



RESPONSE OF MADURA'S NAHDLATUL ULAMA SCHOLARS TO THE INDONESIAN ULAMA COUNCIL'S FATWA ON CASH WAKAF

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Abstract

This research was aimed at examining the response made by the ulama (Islamic religious scholars) of the Madura Branch of the NU and to find out their reactions to the MUI fatwa concerning cash wakaf. This research was classified as qualitative. The sample for this research consisted of 101 religious scholars of the Madura branch of the NU. The research was conducted in the form of surveys and interviews with these Madura NU members, to ascertain their arguments. The results of the research obtained showed convincingly that the majority of NU religious scholars accept and agree with the MUI Fatwa concerning cash wakaf, in that the response "agree" (Setuju – S) received the highest percentage return for all items, recording positive results between 40% and 60%, whilst the percentages for the response "strongly agree" (sangat setuju - SS) was the second strongest, receiving between 19% and 48% support. Based upon the results of the interviews conducted by the researchers with the NU Madura theologians, it was their opinion that the MUI Fatwa concerning cash wakaf fulfils the requirements of Islamic religious law. Not only that, but these scholars were also of the opinion that a cash wakaf can be a beneficial social instrument and may assist in overcoming social problems in their regions. The implication of this study is that the validity of the MUI fatwa can be widely accepted among local scholars, providing a strong legal foundation for the development of cash waqf in Indonesia, particularly in Madura. This fatwa is not only recognized as valid according to Islamic law, but also serves as a basis for the acceptance of cash waqf by the public as a legitimate and effective charitable instrument

Keywords: Nahdhatul Ulama', Fatwa Commission, Cash Wakaf, Madura.

Abstrak

Penelitian ini bertujuan untuk mengkaji respon para ulama NU Cabang Madura dan untuk mengetahui reaksi mereka terhadap fatwa MUI tentang wakaf uang. Penelitian ini diklasifikasikan sebagai penelitian kualitatif. Sampel penelitian ini terdiri dari 101 ulama NU Cabang Madura. Penelitian dilakukan dalam bentuk survei dan wawancara dengan para anggota NU Madura ini, untuk memastikan argumen mereka. Hasil penelitian yang diperoleh menunjukkan secara meyakinkan bahwa mayoritas ulama NU menerima dan setuju dengan Fatwa MUI tentang wakaf uang, dimana jawaban "setuju" (S) mendapatkan persentase tertinggi untuk semua item, dengan hasil positif antara 40% hingga 60%,



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sementara persentase untuk jawaban “sangat setuju” (SS) merupakan yang terkuat kedua, dengan dukungan 19% hingga 48%. Berdasarkan hasil wawancara yang dilakukan oleh peneliti dengan para teolog NU Madura, mereka berpendapat bahwa Fatwa MUI tentang wakaf uang telah memenuhi persyaratan hukum agama Islam. Tidak hanya itu, para ulama ini juga berpendapat bahwa wakaf uang dapat menjadi instrumen sosial yang bermanfaat, dan dapat membantu mengatasi masalah-masalah sosial di daerah mereka. Implikasi dari penelitian ini adalah bahwa keabsahan fatwa MUI dapat diterima secara luas di kalangan ulama setempat, sehingga memberikan landasan hukum yang kuat untuk pengembangan wakaf uang di Indonesia, khususnya di Madura. Fatwa ini tidak hanya diakui sah menurut hukum Islam, tetapi juga menjadi dasar bagi penerimaan wakaf uang oleh masyarakat sebagai instrumen amal yang sah dan efektif.

Kata Kunci: Nahdhatul Ulama', Fatwa Commission, Wakaf Tunai, Madura.

Introduction

Madura is an island situated in East Java Province. The island consists of four *kabupaten* (regencies), these being Bangkalan, Sampang, Pamekasan and Sumenep. Obedience to religious figures, such as Islamic scholars, *pesantren* (Islamic religious school) heads, and religious teachers is a central matter in the socio-religious life of the people of Madura. The compliance of the people of Madura with the dictates of Islamic scholars has from early days been part of the philosophy of life of the populace (Wiyata, 2006). The people of Madura direct all of their activities according to Islamic values (Rozaki, 2003). In the economic sphere, Madura is still said to be less developed, compared with surrounding regions. Indeed, from the regencies, there is an imbalance in matters of the welfare levels of the people. This is caused by the as yet failures to maximalise the economic potentials which are to be found on the island. (Nur & Aini, 2011).

The island of Madura is known for its high spiritual values, and has many economic potentials, one of these being the religious donation potential, which is a philanthropic instrument in Islamic financial affairs. *Wakaf* form one of the sources of funds having the potential to be part of the development of the people (Munir, 2013). The Maduranese people, known for their religiosity and being in the majority Muslim, can support the maximalisation of the potential of the *wakaf* instrument as a generator for the economy of the people of Madura.

However, the management of *wakaf* in Madura is, yet not yet conducted in a productive manner, so that its role as a means of development is still sub-optimal. This is brought about by the as yet sub-optimal state of the innovation and administration of *wakaf* (Nasution & Aris, 2020). The *wakaf* often made by ordinary people is generally in the form of immovable assets, such as donations of land, mosques, and cemetery



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plots. This is the case in Madura. For this reason, there needs to be some innovation regarding *wakaf*. This innovation has been responded to and set in train by the administration of the *Badan Wakaf Indonesia –BWI* (Indonesian *Wakaf* Board), in the form of the promotion of cash donations.

However, the awareness of the populace, concerning cash donations, is still at a minimum level, including amongst the people of Madura itself. This is seen from the religious donation awareness index, reported by the *BWI* in 2020, wherein the province of East Java was included in the list of regions whose religious donation awareness was low (*BWI*, 2020). The low levels of its promotion and the comprehension of the people of Madura regarding cash *wakaf* make this instrument difficult to be accepted by the people. Traditional *wakaf* is still the principal choice of people donating, such as *wakaf* in the form of land, buildings, and so forth. The people still have a low level of understanding related to *wakaf* and its productive characteristics, such as that of shares, and this is caused by the still low levels of promotion and comprehension (Nasution & Aris, 2020). For these reasons, what is required are roles played by various groups, to carry out the promotion and increase of comprehension in the public, by government, *wakaf* administrators and a number of other influential parties having interests. Public organisations are some of the parties having interests which can carry out the promotion of cash *wakaf*, and one of these is *Nahdhatul Ulama' - NU*).

The *NU* is one of the largest organisations in Madura and is found throughout that region. The *NU* contains the leading religious figures or teachers in Madura, so that the role of this organisation is greatly needed, because, for the public, the traditional charismatic leadership of a religious scholar, as a religious luminary, is still strong (Susanto, 2007). According to the results of the researchers' interviews, the role played by the *NU* is said to be minimal, regarding cash *wakaf*. This is caused by the religious scholars of the *NU* being still under-contributory regarding cash *wakaf*. These religious scholars have merely accepted and agreed to the acceptance of cash *wakaf*; there is still no call of appeal for compliance from the administrators and prominent of the *NU* in Madura.

Religious scholars and other important persons in Madura need to take a greater role in strengthening the concept of cash *wakaf*. This is because cash *wakaf* is well structured to be able to have a good economic impact (Shaikh et al., 2017), indeed it may assist the government in funding public assets and mixed government/private assets, as well as various other necessities (Azrai Azaimi Ambrose et al., 2018; Ismail Abdel Mohsin, 2013). *Wakaf* has a role in increasing of the quality of the economy, through the



multiplier effect produced, so as to give rise to improvements in the social and economic sectors (Arif, 2012). Indeed, studies conducted by Atan and Johari (2017), as well as Dian Masyita *et al.*, (2005) found that *wakaf* is an efficient method for overcoming poverty. For this reason, the application of cash *wakaf* needs to receive added attention, both from the viewpoint of credibility and that of accountability (Aldeen *et al.*, 2020).

Although many studies have confirmed the positive economic impacts resulting from cash *wakaf*, it appears there still are differences of opinion over the laws governing that form of *wakaf*. *Hanafi* and *Syafi'i* Muslims have determined that *wakaf* in monetary form is not permissible, whilst *Hanabali* and *Maliki* Muslims state that it is (Aliyu, 2019). In Indonesia itself, on 11 May, 2002, the *Majelis Ulama Indonesia – MUI* issued a *fatwa* stating that cash *wakaf* is permitted (*wakaf tunai*, cash *wakaf*, or, in Arabic, *wakaf al-nuqud*), with the condition that the basic value of the *wakaf* must be preserved in perpetuity. (Aliyu, 2019). and, in 2007, the National Malaysian Fatwa Committee decided that cash *wakaf* was permitted in Islam (Rahman, 2009). However, recalling that the majority of Muslims in Indonesia are followers of the *Syafii* school of thought, a large portion of the public still consider cash *wakaf* as being impermissible in Islam.

For this reason, based upon the explanation given above concerning the situation of cash *wakaf* in Madura, both its comprehension and its exploitation, which are still minimal, as well as the roles of the *NU* leading figures, still less than maximal, incited the researchers to conduct to examine the responses of the *NU* Islamic scholars to the decision of the *fatwa* commission of the *MUI* on the subject of cash *wakaf*. This research was aimed at determining the responses from the leading figures of the *NU* in Madura, as well as to find out their perceptions of that *MUI fatwa* on cash *wakaf*. It is hoped that this research may have an impact of the level of comprehension of the people of Madura, and the on justification for cash *wakaf*, so that comprehension and exploitation of *wakaf* in that region are maximalised.

This research was divided into several stages. The first was the introduction, wherein the researchers explained the phenomena and problems of the research. The second was a literature review, wherein the researchers cited various examples of published information on cash *wakaf* from various earlier pieces of research. The third involved the research and analysis methods used in the research. The fourth involved discoveries and discussion to clarify the various findings from the research conducted. The fifth and last was the handing down of conclusions, wherein the researchers gave a summary of the research results.



Literature Review

The etimological definition of *wakaf* shows it means “defending, preventing, for the duration of, constant, connecting, leaving behind, extracting, and so forth” (Haq, 2013). The general understanding of *wakaf* is preserving property which may be utilised, but wherein the property is fixed, stationary, and deciding the ownership of the bequeathed property, as well as intending that this be done for good, with the hope that this will make one closer to God. (As-Samam & Fatah, 2018) *Wakaf*, in general, is a gift from the owner of the *wakaf* property to be used for the good of the public. In general, the *wakaf* known to the people is a bequest of fixed property, such as a mosque, a *pesantren* (religious school) for the development of religious education, and so forth. *Wakaf* can imply a gift, the giving of which preserves the original ownership (*taḥbīs al-aṣl*), and then later ensures the benefit is enjoyed by the public. The meaning of preserving the original ownership (*taḥbīs al-aṣl*) is the preservation of the bequeathed property so it may not be handed down, sold, further donated, pawned or mortgaged or let, and so forth. As to the method of its utilisation, this is by it being used in accordance with the will of the *wakaf* donor (the *wakif*), without recompense (Haq, 2013).

In Islam, there are several different forms of *wakaf*. According to Haq (2013), *wakaf* is divided into two types, these being *wakaf ahli* and *wakaf khairi*. *Wakaf ahli* (family, or special *wakaf*) is *wakaf* directed to certain persons, either of the family of the *wakif* or not, for instance in the bequeathing of a possession by a person to his or her children. *Wakaf* of this type is approved, and the persons having the right to enjoy the benefit of the *wakaf* are those indicated in the *wakaf* statement. *Wakaf khairi* (general *wakaf*) is a *wakaf* which, from the outset, is dedicated in the interests of all, not specifically to certain people. This *wakaf umum* is following the spirit of *wakaf*, that is that the benefit will continue to flow, until the *wakif* is deceased. If the *wakaf* is still extant, and the benefit may still be enjoyed, then the benefit of it may be enjoyed widely by the community at large, and it becomes a facility to improve the welfare of the community, in the economic, educational, cultural and religious fields (Sari, 2006). The divisions of the *wakaf* of which we are aware are those of immovable assets and cash.

Cash *wakaf* is a distribution in the form of money, from an individual or organisation, to other people, groups, or even organisations, so that the benefit may be enjoyed in a productive manner, and it may be of wider and ongoing benefit to the recipients (Huda & Heykal, 2010). Basically, the



principle and the terms of cash *wakaf* are identical to those of *wakaf* in the form of land (Puspita, 2012). So it may be said that cash *wakaf* is the surrender of monetary or similar ownership rights to a person, or to a *wakaf* institution, to be managed productively in such a way as not to reduce nor to lose that asset, so the benefits of it may be enjoyed by the *maukuf alaih* (the person or institution into who hands the *wakaf* is entrusted), in accordance with the contract offered by the *wakif*, and in accord with the laws of Islam.

It has been explained by Huda and Heykal (2010) that *Imam* (Islamic service leader) Hanafi gave an alternate way by investing the cash *wakaf* as venture capital, through a *Mudharabah* (sharing the profit and loss) contract, and the results of the investment can then be made as a charitable donation to a *maukuf alaih*. In the case of cash *wakaf*, *Imam* Hanafi and *Imam* Maliki were of the same opinion, that is that they approved of the practice of cash *wakaf*, or *wakaf* utilising money. However, the most important thing, according to Abdullah (2019), is the way the application of this *wakaf* utilises the *maqashid syariah* (goals of Islamic law), so that it may be developed in accordance with a variety of issues which develop from time to time. This is important, so that the application of *wakaf* continues to be relevant.

In the *Fatwa* DSN MUI No. 2 of 2002, concerning Monetary *Wakaf*, it is clarified that cash *wakaf* is permitted (Mauluddin & Rahman, 2018). This *fatwa* explains that cash *wakaf* is that which is performed by a person or institute using cash, which, in monetary terms, includes securities. In practice, this is approved only when it is accordance with *syar'i* (the fulfilment of *syariah* requirements), and the value if the cash *wakaf* is ensured, not being sold nor passed down to anyone. From this *fatwa*, the employment of cash *wakaf* in Indonesia is permitted.

Although cash *wakaf* has received a *fatwa* from the *Majelis Ulama Indonesia - MUI*, none the less, in fact, the growth of this *wakaf* is relatively very slow. Cash *wakaf* is not well known, and receives less than serious attention in some circles, including those of the government, the public, Islam scholars and a number of non-government bodies, so that there has not yet been much change made towards public welfare (Irham, 2018). This lack of public understanding is one of the problems in the optimisation of cash *wakaf*, and indeed there are still many people who still know nothing at all about its existence, which influences the development of this social instrument. It needs promotion to the wider public, so that they are made aware of this form of *wakaf*.



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This is confirmed by Rusydiana (2019), whereby that researcher made the argument that the practice of cash *wakaf* still suffers hindrances. The primary problems, and the principal opposition, faced in the development of cash *wakaf* in Indonesia, are aspects of the system, regulations and rules, the product, and information technology. The strategies and principal things required, within the framework of the development of cash *wakaf* in Indonesia, are the transparency and accountability of *wakaf* institutions, an increase in the quality of the *nazhir* (person or organisation who/which manages *wakaf*) that is of the managers and management institutions of cash *wakaf*, and a motivative marketing strategy from them. Regarding the aspect of parties having interests, the involved actors, and related to the development of cash *wakaf* in Indonesia, the important actors are the government, or regulator, the *BWI* and the Bank of Indonesia.

These various problems cause the utilisation of cash *wakif* to be less than optimal, whereas, in fact, the *wakaf* system can make a significant contribution to the goals of a modern economy (Cizakca, 2000). These goals are for reduction in government spending, which would cause a reduction in the budget deficit, which, in turn, would reduce the need for government borrowing, so as to constrain the "*crowding-out effect*" and aim for a reduction in interest rates. This would end the basic problem for investment, and private sector development. Indeed, according to Kuran (2001), *wakaf* has the potential to be an instrument which can facilitate the fulfilling of the needs of the poor. *Wakaf* can have benefits regarding social conditions, the economy and development. From the economic and social side, motivating a person to engage in *wakaf* is also influenced by his or her desire to be devout and pious. The decision of a person to bequeath an asset he or she owns, means he or she knowingly surrenders, as *wakaf*, that asset, and any possibility of being able to obtain any benefit from that asset in the future contributes to the welfare of the people. In that case, performing *wakaf* requires a spirit of volunteerism, or *ikhlas*, greater than any other, in comparison to other social works, not only from the *wakif*, but also from the family and inheritors of the *wakif*. The sense of performing a good deed on the part of the *wakif* is directly comparable to benefit of *wakif* as an instrument to raise the level of social welfare (Nasution & Aris, 2020)., whilst from the viewpoint of development, *wakaf* is performed through the increase a number of non-input aspects, such as provision of health services, founding of educational institutes, libraries and residential accommodation, which may be used by the general public. These things certainly have great benefits for the development of a region, from the viewpoints of both the environment of the social and economic spheres.



Osman, Mohammed, and Amin (2017) examined the determinants of donor (waqif) intention to participate in giving cash waqf in the context of muslim in Malaysia particularly amongst young intellectual at the International Islamic University of Malaysia (IIUM). Employing a theory of planned behavior model as a baseline theory, a set of questionnaires is constructed to measure donor (waqif) giving intention behavior and data are analyzed accordingly. Concerned with findings, attitude, subjective norm and perceived behavioural control are instrumental in determining cash waqf participation amongst those intellectual. Besides attitude, subjective norm and perceived behavioral control, religiosity is found to have a significant effect on the behavioral intention.

Mohsin (2013) collected data from primary sources including text from the Hadith, while data collected from secondary sources include books, articles, journals besides web sites and e-books. The findings show the potential of cash waqf in financing not only religious areas but also financing different goods and services needed globally, such as education, health, social care and commercial activates, basic infrastructures, besides opening jobs for most people. The expected outcome of this research is to open the door wider for more researchers to explore the potential of cash waqf as one of the instruments to finance all sectors in Muslim and Muslim minority countries without exhausting government budget.

Chowdhury, Ghazali, and Ibrahim (2011) in their study tried to find out the features of existing Cash Waqf management systems, it also attempted to find out and evaluate the factors and extent of their impact on the performance of the Cash Waqf management systems and finally to develop a Cash Waqf Model based on the analysis for increasing the overall performance of the Waqf sector of Malaysia and integrating them with the symbiotic nexus among different financial sectors. Through innovative cash waqf management systems various parties of a society can reap the benefits including the poorest of the poor section who are not generally reachable by government or other agencies. These practices help in the fulfillment of religious requirement through performing various activities and mobilizing resources from rich to poor, creating employment opportunity to develop socio-economic conditions of the poor and whole society as ultimate results.

The minimal knowledge of the public, occasioned by the lack of promotion and education aimed at making them aware of cash *wakaf*, causes the low level of understanding in Indonesia of this philanthropic instrument (Rusydia, 2018, 2019), not only in the people of Madura. The lack of attention from academic circles, *fatwa* commissions, and



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organisations connected to the promotion of *fatwa*, is one of the factors bring about the low level of public knowledge of cash *wakaf*. In this matter, the roles of a few related parties need optimisation, in academic, practical and organisational circles within the Muslim population. For this reason, the *NU*, as the largest public Islamic organisation in Madura, needs to give its attention to, and promote, the *MUI fatwa* concerning cash *wakaf*.

Methods

This research was classified as qualitative. Qualitative research is that which interprets the objects of the research by describing the results of the observations of the researchers, producing descriptive data (Moleong, 2013). Besides this, qualitative research is postpositive, which characteristic is used to examine natural objects. Analysis of the data of qualitative research is characteristically inductive, and the results more emphasises the significance of an event, or the data obtained, as opposed to generalisation (Sugiyono, 2013).

The sampling in this research was *purposive sampling*, which is a sample determining technique based upon various criteria or certain consideration (Sugiyono, 2013). The sample in this research referenced the Roscoe sampling technique (Sugiyono, 2013), wherein the respondents utilised numbered 101 persons. The respondents were the religious scholars of the *NU* of Madura. The basis of the researchers selecting these religious scholars was that the object of the research performed was in Madura. This aside, the *ulama* of the *NU* in this region were the representative research objects, in relation to the topic of this research.

The researchers conducted a survey, and concurrently interviewed the *ulama* of the *NU* of Madura, to determine their arguments. Survey and interview data collection was performed over two months, from 5th May to 5th July 2020. Results of the surveys and interviews conducted by the researchers were interpreted through descriptive explanation, to give a picture of the responses of the *ulama* of the *NU* of Madura.

Results and Discussion

Cash Waqf is a type of waqf in which money or liquid assets (such as cash) are donated for charitable or social purposes, which will later be managed to generate benefits for society. Unlike waqf in the form of goods or land, cash waqf uses money as the form of the donation, which can then be invested or managed to produce income that can be used for social or religious activities, in accordance with the objectives of the waqf. This cash



waqf has also garnered responses from various scholars, such as those from the NU (Nahdlatul Ulama) scholars.

The *NU* is one of the biggest Islamic organisations in Indonesia, originating as a representative body for traditionalist *ulama*, of the ideology of *Ahlus Sunnah Wal Jama'ah – ASWAJA* (Dedication to the *Sunnah* ((tradition, or way of the Prophet, *SAW*)) and the Community), founded by *K.H. (Kiyai Haji - Learned Scholar and Pilgrim) Hasyim Asy'ari* and *K.H.Wahab Hasbullah*, on 31st. January, 1926 AD (*16 Rajab, 1344 H – Islamic Calendar*) (Ida, 2004). The *NU*, through its principal luminary, *KH. Wahid Hasyim* (son of *Kyai Hasyim Asy'ari*) played an important role in the reformation of the *Pancasila* (the Five Principles of Indonesia) as the basis of the state. (Ismail, 2011). The *NU* is a public organisation in Indonesia which has had a great role in the advancement of the nation, both in legal policy and the general economy. In the period post-President Soeharto, the role of the *NU* in Indonesia became complex, in opposing violence, in internal affairs policies, and so forth (Fealy & McGregor, 2010). The people of Madura have always preserved their religious values as the principal element of the culture of *santri* (Muslim students), *pesantren* (Islamic religious schools). It is the *NU* and influential *kiyai* who have a tremendous influence on the people, in both religious matters and those involving general matters (Pribadi, 2013).

The position of *kiyai* is greatly esteemed in *NU* membership circles. When they hold Qur'anic study sessions for the Maduranese people, they illustrate their tales with actions of previous *kiyai*. (Haryono, 2014). The *NU* is the biggest public organisation in Madura; indeed, it may be said that most of the people of Madura are members of the *NU*. The *NU*, for the people of Madura, is viewed not only as a socio-religious organisation, but as the embodiment of religiosity itself. The fanaticism of the people of Madura in support of the *NU* is very strong (Mulyadi, 2012). This strong influence of the *kiyai* of the *NU* in Madura has an impact on fanatical attitudes, resulting in the people being very submissive to the *kiyai* of Madura.

According to the results of the interviews, by the researchers, with the *kiyai* of the Maduranese *NU*, the role of the *NU* in supporting cash *wakaf* is, yet, not very effective. Although the *NU kiyai* in the majority support the implementation of cash *wakaf*, none the less its promotion and implementation has not yet been performed on a massive scale. The role of this big organisation is still restricted to acknowledgement and acceptance of the practice of cash *wakaf* in Madura. This certainly also has an influence on the growth of cash *wakaf* in Madura. The *NU*, the majority public



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organisation of the people of Madura, through its Islamic scholars, would have a larger impact if it were to take more significant follow-up steps.

Besides conducting interviews, the researchers also conducted a survey, to determine the responses of the religious scholars of the Maduranese *NU* towards the *MUI fatwa* concerning cash *wakaf*. The following are the results of the survey conducted.

Table 1
Number of Research Participants

Number Of Respondents	Female	Male
101	34	67

Source: Poll conducted from 5th May to 5th July 2023

The number of respondents in the research was 101 persons, consisting of 34 females and 67 males.

Table 2
Home Regencies of Respondents

Source: Survey conducted from 5th May to 5th July 2023

All respondents taking part were people of Maduranese, which consists of four regencies. These four regencies, as can be seen in Table 4.2, were represented as follows: from Bangkalan there were 6 respondents, from Sampang, 11 respondents, from Pamekasan, 69 respondents, and from Sumenep, 15 respondents. There were 101 people who responded to the items of the *Fatwa* Commission of the *MUI*, in this research. All of the respondents were *ulama* of the Maduranese *NU*, the selection of whom was random. These respondents were a sample representing the *ulama* of the *NU* in Madura in their attitudes to cash *wakaf*, and their responses to cash *wakaf*. In the table, there is a variety of responses chosen by the respondents, from the choices of Strongly Agree, Agree, Neutral, Somewhat Disagree and Strongly Disagree.

From the table above, we can determine the results of the responses of the respondents. Of the eleven points from the *Fatwa* Commission, nearly all respondents indicated an acceptance of, or agreement with, the introduction of cash *wakaf*, whereby, for all eleven points, the percentages for 'Agree' and 'Strongly Agree' were very dominant. The response of 'Agree' showed the highest percentage for each point, recording a percentage of between 40% and 60%, whilst the response for 'Strongly



Agree' was in second place, with percentages between 19% and 48%. From the results of the interviews and surveys with the leading figures and management of the Maduranese *NU*, it is apparent that many of the members accept and agree with the performance of cash *wakaf*. This is proven by the results of interviews, which clarify that the *kiyai* and members accept and permit the practice of cash *wakaf*. Indeed, from the interview results, there are those who already practice cash *wakaf*, proving that the *kiyai* of the Maduranese *NU* support its existence. Results of the survey distributed to the members of the Maduranese *NU* show that a quite high percentage, that is 60% of the respondents state they accept and agree with cash *wakaf*. These survey results are in line with the explanation of one of the *NU ulama*, referring to the *Syafi'iyah* opinion that monetary *wakaf* does not exist, whilst the *Hanafiyyah* camp permits it, with a few stipulations. It may be concluded that monetary *wakaf* is permitted, however what is most important is that institutions and human resources managing monetary *wakaf* receive attention. Besides this, monetary *wakaf* viewed from the viewpoint of flexibility has its own benefit, but from the viewpoint of the perpetuity of the funds, it has the unique problem of the maintenance of the total value of that monetary *wakaf* (K.H. Ali Rahbini, 2023). The aforesaid results of the interviews and the survey are the same as those of previous research by Mauluddin and Rahman (2018) in the province of Aceh, wherein the majority of *ulama* agreed with the validity of the *MUI fatwa* concerning monetary *wakaf*.

K.H. A. Fauzi Tidjani has added that cash *wakaf* is flexible, so that a person having limited funds may bequeath his *wakaf* funds through cash *wakaf*. Various *wakaf* assets in the form of vacant land may be utilised for the construction of buildings, or used as farming land by the Islamic congregation, particularly in Madura, so that they become more independent, more able to develop the world of education using cash *wakaf*, without being dependent upon the government budget. Because cash *wakaf* institutions are a new thing in Indonesia, particularly in Madura, the concept needs continuous promotion by academics, *ulama*, and practitioners of *syariah* (compliant with Islamic law) economics, through seminars, sermons and writings in the mass media (K.H. A. Fauzi Tidjani, 2023). What was intimated by the respondents was in accord with the results of earlier research, which had stated that cash *wakaf* may be used for various forms of funding, such as the building of *madrrasah* (Islamic educational institutions), health facilities, and in the commercial sector, without having to be dependent upon the government budget, and so assist the nation (Darus *et al.*, 2017; Ismail Abdel Mohsin, 2013).



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Meanwhile, the portions for 'Somewhat Disagree' was between 1% and 13%, and the portion for 'Strongly Disagree' was the lowest, that being 0%, and, in the section on Point 8 of the *fatwai*, only 3.9%. Certainly, these were very small, considering the number of respondents there were. However, a portion of the respondents chose 'Neutral' as their response, as shown in Table 4.3, above. This reflects the awareness of the public, both in the matter of monetary *wakaf*, and the low level of financial literacy (Rusydia, 2018, 2019). This is in line with the statement by KH.A. Fauzi Tidjani, that the view of the people concerning *wakaf*, that is the tendency to see *wakaf* as concerning immovable assets, however productive *wakaf* and monetary *wakaf* not only benefit the public but develop a surplus of *wakaf* investment. Entering the era of the Industrial Revolution 4.0, productive *wakaf*, there should already be a movement able to make the public more aware of the importance of *wakaf* in the acceleration of the growth of the economy, by setting a one million *wakaf* target, to support the growth of productive *wakaf* assets (K.H. A. Fauzi Tidjani, 2023).

The *wakaf* situation in Madura still tends to be traditional in its characteristics, with the bequeathing of assets, aimed at *kiyai* or religious figures (Aji *et al.*, 2020). *Wakaf* is still seen as an act of piety and is identified by the three letters 'M': *Makam* (cemetery), *Masjid* (mosque), and *Madrasah* (Islamic educational institution). The lack of awareness of the public, concerning *wakaf*, causes this instrument to be underestimated, whereas the potential for *wakaf* in Madura is very large, and it may become a device for economic equalisation. The public economy is a small one which is pushed aside by the economic system currently in control. In Islamic terminology, it is these common people, who have been pushed to one side and marginalised by the economic system, who are the *mustadh'afin* (the downtrodden). Therefore, the economy of the common people is the economy of the *mustadh'afin*, meaning the poor, the result of an economic system which is not partial to little people. These people are the priority, having the right to receive *zakat* (alms, tithing) funds (K.H. A. Fauzi Tidjani, 2020). These statements about the potential of monetary *wakaf* and the situation of the public are in accord with the results of previous research, revealed by Arif (2012), that the potential of monetary *wakaf* is very great, if it is managed well, so that the *multiplier effect* provided for the common people can cause the public economy to grow.

Wakaf is a rapprochement with Allah (*qurbatun*) and is something which is a *mandub* (an activity which, if performed, will obtain *pahala* (religious merit), but which, if neglected, will not be considered as a sin). Besides this, *Syafi'iyyah* (followers of the *syafi'i* school of Islam) *ulama* agree to the



bequeathing of all assets which are of benefit and are enduring. With the flexibility of cash *wakaf*, and channelling the bequest through religious figures, *pesantren* may become pioneers in the promotion of the practice of cash *wakaf* (K.H. Abbadi Ishomuddin, 2020). The principle point in all these questions was to be found in Item 2 (of Table 4.3), and it is this which must be agreed to by all *ulama* in Madura, because, from the viewpoint of *fikih* (Islamic law), there are still some differences (K.H. Fanani al-Hafidz, 2023). In Madura, *kyai* are no longer doubted to have a pivotal role in relations between the public and the state. *Kyai* have become the culture, the economy and the brokers of politics (Pribadi, 2013).

Furthermore, in the matter of the benefit of cash *wakaf* for the public economy, K.H. Abd. A'la has explained that cash *wakaf* can be a good instrument when applied in a maximal way by the people. This accords with the research by Ahmad (2015) and Dian Masyita *et al.* (2005), which found that *wakaf* can be an instrument to minimise and reduce poverty. For that reason, the actualisation of the law of *wakaf* is important to be made known and to be applied in Indonesia, particularly in Madura. The practice of monetary *wakaf* has been in force for more than ten years, applied by the Branch Manager of the NU branch of Pameskan, as known by *Ustadz* (Islamic teacher) Hiyasak, and which has had a useful contribution. However, there is an evaluation of the practice of cash *wakaf*, that being that it is easily misused, easily lost, and is very dependent upon the credibility of its manager. The solution to these problems is the [promotion of the MUI *fatwa*, using approach methods appropriate to the characteristics of the people, and exemplified by respected institutions, such as the *Institut Agama Islam Negeri - IAIN* (National Islamic Institute), by *pesantren*, several public organisations, and so forth. By this being done, the practice of cash *wakaf* may develop in Madura, because the people are already influenced by the exhortations of NU *ulama*, and public organisations around them, which have promoted and exemplified monetary *wakaf* (K.H. Abd. A'la, 2020).

Conclusion



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The results of the research conducted were that the *NU ulama* in Madura, in general, accept and agree with concerning the *MUI fatwa* concerning cash *wakaf*, with a survey which had a convincing result, that being that the response 'Agree' received the highest percentage of support from respondents for each point; between 40% and 60%. The 'Strongly Agree' response was in second place, with 19% to 48%. Based on the interviews conducted by the researchers, with the *NU kiyai*, they believed the *MUI fatwa* concerning cash *wakaf* fulfilled the requirements of Islamic *syariah*. Not only this, but the *NU ulama* in Madura were also of the opinion that cash *wakaf* is a good social instrument, which can assist in overcoming social problems in the region, such as by being a financing instrument for the development of *madrasah* and other things.

Besides this, the *ulama* recommended that the use of cash *wakaf* should become more widespread in Madura. A number of these recommendations, such as promoting *wakaf* and making approaches to the people, were in line with their respective characteristics, and offer a role for *ulama* and organisations in providing practical examples of cash *wakaf*, so the public may become more conversant with it. The role of *ulama* is central, because they have a high degree of trust in public eyes. For this reason, the response of the *ulama* of Madura towards the development of cash *wakaf* in the region is an important matter. This research shows that the development of cash waqf in Madura has great potential to improve social welfare, especially in financing education and other social activities. The positive response from the *ulama* also indicates that there is strong support for the implementation of cash waqf in society. and this research uses a survey method to collect data from respondents, consisting of *NU ulama* in Madura. There are recommendations for further research. Further research can examine in more depth the practical challenges faced in implementing cash waqf in certain areas, as well as their impact on long-term economic and social development.

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