



A function- and benefit-based PBB-P2 fiscal treatment model for productive waqf assets

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Abstract

The fiscal treatment of productive waqf assets under Indonesia's Rural and Urban Land and Building Tax (PBB-P2) raises a classification problem because income-generating activity does not necessarily indicate private commercial orientation. This study examines the normative disharmony between the PBB-P2 regime and waqf law, analyzes implementation, interpretation, and regulatory gaps in the management of productive waqf at Daarut Tauhiid Bandung, and formulates a function- and benefit-based fiscal treatment model. A non-doctrinal socio-legal approach was used by integrating analysis of statutory and local regulatory materials with interviews and institutional-practice examination. The analysis identifies three connected gaps. The implementation gap arises from the absence of sufficiently operational criteria for mixed social-economic assets; the interpretation gap concerns the meaning of profit when economic surplus is returned to waqf purposes; and the regulatory gap concerns the lack of a fiscal classification mechanism that links productive use to the distribution of public benefits. The study proposes a Functional-Benefit Assessment (FBA) that evaluates legal status, actual function, economic activity, economic orientation, use of income, beneficiaries, public benefit, governance, and compliance. The model classifies productive waqf into socially dominant, mixed-function, and predominantly commercial categories, with fiscal treatment adjusted proportionately within the limits of applicable law.

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INTRODUCTION

Land and building taxation performs a revenue function, but it also requires classifications that determine which uses of property should bear the ordinary fiscal burden and which uses warrant different treatment because they serve recognized public purposes. In Indonesia, this issue has become particularly important after PBB-P2 was positioned as a regional tax and district or city governments were given substantial authority over its administration under Law Number 1 of 2022. The legal design is relatively straightforward for ordinary private property because ownership, control, use, and taxable value can be connected to a conventional fiscal objective. The difficulty increases when land and buildings are legally dedicated to waqf yet are managed productively to generate income. In that setting, the presence of economic activity does not by itself reveal whether the asset is being used for private enrichment or as an institutional mechanism for financing social, religious, educational, health, or community-welfare purposes. The classification problem therefore concerns the relationship between fiscal form and substantive use rather than the mere existence of an economic transaction (OECD, 2025).

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Contemporary waqf scholarship increasingly treats waqf as a socio-economic institution rather than only as a static charitable asset. Recent reviews connect waqf with redistribution, poverty reduction, public welfare, and sustainable development, while also emphasizing that productive management is meaningful only when the benefits remain tied to the endowment's designated social purpose (Dirie et al., 2024; Kuanova et al., 2021; Lamido & Haneef, 2021; Rosman et al., 2022; Zafar & Ali, 2026). This perspective is consistent with Indonesian waqf law, which links the use of waqf property to its function, economic potential, and public-welfare objectives. Productive waqf can therefore involve revenue-generating activities without becoming equivalent to an ordinary privately owned commercial asset. The relevant legal and fiscal question is not simply whether income exists, but how the underlying asset is used, how the income is allocated, and who ultimately receives the benefit. This distinction provides the conceptual basis for examining PBB-P2 treatment in a more differentiated way.

Empirical research in Indonesia supports the need to distinguish productive activity from private profit orientation. Cash Waqf-Linked Sukuk programs have been associated with welfare, financial inclusion, and social outcomes, while recent quasi-experimental evidence indicates that productive waqf assistance can improve income and consumption among micro-enterprises (Hapsari et al., 2026; Yumna et al., 2024). Research on the financial sustainability of micro waqf banks likewise shows that waqf-based institutions combine social objectives with organizational and financial requirements that must be managed simultaneously (Andayani et al., 2025). At the system level, the development of a national waqf index has also shown that regulatory, institutional, process, and governance dimensions are central to waqf performance (Lestari et al., 2023). These findings weaken a binary assumption that an asset must be either social and non-economic or economic and therefore commercial. They instead suggest that productive waqf occupies a hybrid institutional space in which economic activity can function as a means of sustaining public benefit.

The legal tension becomes sharper under Bandung City's PBB-P2 framework. Bandung City Regional Regulation Number 1 of 2024 excludes land and buildings used solely for public-interest purposes in specified fields when they are not intended to generate profit, while subsequent local regulations govern the administrative implementation of PBB-P2. The phrase concerning profit is difficult to apply to productive waqf because economic surplus may be generated even when private gain is not the principal objective. Governance research shows that productive waqf performance depends on institutional capacity, documentation, accountability, regulatory coherence, and professional management, all of which affect how the social purpose of an asset can be demonstrated administratively (Ainol-Basirah & Siti-Nabiha, 2023; Al Hanif et al., 2026; Fielnanda, 2025; Hadi et al., 2025; Nofianti et al., 2026). The difficulty is therefore not necessarily a direct contradiction between waqf law and tax law. It is a problem of translating different legal emphases into an operational fiscal classification.

Recent literature has expanded rapidly around digital waqf, participation, accountability, institutional governance, and the measurement of waqf performance. Studies of digitalization have examined the role of technology, perceived usefulness, trust, religiosity, literacy, and behavioral intention in widening participation and strengthening the institutional reach of waqf (Alimusa et al., 2025; Huda et al., 2025; Kasmon et al., 2025; Mukhibad et al., 2026). Bibliometric work also shows the growing diversity of waqf research and the increasing attention given to governance and sustainable-development themes (Kashi et al., 2025). This literature is important for understanding how productive waqf is mobilized and governed, but it does not by itself resolve the local property-tax question. A waqf institution may be transparent, professionally managed, and socially beneficial while still facing uncertainty about whether an income-generating land or building object should receive an exemption, reduction, or standard PBB-P2 treatment. The fiscal classification problem therefore remains analytically distinct from the broader question of whether waqf management is effective.

The limitation of the existing literature is especially visible at the intersection of waqf law and regional property taxation. Previous studies predominantly address governance quality, financing instruments, digital transformation, welfare effects, institutional sustainability, or legal reform in general, whereas comparatively little attention has been given to an operational test that connects the actual function of a productive waqf asset with the distribution of the benefits it produces. This gap matters because a status-only approach may grant preferential treatment without examining

actual use, while an income-only approach may classify socially oriented productive waqf as ordinary commercial property. Both approaches can obscure the mixed social-economic character that productive waqf is intended to possess. The problem is therefore not adequately addressed by asking whether an asset has waqf status or whether it produces income. A more precise assessment must examine the legal status, actual function, economic orientation, use of surplus, beneficiaries, public benefit, governance, and compliance together.

Against this background, this study addresses three questions: how normative disharmony arises between the PBB-P2 regime and the waqf regime; how implementation, interpretation, and regulatory gaps emerge in the management of productive waqf at Daarut Tauhiid Bandung; and how a function- and benefit-based PBB-P2 fiscal treatment model can be formulated. The study uses a non-doctrinal socio-legal approach to connect legal norms with institutional practice and proposes a Functional-Benefit Assessment (FBA) for productive waqf assets. The theoretical contribution lies in reframing the interaction between tax law and waqf law as a problem of functional classification rather than a simple conflict between fiscal and social regimes. The practical contribution is an assessment structure that can help local governments and waqf managers distinguish socially dominant, mixed-function, and predominantly commercial uses without assuming that every waqf asset must be exempt or that every income-generating asset must be fully taxed. The model is proposed as an analytical and administrative framework within the limits of existing law, not as a substitute for statutory authority.

METHOD

Research Design

This study employed a non-doctrinal legal approach with a socio-legal orientation because the research problem concerned both the content of PBB-P2 and waqf norms and the way those norms are interpreted and applied in institutional practice. The empirical locus was Daarut Tauhiid Bandung, with the object of analysis limited to productive waqf involving economic activity and the generation of institutional or community benefits. The case was used to examine the interaction between local PBB-P2 administration and the legal-social character of productive waqf rather than to statistically generalize all waqf practices in Indonesia. The normative component focused on the legal architecture governing waqf and regional taxation, while the empirical component examined institutional practice and the administrative issues surrounding the fiscal treatment of productive waqf. This design is consistent with socio-legal research that treats law as both a normative structure and an institutional practice (Banakar & Travers, 2005; Tamanaha, 2017).

Data Sources and Collection

The study used primary and secondary data. Primary data were obtained through interviews with parties described in the research record as knowledgeable about or involved in productive waqf management, tax administration, and related institutional matters, together with examination of institutional practices at Daarut Tauhiid Bandung. Secondary data consisted of legislation, local regulations, policy and institutional documents, and academic literature. Primary legal materials included Law Number 41 of 2004 concerning Waqf; Government Regulation Number 42 of 2006 as amended by Government Regulation Number 25 of 2018; Law Number 1 of 2022 concerning Financial Relations between the Central Government and Regional Governments; Bandung City Regional Regulation Number 1 of 2024 as amended by Bandung City Regional Regulation Number 2 of 2025; and Bandung Mayor Regulation Number 21 of 2025. Scholarly sources were used to contextualize productive waqf, Islamic social finance, governance, welfare, and regulatory challenges.

Analytical Procedure

The analysis proceeded qualitatively. First, the legal materials were read comparatively to identify the normative orientation of the PBB-P2 regime and the waqf regime, with particular attention to taxable objects, public-interest exceptions, productive use, and the allocation of waqf benefits. Second, the empirical and institutional material was organized into three operational categories derived from the research problem: implementation gap, interpretation gap, and regulatory gap. The implementation gap captured differences between formal treatment options and

their operational application; the interpretation gap captured uncertainty surrounding terms such as profit, public interest, social function, and benefit; and the regulatory gap captured the absence or insufficiency of criteria for classifying productive waqf with mixed social-economic characteristics. Third, the categories were synthesized into the Functional-Benefit Assessment by linking legal status to actual use, economic orientation, income allocation, beneficiaries, public benefit, governance, and administrative compliance. The proposed fiscal categories were then checked against the governing legal framework so that the model did not presume fiscal facilities beyond those permitted by applicable law.

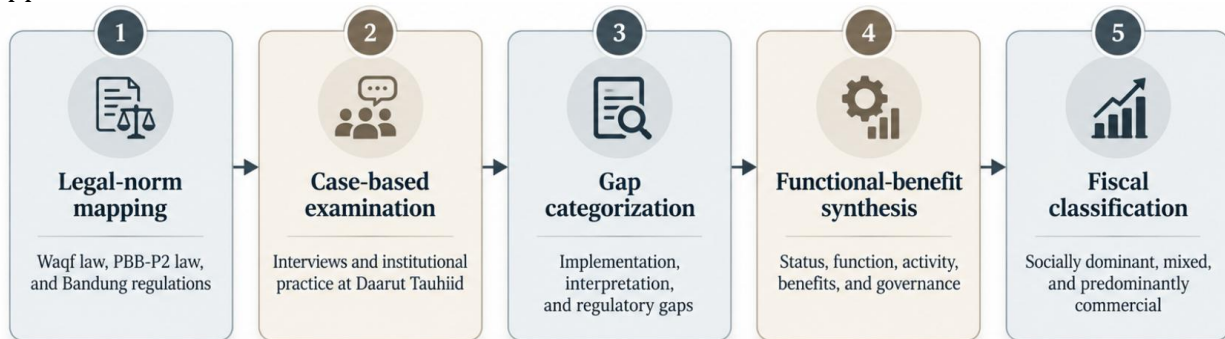


Figure 1. Analytical workflow of the study

RESULTS AND DISCUSSION

Results

From Waqf Status to Function and Benefit

The analysis showed that neither formal waqf status nor the presence of economic activity was sufficient on its own to determine the appropriate PBB-P2 treatment of productive waqf. Waqf law places the utilization, function, and economic benefit of waqf property within the legal purpose of advancing religious and public welfare objectives. By contrast, PBB-P2 administration begins from the status of land and buildings as taxable objects and then considers legally recognized exclusions or fiscal facilities. The resulting problem is classificatory rather than merely definitional. An income-generating waqf asset may remain socially oriented when economic activity functions as a means of maintaining the asset and financing waqf purposes, while formal waqf status alone cannot establish that every activity associated with the asset continues to serve those purposes. The analysis therefore shifted the fiscal inquiry from a single indicator to the relationship among status, actual function, economic orientation, income use, and beneficiaries.

Normative Disharmony and Three Operational Gaps

The comparison of the two legal regimes identified normative disharmony in their different regulatory emphases. The waqf regime emphasizes designation, continuity of benefit, economic development of waqf property, and public welfare, whereas the PBB-P2 regime requires an administrable classification of taxable property and public-interest exceptions. These orientations meet at the concept of public benefit but diverge when an asset combines social use with revenue generation. At the operational level, the study organized this problem into implementation, interpretation, and regulatory gaps. The implementation gap concerns the difficulty of translating a general public-interest exception into an assessment of a productive asset with mixed characteristics; the interpretation gap concerns whether income generation should be treated as equivalent to private profit orientation; and the regulatory gap concerns the absence of a specific classification mechanism for productive waqf whose economic surplus is directed wholly or substantially toward waqf purposes.

Table 1. Analytical mapping of the identified gaps

Gap	Core problem	Fiscal implication
Implementation gap	General legal criteria are difficult to operationalize for productive waqf with mixed social-economic uses.	Decisions may depend heavily on documents and administrative interpretation unless assessment indicators are standardized.

Gap	Core problem	Fiscal implication
Interpretation gap	Income generation can be conflated with private profit orientation.	Economic productivity needs to be separated from the destination and ownership of economic surplus.
Regulatory gap	No specific fiscal classification links productive waqf functions and benefit distribution to differentiated PBB-P2 treatment.	A structured classification is needed to connect verified function and benefit with facilities permitted by law.

Functional-Benefit Assessment

The synthesis produced the Functional-Benefit Assessment (FBA), which treats valid waqf status as the starting point rather than the final determinant of fiscal treatment. The model asks how the asset is actually used, whether it generates income, whether the dominant economic orientation is social or private, where the income or surplus is allocated, who receives the benefits, how extensive the public benefit is, and whether the management can be documented and monitored. Governance and administrative compliance are included because fiscal classification requires verifiable evidence rather than institutional claims alone. These dimensions are intended to be read together. A socially oriented function unsupported by documentation may be difficult to verify administratively, while strong governance cannot convert a predominantly private commercial use into a social one. The model therefore combines substantive function with evidentiary and compliance considerations.

Table 2. Functional-Benefit Assessment dimensions

Dimension	Assessment question
Legal status	Does the asset have valid legal waqf status?
Actual function	What is the asset actually used for?
Economic activity	Does the asset generate income or economic surplus?
Economic orientation	Is the dominant orientation social/waqf-related or private commercial?
Use of income	Where is income or surplus allocated?
Beneficiaries	Who receives the benefits generated by the asset?
Public benefit	How broad, sustained, and identifiable are the social benefits?
Governance	Can management, income flows, and benefit distribution be documented and monitored?
Compliance	Does the manager meet applicable waqf and tax-administration requirements?

Fiscal Treatment Categories

Applying the FBA produced three analytical categories. Category I consists of productive waqf with a dominant social function: income may be present, but economic activity operates as a means of sustaining waqf purposes, the surplus is directed to waqf-related uses, identifiable beneficiaries receive social benefits, and private gain is not the principal objective. Category II covers mixed-function assets in which social use and substantial economic activity coexist, including situations where different parts of the same land or building serve different purposes. Category III covers uses that remain formally associated with waqf but are predominantly commercial in actual operation and generate substantial private benefit with a weak connection between the economic activity and waqf purposes. The model does not create new exemptions. It links each category to the strongest treatment that could be justified within existing legal authority: maximum exemption or relief permitted by law for Category I, proportional reduction or other lawful differentiated treatment for Category II, and standard PBB-P2 treatment for Category III.

Table 3. Proposed PBB-P2 fiscal treatment model

Category	Functional profile	Economic activity	Benefit distribution	Private orientation	Proposed fiscal treatment
I	Socially dominant	Present or substantial	Predominantly directed to waqf/public purposes	Low	Maximum exemption or relief permitted by applicable law
II	Mixed social-economic	Substantial	Mixed, with verifiable social allocation	Moderate	Proportional reduction or differentiated treatment where legally available
III	Predominantly commercial	Substantial	Limited connection to waqf/public purposes	High	Standard PBB-P2 treatment

Discussion

The principal finding is that productive waqf cannot be classified coherently for PBB-P2 purposes through a simple social-versus-commercial dichotomy. The economic activity of a waqf asset may be instrumental to its social function because income can maintain the endowed asset, fund services, or finance beneficiaries without being appropriated as private profit. This interpretation is consistent with contemporary waqf economics, which emphasizes socioeconomic development and sustained benefit rather than passive preservation alone (Lamido & Haneef, 2021; Zafar & Ali, 2026). It is also supported by Indonesian evidence showing that waqf-based programs can improve beneficiary welfare and strengthen financial inclusion (Hapsari et al., 2026; Yumna et al., 2024). The implication for tax classification is significant: the existence of revenue should trigger further examination, not an automatic conclusion that the object has lost its public-interest character. Within this study, function and benefit therefore operate as the substantive bridge between the legal identity of waqf and the fiscal treatment of the land or building used to generate that benefit.

The three identified gaps clarify why a formally available public-interest exception may remain difficult to administer. Waqf institutions operate through legal, financial, managerial, and reporting arrangements that determine whether their claims about social purpose can be verified. Research on waqf accountability shows that reporting, governance, performance measurement, and institutional responsibility are recurring components of credible stewardship (Ainol-Basirah & Siti-Nabiha, 2023). Comparative legal research likewise identifies regulatory coherence and institutional capacity as determinants of productive waqf performance (Al Hanif et al., 2026), while studies in Indonesia continue to report managerial and government-support constraints (Fielnanda, 2025; Hadi et al., 2025). From this perspective, the implementation gap at the PBB-P2 level is not adequately addressed by giving tax officials broader discretion. It requires a more structured evidentiary process through which function, income allocation, beneficiaries, and compliance can be demonstrated in a comparable manner.

The interpretation gap surrounding the phrase 'not intended to generate profit' is particularly important because productive waqf is designed to produce economic returns. The distinction proposed in this study is between the generation of surplus and the orientation or destination of that surplus. Research on Cash Waqf-Linked Sukuk demonstrates that waqf can be combined with sovereign or commercial financial mechanisms while retaining a social-finance purpose (Fauziah et al., 2021; Laila et al., 2025). Work on the integration of Islamic social and commercial finance reaches a similar conclusion: commercial mechanisms and social objectives are not necessarily mutually exclusive when governance preserves the intended social allocation (Tamanni et al., 2022). Other models connect cash waqf with social enterprise and economic-recovery programs on the same logic that productive finance can support public or community outcomes (Ascarya, 2022; Fauziah & Kassim, 2022). The FBA extends this reasoning to property taxation by asking whether economic activity is the end of the asset's use or the means through which its designated waqf benefit is produced.

The nine FBA dimensions also respond to a wider shift in waqf governance toward measurable institutional performance. The Indonesian National Waqf Index demonstrates that regulation, institutions, processes, systems, outcomes, and impacts need to be assessed together rather than through a single formal indicator (Lestari et al., 2023). Studies of waqf governance and Shariah audit similarly emphasize documentation, oversight, accountability, and verifiability as conditions for institutional credibility (Kamaruddin et al., 2024; Nofianti et al., 2026). Digital-waqf research further shows that trust and participation are strengthened when institutional processes become more transparent and accessible (Alimusa et al., 2025; Kasmon et al., 2025). In the fiscal setting, these governance insights have a specific function: they convert claims about public benefit into evidence that can be assessed by the local tax administration. FBA is therefore not only a conceptual classification of social and commercial functions; it is also an evidentiary framework for supporting a fiscal decision.

The three-category model is intended to avoid two opposite forms of overgeneralization. A blanket exemption based only on waqf status could overlook uses that have become substantially commercial or produce private benefits, while full taxation based only on income generation could disregard verified public functions financed by the same economic activity. The mixed category is particularly important because real property can support several uses at the same time. A

proportional approach is analytically more defensible where social and commercial uses are separable and documented, although the precise legal instrument for implementing such proportionality must remain within the authority granted by national and local tax law. This logic is consistent with research showing that waqf institutions often balance a dual social-financial mission and therefore require governance systems capable of preserving social purpose while maintaining economic sustainability (Andayani et al., 2025; Maulida, 2025; Usman, 2023). The model consequently treats fiscal differentiation as a response to verified functional differences, not as a privilege attached automatically to organizational identity.

For Daarut Tauhiid Bandung and comparable institutions, the practical implication is that fiscal claims should be supported by records that connect each asset to its actual use and benefit flow. Relevant documentation may include legal waqf records, unit-level descriptions of use, income and expenditure records, evidence of reinvestment in waqf purposes, beneficiary data, program reports, and governance records. The emphasis on traceable benefit distribution is consistent with recent studies that link productive waqf sustainability to professional management, institutional integration, and transparent administration (Aulia & Triyawan, 2025; Furqon et al., 2022; Salam et al., 2026). Studies of waqf asset management also show that legal documentation and continued control of asset status are important for protecting the social function of waqf property over time (Muthoifin et al., 2024; Sulistiani et al., 2024). Where these records can be linked to the PBB-P2 administrative system, the local government is better positioned to distinguish a socially dominant productive asset from a mixed or predominantly commercial use. This reduces reliance on labels such as 'productive' or 'commercial' and shifts the decision toward verifiable institutional facts.

The contribution of this study lies in locating a specific fiscal problem within the broader governance of productive waqf. Prior studies have proposed improvements in regulation, governance, finance, digital participation, or waqf performance, but the present model concentrates on the administrative question of how a local property-tax regime might evaluate a waqf asset whose economic activity and social benefit coexist. The FBA therefore extends the function-and-benefit logic from waqf governance into fiscal classification and makes the distribution of economic surplus a central interpretive factor. This contribution should nevertheless be read cautiously. The model was derived from legal analysis and a single institutional locus, and the available research record does not provide sufficient methodological detail to establish the breadth of the interview evidence or to claim national validation. The categories and indicators should therefore be tested across other waqf institutions, municipalities, asset types, and administrative settings before they are treated as a standardized instrument. Future research could also examine whether different weighting or verification rules are needed for mixed-use assets, and whether local fiscal procedures can operationalize proportional treatment without exceeding the authority provided by higher-level tax law.

CONCLUSION

The fiscal treatment of productive waqf under PBB-P2 cannot be determined adequately by waqf status alone or by the mere presence of income-generating activity. The legal analysis shows that waqf law and the PBB-P2 regime share an interest in public welfare but operationalize that interest differently: waqf law emphasizes function, designation, economic benefit, and public welfare, whereas PBB-P2 requires an administrable classification of land and buildings and legally defined exceptions or facilities. At Daarut Tauhiid Bandung, this interaction was organized into three problems: an implementation gap in translating general norms into administrative assessment, an interpretation gap in distinguishing economic surplus from private profit orientation, and a regulatory gap in the absence of a specific fiscal classification for productive waqf with mixed characteristics.

The proposed Functional-Benefit Assessment responds to these gaps by connecting legal status with actual function, economic activity, economic orientation, use of income, beneficiaries, public benefit, governance, and compliance. It produces three analytical categories: socially dominant productive waqf, mixed-function productive waqf, and predominantly commercial activity associated with waqf assets. The corresponding fiscal treatments are framed only within the facilities permitted by applicable law, ranging from the maximum lawful exemption or relief to proportional

treatment and standard PBB-P2. The central contribution is therefore a shift from a status-only or income-only approach toward a functional assessment of how an asset is used and where its economic benefits ultimately flow. Because the model is derived from one institutional locus and the available research record does not establish national validation, further testing across institutions and local tax administrations is necessary before FBA can be standardized as a policy instrument.

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Senki Nurachmadi contributed to conceptualization, methodology, investigation, formal analysis, and writing of the original draft. Muhyar Fanani and Achmad Arief Budiman contributed to supervision, validation, and writing review and editing. Agus Mubarak contributed to investigation, data curation, and writing review and editing. All authors reviewed and approved the final manuscript.

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