

## **The Concept of *al-Amwal* in the perspective of Contemporary Islamic Law**

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**Abstract:** This article would like to explain the concept of *al-amwal* as part of a discussion of contemporary Islamic legal perspectives. The concept of *al-amwal* related to possessions is a very important necessity in life that cannot be separated from man. In this context, several forms of *amwal* include grants, alms, infak, waqf and so on. And the classification of *al-amwal* is divided into four parts, namely *al-amwal al-bathiniyyah*, *al-amwal al-zahiriyyah*, *al-amwal al-khash* and *al-amwal al-am*. This research is a qualitative descriptive method using literature studies obtained from certain literature relevant to this research. The results of this study show that wealth is an important need in human life in seeking wealth for its existence in this world should be directed to the benefit of mankind collectively. Because if you pay attention to the initial process of the creation of nature, which is the wealth given by Allah Almighty, it is not only the property of individuals but also the right of all humans. *Al-amwal* is a divine gift that must be maintained in life. There is treasure because of entrustment from Him. So to get it there is no prohibition in looking for treasures both conventional and sharia.

**Keywords:** *Al-Amwal, Law, Islam, Contemporary*

**Abstrak:** Artikel ini ingin menjelaskan tentang konsep *al-amwal* sebagai bagian dari pembahasan perspektif hukum Islam kontemporer. Konsep *al-amwal* yang terkait dengan harta merupakan kebutuhan amat penting dalam kehidupan yang tidak akan dapat dipisahkan dari manusia. Dalam konteks ini beberapa bentuk amwal antara lain hibah, sedekah, infak, wakaf dan lain sebagainya. Dan klasifikasinya *al-amwal* terbagi pada empat bagian yaitu *al-amwal al-bathiniyyah*, *al-amwal al-zahiriyyah*, *al-amwal al-khash* dan *al-amwal al-am*. Penelitian ini

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merupakan deskriptif kualitatif dengan metode menggunakan studi kepustakaan yang diperoleh dari berbagai literatur tertentu yang relevan dengan penelitian ini. Hasil penelitian ini menunjukkan bahwa harta merupakan kebutuhan penting dalam kehidupan manusia dalam mencari harta demi eksistensinya didunia ini hendaklah diarahkan kepada kemaslahatan umat manusia secara kolektif. Sebab jika diperhatikan proses awal diciptakannya alam yang merupakan kekayaan yang diberikan oleh Allah Swt bukanlah hanya semata-mata milik individu tetapi juga menjadi hak semua manusia. *Al-amwal* merupakan anugerah ilahiyah yang mesti dijaga dalam kehidupan. Adanya harta karena titipan dariNya. Sehingga untuk mendapatkannya tidak ada larangan dalam mencari harta baik konvensional maupun syariah.

***Kata kunci:*** *Al-Amwal, Hukum, Islam, Kontemporer*

## **Introduction**

The existence of contemporary Islamic law is part of the sciences that explain the great aspects of Islamic law and its essence is very important for the lives of Muslims. It is also the most noble science with its object of discussion and purpose, it can function as an effort to provide answers that are really needed by Muslims, especially in knowing the nature and laws of muamalah and also social interactions. Without a comprehensive explanation of Islamic law, of course Muslims will have difficulty facing various social problems of life and changing times.

Argumentatively, Islamic law certainly makes the Koran and the Prophet's hadith the source of all sources of Islamic teachings, including the results of *ijma'* (agreement/consensus of the ulama). Islamic law in the social context has occupied a very central position in the rapid contemporary changes that have occurred and that we have all experienced. So, to know and understand the changing aspects of muamalah and social problems that occur in the lives of Muslims, it is necessary to solve them through a muamalah fiqh approach.

And wealth is the most important component in human life, especially for Muslims. Therefore, Allah SWT strongly recommends to His servants to always try to find sustenance on this earth in order to support the continuity of life in this world and the hereafter. However, besides Allah SWT encouraging His servants to seek sustenance, Allah also teaches His servants how to obtain wealth in a halal way and gain His pleasure. So that we all do not fall into the wrath of Allah SWT. This

is in accordance with the word of Allah SWT as follows:

Islam is a perfect religion, it comes by regulating the relationship between the Khaliq (Allah Swt) and creatures in worship to cleanse the soul and purify the heart, and Islam has actually regulated the relationship between His fellow creatures, where some of them are together with others, such as buying and selling, marriage, inheritance, inheritance and others so that humans can live as brothers and sisters in peace, justice and love.<sup>1</sup> The perfection of the Islamic religion can be seen where Islamic law was revealed in a general and global form regarding various problems as stated in the QS. Al-Maidah verse 3 as follows:

الْيَوْمَ أَكْمَلْتُ لَكُمْ دِينَكُمْ وَأَتَمَمْتُ عَلَيْكُمْ نِعْمَتِي وَرَضِيْتُ لَكُمُ الْإِسْلَامَ دِينًا

It means:

*This day I have perfected your religion for you, and have fulfilled My blessings on you, and I have approved Islam as a religion for you.*<sup>2</sup>

In terms of muamalah issues, the Qur'an as the main source for Muslims, has actually provided general rules so that humans can develop various transactions in human life. Among the most urgent topics of discussion in the field of muamalah are wealth,<sup>3</sup> where wealth is a very, very important necessity of life. Because wealth is a form of jewelry in world life. With wealth, humans will of course be able to fulfill their daily needs, starting from primary, secondary, even tertiary. Because it is wealth that will occur in the process of social interaction or horizontal (human) relationships.

There are no prohibitions on seeking wealth, both conventional and sharia, all equally encourage people to seek wealth. Wealth for humans is a very valuable substance. Although sometimes there are a group of people who don't think it's valuable because maybe they already have something more valuable. In short, the assessment of assets carried out subjectively is not binding. Because it depends on the point of view and who is giving the assessment.

## Research methods

This research is a qualitative descriptive research, with a literature

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<sup>1</sup>Hendi Suhendi, *Fiqh Muamalah*, (Raja Grafindo Persada, Jakarta, 2002).pg 9

<sup>2</sup>QS. al-Maidah verse 3

<sup>3</sup> H. Nasrun Haroen, *Fiqh Muamalah*, (Gaya Media Pratama, Jakarta, 2007).p.

study method using certain literature relevant to this article which is usually found in scientific books, proceedings and scientific journal articles. In this type of library study research, the research stages are carried out by collecting library sources, both primary and secondary. Primary sources are usually obtained from works originally written by researchers. Examples of primary sources are book articles, journals, theses or dissertations, research reports. Secondary sources are usually obtained from dictionaries, encyclopedias and journal reviews. In this study the author raised a research theme regarding the implementation of the al-amwal concept in a contemporary sharia economic perspective.

## Results and Discussion

### 1. *Al-Amwal's* Epistemology

Etymologically, *al-amwal* comes from Arabic, namely the jama' form of the word "*al-maal*" which means treasure. The term *al-maal* comes from the word "*maal*" which means to lean, tend and slant,<sup>4</sup> or turning from the middle to one side, it is said that because humans tend or tend to want to own and control these assets. The term *al-maal* can also be interpreted as anything that pleases humans and that they maintain, both in material form and in the form of benefits.<sup>5</sup> However, there are also things that cannot be controlled by humans and cannot be called treasures in language, such as birds in the air, fish in the water, trees in the forest, and minerals on earth.<sup>6</sup>

The term "*maal*" is mentioned in the Koran in various forms of derivation 86 times in 79 verses in 38 letters. A fairly large number adorns a third of the letters in the Koran. Of the 86 words "*maal*", there are 25 words in the form of *mufrad* with various pronunciations, then 61 times in the form of *isim jama'* (*al-amwal*) and this number does not include words that are synonymous with "*maal*" such as *rizq*, *mata'dan kanz* (treasury).<sup>7</sup>

Repeated mention of something in the Koran shows special and important attention to that something. Thus, wealth has a very important position in the Koran, and one of the verses in the Koran

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<sup>4</sup> Hendi Suhendi, *Op.Cit.*, p 99

<sup>5</sup> H. Nasrun Haroen, *Fiqh Muamalah*, (Gaya Media Pratama, Jakarta, 2007).p. 73.

<sup>6</sup> Rachmat Syafe'i, *Fiqh Muamalah*, (Pustaka loyal, Bandung, 2001).p 21

<sup>7</sup> Sarmiana Batubara, "HARTA DALAM PERSPEKTIF AL-QURAN: (STUDI TAFSIR AYAT-AYAT EKONOMI)", *Jurnal Imara*, Volume 2, Nomor 2, Desember 2018, p. 14

relating to the position of wealth is found in the QS. al-Kahf verse 46 as follows:

الْمَالُ وَالْبَنُونَ زِينَةُ الْحَيَاةِ الدُّنْيَا وَالْبَاقِيَاتُ الصَّالِحَاتُ خَيْرٌ عِنْدَ رَبِّكَ ثَوَابًا وَخَيْرٌ أَمَلًا

It means:

...*"Wealth and children are the adornments of worldly life, while eternal good deeds (rewards) are better rewarded with your Lord and better to be a hope for..."*

According to Wahbah al-Zuhaili<sup>8</sup>In his book *al-Fiqh al-Islami wa Adillatuhu*, he defines wealth etymologically as something that humans need and obtain, whether in the form of visible objects such as gold, silver, animals, plants, or (which are not visible), namely benefits such as vehicles, clothing and shelter.<sup>9</sup>Meanwhile, in terms of terminology, there are two definitions that have been put forward by fiqh scholars regarding *al-maal*, namely; (a) According to the terms of the Hanafiyah Ulama, it is: Everything that humans are interested in and can be provided when needed, or everything that can be owned, stored, and can be used, and (b) The second definition according to a number of scholars other than Hanafiyah ulama is anything that has value, and is subject to compensation for those who damage or destroy it.<sup>10</sup>

One of the differences between the definitions put forward by Hanafiyah scholars and general scholars is regarding objects that cannot be touched, such as benefits. Hanafiyah scholars view that benefits include something that can be owned, but not wealth. According to scholars other than Hanafiyah, benefits include wealth because what is important is the benefit and not the substance. This opinion is more commonly used by most of humanity.

The benefits referred to in this discussion are benefits or usefulness that result from visible objects, such as living in a house or driving a vehicle. As for rights, which are assigned by sharia to someone specifically as a result of controlling something, they are sometimes associated with property, such as property rights, drinking rights, etc. However, sometimes it is not linked to assets such as custody rights, etc.

Hanafiyah scholars, as they view benefits, are of the opinion

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<sup>8</sup>Wahbah al-Zuhaili, *al-Fiqh al-Islami wa Adillatuhu*, Juz IV, Dar al-Fikr, (Damascus, 1989), p. 3

<sup>9</sup>Wahbah al-Zuhaili, *Al-Fiqh al-Islami wa Adillatuhu*, p 40

<sup>10</sup>Haroen, *Op Cit.* p. 73

that the rights associated with property are not considered assets because it is impossible to store and preserve the substance. Apart from that, even if property rights and benefits can be obtained, it will not take long because they are abstract (meaningful) and will be lost little by little. Scholars other than Hanafiyah also argue that property rights and benefits can be viewed as assets because they can be controlled by controlling the subject matter. Apart from that, usefulness is the purpose of wealth. If it does not have benefits, humans cannot possibly seek and love wealth.

The differences of opinion above will of course have an impact on differences in determining several provisions relating to law, especially in matters of ghosob, tenancy and inheritance. Scholars other than the Hanafiyah view that a person who gloats over something and then uses it, apart from having to return the item, he is also responsible for the benefits he has taken. Meanwhile, according to Hanafiyah scholars, the person is not responsible for the benefits they take, except if they destroy property that remains or belongs to an orphan, or objects that are used for business, such as destroying a hotel, etc. Hanafi clerics argued that these assets were urgently needed and would cause conflict. If examined carefully, every item will have a reason as stated by Hanafiyah scholars, namely that it is needed by its owner and will cause conflict if it is dishonored. Therefore, basically every person who ghosts should be responsible for the benefits derived from the object. In a tenancy according to Hanafiyah scholars, the tenancy ends with the death of the tenant because the benefits are not assets so they cannot be inherited. According to non-Hanafiyah scholars, the tenancy does not end with the death of the tenant and can be suspended until the end of the tenancy.<sup>11</sup>

According to the Compilation of Sharia Economic Law contained in article 1 paragraph (9) "amwal" (asset) is an object that can be owned, controlled, cultivated and transferred, both tangible and intangible objects, both registered and unregistered objects, both movable and immovable objects and rights that have economic value. Judging from its type, amwal can be divided into two types, some are in the form of currency which is commonly called al-nuqud and there are also those in the form of goods/objects and services which are called al-'arudh. The term al-

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<sup>11</sup>Rachmat, *Op Cit*, p. 23-24.

nuqud is assets in the form of currency or the like, such as gold, silver, dinars, dirhams, demand deposits, currency and others. Meanwhile, al-'arudh is property that is not in the form of currency, such as plants, plantations or agriculture, livestock, immovable objects (land, houses) and includes copyright.<sup>12</sup>

## 2. Al-Amwal Function

The functions of wealth for humans are numerous. Wealth can support human activities, both in good and bad activities. Therefore, humans always try in various ways to own and control it. It is not uncommon to use various methods that are prohibited by sharia and state law, or provisions agreed upon by humans. Usually the way you obtain assets will influence the function of the assets. Like someone who obtains property by stealing, he uses the property for pleasure alone, such as getting drunk, playing with women, gambling, etc. On the other hand, people who seek wealth in a halal way usually use their wealth for useful things.<sup>13</sup>

In this discussion, the function of property which is in accordance with the provisions of sharia will be explained, including the following: (a) To perfect the performance of the typical worship (mahdlah), because for worship of course tools are needed, such as cloth to cover the private parts during the implementation. prayer, provisions for carrying out the Hajj, zakat, sadaqah, grants, and others, (b) To increase faith (devotion) in Allah, because poverty tends to bring one closer to disbelief so that ownership of wealth is intended to increase devotion to Allah SWT. (c) To continue life from one period to the next, as Allah SWT says as follows:

وَلْيَخْشَ الَّذِينَ لَوْ تَرَكَوْا مِنْ خَلْفِهِمْ ذُرِّيَّةً ضِعَافًا خَافُوا عَلَيْهِمْ، فَلْيَتَّقُوا اللَّهَ وَلْيَقُولُوا قَوْلًا سَدِيدًا

It means:

*And let those who fear Allah leave behind them weak children (generations), whose (welfare) they fear. Therefore, let them fear Allah and let them speak the right words.*"<sup>14</sup>

Therefore, to harmonize and balance life in this world and the hereafter, the Prophet SAW said the following:

لَيْسَ بِخَيْرِكُمْ مَنْ تَرَكَ دُنْيَاهُ لِآخِرَتِهِ وَلَا آخِرَتَهُ لِدُنْيَاهُ حَتَّى يُصِيبَ مِنْهُمَا جَمِيعًا فَإِنَّ الدُّنْيَا بَلَاءٌ إِلَى

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<sup>12</sup>Sarmiana Batubara, "HARTA DALAM PERSPEKTIF AL-QURAN: (STUDI TAFSIR AYAT-AYAT EKONOMI)", p. 141

<sup>13</sup>Rachmat, *Op Cit*, p. 23-24.

<sup>14</sup>QS al-Nisa' verse 9

الْآخِرَةَ وَلَا تَكُونُوا كَلًّا عَلَى النَّاسِ. (رواه ابن عساکر عن انس بن مالك)

It means:

*The best person among you is not someone who leaves (the interests of) his world because of the hereafter, and on the other hand leaves (the interests of) the afterlife because of the affairs of his world, so that he gets (part of) both at once, this is because the life of this world is a testament that conveys to the life of the hereafter and you should not be a burden on others. (HR. Ibn 'Asakir from Anas bin Malik)*

Herein lies the specialty and superiority of the religion brought by the Prophet Muhammad, namely Islam. A religion that does not want its people to be materialistic, whose thoughts and efforts are only aimed at accumulating all forms of wealth and worldly enjoyment, like the Jews. Islam is also a religion that does not allow its followers to only care about the afterlife, to be immersed in spirituality, to distance themselves from the delights of life, to remain celibate and not marry, as do Christians.

In another verse, Allah expressly commands us to seek happiness in the afterlife without forgetting worldly happiness as in QS. al-Qashash verse 77 as follows:

وَابْتَغِ فِيمَا آتَاكَ اللَّهُ الدَّارَ الْآخِرَةَ وَلَا تَنْسَ نَاصِيئَكَ مِنَ الدُّنْيَا وَأَحْسِنَ كَمَا أَحْسَنَ اللَّهُ إِلَيْكَ وَلَا تَبْغِ الْفُسَادَ فِي الْأَرْضِ إِنَّ اللَّهَ لَا يُحِبُّ الْمُفْسِدِينَ

It means:

*"And seek what Allah has bestowed upon you (happiness) in the land of the hereafter, and do not forget your share of worldly (pleasures) and do good (to others) as Allah has done good to you, and do not cause damage to (your face) ) earth. Indeed, Allah does not like those who do damage."(QS. al-Qashash verse 77)*

Therefore, to develop and enforce knowledge, because studying without capital will be difficult, for example, someone will not be able to enter college if he does not have the funds. To play (mentasharuf) the roles of life, it is necessary to have servants and masters. There are rich and poor people who need each other, so that a harmonious and affluent community is formed.

Meanwhile, to foster friendship, because of differences and needs, for example, Cilegon is an iron producing area, Yogyakarta is a cloth producing area, so Yogyakarta people who need iron will buy Cilegon products, and Cilegon people who need cloth will buy Yogyakarta people products. In this way, social interaction and



friendly communication occurs in order to complement each other and meet each other's needs. So this will cause the turnover of assets that has been ordered by Allah SWT in the QS. Al-Hasyr verse 7 as follows:

مَا آفَاءَ اللَّهِ عَلَى رَسُولِهِ مِنْ أَهْلِ الْقُرَى فَلِلَّهِ وَلِلرَّسُولِ وَلِذِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسْكِينِ وَابْنِ السَّبِيلِ كَيْ لَا يَكُونَ دُولَةً بَيْنَ الْأَغْنِيَاءِ مِنْكُمْ وَمَا آتَاكُمُ الرَّسُولُ فَخُذُوهُ وَمَا نَهَ كُمْ عَنْهُ فَأْتُوا وَأَتَّقُوا اللَّهَ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ

It means:

*The spoils (fai') of those that Allah gave to His Messenger (who came) from the inhabitants of several countries, are for Allah, the Messenger, relatives (Rasul), orphans, the poor and for those who on the way, so that the wealth does not only circulate among the rich among you. Whatever the Messenger gives you, accept it. Leave what he forbids. And fear Allah. Indeed, Allah is very severe in punishment. (QS. Al-Hasyr verse 7).*

### 3. Forms of *al-Amwal* in Sharia Economics

There are several forms of *al-amwal* in a contemporary sharia economic perspective, including the following:

#### a. Grant.

Etymologically, grant means gift or gift. This gift is done voluntarily in order to get closer to Allah SWT, without expecting anything in return. In terms of terminology, Jumhur Ulama defines a gift as a contract which results in the ownership of property, without compensation, which is done by someone while alive to another person voluntarily. This means that a gift is a voluntary gift from someone to another person, without compensation, which results in the transfer of ownership of the property from the giver to the person given. Grants as a form of helping each other in the context of benevolence between fellow humans have a very positive value. Fiqh scholars agree that the law of giving is sunnah based on the word of Allah SWT in QS. al-Nisa {4}:4 as follows:

فَإِنْ طَبَنَ لَكُمْ عَنْ شَيْءٍ مِّنْهُ تَفَسَّاهُ فَكُلُوهُ هَنِيئًا مَّرِيئًا

It means:

*"...Then if they hand over to you part of the dowry happily, then eat (take) the gift..."*

In QS. al-Baqarah {2}: 177 Allah SWT says:

وَأَتَى الْمَالَ عَلَى حُبِّهِ ذَوِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسْكِينِ وَابْنِ السَّبِيلِ وَالسَّائِلِينَ وَفِي الرِّقَابِ

It means:

"...And gives the wealth he loves to his relatives, orphans, poor people, and travelers (who need help)..."

This is because the ulama also reasoned with the words of the Prophet Muhammad as follows:

عَنْ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: تَهَادُوا تَحَابُّوا

It means:

"..From Abu Hurairah from the Prophet SAW said: "Give each other gifts, you will surely love each other." (HR. al-Bukhari).

Both the verse and hadith above, according to the scholars, show a recommendation to help each other among human beings. Therefore, Islam strongly recommends that someone who has excess wealth donate it to people who need it.<sup>15</sup>

#### b. Alms.

Etymologically, the word alms is the Arabic word 'ash-shadaqah', which means a gift given by a Muslim to another person spontaneously and voluntarily without being limited by a certain time or amount.<sup>16</sup> It also means a gift given by someone as a kindness in the hope of Allah SWT's pleasure and reward alone. Almsgiving in the above sense is called by the jurists shadaqah al-tatawwu' (spontaneous and voluntary almsgiving).<sup>17</sup>

Scholars who are experts in jurisprudence have a consensus or agreement that the law of almsgiving is basically sunnah, rewarding if done and not sinful if abandoned. However, sometimes the law of almsgiving becomes haram, if the assets donated are used for a sin, and sometimes it becomes obligatory, if a person vows to give alms if his wish is fulfilled, then alms must be carried out. Meanwhile, At the beginning of the growth of the Islamic religion, alms were defined as sunnah giving (sunnah alms). However, after the obligation of zakat was prescribed, which in the Qur'an is also called alms, the term alms has two meanings, namely sunnah alms and obligatory alms (zakat). ).

As for terminology, the word alms can be interpreted as giving someone, sincerely, to those who are entitled to receive it

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<sup>15</sup>Haroen, *Op.Cit.*, p. 82 – 86

<sup>16</sup>Fahrur Mu"lis, *Dikejar Rezeki dari Sedekah*, (Solo, Taqiya Publishing, 2016),

<sup>17</sup>Nasrun Haroen, *Fiqh Muamalah*, (Jakarta, Media Pratama, Cet II, 2007), p.

accompanied by a reward from Allah SWT, so that based on this understanding, infaq (giving/donating) wealth for good is included in the category of alms.

Fiqh scholars agree that almsgiving is an act that is prescribed and the law is sunnah. Their agreement was based on the verses of the Koran and the hadith of the Prophet Muhammad. Among the verses of the Qur'an that have based the law on almsgiving are the words of Allah in QS. al-Mujadalah {58}:12 as follows:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا قِيلَ لَكُمْ تَفَسَّحُوا فِي الْمَجَالِسِ فَافْسَحُوا يَفْسَحِ اللَّهُ لَكُمْ وَإِذَا قِيلَ انشُرُوا فَانْشُرُوا يَرْفَعِ اللَّهُ الَّذِينَ آمَنُوا مِنْكُمْ وَالَّذِينَ أُوتُوا الْعِلْمَ دَرَجَاتٍ وَاللَّهُ بِمَا تَعْمَلُونَ خَبِيرٌ

It means:

*"O you who believe, when you have a special discussion with the Messenger, you should give alms (to the poor) before the discussion. That is better for you and cleaner, if you don't get (what you want to give alms to) then indeed Allah is Forgiving, Most Merciful."*

Meanwhile, the words of the Prophet Muhammad that underlie the law on alms are as follows:

عَدِيَّ بْنِ حَاتِمٍ رَضِيَ اللَّهُ عَنْهُ قَالَ سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ اتَّقُوا النَّارَ وَلَوْ بِشِقِّ تَمْرَةٍ

It means:

*"Give alms even with a single date, because it can protect you from hunger and can extinguish mistakes like water extinguishes fire."* (HR al-Bukhari).

### c. Infaq

Infaq comes from the word nafaqa, which means something that has passed or expired. Meanwhile, according to the term, it means giving something to other people based on sincerity and because of Allah SWT alone.<sup>18</sup> Meanwhile, in the Big Indonesian Dictionary (KBBI) as quoted by Andi M. Fadly Taher et al, that infaq is spending assets which includes zakat and non-zakat. Meanwhile, according to sharia terminology, infaq means spending part of one's assets or income/earnings for a purpose

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<sup>18</sup>Abdul Aziz Dahlan, dkk, *Ensiklopedi Hukum Islam* Jilid 5, (Jakarta, PT. Ichtar Baru Van Hoeve, Cet I, 1996), p. 716

ordered by Islamic teachings.<sup>19</sup>Infaq also means spending part of one's assets, income or income for a purpose that is ordered by Islamic teachings. If zakat has a nisab, then infaq does not have a nisab. If zakat must be given to certain mustahik, So donations can be given to anyone. For example, for parents, orphans, and so on.<sup>20</sup>In addition, donations are issued by every believer, whether they have high or low incomes, whether they are rich or poor.

Meanwhile, in Law of the Republic of Indonesia No. 23 of 2011, it is explained that infaq is assets issued by a person or business entity outside of zakat for the public benefit. men, both high and low income.<sup>21</sup>According to Hafidhuddin, the legal basis for infaq is QS. Ali Imran verse 134 as follows:

الَّذِينَ يُنْفِقُونَ فِي السَّرَّاءِ وَالضَّرَّاءِ وَالْكُظُمِينَ وَالْعَيْظِ وَالْعَافِينَ عَنِ النَّاسِ وَاللَّهُ يُحِبُّ الْمُحْسِنِينَ

It means:

*(namely) people who always give infaq, both in free and narrow times, people who control their anger, and people who forgive other people's (mistakes). Allah loves those who do good.*

Thus, based on this understanding, it can be understood that infaq is voluntary expenditure made by someone. Allah SWT gives the owner the freedom to determine the type of assets and how much should be handed over. Every time he gets sustenance, as much as he wants. In the Islamic view, infaq is worship whose law is sunnah. Donating and spending some of your wealth is a very noble act. Infaq is one of the actions that can give a positive impression in human life in achieving happiness in life, both in this world and the hereafter. Infaq in Islamic teachings, something of worship value is intended for the benefit of the people. Infaq in its general form is sacrificing wealth in the way of Allah SWT which can guarantee all human needs according to procedures regulated by law.<sup>22</sup>The benefits of spending money will all return to the people who invest themselves and the community with all its goodness, and cannot do anything without the help of the community, therefore we must help and guarantee their needs in

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<sup>19</sup>Andi M Fadly Taher, Suprijati Sarib, Rosdalina Bukido, "SISTEM PENGELOLAAN DANA KOTAK INFAK DAN SEDEKAH KELILING MASJID DI PASAR 45 MANADO," Jurnal Ilmiah Al-Syir'ah, Vol. 14 No. Tahun 2016, p 56-57

<sup>20</sup>Abdul Aziz Dahlan, dkk, *Ensiklopedi Hukum Islam* ...p. 716

<sup>21</sup>Didin Hafidhuddin, *Zakat Infak Sedekah*, (Gema Insani, Jakarta, 1998), p. 15

<sup>22</sup>Andi M Fadly Taher, Suprijati Sarib, Rosdalina Bukido, *Op.Cit*, p. 56-57

society. Donating in the way of Allah SWT is a manifestation of a person's faith in His Creator because in fact what humans have are merely entrusted items. The priority of giving infaq for Muslims is that they can protect themselves from forces that want to attack and cause damage to the earth, turn their backs on the path of Allah and prevent evil and persecution. Making people live peacefully, safely and side by side in social society.<sup>23</sup>

#### d. Waqf

As mentioned above, waqf is an institution that is part of Islamic law. Therefore, when talking about waqf we cannot escape from talking about the concept of waqf according to Islamic law. However, in Islamic law there is no single concept regarding waqf, because there are many very diverse opinions.<sup>24</sup>The word "wakaf" or "wakf" itself comes from Arabic from the verb (fi'il madhi) waqafa, yaqifu (fiil mudhari'), waqfan (isim masdar) which means "to hold back" or "stop" or "stay in place." ". The words "waqafa, yaqifu, waqfan" also have the same meaning as "habasa, yahbisu, tahbisan" which means to donate.<sup>25</sup>

It is called "holding" because the waqf is held from all damage, sales and all actions that are not in accordance with the purpose of the waqf. Apart from that, it is also said to withhold because the benefits and results are withheld and prohibited for anyone other than the people who are entitled to the waqf.<sup>26</sup> In The Shorter Encyclopaedia of Islam, the definition of waqf according to Islamic legal terminology is "to protect a thing, to prevent it from becoming of a third person." Which means, maintaining an item or object by holding it so that it does not become the property of a third party. The item being retained must be an object whose essence remains, which is released by the owner under his own authority in certain ways and conditions, but which can be harvested and used for good deeds as determined by Islamic teachings.<sup>27</sup>

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<sup>23</sup>Andi M Fadly Taher, Suprijati Sarib, Rosdalina Bukido, *Ibid.*, p. 56-57

<sup>24</sup>Abdurrahman, *Masalah Perwakafan Tanah Milik Dan Kedudukan Tanah Wakaf di Negara Kita*, (Bandung: Citra Aditya Bakti, 1994), p. 15

<sup>25</sup>Dirjen Bimas Kemanag RI, *Fiqih Wakaf*, (Jakarta: Februari, 2007), p. 1

<sup>26</sup>Munzir Qahaf, *Manajemen Wakaf Produktif*, (Jakarta: CV. Pustaka Kautsar Grup, 2005), p. 45.

<sup>27</sup>Muhammad Daud Ali, *Sistem Ekonomi Islam Zakat Dan Wakaf*, (Jakarta: UI Press, 1998), p. 84.

Meanwhile, Elsi Kartika Sari revealed that waqf is holding property that might be useful without having to spend or damage the object and use it for good things.<sup>28</sup> Ahmad Azhar Basyir himself stated that waqf is holding property that can be benefited from without being destroyed immediately and for permissible use, and is intended to gain Allah's pleasure.<sup>29</sup> Meanwhile, in article 215 paragraph 1 of the compilation of Islamic law, waqf is the legal action of a person or group of people or legal entity that separates part of their property and institutionalizes it forever for the purposes of worship or other public purposes in accordance with Islamic teachings.

In general, there are no verses in the Qur'an that explain the concept of waqf firmly and clearly. Because waqf includes infaq fi sabilillah, the basis used by scholars in explaining the concept of waqf is based on the generality of the verses in the Koran which explain infaq fi sabilillah. The legal basis for waqf is contained in the Koran as in QS. Ali Imran verse 92 as follows:

لَنْ تَنَالُوا الْبِرَّ حَتَّى تُنْفِقُوا مِمَّا تُحِبُّونَ ۚ وَمَا تُنْفِقُوا مِنْ شَيْءٍ فَإِنَّ اللَّهَ بِهِ عَلِيمٌ

It means:

*You will never reach (perfect) virtue until you spend some of the wealth you love. And whatever you earn, Allah knows it. (QS Al-Imran: 92)*

In this verse it is emphasized that you will not achieve good until you spend some of the wealth you love. And whatever you are going to spend, Allah SWT definitely knows it. This verse is emphatically a recommendation to live in the way of Allah SWT in whatever one likes. Mixing likes and dislikes can be tolerated, but it is not the best way to achieve perfect virtue.

Waqf as an institution in Islamic law does not only recognize one type of waqf, there are various types of waqf known in Islam whose differences are based on several criteria. The same thing was also stated by Ahmad Azhar Basyir as follows:<sup>30</sup>First,

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<sup>28</sup>Elsi Kartika Sari, *Pengantar Zakat dan Wakaf*, (Jakarta, Grafindo Persada, 2006), p.54. Lihat juga Adijani Al-Alabij, *Perwakafan Tanah di Indonesia Dalam Teori dan Praktek*, (Jakarta: Raja Grafindo Persada, 2002), p. 25

<sup>29</sup>Ahmad Azhar Basyir, *Hukum Islam tentang Wakaf, Ijarah dan Syirkah*, (Bandung: CV.Al-Maarif, 1977), p. 5

<sup>30</sup>Ahmad Azhar Basyir, *Hukum Islam tentang Wakaf, Ijarah dan Syirkah*, p. 13-15

expert (family or special) waqf, also known as zurri waqf, is a waqf aimed at certain people, one or more. Whether the family is wakif or not. For example, donating books to children who can use them, then their grandchildren. This kind of waqf is considered valid and those entitled to enjoy the waqf assets are those appointed in the waqf statement. However, in several Middle Eastern countries, waqf like this causes many problems, especially if the waqf is in the form of agricultural land, often misuse occurs, such as: (a) making this family waqf a tool to avoid distributing assets to heirs who are entitled to receive them, after the wakif dies. world. (b) This family waqf is used as a tool to evade creditors' demands for debts that a person will incur before he donates his land. Therefore, in several countries this family waqf was abolished, such as in Egypt in 1952 this waqf was abolished because of deviant practices that were not in accordance with Islamic teachings. Apart from that, in Indonesia the inheritance of the Minang Kabau tribe has characteristics such as family waqf, the inheritance is maintained and not divided or passed on to individual descendants, because it is intended for the benefit of the family.<sup>31</sup>Second, khairi waqf or general waqf is waqf that was originally intended for the general interest, not specifically for certain people.<sup>32</sup>Khairi waqf is in line with the spirit of waqf practice which is very joyful in Islamic teachings, which states that the rewards will continue to flow, until the wakif dies, while the benefits of the waqf assets can still be taken. This waqf can be enjoyed by the community at large and is a means of providing welfare for the community, both in the socio-economic, educational, cultural and socio-religious fields. The benefits of this kind of waqf are much greater than expert waqf and this type of waqf seems to be more in line with the objectives of waqf in general. In substance, this type of waqf is one aspect of how to spend wealth in the way of Allah SWT. If the waqf assets are used for development, both in the religious sector and in the economic sector, then the benefits are felt for the public interest, not limited to the family or closest relatives. Third, waqf is also grouped into two groups, namely musytarak waqf and irsad waqf. Musy-tarak waqf is a combination of khairi waqf and zurri waqf. This means

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<sup>31</sup>Ali, *Sistem Ekonomi Islam Zakat dan Wakaf*, p.89-90

<sup>32</sup>Sayid Sabiq, *Fiqh al-Sunnah*, Jilid III. (Darul Kitab Al-'Aarabi. Libanon. 1971)

that part of the benefits derived from waqf assets is dedicated to family interests and the other part to the public. Musytarak waqf is part of istibdal waqf and share waqf. Meanwhile, irsada waqf is another form of waqf formed by the authorities or government originating from donations of bait al-mal assets as waqf, both movable and immovable assets.<sup>33</sup>

Meanwhile, if viewed from the perspective of implementation, in Islamic law there are two categories of waqf, namely:<sup>34</sup>First, syuyu' waqf, namely waqf whose implementation is carried out in mutual cooperation, meaning that several people group together (join) to become one to donate a plot of land (property) by means of a joint venture and association. In practice, syuyu' waqf for the current era where land prices are relatively very expensive, occurs a lot and is carried out by Indonesian citizens. For example, in the case of building a mosque which requires quite a large area of land. So, in this case the mosque construction committee does not have relatively sufficient funds to buy the land needed, and there is no one who can afford it or someone who can donate the required land area, then the mosque construction committee will usually offer it to community members. to make waqf donations according to their abilities. In other words, the community collectively (work together) bought the remaining land price that had not been purchased (paid) by the mosque construction committee. This kind of waqf practice, whether according to Islamic law (fiqh) or according to the National Agrarian Law, can be justified. Second, mu'allaq waqf is a waqf whose implementation is suspended, or by the wakif in a pledge to postpone its implementation until he dies. This means that the waqf only takes effect after he himself dies. For mu'allaq waqf, in practice at the present time, namely after the waqf issue has been positively regulated in our National law, a waqf must take effect immediately, namely after the wakif makes the waqf pledge. The practice of mu'allaq waqf often occurred in the past, namely before waqf matters were regulated in positive law.<sup>35</sup>

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<sup>33</sup>Shakor., *Pelaksanaan Pembangunan Wakaf Korporat Johor Corporation Berhad (JCorp) : Satu tinjauan*. International Conference on Humanities, 2011, p. 48

<sup>34</sup>Nur Chozin, *Penguasaan dan Pengalihan Manfaat Wakaf Syuyu' (Tergabung)*, (Mimbar Hukum, Nomor 18 Tahun VI, Al-Hikmah, Jakarta, 1995), p. 35

<sup>35</sup>Taufiq Hamami, *Perwakafan Tanah Dalam Politik Hukum Agraria Nasional*, (Tatanusa, Jakarta, 2003), p. 69-70.



#### 4. *Al-Amwal* Division

##### a. *Al-Amwal Al-Bathiniyyah*

Fiqh scholars divide assets into several parts, each part of which has an impact or is related to various laws (decrees). Among the popular ones is *al-amwal al-bathiniyah*, namely spiritual treasures that are intangible and cannot be stored.

##### b. *Al-Amwal al-Zahiriyyah*

Among the assets including *al-amwal al-zaahiriyyah*, namely 'zahir assets, are objects that are shaped (tangible) and that have value, for example houses, livestock, tables, chairs, vehicles and others. *Amwal 'zhahir* is divided into two, namely, (a) 'zahir dzati qimmah assets, are objects that have form and value, which include: (1) Objects that are considered assets that can be used or not, (2) Objects that are considered existing assets. or no equivalent, and (3) Objects that are considered assets that can or cannot be moved, and (b) 'zahir ghair dzati qimmah assets, are objects that cannot be viewed as assets, because they have no value or price, such as a grain of rice.

##### c. *Al-Amwal al-'Am*

*Draftal-amwal al-'Am* that is, 'amm property is public or shared property, everyone can benefit from it in accordance with provisions mutually agreed upon by the public or the authorities.<sup>36</sup>

##### d. *Al-Amwal al-Khas*

*Al-amwal al-khas* that is, special assets are personal assets that are not associated with other assets. This property cannot be benefited or used except according to his will or with his permission.<sup>37</sup>

#### Conclusion

The term *al-amwal* or wealth is a divine gift that we must protect in our lives. The existence of wealth is a gift from the Almighty. And to obtain *amwal* or wealth, there is no prohibition on seeking wealth, both conventional and sharia, everyone equally recommends people to seek wealth. Wealth for humans is a very valuable substance. Although some times there are groups of people who don't think it's worth it because maybe they already have something which is more valuable. In short, the assessment of assets is carried out subjectively,

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<sup>36</sup>Rachmat, *Op.Cit.*, p. 42

<sup>37</sup>*Ibid.* p. 88- 91

not binding. Because it depends on who is judging it.

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