



ANALYSIS OF MEDAN STATE ADMINISTRATIVE COURT DECISION NUMBER 147/G/2023/PTUN-MDN ON THE WAQF LAND DISPUTE OF THE GRAND MOSQUE OF RANTAU PRAPAT FROM THE PERSPECTIVE OF FIQH SIYASAH

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ABSTRACT

This study analyzes the Medan State Administrative Court Decision Number 147/G/2023/PTUN-MDN concerning the waqf land dispute of the Grand Mosque of Rantau Prapat from the perspective of fiqh siyasah. This research uses a normative juridical approach with qualitative analysis through the examination of court decisions, waqf regulations, and Islamic legal literature. The findings show that the main issue in the dispute lies in the weak administrative legality of waqf land, particularly the absence of strong certification and the suboptimal role of nazir in protecting waqf assets. The decision was analyzed through three main aspects: the legality of administrative decisions, the evidentiary status of waqf land, and the extent to which the judges' considerations reflect justice and public benefit. The study finds that the decision reflects the principles of siyasah qadha'iyyah in balancing legal certainty, justice, and utility. However, the integration of maqāsid al-sharī'ah, especially in protecting waqf assets, remains limited. Therefore, strengthening waqf land certification, improving nazir professionalism, and applying a more progressive legal approach are necessary to achieve substantive justice.

Keywords: *fiqh siyasah, siyasah qadha'iyyah, waqf dispute, State Administrative Court, maqāsid al-sharī'ah*

1. INTRODUCTION

Waqf is a crucial instrument in the Islamic socio-religious system, serving religious, social, economic, and public welfare functions. In the Indonesian context, waqf is understood not only as a form of transfer of assets for religious purposes, but also as a public asset that must be managed legally, professionally, and sustainably. Law Number 41 of 2004 concerning Waqf emphasizes that waqf assets must be protected, managed, and developed in accordance with the waqf's objectives so that their benefits can be felt by the wider community (Republic of Indonesia, 2004). However, in practice, waqf land management still faces various challenges, particularly related to weak administrative legality, suboptimal waqf land certification, and the low capacity of some nazirs (Islamic administrators) to safeguard and develop waqf assets. This situation demonstrates that

waqf is not only related to the spiritual dimension, but also directly impacts aspects of land law, state administration, institutional governance, and the protection of community assets (Hidayat et al., 2023).

One of the empirical issues that frequently arises in waqf practices is waqf land disputes. These disputes generally arise due to unclear legal status of the land, weak administrative documentation, changes in land function, ownership conflicts, or the weak legal position of the nazir in maintaining waqf assets. Waqf land that is not certified or lacks complete legal administration is prone to conflict between the community, heirs, management institutions, and the government. Idrus (2017) emphasized that unregistered waqf can create legal uncertainty and weaken the protection of waqf assets. Islamiyati (2018) similarly emphasized that disputes over uncertified waqf land are a recurring legal issue due to weak administrative evidence in the land law system. It is in this context that the waqf land dispute over the Great Mosque of Rantau Prapat, examined through Medan State Administrative Court Decision No. 147/G/2023/PTUN-MDN, is crucial for further in-depth study.

Academically, numerous studies have been conducted on waqf disputes, particularly in relation to dispute resolution through religious courts, mediation, the legality of waqf pledge deeds, and legal protection for waqf land. Bukido and Makka (2020), for example, emphasize the importance of the Waqf Pledge Deed as a legal instrument to prevent and resolve waqf land disputes. Islamiyati et al. (2019) also demonstrate that the implementation of waqf regulations plays a crucial role in resolving waqf conflicts, particularly in regions with strong waqf traditions but lacking adequate land administration. Meanwhile, Rohman (2018) examines the resolution of waqf disputes through religious courts, emphasizing the importance of legal certainty in maintaining the sustainability of waqf's social function. While these studies make important contributions, most still place waqf disputes within the framework of Islamic civil law or the authority of religious courts. Consequently, waqf disputes arising from state administrative decisions and being heard through the State Administrative Court have not been widely discussed.

This research gap indicates the need for studies that specifically place waqf land disputes within the realm of state administrative justice. This is important because waqf disputes do not always arise in the form of civil conflicts between individuals or between heirs, but can also relate to the validity of administrative decisions, the actions of state administrative officials, the status of land objects, and the legal consequences of government administrative products. In this position, the State Administrative Court (PTUN) plays a strategic role in assessing whether administrative decisions related to waqf land have met the principles of legality, legal certainty, justice, and benefit. Munthe et al. (2020) explain that waqf land disputes often involve complex relationships between agrarian law, administrative law, and Islamic law, so that their analytical approach cannot be carried out partially. Therefore, the Medan PTUN Decision Number 147/G/2023/PTUN-MDN needs to be studied not only as a product of administrative law, but also as a decision that has consequences for the protection of waqf assets and the public interest of Muslims.

From an Islamic legal perspective, this issue can be analyzed through the framework of Islamic jurisprudence (*fiqh siyasah*), specifically the principle of *qadha'iyah*. *Fiqh siyasah* provides a conceptual basis for how power, policy, and judicial institutions are exercised

to achieve justice and the public good (Azkiah, 2022). Meanwhile, the principle of qadha'iyah relates to the judicial function of upholding the law, resolving disputes, protecting public rights, and ensuring that judges' decisions are based not only on formal legality but also on substantive justice (Lianti et al., 2024; Rambe & Khalid, 2025). In the context of waqf land disputes, this principle becomes relevant because judges are not only faced with administrative issues but also with the protection of waqf assets as religious and social assets. This is where the concept of maqāṣid al-sharī'ah, specifically the protection of property (hifz al-māl) and the public good (maslahah 'ammah), becomes crucial in assessing whether a decision has successfully maintained the social function of waqf and prevented the loss of its benefits to the community (Harahap et al., 2022).

Based on this description, this study presents a novel approach in analyzing the Medan State Administrative Court Decision No. 147/G/2023/PTUN-MDN concerning the waqf land dispute of the Rantau Prapat Grand Mosque from a fiqh siyasah perspective. This research's novelty lies in its attempt to connect three dimensions of analysis: state administrative law, positive waqf law, and the principle of siyasah qadha'iyah, with maqāṣid al-sharī'ah. Thus, this study not only explains the legal-formal aspects of the PTUN decision but also assesses the extent to which the judge's considerations reflect legal certainty, justice, benefit, and protection of waqf assets. This study aims to analyze the main aspects of the Medan PTUN Decision in the waqf land dispute, assess its compliance with the principles of fiqh siyasah, and explain its implications for strengthening waqf governance in Indonesia. Theoretically, this article contributes to expanding the study of waqf disputes from the dominance of religious court approaches to an analysis of state administrative justice. Practically, this article strengthens arguments regarding the importance of waqf land certification, the professionalism of nazir, and the integration of Islamic legal values in resolving waqf land administration disputes.

2. RESEARCH METHOD

This study employs a normative juridical research method with a qualitative-descriptive approach. The normative juridical approach is used because the study focuses on analyzing legal norms, court decisions, waqf regulations, and Islamic legal concepts relevant to waqf land disputes. Normative juridical research essentially places legal materials as the primary object of study to assess the consistency, relevance, and applicability of norms in a specific legal event (Suganda, 2022). In this context, the Medan State Administrative Court Decision Number 147/G/2023/PTUN-MDN is the primary object of analysis to examine how judges assess the legality of administrative decisions, the status of waqf land objects, and the decision's implications for the protection of waqf assets at the Rantau Prapat Grand Mosque. The qualitative approach is used because this study does not aim to measure data statistically, but rather to interpret legal arguments, judges' considerations, and their relevance to the principles of Islamic jurisprudence (fiqh siyasah) in depth and contextually.

The legal sources in this study consist of primary, secondary, and conceptual legal materials. Primary legal materials include Medan State Administrative Court Decision Number 147/G/2023/PTUN-MDN, Law Number 41 of 2004 concerning Waqf, Government Regulation Number 25 of 2018, and other regulations related to land administration and waqf management. Secondary legal materials were obtained from

books, scientific journal articles, previous research results, and legal literature discussing waqf land disputes, state administrative law, agrarian law, and Islamic law. Meanwhile, conceptual materials were used to strengthen the analytical framework, particularly the concepts of *fiqh siyasah*, *siyasah qadha'iyah*, *maqāṣid al-sharī'ah*, *hifz al-māl*, and *maslahah*. The collection of legal materials was carried out through literature studies by reviewing, classifying, and interpreting relevant legal documents and scientific literature. This technique was chosen because library research allows researchers to systematically construct legal arguments based on proven documents, regulations, and scientific thinking (Sulistiani, 2018; Hidayat et al., 2023).

The analysis of legal materials was conducted descriptively and qualitatively, encompassing three main stages. First, the researcher identified key elements of the Medan State Administrative Court Decision Number 147/G/2023/PTUN-MDN, including the parties' positions, the disputed object, the basis for the lawsuit, the judge's legal reasoning, and the ruling. Second, the findings from the decision were compared with waqf regulations and principles of state administrative law to determine the alignment of the judge's considerations with the principles of legality, legal certainty, justice, and expediency. Third, the decision was analyzed using a jurisprudential jurisprudence perspective, specifically *siyasah qadha'iyah*, to assess the judiciary's role in upholding justice and protecting the public interest. In this stage, the principle of *maqāṣid al-sharī'ah* is used as a substantive analytical tool, particularly in examining the extent to which the decision contributes to the protection of waqf assets (*hifz al-māl*) and the public welfare. Thus, the analysis does not stop at the legal-formal aspects of the decision but is also directed at assessing whether the decision reflects substantive justice in protecting waqf assets as public assets of the Muslim community (Azkiah, 2022; Lianti et al., 2024; Rambe & Khalid, 2025).

3. RESULT AND ANALYSIS

Judgment Analysis from a *Siyasah Qadha'iyah* Perspective

The Medan State Administrative Court's decision No. 147/G/2023/PTUN-MDN concerning the waqf land dispute for the Rantau Prapat Grand Mosque demonstrates that waqf issues are not solely religious but also closely related to administrative legality, proof of ownership, and the authority of state administrative officials. In this case, the primary aspects that require analysis are how the judge assesses the validity of the disputed object, the strength of the waqf land's administrative documents, and the parties' standing in defending their legal claims. From a *siyasah qadha'iyah* perspective, judges are viewed as holders of judicial functions tasked not only with enforcing formal law but also with ensuring that their decisions reflect justice, benefit, and protect the public interest (Lianti et al., 2024; Rambe & Khalid, 2025). Therefore, analysis of this decision must be viewed from two perspectives: compliance with positive law and its conformity to the principles of justice in Islamic law.

Empirical findings from interviews indicate that the root cause of waqf land disputes is largely influenced by weak waqf administration during the initial land transfer. One informant from the mosque management stated, "This problem arose because the waqf documents were not well-organized from the start. The community understood the land

as waqf land for the benefit of the mosque, but when it entered the legal realm, what was requested was written proof and a clear certificate." This quote demonstrates the gap between the community's socio-religious recognition of the waqf land's status and the demands for formal proof within the state legal system.

Within a positive legal framework, administrative proof is crucial because state administrative courts operate based on the legality of documents, the authority of officials, and the validity of administrative decisions. However, from a *siyasah qadha'iyah* perspective, this issue cannot simply be seen as a weakness in the documentation but also as a challenge for the judiciary in bridging state legal norms with the socio-religious realities of society. This aligns with Idrus's (2017) view that unregistered waqf has the potential to create legal uncertainty and weaken the protection of waqf assets. From the judge's perspective, the Medan Administrative Court Decision can be understood as an effort to establish the principle of legal certainty as the primary basis for assessing waqf land administration disputes. Judges are responsible for assessing whether the administrative decisions or actions that constitute the object of the dispute comply with laws and regulations, authorized procedures, and the evidence presented by the parties. In an interview, an informant familiar with land administration explained, "Once it reaches the courts, the most decisive factor is formal evidence. Public recognition is important, but judges will still consider whether there is a legal basis, certificate, or document that can prove the land's status." This statement emphasizes that state administrative justice relies heavily on the power of legal administration. However, when analyzed through *siyasah qadha'iyah*, judges ideally should not only be readers of legal texts, but also interpreters of justice values that consider the social function of waqf as public property of the people. In this context, the principle of *siyasah qadha'iyah* positions the judiciary as an instrument for maintaining legal order while preventing the loss of public benefit due to procedural or administrative weaknesses (Azkiah, 2022; Harahap et al., 2022).

Further analysis shows that the ruling reflects the principle of *siyasah qadha'iyah* in its formal aspects, particularly as the judge carries out his judicial function through examining evidence, assessing administrative legality, and making decisions based on applicable legal norms. However, substantively, this ruling can still be criticized because it does not fully demonstrate explicit integration with the principle of *maqāṣid al-sharī'ah*, particularly regarding the protection of waqf assets or *hifz al-māl*. In Islamic law, waqf land is not merely an agrarian object, but an asset that has been released for the purposes of worship and the public good. Therefore, the loss or weakness of protection for waqf land can be understood as a form of disruption to the purpose of sharia in safeguarding the wealth of the community. Hidayat et al. (2023) emphasized that waqf management must be directed at protecting, developing, and sustaining the benefits of waqf assets. Therefore, when courts assess waqf land disputes, the formal legal aspect is important, but it must not be separated from the beneficial values inherent in the social function of waqf.

Based on this analysis, the Medan Administrative Court Decision Number 147/G/2023/PTUN-MDN can be assessed as a decision that has demonstrated the judicial function in maintaining legal certainty, but still requires strengthening in the dimension of substantive justice based on *siyasah fiqh*. From the perspective of *siyasah qadha'iyah*, an ideal judge's decision not only resolves disputes procedurally but also provides

direction for the protection of public assets that have religious and social value. Interview findings show that the community and waqf managers need legal certainty to prevent waqf assets from being easily disputed again. This indicates that the resolution of waqf disputes should not stop at the ruling, but needs to continue with strengthening waqf land certification, improving nazir administration, and coordination between land institutions, local governments, mosque administrators, and waqf institutions. Thus, the primary contribution of this analysis is to confirm that *siyasah qadha'iyah* can be used as an interpretive framework for reading PTUN decisions more comprehensively, namely by linking legal certainty, judicial justice, protection of waqf assets, and public welfare (Munthe et al., 2020; Lianti et al., 2024; Rambe & Khalid, 2025).

Implications of the Decision for Islamic Constitutional Law

The Medan State Administrative Court Decision No. 147/G/2023/PTUN-MDN has important implications for the development of Islamic constitutional law, particularly in examining the relationship between the state, the judiciary, and the protection of community religious assets. From an Islamic constitutional law perspective, the state functions not only as a maker and implementer of administrative rules but also as a guardian of the public welfare through fair policies and judicial institutions. The waqf land dispute for the Rantau Prapat Grand Mosque demonstrates that waqf issues cannot be understood simply as ordinary land conflicts, as waqf land has dimensions of worship, social interests, and public interest. Therefore, when waqf disputes reach the Administrative Court (PTUN), the judge's decision not only impacts the validity of state administrative decisions but also the extent to which the state is able to provide legal protection for the community's assets. Within the framework of Islamic jurisprudence (*fiqh siyasah*), this relates to the state's obligation to maintain legal order, prevent social harm, and ensure that waqf assets remain in the public interest (Azkiah, 2022; Munthe et al., 2020).

The first implication of the ruling is the growing need for administrative legality for waqf land. The resulting disputes demonstrate that weaknesses in legal documentation, the lack of strong certification, or the unclear administrative status of land can create loopholes for protracted conflict. In modern state legal systems, certificates and administrative documents are the primary instruments for proving land rights. However, in Islamic law, waqf relies not only on formal aspects but also on the intention, pledge, and social function of the assets donated for the benefit of the community. This tension between socio-religious recognition and administrative proof is a crucial point in the analysis of the ruling. Idrus (2017) emphasized that unregistered waqf can undermine legal certainty and protection. Therefore, from the perspective of Islamic constitutional law, this ruling conveys the message that waqf protection is not sufficient through community moral legitimacy alone but must be strengthened through state administrative instruments, waqf land certification, nazir registration, and measurable institutional oversight.

The second implication relates to the state's responsibility to strengthen waqf governance as part of protecting public assets. Within the *maqāsid al-sharī'ah* (the principles of Islamic law), the protection of assets, or *hifz al-māl*, is one of the primary objectives of sharia, which must be realized through the legal system and public policy.

Disputed waqf land demonstrates that weak governance can leave community assets vulnerable, whether due to administrative conflicts, ownership claims, or unclear management authority. In this context, the nazir plays a strategic role as the party responsible for safeguarding, managing, and developing waqf assets. However, the nazir's responsibilities cannot stand alone without regulatory support, government guidance, and a clear land administration system. Hidayat et al. (2023) explain that waqf management from the perspective of Islamic law and Law Number 41 of 2004 demands professionalism, accountability, and adherence to the objectives of waqf. Therefore, this ruling implies that Islamic constitutional law must be interpreted as a system that encourages synergy between the state, nazir, land institutions, and society in maintaining the sustainability of waqf functions.

The third implication is the need to integrate positive law and the principles of Islamic jurisprudence (fiqh) in resolving waqf disputes. Administrative Court decisions essentially operate within the framework of state administrative law, assessing the validity of the actions or decisions of state administrative officials. However, because the disputed object relates to waqf land, legal analysis cannot be separated from Islamic legal values. This is where the concept of *siyasah qadha'iyah* becomes relevant, as this concept positions the judiciary as an instrument for upholding justice, safeguarding community rights, and ensuring that the law is oriented not only toward formal procedures but also toward the public interest. Lianti et al. (2024) emphasize that *siyasah qadha'iyah* provides scope for assessing the role of judges in ensuring decisions align with Islamic principles of justice. Thus, the Medan Administrative Court decision can be read as a momentum to broaden the perspective of administrative courts on waqf disputes, by linking administrative legality, protection of waqf assets, and the public interest more comprehensively.

The fourth implication relates to the importance of a progressive legal approach in resolving waqf land administrative disputes. If judges rely solely on formal evidence without considering the socio-religious dimensions of waqf, the decision risks stopping at procedural legal certainty, but not necessarily resulting in substantive justice. In Islamic constitutional law, justice is understood not only as conformity to the text of the regulation, but also as the law's ability to safeguard the public interest and prevent harm. Therefore, a progressive approach is crucial so that judges can interpret waqf cases more contextually, especially when there is a gap between administrative evidence and the community's social recognition of the waqf land's status. Ardiansyah (2024) explains that law enforcement in land cases requires interpretive courage so that the law becomes not merely a legalistic tool but also an instrument of social justice. In this context, the Medan Administrative Court Decision provides a lesson that the resolution of waqf disputes needs to be directed towards a judicial model that combines legal certainty, protection of community assets, and public interest values as the basis for substantive justice.

Thus, the Medan Administrative Court Decision Number 147/G/2023/PTUN-MDN has broad implications for strengthening Islamic constitutional law in Indonesia. This decision demonstrates the need for the state to develop a more integrative waqf protection system, starting with certification of waqf land, increasing the professionalism of nazirs (administrators), strengthening inter-institutional coordination, and developing a judicial paradigm responsive to sharia values. Theoretically, this decision strengthens the relevance of *fiqh siyasah* as an analytical framework for the practice of state

administrative law, particularly when the object of dispute concerns the interests of the community and religious public assets. Practically, this decision emphasizes that waqf protection should not depend solely on public awareness but must be institutionalized through transparent state policies, orderly land administration, and court decisions oriented towards substantive justice. Therefore, Islamic constitutional law in this context not only functions as a normative concept, but also as an ethical-juridical foundation to ensure that the state is present in protecting waqf assets as part of the welfare of the people (Harahap et al., 2022; Rambe & Khalid, 2025).

4. CONCLUSION

This study concludes that the Medan State Administrative Court Decision Number 147/G/2023/PTUN-MDN in the waqf land dispute of the Rantau Prapat Grand Mosque demonstrates the importance of administrative legality as the primary basis for protecting waqf assets in the national legal system. The decision reflects the principle of *siyasah qadha'iyah* through the judge's assessment of the legality of administrative decisions, the strength of evidence, and efforts to balance legal certainty, justice, and benefit. However, the analysis shows that the integration of the *maqāṣid al-sharī'ah* principle, especially the protection of waqf assets (*hifz al-māl*) and public welfare, still needs to be strengthened so that the resolution of waqf disputes does not only stop at the procedural aspect, but also produces substantive justice. The contribution of this article lies in expanding the study of waqf disputes from the dominance of religious courts to an analysis of state administrative courts from the perspective of *fiqh siyasah*. Therefore, strengthening the certification of waqf land, increasing the professionalism of nazirs, ensuring orderly land administration, and implementing a more progressive legal approach are important steps to prevent similar disputes and ensure that waqf assets remain protected as public property of the community.

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