

## Between Legal Formalism and Welfare Orientation: *Maqāṣid*-Based Analysis of Waqf Land Exchange Practices in Banyumas

Supani<sup>1</sup>, Enung Asmaya<sup>2</sup>, Asrizal Saiin<sup>3</sup>, Maulana Yusuf<sup>4</sup>, Cecep Soleh Kurniawan<sup>5</sup>

Universitas Islam Negeri Prof. K.H. Saifuddin Zuhri Purwokerto, Indonesia<sup>1,2</sup>

STAIN Sultan Abdurrahman Kepulauan Riau, Indonesia<sup>3</sup>

Universitas Islam Negeri Sulthan Thaha Saifuddin Jambi, Indonesia<sup>4</sup>

Universiti Islam Sultan Sharif Ali Brunei Darussalam<sup>5</sup>

Corresponding author: [supaniprapto@uinsaiizu.ac.id](mailto:supaniprapto@uinsaiizu.ac.id)

DOI: 10.29240/jhi.v11i1.13941

Received: 21/06/2025

Revised: 11/02/2026

Accepted: 26/03/2026

Cite this article:

Supani, Enung Asmaya, Asrizal Saiin, Maulana Yusuf, Cecep Soleh Kurniawan (2026), Between Legal Formalism and Welfare Orientation: *Maqāṣid*-Based Analysis of Waqf Land Exchange Practices in Banyumas Approach. *Al-Istinbath : Jurnal Hukum Islam*, 11 (1), 2026, 113-138  
DOI : 10.29240/jhi.v11i1.13941

### Abstract

This study aims to examine the practice of waqf land exchange in Rempoah Village, Baturaden District, Banyumas Regency, and to analyze how such practice is implemented and justified within the framework of *Maqāṣid al-Shari'ah*. While previous studies on waqf management have largely emphasized normative legal doctrines and textual interpretations, they have often overlooked the empirical realities and welfare-oriented considerations underlying waqf land exchange at the local level. This research seeks to fill that gap by investigating the socio-legal dynamics of waqf land exchange and assessing whether and how it aligns with the higher objectives of Islamic law. Employing a socio-legal field research approach grounded in *Maqāṣid al-Shari'ah*, the study collected data through documentation, direct observation, and in-depth interviews with relevant stakeholders. The data were analyzed using descriptive-analytical methods, supported by triangulation techniques involving data reduction, data display, and conclusion drawing to ensure validity and reliability. The findings reveal that the waqf land exchange in Rempoah Village functions not merely as a formal administrative procedure, but as a welfare-oriented mechanism designed to optimize the social, economic, and functional benefits of waqf assets for the community. The practice reflects a contextual application of Islamic legal principles in which legal formalism interacts

dynamically with considerations of public welfare. Academically, this case contributes to the development of *Maqāṣid*-based jurisprudence in the field of waqf by demonstrating that *Maqāṣid al-Sharī'ah* serves as an adaptive and responsive legal framework capable of addressing contemporary socio-economic challenges in waqf governance.

**Keywords:** Waqf Assets, *Maqāṣid al-Syarī'ah*, Exchange of Waqf Land

## Introduction

Waqf has emerged as a central theme in contemporary Islamic philanthropy studies, particularly in relation to governance, productivity, and socio-economic development. While a substantial body of literature has examined waqf management and its contribution to public welfare, far less attention has been paid to *istibdāl al-waqf* (waqf land exchange) as a contested legal practice situated between classical Islamic jurisprudence and modern statutory regulation. Existing studies predominantly approach *istibdāl* from a doctrinal or managerial perspective, leaving a significant gap in understanding how waqf land exchange is negotiated in practice through *maqāṣid*-based reasoning within positive legal systems.<sup>1</sup> At the global level, discussions on *istibdāl al-waqf* remain largely normative, focusing on juristic disagreements among Islamic schools of law regarding the permissibility of exchanging or selling waqf assets under conditions of necessity. Although these debates acknowledge welfare considerations, they rarely extend to empirical analysis of how *maqāṣid al-sharī'ah* operates as a practical legal logic in real institutional settings. Consequently, the interaction between welfare-oriented Islamic legal reasoning and state regulatory frameworks remains under-theorized in waqf scholarship.<sup>2</sup>

The Indonesian legal context intensifies this tension. Classical fiqh demonstrates relative flexibility in permitting waqf exchanges to achieve greater benefit, particularly within Mālikī and Ḥanbalī traditions. In contrast, Indonesia's waqf law adopts a highly restrictive approach, allowing waqf land exchange only through complex administrative procedures designed to prevent misuse. While such rigidity aims to protect waqf assets, it often constrains efforts to reactivate unproductive waqf land, especially in cases where spatial and socio-economic conditions have changed. This regulatory rigidity has resulted in a growing number of waqf lands that remain legally protected yet socially underutilized. In

<sup>1</sup> Ikhyannuddin et al., "Waqf Accountability Around the World: A Mini-Review," *IJIBE International Journal of Islamic Business Ethics* 7, no. 2 (2022): 1–15, <https://doi.org/10.30659/ijibe.7.2.100-107>.

<sup>2</sup> Ali Sati and Syafrianto Tambunan, "Management of Waqf Assets for the Welfare of the Community in the Perspectives of Maqāṣid Al-Sharī'ah: A Case Study on Muhammadiyah Institution," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 9, no. 1 (2025): 1–15, <https://doi.org/https://dx.doi.org/10.22373/sjhk.v9i1.11839>.

response, *istibdal* increasingly functions as a pragmatic mechanism to restore the social purpose of waqf, albeit through informal or legally ambiguous processes. These practices reveal a critical gap between legal formalism and welfare imperatives, raising fundamental questions about how Islamic philanthropy is governed in contemporary Muslim societies.

This article addresses that gap through a socio-legal case study of waqf land exchange in Rempoah–Baturaden Village, Banyumas Regency. Unlike state-driven exchange cases for public infrastructure, this exchange was initiated by the *nadzir* to enhance educational functions of waqf assets and has been justified explicitly through *maqāṣid al-shari‘ah* reasoning. The case illustrates a long-term legal negotiation in which welfare objectives, religious norms, and statutory constraints intersect.

However, in Indonesia, waqf assets may not be sold, inherited, donated, pledged, and exchanged unless the exchange meets the applicable requirements or those stipulated in the laws and regulations.<sup>3</sup> This is as regulated in Law No. 41 of 2004 concerning Waqf and Government Regulation No. 25 of 2018 concerning Amendments to Government Regulation No. 42 of 2006 concerning the Implementation of Law No. 41 of 2004 concerning Waqf. The requirements stipulated in the laws and regulations are intended to protect waqf assets so that waqf assets do not easily transfer ownership to other than for waqf.<sup>4</sup> In Indonesia, many waqf lands have reduced or even run out of benefits, for example waqf land for madrasah education or Al-Qur'an Education Institutions (TPQ) has been abandoned because the location is not strategic and the road access is inadequate. Of course this must be considered to exchange waqf land with private land for the development of educational institutions.<sup>5</sup> One example is what happened in Rempoah-Baturaden Village, Banyumas. In addition, there is something interesting about this location, *first*, from this location, the purpose of exchanging waqf land is not for public interest (RUTR) which is initiated by the government or developer, but on the initiative of the respective waqf *nadzir* in the context of developing waqf for educational purposes.<sup>6</sup> *Second*, legally, the purpose and reason for exchanging waqf land is through a *maqashid asy-syariah* approach.<sup>7</sup> *Third*, the

---

<sup>3</sup> Asrizal Saiin et al., “Wakaf Atas Royalti Sebagai Hak Ekonomi Dalam Intellectual Property Rights,” *Al-Awqaf: Jurnal Wakaf Dan Ekonomi Islam* 12, no. 2 (2019): 165–76, <https://doi.org/10.47411/al-awqaf.v12i2.65>.

<sup>4</sup> Ahmad Lukman Nugraha et al., “Waqf Literacy: The Dynamics of Waqf in Indonesia,” *JIEFeS* 3, no. 2 (2022): 102–20, <https://doi.org/10.47700/jiefes.v3i2.5082>.

<sup>5</sup> Elza Syarief, “Optimization of Waqf Land Management in Indonesia,” *International Journal of Research in Business and Social Science* 10, no. 2 (2021): 2147–4478, <https://doi.org/10.20525/ijrbs.v10i2.1076>.

<sup>6</sup> A personal interview with Sugeng Pujiharjo (Former Head of Rempoah Village, Baturaden Village, Banyumas), March 12, 2023.

<sup>7</sup> A personal interview with Abdullatif Z.A. (Chairman of the Waqf Trustee of Rempoah Village, Baturaden, Banyumas), March 13, 2023.

practice of exchanging waqf land at this location has been going on since 2005 until 2023.<sup>8</sup> *Fourth*, administratively, it is called an exchange of waqf land, but in the process, there is a sale and purchase of waqf land, because the administrative process is very long and has not been completed properly.<sup>9</sup>

As a comparison and literature review, previous studies on waqf in Indonesia can generally be classified into three major thematic streams. The first stream focuses on waqf asset management and institutional governance, as discussed by Sulistiani,<sup>10</sup> Aldeen, Ratih and Pertiwi,<sup>11</sup> Rusydiana et al.,<sup>12</sup> Ascarya, Husman and Tanjung,<sup>13</sup> and Jatmiko et al.,<sup>14</sup> who mainly examine efficiency, governance models, and institutional performance of waqf management bodies. Although these studies provide important insights into managerial and financial aspects of waqf, they largely treat waqf assets as static objects and do not address legal transformations of waqf property. The second stream concerns productive waqf and its socio-economic impact, including studies by Nugraha et al.,<sup>15</sup> Cahyono and Hidayat,<sup>16</sup> which emphasize the role of waqf in poverty alleviation, economic empowerment, and sustainable development. However, these studies focus more on outcomes and benefits rather than on the legal mechanisms that enable or constrain the optimization of waqf assets. The third stream specifically

---

<sup>8</sup> A personal interview with Sholechan (Representative of the waqif family), March 12, 2023.

<sup>9</sup> A personal interview with Aris Supriyanto (Member of the Nadzir of Rempoah Village, Banyumas), July 11, 2023.

<sup>10</sup> Siska Lis Sulistiani, "The Legal Position of Waqf for Non-Muslims in Efforts to Increase Waqf Assets in Indonesia," *Samarab: Jurnal Hukum Keluarga Dan Hukum Islam* 5, no. 1 (2021): 357–71, <https://doi.org/10.22373/sjhk.v5i1.9161>.

<sup>11</sup> Khaled Nour Aldeen, Inayah Swasti Ratih, and Risa Sari Pertiwi, "Cash Waqf From The Millennials' Perspective: A Case of Indonesia," *ISRA International Journal of Islamic Finance* 14, no. 1 (2021): 20–37, <https://doi.org/10.1108/IJIF-10-2020-0223>.

<sup>12</sup> Aam Slamet Rusydiana et al., "Cash Waqf for Developing Islamic Economy: Case Study in Indonesia," *Al-Uqud: Journal of Islamic Economics* 5, no. 1 (2021): 43–59, <https://doi.org/10.26740/al-uqud.v5n1.p43-59>.

<sup>13</sup> Ascarya, Jardine A. Husman, and Hendri Tanjung, "Determining The Characteristics of Waqf-Based Islamic Financial Institution and Proposing Appropriate Models for Indonesia," *International Journal of Ethics and Systems* 39, no. 1 (2023): 143–64, <https://doi.org/10.1108/IJOES-01-2022-0001>.

<sup>14</sup> Wahyu Jatmiko et al., "Intergenerational Analysis of Cash Waqf Behavior: Lessons Learned from Indonesia," *Journal of Islamic Accounting and Business* 15, no. 4 (2024): 590–618, <https://doi.org/10.1108/JIABR-03-2022-0086>.

<sup>15</sup> Nugraha et al., "Waqf Literacy: The Dynamics of Waqf in Indonesia."

<sup>16</sup> Eko Fajar Cahyono and Sutan Emir Hidayat, "Cash Waqf and The Development: A Case Study of Cash Waqf Linked Sukuk in Indonesia," *El-Barka: Journal of Islamic Economics and Business* 5, no. 1 (2022): 150–82, <https://doi.org/10.21154/elbarka.v5i1.3713>.

discusses waqf land, as examined by Syarief,<sup>17</sup> Wulandari and Anwar,<sup>18</sup> Priyadi et al.,<sup>19</sup> and Fahmi et al.,<sup>20</sup> who analyze issues of land certification, dispute resolution, and legal protection of waqf land. Despite their relevance, these studies generally position waqf land within a preservation framework, emphasizing immutability and protection, without critically exploring adaptive legal instruments such as the exchange (*istibdāl*) of waqf land.

Beyond Indonesia, studies on waqf and waqf land in countries such as Malaysia,<sup>21</sup> Turkey,<sup>22</sup> India,<sup>23</sup> Thailand,<sup>24</sup> Aljazair,<sup>25</sup> and Afghanistan,<sup>26</sup> similarly concentrate on governance, utilization, or regulatory frameworks, but tend to overlook the practical and jurisprudential implications of waqf land exchange as a strategy for enhancing public benefit. Therefore, a significant analytical gap remains regarding how waqf land exchange is implemented at the local level, how its benefits are legally and socially constructed, and how it aligns with Islamic legal principles and national waqf regulations. This study addresses that gap by explicitly examining the exchange of waqf land and the resulting benefits in Rempoah Village, Baturaden, Banyumas Regency, thereby offering a contextual,

---

<sup>17</sup> Syarief, "Optimization of Waqf Land Management in Indonesia."

<sup>18</sup> Maulina Wulandari and Saiful Anwar, "Waqf Land Management Problems and Solutions: A Case Study of the Regional Leaders of Muhammadiyah Tangerang Selatan," *Budapest International Research and Critics Institute-Journal* 5, no. 2 (2022): 13982–92, <https://doi.org/10.33258/birci.v5i2.5262>.

<sup>19</sup> Unggul Priyadi et al., "Waqf Management and Accountability: Waqf Land Financing Models for Economic Wellbeing," *Asian Economic and Financial Review* 13, no. 1 (2023): 74–84, <https://doi.org/10.55493/5002.v13i1.4696>.

<sup>20</sup> Nazil Fahmi et al., "The Complexity of Waqf Land in The Context of Customary Law in Indonesia," *Tadayun: Jurnal Hukum Ekonomi Syariah* 5, no. 1 (2024): 29–50, <https://doi.org/10.24239/tadayun.v5i1.268>.

<sup>21</sup> Nor Syahirah Zain and Zulkarnain Muhamad Sori, "An Exploratory Study on Musharakah SRI Sukuk for The Development of Waqf Properties/Assets in Malaysia," *Qualitative Research in Financial Markets* 12, no. 3 (2020): 301–14, <https://doi.org/10.1108/QRFM-09-2018-0099>.

<sup>22</sup> Tawfik Azrak, "The Roles of Cash Waqf in Improving the Economic Welfare: Case Study of Turkey," *The Journal of Management Theory and Practice* 3, no. 1 (2022): 42–47, <https://doi.org/10.37231/jmtp.2022.3.1.200>.

<sup>23</sup> Mohammed Meeran Jasir Mohtesham and Syed Marwan, "Social Impact Measurement of Waqf: Case Study of Waqf Organisations in Karnataka, India," *AZKA International Journal of Zakat & Social Finance* 4, no. 2 (2023): 199–218, <https://doi.org/10.51377/azjaf.vol4no2.172>.

<sup>24</sup> Aris Hassama and Nor Asmat Ismail, "Determinants of Cash Waqf Donation to Support Islamic Schools in Thailand," *International Journal of Research and Innovation in Social Science* 8, no. 1 (2024): 1265–78, <https://ideas.repec.org/a/bcp/journal/v8y2024i1p1265-1278.html>.

<sup>25</sup> Maryam Batubara and Sibril Malasyi, "The Management of Zakat and Waqf in the Economic Development Efforts of Aljazair," *Economit Journal: Scientific Journal of Accountancy, Management and Finance* 4, no. 1 (2024): 1–6, <https://doi.org/10.33258/economit.v4i1.1056>.

<sup>26</sup> Obaidullah Abid and Sarferaz Miakhil, "Management and Development of Waqf In Afghanistan," *International Journal of Sukuk and Waqf Research* 5, no. 2 (2024): 1–8, <https://doi.org/10.46281/ijswr.v5i2.2203>.

normative, and empirical contribution that extends beyond existing managerial and preservation-oriented waqf studies.

Unlike previous studies, this article conceptualizes *istibdāl al-waqf* not merely as a question of legal permissibility, but as a socio-legal negotiation between classical fiqh flexibility, *maqāṣid*-based welfare reasoning, and the rigidity of Indonesian statutory law. Theoretically, the study advances waqf jurisprudence by positioning *maqāṣid al-shari'ah* as an operative legal mediator capable of reconciling normative Islamic law with contemporary regulatory governance. This contribution is academically significant as it reframes waqf exchange as a site of legal adaptation rather than deviation, offering a new analytical lens for understanding Islamic law in practice. Based on both empirical realities and a review of the literature, the researcher is particularly interested in examining the practice of exchanging or trading waqf assets in Rempoah Village, Baturaden District, Banyumas.

This study is urgent in light of the growing need to contextualize waqf governance within contemporary socio-economic realities while maintaining fidelity to Islamic legal principles. By examining the empirical practice of waqf land exchange through the lens of *Maqāṣid al-Shari'ah*, this research not only bridges the gap between normative legal theory and local practice, but also provides a conceptual framework for ensuring that waqf management remains welfare-oriented, accountable, and socially transformative. In doing so, it offers both academic and practical significance for the reformulation of waqf policies and the advancement of adaptive Islamic legal thought in modern contexts.

This study employs a qualitative socio-legal field research design, conducted in Rempoah–Baturaden Village, Banyumas Regency. The socio-legal approach in this research is operationalized by integrating legal-normative analysis with empirical social investigation, allowing the study to examine how legal norms governing waqf land exchange (*istibdāl*) are interpreted, implemented, and negotiated in actual social practice. This approach enables an understanding of law not merely as written regulation, but as a lived and practiced system within a specific institutional and social context. The unit of analysis in this study consists of three interrelated components. First, the research analyses the practice of waqf land exchange (*istibdāl*), focusing on its procedural stages, legal justification, and underlying objectives of public benefit. Second, it examines the actors involved in the exchange process, namely the *naẓhir*, the Office of Religious Affairs (KUA), and the Indonesian Waqf Agency (BWI) of Banyumas Regency, including their respective roles, authorities, and interactions. Third, the study analyzes legal and administrative documents, including waqf deeds, exchange approval documents, land valuation records, and regulatory instruments related to waqf governance.

Data collection was carried out through documentation, observation, and in-depth interviews. Documentation was used to obtain legal and administrative

data from KUA, BWI Banyumas, and *nazhir* institutions concerning waqf management and development. Observation was conducted to directly examine the original waqf land and the exchanged land currently utilized for the Diponegoro Kindergarten educational institution managed by the NU Legal Entity *nazhir*. In-depth interviews were conducted with key stakeholders to explore the land survey and assessment process, including considerations of land value, benefit, and strategic significance as evaluated by the official assessment team. Data analysis in this study applies a descriptive-analytical method, emphasizing interpretative analysis rather than mere description. The analytical process follows a triangulation-based framework consisting of data reduction, data display, and conclusion drawing. To ensure data validity, this study employs source triangulation, by cross-checking information obtained from different actors and institutions, and normative triangulation, by systematically comparing positive law regulations on waqf with classical and contemporary Islamic jurisprudential (*fiqh*) perspectives on *istibdāl*. This dual triangulation strengthens the analytical rigor and ensures that the findings are both empirically grounded and normatively coherent.

## Discussion

### *Istibdāl al-Waqf* as Legal Negotiation

Waqf is a foundational institution in Islamic law that embodies the principle of retaining ownership of material assets while dedicating their benefits for religious and social purposes. Although this general understanding is widely accepted, classical *fiqh* literature reveals significant differences among Sunni schools of law regarding the definition, legal character, and permanence of waqf. These doctrinal variations are not merely semantic, but produce distinct legal consequences, particularly in how waqf is treated when its original function can no longer be fulfilled. As a result, waqf emerges not as a rigid legal construct, but as a normative institution open to interpretation and negotiation within Islamic legal reasoning.<sup>27</sup>

In practice, waqf assets are expected to be managed productively so that their benefits may be continuously realized. However, empirical realities demonstrate that waqf property may lose its utility due to physical damage, spatial transformation, or changing social needs. Mosques may become unusable, waqf land may be affected by infrastructure development, or educational institutions may be abandoned due to demographic shifts. Such conditions have been observed historically and contemporarily in various Muslim societies, including

---

<sup>27</sup> Syarif, "Optimization of Waqf Land Management in Indonesia."

Turkey, Egypt, Syria, and Indonesia, indicating that the problem of underutilized waqf assets is systemic rather than incidental.<sup>28</sup>

Islamic jurisprudence addresses this dilemma through the concepts of *al-ibdal* and *al-istibdāl*, which refer to the exchange or replacement of waqf property. While Sunni jurists generally agree that waqf assets may be exchanged under certain circumstances, they differ significantly regarding the scope and limits of such permissibility. Some schools impose strict conditions, whereas others adopt a more flexible approach. These differences illustrate that *istibdāl* is not a uniform legal doctrine, but rather a site of legal negotiation between the ideals of perpetuity and the demands of benefit.<sup>29</sup>

The Hanafi school represents the most permissive stance on *istibdāl*, prioritizing the realization of benefit over the physical preservation of the original waqf asset. Hanafi jurists allow the exchange or replacement of waqf property regardless of its type, whether movable or immovable, productive or idle, and regardless of who initiates the exchange, including the waqif, a third party, or a judge. This approach reflects a legal rationality that treats waqf as a dynamic institution whose legitimacy lies in its continuing utility rather than its material form.<sup>30</sup>

A similarly pragmatic orientation is found in the thought of Ibn Taymiyyah, who permits the exchange or sale of waqf property when necessity or greater benefit so requires. His reasoning is grounded in the principle that waqf exists to realize religious and social interests, not to preserve assets that have lost their function. Ibn Taymiyyah emphasizes two central justifications for *istibdāl*: urgent necessity, where the waqf asset can no longer serve its intended purpose, and superior benefit, where the replacement asset offers greater value and utility for the community and religion.<sup>31</sup>

From these juristic perspectives, a general framework emerges in which *istibdāl* is permissible provided certain conditions are met. These include the

---

<sup>28</sup> Wan Nazjmi Mohamed Fisol, Marina Abu Bakar, and Akli Ahmad, “Waqf Property Management Through the Maqasid Al-Shariah Approach,” *Journal of Contemporary Issues in Business and Government* 27, no. 3 (2021): 28–31, <https://doi.org/10.47750/cibg.2021.27.03.004>.

<sup>29</sup> Nanda Arisqa Lapatantja and Muammar Bakry, “Comparative Analyses of Maliki and Hanbali Thought on Waqf Istibdāl,” *Mazhabuna: Jurnal Perbandingan Mazhab* 3, no. 1 (2021): 49–60, <https://doi.org/10.24252/mh.v3i1.21129>.

<sup>30</sup> Habiburrahman Rizapoor and Mohammad Rashid Rahimi, “Imam Abu Hanifah: The Vanguard of Moderation in Islamic Jurisprudence and the Global Dissemination of Moderate Islam,” *Mazhab* 22, no. 2 (December 4, 2023): 213–42, <https://doi.org/10.21093/mj.v22i2.7088>.

<sup>31</sup> Iffah Febrianti Fitriyatul Lailiyah and Muhammad Latoif Ghozali, “The Concept Of Property Ownership In The Perspective Of Ibn Taimiyah,” *Jurnal Ilmiah Ekonomi Islam* 9, no. 3 (2023): 1–16, <https://doi.org/10.29040/jiei.v9i3.9509>; Nurjanah Nurjanah, Rahmatsyah Rahmatsyah, and Ali Mutakin, “Fatwa Lajnah Bahtsul Masail NU Concerning Istibdāl Wakaf and Their Relevance with Renewal of Islamic Law,” *Al-Istinbath: Jurnal Hukum Islam* 7, no. 2 (December 1, 2022): 523, <https://doi.org/10.29240/jhi.v7i2.3707>.

existence of genuine necessity or public interest, the equivalence or superiority of the replacement asset in value and benefit, and the involvement of judicial or governmental authority to ensure accountability. These requirements indicate that *istibdāl* operates as a negotiated legal mechanism, balancing the protection of waqf integrity with responsiveness to changing circumstances.<sup>32</sup>

In the Indonesian context, this negotiation is reflected in both religious and statutory norms. The Indonesian Ulema Council has affirmed the permissibility of waqf exchange as long as it aims to preserve and enhance public welfare and ensures that the replacement asset is equal or superior in value. At the same time, positive law adopts a restrictive approach by default, as seen in Law Number 41 of 2004, which prohibits the transfer of waqf property, while allowing exceptions under strict conditions, including public interest alignment, ministerial approval, and consent from the Indonesian Waqf Agency.<sup>33</sup>

Further legal refinement is provided through Government Regulation Number 25 of 2018, which amends previous regulations to address procedural obstacles in waqf land exchange.<sup>34</sup> The issuance of the Director General of Islamic Community Guidance Decree Number 659 of 2018 marks a significant shift toward administrative efficiency, legal certainty, and asset protection. These regulatory developments demonstrate that *istibdāl al-waqf* in Indonesia is not merely a legal exception, but a structured process of legal negotiation between Islamic jurisprudence, state regulation, and socio-economic realities, aimed at sustaining the relevance and benefits of waqf in contemporary society.<sup>35</sup>

### ***Dawām al-Intifā’ vs Dawām al-‘Ayn***

The exchange of waqf land in Rempoah Baturaden, Banyumas, was formally proposed by the waqf administrator with the explicit aim of ensuring that the waqf asset could continue to function in accordance with its original designation as stated in the Waqf Pledge Deed (AIW), namely for madrasah diniyah and TPQ education.<sup>36</sup> This objective aligns directly with Article 4 of Law

---

<sup>32</sup> Nur Mifchan Solichin, “Temporary Waqf as a Study of Fiqh Muamalah (Juridical Thoughts and Possibility of Its Implementation),” *Az-Zarqa: Jurnal Hukum Bisnis Islam* 14, no. 2 (2022): 243–60, <https://doi.org/10.14421/azzarqa.v14i2.2704>; A Zaenurrosyid et al., “The Diversity of Islamic Javanese Kings’ Waqf Management: Ruislag and Various Social Conflicts,” *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 20, no. 1 (August 4, 2025): 227–52, <https://doi.org/10.19105/al-lhkam.v20i1.14286>.

<sup>33</sup> Sulistiani, “The Legal Position of Waqf for Non-Muslims in Efforts to Increase Waqf Assets in Indonesia.”

<sup>34</sup> A personal interview with Solechan (representative of the waqif family), July 16, 2023.

<sup>35</sup> Musthafa Musthafa, Luqman Bin Hj Abdullah, and Nurhidayah Binti Pauzi, “Reasons For the Permission of Replacement of Wakaf Assets (Istibdāl Waqf) in Indonesian Regulations: An Interpretative Study,” *Al-‘Adalah* 19, no. 2 (December 25, 2022): 373–400, <https://doi.org/10.24042/adalah.v19i2.14423>.

<sup>36</sup> A personal interview with Agus Setiawan (Head of Gara Zawa Section, Ministry of Religion, Banyumas Regency), July 12, 2023.

No. 41 of 2004 on Waqf, which emphasizes that waqf assets must be utilized in accordance with their designated functions. In this sense, the proposed exchange was not intended to alter the normative purpose of the waqf, but rather to restore and enhance its functional realization amid changing spatial and social conditions.<sup>37</sup>

From the perspective of its designation, the waqf land in Rempoah Village falls within the category of waqf for social and public interests. In Islamic law, waqf is generally intended either for worship or for broader public welfare. While waqf for worship typically includes mosques, prayer rooms, and similar facilities, waqf for public interest encompasses educational institutions, health services, scientific research, libraries, and other activities that support communal well-being.<sup>38</sup> Madrasah diniyah and TPQ education clearly belong to this latter category, as they serve both religious and social functions by nurturing moral values and basic religious knowledge within the community.<sup>39</sup>

Law No. 41 of 2004 further reinforces this orientation by defining waqf as a legal act aimed at allocating property for worship and/or public welfare in accordance with sharia principles. This formulation underscores that *nadzir*,<sup>40</sup> as waqf administrators, are not merely custodians of physical assets, but trustees of purpose. The phrase “in accordance with sharia” signifies that waqf allocation must serve virtuous ends and avoid activities that contradict Islamic norms. Classical *fiqh* echoes this principle by framing waqf as an instrument for *al-kebair* and *al-birr*, meaning goodness and righteousness, while excluding uses that violate ethical or religious boundaries.<sup>41</sup>

Beyond its legal dimension, waqf also carries a strong theological and moral foundation. Islam conceptualizes wealth not as an absolute private entitlement, but as a trust that carries social responsibility.<sup>42</sup> Property ownership in Islam is inherently relational, meaning that individual or institutional ownership

---

<sup>37</sup> Mohtesham and Marwan, “Social Impact Measurement of Waqf: Case Study of Waqf Organisations in Karnataka, India.”

<sup>38</sup> Moh. Mufid and Adamu Abubakar Muhammad, “Islamic Philanthropy and Public Policy: A Study of Zakat Fatwas from the New Order Era to the Post-Reform Era,” *Jurnal Hukum Islam* 21, no. 2 (December 11, 2023): 201–30, [https://doi.org/10.28918/jhi\\_v21i2\\_01](https://doi.org/10.28918/jhi_v21i2_01).

<sup>39</sup> A personal interview with Tyas (Head of the Yogyakarta JPP Public Assessment Team), July 20, 2023.

<sup>40</sup> Faisal and Nursariani Simatupang, “The Strengthening Position and Functions of Waqf on Nadzir as an Independent Institution,” *Jurnal Akta* 9, no. 2 (2022): 1–18, <https://doi.org/10.30659/akta.v9i2.22955>.

<sup>41</sup> Wulandari and Anwar, “Waqf Land Management Problems and Solutions: A Case Study of the Regional Leaders of Muhammadiyah Tangerang Selatan.”

<sup>42</sup> Miftahul Huda, Aditya Prastian Supriyadi, and Ramadhita, “Productive Waqf Law Reform: A Solution to Support Indonesian Local Economy amid Contemporary Global Recession,” *MILRev: Metro Islamic Law Review* 4, no. 1 (June 13, 2025): 319–59, <https://doi.org/10.32332/milrev.v4i2.10210>.

must contribute to social justice and collective welfare.<sup>43</sup> Waqf, therefore, represents a concrete manifestation of this worldview, transforming private assets into perpetual sources of communal benefit and embedding economic activity within an ethical framework.<sup>44</sup>

When the waqf administrator of Rempoah Village initiated the exchange of waqf land due to its narrow size, unstrategic location, and limited potential for educational development, the decision reflected a clear prioritization of *dawām al-intifā'*, the continuity of benefit, over mere *dawām al-'ayn*, the physical permanence of the original asset. This distinction is central in waqf jurisprudence, as the ultimate objective of waqf lies not in preserving the material form of the asset, but in sustaining its benefits for society. In this context, the exchange was conceived as a means to safeguard the spirit and purpose of the waqf rather than to undermine it.<sup>45</sup>

At the same time, the emphasis on *dawām al-intifā'* does not negate the importance of protecting the integrity of waqf property. On the contrary, the administrator's reasoning demonstrates an ethical balance between maintaining asset value and maximizing benefit. The requirement that the replacement land must be equal or superior in value to the original waqf land reflects a commitment to preserving waqf integrity while pursuing greater utility.<sup>46</sup> This balance illustrates that *istibdāl* is not an act of dispossession, but a strategic effort to realign assets with their intended social function.<sup>47</sup>

The moral dimension of this decision is further reinforced by principles of *mu'āmalāt* in Islamic law, particularly the requirement of mutual consent and sincerity among all parties involved. Transactions involving waqf must be free from coercion, deception, and personal gain, as they concern assets dedicated to public trust. The emphasis on *ikblāṣ*, or sincerity, serves to prevent future conflict

---

<sup>43</sup> Muttaqin Choiri and Farid Ardyansyah, "The Politics of Waqf Practice in Pesantren Kyai Families in Bangkalan Madura, Indonesia," *El-Ushab: Jurnal Hukum Keluarga* 7, no. 1 (June 30, 2024): 272, <https://doi.org/10.22373/ujhk.v7i1.22186>.

<sup>44</sup> Koko Komaruddin, "Fairness in The Distribution of Land Ownership in Indonesia Based on Islamic Law Perspective," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 20, no. 2 (2020): 211–34, <https://doi.org/10.18326/ijthad.v20i2.211-234>.

<sup>45</sup> A personal interview with Abdullatif ZA, July 20, 2023.

<sup>46</sup> Edy Tri Sujarwadi et al., "Ethical Governance in Cash Waqf: A Systematic Review of Traditional and Contemporary Models," *PETTITA: Jurnal Kajian Ilmu Hukum Dan Syariat* 10, no. 2 (August 1, 2025), <https://doi.org/10.22373/petita.v10i2.905>.

<sup>47</sup> Lailiyah and Ghozali, "The Concept Of Property Ownership In The Perspective Of Ibn Taimiyah"; Maryani et al., "Islamic Philanthropy: Implementation of Regulations And Utilization of Waqf Proceeds in Jambi," *Jurnal Hukum Islam* 21, no. 1 (June 24, 2023): 159–80, [https://doi.org/10.28918/jhi\\_v21i1\\_07](https://doi.org/10.28918/jhi_v21i1_07).

and ensures that the exchange genuinely serves communal interests rather than individual advantage.<sup>48</sup>

This case highlights the sociological responsibility borne by *nadzir* as moral agents within the waqf system. Waqf land functions as a socio-economic instrument with deep communal implications, and failure to ensure its benefit constitutes not only legal negligence but also moral accountability.<sup>49</sup> Islam acknowledges the legitimacy of wealth ownership, yet firmly asserts that within every asset lies the right of others.<sup>50</sup> Viewed through this lens, the exchange of waqf land in Rempoah Village represents an ethical choice grounded in the primacy of *dawām al-intifā'*, affirming that the enduring value of waqf lies in its sustained benefit to society rather than in the static preservation of its physical form.<sup>51</sup>

### **Maslahah Mursalah as Socio-Legal Justification**

The exchange of waqf land in Rempoah Baturaden can be understood as a decision fundamentally oriented toward the realization of higher welfare objectives as articulated in *maqāṣid al-sharī'ah*.<sup>52</sup> Rather than being motivated by formalistic considerations of asset preservation, the rationale behind the exchange reflects a conscious effort to maximize public benefit, particularly for diniyah and early childhood education institutions. This orientation places the practice squarely within the framework of *maslahah*, where legal actions are evaluated based on their capacity to promote benefit and prevent harm within a concrete social context.<sup>53</sup>

---

<sup>48</sup> Mohd. Ali bin Muhammad Don et al., "Waqf Models for Higher Education: Malaysia's Experience and Challenges in Strengthening a Waqf-Based Higher Education System," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 25, no. 2 (December 27, 2025): 58–73, <https://doi.org/10.30631/alrisalah.v25i2.1995>.

<sup>49</sup> Zidney Ilma Fazaada Emha, Ana Silviana, and Musahadi Musahadi, "Waqf Land Certification Postponement for Place of Worship Due to the Obscurity of the Toll Road Expansion Project (Re-Overview of Gustav Radbruch's Three Basic Legal Values Theory)," *Al-Ahkam* 32, no. 1 (April 28, 2022): 17–40, <https://doi.org/10.21580/ahkam.2022.32.1.10745>; Rudy Haryanto and Lailatul Maufiroh, "An Waqf Land in Madura; Its Management and Typical Dispute Resolution," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 18, no. 2 (December 29, 2023): 496–518, <https://doi.org/10.19105/al-lhkam.v18i2.7570>.

<sup>50</sup> Hendi Sugianto et al., "Islamic Law And Gendered Inheritance: An-Taradhin as Breakthrough for Women's Rights Disputes in Java, Bali, and Sumatra," *Al-Istinbath: Jurnal Hukum Islam* 10, no. 2 (October 8, 2025): 700–731, <https://doi.org/10.29240/jhi.v10i2.12614>.

<sup>51</sup> A personal interview with Abdullatif ZA, July 17, 2023

<sup>52</sup> Sati and Tambunan, "Management of Waqf Assets for the Welfare of the Community in the Perspectives of Maqāṣid Al-Sharī'ah: A Case Study on Muhammadiyah Institution."

<sup>53</sup> Nugraha Hasan et al., "Maslahah Najmuddin Al-Thufi: A Framework for Fintech Benefit Realization in Indonesia," *Jurnal Ilmiah Al-Syir'ab* 22, no. 1 (June 30, 2024): 125, <https://doi.org/10.30984/jis.v22i1.2100>; Mustapa Khamal Rokan, Chuzaimah Batubara, and Zulham Zulham, "Judicial Application of the Theory of Maslahah in Islamic Economic Cases in

From the perspective of *maqāṣid al-sharī'ah*, the reasons underlying the waqf land exchange clearly fulfill the dual principles of *jalb al-maṣāliḥ*, namely attracting and enhancing welfare, and *dar' al-mafāsīd*, namely preventing harm or deterioration.<sup>54</sup> In this case, the primary harm to be avoided was the abandonment of waqf land that was no longer capable of fulfilling its educational function. Although a madrasah building had been constructed on the original waqf land, its unstrategic location and limited accessibility resulted in the absence of student enrollment, rendering the waqf asset functionally dormant and socially ineffective.<sup>55</sup>

Maintaining the waqf land in its original location under such circumstances would have contradicted the very purpose of waqf as a perpetual source of benefit.<sup>56</sup> Instead of preserving educational activities, the waqf asset risked becoming a symbolic structure devoid of social utility. This condition represents a form of *mafsadah*, not in the sense of overt harm, but in the loss of potential benefit and the erosion of the waqf's intended function.<sup>57</sup> Therefore, the decision to exchange the land can be viewed as a preventive measure aimed at restoring the operational relevance of the waqf.

The exchanged waqf land in Rempoah Village was reallocated for social purposes, specifically for the development of the Diponegoro Kindergarten educational institution. This reallocation reinforces the understanding that waqf, particularly waqf for education, serves as a strategic instrument for long-term social development. Educational institutions are not merely physical infrastructures but are spaces where human capital, moral values, and communal identity are cultivated. In this sense, the exchange was designed to ensure that the waqf continued to serve its social mission in a more effective and sustainable manner.<sup>58</sup>

Several substantive considerations guided the *nadzīr* in implementing the exchange. *First*, the economic value of the replacement land exceeded that of the

---

Indonesia,” *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 12, no. 1 (May 1, 2025): 208, <https://doi.org/10.29300/mzn.v12i1.7786>.

<sup>54</sup> Ulul Umami and Abdul Ghofur, “Human Rights in Maqāṣid Al-Sharī'ah Al-Āmmah: A Perspective of Ibn ‘Āshūr,” *Al-Ahkam* 32, no. 1 (April 28, 2022): 87–108, <https://doi.org/10.21580/ahkam.2022.32.1.9306>.

<sup>55</sup> Fisol, Bakar, and Ahmad, “Waqf Property Management Through the Maqasid Al-Shariah Approach.”

<sup>56</sup> Sudirman Sudirman et al., “Dysfunction of Muslim’s Public Resource: A Study of Waqf Land Disorganization in Indonesia,” *De Jure: Jurnal Hukum Dan Syariaḥ* 14, no. 1 (June 29, 2022): 92–110, <https://doi.org/10.18860/j-fsh.v14i1.16240>.

<sup>57</sup> Zaki Fuad et al., “Considering Debt in the Perspective of Maqasid Al-Shariah: Masalah Versus Mafsadah,” *PETITA: Jurnal Kajian Ilmu Hukum Dan Syariaḥ* 9, no. 1 (January 29, 2024): 17–29, <https://doi.org/10.22373/petita.v9i1.243>.

<sup>58</sup> Wulandari and Anwar, “Waqf Land Management Problems and Solutions: A Case Study of the Regional Leaders of Muhammadiyah Tangerang Selatan.”

original waqf land and the building constructed upon it, ensuring that the waqf asset was not diminished but instead enhanced in material terms. *Second*, the strategic location of the replacement land provided greater accessibility and development potential, allowing the educational institution to grow and attract students. *Third*, concerns regarding student safety during teaching and learning activities were addressed, demonstrating that the exchange was motivated not only by efficiency but also by ethical responsibility toward beneficiaries.<sup>59</sup>

All these considerations converge on a single objective, namely the welfare of students as the primary beneficiaries of the waqf. From an Islamic legal perspective, prioritizing educational welfare aligns with the protection of intellect (*ḥifẓ al-'aql*), one of the core objectives of *maqāṣid al-sharī'ah*.<sup>60</sup> Educational institutions function as spaces for intellectual and moral formation, and ensuring their viability directly contributes to the broader societal good. Consequently, the waqf land exchange represents a proactive effort to safeguard this objective through adaptive legal reasoning.<sup>61</sup>

From this analytical standpoint, the act of exchanging waqf land emerges as a legally and morally permissible action that generates tangible benefits. Its permissibility is not derived solely from textual allowances but from its consistency with the underlying logic of *maslahah al-mursalah*, a principle that legitimizes legal actions based on public interest in the absence of explicit textual prohibition. In this case, the exchange produced clear benefits while avoiding foreseeable harm, thereby satisfying the essential criteria of *maslahah*.<sup>62</sup>

Al-Shāṭibī's conception of *maslahah al-mursalah* provides a strong theoretical foundation for this justification. He argues that *maslahah* constitutes a definitive (*qat'ī*) legal argument when established through inductive reasoning (*al-istiqrā'*), which draws general principles from repeated social realities. Legal norms, in this view, are not abstract constructions detached from lived experience but are

---

<sup>59</sup> Awwaluddin Marza et al., "The Role of The Indonesian Waqf Agency in The Implementation of Nazir Supervision of Land Waqf (Study At Badan Wakaf Indonesia of Lhokseumawe City)," *Syariah: Jurnal Hukum Dan Pemikiran* 22, no. 2 (2022): 1–16, <https://doi.org/https://doi.org/10.18592/sjhp.v22i2.5841>.

<sup>60</sup> Muhammad Hadi et al., "Toward a Holistic Legal Framework for Effective Waqf Implementation: Integrating Islamic Socio-Economic Models," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 6, no. 1 (April 18, 2025): 15–42, <https://doi.org/10.24090/volksgeist.v8i1.12590>.

<sup>61</sup> Rofi Wahanisa, Suhadi Suhadi, and Aprilia Niravita, "Compensation System of Waqf Land Acquired for Developing Public Interest," *Diponegoro Law Review* 7, no. 1 (April 28, 2022): 70–87, <https://doi.org/10.14710/dilrev.7.1.2022.70-87>.

<sup>62</sup> Imam Syafi'i and Tutik Hamidah, "Maslahah Controvers As Sources, Methods And Objectives (Comparative Analysis Study Of The Four Madhab)," *Al-'Adalah: Jurnal Syari'ah Dan Hukum Islam* 7, no. 1 (2022): 19–38, <https://doi.org/10.31538/adllh.v7i1.1642>.

derived from consistent patterns of benefit observed in society. The practice of waqf land exchange that revitalizes dormant assets exemplifies such a pattern.<sup>63</sup>

When individual cases of waqf land exchange consistently demonstrate the restoration and enhancement of social benefit, a general legal conclusion can be drawn regarding their permissibility. In the Rempoah case, the exchange transformed an underutilized waqf asset into a productive educational facility, thereby reaffirming the waqf's original intent. Without such an exchange, the waqf land would have remained functionally ineffective, undermining both its legal purpose and its moral significance. Thus, *maslahah al-mursalah* operates here as a socio-legal justification that bridges normative Islamic principles with empirical social needs, validating adaptive legal action in pursuit of sustained public welfare.<sup>64</sup>

### Regulatory Inconsistency and Administrative Delay

The waqf land exchange in Rempoah–Baturaden Village was initially grounded in a clear legal and factual basis. Based on Deed of Waqf Pledge Number W2/39/K.16 of 1996, a 340 m<sup>2</sup> parcel of rice field land was formally endowed and handed over to the *nazhir*. The proposed replacement consisted of freehold land measuring 369 m<sup>2</sup>, located in an area with adequate infrastructure, including road access, drainage systems, street lighting, electricity networks, and proximity to public facilities such as schools, markets, health centres, and transportation routes. A field survey conducted in June 2023 by an assessment team appointed by the Regent of Banyumas confirmed that, from a physical and socio-economic perspective, the exchange land was objectively superior and more conducive to sustainable utilization.<sup>65</sup>

However, despite the apparent material adequacy of the exchange land, the regulatory framework governing waqf land exchange introduced procedural complexity. In accordance with statutory requirements, permission from the Minister of Religious Affairs must be based not only on land and building valuation but also on an assessment of qualitative benefit. Consequently, the appraisal process was fragmented across multiple administrative actors. Land

---

<sup>63</sup> Mufrod Teguh Mulyo et al., “The Power of Husband-Wife Communication in Building Family Resilience and Preventing Divorce: A Study of Maslahah Mursalah,” *Al-Manahij: Jurnal Kajian Hukum Islam* 17, no. 2 (August 23, 2023): 125–36, <https://doi.org/10.24090/mnh.v17i2.7651>; Agus Hermanto et al., “The Role of Maslahah Mursalah in Strengthening Religious Moderation: A Contemporary Approach to Mitigating Radicalism in State Islamic Universities in Indonesia,” *MILRev: Metro Islamic Law Review* 5, no. 1 (January 1, 2026): 101–49, <https://doi.org/10.32332/milrev.v5i1.10191>.

<sup>64</sup> Agus Hermanto et al., “The Role of Maslahah Mursalah in Strengthening Religious Moderation: A Contemporary Approach to Mitigating Radicalism in State Islamic Universities in Indonesia.”

<sup>65</sup> Report from the Public Works Department (DPU) Team to the Head of the Ministry of Religion of Banyumas Regency.

valuation was delegated to the Village Head and Sub-district Head, while building valuation fell under the authority of the Public Works Department. The qualitative assessment of benefit relied on subjective evaluations by survey team members, particularly regarding the strategic position of the exchange land. This multi-layered division of authority illustrates an early point of regulatory inconsistency, where legal compliance depends on coordination among institutions with overlapping but poorly integrated mandates.<sup>66</sup>

Further complications arose during the verification stage. A joint meeting and site survey facilitated by the Banyumas Regency Ministry of Religious Affairs revealed that the original waqf land no longer contained the madrasah building referenced in the exchange application.<sup>67</sup> The structure had been demolished, and no physical remnants remained. As a result, the Public Works appraisal team encountered significant difficulty in determining the building's value, materials, and construction specifications. This administrative obstacle underscores a structural weakness in waqf governance, where the absence of physical evidence can halt legal procedures, even when the underlying purpose of the exchange remains substantively justified.

The waqf land in Keniten Village was designated for the Diponegoro Kindergarten, yet its development stagnated due to limited student enrollment and an unfavorable location. In response, the *nazhir* sought a more strategic replacement site that would be safer and more accessible for children residing in the village. This decision reflects a rational managerial response aligned with the objectives of waqf, yet it simultaneously exposed the tension between adaptive social needs and rigid administrative procedures. As noted by one informant, the original site had become increasingly difficult to access and utilize effectively due to surrounding residential development.<sup>68</sup>

Following these developments, the KUA of Baturaden District formally submitted an application for the waqf land exchange. However, the process encountered a critical administrative bottleneck when the issuance of the Regent's Decree establishing the assessment team stalled without explanation. According to testimonies from involved officials, the application appeared to have been lodged with the Regency Social Welfare Office (Kesra) but was not processed further. The absence of transparency regarding the delay highlights a key dimension of regulatory inconsistency, where procedural requirements exist without clear mechanisms for accountability or enforcement.<sup>69</sup>

---

<sup>66</sup> Data source: Minutes of the Banyumas Regency Waqf Asset Assessment and Utilization Team.

<sup>67</sup> A personal interview with Faisal Riza, Agus Setiawan, and Abdullatif ZA, July 20, 2023.

<sup>68</sup> A personal interview with Tyas, July 20, 2023.

<sup>69</sup> A personal interview with Abdullatif ZA, July 20, 2023.

Despite prolonged administrative stagnation, the *nazhir* maintained a strong commitment to completing the exchange process. This persistence was driven by a sense of moral responsibility, given that the legal transfer of waqf land ownership could not be finalized without ministerial approval. The unresolved administrative status created legal uncertainty, preventing formal changes in land certification and exposing the *nazhir* to ethical and legal risk. This situation illustrates how administrative delay can undermine both legal certainty and institutional trust, even when substantive compliance has been achieved.<sup>70</sup>

The revitalization of the exchange process occurred following the establishment of the Indonesian Waqf Agency (BWI) Representative Office in Banyumas Regency. With BWI's involvement, coordination between the Ministry of Religious Affairs and local institutions improved, allowing the appraisal process to resume in accordance with statutory mandates. After completing valuation assessments and securing recommendations from the Regency Ministry of Religious Affairs, the application file was forwarded to the Central Java Provincial Ministry of Religious Affairs. This final stage demonstrates that regulatory inconsistency and administrative delay, rather than legal prohibition, constituted the primary obstacles in the waqf land exchange process, revealing a systemic governance challenge within Indonesia's waqf administration framework.

### Theoretical Implications

In From a theoretical perspective, the exchange of waqf land (*istibdāl al-waqf*) in this study should be reinterpreted not as a deviation from the normative structure of waqf, but as an integral instrument for realizing the higher objectives of Islamic law (*maqāṣid al-sharī'ah*). Classical jurisprudence has often emphasized the principle of immutability of waqf assets (*dawām al-'ayn*), which has led to a rigid understanding that any alteration to waqf property constitutes a legal violation. However, the empirical findings of this study demonstrate that such a formalistic reading is insufficient to address contemporary socio-economic realities, particularly when waqf assets lose their functional capacity to deliver public benefit.<sup>71</sup>

Within the framework of *maqāṣid al-sharī'ah*, *istibdāl* must be understood as a purposive legal mechanism aimed at preserving the continuity of benefit (*dawām al-intifā'*) rather than merely maintaining the physical form of the waqf object. In this sense, the exchange of waqf land constitutes a strategy to safeguard essential interests, especially in the fields of education, social welfare, and community development.<sup>72</sup> When the original waqf asset can no longer serve its

---

<sup>70</sup> Wardatun Nabilah et al., "Between Protection and Permissiveness: A Fiqh Siyasaḥ Reexamination of Marriage Dispensation in Indonesia," *JURIS (Jurnal Ilmiah Syariah)* 24, no. 1 (June 29, 2025): 137, <https://doi.org/10.31958/juris.v24i1.11882>.

<sup>71</sup> Nurjanah, Rahmatsyah, and Mutakin, "Fatwa Lajnah Bahtsul Masail NU Concerning Istibdāl Wakaf and Their Relevance with Renewal of Islamic Law."

<sup>72</sup> Wahanisa, Suhadi, and Niravita, "Compensation System of Waqf Land Acquired for Developing Public Interest"; Sudirman et al., "Dysfunction of Muslim's Public Resource: A Study

intended function, retaining it in its original form risks undermining the very objectives that justify its legal sanctity. Thus, *istibdāl* operates as a means of restoring, not negating, the ethical and legal spirit of waqf.

The classification of waqf land exchange as *maslahah mursalah* at the level of *maslahah daruriyyah* further strengthens its theoretical legitimacy.<sup>73</sup> It qualifies as *maslahah mursalah* because the benefits generated by waqf exchange are not explicitly regulated through definitive textual evidence that either mandates or prohibits such practices. Instead, their permissibility is derived through inductive reasoning based on observable social benefits. At the same time, it attains the level of *daruriyyah* because the absence of such exchanges may threaten the existence of waqf benefits altogether, thereby compromising essential *maqāṣid* such as the protection of intellect, property, and social order.

This reinterpretation challenges the dominant narrative that frames *istibdāl* primarily as an exception tolerated only under extreme necessity. Rather than being viewed as a last-resort legal deviation, *istibdāl* should be recognized as a proactive governance instrument within the *maqāṣid*-oriented legal framework.<sup>74</sup> By repositioning *istibdāl* in this manner, the study contributes to the ongoing transformation of waqf jurisprudence from a preservationist paradigm toward a functional and outcome-oriented paradigm that prioritizes sustained public benefit.

In terms of its contribution to contemporary *fiqh al-waqf*, this study provides a conceptual bridge between classical legal doctrines and modern socio-legal demands.<sup>75</sup> It demonstrates that classical *fiqh*, when read through a *maqāṣid*-based lens, contains sufficient flexibility to accommodate adaptive practices without compromising normative integrity. The findings reaffirm that Islamic legal tradition is not inherently rigid but possesses internal mechanisms (such as *maslahah mursalah*) that allow it to respond dynamically to changing social contexts.

---

of Waqf Land Disorganization in Indonesia”; Ahmad Wira et al., “Legal Study of Dzurri Waqf and Its Implementation towards Strengthening High Heritage Assets in Minangkabau, West Sumatra, Indonesia,” *JURIS (Jurnal Ilmiah Syariah)* 22, no. 2 (December 18, 2023): 329, <https://doi.org/10.31958/juris.v22i2.9383>; Zaenurrosyid et al., “The Diversity of Islamic Javanese Kings’ Waqf Management: Ruislag and Various Social Conflicts.”

<sup>73</sup> Agus Hermanto et al., “The Role of Maslahah Mursalah in Strengthening Religious Moderation: A Contemporary Approach to Mitigating Radicalism in State Islamic Universities in Indonesia.”

<sup>74</sup> Nurjanah, Rahmatsyah, and Mutakin, “Fatwa Lajnah Bahtsul Masail NU Concerning *Istibdāl* Wakaf and Their Relevance with Renewal of Islamic Law”; Musthafa, Bin Hj Abdullah, and Binti Pauzi, “Reasons For the Permission of Replacement of Wakaf Assets (*Istibdāl* Waqf) in Indonesian Regulations: An Interpretative Study.”

<sup>75</sup> Suhairi Suhairi et al., “Regulatory and Economic Challenges in Contemporary Crowdfunding-Based Cash Waqf,” *MILRev: Metro Islamic Law Review* 4, no. 2 (July 1, 2025): 822–67, <https://doi.org/10.32332/milrev.v4i2.10343>.

This contribution is particularly significant for scholars seeking to reconcile doctrinal fidelity with practical relevance in waqf management.

Furthermore, the study offers important implications for the reform of waqf policy in Indonesia. Current regulatory frameworks tend to emphasize procedural compliance and asset immutability, often resulting in administrative rigidity and legal stagnation. By highlighting *istibdāl* as a *maqāṣid*-driven instrument rather than a legal anomaly, this research supports the need for regulatory reform that integrates substantive welfare considerations into waqf governance. Such reforms would enable policymakers to move beyond formalistic restrictions and adopt a more holistic, benefit-oriented approach to waqf administration.

In this regard, the study encourages a recalibration of Indonesia's waqf regulatory regime, shifting from a control-based model toward a governance model grounded in *maqāṣid al-shari'ah*. This includes simplifying administrative procedures, strengthening institutional coordination, and explicitly recognizing *maslahah*-based reasoning in policy implementation. By doing so, waqf law can function not merely as a protective legal framework but as an active driver of social development.

The theoretical implications of this research reaffirm that waqf is not a static legal institution frozen in historical formalism, but a dynamic socio-legal mechanism designed to generate sustainable benefit. Reinterpreting *istibdāl* as a *maqāṣid*-oriented instrument allows waqf jurisprudence and policy to evolve in harmony with contemporary needs while remaining anchored in Islamic legal principles. This contribution positions the study as a meaningful addition to both the theoretical discourse of Islamic law and the practical reform agenda of waqf governance in Indonesia.

## Conclusion

The practice of waqf land exchange in Rempoah Baturaden Village demonstrates that *istibdāl al-waqf* operates as a socio-legal instrument to preserve the continuity of waqf benefits rather than as a violation of waqf principles. In direct response to the objectives of this study, the findings confirm that the mechanism of exchange is implemented through a welfare-oriented rationale and can be normatively justified within the framework of *maqāṣid al-shari'ah*. The exchange was driven by the objective of preventing the loss of waqf utility caused by functional stagnation and abandonment of the original land, thereby safeguarding the essential purposes of waqf as envisioned in Islamic law. From the perspective of Islamic legal theory, the practice qualifies within the framework of *maqāṣid al-shari'ah* at the level of *maslahah ḍarūriyyah*, as the absence of exchange would have undermined the essential objectives of waqf. The hesitation of officials in earlier periods reflects regulatory ambiguity and administrative rigidity

rather than substantive legal prohibition, revealing a structural gap between normative Islamic law and positive legal implementation.

In terms of implications, this study underscores the need for regulatory reform and administrative simplification in Indonesia's waqf governance framework. Waqf regulations should explicitly incorporate *maqāṣid*-based reasoning to allow adaptive decision-making oriented toward public welfare, while streamlining bureaucratic procedures and strengthening institutional coordination to reduce delays and legal uncertainty. Theoretically, this research contributes to contemporary fiqh al-waqf by shifting the paradigm from preservationist formalism toward functional sustainability grounded in *maqāṣid al-shari'ah*. Such a reorientation ensures that waqf remains a dynamic legal institution capable of responding to social change while maintaining its normative integrity.

## References

- Abid, Obaidullah, and Sarferaz Miakhil. "Management and Development of Waqf In Afghanistan." *International Journal of Sukuk and Waqf Research* 5, no. 2 (2024): 1–8. <https://doi.org/10.46281/ijswr.v5i2.2203>.
- Agus Hermanto, Gesit Yudha, Siti Nurjanah, and Agustiyara. "The Role of Maslahah Mursalah in Strengthening Religious Moderation: A Contemporary Approach to Mitigating Radicalism in State Islamic Universities in Indonesia." *MILRev: Metro Islamic Law Review* 5, no. 1 (January 1, 2026): 101–49. <https://doi.org/10.32332/milrev.v5i1.10191>.
- Aldeen, Khaled Nour, Inayah Swasti Ratih, and Risa Sari Pertiwi. "Cash Waqf From The Millennials' Perspective: A Case of Indonesia." *ISRA International Journal of Islamic Finance* 14, no. 1 (2021): 20–37. <https://doi.org/10.1108/IJIF-10-2020-0223>.
- Ascarya, Jardine A. Husman, and Hendri Tanjung. "Determining The Characteristics of Waqf-Based Islamic Financial Institution and Proposing Appropriate Models for Indonesia." *International Journal of Ethics and Systems* 39, no. 1 (2023): 143–64. <https://doi.org/10.1108/IJOES-01-2022-0001>.
- Azrak, Tawfik. "The Roles of Cash Waqf in Improving the Economic Welfare: Case Study of Turkey." *The Journal of Management Theory and Practice* 3, no. 1 (2022): 42–47. <https://doi.org/10.37231/jmtp.2022.3.1.200>.
- Batubara, Maryam, and Sibril Malasyi. "The Management of Zakat and Waqf in the Economic Development Efforts of Aljazair." *Economit Journal: Scientific Journal of Accountancy, Management and Finance* 4, no. 1 (2024): 1–6. <https://doi.org/10.33258/economit.v4i1.1056>.
- Cahyono, Eko Fajar, and Sutan Emir Hidayat. "Cash Waqf and The

- Development: A Case Study of Cash Waqf Linked Sukuk in Indonesia.” *El-Barka: Journal of Islamic Economics and Business* 5, no. 1 (2022): 150–82. <https://doi.org/10.21154/elbarka.v5i1.3713>.
- Choiri, Muttaqin, and Farid Ardyansyah. “The Politics of Waqf Practice in Pesantren Kyai Families in Bangkalan Madura, Indonesia.” *El-Usrah: Jurnal Hukum Keluarga* 7, no. 1 (June 30, 2024): 272. <https://doi.org/10.22373/ujhk.v7i1.22186>.
- Emha, Zidney Ilma Fazaada, Ana Silviana, and Musahadi Musahadi. “Waqf Land Certification Postponement for Place of Worship Due to the Obscurity of the Toll Road Expansion Project (Re-Overview of Gustav Radbruch’s Three Basic Legal Values Theory).” *Al-Ahkam* 32, no. 1 (April 28, 2022): 17–40. <https://doi.org/10.21580/ahkam.2022.32.1.10745>.
- Fahmi, Nazil, Hasbi, Berlian Gobo, Mirnawati, and Moh. Helmi. “The Complexity of Waqf Land in The Context of Customary Law in Indonesia.” *Tadayun: Jurnal Hukum Ekonomi Syariah* 5, no. 1 (2024): 29–50. <https://doi.org/10.24239/tadayun.v5i1.268>.
- Faisal, and Nursariani Simatupang. “The Strengthening Position and Functions of Waqf on Nadzir as an Independent Institution.” *Jurnal Akta* 9, no. 2 (2022): 1–18. <https://doi.org/10.30659/akta.v9i2.22955>.
- Fisol, Wan Nazjmi Mohamed, Marina Abu Bakar, and Akli Ahmad. “Waqf Property Management Through the Maqasid Al-Shariah Approach.” *Journal of Contemporary Issues in Business and Government* 27, no. 3 (2021): 28–31. <https://doi.org/10.47750/cibg.2021.27.03.004>.
- Fuad, Zaki, Hafas Furqani, Roza Hazli Zakaria, and Syamsul Idul Adha. “Considering Debt in the Perspective of Maqasid Al-Shariah: Masalah Versus Mafsadah.” *PETITA: Jurnal Kajian Ilmu Hukum Dan Syariah* 9, no. 1 (January 29, 2024): 17–29. <https://doi.org/10.22373/petita.v9i1.243>.
- Hadi, Muhammad, Jalaluddin Rum, Wahyudin Maguni, and Anwar M. Radiamoda. “Toward a Holistic Legal Framework for Effective Waqf Implementation: Integrating Islamic Socio-Economic Models.” *Volkgeist: Jurnal Ilmu Hukum Dan Konstitusi* 6, no. 1 (April 18, 2025): 15–42. <https://doi.org/10.24090/volkgeist.v8i1.12590>.
- Hasan, Nugraha, Achmad Abubakar, Hasyim Haddade, Kurniati Kurniati, Nurjannah Nurjannah, and Sabbar Dahham Sabbar. “Masalah Najmuddin Al-Thufi: A Framework for Fintech Benefit Realization in Indonesia.” *Jurnal Ilmiah Al-Syir’ah* 22, no. 1 (June 30, 2024): 125. <https://doi.org/10.30984/jis.v22i1.2100>.
- Hassama, Aris, and Nor Asmat Ismail. “Determinants of Cash Waqf Donation to Support Islamic Schools in Thailand.” *International Journal of Research and*

- Innovation in Social Science* 8, no. 1 (2024): 1265–78. <https://ideas.repec.org/a/bcp/journal/v8y2024i1p1265-1278.html>.
- Ikhyanuddin, Hendra Raza, Juni Akhyar, Muhammad Arief, and Hidayah Dwi Kusuma. “Waqf Accountability Around the World: A Mini-Review.” *IJIBE International Journal of Islamic Business Ethics* 7, no. 2 (2022): 1–15. <https://doi.org/10.30659/ijibe.7.2.100-107>.
- Jatmiko, Wahyu, Banu Muhammad Haidlir, A. Azizon, Bambang Shergi Laksmono, and Rahmatina Kasri. “Intergenerational Analysis of Cash Waqf Behavior: Lessons Learned from Indonesia.” *Journal of Islamic Accounting and Business* 15, no. 4 (2024): 590–618. <https://doi.org/10.1108/JIABR-03-2022-0086>.
- Komaruddin, Koko. “Fairness in The Distribution of Land Ownership in Indonesia Based on Islamic Law Perspective.” *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 20, no. 2 (2020): 211–34. <https://doi.org/10.18326/ijtihad.v20i2.211-234>.
- Lailiyah, Iffah Febrianti Fitriyatul, and Muhammad Latoif Ghozali. “The Concept Of Property Ownership In The Perspective Of Ibn Taimiyah.” *Jurnal Ilmiah Ekonomi Islam* 9, no. 3 (2023): 1–16. <https://doi.org/10.29040/jiei.v9i3.9509>.
- Lapatantja, Nanda Arisqa, and Muammar Bakry. “Comparative Analyses of Maliki and Hanbali Thought on Waqf Istibdāl.” *Mazhabuna: Jurnal Perbandingan Mazhab* 3, no. 1 (2021): 49–60. <https://doi.org/10.24252/mh.v3i1.21129>.
- Maryani, Zainal Arifin, M. Kamal Fathoni, Neni Triana, Pidayan Sasnifa, Shofian Bin Ahmad, Rahmi Hidayati, and Ramlah. “Islamic Philanthropy: Implementation of Regulations And Utilization of Waqf Proceeds in Jambi.” *Jurnal Hukum Islam* 21, no. 1 (June 24, 2023): 159–80. [https://doi.org/10.28918/jhi\\_v21i1\\_07](https://doi.org/10.28918/jhi_v21i1_07).
- Marza, Awwaluddin, Ilyas, Muhammad Adli, and Fatimah Zuhra. “The Role of The Indonesian Waqf Agency in The Implementation of Nazir Supervision of Land Waqf (Study At Badan Wakaf Indonesia of Lhokseumawe City).” *Syariah: Jurnal Hukum Dan Pemikiran* 22, no. 2 (2022): 1–16. <https://doi.org/https://doi.org/10.18592/sjhp.v22i2.5841>.
- Miftahul Huda, Aditya Prastian Supriyadi, and Ramadhita. “Productive Waqf Law Reform: A Solution to Support Indonesian Local Economy amid Contemporary Global Recession.” *MILRev: Metro Islamic Law Review* 4, no. 1 (June 13, 2025): 319–59. <https://doi.org/10.32332/milrev.v4i2.10210>.
- Mohtesham, Mohammed Meeran Jasir, and Syed Marwan. “Social Impact Measurement of Waqf: Case Study of Waqf Organisations in Karnataka, India.” *AZKA International Journal of Zakat & Social Finance* 4, no. 2 (2023):

- 199–218. <https://doi.org/10.51377/azjaf.vol4no2.172>.
- Mufid, Moh., and Adamu Abubakar Muhammad. “Islamic Philanthropy and Public Policy: A Study of Zakat Fatwas from the New Order Era to the Post-Reform Era.” *Jurnal Hukum Islam* 21, no. 2 (December 11, 2023): 201–30. [https://doi.org/10.28918/jhi\\_v21i2\\_01](https://doi.org/10.28918/jhi_v21i2_01).
- Muhammad Don, Mohd. Ali bin, Mohd. Rilizam bin Rosli, Mohd. Shukri bin Mohd. Senin, Mohd. Huefiros Efizi bin Husain, Mohd. Farhan bin Ahmad, Hjh. Mas Nooraini binti Hj. Mohiddin, Kamaru Salam Yusof, and Cecep Soleh Kurniawan. “Waqf Models for Higher Education: Malaysia’s Experience and Challenges in Strengthening a Waqf-Based Higher Education System.” *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 25, no. 2 (December 27, 2025): 58–73. <https://doi.org/10.30631/alrisalah.v25i2.1995>.
- Musthafa, Musthafa, Luqman Bin Hj Abdullah, and Nurhidayah Binti Pauzi. “Reasons For the Permission of Replacement of Wakaf Assets (Istibdâl Waqf) in Indonesian Regulations: An Interpretative Study.” *Al’Adalah* 19, no. 2 (December 25, 2022): 373–400. <https://doi.org/10.24042/adalah.v19i2.14423>.
- Nabilah, Wardatun, Rido Putra, Fakhriyah Annisa Afroo, Nurjanah Nurjanah, and Etri Wahyuni. “Between Protection and Permissiveness: A Fiqh Siyasah Reexamination of Marriage Dispensation in Indonesia.” *JURIS (Jurnal Ilmiah Syariah)* 24, no. 1 (June 29, 2025): 137. <https://doi.org/10.31958/juris.v24i1.11882>.
- Nugraha, Ahmad Lukman, Adib Susilo, Miftahul Huda, Mohamad Anton Athoillah, and Chaerul Rochman. “Waqf Literacy: The Dynamics of Waqf in Indonesia.” *JIEFeS* 3, no. 2 (2022): 102–20. <https://doi.org/10.47700/jiefes.v3i2.5082>.
- Nurjanah, Nurjanah, Rahmatsyah Rahmatsyah, and Ali Mutakin. “Fatwa Lajnah Bahtsul Masail NU Concerning Istibdâl Wakaf and Their Relevance with Renewal of Islamic Law.” *Al-Istinbath: Jurnal Hukum Islam* 7, no. 2 (December 1, 2022): 523. <https://doi.org/10.29240/jhi.v7i2.3707>.
- Priyadi, Unggul, Siti Achiria, Mochamad Ali Imron, and Gholam Reza Zandi. “Waqf Management and Accountability: Waqf Land Financing Models for Economic Wellbeing.” *Asian Economic and Financial Review* 13, no. 1 (2023): 74–84. <https://doi.org/10.55493/5002.v13i1.4696>.
- Rizapoor, Habiburrahman, and Mohammad Rashid Rahimi. “Imam Abu Hanifah: The Vanguard of Moderation in Islamic Jurisprudence and the Global Dissemination of Moderate Islam.” *Mazhabib* 22, no. 2 (December 4, 2023): 213–42. <https://doi.org/10.21093/mj.v22i2.7088>.

- Rokan, Mustapa Khamal, Chuzaimah Batubara, and Zulham Zulham. "Judicial Application of the Theory of Maslahah in Islamic Economic Cases in Indonesia." *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 12, no. 1 (May 1, 2025): 208. <https://doi.org/10.29300/mzn.v12i1.7786>.
- Rudy Haryanto, and Lailatul Maufiroh. "An Waqf Land in Madura; Its Management and Typical Dispute Resolution." *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 18, no. 2 (December 29, 2023): 496–518. <https://doi.org/10.19105/al-lhkam.v18i2.7570>.
- Rusydiaana, Aam Slamet, Yayat Hidayat, Tika Widiastuti, and Solihah Sari Rahayu. "Cash Waqf for Developing Islamic Economy: Case Study in Indonesia." *Al-Uqud: Journal of Islamic Economics* 5, no. 1 (2021): 43–59. <https://doi.org/10.26740/al-uqud.v5n1.p43-59>.
- Saiin, Asrizal, Pipin Armita, Muhammad Rizki, and Zulfa Hudiyani. "Wakaf Atas Royalti Sebagai Hak Ekonomi Dalam Intellectual Property Rights." *Al-Awqaf: Jurnal Wakaf Dan Ekonomi Islam* 12, no. 2 (2019): 165–76. <https://doi.org/10.47411/al-awqaf.v12i2.65>.
- Sati, Ali, and Syafrianto Tambunan. "Management of Waqf Assets for the Welfare of the Community in the Perspectives of Maqāṣid Al-Sharī'ah: A Case Study on Muhammadiyah Institution." *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 9, no. 1 (2025): 1–15. <https://doi.org/https://dx.doi.org/10.22373/sjhk.v9i1.11839>.
- Solichin, Nur Mifchan. "Temporary Waqf as a Study of Fiqh Muamalah (Juridical Thoughts and Possibility of Its Implementation)." *Az-Zarqa: Jurnal Hukum Bisnis Islam* 14, no. 2 (2022): 243–60. <https://doi.org/10.14421/azzarqa.v14i2.2704>.
- Sudirman, Sudirman, Irwan Abdullah, Saifuddin Zuhri Qudsy, Fakhruddin Fakhruddin, and Syabbul Bachri. "Dysfunction of Muslim's Public Resource: A Study of Waqf Land Disorganization in Indonesia." *De Jure: Jurnal Hukum Dan Syar'iah* 14, no. 1 (June 29, 2022): 92–110. <https://doi.org/10.18860/j-fsh.v14i1.16240>.
- Sugianto, Hendi, Achmad Fawaid, Hasan Baharun, and Ayuningtias Yaran. "Islamic Law And Gendered Inheritance: An-Taradhin as Breakthrough for Women's Rights Disputes in Java, Bali, and Sumatra." *Al-Istinbath: Jurnal Hukum Islam* 10, no. 2 (October 8, 2025): 700–731. <https://doi.org/10.29240/jhi.v10i2.12614>.
- Suhairi, Suhairi, Afriyan Arya Saputra, Agus Alimuddin, and Mutsalim Khareng. "Regulatory and Economic Challenges in Contemporary Crowdfunding-Based Cash Waqf." *MILRev: Metro Islamic Law Review* 4, no. 2 (July 1, 2025): 822–67. <https://doi.org/10.32332/milrev.v4i2.10343>.

- Sujarwadi, Edy Tri, Hendri Tanjung, Nurul Huda, and Imam Teguh Saptono. "Ethical Governance in Cash Waqf: A Systematic Review of Traditional and Contemporary Models." *PETTITA: Jurnal Kajian Ilmu Hukum Dan Syariah* 10, no. 2 (August 1, 2025). <https://doi.org/10.22373/petita.v10i2.905>.
- Sulistiani, Siska Lis. "The Legal Position of Waqf for Non-Muslims in Efforts to Increase Waqf Assets in Indonesia." *Samarab: Jurnal Hukum Keluarga Dan Hukum Islam* 5, no. 1 (2021): 357–71. <https://doi.org/10.22373/sjkh.v5i1.9161>.
- Syafi'i, Imam, and Tutik Hamidah. "Maslahah Controvers As Sources, Methods And Objectives (Comparative Analysis Study Of The Four Madhab)." *Al-'Adalah: Jurnal Syari'ah Dan Hukum Islam* 7, no. 1 (2022): 19–38. <https://doi.org/10.31538/adlh.v7i1.1642>.
- Syarief, Elza. "Optimization of Waqf Land Management in Indonesia." *International Journal of Research in Business and Social Science* 10, no. 2 (2021): 2147–4478. <https://doi.org/10.20525/ijrbs.v10i2.1076>.
- Teguh Mulyo, Mufrod, Khoiruddin Nasution, Samin Batubara, Siti Musawwamah, and Raihanah Abdullah. "The Power of Husband-Wife Communication in Building Family Resilience and Preventing Divorce: A Study of Maṣlaḥah Mursalah." *Al-Manahij: Jurnal Kajian Hukum Islam* 17, no. 2 (August 23, 2023): 125–36. <https://doi.org/10.24090/mnh.v17i2.7651>.
- Umami, Ulul, and Abdul Ghofur. "Human Rights in Maqāṣid Al-Sharī'ah Al-Āmmah: A Perspective of Ibn 'Āshūr." *Al-Ahkam* 32, no. 1 (April 28, 2022): 87–108. <https://doi.org/10.21580/ahkam.2022.32.1.9306>.
- Wahanisa, Rofi, Suhadi Suhadi, and Aprilia Niravita. "Compensation System of Waqf Land Acquired for Developing Public Interest." *Diponegoro Law Review* 7, no. 1 (April 28, 2022): 70–87. <https://doi.org/10.14710/dilrev.7.1.2022.70-87>.
- Wira, Ahmad, Nurul Huda, Ahmad Sunawari Long, Wahyuni Lely Augusna, Meirison Meirison, and Yenti Afrida. "Legal Study of Dzurri Waqf and Its Implementation towards Strengthening High Heritage Assets in Minangkabau, West Sumatra, Indonesia." *JURIS (Jurnal Ilmiah Syariah)* 22, no. 2 (December 18, 2023): 329. <https://doi.org/10.31958/juris.v22i2.9383>.
- Wulandari, Maulina, and Saiful Anwar. "Waqf Land Management Problems and Solutions: A Case Study of the Regional Leaders of Muhammadiyah Tangerang Selatan." *Budapest International Research and Critics Institute-Journal* 5, no. 2 (2022): 13982–92. <https://doi.org/10.33258/birci.v5i2.5262>.
- Zaenurrosyid, A, Hidayatus Sholihah, Miftahuddin Miftahuddin, and Nawawi Nawawi. "The Diversity of Islamic Javanese Kings' Waqf Management: Ruislag and Various Social Conflicts." *AL-IHKAM: Jurnal Hukum & Pranata*

*Sosial* 20, no. 1 (August 4, 2025): 227–52. <https://doi.org/10.19105/al-lhkam.v20i1.14286>.

Zain, Nor Syahirah, and Zulkarnain Muhamad Sori. “An Exploratory Study on Musharakah SRI Sukuk for The Development of Waqf Properties/Assets in Malaysia.” *Qualitative Research in Financial Markets* 12, no. 3 (2020): 301–14. <https://doi.org/10.1108/QRFM-09-2018-0099>.