

# Artikel - Online Based waqf

*by* Adi Santoso

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# Online Based Waqf Management System in Indonesia: A New Model in Management of Waqf Administration

Nurul Iman<sup>a</sup>, Adi Santoso<sup>b</sup>, Edi Kurniawan<sup>c</sup>, <sup>a,b,c</sup>Muhammadiyah University of Ponorogo, Email: <sup>a</sup>[cahayaiman66@gmail.com](mailto:cahayaiman66@gmail.com), <sup>b</sup>[adisantoso@umpo.ac.id](mailto:adisantoso@umpo.ac.id), <sup>c</sup>[edy@umpo.ac.id](mailto:edy@umpo.ac.id)

This article examines the management of waqf in Indonesia where most of the management in is done with a manual system or a computerized system. This system is limited to inputting data on Microsoft Excel, while the waqf and the government sometimes cannot access information about assets that are represented and managed by nadzir. In fact, the management of waqf by the legal entity or company management is minimal in neglecting the waqf assets assigned to them. However, if the management of the waqf is done by individuals, it is sometimes found that management is not transparent, and it is not uncommon for waqf assets surrendered by the endowment to be claimed as private property by the private heirs of the individual nadzir. Therefore, based on the cases of waqf management, a waqf management system is needed that can provide transparency in its management so that Nadzir, waqif, and the government easily access information about the development of waqf management and for nadzir itself, it will be easier to record and account for all waqf assets that he manages.

**Key words:** *Waqf, Waqf Management Model, waqf management.*

## Introduction

One of the biggest Muslim countries in the world is Indonesia. As a country with a majority Muslim population, many Islamic-based institutions are developing. For example, Islamic boarding schools that have developed a lot in Indonesia, according to data from the Ministry



of Religion, (2018) the number of successful boarding schools in the data is 21,921 Islamic boarding schools scattered throughout the territory of Indonesia.

Islamic boarding schools are an institution that has several operational activities such as educational activities and religious activities. One form of religious activities undertaken is the management of endowments, zakat, and *infaq*. The development of the Islamic boarding school in Indonesia encourages the growth of waqf management institutions in Indonesia because one form of worship taught in Islam is carrying out waqf. In general, every pesantren boarding foundation will have its own waqf management institution. In addition to the waqf management body originating from the boarding school foundation and other public parties, the government of the Republic of Indonesia has also formed the Indonesian Waqf Board. The number of land endowments registered with the Indonesian Waqf Board in 2017 was 4,359,443,170 M2.

The Government of Indonesia has issued Law No. 41 of 2004, concerning endowments as well as Law No. 41 of 2006, concerning the implementation of the Waqf Law. This has been elaborated in Law No. 41 of 2004 for the purpose of maximizing the potentials that exist in waqf assets so that they can provide a solution to the problems that arise in the activities of the representative.

Islamic religion explains that through waqf it will develop good social relations among mankind in shaping social welfare. Waqf is a social concept in the teachings of Islam which is part of the dimensions of worship that bring charity Jariyah, where good deeds will always be accepted by those who have donated their property, if the assets represented are still beneficial and good for humanity (Muhammad and Emy Prastiwi, 2015).

Muslims, in their history, cannot be separated from the process of endowment and management of waqf, as it has been done since the time of the Prophet Muhammad. In ancient times, endowments were carried out using immovable property such as the endowment of agricultural equipment, war clothing, weapons, and money. In the development of the current era, the form of assets that are represented is also experiencing developments where, in addition to immovable property, one can also endow to move assets such as endowments of vehicles and others.

Management of waqf in Indonesia is varied. When viewed from the management, there is waqf management which is carried out individually, in company. or in legal entity. From a management system perspective, there are those who have carried out management data collection using a computerized system but those who still use manual systems by relying on recording in a notebook, which is very risky if damage is experience as this can cause the data to be lost.



Manual and computerized systems have not been able to provide transparency in the management of waqf. Therefore, waqif, as the party submitting his assets to waqf, cannot directly know how the development of management of assets that have been represented. This is because, based on data from the results of research studies that have been conducted, there are still many cases of endowment assets not managed and neglected. Therefore a good waqf management is needed so that there is a waqf management system that provides transparency in waqf management. If the wakif feels the assets represented are not well managed by nadzir, then he will be able to transfer his waqf assets to other nadzir parties who are able to manage their waqf assets, therefore providing benefits to the community and bring good deeds to pious charity for waqif.

Another problem that arises in the process of asset valuation is the management of assets that are still traditional. Often, these assets have not run optimally on the grounds that the management of waqf managers has not been developed well. Therefore, new concepts are needed that can provide the best solutions to overcome these problems so that management and transparency waqf asset development can be done effectively and efficiently and provide maximum benefits to the interests of the general public (Rappe, 2019).

The concept model that the researcher offers in this study is how good management manages waqf online so that all related parties can access information about the waqf property, whether waqif, nadzir or the government. With the existence of this online system, the management of waqf will be easier to get to the transparency of waqf management. The waqf will find out what the waqf property is managed and the extent of its management. For the government, it will be easy to obtain data on the status of waqf that is owned and managed by waqf institutions. During this time, the government is still experiencing obstacles to access in full about waqf data managed by a waqf institution. This happens because the system built by the government still uses the input system from the government itself. This means that when nadzir does not process the legality of the waqf assets, the government cannot input the data. Therefore, the waqf management system that we try to build is an online waqf management system conducted by nadzir so that each waqf property obtained will be recorded systemically and can be recorded. accessed online by nadzir, wakif and government. The system that we designed is a waqf management system developed to complement the waqf data collection system owned by the government.

The online waqf administration management system is expected to be able to facilitate waqf in representing and controlling waqf management by nadzir. This system will encourage a level of trust that will have an impact on the integrity and reputation of nadzir. Increased waqf trust towards *nadzir* will increase waqf intention to make cash waqf (Abdul Shukor,



2019). Online waqf asset management system will facilitate nadzir in expressing the management and financing of waqf management (Asn).

### **Literature Review**

#### ***Management***

A company or organization will absolutely carry out management within its organization. Each implementation of management in the organization has an important role in managing, and utilizing available resources so that it can achieve the stated goals of the organization effectively and efficiently. There are several experts who express what is meant by management. Mangkunegara (2011: 7) states that "Management is the process of planning, organizing, leading and controlling the work of members of the organization and using all organizational resources to achieve organizational goals that have been set".

According to Hasibuan (2013: 2), management is the science and art of regulating the process of utilizing human resources and other resources effectively and efficiently to achieve one goal. Meanwhile, according to Manulang (2012: 15), the definition of management is "Management contains 3 (three) notions namely first management as a process, second management as the collective of people who carry out management activities, and the third is management as a science."

Based on the definitions above, it can be concluded as follows:

1. Management as a process of planning, organizing, leadership, and controlling
2. Management is a combination of science and art
3. Management is always associated with predetermined activities.

In the implementation of management, it takes several facilities called management elements consisting of people (man), materials (materials), machines (machines), work procedures (methods), money (money) and the market (market). The six elements are very decisive to achieve predetermined goals. With management, the level of efficiency in every human activity or organization will be even better in each period, because management always wants something better. Management views the organization as a unit consisting of interrelated parts in achieving organizational goals.

#### ***Management and Function from an Islamic Perspective***

In the conventional view of management, functions have been raised by several experts, where some of the management functions include planning, organization, leading, coordination / motivating, actuating, controlling. The elements of the management function are expected to be able to bring the organization to achieve its objectives. Before examining





the function of management from an Islamic perspective, we must first understand what is meant by the definition of management from an Islamic perspective. Management, according to Islam, is knowing where to go and what difficulties must be avoided and what strengths they have to maximize so that they can be effective and efficient in resolving any obstacles they face. Islam views management as having to be based on justice, meaning that any agreement made must not be detrimental to the leadership or subordinates because Islam strongly opposes unjust acts.

The elements of management in the Islamic perspective are contained in the Al-Quran and Al-Hadith which include;

- a. Planning is planning, as stated by the Prophet Muhammad SAW, narrated by Thabrani, which means "God really loves people who if doing something is always done right, which is precise, directed, clear and complete". Whereas in the Koran surah Al-Insyirah verses 7-8 which means "so when you have finished a matter, then do it with sincerity - really another matter. And only to God should you hope "
- b. The organization is a container about the function of each component that includes humans, working relations both horizontally and vertically. Allah says in QS. Ali Imron verse 103 which means "and hold all of you to the ropes of Allah's religion and do not be divorced and remember the favor of Allah to you when you were enemies." The meaning of the verse is that each organization or institution is a collection of people who can be organized properly. So, it should be united and work together.
- c. Coordination is an effort made to achieve good results in a balanced manner through the process of implementing the planning that has been made so that it is expected to be able to achieve the goals of the organization dreamed of. Allah says in QS. Al-Baqarah verse 208 which means "O you who believe, enter you into Islam as a whole and do not obey the steps of Satan, because Satan is your real enemy".
- d. Controlling is the observation or supervision made on the implementation of the plan and it is an absolute requirement that must be done by the leadership in the Islamic perspective, as the word of God in the QS. Ash-Shoff verse 1 which means "O people who believe, why do you say something that you do not do?".
- e. Motivation is to drive the performance possessed as much as possible voluntarily. Allah says in QS. Ar-Ra'du verse 11 which means "actually Allah will not change a people so they change the situation that exists in themselves".
- f. Leading is managing or leading every organization's activities to achieve goals. Islam has much to explain about leadership as the Muslim History Hadith which means "every one of you is a leader and every one of you will be held accountable about the person you lead". The demand of Islam in seeing leadership is more universal means that in addition to leading itself, it also leads the group not only to humans but also to other living creatures and all of that must be justified before God.



### ***The Economic of Waqf***

In economics, there is a theory about diminishing marginal utility which means that the satisfaction felt by someone will decrease along with the increase in the input it receives. The illustration is that when a person eats an apple, he will find satisfaction with 1 apple that he has consumed, but when an apple that must be consumed is added to 10 more apples than when consuming the tenth apple will no longer feel satisfied and can cause boredom and avoid consuming the tenth apple.

The illustration above is when a person has to finish the ten apples he has alone, but what if the apples are distributed to other people so that it is not only he who consumes the apples? For example, the Budi has 10 apples and takes 5 apples for his own consumption and gives 5 other apples to others just call it to Adam. That Budi will still find satisfaction in consuming 5 apples and find satisfaction because he has helped others to can also taste the apples from the gift. Therefore, Budi found two satisfactions, satisfaction with the apples that he had consumed and satisfaction with giving others the opportunity to enjoy the apples he had. Islamic economics is known as almsgiving which is the main reflection in Islamic economics.

One form of alms activity in Islamic science is a waqf, namely, giving up assets that are owned to be used or invested with the smallest possible risk but bring great benefits to the poor so that they bring positive changes to increase the welfare of the people and bring charity to those who have donating his assets.

### ***Waqf***

Waqf is a word derived from Arabic which is interpreted as a stop, the intention is to hold or stop which is then explained in more detail in Islamic Sharia terms as the detention of assets owned with the aim to surrender its beneficiaries to be enjoyed by the general public (Paksi et al., 2018). Based on these definitions, it can be explained that the endowment is the activity of surrender of assets by the owner with the aim of obtaining good deeds or providing merit benefits in the afterlife. The utilization of the assets represented can be enjoyed by the general public so that it brings positive changes to the welfare of the social community (Abdul, 2018).

In Indonesia, the definition of waqf has been explained in Law number 41 of 2004, where waqf is a legal action to surrender or separate its assets with the aim to be used within a certain period or forever with the aim of worship or public welfare.



### ***Legal Basis and Waqf Foundation***

To discuss the legal basis of waqf it must be sourced from the Qur'an and Hadith (Nurhidayani et al., 2017).

#### **1. Legal Foundation of Waqf in the Qur'an**

The Qur'an explained in detail about endowments namely in the QS. Al Baqoroh verse 267 which means you, believers, spend it on the path of Allah as a result of your good efforts and part of what we spend on the earth for you. Likewise, in QS. Al Imron verse 92 which means you never arrive at perfect virtue before you spend part of the treasure that you love. Likewise, in QS. Al-Baqarah verse 261, Allah says which means "the parable of those who put their wealth in the way of Allah like a seed that will grow seven stalks on each stalk there are one hundred seeds, Allah multiplies for whom he wants, and Allah is vast".

#### **2. Legal Foundation of Waqf in the Qur'an**

The scholars considered that endowments also included alms which were valued as always flowing while the benefits could still be reaped. As narrated from Abu Hurairah that the Messenger of Allah said: "If someone dies, then the deeds are cut off except for three cases, namely: almsgiving, knowledge used, or the prayer of a pious child" (HR. Muslim no. 1631, Turmudi 1297, Nasa'i 3591, Abi Daud 2494, Ahmad 8494, Darimi 558). In another hadith, it is explained "those who fight in the way of Allah, those who run out of supplies on their journey and guests. And it is not sinful for the person who manages the endowments to eat from the results of the endowment within the limits of reasonableness or feed others from the endowments. (Narrated by Bukhari and Muslim)

### ***Types of Waqf***

Waqf is grouped into several types namely based on the type of waqf assets, ownership, designation and status of waqf assets.

#### ***Waqf Asset Type***

Based on the type of endowment assets, endowments are grouped into two groups namely movable endowment assets and non-movable endowment assets

Movable waqf assets include

- a. Money
- b. Stock
- c. IPRs such as copyrights, patents, and trademarks
- d. Securities
- e. Precious metals like gold, silver, and platinum





f. Vehicle

Immovable waqf assets include;

- a. Soil
- b. Building
- c. Plantation
- d. agriculture

***Waqf Ownership***

Types of waqf based on ownership consist of;

- a. waqf assets owned by individuals
- b. waqf assets owned by the company
- c. waqf assets owned by a legal entity

***Designate Waqf***

Waqf assets are intended for social and religious interests which include;

- a. religious facilities such as mosques and prayer rooms
- b. educational facilities such as the establishment of kindergartens, elementary schools, junior high schools, senior high schools, universities or other educational institutions
- c. Social services such as the establishment of Social Institutions, and Health Services
- d. Improvement of the Ummah Economy such as the use of waqf assets for the construction of shops, minimarkets, Supermarkets, Kperasi and Banks
- e. Other general progress

***Waqf Asset Status***

Waqf asset status is a right granted in the management of waqf assets, where based on the status of waqf assets are divided into two namely first waqf asset status given the right to waqf to manage it indefinitely means that wakif can manage the waqf assets forever, second waqf assets with the term status means that the waqf can only manage the waqf assets within a certain time limit for example *nadzir* donates the vehicle for a period of 5 years meaning that the waqf is only obliged to use the waqf assets for five years.

***Pillars of Waqf***

According to the scholars, there are four elements of waqf pillar. This includes those who endow their wealth or are called wakif, the two assets or assets to be represented



(*mauqufbih*), the third party that benefits from the allocation of waqf (*mauqufalaih*) and finally is *sighat* or pledge ie statement or pledge made by waqf when giving waqf or explaining the purpose of the allocation of the asset it represents (Hazami, 2016).

### ***Nadzir***

*Nadzir* is defined as the party that plays the role of the guard, caretaker, manager, and supervisor (Sudirman, 2019). According to the terminology of fiqh, *nadzir* is defined as a person or institution that is entrusted with power and obligation to carry out the management and maintenance of waqf assets (Abdul Shukor, 2019). *Nadzir* is the party that receives waqf assets from the waqf party with the responsibility to manage the waqf assets. *Nadzir* is the most dominant party in the entire waqf process. Other parties involved in the waqf process do not have the authority to conduct the waqf management process, therefore, *nadzir* is the most dominant factor because it has the authority in managing waqf.

Based on Law No. 41/2004 article 9 it is explained that there are three types of *Nadzir* namely individuals, organizations and legal entities. There are several conditions that must be met to become an individual *Nadzir* in Indonesia, including (Budiman, 2012); 1) Indonesian Citizen, 2) Islam, 3) Adult, 4) Trust, 5) Physically and mentally healthy, 6) Not committing unlawful acts.

Organizations can become *nadzir* parties when they meet the following requirements; 1) Organizational management has fulfilled the requirements of individual *nadzir*, 2) Engaged in social, Islamic religion and Islamic education fields (A and Hanifa, 2015). Legal entities wishing to become *nadzir* must meet the following requirements; 1) The legal entity management has fulfilled the requirements to become an individual *nadzir*, 2) The legal entity established is in accordance with the applicable law, 3) the legal entity is engaged in the social, educational and religious fields of Islam [10]

*Nadzir* duties in Indonesia have been regulated by law number 41 of 2004 article 11 concerning the management of waqf. The duties of *Nadzir* are as follows; 1) Manage the administration of waqf assets, 2) Manage and develop waqf assets in accordance with their designation, 3) Supervise and maintain the assets of waqf (Guspendri, 2010).

Obligations that must be carried out *nadzir* set out in article 220 of the compilation of Islamic law are as follows; 1) Obligation to manage and be responsible for waqf assets and carry out the development of waqf assets in accordance with their purpose, 2) Obligation to make reports on the management of waqf assets on a regular basis, 3) *Nadzir* is required to make reports in accordance with regulations set by the Ministry of Religion of the Republic of Indonesia (Huda et al., 2017)



Waqf system is a social tool that has a role not only limited to the financing of social project development but can also be distributed to the social economy (Iman and Mohammad, 2017), (Liyararachchi and Mcnamara, 2008). The method of collecting waqf can be done through crowdfunding or with other methods.

#### ***The Improvement of nadzir skills***

Improvement of *nadzir* skills is needed to be able to develop their potential and improve their competence in the management of waqf assets from traditional patterns to be based on online systems or applications. Improvement of *nadzir* skills can be done through discussion group forums, educational programs, knowledge sharing, training in increasing the use of technology.

Through the improvement of these skills, it is hoped that *nadzir* will be able to be literate on the internet so that he will not experience obstacles when he will input the data of the Waqf asset administration online on the Waqf Administration Management System (Amiq Fahmi, 2017).

#### ***Opportunities and Challenges in Managing Waqf in Indonesia***

Waqf is one of the macroeconomic strategies that can bring positive changes to the development of the welfare of the wider community so that good governance is needed so that it can provide maximum benefits. It is said to be an opportunity because Indonesia is a country with a majority Muslim population. Therefore, it is a great potential for the Indonesian people to increase the number of waqf assets to have a positive impact on the level of social welfare of Muslim communities in Indonesia through productive waqf management (Hazami, 2016).

In addition to the challenges that must be faced in the management of waqf. The first challenge is the freezing of the Islamic community in understanding waqf, which still uses traditional understanding so that development is needed to be able to understand waqf in a contemporary way. The second challenge is *nadzir* competence that is not optimal in managing waqf assets mandated and *nadzir* is classified as still passive. The third challenge is the lack of trust in waqf in the transparency of waqf asset management (Muslich, 2016).

### The Model of Waqf Development in Indonesia

Figure 1. Management of individual waqf

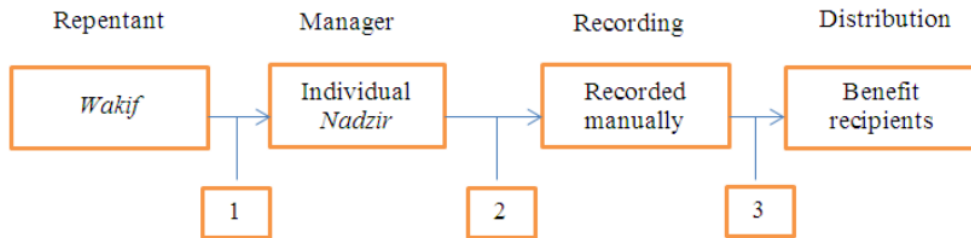


Image source: Researcher illustration (2019)

#### Information

1. The Wakif handed over his assets to *nadzir*
2. The individual *Nadzir* will do the recording of waqf assets that are managed manually in the book recording of waqf assets
3. *Nadzir* manages waqf and distributes its benefits to the general public

#### Weaknesses of individual waqf management

1. Many found that the status of assets that are represented are still in the status of private property, but their status has not been converted into legal waqf assets
2. Waqf assets or assets that are not legally endowed as a legal asset so that when the wakif and *nadzir* have passed away the status of the waqf assets is claimed by an individual heir as an inheritance from the family
3. The endowment pledge is only made in utterance so that it does not have written evidence for strong legality if the asset is later claimed as private property.
4. The recording is sometimes also only done in notebooks that are easily lost or damaged thereby eliminating evidence of asset data that has been represented.

Figure 2. Management of waqf by companies and legal entities

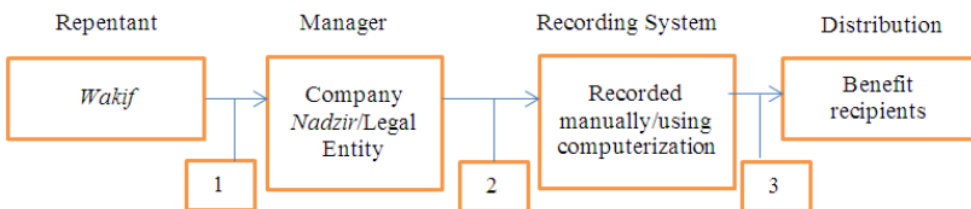


Image source: Researcher illustration (2019)



#### Information

1. The Wakif submits its assets to nadzir with the status of a company or legal entity
2. *Nadzir* will record waqf assets managed manually or using a computerized system
3. *Nadzir* manages waqf and distributes its benefits to the general public

#### Weaknesses of individual waqf management

1. *Nadzir* is sometimes constrained to record the status of the waqf assets under management whether they are of legal status as waqf assets or not.
2. The Wakif cannot easily access the development and management of the assets he has represented, the Wakif must-visit nadzir if he wants this information.
3. The government cannot access information regarding waqf assets when nadzir parties do not voluntarily report waqf assets under their management.

#### Method and Implementation

The most appropriate approach in this research is qualitative research with the type of field research. From the perception of aspects of the nature of this study will examine the theory of an object and how reality is in the field. This research was conducted in several waqf management institutions in Indonesia, where respondents from this study were *nadzir* who had a role as waqf manager. To achieve research results that are based on substantive, comprehensive and holistic understanding, the approach in this research is through historical, sociological, theological-normative and legal-formal approaches, through data collection techniques using interview and documentation patterns.

#### Results and Discussion

<sup>2</sup> In Indonesia, waqf activities are known along with the development of Islamic da'wah in the archipelago. In addition to <sup>3</sup> carrying out Islamic da'wah, the ulema also simultaneously introduced waqf teachings. This is evident from the many historic mosques built on waqf land. The teachings of this waqf continue to develop in the archipelago, both during pre-colonial preaching <sup>2</sup> the colonial period, and post-colonial times during Indonesia's independence. The period of colonial rule was the momentum of waqf activities. Because at that time, the development of religious organizations, schools, madrassas, Islamic boarding schools, mosques, <sup>2</sup> were all self-supporting and stood on waqf land. However, the development of waqf later did not experience significant changes. Waqf activities are limited to religious <sup>2</sup> activities, such as the construction of mosques, *mushallas*, *langgar*, madrasa, burial sites, so that waqf activities in Indonesia are less economically beneficial for the people at large.





The management of waqf began to be noticed by the government with the marking of the regulation of membership namely PP No. 28 of 1977 concerning Residential Land Ownership. However, this PP only regulates land endowments only. This means that it is not much different from the waqf model in the early period, it is identical with the waqf land, and its use is also limited to religious social activities, such as mosques, cemeteries, madrasas, and others.

At present, the legal basis for managing waqf is higher because it is already in the form of a law. The aforementioned regulation is Law Number 41 of 2004 concerning Waqf and Government Regulation Number 42 of 2006 concerning the Implementation of Law Number 41 of 2004 concerning Waqf. Presence of Law No. 41 of 2004 concerning endowments provides a definite legal basis, public trust, and protection of waqf assets. Ratification of this law is a strategic step to improve public welfare, enhance the role of waqf, not only as a religious institution but also has a potential economic power to advance public welfare. In addition, with the passage of this law, waqf objects are wider in scope and are not limited to immovable objects (Hazami, 2016).

#### ***Online Based Waqf Asset Administration Management System or Application***

Based on the results of interviews and field observations about the problems that arise in the implementation of the management of the management of waqf assets traditionally, the researchers made a new concept in the management of waqf asset administration using a model of the management system of waqf asset management based on online or application, to be explained as described in Figure 3 follows;

Figure 3. The concept of the waqf management system that researchers offer

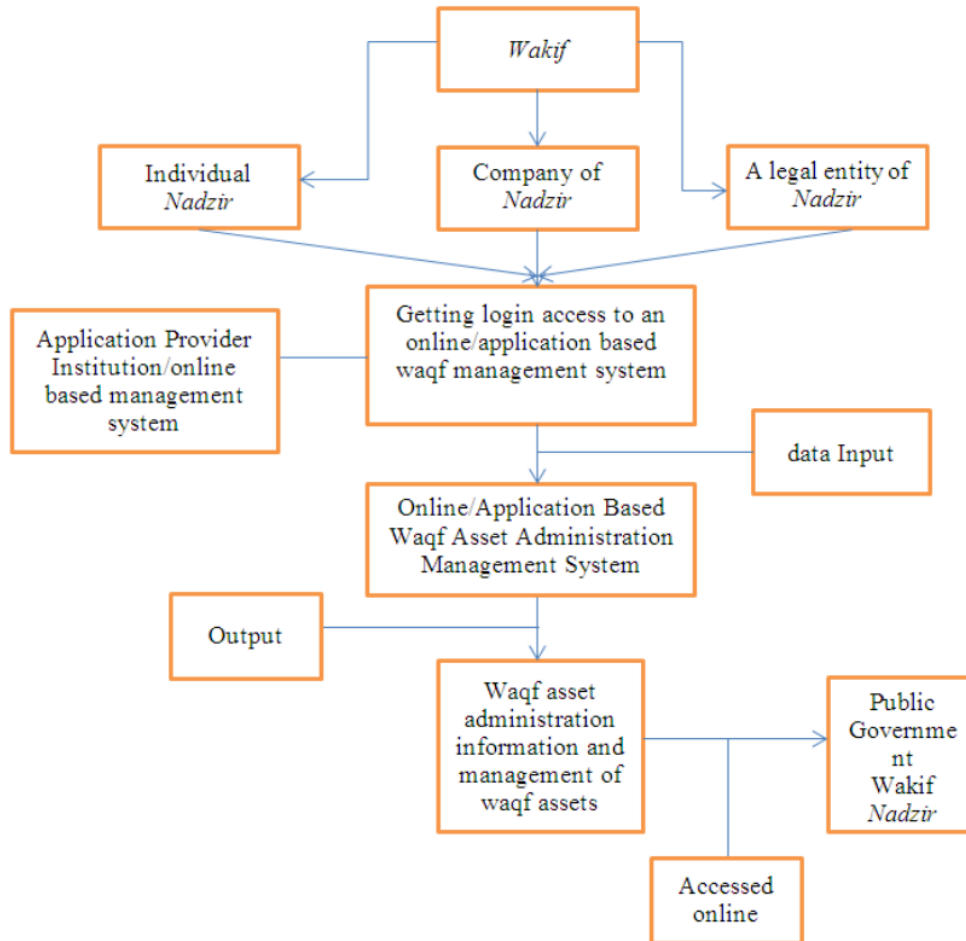


Image source: Researcher illustration (2019)

### Information

1. The Wakif submits its assets to nadzir with the status of a company or legal entity
2. *Nadzir* who is officially registered will get login access to the online-based waqf management system that researchers have provided
3. *Nadzir* fills in the waqf asset data to an online-based website/application system
4. In the initial stages, *nadzir* will fill in data regarding the classification of waqf, whether the waqf is an individual, company or legal entity



5. In the second stage, *nadzir* will fill in data about the types of assets represented by the waif whether the assets are movable or immovable assets. In the category of movable assets, there will be choices about types of movable assets with choices including money, stocks, securities, gold, silver, platinum, and vehicles while for types of immovable assets there will be 3 choices namely land, buildings, and plantations/agriculture
6. In the third stage *nadzir* will input data on what institutions will be responsible for managing these assets and in which areas the assets will be utilized
7. After determining which branch institution will manage the asset, *nadzir* will then input data about the allocation of the waqf assets so that the institution authorized to manage the assets of the waqf can find out because it has been recorded in the system
8. Options available in the waqf management system in this system include the allocation of waqf assets for educational facilities, religious facilities, social services, improvement of the ummah economy
9. *Nadzir* inputs the status of waqf assets with the choice of the status of waqf assets, the process of transitioning waqf status and pledge of waqf
10. Wakif and the government can access data that has been inputted by these *nadzir* online

#### Advantages of an online waqf management system

1. Build transparency
2. All parties can access waqf asset information online anywhere
3. *Nadzir* will easily record the assets of waqf that have not been recorded in the waqf legality in the eyes of state law
4. Avoidance of losing the database because it has been stored online

#### Closing

Waqf asset administration management system in Indonesia is generally still dominated by trust management, where wakif has asset management that is represented by *nadzir* that he trusts, even though *nadzir* still manages traditional waqf assets, so the implementation of waqf management is not completely. With the existence of an online management system for the management of waqf assets, it can help manage governance and information on the development of waqf assets in a transparent, effective and efficient manner to build accountability in the management of waqf assets and increase trust in waqf.



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