

WAQF INFORMATION SYSTEM (SIWAK) AND PROBLEMS OF ITS APPLICATION:

The Case on Kantor Urusan Agama Sui Raya, Kubu Raya, West Kalimantan

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Abstract: The data collection of *waqf* land on SIWAK application is one form of information disclosures to the public and information exchange in government agencies to realize good governance. Unfortunately, the utilization of the SIWAK application was not carried out optimally by the KUA in Sui Raya Sub-District. This paper aims to describe and analyze the implementations and procedures for data collection of *waqf* land through the SIWAK application and the constraints found in the KUA in Sui Raya Sub-District. Using empirical research and the case study approach, there are three research results in this paper. First, the data collection program of *waqf* land on KUA Sui Raya Sub-District is divided into two: the data collection of *waqf* land manually and online through the SIWAK application. Second, the procedure for data collection of *waqf* land through the SIWAK application is the same as the procedure for manual registration of *waqf* land. After the pledge of *waqf* was pledged by *wāqif* to *nāzhir* in the presence of PPAIW and two witnesses, the data was then submitted by Functional Penghulu into the SIWAK application. Third, there are two constraints experienced by the Functional Penghulu in KUA Sui Raya Sub-District in collecting data on *waqf* land through the SIWAK application, namely the lack of human resources and the lack of available facilities, no internet network to access the SIWAK application. The author argues that the democratization of sharia carried out by the government regarding the data collection of *waqf* assets must be able to overcome existing obstacles to provide legal certainty and justice for Muslim communities in Indonesia in *waqf*.

Keywords: Data Collection, *Waqf* Land, SIWAK, KUA Sui Raya Sub-District

Abstrak: Pendataan tanah wakaf pada Aplikasi SIWAK merupakan salah satu bentuk keterbukaan informasi pada publik dan pertukaran informasi antar instansi pemerintah dalam rangka mewujudkan good governace. Sayangnya, pemanfaatan Aplikasi SIWAK tersebut tidak dilaksanakan secara maksimal oleh KUA Kecamatan

Sui Raya. Tulisan ini bertujuan untuk mendeskripsikan dan menganalisis pelaksanaan dan prosedur pendataan tanah wakaf melalui Aplikasi SIWAK, serta kendala-kendala yang terdapat di KUA Kecamatan Sui Raya. Dengan menggunakan jenis penelitian empiris dan pendekatan studi kasus, ada tiga hasil penelitian dalam tulisan ini. Pertama, program pendataan tanah wakaf di KUA Kecamatan Sui Raya terbagi menjadi dua, yaitu pendataan tanah wakaf secara manual dan secara online melalui Aplikasi SIWAK. Kedua, prosedur pendataan tanah wakaf melalui Aplikasi SIWAK sama dengan prosedur pendaftaran tanah wakaf secara manual. Setelah ikrar wakaf dilakukan *wāqif* kepada *nāzhir* di hadapan PPAIW dan dua orang saksi, data tersebut kemudian diinput pada Aplikasi SIWAK. Ketiga, ada dua kendala yang dialami oleh Penghulu Fungsional KUA Kecamatan Sui Raya dalam pendataan tanah wakaf melalui Aplikasi SIWAK, yaitu kurangnya sumber daya manusia dan minimnya sarana yang tersedia berupa tidak ada jaringan internet untuk mengakses Aplikasi SIWAK. Penulis berpendapat bahwa biokratisasi syariah yang dilakukan pemerintah terkait pendataan aset wakaf harus dapat mengatasi kendala-kendala yang ada, sehingga dapat memberikan kepastian hukum dan keadilan bagi masyarakat Muslim di Indonesia dalam berwakaf.

Kata Kunci: Pengumpulan Data, *Waqf* Land, SIWAK, KUA Sui Raya Sub-District

Introduction

Donating land is a commendable and noble activity that could be carried out by a person or group of people with granted part of their property in the form of freehold land and institutionalizing it into social *waqf*. That *waqf* land is utilised for religious purposes or other public interests following Islam's syaria.¹ Apart from being perpetual, *waqf* utilization could also be used by nadzir for a certain period (temporary). These provisions are following Law Number 41 of 2004 concerning *waqf*. *Waqf* is a legal activity of *wāqif* (people who have *waqf*) who grant part of their assets to be used by nadzir forever or for a certain period depending on the needs of worship or public welfare according to Islamic law.² From this *waqf*, *wāqif* will receive the rewarding investment promised by Allah SWT to a *wāqif* as an *amal jāriyyah* until he passed away, as

long as the donated property is still used by the community, the reward will also flow.³

The implementations and procedures of *waqf* are not regulated by Islamic law in detail. However, Indonesia's existing laws and regulations regulate in detail the provisions regarding *waqf* up to the data collection of the *waqf* land for the common benefit. It is essential to apply the registration of *waqf* land to guarantee the legal certainty of the *waqf* land. Thus, the Office of Religious Affairs (KUA/*Kantor Urusan Agama*) as the Official of the Endowment Pledge Deed (PPAIW/*Pejabat Pembuat Akta Ikrar Wakaf*) is very important in the implementation of *waqf* land certification to prevent land disputes in the future. This role is mandated from the Regulation of the Minister of Religion (PMA) Number 34 of 2016 concerning the Organization and Administration of the District KUA. The PMA assigns the District KUA to provide guidance and services to Muslim communities in their working areas. In applying these tasks, the District KUA

¹ Budi Harsono, *Hukum Agraria Indonesia Sejarah Pembentukan Pokok Agraria, Isi dan Pelaksanaannya*, 12th ed. (Jakarta: Djambatan, 2008), 348.

² Article 1 of Law of the Republic of Indonesia Number 41 of 2004 concerning *Waqf*.

³ Imam Muslim bin Al-Ahwaj Al-Qusyairi, *Shahih Muslim*, 2nd ed., Razak dan Rais Lathier (Trans.) (Jakarta: Pustaka Al-Husna, 1980), 281.

could carry out its function as a zakat and *waqf* guidance service.⁴

One of the zakat and *waqf* guidance services is data collection of *waqf* land through the *Waqf Information System Application* (SIWAK/ *Sistem Informasi Wakaf*). SIWAK is an application or a software on Windows which describes the data on *waqf* property.⁵ This application is an application that is devoted to record *waqf* objects in Indonesia. With the SIWAK application, *waqf* data throughout Indonesia can be well documented by the Indonesian Ministry of Religion to have an accurate *waqf* database.

Ideally, the *waqf* properties that are donated by the *wāqif* are recorded by the local KUA and then it is inputted using the SIWAK application. In its implementation, many objects represented by the *wāqif* have not recorded accurately and they have not been inputted into the SIWAK application. This problem happened in the KUA Sui Raya Sub-District, Kubu Raya Regency, West Kalimantan Province (starting now referred to as KUA Sui Raya Sub-District). *Waqf* data in KUA Sui Raya Sub-District can be seen as depicted in table 1.

Table 1 shows that 4.38 Ha of the total 42 *waqf* land in the KUA area of Sui Raya Sub-District, none of the *waqf* lands in the SIWAK application has a certificate. According to Juliansyah, Functional *Penghulu* in KUA Sui Raya Sub-District, the reason is because the volume of high duty responsibilities at KUA Sungai Raya Regency. So, the assets that have been donated by *wāqif* have not been inputted into

the SIWAK application.⁶ This problem is one of the obstacles experienced by Functional *Penghulu* in KUA Sui Raya Sub-District in implementing SIWAK. Not only in KUA Sui Raya Sub-District, similar constraints or other obstacles are also felt in other KUA Sub-Districts in Kubu Raya, Kalimantan Barat.

Table 1⁷
Data on the Amount of Land for *Waqf* Kubu Raya in 2018

| No | KUA | Amount | Area [Ha] | Already Certified | | Not Certified | |
|----|-----------------|--------|-----------|-------------------|-----------|---------------|-----------|
| | | | | Amount | Area [Ha] | Amount | Area [Ha] |
| 1. | Sungai Raya | 42 | 4,38 | 0 | 0,00 | 42 | 4,38 |
| 2. | Sungai Ambawang | 3 | 0,45 | 2 | 0,44 | 1 | 0,01 |
| 3. | Sungai Kakap | 0 | 0,00 | 0 | 0,00 | 0 | 0,00 |
| 4. | Kubu | 0 | 0,00 | 0 | 0,00 | 0 | 0,00 |
| 5. | Teluk Pakedai | 0 | 0,00 | 0 | 0,00 | 0 | 0,00 |
| 6. | Batu Ampar | 0 | 0,00 | 0 | 0,00 | 0 | 0,00 |
| 7. | Terentang | 0 | 0,00 | 0 | 0,00 | 0 | 0,00 |
| 8. | Rasau Jaya | 4 | 3,80 | 1 | 0,77 | 3 | 3,03 |
| 9. | Kuala Mandor B | 0 | 0,00 | 0 | 0,00 | 0 | 0,00 |
| | Amount | 49 | 8,63 | 3 | 1,20 | 46 | 7,42 |

Therefore, the data collected in the SIWAK application are not all accurate. The collections of data are even essential for realizing good governance in the documentation, revealing information to the public, and exchanging information in government agencies. Besides, the government can use the *waqf* data on the SIWAK application to make strategic policies and generate regulations related to *waqf*. Hence, the SIWAK application has a significant and strategic role in collecting, managing, and informing *waqf* data throughout Indonesia appropriately, accurately, and accountably to all parties who need it. This vital role can not be separated from the Ministry of Religion of the Republic of Indonesia as the regulator, motivator, facilitator, administrator, and public service.

⁴ Article 3 paragraph (1) Regulation of the Minister of Religion of the Republic of Indonesia Number 34 of 2016 concerning the Organization and Administration of the District Office of Religious Affairs.

⁵ Dirjen Bimas Islam Kemenag RI, *Buku Panduan SIWAK Sistem Informasi Wakaf* (Jakarta: Dirjen Bimas Islam Kemenag RI, n.d.), 4.

⁶ Results of an interview with Juliansyah, Functional *Penghulu* of KUA Sui Raya District, on March 16, 2018.

⁷ Accessed April 10, 2018, http://siwak.kemenag.go.id/tanah_wakaf_kab.php?prov=61&kab=14.

The author has traced the research results related to *waqf*, and only a few which have discussed the implementation of data collection on *waqf* land in Indonesia, both online and offline. Among them are Rizky Leonita Hapsari⁸ and the National Sharia Finance Committee (KNKS/ *Komite Nasional Keuangan Syariah*). Hapsari focused her research on Marriage Management Information System Applications (SIMKAH/ *Sistem Informasi Manajemen Nikah*) and SIWAK in KUA, Seyegan District, Sleman Regency. KUA Seyegan District has not made optimal use of these applications due to two obstacles, namely the lack of public socialization, as well as the lack of facilities and infrastructure in using these two applications.

Fairly inline with Hapsari, the research results from the KNKS more focused on the data collection of *waqf* land through the SIWAK application, starting from the process until recommendations for developing productive *waqf* assets. After doing a research in three KUA (Bogor Regency, Bandung City, and DKI Jakarta), the KNKS concluded that the data collection on *waqf* land was not optimal because there were still *waqf* assets that had not been recorded. It is also because the lack of features contained in the SIWAK application, such as not updated *waqf* data and not completed all data on non-money *waqf* assets. KNKS also found that *nāẓhir*'s competence was still imbalanced in the development of *waqf* assets.⁹

Some research results above are different from the research results in this paper. Although they investigate the implementation of *waqf* asset data, the research object is different, the *waqf* land in KUA, Sui Raya

District. By using empirical research and case study approaches, there are three research questions in this paper. First, it explains the implementation of donated land data through the SIWAK application at KUA Sui Raya Sub-District. Second, it describes the data collection procedure for the donated land through the SIWAK application at KUA Sui Raya Sub-District. Third, it analyzes the obstacles experienced by the Functional *Penghulu* in KUA Sui Raya Sub-District in recording the donated land through the SIWAK application. These three discussions are the novelty that the author offers in this paper.

Waqf and Data Collection Through the SIWAK application

Waqf is a *wāqif* legal activity that gives part of the assets owned to be used forever or for a certain period following the needs of worship or general welfare according to Islamic law.¹⁰ The definition of *waqf* is a concept from the Law of the Republic of Indonesia Number 41 of 2004 concerning *Waqf*. There is a significant difference in definition between Law Number 41 of 2004 and the Kompilasi Hukum Islam (KHI). In KHI, *wāqif* can only be *waqf* permanently. Whereas in Number 41 of 2004, *waqf* can be implemented permanently and within a certain period. The provision of *waqf* in Indonesia is also different from Malaysia, which applies *waqf* for a specific time, only in the State of Johor.¹¹

There are six compulsory elements in *waqf*, namely *wāqif*, *nāẓhir*, *waqf* property, *waqf* pledge, a certain period, and the allotment of *waqf* property. *Wāqif*, who wants to donate his property, can pledge his *waqf* to *nāẓhir* before

⁸ Rizky Leonita Hapsari, "Sistem Informasi Manajemen Berbasis Teknologi Informasi di Kantor Urusan Agama Kecamatan Seyegan Kabupaten Sleman," *Adinegara* 5, no. 9 (2016): 1.

⁹ Komite Nasional Keuangan Syariah, "Kajian Pemetaan Potensi Pengembangan Aset Wakaf dan Analisis Proses SIWAK Kemenag di DKI Jakarta, Kota Bandung dan Kabupaten Bogor" (Jakarta: Komite Nasional Keuangan Syariah, 2019), 172.

¹⁰ Article 1 of Law of the Republic of Indonesia Number 41 of 2004 concerning *Waqf*.

¹¹ Muhamad Firdaus Ab Rahman and Muhammad Amanullah, "Ta'bid al-*waqf* wa ta'qituhu fi wilāyāt mukhtārah fi Malaysia," *Studia Islamika* 23, no. 3 (December 30, 2016): 562.

PPAIW and witnessed by two witnesses.¹² The last element is the allocation of the *waqf* property can be used to build facilities and activities for worship, education and health; assist the poor, neglected children, orphans, and scholarships; empowered for the development and improvement of the ummah's economy or the advancement of other general welfare based on sharia.¹³

Regarding the third element, Article 16 of Law Number 41 year 2004 distinguishes *waqf* assets into two. First, the immovable property includes rights to land, buildings or parts of the buildings, plants, or other objects related to land, property rights to apartment units, etc. Second, movable assets include money, logam mulia, valuable letter, vehicles, intellectual property rights, lease rights, and other movable objects. Malaysia,¹⁴ Turkey,¹⁵ and Bangladesh¹⁶ have implemented movable assets in the form of cash *waqf*. In this paper, the *waqf* property contained in the SIWAK application is immovable. Using the SIWAK application to collect data on *waqf* land in Indonesia is urgent

due to the developments and changes in times and places.¹⁷

Generally, there are two programs for the donated land data collection in the KUA Sui Raya Sub-District; manual and online. The manual data collection program of *waqf* land is the process of data collection of the donated land at the same time carrying out the *waqf* pledge at the KUA Sui Raya Sub-District. Wakif carried out the *waqf* pledge (*ikrār*) in front of PPAIW and witnessed two witnesses completing the predetermined conditions. The KUA then documented these requirements. The author explains the procedure for *waqf* in the KUA in the previous chapter.

The second data collection program of *waqf* land is conducted online through the SIWAK application at KUA, Sui Raya District. The SIWAK application is an online application created by the Director-General of Islamic Community Guidance for managing *waqf* land, productive efforts for *waqf* land, *nāẓhir*, and the use of *waqf*. SIWAK is an application or software based on Windows which describes the data on *waqf* property.¹⁸ In this application, there are features about objects represented by *wāqif*, both in the form of movable and immovable objects. The SIWAK application at the Ministry of Religion requires operators to process and present data as information for the public. This application aims to solve various problems related *waqf* assets data management.

The rationale of SIWAK application is that the Directorate of *Waqf* Empowerment, the Director-General of Islamic Community Guidance, often finds problems related to *waqf* data. There are at least seven problems that are often encountered in *waqf* assets data management, such as the document number

¹² Article 6 and 7 of Law of the Republic of Indonesia Number 41 of 2004 concerning *Waqf*.

¹³ Bustami and Muhammad Lutfi Hakim, "Strategy of Cash *Waqf* Development on Gerakan Wakaf Produktif at Baitulmaal Munzalan Indonesia Foundations in Digital Era," *Al-Tahrir: Jurnal Pemikiran Islam* 20, no. 1 (2020): 99.

¹⁴ Soliha Sanusi and Muhammad Hakimi Mohd Shafiai, "The Management of Cash *Waqf*: Toward Socio-Economic Development of Muslims in Malaysia," *Jurnal Pengurusan (UKM Journal of Management)* 43 (2015): 3-12. See also: Muhammad Iqmal Hisham Kamaruddin, Rosnia Masruki, and Mustafa Mohd Hanefah, "*Waqf* Management Practices: Case Study in a Malaysian *Waqf* Institution," *World Journal of Social Sciences* 8, no. 3 (2018): 1-12.

¹⁵ Mehmet Bulut and Cem Korkut, "Ottoman Cash *Waqfs*: An Alternative Financial System," *Insight Turkey* 21, no. 3 (2019): 91-112.

¹⁶ Abdulsoma Thoarlim, Md. Asadur Rahman, and Anas Yanya, "Cash *Waqf* in Bangladesh and the Need for Innovative Approach towards Awqaf: Lessons from Selected Countries," *International Journal of Academic Research in Business and Social Sciences* 7, no. 4 (April 17, 2017): 151-169.

¹⁷ Muhammad Lutfi Hakim, "Rekonstruksi Hak Ijbar Wali (Aplikasi Teori Perubahan Hukum dan Sosial Ibn al-Qayyim Al-Jawziyyah)," *Al-Manahij: Jurnal Kajian Hukum Islam* 8, no. 1 (2014): 52.

¹⁸ Dirjen Bimas Islam Kemenag RI, *Buku Panduan SIWAK Sistem Informasi Wakaf*, 4.

does not match the form of the *Waqf Pledge Deed (AIW/Akta Ikrar Wakaf)*, the data is incomplete, the document is missing, the area of the donated land does not match the object, the files are not in the bundle, there is no document information in the certification process and transfers to the village or sub-district, due to regional expansion.¹⁹ These seven problems make the transformation from manual to online or from analog to digital *waqf* data indispensable. The Director-General of Islamic Community Guidance has started building an online database starting in 2013.

The Director-General of Islamic Community Guidance has developed several service features in the SIWAK application; the *waqf* land data graph (online map) and information on the *waqf* land status, including the number of *waqf* land, the area of the *waqf* land, and the certified *waqf* land. For more details, the author explains in Figure 1.²⁰

Figure 1

Performance on the SIWAK Website

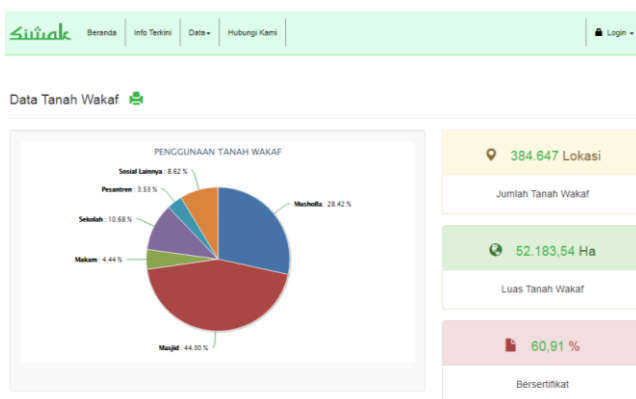


Figure 1 describes the service features that have been developed by the Directorate of Zakat and *Waqf* Empowerment in the SIWAK application. It is still developing several services in data management of *waqf* land, it is online *Waqf Pledge Deed* services, by provid-

ing an e-form used as a means for online *waqf* registration.²¹ The online data collection of *waqf* assets is the KUA's duty, Sui Raya Sub-District, in carrying out its function as a zakat and *waqf* guidance service. According to Juliansyah, the data management of *waqf* land is one of the KUA duties and it has functions to guide and serve the Muslim community to implement legal actions in the form of *waqf*.²²

Thus, the SIWAK application has a crucial and strategic role in collecting, managing, and informing *waqf* data throughout Indonesia appropriately, accurately, and accountably to all parties who need it. Besides, online data collection and management of *waqf* assets can realize good governance in giving open public information and exchanging information between government agencies. This critical role cannot be separated from the Ministry of Religion as the regulator, motivator, facilitator, administrative, and public service.

Procedure for Data Collection of *Waqf* Land through the SIWAK application

The online *waqf* information system program called SIWAK is an integrated part of the Islamic Bimas Management Information System (SIMBI/ *Sistem Informasi Manajemen Bimas Islam*), launched by the Indonesian Ministry of Religion through the Director-General of Islamic Community Guidance in April 2014. SIMBI consists of several information contents, data, and services related to the duties and functions of Bimas Islam. It provides various services such as the Marriage Information System (SIMKAH/ *Sistem Informasi Nikah*), Mosque Information System (SIMAS/ *Sistem Informasi Masjid*), Zakat Information System (SIMSAT/ *Sistem Informasi Zakat*) and the *Waqf*

¹⁹ Direktorat Pemberdayaan Wakaf Dirjen Bimas Islam Kemenag RI, *Modul Aplikasi Sistem Informasi Wakaf (SIWAK)* (Jakarta: Direktorat Pemberdayaan Wakaf Dirjen Bimas Islam Kemenag RI, 2015), 8-9.

²⁰ Direktorat Pemberdayaan Zakat dan Wakaf, "Data Tanah Wakaf," accessed July 21, 2020, <http://siwak.kemenag.go.id/index.php>.

²¹ Direktorat Pemberdayaan Wakaf Dirjen Bimas Islam Kemenag RI, *Modul Aplikasi Sistem Informasi Wakaf (SIWAK)*, 9.

²² Results of an interview with Juliansyah, Functional Penghulu of KUA Sui Raya District, on January 9, 2019.

Information System (SIWAK/ *Sistem Informasi Wakaf*).²³ The new information technology system is projected to improve Bimas Islam services' quality, especially in terms of data provision and information.

One of the programs that can be accessed through SIMBI is SIWAK. As previously explained, SIWAK is an application or software based on Windows, which describes *waqf* property data.²⁴ In this application, there are features about objects represented by *wāqif*, both in the form of movable objects and immovable objects. The Director-General of Islamic Community Guidance has started in building an online database starting in 2013. Meanwhile, in the KUA Sui Raya Sub-District, online data collection of donated land through the SIWAK application was used in 2016.²⁵

In principle, registering *waqf* land through the SIWAK application is the same as the manual land registration procedure. The procedure is that a *wāqif*, who wants to donate his immovable property, makes a pledge of *waqf* to the *nadzir*, which has been ratified before the PPAIW and attended by at least two witnesses. There are four documents that a *wāqif* must complete when donating the land.²⁶ First, it is land certificate or other land ownership document. Second, it is the Village Head's Certificate is validated by the local District Head. The contents of the information letter must provide correct land ownership, and there are no disputes. Third, it is information letter which stated land registration. Fourth, it is a permit from the Regent or Mayor or Head

of Region cq. Head of the Sub Directorate of Agrarian Affairs in the land area.

After the *wāqif* submits the various administrative requirements, the Head of KUA Sui Raya Sub-District as PPAIW has an obligation to check related validity, such as background, intentions and will of the *wāqif* candidate, the donated land condition. It is important to ensure the ownership of the donated land or objects and it is free from legal obstacles; and it is also important to examine the witnesses and *nadzir* who have been submitted by the *wāqif* candidate. After all the *wāqif* candidates' administrative requirements are complete, so that there is no legal obstacle to carry out a *waqf*, the PPAIW invites the *wāqif* candidate to pledge his *waqf*. If in certain circumstances, the candidate *wāqif* is unable to express his will verbally, then it can be stated with a signal. Likewise, suppose the *wāqif* cannot meet PPAIW. In that case, the *wāqif* can make a written pledge approved by the Regency or City Ministry of Religion Office in charge of the *waqf* land and read it after obtaining approval from the parties present at the *waqf* pledge.

The *waqf* pledge that has been stated by the *wāqif* is contained in the AIW. For the sake of uniformity, the form and model of AIW is determined by the Minister of Religion. Then, *Wāqif* duplicates the AIW into three copies. PPAIW archives the first copy; the second copy is used to attach as the registration application letter addressed to the Regent or Mayor cq the head of the Regency National Land Agency and the third copy is submitted to the Religious Court. It is in charge of the *waqf* land location. Besides, PPAIW must also make four copies of the AIW for the *wāqif*, *nadzir*, the district, or municipal Ministry of Religious Affairs in that *waqf* land and village or local sub-district head.²⁷

²³ Direktorat Jenderal Bimbingan Masyarakat Islam, "Sistem Informasi Manajemen Bimas Islam," accessed July 23, 2020, <http://simbi.kemenag.go.id/>.

²⁴ Dirjen Bimas Islam Kemenag RI, *Buku Panduan SIWAK Sistem Informasi Wakaf*, 4.

²⁵ Results of an interview with Juliansyah, Functional *Penghulu* of KUA Sui Raya District, on January 9, 2019.

²⁶ Government Regulation of the Republic of Indonesia Number 28 of 1977 concerning Ownership of Land.

²⁷ Direktorat Jenderal Bimbingan Masyarakat Islam, "Tata Cara Wakaf Tanah," accessed July 23, 2020, <https://bimasislam.kemenag.go.id/infografis/layananwakaf/tata-cara-wakaf-tanah>.

After the pledge of *waqf* and its AIW validation process has been completed, the donation has been legal and has strong (authentic) evidence. Thus, the *waqf* land are safe and preserved from one generation to the next generation. Also, PPAIW, in the name of nadzir *waqf*, must register the assets of the *waqf* by applying to the Regent or Mayor cq. Head of the Sub-Directorate for Agrarian Affairs and record it on land certificates and books. If the *waqf* land does not have a certificate, then the registration can be carried out after the certificate is issued. After the certificate is issued, Nadzir must report it to an official appointed by the Minister of Religion; the Head of the local District KUA.²⁸

If the *waqf* does not pledge the donation of the donated land in front of PPAIW, the land representative can be reported and registered to the local KUA Sub-district by submitting a written application. The party authorized to apply for the *waqf* registration to the local KUA is the *nāzhir* of the *waqf* land. For those who have passed away, *wāqif*, *wāqif* heirs, nadzir heirs, or the communities can migrate them to the local KUA. If there is none, then the Village Head must migrate it by bringing an information letter related to the land or an information land from the Village Head who explains the *waqf* incident as well as with two witnesses *istifāḍah* (people who know about the events of endowments).

The head of the District KUA, who has received the land representative's report and registration, is obliged to do eight things. First, checking the land status. Second, examining and ratifying nadzir and witnesses. Third, confirming the statement of the *waqf* witness. Fourth, printing a replacement for the *Waqf* pledge (APAIW/*Akta Pengganti Akta Ikrar Wakaf*) and a copy thereof. Fifth, submitting three copies of APAIW and a copy thereof, as explained in the previous AIW. Sixth,

²⁸ Article 10 Paragraph (1) to (5) Government Regulation of the Republic of Indonesia Number 28 of 1977 concerning Ownership of Land.

including APAIW in the List of Substitutes for the Endowment Pledge Deed. Seventh, filing APAIW and its list. Eighth, managing *waqf* registration.²⁹ Within at least three months after creating the APAIW, PPAIW, in the name of *nāzhir*, must register the *waqf* land with the Municipal National Land Office in local Regency to be recorded in the land book and the issuance of the certificate. According to Asep Saepudin Jahar,³⁰ the laws and regulations regarding *waqf* in Indonesia, including the data collection of *waqf* assets, are a form of democratization of sharia in Indonesia, not the Islamization of Islamic law. The goal is to modernize Islamic law in Indonesia in order to provide justice and legal certainty.

The *waqf* pledge up to the registration process, must also be taken by the *wāqif* candidate to register their *waqf* land at the KUA Sui Raya Sub-District. After the data regarding to the *waqf* is available, whether it has AIW and a certificate of *waqf* or not, then the KUA Sui Raya Sub-District will input the data into the SIWAK application. The data required to submit the *waqf* land profile in the SIWAK application is the allotment of the donated land according to AIW, the complete address of the land (from the name of the village to the province), the area of land and buildings, the potential for the development of the *waqf* land, the name of *wāqif* and *nāzhir*, status, number and date of the certificate, AIW number and date, and description.³¹ Moreover, the KUA of Sui Raya Sub-District must also upload photos and maps of the donated land's location. According to Juliansyah, there are only about 50 donated land data in the KUA

²⁹ Articles 15-16 of the Regulation of the Minister of Religion Number 1 of 1978 concerning Government Regulation of the Republic of Indonesia Number 28 of 1977 concerning Ownership of Land.

³⁰ Asep Saepudin Jahar, "Bureaucratizing Sharia in Modern Indonesia: The Case of Zakat, *Waqf* and Family Law," *Studia Islamika* 6, no. 2 (2019): 207.

³¹ Direktorat Pemberdayaan Zakat dan Wakaf, "Profile Tanah Wakaf," accessed July 21, 2020, http://siwak.kemenag.go.id/t_wakaf.php?id=202160.

Sui Raya sub-district that has been inputted online through the SIWAK application.³²

Generally, SIWAK contains information about the objects represented. In the *Buku Panduan SIWAK (Sistem Informasi Wakaf)* issued by the Director-General of Islamic Guidance at the Ministry of Religion,³³ there is a SIWAK module used to process *waqf* data, like adding, editing, deleting data and other transactions. The SIWAK module consists of several modules: the provincial module, district module, sub-district module, and village module. This module contains a list of areas used to process regional data, such as adding, editing, deleting data, and other transactions. According to Hapsari, the data functions contained in the SIWAK application are almost the same as the SIMKAH application. All *waqf* land data can be well recorded and documented because the data on the SIWAK in each district is integrated directly with the central government.³⁴ An example is several *waqf* lands in each province and *waqf* land use in Indonesia, which everyone can see at <http://SIWAK.kemenag.go.id/index.php>.

Obstacles in Collecting Data of *Waqf* Land through the SIWAK Application

Article 3 paragraph (1) PMA Number 34 of 2016 assigns a task to the District KUA to provide guidance and services to Muslim communities in their working areas.³⁵ In providing *waqf* services, the Head of the KUA Sui Raya Sub-District, who also serves as

PPAIW, has duty to collect the donated land data and input them into the SIWAK application. Through the SIWAK application, *waqf* land throughout Indonesia can be well documented, and the Indonesian Ministry of Religion has an accurate *waqf* database.

In carrying out its duties, there are some obstacles experienced by the Functional *Penghulu* of the Sui Raya Sub-District in recording the donated land through the SIWAK application. Juliansyah³⁶ identified two obstacles experienced by the KUA Sui Raya Sub-District regarding the donated land's data collection. Those two obstacles are limited human resources and the KUA Sui Raya Sub-District's lack of facilities to access the SIWAK application. These two constraints are included into the category of internal constraints, namely the KUA Sui Raya Sub-District's factors, and these factors can limit their performance.³⁷

The first obstacle is the limited human resources in KUA Sui Raya Sub-District in recording the donated land and collecting them through the SIWAK application. When compared with the KUA Sui Raya Sub-District's workload, the human resources are not enough. This is the condition experienced by Juliansyah, the only Functional Leader with a Civil Servant status at KUA, Sui Raya District. Juliansyah stated that the KUA Sui Raya Sub-District's workload is too much and is not proportional to the number of existing human resources. As a Functional *Punghulu*, Juliansyah carried out his duties as a functional leader. Besides, he is also assigned to input marriage data in the Simkah application and *waqf* data in the SIWAK application. Juliansyah hopes that the human

³² Results of an interview with Juliansyah, Functional *Penghulu* of KUA Sui Raya District, on January 9, 2019.

³³ Dirjen Bimas Islam Kemenag RI, *Buku Panduan SIWAK Sistem Informasi Wakaf*.

³⁴ Hapsari, "Sistem Informasi Manajemen Berbasis Teknologi Informasi di Kantor Urusan Agama Kecamatan Seyegan Kabupaten Sleman," 6.

³⁵ Regulation of the Minister of Religion of the Republic of Indonesia Number 34 of 2016 concerning the Organization and Administration of the District Office of Religious Affairs.

³⁶ Results of an interview with Juliansyah, Functional *Penghulu* of KUA Sui Raya District, on January 9, 2019.

³⁷ Selviana Putri Larasati and Setya Haksama, "Penerapan Theory of Constraint pada Kepuasan Kerja Karyawan Rumah Sakit Mata Undaan Surabaya," *Jurnal Administrasi Kesehatan Indonesia* 4, no. 2 (December 30, 2016): 157.

resources at KUA Sui Raya District need to be improved again.³⁸

The high workload of the KUA in the Sui Raya sub-district is inevitable. In carrying out the tasks described earlier, the sub-district KUA has nine functions.³⁹ The nine functions are the implementation of services, supervision, recording, and reporting of marriage and reconciliation; a compilation of statistics service and guidance for the Islamic community; management of documentation and management information system of District KUA; *sakīnah* family guidance services; mosque guidance services; *hisāb rukyat* guidance services and sharia guidance; Islamic religious guidance and information services; zakat and *waqf* guidance services; and implementation of administration and housekeeping of District KUA.

In achieving its organizational goals, the KUA of Sui Raya District also has several reliable human resources. The author needs to emphasize that the KUA is a technical implementer under the Director-General of Islamic Guidance at the Ministry of Religion of the Republic of Indonesia. The job is to carry out the district's functions or city Ministry of Religion office in the section on religious affairs. The KUA Sui Raya Sub-District is located in the sub-district, Kubu Raya, West Kalimantan. From each sub-district population, Sui Raya District is the sub-district with the largest population of the total population of Kubu Raya, amounting to 208,233 people or around 37.49 percent in 2017.⁴⁰

Based on their duties and functions, the KUA of Sui Raya District provides guidance,

services, and facilities in the religious sector to all residents living in the Sui Raya District, totaling 208,233 people. When compared to the population in Sui Raya Sub-District with the complex duties and functions of the KUA Sui Raya Sub-District and collecting marriage registration data,⁴¹ a functional leader is not sufficient to accommodate services in the form of donated land data and collecting it through the SIWAK application. Therefore, it is very obvious that the KUA Sui Raya Sub-District's *waqf* service is not optimal. Is because the human resources in the KUA Sui Raya Sub-District are not proportional comparing to the population and work responsibilities they have to do.

Similar constraints exist in the KUA Ciomas District. Haerudin, the Functional Leader of the Ciomas Sub-District KUA, is in charge of collecting the donated land data and entering it into the SIWAK application. The lack of human resources has resulted in a neglect of the donated land data collection and the data's inconsistency in KUA Ciomas District with the data contained on the SIWAK website. Also, functional leaders experience problems in the form of multiple positions and are not proficient at using computers.⁴² Unlike the KUA in Seyegan District, its human resources can improve performance data collection of donated land through the SIWAK application.⁴³

Based on existing constraints, human resources are essential in an organization, both large and small organizations. Human resources, including individuals, have a duty to

³⁸ Results of an interview with Juliansyah, Functional *Penghulu* of KUA Sui Raya District, on January 9, 2019.

³⁹ Regulation of the Minister of Religion of the Republic of Indonesia Number 34 of 2016 concerning the Organization and Administration of the District Office of Religious Affairs.

⁴⁰ Badan Pusat Statistik Kabupaten Kubu Raya, *Statistik Daerah Kabupaten Kubu Raya 2018* (Kubu Raya: CV. Beni Bangun Perkasa, 2018), 6.

⁴¹ Muhammad Latif Fauzi, "Registering Muslim Marriages: Penghulu, Modin, and the Struggles for Influence," *Al-Jami'ah: Journal of Islamic Studies* 57, no. 2 (December 24, 2019): 397-424.

⁴² Komite Nasional Keuangan Syariah, "Kajian Pemetaan Potensi Pengembangan Aset Wakaf dan Analisis Proses SIWAK Kemenag di DKI Jakarta, Kota Bandung dan Kabupaten Bogor," 125-26.

⁴³ Hapsari, "Sistem Informasi Manajemen Berbasis Teknologi Informasi di Kantor Urusan Agama Kecamatan Seyegan Kabupaten Sleman," 9.

fulfill organizational goals.⁴⁴ For the KUA of Sui Raya Sub-District, human resources' quantity and quality are significant for the officer who records the donated land and imports it on the SIWAK application. In particular, it is also essential to master the important skills in using media to collect data in the form of donated land in the SIWAK application, such as the use of laptops or computers connected to the internet network. Moreover, in today's globalization era, human resources is the most crucial factor for an organization's success.⁴⁵

The second obstacle is the KUA Sui Raya Sub-District's lack of facilities in utilizing the SIWAK application. The online version of the Big Indonesian Dictionary (KBBI/*Kamus Besar Bahasa Indonesia*) explains that facilities can be used to achieve goals, means, and tools.⁴⁶ They are including SIWAK application module, internet network, a device in the form of a laptop or computer connected to the internet. An operator of these tools need to install a web browser such as Internet Explorer, Chrome, Mozilla, Opera, etc.

Among the facilities in accessing the SIWAK application, the absence of an internet network that supports data collection of the donated land in the KUA, Sui Raya District, is an obstacle that Juliansyah found, as a functional leader who is tasked with registering the donated land. Good internet network is the most important means of collecting donated land data in the SIWAK application.

Juliansyah argues that the problem with not recording the donated land in the SIWAK application is the absence of a wifi network.⁴⁷ If there is no stable internet network, automatically, Juliansyah cannot log in to the SIWAK application. Failure may occur when saving the data that has been inputted on the website.

The lack of facilities in the form of the absence of an internet network in the KUA Sui Raya Sub-District has resulted in the less optimal application of IT-based management information systems, especially in collecting donated land data SIWAK application. Meanwhile, tools in the form of laptops or computers connected to the internet and web browser are readily available. Likewise, with the SIWAK application module, module can be accessed and downloaded at http://simbi.kemenag.go.id/epustaka_slims/?p=category&id=53 for free. Therefore, the KUA Sui Raya Sub-District must immediately resolve the identified obstacles. The aim is that all the KUA Sui Raya Sub-District's duties and functions can run smoothly, and the community can use existing data for constructive activities.

The internet network that does not support and the weak system found in the SIWAK application are two obstacles experienced by the Kankemenag of Kampar Regency. One of the weaknesses in the SIWAK application is it can still synchronize the same data when inputted by the officer.⁴⁸ According to Muhamad Iksal, he found at least three problems in the SIWAK application. First, there is no additional function for registration and validation of inputted *waqf* land data. Second, there is no information on the empowerment of *waqf* lands that are managed productively. Third, there are no media in the

⁴⁴ Nurhidayati Hikmah, Busaini, and Sri Pancawati, "Pengaruh Kapasitas Sumber Daya Manusia, Perencanaan Anggaran, Politik Penganggaran, dan Transparansi Publik terhadap Sinkronisasi Dokumen APBD dengan KUA-PPAS pada Pemerintah Kabupaten Lombok Barat," *Jurnal Akuntansi Aktual* 3, no. 1 (2015): 105.

⁴⁵ Ferdy Leuhery, "Pengaruh Kualitas Sumber Daya Manusia, Disiplin Kerja, dan Pengembangan Karir terhadap Prestasi Kerja Pegawai Dinas Perhubungan Provinsi Maluku," *Jurnal SOSOQ* 6, no. 1 (2018): 121.

⁴⁶ "Sarana," accessed July 27, 2020, <https://kbbi.web.id/sarana>.

⁴⁷ Results of an interview with Juliansyah, Functional *Penghulu* of KUA Raya District, on January 9, 2019.

⁴⁸ M. Taufik Hidayatulloh and Selamat Selamat, "Pemetaan Sertifikasi Tanah Wakaf di Kabupaten Kampar, Provinsi Riau Tahun 2017," *Dialog* 40, no. 2 (2017): 169.

form of a map that aims to make it easier for users to get comprehensive information on the donated land.⁴⁹

Throughout Indonesia, several Sub-District KUAs have also felt the limitations of human resources and the lack of facilities to access the SIWAK application experienced by the KUA of Sui Raya District above. As a result, there are differences in the *waqf* asset data on the SIWAK application with the *waqf* land data around the citizens. Based on the mapping study conducted by the KNKS, this is due to the complexity of the *waqf* assets administration and the high cost of land certification for *waqf* land in Indonesia.⁵⁰ Malaysia also experiences the complexity of *waqf* assets' administration in identifying the *waqf* assets and the defaults in registering the *waqf* land. Meanwhile, in Singapore, the local government has acquired *waqf* assets in commercial housing mixed with mosques with a sum of money used to buy two shop lots in the plaza. However, the profit-sharing from the first *waqf* assets is not as much as the second *waqf* assets after being exchanged (*ruislag*) and it is not sufficient for madrasah operational costs.⁵¹

Another problem about *waqf* assets data collection is no data collection of *waqf* assets other than land. In the SIWAK application, the recorded *waqf* assets are only *waqf* land, other *waqf* assets such as cash *waqf*, vehicles, lease rights, and securities are not available. Data

collection of *waqf* assets other than land is also very urgent. The government or related agencies can use this data to make strategic policies and regulations related to *waqf*.

Based on the authors' problems in the previous explanation, several recommendations regarding improved management in data collection of *waqf* assets in Indonesia are offered. First, it is necessary to provide a select budget from the central government through the APBN for operational costs for data collection of *waqf* assets in each KUA Sub-District. KUA Sub-District can use this budget for additional human resource costs, provision of facilities and infrastructure, and assistance for donated land certification. Second, updating the SIWAK application system, not only for recording the *waqf* land but also recording other movable *waqf* assets. It is expected that all data on *waqf* assets in Indonesia can be well recorded and documented, like how it was done by *Majlis Ugama Islam Singapore* (MUIS). Principally, this paper argues that the democratization of sharia carried out by the government should not complicate the spirit of the Muslim community in *waqf*. Sharia democratization aims to accommodate Muslims' interests in providing legal certainty, and justice can be obtained. Therefore, government is necessary to offer solutions in overcoming these problems, including data collection of *waqf* assets.⁵²

Conclusion

There are three research results in this paper. First, the donated land data collection in KUA Sui Raya Sub-District is divided into two: the donated land data collection program with manual and online through the SIWAK application. Second, the procedure for data collection of *waqf* land through the SIWAK application at the KUA Sui Raya Sub-District

⁴⁹ Muhamad Iksal, "Pengembangan Sistem Informasi Spasial Berbasis Web Pada Potensi Tanah Wakaf (Studi Kasus: DKI Jakarta)" (Thesis, Jakarta, Fakultas Sains dan Teknologi Universitas Islam Negeri Syarif Hidayatullah, 2020), 85, <http://repository.uinjkt.ac.id/dspace/handle/123-456789/50617>.

⁵⁰ Komite Nasional Keuangan Syariah, "Kajian Pemetaan Potensi Pengembangan Aset Wakaf Dan Analisis Proses SIWAK Kemenag Di DKI Jakarta, Kota Bandung Dan Kabupaten Bogor," 167.

⁵¹ Lisa Listiana and Syed Musa Alhabshi, "Waqf and Legacy of Altruism in Singapore: Challenges and Development," *JEBIS (Jurnal Ekonomi Dan Bisnis Islam)* 6, no. 1 (June 30, 2020): 124-25.

⁵² Jahar, "Bureaucratizing Sharia in Modern Indonesia: The Case of Zakat, Waqf and Family Law," 208.

is the same as the manual registration procedure for *waqf* land. There is *wāqif* who wants to donate their immovable property, brings the four required documents, and makes a pledge of *waqf* to nadzir, which has been ratified before by PPAIW and attended by at least two witnesses. The pledge of *waqf* is in AIW, and PPAIW in the name of the *waqf* nadzir then registers the *waqf* property to make a certificate. After all the *waqf* land data are available, the KUA Sui Raya Sub-District then enters them into the SIWAK application. Third, there are two obstacles experienced by the Head of the KUA Sui Raya Sub-District in data collection of donated land through the SIWAK application. There is a lack of human resources in the KUA Sui Raya Sub-District with employees' high work responsibility and the lack of facilities; no internet network to access the SIWAK application.

Based on these three research results, the author argues that the data collection of donated land in the SIWAK application is a form of information disclosure to the public and information exchange between government agencies to realize good governance. Therefore, the identified constraints must be resolved immediately by the Head of the KUA Sui Raya Sub-District and related parties. Thus, the democratization of sharia carried out by the government regarding *waqf* assets must overcome existing obstacles to provide legal certainty and justice for Indonesian Muslim communities in *waqf*.

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