

Analysis of the Lease Agreement for the Wakaf Rice Fields at Pondok Modern Darussalam Gontor from the Perspective of Fiqh Mu'amalah

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ABSTRACT

The practice of leasing agricultural land to be managed and the proceeds utilized by the cultivators has been in place for centuries, particularly in rural areas where it serves as a primary occupation for the community. Pondok Modern Darussalam Gontor, which is also a Wakaf institution, has agricultural land that is leased to the local community. The process of leasing this Wakaf rice field is regulated by the foundation responsible for the maintenance and expansion of the Pondok Modern Wakaf, particularly the lands in Ponorogo. According to Fiqh, leasing land is termed *ijarah*, which is a contract for taking benefit from a property in exchange for a fixed payment. In this study, the researcher aims to analyze the lease agreement of the Wakaf rice fields at Pondok Modern Darussalam Gontor based on the perspective of *fiqh mu'amalah*. The research method employed is qualitative, using data collection techniques such as observation, interviews, and documentation. The results show that the Wakaf rice field lease agreement at PMDG occurs before the first planting season at the beginning of the rainy season, where an agreement is made between the cultivator and the YPPWPM, with payment for the lease made in advance. This process follows the agreed-upon rules..

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INTRODUCTION

Wakaf, in terms of language, means to hold back or stop. Some sources define it as halting, standing still, or remaining in one place.¹ In terms of definition, it refers to holding back part of one's wealth and using the income for the public good.² Many scholars have different interpretations of Wakaf, but it is universally agreed that Wakaf means holding back an item or asset and utilizing the income for the benefit of the community.³ Once property is designated for Wakaf, it no longer belongs to the individual but becomes property of the public, intended for good purposes.

Pondok Modern Darussalam Gontor (PMDG), an Islamic educational institution, has its assets designated as Wakaf, including agricultural land. The management of the Wakaf assets is entrusted to the Yayasan Pemeliharaan dan Perluasan Wakaf Pondok Modern (YPPWPM),

¹ Ibn Manẓūr, *Lisan al-'Arab* (Dar al-Iḥyā' al-Turāth al-'Arabī: Beirut), Vol. 4, p. 106.

² Shaykh Hasan Ayyub, *Fiqh Muamalah fi al-Islamiyyah* (Egypt: Darussalam, 2003), p. 289.

³ Ali Amin Isfandiar, *Tinjauan Fiqh Muamalat dan Hukum Nasional tentang Wakaf di Indonesia*, La-Riba: *Jurnal Ekonomi Islam*, Vol. II, No. 1, July 2008, p. 53.

which oversees the land, including farming activities to support the economy of the Pondok and assist the surrounding community.⁴

With a large amount of Wakaf land, YPPWPM has developed part of it into agricultural land, including rice fields, to maximize the productivity of these assets.⁵ The rice fields are spread across various areas and contribute significantly to the development of the Wakaf at PMDG. The foundation continually seeks to innovate in the management and development of Wakaf agricultural land. As the caretaker of the Wakaf property, YPPWPM ensures its proper use and adheres to regulations that protect the Wakaf land from legal issues, supported by the Law on Agrarian Affairs (UPA No. 5/1960, Articles 21 and 49). The foundation's commitment to the protection of Wakaf land is evident in their efforts to register these lands with the Ministry of Agrarian Affairs.⁶

YPPWPM is responsible for managing both productive and non-productive Wakaf land. Non-productive land is used for buildings to house students and teachers, while productive land is utilized for farming, supporting the educational institution. According to Eko Nurcahyo, a lecturer at the University of Darussalam Gontor, the management of Wakaf land for farming uses a cooperation model, including lease agreements and profit-sharing schemes.⁷ This view is reinforced by Al-Ustadz Drs. H. Imam Muhtar, Deputy Chairman of YPPWPM, who emphasizes the use of lease agreements and profit-sharing for farming management.⁸

In Islam, leasing is allowed as it involves mutual assistance in good deeds. The Qur'an in Surah Al-Maidah (5:2) states: "And cooperate in righteousness and piety, but do not cooperate in sin and aggression." This general guidance allows any form of cooperation as long as it does not violate religious principles, such as *gharar* (deception) or *dharrar* (harm). The category of *muamalah* includes all types of cooperation that are permissible in Islam.⁹ One of the most recognized forms of *mu'amalah* in Islamic jurisprudence is *ijarah*. The word *ijarah* refers to a contract where one party rents the benefit of an asset or service for a specified time in exchange for payment. According to the Dewan Syari'ah Nasional, *ijarah* is the transfer of the right to benefit from a good or service without transferring ownership.¹⁰

METHODS

This research is a field study aiming to describe the reality of what is found in the field and provide insights into the lease agreement system for the Wakaf rice fields. The study uses a qualitative approach with a case study design. This method allows for a detailed analysis of the lease agreement for Wakaf rice fields at PMDG from the perspective of *fiqh mu'amalah*.

⁴ Eko Nurcahyo, Ahmad Muqorrobin, *Strategi Pengembangan Wakaf Berkelanjutan dalam Sektor Pertanian: Studi Kasus di YPPWPM Gontor Ponorogo*, *Jurnal Ekonomi Syariah*, Vol. 4, No. 2, August 2019, p. 146.

⁵ Muhammad Iqbal, et al., *Model Pengembangan Wakaf Produktif Pondok Modern Darussalam Gontor Ponorogo*, *Jurnal Al-Awqaf*, Vol. 9, No. 2, 2016, p. 13.

⁶ Jarman Arroisi, Syamsuri, *Management Wakaf Pondok Modern Darussalam Gontor: Analisis Model Pemeliharaan, Pengembangan Wakaf Dan Kesejahteraan Umat, Ijtihad 'Jurnal Hukum dan Ekonomi Islam'*, Volume 14, Number 2, September 2020, p. 165.

⁷ Eko Nurcahyo, Ahmad Muqorrobin, *Strategi Pengembangan Wakaf Berkelanjutan dalam Sektor Pertanian: Studi Kasus di YPPWPM Gontor Ponorogo*, *Jurnal Ekonomi Syariah*, Vol. 4, No. 2, August 2019, p. 152.

⁸ Imam Muhtar, *Pengelolaan Wakaf di Pondok Modern Darussalam Gontor*, YPPWPM Document (PowerPoint), 2019, p. 17.

⁹ Jamaluddin, Jamaluddin. 'The Basic Concept of Muamalah & Ethics of Buying and Selling (al-Ba'i) from an Islamic Perspective.' *Tribakti: Journal of Islamic Thought* 28.2 (2017), pp. 289-316.

¹⁰ Al Fasiri, Mawar Jannati. 'The Application of Al-Ijarah in Muamalah.' *Ecopreneur: Journal of Islamic Economics and Business* 2.2 (2021), pp. 236-247.

YPPWPM, as the entity responsible for managing Wakaf assets, plays a crucial role in the lease agreement process.

The qualitative descriptive approach is used to gather in-depth data and provide meaningful insights into the phenomenon under study.¹¹ This approach allows for understanding the actual data and the underlying meaning, contributing to naturalistic research.¹²

RESULTS AND DISCUSSION

Management of Wakaf for Agricultural Land

Wakaf used for agricultural purposes is exemplified by the story of Umar bin Khattab, who donated land in Khaibar to be held in trust, with the proceeds given to benefit the community.¹³ Agriculture, as a spatial system, is a combination of physical subsystems and human subsystems. The physical subsystems include land, climate, hydrology, and topography, along with their natural processes. Meanwhile, the human subsystems include labor, economic capacity, and local political conditions.¹⁴ According to Hanafie, agriculture is a production process based on the growth of plants and animals. The success of this process in advancing agriculture highly depends on the role of human resources as its implementers. In the agricultural sector, agricultural activities are primarily dominated by smallholder farming.¹⁵

Definition of Ijarah

Ijarah is defined as a contract for renting or leasing the benefits of a property in exchange for payment. It is permissible in Islam as long as the agreement is clear, fair, and does not involve *gharar* or *dharrar*. The validity of *ijarah* is based on the Qur'an, Sunnah, and *Ijma'* (consensus), and is widely accepted by scholars.

The Concept of Ijarah Agreement

Al-ijarah comes from the word *ujrah*, which means wages and rent. In the *Encyclopedia of Islamic Law*, *ijarah* is defined as wages, rent, or compensation.¹⁶ Idris Ahmad, in his book *Fiqh Syafi'i*, argues that *ijarah* means paying wages, where wages refer to obtaining the benefit of someone else's labor by providing compensation based on certain conditions.¹⁷ According to Adiwarman A. Karim, *ijarah* is the right to utilize goods or services in exchange for a specific compensation. Therefore, in an *ijarah* contract, there is no change in ownership; only the usufruct rights are transferred from the lessor to the lessee.¹⁸

¹¹ Supardi, *Research Methodology in Business Economics* (Yogyakarta: UII Press, 2005), p. 34.

¹² Sugiyono, *Understanding Qualitative Research* (Bandung: Alfabeta, 2014), pp. 1-3

¹³ Yayat Hidayat, *Productive Wakaf in Enhancing Economic Empowerment of the Ummah*, *Tazkiya Journal of Islamic Studies, Society & Culture*, Vol. 18 No. 1 (January-June) 2017, p. 132

¹⁴ Beny Septyliyan Primada, Irham Zaki, *A Review of the Contract Mechanism for Agricultural Land Management Based on Customary Law in Fiqh Muamalah Studies (Temu Village, Kanor District, Bojonegoro Regency)*, *Jestt* Vol. 2 No. 11 November 2015, Airlangga University, p. 957

¹⁵ Rita Hanafie, *Introduction to Agricultural Economics* (Yogyakarta: Andi Publisher, 2010), pp. 83-84.

¹⁶ Abdul Aziz Dahlan, *Encyclopedia of Islamic Law* (Jakarta: PT. Ikhtiar Baru Van Hoeve, 1999), 1st ed., Vol. 2, p. 660.

¹⁷ Idris Ahmad, *Fiqh al-Syafi'iyah* (Jakarta: Karya Indah, 1986), 1st ed., p. 139.

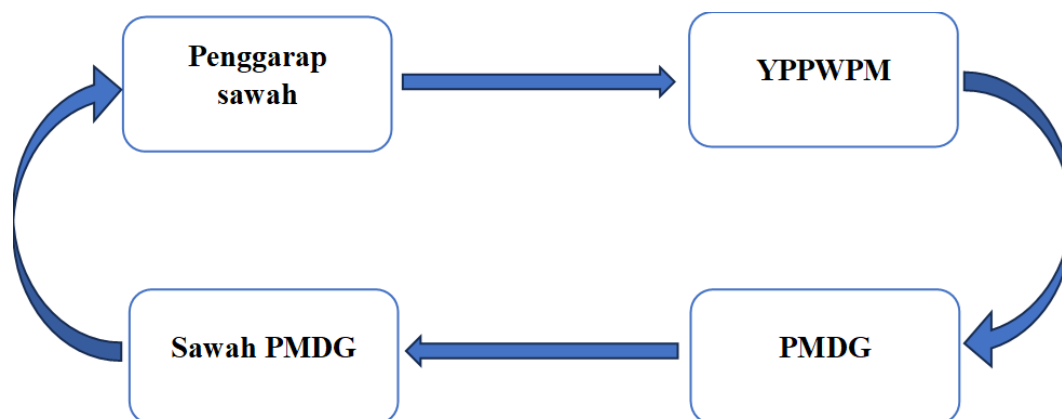
¹⁸ Adiwarman A. Karim, *Bank Islam Analisis Fiqih dan Keuangan* (Jakarta: PT. Rajagrafindo Persada, 2007), 1st ed., 3rd ed., p. 138.

Analysis of the Lease Agreement (Ijarah) at PMDG

Initially, the wakaf rice fields of Pondok Modern were managed using a sharecropping system or *maro*, and it worked well at that time. However, over time, this system was found to be disadvantageous to the institution, represented by YPPWPM, which is the organization responsible for managing all the wakaf assets of PMDG. Therefore, the system was changed to a lease system (*ijarah*). This change was made to facilitate YPPWPM in recording and controlling the land as well as the harvest results, and to make it easier to keep track of the tenants managing the PMDG rice fields.¹⁹ The rice fields leased by YPPWPM are the wakaf rice fields owned by PMDG, whether newly purchased or old. The farmers lease the rice fields for one planting season, at a price that has been mutually agreed upon. The rental price varies depending on the location and condition of the land. The leased land can only be managed by residents who live in the area where the land is located. For example, the rice fields in the village of Gontor can only be leased by residents of Gontor, and similarly, PMDG's land in other locations follows the same rule.²⁰

The system of leasing rice fields at PMDG is as follows: the farmers contact YPPWPM or the agricultural staff if there is land available for lease under specific conditions. The farmers then read the regulations they must adhere to as tenants, after which they directly pay the rental price as agreed upon before the planting season. The rice fields at PMDG can only be planted with crops that are suitable for the season in the respective areas, such as rice, corn, soybeans, etc. Farmers are not permitted to plant crops that could potentially damage or harm the land, such as sugarcane, fruits, etc.²¹

The process of leasing rice fields at PMDG (Pondok Modern Darussalam



YPPWPM, as the responsible party for the management of wakaf, including the leasing of its agricultural land (*ijarah*), also establishes Standard Operating Procedures (SOPs) for the cultivation process. These SOPs serve as a guideline to ensure the smooth implementation and management of the *ijarah* activities. Among the SOPs and regulations, it is stipulated that the leased land must be managed or cultivated directly by the lessee, as listed in the official register of cultivators. Furthermore, the cultivators are required to read and sign the cultivation SOPs, using a stamp, and are expected to comply with the set regulations.

¹⁹ Interview with the foundation's agricultural staff

²⁰ Interview with the foundation's agricultural staff

²¹ Interview with the foundation's agricultural staff

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CONCLUSION

Waqf is an important concept in Islam that involves the transfer of part of one's wealth for the benefit of the community. In general, waqf is understood as the act of holding back part of one's wealth and redirecting its benefits for the common good. Pondok Modern Darussalam Gontor (PMDG) has managed its waqf assets by utilizing agriculture as one of its productive resources. The waqf land owned by PMDG is used for agricultural activities, which can uplift the economic welfare of the pesantren and assist the surrounding community.

In its management, the Foundation for the Maintenance and Expansion of Waqf of Pondok Modern (YPPWPM) plays a key role in managing waqf land, one of which is used for agricultural land, such as rice fields. The system applied in the management of agricultural land includes cooperation with farmers through leasing (*ijarah*) and profit-sharing systems. This aligns with the Islamic principle that permits leasing in the form of *muamalah* as long as it does not harm any party. The concept of *ijarah*, which is the lease agreement in *fiqh muamalah*, is applied in the management of PMDG's waqf rice fields. Through the *ijarah* agreement, YPPWPM can manage the rice fields in a more structured and efficient manner, providing benefits to the farmers and supporting the waqf's purpose for the welfare of the community. This system allows the farmers to manage the land under clear terms, while PMDG can better monitor and control the harvest results.

Overall, the implementation of the *ijarah* system in the management of waqf land at PMDG demonstrates success in utilizing waqf assets for the advancement of Islamic education, economic empowerment of the community, and the sustainable preservation of the ownership rights of the *ummah*. The practice of *ijarah* at the Yayasan Pemeliharaan dan Perluasan Wakaf Pondok Modern (YPPWPM) is also in accordance with *sharia* and *fiqh muamalah*, making it a model or example for other foundations to apply *sharia* and *fiqh muamalah* as implemented by YPPWPM. Any aspects that are not in complete alignment with the implementation are solely carried out for the benefit of both the lessees and the foundation.

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