

Professionalism and Competence of Nadzir Waqf in Pondok Modern Darussalam Gontor

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Abstract

The success of waqf management lies in the existence of nadzir in maximizing the role of waqf, if waqf is managed professionally and competently it will become a potential Islamic institution and can carry out its functions, its progress, and the decline of waqf can also be seen from the good or bad management of waqf. Pondok Modern Darussalam Gontor is a waqf Islamic institution since 1958 which is engaged in education. The existence of waqf in Gontor has been proven until now. All of that cannot be separated from the important role of the waqf nadzir who manages waqf assets properly and correctly. This research uses qualitative methods by guiding researchers to explore and portray thoroughly and deeply. The results of this study indicate that the professionalism and competence of the waqf nadzir at Pondok Modern Darussalam Gontor has been running. Understanding of the cottage, five souls and five terms, supervision, and regeneration are the implementation of the professionalism of the waqf nadzir at Pondok Modern Darussalam Gontor. Training and preparation of SOPs are the implementation of waqf nadzir competence at Pondok Modern Darussalam Gontor. According to the nature of education and teaching in Pondok Modern Darussalam Gontor. Five terms and five souls are the basis used by waqf nazirs to manage and produce waqf assets owned by Pondok Modern Darussalam Gontor. The provision of training and seminars every year and practice afterwards make the competence of waqf nazirs at Pondok Modern Darussalam Gontor increase.

Keywords: : *Waqf, Professionalism, Competence, Nadzir Waqf*

1. Introduction

Indonesia is a Muslim-majority country, reaching 229.62 million people or 87% of Indonesia's total population of 269.62 million people. No wonder many sectors about Islam are in great demand, for example the economic sector ranging from financial institutions, banking, insurance, zakat, waqf, and many others. One of the important sectors in the Islamic economy is waqf, waqf is an important. Sector in empowering the people. The large role of waqf is felt in the development of Islam in the world.

Waqf in Indonesia was already known during the Islamic kingdom. Waqf has never been separated from the attention of the community because it can provide benefits, in addition to functioning as an economic driver, waqf is also a source of financing for mosques, schools, educational institutions, hospitals, etc. Indonesia has many waqf assets and enormous potential to boost the

economy because the majority of the population is Muslim. In this case Indonesia has enacted Law Number 5 of 1960 concerning Basic Agrarian Regulations, Chapter II, Part XI, and Article 49. The content of the article is that to protect the ongoing land waqf in Indonesia, the government will provide regulations through government regulations (PP). The Government Regulation was issued 17 years of the enactment after the main Agrarian Law, namely Government Regulation No. 28 of 1977 concerning the cultivation of owned land.

The consistency of the role of waqf has been tested and can last a long time. The existence of waqf that has long been able to provide the needs for the benefit of the people is felt to be very necessary. Waqf property produces benefits that contain elements of benevolence to fellow beings in the world (*birr*), goodness between mankind (*ihsan*), and brotherhood between Muslims (*ukhuwah Islamiyah*). Good waqf management is a factor in the existence of waqf to date. There are two models of waqf management, namely the traditional productive waqf financing model such as long-term lease contracts with upfront payments and the institutionally productive waqf financing model, such as buying and selling or investing.⁶ The financing is commonly known as productive waqf, which is meant productive by the explanation of Law number 41 of 2004 concerning waqf which states that the management and development of assets productively is carried out in various ways, both asset collection, investment, production, partnerships, building construction, educational facilities and businesses that do not contradict the Shari'a. The implementation of waqf management strategies is important so that the condition of waqf assets does not decline and provides benefits to beneficiaries.

Pondok Modern Darussalam Gontor is an educational institution that has implemented a waqf system and has branches throughout Indonesia. Pondok Modern Darussalam Gontor was established in 1926 and entrusted by the founder otherwise known as Trimurti in 1958. Pondok Modern Darussalam Gontor has a waqf land area of 16,258,598m or 1,626ha spread throughout Indonesia. For the optimization of waqf, good, planned, structured, and systematic management is needed. Talking about waqf management cannot be separated from the manager, namely Nadzir waqf, because both are like two currencies that are interrelated with each other.

The nadzir is the person in charge of the management of waqf assets, both in terms of maintenance and development, all activities of the nadzir must be based on consideration to provide benefits to the beneficiaries. The Waqf Law number 41 of 2004 explains that nadzir is a party who receives waqf property from the wakif to be managed and developed by its designation, nadzir is divided into three, namely individuals, organizations, and legal entities, which have the task of managing waqf property, management, and development according to the purpose and function of the waqf. Therefore, the success of waqf management lies in the existence of nadzir in maximizing the role of waqf, if waqf is managed professionally it will become a potential Islamic institution and can carry out its functions, the progress and decline of waqf can also be seen from the good or bad management of waqf management.

Although nadzir is not a pillar or condition for the validity of waqf—as waqf is a sunnah act of worship (*tabarru'*)—its role remains crucial in waqf management. However, there is a lack of clear legal regulation regarding nadzir's rights as service providers, making professionalism and competence essential for effective waqf management. Many nadzir still lack sufficient capacity in this area. Based on the Ministry of Religious Affairs (2022), waqf land in Indonesia spans 440.5 thousand points with an area of 57.2 thousand hectares, while the potential for cash waqf reaches up to IDR 180 trillion annually. The Indonesian Waqf Board recorded waqf money acquisition of IDR 1.4 billion as of March 2022, an increase from IDR 855 billion in 2018–2021. This significant potential must be matched with improved nadzir management and public awareness to avoid a gap between waqf potential and realization.

2. Literature Review

a. Waqf

Waqf etymologically uses three words to express waqf, namely *Al-Waqf* (waqf), *Al-habs* (withholding), and *At-tasbil* (alms with *sabilillah*). The word *Al-waqf* is a masdar from the expression *waqfu ash-sha'i*, which means to hold something. The Imam among them, as quoted by Al-Kabisi, said

"my camel was trapped somewhere, as if he knew I could take refuge in that place". Ibn Manzur in the book *Lisan al-Arab* says the word *habasa* means *amsakahu* (restraint). He added *al-hubusu ma wuqifa* (withholding something *waqfkan*), as in the phrase *habbasa al-faras fi sabilillah* (he entrusted a horse in the way of Allah) or *ahbasahu*, and the plural is *habais*, which means the horse is entrusted to the *tantara* to ride when he performs *jihad fi sabilillah*. He also added about the word *waqafa* as in the phrase *waqafa al-arda 'ala al-masakin* (he entrusted land to the poor).

Az-Zubaidi in the dictionary of *Taj al-'Arus* states that *al-Habsu* means *al-man'you* and *al-imsak*, or the opposite of *takhliyah* (let). *Al-habsu* of *an-Nakhil*, that is entrusted in the way of Allah.⁴¹ It is stated in the *Hadith al-Hudaibiyah* "*Habasaha habis al-fil* (he was held captive by camels). From the statement contained in the dictionaries of *Lisan al-Arab* and *Mukhtar as-Sahhah*, "he entrusted his house to the poor," when the house was withheld or withheld from the interests of those who were not entitled to *waqf*. Thus, both *al-habs* and *al-waqf* both contain the meanings of *al-imsak* (restraint), *al-man'u* (prevent or forbid), and *at-tamakkus* (silence). It is called deduction because the endowment is held from damage, and all actions that are incompatible with the purpose of the endowment. It said deductions were also because benefits and proceeds were withheld and prohibited to anyone other than the person entitled to *Waqf*. In addition to being equated with *Al-habs*, the word *al-waqf* is also equated with *at-Tasbil* (the benefits of flowing).

b. Nadzir Waqaf

The word *nadzir* comes from the Arabic *nadzara – yandzuru*, which means to see. *Nadzir* is taken from *isim fa'il* from *nadzara – yandzuru* meaning guardian. *Nadzir* can also be interpreted as *al-Hafidz* which means guarding, *al-Musyrif* which means manager, *al Mutawalli* which means administrator. ⁶⁵ In terms of jurisprudence, the *nadzir* is the person entrusted with the authority and obligation to manage and maintain the *waqf* property.⁶⁶ Another definition of *nadzir* is a person or entity that holds the mandate to maintain and manage *waqf* assets by the purpose and form of *waqf* assets.⁶⁷ While in the structure of Islamic law, *nadzir* is a group of persons or legal entities who are given the task of maintaining and managing *waqf* property.⁶⁸ The *waqf* law number 41 of 2004 defines *nadzir* as a party who receives *waqf* property from the *wakif* to be managed and developed by the purpose of the *waqf*. In the language of management, *nadzir* is equated with a property endowment manager.

From the above understanding, the position of *nadzir* in *waqf* has a very important role. Although scholars agree that *nadzir* is not one of the pillars of *waqf*. However, scholars agree that the *wakif* should appoint a *nadzir waqf* to administer and the *waqf* or *nadzir wakif* its self. It can be concluded that a *nadzir* is a person or institution entitled to *waqf* property to be managed, maintained, distributed the proceeds of *waqf* to the person entitled to receive it, or do everything that makes the *waqf* property grow well and permanently. *Nadzir* also became a bridge between *wakif* and *mauquf 'alaih*. *Nadzir* can be done by the *wakif* himself, or the *wakif* appoints someone else to manage his *waqf* property, the scholars agree that the *wakif* must appoint the *nadzir waqf*, both individuals and legal entities of the institution, the appointment of the *nadzir* is intended so that the *waqf* property can be maintained in value and can provide benefits.⁶⁹ In addition to being responsible for the management of *waqf* assets, *nadzir* must run *waqf* so that the benefits continue to flow, therefore *wakif* does not only collect and then spend the *waqf* assets. In this case the *nadzir* must have the ability to do it all, not only knowing about *waqf* insights but being required to be able to manage *waqf* assets with *sharia* principles, the *nadzir* must have a good educational background and experience and professional certification.

Based on Law Number. 41 of 2004 it is stated that *nadzir* is divided into three, namely individual *nadzir*, organizational or institutional *nadzir*, and legal entity *nadzir*. Each type of *nadzir* has a condition to be worthy of being trusted by the *wakif* as a *nadzir*.

c. Professionalism

Professional and professionalism can be distinguished conceptually. Profession is a type of work that meets several criteria, while professionalism is an important individual attribute regardless of whether a job is a profession or not.⁷⁸ According to the Big Indonesian Dictionary (KBBI),

professionalism is the expertise of having certain qualifications and values based on experience in the field of expertise. Professionalism has different definitions according to experts. According to Maharani and Wiyata (2020), professionalism is the behavior, experience, or quality of a professional. Professionalism according to Sedarmayanti (2010: 96) is a pillar that will place bureaucracy as an effective engine for the government and as a parameter of apparatus proficiency in working well.

According to Agung Kurniawan (2009: 74), professionalism is a match (fitness), between the abilities possessed by the bureaucracy (bureaucratic-competence) with the needs of the task (task-requirement), the fulfillment of the match between abilities and needs is a requirement for the formation of a professional apparatus. According to Siagain (2009: 163), professionalism is expertise in carrying out tasks so that they are carried out with high quality, at the right, carefully, and with procedures that are easy to understand and follow by customers. From the explanation above, it can be concluded that professionalism is an ability or expertise supported by skills and knowledge, which is supported by a work attitude that must be shown when working to carry out tasks correctly and complete work effectively and efficiently. The concept of modern professionalism in work has two important aspects, namely the structural aspect and the attitude aspect. Structural aspects whose characteristics are part of the formation of training schools, the formation of professional associations and the establishment of codes of ethics. The attitude aspect is related to the formation of the spirit of professionalism.

d. Competence

Competency is an important factor in performance improvement. Competence is a basic character possessed by a person that can distinguish him from others. Competence shows the skills or knowledge shown by professionalism in a particular field as superior in that field.⁸⁰ Competence has different definitions according to experts. According to Dessler (2017: 408) competence is a personal characteristic that can be demonstrated such as knowledge, skills and personal behavior. According to Hutapea and Thoha (2008), competence is the capacity that exists in a person that can make the person able to fulfill what is required by the work in an organization so that the organization can achieve the expected results. According to Pallan (2007) defines competence as individual expertise shown by someone in producing a product or service according to predetermined standards. According to Edison, Anwar, and Komariyah (2016: 142) competence is the ability of individuals to do a job correctly and have excellence based on matters concerning knowledge, expertise, and attitudes. From several definitions put forward by experts, it can be concluded that competence is the capacity that exists in a person and can make that person able to fulfill what is required by the job in an organization so that the organization can achieve the expected results.

3. Research Methods

This research uses qualitative methods by guiding researchers to explore and photograph social situations thoroughly and deeply. Qualitative research aims to describe certain facts and characteristics accurately and systematically. Qualitative research provides results or analytical procedures that do not characterize results in statistical form. This research produces descriptive data in the form of written or spoken words of people and behavior. Field research is research that aims to research intensively the background of the present state and environmental interactions of a social unit. In this case, the researcher examined "Professionalism and Competence of Nadzir Waqf in Pondok Modern Darussalam Gontor."

4. Result And Discussion

PONDOK MODERN DARUSSALAM GONTOR

Pondok Modern Darussalam Gontor was founded on the ideas, ideals and sacrifices of three brothers of the last son of Kiai Pondok Gontor Lama, namely K.H. Ahmad Sahal (1901-1977), K.H. Zainuddin Fananie (1905-1968), and K.H. Imam Zarkasyi (1910-1985). Pondok Gontor Lama was founded by one of the sons-in-law of Kiai Hasan Besari, the leader of Pondok Pesantren Tegalsari (established 1870). Pondok modern Darussalam is a continuation of Pondok Gontor Lama. This cottage

is located in the city of Ponorogo, East Java, Indonesia. Precisely in 1926 the establishment of Pondok Modern Darussalam Gontor which started from Tarbiyathul Athfal. 10 years later Kulliyatul Mu'allimin Al Islamiyah or better known as KMI was founded. In 1942 the founders of the cottage established a high boarding school named Underbow and Bovenbow.

And in 1958 the founder of the cottage endowed the Gontor cottage to Muslims. In 1963, Darussalam College (PTD) was established. Although, the founders did not have time to witness, finally, in 2014 the aspired university was officially established and will continue to be refined by the next generation into a quality and meaningful university as stated in the Waqf Charter. This is the journey of the three brothers from the idea to the realization of Darussalam Gontor University.

ICAST Profil (International Centre for Awqaf Studies)

Social Waqf instrument that plays an important role in building Islamic civilization. Waqf is more than just a form of ritual, it serves as a driving force towards prosperity (falah) both in material and spiritual aspects, both for waqf givers (wakif) and waqf recipients (mauquf alaih). (Quran, An-Nahl: 97 and Quraysh: 1-4). One of the major challenges faced by waqf is the inability of the nadzir to preserve and develop waqf assets. As a result, some waqf assets remain dormant and in some worst cases suffer damage. Therefore, to bring waqf to its optimum potential from passive assets to productive assets in Indonesia and other Muslim countries, UNIDA Gontor in collaboration with Bank Indonesia initiated ICAST (International Center for Awqaf Studies). ICAST aims to create professional waqf nazhirs who have an entrepreneurial spirit and can integrate spiritual and moral values systematically, rationally, and methodologically. ICAST UNIDA Gontor's vision is "To become an international center for the research and development of Waqf."

ICAST UNIDA Gontor there are 5 divisions, namely:

a. Center for Postgraduate Education of Waqf

The intensive two-year postgraduate program is designed to provide rigorous training on waqf studies, providing students with the opportunity to develop advanced analytical and technical skills that are urgently needed by endowment institutions. When waqf is managed professionally, it can continue to provide socio-economic benefits to the community in a sustainable manner. ICAST offers this program as a cross-disciplinary, specialized program, which aims to impart knowledge and skills to those students who have specialized in the field of Waqf.

b. Education for Nadzir Waqf

The forms of activities of nadzir waqf education are vocational, training, and certification. Vocational is applied which contains education on productive waqf management held during the ICAST research period. Training is a short course held for 1 week at least and 3 months maximum to find out the duties, and authorities to become a productive waqf nadzir. The mission of the Nazhir Waqf Certification is to provide an excellent waqf training program that offers an Islamized approach to waqf knowledge, helps participants understand waqf, and implements waqf applications or waqf management processes. Nadzir Waqf certification has a qualified and experienced teaching team consisting of waqf practitioners. The Nadzir Waqf teaching team is fully committed to providing quality education and excellent support and service. The main objective of Nadzir Waqf certification is to prepare the participants to become professional nadzir who can manage waqf assets effectively and efficiently. The material taught for Nadzir Waqf is waqf fiqh, waqf law, waqf management, and additional material namely business and entrepreneurship.

c. Profil of YPPWPM (Fondation of Development and Expansion Waqf Pondok Modern)

On October 12, 1958, the founder of Pondok Modern Darussalam Gontor entrusted his cottage in the form of movable and immovable objects.⁹¹ The waqf is in the form of dry land covering an area of 1,704 Ha, wet and (rice fields) covering an area of 16,851 Ha and 12 buildings and their contents. From then on Pondok Modern Darussalam Gontor no longer belonged to the founder of the lodge, family or certain groups, but belonged to all Muslims managed by a waqf /nadzir board of 15 people. However, please note, as stated in the articles of association of the waqf board, that as long as the founder of the lodge (wakif) is still alive and can carry out his duties, the management of the waqf board functions as

an assistant to the founder of the lodge. As for after the founder of the lodge died, the position of the waqf body became the highest institution.

As the highest institution, the waqf board / nadzir Pondok Modern Darussalam Gontor carries the mandate to maintain and manage the use of waqf as stated in the waqf handover charter. Because of the shape and nature of the waqf body, the entire wealth of Pondok Modern Darussalam Gontor belongs to the waqf body. To realize one of the Pondok programs in maintaining, developing, and controlling waqf objects without changing the legal position of these waqf rights, on March 18, 1959, the waqf board of Pondok Modern Darussalam Gontor took the policy to establish a legal entity in the form of a under the name Foundation of Development and Expansion of Waqf Pondok Modern (YPPWPM). The foundation was established with the purpose; of maintaining, perfecting and adding to all property belonging to the Gontor Modern.

The Implementation of the Competence of the Waqf Nadzir at Pondok Modern Darussalam Gontor

The results of interviews about the competence of waqf nazirs at Pondok Modern Darussalam Gontor show various kinds of implementation of waqf nadzir competencies. In this section will discuss the results of these interviews. Development Human Resource Management Participants explained that human resource development can be done by organizing training related to certain fields, such as waqf nadzir training. Good human resources are those who understand a particular field. The training held can be in the form of seminars and workshops. The purpose of training is to broaden the horizons, abilities, and work attitude in a particular field. Training is also a means of education and career development and one of the efforts to improve the quality of human resources. This is in accordance with the expression of Kamil (2010) quoting from Goldstein and Gressner (1988) that training is a systematic effort to master skills, rules, concepts, or ways of behaving that have an impact on improving performance.

Furthermore, HR development occurs because of the times. The rapid changes of the times require that individuals and organizations are not left behind by their competitors. The current era of technology makes everything easy, such as searching for information which can now be done using Google. Participants said that the knowledge gap between the current generation or better known as generation Z and past generations is very different. Modernizing all forms of systems in the organization is a step that must be taken so that performance becomes effective and efficient. This is in accordance with Danuri's (2019) statement that humans are intelligent creatures who always improve their abilities to facilitate their every activity. All tools are tried and used to achieve the efficiency and effectiveness of every action they take, various experiments are carried out in order to produce a large amount of efficiency with the minimum possible energy.

Indicator Competence Participants explained that knowledge and experience are indicators of competence. Knowledge is the result of the human desire to know something. Participants explained that knowledge can be done by learning and there is a will, meaning that knowledge does not come by itself. However, it can be obtained from learning, initially unable to become able. Knowledge is obtained from the process of asking questions and then given the appropriate answers. Then experience, experience participants can get from the learning process, which then the results of the learning are applied in everyday life. This experience makes individuals or organizations more developed.

5. Conclusion

Based on the results of research and discussion regarding the implementation of professionalism and competence of Nadzir Wakaf, it can be concluded that professionalism must be well understood because it will have an impact on individuals or organizations. In addition, this study found that there are principles of professionalism, namely organizational culture, organizational values, centralization, supervision, and legality. Trust is the impact of professionalism that affects the development of individuals or organizations. While competence must always be improved both individually and organizationally, the form of improvement is in the form of human resource development. In addition, this study found indicators of competence, namely knowledge and

experience. This indicator is a benchmark for individuals or organizations to increase expertise in certain fields. However, there are still some problems and obstacles in the application of Professionalism and Competence of waqf nadzir such as the lack of human resources (HR). The contributing factor is the frequent reshuffle every year. In the implementation of waqf nadzir professionalism, to better understand the meaning of professionalism, the principles of professionalism such as organizational culture, organizational values, legality, centralization, and supervision, and the impact of professionalism such as public trust. In implementing the competence of the waqf nadzir, each individual or organization should always develop human resources by participating in training and keeping up with the times. In addition, to consider indicators in competencies such as knowledge and experience, this is a benchmark for how much an individual or organization understands the field being pursued.

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