



The Role of Qawā'id Fiqhiyyah in Strengthening Waqf Law: A Review of Challenges and Solutions in Indonesia

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Abstract

The article addresses the various challenges that waqf (Islamic endowment) law faces in Indonesia. It specifically investigates how the application of Qawā'id Fiqhiyyah (principles of Islamic jurisprudence) can enhance waqf law considering obstacles such as public ignorance about waqf, inadequate legal frameworks, and the necessity for effective management strategies to improve the productivity of waqf assets. The aim of this research is to analyze how *Qawā'id Fiqhiyyah* can provide foundational support to enhance *Waqf* law, proposing viable solutions to existing issues. The novelty of this research lies in its integrative approach, which combines traditional Islamic legal principles with the contemporary challenges of waqf management. By focusing on Qawā'id Fiqhiyyah, the study proposes a framework that not only addresses legal and administrative issues but also highlights the cultural and social dimensions of waqf in Indonesia, an area that has not been extensively explored in existing literature. The research employs a qualitative research method and case studies to elucidate the challenges and potential solutions for *Waqf* management in Indonesia. The results of the research suggest that the application of Qawā'id Fiqhiyyah can provide practical solutions to the identified challenges in waqf law. The study outlines several strategies, including enhancing public education about waqf, improving legal frameworks, and fostering collaboration among various stakeholders such as government bodies, religious organizations, and the community. These strategies aim to create a more effective and sustainable waqf system in Indonesia, ultimately leading to increased productivity and a greater social impact of waqf assets.

Keywords: Legal Framework, Sustainable Waqf, Qawā'id Fiqhiyyah, Waqf

Abstrak

Penelitian ini membahas tentang berbagai tantangan yang dihadapi oleh hukum waqf (endowment Islam) di Indonesia. Secara khusus, artikel ini menyelidiki bagaimana penerapan Qawā'id Fiqhiyyah (prinsip-prinsip hukum Islam) dapat meningkatkan hukum



waqf dengan mempertimbangkan hambatan seperti ketidaktahuan publik tentang waqf, kerangka hukum yang tidak memadai, dan kebutuhan akan strategi manajemen yang efektif untuk meningkatkan produktivitas aset waqf. Tujuan dari penelitian ini adalah untuk menganalisis bagaimana Qawā'id Fiqhiyyah dapat memberikan dukungan dasar untuk meningkatkan hukum waqf, dengan mengusulkan solusi yang layak untuk masalah yang ada. Kebaruan dari penelitian ini terletak pada pendekatan integratifnya, yang menggabungkan prinsip-prinsip hukum Islam tradisional dengan tantangan kontemporer dalam manajemen waqf. Dengan fokus pada Qawā'id Fiqhiyyah, studi ini mengusulkan sebuah kerangka kerja yang tidak hanya menangani isu-isu hukum dan administratif tetapi juga menyoroti dimensi budaya dan sosial waqf di Indonesia, suatu area yang belum banyak dieksplorasi dalam literatur yang ada. Penelitian ini menggunakan metode penelitian kualitatif dan studi kasus untuk menjelaskan tantangan dan solusi potensial untuk manajemen waqf di Indonesia. Hasil penelitian menunjukkan bahwa penerapan Qawā'id Fiqhiyyah dapat memberikan solusi praktis untuk tantangan yang diidentifikasi dalam hukum waqf. Studi ini menguraikan beberapa strategi, termasuk meningkatkan pengetahuan publik tentang waqf, memperbaiki kerangka hukum, dan mendorong kolaborasi di antara berbagai pemangku kepentingan seperti badan pemerintah, organisasi keagamaan, dan masyarakat. Strategi-strategi ini bertujuan untuk menciptakan sistem waqf yang lebih efektif dan berkelanjutan di Indonesia, yang pada akhirnya akan meningkatkan produktivitas dan dampak sosial dari aset waqf.

Kata Kunci: Kerangka Hukum, Wakaf Berkelanjutan, Qawā'id Fiqhiyyah, Wakaf

Introduction

Waqf, as a significant Islamic financial instrument, has the potential to substantially enhance community welfare in Indonesia. This potential is particularly evident in the context of productive *Waqf*, where assets are not merely preserved but actively managed to generate economic benefits.¹ The effective management of *Waqf* assets can facilitate various productive activities, including education, healthcare, and infrastructure development, thereby contributing to poverty alleviation and improving the overall quality of life for communities.² In Indonesia, the concept of cash *Waqf* has gained traction to empower communities economically.³ Cash *Waqf* allows for a more dynamic distribution of benefits, enabling funds to be allocated towards projects that directly address social needs. For instance, cash *Waqf* can be utilized to establish schools and hospitals, which are critical for community development.⁴ Historical precedents, such as the Ottoman Empire, illustrate how

¹ Marwini Marwini and Annisa Nur Salam, "The Concept of Islamic Social Finance Development Based on Financial Technology to Realize a Prosperous Society," *Jurnal Ilmiah Ekonomi Islam* 9, no. 3 (2023): 3406, <https://doi.org/10.29040/jiei.v9i3.11082>.

² Fivin Choerotun Nisa, Fahmi Medias, and Andi Triyanto, "Opportunities and Challenges of Waqf Management in Indonesia: A Narrative Review," 2023, 144–49, https://doi.org/10.2991/978-2-494069-49-7_26.

³ Tommy Pratama, None Syahmirwan, and Achmad Nasrul Waton Ar Rosyit, "The Strategic Role of Article 6 of Law No 41 of 2004 in the Management of Term Waqf: A Progressive Review of Islamic Economic Renewal" 1, no. 1 (2023): 1–18, <https://doi.org/10.61978/legalis.v1i1.8>.

⁴ Mohammed Kabiru Musah et al., "Beyond Management Challenges: A Demise of a Cash Waqf Foundation," *Journal of Islamic Social Finance* 1, no. 2 (2023): 1–16, <https://doi.org/10.31436/jislamicsocfin.v1i2.12>.

Waqf institutions have successfully financed essential services, including education and healthcare, which modern governments often struggle to provide.⁵

The integration of technology in *Waqf* management has been highlighted as a crucial factor in maximizing the potential of *Waqf* assets. Digital platforms can enhance transparency and efficiency in the management of *Waqf*, ensuring that funds are utilized effectively to support community welfare initiatives.⁶ The establishment of micro *Waqf* banks in Indonesia exemplifies this trend, as they aim to provide financial services that cater to the needs of the lower-middle class, thereby reducing reliance on predatory lending practices.⁷ The alignment of *Waqf* management with Sharia principles is essential to ensure that the benefits derived from *Waqf* are maximized for the community.⁸ This involves not only the ethical management of assets but also the establishment of partnerships between community organizations and government bodies to foster sustainable development.⁹ By prioritizing productive *Waqf* initiatives, Indonesia can harness the full potential of this Islamic financial instrument to address socio-economic challenges and promote community welfare effectively. Then, the strategic management of *Waqf* assets, particularly through productive *Waqf* initiatives, presents a viable pathway for enhancing community welfare in Indonesia. By leveraging cash *Waqf* and integrating modern management practices, *Waqf* can play a pivotal role in addressing poverty and improving the quality of life for many Indonesians. The principles of *Qawā'id Fiqhiyyah* play a crucial role in the management of *Waqf*, particularly in addressing the complexities and challenges that arise in this domain. These principles serve as a framework for Islamic legal scholars and practitioners to navigate the intricacies of *Waqf* management, ensuring compliance with Sharia law while promoting effective asset utilization.¹⁰ For instance, the principle of "*al-'Umum al-Khass*" (general and specific) can be instrumental in delineating the permissible types of *Waqf* and guiding the

⁵ Aam Slamet Rusydiana and Sherrindra Avedta, "Development of Islamic Bank-Based Cash Waqf Management in Indonesia," *Islamic Social Finance* 2, no. 2 (2022), <https://doi.org/10.58968/isf.v2i2.135>.

⁶ Nurjamil and Siti Nurhayati, "Sharia Cooperatives' Productive Waqf Management Model Through Financial Technology Services in Bandung City Area to Promote the People's Economy," *International Journal of Science Technology & Management* 2, no. 1 (2021): 272–80, <https://doi.org/10.46729/ijstm.v2i1.145>; Muhazir Muhazir, "Aspek Hukum Wakaf Dalam Kajian Hadis Ahkam (Melacak Akar Sejarah Hukum Wakaf Dan Penerapannya di Indonesia)," *TAQNIN: Jurnal Syariah dan Hukum* 2, no. 2 (December 4, 2020), <https://doi.org/10.30821/taqnin.v2i02.8403>.

⁷ Muhammad Fikry Aransyah, Muhammad Aslam Noor, and Amjad Hamad Abdullah, "Policy Analysis of Micro Waqf Banks in Indonesia," *Jurnal Perspektif Pembiayaan Dan Pembangunan Daerah* 10, no. 2 (2022): 63–74, <https://doi.org/10.22437/ppd.v10i2.12876>.

⁸ M Zidny Nafi' Hasbi and Ipuk Widayanti, "Optimization of Management of Islamic Philanthropy Based on Productive Ownership Efforts for Empowering the Economic Independence," *Islamiconomic Jurnal Ekonomi Islam* 13, no. 1 (2022), <https://doi.org/10.32678/ije.v13i1.403>.

⁹ Suyatno Suyatno, "Management and Development of Productive Waqf for Islamic Boarding Schools in Kampar Regency," *Indonesian Interdisciplinary Journal of Sharia Economics (Iijse)* 7, no. 1 (2023): 395–422, <https://doi.org/10.31538/ijse.v7i1.4099>.

¹⁰ Raditya Sukmana, "Critical Assessment of Islamic Endowment Funds (Waqf) Literature: Lesson for Government and Future Directions," *Heliyon* 6, no. 10 (2020): e05074, <https://doi.org/10.1016/j.heliyon.2020.e05074>.

management strategies that *Nadzir* (*Waqf* managers) should adopt to optimize the benefits derived from *Waqf* assets.¹¹

There are several previous studies that are relevant to the current study. Ardiyansyah et al. (2021) emphasize the importance of optimizing productive waqf to empower the ummah economically, focusing on effective management to boost community welfare.¹² Ascarya et al. (2022) propose simple, practical waqf models specifically designed for Indonesia, aiming to create frameworks that are both accessible and implementable to enhance the productivity of waqf assets and foster economic growth among the community.¹³ Baharuddin and Iman (2018) delve into the role of professional nazir (waqf managers), addressing challenges related to standardization and effective management, highlighting the need for qualified nazir to navigate the complexities of waqf management.¹⁴ Hasanah et al. (2021) explore the strategies employed by the Indonesian Waqf Board (BWI) in managing cash waqf, focusing on enhancing the effectiveness of waqf funds for community development and emphasizing the importance of strategic planning in financial management.¹⁵ Huda and Santoso (2022) investigate corporate waqf principles, illustrating how the integration of corporate social responsibility with waqf management can enhance the sustainability and impact of waqf initiatives.¹⁶ Nurhidayat et al. (2022) highlight the importance of transparency and accountability in waqf management to increase public trust in nazhir, suggesting that these factors are crucial for fostering community confidence and ensuring the success of waqf programs.¹⁷ Nurjamil and Nurhayati (2021) present a model for managing productive waqf through financial technology services in Bandung, demonstrating how digital solutions can leverage technology to promote economic growth.¹⁸ Praja et al. (2024) analyze waqf related to trade secrets from a legal perspective, discussing

¹¹ Dea Reren Rafita, Yeti Vera Bella, and Anggoro Sugeng, "Analysis of Cash Waqf Management in Indonesia and Malaysia: A Literature Highlight" 1, no. 1 (2023): 21–28, <https://doi.org/10.62265/jcaip.v1i1.15>.

¹² Rian Ardiyansyah and Abdurrohman Kasdi, "Strategies and Optimizing the Role of Productive Waqf in Economic Empowerment of the Ummah," *Ziswaf Jurnal Zakat Dan Wakaf* 8, no. 1 (2021): 61, <https://doi.org/10.21043/ziswaf.v8i1.9871>.

¹³ Ascarya Ascarya, Muhamad Nadrattuzaman Hosen, and Siti Rahmawati, "Designing Simple Productive Waqf Models for Indonesia," *International Journal of Ethics and Systems* 38, no. 3 (2022): 380–401, <https://doi.org/10.1108/ijoes-07-2020-0101>.

¹⁴ A Zamakhsyari Baharuddin and Rifqi Qowiyul Iman, "Nazir Wakaf Profesional, Standarisasi Dan Problematikanya," *Li Falah Jurnal Studi Ekonomi Dan Bisnis Islam* 3, no. 2 (2018): 62, <https://doi.org/10.31332/lifalah.v3i2.1197>.

¹⁵ Neneng Hasanah, Indah Sulistya, and Mohammad Iqbal Irfany, "Strategi Pengelolaan Wakaf Uang Oleh Badan Wakaf Indonesia (BWI)," *Al-Awqaf Jurnal Wakaf Dan Ekonomi Islam* 13, no. 1 (2021): 39–58, <https://doi.org/10.47411/al-awqaf.v13i1.95>.

¹⁶ Miftahul Huda and Lukman Santoso, "Implementation of Corporate Waqf Core Principles in the Development of Waqf in Indonesia," *Academic Journal of Interdisciplinary Studies* 11, no. 5 (2022): 114, <https://doi.org/10.36941/ajis-2022-0129>.

¹⁷ Rizki Nurhidayat et al., "Optimization of Waqf Management in Increasing Public Trust in Nazhir," *Maliki Islamic Economics Journal* 2, no. 2 (2022): 60–75, <https://doi.org/10.18860/miec.v2i2.16461>.

¹⁸ Nurjamil and Nurhayati, "Sharia Cooperatives' Productive Waqf Management Model Through Financial Technology Services in Bandung City Area to Promote the People's Economy."

the implications for waqf management and the need for clear regulations.¹⁹ Pratama et al. (2023) review the strategic role of Article 6 of Law No. 41 of 2004 in managing term waqf, contributing to the discourse on Islamic economic renewal by examining how legal provisions can enhance waqf management practices.²⁰ Lastly, Mohamad and Arizan (2021) apply the fiqh principle of "No Harm to Oneself and Not Harmful to Others" in the context of waqf management during the COVID-19 pandemic, exploring its relevance in addressing the unique challenges posed by the pandemic.²¹ These studies collectively underscore the diverse approaches and innovations in waqf management, aiming to enhance its role in economic and social development.

This research employs a qualitative approach aimed at understanding social and cultural phenomena in depth, particularly related to *Waqf* management and the application of *Qawā'id Fiqhiyyah*.²² In data collection, the researcher will conduct document analysis by reviewing relevant literature, regulations, and official documents, such as Law No. 41 of 2004 concerning *Waqf* and fatwas from religious institutions. The collected data will be analyzed using a thematic analysis approach, which includes coding the data, identifying key themes, and interpreting the findings to provide in-depth insights into the challenges and application of *Qawā'id Fiqhiyyah* in *Waqf* management. In researchers' view that the management of waqf in Indonesia is confronted by significant challenges, including public ignorance, inadequate legal frameworks, governance issues, financial constraints, cultural barriers, and the need for integration with modern economic systems. These constraints hinder the effective utilization of waqf as a tool for community development and economic empowerment. The application of *Qawā'id Fiqhiyyah* presents a vital opportunity to address these challenges by providing a robust framework for enhancing waqf law and management practices. By emphasizing principles of transparency, accountability, and community engagement, *Qawā'id Fiqhiyyah* can guide the development of effective strategies that promote sustainable waqf practices. Ultimately, strengthening waqf management through these principles not only enhances the role of waqf in Indonesia but also contributes to the broader goals of social justice and economic development within the community. The integration of Islamic jurisprudence into waqf management practices holds the potential to revitalize this important institution, ensuring that it serves its intended purpose of benefiting society.²³ It is hoped that this research will contribute significantly to the understanding and practice of *Waqf* in Indonesia.

¹⁹ Chrisna Bagus Edhita Praja et al., "Waqf of Trade Secret: An Analysis in Indonesian Legal Perspective," *E3s Web of Conferences* 500 (2024): 5003, <https://doi.org/10.1051/e3sconf/202450005003>.

²⁰ Pratama, Syahmirwan, and Ar Rosyit, "The Strategic Role of Article 6 of Law No 41 of 2004 in the Management of Term Waqf: A Progressive Review of Islamic Economic Renewal."

²¹ Nor M Mohamad and Azhan T Arizan, "[Application of the Fiqh Method 'No Harm to Oneself and Not Harmful to Others' (La Darar Wa La Dirar) in Dealing With the Pandemic Issue of Covid-19 in Malaysia]," *Malaysian Journal of Islamic Studies (Mjis)* 5, no. 1 (2021): 153–66, <https://doi.org/10.37231/mjis.2021.5.1.157>.

²² John W. Creswell, *Qualitative Inquiry and Research Design: Choosing Among Five Approaches*, 2nd ed. (New Delhi: SAGE Publications, 2007).

²³ Rudy Haryanto, Lailatul Maufiroh, and Sulaiman Hasan Sulaiman, "Waqf Land in Madura; Its Management and Typical Dispute Resolution," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 18, no. 2 (2023): 496–518, <https://doi.org/10.19105/al-lhkam.v18i2.7570>.

Eventually, the research focuses on the management of *Waqf* in Indonesia, which faces various complex challenges, including a lack of understanding and awareness among the community, both wakif and *Nadzir*, resulting in suboptimal management. Furthermore, inadequate regulations, despite the existence of Law No. 41 of 2004 concerning *Waqf*, still leave many legal aspects unclear, leading to confusion in practice.²⁴ Inefficient asset management is also an issue, where many *Waqf* assets are not well-managed due to a lack of managerial skills. Disputes between wakif and *Nadzir*, as well as the limited resources of *Waqf* management institutions, further exacerbate the situation.²⁵ In this context, the application of *Qawā'id Fiqhiyyah* can provide solutions by establishing clear legal guidelines, resolving disputes, promoting efficient management, and enhancing awareness and education about *Waqf* among the community. This research aims to identify and analyze the challenges faced in *Waqf* management in Indonesia, as well as to examine the role of *Qawā'id Fiqhiyyah* in providing solutions to these challenges, with the hope of offering recommendations for more effective *Waqf* management in accordance with sharia principles, so that *Waqf* can provide optimal benefits for the community.

This research is significant for several reasons, highlighting the necessity for deeper discussions on Islamic law regarding waqf. It addresses the critical intersection of Islamic jurisprudence and contemporary legal challenges in Indonesia's waqf management. By applying *Qawā'id Fiqhiyyah*, the study offers a framework for adapting traditional Islamic principles to modern issues, including governance, transparency, and financial sustainability. Given Indonesia's status as the country with the largest Muslim population, this is particularly relevant for maximizing waqf's potential as a tool for social and economic development. Furthermore, the research identifies unique challenges such as inadequate legal frameworks, low public awareness, and management issues, proposing actionable solutions rooted in Islamic legal principles. Beyond academic discourse, the findings have practical implications for policymakers, waqf managers, and community leaders, advocating for an integrated approach that aligns Islamic values with contemporary societal needs. This alignment is crucial for building public trust and encouraging participation in waqf initiatives, ultimately leading to more effective asset utilization for societal benefit. In summary, this research is timely and essential for advancing waqf understanding within Islamic law, contributing to the development of a more effective and sustainable waqf system in Indonesia, and paving the way for future research and practical applications in the field.

***Waqf*: History, Types, and Its Impact on Community Welfare**

Waqf, an Islamic charitable endowment, has played a significant role in socio-economic development across various regions, including Indonesia. This practice, rooted in Islamic tradition, involves dedicating assets for public benefit, such as education, health, and

²⁴ P.S. Nadya et al., "Strategy of Optimalization Cash Waqf in Indonesia Strategi Optimalisasi Wakaf Tunai Di Indonesia," *Jurnal Syarikah* 4, no. 2 (2018): 1-14.

²⁵ Muhammad Shulthoni et al., "Waqf Fundraising Management: A Proposal for a Sustainable Finance of the Waqf Institutions," *Journal of Islamic Monetary Economics and Finance* 3 (2018): 201-34, <https://doi.org/10.21098/jimf.v3i0.776>.

infrastructure. The historical significance of *Waqf* is evident from its early adoption during the time of Prophet Muhammad (peace be upon him), who encouraged charitable acts for community welfare. Over time, *Waqf* has evolved and adapted to meet contemporary needs, as seen in its application in different contexts and regions. *Waqf* has been a cornerstone of Islamic social finance since the time of the Prophet Muhammad (peace be upon him), who set a precedent by dedicating land for a mosque. This practice has historically supported community welfare, education, and infrastructure development.²⁶

In contemporary settings, *Waqf* continues to be a vital tool for socio-economic development. For instance, in Malaysia, innovative *Waqf* models have been proposed to address poverty among refugees and low-income households by integrating *Waqf* with crowdfunding and microfinance initiatives.²⁷ Similarly, in Indonesia, *Waqf* is integral to social and economic life, with institutions managing *Waqf* assets for various social purposes.²⁸ *Waqf* aligns with sustainable development goals, promoting responsible resource use and biodiversity conservation, as highlighted in Islamic teachings. The Holy Qur'an emphasizes stewardship of natural resources, which can be integrated into *Waqf* practices to support environmental sustainability.²⁹ Islamic principles, including those related to *Waqf*, can guide sustainable urban development. These principles advocate for social integration, justice, and environmental protection, which are essential for creating sustainable urban environments.³⁰ Effective management of *Waqf* assets is crucial to prevent conflicts and ensure their intended use. In Indonesia, traditional methods like mediation have been effective in resolving *Waqf*-related disputes, highlighting the importance of community involvement and cultural sensitivity in *Waqf* management.³¹

The integration of *Waqf* with modern financial instruments, such as Islamic fintech and qardhul hassan financing, presents opportunities for enhancing its impact. In Malaysia, *Waqf*-based financing models are being explored to support community welfare and address financial hardships, particularly in the wake of the COVID-19 pandemic.³² While *Waqf* has demonstrated significant potential in addressing socio-economic challenges, its effectiveness

²⁶ Nur Ainul Basyirah Alias, Shamsul Azhar Yahya, and Ermy Azziaty Rozali, "Impak Amalan Wakaf Terhadap Pemerintahan Kerajaan 'Uthmaniyyah Di Bosnia & Herzegovina Pada Abad Ke 15M Hingga 17M," *Journal of Al-Tamaddun* 18, no. 2 (2023): 205-16.

²⁷ Adnan Opeyemi Salaudeen, "Proposing an Effective Waqf Model for Ensuring Poverty Reduction among Refugees in Malaysia," *F1000Research* 13 (2024): 763, <https://doi.org/10.12688/f1000research.149944.1>.

²⁸ Haryanto, Maufiroh, and Sulaiman, "Waqf Land in Madura; Its Management and Typical Dispute Resolution."

²⁹ Lisa A Blankinship, Sarah Gillaspie, and Basil H Aboul-enein, "Highlighting the Importance of Biodiversity Conservation through the Holy Qur'an," *Conservation Biology*, no. January (2024): 1-8, <https://doi.org/10.1111/cobi.14309>.

³⁰ Mohammad Arif Kamal, Tahsinur Rahman Warsi, and Osama Nasir, "Islamic Principles As a Design Framework for Urban System: Environmental Concern and Sustainable Development," *Journal of Islamic Architecture* 7, no. 4 (2023): 699-712, <https://doi.org/10.18860/jia.v7i4.21187>.

³¹ Haryanto, Maufiroh, and Sulaiman, "Waqf Land in Madura; Its Management and Typical Dispute Resolution."

³² Hanudin Amin, M Kabir Hassan, and Imran Mehboob Shaikh, "Waqf-Based Qardhul Hassan Financing Preference in Malaysia: An Exploratory Study," *International Journal of Ethics and Systems* 40, no. 3 (January 1, 2024): 651-71, <https://doi.org/10.1108/IJOES-02-2023-0025>.

depends on proper management and alignment with contemporary needs. The historical impact of *Waqf* in regions like Bosnia and Herzegovina during the Ottoman era illustrates its potential to support political stability and economic prosperity. However, mismanagement or lack of transparency can lead to negative perceptions and undermine its benefits.³³ Therefore, continuous efforts to innovate and adapt *Waqf* practices are essential to maximize their positive impact on society. *Waqf* can be categorized into several types, as seen in the following table:

Table 1. Types of *Waqf* and Examples of Their Use

Types of <i>Waqf</i>	Description	Examples of the Use
Cash <i>Waqf</i>	Waqaf in the form of cash is used for investment or productive activities. The returns from this investment are used for social purposes.	Education, health, and development of public facilities. ³⁴
Asset <i>Waqf</i>	Waqaf in the form of goods, such as land, buildings, or other assets. The donated items can be used for various social activities.	Establishing schools, hospitals, or places of worship. ³⁵
Productive <i>Waqf</i>	Waqaf that actively managed to generate income. The wakaf assets are used for activities that provide direct benefits to the community.	Agricultural land for farming or buildings that are rented out. ³⁶

Source: Author

This table provides a clear overview of the types of *Waqf* and how each can be utilized for social purposes. The role of *Waqf* in society is highly significant. In addition to being a source of funding for social activities, *Waqf* also serves as a tool for enhancing community welfare. With *Waqf*, communities can gain access to better education, healthcare services, and infrastructure. Moreover, *Waqf* contributes to poverty reduction and the improvement of the quality of life in society.³⁷ Overall, *Waqf* has great potential to create a positive impact on the community, especially if managed well and in accordance with sharia principles. By

³³ Alias, Yahya, and Rozali, "Impak Amalan Wakaf Terhadap Pemerintahan Kerajaan 'Uthmaniyyah Di Bosnia & Herzegovina Pada Abad Ke 15M Hingga 17M."

³⁴ Shazia Kousar et al., "Is Government Spending in the Education and Health Sector Necessary for Human Capital Development?," *Humanities and Social Sciences Communications* 10, no. 1 (2023): 62, <https://doi.org/10.1057/s41599-023-01514-3>.

³⁵ Haryanto, Maufiroh, and Sulaiman, "Waqf Land in Madura; Its Management and Typical Dispute Resolution."

³⁶ Rindawati Maulina, Wawan Dhewanto, and Taufik Faturohman, "The Integration of Islamic Social and Commercial Finance (IISCF): Systematic Literature Review, Bibliometric Analysis, Conceptual Framework, and Future Research Opportunities," *Heliyon* 9, no. 11 (2023): e21612, <https://doi.org/10.1016/j.heliyon.2023.e21612>.

³⁷ Muhammad Ayub, "Promoting the Institution of Waqf for Socio-Economic Development in Islamic Societies," *Journal of Islamic Business and Management (JIBM)* 12, no. 02 (2022): 139-41, <https://doi.org/10.26501/jibm/2022.1202-001>.

understanding the concept and types of *Waqf*, it is hoped that the community can participate more actively in *Waqf* programs and leverage this potential for the common good.³⁸

***Qawā'id Fiqhiyyah*: Definition, Basic Principles, and Its Relevance in Islamic Law**

Qawā'id Fiqhiyyah, or Islamic legal maxims, serve as foundational principles in Islamic jurisprudence, guiding legal decision-making by providing general rules applicable to various cases. These principles ensure consistency, fairness, and adaptability in legal rulings, aligning them with the core tenets of sharia. The universality, connection with sharia evidence, and flexibility of *Qawā'id Fiqhiyyah* make them essential in maintaining justice and legal certainty in Islamic law. This response explores these aspects, particularly in the context of *Waqf*, and examines their broader implications in Islamic jurisprudence. *Qawā'id Fiqhiyyah* are designed to be broad and universally applicable, allowing them to address a wide range of legal issues. This universality ensures that legal decisions remain consistent across different contexts and cases.³⁹ The principle "*Al-Umur Biniyatih*" (Every Matter Depends on Its Intention) exemplifies this universality by emphasizing the importance of intention in all actions, including *Waqf*, thereby ensuring that the legal outcomes align with the underlying intentions of the parties involved.⁴⁰

Qawā'id Fiqhiyyah are deeply rooted in sharia evidence, such as the Qur'an and Hadith, providing a clear legal basis for each rule. This connection ensures that legal decisions remain within the framework of Islamic law, maintaining their legitimacy and acceptance among Muslim communities.⁴¹ The principle "*La Darar wa La Dirar*" (No Harm and No Infliction of Harm) is grounded in sharia evidence, ensuring that actions, including those related to *Waqf*, do not cause harm to any party, thus upholding the ethical standards of Islamic law.⁴²

The flexibility of *Qawā'id Fiqhiyyah* allows for adjustments to different social and cultural contexts, ensuring that Islamic law remains relevant and acceptable to society. This adaptability is crucial in addressing contemporary issues and challenges within Islamic communities.⁴³ The principle "*Al-Masyaqqatu Tajlibu Al-Taisir*" (Difficulty Brings Ease)

³⁸ Mohammad Abdullah, "Evolution in *Waqf* Jurisprudence and Islamic Financial Innovation," *Journal of Islamic Monetary Economics and Finance* 4, no. 1 (2018): 161–82, <https://doi.org/10.21098/jimf.v4i1.920>.

³⁹ Rokhmadi Rokhmadi, Moh Khasan, and Nasihun Amin, "Understanding Riddah in Islamic Jurisprudence: Between Textual Interpretation and Human Rights," *Theological Studies/Teologiese Studies* 79, no. 1 (2023), <https://doi.org/10.4102/hts.v79i1.8613>.

⁴⁰ Alexis Heng Boon Chin, Sayyed Mohamed Muhsin, and Mohd Faizal Ahmad, "Islamic Perspectives on Elective Ovarian Tissue Freezing by Single Women for Non-Medical or Social Reasons," *Asian Bioethics Review* 15, no. 3 (2023): 1–15, <https://doi.org/10.1007/s41649-022-00236-z>.

⁴¹ SeyedAmirHossein Asghari, "Understanding Human Dignity in Shi'i Islam: Debates, Challenges, and Solutions for Contemporary Issues," *Religions* 14, no. 4 (2023): 505, <https://doi.org/10.3390/rel14040505>.

⁴² Chin, Muhsin, and Ahmad, "Islamic Perspectives on Elective Ovarian Tissue Freezing by Single Women for Non-Medical or Social Reasons."

⁴³ Syahrizal Abbas and Khairuddin Hasballah, "Gender Justice in Inheritance Distribution Practices in South Aceh, Indonesia," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 2 (2023): 1293, <https://doi.org/10.22373/sjhk.v7i2.16688>.

illustrates this flexibility by allowing for legal relaxation in difficult situations, such as challenges in managing *Waqf* assets, without compromising sharia principles.⁴⁴ The application of *Qawā'id Fiqhiyyah* extends beyond *Waqf*, influencing various aspects of Islamic jurisprudence, including human rights and gender justice. For instance, the principle of balanced justice in inheritance distribution in South Aceh reflects the adaptability of Islamic law to local customs while maintaining gender equity.⁴⁵ In the context of human dignity, *Qawā'id Fiqhiyyah* play a role in ensuring that legal rulings align with the principles of justice and human rights, as seen in the debates within Shi'i Islam.⁴⁶ While *Qawā'id Fiqhiyyah* provides a robust framework for legal decision-making, their application can sometimes lead to debates and challenges, particularly when addressing contemporary issues such as human rights and gender equity.⁴⁷ These challenges highlight the need for ongoing dialogue and interpretation among Islamic jurists to ensure that *Qawā'id Fiqhiyyah* continue to promote justice and legal certainty in a rapidly changing world.

The relationship between *Qawā'id Fiqhiyyah* (Islamic legal maxims) and *Waqf* law is integral to the effective management and understanding of *Waqf* practices. *Qawā'id Fiqhiyyah* provides a foundational framework that guides *Nadzir* (*Waqf* managers) and wakif (donors) in making decisions that are compliant with sharia principles. This framework is essential for ensuring that *Waqf* assets are managed in a manner that aligns with Islamic values and legal standards. The principles of *Qawā'id Fiqhiyyah* serve as critical guidelines for *Nadzir* and wakif in their decision-making processes.⁴⁸ By applying these principles, stakeholders can navigate the complexities of *Waqf* management more effectively. For instance, *Qawā'id Fiqhiyyah* can help clarify the legal status and responsibilities associated with *Waqf* assets, thus enabling more informed and sharia-compliant decisions.⁴⁹ This is particularly important in Indonesia, where the management of *Waqf* assets often involves navigating both Islamic law and national regulations, such as Law No. 41 of 2004 concerning *Waqf*.⁵⁰ In the event of disputes between wakif and *Nadzir* regarding the management of *Waqf* assets, *Qawā'id Fiqhiyyah* can provide a basis for resolution. These legal maxims can be employed to interpret the intentions behind the *Waqf* and the appropriate use of its assets, thereby facilitating fair

⁴⁴ Azhari Yahya et al., "Legal Study of Building Sharia-Based Investment in Aceh: The Challenges After the Enactment of the Qanun of Sharia Financial Institution," *Samarah* 7, no. 2 (2023): 959-77, <https://doi.org/10.22373/sjhk.v7i2.17653>.

⁴⁵ Abbas and Hasballah, "Gender Justice in Inheritance Distribution Practices in South Aceh, Indonesia."

⁴⁶ Asghari, "Understanding Human Dignity in Shi'i Islam: Debates, Challenges, and Solutions for Contemporary Issues."

⁴⁷ Ansori Ansori, "Qawā'id Fiqhiyyah as Islamic Epistemology and Its Application at Marriage Law in Indonesia," *Juris (Jurnal Ilmiah Syariah)* 21, no. 1 (2022): 67, <https://doi.org/10.31958/juris.v21i1.5529>.

⁴⁸ Anisa Syahidah Mujahidah, "Prioritizing Waqf Core Principles (WCP) Criteria," *Islamic Social Finance* 3, no. 2 (2024), <https://doi.org/10.58968/isf.v3i2.368>.

⁴⁹ Mohammad Abdullah, "Classical Waqf, Juristic Analogy and Framework of Awqaf Doctrines," *Isra International Journal of Islamic Finance* 12, no. 2 (2020): 281-96, <https://doi.org/10.1108/ijif-07-2019-0102>.

⁵⁰ Praja et al., "Waqf of Trade Secret: An Analysis in Indonesian Legal Perspective."

agreements between parties.⁵¹ For example, if a disagreement arises over the allocation of *Waqf* resources, the principles of *Qawā'id Fiqhiyyah* can guide the parties in reaching a resolution that respects the original intent of the *Waqf* while adhering to sharia law.⁵² The application of *Qawā'id Fiqhiyyah* also plays a significant role in enhancing the regulatory framework governing *Waqf* management in Indonesia. By establishing clear guidelines based on these legal maxims, *Waqf* management can become more transparent, accountable, and productive.⁵³

This is crucial for fostering trust among stakeholders and ensuring that *Waqf* assets are utilized effectively for community benefit. The Indonesian *Waqf* Board (BWI) has emphasized the importance of adhering to these principles in its oversight of *Waqf* management, thereby reinforcing the connection between *Qawā'id Fiqhiyyah* and effective *Waqf* governance.⁵⁴ In summary, *Qawā'id Fiqhiyyah* serves as a vital foundation for the development and application of *Waqf* law in Indonesia. By providing a structured approach to decision-making, facilitating dispute resolution, and strengthening regulatory practices, these legal maxims ensure that *Waqf* management remains aligned with sharia principles. This alignment not only enhances the effectiveness of *Waqf* management but also maximizes the potential benefits for the community, thereby fulfilling the ultimate purpose of *Waqf* as a charitable and social institution.

Challenges in *Waqf* Management in Indonesia

Waqf management in Indonesia faces significant challenges, particularly in terms of legal and regulatory frameworks. Although there is Law No. 41 of 2004 concerning *Waqf* that provides a legal framework, there are still several regulations that do not support the productive management of *Waqf*. One of the main issues is the uncertainty in regulations regarding cash *Waqf* management, which leaves many *Nadzir* (*Waqf* managers) confused about how to apply existing rules.⁵⁵ Additionally, the lack of socialization regarding the rights and responsibilities of *Nadzir* often hampers the optimal utilization of *Waqf* assets, resulting in many potentials remaining unexploited. Complex bureaucracy and insufficient coordination among related institutions also hinder the effective implementation of policies,

⁵¹ Asma Hakimah et al., "The Implementation of Land Waqf Law in Indonesia and Malaysia as a Stage to Land Waqf Law Reform in Indonesia: A Comparative Study," *Law Reform* 18, no. 2 (2022): 164–83, <https://doi.org/10.14710/lr.v18i2.46673>.

⁵² Huda and Santoso, "Implementation of Corporate Waqf Core Principles in the Development of Waqf in Indonesia."

⁵³ Islamiyati Islamiyati, "Juridical Analysis of Productive Land WAQF Assets Management Based on Empowerment Conservation of Environmental Functions," *Iop Conference Series Earth and Environmental Science* 1270, no. 1 (2023): 12029, <https://doi.org/10.1088/1755-1315/1270/1/012029>.

⁵⁴ Hasanah, Sulistya, and Irfany, "Strategi Pengelolaan Wakaf Uang Oleh Badan Wakaf Indonesia (BWI)."

⁵⁵ Moch. Cholid Wardi, "The Implementation of Cash Waqf in the Pesantren of Al-Amien Prenduan Sumenep Regency of Madura," *Al-Ihkam: Jurnal Hukum & Pranata Sosial* 11, no. 1 (2016): 93, <https://doi.org/10.19105/al-ihkam.v11i1.860>.

ultimately leading to inefficient and non-transparent *Waqf* management.⁵⁶ All these factors create complex challenges in *Waqf* management in Indonesia, requiring serious attention to improve the effectiveness and sustainability of *Waqf* practices.

Waqf management in Indonesia is not only hindered by legal aspects but also by various significant social and economic issues. One of the main challenges is the lack of public understanding about the concept of *Waqf* and its benefits. Many individuals are not fully aware of *Waqf*'s potential as an instrument for enhancing social welfare, resulting in low participation in *Waqf* programs.⁵⁷ This is exacerbated by unstable economic conditions and market uncertainties, which often prevent people from contributing to *Waqf*, as they focus more on their basic needs.⁵⁸ Furthermore, limited funding and resources for managing *Waqf* assets productively pose a significant problem. Many *Nadzir* lack the capacity or knowledge necessary to manage *Waqf* effectively, preventing *Waqf* assets from being optimally utilized. This limitation also creates a disparity in *Waqf* management, where only a small portion of the assets is well-managed while others are neglected. These factors contribute to the challenges faced in *Waqf* management in Indonesia, necessitating comprehensive attention and solutions.⁵⁹ Efforts to enhance *Waqf* literacy among the public, as well as strengthening the capacity of *Nadzir* in managing *Waqf* assets, are crucial for improving the effectiveness and sustainability of *Waqf* as a social and economic instrument that can provide broad benefits to society.⁶⁰

In this regard, we can explain some constraints of waqf in Indonesia, as waqf management faces numerous challenges that significantly affect its efficiency and long-term viability. While Law No. 41 of 2004 establishes a basic legal framework, there are still regulatory shortcomings that obstruct effective management, particularly concerning the ambiguous guidelines surrounding cash waqf, which create confusion for *Nadzir* (waqf managers) in applying the existing rules. Moreover, the insufficient dissemination of information about the rights and responsibilities of *Nadzir* leads to ineffective use of waqf assets, compounded by complicated bureaucratic processes and a lack of coordination among relevant institutions, resulting in inefficiency and a lack of transparency. On a social level, there is a considerable gap in public awareness regarding waqf and its potential

⁵⁶ A W Ainol-Basirah and A K Siti-Nabiha, "Accountability in <i>Waqf</i> Institutions: A Meta-Narrative Review," *Journal of Islamic Accounting and Business Research* 14, no. 1 (2022): 181-201, <https://doi.org/10.1108/jiabr-12-2021-0326>.

⁵⁷ Ardiyansyah and Kasdi, "Strategies and Optimizing the Role of Productive Waqf in Economic Empowerment of the Ummah."

⁵⁸ Haryanto, Maufiroh, and Sulaiman, "Waqf Land in Madura; Its Management and Typical Dispute Resolution."

⁵⁹ Nurul Fatma Hasan and Syahrudin Syahrudin, "Enhancing Green Waqf for Carbonization Technology: Opportunities for Sustainable Development Goals (SDGs) in Indonesia," *El-Barka Journal of Islamic Economics and Business* 5, no. 2 (2022): 235-51, <https://doi.org/10.21154/elbarka.v5i2.4739>.

⁶⁰ Siti Sara Ibrahim et al., "Waqf Integrated Income Generating Model (WIIGM) for Enhancing Sustainable Development Goals (SDGS) in Malaysia: An Evaluation of Behavioural Intention," *International Journal of Ethics and Systems* 39, no. 4 (2022): 841-58, <https://doi.org/10.1108/ijoes-02-2022-0030>.

advantages, which contributes to low levels of participation, especially during times of economic instability when individuals prioritize their immediate needs over waqf contributions. Furthermore, economic constraints such as limited funding and resources impede effective management, as many *Nadzir* do not possess the required skills or knowledge, leading to a situation where only a small fraction of waqf assets are managed effectively while others are overlooked. To tackle these complex challenges, it is essential to promote greater public understanding of waqf, enhance the capabilities of *Nadzir*, and refine regulatory frameworks, thereby unlocking waqf's potential as a crucial tool for social and economic progress in Indonesia.

Analysis of the Application of Qawā'id Fiqhiyyah in Waqf Management: Challenges and Solutions

The application of *Qawā'id Fiqhiyyah*, or the principles of Islamic jurisprudence, is essential for addressing the challenges faced in *Waqf* management. These principles provide a framework for the ethical and effective management of *Waqf* assets, ensuring that they serve their intended purpose of benefiting the community sustainably. One significant principle is "*al-'Umum al-Baqi*" (the enduring general), which underscores the necessity for *Waqf* assets to be managed in a way that ensures their longevity and continued benefit to society. This principle mandates that *Nadzir* (*Waqf* managers) engage in productive management practices, such as investing in social projects that yield long-term benefits for the community.⁶¹ Furthermore, the principle of "*La darar wa la dirar*" (no harm and no infliction of harm) is particularly relevant in guiding *Nadzir* in their decision-making processes. This principle, derived from Islamic teachings, emphasizes the importance of making choices that are not only financially sound but also socially responsible, ensuring that the management of *Waqf* assets does not adversely affect the beneficiaries or the broader community.⁶² By adhering to this principle, *Nadzir* can navigate the complexities of *Waqf* management while prioritizing the welfare of all stakeholders involved.

The integration of these *Qawā'id Fiqhiyyah* into *Waqf* practices can significantly enhance the effectiveness and sustainability of *Waqf* as a social and economic instrument. For instance, by applying the principle of "*al-'Umum al-Baqi*," *Nadzir* can develop strategies that focus on the long-term viability of *Waqf* assets, such as creating endowment funds or investing in community development projects that align with the needs of society.⁶³ Additionally, the emphasis on avoiding harm through the principle of "*La darar wa la dirar*" encourages a holistic approach to *Waqf* management that considers the ethical implications of

⁶¹ Larasati Nur Kharomah, Achyar Zein, and Syafruddin Syam, "Implementation of Waqf Management in the Development of Islamic Education," *Munaddhomah Jurnal Manajemen Pendidikan Islam* 3, no. 3 (2023): 241–54, <https://doi.org/10.31538/munaddhomah.v3i3.281>.

⁶² Mohamad and Arizan, "[Application of the Fiqh Method 'No Harm to Oneself and Not Harmful to Others' (La Darar Wa La Dirar) in Dealing With the Pandemic Issue of Covid-19 in Malaysia]."

⁶³ Mohammad Abdullah, "Waqf, Sustainable Development Goals (SDGs) and Maqasid Al-Shariah," *International Journal of Social Economics* 45, no. 1 (2018): 158–72, <https://doi.org/10.1108/ijse-10-2016-0295>.

financial decisions, thereby fostering trust and collaboration among stakeholders.⁶⁴ In conclusion, the application of *Qawā'id Fiqhiyyah* in *Waqf* management is crucial for overcoming existing challenges and ensuring that *Waqf* assets are utilized effectively for the benefit of the community. By focusing on sustainable practices and ethical decision-making, *Nadzir* can enhance the impact of *Waqf*, transforming it into a powerful tool for social and economic development.

The application of *Qawā'id Fiqhiyyah* in the management of *Waqf* assets has shown promise in enhancing the effectiveness and sustainability of these institutions. However, significant challenges remain, particularly regarding the understanding and implementation of these principles by *Nadzir*, the managers of *Waqf*. Many *Nadzir* lack adequate training in *Qawā'id Fiqhiyyah*, which can lead to ineffective management and a lack of transparency in the utilization of *Waqf* funds. This deficiency is critical, as effective governance and management are essential for maximizing the potential of *Waqf* assets to contribute to social welfare and economic stability.⁶⁵ To address these challenges, it is imperative to enhance training and education for *Nadzir* on *Qawā'id Fiqhiyyah* and effective *Waqf* management practices. Research indicates that a well-informed *Nadzir* can significantly improve the management of *Waqf* assets, leading to better financial outcomes and increased social impact.⁶⁶

Furthermore, the integration of technology and innovative management practices can facilitate better governance and transparency, which are crucial for building public trust in *Waqf* institutions.⁶⁷ Continuous evaluation and feedback mechanisms should also be established to adapt these principles to local contexts, ensuring that they remain relevant and effective.⁶⁸ Moreover, the application of *Qawā'id Fiqhiyyah* can enhance accountability in *Waqf* management. Clear guidelines derived from these principles can lead to improved reporting practices by *Nadzir*, thereby fostering greater public trust and encouraging community participation in *Waqf* programs.⁶⁹ The establishment of robust accountability frameworks is essential for the sustainability of *Waqf* institutions, as it helps mitigate risks associated with

⁶⁴ Daud Mustafa, H A Abdulsalam, and Jibrail B Yusuf, "Islamic Economics and the Relevance of Al-Qawā'id Al-Fiqhiyyah," *Sage Open* 6, no. 4 (2016): 215824401667137, <https://doi.org/10.1177/2158244016671374>.

⁶⁵ Mohamad Sabri Haron, Wan Mohd Al Faizee Wan Ab Rahaman, and Salmi Edawati Yaacob, "An Investment Portfolio Strategy for Waqf Assets in Malaysia: A Study at Selected State Islamic Religious Councils," *International Journal of Academic Research in Business and Social Sciences* 11, no. 5 (2021), <https://doi.org/10.6007/ijarbss/v11-i5/8738>.

⁶⁶ Mimma Maripatul Uula, "Productivity of Waqf Funds in Indonesia," *International Journal of Waqf* 2, no. 1 (2022), <https://doi.org/10.58968/ijf.v2i1.151>.

⁶⁷ Syahdatul Maulida and Denizar Abdurrahman Mi'raj, "Assessing the Efficiency of Waqf Institutions in Indonesia: A Non-Parametric Approach," *Islamic Social Finance* 3, no. 2 (2024), <https://doi.org/10.58968/isf.v3i2.364>.

⁶⁸ Noraina Mazuin Sapuan and Nur Azni Mohd Zeni, "The Determinants of Waqf Sustainability in Malaysia: A PLS-SEM Analysis," *International Journal of Business and Society* 22, no. 1 (2021): 102–18, <https://doi.org/10.33736/ijbs.3164.2021>.

⁶⁹ Aam Slamet Rusydiana and None Sherrindra Avedta, "The Potency of Cash Waqf Linked Sukuk (CWLS) on Social Development," *Journal of Islamic Economic Literatures* 4, no. 1 (2023), <https://doi.org/10.58968/jiel.v4i1.215>.

mismanagement and enhances the overall effectiveness of *Waqf* as a tool for social and economic development.⁷⁰ In conclusion, while the application of *Qawā'id Fiqhiyyah* in *Waqf* management has made strides, there is a pressing need for comprehensive training and education for *Nadzir*, alongside the implementation of effective governance and accountability measures. By addressing these areas, *Waqf* can be positioned as a powerful instrument for enhancing the welfare of society and contributing to sustainable development goals.

The study of *Qawā'id Fiqhiyyah*, or principles of Islamic jurisprudence, is vital for overcoming challenges in *Waqf* management by clarifying legal ambiguities, ensuring equitable asset distribution, and promoting community engagement. These principles create a framework for ethical and effective management, ensuring *Waqf* assets benefit the community sustainably. The principles like “*al-'Umum al-Baqi*” (the enduring general) stress the importance of managing *Waqf* assets for long-term viability, encouraging *nadzir* (*Waqf* managers) to invest in socially beneficial projects. Similarly, “*La darar wa la dirar*” (no harm) guides *nadzir* to make socially responsible decisions that protect the welfare of beneficiaries and the broader community. Despite their significance, challenges remain, particularly the inadequate understanding and implementation of these principles by *nadzir*. Many lack training in *Qawā'id Fiqhiyyah*, leading to ineffective management and reduced transparency in *Waqf* fund utilization. To address this, enhancing education and training for *nadzir* is essential, as informed managers can improve asset management, resulting in better financial and social outcomes. Integrating technology and innovative practices can further promote governance and transparency, building public trust in *Waqf* institutions. Establishing robust accountability frameworks is crucial for mitigating mismanagement risks and enhancing *Waqf*'s role as a social and economic development tool. In summary, while progress has been made in applying *Qawā'id Fiqhiyyah* to *Waqf* management, urgent action is needed to improve training, governance, and accountability, positioning *Waqf* as a powerful means to enhance societal welfare and achieve sustainable development goals.

Improving the Effectiveness of *Waqf* Management in Indonesia: A Comprehensive and Integrated Approach

Effective *Waqf* management in Indonesia necessitates a multifaceted and integrated approach to address the challenges inherent in its practice. One of the foremost recommendations is the enhancement of education and training for *Nadzir* (*Waqf* managers). This training should encompass a thorough understanding of *Qawā'id Fiqhiyyah* (Islamic legal principles), asset management, and investment techniques that align with sharia principles. Improved knowledge and skills among *Nadzir* can lead to more professional and productive management of *Waqf* assets, thereby increasing their effectiveness and

⁷⁰ Farah Nadia Abas and Fauziah Raji, “Factors Contributing to Inefficient Management and Maintenance of *Waqf* Properties: A Literature Review,” *Umran - International Journal of Islamic and Civilizational Studies* 5, no. 3 (2018): 53–67, <https://doi.org/10.11113/umran2018.5n3.233>.

sustainability.⁷¹ The importance of professional training is underscored by the recognition that many *Waqf* institutions currently lack the necessary expertise to manage *Waqf* assets optimally.^{72; 73}

Furthermore, the development of productive *Waqf* models is crucial. These models should not only focus on providing social facilities but also emphasize economic empowerment through investments in small businesses or agricultural projects that yield sustainable income. The shift from consumptive to productive *Waqf* is essential, as evidenced by the government's mission to enhance management productivity in *Waqf* development.⁷⁴ This approach aligns with the findings that productive *Waqf* can significantly contribute to community welfare and economic development.^{75;76} Transparency and accountability in *Waqf* management are also vital for building public trust. *Nadzir* must provide clear financial reports and engage the community in oversight processes. This is particularly important given the historical issues of mismanagement and lack of accountability in *Waqf* practices. The establishment of robust governance frameworks and regular audits can help mitigate these concerns and enhance public confidence in *Waqf* institutions.⁷⁷

Moreover, socialization and public education about *Waqf* and its benefits are essential to increase community participation in *Waqf* programs. A well-informed public is more likely to engage with and support *Waqf* initiatives, which can lead to increased funding and resource mobilization.⁷⁸ Collaborative efforts among various stakeholders, including government bodies, non-governmental organizations, and religious institutions, can create synergies that enhance *Waqf* management and community empowerment.⁷⁹ Lastly, leveraging technological innovations can significantly improve *Waqf* management. The use of digital platforms for fundraising and reporting can streamline processes and enhance

⁷¹ Suyoto Arief et al., "Analysing the Effectiveness of Stock Waqf Management in Indonesia and Malaysia: Regulation Practices and Nadzir Readiness," 2023, 85–91, https://doi.org/10.2991/978-94-6463-346-7_17.

⁷² Nurhidayat et al., "Optimization of Waqf Management in Increasing Public Trust in Nazhir."

⁷³ Nur Nazima Ulfa, "Problems of Productive Waqf Management in Indonesia Using ISM Delphi," *International Journal of Waqf* 3, no. 2 (2024), <https://doi.org/10.58968/ijw.v3i2.388>.

⁷⁴ Ascarya, Hosen, and Rahmawati, "Designing Simple Productive Waqf Models for Indonesia."

⁷⁵ Muhammad Faiz Andeaz Fawwaz et al., "Waqf as Alternative Financing Resource for Infrastructure Development in Indonesia: Analytical Hierarchy Process Approach," *Jurnal Kajian Peradaban Islam* 3, no. 2 (2021): 50–58, <https://doi.org/10.47076/jkpi.v3i2.53>.

⁷⁶ Fahmi Medias et al., "Developing Muhammadiyah Waqf Lands Through Islamic Investment Model: Special Case in Indonesia," *Varia Justicia* 16, no. 2 (2020), <https://doi.org/10.31603/variajusticia.v16i2.3720>.

⁷⁷ Anggraeni Wenny Safitri, Asyari Hasan, and Mega Oktaviany, "Model Kelembagaan Nazhir Dalam Pengelolaan Wakaf Produktif Di Indonesia," *Al-Mashrafiyah Jurnal Ekonomi Keuangan Dan Perbankan Syariah* 5, no. 1 (2021): 75, <https://doi.org/10.24252/al-mashrafiyah.v5i1.17030>.

⁷⁸ Hendri Hermawan Adinugraha, Muhammad Shulthoni, and Zohaib Hassan Sain, "Transformation of Cash Waqf Management in Indonesia: Insights Into the Development of Digitalization," *Review of Islamic Social Finance and Entrepreneurship*, 2024, 50–66, <https://doi.org/10.20885/risfe.vol3.iss1.art4>.

⁷⁹ Elza Syarief, "Optimization of Waqf Land Management in Indonesia," *International Journal of Research in Business and Social Science (2147-4478)* 10, no. 2 (2021): 270–83, <https://doi.org/10.20525/ijrbs.v10i2.1076>.

transparency.⁸⁰ The integration of technology into *Waqf* management is not only a modern necessity but also a strategic step towards optimizing the potential of *Waqf* as a social and economic instrument in Indonesia.⁸¹ By implementing these recommendations, it is anticipated that *Waqf* management in Indonesia will evolve to be more effective, sustainable, and beneficial for society, while also reinforcing the legal and regulatory frameworks that support *Waqf* development.

In the context of *Waqf* management and the application of *Qawā'id Fiqhiyyah*, several avenues for future research can significantly enhance the understanding and effectiveness of *Waqf* practices. One promising area is the exploration of successful *Waqf* management models through case studies. By examining diverse regions and their unique approaches, researchers can identify key factors that contribute to effective *Waqf* management. For instance, emphasizes the role of *Waqf* institutions in addressing health care needs during crises, suggesting that the adaptability of *Waqf* models can lead to successful outcomes in various contexts. Similarly, the design of productive *Waqf* models has been highlighted to alleviate poverty and foster socio-economic development, indicating that tailored approaches can yield significant benefits.⁸² Another critical area of research involves assessing the social and economic impacts of existing *Waqf* programs. Understanding how *Waqf* contributes to community welfare is essential for informed policy development. Studies have shown that *Waqf* plays a vital role in funding educational institutions, health centers, and infrastructure, thereby enhancing the socio-economic fabric of communities.⁸³ Furthermore, the integration of *Waqf* with sustainable development goals (SDGs) can provide a framework for measuring its effectiveness in promoting peace, justice, and strong institutions.⁸⁴ This alignment with broader developmental objectives underscores the importance of robust data collection and analysis in evaluating *Waqf*'s impact.

The advent of information and communication technology (ICT) presents another significant opportunity for improving *Waqf* management. Research indicates that digital platforms can enhance transparency and efficiency in *Waqf* operations, facilitating fundraising and reporting processes.⁸⁵ The adoption of innovative models, such as cash *Waqf* linked sukuk, exemplifies how technology can be leveraged to optimize *Waqf* contributions

⁸⁰ Intiyaz Wizni Aufa, Anugrah Muhtarom Pratama, and Umi Khaerah Pati, "Cash Waqf Linked Sukuk Through Securities Crowdfunding in Indonesia," *Jambura Law Review* 5, no. 1 (2023): 98-117, <https://doi.org/10.33756/jlr.v5i1.15225>.

⁸¹ Norma Rosyidah and Athi' Hidayati, "Mapping Waqf Research: Bibliometric Analysis," *Ziswaf Jurnal Zakat Dan Wakaf* 9, no. 2 (2022): 190, <https://doi.org/10.21043/ziswaf.v9i2.16855>.

⁸² Ascarya, Hosen, and Rahmawati, "Designing Simple Productive Waqf Models for Indonesia."

⁸³ Fathullah Asni, Mohd Amirul Mahamud, and Jasni Sulong, "Socio - Economics and Management of Muslim Cemetery waqfusing Istibdal and GIS Method in Penang State," *Journal of Islamic Accounting and Business Research* 11, no. 7 (2020): 1343-62, <https://doi.org/10.1108/jiabr-01-2019-0026>.

⁸⁴ Aam Slamet Rusydiana, Raditya Sukmana, and Nisful Laila, "Waqf Development Model for SDG-16 (Peace, Justice and Strong Institutions)," *Islamic Social Finance* 3, no. 2 (2023), <https://doi.org/10.58968/isf.v3i2.318>.

⁸⁵ Zawawi Zawawi et al., "Waqf and Sustainable Development Law: Models of Waqf Institutions in the Kingdom of Saudi Arabia and Indonesia," *Ijtihad Jurnal Wacana Hukum Islam Dan Kemanusiaan* 23, no. 1 (2023): 93-114, <https://doi.org/10.18326/ijtihad.v23i1.93-114>.

to economic development.⁸⁶ This technological integration is crucial for modernizing *Waqf* practices and ensuring their relevance in contemporary society.

Moreover, the effectiveness of educational and training programs for *Nadzir* (*Waqf* managers) warrants further investigation. Enhancing the capabilities of *Nadzir* through targeted training can lead to more effective *Waqf* management, as evidenced by studies that highlight the importance of skill development in this area.⁸⁷ Additionally, exploring public perceptions of *Waqf* can provide insights into the barriers that hinder participation, allowing for the design of more effective socialization and education strategies.⁸⁸ Understanding community attitudes towards *Waqf* is vital for fostering greater engagement and support.

Furthermore, the involvement of various stakeholders, including government entities, non-governmental organizations, and the private sector, is essential for effective *Waqf* management. Collaborative efforts can enhance resource mobilization and the implementation of *Waqf* projects, as indicated by research on the cooperative *Waqf* model.⁸⁹ The integration of diverse perspectives and resources can lead to innovative solutions that address the challenges faced by *Waqf* institutions.⁹⁰ By pursuing these research avenues, scholars can contribute significantly to the development and management of *Waqf*, ultimately enhancing its positive impact on society.

Finally, the study highlights that improving the effectiveness of waqf management in Indonesia is crucial for maximizing its potential as a source of social finance and community development. Utilizing the maqashid sharia approach, which focuses on the objectives of Islamic law, can guide legal reforms and management strategies to enhance waqf effectiveness. Strengthening regulatory frameworks, particularly revisiting the existing Waqf Act of 2004, is essential to address current challenges in waqf management by clarifying the roles and responsibilities of waqf institutions. Establishing a centralized national waqf authority could streamline management processes, ensuring that waqf assets are utilized effectively and transparently in alignment with maqashid sharia principles that prioritize public welfare and social justice. Promoting productive waqf – assets that generate income – can significantly enhance the impact of waqf, and legal incentives should be created to encourage individuals and organizations to invest in such projects, ensuring that generated

⁸⁶ Hendri Tanjung and Agus Windiarto, "Role of Cash Waqf Linked Sukuk in Economic Development and International Trade," *Signifikan Jurnal Ilmu Ekonomi* 10, no. 2 (2021): 275–90, <https://doi.org/10.15408/sjie.v10i2.20493>.

⁸⁷ Fefi Diniyati Sholihah, None Wahidatun Nafiah Al-Farda, and None Lala Tri Wulandari, "Study of the Role of Productive Waqf in Improving Community Welfare: A Qualitative Study at Rohmatul Ummah Islamic Boarding School Ringinrejo, Kediri, Indonesia," *Open Access Indonesia Journal of Social Sciences* 7, no. 4 (2024): 1649–58, <https://doi.org/10.37275/oaijs.v7i4.259>.

⁸⁸ Najim Nur Fauziah and Salina Kassim, "Cash Waqf Model for Social Enterprise to Achieve Sustainable Development Goals in Indonesia," *Al-Muzara Ah*, 2022, 95–105, <https://doi.org/10.29244/jam.specialissue2022.95-105>.

⁸⁹ Anwar Allah Pitchay et al., "Cooperative - Waqf Model: A Proposal to Develop Idle Waqf Lands in Malaysia," *Isra International Journal of Islamic Finance* 10, no. 2 (2018): 225–36, <https://doi.org/10.1108/ijif-07-2017-0012>.

⁹⁰ Norinah Mohd Ali et al., "Perceived Factors of Successful Social Enterprises: The Case of the State Islamic Religious Councils and Waqf Land Development in Malaysia," *International Journal of Entrepreneurship and Management Practices*, 2019, 66–75, <https://doi.org/10.35631/ijemp.26006>.

income supports community development in education and healthcare. Enhancing transparency and accountability through strict reporting and auditing requirements will build trust among donors and beneficiaries, while capacity-building initiatives for waqf managers will equip them with essential skills to manage assets effectively, considering both legal and ethical dimensions. Finally, legal frameworks should encourage community engagement and awareness, fostering a culture of waqf through educational campaigns that promote understanding of its benefits. By implementing these legal steps in alignment with the maqashid sharia approach, Indonesia can significantly enhance waqf management effectiveness, ensuring that waqf serves not only as a financial resource but also contributes to broader goals of social welfare and justice

Conclusion

In this research, it has been found that the application of *Qawā'id Fiqhiyyah* plays a very important role in *Waqf* management. *Qawā'id Fiqhiyyah* provides a clear legal framework and guidelines for *Nadzir* in managing *Waqf* assets effectively and sustainably. Principles such as "al-umum al-baqi" and "la darar wa la dirar" serve as the foundation for decision-making that is not only financially beneficial but also considers the social impact on the community. Additionally, transparency and accountability in *Waqf* management are also key focuses for building public trust. The application of *Qawā'id Fiqhiyyah* in *Waqf* law is essential to strengthen the legitimacy and effectiveness of *Waqf* management. With clear guidelines, *Nadzir* can avoid mistakes in management and ensure that *Waqf* assets are used according to their original purposes. This not only enhances the sustainability of *Waqf* assets but also strengthens the legal position of *Waqf* within society. The application of these principles can also assist in resolving disputes that may arise, thereby creating a more conducive environment for *Waqf* development.

The hope for the future of *Waqf* management in Indonesia is that *Waqf* can become a more effective instrument for community empowerment and poverty alleviation. With better application of *Qawā'id Fiqhiyyah*, it is expected that *Nadzir* can manage *Waqf* more professionally and innovatively, providing greater benefits to the community. Furthermore, increased collaboration among various stakeholders, including the government, non-governmental organizations, and the public, is anticipated to create an ecosystem that supports the sustainable development of *Waqf*. Thus, *Waqf* can function as one of the pillars in social and economic development in Indonesia

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