

# Waqf Administration in Historical Perspective: Evidence from Indonesia

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## **Abstract:**

The practice of waqf law in Islam has grown and developed in society. Endowments exist because people do it. In Malay society in Palembang, waqf has legally become a source. The purpose of waqf legally is to provide benefits (benefits) for the community in a sustainable manner. The findings in the field show that the practice of waqf has existed and exists in the life of the Palembang Darussalam Malay community. The practice of written waqf was done at that time. Endowments since the end of the 18th century AD and / or the beginning of the 19th century AD, have been carried out by charismatic scholars, who were rescued by the people of Palembang, namely Masagus Haji Abdul Hamid bin Mahmud bin Kanang, known as Kiai Marogan. The main data of research about waqf Masagus Haji Abdul Hamid bin Mahmud is not yet known to the general public, especially productive waqf in Mecca (waqf imarah / hotel). In contrast to the reality on the ground today in Palembang, the practice of written legal waqf does not have a written legal waqf agreement. Research conducted descriptively to explain the history of Islam's first entry into Palembang was related to the practice of waqf in Palembang at that time as part of the tradition of Malay Civilization in the Sultanate of Palembang Darussalam. Exploratory research, because there is no information and explanations from the first source. Data obtained from the family as a primary source of law, and information about the history of the entry of Islam in Palembang is still very minimal or rare. Data analysis is described qualitatively, to analyze the history of the first entry of Islam in Palembang related to the practice of waqf was first carried out by the people of Palembang as a tradition of Islamic civilization withered Palembang Darussalam. The data obtained, during the kingdom of Palembang Darussalam legally written practice of waqf was carried out by the great Ulema of Palembang, namely Masagus Abdul Hamid bin Mahmud bin Kanang. Contrary to the present situation, it is found that most of the assets of religious waqf are not legally written, only done verbally, making them vulnerable to issues regarding the status of waqf objects. The originality and main findings of this study regarding the waqf of Masagus Abdul Hamid ibm Mahmud bin Kanang (Kiai Marogan) who have carried out shari'a are well-represented and administered, namely the Deed of Pledge of "Nazar Munjaz Wakaf Lillahitta'ala Number 14 on Sunday 6 Syawal 1310 H and the waqf (lodging) of the Emirate in Mecca in the form of "Wakaf Munjaz Sheikh Masagus Haji Abdul Hamid bin Mahmud al-Falembani al-Jawi (Kiai Muara Ogan), 5 Final Jumadil 1313 Hijri. Pledge of

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endowment in front of the State Pajabat, and there is no endowment dispute between his descendants and the local community. It was concluded, the practice of waqf had existed in Palembang City for a long time. Masagus Waqf Abdul Hamid bin Mahmud bin Kanang is a historical proof, that waqf as a tradition has become part of the Islamic civilization of the people in Palembang City. Palembang as one of the regions based on Islamic Malay culture, the people have legally written representation. The Waqf is a proof of the history of waqf law in Palembang Darussalam Malay Islamic civilization.

**Keywords:** *Representative, Abdul Hamid bin Mahmud bin Kanang, Palembang***I. INTRODUCTION**

Palembang has its own characteristics and uniqueness compared to other regions in the archipelago. Palembang has abundant natural resources and abundant sources of income in the agriculture, plantation, mining and fisheries sectors. Palembang has two well-known kingdoms, the Sriwijaya Kingdom based on Buddhism, and Palembang Darussalam Kingdom based on the Malay Islamic kingdom of Nusantara. Historical and legal studies in this area face obstacles, because the required data is difficult to obtain, especially related to the law of patronage. Due to the lack of historical evidence and the lack of studies on perafafan in Palembang. This research is based on the history of the entry and development of Islam which allegedly occurred during the Sriwijaya Kingdom. But before it had stood majestically a royal hegemony, namely the Kingdom of Sriwijaya which was based on the philosophy of Buddhism.

Azyumardi Azra said that Islam had spread during the Sriwijaya Kingdom. Historical manuscripts mention that the beginning of the Islamic government in Medina had sent teachers to the Sriwijaya Kingdom, Muslim residents who worked as merchants, diplomatic and royal politicians were respected as royal citizens, and a number of Muslims were sent by the Sriwijaya government as ambassadors to China and Arabia. According to Karel A. Steenbrink, Palembang's position is the same as other regions in Indonesia

related to Malay Islam and the Development of Religious Studies in the Archipelago. In some places in the archipelago seen as the center of Malay literary are religious, historical, and literary works are in Aceh at the end of the century 16-17 AD, in Palembang in 1750-1800), and in Minangkabau in 1850-1920.

The growth and development of Islamic law in Palembang originates from the values and outlook on life of its people. Islamic law as values has long lived and as a principle of law has developed in society since Islam came to the archipelago. Islamic values have grown and developed since their arrival in Palembang in accordance with Arabic theory, that Islam converted to Islam in the Archipelago in the 1st century Hijri, there was a relationship between the Sriwijaya Kingdom and the Islamic government in Medina, further strengthened by the establishment of the Kingdom of Palembang Darussalam.

The early history of waqf law in Indonesia, exists and grows along with the practice of waqf in the community, and along with the development of Islamic da'wah in the archipelago itself. Waqf has been implemented since the beginning of the existence of Islam in Indonesia (the archipelago) based on the understanding of Islamic law adopted by the community, namely the Syafi'iyah sect. Waqf means al-habs (hold). Waqf holds an item and provides its benefits (tahbiisul ashl wa tasbiilul). Tahbiisul ashl, means to hold goods. Al-Ashl is a type of goods such as houses, trees, land

and cars and the like. Waqf can be in the form of movable or fixed objects.

Waqf law developed in the pre-colonial and colonial periods. In 1905 a circus was issued by the Dutch East Indies government, Burgerlijk Stand (BS) Number 6196 on June 31, which governed the representation of mosques and holy houses. Regulations for the indigenous population at that time who wanted to implement waqf were required to first ask permission from the Regent. In Indonesia, the Republic of Indonesia Law No. 41/2004 concerning Waqf has been legalized. It was explained that waqf was "legal act of waqif to separate and / or surrender a part of his property to be used forever or for a certain period in accordance with his interests for the purposes of worship and / or public welfare according to sharia". The waqf law is a refinement of the previous Government Regulations relating to parishion in Indonesia, namely Presidential Instruction Number 1 of 1991 concerning Compilation of Islamic Law Book III of Law on Reparation and Government Regulation Number 28 of 1977 concerning Land Ownership Representation.

The practice of waqf law continues to develop in society, therefore the Indonesian government regulates it in more detail and comprehensively. Besides looking at aspects of the benefits and virtues of waqf teachings, it has a social function that aims to create social justice, minimal economic distribution justice. In Indonesia waqf law has become state law. Legalization of waqf law in Indonesia sees waqf law has become law for the community. It was stated "endowments are valid if implemented according to sharia". Waqf law has become the law of the people (living law). The validity of a law in a society is in accordance with the needs of the community itself. The adagium "yi ius ubi societas", describes where there is a law there is a community, that between law and society is inseparable, namely the law of life in society.

Between Islamic waqf law and a representative society is a unified whole, inseparable. Waqf law lives in society. The new law is alive when the community carries out. Enforcement of waqf life since Islam entered Palembang until now. Based on the data found in the field there is a legal endowment given by Palembang charismatic scholars to its people, living in the late kingdom of Palembang Darussalam Kingdom (late 18th century) and early Dutch East Indies government in Palembang (19th century), namely Masagus Haji Abdul Hamid bin Mahmud bin Kanang, more famous in the community as "Kiai Marogan".

Other research on the practice of waqf in Palembang, shows that the practice of waqf in the Palembang community in a legal perspective is not in accordance with waqf laws, many are still verbally written, and the status of waqf property is not well administered even though some have listed as waqf property. Based on these facts, researchers describe and analyze aspects of the history of waqf law, that the growth of waqf in Palembang along with the first entry of Islam in Palembang. Description of the analysis of the practice of waqf law in the city of Palembang as part of the Islamic tradition of Palembang Darussalam.

Looking at the practice of law in the Palembang community in the past and present, where in the 18th century AD, the tradition of parenting was carried out by Masagus Haji Abdul Hamid bin Mahmud bin Kanang. A Palembang charismatic scholar, considered guardian in his lifetime and rescued after death. Relics of waqf objects in the form of two mosques in Palembang (6 Syawal 1310 H) and imarah (hotel) in Mecca (5 Jumadil Late 1313 H) are managed and guarded by descendants until now, well-administered and legally governed during the Indies government. Netherlands in Palembang after the collapse of Palembang Darussalam.

The literature review explains the application of Islamic teachings in Palembang since Islam entered Palembang. No work was found stating that there were written waqf property assets in Palembang. Data was found in the field in the form of the Masagus Haji Pledge Endowment Deed document Abdul Hamid bin Mahmud bin Kanang related to his waqf property. However, there is no written scientific work from him about religion, especially fiqh which discusses waqf.

The main basis of research, there is a relationship between the history of entry, growth and development of Islam in Palembang related to the practice of waqf law in the city of Palembang as one of the Malay Archipelago's Islamic civilization regions. The problem that needs to be studied is to describe and analyze the history of the development of waqf law in Palembang, and how the practice of waqf law that developed in Palembang since the end of the 18th century AD until now is related to waqf contract transactions (written and oral). Thus, it needs to be studied in depth related to the "Law of Representation in the Tradition of Palembang Malay Islamic Civilization (Study of Waqf Masagus Abdul Hamid bin Mahmud bin Kanang)".

## **THEORETICAL FRAMEWORK**

To dissect the problem using the theory of the entry of Islam in the archipelago, namely the theory of Arabia, that the entry of Islam in the archipelago directly from Mecca or Medina, namely in the early 7th century AD (at the beginning of the Hijri century). It happened during the reign of Khulafaur ar-Rashidin (Abu Bakr, Umar bin Khattab, Uthman bin Affan and Ali bin Abi Talib). Strengthened based on the results of a seminar on the entry of Islam in Indonesia, in Medan, 1963, in Minangkabau in 1969, in Riau in 1975, in Aceh in 1978-1980, and in Palembang in 1984. It was concluded that Islam entered Indonesia directly from the country Arabic, not through second hand. This has happened in the

first century Hijri. Likewise in Palembang, Islam entered the 1st century Hijri based on historical manuscripts discovered during the Sriwijaya Kingdom of Palembang.

## **II. METHODOLOGY**

This type of normative juridical research to examine the practice of waqf law that occurred in Palembang was carried out by charismatic scholars, namely Kemasagus Abdul Hamid bin Mahmud bin Kanang compared to the results of current research on the practice of waqf in the community. To complete the information needed using field research in the form of observations (observations) directly to the location of waqf assets. This type of descriptive research on the historical inclusion of Islam for the first time in Palembang relates to the beginning of the practice of waqf in Palembang as part of the Malay Malay Islamic civilization tradition in Palembang, which occurred during the Sultanate of Palembang Darussalam.

Exploratory research is used to obtain information, explanations and legal materials that are not yet known, very little or no. Legal material regarding the representation of tradition in the people of Palembang since Islam was first entered in Palembang until now is still very minimal or rare. Although there is, but it is not properly registered and written pledges. Exploratory research, explaining the legal issues empirically, complements information or legal material that is very lacking about perwakafan as a tradition in Palembang.

The data shows that the practice of waqf of the people of Palembang is now the opposite of field findings, that it is not well administered. The practice of waqf of the people of Palembang carried out by Masagus Abdul Hamid bin Mahmud (18-19 century AD) was registered and legally written. To complete the legal material, legal research with a historical approach (historical approach), get information on the



history of Islam entered the first time in Palembang, and the history of the practice of waqf law in the people of Palembang as a tradition of the Malay Malay Islamic civilization.

The legal approach specifically towards waqf (waqf law approach), knowing the practice of Palembang waqf as a tradition from the Malay Malay Islamic civilization saw the existence of waqf contracts (written and oral). Analysis of legal material, describing qualitatively the history of Islam's first entry in Palembang identified the practice of written waqf by the people of Palembang as part of the waqf tradition during the Kingdom of Palembang Darussalam.

#### **WAQF LAW PRACTICE IN PALEMBANG (MASAGUS STUDY ABDUL HAMID BIN MAHMUD BIN KANANG)**

Good traditions stem from Islamic teachings to become a civilization. Islam is a religion taught by the Prophet Muhammad, guided by the Holy Qur'an, revealed to the world through the revelation of Allah. Civilization as a progress (intelligence, culture) is born physically and matters relating to manners, language, and culture of a nation. Culture, the results of human activity and inner creation (belief) such as beliefs, arts, and customs; between the whole of human knowledge as a social creature that is used to understand the environment and its experiences and which guide its behavior. Having a tradition as part of a nation's culture, the results of traditional activities are based on Islamic teachings about the use of property for the benefit of others and together. The waqf tradition is a good tradition because it is sourced from the teachings of Islam that are adhered to by the majority of the people of Palembang.

In 1823-1942 South Sumatra was under the authority of the Dutch Colonial Government. The development of Islamic religious studies in Palembang until the 19th century AD was marked by the emergence of Palembang religious scholars'

work in the fields of tasauf, fiqh, monotheism, aqiqah and celestialism. This phase of writing about the development of Islamic religion is not widely known, including the study of peratafan. A report on the 19th century indigenous people, especially in the interior without knowledge of good religious teachings or about the basic principles of morals.

Religious studies in Palembang in the 17-18 century AD, the period of the Palembang Darussalam Sultanate (1666-1823) found waqf data already practiced by the people of Palembang as an Islamic tradition in the context of the Malay Malay civilization. The theoretical level of waqf (das sollen waqf) in Indonesia the study of waqf only appeared in 2000. Although there are already laws regarding waqf in Indonesia (1977). The study of waqf began to bloom since there was a discourse of cash waqf oriented towards the concept of waqf cash M.A. Mannan (Bangladesh).

A discussion of the history of converting to Islam in Palembang during the Sriwijaya Kingdom in Palembang shows that there is a link between the practice of the endowments of Palembang and the beginning of converting to Islam in Palembang. Although minimal data sources about this. Based on findings in the field, there was already a waqf contract during the reign of the Kingdom of Palembang Darussalam by Masagus Abdul Hamid bin Mahmud bin Kanang.

#### 1. Palembang and the Kingdom of Palembang Darussalam

Many versions of opinions about the origin of the name Palembang are as follows.

a. Chinese sailors spell according to their tongues and characters, calling it Po-lin-fong or Ku-kang, meaning old port.

b. Etymologically it was called Pelimbang, then changed to Palembang after the area was controlled by General de Cock (July 1, 1821).

c. Woulder, in Chinese history (1225), the name Palembang was first used with the name Po-Lin-Fong, 100 years later Wang Ta-Yuan called it Ku-Kang (Kiu-Kiang).

d. Ordinary people associate from the word limbang, get a pe affix. Limbang means to weigh or wash (gold, diamonds, rice, etc.) by sieving in a mist.

e. The demand for affirmation of place. The story that developed in the community as one of the livelihoods of Palembang's inhabitants of ancient times is to balance gold in the Tatang River.

f. Derived from the word lembang means land that is swept, land low. The Malay Malay language, the word Lembang means water that seeps / seeps. The affixes indicate the place or condition.

g. Drawing the situation of the Palembang region with watery soil.

After experiencing a glorious period in the 7-9 century AD, in the 12th century AD the Kingdom of Sriwijaya collapsed slowly. The collapse of Sriwijaya was due to competition with the kingdom in Java, battles with the Indian Cola empire, and the revival of the Islamic empire in the archipelago. The Islamic kingdom is a small part of the Sriwijayan Kingdom which developed into a big kingdom like in Aceh and Peninsular Malaysia, there were trade relations, teaching and education of Islamic religion, and politics with the Islamic kingdom in Medina since the 7th century AD (1 Hijriyah).

Palembang City is related to the history of the Kingdom of Sriwijaya. Palembang was the capital of the Sriwijaya Kingdom at that time, as the center of the Sriwijaya Kingdom from the 7th century to the 12th century AD (683 AD). Under the authority of the Sailendra Dynasty (a descendant of Dapunta Salendra with Bala Putra Dewa as the First King). The influence of the Sriwijaya Kingdom at that time reached Madagascar and the African continent. Since the

13-14th century AD, the center of the Sriwijaya Kingdom was under the rule of the Majapahit Kingdom. After the Majapahit Kingdom collapsed, Palembang became a no-man's land and a nesting place for pirates from various countries, especially from China. Early in the 15th century AD stood the Sultanate of Palembang until the arrival of Western Colonialism, and followed by Japan. After the Triumph of Sriwijaya in Palembang the Palembang Darussalam Sultanate emerged in the Middle Ages, as a respected sultanate in the archipelago.

Based on Malay historical sources, the story of Palembang people, Babad Tanah Jawi and Western sources, Palembang stated that it has its own uniqueness, because it once succeeded as the center of the Kingdom of Sriwijaya, the forerunner of the Malay Sultanate, had a big hand in the collapse of Majapahit, contributed to the establishment of the Islamic Kingdom of Demak in Java, and the Palembang Sultanate is considered a Malay-Javanese Sultanate.

The new Sriwijaya kingdom reappeared in the 16th century AD at the time of Gede Ing Suro from the North coast of Java. He is considered a founding figure of the Kingdom of Palembang. In the 17th century AD, Palembang was proclaimed the capital of the Sultanate of Palembang Darussalam by Prince Ratu Kimas Hindi Sri Susuhanan Abdurrahman Candiwalang Khalifatul Mukminin Sayidul Iman (Kimas Hindi or Kimas Cinde) as the first sultan (1643-1651 AD). Since then the Sultanate of Palembang Darussalam was free from the influence of the kingdom of Mataram (Java).

The next phase was on 7 October 1823 The Sultanate of Palembang Darussalam was abolished by the Dutch colonialists as Commissariat under the Government of the Dutch East Indies, starting from 18 August 1823. Commissioner of Sevenhoven as the first Dutch Government official. Palembang city was made

into Gameente / haminte based on stbld. Number 126 of 1906 on April 1, 1906 until the entry of Japan on February 16, 1942.

Masagus Haji Abdul Hamid bin Mahmud bin Kanang lived during the reign of the Dutch East Indies. In 1823 AD was 12 years old. There are two opinions about the year of Abdul Hamid bin Mahmud's birth. The first opinion, he was born in 1811 AD Other opinions, he was born in 1802 AD If the birth counted in 1802 AD years old at the beginning of the Dutch East Indies government in Palembang. The history of the development of Islam in Palembang was little known until the establishment of the Palembang Darussalam Sultanate in 1666-1823 AD. Another opinion of the Sultanate of Palembang in 1549-1821 AD This period, the early 19th century AD Islamic history in Palembang was more colored by the history of Islamic politics, the emergence of the author's ulama , the rise of the hajj pilgrims, followers of the Samaniyah order, and the resistance of the Dutch aggression in 1819 AD The history of Islam first entered Palembang as follows.

1. Thomas Arnold, Islam first entered South Sumatra under Raden Rahmat (Sunan Ampel) in 1440 AD
2. Taufik Abdullah, Islam entered South Sumatra earlier in Minangkabau, inland Java, and South Sulawesi. Since the end of the 15th century AD Palembang became the most important Islamic enclave in the archipelago so that Raden Fatah who was born in Java studied Islam in Palembang.
3. Early converting to Islam in the archipelago, Palembang was one of the first places to be influenced by Islam. Tome Pires, a pharmacist from Lisbon, settled in Malacca in 1512-1515 AD. In 1511 AD visited Java and gathered information throughout the Malaya-Indonesian region. In the book "Summa Oriental" quoted by Ricklefs (1995) that most of the kings of Sumatra were Muslim at that time, but there were still countries that did not embrace Islam. According to him,

starting from Aceh in the north and continuing along the east coast to Palembang, the rulers were Muslim. In the south of Palembang and around the southern tip of Sumatra to the west coast, most of the rulers are not Muslim.

4. Hurgronje (1973), Islam slowly entered the coastal areas of Sumatra, Java, Kalimantan, Sulawesi, and other small islands throughout the Archipelago since half a century before Baghdad, the center of the Abbassiyah Khilafah fell into the hands of Hulagu , king of the Mongols in 1258. He said that Islam entered Indonesia from Hindustan brought by Gujarat traders. Efforts to spread Islam into the interior were carried out by indigenous Muslims with their own abilities and appeal without interference from the state authorities.

5. L.W.C. research results van den Berg, the Hadramaut Arabs began to come en masse to the Archipelago in the last year of the 18th century. Arriving at Malabar Beach was much earlier. The first stop in Aceh then partly spread to Palembang and Pontianak.

6. 8th Century AD (1 H) phase of growth and development of Islam in Medina, the same time as the Kingdom of Sriwijaya who reached a golden age. Palembang as the capital of the Sriwijaya kingdom, there are already a number of native Muslims there. A number of Muslims have been sent by the Sriwijaya government as royal ambassadors to both China and Arabia.

7. The ancient Arabic literature "Aja'ib al-Hind" written by Buzurg bin Shahriyar al-Ramhurmuzi in 100 Hijri, there were Muslim villages built in the territory of the Kingdom of Sriwijaya, there was a connection between Sriwijaya and the Islamic caliphate in the Middle East and continued until the Caliphate. Umar bin Abdul Azis.

8. Ibn Abd Al-Rabbih's work "al-Iqd al-Farid" was quoted by Azyumardi Azra in the book "The Middle East Ulama Network and Archipelago

Archipelago XVII Century and XVIII", there was a process of correspondence taking place between the king of Sriwijaya at that time, Sri Indravarman with the caliphate the famous fair. The contents of Raja Sriwijaya Sri Indravarman's letter to Caliph Umar bin Abdul Azis:

"From the King in the King (Malik al-Amlak), is a descendant of a thousand kings; his wife grandson of a thousand kings; in the animal cage there are a thousand elephants; in its territory there are two rivers that irrigate aloes, fragrances, nutmeg and mothballs which smell fragrant to reach a distance of 12 miles; to the Arabian King who did not associate other gods with God. I have sent you a gift, which is actually a gift that is not so much, but just a sign of friendship. I want you to send me someone who can teach me Islam and explain me about the laws. "

Diplomatic relations between the two royal leaders took place in the 1st Hijri (718 AD). But it is not known whether Sri Indravarman converted to Islam or not. The relationship between the Kingdom of Sriwijaya and the Islamic government in Arabia at that time became a new chapter in the history of Islam in the archipelago. The entry of Islam into Palembang has played a role in economic and trade relations, developing into a religious political relationship.

From various views of the theory of the first entry of Islam to Palembang, it was concluded that Islam had entered Palembang when the Sriwijaya Kingdom through political relations with the Islamic kingdom in Medina and the teachings of Islam brought by traders and spreaders of Islam from Arabia. The linkage of theory with Masagus Abdul Hamid bin Mahmud bin Kanang's character comes from the Arab ancestry directly to the Prophet Muhammad. from the Husein lineage. From the Palembang-Javanese nobility lineage of the Susuhunan Abdurrahman Walang Temple, the Sultan of Palembang who has a lineage from Wali Songo through Sunan Giri Ainul Yakin. It was

concluded, Masagus Abdul Hamid bin Mahmud bin Kanang came from the descendants of Islamic descendants and propagators in the Islamic Kingdom of Palembang Darussalam due to the influence of Palembang's diplomatic relations since the time of the Sriwijaya Kingdom which had social, religious, cultural and political links with the beginning of the Islamic Caliphate in Medina (1st century Hijri).

Although many theories about the beginnings of Islam entered the archipelago, the process of Islamization in Indonesia has actually been going on since the first arrival of Islam to the archipelago, namely the seventh century AD. There is an influence from Islam that is so strong, due to the globalization of the Islamic caliphate Khalifah ar-Rashidin to the archipelago. Islam came to Indonesia including Palembang when the influence of Hinduism and Buddhism was still strong.

## 2. Personnel of Kemasagus Abdul Hamid bin Mahmud bin Kanang

The growth and development of Islam in Palembang occurred since there was a relationship between the Kingdom of Sriwijaya with the Islamic government in Medina. Based on this, it is believed that the teachings of Islam are inherent and become a customary tradition in Palembang society, including the practice of waqf in Palembang. The history of the development of Islam in Palembang was further colored by subsequent periods derived from royal influence from Java. The period of the growth of Islam in Palembang in the 16th century AD, thanks to the role of a number of royal officials in Java (Majapahit, Demak, Pajang, Mataram). The arrival of Raden Rahmad (Sunan Ampel) to Palembang succeeded in Islamizing the Palembang ruler, Ario Damar (Ario Dillah) who served as the Duke or representative of the Majapahit kingdom in Palembang at that time.



The phase of the beginning of the practice of Islamic law along with the period of Islamic development in Palembang in the 17th century AD Marked by the matters relating to the development of religious studies in Palembang as part of the Malay Malay Islamic civilization itself as follows.

1. Religious activities and facilities such as erecting mosques as centers of local community activities.
2. The existence of the Law Simbur Cahaya by Ratu Sinuhun (wife of Prince Sedo Ing Kenayan 16-39-1650) regulates:

- a. Islamic Religious Officers called clerics (people who are religious experts) are tasked with registering married people, born people, dead people and so on.

- b. Court officials called Pangeran Pengulu Nata Agama who tried

decide upon religious matters based on the Qur'an and adat.

Based on the study of the history of law, the Indonesian people at that time knew the religion and culture of Islam through trade channels, the same as when they knew Hinduism and Buddhism. Through commercial activities, Indonesian people are already familiar with Hinduism and Buddhism as well as Islamic teachings. The spread of Islam first occurred in coastal communities that were more open to foreign cultures. After that, Islam spread to the interior and mountains through economic, educational and political activities.

The pattern of the spread of Islam through Islamic education activities, differs between Palembang and Java. In Java the pattern of Islamic education through Islamic educational institutions is centered in pesantren. Kiayi as a leader of Islamic boarding school. Whereas Islamic religious education institutions in Palembang are managed by religious bureaucrats through prayers at

mosques and at religious officials' homes. The emergence of Islamic boarding schools in Palembang in the 20th century. Husni Rahim said the difference between Islamic educational institutions in Java and Palembang lies in the position of Islamic educational institutions (pesantren) and religious bureaucracy (rulers).

Since 1859 AD, the Dutch colonial government issued regulations for people who had performed the Hajj to be tested on the problems of Mecca and Islam, if graduation was only permitted to use the title of Hajj before their names. Thus before the 19th century AD, the figures of ulemas of South Sumatra were grouped:

1. Ulama Sultanate (bureaucrats), appointed by the Sultan and get paid from the government (Sultanate).

2. Independent scholars appointed based on community assessment. These scholars came from the Haji Mukim group. They settled in the Holy Land because of the political rules of the Dutch colonial government and the difficult transportation problems at the time.

Haji Mukim after returning to their homeland, they are morally responsible for the community, making recitals in their homes and making mosques, serving the community 24 hours from birth to death. They are known for the depth of science, piety and charismatics, and become leaders of community groups because of their charism, and always practice the values of Islamic teachings in daily life. Independent scholars gain position and recognition from the community because of the depth of religious knowledge, religious diversion, and moral glory. Their main task is to provide education and teaching to the community, and carry out Islamic da'wah. Their activities reached the regions. Masagus Haji, Abdul Hamid bin Mahmud bin Kanang as an independent scholar, he is a community leader as well as a charismatic scholar.

Masagus Haji Abdul Hamid bin Mahmud received Islamic education directly from his parents and scholars of international caliber in the city of Mecca. His parents, Masagus Haji Mahmud had given him a basic Islamic education. His father Masagus Haji Mahmud Kanang was a great scholar, long studying in Mecca under the guidance of the great scholar from Palembang, namely Sheikh Abdul ash-Shomad al-Palimbani.

Masagus Abdul Hamid bin Mahmud was very intelligent and fast in learning the Islamic religious sciences given to him, through his mother because his father had died allowing him to go to Mecca to explore the Islamic religious sciences. In Mecca he studied and deepened the knowledge of Sufism, astronomy, fiqh and hadith. It is known from the isnad published by Sheikh Yasin Padang (Muhammad Yasin bin Muhammad Isa al-Fadani) mudir (leader) Madrasa Darul Ulum in Mecca. After returning to Palembang, the knowledge he learned in Mecca was applied in daily life and taught to students and the community in Palembang and the surrounding area by using a boat as a means of transportation.

Prior to Mecca, when teenager Masagus Abdul Hamid bin Mahmud studied various disciplines of Islamic religion to the great ulemas of Palembang at that time, including Sheikh Surya Surya Kusuma Muhammad Arsyad (died 1884 AD), Sheikh Kemas Muhammad bin Ahmad (died 1837 AD), Sheikh Datuk Muhammad Akib (died in 1849 AD), Prince Suryo Alim, Sheikh Muhammad Akib bin Hasanuddin, Sheikh Muhammad Azhari bin Abdullah, Sheikh Ahmad Khatib Sambas (Indonesian scholar living in Mecca, Saudi Arabia), Sayid Ahmad Zaini Dahlan, and Sayid Ahmad Dimiyati. Abdul Hamid bin Mahmud was scouted by scholars from the Palembang Darussalam Sultanate, world-class Islamic scholars in Mecca and Medina. His fellow students at the time in Mecca and Medina, including Imam Nawawi Banten (1813-1897), KH. Kholil Bangkalan (1820-1925), KH. Mahfuz

Termas (1824-1920), Kgs. Abdullah bin Ma'ruf, and others.

At that time Palembang was the center of the Sriwijaya Kingdom and the port city. AH. John, said in urban areas, Islam is a palace phenomenon. The royal palace became the center of Islamic intellectual development for the official protection of the authorities. The kings of the Kingdom of Sriwijaya had provided protection for the spread of Islam in his domain, even having established diplomatic and economic relations with the Islamic caliphate in Medina at that time. This continued and was tasted during Abdul Hamid bin Mahmud's life. As a teenager Kiai Marogan continued his Islamic education at Mecca.

The difference in the pattern of religious education in Palembang and in Java, that in Palembang as a region based on the Malay world, the model of its educational institutions is integrated with the city center. Islamic boarding schools in Java emerged from pre-Islamic hermitage and separated from the center of the city or village. In Java there is a separation between pesantren and religious bureaucrats which he calls Kauman in the city. In Palembang, Kauman showed concern also for the tasauf. Islamic education institutions in Palembang do not separate tasauf and fiqh.

Masagus Abdul Hamid bin Mahmud taught and practiced taraket (tasauf) and fiqh, therefore he practiced religious teaching in life, although it was not widely known by the public. He is a propagator of Islam in the area of South Sumatra. Masagus Abdul Hamid bin Mahmud was famous for being very anti-Dutch at that time. During his life famous with kekaromaha as wali Allah until now. The method of Islamic education he does to the community is direct teaching in the mosque as an education center.

3. Kemasagus Abdul Hamid bin Mahmud bin Kanang As a Pioneer Pioneer in Palembang

a. Mosque Waqf

The people of Palembang City and other regions in Indonesia know Masagus Abdul Hamid bin Mahmud and save him. The name Kiai Marogan was given by the community and his students as a name that was so inherent and legendary in the hearts of the people of Palembang. Kiai, is a term for a Palembang scholar. Marogan, is the name of the place where Kemasagus Masagus Abdul Hamid bin Mahmud originated, lived and was buried in Muara Ogan and abbreviated as Marogan. Kiai Marogan's nickname is more famous in the community compared to his real name. The nickname Kiai Marogan is due to the location of the mosque and its tomb is located in the estuary of the Ogan Kertapati river in Palembang.

Abdul Hamid bin Mahmud has personal property which he represents to the community, felt by his descendants and the people of Palembang until now. The endowments in the form of land waqf for the mosque are located in Kertapati and Lawang Kidul, as well as the imarah (lodging) located in Mecca. Waqf in an economic perspective is an effort to build productive assets through investment and production activities, for the benefit of future generations. Sayid Sabiq states that someone who separates his wealth for the sake of worship and only expects the blessing of Allah, it can be said that someone has done Waqf.

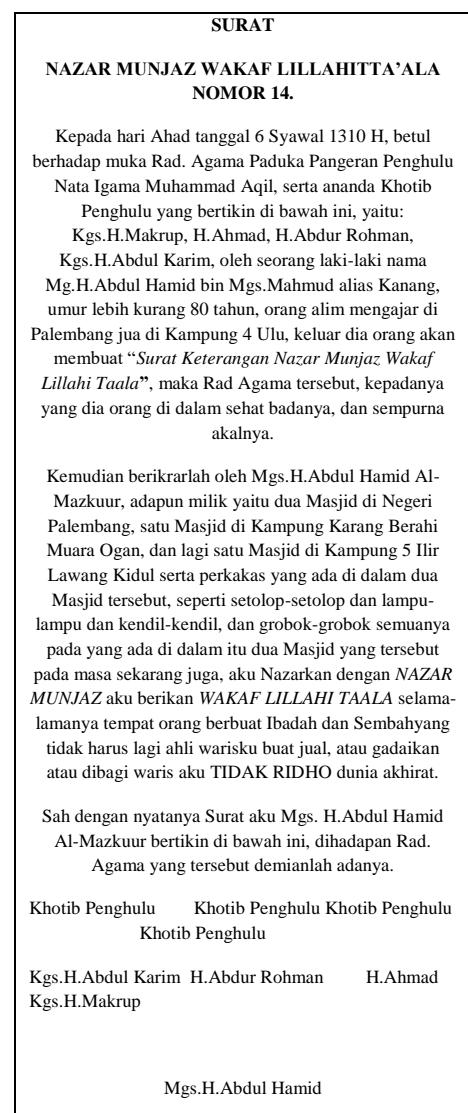
The Waqf in the form of two private mosques is a "endowment lillahi ta'ala" for Muslims to pray and worship. Pledged as a waqf on 6 Shawwal 1310 H / 23 April 1893 AD At that time the number of mosques in Palembang that carried out Friday prayers was only 3 (three) pieces:

1. The Great Mosque in Kampung 19 Ilir as the oldest Javanese mosque in Palembang.
2. Muara Ogan Mosque. Accommodating the majority of residents from Kampung 1, 2, 3 Ulu,

Kampung Karang Berahi (Kertapati), Kampung Karang Anyar and surrounding areas.

3. Lawang Kidul Mosque. Accommodate pilgrims from Kampung 1, 2, 3, 4, and 5 Ilir and the village of Tuan Kapar 14 Ulu.

The letter of endowment Kemasagus Abdul Hamid bin Mahmud was written in front of the Religious Officers (Rad Religion) at the Dutch East Indies government in Palembang (Indonesian translation).



The deed of endowment pledge "Nazar Munjaz Waqf Lillahit ta'ala Number 14" in accordance with the principles of Islamic waqf laws that govern must be perfect in harmony and the conditions of endowments. Pillars, is something

that is the main joint and the main element in the formation of something. Derived from Arabic, ruknun means pole, support or backrest. Pillars of endowments, something that is considered to determine endowments, or endowments are part of the endowment itself. Perfect or not waqf is strongly influenced by the elements or pillars of waqf in the act of waqf.

The element or pillar of waqf, is waqf, is the person who donates assets. Mauquf, is goods or assets that are represented. Mauquf'alaih, is the party that is given endowments or allotments. Sighat, is a statement or endowment pledge as a will to consecrate his property. Waqf manager or Nazhir. Kiai Marogan has completed the pillars and conditions of the waqf of his two mosques. As wakif, is Abdul Hamid bin Mahmud. Mauquf, are two mosques and their equipment. Mauquf'alaihi, is the designation of waqf mosque for worship and prayer. Sighat pledge waqf agreement agreement waqf both mosques pledged before Rad. Religion at that time was witnessed by four witnesses from State officials (Khatib Penghulu). Nazhir, it is not mentioned who Nazhir endowed the two mosques. Now Nazir is his offspring as a mosque Nazhir.

#### b. Apartment Waqf (Imarah)

No research has been found on ten famous scholars of Palembang, South Sumatra who lived during, before and after with Masagus Abdul Hamid bin Mahmud giving his wealth to the community for the benefit of his family and / or the community at large. Waqf is seen in an economic perspective as an effort to build productive assets through investment and production activities, for the benefit of future generations. The Waqf of Masagus Abdul Hamid bin Mahmud's private home in Mecca, is a coffee shop for people who are performing Umrah or Hajj in Mecca. When he returned to his homeland was represented. In 2008, the expansion of the Harom Mosque by the government of the Kingdom of Saudi Arabia was replaced by a

number of assets worth the house, because his coffee shop was already registered as a waqf property.

Waqf of his house in Mecca is managed as an inn (imarah) for pilgrims who make the pilgrimage in Mecca, managed economically. The importance of waqf assets in the Islamic world includes success in the field of managing Islamic charities (the Islamic voluntary sector). The allocation of waqf for the children of his descendants (waqaf experts), and / or if there are no more offspring given for the benefit of others (waqaf am). The Waqf in Mecca is in the form of a combined waqf, waqafmusytarak. Masagus Abdul Hamid bin Mahmud is a name known in Mecca. The authentic proof of his waqf deed was "Waqf Munjaz Sheikh Masagus Haji Abdul Hamid bin Mahmud al-Falembani al-Jawi (Kiai Muara Ogan), 5th Jumadil Late 1313 Hijri.

**TERJEMAHAN WAKAF MUNJAZ  
SYEKH MASAGUS HAJI ABDUL  
HAMID BIN MAHMUD AL-  
FALEMBANI AL-JAWI  
(KIAI MUARA OGAN).**

Pada tanggal 5 Jumadil Akhir 1313 Hijriah  
Telah mewakafkan dan menahan tiga gedung  
yang tersebut batas atasannya dengan segala  
kandungannya, dan beliau menetapkan yang  
demikian itu di Mekah sebagai *Wakaf Munjaz Shohih*  
menurut *syara'* dan wakaf yang jelas yang diperlihara  
tidak dapat dimiliki dan tidak dijual dan tidak dapat  
digadaikan, yang pada tanggal 5 Jumadil Akhir tahun  
1313 Hijriyah telah mewakafkan dan menahan semua  
tiga gedung itu atas dasar-dasar dan catatan yang  
terus menerus menurut arahnya dan pemberiannya  
berlaku abadi sepanjang masa sampai seluruh waris  
bumi dan siapa diatasnya kembali kepada Allah (hari  
kiamat) dan Allah-lah sebaik-baik pewaris.

Beliau menjadikan wakaf ini untuk dirinya  
tunggal pertama selama hidup baik sebagai tempat  
kediaman atau memberi tempat tinggal atau hasil dan  
memungut hasil dan semua manfaat-manfaat  
penggunaan menurut *syara'* tidak yang menyertainya  
dan tidak ada yang membantahnya dan demikian juga  
untuk semua yang kembali wakaf kepadanya orang-  
orang sesudah beliau semuanya menjadi wakaf atas  
anak-anak kandungannya laki-laki dan perempuan  
diantara mereka, kemudian atas cucu-cucunya  
kemudian untuk buyut-buyutnya dan seterusnya  
secara abadi selama mereka mempunyai keturunan  
dan selama berganti-ganti anak-anak berganti anak  
laki-laki, bukan anak-anak perempuan dengan syarat  
siapa yang mati meninggalkan anak-anak laki-laki  
dan meninggalkan cucu laki-laki sampai ke bawah,  
terhitung dari anak laki-laki (*auladiz-zuhur*) dan  
siapa yang mati dari mereka tanpa punya anak laki-  
laki atau tidak mempunyai cucu laki-laki dan  
seterusnya ke bawah berpindah bagiannya kepada  
saudara-saudaranya yang setingkat peserta dalam hak



kepunyaannya ditambah kepada hak bagian mereka.

Dan siapa mati dari anak laki-laki sebelum sampai haknya kepadanya meninggalkan anak laki-laki atau cucu laki-laki sampai ke bawah diperkirakan ketika ia hidup dan diberikan bagiannya saham, dan sahamnya diberikan kepada anaknya atau cucunya (buyutnya dan seterusnya ke bawah) kalau tingkat atas habis. Maka dikembalikan waka kepada yang masih hidup pada tingkat kedua dengan secara merata diantara mereka, dan demikianlah seterusnya.

Jika anak laki-laki sudah habis semuanya, maka semua waris menjadi wakaf kepada anak perempuan (*awlaadil-buthun*) dan zuriat mereka keturunan mereka dan seterusnya menurut keterangan dan tertib yang telah diuraikan di atas pada *awlaadiz-zuhur* (anak laki-laki), jika habis awlaadi buthun (anak perempuan), maka menjadi wakaf untuk *ahli ashobbah* dari yang berwakaf yang paling akrab dan seterusnya menurut keterangan yang tertib yang terurai di atas kemudian dibagikan kepada *zawirrahim* (keturunan yang terdekat) dari yang berwakaf menurut keterangan yang tertib yang terurai diatasnya, kemudian menjadi wakaf kepada orang Palembang yang tinggal di Mekah, yaitu orang-orang yang menuntut ilmu, bukan Syekh-syekh Jawi, kemudian untuk ulama Syafi'iyah yang mengajar di Masjidil Haram, yakni yang *fukara* jika terhalang, maka menjadi wakaf kepada orang-orang orang menuntut ilmu menurut Tarekat Qadariah, kemudian kepada fakir miskin di Baladillah el-Haram, dan sesungguhnya yang berwakaf tersebut, telah mensyaratkan dalam wakafnya ini dengan syarat untuk diamalkan dipraktekkan, dan menjadikan syarat-syarat tersebut sebagai tempat kembali dari padanya dan kepadanya, bahwasanya awal permulaan dari hasil wakaf ini dengan bangunan-bangunannya dan pekerjaannya dan segala yang ada padanya tetap menurut seadanya antara lain bahwa beliau menjadi pengawas atas wakafnya ini untuk dirinya selama hidupnya kemudian untuk orang sesudah beliau, yaitu saya anak kandung laki-laki Muhammad Mansur kemudian untuk yang paling sadar dan seterusnya dari anak laki-laki, kemudian yang pintar satu demi satu yang diwakafkan atas mereka, kemudian kepada Mufti Syafi'iyah di *Makkatul Mukarromah*, kemudian dengan pendapat Hakim Syar'iy.

Beliau telah menjadikan untuk pengawas seper sepuluh hasil wakaf ini setiap tahun sebagai imbalan pelayannya dalam hal wakaf dan ikut sertanya dalam hal wakaf, antara lain pengawas wakaf mengisi dari hasil wakaf yang jelas yang ada di gedung yang berbatas pertama, yang ada di *Barhatal Awaji* dan menjadikannya jalan untuk orang menginap padanya dan untuk orang lain, dan bahwasanya yang berwakaf tersebut, semoga Allah melipat gandakan pahala dan balasannya, dan telah berpulang ke *Rahmatullah*, dan beliau (Muhammad Mansur) meneruskan wakafnya ini, dan dia adalah benar dan pasti menurut ucapan Mufti dari Nuzmani al-Imam al-Hammam Abi Yusuf dengan benarnya wakaf dengan kepastiannya.

Maka dihadirkan dua orang yang mengenal almarhum tersebut dengan pengenalan secara syara', yaitu *Janabil Fadhil* Maulana Syekh Umar Syato bin almarhum Syekh Muhammad Syato dan Syekh Abdul Hamid bin almarhum Haji Soleh al-Palembani al-Jawi dan masing-masing secara sendiri-sendiri memberikan kesaksian dengan lurus baik ucapan maupun pengertian sesuai dengan keterangan Syekh Muhammad Mansur yang tersebut.

Tanggal 15 Ramadhan 1321 Hijriyah  
Kepala Mahkamah Besar Syari'ah  
Sayid al-Barzanji Cap  
Mekah

Uraian Mahkamah Penetapan Wakaf  
Syekh Abdul Hamid Palembangi dan  
Pengawas anaknya Muhammad Abu  
Mansur atas wakaf itu

Dikeluarkan dari Register 24-2-1358 H  
Sesuai dengan asli yang tercatat dari  
Register Kodi Mekah  
Abdullah Komaluddin Afandi dengan  
Nomor 452 (Nomor Salinan)

Kepada yang terhormat Panitera  
Pengadilan 244  
25 Sofar 1358 H

Inn Waqf (Imarah) Abdul Hamid bin Mahmud in Mecca has legal status as a family waqf (waqaf ahly). The endowments of the Emirate in Utaibiya are shared with their offspring in Palembang and Mecca. According to Said Aqil al-Munawar, waqf property is really a source of funds from the community for the community. Based on the concept that endowments must be managed productively in order to produce opportunities for the opening of a profitable strategic sector. Masagus Abdul Hamid bin Mahmud managed the coffee shop waqf into a productive waqf (imarah) producing business profits. Productive Waqf is a part of empowering the community's economic assets in the waqf property.

### III. CONCLUSION

The research findings show, based on Arabic theory, Islam entered directly from Medina. Islam entered the first time in Palembang during the Kingdom of Sriwijaya (1st century H / 8M), cooperation has been carried out in the fields of education, economics and politics with the Caliph of Islam in Medina. At that time the Kingdom of Sriwijaya embraced Buddhism as the official religion of the state. Masagus Abdul Hamid bin Mahmud bin Kanah, famously known as Kiai Marogan, came from the seventh lineage of the king of Palembang through Sultan Susuhunan Abdurrohman, who made Palembang the Islamic Kingdom of Darussalam. Sultan Susuhunan Abdurrohman is a descendant of Maulana Malik Ibrahim from the Sunan Giri line whose offspring

(Kiai Tumenggung Monconegoro) married a child of Raden Fatah (Majapahit Kingdom), namely Nyai Gede Pembayun who later gave birth to Prince Sedo Ing Pasarean and had a child Sultan Susuhunan Abdurrohman.

The process of Islamization in Indonesia cannot be separated from economic activities, especially trade. There are three pathways in the development of Islam in Indonesia, namely through scholars or guardians, traders and nobles. It was concluded that there was a relationship between the history of the entry of Islam in Palembang with the practice of waqf in the community. The existence of waqf Masagus Abdul Hamid bin Mahmud existed during the Kingdom of Palembang Darussalam. This is as authentic evidence of the existence of waqf practices already in existence, and in the subsequent periods of culture (culture) in the lives of the people.

Masagus Abdul Hamid bin Mahmud bin Kanang represented the mosque in Palembang and the coffee shop waqf in Mecca. Waqf is one of the instruments of empowering the public economy. Waqf institution becomes very important to be developed. Waqf is a source of funding from the community for the community, both for religious, social and economic interests. The use of waqf and mosque by Masagus Abdul Hamid bin Mahmud became a source of religious interest for the surrounding community. Waqf as a tradition based on actions carried out by the community for generations. The tradition is a custom down and down (from ancestors). To represent means to develop productive assets for future generations in accordance with waqf objectives, both in the form of benefits, services and the utilization of the results.

The mosque's waqf is recorded in Palembang as a prelude to the tradition of good representation and legally registered, being the tradition of speaking in the Malay Malay Islamic civilization. Masagus

Abdul Hamid bin Mahmud endowed his two mosques facing Rad. Religion, a religious bureaucracy appointed by the Dutch government to deal with religious issues. There are two courts in the center of the Palembang kingdom, namely the Court of the Rulers of the Natta of Religion or the prince, who adjudicates religious matters; and the Tomonggong Karta Negara, which hears criminal cases.

There are many issues around the legal representation which cause legal consequences, among which there is no official registration of waqf objects, unprofessional management of waqf property and legal certainty of the status of waqf property in terms of transfer of ownership based on the law. Waqf Masagus Abdul Hamid bin Mahmud fulfilled all existing criteria, so there was no waqf dispute until now.

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