

ABSTRACT

Yulian Adi Wijaya. *Changes in Endowment Assets Status (In Act. No. 41 Year 2004 on Waqf According to the four schools of Fiqh).* Thesis. Al Ahwal

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Waqf endowment is holding possessions of ownership that can be used for the goodness. Endowment closely related to social and economic problems, although Islamic waqf is a legal institution which is recommended Sunnah, but this institution is one of the assets of the postal revenue for the welfare of the Muslims besides Zakat and Sadaqah. In Act no.41 of 2004 on endowments, there is a chapter that discusses the change in the function of waqf property (Article 41 paragraph 1), and certainly if it has to be exchanged or changes their status, it should be done after underparticular conditions which have been regulated. From the above case, there are opposants the status change waqf property toward based on religious perspective.

From that phenomenon, the authors is interested in conducting research about changes in the status of waqf properties in the Law. 41 of 2004 based on four schools of fiqh.

This research examines and analyzes the law. No. 41 year 2004 about endowments and Imams of perspective. The method which is used in this study is library research. The research also uses an analytical approach that is normative in the form of a historical approach. To collect legal materials, this research uses library research.

The result of this research can be concluded that Act 41 of 2004 concerning Endowments article 40 which describes the waqf property had been declared the status should not be changed according to the opinion of 'Ulama' four schools (madzhab) that the waqf property should not be changed for the status. If it is forced to change the status of waqf properties, as elaborated in the Act. No. 41 year 2004 on waqf in article 41, which gives the requirements for changing the status, in accordance with the opinion of Hanafis, Maliki, and Hanbali, which also provides the requirements if the property of waqf had changed the status. In the process of replacing the waqf property shall be accordance with the procedures in laws and regulations. Except the Syafi'iyah Ulama absolutely does not allow the changes property waqf under any circumstances.