

Strengthening Legal Certainty for Waqf Land in Indonesia Through Certification: A Study at the Magetan District Land Office

Harum Kusumaningtyas

Universitas Terbuka

Korespondensi: harum.ktyas@gmail.com

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Abstract: Waqf land plays an important role in the social and religious life of Indonesian society, particularly in relation to worship, education, social activities, and general welfare. In order to maximize the use of waqf land and protect it from potential legal disputes, it is essential to register and issue waqf certificates. These certificates serve as legal evidence in the country's land system. The purpose of this study is to analyze the function of waqf land certificates in providing legal certainty and to examine the development of waqf land registration in Magetan Regency. The approach used in this study is normative-empirical. This method combines a legal review of waqf regulations and data collection from waqf registration documents, interviews with staff from the Land Office, and direct observation in the field. The results of the study show that waqf land certificates serve as strong evidence of rights, provide legal protection for nazirs, and guarantee legal certainty for waqf beneficiaries. Empirical data also shows an upward trend in the registration and issuance of waqf land

certificates in Magetan Regency in recent years. This increase is due to the accelerated waqf land registration program, socialization carried out by the Land Office, the active role of the Office of Religious Affairs, and increased public awareness of the importance of waqf land legality. The results of the study indicate that the more waqf land is registered, the stronger the legal protection and certainty in the management and utilization of the waqf. This study also suggests that there should be increased coordination between agencies and education for the community to expand the coverage of waqf land certification, in order to create safe, orderly, and sustainable waqf management.

Keywords: Waqf; Certificate; Land Registration; Legal Certainty.

Abstrak: Tanah wakaf memiliki peranan penting dalam kehidupan sosial dan keagamaan masyarakat di Indonesia, khususnya berkaitan dengan kegiatan ibadah, pendidikan, sosial, dan kesejahteraan umum. Untuk memaksimalkan penggunaan tanah wakaf dan melindunginya dari kemungkinan sengketa hukum, pendaftaran serta penerbitan sertipikat wakaf sangatlah penting. Sertipikat ini berfungsi sebagai bukti sah dalam sistem pertanahan di negara ini. Tujuan dari penelitian ini adalah untuk menganalisis fungsi sertipikat tanah wakaf dalam memberikan kepastian hukum, serta menelaah perkembangan pendaftaran tanah wakaf di Kabupaten Magetan. Pendekatan yang digunakan dalam penelitian ini adalah normatif-empiris. Metode ini menggabungkan kajian hukum terhadap peraturan wakaf dan pengumpulan data dari dokumen pendaftaran wakaf, wawancara dengan staf dari Kantor Pertanahan, dan observasi langsung di

lapangan. Hasil penelitian menunjukkan bahwa sertipikat tanah wakaf berperan sebagai bukti hak yang kuat, memberikan perlindungan hukum bagi nazir, serta menjamin kepastian hukum bagi penerima manfaat wakaf. Data empiris juga memperlihatkan adanya tren peningkatan pendaftaran dan penerbitan sertipikat tanah wakaf di Kabupaten Magetan dalam beberapa tahun terakhir. Peningkatan ini disebabkan oleh program percepatan pendaftaran tanah wakaf, sosialisasi yang dilakukan oleh Kantor Pertanahan, peran aktif dari Kantor Urusan Agama, serta meningkatnya kesadaran masyarakat akan pentingnya legalitas tanah wakaf. Hasil penelitian mengindikasikan bahwa semakin banyak tanah wakaf yang didaftarkan, semakin kuat pula perlindungan hukum dan kepastian dalam pengelolaan serta pemanfaatan wakaf tersebut. Penelitian ini juga menyarankan agar terdapat peningkatan koordinasi antar instansi dan edukasi kepada masyarakat untuk memperluas cakupan sertifikasi tanah wakaf, guna menciptakan pengelolaan wakaf yang aman, teratur, dan berkelanjutan.

Keywords: Wakaf; Sertifikat; Pendaftaran Tanah; Kepastian Hukum.

Introduction

Waqf has a strategic position in the national legal system as a religious instrument with socio-economic dimensions.¹ Within the framework of positive law, regulations concerning waqf are confirmed in Law Number 41 of 2004 concerning Waqf, which places waqf not only as an act of worship, but also as a legal institution that must be managed professionally and accountably.² On the other hand, the national land

¹ Shehu U. R. Aliyu, "Reflections on the Socioeconomic Role of Waqf in an Islamic Economic System," *IJUS: International Journal of Umranic Studies* 2, no. 1 (2019): 31–43, <https://doi.org/10.59202/ijus.v2i1.560>.

² Irma Suryani Lubis and Muslim Marpaung, "Reconstructing the Role of Waqf in Indonesia's Islamic Financial Ecosystem: Institutional and Regulatory Analysis,"

regime through Law Number 5 of 1960 concerning Basic Agrarian Principles emphasizes the importance of land registration to ensure legal certainty, legal protection, and orderly land administration.³ Thus, waqf land as part of agrarian legal objects must be placed in the land registration system in order to obtain legal proof through a certificate.⁴

Normatively, the certification of waqf land is a concrete manifestation of the principle of legal certainty. Certificates not only serve as strong evidence of land rights status, but also as a preventive instrument against potential disputes, illegal transfers of rights, and unilateral claims from heirs or third parties.⁵ Waqf land that is not registered and certified risks losing its administrative legitimacy, making it vulnerable to legal conflicts that could disrupt the continuity of its socio-religious function.⁶ Therefore, the registration of waqf certificates is not merely an administrative procedure, but an integral part of efforts to protect community assets.⁷

This urgency becomes even more relevant when linked to the empirical conditions in Magetan Regency. Based on census data on places of worship, there are 3,397 places of worship consisting of 1,101 mosques, 1,725 prayer rooms, and 570 other places of worship. However, of this total, only 2,117 plots of land have been certified, consisting of 800 mosques, 897 prayer rooms, and 420 other places of worship. This means that there are still 1,280 plots of land for places of worship that have not been certified, including 300 mosques, 885 prayer rooms, and 95 other

International Journal of Management Research and Economics 3, no. 2 (2025): 174–99, <https://doi.org/10.54066/ijmre-itb.v3i2.3179>.

³ Saiful Anwar, "Urgency of Waqf Land Registration in the Context of Indonesian Land Reform," *Journal of Law and Legal Reform* 1, no. 3 (2020): 479–92, <https://doi.org/10.15294/jllr.v1i3.38216>.

⁴ Mutiara Hamdalah Munandar, "Legal Protection of Uncertified Waqf Land in Indonesia," *Nurani Hukum* 4, no. 1 (2021), <https://doi.org/10.51825/nhk.v4i1.11235>.

⁵ Alvanto Wibisono et al., "Waqf Land Registration and Its Implications for Legal Certainty: A Case Study in Jember Regency," *Marcapada: Jurnal Kebijakan Pertanahan* 4, no. 2 (2025): 104–18, <https://doi.org/10.31292/mj.v4i2.149>.

⁶ Roshidah Binti Osman et al., "Waqf Land Administration and Registration: Legal Analysis," *The Journal of Social Sciences Research* 6 (2018), <https://doi.org/10.32861/jssr.spi6.1194.1201>.

⁷ Elza Syarief, "Optimization of Waqf Land Management in Indonesia," *International Journal of Research in Business and Social Science* 10, no. 2 (2021), <https://doi.org/10.20525/ijrbs.v10i2.1076>.

places of worship. In percentage terms, around 37.6% of land for places of worship in Magetan Regency does not yet have a certificate. This figure shows a significant gap between the physical existence of waqf assets and their formal legal protection.

This condition indicates that the increase in the amount of waqf land in Magetan Regency has not been fully accompanied by the optimization of the registration and certification process. In fact, without a certificate, waqf land has the potential to face legal problems in the future, whether in the form of ownership disputes, overlapping claims, or misuse of allocation.⁸ This situation raises questions about how the practice of waqf certificate registration is carried out, the extent of the role of the Land Office in encouraging the legalization of waqf assets, and the obstacles encountered in the process.

Studies on waqf in Indonesian legal literature have developed into several main clusters. First, normative research that examines the legal construction of waqf based on Law Number 41 of 2004 concerning Waqf and its derivative regulations, which focus on the position of the nadzir,⁹ the management of productive waqf,¹⁰ and strengthening the role of the Indonesian Waqf Board in the governance of community assets.¹¹ Second, Islamic economic studies that develop models of productive waqf,¹² cash

⁸ Islamiyati et al., "Law Reconstruction for Land Waqf Disputes Resolution through Mediation to Achieve Legal Certainty," *IOP Conference Series: Earth and Environmental Science* 1537, no. 1 (2025): 012068, <https://doi.org/10.1088/1755-1315/1537/1/012068>.

⁹ Suhadi Suhadi et al., "Enhancing Nazir Capacity through Legal Literacy of Land Trust to Ensure Legal Certainty in Waqf Land Management," *Indonesian Journal of Legal Community Engagement* 7, no. 2 (2024): 119–34, <https://doi.org/10.15294/jphi.v7i2.6693>.

¹⁰ A. Zaeini Misbaahuddin Asyuari and Khoirul Khitam, "Productive Waqf Management on Mazhab Syafi'i and Law No. 41 of 2004 Perspective: Implications for Community Welfare," *Al-'Adalah: Jurnal Syariah Dan Hukum Islam* 10, no. 2 (2025): 381–98, <https://doi.org/10.31538/adlh.v10i2.8133>.

¹¹ Rimanto et al., "Repositioning the Independence of the Indonesian Waqf Board in the Development of National Waqf: A Critical Review of Law No. 41 of 2004 Concerning Waqf," *Justicia Islamica* 18, no. 1 (2021): 59–78, <https://doi.org/10.21154/justicia.v18i1.2303>.

¹² Ascarya et al., "Designing Simple Productive Waqf Models for Indonesia," *International Journal of Ethics and Systems* 38, no. 3 (2022): 380–401, <https://doi.org/10.1108/IJOES-07-2020-0101>.

waqf,¹³ and the integration of waqf with Islamic social finance instruments.¹⁴ Third, agrarian law research that touches on the registration of waqf land within the framework of Law Number 5 of 1960 concerning Basic Agrarian Principles, but is generally conceptual in nature and has not yet examined in depth the administrative practices at the Land Office level.¹⁵ However, there is still relatively limited research that specifically links these three aspects, namely the increase in the quantity of waqf land, the low level of certification, and its implications for legal certainty through empirical institutional studies at the regional level. Thus, the novelty of this research lies in its integrative analysis of waqf legal norms and land administration practices through a case study at the Magetan District Land Office, so that it not only tests the effectiveness of waqf land registration implementation but also maps the gap between waqf asset growth and its legal protection in a concrete local context.

Based on these issues, this study poses the following main questions: How is the registration of waqf land certificates carried out at the Magetan Regency Land Office? What are the legal and administrative obstacles encountered? How does this affect the strengthening of legal certainty over waqf assets? This study aims to empirically analyze the practice of waqf certificate registration, identify factors that hinder optimization of certification, and assess the extent to which this process has contributed to the legal protection of waqf land. Theoretically, this study is expected to enrich the study of waqf law with a socio-legal approach that links norms and institutional practices in concrete terms. Practically, this study provides field-based recommendations for the Land Office and waqf stakeholders in formulating strategies to accelerate

¹³ 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>.

¹⁴ Khaled Nour Aldeen et al., "Contemporary Issues on Cash Waqf: A Thematic Literature Review," *International Journal of Islamic Economics and Finance (IJIEF)* 3 (September 2020): 119–44, <https://doi.org/10.18196/ijief.3236>.

¹⁵ Onny Medaline et al., "Waqf Land Certification Through Agrarian Reform Principles to Realize Social Welfare in North Sumatra," *The Seybold Report Journal* 17, no. 09 (2022): 770–79, <https://doi.org/10.5281/zenodo.7081021>.

certification, so that the sustainability and security of waqf assets in Magetan Regency can be ensured in a more systematic manner.

This research is empirical legal research with a descriptive-analytical nature, which aims to describe and critically analyze the practice of waqf land certificate registration in the context of strengthening legal certainty. The approach used is an empirical juridical approach with a socio-legal perspective, namely examining the legal norms governing waqf and land registration while also reviewing their implementation in institutional practice. Normatively, this study refers to the provisions in Law Number 41 of 2004 concerning Waqf and Law Number 5 of 1960 concerning Basic Agrarian Principles as the conceptual basis for the obligation to register and guarantee legal certainty over waqf land. The research location was set at the Magetan Regency Land Office as the locus of the case study to examine the concrete administrative process of waqf land certification.

The data sources in this study consisted of primary and secondary data. Primary data was obtained through interviews with officials and officers at the Magetan Regency Land Office and parties related to waqf land management, accompanied by observations of the administrative procedures for certificate registration. Secondary data included primary legal materials in the form of laws and regulations, secondary legal materials such as books and scientific journal articles on waqf law and agrarian law, as well as relevant official documents and land statistics. Data collection techniques were carried out through document studies and semi-structured interviews, while data analysis used qualitative methods with stages of data reduction, data presentation, and inductive conclusion drawing. Through this analysis, this study seeks to assess the compatibility between legal norms and implementation practices and to identify factors that influence the effectiveness of waqf land certificate registration in ensuring legal certainty.

Discussion

Regulasi Pendaftaran dan Sertifikasi Tanah Wakaf dalam Undang-Undang Wakaf di Indonesia

Waqf comes from the Arabic word “*Waqafa yaqifu waqfan*” which means to hold, stop, stay, stand, or remain in place.¹⁶ Waqf land plays an important role in Indonesia's social and religious system because it serves a dual function, both as a place of worship and as a social and economic tool. Through waqf, Muslims can permanently donate their property for the common good, such as education, health, social services, and economic empowerment for the community.¹⁷ Historically, waqf has been an important part of Islamic civilization, starting from the time of Caliph Umar bin Khattab to the archipelago, where waqf was used for the construction of mosques, Islamic boarding schools, schools, hospitals, and other public facilities.¹⁸

The characteristic of waqf as being eternal (ta'abbudi) and non-transferable for personal gain makes it a special legal and social instrument, which also requires protection from the state so that waqf assets are not lost due to illegal transfers, disputes, or misuse.¹⁹ In the legal sphere in Indonesia, the state has established a solid normative basis for the management of waqf. Some important regulations include:

1. Law Number 5 of 1960 concerning Basic Agrarian Principles (UUPA), which forms the legal basis for national land, including the recognition of rights to waqf land as a form of customary rights or community land rights.

¹⁶ 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>.

¹⁷ Diva Azka Karimah et al., “The Role of Waqf in Supporting Sustainable Development Goals: Linking Theory and Its Practices,” *SUHUF: International Journal of Islamic Studies* 35, no. 2 (2023): 31–38, <https://doi.org/10.23917/suhuf.v35i2.23018>.

¹⁸ Magda Ismail Abdel Mohsin, “A Brief History of WAQF: An Islamic Socio-Financial Institution of Philanthropic Endowment,” *SAHULAT: A Journal of Interest Free Microfinance* 7, no. 2 (2019).

¹⁹ Hisam Ahyani et al., “Enhancing the Legal Protection of Waqf Assets in Banjar City, West Java, Through Land Registration and Regulatory Awareness to Support the Achievement of Sustainable Development Goals (SDGs),” *Journal of Lifestyle and SDGs Review* 5, no. 2 (2025): e03989–e03989, <https://doi.org/10.47172/2965-730X.SDGsReview.v5.n02.pe03989>.

2. Law Number 41 of 2004 concerning Waqf, which specifically regulates the implementation of waqf, the role of nazir, and the procedures for registering waqf land. This law emphasizes the need for official registration and legal protection for waqf land so that it is not vulnerable to third-party claims.
3. Regulation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency Number 2 of 2017 concerning Procedures for Registering Waqf Land provides clear administrative procedures related to waqf land certification, from application to issuance of certificates.²⁰

Within the existing legal framework, the registration of waqf land is not merely an administrative process, but also a strategic tool for providing legal certainty. Hans Kelsen, in his theory of *Rechtssicherheit*, states that the law must be able to provide clarity, order, and protection for legal subjects through structured norms.²¹ This concept is important for waqf land, where the nazir, wakif, and community must be protected from legal uncertainty that could potentially lead to disputes or changes in the function of assets.²² Legal certainty for waqf land is becoming increasingly urgent due to the high potential for disputes. Various studies show that weak waqf administration often leaves waqf assets unprotected.²³ Nazirs, as managers of waqf land, often face administrative problems, lack of knowledge about registration procedures, and lack of cooperation with government agencies.²⁴

²⁰ Selamat Hartanto et al., "Waqf in the Perspective of Waqf Rules in Indonesia," *AL-IKTISAB: Journal of Islamic Economic Law* 5, no. 1 (2021): 37–49, <https://doi.org/10.21111/al-iktisab.v5i1.6203>.

²¹ Ferdinand Sembiring and Yasmirah Mandasari Saragih, "Legal Certainty In Financial Disputes Case Resolution Progressive Legal Perspective," *Journal of Progressive Law and Legal Studies* 2, no. 02 (2024): 152–62, <https://doi.org/10.59653/jppls.v2i02.845>.

²² Alfina K. N et al., "Examining Legal Certainty in Online Cash Waqf: The Role of Witnesses in Indonesian Islamic Philanthropy," *Теоретическая и Прикладная Юриспруденция* (Россия, Москва), no. 2 (24) (2025): 9–23.

²³ Nurul Huda et al., "Problems, Solutions and Strategies Priority for Waqf in Indonesia," *Journal of Economic Cooperation and Development* 38, no. 1 (2017).

²⁴ Faisal, "The Use of Cash Waqf Funds and Its Various Legal Problems in Indonesia," *International Journal Reglement & Society (IJRS)* 2, no. 2 (2021): 111–18, <https://doi.org/10.55357/ijrs.v2i2.126>.

According to the Indonesian Waqf Board (BWI), the registration of waqf land is carried out through administrative steps aimed at ensuring the legality of the waqf and providing legal certainty over the waqf object. The following is the flow of waqf land registration in accordance with BWI provisions.



Gambar 1. Alur pendaftaran tanah wakaf

The following is a description of the steps for registering and certifying waqf land based on the image.

1. The waqif or his/her representative comes to the Head of the Religious Affairs Office (KUA) as the official who makes the waqf deed (PPAIW) by bringing: 1) Original land ownership documents; 2) A letter stating that the land is not in dispute/litigation, is not encumbered by any liens, and is not guaranteed by any authorized agency; 3) The names and identity cards (KTP) of the wakif, nazir, and witnesses.
2. The wakif or his/her representative makes a waqf pledge to the nazir in front of two witnesses and the official who issues the land waqf deed, namely the Head of the KUA.
3. The Official Making the Waqf Pledge Deed issues seven (7) copies of the waqf pledge deed (AIW) to be submitted to: 1) the waqf donor; 2) the nazir; 3) the Head of the District/City Ministry of Religious

- Affairs Office; 4) the District/City Land Office; 5) the Indonesian Waqf Board, and; 6) other authorized agencies.
4. The Official Issuing the Waqf Deed issues a letter of approval for the nazir.
 5. The Official Issuing the Waqf Deed or the Nazir submits the nazir registration to the Indonesian Waqf Board.
 6. The Official Issuing the Waqf Deed or the nazir registers the waqf land at the District/City Land Office.²⁵

In a legal system (*rechtsstaat*), according to Utrecht and Dicey, the state must protect the rights of the people by providing legal certainty.²⁶ The waqf land certificate serves as official proof of ownership and management recognized by the state, as stipulated in Article 19 of the UUPA and Permen ATR/BPN No. 2 of 2017. Waqf land certification provides protection against: claims by the waqif's heirs, control by third parties, unlawful conversion, and errors in boundaries and land administration.²⁷ In addition, waqf land certification has strategic value for the economic empowerment of the people, for example through the development of productive waqf or integration into regional development plans. Without certificates, waqf land is difficult to utilize to its full potential and does not receive adequate legal protection.²⁸

Registration Waqf Land and Places of Worship in Magetan Regency

Based on the summary data from the waqf census conducted by the Magetan Regency Land Office, covering 18 sub-districts spread across 235 villages/kelurahan, there are 2,117 places of worship that have been

²⁵ Mohamed Aslam Mohamed Haneef et al., "Development of Waqf in Indonesia: The SWOT Analysis of Indonesia Waqf Board (BWI)," *Al-Infaq: Jurnal Ekonomi Islam* 8, no. 2 (2017): 136–50, <https://doi.org/10.32507/ajei.v8i2.16>.

²⁶ Arman Tjoneng, "Legal Education, Justice, and Certainty: An Analysis of Suspect Determination by the Indonesian Police," *Journal Corner of Education, Linguistics, and Literature* 5, no. 001 (2025): 615–25, <https://doi.org/10.54012/jcell.v5i001.639>.

²⁷ Siska Lis Sulistiani et al., "Analysis of Waqf Land Legalization," March 2019, 215–18, <https://doi.org/10.2991/sores-18.2019.51>.

²⁸ Ahmad Lukman Nugraha et al., "Waqf Literacy: The Dynamics of Waqf in Indonesia," *Journal of Islamic Economics and Finance Studies* 3, no. 2 (2022): 102–20, <https://doi.org/10.47700/jiefes.v3i2.5082>.

certified as waqf and 1,280 places of worship that have not yet been certified as waqf. This can be seen in the table below:

Table 1. Summary Data from the Waqf Census of the Magetan Regency Land Office

Census Results				Land Status							
Mosques	Mushola	Other Places of Worship	Total	Certified				Not Certified			
				Mosques	Mushola	Other	Total	Mosques	Mushola	Other	Total
1.101	1725	570	3.397	800	897	420	2.117	300	885	95	1.280

Source: Magetan District Land Office

The data shows that the number of waqf land certificates issued in the last six years will increase significantly in 2025. The data can be seen in the following table:

Table 2. Number of Waqf Land Certificates at the Magetan District Land Office

No	Type of Registration	2020	2021	2022	2023	2024	2025
1	First-time Land Registration Confirmation of Waqf Land	0	0	0	0	7	121
2	First-time Waqf Registration for Land Without a Certificate (Customary Land)	16	16	38	72	17	0
3	Waqf from Land That Already Has a Certificate	37	36	117	75	69	139
4	First-time Waqf Registration for Land Without a Certificate (State Land)	0	0	1	0	0	0
TOTAL		53	52	156	147	93	260

Source: Magetan District Land Office

The table above shows that there will be a sharp increase in 2025, with a total of 260 waqf land certificates. This increase is related to the latest policy from the East Java Provincial BPN Office, namely the “Eight Golden Pillars of East Java” Program. One of the focuses of this program is to accelerate the certification of waqf land.

The objectives of this program are to accelerate the legalization of religious assets, strengthen land administration, and provide legal protection for waqf land throughout East Java. The implementation of this program has encouraged the Magetan Regency Land Office to improve coordination with the Office of Religious Affairs (KUA) and nazir

institutions at the sub-district level. This collaboration has accelerated the process of verifying and validating waqf land data, resulting in a significant increase in the number of certificates issued.²⁹

The Magetan Regency Land Office has further strengthened its functions through: improving waqf counter services, simplifying administrative processes, strengthening coordination with the KUA and nazir, assisting the community in completing file requirements, and taking the initiative to visit waqf locations that experience administrative obstacles.³⁰ With this policy, the number of waqf certificates issued in 2025 is expected to be higher than in the previous year. This program also helps the community better understand the importance of waqf land certification, thereby avoiding potential disputes and misuse of waqf land.³¹

Challenges and Efforts in the Waqf Land Registration Process at the Magetan District Land Office

Although the waqf land certification process continues to progress, its implementation in Magetan District is not without challenges. Based on research and interviews with the Land Office, there are several major obstacles that have been encountered and efforts that have been made, including the following.³²

²⁹ Herlambang Alvanto Wibisono, "Implementasi Pensertipikatan Tanah Wakaf Sebagai Wujud Memperoleh Kepastian Hukum (Studi Di Kabupaten Jember)" (Skripsi, Sekolah Tinggi Pertanahan Nasional, 2024), <https://repository.stpn.ac.id/4281/>.

³⁰ Diaz Ayu Erika, "Implementasi Undang-Undang Nomor 41 Tahun 2004 Tentang Wakaf Di Yayasan Pondok Pesantren Miftahu Nurul Huda 3 Desa Banjarejo Kabupaten Magetan" (Skripsi, Institut Agama Islam Negeri Ponorogo, 2021), <https://etheses.iainponorogo.ac.id/16546/>.

³¹ Dody Pramana, "Percepatan Sertifikasi Tanah Wakaf, Kantor Pertanahan Magetan Dan KUA Kecamatan Barat Gelar Penandatanganan Akta Ikrar Wakaf Serentak," Kantor Pertanahan Kabupaten Magetan, 2025, <https://kab-magetan.atrbpn.go.id/berita/percepatan-sertifikasi-tanah-wakaf-kantor-pertanahan-magetan-dan-kua-kecamatan-barat-gelar-penandatanganan-akta-ikrar-wakaf-serentak>.

³² Interview with the Head of the Magetan District Land Office on Obstacles and Efforts in the Waqf Land Registration Process

Table 3. Obstacles and Efforts in the Waqf Land Registration Process at the Magetan Regency Land Office

No	Obstacles	Efforts
1	The Foundation's Nazir does not yet have an AHU (General Legal Administration) from the Ministry of Law and Human Rights.	Contact the nazir to immediately complete the AHU (General Legal Administration).
2	The rights in the AIW (Waqf Deed) do not match the proof of ownership.	Contact the KUA to re-submit the waqf deed in accordance with the proof of ownership.
3	The administrative files are not yet complete for entry in the KKP, such as Letter C and SPPT PBB.	Contact the nazir to immediately complete the administrative requirements.
4	There is a significant difference in the area of the certified waqf.	Coordinate with the KUA to return the area.
5	The donated land overlaps with other land parcels.	Conduct preliminary research by the Land Office.
6	The nazir has not yet been established.	Form a temporary nazir.
7	The AIW (Waqf Deed) has not yet been obtained.	Submit the K2 nominative list from the census along with the offline measurement results to the KUA to immediately create an AIW for the waqf land object.
8	The main certificate has not yet been split.	Socialize to the villages that the processing of division requests can be done directly by the community with the assistance of the Land Office's waqf task force, so that the costs are cheaper (in accordance with PNBP).
9	The applicant is constrained by the cost of splitting.	The Magetan Regency Land Office's waqf land acceleration task force assists with the filing and processing of division requests.
10	Constrained by the cost of BPHTB (Tax on Acquisition of Land and Building Rights) Inheritance for transfer of inheritance.	Coordinate with the Magetan Regency Local Government (Regional Revenue Agency) to obtain relief or even waive the BPHTB (Tax on Acquisition of Land and Building).

No	Obstacles	Efforts
11	The waqif does not yet have a certificate of inheritance and some of the heirs are outside the area.	Socialize to villages that the processing of inheritance name transfer applications can be done directly by the community with the assistance of the Land Office's waqf task force, so that the costs are cheaper (in accordance with PNBP).
12	The land is constrained by inheritance disputes.	Coordinate with the village to immediately conduct mediation at the village/sub-district office.
13	There is a dispute over public facilities in the form of a road leading to the object to be donated.	
14	The waqf land is located in the Iswahyudi Air Force Base area.	Wait for legal certainty regarding the land.
15	The mosque or prayer room is still owned by the landowner, who does not wish to donate it as waqf but allows it to be used for public purposes.	Provide socialization or counseling related to the certification of waqf land.

Source: Magetan District Land Office

Despite ongoing challenges, the “Eight Golden Pillars of East Java” program has proven effective in promoting improvement efforts by strengthening coordination and placing special emphasis on accelerating the certification of waqf land. Nazirs play a central role in ensuring the completeness of documents and the sustainability of waqf assets. However, as Arsita Rada also found, the level of understanding among nazirs regarding registration procedures is still low.³³ In Magetan, some nazirs have not updated their AIW (Akta Ikrar Wakaf or Waqf Deed) and have not prepared complete supporting documents. This slows down the certification process.

³³ Tina Arsita Rada et al., “Analysis of Problems and Solutions for Implementation of Waqf Land Certification,” *The Proceeding of Dirundeng International Conference on Islamic Studies* (Meulaboh), 2022, <https://doi.org/doi.org/10.47498/dicis.v2i1.1343>.

The Role of Waqf Land Registration in Providing Legal Certainty for the Community

Waqf certificates are strong evidence that provides legal certainty in accordance with Gustav Radbruch's theory of legal certainty. With these certificates, waqf land cannot be transferred or sold and is protected from claims that may arise in the future. Fauzi's research shows that waqf certification significantly reduces the potential for land disputes.³⁴

The registration of waqf land is very important to provide legal certainty, legal protection, and regulate land administration for the community. Waqf land certificates not only serve as administrative documents, but also as legal evidence of the purpose and legal status of the land that has been donated as waqf. With a certificate, the rights to the land are recognized and protected by the state through the land registration system regulated by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN).³⁵

Legal certainty is very important in all aspects of law, including in the management and use of waqf land. Waqf land that does not yet have a certificate risks causing various legal problems, such as ownership disputes, land grabbing, or changes in land use that are not in accordance with the purpose of the waqf. Cases like this often arise in the community due to the lack of legally recognized proof of ownership.³⁶ Therefore, the issuance of waqf certificates is a concrete step towards realizing legal protection for waqf assets.

Normatively, the function of waqf land registration is in line with the provisions of Article 3 of Law Number 5 of 1960 concerning Agrarian Principles (UUPA), which states that land registration aims to provide legal certainty and legal protection to land rights holders. In the context

³⁴ R. M. Qudsi Fauzi et al., "The Challenges of Empowering Waqf Land in Indonesia: An Analytical Network Process Analysis," *International Journal of Ethics and Systems* 38, no. 3 (2022): 426–42, <https://doi.org/10.1108/IJOES-03-2021-0061>.

³⁵ Danial Syah, "Consequences of The Law of Domination and Development Waqf Land Without Rights," *Jurnal Ilmiah Metadata* 8, no. 1 (2026): 200–212, <https://doi.org/10.47652/metadata.v8i1.955>.

³⁶ Teuku Ikhlusal Mufti et al., "Legal Protection of Waqf Land That Is Not Registered at the Land Office," *International Journal of Law and Society* 2, no. 3 (2025): 185–91, <https://doi.org/10.62951/ijls.v2i3.690>.

of waqf, certificates issued by the National Land Agency (BPN) are considered official proof that the land has been transferred from private ownership to God for the benefit of the people.³⁷ Thus, legal certainty regarding waqf land is not only administrative in nature, but also encompasses social and spiritual aspects.

In addition, the registration of waqf land also serves to support the principles of transparency and accountability in the management of religious assets. Through the certification process, information and data regarding the location, size, and status of waqf land can be recorded in the national land information system. This facilitates supervision by relevant institutions such as the Ministry of Religious Affairs and the BPN, and helps prevent data manipulation or misuse of waqf assets by irresponsible parties.³⁸

In the Magetan Regency, a significant increase in waqf certificates in 2025 signifies progress in achieving legal certainty. The “Eight Golden Pillars of East Java” program launched by the East Java Provincial BPN Office has been a major factor in accelerating the waqf land certification process. Through this program, land-related services in the aspect of waqf have become more focused and efficient thanks to good coordination between the Land Office, the KUA, and the local government.

From a social perspective, the waqf land certification process has increased public trust in waqf managers/nazirs.³⁹ The community feels more confident that the land they have donated as waqf will be well protected and cannot be transferred for other purposes. This is in accordance with Article 32 paragraph (1) of Government Regulation Number 42 of 2006, which explains that registered waqf land will receive

³⁷ Ismail Jalili et al., “The Role of Qawā'id Fiqhiyyah in Strengthening Waqf Law: A Review of Challenges and Solutions in Indonesia,” *Al-Qadha : Jurnal Hukum Islam Dan Perundang-Undangan* 11, no. 2 (2024): 226–50, <https://doi.org/10.32505/qadha.v11i2.9424>.

³⁸ Nurul Iman et al., “Online Based Waqf Management System in Indonesia: A New Model in Management of Waqf Administration,” *International Journal of Innovation, Creativity and Change* 10, no. 11 (2020).

³⁹ Duski Ibrahim et al., “Empowering Wakaf (Islamic Endowment) for Economic Development: An Insightful Value of Nazir Waqf in Indonesia,” *UMRAN - Journal of Islamic and Civilizational Studies* 7, no. 1 (2020): 103–14, <https://doi.org/10.11113/umran2020.7n1.405>.

a waqf certificate as proof of legal ownership and cannot be sold, inherited, or transferred in any form.

From an agrarian law perspective, the certification of waqf land reflects the application of the principles of legal certainty and orderly land administration. With the certificate, the legal status of waqf land becomes clear, the subjects and objects of the law can be identified, and the rights of all parties can be protected. This principle is also in line with the principle of preventive legal protection, which is a measure to avoid conflict through legalization and official documentation.⁴⁰

Furthermore, the certification of waqf land also has an impact on improving the management of waqf assets at the regional level. Waqf certificates can be used as a legal basis for the productive management of waqf land, such as the construction of educational institutions, places of worship, or socio-economic projects for the community. With the legal certainty provided by certification, the economic potential of waqf can be maximized because it has a solid and accountable legal basis.⁴¹

Therefore, the registration of waqf land is not only an administrative step, but also a legal and social tool to strengthen the protection of waqf assets and achieve the true purpose of waqf, which is the welfare of the community. The increase in the number of waqf certificates in Magetan Regency is an indicator of the government's success in creating fair, transparent, and people-centered legal certainty.

Conclusion

The results of the study show that waqf land certificates serve as strong evidence of rights, provide legal protection for nazirs, and guarantee legal certainty for waqf beneficiaries. Empirical data also shows an upward trend in the registration and issuance of waqf land certificates in Magetan Regency in recent years. This increase is due to the

⁴⁰ Dodi Irama et al., "Legal Protection of Waqf (Wakaf) Land Through Act - Law No. 5 Of 1960 Concerning The Fundamental Regulations of Agraries (Case Study of Land in Semarang City)," *Journal Research of Social Science, Economics, and Management* 2, no. 10 (2023), <https://doi.org/10.59141/jrssem.v2i10.456>.

⁴¹ Faisal Faisal, "Optimizing the Potential of Waqf Through Waqf Legal Education," *BIS Humanities and Social Science* 3 (October 2025): V325018-V325018, <https://doi.org/10.31603/bishss.411>.

accelerated waqf land registration program, socialization carried out by the Land Office, the active role of the Office of Religious Affairs, and increased public awareness of the importance of waqf land legality. The results of the study indicate that the more waqf land is registered, the stronger the legal protection and certainty in the management and utilization of the waqf. This study also suggests that there should be increased coordination between agencies and education for the community to expand the scope of waqf land certification, in order to create safe, orderly, and sustainable waqf management.

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