor City have unequal competencies. Even the display of data contained in Endowment Information System (*SIWAK*) cannot be used as a benchmark for real data. This is known by several findings that the name *nazhir* listed in Endowment Information System (*SIWAK*) is not the same as the *nazhir* who is currently on duty (*nazhir* has died or has replaced *nazhir*).

Therefore, the author argues that it is important to conduct massive coaching on individual *nazhir*. Especially for *Nazhir* who manages potential endowment assets but does not yet

have the supporting competence for the development of endowment assets. In addition to coaching, the Representative Indonesian Endowment Board also supervises, reports, and evaluates the performance of individual *nazhir* on an annual basis. Considering that most of the scattered endowment lands are under the management of individual *nazhir*. In fact, there are some endowment assets that have not been certified, which of course is very vulnerable to causing conflict in the community.

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