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**DISTRIBUTION OF CASH WAQF WITH DEBT AND
RECEIVABLE MECHANISMS PERSPECTIVE OF ISLAMIC
LAW AND POSITIVE LAW
(Case Study of the Aksi Cepat Tanggap Madiun)**

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ABSTRACT

Cash waqf has great potential as a source of productive waqf funds that aim to build the people's economy and improve the welfare of the community. Productive waqf is the waqf property used in production activities and the results are distributed according to the purpose of the waqf. Many productive waqf designs have been developed by several parties engaged in the Islamic economic sector, such as the distribution of cash waqf funds for the empowerment of small and medium enterprises (SME). As has been done by the Global Action Agency for Fast Responses in Madiun, in which the distribution of waqf funds is channeled to small and medium-sized enterprises owned by the community using a debit and credit mechanism. There are pros and cons to the design of productive waqf like this because according to some opinions, waqf funds can only be produced for the social interests of the people, not for personal use, besides that according to waqf regulations in force in Indonesia, waqf assets may not be sold, given away, used as collateral, and may not be used as collateral. transferred in the form of transfer of other things. Departing from the various problems that need to be reviewed and analyzed in-depth, the researchers used a qualitative descriptive method by describing the actual state of the phenomenon of the object under study and then comparing it with the existing theory. The first stage is to collect data regarding the management and distribution practices of Cash Waqf funds at the Global Action Agency for Aksi Cepat Tanggap Madiun. The second stage is managing the data that has been obtained, then the last stage, the data obtained is tested and analyzed

14 according to Islamic law and waqf regulations in Indonesia, and then finds the results of the research. With the source of the data obtained from the ACT Institution and the party receiving the funds used for the source and SME. 16 The purpose of this study was to find out the practice of managing and distributing cash waqf funds at the Global Aksi Cepat Tanggap Madiun Institute and to determine their compliance with Islamic law and waqf regulations that apply in Indonesia.

Keywords: *Distribution, Cash Waqf, Debt and Receivable, Islamic Law, Positive Law*

A. INTRODUCTION

The phenomenon of the current use of *waqf* property is no longer only used for the benefit of worship facilities, madrasas, or graves because people are starting to realize that *waqf* is an Islamic economic instrument that has great potential in building the economy of the people in the future. This great potential has been glimpsed by various institutions in developing the community's economy through *waqf* instruments. Madiun's Global Action Agency for Aksi Cepat Tanggap Madiun is a *nazir waqf* institution that specifically manages and distributes *waqf* funds to people who apply for small and medium business financing.

Aksi Cepat Tanggap (ACT) was officially established on April 21, 2005, as an institution engaged in social and humanitarian activities. ACT develops its activities, starting from emergency response activities, then expands its activities to post-disaster recovery programs, community empowerment and development, as well as spiritual-based programs such as Qurban, Zakat and Waqf.

Meanwhile, the ACT Madiun branch office was established in September 2019. ACT Madiun has a fairly wide area of coverage, namely the entire Madiun district, including Ponorogo, Pacitan, Magetan, and Ngawi. ACT Madiun is also the main choice for prospective customers, because its presence has a big role in helping SME financing for the underprivileged. However, it turns out that ACT Madiun does not yet have an official permit from the local Social Service. And from these various facts, researchers are interested in discussing and researching the Aksi Cepat Tanggap Madiun.

In this case, Islam does not specifically explain the law on the distribution of cash *waqf* with the mechanism of debit and credit. According to Sayyid Sabiq, *waqf* is holding property and providing benefits in the way of Allah.¹ *Waqf* means holding back assets that can be used without losing the material, by developing the material and distributing it to what is allowed.

¹ Abdul Nasir Khoerudin, "Tujuan Dan Fungsi Wakaf Menurut Para Ulama Dan Undang-Undang Di Indonesia," *TAZKIYA Jurnal Keislaman, Kemasyarakatan & Kebudayaan* 19, no. 2 (2018): 1–10.

Waqf based on the economic point of view itself is divided into two, namely direct *waqf* and productive *waqf*. Direct/consumptive *waqf*, namely *waqf* whose principal goods are directly used by recipients, both certain individuals and the general public, such as mosques for certain individuals and the general public, such as mosques, madrasas, and assistance for the poor. While productive *waqf* is *waqf* whose principal goods are for production activities and the results are given for *waqf*.²

There are several studies on the distribution of *waqf* for funding of Small and Medium Enterprises, such as research by Mulyono Jamal et al which states that the implementation of a good and targeted distribution of cash *waqf* can increase the income of mauquf 'alaihi and can support the development of SMEs.³ so that they can be more productive. Ade Nur Rohim's research also explains that *waqf* and MSMEs have a very close relationship in efforts to realize community welfare. The potential for cash *waqf* as a means for developing SMEs is very large, but the Beneficiary Congregation must also prepare motivated and consistent in its management.

From these various studies, it is explained that currently only analyzing the potential of *waqf* for the development of SME, while in this study discusses about the distribution carried out by the Global Aksi Cepat Tanggap Madiun (ACT) is included in the type of productive *waqf*, in which the *waqf* property is developed and utilized by the community to improve their welfare. ACT distributes its *waqf* funds by providing financing for people who have micro, small and medium enterprises.

The design of the distribution of *waqf* funds like this attracts researchers to study and research more deeply, because there are also opinions that prohibit *waqf* assets from being inherited, sold, pawned, rented, loaned, and the like, as stated in the book of Fiqh Five Madzhab

² Munzir Qahaf, *Manajemen Wakaf Produktif* (Jakarta: Pustaka Kautsar Grup, 2005), 161–62.

³ Mulyono Jamal, Jarman Arroisi, and Nia Puji, "Implementasi Pendistribusian Wakaf Tunai Sebagai Penunjang Usaha Kecil Menengah Di Badan Wakaf Uang & Badan Wakaf Tunai MUI Yogyakarta Mulyono," *Ulul Albab: Jurnal Studi Dan Penelitian Hukum Islam* 3, no. 1 (2019): 49–66.

by Muhammad Jawad Mughniyah. This is also clarified in *waqf* law in Indonesia, that *waqf* asset that has been *waqf* are prohibited from being used as collateral, confiscated, donated, sold, inherited, exchanged, and transferred in the form of other rights transfers.⁴

Therefore, the distribution design of the ACT institution contains practices that are contradictory to the theory of Islamic *waqf* law and the positive *waqf* law that applies in Indonesia. So it needs very in-depth research to explore the legal suitability of the distribution practice. Where the Global Aksi Cepat Tanggap Madiun Agency or this research. To be able to explain the practices carried out by the ACT Madiun Institution, and at the same time review the practices carried out by ACT with the theory of Islamic law and positive law regarding *waqf*.

So that this research can be used by the public to ensure the permissibility and lawfulness of transactions that are by Islamic law, and not contrary to applicable law in Indonesia. Meanwhile, for academics, this research can be used as a reference in research, and at the same time, it can be a reference for better *waqf* distribution practices. It can also be used as a reference for related institutions, namely the Madiun Global Aksi Cepat Tanggap, to serve as a role model and design module for the distribution of productive *waqf* that is not only following the Sharia, but also does not violate *waqf* regulations in Indonesia.

B. LITERATURE REVIEWS

Productive *Waqf*

In language, *waqf* comes from the word وقف - يقف - وقفا which means standing upright, holding back, the opposite of the word al-julus or sitting. Meanwhile, substantively, *waqf* is holding the principal of the *waqf* property and surrendering the proceeds for the benefit of the people, and its use must last a long time. In *waqf* law number 41 of 2004, *waqf* is the act of a person to *waqf* who gives part of his property to be used for the benefit of the people, the results of which are used

⁴ “Undang-Undang Republik Indonesia Nomor 41 Tahun 2004 Tentang Wakaf,” 2004, <http://dx.doi.org/10.1016/j.buildenv.2015.02.015>.

according to the agreed time for the benefit of worship or the benefit of the people according to Islamic law.⁵

The legal basis for *waqf* used by scholars in explaining *waqf* law is in the verses of the Qur'an and Hadith about *infaq fi sabilillah*, as the word of Allah swt. in Surah Al-Baqarah verse 267:

يَا أَيُّهَا الَّذِينَ ءَامَنُوا أَنْفِقُوا مِنْ طَيِّبَاتِ مَا كَسَبْتُمْ مِمَّا أَخْرَجْنَا لَكُمْ مِنَ الْأَرْضِ وَلَا تَيَمَّمُوا الْخَبِيثَ
مِنْهُ تُنْفِقُونَ وَلَسْتُمْ بِأَخْذِيهِ إِلَّا أَنْ تُغْمِضُوا فِيهِ وَاعْلَمُوا أَنَّ اللَّهَ غَنِيٌّ حَمِيدٌ ٢٦٧

O you who believe! spend (benevolently) of the good things that you earn and or what We have brought forth for you out of the earth, and do not aim at what is bad that you may spend (in alms) of it, while you would not take it yourselves unless you have its price lowered, and know that Allah is Self-sufficient, Praiseworthy.

In the hadith narrated by Muslim,

عن أبي هريرة أنّ رسول الله صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ، قَالَ: إِذَا مَاتَ الْإِنْسَانُ انْقَطَعَ عَنْهُ عَمَلُهُ إِلَّا مِنْ ثَلَاثَةٍ: إِلَّا مِنْ صَدَقَةٍ جَارِيَةٍ، أَوْ عِلْمٍ يُنْتَفَعُ بِهِ، أَوْ وَلَدٍ صَالِحٍ يَدْعُو لَهُ

From Abu Hurairah, the Messenger of Allah (saw) said: "When a child of Adam dies, his deeds will be cut off, except for three things: Sadaqah Jariaya, useful knowledge, and a righteous child who prays for his parents." (HR. Muslim)

Productive *waqf* is property or principal that is *waqf* to be used in production activities and the results are in accordance with the purpose of *waqf*. Productive *waqf* must produce, and from the results it can be used or utilized for the welfare of the people.⁶ Productive *waqf*, also known as *istismari waqf*, is *waqf* property used for productive purposes.⁷ Productive *waqf* can be used for education, health, social

⁵ Kris Dipayanti and Nufzatutسانiah, "Pengelolaan Wakaf Produktif Terhadap Peningkatan Perekonomian Masyarakat Tangerang Selatan," *Jurnal Ilmiah Manajemen Forkamma* 4, no. 1 (2020): 15.

⁶ Choiriyah, "Wakaf Produktif Dan Tata Cara Pengelolaannya," *Islamic Banking* 2, no. 2 (2017): 27.

⁷ Dipayanti and Nufzatutسانiah, "Pengelolaan Wakaf Produktif Terhadap Peningkatan Perekonomian Masyarakat Tangerang Selatan," 16.

services, and the development of Small and Medium Enterprises (SMEs).⁸

Cash Waqf

Cash waqf is waqf in the form of money that is managed productively by *nadzir*, and the results of the waqf are used to develop the waqf. In a sense, someone who wants to waqf in the form of money or cash should invest or be developed and the results obtained will be distributed to the *mauquf*.⁹ Cash waqf according to the fatwa of the Indonesian Ulema Council is waqf carried out by a person, group of people, institutions or legal entities in the form of cash, including in the sense that money is securities.¹⁰

According to Wahbah Azzuhailiy in the book the Hanafi Madhhab allows cash waqf, dinars, and dirhams as exceptions based on *Istihsan bilurf*,¹¹ because they can be business capital and can last a long time and contain many benefits for the benefit of the people.

On May 11, 2002, in Jakarta, the MUI also issued a fatwa regarding the permissibility of cash waqf.¹²

1. Cash waqf is a waqf made by a person or group, institution, or legal entity in the form of cash or cash.
2. Securities are included in the definition of money.
3. Money waqf is legal (Jawaz).
4. It is permitted only to be distributed and used for things that are permitted by the Sharia.
5. The principal value of cash waqf must be fixed and its sustainability guaranteed

⁸ Jamal, Arroisi, and Puji, "Implementasi Pendistribusian Wakaf Tunai Sebagai Penunjang Usaha Kecil Menengah Di Badan Wakaf Uang & Badan Wakaf Tunai MUI Yogyakarta Mulyono," 60–61.

⁹ Aam S Rusydiana and Abrista Devi, "Analisis Pengelolaan Dana Wakaf Uang Di Indonesia: Pendekatan Metode Analytic Network Process (Anp)," *Al-Awqaf: Jurnal Wakaf Dan Ekonomi Islam* 10, no. 1 (2020): 118.

¹⁰ Nanang Qosim, "Wakaf Uang Dalam Perspektif Hukum Islam," *Jurnal Asy-Syari'ah* 4, no. 1 (2018): 52.

¹¹ وهبة الزهيلي، فقه الإسلامى وأدلته (دمشق: دار الفكر، ١٩٨٥)، ١٦٨.

¹² Majelis Ulama Indonesia, "Keputusan Fatwa Majelis Ulama Indonesia Tentang Wakaf Uang," 2002.

Cash Waqf Fund Management

According to Monzer kahf, the model in *waqf* fund investment is divided into two methods, first, traditional and institutional *waqf*, namely developing *waqf* funds that have been collected by involving several investment institutions, both Islamic banking institutions and sharia mutual funds and institutions that develop another cash *waqf*.¹³

Nadzir must have a policy regarding the distribution of profits from productive *waqf* assets to *mauquf alaih*. Then the policy must be implemented for its designation and benefits that have been explained by the *waqif* in the *waqf* pledge. This principle requires *Nadzir* to make criteria for *mauquf 'alaihi*, distinguish between priorities and benefits, and so on.¹⁴

However, this initiative requires a common model for the development of funds from *waqf* as well as their fundraising and management.

1. The classic model of fund management.

a. *Istibdal* Concept

Where *waqf* assets are exchanged for other assets that provide at least a similar service or return without any change in the terms set by the founder. According to Imam Shafi'i, *istibdal* is permissible for immovable property.¹⁵

b. *Al Hukr* Concept

Hukr is literally 'monopoly or exclusivity'. In practice, *waqf* managers may face problems where part of the *waqf* property cannot generate income unless additional investment or innovation is initiated to develop it. So it can be considered by selling the property and buying other properties that can generate similar income without

¹³ Muhammad Syafi'i, *Arah Manajemen Wakaf (Traditional-Modern)* (Jember: CV. Pustal Abadi, 2017), 77.

⁶ Bank Indonesia, *WAKAF: Pengaturan Dan Tata Kelola Yang Efektif*, *Isbn* (Jakarta: Departemen Ekonomi dan Keuangan Syariah, 2016), 119.

⁹ Muhammad Shulthoni and Norma Md Saad, "Waqf Fundraising Management: A Conceptual Comparison between Traditional and Modern Methods Inthe Waqf Institutions," *Indonesian Journal of Islam and Muslim Societies* 8, no. 1 (2018): 64.

additional investment. Instead of selling the *waqf* assets, Monzer Kahf proposed that *nazir* sell the rights to the *waqf* assets to the lessee for a long lease with a nominal periodic rent.¹⁶

c. *Ijaratayn* Concept

The literal meaning of *ijaratayn* is two rents. This is a double-payment lease. This model is one of the instruments that can be held by permanent tenants of the property. The *ijaratayn* contract model, according to Monzer Kahf, is close to the *hukr* conception.¹⁷

2. *Institutional waqf*

There are four modes of financing that allow *Nazir Waqf* to develop the management. The models for financing *waqf* funds to customers are Murabahah, Istisna', Ijarah, and Mudharabah financing models.¹⁸ In addition, there is also a *qardul hasan* financing model, which is a type of loan without additional fees (only pays the amount of the borrowed debt without any addition), the source of *qardul hasan* funds comes from external and internal sources, externally comes from funds outside the bank such as alms, donations, *infaq*, *waqf*.¹⁹

C. METHODOLOGY

This type of research is field research. The method used is a qualitative research method in which interviews are the source of data collection. Observation and literature review as a source of theory collection.²⁰ The method used to achieve this goal is a qualitative descriptive method by describing the actual situation, from the phenomenon of the object under study and then comparing it with existing theory.

¹⁶ Ibid., 66.

¹⁷ Ibid., 67.

¹⁸ Ahmad Furqon, "Model-Model Pembiayaan Wakaf Tanah," *Economica: Jurnal Ekonomi Islam* V (2014): 5, 10.21580/economica.2014.5.1.760.

¹⁹ Sri Nurhayati, *Akuntansi Syariah Di Indonesia* (Jakarta: Salemba Empat, 2009), 239.

²⁰ Sugiyono, *Metode Penelitian Kuantitatif Dan Kualitatif* (Bandung: Alfabeta, 2009), 6.

The main variable of this research is the distribution of cash *waqf* carried out by ACT Madiun using the debts and receivables mechanism as a form of funding for small, micro, and medium enterprises. then the researcher will review Islamic law. In collecting data, researchers used several techniques, as follows: interviews, observation, and documentation. After collecting data using collection techniques, the data will be processed by: editing, organizing, and finding research results. Analysis of the data used is descriptive analytical method, which describes the data collected in the form of words, pictures, and not numbers.²¹

D. RESULT AND DISCUSSIONS

Mechanism of distribution of cash *waqf* funds at Aksi Cepat Tanggap

The mechanism for distributing cash *waqf* funds is carried out by Aksi Cepat Tanggap Madiun in managing the UMI (Indonesian Micro Business) friend program. The target is the UMKM *waqf* program which was formed from the beginning until now. Socialization is the initial stage of how Aksi Cepat Tanggap in Madiun distributes *waqf* funds for SME, in this socialization *waqf* funds for SME, are explained in detail from their meaning and uses.²²

The capital application system for SME in Aksi Cepat Tanggap Madiun is divided into three ways: 1) submitting, the seller or trader comes and submits the problem, then Aksi Cepat Tanggap helps provide capital. 2) recommended, for example, mosque management or donors propose people around them be given capital assistance. 3) the Aksi Cepat Tanggap in Madiun is looking for a seller or beneficiary who deserves to be given *waqf* funds. So, the Aksi Cepat Tanggap team made various efforts to maintain the value of the *waqf* fund.²³

²¹ Lexy Moleong, *Metodologi Penelitian Kualitatif* (Bandung, 2005), 4, PT. Remaja Rosdakarya.

²² The results of Interview with the employee ACT, Wednesday, October 1, 2021, via online.

²³ The results of the interview with AF (PJS Head of Marketing), Wednesday, October 20, 2021, at the Aksi Cepat Tanggap Madiun Office.

The assistance provided by Aksi Cepat Tanggap in Madiun to the general public regarding *waqf* was delivered using the language of an interest-free loan that must be returned in full 100%. Because the money is *waqf* money that must remain intact in value and develop its results. Aksi Cepat Tanggap Madiun also fosters SME traders who are beneficiaries of *waqf* capital assistance once a month, especially those managed in one area.²⁴ The Aksi Cepat Tanggap Madiun Party has problems with the current pandemic period, so assistance to capital recipients has not been fulfilled. These factors cannot be fulfilled. They cannot provide education and direct assistance because they must comply with health protocols. And also the time mismatch due to the busyness of SME actors in running their business.²⁵

Based on an interview with Mr. AF (PJS Head of Marketing) who stated that the distribution of cash *waqf* for SME in Aksi Cepat Tanggap Madiun was not in the form of goods but money which was handed over to SME as beneficiaries and given one year to return it, under certain conditions. The target of the SME *waqf* program at this time is SME affected by the pandemic because it is to meet their economic needs. Distribution at Aksi Cepat Tanggap Madiun uses two methods, firstly providing capital assistance and secondly providing guidance, consultation, and others to SME. If the money has been returned by SME to Aksi Cepat Tanggap, Madiun, the money will be re-productive by looking for other beneficiaries.²⁶

Several actions are given to beneficiaries or recipients of capital to return their *waqf* funds. From the interview results, Aksi Cepat Tanggap Madiun itself gave more than one year to beneficiaries or capital recipients (SME) who have not been able to return *waqf* funds to Aksi Cepat Tanggap in certain conditions that require an extension, such as being affected by a pandemic or affected by a pandemic disaster or disaster and so on. If it has been given, it is still unable to return it, then the Madiun Quick Response Action party will be assisted

²⁴ Ibid .

²⁵The result of interview with the employee ACT, Wednesday December 1, 2021, at Umi Residence.

²⁶ The results of the interview with AF (PJS Head of Marketing),, Wednesday, October 20, 2021, at the Aksi Cepat Tanggap Madiun Office.

in its sales or marketing. If in this condition the beneficiary has not returned the *waqf* fund, then the final step is to submit it to the zakat recipient as Gharim.²⁷ If you are reluctant to return *waqf* funds, there is an agreement on paper that has legal force. The guidelines for the distribution of SME cash *waqf* in Madiun's Quick Response Action.

The guidelines used by Aksi Cepat Tanggap Madiun in distributing cash *waqf* for SME come from the center so that they are adapted to regional conditions. But there are basic principles that are adapted to the conditions of the area so that in the field there will be differences in each region. Beneficiaries or recipients of capital, there are several provisions from the Madiun Quick Response Action party, the priority is for people who already have businesses and are affected by COVID, and the second is micro businesses whose profits are not more than one million per month. In this case, Aksi Cepat Tanggap, Madiun, did not receive any gratuity as a nazir of *waqf* as stated in the interview.

Aksi Cepat Tanggap Madiun positioned itself as a nadzir for managing *waqf* assets from donors or waqif. The management party is also from Aksi Cepat Tanggap itself, Aksi Cepat Tanggap also has various types of *waqf*, namely stock *waqf*, cash *waqf* and so on. Quick Response Action acts as a nadzir and does not take a penny from the *waqf* fund.²⁸

And those who oversee the practice are still sharia coming from the center based on interviews conducted with Mr. Aferu Fajar. That the distribution practice is supervised by the central agency of Aksi Cepat Tanggap which oversees the distribution of cash *waqf* so as not to leave the corridors of Islamic law, supervising by receiving reports provided by the branch of Aksi Cepat Tanggap.

²⁷ Ibid

²⁸ Ibid

Analysis of Islamic Law Against the Practice of Distributing Cash Waqf with Debt and Receivable Mechanisms at Aksi Cepat Tanggap, Madiun Branch.

Waqf has two main elements, first, a spiritual element because waqf is a branch of worship that can bring the wakif closer to Allah SWT.²⁹ Second, the material element because waqf is understood as an effort to make property from consumption interests to function for social welfare at least can be seen from three angles. First, *waqf* fulfills basic needs which include, among others, food, shelter, education, and health. Second, *waqf* is to seek to increase equal opportunities for everyone, especially for those who are less fortunate. Third, *waqf* for structural changes that include changes in social systems and institutions that are less in favor of the poor.³⁰

Based on the description above, the researcher realizes that *waqf* has a very large contribution to social life, *waqf* is actually one of the most potential economic instruments to support the welfare of the people.³¹ But in its management, *waqf* is divided into two, namely consumptive management and product management. Consumptive *waqf* is *waqf* object can be used directly by the surrounding community, such as masjid waqf and Islamic boarding schools for learning.³² While productive *waqf* is efforts to improve the function of waqf in order to meet the needs of those who are entitled to receive its benefits.³³

Waqf management at Aksi Cepat Tanggap Madiun uses productive management because in its distribution, Aksi Cepat Tanggap Madiun uses a *qardhul hasan* contract in which donors act as

²⁹ Murtadho Ridwan, "Wakaf Dan Pembangunan Ekonomi," *ZISWAF: Jurnal Zakat Dan Wakaf* 4, no. 1 (2018): 106.

³⁰ Devid Frastawan amir Sup, "Wakaf Kontemporer Di Indonesia Dalam Perspektif Hukum Dan Fatwa," *Jurnal Hukum Ekonomi Syariah* 4.

³¹ Liesma Maywarni Siregar and Puguh Setiawan, "Wakaf Sebagai Ibadah Sosial Berkelanjutan," *Tajdid: Majalah Ilmu Pengetahuan Dan Pemikiran Keagamaan* 23, no. 2 (2020): 173.

³² Nurodin Usman, "Variasi Mauquf Alaih Am Sebagai Alternatif Dalam Pengembangan Wakaf Produktif," *Al-Ahkam Jurnal Ilmu Syari'ah Dan Hukum* 2, no. 1 (2017): 40.

³³ Daharmi Astuti, Boy Syamsul Bakhri, and Masrayanti Masrayanti, "Pemetaan Potensi Wakaf Produktif Di Kota Pekanbaru," *Al-Hikmah: Jurnal Agama Dan Ilmu Pengetahuan* 18, no. 2 (2021): 105.

wakifs who endow their assets either directly or indirectly (online) which is consciously and intentionally given to Aksi Cepat Tanggap. Madiun acts as nadzir in the form of money to be distributed to *mauquf alaihi* to develop his business.

The practice of distributing cash *waqf* managed by Aksi Cepat Tanggap Madiun has provided several social functions and has fulfilled the expectations of the potential of *waqf* such as assisting with *waqf* funds to develop its business so that it has a good impact. As stated by Mrs. Saminem, as a seller of tempeh chips, this assistance is very helpful in developing her business so that she can open branches outside the city since the *waqf* funds from Aksi Cepat Tanggap Madiun and the community can live in prosperity. In addition, according to Ms. Umi, as a catering entrepreneur, the *waqf* fund assistance from the Aksi Cepat Tanggap Madiun was very helpful during this pandemic, with direct guidance from Aksi Cepat Tanggap Madiun, Umi was able to earn more income so that she could finance family life and pay for her children's schooling. . The beneficiaries of this *waqf* property are Micro, Small and Medium Enterprises that directly feel the benefits of the property and use it for something that does not conflict with Islamic law.

The practice of distributing cash *waqf* at Aksi Cepat Tanggap Madiun uses a *qardhul hasan* contract. *Qardhul hasan* is a loan financing of a fund where the borrower will not be charged an additional fee in return, or interest-free loans. This contract is a benevolent loan agreement that is given, as a loan of money or a loan for business capital that is not commercial in nature, but is social in nature. Where the source of the funds lent comes from social funds such as zakat, infaq, alms, grants, cash *waqf* and other social funds.³⁴ Aksi Cepat Tanggap as a lender (*muqridh*) functions to collect social funds from donors which will be distributed to Micro, Small, and Medium Enterprises as borrowers (*muqtaridh*). So in returning the loan money

³¹Febri Annisa Sukma et al., "Konsep Dan Implementasi Akad Qardhul Hasan Pada Perbankan Syariah Dan Manfaatnya," *Amwaluna: Jurnal Ekonomi Dan Keuangan Syariah* 3, no. 2 (2019): 149.

or *waqf* funds, Aksi Cepat Tanggap Madiun does not take any profit from the *waqf* funds borrowed to be used by Micro, Small, and Medium Enterprises. Assets that are the object of the loan are *waqf* assets, so the assets cannot be of less value, the Aksi Cepat Tanggap Madiun party guides by gathering Micro, Small and Medium Enterprises actors once a month, especially those managed locally in one area so that their development can be controlled and can return assets. lent *waqf*. However, if they still cannot return the loan money, Aksi Cepat Tanggap Madiun will recommend it into the Global Zakat program and be registered as 8 Ashnaf, namely *gharim* (debtors).

So it can be concluded that the practice of distributing cash *waqf* using *qardhul hasan* in Aksi Cepat Tanggap Madiun is by Islamic law because it has withheld the value of assets and maintained the principal value of *waqf* assets by using it for the development of Micro, Small and Medium Enterprises as well as providing guidance. The distribution of *waqf* assets in Aksi Cepat Tanggap Madiun using *qardhul hasan* does not contain elements of *maisir*, *gharar*, and usury. Because there is no addition in the return, whereas if it cannot return the loan money, Aksi Cepat Tanggap Madiun will recommend it into the Global Zakat program and be registered as 8 Ashnaf, namely *gharim* (people who are in debt).

Positive Legal Analysis of the Practice of Distributing Cash *Waqf* with Accounts Payable Mechanism

The distribution of cash *waqf* using the payables mechanism is an innovation in the utilization of *waqf* assets. However, there is a positive law that specifically regulates the procedures for managing *waqf* assets. As regulated in Law No. 41 of 2004 concerning *waqf* article 40, that *waqf* asset that has been *waqf* are prohibited from being used as collateral, confiscated, granted, sold, inherited, exchanged, and transferred in the form of other rights transfers.³⁵ Therefore, it is necessary to note from the article that the transfer of *waqf* assets into

³⁵ Muhammad Yunus and Syafrudin Syam Pagar, "Pemindahan Tanah Wakaf Menurut Undang-Undang No. 41 Tahun 2004 Tentang Wakaf (Studi Kasus Di Kota Medan)," *DirectorAT-TAFAHUM: Journal of Islamic Law* 2, no. 1 (2018): 220.

the hands of others must be based on the rules in force in Indonesia, not only for the benefit of Nazir or the person entrusted with managing the *waqf*.

The distribution of *waqf* assets with a payable and credit mechanism can be enforced without violating the *waqf* law with several provisions, namely:

1. Must be used for public purposes by the general spatial plan (RUTR).
2. Management and development of *waqf* assets must be by sharia principles.
3. Done with a productive purpose
4. The function of productive *waqf* assets is aimed at the progress and improvement of the people's economy.
5. The implementation of these provisions can be carried out after obtaining written permission from the competent government.³⁶

Meanwhile, the distribution of *waqf* in the Aksi Cepat Tanggap Madiun aims to help Micro, Small, and Medium Enterprises (SME), which means that this mechanism aims to develop the people's economy and also for the public interest, as well as become a productive *waqf* asset. While the contract used in this payables mechanism is a qardhul hasan contract, namely the return of debts borrowed by customers, without adding the slightest value, then the debt-receivable mechanism using the qardhul hasan contract is by sharia principles.

E. CONCLUSION

The distribution of cash *waqf* at Aksi Cepat Tanggap Madiun uses a qardhul hasan contract. Madiun's Aksi Cepat Tanggap in return did not take any profit from the *waqf* funds borrowed to be used by Micro, Small, and Medium Enterprises. Aksi Cepat Tanggap Madiun conducts

³⁶ Islamiyati islamiyati, Nur Adim, and Rizki Fitria Sari, "Hambatan Penyelesaian Sengketa Tanah Wakaf Pada Proyek Pembangunan Jalan Tol Dan Solusinya (Studi Kasus Di Kabupaten Jombang)," ., *Diponegoro Private Law Review* 7, no. 2 (December 10, 2020): 7.

coaching by gathering Micro, Small and Medium enterprise actors once a month, especially those managed locally in one area so that their development can be controlled and can return the lent *waqf* assets. Aksi Cepat Tanggap Madiun also provides several social functions and has fulfilled the expectations of the potential of *waqf* such as assisting with *waqf* funds to develop their business so that they have a good impact.

The distribution of cash *waqf* using *qardhul hasan* in Aksi Cepat Tanggap Madiun is by Islamic law because it has withheld the value of assets and maintained the principal value of *waqf* assets by using them for the development of Small, and Medium Enterprises as well as providing guidance. The distribution of *waqf* assets in the Aksi Cepat Tanggap Madiun using *qardhul hasan* does not contain elements of *maisir*, *gharar*, and *usury*. Because there is no addition in the return, whereas if it cannot return the loan money, Aksi Cepat Tanggap Madiun will recommend it into the Global Zakat program and be registered as 8 *Ashnaf*, namely *gharim* (debtors).

The distribution of *waqf* in the Aksi Cepat Tanggap Madiun is by positive law, because it aims to help Small and Medium Enterprises (SME). While the contract used in this payables mechanism is a *qardhul hasan* contract, the debt-receivable mechanism that uses a *qardhul hasan* contract is by *sharia* principles.

This research can provide new innovations in the distribution of *waqf* funds that are more efficient and productive. So that *waqf* can be one of the instruments of Islamic economics that prosper the people. and distributing *waqf* does not only provide consumptive forms. Aksi Cepat Tanggap must distribute its *waqf* funds with social goals for the benefit of the people, not aiming for profit, because Aksi Cepat Tanggap is a *Lebabaga* that operates in the social world, not business.

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