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The Effectiveness of the Notary's Role in Waqf Land Administration as a Basis for Optimizing Waqf Management in Pidie Regency

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Abstract
Law Number 41 of 2004 concerning Waqf (Islamic religious endowment) stipulates that the execution of land waqf must take place before the Waqf Pledge Deed Making Official (PPAIW). Meanwhile, under Law Number 2 of 2014 concerning the Office of Notary, a Notary is authorized to draft authentic deeds for legal acts desired by the parties involved. In practice, the management of waqf land in Pidie Regency is still dominated by simple management methods, meaning that the utilization of legal instruments—specifically authentic deeds—has not been optimized. Consequently, the role of the Notary in supporting productive waqf management has not been fully leveraged, despite the fact that, normatively, Notaries possess the authority to draft deeds related to the legal relationships involved in waqf management.

Keywords: Role of Notary, Waqf Land, Optimization

Introduction

Waqf is a crucial instrument within the Islamic economic system, serving broad social and spiritual functions. As a form of ibadah maliyah ijtima'iyah (an act of worship involving both financial assets and social impact), waqf is not merely oriented toward ritual worship but is also deeply connected to the welfare of the community (ummah). Waqf involves not only individuals but also specific objects and assets dedicated to the common good. In Fiqh (Islamic jurisprudence) literature, waqf is understood as habs al-ashl wa tasbil al-tsamarah—meaning the retention of the principal asset while channeling its yields for the public interest. Thus, waqf plays a central role in establishing a balance between the vertical dimension (the relationship with Allah) and the horizontal dimension (relationships with fellow human beings).

The Quran emphasizes the importance of "sadaqah jariyah" (ongoing charity), the benefits of which continue to flow even after the donor has passed away. This aligns with Allah's word in Surah Al-Baqarah, which translates to: "O you who have believed, spend from the good things which you have earned and from that which We have produced for you from the earth..." From this verse, it is evident that utilizing assets for the benefit of the community carries a profound spiritual dimension. This is also confirmed by the hadith of the Prophet Muhammad SAW which means: From Abu Hurairah radiyallahu `anhu, that Rasulullah SAW said: "When a person dies, then his deeds are cut off except for three things (1) charity, (2) useful knowledge, (3) pious children who pray for him." (HR. Muslim, Kitab al-Wasiyyah, Chapter on what a person gets from his reward after his death, Number 1631) [2].

While neither of these two scriptural sources explicitly mentions waqf (endowment), they implicitly establish a strong theological foundation for the practice within Islam by emphasizing the importance of managing wealth for the sustainable benefit of the community. Surah Al-Baqarah, verse 267, commands believers to spend from the best of their wealth; in the context of waqf, this is interpreted as the permanent transfer of high-utility assets for the public good. The aforementioned hadith affirms that certain deeds continue to yield rewards even after death—specifically "sadaqah jariyah" (ongoing charity)—a characteristic inherent to waqf, as the principal asset remains preserved while its returns are utilized for the community's benefit [3].

In Indonesia, the practice of waqf is officially regulated by Law Number 41 of 2004 concerning Waqf. Article 1, point (1), defines waqf as a legal act performed by a property owner (waqif) to transfer and/or set aside a portion of their assets for utilization—either in perpetuity or for a specific period—for purposes of worship and/or the general welfare in accordance

with Sharia principles.
The content of this article demonstrates that waqf serves not only religious interests but also functions as part of the state legal system, providing legal certainty regarding the endowed assets [4].
In line with changing times, the paradigm of waqf is no longer limited to consumptive management—such as the construction of mosques, madrasas (Islamic schools), or cemeteries—but has shifted toward productive management that generates economic value-added. Productive waqf serves as a strategic solution for community empowerment, particularly in enhancing the economic self-reliance of the Muslim community. According to Wahbah az-Zuhaili, productive waqf embodies the principle of maslahah (public interest) because the endowed asset remains intact, while the returns generated from its management continue to circulate for social benefit [5]. This principle aligns with *maqāṣid al-sharīʿah* (the objectives of Islamic law), which emphasizes the protection of wealth (*ḥifẓ al-māl*) and its utilization for the public good; consequently, the management of productive waqf serves not only as an act of worship but also as a tangible expression of social responsibility within Islam.
The role of the notary is crucial in supporting the legality of waqf (Islamic endowment) legal acts, particularly in the drafting and authentication of deeds related to the management of waqf assets. Article 15 (1) of the Law on the Office of Notary (UUJN) stipulates, among other things, that a notary is authorized to draw up authentic deeds regarding all acts, agreements, and determinations required by legislation and/or desired by interested parties to be set forth in an authentic deed; to guarantee the certainty of the deed's execution date; to keep the deeds in custody; and to issue *grosses* (executory copies), copies, and extracts of deeds—provided that the drafting of such deeds has not been assigned to or reserved for other officials designated by law.
Furthermore, Article 15 (2) letter f of the UUJN states that a notary is authorized to draw up deeds related to specific legal acts required by legislation or desired by interested parties. The deeds a notary may draft are authentic deeds that support the operation of waqf and prevent the assets from falling into neglect. Such deeds may include agreements on waqf investment cooperation, deeds regarding the transfer of yields, and lease agreements for waqf land managed productively [6].
The notary's involvement in waqf entails a significant aspect: acting as a public official authorized to draft necessary deeds—such as waqf management agreements—to prevent the misuse or neglect of waqf assets. Government Regulation Number 42 of 2006 concerning the Implementation of the Law on Waqf emphasizes the need for inter-institutional collaboration in the supervision and development of waqf; however, in practice—particularly in regions such as Pidie Regency—such coordination has not functioned optimally due to administrative limitations and a lack of legal understanding among waqf managers (nazhir) [7].
This situation can create a gap between waqf potential and its actual management in the field. Under prevailing law, waqf land lacking a certificate is difficult to develop legally due to the absence of clear ownership status. Notary involvement in waqf administration or management partnerships only occurs once the waqf asset possesses clear legal standing—specifically, certification [8],—which serves not merely as an administrative obligation but also as a prerequisite for optimizing *waqf*-based Sharia economics.
Waqf management is not merely an administrative matter; it entails a legal responsibility to realize the public interest. The Ministry of Religious Affairs, through its vertical structure—the Office of Religious Affairs (KUA)—spearheads the implementation of these policies, particularly regarding the drafting of the Waqf Pledge Deed (AIW) and the guidance of Nazhir (trustees). However, the legal responsibility for managing economically viable waqf assets has not yet been matched by an adequate administrative system, particularly in regions such as Pidie Regency.
In practice, the Ministry of Religious Affairs faces significant challenges in certifying waqf (endowment) land. These obstacles stem not only from limited budgets and human resources but also from a lack of public legal awareness regarding the urgency of certification. Some nazhir (endowment managers) in Pidie Regency still believe that the AIW executed before an KUA official is sufficient to establish legal legitimacy for the waqf land. However, pursuant to Article 32 (2) of Law Number 41 of 2004, the registration of waqf land is a mandatory requirement for the land to possess definitive legal force under state protection. Certain potentially productive waqf assets remain stagnant because they cannot be utilized in economic activities requiring formal legality—such as investment partnerships or the establishment of waqf based business entities [9].
From an institutional perspective, the role of the notary has become increasingly relevant within the modern legal framework. Notaries serve not merely as deed-drafting officials but also as guardians of the legal balance between the waqif's (endower's) intent, the nazhir's interests, and the legal certainty of the beneficiaries. Under civil law, a deed executed by a notary constitutes an authentic instrument—as stipulated in Article 1868 of the Civil Code—thereby providing conclusive evidentiary weight before the law. Consequently, notary involvement during the initial stages of productive waqf management agreements can strengthen the nazhir's legal position in developing waqf assets through Sharia-compliant business partnerships, while simultaneously preventing future disputes regarding waqf land rights [10]. The notary's role in optimizing waqf also extends to strengthening the legal status of uncertified waqf assets. In practice, notaries can act as facilitators among the nazhir, the waqif, and the Ministry of Religious Affairs to draft supporting deeds that govern waqf management mechanisms, including collaborations with third parties [11].
Empirical data from Pidie Regency reveals a significant disparity between the number of certified and uncertified waqf land parcels, as follows:

Table 1: Productive Waqf Data in Pidie Regency, 2025

No	Subdistrict	Certified Land	Uncertified Land	Productively Managed	Not Yet Managed Productively
1	Pidie	52	17	3 %	97%
2	Kota Sigli	36	60	12 %	88%
3	Padang Tiji	197	73	6 %	94%
4	Kembang Tanjong	115	4	5 %	95%
5	Peukan Baro	237	22	5 %	95%

Data source: Ministry of Religious Affairs, Pidie Regency, 2025.

The data in the table above reveals that the level of productive waqf (endowment) management remains relatively low across all districts. Peukan Baro District holds the largest number of waqf land parcels—totaling 237—yet 22 of these lack land certificates, and only five are being utilized productively; a similar situation exists in the other four districts. These data indicate that the majority of waqf land in Pidie Regency has not been optimally utilized for productive activities, presenting challenges regarding both legal status and actual usage.

This situation demonstrates that, although waqf regulations mandate the recording and registration of waqf assets, in practice, not all waqf assets are managed within an adequate legal framework. The existence of uncertified waqf assets creates legal vulnerabilities, particularly concerning the certainty of the asset's status and the clarity of the manager's (nazhir) authority.

Furthermore, the data indicates that possessing a waqf certificate does not automatically guarantee orderly and sustainable management. There are certified waqf assets that are not managed optimally in practice, as well as uncertified assets at risk of neglect due to weak legal documentation. This suggests that the core issue in waqf management lies not merely in certification, but also in strengthening the legal basis for every legal act related to waqf. Consequently, it is compelling to examine "The Effectiveness of the Notary's Role Regarding Waqf Land as a Basis for Optimizing Waqf Management in Pidie Regency."

Research Methods

The term "method" originates from the Greek word “methodos”, which comprises two elements: “meta”, meaning "through" or "after," and “hodos”, meaning "path" or "way." Thus, a method can be defined as a systematic approach or set of steps for achieving a specific objective [12]. A research method constitutes a rational, structured, and accountable procedure of thought and action designed to obtain valid and reliable data to address the research problem [13].

The type of research employed here is empirical research—specifically, field research focused on the collection of empirical data. The analysis is qualitative in nature, yielding descriptive data—whether written or oral—derived from the individuals involved, as the study aims to seek a scientific answer to a specific problem.

Empirical legal research views law not merely as written norms (law in books) but as a living social phenomenon that is applied and exerts influence on society (law in action). Empirical legal research examines how the law operates in actual practice, the extent to which legal norms are effectively implemented, and the responses of law enforcers and the public to existing regulations [14]. Consequently, in empirical research, the researcher does not simply read statutory provisions but also observes their implementation, the obstacles encountered, and the dynamics of their execution.

The research is situated in Pidie Regency, a location chosen because it features instances of productive waqf (endowment) implementation—involving both certified and non-certified assets—where management by the nazhir (endowment manager) under the direct supervision of the Pidie Regency Ministry of Religious Affairs, as well as the role played by notaries, has not yet reached optimal levels. The study’s population and sample consist of parties directly linked to the implementation and legal status of productive waqf in Pidie Regency. These include notaries practicing within the regency; officials from the Pidie Regency Ministry of Religious Affairs responsible for waqf administration and guidance; nazhirs managing productive waqf assets; and keuchiks (village heads), who play a primary role in facilitating waqf administration at the village level. The selection of this population and sample is based on the fact that these parties hold strategic roles and possess factual knowledge regarding productive waqf practices and their associated legal aspects, making them relevant sources of information for the study. Individuals from this group serve as respondents and informants, depending on their specific functions and roles regarding the waqf matters in question. Finally, the data analysis is descriptive in nature, involving an examination by the author to determine the content or meaning of the legal regulations serving as the basis for resolving the legal issues under study [15].

Result and Discussion

The Effectiveness of the Notary's Role Regarding Waqf Land as a Means to Optimize Waqf Management in Pidie Regency

1. Implementation of Land Waqf in Pidie Regency

The implementation of land waqf (religious endowment) in Indonesia has undergone significant development following the enactment of Law No. 41 of 2004, which serves as the national legal framework for waqf administration. Prior to this law, waqf arrangements were largely based on Islamic law and various administrative provisions that failed to provide comprehensive legal certainty regarding the status of waqf assets. The introduction of Law No. 41 of 2004 established certainty regarding the roles of the wakif (endower), nazhir (manager/trustee), the Official for the Making of the Waqf Pledge Deed (PPAIW), and the Indonesian Waqf Board (BWI), as well as the registration mechanism for waqf assets, thereby enabling waqf management to be conducted in an orderly and transparent manner with clear legal standing.

As an implementing regulation, Government Regulation (PP) No. 42 of 2006 provides detailed rules on waqf implementation procedures—ranging from the execution of the waqf pledge and the appointment or dismissal of the nazhir, to the drafting of the AIW and the Deed Replacing the Waqf Pledge Deed (APAIW), the registration of waqf assets, and the management and development of said assets. These regulations aim to ensure orderly land administration while providing legal protection for waqf assets, preventing changes in ownership or usage that deviate from the waqf objectives established by the wakif. Consequently, every waqf process complies not only with the provisions of Islamic Sharia but also with the administrative law aspects applicable in Indonesia.

In practice, the implementation of land waqf in Pidie Regency adheres to the provisions set forth in Law No. 41 of 2004 and its implementing regulations. Any wakif intending to endow land is required to make the waqf pledge before the PPAIW and fulfill the prescribed administrative requirements. Once the pledge has been executed, the waqf land is registered with the competent authority to obtain a waqf land certificate, serving as a form of legal protection for the waqf asset. Pidie Regency is one of the areas in Aceh Province experiencing rapid growth in land waqf (religious endowment). This trend is closely linked to the local community's view of waqf as a form of worship that holds both social and religious significance. In Pidie Regency, waqf land is generally utilized for the construction of mosques, “meunasah” (village prayer halls), “dayah” (Islamic boarding schools), religious study centers, public cemeteries, and Islamic educational facilities. Such utilization demonstrates the substantial contribution waqf makes toward supporting the provision of religious services and community empowerment at the village (“gampong”) level [16].

In practice, a person intending to dedicate land as waqf (endowment) first conveys their intent to the nazhir (custodian/manager) who will receive and manage the endowment assets. Once an agreement regarding the purpose and allocation of the waqf is reached, the waqif (endower) and the nazhir visit the District KUA, which acts as the Official Authorized to Draw Up the PPAIW. At this stage, the PPAIW verifies the identities of the parties, the land ownership status, and the completeness of required documents prior to the execution of the waqf pledge.

The administrative verification process is a crucial stage as it concerns the validity of the waqf object. The land to be endowed must be under lawful possession, free from disputes, unencumbered by security interests (such as mortgages), and not subject to seizure orders. Furthermore, if the land is certified, the data listed on the certificate must match the waqif’s identity. This verification aims to prevent legal issues from arising after the waqf is executed [17].

Once all requirements are deemed complete, the waqf pledge is executed before the PPAIW in the presence of at least two witnesses. Subsequently, the PPAIW draws up the AIW as authentic proof that the legal act of waqf has taken place. In cases of existing waqf arrangements that lack a AIW, the PPAIW may issue a Substitute AIW in accordance with statutory regulations. This document serves as the basis for registering the waqf land at the Pidie Regency Land Office [18].

The success of the waqf land certification process relies heavily on coordination among the waqif, the nazhir, the Office of Religious Affairs, and the Land Office. According to recent studies, common obstacles in the waqf land certification process include incomplete land ownership documentation, a lack of public awareness regarding the importance of certification, and the existence of older waqf lands that lack adequate administrative proof [19]. Such evidence may consist of written documentation or witness testimony with a sufficient degree of veracity to prove [20] that the land is waqf land.

2. The Effectiveness of the Notary's Role Regarding Waqf Land as a Basis for Optimizing Waqf Management in Pidie Regency

The effectiveness of a role is fundamentally measured by the extent to which the authority granted by legislation can be exercised to achieve established objectives. In the context of the notary office, effectiveness is gauged not merely by the volume of deeds executed, but also by how well the exercise of notary authority aligns with public needs. Therefore, any discussion regarding the effectiveness of the notary's role concerning waqf (endowment) land in Pidie Regency must begin with an understanding of the scope of notary authority as stipulated in UUJN, followed by a comparison with the waqf management practices prevalent in the community.

Pursuant to Article 1, point 1 of UUJN, a notary is a public official authorized to draw up authentic deeds and possesses other powers as determined by said Law or other legislation. Furthermore, Article 15 (1) affirms that a notary is authorized to draw up authentic deeds regarding any act, agreement, or determination required by the parties involved or mandated by legislation. Additionally, Article 15 (2) empowers a notary to certify signatures, register private documents, make document copies, certify photocopies, provide legal counseling, draft deeds related to land matters, and exercise other powers granted by legislation.

When these provisions are viewed in conjunction with Law Number 41 of 2004, it becomes evident that a notary is not the official authorized to carry out the land waqf process. Articles 17 through 21 of Law Number 41 of 2004 stipulate that the waqf pledge (ikrar wakaf) is made by the waqif (endower) to the nazhir (endowment manager) in the presence of the PPAIW; this pledge is subsequently formalized in a AIW, which serves as the basis for registering the waqf land. These provisions indicate that the primary authority in the land waqf process rests with the PPAIW, whereas a notary lacks the authority to draft the AIW or to assume the PPAIW's role in the implementation of land waqf.

Nevertheless, this does not mean that a notary has no connection whatsoever to waqf management. The authority granted under the Law on the Notary Profession can still be utilized in various aspects of developing waqf assets, particularly those requiring authentic evidentiary documents. Examples include establishing a foundation to serve as the nazhir (manager) legal entity, amending a foundation’s articles of association, drafting cooperation agreements, and executing deeds related to business activities conducted by the nazhir. Thus, the notary's role is focused on providing legal certainty regarding the legal relationships arising from waqf asset management, rather than on the actual implementation process of the waqf itself.

This view aligns with research findings by Pranadiana Marginingrum and Affan Riadi, which state that the development of productive waqf requires the support of legal instruments to ensure professional management and legal certainty. However, the research also indicates that, in practice, the community still prioritizes trust over the use of formal legal instruments in waqf management [21]. Consequently, the utilization of notary services has not developed optimally, particularly in small-scale, community-based waqf management.

In the author's view, this situation also reflects the practice of waqf land management in Pidie Regency. Most productive waqf assets—such as rice fields, plantations, fishponds, and orchards—are managed simply by the nazhir based on the waqif's (donor's) mandate. The legal relationships arising from this management are generally based solely on agreements between the parties, without being formalized in authentic deeds. In some instances, management arrangements are evidenced only by private written agreements or verbal understandings rooted in kinship and mutual trust. Such management patterns result in limited notary involvement, as the community does not yet view the use of authentic deeds as a pressing legal necessity.

When analyzed from the perspective of legal effectiveness, this situation does not necessarily indicate that notaries have failed to perform their duties and exercise their authority. Rather, the limited role of notaries stems from the nature of productive *waqf* (endowment) management, which has not yet evolved toward management via legal entities or complex business activities. As long as waqf management remains traditional and involves only simple legal relationships, the need for authentic deeds remains relatively low. Consequently, the scope for notaries to exercise their authority is restricted.

A different scenario arises when waqf management is conducted through foundations or legal-entity nazhirs (endowment administrators) that develop waqf assets through productive business ventures, investments, or partnerships with third parties. In such cases, authentic deeds become crucial as evidence providing legal certainty for the parties involved, thereby allowing notaries to play a more tangible role in supporting professional, transparent, and accountable waqf management.

The effectiveness of the notary's role regarding waqf land in Pidie Regency cannot yet be considered optimal. This conclusion is not due to any lack of capability or failure in duty performance on the part of notaries; rather, it stems from the fact that the scope of a notary's authority—as defined by the Law on the Notary Profession—does not extend to the execution of the waqf pledge or the management of waqf land itself.

Furthermore, productive waqf management practices in Pidie Regency remain dominated by traditional management models that do not require the use of authentic deeds for every legal transaction. This situation has resulted in notaries not yet playing a dominant role in the administration of productive waqf, even though, from a normative standpoint, they retain the potential to contribute to specific legal aspects within the limits of their authority.

According to the Head of the KUA and the official responsible for waqf (endowment) matters at the Pidie Regency Ministry of Religious Affairs office, notaries play a crucial role in supporting the management of productive waqf. They note that authentic deeds drawn up by notaries provide legal certainty regarding collaborative arrangements between the nazhir (endowment manager) and other parties. Furthermore, such documents facilitate guidance and supervision processes, as waqf management data can be updated within the waqf information system managed by the Ministry of Religious Affairs. Consequently, the waqf not only holds the status of productive waqf but also benefits from more orderly administration and optimized management [22].

These interviews reveal that the need for a notarial deed relates not only to legal evidentiary aspects but also to supporting administrative order in waqf management. If every form of collaboration in productive waqf management is backed by an authentic deed, supervision by the Ministry of Religious Affairs and the Indonesian Waqf Board becomes easier, as any changes in management patterns rest on a clear legal basis. Ultimately, this situation can enhance the accountability of waqf asset management on a sustainable basis.

Interviews with ten “keuchik” (village heads) in Pidie Regency indicate that only one had been directly involved in the implementation process of either productive or non-productive waqf. Most “keuchik” stated that this limited involvement was due to the periodic nature of their tenure; consequently, many waqf implementations occurred before they took office. As a result, their knowledge regarding productive waqf management processes was derived primarily from information provided by the nazhir or local community members, rather than from direct experience with the waqf implementation process itself [23].

In practice, most nazhir still prefer using verbal agreements or private written agreements (“surat perjanjian di bawah tangan”) when collaborating on productive waqf management. The use of notarial deeds is generally found only in waqf management involving educational or social foundations, or in plantation land lease agreements with third parties. Beyond being viewed as more practical, the cost of drafting a notarial deed is a factor; people often prefer simpler mechanisms as long as the collaborative relationship remains grounded in mutual trust.

According to Mrs. Siti Hawa, a member of Commission V of the Pidie Regency Regional House of Representatives (DPRK), the low utilization of notary services in the management of productive waqf (endowment) is primarily due to a lack of public legal awareness. She noted that the public often believes a waqf land certificate offers sufficient legal protection, meaning the use of an authentic deed—such as a notarial deed—for management cooperation is not yet viewed as a necessity. In reality, however, a notarial deed provides stronger legal certainty should a dispute arise between the parties involved in the future [24].

Furthermore, a survey of ten nazhir (endowment administrators) revealed that five of them had utilized notarial deeds for productive waqf management, particularly for assets managed through partnerships with third parties. These nazhir maintained that authentic deeds clarify the rights and obligations of each party, thereby ensuring more orderly cooperation and reducing the potential for disputes. Meanwhile, the other five nazhir opted for simple agreements, as their management arrangements did not yet require complex contracts [25].

Interviews with the heirs of the waqif (endowers) indicated that nine of the ten original endowers had passed away, meaning information regarding the waqf implementation was obtained from their families. Generally, the heirs were aware that their parents had endowed the land but lacked a detailed understanding of the ongoing productive waqf management mechanisms. Nevertheless, all heirs stated they continued to entrust the management of the waqf assets to the nazhir, believing the administrators were fulfilling their mandate in accordance with the endower's original intent. This situation demonstrates that trust remains the primary basis for productive waqf management in Pidie Regency, although there is still room to enhance legal certainty through the increased use of authentic deeds [26]. Such measures would ensure the protection of waqf land and foster proper governance and legal order regarding waqf assets [27].

Regarding the role of the Notary, while notaries do not directly manage waqf assets themselves, their services are utilized to draft deeds for establishing legal entities—such as foundations—or for formalizing arrangements for the management of agricultural lands and plantations. A notary's authority is limited to the drafting of authentic deeds in accordance with the Law on the Office of Notary, whereas the management and optimization of waqf fall under the authority of the Ministry of Religious Affairs, the Indonesian Waqf Board, and the *nazhir*. The establishment of a legal entity—such as a foundation arising from the development of waqf land—is considered a legal act distinct from the management of the waqf itself.

Consequently, the involvement of a notary occurs only when the parties require an authentic deed in compliance with legal provisions [28].

A similar view was expressed by the second notary, who assessed that the notary's role in the management of productive waqf (endowment) cannot yet be considered effective, given the limited scope of their authority. According to the informant, the success of productive waqf management depends more on the nazhir's (manager's) ability to manage the waqf assets than on the existence of a notarial deed. Nevertheless, if a nazhir executes a cooperation deed or management agreement through a notary, the document can provide legal certainty and serve as a supporting factor for the more professional development of productive waqf [29].

Meanwhile, the third notary stated that, throughout their tenure, they had never handled the drafting of a deed directly related to the management of productive waqf land. In their view, waqf management practices have largely been carried out by the nazhir based on waqf regulations, without involving authentic deeds. Notarial involvement is only required when the nazhir enters into a partnership with a third party or establishes a legal entity as a vehicle for developing waqf assets. Thus, the notarial deed functions as a supporting instrument in waqf governance rather than a decisive element in the implementation of productive *waqf* management [30].

The interview results reveal differing perspectives regarding the necessity of notarial deeds in productive *waqf* management. The Ministry of Religious Affairs and the KUA view notarial deeds as a means to strengthen administration and support the optimization of waqf management, whereas notaries maintain that their involvement is limited to exercising the authority prescribed by the Law on the Notary Profession. On the other hand, the public and the majority of nazhirs continue to prioritize relationships based on trust and simple agreements when collaborating on productive waqf management. These divergent views indicate that the need for notarial deeds is not yet uniformly understood by all parties involved in waqf management.

Based on the research findings, the author argues that the role of notaries regarding waqf land in Pidie Regency cannot be considered effective, in the sense that their contribution to productive waqf management remains limited. From the perspective of role theory, this situation arises because the scope of a notary's authority—as restricted by the Law on the Notary Profession—does not extend to waqf management. From the perspective of legal certainty, the existence of an authentic deed remains significant in ensuring clarity regarding the legal relationship between the *nazhir* and third parties.

Furthermore, in terms of public benefit, the use of authentic deeds has the potential to improve the governance of productive waqf (endowments), thereby ensuring that waqf benefits are preserved and expanded to generate broader societal welfare. Consequently, optimizing the role of the notary is not intended to extend their authority beyond statutory limits, but rather to maximize their existing powers to support the orderly, secure, and sustainable management of productive waqf.

This analysis aligns with research indicating that optimizing productive waqf depends not only on the availability of legal instruments but also on the capacity of the nazhir (endowment manager), public legal awareness, and sound institutional governance. The utilization of legal instruments in productive waqf management remains relatively low because the community prioritizes trust over legal certainty [31].

Based on these research findings and analysis, the role of notaries regarding waqf land in Pidie Regency has not yet been effective; however, this is not due to a failure of the notary to perform their duties as a public official. Rather, this ineffectiveness stems from the limited scope of notary authority under the Law on the Notary Profession and the characteristics of productive waqf management in Pidie Regency, which remain dominated by traditional management patterns. Consequently, the use of authentic deeds has not yet become a primary requirement in forms of waqf management collaboration. Nevertheless, should productive waqf management evolve in the future through legal entities, investments, or third-party partnerships, the notary could potentially play a more significant role in ensuring legal certainty and optimizing the management of waqf assets.

Conclusion

The role of notaries regarding waqf (endowment) land in Pidie Regency has not yet been effectively utilized to optimize waqf management. This is because the notary's authority does not extend to the execution of the waqf pledge (ikrar waqf) or the drafting of the AIW; furthermore, the use of authentic deeds in the management of productive waqf remains very limited. Notaries are engaged only for specific legal requirements within their scope of authority to support legal certainty and administrative order in waqf management.

Suggestions and Recommendations

There is a need to increase the use of notarial deeds in the management of productive waqf, particularly regarding the establishment of legal entities, cooperation agreements, and other legal actions. Such measures are expected to provide legal certainty and support administrative order in waqf management without diminishing the authority of the PPAIW in the execution of waqf pledges.

The Ministry of Religious Affairs and the Indonesian Waqf Board need to enhance guidance, public outreach, and coordination regarding waqf land management—specifically emphasizing the importance of administrative order and the use of necessary legal instruments for productive waqf management. These efforts are expected to foster more professional and sustainable waqf management that delivers optimal benefits to the community.

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