

The Role of the Wakaf Deed Issuer Official (PPAIW) in the Process of Issuing Wakaf Land Asset Certificates in the KUA of Japah District, Blora Regency

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Abstract. *The purpose of this study is to determine the authority of PPAIW in issuing waqf certificates, obstacles that affect the authority of PPAIW and the solutions provided in issuing waqf certificates at the KUA of Japah District. The approach used is to determine and analyze the role of the Waqf Pledge Deed Making Officer (PPAIW) in the process of issuing waqf land asset certificates, both in terms of legal norms and their implementation in the field. The results of the study The role of PPAIW is the role of verifier, facilitator, educator, and mediator. The implementation of the PAIW role as a verifier, where the waqf administration requirements are in accordance with regulations. The implementation of the PAIW role as a facilitator in the implementation of the waqf pledge, as for the role of facilitator in the registration of waqf land has not been running well. The role as an educator has also not been implemented well by PAIW. Guidance and monitoring of nazir have also not been implemented. Likewise, the implementation of the role of the head of KUA as a mediator has not been implemented well. The obstacles encountered were the lack of PPAIW resources in the field of endowment law because all PPAIW in Japah District had never attended special PPAIW education and training. The lack of facilities and infrastructure to support the duties and functions of PPAIW, and the lack of public awareness and understanding regarding endowment law, resulting in the public having little concern in monitoring the performance of PPAIW and the performance of nazir.*

Keywords: Asset; Certificates; Issuance; Waqf.

1. Introduction

Waqf is a crucial instrument in Islamic teachings, serving social and economic functions to achieve the welfare of the community. Through waqf, assets donated by an individual (wakif) can be productively managed by a manager (nazhir) for the benefit of the wider community. However, the implementation of waqf in Indonesia often faces various administrative issues, particularly regarding

the legality and certification of waqf land, which serves as the basis for legal recognition of the waqf assets. Without a certificate, the status of waqf land is often vulnerable to disputes, claims by heirs, and transfers of functions inconsistent with the waqf's purpose.

Many people do not understand the rights and obligations of waqf: how to donate assets, the legal consequences, who is the trustee, and how accountability is handled. This can lead to waqf not being managed in accordance with sharia law or the law, or even misuse. The trustee, the community, and the government need a monitoring mechanism to ensure that waqf is maintained, used according to the donor's (wakif) intent, and that assets are not damaged or neglected. Weak oversight can lead to unproductive or lost benefits.

This research is important to understand the role of PPAIW in providing solutions to waqf problems in Japah District, Blora Regency. The results of this study are also expected to provide solutions in regulating waqf administration in Japah District, Blora Regency. Orderly waqf administration is very important to secure waqf land assets in Japah District, Blora Regency. Based on the background of the problem as mentioned above, the author is interested in conducting research on the role of PPAIW in the process of issuing waqf land asset certificates at the KUA (Office of Religious Affairs) of Japah District, Blora Regency.

This study aims to determine and analyze the authority of PPAIW in issuing waqf certificates at the KUA, Japah District, Blora Regency in 2025.

2. Research Methods

In the process of compiling this research, the author used the following methods:

a. Types and Nature of Research

1). Type of Research

The type of research used in this study is qualitative. Qualitative research is used to gain an in-depth understanding of social phenomena, particularly in describing the assistance process carried out by PPAIW in issuing waqf certificates and how this impacts the preservation of waqf land assets in the Japah District Office of Religious Affairs (KUA) work area.

2). Nature of Research

This research is descriptive-analytical in nature. Descriptive means that it aims to systematically and factually describe the mentoring activities carried out by PPAIW, the stages in issuing waqf certificates, and the challenges and solutions.

With this nature, it is hoped that the research can provide a complete and meaningful picture of the importance of the role of PPAIW in realizing orderly waqf administration and saving the assets of the community.

b. Approach Method

In this research, the approach used in this research is adjusted to the nature of the problem and the research objectives, namely to determine and analyze the role of the Waqf Pledge Deed Making Officer (PPAIW) in the process of issuing waqf land asset certificates, both in terms of legal norms and their implementation in the field.

This research uses a sociological (empirical) juridical approach and a conceptual approach.

c. Data Collection Method

This research took place at the Religious Affairs Office (KUA) in Japah District, Blora Regency.

In this study, the author used several techniques as follows:

a. In-depth Interview

b. Field Observation

c. Documentation Study

d. Data Analysis Method

The collected data were analyzed using the interactive analysis model of Miles and Huberman, which includes three main stages:¹

a. Data Reduction: Sorting, summarizing, and simplifying data relevant to the research focus.

b. Data Presentation: Arranging data in narrative, tabular, or diagram form to facilitate understanding and interpretation.

c. Conclusion Drawing and Verification: Drawing meaning from the analyzed data and verifying it through triangulation of sources and methods.

¹Miles, MB, & Huberman, AM, *Qualitative Data Analysis: An Expanded Sourcebook*, (California: SAGE Publications, 1994), p. 10–12.

3. Results and Discussion

3.1. Research Results

1) The authority of PPAIW in issuing waqf certificates at the KUA, Japah District, Blora Regency

According to Law No. 41 of 2004 concerning waqf, nazirs consist of three types, namely individual nazirs, organizational nazirs, and legal entity nazirs.² The duties of the nazir in waqf are:³

- a. Carrying out administration of waqf assets;
- b. Manage and develop waqf assets in accordance with their purpose, function and designation;
- c. Supervise and protect waqf assets;
- d. Report the implementation of duties to the Indonesian Waqf Board.

Thus, the nazir's responsibility extends beyond maintaining and preserving waqf assets, but also to making them productive. In this way, the benefits of waqf go beyond socio-religious interests and can also be directed toward empowering the community economically.⁴

Thus, the roles and duties of PPAIW can generally be classified into four, namely:

- a. Role as verifier

This verification role concerns the PPAIW's authority to verify the validity of the requirements for implementing a waqf pledge. The PPAIW's waqf pledge service begins with reviewing the waqf pledge requirements, examining the conditions and pillars of the waqf, examining the physical condition of the waqf assets, and reviewing the requirements of the nazir (manager) who will manage the waqf assets. The PPAIW must carefully review all administrative requirements for implementing waqf, as stipulated in laws and regulations.

The PPAIW must also ensure that the nazir, as the manager of waqf assets, meets the requirements stipulated in the legislation. Although the authority to appoint a nazir rests with the waqif, the PPAIW can advise prospective waqifs on selecting a nazir that complies with applicable regulations.

- b. Role as a facilitator

²Law No. 41 of 2004 concerning waqf, Article 9

³Law No. 41 of 2004 concerning waqf, Article 11

⁴Rozalinda, *Productive Waqf Management* (Jakarta: Rajawali Pres, 2016), 49.

The facilitator's role involves the PPAIW's services in implementing the waqf pledge and registering waqf land with the National Land Agency (BPN). Prior to the waqf pledge, the PPAIW must ensure the formation of a waqf pledge assembly attended by the waqif, two witnesses, and a nazir. If these requirements are met, the PPAIW can witness the waqf pledge being carried out in the waqf pledge assembly. The PPAIW's role as a facilitator also involves registering waqf land with the BPN. Once the AIW is signed, the PPAIW is required by regulation to submit the AIW to the BPN on behalf of the nazir.

c. Role as an educator

PPAIW's role as an educator involves fostering waqf education for the community. Waqf education aims to build public awareness of the importance of securing waqf assets and empowering waqf in general. Public awareness of security is crucial because the essence of waqf itself is the permanence of the waqf assets. The safeguarding of waqf assets, particularly land, involves processing the issuance of an AIW (Islamic Religious Affairs Certificate) from the Office of Religious Affairs (KUA) and a waqf certificate from the National Land Agency (BPN).

d. Role as a mediator

The PPAIW's role as a mediator involves resolving conflicts between waqf stakeholders. This mediator's role is crucial to ensuring that waqf conflicts can be resolved without resorting to court. Law No. 41 of 2004 concerning waqf stipulates that waqf disputes must be resolved through deliberation to reach a consensus. However, if deliberation fails, the dispute can be resolved through mediation, arbitration, or the courts. The PPAIW's role here is crucial in early detection of potential waqf disputes in the community. If a potential dispute begins to emerge, the PPAIW plays an active role in mediating the waqf dispute. This role as a mediator is crucial in safeguarding the preservation of waqf assets from being taken over by other parties.

2) Obstacles that affect the authority of PPAIW and the solutions provided in issuing waqf certificates at the KUA of Japah District

Research in Japah District indicates that not all heads of the KUA, acting as PPAIW, register waqf land with the National Land Agency (BPN). Most waqf land registration with the BPN is handled by the nazir (Islamic land administrator). However, upon further investigation, it was discovered that the KUA only collaborates with the nazir in processing the process with the BPN.

The PPAIW does not register land with the National Land Agency (BPN), and other PPAIW duties certainly face obstacles. Research in Japah District indicates several obstacles to waqf services, including:

a. Community Factors

Public awareness of the importance of waqf land certification, as stipulated in the Waqf Law, has not yet met the expectations of this regulation. This is evident in the presence of waqf land that has an AIW but has not been registered with the National Land Agency (BPN), and some even have made waqf pledges underhand.

One of the main obstacles in the waqf process in Japah District is the low level of public awareness and understanding of the importance of legalizing waqf land through the issuance of waqf certificates.⁵

Furthermore, due to the above obstacles, the KUA of Japah District is making every effort to address the problem of the community's reluctance to split land certificates for waqf and the slowness in collecting waqf requirements with the following solutions:⁶

1) Increase socialization and education to the community

The first step that the KUA Japah continues to take is to increase socialization about the importance of waqf land certification. The KUA collaborates with village governments, religious leaders, and Islamic religious instructors to provide understanding to the community regarding:

- a. The virtue of waqf in Islam,
- b. The importance of the legality of waqf land so that it is not disputed in the future, and
- c. Procedures for officially splitting up waqf land certificates through the BPN.

This socialization is carried out through religious studies, Friday sermons, and village religious activities so that the message is more easily accepted by the community.

2) Technical Assistance for Wakif and Nazhir

To overcome the technical difficulties faced by the public in processing documents, the KUA Japah provides direct assistance.

3) Building Cross-Agency Coordination

The KUA Japah also conducts intensive coordination with the Blora Regency BPN, the Sub-district Office, and the Village Government, so that the process of splitting the waqf certificate can be faster and more transparent.

⁵Interview with Mr. Utomo, M.Pd.I, Head of KUA Japah District on March 11, 2025.

⁶Interview with the Head of the KUA of Japah District, Mr. Utomo, M.Pd.I on March 11, 2025

4) Encourage Legal and Religious Awareness

Mr. Utomo emphasized the importance of raising public awareness that certification of waqf land is not only an administrative matter, but also part of the religious responsibility to safeguard the waqf trust.

With this understanding, people will be more willing to split their land certificates and complete the documents according to the rules.

b. There are no special employees who handle waqf.

While waqf services are not as extensive as wedding services, they do require serious attention. According to the KUA structure, there are two types of positions: functional positions and executive positions. Functional positions at the KUA consist of the registrar and the counselor. Executive positions are comprised of employees who carry out their respective duties and functions.

These obstacles undoubtedly impact the PPAIW's high workload and its ineffectiveness in waqf data collection and development. However, the KUA Japah has not remained silent and has taken several strategic steps as practical and long-term solutions, including:

1). Functional Division of Internal Tasks

2). Involvement of Religious Counselors as Technical Partners for Waqf

The KUA Japah optimizes the role of Islamic religious instructors as technical partners in waqf matters.

3). Employee Capacity Building Through Training and Technical Guidance

To improve professionalism, KUA Japah encourages its employees to participate in technical guidance (bimtek) and waqf administration training held by the Ministry of Religion of Blora Regency and the Indonesian Waqf Board (BWI).

4). Proposal for Additional Human Resources in the Waqf Sector to the Regency Ministry of Religion

As a long-term solution, the Head of KUA Japah has proposed to the Ministry of Religion of Blora Regency to place functional staff specifically in the field of waqf or functional instructors for productive waqf in each KUA.

5). Cooperation with BWI and Village Government

KUA Japah also collaborates with the Indonesian Waqf Board (BWI) of Blora Regency and the village government in assisting the data collection process and nazhir guidance. Thus, some technical tasks such as collecting waqf land data and location verification can be carried out together with the village.

This collaborative model has proven to help ease the burden on KUA, which lacks specialized staff.⁷

6). Strengthening the Digital Administration System

By utilizing the SIWAK application developed by the Ministry of Religion, KUA Japah can record and report waqf digitally without requiring a large number of additional staff.

This digitalization system is an efficient solution to cover the shortage of human resources in waqf administration services.⁸

Although the Japah District Office of Religious Affairs does not yet have a dedicated staff member to handle waqf affairs, waqf services can still be carried out thanks to internal division of tasks, involvement of religious instructors, increased staff capacity, and cross-institutional collaboration.

The Head of the KUA plays a central role in coordinating all waqf activities to ensure they comply with regulations and sharia objectives. This effort reflects the KUA Japah's commitment to safeguarding waqf trust despite limited human resources.

d. Lack of competency of PPAIW human resources

One of the causes of the low quality of public services is the low quality of human resources.⁹This low quality of human resources can be caused by a lack of education or training related to their duties and functions. A lack of a comprehensive understanding of endowment regulations can lead to the PPAIW's role being less than optimal. This underscores the importance of improving the quality of PPAIW's human resources, both in terms of administration, service, and legal literacy.

However, KUA Japah continues to strive to overcome these obstacles through the following strategic steps:

a). Improving Employee Capacity Through Training and Technical Guidance

KUA Japah actively encourages its employees and extension workers to participate in technical guidance (Bimtek) and waqf training.

b). Internal Guidance and Direct Mentoring by the Head of KUA

⁷Interview with Islamic Religious Counselor at KUA Japah, March 11, 2025.

⁸Document of the Proposal for the Waqf Program of the KUA Japah to the Ministry of Religion of Blora, KUA Japah Archives, 2025

⁹HM Said Saggaf and Haedar Akib, Public Service Reform in Developing Countries, (Makasar, CV Sah Media, 2008), 96

As a leader and PPAIW, Mr. Utomo routinely provides internal guidance to KUA employees and religious instructors.

c). Collaboration and Consultation with Related Agencies

KUA Japah maintains regular communication and consultation with:

- a. Islamic Community Guidance Section of the Ministry of Religion of Blora for technical assistance, and
- b. Blora National Land Agency (BPN) for waqf land certification matters.

With this cross-institutional coordination, KUA employees can learn directly from competent parties in the field of land administration and law. ¹⁰

d). Utilization of Technology and Digital Learning Resources

Even though the KUA of Japah District still faces the problem of a lack of human resource competence in the field of endowments, through continuous training and coaching Through internal cooperation, cross-agency collaboration, and the use of digital learning technology, waqf services can continue to run well. The commitment of the Head of KUA and the enthusiasm of employees to learn are the main factors that support the improvement of PPAIW professionalism at the sub-district level.

e. Factors supporting law enforcement facilities

According to Soerjono Soekanto and Mustafa Abdullah, as quoted by Gamal Abdul Naser, facilities play a crucial role in law enforcement. Without these facilities, law enforcement would be unable to effectively carry out their role. ¹¹

The resources here can be either non-physical or physical. Non-physical resources can be in the form of employees who handle endowments. Physical resources are in the form of facilities and infrastructure at the Office of Religious Affairs (KUA) related to the implementation of work activities. In accordance with the theory of legal effectiveness as proposed by Soerjono Soekanto, facilities and infrastructure influence the process of implementing regulations or laws. With the existence of facilities and infrastructure that can support law enforcement, it is hoped that the implementation of regulations or laws can run smoothly, in accordance with what has been determined. The lack of these facilities is also evident in the absence of employees at the KUA in Japah District

¹⁰Interview with Mr. Utomo, M.Pd.I., Head of KUA Japah District, Blora Regency, on March 11, 2025

¹¹Gamal Abdul Nasir, "Legal Vacuum & Acceleration of Community Development," *Replica Law Journal*, 5, no. 2 (2017): 18

who specifically handle endowments, making endowment affairs less than optimal.

To create a professional, committed, and responsible PPAIW, serious efforts are needed using various approaches. One highly strategic approach is to provide education and training specifically designed with structured and measurable modules, both at the conceptual level and in the operational application of PPAIW's duties.

The existence of a professional PPAIW can enhance its role in the national waqf system, namely as the spearhead of waqf services that occur in the community. The role of PPAIW is very important because it has a primary role in the process of waqf legal acts based on statutory regulations. Thus, PPAIW becomes one of the important organs in the administration of national waqf. Another role of PPAIW is as a party that has real data on waqf at the sub-district level in order to secure waqf assets. Waqf data concerns administration consisting of the amount of waqf assets, their potential, certification of waqf assets, and other waqf administrative processes. The existence of this data is very important in making waqf policies at all levels of government. The PPAIW's next role is as a mediator in the event of a waqf dispute, both concerning legal elements and internal nazir conflicts that occur within its scope or area of work.

If the PPAIW's role is carried out effectively, it is expected to provide legal certainty in securing waqf assets and reduce the potential for waqf disputes. PPAIW can also provide accurate and comprehensive national waqf data at the sub-district level, which can be used as material for mapping waqf empowerment and development. Furthermore, the Head of the KUA can also provide waqf guidance to the community, fostering a shared awareness of the importance of professional waqf management, ultimately enabling waqf to provide greater benefits to the community.

4. Conclusion

Based on the results of research and discussion on the role of the Waqf Pledge Deed Making Officer in Japah District, it can be concluded that the role of PPAIW is categorized into four, namely the role of verifier, facilitator, educator, and mediator, all of which have been carried out well and in accordance with applicable regulations. The obstacles encountered by the Waqf Pledge Deed Making Officer in Japah District are caused by the lack of PPAIW resources in the field of waqf law because all PPAIW in Japah District have never attended special PPAIW education and training. Other causes are the absence of employees specifically handling the waqf field, the lack of public awareness and understanding regarding waqf law so that the public has less concern in supervising the performance of PPAIW and the performance of nazir. Suggestions: Based on the above conclusions, it can be suggested that the

implementation of the role of the Waqf Pledge Deed Making Officer in Japah District be more optimal in improving the quality of PPAIW by establishing competency standards for a PPAIW. Fulfillment of the waqf service budget for PPAIW, by allocating a budget from the government through the DIPA of the Ministry of Religious Affairs or by determining the waqf service tariff at the KUA.

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