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SUB TEMA : ISLAMIC LAW
ANALYSIS OF THE ROLE OF KUA IN PROMOTING ACCELERATION
OF WAKF CERTIFICATES IN INDONESIA

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ABSTRACT

Waqf provides great benefits for the whole community if it can be managed properly. However, the practice of waqf that occurs in people's lives has not been fully run in an orderly and efficient manner, giving rise to various cases of waqf land in the community. The implementation of waqf land registration is very much needed in order to guarantee legal certainty and can run waqf productively. Data from the Ministry of Religion of Ponorogo as of August 2021, recorded 1,247 hectares have been certified, and 3985 hectares have not been certified or around 76.19% have not been certified. Then from the Ministry of Religion in Jember until August 2021 it was recorded that 278 hectares had been certified and 1978 hectares had not been certified or 88% had not been certified. Overall, in Indonesia, the latest data until 2021, there are around 56% of waqf land in Indonesia that has not been certified as waqf. This shows that the role of the head of the Sub-District Religious Affairs Office as the Official Making the Waqf Pledge Deed (PPAIW) is very important in the implementation of Waqf Land Certification to prevent land disputes in the future. Then the problem can be formulated, namely what is the role of the head of KUA as PPAIW in the implementation of waqf land certification? And what is the policy taken by KUA to increase public legal awareness to manage waqf certificates? The purpose of this study was to determine the role of the Office of Religious Affairs (KUA) in encouraging the public to increase legal awareness of the importance of waqf certificates, so as to prevent waqf land disputes and increase the use of waqf land more productively. This research uses a normative juridical approach and related theories. The research specifications used in this study are descriptive analytical.

Keywords: KUA, waqf, waqf certificate

ABSTRAK

Wakaf memberikan kemanfaatan yang besar bagi seluruh masyarakat apabila dapat dikelola dengan baik. Akan tetapi, praktik wakaf yang terjadi dalam kehidupan masyarakat belum sepenuhnya berjalan tertib dan efisien, sehingga menimbulkan berbagai kasus tanah wakaf di masyarakat. Penyelenggaraan pendaftaran tanah wakaf sangat dibutuhkan dalam rangka memberikan jaminan kepastian hukum dan dapat berjalannya wakaf secara produktif. Data dari Kementerian Agama Ponorogo sampai dengan Agustus 2021, tercatat 1,247 Ha sudah bersertifikat, dan 3985 Ha belum

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bersertifikat atau sekitar 76,19% belum bersertifikat. Kemudian dari Kementerian Agama di Jember sampai dengan Agustus 2021 tercatat, 278 Ha sudah bersertifikat dan 1978 Ha belum bersertifikat atau tercatat 88% belum bersertifikat. Secara keseluruhan di Indonesia data terbaru sampai tahun 2021 ini terdapat sekitar 56% tanah wakaf di Indonesia belum bersertifikat wakaf. Hal ini menunjukkan peran kepala Kantor Urusan Agama Kecamatan sebagai Pejabat Pembuat Akta Ikrar Wakaf (PPAIW) sangatlah penting dalam pelaksanaan Sertifikasi Tanah Wakaf untuk mencegah terjadinya sengketa tanah dikemudian hari. Maka dapat dirumuskan permasalahan yaitu bagaimana peran kepala KUA sebagai PPAIW dalam penyelenggaraan sertifikasi tanah wakaf? Dan bagaimana kebijakan yang diambil oleh KUA untuk meningkatkan kesadaran hukum masyarakat untuk mengurus sertifikat wakafnya? Tujuan dari penelitian ini adalah untuk mengetahui peran Kantor Urusan Agama (KUA) dalam mendorong masyarakat untuk meningkatkan kesadaran hukum terhadap arti pentingnya sertifikat wakaf, sehingga dapat mencegah terjadinya sengketa tanah wakaf dan meningkatkan pemanfaatan tanah wakaf lebih produktif. Penelitian ini menggunakan metode pendekatan yuridis normatif dan teori-teori terkait. Spesifikasi penelitian yang digunakan dalam penelitian ini bersifat deskriptif analitis.

Kata kunci : KUA, wakaf, sertifikat wakaf

PRELIMINARY

Waqf has an important role to develop religious, social, economic and cultural life in society. Waqf also has a role as an effort to alleviate poverty as well as the role of zakat if it is managed properly and productively for the welfare of the people and society.⁵ The recommendation for waqf has also been prescribed to the masses of the Prophet Muhammad. From Abu Hurairah r.a. that the Messenger of Allah said:⁶

عن ابي هريرة الله تعالى عنه : إذا مات ابن ادم انقطع إلا من ثلاثٍ صدقةٍ جاريةٍ, أو علمٍ ينتفع به أو وليٍّ صالحٍ يدعوه. { رواه مسلم }

Meaning:

"From Abu Hurairah r.a that Rasulullah Saw, once said: when the son of Adam dies then his deeds are cut off except for three things, namely: charity jariyah, useful knowledge, and a pious child who prays for both parents" (Narrated by Muslim)⁷

Waqf comes from the verb *waqafa*. The word waqf is synonym or identical with the words *habs* which means to hold back. Thus, the word waqf can be interpreted by stop and stopping. According to Adjag al-Alabiji, the word waqf comes from the word *waqafa* (*fi'il madhi*), *yaqifu* (*fi'il mudhari*), *waqfan* (*isim masdhar*) which means to stop or stand. Meanwhile,

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according to the science of fiqh, the word waqf can be interpreted by holding, stopping, or curbing.⁸ In the Compilation of Islamic Law Book III: "Waqf is a legal act of a person or legal entity that separates part of his property and divides it forever for the purpose of worship or other public purposes in accordance with Islamic teachings".⁹ Meanwhile, according to Law No. 41 of 2004 concerning waqf article 1 (paragraph) 1 explains: "waqf is a legal act of wakif to separate or surrender part of his property to be used forever or within a certain period of time in accordance with its interests to become a place of worship or public welfare. according to sharia."¹⁰

Seeing the understanding and legal basis of the hadith, waqf is also a means to clean up property, as an effort to increase faith in Allah SWT, and as an effort to empower the people's economy. Based on efforts to empower the people's economy, waqf can be divided into three types, namely; direct waqf, productive waqf and cash waqf. Direct waqf is a waqf that is used directly to provide services to the community or people who have the right such as mosques, schools, and hospitals. Productive waqf is waqf property that is used for productivity by utilizing the waqf assets which results from waqf productivity can be given to people who are entitled according to the purpose of the waqf. And lastly, cash waqf is waqf in the form of money.¹¹ Land waqf is a direct waqf, namely by waqf owned land. So that land waqf is a legal act carried out by the wakif through a pledge or statement. For the implementation of this pledge, the head of the Office of Religious Affairs was appointed as the Registrar of the Waqf Pledge Deed (PPAIW) in accordance with Government Regulation Number 28 In 1977 Article 5 paragraph (1) stated that "The party who waqf his land must pledge his will firmly and clearly to nadzhir before PPAIW who then pours it in the form of a Deed of Pledge of Waqf witnessed by at least two witnesses".

The emergence of many cases regarding waqf disputes, because many of the heirs objected that the land that should be the inheritance rights had actually been waqf by their parents. Therefore, certifying waqf land is very important and mandatory.¹² The goal is to protect

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¹² "The endowment of Property Rights is regulated in Article 49 paragraph (3) of the UUPA, namely: endowment of owned land is protected and regulated by a Government Regulation". This provision provides a special place for the use of land concerned with religious and social activities. In the Explanation of Article 49 paragraph (3) of the

the waqf land that has been handed over to Nazhir so that it will not be lost and sold. This means that with the waqf land certificate, the waqf land will be free from the demands of the heirs.

One of the duties and authorities of the Head of KUA as PPAIW is to provide services, guidance and counseling in the fields of zakat, waqf and social worship.¹³ From data obtained from the Ministry of Religion in Ponorogo Regency, and Jember Regency, where as of August 2021, more than 50% in both Ponorogo Regency and Jember Regency, the property rights that become waqf land have not been certified as waqf land.¹⁴ Uncertified waqf land is very vulnerable to conflict or dispute, especially from the heirs. So here, the role of the KUA in the sub-districts, especially the head of the KUA is very important to serve, guide and provide counseling to the community so that the certificate of land that has been donated is immediately taken care of.

From what has been described, what is the role of the head of KUA as PPAIW in administering waqf land certification? and what is the policy taken by KUA to increase the legal awareness of the community to manage their waqf certificates? The purpose of this study was to determine the role of the Office of Religious Affairs (KUA) in encouraging the public to increase legal awareness of the importance of waqf certificates, so as to prevent waqf land disputes and increase the use of waqf land more productively.

Understanding and Importance of Waqf Land Certification

In the rule of law in the field of agrarian or land in Indonesia, the issue of land waqf has its own place.¹⁵ Furthermore, the rules regarding land waqf are regulated separately in Article 49 paragraph (3) of Law Number 5 of 1960 concerning Agrarian Affairs (UUPA).¹⁶ In Islam, there are regulations regarding waqf for worship and social purposes, on that basis in the UUPA there is a separate rule in one of the Articles of the UUPA.

UUPA states that in order to remove doubts and suspicions, this article affirms that matters relating to worship and other sacred needs, in the new agrarian law will receive due attention. Article 49 paragraph (3) of the UUPA mandates further arrangements regarding the endowment of Property Rights by Government Regulation. The Government Regulation is Government Regulation Number 28 of 1977 on the Endowment of Owned Land. Government Regulation Number 28 of 1977 is implemented with Regulation of the Minister of Home Affairs Number 6 of 1977 on Land Registration Procedures on Endowment of Owned Land. The last legislation governing waqf is regulated in Law Number 41 of 2004 on waqf. "

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The definition of waqf is stated in Article 1 paragraph (1) of Government Regulation Number 28 of 1977, namely; "The legal action of a person or legal entity that separates part of his assets in the form of owned land and institutionalizes it forever for the benefit of worship or other public purposes in accordance with the teachings of Islam". Meanwhile, according to Article 1 point 1 of Law Number 41 of 2004, what is meant by waqf are; "The legal act of wakif to separate and/or surrender part of his property to be used forever or for a certain period of time in accordance with his interests for the purposes of worship and/or public welfare according to sharia." There is a difference between Government Regulation Number 28 of 1977 and Law Number 41 of 2004 regarding the period of waqf. According to Government Regulation Number 28 of 1977, waqf does not have a certain period of time but is for ever, while according to Law Number 41 of 2004 concerning Waqf, waqf can be forever or for a certain period of time.

In the preamble under the words, considering letter a, Government Regulation Number 28 of 1977 concerning Land-Owned Waqf is stated; "That waqf is a religious institution that can be used as a means for the development of religious life, especially for people who are Muslim, in order to achieve spiritual and material welfare towards a just and prosperous society based on Pancasila." The wakaf institution exists only in the religion of Islam which is oriented to the welfare of the ummah through the handing over of Land Title in perpetuity whose land registration is regulated in the National Land Law. Supriadi stated that based on the provisions of Article 1 paragraph (1) of Government Regulation Number 28 of 1977, there are 2 (two) targets for endowment, namely: "(1) wealth in the form of land that can be given for worship purposes; (2) wealth in the form of land that can be given for the public interest".¹⁷

The meaning of the endowment of title land is put forward by Boedi Harsono, which is a sacred, noble and praiseworthy legal act, performed by a person or legal entity, by separating his property in the form of title land and institutionalizing it to forever become a 'social endowment', namely waqf intended for the purpose of worship or other general needs, in accordance with the teachings of Islam.¹⁸ Land waqf Hak Milik is a legal act performed by an individual or legal entity (called wakif) as the owner of the land and submitted to the management of the individual or fund (called nadzir) for religious and social interests such as for mosques, orphanages,

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schools, hospitals, and can also be used to improve the uamt economy in accordance with Islamic teachings.

The elements that must exist in the implementation of the registration of waqf land Title, namely: *First*, Wakif. The party who endows the land is called the wakif. According to Article 1 paragraph (2) of Government Regulation Number 28 of 1977, "wakif is a person or persons or legal entities who endow their land", while according to Article 1 number 2 of Law Number 41 of 2004, "wakif is a party who endow his property ". Wakif can be an individual, organization or legal entity that qualifies as a subject of property rights in accordance with the legislation. Thus, foreigners residing in Indonesia and legal entities that are not the subject of Property Rights cannot hold the position of wakif. The requirements to become a wakif are regulated in Article 8 of Law Number 41 of 2004, namely: "(1) An individual wakif as referred to in Article 7 letter a can only perform wakaf if it meets the requirements: a. adult; b. sane; c. not barred from committing legal acts; and d. the rightful owner of waqf property. (2) The representative of the organization as referred to in Article 7 letter b can only perform wakaf if it fulfills the provisions of the organization to endow the wakaf property belonging to the organization in accordance with the basic budget of the organization concerned. (3) The representative of a legal entity as referred to in Article 7 letter c can only perform. wakaf if it meets the provisions of the legal entity to endow the wakaf property belonging to the legal entity in accordance with the basic budget of the relevant legal entity. " The person or legal entity that endows the Land of His Ownership must voluntarily, sincerely, and of his own volition to endow the land of His Ownership, there must be no pressure, coercion, intimidation from other parties.¹⁹

Second, Nadzir, according to Article 1 paragraph (4) of Government Regulation Number 28 of 1977, what is meant by nadzir is a group of people or legal entities assigned the task of maintaining and managing waqf objects. According to Article 1 number 4 of Law Number 41 of 2004, "Nadzir is a group of persons or legal entities assigned the task of maintaining and managing waqf objects." Nadzir or nazhir can be an individual or a legal entity. The requirements for an individual to become a nadzir or nazhir according to Article 6 paragraph (1) of Government Regulation Number 28 of 1977 are: "Nadzir as referred to in paragraph (4) of Article 1 which consists of individuals must meet the following requirements a. citizen of the Republic of Indonesia; b. Muslim; c. is an adult; d. physically and spiritually healthy; e. not

under pardon; f. residing in the sub -district where the endowed land is located. ” According to Article 10 paragraph (1) of Law Number 41 of 2004, the requirements for an individual to become a nadzir or nazhir, are: “An individual can only become a Nazhir if he meets the requirements: a. Indonesian citizen; b. Muslim; c. adult; d. trust; e. physically and spiritually capable; and f. are not barred from committing legal acts. ” The requirements for nadzir in the form of a legal entity according to Article 6 paragraph (2) of Government Regulation Number 28 of 1977 are: "If in the form of a legal entity, then the nadzir must meet the following requirements: a. Indonesian legal entities and domiciled in Indonesia; b. have a representative in the sub -district where the endowed land is located. ” According to Article 10 paragraph (3) of Law Number 41 of 2004, the requirements for nazhir in the form of a legal entity are: “a. the board of the legal entity concerned meets the requirements of an individual nazhir as referred to in paragraph (1); and b. Indonesian legal entities established in accordance with applicable laws and regulations; and c. the legal entity concerned is engaged in the social, educational, community, and/or Islamic religious fields”.²⁰

Third, the Waqfed Land. In land waqf, the act carried out is in the form of surrendering land ownership rights for ever, therefore the land to be waqf must have the status of property rights because it is hereditary and forever. Meanwhile, Land Right to Cultivate, Right to Build, Right to Rent and Right to Use cannot be waqf because it has a time limit and if it is to be waqf it must first be transferred to Ownership. Right of ownership land that is waqf can be certified or new with proof of land tax/landrente, ketitir, Indonesian verponding girik, pipil, IREDA, IPEDA, or Letter C Quotation. Right of ownership land to be waqfed may not be in confiscation, case, guarantee debts, conflicts or disputes with other parties. If there is such a problem, it must be resolved first, after that it can be donated. If there is only a part of the land with the right of ownership to be waqfed, then the part of the land by the candidate for waqif must first be separated from the part that is not waqf and the part that will be waqf. *Fourth*, Waqf Pledge. According to Article 1 paragraph (3) of Government Regulation Number 28 of 1977, "Pledge is a statement of the will of the wakif to endow his land." According to Article 1 point 3 of Law Number 41 of 2004, "Waqf Pledge is a statement of the will of the wakif spoken orally and/or in writing to Nazhir to endow his property”.²¹

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Fifth, the Official Making the Waqf Pledge Deed. According to Article 1 paragraph (6); "Official Waqf Pledge Deed Maker, hereinafter abbreviated as PPAIW, is an authorized official appointed by the Minister to make a waqf pledge deed." The official for making the Waqf Pledge Deed is held by the Head of the District Office of Religious Affairs (KUA).

Sixth, the use of waqf land. Waqf land can be used for worship or other social interests. According to Article 22 of the Waqf Law: "In order to achieve the purpose and function of waqf, waqf property can only be allocated to: a. worship facilities and activities; b. educational and health facilities and activities; c. assistance to the poor, abandoned children, orphans, scholarships; d. progress and improvement of the people's economy; and/or e. other public welfare advancements that do not conflict with sharia and laws and regulations."²²

Seventh, certificate of waqf land. If in PP No. 28 of 1977, the certificate of waqf land is regulated in Article 9 paragraph (5) and Article 10. Article 9 paragraph (5) regulates the requirements to certify proprietary land into waqf land. Meanwhile, Article 10 regulates the procedure for the transfer of property rights certificates into waqf certificates. While that is regulated in PP No. 25 of 2018 changes to PP No. 42 of 2006 is regulated in Article 17 and Article 18, namely Article 17 explaining waqf land and its designation and time period. Article 18 regulates the procedure for the certification, which is divided into two, namely property land that becomes waqf land for ever, where the procedure is almost the same as that of PP No. 28 of 1977. While the second part is the procedure for certification of proprietary land for waqf within a certain time.

In the explanation of the Government Regulation for land that is waqf for a certain period of time, the land certificate must include the word "temporary" and its designation is for productive waqf, both educational, economic and social, and includes land with building rights and or land with cultivation rights managed by the government. waqf or nadzir institutions. Waqf assets in the form of land with ownership rights certificates and state land on which a mosque/mushola and/or tomb is built can be waqf for good or for an indefinite period of time. Meanwhile, land which is certified with the right to cultivate, the right to use the building, or the right to use that is located on state land and land with the certificate of the right to build or the right to use over the right of management or the right of another person can only be waqf temporarily or for a certain period of time until the enactment of the right to land. land ends.

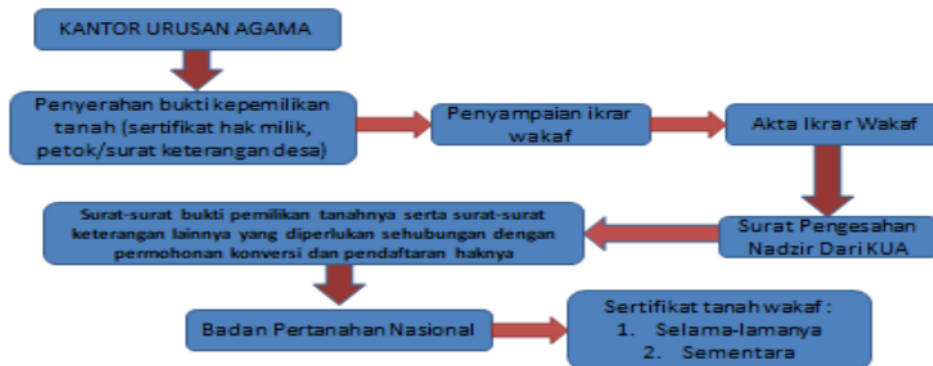
Other immovable assets such as buildings, property rights to flat units may be waqf for a certain period of time temporarily in accordance with the provisions of laws and regulations.²³

The Role of the Head of KUA as PPAIW in the Maintenance of Wakaf Land Certification

The role of the head of KUA as PPAIW in the registration of wakaf land Title to the Regency/Municipality Land Office can be explained as follows: *First*, Making the Wakaf Pledge Deed. The party who wants to endow his Ownership land (wakif) is required to come before the Office of the Making of the Waqf Pledge Act (PPAIW) to perform the waqf pledge. The execution of the pledge and the making of the Waqf Pledge Act is considered valid, if attended and witnessed by at least 2 (two) witnesses. In carrying out the wakaf pledge, the party who endowed the land of his Ownership Rights (wakif) is required to bring and submit to PPAIW the letters, namely: a. Certificate of Title or other proof of land ownership; b. A certificate from the Village Head/Sub -District Head confirmed by the local Sub -District Head explaining the truth of land ownership and no dispute; c. Proof of identity in the form of a valid Resident Identity Card (KTP). The provisions contained in the Deed of Pledge of Waqf are as follows: a. name and identity of the wakif; b. nazhir's name and identity; c. data and information regarding the waqf property rights; d. waqf land allocation; e. the name of the Official Making the Waqf Pledge Deed (PPAIW); f. Names and identities of witnesses.

Second, the Registration of Ownership Land Waqf. After the Waqf Pledge Deed is made, the Waqf Pledge Deed Official (PPAIW) on behalf of the nazhir concerned is required to submit an application for registration of the land waqf of Property Rights to the Head of the Regency/City Land Office whose working area includes the location of the land in question. Based on the provisions of Article 32 of Law Number 41 of 2004, the Official Making the Waqf Pledge Deed (PPAIW) on behalf of Nazhir registers the waqf of Hak Milik land to the Head of the Regency/City Land Office whose working area covers the location of the land in question no later than 7 (seven) days. work since the waqf pledge deed was signed.

Flowchart of land certification as waqf certificate based on PP no. 42 of 2006 jo. PP No. 25 of 2018, Article 17 and Article 18 are as follows:



In addition to providing services in the field of pledges and certification of waqf land, KUA also has a very important role to the community, namely so that people want to pledge their waqf land and then take care of their waqf land certificate. Based on data obtained from the Ministry of Religion of Ponorogo until August 2021, 1,247 hectares have been certified, and 3985 hectares have not been certified or around 76.19% have not been certified.²⁴ Then from the Ministry of Religion in Jember until August 2021 it was recorded that 278 hectares had been certified and 1978 hectares had not been certified or 88% had not been certified.²⁵ So it can be analyzed that land that has not been certified as waqf is most likely not to have a certificate of waqf pledge. This can be seen in the following Venn diagram:

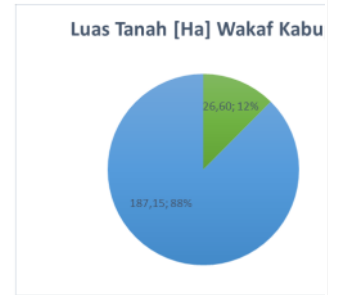
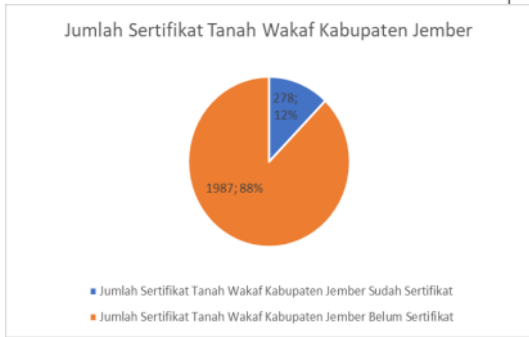
1. Data dari Kementerian Agama di Kabupaten Jember

Jumlah Sertifikat Tanah Wakaf Kabupaten Jember	
Sudah Sertifikat	Belum Sertifikat
278	1987

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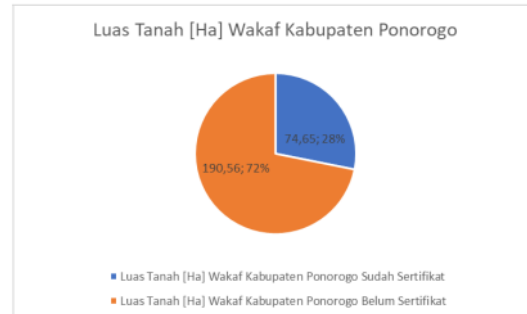
Luas Tanah Wakaf Kabupaten Jember	
Sudah Sertifikat	Belum Sertifikat
26,60	187,15



2. Kabupaten Ponorogo

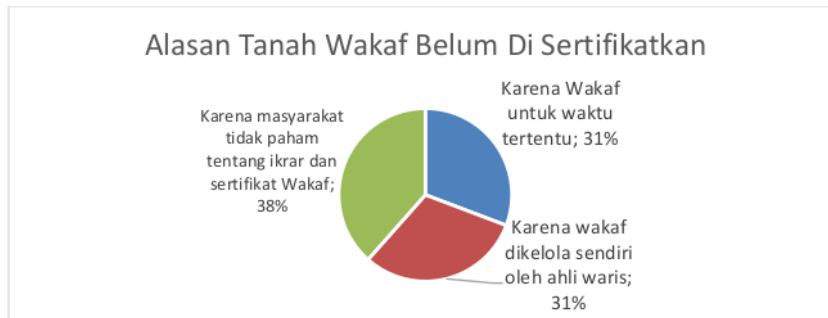
Jumlah Sertifikat Tanah Wakaf Kabupaten Ponorogo	
Sudah Sertifikat	Belum Sertifikat
1247	3985

Luas Tanah [Ha] Wakaf Kabupaten Ponorogo	
Sudah Sertifikat	Belum Sertifikat
74,65	190,56



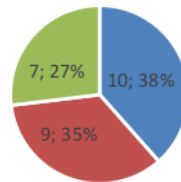
Based on data from the KUA Sub-district in Ponorogo and in Jember, all incoming waqf land must be pledged and proof of pledge is recorded at KUA and as evidence for processing

waqf land certificates. Based on the results of filling out questions via google form, with several heads of KUA both in Ponorogo and in Jember, all of the pledged waqf lands already have waqf land certificates and some are still in the process. The responses of the heads of KUA who became respondents and have filled out the google form, namely 11 heads of KUA from the District in Ponorogo Regency and 15 heads of KUA from the District in Jember Regency, namely 26 Heads of KUA who responded. That is related to data on the number of waqf lands that have not been certified, there are various who consider it to be a certain time waqf as many as 8 respondents from the head of KUA or 31%, there are those who answer because it is managed by the heirs (individual waqf) as many as 8 respondents to the head of KUA or 31%, and who answered because the community did not understand about the pledge and certificate of waqf land as many as 10 respondents from the head of KUA 38%.²⁶



The role of KUA in certifying waqf land is to assist community lands that have been pledged and then managed to the BPN to obtain waqf land certificates. Regarding the implementation of waqf land registration, 10 respondents from the Head of KUA answered that every time a waqf pledge certificate was made, it was directly registered with BPN or about 38%. Then 9 respondents from the Head of KUA answered indirectly, with consideration to be sorted and researched first or around 35%. And 7 respondents from the Head of KUA who answered were collected first and every 6 months were included in BPN or 27%.

Pelaksanaan Pendaftaran Tanah Wakaf



- Setelah selesai dibuatkan Sertifikat Ikrar Wakaf, langsung didaftarkan ke BPN
- Tidak langsung dibuatkan sertifikat, dengan pertimbangan untuk dipilah dan diteliti dahulu
- Dikumpulkan terlebih dahulu, dan setiap 6 bulan sekali dimasukkan ke BPN

Policies Taken by KUA to Increase Public Legal Awareness in Managing Waqf Certificates

15 Waqf as one of the religious institutions that is closely related to socio-economic, has helped a lot in overall development, especially in Indonesia, both in the development of human resources and in the development of social resources. It is undeniable that most houses of worship, Islamic colleges and Islamic religious institutions are built on waqf land.²⁷

In Islam, waqf is a religious institution that has a direct functional relationship with efforts to solve social and humanitarian problems, such as poverty alleviation and economic empowerment of the people.²⁸ So that with the waqf it can be used as a source of funding for Muslims, both for religious, social, and economic interests if managed properly. For this reason, an understanding of the function of waqf needs to be socialized and become a collective movement of Muslims in the context of the welfare of the people.

Waqf is also expected to be an alternative that is able to provide solutions in solving economic problems. Given that one of the goals of waqf is to make it a productive source of funds, of course it requires nadzir who is able to carry out his duties professionally and responsibly.²⁹

Waqf land certification is one of the orderly series of waqf land administration. To prevent the emergence of waqf land problems in the future, whether carried out individually or in

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groups, it is necessary to have legal awareness from the community to take care of waqf land certificates so that the waqf land does not fall into the hands of unauthorized parties. Therefore, land that has been waqf must go through a land registration process in accordance with the provisions of the applicable legislation. The objectives of land registration according to Article 3 of Government Regulation Number 24 of 1997 concerning Land Registration are:

- a. To provide legal certainty and legal protection to holders of land rights, apartment units and other registered rights so that they can easily prove themselves as holders of the rights concerned;
- b. To provide information to interested parties including the Government so that they can easily obtain the data needed to carry out legal actions regarding registered land parcels and apartment units;
- c. For the implementation of orderly administration. The purpose of land registration as referred to in Article 19 paragraph (1) in conjunction with Article 3 Letter (a) of Government Regulation Number 24 of 1997 is to ensure legal certainty and legal protection.³⁰

Based on data obtained from the Ministry of Religion of Ponorogo until August 2021, 1,247 hectares have been certified, and 3985 hectares have not been certified or around 76.19% have not been certified. Then from the Ministry of Religion in Jember until August 2021 it was recorded that 278 hectares had been certified and 1978 hectares had not been certified or 88% had not been certified. This shows that waqf land in Ponorogo Regency and Jember Regency is relatively high, but what needs to be considered from the data is that there are still many waqf lands that have not been certified as waqf. So that from the many assets of the waqf land, it still does not have permanent legal force and a clear legal basis that can make it prone to be misused or even questioned.³¹

One of the reasons for the non-certification of waqf lands is that people's understanding of waqf land certification is still low and traditional. Namely by looking at legal knowledge, legal understanding, legal attitudes, and legal behavior of nadzhir, wakif, and maukuf alaih

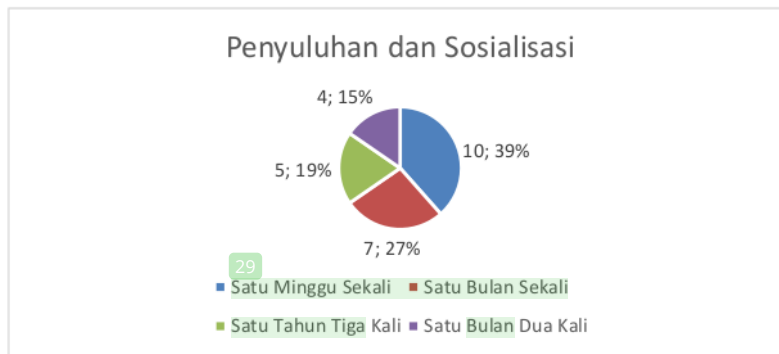
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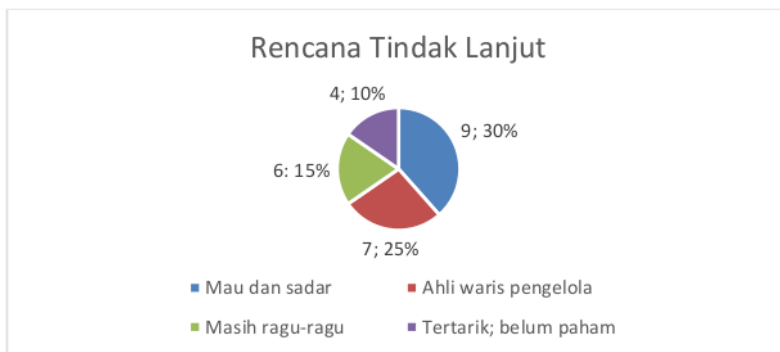
which are still low. In addition, both nadzhir, wakif and mauqf alaih, most of them still have an understanding of the traditional view which assumes that land that has been waqf cannot have problems such as withdrawal by heirs, especially waqf in the village. One of the reasons for the non-certification of waqf lands is that ¹⁰ people's understanding of waqf land certification is still low and traditional. Namely by looking at legal knowledge, legal understanding, legal attitudes, and legal behavior of nadzhir, wakif, and mauqf alaih which are still low. In addition, both nadzhir, wakif and mauqf alaih, most of them still have an understanding of the traditional view which assumes that land that has been waqf cannot have problems such as withdrawal by heirs, especially waqf in the village. Another obstacle lies in the misunderstanding of the parties in carrying out the waqf procedure. The role of PPAIW is very high in the context of issuing Waqf Certificates so that the Waqf Land has legal certainty guarantees. It ¹ can be seen in Article 32 of Law no. 41 of 2004, which states that "PPAIW on behalf of Nazhir registers waqf assets to the competent authority no later than 7 (seven) working days since the signing of the waqf pledge deed". PPAIW not only prepares documents or administrative completeness as completeness for submitting an application for registration of wakat certificates, but also officials who are considered to have competence and capability to realize legal certainty guarantees. Likewise Nazhir, not all nazhir are people who understand the provisions or procedures of waqf. Once the Nazhir received the waqf property, what was understood was just managing it. It could be that Nazhir also does not understand the rights and obligations, the provisions that are allowed and prohibited. While the determination of Nazhir is the absolute right of the wakif, to whom the recipient and manager of the waqf object is entrusted.³²

Therefore, so that the waqf land remains safe, protected and maintained from unwanted things in the future, the Office of Religious Affairs (KUA) in Ponorogo Regency and Jember Regency made a policy to carry out outreach and socialization efforts so that the land The waqf has legal force and a clear legal basis. Based on the research that the author did to respondents from 26 Heads of Religious Affairs Offices (KUA) in Ponorogo and Jember Regencies through the google form media, there are various ways of counseling and socializing related to waqf pledges and waqf certificates which are carried out with mechanisms that still refer to the laws and regulations. invitation number 41 of 2004 which is valid in Indonesia today. 10 The Head of

KUA answered that their counseling and socialization was carried out regularly and alternately to villages in the sub-district area through KUA extension officers who were conducted once a week. 7 The Head of KUA said that counseling and socialization in his area was carried out once a month by inviting community leaders as representatives from each village to attend KUA for the counseling. 5 The Head of KUA replied that counseling and outreach were carried out three times a year by gathering several community representatives from the village and conducting counseling in the nearest village. And 4 Heads of KUA said that in one month they could do two counseling and socialization.



After the counseling and socialization related to the Waqf Pledge Deed and Waqf Certificate, participants were given several questions by the respective Heads of KUA related to their understanding of the counseling materials that had been provided. Based on the answers from 26 KUA heads in Ponorogo and Jember regencies, 13 respondents stated that the community had understood, 7 respondents answered that the community did not understand, and 6 respondents answered that the community did not care.



From the explanation above, this study shows that the KUA in Ponorogo and Jember Regencies already have adequate human resources and have knowledge related to waqf so that socialization and counseling carried out are widely conveyed to the community, as well as the people who are in each KUA area also mostly understand about Waqf Pledge and Waqf Certification.

With the knowledge related to waqf, of course it will increase their interest to immediately certify their waqf land considering the importance of certifying waqf land. Not only knowledge that affects a person's interest in waqf, but a person's religiosity factor, high social soul factor, and property they have can also affect interest in waqf. However, behind that, there are still people who have a narrow pattern of understanding of waqf property, which affects the lack of interest in waqf.³³

CLOSING

Based on the results of the above discussion, the following conclusions can be drawn:

1. The role of the Head of KUA as PPAIW in administering Waqf Land Certification is to assist the implementation of the Waqf Pledge carried out by wakif, nadzir, and mauquf alaih, including in terms of administration of completeness of files to make a Waqf Pledge Deed. After the existence of the Waqf Pledge Deed, PPAIW will assist in the registration of the Land Waqf of Property Rights in the name of Nazhir to the Regency/City National Land Agency (BPN) whose working area includes the location of the land in question.
2. Considering the large number of uncertified waqf lands in the districts of Ponorogo and Jember, the KUA needs to make a policy to increase public awareness in managing Waqf Certificates by conducting counseling and socialization related to the Waqf Pledge Deed and Waqf Certification. The implementation and mechanism of socialization and/or counseling are adjusted to the policies of each KUA, such as counseling once a week to villages conducted by extension workers from KUA, counseling once a month by inviting community leaders as representatives, there is also counseling three times in one week. year. However, the public's responses varied regarding pledging and certifying where there are those who are aware and understand, but some are doubtful, and some do not care.

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