

ABSTRACT

Solikah, Fitriana. 08210008. **The Substitution of Waqf in Pondok Pesantren Tebuireng Jombang.** Thesis. Department of Al-Ahwal Al-Syakhshiyah, Faculty of Sharia, The State Islamic University Maulana Malik Ibrahim of Malang, Supervisor: Dr. Sudirman, M.A.

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Waqf means stopping from human personal ownership and becoming Allah SWT ownership. Waqf is a kind of devotion to Allah SWT as well as a contribution to social life. It can be managed to facilitate various intentions of wakif.

Waqf could be a square of land that can be used for unlimited time. But, a question is raised whether the land can be substituted and relocated. Basically, waqf is forbidden to violate the wakif intention stated in the document of waqf. However, there is an interesting fact that Pondok Pesantren Tebuireng has an experience to substitute waqf. The land of Pondok Pesantren Tebuireng is substituted with the land of its neighbour. Then it is important to know more about this practice. The research question are as follows: 1) Why does the waqf substitution happen in Pondok Pesantren Tebuireng?; 2) How does Pondok Pesantren Tebuireng proceed the waqf substitution?

The study is an empirical research of law. It aims to know the effectiveness of law in society in the case of the waqf exchange in Pondok Pesantren Tebuireng. It observes whether the practice in line with the existing law. The data used in this research is primary data taken from informants by interviewing them about the waqf substitution. Then, the data is analysed by using descriptive analysis.

The findings of this study show that the reason of waqf exchange results from the fact that the land of Pondok Pesantren Tebuireng is not wide enough to build a female dormitory. Also, it is quite far from Pondok Pesantren Tebuireng. Finally, the exchange happens and the dormitory is ready to be built. When the assessor team evaluate this exchange, they decide that the practice is in line with the law. Therefore, the waqf substitution is valid and the construction is started.