



**THE WISDOM OF WAQF TRADITION AS THE
MANIFESTATION OF ISLAMIC BOARDING
SCHOOLS INDEPENDENCE:
A CASE STUDY AT TEBU IRENG ISLAMIC BOARDING
SCHOOL JOMBANG AND DARUSSALAM GONTOR MODERN
ISLAMIC BOARDING SCHOOL**

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Abstrak:

Pesantren adalah sebuah jawaban dari panggilan agama dan atas dasar basis spiritual, mengembangkan ajaran-ajaran agama melalui pendidikan dalam makna yang lebih luas. Pesantren menerjemahkan nilai-nilai agama sebagai bingkai pendidikan yang berupa sebuah usaha untuk mensintesis dan menggabungkan idealitas, ilmu, dan praktis kehidupan. Salah satu model filantropi yang ditawarkan dalam Islam adalah institusi wakaf. Wakaf merupakan pola swadaya pesantren dalam pembangunan yang seakan-akan menjadi oase di tengah perjuangan dakwah pengembangan pesantren dengan tantangan modernitas yang menekankan pada perubahan sebagai sumber dinamika sosial. Pesantren merepresentasikan kekuatan tradisi wakaf hingga mampu menopang kemandirian pesantren itu sendiri. Pada penelitian ini difokuskan pada kajian wakaf untuk kemandirian pesantren itu sendiri yaitu Pondok Pesantren Tebu Ireng Jombang dan Pondok Modern Darussalam Gontor Ponorogo yang telah menjadikan wakaf sebagai kearifan tradisi. Pimpinan pondok adalah tauladan karena menjadi wakif pertama yang memberikan hartanya untuk kepentingan umat yaitu pesantren. Kearifan tradisi yang dicontohkan para pimpinan pondok ini menguatkan kapasitas kelembagaan pesantren dan kelembagaan pesantren wakaf yang sudah profesional dalam bentuk yayasan. Manajemen wakaf yang profesional dan bermanfaat berbasis kebutuhan riil pesantren sangat membantu pesantren untuk bisa mandiri dan menopang kebutuhan pesantren. Hasil wakaf yang disalurkan pada internal pesantren atau sekitar pesantren akan meneguhkan kemandirian pesantren dalam institusi wakaf

Kata kunci: Kearifan tradisi wakaf; Kemandirian Islamic boarding school

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Abstract:

Islamic boarding school is an answer to a religious vocation and, on a spiritual basis, develops religious teachings through education in a broader sense. The Islamic boarding school translates religious values as an educational frame in the form of an effort to synthesize and combine ideality, science and practical life. One of the philanthropic models offered in Islam is the waqf institution. Waqf is a pattern of Islamic boarding school self-help in development that seems to be an oasis amid the da'wah struggle for the development of Islamic boarding school with the challenges of modernity that emphasize change as a source of social dynamics. The Islamic boarding school represents the strength of the waqf tradition to sustain the independence of the Islamic boarding school itself. This research focuses on the study of waqf for the independence of the Islamic boarding school, Tebu Ireng Islamic Boarding School, Jombang and Modern Darussalam Gontor Ponorogo, which have made traditional waqf wisdom. The leadership of the boarding school is a role model because it became the first waqf to give his wealth to the people's interests, the Islamic boarding school. The traditional wisdom exemplified by the boarding school leaders strengthens the institutional capacity of the Islamic boarding school and waqf Islamic boarding school institutions, which are already professional in the form of foundations. Professional and valuable waqf management based on the real needs of Islamic boarding schools greatly helps Islamic boarding schools to be independent and sustain the needs of Islamic boarding schools. The results of the waqf distributed to the Islamic boarding school internally or around the Islamic boarding school will reinforce the independence of the Islamic boarding school within the waqf institution

Keywords: *Waqf Tradition Wisdom; Islamic boarding school Independence*

INTRODUCTION

Islamic boarding school is not merely an educational institution. Islamic boarding schools can be regarded as an original Indonesian educational institution because Islamic boarding schools were born from the womb of our country, Indonesia. Therefore, it is not surprising that Islamic boarding schools have potent roots in Indonesian society.¹ The Islamic boarding school education system is indicated, which synthesizes social, cultural and

¹ Ismail SM dkk (ed), *Dinamika Pesantren Dan Madrasah* (Yogyakarta: Pustaka Pelajar, 2002), xiv.

religious dimensions. In the next stage, the roots and the synthesis influence the function of the Islamic boarding school both internally and externally. Islamic boarding school is present and manifests into a community with various competencies ready to be actively involved in building society and civilization towards a better direction.²

Discourse on the role of Islamic boarding school in a social context is needed by reassessing the role and dynamics of Islamic boarding school in modern Indonesian society, where this dynamic modern era has a fundamental influence on the existence of Islamic boarding school which has an impact on the emergence of the problem of Islamic boarding school cultural identity. As a result, modernity poses a direct challenge to the traditional assumptions of the Islamic boarding school world. From this situation, it would not be an exaggeration if today Islamic boarding schools had to rethink their authentic vision and mission amid Indonesian society.

In response to modernity, one of the Islamic boarding schools has developed the economics of the Islamic boarding school to bear all the operational needs of the Islamic boarding school. This breakthrough is outstanding and deserves a thumbs up and a positive response from the public. Because only with self-help Islamic boarding schools as a sub-culture of society under any conditions and situations can it maintain its existence to stay alive even though it does not get adequate support from the government.³ At this point, the primary key in confirming or at least improving the competence of the Islamic boarding school in its vision is the competence of the kyai, a number of *ustad*, all students and the surrounding community. However, in reality, most Islamic boarding schools are still experiencing difficulties and difficulties in funding their needs and operations. This financial difficulty often becomes a serious problem that reduces the role and function of the Islamic boarding school itself. Funding is indeed a big problem and challenge for developing some Islamic boarding schools in Indonesia. Therefore, this phenomenon at least makes Islamic boarding school caregivers rack their brains so that Islamic boarding schools can be independent and stand on their own feet without having to depend on any party. Because, In fact, within the Islamic boarding school itself, various great potentials can be empowered to generate economic benefits. Suppose the independence of the Islamic boarding school can be realized. In that case, it is almost sure that its role and function amid society

² Soetjipto Wirosardjono, *The Impact of Pesantren in Education and Community Development in Indonesia* (Berlin: Fredrich-Naumann Stiftung Indonesian Society for Pesantren and Community Development (P3M), and Technical University Berlin, 1987), 218.

³ (ed), *Dinamika Pesantren Dan Madrasah.*, xiv

will be able to run optimally. The potential in the Islamic boarding school community and the economy is quite significant.⁴

From the facts described above, we hope that we need severe efforts to encourage the development of resource mobilization programs, predominantly from community resources, to provide support for various programs and activities carried out by Islamic boarding schools. One of them is by trying to document a number of experiences from Islamic boarding schools that have succeeded in mobilizing resources from waqf sources. Some Islamic boarding school that has succeeded in doing this, for example, are Islamic boarding school Tebuireng Jombang and Islamic boarding school Darussalam Gontor Ponorogo. In the context of this research, the two Islamic boarding schools will be used as case studies.

From the two waqf Islamic boarding schools, we will find out how large the waqf assets owned by the Islamic boarding school are due to the wisdom of the wakif tradition and the professional management of the waqf tradition waqf. The Tebu Ireng Islamic Boarding School and the Darussalam Gontor Ponorogo Islamic Boarding School were chosen because they were both founded with contributions in the form of initial waqf assets from the founders of their respective Islamic boarding schools. In the current context, the development of the two Islamic boarding schools cannot be separated from the waqf assets they manage. Meanwhile, from the focus of the problem in this article, why waqf is called traditional wisdom in supporting the independence of Islamic boarding schools and how to apply the wisdom of waqf tradition in Islamic boarding school independence.

The study of waqf and the world of Islamic boarding schools can at least be patterned in two criteria. Among them are various references that generally discuss Islamic boarding schools separately and references that are relatively focused on discussing the development and reform of waqf law in Indonesia. First, many scholars have carried out studies on Islamic boarding schools, both at home and abroad, such as *Islamic boarding school Tradition: Studies on Kyai's View of Life* by Zamakhsari Dhofier.⁵ The study of Islamic boarding schools includes several points of view, some of which examine it from a historical perspective, such as *Pergulatan Islamic boarding school Membangun dari Bawah* by Rahardjo.⁶ There are also those who examine it

⁴ A. Halim, "Menggali Potensi Ekonomi Pondok Pesantren," in *Manajemen Pesantren* (Yogyakarta: Pustaka Pesantren, 2005), 222.

⁵ Zamakhsari Dhofier, *Tradisi Pesantren: Studi Tentang Pandangan Kyai* (Jakarta: LP3ES, 1994), 5.

⁶ M Dawam Rahardjo, *Pergulatan Pesantren Membangun Dari Bawah* (Jakarta: P3M, 1985).

from social aspects such as *Islamic boarding school dan Pembaharuan*,⁷ *Islamic boarding school dan Perubahan Zaman*,⁸ *Islamic boarding school, Madrasah Sekolah: Pendidikan Islam dalam Kurun Modern*.⁹ Meanwhile, the study of Islamic law in Islamic boarding school has been appointed by several scholars, such as van Bruenissen in *Kitab Kuning (Islamic boarding school, Tarikat dan Tradisi-tradisi Islam di Indonesia)*.¹⁰

Second, a reference that discusses the reformation of waqf law in Indonesia, such as that made by Achmad Junaidi et al., *Menuju Era Wakaf Produktif, Sebuah Upaya Progresif untuk Kesejahteraan Umat*,¹¹ the result of research in *Wakaf Produktif di Indonesia Studi atas Pengelolaan Aset Wakaf Pondok Modern Gontor Ponorogo 1958-2006*,¹² as well as research on *Tabung Wakaf Indonesia, Badan Wakaf UII and Wakaf di Islamic boarding school Tebuireng Jombang* in Chaider S Bamualim and Irfan Abubakar, *Revitalisasi Filantropi Islam: Studi Kasus Lembaga Zakat dan Wakaf di Indonesia*.¹³

For this reason, research that examines the relationship and interaction between Islamic boarding schools and waqf institutions is rarely found, let alone trying to initiate a model of Islamic boarding school independence through waqf institutions. In this position, this research has a different position from previous research. Specifically, research on the independence of Islamic boarding schools through waqf institutions does not yet exist. From the various descriptions above, this study seeks to answer the problem of why waqf is referred to as traditional wisdom in supporting the independence of Islamic boarding schools and how to apply the wisdom of waqf tradition in Islamic boarding school independence.

This study employed field research with a qualitative approach.¹⁴ The setting of the study was Tebu Ireng Islamic Boarding School Jombang and Darussalam Gontor Modern Islamic Boarding School Ponorogo. This study gathered the data through in-depth interviews, observation, and

⁷ Abdurrahman Wahid, *Pesantren Dan Pembaharuan* (Jakarta: LP3ES, 1995).

⁸ Ziemek Manfred, *Pesantren Dalam Perubahan Sosial* (Jakarta: P3M, 1986).

⁹ Karel A Steen Brink, *Pesantren Madrasah Sekolah: Pendidikan Islam Dalam Kurun Modern* (Jakarta: LP3ES, 1986).

¹⁰ Martin van Bruenissen, *Kitab Kuning (Pesantren, Tarikat Dan Tradisi-Tradisi Islam Di Indonesia)* (Bandung: Mizan, 1999).

¹¹ Achmad Djunaidi dan Thobieb al Asyhar, *Menuju Era Wakaf Produktif* (Jakarta: Mumtaz Publishing, 2007).

¹² Yusuf Suyono Dkk, *Wakaf Produktif Di Indonesia: Studi Atas Pengelolaan Aset Wakaf Pondok Modern Gontor*, Hasil Penelitian IAIN Walisongo, 2007.

¹³ Chaider S Bamualim & Irfan Abubakar (Ed.), *Revitalisasi Filantropi Islam, Studi Kasus Lembaga Zakat Dan Wakaf Di Indonesia* (Jakarta: Pusat bahasa dan Budaya UIN Jakarta, 2005).

¹⁴ Lexy Moleong, *Metodologi Penelitian Kualitatif* (Bandung: PT Remaja Rosda Karya, 2000), 5.

documentation. The researcher had in-depth interviews to dig up the oral data sourced from the respondents. It consisted of the Islamic boarding school (kyai/caregivers, the head of the foundation, unit director, and so on), a number of *ustadz*, a few *santri* and the local community leaders. Observations were conducted to find some essential things related to this research. Documentation is used to support data collection. The data analysis referred to Miles and Huberman. It involved reducing the data, displaying the data, drawing conclusions, and verifying.

DISCUSSION

Basic Law and Definition of Waqf

Waqf has strong theological roots. Although in the Qur'an, the term waqf is not explicitly mentioned, it can be understood that Islam places special emphasis on the urgency of being generous with good intentions. In the Qur'an, the term "waqf" is not familiar, but in substance, it is part of an act of giving (philanthropy), such as the concept of *khoir*, the concept of *infaq* and *birr*. The concept of waqf is seen as having the same meaning as *shadaqah jariah*, *al habs*, *tasbil*.

لَنْ تَنَالُوا الْبِرَّ حَتَّى تُنْفِقُوا مِمَّا تُحِبُّونَ وَمَا تُنْفِقُوا مِنْ شَيْءٍ فَإِنَّ اللَّهَ بِهِ عَلِيمٌ

"You will never achieve righteousness until you donate some of what you cherish. And whatever you give is certainly well known to Allah."¹⁵

The prophet's hadith and the Companions' practice show that waqf is part of the core of the Islamic religion. In simple terms, waqf has been carried out by the friends and at the direction of the Prophet Muhammad. One of the traditions that were later used as the basis for waqf in the early days of Islam was the hadith narrated by Ibn Umar. This Hadith tells about Umar bin al-Khattab who obtained a fertile plot of land at Khaibar near Mecca, Umar then wanted to give the land in charity, then asked the Prophet about his desire. Then the Prophet said, "if you want to hold on the land, give its alms".

حدثنا مسدد حدثنا يزيد بن زريع حدثنا ابن عون عن نافع عن ابن عمر رضي الله عنهما قال: أصاب عمر بخيبر أرضاً فأتى النبي صلى الله عليه وسلم فقال أصبت أرضاً لم أصب مالا قط أنفس منه فكيف تأمرني به؟ قال (إن شئت حبست أصلها وتصدق بها) فتصدق عمر أنه لا يباع أصلها ولا يوهب ولا يورث في الفقراء والقريبى والرقاب وفي سبيل الله والضيف وابن السبيل لا جناح على من وليها أن يأكل منها بالمعروف أو يطعم صديقاً غير متمول فيه

¹⁵QS. Al-Imrān: 92.

*When `Umar got a piece of land in Khaibar, he came to the Prophet saying, "I have got a piece of land, better than which I have never got. So what do you advise me regarding it?" The Prophet said, "If you wish you can keep it as an endowment to be used for charitable purposes." So, Umar gave the land in charity (i.e. as an endowment on the condition that the land would neither be sold nor given as a present, nor bequeathed, (and its yield) would be used for the poor, the kinsmen, the emancipation of slaves, Jihad, and for guests and travellers; and its administrator could eat in a reasonable just manner, and he also could feed his friends without intending to be wealthy by its means."*¹⁶

Waqf has to hold property that can be used without being destroyed immediately and for permissible use. Waqf is carried out to gain the pleasure of Allah SWT. In other words, waqf can be interpreted as holding back the origin and flowing the results.¹⁷ Through this method, waqf property can be used as widely as possible to benefit the people in general and sustainably without losing the original property. Among Muslims, in addition to worship and individuals, laws in the context of waqf management are carried out consistently. In fact, from a historical perspective, this waqf spirit has proven its success in classical times. Waqf can create conducive situations and conditions to awaken Muslim intellectualism, bringing Muslims to their golden peak.

The existence of waqf, especially land waqf, in this archipelago has been implemented since the emergence of some Muslim communities. This waqf institution was present simultaneously as the birth of the Muslim community itself. The Muslim community as community, to ensure its continuity, also requires various facilities such as religious and educational facilities. One of these facilities can be fulfilled from either inland waqf, building materials, or donations of energy. From him, as currently around us, we find many mosques, Islamic boarding schools, or other educational institutions originating from the Muslim community waqf.

In the normativity of Islamic law, what is included in the waqf category is objects that cannot move, but objects that can move, such as money, can also be waqf.¹⁸ In some countries such as Saudi Arabia, Kuwait, Egypt, Jordan, Turkey, the waqf objects are not only in the form of religious and educational facilities but also in the form of money, real estate, hotels, stocks, flats, shopping centres, agricultural land, plantations, and so on. It managed and empowered productively. Meanwhile, the results are

¹⁶ Al-Bukhārī, *Saḥīh Al-Bukhārī* (Beirūt: Dār al-Ṣa'ab, n.d.), 132.

¹⁷ Muhammad Mustafa Syalabi, *Muhadarah Fi Al Waqf Wa Al Wasiyyah* (Iskandariyah: tnp, 1957), 19.

¹⁸ Wahbah Zuhaili, *Al Fiqh Al Islami Wa Adillatuh* Jil. X (Beirut: Dar al Fikr, n.d.), 7610.

used in a trustworthy manner for purposes and improve the welfare of the people. Since the emergence of Islam and waqf, history records that waqf has played a vital role in developing various educational, religious, social, economic, health and cultural activities of Islamic society. For example, waqf consistently provides adequate educational costs and facilities for studying scholars. Waqf also provides research funds for researchers to develop science and contribute to the development of civilization progress. Waqf also finances various scientific programs and activities such as book research, translation and scientific activities in various fields. Waqf has also funded various research and health care activities, such as building a hospital, building a medical school, and building a pharmaceutical industry.

Savigny and *Urf*'s Theory of Tradition Wisdom.

Savigny's theory in *Volkgeist* terms states that there is a close relationship between law and the character or character of a nation. That spirit of the law is a *volkgeist*. The law was not made but extracted from the traditional wisdom. To find a law, it should be taken from the traditional wisdom of the community so that the law develops according to the character of the development of the community so that the law is a reflection of the *volkgeist*.¹⁹

Islam recognizes *urf* in establishing law. The term *Urf* is taken from the word '*arafa*, which means ma'ruf, which means something known. In the sense that others recognize "known". *Al-'urf* According to ushul fiqh scholars, it is the habit of the majority of people both in word and deed. An *urf* must be general for a particular society and not for individuals, groups, or communities. *Urf* was born from thought and experience, so it can be said that *urf* is a product of human reason. The difference between *urf* and adat is that custom only relies on repeated actions, unlike *urf*, which does not only repeat actions but must be good deeds.

Waqf Tradition in Islamic Boarding Schools: Tebu Ireng Islamic Boarding School Jombang and Darussalam Modern Boarding School Gontor Ponorogo

The Tebuireng Jombang Islamic Boarding School has carried out the waqf tradition, especially rice waqf, long before waqf management was carried out officially and institutionalized. At first, the waqf in this Islamic boarding school only consisted of 13 ha of land, handed over for the first time in 1946 by the founder of the Islamic boarding school, KH Hasyim Asy'ari, not

¹⁹ Bernard L. Tanya Dkk, *Teori Hukum Strategi Tertib Manusia Lintas Ruang Dan Generasi* (Yogyakarta: Genta Publishing, 2010), 103.

long before the waqif died, after he died, the next Kyai sugarcane carried out the tradition as Nazir waqf. At that time, when implementing the waqf surrender contract, the waqf pledge did not have formal legal force because people were still not familiar with the waqf deed. Nazir also managed waqf assets seriously and personally by entrusting some trusted people in nearby villages to manage a number of its' rice fields. However, there is no sufficient management standard. The result of waqf cannot cover the operational fund and develop into some Islamic boarding school's activities.²⁰

Awareness of the institutionalization of waqf recently has tried to be encouraged, especially since Gus Sholah (KH Sholahuddin Wahid's nickname) became the caretaker of the Tebuireng Islamic boarding school. The limited development of waqf started in the early days after establishing the Islamic boarding school. However, the existing waqf lands were entrusted to be managed by the villagers, usually classified as rich and including its alumni. The practical consideration drove that the *kyai* and his *badals* did not have time to manage the rice fields. In contrast, they had to carry out their main functions of managing the Islamic boarding school and providing religious guidance to the *santri*. Cooperation is built on trust without an adequate control mechanism from the Islamic boarding school as Nazir or waqf manager. As a result, it is felt that the results of waqf are not optimal. The Islamic boarding school is given a modest portion. There is no clarity and certainty regarding patterns of mutually beneficial cooperation between the two parties. In 1982 it was decided to take back all management of the rice fields from the trusted people in the village and leave it under full control by the pondok. Since then, the waqf fields generally used to grow sugarcane began to be managed better, and the profits obtained increased. At the same time, rice crops could be harvested four times a year. It helps improve the financial condition of the Islamic boarding school. In 1982 it was decided to take back all management of the rice fields from the trusted people in the village and leave it under full control by the Islamic boarding school. Since then, the waqf fields generally used to grow sugarcane began to be managed better, and the profits obtained increased. At the same time, rice crops could be harvested four times a year. It helps improve the financial condition of the Islamic boarding school. In 1982 it was decided to take back all management of the rice fields from the trusted people in the village and leave it under complete control by the Islamic boarding school. Since then, the waqf fields, generally used to grow sugarcane, began to be managed better, and the profits obtained became greater. At the same time,

²⁰ Interview with Miftahul Huda and Muhsin KS, the treasurer of *Yayasan KH Hasyim Asy'ari* and the committee of waqf Pesantren Tebuireng, October 18th 2011.

rice crops could be harvested four times a year. It helps improve its financial condition.²¹

The waqf nazir at the Tebuireng is part of the Hasyim Asy'ari Foundation, which is under the Foundation's position. The focus of nazir waqf at the Tebuireng is managing waqf assets, including maintaining waqf assets, expanding existing waqf assets, managing their empowerment and utilization, and managing certificates and all things that have to do with legal certainty of existing waqf objects.²²

In organizational management, it seems that although the managers of the nazir waqf in Tebuireng are aware of the importance of waqf being managed institutionally, in practice, they are in the stage of trying or in the process of carrying out modern management functions, including waqf development planning and an evaluation system of organizational performance. In general, the program is run naturally and emphasizes a short-term orientation. The reason that is often put forward is the lack of competent human resources in the field of management and being able to adapt to the conditions of the Islamic boarding school.²³

The waqf land area of the Tebuireng Islamic Boarding School until 2019 is 484,968 m² or 48,496 Ha, which is divided into two periods. It is waqif from KH. M. Hasyim Asy'ari and the period after.²⁴

Table. 1.
Land capital from KHM Hasyim Asy'ari

No	Area	Location	Waqif
1	11.100 m ²	Hard rice field	KHM Hasyim Asy'ari
2	112.700 m ²	Jombok rice field	-
3	14.050 m ²	Islamic boarding school's area	-
	137.850 m ²		

²¹ Interview with Miftahul Huda and Muhsin KS, the treasurer of *Yayasan KH Hasyim Asy'ari* and the committee of waqf Pesantren Tebuireng, on October 18th 2011

²² Documentation of Yayasan Hasyim Asy'ari Pondok Pesantren Tebuireng, taken on October 18th 2011

²³ Ibid.

²⁴ Documentation Yayasan Hasyim Asy'ari Pondok Pesantren Tebuireng, taken on Oktober 18th 2011 and fixed assets in 2013 submitted by the management of the KH Hasyim Asy'ari foundation, Imam Thoaha, on October 28th 2019

Table. 2.
Addition of waqf land

NO	AREA	LOCATION	SOURCE
1	12.320 m ²	High School Complex	Purchase
2	11.600 m ²	North Square	-
3	11.020 m ²	South Field	-
4	13.830 m ²	New Field	-
5	5.320 m ²	West of the Field	-
6	5.600 m ²	West of the Field	Waqf
7	25.012 m ²	Jombok Rice Fields	-
8	13.300 m ²	-	Purchase
9	7.072 m ²	-	-
10	10.929 m ²	-	-
11	1.650 m ²	South of Tomb	-
12	338 m ²	-	-
13	2.760 m ²	Mass Aliyah	-
14	387 m ²	South Rowi	-
15	3.440 m ²	Tsanawiyah Complex	-
16	575 m ²	-	-
17	510 m ²	Karangan Seblak	-
18	1.285 m ²	-	-
19	420 m ²	Tsanawiyah Complex	-
20	5.600 m ²	Jatirejo Rice Fields	-
21	1.100 m ²	Alim Ulama Madrasah	-
22	13.440 m ²	West High School	-
23	980 m ²	Cukir rice field	-
24	560 m ²	PG Cukir House	-
25	2.800 m ²	New West Field	Waqf
26	55.350 m ²	Kesamben Rice Field	-
27	51.320 m ²	-	-
28	9.450 m ²	Kesamben Yard	-
29	60.000 m ²	Pulorejo Rice Field	-
30	10.050 m ²	Rice Field (Munip)	-
31	9.100 m ²	Tebon Rice Field	-

In addition to increasing the area of waqf land, Nazir Waqf Tebuireng also realized and realized waqf in the form of buildings that were designed and realized during the care of KH Sholahudin Wahid (Gus Sholah), such as mosques, boarding schools, madrasas and schools as well as complex multi-purpose buildings such as the Suryo complex. Kusumo, Haji Kalla Complex, Saefuddin Zuhri, Sholehah Wahid and so on. The construction

of this building came from the waqf, either in the form of a direct building or in the form of money, which was realized in the form of a building by Nazir Waqf Tebuireng.²⁵

Meanwhile, at Pondok Modern Darussalam Gontor, since 1951, the waqf pledge has taken place. Because it was pledged in that year, Pondok Modern Darussalam Gontor has become the property of all Muslims. So that the future and the progress or decline of the Gontor Islamic Boarding School depend on the management and governance of its new owners – all Muslims. However, the submission of the Gontor Islamic Boarding School as a waqf arguably did not have formal legal power, so many parties doubted its validity. Therefore, so that the validity of the waqf of the Gontor Islamic Boarding School is not in doubt, the founder of the Darussalam Gontor Islamic Boarding School or “Trimurti” of the Gontor Islamic Boarding School as the waqif. It was signed then given to 15 representatives of *Ikatan Keluarga Pondok Modern (IKPM)*, who were its alumni, on October 12th 1958.

The waqf property handed over was wetland or rice fields (1.74 ha), dry land (16.85 ha) and 12 buildings and their equipment. Some of the waqf assets are a legacy of Trimurti’s parents. In contrast, the others are donations from people who sympathise with the Islamic boarding school. Moreover, since 1931 Pondok Modern Darussalam Gontor has formed Khizanah. This particular agency has the task of raising funds and then using the proceeds to buy rice fields.

There are at least three reasons for Trimurti Islamic boarding school Gontor to endow its Islamic boarding school to Muslims. First, waqf is intended to worship and seek the pleasure of Allah SWT. Second, Trimurti Islamic boarding school Gontor has deep concerns when he sees the reality that there are many Islamic boarding schools that they cannot develop properly or experience setbacks and even death after the founder’s death. In general, the existing Islamic boarding school only relies on the figure of the kyai and his sons as heirs and successors of the Islamic boarding school. So that when a kyai dies, while his successor is not ready or no pious and charismatic son is qualified to continue the struggle in managing education in Islamic boarding school, Usually the Islamic boarding school will experience a setback and over time will be abandoned by the community. Third, there is no legal certainty regarding the ownership of land or property of the Islamic boarding school. In this context, there is

²⁵ Interview with Mr. Mifathul Huda and Muhsin KS, Treasurer of the KH Hasyim Asy’ari Foundation as well as the Waqf Manager of the Tebuireng Islamic Boarding School, October 18, 2011 and an interview by the researcher with Mr. Imam Thoaha, the administrator of the KH Hasyim Asy’ari foundation on October 29, 2019

often no clear boundary between the property rights of the Islamic boarding school and the property of the kyai's family. Therefore, the ambiguity of the boundaries, in turn, triggers conflict and commotion. Seeing the reality of most Islamic boarding schools experiencing this, Trimurti responded by seeing that waqf institution could be used as the suitable media to overcome problems and conflicts that could potentially arise in the future. Moreover, in Islamic history, waqf institutions have proven their successful role in providing a positive influence and enormous benefits to the people.²⁶

The Pondok Moder Waqf Maintenance and Expansion Foundation (YPPWPM) was established on March 18, 1959. Then one year after the waqf pledge was implemented, according to article 7 of the ART of the Waqf Board, this foundation had the responsibility to finance and maintain the Gontor Modern Pondok Education Center with all property and wealth. In managing a number of its waqf land and rice fields, this foundation received assistance from supervisors called nazir and came from the area where the rice fields were located. The foundation then gave them full responsibility. Between the foundation and Nazir often sat together to evaluate the management of the joint waqf property. The results of the waqf increased from time to time. It also needs to ensure that the Islamic boarding school's land is under the law's protection. They should have the land certificate of ownership.²⁷

In addition to intensifying the legalization of waqf land, this foundation also collects funds from other than waqf land, for example, those from ZIS or funds from investments. For this strategy to run smoothly, the foundation utilizes an alumni network that has spread worldwide, especially alumni who are entrepreneurs.

Until 2019, according to YPPWPM, the area of waqf land reached 1,564,061 Ha or 15,640,612 m², spread over 25 districts throughout Indonesia. Armed with all the capabilities, the YPPWPM land expansion program can run well. Meanwhile, land expansion is carried out by buying new land or obtaining waqf land.²⁸

²⁶ Ibid.

²⁷ Ibid., 228.

²⁸ *Warta Dunia Pondok Modern Darussalam Gontor*, Vol. 72, Sya'ban 1440 H, 42.

Table 3.
Recapitulation of land expansion interval 2001-2019.²⁹

NO	TAHUN	AREA	
		M2	Ha
1	2001	26.897,00	2,69
2	2002	4.249.786,36	424,98
3	2003	82.274,92	8,23
4	2004	349.886,28	34,99
5	2005	114.040,60	11,40
6	2006	8.737,40	0,87
7	2007	582,75	0,06
8	2008	538.972,00	53,90
9	2009	1.028.263,00	102,82
Total 2001-2009		6.399.440,31	639,94
Total 2009-2019		15.640.612	1.564,06

As for waqf assets in the form of worship and educational facilities such as mosque buildings, Islamic boarding schools, dormitories, madrasas, campuses and so on, they are spread across all Gontor branches.³⁰

Even though Pondok Gontor belongs to the people, the position of each institutional post in Pondok Gontor is from the internals of the lodge – the alumni. It does not mean that the boarding school refuses non-alumni who want to participate in helping the teaching and learning process. Still, the boarding school is always careful or selective in determining so that the non-alumni do not damage the system implemented based on the values and philosophy of the Islamic boarding school that has been rooted in it. In short, whoever helps the Islamic boarding school understands and appreciates the existing value system and system but must be physically and mentally ready to help, fight for, think about, even if necessary, sacrifice his life.

This change in waqf status also causes the Islamic boarding school to no longer be managed dominantly by the kyai or the family of the lodge's founder. In addition, this waqf also positively influences the financial sector because the principle of separation between Islamic boarding school assets and personal assets is emphasized. This separation clarifies which assets are owned by the Islamic boarding school and which assets are privately owned by the manager of the Islamic boarding school, including the assets of the kyai and the caretaker of the Islamic boarding school. With this separation,

²⁹ Ibid. 42

³⁰ Lihat *Warta Dunia Pondok Modern Gontor*, Vol 72, Sya'ban 1440 H, 22-41

it is possible to make the financial management of the Islamic boarding school more transparent and accountable.³¹

Waqf As Traditional Wisdom To Support Islamic Boarding School Independence

Waqf has solid theological roots. Although in the Qur'an, the term waqf is not explicitly mentioned, it can be understood that Islam places particular emphasis on the urgency of being generous with good intentions. In the Qur'an, the term "waqf" is not familiar, but in substance, it is part of an act of giving (philanthropy), such as the concept of *khoir*, the concept of *infaq* and *birr*. The concept of waqf is seen as having the same meaning as *shadaqah jariah*, *al hats*, *tasbil*.

Waqf in Indonesia has been implemented since the emergence of the Muslim community in Indonesia. Meanwhile, the emergence of waqf institutions also coincided with the birth of the Muslim community. The Muslim community needs facilities and infrastructure to worship, provide education, health and others. As an answer to the call of religion and on a spiritual basis, Islamic boarding schools develop religious teachings through education in a broader sense. Islamic boarding school translates religious values as an educational frame in the form of an attempt to synthesize and combine ideas, knowledge and practical life. Islamic boarding school is the answer. Establishing a boarding school requires facilities, be it land, building materials or even labour donations; it can be fulfilled employing waqf.

In accordance with Savigny's theory that law is extracted from the traditional wisdom of a society. It is in accordance with the waqf Islamic boarding school, which are examples of cases in this study. They are Tebu Ireng and Pondok Modern Darussalam Gontor. Each of the founders of the two Islamic boarding schools donated their land to construct an Islamic boarding school. The example of the first wakif is the starting point for the wisdom of the waqf tradition to encourage the independence of an Islamic boarding school. The founders of the Islamic boarding school have been willing to endow their wealth for the sake of the revival of the Islamic boarding school, followed by waqf from individuals, private institutions or organizations or companies and also from the government, which continues to flow as exemplified by the founder of the Islamic boarding school.

Waqf includes authentic *wrf*. It habits that apply amid society, which are not paradoxical with the texts of the Qur'an and sunnah, bring benefits and do not trigger or present harm, and are done repeatedly. The tradition

³¹ Interview with Mr. Miftahul Huda and KH Abdullah Syukri Zarkasih, on November 12th 2011.

in waqf boarding schools is to give assets that are not used up but are taken advantage of for the common good. It is done repeatedly by individual wakifs, wakif organizations or institutions or companies, and even by the government. Good habits like this are maintained and developed, and managed well by waqf institutions. It is proven that habits like this can help Islamic boarding schools be independent, not only relying on fees from the students.

The strength of the waqf tradition in waqf Islamic boarding school had become an inspiration for the Indonesian people in general and Islamic boarding school in particular because this tradition developed long before Law No. 41 of 2004 was born. The wisdom of the waqf tradition that grows in waqf boarding schools can inspire other Islamic boarding schools in Indonesia to follow suit. Waqf Islamic boarding schools have separated the personal wealth of the kyai and the wealth of the Islamic boarding school to minimize conflicts over property disputes.

Islam offers waqf as a philanthropic model that functions as the economic empowerment of the people. The waqf instrument is so great for the Muslim community from the past until later with various models to improve the welfare of Muslims. Likewise, in its community, waqf has been the lifeblood of its life from the past until later.

Application The Wisdom of the Waqf Tradition in the Independence of Islamic Boarding Schools

In general, the source of the waqf of Islamic boarding schools comes from the provision of waqif from the general public, making a pattern into three groups. It is from individuals, organizations/institutions or companies and the government.

First, Waqif is from individuals or individuals. Waqf from this individual is a waqf that has been happening in Islamic boarding schools. This waqf is usually carried out by the *kyai* of the Islamic boarding school, the family of the Islamic boarding school, or it can also come from the wider community. The reasons and motivations for the individual waqif vary. Some endow their wealth because they want to promote Islamic boarding schools, such as KH Hasyim Asya'ri and Trimurti Islamic boarding school Gontor. However, there are also individual waqifs who have absolutely no relationship with the Islamic boarding school because their nazir is known to be trustworthy and trustworthy. The use of waqf assets is apparent.

In the case of Pondok Gontor, the results of individual waqif from the community are genuinely extraordinary. Every year it is inevitable that many new waqifs from various regions appear. Their presence seemed unexpected

by Nazir of the Gontor waqf body. But in essence, they work to manage waqf well; God willing, many waqfs will come.³²

Second, waqf is sourced from institutions/organizations or companies. Today waqf sourced from institutions/organizations or companies is essential. Because as time goes by, entrepreneurs' awareness and social responsibility have increased so that they have the potential to donate their assets, which are usually quite large. In addition, today, there are also many companies whose products have relationships with Islamic boarding schools and their stakeholders, either directly or indirectly. It is similar to PIRAC's research on corporate social donations. Almost all companies said they had donated to Islamic boarding schools in the last decade. The funds from one company to another varied and were quite large.³³ This phenomenon is a breath of fresh air for the Islamic boarding school world because waqf from entrepreneurs can be instrumented in the form of waqf property or part of cooperation in empowering waqf assets, so that waqf assets become more empowered.

The collaboration between the Islamic boarding school management and the company has been exemplified by the Tebuireng Islamic Boarding School and the Gontor Islamic Boarding School at the same time. They have collaborated with companies in managing waqf assets even though their sustainability is inconsistent. The Tebuireng Islamic Boarding School once collaborated with a company from Pasuruan in planting *sengon* trees on its waqf land.³⁴ Meanwhile, Islamic boarding school Gontor collaborated in 2008 through YPPWPM by clearing land and planting oil palm in Jambi.³⁵

Third, waqf assets are sourced from the government. It is possible to raise funds/waqf resources from the government as there is good cooperation and mutual need between the government and Islamic boarding schools. The existence of a positive dialogical climate between Islamic boarding schools and the government with cross departments is an excellent source for developing waqf institutional programs in Islamic boarding schools.

Like companies, the government is a resource that sometimes Islamic boarding schools are still shy about raising these funds. One of the obstacles is the perception that some Islamic boarding schools still refuse to provide funds/power from the government because their assets are *subhat*. Moreover, there is still a lack of knowledge from nazir Islamic boarding schools

³² *Warta Dunia Pondok Modern Gontor*, Vol 61 Sya'ban 1429 H, 49.

³³ Fajar Nursahid, *Tanggung Jawab Sosial BUMN* (Jakarta: Piramedia, 2006).

³⁴ Mr. Miftahul Huda's interview and Muhsin KS, Treasurer of the KH Hasyim Asy'ari Foundation as well as Waqf Manager of the Tebuireng Islamic Boarding School, October 18, 2011.

³⁵ *Warta Dunia Pondok Modern Gontor*, Vol 61 Sya'ban 1429 H, 48.

regarding the mechanism in accessing support from the government, such as the bureaucracy is complicated and unclear.

In nazir Tebu Ireng waqf, there is an offer of cooperation from the government or the institutions below it. For example, there was an offer from the Indonesian Waqf Board (BWI) of around 6 billion for waqf management. Still, until now, there has been no response.³⁶ In the context of Gontor, assistance from the government or from abroad through the government is extensive, both in waqf funds and Jariah donations or assistance such as from the Ambassador of Saudi Arabia through the Ministry of Religion, the Central Ministry of Religion itself, and the Ponorogo Regency Government and so on.³⁷

The process of developing a waqf boarding school must have several pillars of driving force: 1) the existence of sacrifices from the founders and caregivers of the Islamic boarding school to endow their assets to the Islamic boarding school, 2) the institution of the waqf Islamic boarding school is professionally managed in the form of a legal entity/foundation, 3) the waqf assets or assets are managed and developed productively, and 4) The results of waqf are distributed to internal Islamic boarding school and the community.

The first and main pillar is the example of kyai or Islamic boarding school caregivers who want to endow part of their wealth to develop the Islamic boarding school and do not pass it on to their descendants. Hadratus Shaykh Hasyim Asy'ari exemplified it in 1947. He donated around 13 hectares of land for boarding schools and rice fields before his death. Likewise, Trimurti, the Gontor boarding school, has pledged that the land of the Gontor boarding school will be donated to the community.

The second pillar is that the management of Islamic boarding schools waqf must be carried out professionally and openly. It is evidenced in both Islamic boarding schools, which have shown that the Islamic boarding school waqf nazir in the form of a foundation or legal entity, which is somewhat different from the nazir of organizations or individuals in managing waqf. In the perspective of Nadjib and al Makassary, there are several advantages of nazir foundations in managing waqf assets, among others, first, being more responsive and implementing when accepting modern management models in waqf both in financial transparency, waqf

³⁶ Mr. Miftahul Huda's interview and Muhsin KS, Treasurer of the KH Hasyim Asy'ari Foundation as well as Waqf Manager of the Tebuireng Islamic Boarding School, October 18, 2011.

³⁷ Chaider S Bamualim & Irfan Abubakar (Ed), *Revitalisasi Filantropi Islam: Studi Kasus Lembaga Zakat Dan Wakaf Di Indonesia* (Jakarta: PBB UIN Syarif Hidayatullah dan FE, 2005), 239.

policy-making, waqf administration, work plans, change of management or in developing waqf assets and nazir resources. Second, it has definite legality or legal force because a notary or authorized official legalizes it. Third, as a practical solution, an internal Islamic boarding school conflict might arise in the future. Fourth, Nazir Foundation is seen as an ideal model in waqf management institutions in the future. In this context, the PP Tebuireng Hasyim Asy'ari Foundation and the PMDG Ponorogo Waqf Board with the Gontor Modern Pondok Modern Waqf Expansion and Development Foundation (YPPWPM) have shown and provided evidence that the foundation's nazir in managing waqf assets is more appropriate and accepted in the Islamic boarding school community.

The third pillar is by managing waqf productively. It is exemplified very interestingly by the two Islamic boarding schools. For example, Nazir Waqf Tebu Ireng made a program to plant *segon* plants on the waqf land of Islamic boarding schools. Then nazir Tebu Ireng waqf collaborated with a company from Pasuruan who was concerned with planting the *segon*. Likewise, the agricultural intensification program in the Tebuireng waqf is also going well. Meanwhile, the Gontor waqf agency cooperated. Meanwhile, the Gontor Islamic Boarding School collaborated in 2008 through YPPWPM by clearing land and planting oil palm in Jambi.

The strategy for developing the productivity of waqf management in the two Islamic boarding schools is also carried out by building a productive economic business unit from waqf assets that generate income for the Islamic boarding school. Revenue development is carried out through product sales, professional services, rental of facilities and infrastructure, development of endowments and investment of existing waqf assets. Nazir Waqf Tebuireng has implemented programs like this, such as empowering waqf assets in rice fields and land by trying to increase yields with various models of productivity of waqf power. Meanwhile, Pondok Gontor waqf has carried out many productive businesses, such as rice fields managed with a profit-sharing system, investing through productive business units and raising funds with a direct pattern. Another recent effort is developing dragon fruit plants. Dragon fruit was chosen to be developed in dry land that has not been used optimally. At the initial stage, Dragon fruit is planted on approximately 750 m². Especially for productive business units, Gontor waqf until 2019 has empowered 33 types of businesses.³⁸ The following are the various productive businesses in the Gontor Kopontren unit.

³⁸ *Warta Dunia Pondok Modern Gontor*, Vol 62 Sya'ban 1430 H, 31-32.

Table 5.
Variety of Gontor Business Development Units

NO	BUSINESS UNIT NAME	YEAR	LOCATION
1	Rice Mill	1970	Gontor Village
2	Darussalam Printing	1983	-
3	KUK Grocery	1985	Bajang Village
4	Building Materials Store	1988	-
5	Bookstore	1989	Ponorogo
6	Restaurant	1990	-
7	Photocopy of I KUK	1990	Bajang Village
8	UKK	1990	Gontor Village
9	La Tansa Pharmacy	1991	-
10	Gambia Permai Wartel	1991	-
11	Ice Block Factory	1996	-
12	bullshit	1997	-
13	Transport Services	1998	-
14	Sudanese Wartel	1999	-
15	Al Azhar Canteen	1999	-
16	Computer Services	1999	-
17	Wisma Darussalam	1999	-
18	Photocopy II Asia	2000	-
19	Wholesale Market	2002	Ponorogo
20	Distributor Center	2002	free
21	Chicken Slaughter	2002	Gontor Village
22	Bread Factory	2003	-
23	Cattle Fattening	2003	-
24	Bottled Water	2004	-
25	Wartel al Azhar	2004	Ponorogo
26	Sporting Goods Store	2005	Gontor Village
27	Convection Business	2006	-
28	LM3	2006	Mlarak Village
29	Chicken Noodle Factory	2007	Gontor Village
30	La Tansa Tea	2009	-
31	gas centre	2019	
32	Catfish	2017	
33	Laundry	2016	

The fourth pillar is the result of the management of the waqf assets that must be distributed to the operational financing and development of

the Islamic boarding school and for the benefit of empowering the wider community.

CONCLUSION

Islamic boarding schools have been recognized for their functions and roles in building the civilization of Indonesian society on various fronts. Islamic boarding schools take part and play an active role in the education, health, social, cultural, and even political and government sectors. Amazingly, the Islamic boarding school has never been uprooted from its roots and identity in its work. Islamic boarding schools have succeeded in maintaining their socio-cultural functions. At the same time, they can also adapt to the framework of modernity offered by the era of globalization.

The profile of waqf Islamic boarding schools as described above is proof that Islamic boarding schools can respond to modernization in various aspects. Therefore, the waqf-based Islamic boarding school management model carried out by the Tebuireng Jombang Islamic Boarding School and the Darussalam Gontor Islamic Boarding School in Ponorogo can be used as an inspiration to build Islamic boarding schools that are more independent and have good regeneration. The management of the Islamic boarding school, the independence of the Islamic boarding school, and the regeneration of an excellent Islamic boarding school are vital needs that must be met so that the Islamic boarding school can make more contributions and contributions to society.

The process of developing a waqf boarding school must have several pillars of driving force: 1) the existence of sacrifices from the founders and caregivers of the Islamic boarding school to endow their assets to the Islamic boarding school, 2) the institution of the waqf Islamic boarding school is professionally managed in the form of a legal entity/foundation, 3) the waqf assets or assets are managed and developed productively, and 4) The results of waqf are distributed to internal Islamic boarding school and the community

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