

INTERNALIZATION OF TAUBAT AS A FOUNDATION IN THE CONSTRUCTION OF THE WAQF BANK CONCEPT

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ABSTRACT

This research examined the potential of money *waqf* in Indonesia. As the country with the largest Muslim population in the world, Indonesia has a huge potential for money *waqf*. If it is managed with the right approach, it could help the Government of Indonesian to overcome its economic problems, especially in terms of poverty alleviation. The purpose of this study was to explore the concept of a *waqf* bank as a business entity with *taubat*¹ as its foundation. Considering the enormous potential of money *waqf*, *waqf* banks are truly needed in Indonesia. This study used the spiritualist paradigm to develop the concept of *taubat*-based *waqf* banks. *Zikir*, *do'a*, *tafakur*, and *tawakal* were part of the methodology and a mental effort that accompanied the physical efforts (observation, in-depth interviews, and documentation). Through *zikir*, *do'a*, *tafakur*, and *tawakal*, guidance from Allah to use the metaphor of *taubat* as a data analysis tool was obtained. The results of this study showed that the *waqf* bank, as a business entity with *taubat* as its foundation, could result the *waqf* bank being a *berkah*² business entity because the institution would be run by obeying Allah's commands and leaving behind all prohibitions of Allah. The blessing would not only be felt by beneficiaries, but also by *Wakif* and the *waqf* bank, as a mediation institution.¹²

KEY WORDS

God, *Taubat*, money *waqf*, *waqf* bank

Every person has made a mistake and confessed a sin. The most important thing is not how many times or how often people have committed sins, but how great and how strong their intention and determination to escape from the cradle of sin. A very deep sense of regret for a sin is the first step in asking for Allah's forgiveness. The humiliation and the willingness to obtain the mercy of Allah begin by following Allah's commands and staying away from Allah's prohibitions. This is the essence of the *taubat* (Chodjim, 2007, 20013, 2014).

As if we use a building as an analogy, *taubat* is the foundation so it must be strong to make the building sturdy. This study tried to introduce the concept of *taubat* as a the foundation for *waqf* bank. As business entities, *waqf* banks must have strong foundations to strengthen their presence and provide benefit for many people. The existence of banks in Indonesia still depends on the interests of many interest groups. Therefore, existing bank do not always follow Islamic teachings. Practices must follow the law, not the other way. This study tried to explore the idea of a sharia-compliant bank *waqf*. According to Islamic teachings, practices have some guidelines to follow so that the *taubat* must be used as a foundation in creating the concept of the *waqf* bank.

Etymologically, *taubat* derives from the words *tawaba* meaning to return, whereas, according to sharia law, *taubat* means to leave sin out of fear of Allah. By considering that something is bad, people regret the sin and promise not to repeat it, and then correct the sin according to Allah's wants. In essence, when a person experiences *taubat*, it is a feeling that regrets the immoral acts which have occurred, and the person directs his/her heart only to Allah. The real manifestation of *taubat* is *amar ma'ruf nahi munkar*³ (Chodjim, 2002; 2003). *Taubat* can be interpreted as a feeling of conscience and being sorry for the sin. According to Mustofa (2005) and Hendrawan (2009), *taubat* means to regret wrong and bad deeds and to

¹*Taubat* is fear of Allah, regrets for sins and promises to carry out His commandments and stay away from all His prohibitions.

²*Berkah* is God's gift that brings goodness in people's lives in the form of luck, happiness, and other good things.

have the intention of correcting them. Surely, Allah is merciful and He will forgive his servant who sincerely does *taubat* (Az-Zumar 39: 53; An-Nisa' 4³: 110; Ash-Shura 42:25; Al-A'raf 7: 153; An-Nur 24 : 31; Al-Ma'idah 5: 74; At-Taubah 9: 104; At-Tahrim 66: 8; Ta ha 20:82).

The waqf⁴ bank is a new idea in Indonesia. This concept was created to maximize the benefits of the potential of money waqf in Indonesia. There have been many countries that have successfully utilized the potential of their money waqf. Those countries have made their money waqf into productive assets and generated many profits. That advantage is used to help the

government to address economic problems (Ahmed, 2004; Ambrosea et al., 2015; Ihsan et al., 2011; Kahf, 2003; Mohammad, 2011; Mohsin et al., 2016; Cizakca, 2004).

The concept of a waqf bank in this study is unique, but the waqf bank is still operationalized from waqf assets collected from the wakif⁵. This Wakif is the main source of waqf bank capital. They do not expect material profits because they expect to receive profits later in the hereafter. The orientation of a waqf bank is not merely a material advantage but it goes beyond the material world so that accounting systems and capitalism are not appropriate for waqf banks (Abu-Abbass, 2012).

The capital sources of waqf banks are different from conventional banks; therefore, waqf banks must be based on different concepts. Waqf banks must be truly trustworthy because they must maintain the integrity of the assets that have been issued for waqf. Waqf banks must stand on the teachings of Islam and completely abandon the usury system. By introducing the *taubat*, this established concept should bring waqf banks into business activities through fearing Allah and obeying His commands including leaving usury (Siddiqi, 2004; Ahmed, 1994; Yaacob, 2012).

METHODS OF RESEARCH

This study employed a spiritualist perspective in creating the concept of a waqf bank with *taubat* as its foundation. This paradigm was chosen because to be able to seeing the reality in building the concept of waqf banks as a whole, it must use a paradigm that can entirely capture reality and only a spiritualist paradigm can do that. The spiritualist paradigm views reality as a unity with God (Chodjim, 2013; Mustofa, 2005). Unlike other paradigms, there is no separation between reality and God in the spiritualist paradigm because reality is the manifestation of God (Chodjim 2002; 2003; 2007; 2013; Mustofa, 2005; Chopra and Mlodinow 2012; Bladon 2007).

The researchers chose the spiritual paradigm based on Allah's guidance, not solely because of the willingness of the researchers. In the stillness of the night, the researchers conducted *tafakur*⁶ and felt very peaceful. It was a peace that is hard to express but could be felt. When the soul felt calm, the researchers could think clearly and developed a strong belief that among the existing paradigms, spiritualism was the most appropriate (Bladon, 2007; Chopra, 2012).

Spiritualism implies traits that transcend the physical and present an immense power in any process, including the scientific process. In the minds of researchers, this power can solve all the problems that they face. The immense power later help researchers to answer every problem that arises and to provide solutions to every difficulty (Molisa, 2011; Triuwono, 2015b).

Hendrawan (2009) explained that spirituality has several characteristics: with the ability to revive physically and psychologically, it holds a holy status higher than just the physical and is related to God. Kuntowijoyo (2007) also argued that the main characteristics of the spiritualist paradigm are unity and faith. Triuwono (2012) stated that the spiritualist paradigm contains Islamic concepts and principles (Burrell, 1994; Choudhury, 2008; Gallhofer, 2011; Gallhofer , 2004).

³ *Amar ma'ruf nahi munkar* is an order to invite or advocate good things and prevent bad deeds for society.

⁴ *Waqf* is a legal act of a wakif to separate funds or surrender a portion of his/her property to be used forever or for a certain period for the needs of worship or the welfare of the community.

⁵ *Wakif* is the party that carries out waqf.

⁶ *Tafakur* is contemplation and silence in a particular moment.

The researchers conducted *zikir*⁷, *do'a*⁸, *tafakur*, and *tawaka*⁹ as well as observation, interview, and documentation to collect data (Tinker, 2004). A routine *zikir*, *do'a*, *tafakur*, and *tawakal* made the researcher obtain Allah's guidance in running a series of observations, interviews, and documentations so that the researcher can easily collect the data. According to Triyuwono (2015a), there is no special design in spiritualist research because it is a research design based on spiritual spontaneity. Everyone has a different level of spiritual spontaneity because it is an experience of spiritualit between the person, the environment, and Allah. The spiritual connection is real because everything is part of one with God (Chodjim 2002; 2003; 2013; Mustofa, 2005; Djamhuri, 2012).

Researchers were the main instrument for conducting data analysis. Through *zikir*, *do'a*, *tafakur*, and *tawakal*, the researcher obtained the metaphor of *taubat* as an analytical tool. The metaphor for *taubat* was an inspiration obtained by researchers when performing *tafakur* and doing *munajat*¹⁰ to Allah to ask for guidances related to analytical tools. The metaphor for *taubat* helped the researchers to understand the data and carry out data analysis and became the concept for a *taubat*-based waqf bank. This metaphor was used by researchers to make it easier to understand and describe the analyzed data (Llewelyn, 2003).

Zikir, Do'a, Tafakur, Tawakal As a Spirit of Taubat

Zikir is the simplest worship. It is the worship that has no legal conditions. This means that everybody can do *zikir* under any circumstances. Whether in a condition of cleansing or hiding, lying down, sitting, or standing. Everyone that wants to aubat must do *zikir*. *Taubat* and *zikir* are a unit that can not be separated in reaching the *maghfirah*¹¹ of Allah. Allah will not accept *taubat* without *zikir* because it is Allah's command (Hud 11: 2-3). This verse explains that *zikir* and *taubat* are a pair of activities to obtain *rahmat*¹² from Allah. For people doing *taubat*, *zikir* and *do'a* are also necessary. If *zikir* is synonymous with glorifying Allah, *do'a* becomes a request to Allah.

When people are doing *taubat*, Allah feels so close because He loves his servant. Praying for forgiveness and hoping for Allah's mercy is the essence of *taubat* so that Allah promises to grant the prayers of each servant who conducts *taubat* (Ash-Shura 42:26).

To carry out *taubat*, someone must do *tafakur* to strengthen faith further because it will keep them from slipping into sin. She/he reflects on the greatness of Allah, either from sensory experience or a particular event. Admiring Allah's creation is a form of worship that can increase our love for Him (Ali Imran 3: 190-191). *Tafakur* is like a lamp to see good and bad, or the benefits and *mudharat*¹³ of everything. *Tafakur* will lead people to have *syukur*¹⁴. Whatever Allah's will, we must always be grateful to put our trust in Allah and surrender everything to Allah's decision.

For whoever does *tawakal* and conducts *ikhtiar*¹⁵, afterward Allah will complete all his/her affairs. In accordance with Allah's promise in At-Talaq (65: 3), *tawakal* will awaken every person to the knowledge that everything in this world belongs to Allah. The person, their property, their wife and offspring, all that is recognized as their own is truly Allah's. If we can make ourselves aware of it, we can accept whatever Allah decides sincerely. *Zikir*, *do'a*, *tafakur*, and *tawakal* are part of the practice that must be conducted by those who carry out *taubat* because no one will achieve a perfect *taubat* if not accompanied by *zikir*, *do'a*, *tafakur*, and *tawakal*.

⁷ *Zikir* is remembering Allah.

⁸ *Do'a* is asking for help from Allah SWT.

⁹ *Tawakal* means to entirely surrender to God in facing or waiting for the results of work or waiting for the consequences of a situation.

¹⁰ *Munajat* is praying wholeheartedly to Allah in expectation of forgiveness, help, guidance, mercy, and pleasure from Allah

¹¹ *Maghfirah* is the right of Allah to forgive each of our sins, but these sins will still be recorded in our practice book when in the world.

¹² *Rahmat* is the gentleness, subtlety, and love of Allah.

¹³ *Mudharat* is something that is not profitable and brings a lot of losses.

¹⁴ *Syukur* is an expression of gratitude to Allah for all the blessings He has given. If anyone is good at being grateful, Allah will bless him.

¹⁵ *Ikhtiat* is a human effort to fulfill his/her material needs for material, spiritual, health, and saving so that the purpose of his/her life is to prosper in the world and the hereafter.

RESULTS AND DISCUSSION

The Concept of a Taubat-Based Waqf Bank

The taubat-based waqf bank is a waqf bank that abandons all practices disliked by Allah and carries out practices that are favored by Allah. Waqf banks are one of the ways to worship Allah because it has the elements of *hablum minallah*¹⁶ and *hablum minannas*¹⁷. Hence, a taubat-based waqf bank must contain those two elements to develop into *hablum minalardh*¹⁸ because they cannot be separated from one another to carry out tasks. Waqf banks must be able to carry out their functions according to these three elements.

Hablum minallah can be interpreted as maintaining good relations with Allah. The way to keep it is by carrying out all Allah's commands and staying away from all His prohibitions by *Lillahi Ta'ala*¹⁹. The interpretation of *hablumminallah* is to run the *rukun Islam*²⁰ and *rukun Iman*²¹ by Lillahi Ta'ala.

Hablum minannas can be interpreted as maintaining good relations with people. *Hablum minannas* does not stand alone because it relates to *hablumminallah*. Maintaining good relations with people is a part of carrying out Allah's commands, for example, helping fellow Muslims in distress.

Hablum minalardh means to have a good relationship with nature. Indeed, people are *khalifatullah fil ardh*²² (Al-Baqarah2: 30; Sad 38:26). The Word of God can be interpreted that people being fully responsible for the preservation and balance of ecosystems on earth. If there is damage to nature, it is a human activity that will be accounted for in the hereafter.

The relationship between *hablum minallah*, *hablum minannas*, and *hablum minalardh* as an interpretation of taubat in the context of waqf banks is:

First, waqf banks are business entities and medium of worship. Running a waqf bank based on taubat will lead the activities of waqf banks through *hablum minallah* and *hablum minannas*. If *hablum minallah* and *hablum minannas* are carried out perfectly, the *ridho* of Allah will become closer, and *hablum minalardh* will be a complement in carrying out Islam in *kafah*.

Second, by holding on to *hablum minallah*, waqf banks would be very careful in carrying out their activities. In building *muamalah*²³, a waqf bank would run according to Islamic law. For example, by not practicing *riba*²⁴ in any way and running a waqf bank as a mediator that prioritizes the pleasure of Allah.

Allah has said in the Qur'an on how people should apply *muamalah* (Al-Baqarah 2: 282; An-Nisa '4: 29; At-Taubah 9: 24; An-Nur 24: 37; Fathir 35: 29 ; As-Saff 61: 10; Al-Jumu'ah 62: 11).

Third, by adhering to the *hablum minannas*, the waqf bank would carry out its activities so that it prioritized the interests of the majority rather than the interests of the institution. For example, in carrying out the *amanah*²⁵ from the waqif, waqf banks would change these assets into productive assets whose profits would be channeled for the greatest prosperity of the majority of the people.

Fourth, by adhering to the *hablum minalardh*, waqf banks must also carry out the mandate of encouraging the prosperity of nature. For example, not harming or destroying nature and nurturing it by participating in the preservation of the existing ecosystems through the Corporate Social Responsibility (CSR) program.

¹⁶ *Hablum minallah* adalah menjaga hubungan baik dengan Allah. Caranya, menjalani semua perintah Allah dan menjauhi segala larangan Allah.

¹⁷ *Hablum Minannas* can be defined as maintaining good relations with people. This is a way achieved by doing to other people and not hurting them.

¹⁸ *Hablum Minalardh* means to have a good relationship with nature. This is a way to preserve nature and not damage it.

¹⁹ *Lillahi Ta'ala* is sincerity, or carrying out all worship activities only because of Allah.

²⁰ *Rukun Islam* is the five basic actions in Islam which become obligatory foundations to be carried out.

²¹ *Rukun Iman* is the foundation pillars of a Muslim's faith.

²² *Khalifatullah fil ardh* means the human are peace keeper in the world.

²³ *Bermuamalah* derives from the word *muamalah*, meaning relationship through social interaction to follow God's rule in terms of developing a property.

²⁴ *Usury* is the determination of interest or overestimating the number of loans based on a certain percentage of the amount of loans charged to the borrower.

²⁵ *Amanah* means truly trustworthy and carries out an affair that has been entrusted to him as well as possible.

Figure1 shows the form of the relationship between waqf banks and *hablum minallah*, *hablum minanna* as well as *hablum minalardh* as a business entity for Allah, people, and nature.

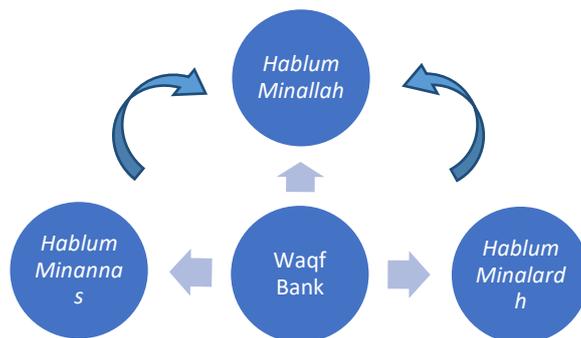


Figure 1 – The Form of Accountability for a Taubat-Based Waqf Bank’s

A taubat-based waqf bank is a waqf bank that would have good relations with Allah. In addition, it would provide many benefits and would not harm people. The waqf bank would be a business entity that required other people to make successful. If *hablum minallah* and *hablum minannas* were carried out, the waqf bank would have to implement *hablum minalardh* because it would be the medium for worshipping.

Maintaining good relations with God is a form of vertical accountability and maintaining good relations with people and nature is a form of horizontal accountability. These three are actually related to each other. All the output of the relations is returned to Allah. Building good relations with people and nature is carrying out the commands of Allah. Figure 1 does not mean to separate the three, but it emphasizes that the waqf bank as a business entity must carry out these three functions as a unified whole in worshipping God.

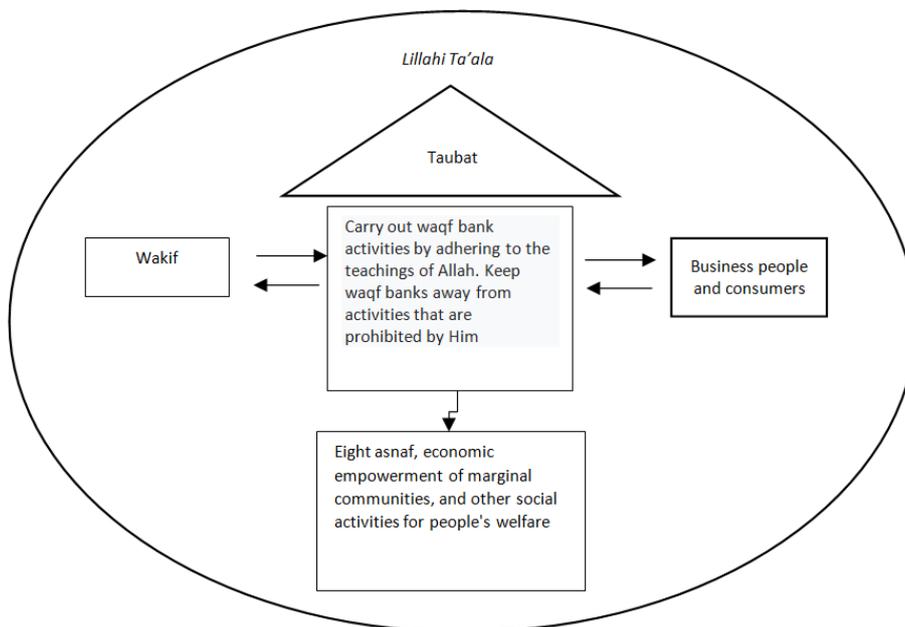


Figure 2 – The Concept of a Taubat-Based Waqf Bank

The metaphor of taubat as an analytical tool was used to develop the concept of a taubat-based waqf bank. Figure 2 illustrates how a taubat-based waqf bank should act. Taubat is defined as fear and regret for every act of sin. By analog, a waqf bank must be built from the results of introspection on existing banking concepts, especially those of Islamic banks, and by establishing a determination to eliminate all concepts that are not consistent with Islamic teachings.

After feeling regret and fear of Allah, someone has to carry out all of Allah's commands and stay away from all His prohibitions. An analog of this approach for each bank waqf activity must be based on fear of Allah to avoid conducting activities prohibited by Allah and only carry out activities favored and ordered by Him.

Taubat must be done in full of *ikhlas* so that Allah will be *ridha*. An analog of this approach for waqf banks must use *Lillahi Ta'ala* as the spirit in carrying out each activity as a form of *taubat*, which is the foundation of muamalah. Figure 2 explains how taubat-based waqf banks should act.

According to the Banking Law No.10 of 1998 (revision of Law No. 7 of 1992), the main task of banks is as a mediator between parties who have excess funds and those who need funds. In a waqf bank, the party with excess funds is called wakif. Wakif are individuals, groups, and entities giving their wealth sincerely to be managed by waqf banks for use as their main capital. The parties in needs are business people and consumers who use the waqf bank capital as productive business capital. The priority is productive business capital so that the profit-sharing system increases the waqf bank's benefit. Late, the benefits are channeled to help the welfare of people, especially those included in the eight *asnaf*²⁶, through empowerment programs and poverty alleviation.

CONCLUSION

A waqf bank is a business entity that should exist in Indonesia because the potential of money waqf has not been exploited to the fullest. Waqf banks function as a mediator between parties who wish to grant their assets (in the form of waqf) and parties who need funds for business capital and daily needs. As a mediating institution, the waqf bank is not the same as a conventional bank because of its uniqueness. Waqf banks are established to use the potential of money waqf as productive assets, whose profits are used to the greatest extent for the welfare of people.

The waqf bank as a business entity is a medium for worshipping Allah so its activities must be carried out according to the teachings of Allah. To develop a new concept of a, we used taubat as the foundation. Through the metaphor of *taubat*, the collected data were analyzed to produce the concept.

Taubat begins with a fear of Allah so that there is *Lillahi Ta'ala* within. *Lilahi Ta'ala* is the spirit that moves every part of the activity. A taubat-based waqf bank would make the institution into a business entity blessed by Allah. The goals of a waqf bank are not solely to seek material benefits as the priority is to pleasure of Allah. If Allah is pleased, the material benefits will follow naturally. Lastly, the most important thing is that the waqf bank is blessed by Allah.

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²⁶ *Asnaf* is a group that deserves zakat (zakat is a certain asset that must be issued by Moslem to cleanse or purify possessions).

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