

Waqf Pledge Deed Official (PPAIW) Based on Waqf Law, the Notary

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Abstract. *The ratification of the nazhir legal entity is related to the Notary's role in the waqf legal actions that have been ongoing thus far. The purpose of this research is to ascertain the Authority of a Notary to act as the Official for Making Waqf Pledges (PPAIW) and the implementation of the making of the Waqf Pledge Deed by a Notary who acts as the Official for Making Waqf Pledges (PPAIW). This examination is a clear exploration. Enlightening exploration expects to precisely depict the qualities of an individual, condition, side effect or certain gathering, or to decide the spread of a side effect, or to decide if there is a connection among side effects and different side effects in the public eye. Execution of making the Deed of Waqf Promise completed by a Legal official as PPAIW which is as expressed in the clarification of the arrangements of the Law on Legal official Position Number 2 of 2014 concerning Revisions to Regulation Number 30 of 2004 concerning.*

Keywords: *Waqf Law, Notary Authority, Making a Waqf Pledge Deed.*

INTRODUCTION

Waqf is a magnanimous foundation starting from Islamic lessons (Nasution and Warjiyati, 1997). Given the significance of the issue of waqf land which has been controlled in the Essential Agrarian Regulation, it directs unique arrangements seeing waqf as managed in the Fundamental Agrarian Regulation Article 49 Passage (3) "which decides the Request for the Fundamental Agrarian Regulation the Public authority Number 28 of 1977 with respect to Waqf of Claimed Land". The improvement of waqf possessed land is exceptionally powerful, trailed by the public authority by causing different lawful establishments that to control it, and the pinnacle was on October 27, 2004. The public authority proclaimed Regulation Number 41 of 2004 concerning Waqf (Hasan, 2011). According to the Waqf Law's preamble, waqf institutions—religious institutions with potential and economic benefits—must be managed effectively and efficiently for the sake of worship and the greater good. Waqf as one of the legitimate activities that has enduring and carried out in the public eye, whose game plans are deficient and are as yet dispersed in different regulations and guidelines (Hasan, 2011). In the prelude to the Waqf Regulation it is expressed that waqf foundations as strict

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Waqf as one of the legitimate activities that has enduring and carried out in the public eye, whose plans are fragmented and are as yet dissipated in different regulations and guidelines (Hasan, 2011). In the preface to the Waqf Regulation it is expressed that waqf establishments as strict organizations that have potential and financial advantages should be overseen successfully and effectively to serve love and for the acknowledgment of general government assistance. According to Hasan (2011), waqf is one of the legal actions that have existed for a long time and are still used in society. Its arrangements are incomplete and are still scattered across a number of different laws and regulations. The Waqf Promise Deed Making Official (PPAIW), hereinafter alluded to as PPAIW Muchlis made sense of the significance of PPAIW was "a significant support point in public portrayal". PPAIW as per the general arrangements of Regulation Number 41 of 2004 concerning Waqf is "An Approved Authority who has been selected by the Priest of Religion to make the Deed of Waqf Promise (AIW) hereinafter alluded to as AIW".

The PPAIW is a government official who is directly appointed and fired by the Minister of Religion. Waqf Promise which contains an assertion of the desire of the waqif to invest his property (Usman, 2009). The wakif must first make the waqf pledge before donating the property that belongs to the wakif to the nazhir. Way to express this waqf promise verbally. Then raised into composing, did before PPAIW which was gone to by 2 (two) witnesses. The waqif proclamation will then, at that point, be gone ahead in a Deed, which is called AIW. PPAIW contains Article 1 Number 6 of Regulation Number 41 of 2004 concerning Waqf and Authorities approved to make AIW. According to Article 37 paragraphs (4) and (5) of Government Regulation Number 42 regarding Waqf, Notaries may have the opportunity to make AIW (Pratama, 2018). This includes the new authority granted to the Notary to execute waqf-related deeds. In completing the place of Public accountant, directed by the Law of the Republic of Indonesia Number 2 of 2014 concerning Corrections to Regulation Number 30 of 2004 concerning the place of Legal official (LN No. 3 of 2014, TLN No. 5491). "it has provided opportunities or opportunities for Indonesian Notaries to become AIW makers," according to paragraphs (4) and (5) of Article 37 of Government Regulation Number 42 of 2006 regarding Waqf.

The significance of chance or opportunity here is that a Legal official might offer types of assistance for making AIW as long as they meet the necessities set by the Priest of Religion of the Republic of Indonesia, in this way not all Legal officials can become PPAIW, yet different Public accountants who have satisfied the circumstances set by the Pastor of Religion of the Republic of Indonesia which can be assigned as PPAIW, really the issue of creating waqf resources should be viewed as another issue in light of the significance of waqf resources and their huge number in the midst of the ongoing social and monetary reality, despite the fact that the waqf is implied as an old waqf. As per Arif Latif Pratama, waqf is "holding property from the time it was given in a condition that can be utilized for purposes as per the desires of the wakif". It is challenging to say that waqf can't be utilized when items are given as waqf to deliver the advantages planned for its motivation, albeit this could occur according to a hypothetical perspective. So aside from this hypothetical chance, one might say that waqf resources have not been treated for creation at the hour of gift, in any case, there is a result of this which is one more commitment that for however long there is no unequivocal assertion from the waqif running against the norm then to say that the waqif needs or orders a piece of his waqf benefits to be utilized to increment waqf capital (Qahaf and Rido, 2005).

The ratification of the nazhir legal entity is related to the notary's role in the waqf legal actions that have been ongoing thus far. As per guidelines, nazhir, legitimate elements should be enlisted with the Priest of Religion and the Indonesian Waqf Organization (BWI) through the Workplace of Strict Issues (KUA). The Nazhir legal entity performing the registration must meet the requirements, including having a copy of the Notary deed establishing the legal entity and its articles of association that have been authorized by the appropriate authority. Legal official can be deciphered as a public authority. In any case, the conceding of capabilities as a public authority isn't simply given to public accountants, but at the same time is given to authorities making land promises (PPAT), closeout authorities and doesn't preclude the opportunities for public accountants to become PPAIW.

The prerequisites for a Public accountant to turn into a PPAIW are made sense of in the Guideline of the Clergyman of Religion Number 73 of 2013 concerning Systems for Waqf of Resolute Items and Portable Items Other Than Cash.

In Article 27 of the Guideline of the Clergyman of Religion Number 73 of 2013 concerning Methods for Addressing Enduring Articles and Versatile Articles other than cash one might say that "not all Public accountants can become PPAIW". According to the article, Muslim notaries are the only ones qualified to issue AIW (Hadisubroto, 2010). The power to create AIW can be done by a Public accountant and the Top of the Workplace of Strict Undertakings in their second situation as PPAIW. In the Law overseeing the Workplace of a Public accountant, in the explanation of Article 15 passage (3) it just makes sense of that different powers of a Legal official are directed in Regulation, for example, (1) the position to ensure exchanges completed electronically (digital public accountant), (2) make a Waqf Vow Deed (AIW), and (3) airplanes contracts.

In light of the information or portrayal over, the essayist is keen on looking at this issue as a postulation proposition with the title: Based on the Waqf Law, a Notary has the authority to sign Waqf Pledge Deeds (PPAIW) (Research at Medan Notary Office). The following are the goals of the research, which are based on the issues outlined above: 1) to figure out the execution of the creation of the Waqf Vow Deed did by a Public accountant who goes about as the Authority for Making Waqf Promises (PPAIW), and (2) to figure out the Power of a Legal official to go about as an Authority Making the Waqf Vow Deed (PPAIW).

RESEARCH METHOD(S)

This examination is a clear exploration. Spellbinding examination expects to precisely depict the qualities of an individual, condition, side effect or certain gathering, or to decide the spread of a side effect, or to decide if there is a connection among side effects and different side effects in the public eye (Sugiyono, 2018).

Spellbinding examination is research that simply depicts articles or occasions without an aim to make general determinations (Creswell, 2010). In this review, it plans to depict the issue of "Public accountant Going about as an Authority for Making Waqf Vow Deeds (PPAIW) In light of the Waqf Regulation (Exploration Study at the Medan City Public accountant Office)".

This study is intended to be a type of qualitative research, which aims to find the truth and seeks to identify legal symptoms that arise in a community. Connected with the issue of this examination, the information to be introduced in this study is about "Public

accountants Going about as Authorities for Making Deeds of Waqf Vows (PPAIW) In light of the Waqf Regulation (Exploration Study at the Medan City Public accountant Office)".

The sort of exploration is Standardizing Exploration - Observational. Regularizing research will be research that alludes to the standards contained parents in law and guidelines, legitimate standards that exist in the public eye as well as observational exploration that ganders at a lawful reality that happens in the public eye ((Ibrahim, 2006).

FINDINGS AND DUSCUSSION

The legal official has the power to make legitimate deeds with respect to activities, arrangements and arrangements expected by regulations and guidelines or potentially what is wanted by closely involved individuals to be expressed in a bona fide deed (Budiono, 2007). Ensure the sureness of the date of making the deed, keep the deed, give duplicates and portions of the deed, throughout the entire as the creation of the deed isn't additionally appointed or prohibited from different authorities not set in stone by regulation. Legal certainty has the power of proof, both formally and materially, including the ethics of a notary's performance in his position, in addition to the authenticity of a deed. Notaries are required to adhere to the Notary Code of Ethics in order to carry out the trust given by the general public they serve. In addition to carrying out the work required by law, Notaries also carry out a very important social function in the course of their duties (Liliana, 1995).

Public accountants go about as local area administrations as authorities designated by the public authority who acquire attributive authority from the State (Liliana, 1995). These legal services are performed by parties and are used as making true deed in issues of common regulation for the reasons for verification or as the most grounded and most complete composed proof, as in what is expressed in the public accountant deed should be acknowledged, except if the closely involved individual can do in any case sufficiently under the watchful eye of a trial, as expressed in the overall clarification of the Public accountant Office Regulation. These legal services are performed by parties and are used as evidence in the form of legally binding documents with full evidentiary power. Legal official as true making valid deed in issues of common regulation for the reasons for verification or as the most grounded and most complete composed proof, as in what is expressed in the legal official deed should be acknowledged, except if the closely

involved individual can do in any case sufficiently under the watchful eye of a trial, as expressed in the overall clarification of the Legal official Office Regulation. These legal services are performed by parties and are used as evidence in the form of legally binding documents with full evidentiary power. Public accountant as true making real deed in issues of common regulation for the reasons for confirmation or as the most grounded and most complete composed proof, as in what is expressed in the legal official deed should be acknowledged, except if the closely involved individual can do in any case sufficiently under the watchful eye of a trial, as expressed in the overall clarification of the Public accountant Office Regulation.

According to the provisions of Law No. 2 of 2014 on the Position of Notary, which amends Law No. 30 of 2004 on the Position of Notary (Mardiyah et al., 2017). Article 1 passage (1) Legal official is a "public authority approved to make genuine deeds and different specialists". Article 3 of the Public accountant Office Regulation expresses that the circumstances for being delegated as a Public accountant Public are:

- 1) Citizens of Indonesia.
- 2) Have confidence in God All-powerful.
- 3) At least 27 (27) years of age.
- 4) Physically and intellectually solid.
- 5) Graduated with a regulation certificate and moved on from the legal official degree level.
- 6) Has gone through an apprenticeship or has functioned as a Legal official's representative for 12 (twelve) back to back a very long time at a Legal official's Office in the wake of moving on from legal official layers, and.
- 7) Does not hold the title of civil servant, state official, advocate, or any other position that is prohibited by law from being held concurrently with the title of notary public.

Article 16 of the Notary Office Law details a notary's responsibilities, which are as follows:

- 1) Act genuinely, completely, autonomously, fair-mindedly and safeguard the interests of the gatherings associated with legitimate activities.
- 2) Make a deed as a Deed and save it as a component of the Legal official Convention.
- 3) Issuing Deed Grosse Duplicate of Deed or citation of Deed in view of Minutes of Deed.

- 4) Providing administrations as per the arrangements of this regulation, except if there is motivation to deny it
- 5) Keep mystery everything in regards to the deed he made and all data acquired to attract up the deed understanding with the promise/vow of office, except if the law specifies in any case.
- 6) Binding the deed made inside 1 (one) month into a book containing something like 50 (fifty) deed and on the off chance that the quantity of deed can't be held back in 1 (one)book, the deed can be bound into mutiple (one) book, search for the quantity of minutes of the deed, month and year of production on the front of each book.
- 7) Make a list of the deed of protest against letters not being paid or received.
- 8) Make a rundown of deeds that are as per the confirmation as indicated by the time the deed was drawn up each month.
- 9) Sending the rundown of deeds alluded to in letter h or the rundown for a will to the rundown of confirmation focuses of the division whose obligations and obligations are in the field of legal official undertakings inside 5 (five) days in the primary seven day stretch of each and every following month.
- 10) Record in the Repertorium the date of sending the rundown of wills toward the finish of every month.
- 11) Is stamped with the Indonesian state symbol and the person's name, position, and residence location are written in the area around it.
- 12) Read the deed before the appearer within the sight of something like 2 (two) witnesses and a Legal official.
- 13) Accepting the apprenticeship of imminent Public accountants".

CONCLUSION AND RECOMMENDATION

The execution of the creation of the Waqf Vow Deed was done by a Public accountant as PPAIW which is as expressed in the clarification of the arrangements of the Law on the Place of Public accountant Number 2 of 2014 concerning Changes to Regulation Number 30 of 2004 concerning the Place of Legal official. Preceding giving the property having a place with the Wakif to be given over to Nazhir, the Wakif should articulate the Waqf Vow orally before PPAIW which was given with 2 (two) witnesses and recorded as a Deed called AIW.

In Unofficial law Number 42 Concerning Waqf in Article 3 Section (4) and (5) expresses "that it is feasible for a Legal official to have the chance to make a Waqf Promise Deed. This is remembered for the Public accountant's new expert in making deeds connected with waqf. Factors that can turn into a snag to the Public accountant's Position as PPAIW are as per the following: (a) there has been no entrance given as a further reference in regards to the Legal official in making AIW, (b) moreover, to socialization to the Public accountant there has never been, so consequently there is no socialization to the public all things considered.

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