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## **The Ministry of Religion of Ponorogo Regency Efforts for Accelerating Waqf Land Certification Program**

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### **Abstract**

State No. 41 of 2004 and PP No. 42 of 2006, which regulates the management and implementation of waqf, gave birth to extraordinary policies regarding waqf governance in Indonesia, both regulations and collaborations between related ministries, one of which is waqf land certification. Waqf land certification is an effort to save waqf assets that have not been certified to avoid conflicts of interest in the future. This descriptive qualitative research aims to determine the efforts made by the Ministry of Religion (Kemenag) of Ponorogo Regency in accelerating the waqf land certification program. The results show that the Ministry of Religion of Ponorogo has held socialization by inviting representatives of the Indonesian Waqf Board (BWI), Islamic organizations, nazir forums, heads of KUA, and working groups for Waqf extension workers throughout Ponorogo Regency in Focus Group Discussions. Ministry of Religion of Ponorogo Regency has also signed a *Memorandum of Understanding* (MoU) with the National Land Agency of Ponorogo Regency, which contains agreements: to support the acceleration program for waqf land certification in Ponorogo Regency, to provide administrative convenience, to disseminate the acceleration of waqf land certification jointly, to provide guidance, guidance, educating the public about accelerating waqf land certification, and assisting the Ministry of Religion's asset certification process. The Ministry of Religion, also through the Penghulu Association of the Republic of Indonesia, Ponorogo Regency Branch, initiated the first and only Mass Waqf Pledge in Indonesia.

**Keywords: Acceleration of certification, waqf land.**

## INTRODUCTION

In Islamic law, we recognize waqf as a way to give charity to others. Waqf contains social and economic dimensions. Although no argument explicitly mentions the word waqf, it does not mean that waqf is not regulated in its governance. Waqf, better known as alms Jariyah, consists of waqf of immovaimmovable and movable property waqf is represented by immovable objects in Article 16 paragraph 2 (a) is land rights in accordancbyons of the applicable laws and regulations, both those that have been registered and those that have not been registered (*UU No. 5 Tahun 1960 tentang Peraturan Dasar Pokok-Pokok Agraria [JDIH BPK RI]*, t.t.).

Based on statistical data, in 2021, the Ponorogo economy will grow by 3.19%. Ponorogo has a Gross Regional Domestic Product (GRDP) revenue based on current prices of IDR 21.35 trillion. The highest growth occurred in transportation and warehousing of 11.09%, water supply, waste management, waste and recycling of 7.23%, processing industry of 6.67%, and information and communication business of 6.41% (*BPS Ponorogo*, t.t.). The existence of a campus, a shopping center, and an increase in n handicraft and food commodities have also contributed to significant economic growth in Ponorogo Regency. This economic growth causes waqf land that has the economic potential to attract the attention of investors and property developers. Ponorogo has waqf land in 4,232 locations covering an area of 196.52 ha, which has not been certified. Unfortunately, the potential of this good land has not been optimized by Nazir. At the same time, certain parties, such as wakif heirs who understand the economic potential of waqf assets,s try to take over the waqf land without considering the surrounding community's moral values and social sanctions. As an example of the case in the withdrawal of waqf land at the Tahfidzul Qur'an Islamic Boarding School Al-Hasan Patihan Wetan Babadan Ponorogo. There, the heir of the wakif, namely H. Qomari Hasan, wanted to take over some of the lands that had been waqf to be used as a residence, even though a boarding school had been built on the waqf land (Fauzi, 2021).

The absence of a waqf legal document in the form of a waqf land certificate due to the complexity of procedures and costs, incompetent Nazir human resources, neglect of waqf assets, and weak community supervision are one of the problems of dispute and forced transfer of uncertified waqf land, as happened in waqf land which being in Siwalan Village there is still waqf land that has not been certified even though the land has been used by the community, even though the existence of the waqf land certificate aims to provide legal certainty and also the legal strength of the property handed over by the wakif. With the certification of waqf land, it gives legal guarantees if a dispute arises in the future (Muqorobin, 2021). There is even a

waqf land whose wakif is not known because there is no record of the waqf pledge, as happened at the al-Huda Mosque, Seton Village, Jenangan District, Ponorogo Regency, which used to be a fief land. The fief land here is devoted to the ongoing government at that time for the public interest in the form of tombs and mosques. Along with the development of the times, the fief land in national legislation has been abolished, so the author calls this land a former fief with privileges and uses that can still be felt today for Muslims as waqf land. Unfortunately, in the history of the existence of the former fief in the al-Huda Mosque, no waqf pledge was found, which clearly stated that this was waqf land. But also, no one's property rights to this land (Kunnashirin, 2021).

Data on waqf land in Ponorogo Regency in 2022, as reported by the Waqf Information System of the Ministry of Religion of the Republic of Indonesia is 5,571 locations, covering an area of 277.19 ha, as many as 1,339 locations, a place of 80.67 ha has been certified and the remaining 4,232 locations covering an area of 196.52 ha. not yet approved. The detailed data is in this table:

**Data Tanah Wakaf kabupaten Ponorogo Tahun 2022**

No	Kecamatan	Jumlah	Luas (ha)	Sudah Bersertifikat		Belum Bersertifikat	
				Jumlah	Luas (ha)	Jumlah	Luas (ha)
1	Ponorogo	415	20,14	139	6,08	276	14,07
2	Jenangan	479	33,61	107	12,45	372	21,15
3	Babadan	563	40,40	120	10,06	443	30,34
4	Siman	302	25,27	72	7,31	230	17,96
5	Kauman	232	7,33	128	4,34	104	2,99
6	Sukorejo	316	14,69	53	2,59	263	12,10
7	Badegan	136	4,27	20	0,93	116	3,34
8	Sampung	158	7,37	45	2,44	113	4,93
9	Jambon	267	6,93	55	1,33	212	5,60
10	Balong	244	11,57	17	0,34	227	11,23
11	Slahung	255	11,82	71	3,58	184	8,24
12	Bungkal	184	6,56	39	1,50	145	5,05
13	Ngrayun	307	7,13	41	0,83	266	6,30
14	Sambit	244	7,48	69	2,31	175	5,17
15	Mlarak	256	28,42	96	13,55	160	14,87
16	Jetis	232	19,80	85	6,74	147	13,06
17	Sawoo	394	10,99	17	0,78	377	10,22
18	Pulung	243	7,15	48	1,43	195	5,72
19	Sooko	144	2,92	54	0,92	90	2,00
20	Ngebel	123	2,27	32	0,70	91	1,57
21	Pudak	77	1,06	31	0,44	46	0,62
<b>Jumlah</b>		<b>5.571</b>	<b>277,19</b>	<b>1.339</b>	<b>80,67</b>	<b>4.232</b>	<b>196,52</b>

Sumber: siwak.kemenag.go.id

The program for accelerating waqf land certification is the best solution so that these potential waqf assets can be secured and utilized for tremendous significance to the people. Ironically, at the same time, monitoring of waqf land certification has not been carried out in a

structured manner and has led to the emergence of some fundamental problems. The accreditation of waqf land was carried out by Nazir, not through the Ministry of Religion, causing the Ministry of Religion to have no control over the data. Second, the unavailability of a system that directly monitors the development of waqf land registered with the BPN has caused the Ministry of Religion not to have a data map as a basis for policymaking. Third, there is a difference in the number of certified waqf land between the Ministry of ATR/BPN and the Ministry of Religion data (Agama, t.t.). Departing from that framework, the author would like to explore more deeply the efforts made by the Ministry of Religion of Ponorogo Regency to accelerate the acceleration of waqf land in the Ponorogo Regency.

## ***RESEARCH METHODS***

Waqf land certificates are one of the requirements so that the waqf land is kept safe so that there will no longer be disputes over heirs who withdraw the land that has been waqf. Waqf land certification is one of the problems that require continuous handling. The Ministry of Religion is one such institution. This study uses a literature study research method in which library data obtained from various sources are compiled and then analyzed to produce conclusions that answer the research formulation (Zed, 2004). Primary data sources come from the official website of the Ministry of Religion in Ponorogo, books, scientific articles, official government websites, and secondary data sources from national news websites, seminar results, and other written sources related to the efforts of the Ministry of Religion of Ponorogo Regency in the acceleration program for land certification. Waqf in 2021 and 2022.

## ***RESULTS AND DISCUSSION***

### ***Profile of the Ministry of Religion of Ponorogo Regency***

The Office of the Ministry of Religion of Ponorogo Regency (Kemenag Ponorogo) is located on Jalan Ir. H Juanda No.27, Tonatan Ponorogo Regency, East Java 63418 (0352) 481-053. Ministry of Religion Ponorogo's service hours are Monday-Friday 08.00 - 15.00 WIB (Saturday and Sunday off) with the One-Stop Integrated Service (PTSP) model that provides licensing and non-licensing services, the management process starting from the application stage until the issuance of a document is carried out in one place. PTSP Kemenag Ponorogo is led by the Head of the Ministry of Religion and oversees several sections of affairs, namely: 1) Secretariat, Personnel and Finance, 2) Islamic Religious Affairs, Zakat and Waqf, 3) Madrasah

Education, Islamic Religious Education, Islamic Education and Islamic Boarding Schools 4) Hajj and Islamic Education Umrah (*Kemenag Ponorogo, t.t.*). The Ministry of Religion of Ponorogo also uploads various activities through social media accounts, namely Facebook: Ministry of Religion Ponorogo Regency, Instagram: humaskemenag,p and Youtube channel: Public Relations Ministry of Religion Ponorogo and website. <http://kemenagponorogo.id>.

Figure 1. The flow of PTSP Ministry of Religion Ponorogo Service Flow



<http://kemenagponorogo.id/pelayan-terpadu-satu-door/>

### ***Waqf Land Certification***

Certification is certification or the process, method, or act of certifying. In the KBBI, a certificate is defined as a written or printed sign or statement (statement) from an authorized person to prove ownership of an incident (*Arti kata certificate, - Kamus Besar Bahasa Indonesia (KBBI) Online, t.t.*). The certificate also meant a certificate containing the size of the land that is sewn together and given a cover with the shape regulated by the Minister of Home Affairs (Chumash, 2004). This certificate is issued as a guide for the owner of the right in line with the information contained in the measurement letter as well as juridical details when registering the land book (Harsono, 1997). So, waqf land certification is all posifavorableal rules set on individuals or landowners to maintain legal certainty and waqf ownership ed.

Waqf registration has been regulated since the era before independence until the government issued waqf regulations listed in Article 49 of Law Number 5 of 1960 concerning

Agrarian Affairs, the contents of which are: a. Land ownership rights of religious and social bodies as long as they are used for businesses in the spiritual and social fields, are recognized and protected, these entities are also guaranteed to obtain sufficient land for buildings and companies in the religious and social areas. b. As referred to in Article 14, land controlled directly by the state with usufructuary rights may be granted for personal and other sacred purposes. c. Waqf of the owned land is protected and regulated by government regulations (*UU No. 5 Tahun 1960 tentang Peraturan Dasar Pokok-Pokok Agraria [JDIH BPK RI]*, t.t.).

### **Legal Basis for Waqf Land Certification**

Regulations regarding waqf made by the Dutch East Indies government were still used at the beginning of independence. In the 1960s the Government considered the importance of waqf issues, so a new regulation was made to explain the problem of waqf in the law. Because waqf was related to land, the law-governed was also about land, namely the Basic Agrarian Law (UUPA). These regulations are:

1. Law no. 5 of 1960 concerning Basic Agrarian Regulations;
2. PP No. 28 of 1977 concerning Land-Owned Waqf;
3. Permendagri No. 6 of 1977 concerning Procedures for Land Registration Regarding the Endowment of Owned Land;
4. Joint Instruction of the Minister of Religion and the Minister of Home Affairs No. 1 of 1978 concerning the Implementation of PP No. 28 of 1977 concerning the Waqf of Owned Land;
5. Minister of Religion Regulation No. 1 of 1978 concerning the Implementation Regulation of PP No. 28 of 1997 concerning Land-Owned Waqf;
6. PP No. 24 of 1997 concerning Land Registration;
7. UU no. 41 of 2004 concerning Waqf;
8. Joint Decree of the Minister of Religion of the Republic of Indonesia and the Head of the National Land Agency Number 422 of 2004 and Number 3/SKB/BPN/2004 concerning Waqf Land Certificates.
9. PP No. 42 of 2006 concerning the Implementation of Law no. 41 of 2004 concerning Waqf;

### **The Urgency of Waqf Land Certification the**

The urgency of having a waqf land certificate as regulated in Article 19 paragraph (1) in conjunction with Article 3 Letter (a) is (*PP No. 24 Tahun 1997 tentang Pendaftaran Tanah [JDIH BPK RI]*, t.t.):

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1. To provide legal certainty and legal protection to the holder of the right to a plot of Vatican easily prove himself as the holder of ownership to the land in question.
2. To provide information to interested parties, including the government, to quickly obtain the data needed to carry out legal actions regarding specific fields of registered land.
3. For the implementation of orderly land administration to create legal certainty and certainty of land rights so that if a dispute occurs, the holder of land rights can easily prove that he is the one who is entitled to it.

### **Mechanism of Waqf Land Certification**

Services for waqf land certification are carried out by the Division of Zakat and Waqf Providers. The procedures and requirements for certifying waqf land before PPAIW (Agama, t.t.) are as follows:

#### **A. Requirements for Making a Land Waqf Pledge Deed with a**

1. Certificate of Land Rights Certificate from BPN;
2. A certificate from the village known to the sub-district head that the land is not in dispute;
3. Land registration certificate (SKPT) from BPN;
4. Wakif (people who do waqf) face directly PPAIW
5. PPAIW researched nazir, then issued a letter of ratification of nadir (Model W5 or W5a);
6. Wakif pledged waqf in front of PPAIW, nadir, and two witnesses;
7. PPAIW issues Waqf Pledge Deed in triplicate.

#### **B. Land Waqf Land Certification Procedures that have been Certified at BPN, attach:**

1. Land certificates;
2. Waqf Pledge;
3. Waqf Pledge Deed;
4. Letter of application for certification addressed to BPN;
5. Result: Waqf Certificate issued by BPN.

#### **C. Requirements for the Making of Uncertified Land Waqf Pledge Deed Land**

1. ownership documents;
2. A certificate from the village known to the sub-district head that the land is not in dispute;



3. Certificate from the head of the local BPN that the land does not yet have a certificate;
4. Wakif (people who do waqf) face PW directly;
5. PPAIW researched nadir, then issued a letter of ratification of nadir (Model W5 or W5a);
6. Wakif pledged waqf in front of PPAIW, nazir, and two witnesses;
7. PPAIW issues Waqf Pledge Deed in triplicate.

**D. Land Waqf Certification Procedure that has not been certified at the BPN, attaching:**

1. Land ownership certificate;
2. Waqf Pledge;
3. Waqf Pledge Deed;
4. Nadzir Endorsement Letter;
5. Application for certification addressed to BPN;

**E. Provisions and Explanation**

1. Land rights will be converted directly into the name of the wakif if they meet the requirements.
2. Land ownership rights will go through a procedure for recognizing wakif land rights first if the requirements do not meet the criteria for direct conversion.
3. Then, based on the waqf pledge deed, the ownership rights to the land are reversed in the name of nadir;
4. For conversions carried out through the procedure for recognizing rights, the recording of the issuance of certificates is carried out according to the Regulation of the Minister of Home Affairs Number 6 of 1977;
5. BPN issues waqf certificatesBPN.

**Waqf Land Certification Problems**

Several challenges must follow up by stakeholders in the acceleration program for waqf land certificates; according to the Ministry of Religion, there are three things. *First*, there are differences in land policy between the central and local governments. This is because not all national policies can be adopted directly in regencies/cities. For example, in West Java, the separation of certificate names can be carried out now through the land certification process, while in other areas, the land that is waqf must have SHM status. *Second*, there is a difference between BPN and the Ministry of Religion regarding the Waqf Pledge Deed. *Third*, there is no



adequate infrastructure and budget at the KUA level. *Fourth*, the lack of insight and knowledge of the Head of KUA as the Official Making the Waqf Pledge Deed related to waqf governance and regulation (Agama, t.t.).

The problem of waqf land certification is not only limited to the findings of the Ministry of Religion above. In reality, many waqf lands also have not been certified due to the low legal awareness of the community due to the lack of legal knowledge from Nazir, wakif, and markup again. Still low. This is due to the lack of knowledge and understanding of the law from nazir, wakif, and *marque alaih*. This has the effect of ratifying the waqf land that has not been certified by the heirs. In addition, without the power of law, Nazir could not manage the waqf assets optimally. As a result, the waqf land was abandoned and transferred/sold to the heirs without Nazir's knowledge (Cahyono, 2021).

### ***The Efforts of the Ministry of Religion of Ponorogo Regency to Accelerating Land Certification***

Waqf land certification is one of the revitalization programs of the Ministry of Religion, especially the Office of Religious Affairs (KUA), to save waqf assets. KUA is the starting point for issuing the legality of waqf land. The Head of the KUA is the Official Making the Waqf Pledge Deed (PPAIW) before being certified by the National Land Agency (BPN). There are 5987 KUA throughout Indonesia; this is a significant number to accommodate waqf land certification (Agama, t.t.). This effort can be carried out with related coordination between the Indonesian Waqf Board (BWI), Nazi association administrators, Islamic religious educators, representatives of Nazir legal entities, BPN, City / Regency Governments to village heads. Furthermore, due to minimal costs, socialization was carried out in the community and collaborated with related parties to overcome bottlenecks in waqf land registration (Saidah, 2019).

Acceleration of waqf land certification, among others, by encouraging the awareness of waqf nazir throughout Indonesia to ensure the completeness of the waqf land documents they manage and coordinate with relevant agencies to take care of certification. Waqf land certification is one of the main pleadings of the Ministry of Religion to save waqf assets, and the Ministry of Religion in Ponorogo is no exception. Some of the problems mentioned above are stumbling blocks to implementing the acceleration program for waqf land certification in Ponorogo Regency. Concrete and progressive steps are needed so that the policies taken are of strategic and measurable value for the policy of accelerating the waqf land certification program. There are 21 KUA throughout Ponorogo Regency in charge of Zakat and Waqf

affairs. Some of the efforts made by the Ministry of Religion of Ponorogo in accelerating waqf land certification are as follows.

The Ministry of Religion of Ponorogo held a Mass Waqf Pledge to socialize and spread the movement for waqf land certification. This activity was carried out by the Association of Penghulu Republik Indonesia (APRI) Ponorogo Branch in the Al Ikhlas Hall of the Ponorogo Ministry of Religion on January 12, 2022. The Mass Waqf Pledge attended by 21 KUAs throughout Ponorogo Regency offline and online has received reports of 177 waqf pledges with 45,563.45 m<sup>2</sup>. It is also hoped that this will be followed up with the registration of waqf land at BPN. And it became the starting point for optimizing honorary religious instructors, especially in the field of waqf, so that they would not only lecture about waqf but also be directly involved in assisting the completion of waqf documents (*Kemenag Ponorogo, t.t.*).

Dissemination and increasing understanding of legal awareness of the parties directly related to waqf land certification was provided by the Ministry of Religion of Ponorogo through a *Focus Group Discussion* (FGD) on the Program for Accelerating Waqf Land Certification by Zakat and Waqf Organizers at the Office of the Ministry of Religion Kab. Ponorogo on Tuesday, September 7, 2021. The resource persons are from BPN Ponorogo. While the FGD participants consisted of representatives from BWI, Nahdlatul Ulama mass organizations, Muhammadiyah, District Nadhir Forum, and Heads of KUA throughout Ponorogo Regency, Pokjaland uh, Waqf Counselors throughout Ponorogo Regency. In an explanation from the Zakat Waqf Organizer, this program has begun seve al 1, several to the center locations. Meanwhile, according to the DIPA Kemenang budget for September, certification assistance in all sub-districts amounted to 42 locatisitess hoped that this program will be able to solve community problems or problems that originate from land disputes (*Kemenag Ponorogo, t.t.*).

The Ministry of Religion encourages its staff in the regions to be proactive in facilitating the process of accelerating waqf land certification. Through vertical units in the areas, the Ministry of Religion is ready to cooperate with the Ministry of ATR/BPN to facilitate the acceleration of waqf land certification. The Central Ministry of Religion appealed to Ministry of Religion officials throughout Indonesia to record uncertified waqf land, encourage waqf nazir to manage uncertified waqf land,d and proactively coordinate with the local BPN (Agama, t.t.). The policy of accelerating waqf land certification is a big step toward securing waqf assets. With the support of the Ministry of ATR/BPN, it is clear that this will be very good for securing and saving waqf assets. To support this program, the Head of the Ponorogo Ministry of Religion has also signed a *Memorandum of Understanding* (MoU) with BPN. This MoU resulted in an agreement: 1) supporting the acceleration program for waqf land

certification in Ponorogo Regency 2) providing administrative convenience access to accelerating waqf land certification 3) jointly socializing the acceleration of waqf land certification 4) providing guidance, guidance, education to the community about acceleration waqf land certification 5) assisting the process of asset certification of the Ministry of Religion. It is hoped that this collaboration will make it easier for both officers from the Ministry of Religion and BPN to carry out existing programs. The data collection process for waqf land has been completed and has gradually begun registering at the BPN Office (*Kemenag Ponorogo, t.t.*).

### **CONCLUSION**

The issuance of Law no. 41 of 2004 and PP No., which regulates waqf governance, has impacted the regulation of waqf property management, one of which is waqf land. As we all know, the main problem with waqf land is that it does not have a certificate. Even though this is prone to causing conflicts in the future, for example, heirs who ask for the return of waqf assets after their parents or ancestors have died, even though there is a mosque/madrasah/building on the land that the community has used for a long time. For this reason, waqf land certification is essential, so such things do not happen again.

Waqf land certification is one of the programs to save waqf assets which aims to facilitate the issuance of waqf land certificates by the National Land Agency. Based on SIWAK data, only 1,339 locations out of 5571 or only % of waqf land in Ponorogo Regency have waqf certificates. Seeing that this situation could be the seed of disputes in the future, the Ministry of Religion of Ponorogo Regency, especially Sie Zakat and Waqf, made a breakthrough by making efforts to accelerate the waqf land certification program and, for example, initiating the first and only Mass Waqf Pledge in Indonesia. C and conductingcialization by inviting representatives of the Indonesian Waqf Board (BWI), Islamic organizations, nazir forums, heads of KUA, and working groups for Waqf extension workers throughout Ponorogo Regency in Focus Group Discussions. Ministry of Religion of Ponorogo Regency has also signed a *Memorandum of Understanding* (MoU) with the National Land Agency of Ponorogo Regency, which contains agreements: to support the acceleration program for waqf land certification in Ponorogo Regency, to provide administrative convenience, to disseminate the acceleration of waqf land certification jointly, to provide guidance, guidance, educating the public about accelerating waqf land certification, and assisting the process of certifying the assets of the Ministry of Religion.

### **Suggestions**

The efforts of the Ponorogo Ministry of Religion to succeed in the acceleration program for waqf land certification as a step to save waqf land assets should be appreciated. However, from the author's note, there are several suggestions that the author proposes, namely:

1. Using social media that is owned is used optimally for socialization and education to the public, both regulatory information, development, progress achieved, benefits, and wakif data so that the people of Ponorogo Regency, especially those who have in remote areas with geographical conditions that are difficult to reach, it is easy to obtain accurate information without having to come to the city.
2. Conducting replica studies or adopting strategies from other regional Ministry of Religion offices that have successfully pursued an acceleration program for waqf land certification.
3. Optimizing the empowerment of honorary religious instructors, especially those in the field of waqf in 21 sub-districts, by no longer simply lecturing on the importance of waqf but directly engaging in the completion of waqf documents so that more and more waqf lands are certified.

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