

The Urgency of Waqf Land Certification in Ensuring Legal Certainty of Land Rights

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Abstract: *The prevalence of uncertified waqf land in Indonesia shows the weak legal protection of religious assets in the national land system. The absence of a certificate makes waqf land vulnerable to disputes, unauthorized transfer of rights, and difficulty in proving legal status in court. This study aims to examine the normative aspects of waqf land certification and its urgency in ensuring legal certainty. The method used is a legislative and conceptual approach, by analyzing regulations such as Law No. 41 of 2004 concerning Waqf, Law No. 5 of 1960 concerning Agrarian Principles, and Government Regulation No. 24 of 1997 concerning Land Registration. The results of the study show that although the legal norms of waqf are available, their implementation has not been effective due to the disharmony between the waqf law and the national land system. Waqf land certification should not only be seen as an administrative obligation, but also as a juridical instrument for the protection of waqf assets. Regulatory harmonization and institutional coordination between the Ministry of Religion and BPN are needed, including the integration of digital systems such as SIWAK and PTSL. Thus, waqf land certification is a strategic step in realizing a national legal system that is fair, integrated, and responsive to religious and social values.*

Keywords: *Land Rights; Legal Certainty; Waqf Land Certification;*

INTRODUCTION

The large number of waqf lands that have not been certified reflects the weak legal protection of religious assets in the national land system. Waqf land that is not officially registered with the National Land Agency (BPN) does not have strong evidentiary power as stipulated in Article 32 paragraph (1) of Government Regulation Number 24 of 1997 concerning Land Registration, which states that the certificate is a strong evidence of the physical and juridical data contained in it. The non-recording of waqf land in the state land system opens a gap for other parties to claim, utilize, and even transfer land ownership illegally, which juridically can give rise to civil and criminal disputes.¹

¹ Masriani, Y. T. (2022). Pentingnya Kepemilikan Sertifikat Tanah Melalui Pendaftaran Tanah Sebagai Bukti Hak. *Jurnal USM Law Review*, 5(2), 539-552.

Furthermore, the absence of waqf land certification is also contrary to the principle of *rechtszekerheid* or legal certainty, which is a fundamental principle in the state of law as affirmed in Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia. Legal certainty is not only the right of citizens, but also the responsibility of the state to guarantee, including in terms of the management of waqf assets. In this context, waqf land certification is not just an administrative formality, but a juridical instrument to strengthen the legitimacy of land status, maintain the waqf mandate, and provide maximum legal protection for the sustainability of the land's socio-religious function. Therefore, the urgency of waqf land certification has become increasingly significant in the context of equity-based agrarian reform and sustainability.²

When waqf land does not have a valid certification, its legal status becomes weak and vulnerable to irregular practices, both by unprofessional nadzir and by interested third parties. In practice, there are many cases where waqf land is transferred, mortgaged, and even sold on the grounds of development needs or economic pressure, even though this act is expressly prohibited in Article 40 of Law Number 41 of 2004 concerning Waqf.³ This provision states that waqf land is prohibited from being used as collateral, confiscated, granted, sold, inherited, exchanged, or transferred in any other form of transfer of rights. However, without certification, it is difficult for legal authorities to prove the status of land as an object of waqf in writing, which results in the law enforcement process being hampered and the sustainability of worship values and social benefits of waqf can be stopped or disrupted.

The absence of waqf land certification also poses serious problems in the aspect of supervision and accountability of waqf management. Nadzir, who is supposed to act as the manager and protector of the waqf trust in accordance with the provisions of Article 11 and Article 12 of the Waqf Law, often experiences legal obstacles when the status of the land does not have formal legal evidence. As a result, it not only obscures the legal accountability of the nadzir to the community and the state, but also creates a legal vacuum in the regulation and protection of waqf land itself. From the perspective of agrarian law, this is contrary to the social principle of land function regulated in Article 6 of Law Number 5 of 1960 concerning Agrarian Principles, which requires that every use of land be used as much as possible for the welfare of the people. Therefore, waqf land certification is a concrete step in strengthening the legal structure of waqf so that it is not only religiously valid, but also has strong legal certainty and protection in the state system.

Legal certainty for waqf land is the main prerequisite to ensure the protection of civil and religious rights, both for waqif, nadzir, and beneficiaries. In Indonesia's positive law, the position of waqf land as an object of civil law is recognized and protected, as affirmed in Article 49 of Law No. 7 of 1989 concerning Religious Courts (as amended by Law No. 3 of 2006 and Law No. 50 of 2009), which gives absolute

² Masriani, Y. T. (2022). Pentingnya Kepemilikan Sertifikat Tanah Melalui Pendaftaran Tanah Sebagai Bukti Hak. *Jurnal USM Law Review*, 5(2), 539-552.

³ Harianto, A., Riancana, R., & Djamal, R. (2025). PENDAFTARAN TANAH WAKAF: URGENSI DAN PROSEDURNYA. *Jurnal Yustisiabel*, 9(1), 52-67.

authority to the Religious Court to resolve waqf disputes. However, in practice, the legal force of waqf objects without a certificate is often ignored by judicial institutions and law enforcement officials, because it lacks strong and documented written evidence in the national land system. This is contrary to the principle of *legal certainty* in the legal principle, which requires that every right to land must be recorded and published administratively as a form of legal protection that is legally and juridically binding.⁴

Furthermore, the problem of synchronization between the waqf law and the national land system is a structural challenge in ensuring the effectiveness of waqf management. Waqf law in Indonesia is derived from Islamic law, but its implementation is still subject to the national legal system that governs the administration and legal status of land. In this context, it is necessary to integrate the provisions in Law Number 41 of 2004 concerning Waqf with Government Regulation Number 24 of 1997 concerning Land Registration and *Geo-Spatial-based* electronic systems managed by BPN. The absence of this harmonization often causes waqf land data to not be included in the *land registry* system, thus hampering agrarian policies based on social justice. Therefore, waqf land certification is not just an administrative obligation, but a necessity in order to ensure cross-system legal protection between Islamic law, civil law, and national land law in a convergent and equitable manner.

The lack of adequate synchronization between waqf law and the national land system creates normative voids and regulatory disharmony that have a direct impact on the validity and legal protection of waqf land. Although Law Number 41 of 2004 concerning Waqf has substantively provided a normative framework for the establishment, management, and protection of waqf assets, its implementation is not fully in line with the provisions in the national land system regulated in Law Number 5 of 1960 concerning Agrarian Principles (UUPA) and Government Regulation Number 24 of 1997 concerning Land Registration. This disharmony gives rise to legal dualism: on the one hand waqf is recognized in Islamic law and national waqf law, but on the other hand, its legal status can be ignored because it is not recorded in the land register. This creates gray space that is prone to being exploited by economically interested parties, which can ultimately result in the seizure or transfer of the function of waqf land without proper legal protections.⁵

In this context, waqf land certification must be seen as a concrete form of vertical and horizontal harmonization between the applicable legal systems in Indonesia. Vertical harmonization concerns the adjustment between religious law norms (waqf) and national law, while horizontal harmonization is related to cross-sectoral institutional integration, especially between the Ministry of Religion as the waqf authority and the National Land Agency as the land authority. This step is in line with the principle of *lex specialis*

⁴ Putra, R. A., & Winanti, A. (2024). Urgensi Dan Kendala Dalam Penerbitan Dokumen Sertifikat Tanah Elektronik Pasca Peraturan Menteri ATR/BPN Nomor 3 Tahun 2023. *Jurnal Usm Law Review*, 7(2), 835-852.

⁵ Wardhani, D. K. (2020). Disharmoni Antara Ruu Cipta Kerja Bab Pertanahan Dengan Prinsip-Prinsip UU Nomor 5 Tahun 1960 Tentang Peraturan Dasar Pokok-Pokok Agraria (UUPA). *Jurnal Komunikasi Hukum (JKH)*, 6(2), 440-455.

derogat legi generali, where special provisions on waqf need to be guaranteed within the framework of the general legal system without mutual affirmation. Therefore, a waqf data digitization system is needed that is integrated with *the national land information system* so that the status of waqf land can be monitored administratively, juridically, and technically. This approach not only strengthens the legal position of waqf in the agrarian realm, but also supports the realization of fair, transparent, and sustainable land governance as proclaimed in the Agrarian Reform and Acceleration of Complete Systematic Land Registration (PTSL) agenda.

METHOD

This research uses a statute approach and a conceptual approach. The legislative approach is used to analyze the harmony and disharmony between various regulations governing waqf and land, such as Law Number 41 of 2004 concerning Waqf, Law Number 5 of 1960 concerning Agrarian Principles, and Government Regulation Number 24 of 1997 concerning Land Registration. Meanwhile, a conceptual approach is carried out by examining legal doctrines, legal principles, and legal certainty theories as well as the concept of protection of land rights from the perspective of agrarian law and Islamic law. Normative research aims to examine and understand how the law should apply (*das sollen*), not how the law is practiced in empirical reality (*das sein*), so that the entire analysis process relies on primary and secondary legal materials that are textual and conceptual.⁶

As explained by Peter Mahmud Marzuki, normative legal research is a method that focuses on the study of legal materials as the main object of study, by interpreting and constructing applicable laws to answer certain legal issues.⁷ According to Marzuki, this approach is prescriptive because it aims not only to describe the law, but also to provide normative arguments for the validity of a legal action or act in the legal system adopted.⁸ Meanwhile, Soerjono Soekanto and Sri Mamudji stated that normative legal research includes research on legal principles, legal systematics, legal synchronization, legal history, and comparative law.⁹

The data used in this study is sourced from primary legal materials, such as laws and regulations and jurisprudence related to waqf and land certification, as well as secondary legal materials in the form of books, scientific journals, seminar results, and the opinions of legal experts. Data analysis is carried out

⁶ Novea Elysa Wardhani, Sepriano, and Reni Sinta Yani, *Metodologi Penelitian Bidang Hukum* (Jambi: PT. Sonpedia Publishing Indonesia., 2025).

⁷ Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana Prenada Media Group, 2011).

⁸ Mahlil Adriaman et al., *Pengantar Metode Penelitian Ilmu Hukum* (Padang: Yayasan Tri Edukasi Ilmiah, 2024).

⁹ Rangga Suganda, "Metode Pendekatan Yuridis Dalam Memahami Sistem Penyelesaian Sengketa Ekonomi Syariah," *Jurnal Ilmiah Ekonomi Islam* 8, no. 3 (2022): 2859, <https://doi.org/10.29040/jiei.v8i3.6485>.

qualitatively by interpreting the applicable legal norms and examining their relevance to the urgency of waqf land certification in ensuring legal certainty of land rights. The results of this research are expected to be able to make a theoretical and practical contribution to the development of an integrative national legal system between waqf law and the land system.

DISCUSSION

Normative Aspects of Waqf Land Certification in the National Legal System

The normative aspect of waqf land certification in the national legal system relies on a number of key regulations that are interrelated in forming a comprehensive legal framework. Law Number 41 of 2004 concerning Waqf is a special legal basis that regulates all matters related to waqf, including the type, form, and procedure of waqf of property, especially land. In Article 32 paragraph (1) of the Waqf Law, it is emphasized that waqf land must be certified in the name of Nazhir by the National Land Agency (BPN) based on the Waqf Pledge Deed (AIW) made by the Waqf Pledge Deed Making Officer (PPAIW). This indicates that the certification of waqf land is not just an administrative procedure, but a binding juridical obligation, with the aim of ensuring the legal validity of the waqf object and protecting against disputes or misuse.¹⁰

Then, Law Number 5 of 1960 concerning Agrarian Principles (UUPA) and Government Regulation Number 24 of 1997 concerning Land Registration provide agrarian and administrative dimensions in the framework of the certification. Article 19 of the UUPA stipulates that in order to ensure legal certainty, the government organizes land registration throughout Indonesia, which is carried out through PP 24/1997. This registration includes the collection of physical and juridical data, including for waqf land. The waqf land certificate issued by BPN serves as authentic evidence of the legal status of the land, which is very crucial considering that the object of waqf cannot be transferred or sold. However, in practice, the synchronization between the waqf legal system and the land registration system still faces technical and bureaucratic obstacles, such as limited public understanding of the importance of certification and weak coordination between institutions. Therefore, this normative aspect not only includes substantive regulations, but also demands consistent implementation so that the principles of legal certainty and legal protection are truly guaranteed for waqf assets in a sustainable manner.¹¹

¹⁰ Fahmi, N., Hasbi, H., Gobo, B., Mirnawati, M., & Helmi, M. (2024). THE COMPLEXITY OF WAQF LAND IN THE CONTEXT OF CUSTOMARY LAW IN INDONESIA. *Tadayun: Jurnal Hukum Ekonomi Syariah*, 5(1), 29-50.

¹¹ Wangi, N. K. P. S. S., Dantes, K. F., & Sudiatmaka, K. (2023). Analisis Yuridis Hak Ulayat Terhadap Kepemilikan Tanah Adat Berdasarkan Undang-Undang Nomor 5 Tahun 1960 Tentang Peraturan Dasar Pokok-Pokok Agraria. *Jurnal Ilmu Hukum Sui Generis*, 3(3), 112-121.

Although the normative framework for waqf land certification has been explicitly regulated in the Law and its derivative regulations, in practice there are still implementation gaps that reflect the weak binding power of norms on social and legal reality. Many waqf lands have not been officially registered or do not have a waqf certificate, either due to administrative factors, ignorance of nazhir, or agrarian conflicts that have not been resolved. According to research by the Indonesian Waqf Agency (BWI), until now there are still thousands of waqf land plots that have not been certified, thus causing legal vulnerability to the allocation of the land, especially in the event of a lawsuit from heirs or third parties. This shows that legal norms have not fully succeeded in encouraging the expected social transformation, that law should not only be a normative tool, but also a tool of *social engineering*.¹²

Furthermore, a normative approach that is not balanced with affirmative policies and institutional strengthening can lead to stagnation in the implementation of waqf law. For example, the regulation of certification obligations in the Waqf Law does provide a strong juridical basis, but without active supervision and facilitation from the state, these norms tend to become *lex imperfecta*, i.e. laws that apply but do not have sufficient coercion. In this case, the role of the National Land Agency and the Ministry of Religion needs to be strengthened, both through the digitization of services, the harmonization of data across sectors, and the simplification of procedures. In addition, there needs to be an integration between national law and Islamic law in the context of waqf administration, as recommended by Muhammad Daud Ali in *Islamic Law: An Introduction to Islamic Law and Legal Practice in Indonesia*, that Islamic law needs to be institutionalized through the state legal apparatus in order to have equal legitimacy and effectiveness. Therefore, legal certainty for waqf land is not solely about the existence of norms, but also depends on the capacity of the national legal system to enforce these norms holistically and fairly.

Juridical Implications of the Non-Certification of Waqf Land on Legal Certainty and Protection of Rights

The uncertification of waqf land raises a number of serious juridical implications, especially in terms of legal certainty and protection of the rights of beneficiary communities (*maukuf 'alaih*). In the context of Indonesian agrarian law, a land rights certificate is an authentic evidence that provides legal protection to rights holders (Article 19 paragraph (2) letter c and Article 32 paragraph (1) of the UUPA). In relation to waqf land, the absence of waqf certificates issued by the National Land Agency (BPN) through the waqf registration process as stipulated in Government Regulation No. 42 of 2006 and PMA No. 2 of 2023 concerning Waqf Land Registration, causes the legal position of waqf land to be weak. Without proof of a certificate, the nadzir as a manager does not have formal legitimacy in defending the land from third-party claims, including from the heirs of the wakif or outside parties who act in bad faith. This condition is very

¹² Musdalifah, D. A., Rahmawati, A. E., Shaida, Z. A., Sulistyaningsih, D., & Martitah, M. (2024). Dehumanisasi Penerapan Hukum Pidana Secara Berlebihan (Overspanning Van Het Strafrecht) Berdasarkan Teori Social Engineering. *Hukum dan Politik dalam Berbagai Perspektif*, 3.

prone to cause agrarian disputes and is the entrance to the transfer of rights that violate the principle of in perpetuum of waqf.¹³

Normatively, the principle of legal certainty and the principle of *lex certa* become vague in application when the status of waqf land does not have a valid administrative basis. Without certification, waqf land cannot be officially recorded in the national land information system, so its existence is threatened from the aspect of public order. In addition, the evidentiary process in a dispute over ownership or control of land in court will depend on the strength of the evidence, where the certificate has *prima facie* legal force (based on Article 32 of Government Regulation No. 24 of 1997). Non-certification makes evidence in the form of waqf pledges, minutes of events, or community testimony not strong enough to match the certificate of ownership of other parties. In this case, the state is considered to have failed to carry out its responsibility in ensuring the sustainability of the social function of waqf land which should be maintained for the public benefit. Therefore, waqf land certification is not just an administrative procedure, but an essential legal protection instrument in ensuring the continuity and validity of the waqf function in a plural society.

The non-certification of waqf land can also be seen as a form of administrative negligence that has an impact on the non-optimal protection of land rights that have a socio-religious dimension. In the perspective of public law, the inability of the state through land institutions to ensure all certified waqf lands can be considered as a failure in implementing the principle of *staatsplicht* or the state's obligation to ensure orderly land administration. The state in a modern legal state is obliged to create a legal system that not only guarantees certainty but also justice and social benefits.¹⁴ In the context of waqf, this failure not only has an impact on the loss of religious assets, but also weakens the role of waqf as an instrument of economic redistribution and social justice in society. This is in line with the criticism of experts who say that weak land administration opens up opportunities for agrarian conflicts and marginalization of vulnerable groups, including waqf beneficiaries.¹⁵

Furthermore, the absence of waqf land certificates results in legal stagnation in efforts to develop waqf assets productively. According to the theory of legal development developed by David Trubek and Marc Galanter, law is not only in charge of regulating, but must also be a catalyst for social change and economic development. Waqf land that is not certified cannot be used as an object of cooperation for legitimate economic utilization, because it does not have a clear legal standing in the eyes of the law. As a result, the

¹³ Munandar, M. H., & Arwana, Y. C. (2021). Legal protection of uncertified Waqf land in Indonesia. *Nurani Hukum*, 4, 1.

¹⁴ Islamy, S. R., Ariputri, A. A., Soegijanto, B., & Tanaya, W. D. (2023). Juridical Consequences and Legal Protection for Unregistered Waqf Land. *LEGAL BRIEF*, 12(1), 166-176.

¹⁵ Suhadi, S., Muhtada, D., Ramli, A., Baehaqie, I., Rauf, A. S., Santyoko, L. A., & Ridha, M. (2024). Enhancing Nazir Capacity through Legal Literacy of Land Trust to Ensure Legal Certainty in Waqf Land Management. *Jurnal Pengabdian Hukum Indonesia (Indonesian Journal of Legal Community Engagement) JPHI*, 7(2), 119-134.

potential for waqf to be used productively for the public interest, such as for education, health, or economic empowerment of the people, is hampered. In this context, the non-participation of waqf land in the national land system is not only a matter of legality, but also a structural obstacle to the advancement of people's social rights. Therefore, the urgency of waqf land certification must not only be interpreted as an administrative obligation, but also as a strategic instrument to ensure the effectiveness of law, social justice, and the sustainability of the waqf function in national development.

The Urgency of Harmonizing the Waqf Legal System and the National Land System in Realizing Waqf Land Certification

Harmonization between the waqf legal system and the national land law system is crucial considering that these two systems have different normative characteristics and orientations. The waqf legal system has a religious dimension that is sourced from Islamic law and is oriented to the values of worship and the benefit of the ummah, while the national land law system is more administrative, secular, and subject to the principles of national positive law, especially those regulated in Law Number 5 of 1960 concerning the Basic Regulations on Agrarian Principles (UUPA). The inconsistency between the two has hindered the acceleration of the waqf land certification process, caused legal uncertainty, and opened up gaps in disputes, both within the ummah and with external parties. For example, land that has been pledged as a religious waqf but has not been administratively registered with the National Land Agency (BPN), has the potential to be sued or transferred illegally. Therefore, there needs to be an integrative regulatory framework, such as revision or synchronization between Government Regulation Number 42 of 2006 concerning the Implementation of the Waqf Law and national land regulations, so that the waqf land certification mechanism is not only sharia legal, but also has formal legality.¹⁶

Furthermore, the urgency of this harmonization also lies in increasing the effectiveness of inter-institutional coordination, especially between the Ministry of Religion as the waqf supervisor and BPN as the land authority. So far, the dualism of authority and weak operational synergy have caused the process of data collection, validation, and issuance of waqf land certificates to be slow and overlapping. In this context, the use of digital technology such as the Waqf Information System (SIWAK) and its integration with the BPN electronic system through the Complete Systematic Land Registration (PTSL) is a promising strategic solution. This effort is also in line with the Agrarian Reform agenda which encourages land redistribution and asset legalization as part of the development of inclusive and pro-people agrarian law. Through this approach, waqf land certification can be accelerated in a transparent and accountable manner, while ensuring the sustainability of the social function of waqf land in supporting people's services, education, and economic empowerment of the community. Such legal harmonization is a strategic step to avoid

¹⁶ Zuhrah, Z., Handayani, I. G. A. K. R., & Harahap, B. (2024). Check for Updates The Opportunities and Challenges of Reforming the Surrogate Heir Provisions in the Islamic Law Compilation. In *Proceedings of the International Conference on Law, Economic & Good Governance (IC-LAW 2023)* (Vol. 827, p. 148). Springer Nature.

normative fragmentation, strengthen legal guarantees for waqf land, and encourage more modern, adaptive, and equitable national waqf governance.¹⁷

Within the framework of national agrarian law, the position of waqf land is still subject to normative subordination due to the absence of systemic guarantees that accommodate the peculiarities of waqf law as part of Islamic civil law.¹⁸ In a land registration system based on the principle of legality and the principle of *lex generalis* of the UUPA, waqf land must be subject to land administrative provisions, such as the obligation to register rights and certification.¹⁹ This often clashes with the doctrine of waqf which attaches importance to the aspects of intention (*niyyah*) and pledge (*wa'd*) as the legal basis for waqf legal acts, even though they have not been formally recorded. This conflict shows the existence of an epistemological problem between the principle of formality in land law and the principle of spirituality in waqf law, which if not harmonized will continue to cause legal inequality. As stated by Bagir Manan, national law must be able to accommodate Islamic law as a living law in society, and not simply as a positivistic subordination of state law. Therefore, legal reform must be directed at the establishment of interconnecting norms that recognize the substantive validity of waqf law without ignoring the certainty of administrative law.

The institutional aspect is a critical point that complicates the harmonization of this system. The dualism of authority between the Ministry of Religion and BPN in the management of waqf land data creates regulatory fragmentation and implementation disharmony. The Ministry of Religious Affairs, as a religious authority, focuses more on the development of *Nazir* and *sharia*-based data collection through the Waqf Information System (SIWAK), while BPN emphasizes on formal juridical aspects through the Complete Systematic Land Registration (PTSL) mechanism. Without a synchronous data exchange mechanism, the integration of these two systems will not be optimal. The principle of legal pluralism as discussed by John Griffiths becomes relevant, where state law must synergize with the law of society to create substantive justice.²⁰ The implementation of this principle can be outlined through the establishment of a joint regulation between the Ministry of Religion and BPN that regulates a one-stop mechanism for waqf land certification, including administrative simplification procedures, data digitization, and updating the status of waqf land. This step will not only accelerate social justice-based agrarian law reform, but also strengthen the position of waqf law as an important pillar in a multicultural and responsive national legal system.

¹⁷ Hidayatullah, A. H. (2025). NORAMTIVE ANALYSIS OF THE PILLARS AND CONDITIONS OF WAKAF IN POSITIVE LAW IN INDONESIA. *Interdisciplinary Journal of Global and Multidisciplinary*, 1(1), 22-30.

¹⁸ Napitupulu, D. R. (2024). Legal Certainty Regarding Electronification of Land Certificates (E-Certificate) As Proof of Ownership of Land Rights in Indonesia. *JURNAL SMART HUKUM (JSH)*, 3(1), 33-47.

¹⁹ Bhakti, I. S. G. (2025). Penerapan Prinsip-prinsip Hukum dalam Sistem Hukum Indonesia. *Pengantar Hukum Indonesia: Teori, Praktik, Dan Transformasi*, 71.

²⁰ Christianto, I. (2022). Perlindungan Hukum Terhadap Tanah Wakaf Melalui Pendaftaran Tanah Berdasarkan Undang-Undang Nomor 5 Tahun 1960 Tentang Peraturan Dasar Pokok-Pokok Agraria. *Al-Mashlahah Jurnal Hukum Islam dan Pranata Sosial*, 10(01), 91-106.

CONCLUSIONS

In conclusion, the normative aspect of waqf land certification in the national legal system is an important foundation that aims to ensure legal certainty and protection of rights to religious assets. This certification is not only an administrative order, but also a juridical obligation based on Law Number 41 of 2004 and UUPA 1960. The uncertification of waqf land can cause the weak legal position of Nazhir and open up opportunities for disputes and illegal transfer of rights. This reflects the fact that there is still an implementable gap between legal norms and social practices, which shows the failure of law as a tool of social engineering. The dualism of the legal system between Islamic law and national land law is a normative obstacle that has not been effectively resolved. Integrative regulatory harmonization is needed between waqf law and agrarian law so that waqf is not only legally valid in sharia but also recognized legally formally. In addition, strengthening institutional coordination between the Ministry of Religion and BPN is crucial to overcome data fragmentation and the certification process. The use of digitalization such as SIWAK and PTSL needs to be combined to create an efficient and transparent certification system. Waqf land certification must also be understood as a strategic instrument for the socio-economic empowerment of the people, not just a procedural obligation. The state through the principle of staatsplicht is obliged to ensure fair and inclusive land administration, including for waqf land. Within the framework of national agrarian law, the recognition of the spiritual dimension of waqf must be integrated in the formal legal system so that there is no subordination of Islamic law. Therefore, waqf land certification is a meeting point between administrative legality and religious legitimacy that must be bridged fairly and progressively.

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