

# LAND AND BUILDING LEGALITY FOR MOSQUES, CASE STUDY IN BOJONGLOA VILLAGE, RANCAEKEK DISTRICT, BANDUNG REGENCY

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### Abstract

The Unitary State of the Republic of Indonesia (NKRI) is a Muslim majority country. Islam requires Muslims to carry out worship, especially prayers, to be held at the mosque. Apart from that, Rasulullah's words about the importance of building mosques, then Indonesian Muslims competed to build mosques. Bojongloa village is one of the villages in Rancaekek sub-district which has a Muslim majority population, so in this village many mosques are built. However, the construction of the mosque has not been accompanied by the legality of land ownership and building permits. The existence of this problem is this research conducted. To provide a complete discripe of this problem. The method used in this research is descriptive-analytic by description the actual events at the time the research was conducted. The research shows that the majority of mosque buildings in Bojongloa Village, Rancaekek District, Bandung Regency do not yet have a Waqf Certificate and Building Permit (IMB) even though the mosques already have their management and have been running as expected.

**Keywords:** building a mosque, endowment certificate, building permit

## A. INTRODUCTION

The Muslim community in the Unitary State of the Republic of Indonesia (NKRI), which is statistically the majority, has the enthusiasm and ability to carry out their worship properly. The form of worship that must be carried out every day as much as 5 (five) times and is the main worship in Islamic teachings is to pray five times a day. Prayers are recommended to be performed in congregation. Therefore, it is deemed necessary to build a place for prayer which in the Qur'an is called a mosque.

Building a mosque in the view of the Muslims has its own place that is very proud when a Muslim community is able to build it. This is in addition to a very strong recommendation from the hadith of the Prophet which states that whoever builds a mosque, Allah will build a house in heaven. To make it happen, there are several ways that are done by the community to be able to build a mosque.

There are mosques that were built by mutual cooperation by the community where they live, and this form is probably the majority of mosques in this country. There are mosques built by the government, and there are also mosques built individually by rich people who want to build a mosque as a whole as a private waqf concerned.

Another obstacle, according to Maulany, is that mosque takmirs in Indonesia have not been able to develop and empower the economic potential of the congregation in the mosques they manage. In his observations, the mosque management has not realized the potential of the mosque.

They generally only optimize the mosque as a place of prayer and remembrance, so that mosque empowerment programs are rarely carried out. He explained that organizationally the problem of takmir was the responsibility of DMI. For this reason, DMI will conduct education and training for mosque empowerment so that the takmir are able to empower the economic potential of mosque congregations. However, the government is also obliged to raise this potential. "The government, in this case the Ministry of Religion, must also have the view that mosques are potential assets of the people and the nation."

Meanwhile, Director General of Islamic Community Guidance at the Ministry of Religion (Director General of Islamic Guidance, Ministry of Religion, at the time) Machasin said the Ministry of Religion had no obligation to raise the potential of mosques to be empowered in terms of economy, education, or other things. "The government can only guarantee that the worship process takes place without interruption," (Republika, Thursday 5/2).

He explained that currently the Ministry of Religion's attention to mosques is only limited to physical development, handling deviant sects, and religious educators. This is related to the limited budget allocation received by the Directorate General of Islamic Guidance at the Ministry of Religion. Therefore, said Machasin, the empowerment of mosques, both in terms of economy, education, and others, is not yet the responsibility of the Ministry of Religion. "So, earlier what I called physical building assistance. Therefore, we haven't gotten there yet, mosque empowerment is more of a community responsibility. (Ed: Wachidah Handasah)

With this description, the author considers it necessary to conduct research related to this matter by taking the focus of research in Bojongloa Village, Rancaekek District, Bandung Regency. This village is one of the villages in Rancaekek District, Bandung Regency. This village consists of 17 RW with a population of 10,750 people. This village is directly adjacent to the capital city of Rancaekek sub-district. There are 30 mosques in this village, located in RW-RW and 1 Great Mosque at the sub-district level, located in RW 05, Bojongloa Village.

The description above shows that the improvement of problems related to mosques needs to be grown from self-help of the community itself. However, the community needs assistance to be able to solve the problems they are facing. Instead of broadly empowering the economy, problems related to the administration of the mosque building itself still require a lot of improvement. This will be the focus of the research that will be discussed.

## B. LITERATURE REVIEW

The mosque (مَسْجِدٌ) with the letter jiiim given is a special place reserved for the five daily prayers. Meanwhile, if what is meant is the place to put the forehead when prostrating, then the letter jiiim is fathah-kan مَسْجِدًا. Linguistically, the word mosque (مَسْجِدٌ) is a place used for prostration. Then its meaning expands into a special building that is used as a place for people to gather to perform congregational prayers. Az-Zarkasyi said, "When prostration is the most noble act in prayer, due to the closeness of Allah's servants to Him in prostration, the place of prayer is taken from the word prostration (ie masjid = place of prostration).

They don't call it (place of bowing') or anything else. Then the next development lafazh masjid turned into a mosque, which in terms means a special building provided for the five daily prayers. In contrast to the place used for the Eid prayer or the like (such as the Istisqa prayer) which is called الْمُصَلَّى (mushallaa = open field used for Eid prayers or the like). The laws for the mosque cannot be applied to the mushalla.

The term mosque according to syara' is a place provided for prayer in it and its nature is permanent, not temporary. Basically, the term mosque according to syara is any place on earth that is used to prostrate because of Allah in that place. This is based on the hadith of Jabir Radhiyallahu anhu from the Prophet Muhammad sallallaahu 'alaihi wa sallam, he said ...and this earth was made for me as a place of prayer and a means of purification (tayammum). So whoever from my poeple comes to pray (in a place), then let him pray (there). This is the specialty of our Prophet sallallaahu 'alaihi wa sallam and his people. While the Prophets before him were only allowed to pray in certain places, such as synagogues and churches.

As for lafazh al-jaami (الْجَامِعُ) is the nature of the mosque al-masjid (الْمَسْجِدُ). This is because the mosque is a place that gathers the congregation of the mosque there. Based on this, people say: الْمَسْجِدُ الْجَامِعُ (with the composition of the nature and its maushuf). However, it may also be said (مَسْجِدُ الْجَامِعِ) with the arrangement of idhafat (composition of mudhaf with mudhaf ilaih) with the meaning الْجَامِعُ الْيَوْمُ meaning: a place for people to prostrate (pray) on the day they gather (Friday). And the term الْمَسْجِدُ الْجَامِعُ or الْجَامِعُ is used for mosques that are used for Friday prayers, even if the mosque is small, as long as people gather at a

known time (Friday) for Friday prayers. (<https://almanhaj.or.id/2524-pengertian-masjid.html>)

From this understanding, other terms arise that relate to mosques. There are mosques that are used for the five daily prayers and some are not used for the five daily prayers. Those that are used for the five daily prayers and Friday prayers are called mosques, while those used for the five daily prayers without being used for Friday prayers are called mushalla or other designations that match the terms used in their respective regions, for example in West Sumatra it is called Surau, in Central Java. And East Java it is called Langgar and in West Java it is called Tajug and others.

### **Mosque Typology**

Likewise with the designation of mosques in the territory of the Unitary State of the Republic of Indonesia. There is a designation that has been arranged according to its level and urgency. In accordance with the Decree of the Minister of Religion (KMA) No. 394 of 2004, all mosques in Indonesia are categorized into 8, namely; State Mosque (Masjid Istiqlal), Grand Mosque (Masjid Raya), Grand Mosque (Masjid Agung), Grand Mosque (Masjid Besar), Jami' Mosque, Sectoral Mosque, Historic Mosque, and Residential Mosque.

All mosques that are included in the typology, it is very possible that an empowerment has been carried out for the people around and has its own uniqueness. However, it is possible that the empowerment model applied to mosques included in the typology is not relevant to the conditions of the surrounding community or does not even have an empowerment model.

And it could be more than that, the mosque is only a religious symbol of Muslims which does not function as any place and is always quiet from the visits of local people. (REPUBLIKA.CO.ID, Team for Religious Life, Research and Development Center of the Ministry of Religion in 2013). Departing from such facts, mosques have emerged with categories according to those regulated by the Ministry of Religion and all mosques in the territory of the Republic of Indonesia must follow them in accordance with these regulations.

### **Land Legality**

Mosque buildings that already exist and have functioned properly for the benefit of Muslim worship do not necessarily formally have the legal rights of land tenure. Why is that? This is due to community members and donors who at the time of building a mosque did not pay attention to this. Therefore, many mosque buildings have stood majestically but the legal status of the land such as waqf certificates has not been owned. The same is true for the Building Permit (Izin Mendirikan Bangunan). Even this is not much different from

the land tenure rights, namely that many do not yet own it. Because of seeing and observing this reality, this research was carried out with the aim of revealing this.

### **C. RESEARCH METHODOLOGY**

The method used in this study is a descriptive-analytic method that will describe events or events that occurred at the time the research was conducted.

With the following focus and research techniques.

1. Object of research: mosque used for Friday prayers in Bojongloa Village, Rancaekek District, Bandung Regency.
2. Population and Sample: This study uses a purposive sample, namely the entire population of mosques in Bojongloa Village as the sample.
3. Data collection techniques: Data collection techniques in this study are:
  - a. Questionnaire, b. Interview, c. Documentation
4. Data analysis techniques: The data analysis technique used in this study is tabulation to analyze the data that can be collected from the questionnaire, while the results of the interviews are analyzed qualitatively to get a complete picture of the existing objective conditions with the main issues being discussed being documented. To provide reinforcement to the data that has been collected and analyzed so as to produce a complete picture of the problem being studied.

### **D. FINDINGS AND DISCUSSION**

#### **Research sites**

The location of this research is Bojongloa Village. Bojongloa Village is one of the villages in Rancaekek District, Bandung Regency. This village consists of 17 RW with a population of 10,750 people. This village is directly adjacent to the capital city of Rancaekek sub-district. The mosques in this village are 25 mosques located in RW-RW and 1 Great Mosque at the District Level located in RW 05, Bojongloa Village, Rancaekek District, Bandung Regency.

Most of these mosques stand on land that does not yet have a waqf certificate or at least a Deed of Substitution for the Waqf Pledge. When viewed from the legality of establishing building permits, most of them do not have them. This is the focus of the research conducted.

Besides the problems mentioned above, there are problems related to the administrators and imams of the mosque. Mosque administrators and imams still need assistance so that these two things can meet expectations in accordance with the standards set by the

Director General of Islamic Community Development. However, this is not the subject of discussion in this study.

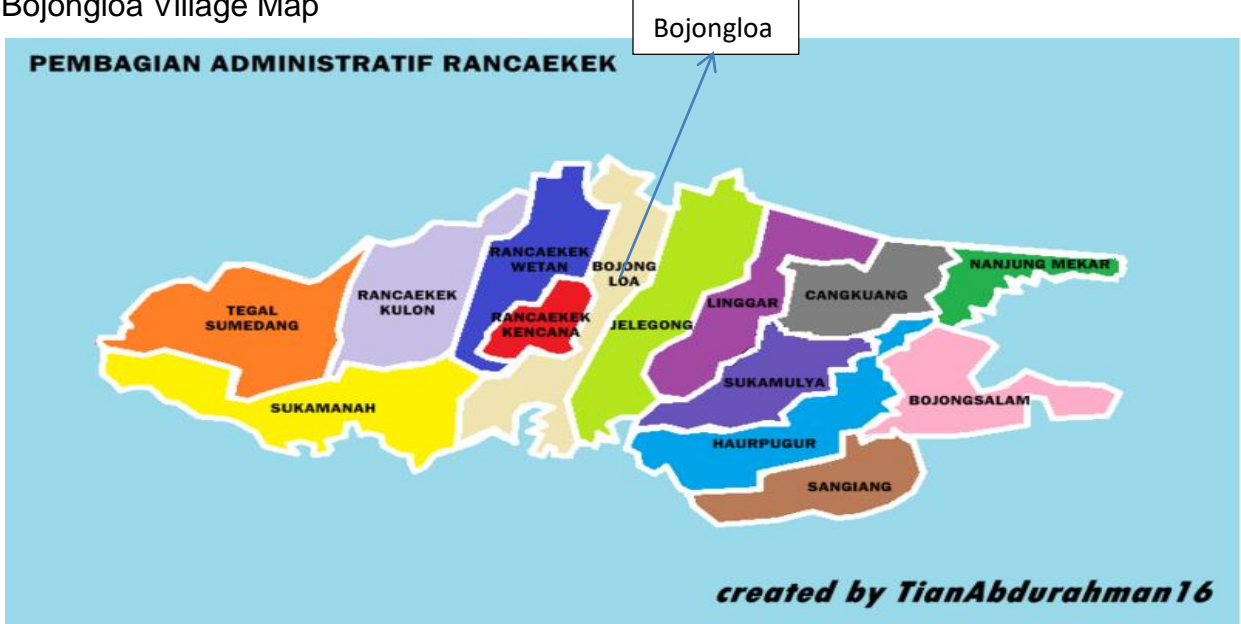
### Bojongloa Village Map

In accordance with the map obtained from village officials and from sources that the author got, the map of Bojongloa Village, Rancaekek District, can be displayed as follows.

Map of Rancaekek District, Bandung Regency



Bojongloa Village Map



As mentioned above, the research methodology used in this research is descriptive-analytic method, so the researcher tries to describe the findings obtained and tries to describe them and discuss them according to the data found. The description of the findings can be formulated in the following table.

**Table 1. Data on the Bojongloa Village Mosque and administrator**

No	Mosque Name	Address	Mosque Typhology	Name of Head DKM
1	Baitul Ihsan	Kp. Bojongloa 03/01	Jami'	H. Tabri
2	Al-Lukman	Kp. Pasantren 03/02	Jami'	Eman Syamsudin
3	Al-Hikam	Kp. Pasantren 01/02	Jami'	H. Hamid
4	Al-Ma'soem	Kp. Dangdeur 02/03	Jami'	Cecep Nurhakim
5	Aisyah Al-Ma'soemah	Kp. Dangdeur 01/03	Jami'	H. Ayi
6	Al-Manar	Kp. Dangdeur 03/03	Jami'	H. Idid
7	Masjid Besar	Kp. Kaum 02/05	Big	H. Barkah Rosyad
8	Asy-Syura	Kp. Bojongjati 02/06	Jami'	Yayat Ruhiyat
9	Miftahul Huda	Kp. Bojong Pulus 01/07	Jami'	H. Atja Wijaya
10	al-Barokah	Kp. Babakan Emoh 03/08	Jami'	E. Suherman
11	Al-Ma'some	Kp. Rancakihyang 02/09	Jami'	H. Aang Burhanudin
12	Ar-Raudoh	Kp. Rancakihyang 02/10	Jami'	Yoyot Hidayat
13	An-Nur	Kp. Ciharang 07/11	Jami'	Dudi Iskandar
14	Nurul Ikhlas	Kp. Rancanilem 03/11	Jami'	Iyan Kusmayana
15	Abu Bakar As-Shidiq	Kp. Babakan Jawa 05/12	Jami'	Agus Karim
16	Al-Jama'ah	Kp. Babakan Jawa 01/12	Jami'	Atep Sumpena
17	Al-Huda	Kp. Walini 09/13	Jami'	Abdullatip
18	Al-Ansor	Kp. Walini Rt 06 RW 13	Jami'	Endin Amirudin
19	An-Nur	Kp. Tanggeung 04/14	Jami'	Hendar Suherawan
20	Al-Hidayah	Kp. Tanggeung 02/14	Jami'	Maman Suherman
21	Al-Ikhlas	Kp. Tanggeung 01/15	Jami'	Asep Supriatna
22	Al-Qodar Lugina	Kp. Bj. Jati 01/16	Jami'	Syarif Hidayatullah
23	Darul Ikhlas	Kp. Bj. Jati 03/16	Jami'	M. Syamsu Mubarak
24	Natsir Al-Hatslan	Perum Gran Riscon 02/17	Jami'	H. Darwani
25	Darussalam	Perum Pesona 01/18	Jami'	Aan Aliyudin

Table 1 above illustrates that in Bojongloa Village there are 25 mosques, 24 of which are Jami' mosques with the understanding that mosques are used for Friday prayers, not in terms of the regulations given by the Ministry of Religion, namely village-level mosques. This is the understanding of the mosque administrators according to the data collected.

Even from the data, one hamlet or one RW has more than one mosque. In addition, there is one Great Mosque, the name of this mosque has been adjusted to the regulations of the Ministry of Religion because there is only one mosque at the sub-district level. Each mosque already has administrators according to their respective levels



**Table 2. Status of Land used for mosque building**

No	Mosque Name	Address	Mosque Typhology	Land Status
1	Baitul Ihsan	Kp. Bojongloa 03/01	Jami'	Personal
2	Al-Lukman	Kp. Pasantren 03/02	Jami'	Waqf
3	Al-Hikam	Kp. Pasantren 01/02	Jami'	Waqf
4	Al-Ma'some	Kp. Dangdeur 02/03	Jami'	Personal
5	Aisyah Al-Ma'soemah	Kp. Dangdeur 01/03	Jami'	Personal
6	Al-Manar	Kp. Dangdeur 03/03	Jami'	Waqf
7	Masjid Besar	Kp. Kaum 02/05	Big	Waqf
8	Asy-Syura	Kp. Bojongjati 02/06	Jami'	Waqf
9	Miftahul Huda	Kp. Bojong Pulus 01/07	Jami'	Waqf
10	al-Barokah	Kp. Babakan Emoh 03/08	Jami'	Waqf
11	Al-Ma'some	Kp. Rancakihyang 02/09	Jami'	Foundation
12	Ar-Raudoh	Kp. Rancakihyang 02/10	Jami'	Waqf
13	An-Nur	Kp. Ciherang 07/11	Jami'	Waqf
14	Nurul Ikhlas	Kp. Rancanilem 03/11	Jami'	Waqf
15	Abu Bakar As-Shidiq	Kp. Babakan Jawa 05/12	Jami'	Waqf
16	Al-Jama'ah	Kp. Babakan Jawa 01/12	Jami'	Waqf
17	Al-Huda	Kp. Walini 09/13	Jami'	Waqf
18	Al-Ansor	Kp. Walini Rt 06 RW 13	Jami'	Waqf
19	An-Nur	Kp. Tanggeung 04/14	Jami'	Waqf
20	Al-Hidayah	Kp. Tanggeung 02/14	Jami'	Waqf
21	Al-Ikhlas	Kp. Tanggeung 01/15	Jami'	Waqf
22	Al-Qodar Lugina	Kp. Bj. Jati 01/16	Jami'	Waqf
23	Darul Ikhlas	Kp. Bj. Jati 03/16	Jami'	Waqf
24	Natsir Al-Hatslan	Perum Gran Riscon 02/17	Jami'	Etc
25	Darussalam	Perum Pesona 01/18	Jami'	Etc

Table 2 above gives us an idea that the majority of the land status used for mosque buildings is waqf land, which amounts to 20 mosques. Which is still a private land there are 2 mosque buildings. There are also 2 mosque buildings which are mentioned by the administrators with other status, meaning they are not waqf and not private, nor are they foundations. While the status of the foundation is a mosque building. What about the legality of land ownership? Do these mosques have waqf certificates? To answer this question, it can be seen in Table 3 below.

**Table 3. Land ownership status**

No	Mosque Name	Address	Typologi	Certificate
1	Baitul Ihsan	Kp. Bojongloa 03/01	Jami'	None
2	Al-Lukman	Kp. Pasantren 03/02	Jami'	Already
3	Al-Hikam	Kp. Pasantren 01/02	Jami'	Already
4	Al-Ma'some	Kp. Dangdeur 02/03	Jami'	Already
5	Aisyah Al-Ma'soemah	Kp. Dangdeur 01/03	Jami'	Already
6	Al-Manar	Kp. Dangdeur 03/03	Jami'	Already
7	Masjid Besar	Kp. Kaum 02/05	Besar	None
8	Asy-Syura	Kp. Bojongjati 02/06	Jami'	None
9	Miftahul Huda	Kp. Bojong Pulus 01/07	Jami'	None
10	al-Barokah	Kp. Babakan Emoh 03/08	Jami'	None
11	Al-Ma'some	Kp. Rancakihyang 02/09	Jami'	None
12	Ar-Raudoh	Kp. Rancakihyang 02/10	Jami'	None
13	An-Nur	Kp. Ciherang 07/11	Jami'	None
14	Nurul Ikhlas	Kp. Rancanilem 03/11	Jami'	None
15	Abu Bakar As-Shidiq	Kp. Babakan Jawa 05/12	Jami'	None
16	Al-Jama'ah	Kp. Babakan Jawa 01/12	Jami'	Already
17	Al-Huda	Kp. Walini 09/13	Jami'	Already
18	Al-Ansor	Kp. Walini Rt 06 RW 13	Jami'	Already
19	An-Nur	Kp. Tanggeung 04/14	Jami'	None
20	Al-Hidayah	Kp. Tanggeung 02/14	Jami'	None
21	Al-Ikhlas	Kp. Tanggeung 01/15	Jami'	Already
22	Al-Qodar Lugina	Kp. Bj. Jati 01/16	Jami'	None
23	Darul Ikhlas	Kp. Bj. Jati 03/16	Jami'	None
24	Natsir Al-Hatslan	Perum Gran Riscon 02/17	Jami'	None
25	Darussalam	Perum Pesona 01/18	Jami'	None

If we look at table 3 above, it can be said that the majority of the land used for mosque buildings is not yet certified, the number reaches 16 plots of land. This means that the mosque administrators have to struggle to take care of the land until it is certified. Actually, according to the information from the mosque administrators, aren't the mosque administrators not struggling to take care of land certificates? However, there are some things or requirements that cannot be fulfilled. This is as stated by the Darussalam mosque administrator for example. This mosque has been standing for a long time but the ownership status of the land is still unclear. This is because the wakif is not clear, so when he wants to take care of Letter C to the Village Office, the Village Head does not want to issue a copy of Letter C. Since this matter still couldn't be settled, then everything became unsustainable. Therefore, until now the status of this mosque is still unclear, so other information is given. This is almost the same as the land status of the Rancaekek

Grand Mosque which until now has only been in the form of a Deed of Substitution for the Waqf Pledge issued by the Office of Religious Affairs (KUA) of Rancaekek District. Even though this mosque was built for a long time, even according to the data and information from the elders of the mosque management that this mosque was built in 1912. This means that during the Dutch and Indonesian colonial eras there was no or not yet independent. But why has it not been certified yet? That is the problem because according to the information from the Village Head, it is not recorded in the Village Letter C. So, hampered by this problem, resulting in the hanging of waqf certificates until now. That is part of the reason why the land used by the mosque has not been certified. Meanwhile, 9 plots of land used for mosques in Bojongloa Village have been certified. The clarity of the issue of land ownership rights will be closely related to the issue of Building Permits (IMB). What about the ownership of a Building Permit (IMB)? To answer this question, we should consider the following table 4.

**Table 4. Ownership of Building Education Permit (Izin Mendirikan Bangunan)**

No	Mosque Name	Address	Land Status	IMB
1	Baitul Ihsan	Kp. Bojongloa 03/01	Personal	Unavailable
2	Al-Lukman	Kp. Pasantren 03/02	wakaf	Unavailable
3	Al-Hikam	Kp. Pasantren 01/02	wakaf	Unavailable
4	Al-Ma'some	Kp. Dangdeur 02/03	Personal	Available
5	Aisyah Al-Ma'soemah	Kp. Dangdeur 01/03	Personal	Available
6	Al-Manar	Kp. Dangdeur 03/03	Wakaf	Available
7	Masjid Besar	Kp. Kaum 02/05	Wakaf	Unavailable
8	Asy-Syura	Kp. Bojongjati 02/06	Wakaf	Unavailable
9	Miftahul Huda	Kp. Bojong Pulus 01/07	Wakaf	Unavailable
10	al-Barokah	Kp. Babakan Emoh 03/08	Wakaf	Unavailable
11	Al-Ma'some	Kp. Rancakihyang 02/09	Foundation	Unavailable
12	Ar-Raudoh	Kp. Rancakihyang 02/10	Wakaf	Unavailable
13	An-Nur	Kp. Ciherang 07/11	Wakaf	Unavailable
14	Nurul Ikhlas	Kp. Rancanilem 03/11	Wakaf	Available
15	Abu Bakar As-Shidiq	Kp. Babakan Jawa 05/12	Wakaf	Unvailabe
16	Al-Jama'ah	Kp. Babakan Jawa 01/12	Wakaf	Available
17	Al-Huda	Kp. Walini 09/13	Wakaf	Unavailable
18	Al-Ansor	Kp. Walini Rt 06 RW 13	Wakaf	Available
19	An-Nur	Kp. Tanggeung 04/14	Wakaf	Available
20	Al-Hidayah	Kp. Tanggeung 02/14	Wakaf	Unavailable
21	Al-Ikhlas	Kp. Tanggeung 01/15	Wakaf	Unavailable
22	Al-Qodar Lugina	Kp. Bj. Jati 01/16	Wakaf	Unavailable
23	Darul Ikhlas	Kp. Bj. Jati 03/16	Wakaf	Unavailable
24	Natsir Al-Hatslan	Perum Gran Riscon 02/17	Etc	Unavailable
25	Darussalam	Perum Pesona 01/18	Etc	Unavailable

Table 4 above shows us that the majority of 17 mosque buildings in Bojongloa Village do not have a Building Permit (IMB), only 8 mosque buildings have a Building Permit (IMB). This fact is also the duty and duty of the board of directors to make it happen. The mosque administrators still need a hard struggle to make it happen. Because the issue of Building Permits (IMB) has a close relationship with ownership or land status. If the ownership status of the land is not clear, the Building Permit (IMB) cannot be issued.

## E. CONCLUSION

After discussing the findings in the field and the data collected from various sources, the following conclusions can be drawn.

1. The naming of the mosque in Bojongloa Village is not in accordance with the regulations issued by the Ministry of Religion, namely at the village level the name is Jami Mosque and only one mosque. Meanwhile, in Bojongloa Village, all of them use the name Jami' Mosque, although each has its own name.
2. The management of each mosque already exists, but has not been able to expand its functions, except only for matters of worship.
3. The majority of the land or most of the land used for mosque building is waqf land.
4. The majority or most of the waqf land used for building mosques has not been certified as waqf.
5. The majority or most of the mosque buildings in Bojongloa Village do not yet have a Building Permit (Izin Mendirikan Bangunan).

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