



Wakaf Land Certification Problems Review from Management Theory of Wakf Management and Legal Sociology

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Abstract

Data from the Ministry of Religion's Siwak application for Jember Regency until March 2022 recorded 221.89 hectares of waqf land, of which 26.60 hectares were certified or about 11.89% and 195.29 hectares were not certified or 88.01% were registered as not certified. Meanwhile, from the Siwak application from the Ministry of Religion for Ponorogo Regency until March 2022, there were 277 hectares of waqf land, of which 80.67 hectares or 24.09% were certified, and 196.33 hectares were not certified or around 75.91%. From the latest Siwak data from the Ministry of Religion for East Java Province, there are 4,831.73 hectares of waqf land, 2,225.35 hectares of certified land or about 45% and 2,606.38 hectares of uncertified waqf land or about 55%. The number of waqf lands that have not been certified, especially in Jember Regency which is still very high, then followed by Ponorogo Regency will bring high dispute problems as well. Whereas productive, safe and certified waqf land management can provide great benefits for the whole community if it can be managed properly. So in this paper, the researcher wants to examine what are the problems with waqf land certificates in terms of waqf management theory and the sociology of law, and how the efforts taken by the Ministry of Religion in the success of the certification program in their area. The methodology used is through a qualitative type of study with an empirical and normative approach, and then will be analyzed inductively, so that meaning is essential.

Keywords: *Certification; Waqf Land; Management*

Introduction

Waqf is a form of worship that is recommended in the teachings of Islam. But not only as a form of worship alone but also as a form of social care among fellow people. Therefore, waqf can maintain and

maintain two elements of the relationship, namely; "Habul minnal Allah wa habul minan naas", both of these are vertical relationships because of spiritual relationships with Allah SWT and also horizontal relationships between others in social form. The position of waqf as worship is expected to be a provision for the waqif's savings as provisions in the hereafter.

Therefore, it is clear when waqf is grouped into charities whose deeds will not be interrupted even though the wakif has died. One of the important elements of waqf is the object being waqf. Without waqf objects, waqf cannot be realized. Waqf objects according to the fuqaha and positive law are the same in several respects, namely: the necessity of waqf objects that are useful and of economic value, in the sense of something that can be traded, durable, both the object and its benefits, and the benefits can be taken by the recipient of the waqf.¹

In addition, waqf is a legal activity that has long been institutionalized and practiced in Indonesia. This is with the issuance of Law Number 41 concerning Waqf and its implementing regulations, namely Government Regulation Number 42 of 2006 concerning the Implementation of Law Number 41 of 2004 concerning Waqf. However, even though there are good regulations, the development of waqf property management practices is not yet final in its legality. From here it can be seen whether the legal substance is the problematic Laws and Government Regulations or from the implementing factors or from the community factors. So this needs to be studied in depth so that the effectiveness of waqf property registration, especially waqf land can be certified and managed better without any anxiety causing problems in the future.

Finalization of waqf property is marked by the existence of authentic deed evidence, namely a letter made according to the provisions of the law by or in the presence of a public official, who has the power to make the letter.² Authentic deeds in waqf objects are in the form of certificates of waqf objects. Among the problems faced is the status of waqf land which has long been handed over but there are still many that have not been certified and have not even been pledged so that the legality of the waqf land does not yet have legal force as evidenced by the existence of an authentic deed.

Waqf land certificate is the final stage in the practice of waqf implementation. The existence of a waqf land certificate aims to provide legal certainty and also the legal strength of the property submitted by the waqif. With the certificate of waqf land, it provides legal guarantees if a dispute arises in the future. However, there are still many waqf lands located in Jember Regency and Ponorogo Regency that have not been certified even though the land has been used by the community. This proves that the obligation to certify waqf land as regulated in Law Number 41 of 2004 concerning Waqf has not gone well in Jember and Ponorogo Regencies. This is due to the lack of public awareness and concern about waqf land. In the sociology of law, the existence of legal awareness is one indication of the creation of the purpose of the rule of law made by the government. Meanwhile, in waqf management, compliance with the rules is the main requirement for the implementation of waqf land management that obeys the rules, is productive and beneficial to the community.

This is as happened in Jember Regency and Ponorogo Regency, that based on data sourced from the Ministry of Religion's waqf information system website, namely <http://siwak.kemenag.go.id/>, which has been verified and certified for Jember Regency is 26, 60 Ha of certified land or about 11.89% of the total waqf land recorded is 221.89 Ha in Jember Regency. Meanwhile, in Ponorogo Regency, 80.67 Ha or 24.09% of the total waqf land area was recorded at 277 Ha. From these results, it can be seen that there are still very many waqf lands that have not been certified in Jember and Ponorogo Regencies.

Waqf land that is not certified can have fatal consequences if an heir does not acknowledge the existence of the waqf Pledge procession that has been carried out by the waqif so that it can lead to

¹ Wati Rahmi Ria, *Hukum Perdata Islam Suatu Pengantar* (Lampung: Anugrah Utama, 2018), 254.

² Martha Eri Safira, *Hukum Perdata* (Ponorogo: Nata Karya, 2017), 142.

disputes in the future. Although from a religious perspective it has been legalized, from a constitutional perspective, if it is not accompanied by authentic evidence in the form of a land certificate, it cannot be said to be valid. This is a state regulation that must be obeyed by every citizen.

So from the above background, the problem that will be studied in this research can be formulated, namely what is the problem with waqf land certificates in terms of waqf management theory and legal sociology. And how should the Ministry of Religion's efforts be to encourage the community to immediately certify their waqf land through the assistance of the Office of Religious Affairs in their respective Districts?.

Wakaf Management

In the science of management, the management and empowerment of waqf assets is given entirely to nazhir, because nazhir is the person most responsible for the management and empowerment of waqf assets. Nazhir who is expected to be able to manage and empower waqf assets is a professional nazhir, both individual and organizational nazhir. Nazhir is a waqf manager who is required to be able to maximize waqf assets for more productive interests and be managed professionally and independently.³

Professional waqf management is characterized by productive empowerment of community potential, professionalism carried out includes aspects of: Management, nazhir human resources, partnership patterns, forms of waqf objects such as land, money, shares, and other securities, must get support from the government. In managing waqf professionally at least, there are three basic philosophies that are emphasized when we want to empower waqf productively.⁴

The three basic philosophies are: First, the management pattern must be in the frame of "Integrated projects", not part of separate costs. With the project frame, in fact the waqf property will be used for empowerment programs with all kinds of costs included in it.⁵ This integrated project covers the legality of waqf assets with an authentic deed, legality of administrators or managers (nazhir) who will develop waqf assets professionally and beneficially for the welfare of the community, and the participation of the community to make the program of nazhir successful.

Second, the principle of welfare of nazhir, has been positioned to work for too long by utilizing the remaining time and not the main concern. Therefore, it is time for us to make nazhir a profession that gives hope to the people and a profession that provides prosperity, not only in the hereafter, but also in this world.⁶ So that in this case nazhir is also required to carry out professional and efficient management of waqf assets.

Third, the principle of transparency and accountability where the waqf body and the institutions it assists must report annually on the process of managing funds to the people in the form of an audited financial report, including the fairness of each cost item. So in this case, a nazhir is an entrepreneur who is good at running an Islamic business. In addition, a nazhir are those who devote themselves to Islamic business who have experience and have sufficient networks in business and are able to see business opportunities and market opportunities in managing waqf assets.⁷

³ journal.uin-alauddin.ac.id/index.php/ssbm/article/view/22034, 84.

⁴ <https://123dok.com/article/manajemen-wakaf-profesional-manajemen-pengelolaan-wakaf.qopo95kz>

⁵ Achmad Arief Budiman, Desertasi, *Partisipasi Stakeholder Dalam Perwakafan (Studi Kasus di RS Roemani, YBWSA, dan Masjid Agung Semarang)*, UIN Walisongo Semarang, 2017, 105.

⁶ *Ibid.*

⁷ *Ibid.*

The Concept of Legal Awareness and Compliance in the Sociological Theory of Law

Paul Scholten argues that legal awareness is awareness or values that exist in humans about existing laws and about laws that are expected to exist. concerned.⁸ Soerjono Soekanto stated that to determine the level of legal awareness of the community there are four indicators, each of which is a stage for the next stage and is also used as a benchmark as follows:⁹

1. Legal knowledge, that a person knows that certain behaviors are regulated by law. The legal regulations referred to here are written law and unwritten law. This behavior involves behavior that is prohibited by law or permitted by law.
2. Legal understanding, that is the information that a person has regarding the contents of the regulations of certain laws. For example, in this case understanding the contents of Law Number 41 of 2004 concerning Waqf.
3. Legal Attitude, that a person has a tendency to make certain judgments against the law.
4. Patterns of Legal Behavior, that is, where a person or in a society his citizens comply with certain regulations against the law.

The emergence of legal awareness is driven by the extent to which compliance with the law is the basis of compliance according to Bierstedt as follows:

1. Indocrination (indoctrination) that the first reason why citizens obey the rules is because they are given indoctrination to do so. Since childhood, humans have been taught to obey the rules that apply in society. As is the case with other cultural elements, the rules already exist when a person is born and initially humans accept them unconsciously. Through the process of human socialization, students are taught to recognize, know and obey these rules.
2. Habituation, because since childhood they have experienced the process of socialization, over time it becomes a habit to obey the applicable rules. Indeed, at first it was very difficult to comply with rules that seemed to restrict freedom. However, if it is encountered every day, then gradually it becomes a habit to obey it, especially when humans have started repeating the same actions.
3. Utility, that basically has a tendency to live properly and regularly. However, what is appropriate and orderly for one person is not necessarily appropriate and orderly for another person. Therefore, a standard of appropriateness and order is needed. These standards are guidelines for behavior and are called rules. Thus, one of the factors that causes people to obey the rules is because of the usefulness of the rules. Man realizes that if he wants to live properly and regularly, rules are needed.
4. Group Identification that one of the reasons why someone obeys the rules is that compliance is one of the means to identify with the group. A person obeys the rules that apply in his group is more dominant than identification with the group earlier. Even sometimes someone obeys the rules of another group, because he wants to identify with the other group.¹⁰

While legal compliance is essentially public awareness and loyalty to the law that applies as a rule (rule of the game) as a consequence of living together where loyalty is manifested in the form of behavior that actually obeys the law (between *das sein* and *das sollen* in fact are the same).¹¹ Legal compliance is obedience to the law in this case the written law. This obedience or obedience is based on awareness. According to Prof. Dr. B. Arief Sidharta, S.H., people will obey the law based on five factors,

⁸ Ni'mah, *Sosiologi Hukum Sebuah Pengantar*, (Yogyakarta: Teras, 2012), 131.

⁹ *Ibid*, 123.

¹⁰ Saifullah, *Refleksi Sosiologi Hukum* (Bandung: Refika Aditama, 2010), 105.

¹¹ Ellya Rosana, "Kepatuhan Hukum Sebagai Wujud Kesadaran Hukum Masyarakat," *Jurnal TAPIs* Vol.10 No.1 (2014), 25.

including the following:¹²

1. First, people obey the law for fear of being penalized or punished
2. Second, people obey the law because they are obedient and pious people and can distinguish between good and bad.
3. The three people who obey the law because of the influence of the surrounding community.
5. Fourth, people obey the law or follow the law because they have no other choice.
6. The five people obeyed the law because of a combination of the four factors mentioned above.

There are several degrees or levels of community legal compliance in the following forms:¹³

1. A person behaves or acts as expected by law and agrees to it, which is in accordance with the value system of those in authority.
2. A person behaves as expected by law and agrees to it, but he does not agree with the assessment given by the competent authority to the law in question.
3. A person obeys the law, but he does not agree with the rules and the values of those who have authority.
4. A person does not agree with all of them and he does not obey the law (protests).

The problem of legal compliance which is a psychological process can be developed in three basic processes, as proposed by H.C Kelman, namely as follows:

1. Compliance is a compliance based on the expectation of a reward and an effort to avoid punishment that may be imposed. This compliance is not at all based on a belief in the purpose of the relevant legal rules and is more based on the control of the power holder. As a result, there will be keparuhan if there is strict supervision of the implementation of these legal rules.
2. Identification occurs when legal compliance exists not because of its intrinsic value, but so that group membership is maintained, and there is a good relationship with those in power.
3. Internalization that someone obeys the law because intrinsically that obedience has a reward.¹⁴ And also if an obedience is based on he feels that the rule is in accordance with the intrinsic values adopted by a society.

The Problems of Wakf Land Certificate Reviewing from the Theory of Ownership Management and Legal Sociology

In the current era, the use of waqf is very important, especially regarding nadziran. If Nazhir is pleased to manage, maintain, produce and distribute the results of waqf management to mauqf alaih, the potential quality of waqf will play an important role in the welfare of the community, especially in the economic field. From this perspective, waqf is included in a profit-oriented business institution. Furthermore, it is also related to the profits from the management of the waqf property without reciprocity to the mauqf alaih. Usually this is related to social services, management like this is included in the category of social foundations that are not profit oriented.¹⁵

So far, waqf has not been fully regulated in the existing laws and regulations. Waqf just flows as it is, lacks serious handling, both in terms of motivation and management. The result can be felt until now, namely there has been a deviation in the management of waqf from the real purpose of waqf. Besides that, due to the absence of orderly data collection, many waqf objects because the data is not

¹² Agus Riyanto “mengapa orang menaati hukum”. [https://business-law.binus.ac.id/2019/11/11/mengapa-orang-menaati-hukum/\(diakses 20 Januari 2020 Pukul 08.00 WIB\)](https://business-law.binus.ac.id/2019/11/11/mengapa-orang-menaati-hukum/(diakses%20Januari%202020%20Pukul%2008.00%20WIB))

¹³ Soerjono Soekanto, *Penegakan Hukum*. (Bandung: Binacipta. 1983), 67.

¹⁴ Satjipto Rahardjo, *Sosiologi Hukum Perkembangan Metode dan Pilihan Masalah*, (Yogyakarta: Genta Publishing, 2010), 204.

¹⁵ Badan wakaf Indonesia, *Manajemen Wakaf di Era Modern* (Jakarta: Badan Wakaf Indonesia Gedung Bayt Al-Qur'an, 2013), 31.

known, so they are not taken care of, even the waqf enters the trading cycle.¹⁶

Such a situation is not in line with the real purpose of waqf and will also result in an unfavorable impression of Islam as an excess of waqf misappropriation, because it is not uncommon for waqf disputes to be resolved in court. In fact, if studied carefully, the development of Islam in Indonesia cannot be separated from the role of waqf. The habit of waqf has actually been institutionalized in such a way among Muslims, although the results have not been maximized as expected.

One of the religious problems related to land law is the issue of waqf, waqf-owned land is a religious institution that can be used as a means of building and developing religious life, especially for Muslims in order to achieve material and spiritual prosperity in order to lead a just and prosperous society. based on Pancasila.¹⁷

In accordance with government regulations, waqf land is property rights that have been waqf. Waqf of proprietary land is a sacred, noble and commendable legal act carried out by a person or legal entity, by separating part of the assets in the form of proprietary land and symbolizing it forever as a social waqf.¹⁸

There are so many cases where waqf land that has been waqf to waqf recipients is sued by the heirs of the waqf giver and claims that the land belongs to him and at any time the land can be taken. This is because there is no certificate of waqf land itself. If this has happened, then nadzir cannot do anything in an effort to maintain the waqf land. Prior to the regulations governing the waqf of this owned land, the implementation of the waqf itself was carried out with sincerity, without having written evidence. This of course does not provide legal force and clarity so that it will cause a struggle and become a dispute in the future.

In this regard, the government took an action that was considered quite appropriate in securing and preserving the waqf land with the issuance of Government Regulation Number 28 of 1977 concerning the Perwaqaf of Owned Land. However, the Government Regulation is no longer in accordance with the times, the reason being that at this time the object of waqf is not only land, but there are other objects such as vehicles, money, and other movable objects. Therefore, other policies are needed that can bring order and have a positive impact on waqf land. So that in its development a new law was issued, namely Law Number 41 of 2004 concerning Waqf to replace PP Number 28 of 1977 on Land-Owned Waqf.

According to the provisions of Government Regulation Number 42 of 2006 concerning the Implementation of the Waqf Law, to obtain legal force on the waqf land, a deed must be made by the Head of the Office of Religious Affairs (KUA) as the Official Making the Waqf Pledge Deed (PPAIW). Furthermore, the Waqf Pledge Deed (AIW) is registered with the National Land Agency for a certificate. In principle, certified waqf land cannot be changed to its designation or use other than what has been specified in the waqf pledge. However, changes to the designation or use of land owned by the waqf can be made because it is no longer in accordance with the purpose of the waqf in accordance with what the wakif has pledged. In the public interest, the change in the designation of the waqf land must first obtain approval from the Minister of Religion.¹⁹ Furthermore, land waqf itself cannot be separated from Islamic law and national agrarian law.

So that in 2004 waqf land certification was carried out jointly by the Ministry of Religion (now the Ministry of Religion) and the National Land Agency (BPN). The two institutions issued a joint decree with the Minister of Religion and the Head of the National Land Agency Number 422 of 2004 concerning Waqf Land Certification. Some areas in Indonesia often have problems related to the chaos of waqf land,

¹⁶ Abdul Ghofar Anshori, *Hukum dan Praktik Perwakafan Di Indonesia*, (Yogyakarta: Pilar Media, 2005), 1.

¹⁷ Boedi Harsono, *Hukum Agraria Indonesia* (Jakarta, PT. Djambatan, 2005), 272.

¹⁸ *Ibid.*

¹⁹ Boedi Harsono, *Hukum Agraria Indonesia*, 272.

this is because some of the waqf land is not administratively registered, so many waqf lands are lost and many are disputed. Definite legal status for waqf land is very important, among others, for the use of waqf land so that it is in accordance with the purpose of the waqf itself.²⁰ So as the initial door for the management and utilization of waqf land in the management concept, the waqf land is certified first. Through this land certification, it is hoped that the waqf land can be managed and utilized optimally by the general public. With the certificate of waqf land, the function and use of the waqf land is clear.

When viewed from the number of waqf lands in Jember Regency and Ponorogo Regency that have not been certified, the main problem is that there is an intention from the manager not to administer the waqf property. According to several nazirs who were interviewed both in Jember Regency and in Ponorogo Regency, until now there has never been any problem regarding the status of the waqf land, the community also does not question it so they do not intend to register the mosque's waqf land. The above waqf land is waqf land which does not have permanent legal force. Various reasons were put forward by the nazirs above, including they were confused because the letters at the beginning of the waqf process were incomplete, then the wakif and the previous nazir had died, plus the whereabouts of the heirs were unknown or the nazir deliberately did not register the waqf land because it is felt that so far there have never been any problems, and are constrained by costs and the process is quite long.

The existence of this intentional when examined from the theory of awareness and legal compliance, the awareness and legal compliance both from nazir and from the community is still very low. Community legal awareness and compliance is strongly influenced by the community's legal knowledge, understanding of the law, legal attitudes and patterns of legal behavior. From several researches and scientific articles related to the management and use of waqf land into productive waqf, related to the issue of certifying waqf land, many of the wakif only pledged their land without being certified, because they thought it was strong. Even though there is already a law on waqf and its implementing regulations where the legal waqf certification is mandatory. Here it can be seen that in terms of knowledge and legal understanding of the people in Jember Regency and Ponorogo Regency regarding waqf land certification is still low. Then the legal attitude and behavior, where many people think that without being certified their waqf land can be managed properly and there have been no disputes.

Another problem is the legal substance factor where the land that has been waqf is land owned by the general public, no longer owned by individuals. So that what is applied in the substance of the rules is the substance of waqf law which is oriented to public law. This implies that the substance of the law made must include strict sanctions. Thus, the obligation to certify waqf land will have legal force to be obeyed by the community. The sanctions are in the form of administrative sanctions and criminal sanctions, for example for nazir who does not immediately certify the waqf land he manages can be fired or replaced, and the heaviest sanctions are imprisonment and fines set by the government.

So it can be concluded from the concept of waqf management management, awareness and legal compliance of the people in Jember Regency and Ponorogo Regency to Article 38 and Article 39 of Government Regulation no. 42 of 2006 concerning the Implementation of Law no. 41 of 2004 concerning Waqf regarding procedures for registering immovable waqf objects: (1) from the management of waqf management it is not in accordance with 3 management principles, especially the first principle, namely the integrated principle where the waqf land certificate is ignored by the community, then its designation and management also does not work properly. good and professional, (2) In the theory of legal awareness related to problems of understanding the law, attitudes and patterns of relations with the law that have not been implemented by the community, and (3) in terms of legal compliance, it is included in the Compliance stage, namely a compliance based on the expectation of a reward. and efforts to avoid punishment that may be imposed. In this case, people who obey these rules aim to avoid disputes in the

²⁰ Imam Suhadi, *Wakaf Untuk Kesejahteraan Umat*, 7.

future where people obey not because of a group marker and also the intrinsic value of the existence of these rules.

The Effort of the Ministry of Religion in Encouraging the Community to Succeed Certification of Wakf Land

The Director General of Islamic Community Guidance, Kamaruddin Amin, said that there are four important things in realizing the noble ideals of making Indonesia the center of the sharia economy. These are the Islamic Finance Industry, Halal Products, Sharia Business, and Social Finance, which include zakat and waqf. Kamaruddin said that these four things have extraordinary potential, especially regarding waqf.²¹

Therefore, the Ministry of Religion in collaboration with the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency launched the program for the Acceleration of Waqf Land Certification. In waqf regulations, KUA is the first to issue the legality of waqf land. The Head of KUA is the Official Making the Waqf Pledge Deed (PPAIW) which will be the entrance before being certified by the BPN. "With the presence of the revitalization of KUA, the management of waqf becomes very appropriate in supporting national development. Waqf land certification is a real step to maintain and maximize the function of waqf. With this certification, it is hoped that the legality of waqf assets will be maintained and make it easier for us to manage them,"

Kamaruddin said that currently there are 5,897 sub-district KUAs throughout Indonesia. This is a very strategic number to realize good waqf governance. Currently, there are 100 KUAs designated as models in the revitalization program, including in the process of accelerating waqf land certification. In the future, this revitalization will continue to be developed to touch all sub-districts in Indonesia.²²

The steps of the Directorate General of Islamic Community Guidance are actively coordinating with the Ministry of ATR/BPN and BWI to take strategic steps to realize this certification program. This is an inter-institutional commitment that should be present in order to strengthen waqf governance in Indonesia. The Directorate General of Islamic Guidance also instructed the Islamic Community Guidance work unit and the Regency/City Ministry of Religion to focus on overseeing this waqf acceleration program. The Ministry of Religious Affairs through the Directorate General of Islamic Guidance will directly monitor your participation and activity in this program. Especially for the sub-district KUAs that are included in the revitalization KUA, including several KUAs in Jember Regency and Ponorogo Regency.

From the program launched by the central Ministry of Religion, especially in accelerating waqf land certificates, the Ministry of Religion in Jember Regency and Ponorogo Regency through KUA-KUA in their sub-districts must move quickly and efficiently. The KUA revitalization program for accelerating waqf land certificates includes consolidating with the district land office, coordinating with the district Ministry of Religion, simplifying the management of waqf land certificates, outreach to the public, especially waqf nadzir, and online registration, management and reporting of waqf land data. So in this case, human resources in KUA are also needed who also understand IT, so that the processing of certification from registration and so on at KUA can run well and quickly.

Closing

It can be concluded from the concept of waqf management, awareness and legal compliance of the people in Jember Regency and Ponorogo Regency to Law Number 41 of 2004 concerning Waqf and Government Regulation No. 42 of 2006 concerning the Implementation of Law no. 41 of 2004 concerning Waqf regarding procedures for registering immovable waqf objects: (1) from the management

²¹ <https://www.nu.or.id/nasional/kemenag-lakukan-percepatan-proses-sertifikasi-tanah-wakaf-62osy>.

²² *Ibid.*

of waqf management it is not in accordance with 3 management principles, especially the first principle, namely the integrated principle where the waqf land certificate is ignored by the community, then its designation and management also does not work properly. good and professional, (2) In the theory of legal awareness related to problems of understanding the law, attitudes and patterns of relations with the law that have not been implemented by the community, and (3) in terms of legal compliance, it is included in the Compliance stage, namely a compliance based on the expectation of a reward. and efforts to avoid punishment that may be imposed. In this case, people who obey these rules aim to avoid disputes in the future where people obey not because of a group marker and also the intrinsic value of the existence of these rules.

Meanwhile, the Ministry of Religion's efforts in accelerating waqf land certification in Indonesia are by establishing cooperation between the Ministry of Religion and the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency to launch the program for the Acceleration of Waqf Land Certification. In waqf regulations, KUA is the first to issue the legality of waqf land. The Head of KUA is the Official Making the Waqf Pledge Deed (PPAIW) which will be the entrance before being certified by the BPN. "With the presence of the revitalization of the KUA, the management of waqf becomes very appropriate in supporting national development. Waqf land certification is a real step in maintaining and maximizing the function of waqf. With this certification, it is hoped that the legality of waqf assets will be maintained and make it easier to manage.

Bibliography

- Arief Budiman, Achmad, 2017, Desertasi, *Partisipasi Stakeholder Dalam Perwakafan (Studi Kasus di RS Roemani, YBWSA, dan Masjid Agung Semarang)*, UIN Walisongo Semarang.
- Badan Wakaf Indonesia, 2013, *Manajemen Wakaf di Era Modern*, Jakarta: Badan Wakaf Indonesia Gedung Bayt Al-Qur'an.
- Ellya Rosana, 2014, "Kepatuhan Hukum Sebagai Wujud Kesadaran Hukum Masyarakat," *Jurnal TAPIS* Vol.10 No.1.
- Eri Safira, Martha, 2017, *Hukum Perdata*, Ponorogo: Nata Karya.
- Ghofar Anshori, Abdul, 2005, *Hukum dan Praktik Perwakafan Di Indonesia*, Yogyakarta : Pilar Media.
- Harsono, Boedi, 2005, *Hukum Agraria Indonesia*, Jakarta, PT. Djambatan.
- <http://www.scholar.unand.ac.id/17447/3/tentang-wakaf.html>.
- <https://www.nu.or.id/nasional/kemenag-lakukan-percepatan-proses-sertifikasi-tanah-wakaf-62osy>.
- <https://123dok.com/article/manajemen-wakaf-profesional-manajemen-pengelolaan-wakaf.qopo95kz>
- <journal.uin-alauddin.ac.id/index.php/ssbm/article/view/22034>.
- Ni'mah, 2012, *Sosiologi Hukum Sebuah Pengantar*, Yokyakarta: Teras.
- Rahardjo, Satjipto, 2010, *Sosiologi Hukum Perkembangan Metode dan Pilihan Masalah*, Yogyakarta: Genta Publishing.
- Rahmi Ria, Wati, 2018, *Hukum Perdata Islam Suatu Pengantar*, Lampung: Anugrah Utama.
- Riyanto, Agus, "mengapa orang menaati hukum". <https://business-law.binus.ac.id/2019/11/11/mengapa-orang-menaati-hukum>.



Saifullah, 2010, *Refleksi Sosiologi Hukum*, Bandung: Refika Aditama.

Soekanto, Soerjono, 1983, *Penegakan Hukum*. Bandung: Binacipta.

Suhadi, Imam, 2002, *Wakaf Untuk Kesejahteraan Umat*, Yogyakarta: PT. Dana Bhakti Prima Yasa.

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