



El-Mashlahah

Volume 15 No. 2, December 2025

ISSN: E-ISSN: 2622-8645; P-ISSN: 2089-1970

DOI: [10.23971/el-mashlahah.v15i2.9097](https://doi.org/10.23971/el-mashlahah.v15i2.9097)

Electronic Registration of Waqf Land under the PTSL Program from a *Maslahah* Perspective: A Study at the Indonesian Waqf Agency Office in East Java

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Received: 30-08-2024; Accepted: 28-12-2025; Published: 31-12-2025;

ABSTRACT

Waqf land in East Java is 78,825 plots with total of 5,006.23 hectares. Yet, its registration level is relatively low. Of this number, only 37,940 plots (2,270.25 ha) have been certified, while 4,885 plots (2,735.98 ha) have not obtained formal legal status. The study aimed to analyze the registration system for waqf land under the Complete Systematic Land Registration Program (PTSL) and the implementation of E-Registration, as well as to examine the supervision mechanisms and legal implications. Using an empirical juridical method with a socio-legal approach, the study explored registration practices and institutional dynamics of waqf management. The primary contribution of this research was in establishing a conceptual etween digital transformation in land administration, specifically through E-Registration and Islamic legal institutions governing waqf. The findings showed that digitalizing PTSL significantly increases the number of registered waqf lands and enhances efficiency, transparency, accountability, and legal protection for both *nazir* and *wakif*. This demonstrates that digitalization is not merely an administrative innovation but also a tool that strengthens waqf governance as part of contemporary Islamic legal reform. Thus, the study filled a gap in the literature, which has largely focused on normative aspects of waqf without examining the integration of technology into its implementation. From a policy perspective, the success of digital PTSL depends on effective E-AIW training, accurate data validation, digital outreach, and continuous monitoring.

Keywords: PTSL; Waqf; Electronic Registration; Legal Implications;

ABSTRAK

Tanah wakaf di Jawa Timur mencapai 78.825 bidang seluas 5.006,23 Ha, namun tingkat pendaftarannya masih rendah. Dari jumlah tersebut, hanya 37.940 bidang (2.270,25 Ha) yang telah bersertifikat, sedangkan 4.885 bidang (2.735,98 Ha) belum memiliki legalitas formal. Penelitian ini bertujuan menganalisis sistem pendaftaran tanah wakaf melalui Program Pendaftaran Tanah Sistematis Lengkap (PTSL) dan implementasi E-Pendaftaran serta menilai mekanisme pengawasan dan implikasi hukumnya. Dengan metode yuridis empiris dan pendekatan sosiologis-yuridis, penelitian menelusuri praktik pendaftaran dan dinamika kelembagaan wakaf di lapangan. Kontribusi utama penelitian ini terletak pada penguatan hubungan antara transformasi digital pertanahan melalui E-Registrasi dengan

lembaga hukum Islam. Digitalisasi PTSL terbukti meningkatkan jumlah pendaftaran tanah wakaf dan mendorong efisiensi, transparansi, akuntabilitas, serta perlindungan hukum bagi nazhir dan wakif. Temuan ini menunjukkan bahwa digitalisasi bukan hanya inovasi administratif, tetapi juga instrumen yang memperkuat tata kelola wakaf sebagai bagian dari pembaruan hukum Islam modern. Penelitian ini mengisi kesenjangan literatur yang selama ini lebih menekankan aspek normatif wakaf tanpa mengkaji integrasi teknologi dalam implementasinya. Secara kebijakan, keberhasilan PTSL digital bergantung pada pelatihan E-AIW, validasi data yang akurat, sosialisasi digital, dan pengawasan berkelanjutan.

Kata Kunci: PTSL; Wakaf; Pendaftaran Elektronik; Implikasi Hukum;

Introduction

The digital transformation of land administration in Indonesia has intensified through the implementation of the Complete Systematic Land Registration Program (*Pendaftaran Tanah Sistematis Lengkap / PTSL*), which aims to accelerate legal certainty, efficiency, and transparency in land registration.¹ Digital land registration has been widely recognized as an instrument to strengthen land governance, reduce disputes, and enhance institutional accountability.² Despite these objectives, waqf (Islamic endowment) land is still one of the most vulnerable categories of land tenure within the digital registration framework. National data from the Ministry of Religious Affairs indicate that Indonesia has more than 51,000 hectares of waqf land, located across more than 380,000 locations. Yet, only approximately 61% of these assets have been formally certified.³ The absence of registration exposes waqf land to disputes, inheritance claims, unauthorized transfers, and mismanagement, thereby undermining its intended perpetual and public-benefit character.⁴

The problem is an evident in East Java, one of Indonesia's provinces with the largest concentration of waqf assets. Official records from the Indonesian Waqf Agency show that out of more than 78,000 waqf land in East Java, a substantial number is uncertified, resulting in weak legal protection and increasing the risk of conflict.⁵ Although PTSL

¹Klaus Deininger, Harris Selod, and Anthony Burns, *The Land Governance Assessment Framework* (Washington DC.: The World Bank, 2012).

²Ian Williamson et al., *Land Administration for Sustainable Development*, 1st ed. (New York: ESRI Press, 2010).

³menteri Agraria Dan Tata Ruang, "Peraturan Menteri Agraria Dan Tata Ruang/Kepala Badan Pertahanan Nasional Republik Indonesia No. 1 Tahun 2023 Tentang Penyelenggaraan Informasi Geospasial Tematik Pertahanan Dan Ruang," Pub. L. No. 1 (2023).

⁴Hernando De Soto, *The Mystery of Capital*, 3rd ed. (London: Bantan Press, 2001).

⁵Indonesian Waqf Agency (BWI) East Java Office, Annual Report on Waqf Assets, 2023

introduces an electronic and systematic mechanism for land registration, its application to waqf land encounters structural, administrative, and socio-religious challenges. These challenges include limited digital literacy among *nazhir* (waqf managers), bureaucratic complexity, and the unique legal status of waqf land, which must remain inalienable and permanently dedicated to public welfare.⁶ Studies on land registration systems indicate that failure to accommodate special land categories often weakens legal certainty and governance outcomes.⁷ Consequently, the effectiveness of electronic waqf land registration through PTSL in ensuring legal certainty is an unresolved legal issue.

Previous international studies on digital land registration largely emphasize administrative efficiency, transparency, and dispute reduction within land governance systems.⁸ Other scholars highlight the role of electronic land registration in strengthening property rights, land tenure security, and public trust in state institutions, particularly in developing countries.⁹ From the perspective of Islamic law, waqf governance studies consistently underline the importance of legal documentation, institutional accountability, and regulatory integration to preserve the sustainability and perpetual nature of waqf assets.¹⁰ In addition, contemporary research on Islamic social finance has explored productive waqf models and the digitalization of waqf management as tools to enhance socio-economic impact and transparency.¹¹ Nevertheless, these studies generally

⁶Sudirman et al., "Dysfunction of Muslim's Public Resource: A Study of Waqf Land Disorganization in Indonesia," *De Jure: Jurnal Hukum Dan Syar'iah* 14, no. 1 (2022): 92–110, <https://doi.org/10.18860/j-fsh.v14i1.16240>; Ahmad Wira et al., "Legal Study of Dzurri Waqf and Its Implementation towards Strengthening High Heritage Assets in Minangkabau, West Sumatra, Indonesia," *Juris: Jurnal Ilmiah Syariah* 22, no. 2 (2023): 329–41, <https://doi.org/10.31958/juris.v22i2.9383>.

⁷Christiaan Lemmen et al., "Land Administration and Good Governance," in *Version 1.0 of the FIG Core Cadastral Domain Model*, 2014, 1–18.

⁸Deining, Selod, and Burns, *The Land Governance Assessment Framework*.

⁹Syamsu Rizal and Mukhaer Pakkanna, "Digitalization of Zakat in Stimulating Community Socio-Economic Development in the Middle of the Covid-19 Pandemic (Maqashid Syariah Perspective)," *European Journal of Humanities and Social Sciences* 3, no. 1 (2023): 23–33, <https://doi.org/10.24018/ejsocial.2023.3.1.384>; Lemmen et al., "Land Administration and Good Governance."

¹⁰Rasiam Rasiam et al., "Integration of New Media and Prophetic Communication Enhanced for Zakah, Infāq, Ṣadaqah, and Waqf Fundraising: A Case Study of Baitulmaal Munzalan Indonesia," *JIL: Journal of Islamic Law* 4, no. 1 (February 2023): 28–46, <https://doi.org/10.24260/jil.v4i1.1167>; Zawawi Zawawi et al., "Waqf and Sustainable Development Law: Models of Waqf Institutions in the Kingdom of Saudi Arabia and Indonesia," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 23, no. 1 (July 2023): 93–114, <https://doi.org/10.18326/ijtihad.v23i1.93-114>.

¹¹A Zaenurrosyid et al., "The Diversity of Islamic Javanese Kings' Waqf Management: Ruislag and Various Social Conflicts," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 20, no. 1 (2025), <https://doi.org/10.19105/al-ihkam.v20i1.14286>; Sudirman et al., "Dysfunction of Muslim's Public Resource: A Study of Waqf Land Disorganization in Indonesia."

examine land administration reform and waqf governance as separate domains, offering limited analysis of how electronic land registration systems interact with the legal and religious characteristics of waqf land.¹²

Accordingly, a significant gap exists in the literature concerning the legal implications of integrating waqf land into electronic land registration systems, particularly PTSL, and its alignment with the Islamic legal principle of *maslahah* (public interest).¹³ Existing research has not sufficiently assessed whether digital registration mechanisms adequately safeguard the perpetual, religious, and social functions of waqf land, nor has it examined the institutional role of waqf authorities in adapting to electronic land governance.¹⁴ The particular study offered a novel contribution by examining electronic waqf land registration through PTSL from a *maslahah* perspective, supported by empirical evidence from the Indonesian Waqf Agency in East Java. Therefore, this research aimed to analyse the legal implications of electronic waqf land registration under PTSL, evaluate its effectiveness in ensuring legal certainty and public benefit, and formulate policy recommendations for strengthening waqf land governance in the digital era.

Method

The study employed an empirical juridical method, with a sociological juridical approach, based on the understanding that the electronic registration of waqf land through PTSL, not only the application of positive law but also social realities and the level of legal awareness among waqf administrators. Informants were selected purposively from institutions with direct authority and relevance. They were the East Java Indonesian Waqf Board (BWI), the East Java Indonesian Ulema Council (MUI), and Islamic community organizations managing waqf as they represent legal authority, religious authority, and practical field experience. Data collection was conducted through semi-structured

¹²Timur Kuran, "The Provision of Public Goods under Islamic Law: Origins, Impact, and Limitations of the Waqf System," *Law & Society Review* 35, no. 4 (2001): 841–897, <https://doi.org/10.2307/3185418>.

¹³Heru Wahyudi et al., "The Nexus of Crowdfunding and E-Wakaf to Islamic Fintech in Indonesia in the Era of Industrial Revolution 5.0," *Journal of Ecohumanism* 4, no. 1 (November 2024): 208–19, <https://doi.org/10.62754/joe.v4i1.4657>.

¹⁴Suhairi et al., *Regulatory and Economic Challenges in Contemporary Crowdfunding-Based Cash Waqf*, *MILRev: Metro Islamic Law Review*, vol. 4, 2025, <https://doi.org/10.32332/milrev.v4i2.10343>; Erike Anggareni, Gustika Nurmalia, and A. Kumedi Ja'far, "Utilizing the Banking System For Digital Waqf Behavioral Approach of Millennial Muslims," *El-Usrah: Jurnal Hukum Keluarga* 7, no. 1 (2024), <https://doi.org/10.22373/ujhk.v7i1.22562>.

interviews, documentation, and limited observation, following procedures that ensure transparency and replicability. Data were analyzed using the interactive qualitative model of Miles & Huberman. The normative analysis was supported by Islamic legal principles, such as *al-umūr bi maqāṣidihā*, *tasharruf al-imām manūṭun bi al-maṣlahah*, *tagayyur al-fatwā*, and the principle of *ḥifẓ al-māl* to assess the legal implications of electronic waqf registration.

Findings and Discussion

Electronic Registration System for Waqf Land in East Java

The study found that the implementation of the Electronic Registration (E-Registration) system within the Complete Systematic Land Registration (PTSL) program has significantly transformed waqf land governance in East Java. The registration process begins with the issuance of the Electronic Waqf Pledge Deed (E-AIW) at the Office of Religious Affairs (KUA), followed by digital data submission and verification, involving the National Land Agency (BPN) and the Indonesian Waqf Board (BWI). After validation, waqf land certificates are issued electronically under the PTSL scheme.

The increase in waqf land certification is not merely quantitative but also qualitative. Digital registration promotes orderly administration, strengthens documentation, improves transparency, and enables continuous supervision. Electronic records reduce the potential for overlapping claims and disputes, so it supports legal certainty over waqf land ownership.

Land registration is an important and key activity in land management. A number of provisions and policies related to land registration have been issued, but in reality, many land registrations do not issue.¹⁵ Whereas, it is also clear that the Basic Agrarian Law (UUPA) mandates that all land be registered to ensure legal certainty over land. When the land is not registered, it will cause various problems, such as reducing trust in evidence of ownership in the form of land rights certificates.¹⁶ Information through the mass media or the internet about fake certificates, "asphalt," overlapping or double certificates is very concerning. Legal certainty of land ownership can still be disputed,

¹⁵Pemerintah Republik Indonesia, Pasal 19 "Undang-Undang Republik Indonesia Nomor 5 Tahun 1960 Tentang Peraturan Dasar Pokok-Pokok Agraria,"

¹⁶Of the 4,048 civil cases brought before the courts up to the cassation level in 2001, 2,006 cases, or 49.59 percent, were land disputes.

even to the point of being sued in court.

Based on reasons that the certificate still causes many legal problems. Therefore, the task of the Government is to make the legal instruments more complete following the conditions of the society. Aiming to support economic growth, create legal certainty over land, and avoid land conflicts, the Ministry of ATR / BPN conducts Mapping, Registration, and Certification programs. Based on the facts, a policy reconstruction has been carried out to implement land registration based on acceleration. With the target of all registered areas through the implementation of Complete Systematic Land Registration (hereinafter referred to as PTSL).¹⁷

PTSL is part of President Joko Widodo's Nawa Cita program, with a target of five million certificates in 2017 for all of Indonesia. As part of the national target, Banten Province is targeted at 189,457, and South Tangerang City is targeted at 21,067. The Head of the Land Office of South Tangerang City has the target to have all land certificates by 2019. Currently, only 63% of the total 403,831 of land have been certified.¹⁸ Through the PTSL program, all community land will be measured and have legality of land certificates.¹⁹

One of the special concerns related to land registration is waqf land as East Java still faces a number of obstacles. These problems are mostly caused by unregistered and uncertified waqf assets. The main factor is the lack of public knowledge about waqf and the lack of public awareness. However, we all know that awareness of the law is important, as the theory of legal awareness proposed by Von Schmid, legal awareness (*rechtsbewutzijn*) is a person's assessment of the law, which starts from logical reasoning.²⁰ Legal awareness can also be interpreted as the state of a person who knows very well what the law is, the function and role of the law for oneself and the surrounding

¹⁷Menteri Agraria Dan Tata Ruang, Peraturan Menteri Agraria Dan Tata Ruang/Kepala Badan Pertahanan Nasional Republik Indonesia No. 1 Tahun 2023 Tentang Penyelenggaraan Informasi Geospasial Tematik Pertahanan Dan Ruang.

¹⁸<http://depokrayanews.com/2016/12/19/pemkot-tangsel-lakukan-programpercepatan-sertifikat-tanah>

¹⁹I Gusti Nyoman Guntur et al., *Pendaftaran Tanah Sistematis Lengkap: Proses Dan Evaluasi Program Prioritas (Hasil Penelitian Sistematis 2017)*, Pendaftaran Tanah Sistematis Lengkap (PTSL) (Yogyakarta: STPN Press, 2017).

²⁰C. F. G. Sunaryati Hartono, *Peranan Kesadaran Hukum Masyarakat Dalam Pembaharuan Hukum* (Bandung: bina cipta, 1976); Melis, Abdul Qoyum, and Misnen Ardiansyah, "Determinant Cash Waqf Payment Amongst Rural Society InYogyakarta: DoItsar and Culture Matters?," *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 25, no. 1 (2025): 52–68.

community. According to Sudikno Mertokusumo, as quoted by Amran Suadi, legal awareness was born from the common will of mankind to prevent conflicts of interest in everyday life.²¹ Meanwhile, according to Soekanto, legal awareness is the awareness or values contained in humans about existing laws or laws that are expected to exist. Actually, it emphasizes the values about the function of law and not a legal assessment of concrete events in the society concerned. Community legal awareness can be measured using a number of indicators, including knowledge of regulations, knowledge of the content of regulations, attitudes towards regulations, and behavior following the regulations.²² Today, people still think that waqf is a matter of worship and not related to administrative issues. It is not uncommon for waqf assets to be handed over to *nadzirs* without a Waqf Pledge Deed (AIW) prepared by the Office of Religious Affairs (KUA). The absence of AIW causes the waqf land certification program by the Government through the Ministry of ATR/BPN to not run optimally.

In this regard, the Central Government, through the Ministry of Religious Affairs, the Ministry of ATR/National Land Agency, and Local Governments, has a strategic role in accelerating waqf land certification. This role can be achieved through a program to waive the cost of managing the requirements for waqf land certificates, such as the one carried out by the Tangerang City Government. Based on the Regional Regulation of Tangerang City No. 4/2018, it is stated that the rate of Land and Building Acquisition Duty for waqf assets is 0%.⁴⁵ In addition, the government, through the Ministry of Agrarian and Spatial Planning/National Land Agency, provides space for the acceleration of waqf land certification through the Complete Systematic Land Mapping (PTSL) program for 0 rupiah.²³

Based on the interviews obtained with the Head of the Division of Penais (Islamic Religious Information) and Empowerment of Zakat Waqf of the Regional Office of the

²¹Ervina Dwi Indriastuti, "Penyimpangan Fungsi Dan Nilai-Nilai Pancasila Dalam Penegakan Hukum Sebagai Pedoman Hidup Dalam Bermasyarakat," *Hukum Dan Dinamika Masyarakat* 16, no. 1 (October 2018), <https://doi.org/10.36356/hdm.v16i1.849>; M. Wildan Humaidi, Hariyanto Hariyanto, and Mabarroh Azizah, "Green Philanthropy: Islamic Activism on Indonesia's Environmental Democracy," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 24, no. 2 (December 2024): 167–91, <https://doi.org/10.18326/ijtihad.v24i2.167-191>.

²²Muttaqin Choiri, Farid Ardyansyah, and Universitas Trunojoyo Madura, "The Politics of Waqf Practice in Pesantren Kyai Families in Bangkalan Madura, Indonesia" 7, no. 1 (2024): 272–93, <https://doi.org/10.22373/ujhk.v7i1.22186>.

²³Hany Saidah, "Program Percepatan Sertifikasi Tanah Wakaf Untuk Pengamanan Aset Wakaf: Studi Di Kantor Kementerian Agama Kota Batu," *Sakina: Journal of Family Studies* 3, no. 2 (2019): 10.

stated that²⁶ "the number of waqf land registration, from year to year, continues to show a good progress, especially after the implementation of the PTSL system in waqf land registration, East Java. Last year, it was the highest nationally with around 11 thousand fields of waqf land, hopefully, this year we can complete it. After that, it is hoped that there will be valid data synchronization from all KUAs. According to him, it needs to collect data on waqf land that has not yet had AIW, which already has AIW. Those who have AIW but not yet certified waqf, and those who have been certified waqf. So, the completion of land certificates can be easier and the data is clear. For this, it needs to synchronize between KUA, Kemenag, BPN and BWI,"

This opinion is supported by the data on the official website of the Ministry of Religious Affairs on waqf land registration data.

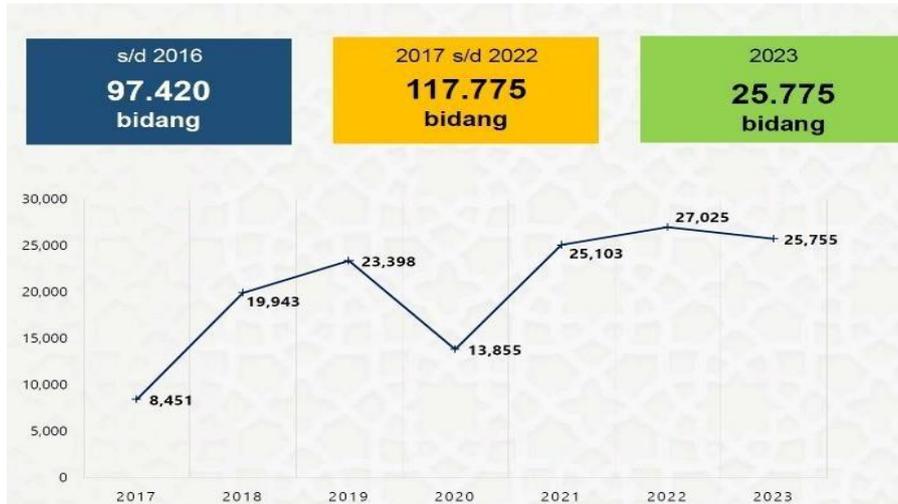


Graph. 3 Total Amount of Waqf Land in Indonesia 2024²⁷

From the data, East Java still holds the highest percentage in terms of waqf land registration. Besides East Java at the percentage, the PTSL system seems to attract people to register waqf land.

²⁶Mufi Imron Rosyadi, *Interview* (Surabaya, 2024).

²⁷Kementerian Agama RI, "Jumlah Tanah Wakaf Seluruh Indonesia," Siwak Kemenag RI, 2019.



Graph. 4 Percentage of Waqf Land Registration in Indonesia from Year to Year²⁸

Based on the data, the achievement of waqf land registration in 2023 was 25,755 fields. On average, for the last 7 years, the waqf land registered was 20,504 fields. Meanwhile, the highest waqf land registration achievement was in 2022 with 27,025 fields. And, today, the progress of land registration has still been ongoing and continues to experience a significant increase.



Figure 1. Progress of Land Registration in Indonesia²⁹

Based on the data, until 2016, the registered land was only 46 million plots, or only 36.5%. If using the old system, it needs 80 years to complete registration. With PTSL, the achievement of the last 6 years, the number of registered lands is 63.8 million plots, and 43.9 million plots are certified. The total registered land is currently 109.8 million plots (87.1%), and have been certified of 89.9 million plots (71.3%). Based on data, it concluded that the existence of the PTSL system improve the performance of waqf land registration, especially waqf land in East Java.

²⁸Kementerian Agama RI

²⁹Kementerian Agama RI

Electronic Waqf Land Registration on Monitoring Service System in East Java

Entering the era of digitalization in all sectors of human life, land is also one of the vital objects that must undergo digitalization. The digitalization of land administration is one of the key implementations of government duties, whose purpose is to achieve the objectives of national development. Aiming to provide guarantees of legal certainty and legal protection of people's land rights fairly and equitably, and encourage the economic growth of the country and the people's economy in particular, it is necessary to accelerate complete land registration throughout the territory of the Republic of Indonesia. Then, the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency has stipulated Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 28 of 2016 on the Acceleration of the National Agrarian Program through Systematic Land Registration.³⁰

Conventional Land administration must be updated with a digital-based system. Then, the government provides a program, namely Complete Systematic Land Registration or PTSL, which is digital-based to support the rapid development of science and technology. The renewal is, in fact, accelerate services, investment entry, data integration between development sectors, and accelerating the national goals.

Aiming to keep up with the rapid development of science and technology and realize these national goals must be supported by an adequate human resource, and supervision must be given in its implementation. In line with the theory of supervision by Robert J. Mockler that supervision is a systematic effort to set standards for implementation with planning objectives, design information systems, feedback, compare real activities with previously set standards, determine and measure deviations and take the necessary corrective actions to ensure that all company resources are used effectively and efficiently in achieving goals.³¹

Achieving these goals, as related to the internet media, the need for information data is very important, to achieve the goals. The development of technology today

³⁰Pemerintah Republik Indonesia, "Peraturan Menteri ATR/Kepala BPN Nomor 35 Tahun 2016 Tentang Percepatan Pelaksanaan Pendaftaran Tanah Sistematis Lengkap (PTSL)

³¹M. Kadarisman, *Manajemen Pengembangan Sumber Daya Manusia* (Jakarta: Rajawali Press, 2013); Mohd. Ali bin Muhammad Don et al., "The Waqf Models for Higher Education: Malaysia's Experience and Challenges in Strengthening a Waqf-Based Higher Education System," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 25, no. 2 (2025), <https://doi.org/10.30631/alrisalah.v25i2.1995>.

encourages every organization to process its data quickly, completely, and accurately. One of the technologies in managing data in an organizational environment is a special computerized system in the Office of the Indonesian Waqf Board in East Java.

Computers are a series of electronic equipment that can carry out and work systematically based on the Program Instructions given, and can store and display the information needed when needed. Computerization is a system for manipulating data quickly. And, it is designed and organized to automatically receive and store input data. After that, process it and produce output data under supervision, a step of program instructions stored in memory. With the help of computers, works finish more quickly, easily varied, and even complicated jobs in organizations experience many changes and conveniences through computerization.

The Ministry of Religious Affairs has published the Electronic Digital Waqf Land Registration (E-AIW), aiming to support this policy.³² The electronic waqf pledge certificate, released, is very appropriate as a supporter of the Ministry of Religion's program in resolving waqf land that has not been legalized by the State. So, there are breakthroughs and cooperation from all aspects and support from various groups. Securing waqf assets through waqf land certification is one of the important steps in waqf regulation. By having AIW, the community will be ease to register their waqf land through E-Registration in PTSL.

Based on an interview with the heads of BPN Malang, Mr. Muh.Hatta³³ stated that, "The problems faced by the community are low public understanding, complicated administration, and lack of funding sources. Therefore, the government must be involved in waqf management. People still think that waqf is sufficient to be conveyed verbally. Although, there are people who continue in the certification process. It is quite a long process to get the legality of the land status, especially related to inherited assets. Sometimes, even one location cannot be completed within one year. Therefore, with this online registration system that costs 0 (*free*), the community can register their waqf land."

Based on the statement of Mr. Muh.Hatta,³⁴ the problems faced by the community in managing waqf are the habit of waqf orally, limited budget, long waqf management

³²Kementerian Agama RI, "Jumlah Tanah Wakaf Seluruh Indonesia," *Siwak Kemenag RI*, 2019

³³Muh.Hatta, *Interview* (Malang, 2024).

³⁴Muh.Hatta, *Interview* (Malang, 2024).

time, and tax costs. In addition, Shamthon,³⁵ as a BWI administrator and served as the Head of the KUA, emphasized no special allocation of funds for waqf certification at the KUA. Also, the lack of human resources is an obstacle. There is no special staff member who intensively handles waqf issues that waqf data collection found an obstacle. It almost occurs in KUAs in all region of Indonesia.

Based on these issues, E-Registration Application through the PTSL system is part of the digital transformation being implemented at BPN. The use of E-Registration is an innovative step that has a great impact in facilitating the waqf process, so that the waqf process becomes faster, more accurate and transparent. Moreover, the waqf data is secure. Efficiency and Ease of Process E-registration accelerates and facilitates online registration of waqf land. Disseminate information and Assistance are needed. Data Validation and Supervision in the process of online submission of waqf pledges allows for better data, involving supervision from the center and the National Land Agency (BPN). Inter-Agency Cooperation between the Religious Affairs Office (KUA), BPN, and related agencies is crucial to support the implementation of E-Registration in the PTSL system to accelerate the fulfillment the requirement of proof of ownership (waqf certificate).

Several things must be considered to support the running of the system. First, Increased Training: It provides intensive training to BPN officers on the use of the PTSL E-registration system. This training should cover all aspects of data entry, validation, and certificate printing. A deeper understanding could minimize the errors in the use of the application.

Second, Intensive Disseminate information. Disseminate information to the public about the existence and benefits of E-Registration is also very important. Targeted and intensive Disseminate information efforts are needed to make people more aware of the convenience offered by this application. Third, Improving Data Validation. There needs a better and stricter data validation mechanism to ensure a correct and accurate data when entered into the system. This will help avoid rejection of registration applications, caused by data errors.

Fourth, Technical Support Development. There is a need for a responsive technical

³⁵Shamthon, *Interview* (Malang, 2024).

support team to assist BPN officers and other E-registration users when facing technical problems or questions on the use of the application. This support help overcome technical barriers that may arise during the use of E-registration. Fifth, Inter-Agency Cooperation. It needs a cooperation between the KUA, BPN, and other relevant agencies in supporting the implementation of the PTSL E- registration system. This cooperation includes data validation, monitoring, and technical assistance to ensure that the waqf land registration process runs smoothly and accurately. And finally, Continuous Monitoring and Evaluation. A continuous monitoring and evaluation mechanism for the implementation of E-Registration is needed to ensure the immediate registration of certificates in the PTSL E-Registration. This supervision aims to identify problems that arise during the use of the application and provide timely solutions.

Legal Implications of Waqf Land Registration in East Java After the Issuance of Regulation of the Minister of Agrarian and Spatial Planning

Waqf land registration in East Java has become an important issue in the effort to improve efficiency and transparency in natural resource management. Then, the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 3 of 2023 on the Issuance of Electronic Documents in Land Registration Activities was issued. This regulation aims to improve convenience and efficiency in the land registration process, especially in terms of waqf land registration to obtain the legality of land status. Then, the formal legality of land is a very important part for people who need legal certainty for their land.³⁶

The principle of legality underscores that waqf assets must be managed in strict following the objectives, established by the waqf donor (*wakif*) at the time of dedication. This means that waqf management must comply with the conditions set by the wakif, and any deviation from the original intention of the waqf declaration is prohibited.³⁷ In practice, deviations sometimes occur, including when waqf assets are redirected or their functions altered.³⁸ The principle of legality firmly prohibits the conversion of waqf

³⁶Huzaimah Al-Anshori et al., “Clarifying Heirs’ Rights in Indonesian Waqf Law: Toward Stronger Governance and Conflict Prevention,” *Nurani: Jurnal Kajian Syari’ah Dan Masyarakat* 25, no. 2 (2025): 529–53.

³⁷Nasrul Fahmi Zaki Fuadi, “Wakaf Sebagai Instrumen Ekonomi Pembangunan Islam,” *Economica: Jurnal Ekonomi Islam* 9, no. 1 (July 2018): 151–177, <https://doi.org/10.21580/economica.2018.9.1.2711>.

³⁸Khurun Zahro, Hamid Fahmy Zarkasyi, and Winda Roini, “Assessing the Nâzir Waqf ’ s Professionalism of Pondok Modern Darussalam Gontor (PMDG) from an Islamic Perspective,” *Al-Adalah*

assets, such as selling or turning them into private property. Nevertheless, if the waqf asset no longer provides benefits due to specific circumstances,³⁹ conversion may be considered based on the principle of *maslahah*, namely the pursuit of greater public interest. Islamic legal concepts such as *niyyah* (the sincerity of the wakif's intent) and *amanah* (the trustee's obligation to safeguard the waqf) reinforce the ethical dimension of waqf management, ensuring that all actions reflect both the spiritual and social objectives, envisioned by the wakif.

In the Indonesian context, the functional adjustment of waqf assets is situated within the broader framework of community economic empowerment. This means that the transfer or modification of waqf functions may be carried out as long as it generates wider societal benefits and grounded in the principles of legality, *maslahah*, and the original purpose of the *waqf*. Thus, the principle of legality not only ensures good-faith management of waqf assets but also upholds their status as a protected *amanah* to be managed sustainably under Islamic legal values.

The implementation of electronic waqf land registration has introduced several important legal implications, such as enhanced administrative efficiency. The regulatory shift enabling online registration allows waqf land in East Java that processed more quickly, transparently, and effectively. The use of electronic documents streamlines verification, storage, and supervision of waqf assets, thereby supporting more modern and accountable management of waqf-based natural resources.

Despite these advancements, several implementation challenges require critical reflection. First, bureaucratic overlap among religious institutions,⁴⁰ land administration authorities, and local government agencies can avoid registration processes, creating procedural uncertainty. Second, digital illiteracy among many *nazir* (waqf managers) poses a serious obstacle,⁴¹ as they may lack familiarity with electronic systems,

22, no. 2 (2025): 409–38; Anggareni, Nurmalia, and Ja'far, "Utilizing the Banking System For Digital Waqf Behavioral Approach of Millennial Muslims."

³⁹Eficandra, "The Reconstruction of High-Inherited Wealth in Minangkabau through Cash Waqf Movement," *Juris: Jurnal Ilmiah Syariah* 21, no. 1 (2022): 121–133, <https://doi.org/10.31958/juris.v21i1.5850>.

⁴⁰Putri Umairoh et al., "Brokered Marriage Administration: Rational Strategies of Muslim Communities in Navigating the Bureaucratization of Marriage in Indonesia," *Indonesian Journal of Sharia and Socio-Legal Studies* 1, no. 2 (2025): 193–212, <https://doi.org/10.24260/ijssls.1.2.132>.

⁴¹Rasiam et al., "Integration of New Media and Prophetic Communication Enhanced for Zakah, Infāq, Sadaqah, and Waqf Fundraising: A Case Study of Baitulmaal Munzalan Indonesia," *Journal of Islamic Law* 4, no. 1 (2023): 28–46, <https://doi.org/10.24260/jil.v4i1.1167>.

necessitating systematic digital-capacity training. Third, theological misunderstandings, particularly regarding the perceived sufficiency of oral waqf declarations without documentation, lead some community members to hesitate in pursuing electronic certification, even though written documentation is essential for legal certainty and asset protection.

From the perspective of legal awareness theory, as formulated by Soerjono Soekanto and Von Schmid, legal compliance is influenced by public knowledge, understanding, attitudes, and behavior toward the law. The E-Registration system simplifies procedures, lowers costs, and improves access to land services, thereby increasing community compliance with waqf land registration obligations.

From Islamic legal theory, digital waqf registration fulfills the principle of *maslahah*.⁴² It realizes *maslahah hajiyah* by reducing administrative burdens and *maslahah tahsiniah* by improving professionalism and accountability in waqf governance. Furthermore, the principle of *hifz al-mal* (protection of property) is manifested through electronic certification, which protects waqf assets from misuse, inheritance disputes, and unlawful transfers. Thus, digital documentation becomes part of the *amanah* of *nazir* in safeguarding waqf assets for sustainable public benefit.

From a comparative perspective, several Muslim-majority countries offer useful examples of waqf certification and digital management. In Malaysia, for instance, waqf registration is centrally managed by the State Islamic Religious Councils through relatively advanced digital systems, including integrated waqf management databases. Meanwhile, Turkey's General Directorate of Foundations has long implemented digitized waqf archives and technology-based management of productive waqf assets, promoting a high level of professionalism among waqf administrators. These comparisons illustrate that the integration of Islamic values—such as *amanah* and *maslahah*—can harmonize effectively with modern governance and digital innovation.⁴³

Accordingly, strengthening the principle of legality in Indonesia's waqf framework

⁴²Muttaqin Choiri and Farid Ardyansyah, "The Politics of Waqf Practice in Pesantren Kyai Families in Bangkalan Madura, Indonesia," *El-Usrah: Jurnal Hukum Keluarga* 7, no. 1 (2024), <https://doi.org/10.22373/ujhk.v7i1.22186>.

⁴³Muhammad Syarif and Khamim, "Antar Pakatan and the Reproduction of Social Solidarity: A Cultural Strategy for Addressing the Economic Burden of Customary Marriage in the Sambas Malay Community," *Indonesian Journal of Sharia and Socio-Legal Studies* 1, no. 1 (2025): 94–110, <https://doi.org/10.24260/ijssls.1.1.12>.

requires not only the reinforcement of Islamic legal values⁴⁴ but also the improvement of institutional capacity and digital governance, ensuring that waqf assets are managed effectively, responsibly, and for the maximum benefit of society. Transparency of the Waqf Land Registration Process: This regulation also aims to increase transparency in the waqf land registration process.⁴⁵ The electronic documents facilitate access to information on the status of waqf land, thereby increasing transparency and accountability in natural resource management.

Previous studies by Sudirman, Abdurrahman Kasdi, and Naimah primarily focus on the normative framework and productive management of waqf. However, these studies tend to look the issue of legal certainty as a requirement for productive waqf development. This study demonstrates that productive waqf management cannot be optimally implemented without a legally secure and digitally verified land status.

Achmad Siddiq⁴⁶ identifies problems related to unclear ownership status and the mixing of waqf and non-waqf assets. This research corrects and extends those findings by showing that E-Registration through PTSL effectively resolves ownership ambiguity through integrated data verification and inter-agency coordination.

Legal Protection for Interested Parties. This regulation aims to increase legal protection for interested parties. Electronic documents facilitate the process of filing and resolving disputes, thereby increasing legal protection for interested parties. In Supervision and Control, this regulation aims to improve supervision and control in the waqf land registration process. The electronic documents facilitate the supervision and control process, thereby increasing efficiency and transparency in natural resource management.

The issuance of Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 3 of 2023 on Electronic Documents in Land Registration has strengthened the legal reason for electronic waqf land registration. The regulation enhances efficiency, transparency, legal protection, and supervision in waqf

⁴⁴Hazar Kusmayanti et al., "Judges' Acceptance of Sharia-Inspired Laws in Indonesia," *Al-Manahij: Jurnal Kajian Hukum Islam* 17, no. 2 (October 27, 2023): 199–214, <https://doi.org/10.24090/mnh.v17i2.7716>.

⁴⁵Anggareni, Nurmalia, and Ja'far, "Utilizing the Banking System For Digital Waqf Behavioral Approach of Millennial Muslims."

⁴⁶Achmad Siddiq, "Wakaf Produktif Dan Problematikanya Di Dunia Pesantren," *Millah* 11, no. 1 (August 2011): 275–289, <https://doi.org/10.20885/millah.vol11.iss1.art14>.

land administration. This study contributes an integrative model that bridges national agrarian law and Islamic legal principles through digital transformation. It strengthens previous findings by providing empirical evidence that digitalization enhances legal certainty and waqf protection. Moreover, it corrects the assumption that oral waqf declarations are sufficient, and positions E-Registration as a strategic instrument of contemporary Islamic legal reform.

Conclusion

The findings showed that the implementation of the E-Registration system within the PTSL program has significantly increased waqf land registration in East Java, which currently ranks first nationally with approximately 11,000 plots registered waqf land. At the national level, PTSL has registered 109.8 million plots land (87.1%) and certified 89.9 million plots (71.3%), indicating that digital land registration enhances efficiency, transparency, legal protection, and supervision in waqf land governance. Moreover, the study is limited by its regional scope and challenges in verifying interview data, requiring a notice in generalizing the findings. Referring the principles of *maslahah*, *amanah*, and legal certainty (*al-yaqīn*), the study recommends strengthening the digital capacity of *nazir*, improving inter-agency coordination, and enhancing community education on the importance of written and electronic waqf documentation. Future research may explore digital cash waqf registration and comparative studies across regions or countries to further develop digital waqf governance.

CRedit Author Statement

Musleh Harry: Supervision, Writing-Original Draft Preparation. **Fakhruddin:** Writing-Review & Editing, Data Curation. **Mahbub Ainur Rofiq:** Investigation, Resources, Validation, Methodology, **Meisy Fajarani:** Formal analysis, Visualization, Conceptualization.

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