

Analysis of the Role of the *Waqf Nazir* in the Management of the Mosque in Review of the Minister of Religious Affairs Regulation Number 54 of 2006

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Abstract. *As-Syukriyah Mosque in Tanjungbalai City is one of the new mosques whose management has deviated from the relevant legal provisions. Based on Law Number 41 of 2004, the Waqf Nazir does not have the duties and authority of the Mosque Prosperity Board (BKM). However, in As-Syukriyah Mosque, the Waqf Nazir actually plays a full role in carrying out the duties and authority of the BKM. This situation is caused by the absence of an official certificate from the local Religious Affairs Office (KUA) that establishes the mosque's BKM management structure. This research uses a normative juridical approach to analyze the legal norms governing the duties of the Waqf Nazir as well as the role of the KUA in the establishment of BKM in accordance with the Minister of Religious Affairs Regulation No. 54 of 2006. The results show that the mosque is still managed independently by the Waqf Nazir without community involvement and without an official decree from the KUA, although according to existing regulations, As-Syukriyah Mosque is categorized as a District/City BKM. This condition shows the need to improve mosque governance in accordance with applicable laws and regulations.*

Keywords: *Management; Mosque; Nazir; Waqf.*

1. Introduction

One of the main problems in mosque management, especially in rural areas, is the lack of a clear and effective organizational structure. The management of the mosque is often entrusted to one person, usually a local cleric, who performs various tasks simultaneously, such as being the *imam*, *khatib*, marriage registration officer, *amil zakat*, and funeral director. This multiple management not only limits efficiency, but also reflects a lack of awareness of

the importance of a structured organization. In fact, the term Mosque Welfare Board (BKM) in many villages is merely a formality with no real role in mosque management.

A major factor in this lack of management is the lack of organizational awareness, as well as the lack of knowledge and experience in mosque management and administration. This situation is exacerbated by the low level of *ukhuwah islamiyah* or solidarity among the community. Similar weaknesses are also found in many other organizations in rural areas, especially those that were established based on instructions from higher authorities without any strong local initiative. The absence of cooperation between the community and religious leaders in carrying out the functions of the mosque makes management less than optimal.¹

To address this problem, the Ministry of Religious Affairs has established the Mosque Welfare Board (BKM), which was introduced in 1964 under the name Bakemas, and later changed to BKM in 1970.² In accordance with Minister of Religious Affairs Regulation No. 54 of 2006, BKM is a semi-official body under the supervision of the Ministry of Religious Affairs that is tasked with helping to manage mosques professionally. BKM is expected to encourage more structured and systematic mosque management, with the aim of prospering the mosque and making it a center of worship, education and social activities for Muslims. The BKM board consists of various elements, including religious leaders, Islamic organizations, as well as parties from the Ministry of Religious Affairs and local government.³

As-Syukriyah Mosque in Tanjungbalai City is one of the mosques that was newly established on June 23, 2023. Based on Minister of Religious Affairs Regulation No. 54 of 2006, As-Syukriyah Mosque is categorized as a Regency/City BKM. However, because it was newly established, this mosque does not yet have a Certificate (SK) from the local Religious Affairs Office (KUA) that establishes the official management structure of the BKM. As a result, the management of this mosque is still held entirely by the *Waqf Nazir*, who should only be responsible for the management of *Waqf* assets, not the entire mosque management.⁴

The *Waqf Nazir*, according to Law No. 41 of 2004, is the party in charge of managing, safeguarding, and supervising *Waqf* assets in accordance with the purpose of *Waqf*. The *Nazir* does not have the authority to manage the administrative aspects of the mosque as the

¹ Ali Khosim and Busro Busro, "Konsep Nazhir Wakaf Profesional Dan Implementasinya Di Lembaga Wakaf NU Dan Muhammadiyah," *Al-Awqaf: Jurnal Wakaf Dan Ekonomi Islam* 11, No. 1 (August 10, 2020): P. 49–74, <https://doi.org/10.47411/al-awqaf.v11i1.28>.

² Wildan Munawar, "Profesionalitas Nazir Wakaf: Studi Manajemen Wakaf Produktif Di Lembaga Wakaf Daarut Tauhiid," *Journal of Islamic Economics and Finance Studies* 2, No. 1 (June 24, 2021): P. 17, <https://doi.org/10.47700/jiefes.v2i1.2731>.

³ Siti Suailah Lubis, Nursapiah Harahap, and Neila Susanti, "Iklim Komunikasi Organisasi Badan Kemakmuran Masjid (BKM) Al-Hikmah Di Desa Kelurahan Bandar Selamat Pada Masa Pandemi Covid-19," *Jurnal Ilmu Sosial, Humaniora Dan Seni (JISHS)* 1, No. 4 (September 4AD): P. 882–886, <https://jurnal.minartaris.com/index.php/jisshs/article/view/1088/987>.

⁴ Menteri Agama Republik Indonesia, "Peraturan Menteri Agama Republik Indonesia No 54 Tahun 2006 Tentang Susunan Organisasi Dan Tata Kerja Badan Kesejahteraan Masjid," 2006.

Mosque Welfare Board does. However, since As-Syukriyah Mosque is still in the early stages of construction and does not yet have a legal BKM manager, the *Waqf Nazir* is forced to take over the task. This creates its own challenges, as the *Nazir's* role should be limited to *Waqf* management, not all mosque activities.⁵

This research will examine the role of the *Waqf Nazir* in the management of As-Syukriyah Mosque in Tanjungbalai City based on Law No. 41 of 2004 on *Waqf* and Minister of Religious Affairs Regulation No. 54 of 2006. This research also aims to evaluate the extent to which the Tanjungbalai Religious Affairs Office (KUA) plays a role in fostering and managing mosques, especially in forming the organizational structure of the BKM which should be in control of mosque management. Thus, this research will provide insight into the importance of good governance in mosque management, as well as the vital role of KUA and BKM in creating mosque prosperity that has a positive impact on society.⁶

2. Research Methods

This research uses a normative legal approach (juridical-normative), which involves analyzing and evaluating the norms regulated in laws and regulations and court decisions. In a normative legal perspective, law is understood as a text contained in various rules or norms that serve as a reference for community behavior. This method also includes a statutory and analytical approach, where regulations relevant to the research topic are the primary source. In addition, secondary legal sources, such as draft laws, academic studies, expert literature, and opinions of legal experts, are used to enrich the understanding of the primary legal aspects.

Analysis was conducted by categorizing and interpreting legal materials to identify the relationship between norms in various regulations. The writing of this legal study uses the deductive method in data analysis, starting from general principles. This deductive approach prioritizes deductive logic to draw conclusions from general premises to more specific aspects.⁷

⁵ Muammar Alay Idrus, "Keabsahan, Kepastian Hukum Dan Perlindungan Hukum Atas Perwakafan Yang Tidak Tercatat (Studi Kasus Praktek Perwakafan Tanah Di Kecamatan Suka Mulia)," *Jurnal IUS Kajian Hukum Dan Keadilan* 5, No. 1 (April 20, 2017): P. 30, <https://doi.org/10.29303/ius.v5i1.342>.

⁶ Ahmad Fauzi, "Problematika Pengelolaan Dan Pendayagunaan Wakaf (Studi Di Badan Wakaf Indonesia Perwakilan Provinsi Lampung)," *Familia: Jurnal Hukum Keluarga* 3, No. 2 (December 14, 2022): P. 129–150, <https://doi.org/10.24239/familia.v3i2.77>.

⁷ Riski Maulana and Sudirman Suparmin, "The Medan City Drainage Development Policy Review of Al-Maqashid Sharia Theory," *Law Development Journal* 5, No. 3 (September 8, 2023): P. 287–300, <https://doi.org/10.30659/ldj.5.3.287-300>.

3. Results and Discussion

3.1. Duties and Roles of *Waqf Nazirs* in Law No. 41 of 2004

Law No. 41 of 2004 on *Waqf* is the main legal basis that regulates various aspects of *Waqf* management in Indonesia. *Waqf*, as one of the social financial instruments in Islam, has an important role in supporting the social and economic development of society. With its huge potential, *Waqf* becomes a strategic tool to improve the welfare of the people. However, despite the existence of a strong legal umbrella such as the *Waqf* Law, its implementation often faces various challenges, one of which is the role and performance of *Nazir* in *Waqf* administration. As the party entrusted with managing *Waqf* assets, the *Nazir* is fully responsible for safeguarding and managing these assets in accordance with sharia principles.

In Law No. 41 of 2004, *Nazir* is defined as a party who receives *Waqf* assets from *waqif* to be managed and developed in accordance with its purpose. Article 6 of this law stipulates several important elements that must be fulfilled in the implementation of *Waqf*, such as:

- a. *Wakif* (the party who endows);
- b. *Nazhir* (*Waqf* manager);
- c. *Waqf* property;
- d. The pledge of *Waqf*;
- e. Purpose of use of *Waqf* assets;
- f. The period of *Waqf*.

This article serves as a legal foundation that emphasizes the importance of these aspects to ensure the success of *Waqf* as a social finance instrument in Islam. The *Nazir's* duties listed in Article 11 of Law No. 41 of 2004 include:

- a. Managing the administration of *Waqf* assets;
- b. Managing and developing *Waqf* assets according to their purpose, function, and allocation;
- c. Supervise and protect *Waqf* assets;
- d. Reporting the implementation of duties to the Indonesian *Waqf* Board (BWI).

Nazirs have a great responsibility in ensuring that *Waqf* assets are managed in accordance with legal provisions and established objectives. His role is vital because the *Nazir* acts as a liaison between the *waqif* and the beneficiaries of *Waqf* (*mustahik*), and has the moral and legal responsibility to ensure that the *Waqf* is managed properly. Article 11 of Law No. 41 of 2004 details the duties of the *Nazir*, namely:

- a. Manage the administration of *Waqf* assets.
- b. Manage and develop *Waqf* assets in accordance with the stated objectives.
- c. Supervise and protect *Waqf* assets.
- d. Reporting the implementation of duties to BWI.

In addition to their duties, *Nazirs* also have certain rights, including:

- a. The right to receive compensation sourced from the net proceeds of *Waqf* asset management, with a maximum amount of 10%.
- b. The right to receive guidance from the Ministry of Religious Affairs and the Indonesian *Waqf* Board.

This right is regulated in Law No. 41 of 2004 on *Waqf*. Regarding the appointment of the *Nazir*, the *waqif* (the party who endows) has the right to choose the *Nazir*, be it an individual, organization, or legal entity. The *waqif* can also appoint himself as the *Waqf* manager. Every *Nazir*, whether individual or legal entity, is required to register with BWI. The registration process of a legal entity *Nazir* usually requires more documents than an individual *Nazir*.

3.2. The Role of the Tanjungbalai KUA in Fostering and Managing the As-Syukriyah Mosque in Tanjungbalai City

The Office of Religious Affairs (KUA) is the smallest unit of the Ministry of Religious Affairs at the sub-district level in charge of helping to carry out some of the functions of the District Ministry of Religious Affairs Office in Islamic religious affairs in the sub-district area.

Based on the Decree of the Minister of Religious Affairs (KMA) No. 517 of 2001 concerning the Organizational Arrangement of the Sub-district KUA, in addition to carrying out these main tasks, the KUA also functions to carry out various activities by optimizing the potential of the organization, such as:

- a. Providing statistical data and documentation, including managing the administration of correspondence, archives, and office needs.

- b. Carrying out marriage and reconciliation registration, as well as fostering mosques, zakat, *Waqf*, baitul maal, and social worship. Also, responsible for the development of *sakinah* families in accordance with the policies of the Director General of Islamic Public Guidance and Hajj based on applicable regulations.

Through KMA No. 18 of 1975 in conjunction with KMA No. 517 of 2001 and PP No. 6 of 1988, the organizational structure of the Kecamatan KUA is clearly regulated, listing the main tasks, namely:

- a. Carry out some of the duties of the District/City Office of the Ministry of Religious Affairs in Islamic religious affairs in the sub-district area, including documentation and statistics, correspondence, archives, and office administration.
- b. Coordinating and implementing sectoral and cross-sectoral activities in the district area, such as marriage registration, mosque guidance, *zakat* and *Waqf* management, *baitul maal*, and other social programs.

In carrying out this task, several things are done, among others:

- a. Structuring the internal organization.
- b. Documentation and statistics division.
- c. *Sakinah* family guidance and marriage services.
- d. Development of mosques, *zakat* and *Waqf*.
- e. Sacrificial animal services.
- f. *Hisab* and *rukyyat* services.
- g. Social services, education, *da'wah*, and pilgrimage.

Thus, the KUA should play a role in forming and managing the structure of the Mosque Prosperity Board (BKM) at the As-Syukriyah Mosque, Tanjungbalai City. Currently, the mosque is still fully managed by the *Waqf Nazir* without the involvement of other communities and does not yet have a legal Certificate (SK) or official appointment letter for the management. This condition is also influenced by the lack of public understanding of the rules governing this matter.

BKM, according to the Minister of Religious Affairs Regulation No. 54 of 2006, particularly in Article 7 (c), categorizes As-Syukriyah Mosque as a Regency/City BKM. Based on Article 10 paragraph (2), the management of this BKM must fulfill certain requirements, such as

consisting of Chairman, Chief Executive Officer, Secretary, Treasurer, as well as several other fields, including management (*idarah*), prosperity (*imarah*), maintenance (*riayah*), and legal assistance (advocacy), with the number of members as needed.

The main tasks of the BKM, as stipulated in the Minister of Religious Affairs Regulation No. 54 of 2006 Article 14, include:

- a. Managing and being accountable for the business to achieve the objectives of the BKM.
- b. Maintaining BKM assets, both movable and immovable.
- c. Hold a full board meeting at least once every six months and a daily board meeting once every three months.
- d. Implementing the Minister's policy in mosque development.
- e. Make financial reports and progress of BKM activities.

BKM is an organization managed by the mosque congregation that is responsible for various activities in the mosque. This organization is divided into three main areas, namely administration (*idarah*), activities to prosper the mosque (*imarah*), and physical maintenance of the mosque (*riayah*).

4. Conclusion

Based on Law No. 41 of 2004, the *Waqf Nazir* does not have the authority to carry out the duties and responsibilities of the Mosque Prosperity Board (BKM). However, in As-Syukriyah Mosque of Tanjungbalai City, the *Waqf Nazir* has taken over all functions and authorities that should be the responsibility of the BKM. This condition occurs because the mosque is still relatively new and there is no certificate from the local KUA that establishes the official party responsible for the mosque's BKM. The *Waqf Nazir* has carried out all the duties of the BKM without any official appointment letter from the KUA. The KUA should play a role in forming and managing the organizational structure of the BKM at the As-Syukriyah Mosque in Tanjungbalai City, which has been fully managed by the *Waqf Nazir* without the involvement of other communities and without being supported by a valid Certificate (SK). Based on the Minister of Religious Affairs Regulation No. 54 of 2006, Article 7 (c), As-Syukriyah Mosque is included in the category of Regency/City BKM. In addition, there is no appointment letter that establishes the official management of As-Syukriyah Mosque. This is due to the lack of public understanding of the rules governing this matter. The KUA should be able to process the BKM Certificate more quickly so that the responsibility for managing the mosque does not fall to those who are not actually obliged to carry it out.

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