



Forest Waqf: An Innovation in Waqf Empowerment to Address the Environmental Crisis

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Abstract: Forest waqf represents a new paradigm in natural resource utilization that is sustainable and holistic. The concept involves allocating part or all of forest land for public charitable purposes, with a primary focus on environmental conservation, community empowerment and ecological sustainability. Forest waqf carries both spiritual and humanitarian values, signaling the deep interconnection between humans and nature. Within a clear legal framework, forest waqf can be a model of sustainability that integrates ecological, economic, and social aspects. By emphasizing the importance of environmental preservation, contribution to climate change, and empowerment of local communities, forest waqf becomes a relevant instrument in addressing the global environmental crisis. This conclusion highlights the potential of forest waqf as a sustainable solution by engaging the government, communities, and related parties to support and implement this concept in an effort towards a sustainable future.

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INTRODUCTION

The global environmental crisis is a serious and concerning issue. Environmental issues require serious attention from communities, governments and international organizations (Change, 2014). The global environmental crisis is caused by a number of complex and often interrelated factors. The main cause of the global environmental crisis is climate change, which increases global temperatures, changes weather patterns, and impacts ecosystems, human life, loss of species and natural habitats (Smith et al., 2001). As a result of deforestation, soil degradation and other human activities, decreased availability of clean water due to pollution and climate change, and increased demand for water by the world's growing population.

This environmental crisis has a major impact on human well-being, ecosystem sustainability, and global climate stability. Collective efforts from the global community, including measures to reduce greenhouse gas emissions, conserve biodiversity, and limit waste, are essential to address these challenges (Hallegatte, 2009). Changes in individual behavior, government policies, and technological innovation are also key in responding to the global environmental crisis (Abdelzaher et al., 2020). Forests play an important role in addressing the global environmental crisis and contribute to the sustainability of Earth's ecosystems (Kim et al., 2021). Forests serve as a sink for carbon dioxide (CO₂) from the atmosphere through the process of photosynthesis. Trees and other plants absorb CO₂ and store carbon in their biomass. Therefore, forests play an important role in reducing the amount of greenhouse gases that cause global warming. Forests are home to various types of flora and fauna (Mitchard, 2018). This biodiversity is important for maintaining ecosystem stability and providing ecosystem services that support human life, including genetic

resources for agriculture and medicine. Managed forests provide protection against soil erosion, flooding and climate change. Tree roots and plant layers in forests help bind soil and filter rainwater, reducing the risk of natural disasters and keeping ecosystems stable. Forests play an important role in maintaining water availability and quality. Trees absorb water through their roots and release it through transpiration, helping to regulate water flow and maintain a sustainable water cycle.

Forests play an important role in the global water cycle by providing large amounts of water vapor through the process of transpiration (Anderegg et al., 2020). This contributes to cloud formation, rainfall, and maintaining water balance in ecosystems. It is important to protect, maintain and sustainably manage forests as part of a global strategy to address the environmental crisis. Forest conservation, reforestation and sustainable forest management can contribute significantly to combating climate change and maintaining biodiversity.

Indonesia has tropical forests that are considered the lungs of the world. Indonesian forests play an important role in maintaining the global environmental balance, due to their ability to absorb carbon dioxide (CO₂) from the atmosphere and produce oxygen through the process of photosynthesis. Indonesia's tropical rainforests are among the largest in the world and have high biodiversity. However, unfortunately, continued deforestation, illegal logging, and land use change have caused significant losses to these forests (Payn et al., 2015). This can negatively impact global climate, biodiversity, and the well-being of forest-dependent communities (Dai et al., 2022).

Fatwa of the Indonesian Ulema Council (MUI) Number 30 of 2016 concerning the Law of Forest and Land Burning and Its Control, that forests and land as a gift from Allah SWT are very important to be maintained, preserved and utilized in order to realize public benefits.

Until now, Indonesian society in general still understands waqf in a limited way. Waqf is synonymous with mosques/musholla, educational institutions, and cemeteries. In fact, waqf can also be developed in environmental conservation programs such as forest waqf. Apart from Bogor, waqf forests have been developed in Aceh and Bandung. The potential of waqf, which reaches IDR 180 trillion/year (Directorate of Waqf Empowerment of the Ministry of Religious Affairs, 2007) can be part of the solution to the increasingly alarming deforestation.

This paper attempts to present a solution in preserving the environment through waqf forests. A waqf forest is a forest built on waqf land. Forest rights are purchased with waqf funds and then endowed, so that the ownership moves from private property to the property of Allah SWT and is used for public purposes. In Islamic teachings, waqf cannot be sold, inherited, and donated. In addition, waqf that has been designated is not allowed to change its function. Once a land is designated as a waqf forest, it must forever be managed as a forest.

During the Prophet's time, there was already a waqf concept that can be quasi-equated with the concept of waqf forests, namely in the form of waqf gardens by Umar bin Khatab and waqf wells by Uthman bin Affan (Sup, 2021). The qiyas in question is on the concept of providing benefits to the people through these waqf assets. Historically, waqf already existed during the time of the Prophet Muhammad. Waqf was legislated after the Prophet SAW migrated to Medina, in the second year of hijri. Umar bin Khathab, he got a land in Khaibar, and went to the Prophet to ask for guidance. Umar said to the Messenger of Allah, "O Messenger of Allah, I got such a good fortune (land in Khaibar), what do you command me?" The Messenger of Allah replied, "If you like, you hold on to it and give it in charity." Then from the land, Umar made sadaqah, and the land was not sold, not inherited, and not donated. In this case Umar did productive in the form of plantations, where he still owned the land and managed it, then the proceeds from the plantation he gave in charity to people who needed it. Uthman bin Affan RA endowed a well in the city of Medina, and until now the well still exists. The water is used to irrigate the date plantation. The dates were sold, and the proceeds were used for the development of the waqf. This concept makes the waqf forest more secure until the Day of Judgment (Sup, 2021).

The Prophet ordered that waqf be maintained and not altered. In a hadith narrated by Al Bukhari and Muslim, he said to 'Umar bin Khattab when he was about to endow his garden which was his

most valuable asset in Khaibar, "Hold the principal, and give away the proceeds". "Hold the principal" means to keep the asset in existence, while "give away the results" means that the existing assets are managed productively so that they continue to benefit the interests of humans or other living things.

Therefore, if someone changes the function of waqf that is not in accordance with what was mandated by the waqif, he has deviated from the command of the Prophet Muhammad SAW. For example, if there is someone who sells waqf land for purposes that deviate from the waqif's mandate, then he is threatened with a painful punishment in the hereafter. The Prophet said, "injustice is darkness in the hereafter" (HR Al Bukhari and Muslim). Whoever is unjust, who does not put something in its place, including misusing the allocation of waqf, then it becomes a source of calamity for him on the day of reckoning.

Donations to build a waqf forest can be made in various ways: in the form of land donation, money donation, seed donation, and even in the form of knowledge waqf such as providing free consultation. All of these, if done sincerely, will be rewarded by Allah with rewards that continue to flow even after the donor has passed away. The Prophet said, "When a person dies, all his deeds are cut off except three: sadaqah jariyah (waqf), useful knowledge, and righteous children who pray for him" (HR Muslim). Not only are waqf forests protected by state law, they are also fortified by religious law. If anyone misuses the designation of the waqf forest, it will not only be a matter for the court of the world, but also for the court of the hereafter. According to Law No. 41/2004 on Waqf, any person who intentionally changes the designation of waqf property without permission will be punished with a maximum imprisonment of 4 (four) years and/or a maximum fine of IDR 400,000,000.00 (four hundred million rupiah). And Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia No. 2 of 2017 concerning Procedures for Registration of Waqf Land. PP No. 42 of 2006 as an explanation of the implementation of Law No. 41 of 2004 concerning Waqf.

METHODS

The method used in this research is a qualitative method with a descriptive analysis approach. This research aims to describe the phenomena that occur in depth and comprehensively. The data collection procedure in this research was obtained from a systematic literature study. Secondary data was collected from various relevant sources, such as mass media, scientific literature, and news on the internet that can provide further insight into the topic under study. Data collection through this literature study allows researchers to obtain pre-existing information that is relevant to the research being conducted, so as to strengthen the arguments and results of the analysis in this study.

RESULTS AND DISCUSSION

Waqf Forest in Aceh

Hutan wakaf is a waqf-based conservation initiative. An initiative that started in 2012 as a small team of 4 members and has now become a group or community. As a pilot project on January 8, 2017, the land preparation committee purchased 1 hectare of land in Jantho, Aceh Besar for IDR 15,000,000. Furthermore, the land will have a forest built on it. After that, it will be donated to be utilized by the surrounding community. The conservation begins by purchasing critical land that is designated ecologically to build a forest that functions harmoniously, both as a source of water springs and a carbon sink. In addition, the waqf forest is expected to provide fruits and medicinal plants, nesting trees for birds, honeybees, primates, and various other species, and even wood for a coffin when someone dies.

Because of its waqf status, the land is certified in the name of everyone who has donated it. The threat to forests has been direct conversion for the construction of settlements, roads, large plantations, and others. Hectares of state-managed forests can be converted by the ruling regime at any time. This is especially true for a piece of land that is privately owned by the community. Although the state actually prohibits the conversion of certain lands, there is no guarantee that the

rules will remain in place, even the rules can be changed by the next regime. Therefore, the presence of waqf forests can at least slightly stem the desire of the rulers to convert forests.

The focus of this waqf forest is critical land and potential land. If critical land is left unimproved, it will be ecologically, hydrologically, or economically useless. The same applies to potential land. However, if the land is managed properly, it will certainly have a very beneficial value for the environment and the economy of the community.

In the implementation of waqf forests, there is an agreement in observing the dynamics of forest management that has been based on secularistic and atheistic approaches. Waqf forests are a consideration for the increasing threat of environmental crisis, especially as a result of uncontrolled deforestation. Through this waqf forest, it is hoped that future generations can still experience the beauty of the forest and the resources within it. There is no limit on how much to donate for the waqf forest. If the funds collected are comparable to the price of the land, the funds will be disbursed for the purchase of the land. The same applies to the religion of the donor, although the waqf forest concept is based on Islamic law, anyone can contribute. In addition to monetary donations, funds are raised by making various merchandise, one of which is a t-shirt with an illustration of the waqf forest.

Leuweung Sabilulungan Waqf Forest

The realization of waqf funds for the "Leuweung Sabilulungan" program initiated by Bandung Regent Dadang Naser and a number of environmental activists, turned out to be only IDR 400 million, from the targeted IDR 1.5 billion. However, the tree seed waqf realized 50 thousand stems from the previous 30 thousand stems. The tree seed waqf has now exceeded the target, because this tree seed waqf has more donations from Corporate Social Responsibility (CSR) companies, both State-Owned Enterprises (BUMN), Regional-Owned Enterprises (BUMD) and private parties. Meanwhile, the waqf donation was realized at IDR 400 million because many donors failed to donate their funds.

The waqf will be utilized for the development of Leuweung Sabilulungan in the Bandung Regency area, especially around the critical lands of the Citarum Watershed (DAS), mostly in Kertasari Sub-district. The waqf funds are audited internally and periodically and an accountability report is given to the donors of the funds. To date, the organization has created a 10-hectare pilot site for critical land rehabilitation in Pasir Munding, Cibeureum Village, Kertasari Sub-district.

The idea to establish Leuweung Sabilulungan was due to the condition of some lands, especially those in the Citarum watershed, which are in critical condition. Most of the land belongs to the community. If this continues, it can lead to disasters, so our step is to buy the critical land to be reforested, the money for the land purchase comes from the waqf of the donors. The foundation's activities in relation to Leuweung Sabilulungan include educating the public about the Citarum watershed, campaigning to all stakeholders to save the Citarum watershed and collecting funds/endowments for the establishment of Leuweung Sabilulungan.

The upstream area of the Citarum River has been damaged, so it needs serious improvement and handling. The efforts of the Leuwung Sabilulungan Foundation and the Bandung Regency Government, which have been consistent with the community and related stakeholders such as Perhutani, PTPN, and related agencies, who sincerely carry out critical land rehabilitation, have resulted in significant progress. The obstacles faced include the vast amount of critical land that must be handled. With this consistency, it is slowly being addressed even though there are still hundreds of hectares left to be rehabilitated. Data from the Ministry of Forestry shows that critical land in Bandung Regency, according to Tisna Umaran, head of the Bandung Regency Agriculture and Forestry Agency, is 59,969.39 hectares. In 2011, the Bandung district government tried to plant 6,155.68 hectares of forest. The same effort was also made in 2012 covering an area of 16,300 hectares. He also revealed that the remaining critical land in Bandung Regency until 2013 was 37,513.71 hectares. This critical land will be reforested through a tree planting movement involving all stakeholders, from the central government, provinces, BUMN, BUMD, foundations, private entrepreneurs, Karang Taruna and other community organizations.

Waqf Forest in Cibunian Village

The waqf forest in Cibunian Village was developed in 2018, as one of the solutions to prevent landslides that often occur. It all started when a waqif donated his 1500 square meters of land located in Muara Satu Village of Cibunian Village to a waqf foundation (nadzir) to be managed as a waqf forest. The land is a paddy field that used to be a forest.

Nadzir made efforts to reforest the land. Among the efforts made is to secure cooperation with various parties. For example, the nadzir will cooperate with the National Amil Zakat Agency (Baznas) for planting and maintenance activities for the next three years. Planting activities are not done randomly, but with careful planning. A landscape architect and a forestry graduate have donated their knowledge to create the site plan free of charge. The selection of plant species is done with full consideration, in order to provide maximum ecological, economic and social benefits in accordance with the principles of sustainable forest management.

For example, since there is a spring on the land that is used by the community for daily needs, it is necessary to plant some banyan trees. Their strong roots can grip rocks and soil, so they can serve as foundations for natural springs. In addition, the seeds of banyan trees can be food for birds. This, according to the Prophet, is also a form of charity, as he said, "No Muslim plants crops or farms, and then birds or humans or animals eat the produce, unless it is considered charity for him" (HR Al Bukhari).

Intercropping (agroforestry) can also be applied. Agroforestry is a cropping system that combines agricultural crops with forestry to optimize vertical space. This system can also generate short-term income from agricultural crops. The selected agricultural crop is edamame, which has many benefits such as increasing endurance, preventing hypertension, and reducing the risk of cancer. The forestry plant above the edamame plant chosen is a pine tree (*pinus merkusii*), because in addition to being beautiful, fragrant, and soothing, this tree is synonymous with tropical forests and can be a habitat for animals such as squirrels.

Nadzir also receives waqf in the form of superior tree seedlings from the community to be planted in the waqf forest. Currently, there is a donor who donated the best durian seedlings to be planted in the waqf forest. Hopefully, the seedlings can grow and bear fruit well. The durian harvest can be sold commercially, but the profits must be utilized for waqf management and development. Furthermore, nadzirs who collect cash waqf from the community can purchase land around the existing waqf forest for expansion. In June 2019, the nadzir purchased 1200 square meters of land for the expansion of the waqf forest, so that the area has now reached 2700 square meters.

Waqf as Islamic Philanthropy

The term waqf comes from the Arabic waqf from the verb waqafa which means "to stop", "to stay", or "to hold something". In shara' terms, waqf means a gift whose implementation is carried out by withholding the original ownership (*tashbihul ashli*), then making it public ownership. *Tashbihul ashli* means holding the object back from being inherited, sold, given away, leased, or the like. According to Abu Hanifah, waqf is holding an object that according to the law remains the property of the waqif in order to use its benefits for good. Based on this definition, the ownership of waqf property is not separated from the waqif, even allowed to withdraw and may sell it, so what arises from waqf is to donate its benefits (RI, 2020).

The position of waqf in Islam is very noble. Waqf is made a major practice that is highly recommended to get closer to Allah. Waqf was prescribed by the Prophet and called for it because of his love for the poor and needy. Although waqf is not explicitly mentioned in the Qur'an, some Qur'anic verses that provide guidance can be used as a reference as a legal source for waqf. One of these verses is Qur'an Surah Al-Baqarah verse 267 which is interpreted as follows:

"O you who have believed, spend (in the cause of Allah) some of what you have earned of good and some of what We bring forth from the earth for you. And choose not that which is bad, and spend of it, which you do not want to spend, except by straining your eyes against it; and know that Allah is Most Rich, Most Praiseworthy."

And Surah Al-Imran verse 92, which means *"You will never reach the (perfect) Virtue, until you spend some of the wealth you love. And whatever you spend, Allah knows it"*.

Apart from the verses of the Qur'an, there are also *hadiyths* that are used as the basis for waqf, namely: Hadeeth narrated by Muslim from Abu Hurairah r.a:

"Abi Hurairah r.a. reported that the Messenger of Allah said: When the son of Adam dies, his deeds will be cut off, except for the following three deeds: Sadaqah jariyah, knowledge that is used by others, or a righteous child who prays for the son of Adam" (Hadith narrated by Muslim).

Through this *hadiydh*, the Prophet has outlined the sharia principles of waqf, which have had a profound influence on Muslim society throughout the ages. Waqf reflects the principle of philanthropy in Islam, where Muslims are expected to give away a portion of their wealth to help others and promote public welfare. Waqf is seen as a form of sustainable social investment. Islamic philanthropy involves the concept of giving a portion of one's wealth or resources for the public good and social welfare. These principles are reflected in the practice of waqf, which can be considered a form of Islamic philanthropy. Some of these principles are outlined as follows:

- a) There is an obligation to others where Islam teaches its followers to help others and share their sustenance with those in need. Waqf is one way to fulfill this obligation, where individuals or groups give a portion of their wealth for the public good.
- b) waqf is not only a charitable gift, but is also considered a sustainable social investment. By endowing wealth, Muslims can help build institutions that provide long-term benefits, such as hospitals, schools, or welfare centers.
- c) The practice of waqf reflects Muslims' active involvement in community development. By donating their wealth, they participate in creating positive change and improving the quality of life of the surrounding community.
- d) Waqf is not only focused on the interests of certain individuals or groups. Rather, its purpose is to advance the general welfare and provide benefits to the entire community.
- e) Waqf emphasizes the concept of sustainability, where the benefits of the waqf property are expected to continue from generation to generation. In addition, joint ownership in waqf emphasizes the collective and ummah aspects of Islamic philanthropic practice.

One of the main objectives of waqf is to alleviate poverty and improve the welfare of society. Waqf can be directed to establish educational institutions, hospitals, or other infrastructure projects that benefit the wider community. Waqf has great potential to have a positive impact on society by allocating waqf resources to projects that have broad social benefits, such as educational institutions, hospitals, health services and allocating waqf funds to other projects that are expected to create positive changes in people's lives and real contributions in alleviating poverty and improving general welfare.

Forest Waqf

The concept of forest waqf has a spiritual dimension where the forest is considered a trust from God that must be maintained and preserved. This creates a spiritual connection between humans and nature. Through forest waqf, the role of forests can be optimized to achieve environmental sustainability, community empowerment, and general welfare. This creates a model of sustainability that integrates ecological, economic, and social aspects. The role of forests in the context of waqf can cover a number of aspects involving environmental preservation, community welfare, and ecosystem sustainability.

A donated forest can serve as a nature conservation area to maintain biodiversity and existing ecosystems. This helps protect native flora and fauna and prevent environmental damage. Forests play an important role in absorbing carbon dioxide and reducing greenhouse gas emissions. Forest endowments can make a significant contribution to climate change mitigation efforts. Forests play a role in maintaining the water cycle and providing clean water for communities. Forest waqf can ensure the sustainability of water resources and the availability of clean water for local communities. Through the concept of waqf, forests can be managed sustainably to ensure the sustainability of the ecosystem. This includes wise management of forest resources to prevent habitat destruction and loss.

Forest waqf can empower local communities by providing access to and benefits from forest resources. This can include employment opportunities, skills development, and income for the community. The concept of forest waqf can provide direct benefits to communities through sustainable natural resources. For example, timber products, medicinal plants, and non-timber forest products can improve community welfare. Forest waqf can facilitate the development of sustainable ecotourism, where communities can earn income through environmentally friendly tourism activities. A donated forest can be a valuable source of learning and research. It can improve people's understanding of the natural environment and support scientific research for forest conservation. The concept of waqf forests can be an effective instrument to promote ecological sustainability, nature conservation, and community welfare. Involving the community directly in this process can enhance the sustainability and effectiveness of forest waqf implementation.

The implications of the research results for the development of the concept of forest waqf are more focused on the form of its legal framework. This becomes a reference in developing a more effective model or framework for the concept of forest waqf. Waqf can contribute to the economic development of a country, one example is that it can increase economic growth, but on the other hand, this potential has not been maximized optimally, one of the factors is that there must be challenges or obstacles that occur. Based on data from the Ministry of Religious Affairs of the Republic of Indonesia, it shows that the management of waqf land in Indonesia still does not lead to economic empowerment because most land waqf is mostly in the form of direct waqf (consumptive), human resource problems which include three aspects, namely understanding The community is still traditional, the nazir is less creative and the managerial ability of the nazir is still low, and institutional problems, lack of coordination with related institutions and lack of facilities, support and the role of the government.

Indonesia already has Law No. 41/2004 on Waqf. The existence of forest waqf in general can be derived from Section Six which regulates Waqf Property where in Section 16 paragraph (1) and paragraph (2) regulates waqf assets, one of which is immovable objects which include plants and objects related to land. Consideration of the form of legal framework on which it is based, to ensure that forest waqf is run in a manner that is in accordance with legal values, principles of justice, and sustainability objectives.

The legal framework provides regulations and standards that govern the establishment, management, and maintenance of forest waqf. This helps to ensure that forest waqf is run in accordance with the principles set by the government or applicable legal authority. Having a legal basis provides legal protection for the parties involved in forest waqf, including those who establish the waqf, local communities, and those involved in land management.

The legal framework provides legal certainty, so that parties involved in forest waqf can clearly understand their rights, obligations and responsibilities. With a clear legal framework in place, the risk of conflict is reduced. Legal uncertainty can be a source of conflict, and having clear legal rules can help avoid such conflicts. Through the legal framework, forest waqf can be officially recognized by the government and communities. This recognition is important to ensure the sustainability and effectiveness of forest waqf. The legal framework provides a foundation for law enforcement, which can be used to crack down on violations or actions that do not comply with applicable rules.

The legal framework helps align forest waqf with broader government policies, including forestry policies, environmental policies, and sustainable development policies. The law provides the basis for the administration of forest waqf, including licensing, registration, and monitoring procedures.

By detailing the rules and norms governing forest waqf, the legal framework can help achieve a balance between ecological sustainability and the social welfare of the community. The legal framework provides guidelines for all parties involved in forest waqf, be it the party establishing the waqf, local communities, managers, or parties involved in investment.

In Indonesia, there is a need for integration of the general legal framework in realizing sustainable forest waqf. Possible legal frameworks in the context of forest waqf may include the requirements and procedures for establishing waqf, the rights and obligations of the parties involved, as well as arrangements related to the management of waqf assets. A country's forestry legal framework may include provisions relevant to granting forests special status as waqf. This includes regulations related to forest land use licenses, ownership rights, and management of forest resources.

Aspects of environmental law can be an important part of the legal framework of forest waqf, especially if the goal is nature conservation and ecological sustainability. Land and agrarian law often play a role in determining the ownership status and use of the land to be waqfed. Requirements regarding land rights and land use licenses can be regulated within this legal framework.

In some countries, aspects of customary or Islamic law may also influence the legal framework of forest waqf, especially in terms of determining land ownership and the process of establishing a waqf. Government policies and local regulations may include specific measures related to forest waqf. These regulations can provide further guidance on the implementation of forest waqf at the local level.

CONCLUSIONS

Forest waqf has great potential in overcoming the environmental crisis. Forest waqf emphasizes the importance of preserving the natural environment. By allocating forest land for waqf purposes, it can maintain a sustainable ecosystem and support biodiversity. Forest waqf demonstrates that ecological sustainability and social welfare can be achieved through a balanced approach. The wise handling of forest waqf enables the integration of environmental and social needs. Forest waqf has the potential to be part of the solution to climate change. Through forest preservation, waqf can help reduce carbon emissions and increase carbon stocks. Forest waqf can be considered a model of sustainability that can be applied in natural resource management. The concept can be adopted as part of a global sustainability strategy. This includes the important role of government and the involvement of various stakeholders. Policies and support from the government, NGOs, and the private sector can strengthen the implementation of forest waqf. This conclusion reflects the complexity and multidimensionality of forest waqf as a concept that can make a real contribution to sustainability, environmental preservation, and community welfare.

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