

## IHYA AL-MAWAT IN THE STUDY OF SHARIA ECONOMIC INTERPRETATION AND HADITH

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### Abstract

*This research discusses the concept of Ihya al-Mawat (reviving dead soil) in the perspective of interpretation and hadith of sharia economics. Ihya al-Mawat is a term in fiqh that refers to efforts to revive or utilize land that is not owned and unused. This study refers to the sharia foundation of the Qur'an, hadith, and the views of classical and contemporary jurisprudence scholars. In the Qur'an, Ihya al-Mawat is explained as part of the encouragement to take advantage of the gift of Allah SWT for the benefit of the people, as in QS. Al-Baqarah: 29. The hadiths of the Prophet PBUH support this action, by granting ownership rights to individuals who bring dead land to life as long as the land does not conflict with the rights of others. This concept is in line with the spirit of sharia to optimize natural resources to meet the economic and social needs of the community. The study also describes various Ihya al-Mawat methods, such as fertilizing the soil, planting, making fences, and digging trenches. In addition, sharia provisions and restrictions related to land that can be used as the object of Ihya al-Mawat were conveyed. This study shows the relevance of the concept of Ihya al-Mawat in the modern context as one of the solutions in overcoming the problem of abandoned land and promoting the sustainability of the sharia-based economy.*

Keywords: *Ihya al-Mawat, Dead Land, Sharia Economics*

### 1. INTRODUCTION

Islam as a comprehensive religion has rules and guidelines in various aspects of life, including in terms of natural resource management. One of the important concepts in natural resource management according to Islam is Ihya al-Mawat, which refers to efforts to revive dead or unclaimed land to be used productively. This concept reflects Islamic principles of social justice, efficient use of resources, and avoidance of waste. From the perspective of Islamic economics, Ihya al-Mawat has high relevance in overcoming the problem of inequality in land tenure, improving community welfare, and supporting economic sustainability. This principle is also in line with the purpose of sharia (maqashid al-shariah), which is to maintain the survival of mankind by utilizing the resources that Allah SWT has bestowed wisely. The Qur'an and hadith provide a theological foundation for the practice of Ihya al-Mawat. In Surah Al-Baqarah verse 29, Allah SWT explains that everything on earth is intended for humans. The hadith of the Prophet Muhammad PBUH also states that whoever brings the land to life, then the land belongs to him, as long as it does not violate the rights of others. The views of classical and contemporary scholars have also enriched the

understanding of this concept, providing a normative and practical foundation for its implementation.

In the Islamic view, land has a strategic position as a natural resource that can be managed for the welfare of the people. One of the important concepts regulated in sharia related to land management is *ihya al-mawat*, which means to revive dead or unproductive land. This concept not only has a strong sharia basis but is also relevant to the practice of sustainable economic development. This is in line with the teachings of the Qur'an and Hadith which encourage Muslims to utilize resources optimally without damaging the environment. The concept of *ihya al-mawat* is rooted in the command of the Qur'an which invites humans to prosper the earth and make the best use of Allah's bounty. Verses such as in Surah Hud: 61 become a strong theological foundation to encourage land management as part of man's duties as caliphs on earth. In addition, the hadith of the Prophet Muhammad PBUH also mentions the importance of reviving the dead land as a form of charity that is not only earthly but also valuable in the hereafter. (Shihab, 2007) (Muhammad al-Ghazali, 2001) (Bukhari, 2015)

In the context of sharia economics, *ihya al-mawat* is seen as a form of empowerment of economic resources. Dead soil management not only provides new business opportunities but also becomes a solution to the problem of fair asset distribution. Therefore, the discussion of *ihya al-mawat* in tafsir and hadith is important to explore the sharia perspective in land management more deeply. The study of tafsir and hadith about *ihya al-mawat* provides an overview of how sharia principles can be implemented in the socio-economic context of the ummah. By using thematic interpretation methods and contextual hadith studies, this article seeks to explore the relevance of this concept in supporting the sharia-based sustainable development agenda. (Antonio, 2007) (Shihab M. Q., 2015)

This article aims to examine the concept of *Ihya al-Mawat* based on the interpretation of Qur'anic verses, the hadiths of the Prophet Muhammad PBUH, as well as the views of scholars. This study also discusses how this concept can be applied in a modern context, especially in the management of abandoned land in Indonesia. Thus, it is hoped that this research can contribute to the development of sharia-based people's economy while offering solutions to agrarian problems faced by the community. Through this discussion, this research aims to provide a deeper understanding of *Ihya al-Mawat* while offering applicative solutions based on sharia principles to support sustainable economic development.

This article will comprehensively review the concept of *ihya al-mawat* from the perspective of tafsir and hadith with a sharia economic approach. The discussion will focus on the theological basis, practical implementation, and relevance in answering contemporary economic challenges. Thus, this article is expected to be able to make a scientific contribution in understanding how Islam offers solutions to global economic problems based on the principles of justice, sustainability, and the benefit of the people.

## **2. IMPLEMENTATION METHOD**

This study uses a qualitative method with a library research approach, which focuses on in-depth analysis of tafsir and hadith texts related to *ihya al-mawat* in the context of sharia economics. Primary data in this study include relevant verses of the Qur'an, such as QS. Al-

Baqarah: 29, as well as the hadiths of the Prophet PBUH that discuss reviving the dead soil. Secondary sources are obtained from various classical tafsir books such as Tafsir al-Mawardi, Tafsir al-Qurtubi, and Tafsir Ibn Katsir, as well as hadith books such as Sahih Bukhari, Sahih Muslim, and Sunan Abu Dawud, which are complemented by the views of contemporary scholars in sharia economics. The analysis was carried out using a descriptive-analytical method to understand the legal basis, wisdom, and implications of *ihya al-mawat* practices in land resource management, in order to support the goals of justice and benefits in the sharia economic system.

### 3. RESULTS AND DISCUSSION

#### Definition of *Ihya al-Mawat*

*Ihya al-mawat* are two words that indicate a term in Fiqh that has its own meaning. When translated literally, "*ihya*" means to live and "*al-mawat*" comes from death which means to die or die (Hendi Suhendi: 2016). The definition of *ihya' al-mawat* according to al-Rafi'i is as follows:

الأَرْضُ الَّتِي لَا مَالِكَ لَهَا وَلَا يَنْتَفِعُ بِهَا أَحَدٌ

Meaning: "Land that has no owner and no one uses it". (Shaykh al-Rifai'i: t.th).

According to Imam al-Mawardi in the book *Al-Iqna' al-Khatib*, what is meant by *al-mawat* according to the term is:

هُوَ الَّذِي لَمْ يَكُنْ عَامِرًا وَلَا حَرِيمًا، الْعَامِرُ قُرْبٌ مِنَ الْعَامِرِ أَوْ بُعْدٌ

It means: "No one plants, there is no obstacle because the one who grows, both close to the one who plants and far away". (Imam al-Mawardi: t.th).

According to Shaykh Syibab al-Din Qalyubi wa Umairah in his book *Qalyubi wa Umairah*, what is meant by *Ihya al-mawat* is:

عِمَارَةُ الْأَرْضِ الَّتِي لَمْ تُعَمَّرْ

Meaning: "Fertilize infertile soil". (Sheikh Syibab al-Din: t.th).

The basis of sharia for reviving vacant land or *ihya' al-mawat* is the Qur'an al-Karim and the Prophet PBUH. From this explanation, it can be understood that the law of reviving dead soil is sunnah. The legal basis of the Qur'an is Surah Al-Baqarah verse 29 as follows:

هُوَ الَّذِي خَلَقَ لَكُمْ مَا فِي الْأَرْضِ جَمِيعًا

Meaning: "He is Allah, who made everything on earth for you...". (QS. Al-Baqarah: 29).

In the book *Kifayatul Akhyar*, the law of reviving vacant land is *ja'iz* (permissible) on the condition that the person who revitalizes the land is Muslim and

the land that is revived is not land that is already owned by someone else. The hadith related to *ihya' al-mawat* is as follows:

عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: "مَنْ أَعْمَرَ أَرْضًا لَيْسَتْ لِأَحَدٍ فَهُوَ أَحَقُّ". قَالَ عُرْوَةُ: قَضَى بِهِ عُمَرُ رَضِيَ اللَّهُ عَنْهُ فِي خِلَافَتِهِ. (رَوَاهُ الْبُخَارِيُّ)

Meaning: "From Aisyah RA: indeed, the Prophet PBUH once said; " People who cultivate land that no one owns has the right to own it. Urwah said: Umar RA gave such a decision during his caliphate". (H.R Bukhari).

عَنْ جَابِرِ رَضِيَ اللَّهُ عَنْهُ، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: "مَنْ أَحْيَا أَرْضًا مَيْتَةً فَهِيَ لَهُ". رَوَاهُ أَحْمَدُ وَالتِّرْمِذِيُّ

It means: "From Jabir RA, the Prophet PBUH said that whoever cultivates dead land will turn the land into his own". (H.R. Ahmad and At-Turmudzy).

The above hadith shows the ability to revive dead land that has no owner, and is not being used by others. Thus anyone may revive it by watering, cultivating, and planting it, or erecting a building on it, or making a fence around the land. This hadith also explains that shari'a encourages the revival of sleeping land because humans really need it. This is for agriculture, industry, and other economic fields. In the hadith, it is not explained the characteristics of the land that other people already own, what things show that the land is a sleeping land that can be turned on, and so on. These hadiths also motivate Muslims to make vacant land into productive land, so that the gifts revealed by Allah SWT can be used as much as possible for the benefit and benefit of mankind. (Nasrun Haroen: 2007)

In this case, there is no difference between a Muslim and a *kfir dzimmi* (an infidel who submits to the Islamic government) because the hadiths are absolute. After all, the treasure that had been taken by the infidel *dzimmi* belonged to him and could not be taken away from him. These terms are generally applicable. However, the ownership of the land has a condition, namely it must be managed for three years since the land is opened and continuously revived by cultivating/utilizing. Abu Yusuf in *al-Kharaj* narrated the narration of Said bin al-Musayyab. It is mentioned that Caliph Umar bin Khatab once said:

وَلَيْسَ لِمُخْتَجِرٍ حَقٌّ بَعْدَ ثَلَاثِ سِنِينَ

Meaning: "... The person who fences the land (and then leaves the land alone) has no right to the land after three years..."

### Ways to revive dead soil

Ways to revive dead soil or can also be called by functioning various wasted soils. These differences in methods are influenced by the customs and habits of the community. The way of *ihya' al-mawat* is as follows:

a. Fertilize

This method is used for arid areas, namely areas where plants cannot grow, so the soil is fertilized, both fertilizer from the factory and manure so that the soil can be planted and can bring the expected yield

b. Plant

This method is done for fertile areas, but has not been touched by human hands, so as a sign that the land has been controlled or someone has owned, then it is planted

with plants, both plants for staple food may also be planted with certain trees in particular, such as teak trees, rubber, coconuts and other trees.

c. Striping or making a fence

This is done for a large vacant land, so that it is impossible to be completely controlled by the person who fertilizes it, so he must make a fence or boundary line of the land that will be controlled by him.

d. Digging a trench, that is, making a trench around the garden he controls

With the intention that people know that the land has already been controlled, thus closing the way for others to control it. (Hendi Suhendri: 2016).

The object related to *ihya al-mawat* is that it only applies to dead land, not other land. As for the lands that do not die, they cannot be owned unless they are given free of charge by the imam (caliph), because they are not among the things that are *mubah* for everyone, but only *mubah* for the imam. That is what is then called state-owned lands. This is shown by the case of Bilal Al-Muzni who asked for a piece of land for free to the Prophet PBUH, where he could not own it until the land was given to him by him. If he could own it by turning it on and fencing it, because he had fenced it with a sign that could show his ownership of the land, of course he could have the land without having to ask the Prophet PBUH to give it to him. (An-Nabhani Taqiyuddin: 2009).

Not all vacant land can be used as an object of *ihya' al-mawat*. According to Ibn Qudamah, there are two types of land to be revived: first, land that does not have an owner, then land like this becomes the property of the person who revitalizes it and does not require permission from the imam. Second, land that has an owner but is not clearly known to the owner may have died and so on.

According to Shaykh Muhammad Ibn Qasyim al-Ghazzi, *ihya' al-mawat* is permissible with two conditions, namely:

- a. That the one who gives life is a Muslim, so it is *sunnah* for him to bring the earth to life, whether the Imam (the ruler) allows it or not.
- b. The dead earth is clearly (free) no Islam has it yet and according to the information, the dead earth is in a clearly independent status. (Abdul Aziz Muhammad Azzam: 2014)

According to Hafidz Abdullah in his book *The Key to Fiqh Shafi'i* argues that whoever can own property, then it is also permissible to own vacant land (*mawat*) by reviving it. But the disbelievers cannot own vacant land by reviving it in an Islamic country, and can own it in a polytheistic country. All vacant land that does not appear to him to be a trace of ownership and does not depend on the public good, is permissible to own it by reviving it. And the vacant land that appears to him has traces of ownership, but it is not known who owns it, if it is in the land of Islam then it is not allowed to own it by reviving it. Meanwhile, if he is in a disbelieving country, there are opinions that say it is permissible and there are also those who say it is not permissible. (Abdullah Hafidz: 1992).

The Fiqh scholars state that if a person cultivates a vacant plot of land that meets the conditions, then the legal consequences are as follows:

a. Vacant land ownership

The majority of fiqh scholars agree that if a person has cultivated a vacant piece of land, then he has the right to the land as the owner of the land, however, Abu al-Qasim al-

Balkhi, an expert on Hanafi Fiqh, stated that the status of a person who cultivates a piece of land is only the status of land use rights, not property rights. He analogizes it to a person who sits on a permissible place, so he only has the right to use it, not his own. (An-Nabhani Taqiyuddin: 2009).

b. The relationship between the government and vacant land

According to the scholars of Hanabilah, Shafi'iyah, and Malikiyah, the government should not take taxes from the land products, if the person who cultivates it is a Muslim. However, if the cultivator is a disbeliever, the government can take the tax of 10%. According to Abu Yusuf, if the person who cultivates the land is a Muslim, then the government can collect a tax of 10% of the cultivated land. (An-Nabhani Taqiyuddin: 2009).

c. One has been cultivating a vacant plot of land

If a person has cultivated land, he has the right to use the land to support the land, such as using the land next to him for irrigation purposes. However, the fiqh scholars agreed that before he cultivated the land, the right to use the surrounding land was not allowed. (An-Nabhani Taqiyuddin: 2009). The fiqh scholars agree that the conditions of *ihya' al-mawat* include three things, namely: the person who cultivates, the land to be cultivated, and the cultivation process.

a. According to the Shafi'iyah Ulama, the condition related to the person who cultivates the land must be a Muslim, because the *dzimmi* do not have the right to cultivate the land of the Muslims even if it is allowed by the authorities, if the *dzimmi* or the disbelievers cultivate the land of the Muslims, it means the control of the property rights of the Muslims, while the *dzimmi* or the disbelievers should not control the Muslims. Therefore, if a disbeliever cultivates an empty land and a Muslim comes to take it away, then the Muslim may cultivate the land and make it his. Shafi'iyah scholars are of the opinion that the disbelievers should not own land in an Islamic country. (An-Nabhani Taqiyuddin: 2009).

According to the Hanafiyah, Malikiyah, and Hanabilah states that the person who will cultivate the land is not required to be a Muslim. They stated that there is no difference between Muslims and non-Muslims in cultivating an empty plot of land. Then they (the majority of scholars) also stated that *ihya' al-mawat* is one of the land ownership, therefore there is no need to distinguish between Muslims and non-Muslims. (An-Nabhani Taqiyuddin: 2009).

b. According

to the Ulama' Shafi'iyah, the land must be in Islamic territory, but the majority of ulama' argue that there is no difference between land in an Islamic country or not, not land owned by someone, both Muslims and *dzimmi*, not land that is used as a means of support for a village, such as a sports field and a field for herding livestock of village residents, Both the land is near and far from the village. (An-Nabhani Taqiyuddin: 2009).

c. Conditions related to land cultivation

According to Imam Abu Hanifah, one must get permission from the government, if the government does not allow it, then one must not immediately cultivate the land,

according to Malikiyah scholars, if the land is close to settlements, then cultivating it must obtain permission from the government, and if the land is far from settlements do not need permission from the government, according to Shafi'iyah scholars, Hanabilah, Abu Yusuf, Muhammad bin Al-Hasan Ash-Shaibani are both experts in Hanafi fiqh, stated that all the land that is the object of ihya' al-mawat if cultivated by someone does not need to get permission from the government, because such property is a property that everyone can have, and the hadiths of the Prophet PBUH, no one says that permission from the government is needed, however, They strongly advocate getting permission from the government, to avoid disputes in the future. (An-Nabhani Taqiyuddin: 2009).

### **Legal Analysis of Land Ownership Through Clearing Vacant Land According to Fiqh Perspective**

#### **1. Perspective of the Majority of Scholars**

The majority of scholars are of the opinion that the clearing of vacant land can be the basis of ownership without the need for permission from the government. The new land owner is considered legitimate if he is able to manage and utilize the land. This opinion emphasizes the importance of distributive justice in land tenure, which allows individuals to access unmanaged resources without complicated bureaucracy. This principle refers to the main goal of ihya al-mawat, which is to utilize dead land for the benefit of the ummah (Ghazaly, 2010). In the modern context, this opinion is relevant in situations where vacant land is abundant, but not used productively. However, in practice, the application of this view without regulation can create ownership conflicts between individuals or groups. Therefore, the need for fair rules remains a concern.

#### **2. The Views of Imam Abu Hanifah and Abu Yusuf**

Imam Abu Hanifah put forward the view that land clearing as a cause of land ownership must be accompanied by permission from the ruler. This argument is based on the need for administrative mechanisms to ensure that land management is carried out in accordance with applicable rules and to avoid ownership conflicts. Within this framework, the ruler's permit acts as a form of legitimacy that reinforces the individual's claim of ownership of the land (Ghazaly, 2010). On the other hand, Abu Yusuf, one of Abu Hanifah's disciples, was of the view that permission from the ruler was not needed. According to him, as long as individuals are able to use land productively, ownership rights are automatically given. Abu Yusuf justified his opinion on the grounds of benefit, namely to prevent administrative obstacles that can hinder the optimization of dead land resources (Ghazaly, 2010).

#### **3. Imam Malik's Views**

Imam Malik offers a more contextual approach by differentiating land based on its location. According to him, land close to villages requires permission from the ruler because of the potential for conflict and the need for stricter supervision. On the other hand, land far from settlements can be directly owned by the individual who first

opened it, as long as the land is utilized. This opinion highlights the aspect of legal flexibility in considering geographical and social situations (Ghazaly, 2010).

#### **4. Policies during the time of the Prophet PBUH**

During the time of the Prophet PBUH, permission to own dead land was given directly through his recommendation. The Prophet allowed individuals to manage and fence dead land without having to go through additional permit procedures. In this context, the Prophet provided freedom based on the belief that individuals would use the land productively. This policy reflects the basic principles of justice and benefit in Islamic law (Ghazaly, 2010). Islamic law emphasizes that dead land is essentially state-owned, but individuals can have ownership rights over it through utilization. The Prophet Muhammad PBUH in his hadith stated that dead soil belongs to the individual who first brought it to life. This statement emphasizes the importance of productive activities as a condition of land ownership. In the context of Islamic financial policy, *\*ihya al-mawat\** also reflects efforts to distribute resources fairly and encourage the management of vacant land to be productive (Ghazaly, 2010).

#### **4. CONCLUSION**

The concept of *Ihya al-Mawat* in Islam teaches the importance of reviving abandoned or unproductive land through management in accordance with sharia principles. This includes the wise and fair use of natural resources, which not only provides economic benefits, but also maintains environmental sustainability. With the implementation of *Ihya al-Mawat*, previously useless land can be empowered for the welfare of the ummah, in accordance with Islamic teachings on justice and sustainability.

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