

# IMPLEMENTATION OF INTELLECTUAL PROPERTY RIGHTS WAQF IN THE URBAN SOCIETY OF MEDAN BASED ON *MAQASID SHARIAH*

Rahmadany<sup>1\*</sup>, Pagar<sup>2</sup>, Nispul Khoiri<sup>3</sup> & Imoh Emmanuel Uwem<sup>4</sup>

<sup>1</sup>Universitas Sumatera Utara, North Sumatera, Indonesia.

<sup>2,3</sup>Universitas Islam Negeri Sumatera Utara, North Sumatera, Indonesia.

<sup>4</sup>Veritas University Abuja, Federal Capital Territory Abuja, Nigeria.

\*e-mail: danyrahma993@gmail.com

<b>Received:</b> 04/08/2023	<b>Revised:</b> 20/10/2023	<b>Approved:</b> 11/01/2024
--------------------------------	-------------------------------	--------------------------------

DOI: 10.32332/akademika.v29i1.7530



Implementation Of Intellectual Property Rights Waqf in The Urban Society of Medan Based on *Maqasid Shariah* Licensed Under a Creative Commons Attribution-ShareAlike 4.0 International License

## Abstract

This study aimed to see the implementation of intellectual property rights (IPR) waqf in urban society from the Perspective of *Maqasid Shariah*. This research applied a qualitative approach to depict social phenomena and processes in implementing Intellectual Property Rights Waqf in Medan urban communities. The qualitative approach allows researchers to gain deep insight into people's views, attitudes, and understanding of waqf and intellectual property rights. The data collection techniques used were interviews and documentation. The findings show that the implementation of IPR waqf in the urban society of Medan City, from the perspective of *Maqasid Shariah*, holds great potential for societal development and the promotion of knowledge and innovation. However, clear regulations and guidelines that address the specific challenges of IPR waqf must be established to facilitate its successful execution. Through collaboration and a comprehensive approach, the integration of IPR assets into the waqf framework can bring significant social and economic benefits to the urban society of Medan City. Despite the challenges faced, the implementation of IPR waqf in Medan City holds immense potential for the development and growth of the urban society.

**Keywords:** Intellectual Property Rights; *Maqasid Shariah*; Urban; Waqf.

## A. Introduction

In recent years, the concept of Waqf has gained significant attention in Islamic finance and philanthropy. According to Islamic principles, Waqf refers to the endowment of property or assets for charitable purposes. The traditional understanding of Waqf primarily focuses on land, buildings, and money as tangible assets. However, with the advancement of technology and the rise of intellectual property, there is a

growing interest in incorporating intellectual property rights (IPR) into the waqf framework. The concept of Waqf, or endowment, has long been integral to Islamic finance and philanthropy. It involves the dedication of property or assets for charitable purposes following Islamic principles (Affandi, 2017a). Traditionally, Waqf has been associated with tangible assets such as land, buildings, and money. However, with the rapid technological advancements and the emergence of intellectual property, there is a growing interest in incorporating intellectual property rights (IPR) into the waqf framework.

In the bustling urban city of Medan City, Indonesia, implementing IPR waqf holds significant potential. Intellectual property rights encompass many intangible assets such as patents, copyrights, and trademarks. These assets drive innovation and creativity in the modern economy (Putri, 2019). By harnessing the power of IPR waqf, the urban society of Medan City can benefit from the sustainable development of intellectual capital while fulfilling the principles of *Maqasid Shariah*. *Maqasid Shariah*, or the objectives of Islamic law, provides a comprehensive framework for assessing the ethical, legal, and social impacts of various activities. It guides Muslims to lead a just and balanced life (Maarif, 2022). Through the lens of *Maqasid Shariah*, the implementation of IPR waqf in the urban society of Medan City can be examined in terms of its potential to fulfill the higher objectives of Islamic law.

One of the key objectives of *Maqasid Shariah* is the preservation of wealth and the promotion of economic well-being. IPR waqf presents a unique opportunity to leverage intellectual assets for the betterment of society. By endowing intellectual property rights, individuals and organizations can contribute to developing innovative solutions, job creation, and economic growth. This, in turn, enhances the overall well-being of the urban community in Medan City. Another crucial objective of *Maqasid Shariah* is promoting social justice and eradicating poverty (Jumena & Dewi, 2017). IPR waqf can play a pivotal role in achieving these objectives by addressing the socio-economic inequalities prevalent in urban areas. By dedicating intellectual property rights, the urban society of Medan City can support initiatives that focus on education, health, and social empowerment. This empowers marginalized communities and ensures equitable access to knowledge and resources.

Furthermore, *Maqasid Shariah* emphasizes preserving and protecting human dignity and natural resources. IPR waqf can contribute to the sustainable development of these resources by incentivizing research and innovation for environmental conservation. By endowing intellectual property rights related to renewable energy, eco-friendly technologies, and conservation efforts, the urban society of Medan City can actively contribute to the preservation of the environment and the well-being of future generations (Sukiati et al., 2023). In conclusion, implementing IPR waqf in the urban society of Medan City, Indonesia, through the lens of *Maqasid Shariah*, holds immense potential. By embracing intellectual property rights as an endowment, the urban community can contribute to developing innovative solutions, promoting economic well-being, eradicating poverty, and preserving human dignity and natural resources. Through such proactive measures, Islamic finance and philanthropy can adapt to the evolving needs of contemporary society, ensuring a just and harmonious development for all.

Research on IPR waqf has been carried out before, such as Syifa Habibah's research titled "Intellectual Property Rights (HKI) as Potentially Productive Waqf." The findings in this research are that creative works in the fields of science, art, and literature that are protected by copyright are one of the potential Intellectual Property that can be used as waqf property. The criteria for a patent as a waqf follows the requirements for a property

that can be used as a waqf (Habibah, 2020a). The next research was carried out by Bella Putri Afandi, titled "Analysis of Intellectual Property Rights as an Object of Waqf in Efforts to Improve the Economy in Indonesia." The findings in this research are Intellectual Property Rights in Islamic law included in the category of *Ibtikar* rights, namely discoveries or creations resulting from human intellectual work that has never been discovered by scientists before. All IPR owners have the opportunity Waqf his right to receive royalties. The greater the royalties donated, the greater the funds collected that can be utilized (Affandi, 2017b).

These two studies are different from the research that researchers carried out. The novelty in this research is from the *Maqosid Sharia* perspective. The fundamental question in this research is how Waqf IPR is if analyzed using the *Maqhosid Syaria* theory. This article discusses the implementation of IPR waqf in the urban society of Medan City, Indonesia, through the lens of *Maqasid Shariah*.

## B. Methods

This research used a qualitative approach to understand social phenomena and processes in implementing Intellectual Property Rights Waqf in Medan urban communities. The qualitative approach allows researchers to gain deep insight into people's views, attitudes, and understanding of waqf and intellectual property rights. The data collection techniques used were interviews and documentation (Sugiyono, 2010). The first step is conducting a literature study to gather information and previous research relevant to this topic. The literature study will help understand the concepts of Intellectual Property Rights Waqf and *Maqasid Sharia* in-depth find gaps in existing research. In addition to literature studies, the author also conducted interviews with various related parties, such as Islamic jurists, academics, waqf activists, intellectual property rights holders, and members of the Medan community. In-depth interviews will help understand their perspectives and views towards implementing Intellectual Property Rights Waqf in Medan urban communities

## C. Findings and Discussion

### 1. Findings

#### Implementation of IPR as Waqf Assets in the Urban Society of Medan

In the early development, copyright, such as fabricating books or books created by someone who was an intellectual creation of scholars, was seen as a social charity for good in teaching and developing religious knowledge that was *tabarru'at* as charity to get rewards that continued to flow even after death. However, in subsequent developments following the level of human life, it becomes a right that must be protected so that copyright holders deserve respect and respect (Shiddiq, 2019). Copyright as a type of intellectual property rights is *huquq al-maliyah* (property rights) that receive legal protection (*mashun*). Any form of violation of IPR, including but not limited to using, disclosing, making, using, selling, importing and exporting, distributing, handing over, providing, announcing, reproducing, creating, counterfeiting, hijacking, IPR belonging to others without rights is tyranny and the law is haram (Gozali, 2016).

The procedures for registering waqf assets with IPR as the object follow the guidelines stipulated in the Wakaf Law No. 41 of 2004 and Government Regulation No. 42 of 2006 on implementing the Wakaf Law (Islamiyati, 2017). The Indonesian Ulema Council (MUI) has also given the following legal *fatwas*; a) In Islamic law. IPR is seen as one of the *huquq maliyyah* (property rights) that receive legal protection

(*mashun*) as well as mal (wealth). B) IPR that receives Islamic legal protection, in number 1, is IPR that does not conflict with Islam. c) IPR can be used as an object of contract (*al-ma'qud alaih*), both contract (*al ma'qud 'alaih*), both *mu'awadhah* contract (exchange, commercial), and *tabarru'at* contract (non-commercial), and can be waqaf and inherited.

IPR as *huququ al-maliyah* (property rights) is a right that deserves and must receive legal protection (*mashun*) as a gift of Allah S.W.T. When the IPR holder has not been registered, he already has the right to maintain, maintain, and protect his honor to control, and others are haram to damage and commit cruelty to their rights (Munir, 2016). However, when dealing with the rule of law, it has not been recognized as a right because it has not been registered. Such is the case with a person who has entered into a legal marriage according to Islamic law but does not have a marriage certificate because his marriage was not registered at the registry office (District Religious Affairs Office). If analogous to IPR rights holders, the IPR registration and recording procedure system stipulated in laws and regulations is considered unresponsive to Islamic Jurisprudence studies.

Any form of violation of IPR, including but not limited to using, disclosing, making, using, selling, importing and exporting, distributing, handing over, providing, announcing, reproducing, creating, falsifying, hijacking, IPR belonging to others without rights is tyranny and the law is haram. The registration process for Waqf with IPR objects is similar to other types of Waqf, with one additional requirement for the waqif (the donor) (Saad et al., 2022). The waqif must provide proof of IPR registration from the Directorate General of Intellectual Property (DGIP) of the Ministry of Law and Human Rights as evidence of ownership to be endowed (Lubis, 2020). This administrative requirement is essential for creating the Akta Ikrar Wakaf (Deed of Endowment), as it must include the IPR registration letter as the waqf object. However, in practice, the implementation of IPR waqf faces challenges due to the Lack of clear regulations, which serve as guidelines for the officials responsible for creating the Akta Ikrar Wakaf (AIW). Detailed technical regulations and implementation guidelines are needed to provide clear directions for the successful execution of IPR waqf. Currently, the regulations for waqf implementation mainly focus on immovable assets such as land and buildings and movable assets in the form of money, while limited attention has been given to Waqf with IPR objects (Jaenab et al., 2019).

The legal basis for Waqf with IPR objects is regulated in the Waqf Law number 41 of 2004 and Government Regulation number 42 of 2006 concerning implementing the Waqf Law. Registering Waqf with IPR objects is almost the same as registering other Waqf. However, there is one requirement that must be met by wakif, which must be accompanied by proof of IPR registration from the Directorate General of Intellectual Property (Dirjen KI) of the Ministry of Law and Human Rights as proof of ownership of IPR to be Waqf. This requirement is an administrative requirement that must be met in making the Waqf Pledge Deed (AIW) because in AIW, an IPR registration letter must be included as a waqf object (Baharuddin, 2019).

However, in reality, implementing IPR waqf is still difficult to implement in Medan City. This is due to the absence of clearer implementing regulations on Waqf with IPR objects. As a result, the Waqf Pledge Deed Making Officer (PPAIW) has difficulty using explicit references in making AIW. Therefore, detailed implementation instructions are needed to provide clear guidelines for the implementation of Waqf with IPR objects (Habibah, 2020b). Currently, technical arrangements for implementing Waqf are still limited to Waqf with objects in the form of land, buildings, and money. This problem needs to be overcome so that the people of Medan City Urban can take

full advantage of the concept of Waqf with IPR objects.

The application of IPR waqf in urban communities in Medan City has various benefits. First, promote local innovation. By endorsing IPR, inventions and innovative works can be protected by Sharia law and remain the property of Muslims (Hidayati, 2017). This encourages the improvement of innovation culture among the urban community of Medan City. Second, improving people's welfare. With the utilization of IPR through Waqf, the community can take advantage of income from exclusive rights owned by IPR waqf to support community economic empowerment. Third, strengthen local cultural identity. In utilizing IPR waqf, the community will continue to develop local culture and traditions that are Waqf, so they can be maintained and passed on to future generations. However, there are several challenges in implementing IPR waqf in urban communities in Medan City. First, there is a lack of public awareness of the importance of IPR endowments. Most people still do not understand the concept and benefits of IPR waqf, making it difficult to obtain significant participation. Second, the weak infrastructure and institution of IPR waqf in Medan City. Policies are needed to support establishing institutions and infrastructure that provide facilities and protection for IPR endowments. Third, there is an expansion of public views and understanding of Sharia Maqasidu as the basis for implementing IPR waqf. With a good understanding of Maqasidu Sharia, people can see the benefits and urgency of implementing IPR waqf daily.

In overcoming these challenges, local governments must pay serious attention to promoting the concept of IPR waqf through extension campaigns and supportive policies. It is important to involve all stakeholders, including authorities, NGOs, the IPR development community, and the general public, in drafting clear and comprehensive implementation guidelines. In addition, active participation from scholars and religious leaders is also needed to provide understanding and direction to the public about the concept of IPR waqf. In conclusion, the application of IPR waqf in urban communities in Medan City has great potential. However, several obstacles still need to be overcome so that IPR waqf can provide maximum benefits to the community. Clearer regulations and implementation guidelines are needed and efforts to increase public awareness about the importance of IPR endowments. Thus, we can build an innovative, prosperous society that strengthens local cultural identity by applying IPR waqf from the perspective of *Maqasid Shariah*. Based on the results of a researcher's interview with Saparuddin Siregar, as the division of waqf management and empowerment at the Indonesian Waqf Board of North Sumatra, he stated that IPR waqf in North Sumatra has never been carried out until now, further he stated that BWI North Sumatra has not known of any waqf in the field of IPR, in other words that in North Sumatra there has been no waqf that entrusts its IPR. Based on the results of research conducted through interviews with resource persons, namely the Indonesian Waqf Board of North Sumatra Representative (BWI Sumut), basically, the procedure for transferring IPR as an object of Waqf is to follow the procedure for registering waqf property as stipulated in the Waqf Law and PP 42 of 2006 concerning the implementation of the Waqf Law (Niswah, 2018). However, in practice, the speakers argued that the procedure for registering Waqf with IPR objects is almost the same as other waqf objects. However, if the IPR is entrusted, there is one condition that must be met by wākif, which must be accompanied by proof of IPR registration from the Directorate General of Intellectual Property (Dirjen KI) of the Ministry of Law and Human Rights, as proof of ownership of IPR to be Waqf. This requirement is an administrative requirement that must be met in making a waqf pledge deed (AIW), because in AIW an IPR registration letter must be included as a waqf object.

### **Implementation of IPR as Waqf Assets from The Perspective of *Maqasid Shariah***

In analyzing the implementation of IPR waqf from the perspective of *Maqasid Shariah* (objectives of Shariah), several key principles must be considered. The primary objective of Waqf is to benefit society and fulfill communal needs. By endowing IPR assets such as patents, copyrights, and trademarks, the urban society of Medan City can benefit from their dissemination, commercialization, and protection. This supports the principles of "*Maslahah*" (public interest) and "*Al-Haraj Al-Daruri*" (overcoming hardship) (Permatasari, 2022). Additionally, IPR waqf can contribute to promoting knowledge and innovation, aligning with the principle of "*Al-'Ilm*" (knowledge). In today's evolving world, it is crucial to analyze the implementation of Intellectual Property Rights (IPR) waqf from the perspective of *Maqasid Shariah* - the objectives of Shariah. By examining this issue through Islamic principles, we can better understand the significance and potential benefits that IPR waqf offers to society. The benefits contained in IPR Waqf are real benefits (*maslahah*), which can be enjoyed by everyone. So that *Maqasid Shariah* from Waqf IPR truly creates benefits (*maslahah*) and avoids harm (*mudharat*).

The primary objective of Waqf is to benefit society and fulfill communal needs (Sulistyaningsih et al., 2019). Waqf is a charitable endowment that involves the dedication of assets, typically immovable properties, for the benefit of the public. Traditionally, Waqf has focused on physical assets like land, buildings, or financial endowments (Syaikhu et al., 2021). However, recently, there has been a growing interest in exploring the Waqf of Intellectual Property Rights. IPR assets, such as patents, copyrights, and trademarks, have the potential to generate substantial economic value. By endowing these assets through Waqf, the urban society of Medan City can benefit from their dissemination, commercialization, and protection. This aligns with the principle of "*Maslahah*," which refers to preserving and promoting public interest. Waqf of IPR assets can lead to socio-economic development by creating a source of revenue for waqf institutions, which can then be utilized for philanthropic endeavors.

Additionally, IPR waqf plays a vital role in overcoming hardship, as it provides a means to alleviate the economic burden on individuals and communities. When individuals or communities face financial challenges, the waqf institutions can leverage the IPR assets to generate income and provide support. This aligns with the principle of "*Al-Haraj Al-Daruri*," which emphasizes the importance of overcoming unnecessary hardship in society (Aditya & Musthofa, 2022). IPR waqf can serve as a safety net, ensuring that vulnerable segments have access to resources and opportunities that can improve their livelihoods. Moreover, IPR waqf can contribute to promoting knowledge and innovation, a fundamental principle in Islam (Iska, 2020). Islamic tradition places great importance on acquiring knowledge and its dissemination for the greater benefit of society. By waqf patents, copyrights, and trademarks, the barriers to accessing and promoting knowledge are reduced. This leads to increased innovation, creativity, and advancement in various fields. The principle of "*Al-'Ilm*" (knowledge) is thus upheld through IPR waqf, as it fosters an environment where knowledge is shared and utilized for societal development.

To ensure the successful implementation of IPR waqf, legal frameworks and regulatory mechanisms must be in place. These frameworks should address issues such as managing, utilizing, and protecting the endowed IPR assets. Additionally, collaboration between various stakeholders, including waqf institutions, government bodies, and intellectual property authorities, is essential for the effective execution of IPR waqf initiatives. In conclusion, examining the perspective of *Maqasid Shariah* in

implementing IPR waqf highlights its potential benefits for society. By waqf IPR assets, the urban society of Medan City can benefit from their commercialization, dissemination, and protection. This aligns with the principles of "*Maslahah*" and "*Al-Haraj Al-Daruri*," as it promotes public interest and overcomes hardships.

Furthermore, IPR waqf contributes to promoting knowledge and innovation, aligning with the principle of "*Al-'Ilm*." To ensure successful implementation, robust legal frameworks and collaborative efforts are necessary. IPR waqf presents an opportunity to harness the economic, social, and intellectual potential of IPR assets for the greater benefit of society. This potential arises because IPR is an asset that can grow and develop if managed well. Development of economic potential occurs if the IPR has a benefit value that can be commercialized, while social potential occurs if the IPR has a benefit value but is not for commercial purposes but is for the benefit of society in general.

## 2. Discussion

### Challenges and Recommendations Implementation of Intellectual Property Rights Waqf in Urban Society of Medan

Despite the potential benefits, the implementation of IPR waqf in the urban society of Medan City faces various challenges. The Lack of specific regulations and guidelines hinders the successful execution of IPR waqf. To overcome this, it is essential to develop comprehensive technical regulations and implementation guidelines that cover the various aspects of IPR waqf, including valuation, management, and distribution of proceeds (Alwan, 2023). Collaboration between religious scholars, legal experts, and intellectual property professionals should be encouraged to ensure a holistic and effective approach to IPR waqf.

Intellectual Property Right (IPR) waqf holds significant potential for developing and advancing societies. In the urban society of Medan City, the implementation of IPR waqf, however, faces various challenges that hinder its successful execution (Hery Setyawan, 2020). This article aims to explore the challenges faced and provide recommendations to overcome them to fully realize the potential benefits of IPR waqf in Medan City City.

#### a. Lack of specific regulations and guidelines

One of the main challenges in implementing IPR waqf in Medan City City is the absence of specific regulations and guidelines. Without clear legal frameworks, ensuring proper valuation, management, and distribution of the proceeds from IPR waqf becomes difficult. This Lack of clarity can undermine the effectiveness and transparency of the waqf system, leading to potential disputes and mismanagement. The Lack of specific regulations and guidelines about Intellectual Property Rights (IPR) waqf in Medan City poses a significant obstacle to its successful implementation. As an ancient Islamic philanthropic institution, Waqf has historically focused on tangible assets such as land, buildings, and money (Fikri & Noor, 2012). However, with the emergence of intellectual property as a valuable asset in the modern economy, the need for appropriate regulations to govern IPR waqf has become apparent.

**Valuation of Intellectual Property Rights:** One of the key challenges in IPR waqf is determining the value of the intellectual property being endowed. Unlike tangible assets, which often have established market values, the valuation of intangible assets can be complex and subjective. There is a lack of standardized methods for evaluating copyrights, patents, trademarks, and other forms of intellectual property. This ambiguity can lead to disputes during the endowment process and affect the overall

effectiveness of IPR waqf initiatives. Management and Utilization of IPR Waqf Assets: Another challenge arises in efficiently managing and utilizing the IPR waqf assets. Proper management is crucial to ensure that the intellectual property generates revenue or benefits that align with the objectives of the Waqf, such as funding charitable projects, supporting education, or aiding the less fortunate (Septiani, 2017). Without clear guidelines on managing and exploiting IPR waqf assets, there is a risk of underutilization or mismanagement, which can hinder the achievement of the intended socio-economic goals. Distribution of Proceeds: The distribution of proceeds generated from IPR waqf assets must adhere to Islamic principles and the objectives of *Maqasid Shariah*. However, the absence of specific regulations may lead to ambiguity regarding the allocation of funds. Determining whether the revenue should be reinvested in the waqf project, distributed among beneficiaries, or used for other charitable purposes requires clear guidelines that align with Islamic ethical principles.

Legal Recognition and Protection: While IPR holders are entitled to legal recognition and protection of their intellectual creations, endowing IPR as waqf assets might face legal challenges in the absence of specific regulations. Ensuring that IPR waqf assets are legally protected and recognized as charitable endowments is crucial to maintaining the integrity of the waqf system and protecting the rights of all stakeholders involved. Public Awareness and Participation: Implementing IPR waqf effectively requires the active participation and support of the public. However, the Lack of specific regulations and guidelines might lead to a lack of awareness and understanding among potential donors and beneficiaries. To encourage public participation in IPR waqf initiatives, there is a need for clear and accessible information about the processes involved, the potential benefits, and the legal implications.

To overcome these challenges, Medan City the relevant authorities, religious scholars, legal experts, and philanthropic organizations in Medan City need to collaborate and develop comprehensive regulations and guidelines for IPR waqf. These guidelines should address the valuation, management, distribution, and legal recognition of IPR waqf assets while aligning with the principles of *Maqasid Shariah*. By doing so, IPR waqf can become a powerful instrument for sustainable development, social justice, and economic well-being in the urban society of Medan City.

b. Limited collaboration between stakeholders

Another challenge is the limited collaboration between religious scholars, legal experts, and intellectual property professionals in implementing IPR waqf. Often, these stakeholders work in silos without a holistic and integrated approach. This Lack of collaboration hinders the development of comprehensive technical regulations and implementation guidelines, essential for the successful execution of IPR waqf (Pikahulan, 2020). The limited collaboration between stakeholders, including religious scholars, legal experts, and intellectual property professionals, is a critical challenge in successfully implementing Intellectual Property Rights (IPR) waqf in Medan City. Each of these stakeholders brings unique expertise and perspectives, and their collaboration is essential to creating a comprehensive and practical framework for IPR waqf.

Different Expertise and Perspectives: Religious scholars possess a deep understanding of Islamic law and principles, which are fundamental in ensuring that IPR waqf aligns with the tenets of Islam. Legal experts have expertise in Waqf and intellectual property, ensuring that the endowment is legally sound and adheres to existing laws and regulations. On the other hand, intellectual property professionals understand the intricacies of valuing, managing, and utilizing intangible assets such as patents, copyrights, and trademarks. Without collaboration, essential aspects of IPR waqf may be overlooked, leading to potential inconsistencies and inefficiencies in the



implementation. **Comprehensive Technical Regulations:** The successful execution of IPR waqf requires the development of comprehensive technical regulations and guidelines that cover all stages of the process, from the endowment of assets to the utilization of proceeds. Collaboration among stakeholders ensures that these regulations are well-rounded, considering religious, legal, and intellectual property considerations. This integrated approach helps fill gaps in existing frameworks and results in a robust and coherent system.

**Addressing Challenges and Barriers:** Collaboration allows stakeholders to identify potential challenges and barriers in implementing IPR waqf. By pooling their expertise, they can develop strategies to overcome these hurdles and design solutions that address the unique complexities of IPR waqf. This proactive approach is crucial to ensure the long-term sustainability and success of IPR waqf initiatives. **Holistic Vision:** An integrated approach fosters a holistic vision for IPR waqf, which encompasses both short-term goals and long-term sustainability. The collaboration of stakeholders ensures that the objectives of Maqasid Shariah are at the forefront and that the IPR waqf projects are aligned with the greater social and economic development of the urban society in Medan City. Such a holistic vision enhances the positive impact of IPR waqf on the community. **Public Trust and Confidence:** When religious scholars, legal experts, and intellectual property professionals collaborate, it instills public trust and confidence in the IPR waqf system. The involvement of experts from different domains signals a transparent, well-thought-out, and credible approach to IPR waqf. This, in turn, encourages donors to contribute and beneficiaries to participate, ensuring the success and sustainability of IPR waqf initiatives.

There should be initiatives to facilitate dialogue and cooperation among stakeholders to address the challenge of limited collaboration. Regular forums, workshops, and seminars can be organized where religious scholars, legal experts, and intellectual property professionals come together to discuss the intricacies of IPR waqf and share their knowledge. In addition, creating a dedicated committee or task force representing all relevant stakeholders can help ensure ongoing collaboration and information exchange. By fostering a collaborative environment, stakeholders can create a comprehensive and effective IPR waqf framework in Medan City. This collective effort ensures that IPR waqf becomes a powerful tool for social development, economic prosperity, and advancing Islamic principles in urban society.

c. Low awareness and understanding

A significant hurdle in implementing IPR waqf is the low awareness and understanding among the community members in Medan City. Many individuals are unaware of the potential benefits and the process of IPR waqf. This Lack of awareness leads to reluctance and hesitation in participating in the waqf system, thereby limiting its potential impact.

**Limited Outreach:** The Lack of targeted outreach to specific groups within the community may result in a limited understanding of IPR waqf. Different segments of society may require tailored communication and educational approaches to ensure they comprehend the concept and its potential impact. The consequences of low awareness and understanding can be significant: a) **Reduced Participation:** Low awareness may lead to reluctance to participate in IPR waqf initiatives. Potential donors may not realize the possibilities of contributing their intellectual property assets, and potential beneficiaries may not seek assistance from waqf institutions, limiting the overall scope and impact of IPR waqf projects. b) **Missed Opportunities:** Intellectual property assets have immense economic and social potential. If community members are unaware of how IPR waqf can be utilized to support innovative projects,

education, or community development, significant opportunities for societal advancement may be missed. c) Underutilization of IPR Assets: Intellectual property assets that could be productively used through Waqf might remain dormant or underutilized due to a lack of awareness about how to endow them or how the proceeds can be used for community benefit.

To address the challenge of low awareness and understanding, proactive steps can be taken: a) Public Awareness Campaigns: Engaging in public awareness campaigns is essential to inform the community about IPR waqf, its benefits, and how they can participate (Zawawi et al., 2023). These campaigns can use various media platforms, including social media, public lectures, workshops, and pamphlets, to reach a wider audience. Educational Programs: Organizing educational programs and workshops targeting different groups, such as entrepreneurs, artists, and scholars, can help demystify the concept of IPR waqf and showcase its potential contributions to various fields. Community Engagement: Involving community leaders, religious institutions, and local organizations in promoting IPR waqf can foster greater understanding and acceptance within the community. Collaboration with Intellectual Property Professionals: Collaborating with intellectual property professionals can aid in explaining the technicalities of IPR waqf and its potential benefits to potential donors. Showcasing Success Stories: Highlighting successful IPR waqf projects and their positive impact on the community can inspire others to participate and contribute their intellectual property assets. By actively addressing the issue of low awareness and understanding, the implementation of IPR waqf in Medan City can gain broader support and participation from the community, leading to more significant and sustainable societal benefits. To improve the implementation of IPR Waqf, it is necessary to do the following:

a. Develop comprehensive regulations and guidelines

To overcome the challenges posed by the Lack of specific regulations and guidelines, it is crucial to develop comprehensive technical regulations and implementation guidelines for IPR waqf in Medan City. These regulations should cover all aspects, including the valuation, management, and distribution of proceeds. It is essential to involve legal experts, religious scholars, and intellectual property professionals in developing these guidelines to ensure their effectiveness and compliance with Islamic principles.

b. Foster collaboration between stakeholders

To address the issue of limited collaboration between stakeholders, efforts should be made to foster partnerships and cooperation among religious scholars, legal experts, and intellectual property professionals. Regular dialogues, workshops, and seminars can be organized to facilitate knowledge exchange and create a shared understanding of the importance and potential of IPR waqf. Such collaboration will lead to the development of a holistic and integrated approach to IPR waqf, ensuring its successful implementation in Medan City.

c. Increase awareness and understanding:

To overcome the challenge of low awareness and understanding, awareness campaigns and educational programs should be conducted to inform and educate the community members in Medan City about IPR waqf. These campaigns can involve religious institutions, educational institutions, and community organizations. Additionally, targeted workshops and training programs can be organized to equip individuals with the necessary knowledge and skills to participate effectively in the IPR waqf system.

#### D. Conclusion

The implementation of IPR waqf in the urban society of Medan City, from the perspective of *Maqasid Shariah*, holds great potential for societal development and the promotion of knowledge and innovation. However, clear regulations and guidelines that address the specific challenges of IPR waqf must be established to facilitate its successful execution. Through collaboration and a comprehensive approach, the integration of IPR assets into the waqf framework can bring significant social and economic benefits to the urban society of Medan City. Despite the challenges faced, the implementation of IPR waqf in Medan City holds immense potential for the development and growth of the urban society. By addressing the challenges through the development of comprehensive regulations, fostering collaboration between stakeholders, and increasing awareness and understanding, the effective execution of IPR waqf can be achieved. The relevant authorities, religious institutions, legal experts, and intellectual property professionals must work together towards creating a conducive environment for IPR waqf in Medan City. This will contribute to the community's socio-economic development and uphold the principles of Islamic finance and philanthropy.

#### E. Acknowledgements

The researchers express their deepest gratitude to the Medan City State Islamic University's Chancellor, who has supported this research. Thanks to all colleagues, especially the lecturers at the Medan City State Islamic University and the informants, who have helped collect data for this research.

#### F. Author Contributions Statement

The authors consist of four researchers who have their roles. The three authors lived together in Medan City. Rahmadany initiated the study, compiled and designed the analysis, and proposed joint research with partners. Pagar, Nispul Khoiri and Imoh Emmanuel Uwem work together to develop research instruments and data collection, work on reference management, data contribution, or analysis tools. All authors cooperated in collecting data, analyzing data, and reading through to agree on the final manuscript.

#### G. References

- Aditya, A., & Musthofa, M. A. (2022). The Role of Wakaf In Establishing People's Welfare. *MILRev: Metro Islamic Law Review*, 1(2), Article 2. <https://doi.org/10.32332/milrev.v1i2.6214>.
- Affandi, B. P. (2017a). Analisis Hak Kekayaan Intelektual sebagai objek wakaf dalam upaya meningkatkan perekonomian di Indonesia. *Al-Awqaf: Jurnal Wakaf dan Ekonomi Islam*. <https://jimfeb.ub.ac.id/index.php/jimfeb/article/view/3494>.
- Affandi, B. P. (2017b). Analisis Hak Kekayaan Intelektual Sebagai Objek Wakaf Dalam Upaya Meningkatkan Perekonomian di Indonesia. *Al-Awqaf: Jurnal Wakaf Dan Ekonomi Islam*, 10(2), Article 2. <https://doi.org/10.47411/al-awqaf.v10i2.78>.
- Alwan, F. (2023). *Pengelolaan Hak Kekayaan Intelektual Sebagai Objek Wakaf Dalam Perspektif Hukum Islam (Studi di Kantor Pusat Badan Wakaf Indonesia)*. repository.uinbanten.ac.id.
- Fikri, D. F., & Noor, A. (2012). Reformasi Hukum Wakaf Di Indonesia Studi terhadap Wakaf Hak Atas Kekayaan Intelektual. *Al-Ahkam*. [10.21580/ahkam.2012.22.1.3](https://doi.org/10.21580/ahkam.2012.22.1.3).

- Gozali, M. (2016). Hak Atas Kekayaan Intelektual Sebagai Obyek Wakaf Dalam Hukum Indonesia. Dalam *Universitas Pelita Harapan*.
- Habibah, S. (2020a). Hak Kekayaan Intelektual Sebagai Wakaf Produktif yang Potensial. *Journal of Finance and Islamic Banking*, 3(2), 80–94. <https://doi.org/10.22515/jfib.v3i2.3749>.
- Habibah, S. (2020b). Hak Kekayaan Intelektual Sebagai Wakaf Produktif yang Potensial. *Journal of Finance and Islamic Banking*. <https://doi.org/10.22515/jfib.v3i2.3749>.
- Hery Setyawan. (2020). Pemanfaatan Media Audio Visual dan Media Gambar Pada Siswa Kelas V. Universitas Wijaya Kusuma Surabaya. *Jurnal Prakarsa Paedagogia*, 03(02), 198–203. <https://doi.org/10.24176/jpp.v3i2.5874>.
- Hidayati, R. (2017). Hak Kekayaan Intelektual Wakaf Potensial Kontemporer. Dalam *Majalah Peradilan Agama*.
- Iska, S. (2020). Revitalisasi Zakat Dan Wakaf Sebuah Solusi Kemiskinan Di Indonesia. *Juris (Jurnal Ilmiah Syariah)*, 19(1), Article 1. <https://doi.org/10.31958/juris.v19i1.2132>.
- Islamiyati, I. (2017). Hak Kekayaan Intelektual (HKI) Sebagai Harta Wakaf (Analisis Pasal 16 UU No. 41 Tahun 2004 tentang Wakaf). Dalam *Jurnal Hukum Ekonomi Islam*. <https://www.jhei.appheisi.or.id/index.php/jhei/article/view/62/43>.
- Jaenab, S., Kosim, K., & Syamsudin, S. (2019). Hak Kekayaan Intelektual Sebagai Objek Wakaf: Kajian Komparatif Mazhab Syafi'i dan Undang-Undang Nomor 41 Tahun 2004. *Al-Mustashfa: Jurnal Penelitian*. [10.24235/jm.v4i1.4969](https://doi.org/10.24235/jm.v4i1.4969).
- Jumena, J., & Dewi, M. S. S. (2017). Hak Atas Kekayaan Intelektual sebagai Benda Wakaf. *Adzkiya*.
- Lubis, U. S. (2020). Hak Kekayaan Intelektual Sebagai Objek Wakaf. *Iuris Studia: Jurnal Kajian Hukum*.
- Maarif, M. C. (2022). *Analisis Komparatif Hak Kekayaan Intelektual Sebagai Objek Wakaf Perspektif Empat Madzhab Dan Kompilasi Hukum Islam*. eprints.unisnu.ac.id.
- Munir, A. M. (2016). Hak Kekayaan Intelektual Sebagai Barang Wakaf Dalam Perspektif Fiqh Syafiiyyah. *Istidal: Jurnal Studi Hukum Islam*. <https://doi.org/10.34001/istidal.v3i1.646>.
- Niswah, E. M. (2018). Problematika Yuridis Wakaf Hak Kekayaan Intelektual di Indonesia. *Volksgeist: Jurnal Ilmu Hukum dan Konstitusi*. <https://doi.org/10.24090/volksgeist.v1i2.1907>.
- Permatasari, A. (2022). Elasticity Of Islamic Law In Social Dynamics (Analysis Of E-Commerce A Fiqh Perspective). *MILRev : Metro Islamic Law Review*, 1(1), Article 1. <https://doi.org/10.32332/milrev.v1i1.6189>.
- Pikahulan, R. M. (2020). Konsep Yuridis Hak Atas Kekayaan Intelektual Sebagai Harta Benda Wakaf. *Al-Mizan (e-Journal)*. <https://doi.org/10.30603/am.v16i2.1809>.
- Putri, H. F. (2019). *Analisis Hukum Hak Kekayaan Intelektual Sebagai Objek Wakaf (Studi Kantor Badan Wakaf Indonesia Kota Medan)*.
- Saad, A. Y. Q., Mohammed, M. O., Al-Jubari, I., & Ahamed, F. (2022). The Prospect of Waqf in Financing Small and Medium Enterprises (SMEs) in Yemen. *QIJS (Qudus International Journal of Islamic Studies)*, 10(2), Article 2. <https://doi.org/10.21043/qijis.v10i2.9689>.
- Septiani, L. (2017). *Tinjauan Hukum Islam Terhadap Hak Kekayaan Intelektual Sebagai Objek Wakaf*. digilib.uin-suka.ac.id.
- Shiddiq, M. H. A. (2019). Hak Atas Kekayaan Intelektual Sebagai Objek Wakaf Dalam Konteks Fiqh Dan Hukum Positif. Dalam *Al-Syakhshiyah: Jurnal Hukum Keluarga Islam*.

- Sugiyono. (2010). *Model Penelitian Kuantitatif Kualitatif*. Alfabeta.
- Sukiati, S., Rahmadany, R., Sebyar, M. H., & Harahap, P. H. (2023). Copyright as a Waqf Object in the Context of Fiqh and Positive Law. *Al-Istinbat : Jurnal Hukum Islam*, 8(1), 269–290. <http://dx.doi.org/10.29240/jhi.v8i1.6696>.
- Sulistyaningsih, P., Heniyatun, H., Praja, C. B. E., & ... (2019). Pelaksanaan Hak Kekayaan Intelektual Sebagai Objek Wakaf. *JIPRO*. <https://doi.org/10.20885/jipro.vol2.iss2.art2>.
- Syaikhu, S., Norwili, N., Maimunah, M., & Wahyunita, L. (2021). The Empowerment of Infaq and Waqf Evaluation in light of Maqasid al-Sharia Perspective in Mosques in Palangka Raya, Indonesia. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 5(2), Article 2. <https://doi.org/10.22373/sjhc.v5i2.8997>.
- Zawawi, Z., Yasin, Y., Helmy, M. I., Ma'yuf, A., & Arwani, A. (2023). Waqf and sustainable development law: Models of waqf institutions in the Kingdom of Saudi Arabia and Indonesia. *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan*, 23(1), Article 1. <https://doi.org/10.18326/ijtihad.v23i1.93-114>.

