

ABSTRACT

Muhammad Agus Muslikh, 10210094, 2014. *The Saving of Waqf assets from the division of inheritance Al-Ikhlas mosque in Gajahrejo village sub-district of Purwodadi, Pasuruan, law review no.41, 2004 about waqf*. Thesis. Al-Ahwal Al-Syakhshiyah Departemen, Syariah Faculty, The State Islamic University Maulana Malik Ibrahim of Malang.

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Wakaf is one of the worship that comprise the related to the god and the related to people (hablumin Allah waminan-nas), Wakaf will be rewarded if the waqf assets continuously use for the good things and how it mandated. In the course of the waqf assets used, as long as it does not conflict with the allotment of Law and Syariah law. It should be eternal and like that forever, and most waqf in society is an unmoving object. But however, what if the waqf land be abused by irresponsible parties. Basically the waqf land that has been given, its cannot be abused and do not transferable to another person. In reality people often problematic concerns about waqf. Just like in the Al-Ikhlas mosque Gajahrejo Village district of Purwodadi, Pasuruan. Many people who do not understand the waqf administration system, so the result is this things rise the fraud committed by the Nadir. Pledge of waqf in use for the benefit of the mosque, but the Nadir sell in order to meet their personal interests.

The focus of discussion in this study is to determine the saving of waqf assets that have been misused by the Nadir which will then be reviewed in terms of Act No. 41 of 2004 on waqf chapters 40 and 42.

This research is an empirical/sociological research, using a qualitative approach which aims to obtain descriptive data. The main data required in this study is of primary data, collected directly from the informant. Then, supported by secondary data sources in analyzing the results of the research.

The results of this study are rescue assets waqf land belonging to the Al-Ikhlas by the party that has bought and take control of the waqf land assets, then the assets of waqf land was handed back to the takmir to be managed and utilized properly. Furthermore, the waqf assets must be registered with the Waqf Pledge Deed Official (PPAIW) so that the waqf land has a certificate. Thus existing waqf assets can be taken care of. In Act No. 41 of 2004 on waqf as contained in the article 40, explained that the waqf land already to be waqf, of whom serve as the estate is prohibited. Later in the chapter 42 explained that Nazhir required to manage and develop the waqf property in accordance with the purpose, function, and purpose. This is to maintain and develop the existing waqf assets and prevent it from the fraud of waqf property.