

ABSTRAK

Nadia Imroatus Sholihah. 2026. Tertib Prosedural Wakaf Tanah Melalui Penetapan Isbat Wakaf Di Lingkungan Kota Madiun. Program Studi Hukum, Fakultas Hukum, Universitas PGRI Madiun, Pembimbing (I) Nizam Zakka Arrizal, S.H., M.Kn. (II) Bintang Ulya Kharisma, S.H., M.Kn.

Tanah memiliki kedudukan penting dalam kehidupan masyarakat Indonesia, termasuk sebagai objek wakaf yang dimanfaatkan untuk kepentingan ibadah dan kesejahteraan umum. Namun, masih banyak tanah wakaf di Kota Madiun yang dilakukan secara lisan dan belum memiliki Akta Ikrar Wakaf (AIW) maupun sertifikat tanah wakaf, sehingga berpotensi menimbulkan ketidakpastian hukum dan sengketa di kemudian hari. Penelitian ini bertujuan untuk menganalisis langkah-langkah formil pelaksanaan wakaf tanah melalui penetapan isbat wakaf serta mengkaji hambatan dan solusi dalam pelaksanaannya di Kota Madiun. Penelitian ini menggunakan metode penelitian hukum empiris dengan Pendekatan komparatif (*comparative approach*), pendekatan perundang-undangan (*statute approach*), pendekatan kasus (*case approach*). Data diperoleh melalui wawancara, dokumentasi, dan studi kepustakaan di Pengadilan Agama Kota Madiun, Kantor Urusan Agama (KUA), dan Badan Pertanahan Nasional (BPN) Kota Madiun. Analisis data dilakukan secara deskriptif kualitatif dengan menggunakan teori kepastian hukum, perlindungan hukum, tertib administrasi hukum, dan kebijakan publik lokal. Hasil penelitian menunjukkan bahwa pelaksanaan wakaf tanah telah berjalan sesuai ketentuan hukum melalui ikrar wakaf, penerbitan AIW, pencatatan E-SIWAK, dan sertifikasi tanah wakaf. Penetapan isbat wakaf berfungsi sebagai instrumen legalisasi bagi tanah wakaf lama yang belum memiliki dokumen perwakafan sehingga memberikan kepastian hukum dan tertib administrasi. Hambatan yang ditemukan meliputi wakaf lisan, tanah belum bersertifikat, ketidaksesuaian data administrasi, kesulitan menghadirkan saksi dan ahli waris, serta rendahnya pemahaman masyarakat. Solusi yang dilakukan antara lain optimalisasi isbat wakaf, percepatan sertifikasi, pemanfaatan E-SIWAK, penguatan koordinasi antarinstansi, dan peningkatan sosialisasi kepada masyarakat.

Kata Kunci: Wakaf Tanah, Isbat Wakaf, Kepastian Hukum, Tertib Administrasi.

ABSTRACT

Nadia Imroatus Sholihah. 2026. Procedural Orderliness Of Land Waqf Through The Determination Of Waqf Validation (Isbat Waqf) In Madiun City. Undergraduate Thesis. Law Study Program, Faculty of Law, Universitas PGRI Madiun. Supervisor (I) Nizam Zakka Arrizal, S.H., M.Kn. Supervisor (II) Bintang Ulya Kharisma, S.H., M.Kn.

Land holds an important position in the lives of Indonesian people, including as an object of waqf utilized for religious purposes and public welfare. However, many waqf lands in Madiun City were established verbally and do not yet possess a Waqf Pledge Deed (Akta Ikrar Wakaf/AIW) or waqf land certificate, creating the potential for legal uncertainty and disputes in the future. This study aims to analyze the formal procedures for the implementation of land waqf through waqf validation (isbat waqf) determinations and to examine the obstacles and solutions encountered in their implementation in Madiun City. This research employs an empirical legal research method using comparative, statutory, and case approaches. Data were collected through interviews, documentation, and library research conducted at the Madiun City Religious Court, the Office of Religious Affairs (KUA), and the National Land Agency (BPN) of Madiun City. The data were analyzed descriptively and qualitatively using the theories of legal certainty, legal protection, legal administrative orderliness, and local public policy. The results indicate that the implementation of land waqf has been carried out in accordance with prevailing legal provisions through the waqf pledge process, the issuance of the Waqf Pledge Deed (AIW), registration in the E-SIWAK system, and waqf land certification. Waqf validation (isbat waqf) determinations function as a legal instrument for the legalization of old waqf lands that lack waqf documentation, thereby providing legal certainty and administrative orderliness. The obstacles identified include verbal waqf practices, uncertified waqf lands, inconsistencies in administrative data, difficulties in presenting witnesses and heirs, and the limited public understanding of waqf validation procedures. The solutions implemented include optimizing waqf validation proceedings, accelerating waqf land certification, utilizing the E-SIWAK system, strengthening inter-agency coordination, and enhancing public outreach and education.

Keywords: *Land Waqf, Waqf Validation (Isbat Waqf), Legal Certainty, Administrative Orderliness.*