WAQF ADMINISTRATIVELY INVISIBLE: LAND POLITICS AND GOVERNANCE IN BANDA ACEH

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ABSTRACT – In Islam, *"waqf"* is a special institution that manages assets that have been permanently donated for religious purposes and the public good. However, the sustainability of *waqf* can become complicated when its institutional framework comes into conflict with modern systems of state administration that have evolved over time. This study examines the status of Blang Padang in Banda Aceh, which remains the subject of ongoing land ownership disputes. It explores how a "waqf" historically recognized with clear systems and evidence has become administratively "invisible" amid shifts in regional governance regimes. Using historical-institutional approach, this paper traces the transformations in the relationships between the *waqif, mauquf, mauquf 'alaih, and nazhir* throughout the various periods of political and administrative leadership in Aceh. The primary focus is on the moments when historical-religious legitimacy was translated, transferred, or severed within the framework of modern state property administration. This article argues that the controversy over the Blang Padang *waqf* land reflects broader institutional disjunction between *waqf* governance and state land administration, demonstrating that competing regimes of legitimacy can coexist within the same territorial space.

Keywords: Waqf governance, land administration, state governance, historical legitimacy, Blang Padang

ABSTRAK – Dalam Islam waqaf merupakan lembaga khusus yang mengelola harta kekayaan yang telah diserahkan secara permanen untuk tujuan keagamaan dan kemaslahatan sosial. Akan tetapi, kelangsungan waqaf dapat menjadi rumit saat kerangka kelembagaannya berhadapan dengan sistem modern administrasi pertahanan negara yang telah berlangsung dalam pergantian masa dan zaman. Penelitian ini akan melihat status Blang Padang di Banda Aceh yang hingga saat ini masih menjadi perbincangan sengketa kepemilikan tanah. Studi ini mengajukan pertanyaan terkait bagaimana waqf yang telah diakui secara historis dengan jelas sistem dan buktinya menjadi "tak terlihat" secara administratif ditengah perubahan rezim tata kelola wilayah. Dengan menggunakan pendekatan historisinstitutional, makalah ini melacak transformasi dalam hubungan antara waqif, mauquf, mauquf 'alaih, dan nazhir sepanjang periode kepemimpinan politik dan administratif di Aceh. Adapun fokus utama dipusatkan pada momen-momen dimana legitimasi sejarah-keagamaan diterjemahkan, dipindahkan, atau terputus dalam administrasi properti negara modern. Artikel ini berpendapat bahwa kontroversi tanah waqaf Blang Padang mencerminkan disjungsi kelembagaan yang lebih luas antara tata kelola wakaf dan administrasi tanah negara yang menunjukkan rezim-rezim legitimasi yang saling bersaing dapat hidup berdampingan di ruang teritorial yang sama.

Kata kunci: Tata kelola wakaf, administrasi tanah, tata kelola negara, legitimasi historis, Blang Padang



INTRODUCTION

In Islamic law, waqf is not merely a form of property ownership but a lasting institutional framework that connects the "wakif" (the donor), the "mauquf" (the endowed asset), the "mauquf 'alaih'" (the beneficiary), and the "nazhir" (the trustee). Its normative strength rests on its perpetual nature; once endowed, the asset is intended to serve religious or social purposes for an indefinite period. In Indonesia today, waqf has been integrated into the formal legal framework, primarily through Law No. 41 of 2004 on Waqf and Government Regulation No. 42 of 2006 (as amended), which establish mechanisms for registration, certification, and oversight under the auspices of the Indonesian Waqf Board (BWI) and the Ministry of Religious Affairs.

However, formal recognition does not automatically guarantee institutional sustainability. A waqf may remain historically and normatively recognized, yet its existence is difficult to trace within the categories of modern state documentation and administration. This gap is particularly pronounced in the case of historical waqfs originating from political regimes that employed land registration, classification, and management procedures different from those of the current state. Thus, the conceptual issue is not merely "who owns the land?", but rather "how has a historically recognized waqf become administratively invisible amid changes in territorial governance regimes?"

Blang Padang, a strategic open space in downtown Banda Aceh, lies at the heart of this issue. Historically, this land is associated with a waqf established by Sultan Iskandar Muda (reigned 1607–1636) for the benefit of the Baiturrahman Grand Mosque. Both colonial-era studies and local historiography classify this waqf as "Oemong Sara" (also known as "Umong Meusara"), which designates Blang Padang and Blang Punge as waqf lands supporting the mosque's operations and the needs of religious officials. In 2025–2026, the BWI reaffirmed this historical claim by declaring that Blang Padang is a waqf asset and followed through with administrative measures such as the issuance of a Deed Replacing the Waqf Declaration (APAIW) and the related certification process.

On the other hand, Indonesia's state land administration presents a different picture. Since the revolutionary era, Blang Padang has been used by military institutions; in 2021, the Minister of Finance issued Decree No.



193/KM.06/WKN.01/KNL.01/2021, which designated the Ministry of Defense as the Asset User and the Indonesian Army (Kodam Iskandar Muda) as the Authorized Asset User within the framework of State-Owned Assets (BMN) management. Consequently, this single territorial area has overlapping legitimations: a waqf status rooted in the history of the sultanate and religious norms, and a BMN status rooted in modern state classification and documentation.

Current academic research tends to focus on studies of fiqh and law regarding waqf, technical studies related to waqf land certification, agrarian conflicts and land policy, the history of Aceh, and civil-military relations. What has not been extensively studied is a longitudinal institutional analysis of Blang Padang, examining how waqf status is interpreted, recorded, shifted, or rendered invisible amid changes in administrative regimes. Comparative studies of historical waqf in contexts of legal pluralism such as the case of the Sambas Sultanate demonstrate how living waqf practices intersect with formal state law; however, these studies have not yet fully formulated a theory regarding the administrative mechanisms that determine whether waqf status remains visible or becomes invisible over time.

This article examines how the status of the historical Blang Padang waqf was severed from or rendered invisible within the modern state's land administration, as well as how various successive political and institutional actors have reconstructed its legitimacy over time. How did the status of the historical Blang Padang waqf become administratively invisible, and how have various successive actors reconstructed its legitimacy within the modern state's land governance system?

The Blang Padang controversy is not merely a property dispute, but rather an institutional imbalance that has arisen as a result of the gradual transformation of waqf governance into a modern system of state territorial and asset administration. This paper argues that, in its historical context, the waqf was not simply abolished as a normative institution, rather, its institutional existence gradually weakened or was displaced by changes in documentation systems, land classification, and state administration. Therefore, the contestation during the 2025–2026 period is best understood as a process of re-legitimization, an effort to restore administrative recognition of the waqf, which had never actually lost its normative recognition.

LITERATURE REVIEW



Waqf as an Islamic Institution

Classically, waqf is defined by its permanent nature, its inalienable ownership, and its use being tied to specific purposes. The chain of relationships—waqf founder (wakif)—waqf property (mauquf)—beneficiary (mauquf 'alaih)—trustee (nazhir)—instills aspects of accountability and sustainability into the institution. In Indonesia, Law No. 41/2004 and Government Regulation No. 42/2006 govern the administration of waqf through the registration of nazhirs, oversight by the BWI, and land certification by the National Land Agency (BPN). The BWI's mandate includes issuing proof of nazhir registration and ensuring that waqf assets are documented and utilized in accordance with the waqf donor's wishes.

However, legal recognition is not the same as institutional sustainability. A waqf may remain normatively alive in the collective memory of the community and in religious practice, even if its existence is tenuous within the state's cadastral system. This gap between normative recognition and administrative visibility serves as a point of entry for analyzing historical waqf cases such as Blang Padang.

Historical Waqf and Legal Pluralism

Studies on historical waqf in Indonesia increasingly incorporate an approach based on legal pluralism: the interaction between Islamic law, customary practices, and state law. Recent research on the Sambas Sultanate demonstrates how historical waqf lands, often documented through informal deeds confront a formal certification regime, giving rise to a "legal-functional paradox" in which assets are socially recognized yet possess a precarious legal status. Although the situation in Sambas is not entirely identical to that in Blang Padang, the case provides an analytical precedent: historical waqf can endure as a living institution even when state law reclassifies or disregards it.

Historical Institutionalism and Institutional Change

Historical institutionalism (HI) offers an analytical framework for tracing how institutions evolve over time through the mechanisms of path dependence, critical junctures, and incremental change. Scholars such as Mahoney, Thelen, and Pierson emphasize that institutional transformation often occurs through layering, conversion, drift, or displacement, rather than through sudden abolition. When applied to waqf, HI helps explain how the institutional



visibility of a waqf can fade without any formal revocation of its status: new administrative layers (such as BMN or rights of use) can obscure or supplant the original waqf structure, thereby creating a regime of legitimacy that coexists but is not aligned. This article links waqf governance to the state's transparency to explain how the status of the Blang Padang waqf became administratively invisible and how various parties are now attempting to re-establish it in state documentation.

Theoretical Framework

Historical Institutionalism

This article employs the historical institutionalism (HI) approach to trace how the institutional status of Blang Padang has evolved across successive political and administrative regimes. HI views institutions not as static rules, but as dynamic configurations embedded in temporal processes; in this case, initial choices shape future possibilities through the mechanism of "path dependence." In the case of Blang Padang, the initial waqf established by Sultan Iskandar Muda formed a long-lasting institutional chain comprising the "wakif" (waqf founder), "mauquf" (waqf object), "mauquf 'alaih" (beneficiary), and "nazhir" (trustee), which continues to underpin normative claims even as external governance structures undergo change. The international law perspective allows us not only to question the status of the waqf at a specific point in time, but also how that status is maintained, transformed, or obscured over time.

Within the framework of international relations, institutional change often occurs gradually rather than suddenly. Mahoney and Thelen's typology of "layering," "conversion," "drift," and "displacement" helps explain how waqf governance can persist normatively even while losing its administrative visibility. "Layering" occurs when a new administrative category (e.g., BMN or right of use) is added without officially revoking the waqf status. "Conversion" occurs when waqf land is reallocated for military purposes, while its underlying waqf status remains intact. "Drift" refers to changes in the impact of rules that remain stable as the political and administrative context shifts. "Displacement" describes a situation in which the state ownership regime dominates waqf governance, causing the waqf status to become less visible in official documentation. Collectively, these mechanisms explain how the waqf status of Blang Padang could become administratively invisible without an explicit legal revocation.



The concept of "critical junctures" further clarifies the moments when institutional trajectories can shift significantly. Colonial codification of land tenure, the military takeover of Blang Padang during the revolution, the post-independence consolidation of state asset administration, and the designation of BMN status in 2021 each represent potential turning points at which the institutional visibility of the waqf is renegotiated. HI does not assume that an institution will disappear simply because it is sidelined. Rather, the institution may persist in layered forms, creating coexisting yet incompatible regimes of legitimacy. This theoretical approach is crucial for analyzing Blang Padang, where the normative aspects of the waqf and state administration now intersect in a highly contentious context.

State Legibility and Administrative Invisibility

Complementing the Historical Institutionalism (HI) approach, James C. Scott's concept of "state legibility" offers a second analytical perspective for understanding how waqf governance interacts with modern land administration. Scott argues that the state seeks to make social and economic life "legible" by simplifying complex local practices into standardized categories that enable taxation, control, and public management. In the realm of land governance, this process includes cadastral mapping, land title registration, and classification into administrative schemes such as State-Owned Assets (BMN). When historically rooted waqfs do not neatly align with these categories—due to missing documentation, ambiguous land tenure status, or non-standard forms of recognition—they risk becoming "unreadable" through the state's administrative lens.

The transformation of waqf so that it can be recognized by the state involves several stages: the historical reality of waqf must be documented, classified, and recorded in a manner consistent with administrative categories. Sources from the colonial era, such as Van Langen's 1888 work, provide external corroborating evidence that Oemong Sara is waqf land. However, these sources also translate the local land tenure system into the language of colonial administration, which has the potential to alter its meaning. In the post-independence era, the state's BMN regime requires clarity regarding the user/manager as well as official designation through a Ministerial Decree (SK), as seen in the 2021 Minister of Finance Decree. These administrative requirements do not inherently test the status of a waqf. Thus, a historically



recognized waqf may become administratively invisible simply because state categories do not require verification of that status.

This article introduces the concept of "administrative invisibility" as a mid-range concept to describe this phenomenon. Administrative invisibility does not mean that the waqf does not exist; rather, it means that the historical and normative status of the waqf is not adequately represented in the documentary categories that modern states use to recognize and manage land. This concept bridges historical institutionalism (HI) and the concept of legibility, whereby HI explains how institutional layers accumulate over time, while legibility explains why certain layers become visible or invisible to the state. In Blang Padang, administrative invisibility arises when the BMN classification obscures waqf governance without formally abolishing it, resulting in a regime of legitimacy that coexists but is not aligned. Thus, the efforts during the 2025–2026 period to restore the visibility of waqf through APAIW and BWI certification can be understood as an attempt to reintegrate waqf into the realm of state legibility.

Together, historical institutionalism and the concept of state legibility provide a robust framework for analyzing how the status of the Blang Padang waqf became administratively invisible and how contemporary actors are attempting to reconstruct its legitimacy. Historical institutionalism traces the temporal dynamics of institutional change, while the concept of legibility explains the administrative mechanisms that determine the gain or loss of visibility. The concept of administrative invisibility synthesizes these insights and offers a means to analyze similar cases in which historical institutions persist normatively but have weakened administratively within modern governance systems.

Methodology

This study employs a qualitative, historical-institutional case study design, viewing Blang Padang as a pivotal case where various competing regimes of land legitimacy intersect. This case was selected because it represents a tangible tension between the normativity of waqf rooted in the history of the sultanate and the practice of allocating religious assets and modern state land administration, particularly the State-Owned Assets (BMN) regime. By focusing on a single strategically important location, this analysis can trace in depth how institutional visibility is formed, weakened, or restored over time, rather than merely presenting a broad but superficial comparison among various



cases. This design aligns with the article's central question regarding how a historically rooted waqf becomes administratively invisible and how its legitimacy is subsequently reconstructed.

The analysis was conducted through "historical process tracing," which connects various events, actors, documents, and institutional changes across different periods. Rather than merely presenting a simple chronology, this process tracing identifies the mechanisms that produce both visibility and "invisibility" for example, how colonial documentation translated the status of waqf ownership into administrative categories, how military land use during the revolution altered the status of waqf land without formal revocation, and how the designation of the land as state-owned property (BMN) in 2021 made it recognizable to the state while disregarding verification of its waqf status. Primary sources include waqf documents (APAIW 2025, BWI letters, "nazhir" records), colonial maps and archives (e.g., Van Langen 1888), land administration records (BPN, BMN files), Ministry of Finance Decree No. 193/KM.06/WKN.01/KNL.01/2021, TNI/Ministry of Defense documents, correspondence between the Aceh Government and the BWI, and national regulations (Law No. 41/2004, Government Regulation No. 42/2006). Secondary sources include journal articles on legal pluralism and the history of waqf, books on the history of Aceh, studies on waqf governance, and news reports documenting the 2025–2026 disputes.

To develop an analytical framework, a timeline matrix was used that divides the historical trajectory into distinct periods, each characterized by dominant actors, land regimes, forms of legitimacy, and specific key documents. This matrix encompasses the Sultanate period ("wakif–nazhir" chain, historical-religious legitimacy, Van Langen 1888), the Colonial period (colonial land classification, administrative legitimacy, colonial maps), the 1945–1950 revolutionary period (military use, revolutionary/state legitimacy, Indonesian Army narrative), the post-independence period (state administration, sovereignty, BMN files), the 2004–2021 period (modern land/BMN regime, administrative-legal legitimacy, 2021 Decree), and the 2025–2026 period (competing classifications, waqf versus state legitimacy, APAIW/BWI documents). This matrix does not establish rigid boundaries but serves as an analytical framework to identify crucial turning points, institutional layering, and moments of administrative (in)visibility. The combination of research design, process tracing, and sourcing strategies enables an in-depth account of



how the administrative invisibility of the Blang Padang waqf came about and how contemporary actors are striving to restore its legitimacy.

RESULT AND DISCUSSION

The Early Waqf System: The Sultanate, Oemong Sara, and the Grand Mosque

Historical records and academic studies from the colonial era consistently describe Blang Padang along with Blang Punge as "Oemong Sara" (also known as "Umong Meusara"), a category of waqf land designated by Sultan Iskandar Muda (reigned 1607–1636) for the benefit of the Baiturrahman Grand Mosque. This waqf was not merely a transfer of property but the establishment of a enduring institutional framework, the sultan, as the "wakif" (waqf donor), dedicated the land ("mauquf") to support the mosque and its religious apparatus ("mauquf ‘alaih"), with management entrusted to an appointed "nazhir". The purpose of this waqf is explicitly religious and social: to ensure the mosque’s continued operation and to provide for the livelihood of its imam, khatib, and muazin. This initial structure instilled a permanent nature into the institution, given that waqf in Islamic law is intended to fulfill its designated purposes indefinitely.

Colonial-era documentation, particularly Van Langen’s 1888 work on Aceh’s institutional structure, provides external corroboration of the "Oemong Sara" category. Van Langen’s account is significant because it presents an external administrative acknowledgment of the existence and function of this waqf. However, this recognition was mediated by the language of colonial administration, which translated local land tenure practices into categories comprehensible to the Dutch state. This process of translation was not neutral. It simplified the complex waqf arrangements into standardized descriptions that served the needs of colonial governance, such as taxation or land control. Although Van Langen’s work confirms that Blang Padang was recognized as waqf land in the late 19th century, this does not necessarily align with the state’s cadastral categories that emerged later in the post-independence era.

This waqf chain can be reconstructed as follows: Sultan Iskandar Muda as the "wakif": Blang Padang and Blang Punge as the “mauquf”; the Baiturrahman Grand Mosque and its religious institutions as the “mauquf ‘alaih”; and the mosque or sultanate officials historically appointed as the “nazhir.” This relational structure is crucial because it establishes accountability and



sustainability: the "nazhir" is obligated to manage the land in accordance with the "wakif's" intent, and the beneficiaries are clearly defined. In principle, this chain should endure through political transitions, given that waqfs are designed to persist beyond the founder's lifetime. However, the resilience of a waqf depends not only on normative recognition but also on its representation within successive administrative regimes. When successor states fail to record or classify waqfs in a way that preserves their institutional chain, these waqfs risk becoming administratively invisible even though their normative status remains intact.

It is important to note that colonial documentation indicates recognition of the function of waqf without necessarily aligning it with the modern cadastral system. The Dutch colonial government's interest in "Oemong Sara" was likely pragmatic in nature to understand and regulate land tenure in Aceh, rather than to preserve waqf as a religious institution. This pragmatic recognition meant that although the existence of the waqf was recorded, it was not automatically integrated into a legal framework that would protect it under subsequent regimes. The gap between functional recognition and legal integration became crucial in subsequent periods, when the Indonesian state's land administration required formal documentation and classification to recognize property rights. Thus, the early waqf system found itself in a paradoxical situation: normatively strong but administratively vulnerable.

From Waqf to Military Use: The First Institutional Transformation

The first major institutional transformation occurred during the revolutionary period (1945–1950), when Blang Padang began to be used for military purposes. According to the Indonesian Army's (TNI AD) account, the land was used by the BKR (People's Security Agency) in 1945 and was subsequently linked to the transfer of KNIL ("Koninklijk Nederlands-Indisch Leger" or Royal Dutch East Indies Army) facilities to the Republic of Indonesia. This marked a crucial turning point: military use began to overlap with the waqf framework, introducing a new functional logic that competed with its original religious purpose. However, it is important to distinguish between use, ownership, legal rights, and administrative records. The fact that the military used the land does not automatically imply that its waqf status was officially revoked or that ownership had transferred to the state. This distinction is analytically crucial because it opens the possibility that the waqf status



remained intact in a normative sense even though its function had been repurposed.

From the perspective of historical institutionalism, this transformation is an example of conversion: an existing institution (waqf) is redirected toward new purposes without being formally abolished. The military's use of the land did not automatically nullify the waqf's normative status; rather, it superimposed a new function on the land while its original waqf status remained intact. This aligns with Mahoney and Thelen's observation that institutional change often occurs through gradual mechanisms rather than sudden replacement. In the case of Blang Padang, the institutional chain of the waqf, which includes the "wakif" (waqf donor), the "mauquf" (waqf object), "mauquf 'alaih" (beneficiary of the waqf), and "nazhir" (waqf administrator) may persist in the collective memory and religious practices of the community, even as the land's function shifts to serving as a site for military training and ceremonies. The absence of official documents revoking the waqf suggests that this transformation was functional rather than legal, thereby creating a situation in which two logics that are religious waqf and military use and coexist in a state of tension.

The Indonesian Army's narrative emphasizes the continuity of national sovereignty: the land was seized in the name of the revolution and subsequently integrated into the state's defense apparatus. This narrative frames military use as the exercise of legitimate state authority, particularly in the context of postcolonial nation-building. However, from the perspective of waqf governance, the key question is whether such use was accompanied by administrative measures that formally altered the land's status. If such steps were not taken, that is if the waqf status was not revoked or its classification changed through legal procedures then the military's use of the land constitutes a "de facto" conversion rather than a "de jure" transfer. This distinction is important because it raises the possibility that the normative status of the waqf remains intact, even though its administrative presence has become less visible.

Thus, the revolutionary era introduced a layer of institutional complexity: Blang Padang now holds both waqf legitimacy (rooted in the history of the sultanate) and military legitimacy (rooted in revolutionary sovereignty). These two logics are not necessarily contradictory, but tensions arose when subsequent administrative regimes demanded clear classifications. The state's land administration system, particularly in the post-independence era, sought to make land administratively mappable through cadastral registration and the



designation of State-Owned Property (BMN) status. When Blang Padang was subsequently classified as BMN, the narrative regarding its use by the military provided a functional justification; however, this did not automatically answer the fundamental question of whether its waqf status had been officially revoked. This ambiguity laid the groundwork for the subsequent transformation: the strengthening of BMN status as the dominant administrative framework.

It is worth noting that the transfer of waqf land for military purposes without an official revocation of its status sets a precedent for the loss of that status from administrative records. Subsequent government documentation (for example, BMN files or designation decrees) may not list the waqf status because the applicable administrative categories do not require such verification. This does not necessarily imply a deliberate effort to erase the status; rather, it is a structural feature of land governance by the modern state: the state prioritizes administrative clarity over historical complexity. As a result, normative recognition of the waqf status persists in public memory and religious discourse, yet its administrative visibility has gradually faded as new layers of status have been added (military use, BMN classification). The following section will examine how this process culminated in the official designation of Blang Padang as state-owned property (BMN), which has further diminished the institutional visibility of its waqf status.

Administrative Transparency and the Emergence of State-Owned Property Status

A significant empirical transformation in the institutional trajectory of Blang Padang occurred when the state land administration classified the land under the State-Owned Property (BMN) regime. In 2021, the Minister of Finance issued Decision No. 193/KM.06/WKN.01/KNL.01/2021, which designated the Ministry of Defense as the Asset User and the Indonesian National Armed Forces (specifically the Iskandar Muda Military Command) as the Authorized Asset Manager. This decision holds analytical significance because it makes Blang Padang "understandable" to the state: the land now falls under a clear administrative category with a distinct demarcation between the user and the manager. The decision serves as a state mechanism to create transparency, translating a historically complex land ownership situation into a standardized format that enables bureaucratic management, budgeting, and accountability within the defense sector.However, this administrative clarification does not explicitly address the waqf status of the land. The BMN classification process



focuses on identifying state assets, establishing user rights, and ensuring administrative control; this process does not inherently require verification of pre-existing waqfs or related religious claims. Consequently, the waqf status becomes invisible, not because it has been formally abolished, but because the BMN framework does not require its recognition. This is a concrete manifestation of administrative illegibility: historically recognized waqfs are not adequately represented within the documentary categories that the modern state uses to recognize and manage land. Thus, the 2021 Decree strengthens the state's legibility while simultaneously shifting the institutional visibility of these waqfs.

From the perspective of state legibility, the designation of BMN status serves as an example of how modern states simplify complex land tenure arrangements into manageable categories. James C. Scott argues that the state seeks to make land "legible" for the purposes of taxation, control, and public management, often at the expense of local complexities. In the case of Blang Padang, the historical and normative status of the waqf is particularly complex: it involves aspects of religious endowments, the collective memory of the community, and colonial-era documentation that is not fully aligned with the post-independence cadastral system. The State-Owned Assets (BMN) regime addresses this complexity by establishing a clear classification: state assets under the management of the defense sector. While this resolution is administratively efficient, it is normatively inadequate because it disregards the waqf's enduring religious and social significance.

The emergence of BMN status also reflects a broader pattern in land governance in Indonesia, where the state asset regime often overrides or displaces pre-existing land tenure arrangements without any formal revocation of status. A study on the certification of waqf land in Aceh shows that "nazhirs" are required to register waqf land with the National Land Agency (BPN) to obtain a certificate proving its legality. However, if waqf land is not registered, or if the registration process is delayed, disputed, or incomplete, the land remains vulnerable to reclassification under the state asset regime. The Blang Padang case illustrates this vulnerability: the absence of formal waqf certification in a state-recognized format opens the door to the designation of state-owned asset (BMN) status, which subsequently becomes the dominant administrative narrative.



It is important to note that the designation of BMN status does not nullify the normative status of the waqf; that status is merely shifted administratively. Various parties from the general public, religious scholars, and the Indonesian Waqf Board (BWI) continue to recognize Blang Padang as waqf land, citing historical documents and sources from the colonial era. However, within the state's administrative framework, the BMN classification serves as the primary reference for governance, budgeting, and legal disputes. This creates a situation where two regimes of legitimacy coexist: the waqf regime (rooted in the concept of religious waqf and historical continuity) and the state's administrative regime (rooted in the BMN classification and defense management). The tension between these two regimes came to the fore during the 2025–2026 dispute, when various parties sought to restore recognition of the waqf status through administrative channels.

Re-legitimizing Waqf: The 2025-2026 Contestation

The 2025–2026 period marks a crucial phase of re-legitimization, during which the BWI, the Aceh Government, and various stakeholders from civil society are prioritizing administrative instruments such as the APAIW (Deed Replacing the Waqf Declaration) and related certifications to restore the visibility of waqf. The BWI emphasizes that the APAIW does not create new rights but rather manages pre-existing waqf rights, which is essentially an effort to reintegrate waqf into the state's sphere of recognition. This strategy holds analytical significance because it acknowledges that the normative status of waqf has never been lost; rather, its administrative visibility has weakened under the State-Owned Assets (BMN) regime. Thus, the APAIW process is an effort to bridge the gap between the normativity of waqf and state administration, using formal documentation so that waqf can be recognized and recorded by the state.

On the other hand, the Indonesian Army (TNI AD) insists that any change in status must follow state procedures, citing the 2021 Decree as the legal basis for the management of Blang Padang. This position reflects the logic of the state administrative system: once land is classified as state-owned assets (BMN), any change requires formal administrative steps, including coordination among the Ministry of Finance, the National Land Agency (BPN), and relevant ministries. The TNI AD's stance does not necessarily constitute a rejection of the normative status of waqf, but rather an emphasis on procedural legitimacy within the framework of state governance. This has created a stalemate: the BWI and the Aceh government are attempting to restore the



visibility of the waqf through the APAIW and certification, while the Indonesian Army and central government agencies demand compliance with BMN procedures. Thus, this contestation reveals the existence of two regimes of legitimacy that coexist but are not in harmony.

The waqf system operates through a relational chain: waqf donor → endowed property → beneficiary → trustee → religious/social benefits. This chain instills permanence and accountability into the institution, ensuring that the land continues to serve its designated religious purpose for an indefinite period. In contrast, the state administrative regime operates according to a different logic: state → land classification → registration → state-owned assets (BMN) → users/managers → administrative use. This logic prioritizes transparency, control, and bureaucratic accountability within the framework of state governance. Blang Padang serves as the point where these two regimes converge—a place where competing claims to legitimacy are articulated through distinct documentary and administrative languages. The question is whether administrative recognition (APAIW, certification) can restore the visibility of the waqf, whose normative status has never been lost but was temporarily displaced administratively.

This dispute also highlights the limitations of administrative instruments in resolving conflicts that are institutionally entrenched. APAIW and certification are powerful tools for ensuring that waqf is recognized by the state, but these instruments do not automatically revoke BMN status. The state administrative regime has its own "path dependence": once land is classified as BMN, revoking that classification requires a lengthy process involving complex bureaucratic procedures, inter-ministerial coordination, and potential political negotiations. This creates a situation where administrative recognition of waqf can coexist with BMN status, resulting in layered legitimacy rather than a definitive resolution. Thus, the 2025–2026 dispute serves as an example of how institutional layering works in practice: a new administrative layer (APAIW, certification) is added without immediately eliminating the existing layer (BMN, 2021 Decree).

Ultimately, this process of re-legitimization raises a broader theoretical question; Can administrative recognition restore historical institutions whose visibility had faded under other administrative regimes? The answer depends on whether the state's governance framework can accommodate layered legitimacy that is, recognizing both the normative aspects of waqf and the



classification of state-owned assets (BMN) without requiring one to completely negate the other. This requires innovative administrative solutions, such as joint management agreements, hybrid certification processes, or a legal framework that explicitly recognizes historical waqf within the BMN regime. Thus, the Blang Padang case serves as a crucial test of whether a modern state can manage complex land tenure arrangements without erasing their historical and normative foundations.

Discussion: Where Did the Institutional Disruption Occur?

The evidence gathered in this study indicates that the waqf status of Blang Padang was not formally revoked, but rather administratively shifted through successive layers of state governance. Its use by the military during the revolution and its classification as State Property (BMN) based on a 2021 Decree (SK) obscured the waqf status without explicitly revoking it. This pattern aligns with the concepts of "layering" and "conversion" in historical institutionalism: new administrative layers accumulate over time, shifting the institution's effects without erasing its normative core. The relational chain of the waqf comprising the "wakif" (waqf donor), "mauquf" (the object of the waqf), the "mauquf 'alaih" (beneficiary), and the "nazhir" (waqf administrator) persists in public memory and religious discourse, even though its administrative visibility has diminished under the state ownership regime. This shift in status rather than its elimination explains why the waqf's status can be recognized normatively yet remain administratively invisible at the same time.

This shift gave rise to two coexisting regimes of legitimacy, each operating through distinct logics, actors, and documentation practices. The waqf regime derives its legitimacy from sultanate grants and religious norms, with key actors including the "wakif" (historically the sultan), the "nazhir" (mosque administrator or sultanate official), and the beneficiaries (the Baiturrahman Grand Mosque and its staff). Its documentation consists of waqf deeds, APAIW records, and BWI records, and aims to ensure the perpetual continuation of religious and social benefits. Visibility within this regime is measured through normative recognition: whether the community, religious scholars, and waqf institutions acknowledge the continuity of the endowment. Conversely, the state administrative regime derives its legitimacy from state law and the classification of State-Owned Assets (BMN), with key actors including the state (Ministry of Finance), the National Land Agency (BPN), the Ministry of Defense (Kemhan), and the Indonesian Army (TNI AD). Its documentation



consists of BMN Decrees, land certificates, and BPN files, and is intended for administrative use within the framework of state ownership. Visibility here is measured through cadastral registration: whether the land is recorded in a format that complies with state standards, thereby enabling bureaucratic management. Blang Padang serves as the territorial intersection for these two regimes, a place where competing claims are articulated through different languages of documentation.

Historical institutionalism emphasizes that the past does not simply vanish, but rather forms layers. In the case of Blang Padang, the sultanate's legitimacy persists in the collective memory of the community and through the advocacy of the BWI, drawing on historical records and colonial documentation such as Van Langen's 1888 work. The colonial government translated this legitimacy into administrative categories, simplifying the ownership status of the waqf for the sake of governance. The military's use of the land during the revolution altered its function without formally revoking its waqf status, thereby introducing a new layer: state sovereignty. The post-independence republican government affirmed the land's status as State-Owned Property (BMN), which reinforced the state's visibility while obscuring that of the waqf. Current efforts to reaffirm waqf status through APAIW and BWI certification aim to reintegrate waqf into the state administrative system. Thus, the current conflict is not a sudden severing of ties, but rather an accumulation of layers of institutional logic; each period adds a new dimension to the land's legitimacy without fully erasing previous claims. It is this temporal layering that explains why the dispute is so difficult to resolve: the actors are not debating a situation that started from scratch, but are negotiating an institutional history that has become deeply entrenched.

This article proposes the concept of "administrative invisibility" as a mid-level conceptual contribution to understanding this phenomenon. Administrative invisibility occurs when an institution retains historical, normative, or social recognition but is not adequately represented in the documentation categories used by subsequent governing regimes to recognize and manage assets. The Blang Padang case serves as a concrete example of this: the waqf status remains normatively alive in the public memory, religious discourse, and BWI advocacy, yet it has become administratively weakened under the BMN regime. Certification efforts and the role of APAIW are steps toward restoring this visibility by translating the normative nature of the waqf into a format that the state can understand and recognize. However, these efforts do not automatically



nullify the BMN classification; rather, they create a layered legitimacy in which the waqf regime and the state administrative regime coexist in a state of tension. This concept has broader relevance beyond the Blang Padang case: it offers an analytical tool for similar cases where historical institutions persist normatively but have weakened administratively within modern governance systems, particularly in the context of legal pluralism and postcolonial state formation.

CONCLUSION

This article has examined how the historical waqf status of Blang Padang became administratively "invisible" within the modern state land management system, as well as how successive actors have sought to reconstruct the legitimacy of this waqf. This analysis shows that the waqf was not officially abolished, but was gradually displaced through successive layers of state governance that continued to accumulate: colonial documentation translated waqf property rights into administrative categories; military use during the revolution altered its function without formal revocation and post-independence BMN classification consolidated the clarity of state status while disregarding waqf verification. The disputes of 2025–2026, marked by certification efforts by APAIW and BWI, represented an attempt to reintegrate waqf into state administration, acknowledging that its normative status had never been lost, though its administrative visibility had weakened.

The main finding is that institutional fragmentation in Blang Padang occurred not through abolition, but through superimposition. New administrative layers were superimposed on the waqf without explicitly revoking it, resulting in coexisting yet incompatible regimes of legitimacy. This explains why the waqf can be simultaneously recognized normatively (in public memory, religious discourse, and BWI advocacy) while remaining invisible administratively (based on BMN classifications and the state asset framework). This case illustrates how modern states manage land through technologies of legibility that simplify complex land rights arrangements, often at the expense of historical and normative complexity. Thus, Blang Padang exemplifies a broader pattern in the postcolonial context where historical institutions persist normatively but are weakened administratively within modern governance systems.

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This article introduces the concept of "administrative invisibility" as a medium-range analytical tool for understanding such phenomena. Administrative invisibility occurs when an institution retains historical, normative, or social recognition but is not adequately represented in the documentary categories used by subsequent governing regimes to identify and manage property. This concept bridges historical institutionalism and state legibility: historical institutionalism explains how institutional layers accumulate over time, while state legibility explains why certain layers become visible or invisible to the state. When applied beyond the context of Blang Padang, "administrative invisibility" offers a framework for analyzing similar cases involving historical waqfs, customary lands, or religious endowments that come into conflict with modern state administration in Indonesia and other postcolonial contexts.

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