

## **Analysis of Islamic Jurisprudence on Waqf Crowdfunding in the Digital Era**

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### **Abstract**

The development of digital technology has brought about a major transformation in the practice of Islamic philanthropy, one of which is through the waqf crowdfunding platform. However, the existence of this new form of Crowdfunding raises a number of issues of muamalah fiqh, especially related to the validity of the Sharia contract, clarity of waqf intentions, fund management, and distribution of benefits. This study aims to analyze the suitability of waqf crowdfunding practices with the principles of classical and contemporary muamalah fiqh. The method used is a literature study (library research) with a normative-juridical approach. The results of the study indicate that waqf crowdfunding can be justified by sharia as long as it meets the pillars and requirements of waqf, transparency of management, and maintaining the mandate in the distribution of benefits. However, further supervision is needed from authorized institutions to ensure that there are no deviations or obscuration of the contract. Thus, the integration between technology and muamalah fiqh must continue to be strengthened in order to encourage Islamic economic innovation that remains based on sharia values. Muamalah Fiqh, Crowdfunding, Waqf, Digital, Sharia Contracts.

### **Keywords:**

### **Abstrak**

Perkembangan teknologi digital telah membawa transformasi besar dalam praktik filantropi Islam, salah satunya melalui platform crowdfunding wakaf. Namun, adanya Crowdfunding bentuk baru ini menimbulkan sejumlah persoalan fikih muamalah, khususnya terkait keabsahan akad Syariah, kejelasan niat wakaf, pengelolaan dana, serta distribusi manfaatnya. Penelitian ini bertujuan untuk menganalisis kesesuaian praktik crowdfunding wakaf dengan prinsip-prinsip fikih muamalah klasik dan kontemporer. Metode yang digunakan adalah studi kepustakaan (library research) dengan pendekatan normatif-yuridis. Hasil kajian menunjukkan bahwa crowdfunding wakaf dapat dibenarkan secara syariat sepanjang memenuhi rukun dan syarat wakaf, transparansi pengelolaan, serta menjaga amanah dalam distribusi manfaat. Namun, diperlukan pengawasan lebih lanjut dari lembaga berwenang untuk memastikan tidak terjadi penyimpangan atau pengaburan akad. Dengan demikian, integrasi antara teknologi dan fikih muamalah harus terus diperkuat guna mendorong inovasi ekonomi Islam yang tetap berlandaskan nilai-nilai syariah.

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## **INTRODUCTION**

The definition of waqf is the retention (prevention) of property that may be utilized, without the object disappearing, by not taking action on the object, distributed to those who are permissible (not prohibited) and exist. The characteristics of waqf, namely: (1) Retention (prevention) from becoming the property and object of ownership. Retention means that there is someone who holds it, namely the Wakif and the goal is mauquf 'alaihi (recipient of the waqf). (2) Property, explains that what is being waqf is property. (3) That which may be utilized, without the object disappearing, explains the conditions of the property

that is being waqfed. (4) By not taking action on the object, explains that the waqf property is not sold, given as a gift or inherited. (5) Distributed to those who are permissible and exist, explains that the results of the waqf are distributed to those who are not prohibited by Islam. Meanwhile, distributing it to those who are forbidden is forbidden (Rahman, 2009).

## **LITERATURE REVIEW**

In Indonesia, education quality continues to fall short of expectations. The limiting factor is a lack of funds (Tandberg, 2010; Talaia, Pisoni, & Onetti, 2016; Peiris, 2013; Suryani, 2015; Marti, 2012; Ardiansyah, 2013) and teachers who are not yet a priority in education (Tandberg, 2010; Talaia, Pisoni, & Onetti, 2016; Peiris, 2013; Suryani, 2015; Marti, 2012; Ardiansyah, 2013). Teachers are critical to educational performance (Alawiyah, 2013; Aeni, 2015), with high-quality teachers having a significant impact on students' PISA (Program for International Student Assessment) results in Finland (Silander, 2013). This is in contrast to the situation in Indonesia, where teacher competency is still poor and minimal in creating learning innovations. Learning innovation is a result of a teacher's ingenuity as a learning architect. Changes in the use of learning methods, variations in the use of learning media, and even the ability to design new learning methods and media are all examples of innovation. Teachers in Indonesia are unable to design new learning methods and media, and even when they are used, they need to be improved. The quality of the learning process has a significant impact on student learning success (Marzano, 2003; Hattie, 2009; Walberg, 2006). Teachers are encouraged to increase their abilities to manage learning on a continual and systematic basis (Silander, 2013).

In the modern era, waqf practices face challenges in terms of fundraising and broad community participation, especially in the context of urbanization and economic digitalization. Along with the development of information technology, innovations have emerged in collecting waqf funds through digital platforms known as waqf crowdfunding. Crowdfunding can make it easier for individuals, companies or non-profit institutions to raise funds. This system can be done easily, safely and saves time, because the process can be carried out online.

Specifically, in the context of waqf crowdfunding, there are several parties involved, including online platform providers, waqf managers (nazhir) and donors (wakif). However, a number of fiqh questions have arisen regarding the validity of contracts in digital transactions, the clarity of the waqf's intentions, the mechanism for distributing waqf benefits, and the responsibilities of nazhir in the digital context. In this case, it is important to conduct an in-depth analysis from the perspective of muamalah fiqh so that the practice of waqf crowdfunding is not only technically innovative, but also valid according to sharia (Santika et al., 2023).

This study aims to critically examine the suitability of waqf crowdfunding practices in the digital era with the principles of muamalah fiqh, both in terms of the pillars and conditions of waqf, the contracts used, and the management and distribution of waqf assets. This study is expected to contribute to the development of contemporary fiqh literature and become a reference for Islamic economic actors in managing digital waqf in a trustworthy and sharia-compliant manner.

## **METHODS**

This study uses a descriptive qualitative approach with a library research method. The main focus is to analyze the practice of digital waqf crowdfunding from the perspective of muamalah fiqh. The research subjects include several waqf crowdfunding platforms in Indonesia, such as Kitabisa.com, Dompot Dhuafa Wakaf, and Wakaf Salman ITB. Data sources consist of classical and contemporary fiqh literature, DSN-MUI fatwas, journal articles, and cash waqf regulations.

The research instrument is in the form of a document analysis sheet with indicators such as the validity of the contract, pillars and conditions of waqf, the role of nazhir, and the mechanism of benefit distribution. The instrument is validated through expert discussions. The research procedure is carried out through problem identification, collection of literature data and online documents, data selection, and content analysis.

The data analysis technique uses content analysis, with a thematic approach to assess the suitability of practices with the principles of fiqh.

## **RESULTS & DISCUSSION**

### ***Results***

Based on the analysis of three leading waqf crowdfunding platforms in Indonesia, data was obtained regarding the clarity of waqf fiqh elements displayed on each site. The aspects analyzed include: the existence of a waqf contract, clarity of pillars and conditions, transparency of nazhir, and reporting of waqf benefits. The recapitulation results are shown in Table 1 below:

Table 1. Compliance of Waqf Crowdfunding Practices with the Elements of Muamalah Fiqh

Platform	Akad Wakaf Digital	Rukun & Syarat Wakaf	Transparansi Nazhir	Laporan Manfaat
Kitabisa.com	Tersirat	Umum, tidak rinci	Tidak dijelaskan	Terbatas
Dompot Dhuafa Wakaf	Jelas melalui form	Lengkap dan jelas	Dikelola lembaga resmi	Disajikan berkala
Wakaf Salman ITB	Ada form digital	Umum	Lembaga wakaf ITB	Periodik

Table 1 shows that Dompot Dhuafa Wakaf has the highest compliance with the principles of muamalah fiqh because it provides an explicit digital contract form, lists the pillars and conditions of the waqf in detail, and is supervised by an official waqf institution. Kitabisa.com, although popular, has not provided sufficient information regarding the status of nazhir and the use of funds. Meanwhile, Wakaf Salman ITB shows quite adequate

practices but is still limited in terms of the details of the contract and the clarity of the pillars.

The presentation of this data is the basis for understanding the extent to which digital crowdfunding platforms have fulfilled the basic principles of waqf in Islam. The following discussion section will outline the legal meaning of these findings based on the analysis of muamalah fiqh.

### ***Discussion***

The research findings show significant variations in the implementation of digital waqf crowdfunding, both in terms of clarity of the contract, fulfillment of the pillars and requirements of waqf, transparency of nazhir, to reporting the benefits of waqf. In the framework of muamalah fiqh, these four aspects are important foundations in ensuring the validity and benefits of waqf transactions.

#### **1. Digital-Based Cash Waqf Concept**

Cash waqf (cash waqf/waqf al nuqud), waqf carried out by a person, group of people, organization or legal entity in the form of cash. What is meant by money includes securities, cash waqf is a legal (permissible) means of payment, cash waqf can only be distributed and used for things that are permitted by sharia law. The original value of the amount of money must be guaranteed for its sustainability and cannot be sold, donated or inherited. Fatwa of the Indonesian Ulema Council on Cash Waqf dated May 11, 2002.

Digital waqf collection is carried out through a digital platform, namely a place, forum or facility that facilitates bringing together parties to exchange information or provide services and services. The digital platforms used include websites and applications owned by related waqf institutions, crowdfunding25 platforms such as kitabisa.com, marketplaces such as Tokopedia and Shopee, digital payment system applications such as OVO, Go-Pay and Link Aja and mobile platforms. banking applications provide waqf functions(S. Y. Lubis et al., 2024)

#### **2. Digital Money Waqf Service Provider Institution**

Through the National Money Waqf Movement (GNWU) program initiated by the government, organizations or platforms are now starting to emerge that offer digital currency waqf, especially during the current Covid 19 pandemic. Therefore, waqf management institutions must be able to adapt and innovate in accordance with current developments to create favorable conditions for waqf to realize waqf, so that it is hoped that waqf can increase significantly. Some digital money waqf are as follows:

Berkah Wakaf is a digital waqf service using the internet and technology managed by the Indonesian Waqf Board (BWI). On the Berkah Wakaf site, waqf donors can choose the desired waqf program, such as health waqf, education waqf, economic waqf or even da'wah waqf.

e-salaam is a technology platform used to develop various digital services and products, such as zakat and infaq, cash waqf, infak, Islamic events, qurban and aqiqah, to umrah.

Dompot Dhuafa is a platform that provides donation services, such as zakat, waqf, infaq/alms and humanitarian donations. Dompot Dhuafa provides waqf services with various programs, such as mosque waqf programs, health waqf, well water waqf, vehicle waqf, productive asset waqf, education waqf, and economic waqf. For those who want to donate, simply visit the Dompot Dhuafa website at

dompetdhuafa.org/wakaf or via the Instagram account at @dompetdhuafaorg by visiting the link available in the Instagram bio(S. Y. Lubis et al., 2024)

### 3. Legal basis for crowdfunding

OJK only regulates crowdfunding that promises a return on profit as regulated in Law Number 21 of 2011 concerning the Financial Services Authority. As a regulator of the financial services sector, OJK is of the opinion that the regulation regarding donation-based crowdfunding is still being planned. In connection with the collection of waqf funds through crowdfunding related to the payment system in its mechanism, the definition according to Article 1 of PBI Number 19/12/PBI/2017 concerning the Implementation of Financial Technology can be used(Iman Kurniawan & Karunia Arti, 2023).

In Indonesia, there are several legal aspects of crowdfunding issued by government institutions, including: 1. 2. Fatwa of the Indonesian Sharia Council of the Indonesian Ulema Council Number 117/DSN-MUI/II/2018 concerning Information Technology-Based Financing Services Based on Sharia Principles Regulation at Bank Indonesia Number 19/12/PBI/2017 concerning the Implementation of Financial Technology(S. Y. Lubis et al., 2024).

### 4. Crowdfunding mechanism

Donation-based connects project initiators as individuals or organizations, companies, and business institutions that have initiatives or activities that require funding. The project creates a proposal that will be sent to the crowdfunding platform. So that the fund owner is interested and willing to donate or contribute to an activity or event. The distribution of funds can be via bank transfer, credit card, payment gateway, or digital wallet such as OVO, Go-Pay, DANA, or LinkAja.

Here is the flow of the waqf crowdfunding mechanism: 1. The waqf institution plans to develop its waqf land through several projects such as hotels, buildings, shopping centers, and hospitals. Furthermore, the waqf land and its potential are identified and promotions are carried out to obtain funds from donors. 2. The institution submits a proposal to the management through the platform by determining the funding period. 3. The donor chooses the project to be funded through the platform that has been provided. 4. The donor sends funds through online payments to financial institutions that collaborate with the waqf institution. 5. If the funding has been approved, the donation funds are willing to be distributed to the waqf institution. 6. The platform management distributes donations to the waqf institution nadzir. 7. The waqf nadzir manages donations and monitors projects into the system to ensure transparency in fund management. 8. The manager submits a donation report to the donor through the platform(Iman Kurniawan & Karunia Arti, 2023).

### 5. Pillars and Requirements of Crowdfunding Waqf

The first pillar in waqf is wakif. Crowdfunding has very diverse wakif, because everyone can access the kitabisa.com platform and anyone can become a wakif. Nazhir cannot provide a benchmark for donations for one type of waqf in the crowdfunding system. Donations are collected according to the characteristics of crowdfunding waqf with a certain nominal target and everyone can donate whatever they want.

Then, for the second pillar is Al Mauquf (waqf objects). Waqf through money made in crowdfunding of course the waqf objects will be different. Each nazhir has their own campaign for the crowdfunding waqf that they run. The third pillar is Mauquf Alaih (waqf recipient) The waqf recipient is also a pillar of waqf that must be met, in crowdfunding waqf. Because waqf through money in crowdfunding is clearly stated where it will be allocated.

The last pillar is Sighat (Pledge). According to the Indonesian Waqf Board, the Pledge must still exist even though the waqf is implemented through crowdfunding through a platform. Even though there are many waqfs, the pledge can be made through a wakalah contract. A wakalah contract is a contract that may be represented by another party. A written pledge is better than a direct pledge, because according to the Indonesian Waqf Board the agreement will be easy to document (Santika et al., 2023).

#### 6. Management and Development of Cash Waqf

The implementation of cash waqf must go through the Sharia Financial Institution Receiving Cash Waqf (LKSPWU) which has been officially appointed by the Ministry of Religion. Before managing cash waqf, there are several things that must be considered, considering that cash waqf management is different from zakat management, including: 1. Conducting investment sector analysis, conducting "spreading risk" and "risk management". 2. Conducting a market survey of the investment products to be run. 3. Conducting an analysis of the feasibility of the investment. 4. Monitoring the investment process. 5. Monitoring the level of investment profitability (Directorate of Waqf Empowerment, 2013).

After management is carried out, the results or profits from the management of cash waqf can be distributed by the nazhir through: 1. Management and development of cash waqf funds from cash waqf deposits and cash waqf investments made by the nazhir must be shown in order to optimize profit acquisition and empower the people's economy. 2. Management and development of cash waqf funds from investment results made by nazhir must be allocated for empowering the people's economy and activities related to socio-religious matters (BWI Regulation No. 1 of 2009) (Kholid & Qolbi, 2022).

#### 7. Strategic Management

Strategic management is defined as the process of an organization in formulating and implementing its strategy. The strategic management process begins with the basic reasons for establishing an organization or institution and the expected values of change based on the organization's vision and mission. Meanwhile, according to (Wheelen and Hunger, 2004), strategic management is defined as strategic decision-making and is related to what will happen in the future in the long term of the organization.

Technically, the process of strategic management can be carried out in five stages, namely: 1. Developing a vision and mission that leads to the future of an organization or institution. 2. Determining goals and targets so that the achievement of the vision and mission of the organization or institution can be measured. 3. Formulating strategies so that the goals of the organization or institution can be achieved. 4. Implementing strategies effectively and efficiently 5. Assessing performance and adjustments to the needs of the organization or institution in the

long term, both regarding direction, goals, strategies, and approaches to implementing strategies (Assauri, 2013).

Steps or strategies in developing the potential of cash waqf that need to be done are: First, Aligning understanding of the Law on waqf and its implementing regulations between the Indonesian Ministry of Religion, BWI and the Sharia Financial Institution Receiving Cash Waqf (LKS-PWU). With the aim that each institution understands its duties clearly. As institutions that play a very important role in providing understanding to the community regarding cash waqf, there have been no real steps taken in the context of socializing cash waqf to the community. This requires the importance of a meeting between the three institutions. Several possible reasons that cause this condition are budget savings from the government, so that the budget for holding orientation, training, seminars on cash waqf has not been able to run, then the political conditions in our country today, so that priority issues that must be immediately addressed, while recommendations receive less attention from the government.

Second, in the discussion regarding public perception, it shows that public perception can influence the potential of cash waqf. This can be seen from the fact that most people know that waqf is in the form of immovable objects such as land, vehicles, and buildings, so that when they are encouraged to make a waqf, they state their inability because they do not have land or buildings to be donated. Several efforts to provide understanding to the public regarding this cash waqf have been carried out previously by the Ministry of Religion, including: 1) waqf counseling carried out by officials of the Ministry of Religion who are in the Directorate of Waqf Empowerment. 2) the Ministry of Religion asks Islamic propagation institutions to include their Islamic propagation materials regarding waqf, especially cash waqf, in order to provide understanding to the public regarding cash waqf; 3) the Ministry of Religion provides training to waqf institutions/managers to improve the professionalism of waqf managers, and these managers/nadzir are also expected to provide explanations to the public who want to make a waqf/prospective waqf regarding cash waqf; 4) the Ministry of Religion conducts waqf socialization through pamphlets and electronic media.

Third, the lack of cash waqf administrators, LKS-PWU and BWI Riau Province are more proactive in seeking potential administrators, because with certified administrators, they will have great potential in increasing their role in raising cash waqf from the community. In terms of seeking potential administrators, this is done by: 1) having cooperation among preachers, LKS-PWU, BWI and other waqf institutions; 2) providing training to waqf institutions/managers to improve the professionalism of waqf managers, both private waqf management institutions and waqf management institutions owned by the local government.

Fourth, what is expected in this task are lecturers who teach waqf courses, or scholars, especially Masters (S2) and Doctoral (S3) who have researched waqf. (Interview with Irhas: Head of Islamic Religious Affairs, Ministry of Religious Affairs, Riau Province, April 7, 2015). With this program, information about cash waqf that is conveyed to the community will reach the community by gaining real knowledge about cash waqf (H. Lubis, 2020).

## **CONCLUSION**

This study shows that the practice of waqf crowdfunding in the digital era, if managed by paying attention to the principles of muamalah jurisprudence, has great potential in developing more inclusive and productive waqf. Analysis of the aspects of the pillars and conditions of waqf, the contracts used, and the mechanisms for managing and distributing waqf funds emphasizes the importance of procedural and substantial conformity with sharia law so that the value of worship and the socio-economic objectives of waqf are maintained.

By critically examining this practice, this study advances contemporary muamalah jurisprudence literature through an approach to the dynamics of the digitalization of the Islamic economy, especially in the management of social assets. These findings provide a theoretical and practical basis for sharia economic actors to design a waqf crowdfunding system that is not only innovative and transparent, but also accountable and in accordance with the principles of justice and sharia mandate. Thus, this study contributes to bridging digital transformation with Islamic law in the context of religious philanthropy.



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