

ABSTRACT

Rahmawati, Laili. 06,210,070. 2010. *Appropriation Changes in Endowments (Studies in Jannah Village Orphanage Raudlatul Selopuro Selopuro Blitar District.)* Thesis. Al-ahwal Studies Program Al-Syakhsiyah, Faculty of Shariah, Maulana Malik Ibrahim UIN Malang. Supervisor: H. Israqunnajah, M. Ag.

Keywords: Appropriation Amendment, Endowments

Endowments are one of the social institutions that developed in the community. Given these endowments, one could make it as one means to draw closer to the divine. Through this institution endowments someone could be channeled. However, based on the phenomenon that is in the field often there are problems, especially in the implementation and management problems as occurred in the Village District Selopuro Selopuro Blitar that there is a difference of understanding between the parties and also parties nadzir wakif regarding use change waqf law and the law also recall asset waqf as happened in the village of Blitar Selopuro.

The purpose of this study was to determine the recall law waqf assets by wakif as occurred in the Village Orphanage Raudlatul Jannah Selopuro Selopuro Blitar district, and also aims to determine the legal status of waqf use change when viewed from the Fiqh and Laws of Endowments in Indonesia.

The research method used in this research is descriptive qualitative research sites in the Village Orphanage Raudlatul Jannah Selopuro Selopuro Blitar District. The type of research is a field of research, because researchers in finding data and information required in this study, researchers need to come down directly to the field to know the truth and also the chronological order that occurred in the field. In this research, interviews, documentation, and observation is the way in the search data.

The results of this research is the law of waqf use change itself among the clerics' there is a difference of opinion. Some allow the change by arguing that the essence of waqf is to preserve the benefits of object diwakafkan. This is an opinion put forward by Hanabilah and Hanafiyah. As according to Imam Malik and Imam Shafi'i, the law is not allowed, except if there is dharurat then be performed. As if viewed from KHI and PP. 28 year 1977, the ruling should not be done, except for public interest. Meanwhile, according to Law no. 41 in 2004, the law is permissible, provided they are not allowed to serve as collateral, confiscated, assigned, sold, inherited, exchanged, or transferred in the form of transfer of other rights, except for public interest. The law of a recall by wakif waqf assets is not permissible. This is based on Law no. 41 of 2004 article 3 regarding the basics of waqf. Meanwhile, in the opinion of Imam Hanafi, then the withdrawal of waqf assets may be, on the grounds that the object that has been belongs diwakafkan wakif its ownership status. So, if in the middle of the road there are incompatibilities with its allocation then wakif legally allowed to act against such property.