

Towards the Empowerment of Waqf Based on Community Needs in the Mentawai Islands West Sumatra: The Case of the Al-Qur'an Wakaf Board

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Abstract

This article explains the utilization of Al-Qur'an and Development Waqf (WAP waqf) and clean water waqf through the Al-Qur'an Waqf Board in the Mentawai Islands, which is based on the basic needs of the community in the religious and social fields. This waqf was motivated by the backwardness of the people in the Mentawai Islands from a religious and social perspective, which prompted the Al-Qur'an Waqf Board to allocate waqf programs there. Research data was collected through in-depth interviews and documentation. It was then analyzed descriptively and qualitatively. The research findings show that the Al-Qur'an Waqf Board allocates Al-Qur'an accompanied by guidance to the Mentawai Muslim community as waqf. The utilization form of WAP waqf for Mentawai Islands people provides broad access to studying and understanding the Al-Qur'an, coaching daily worship, coaching and mentoring new converts to Islam, and coaching preachers before preaching to the community. The utilization of the water waqf is in the form of building clean water facilities in mosques and near residential areas, accompanied by religious and sanitation development for the communities receiving the waqf benefits. These findings can have implications for the importance of understanding the main problems of society so that the utilization of waqf can be more diverse and provide maximum benefits. The utilization of waqf must address the basic needs of society so that it can solve problems that develop in society while still relying on sharia.

Keywords: Waqf utilization, basic needs, al-Qur'an waqf and development, waqf water action for people

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Introduction

Waqf, as a form of worship with a social dimension, has proven to be a solution to the problems faced by society. Referring to al-Kubaisi's opinion, history records that waqf has been used to increase the civilization of the people by building public facilities and infrastructure for the community, providing scholarships to scientists, building universities, libraries, and production facilities to improve the people's economy.¹ By reflecting on this historical journey, waqf has also contributed to building a civilization in Indonesia. The "long-lasting" nature of waqf is a solution to increase community empowerment and welfare in religion, education, health, economics, society, and others.²

However, the utilization of waqf in Indonesia has not been enjoyed equally by the community.³ People who live on remote islands in Indonesia have not experienced the maximum benefits of waqf. Complex and expensive access to these areas means that waqf cannot be adequately distributed.⁴

This condition changed when the Al-Qur'an Waqf Board (hereinafter BWA)⁵ distributed several forms of waqf

¹ Muhammad Abid Abdullah Al-Kubaisi, *Ahkam al-Waqf fi asy-Syari'ah al-Islamiyah*, 1 ed., Vol. I (Baghdad: Mathba'ah al-Irsyad, 1977), 39; Ahmad Muhammad Abd al-Azim Al-Jamal, *Daur Nizam al-Waqf al-Islami fi at-Tanmiyah al-Iqtisadiyah al-Mu'assira* (al-Qahirah: Dar al-Salam, 2007), 23.

² Hardianti Yusuf, "Management and Utilization of Productive Waqf in Empowering Community's Economy," *Al-Bayyinah: Jurnal of Islamic Law* 4, no. 1 (2020): 36–51.

³ Tiswarni, *Strategi Nazhir dalam Pengelolaan Wakaf*, Jakarta: Raja Grafindo Persada, 2016, 118

⁴ <http://www.bwa.id>. Accessed 24 November 2023; Interview with Hazairin 20 Juli 2022. Newsletter BWA, 2018

⁵ BWA was established by several Muslim scholars and professionals in 2005 and recorded in Notarial Deed H. Rizul Sudarmadi no. 119 dated April 28, 2005. Then on June 1, 2006, BWA received support and good reception from MUI in accordance with MUI

to the community in the Mentawai Islands,⁶ which is different from other waqf institutions in general.⁷ From this institution's concern for religious education and the community's social conditions, BWA created several innovative programs for remote island communities. Since 2008, BWA has distributed Al-Qur'an Waqf and Development to the Muslim community in Mentawai.⁸ This waqf program continued in the following years. In addition to distributing al-Qur'an waqf, BWA distributes waqf for clean water facilities, aka Water Action Waqf for People.⁹ The utilization of waqf does not only approach the religious aspects of society but also the social aspects of their lives. From 2008 to 2022, BWA consistently distributed waqf to the people of the Mentawai Islands, accompanied by religious guidance and assistance.¹⁰

The establishment of BWA by creating an al-Qur'an waqf program is a new development in the history of waqf in Indonesia.¹¹ At that time, people still understood waqf

Recommendation Letter Number U-217 / MUI / IV / 2006. <http://www.wakafquran.org>. Diakses pada tanggal 25 Mei 2022

⁶ Tiswarni, *Strategi Nazhir dalam Pengelolaan Wakaf*, 145.

⁷ Compared to the Indonesian Waqf Board whose waqf distribution generally still targets communities around Jabodetabek, Dompot Dhuafa has just started combing villages in several provinces (Tiswarni, dkk, *Sinergisitas Wakaf dan Zakat dalam Optimalisasi Peran Filantropi Islam di Masa Pandemi Covid-19, Laporan Penelitian*, UIN Imam Bonjol Padang (2022); Pondok Modern Gontor specializing in the distribution of waqf for educational development (Nurul Iman, Dissertation) and others.

⁸ Newsletter BWA, 2019.

⁹ Heru Binawan, 'Tak Sekedar Lahan' *Amazing Wakaf*, *Majalah BWA*, Edisi Agustus 2010, p. 80-81.

¹⁰ Tiswarni, *Strategi Nazhir...*146; <http://www.bwa.id>. Accessed 24 November 2023; Interview with Hazairin 20 Juli 2022; Interview with Fortito 9 Agustus 2022.

¹¹ The Qur'an waqf program is the first waqf program initiated by BWA. BWA's success in implementing the Qur'anic waqf program was later followed by several other Islamic philanthropic institutions. Tiswarni, *Strategi Nazhir Dalam Pengelolaan Wakaf*;

only in the form of land and buildings. In addition, public trust in giving waqf to nazhir institutions is still low. Therefore, the presence of BWA, which carries the concept of waqf of the Qur'an and distributes it to remote areas that target faith and education, is unique and "steals" the public's attention.

This paper focuses on the utilization of waqf by the Al-Qur'an Waqf Board in meeting the people's basic needs in the Mentawai Islands. Because the Mentawai people are prone to faith and challenging social conditions, how are the forms of waqf utilization in the religious and social fields and appropriate utilization solutions for this island community?

This article focuses on waqf used by the Al-Qur'an Waqf Board (BWA) to meet the people's basic needs in the Mentawai Islands. Most Mentawai people are in a state of religious vulnerability, characterized by not being good at reading the Al-Qur'an and not practicing worship due to a lack of religious knowledge.¹² They also face difficult daily conditions due to access to fulfill primary needs, such as the lack of clean water sources and facilities.¹³ Therefore, this article is significant because it can provide information about the forms of utilization of the Al-Qur'an and Development Waqf (WAP) and the clean water facilities waqf

Pengalaman Badan Wakaf Al-Qur'an (BWA) Dan Wakaf Center (Water) (Jakarta: Raja Grafindo Persada, 2016), 148.

¹² Usman, etc, *Pemberdayaan Muslimah Minoritas; Pembinaan Peningkatan Kualitas Keagamaan, Keterampilan, dan Ekonomi bagi Muslimah Mentawai, Laporan Penelitian*, IAIN Imam Bonjol Padang, 2013; <http://www.bwa.id>. Accessed 24 November 2023; Interview Mujamaul Khair, Chief of MUI Kab. Mentawai 12 Desember 2022; Interview Elizabeth, Community of Mentawai 18 November 2023.

¹³ <http://www.bwa.id>. Accessed 24 November 2023; Interview Rino Afrizuli, Chief of KUA Siberut Utara 19 November 2023; Interview with Hasbi and Lematinus, Mentawai community, 19 November 2023.

in fulfilling the basic needs of the Mentawai people in the daily religious and social fields.

Several studies on waqf¹⁴ can be grouped into several categories. First is a study on waqf that focuses on empowering and utilizing waqf for the community, including the articles Haruna,¹⁵ Yusuf,¹⁶ Norinah,¹⁷ Sukmana,¹⁸ Riyanto,¹⁹ and Syakur.²⁰ Second, studies of waqf related to law, such as articles by Mahrus,²¹ Fadilah,²²

¹⁴ The study of waqf as the results of the Sukmana survey is mostly in the fields of banking, accountability, and law, where the financial sector occupies the top position with a coverage of 35%. Furthermore, the theme of waqf is related to economic development 25%. The survey also stated that 59% of studies used a normative approach, and the rest used an empirical approach. Raditya Sukmana, "Heliyon Critical Assessment of Islamic Endowment Funds (Waqf) Literature: Lesson for Government and Future Directions," *Heliyon* 6, no. May (2020): e05074, <https://doi.org/10.1016/j.heliyon.2020.e05074>.

¹⁵ Abdulrazaq Suleiman Ibrahim Haruna Tijjani Haruna, "The Contribution of Waqf Institution as a Financial Tool in Addressing Poverty Reduction: Evidence from The Literature," *AZJAF* 2, no. 2 (2021): 151–78.

¹⁶ Yusuf, "Management and Utilization of Productive Waqf in Empowering Community's Economy."

¹⁷ Norinah Mohd Ali, Rubi Ahmad, and Nurul Shahnaz Mahdzan, "The Need of An Effective Business Model for Waqf Land Development in Malaysia," 2015.

¹⁸ Sukmana, "Heliyon Critical Assessment of Islamic Endowment Funds (Waqf) Literature: Lesson for Government and Future Directions."

¹⁹ Riyanto, "Optimalisasi Pengelolaan Wakaf (Studi Di Kabupaten Demak)," *AL-ADALAH* 14, no. 2 (2017): 333–66.

²⁰ Edy Wahyudi Abd. Syakur, Hary Yuswadi, Bagus Sigit Sunarko, "Tata Kelola Wakaf Dalam Meningkatkan Kesejahteraan Masyarakat Di Kabupaten Jember," *Al-Ihkam* 13, no. 1 (2018), <https://doi.org/10.19105/al-ihkam.v13i1.1187>.

²¹ Moh. Mahrus, "Settlement of Waqf Disputes and Its Asset Protection in East Java, Indonesia," *Mazahib* 20, no. 2 (2021): 357–91.

²² Fadilah, "Going Concern : An Implementation InWaqf Institutions (Religious Charitable Endowment)."

Rochmiyatun,²³ Mu'allim,²⁴ Bintarto,²⁵ Pattanaprichawong,²⁶ and Sulistiyani.²⁷ Third, studies on cash waqf, for example, research by Utomo,²⁸ Elimartati,²⁹ Effendi,³⁰ Eficandra,³¹ Firdaus,³² and Hosen.³³ The scope of study falls into the first category, but because of the focus on utilizing waqf for the Muslim community of the Mentawai

²³ Siti Rochmiyatun and Yusida Fitriyati, "Implementation of Waqf Pledge Act (AIW) Arrangements in the Indonesian Waqf Law (Case in Palembang City)," *AL-'ADALAH* 16, no. 1 (2019): 135–54.

²⁴ Amir Mu'allim, "Ijtihad Ekonomi Dalam Pengelolaan Aset Wakaf," *AL-'ADALAH* 14, no. 2 (2017): 291–310.

²⁵ Muhammad al Ikhwan Bintarto and Faishal Hilmi , Yudi Setiawan , Muhammad Uwais Alqarni, "Zakah AndWaqf for Cryptocurrency in Islamic Law," *Al-Istinbath* 7, no. 1 (2022): 21–38.

²⁶ Anis Pattanaprichawong, "The Purposes of The Shari'ah (Maqasid Al-Shari'ah) and Waqf," in *PROCEEDING The 3rd ICDIS 2021 "Islam and Sountheast Asian Communities Welfare in the COVID-19 ERA,"* vol. 1, 2021.

²⁷ Siska Lis Sulistiani, "The Legal Position of Waqf for Non-Muslims in Efforts to Increase Waqf Assets in Indonesia," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 5, no. 1 (2021): 357–71, <https://doi.org/10.22373/sjhc.v5i1.9161>.

²⁸ Setiawan Budi Utomo, Dian Masyita, and Fitri Hastuti, "Why Cash Waqf Fails to Meet the Expectation: Evidence from Indonesia" (OJK, 2020).

²⁹ Elimartati, "Kebijakan Pemberdayaan Wakaf Uang Di Kabupaten Tanah Datar," *JURIS Jurnal Ilmiah Syari'Ah* 16, no. 2 (2017).

³⁰ M Rachmat Effendi, "Development of Cash Waqf Benefits Synergy Foundation in The Economic Empowerment of The Ummat," *Amwaluna: Jurnal Ekonomi Dan Keuangan Syariah* 5, no. 1 (2021): 29–39.

³¹ Eficandra, "The Reconstruction of High-Inherited Wealth in Minangkabau through Cash Waqf Movement," *Jurnal Ilmiah Syari'Ah* 21, no. 1 (2022).

³² Fifi Hasmawati Nil Firdaus, Amiur Nuruddin, "Analisis Problematika Manajemen Investasi Wakaf Uang Di Sumatera Barat (Studi Pendekatan Analitical Network Process)," *Jurnal Ilmiah Syari'Ah* 18, no. 2 (2019).

³³ Muh.Fudhail Rahman Muhammad Nadrattuzaman Hosen, Agung Maulana, Muhammad Zaid Farhand, "Evaluating The Fundraising Process of The World's First Cash Waqf-Linked Sukuk in Indonesia," *Qudus International Journal of Islamic Studies (QJIS)* 10, no. 1 (2022): 175–214.

Islands, which is related to their basic needs, this research differs from previous studies.

The scope of study in this research falls into the first category, which focuses on utilizing waqf for the Mentawai community. Because the utilization of waqf is linked to the basic needs of the Mentawai people with the theory of *maqasid asy-syari'ah* as the analytical tool, this article looks different from previous studies.

We have not found articles related to waqf in the Mentawai Islands.³⁴ Referring to our investigation, studies on the Mentawai Islands in much of the literature only talk about areas that have the potential and are prone to earthquakes due to reverse faults³⁵ and tsunami earthquakes.³⁶ Besides, there is a study about Mentawai's charm in fisheries,³⁷ climate change,³⁸ tourism, and various Mentawai original traditions³⁹ with its traditional

³⁴ Searched in google scholar, DOAJ, and any journals Q1, Q2, etc.

³⁵ Xin Wang et al., "Active Backstop Faults in The Mentawai Region of Sumatra, Indonesia, Revealed by Teleseismic Broadband Waveform Modeling," *Earth and Planetary Science Letters* 483 (2018): 29–38, <https://doi.org/10.1016/j.epsl.2017.11.049>; Zhang Lifen et al., "Estimation of the 2010 Mentawai Tsunami Earthquake Rupture Process from Joint Inversion of Teleseismic and Strong Ground Motion Data," *Geodesy and Geodynamics* 6, no. 3 (2015): 180–86, <https://doi.org/10.1016/j.geog.2015.03.005>.

³⁶ Anindya Sricandra Prasadya, Hidayat Panuntun, and Muhammad Iqbal Taftazani, "Spherical-Earth Finite Element Model of Coseismic Slip Distribution During the 2010 Mentawai Earthquake," *Geodesy and Geodynamics* 12, no. 2 (2021): 155–64, <https://doi.org/10.1016/j.geog.2021.02.001>.

³⁷ M Mukhlis Kamal, Hefni Effendi, and Setyo P Nugroho, "Fisheries Survey in Mentawai Waters Bengkulu Province," *Procedia Environmental Sciences* 24 (2015): 238–44, <https://doi.org/10.1016/j.proenv.2015.03.031>.

³⁸ Anita Afriani S Apriwan, "Local Readiness Towards REDD + UNFCCC Scheme (Study in Province of West Sumatera Indonesia)," *Procedia Environmental Sciences* 28, no. Sustain 2014 (2015): 649–56, <https://doi.org/10.1016/j.proenv.2015.07.076>.

³⁹ Nova Rina Elfiondri, Zaitul, "Tradition , Cultural Contact and English for Tourism : The Case of Mentawai ,

house called Umahaya. Meanwhile, how waqf is distributed in the Mentawai Islands has not been mentioned.

In Islamic sciences, waqf can be included in research on Islamic law and social institutions. The research location is the Mentawai Islands Regency and Jakarta in July and December 2022. In the Mentawai Islands, especially Siberut Island, which is the largest island, one of the cities being the capital of the district, The reason for choosing the location is that the number of Muslims on this island is greater than on other islands⁴⁰ with low religious knowledge and underdeveloped socio-economic life. Furthermore, the research method in this article is qualitative research. The parties who are the source of our primary data are Heru Binawan, Founder of BWA, BWA administrators who are in charge of waqf distribution to communities on remote islands, namely Hazairin, BWA field partner in the Mentawai Islands, namely Fortito, BWA field partner, and Ustad in Mentawai, Mujamaul Khair, Chairman of MUI Kab. Mentawai Islands, as well as employees of the Mentawai Ministry of Religious Affairs, Arifuddin Anwar, BWA field partner, Rino Afrizuli, Head of KUA in Mentawai, Elizabeth (Mentawai community/ Al-Qur'an teacher), Lemanus Sulaiman (Mentawai community), and Hasbi Sikabaluan (Mentawai community). The secondary data sources are from previous research on waqf in several journals, BWA

Indonesia,” *Heliyon* 7, no. February (2021), <https://doi.org/10.1016/j.heliyon.2021.e07322>.

⁴⁰ The Mentawai Islands are one of the districts in West Sumatra Province. This district is located along the west coast of Sumatra in the Indian Ocean. The distance between this district and Padang City is 10-12 hours by motorboat. The Mentawai Islands consist of 321 groups of large and small islands. Several large islands include Siberut Island, Sipora Island, North Pagai Island and South Pagai Island. In 2023, Mentawai Muslims will increase to 22% of the total Mentawai population. <http://mentawaikab.go.id>

newsletters, and BWA's official website. Data collection used in-depth interviews and documentation. We conducted direct and indirect interviews. Because they were busy, several informants could not be found in Mentawai and Jakarta. We then interviewed several informants via telephone and WhatsApp. The collected data is cross-checked using triangulation techniques to obtain more accurate data. The data analysis used was descriptive analysis carried out either simultaneously with data collection or afterward.⁴¹

Utilization of Waqf Based on Community Needs

Waqf utilization is a study related to the use and utilization of waqf for *mauquf 'alaih*. Referring to Haruna, waqf is a worship with a social dimension because it has a purpose, *taqarrub ila Allah*, and benefits fellow human beings.⁴² It is beneficial not only for the person who enjoys the goodness of the waqf but also for the giver of the waqf because he or she will receive the reward continuously, even though he or she has passed away.⁴³

This is due to the unique nature of waqf, which is reflected in its linguistic meaning and requires the use of waqf objects for an extended period. Where is the word *al-waqf*, the shape *masdar* (noun) of the verb *waqafa-yaqifu*, which means preventing, stopping, restraining, and

⁴¹ Elvera and Yesita Astarina, *Metodologi Penelitian* (Yogyakarta: Andi, 2021), 113.

⁴² Haruna Tijjani Haruna, "The Contribution of Waqf Institution as a Financial Tool in Addressing Poverty Reduction: Evidence from The Literature."

⁴³ Wahbah Az-Zuhaili, *al-Fiqh al-Islamiy wa Adillatuhu*, Vol. 8 (Beirut: Dar al-Fikr, 2008), 154; Tiswarni, *Strategi Nazhir dalam Pengelolaan Wakaf; Pengalaman Badan Wakaf al-Qur'an (BWA) dan Wakaf Center (Water)*, 25.

staying in place?⁴⁴ From this understanding, anyone is restrained from transferring the ownership and benefits of waqf objects to ensure long-term utilization.⁴⁵

Since the beginning of its enactment, waqf has been divided into two, namely *waqf khairi* and *waqf ahli*. Waqf khairi is a waqf used for the wider community, such as mosque and school waqf.⁴⁶ In comparison, waqf ahli (zurry) is a waqf whose use is for the wakif's family or a specific group, such as house waqf for relatives of the wakif's family.⁴⁷

Religious scholars have put forward two theories in formulating the pillars of waqf. In classic books, such as *Raudah al-Ṭālibīn*, it is mentioned that scholars of the Sunni School other than the Hanafiyah think that the foundation of waqf is *wāqif*, *mauqūf 'alaih*, waqf property, and expressions indicating the occurrence of waqf (*sigh*). Meanwhile, Hanafiyah scholars argue that the pillars of waqf are only limited sight (pronunciation), which shows the meaning/substance of waqf.⁴⁸ This difference, according to al-Kubaisī, implies their differences in viewing the substance of waqf.⁴⁹

⁴⁴ Ibn Manzur, *Lisan al-Arab*, Vol. 15 (Dar al-Turas al-Arabiy wa Mu'assasah al-Tarikh al-Arabiy, n.d.), 373; Ahmad Warson Munawwir, *Kamus al-Munawwir* (Surabaya: Pustaka Progresif, 1984), 1683.

⁴⁵ Haruna Tijjani Haruna, "The Contribution of Waqf Institution as a Financial Tool in Addressing Poverty Reduction: Evidence from The Literature."

⁴⁶ Wahbah az-Zuhaili, *Al-Fiqh al-Islāmī wa Adillatuhu*, Beirut: Dār al-Fikr, 2008, Juz. Ke-8 , 159

⁴⁷ Mahmud Ahmād Mahdi, *Nizām al-Waqf fi at-Taṭbiq al-Mu'aṣir*, Arab Saudi: Al-Ma'hād al-Islāmī li al-Buhūs wa at-Tadrib, 2003, 9-10

⁴⁸ An-Nawawī, *Raudah At-Ṭālibin Wa Umdah Al-Muḥtāṭin*, n.d., 252–56.

⁴⁹ Al-Kubaisi, *Ahkam Al-Waqf Fi Asy-Syari'ah Al-Islamiyah*.

All scholars agree that waqf objects are both movable and immovable objects.⁵⁰ A waqf object has several conditions to be eligible for donation. At least there are four conditions that a waqf object must have, as reported by al-Kubaisī.⁵¹ The four conditions are that the waqf property has a value (there is a price), the form is clear, the ownership rights of the waqif are clear, and finally, the waqf property can be handed over or must be separated. In addition, the donated objects must be permanent, able to last for a long time, and not run out for one-time use.⁵²

Distribution of waqf proceeds is an essential component in waqf studies. This is carried out as empowering waqf proceeds, which are generally aimed at *mauquf 'alaih* (recipient of waqf). Some wakifs do not designate the distribution of waqf proceeds to certain people but for something macro.⁵³

In general, waqf assets can benefit worship and the public to achieve social welfare and justice. Utilization for the sake of worship can be in the form of religious facilities, such as mosques, and religious activities, such as recitation. Utilization for religious purposes, as above, is commonly found in Indonesia.⁵⁴ Meanwhile, for the public interest, referring to Haruna, waqf assets can be allocated

⁵⁰ Ibrahim Mahmud Abd Al-Baqī, *Daur Al-Waqf Fi Tanmiyah Al-Mujtama' Al-Madani (Namūzaju Al-Amānah Al-Ammah Li Al-Auqāf Bi Daulah Al-Kuwait)* (Kuwait: Maktabah al-Kuwait al-Waṭāniyah Atsnā'a an-Nasyar, 2006), 52.

⁵¹ Al-Kubaisi, *Ahkam Al-Waqf Fi Asy-Syari'ah Al-Islamiyah*.

⁵² Tiswarni, *Strategi Nazhir Dalam Pengelolaan Wakaf; Pengalaman Badan Wakaf Al-Qur'an (BWA) Dan Wakaf Center (Water)*.

⁵³ Ali, Ahmad, and Mahdzan, "The Need of An Effective Business Model for Waqf Land Development in Malaysia."

⁵⁴ Norwili Syaikhu, Maimunah, Laili Wahyunita, "The Empowerment of Infaq and Waqf Evaluation in Light of Maqasid Al- Sharia Perspective in Mosques in Palangka Raya, Indonesia," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 5, no. 2 (2021): 1003–20, <https://doi.org/10.22373/sjhk.v5i2.8997>.

for education and health facilities and activities; assistance to people experiencing poverty, neglected children, orphans, scholarships,⁵⁵ progress and improvement of the people's economy; and or progress of other general welfare that is not contrary to the Shari'ah and laws and regulations.⁵⁶ In essence, waqf can be used to bridge infrastructure deficiencies in various fields.⁵⁷

According to Enizar, as quoted by Huda, recipients of alms infaq (including waqf) can be grouped into two: first, people who are unable or powerless.⁵⁸ Groups or people who fall into this category can be divided into two, namely: disabilities in the economic field, such as people experiencing poverty and abandoned children, and powerlessness in the form of freedom and shackles to obtain their fundamental rights, such as minorities and marginalized (marginalized) people.⁵⁹

Second, for the public good. The beneficiary of this waqf is not because of economic incapacity but because of its purpose for the benefit of Muslims.⁶⁰ This group has many programs and models for distributing waqf, from education, health, and religious facilities to public facilities

⁵⁵ Haruna Tijjani Haruna, "The Contribution of Waqf Institution as a Financial Tool in Addressing Poverty Reduction: Evidence from The Literature."

⁵⁶ Tiswarni and Rahmat Hidayat, *Perwakafan, Filantropi Islam Untuk Kesejahteraan Umat* (Jakarta: Safira Press, 2011), 6.

⁵⁷ Lawal, I.M. Waqf: A Contributory Tool for Bridging Infrastructural Deficit in Nigeria, *European Journal of Islamic Finance*, No. 11. ISSN 2421-2172. (2018).

⁵⁸ Miftahul Huda, *Pengelolaan Wakaf*...p. 103-104.

⁵⁹ Y J Amuda, D A Razak, and A A Ahmed, "Application of Cash Waqf in the Empowerment of Widows in Malaysia," *Journal of Advanced Management Science* 4, no. 3 (2016): 255-59, <https://doi.org/10.12720/joams.4.3.255-259>.

⁶⁰ Yusuf, "Management and Utilization of Productive Waqf in Empowering Community's Economy."

closely related to people's lives.⁶¹ In this paper, the waqf beneficiaries are people in the Mentawai Islands. They cannot fight for their fundamental rights in the religious and other fields.⁶²

Based on the theory of Islamic law, the needs of human life are divided into *dharûriyyat*, *hajiyyat*, and *tahsiniyyat*.⁶³ The three levels of needs are explained in the discussion framework's *maqasid al-shari'ah*. Syathibi also explained that the ultimate goal of the law is one, namely *mashlahah*, or the good and welfare of humankind.⁶⁴ In line with this opinion, Izzuddin bin Abd al-Salam explained that the stipulation of the Shari'a is to eliminate human difficulties, reject detrimental things, create benefits, allow good things, and forbid evil so that humans get benefits in this world and the hereafter. The usual fiqh experts formulate that all commands and prohibitions of Allah and His Messenger written in the Qur'an and Sunnah have a specific purpose. Everything has a lesson and benefit for the people.⁶⁵ Benefit for the people has two forms, namely

⁶¹ Monzer Kahf, "Principles, Objective, And Tools Of Market Regulation In Islamic Perspective," in *Islamic Approach to Market Regulation and Economic Stability* (Iran, 2000), 6-7.

⁶² <http://www.bwa.id>. Accessed 24 November 2023; Usman, etc, *Pemberdayaan Muslimah Minoritas; Pembinaan Peningkatan Kualitas Keagamaan, Keterampilan, dan Ekonomi bagi Muslimah Mentawai*; Interview Hasbi Sikabalu and Lemanus Sulaiman, Community of Mentawai 18 November 2023.

⁶³ Ibid., Iffatin Nur, Syahrul Adam, and M Ngizzul Muttaqien, "Maqasid Al-Shari'at; The Main Reference and Ethical-Spiritual Foundation for the Dynamization Process of Islamic Law," *AHKAM* 20, no. 2 (2020): 331-60.

⁶⁴ Abu Ishaq Al-Syatibi, *Al-Muwafaqat fi Ushul al-Syariah*, Vol. 2 (Beirut: Dar al-Kutub al-Ilmiyah, n.d.), 3.

⁶⁵ Izzuddin bin Abd Al-Salam, *Al-Qawa'id Al-Shugra* (Beirut: Dar al-Fikr al-Mu'ashirah, 1996), 13; Abdurrohman Kasdi, "Actualizations of Maqasid Al-Shari'ah in Modern Life; Maqasid Al-Shari'ah Theory as a Method of The Development of Islamic Laws and Shari'ah Economics," *Usticia Islamica Jurnal Kajian Hukum Dan Sosial* 16, no. 2 (2019).

realizing benefits (*jalb al-manafi*) and avoiding humans from evil (*dar'u al-mafasid*).⁶⁶ Substantial *maqasid al-shari'ah* contains benefits and can be seen from two aspects: *maqasid al-Syari'* (God's purpose as a maker of *Syari'at*) and *maqasid al-mukallaf* (human purpose/*mukallaf*).⁶⁷

The goal benefits of this Shari'a are grouped into five things called al-maqāshid al-khamsah: firstly, *hifz al-din* (preserving religion). Its benefit is to preserve religion, which is the primary purpose of Islamic law. Religion is a guide to human life in all its aspects. For example, it is maintaining the continuity of religion through *rukhsah* during the COVID-19 pandemic⁶⁸ or trying to protect waqf assets from destruction.⁶⁹ Secondly, *hifz an-nafs* (care for the soul) include laws protecting human souls. So that when human safety is threatened or taken illegally, Allah will punish the perpetrators with qishash and day. Thirdly, *hifz an-nasl* (maintaining offspring and honor), which can be seen from the rules regarding marriage to avoid sex recession,⁷⁰ adultery, and others. Fourthly, *hifz al-māl* (maintain the property). This section includes the obligation to pay zakat to clean up the property, the recommendation of endowment or waqf, the obligation to seek halal sustenance, and the prohibition of stealing.

⁶⁶ Ahmad dan Sohari Sanusi, *Ushul Fiqh* (Jakarta: Raja Grafindo Persada, 2015), 247–48.

⁶⁷ *Ibid.*,

⁶⁸ Muchsin Tamrin Asman, “Maqasid Al- Shari’ah in Islamic Law Renewal: The Impact of New Normal Rules on Islamic Law Practices during the Covid-19 Pandemic,” *Mazahib* 20, no. 1 (2021): 77–102.

⁶⁹ Mahrus, “Settlement of Waqf Disputes and Its Asset Protection in East Java, Indonesia.”

⁷⁰ Akhmad Supriadi Ibnu Elmi Acmad Slamet Pelu, Hilyatul Asfia, Jefry Tarantang, “Sex Recession Phenomenon from the Perspective Maqashid Sharia Based on Objectives Marriage Law in Indonesia,” *Al-Istinbath* 7, no. 1 (2022): 39–54.

Fifthly, *hifz al-'aql* (maintain sense). This includes the prohibition of drinking liquor and the obligation to study.⁷¹

All things that guard over the five things above are called problems, and all the things that make up for the loss of these five things are called *mafsadah*.⁷² The benefit contained in the maintenance of these five things includes three levels of human needs: *dharûriyyat*, *hajiyyat*, and reimbursement.⁷³ *Dharuriyyat* is everything that forms the basis of human life. In other words, *dharuriyyat* enforces the benefit of religion and the world. That is, when *dharuriyyat* is lost, the benefits of the world and even the hereafter will also be lost. So that damage and even destruction of human life will occur.⁷⁴ *Dharuriyyat* is also a primary need for humans. If these primary needs are not met, disasters and hazards that risk damage to human life will occur. Conversely, if these five things are fulfilled, human life will prosper in this world and hereafter.⁷⁵ For example, there is an obligation to safeguard waqf assets to maintain their sustainability with waqf land certificates and to study religion for people who live in areas prone to faith.

As for needs, *hajiyyat* is everything humans need to reject all the dangers that threaten and eliminate life's

⁷¹ H.A Djazuli, *Ilmu Fiqh; Penggalian, Perkembangan Dan Penerapan Hukum Islam* (Jakarta: Prenada Media, 2015), 27.

⁷² Al-Salam, *Al-Qawa'id Al-Shugra*. 11

⁷³ *Ibid*; Iffatin Nur, Syahrul Adam, dan M. Ngizzul Muttaqien, "Maqāsid Al-Sharī'at: The Main Reference and Ethical-Spiritual Foundation for the Dynamization Process of Islamic Law," *AHKAM* 20, no. 2 (2020).

⁷⁴ Juhaya S Praja, *Filsafat Hukum Islam* (Bandung: LPPM Universitas Islam Bandung, 1995), 101–5; Al-Syatibi, *Al-Muwafaqat Fi Ushul Al-Syariah*.

⁷⁵ Hakimah binti Ahmad Nurul Badriyah binti Ali, Angraini binti Ramli, "Maqāsid Syariah in Family Institutions: Analysis of the Prenuptial Course Module in Malaysia," *Mazahib* 19, no. 2 (2020): 247–80.

difficulties. However, the absence of aspects of *hajiyyat* will not threaten the existence of human life but only cause difficulties and hardship. The main principle in aspect *hajiyyat* is to eliminate difficulties, facilitate human affairs, and lighten the burden of taklif.⁷⁶ For example, it is the regulation of buying and selling, investing in waqf objects, building economic facilities to support mosque operations, and most muamalat with the provision that Malahat *al-hâjiyyat* follow advice.⁷⁷

While needs congratulations are all actions that, in principle, are related to doing something recommended and bringing priority in worship and muamalah. This aspect is also related to noble character. Human life will not be threatened if the need arises *tahsin* not fulfilled. Humans also will not get into trouble if aspect *hajiyyat* is not implemented. In short, the absence of this aspect will only lead to disharmony in personal and social life.⁷⁸ Draft *tahsiniah* aims to perfect the five elements of the theory's *maqashid al-syariah*⁷⁹ because of only the form of complementary needs.⁸⁰

Regarding this article, BWA initially distributed Al-Qur'an waqf and clean water waqf without any coaching program.⁸¹ However, when seeing the conditions and needs of the Mentawai people who lack understanding and

⁷⁶ TM. Hasbi Ash Shiddieqy, *Falsafah Hukum Islam* (Jakarta: Bulan Bintang, 2015), 174–75.

⁷⁷ M Miftakhuddin et al., “Pendayagunaan Wakaf Di Tengah Pandemi Covid-19 Dalam Perspektif Maqashid Al-Syariah,” *Iqtishaduna* 10, no. 1 (2021): 76–90.

⁷⁸ Abd al-Wahhâb Khalâf, *Ilm usûl...*, 200.

⁷⁹ Aprilianto, Ersa Dwi, and Tika Widiastuti. Pemberdayaan Ekonomi Masyarakat Melalui Pendistribusian Zakat, Infaq Dan Sedekah Pada Masa Pandemi Covid-19 Studi Kasus: LAZISMU Surabaya. *Jurnal Ekonomi Syariah Teori Dan Terapan* 8 (2) (2021)

⁸⁰ Al-Syatibi, *Al-Muwafaqat Fi Ushul Al-Syariah...*3

⁸¹ <http://www.bwa.id>. Accessed 24 November 2023; Newsletter BWA 2017

practice of religion so that the community can maximize the use of waqf, BWA adds coaching activities every time it distributes waqf to Mentawai. The needs of the people receiving waqf benefits should be a reference *wakif* and *nazhir* in distributing waqf. If traced, then considering the necessity of *dharuri* (primary) society (*mauquf 'alaih*) certainly takes precedence over considering *hajiyyat* needs, let alone just a necessity *tahsin* public.⁸²

Waqf and Guidance to Preachers and the Community: Touching Mentawai Muslim Basic Needs

BWA is the first waqf institution to collect waqf Al-Qur'an from the community and distribute it to the interior and some remote islands in Indonesia.⁸³ Since its establishment in 2006, BWA has assembled and channeled several waqf programs, including Al-Qur'an and Construction Waqf (WAP),⁸⁴ clean water facility waqf, electricity waqf, boat waqf, and ship waqf.

Initially, BWA distributed Al-Qur'an waqf with several variations, such as Al-Qur'an and hijab waqf, Al-Qur'an waqf, and prayer mats to the Muslim community in Mentawai.⁸⁵ However, after interacting with the community and local religious teachers, BWA changed the waqf to Waqf Al-

⁸² Al-Syatibi, *Al-Muwafaqat Fi Ushul Al-Syariah*.

⁸³ Tiswarni, "Peran Nazhir Dalam Pemberdayaan Wakaf (Tinjauan Terhadap Strategi Pemberdayaan Wakaf Badan Wakaf Al-Qur'an Dan Wakaf Center)," *AL-ADALAH* XII, no. 2 (2014).

⁸⁴ <http://www.bwa.id>. Accessed 24 November 2023

⁸⁵ Tiswarni, Strategi Nazhir dalam Pengelolaan Wakaf.

Qur'an⁸⁶ and Development (WAP) and Waqf Water Action for People.⁸⁷

BWA began its introduction to the people of the Mentawai Islands in 2009 by distributing 4,202 Al-Qur'ans, 200 prayer rugs, and 400 headscarves. Furthermore, BWA distributed 1,000 Al-Qur'ans and translations in 2016; in 2019, it distributed 33,630 Al-Qur'ans. Al-Qur'an waqf is directed to improve the quality of life of underdeveloped people.

The WAP program is not just distributing al-Qur'an waqf to the community but has a bigger mission than that. Hazairin mentioned that the al-Qur'an waqf distributes the Koran to people who need it and then finishes it, including a coaching program. Holding coaching aims to eradicate al-Qur'an literacy in society, strengthen the people's faith, and make the Koran a way of life.⁸⁸ Referring to Yusuf's opinion, adequate human resources must also be prepared through endowments.⁸⁹

The Al-Qur'an coaching program is carried out by BWA field partners, which include religious teachers or other teachers in the area. Arifuddin Anwar explained that for this mission, BWA supports training activities for local

⁸⁶ After trying to collect waqf funds from the community to be channeled in the form of an al-Qur'an waqf program, from 2007 to 2022, BWA has collected and distributed 2,015,073 mushafs of the Koran to remote parts of the archipelago. The distribution of Al-Qur'an Waqf is also accompanied by several coaching and empowerment programs for the community and preachers on remote islands. This institution hooks up with organizations or community leaders where the waqf is distributed. This is because the institution or figure has a better understanding of the community and needs in that area.

⁸⁷ Interview Hazairin 20 Juli 2022

⁸⁸ Interview 19 Juli 2022

⁸⁹ Yusuf, "Management and Utilization of Productive Waqf in Empowering Community's Economy."

preachers and the community regarding budget and human resources. Guidance is given in the form of training to improve preachers' abilities in terms of preaching material and methods.

Before preachers guide the community, they are equipped with prior knowledge to be accepted, and their da'wah also leaves a mark on the community.⁹⁰ Fortito believes that training for preachers in the Mentawai Islands is crucial, especially concerning knowledge about the condition of the community and local customs.

“The preachers were trained on how to enter society and taught community anthropology so that they were not immediately locked with the Koran and Hadith when preaching. They must understand the condition of society and what they like and do not like.”⁹¹

According to Fortito, the urgency of this training is very much felt by preachers, especially those who are still beginners and do not know many of the customs and habits of the people.

“Da'wah training is vital to preachers who will preach in the Mentawai Islands. They must be equipped with knowledge about the local population's customs, the community's social conditions, and provisions about natural conditions and the difficulties that may be encountered because there was an incident when the community expelled a preacher from their village because they did not like the method and material of the da'i's da'wah.”⁹²

⁹⁰ Interview with Arifuddin Anwar, Partner Lapangan BWA, 19 Agustus 2022.

⁹¹ Interview with Fortito 9 Agustus 2022.

⁹² Interview 9 Agustus 2022

From Fortito's statement, it can be understood why coaching for preachers is essential. They are the spearheads that are in direct contact with the community. They must understand the field of da'wah along with the condition of the community. It is typical not to preach directly with the rules of halal and haram.

Da'i training is carried out in the form of seminars and da'wah training. One form of provision for preachers is holding Surah al-Fatihah training, attended by 400 TPQ, TPA, DKM, and Mosque Imam teachers on January 15, 2020. This training was held thanks to the collaboration between BWA and the West Sumatra Provincial Government.⁹³

When al-Qur'an waqf is to be distributed, BWA always coordinates with preachers in the regions, including preachers on remote islands. Based on Arifuddin Anwar's experience, the local preachers will direct whom the al-Qur'an waqf is distributed. This is done so that al-Qur'an waqf is right on target.⁹⁴ Fortito added that preachers would classify people based on their ability to read the Koran.

“People who are good at reading the Koran will immediately be given a manuscript. Whereas for people who cannot read the Koran, before being given the Koran, they will be given the Iqra Book and trained to be able to read the Koran properly and correctly.”⁹⁵

The classification of the community in accepting WAP is also carried out based on the community's religious understanding. Mujamma'ul Khair also conveyed the

⁹³ Bwa.id. Diakses tanggal 2 Agustus 2022

⁹⁴ Interview 19 Agustus 2022

⁹⁵ Interview 9 Agustus 2022; Newsletter BWA, *Di Mentawai Muslim Minoritas*, November 2010.

superficial understanding of the majority religion of the Mentawai Muslim community; some people have not been able to read the Koran properly, and they also do not carry out mandatory worship, such as prayer, because they do not memorize the readings.⁹⁶

In the Mentawai Islands, many people are converted to Islam and need intensive coaching. Fortito can confirm that their understanding of Islam is, of course, still shallow.

“Through preachers in the Mentawai Islands, BWA provides ongoing guidance to converts. They are equipped with religious knowledge so that their beliefs become robust and their worship improves.”⁹⁷

Several activities, including the Islamic boarding school, give this religious knowledge. As the name implies, this pesantren is held for one week and has various themes around faith and worship.

“Lightning Islamic boarding schools are held for converts with Islamic material, including faith and worship. Usually, Islamic boarding schools are held for a week and are filled by preachers from the Mentawai Islands or imported from Padang. This activity is carried out regularly, at least three times a year. This was done so that the converts' confidence would improve and the persuasion of the missionaries would not easily tempt them.”⁹⁸

Based on the previous description, it can be seen that coaching for the community and converts is carried out continuously so that their understanding of Islam improves. In the Mentawai Islands, several villages, namely

⁹⁶ Interview 12 Desember 2022.

⁹⁷ Interview 9 Agustus 2022.

⁹⁸ Interview with Fortito, 9 Agustus 2022

Saliguma Village and Kec, are assisted by converts. Central Siberut 130 families, Malilimoh Hamlet, Katurai Village, Southwest Siberut District, 19 families, Toloulagoh Hamlet, Katurai Village, Kec. Southwest Siberut has 25 families; Matotona Village and Muara Siberut Village have 215 families; and Madobag Village, South Siberut District has 13 families.⁹⁹ In these villages, the development of converts is centered.

Apart from the religious sector, the people of the Mentawai Islands also complain about the difficulty of accessing clean water, which dramatically disrupts their lives.¹⁰⁰ For this reason, BWA also allocates waqf for clean water facilities to the people who need it the most. The absence of clean water facilities greatly disrupts community activities in mosques, Islamic boarding schools, and homes.¹⁰¹ BWA has also started distributing waqf for clean water facilities from mosques, such as providing waqf for clean water facilities at the Great Mosque of Sipora Mentawai.¹⁰² With this waqf, BWA all wants to improve the function of the mosque, not only as a center of worship but also as a center for other community activities such as education and economic activity.

The allocation of waqf for clean water facilities in the Mentawai Islands is essential. This is due to the condition of the waters in the islands, which are primarily brackish water.¹⁰³ People are accustomed to consuming and using water that is colored like tea water and tastes not fresh. In

⁹⁹ bwa.id. wakaf_ al-Qur'an_dan_ pembinaan_perkuat_ akidah_ mualaf_ mentawai_ dan_muslim_di_ sumbar. Diakses tanggal 1 Agustus 2022.

¹⁰⁰ Interview with Rino Afrizuli, 19 November 2023; Interview Lemanus Sulaiman 19 November 2023.

¹⁰¹ Interview with Hasbiallah Sikabaluan, 20 November 2023.

¹⁰² Woi.or.id. kegiatan-di masjid- raya Sipora- Mentawai-terhambat-karena-krisis-air-bersih. Diakses 10 November 2022.

¹⁰³ Interview with Hasbiallah Sikabaluan, 20 November 2023.

areas close to the coast, the water consumed tastes salty. Although it is not salty like seawater, the taste is not feasible.¹⁰⁴

In Indonesia, some mosques have performed their role in improving community human resources, although they are still limited in religious education. In order to increase empowerment in the economic, social, and other fields, the community can utilize waqf objects to be managed to provide significant benefits for community empowerment.¹⁰⁵ Utilizing endowments for clean water facilities benefits the community around the mosque, both Muslims and non-Muslims.

“Besides increasing residents' expenses because they have to buy water for their daily activities, much time and energy is spent fetching water in remote places. After the waqf for clean water facilities is built, the community can carry out everyday activities and worship in peace, and household expenses for buying water can be diverted to meet other needs. The Muslim and non-Muslim communities around the mosque enjoy Waqf for clean water facilities.”¹⁰⁶

In line with establishing a waqf program for clean water facilities, BWA and its field partners also foster communities that benefit from the waqf of clean water facilities with sanitation, education, and Islamic knowledge. Therefore, the construction of waqf clean water facilities is still commanded by preachers, Islamic boarding schools, and mosques in the region.¹⁰⁷ Thus, the

¹⁰⁴ Interview with Lemanus Sulaiman, 20 November 2023.

¹⁰⁵ Syaikh, Maimunah, Laili Wahyunita, “The Empowerment of Infaq and Waqf Evaluation in Light of Maqasid Al- Sharia Perspective in Mosques in Palangka Raya, Indonesia.”

¹⁰⁶ Interview with Hazairin, 20 Juli 2022; bwa.id. Assessed 2 Agustus 2022.

¹⁰⁷ Newsletter BWA, *Amazing Wakaf, Harumnya Abadi*, (2012)

community benefits material from the waqf and immaterial from Islamic coaching.

The community factor that will benefit from the waqf is also an obstacle. Rino Afrizulli said that the practice of waqf was something new for them. This can be understood by looking at these islands' small waqf land.¹⁰⁸ In the Mentawai Islands, Muslims only make up 22% of the total population. This small amount is directly proportional to the small amount of waqf land on these islands. Referring to the Ministry of Religion's Siwak data, there are only 13 waqf lands in Mentawai with an area of 2.78 hectares spread over North Sipora (9 locations) and South Sipora (4 locations).¹⁰⁹

BWA's efforts in creating a Quranic waqf program accompanied by religious construction can also be understood from BWA's vision and mission. As a waqf institution, BWA has two visions: first, to make waqf a Muslim lifestyle; second, to become a professional waqf philanthropic institution, which is foremost and compliant with Syaria. The mission of BWA is, first, to distribute the Qur'an to areas prone to education and aqidah. Second, support preachers in remote parts of the country to form and teach the Qur'an with memorable **methods**. Third, develop innovative supporting programs that touch the human problems of the community to provide added value to life. Fourth, channeling benefits to the community through waqf and humanitarian programs.¹¹⁰

Waqf Utilization Solutions for Communities in the Mentawai Islands

¹⁰⁸ Interview 7 Desember 2022.

¹⁰⁹ Siwak.kemenag.go.id. Diakses 8 Desember 2022.

¹¹⁰ wakafquran.org. Diakses tanggal 9 Agustus 2022.

The utilization of waqf has developed since it was first prescribed.¹¹¹ History records how Rasulullah SAW and his friends competed to donate their property, so waqf became a popular tradition.¹¹² Utilization is quite varied; apart from being used for religious purposes (building mosques), it is also used for social activities (waqf wells) and productive activities (endowments of land in Khaibar).¹¹³

Until now, waqf has continued to carry out its function of improving people's lives. Such as contributing to reducing poverty,¹¹⁴ providing educational services as a human builder,¹¹⁵ and building various infrastructures.¹¹⁶

From the many waqf practices carried out by the Prophet and companions, it can be understood that waqf should be adjusted to the community's needs. This is what the Prophet and his companions exemplified. The Prophet donated his land to build a mosque because Muslims needed worship facilities. Usman bin Affan's friend donated a well for the house¹¹⁷ because the people of Medina

¹¹¹ Munzir Qahf, *Al-Waqf Al-Islami, Tatawuruhu, Idaratuhu, Tanmiyyatuhu*, 2nd ed. (Damaskus: Dar al-Fikr, 2006), 28.

¹¹² Al-Jamal, *Daur Nizam Al-Waqf Al-Islami Fi at-Tanmiyah Al-Iqtisadiyah Al-Mu'assira*.

¹¹³ Kemenag RI, *Dinamika Perwakafan Di Indonesia Dan Berbagai Belahan Dunia* (Jakarta: Dirjen Bimbingan Masyarakat Islam Direktorat Zakat dan Wakaf, 2017), 36–37.

¹¹⁴ Haruna Tijjani Haruna, "The Contribution of Waqf Institution as a Financial Tool in Addressing Poverty Reduction: Evidence from The Literature."

¹¹⁵ Amuda, Razak, and Ahmed, "Application of Cash Waqf in the Empowerment of Widows in Malaysia."

¹¹⁶ Tarmidzi Fadhlullah Mudzakkir, "Wakaf Uang Untuk Infrastruktur Dalam Prespektif Hukum Islam," *Jurnal Hukum Islam* 16, no. 2 (2018): 237–49.

¹¹⁷ Khairuddin, "Pergeseran Paradigma Pengaturan Wakaf Dalam Perspektif Hukum Progresif," *Al-Adalah* XII, no. 1 (2014); Fakhrudin, "Pengaruh Mazhab Dalam Regulasi Wakaf Di Indonesia," *Jurisdictie: Jurnal Hukum Dan Syariah* 10, no. 2 (2019): 253–77, <https://doi.org/10.18860/j.v10i2.8225>.

depended heavily on the well's water for their daily lives.¹¹⁸ Quoting Qahf's opinion, when the condition of society is backward from an economic point of view, productive waqf is the right solution.¹¹⁹ Because productive waqf generates profits that will increase community empowerment economically. Likewise, if the community is faced with the problem of a lack of religious infrastructure, waqf for the construction of a mosque is more appropriate.

In our opinion, the utilization of waqf that is in line with the community's needs is also in line with its *maqashid al-shari'ah*, especially if it concerns the basic needs of society.¹²⁰ This need must be a priority for the utilization of waqf.¹²¹

Meeting the basic needs of society is a form of protection for the existence of human life. This is caused when the *daruriyyah* aspect is not fulfilled; the benefits of the world and even the hereafter will also be lost, and damage will appear.¹²² The values of benefit and justice must be put forward in utilizing waqf, a manifestation of its *maqashid al-shari'ah*.¹²³

We consider the Al-Qur'an waqf and coaching program a solution that BWA provides for Mentawai's Muslim community. If you only distribute al-Qur'an waqf, the waqf has not touched the community's basic needs.¹²⁴

¹¹⁸ Kemenag, *Dinamika Perwakafan...* 37

¹¹⁹ Munzir Qahf, *The Role of Waqf in Improving...*

¹²⁰ Al-Syatibi, *Al-Muwafaqat Fi Ushul Al-Syariah*.

¹²¹ Miftakhuddin et al., "Pendayagunaan Wakaf Di Tengah Pandemi Covid-19 Dalam Perspektif Maqashid Al-Syariah."

¹²² Al-Syatibi, *Al-Muwafaqat Fi Ushul Al-Syariah*. 324

¹²³ Abdurrohman Kasdi, "Actualization of Maqasid Al-Shariah in Modern Life; Maqasid Al-Shariah Theory as A Method of The Development of Islamic Laws and Shariah Economics," *Justicia Islamica Jurnal Kajian Hukum Dan Sosial* 16, no. 2 (2019): 247-68, <https://doi.org/10.21154/justicia.v16i2.1666>.

¹²⁴ Usman, etc, *Pemberdayaan Muslimah Minoritas...Laporan Penelitian*.

Referring to Mujamma'ul Khair, the utilization will be felt less because they do not yet have sufficient ability to study the contents of this holy book.¹²⁵ Instead of understanding the contents of the Koran, some Mentawai Muslims cannot even read the Koran.¹²⁶ However, when waqf is coupled with a coaching program for preachers and the Muslim community, its utilization is maximized.

Coaching for converts is also an essential concern of WAP. Mujamma'ul Khair said that many converts were impressed by "playing religion." For various reasons, they converted to Islam. Some are married to Muslim women, and when the marriage is separated, they return to their original religion. There are also debtors in the church because they are unable to pay, so they convert to Islam with the belief that their debt will be paid by their Muslim brothers or Islamic religious institutions. When it is paid off, they return to their previous religion.¹²⁷

The problems faced by the people in the Mentawai Islands are indeed complex. They not only need to increase their religious understanding but also need assistance in improving their socio-economic conditions. Therefore, it takes hard work from various related parties to provide solutions to these many problems. BWA is here to offer solutions to community religious and social problems with the WAP program. Increased understanding of religion is needed so that people are more motivated to practice religious teachings and are not easily persuaded by persons from other religions to change their beliefs.¹²⁸ Communities also need help in lightening the burden of everyday life.

¹²⁵ Interview at 12 Desember 2022.

¹²⁶ Interview with Rino Afrizuli at 7 Desember 2022.

¹²⁷ Interview 12 Desember 2022.

¹²⁸ Interview with Rino Afrizuli tanggal 7 Desember 2022.

In short, the Al-Qur'an Waqf and Development Program (WAP) allocation to improve the quality of community diversity is beneficial for preachers, converts, and other Muslim communities.

Likewise, the waqf program for clean water facilities urgently needs to help people carry out their activities while saving their expenses. Communities find it difficult to carry out their daily activities due to limited access to clean water sources far from their homes. Therefore, using waqf by finding the nearest source of clean water, building water reservoirs, and flowing it to mosques and residents' homes is an intelligent solution to facilitate their lives.¹²⁹ It does not end there; BWA also provides guidance related to proper sanitation knowledge, how to care for waqf objects and religious guidance for people who receive the benefits of the waqf.¹³⁰

The Muslim community and non-Muslim communities in Mentawai enjoy the utilization of waqf clean water facilities. This is in line with the results of Sulistiani's research, where non-Muslims can participate in waqf and, at the same time, enjoy its benefits.¹³¹

In our opinion, allocating waqf funds for community religious development as carried out by BWA is new in Indonesia. So far, when the waqif endows the Koran with one institution, he will transfer the waqf funds for the price of one copy of the Koran. This is different from the WAP program initiated by BWA.¹³² Part of the waqf funds the wakif gives are used to purchase waqf Al-Qur'ans, and the other part is used for construction. So, when people

¹²⁹ Woi.or.id. kegiatan-di masjid- raya Sipora- Mentawai-terhambat-karena-krisis-air-bersih. Diakses 10 November 2022.

¹³⁰ Interview with Fortito 9 Agustus 2022.

¹³¹ Sulistiani, "The Legal Position of Waqf for Non-Muslims in Efforts to Increase Waqf Assets in Indonesia."

¹³² <http://www.bwa.id>. Accessed 24 November 2023.

transfer waqf donations, they donate the Koran as a waqf and, at the same time, finance religious development and institutional operations.¹³³ Likewise, when he provides waqf for clean water facilities, apart from donating to clean water facilities, he also contributes to the development and operational activities of the institution.¹³⁴

Based on information from Heru Binawan, founder of BWA, when the wakif made a waqf donation of Rp. 150,000, so part of the waqf funds were used to buy Al-Qur'ans to be donated and costs for religious guidance to the community, including converts and local *ustads*. Apart from that, the operational costs of institutions that deliver waqf Al-Qur'ans to remote areas are also taken from these funds.¹³⁵

In our opinion, using waqf funds for institutional development and operational activities is inappropriate. This is due to the nature of waqf, where objects must remain in existence and not be consumed.¹³⁶ If the funds under the waqf agreement are used for institutional operations and religious development costs, then the waqf funds will be lost. The right solution is to separate waqf funds from institutional operational funds. BWA can collect donations to deliver waqf items to remote islands. Alternatively, BWA can use other community funds, such as donations and alms, with more general uses.

As for using waqf funds for religious development programs, BWA can make formation as a waqf object. Although most ulama believe that waqf objects must be visible objects that can be handed over,¹³⁷ Malikiyah

¹³³ Interview with Heru Binawan 20 November 2023.

¹³⁴ Interview with Hazairin 20 Juli 2022.

¹³⁵ Interview with Heru Binawan 20 November 2023.

¹³⁶ Az-Zuhaili, *Al-Fiqh Al-Islamiy Wa Adillatuhu*. 183.

¹³⁷ Nurodin Usman, "Pengelolaan Wakaf Produktif Dalam Bentuk Spbu Studi Kasus Spbu Masjid Agung Semarang," *Muqtasid: Jurnal*

scholars allow waqf benefits or objects that are abstract (intangible), such as waqf benefits or waqf rights.¹³⁸

In Indonesia, waqf rights are permitted as stated in UU no. 41 of 2004.¹³⁹ It states that rights can be made into waqf objects, such as copyrights, plant variety, and integrated circuit rights. In Malaysia, the Selangor Government is actively introducing knowledge endowments to the public.¹⁴⁰

It is not easy for BWA to receive waqf intangible objects because Haru Binawan clearly stated that waqf objects for BWA have a form and can be handed over.¹⁴¹ This institution follows the opinion of Syafi'iyah, which states that waqf objects must have a precise shape and size and can be handed over.¹⁴² However, for the benefit of the institution and society, BWA must change its current understanding of waqf. Most waqf rules in Islamic jurisprudence are *ijtihad* matters, which accept the development and expansion of meaning.¹⁴³

Ekonomi Dan Perbankan Syariah 4, no. 1 (2013): 145, <https://doi.org/10.18326/muqtasid.v4i1.145-163>; Az-Zuhaili, *Al-Fiqh Al-Islamiy Wa Adillatuhu*.

¹³⁸ Az-Zuhaili, *Al-Fiqh Al-Islamiy Wa Adillatuhu*. 153.

¹³⁹ BWI, *Himpunan Peraturan Perundang-Undangan Tentang Wakaf*, 2018.

¹⁴⁰ <https://www.wakafselangor.gov.my>. Accessed 24 November 2023

¹⁴¹ Interview Heru Binawan 20 November 2023.

¹⁴² Sahmiar Pulungan, "Tinjauan Fiqh Terhadap Wakaf Produktif Menuju Kesejahteraan Umat," *DIKTUM: Jurnal Syariah Dan Hukum* 20 (2022): 357–68; Sarmo, "Hukum Perubahan Status Harta Benda Wakaf (Studi Kasus Perubahan Status Kepemilikan Tanah Wakaf Di Desa Keniten Kecamatan Kedungbanteng Kabupaten Banyumas)," *Al-Manāhij: Jurnal Kajian Hukum Islam* 14, no. 2 (2020): 239–50; Az-Zuhaili, *Al-Fiqh Al-Islamiy Wa Adillatuhu*.

¹⁴³ Mu'allim, "Ijtihad Ekonomi Dalam Pengelolaan Aset Wakaf"; Fakhrudin, "Pengaruh Mazhab Dalam Regulasi Wakaf Di Indonesia"; Pulungan, "Tinjauan Fiqh Terhadap Wakaf Produktif Menuju Kesejahteraan Umat."

The strength of utilizing waqf by BWA lies in the juxtaposition of coaching programs in distributing waqf to the community. This is what makes the utilization of WAP and waqf of clean water facilities touch the basic needs of the people of the Mentawai Islands—referring to the opinion of Nur¹⁴⁴ and Kasdi¹⁴⁵ on the importance of juxtaposing dimensions *maqasid al-shariah* on waqf utilization.¹⁴⁶

Referring to the opinion of al-Syatibi,¹⁴⁷ the needs of human life vary at different levels. The Mentawai Muslim community is in a big problem, namely the silting of *aqidah*, because of their lack of understanding.¹⁴⁸ We believe that the utilization of waqf by BWA has touched the community's basic needs. Al-Qur'an and clean water waqf are intended to increase people's religious understanding and help improve their social conditions.

Conclusions

Previous studies explained that the Waqf Al-Qur'an and Guidance (WAP) program and the waqf for clean water facilities distributed by BWA to the Mentawai people were in line with their basic needs. The most fundamental

¹⁴⁴ Nur, Adam, and Muttaqien, "Maqasid Al-Shari'at; The Main Reference and Ethical-Spiritual Foundation for the Dynamization Process of Islamic Law."

¹⁴⁵ Kasdi, "Actualization of Maqasid Al-Shariah in Modern Life; Maqasid Al-Shariah Theory as A Method of The Development of Islamic Laws and Shariah Economics."

¹⁴⁶ Syaikh, Maimunah, Laili Wahyunita, "The Empowerment of Infaq and Waqf Evaluation in Light of Maqasid Al- Sharia Perspective in Mosques in Palangka Raya, Indonesia"; Farhana Mohamad Suhaimi, "Waqf Contribution in Assisting Women's Development in Malaysia]," *Jurnal Islam Dan Masyarakat Kontemporary* 22, no. 2 (2021): 100–108.

¹⁴⁷ Al-Syatibi, *Al-Muwafaqat Fi Ushul Al-Syariah..* 324

¹⁴⁸ Interview with Mujamma'ul Khair, 12 Desember 2022; Interview Elizabeth 19 November 2023

problem for the Mentawai Muslim community is the lack of religious understanding, both in terms of aqidah and worship, so the presence of WAP is very beneficial. Likewise, waqf is for clean water facilities, especially for people who live in areas that have difficulty accessing clean water sources. The water distributed by BWA is a breath of fresh air for them and reduces the burdens of daily life.

This study has implications for empowering waqf based on the people's basic needs who will reap the benefits of waqf. This is done so that the use of waqf can be maximized and become an intelligent solution for big problems in their lives. However, the utilization should remain within the corridors of Islamic law.

This study also contributes to the diversity of waqf objects based on the basic needs of society. This will lead to waqf's role in overcoming problems in society. The findings above will undoubtedly lead to better waqf development. In addition, this study also provides an understanding of how the government and other waqf institutions can be responsive and creative in mapping community problems so that the actions taken also follow existing problem-solving.

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