

LAW OF THE REPUBLIC OF INDONESIA
NUMBER 41 OF 2004
ON
WAQF

BY THE BLESSINGS OF ALMIGHTY GOD

PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering : a. that the institution of waqf, as a religious institution, holds economic potential and benefits that need to be managed effectively and efficiently for religious purposes and to promote public welfare;

b. that waqf is as a legal action which has long been practiced in the public but lacks comprehensive regulation and is still scattered across various legislation;

c. that based on the considerations as referred to in point a and point b, it is deemed necessary to establish a Law on Waqf;

Observing : Article 5 section (1), Article 20, Article 29, and Article 33 of the 1945 Constitution of the Republic of Indonesia;

With the joint approval of
THE HOUSE OF REPRESENTATIVES
and
THE PRESIDENT OF THE REPUBLIC OF INDONESIA

HAS DECIDED:

To enact: LAW ON WAQF.

CHAPTER I
GENERAL PROVISIONS

Article 1

In this Law:

1. Waqf means a legal action performed by a *waqif* to separate and/or hand over part of his/her assets for permanent or temporary utilization, in accordance with its purposes, for religious purposes and/or public welfare under Islamic law.
2. *Waqif* means any party that endows their assets as waqf.
3. Waqf Declaration means a *waqif*'s declaration of intent made verbally and/or in writing to a *Nazhir* for endowing his/her assets as waqf.
4. *Nazhir* means any party receiving waqf assets from the *waqif* to be managed and developed according to the intended designation.
5. Waqf Asset means an asset that are durable and/or provide long-term benefits and hold economic value under Islamic law, endowed by the *Waqif*.
6. Waqf Declaration Deed Official (*Pejabat Pembuat Akta Ikrar Wakaf*) hereinafter abbreviated to PPAIW means an authorized official appointed by the Minister to make waqf declaration deed.
7. Indonesia Waqf Board (*Badan Wakaf Indonesia*) means an independent institution to develop waqf in Indonesia.
8. Government means apparatus of the Unitary State of the Republic of Indonesia, comprising the President and the ministers.
9. Minister means the minister responsible for religious affairs.

CHAPTER II FOUNDATION OF WAQF

Part One

General

Article 2

Waqf is valid if it is performed under Islamic law.

Article 3

Waqf that has been declared cannot be cancelled.

Part Two

Purpose and Function of Waqf

Article 4

The purpose of waqf is to utilize waqf assets in accordance with their functions.

Article 5

Waqf functions to realize the potential and economic benefits of waqf assets for religious purposes and to promote public welfare.

Part Three

Elements of Waqf

Article 6

Waqf is carried out by fulfilling the following elements:

- a. *Waqif*;
- b. *Nazhir*;
- c. Waqf Assets;
- d. Waqf Declaration;
- e. designation of the waqf assets;
- f. time period of the waqf.

Part Four

Waqif

Article 7

Waqif consists of:

- a. individuals;
- b. organizations;
- c. legal entities.

Article 8

- (1) Individual *waqif*, as referred to in Article 7 point a may only perform waqf if meeting the requirements of:
 - a. being of legal age;
 - b. being sound mind;
 - c. not legally being prohibited from performing legal actions; and
 - d. the lawful owner of the waqf assets.
- (2) Organizational *waqif* as referred to in Article 7 point b may perform waqf only if complying with the organization's provisions for endowing waqf assets, in accordance with their articles of association.
- (3) Legal entity *Waqif* as referred to in Article 7 point c may perform waqf only if complying with the legal entity's provisions for endowing waqf assets in accordance with their articles of association.

Part Five

Nazhir

Article 9

Nazhir consists of:

- a. individuals;
- b. organizations; or
- c. legal entities.

Article 10

- (1) The individuals as referred to in Article 9 point a may only serve as *Nazhir* if they meet the requirements:
 - a. being an Indonesian national;
 - b. being a Muslim;
 - c. being of legal age;
 - d. being trustworthy;
 - e. being physically and mentally capable; and
 - f. not legally being prohibited from performing legal action.
- (2) The organizations as referred to in Article 9 point b may only serve as *Nazhir* if meeting the requirements:
 - a. its management fulfills the individual *Nazhir* requirements as referred to in section (1); and
 - b. the organization is engaged in social, educational, community, and/or Islamic religious activities.
- (3) The legal entities as referred to in Article 9 point c may only serve as *Nazhir* if it meets the following requirements:
 - a. its management fulfills the individual *Nazhir* requirements as referred to in section (1); and
 - b. it is an Indonesian legal entity established in accordance with applicable legislation; and
 - c. it is engaged in social, educational, community, and/or Islamic religious activities.

Article 11

Nazhir has duties to:

- a. administer waqf assets;
- b. manage and develop waqf assets in accordance with their purpose, function, and designation;
- c. supervise and protect waqf assets;
- d. report the implementation of their duties to the Indonesia Waqf Board.

Article 12

In carrying out the duties, as referred to in Article 11, a *Nazhir*

may receive compensation from the net proceeds of managing and developing waqf assets, not exceeding 10% (ten percent).

Article 13

In performing the duties as referred to in Article 11, a *Nazhir* receives guidance from the Minister and the Indonesia Waqf Board.

Article 14

- (1) For the purposes of guidance as referred to in Article 13, a *Nazhir* must be registered with the Minister and the Indonesia Waqf Board.
- (2) Further provisions regarding a *Nazhir* as referred to in Article 9, Article 10, Article 11, Article 12, and Article 13 are regulated by a Government Regulation.

Part Six

Waqf Assets

Article 15

Waqf assets may only be endowed lawfully owned and controlled by the *Waqif*.

Article 16

- (1) Waqf assets consist of:
 - a. immovable assets; and
 - b. movable assets.
- (2) The immovable assets as referred to in section (1) point a include:
 - a. land rights in accordance with the applicable legislation, whether registered or unregistered;
 - b. buildings or parts of buildings located on the land as referred to in point a;
 - c. plants and objects related to the land;
 - d. right of ownership over apartment units in accordance with the applicable legislation;
 - e. other immovable assets under Islamic law and applicable legislation.

- (3) The movable assets as referred to in section (1) point b are assets that are not consumed upon use and include:
- a. money;
 - b. precious metals;
 - c. securities;
 - d. vehicles;
 - e. intellectual property rights;
 - f. lease rights; and
 - g. other movable assets under Islamic law and applicable legislation.

Part Seven

Waqf Declaration

Article 17

- (1) Waqf Declaration is declared by the *Waqif* to the *Nazhir* in the presence of PPAIW, witnessed by two witnesses.
- (2) The Waqf Declaration as referred to in section (1) is made verbally and/or in writing and is documented in a Waqf Declaration Deed by the PPAIW.

Article 18

In the event that the *Waqif* is unable to declare the waqf declaration verbally or cannot be physically present due to legally justifiable reasons, the *Waqif* may appoint a proxy through a power of attorney, endorsed by 2 (two) witnesses.

Article 19

To declare the waqf declaration, the *waqif* or the proxies submits letters and/or proof of ownership of the waqf assets to the PPAIW.

Article 20

Witnesses to the waqf declaration must meet the requirements:

- a. being of legal age;
- b. being Muslim;
- c. being of sound mind;
- d. not legally being prohibited from performing legal actions.

Article 21

- (1) The waqf declaration is documented in a waqf declaration deed.
- (2) The waqf declaration deed as referred to in section (1) at least includes :
 - a. name and identity of the *Waqif*;
 - b. name and identity of the *Nazhir*;
 - c. data and details of the waqf assets;
 - d. designation of the waqf assets;
 - e. time period of the waqf.
- (3) Further provisions regarding the waqf declaration deed as referred to in section (2) are regulated by a Government Regulation.

Part Eight

Designation of Waqf Assets

Article 22

To achieve the purpose and function of waqf, waqf assets may only be designated for:

- a. facilities and activities related to worship;
- b. facilities and activities related to education and healthcare;
- c. assistance for the poor, orphans, neglected children, scholarships;
- d. advancing and improving the economic welfare of the community; and/or
- e. other public welfare purposes that do not conflict with Islamic law and legislation.

Article 23

- (1) The designation of waqf assets as referred to in Article 22 are determined by the *Waqif* during the waqf declaration.
- (2) If the *Waqif* does not determine the designation of the waqf assets, the *Nazhir* may determine the designation in accordance with the purpose and function of the waqf.

Part Nine
Waqf through Testamentary Will

Article 24

Waqf through a testamentary will, whether declared verbally or in writing, may only be carried out if witnessed by at least 2 (two) individuals who meet the requirements as referred to in Article 20.

Article 25

Assets designated as waqf through a testamentary will may not exceed 1/3 (one-third) of the total inheritance after deducting the testator's debts, unless consent is obtained from all heirs.

Article 26

- (1) Waqf through a testamentary will is executed by the recipient of the will after the testator has passed away.
- (2) The recipient of the testamentary will acts as the proxy of the *Waqif*.
- (3) Waqf through a testamentary will as referred to in section (1) and section (2) is carried out in accordance with the waqf procedures regulated in this Law.

Article 27

In the event that waqf through a testamentary will is not carried out by the recipient of the testamentary will, the court may, upon request by an interested party, order the recipient to execute the testamentary will.

Part Ten
Waqf of Movable Assets in the Form of Money

Article 28

Waqif may endow movable assets in the form of money through Islamic financial institutions appointed by the Minister.

Article 29

- (1) The waqf of movable assets in the form of money as referred to in Article 28 is carried out by the *Waqif* through a written *Waqif's* declaration of intent.
- (2) The waqf of movable assets in the form of money as referred to in section (1) is formalized through the issuance of a cash waqf certificate.
- (3) The cash waqf certificate as referred to in section (2) is issued and delivered by the Islamic financial institution to the *Waqif* and *Nazhir* as evidence of the transfer of waqf assets.

Article 30

The Islamic financial institution, on behalf of the *Nazhir* register the waqf of movable assets in the form of money with the Minister not later than 7 (seven) work days after the issuance of the Cash Waqf Certificate.

Article 31

Further provisions regarding waqf of movable assets in the form of money as referred to in Article 28, Article 29, and Article 30 are regulated by a Government Regulation.

CHAPTER III

REGISTRATION AND ANNOUNCEMENT OF WAQF ASSETS

Article 32

PPAIW on behalf of the *Nazhir* registers waqf assets with authorized Institution not later than 7 (seven) work days since the waqf declaration deed is signed.

Article 33

In registering the waqf assets as referred to in Article 32, the PPAIW submits:

- a. a copy of the waqf declaration deed;
- b. documents and/or evidence of ownership and other relevant documents.

Article 34

The authorized institution issues a proof of registration for the waqf assets.

Article 35

The proof of registration for waqf assets as referred to in Article 34 is delivered by the PPAIW to the *Nazhir*.

Article 36

In the event that waqf assets are exchanged or the designation is altered, the *Nazhir*, through the PPAIW re-register the assets to the authorized Institution and the Indonesia Waqf Board on the exchanged assets or altered designation in accordance with the procedures applicable to waqf asset registration.

Article 37

The Minister and the Indonesia Waqf Board administer waqf asset registrations.

Article 38

The Minister and the Indonesia Waqf Board announce to the public the waqf assets that have been registered.

Article 39

Further provisions regarding the PPAIW, the procedures for registration, and the announcement of waqf assets are regulated by a Government Regulation.

CHAPTER IV

CHANGES IN STATUS OF WAQF ASSETS

Article 40

Waqf assets that have been endowed are prohibited from being:

- a. used as collateral;
- b. seized;
- c. granted;
- d. sold;

- e. inherited;
- f. exchanged; or
- g. transferred in any other form of ownership transfer.

Article 41

- (1) The provisions in Article 40 point (f) do not apply if waqf assets are used for public purposes in accordance with the general spatial plan, *rencana umum tata ruang* (RUTR) under the applicable legislation and not contrary with Islamic law.
- (2) Implementation of the provisions in section (1) may only occur with a written permit from the Minister and approval from the Indonesia Waqf Board.
- (3) Waqf assets whose status has been changed under the exception as referred to in section (1) are required to be replaced with assets of at least equal benefit and value to the original waqf assets.
- (4) Further provisions regarding changes in the status of waqf assets as referred to in section (1), section (2), and section (3) are regulated by a Government Regulation.

CHAPTER V

MANAGEMENT AND DEVELOPMENT OF WAQF ASSETS

Article 42

The *Nazhir* is obligated to manage and develop waqf assets in accordance with their purpose, function, and designation.

Article 43

- (1) The management and development of waqf assets by the *Nazhir* as referred to in Article 42 are conducted in accordance with Islamic principles.
- (2) The management and development of waqf assets as referred to in section (1) are conducted in a productive manner.
- (3) In the event that guarantees are required for the management and development of waqf assets as referred to in section (1), Islamic insurance corporation are

utilized.

Article 44

- (1) In managing and developing waqf assets, the *Nazhir* is prohibited from changing the designation of the waqf assets unless a written permit is obtained from the Indonesia Waqf Board.
- (2) The permit as referred to in section (1) may only be granted if the waqf assets can no longer be utilized in accordance with the original designation as stated in the waqf declaration.

Article 45

- (1) In managing and developing waqf assets, the *Nazhir* is dismissed and replaced with another *Nazhir* if he /she :
 - a. pass away, for individual *Nazhir*;
 - b. dissolve or are dissolved in accordance with the applicable legislation, for organizational or legal entity *Nazhir*;
 - c. voluntarily;
 - d. fail to perform their duties as a *Nazhir* and/or violate the prohibitions regarding the management and development of waqf assets in accordance with the provisions of applicable legislation;
 - e. are sentenced to imprisonment by a court with final and binding force.
- (2) The dismissal and replacement of the *Nazhir* as referred to in section (1) are carried out by the Indonesia Waqf Board.
- (3) The management and development of waqf assets by the new *Nazhir* due to the dismissal and replacement of the previous *Nazhir* must still adhere to the original designation and the purpose and function of the waqf.

Article 46

Further provisions regarding the management and development of waqf assets as referred to in Article 42, Article 43, Article 44, and Article 45 are regulated by a Government Regulation.

CHAPTER VI INDONESIA WAQF BOARD

Part One Position and Duties

Article 47

- (1) To advance and develop national waqf, Indonesia Waqf Board is established.
- (2) The Indonesia Waqf Board is an independent institution in carrying out its duties.

Article 48

The Indonesia Waqf Board is headquartered in the capital city of the Unitary State of the Republic of Indonesia and may establish representative offices in Provinces and/or Regencies/Cities as needed.

Article 49

- (1) The Indonesia Waqf Board has the following duties and authority to:
 - a. provide guidance to *Nazhir* in managing and developing waqf assets;
 - b. manage and develop waqf assets on a national and international scale;
 - c. grant approval and/or permit for changes in the designation and status of waqf assets;
 - d. dismiss and replace *Nazhir*;
 - e. approve the exchange of waqf assets;
 - f. provide advice and recommendations to the Government in formulating policies on waqf.
- (2) In carrying out the duties as referred to in section (1), the Indonesia Waqf Board may collaborate with Government institutions at the Central and Regional levels, community organizations, experts, international bodies, and other relevant parties.

Article 50

In carrying out the duties as referred to in Article 49, the Indonesia Waqf Board considering the advice and consideration of the Minister and the Indonesian Council of Ulama.

Part Two Organization

Article 51

- (1) The Indonesia Waqf Board consists of the Executive Body and the Advisory Council.
- (2) The Executive Body as referred to in section (1) is the operational element of the Indonesia Waqf Board.
- (3) The Advisory Council as referred to in section (1) oversees the execution of the duties of the Indonesia Waqf Board.

Article 52

- (1) The Executive Body and the Advisory Council of the Indonesia Waqf Board as referred to in Article 51 each is led by 1 (one) Chairperson and 2 (two) Vice Chairpersons, elected from and by the members.
- (2) The membership composition of the Executive Body and the Advisory Council of the Indonesia Waqf Board are determined by the members.

Part Three Members

Article 53

The number of members of the Indonesia Waqf Board are at least 20 (twenty) persons and no more than 30 (thirty) persons, drawn from various sectors of society.

Article 54

- (1) To qualify for membership in the Indonesia Waqf Board, candidates must meet the requirements:

- a. being an Indonesian national;
 - b. being a muslim;
 - c. being of legal age;
 - d. being trustworthy;
 - e. being physically and mentally capable;
 - f. not legally being prohibited from performing legal actions;
 - g. having knowledge, skills, and/or experience in waqf and/or economics, particularly in Islamic economics; and
 - h. demonstrating a strong commitment to advancing national waqf.
- (2) In addition to the requirements as referred to in section (1), the Indonesia Waqf Board may establish additional requirements for membership of the Indonesia Waqf Board.

Part Four

Appointment and Dismissal

Article 55

- (1) Membership of the Indonesia Waqf Board is appointed and dismissed by the President.
- (2) Membership of regional Representatives of the Indonesia Waqf Board is appointed and dismissed by the Indonesia Waqf Board.
- (3) Further provisions regarding the procedures for the appointment and dismissal of members as referred to in section (1) and section (2) are regulated by the Indonesia Waqf Board regulation.

Article 56

Membership of the Indonesia Waqf Board is appointed for a of 3 (three) years term of office and may be reappointed for 1 (one) additional term of office.

Article 57

- (1) For the first appointment, the Minister proposes the

membership of the Indonesia Waqf Board to the President.

- (2) Proposals for the appointment of membership to the President is further conducted by the Indonesia Waqf Board.
- (3) Provisions regarding the procedures for selecting candidates for membership as referred to in section (2) are regulated by the Indonesia Waqf Board, with implementation being open to the public.

Article 58

Provisions regarding the termination of membership of the Indonesia Waqf Board before the end of the term are regulated by the Indonesia Waqf Board.

Part Five

Financing

Article 59

In performing the duties of the Indonesia Waqf Board, the Government is obligated to help the operational costs.

Part Six

Implementing Provisions

Article 60

Further provisions regarding the organizational structure, duties, functions, requirements, procedures for the election of members, as well as the membership structure and work procedures of the Indonesia Waqf Board are regulated by the Indonesia Waqf Board.

Part Seven

Accountability

Article 61

- (1) Accountability for the duties of the Indonesia Waqf Board is conducted through an annual report audited by an independent audit institution and submitted to the

Minister.

- (2) The annual report as referred to in section (1) is announced to the public.

CHAPTER VII DISPUTE RESOLUTION

Article 62

- (1) Disputes regarding waqf are resolved through deliberation to achieve mutual agreement.
- (2) If the dispute resolution as referred to in section (1) fails, the dispute may be resolved through mediation, arbitration, or courts.

CHAPTER VIII GUIDANCE AND SUPERVISION

Article 63

- (1) The Minister conducts guidance and supervision on the administration of waqf to achieve its purpose and function.
- (2) In particular, regarding the guidance as referred to in section (1), the Minister involves the Indonesia Waqf Board.
- (3) The guidance and supervision referred to in section (1) and section (2) take into account advice and recommendations of the Indonesian Council of Ulama.

Article 64

For the purpose of guidance, the Minister and the Indonesia Waqf Board may cooperate with community organizations, experts, international bodies, and other parties as deemed necessary.

Article 65

For supervision purposes, the Minister may utilize the services of public accountants.

Article 66

Further provisions regarding the forms of guidance and supervision by the Minister and the Indonesia Waqf Board as referred to in Article 63, Article 64, and Article 65 are regulated by a Government Regulation.

CHAPTER IX

CRIMINAL PROVISIONS AND ADMINISTRATIVE SANCTIONS

Part One

Criminal Provisions

Article 67

- (1) Any person who deliberately uses waqf assets as collateral, grants, sells, inherits, or transfers waqf assets in any other form of ownership transfer; or exchanges waqf assets without permit as referred to in Article 40 or Article 41 is sentenced imprisonment for a maximum of 5 (five) years and/or a fine up to Rp500,000,000.00 (five hundred million rupiah).
- (2) Any person who deliberately changes the designation of waqf assets without permission, as referred to in Article 44, is sentenced to imprisonment for a maximum of 4 (four) years and/or a fine up to Rp400,000,000.00 (four hundred million rupiah).
- (3) Any person who deliberately uses or takes facility advantage of waqf management and development profits exceeding the limit as referred to in Article 12 is sentenced to imprisonment for a maximum of 3 (three) years and/or a fine up to Rp300,000,000.00 (three hundred million rupiah).

Part Two

Administrative Sanctions

Article 68

- (1) The Minister may impose administrative sanctions on

violations related to the non-registration of waqf assets by Islamic financial institutions and PPAIW as referred to in Article 30 and Article 32.

- (2) The administrative sanctions as referred to in section (1) may be in the forms of:
 - a. written warnings;
 - b. temporary suspension or revocation of waqf-related activity licenses for Islamic financial institutions;
 - c. temporary suspension or dismissal of PPAIW from their position.
- (3) Further provisions regarding the implementation of administrative sanctions as referred to in section (1) and section (2) are regulated by a Government Regulation.

CHAPTER X TRANSITIONAL PROVISIONS

Article 69

- (1) At the time this Law comes into force, waqf carried out under the provisions of legislation that come into force before the promulgation of this Law are declared valid as waqf under this Law.
- (2) The waqf as referred to in section (1) is required to be registered and announced not later than 5 (five) years after the promulgation of this Law.

Article 70

All legislation governing waqf remain effective insofar not contrary to or have not been replaced by new regulations under this Law.

CHAPTER XI CLOSING PROVISIONS

Article 71

This Law comes into force on the date of its promulgation.

In order that every person may know hereof, it is ordered to promulgate this Law by its placement in the State Gazette of the Republic of Indonesia.

Enacted in Jakarta
on 27 October 2004

PRESIDENT OF THE REPUBLIC OF
INDONESIA,

signed

DR. H. SUSILO BAMBANG YUDHOYONO

Promulgated in Jakarta
on 27 October 2004

MINISTER OF STATE SECRETARY
OF THE REPUBLIC OF INDONESIA,

signed

PROF. DR. YUSRIL IHZA MAHENDRA

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 2004 NUMBER 159

Jakarta, 10 March 2025

Has been translated as an Official Translation
on behalf of the Minister of Law
of the Republic of Indonesia
DIRECTOR GENERAL OF LEGISLATION,



ELUCIDATION
OF
LAW OF THE REPUBLIC OF INDONESIA
NUMBER 41 OF 2004
ON
WAQF

I. GENERAL

The objective of the Unitary State of the Republic of Indonesia as mandated in the Preamble of the 1945 Constitution of the Republic of Indonesia, includes advancing public welfare. To achieve this goal, it is essential to explore and develop the potential found in religious institutions that provide economic benefits.

One strategic step to enhance public welfare is to expand the role of waqf as a religious institution, which not only aims to provide facilities for worship and social activities but also possesses economic potential that can contribute to improving public welfare because of that waqf utilization needs to be developed in accordance with Islamic principles. The current practice of waqf in society has not been fully orderly or efficient. As a result, in various cases, waqf assets have not been maintained properly, are neglected, or have been transferred to third parties unlawfully. This situation arises not only from the negligence or inability of the *Nazhir* in managing and developing waqf assets but also from the lack of public awareness or understanding regarding the sacred status of waqf assets, which should be protected for the public welfare in accordance with the purpose, function, and designation of waqf.

Based on the considerations above and to meet legal needs in the context of national legal development, it is necessary to establish a Law

on Waqf. Essentially, the provisions regarding waqf based on Sharia and legislation are reiterated in this Law, but there are also various new regulatory points, including the following:

1. To ensure legal and administrative order in waqf for the protection of waqf assets, this Law affirms that waqf legal action is required to be recorded and documented in a waqf declaration deed as well as registered and announced, the implementation is in accordance with procedures regulated in legislation regulating waqf and it must be conducted. This Law does not separate between family waqf (*waqf ahli*), where the management and benefits of waqf assets are limited to family members, and public waqf (*waqf khairi*), which is intended for broader public benefits. Both are aligned with the purpose and function of waqf.
2. The scope of waqf, which has traditionally been limited to immovable assets such as land and buildings, under this Law, *Waqif* may also endow movable assets, both tangible and intangible, such as money, precious metals, securities, vehicles, intellectual property rights, lease rights, and other movable assets.
In the event of movable assets in the form of money, *Waqif* may endow through Islamic Financial Institutions,
The term Islamic Financial Institutions means legal entities established under applicable Indonesian law and operating in the Islamic financial sector, such as Islamic banks.
The possibility of endowing movable assets in the form of money through Islamic Financial Institutions is intended to make it easier for the *Waqif* to endow their money.
3. The designation of waqf assets is not limited to religious and social purposes but is also directed toward enhancing public welfare through the realization of the economic potential and benefits of waqf assets. This allows waqf management to enter the broader economic domain, provided that it adheres to Islamic management and economic principles.
4. To protect waqf assets from interference by third parties that can harm the waqf interests, the capability and professionalism of the *Nazhir* need to be improved.
5. This Law also regulates the establishment of the Indonesia Waqf Board which may have regional representatives as needed. The Board is an independent institution implementing duties in the field of waqf to

provide guidance to *Nazhir*, manage and develop waqf assets on a national and international scale, grant approvals for changes in the designation and status of waqf assets, and give advice and consideration to the Government on waqf policy formulation.

II. ARTICLE BY ARTICLE

Article 1

Sufficiently clear

Article 2

Sufficiently clear

Article 3

Sufficiently clear

Article 4

Sufficiently clear

Article 5

Sufficiently clear

Article 6

Sufficiently clear

Article 7

The term individuals, organizations and/or legal entities means an individual who is an Indonesian national or a foreign national, Indonesian organizations or foreign organizations and/or Indonesian legal entities or foreign legal entities.

Article 8

Sufficiently clear

Article 9

The term individuals, organizations and/or legal entities means an individual Indonesian national, Indonesian organization and/or Indonesian legal entity.

Article 10

Sufficiently clear

Article 11

Sufficiently clear

Article 12

Sufficiently clear

Article 13

Sufficiently clear

Article 14

Section (1)

In order to register *Nazhir*, the Minister must be proactive in registering the *Nazhir* who already exists in society.

Section (2)

Sufficiently clear

Article 15

Sufficiently clear

Article 16

Section (1)

Sufficiently clear

Section (2)

Sufficiently clear

Section (3)

Point a

Sufficiently clear

Point b

Sufficiently clear

Point c

Sufficiently clear

Point d

Sufficiently clear

Point e

Sufficiently clear

Point f

Sufficiently clear

Point g

The term other movable assets in accordance with Islamic law and applicable regulations, including *mushaf*, books and scriptures.

Article 17

Sufficiently clear

Article 18

Sufficiently clear

Article 19

Submission of letters or documents of ownership of waqf asset by the *Waqif* or his attorney to the PPAIW with the aim of obtaining certainty of the existence of waqf assets and the truth of the existence of the *Waqif*'s rights on the waqf assets.

Article 20

Sufficiently clear

Article 21

Sufficiently clear

Article 22

Sufficiently clear

Article 23

Sufficiently clear

Article 24

Sufficiently clear

Article 25

Sufficiently clear

Article 26

Sufficiently clear

Article 27

The term court means a religious court.

The term interested parties include the heirs, witnesses, and the recipient of the waqf designation.

Article 28

The term Islamic Financial Institution means an Indonesian legal entity that operates in the field of Islamic finance.

Article 29

Section (1)

The written Waqif's declaration of intent is made to the intended Islamic Financial Institution.

Section (2)

Sufficiently clear

Section (3)

Sufficiently clear

Article 30

Sufficiently clear

Article 31

Sufficiently clear

Article 32

The authorized institution in the field of land waqf is the National Land Agency.

The authorized institution in the field of waqf of movable assets other than money is an institution related to its main duty.

The authorized institution in the field of waqf of movable assets other than money (unregistered goods) is the Indonesia Waqf Board.

Article 33

Sufficiently clear

Article 34

The authorized institution in the field of land waqf is the National Land Agency.

The authorized institution in the field of waqf of movable assets other than money is the institution related to its main duty.

The authorized institution in the field of waqf of movable assets other than money (unregistered goods) is the Indonesia Waqf Board.

The term proof of registration of waqf assets means a information letter issued by the authorized Government institution stating that the waqf assets have been registered and recorded in the state with status as waqf assets.

Article 35

Sufficiently clear

Article 36

The authorized institution in the field of land waqf is the National Land Agency.

The authorized institution in the field of waqf of movable assets other than money is an institution related to its main duty.

The authorized institution in the field of waqf of movable assets other than money that are not registered (unregistered goods) is the Indonesia Waqf Board.

Article 37

Sufficiently clear

Article 38

The term announcing waqf assets is by entering data about waqf assets in the general register. By entering data about waqf assets in the general register, then the principle of publicity of waqf is fulfilled so that the public can access the data.

Article 39

Sufficiently clear

Article 40

Sufficiently clear

Article 41

Sufficiently clear

Article 42

Sufficiently clear

Article 43

Section (1)

Sufficiently clear

Section (2)

Management and development of waqf assets is carried out in a productively, among other things, by means of collection, investment, capital investment, production, partnership, trade, agribusiness, mining, industry, technology development, building construction, apartments, flats, supermarkets, shops, offices, educational facilities or health facilities, and businesses that do not conflict with Islamic law.

The term Islamic insurance institution means a legal entity which organizes guarantee activities for a business activity which can be done, among other things, through an Islamic insurance scheme or other schemes in accordance with the provisions of applicable legislation.

Article 44

Sufficiently clear

Article 45

Sufficiently clear

Article 46

Sufficiently clear

Article 47

Sufficiently clear

Article 48

The formation of representatives of the Indonesia Waqf Agency in the regions is carried out after the Indonesia Waqf Board consults

with the local government.

Article 49

Sufficiently clear

Article 50

Sufficiently clear

Article 51

Sufficiently clear

Article 52

Sufficiently clear

Article 53

Sufficiently clear

Article 54

Sufficiently clear

Article 55

Sufficiently clear

Article 56

Sufficiently clear

Article 57

Sufficiently clear

Article 58

Sufficiently clear

Article 59

Sufficiently clear

Article 60

Sufficiently clear

Article 61

Sufficiently clear

Article 62

Section (1)

Sufficiently clear

Section (2)

The term mediation means the resolution of disputes by assistance from a third party (mediator) agreed upon by the parties in dispute. In the event that mediation fails to resolve the dispute, the dispute can be brought to an Islamic arbitration body. In the event that the sharia arbitration body is unable to resolve the dispute, then the dispute can be brought to the religious court and/or Islamic court.

Article 63

Sufficiently clear

Article 64

Sufficiently clear

Article 65

Sufficiently clear

Article 66

Sufficiently clear

Article 67

Sufficiently clear

Article 68

Sufficiently clear

Article 69

Sufficiently clear

Article 70

Sufficiently clear

Article 71

Sufficiently clear

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