

Regulation Of Waqf Land Managed By Institution In Indonesia : A Comparative Study

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Abstract

The wakaf, a charity for the good of the fellow follower of islam are regulated by Law No. 41 of 2004 of Wakaf in Indonesia. in practical the wakaf which is usually managed by Nazhir, people who are given the trust to manage the wakaf by wakif, the one who gave the wakaf are contradicting with the Law No. 28 of 2004 of Institution regulation as seen in the land management for example. wakif are usually individual person therefore based on the Indonesian law can not participate in a complex bussiness as employing people, collect and managing money, not to mention the huge sum of asset needed to manage the land. seeing these lack still makes many wakif not hesitant to donate their land to nazhir, making their land "dead" as its use is limited. based on that, it should be analysed further by making comparisons with other countries in managing wakaf land thru analyzed data from field data and several regulations supported with relevant journals processed using data triangulation so that the results are relevant.

The result based on the Indonesian regulation and comparison with several countries shows that the disharmony shows in how Nazhir could only have limited right on managing the wakaf land therefore the law number 16 of 2001 on wakaf regulation should be recalculated as Law No. 41 of 2004 on Institution regulation prove to be the best waqf land management system that can be applied in Indonesia , Therefore the advice that can be given is the need for effective management of Nazhir Institution which aims to ensure the objectives of waqf can be achieved, dissemination to the public regarding the use of donated land that is still consumptive and traditional and having the wakaf repossession system concept in order to minimize the wakaf land deserted and pushed Nazhir Institution for not shirking his duties.

Keywords: *Wakaf, Land, Nazhir, Institution, Comparison*