

STRENGTHENING WAQF INSTITUTION TO DEVELOP INTELLECTUAL PROPERTY AS A WAQF ASSET

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Abstract

Purpose of the study: This study aims to provide a proposed model for intellectual property as a waqf asset with the perspective of legal substance and legal structure.

Methodology: This study was conducted by examining various regulations in the field of waqf. In-depth Interviews with the Indonesian Waqf Board and D.G.I.P. are used to identify obstacles to the implementation of I.P.R. Waqf. The data obtained were analyzed using a qualitative approach and presented in the descriptive form.

Main Findings: The results show that B.W.I., P.P.A.I.W., Appraisal, and Commercial Court play an important role in establishing a legal structure for the implementation of I.P.R. waqf. P.P.P.A.I.W. directly pertains to success in the administration of I.P.R. waqf. B.W.I., as a Nazir advisor, is needed in the socialization and enhancement of Nazir competencies, especially Intellectual Property Rights. Commercial Court, as a judicial institution that has the authority to provide the determination, can be involved in the process of implementing I.P.R. waqf. Meanwhile, to find out the economic value of I.P.R., an appraisal can also be involved.

Applications of this study: This study is useful for the Indonesian Government to make implementing regulations regarding Waqf with I.P.R. assets.

The originality of this study: Previous research has identified Waqf with I.P.R. assets; however, the research has not developed a model that can be used as a recommendation for the Indonesian Government. This study exhibits a model that is examined using a conceptual approach, legislation, and discussion with stakeholders in the field of waqf.

Keywords: *Social Welfare, Waqf of I.P.R., Waqf Asset, Indonesian Waqf Board, Commercial Court.*

INTRODUCTION

In recent years, the practice of *waqf* has evolved and serves as a support for improving the social and economic community (Ihsan et al., 2017; Puspitasari, 2017). The development of Waqf in Indonesia has increased significantly, as evidenced by the number and object of waqf property in the form of land, money, and others spread in various regions in Indonesia. In 2010, there were 415,980 waqf objects and increased to 435,395 waqf objects in 2013 (Huda et al., 2014). In cash, waqf started by the Indonesian Waqf Board (B.W.I.) in 2010, it generated a value of 2 million rupiahs and increased to 185 billion in 2015 (Fauzia & Garadian, 2016). The number continues to increase every day and become a new pillar in the economic development of society. The development of practices and the addition of the number of waqf objects above is also in line with the increasing study of Waqf in Indonesia.

Based on data compiled by the Directorate of Waqf Empowerment of the Ministry of Religion of the Republic of Indonesia, waqf assets recorded in all regions of Indonesia in 2009 were located in 367,438 locations with an area of 2,719,854,759.72 m². Of the total number, 75% of them are already endorsed, and 10% have high economic potential. Unfortunately, this potential has not been optimally utilized in the welfare of the people and in strengthening the Indonesian economy. As one of the efforts to develop Waqf, the Government of Indonesia has issued Law Number 41 of 2004 concerning Waqf (Waqf Law) along with Government Regulation Number 42 of 2006 (P.P. Waqf) as a legal umbrella in the implementation of waqf. The issuance of the *Waqf* Law is one of the Government's efforts to expand *Waqf* assets which were previously limited to increasing immovable assets to movable assets, even intangible (Praja et al., 2018, 2019).

Intellectual Property Rights (I.P.R.) is one of the intangible waqf assets contained in Article 16 of the Waqf Law. Recognition of I.P.R. as a waqf asset is a new concept in Indonesian Waqf. Although it was stated in the Waqf Law in 2004, in the author's preliminary studies based on interviews with the Indonesian Waqf Board (B.W.I.), there is no waqf implementation with I.P.R. assets. For this reason, it is necessary to examine the factors that caused the absence of the implementation of Waqf with I.P.R. assets and design a model for the implementation of waqf through strengthening institutional waqf and parties related to waqf.

LITERATURE REVIEW

An Overview of Waqf in Indonesia

The term waqf means *al-habsu* (holding) or stopping something or staying in place. In terminology, the meaning of Waqf is *Tahbisul Ashlwa Tasbiilul Manfa'ah*, which means "hold an asset and provide benefits". While legally, the

scholars differed in defining waqf. The difference in this definition occurs because of differences in the schools of faith, both in terms of prevalence and uncommonness, the terms of the approach in matters of waqf, and the position of the owner of the waqf after being represented. The difference also concerns the procedures for implementing waqf.

In the context of Waqf law in Indonesia, waqf asset is defined as: "property that has long-lasting durability, long-term benefits, and has economic value according to shari'ah. Waqf asset can be represented if owned and controlled by the Wakif legally (Article 15) ". Waqf property consists of movable and immovable assets (Article 16 paragraph 1). Immovable property includes: (a) land rights in accordance with the provisions of the applicable laws and regulations those that have not yet been registered; (b) buildings; (c) plants and other objects related to the land; (d) ownership rights of apartment units in accordance with the provisions of the applicable laws and regulations; (e) other immovable property in accordance with the provisions of sharia and the applicable laws and regulations (Article 16 paragraph 2). Movable property is the non-consumable property which includes: (a) money; (b) precious metals; (c) securities; (d) vehicles; (e) intellectual property rights; (f) rental rights; and (g) other movable objects in accordance with the provisions of sharia and the applicable laws and regulations (Article 16 paragraph 3).

The development of Waqf in Indonesia is in line with the development of the spread of Islam. In the beginning, the need for mosques to carry out ritual activities and Islamic propaganda had a positive impact, namely the giving of waqf land to establish mosques became a common and widespread tradition in Islamic communities in Indonesia. Along with the social development of Islamic society, the practice of waqf has progressed gradually. Waqf tradition for places of worship persisted and other waqf began to emerge for educational activities such as for the establishment of pesantren and madrasa. In the following period, the use of waqf continued to expand, to include health social services, such as the establishment of health clinics and orphanages. Indonesia has the potential for Waqf both Waqf of immovable assets (such as land) and immovable assets (such as cash waqf and I.P.R.). There are several factors that are thought to bring up optimism about the potential for Waqf in Indonesia. First, Indonesia already has legal-institutional capital for the development and management of waqf, in the form of a legal umbrella regarding waqf and its management institutions, as stipulated in the Waqf Law and its derivatives regulations. Second, the wealth of natural and human resources is very large, and third is the income of the Muslim community, especially the upper middle class which tends to increase.

Regarding potency of cash waqf in Indonesia, Mustafa Edwin Nasution and Uswatun Hasanah ([Medias, 2010](#)) states that the assumption the number of the middle class Muslim population in Indonesia is 10 million with an average monthly income of IDR. 500,000.00 - IDR. 10,000,000.00 the calculation can be seen in table 1.

Table 1: Potency of Cash Waqf in Indonesia

Income / month	The number of Muslims	of Waqf rates/month	Potential Waqf/month	Cash	Potential Waqf/year	Cash
IDR. 500,000	4 Million	IDR. 5,000	IDR. 20 Million		IDR. 240 Trillion	
IDR. 1-2 Million	3 Million	IDR. 10,000	IDR. 30 Million		IDR. 360 Trillion	
IDR. 2-5 Million	2 Million	IDR. 50,000	IDR. 100 Million		IDR. 1,2 Billion	
IDR. 5-10 Million	1 Million	IDR. 100,000	IDR. 100 Million		IDR. 1,2 Billion	
Total					IDR. 3 Trillion	

Source: Mustafa Edwin Nasution and Uswatun Hasanah in ([Medias, 2010](#))

In addition to cash waqf, Indonesia also has an I.P.R. as one of the potential waqf assets. I.P.R. has great economic potential and supports economic growth ([Hudson & Minea, 2013](#); [Ilie, 2014](#); [Sukarmijan & Sapong, 2014](#); [Winaya & Arief, 2018](#); [Yoshida et al., 2016](#)). Potential Waqf with I.P.R. assets can be seen in the total non-tax state revenue (P.N.B.P.) of I.P.R. in 2014-2018 which can be seen in table 2.

Table 2: P.N.B.P. Statistics of Intellectual Property Applications and Correspondence in the Last 5 Years (in IDR)

P.N.B.P.	2014	2015	2016	2017	2018	Total
Industrial Design Applications	2,566,300,000	3,127,200,000	3,176,000,800	3,552,400,000	1,791,150,000	14.213.050.800
Copyright Applications		72,400,000	2,451,650,000	5,364,450,000	4,694,000,000	12.582.500.000
Geographical Indication Applications	6,500,000	10,000,000	3,500,000	7,500,000	2,000,000	29.500.000
Patent Cooperation Treaty Applications	13,770,000	6,000,000	6,000,000	4,000,000	3,000,000	32.770.000
Trademark Applications	70,201,850,000	89,429,000,000	98,883,600,540	138,499,600,000	63,644,900,000	460.658.950.540
Madrid Applications					7,000,000	7.000.000
Patent	5,665,550,000	6,993,115,000	8,293,685,563	13,969,823,000	7,771,745,000	42.693.918.563
Trademark Extension Applications	40,003,300,000	42,108,000,000	45,542,000,000	45,443,550,000	32,553,000,000	205.649.850.000

P.N.B.P.	2014	2015	2016	2017	2018	Total
Trade Secret Applications	250,000	500,000	500,000	2,750,000	2,000,000	6.000.000
Trademark Correspondence	7,406,300,016	11,566,800,300	13,262,550,000	16,281,300,000	7,396,050,000	55.913.000.316
Copyright Correspondence			17,500,000	30,350,000	16,950,000	64.800.000
Industrial Design Correspondence	193,900,000	425,850,000	328,050,000	227,950,000	71,500,000	1.247.250.000
Patent Correspondence	159,184,273,000	190,677,039,851	379,665,235,146	240,680,335,309	140,643,569,770	1.110.850.453.076
Total	285,241,993,016	344,415,905,151	551,630,272,049	464,064,008,309	258,596,864,770	1.903.949.043.295

Source: Indonesian DGIP

Problems in Indonesian Waqf Development

During this time, many Muslims still think that waqf assets are only used for religious purposes, for example, the construction of mosques and prayer rooms (Medias, 2015; Medias & Pratiwi, 2019). While waqf can be used for shopping centers, the profits of which can be allocated for scholarships for needy children, free health services, or scientific research. In addition to welfare, the use of such examples is also worth worshipping. Waqf law chapter II Article 16 regulates waqf assets in the form of movable assets, including money, gold, securities, vehicles, Intellectual Property Rights (I.P.R.), and rental rights. Even though it is regulated, there are not many waqf implementations with movable property assets, especially I.P.R. Waqf arrangements with I.P.R. assets are also contained in the decision of the Indonesian Ulema Council Fatwa (MUI) No: 1/ MUNAS VII/ MUI/15/2005 concerning I.P.R. waqf.

In addition, the Government also has a mission to change the paradigm of waqf assets from consumptive to productive waqf. According to Kasdi (2017), only 23% of waqf institutions are productive and 77% are still consumptive; as a result, there is no source of funds to finance the socio-religious services carried out by waqf institutions. Several factors cause the consumption which is still consumptive, namely:

1. The orientation of waqf institutions which still have religious missions.
2. Individuals manage 66 % of Nazhir.
3. 84% of Nazhir work as part-time workers.
4. The appointment of Nazhir still tended to be an element of kinship.

According to Friedman in Niswah (2018), there are several juridical obstacles in the Waqf of I.P.R., which include three elements, namely legal substance, legal structure, and legal culture. In terms of legal substance, I.P.R. waqf has not yet explained how the regulation of I.P.R. waqf and its mechanism. In terms of legal structure, it was not yet clear who was involved in the Waqf of I.P.R. While in terms of legal culture, the community is still unfamiliar, accompanied by low acceptance of movable objects as waqf objects making Waqf I.P.R. not yet implemented. This obstacle was emphasized from the results of an interview with the Indonesian Waqf Board (B.W.I.), which stated that the I.P.R. Waqf constraints included:

1. Differences in regulation between Waqf law and I.P.R. law so that it is necessary to identify each I.P.R. regime that can be used as waqf assets.
2. There is no waqf implementation model with I.P.R. assets.
3. I.P.R. holders do not understand that I.P.R. can be used as waqf assets.

METHODOLOGY

This study was conducted by examining various regulations in the field of Waqf and I.P.R. Legal resources used in this research are Law Number 41 of 2004 regarding Waqf (Waqf Law), Government Regulation Number 42 of 2006 regarding Implementation of Law Number 41 of 2004 (P.P. Waqf), Indonesian Ulema Council Fatwa (MUI) No: 1/ MUNAS VII/ MUI/ 15/ 2005 concerning I.P.R. waqf, Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning Notary Position, Regulation of the Minister of Finance of the Republic of Indonesia Number 56 / PMK.01 / 2017 concerning Amendment to the Regulation of the Minister of Finance Number 101 / PMK.01 / 2014 concerning Public Appraisers. In-depth interviews with the Indonesian Waqf Board and D.G.I.P. are used to identify obstacles to the implementation of I.P.R. Waqf. The data obtained were analyzed using a qualitative approach and presented in the descriptive form.

RESULTS AND DISCUSSION

The legitimacy of I.P.R. Waqf and its Legal Substance

Various studies have been carried out to illustrate the suitability of I.P.R. waqf with Sharia principles. Research conducted by [Raji et al. \(2015\)](#) concludes that Islam recognizes I.P.R. as a movable object that requires protection and allows I.P.R. holders to exploit it commercially so that I.P.R. can be represented in principle. [Dhiwangga \(2018\)](#) states that the Waqf of I.P.R. is classified as temporary waqf, and according to [Sulaiman et al. \(2019\)](#) temporary waqf is permitted in Islam.

In the author's previous studies, [Praja et al. \(2018\)](#) concluded that one of the I.P.R. regimes, namely patents, can be used as waqf assets with the provisions that they may not conflict with Sharia principles. In addition to patents, copyrights also become one of the objects that can be used as waqf assets. In accordance with research conducted by [Heniyatun \(2017\)](#) and [Syufa'at \(2017\)](#) which states that copyright waqf is the same as another waqf objects carried out with authentic evidence namely the waqf pledge made by the Official Waqf Pledge Deed Maker (P.P.A.I.W.) and the copyright certificate made by the Indonesian D.G.I.P. Copyright Waqf must be registered with the Indonesian D.G.I.P. to be included in the General Register of Copyright. Copyright waqf can be carried out absolutely (without specified parties who are entitled to benefit from the waqf) and also *muqayyad* (*waqif* determine the parties entitled to benefit from these waqf).

Research from [Romadona \(2018\)](#) states that trademarks can also be represented on the grounds that the concept of waqf objects can be seen from the principle of its benefits. Trademarks that can provide economic benefits are seen as one of the material rights that get legal protection as assets and can be used as the object of the contract, both *mu'awadhah* (exchange/commercial) and *tabarru'at* (non-commercial) contracts. [Praja et al. \(2019\)](#) also identified each I.P.R. regime that could be used as a waqf asset. The results of the study concluded that the entire I.P.R. regime could be used as an asset of waqf, except for Trade Secrets. This object is related to the confidentiality nature of trade secrets that cannot be disclosed to the public. The reason is quite grounded because public disclosure in trade secrets can eliminate the protection of the owner of the Trade Secret concerned, while in waqf, a waqf pledge is required by the owner of the Trade Secret, which includes the object to be represented.

Legal Structure and Waqf of I.P.R. Modeling

According to [Friedman \(1975\)](#), one of the elements that determine the effectiveness of the law is the legal structure. The structure is a pattern that shows how the law is carried out according to its formal provisions. This structure shows how the courts, lawmakers, legal entities, and legal processes are implemented. According to [Arcelia & Adriano \(2015\)](#), The diversity of the approaches around the concept of legal entity make it necessary to contemplate the following comparative table to clearly understand the concept of legal entity:

Table 3: Doctrinal Concept of Legal Entity

Person	Doctrinal Concept
Francisco Carnelutti	Is the meeting point between the economic element and the juridical element
M.F.C. De Savigny	A person is any being capable of obligations and rights, who is endowed with will
Hans Kelsen	The object of a legal obligation or subjective right
Eduardo García Máynez	Any being capable of having powers and duties
Eduardo García Máynez	As a subject with rights and obligations

The focus of the study of the legal entity is the institution, law enforcement, processes that are in it. If in the waqf institution, the focus of the study is on the parties involved in the waqf. The Waqf Law and P.P. regulate the structure of the waqf as follows:

1. *Waqif*

Waqif is a party that makes a donation for its assets consisting of individuals, organizations, and legal entities. Specifically, for individual waqf, several conditions must be met as stipulated in the Waqf Law, namely:

- Adult;
- Have common sense;
- Not prevented from carrying out legal actions, and;
- The legal owner of waqf assets.

Seeing these provisions and related to I.P.R. waqf, a *waqif* must be the legal owner of the I.P.R., as evidenced by a certificate of registration of copyright, patents, industrial designs, trademarks, integrated circuit layout design, and

protection of plant varieties from the Indonesian D.G.I.P. As such, the I.P.R. waqf is a creator or copyright holder, designer, trademark holder, and breeder.

2. *Nazhir*

The Waqf Law stipulates that *Nazhir* waqf can be an individual, organization, or legal entity. Specifically for *Nazhir* individuals mentioned in the Waqf Law include:

- a. Indonesian citizens;
- b. Muslim
- c. Adult;
- d. Trustworthy;
- e. Able physically and spiritually, and;
- f. Not prevented from carrying out legal actions.

Whereas for *Nazhir* organizations and legal entities, the requirement is that the management of the organization/ legal entity concerned meet the individual *Nazhir* requirements and engage in the social, educational, social, and religious fields of Islam. *Nazhir* has the following duties:

- a. Administering waqf property;
- b. Manage and develop waqf property according to its purpose, function, and designation;
- c. Supervise and protect the properties of waqf;
- d. Report the implementation of duties to the Indonesian Waqf Board.

Al-Kabisi examines *Nazhir*'s tasks with a mandatory approach to action taken by *Nazhir* which consists of 5 (five) obligations ([Usman, 2016](#)):

- a. Manage and maintain waqf assets;
- b. Carry out the conditions set during the waqf agreement;
- c. Defend the interests of waqf assets;
- d. Pay off waqf debts;
- e. Fulfill the *mustahiq* rights of waqf assets.

Based on *Nazhir*'s obligations as above, *Nazhir*, both individuals, organizations, and legal entities, must have competence in the use and management of waqf property, including I.P.R. The competency referred to is obtained from the fostering conducted by B.W.I. Regarding I.P.R. waqf, the competencies needed by *Nazhir* must include: 1) Understanding Sharia principles in I.P.R. ownership; 2) I.P.R. asset management; 3) The period of I.P.R. protection because it is related to the period of transfer of rights through waqf.

3. Indonesian Waqf Board (B.W.I.)

B.W.I. is an independent institution to develop Waqf in Indonesia. B.W.I. is an institution that has the capacity and capability to empower waqf assets in Indonesia to be more productive. The importance of establishing an independent national waqf institution is needed in order to foster *Nazhir* (the management of waqf assets) in managing and developing the waqf assets both nationally and internationally. B.W.I. was born as an answer to the development of Indonesian professional management in a more professional and modern way to produce waqf benefits that can prosper the people. B.W.I. occupies a key role, in addition to functioning as *Nazhir*, B.W.I. will also act as a supervisor for *Nazhir* so that waqf property can be managed and developed productively ([Aziz, 2017](#)). The Waqf Law regulates the duties of B.W.I. as follows:

- a. Guide *Nazhir* in managing and developing waqf property;
- b. Manage and develop national and international waqf property;
- c. Give approval and permission for changes in the designation and status of waqf property;
- d. Dismiss and replace *Nazhir*;
- e. Approve the exchange of waqf property;
- f. Provide advice and consideration to the Government in the formulation of policies in the field of waqf.

As stated in the Waqf Law above, B.W.I. has a great responsibility in advancing and developing Waqf in Indonesia. In addition, B.W.I. is also responsible for fostering *Nazhir* to become more professional. For example, by organizing some

waqf property management training including I.P.R., publishing waqf books, and others so that the management and development of waqf property are not left behind with other countries considering that Indonesia is a country with the largest Muslim population in the world.

4. Official Waqf Pledge Deed Maker (P.P.A.I.W.)

P.P.A.I.W. is one of the essential pillars in waqf. Under the Waqf Law, P.P.A.I.W. is an authorized official determined by the Minister of Religion to make the Endowment Pledge Deed (A.I.W.). Specifically, for endowments of movable objects, in P.P. Waqf, it is regulated P.P.A.I.W. that has authority is the Head of the Office of Religious Affairs (K.U.A.) or other officials appointed by the Minister. Explanation from other officials appointed by the Minister, in this case, is the official who organizes Waqf or Notary who is appointed by the Minister. From these provisions, it can be concluded that P.P.A.I.W. for I.P.R. waqf is the Head of K.U.A. or Notary Public. The involvement of P.P.A.I.W., in addition to the Head of K.U.A., aims to facilitate administration, especially in the transfer of rights-bearing in mind that the assets used as waqf assets are movable property.

The roles, duties, and authorities of P.P.A.I.W. are presented in Figure 1.

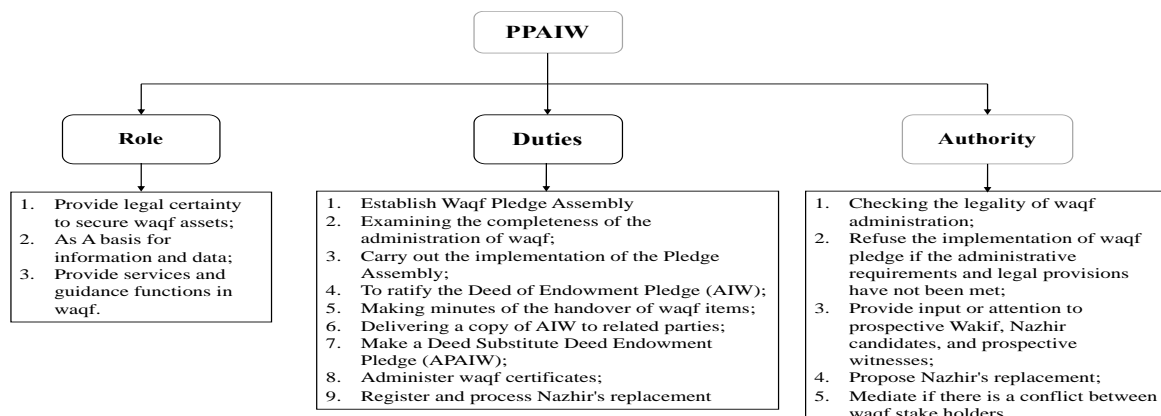


Figure 1: The roles, duties, and authorities of P.P.A.I.W.

It appears that the main task of P.P.A.I.W. is to provide waqf administration and serve the needs of prospective waqf properly. P.P.A.I.W. has a strategic role in waqf services, especially verifying, and create waqf files. P.P.A.I.W. needs to check the legality of the administration of the waqf, especially the ownership of I.P.R. in the form of a certificate of registration and ownership rights issued by the Indonesian D.G.I.P. In addition, the Indonesian D.G.I.P. also has a function as an institution that records the transfer of rights through waqf. On the other hand, to minimize the occurrence of disputes in the I.P.R. Waqf, P.P.A.I.W. also needs to check the I.P.R. certificate by requesting a letter of determination from the Commercial Court stating that the I.P.R. to be represented is not in dispute. If P.P.A.I.W. is a Notary, this examination is under the precautionary principle of the Notary covering ([Manuaba et al., 2018](#)):

1. Pay close attention to the identity of the parties;
2. Verify the subject and object data of the parties carefully;
3. Provide a grace period in working on the authentic deed;
4. Act carefully and thoroughly in the process of creating the deed;
5. Meet all technical requirements for creating a notarial deed.

In addition to the involvement of the Indonesian D.G.I.P. and commercial court in the implementation of I.P.R. waqf, a public appraisal is also needed as an economic appraiser considering that the I.P.R. material is intangible assets. An appraisal is one of the service sub-sectors that can play an essential role in determining the economic value of assets and potential assets owned, both tangible and intangible assets. Regulation of the Minister of Finance of the Republic of Indonesia Number 56 / PMK.01 / 2017 concerning Amendment to the Regulation of the Minister of Finance Number 101 / PMK.01 / 2014 concerning Public Appraisers is the main guideline for the implementation of the primary duties of the appraisal. Article 5 paragraph 3 letter estates that one of the business valuation services in the form of intangible assets, which in this case can be interpreted is I.P.R. Before being granted permission to conduct an appraisal, the appraisal must first pass professional ethics training and become a member of the public appraisal association. With the existence of a public appraiser in I.P.R. waqf, then the economic value of the I.P.R., which will be represented, will be seen so that the social welfare that is the goal of Waqf will be achieved. Related to sharia compliance, research conducted by [Sulistyaningsih, Heniyatun, Praja, & Nurjaman \(2019\)](#) states that the Ministry of Religion as an Institution to consult aspects of Sharia in I.P.R. which will be used as waqf assets. In this case, it is necessary to add Nazhir's function as the manager of waqf assets. For this reason, the Government needs to encourage B.W.I. to develop Nazhir in

the management of waqf property. Based on the description above, the proposed model for implementing I.P.R. Waqf is presented in Figure 2. as follows.

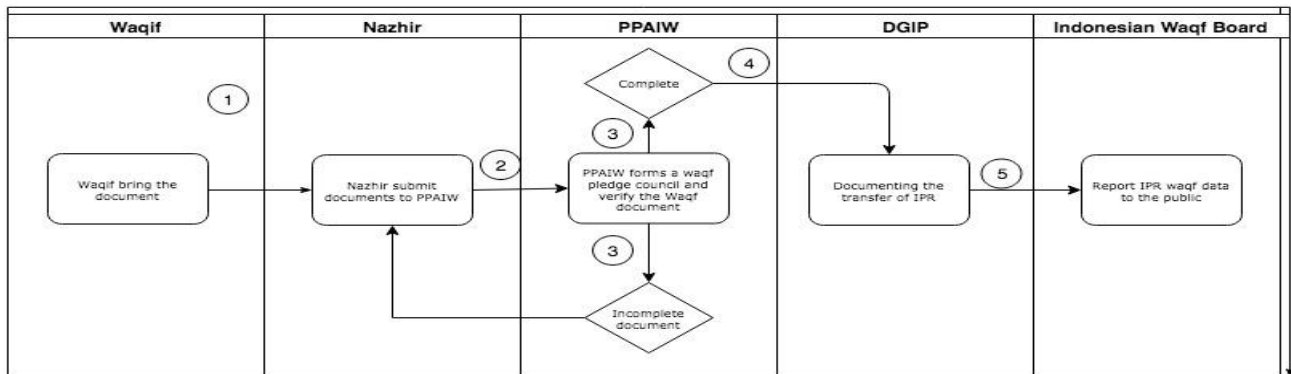


Figure 2: Proposed Model I.P.R. Waqf

Description of Model

1. Waqif as the party that will endow the I.P.R., brings the main waqf documents to Nazhir which include the I.P.R. certificate, a letter of determination of the commercial court stating that the I.P.R. is not in the process of dispute, and a statement from the appraisal;
2. After receiving the documents, Nazhir together with waqif submitted to P.P.A.I.W.;
3. P.P.A.I.W. inspects waqf documents with the provisions that:
 - a. If the required documents are complete and verified, P.P.A.I.W. forms the Waqf Pledge Assembly (M.I.W.) consisting of Nazhir, *Mauquf 'alaih*, and at least two witnesses.
 - b. P.P.A.I.W. creates A.I.W. in front of M.I.W.
 - c. If the document is incomplete, P.P.A.I.W. submits the document back to Nazhir to complete the requirements together with Waqif.
4. P.P.A.I.W. submits A.I.W. to Indonesian D.G.I.P. to register the transfer of rights;
5. Indonesian D.G.I.P. reports registration of the transfer of rights to B.W.I. to be reported to the public.

CONCLUSION

BWI, P.P.A.I.W., Appraisal, and Commercial Court play an important role in establishing a legal structure for the implementation of I.P.R. waqf. P.P.P.A.I.W. directly pertains to success in the administration of I.P.R. waqf. B.W.I., as a Nazir advisor, is needed in the socialization and enhancement of Nazir competencies, especially Intellectual Property Rights. Commercial Court, as a judicial institution that has the authority to provide the determination, can be involved in the process of implementing I.P.R. waqf. Meanwhile, to find out the economic value of I.P.R., an appraisal can also be involved.

LIMITATION AND STUDY FORWARD

This study is still limited to making waqf models of intellectual property rights. A limitation of the study is the absence of testing on the model. For further research, it is expected to be able to test this model through a Focus Group Discussion (F.G.D.) with stakeholders and waqf institutions.

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AUTHORS CONTRIBUTION

Collecting legal resources (C.B.E.P; P.S; B.A.R), Collecting primary data (C.B.E.P; M.M; P.S), analysed and interpreted the data (C.B.E.P; B.A.R), and wrote the paper (C.B.E.P; P.S; M.M).

REFERENCES

1. Arcelia, E., & Adriano, Q. (2015). The Natural Person, Legal Entity or Juridical Person and Juridical Personality. *Penn State Journal of Law & International Affairs*, 4(1), 362–391.
2. Aziz, M. (2017). Peran Badan Wakaf Indonesia (BWI) Dalam Mengembangkan Prospek Wakaf Uang Di Indonesia. *JES (Jurnal Ekonomi Syariah)*, 1(2), 188–208. <https://doi.org/10.30736/jes.v1i2.15>
3. Dhiwangga, B. S. (2018). Pengalihan Hak atas Merek Terdaftar dengan Cara Wakaf. *Jurist-Diction*, 1(1), 85–102.
4. Fauzia, A., & Garadian, E. A. (2016). *Fenomena Wakaf di Indonesia: Tantangan Menuju Wakaf Produktif* (Issue December). Badan Wakaf Indonesia.
5. Friedman, L. M. (1975). *The Legal System (A Social Science Perspective)*. Russel Sage Foundation.
6. Heniyatun. (2017). Kajian Yuridis Peralihan Hak Cipta Sebagai Objek. *Novelty*, 8(1), 94. <https://doi.org/10.26555/novelty.v8i1.a5529>
7. Huda, N., Anggraini, D., Rini, N., Hudori, K., & Mardoni, Y. (2014). Akuntabilitas sebagai Sebuah Solusi Pengelolaan Wakaf. *Jurnal Akuntansi Multiparadigma*, 5(3), 485–497. <https://doi.org/10.18202/jamal.2014.12.5036>
8. Hudson, J., & Minea, A. (2013). Innovation, Intellectual Property Rights, and Economic Development: A Unified Empirical Investigation. *World Development*, 46, 66–78. <https://doi.org/10.1016/j.worlddev.2013.01.023>
9. Ihsan, H., Sulaiman, M., Alwi, N. M., & Adnan, M. A. (2017). A study of accountability practice in Dompot Dhuafa Waqf of Indonesia. *Journal of King Abdulaziz University, Islamic Economics*, 30(2), 13–32. <https://doi.org/10.4197/Islec.30-2.2>
10. Ilie, L. (2014). Intellectual Property Rights: An Economic Approach. *Procedia Economics and Finance*, 16(May), 548–552. [https://doi.org/10.1016/S2212-5671\(14\)00837-5](https://doi.org/10.1016/S2212-5671(14)00837-5)
11. Kasdi, A. (2017). Pergeseran Makna dan Pemberdayaan Wakaf (dari Konsumtif ke Produktif). *ZISWAF*, 3(1), 1–17. <https://doi.org/10.21043/ziswaf.v3i2.2732>
12. Manuaba, I. B. P., Parsa, I. W., & Ariawan, I. G. K. (2018). Prinsip Kehati-hatian Notaris dalam Membuat Akta Autentik. *Acta Comitatus*, 3(1), 59–74. <https://doi.org/10.24843/AC.2018.v03.i01.p05>
13. Medias, F. (2010). Wakaf Produktif dalam Perspektif Ekonomi Islam. *La_Riba*, 4(1), 71–86. <https://doi.org/10.20885/lariba.vol4.iss1.art5>
14. Medias, F. (2015). Rekonstruksi Manajemen Dana Wakaf Pada Lembaga Wakaf di Indonesia. *Cakrawala: Jurnal Studi Islam*, 9(2).
15. Medias, F., & Pratiwi, E. K. (2019). The Evaluation of Muhammadiyah Waqf Asset Utilisation in Magelang. *IQTISHADIA*, 12(1), 101–118. <https://doi.org/10.21043/iqtishadia.v12i1.3208>
16. Niswah, E. M. (2018). Problematika Yuridis Wakaf Hak Kekayaan Intelektual di Indonesia. *Volkgeist: Jurnal Ilmu Hukum Dan Konstitusi*, 1(2), 123–138. <https://doi.org/10.24090/volkgeist.v1i2.1907>
17. Praja, C. B. E., Mulyadi, Riswandi, B. A., & Arifah, K. N. (2018). Patent Right Transfer Through Waqf: What are the Requirement? *Yustisia*, 7(2), 301–313. <https://doi.org/10.20961/yustisia.v7i2.20720>
18. Praja, C. B. E., Sulistyaningsih, P., Mulyadi, & Riswandi, B. A. (2019). Intellectual property rights as a WAQF asset: The way to change an old paradigm in Indonesia. *International Journal of Innovation, Creativity and Change*, 6(1), 26–39.
19. Puspitasari, A. W. (2017). Optimizing Productive Land Waqf. *Journal of Indonesian Applied Economics*, 6(1), 103–112. <https://doi.org/10.21776/ub.jiae.2017.007.01.7>
20. Raji, F., Tahir, M., Muhammad, S., & Omar, I. (2015). Intellectual Property an Asset for Awqaf. *International Journal of Real Estate Studies*, 9(1), 1–6.
21. Romadona, N. (2018). *Wakaf Hak Merek Dagang menurut Hukum Islam*. Universitas Muhammadiyah Surakarta.
22. Sukarmijan, S.-S., & Sapong, O. D. V. (2014). The Importance of Intellectual Property for S.M.E.s; Challenges and Moving Forward. *U.M.K. Procedia*, 1(May), 74–81. <https://doi.org/10.1016/j.umkpro.2014.07.010>
23. Sulaiman, S., Hasan, A., Mohd Noor, A., Ismail, M. I., & Noordin, N. H. (2019). Proposed models for unit trust waqf and the parameters for their application. *I.S.R.A. International Journal of Islamic Finance*, 11(1), 62–81. <https://doi.org/10.1108/IJIF-02-2018-0019>
24. Sulistyaningsih, P., Heniyatun, Praja, C. B. E., & Nurjaman, D. (2019). Pelaksanaan Hak Kekayaan Intelektual sebagai Objek Wakaf. *JIPRO: Journal of Intellectual Property*, 2(2), 14–22.
25. Syufa'at, S. (2017). Wakaf Hak Cipta. *Jurnal Penelitian Agama*, 18(1), 115–131. <https://doi.org/10.24090/jpa.v18i1.2017.pp115-131>
26. Usman, N. (2016). Subjek-Subjek Wakaf: Kajian Fiqh Mengenai Wakif Dan Nazhir. *Cakrawala*, XI(2), 145–166.
27. Winaya, A., & Arief, S. (2018). *The Potency of Intellectual Property Rights (I.P.R.s) Regimes on Two Kinds of Small and Medium Enterprises (S.M.E.s) Industries*. 35(Miceb 2017), 279–286. <https://doi.org/10.2991/miceb-17.2018.42>
28. Yoshida, Y., Attorney, P., & Office, Y. I. P. (2016). *Intellectual Property Management for S.M.E.s*. 1–66.