

Ruislag Procedure of Waqf Land Affected by National Strategic Projects in the Perspective of State Administrative Law

Tatang Astarudin

Universitas Islam Negeri Sunan Gunung Djati Bandung, Indonesia, E-mail: astarudin@uinsgd.ac.id

Abstract. *Waqf land plays an important legal and social role in Indonesia, particularly to support religious activities and public welfare. Under Law No. 41 of 2004 on Waqf, waqf land may not be transferred except through exchange or ruislag procedures under certain conditions. In the context of National Strategic Projects (PSN), waqf land is often affected, making it important to ensure that ruislag procedures remain legally compliant. This research aims to explore the ruislag procedure of waqf land in PSN and evaluate its application to identify improvements in state administrative law. This research utilises the normative juridical method. The research found that the ruislag process of waqf land affected by National Strategic Projects (PSN) requires strong coordination between the Indonesian Waqf Board, the Ministry of Religious Affairs, and other relevant institutions. It is important to ensure that the replacement land has equal or better value, in accordance with sharia principles and applicable laws. Active participation of beneficiary communities is essential to maintain transparency and public trust.*

Keywords: *Administration; National; Ruislag; Waqf.*

1. INTRODUCTION

Waqf land plays an important role in Indonesia's legal and social order, especially as an instrument to support religious, social, and public welfare activities.¹ According to Law No. 41 of 2004 on *Waqf*, *waqf* land is property that is permanently endowed by the endowers for the purpose of worship or public welfare in accordance with sharia. This *waqf* land is managed by the *nadzir* (*waqf* manager) to be utilised for the benefit of the community, so that its existence is expected to remain sustainable and avoid commercial interests. Socially, *waqf* land is a tangible manifestation of the concept of

¹ Hidayat, A. D., Yusril, G., & others. (2022). Wakaf Dalam Tinjauan Sosiologi Hukum. *Mauriduna: Journal of Islamic Studies*, 3(2), 214–221.

charity that contributes to the improvement of community welfare and the construction of public facilities, such as mosques, schools, and hospitals.²

However, in recent years, infrastructure development that has become a national priority often intersects with *waqf* lands. The National Strategic Projects (PSN), regulated in Presidential Regulation No. 58/2017 on Accelerating the Implementation of National Strategic Projects, have a significant impact on land, including *waqf* land. PSN, which includes the development of toll roads, airports, and harbours, often requires the acquisition of social land, such as *waqf* land, for the benefit of wider infrastructure development.³

The impact of this PSN raises legal and administrative issues, as the process of acquiring *waqf* land requires special procedures, as stipulated in Article 49 of Law No. 41 of 2004 and Minister of Religious Affairs Regulation No. 73 of 2013 on Procedures for Exchanging *Waqf* Property. The procedure for the exchange or *ruislag* of *waqf* land must pay attention to sharia principles and laws and regulations, so that the replacement land has an equal or better value than the affected *waqf* land.⁴ Data from the Indonesian *Waqf* Board shows that there are several cases of *waqf* land affected by PSN, especially in the toll road construction sector, which require appropriate legal resolution to maintain the sustainability of the social function of the *waqf* land.

The urgency of the issue related to the *ruislag* procedure of *waqf* land in National Strategic Projects (PSN) is increasingly important as massive national infrastructure development often intersects with *waqf* lands. *Waqf* land, which has a strong position in Islamic law and Indonesian positive law, is an asset that must be carefully managed in accordance with applicable regulations. Under Law No. 41 of 2004 on *Waqf*, *waqf* land cannot be transferred or traded except for the greater good, which is regulated through a *ruislag* (exchange) mechanism.⁵ However, in the context of PSN, *waqf* land is often taken for the purpose of infrastructure development, which raises various legal and administrative issues.

The problem arises when the implementation of *ruislag* does not always comply with the existing provisions, as stated in Government Regulation No. 42/2006 on the Implementation of the *Waqf* Law. Under this regulation, *ruislag* must be authorised by the Indonesian *Waqf* Board (BWI) and involves a rigorous administrative process, including approval from the Minister of Religious Affairs. In practice, various bureaucratic obstacles often slow down this process, while large infrastructure projects

² Abdullah, A. (2020). Nadzir dalam Perspektif Kelembagaan Wakaf di Indonesia. *Jurnal Ilmiah Ekonomi Islam*, 6(3), 403–408.

³ Susantio, C., & Beatrice, M. (2024). Badan Bank Tanah Indonesia dengan Land Bank Agency Belanda: Studi Komparasi. *UNES Law Review*, 6(3), 8518– 8538.

⁴ Fitria, I. G., Soerodjo, I., & Sudirman, S. (2023). Kedudukan Nazhir Yang Tidak Terdaftar Pada Kementerian Agama Dan Badan Wakaf Indonesia Sehubungan Dengan Harta Benda Wakaf Ditinjau Dari Undang-Undang Nomor 41 Tahun 2004 Tentang Wakaf. *SENTRI: Jurnal Riset Ilmiah*, 2(7), 2574–2585.

⁵ Hayati, S. R. (2018). Tinjauan Hukum Terhadap Sengketa Tanah Wakaf Yang Tidak Memiliki Akta Ikrar Wakaf Antara Wakif, Ahli Waris Wakif dan Nazhir Ditinjau Dari Hukum Islam dan Undang-Undang Nomor 41 Tahun 2004 Tentang Wakaf. *Al-Awqaf: Jurnal Wakaf dan Ekonomi Islam*, 11(2), 187–194.

must continue to run according to strict time targets. Administrative delays often lead to tensions between *waqf* managers, local governments, and project implementers.⁶

The gap between written regulations and implementation in the field further complicates the situation. For example, in some cases of strategic projects, there are reports that *waqf* managers feel that they were not involved in the initial process of land acquisition, or did not receive adequate compensation in accordance with the value and importance of the *waqf* land. This is contrary to the principles of good governance and transparency that should underpin any decision-making involving social assets. Based on data from the Indonesian *Waqf* Board, there are several cases where *ruislag* procedures have not been implemented in accordance with applicable legal standards, resulting in legal conflicts between *waqf* managers and local governments or project contractors.

Problems in the context of state administrative law in the *ruislag* process of *waqf* land affected by the National Strategic Project (PSN) involve a number of parties, including *waqf* bodies, the government, and related agencies. The *ruislag* process is regulated by several laws and regulations, including Law No. 41 of 2004 on *Waqf*, Government Regulation No. 42/2006 on the Implementation of the *Waqf* Law, and regulations related to strategic projects contained in Presidential Regulation No. 56/2018 on the Acceleration of the Implementation of National Strategic Projects. In its implementation, one of the main challenges is to ensure effective coordination between the *waqf* agency, which is authorised to manage *waqf* land, and the government, which has a stake in the implementation of infrastructure projects.

In the process of *waqf* land *ruislag*, the principles of good governance that include transparency, accountability, and public participation are very important. Law No. 30/2014 on Government Administration stipulates that decision-making related to state administration, including the exchange of *waqf* land, must be conducted transparently and accountably. However, in practice, there are often obstacles related to information disclosure regarding the *ruislag* mechanism, especially for local communities and *waqf* managers. For example, in some cases, *waqf* owners complain about the lack of socialisation and information regarding compensation or replacement land provided by the government.⁷ In addition, accountability in the *ruislag* process is also a challenge. The government and related agencies must be able to account for every step taken in the *waqf* land acquisition process, both in terms of land price valuation and the quality of the replacement land.⁸ Data from the National Commission on Human Rights (Komnas HAM) shows that there are reports of people who feel that the process of replacing *waqf* land is often disproportionate, both in terms of area and economic value. This suggests that the principle of accountability in the *ruislag* process needs to be strengthened, including through stricter supervision of the implementation of the policy. Thus, the challenges in the process of *ruislag* of *waqf* land related to PSN are

⁶ Putri, R. D., Hidayat, A. R., & Senjiati, I. H. (2018). Analisis Peraturan Pemerintah No 42 Tahun 2006 Terhadap Pelaksanaan Wakaf Uang di Bukopin Syariah. *Prosiding Hukum Ekonomi Syariah*, 1063–1067.

⁷ Effendi, B. (2024). Wakaf Tunai dalam Sistem Keuangan Islam: Konsep, Regulasi dan Implementasi. *Tasyri': Journal of Islamic Law*, 3(1), 155–173.

⁸ Oktafia, R. & others. (2021). Manajemen Pengelolaan Wakaf Tanah Masjid Jami' Darussalam Desa Jatipayak Kecamatan Modo Kabupaten Lamongan Untuk Meningkatkan Perekonomian Masyarakat. *Jurnal Tabarru': Islamic Banking and Finance*, 4(2), 380–393.

not only limited to administrative technical aspects, but also to upholding the principles of good governance. Coordination between *waqf* bodies, the government, and relevant agencies must be more effective, and control and supervision mechanisms need to be strengthened to ensure that the rights of the community, especially *waqf* managers, are protected in accordance with applicable regulations.

The discussion of *waqf* land *ruislag* in the context of state administrative law is very important to ensure the protection of the rights of *waqf* managers. *Waqf* land, as an asset that has religious and social value, must be managed and maintained in accordance with applicable regulations. According to Law No. 41 of 2004 on *Waqf*, *waqf* land cannot be transferred except in urgent circumstances and must go through a *ruislag* (exchange) mechanism. However, in practice, National Strategic Projects (PSN) often require land, including *waqf* land, which affects *waqf* managers and the people who depend on the land. The *ruislag* procedure involving *waqf* land is crucial in ensuring that the land transfer remains within the legal corridor, in accordance with the regulations set by the Indonesian *Waqf* Board (BWI) and other authorities.⁹

The relevance of this topic lies in the public interest, as *waqf* land often has social functions that support the community, such as houses of worship, schools, or other public facilities. Therefore, when *waqf* land is affected by PSN, it is important to balance the need for national development with the protection of *waqf* assets. The government, through Government Regulation No. 42/2006 on the Implementation of the *Waqf* Law, has established clear procedures for the exchange of *waqf* land, but there are still gaps in its implementation in the field. The imbalance between regulation and practice in the field often causes problems in the implementation of *ruislag*, which can lead to disputes between the government, *waqf* managers, and the community.¹⁰ Therefore, stricter policies and stronger law enforcement are needed to ensure that the *waqf* land exchange process is fair and compliant.

This research aims to explore the legal and administrative procedures applicable in the process of *ruislag* of *waqf* land affected by PSN. With reference to Law No. 41 of 2004 on *Waqf* and Government Regulation No. 42/2006, this study will analyse the extent to which these regulations have been implemented in the field and identify factors that cause obstacles in their implementation. In addition, this study will also examine whether the supervision mechanism carried out by BWI and the government has been effective in protecting *waqf* land from commercial interests in PSN. Using literature data from several cases of *ruislag* of *waqf* land affected by PSN, this research will provide a clearer picture of the ongoing practices and their impact on *waqf* land management.

2. RESEARCH METHODS

This research adopts a normative juridical methodology, using various analytical techniques such as comparative, conceptual and statutory approaches. The main

⁹ Patria, A. P. (2022). Tukar Menukar Harta Benda Wakaf dalam Pengadaan Tanah bagi Pembangunan untuk Kepentingan Umum. *Notary Law Journal*, 1(1), 63–75.

¹⁰ Al Farisi, S. (2022). Implementasi Wakaf Berjangka Menurut Undang–Undang Nomor 41 Tahun 2004 Dan Peraturan Pemerintah No. 42 Tahun 2006. *Pena: Jurnal Ilmu Pengetahuan dan Teknologi*, 36, 8–15.

source of information in this research comes from secondary data.¹¹ Data were analysed using descriptive and qualitative methods, with an emphasis on analytical descriptive specifications. The data collected is explained in detail to provide an in-depth understanding of certain legal phenomena in society, then analysed based on relevant legal principles.¹²

3. RESULT AND DISCUSSION

3.1. Coordination and Regulation in *Ruislag* of *Waqf* Land for National Strategy Projects

In spurring economic growth and infrastructure, Indonesia has established various National Strategic Projects (PSN) that are prioritised in the national development agenda. These projects often require extensive land utilisation, often involving *waqf* land.¹³ *Waqf* land, which is specifically regulated by Law No. 41 of 2004 on *Waqf*, has unique characteristics as it is devoted to the public interest and cannot be freely transferred. Therefore, the process of *ruislag* or replacement of *waqf* land affected by PSN requires effective and efficient inter-agency coordination, involving various agencies such as the Ministry of Religious Affairs, the Indonesian *Waqf* Board, and relevant local and national government agencies.¹⁴

Good coordination between these institutions is important to ensure that the *ruislag* process proceeds in accordance with applicable legal provisions, respects sharia values, and minimises disruption to the beneficiaries of the *waqf* land. This is all the more relevant given that *waqf* land is often endowed for purposes such as education, worship, and social services, and the continuity of these functions must be maintained or even enhanced in the *ruislag* process.¹⁵

In addition, effective coordination also helps in avoiding legal and social conflicts that could arise from the replacement of *waqf* land. For example, Presidential Regulation No. 56/2018 on the Acceleration of the Implementation of Various National Priority Infrastructure Projects lists inter-agency coordination and synergy mechanisms as one of the crucial aspects to optimise the realisation of PSN. Without effective coordination,

¹¹ Atikah, I. (2022). *Metode Penelitian Hukum*. Haura Utama.

¹² Amiruddin, & Asikin, Z. (2012). *Pengantar Metode Penelitian Hukum*. PT RajaGrafindo Persada.

¹³ Kusumawati, M. P. (2023). Tinjauan Yuridis Permasalahan dan Tantangan Pengadaan Tanah dalam Kerangka Proyek Strategis Nasional (PSN). *Prosiding Seminar Hukum Aktual Fakultas Hukum Universitas Islam Indonesia*, 1(3), 102–110.

¹⁴ Hendrik, M., & Mufidah, M. (2019). Peran Badan Wakaf Indonesia Pasca Terbitnya Undang-Undang Nomor 41 Tahun 2004 Tentang Wakaf. *SALAM: Jurnal Sosial dan Budaya Syar-i*, 6(5), 417–446.

¹⁵ Kurnianingsih, M., Sartanto, A., & Sukirman, A. N. (2022). Settlement of compensation for land affected by the solo-yogyakarta toll road construction project at the Klaten district court. *Urecol Journal. Part H: Social, Art, and Humanities*, 2(1), 1–10.

these strategic projects could potentially be stalled, which could compromise the targets and economic benefits expected from the projects.¹⁶

Therefore, understanding and implementing inter-agency coordination in the context of *waqf* land *ruislag* for PSN is not only important for the success of the project but also for maintaining the integrity and function of *waqf* land in supporting public welfare in accordance with sharia principles. Furthermore, it ensures that all parties, including *waqf* beneficiaries, the general public, and the government, can experience the positive outcomes of national infrastructure development without compromising the rights and values that *waqf* land represents.¹⁷

The main objective of this analysis is to identify the support and obstacles that arise in the regulatory framework and inter-agency coordination in the management of *waqf* land affected by National Strategic Projects (PSN) in Indonesia. The analysis is conducted by examining in depth various relevant regulations, such as Law No. 41 of 2004 on *Waqf*, Presidential Regulation No. 3 of 2016 amended by Presidential Regulation No. 109/2020 on the Acceleration of the Implementation of National Strategic Projects, and other relevant implementing regulations. The focus is on how these regulations support or create obstacles in the process of *waqf* land *ruislag*, particularly in the coordination between the Ministry of Religious Affairs, the Indonesian *Waqf* Board, and other government agencies involved. In addition, this analysis also aims to explore the effectiveness of inter-agency communication and collaboration in ensuring that *waqf* land can be utilised for the public good without neglecting the sharia principles that must be adhered to.¹⁸ Through this analysis, it is hoped that adequate recommendations can be made to improve and strengthen the regulatory and coordination framework, enabling *waqf* land to be managed more efficiently and effectively in supporting the achievement of national development goals.

Regulations governing the *ruislag* of *waqf* land in the context of National Strategic Projects (PSN) in Indonesia are based on several key laws and regulations. Presidential Regulation No. 3 of 2016 on the Acceleration of the Implementation of National Strategic Projects, which has been amended by Presidential Regulation No. 58/2017, Presidential Regulation No. 56/2018, and Presidential Regulation No. 109/2020, is the legal foundation that defines projects considered vital to the country's economic progress and infrastructure. Law No. 41 of 2004 on *Waqf*, which is further regulated in Government Regulation No. 42/2006 on the Implementation of the Law on *Waqf*, provides the legal framework for the management and utilisation of *waqf* land. According to this regulation, *waqf* land to be used for public purposes must go through a *ruislag* process by obtaining a written permit from the Minister of Religious Affairs

¹⁶ Primadani, L. (2019). Tantangan dalam Pengelolaan Sistem Teknologi Informasi Proyek Strategis Nasional dan Proyek Infrastruktur Prioritas. Konferensi Nasional Ilmu Administrasi, 3(1).

¹⁷ Doman, D., & Doman, N. (2020). Penerapan Prinsip Pembangunan Berkelanjutan dan Ekonomi Berwawasan dalam Peraturan Perundang-Undangan Penggunaan Kawasan Hutan dalam Rangka PSN Pasca Pengesahan Perpres 66/2020. Jurnal Hukum Lingkungan Indonesia, 7(1), 71–97.

¹⁸ Faolina, D. (2019). Tinjauan Yuridis Wakaf Wasiat Polis Asuransi Jiwa Syariah Dalam Perspektif Hukum Islam (Studi Pada Lembaga Wakaf Al-Azhar Jakarta). Al-Mabsut: Jurnal Studi Islam dan Sosial, 13(2), 42–58.

with the approval of the Indonesian *Waqf* Board.¹⁹ In the context of PSN, this process should ensure that the value and benefits of the new *waqf* land are at least equivalent to the original one. This *ruislag* process not only requires approval from the authorities but must also be conducted in accordance with sharia principles, which ensure that the land remains dedicated to the public interest in accordance with the original intention of the waqif. This legal process is set to ensure that the taking of land for PSN does not interfere with the rights of the wakif and the beneficiaries of the *waqf* land, maintaining the social and religious purpose of *waqf*, while also enabling the development of infrastructure necessary for the progress of the country.²⁰

In the context of *waqf* land management and *ruislag* affected by National Strategic Projects (PSN) in Indonesia, several institutions play an important role and have the authority regulated in the legislation. The Ministry of Religious Affairs of the Republic of Indonesia acts as the main supervisor and regulator in terms of *waqf* management in accordance with Law No. 41 of 2004 on *Waqf*. The ministry, through the Directorate General of Islamic Public Guidance, is responsible for issuing licences related to the change of status or *ruislag* of *waqf* land, based on recommendations from the Indonesian *Waqf* Board (BWI).²¹

The Indonesian *Waqf* Board (BWI), as an institution established under the Act, has the task of protecting, developing, and utilising *waqf* in accordance with sharia.²² BWI functions as a supervisor of the implementation of *waqf* throughout Indonesia, assists the Ministry of Religious Affairs in the guidance and supervision of nazir (*waqf* managers), and approves or rejects applications for the *ruislag* of *waqf* assets. BWI also has the authority to provide recommendations to the Ministry of Religious Affairs regarding changes in the allocation of *waqf* land if it is deemed to provide greater benefits to the public and does not conflict with the conditions stipulated by the waqif.²³

In addition to these two institutions, coordination with other institutions such as the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency is also very important, especially in the process of land acquisition for PSN involving *waqf* land. This agency is tasked with organising and providing land data, as well as assisting in the process of land valuation and exchange if needed.²⁴ Their involvement ensures that

¹⁹ Damayanti, E. & others. (2019). Pelaksanaan Tukar Guling (*ruislag*) Tanah Wakaf di Kota Semarang Untuk Pembangunan Jalan Tol Trans Jawa. *Journal of Politic and Government Studies*, 8(04), 351–360.

²⁰ Suharno, R. & others. (2021). Upaya Ruislaag Tanah Wakaf yang Terkena Pembebasan Rutr Kecamatan Cinere Kota Depok Dihubungkan dengan Peraturan Pemerintah Nomor 25 Tahun 2018. *Wacana Paramarta: Jurnal Ilmu Hukum*, 20(5), 11–16.

²¹ Azahra, F. A., & Maulana, A. F. (2024). Reformasi Peran Badan Wakaf Indonesia (BWI) Dalam Ekosistem Wakaf Nasional Sebagai Jalan Menuju Reforma Agraria. *Jurnal Hukum Non Diskriminatif*, 2(2), 99–102.

²² Hidayatullah, H., & Sidqi, F. A. (2019). Revitalisasi Badan Wakaf Indonesia (BWI) Analisis Kritis Undang-Undang Nomor 41 Tahun 2004 Tentang Wakaf. *AIAdl: Jurnal Hukum*, 11(1), 15–32.

²³ Nasution, M. E., & D[^]1, P. (2019). Peran Badan Wakaf Indonesia (BWI) dalam Pengembangan Wakaf di Indonesia. *Jurnal Al Awqaf-Vol. 01 No. 01 Desember 2008*, 1, 1.

²⁴ Junus, N., Thalib, M. C., Elfikri, N. F., Imran, S. Y., & Bakung, D. A. (2023). Peningkatan Kesadaran Hukum Masyarakat Mengenai Sertifikasi Tanah Wakaf Guna Menjamin Kepastian

all legal and administrative aspects of *waqf* land *ruislag* are handled in accordance with applicable regulations, minimising potential legal conflicts and ensuring the transparency and fairness of the process. This inter-agency coordination, which is governed by various regulations, plays a key role in ensuring that the *ruislag* of *waqf* land for infrastructure projects runs smoothly, in accordance with the principles of state administrative law and sharia principles, and taking into account the social and economic interests of the community.

In the Indonesian context, government inter-agency coordination in the process of *waqf* land *ruislag* for National Strategic Projects (PSN) is governed through a series of protocols and agreements designed to ensure efficiency and compliance with laws and regulations. These protocols are established based on the framework established by Presidential Regulations and relevant laws, primarily referring to Law No. 41 of 2004 on *Waqf* and its implementing regulations, as well as the Presidential Regulation governing PSN. This coordination involves various agencies such as the Ministry of Religious Affairs, through the Directorate General of Islamic Public Guidance and the Indonesian *Waqf* Board (BWI), as well as other agencies involved in the implementation of infrastructure projects, including the Ministry of Public Works and Housing.²⁵ These coordination protocols include the exchange of information regarding the status of land, the assessment of the benefits and exchange value of *waqf* land, and the adjustment of land use plans so as not to deviate from the original purpose of *waqf* in accordance with sharia.

In practice, the protocol is implemented through a series of coordination meetings, the formation of joint teams, and the signing of memorandums of understanding (MoUs) between relevant institutions. The coordination process also involves consultation with stakeholders, including nazirs (*waqf* managers) and local communities, to ensure transparency and public participation in the *ruislag* process.²⁶ This step is important to avoid social conflict and ensure that the *ruislag* of *waqf* land not only meets development needs but also respects the values and sharia law governing *waqf*.

In addition, there are strict monitoring and evaluation mechanisms in place to ensure that all parties adhere to the agreed protocols and to resolve any issues that may arise during the *ruislag* process. This includes periodic reporting to the Indonesian *Waqf* Board and an independent assessment of the effectiveness of inter-agency coordination. The protocol is designed to minimize bureaucratic obstacles and expedite the necessary approval processes, while ensuring that all actions are carried out in accordance with the principles of legality and transparency.²⁷

Hukum di Desa Pentadu Barat Kecamatan Tilamuta. *Jurnal Pelayanan Hubungan Masyarakat*, 1(2), 146–158.

²⁵ Moertiono, R. J., Lubis, M. Y., & Mustamam, M. (2021). Eksistensi Perbankan Syariah Sebagai Nadzir Dalam Pengembangan Dan Pengelolaan Wakaf Uang Perspektif Undang-Undang Nomor 41 Tahun 2004 Tentang Wakaf (Studi Pada Pt. Bank Sumut Syariah-Cabang Lubuk Pakam). *Jurnal Ilmiah Metadata*, 3(2), 525–540.

²⁶ Salamah, U. (2021). Ruislag Harta Wakaf. *De Lega Lata: Jurnal Ilmu Hukum*, 6(1), 116–126.

²⁷ Fathoni, A., & Marfianto, T. (2023). Discretionary Process Ruislag Waqf In The Settlement Of Waqf Land Cases In The Sidoarjo Mud Disaster Area. *Indonesian Journal of Humanities and Social Sciences*, 4(3), 655–666.

Indonesian regulations support inter-agency coordination in the management and *ruislag* of *waqf* land affected by National Strategic Projects (PSN) through a comprehensive legal framework, although there is still room for improvement in effectiveness. This framework includes Law No. 41 of 2004 on *Waqf* that regulates the management and protection of *waqf* properties, as well as Presidential Regulations (Perpres) related to the implementation of PSN, such as Perpres No. 3 of 2016 and its revisions that aim to accelerate the implementation of critical infrastructure projects.

In practice, inter-agency coordination is facilitated by provisions that mandate cooperation between the Ministry of Religious Affairs, through the Directorate General of Islamic Public Guidance and the Indonesian *Waqf* Board (BWI), with other agencies involved in the PSN. Regulations also provide formal mechanisms for collaboration, such as through the establishment of cross-sectoral committees or working teams responsible for overseeing and coordinating the process of *waqf* land *ruislag*.²⁸ However, recent studies and reports show that bureaucratic constraints and overlapping authorities often hinder effective coordination. For example, the lack of clear definition of inter-agency roles and responsibilities in some aspects of *ruislag* can lead to confusion and delays in project execution.²⁹ This requires more detailed and specific regulations to remove ambiguities and ensure that coordination runs smoothly.

Recent policies have tried to address this issue by strengthening coordination obligations and improving inter-agency communication. Initiatives such as the integrated management information system, designed to strengthen data and information exchange between BWI and other government agencies, are positive steps in supporting more effective coordination. However, achieving optimal coordination requires institutional capacity building, joint training, and a commitment to transparency and accountability in all aspects of *waqf* land *ruislag*.³⁰

In the implementation of regulations relating to the *ruislag* of *waqf* land for National Strategic Projects (PSN) in Indonesia, there are several significant obstacles and challenges that often arise. First, inter-agency authority conflicts are one of the main issues. Agencies such as the Ministry of Religious Affairs, the Indonesian *Waqf* Board (BWI), and the Ministry of Public Works and Housing often have different interpretations of the same regulations, especially in relation to the use and transfer of *waqf* land. This causes uncertainty in the decision-making process and often impedes project progress.³¹ In addition, differences in regulatory interpretation between government agencies and other stakeholders, such as *waqf* nazirs and local communities, often complicate the negotiations and approvals required to proceed with *ruislag*. These complex and often multi-interpretive regulations not only slow down the process but can also lead to interpretations that lead to legal action.

²⁸ Kaidar, L., Hamzani, A. I., & Taufik, M. (2023). Peran Badan Wakaf Indonesia dalam Penyelesaian Sengketa Perwakafan. Penerbit NEM.

²⁹ Basri, H. (2021). Kajian Hukum Terhadap Pengelolaan Aset Daerah. REUSAM: Jurnal Ilmu Hukum, 9(1).

³⁰ Ali, K. M., Yuliani, M., Mulatsih, S., & Abdullah, Z. (2018). Aspek-aspek prioritas manajemen wakaf di Indonesia. AL-FALAH: Journal of Islamic Economics, 3(1), 1–28.

³¹ Budiman, M. A., Umar, M., & Hakim, B. R. (2023). Problematika Dan Solusi Pengelolaan Wakaf Uang Pada Perwakilan Badan Wakaf Indonesia Provinsi Kalimantan Selatan. el-Buhuth: Borneo Journal of Islamic Studies, 47–69.

Inter-agency communication issues are also a serious challenge. The lack of effective coordination and integrated information systems between different agencies often leads to delays in the exchange of critical information, which is necessary for quick and efficient decision-making. This misalignment can result in duplication of work and loss of valuable resources. This challenge is also compounded by the lack of adequate resources and training for officials involved in the *ruislag* process. Insufficient expertise in navigating complex regulations often results in mismanagement of *waqf* land *ruislag* cases. All of these obstacles require serious attention in regulatory reform, institutional capacity building, and sharpening of coordination mechanisms to ensure effective and efficient implementation of PSN projects involving *waqf* land.

One important case study in the context of *waqf* land *ruislag* regulation and coordination in Indonesia occurred in the Trans-Java toll road construction project, which is part of the National Strategic Project (PSN). The project requires land acquisition in several segments, including areas with *waqf* land. In one segment in Central Java, the process of *waqf* land *ruislag* posed significant problems due to a lack of coordination between the Ministry of Religious Affairs, the Indonesian *Waqf* Board (BWI), and the Ministry of Public Works and Housing.

In this process, the Ministry of Religious Affairs and BWI must ensure that the *ruislag* of *waqf* land is carried out in accordance with Law No. 41 of 2004 on *Waqf* and its implementing regulations, which emphasize that *ruislag* can only be carried out if there are greater benefits for the people and it does not contradict the original purpose of the *waqf*. However, the lack of early communication and shared understanding of the project details and the need for a *ruislag* led to delays in the approval process and confusion among local stakeholders. Key issues that arose included objections from nazir (*waqf* managers) who felt insufficiently involved in the initial decision-making process and a lack of information on the compensation or replacement of *waqf* land to be provided. Nazirs and local communities were concerned that the replacement land offered was not equivalent in value and benefit to the original *waqf* land, which contradicted the statutory *ruislag* requirements.³²

To address this issue, a series of mediation meetings were held involving all relevant parties, including representatives from the local government, to openly discuss the procedures and terms of the *ruislag*. Eventually, an agreement was reached offering a more suitable replacement land and a plan to build social facilities on the land as an additional benefit to the community.³³ This process underscores the importance of effective coordination and continuous communication between government agencies as well as the active involvement of all stakeholders to avoid conflict and ensure that the *waqf* land *ruislag* process runs smoothly and fairly.

In an effort to improve coordination between government agencies in Indonesia, especially in the context of *waqf* land *ruislag* for National Strategic Projects (PSN), several strategies can be applied to overcome the existing challenges. First, the use of

³² Habibaty, D. M. (2017). Kompetensi Nazhir Pada Wakaf Produktif Ditinjau Dari Undang-Undang No 41 Tahun 2004 Tentang Wakaf. *Al-Awqaf: Jurnal Wakaf Dan Ekonomi Islam*, 10(2), 154–161.

³³ Sujadi, S. (2018). Kajian tentang pembangunan proyek strategis nasional (PSN) dan Keadilan Sosial (Perspektif Hukum Pancasila). *Jurnal Hukum Lingkungan Indonesia*, 4(2), 1–24.

information technology is crucial. The implementation of an integrated management information system between agencies such as the Ministry of Religious Affairs, the Indonesian *Waqf* Board, and the Ministry of Public Works and Housing can facilitate fast and accurate data exchange, minimize errors, and improve process efficiency. This digital platform should support digital document storage, project status tracking and inter-agency communication.³⁴

Second, improved inter-agency communication through the establishment of a regular coordination forum is essential. These forums can serve as a means to update project progress, discuss constraints encountered, and identify joint solutions. The effectiveness of these forums can be enhanced through the presence and active participation of representatives of all relevant agencies, who have decision-making power and can directly implement agreed policies.³⁵

Third, joint training for members of relevant institutions should be strengthened. This training needs to cover the legal and technical aspects of *waqf* land *ruislag*, as well as project management and conflict resolution skills. Through this training, agency members can gain a better understanding of the perspectives and constraints faced by other agencies, thereby increasing empathy and cooperation in implementing the project. The implementation of this strategy should be supported by clear and strong regulations governing inter-agency coordination mechanisms, such as those contained in the Presidential Regulation on National Strategic Projects and the Law on *Waqf*. The regulations should be specific on coordination procedures, responsibilities of each agency, and sanctions for non-compliance, thus creating a conducive framework for effective inter-agency cooperation.

Regulatory reform in Indonesia, particularly with regard to inter-agency coordination and conflict resolution in the context of *waqf* land *ruislag* for National Strategic Projects (PSN), requires a comprehensive approach to address the challenges.³⁶ First, there needs to be affirmation and clarification of the roles and authorities of each institution involved, such as the Ministry of Religious Affairs, the Indonesian *Waqf* Board (BWI), and other institutions related to PSN, which can be done through the revision or redrafting of Government Regulations governing the implementation of *waqf* and PSN.

Second, the integration of inter-agency information systems is an important reform to facilitate the exchange of data and information related to the status, use, and legal processes of *waqf* land. This system needs to be supported by regulations governing data protection and public information transparency. Third, the development of effective inter-agency conflict resolution mechanisms, such as the establishment of mediation or arbitration panels involving representatives from all relevant institutions,

³⁴ Sari, R. F. & others. (2020). Hambatan Penyelesaian Sengketa Tanah Wakaf Pada Proyek Pembangunan Jalan Tol dan Solusinya (Studi Kasus di Kabupaten Jombang). *Diponegoro Private Law Review*, 7(2).

³⁵ Nuarisqi, K., & Ubed, R. S. (2020). Analisis Dampak Proyek Strategis Nasional (Psn) Terhadap Kinerja Keuangan Pt Hutama Karya (Persero) Tahun 2012 Sampai Dengan 2018. *Indonesian Rich Journal*, 1(2), 63–72.

³⁶ Angela, K., & Setyawati, A. (2022). Analisis Pelaksanaan Pengadaan Tanah di Atas Tanah Ulayat Masyarakat Hukum Adat dalam Rangka Proyek Strategi Nasional (PSN) Demi Kepentingan Umum. *Jurnal Hukum Lex Generalis*, 3(3), 199–216.

could be a solution to avoid conflict escalation that could slow down or impede projects.

Fourth, it is also necessary to strengthen supervisory mechanisms that involve public participation to increase accountability in the *waqf* land *ruislag* process. Regulations that give greater authority to BWI and other oversight institutions to supervise and evaluate the *ruislag* process can promote transparency and fairness. Fifth, regulatory reform also needs to address the issue of fair compensation and replacement benefits for PSN-affected communities, regulating in detail the procedures for valuation and replacement of affected *waqf* land, in accordance with the sale value and economic potential of the land.³⁷ This approach should be supported by policies that ensure that regulatory reforms not only strengthen inter-agency coordination but also enhance the protection of citizens' rights and respect for sharia values in *waqf* land management. The implementation of such reforms requires strong commitment from all parties involved, as well as adequate legislative support to ensure that changes in regulation can be implemented effectively and sustainably.

In an effort to ensure strict legal compliance in the process of *waqf* land *ruislag* in Indonesia, especially in the context of National Strategic Projects (PSN), comprehensive measures are required that take into account both sharia aspects and state administrative regulations. Law No. 41 of 2004 on *Waqf* and its implementing regulations provide the legal framework that must be adhered to, which includes the safeguarding and use of *waqf* land in accordance with sharia. Legal compliance in the *ruislag* of *waqf* land is also supported by the Presidential Regulation on PSN, which demands effective coordination and collaboration between government agencies. The first step in ensuring legal compliance is the verification and validation of land legal documents.³⁸ This involves examining the *waqf* deed, land status, and *waqf* pledge to ensure that the land can legally be used for public purposes without violating the terms of the *waqf*. The process should also include consultation with the Indonesian *Waqf* Board (BWI) and other relevant institutions to obtain written approval before starting the *ruislag* process.

Strict supervision by BWI and the Ministry of Religious Affairs is crucial. They must monitor the entire *ruislag* process to ensure that the transfer of *waqf* land does not deviate from the original purpose of *waqf* and remains compliant with sharia principles. BWI is responsible for ensuring that the value of the *waqf* land in a *ruislag* is at least equal or higher, maintaining the economic and social benefits for the *waqf* beneficiaries. Furthermore, the production of transparent reports and periodic audits by independent auditors can help ensure transparency and legal compliance throughout the *ruislag* process. This report should be easily accessible to the public to ensure accountability of the process to the wider community, especially the local communities directly affected by the PSN.

³⁷ Permatasari, A. (2024). Tanggung Jawab dan Perlindungan Negara Atas Hak-Hak Sosial Ekonomi Pengelolaan Sumber Daya Alam Menurut Undang-Undang Dasar 1945. *Jurnal Kewarganegaraan*, 8(1), 272–289.

³⁸ El Falahy, L. (2016). Alih Fungsi Tanah Wakaf Ditinjau Dari Hukum Islam dan Undang-Undang Nomor 41 Tahun 2004 Tentang Wakaf. *Al Istinbath: Jurnal Hukum Islam*, 1(2), 121–140.

Periodic education and training for all stakeholders, including nazirs, government officials, and civil society, is also important to improve understanding of the laws and regulations governing *waqf* land and the *ruislag* process. This will assist in implementing best practices and avoiding legal violations that may occur due to ignorance or misinterpretation of regulations.³⁹ By implementing these measures, the process of *waqf* land *ruislag* in the context of PSN can be carried out in compliance with sharia and state administrative law, minimizing legal and social risks, and increasing public trust and support for infrastructure development projects.

The main findings of the analysis on regulation and inter-agency coordination in the context of *waqf* land *ruislag* for National Strategic Projects (PSN) in Indonesia show that despite the existence of a fairly comprehensive legal framework, there are still some obstacles in its implementation.⁴⁰ Regulations such as Law No. 41 of 2004 on *Waqf* and a series of Presidential Regulations on PSN provide a clear legal basis for *waqf* land management and *ruislag*. However, in practice, coordination between institutions such as the Ministry of Religious Affairs, the Indonesian *Waqf* Board, and other agencies involved in PSN is often hampered by bureaucracy, unclear roles, and lack of effective communication.

The implications of these findings are important for policymakers, legal practitioners, and *waqf* land managers. For policymakers, there is an urgent need to simplify procedures, clarify the authority and responsibilities of each institution, and improve coordination mechanisms. This could involve revising or adding more specific regulations regarding the *ruislag* process for *waqf* land in the context of PSN, ensuring that all relevant institutions have clear guidance on the procedures to follow. For legal practitioners, a deeper understanding of the regulations and the dynamics of inter-agency coordination will enable them to provide more accurate and effective advice to clients involved in the *ruislag* process. Meanwhile, for *waqf* land managers, this knowledge is important to optimize the benefits of *waqf* land involved in PSN, ensuring that the conversion or utilization of land remains aligned with the purpose of the *waqf* and provides maximum benefits to the beneficiaries. The implementation of the recommendations from this study can help ensure that *waqf* land used for infrastructure development can be done in a fair and transparent manner, respecting sharia values and existing laws.

3.2. Ethical and Social Implications of *Ruislag* of *Waqf* Land in Infrastructure Development

In the Indonesian context, the *ruislag* of *waqf* land is a process that requires great care and consideration, especially considering the ethical and social aspects involved. *Waqf* land, which is endowed for public purposes such as religious, educational, and healthcare activities, is strictly regulated under Indonesian sharia and statutory law, especially Law No. 41 of 2004 on *Waqf*. The *ruislag* procedure must meet strict criteria to ensure that the turnover of *waqf* land does not harm the original purpose of the

³⁹ Fauzia, A., Almuin, N., Rohayati, T., & Garadian, E. A. (2016). Fenomena wakaf di Indonesia: Tantangan menuju wakaf produktif. Badan Wakaf Indonesia.

⁴⁰ Silalahi, D. W. L., & Sa'adah, N. (2023). Tinjauan Yuridis Eksekusi Pembebasan Tanah Bagi Pembangunan Untuk Kepentingan Umum. *Rechtidee*, 18(1), 100–116.

waqf as well as safeguard the interests of the community entitled to the benefits of the land.⁴¹

Sharia values governing *waqf* land emphasize the preservation and permanence of *waqf*, as well as the prohibition of selling or transferring land without a pressing need and greater benefit to the people.⁴² Therefore, any attempt at *ruislag* must consider social justice, which in this case includes not only the legality of the process but also the moral legitimacy of the action. Adherence to sharia principles and social justice are essential in the process of infrastructure development involving *waqf* land. Sustainable and responsible infrastructure development not only supports economic growth, but also ensures that local communities are protected and the benefits of such infrastructure are equitably distributed.

Transparency in the *ruislag* process and active participation of the affected parties are crucial. This includes the direct involvement of the nazir (*waqf* manager) and *waqf* beneficiaries in every stage of the *ruislag* process. Thus, the *ruislag* process not only fulfills the physical needs of the infrastructure project but also maintains and respects the social and ethical values on which the *waqf* itself is based. This alignment between development needs and *waqf* values supports the broader vision of creating a just and equitable society within a framework that is in line with sharia principles.

In Islam, *waqf* is a highly valued practice, where individuals allocate a portion of their property to be used in activities that support public welfare, such as education, health, or religion, in accordance with sharia principles.⁴³ Law No. 41 of 2004 on *Waqf* in Indonesia defines *waqf* as the separation and/or transfer of property by a waqif (*waqf* giver) for purposes that are in accordance with sharia. The *waqf* asset must be a durable asset that can provide long-term benefits, so land is often a common *waqf* object.

Changing the use of *waqf* land has significant ethical implications in Islam, as it fundamentally contradicts the original wishes of the waqif and the eternal principle attached to *waqf*. Any changes must be undertaken with great care and require permission from the authorities, in this case the Indonesian *Waqf* Board, and must be done with consideration that not only complies with the law but also does not harm the original purpose of the *waqf*. Changes in the use of *waqf* land made without regard to these principles can lead to injustice and ethical violations, calling into question the integrity of the legal and governance processes in place.⁴⁴

The process should also be transparent and involve all affected parties, including local communities and beneficiaries of the *waqf*, to ensure that no interests are ignored or

⁴¹ Shofi, M. (2016). Analisis Praktik Dan Pengelolaan Wakaf Uang Menurut Undang-Undang Nomor 41 Tahun 2004 Tentang Wakaf. *Jurnal Syarikah: Jurnal Ekonomi Islam*, 2(2).

⁴² Tanjung, A. N. N. B., & Tanjung, Y. T. (2023). Tinjauan Yuridis Terhadap Hukum Wakaf Produktif Berjangka Di Indonesia. *JIM: Jurnal Ilmiah Mahasiswa Pendidikan Sejarah*, 8(4), 4625–4634.

⁴³ Juliati, Y. S., & HRP, M. R. A. (2024). Wakaf dan Dasar Hukum Wakaf. *JURNAL MANAJEMEN DAN BISNIS EKONOMI*, 2(2), 63–76.

⁴⁴ Fauzi, M., Efendi, F., Bundo, M., Eriawati, Y., & Rahmat, F. (2023). Tinjauan Literatur Terkini Tentang Wakaf. *Jurnal Iqtisaduna*, 9(2), 232–252.

harmed. Strict supervision and follow-up from the relevant authorities are crucial to keep sharia principles respected and adhered to throughout the process of *waqf* land reform.⁴⁵ In addition, any changes must produce benefits that are at least equal to or greater than the previous condition, to ensure that the value and essence of *waqf* is maintained.

In the Indonesian context, the *ruislag* of *waqf* land often provokes mixed reactions from the affected communities, given that *waqf* land has significant religious and social value. Community perceptions of *ruislag* procedures tend to be complex and influenced by a number of factors, including the clarity of information provided by the relevant authorities, legal protection for community rights, and the perceived benefits of the proposed infrastructure project.⁴⁶ As a concrete example, we can look at the case of one area in East Java, where *waqf* land was used for the construction of a toll road as part of a National Strategic Project. The local community there showed an initial negative response as they were concerned that they would lose access to the religious and social facilities that had long been built on the land. However, after a series of dialogues and assurances that the value and benefits of the *waqf* land would be maintained through the provision of equivalent or better replacement land, as well as improvements to the surrounding infrastructure, the community's perception gradually became more positive.

This demonstrates the importance of transparency and community participation in the *ruislag* process. In accordance with Law No. 41 of 2004 on *Waqf*, any action relating to the *ruislag* of *waqf* land requires the approval of the Indonesian *Waqf* Board and must be in accordance with the original designation of the *waqf* land. The active involvement of the nazir (*waqf* manager) and the community in every stage of the process is vital to ensure that the action not only meets development needs but also respects and protects *waqf* values. This incident also reinforces the importance of strong theological and juridical safeguards as a means to minimize tensions and strengthen trust between the government and the community when it comes to the use of *waqf* land. Similar incidents have been recorded in other parts of Indonesia, underscoring the need for a more sensitive and inclusive approach in managing issues related to *waqf* land.

The *ruislag* of *waqf* land in the context of National Strategic Projects (PSN) often has significant social consequences for local communities, affecting their social and economic structures. *Waqf* land, traditionally used for social and religious activities such as schools, mosques, and health facilities, suddenly has the potential to be used for broader purposes such as infrastructure development.⁴⁷ These transformations, while aimed at spurring economic development, often raise important questions about the sustainability of the social and religious functions previously supported by the land.

⁴⁵ Iskandar, A. (2023). *Jejak Wakaf Sahabat: Dari Sedekah Jariyah Menuju Wakaf*. CV Jejak (Jejak Publisher).

⁴⁶ Balad, N. A. (2019). Prinsip Ta'awun dalam Konsep Wakaf dengan Perjanjian Sewa Menyewa Berdasarkan Undang-undang Nomor 41 Tahun 2004 Tentang Wakaf. *Jurnal Hukum Magnum Opus*, 2(1), 276600.

⁴⁷ Herwin, A. D., & Hutagaol, H. D. (2023). Intervensi Pemerintah terhadap Pajak dan Retribusi Daerah dalam Rangka Proyek Strategis Nasional. *Amsir Law Journal*, 4(2), 126–142.

Shifting the use of *waqf* land from communal interests to commercial projects or public infrastructure can cut off livelihoods that depend on activities that previously took place on the land. For example, if *waqf* land used for agriculture by the local community is suddenly transformed into a commercial area, it can eliminate the source of income for those who work there.⁴⁸ In addition, if the land is used for facilities such as houses of worship or schools, the repurposing of the land could impact the community's access to religious and educational services.

Law No. 41 of 2004 on *Waqf* stipulates that *waqf* land must be used in accordance with the original purpose of the waqif, and changes in use can only be made with the permission of the Indonesian *Waqf* Board by taking into account the public interest. However, in the context of PSN, there is often a tension between the need for infrastructure development and compliance with the original designation of *waqf* land. This can lead to situations where local communities may feel a loss of control over resources that have long been an integral part of their social and religious life.⁴⁹ In practice, although the *ruislag* process is carried out with compensation or land replacement, the replacement land is often not as functional or strategic as the original land, so the sustainability of social and religious activities is compromised. Data from the Indonesian *Waqf* Board shows that the process of replacing *waqf* land is often delayed or inadequate, hindering the activities of communities that depend on the land.

The importance of dialog and active participation of the affected communities in every stage of planning and implementation of the *ruislag* is crucial. This is not only to ensure that their needs and interests are met, but also to maintain social harmony and stability in the long run. Without an inclusive and transparent approach, the transformation of the use of *waqf* land may create social discontent and reduce public trust in the government and religious institutions.

In the Indonesian context, the use of *waqf* land for infrastructure projects often creates conflict between the need for national economic development and the preservation of religious and social values associated with *waqf* land. According to Law No. 41 of 2004 on *Waqf*, *waqf* land should be managed in accordance with the objectives set by the waqif (endower) and should not be converted without strict procedures and clear approval from the relevant authorities, including the Indonesian *Waqf* Board and the Ministry of Religious Affairs.⁵⁰ When *waqf* land is affected by a National Strategic Project, as stipulated in Presidential Regulation 109/2020, tensions often arise as the change in land use may be perceived as disregarding the interests of the local community that benefits from the *waqf*.

⁴⁸ Shohibuddin, M. (2019). *Wakaf Agraria: Signifikansi Wakaf bagi Agenda Reforma Agraria* (Vol. 1). Baitul Hikmah.

⁴⁹ Choeri, I. (2022). Optimalisasi Undang-Undang Nomor 41 Tahun 2004 Tentang Wakaf Di Kabupaten Jepara. *El-Ussrah: Jurnal Hukum Keluarga*, 5(1), 23–40.

⁵⁰ Senjiati, I. H., Sulistiani, S. L., & Mubarok, M. F. R. (2020). Analisis Fikih Wakaf Dan Undang-Undang Nomor 41 Tahun 2004 Tentang Wakaf Terhadap Perolehan Hak Nadzir Pada Pengelolaan Wakaf Uang Nadzir Individu Dikampung Tapos Cikalong Wetan. *Tahkim*, 3(1), 77–88.

Mitigation strategies to reduce social tensions involve inclusive dialogue between the government, developers, *waqf* beneficiary communities, and religious institutions. Transparency in the decision-making process and the provision of fair and adequate compensation are key to minimizing conflict.⁵¹ In addition, efforts should be made to ensure that the replacement of *waqf* land, if required, is commensurate with the equal or better value, location, and potential benefits of the original land. This replacement should not only focus on the material value, but also on the importance of the new location to the religious practices and values of the community. In addition, the application of sharia principles in the *ruislag* process should be strictly supervised by the Indonesian *Waqf* Board, with the assessment and approval of the Indonesian Ulema Council if required, to keep *waqf* practices in line with Islamic law.⁵² With a more holistic approach and empathy towards community values and needs, it is hoped to create a balance between infrastructure development and the preservation of *waqf* rights.

In the context of Islamic law, justice is a fundamental pillar that not only plays a role in the social and economic order, but also in the management and use of *waqf* assets, especially in the process of *ruislag* of *waqf* land affected by the National Strategic Project (PSN).⁵³ The *ruislag* process must follow the principles of justice as stipulated in Law No. 41 of 2004 on *Waqf*, which emphasizes that the management of *waqf* land must fulfill the original purpose of *waqf* for the purposes of worship and/or public welfare in accordance with sharia.

Fairness in the *ruislag* process involves several legal and administrative aspects. Legally, regulations have stipulated that *waqf* land may only be *ruislagged* if the process brings at least equal or greater benefits to the original beneficiaries of the *waqf*. This is explained in Article 49 of Government Regulation No. 42/2006 on the Implementation of Law No. 41 of 2004 on *Waqf*, which requires every *ruislag* to obtain a written permit from the Minister of Religious Affairs with the approval of the Indonesian *Waqf* Board, on the condition that the value and benefits of the property obtained in exchange must be at least the same as the previous one.

In practice, legal and administrative aspects are often barriers to justice. For example, the process of obtaining approvals is often complex and lengthy, which can open up opportunities for unfairness and non-transparency. Other administrative issues include the lack of effective oversight of the *ruislag* process and land value assessments that sometimes do not reflect the true value, to the detriment of *waqf* beneficiaries.⁵⁴ In addition, the need to ensure that all parties, especially *waqf* beneficiaries, are actively involved in the decision-making process is important to maintain fairness. This is in accordance with the principle of justice in Islam that focuses not only on the outcome, but also on the process of how the outcome is achieved, including procedural and

⁵¹ Sugara, S., Hamdani, I., & Tanjung, H. (2019). Strategi Pengembangan Wakaf Tunai Pada Global Wakaf. *Kasaba: Jurnal Ekonomi Islam*, 12(2), 81–90.

⁵² Zunaidi, A. (2021). Wakaf keluarga perspektif uu no. 41 tahun 2004 dan Maqasid Al-usrah Jamal Al-din Atiyyah. *Mahakim: Journal of Islamic Family Law*, 5(2), 115–133.

⁵³ Setyorini, S. N., Wirnyaningsih, W., & Hazna, C. A. (2020). Wakaf Lingkungan Hidup Dalam Rangka Pelaksanaan Pembangunan Berkelanjutan Dan Penegakkan Keadilan Antargenerasi. *Journal of Islamic Law Studies, Sharia Journal*, 3(1).

⁵⁴ Mulyana, M. (2023). Menuju Pengadaan Tanah untuk Kepentingan Umum yang Berkeadilan dan Berkelanjutan berdasarkan Nilai Pancasila. *HUMANIORUM*, 1(01), 145–155.

distributive justice. Therefore, increased transparency in every step of the *ruislag* process, from the initial assessment to the final decision, is crucial to meet the standards of justice set by Islamic law and applicable national regulations.

Community supervision and participation play an important role in the *waqf* land *ruislag* process, in accordance with existing regulations in Indonesia. The Indonesian *Waqf* Board (BWI) and other sharia institutions have the responsibility to ensure that all *waqf* land *ruislag* processes follow sharia principles and applicable regulations, as stipulated in Law No. 41 of 2004 on *Waqf*. BWI is tasked with supervision to ensure that *waqf* land that is repurposed through *ruislag* continues to provide equal or more benefits to the community, as required by the regulations.⁵⁵

Community participation in *ruislag* decision-making is essential to ensure transparency and fairness in the process. Communities affected by the *ruislag* have the right to be fully informed about the *ruislag* plan and should be given the opportunity to express their opinions and objections in public consultation forums held by BWI or the local ministry of religion office.⁵⁶ This not only helps in ensuring regulatory compliance, but also enhances trust and social cohesion, and reinforces the principles of social and economic justice in *waqf* land management. These regulations and practices are aimed at ensuring that the *ruislag* of *waqf* land, while permissible in certain circumstances for public interest, still takes into account the interests and welfare of the communities that have long depended on the benefits of the *waqf* land.⁵⁷ As such, the *ruislag* process should be carried out in an ethical and responsible manner, with active and constructive involvement of all parties concerned.

In the Indonesian context, regulatory and policy reforms related to the use of *waqf* land, especially those affected by national strategic projects (PSN), require an approach that ensures fairness and compliance with sharia values. The process of *ruislagging* *waqf* land used for infrastructure development requires regulatory clarity that accommodates both the interests of national development and respect for sharia law and the rights of Muslim communities. One step that can be taken is through a review and improvement of Law No. 41 of 2004 on *Waqf* and its implementing regulations. This revision should strengthen aspects of oversight and transparency in the *ruislag* process, ensuring that all stages from planning to execution are conducted with the active participation of affected communities as well as relevant religious institutions. It is also important to ensure that the value and benefits of the rezoned *waqf* land are not only equal but possibly greater than the initial condition, in accordance with sharia principles that emphasize the benefit of the people. In this regard, existing regulations need to be further elaborated to ensure that the revaluation or appraisal is conducted in a fair and transparent manner, involving independent appraisers who understand the spiritual and social value of the land.

⁵⁵ Apriyani, F., Khamim, M., & Taufik, M. (2024). Mekanisme Pengelolaan dan Pengawasan Wakaf Saham Di Indonesia dan Malaysia. *Jurnal Studi Islam Indonesia (JSII)*, 2(1), 67–86.

⁵⁶ Aziz, M. (2017). Peran Badan Wakaf Indonesia (BWI) dalam mengembangkan prospek wakaf uang di Indonesia. *JES (Jurnal Ekonomi Syariah)*, 2(1).

⁵⁷ Hidayat, A. R., Hakim, R. F., Taufiqulloh, A. Z., & Syarifah, S. (2023). Manajemen Wakaf Dalam Perspektif Hukum Islam Dan Undang-Undang No. 41 Tahun 2004. *Filantropi: Jurnal Manajemen Zakat Dan Wakaf*, 4(1), 14–26.

The integration of sharia values in infrastructure development regulations could involve cooperation between the Indonesian *Waqf* Board and the Ministry of Public Works and Housing, as well as other agencies involved in PSN. This cooperation could take the form of developing joint guidelines that detail how infrastructure projects should plan, implement, and monitor the use of *waqf* land to ensure that all processes align with sharia law and the interests of the ummah.⁵⁸ By strengthening regulations and policies through a clear and cooperative framework, Indonesia will not only improve the implementation effectiveness of its national infrastructure projects, but also affirm its commitment to social justice and sharia compliance, in line with its national identity and values.

Education and socialization on the *ruislag* of *waqf* land is an important step to increase public understanding and awareness of the regulations and procedures governing the exchange of *waqf* land for public purposes, as stipulated in Law No. 41 of 2004 on *Waqf* and its implementing regulations, including Government Regulation No. 42/2006 as amended by Government Regulation No. 25/2018. This education program should include an explanation of the concept of *waqf*, the laws governing *waqf* land, and the conditions that must be met in order for a *ruislag* to be carried out, such as a written permit from the Minister of Religious Affairs or an authorized official after obtaining approval from the Indonesian *Waqf* Board (BWI). Such socialization can be conducted through various media, including direct counseling, seminars, workshops, and educational materials disseminated through digital and print platforms, to ensure that the information is accessible to all levels of society.

In addition, empowering the community to actively participate in the monitoring of *waqf* land *ruislag* is essential to maintain transparency and accountability of the process. This participation can be realized through the establishment of community groups or forums that focus on monitoring and evaluating the *ruislag* process, as well as through direct involvement of the community as interested parties in decision-making related to *waqf* land. This is in accordance with the principles of good governance, which emphasize community participation in public decision-making.⁵⁹ Thus, community involvement will not only increase public trust in the government and related institutions, but also ensure that the process of *waqf* land *ruislag* is conducted fairly, transparently, and in accordance with sharia principles and prevailing laws and regulations in Indonesia. Data from the Indonesian *Waqf* Board (BWI) shows that greater community participation can minimize the possibility of abuse of power and help ensure that *waqf* land continues to be used in accordance with its original purpose for the benefit of the people and public welfare.

The *ruislag* of *waqf* land, especially those affected by National Strategic Projects (PSN), has significant ethical and social impacts. Ethically, this process often faces criticism because it is considered contrary to the basic principles of *waqf* that prioritize permanence and sustainability of benefits for the people. *Waqf* land intended for social and religious purposes should be protected from changes in use that are not in line

⁵⁸ Hadyantari, F. A. (2018). Pemberdayaan Wakaf Produktif: Upaya Strategis untuk Kesejahteraan Ekonomi Masyarakat. *Jurnal Middle East and Islamic Studies*, 5(1), 1–22.

⁵⁹ Fitriyah, M., & Alim, M. N. (2022). Pengaruh Prinsip Good Governance, Promosi, Dan Religiusitas Terhadap Minat Wakif Berwakaf Tunai Pada Nazhir Wakaf Uang (NWU) Di Lamongan. *Wacana Equilibrium (Jurnal Pemikiran Penelitian Ekonomi)*, 10(02), 104–117.

with the original purpose of the waqif (endower). In the social context, the *ruislag* of *waqf* land can lead to dissatisfaction and conflict among local communities, especially if the process does not involve the active participation of the beneficiary communities or does not provide adequate compensation.⁶⁰ According to Articles 41 and 44 of Law No. 41 of 2004 on *Waqf*, it is permissible to change the status of *waqf* land for public purposes, but it must meet certain conditions, including the approval of the Indonesian *Waqf* Board and a guarantee that the benefits of the replacement land are equal or better. However, the implementation of these provisions is often faced with transparency and accountability challenges, which impact on public trust in *waqf* institutions and the government.

The urgency of increasing transparency and fairness in the *waqf* land *ruislag* process is crucial to ensure sustainable development and social acceptance. Non-transparent and unfair *ruislag* processes can exacerbate public distrust of the government and *waqf* institutions, and trigger social conflict. Therefore, transparency in every stage of decision-making, from the valuation of the affected *waqf* land, determination of the compensation value, to the supervision of the use of the replacement land, is crucial. Based on Government Regulation No. 25/2018 on the Amendment to Government Regulation No. 42/2006 on the Implementation of the *Waqf* Law, a written permit is required from the Minister of Religious Affairs or the Head of the Regional Office of the Ministry of Religious Affairs based on the approval of the Indonesian *Waqf* Board (BWI) for the *ruislag* of *waqf* land. This process should involve all stakeholders, including the beneficiary community, to ensure that decisions are made in accordance with the principles of justice and sharia. Thus, increased transparency and fairness in *ruislag* procedures not only support the goal of inclusive and sustainable infrastructure development, but also maintain social harmony and respect the religious values associated with *waqf*.

4. CONCLUSION

The conclusion of the analysis on coordination and regulation in the *ruislag* of *waqf* land affected by National Strategic Projects (PSN) emphasizes the importance of harmonization between the interests of infrastructure development and the preservation of the social and religious functions of *waqf* land. Despite the existence of a clear legal framework through Law No. 41 of 2004 on *Waqf* and its implementing regulations, implementation in the field often faces inter-agency coordination constraints, particularly in terms of role clarity, communication, and approval processes involving the Indonesian *Waqf* Board (BWI) and the Ministry of Religious Affairs. The *ruislag* process must be carried out carefully, paying attention to the principles of sharia justice, and ensuring that the replacement land is at least of equal or better value. Active participation of beneficiary communities is also important to maintain transparency and public trust. Therefore, improved regulations, enhanced inter-agency coordination, and better socialization are necessary to maintain a balance between economic development and the preservation of the social functions of *waqf* land.

⁶⁰ Luhfiana, M., & Bashori, A. (2023). *Ruislag Tanah Wakaf Perspektif Imam ASSYAFI'I: Kasus di Mushola Abdurrahman Al Jamil Bumen Bumirejo Kab. Wonosobo*. At-Ta'awun: Jurnal Mu'amalah dan Hukum Islam, 2(1), 54– 69.

5. REFERENCES

- Ali, K. M., Yuliani, M., Mulatsih, S., & Abdullah, Z. (2018). Aspek-aspek prioritas manajemen wakaf di Indonesia. *AL-FALAH: Journal of Islamic Economics*, 3(1), 1–28.
- Amiruddin, & Asikin, Z. (2012). *Pengantar Metode Penelitian Hukum*. PT RajaGrafindo Persada.
- Angela, K., & Setyawati, A. (2022). Analisis Pelaksanaan Pengadaan Tanah di Atas Tanah Ulayat Masyarakat Hukum Adat dalam Rangka Proyek Strategi Nasional (PSN) Demi Kepentingan Umum. *Jurnal Hukum Lex Generalis*, 3(3), 199–216.
- Apriyani, F., Khamim, M., & Taufik, M. (2024). Mekanisme Pengelolaan dan Pengawasan Wakaf Saham Di Indonesia dan Malaysia. *Jurnal Studi Islam Indonesia (JSII)*, 2(1), 67–86.
- Azahra, F. A., & Maulana, A. F. (2024). Reformasi Peran Badan Wakaf Indonesia (BWI) Dalam Ekosistem Wakaf Nasional Sebagai Jalan Menuju Reforma Agraria. *Jurnal Hukum Non Diskriminatif*, 2(2), 99–102.
- Aziz, M. (2017). Peran Badan Wakaf Indonesia (BWI) dalam mengembangkan prospek wakaf uang di Indonesia. *JES (Jurnal Ekonomi Syariah)*, 2(1).
- Balad, N. A. (2019). Prinsip Ta'awun dalam Konsep Wakaf dengan Perjanjian Sewa Menyewa Berdasarkan Undang-undang Nomor 41 Tahun 2004 Tentang Wakaf. *Jurnal Hukum Magnum Opus*, 2(1), 276600.
- Basri, H. (2021). Kajian Hukum Terhadap Pengelolaan Aset Daerah. *REUSAM: Jurnal Ilmu Hukum*, 9(1).
- Budiman, M. A., Umar, M., & Hakim, B. R. (2023). Problematika Dan Solusi Pengelolaan Wakaf Uang Pada Perwakilan Badan Wakaf Indonesia Provinsi Kalimantan Selatan. *el-Buhuth: Borneo Journal of Islamic Studies*, 47–69.
- Choeri, I. (2022). Optimalisasi Undang-Undang Nomor 41 Tahun 2004 Tentang Wakaf Di Kabupaten Jepara. *El-Ushrah: Jurnal Hukum Keluarga*, 5(1), 23–40.
- Damayanti, E. & others. (2019). Pelaksanaan Tukar Guling (*ruislag*) Tanah Wakaf di Kota Semarang Untuk Pembangunan Jalan Tol Trans Jawa. *Journal of Politic and Government Studies*, 8(04), 351–360.
- Doman, D., & Doman, N. (2020). Penerapan Prinsip Pembangunan Berkelanjutan dan Ekonomi Berwawasan dalam Peraturan Perundang-Undangan Penggunaan Kawasan Hutan dalam Rangka PSN Pasca Pengesahan Perpres 66/2020. *Jurnal Hukum Lingkungan Indonesia*, 7(1), 71–97.
- El Falahy, L. (2016). Alih Fungsi Tanah Wakaf Ditinjau Dari Hukum Islam dan Undang-Undang Nomor 41 Tahun 2004 Tentang Wakaf. *Al Istinbath: Jurnal Hukum Islam*, 1(2), 121–140.
- Faolina, D. (2019). Tinjauan Yuridis Wakaf Wasiat Polis Asuransi Jiwa Syariah Dalam Perspektif Hukum Islam (Studi Pada Lembaga Wakaf Al-Azhar Jakarta). *Al-Mabsut: Jurnal Studi Islam dan Sosial*, 13(2), 42–58.
- Fathoni, A., & Marfianto, T. (2023). Discretionary Process *Ruislag Waqf* In The Settlement Of *Waqf* Land Cases In The Sidoarjo Mud Disaster Area. *Indonesian Journal of Humanities and Social Sciences*, 4(3), 655–666.
- Fauzi, M., Efendi, F., Bundo, M., Eriawati, Y., & Rahmat, F. (2023). Tinjauan Literatur Terkini Tentang Wakaf. *Jurnal Iqtisaduna*, 9(2), 232–252.
- Fauzia, A., Almuin, N., Rohayati, T., & Garadian, E. A. (2016). *Fenomena wakaf di Indonesia: Tantangan menuju wakaf produktif*. Badan Wakaf Indonesia.

- Fitriyah, M., & Alim, M. N. (2022). Pengaruh Prinsip Good Governance, Promosi, Dan Religiusitas Terhadap Minat Wakif Berwakaf Tunai Pada Nazhir Wakaf Uang (NWU) Di Lamongan. *Wacana Equiliberium (Jurnal Pemikiran Penelitian Ekonomi)*, 10(02), 104–117.
- Habibaty, D. M. (2017). Kompetensi Nazhir Pada Wakaf Produktif Ditinjau Dari Undang-Undang No 41 Tahun 2004 Tentang Wakaf. *Al-Awqaf: Jurnal Wakaf Dan Ekonomi Islam*, 10(2), 154–161.
- Hadyantari, F. A. (2018). Pemberdayaan Wakaf Produktif: Upaya Strategis untuk Kesejahteraan Ekonomi Masyarakat. *Jurnal Middle East and Islamic Studies*, 5(1), 1–22.
- Hasanah, U. (2012). Urgensi pengawasan dalam pengelolaan wakaf produktif. *Al-Ahkam*, 22(1), 61–80.
- Hendrik, M., & Mufidah, M. (2019). Peran Badan Wakaf Indonesia Pasca Terbitnya Undang-Undang Nomor 41 Tahun 2004 Tentang Wakaf. *SALAM: Jurnal Sosial dan Budaya Syar-i*, 6(5), 417–446.
- Herwin, A. D., & Hutagaol, H. D. (2023). Intervensi Pemerintah terhadap Pajak dan Retribusi Daerah dalam Rangka Proyek Strategis Nasional. *Amsir Law Journal*, 4(2), 126–142.
- Hidayat, A. R., Hakim, R. F., Taufiqulloh, A. Z., & Syarifah, S. (2023). Manajemen Wakaf Dalam Perspektif Hukum Islam Dan Undang-Undang No. 41 Tahun 2004. *Filantropi: Jurnal Manajemen Zakat Dan Wakaf*, 4(1), 14–26.
- Hidayatullah, H., & Sidqi, F. A. (2019). Revitalisasi Badan Wakaf Indonesia (BWI) Analisis Kritis Undang-Undang Nomor 41 Tahun 2004 Tentang Wakaf. *Al-Adl: Jurnal Hukum*, 11(1), 15–32.
- Iskandar, A. (2023). *Jejak Wakaf Sahabat: Dari Sedekah Jariyah Menuju Wakaf*. CV Jejak (Jejak Publisher).
- Juliati, Y. S., & HRP, M. R. A. (2024). Wakaf dan Dasar Hukum Wakaf. *JURNAL MANAJEMEN DAN BISNIS EKONOMI*, 2(2), 63–76.
- Junus, N., Thalib, M. C., Elfikri, N. F., Imran, S. Y., & Bakung, D. A. (2023). Peningkatan Kesadaran Hukum Masyarakat Mengenai Sertifikasi Tanah Wakaf Guna Menjamin Kepastian Hukum di Desa Pentadu Barat Kecamatan Tilamuta. *Jurnal Pelayanan Hubungan Masyarakat*, 1(2), 146–158.
- Kaidar, L., Hamzani, A. I., & Taufik, M. (2023). *Peran Badan Wakaf Indonesia dalam Penyelesaian Sengketa Perwakafan*. Penerbit NEM.
- Kurnianingsih, M., Sartanto, A., & Sukirman, A. N. (2022). Settlement of compensation for land affected by the solo-yogyakarta toll road construction project at the Klaten district court. *Urecol Journal. Part H: Social, Art, and Humanities*, 2(1), 1–10.
- Kusumawati, M. P. (2023). Tinjauan Yuridis Permasalahan dan Tantangan Pengadaan Tanah dalam Kerangka Proyek Strategis Nasional (PSN). *Prosiding Seminar Hukum Aktual Fakultas Hukum Universitas Islam Indonesia*, 1(3), 102–110.
- Luhfiana, M., & Bashori, A. (2023). *Ruislag Tanah Wakaf Perspektif Imam AS-SYAFI'I: Kasus di Mushola Abdurrahman Al Jamil Bumen Bumirejo Kab. Wonosobo*. *At-Ta'awun: Jurnal Mu'amalah dan Hukum Islam*, 2(1), 54–69.
- Moertiono, R. J., Lubis, M. Y., & Mustamam, M. (2021). Eksistensi Perbankan Syariah Sebagai *Nadzir* Dalam Pengembangan Dan Pengelolaan Wakaf Uang Perspektif Undang-Undang Nomor 41 Tahun 2004 Tentang Wakaf (Studi Pada Pt. Bank Sumut Syariah-Cabang Lubuk Pakam). *Jurnal Ilmiah Metadata*, 3(2), 525–540.

- Mulyana, M. (2023). Menuju Pengadaan Tanah untuk Kepentingan Umum yang Berkeadilan dan Berkelanjutan berdasarkan Nilai Pancasila. *HUMANIORUM*, 1(01), 145–155.
- Nasution, M. E., & D¹, P. (2019). Peran Badan Wakaf Indonesia (BWI) dalam Pengembangan Wakaf di Indonesia. *Jurnal Al Awqaf-Vol. 01 No. 01 Desember 2008*, 1, 1.
- Nuarisqi, K., & Ubed, R. S. (2020). Analisis Dampak Proyek Strategis Nasional (Psn) Terhadap Kinerja Keuangan Pt Utama Karya (Persero) Tahun 2012 Sampai Dengan 2018. *Indonesian Rich Journal*, 1(2), 63–72.
- Permatasari, A. (2024). Tanggung Jawab dan Perlindungan Negara Atas Hak-Hak Sosial Ekonomi Pengelolaan Sumber Daya Alam Menurut Undang-Undang Dasar 1945. *Jurnal Kewarganegaraan*, 8(1), 272–289.
- Primadani, L. (2019). Tantangan dalam Pengelolaan Sistem Teknologi Informasi Proyek Strategis Nasional dan Proyek Infrastruktur Prioritas. *Konferensi Nasional Ilmu Administrasi*, 3(1).
- Salamah, U. (2021). Ruislag Harta Wakaf. *De Lega Lata: Jurnal Ilmu Hukum*, 6(1), 116–126.
- Sari, R. F. & others. (2020). Hambatan Penyelesaian Sengketa Tanah Wakaf Pada Proyek Pembangunan Jalan Tol dan Solusinya (Studi Kasus di Kabupaten Jombang). *Diponegoro Private Law Review*, 3(2).
- Senjiati, I. H., Sulistiani, S. L., & Mubarak, M. F. R. (2020). Analisis Fikih Wakaf Dan Undang-Undang Nomor 41 Tahun 2004 Tentang Wakaf Terhadap Perolehan Hak *Nadzir* Pada Pengelolaan Wakaf Uang *Nadzir* Individu Dikampung Tapos Cicalong Wetan. *Tahkim*, 3(1), 77–88.
- Setyorini, S. N., Wirduyaningsih, W., & Hazna, C. A. (2020). Wakaf Lingkungan Hidup Dalam Rangka Pelaksanaan Pembangunan Berkelanjutan Dan Penegakkan Keadilan Antargenerasi. *Journal of Islamic Law Studies, Sharia Journal*, 3(1).
- Shofi, M. (2016). Analisis Praktik Dan Pengelolaan Wakaf Uang Menurut Undang-Undang Nomor 41 Tahun 2004 Tentang Wakaf. *Jurnal Syarikah: Jurnal Ekonomi Islam*, 2(2).
- Shohibuddin, M. (2019). *Wakaf Agraria: Signifikansi Wakaf bagi Agenda Reforma Agraria* (Vol. 1). Baitul Hikmah.
- Silalahi, D. W. L., & Sa'adah, N. (2023). Tinjauan Yuridis Eksekusi Pembebasan Tanah Bagi Pembangunan Untuk Kepentingan Umum. *Rechtidee*, 18(1), 100–116.
- Sugara, S., Hamdani, I., & Tanjung, H. (2019). Strategi Pengembangan Wakaf Tunai Pada Global Wakaf. *Kasaba: Jurnal Ekonomi Islam*, 12(2), 81–90.
- Suharno, R. & others. (2021). Upaya Ruislaag Tanah Wakaf yang Terkena Pembebasan Rutr Kecamatan Cinere Kota Depok Dihubungkan dengan Peraturan Pemerintah Nomor 25 Tahun 2018. *Wacana Paramarta: Jurnal Ilmu Hukum*, 20(5), 11–16.
- Sujadi, S. (2018). Kajian tentang pembangunan proyek strategis nasional (PSN) dan Keadilan Sosial (Perspektif Hukum Pancasila). *Jurnal Hukum Lingkungan Indonesia*, 4(2), 1–24.
- Tajung, A. N. N. B., & Tanjung, Y. T. (2023). Tinjauan Yuridis Terhadap Hukum Wakaf Produktif Berjangka Di Indonesia. *JIM: Jurnal Ilmiah Mahasiswa Pendidikan Sejarah*, 8(4), 4625–4634.
- Zunaidi, A. (2021). Wakaf keluarga perspektif uu no. 41 tahun 2004 dan Maqasid Al-usrah Jamal Al-din Atiyyah. *Mahakim: Journal of Islamic Family Law*, 5(2), 115–133.