

RINGKASAN

Wakaf merupakan salah satu instrumen penting dalam ajaran Islam yang memiliki nilai ibadah sekaligus sosial. Tidak seperti zakat dan sedekah yang manfaatnya bersifat sementara, wakaf memiliki karakteristik utama yaitu keberlangsungan manfaat selama harta pokoknya masih ada. Di Indonesia, praktik wakaf umumnya berbentuk benda tidak bergerak seperti tanah yang digunakan untuk masjid, sekolah, pesantren, dan fasilitas sosial lainnya. Namun dalam praktiknya, sering kali terjadi pergeseran pemanfaatan atau bahkan tukar guling (*ruislag*) harta benda wakaf demi alasan kemaslahatan yang lebih besar. Salah satu kasus yang menjadi fokus penelitian ini adalah pelaksanaan tukar guling tanah wakaf di TK Diponegoro 136 Desa Keniten Kecamatan Kedungbanteng Kabupaten Banyumas, yang dilakukan karena lokasi awal dianggap kurang layak dan membahayakan keselamatan anak-anak.

Penelitian ini termasuk penelitian hukum Islam yuridis-normatif dan empiris, yang mencakup studi kasus dan analisis syariah mengenai wakaf. Dengan fokus pada kajian masalah mursalah. Penelitian ini bertujuan untuk menjelaskan bagaimana praktik tukar guling tanah wakaf di TK Diponegoro 136 Desa Keniten Kecamatan Kedungbanteng Kabupaten Banyumas; dan menganalisis praktik tersebut dalam perspektif *masalah mursalah*. Teknik pengumpulan data dilakukan melalui observasi, wawancara, dan dokumentasi lapangan.

Hasil penelitian menunjukkan bahwa tukar guling dilakukan atas dasar kebutuhan peningkatan mutu dan akses pendidikan. Proses tukar guling dilaksanakan sesuai prosedur hukum yang berlaku, melibatkan nazhir, ahli waris, pemerintah desa, KUA, BPN, serta mendapatkan izin dari Kementerian Agama dan persetujuan dari Badan Wakaf Indonesia. Lokasi baru dinilai lebih strategis dan memberikan manfaat yang lebih besar bagi masyarakat. Ditinjau dari perspektif *masalah mursalah*, tukar guling ini sah karena memenuhi tiga kriteria: adanya manfaat yang lebih besar, tetap sesuai dengan tujuan wakaf, serta dilaksanakan melalui prosedur hukum yang sah dan transparan.

Kata kunci : *masalah mursalah*, tukar guling, wakaf

SUMMARY

Waqf is one of the key instruments in Islamic teachings that holds both religious and social values. Unlike zakat and charity, which provide temporary benefits, waqf is characterized by the continuity of its benefits as long as the original asset remains intact. In Indonesia, waqf is commonly practiced in the form of immovable assets such as land, which is used for mosques, schools, Islamic boarding schools, and other social facilities. However, in practice, the use of waqf assets sometimes shifts, or even involves a land swap (*ruilslag*), for the sake of achieving greater public benefit (*maslahah*). This study focuses on the case of a waqf land swap at Diponegoro Kindergarten 136, Keniten Village, Kedungbanteng Sub-district, Banyumas Regency, which was carried out because the original location was considered inadequate and posed safety risks to children.

This study focuses on the case of a waqf land swap at Diponegoro Kindergarten 136, Keniten Village, Kedungbanteng Sub-district, Banyumas Regency, which was carried out because the original location was considered inadequate and posed safety risks to children. The purpose of this research is to explain the implementation of the waqf land swap at Diponegoro Kindergarten 136 and to analyze it from the perspective of *maslahah mursalah*. This study uses a qualitative method with a normative descriptive approach. Data were collected through observation, interviews, and field documentation.

The results show that the land swap was based on the need to improve the quality and accessibility of education. The process was carried out in accordance with applicable legal procedures, involving the *nazhir*, heirs, village government, Office of Religious Affairs (KUA), National Land Agency (BPN), and was approved by the Ministry of Religious Affairs and the Indonesian Waqf Board. The new location is considered more strategic and provides greater benefits to the community. From the perspective of *maslahah mursalah*, the land swap is valid as it meets three criteria: it offers greater benefit, aligns with the original purpose of the waqf, and was conducted through legal and transparent procedures.

Keyword: land swap, *maslahah mursalah*, waqf