



THE SUMEDANG LARANG ROYAL WAQF: LEGAL PERSPECTIVE

Yusep Rafiqi, Asep Suryanto, and Mohamad Anton Athoillah

Abstrak: Wakaf keluarga kerajaan berikut tata kelolanya belum terakomodasi dalam peraturan perundang-undangan wakaf di Indonesia. Hal ini berimplikasi pada nilai-nilai yang terkandung di dalam wakaf tersebut tidak terekplorasi dengan baik. Padahal, wakaf keluarga kerajaan ini memiliki sumbangsih yang cukup besar dalam wakaf, di antaranya pelestarian kearifan dan cagar budaya. Dengan mengambil contoh wakaf Pangeran Aria Soeria Atmadja (Bupati Sumedang, 1883-1919 M), artikel ini menunjukkan tentang betapa pentingnya benda-benda peninggalan kerajaan berstatus wakaf dan diakomodasi dalam peraturan perundang-undangan wakaf di Indonesia sehingga keabadian dan kebermanfaatannya dapat dirasakan oleh generasi yang akan datang. Ini adalah penelitian normatif empiris di mana latar belakang sejarah, hukum yang berkaitan dengan wakaf dan peraturan perundang-undangan wakaf dikonfirmasi melalui observasi, klarifikasi, dan temuan tentang budaya dan adat istiadat yang berkaitan dengan tata kelola wakaf. Penelitian wakaf kerajaan ini setidaknya dapat merekomendasikan dua hal: pentingnya benda-benda peninggalan keluarga kerajaan sebagai wakaf dan memasukkan wakaf kerajaan dalam satu pasal tersendiri dalam peraturan perundang-undangan wakaf di Indonesia.

Kata kunci: Wakaf kerajaan; Kerajaan Sumedang Larang; Pangeran Aria Soeria Atmadja; warisan budaya takbenda

Abstract: The governance of royal waqf has not been addressed in Indonesian waqf laws and regulations. It also implies that the potential benefits of the waqf have not been sufficiently explored. Actually, the royal waqf has significantly contributed to the field of waqf by preserving cultural heritage and wisdom. This article demonstrates, through the testamentary waqf of Prince Aria Soeria Atmadja (Regent of Sumedang, 1883-1919 AD), the importance of waqf status and the insertion of royal relics into waqf legislation in Indonesia to ensure their perpetuity and benefit future generations. The research employs a normative empirical methodology, wherein the historical context, laws about waqf, and waqf legislation are substantiated through observations, elucidations, and discoveries concerning the cultural and customary aspects of waqf governance. This research on royal waqf can at least suggest two things: the inclusion of a discrete article in Indonesian waqf legislation addressing royal waqf and the significance of royal family relics as waqf.

Keywords: Royal waqf; Sumedang Larang Kingdom; Prince Aria Soeria Atmadja; intangible cultural heritage

Introduction

Royal waqf is not explicitly addressed within the applicable waqf regulations and provisions in Indonesia. Numerous fiqh scholars have discussed the subject of royal waqf, taking into consideration the unique treatment that distinguishes it from waqf in general. *Awqāf al-salāṭīn wa al-umarā*, or the waqf of sultans and administrations, is a term used in the field of Fiqh to refer to the royal waqf (al-Zarqā, 1998). This type of waqf is subject to special examination. By examining the historical artifacts passed down from the monarchy that hold waqf status, we can identify significant opportunities for conserving and utilizing these waqf objects. In addition to economic potential, preserving and developing national culture are also priorities.

Upon careful examination of the regulations outlined in Article 4 of Law Number 41 of 2004 about Waqf, it becomes evident that the primary objective of waqf is to effectively employ waqf assets for their intended purpose. Moreover, article 5 explicitly states that the primary objective of Waqf is to optimize the potential and economic advantages of waqf assets, to promote worship, and enhance general welfare. Article 5 specifically addresses the general function of waqf and does not provide any information about the function of Royal waqf.

One way in which royal inheritance is preserved and utilized is through its designation as waqf, specifically for the preservation of cultural heritage in both tangible and intangible forms. It is presumed that Royal heritage objects with waqf status can be accommodated under Law No. 11 of 2010 concerning Cultural Heritage, which is strengthened by Government Regulation No. 1 of 2022 concerning the National Register and Preservation of Cultural Heritage. Nevertheless, the approach to treatment will vary if the cultural heritage of the royal family is incorporated into a dedicated item concerning royal waqf.

Prince Aria Soeria Atmadja, the Regent of Sumedang from 1883 to 1919 AD, had a significant role in preserving the culture of Sumedang Regency and its neighboring areas through his generous donations. Yayasan Nazhir Wakaf Pangeran Sumedang (The Prince Sumedang Nazhir Waqf Foundation) effectively oversees the preservation and utilization of the Prince's waqf objects for extensive research in the fields of history, science, education, religion, and culture. After conducting

a thorough examination of Prince Aria Soeria Atmadja's waqf pledge manuscript titled "Ijeu Soepaja Djadi Tanda Kakoeatan" (This should serve as a sign of power), these waqf items successfully revitalized the ancient traditions and customs of the Sumedang Larang Palace.

The waqf declaration, as confirmed by the Decree of the Sumedang Religious Court No: 112/Pdt.P/2010/PA Smd, demonstrates that royal waqf serves the purpose of not only preserving history but also fostering familial ties and unity among the descendants of Sumedang Larang forefathers. If the present rules and regulations in Indonesia can fit this royal waqf, then historical artifacts from other royal relics dispersed throughout Indonesia should be transferred as waqf. The enduring nature and advantages of this royal endowment will have a nationwide impact by preserving cultural heritage and enhancing local wisdom.

Royal Waqf in Islamic Jurisprudence

The institution of waqf represents a fundamental pillar in the making of Islamic history, economy, and civilization (Lamido & Haneef, 2021). The Islamic waqf was an unincorporated trust established by an individual under Islamic law (Adiguzel & Kuran, 2021). In Islamic law, the term waqf means holding certain property and preserving it for the confined benefit of certain philanthropy while prohibiting any use or disposition of it outside its specific objective (Kahf, 2003). The word waqf is derived from the Arabic root verb waqf, which means 'causing a thing to stop and standstill.' It also takes the meanings of 'detention,' 'holding,' or keeping (Chowdhury, 2011). Waqf is a property or asset donated by its owner in perpetuity for the cause of Allah, to be used for philanthropy for the benefit of the community or the public (Harun, 2016). From the dawn of Islam, Waqf has played a central role as a religious and socioeconomic development institution, serving as a viable mechanism for providing all public welfare services (Lamido & Haneef, 2021). The institution of waqf has evolved over time and across different regions. Most regions have legal systems that reflect a traditional concern for preservation captured in the three principles of perpetuity (assets/purpose), inalienability, and irreversibility (Obaidullah, 2018).

The Islamic voluntary sector's natural glory lies in its rich legacy, culture, and history (Mannan, 1999). Waqf is one of those glories. For

centuries the fate of this institution was closely linked to the fates of the states under which they functioned (Çizakca, 1998). Waqf, which means "religious endowment," is recognized by Islamic law as a religious, pious, or charitable donation. It has been a source of development, such as building mosques, madrasahs, educational institutions, libraries, travelers' lodges, and inns. Its benefits are not restricted to the Muslim community alone but go beyond religious, cultural, racial, and sectarian boundaries (Sabit & Hamid, 2006).

Wāqif - the donor - is a pillar of endowments who must fulfill terms if he intends to contribute a portion of his property as waqf objects. There are four terms for the donor in classical fiqh (Islamic Jurisprudence), including independence—*al-ḥurriyyah*, intelligence—*al-'aql*, maturity—*al-bulūgh*, and competence—*al-rushd* (Maṣṣūr, 2004). According to the Ḥanafīyyah school, there is just one pillar of waqf: a statement or *shīghah*. Meanwhile, scholars from the Mālīkiyyah, Shafī'iyyah, Hanābilah, and Zaydiyyah argue that the four pillars of waqf are the donor—*al-Wāqif*, the recipients of the endowments—*al-mawqūf 'alayh*, the property being endowments—*al-māl al-mawqūf*, and the endowments statement—*al-shīghah* (Al-Kābisi, 1977).

Waqf advantages are defined as general waqf, which is waqf meant for public benefit and is referred to as *waqf al-khayrī*, and special waqf, which is waqf that can be utilized by many persons based on their will, nature, and kinship with the donor and is referred to as *waqf al-ablī* (Kahf, 2006). Then it is called hybrid waqf or mixed waqf—*al-waqf al-mushtarak*. This waqf is a combination of the two; some are for the public good, while others are for the benefit of the family (al-Ṣālīḥ, 2001). Al-Muṣayqih, in particular, defines family waqf as the ongoing use of waqf objects mainly intended for the donor's family and those following him (al-Muṣayqih, 2013)

According to Kayhan Orbay, in terms of economic factors and the function of waqf, the actual operation of waqf management, and the accounting system, waqf historians who are interested in researching waqf accounting systems must divide waqf into at least three groups: waqf in general, which is initiated by the general public; cash waqf, the main object of which is the endowment fund; and royal waqf or imperial waqf, which was founded by members of the dynasty and high-ranking state officials (Orbay, 2013). The phrase "imperial waqf" developed due

to various Islamic empires, especially the Ottoman Empire (Orbayy, 2017), the Mamluk Sultanate, Sultan Muizzudin Sam in India (Md. Dahlan, 2021), Jerusalem, under the empire of the Ottomans, was then under the British Mandate (Reiter, 2013), the Hashemite Kingdom in Jordan (Almanaseer & Bashar, 2014), They are Donating the majority of their territory and assets.

When researching the waqf tradition by kings, sultans, or royal families, several terms must be examined. According to the author's research, two essential phrases in the kingdom's waqf history are compound words: imperial and royal waqf. According to the Oxford Advanced American Dictionary, imperial refers to an 'empire,' a group of countries or states controlled by one leader or government. When paired with the word '*waqf*,' it produces a compound noun that means leader or government. The term 'royal' refers to being associated with or belonging to the king or queen of a country, which is typically associated with the aristocracy. This word is also used in the names of organizations that serve or are supported by a king or queen.

The inception of royal waqf can be traced back to the era of the Prophet Muhammad, with subsequent contributions from his spouses. Most of the wives of the Prophet had created family waqf, for example, 'Āishah, Ummu Salāmah, Ummu Ḥabībah, Ṣafīyyah, and Ḥafṣah created their waqf for the benefit of their kin (Abdel Mohsin, 2010). The Prophet Muhammad's wives, 'Āishah, Ummu Salāmah, and Ummu Ḥabībah bint Abī Ṣufyān, who endowed their land in al-Ghabah, a district near Medina, for the administrators of the land and their successors. Furthermore, Ṣufyah bint Huyay was the one who gifted her home to the Banī 'Abdān. It is reported that 'Āishah (rad) acquired a house to be used as a sanctuary for anyone in need, which was eventually donated to the descendants of Abū Bakr R.A (al-Saybānī, 1902).

Furthermore, his companions adhered to this waqf custom as well. Abū Bakr al-Siddīq donated his home to his children and grandchildren (al-Saybānī, 1902). Similarly, the waqf of 'Umar ibn al-Khaṭṭāb, Tsamagh, donated his fertile land in Khaybar and was recommended by the Apostle to be waqf. Later, the revenues from this Tsamagh property went to beggars, visitors (delegates), close relatives, the destitute, and travelers (al-Saybānī, 1902). Similarly, the caliph Uthmān Ibn 'Affān's waqf of wells, known as rawmah wells, is intended for residents needing

pure water. Furthermore, 'Alī ibn Abī Ṭālib's waqf over a fertile land area known as "Yanbu." It is also reported that the dates produced from the Yanbu's land are nearly a thousand *wasaq* (al-Ṣaybānī, 1902).

The waqf practiced by the Prophet and his companions can be classified as royal waqf if it is associated with their role as caliphs (state leaders). Moreover, upon examining its objective, the waqf practiced by the Prophet's spouses may be classified as a family waqf. Thus, in Islamic jurisprudence literature, the waqf of monarchs and sultans may be classified as family waqf (al-Zarqā, 1998). The companions of the Prophet adhered to the waqf practice by transferring their wealth to their offspring, encompassing both male and female offspring. Nevertheless, over the course of several periods, the companions developed the practice of omitting their daughters from the roster of waqf beneficiaries. This aberrant circumstance persisted until Caliph 'Umar ibn 'Abd al-Azīz expressed a desire to reinstate the inclusion of women in the roster of waqf asset beneficiaries (al-Ashbahī, 1994).

Tawbah ibn Namr ibn Ḥawmal al-Ḥadramī, an Egyptian judge of the Hishām ibn Abd al-Malik dynasty, had the opinion during the Umayyad era that waqf was exclusively designed to safeguard the impoverished from ruin or the intergenerational transfer of waqf assets (al-Kābisī, 1977). This statement by a judge of the Umayyad dynasty provides material for discussion regarding the permissibility of waqf intended for relatives (*waqf al-ahlī*). Subsequent investigations revealed that Tawbah ibn Namr ibn Ḥawmal al-Ḥadramī was the initial individual to archive waqf assets in a special note while being overseen by a judge, thereby ensuring the preservation of the waqf recipients' benefits.

Moreover, one of the Egyptian monarchs who advocated for state ownership of land following the Tatar War was al-Zhahir Bibry's (d. 676 H). Despite facing significant opposition from Imām al-Nawāwī, who regarded this policy as an illegitimate infringement upon property rights, it implemented substantial limitations on the authority of affluent individuals to control land and subsequently issued ownership certificates. Conversely, uncertified land shall be transferred to the state as its property. Because some land possessed by affluent individuals at the time became state property, Al-Zhahir's policy had repercussions for restricting family waqf (al-Kābisī, 1977).

Burquq Atabik, an Egyptian administrator during the Abbasid dynasty, abolished waqf for his family. In support of his ideas, he convened a deliberation that was attended by prominent ulama of the era, including Shaykh al-Islam Sirājuddīn Amr ibn Ruslan al-Balqinī. The deliberation was in opposition to the ideas expressed by Burquq Atabik. Nevertheless, al-Suyuthi observed that the stipulation to family waqf was exclusively designed for former monarchs (al-Kābisī, 1977).

Numerous historical documents about the termination of family waqf indicate that the purpose of waqf was shifted from serving the interests of the family to serving the public interest. Although expert waqf was endorsed by the Prophet and well-liked by his companions, it was ultimately discontinued for a variety of reasons.

Before the reign of the Mamluks, agricultural land established as waqf was nonexistent, as all lands belonged to the state and retained state proprietorship. The state merely transferred the rights of possession and usufruct to ordinary citizens and farmers (al-Khilāl, 1989). However, during the reign of the Mamluk, agricultural land could be designated for waqf. People began to establish numerous waqfs, including agricultural properties, at that time. The state was compelled to establish three departments to oversee the proliferation of waqfs: Board of Waqf and Mosques (*Dīwān al-Ahbās wa al-Masājīd*), Board of The Two Holy Lands (*Dīwān al-Haramayn al-Sharīfayn*), and Board of Family Waqf (*Dīwān al-Awqāf al-Ahliyah*) (al-Khilāl, 1989).

In the treasures of Islamic law, some terms are specialized in the tradition of family waqf that are referred to as waqf of sultans, kings, or emirs. This particular term is known as *al-awqāf al-salāṭīn wa al-umarā* (al-Zarqā, 1998). The ability and authority of a monarch or sultan to endow assets that are not his personal property but become waqf goods were referred to as specialization.

Waqf of monarchs is remarkable in that its power is equivalent to *Irshād*, in which a leader has the right to spend state assets to benefit the people he leads (al-Muṣayqih, 2013). Royal waqf is a more fitting phrase for the waqf tradition of monarchs. He considered that the first waqf in Islam was performed by the Prophet Muhammad and the caliphs who followed him when their power and authority were considered. According to Sunan al-Kubra, Aisyah claimed, “Verily, the Messenger

of Allah constructed seven structures in Medina as alms for the families of al-Mutallib and Hashīm” (al-Bayhaqī, 2003). Furthermore, Amr bin al-Harith (rad) claimed in his notes, “The Messenger of Allah did not leave anything in the form of dirhams, dinars, or slaves when he died except a white donkey, weapons, and a piece of land that he used as alms” (al-Bukhārī, 1994)

The power of a king, head of government, head of state, or leader to utilize his authority for the public benefit is recognized by the following terms: first, *al-waqf al-irshādī*. This waqf employs land owned by the state treasury (*bayt al-māl*), commonly in the form of state-owned land or state land where ownership remains with *bayt al-māl* but use and distribution are controlled by the policies of the sultan, monarch, or leader (Afandi, 1950). The ownership of this *irshād* stays with *bayt al-māl* (the state treasury), but the leader or head of government is likened to a donor due to his authority. As a result, he can only specialize in its dissemination (Zahrah, 1959). Second, *al-waqf al-madbūtah*. This waqf is a waqf whose control and supervision are in the hands of the waqf ministers (*wizārah al-awqāf*). This section includes the waqf of kings (*awqāf al-salātīn*). With their authority, kings or sultans authorize delegates or ministries to monitor the administration of their waqf holdings (Afandi, 1950).

The primary distinction between government waqf and royal waqf is the origin and profile of the *mawqūf* and *wāqif* (donor). Under the pillars of waqf, the *mawqūf* must be a property that pertains to the waqif and is not subject to any condition or restriction. The *wāqif* of the royal waqf consists of the Sultan or one of his ministers, princes, or spouses (Md. Dahlan, 2021).

The phrase *al-Iqtā'āt* is crucial to discuss. This phrase refers to the usage of agricultural land by some farmers or cultivators in conformity with government policies (Zahrah, 1959). Regarding the usage of this land, cultivators might wield authority over it; first, land cultivators are only entitled to employ agricultural or plantation products. Also known as *iqtā' istighlāl* (land that is economically benefited). Second, the growers can become property owners at the same time. This second option relates to land that is no longer productive or unproductive but can be turned fruitful again by planting. It is also known as *iqtā' ihyā al-mawāt* (Zahrah, 1959).

The prerogatives bestowed upon monarchs or sultans in the administration of their territories afford them ample avenues for amassing money. This wealth can be owned by people or by the state and can be utilized for the betterment of society. The waqf established by the monarch for the common good is referred to as *waqf al-khayri* in the context of fiqh. Additionally, the families and descendants of the monarchs might have been the beneficiaries of their waqf. Kingly or sultanical utilization is prevalent with the *waqf al-ahli* model. They desire that their descendants' welfare be attended to, similar to the majority of other family endowments.

Monzher Kahf offered a supplemental commentary about the requirements of this specific waqf. He added that family waqf was recommended as action and prevention from arbitrary use of the property by some relatives, causing it to be misused and potentially leading to destruction in the future. This family waqf permits the donor's relatives and descendants to gain financially. As a result, this family waqf is one of the productive waqf assets that will contribute to developing the family's economic growth. Monzher Kahf refers to this component of the family as *waqf al-muassasāt al-istithmāriyyah 'abr al-ajjāl* (inter-generation investment institutions) (Kahf, 2006).

Family waqf, like other types of waqf, necessitates adherence to comparable pillars and conditions. However, the advantages of the waqf may be designated exclusively for family members, safeguarding their interests in areas such as education and future livelihood (Asiah, 2018). The initial beneficiaries of the endowment in family waqf are designated individuals, notwithstanding the possibility that it may subsequently be allocated to a public welfare initiative.

The concept of family waqf is characterized by designating the initial recipients as the settler's relatives, including their immediate family, forebears, or offspring. Following a specific duration, it is necessary to designate the recipients for public welfare (Zuhaylī, 1985). In waqf ahli, the individual making the donation or endowment designates their property as waqf, a resource intended for the well-being of their children or any of their relatives. Family waqf entails the act of preserving immovable assets, such as fixed properties, together with their associated rights and benefits, from personal ownership and use. Instead, these assets are allocated to designated beneficiaries, typically consisting of

the endower's children and other family members, who are entitled to enjoy their benefits (Sadique, n.d.).

Family waqf is a specific type of waqf in Islam that is highly recommended due to its focus on protecting future generations (*hifẓ al-nasl*) (Sarājanī, 2010). Family waqf refers to a situation where the donor explicitly designates the waqf for the benefit of the family and their future generations, regardless of gender, without specifying individual portions. If the donor desires to allocate his assets by Islamic inheritance law, which stipulates a ratio of one for men and half for women, there are no obstacles to doing so (Sarājanī, 2010). Waqf Ahli, also known as family waqf, is an institution that ultimately results in public welfare.

Based on the examination of several aforementioned theories, the royal waqf can be classified as both a waqf for societal welfare (*waqf al-khayrī*) and a waqf for the family (*waqf al-ablī*), al-Muṣayqih refers to it as "*ablī-khayrī*," which encompasses both family and social aspects (al-Muṣayqih, 2013). This is the practice by which monarchs, sultans, and governments establish waqf contributions simultaneously for the benefit of the general public and their families; al-Zarqā referred to it as a "specialization" that is exclusive to these entities so long as they perceive the benefit (al-Zarqā, 1998).

It is essential to discuss the waqf declaration (*al-shīghah*) in this discussion. The waqf declaration made by the endower and its legal meaning are of great importance in the context of family waqf. A waqf generally acquires legal validity when accompanied by a declaration such as "I hereby donate this item ..." This declaration of waqf has ramifications for the validity of the waqf actions. Overall, the *fuqahā'* (Muslim Jurist) concur that the waqf declaration must satisfy the following conditions: a firm waqf proclamation is required, the waqf declaration ought to be succinct and devoid of pretensions, an eternal waqf declaration is required, the nature and category of donated assets must be specified, and conditions that contradict the provisions of the waqf and bind its principal are non-existent (al-Kābisī, 1977).

Abu Yusuf asserts that a waqf becomes valid and obligatory immediately upon the donor's declaration, without requiring the physical transfer of possession to the beneficiary. The property is transferred from the settler's ownership to the ownership of Allah, making it irrevocable

(Sabit & Hamid, 2006). In Islamic legal tradition, it is emphasized that the waqf declaration should include provisions that mandate the management of awqaf to be entrusted to competent and trustworthy mutawallis. If it is determined that the appointed mutawallis do not meet these criteria, the administration of the waqf should be transferred to a more suitable candidate, chosen from those nominated by the endower (Sadique et al., 2016).

The declaration of waqf in the royal waqf is a critical aspect that warrants careful consideration, given its testamentary nature. A declaration of waqf by a monarch, sultan, or nobleman will ascertain the waqf's durability and utility. Indeed, this testamentary waqf declaration can, under specific circumstances, establish the waqf's validity in the event of a dispute among the royal family's successors.

Testamentary waqf that was established under a will (*wasīyyah*) (Igarashi, 2019). A testamentary waqf was created through a will, in which the testator designated one-third or less of their property as waqf for certain causes. Due to the requirements imposed by the Islamic law of inheritance, a testamentary waqf is more stringent compared to a standard form of waqf in the following aspects. In the usual form of waqf, the founder has the option to include all of their assets. However, in the case of testamentary waqf, only one-third or less of the testator's property can be given to the waqf. Secondly, in the conventional form of waqf, the founder has the authority to select any individual as the beneficiary. However, the later form of waqf cannot be established to benefit a specific legal heir(s). Thirdly, a conventional form of waqf enters into force immediately upon its foundation, whilst the latter becomes operational following the demise of the testator (Igarashi, 2019).

A royal waqf, established by a monarch, sultan, or their descendants, will only be considered valid upon the death of the individual in question. In certain instances of Royal waqf declarations, the waqf becomes operative upon the demise of the king. Therefore, it is not permissible for a monarch or sultan to allocate more than one-third of their whole fortune in a waqf declaration.

It would be interesting to investigate the existence of the Royal Waqf object further. The existence of heirlooms as waqf objects, which are royal assets not common in the waqf tradition of movable objects,

is listed on the list of waqf objects. Waqf of household utensils is not permissible as waqf (al-Zarqā, 1998). This ancient gold and silver tool became a precious object during its golden periods and must be preserved for perpetuity. Hence, the act of donating these antiquated instruments might be considered a waqf that is by the doctrines. *Al-‘ādah muḥakkamah* is the fiqh rule (*Islamic Legal Maxim*) that supports the enactment of movable property waqf law under the category of local community tradition (customary become law).

The concept of 'urf' in Legal Islamic independent reasoning (*ijtihād*) is customary law. In Islam, the 'urf' is recognized as a source of legal decision methodology. Legal decisions based on 'urf' do not generally cover Islamic laws. The scope of this urf is based on human interaction patterns as long as they do not contradict Islamic law. This habit grows and develops alongside human interaction in a specific field of activity and is repeated, referred to as 'custom or *al-‘ādah*.' Furthermore, if the daily activity is binding among its participants, it is called 'urf' (al-Khayyāth, 1977). There is no discernible difference between the definitions of *al-‘urf* and *al-‘ādah*. 'However, *al-‘urf* is more general than *al-‘ādah*.' Customs are less common than habits.

According to Abu Sanah, urf is divided into four parts based on his methodology of drawing general conclusions from specific facts (*istiqrā’*): 'urf, which is the justification for passing Islamic law (sharia); 'urf that is restored to an absolute legal determination of a contemporary fact; 'urf, which signifies the level of thinking based on conventions; 'urf based on speech or words (Sanah, 1947).

Based on the facts that occurred and prevailed amid Arab society's customs at the time, which the Prophet deemed reasonable, he established sharia. In Islamic law, 'urf or tradition is the foundation for enacting a law in many cases, such as buying and selling, trade alliances, etc. The theory of a valid custom (*al-‘urf al-ṣaḥīḥ*) and a violated custom (*al-‘urf al-fāsid*) emerges from this (al-Khayyāth, 1977). Furthermore, this second point can be considered in the context of recent fatwas and judicial decisions in specific cases. As a result, general legal arguments (legal maxims) can be used to support specific decisions. The third point demonstrates the existence of customs, which can then be used to determine the law in a specific case. One example is waqf. *Waqf* is a traditional Islamic economic instrument with a broad range of *ijtihād*.

The legal determination of this waqf can be influenced by what has become a social norm. According to the modern waqf paradigm, the principle of perpetuity does not reside in the physical object but rather in its benefits. This value shift is the result of contemporary thinking rooted in current conventions.

The final point is that *'urf* is built on words (*al-'urf al-qawli*). Everyone's speech carries customs and habits. According to the fuqaha (Islamic jurists), every word spoken has ramifications for the actions taken, *mutlāq al-kalām fi mā bayna al-nās yansarif ilā al muta'arif* (absolutely an utterance that applies between humans will affect the existence of customs) is a jurisprudence principle (*uṣūl*) rule which demonstrates customary law. Furthermore, Sheikh Qasim of the Hanafi school stated that the pronunciation of a donor, fatwa giver, swearer, *nadhīr*, or anyone with a contract brings his customs in speech and the language in which he usually speaks with him (Sanah, 1947).

The Royal waqf serves two enduring purposes: firstly, to preserve waqf assets, and secondly, to uphold traditions and culture. Hence, the Royal waqf can include both Islamic law and Customary Law simultaneously.

Royal Waqf in Legislation and Regulatory Framework in Indonesia

In Indonesia, the prevailing waqf rules and regulations do not explicitly acknowledge the presence of a specific legal framework for royal waqf. Upon closer examination of the provisions outlined in Article 4 Part Two of the Waqf Law No. 41 of 2004, it becomes evident that the primary objective of waqf is to effectively utilize waqf property for its intended purpose.

The treatment of family waqf is not specified in Indonesian waqf legislation, specifically Law No. 41 of 2004 related to Waqf. *Waqf al-ahli* (family waqf), in which the management and utilization of waqf assets are restricted to relatives (heirs), is not distinguished from *waqf al-khayri* (social waqf), which is established to benefit the general public by the waqf's purposes and functions, as stated in the Explanation to this Law.

While the treatment of family waqf is not explicitly delineated, Part Nine of Waqf with a Will guides the potential for optimizing it. Verbally or in writing, Waqf with a will is prohibited unless at least two

witnesses who satisfy the requirements attest to the deed, as stipulated in Article 24 of the Law.

The absence of provisions for accommodating Royal waqf under the current waqf laws and regulations in Indonesia indicates that Royal waqf is treated no differently than regular waqf. Upon examining Article 5 of Law No. 41 of 2004 about Waqf, it is evident that the objective of waqf is to utilize waqf assets to achieve both religious worship and overall societal well-being. However, this article does not directly address the objective of Royal waqf. The purpose of Royal waqf might be understood as the act of actualizing the inherent capabilities and possibilities. The Royal waqf can achieve several objectives, such as the preservation of cultural heritage, and customs, and the maintenance of Royal lineage. However, it should be noted that the phrase 'economic benefits of waqf property to achieve both religious worship and overall societal well-being' might be attributed to the function of the royal waqf. It is important to mention that this function is not explicitly stated in the waqf declaration of the monarchs, princes, and their descendants, as we will discuss further.

Article 40 of the Waqf Law no. 41 of 2004, specifically Chapter IV on Changes in the Status of Waqf Assets, addresses the handling of waqf assets. Donated waqf assets are strictly prohibited from being utilized as a guarantee, seized, bestowed, sold, inherited, swapped, or transferred through any other means of transferring ownership. This article emphasizes the protection of waqf assets to ensure their proper functioning and the realization of their benefits. This article is highly relevant to the Royal waqf, as it addresses the susceptibility of waqf goods bestowed by monarchs, princes, or their successors to conversion and subsequent loss through inheritance.

To execute a waqf that will be established by a monarch, prince, or descendants, it is imperative to designate a *nazir* (waqf administrator). The presence of *nazirs* is essential in securing the allocation of Royal waqf, as stated in Article 42 of Chapter V Management and Development of Waqf Assets. According to Article 42, Nazhir must oversee and enhance the assets of waqf in line with its intended purposes, roles, and designation. In the context of the Royal waqf, it is crucial to highlight the nazir's capability to actively promote and preserve the cultural legacy. As a part of the family waqf, the *nazir* must possess the ability to safeguard

the integrity of the Royal family by empowering the waqf objects that have been entrusted by the donor.

Moreover, as per Article 43 paragraph (1), the administration and growth of waqf assets by *nazīr* are conducted in conformity with Sharia principles. Paragraph (2) of the article states that the productive management and development of waqf assets, as mentioned in paragraph (1), is being implemented. Within the Royal waqf, the sharia principles that are invoked pertain to *nazīr*'s comprehension of the legal framework encompassed within it, encompassing laws derived from Islamic law as well as regulations derived from customary law. *Nazīr*'s comprehension of the unequivocal nature of these two legal systems ensures that the perpetuation and utilization of Royal waqf will result in beneficial results.

Law No. 11 of 2010, which pertains to Cultural Heritage, is a legal framework that governs the protection of cultural assets in alignment with the Royal Waqf. While not explicitly mentioning the Royal waqf, this law can serve as a useful reference for the maintenance and conservation of the Royal waqf.

Waqf objects can be classified as either moveable or immovable. An immovable object, also known as *al-'iqār*, refers to an entity that is incapable of being displaced from its initial position, such as a house, land, or any other stationary item. Meanwhile, mobile items, also known as *al-manqūl*, refer to objects that can be relocated from their initial position or transported to a different location (Rafiqi, 2019). The categorization of donated items adheres to the guidelines outlined in Article 1 of the General Provisions of this Law. Cultural heritage refers to the legacy of cultural practices, traditions, artifacts, and knowledge that are passed down from generation to generation. It encompasses the tangible and intangible aspects of a society's history and objects refer to both natural and man-made entities, which can be either mobile or stationary. They can exist as individual units or collections, as well as their constituent pieces or remnants. Objects are closely associated with culture and the historical progression of human civilization.

The examination of Law No. 11 of 2010 about Cultural Heritage revealed a discernible association between Royal waqf and the conservation of cultural heritage. According to Article 1 Chapter I of Law No. 11 of 2010, Cultural Conservation refers to the preservation of

material cultural heritage, encompassing various forms such as Cultural Conservation Objects, Cultural Conservation Buildings, Cultural Conservation Structures, Cultural Conservation Sites, and Cultural Conservation Areas. These entities, located on land and/or in water, are deemed significant for their historical, scientific, educational, religious, and/or cultural value. The determination process is employed to identify and safeguard their existence.

The statutory regulation also includes adherence to the principles, objectives, and extent of the Royal waqf. According to Article 2 of this law, the conservation of cultural heritage is founded on the principles of advantage and long-term viability. The two ideas discussed in this article pertain to the concepts of waqf, which involve the preservation and usefulness of donated artifacts. Another aspect of congruence between Royal waqf and the protection of cultural assets in this statute is its stated objective. Article 3 explicitly states: The objective of Cultural Heritage Preservation is to safeguard the cultural heritage of the nation and humanity, while also elevating the nation's prestige and dignity through its cultural heritage. It also aims to reinforce the national identity, enhance the well-being of the people, and promote the nation's cultural heritage to the international community.

Nevertheless, there are discrepancies between waqf and the regulations outlined in Article 12, chapter IV, which specifically address the ownership and governance of cultural heritage objects. It is stated in paragraph (1), that Individuals can possess and/or manage Cultural Heritage Objects, Cultural Heritage Buildings, Cultural Heritage Structures, and/or Heritage Sites, while also considering their societal purpose, as long as it does not contradict the regulations outlined in this Law. If an individual has transferred their waqf assets, they no longer possess ownership over the waqf. When monarchs, princes, or their descendants establish a waqf for the possessions of their realm, they relinquish ownership of such possessions.

In paragraph (4) of Article 12 of this law it is stated that the state assumes ownership of cultural heritage objects, heritage buildings, and cultural heritage structures or sites that have no heirs or are not bequeathed to anyone else upon the owner's death, as stipulated by regulatory legislation. Within the Royal waqf, the responsibility of disposing of waqf objects is fully delegated to *nazir*, who is selected by

the donor. The state's role in Royal waqf and other waqf acts, in general, is to guarantee the continuity and effectiveness of waqf, overseen by the Indonesian Waqf Board.

Article 13 outlines the possibilities for overseeing the Royal waqf through the *nazir* designated by the benefactor. The content of the article is presented: Cultural Heritage Areas can only be owned and controlled by the State, except those that are owned by customary law groups through inheritance. Customary law groups may designate Royal waqf nazhirs who possess the capacity to oversee waqf assets of cultural significance.

Nevertheless, Article 16 of this legislation presents a contradiction with the principles of waqf governance. This article asserts that the ownership of Cultural Heritage possessed by an individual can be transferred to either the state or another individual. According to Article 40, paragraph (7) of Waqf Law no. 41 of 2004, it is forbidden to transfer waqf assets that have been donated by any other means of transferring rights. Therefore, Law No. 11 of 2020 does not include provisions for the inclusion of Royal waqf.

Similarly, this applies to the most essential aspects concerning the status of waqf objects. According to Article 40 of Law No. 41 of 2004, Donated waqf assets are strictly forbidden from being used as collateral, confiscated, awarded, sold, inherited, swapped, or transferred in any other form of rights transfer. According to Article 16 of Law No. 11 of 2020, ownership transfer can occur through inheritance, gift, exchange, sale, compensation, or by judicial decision.

According to both legislation and regulations that have been addressed, the waqf law and the cultural heritage law can complement each other in empowering royal waqf. However, several articles of Law No. 11 of 2010 about cultural heritage are incompatible with the principles of waqf governance. The Royal waqf does not pertain to cultural heritage ownership that can be transferred to the state or others. Transfers to any party in the Royal waqf in any form will result in the demise of the assets and the waqf's objective. Although the transfer of Royal waqf to the state may benefit the public and scientific interests, there is a significant risk that the royal family could forfeit those benefits. As a result, royal waqf requires legal protection, which can be accommodated in Indonesian waqf regulations.

Waqf of Prince Aria Soeria Atmadja (Regent of Sumedang 1883-1919 AD)

Before examining the operational mechanisms of the prince's waqf, it is prudent to provide a historical context for the waqf within the Sumedang Larang Kingdom. Considering the profound traditions and conventions of the kingdom that the princes assimilated into their Islamic heritage, this is an essential topic of discussion.

The pinnacle of the contributions made by the Sumedang Larang princes to the local community was the establishment of a waqf for the preservation of royal historical artifacts, which was spearheaded by Prince Aria Soeria Atmadja. The act of Prince Aria Soeria Atmadja bestowing all royal possessions might be seen as the epitome of social devotion and cultural wisdom displayed by the Sumedang Larang princes.

The waqf tradition, which was established by Prince Aria Soeria Atmadja, exhibits distinct characteristics when examined and analyzed through the lens of waqf in general. The inquiry pertains to the permissibility of donating domestic utensils. Indeed, the prince generously contributed his entire collection of gold and silver home equipment.

Based on Clause No. 112/Pdt.P/2010/PA.Smd. Issued by the Sumedang Religious Court, the movable waqf of Prince Aria Soeria Atmadja is organized by serial number from 1 to 230 in the form of Sumedang Larang royal heirlooms, such as the Crown of Binokasih, dozens of types of keris, cleaver, and sword, as well as several gamelan instruments, wayang kulit, and wayang golek, etc. Waqf of immovable objects in agricultural fields with a total area of 871,526 M2 and land with 352,664 M2 are dispersed throughout Sumedang Regency in various locations.

Prince Aria Soeria Atmadja was appointed regent of Sumedang on January 31, 1883 (1883–1919 A.D.). During his rule as regent, he improved livestock production by importing cattle from Madura and Bengal and horses from Sumba or Sumbawa. In the forestry sector, he advises planting trees to prevent bare slopes from collapsing and building restricted forests/closed forests to protect their sustainability. He created a telephone office to improve communication. To enhance the welfare of people with low incomes, he formed the "Prijaji Bank" in 1901 A.D., and the name of the bank was changed to "Soemedangsche Afdeeling Bank" in 1910 (Lasmiyati, 2014).

Prince Aria Soeria Atmadja promotes the arts, notably Tayub and Gamelan Dance. He wrote a book and composed "Sonteng." In addition, he built homes for the chiefs of older districts. During his tenure as regent, Prince Aria Suria Atmadja displayed the traits of a wise leader by prioritizing the welfare of his people. Efforts are undertaken to increase the level of living for its people, which benefits all aspects of life. He aspired for his people to become skilled farmers. He created irrigation to irrigate rice fields, village barns, and a hillside ladder system (terraces) in agriculture. In 1913, he also built a farmer's school that would later become the Tanjungsari Agricultural Academy. This academy became the University of Winayamukti (Lasmiyati, 2014).

The waqf declaration of Prince Aria Soeria Atmadja, as expressed in the charter '*Ijeu Soepaja Djadi Tanda Kakoeatan*' (This should serve as a sign of power), is a testament of waqf. A testamentary waqf is subject to the rules of a will (*waṣiyyah*) (Miran & Layish, 2018). Testamentary waqfs, both oral and written, can be created if they are witnessed by at least two witnesses who meet the conditions. Waqf assets with a will are limited to one-third of the total inheritance (al-Thurābalisi, 1902).

The Prince's waqf manuscript, composed in Sundanese, emphasizes the significance of conserving and implementing the donated objects. In the manuscript of Prince Aria Soeria Atmadja's waqf pledge, the following purpose of waqf is stated:

(that in fact, should I pass away or resign from my role as regent here (in Sumedang), the aforementioned items will be donated by me to my successor. Moreover, to any indigenous person who has been designated as an official by the government in Sumedang. Whatever position it is termed after my passing, so long as the objects remain and can be utilized for their benefit and there is an incumbent in office, I will endow. And so forth. It retains its immutability, is not susceptible to litigation., cannot be sold, is not subject to modification, is not exchangeable, and cannot be replaced).

Because of the regulations of the Islamic law of inheritance, a testamentary waqf is more restrictive than a regular type of waqf in the following respects: First, in the regular type of waqf, the founder could, if he/she wished, include all his/her assets; in the case of testamentary waqf, however, only one-third or less of the testator's property could be dedicated to the waqf. Second, in the regular type of waqf, the founder can designate whomever he/she chooses as its beneficiary; however,

the latter type of waqf may not be made in favor of a specific legal heir(s). Third, a regular type of waqf takes effect immediately after its establishment, whereas the latter becomes operational after the testator's death (Igarashi, 2019).

The words '*Ijeu Soepaja Djadi Tanda Kakoeatan*' (This should serve as a sign of power), have a profound significance. The terms contained in the waqf pledge demonstrate the strength of the donated objects' values. It was also what prompted the prince to voluntarily donate all of his fortune so that it would one day become a force for the Sumedang and Sundanese people. The prince anticipated that after his death, the Sundanese people would recognize their identity and their inherent strength. (Soemawilaga, 2023)

The waqf declaration made by the Prince in the charter is explicit regarding *diwakapkeun ka anoe ngaganti kaoela* (waqf to the individual who shall succeed me). It satisfies the requirements for waqf declarations. Prince Aria Soeria Atmadja's waqf is a "strength" for his descendants to investigate the Prince's waqf's values, according to one of the Prince's descendants (Soemawilaga, 2023). These values are the revitalization and optimization of the long-neglected traditions and culture of the Sumedang Larang Palace.

The waqf objects, which are all neatly kept in the Prabu Geusan Ulun Museum in Sumedang Regency, have become a symbol of the ancient Sundanese culture's abundant treasures. Under the direction of the Yayasan Nazhir Wakaf Pangeran Sumedang (The Prince Sumedang Nazhir Waqf Foundation), the power of values bequeathed by the prince through waqf objects will continue to be preserved for their perpetuity and utility through professional management (Soemawilaga, 2023)

The customs surrounding the waqf tradition were quite dominant in Prince Aria Soeria Atmadja's waqf study. The waqf pledge of the Prince is spoken in Sundanese, the Prince's native language. Without ignoring the essence of the waqf pledge in Islamic law, the words of the Prince in the waqf pledge text demonstrate the existence of a tradition that the recipient of his will must adequately maintain. Similarly, the objects are given as waqf by the Prince. These are objects that have historically been very valuable. The royal family's traditions were carried on in the waqf. The waqf management carried out by the Prince's descendants recognizes the legacy of that tradition.

According to Minister of Domestic Affairs Regulation No. 39 of 2007, the Keraton (the palace) is a kinship organization led by the King/Sultan/Panembahan or other designations that serves as a center for the preservation and development of cultural customs and socio-cultural values contained therein, as well as protecting institutions and community members. Based on this regulation, an initiative was to revitalize the Sri Manganti Palace—and all of Prince Aria Soeria Atmadja's waqf assets—using the Sumedang princes' kinship system with the titles 'radya,' 'rahadian,' or 'raden.' These radyan, also known as 'raden' in Sundanese society, are the descendants of kings who, for political reasons, moved from the 'noble' minority zone to the 'common' minority zone (Adiwinata, 2023)

One of the unique waqf programs is the program for preserving culture, religion, and art, which is frequently organized and organized by Yayasan Nazhir Wakaf Pangeran Sumedang (The Prince Sumedang Nazhir Waqf Foundation). At times, the program for preserving royal heirlooms, which are also waqf assets, is displayed in the form of carnivals and heritage carnivals. Some heirlooms, such as royal crowns, kris, swords, and ancient weapons, are cleaned using prayer chanting rituals. This program, which has received much public attention, is the other side of the cultural and religious acculturation peculiarities in Sumedang Larang and Sundanese people. The foundation's managers believe preserving Sumedang Larang's culture and arts is an ancestral mandate that should be addressed. Various dances, including Prince Aria Soeria Atmadja's tub and edging, were reintroduced and taught to the public. The continuation of this tradition contributes to the preservation of the Sundanese people's intangible cultural heritage.

Despite the lack of comprehensive regulation within Indonesian waqf laws, the management of the waqf in the Sumedang Larang Kingdom exhibits distinct trends and patterns that deviate from conventional waqf governance. Notably, the administration of these waqf assets is primarily carried out by the descendants of the Royal family, thereby highlighting unique characteristics specific to this context. The purpose of this initiative is to ensure the preservation and promotion of traditions and cultural practices that are deeply rooted in the spirit of royal waqf.

Conclusion

Waqf of kings and princes, which occurs in numerous areas throughout Indonesia, is a sort of royal waqf in which the king and his family endow some or all of their riches for the benefit of their family and the public. As cultural emblems of the people, monarchs, princes, and the palace cannot ignore the local wisdom practiced for ages. This sign of local wisdom will be retained as part of the waqf's preservation.

Perpetuation, not only asset preservation, is one of the principles of Islamic waqf. However, in Indonesia's royal waqf, its preservation is included in the preservation of intangible cultural heritage. This approach incorporates the preservation of local wisdom. This waqf encompasses cultural preservation and offering advantages (*tasbīl manfā'ah*) to the people. At this moment, the royal waqf in Indonesia is a one-of-a-kind royal waqf not found in any other waqf tradition in the globe.

The royal waqf tradition in this article is Prince Aria Soeria Atmadja's Waqf, which is handled by Yayasan Nazhir Wakaf Pangeran Sumedang (The Prince Sumedang Nazhir Waqf Foundation). The Prince Sumedang Nazhir Waqf Foundation takes the necessary strategic steps to preserve and distribute the benefits of the Prince's waqf, such as revitalizing immovable assets such as land and buildings; maintaining ancient sites, museums, and tombs; and preserving Culture, Religion, and the Arts.

Family waqf is a testamentary waqf, including the royal waqf in the case of Prince Aria Soeria Atmadja's waqf. In Indonesia, waqf legislation recognizes royal waqf as legitimate due to its classification as a testamentary waqf.

The absence of the royal waqf from waqf legislation in Indonesia creates a potential loophole that could prevent the accommodation of this specific waqf. The substantial advantages of the waqf established by the Royal Family have exerted a considerable impact on the conservation of intangible cultural assets and the Indonesian people's inheritance.

References

- Abdel Mohsin, M. I. (2010). Revitalization of waqf administration & family waqf law. *US-China Law Review*, 7(No. 6 (serial No.67)).
- Adiguzel, F. S., & Kuran, T. (2021). The Islamic Waqf: Instrument of Unequal Security, Worldly and Otherworldly. In *ERID Working Paper Number 305* (Issue 305). <https://doi.org/10.2139/ssrn.3836060>

- Adiwinata, Asep Sulaiman Fadhil. (2023). *personal communication*, Sumedang, 28 October.
- Afandi, 'Ali Haydār. (1950). *Tartīb al-Ṣunūf fī Ahkām al-Wuqūf*. Mecca: Muassasah al Rayyan.
- Al-Ashbahī, I. M. ibn A. (1994). *al-Mudawwanah al-Kubrā Juz IV*. Dār al-Kutub al-Ilmiyyah.
- Al-Bayhaqī, A. B. A. I. al-H. I. A. (2003). *Al-Sunan al-Kubrā, Juz VI*. Beirut: Dār al-Kutub al-Ilmiyyah.
- Al-Bukhārī, M. I. I. A. 'Abd A. (1994). *Ṣahīh al-Bukhārī*. Beirut: Dār Ibn Kathīr.
- Al-Kābisī, M. 'Abīd A. A. (1977). *Ahkām al-Waqf fī al-Sharī'at al-Islāmiyyah*. Baghdad: Mathba'ah al-Irshād.
- Al-Khayyāt, 'Abd al-Azīz. (1977). *Nazhariyyāt al-'Urf*. Amman: Maktabah al-'Aqshā.
- Al-Khilal, al-I. A. bin M. bin H. (1989). *Kitāb Wuqūf min Masā'il al-Imām Aḥmad ibn Ḥanbal al-Syaybanī*. Maktabah al-Ma'ārif.
- Al-Muṣayqih, K. I. 'Alī I. M. (2013). *Al-Jāmi' Li Ahkām al-Waqf Wa Al-hibāt Wa Al-Waṣāyā, Juz_1*. Qatar: Wizārah al-Awqāf wa Syu'ūn al-Islāmiyyah.
- Al-Ṣāliḥ, M. I. A. I. Ṣāliḥ. (2001). *Al-Waqf fī al-Sharī'at al-Islāmiyyah Wa Ātsaruh fī Tanmiyyat al-Mujtama'*. Riyadh: Maktabah al-Mālik Fahd al-Wathaniyyah.
- Al-Saybānī, A. B. A. ibn 'Amr. (1902). *Ahkām al-Awqāf* (first edit). Cairo: Maṭbā'ah Dīwān 'Umūm al-Awqāf al-Miṣriyyah.
- Al-Ṭurābalīsī, B. al-D. I. I. M. I. A. B. S. Ā. (1902). *Al-As'āf fī Ahkām al-Awqāf*. Mishr al-Mahmiyah: Maṭbā'ah Hindiyyah.
- Al-Zarqā, M. A. (1998). *Ahkām al-Awqāf* (Second Ed.). Amman: Dār Ammar.
- Almanaseer, M., & Bashar, M. (2014). Waqf And Its Role in The Social And Economic Development Of The Hashemite Kingdom of Jordan. *Journal of Economics and Sustainable Development*, 5(15), 18–26.
- Asiah, M. N. (2018). A Study on the Socio-Economic Roles of Waqf Ahli (Family Waqf) in Promoting Family Security and a Sustainable Family Economy * Kajian Mengenai Peranan Sosio-Ekonomi Waqf Ahli (Waqf Keluarga) Dalam Meningkatkan. *IJUM Law Journal*, 26(1), 141–160. file:///C:/Users/User/Downloads/383-Article Text-1169-4-10-20180702.pdf
- Chowdhury, M. S. R. et al. (2011). Economics of Cash WAQF management in Malaysia: A proposed Cash WAQF model for practitioners and future researchers. *African Journal of Business Management*, 5(30), 12155–12163.
- Çizakca, M. (1998). Awqaf in History and Its Implications for Modern Islamic Economies. *Islamic Economic Studies*, 6(1), 43–70.
- Harun, F. M. et al. (2016). Issues and Economic Role of Waqf in Higher Education Institution: Malaysian Experience. *Al-Iqtishad: Journal of Islamic Economics*, 8(1), 149–168.

- Igarashi, D. (2019). Father's Will, Daughter's Waqf: A Testamentary Waqf and Its Female Founder/Administrator in Fourteenth-Century Egypt. *Orient*, 54(2019), 41–53.
- Kahf, M. (2003). The Role of Waqf In Improving The Ummah Welfare. *The International Seminar on "Waqf as a Private Legal Body,"* 1–26.
- Kahf, M. (2006). *Al-Waqf al Islāmi: Tathawwuruh, Idāratuh, Tanmiyyatuh* (Second Ed.). Damascus: Dar al-Fikr.
- Lamido, A. A., & Haneef, M. A. (2021). Shifting the paradigms in waqf economics: towards renewed focus on socioeconomic development. *Islamic Economic Studies*, 29(1), 18–32.
- Lasmiyati, L. (2014). Ditioeng Memeh Hoedjan: Pemikiran Pangeran Aria Suria Atmadja Dalam Memajukan Pemuda Pribumi Di Sumedang (1800-1921). *Patanjala : Jurnal Penelitian Sejarah Dan Budaya*, 6(2), 223–238.
- Mannan, M. A. (1999). Cash-waqf Certificate Global Opportunities for Developing the Social Capital Market in 21st-Century Voluntary-sector Banking. *Third Harvard University Forum on Islamic Finance: Local Challenges, Global Opportunities*, 243–256.
- Manşur, S. H. (2004). *Al-Waqf Wa Dawrüh Fi al-mujtama' al-islāmi al-Mu'ashir*. Beirut: Risālah Publisher.
- Md. Dahlan, et al. (2021). Royal Waqf in Perak: a Legal and Historical Analysis. *IIUM Law Journal*, 29(2), 299–329.
- Miran, J., & Layish, A. (2018). The Testamentary Waqf as an Instrument of Elite Consolidation in Early Twentieth-Century Massawa (Eritrea). *Islamic Law and Society*, 23(1–2), 78–120. <https://doi.org/10.1163/15685195-02512P04>
- Obaidullah, M. et al. (2018). Waqf Core Principles for Effective Waqf Operation and Supervision. In *International Working Group on Waqf Core Principles* (Issue 1). Jakarta: International Working Group on Waqf Core Principles.
- Orbayy, K. (2013). Account books of the imperial WAQFS (Charitable endowments) in the eastern Mediterranean (15th to 19th centuries). *Accounting Historians Journal*, 40(1), 31–50.
- Orbayy, K. (2017). Imperial Waqfs within the Ottoman Waqf System. *Endowment Studies*, 1(2), 135–153.
- Rafiqi, Y. (2019). The Problem of Perpetuity in Cash Waqf. *International Journal of Nusantara Islam*, 6(1), 10–19. <https://doi.org/10.15575/ijni.v6i1.1321>
- Reiter, Y. (2013). *Islamic Endowments in Jerusalem under British Mandate*. London: Routledge.
- Sabit, M. T. b H. M., & Hamid, A. b H. M. I. (2006). Obstacles of the Current Concept of Waqf to the Development of Waqf Properties and the Recommended Alternative. *Malaysian Journal of Real Estate*, 1(1), 27–38.
- Sadique, M. A. (n.d.). *Chapter 3 Family Waqf Deserves a Better Deal* (Vol. 1).
- Sadique, M. A., Ansari, A. H., Hingun, M., & Hasan, A. (2016). Socio-Legal

- Significance of Family Waqf in Islamic Law: Its Degeneration and Revival. *IIUM Law Journal*, 24(2), 309–334. <https://doi.org/10.31436/iiumlj.v24i2.275>
- Sanah, A. F. A. (1947). *Al-'Urf Wa al-'Ādah Fī Ra'y al-Fuqahā*. Cairo: Maṭba'ah al-Azhar.
- Sarājanī, R. al. (2010). *Rawā'i al-Awqāf fī Ḥaḍarah Islāmiyyah*. Nahdhah Mishr.
- Soemawilaga, L. D. (2023). *personal communication*, Sumedang, 14 October.
- Tubagus, M. R. et al. (2021). Fungsi Tradisi Ngumbah Pusaka Prabu Geusan Ulun Sumedang Larang. *Jurnal Budaya Etnika*, 4(1), 3–22.
- Zahrah, M. A. (1959). *Muḥāḍarāt fī al-Waqf*. Mishr: Maṭba'ah Aḥmad 'Alī Mukhaymir.
- Zuhaylī, W. (1985). *Al-Fiqh al-Islāmi wa Adillatuhu Juz 8*. Dār al-Fikr.

Yusep Rafiqi¹, Asep Suryanto², Mohamad Anton Athoillah³

^{1,2}Faculty of Islamic Religion, Siliwangi University of Tasikmalaya

³Faculty of Economics and Business Sunan Gunung Djati State Islamic University of Bandung
Email: ¹yuseprafiqi@unsil.ac.id, ²asepsuryanto@unsil.ac.id; ³anton_athoillah@uinsgd.ac.id