

ISLAMIC CONCEPTS ON UTILISING WASTELAND FOR PUBLIC INCOME DISTRIBUTION

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Abstract - One of the important issues worth discussing concerning the development of a State is the issue of wealth distribution. Indonesia, as a country that has become highlighted in the eyes of the world because of its fantastic growth compared to other countries in this time of crisis, is inseparable from the issue. Although the data shows that every year the Gross Domestic Product (GDP) increases, and that the wealth experienced by the community also increases, on the other hand, there are still many gaps that have not been covered which causes uneven distribution. More than 60% of Indonesians have less than ten thousand dollars. On the other hand, Indonesia's GDP, which is heavily contributed to by the agricultural sector, has a sad contradiction in which about 70% of farmers have no land. Indonesia, as an agrarian country, has to find a solution to solve this problem. One solution is to utilise abandoned land. In this paper, the author wants to convey the idea of dead land in Islam which is expected to be implemented in the management of abandoned land in the State of Indonesia.

Keywords: Income Distribution, Abandoned Land.

I. Background

Indonesia as a developing country that still faces obstacles in advancing itself. One of the obstacles faced by Indonesia is the income inequality that still exists in parts of Indonesia. The imbalance can be seen through the Gini index that describes the ratio of how much the distribution of income is across a community.

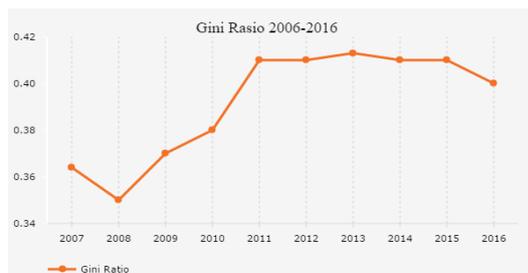


Figure 1. Indonesian Gini Ratio 2006-2016
 Source: BPS, processed

Based on the data obtained from the Central Bureau of Statistics, it can be concluded that the inequality experienced by the Indonesian state is still relatively high. In 2008, Indonesia's gini ratio was 0.35 and in 2012, it increased by 0.41. Whereas in 2016, it decreased to 0.40 dititik. The index of 41% means that the wealth in Indonesia is enjoyed only by one percent of the communities therein.

Extreme income inequality, according to Todaro, will lead to economic inefficiency, weaken social stability and solidarity, and will facilitate the transfer of rent seeking that results in the use of natural resources away from productive purposes [1].

Based on this background, some of the issues that will be answered in this paper can be formulated, which is what causes the abandoned land in Indonesia. What do wastelands have to do with income distribution? Islam considers the concept of wastelands. What is the Indonesian government's role in regulating the wastelands through the concept of Islam so that they can be an alternative to income distribution?

II. Method

The writing method used by the author was the existing literature or qualitative study method. Data was obtained through the Central of Statistics Agency (BPS). The conclusion was made by combining the previous research, the available data and several literature studies that were conducted.

The data used was secondary data derived from literature review and related websites. The data was collected through the method of Library Studies, namely by studying the related research literature. Writing this paper was done using qualitative and descriptive data analysis techniques. The data obtained from the literature review and related websites was compiled into actual facts for the solution. Through this, it is hoped that the objective of abandoned land optimisation as an income distribution instrument can be achieved.

III. Discussion

A. Urgency for Indonesian Soil

For Muslim countries in Asia and Africa, land is one important asset for development. Indonesia is no exception. Of course, this is due to the agricultural sector remaining one major contributor to the Gross Domestic Product (GDP) in Indonesia experiencing an increasing trend every year.

Year	Current Price	Constant Price
2000	216831.5	216831.5
2001	251727	223891.5
2002	281590.8	23161350
2003	30578350	240387.3
2004	329124.6	247163.6
2005	364169.3	253881.7
2006	433223.4	262402.8
2007	541931.5	271509.3
2008	716656.2	284619.1
2009	85719680	295883.8
2010	985570.5	304777.1
2011	1091447.3	315036.8
2012	1190412.4	327549.7

Table 1
GDP on the basis of Agriculture and Prices Current
Prices Constant, Year 2000-2012
Source: BPS

In 2011, according to a report released by the Ministry of Agriculture, the GDP contribution of the agricultural sector amounted to 10.96% and increased to 11.42% in 2012. The absorption labour in the agricultural sector in 2012 decreased to 38.88 million in 2011 compared to the previous year that amounted to 39.33 million, but still, the employment figure is high. Moreover, Indonesia is still a country with a surplus of labour so that employment could be one solution to reduce the unemployment level.

B. Wealth distribution in Indonesia

One aspect of the success indicator is the increasing wealth of a country that is owned by its residents. For Indonesia alone, according to Credit Suisse Global Wealth, the wealth owned by the inhabitants relatively rises each year, like in the picture below.

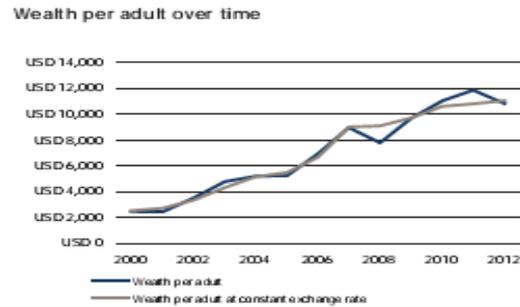
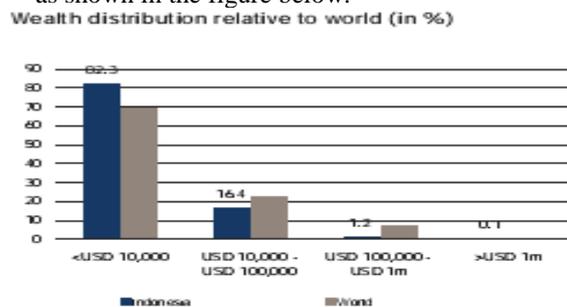


Figure 2
Wealth per Adult Over Time
Source: Credit Suisse Global Wealth Databook 2012

From the graph, it can be concluded that although in 2012 there was a decline in the wealth of society compared to 2011, in comparison with 2000, the increase in wealth experienced by residents Indonesia is very significant. In 2000, the property owned by a resident of Indonesia was in the range of two thousand dollars and in 2012, it reached the figure of ten thousand dollars.

Although the wealth increased, it turns out that the distribution of wealth was and is still uneven. A total of 62.3% of Indonesian society still has a wealth of under ten thousand dollars, followed by 16.4% for people who have a wealth of ten thousand dollars to one hundred thousand dollars, by 1.2% for people who have wealth from one hundred thousand dollars up to one billion dollars and by 0.1% for people who have a wealth of over one billion dollars, as shown in the figure below.



Source: James Davies, Rodrigo Luberas and Anthony Shorrocks, Credit Suisse Global Wealth Databook 2012

Figure 3
Wealth Distribution Relative to the World
Source: Credit Suisse Global Wealth Databook 2012

The fact that wealth in Indonesia is still uneven is also strengthened by the Gini ratio. In 2010 to 2016, Indonesia's gini ratio per region, which indicates the size of the evenness of income and is calculated based on income class, continues to increase according to the data shown by the BPS.

C. The concept of Islam in grazing Displaced Land

Islam looks at the land as one of the factors of production that is important, where man as the owner is not the primary owner, as in the words of Rasulullah SAW: *"The whole land of death and no-man first of all belongs to God and His Messenger, after which it becomes yours* [2].

Islam does not advocate any unused land. In another narration related to the wastelands, Rasulullah SAW also said: *"Land'Adiy belong to Allah and His Messenger. Then serve as yours"* someone asks, *"what is meant by the word of his, 'then used as yours?"* The narrator said, *"You mengkapling the land to mankind"*. According to Abu Ubayd, *al-'adiy* is old unmanaged ground beyond the management and ownership of one's rights.

Abu ubaid said [3]:

"Hadits above have been explained and explained about the land carved up with different ways. However, Hadeeth of the Prophet which we have mentioned above "Adi al-Ardh", then in my opinion, is the interpretation and explanation of the soil may dikapling and also the land that should not be dikapling. What is meant by al-Adi is any land previously found to occupants, and then they are destroyed so that no human being is left of the circle. Therefore, the status of such land is handed over to the policies and decisions of a leader. Likewise every land Mawat, who never managed by anyone, and he never owned by Muslims and also mu'ahid [3].

From the hadith history, it can be concluded that in another Hadith, Rasulullah SAW was also mentioned. Hisyam bin Urwah from his father relayed that the Prophet said: *"Whoever manages Mawat land (vacant), then into their ownership, and are not entitled to take and seize the perpetrators of injustice (al-'irq az-zhalim)* [3].

Umar bin Khattab said that *"Whoever revive the dead earth, then the land will be his"*. Umar also, due to people abandoning the land for three years, said that if the land still vacant after three years, then it will belong to those who manage it [4]. Umar bin Abdul Aziz, to the governor when dealing with problems of wasteland, said:

"Divide the entire existing state land to residents and collect the tax (rent) of them based on their production to the caliph. If the land is in very bad condition and require more labor and capital, share (without payment) to them. And if no one is willing to

accept it, manage it through state financing (do not waste any land for that matter) [5].

Umar bin Abdul Aziz also said to think about the dead land which he conveyed through a letter: *"Whoever is able to deliver water permanently in a country, then it is his"* [6].

In another narration, Umar bin Abdul Aziz also sent a letter to the father of Judge bin Zuraiq: *"Whoever revive dead land to build it or cultivate it, as long as it is not from the treasure of a people that they bought with their property, or they have turned partially and left most, then let them turn either to build or to cultivate it"* [6].

According to Abu Yusuf, when answering the question of Harun al-Rashid on land acquired from a war or peace agreement that showed no signs of having been worked out or lacking building that belonged to someone:

"If Such lands are not village common lands or grazing grounds, meadows, cemeteries, or forests or public squares for cattle and sheep and do not belong to anyone and are not in anyone possession, then they are Considered as of the Mawat category, ie: dead land. Anyone who revives its Becomes such land owner" [7].

Abu Yusuf also believes:

"That enclosing land "means that someone rushes to erect a fence around some dead land to establish a claim to it, but later does not revive it by cultivation or otherwise. Such a claimant loses any right to the enclosed area after three years from its enclosure, and he then has no more rights in it than any other men" [7].

According to Abu Yusuf:

"All kinds of ground dead and no man's land, which is not owned by anyone, should be given to someone who can develop and cultivate it and pay the land tax which is applied to the land" [7].

Abu Hanifa, who was quoted in al Kharaj by Abu Yusuf, also expressed his views: *"He who revives such land with the permission of the authorities Becomes its owner, but not if he does so without a permit"* [7].

Syekh Muhammad ibnu al-Hasan ath Tusi, as quoted Baqr as Sadr, declared that: *"the lands do not include ghanimah (booty distributed among those who fought). They are exclusively belong to the priest. Any Muslim who turned the ground like that, he will get the rights to the land, and the priest is entitled to the tax."* [8].

D. Role of the Government in the Set Land Displaced Through the Concept of Islam

In the draft Strategic Plan of the National Land Agency, the management of abandoned land falls in to one of the objectives that is expected to be achieved. The goal of the development of land according to the BPN is the realisation of an efficient land management system, and the enforcement of the rights on public land with principles of fairness, transparency, and democracy. One of the issues raised at points was the persistence of the phenomenon where there are many areas of large-scale land rights that are not exploited well (abandoned). The result is that it is not utilised properly, people's access to land is limited and the land is not able to contribute to job creation or economic growth in general. Not surprisingly, one of the activity programs for 2010-2014 is BPN realisation through the control, ownership, use and utilisation of land and community empowerment in order to improve access to economic resources.

BPN is not the only one to give more attention to the wastelands. The issue of abandoned land is also stipulated in Indonesian Government Regulation No. 11 2010 regarding the Control and Utilisation of Land Abandoned, Chapter 2 Section 2 of the object wastelands, which includes:

"Regarding land that has been granted the right by the State in the form of Properties, leasehold, Broking, the right to utilize, and rights Management, or basic control over land that is not cultivated, not used, or not used in accordance with the circumstances or the nature and purpose of the right of the possession."

The government has authorised the BPN in the process of controlling the wasteland. There are several steps that must be performed by BPN, in accordance with the Regulation of the National Pertanah, the Head of the Republic of Indonesia Number 4 2010 on the Procedures for Control of Neglected Land, namely:

- a. Indicated abandoned land inventory
- b. Identification and administrative aspects of field research on the soil that has been indicated displaced
- c. Form C committee comprising representatives from the Regional Office, Land Office, local governments, and institutions related to the allotment of land has been identified and studied.
- d. Give warnings and notifications related to the land to landowners
- e. Determination of wasteland if the warning and notice has been given up to three times, but have not been followed by the right holder

In Islam, the lands abandoned by the homeless can be managed by government. One of the systems that runs within Islam is *ihyaulg*, or reviving dead land to where the abandoned lands could be used by anyone who wants to manage it. This means they can become the property manager's so that the soil can diproduktifkan and generate good luck to those who manage it.

Islam also practices the *musharaka* system that is about profit sharing. This system is a collaboration between two people as the owners of capital and owners lahan. This aims for symbiotic mutualism, in which the owners of capital still benefit by investing money and the owner of the land can be assisted in managing their land with the help of the owners of capital. This is in line with the research conducted by Erviana, where the ancients already recognised the principle of *Musharaka* and profit-sharing in order to create good yield and quality.

The government should have full control over permissions and regional areas so there is no neglected wasteland. One system that is also run by Islam in order to utilise the abandoned land is *iqta*, where the government assigns it to one of the people entrusted to manage the displaced soil to *memproduktifkan tersebut.Hal* soil to improve the welfare of all parties, including the state through tax revenue. This is in line with the words of Umar to Bilal al-Mazni [7]: *"Rasulullah SAW has given permission for you to memproduktifkan ground (iqtho) that ye may prosper it or cultivate it, because you were able to process them and return the rest"*.

Besides *iqta*, Islam also runs *sisteam musyarakah* in the management of abandoned land. For example, only the government as capital owners and the community as a land manager can cooperate in the use and management of derelict land and the profits from the land use are divided equally to both sides.

Islam is a complex doctrine whereby any land management matters already regulated in Islam are considered to be effective .where openness between the government and the community in the management of abandoned land is productive *menjadilebih*. The implications on the economy of the country are that wasted land can be used, which in turn will open employment opportunities and people can use the land for agriculture. The results will increase the level of income. This is because Indonesia is an agricultural country where the land is fertile and prosperous.

Laws that have been made by the government of agrarian justice have been reflected in terms of processing wastelands in Indonesia. The President himself has been instructed to curb the wastelands by law in order for it to be used by the people [9].

The problems arise over the lack of abandoned land management. This is because of the regulatory issues that are still not Government Regulation Acts. On the other hand, the government can adopt the concept that dead soil exists in Islam to empower wastelands in Indonesia. The Government may issue a policy where the neglected land could be owned by the people who want to manage it, according to the sayings of Rasulullah SAW: "*Whoever revive dead land, the land belongs to him*" (Hr. Ahmad and Tirmidhi).

This is because basically the: "*whole land of death and no-man first of all belong to Allah and His Messenger, after which it becomes yours*" [3]. There is the policy to give the land to the people who want to manage it without bureaucracy. Selling it can certainly make the wastelands more productive and make people compete for work so that new jobs will open.

Scholars also argue that this is similar to the Apostles, such as Abu Yusuf who said that: "*All kinds of ground dead and no man's land, which is not owned by anyone, should be given to someone who can develop and cultivate it and pay the land tax which is applied to the land*" [3].

Umar bin Abdul Aziz also said: "*Divide the entire existing state land to residents and receive the tax (rent) of them based on their production conditions able to pay to the caliph. If the land is very bad condition and require more labor and capital, share freely (without payment) to them. And if no one is willing to accept it, garaplah through state financing (do not waste land)* [10].

Wasteland that has been owned by the community can be empowered with the iqta scheme, in that the government can provide land that has been abandoned to the people who are able to manage it and the government will eventually get taxes from the land. After the land is given to the public as appointed by the government, the owner of the land can carry out the contract in accordance with sharia, like *Musharaka musaqoh* (maintenance) and *muzara'ah* (plowing). *Musaqoh* is a form of partnership, where the tiller is only responsible for watering and maintenance, as narrated by Ibn Umar [11] when the Prophet gave ground and palm plants in Khaibar to the Jews of Khaibar to be maintained with the use of equipment and funds. The tenants are entitled to certain parts of the crop. Besides *Musaqoh*, one of the concepts that can be done is to do *muzara'ah*, according to Sayyid Sabiq in *Fiqh Sunnah*, i.e. agricultural cooperation between landowners and tenants, where landowners provide agricultural land to the tiller to be planted and maintained in exchange for a part certain (percentage) of the crop [11].

When the lands of the displaced have been empowered by the community for the community through the above scheme, the government will have a distinct advantage from land tax (*kharaj*). In Islam, *Kharaj* is one of the incomes for Muslims. With the application of the system of *kharaj*, a proportional tenancy can increase the enthusiasm of farmers to be more productive.

IV. Conclusion

Although the Indonesian people's income has increased, there is still an uneven income distribution among the people who look at the ratio of gini. Indonesia is still increasing every year and up to the figure of 0:41 in 2012. 41% of the wealth in Indonesia is only enjoyed by one percent of the community. The government has given great attention to the abandoned land in Indonesia, considering that land has great potential in promoting development.

The land could be one of the instruments of wealth distribution for the Indonesian people so as to reduce inequality. Islam also looks at the ground as one of the important production factors. Given the availability of fixed territory, then the use of the land must be optimised. Islam does not advocate wastelands and Islam makes wastelands an issue that must be addressed. God's word and the hadith Rasulullah SAW raised the issue of land and wastelands. When Rasulullah SAW died, the Companions and the caliphs still gave great attention to the abandoned lands. Wastelands are expected to be optimised through government interference in the distribution process so that it can be one of the instruments to increase the distribution of wealth among the people.

V. Suggestions

Both the Indonesian government and Muslims are equally aware that the land is one of the means of production that are essential to be distributed to the public. The optimal management of the land is expected to contribute to the development of the State. The author hopes that the Islamic concept of the management of dead soil can be united with the concept of the State in managing the wasteland so that the distribution and management processes can become more effective, efficient, and beneficial for many people.

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