

The Reconstruction of The Authority of The Indonesian Waqf Board (BWI) in Relation to The Supervision of Waqf Assets

Huzaimah Al Anshori

Fakultas Hukum, Universitas Islam Kediri, Indonesia

<https://orcid.org/0000-0001-7858-4614>

✉ Corresponding email: huzaimah@uniska-kediri.ac.id

Abstrak

Pengawasan terhadap harta benda wakaf merupakan aspek penting untuk menjamin perlindungan, keberlanjutan, dan pemanfaatannya bagi kemaslahatan masyarakat. Dalam konteks tersebut, Badan Wakaf Indonesia (BWI) memiliki peran strategis dalam memastikan harta benda wakaf, baik bergerak maupun tidak bergerak, terlindungi dari sengketa, penyalahgunaan, maupun penarikan kembali oleh ahli waris wakif. Penelitian ini bertujuan untuk menganalisis pengaturan kewenangan BWI berdasarkan ketentuan hukum yang berlaku saat ini serta merekonstruksi pengaturan kewenangan pengawasannya pada masa yang akan datang. Penelitian ini merupakan penelitian hukum normatif dengan pendekatan perundang-undangan, pendekatan kasus, dan pendekatan konseptual. Sumber data yang digunakan meliputi bahan hukum primer dan bahan hukum sekunder yang dikumpulkan melalui studi kepustakaan dan studi dokumen, kemudian dianalisis secara kualitatif. Hasil penelitian menunjukkan bahwa kewenangan BWI meliputi pembinaan nazhir, pemberhentian dan penggantian nazhir, pemberian persetujuan dan/atau izin atas perubahan peruntukan dan status harta benda wakaf, pemberian persetujuan atas penukaran harta benda wakaf, pengelolaan dan pengembangan harta

benda wakaf berskala nasional dan internasional, serta pemberian saran dan pertimbangan kepada pemerintah dalam penyusunan kebijakan di bidang perwakafan. Penelitian ini juga menawarkan rekonstruksi pengaturan kewenangan pengawasan melalui pembentukan BWI di tingkat kecamatan yang berkedudukan pada Kantor Urusan Agama (KUA) guna memperkuat pengawasan terhadap harta benda wakaf, baik bergerak maupun tidak bergerak, sehingga tercipta perlindungan hukum yang lebih efektif dan optimal.

Kata Kunci

Rekonstruksi Otoritas, Badan Wakaf Indonesia (BWI), Pengawasan Aset Wakaf.

Abstract

Supervision of waqf property is essential to ensure its protection, sustainability, and utilization for the public benefit. In this context, the Indonesian Waqf Board (BWI) plays a strategic role in safeguarding both movable and immovable waqf property from disputes, misuse, and claims for repossession by the waqif's heirs. This study aims to analyze the current legal framework governing the authority of BWI and to reconstruct its supervisory authority for future implementation. This research employs a normative legal research method using statutory, case, and conceptual approaches. The data consist of primary and secondary legal materials collected through library and document studies and analyzed qualitatively. The findings indicate that BWI is authorized to supervise and develop nazhir, dismiss and replace nazhir, approve changes in the designation and legal status of waqf property, authorize the exchange of waqf property, manage and develop waqf assets at the national and international levels, and provide recommendations and considerations to the government in formulating waqf policies. This study further proposes a reconstruction of the supervisory authority of BWI through the establishment of BWI offices at the sub-district level within the Office of Religious Affairs (KUA) to strengthen the supervision of both movable and immovable waqf property, thereby

enhancing legal protection and ensuring more effective and optimal waqf governance.

Keywords

Authority Reconstruction, Indonesian Waqf Board (BWI), Waqf Asset Supervision.

Introduction

Waqf, in linguistic terms, means to withhold. In its specific terminology, waqf refers to the act of holding a property and channelling its benefits for permissible purposes.¹ Waqf is a legal act by the waqif to segregate and (or) transfer part of their property to be utilized either permanently or for a specific period, according to their interests for religious purposes and/or public welfare according to Sharia.² Waqf is a form of charitable act in Islam that encompasses aspects of both worship and transactions. It is considered an act of continuous charity that brings ongoing reward (*ajrun*), which does not cease even if the donor (*waqif*) has passed away, as long as the waqf property continues to benefit the community.³ The social aspect, as waqf is considered a charitable act to provide property for social purposes.⁴

Throughout Islamic history, waqf has played an active role in enhancing the welfare of the Muslim community. Initially, the concept of waqf emerged during the time of Prophet Muhammad SAW when he instructed his companion Umar Bin Khatab to endow his property by retaining the principal and dedicating the benefits derived from it. The Prophet also commanded that waqf property should not be sold,

¹ Zakaria Al-Anshori, *Fathul Wahab Bisyarhi Manhajuttullab*, (Lebanon: Darul Kutub Ilmiyah, n.d.).

² Pasal 1 Ayat 1 UU No. 41/2004.

³ Ismail Al-Kahlani, *Subulus Salam* (Khairo: Dar Al-Fath, n.d.).

⁴ Fauzul Hanif et al., 'Performa Bank Wakaf Mikro Selama 2017-2021 : Sebuah Studi Literatur Sistematis (Systematic Literature Review)', *Iqtishadia* 9, no. 2 (2022): 204–21, <https://doi.org/10.1905/iqtishadia>.

inherited, or donated, as it serves the community.⁵ At that time, the practice of waqf was already being carried out by the companions of Prophet Muhammad SAW, and the legal principles of waqf that formed the basis for its implementation had emerged. Subsequently, the practice of waqf continued through the generation of the companions, the *Tabi'in* (their followers), and persisted through the Umayyad and Abbasid Caliphates, and later the Ottoman Empire.⁶

The development of waqf law has progressed rapidly, not only in Saudi Arabia but also across the globe, particularly in Islamic countries such as Turkey, Egypt, Iran, Pakistan, Malaysia, Bahrain, Bangladesh, Indonesia, and others.⁷ The development of waqf in Indonesia has advanced, with waqf now being regulated by state laws while still respecting religious laws, creating a harmonization between national and religious law. It is because the objectives and benefits of waqf assets play a significant role in national development goals, as mandated in the constitutional foundation of the state, namely the Preamble of the 1945 Constitution of the Republic of Indonesia. In Malaysia, the benefits of waqf have expanded beyond religious aspects to include business and trade, banking, insurance, stock markets, and companies, even extending to industry and tourism.⁸

In Islamic law, once the waqif has pronounced the waqf declaration (*sighat*), the ownership of the endowed property is relinquished by the waqif. Subsequently, the waqf assets are managed by the *nazir*. The heirs of the waqif do not have rights to the endowed property as waqf ownership cannot be inherited, and its ownership has become the property of Allah (*intiqolu ilallah*).⁹

In practice, numerous deviations continue to occur. The involvement of third parties, other than the nazir and waqif, is one of the

⁵ Muhammad Ibn Ali bin Muhammad Al-Shaukani, *Nayl Al-Awthar* (Kairo: Mustafa Al-Bab Al-Halan, n.d.).

⁶ Al-Shaukani.

⁷ Tuti A. Najib dan Ridwan Al-Makassary, *Wakaf, Tuhan, Dan Agenda Kemanusiaan*, (Jakarta: CSCR UIN Syarif Hidayatullah, hlm 3., 2006).

⁸ Al-Makassary.

⁹ Abu Bakar Sato', *Panatut Thalibiin, Juz III*, (Beirut Darul Fikr: Lebanon, n.d.).

factors that can lead to waqf disputes, including those involving the heirs of the *waqif*. According to Article 40 of the Waqf Law, waqf land cannot be inherited; however, many heirs still believe they have rights to the property. One common type of waqf dispute is related to these issues.¹⁰ Deviations by heirs that are frequently encountered include reclaiming, cancelling, selling, and other actions against waqf property.¹¹

For example, this is evident in the case of Manisrenggo, Kota Kediri, East Java, Indonesia. A waqf dispute occurred between the heirs of the waqif and the community (the former management committee), claiming authority in appointing the nazir responsible for managing the mosque. They argue based on Article 6, Paragraph (4) of Government Regulation of the Republic of Indonesia No. 42 of 2006 on the Implementation of Law No. 41 of 2004 on waqf, which states that heirs have the right to propose names for nazir to manage waqf.

Additionally, another waqf dispute involves the retraction of land that had been endowed, as in the case of Decision No. 987/Pdt.G/2003/PA.Smg. This dispute began when the deceased had endowed a piece of land and a mosque was built on it. However, this land was the joint property of the waqif with his first and second wives having never been divided among their heirs or officially endowed with a Waqf Deed beforehand. Consequently, the heirs, upon discovering this, filed a lawsuit with the Semarang Religious Court to retract the waqf land for distribution as inheritance.¹²

The numerous waqf disputes between the heirs of the waqif and the nazir, the neglect of waqf assets, inactive nazir, and the diversion of waqf purposes highlight the need for regulatory oversight of the Indonesian Waqf Board (BWI) at the sub-district level to monitor and

¹⁰ Zelika Ayu Andaresa, Helza Novalita, and Kusmayanti, 'Keabsahan Pengambil Alihan Pengelolaan Maupun Penguasaan Tanah Wakaf Oleh Ahli Waris Wakif', *Jurnal Kajian Dan Pengembangan Umat* 3, no. 1 (2020): 69–83.

¹¹ Andaresa, Novalita, and Kusmayanti.

¹² Penarikan Wakaf, *Jurnal Pro Hukum: TINJAUAN YURIDIS TERHADAP PENARIKAN KEMBALI TANAH WAKAF UNTUK DIBAGIKAN SEBAGAI HARTA WARISAN Universitas Esa Unggul*, Jakarta, Indonesia Email: *Laurensius.David@outlook.Com Pendahuluan Manusia Diciptakan Selain Sebagai Makhluk Indivi*, 12, no. 41 (2023): 961–69.

supervise both movable and immovable waqf assets. There is a need to revise the BWI's authority in Indonesia to avoid potential future disputes.

The role of the Indonesian Waqf Board (BWI) in waqf supervision is crucial. Law No. 41 of 2004 on Waqf entrusts the BWI with managing and developing waqf activities in Indonesia. The presence of BWI is not to take over waqf assets managed by waqf institutions or nazir. However, BWI plays a crucial role in mentoring Waqf Nazir through social services, economic empowerment, and infrastructure development. This aims to make waqf management more directed and productive, thus providing greater benefits to the community.

According to Article 49, Paragraph 1 of Law No. 41 of 2004 on Waqf, the BWI has the following duties and authorities:

1. To guide Nazir in managing and developing waqf assets.
2. To manage and enhance waqf assets on a national and international scale.
3. To approve and (or) permit changes in the purpose and status of waqf assets.
4. To dismiss and replace Nazir.
5. To approve the exchange of waqf assets.
6. To offer advice and considerations to the Government in formulating waqf policies.

Given these issues, it is crucial to establish the authority of the Indonesian Waqf Board (BWI) over both movable and immovable waqf assets by creating a BWI presence at the sub-district level within the Religious Affairs Office (KUA) for the oversight of waqf assets in Indonesia. This would be beneficial for expanding the BWI's authority and evaluating waqf legal policies. Therefore, the author proposes two research questions: How is the current regulation of the Indonesian Waqf Board (BWI) structured, and how should the regulatory framework of the Indonesian Waqf Board (BWI) be reconstructed in the future?

Method

This research falls under the category of normative legal research. It involves examining and analyzing documents such as legislation, court decisions, legal theories, and jurisprudence and may incorporate scholarly opinions. Legal research encompasses various approaches, including the statutory approach, case approach, conceptual approach, and comparative approach, all of which are utilized by the author in this study.¹³ and philosophical approach.¹⁴ Various types and origins of primary and secondary research data exist, with data collection methods encompassing literature review and document analysis. Additionally, data processing techniques and analysis methods are employed to interpret the collected data.¹⁵

Results and Discussion

1). Regulation of the Authority of the Indonesian Waqf Board (BWI) at Present

The Indonesian Waqf Board (BWI) is a national, independent institution established under Law No. 41 of 2004. The organization was created to promote the development and optimization of waqf in Indonesia. The BWI was not established to take over waqf assets managed by Nazhir. Instead, the BWI provides encouragement and support to Nazhir to improve the management of waqf assets and enhance production efficiency, thereby offering greater benefits to the community through social services, economic empowerment, and public

¹³ Peter Mahmud Marzuki, *Penelitian Hukum*, (Jakarta: Kencana Prenada Group, 2007). 35.

¹⁴ Prasetijo Rijadi, Jonaedi Efendi, *Metode Penelitian Hukum Normatif dan Empiris*, (Jakarta: Kencana, 2022). 146.

¹⁵ Muhaimin, *Metode Penelitian Hukum*, (Mataram: University Pres, 2020). 73.

infrastructure development.¹⁶ The BWI is located in the capital city, with its representatives potentially established in provinces, regions, and (or) districts as needed.¹⁷

The Indonesian Waqf Board (BWI) is an independent organization dedicated to the waqf development in Indonesia. In carrying out its duties, it operates without external influence and is accountable to the broader community. The establishment of the Indonesian Waqf Board began with the development of waqf land and innovations in waqf that were poorly documented or managed. As a result, Nazir needs socialization and training to collect and manage regional waqf data effectively.¹⁸

The BWI members are appointed and dismissed by the President. Their term of office is 3 years, with the possibility of one reappointment. The BWI consists of between 20 and 30 members from various segments of society. The first members are proposed to the President by the Minister of Religious Affairs, while subsequent appointments are suggested by a selection committee composed of BWI members. The BWI's representatives are appointed and dismissed by the BWI itself. The management structure of BWI includes an advisory committee and an executive body. Each chair is elected by the members, with the executive

¹⁶ Hajed A. Alotaibi, Huzaimah Al-Anshori, M. Syamsuddin, Agus Triyanta, Ramadhita, Syabbul Bachri, "Clarifying Heirs' Rights in Indonesian Waqf Law: Toward Stronger Governance and Conflict Prevention," *Nurani: Jurnal Kajian Syariah Dan Masyarakat*. Vol. 25, No. 2, 25, no. 2 (2025): 133.

¹⁷ Muhammad Budi Buchari Harahap dan Darwanto, "Peran Strategi Badan Wakaf Indonesia (BWI) dalam meningkatkan Profesionalisme Nazhir Kota Semarang," *Tawazun : Journal of Sharia Economic Law* 4, no. 1 (2021): 111.

¹⁸ Ahmad Hafdzi, "Nazir Wakaf dalam Perspektif Peraturan BWI Nomor 1 tahun 2020 dan Fiqih Wakaf," *Jurnal Kajian dan Pengembangan Umat* 7, no. 1 (2024): 2.

body responsible for task management and the advisory committee consisting of supervisory elements.¹⁹

Regulations governing waqf have existed since before Indonesia's independence. Over time, various regulations and laws have been introduced to ensure the effective development of waqf. The development of waqf regulation began after the reform era, marked by the creation of numerous new laws, including Law No. 41 of 2004 on Waqf.²⁰

Regarding waqf supervision policies, Law No. 41 of 2004, Article 63, Paragraph (1) states that the Minister is responsible for guiding and supervising waqf administration to achieve its goals and functions. Paragraph (3) of the same article specifies that this guidance and supervision should consider the recommendations and considerations of the Indonesian Ulema Council (MUI). Article 65 allows the Minister to use public accountants in the supervision process.²¹

In general, the legal framework assigns the Minister of Religious Affairs, with the assistance of MUI and BWI, the task of addressing violations and disputes related to waqf management. This effort can also be supported by active community and government participation.²² In supervision duties, the Minister and BWI may invite community

¹⁹ Rahmat Dahlan, "Analisis Kelembagaan Badan Wakaf Indonesia," *Esensi : Jurnal Bisnis dan Manajemen* 6, no. 1 (2016): 122.

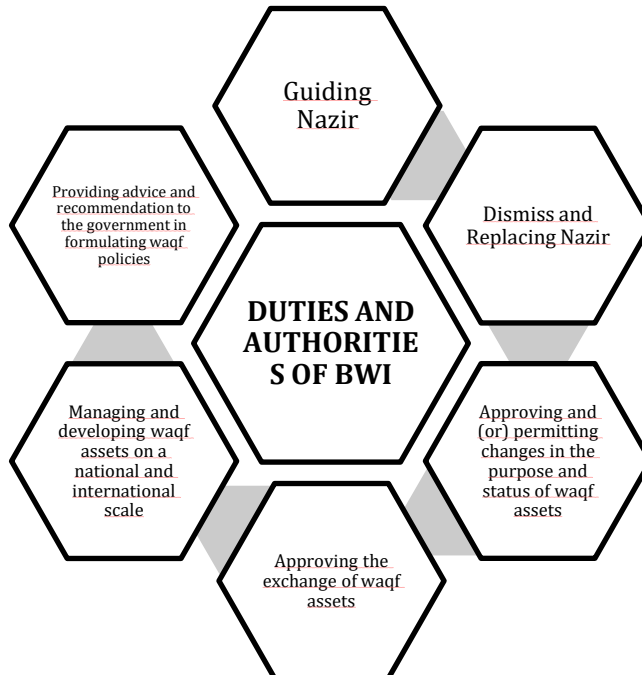
²⁰ Giza Fatimatus Ghiffania Huzaimah Al-Anshori, Agus Manfaluthi, Emi Puasa Handayani, Naufal Ghani Bayhaqi, "Penyelesaian Sengketa Tanah Waris Dalam Rangka Program Pendaftaran Tanah Sistematis Lengkap (PTSL) Melalui Mediasi Di Desa Petok Kec. Mojo Kab. Kediri," *Mizan: Jurnal Ilmu Hukum Vol. 13 No. 2 Hlm. 166* 13, no. 2 (2024): 166.

²¹ Farid Rifai, "Analisis Sistem Pengawasan Wakaf di Indonesia," *Proceeding. 1st. Annual Conference on Ihtifaz : Islamic Economics, Finance, and Banking (ACI-IJIEFB)*, (2020): 119.

²² Huzaimah Al-Anshori, M. Syamsuddin, Agus Triyanta, Ramadhita, Syabbul Bachri, "Clarifying Heirs' Rights in Indonesian Waqf Law: Toward Stronger Governance and Conflict Prevention."

organizations, experts, international bodies, and other necessary parties. They are also permitted to use public accountants to review financial transactions conducted by Nazhir. With extensive bureaucratic access and legal authority, the aim is to aid in enforcing laws, a crucial aspect of waqf development.²³

1. The role of the Indonesian Waqf Board (BWI) in waqf supervision is outlined in Law No. 41 of 2004, which entrusts BWI with managing and developing waqf activities in Indonesia. BWI is not intended to take over waqf assets managed by waqf institutions or nazir but plays a crucial role in mentoring waqf nazir through social services, economic empowerment, and infrastructure development. This aims to make waqf management more directed and productive, thereby providing greater benefits to the community.



²³ *Ibid.* 120.

2. The authority of the Indonesian Waqf Board (BWI) includes guiding nazir, dismissing and replacing nazir, approving and/or permitting changes in the purpose and status of waqf assets, approving the exchange of waqf assets, managing and developing waqf assets on a national and international scale, and advising the government in formulating waqf policies.
3. Based on Article 49, Paragraph (1) of Law No. 41 of 2004, the duties and authorities of BWI are as follows:
 4. To guide Nazir in managing and developing waqf assets;
 5. To manage and enhance waqf assets on a national and international scale;
 6. To approve and (or) permit changes in the purpose and status of waqf assets;
 7. To dismiss and replace Nazhir;
 8. To approve the exchange of waqf assets;
 9. To advise the government in formulating waqf policies.

In addition to the aforementioned duties and authorities, BWI also has additional responsibilities and powers detailed in Regulation BWI Number 1 of 2007 as follows:

1. Guide Nazhir in managing and developing waqf assets.
2. Develop guidelines for the management and development of waqf assets.
3. Manage and develop waqf assets on a national and international scale, including neglected waqf assets.
4. Provide recommendations, approvals, and/or permits for changes in the purpose and status of waqf assets.
5. Provide recommendations and/or approvals for the exchange of waqf assets.

6. Advise and provide recommendations to the government on waqf policy formulation.
7. Receive, assess, and issue registration certificates for nazhir, and reappoint nazhir whose term has expired.
8. Dismiss and replace Nazir if deemed necessary.
9. Advise the Minister of Religious Affairs on appointing Islamic Financial Institutions for Receiving Cash Waqf (LKS-PWU).
10. Receive the registration of the Waqf Pledge Deed (AIW) for movable assets, other than money, from the Waqf Pledge Deed Official (PPAIW).

These functions and duties aim to establish a professional waqf institution trusted by the community and have high integrity in managing and developing waqf assets for community empowerment. Therefore, BWI should be the central body for national waqf policy-making, from pledges and management to oversight. Given the recent developments in waqf in Indonesia and other countries, BWI needs to continue making efforts and innovations to advance waqf in Indonesia, particularly in monitoring nazir.

According to the Waqf Law, BWI can collaborate with central and regional government agencies, community organizations, experts, international bodies, and other entities necessary to perform its tasks in the field of waqf. BWI must consider every suggestion and recommendation from the Minister of Religious Affairs and the Indonesian Ulema Council (MUI). The existence of BWI is crucial due to its role in improving the quality of waqf management in Indonesia. Since the Waqf Law enactment, BWI has been responsible for the guidance and oversight of waqf management.²⁴

²⁴ Rozalinda, *Manajemen Wakaf Produktif*, (Jakarta: Rajawali Pers, 2015). 407.

From the roles described above, it can be said that BWI's role in waqf management is not only as a regulator but also as a nazir. This is by Article 49(1) of Law No. 41 of 2004 on Waqf, specifically in subparagraphs a and b. The following is an explanation of these roles:

a) BWI's Authority to Guide Nazhir in Managing Waqf

BWI, as the guiding and supervising body for Nazir, can be considered a regulator. A regulator is an entity that oversees all policies and regulations related to waqf to ensure their relevance and recommends and (or) suggests policy changes. BWI is authorized by the Waqf Law to issue its regulations, referring to the law and formulating policies concerning waqf, while considering relevant parties.²⁵

BWI also takes responsibility for overseeing and mentoring Nazir. To fulfill this role, BWI needs to implement several strategic steps in guiding nazir according to Article 53(2) of Government Regulation No. 42 of 2006, including the following:

- a. Preparing facilities and infrastructure to support Nazhir's activities.
- b. Formulating regulations, providing motivation, offering facilities, coordinating, empowering, and developing waqf assets.
- c. Providing waqf certification processes.
- d. Preparing AIW (Waqf Pledge Deed) forms for movable and immovable assets.
- e. Training and developing nazir in various regions as per scale.
- f. Providing waqf fund management services from domestic and international sources for the development and empowerment of waqf.

²⁵ Hidayatullah dan dan Faris Ali Sidqi, "Revitalisasi Badan Wakaf Indonesia (BWI) Analisis Kritis Undang-undang Nomor 41 tahun 2004 tentang Wakaf," *Journal Al-Adl* 10, no. 1 (2019): 26.

BWI, as the guide for Nazir, must conduct guidance at least once a year. In this regard, BWI needs to organize research, training, seminars, and other activities. The purpose of guiding nazir is to enhance their ethics and morality in managing waqf and to improve the professionalism of waqf fund management.²⁶

As a regulator, BWI is also responsible for supervising Nazir in Indonesia. Currently, supervision of nazhir is still weak, with many cases of nazhir failing to manage waqf responsibly.²⁷ The waqf system in Indonesia must continue to be improved so that waqf management by nazir can be conducted productively according to applicable regulations. Therefore, supervision by BWI must be strict and thorough.

b) BWI's Authority to Manage Waqf Assets (Nazir)

BWI, which plays a role in managing and developing waqf assets on a national and international scale, can be considered a nazir. BWI's role as a nazir began with the enactment of the Waqf Law, where the government sought to establish professional waqf managers (nazir) on both national and international levels, which could then serve as examples or benchmarks for other nazir in Indonesia. This is because current Nazir, particularly in regional areas, often continues to rely on improvised and traditional management methods.

As an asset manager (Nazir), BWI has not yet fully optimized its function. BWI still struggles to focus solely on its role as a nazir, as it also functions as a regulator, leading to potential conflicts of interest.

²⁶ Pasal 55, Peraturan Pemerintah Nomor 42 tahun 2006 tentang Pelaksanaan Undang-undang Nomor 41 tahun 2004 tentang Wakaf.

²⁷ Achmad Arief Budiman, *Membangun Akuntabilitas Lembaga Pengelola Wakaf*, (Semarang: Puslit IAIN Walisongo Semarang, 2010). 39.

2). Reconstruction of the Authority Regulation of the Indonesian Waqf Board (BWI)

Reconstruction of the Authority Regulation for the Supervision of the Indonesian Waqf Board (BWI) over Waqf Assets, Both Movable and Immovable, with the Establishment of the Indonesian Waqf Board (BWI) at the Sub-district Level Located in the KUA (Office of Religious Affairs) for the Supervision of Waqf Assets in Indonesia. In this context, the author uses the theories of Maslahah, Utilitarianism, Development Law, and Legal Reform to address the second problem formulation.

Maslahah is a method for establishing Sharia law through *ijtihad*, prioritizing public welfare, and reducing harm in legal judgments. However, any *maslahah* that contradicts the Qur'an, Sunnah, or *Ijma'* can be invalid and rejected.²⁸

The reason for using *maslahah* as a method for determining Sharia law is that every *maslahah* should not contradict stronger provisions, must be reasonable, applicable to general transactions (*muamalah*), and agreed upon by the majority. In other words, if it does not meet these four criteria, the *maslahah* will be considered null or rejected.²⁹

Etymologically, *maslahah* (plural: *masalih*) means something beneficial and good and is the opposite of harm and damage. *Maslahah* is sometimes referred to by terms meaning the pursuit of what is right. The essence of *maslahah* is to create goodness and pleasure in human life while avoiding things that could harm the general well-being.³⁰

Ibn Taymiyyah, as quoted by Sheikh Abu Zahra, states that *maslahah* refers to the jurist's view on actions that contain good and are

²⁸ Enden Haetamil, "Perkembangan Teori Maslahah 'Izzu Al-Din Bin Abd Al-Salam, dalam Sejarah Pemikiran Hukum Islam," *Jurnal Asy-Syari'ah* 17, no. 1 (2015): 22-42.

²⁹ *Ibid.* 22-42.

³⁰ Laskar Lawang Songo, *Term Syari'at dan Cita Kemaslahatan*, (Kediri: Lirboyo Press, 2012). 290.

not contrary to Sharia law. The *maslahah* in question is the one that aligns with the objectives of Sharia, rather than one based solely on human desires. This is because the ultimate aim of Sharia law is to achieve benefits for humans in all aspects of their lives and to avoid various forms of harm.³¹

In Arabic, *maslahah* (plural: *masalih*) is synonymous with the word benefit and is the opposite of mafsadat (harm). Figuratively, this term can also be used for actions that contain benefits. The term benefit is always associated with pleasure (*ladhdha*) and efforts to obtain or maintain it.³² As times have progressed, the term "maslahah" has been standardized into Indonesian as "maslahat," which means something that brings goodness or benefit and prevents harm.³³

The term "maslahat" refers to drawing benefits or preventing harm. In technical terms, it involves the objectives (maqasid) preservation of Sharia, which include religion, life, intellect, lineage, and property. Anything that preserves these five fundamental objectives is considered maslahat, while anything that undermines them is considered mafsadat, and rejecting the latter is also a form of maslahat.³⁴

The Maslahat theory originates from Islamic legal theory, focusing more on the element of benefit or utility for humans rather than merely addressing normative issues. This theory does not solely focus on the textual content of legal texts (Qur'anic verses and Hadith) or written laws

³¹ *Ibid.* 290.

³² Husein Hamid Hasan, *Nazhariyah Al-Mashlahah fil Al-Fiqh Al-Islami*, Kairo: Al-Mutabbi, 1981). 4.

³³ Jamaluddin, "Teori Maslahat dalam Perceraian Studi Pasca berlakunya Undang-undang Nomor 1 tahun 1974 dan Kompilasi Hukum Islam," *Jurnal Ilmu syari'ah dan Hukum* 46, no. 2 (2012): 486.

³⁴ Al-Ghazali, *Al-Mustashfa Min 'ilmi Al-Ushul*, Jilid I, (Beirut: Dar Al-Fikr, t.t). 286-287. dikutip oleh Jamaluddin, 2012. "Teori Maslahat dalam Perceraian Studi Pasca berlakunya Undang-undang Nomor 1 tahun 1974 dan Kompilasi Hukum Islam," *Jurnal Ilmu syari'ah dan Hukum* 46, no. 2 (2012): 486.

but also emphasizes principles aimed at preventing harm to preserve the objectives of Sharia. Imam Al-Ghazali views that *maslahat* must align with Sharia objectives, even if it conflicts with human desires, as human benefits are not always based solely on Sharia's will.

Jamaluddin Abdurrahman describes *maslahat* in a broader sense, encompassing everything that benefits achieving goodness and pleasure or alleviating difficulties and hardships. In other words, the essence of *maslahat* is to create goodness and satisfaction in human life while avoiding things that could damage it. However, *maslahat* is related to the value of appropriate and necessary goodness required by human beings.

Additionally, Imam Al-Ghazali defines *maslahat* as follows: "Maslahat fundamentally involves striving to achieve benefits or prevent harm." From the above definitions, the essence of *maslahat* is consistent: it represents the Sharia objectives rather than mere human desires, as the ultimate goal of legal provisions is to realize benefits for humans in all aspects of life and to avoid anything that could lead to harm. In other words, every legal provision outlined by Sharia aims to create benefits for humanity.³⁵

Thus, *maslahat* refers to a benefit that lacks a direct legal basis but also has no invalidation if an incident occurs for which there are no Sharia provisions or no specific reason (*'ilat*) from Sharia to clarify the legal ruling. If a solution consistent with Sharia is found—one based on preventing harm to state a benefit—such an incident is termed *maslahat*. The primary goal of *maslahat* is to ensure benefit, which involves preserving against harm and maintaining the benefits.³⁶

Scholars hold varying views on the status of *maslahat*. Some scholars explain that *maslahat* is used to determine and establish legal

³⁵ R.A. Sasmita, *Muqaranah Mazahib Fil Usul*, (Jakarta: Gaya Media Pratama, 1999), 158

³⁶ Rahmat Syafi'i, *Ilmu Ushul Fiqih*, (Bandung: CV. Pustaka Setia, 1999), 117.

rulings, meaning it can be applied to specific issues because *maslahat* requires a legal ruling. In this context, scholars divide the concept of *maslahat* into two categories: *maslahat* as a basis for deriving legal rulings (*'ilat*) and *maslahat* as a source of law.

When *maslahat* is considered a basis for deriving legal rulings (*'ilat*), it is closely related to *qiyas* (analogy), a method for addressing legal issues not explicitly covered by textual sources (Qur'an and Hadith) by comparing them with existing legal rulings based on shared reasoning (*'ilat*).³⁷ Most scholars agree that all laws established by textual sources and consensus (*ijma'*) are based on achieving benefit or *maslahat* and avoiding harm or damage.³⁸

In terms of its level, *maslahat* relates to the essential needs of human life, according to Mustafa Al-Khind. *Maslahat* can be categorized into three types based on its significance, as follows:

a. *Maslahah Dharuriyah*.

Maslahah Dharuriyah refers to the essential benefits that form the foundation of human rights, both in religious and worldly contexts. If these benefits are neglected, it leads to the disruption of human life. Zakaria Al-Bisri states that *maslahah dharuriyyah* is a fundamental basis for ensuring human survival; if compromised, it will result in significant turmoil and disasters.³⁹

b. *Maslahah Hajjiyah*

³⁷ Muhammad Musthafa Al-Shalabi, *Ta'li'l Al-Abkam*, (Beirut: Dar al-Fikr, 1981). 229. dikutip oleh Haetami, Eden. "Perkembangan Teori Mashlahah 'Izzul Al-Din Bin Abd Al-Salam dalam Sejarah Pemikiran Hukum Islam," *Jurnal Asy-Syari'ah* 17, no. 1 (2015): 34.

³⁸ Wahbah Al-Zuhayli, 1986. *Ushul Al-Fiqh Al-Islam Wa Adillatuh*, (Beirut: Dar al-Fikr, 1986). 160. dikutip oleh Enden Haetami, "Perkembangan Teori Mashlahah 'Izzul Al-Din bin Abd Al-Salam dalam Sejarah Pemikiran Hukum Islam," *Jurnal Asy-Syari'ah* 17, no. 1 (2015): 34.

³⁹ Satria Efendi, *Ushul Fiqh*, (Jakarta: Predana Media, 2005). 120.

Maslahah Hajjiyah refers to all the essential needs of humans to alleviate difficulties and remove obstacles. It means that the absence of the *hajjiyat* aspect does not lead to the disruption of human life but rather only results in difficulties and hardships. The primary principle of this aspect is to eliminate hardship, ease the burden of obligations, and facilitate people's affairs.

In Islamic law, there are specific provisions in various fields of *mu'amalat* (transactions) and *uqubat* (penal law). It can be illustrated with the following examples:⁴⁰ In worship, concessions (*rukhsah*) and relaxations are provided if an individual faces difficulties in fulfilling a religious obligation. For example, shortening (*qasr*) prayers is allowed for travelers, and breaking the fast is permitted for those traveling or ill.

In the field of transactions, hunting animals and consuming permissible foods are allowed, and the practice of selling goods on credit (*bay' as-salam*) is permitted, all of which are sanctioned by Allah to support fundamental needs, known as *al-masail al-Khaimah*. In penal law, Islam mandates the payment of compensation (*diyat*) instead of retribution (*qishas*) for accidental murder, and offers the right of pardon to the parents of a murder victim towards the perpetrator, among other provisions.⁴¹

c. *Maslahah Tahsiniyah*

Maslahah Tahsiniyah refers to supplementary benefits that enhance and complement prior benefits. For example, it is recommended to consume nutritious food, wear fine clothing, engage in voluntary acts of worship as additional practices, and adopt various methods to remove impurities from the body.⁴²

⁴⁰ Alaidin Koto, *Ilmu Fiqh dan Ushul Fiqih*, (Jakarta: Raja Grafindo Persada, 2004). 123.

⁴¹ *Ibid*, 124.

⁴² *Ibid*, 164.

Regarding the theory of *Maslahah*, it is closely related to the ideas of Imam al-Shatibi, and in this study, it will be used to explain the second problem formulation. This theory of *maslahah* will be applied to address the issue of reformulating the position and authority of waqf experts to prevent future claims from the heirs of the waqif within the waqf law in Indonesia. This is because Islamic law is intended for the benefit of society.⁴³

According to al-Shatibi, “Where there is benefit, there is the law of Allah,” which is why Ibrahim Hosen uses *mashalih al-mursalah* as a legal argument. Based on *mashalih al-mursalah*, he argues that many new issues not covered by the Qur'an, Sunnah, or other proofs can still be legally established in the context of the reactivation of Islamic law. Ibrahim emphasizes the need to promote the approach of *mashalih al-mursalah* in legal cases because societal needs are diverse, evolving, and changing with time progress.⁴⁴

The theory of utilitarianism will explain the second problem formulation. Utilitarianism emerged in the 18th century, particularly through the thinker Jeremy Bentham. This theory, also known as utilitarianism, views utility as the primary purpose of law (the creation of legislation). Whether a law is considered good, bad, just, or unjust depends on whether it contributes to greater happiness.⁴⁵

Jeremy Bentham argued that, in reality, happiness and suffering are two realities constantly presented by nature (the principle of dualism). Sources of happiness are considered good, while sources of conflict are deemed bad. It is the legal duty to promote and uphold good intentions

⁴³ Al-Shatibi, t.th. *Al-Muwafaqat*, Juz 2, (Lebanon: Dar al-Ma'rifah, t.t). 2-3.

⁴⁴ Juhaya S. Praja, *Teori Hukum dan Aplikasinya*, (Bandung: CV. Pustaka Setia, 2011). 74.

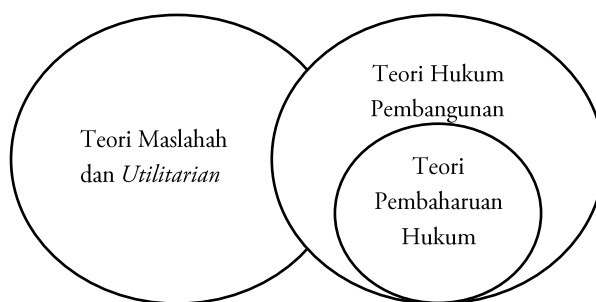
⁴⁵ Muhammad Ghalib, Zainal B. Septiansyah, “Konsepsi Utilitarianisme dalam Filsafat Hukum dan Implementasinya di Indonesia,” *Jurnal Hukum Islam Dan Pranata Sosial* 34, no. 1 (2018): 28 - 30.

and to prevent conflicts, which also includes maintaining utility or benefit. The utilitarian theory is certainly relevant to preventing and addressing waqf disputes.

In the main issues being examined by the researcher—how the current authority of the Indonesian Waqf Board (BWI) is regulated and how the regulation of BWI's authority should be reconstructed for the future—the utilitarian theory alone is insufficient as it addresses the future direction of legal policy. Therefore, the author combines utilitarian theory with theories of legal development and legal reform.

The theory of legal development, as proposed by Kusuma Atmadja, suggests that the law evolves when its rules are comprehended and revised to align with contemporary circumstances, given that the law governs societal life based on its principles and regulations. Understanding the law stated in the legislation is crucial for modernizing national life. With this perspective, the researcher aims to emphasize clear, precise legal regulations, particularly related to the supervision of waqf assets.

As Kusuma Atmadja mentioned, legal rules must keep pace with the times, necessitating legal reform. Legal reform has its theory, known as the theory of legal reform, which refers to Barda Nawawi Arief. According to this theory, legal reform can be achieved through substance, structure, and culture. The researcher focuses on reforming the substance of the law. To clarify the theories used, the researcher will explain them using the following diagram 1.1:



According to Law No. 41 of 2004, Article 56, regarding the supervision of nazir:

1. Supervision of waqf is conducted by both the government and the community, either actively or passively.
2. Active supervision involves direct inspections of nazhir regarding the waqf management, at least once a year.
3. Passive supervision involves monitoring various reports submitted by Nazhir related to the waqf management.
4. In carrying out the supervision mentioned in paragraph (1), the government and the community may seek assistance from independent public accountants.
5. Further provisions regarding the procedures for supervising waqf as referred to in paragraph (1) are regulated by a Ministerial Regulation.

Technical explanation of the supervision procedures outlined in Ministerial Regulation No. 73 of 2013, Article 28:

1. Nazhir is required to submit reports on the management of immovable and (OR) movable waqf property, excluding cash, to the Regional Office of the Ministry of Religious Affairs and BWI every six months.
2. The reports on the management of waqf property, as referred to in paragraph (1), include the implementation of management, development, and use of the management results.

From this, it is evident that one of Nazir's obligations is to regularly report on the managed waqf property to BWI at least every six months. This reporting is a form of supervision by BWI over the management of waqf conducted by Nazhir.

In practice, the supervision of waqf institutions in Indonesia requires nazir to carry out their duties and responsibilities in managing waqf property according to the regulations in Indonesia. One of the nazir's tasks is to prepare periodic reports detailing all aspects related to their responsibilities as nazir. These reports are submitted to the local KUA (Office of Religious Affairs) and copied to the BWI at the city/regency level.

The issue is the lack of regular reports submitted to KUA or BWI. This results in a lack of comprehensive data on waqf development in Indonesia. Consequently, it is unclear how Nazhir manages waqf property and whether their management complies with applicable laws. Ultimately, it is difficult to determine whether deviations, conflicts, and issues occur in the field without active reporting from the community.⁴⁶

Based on the above issues, further examination reveals that the primary cause of the unproductive potential of waqf in Indonesia lies with nazir, who is entrusted with managing and developing waqf property. It can be said that the management and development of waqf have not been conducted professionally.⁴⁷ Therefore, it is necessary to reconstruct the supervision authority of BWI. BWI should not only receive reports from Nazhir but also actively visit the sites of waqf objects and Nazhir. According to the theory of *maslahah*, utilitarian theory, and development law theory as proposed by Kusuma Atmadja, which views law evolves when its rules are understood or are updated according to the times because law regulates societal life based on its principles and

⁴⁶ Huzaimah Al-Anshori, "Praktik Hukum Waris Di Desa Petok Kecamatan Mojo Kabupaten Kediri Ditinjau Dari Perspektif Fiqh Mawaris," *Diversi Jurnal Hukum* 5, no. 1 (2019): 68.

⁴⁷ Nurul Nabila Huzaimah Al-Anshori, Suharto, Agus Manfaluthi, Moh. Choirul Hanafi Lubis, "Problematika Pengadaan Tanah Dalam Rangka Pembangunan Jalan Tol Kediri-Tulungagung Terhadap Permasalahan Status Objek Tanah Yang Obscure Libelli," *Jurnal de Facto* 10, no. 2 (2024): 112.

regulations, BWI at the sub-district level is needed to assist in supervising waqf property.⁴⁸

In terms of regulation, the Indonesian government has adequately regulated the management of waqf, including the registration of waqf property, registration of nazir, management of waqf property, and the reporting and supervision of waqf management by nazir.⁴⁹ Additionally, the institutions established by the government, such as the Ministry of Religious Affairs, MUI, KUA, and BWI, are comprehensive.

The supervision process that BWI should undertake should be sufficiently supported by available resources. According to Law No. 41 of 2004, Article 48, BWI is headquartered in the capital of the Republic of Indonesia and may establish representatives at the provincial and (or) district/city levels as needed. However, the BWI establishment representatives at the sub-district level are crucial for supervising waqf property and reporting from Nazir through local BWI branches.⁵⁰

Conclusion

The authority currently held by the Indonesian Waqf Board (BWI) is essentially twofold in character, functioning both as a regulator and as a nazir. As the institution mandated by Law No. 41 of 2004, BWI guides as well as dismisses and replaces nazir, grants approval for changes in the designation, status, and exchange of waqf property, manages and develops waqf assets on a national and international scale, and advises the government in formulating waqf policy. In supervisory terms, however,

⁴⁸ Huzaimah Al-Anshori, "Aktualisasi Kaidah I'tibar Al- Masalih Dalam Pemikiran Izz Al-Din Ibn Abd Al-Salam," *Jurnal Mahakim* 2, no. 2 (2018): 107.

⁴⁹ Gautam Kumar Jha Huzaimah Al- Anshori, Emi Puasa Handayani, "Reformulation of Commercial Court Authority Regulations Relation to the Arbitration Clause," *Journal of Law and Legal Reform Vol. 5 No. 1* 5, no. 1 (2024): 52.

⁵⁰ Agus Triyanta. Huzaimah Al-Anshori, Sapto Hadi Pamungkas, Akhlis Mukhidin, M. Syamsudin, "The Urgency of Divine Principles in The Implementation of Arbitration Award Execution in Indonesia," *Pena Justisia* 22, no. 1 (2023): 1–21.

this authority remains largely passive, since BWI relies on the periodic reports submitted by nazir while lacking an apparatus close enough to the waqf objects to verify their condition directly. This gap explains why deviations, neglected assets, and the reclamation of waqf land by the heirs of the waqif continue to recur despite a relatively complete regulatory framework.

Addressing this weakness requires reconstructing BWI's supervisory authority so that oversight is no longer confined to receiving reports but extends to active, on-site monitoring of waqf property and nazir. The most appropriate form for such reconstruction is the establishment of BWI at the sub-district level, positioned within the Office of Religious Affairs (KUA) as the state apparatus closest to where waqf assets are located. Grounded in the principles of *maslahah* and utilitarianism as well as the perspective of legal development theory, that law must evolve to keep pace with the needs of society, this reform would enable supervision to be carried out actively and comprehensively, thereby protecting waqf assets from future disputes and sustaining their benefits for the welfare of the community.

References

- Achmad Arief Budiman. *Membangun Akuntabilitas Lembaga Pengelola Wakaf*. Semarang : Puslit IAIN Walisongo Semarang, 2010.
- Al-Anshori, Huzaimah. "Praktik Hukum Waris Di Desa Petok Kecamatan Mojo Kabupaten Kediri Ditinjau Dari Perspektif Fiqh Mawaris." *Diversi Jurnal Hukum* 5, no. 1 (2019): 68.
- Al-Ghazali. *Al-Mustashfa Min 'ilmi Al-Ushul*. Dar Al-Fikr, Beirut, Jilid 1, Hlm. 286-287. Dikutip Oleh Jamaluddin, 2012. "Teori Maslahat Dalam Perceraian Studi Pasca Berlakunya Undang-Undang Nomor 1 Tahun 1974 Dan Kompilasi Hukum Islam." *Jurnal Ilmu Syari'ah Dan Hukum*, n.d.
- Al-Shatibi. *Al-Muwafaqat*,. Lebanon, II: Bairut Dar al-Ma'rifah, t.t, n.d.
- Alaidin Koto. *Ilmu Fiqh Dan Ushul Fiqih*. Jakarta: Raja Grafindo Persada, 2004.

- Dahlan, Rahmat. “Analisis Kelembagaan Badan Wakaf Indonesia’.” *Esensi : Jurnal Bisnis Dan Manajemen* 6, no. 1 (2016).
- Enden Haetamil. “Perkembangan Teori Masalahah ‘Izzu Al-Din Bin Abd Al-Salam, Dalam Sejarah Pemikiran Hukum Islam.” *Jurnal Asy-Syari’ah* 17, no. 1 (n.d.).
- Hafdzi, Ahmad. “Nazir Wakaf Dalam Perspektif Peraturan BWI Nomor 1 Tahun 2020 Dan Fiqih Wakaf’.” *Jurnal Kajian Dan Pengembangan Umat*. 7, no. 1 (2024).
- Husein Hamid Hasan. *Nazhariyah Al-Mashlahah Fil AL-Fiqh Al-Islami*. Kairo: Al-Mutabbi, 1981.
- Huzaimah Al- Anshori, Agus Manfaluthi, Emi Puasa Handayani, Naufal Ghani Bayhaqi, Giza Fatimatus Ghiffania. “Penyelesaian Sengketa Tanah Waris Dalam Rangka Program Pendaftaran Tanah Sistematis Lengkap (PTSL) Melalui Mediasi Di Desa Petok Kec. Mojo Kab. Kediri.” *Mizan: Jurnal Ilmu Hukum Vol. 13 No. 2 Hlm. 166* 13, no. 2 (2024): 166.
- Huzaimah Al- Anshori, Emi Puasa Handayani, Gautam Kumar Jha. “Reformulation of Commercial Court Authority Regulations Relation to the Arbitration Clause.” *Journal of Law and Legal Reform Vol. 5 No. 15*, no. 1 (2024): 52.
- Huzaimah Al- Anshori, Suharto, Agus Manfaluthi, Moh. Choirul Hanafi Lubis, Nurul Nabila. “Problematika Pengadaan Tanah Dalam Rangka Pembangunan Jalan Tol Kediri-Tulungagung Terhadap Permasalahan Status Objek Tanah Yang Obscure Libelli.” *Jurnal de Facto* 10, no. 2 (2024): 112.
- Huzaimah Al-Anshori, M. Syamsuddin, Agus Triyanta, Ramadhita, Syabbul Bachri, Hajed A. Alotaibi. “Clarifying Heirs’ Rights in Indonesian Waqf Law: Toward Stronger Governance and Conflict Prevention.” *Nurani: Jurnal Kajian Syariah Dan Masyarakat. Vol. 25, No. 2*, no. 2 (2025): 133.
- Huzaimah Al-Anshori, Sapto Hadi Pamungkas, Akhliis Mukhidin, M. Syamsudin, Agus Triyanta. “The Urgency of Divine Principles in The Implementation of Arbitration Award Execution in Indonesia.” *Pena Justisia* 22, no. 1 (2023): 1–21.

- Huzaimah Al-Anshori. "Aktualisasi Kaidah I'tibar Al- Masalih Dalam Pemikiran Izz Al-Din Ibn Abd Al-Salam." *Jurnal Mabakim* 2, no. 2 (2018): 107.
- Jamaluddin. "Teori Maslahat Dalam Penceraian Studio Pasca Berlakunya Undang-Undang Nomor 1 Tahun 1974 Dan Kompilasi Hukum Islam." *Jurnal Ilmu Syari'ah Dan Hukum*. 46, no. 2 (2012).
- Jonaedi Efendi, Prasetijo Rijadi. *Metode Penelitian Hukum Normatif Dan Empiris*. Jakarta, hlm 146: Kencana, 2022.
- Juhaya S. Praja. *Teori Hukum Dan Aplikasinya*. Bandung: CV. Pustaka Setia, 2011.
- K, Alaidin. *Ilmu Fiqh Dan Ushul Fiqih*. Jakarta: Raja Grafindo Persada, 2004.
- Laskar Lawang Songo 12. *Term Syari'at Dan Cita Kemaslabatan*. Kediri: Lirboyo Press, 2012.
- Muhaimin. *Metode Penelitian Hukum*. Mataram: Mataram University Pres, 2020.
- Muhammad Budi Buchari Harahap, Darwanto. "Peran Strategi Badan Wakaf Indonesia (BWI) Dalam Meningkatkan Profesionalisme Nazhir Kota Semarang'." *Tawazun : Journal of Sharia Economic Law*. 4, no. 1 (2021): 111.
- Muhammad Musthafa Al-Shalabi. *Ta'li'l Al-Ahkam. Beirut: Dar Al-Fikr. Hlm. 229. Dikutip Oleh Haetami, Eden. 2015. "Perkembangan Teori Mashlahah 'Izzul Al-Din Bin Abd Al-Salam Dalam Sejarah Pemikiran Hukum Islam." Jurnal Asy-Syari'Ah. Vol. 17, No. 1. Hlm. 34., n.d.*
- Peraturan Pemerintah Nomor 42 tahun 2006 tentang Pelaksanaan Undang-undang nomor 41 tahun 2004 tentang Wakaf, pasal 55. (n.d.).
- Peter Mahmud Marzuki. *Penelitian Hukum*. Jakarta: Kencana Prenada Group, 2007.
- Rahmat Syafi'i. *Ilmu Ushul Fiqih*. Bandung : CV. Pustaka Setia., 1999.
- Rifai, Farid. "Analisis Sistem Pengawasan Wakaf Di Indonesia'." In *Proceeding. 1st. Annual Conference on Ihtifaz : Islamic Economics, Finance, and Banking (ACI-IJIEFB)*, 2020.

- Rozalinda. *Manajemen Wakaf Produktif*. Jakarta : Rajawali Pers., 2015.
- Sasmita, R.A. *Muqaranah Mazahib Fil Usul*. Jakarta : Gaya Media Pratama, 1999.
- Satria Efendi. *Ushul Fiqh*. Jakarta: Predana Media, 2005.
- Sidqi, Hidayatullah dan Faris Ali. “Revitalisasi Badan Wakaf Indonesia (BWI) Analisis Kritis Undang-Undang Nomor 41 Tahun 2004 Tentang Wakaf.” *Journal Al-Adl*. 10, no. 1 (2019).
- Wahbah Al-Zuhayli. *Ushul Al Fiqh Al-Islam Wa Adillatuh*. Beirut: Dar Al-Fikr. Hlm. 160. Dikutip Oleh Enden Haetami, 2015. “Perkembangan Teori Mashlahah ‘Izzul Al-Din Bin Abd Al-Salam Dalam Sejarah Pemikiran Hukum Islam.” *Jurnal Asy-Syari’ah*. Vol. 17, No. 1. Hlm. 34., 1986.
- Zainal B. Septiansyah, Muhammad Ghalib. “Konsepsi Utilitarianisme Dalam Filsafat Hukum Dan Implementasinya Di Indonesia.” *Jurnal Hukum Islam Dan Pranata Sosial* 34, no. 1 (2018).

Generative AI Statement

The author(s) declare that generative artificial intelligence was used as a supportive tool during the preparation of this manuscript. Specifically, Grammarly was utilized to enhance the language quality and overall readability of the text.

All outputs generated were subsequently critically reviewed, edited, and verified by the author(s) to ensure accuracy and uphold scientific integrity. The author(s) assume full responsibility for the final content of the manuscript.

The use of AI was strictly limited to a supportive role and does not constitute authorship. Furthermore, no data analysis or interpretation was carried out by the AI without active human oversight and involvement.

*This page intentionally
left blank*