

DURING THE COVID-19 PANDEMIC, PEOPLE'S FUNDS SERVED AS A SOURCE OF FINANCIAL SECURITY

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Abstract

For many nations, the topic of covid-19, particularly in terms of financial resilience during a pandemic, is a difficult one. One of the strengths that may be empowered is the use of Waqf as financial resilience during the COVID-19 pandemic, which has to be researched in terms of legal architecture to expedite recovery from the pandemic's present circumstances. The technique of investigation is normative juridical. The study findings indicate a need for legal construction for the use of Waqf as financial resilience during the COVID-19 pandemic through qualified and empowered rules for present-day resilience that may be learnt after the COVID-19 pandemic ends. However, the usage of Waqf to ensure COVID-19's financial viability must be done correctly for the benefit of the people.

Keywords: Utilization, Waqf, Construction, Law, Covid-19.

Introduction

The emergence of the coronavirus (covid-19) has had a significant impact on humankind. Apart from that, donating ambulance vehicles, medical equipment for medical personnel, and respiratory support equipment for patients will greatly help this country handle corona-positive patients (Restuningsih & Wibowo, 2019). If ZISWAF's accumulated assets are utilized optimally and driven by solid cooperation from various parties, it will make an enormous economic contribution both in the short and long term. Even if all these Islamic social finance policies and instruments go well, we will feel the economic condition is recovering, and the general health condition is improving. So, it is time for us to focus on empowering Islamic social finance to achieve mutual prosperity (Neelakantan, 2020).

Roadmap for poverty alleviation and economic equality. "The Ministry of Religion has designed all zakat and waqf sectors to run in the same roadmap so that zakat and waqf are structured in their achievements," he said. Then, the distribution of (Kasri & Putri, 2018) and Waqf throughout the archipelago. "The zakat and waqf ecosystems are not yet fully present throughout the archipelago. For this reason, the Ministry of Religion presents a KUA-based zakat waqf ecosystem," he said. As a manifestation of the Ministry of Religion's seriousness

regarding strengthening zakat and Waqf, it also launched several flagship programs. Starting from the Digital Exhibition of Zakat and Waqf, KUA Pilot Economy of the Ummah, Pilot Project of Productive Waqf Incubation, to the Zakat Accounting System (Aminudin & Hadiningrum, 2019).

COVID-19 has reopened the eyes of many that economic conditions can change drastically and take place quickly. In an instant, trillions of wealth were lost, millions of people fell into poverty, and hundreds of thousands of companies went out of business (Trianto, 2020). According to data from the Central Statistics Agency, as of September 2019, the number of poor people in Indonesia is 24.79 million. The World Bank report with the theme "Aspiring Indonesia, Expanding the Middle Class" states that 115 million or around 45% of Indonesia's population is categorized as vulnerable to poverty or at any time could return to the poor category again (Syafiq, 2016). The COVID-19 pandemic, which is expected to last for a long time, will increase the number of poor people. There must be radical steps in alleviating poverty in Indonesia after COVID-19. Waqf can complete one way of alleviating poverty.

Waqf as an instrument can be used to provide for the immediate needs of the poor and to create or strengthen business support institutions that can reduce the long-term cost of doing business for the poor (Endahwati, 2014). Waqf, which has the fundamental nature of sustainable charity for the benefit of the ummah, will meet with zakat, infaq, and alms which are short and medium-term by generous Indonesian people. Waqf assets cannot be reduced in value, cannot be sold and cannot be inherited because, in essence, Waqf is the transfer of ownership of the human property to Allah on behalf of the people (Ansoriyah, Warella, & ..., 2020). This is what distinguishes waqf assets from business assets so that the management of waqf assets and the results of waqf management can be used for business capital assistance for the poor. At the same time, business assets emphasize collecting the wealth of asset owners. Currently, in Indonesia, based on data from the Indonesian Waqf Agency (BWI), the potential for waqf assets per year reaches Rp. Two thousand trillion with an area of waqf land reaching 420,000 hectares (Fadhilah, 2021). Meanwhile, the potential for cash waqf could penetrate the range of Rp. 188 trillion per year. Meanwhile, currently, the realized potential for Waqf is only Rp. 400 billion. In terms of land waqf assets, as many as 337 parcels are still not certified, and only 168 land parcels have been certified. Meanwhile, the Ministry of Religion data stated that the number of waqf lands reached 161,579 hectares, with an area of waqf assets spread over 366,595 locations (Fikriyah & Ridlwan, 2018).

Formulation of the problem

1. What are the arrangements for Waqf during the COVID-19 pandemic?
2. How is the implementation of the use of Waqf as financial resilience during the COVID-19 pandemic?

Research methods

The research method used is normative juridical research (Sugiyono, 2011). Soerjono Soekanto stated that there are five scopes of legal research: research on legal principles, legal systematics, and level of legal synchronization, legal history, and legal comparisons. Case (case approach), approach historical approach (historical approach), comparative approach (comparative approach), and conceptual approach (conceptual approach). For this research, a statutory approach is used (Moleong, 2007).

1. Approach

The research approach used is the statutory approach.

2. Method of collecting data

The data collection method used is library research.

3. Data Analysis Techniques

This normative juridical research uses qualitative data analysis techniques.

Result and Discussion

Regulations related to Waqf and the Covid-19 Pandemic

The poverty rate rose to 9.79% or increased by 1.63 million to 26.42 million people, and Islam as a happy religion has regulated how to deal with the economic recession. Waqf Can Be A Backrest When Facing the Covid-19 Pandemic Ministry of Religion Encourages Waqf to be an Instrument for Overcoming the Impact of the Covid-19 Pandemic (Fitri, 2017).

Efforts to stop the spread of Covid-19 carried out by the government have a side effect of declining economic growth. Based on data released by the Central Statistics Agency (BPS), Indonesia in 2020 experienced a contraction or negative economic growth which reached -2.07 percent (Noor, Rashid, & ..., 2011). This condition continued in the first quarter of 2021, which also recorded an economic contraction of -0.74 percent. The government then took various steps in the context of National Economic Recovery (PEN), such as vaccination in various regions, to pour out the PEN budget, which in 2021 reached Rp 699.43 trillion (Anuar, Alwi, & Ariffin, 2019). However, the outbreak of various new variants of the Covid-19 virus has raised concerns about the length of the economic recovery period during the condition of health facilities filled with sick people. Therefore, the optimization of the role of Waqf in the Indonesian economy needs to be improved. This is in line with the normative rule, namely Law Number 41 of 2004, which states that Waqf is intended for worship and public welfare (Arif Mufraini, 2006). In addition, Article 22 of the same law also states that the designation of waqf management can cover the religious, education, health, economic empowerment of the people, and other sectors as long as they do not conflict with sharia. Waqf has also historically been proven to drive various sectors in the economy, both agriculture (Waqf of Khaibar land belonging to Umar bin Khattab), irrigation (Waqf of

Raumah water source by Uthman bin Affan), to education (Waqf of Al-Azhar University, Cairo and various Islamic campuses). Around the world)(Ariska& Ja'far, 2021).

Several forms of optimizing Waqf for PEN efforts can be carried out in the Indonesian context. First, waqf lands that have not been managed optimally should be collected for later exchange (istibdal) with other lands with more significant management potential(Wahyuni-TD, 2021). One of the potentials for managing waqf land is the provision of joint facilities for halal Small and Medium Industries (IKM) in Indonesia, such as the halal food and beverage sector and Muslim fashion. To strengthen the above initiatives, it is also necessary to optimize cash waqf management(Rabbani, 2021). This reinforcement can be done in two ways—first, cash waqf as a source of financing for the real sector, especially halal IKM. For example, a fashion IKM requires a sewing machine,Nazhir cash waqf provides financing from cash waqf funds with a sharia contract. This is expected to make the financing of halal SMIs compliant with sharia but has a low "cost of funds" or financing margin while still encouraging the productivity of the IKM. In addition, the Cash Waqf Linked Sukuk (CWLS) scheme that the government has rolled out needs to be developed further. One of them is that the State Sukuk that is the basis for CWLS should be green Sukuk or even blue Sukuk so that cash waqf funds are invested in government projects that are pro-environmental and oriented towards maritime development before the profits from the Sukuk investment are utilized by Nazir(Hudaefi, 2022). Waqf for community programs. This is also to encourage Waqf to play a role in environmental conservation efforts and maritime development amid the threat of climate change which is no less dangerous than the pandemic. To realize the things above, several supporting things must be done in parallel, such as 1) strengthening regulatory aspects, including amendments to the Waqf Law; 2) capacity building of nazir waqf human resources, including nazhir curricula in educational institutions; and 3) strengthening digital-based waqf data and information so that reporting, monitoring, and evaluation of national Waqf can be carried out quickly and in an integrated manner. The synergy of various parties, regulators in various sectors of academia and the wider community is needed to realize the hope that Waqf can realize PEN and sustainable development(Jedidia, 2021).

The great potential of this Waqf has not been optimized in poverty alleviation efforts. It is time for Waqf to take a role in optimizing assets for the welfare of the people. This tremendous potential has not been supported by three main things: good waqf management, legal legality, and the waqf business ecosystem, so the realization of Waqf is still low(Auliyah, 2021). Waqf Management Professional waqf management by prioritizing social business principles is the key to developing waqf assets. So far, the management of waqf assets is only modest, filling their spare time and old age. As a result, waqf assets do not develop, and many are stalled. Another critical aspect of waqf management is transparency and accountability(Bin-Nashwan, 2021). Wazir as a waqf manager must uphold transparency and accountability so that moral hazard does not occur when the waqf set has multiplied. Legal legality Problems with waqf assets often arise due to unclear legal handovers related to waqf assets. As a result, when the Waqf develops into potential or the descendants of the muwakif try to take over the waqf assets. A waqf becomes valid if it fulfils two aspects at once, namely the religious aspect (fiqh) and the law (UU No41/2004 concerning Waqf and

PPNo 42/2006 concerning the Implementation of Law No. 41/2004 about Waqf. Business Ecosystem Building a waqf business ecosystem is a job that will be the key to the success and development of waqf assets(Bin-Nashwan, 2022). Just like the business ecosystem in general, waqf assets must facilitate the needs of producers, distributors and consumers as a market. If they go well, these three aspects become the capital for the success of waqf management. These three aspects still have much homework to be done by various related and interested parties from muwakif, nazir and the government(Mursal, 2021).

Law No. 41 of 2004 concerning Waqf, Government Regulation No. 422006 concerning Waqf, Government Regulation Number 23/2020 concerning the Implementation of the National Economic Recovery Program (PEN) in the Framework of Supporting State Financial Policies for Handling the COVID-19 Pandemic. BWI Regulation No. 1 the year2020 Regarding Guidelines for Management and Development of Waqf Assets(Widiastuti, 2021). However, specifically for the handling of the COVID-19 pandemic, there are no special regulations for that. Nevertheless, the Indonesian Waqf Board continues to move to implement changes(Roziq, 2021).

Utilization of Waqf as Financial Security during the Covid-19 Pandemic

The productive waqf forum noted an increase in the participation of the millennial generation in the waqf movement. According to him, waqif among millennials aged 24-35 years dominates at 48 percent. According to him, many philanthropic institutions provide donation transaction services that are digitalized, easy to use and easy to access(Teixeira, 2021). This is also a critical factor in increasing donation participation by some people. "There is a quite encouraging phenomenon, where young people, millennials are now a very significant segment of being waqf donors. They feel that Waqf has started to suit their tastes, which are now present as a solution to humanitarian problems," he said(Shaukat, 2021).Meanwhile, regarding the management of productive Waqf, Bobby said that the nazirs have now entered the phase of forming or building productive waqf assets as social assets that become centres for the distribution of benefits to the community(Amilahaq, 2021). He explained that this program was also a baseline for efforts to mobilize social capital in cash waqf as a source of asset management or waqf property that had already been built. This activity can give rise to many types of cash waqf that can appear in financial instruments, insurance, and stocks. "Even though the dominant one is still waqf through money as a source of optimizing waqf management

The fifth precept of Pancasila contributes to the value of the postulates of social justice law for all citizens. Please 'Social Justice for All People Indonesia' explicitly directs the plenary goal of forming the nation-state that we adhere to, namely the realization of social justice for all Indonesian people, without exception(Younas, 2021). This seems to give a firm conclusion that the meaning of all the previously mentioned precepts can be judged on the success or failure of this fifth precept. Therefore, this social justice postulate must be the basis of values and axiological direction for developing the national legal system. Practically speaking, the national law that we build must reflect the values of social justice, and the methodological direction of its formation must also lead to the main goal of the legal system,

namely the achievement of social justice for all citizens(Oktavendi, 2022). What is justice? Justice can be understood as a value used to create a balanced relationship between humans by giving someone what their right with specific procedures is, and if there is a violation related to justice, someone needs to be punished. From this, we can understand that the word justice has similarities with the word equity, namely justice, which can be interpreted as follows; (1) justice (justice), impartial (impartial), giving everyone their rights (his due); (2) everything is fair (fair), or fair (equitable); and (3) general principles regarding fairness and fairness in terms of applicable law.

According to Aristotle, the measure of justice is; (a) a person does not violate the applicable law, so that justice means according to the law or (lawful), namely, the law must not be violated, and the rule of law must be followed, and (b) a person may not take more than his right, so justice means equal rights. For this reason, the distribution of justice, according to Aristotle, can take the following forms: (a) Distributive justice, namely the balance between what a person gets (what he gets) and what he deserves (what he deserves); and (b) corrective justice, namely justice that aims to correct unfair events, as a form of balance between what is given and what is received. This corrective justice applies as a form of justice enforced through a legal process.

Waqf is an Islamic teaching that aims to build prosperity and the development of advanced civilization(Suriani, 2021). The progress of Islamic civilization in the past cannot be separated from the role of the Waqf. Even Waqf has succeeded in funding Islamic civilization projects from time to time and in social and economic development, so Waqf plays a good role in achieving the welfare of a just and prosperous society(Abdul-Jabbar, 2022). Based on its use, Waqf is divided into two types: direct Waqf, where the main Waqf of goods is used to achieve its goals, such as hospitals, mosques, schools, and others. Second, productive Waqf, whose principal goods are used for production activities and the results are designated for waqf purposes. Waqf is divided into four categories based on its management: first, Waqf is managed by the wakif himself or one of his descendants. Second, the Waqf is managed by another person appointed by the wakif to represent a particular position or institution, such as the imam of a mosque, where the results of the Waqf are for the benefit of the mosque. Third, Waqf, whose documents have been lost, so the judge appoints someone to administer the Waqf(Ayuniyyah, 2022). Fourth, Waqf is managed by the government. Because at that time, there were no institutions that handled Waqf like now. Based on the type of goods, Waqf includes all types of property. Among the Waqf, objects are the main Waqf in the form of land, not in the form of agriculture. According to modern economics, Waqf of movable property is used as a permanent staple, such as agricultural tools, the Koran, prayer mats for mosques, etc. However, all movable objects will become extinct and not function because fiqh experts argue that Waqf objects end with the loss of the shape of the waqf object or its damage(Talib, 2022).

All forms of activity are now assisted by technology, and it can even be said that today's society is dependent on technology. Especially with the current conditions, when the Covid-19 pandemic emerged, all forms of activities and activities were carried out with

technological, electronic, and application tools, which later became a solution to support human needs (Sawandi, 2021). Every aspect of life today is very dependent on technology, especially with the implementation of social distancing, working from home, and changing everything towards digital. The state of implementation of the policy has an impact on all aspects and the order of life, such as in terms of education, politics, social, economy, culture, and so on. Currently, all forms of activity are fully supported by technology as in terms of education, teaching and learning activities are currently suspended temporarily, which are then replaced with an online system (in a network) by utilizing internet access, software (applications), the web, and also gadgets/laptops. Likewise, in terms of the current economy, all transactions are carried out online using technology. This also impacts the rise of online business and online buying and selling with all the risks that will be obtained. There are even some illegal online buying and selling sites whose origin is unclear. - the suggestion. Considering the changes and dynamics of life today, which also affect the changes in the law, the development of a law with a modern character that can contain all provisions adapted to the current situation and conditions. The rapid development of technology in the digital direction makes it a challenge for the community, government, and the laws that apply in Indonesia. With the rapid development of information and communication technology in this digital era, humans have a fashionable life trend that can change the structure and order of humans in society, nation and state.

In the reality of today's life, humans tend to use electronic media and technology in their daily activities. It can even be said that humans are dependent on technology. Technology, in this case, can be used as a medium that can support the fulfilment of human needs and needs. The use of technology is currently a human tool to facilitate every activity in the form of a task or a human job with the implementation of social distancing to break the chain of the spread of Covid-19, which has intensified the importance of using digital technology. Especially communication media to communicate with other people. Covid pandemic-19 also had a significant impact on the Indonesian economy. Indonesia faces severe challenges. Together with the financial authorities and banking authorities in this regard, the government are taking extraordinary steps to ensure the health of the Indonesian people, saving the economy on a national scale so that financial stability occurs. The government issued a Government Regulation in place of Law of the Republic of Indonesia (2020) Number 1 regarding the Enforcement of State Financial Policy and Financial System Stability during the Covid-19 pandemic. One of the things regulated in the Perppu is state financial policies, which are then regulated in more detail by the Ministry of Finance through a Minister of Finance Regulation. Corona Virus Disease 2019 (Covid-19). All sectors of the world were paralyzed due to the sudden spread of the Covid-19 outbreak, making all countries unprepared to deal with this Covid-19 outbreak. With the Covid-19 outbreak, all activities of human life are supported by technology. There needs to be a law that regulates the right technology and information because the law is a means to realize social justice and can be helpful for people's lives. Nevertheless, in reality, in today's society, society is increasingly complex, and there have been changes in the order of values or culture. As is the case today,

the impact of the Covid-19 pandemic has changed the values and life of the Indonesian people.

The global economy in 2020 is recommended as stable but straightforward by targeting recovery strategies and economic stimulation from overseas countries to improve the economic stage of their respective countries and the world. However, no one expected that the COVID-19 outbreak that began to spread in the Wuhan area, China, had become the starting point for a global economic problem that was sharpening and worrying. This situation will be even worse if COVID-19 spreads quickly throughout the world, stepping into countries and continents as early as the first quarter of 2020. The whole world is experiencing a shock due to the COVID-19 outbreak, which was initially thought to be only temporary but has continued to result in the prospect of infection and death. High in most countries. Many industries in every country are directly and indirectly involved in feeling the outbreak's pressure and impression or implications.

The existence of law aims to provide security and order and ensure the welfare of the people from the state as an umbrella for society. In addition to the interests of humans against the dangers that threaten them, the rule of law also regulates the relationship between humans.

The main characteristic of this country is the emergence of the government's obligation to realize the general welfare of its citizens. In other words, the teachings of the welfare state are a concrete form of transitioning the principle of *staatsopvoeding*, which limits the role of the state and government to interfere in the social and economic life of the community, to *staatsbemoeienis* which requires the state and government to be actively involved in economic and social life.¹⁰ The emergence of government obligations is in line with the idea of Pancasila as the nation's philosophy, primarily contained in the fifth principle, namely "social justice for all Indonesian people". If we look back, the formulation of the fifth precept is the result of the formulation of the Committee of Nine, which was ordained from the welfare principle, which is called the fourth principle of Soekarno's speech on June 1, 1945.

The religious court is one of the implementers of judicial power in addition to the other three courts, namely the district court, military court, and state administrative court. The absolute authority of the religious courts as stated in Article 49 of Law Number 50 of 2009 concerning Amendments to Law Number 3 of 2006 concerning Religious Courts, concerning marriage, inheritance, wills, grants, Waqf, zakat, infaq, sadaqah, and sharia economics. In general and in particular religious courts are not entirely autonomous bodies but always carry out exchanges with their larger environment, wherein the law on judicial power states that state courts apply and enforce law and justice. Judges as law enforcers and justice must explore, follow and understand the legal values that live in a society (the exchange between the courts and the dynamics of society. Return to society and interpret the texts of the law in the context of society and its changes.

For example, one of the managers (Nazir) of the Sinergi Foundation waqf fund proved that when the business world was being tested for its resilience from the economic storms caused by the Covid-19 pandemic, Nazir, who was based in Bandung, actually made quite a fantastic

profit. The CEO of Sinergi Foundation revealed that the total profit margin of all Sinergi Foundation's waqf business units reached billions. In 2019, the margin was IDR 1.5 billion. Meanwhile, in 2020, it will reach Rp. 1.8 billion.

Conclusion

There is no special regulation, for example, in the form of PBWI relating to the use of Waqf as a step to resolve the Covid-19 problem, although BWI has made a lot of use of waqf funds for the COVID-19 pandemic as a consequence of Indonesia is a legal state, there must be regulations first, so that various implications arise. That arises in the future can be overcome, especially by maintaining the efficient use of waqf funds for the financial resilience of the covid-19 pandemic and ensuring the circulation of productive waqf funds to maintain stability.

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