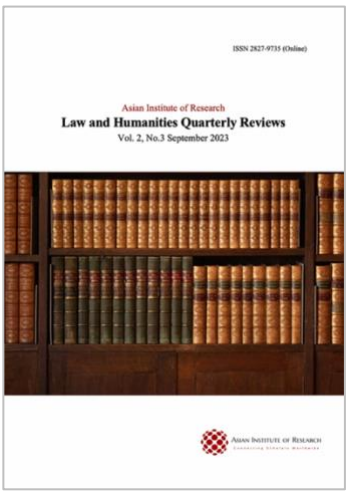

Law and Humanities Quarterly Reviews

Royani, E. (2023). WAQF Water Management Development Law for Countries in the African Continent. *Law and Humanities Quarterly Reviews*, 2(3), 142-153.

ISSN 2827-9735

DOI: 10.31014/aior.1996.02.03.78

The online version of this article can be found at:
https://www.asianinstituteofresearch.org/

Published by:
The Asian Institute of Research

The Asian Institute of Research Law and Humanities Quarterly Reviews is a peer-reviewed International Journal of the Asian Institute of Research. The journal covers scholarly articles in the interdisciplinary fields of law and humanities, including constitutional and administrative law, criminal law, civil law, international law, linguistics, history, literature, performing art, philosophy, religion, visual arts, anthropology, culture, and ethics studies. The Law and Humanities Quarterly Reviews is an Open Access Journal that can be accessed and downloaded online for free. Thus, ensuring high visibility and increase of citations for all research articles published. The journal aims to facilitate scholarly work on recent theoretical and practical aspects of law.

ASIAN INSTITUTE OF RESEARCH
Connecting Scholars Worldwide

The Asian Institute of Research
Law and Humanities Quarterly Reviews
Vol.2, No.3, 2023: 142-153
ISSN 2827-9735

DOI: 10.31014/aior.1996.02.03.78

WAQF Water Management Development Law for Countries in the African Continent

Esti Royani[1]

[1] Lecturer on Faculty of Law, University of 17 August 1945 Samarinda, Indonesia

Correspondence: Esti Royani, Faculty of Law, University of 17 August 1945 Samarinda, Indonesia
E-mail: estiroyaniforsiladi@gmail.com

Abstract
Insufficient water availability will threaten the survival of humans in a region. Countries in Africa are known to be barren and have extremely hot climates. The ongoing clean water crisis has taken a huge toll. The Indonesian government in collaboration with all countries should have a role in unraveling this problem. One of the solutions offered is legal protection and the development of clean water infrastructure and facilities by building waqf wells. This research intends to examine the management of waqf wells, the condition of water scarcity in African countries, and how the role of the government and waqf institutions in Indonesia and around the world to overcome the scarcity of clean water in Africa. The research method used is qualitative. As a result, we found one humanitarian agency (Aksi Cepat Tanggap), which is quite active in implementing the waqf well program in several countries in Africa. In general, the program has received a positive response from the beneficiaries of the waqf wells.

Keywords: Water Crisis, Africa, WAQF Wells, Government

1. Introduction

The legislative mandate of the Department of Water and Sanitation (DWS) is to ensure that the nation's water resources are sustainably protected, managed, used, developed, preserved, and controlled for the benefit of all, people and the environment. DWS is responsible for developing a knowledge base and implementing effective integrated planning policies, procedures, and strategies for both water resources and services. This includes meeting water-related legal and policy requirements, including constitutional requirements, that are essential to ensuring access to adequate food and water, transforming economies, and alleviating poverty. The strategic goals of DWS are:

1) Ensure efficient water use by helping municipalities implement ongoing water conservation and demand management programs;
2) Maintain a fair and reliable water supply by developing new conditioning strategies and updating existing strategies for Richards Bay water management areas by March 2016, Limpopo North by March

2017 and Mahikeng before March 2018;

3) Generate information to be used to make decisions about water management programs by improving water resource monitoring through the development of a hydrographic water monitoring network that allows all existing water monitoring networks prior to March 2017.
4) Ensure water resource protection by developing an integrated water quality management strategy to define resource quality targets for 11 river systems by March 2018.

The DWS has published draft regulations requiring restrictions on water extraction for irrigation purposes, monitoring, measuring, and recording for public comment. Under the National Water Act 1998 (Act 36 of 1998), the Minister of Water and Sanitation must enact regulations under Section 26 of the Act that require the extraction of water for crop irrigation to be restricted, monitored, measured, and recorded. Regulations limit toll rates, regulate procedures, empower authorities, and define offenses. These regulations are necessary to effectively monitor and enforce compliance with water licensing limits and conditions. South Africa's Constitution and Bill of Rights stipulate a basic human right to have access to adequate water and a safe and healthy environment. Governments exercise these rights through the DWS, supported by specific legislation:

1) The National Water Act 1998 ensures that South Africa's water resources are protected, used, developed, conserved, managed, and controlled in a sustainable and equitable manner for the benefit of all.
2) The Water Service Act 1997 (Act 108 of 1997) provides for the legal obligation of municipal governments, as water service regulators, to provide water and sanitation in accordance with local regulations, standards, and national standards. It also enshrines water management boards as key water service providers and gives executive authority and responsibility to the Minister of Water and Sanitation to support and build capacity for municipal governments in managing their own affairs, exercising their powers, and performing their duties. The Water Services Act 1997 makes the Minister obligated to maintain the national water service information system and to oversee the operations of all water service organizations.
3) The Water Research Act of 1971 (Act 34 of 1971) regulates the promotion of water-related research through the Water Research Commission (WRC) and water research (South African Government, 2021)
4) The National Environmental Management Act (NEMA) of 1998 (Act 107 of 1998) provides for collaborative environmental management by establishing decision-making principles on matters affecting the environment, institutions that promote cooperative governance, and procedures for coordinating environmental functions performed by public agencies. The National Water Policy is based on three basic principles of water resource management: equitable, environmental sustainability, and efficiency.
5) Sanitation service delivery is governed by the Water Service Policy Framework (2003) and the Water Service Act 1997. All water users do not receive water from service providers or local governments. local authority, water board, irrigation board, governmental water system or other bulk supplier, and those who use water for irrigation, mining, industrial, livestock, or authorized purposes Generally, there is a legal obligation to register.

This includes the use of surface water and groundwater. Other uses that must be registered include diverting streams, dumping waste, or storing water containing waste, including any person or body that stores water for any purpose from the runoff. Surface, groundwater, or fountain flows greater than 10,000 m3, or when the water area at an adequate supply exceeds one hectare (ha) of the total land area owned or occupied by such an individual or entity and without permits or authorizations from local authorities and other bulk suppliers with their water and wastewater treatment facilities, control activities such as waste irrigation, water power generation, atmospheric regulation, or aquifer recharge.

An assessment of the environmental requirements of the relevant stream is carried out prior to licensing. To promote equitable and sustainable management of water resources, the Department has developed and continues to update a series of water management strategies (South African Yearbook, 2015).

1.1 Transformation

In line with the transition, DWS prepared in mid-2016 to finalize the National Water and Sanitation Bill, which would pass the congressional process and be released for public consultation.

The goal of the bill is to fundamentally transform the water and sanitation sector along the value chain and create an enabling environment to provide basic water and sanitation services to historically disadvantaged communities. history, thereby improving accessibility, equity, and sustainability. The department will also ensure that the establishment of the Water and Sanitation Infrastructure Authority is sound and continue to strengthen and streamline the water panels to establish wall water panels.

The legal framework for water permits has been revised to accommodate an integrated licensing approach. In addition, the regulation on measuring water for irrigation purposes has also been published in the Official Gazette for public comment and is expected to be finalized in 2016.

1.2 Policies and Strategies

NWRS2 defines a vision and strategic actions for effective water management. These include water security, environmental degradation, and resource pollution. NWRS2 describes the key challenges, limitations, and opportunities in water resource management and proposes new approaches to ensure a collective and adequate response for the benefit of all people in South Africa. This strategy aims to realize and achieve an inclusive, sustainable, and equitable economy. NWRS2 ensures that the management of national water resources contributes to the achievement of South Africa's growth, development, and socioeconomic priorities in an equitable and sustainable manner over the next 5 to 10 years.

The strategy also meets the priorities set by the government in the National Development Plan (NDP) and the National Water Act 1998 to support sustainable development. It revolves around three main goals: Water supports development and reduces poverty and inequality. This strategy acknowledges that water distribution has not been uniform in the past and favors certain segments of the population.

Therefore, the aim is to correct past imbalances in water allocation. Water contributes to the economy and creates jobs. Water is protected, used, developed, conserved, managed, and controlled in a sustainable and equitable manner. NWRS2 also focuses on water conservation and water demand management as key priorities. The WfGD framework highlights the relationship between water availability and the many forms of economic activity that depend on available water supplies at specific quality levels.

The ministry's view is that the country's economic growth goal cannot be achieved at the expense of the ecological sustainability of water resources or the satisfaction of people's needs. It aspires to meet the needs of different economic sectors, and this is best achieved when water supply and the impact of water use are considered in the planning process. Rather than being a supplement or a complementary solution, the ministry's view is that water needs should be mainstreamed and central to all planning decisions in the public and private sectors. For water to support economic growth without compromising basic needs or ecological sustainability, fully integrated strategic planning is required. Although the WfGD framework was approved by the Cabinet, it was never published in the Official Gazette. However, the revised NWRS2 incorporated aspects of WfGD related to water resource management as a core strategy.

As a country with the largest Muslim population in the world, Indonesia certainly has a strategic role in helping countries in Africa. There is great potential that this nation has in mobilizing the solidarity of Muslims to distribute aid. In addition, to aid in the form of basic necessities, medicines, clothing, and so on, the provision of clean water is the most fundamental need to be realized on a massive scale, because of its sustainable impact. One of the ways to provide clean water is by building wells.

The construction of wells can be one of the productive waqf programs. Waqf is one of the instruments in Islamic economics as a means for people to spend some of their wealth in fulfilling infrastructure needs, such as educational, health, social, and other facilities. The waqf well program in African countries affected by water scarcity is one of the solutions to overcome the problem. Because they are mostly poor countries, of course, external assistance is very much needed.

In Indonesia itself, there are many Zakat, Infaq, Sadaqah, and Waqf (Ziswaf) institutions engaged in social, economic, and humanitarian fields (Munir, 2015). This institution collects donations to create programs to help ease the burden of Muslims who are experiencing difficulties. One of them is the construction of waqf wells to help supply clean water to countries in Africa. It is hoped that water scarcity will no longer occur, people can fulfill their needs live healthier, and avoid various diseases due to lack of clean water.

Based on the background above, the focus of study in this paper are: (1) How is the management of waqf wells; (2) How is the condition of clean water scarcity in African countries; (3) How is the role of waqf institutions in Indonesia in helping to handle clean water scarcity in African countries? In answering these research questions, a descriptive qualitative method was used. Researchers conducted a literature review related to the research topic and traced information through online media to strengthen the data used. The data was then processed analyzed and presented to find the facts of what actually happened.

2. Method

Qualitative research is a means of discovering and understanding the meaning that individuals or groups attribute to a social or human problem. The research process includes emerging questions and procedures. Data is usually collected within the scope of the participant. Data analysis is built inductively from specifics to general themes. and the researcher makes interpretations of the meaning of the data. The final report is written with a flexible structure. Participants in this form of inquiry support a research view that celebrates an inductive style, with a focus on individual meaning. and the importance of calculating the complexity of a situation (Creswell. 2013). Information provider:

1) Ministry of Religious Affairs of the Republic of Indonesia
2) Ministry of Foreign Affairs of the Republic of Indonesia
3) Ministry of Law and Human Rights of the Republic of Indonesia
4) Humanitarian organizations (Aksi Cepat Tanggap)
5) South African government

3. Results and Discussion

3.1 Waqf Well Management

Etymologically, Waqf or Wacf comes from the word wakafa which means to hold, stop, stay in place, or remain standing. The word Wakafa - Yaqifu - Waqfan is the same as Habasa - Yahbisu - Tahbisan. The word al-Waqf in Arabic contains several meanings, namely holding back, holding property to be endowed, and not transferred. As for the term, fiqh experts have various views on defining waqf.

The Hanifah school is of the opinion that waqf is holding an object that, according to the law, still belongs to the waqif (waqf giver) in order to use its benefits for good. This means that the ownership of the waqf asset is still held by the waqif, even though he is allowed to withdraw it or sell it. If the waqif dies, the property becomes an inheritance for his heirs. In other words, what is waqfed is actually the good benefits of the waqf property.

Meanwhile, the Maliki Mazhab is of the view that the waqif does not fully release the waqf property to the mustahiq (waqf recipient). However, the waqif is prevented from taking any action that might dispose of his ownership to another person. The waqif is obliged to donate the benefits and may not withdraw his waqf during the contract. Therefore, the waqif previously made a waqf contract for a certain time according to his wishes.

Meanwhile, the Shafi'i and Ahmad bin Hambal are of the same view that waqf is the complete relinquishment of the waqif's property to the mustahiq to be used as intended. The waqif no longer has rights to the waqfed property. If the waqif dies, then the waqf property can no longer be inherited by his heirs. Another school of thought differs in terms of the ownership of the waqf property, in that the mustahiq does not have the right to sell or grant it.

There are many proofs of the importance of giving charity or waqf as a way to get rewards from Allah, both in the Qur'an and the Prophet's Hadith. The evidence contained in the Qur'an, among others:

1) The command to spend some of the wealth in the way of Allah, in Q.S Al Baqarah [2]: 267 which means "O you who believe! Spend (in the way of Allah) some of the fruits of your labor, and some of what We bring forth from the earth for you". Tafsir (Ministry of Religious Affairs of the Republic of Indonesia 2013) explains that believers will undoubtedly spend their property obtained from halal businesses, whether in the form of money, food, fruit, or livestock. Alms obtained from haram acts will not be accepted as good deeds by Allah SWT. Spending property is a form of gratitude for the gift of property given by Allah SWT.
2) Get perfect virtue if you spend some of the property, in Q.S. Ali Imran [3]: 92 which means "You will never reach the (perfect) virtue before you spend some of what you love". This verse explains that the property and infaq issued should be the goods we love in order to obtain the perfect virtue.
3) The rewards of those who spend their wealth in the way of Allah, in Q.S. Al Baqarah [2]: 261 which means "The parable (of the spending by) those who spend their wealth in the way of Allah is like a seed that grows seven spikelets. In each ear a hundred seeds. Allah multiplies the reward for whomsoever He wills, and Allah is All-Wide (His bounty) and All-Knowing". In this verse, Allah, the Almighty, illustrates how great the reward is for those who spend their wealth. The parable of plant seeds shows that a person's infaq will grow fertile and produce very large grains.

According to (Usman 2015) in general, hadith reports about waqf can be used as evidence for the lawfulness of waqf (dalil al-masyru'iyyah). Something that has been practiced and approved by the Prophet at least gives the law that an action can be done. Because in fact, the Messenger of Allah would not be able to do and allow an act that is prohibited in religion. The prophet's traditions relating to waqf are:

1) Hadith narrated from Ibn 'Umar ra, that 'Umar Ibn Khattab acquired land (garden) in Khaibar, then he came to the Prophet, saying, "O Messenger of Allah, I acquired land that I have never acquired better property for me than this land, so what do you command (to me) about it?". The Prophet replied, "If you wish, you keep the principal and give it in charity". Ibn 'Umar said, "So 'Umar gave the land in charity (on condition) that it was not sold, not given away, and not inherited, namely to the poor, relatives, riqab (slave labourers), sabilillah (the righteous), guests and Ibnu Sabil (the unfortunate). There is no sin on the one who manages it to eat from it in a reasonable manner or to feed a friend, without taking it as property.
2) Hadith narrated by Imam Muslim from Abu Hurairah. The text of the Hadith is: "When a man dies, his deeds are cut off except from three sources: charity (waqf), the knowledge that can be benefited, and a righteous child who prays for him" (H.R Muslim).
3) Hadith narrated by Ibn Umar (may Allah be pleased with him), who said: "Umar ra. got a piece of land in Khaibar then he went to the Prophet to ask for guidance on its utilization. Umar said: O Messenger of Allah, I got a piece of land in Khaibar that I have never got any other property that is more valuable. from him. What is your advice on this matter? He said: If you like, you can endow the asset and give charity with the proceeds. So Umar gave in charity with the proceeds on the basis that his assets were not to be sold, bought, inherited, or given away. Umar gave charity to the poor, relatives, free slaves, jihad in the cause of Allah, ibnu sabil, and guests. There is no sin on the one who manages it to eat some of its produce in a good way or to feed a friend without keeping it" (Sahih Muslim No. 3085).

Waqf is divided into 2 types based on its designation, including 1) expert waqf or dzurri, which is waqf intended for a specific person, whether the waqif's family or not. The advantage of this waqf is that the waqif gets the reward of waqf and can strengthen the relationship between families. However, this type of waqf will make it

difficult for the heirs to distribute it. In its development, expert waqf began to be considered less beneficial for public welfare because waqf assets are managed by experts and are less productive; 2) khairi waqf, which is waqf that is expressly for the benefit of religion and public virtue. This waqf is usually designated to build mosques, schools, hospitals, bridges, and other public facilities (Nissa, 2017).

In terms of its use, khairi waqf has more benefits than expert waqf. It is not limited to the parties who benefit from the facilities built and allows for the development of the facilities built. Such as the construction of a mosque, school, or hospital, then the management can be done for the general public. Or the construction of a well to be accessed by all people who are free to take water. Productive waqf empowerment is of course very social in dimension (Kasdi, 2014).

Waqf management consists of the nazir as the waqf manager, the waqf management system, and its accountability. In our society, waqf is generally managed by individuals. As for those that are professionally managed by institutions or organizations that have legal entities, there are still very few. However, compared to individual waqf nazirs, it turns out that waqf management based on legal entities or organizations has a much better development in the future (Kasdi, 2017).

Waqf can be done by handing over movable or immovable property. For the sake of practicality, waqf can be done in cash. Cash waqf allows the nazir to manage it widely and is not only limited to the establishment of mosques. Although not yet familiar, cash waqf can make a real contribution to the economy of the target community (Dewi Sri Indriati 2017). Cash waqf that has been accumulated can be used, for example, for the provision of rice fields managed by the community whose yields are used to meet food needs, interest-free business capital that can be used on an ongoing basis for people who have businesses, and the provision of breeding livestock, whose puppies can be distributed to the community for farming (Director General of Islamic Guidance and Hajj Organization, 2003).

Economically productive waqf will provide benefits that can be felt continuously by the general public. Therefore, waqf assets, which can be in the form of land, must be managed properly and in accordance with the needs of the surrounding community. Several principles must be considered in its management, namely the principles of economic welfare and general welfare, both concerning economic needs, moral improvement, religious education, and so on. Thus, waqf will be productive if it is beneficial and can improve the welfare of the general public. For example, the construction of waqf wells in areas where clean water sources are scarce (Agus Purnomo and Luthfi Hakim 2019).

It is narrated in history that Uthman bin Affan once bought a well as a waqf for the benefit of the people. At that time, the city of Medina was hit by a very long drought, clean water scarcity occurred, and the wells owned by residents dried up. Except for a well-owned Jew named Ruumah, which is now located next to the Qiblatain Mosque. Faced with difficulties like this, Ruumah then charged people who wanted to take water from his well. Uthman came to bid for the well at a high price, but he refused. Uthman also took the initiative to bid again at an even higher price with the condition that the ownership of the well was alternating. One day belonged to Uthman and the next day belonged to the Jews, so ownership changed every day. Finally, Ruumah agreed.

Uthman also invited residents to take unlimited water for free and advised each family to take a two-day supply. When the next day came, there were no more people who came to buy and take water. Over time, Ruumah finally sold his well in full to Uthman. For the benefit of many people, the well was donated to the public. This story inspires us to realize the immense benefits of waqf for the benefit of the general public.

The management of waqf assets by building wells as a source of clean water is very targeted. Areas that experience water scarcity can certainly be a source of livelihood for the surrounding community. With the need for clean water fulfilled, the community's economy will also revolve because people will no longer be preoccupied with finding and fetching water in distant places. Crops and livestock will grow and thrive well.

There are 2 (two) types of waqf well management, depending on the contract of the waqif. Whether the waqf well is an expert waqf or a khairi waqf. If it is expert waqf, then usually the waqf well will be made for one family only on the private land of the waqf recipient. However, if the type of waqf is khairi, the waqf well will be built on waqf land that is intended for the general public. Waqf wells for the general public are usually coupled with public facilities such as bathrooms, water closets, ablution places if the location is close to a mosque, and other supporting facilities such as pumping machines and reservoirs.

3.2 Clean Water Scarcity Conditions in African Countries

Africa is the second largest continent in the world after Asia. The area is 30,224,050 km2. Astronomically, it is located at a latitude between 37o21o North latitude (LU) to 34o South latitude (LS). Then, in longitude, it is located between 51o24o East Longitude (BT) to 17o West Longitude (BB). The borders of the African continent are to the north bordering the Mediterranean Sea and the Red Sea; to the east bordering the Indian Ocean, Bab el Mandeb Strait, and Mozambique Strait; to the west bordering the Atlantic Ocean, the Gulf of Guinea and the Strait of Gibraltar; and to the south bordering the Atlantic Ocean.

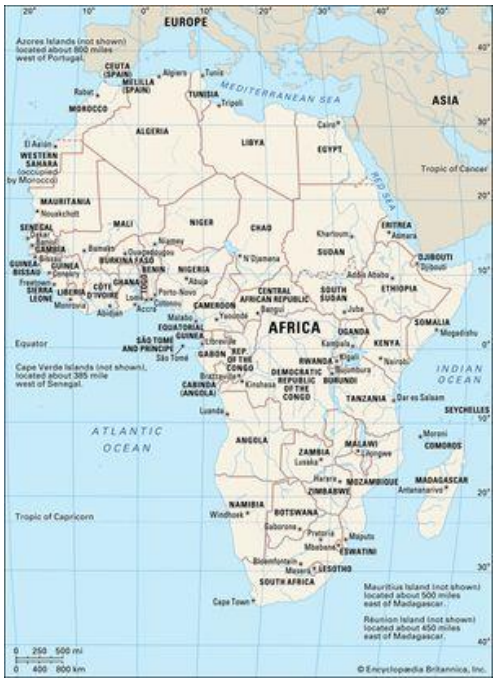

Figure 1: Map of the Continent of Africa

Source: Britannica, 2023

The African continent is divided into four regions namely North Africa, including Algeria, Egypt, Libya, Morocco, Sudan, South Sudan, Tunisia, and Western Sahara; Central Africa includes Angola, Cameroon, Central African Republic, Chad, Congo, the Democratic Republic of the Congo, Equatorial Guinea, Gabon, Sao Tome, and Principe; West Africa includes Benin, Burkina Faso, Cape Verde, Ivory Coast, Gambia, Ghana, Guinea-Bissau, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone, and Togo; East Africa includes Burundi, Comoros, Djibouti, Eritrea, Ethiopia, Kenya, Madagascar, Malawi, Mauritius, Mozambique, Rwanda, Seychelles, Somalia, Tanzania, Uganda and Zambia; and Southern Africa consists of Botswana, Lesotho, Zimbabwe, Namibia, South Africa and Swaziland. The total number of countries in the African continent is 55.

The climate on the African continent can be grouped into 6 (six) parts, namely: 1) Mediterranean climate, around the Mediterranean Sea and in the southeastern coastal areas of Africa. The temperature reaches 24 ^{o}C – 28 ^{o}C with rainfall levels of 250-1,000 mm per year; 2) Tropical Climate, with rainfall between 1,000-2,000 mm per year. The air temperature ranges from 23 ^{o}C – 27 ^{o}C; 3) Subtropical Climate, which is influenced by sea breezes with relatively high rainfall; 4) Desert Climate, found around the Sahara Desert, Chad Desert, and Kalahari

Desert which is in the latitude range of 23.50 LU-23.50 LS; 5) Warm Moderate Climate, found on the southeast coast of South Africa and south of the meridian line; and 6) Tropical Savanna Climate, found south and west of the meridian line (equator). The following is a map of the climate on the African continent.

Sub-Saharan Africa is a term that describes countries that are not part of the North African region. Countries in sub-Saharan Africa and North Africa are separated by the Sahara desert. While countries in northern Africa are dominated by Arabic-speaking countries. North Africa and Sub-Saharan Africa have been separated by an extremely harsh climate. The sparsely inhabited Sahara Desert has formed a natural barrier through which only the Nile River passes. The term "sub-Saharan" is used to give a general idea of northern Africa as the top and southern Africa as the bottom. The term Horn of Africa describes the poor countries in East Africa which include Ethiopia, Somalia, Djibouti, and Eritrea which are located at the eastern end and have a very extremely hot climate.

In general, countries in Sub-Saharan Africa are the poorest regions in the world. This is due to a legacy of colonialism, neocolonialism, inter-ethnic conflicts, and endless political strife. The region comprises many of the world's most underdeveloped countries. The most dominant natural factor is extreme climate change. As a result, the majority of countries in sub-Saharan Africa are experiencing prolonged food crises. Food crises and famine are real threats to the survival of the African people.

Food crises and famine are very complex and closely related to poverty. The majority of people are unable to meet their food needs because they do not have the purchasing power. To address hunger, many programs from international agencies have provided food aid, but these are short-term and emergency in nature. Development programs are most desirable because they are long-term and sustainable, such as the development of clean water facilities (Ndaru and Defrina, 2005).

Water is a crucial issue on the African continent. Water, which is used as the main commodity to fulfill the needs of daily life, is very limited in this region. Apart from the extreme climate, it is also influenced by the need for water which is increasing from year to year due to the increasing population, and the increasing agricultural production (Ruslin, 2013).

One of the water sources on the African continent is the Nile River. This river flows along 6,650 km or 4,132 miles across nine countries namely: Egypt, Ethiopia, the Democratic Republic of Congo, Kenya, Uganda, Tanzania, Rwanda, Burundi, Sudan, and South Sudan. The Nile has an important role in providing water for the countries it passes through but remains under Egyptian control. Other rivers include the Zambesi River, Mozambique River, Orange River, Niger River, and Congo River. These rivers have a very large role in providing water for the population. However, the people of Africa cannot do much because of the lack of adequate infrastructure to reach their homes.

Globally, 785 million people do not have access to clean water close to home. Many of them have to walk for several hours to find potable water. As climate extremes begin to occur, these conditions worsen, and water becomes harder to find. According to data from the World Health Organisation (WHO) in 2017, 2 billion people still lack basic sanitation. 7 out of 10 are rural and a third are from less developed countries.

That region includes Africa. In Africa alone, less than one in three people have access to clean water. Only about 63% of citizens have access to clean water. Research from Afrobarometer in 2014-2015 also revealed that only 30% of citizens have access to sewerage. Some countries in Sub-Saharan Africa actually have fertile soil. However, due to inadequate access to irrigation, agricultural land and livestock are neglected.

The lack of access to clean water and sanitation services, as in Uganda and Somalia, has led to cholera outbreaks and a high risk of diseases such as diarrhea, acute diarrhea, and respiratory infections. Over the past three years, more than 900 people have died from cholera in Somalia, and most of them are children under the age of 5. When women give birth in such conditions, the lives of mothers and babies are at risk, and inadequate or poorly managed sanitation and water services leave people facing serious health problems and preventable health risks.

This is especially true in healthcare settings, where patients and staff are at additional risk of infection and illness when there is a lack of water, sanitation, and hygiene services (ACT, 2021).

Figure 2: A Resident Drinking Water from a Rainwater Puddle in Africa
Source: Greening Afrika, 2020

The problem of clean water in Africa is not just a sanitation problem, but also a complex social, economic and political problem. There are 12.5 million people and 50% of them need humanitarian assistance in the form of food, medical and educational aid. The source of water they use sometimes comes from rainwater puddles about 3 kilometer from their homes. They collect it using jerry cans and travel long distances to collect it. Often the water is also shared for irrigation of farms and livestock, where their income comes from. Meanwhile, shallow wells are unreliable. Wells only flow during the rainy season when the dry season arrives, there is no water. Wells in Africa are on average 20 meter deep and can only last up to 10 years (Aksi Cepat Tanggap, 2021).

3.3 ACT Institution's Waqf Well Assistance Program

Aksi Cepat Tanggap (ACT) is one of the professional non-profit organizations in Indonesia that focuses its humanitarian work on disaster management from the emergency phase to the post-disaster recovery phase. This institution first took action in 1994 in Liwa, West Lampung to contribute to the earthquake disaster. The milestone of the institution's independence since officially becoming the Aksi Cepat Tanggap Foundation on 21 April 2005 (ACT, 2021).

ACT has expanded its activities with various works, such as emergency response activities, post-disaster recovery program, community empowerment and development, as well as spiritual-based program such as qurban, zakat and waqf. ACT is supported by public donors from the community who have high concern for humanitarian issues. In addition, ACT is also supported by companies through collaboration and Corporate Social Responsibility (CSR) program. As part of its financial accountability, ACT regularly produces annual financial reports that have been audited by the Public Accounting Firm to donors, stakeholders, and published through mass and electronic media.

One of ACT's flagship program is waqf wells for areas experiencing drought and clean water scarcity. This program has reached hundreds of areas both at home and abroad. By conducting surveys and analys the needs of the community, the ACT team then builds waqf wells along with supporting facilities. Meanwhile, donors can contribute their donations in the form of money transferred through an account that has been prepared on the crowdfunding website. The following are some of the waqf well programs that have been carried out by ACT in order to realise the donations that have been collected from waqifs. Waqf Well Program in Uganda.

ACT built waqf wells in five mosques in Mbale District and Pallisa District, located in the eastern region of the Republic of Uganda. This country, nicknamed the Pearl of Africa, is notorious for suffering from a severe clean water crisis. Temperatures reach 33-34°C, causing the soil to become arid and unable to grow crops. During this

time, 40% of its citizens have to walk as far as 3 km every day to fetch clean water that is suitable for consumption.

The water they have access to is not fit for consumption. Apart from the colour and smell, it also has a high level of contamination with certain chemicals. This makes it easy for diseases to spread among them. Such as skin diseases, diarrhoea, and malnutrition. Therefore, the community is in dire need of access to clean water.

The people of Mbale and Pallisa Districts are very grateful for the assistance initiated by ACT. The waqf well that was built has a huge impact on the surrounding community. They no longer have difficulty in getting clean water for consumption, they can also pray in congregation and clean themselves regularly. Children who dropped out of school because they had to fetch water every day can also go back to school.

3.4 Waqf Well Program in Mali

ACT built a waqf well pump in Farako Village, Nangola - a small town in Koulikoro, Southern Mali. This village is inhabited by 700 residents who suffer from clean water crisis. With the waqf well, parents can focus on maximising their efforts in working and earning income for their children's daily needs and future. The majority of regions in Africa suffer from severe drought. It is also a scourge that haunts the people of Mali.

As reported by UNICEF, a healthy country is one in which the population has access to clean water. However, only 58% of health centres have clean water sources and only 64% have good hygiene services in sub-saharan African countries, including West Africa, where Mali is located. Waqf Well Program in Somalia.

Marka is a port city on the coast of Somalia. It is located about 90 kilometers southwest of the capital, Mogadishu. Lack of clean drinking water is a problem for residents and refugees in this region. A total of five Waqf Wells were built in Marka City in four villages, consisting of two wells in Celmunye Village, and one well each in Xaji Cise Village, Cagaran Village, and Dalugta Village. These Waqf Wells will be utilized by 250 families. The wells are shallow and 15 to 20 meters deep, with hand pumps installed to facilitate the villagers to draw water. Lack of access to clean and safe drinking water is a major concern in Somalia. The south-central region is the most affected by the drought and at the same time hosts a growing number of refugees.

Clean water is not just for daily life, but it has a far-reaching impact on the lives of the Somali people. Access to water leads to reduced child mortality, reduced hunger, and reduced mobility to find clean water. In most parts of Somalia, women and children have to travel long distances to collect water that is not hygienic for drinking and household use. Sometimes livestock or even human deaths occur due to thirst. Waqf Well Program in Ghana.

The Waqf Well was constructed in the area of the Uthman bin Affan Mosque in the Old Tafo area, Abuakwa Utaa Municipality, Ghana. The construction was carried out on 11 - 23 November 2020. The Waqf Well is used by around 1,000 Muslim and non-Muslim communities living around the mosque. Apart from being a source of water for worshipers in the mosque, the borehole well that was built is also a source of water for the community's daily needs, such as bathing, washing, and cooking.

Most of the beneficiaries in the community are people with lower middle class economy, including women and children. They live in harmony with each other regardless of religious and ethnic differences. People depend on each other when it comes to public facilities. The construction of waqf wells for the local community resulted in free and convenient access to water. It also provides safety and comfort for women and children who are usually forced to travel long distances to fetch water.

The provision of a water source is the most important assistance. The community around the mosque, which is not all Muslim, was also helped. The community had been relying on a few wells for water. But most of the existing wells do not have good water. Also, they do not have to spend more money to get a clean water source.

4. Conclusion

The water crisis in African countries is the biggest threat to survival that must be addressed immediately. The root of the problem is the absence of clean water sources. One of the efforts that can be made is to make wells with a depth of 150-200 meters that can last for decades. This can only be realized with the help of humanitarian agencies, such as Aksi Tanggap Cepat, which is quite active in providing waqf wells for countries in Africa. The impact felt by the beneficiaries is the availability of access to clean water, improved health, the ability to wash and worship, and economic activities can resume.

Author Contributions: The author contributed fully to the research stages, starting from the stages of identifying research problems, data collection, data analysis, conceptualization, methodology, research discussion, to manuscript writing.

Funding: All research activities use funding sources originating from the author's personal funding.

Conflicts of Interest: Writers who are also sponsors have an element of interest. Research results and publication results will be mandatory requirements for lecturer performance reports. Apart from that, the results of publications that have been published will add to the written work of the author as a lecturer.

Ethics Approval: Not applicable

Acknowledgments: The author would like to thank the leadership of the University of 17 August 1945 Samarinda for their participation in providing research support that encourages the progress of African countries in the field of water and sanitation and for conducting comparisons with research in Indonesia. The author also expresses his gratitude for the support provided by the Aksi Cepat Tanggap (ACT) Indonesia organization which has provided information, data, and reference materials to support this research. The authors also thank the research assistants who participated in the data analysis, and the field team for collecting data from the communities participating in this study.

References

Aksi Cepat Tanggap. (2021). Mengapa Sumur Wakaf Begitu Penting untuk Afrika [Why the Waqf Well is Important for Africa]. https://news.act.id/berita/mengapa-sumur-wakaf-begitu-penting-untuk-afrika. Di akses pada tanggal 19 Januari 2021.

Aksi Cepat Tanggap. (2021). Risiko Minimnya Sanitasi di Afrika Seharga Nyawa [The Risk of a Minimum of Sanitation Equivalent to Life]. https://news.act.id/berita/risiko-minimnya-sanitasi-di-afrika-seharga-nyawa. Di akses pada tanggal 19 Januari 2021.

Britannica. (2023). Africa Continent. https://www.britannica.com/place/Africa. Last Updated 28th August 2023.

Creswell, J. W. (2013). Qualitative inquiry and research design: Choosing among five approaches (3rd.ed.). Thousand Oaks, CA: Sage.

Government Communication and Information System Republic of South Africa. (2015). Water and Sanitation. South Africa Yearbook 2015/16. https://www.gcis.gov.za/sites/default/files/docs/resourcecentre/yearbook/WaterSanitation-SAYB1516.pdf accessed on 6 August 2023 at 18.00 WIB

Greening Afrika. (2020). Water in Africa. https://www.greeningafrika.com/2020/06/24/water-in-africa/. Last updated 24th June 2020.

Indriati, Dewi. (2017). Urgensi Wakaf Produktif Dalam Pembangunan Ekonomi Masyarakat [Urgency of Productive Waqf to the Economic Society Development]. Jurnal Ilmiah Al-Syir'ah 15(2): 94–114.

Kasdi, Abdurrahman. (2014). Model Pemberdayaan Wakaf Produktif Di Indonesia [Productive Waqf Empowerment Model in Indonesia]. Jurnal Ziswaf: Zakat dan Wakaf 1 (1): 108–22.

Kasdi, Abdurrohman. (2017). Fiqih Wakaf: Dari Wakaf Klasik Hingga Wakaf Produktif [Waqf Fiqh: From Classical Waqf to Productive Waqf]. Yogyakarta: Penerbit Idea Press.

Kementerian Agama Republk Indonesia. (2003). Fiqh Wakaf. Jakarta: Direktorat Jenderal Bimas Islam dan Penyelenggara Haji.

Kementerian Agama RI. (2013). Al Qur'an Dan Tafsirnya [Al Qur'an and its Tafsir]. Jakarta: Lembaga Percetakan Al Qur'an (LPQ) Kemenag RI.

Munir, Akhmad. (2015). Optimalisasi Pemberdayaan Wakaf Secara Produktif [Productive Optimization of Waqf Empowerment]. Jurnal Ummul Qura VI (2): 94–109.

Ndaru K., Herjuno, and Intan Defrina. (2005). Peran UN World Food Program Dalam Penanganan Krisis Pangan Dan Kelaparan: Studi Kasus 'Silent Hunger' Di Nigeria [The Role of the UN World Food Program in Handling the Food Crisis and Hunger: A Case Study of 'Silent Hunger' in Nigeria]. Global 3 (3): 51–67.

Nissa, Choirun. (2017). Sejarah, Dasar Hukum Dan Macam-Macam Wakaf [History, Legal Basis and Types of Waqf]. Jurnal Keislaman, Kemasyarakatan & Kebudayaan 18 (2): 205–19.

Nurodin Usman. (2015). Studi Hadis-Hadis Wakaf Dalam Kitab Sahih Al-Bukhari Dan Fath Al-Bari [Study of Waqf Hadiths in the Books of Sahih Al-Bukhari and Fath Al-Bari]. Jurnal Cakrawala X (2): 175–93. http://journal.ummgl.ac.id/index.php/cakrawala/article/view/82.

Purnomo dan Hakim. (2019). Implementasi Wakaf Produktif Dalam Perspektif Ekonomi Syariah [Implementation of Productive Waqf from a Sharia Economic Perspective]. Nuansa: Jurnal Penelitian Ilmu Sosial dan Keagmaan Islam 16 (1).

Ruslin, Ismah. (2013). Memetakan Konflik Di Timur Tengah (Tinjauan Geografi Politik) [Mapping Conflicts in the Middle East (An Overview of Political Geography)]. Jurnal Politik Profetik 1 (1).

South African Government. (2021). Water and Sanitation. https://www.gov.za/about-sa/water-affairs accessed on 6 August 2023 at 18.00 WIB