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Between Waqf and Inheritance: A Jurisprudential Analysis of Judicial Reasoning in Bantul Religious Court Decision No. 552/Pdt.G/2019/PA.Btl

Article

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Abstract

This study examines the intersection between waqf and inheritance within the framework of Islamic jurisprudence through an analysis of judicial reasoning in Bantul Religious Court Decision No. 552/Pdt.G/2019/PA.Btl. The dispute emerged from the legal ambiguity surrounding waqf land that remained formally registered under the heirs' names without an official transfer of title to the nadzir, thereby triggering competing claims between inheritance rights and waqf status. This research aims to analyze how the court constructed its legal reasoning in resolving the tension between these two legal regimes. Employing a qualitative normative method with a juridical approach, the study relies on document analysis of the court decision and relevant legal materials, including statutory regulations and Islamic legal doctrines. The findings reveal that the court's reasoning reflects a jurisprudential effort to reconcile normative Islamic principles with positive legal frameworks. The decision emphasizes the importance of formal legal administration in waqf management, particularly the obligation to transfer land certification to the nadzir to ensure legal certainty. At the same time, it demonstrates a balanced approach by safeguarding the proportional rights of heirs where procedural irregularities exist. This ruling contributes to the development of jurisprudence in Indonesia by offering a structured resolution model for waqf-related inheritance disputes and reinforcing the integration of Islamic legal principles within the national legal system.

Introduction

Waqf land is a religious asset that plays a vital role in the social and religious life of Indonesian society.[1] Waqf land is not merely an ordinary legal object; it holds sacred and social significance, and its sustainability must be safeguarded for the benefit of the community.[2]

[1] Farhana Mohamad Suhaimi, Asmak Ab Rahman, and Sabitha Marican, "The Role of Share Waqf in the Socio-Economic Development of the Muslim Community," ed. Professor Masudul Alam Choudhury, *Humanomics* 30, no. 3 (August 5, 2014): 227–54, https://doi.org/10.1108/H-12-2012-0025.

[2] Eva Niswah, "The Forms of Intellectual Property Rights Waqf as a Part of Productive Waqf," *International Journal of Social Science and Religion (IJSSR)*, February 23, 2022, 71–92, https://doi.org/10.53639/ijssr.v3i1.64.

However, in practice, many disputes over the inheritance of waqf land arise because the legal transfer of the waqf land certificate from the heirs to the nadzir[3], as the waqf administrator, has not been completed.[4] This situation creates legal uncertainty and overlapping rights, ultimately leading to a legal dispute that had to be resolved by the Bantul Religious Court through Decision No. 552/Pdt.G/2019/PA.Btl.

The case, registered under number 552/Pdt.G/2019/PA.Btl, was filed with the Bantul Religious Court on May 7, 2019, by the plaintiff, who is an heir to the waqf land.[5] The core of the case concerns a dispute over the inheritance of waqf land that remains registered in the heirs' names and has not yet been officially transferred to the waqf administrator. This conflict has created uncertainty regarding ownership and rights to the waqf land.[6]

According to the complaint, the 137-square-meter plot of land in question was donated as a waqf by the late Mrs. Mangkuhartono, also known as Kholimah, on December 11, 1992. However, the defendant transferred the land through a sale and purchase transaction without the consent of the waqf administrator, thereby failing to reflect the land's proper status as waqf property.[7] The heirs are demanding that the land retain its status as waqf land and that the title deed be legally transferred to the name of the trustee.[8]

The panel of judges in the trial examined various pieces of evidence, including the land title deed, waqf documents, witness statements, and other administrative documents. A mediation process was conducted but failed to reach an agreement.[9]

The judge ruled that the defendant's act of selling the waqf land constituted an unlawful act because it violated the provisions on waqf in Law No. 41 of 2004 and applicable legal regulations.

In a ruling dated December 16, 2019, the Bantul Religious Court granted the plaintiff's claim in its entirety. The judge ruled that the disputed land retains its status as waqf land and ordered the transfer of the certificate to the waqf administrator in accordance with waqf law. This ruling underscores the importance of legal protection for waqf land while also safeguarding the rights of heirs, which are accommodated in accordance with inheritance law.[10]

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3 Achmad Siddiq et al., "Reconstructing Waqf Share Policies: A Maqashid Sharia Approach with Insights from Indonesia," *El-Mashlahah* 15, no. 1 (June 18, 2025): 79–100, https://doi.org/10.23971/el-mashlahah.v15i1.9029.

4 Ulfa Pirmani, Edi Kurniawan, and Najmi, "From the Debate on the Legality of Waqf Al-Ahlī to Its Implementation in Southeast Asia: Indonesia, Malaysia, and Singapore," *International Journal of Law and Society (IJLS)* 3, no. 2 (August 11, 2024): 59–76, https://doi.org/10.59683/ijls.v3i2.81.

5 Rasiam Rasiam et al., "Integration of New Media and Prophetic Communiacation Enhanced for Zakah, Infāq, Ṣadaqah, and Waqf Fundraising: A Case Study of Baitulmaal Munzalan Indonesia," *JIL: Journal of Islamic Law* 4, no. 1 (February 15, 2023): 28–46, https://doi.org/10.24260/jil.v4i1.1167.

6 Magda Ismail Abdel Mohsin and Aishath Muneeza, "Integrating Waqf Crowdfunding into the Blockchain," in *Fintech In Islamic Finance* (Routledge, 2019), 266–79, https://doi.org/10.4324/9781351025584-17.

7 Tiswarni Tiswarni et al., "Towards the Empowerment of Waqf Based on Community Needs in the Mentawai Islands West Sumatra: The Case of the Al-Qur'an Wakaf Board," *Mazahib* 22, no. 2 (December 13, 2023): 309–50, https://doi.org/10.21093/mj.v22i2.5908.

8 Magda Ismail A Mohsin, "Waqf-Shares: New Product to Finance Old Waqf Properties," *Banks & Bank Systems*, no. 7, Iss. 2 (2012): 72–78.

9 Aam Rusydiana et al., "Waqf, Maqasid Al-Sharia, and SDG-5: A Model for Women's Empowerment," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 17, no. 2 (December 31, 2022): 325–35, https://doi.org/10.19105/al-lhkam.v17i2.6572.namely gender equality and correlate it with Maqashid al-Sharia. This study uses the Analytic Network Process (ANP

10 Supreme Court, "Judgment of the Bantul Religious Court No. 552/Pdt.G/2019/PA.Btl" (2019).

This ruling affirms that the management and administration of waqf land must be carried out by the nadzir to ensure the continued benefits of the waqf; thus, waqf land cannot be sold unilaterally by heirs or any other party without legal authority.[11] By rejecting sales transactions conducted without valid legal procedures, this ruling sets an important precedent for the enforcement of administrative law and the resolution of waqf land disputes.

Several previous studies support this approach, including a study by Islamiyati (2022)[12] that analyzed waqf land disputes in the coastal area of Semarang City and their resolution patterns. The study found that the main causes of disputes were administrative irregularities, such as the lack of waqf land certification, as well as ownership conflicts between heirs and the waqf trustee.

Another study by Dewi Hendrawati and Ismiyati (2020)[13] emphasizes the importance of issuing a Deed of Waqf Declaration and waqf land certificates as a valid legal basis for managing waqf land. This study stresses that dispute resolution mechanisms for waqf land should prioritize consensus-based deliberation and mediation before resorting to litigation.

The distinction from this study lies in its research focus, which places greater emphasis on the jurisprudential considerations of Decision No. 552/Pdt.G/2019/PA.Btl using the maslahah mursalah approach—that is, an effort to consider the public interest in preserving the social and religious functions of waqf, while simultaneously providing proportional protection for the rights of heirs. This study aims to analyze and discuss the judges' reasoning in resolving inheritance disputes over waqf land, specifically in Judgment No. 552/Pdt.G/2019/PA.Btl.

Method

This study employs a qualitative research method within the framework of normative legal research[14], focusing on a review of secondary sources, including legislation, court decisions, and relevant legal literature. The approach used is normative legal, while to complement the analysis, this study also considers a sociological approach to explore the factors underlying the dispute, with the research location at the Bantul Religious Court. Data sources consist of primary data, namely a copy of the Bantul Religious Court's decision No. 552/Pdt.G/2019/PA.Btl from 2019, as well as secondary data from literature reviews. Data collection was conducted through documentation, interviews, and observation. This research report is descriptive-analytical in nature.

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11 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 (June 30, 2024): 390, https://doi.org/10.22373/ujhk.v7i1.22562.

12 Islamiyati Islamiyati, "Sengketa Tanah Wakaf Di Wilayah Pesisir Kota Semarang Dan Penyelesaiannya," *Jurnal Hukum Ekonomi Islam* 6, no. 1 (2022): 14–34, https://doi.org/https://doi.org/10.55577/jhei.v6i1.113.

13 Islamiyati Islamiyati, "Penyelesaian Sengketa Tanah Wakaf Yang Tidak Tersertifikasi Di Wilayah Pesisir Utara Jawa Tengah," *Masalah-Masalah Hukum* 47, no. 1 (January 30, 2018): 71, https://doi.org/10.14710/mmh.47.1.2018.71-80.

14 John W Creswell and J David Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches* (Sage publications, 2017).

Result and Discussion

A Jurisprudential Analysis of Decision No. 552/Pdt.G/2019/PA.Btl Regarding the Resolution of Inheritance Disputes Over Waqf Land

Case law, as a source of law, plays a strategic role in filling legal gaps and providing legal certainty in the resolution of disputes over waqf land.[15] Judgment No. 552/Pdt.G/2019/PA.Btl exemplifies the application of case law that reinforces the principles of waqf law as stipulated in Law No. 41 of 2004 on Waqf.[16] Although jurisprudence is not a primary formal source of law in the Indonesian legal system, it plays an important role as a reference in resolving similar cases and provides concrete interpretations of abstract legal norms.[17]

In the context of disputes over the inheritance of waqf land, case law serves as a guide for judges in adjudicating cases involving conflicts of interest between heirs and the waqf institution, represented by the trustee.[18] Through its ruling, the Bantul Religious Court has provided a judicial interpretation that prioritizes the principles of legal certainty and the protection of waqf assets in accordance with the objectives of waqf legislation under Islamic law.[19]

The fundamental issue in Case No. 552/Pdt.G/2019/PA.Btl is the failure to transfer the title of the waqf land certificate from the heirs to the nadzir as the lawful administrator.[20] This lack of administrative order creates ambiguity regarding ownership status and opens the door to unlawful acts, such as the sale and purchase of waqf land without following proper procedures. The lack of order in waqf administration is a systemic problem commonly found in Indonesia, where much waqf land remains registered in the name of the waqf donor or their heirs without ever having been formally transferred to the waqf trustee.[21]

Recent research indicates that the primary cause of waqf land disputes is the weakness of the waqf administration and documentation system, including delays in the issuance of the Waqf Declaration Deed and the certification of waqf land.[22] This is consistent with the finding that the public's lack of legal awareness and the lack of coordination among the waqf donor, heirs, and trustee in the administrative process of the waqf are the primary causes of ownership disputes.[23]

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15 Nahrowi Nahrowi and Muhammad Ali Murtadlo, "Dinamika Yurisprudensi Sebagai Sumber Hukum Dalam Sistem Hukum Di Indonesia," *Jurnal Legisia* 16, no. 2 (2024): 47–62, https://doi.org/https://doi.org/10.58350/legisia.v16i2.515.

16 Mulyono Jamal et al., "Tanmiyah Waqf Al-Manāfi Min Ajl Al-Istiqlāliyah Fī Majāli Al-Iqtiṣād: Dirāsah Fī Ma'had Tazakkā Al-'Aṣrī," *Al-Ahkam* 33, no. 1 (April 30, 2023): 89–112, https://doi.org/10.21580/ahkam.2023.33.1.13586.

17 Muhammad Nur Alamsyah, Lauddin Marsyuni, and Nurul Qamar, "Kedudukan Yurisprudensi Dalam Sistem Hukum Indonesia," *Qawanin Jurnal Ilmu Hukum* 1, no. 2 (2021).

18 Andi Fariana, "Peran Strategis Pengadilan Agama Dalam Penyelesaian Sengketa Ekonomi Syari`ah," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 10, no. 2 (February 2, 2016): 228–51, https://doi.org/10.19105/al-lhkam.v10i2.720.

19 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 (December 18, 2023): 329, https://doi.org/10.31958/juris.v22i2.9383.

20 Islamiyati, "Sengketa Tanah Wakaf Di Wilayah Pesisir Kota Semarang Dan Penyelesaiannya."

21 M. Roem Syibly, "Cash Waqf Literacy in Indonesia and Malaysia: An Analysis of Journal Publications and Trends (2018-2023)," *Millah: Journal of Religious Studies*, August 28, 2024, 681–702, https://doi.org/10.20885/millah.vol23.iss2.art6.

22 Rachmat Taibu and Ulfa Novrianti, "Perlindungan Hukum Tanah Wakaf Yang Tidak Memiliki Akta Ikrar Wakaf," *Jurnal Ilmu Hukum Kanturuna Wolio*, 2023, 31–40.

23 Moh. Mahrus, "Settlement of Waqf Disputes and Its Asset Protection in East Java, Indonesia," *Mazahib* 20, no. 2 (February 17, 2022), https://doi.org/10.21093/mj.v20i2.3833.

The panel of judges in Decision No. 552/Pdt.G/2019/PA.Btl employed a comprehensive legal analysis based on formal evidence, including land certificates, waqf documents, witness statements, and other administrative records. The judicial approach adopted by the panel of judges reflects the application of the principle of maslahah mursalah, namely the consideration of the public interest that is not explicitly mentioned in the text but is in line with the objectives of Islamic law (maqashid al-syariah).[24]

The principle of maslahah mursalah in this context is implemented through efforts to maintain the social and religious functions of the waqf land[25], while simultaneously providing proportional protection for the rights of heirs as safeguarded by Islamic inheritance law. The judge considered that although heirs have a right to the estate, property that has been endowed has ceased to be private property and has become the property of Allah SWT, intended for the public good of the community.[26]

The application of maslahah mursalah in this ruling demonstrates that the judge did not rely solely on a legalistic, textual approach, but also took into account the substantive dimensions and broader objectives of waqf law.[27] This is consistent with developments in contemporary Islamic legal thought, which integrates classical methods of legal deduction with the needs of modern law to provide just solutions.

Legal Implications of the Ruling on the Status of Waqf Land and the Rights of Heirs

The ruling of the Bantul Religious Court clearly states that land that has been donated as a waqf has a special legal status distinct from ordinary property and cannot be sold unilaterally by heirs or any other party.[28] This clarification constitutes the implementation of a fundamental principle of waqf in Islamic law, which states that waqf property is perpetual (mu'abbad) and cannot be transferred.[29]

The legal provisions regarding waqf, as stipulated in Article 40 of Law No. 41 of 2004, explicitly prohibit changes in the designated use, or the transfer of waqf property through sale, gift, or inheritance, except under specific conditions that are strictly regulated.[30] The judge's ruling invalidating the sale and purchase transaction of waqf land demonstrates the consistent application of this principle and serves as a deterrent against practices that violate waqf law provisions.

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24 Sudirman Sudirman 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 (June 29, 2022): 92–110, https://doi.org/10.18860/j-fsh.v14i1.16240.

25 Suhairi Suhairi et al., "Waqf Regulation: Potential and Social Problems of Mosque-Based Productive Waqf Management," *Jambe Law Journal* 4, no. 1 (November 14, 2021): 69–92, https://doi.org/10.22437/jlj.4.1.69-92.

26 Eficandra Eficandra, "The Reconstruction of High-Inherited Wealth in Minangkabau through Cash Waqf Movement," *JURIS (Jurnal Ilmiah Syariah)* 21, no. 1 (June 30, 2022): 121, https://doi.org/10.31958/juris.v21i1.5850.

27 Muhamad Nadratuzzaman Hosen et al., "Evaluating the Fundraising Process of the World's First Cash Waqf-Linked Sukuk in Indonesia," *QIJIS (Qudus International Journal of Islamic Studies)* 10, no. 1 (July 26, 2022): 175, https://doi.org/10.21043/qijis.v10i1.8161.

28 Reza Fauzan Rasmana, "Status Hukum Tanah Wakaf Dalamperspektif Hukum Positif," n.d.

29 Abdo Yousef Qaid Saad et al., "The Prospect of Waqf in Financing Small and Medium Enterprises (SMEs) in Yemen," *QIJIS (Qudus International Journal of Islamic Studies)* 10, no. 2 (December 24, 2022): 381, https://doi.org/10.21043/qijis.v10i2.9689.

30 Nurul Huda et al., "Intention to Donate in Green Waqf among Muslim Community: Indonesian Case," *Journal of Islamic Marketing* 16, no. 3 (February 3, 2025): 736–58, https://doi.org/10.1108/JIMA-02-2023-0044.

Empirical research indicates that strict enforcement of the prohibition on the sale and purchase of waqf land has a positive impact in protecting waqf assets from misuse and ensuring the sustainability of socio-economic benefits for the community.[31] In a broader context, this ruling also contributes to fostering public legal awareness regarding the sanctity and legal protection of waqf assets.

In its ruling, the panel of judges ordered the transfer of the title to the waqf land to the trustee in accordance with applicable laws and regulations. This order constitutes a concrete step toward resolving the administrative issues at the root of the dispute and providing legal certainty regarding the management of the waqf land.[32]

Transferring the title of the waqf land certificate to the trustee has significant legal implications, namely transferring the authority for management and responsibility from the heirs to the institution specifically designated to manage the waqf in accordance with its intended purpose and objectives. This transfer process also serves as a legal mechanism to prevent similar disputes in the future and provides clear legal protection regarding the status of the waqf land.[33]

Provisions regarding the obligation to transfer the title of waqf land certificates are also reflected in Government Regulation No. 42 of 2006 on the Implementation of Law No. 41 of 2004, which regulates the mechanisms for the registration and certification of waqf land. The implementation of these provisions is a shared responsibility among the nadzir, the Official in Charge of Drafting Waqf Deeds (PPAIW), the Indonesian Waqf Board, and the Land Office to ensure orderly waqf administration.[34]

Although the ruling affirmed the land's status as a waqf and ordered the transfer of title to the trustee, the panel of judges nevertheless gave due consideration to the rights of the heirs as protected by Islamic inheritance law. This approach reflects the judges' effort to strike a balance between protecting waqf assets and respecting legitimate individual rights under the law.[35]

The principle of proportionality in this ruling is implemented through the recognition that heirs have the right to receive explanations and be involved in the waqf administration process, even though they do not have the authority to transfer or sell the property that has been endowed. This proportional protection is essential for maintaining social harmony and preventing resistance from the waqf donor's family toward the implementation of the waqf.[36]

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31 Mohammad Noviani Ardi, Dina Yustisi Yurista, and Suci Ramadhan, "Waqf Fundraising Strategy for Islamic Boarding's Independence," *Ijtihad : Jurnal Wacana Hukum Islam Dan Kemanusiaan* 20, no. 1 (June 10, 2020): 1–22, https://doi.org/10.18326/ijtihad.v20i1.1-22.

32 Mujahidin Mujahidin et al., "Challenge of Waqf to the Social and Economic Welfare of Muslim Communities: A Comparative Analysis Between Countries," *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 12, no. 1 (April 22, 2025): 168, https://doi.org/10.29300/mzn.v12i1.7765.

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

34 Achmad Siddiq, "Problems of Implementation of Productive Waqf in Pesantren," *International Conference of Moslem Society* 2 (April 23, 2018): 246–63, https://doi.org/10.24090/icms.2018.1913.

35 Hisam Ahyani et al., "Enhancing the Legal Protection of Waqf Assets in Banjar City, West Java, Through Land Registration and Regulatory Awareness to Support the Achievement of Sustainable Development Goals (SDGs)," *Journal of Lifestyle and SDGs Review* 5, no. 2 (December 16, 2024): e03989, https://doi.org/10.47172/2965-730X.SDGsReview.v5.n02.pe03989.

36 Slamet Akhmadi, "The Contribution of Waqf in Overcoming Agrarian Problems: A Study of Hadith," *International Journal of Social Science and Religion (IJSSR)*, July 4, 2022, 159–70, https://doi.org/10.53639/ijssr.v3i3.63.

In Islamic legal literature, there are perspectives that accommodate the interests of heirs in the context of waqf, particularly if the waqf is established under specific conditions or if there are heir rights that need protection, provided such protection does not conflict with the fundamental principles of waqf. This balanced approach aligns with the maqashid al-shariah, which prioritizes justice and the public interest for all parties involved.[37]

The Contribution of the Ruling to the Enforcement of Administrative Law on Waqf in Indonesia

Judgment No. 552/Pdt.G/2019/PA.Btl holds significant precedential value within Indonesia's religious court system, particularly in resolving disputes involving waqf land with similar administrative issues. As a legal precedent, this judgment can serve as a reference for other judges in handling similar cases and provides practical guidance on the application of waqf law.[38]

This precedential value is not only persuasive in the common law system but also possesses strong argumentative weight within the Indonesian legal tradition, which follows a civil law system influenced by Islamic law. The consistent application of waqf legal principles across various court decisions will establish robust jurisprudence and provide legal certainty for the public.

Research indicates that the existence of consistent jurisprudence in resolving waqf disputes can reduce the level of litigation and encourage dispute resolution through non-litigation mechanisms such as mediation and deliberation.[39] This is in line with the principles of dispute resolution in Islam, which prioritize peace and social harmony.

This ruling provides a strong impetus for strengthening the waqf administration and documentation system in Indonesia, which has long faced various technical and institutional challenges. The judge's order to formally transfer the title of the certificate underscores the importance of administrative order as a prerequisite for legal protection of waqf assets.[40]

In a broader context, this ruling encourages synergy among various institutions involved in waqf management, including the Ministry of Religious Affairs, the Indonesian Waqf Board, the Land Office, and the Religious Courts, to comprehensively improve the waqf administration system. Waqf administrative reform is an urgent necessity to ensure transparency, accountability, and professionalism in the management of waqf assets, which are of immense value in Indonesia.

Information technology and the digitization of waqf data also serve as strategic solutions for improving the waqf administration system and preventing future disputes. The implementation of an integrated national waqf information system can facilitate the supervision, monitoring, and evaluation of waqf land management throughout Indonesia.

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37 Bustami Bustami, Rio Laksamana, and Zuliana Rofiqoh, "Waqf Fundraising through Money in the Industrial Revolution 4.0 Era: A Case Study on Baitulmaal Munzalan Indonesia," *Ijtihad : Jurnal Wacana Hukum Islam Dan Kemanusiaan* 20, no. 1 (June 10, 2020): 23–40, https://doi.org/10.18326/ijtihad.v20i1.23-40.

38 Hariyanto Hariyanto, "Public Legal Awareness of the Fixed Object Waqf Paradigm Towards Progressive Waqf," *International Journal of Social Science and Religion (IJSSR)*, July 4, 2022, 149–58, https://doi.org/10.53639/ijssr.v3i3.69.

39 Asep Riyadi, "Penyelesaian Sengketa Wakaf Melalui Mediasi," *Jurnal Riset Ekonomi Syariah Dan Hukum Al-Falah* 1, no. 1 (2022): 1–7.

40 Nurul Iman, Adi Santoso, and Edi Kurniawan, "Critical Assessment of the Productive Waqf Innovation Linkage Literature: Lessons for Waqf Asset Management Institutions in Indonesia," *Rigeo* 11, no. 6 (2021), https://doi.org/10.48047/rigeo.11.06.109.

Decision No. 552/Pdt.G/2019/PA.Btl makes a significant contribution to the development of contemporary waqf law in Indonesia by integrating Sharia principles with modern legal needs. The maslahah mursalah approach employed by the judge demonstrates the flexibility and responsiveness of Islamic law to the dynamics of social issues.

From an academic development perspective, this decision serves as an important subject of study for legal scholars and practitioners to analyze the dynamics of waqf law application within the context of Indonesia's national legal system.[41] Such jurisprudential analysis provides insights into how judges interpret and apply abstract legal norms in concrete cases with varying complexities.[42]

Moving forward, the development of waqf law must continue through the harmonization of legislation[43], the strengthening of institutional capacity in the waqf sector, the improvement of public legal literacy regarding waqf, and the establishment of consistent jurisprudence through high-quality court rulings.[44] Synergy among normative, institutional, and cultural aspects will determine the effectiveness of waqf protection and management in Indonesia.[45]

Conlusion

An analysis of the case law in Decision No. 552/Pdt.G/2019/PA.Btl shows that the religious court has comprehensively applied the principles of waqf law, taking into account the aspects of legal certainty, protection of waqf assets, and justice for all parties involved. This decision affirms that waqf land has a special legal status that cannot be bought or sold and must be managed by the nadzir in accordance with the purpose of the waqf. The application of the principle of maslahah mursalah in the judge's reasoning demonstrates the flexibility and responsiveness of Islamic law to contemporary issues. This ruling makes a significant contribution to strengthening waqf administrative law in Indonesia and sets an important precedent for resolving similar disputes. The implications of the ruling include the affirmation of the obligation to transfer the certificate of title to the trustee, proportional protection of the heirs' rights, and an impetus for comprehensive reform of the waqf administration system. To ensure the effectiveness of waqf protection and management, synergy is required between regulatory aspects, institutional frameworks, and increased public legal awareness regarding the importance of orderly waqf administration.

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41 Cik Basir et al., "Reconstruction of Sharia Economic Procedural Law in Indonesia and Comparison of Sharia Economic Cases in Malaysia and Indonesia," *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 24, no. 1 (June 20, 2024): 17–36, https://doi.org/10.19109/nurani.v24i1.22625.

42 Rachmadi Usman, "Hukum Perwakafan Di Indonesia," 2009.

43 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 10, 2023): 93–114, https://doi.org/10.18326/ijtihad.v23i1.93-114.

44 HERU 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 8, 2024): 208–19, https://doi.org/10.62754/joe.v4i1.4657.

45 Bustami, Laksamana, and Rofiqoh, "Waqf Fundraising through Money in the Industrial Revolution 4.0 Era: A Case Study on Baitulmaal Munzalan Indonesia"; 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 28, 2024): 167–91, https://doi.org/10.18326/ijtihad.v24i2.167-191.

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