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Ownership Defects and Judicial Reasoning in Waqf Deed Annulment: A Study of Decision No. 23/Pdt.G/2018/PA.Wgp

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Abstract

This study examines the construction of judicial legal reasoning in the annulment of a Waqf Pledge Deed by focusing on how courts determine the validity of waqf when the waqif is alleged to lack lawful ownership over the waqf object. The novelty of this study lies in its evaluation of the internal logic of judicial reasoning by separating three legal layers: the waqif's subjective legal capacity, the objective ownership status of the waqf land, and the evidentiary sufficiency required to prove ownership defects. This research employs normative legal research using statutory, conceptual, and case approaches, with Decision Number 23/Pdt.G/2018/PA WGP as the primary case. The analysis focuses on the court's interpretation of Islamic waqf principles, Indonesian positive law, civil evidentiary rules, and the doctrine of legal certainty in determining whether a formal deed can stand when substantive ownership is defective. The findings show that the decision affirms an important principle: a Waqf Pledge Deed cannot validate a waqfact made by a person who lacks lawful ownership over the property. However, the reasoning reveals analytical limitations because the court relied heavily on the respondent's confession, even though confession alone is problematic in waqf disputes involving public, religious, or educational interests, where the legal consequences extend beyond the litigating parties. This study concludes that waqf deed annulment requires a layered judicial reasoning model that separately examines jurisdiction, legal standing, waqif capacity, ownership authority, documentary proof of land status, and the post-annulment protection of beneficiaries to balance formal legality, evidentiary sufficiency, legal certainty, and substantive justice.

Keyword :

Waqif Ownership,
Evidentiary Sufficiency, Waqf
Land, Religious Court, Deed
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Introduction

This study examines Decision Number 23/Pdt.G/2018/PA WGP as a case of disputed waqf land, where the Religious Court annulled a Substitute Deed of Waqf Pledge because the waqif was considered not to have lawful ownership over the waqf object (Religious Court of Waingapu, 2018). The case is significant because disputed waqf land does not only concern private religious intention, but also affects legal certainty, educational use, community interests, and the continuity of waqf benefits.

In Islamic legal doctrine, waqf represents the dedication of property for religious or public benefit, and its validity depends on the existence of a lawful relationship between the waqif and the property being endowed. The waqif must possess legal authority over the object, because waqf permanently restricts the transferability of property and redirects its benefits toward designated beneficiaries. Therefore, if a person dedicates land that is not legally owned by him, the waqf pledge becomes vulnerable to annulment, even if the pledge has been recorded in an official deed. The central legal problem arises from the ownership defect: Indonesian waqf law requires the waqf object to lawfully belong to the waqif before it can be validly endowed (Indonesia, 1991). This requirement is not merely administrative; it functions as a substantive condition for the validity of waqf. In the *a quo* case, the court reasoned that the waqif did not satisfy this requirement because the land was alleged to originate from, or belong to, the local government and was intended for the Muslim community rather than being the personal property of the waqif.

Thus, the legal issue is not merely the formal existence of the deed, but whether the waqif had substantive ownership authority from the beginning. The legal problem, therefore, is not only whether the deed formally existed, but whether the legal basis for making the deed was valid from the beginning.

Previous studies have largely examined waqf deeds from the perspective of administration, documentation, registration, nazhir governance, digital asset management, productive waqf, and dispute resolution. (Suhadi et al., 2024; Anggriani et al., 2025; Ghazali et al., 2020). Suhadi, Muhtada, Ramli, and Ridha (2024) underline that legal literacy and proper documentation are essential to ensure legal certainty in waqf land management. Anggriani, Asuhaimi, Wahyudi, and Asuhaimi (2025) also show that waqf agreements in Indonesia and Malaysia require harmonisation between Qur'anic principles and modern legal frameworks so that the rights and obligations of waqif and nazhir are clearly structured. However, these studies have not sufficiently examined how judges

know, prove, classify, and justify ownership defects before annulling a waqf deed. This article therefore treats waqf deed annulment not merely as an administrative or governance issue, but as a problem of judicial epistemology and legal reasoning.

The judicial reasoning problem becomes central because annulment of a Waqf Pledge Deed has serious consequences for waqf land administration, nazhir authority, land registration, and beneficiary protection. Once a deed is declared invalid, the legal foundation for the waqf status, nazhir authority, land registration, and beneficiary protection becomes uncertain. This uncertainty may affect the continuity of social and educational services provided on the land, especially when the land has long been used by a religious or educational institution. Several scholarly works have shown that waqf land is closely connected to community development (Rochani et al., 2024; Jaenudin et al., 2021). Rochani, Yuliastuti, and Sudarwanto (2024) explain that waqf land can support sustainable communal spaces, while Jaenudin, Saepullah, and Hidayat (2021) demonstrate that waqf management by Islamic educational institutions may contribute to the economic independence of Muslim communities. Therefore, the annulment of a waqf deed is not merely a formal legal event; it may disrupt the social function of waqf land and weaken community-based development.

Legal problems frequently arise when a waqf object is pledged by a person who is not the lawful owner. Such problems include disputes between heirs and beneficiaries, conflict between nazhir and community users, uncertainty over land registration, and competing claims between private, communal, and state interests. Haryanto, Maufiroh, and Sulaiman (2023), in their study of waqf land disputes in Madura, show that waqf conflicts often emerge from unclear ownership histories, oral waqf practices, and competing social claims over land. Islamiyati, Setyowati, and Rofiq (2023) similarly identify that weak waqf land governance and inadequate legal reform contribute to recurring disputes in coastal communities. These studies are relevant to the *a quo* case because the disputed land was not treated simply as private property, but as land connected to public, religious, and educational interests.

In this context, the court must not only declare that the waqif lacked ownership, but also explain how that conclusion was legally and evidentially established. A court decision annulling a Waqf Pledge Deed must not only state that the waqif was not the lawful owner; it must also demonstrate how that conclusion was legally and evidentially reached, particularly where the judgment affects waqf administration, land registration, nazhir authority, and community-based beneficiaries (Religious Court of Waingapu, 2018; Suhadi et al., 2024). Judicial reasoning functions as the bridge between legal norms, factual findings, evidentiary standards, and the final judgment. In the *a quo* case, the judge relied substantially on the respondent's confession and then connected that confession to Article 217 of the Compilation of Islamic Law. This raises the main research question: how should judicial reasoning be constructed when a court annuls a Waqf Pledge Deed on the basis of alleged ownership defects, especially when the evidence relies heavily on party confession? In private civil disputes, confession may be treated as strong evidence, but in waqf disputes, the object often carries social and religious implications beyond the parties before the court.

Decision Number 23/Pdt.G/2018/PA WGP is therefore significant in the broader academic discourse on waqf land disputes in Indonesia (Religious Court of Waingapu,

2018). It illustrates how a Religious Court constructs the invalidity of a waqf deed by linking the waqif's lack of ownership with the legal requirement of a valid waqf object. It also reveals the vulnerability of waqf documentation when the historical status of land ownership is unclear. The decision contributes to discussions on whether religious courts should apply a more rigorous evidentiary standard before annulling a waqf deed, especially when the land has been used for educational and communal purposes. This case also reflects the continuing tension between formal legal certainty and substantive justice in waqf law.

Although previous scholarship has provided important insights into waqf registration, nazhir professionalism, digital waqf asset management, productive waqf, and dispute resolution, it has not critically addressed the internal structure of judicial reasoning in waqf deed annulment (Hapsari et al., 2024; Achiria et al., 2025; Mujahidin et al., 2025). Hapsari, Arifin, Herianingrum, and Salma (2024) propose strategies for managing waqf land in Indonesia, while Achiria, Priyadi, and Hamdani (2025) discuss digital-based management services for value co-creation in waqf land asset management. Mujahidin, Imran, Sapa, and Trimulato (2025) examine the challenges of waqf management and their implications for Muslim social and economic welfare. Nevertheless, these studies have not sufficiently examined the internal structure of judicial legal reasoning in cases where a Waqf Pledge Deed is annulled because the waqif is deemed not to be the lawful owner. The scholarly gap lies in the limited attention to how judges distinguish subjective waqif capacity, objective ownership status, and evidentiary sufficiency before concluding that a waqf deed is legally invalid.

Based on this scholarly gap, this article argues that the annulment of a Waqf Pledge Deed requires a careful and layered judicial construction. The judge must first examine whether the waqif had the personal legal capacity to perform a waqf act; second, whether the waqf object was legally owned by the waqif; and third, whether the evidence presented sufficiently proves the ownership status of the land. By focusing on Decision Number 23/Pdt.G/2018/PA WGP, this study aims to critically evaluate whether the court's reasoning adequately separated these three elements before declaring the deed invalid (Religious Court of Waingapu, 2018). The novelty of this study lies in shifting the analysis from administrative waqf governance to judicial epistemology: how courts know, prove, classify, and justify ownership defects before annulling a waqf deed.

Literature Review / Theoretical Framework

1. Foundational Concept of Waqf as a Permanent Dedication of Property

The legality of waqf is grounded in several foundational concepts of Islamic property law and Indonesian waqf regulation. Conceptually, waqf is a form of permanent dedication of property in which the corpus of the asset is preserved, while its benefits are allocated for religious, educational, social, or public welfare purposes. This distinguishes waqf from ordinary donation because the waqf object is not merely transferred, but legally restrained for continuing benefit. International scholarship on waqf land development shows that waqf has historically functioned as an institutional mechanism for financing communal facilities, education, religious infrastructure, and socio-economic welfare (Mokhtar and Ibrahim, 2009; Usman and Ab Rahman, 2021). Contemporary studies also emphasize that waqf land may support sustainable urban communities and communal spaces when its legal status, management structure, and beneficiary orientation are clearly defined (Rochani, Yuliastuti, and Sudarwanto, 2022; Rochani, Yuliastuti, and Sudarwanto, 2024).

2. Legal Capacity of the Waqf and Ownership Authority

Another fundamental doctrinal element concerns the legal subject of waqf, namely the waqif. In Islamic legal doctrine, the waqif must possess both personal legal capacity and lawful authority over the property being endowed. Personal capacity requires that the waqif be mature, of sound mind, acting freely, and legally competent to dispose of property. However, capacity alone is insufficient. The waqif must also be the lawful owner of the waqf object because waqf creates a permanent legal restriction over the property and redirects its benefits to designated beneficiaries. If the waqif does not own the property, the waqf pledge lacks a valid legal foundation, regardless of the religious intention or communal benefit attached to it. This principle is consistent with comparative scholarship showing that waqf agreements must harmonise Qur'anic principles with modern legal frameworks so that the rights, obligations, and authority of waqif and nazhir are clearly determined (Anggriani, Asuhaimi, Wahyudi, and Asuhaimi, 2025).

3. Legal Status of the Waqf Object in Land Waqf

A further essential doctrinal dimension concerns the waqf object. The object must be legally recognized, capable of producing benefit, and lawfully controlled by the waqif at the time of the pledge. In land waqf, this requirement is particularly important because land is subject not only to Islamic legal doctrine but also to state land administration, registration, and proof of ownership. Studies on waqf land governance show that unclear ownership history, oral waqf practices, and incomplete registration frequently generate disputes between heirs, nazhir, beneficiaries, and local communities (Haryanto, Maufiroh, and Sulaiman, 2023; Islamiyati, Setyowati, and Rofiq, 2023). Therefore, the validity of waqf land depends on the convergence between religious intention, lawful ownership, proper documentation, and administrative recognition.

4. Nazhir Governance and Institutional Responsibility

An equally significant institutional component is the role of the nazhir as the manager and guardian of waqf assets. The nazhir is not the owner of the waqf object, but a fiduciary-like manager who must preserve, administer, and develop the waqf asset according to its designated purpose. The quality of nazhir governance is central to the sustainability of waqf because poor management, weak documentation, and lack of transparency may reduce the social and economic benefit of waqf assets. Hapsari, Arifin, Herianingrum, and Salma (2024) emphasize the need for strategic waqf land management in Indonesia, while Mujahidin, Imran, Sapa, and Trimulato (2025) show that weaknesses in waqf management have direct implications for Muslim social and economic welfare. These findings indicate that waqf legality must be understood together with institutional governance.

5. Article 217 of the Compilation of Islamic Law and the Validity of Waqf

Positive Law Framework of Waqf Validity: KHI, Law Number 41 of 2004, Implementing Regulations, and Waqf Land Registration Rules. Article 217 of the Compilation of Islamic Law should not be treated as the sole legal basis for assessing the validity of waqf. It must be read together with Law Number 41 of 2004 concerning Waqf as the principal statute, Government Regulation Number 42 of 2006 as the implementing regulation of the Waqf Law, and Government Regulation Number 25 of 2018 as the amendment to that implementing regulation. Under Law Number 41 of 2004, waqf validity

requires not only the subjective legal competence of the waqif, but also the lawful ownership and control of the waqf object, because waqf property may only be endowed when it is legally owned and controlled by the waqif. The same law also requires the waqif or his legal representative to submit evidence of ownership to the PPAIW before the waqf pledge is made, and obliges the PPAIW, on behalf of the nazhir, to register the waqf object with the competent authority after the Waqf Pledge Deed is signed. Therefore, in Decision Number 23/Pdt.G/2018/PA WGP, the judge's reliance on Article 217 of the Compilation of Islamic Law should be reconstructed within this broader positive-law framework. The annulment of the Substitute Deed of Waqf Pledge must be examined through the hierarchy of waqf norms, the procedural requirements for making and registering the deed, and the land registration regime governing waqf land, including Government Regulation Number 24 of 1997 concerning Land Registration and Minister of Agrarian Affairs/Head of BPN Regulation Number 2 of 2017 concerning the Procedure for Registering Waqf Land. This broader framework confirms that the formal existence of a waqf deed cannot cure a substantive defect in ownership, but it also requires the court to verify ownership through proper documentary and administrative evidence rather than relying only on Article 217 of the Compilation of Islamic Law or party confession

6. Waqf Documentation, Registration, and Legal Certainty

Previous scholarship has emphasized the importance of formal waqf documentation as a means of legal certainty. Suhadi, Muhtada, Ramli, and Ridha (2024) argue that legal literacy and proper documentation are essential to ensuring certainty in waqf land management. Ghazali, Sipan, Haji Mohammad, and Ab Aziz (2020) also demonstrate that a structured waqf land registration system is necessary to reduce disputes and strengthen administrative certainty. Recent studies further support the use of digital and integrated waqf management systems to improve asset classification, administrative transparency, and value creation in waqf land management (Fahmi et al., 2018; Achiria, Priyadi, and Hamdani, 2025). However, these studies also reveal the limitation of documentation: a Waqf Pledge Deed may record the pledge and support land registration, but it cannot validate a waqf object that was never lawfully owned by the waqif.

7. Judicial Reasoning and Ratio Decidendi

Judicial Reasoning and Ratio Decidendi in Waqf Deed Annulment Judicial reasoning is the process through which judges connect legal norms, proven facts, evidence, interpretation, and legal consequences into a coherent justification for their decision. In a waqf deed annulment case, good judicial reasoning should not merely cite legal provisions, but must identify the relevant norms, classify the legal facts, assess the sufficiency of evidence, interpret the applicable rules, consider the consequences of annulment, and formulate a clear ratio decidendi. Ratio decidendi refers to the essential legal reason that directly supports the court's ruling. Therefore, in Decision Number 23/Pdt.G/2018/PA WGP, the analysis of judicial reasoning must examine whether the judge clearly identified the waqf norms, distinguished between the waqif's subjective legal capacity and the objective ownership status of the waqf object, evaluated the evidentiary value of the respondent's confession, interpreted Article 217 of the Compilation of Islamic Law together with the broader waqf legal framework, and considered the impact of annulment on legal certainty, nazhir authority, and the beneficiary community. This theoretical framework is necessary to ensure that the article does not merely discuss waqf law in

general, but specifically evaluates the quality, structure, and coherence of the court's legal reasoning.

Research Methodology

This study applies normative legal research in the form of doctrinal case analysis because the main object of analysis is the construction of judicial legal reasoning in Decision Number 23/Pdt.G/2018/PA WGP, not empirical behaviour or social perception. The use of one case is sufficient because this article is designed as a focused case note and doctrinal examination of a specific Religious Court decision that directly addresses the annulment of a Substitute Deed of Waqf Pledge due to the waqif's lack of legal ownership over the waqf object. Therefore, the case is not used to produce statistical generalisation, but to examine the internal legal logic, ratio decidendi, evidentiary basis, and normative implications of the court's reasoning. This research combines statutory, conceptual, and case approaches. The statutory approach is used to examine the legal norms governing waqf validity, including Article 217 of the Compilation of Islamic Law, Law Number 41 of 2004 concerning Waqf, Government Regulation Number 42 of 2006, Government Regulation Number 25 of 2018, religious court jurisdiction, civil evidentiary law, and land registration rules relevant to waqf land. The conceptual approach is used to clarify the concepts of waqif capacity, lawful ownership of the waqf object, legal certainty, evidentiary sufficiency, substantive justice, judicial reasoning, and ratio decidendi. The case approach is used to analyze Decision Number 23/Pdt.G/2018/PA WGP as the primary legal material and to identify the essential legal reasons that supported the annulment of the deed. Suhadi, Muhtada, Ramli, and Ridha (2024) are used to support the importance of legal literacy and documentation in waqf land management. Anggriani, Asuhaimi, Wahyudi, and Asuhaimi (2025) are relevant to the harmonisation of waqf agreements with Qur'anic principles and modern legal frameworks. Ghazali, Sipan, Haji Mohammad, and Ab Aziz (2020) provide comparative insight into structured waqf land registration systems, while Haryanto, Maufiroh, and Sulaiman (2023) and Islamiyati, Setyowati, and Rofiq (2023) support the analysis of recurring waqf land disputes caused by unclear ownership and weak governance.

The quality of judicial reasoning is evaluated through five criteria: normative coherence, namely whether the court correctly connected the applicable legal norms with the facts; conceptual clarity, namely whether the court distinguished the waqif's subjective legal capacity from the objective ownership status of the land; evidentiary sufficiency, namely whether the finding of lack of ownership was supported by adequate evidence beyond party confession; interpretive adequacy, namely whether the court interpreted waqf norms consistently with Indonesian positive law; and proportional consideration of consequences, namely whether the decision considered the impact of annulment on legal certainty, nazhir authority, and community beneficiaries. Through these criteria, the research assesses not only the outcome of the decision, but also the structure, clarity, and persuasiveness of the court's ratio decidendi in determining the validity or invalidity of a Waqf Pledge Deed involving disputed land ownership.

Results and Discussion

The judicial reasoning in Decision Number 23/Pdt.G/2018/PA WGP begins with the construction of the Religious Court's jurisdiction. The court classified the case as a waqf dispute, specifically a petition for the annulment of a Substitute Deed of Waqf Pledge. This classification was decisive because it placed the dispute within the absolute competence of the Religious Court under the Indonesian religious judiciary framework. By emphasizing that the object of the dispute was the validity of a waqf deed, the court avoided treating the matter merely as an ordinary land dispute. This jurisdictional construction is important because waqf is a legal institution located at the intersection of Islamic law, civil procedure, land administration, and public benefit. In this context, the Religious Court's authority was grounded not merely in the religious identity of the parties, but in the legal nature of the disputed act, namely the making and validity of a waqf pledge deed.

The court then assessed the applicant's legal standing by examining the applicant's institutional relationship with the land and its educational function. In the case, the applicant acted on behalf of an Islamic educational institution that had an interest in the legal status of the disputed waqf land. The court accepted that the applicant had sufficient legal interest to seek annulment of the deed because the land had been connected to the activities and interests of the Muslim community and Islamic education. This reasoning is significant because legal standing in waqf disputes should not be limited only to the waqif, nazhir, or heirs. Waqf is established for the benefit of designated beneficiaries or public religious purposes; consequently, institutions that manage or benefit from the waqf object may also possess a legitimate interest when the legal status of the waqf becomes uncertain.

The respondent's legal position was constructed through his status as the heir of the original waqif. The court considered that the respondent could represent the legal position of the deceased waqif in the proceeding. This construction follows the general principle of civil procedure that heirs may replace or represent the legal interests of a deceased person in disputes concerning civil rights and obligations. In the context of waqf, this position requires careful analysis because once a waqf is validly created, the property is no longer treated as inheritable property. The respondent's procedural position was not directed toward reclaiming inheritance rights over the land, but toward responding to the allegation that the original waqif lacked authority to dedicate the land as waqf. This distinction is essential because the dispute concerned the validity of the waqf act rather than a direct inheritance claim.

The central doctrinal issue in the decision should be understood through three separate but interrelated layers: legal capacity, ownership authority, and evidentiary proof. Legal capacity concerns whether the waqif is legally competent to perform legal acts. In Islamic legal doctrine and Indonesian waqf law, this includes maturity, soundness of mind, voluntariness, and freedom from legal prohibition. Ownership authority concerns whether the waqif owns or legally controls the waqf object. This aspect differs from personal capacity. A person may be legally competent as a legal subject, yet still lack authority to dedicate property that does not belong to him. Evidentiary proof concerns whether the court has sufficient legal evidence to conclude that ownership authority is absent. These three layers should not be merged into a single conclusion.

Article 217 of the Compilation of Islamic Law forms the normative starting point for this distinction. The provision requires that the waqif must be legally capable and that the property being endowed must belong to the waqif. The court interpreted this provision to mean that ownership is a substantive requirement for the validity of waqf. Because the

waqif was found not to be the lawful owner of the land, the Substitute Deed of Waqf Pledge was declared invalid and without legal force. This interpretation is doctrinally understandable because waqf involves the permanent dedication of property and the restriction of its legal circulation. A person cannot create a valid waqf over property that he does not own because such an act would interfere with the rights of the true owner and create uncertainty for the nazhir and beneficiaries.

The court's reasoning would have been stronger had it explicitly separated legal capacity from ownership authority. Legal capacity refers to the waqif's competence as a legal actor, whereas ownership authority refers to the waqif's legal power over the object. The two requirements are related, yet they are not identical. A waqif may be mature, sane, voluntary, and legally competent, while remaining unable to create a valid waqf because the property is not his. Conversely, a person may own property but lack legal capacity due to age, mental incapacity, coercion, or another legal impediment. A more precise doctrinal formulation would indicate that the waqif possessed personal legal capacity but lacked ownership authority over the waqf object, rather than stating that he lacked capacity solely because he was not the owner.

This distinction is important because it affects the evidentiary burden of the case. Where the issue concerns legal capacity, the court must examine evidence related to age, mental condition, voluntariness, and legal competence. Where the issue concerns ownership authority, the court must examine evidence related to title, land registration, acquisition history, government records, grant documents, or other legally recognized proof of land control. Where the issue concerns evidentiary proof, the court must determine whether the submitted evidence is legally sufficient to support the conclusion that the waqif did not own the land. The decision under analysis is doctrinally important because it affirms the ownership requirement, yet it remains analytically incomplete because it does not fully organize its reasoning around these three distinct legal layers.

A central feature of the judgment is the court's reliance on the respondent's confession. The respondent admitted all of the applicant's arguments without exception, including the allegation that the waqif was not the lawful owner of the land. The court treated this confession as complete, binding, and decisive evidence. From the perspective of Indonesian civil procedure, confession is recognized as one of the lawful means of proof. Article 164 HIR and Article 284 RBg classify evidence in civil cases into written evidence, witness testimony, presumptions, confession, and oath. Confession made before the court is further regulated under Articles 174 to 176 HIR and Articles 311 to 313 RBg. In ordinary civil litigation, an in-court confession may possess strong, even perfect and binding, evidentiary value against the party making it.

The evidentiary force of confession nevertheless requires careful contextualization. Confession binds the party who makes it and may resolve disputed facts between litigating parties. Its evidentiary value should not automatically be elevated to conclusive proof of the objective legal status of land, particularly when the disputed object is waqf land. Waqf land is not merely an object of private civil claims. Its legal status may affect religious institutions, educational institutions, community users, nazhir authority, land registration, and public reliance. From this perspective, confession may establish that the respondent does not contest the applicant's claim, yet it does not necessarily establish the objective

legal status of the land against third parties, public institutions, or the broader beneficiary community.

This distinction is crucial in waqf annulment disputes. In ordinary private disputes, confession may be sufficient because the legal consequences are generally limited to the parties. In waqf disputes, the legal consequences may extend beyond the litigating parties. Waqf land may be used for mosques, schools, cemeteries, community facilities, Islamic boarding schools, or other public religious purposes. Rochani, Yuliastuti, and Sudarwanto (2024) show that waqf land can function as sustainable communal space, while Jaenudin, Saepullah, and Hidayat (2021) demonstrate that waqf management by Islamic educational institutions may support community independence. Where the land possesses such public or communal significance, judicial caution is required before treating the respondent's confession as the sole or dominant basis for annulling the deed.

The court's reliance on confession is doctrinally defensible but evidentially insufficient. Its doctrinal legitimacy derives from the recognition of confession in civil procedure. Its evidential weakness arises because the central issue was not merely whether the respondent admitted the applicant's argument, but whether the waqif objectively lacked ownership authority over the land. Resolution of this issue required stronger documentary verification. Judicial examination should have compared the confession with written documents, land administration records, government records, waqf registration documents, and institutional records from relevant authorities. Absence of such verification creates the risk that a procedural admission may be transformed into a definitive conclusion regarding land status.

The critique of the court's reliance on confession becomes stronger when viewed through the evidentiary framework of civil procedure and land law. Although Indonesian civil procedure does not always apply a rigid hierarchy of evidence, written evidence occupies a central position in disputes involving legal status, property rights, and registered land. Article 164 HIR and Article 284 RBg place written evidence at the beginning of the list of civil evidence. Authentic deeds and official documents generally carry strong evidentiary force because they are made by or before authorized public officials. In land disputes, written evidence is particularly important because ownership and land status are not merely factual questions but administrative-legal questions recorded through public registration systems.

Since the disputed object in Decision Number 23/Pdt.G/2018/PA WGP was land, the analysis should not stop at waqf law. Indonesian land law requires attention to the legal basis of acquisition, land registration, certificates, land books, government decisions, grants, historical possession, and administrative records. Government Regulation Number 24 of 1997 on Land Registration establishes land registration as a mechanism for providing legal certainty concerning physical data and juridical data of land. Within this framework, certificates function as strong evidence of rights over land as long as the physical and juridical data contained in them correspond to the land book and measurement documents. A judicial conclusion that land does not belong to the waqif should ideally be supported by land certificates, land books, grant documents, government asset records, local government decisions, or official information from the National Land Agency.

The same analytical approach applies to waqf land registration. Registration of waqf land is not merely an administrative formality but a legal mechanism for protecting the waqf object, nazhir authority, and beneficiary interests. Minister of Agrarian Affairs and Spatial Planning/Head of National Land Agency Regulation Number 2 of 2017 concerning the Procedure for Registration of Waqf Land in the Ministry of Agrarian Affairs and Spatial

Planning/National Land Agency provides a technical framework for registering waqf land. This regulatory framework confirms that the legal status of waqf land must be verified through institutional and documentary channels. In circumstances where the court concluded that the land originated from or belonged to the local government or was intended for the Muslim community, the reasoning should have identified the documentary basis supporting that conclusion.

In the case under analysis, the court concluded that the land belonged to or originated from the local government for the Muslim community rather than from the personal ownership of the waqif. This conclusion was largely supported by the respondent's confession and the applicant's narrative. Considering that the legal consequence was the annulment of a deed issued decades earlier, stronger documentary evidence concerning the land's legal history should have been examined. Relevant documents could include land certificates, land registration records, local government asset documents, grant or donation instruments, minutes of land handover, letters from the National Land Agency, documents from PPAIW, nazhir appointment records, Indonesian Waqf Board records, or official statements from local government. Such documents would enable the court to reconstruct whether the land was private land, government land, communal land, or land allocated for Muslim community use.

The need for stronger proof is also connected to the broader problem of unclear waqf land histories in Indonesia. Haryanto, Maufiroh, and Sulaiman (2023) show that waqf land disputes often arise from unclear ownership, oral waqf practices, and competing claims by heirs or communities. Islamiyati, Setyowati, and Rofiq (2023) identify weak governance and incomplete legal reform as recurring causes of waqf land disputes, particularly in local communities. The case reflects these broader structural problems. The dispute did not arise solely because the waqf deed was formally defective, but because the historical status of the land remained uncertain. Under such circumstances, judicial reasoning should reconstruct the land's legal history through objective documentary evidence rather than relying predominantly on confession.

The annulment of the Waqf Pledge Deed also affects the legal protection of the waqf land, the nazhir, and the beneficiary community. Once the deed is declared invalid, the legal basis for the nazhir's authority becomes fragile. The administrative status of the land may also become uncertain, especially if the deed had been used as the basis for waqf registration or institutional management. The beneficiary community may face uncertainty regarding the continuity of educational or religious use of the land. These consequences demonstrate that annulment is not merely a formal declaration. Its effects may reshape the legal and social relationship between land, institution, and community.

The court's decision can nevertheless be defended from the perspective of legal certainty. If the waqif was not the lawful owner, maintaining the deed would perpetuate a legally defective waqf and create false certainty. A deed that is formally valid but substantively defective may mislead nazhir, beneficiaries, land administrators, and the public. From this perspective, annulment restores doctrinal correctness by affirming that waqf must be based on lawful ownership. Hapsari, Arifin, Herianingrum, and Salma (2024) emphasize that proper waqf land management requires reliable legal and institutional strategies. A court decision invalidating a defective deed may thus be viewed as part of strengthening the legal foundation of waqf governance.

A more difficult question concerns whether the court's reasoning successfully balanced formal legal certainty with substantive justice. Formal legal certainty requires consistent application of the ownership requirement: no lawful ownership, no valid waqf. Substantive justice requires consideration of the broader social function of the land and the interests of the community that may have relied on the waqf arrangement for years. The judgment strongly affirms formal legality but provides limited discussion regarding post-annulment protection of the land's educational or communal function. This limitation constitutes a significant weakness because waqf is designed to preserve benefits over time. Annulment that removes the legal basis for waqf without clarifying future protection for community use may resolve one legal defect while generating a new layer of uncertainty.

A clear post-annulment legal pathway is required to address this concern. The competent institutions should determine the original and current legal status of the land through an administrative and documentary audit involving the National Land Agency, local government, PPAIW, nazhir, and, where relevant, the Indonesian Waqf Board. If the land is proven to be local government land allocated for the Muslim community, the local government should clarify the legal basis of such allocation, whether through grant, use arrangement, transfer, or another lawful public asset mechanism. If the land remains intended for religious or educational purposes, a new waqf process should be conducted by the lawful owner through a valid Waqf Pledge Deed before PPAIW, followed by registration at the land office. If the land cannot legally be transformed into waqf, another protective legal instrument should be employed to secure community use, such as a formal use agreement, institutional management arrangement, or another lawful allocation consistent with land and public asset law.

This post-annulment pathway is necessary because invalidity of the deed does not automatically resolve the question of the land's future legal status. Where the waqif was not the lawful owner, the land should not revert to the waqif's heirs merely because the deed has been annulled. The land should instead be returned to, or confirmed under, the legal authority of the party proven to possess lawful title or control. Where that party is the local government or another institution that originally allocated the land for Muslim community use, preservation of the public or communal function of the land should be ensured through a valid legal mechanism. Such an approach enables restoration of legal certainty while maintaining the social and religious benefits historically associated with the land.

The construction of judicial reasoning in this case is both doctrinally important and analytically incomplete. Its doctrinal significance lies in affirming the fundamental principle that a waqif must be the lawful owner of the waqf object. Its analytical limitation lies in the heavy reliance on confession and the insufficient elaboration of the evidentiary basis of land ownership, the distinction between legal capacity and ownership authority, and the legal consequences for the nazhir and beneficiary community.

The case demonstrates that courts in waqf annulment disputes should adopt a layered reasoning model. The court must first establish jurisdiction and legal standing. The next stage requires identification of the legal position of the parties, including whether the respondent acts as heir, nazhir, beneficiary, government representative, or another interested party. Subsequent analysis should distinguish legal capacity from ownership authority. Assessment of evidentiary proof should then determine whether the alleged absence of ownership is supported by legally sufficient evidence. Evaluation of confession must take into account the public or communal nature of waqf land. Examination of land documents and administrative records is necessary to reconstruct the legal history of the

waqf object. Consideration of the consequences of annulment for land administration, nazhir authority, and beneficiary protection should complete the analytical framework.

Such a model would strengthen the quality of judicial reasoning in waqf disputes. It would prevent courts from collapsing legal capacity, ownership authority, and evidentiary proof into a single conclusion. It would also ensure that confession is not used as a shortcut to determine the objective legal status of land. Most importantly, it would facilitate a balance between formal legality and substantive justice. Waqf law requires strict compliance with ownership requirements while simultaneously demanding protection of the public and religious benefits that waqf is intended to preserve. The annulment of a Waqf Pledge Deed should consequently not be treated as the final stage of legal reasoning. A clear legal pathway must follow, securing the rightful status of the land, protecting beneficiary interests, and, where legally possible, enabling the land to be re-registered or reallocated for its intended religious, educational, or social function.

Conclusion

The analysis of Decision Number 23/Pdt.G/2018/PA WGP shows that the annulment of a Waqf Pledge Deed may be legally justified when the waqif is proven not to be the lawful owner of the waqf object. The main finding of this study is that the validity of waqf depends not only on the formal existence of a deed, but also on the substantive legality of the waqif's ownership authority over the property.

The doctrinal implication of this finding is that ownership of the waqf object must be treated as a fundamental condition of waqf validity under Islamic law and Indonesian positive law. A Waqf Pledge Deed may function as an instrument of legal certainty, but it cannot validate a waqf act that was legally defective from the beginning. Therefore, judicial reasoning in waqf annulment cases must clearly distinguish between legal capacity, ownership authority, and evidentiary proof.

This study also finds a weakness in the court's reasoning. Although the court correctly emphasized the ownership requirement, it relied heavily on the respondent's confession in concluding that the waqif was not the lawful owner. In waqf disputes involving religious, educational, or communal interests, party confession should not be equated with conclusive proof of land ownership. Courts should require stronger documentary and institutional evidence, including land certificates, registration records, government documents, grant instruments, or official information from relevant land and waqf authorities.

Future judicial reasoning in waqf deed annulment cases should adopt a layered model of analysis. Courts should separately examine jurisdiction, legal standing, legal capacity, ownership authority, evidentiary sufficiency, and the post-annulment protection of beneficiaries. Such reasoning is necessary to ensure that waqf deed annulment does not only restore formal legality, but also protects legal certainty, evidentiary accuracy, and the public benefit of community-based waqf assets.

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