



ANALYSIS OF PROBLEMS AND SOLUTIONS FOR IMPLEMENTATION OF WAQF LAND CERTIFICATION

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Abstrak

This study aims to analyze the problems and solutions for implementing waqf land certification in Southwest Aceh Regency. The qualitative approach was chosen with data collection methods in the form of interviews and documentation of several informants consisting of nazir, wakif, and related agencies. The results of the study found problems in the implementation of waqf land certification, including the lack of socialization of nazir and wakif, lack of public awareness of the importance of waqf land certification, the inappropriate nazir appointment process, lack of socialization and guidance to the community. PPAIW and the unavailability of a special budget for accelerating waqf land certification, and the absence of BWI in the Aceh Barat Daya district. Regarding the 6 (six) problems faced, the results of this study provide solutions, including cooperation between government agencies, socialization and guidance of Nadzir and Wakif, establishing cross-sectoral collaboration with competence in the field of waqf for socialization, the special appointment nazir, socialization and coaching maximum for PPAIW and the provision of a special budget for the program to accelerate waqf land certification and subsequently establish a BWI in the Aceh Barat Daya district.

Kata Kunci: *Certification, waqf, Problems, Solutions*

A. PENDAHULUAN

Waqf is an instrument of Islamic philanthropy that has functions covering various elements such as virtue (birr), goodness (ihsan), and also brotherhood (ukhwah), (Hazami, 2016). The implementation of waqf is expected to play a role in distribution activities in the community with a wider range of benefits enjoyed individually to benefits that can be enjoyed in general (Linge, 2015). Not only that, waqf is even a solution to the economic problems faced by Muslims. (Munifatussa'idah, 2021)

One of the assets that can be used as waqf is land (Usman, 2020). Waqf land will provide many benefits for the people. However, there are still problems that often occur with waqf land, namely the heirs who then ask for the waqf land to be returned to them because there is no waqf land certificate (Islamiyati, 2019). This

issue is then called waqf land dispute, therefore it is necessary to register and record waqf land. The registration of waqf land is in line with sharia rules because it aims to make it happen more *maslahah* than *mafsadah* to avoid disputes (Zuhirsyan, 2020).

Navisa & Fatmawati (2021) state that Islam specifically does not regulate waqf land to be certified, waqf land that does not have a certificate in Islamic law remains legal as discussed in *fiqh* books. However, in positive law in Indonesia to maintain/protect waqf assets, the status of waqf land that does not have a certificate has no legal force so it can cause problems in the future.

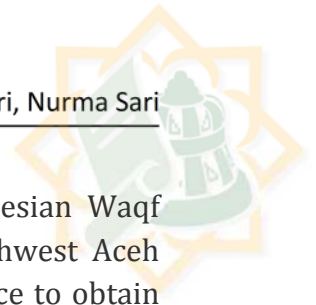
In Indonesia, the potential for land waqf is very large, as evidenced by currently there are approximately 423,656 locations of waqf land that have been recorded with a waqf land area of 55,701.14 hectares (Syamsuri et al, 2019). The number of waqf lands that have been certified is 58.26 percent, so when viewed from the distribution of waqf lands in each province, Aceh is one of the regions that have a lot of uncertified waqf land. Of the total waqf land of 17,943 locations with a land area of 9,446.14 hectares, there are 8,745 locations with an area of 1,160.19 hectares that have been certified, and 9,198 locations with an area of 8,285.95 hectares have not been certified (Siwak, 2022).

Waqf land in Aceh Province is spread across all regencies/cities, including Southwest Aceh Regency. Aceh Barat Daya is one of the districts where the percentage of certified waqf land area is still low. In Aceh Barat Daya District, waqf land is spread over 9 sub-districts with a total of 321 locations and an area of 31.86 hectares. There are 181 locations of certified waqf land with an area of 13.22 hectares and 141 locations that have not been certified with an area of 18.63 hectares. If seen from the data, it can be seen that there are still uncertified waqf lands in the Aceh Barat Daya district, and there are even sub-districts where the amount of certified land is less than the uncertified land. The existence of waqf land that has not been certified is feared that there will be disputes in the future because there is no strong law binding it (Thaib, 2018).

Research on the analysis and problem-solving of waqf property is still very rarely done. Several studies have studied waqf lands, such as those conducted by Hadi (2014), Fauza (2015), Asy'ari (2016), Huda et al (2017), Idrus (2017), Fitri and Wilantoro (2018), Mukhalad (2020), Solihah and Abdulghani (2021), and Syarief (2021). Some of these studies do not focus on the problem of implementing waqf property certification and the solutions needed. To fill this void, this paper is focused on exploring the problem of waqf land and its solutions in Aceh Barat Daya District, Aceh.

B. METHODS

This research was conducted with a qualitative approach, which provides a systematic description related to the object of the research (Sugiyono, 2010). Data collection was carried out by (1) in-depth interviews, namely, interviews conducted by



communicating directly with the head of KUA, Nadzir, Wakif, the Indonesian Waqf Board (BWI) of Aceh Province, staff of the National Land Office of Southwest Aceh Regency and the Regional Office of the Ministry of Religion of Aceh Province to obtain data on the issue of waqf land certification in Southwest Aceh district. (2) Documentation, namely collecting books and study results by this research (Nilamsari, 2014). The data analysis method used in this research is descriptive analysis. After the data is researched and analyzed one by one, conclusions are then drawn.

The data analysis method in this study refers to the Miles and Huberman method, namely qualitative data analysis with an interactive model. Miles and Huberman (1994) in Salim and Syahrudin (2012) explain that the qualitative data analysis process consists of three stages, namely: data reduction, data presentation, and drawing conclusions.

C. RESULTS

1. Overview of Southwest Aceh District

Aceh Barat Daya is a district located in the southwest part of the province of Aceh which was born from the division of the district of South Aceh. Initially, this district was included in the administrative area of South Aceh district, through a long series of processes finally on April 10, 2002, this district was officially formed based on Law Number 4 of 2002 concerning the Establishment of Southwest Aceh as a joint autonomous district. with Gayo Lues Aceh Jaya District, Nagan Raya District, and Aceh Tamiang District (Rahim, 2021).

Aceh Barat Daya Regency has an area of 1,882.05 Km², with the largest forest area of 129,219.10 ha, and plantations covering an area of 27,504.28 ha. Meanwhile, Kuala Batu Airport has the smallest land area, which is 42.95 ha (BPS Aceh Barat Daya, 2022).

2. Overview of Waqf Land Certification in Southwest Aceh District

Waqf land certification is an effort to register waqf land to the authorized agency in this case the National Land Agency (BPN), which is then converted into a waqf certificate in the name of nazir so that the legal power of the waqf land becomes stronger. (Ubaidillah et al, 2021). Aceh Barat Daya District has certified waqf land and continues to this day. However, data on certified waqf land in Southwest Aceh Regency is still not optimal. This is indicated by the large number of waqf lands that have not been certified by the Land Office.

Table 1. Data on Waqf Land in Southwest Aceh District

No	Sub-districts	Amount of Waqf Land	Certified	Not Certified
1	Kuala Bate	39	27	12
2	Babah Rot	41	31	10
3	Susoh	75	40	35
4	Blang Pidie	49	13	36
5	Tangan-Tangan	62	47	15
6	Setia	7	6	1
7	Lembah Sabil	28	10	18
8	Manggeng	23	21	2
9	Jeumpa	20	17	3
Amount		344	212	132

Source: Southwest Aceh Ministry of Religion (2022)

D. DISCUSSION

1. Analysis of Problems for the Implementation of Waqf Land Certification in Southwest Aceh District

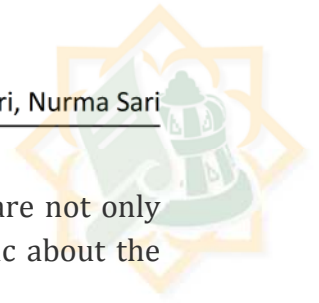
Regarding the problem of implementing waqf land certification, there are various obstacles faced. From the information obtained, the problem with the number of waqf lands that have not been certified waqf in Southwest Aceh district is caused by several things, including:

a. Human Resources Problem

1) Lack of socialization towards nazir and wakif.

The low level of socialization related to the implementation of waqf land certification for wakif and nadir is one of the reasons why there are still waqf lands that have not been certified waqf in Aceh Barat Daya district. Nazir and wakif said that they had never received any socialization or guidance regarding waqf land certification either from the Kemenag, BWI, or the KUA. Regarding the lack of socialization of nazir and wakif, the head of KUA also explained that so far there has been no socialization of nazir and wakif related to the implementation of waqf land certification (Wahab, 2017).

According to Wahid and Rohadi (2021), the agency authorized to issue waqf land certificates on behalf of Nazir is the National Land Agency (BPN) or at the district level called the National Land Office, as stated in the Regulation of the Minister of National Land Affairs, Agrarian and Spatial Planning/Head of the Defense Agency of the Republic of Indonesia. Number 2 of 2017 concerning Procedures for Registering Waqf Land in article 6 paragraph 1. The regulation is indirectly the responsibility of the National Land Office to encourage the acceleration of waqf land certification in each district. In terms of socialization of the implementation of waqf land certification, the National Land Office of Southwest Aceh Regency has never specifically implemented it,



but it is carried out if there is a free certificate program whose activities are not only waqf land certification. this activity is carried out only to inform the public about the program and what the quota limit is (Novianti and Maulida, 2020).

2) Lack of public awareness about the importance of waqf certification.

The low level of public awareness was the initial cause of the non-execution of waqf land certification in the Southwest Aceh district. Widjaya (1984) in Kartika (2020) defines awareness as a state of knowing, understanding and feeling. This awareness comes from the word conscious which means knowing, feeling, and remembering the actual situation. Awareness is the attitude or behavior of knowing and obeying the provisions or regulations that have been made. When viewed in daily life, people are still less aware or concerned about the existence of waqf, especially regarding the implementation of waqf land certification.

3) Inappropriate process of appointing nazir.

Nazir waqf has an important role in the management of waqf assets. In the law on waqf, namely Law no. 41 of 2004 article 6 Nadzir is included in one of the elements of waqf. To maintain and manage waqf assets properly, of course, a professional Nadzir is needed, who has basic knowledge of waqf including the waqf administration section, and is specially selected to manage waqf assets.

The waqf nazirs in Aceh Barat Daya district were not chosen specifically, but because of the positions attached to the nazir, either as Imum chik and Keuchik or village head. Imum chik is the imam of the mosque in the village who leads community activities in the village related to the religious field. Specifically chosen in this case are the nazirs who are chosen are people who have in-depth knowledge of waqf who are not mosque imams or village heads.

The impact of the absence of a specific nazir election can also cause waqf land that has been waqf for a long time not visited by the BPN because the imam cik or village head is no longer in that position. Described by an informant:

“The party who takes care of waqf and its administration in the village is the village apparatus and only in the data, it is written that the name of nazir is imum cik, so nazir does not understand the administration of the waqf. When the village apparatus has been replaced, the new village apparatus also does not know about the waqf, so it may cause the waqf land to not visit the BPN.”

When a nazir is no longer an imum chik or village head, the position of the nazir seems to be lost and the nazir forgets about the responsibility for the waqf land. As experienced by researchers in the field when looking for sources for interviews, many nazirs did not admit that he was waqf nazir and said that he was a nazir when he was a village head or previous imum chik.

b. Problems from Law Implementing Parties or Government Institutions

1) Low Socialization and Guidance on PPAIW.

In the implementation of waqf land certification, the role of KUA is very important as the Official Making the Waqf Pledge Deed (PPAIW) where the Waqf Pledge Deed (AIW) is a necessary condition when registering waqf land to BPN (Waskur, 2022). In addition, KUA is also a religious institution that is closest to the community. Of course, KUA must have strong competence in this waqf to answer various waqf problems that occur in the community. Therefore, KUA should have received socialization from the institution above, namely the Ministry of Religion regarding waqf land certification so that later the results of the socialization can be given again to the nazir or wakif in each sub-district.

2) Availability of a Special Budget in Efforts to Accelerate Waqf Land Certification.

Budget is the most needed thing in making activities, as well as activities related to accelerating waqf land certification such as socialization or coaching activities. The absence of a budget is one of the causes of not carrying out the guidance or socialization of nazir and wakif, especially guidance by the KUA at the sub-district level.

3) There is no BWI in Aceh Barat Daya District yet

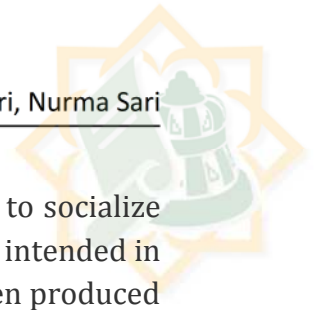
The Indonesian Waqf Board (BWI) is an independent institution established to develop waqf in Indonesia. To support the implementation of its functions and duties, this institution establishes representatives of the provincial BWI for the provincial level and the district BWI for the second-level regions (BWI.go.id, 2022). One of the tasks or authorities of BWI, both at the provincial and district levels, is to guide nazir to manage and develop waqf assets as stipulated in Law No. 42 of 2004 in Article 49 paragraph 1 point a which reads: "The Waqf Board Indonesia has the duties and authorities: a) To provide guidance to nazir in managing and developing waqf assets".

This task is very important to carry out to improve the understanding of nazir in terms of waqf, including in terms of administration and certification of waqf land. Therefore, the establishment of a BWI at the district level is very important to support the implementation of its duties to become more centered on a smaller regional reach at the district level in addition to having a provincial BWI which takes care of waqf issues with a wider regional reach, namely all districts and cities in a province.

Aceh province has 23 districts/cities. Of these, 20 districts/cities already have BWIs and 3 others have not yet established BWIs at the second level, namely Aceh Barat Daya, Pidie Jaya and Bireun districts.

2. Solution Analysis of the Problem of Implementation of Waqf Land Certification in Southwest Aceh District

- a. Collaboration between Government Agencies Conducts Socialization and Guidance for Nazir and Wakif.



Linguistically, one of the meanings of socialization is an effort made to socialize something so that it becomes known (Rahman et al, 2021). The socialization intended in this solution is the government's effort to socialize the policies that have been produced by the government which in this case is waqf land that needs to be certified to the BPN so that the policy is known and known by the parties concerned and its implementation and can be implemented properly.

In the context of public policy, one of the elements of socialization is an activity organized by a party whose authority is delegated based on what has been regulated in a regulation. These parties are usually government officials who are officially authorized by the policies that have been made (Herdiana, 2018). The parties in question can be parties who participate directly in policy formulation or other parties who are intentionally entrusted by the government to carry out socialization activities. Those who have been given the authority to carry out socialization activities must ensure that other parties and target groups understand the content or substance of the policies that have been made.

Coaching can be interpreted as a process or development that includes a series of understandings, the process begins with strengthening, growing, and maintaining that growth which is followed by efforts to improve, perfect and develop (Widjaja, 2002 in Irawatii, 2018). From this understanding, it can be concluded that in this case, the guidance in question is an effort made by the government or other relevant agencies by providing guidance and counseling to grow and improve the competence of nazir, wakif, and PPAIW regarding waqf land certification so that waqf land certification can be maximized and developed effectively. large. . Socialization and guidance to nazir and wakif are needed to increase awareness of nazir and wakif of the importance of waqf land certification and also to increase the knowledge of nazir and wakif about the implementation of waqf land certification and how the mechanism.

The Office of Religious Affairs (KUA) can also carry out special outreach activities to villages in the KUA sub-district to invite people to register waqf land with KUA and certify waqf land to the Land Office if the waqf land has AIW. The method of socialization carried out by KUA by informing village officials who came to KUA who attended the wedding was not enough to increase nazir's knowledge of the implementation of waqf land certification, the socialization was considered inefficient and uneven.

b. Cross-Sector Cooperation with Competence in the Field of Waqf Conducts Socialization

The party providing the socialization is the party that has qualified competence in terms of the problems to be socialized. Those who have this competence are certainly not only from religious institutions such as the Ministry of Religion or BWI but there are certain parties who also have the knowledge and are professionals in this waqf field. If

the Socialization of the Ministry of Religion, BWI, or BPN cannot reach all nazir or wakif, then it is possible to cooperate with other professional parties.

The cooperation described above can be carried out with various parties, one of which is the education sector, namely universities that have programs in the field of Islamic Economics in them. As it is known that the university has a community service program that is included in one of the tri dharma of higher education. The Ministry of Religion or KUA can invite the cooperation of academics who are professionals in the field of waqf to disseminate information to nazir and wakif. This program does not require a large budget because the socialization can be done for free as a form of community service from the university. Cross-sectors here are not only academics but also able to work together with waqf activists from the private sector such as the ACT and other similar waqf institutions (Ira, 2022).

c. Special Appointment of Nazir

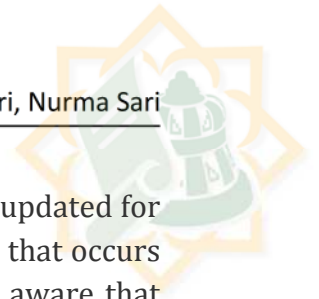
As explained above, the appointment of a nazir in Aceh Barat Daya district is based on the person's position as imam cik or village head. In fact, this method of appointing nazir is only carried out in the Aceh Barat Daya district, but throughout Aceh generally uses a similar method. The appointment of a nazir can be one of the causes of waqf land not being registered because the position of imam cik and village head is temporary and can stop at any time (Fadhilah, 2011).

When the imam cik or village head has resigned from his position, it is as if his position as nazir has also stopped. So that Nadzir does not feel he has an obligation to take care of the waqf land again, including registering it with the land office if the waqf land has not been registered before.

d. Maximum Socialization and Guidance for PPAIW

According to information from the zakat and waqf analysts at the Aceh provincial office of the Ministry of Religion, the socialization of PPAIW, namely the head of the KUA, has been carried out but is still not optimal due to budget constraints. Therefore, the Ministry of Religion's guidance for PPAIW needs to be further increased and the annual participant quota increased to reach all PPAIW in Aceh more quickly. The solution that can be taken if PPAIW in Aceh Barat Daya district has not yet received a socialization quota at the provincial level, the district ministry of religion can make socialization at the district level first with participants from all KUA heads in each sub-district.

In addition to coaching nazir and wakif, coaching for PPAIW must also be maximized. If PPAIW already has sufficient competence in the field of waqf, it will be easy for KUA to provide socialization to the community (Hamzah, 2016). The socialization was carried out not only by the head of the KUA but also by the staff at the KUA who had duties in the field of waqf because each KUA had a special staff in the field of waqf who recorded every waqf land that was registered with the KUA in the sub-district. Socialization must also be done to the Siwak operator (Waqf Information System) who is in charge of updating the waqf land data so that the waqf land data can



be continuously monitored and evaluated at any time. Because if the data is updated for too long, it will be difficult to identify the progress of waqf land certification that occurs in each sub-district it will make the Ministry of Religion, BPN, or BWI not aware that there are problems that occur in the implementation of this waqf land certification.

- e. Provision of a special budget for the acceleration program for waqf land certification

A budget is a written plan relating to organizational activities that are stated quantitatively for a certain period, usually in monetary units and sometimes in units of goods and services (Kaharti, 2019). The provision of the budget here is the provision of a budget for activities that can encourage the implementation of the acceleration of waqf land certification, such as the provision of a budget for the socialization and development of nazir, wakif, and so on. The Ministry of Religion, BWI or KUA can prepare a special budget for the implementation of this waqf land certification (Herawati and Mukhsin, 2020)

- f. Establishment of BWI in Southwest Aceh

The Ministry of Religion of Southwest Aceh district can initiate the formation of BWI in Southwest Aceh district because the formation of BWI must be spearheaded by the district ministry of religion first. The establishment of district/city BWI can be a solution for better waqf management in the Southwest Aceh district. Kemenag Aceh Barat Daya became the first pioneer to design the establishment of BWI in the Aceh Barat Daya district. With the existence of BWI, it is hoped that a breakthrough will be formed that can improve the competence of nazir, wakif, and PPAIW because the task of this institution is only focused on the implementation of waqf (Harahap and Darwanto, 2021).

To further clarify the problems and solutions for implementing waqf land certification in Southwest Aceh district, the following table is presented regarding the problems and solutions to waqf land certification problems in Southwest Aceh district:

Table 2. Problems and Solutions
for Implementing Waqf Land Certification In Southwest Aceh District

No	Problems	Solutions
1	Lack of socialization toward nazir and wakif	Collaboration between Government Agencies Conducts Socialization and Guidance for Nazir and Wakif.
2	Lack of public awareness about the importance of waqf certification.	Cross-Sector Cooperation with Competence in the Field of Waqf Conducts Socialization
3	Inappropriate process of appointing nazir.	Special Appointment of Nazir

4	Low Socialization and Guidance on PPAIW.	Maximum Socialization and Guidance for PPAIW
5	Availability of Special Budget in Efforts to Accelerate Waqf Land Certification	Provision of a special budget for the acceleration program for waqf land certification
6	There is no BWI in Aceh Barat Daya District yet	Establishment of BWI in Southwest Aceh

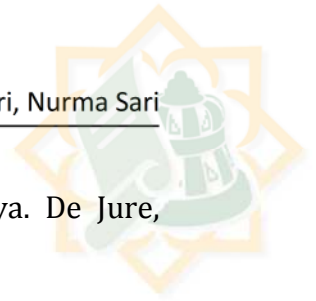
E. CONCLUSION

Problems with the implementation of waqf land certification in Aceh Barat Daya district are caused by the lack of socialization of nazir and wakif, lack of public awareness about the importance of waqf certification, the inappropriate process of appointing nazir, lack socialization and guidance to PPAIW, unavailability of a special budget to accelerate waqf land certification, and the absence of BWI in Aceh Barat Daya district. Solutions that can be given to overcome the problem of waqf land certification in Southwest Aceh district include collaboration between government agencies to disseminate and provide guidance to nazir and wakif, cross-sectoral cooperation that has competence in the waqf field to conduct socialization, the appointment of nazir specifically, socialization and maximum development of PPAIW, provision of a special budget for the acceleration program for waqf land certification and the establishment of BWI in Aceh Barat Daya district.

The regional government of Southwest Aceh district, especially the regent, must pay better attention to waqf, including in terms of waqf land certification. Local governments can support the process of certifying waqf land by freeing the entire process of making waqf land certificates, especially waqf land that needs measurement. Even though the PNBP is zero rupiahs, there are still officer fees that must be paid by the applicant. Therefore, local governments can budget funds and work together with the Land Office to make the entire process of certifying waqf land free. To improve the performance of waqf bodies to be more optimal in Aceh with the availability of budget, according to some academics, it is necessary to propose the establishment of a BWA (Aceh Waqf Board) at the provincial level which is part of the Baitul Mal to replace the role of BWI. Considering that the funds distributed to BWI Aceh are very low and difficult to distribute to regencies/cities while Baitul Mal Aceh has a large income from infaq and sadaqah so that it can support BWA in advancing waqf in Aceh province.

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