

The Role of State Institutions in Resolving Educational Waqf Disputes: A Critical Review of the PERSIS Karawang Case

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Abstract

This article examines the structural dynamics and legal pathways involved in institutionalizing and safeguarding educational Islamic endowments through an in-depth analysis of the *waqf* land dispute involving Pimpinan Pusat Persatuan Islam (PP PERSIS) in Karawang, West Indonesia. By using a qualitative-doctrinal legal methodology combined with structured documentary analysis of primary judicial decisions, including the Karawang Religious Court, the Bandung High Religious Court, Case Cassation Judgments, and Supreme Court Judicial Reviews, this research reconstructs how family inheritance shifts and illegal land commercialization threaten institutional endowments. The study demonstrates that while Islamic jurisprudence and state legal frameworks explicitly secure *waqf* lands from alienation, overlapping mandates between religious courts, state administration networks, and law enforcement agencies create systemic implementation deficits. The findings highlight the critical role of specialized state judicial intervention in invalidating illicit land sales and restoring properties to registered Islamic boards. Ultimately, this critical review provides policy frameworks to insulate educational assets from public alienation, reinforcing the legal resilience of faith-based endowments against commercial encroachment.

Keywords: Waqf Land; Dispute Resolution; State Institutions; Islamic Education; Legal Protection

Introduction

The strength of this research lies in its analytical focus, which goes beyond purely normative issues of *waqf* jurisprudence to critically dissect the empirical realities and dynamic property struggles occurring within society. This phenomenon of endowment land disputes is a systemic challenge that affects almost all Islamic mass organizations, including Nahdlatul Ulama (NU), Muhammadiyah, Mathla'ul Anwar, and various other Islamic foundations, with varying degrees of legal complexity. These prolonged statutory and administrative barriers have severely hampered and delayed the acceleration and development of Islamic educational institutions on a national scale. In the specific case of PP PERSIS in Karawang, this legal uncertainty completely paralyzed the construction of school facilities for 15 years, resulting in a prolonged stagnation that is highly detrimental

to the future and quality of human capital development from an Islamic education perspective.

The sustainability of Islamic educational networks relies fundamentally on the institutional resilience and systemic protection of philanthropic capital instruments (Aufatus Syakira Mardhatillah, Muhammad Hafis Bin Redwan 2026). Among these legal mechanisms, the practices of *waqf* operate as a primary framework for allocating real assets to support scientific inquiry, community development, and operational institutional costs (Muhammad Ayub, Khurram Khan 2024). In modern state structures, the transition of traditional religious philanthropy into institutionalized endowments requires deep interaction with secular legal frameworks and administrative oversight boards (Yasmeen, Kausar 2024). Sociological pressures and rapid commercial re-zonings frequently expose these non-alienable properties to aggressive claims by original donor descendants or illegal external speculators. When an administrative or physical asset becomes compromised by conflicting ownership transfers, the capacity of Islamic boards to fulfill long-term missions faces severe operational disruption (Hossein Askari 2013). Therefore, evaluating how legal state frameworks respond to asset encroachment is essential to preserve the strategic role of faith-based resources in contemporary socio-legal architectures (Azhari, Faheem ullah Al 2025).

Within contemporary Islamic legal discourse, the legal nature of an endowment is characterized by absolute permanency, preventing any post-declaration alienation or commercial partition by private actors (Ery Agus Priyono, et. al. 2026). Legal friction arises when informal traditional standard declarations collide with rigorous formal title registration requirements managed by municipal registries. Private heirs often leverage documentation gaps to reclaim donated parcels, re-characterizing communal holdings as personal inheritance estates subject to civil division (Mahkamah Agung 2019). This structural vulnerability is worsened when state registries fail to synchronize historic religious contracts with current land title registries, allowing invalid secondary transactions to occur. Empirical studies reveal that property developments near expanding transport corridors face higher frequencies of title expropriation and fraudulent real estate assignments (LBH PP PERSIS 2024). This dynamic shows that formal state adjudication is not merely an external supervisory mechanism, but an active

participant in establishing the legal validity of religious welfare properties against private interest groups (Mahkamah Agung 2019).

The institutional case of the land endowment in Karawang, West Java, presented to Pimpinan Pusat Persatuan Islam represents a clear intersection of modern property law, religious devotion, and private interest groups (Mahkamah Agung 2019). The underlying dispute highlights a multi-tiered legal struggle over a 29,000-square-meter parcel of land, which was reduced by transport infrastructure projects to a remaining 23,208 square meters (Mahkamah Agung 2019). Despite a formal dedication made by the original owner, Ir. Suchron Anwar, to PP PERSIS in 1999 under established religious protocols, the donor's descendants later sold the land to private investors through unverified secondary purchase contracts (Mahkamah Agung 2019). This contradictory assignment triggered complex litigations spanning nearly a decade, involving initial court dismissals, high court reversals, cassation rejections, and unsuccessful judicial review petitions at the Supreme Court (Pengadilan Agama 2025). Furthermore, the ongoing resistance of private buyers led to secondary criminal cross-reports targeting religious board executives, showing how private parties exploit administrative gaps to delay formal estate transitions. This case illustrates a broader structural gap where formal judicial triumphs face major institutional delays during physical enforcement and administrative title conversion (LBH PP PERSIS 2024).

Existing legal research widely focuses on theoretical perspectives of asset capitalization, ignoring the detailed mechanics of judicial execution and multi-institutional administrative collaboration (Wahyudi 2026). Scholars frequently analyze the legislative frameworks of Islamic endowment acts while failing to investigate the operational conflicts between religious courts, civilian property bureaus, and law enforcement teams (LBH PP PERSIS 2024). This analytical gap creates an incomplete understanding of why legally validated properties remain vulnerable to prolonged physical illegal occupations and institutional delays. By analyzing the structural barriers within the Pimpinan Pusat Persatuan Islam case, this study bridges the literature gap regarding the execution of court orders against private actors (Pengadilan Agama 2025). To systematically address these institutional challenges, this research answers the following questions: How does the intersection of state legislation and Islamic jurisprudence govern the non-alienability of educational endowments? What are the

specific structural barriers that delay the physical execution and administrative registration of disputed lands? What model can optimize inter-agency coordination to protect Islamic educational assets from public encroachment?

The objective of this research is to evaluate the operational effectiveness of state judicial and administrative institutions in resolving complex property disputes involving educational endowments (Mahkamah Agung 2019). By tracking the legal timeline of the Karawang case, this study outlines the procedural challenges that occur when executing court-mandated land returns against private buyers (Pengadilan Agama 2025). This research contributes to social sciences and jurisprudence by providing an empirical framework for diagnosing structural friction within state property enforcement networks (Wahyudi 2026). The findings offer actionable policy recommendations for ministerial bureaus, judicial committees, and Islamic management boards to insulate communal estates from private conversion. Ultimately, this work emphasizes the importance of structural reforms to ensure that the rule of law actively preserves the educational missions of public welfare institutions (LBH PP PERSIS 2024).

Research Methods

This study employs a qualitative-dochtrinal legal research methodology focused on evaluating institutional interactions, statutory interpretations, and structural dispute dynamics (Azhari, Faheem ullah Al 2025). This methodological choice aligns with contemporary legal research standards, which prioritize investigating regulatory frameworks through systemic document analysis rather than empirical numerical assessments. The qualitative-dochtrinal approach allows the researcher to analyze the internal consistency of court judgments and examine how conflicting statutes affect property safety (Mahkamah Agung 2019). By focusing on statutory coherence and judicial reasoning, this research provides a nuanced evaluation of institutional performance without using statistical variables. This conceptual design ensures that the analysis remains grounded in established legal principles while addressing the administrative realities of asset protection (LBH PP PERSIS 2024).

The primary data sources for this study consist of official judicial documents issued across multiple tiers of the state court system, supplemented by statutory legislation and authoritative legal commentaries. Specifically, the data corpus includes the

Karawang Religious Court Judgment No. 0316/Pdt.G/2016/PA.Krw, the Bandung High Religious Court Decree No. 041/Pdt.G/2018/PTA.Bdg, and the Supreme Court Cassation Judgment No. 797 K/Ag/2019 (Pengadilan Agama 2025). The analysis also evaluates the Supreme Court Judicial Review Decision No. 65 PK/Ag/2022 and official execution records, including the *aanmaning* orders and the final Eviction and Demolition Report dated September 3, 2025 (Pengadilan Agama 2025; Mahkamah Agung 2019; Mahkamah Agung 2022). Secondary sources comprise peer-reviewed international law articles and legal treatises on property dynamics to contextualize the primary findings. This broad documentary base ensures complete verification of all analyzed institutional interactions and legal arguments (Mahkamah Agung 2019).

Data collection was conducted using structured document analysis and systematic literature reviews to map the legal timeline of the case (Chung, Sunghoon 2023). The process involved identifying all relevant court orders, administrative petitions, and execution decrees connected to the Pimpinan Pusat Persatuan Islam property dispute (Pengadilan Agama 2025). Each document was reviewed to extract details regarding jurisdictional challenges, property boundaries, third-party buyers, and enforcement actions (Mahkamah Agung 2019). This legal extraction process avoided data distortion by utilizing direct comparisons between text segments across different court levels (Mahkamah Agung 2019; Mahkamah Agung 2022). The collected texts were chronologically organized to ensure clear traceability from the initial donation in 1999 to the physical eviction in 2025 (Pengadilan Agama 2025). This thorough documentation approach supports the reliability and transparency of the subsequent analysis (Sirwan Khalid Ahmed 2024).

The data analysis follows a thematic legal interpretation framework, using inductive and deductive reasoning to examine the text corpus (Theophilus Azungah 2018). The analysis categorizes judicial arguments into specific themes: jurisdictional boundaries, the non-alienability of welfare properties, and the validity of secondary private sales (Mahkamah Agung 2019). Each court judgment was evaluated against national land laws and Islamic jurisprudence to assess how judges resolved conflicts between private registration claims and public endowments. The study examines the legal arguments used to invalidate the private sales contracts signed by the donor's descendants (Mahkamah Agung 2019). This interpretive approach uncovers the

structural tensions that occur when modern property law interacts with religious welfare dedication frameworks (LBH PP PERSIS 2024).

The final research conclusions were drawn through a systematic synthesis of the analytical themes, linking judicial findings to broader institutional challenges (Fanny Pettersson 2018). By comparing the legal positions across different judicial levels, the study identifies recurring institutional barriers that delayed the execution of the court-mandated land return. The research synthesis traces how initial procedural dismissals were corrected by appellate and supreme courts to protect the public interest (Mahkamah Agung 2019). These findings are used to construct an integrated coordination model designed to prevent future boundary encroachments and simplify title updates. This synthesis guarantees that all policy recommendations derive directly from the recorded data, providing a practical foundation for protecting institutional assets (LBH PP PERSIS 2024).

Results

The initial litigation regarding the Pimpinan Pusat Persatuan Islam educational land in Karawang revealed significant structural challenges regarding jurisdictional boundaries and procedural definitions (Pengadilan Agama 2025). When the religious management board (*nazir*) filed its initial lawsuit against the donor's heirs and the private buyer, Yulius Lim, the primary court focused on formal registration gaps rather than the permanent nature of the religious contract (Mahkamah Agung 2019). The Karawang Religious Court issued Judgment No. 0316/Pdt.G/2016/PA.Krw, declaring the lawsuit inadmissible (*Niet Ontvankelijke verklaard*) due to an alleged lack of complete parties and formal boundary descriptions (Mahkamah Agung 2019). This initial ruling showed that lower courts often prioritize narrow procedural rules over the public interest of preserving welfare assets (William H. Simon 2002). This legal stance left the communal land vulnerable to physical occupation and commercial development by the private buyer (Mahkamah Agung 2019). This outcome highlights the risks that public institutions face when initial courts adopt restrictive technical views on property disputes (Omena Akpobome 2024).

This narrow procedural approach was rejected by the appellate court, which shifted the focus back to the permanent protection of religious endowments (Mahkamah

Agung 2019). The Bandung High Religious Court issued Decree No. 041/Pdt.G/2018/PTA.Bdg, which overturned the lower court's decision and validated the original 1999 endowment (*waqf*) contract signed by the late donor (Mahkamah Agung 2019). The high court ruled that once a property is dedicated as a public endowment, it cannot be legally sold, inherited, or divided by any private party. Consequently, the appellate court declared the private purchase contract signed by the heirs and the private buyer to be legally void and without binding force (Mahkamah Agung 2019). The court ordered the private buyer and all occupants to vacate the 23,208-square-meter parcel and return it to the registered religious board (Pengadilan Agama 2025). This landmark ruling established that the non-alienable status of public assets overrides subsequent private trade assignments.

The legal protections established by the appellate court were confirmed by the highest judicial authority, cementing the legal victory of the public management board (Katie Adams 2021). The Supreme Court of Indonesia issued Cassation Judgment No. 797 K/Ag/2019, which rejected the appeals filed by the heirs and the private buyer (Mahkamah Agung 2019). The Supreme Court confirmed that the appellate court correctly applied property laws and Islamic jurisprudence regarding asset protection (Hasan, Zulkifli 2011). However, the Supreme Court adjusted the final order to clarify that the private buyer was solely responsible for returning the property in an unencumbered state. The court also ruled that religious courts do not have the jurisdiction to evaluate the administrative validity of land deeds (*Akta*) issued by state land bureaus (Mahkamah Agung 2019). This clarification underlined the structural division between religious judicial rulings and administrative state land updates (LBH PP PERSIS 2024).

To delay the enforcement of the final judgment, the private buyer filed a secondary challenge using a police report as a new legal basis. The Supreme Court reviewed this challenge in Case No. 65 PK/Ag/2022 and rejected the buyer's petition for judicial review (*Peninjauan Kembali*) (Mahkamah Agung 2022). The court found that the police report did not constitute a valid new fact (*novum*) capable of altering the permanent property judgment. The Supreme Court stated that secondary criminal complaints cannot undermine final civil judgments regarding public land status (Mahkamah Agung 2022). This decision closed the judicial loop, confirming that the religious management board held the absolute right to the property. Despite this definitive legal victory, the physical

recovery of the land required additional specialized enforcement interventions (Pengadilan Agama 2025).

The physical enforcement phase required a multi-year execution process managed by specialized court enforcement teams and regional law enforcement agencies. Following formal warnings issued under the *aanmaning* process, the court ordered a comprehensive eviction and demolition action on the parcel (Pengadilan Agama 2025). On September 3, 2025, the court enforcement officer (*Jurusita*) executed the final order, as recorded in the official *Berita Acara Eksekusi Pengosongan dan Pembongkaran*. The execution team, supported by the Karawang Resort Police and regional military units, removed all unauthorized storage structures built by the private buyer. The land was officially handed over to PP PERSIS (under the current leadership of Dr. KH. Jeje Zaenudin) in an unencumbered condition for its educational mission. This outcome demonstrated that recovering public welfare assets requires a strong combination of final judicial orders and coordinated physical enforcement (Pengadilan Agama 2025).

Discussion

The long judicial resolution of the Karawang case demonstrates that protecting educational endowments requires active institutional support from state courts (Mahkamah Agung 2019). Traditional understandings of property law often assume that private title entries are absolute, ignoring the unique public interest status of religious welfare assets (Moroni 2018). This case shows that when a donor formally dedicates land for public welfare, that asset enters a protected category under state law. The appellate and supreme courts correctly applied these protective statutes by invalidating the private trade contracts signed by the heirs (Mahkamah Agung 2019). This judicial stance confirms that state institutions have a statutory duty to look past formal registration errors to protect public properties. Therefore, judicial intervention acts as a necessary shield against private attempts to commercialize community assets (Atikah, Ika 2024).

The structural friction observed during the initial court phases highlights a critical disconnect between procedural rules and public asset preservation. Lower courts frequently dismiss public property claims based on minor technical errors, leaving community assets exposed to private exploitation (Mahkamah Agung 2019). This procedural vulnerability is intensified when private buyers execute rapid physical

construction on disputed parcels to establish de facto control (Pengadilan Agama 2025). The appellate court's reversal of the initial judgment shows that higher courts are more willing to prioritize public interest over narrow technical boundaries (Mahkamah Agung 2019). This case highlights the need for specialized training for lower-court judges regarding the non-alienable status of public properties. Without consistent judicial standards, community educational assets will remain vulnerable to long delays and private commercial conversion (Abedi, Rajabifard, and Shojaei 2025).

The division of jurisdiction between religious courts and state land administration bureaus (*Badan Pertanahan Nasional*) creates significant barriers to complete asset recovery (Mahkamah Agung 2019). While the religious court has the authority to declare private contracts void, it cannot directly modify title entries managed by the state land bureau (Mahkamah Agung 2019). This jurisdictional separation allows private buyers to maintain formal title entries even after their purchase contracts are declared void (LBH PP PERSIS 2024). This administrative gap requires public institutions to file separate petitions with land administration offices to update property registries. This multi-layered process lengthens property disputes, placing significant financial and administrative burdens on educational organizations (LBH PP PERSIS 2024). Resolving this challenge requires structural reforms that allow religious courts to order direct administrative modifications to land titles.

The use of secondary criminal reports by private buyers represents a tactical attempt to undermine final property judgments. By filing complaints with police departments, private actors attempt to freeze civil execution orders and delay property transfers. The Supreme Court's rejection of the judicial review petition established that final property judgments override ongoing administrative or criminal investigations. This ruling provides a vital precedent that prevents private parties from using criminal cross-filings to stall the recovery of public lands (Mahkamah Agung 2022). However, the fact that such tactics can delay execution orders for years indicates that state agencies need clearer guidance on civil priority. Law enforcement teams must prioritize final civil property orders over secondary administrative complaints filed by losing parties (Mahkamah Agung 2022).

The final physical recovery phase shows that formal legal victory is insufficient without strong inter-agency enforcement mechanisms. The execution of the eviction

order required active participation from municipal police units, regional military teams, and court officers. This intense coordination demonstrates that private buyers are highly resistant to voluntary compliance when commercial transport assets are involved. The success of the September 2025 execution shows that physical asset recovery depends heavily on the political will of regional enforcement networks (Pengadilan Agama 2025). It also underscores the importance of prompt physical occupation by educational organizations immediately following court handovers. Delayed occupancy allows secondary unauthorized parties to re-enter the property, restarting the cycle of illegal encroachment (Pengadilan Agama 2025).

To reduce future property risks, public management boards must abandon informal traditional management models in favor of rapid formal digitization (William H. Simon 2002). Many property disputes occur because educational groups fail to convert traditional religious declarations into digitized state property certificates (LBH PP PERSIS 2024). This delay provides an entry point for unscrupulous heirs and private real estate speculators to claim community lands. By implementing automated asset tracking systems, public boards can monitor boundary shifts near major transport projects. Early identification of title overlaps allows organizations to seek defensive injunctions before private construction begins (LBH PP PERSIS 2024). Transitioning to professional administrative oversight is an essential step to ensure the long-term safety of community properties (Moroni 2018).

The dynamic where public infrastructure development triggers private land encroachment requires greater integration between state ministries. When the municipal government built the Karawang outer ring road, the project cut through the public endowment land, reducing its size (Pengadilan Agama 2025). This infrastructure update created a high-value commercial boundary, attracting private speculators who targeted the remaining parcels. This development shows that state infrastructure planners must check religious property registries before finalizing transport designs. When public works affect community assets, state agencies should fast-track the issuance of updated subdivision certificates. Closer cooperation between infrastructure ministries and public registries prevents private actors from exploiting boundary changes during public works projects (LBH PP PERSIS 2024).

Finally, this case serves as an important model for resolving complex property disputes involving public welfare assets across developing nations. The successful recovery of the Karawang land demonstrates that an independent, multi-tiered judicial review system can correct lower-court errors (Mahkamah Agung 2019). It shows that statutory protections are effective only when backed by organized enforcement procedures (Pengadilan Agama 2025). This case study provides a practical blueprint for protecting public educational assets from commercial exploitation. By studying these institutional interactions, legal scholars can develop stronger regulatory models to shield community resources from private capture. Protecting these public assets ensures that institutional endowments continue to support educational and scientific development for future generations.

Conclusion

This critical review of the property dispute involving Pimpinan Pusat Persatuan Islam in Karawang demonstrates that protecting educational endowments requires strong coordination between state judicial, administrative, and law enforcement institutions. The long legal journey from the initial procedural dismissal in 2016 to the final physical enforcement in 2025 highlights the vulnerabilities of public assets when faced with private commercial interests and incomplete property records. The higher courts correctly applied statutory protections to confirm that once a property is dedicated as a public endowment, its non-alienable status invalidates all subsequent private contracts. This case proves that formal judicial orders are effective only when paired with organized physical enforcement and updated administrative property registries.

Based on these findings, it is recommended that the Ministry of Religious Affairs and the National Land Agency establish an integrated, real-time digital database that links religious property records directly with national land titles. This synchronization would automatically block any unauthorized private transfers or secondary registrations of community assets. Furthermore, the Supreme Court should implement expedited execution protocols for property disputes involving public educational lands, preventing private actors from using secondary civil or criminal cross-filings to delay enforcement. Public management boards must also update their administrative models by replacing traditional, informal oversight with professional legal management and rapid formal asset registration. Implementing these structural and administrative reforms is essential

to protect public welfare assets and ensure they continue to support Islamic education, science, and community development.

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