

Productive Waqf Land In The Zoning Area: Case Study Of Dki Jakarta And Bandung

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Submitted	: November 2021
Accepted	: December 2021
Published	: December 2021

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Abstract

This study provides an overview of the most recent developments in the zoning area related to productive waqf land. This study aims to examine the opportunities and challenges faced by the nazir in developing their waqf assets in the face of constraints resulting from the existence of Law Number 22 of 1999 concerning Regional Autonomy through derivatives issued by regional regulations related to zoning with laws and regulations, Waqf Law No. 41 of 2004. This research provides an analytical discussion on the new problems of productive waqf, the effect of zoning, and the clash of the two regulations between waqf and zoning, which impedes the development of productive waqf. This qualitative research includes field and literature studies and data collection techniques based on observation, interviews, and documentation. A case study examines the potential of productive waqf land in Jakarta and Bandung in greater depth. This situation is because land in Jakarta and Bandung is highly valued and productive.

Keywords: Business management, Productive endowments, Waqf, Waqf regulations.

A. Introduction

The waqf land on which the building stands must be preserved in any circumstances. However, the local government's zoning regulations have difficulty with the potential of waqf land that stands above the space area's zoning. In practice, many lands with waqf land status are included in the zoning area today, which invites the government in the field of waqf to develop regulations for land zoning with waqf land status. Law number 26 of 2007 also discusses spatial planning, which uses a detailed spatial plan to determine the block/zone as a reference. This means that the zoning-affected land has the potential to adjust to its substance.

Concerning the zoning issue, this study discovered that waqf lands in zoning in Jakarta and Bandung (West Java) could not be productive because they were involved with the Autonomy Law through Regional Regulations (PERDA). The essence of productive waqf or current waqf is social, religious, and economic aspects of business, not only the substance of its inappropriate use, but there are several other reasons where productive waqf land is located in the zoning of social and public facilities. The case studies of waqf land in DKI Jakarta and Bandung against the Said Naum waqf Foundation and the pro-99 waqf foundation in Bandung, West Java, were among the temporary cases discovered as a result of the researchers' study. Not only Said Naum and the pro-99 Waqf Foundation, but there are several strategic waqf land locations but in brown zones for social and public facilities and almost all land value zones which should be strategically located but cannot be productive because of Regional Regulation Number 1 of 2014 which divides the zone in the classification of social facilities and

public facilities is not for business, not according to the possibility that in some areas the same case.

Contemporary cleric Munzir Qahaf proposed the concept of productive waqf in Islam by the legal nature, economic content, and social role, namely "waqf is holding property either permanently or temporarily to be used directly or indirectly, and the results are taken repeatedly in the way of the general good." Thus, waqf means withholding an object whose substance is eternal to reap its benefits following Islamic teachings. The person who donates his assets is no longer entitled to the goods or objects. In addition to giving up his rights to his former assets, the allocation has also been changed for the benefit of others or the public interest.

This definition includes several perspectives on productive waqf, including the following: first, holding property so that it is not consumed or used personally. This shows that waqf is derived from capital that has economic value and can provide benefits, such as schools as places of learning, vehicles that provide benefits to people traveling, and mosques as places of prayer; second, waqf includes property, both fixed and immovable, such as land and buildings, and or in the form of movable objects such as books and weapons, or the form of goods such as equipment and vehicles, or the form of money such as deposits and loans, or it can also be in the form of benefits with monetary value; third, it contains the goal of preserving property and maintaining its integrity so that it can be used directly or benefit from the results repeatedly, such as unique transportation benefits for sick and older adults, or in the form of benefits from waqf fixed assets. This means that the waqf property, as described by the Prophet Muhammad SAW, is a property that can provide ongoing charitable benefits. Fourth, it contains the meaning of property that can be used repeatedly and continues whether it lasts a long time, briefly, or forever. Fifth, direct waqf generates direct benefits from the waqf property. In contrast, productive waqf generates benefits from its production, both in the form of goods and services, and distributes all net profits by the waqf's purpose.

The practice of waqf management in Indonesia has not been maximized. However, through the Ministry of Religion of the Republic of Indonesia, the Ministry of Finance, the Ministry of SOEs, and by involving stakeholders from private companies, the government encourages the development of productive waqf for waqf institutions in Indonesia.

In Indonesia, the criteria for waqf management are divided into four categories: Funeral Waqf based on productive waqf; Waqf of Productive Waqf-Based Insurance Policy Program; Productive Waqf-Based Hospital Program; and Productive Waqf-Based Plantation Waqf Program. The institutions that have succeeded in managing and developing productive waqf include the Gontor waqf foundation, with plantation agriculture and business management models, one of the institutions that have succeeded in managing and developing productive waqf. The pro-99 waqf foundation concept of cash waqf investment in community development for financing restaurants, shops, and financing MSMEs; Unisula waqf foundation through business management practices for hospitals and minimarkets; Indonesian waqf savings, waqf management for Smart Excellence Education, livestock waqf, agricultural waqf, plantation waqf, business waqf for trade, Commerce facilities waqf; Sultan Agung waqf foundation,

Semarang, Economic & Business Develop: As a commitment to promote business/core activities in education and health care.

Management and development of waqf assets can be carried out productively by collecting cash waqf, investment, investment, partnership production, trade, agribusiness, mining, industry, technology development, building construction, apartments, flats, supermarkets, shops, offices, Education facilities, or health facilities, and businesses that do not conflict with Sharia. The emphasis in the management of productive waqf is on maintaining the existence of the waqf and developing the waqf to be assigned to maukuf alaih. In managing his waqf, Nazhir refers to Waqf Law No. 41 of 2004 and employs the following system: 70% of net profits for development, 20% of net profits for maukuf alaih, and 10% of net profits for nazhir. Although the pilot of the productive waqf in Indonesia is still in its early stages, the results can be felt and practiced by several nazhir waqf foundations throughout Indonesia by referring to standard waqf regulations number 41 of 2004 legislation number 42 of 2006. In addition, the Waqf Board Regulations Indonesia Number 01 of 2020 concerning Guidelines for the Management and Development of Waraf Assets are applicable.

Productive waqf support is becoming more visible. In this case, the government is at the forefront of promoting and advancing waqf. This paper attempts to depict the case of waqf land that is ready to be productive but has conflicts with regional autonomy regulations due to local regulations and how to resolve them. Through this research, it is hoped that it can provide support and benefits for the progress of the productive waqf program. This research aims to solve the problem of spatial planning and optimizing the zoning of productive waqf land, there is no conflict and can provide mutual support to synchronize the two policies of the waqf law with the policies of the waqf law; in this case, the role of PERDA.

B. Literature Review

Zoning is a term that has recently gained popularity. Zoning regulations regulate population density and activity intensity, and the balance and harmony of land use determine the action of a spatial unit of land. *Kamus Besar Bahasa Indonesia* (KBBI) defines zoning as "the division or division of an area into several parts, according to the functions and objectives of management." The goals and benefits of zoning, in general, are as follows: first, to improve quality; by using zoning, work can be of higher quality according to the potential of the area; second, equity; zoning is sometimes done to be equal. For example, the zoning of the Student Recruitment System (PPDB) aims to achieve equality in education. Third, management should be made easier with zoning to make management more precise and efficient. Another purpose in determining zoning or division by area is often carried out in several fields to obtain specific benefits.

Waqf of land and buildings can also be used for agricultural productivity, rented out for economic activities that can produce and generate net profits to be channeled in good ways, such as houses for the poor, assistance for hospitals, schools, orphanages, and so on.

MUI bases waqf determination on God's word in QS Ali Imran: 92

لَنْ نَنَالُوا الْبِرَّ حَتَّىٰ نُتَفِقُوا بِمَا نُحِبُّونَ ۚ وَمَا نُنْفِقُوا مِنْ شَيْءٍ فَإِنَّ اللَّهَ بِهِ عَلِيمٌ ﴿٩٢﴾

Meaning: You never reach virtue (perfect), before you spend a portion of the wealth you love. And whatever you spend, Allah knows it.

Additional Hadiths of the Prophet Muhammad SAW:

خَيْرِ سَهْمٍ عَلَيْهِ عِنْدَهُ مِثْلَهُ

Which means: From Abdullah bin Umar that Umar bin Khattab actually came to the Prophet SAW, (at that time) Umar had just obtained 100 plots of Khaibar land (which was famous for being fertile), then Umar said: I already have a treasure that I never had before and I really want to get closer to Allah SWT through this treasure. Then the Messenger of Allah (SAW) said: Hold on to the origin of the wealth and flow its benefits.

Hadith Ibn Umar narrated that Umar ra obtained a piece of land in the area of Khaibar, then he said: "O Messenger of Allah SAW., I have a piece of land in Khaibar that is very valuable than mine. What is the advice of the Prophet SAW. Also replied: if the people want, you hold the point and you donate the result. Umar Ra also donated the proceeds on the condition that they were not sold, not donated and not inherited. The proceeds were donated to the Fuqara, the relatives to free the slaves, to the guests, and Ibn Sabil. It is also permissible for the person who manages it to consume from the produce in a good way, as well as to feed the incapable person.

Other supporting hadith:

هريرة جارية عنه، ينتفع به
عليه يدعوله
عمله :
جارية

Which means: From Abu Hurairah When a child of Adam's descendants dies, then all his deeds of worship cease, except for three things, namely: Alms jariyah, useful knowledge and a pious child who prays for both his parents. (HR. Muslim)

C. Research Methodology

The method of this research is qualitative. In qualitative research, data is collected in natural settings, using primary data sources and techniques such as participant observation, in-depth interviews, and documentation (Sugiono: 2017). This research's data collection methods include observation, interviews, and documentation of resource persons through the involvement of several waqf institutions. The case study method is used to further investigate the potential of productive waqf land in Jakarta and Bandung. When choosing the two locations as cases, several factors were considered, including (1) having a waqf certificate; (2) having waqf land area greater than 1000 m²; (3) having the potential for productive and

strategic waqf land; and (4) having the same subject matter, the conflict between zoning regulations and spatial planning and the implementation of productive waqf. The selection of DKI Jakarta and Bandung is based on the fact that land in Jakarta is of high value, so it has the potential to be productive. At the same time, people living in Jakarta are urban people who are assumed to be more receptive to the concept of productive waqf. Waqf land in Jakarta has a high probability of being developed into productive waqf a center for business and economic transactions. Jakarta and Bandung are two large cities with much potential for productive waqf.

Interviews and surveys were conducted on Nazhir waqf, who have criteria for significant assets and high potential Nazhir, and these criteria were grouped. Nazhir has a good track record in managing waqf assets and has a good educational background, organizational experience, and leadership capacity. These Nazhirs are frequently referred to as professional Nazhirs. While waqf land assets in this group are generally extensive. This type of Waqf land contains multi-functional structures such as shophouses, cooperatives, schools, and offices. As a result, the research interviews for productive waqf nazhir in Jakarta were chosen with the Raudatul Mutaallimin waqf foundation and the Said Naum waqf foundation. In contrast, the interviews in Bandung were conducted with the Darut tauhid foundation and the pro-99 Sinergi Foundation waqf foundation.

This study interviewed policyholders (stakeholders) in spatial planning and waqf land issues; i.e., the Cipta Karta, spatial planning and land (Citata) offices of DKI Jakarta and Bandung City, the Ministry of Religion of the Republic of Indonesia, the Directorate of Zakat and Waqf, and the Ministry of Religious Affairs of the city, Head of Waqf in Bandung.

D. Result And Discussion

The case study of productive waqf land zoning in DKI Jakarta and Bandung refers to Robert L. Kats' management theory of "conceptual skills, Humanity skills, and technical skills," which means that productive waqf management is capable of thinking and initiating abstract situations, as well as seeing the organization as having similarities and differences, have relationships between sub-units but can describe how the organization can fit into an environment. This is similar to what the Raudatul Mutaalimin Foundation has done to think about and initiate abstract situations in collaboration with stakeholder investors in building productive waqf for education, which is now able to provide scholarships to students in the community surrounding the location which is leased to an Informatics company. The pro-99 Sinergi Foundation waqf foundation possesses technical skills, such as special abilities and expertise in specific fields, such as financial engineering, as an Investment manager. The pro-99 waqf foundation manages and develops cash waqf for the Firdaus Cemetery (TMF). The proceeds from the collection of cash waqf for tombs are allocated to finance MSMEs such as Ampera restaurants, coffee shops, culinary meatballs, Malang Malang, boutique shops, and even investment in business units with well-known brands such as INA cookies.

DKI Jakarta has a high potential for productive waqf, as does the city of Bandung, as demonstrated by the optimization of productive waqf land at the Said Naum waqf foundation, the Raudatul Mutallimin waqf foundation, the Daruttauhid Foundation, and the pro-99 Waqf

Foundation. The Foundation has produced significant results in terms of empowering productive waqf. The following is a case study of field research with four productive waqf foundations and zoning issues, based on data obtained by researchers through observations and semi-structured interviews with the Foundation's management and Nazhir. Said Naum Foundation, this Foundation has 6 hectares (perceel No. 16 verponding No. 5546). This land was donated by Said Naum, a wealthy merchant from Saudi Arabia's middle east, in response to Jakarta's lack of burial land. In general, and specifically in Batavia, he was moved to donate his land in 1844 to be used as a public cemetery. 3.3 hectares of the 6 hectares of land were used for indigenous burials, and 2.7 hectares were used for Arab descendants' burials. Due to the needs of the DKI Regional Government, in 1975, during the administration of the DKI Jakarta region under the leadership of Governor Ali Sadikin, he issued Governor Regulation number: 1063/K/BKD/1975, which explained the closure and emptying of several public cemeteries in DKI Jakarta, including Land Said Naum waqf cemetery is the location of the point of waqf land for graves that must be vacated, thus the Said Naum waqf land designated for another place. This waqf land was built with a capacity of 950 units of flats and Islamic education after being relocated by the Governor of DKI Jakarta, Ali Sadikin. The foundation land is located in the heart of Jakarta, specifically in one of the city's business districts, Jl. KH. Mas Masyur No. 25 Tanah Abang, Central Jakarta. Of course, the location of Said Naum has its charm, especially for parties with a business orientation. The most recent image of the Said Naum foundation is in charge of schools and social activities.

So far, the Foundation's or nazhir's management is required to continue managing and developing waqf optimally and professionally. The Nazhir foundations are optimizing waqf land to be more comprehensive and respond to challenges. Currently, the Foundation's management and development are establishing TK, SD, SMP, SMS, and Vocational Schools with a total of around 1000 people. When viewed from the location, the Said Naum waqf land is in the middle of the business city because it is between the Thamrin City supermarket and Tanah Abang, which is none other than Indonesia's largest shopping center, and even more interestingly, the location of Said Naum waqf land is in the middle zone.

It became a point of contention because the DKI Provincial Government's regulations stated that waqf land should be zoned in the brown zone for social aspects rather than the purple zone for business, even though the Said Naum Foundation developed its waqf land for the lake market, which is a business. Until now, there has been no agreement on whether the zoning of Said Naum's waqf land needs to be changed or whether the DKI Regional Government has issued a policy.

The pro-99 waqf foundation, pro-99 waqf was formed to mobilize productive waqf management institutions (nazhir) professional waqf who are solemn to collect waqf assets in the form of cash and or other objects such as land, houses, buildings, vehicles, etc. or the assets will be used for the benefit of the people and make waqf as a way to broadcast Islam and become a force to raise the welfare of the community. The Sinergi Foundation is committed to paving the way together by utilizing local resources towards the realization of an independent, productive, and characterized society by fostering synergy between all elements of care to increase capacity

and expand the reach of service. The pro-99 Waqf Foundation's mission is to encourage the development of creativity and social innovation – productive waqf-based empowerment and ZIS – as well as to build synergies between caring elements in order to increase capacity and expand the reach of community service by paving the way together through the utilization of local resources, towards the realization of an independent society. The goals are to implement creativity development and social innovation based on productive waqf and ZIS, as well as to realize synergy between elements of care, in order to increase and expand the capacity of solemnity/devotion to an independent, productive, and characterized community through the utilization of local resources.

The pro-99 waqf is critical to exploit as one of the phenomenal productive waqf practices because it contains many programs and activities that can be commercialized to increase the value of the collected cash waqf investment. Even amid the covid-19 pandemic, where the disaster struck internationally, and the entire world felt it, the spirit of the pro-99 waqf foundation did not waver in its efforts to assist residents in Pondok Yatim, Arjasari, and Banjaran who face little water during the dry season, as is the case now, with the community having to 'go down the mountain' to get water in the rice fields. In collaboration with Jumbaria (Friday Barokah Cheers), the Synergy of Kindness can create waqf wells for Arjasari residents through the pro-99 waqf. Residents use the 52-meter-deep well for daily washing, bathing, and drinking water. Furthermore, the water from the waqf well can be used by Pondok Yatim students to maximize the learning process without going up and down carrying water from residents' homes. Now that they are staying, they can study and deepen their understanding of Islam's teachings.

According to Irwan and Hesti, the pro-99 Waqf Foundation manages cash waqf for the Muslim Cemetery of the Firdaus Memorial Park for about 21 hectares; 10 hectares is burial ground, and the remaining 10-11 hectares is mosques, Islamic boarding schools, and other productive business activities; such as visitor facilities, animal husbandry, agriculture, and even a tea walk trail.

Of course, the challenges above are not easy to overcome. To project a positive image of FMP to the public, patience, perseverance, and hard work are required. Furthermore, even though FMP aspires to be a breakthrough for the problem of grave land scarcity in the twenty-first century, it still prioritizes the function of social welfare through productive waqf and social endowments. The issue is that the Bandung city government cannot issue the IMB for the Firdaus tomb garden. There are currently 180 tombs that do not have a permit. A total of 5000 m² is expected to fit with 500 grave holes will be a source of contention because it lacks a permit.

Daarut Tauhiid Waqf Foundation (DT) is Indonesia's professional waqf institution. KH. Abdullah Gymnastiar established DT Waqf in 1999 as part of the Daarut Tauhiid Foundation. Waqf DT already has a permit from the Indonesian Waqf Board as a cash waqf management agency, No. 3.3.00101. The Waqf Darut Tawhid program is divided into several dimensions, including waqf as a means of da'wah, waqf of educational facilities, productive

economic waqf, waqf of da'wah media, and waqf of health facilities. Through its waqf institution, DT has carried out its duties for a total of 29 years.

The proceeds from the Darut Tawhid Foundation's productive waqf support teachers and students. DT learned the concept of waqf management from the history of Turkey developing waqf through the world of education by waqf of ten billion rupiahs. Only five rupiahs were used to build schools in Turkey. While the remaining five billion is spent on business, the profits are used to pay teachers, students, and various other things. The Darut Tawhid (DT) foundation does; education is a fundamental need for all Muslims.

Not only promotes education, but DT also promotes Productive Economic Waqf by developing and managing commercial waqf assets to empower the people's economy and optimize assets for maximum benefit. Waqf assets are produced first in its management, and the proceeds are then used for social purposes, da'wah, education, asset maintenance, and the development of other waqf assets. Optimization of DT Waqf assets, specifically the Daarul Hajj and Dome Multipurpose Building, the DT Waqf Bazaar Shops, the Kiosk on Gegerkalong Girang Street, the Parking Lot, the Daarur Jannah Cottage, the FM MQ Building, the Talegong Honey Bee Productive Waqf, and the Kadungo Futsal Field. The Raudatul Mutaalimin foundation currently has several buildings to carry out educational activities, including early childhood education levels, madrasah ibtidaiyah, tsnawiyah, and Aliyah. The total waqf land assets of 8000 M2 are divided as follows: 2000 M2 for education and 1000 M2 for office buildings with four-story physical structures. While the remaining 5000 M2 is still vacant, it is only used for parking for office workers near Jl. Mampang Prapatan. This vacant land is ready to be developed if investors are willing to finance the Awqaf Tower construction project.

The Raudatul Mutaallimin Waqf foundation currently has education and business/office land area of 8000 m². The Foundation is constructing a four-floor building on a land area of 1000 m² for informatics offices. The Raudatul Mutaallimin foundation's land is waqf, with an NJOP Perimeter of 50 million rupiah, 5000 vacant lands in the top layout position as seen from the satellite map, and the location of the Raudatul Mutaallimin foundation's waqf land is close to roads and flyovers. The vacant land is 5000 m² if converted to nearly 250 billion, the waqf assets are pretty significant, and this is still waiting for assistance and investors willing to develop productive waqf. There are several problems:

1. Lack of Socialization of Productive Waqf Exposure and Spatial Regulations

The problem is that the Nazhir management does not understand the concept of productive waqf, and there are still many nazhir who do not understand the concept of productive waqf. Most of them still believe that producing waqf is anti-religious because it contains capitalistic nuances. In reality, the spirit of productive waqf is not always so. Productive waqf can be considered as part of broader waqf development. Even if it lacks a business unit, a foundation can proliferate if supported by qualified management.

Only a few nazhir understand spatial regulations. The rest either do not understand or do not know what to do. We discovered that only a few foundations were aware of it. As a result, not many fundamental problems with this rule were discovered in this study. Many

but did not know each other, particularly the Spatial Creation Service, how to practice waqf land zoning.

Furthermore, many nazhir did not explore the potential of their waqf to a realm they had not previously imagined. The Nazhir, for example, had no idea the mosque would be used as a business and shopping center. As a result, there is no status of waqf land whose designation is crossing, i.e., from places of worship to shopping malls.

It must be acknowledged that the two things mentioned above can occur due to a lack of socialization at the grassroots level. The Ministry of Religion of the Republic of Indonesia is the highest authority in providing solutions in this context, in collaboration with all interested policyholders such as the spatial planning office based on regional autonomy regulations, specifications for the zoning regulations field--as the authority that does not maximize the existing media in mainstreaming the concept of productive waqf. Presumably, the government agency waqf authority, the directorate of zakat and waqf, is still fixated on traditional methods of promoting waqf, such as workshops and training, at best through national media reporting. The ministry of religion and the zakat and waqf directorates should investigate new media platforms such as Instagram, Twitter, and YouTube. The delivery package must also be current and reflect the spirit of the times, which favors audio-visual information over text alone.

2. Management is lacking in Nazhir supervision.

Waqf Governance's Fundamental Principles (Waqf Core Principles or WCP). WCP aims to improve nazhir institutions' governance to manage waqf assets better and distribute the results. It is hoped that the WCP will increase efforts to develop waqf. Waqf supervisors determine that waqf institutions must have proper operational and Shariah compliance and risk management processes for potential fraudulent practices, anticipating system breakdowns and other potential disruptions.

The core principle is explained in the online recitation of waqf, which is that supervision is critical for waqf management. Waqf supervisors supervise and monitor waqf institutions in a consolidated manner in consolidated waqf governance, according to Hendri, emphasizing the importance of this aspect of waqf supervision.

WCP regulates waqf governance nationally, both domestically and internationally; as a result, additional criteria for waqf management are for countries that allow company ownership of waqf businesses, waqf supervisors are authorized to set and enforce standards propriety and eligibility for owners and the highest management in their parent companies.

This study discovered that the better the management developed by nazhir, the better the development of productive waqf. It does not have to be institutionalized in a foundation; nazhir, who only develop simple management, can demonstrate their success in developing their waqf assets. However, this does not preclude Nazhir from succeeding without good management. In DKI Jakarta, there have been several cases where waqf land assets have developed due to poor management. This could be because the location of these waqf land assets is in a productive area, attracting stakeholders and eventually resulting in

sectoralism. As a result, it is critical in good and correct waqf governance that the waqf supervisory management intervenes early to prevent unsafe and inappropriate practices or activities. The waqf supervisor has a good set of monitoring tools to take corrective action promptly, as well as the authority to revoke or recommend the revocation of the waqf institution's permit.

3. There are regulatory and administrative impediments.

Several nazhirs have hit a snag when attempting to change their allocation status to the DKI Jakarta Provincial Government. This is because there are still lengthy bureaucratic hurdles in resolving this issue. In practice, waqf land regulations are still treated the same as other land, which impacts the status of waqf land. Waqf land is frequently confused with land used for educational and religious purposes. Not all educational institutions and houses of worship have waqf land status. There are still mosques that do not have waqf status, although it is required that the mosque be built on waqf land. Some nazhir practices even show that there are already waqf lands classified as commercial. If this is the case, this regulation can be problematic if it is not changed and the waqf land is not taken into account during its development.

4. Regional Autonomy Laws and Regional Regulations are being optimized.

Autonomy refers to the authority of the government to regulate and manage government affairs and the interests of local communities under statutory regulations. In contrast, autonomous regions, also known as regions, are legal community units with territorial boundaries that are authorized to regulate and manage government affairs and the local community's interests based on community aspirations within the framework of the Republic of Indonesia's Unitary State. Regional regulations, abbreviated as Perda, are provincial or district/city regulations. On the other hand, regional head regulations are issued by governors and/or regents/mayors, implying that regional governments regulate and manage their government affairs following the principle of autonomy and assistance tasks. Regional governments have the authority to exercise the most significant amount of autonomy possible, except government affairs, which are the government's responsibility, intending to improve public welfare, public services, and regional competitiveness. The regional government works with the central government and other regional institutions in carrying out government business. This means a synergy in the Regional Autonomy Law between regional regulations, central government regulations, and government regulations.

For the first time since 2002, Law Number 22 of 1999 concerning regional autonomy has revealed various types of problems; such as the tendency to mobilize the regions on a large scale -both in the form of local elite control; political gaps; the economic gaps between the center and the regions; and the formation of regional policies.

These three things almost happened in several regions that were given the authority to carry out the Regional Autonomy Law. First, elite control is exercised by the regional government, which is free to define its boundaries and delegate authority within and to the local community. Of course, this is a paradox: regional power is undermining, while

government officials who want their bureaucracy to be filled only by components based on narrow primordialism are relocating. Thus, sectoralism's ego ignores the qualifications of the elite who should be tasked with developing the potential of the community and region and social and cultural polarization among the people themselves. Thus, relocation and polarization are two very concerning obstacles that can lead to an endless series of horizontal conflicts if not carefully planned and anticipated.

Second, there is a political economy divide between the center and the regions. Since the first publication of the Regional Autonomy Law or the so-called Regional Autonomy Bill, the Gap issue has been considered more carefully because it is certain that the extent to which social and national relations work well is based on these two factors. So far, public distrust is mainly caused by the exploitation of regional resources without reciprocity; what occurred is a gap in economics between government and the people and those at the center. Not to mention that when it comes to assets owned by the region, such as those based on the sea, airports, and territorial borders, there is a tug of war of interest that boils down to a struggle for economic land. Politically, this is also true; local governments are becoming more daring in determining the feasibility of political power, and the central government is sometimes just a spectator, even though regional political escalation is very heated, necessitating the best possible solution. Examples of ambiguity in the Lampung regional head election and the escalation of the situation due to the election of a regent in Karang Anyer demonstrate that the power pendulum is becoming increasingly difficult to control.

Third, many regions have issued regional regulations (perda) for their respective regions. Aceh, for example, is well-known for the Nangro Aceh Darussalam (NAD) Law. The formulated regulations may be considered quite significant for the local community. However, the process that goes along with making the regional regulations does not always take the socio-cultural conditions of the local community into account. As is well known, every region in Indonesia is inhabited by multicultural, multiethnic, and multireligious components of society. Ideally, the local government should consider this situation so that when preparing and forming a regional regulation, it does not conflict with the condition of the community because if something goes wrong, the nation's plurality may be threatened.

These three things may be better positioned as a situation that frequently arises with the ongoing regional autonomy. In other words, there are still many things to be done, such as restoring proportionality and professionalism among authorities. Institutional, regional finance, public management, regional commitment, and political officials' qualifications in local government. Is there a correlation between the discussion of regional autonomy and the potential for waqf development? To what extent are regional autonomy regulations addressing the issue of waqf? Of course, this is a fascinating and current issue in the development of waqf. Furthermore, each region requires a regional vision oriented toward poverty alleviation and prosperity through Islamic means.

Currently, productive waqf has been explored in every province in Indonesia, which means that many practices have been carried out by nazhir, such as the pro-99 waqf foundation through money waqf investment management, the Gontor waqf foundation with productive waqf through agriculture, the UMI Makassar waqf foundation through education, the foundation waqf wallets for the poor develop health waqf, and many other productive waqf models, the potential of which is currently being evaluated. If each of the waqf foundation institutions has developed whether local regulations participate in providing support related to the feasibility of productive waqf, in addition to regulations issued by the central government such as the ministry of religion, the Indonesian Waqf board, in this case, the policymakers must, of course, be alert in providing solutions related to differences perceptions of facing the challenges of zoning productive waqf land.

5. DKI Regional Regulation Zone Waqf Land and Bandung Regional Regulation Zone Waqf Land

In Perda No. 1 of 2014, Waqf land assets are generally located inland zoning designated for worship and education purposes. This does not appear to be incorrect, given that the practice of waqf in Jakarta is still traditional, delegating land only for worship and Islamic religious education. In this Regional Regulation, zoning is divided into 11 color categories and 44 letter codes in dividing spaces in the Jakarta area (see attachment VI in the Regional Regulation of the Special Capital Region of Jakarta Number 1 of 2014 concerning Detailed Spatial Planning and Zoning Regulations). Furthermore, the attachment contains information on activity classification and the implementation of what types of activities can be carried out in the existing zones.

This regional regulation does not specify which zoning zone waqf land is in. This is related to the development of zoning regulations that look at its designation in general rather than the socio-religious aspect that develops in the community. Furthermore, there is no classification of waqf land in this regulation, ensuring no discriminatory aspects in the regulation-making process. Because if waqf land is used as one of the indicators used in the development of this regulation, adherents of other religions will feel social jealousy. It is understandable in this case to issue regulations without taking the waqf aspect into account. However, it appears that there is nothing wrong with policyholders, including aspects of waqf in the development of regulations. Furthermore, if this waqf land asset is maximized, it can provide broader benefits. Not only for Muslims but also for the economic advancement of the people of Jakarta in general.

The DKI Jakarta city government, particularly the Spatial Planning Office, took the initiative to formulate that regarding the zoning of productive waqf land located in the brown zone, which is specifically for social and religious purposes, such as land for grave mosques, specifically for productive waqf land in order to make special rules for waqf management or in the form of Discretionary Waqf Land. Discretion is a decision and/or action made and/or carried out by government officials to address concrete problems in government administration such as laws and regulations that do not regulate, are incomplete or unclear, and/or there is government stagnation. Using discretion following

its objectives is one of government officials' rights when making decisions and/or taking actions. This is governed by Article 6 paragraph (2) letter e jo paragraph (1) of Law 30/2014.

Meanwhile, in Bandung, there has been no direct review of the regional regulations governing waqf land, implying that the autonomy law outlined in the West Java regional regulations has not been implemented as in DKI Jakarta. The Pro-99 Waqf Foundation's ability to carry out productive waqf development is hampered because the waqf land is in a buffer land position. As a result, the sectoral ego disregards the elite's qualifications which should be in charge of developing the potential of the community and region. However, it also causes social and cultural polarization among the people themselves. It means that in this case, there are two groups with competing interests, so relocation and polarization are two very concerning obstacles that, if not carefully considered and anticipated, can lead to endless horizontal conflicts.

E. Conclusion

Understanding zoning regulations is a relatively new concept. There are numerous issues concerning the laws and regulations governing their preparation, in addition to practical issues in the field. By explicitly mentioning it in the Spatial Planning Law, it is unavoidable that a narrowing of understanding is required. As a result, current field practice can vary greatly depending on the interpretation of each spatial consultant. Similarly, related agencies that require the preparation of zoning regulations should be contacted.

The waqf land on which the building stands has an obligation to be preserved even if it is possible to produce it; the problem is that the local government's zoning regulation has issues with the potential of waqf land that stands above the zoning of the space area. According to Law No. 11 of 2010, Article 72 governs the determination of the extent and use of space in sites and areas based on studies, whereas Article 73 paragraph (3) specifies that the zoning system may include a core zone, buffer zone, development zone, and support zone. The regional autonomy law is a regulation that limits the waqf law's implementation, whereas the waqf law number 41 of 2004 is a *lex specialis derogate legi generali*.

Since Law No. 22 of 1999 and Waqf Law Number 41 of 2004 and PP Number 42 of 2006 are based on these two regulations, while the uncertainty in managing and developing waqf land into productive, earning public trust is essential to protect productive waqf, so it does not violate hierarchical regulations. Because of the misalignment and policy reasons, the potential for productive waqf land, particularly nazhir waqf, may be hampered, and there is a conflict of zoning regulations.

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