Journal Homepage: <u>http://www.journal.iaincurup.ac.id/index/alfalah</u> DOI: 10.29240/alfalah.v6i2.3515



Potential and Optimization of Waqf Land Empowerment in South Tapanuli Regency

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ARTICLE INFO

Article History: Received: 2021-10-15 Revised: 2021-11-09 Accepted: 2021-12-13

Keywords:

Potential, Optimization, Empowerment.

Paper Type: Research Paper

ABSTRACT

Purpose: This paper discusses about maximization the land waqf assets of south Tapanuli Regency reached an area of 108.07 (Ha) with a total of 411 land waqf assets, both certified and uncertified, but the condition did not develop all. Meanwhile, the mandate of the law of the republic of Indonesia number 41 of 2004 in articles 42-43 emphasizes that nazir is obliged to manage and develop waqf assets in accordance with their objectives, functions and designations with sharia principles cerried out productively.

Design/Method/Approach: This research is a qualitative research with descriptive method. The subjects were waqf land asset, nazir and nazir institutions of waqf land assets in south Tapanuli regency. The population is 411 and the sample is 20 %. Data collection techniques in the form of observation, interview documentation and literature review.

Findings: From this study we found thatthe potential of human resources of land waqf assets has great potential in managing and empowering land waqf assets, but this potential is not optimally empowered because of the unsupportive perception of nazir, lack of responsibility, passed away, relocation, and did not implement his duties as nazir and waqf land assets are idle. The another obstacle are financial capital that is not supported, nazir's salary is not clear and does not have an entrepreneurial spirit (such as creative spirit, innovation, skills in empowering waqf land assets).

Originality/Values: understand nazir that the importance of land waqf is productively empowered

INTRODUCTION

Waqf plays an important and strategic role in the development of Islamic civilization. The teachings of waqf are not only normative but also social. Because of waqf social and economic problems of society can be overcome. For this reason, waqf must be managed productively in accordance with its purpose, function and designation, so that it is able to prosper the community¹.

Based on history at 8th centuries, waqf management had reached its peak. At that time, waqf included various objects, such as, mosques, schools, farmland, shops, gardens, bakeries, office buildings, meeting and commercial building, bazars and markets. Public baths and wells and other objects that are beneficial to humans². The waqf habit has been continued by various countries according to the condition of the times, until now.

According to Sirajuddin and Yolleng, who researched the empowerment of waqf land as the economic potential of the ummah at the Makassar al-Markas al-Islamic Mosque, its management has several productive programs. For example, the existence of BMT al-Makassar, al Islam education agency, renting out the hall on the 1st floor of the mosque, renting out book and clothing stores in the courtyard of the 1st floor of the mosque, canteen rent, call with Markaz canteen, Friday market and ramadhan bazaar. All of this shows the productivity of waqf land empowerment.

From data released by the Directorate of waqf empowerment, directorate general of Islamic Community guidance, ministry of religion of the republic of Indonesia, waqf land assets in South Tapanuli Regency reachof 108.07 (Ha) with a total of 411 land waqf assets, both certified and uncertified. For more details, see in the table1 below:

| No | Name of Land Waqf | Certified | No Certified | Land area |
|----|-----------------------|---------------------|---------------------|---------------------|
| | Asset | | | (Hectares/Ha) |
| 1 | Mosque land of waqf | 38 _(Ha) | 47 _(Ha) | 85 _(Ha) |
| 2 | Musallah land of waqf | 100 _(Ha) | 103 _(Ha) | 203 _(Ha) |
| 3 | Maqom land of waqf | 31 _(Ha) | 32 _(Ha) | 63 _(Ha) |

Table 1.Land Waqf AssetSouth Tapanuli Regency Nort Sumatra

¹Paisal Haq Saiful Anam, *Hukum Wakaf dan Perwakafan di Indonesia* (Pasuruan: Garoeda Buana Indah, 2014).Hlm, 8

²Direktorat Pemberdayaan Wakaf Departemen Agama RI, *Fikih Wakaf* (Jakarta: Depag RI, 2007). Hlm, 91

| 4 | Islamic boarding | 1 | 6 | 7 |
|---|---------------------|---------------------|---------------------|---------------------|
| | school land of waqf | 1 (Ha) | O _(Ha) | / (Ha) |
| 5 | School land of waqf | 25 _(Ha) | 23 _(Ha) | 48 _(Ha) |
| 6 | Social land of waqf | 2 _(Ha) | 3 _(Ha) | 5 _(Ha) |
| | Total | 197 _(Ha) | 214 _(Ha) | 411 _(Ha) |

Data source processed: Directorate of waqf empowerment, Directorate General of Islamic Community Guidance, the Ministry of Religion of the Republic of Indonesia³.

From this data, it provides evidence that waqf land assets in South Tapanuli Regency have enormous potential if they are empowered to the maximum extent possible. However, this large potential of waqf land does not have a productive impact on the economy of the surrounding Muslims. Meanwhile, the mandate of the Law of the Republic of Indonesia Number 41 of 2004 in Articles 42-43 emphasizes that nazir is obliged to manage and develop waqf assets in accordance with their objectives, functions and designations with sharia principles carried out productively.

If the waqf land cannot be empowered by nazir in accordance with the purpose, function and designation that has been stated in the waqf iqrar, it is suggested to nazir to change its designation. This is emphasized in Government Regulation No. 28 of 1977, which provides legality to allow the exchange of waqf assets after obtaining permission from the Minister of Religion, so that they can be empowered optimally.

In order to optimize the empowerment of land waqf assets for economic development, an equally important factor in the management and empowerment of waqf assets is the effectiveness of the role of nazir. *Nazir⁴* must manage and develop waqf assets according to its purpose, function and designation. The management and development of waqf assets by Nazir as referred to in Article 42-43 is carried out in accordance with sharia principles and must be productive⁵. The scholars also agree that Nazir is trusted on the waqf property he holds⁶.

³http://siwak.kemenag.go.id/gk_jumlah.php, Direktorat Pemberdayaan Wakaf, Direktorat Jenderal Bimbingan Masyarakat Islam Kementerian Agama Republik Indonesia (http://siwak.kemenag.go.id/gk_jumlah.php, 2018). Jumat 31 Agustus 2018, jam, 05:00

⁴Pada pasal sebelas tugas *nazir* adalah (a) Melakukan pengamit trasian harta benda wakaf; (b) Mengelola dan mengembangkan harta benda wakaf sesuai dengan tujuan, fungsi dan peruntukannya; (c) Mengawasi dan melindungi harta benda wakaf; (d) melaporkan pelaksanaan tugas kepada badan wakaf Indonesia.

⁵Kementerian Agama Republik Indonesia Direktorat Jenderal Bimbingan Masyarakat Islam Direktorat Pemberdayaan Zakat dan Wakaf Tahun 2017, *Kompilasi Peraturan Perundang*-

Nazir must empower land waqf assets productively, holding with three basic philosophies that must be considered. First, the management pattern must be in the frame of an "integrated project" where the land waqf assets will be empowered in all kinds of ways to generate costs in it. Second, the principle of welfare of nazir, which means that we make nazir a profession that gives hope to the best graduates of the ummah and a profession that provides prosperity, not only in the hereafter but also in the world. Third, getthe transparency and accountability principles. In addition, professional waqf management requires accuracy and professionalism, effectiveness and efficiency can be measured, as well as avoiding harm to the ummah.⁷For example, Mosque Landof Waqf, Mushalla Land of Waqf, Funeral Land of Waqf, Islamic Boarding School Landof Waqf, School Land of Waqfand other Social Landof Waqf that are not productive are just left alone, even though the land can be used to be empowered, thus creating jobs, building infrastructure, socio-economic assistance and fostering the economic well-being of the ummah.

As did the Umayyad caliphate during the caliph al-Walid Bin Abdul Malik, the most productive waqf at that time was land waqf. In the hands of al-Walid Bin Abdul Malik, waqf land was produced and exploited for welfare. The empowerment includes the construction of a free hospital building for people with leprosy, elderly people who can't walk, the blind, as well as providing nurses who will look after and guide sick patients. The interesting from the results of the empowerment of the waqf is that the cost of patient care and treatment as well as the operational costs of the salaries of employees, doctors and nurses are taken from the empowerment of the waqf.⁸ From the data above, it is necessary to examine the potential and optimization as well as the constraints in empowering waqf land in South Tapanuli Regen.

THE ORETICAL BASIS

Definition of Waqf

Etymologically waqf comes from the word *waqafa-yaqifu-waqfan*, which means to stop or hold (*al-habs*). Terminologically, the *Syafi'iyyah* scholars define,

undangan Wakaf Bagi Pejabat Pembuat Akta Ikrar Wakaf (PPAIW) (Jakarta: Kementerian Agama Republik Indonesia Direktorat Jenderal Bimbingan Masyarakat Islam Direktorat Pemberdayaan Zakat dan Wakaf Tahun 2017, 2017).Hlm, 14

⁶Abdul al-Kabisi Muhammad Abid, Hukum Wakaf Kajian Kontemporer Pertama dan Lengkap Tentang Fungsi dan Pengelolaan Wakaf (Depok: Pustaka Ilmu, 2004).Hlm, 538

⁷Thobieb al-Asyhar dan Ahmad Junaidi, *Menuju era Wakaf Produktif Sebuah upaya Progresif* Untuk Kesejahteraan Ummat (Jakarta: Mitra Abadi Press, 2005).Hlm, 77-78

⁸Nur Faizin Muhith, Dahsyatnya Wakaf (Surakarta: al-Qudwah, t,t).hlm, 113

"holding property that can be used but not for himself, while the object remains with him and its benefits are used for goodness and draw closer to Allah"

The legal basis of waqf in the Qur'an according to the scholars, surah al-Hajj verse 77:

It means, "O you who believe, bow down, prostrate yourselves, worship your Lord and do good, so that you may gain victory" (Q.S al-Hajj: 77).

لَن تَنَالُوا ٱلْبِرَّ حَتَّىٰ تُنفِقُوا مِمَّا تُحُبُّونَ أَوَمَا تُنفِقُوا مِن شَيْءٍ فَإِنَّ ٱللَّهُ بِهِ عَلِيمُ

Meaning, "you will never reach the (perfect) virtue, until you spend part of the wealth you love, and whatever you spend, then verily Allah knows it" (al-Imran: 92).

In the midst of social problems and demands for economic welfare. The existence of waqf institutions is very strategic. Waqf is a pillar of support for the establishment of socio-religious institutions of the Muslim community for centuries. This is done through the provision of funds and supporting facilities for religious ritual activities, education, and development of science, arts and culture. Even if managed productively, waqf will be able to carry out more functions, such as providing public facilities, such as roads, bridges, drinking water, city parks, public baths and so on. The goals of waqf are in line with the benefit paradigm which is the orientation of Islamic law.

To achieve the above objectives, a strategy is needed to productively empower waqf assets. The strategies for empowering waqf assets include:⁹

- Reinterpretation of waqf concept
- Development of Productive Waqf
- Regulation of Waqf Legislation
- Issuance of Waqf Certificate
- Fundraising Strategy of Productive Waqf.

Waqf Management

The key role of waqf management depent on the existence of waqf management, in this case Nazir and a solid work team to maximize the role of waqf. If waqf is managed professionally, it will become a potential Islamic institution that aimsto fund and develop the economy of the ummah.

⁹Tuti A. Najib (last) dan Ridwan al-Makassary, *Wakaf, Tuhan, dan Agenda Kemanusiaan:* Studi tentang Wakaf dalam Perspektif Keadilan Sosial di Indonesia (Jakarta: Kerjasama The Ford Foundation dan CSRC, 2006).Hlm, 22

In managing productive waqf assets, there needs to be a good management that manages waqf assets in a transparent and accountable manner, this management model can be described in several ways.¹⁰ First, waqf management consists of nazir and a board of directors whose formation is in accordance with the conditions. Second, the wakif should determine the nazir and the honorarium for his work. Third, the management of waqf requires a board of directors in the condition that the wakif has not yet determined the nazir.

METHOD

This research is qualitative research, with the subjects studied are waqf land assets, nazir and Nazirite institutions in the form of mosque waqf land, Musallahwaqf land, funeralwaqf land, Islamic boarding school waqf land, school waqf land, and other social waqf land. The population in the study was 411 populations and the samples were 82 samples. The data sources are primary and secondary official data from <u>www.siwak.com</u>. While the technique of collecting data by observation, interviews and documentation. The data processing technique of this research is qualitative descriptive.¹¹Then analyze the data with data editing techniques, data reduction¹², data description and get the summaries. The data validity techniques are participation extension, observation provisions, using reference materials, checking and triangulation.

FINDINGS AND DISCUSSION

The amount of waqf lands in North Sumatra is quite large and wide, from the Ministry of Religion's waqf system data (*simak*), as many as 15,457 locations, with an area of 15,652.81 Ha. Of this number, as many as 411 locations are in South Tapanuli Regency, with an area of 67.95 Ha or 0.09%. For more details, see the figure below, which explains the number and area of land waqf in South Tapanuli Regency.

¹⁰Munzir Qahaf, al-Waqf al-Islami (Syiria: Dar al-Fikr, 2006).Hlm, 167-168

¹¹Sukardi, Metodologi Penelitian Pendidikan Kompetensi dan Prakteknya (Jakarta: Bumi Aksara, 2003).Hlm, 157

¹²Sugiyono, Metode Penelitian Kuantitatif, Kualitatif dan R&D (Bandung: Alfabeta, 2016).Hlm, 247

Figure1 Number of Waqf Land Certificated South Tapanuli Regency in 2021



The chat above describe the potential locations for waqf land with certificates registered in the waqf system (*siwak*) of the Ministry of Religion, South Tapanuli Regency in 2021, counted as many as 197 locations.

Figure 2 Numberof Uncertified Waqf Land of South Tapanuliin 2021



The chart above describes the potential locations of waqf land registered in the Ministry of Religion's waqf (siwak) system in South Tapanuli Regency that do not have a Waqf Land certificate as many as 214 locations. The total potential of waqf land in South Tapanuli Regency is 411 locations. The number of waqf land that uncertificated is more dominant than the certificated ones. This shows the weakness of the administrators in managing the administration of waqf land certicated, is very vulnerable to civil and criminal disputes in the future. Furthermore, the potential of waqf land in terms of its area in the calculation of Ha.

Figure 3 Certificated Waqf Land Area in Ha South Tapanuli Regency in 2021



From the graph, it can be seen that the area of waqf land certificates in hectares in South Tapanuli Regency is 27.83 hectares.

Figure 4 Area of Uncertified Waqf Land in Ha South Tapanuli Regency in 2021



The area of waqf land that uncertified in hectares number 40.18 hectares in South Tapanuli Regency. This land waqf provides great potential in economic development when it is empowered as much as possible. As demanded by Law No. 1 of 2004 concerning waqf, the main purpose of waqf management is to support the socio-economic welfare of Muslims.

From secondary data released by the Ministry of Religion, South Tapanuli Regency, North Sumatra Province, waqfland assets are classified into

six types of use and utilization. Namely: Mosque Waqf Land, Mushallah Waqf Land, Grave Waqf Land, Islamic Boarding School Waqf Land, School Waqf Land and Other Social Waqf Land. Seen from the figure below:





According to the figure above, the largest use of waqf land is Mushallah waqf land as much as 49%, Mosque waqf land 21%, Funeral waqf land 15%, School waqf land 12%, Islamic boarding school waqf land 2% and Social waqf land 1%. The greatest potential to be used productively in an Islamic economic perspective is the land waqf of Mushallah and mosques.

Apart from the official data on the waqf system (siwak) of the Ministry of Religion of South Tapanuli Regency above, it turns out that there are still many potential waqf land assets owned by the community individually and collectively that have not been registered with the government, it was found out after conducting research in several sub-districts in South Tapanuli Regency.

Potential Human Resources (HR) of Waqf Land Assets

The potential of human resources is one indicator of good or bad assessment, whether or not a land waqf has developed or not. The human resources in question are the nazirs who are directly involved in managing and empowering the potential assets of the waqfland, the nazirs are the core of everything. The basic foundation is stated in the compilation of Islamic law (KHI) and the compilation of waqf legislation for officials making waqf pledges (PPAIW). The results of the potential human resources (HR) of the Nazis were seen in several ways. Among others,

- 1. When viewed from the potential of human resources (HR), the Nazirs are officially registered in the State administration. However, only 48% of waqf land assets are certified, while 52% waqf land assets.
- 2. When viewed from the field research data, the potential for human resources of Nazirs is officially registered with the State administration, both those with certificates and those without certificates are 100% no longer valid (expired).¹³Becausein theIndonesianLaw No. 41 of 2004 concerning waqf, Nazir's term of service is only 5 years and can be reappointed. This means that Nazir as the manager of the waqf land is obliged to report or renew the service period and the designation of the waqf land assets. However, the Nazirs did not report to the competent authorities even though their years of service had ended. This gap occurs because the person who donates (wakif) has passed away while the nazirdoes not have the initiative to report or renew the administration of the waqf land¹⁴.
- 3. When the number of prospective nazirs who are not legally registered with the state administration considered, the potential for human resources (HR) of land waqf assets of 85%, has great potential to empower the economy. Because of every waqf land asset there is always a nazir who is appointed by the community as the administrator except for the funeral waqf land asset. As stated in the table below:

| Table 2 |
|--|
| Potential Human Resources (HR) of Waqf Land Appointed by the |
| Community in South Tapanuli Regency |

| NO | Waqf Land Assets | Nazir | Status |
|----|-----------------------------------|-----------|-----------|
| | | Potential | |
| 1 | MushallahWaqf Land | 49 % | Certified |
| 2 | Mosque Waqf Land | 21 % | Certified |
| 3 | School Waqf Land | 12 % | Certified |
| 4 | Islamic Boarding School Waqf Land | 2 % | Certified |
| 5 | Social Waqf Land | 1 % | Certified |
| 6 | Land Waqf Tomb | 0 % | - |
| | Total | 85 % | |

¹³Kemenag.go.id,"http://siwak.kemenag.go.id/tanah_wakaf_kab.php?_pid=YTAvb2wy UHpSTGl4aVRnMkxDcEdjQT09&_kid=NENWWklhai9kdGllNTBvaWlwdFR3dz09," t.t.Selasa, 16-062021, 10:05

¹⁴Ahmad Sofyan Harahap, *Nazir Masjid Tantom Angkola* (Tantom Angkola: Nazir Masjid Tantom Angkola, 2021).Selasa, 08-06-2021, 11:30

Optimizing the Empowerment of Waqf Land Assets

The role and key to optimizing the empowerment of waqf land assets lies in the existence of the waqf manager itself. In this case, it was Nazir and a solid work team to optimize the empowerment of waqf land functions.

Based on interviews and observations, it is found that waqf land has been empowered, but its empowerment is still purely consumptive, only used for ritual worship facilities, not productive activities that focusing on economic development according to the mandate and demands of the waqf law in Indonesia.

This fact occurs for several reasons, causing the waqf land assets to not be economically empowered optimally,including as follows:

Misunderstanding of the Nazir

The nazir's perception in interpreting the procedures for managing and empowering waqf land assets does not provide input information to create socio-economic welfare. As the perception of some nazir, among others:

"The purpose, function and designation of the waqf land assets cannot be changed, because the person who performs waqf (wakif) has donated his land for worship purposes only. Therefore, the purpose, function and purpose of the waqf cannot be changed to others, even though the waqf is no longer suitable for use or cannot be used."

There is a law that stipulates this. However, there are exceptions in the law, for example, the Indonesian Law Number 41 of 2014 in chapter IV concerning changes in the status of waqf property articles 40-41 there are exceptions, waqf assets that are donated to the public in accordance with the general spatial plan (RUTR) must be exchanged for useful and beneficial assets, exchange rates are at least the same. After obtaining written permission from the Minister of Religion with the approval of the Indonesian Waqf Board, in Article 44 paragraph 2 written permission is given if the waqf assets cannot be used according to the designation stated in the waqf iqrar.

Nazir's Lack of Responsibility

In addition, Nazir's lack of responsibility for the management of waqf land assets. This is because Nazir had other jobs that had bigger responsibilities. For example, work to earn a living or other businesses that are more secure from an economic point of view. So that the work as a Nazir is only used as a second or third job, only done when needed. Ignoring responsibilities is the same as ignoring the mandate of the person who is waqf, including violating the mandate of the law as well as having an effect on the essence of the waqf land asset, which is not optimally empowered to be productive.

Nazir Passed Away¹⁵

The death of Nazir is the same as the cessation of the development of the waqf. Without nazir the waqf cannot be empowered, because nazir is the essence of everything. The death of Nazir became the number one obstacle that affected waqf land assets that were not optimally empowered.

The Relocation of nazir¹⁶.

The relocation of Nazir's residence became one of the obstacles to the development of the waqf, because of the waqf land will be ignored automatically when the manager does not stay in place.

Not Carrying out Duties

As a result of Nazir's neglect of his duties, many waqf lands were unemployed, not being used effectively and efficiently. For example, the Mushallah Waqf Land is unused, the large mosque yard is not utilized, and the cemetery waqf land is empty, so that this potential waqf land does not support the socio-economic community.

Constraints in Empowering Waqf Land Assets

Capital

Capital is one of the most important things in empowering waqf land assets. Without capital, it is likely that waqf land assets cannot be used productively. Based on several nazirs in South Tapanuli Regency, capital in empowering and developing waqf land is very minimal. Even if there is only *infaq, shadaqoh* and donors from mosques, Islamic boarding schools and schools only. Meanwhile, *infaq, shadaqoh* and donors from the community are only sufficient for repairs and realization in order to keep the function and use of the waqf land assets in good working order.

Meanwhile, the land waqf of the Tomb, Mushallah and other social groups has no capital at all. The absence of capital/financial is the biggest constraint factor for waqf land assets that cannot be empowered.

Nazir's Salary

Apart from the above capital, Nazir's honorarium is also one of the causes of waqf land assets not being empowered. Because of the Nazirs did not

Al-Falah: Journal of Islamic Economics | Vol. 6, No. 2 Year 2021 | ISBN: 2548-2343 (p), 2548-3102 (e)

¹⁵Ahmad Sofyan Harahap.

¹⁶Ahmad Sofyan Harahap.

have a fixed salary/honour, so that the Nazirs were considered not the main/main job, but rather a side job that required sincerity? This means that work as a waqf nazir is only carried out if there is free time; it does not interfere with the main work.

Nazir doesn't have an Entrepreneurial Spirit

Nazir chosen by the wakif does not have an entrepreneurial spirit (personal capacity), does not have skills, innovative thinking capital and a creative spirit (create new and different). This happened because the person who performswaqf (wakif) did not consider in depth the abilities of the nazirs. Mistakes in selecting Nazir had a significant and devastating impact. In the end the waqf land assets were not productively empowered.

CONCLUSION

The potential of waqf land assets in South Tapanuli Regency Reached 411 locations with an area of 67.95 Ha or 0.09% located in South Tapanuli Regency. The area of waqf land assets that have been certificated is 27.83 hectares, while those that have not been certificated reach 40.18 hectares. While the potential human resources (HR) of waqf land assets in South Tapanuli Regency which are officially registered and certificate as nazir (manager). While 52% do not have a certificate as a nazir (manager).

From the results of interviews with nazirs (managers) and field observations, the average waqf land assets are empowered, but the empowerment is still purely consumptive in nature, not yet optimally productive in accordance with the mandate and demands of the waqf law in Indonesia which essentially means that the results of waqf land assets must support the economy of the people.

The obstacles to the unproductiveness of the waqf landsare motivated by several things. First, the perception of Nazir did not have the correct scientific development. Second, Nazir's lack of responsibility for the empowerment of waqfland assets. Third, Nazir passed away. Fourth, Nazirget relocation. Fifth, do not carry out their duties as nazir.Because of do not have capital, the honorarium of Nazir in managing is not clear, andNazir does not have an entrepreneurial spirit (skill, creative and innovative) in managing and empowering waqf land assets to support the socio-economic community in the future, also an obstacle.

SUGGESTIONS

Improving sustainability and empowering waqf land assets optimally and productively can be done in ways such as:

Nazir's managerial ability and creativity became a major problem for Nazir, so intensive and continuous training and assistance were needed. Establish working relationships (*Musyarakah*) with entrepreneurs around them with Islamic contracts that are not against the law or religious norms. Establish synergy with religious institutions, for example the Ministry of Religion, BWI, Nazir, BAZ, LAZ, Islamic Organizations in a forum to increase performance effectiveness in developing productive waqf so that active communication is established in empowering waqf land as well as getting incentives from these institutions.

Inviting the surrounding community to help both materially and nonmaterially to raise capital to manage and empower the land waqf.

Dissemination of education to related parties, both the community and Nazir and other supporting institutions.■

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