

**INSTITUTIONAL MANAGEMENT OF PRODUCTIVE WAQF IN  
INDONESIA AND MALAYSIA  
(Comparative Study of Law Number 41 of 2004 on Waqf and the  
Selangor State Waqf Enactment 2015)**

**THESIS**

**By :**

**ALFI KHOIRUL ANAM**

**SIN 220201110161**



**ISLAMIC FAMILY LAW DEPARTMENT  
SHARIA FACULTY  
STATE ISLAMIC UNIVERSITY MAULANA MALIK IBRAHIM  
MALANG**

**2026**

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MALANG**

**2026**

## **STATEMENT OF THE AUNTENTICITY**

In the name of Allah,

With consciousness and responsibility toward the development of science, the writer declares that the thesis entitled:

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State Waqf Enactment 2015)**

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Malang, February 1<sup>th</sup> 2026



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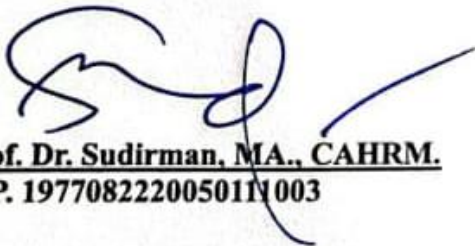
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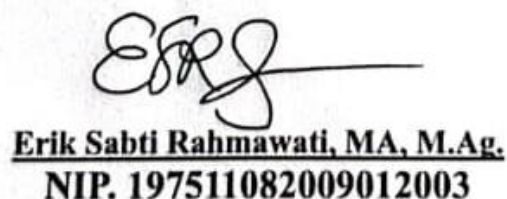


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## MOTTO

لَنْ تَتَّالُوا الْبِرَّ حَتَّى تُنْفِقُوا مِمَّا تُحِبُّونَ وَمَا تُنْفِقُوا مِنْ شَيْءٍ فَإِنَّ اللَّهَ بِهِ عَلِيمٌ

*“You will never attain (true) righteousness until you spend part of that which you love. And whatever you spend, indeed Allah is All-Knowing of it.”*

*(Q.S. Ali Imran: 92)*

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3. Hj. Erik Sabti Rahmawati, M.A. M.Ag. Head of the Islamic Family Law Study Program, Faculty of Sharia, State Islamic University Maulana Malik Ibrahim Malang.
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academic journey, making the process of completing this thesis more meaningful and enjoyable..

10. All other individuals who have directly or indirectly contributed to the completion of this thesis.

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The writer is fully aware that this thesis still contains shortcomings. Therefore, constructive criticism and suggestions are sincerely welcomed for the improvement of future works. It is earnestly hoped that this thesis will provide meaningful contribution to the development of knowledge.

Malang, February 1<sup>th</sup> 2026  
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**Alfi Khoirul Anam**  
**SIN.220201110161**

## TRANSLITERATON GUIDENCE

In academic writing, the use of foreign terms is often unavoidable. In general, according to the General Guidelines for Indonesian Spelling (Pedoman Umum Ejaan Bahasa Indonesia), foreign words are written (printed) in italics. In the context of the Arabic language, there are specific transliteration guidelines that are internationally applicable. The following table presents transliteration guidelines as a reference for academic writing. The Indonesian–Arabic transliteration system of the Faculty of Sharia at UIN Maulana Malik Ibrahim Malang is based on the model of the Library of Congress (LC) of the United States, as follows:

Arabic	Indonesian	Arabic	Indonesian
ا	A	ط	th
ب	B	ظ	zh
ت	T	ع	‘
ث	Ts	غ	Gh
ج	J	ف	F
ح	H	ق	Q
خ	Kh	ك	K
د	D	ل	L
ذ	Dz	م	M
ر	R	ن	N

ز	Z	و	W
س	S	ه	H
ش	Sy	ء	‘
ص	Sh	ي	Y
ض	Dl		

To indicate long vowels (madd), a horizontal stroke is written above the letter, such as â, î, and û, corresponding to (.) ي, و, and ا. Arabic diphthongs are transliterated by combining the two letters “ay” and “aw,” as in layyinah and lawwamah. Words ending with tâ’ marbûtah that function as adjectives or mudâf ilayh are transliterated with “ah,” whereas those that function as mudâf are transliterated with “at.” menunjukkan bunyi hidup panjang (madd), maka caranya dengan menuliskan coretan horizontal di atas huruf, seperti â, î, û ( . ) ي, و, ا. Bunyi hidup double Arab ditransliterasikan dengan menggabungkan dua huruf “ay” dan “aw” seperti layyinah, lawwamah. Kata yang berakhiran tâ’ marbûtah dan berfungsi sebagai sifat atau mudâf ilayh ditransliterasikan dengan “ah”, sedangkan yang berfungsi sebagai mudâf ditransliterasikan dengan “at”.

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## ABSTRAK

Alfi Khoirul Anam, NIM 220201110161, 2026. **Kelembagaan Pengelolaan Wakaf Produktif Di Indonesia Dan Malaysia (Studi Komparatif Undang-Undang Nomor 41 Tahun 2004 tentang Wakaf dengan Enakmen Wakaf Negeri Selangor 2015)**. Skripsi, Program Studi Hukum Keluarga Islam, Fakultas Syariah, Universitas Islam Negeri Maulana Malik Ibrahim Malang.

**Pembimbing:** Prof. Dr. Sudirman Hasan, M.A.

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**Kata Kunci:** *Wakaf Produktif, Kelembagaan Wakaf, Pengelolaan Wakaf, Indonesia dan Malaysia*

Wakaf merupakan instrumen hukum Islam yang berpotensi besar dalam meningkatkan kesejahteraan masyarakat apabila dikelola secara produktif dan profesional. Penelitian ini difokuskan pada kajian kelembagaan pengelolaan wakaf produktif khususnya Negeri Selangor, dengan tujuan menganalisis pengaturan kelembagaan berdasarkan Undang-Undang Nomor 41 Tahun 2004 tentang Wakaf dan Enakmen Wakaf Negeri Selangor 2015, serta membandingkan persamaan dan perbedaan sistem kelembagaan wakaf di kedua negara.

Metode penelitian yang digunakan adalah penelitian hukum normatif dengan pendekatan perundang-undangan dan pendekatan komparatif. Data penelitian diperoleh melalui studi kepustakaan dengan menelaah peraturan perundang-undangan, buku, jurnal ilmiah, serta bahan hukum lain yang relevan dengan objek penelitian.

Hasil penelitian menunjukkan bahwa (1) pengelolaan wakaf produktif di Indonesia berdasarkan Undang-Undang Nomor 41 Tahun 2004 dilaksanakan melalui sistem kelembagaan berlapis yang melibatkan nazir sebagai pengelola, serta Badan Wakaf Indonesia dan Kementerian Agama dalam fungsi pembinaan dan pengawasan. (2) Pengelolaan wakaf produktif di Negeri Selangor berdasarkan Enakmen Wakaf Negeri Selangor 2015 dilaksanakan melalui sistem terpusat dengan Majlis Agama Islam Selangor sebagai pemegang amanah tunggal yang mengendalikan seluruh aspek pengelolaan dan pengawasan. (3) Kedua negara sama-sama menempatkan wakaf dalam kerangka hukum tertulis, namun Indonesia menerapkan sistem terdesentralisasi dengan pembagian kewenangan antar lembaga, sedangkan Negeri Selangor menerapkan sistem terpusat yang lebih terintegrasi, sehingga menunjukkan tingkat efektivitas, pengawasan, dan akuntabilitas yang relatif lebih optimal.

## ABSTRACT

Alfi Khoirul Anam, 220201110161, 2026. **INSTITUTIONAL MANAGEMENT OF PRODUCTIVE WAQF IN INDONESIA AND MALAYSIA (Comparative Study of Law Number 41 of 2004 on Waqf and the Selangor State Waqf Enactment 2015)**. Thesis, Department of Islamic Family Law, Faculty of Sharia, State Islamic University Maulana Malik Ibrahim Malang.

**Supervisor:** Prof. Dr. Sudirman Hasan, M.A.

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**Keywords:** *Productive Waqf, Waqf Institutions, Waqf Management, Indonesia and Malaysia*

Waqf is an instrument of Islamic law that has great potential to improve social welfare when managed productively and professionally. This research focuses on the institutional study of productive waqf management, particularly in the State of Selangor, with the aim of analyzing institutional regulations based on Law Number 41 of 2004 concerning Waqf and the Selangor State Waqf Enactment 2015, as well as comparing the similarities and differences of waqf institutional systems in both countries.

The research method used is normative legal research employing a statutory approach and a comparative approach. Research data were obtained through library research by examining laws and regulations, books, academic journals, and other legal materials relevant to the object of the research.

The results of the study indicate that (1) the management of productive waqf in Indonesia, based on Law Number 41 of 2004, is implemented through a multi-layered institutional system involving nazir as the direct manager, as well as the Indonesian Waqf Board and the Ministry of Religious Affairs in supervisory and developmental roles. (2) The management of productive waqf in the State of Selangor, based on the Waqf Enactment of Selangor 2015, is carried out through a centralized system, with the Selangor Islamic Religious Council acting as the sole trustee responsible for all aspects of management and supervision. (3) Both countries place waqf within a formal legal framework; however, Indonesia applies a decentralized system with divided institutional authority, whereas the State of Selangor adopts a centralized and integrated system, resulting in relatively higher levels of effectiveness, supervision, and accountability.

## ملخص البحث

ألف خير الأنام، ٢٢٠٢٠١١١٠١٦١، ٢٠٢٦، الإدارة المؤسسية للوقف المنتج في إندونيسيا وماليزيا (دراسة مقارنة للقانون رقم ٤١ لسنة ٢٠٠٤ بشأن الوقف وإنكامن وقف ولاية سيلانغور لسنة ٢٠١٥). طروحة. برنامج الدراسات ف قانون الأسرة الإسلامية، كلية الشريعة، جامعة مولان مالك إبراهيم الإسلامية الكومية ف مألنج.

المشرف: سودرمان الدكتور الماجستير.

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الكلمات المفتاحية: الوقف المنتج، المؤسسة الوقفية، إدارة الوقف، إندونيسيا وماليزيا

يُعدّ الوقف أحد الأدوات القانونية في الشريعة الإسلامية التي تمتلك إمكانات كبيرة في تحسين رفاهية المجتمع إذا أُدير بطريقة منتجة ومهنية. وتركّز هذه الدراسة على تحليل الإطار المؤسسي لإدارة الوقف المنتج في إندونيسيا وماليزيا، ولا سيما في ولاية سيلانغور، بهدف دراسة التنظيم المؤسسي لإدارة الوقف استناداً إلى القانون رقم ٤١ لسنة ٢٠٠٤ بشأن الوقف في إندونيسيا وإنكامن وقف ولاية سيلانغور لسنة ٢٠١٥ في ماليزيا، مع مقارنة أوجه التشابه والاختلاف بين النظامين.

تعتمد الدراسة على منهج البحث القانوني المعياري باستخدام المقاربة التشريعية والمقارنة، مع الاعتماد على الدراسة المكتبية من خلال تحليل القوانين واللوائح والمراجع القانونية ذات الصلة.

ظهر نتائج البحث أن (١) إدارة الوقف الإنتاجي في إندونيسيا استناداً إلى القانون رقم ٤١ لسنة ٢٠٠٤ تنفذ من خلال نظام مؤسسي متعدد المستويات حيث يقوم الناظر بإدارة الوقف مباشرة مع دور لكل من هيئة الوقف الإندونيسية ووزارة الشؤون الدينية في الإشراف والتوجيه. (٢) أما إدارة الوقف الإنتاجي في ولاية سلانغور استناداً إلى قانون الوقف لسنة ٢٠١٥ فتطبق من خلال نظام مركزي يضع مجلس الشؤون الإسلامية في سلانغور بوصفه الجهة الوحيدة المتولية لجميع جوانب الإدارة والإشراف. (٣) يشترك البلدان في وضع الوقف ضمن إطار قانوني رسمي غير أن إندونيسيا تعتمد نظاماً لامركزي يقوم على توزيع الصلاحيات بين عدة مؤسسات في حين تعتمد سلانغور نظاماً مركزيًا متكاملًا الأمر الذي يؤدي إلى مستوى أعلى نسبياً من الفعالية والرقابة والمساءلة.

# CHAPTER I

## INTRODUCTION

### A. Research Background

Waqf has long been positioned as an important social and economic instrument in the Islamic tradition due to its ability to provide sustainable benefits for society.<sup>1</sup> In addition to being regarded as a valuable act of worship, waqf also functions as a means of public financing for the state in the education, health, and other social service sectors.<sup>2</sup> In the context of the present era, the role of waqf has developed into a tool for economic empowerment, particularly through productive waqf, which enables waqf assets to be managed to generate income for the sustainable benefit of the community.<sup>3</sup> Therefore, the success of waqf does not depend solely on the intention of the *wāqif*, but also on the quality of institutional structures and regulations that govern governance, transparency, and accountability in the management of waqf assets.

Productive waqf differs from traditional waqf, which is usually passive, such as land allocated for mosques or cemeteries).<sup>4</sup> Productive waqf emphasizes asset management to generate sustainable economic benefits, for example by developing waqf properties into business units whose proceeds are used for

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<sup>1</sup> Ahmad Masyhadi And M Mar'il Farochi, "Efektivitas Wakaf Produktif Sebagai Instrumen Keuangan Sosial Islam: Perspektif Hukum Islam," *Al-Musthofa: Journal Of Sharia Economics* 8, No. 1 (2025): 130–47.

<sup>2</sup> Wahyu Wibowo, Ahmad Choiri, And Adi Ariga, "Manajemen Wakaf Produktif Dalam Mengatasi Masalah Kemiskinan Di Indonesia," *J-Ceki: Jurnal Cendekia Ilmiah* 4, No. 3 (2025): 274–92.

<sup>3</sup> Wibowo, Choiri, And Ariga.

<sup>4</sup> Amelia Fauzia Et Al., *Fenomena Wakaf Di Indonesia: Tantangan Menuju Wakaf Produktif* (Badan Wakaf Indonesia, 2016).

education, health, or empowerment programs.<sup>5</sup> This concept requires managerial capacity, clear investment policies, and benefit distribution mechanisms that ensure the objectives of waqf are maintained. Therefore, the managing institutions must play a role that is not merely administrative but also strategic, namely being able to design sharia-compliant business models, conduct risk assessments, and implement transparent governance.

The transformation from passive waqf to productive waqf often encounters legal and institutional obstacles.<sup>6</sup> From a legal perspective, questions frequently arise regarding the extent to which *naẓir* are granted authority to enter into long-term contracts, obtain financing, or transfer part of usage rights as working capital. From an institutional perspective, many waqf managers, particularly at the local level, still lack the technical competence to manage business activities, prepare realistic budgets, or compile financial statements based on sharia accounting principles.<sup>7</sup> As a result, productive initiatives that are intended to revitalize assets often stall at the managerial stage or fail to be sustainable due to management and financing problems. These challenges are not merely technical in nature; overlapping authorities also pose significant difficulties. In Indonesia, for example (within the general framework of Law No. 41 of 2004), the presence of multiple actors such as the Indonesian Waqf Board (BWI), ministries, local governments,

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<sup>5</sup> Veithzal Rivai Zainal, “Pengelolaan Dan Pengembangan Wakaf Produktif,” *Al-Awqaf: Jurnal Wakaf Dan Ekonomi Islam* 9, No. 1 (2016): 1–16.

<sup>6</sup> Imron Hamzah, *Buku Syariah 5.0: Kajian Maqasidi Atas Transformasi Wakaf, Mawarits, Dan Hukum Keluarga Islam Modern* (Penerbit Widina, 2025).

<sup>7</sup> Fauzan Adzim Winata, “Analisis Penyusunan Laporan Keuangan Pengelolaan Aset Wakaf Di Badan Wakaf Indonesia (Bwi)” (Universitas Islam Negeri Maulana Malik Ibrahim, 2015).

and local *nazir* can create confusion regarding who is authorized to make strategic decisions related to asset management.<sup>8</sup>

The Enactment model in Selangor places the Religious Council (*Majlis Agama*) as a central actor with strong authority; however, variations in practices among states in Malaysia indicate that centralization does not always guarantee effectiveness when operational capacity is weak.<sup>9</sup> This situation demonstrates that the normative arrangements between the central authority and the states must be analyzed alongside operational indicators to assess their implications for the capacity to manage productive waqf.

The management of waqf in modern Muslim countries demonstrates differing dynamics, even though it is equally grounded in sharia principles.<sup>10</sup> In Indonesia, the enactment of Law Number 41 of 2004 and the establishment of related institutions are intended to provide a legal framework and governance system for waqf.<sup>11</sup> However, in practice, challenges remain evident, such as fragmented authority, varying managerial capacities, and the low optimization of waqf assets as productive instruments. Meanwhile, in Malaysia particularly in the State of Selangor regulation through the Selangor State Waqf Enactment 2015

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<sup>8</sup> Rahmat Dahlan, Eko Susanto, And Ita Sitasari, *Berwakaf Cerdas: Praktis Untuk Calon Wakif Di Era Modern* (Penerbit Kbm Indonesia, 2025).

<sup>9</sup> Abdul Matin Bin Salman, Fuad Muhammad Zein, And Joko Robby Prasetyo, "Harmonizing Faith: Exploring The Uniformity Of Jum'at Sermons In Malaysia (A Study Analysis Of Religious Discourse Dynamics)," *Al-Afkar; Journal For Islamic Studies* 7, No. 2 (2024): 344–75.

<sup>10</sup> Trisna Laila Yunita, *Kebijakan Negara Terhadap Filantropi Islam: Studi Undang-Undang Wakaf* (Penerbit A-Empat, 2016).

<sup>11</sup> Mohamad Hendrik And Mufidah Mufidah, "Peran Badan Wakaf Indonesia Pasca Terbitnya Undang-Undang Nomor 41 Tahun 2004 Tentang Wakaf," *Salam: Jurnal Sosial Dan Budaya Syar-I* 6, No. 5 (2019): 417–46.

reflects a more decentralized institutional model at the state level, with the Selangor Islamic Religious Council (MAIS) and strong management bodies playing a central role in waqf administration.<sup>12</sup> Nevertheless, similar challenges persist, including differences in governance among states and technical barriers in transforming waqf assets into productive business units. This condition raises an important question regarding the effectiveness of regulatory frameworks and institutional structures in actualizing the function of productive waqf for community welfare, thereby positioning governance issues as the focal point of this comparative study.

The selection of the State of Selangor as the object of this study is based on the consideration that Selangor possesses a more specific and relatively more developed waqf regulatory framework compared to many other states in Malaysia.<sup>13</sup> Selangor is among the states that from an early stage had its own waqf enactment, which was later updated through the Selangor State Waqf Enactment 2015 as waqf practices became increasingly complex. Moreover, the presence of supporting institutions such as the Selangor Waqf Corporation (Perbadanan Wakaf Selangor, PWS), as well as the availability of legal documents and official data that are easily verifiable, makes Selangor representative for a comparative institutional study on the management of productive waqf.<sup>14</sup> Many states in Malaysia regulate waqf under

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<sup>12</sup> Mtabdkui Arraniry, "Halangan Pengembangan Tanah Wakaf Produktif Di Negeri Selangor, Malaysia Challenges In Developing Productive Waqf Land In Selangor, Malaysia," *Journal Awqaf, Zakat And Hajj (Jawhar)*, N.D., 23.

<sup>13</sup> Hizan Wahed, Mohd Dani Muhamad, And Noorul Huda Sahari, "Wakaf Sebagai Medium Pengekalan Pemilikan Hartanah Melayu Di Kawasan Bandar Di Negeri Selangor: Satu Tinjauan," In *Conference On Philanthropy For Humanitarian Aid (Conpha)*, 2017, 85–94.

<sup>14</sup> Hasliza Binti Talib Et Al., "Pembangunan Dana Wakaf: Kajian Di Perbadanan Wakaf Selangor," N.D.

the Administration of Islamic Law enactments, whereas Selangor is among those that from the outset chose a dedicated waqf enactment and subsequently revised it in response to the growing complexity of waqf practices.<sup>15</sup>

Based on these conditions, it is important to conduct a comparative study on the institutional management of productive waqf in Indonesia and Malaysia. This study will assess the extent to which waqf institutions in both countries are able to perform their roles in realizing the management of productive waqf. The study is expected to provide an overview of the strengths and weaknesses of each system, as well as to serve as a basis for recommendations aimed at strengthening the role of waqf institutions in Indonesia to enhance their effectiveness in the future.

Indonesia and the State of Selangor already have legal frameworks that recognize and regulate waqf, with Indonesia through Law Number 41 of 2004 and its implementing regulations.<sup>16</sup> while Selangor does so through the Selangor State Waqf Enactment 2015 and state level regulations.<sup>17</sup> Although both emphasize the social and economic functions of waqf, the forms of regulation and institutional structures differ: Indonesia is more centralized at the national level, with the role of the Indonesian Waqf Board (BWI) and a diversity of local actors, whereas Selangor regulates waqf at the state level through the Selangor Islamic Religious Council

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<sup>15</sup> Zati Ilham Et Al., "Examining The Evolution Of Waqf Regulations In Selangor : An Analysis Of The Governance Framework And Transformative Approach Meneliti Evolusi Undang-Undang Wakaf Di Selangor : Suatu Analisa Ke Atas Kerangka" 27, No. December (2019): 337–65.

<sup>16</sup> Ahmad Hidayat, "Wakaf Produktif: Implementasi Uu No. 41 Tahun 2004 Tentang Wakaf," *Bil Dalil: Jurnal Hukum Keluarga Islam* 1, No. 01 (2016): 1–30.

<sup>17</sup> Sharifah Zubaidah Syed Abdul Kader, "Kerangka Undang-Undang Pengurusan Wakaf Di Malaysia: Ke Arah Keseragaman Undang-Undang," *Jurnal Undang Undang Malaysia* 28, No. 1 (2016): 101–26.

(MAIS) and waqf management bodies. These differences have direct implications for institutional capacity, the scope of authority of *nazir*, and supervisory mechanisms in the development of productive waqf..

Transparency and accountability require waqf management institutions that seek to develop assets productively to implement financial reporting standards that are accountable to *waqif*, beneficiaries, and the public.<sup>18</sup> Unfortunately, standardized reporting frameworks are often either unavailable or not consistently applied. In the absence of clear mechanisms, fund flows and benefit distribution become susceptible to scrutiny, which ultimately undermines public trust and hampers the potential of waqf as a source of long-term financing.

These gaps strengthen the scholarly rationale for conducting a systematic comparative study. This study does not merely examine legal provisions article by article, but also tests their relevance when they intersect with actual institutional practices. In other words, it seeks to reveal the causal relationship between the quality of regulation (the clarity or ambiguity of legal provisions), institutional structure (who holds authority and their capacity), and practical outcomes (whether assets become productive or remain idle). Such an approach will identify the key variables that determine the success or failure of productive waqf.

This research is focused on a normative juridical analysis of the institutional management of productive waqf. The comparison of institutional regulations governing productive waqf is conducted through an article-by-article approach

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<sup>18</sup> Nurul Huda, "Akuntabilitas Sebagai Sebuah Solusi Pengelolaan Wakaf," 2015.

using uniform institutional indicators. These indicators include the position of waqf management institutions, the status and authority of *nāzir* or trustees, the scope of authority in managing productive waqf, supervisory mechanisms, as well as accountability and the protection of waqf assets. These indicators are formulated based on the normative provisions stipulated in Law Number 41 of 2004 on Waqf and the Selangor State Waqf Enactment 2015. By employing the same set of indicators, the analysis is expected to compare the two legal systems objectively and systematically, without departing from the framework of applicable positive law.

## **B. Statement of Problem**

Based on the foregoing discussion, conclusions can be drawn that serve as a reference framework for this legal research. Accordingly, the research problems formulated in this study are as follows:

1. How is the institutional regulation of productive waqf management in Indonesia governed under Law Number 41 of 2004 on Waqf?
2. How is the institutional regulation of productive waqf management in the State of Selangor, Malaysia, governed under the Selangor State Waqf Enactment 2015?
3. What are the similarities and differences in the institutional management of productive waqf between Indonesia and the State of Selangor, Malaysia?

## **C. Objective of Research**

Based on the formulated research problems, the objectives of this study are as follows:

1. To describe the institutional regulation of productive waqf management in Indonesia under Law Number 41 of 2004 on Waqf, particularly with regard to the position of waqf management institutions, the authority of *nazir*, and the mechanisms of supervision and accountability.
2. To describe the institutional regulation of productive waqf management in the State of Selangor, Malaysia, under the Selangor State Waqf Enactment 2015, with an emphasis on the role of the Selangor Islamic Religious Council (MAIS) as the sole trustee of waqf.
3. To compare and identify the similarities and differences in the institutional regulation of productive waqf management in Indonesia and the State of Selangor, Malaysia, in order to determine the characteristics of each system and the factors influencing the effectiveness of productive waqf management.

#### **D. Benefit of Research**

This research is intended to provide benefits to readers. The benefits that can be outlined consist of two types, namely theoretical benefits and practical benefits. The details are as follows:

##### **1. Theoretical Benefits**

This research is expected to provide the following theoretical benefits:

- a. Contributing to the development of Islamic legal scholarship, particularly in the study of institutional management of productive waqf.
- b. Enriching the body of literature on waqf law, especially from a comparative perspective on waqf management systems in Indonesia and Malaysia.

- c. Serving as an academic reference for future researchers examining productive waqf from the perspectives of Islamic law and positive law.
- d. Strengthening conceptual understanding of the regulation and governance of waqf institutions within the legal systems of the two countries.

## **2. Practical Benefits**

This research is expected to provide the following practical benefits:

- a. For the author, this research serves as a means of applying legal theories acquired during academic study and as one of the requirements for completing undergraduate (Strata 1) studies in the Islamic Family Law Study Program.
- b. For the Indonesian Waqf Board (BWI), this research may serve as input for strengthening institutional functions, guidance, and supervision in the management of productive waqf.
- c. For the Ministry of Religious Affairs of the Republic of Indonesia, this research may be utilized as evaluative material in the formulation of policies and the development of waqf institutions.
- d. For waqf *nzir*, this research may serve as a practical guide in understanding legal standing, authority, and responsibilities in the management of productive waqf.
- e. Bagi Majlis Agama Islam Selangor (MAIS), penelitian ini dapat menjadi bahan refleksi dalam penguatan tata kelola wakaf produktif yang terpusat dan profesional.

## E. Operational Definition

### 1. Institutional Framework

According to the *Great Dictionary of the Indonesian Language* (Kamus Besar Bahasa Indonesia/KBBI), the term *institutional* (*kelembagaan*) refers to matters relating to institutions. This term is a noun derived from the root word *institution* (*lembaga*).<sup>19</sup> It signifies a fundamental element in carrying out various social and legal activities, as it serves as a proper foundation for every action. In the context of this study, the institutional framework is understood as the legal framework and organizational structure governing waqf management, both under Law Number 41 of 2004 on Waqf in Indonesia and the Selangor State Waqf Enactment 2015 in Malaysia.

### 2. Management

Management is defined as all forms of administrative activities, maintenance, development, and supervision of waqf assets to ensure that they are in accordance with the objectives and functions as stipulated by positive law and sharia principles.<sup>20</sup>

### 3. Comparative

Comparative refers to a method or approach used to compare two or more objects of study in order to identify similarities and differences based on certain criteria.<sup>21</sup> In this research, it is understood as an analytical approach

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<sup>19</sup> Ismail Rumadan, "Peran Lembaga Peradilan Sebagai Institusi Penegak Hukum Dalam Menegakkan Keadilan Bagi Terwujudnya Perdamaian," *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 6, No. 1 (2017): 69–87.

<sup>20</sup> Siska Lis Sulistiani, *Wakaf Uang: Pengelolaan Dalam Hukum Islam Dan Hukum Positif Di Indonesia* (Sinar Grafika, 2022).

<sup>21</sup> Wiwin Yuliani and Ecep Supriatna, *Metode Penelitian Bagi Pemula* (Penerbit Widina, 2023).

employed to compare the systems of productive waqf management in Indonesia and Malaysia (the State of Selangor) with the aim of identifying similarities and differences, as well as drawing legal implications from each respective management system.

#### **4. Productive Waqf**

Productive waqf in this study is understood as an operational concept that is not explicitly formulated in statutory regulations, but refers to the practice of actively managing waqf assets through business activities or investments based on Sharia principles, generating sustainable economic benefits without diminishing the principal value of the waqf assets.<sup>22</sup>

#### **5. Law Number 41 of 2004 on Waqf**

This law is Indonesia's national regulation that serves as the legal basis for the implementation of waqf, including provisions concerning institutional arrangements, registration, management, and supervision of waqf.<sup>23</sup>

#### **6. Selangor State Waqf Enactment 2015**

This enactment is a state-level regulation in Malaysia, specifically in the State of Selangor, which specifically governs waqf and designates the Selangor Islamic Religious Council (Majlis Agama Islam Selangor/MAIS) as the sole trustee of all waqf assets.

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<sup>22</sup> Linatul Uyun and Nuriya Hamida, "Waqf Productivity in Indonesia: Challenges and Prospects for Sustainability," *Qanun: Jurnal Hukum Keluarga Islam* 2, no. 1 (2024): 80–104.

<sup>23</sup> Saprida Saprida, Fitri Raya, And Zuul Fitriani Umari, "Manajemen Wakaf Dalam Perspektif Hukum Islam Dan Undang-Undang No. 41 Tahun 2004," *Ekonomica Sharia: Jurnal Pemikiran Dan Pengembangan Ekonomi Syariah* 8, No. 1 (2022): 59–74.

## F. Previous Research

This research is based on a review of relevant previous studies. Based on the analysis conducted, the author identified at least three studies that examine this topic from different perspectives.

1. A journal article written by Seseep Saepul Alam entitled “*A Comparative Study of Waqf Management in Indonesia, Malaysia, and Saudi Arabia.*”<sup>24</sup> This study highlights differences in waqf management across the three countries. In Indonesia, waqf is managed by the Indonesian Waqf Board (BWI) in Malaysia, it is administered through the Malaysian Waqf Foundation and the State Islamic Religious Councils (MAIS) at the state level while in Saudi Arabia, waqf is managed by the Supreme Council of Waqf. The findings indicate that Indonesia has fundamental weaknesses in terms of institutional coordination compared to Malaysia, which applies a more centralized management model.
2. A book authored by Imam Mustofa entitled “*Contemporary Islamic Law: A Comparative Study of Cash Waqf Regulation and Its Implementation in Indonesia and Malaysia.*”<sup>25</sup> This book focuses on a comparative analysis of cash waqf regulations. Indonesia has relatively detailed regulations governing cash waqf, including Law Number 41 of 2004, Government Regulation Number 42 of 2006, and Regulation of the Minister of Religious Affairs Number 4 of 2009. however, its implementation remains weak, particularly in terms of fund

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<sup>24</sup> Seseep Saepul Alam, “Studi Komparatif: Pengelolaan Wakaf Di Indonesia, Malaysia Dan Saudi Arabia,” *An Nuqud Journal Of Islamic Economics* 2, No. 1 (2023): 25–33.

<sup>25</sup> Imam Mustofa, “Hukum Islam Kontemporer: Studi Komparatif Regulasi Wakaf Uang Dan Implementasinya Di Indonesia Dan Malaysia” (Idea Press, 2022).

collection. Meanwhile, Malaysia has not yet established a unified national legal framework for cash waqf, as regulations remain fragmented and are regulated separately at the state level.

3. An undergraduate thesis written by Rossy Anggraini entitled “*Contracts, Schemes, and Underlying Assets of Waqf-Based Sukuk in Three Countries (Malaysia, Singapore, and Indonesia)*.”<sup>26</sup> This thesis examines waqf-based sukuk instruments as an innovation in Islamic finance. The findings indicate that Malaysia is more advanced in the issuance of waqf sukuk, Singapore is a pioneer in innovation but remains limited in scale, while Indonesia is still relatively weak in terms of public literacy regarding waqf based sukuk.
4. A study conducted by Imam Mustofa, Dri Santoso, and Upia Rosmalinda entitled “*Cash Waqf Management for the Development of the Education Sector: A Comparative Study in Malaysia and Indonesia*.”<sup>27</sup> This research is an applied study comparing the regulation and practice of cash waqf in higher education institutions in Indonesia and Malaysia. The results show that Indonesia already has a comprehensive regulatory framework for cash waqf, including laws, government regulations, ministerial regulations, and fatwas of the Indonesian Council of Ulama (MUI); however, its implementation remains constrained by issues of literacy and socialization. In contrast, Malaysia provides greater discretion to State Islamic Religious Councils in managing cash waqf.

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<sup>26</sup> Rossy Anggraini, “Kontrak, Skema Dan Underlying Asset Sukuk Berbasis Wakaf Pada Tiga Negara (Malaysia, Singapura, Dan Indonesia)” (Universitas Islam Negeri Maulana Malik Ibrahim, 2023).

<sup>27</sup> Imam Mustofa, Dri Santoso, And Upia Rosmalinda, “Manajemen Wakaf Uang Untuk Pengembangan Sektor Pendidikan: Studi Komparatif Di Malaysia Dan Indonesia” (Iain Metro, 2021).

5. A study written by Trisno Wardy Putra, Jumadil Saputra, Bayu Taufiq Possumah, and Moch. Yofaldy Ichsan Hasyim entitled “*Productive Waqf Development Model: A Comparative Study between Indonesia and Malaysia,*” published in the *Tazkia Islamic Finance and Business Review* in 2023. This study examines the development of productive waqf models in Indonesia and Malaysia using a qualitative approach through interviews with academics and waqf practitioners in both countries. The analysis is complemented by a SWOT framework to identify opportunities and challenges in the management of productive waqf.<sup>28</sup>

The research findings indicate that both Indonesia and Malaysia possess significant potential for the development of productive waqf, yet face different challenges. Indonesia is assessed as having weaknesses in institutional coordination, transparency, and the level of public literacy regarding productive waqf. Meanwhile, Malaysia is considered to have stronger institutional arrangements due to the centralized management of waqf under the State Islamic Religious Councils, including in Selangor, which enables policy formulation and waqf supervision to be carried out in a more coordinated manner. This study confirms that differences in institutional structures affect the effectiveness of productive waqf management in each country and highlights the importance of strengthening waqf institutions and governance in order to promote the sustainability of productive waqf.

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<sup>28</sup> Business Review, “Productive Waqf Development Model: A Comparative Study Between Indonesia And Malaysia Trisno Wardy Putra 1 , Jumadil Saputra 2 , Bayu Taufiq Possumah 3 , Moch. Yofaldy Ichsan Hasyim 4” 17, No. 1 (2023): 13–35.

**Table 1.1**  
**Similarities and Differences in Previous Research**

<b>No</b>	<b>Title</b>	<b>Similarity</b>	<b>Difference</b>
1	Sesep Saepul Alam, <i>A Comparative Study of Waqf Management in Indonesia, Malaysia, and Saudi Arabia.</i>	Both studies address the comparative management of waqf across different countries..	While Alam’s study examines three countries with a broad institutional perspective and without detailed analysis of specific legal provisions, this research is limited to Indonesia and Malaysia and employs an in-depth normative legal analysis based on Law No. 41 of 2004 and the Selangor State Waqf Enactment 2015.
2	Imam Mustofa, <i>Contemporary Islamic Law: A Comparative Study of Cash Waqf Regulation and Its Implementation in Indonesia and Malaysia.</i>	The study addresses a comparison of waqf regulations between two countries..	The focus is on cash waqf and its derivative regulations (government regulations, ministerial regulations, and fatwas). In contrast, this research adopts a broader scope by examining the institutional framework of productive waqf, the role of <i>nazir</i> , supervisory bodies (BWI versus MAIS), and institutional evaluation in Indonesia.
3	Rossy Anggraini, <i>Contracts, Schemes, and Underlying Assets of Waqf-Based Sukuk in Three Countries (Malaysia, Singapore, and Indonesia).</i>	Both studies address waqf-related issues in Indonesia and Malaysia.	While the study concentrates on waqf-based sukuk as a form of financial innovation without examining waqf’s legal-institutional framework, this research prioritizes the regulatory and institutional dimensions of productive waqf instead of its financial instruments.

4	Imam Mustofa, Dri Santoso, and Upia Rosmalinda, <i>Cash Waqf Management for the Development of the Education Sector: A Comparative Study in Malaysia and Indonesia</i> .	Studies analyze the management of waqf in two countries.	The study is limited to cash waqf for the education sector and employs a field-based research approach. In contrast, this research adopts a normative-juridical approach to compare the legal institutional frameworks of productive waqf (Law versus Selangor Enactment), and also aims to evaluate weaknesses in Indonesian regulation and provide recommendations for improvement.
5	Trisno Wardy Putra, Jumadil Saputra, Bayu Taufiq Possumah, and Moch. Yofaldy Ichsan Hasyim, <i>Productive Waqf Development Model: A Comparative Study between Indonesia and Malaysia</i> .	A model for the development of productive waqf in Indonesia and Malaysia	The study focuses on a development model, while this research emphasizes normative institutional analysis based on statutory regulations

In conclusion, the reviewed studies share similarities in discussing waqf management in Indonesia and Malaysia, both in terms of regulation and institutional practice. However, previous studies employ different focuses, such as comparing three countries simultaneously, emphasizing waqf-based sukuk instruments, or limiting analysis to cash waqf and educational waqf. Therefore, this research specifically compares the institutional framework of productive waqf under Law Number 41 of 2004 in Indonesia and the Selangor State Waqf Enactment 2015 in Malaysia, resulting in a critical evaluation of regulatory weaknesses in Indonesia and the formulation of recommendations for improvement.

## G. Research Methodology

Method refers to the procedures or guidelines that must be strictly followed when conducting research using certain techniques.<sup>29</sup> meanwhile is defined as a systematic way of solving problems throughout the research process.<sup>30</sup> Therefore, this study applies specific strategies to address the research problems, which are explained as follows:

### 1. Type of Research

The type of research employed in this study is **normative legal research**, which focuses on the examination of statutory regulations and other written legal materials.<sup>31</sup> This research emphasizes library research by reviewing relevant, accurate, and up-to-date legal documents in order to obtain an in-depth understanding of the issues under investigation.<sup>32</sup>

### 2. Research Approach

This study uses a **comparative legal approach**, as it seeks to analyze legal provisions by comparing the laws applicable in Indonesia with the regulations implemented in the State of Selangor, Malaysia. Through this comparison, the researcher is able to identify regulatory differences and points

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<sup>29</sup> Muhammad Buchori Ibrahim Et Al., *Metode Penelitian Berbagai Bidang Keilmuan (Panduan & Referensi)* (Pt. Sonpedia Publishing Indonesia, 2023).

<sup>30</sup> Ahmad Risqi Syahputra Nasution, "Identifikasi Permasalahan Penelitian," *Alacrity: Journal Of Education*, 2021, 13–19.

<sup>31</sup> David Tan, "Metode Penelitian Hukum: Mengupas Dan Mengulas Metodologi Dalam Menyelenggarakan Penelitian Hukum," *Nusantara: Jurnal Ilmu Pengetahuan Sosial* 8, No. 8 (2021): 2463–78.

<sup>32</sup> Tarmizi Tahir And Syeikh Hasan Abdel Hamid, "Maqasid Al-Syari'ah Transformation In Law Implementation For Humanity," *International Journal Ihya'ulum Al-Din* 26, No. 1 (2024): 119–31.

of convergence in the institutional management of waqf in both countries.<sup>33</sup> Through this comparison, the researcher is able to identify regulatory differences and points of convergence in the institutional management of waqf in both countries.

Comparative legal study is understood as an activity of comparing legal systems of two different countries or of the same country at different periods.<sup>34</sup> In this regard, Gutteridge classifies comparative legal studies into two forms. First, descriptive comparative law, which aims to explore and understand information about the legal systems being compared. Second, applied comparative law, which has practical objectives such as harmonizing or unifying laws between countries.<sup>35</sup> Second, applied comparative law, which has practical objectives such as harmonizing or unifying laws between countries.

This research falls within the category of descriptive comparative law, as it seeks to explore and analyze statutory regulations governing waqf institutions in Indonesia and Malaysia. Through this approach, the study aims to identify similarities and differences in regulatory arrangements, institutional structures, and waqf supervision mechanisms in both countries.

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<sup>33</sup> Ratno Lukito, “‘Compare But Not To Compare’: Kajian Perbandingan Hukum Di Indonesia,” *Undang: Jurnal Hukum* 5, No. 2 (2022): 257–91.

<sup>34</sup> Mahmud Marzuki, *Penelitian Hukum: Edisi Revisi* (Prenada Media, 2017).

<sup>35</sup> Djoni S Gozali, “Pengantar Perbandingan Sistem Hukum,” 2020.

### **3. Data Collection Methods**

The data used in this research are derived from primary, secondary, and tertiary legal materials.

#### **a. Primary Legal Materials**

Primary legal materials are collected through the identification and examination of statutory regulations related to the management of productive waqf, namely Law Number 41 of 2004 on Waqf and the Selangor State Waqf Enactment 2015. These materials serve as the main basis for analyzing the institutional regulation of productive waqf in Indonesia and the State of Selangor, Malaysia.

#### **b. Secondary Legal Materials**

Secondary legal materials are obtained through library research on books, academic journals, research findings, and other scholarly works discussing productive waqf, waqf institutions, and waqf law in Indonesia and Malaysia. These materials function to explain, interpret, and strengthen the analysis of primary legal materials.

#### **c. Tertiary Legal Materials**

Tertiary legal materials are collected from supporting sources such as legal dictionaries, fiqh terminology dictionaries, and encyclopedias

related to waqf. These materials are used to clarify terms, concepts, and definitions applied in this research.<sup>36</sup>

#### 4. Material Analysis Technique

This research applies a **descriptive-analytical approach**, by systematically collecting and analyzing relevant legal materials. The materials examined include statutory regulations, official documents, legal textbooks, and previous research related to the institutional regulation of waqf in Indonesia and Malaysia. Through this technique, the researcher aims to objectively describe and analyze legal data in order to obtain a comprehensive understanding of the comparative institutional systems of waqf in both countries.<sup>37</sup>

#### 5. Legal Material Analysis Technique

In order for the collected legal materials to be systematically understood and to produce clear research findings, the analysis of legal materials in this study is carried out through the following stages:

##### a. Examination

The examination or editing stage is conducted by reviewing and assessing various legal materials related to the management of productive waqf in both Indonesia and Malaysia. These materials include statutory regulations, waqf enactments, as well as relevant legal and fiqh literature

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<sup>36</sup> Ahmad Ahmad Et Al., *Buku Ajar Metode Penelitian & Penulisan Hukum* (Pt. Sonpedia Publishing Indonesia, 2024).

<sup>37</sup> Sigit Sapto Nugroho, Anik Tri Haryani, And Farkhani Farkhani, "Metodologi Riset Hukum," *Oase Pustaka*, Surakarta, 2020.

on waqf. This stage aims to ensure that the legal materials used are relevant and appropriate for further analysis.

**b. Classification**

The classification stage is carried out to facilitate the analysis of the collected legal materials. In this study, legal materials are classified into two main categories: first, legal materials related to the system of productive waqf management in Indonesia based on Law Number 41 of 2004 on Waqf and its implementing regulations; and second, legal materials related to the system of productive waqf management in Malaysia, particularly in the State of Selangor, based on the Selangor State Waqf Enactment 2015.

**c. Verification**

At the verification stage, the author re-examines the collected legal materials to ensure their validity and relevance to the legal issues under study. Verification is conducted by assessing the relationship between the legal materials and the research object, so that the materials are truly relevant in explaining the system of productive waqf management in both countries.

**d. Analysis**

The analysis stage is conducted using a normative comparative legal analysis approach on the classified legal materials. This analysis aims to compare the systems of productive waqf management in Indonesia and Malaysia in order to identify similarities and differences,

particularly in terms of institutional arrangements, management authority, and supervisory mechanisms. In addition, the analysis examines the legal implications arising from differences in productive waqf management systems in the two countries.

#### **e. Drawing Conclusion**

The final stage is drawing conclusions, which involves summarizing the results of the legal material analysis in a comprehensive manner to address the research questions. The conclusions are systematically formulated based on the research findings and subsequently used as a basis for providing relevant suggestions or recommendations regarding productive waqf management.

### **H. Structure of Discussion**

Using a systematic structure, this research is organized into four chapters as follows:

Chapter I presents the introduction, which includes the research background, problem formulation, research objectives, and both theoretical and practical benefits. This chapter also outlines the operational definitions, a brief literature review, the research methodology applied, and the overall structure of the thesis.

Chapter II contains the theoretical framework used as the basis for analysis in this research. The discussion focuses on the concepts and definitions of waqf and productive waqf from the perspective of Islamic law. The theories presented in this

chapter function as a conceptual framework for analyzing and comparing productive waqf management systems in Indonesia and Malaysia.

Chapter III discusses the research findings and comparative analysis of productive waqf management in Indonesia and Malaysia (the State of Selangor). The discussion begins with an explanation of productive waqf management in Indonesia, followed by productive waqf management in Malaysia. A comparative analysis is then conducted to identify similarities and differences between the two systems, as well as their legal implications. Selanjutnya, dilakukan analisis perbandingan untuk mengidentifikasi persamaan dan perbedaan sistem pengelolaan wakaf produktif di kedua negara serta implikasi hukumnya.

Chapter IV, the concluding chapter, presents the conclusions and recommendations. The conclusions address the formulated research problems by summarizing the main points discussed throughout the study. The recommendations outline areas for improvement and directions for future research. To support the research findings, relevant supplementary data are also included.

## CHAPTER II

### LITERATURE REVIEW

#### A. Waqf from the Perspective of Islamic Law

##### 1. Definition of Waqf

الْوَقْفُ فِي اللُّغَةِ هُوَ الْحَبْسُ وَشَرْعًا حَبْسُ مَالٍ مُّعَيَّنٍ قَابِلٍ لِلنَّقْلِ يُمَكِّنُ الْإِنْتِفَاعَ بِهِ مَعَ بَقَاءِ عَيْنِهِ وَقَطْعُ التَّصَرُّفِ فِيهِ عَلَى أَنْ يُصْرَفَ فِي جِهَةِ خَيْرٍ تَقَرُّبًا إِلَى اللَّهِ تَعَالَى

In linguistic terms, waqf (al-waqf) means to restrain or withhold. In legal (shar'i) terminology, it refers to the act of withholding a specific property that is transferable, from which benefit can be derived while preserving its substance, and restricting the right of disposition over it, so that it is devoted to charitable purposes as a means of drawing closer to Allah the Exalted.<sup>38</sup>

In terminological usage, Islamic jurists differ in the wording of their definitions of waqf, a divergence influenced by differing views on various legal issues related to waqf. Nevertheless, scholars generally agree that waqf constitutes the act of preserving the principal of an asset while distributing its yields or benefits for charitable purposes. In other words, waqf property may not be transferred in ownership, whereas the benefits generated from such property are utilized for social and religious objectives.<sup>39</sup> This understanding is consistent with the principles of waqf derived from the

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<sup>38</sup> Abu Hazim Mubarak, *Fiqh Idola (Tejemah Fathul Qorib 2)*, 2013.

<sup>39</sup> Aulia Ulfah, "Revitalisasi Pengelolaan Harta Benda Wakaf Menurut Hukum Islam Dan UU No. 41 Tahun 2004," *Jurnal Literasi Indonesia* 1, no. 3 (2024): 105–11.

teachings of the Prophet Muhammad (peace be upon him), which emphasize that the principal of waqf property must be preserved while its proceeds are used for the benefit of the community.

According to Imam Shafi'i, waqf is the full and permanent release of property ownership from the hands of the waqf. After the waqf contract is valid, the property belongs to Allah SWT and cannot be sold, inherited, or granted. The function of waqf property is to provide benefits in accordance with the purpose that has been set by the waqf, and its nature is eternal (*mu'abbad*). Therefore, the Shafi'i school emphasizes the importance of the element of impermanence in waqf property as well as the clarity of its intention and designation.<sup>40</sup>

### 1. Legal Basis of Waqf

Waqf has a strong legal basis in Islamic teachings, although the term waqf is not explicitly mentioned in the Qur'an. The basis of the law of waqf can be traced from the verses of the Qur'an that encourage Muslims to invest wealth in the way of Allah and make it a means of getting closer to him. The main principle emphasized is the sacrifice of property for the wider benefit.

One of the verses of the Qur'an that is often used as the basis of the law of waqf is the words of Allah Swt. in Surah Ali 'Imran verse 92:

لَنْ تَنَالُوا الْبِرَّ حَتَّى تُنْفِقُوا مِمَّا تُحِبُّونَ وَمَا تُنْفِقُوا مِنْ شَيْءٍ فَإِنَّ اللَّهَ بِهِ عَلِيمٌ

Meaning: "You will never obtain virtue (perfect) until you give away some of the wealth you love. Whatever you do, Allah is Knowing."

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<sup>40</sup> Imam An-Nawawi, "Al Majmu'syarah Al Muhadzab," *Maktabah Syamilah, Juz 9* (2010).

The Qur'an also emphasizes the importance of infak in the way of Allah as mentioned in Surah Al-Baqarah verse 261:

مَثَلُ الَّذِينَ يُنْفِقُونَ أَمْوَالَهُمْ فِي سَبِيلِ اللَّهِ كَمَثَلِ حَبَّةٍ أُنْبَتَتْ سَبْعَ سَنَابِلٍ فِي كُلِّ سَنَابِلَةٍ مِائَةٌ  
حَبَّةٌ ۗ وَاللَّهُ يُضْعِفُ لِمَنْ يَشَاءُ ۗ وَاللَّهُ وَاسِعٌ عَلِيمٌ

Meaning: "The parable of those who give their wealth in the way of Allah is like (those who sow) a seed that grows seven stalks, on each stalk there are a hundred seeds. Allah multiplies (rewards) for whomever He wills. Allah is All-Extensive and All-Knowing".

This verse describes the multiplied reward for the one who gives his wealth. This verse is often associated with the concept of waqf because waqf is seen as a form of infak whose benefits continue to flow.

The basis of the law of waqf is also derived from the hadith of the Prophet Muhammad (peace be upon him). One of the hadiths that is most often used as a reference is a hadith about charity whose reward is uninterrupted narrated from the companion of Abu Hurairah (*may Allah be pleased with him*) and is a saheeh hadith issued by Imam Muslim (no. 1631).<sup>41</sup>

حَدَّثَنَا يَحْيَى بْنُ أَبِي أُيُوبَ وَقُتَيْبَةُ يَعْنِي ابْنَ سَعِيدٍ وَابْنُ حُجْرٍ قَالُوا حَدَّثَنَا إِسْمَاعِيلُ هُوَ ابْنُ

جَعْفَرٍ عَنِ الْعَلَاءِ عَنْ أَبِيهِ عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ إِذَا

<sup>41</sup> Hadiz Azkiya, "No Title," N.D., <https://Hadits.Tazkia.Ac.Id/Hadits/Bab/2:723>.

مَاتَ الْإِنْسَانُ انْقَطَعَ عَنْهُ عَمَلُهُ إِلَّا مِنْ ثَلَاثَةٍ إِلَّا مِنْ صَدَقَةٍ جَارِيَةٍ أَوْ عِلْمٍ يُنْتَفَعُ بِهِ أَوْ

وَلَدٍ صَالِحٍ يَدْعُو لَهُ

*"It has been narrated to us by Yahya ibn Ayyub and Qutaibah, Ibn Sa'id and Ibn Hujr; they said: Isma'il narrated to us that Ibn Ja'far from Al 'Ala', from his father from Abu Hurairah, that the Messenger of Allah (peace and blessings of Allaah be upon him) said: "If one of the people dies, then all his deeds are cut off except for three things: almsgiving, knowledge that is beneficial for him and the righteous children who always pray for him."*

This hadith shows that jariyah alms are charities whose rewards continue to flow even after someone has died. Waqf is understood as a tangible form of jariyah alms because its benefits can be felt in the long term and continue to provide good value.

Another hadith that is an important basis for waqf is the event of land waqf. From Ibn 'Umar (*may Allah be pleased with him*), he said: "Umar once obtained a piece of land in Khaibar, and he went to the Prophet for his guidance on its management and said,

"Ya Rasulallah, I got land in Khaibar. In my opinion, I have never owned a better land than that land. He said:

إِنْ شِئْتَ حَبَسْتَ أَصْلَهَا وَتَصَدَّقْتَ بِهَا

Meaning: *"If you want, you hold the tree and give alms of the fruit".<sup>42</sup>*

<sup>42</sup> Rumahsyho, N.D., <https://Rumaysho.Com/14693-Hadits-Wakaf-02-Aturan-Penting-Wakaf.Html>.

The Prophet's instructions became the basis for the main principle of waqf, which is to hold the principal property and distribute the proceeds for social interests. This history is the foothold of scholars in determining that waqf assets should not be traded, granted, or inherited. In addition to the Qur'an and hadith, the legal basis of waqf is also strengthened by the ijma' of the scholars. From the time of the Companions to the generation that followed, the practice of waqf has been widely accepted and practiced without any fundamental differences of opinion regarding its abilities.<sup>43</sup> This agreement confirms that waqf is part of an established and recognized Islamic legal institution.

The legal basis of waqf is also in line with the rules of fiqh which emphasizes the importance of benefits and sustainability of benefits. Waqf supports the purpose of Islamic sharia because it is able to maintain property while channeling its benefits for the public interest. Therefore, waqf is not only valuable for individual worship, but also has a real social and economic function in people's lives.

Understanding the legal basis of waqf is important as a starting point before discussing the harmony, conditions, and development of waqf in a more productive direction. With a strong normative foundation, waqf can be understood as a relevant sharia instrument to answer the needs of the ummah in various contexts.

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<sup>43</sup> Nuri Safitri, "Pandangan Ibn Qudamah Tentang Penukaran Benda Wakaf" (Iain Metro, 2019).

## 1. Pillars and Conditions of Waqf

Waqf as a legal act in Islam has harmony and conditions that must be met so that its implementation is valid according to sharia. The scholars of jurisprudence basically agree that waqf cannot be separated from the main elements that form it. The pillars of waqf are the main foundation that determines whether a waqf is valid or not.

The pillars of waqf generally consist of four elements, namely waqf, the property that is waqf (*mauquf*), Waqf beneficiaries (*mauquf 'alaih*), and *sighat* Or the Pledge of Allegiance.<sup>44</sup> These four elements are interrelated and must be fulfilled simultaneously.

Wakif is the party who endows his property. In Islamic jurisprudence, the wakif is required as a person who is capable of performing legal acts. These conditions include common sense, *baligh*, and have the freedom to act on their property.

Waqf is invalid if it is carried out by a person who does not have full rights to the property that is waqf.<sup>45</sup> This principle is in line with the general rule in *muamalah* that a person cannot take legal action against property that does not belong to him.

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<sup>44</sup> Muh Arief Budiman Muh Arief Budiman, "Keabsahan Dan Pengelolaan Wakaf Ahli (Keluarga)," *Jurnal Ekonomi Dan Bisnis (Ekobis-Da)* 1, No. 2 (2020).

<sup>45</sup> Husni Thamrin, Satriak Guntoro, And Sri Kurnialis, "Tranformasi Digital Wakaf Dalam Menghimpun Wakaf Di Era Digitalisasi," *Jurnal Tabarru': Islamic Banking And Finance* 4, No. 2 (2021): 532–40.

Waqf property (*mauquf*) is the object of waqf submitted by the waqf. The scholars require that waqf property must have a beneficial value and can be used without spending the substance or principal.<sup>46</sup> Therefore, consumable assets cannot be used as objects of waqf. This principle departs from the concept of retaining the principal property and flowing its benefits in a sustainable manner, as exemplified in the waqf hadith of Umar bin Khattab in Khaibar.

Waqf beneficiaries (*mauquf 'alaih*) is the party to which the waqf goes, both for the benefit of certain individuals and for the public interest.<sup>47</sup> In practice, waqf can be intended for the benefit of worship, social, educational, health, and the benefit of the people at large. The scholars require that the allocation of waqf must be clear and not contrary to sharia principles.

*Sighat* Or the waqf pledge is a statement of the will of the waqf to waqf his property. This pledge shows the clear intention and seriousness of the waqf. In fiqh, *sighat* can be done orally or in deeds that show the meaning of waqf expressly.<sup>48</sup> Clarity of *sighat* is important because waqf is binding and cannot be revoked after being pledged.

The harmony and conditions of waqf are based on sharia postulations, one of which is the hadith about waqf Umar bin Khattab which

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<sup>46</sup> Asep Dadan Suganda, "Konsep Wakaf Tunai," *Islamiconomic: Jurnal Ekonomi Islam* 5, No. 2 (2014).

<sup>47</sup> Kepentingan Umat And Irfan Faiz Almalik, "Strategi Pengelolaan Harta Benda Wakaf Untuk," N.D.

<sup>48</sup> Permana And Rukmanda, "Wakaf: Tinjauan Fiqh, Dasar Hukum, Dan Implementasinya Di Indonesia."

affirms the principle of holding the principal property and distributing the proceeds. This principle is the basis that waqf must be carried out seriously and not temporary or speculative. The fulfillment of the harmony and requirements of waqf aims to maintain legal certainty and the sustainability of waqf benefits. If one of the pillars is not fulfilled, then the waqf is invalid according to Islamic law. Understanding the principles and requirements of waqf is important before discussing the management of waqf further, including its development in the form of productive waqf.

## 2. Kind of Wakaf

When viewed in terms of the allocation to whom the waqf is addressed, the waqf can be divided into two types, namely:

### a. Waqf Ahli

Waqf Ahli Namely waqf that is addressed to certain people, one or more, the wakif's family or not. Waqf like this is also called waqf *Dzurri*. If a person endows a piece of land to his son, then to his grandson, the waqf is valid and those who have the right to take advantage of it are those who are appointed in the waqf statement. This type of waqf (wakaf *ahli/dzurri*) sometimes also called *wakaf 'alal aulad*, namely waqf which is intended for the interests and social security of the family environment, the environment of relatives themselves.<sup>49</sup>

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<sup>49</sup> Sayyid Sabiq, *Fiqh Sunnah*, (Jakarta : Pena Pundi Aksara) 2009. H.461

Waqf for this family is justified by Islamic law based on the Hadith of the Prophet narrated by Bukhari and Muslim from Anas bin Malik about the existence of the waqf of the family of Abu Talhah to his relatives. In a sense, waqf ahli (*dzurri*) This is very good, because the waqf will get two goodnesses, namely the goodness of his waqf deeds, as well as the goodness of friendship with the family who are given waqf property. However, on the other hand, this expert waqf often causes problems. Expert waqf is currently considered to be less able to provide benefits for general welfare, because it often causes ambiguity in the management and utilization of waqf by families who are given waqf assets.

#### **b. Waqf Khairi**

Waqf *Khairi* Namely, waqf that is expressly for the benefit of religion (religious) or community (public welfare). Such as waqf which is handed over for the construction of mosques, schools, bridges, hospitals, orphanages and so on.<sup>50</sup> This type of waqf is as explained in the Hadith of the Prophet Muhammad SAW which tells about the waqf of the Companion of Umar bin Khattab. He gave his garden to the poor, Ibn Sabil, Sabilillah, the guests, and the servants of Sahaya who tried to redeem him. This waqf is addressed to the public with unlimited use

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<sup>50</sup> Choirun Nissa, "Sejarah, Dasar Hukum Dan Macam-Macam Wakaf," *Tazkiyya: Jurnal Keislaman, Kemasyarakatan Dan Kebudayaan* 18, No. 02 (2017): 205–19.

which covers all aspects for the benefit and welfare of mankind in general.

The public interest can be for social security, education, health, defense, security and others. In a review of its use, this type of waqf has much more benefits than the type of expert waqf, because there are no limits to parties who want to take benefits. And this type of waqf is actually the most in line with the purpose of waqf itself in general. In this type of waqf too, the waqf (the person who waqfs the property) can benefit from the waqf that is waqf, such as the waqf of the mosque, so the waqf can be there, or waqf a well, then the waqf can take water from the well as the Prophet and Companion of Uthman bin Affan once did.

In substance, this waqf is one aspect of how to spend (utilize) property on the road Allah SWT. And of course, if you look at the benefits of its usefulness, it is one of the means of development, both in the religious field, especially worship, economy, culture, health, security and so on. Thus, the waqf object is really beneficial for the benefit of humanity (general), not only for limited family or relatives.<sup>51</sup>

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<sup>51</sup> Direktorat Pemberdayaan Wakaf, *Fiqih Wakaf*, N.D.

## **B. Produktive waqf**

### **1. Definition of Productive Waqf**

Productive waqf is a form of development of waqf practices that have been known in society.<sup>52</sup> In traditional practice, waqf is generally understood as the handing over of property for direct worship or social purposes, such as land for mosques, prayer rooms, or tombs. This form of waqf still has worship value, but the benefits are often static and limited to certain functions. Productive waqf exists as an effort to optimize the economic potential of waqf assets without eliminating the substance of the waqf itself.

Productive waqf can be understood as the management of waqf assets through business activities or asset development so as to produce sustainable economic benefits.<sup>53</sup> The results of the management are then used for waqf purposes as determined by the waqf. The essence of productive waqf lies in the principle of maintaining the principal of waqf assets and utilizing the results. Waqf assets are not transferred ownership, not traded, and not spent, but managed professionally in order to be able to generate added value.

This principle is in line with the concept of waqf in fiqh which emphasizes the permanence of property and the sustainability of benefits.

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<sup>52</sup> Restu Amin, "Tantangan Maupun Peluang Pengelolaan Wakaf Produktif Di Indonesia," *Eksya: Jurnal Ekonomi Syariah* 5, No. 2 (2024): 88–98.

<sup>53</sup> Asep Ahmad Ridwansah, "Pengelolaan Wakaf Produktif Berbasis Nilai Islam Upaya Mewujudkan Ekonomi Berkelanjutan Dan Berkeadilan," *Equality: Journal Of Islamic Law (Ejil)* 3, No. 2 (2025): 113–30.

Productive waqf places waqf not only as a charity of worship, but also as an instrument of economic empowerment of the people. Through productive management, waqf can play a role in supporting educational, health, social, and community welfare activities more broadly. Waqf is no longer seen as a passive asset, but as a resource that can be developed sustainably.

The definition of productive waqf also requires a change in the perspective of waqf management. The waqf manager not only functions as an asset guardian, but also as the party responsible for developing waqf assets in a trustworthy and professional manner.<sup>54</sup> Therefore, productive waqf is closely related to aspects of good management, planning, and governance, without abandoning the sharia values that are the basis of waqf.

## **2. Purpose and Principles of Productive Waqf**

Productive waqf basically aims to optimize the benefits of waqf assets so that they can be felt sustainably by the community. Waqf is not only positioned as a form of individual worship, but also as a social instrument that is able to answer the needs of the people in the long term.<sup>55</sup> Through productive management, waqf is expected to contribute to improving the welfare of the community, especially in the fields of education, health, and the economy.

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<sup>54</sup> Umat And Almalik, “Strategi Pengelolaan Harta Benda Wakaf Untuk.”

<sup>55</sup> Purwadi Nasrun Nurwakhid, “Pengaruh Pengelolaan Wakaf Produktif Berbasis Pondok Pesantren Terhadap Pemberdayaan Masyarakat (Studi Kasus Di Pondok Modern Darussalam Gontor)” (Universitas Islam Negeri Sultan Syarif Kasim Riau, 2025).

The main goal of productive waqf is to maintain the sustainability of the benefits of waqf. Waqf assets are not left in a passive or abandoned condition, but are managed in such a way as to produce added value. The results of the management are then used for purposes that are in accordance with the purpose of waqf.<sup>56</sup> In this way, waqf does not only provide momentary benefits, but benefits that continue to flow from time to time. In addition, productive waqf also aims to expand the range of waqf benefits. If waqf is managed productively, the benefits produced are not only limited to one group or one specific activity. Waqf can support a wider range of social and economic programs, so that its role in the development of the ummah becomes more real.

The implementation of productive waqf must be based on certain principles so as not to deviate from the goals of sharia. One of the main principles is the principle of maintaining the principal of waqf property. Waqf assets must remain intact and must not be transferred ownership. The management carried out only touches on the aspects of utilization and development, not on the subject of the property itself. Another principle is the principle of utility. Every form of productive waqf management must be directed to produce clear and tangible benefits for waqf recipients.<sup>57</sup> The

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<sup>56</sup> Salsabila Akriza Ratmi, "Sistem Pengelolaan Wakaf Produktif Oleh Lembaga Nazhir Wakaf Ibadurrahman Duri Kecamatan Mandau Dalam Perspektif Ekonomi Syariah" (Universitas Islam Negeri Sultan Syarif Kasim Riau, 2024).

<sup>57</sup> Adelia Nisa, "Pengelolaan Wakaf Produktif Dalam Perspektif Hukum Positif Dan Hukum Ekonomi Syariah (Studi Pada Badan Wakaf Indonesia Provinsi Lampung)" (Uin Raden Intan Lampung, 2023).

management of waqf that does not provide benefits or actually causes losses is contrary to the spirit of waqf itself.

Productive waqf also requires the principle of professionalism and trust in its management. Waqf managers are required to have the ability to plan, manage, and supervise waqf development activities. Unprofessional management has the potential to harm waqf assets and eliminate public trust in waqf institutions.

The last important principle in productive waqf is the principle of conformity with sharia.<sup>58</sup> Every form of waqf management and development must be carried out in a way that does not conflict with Islamic values. The business activities carried out must be halal and do not contain elements that are prohibited in sharia. This principle is a barrier as well as a guide so that productive waqf remains within the corridor of Islamic law.

Tujuan dan prinsip wakaf produktif tersebut menunjukkan bahwa wakaf produktif bukan sekadar inovasi ekonomi, tetapi merupakan pengembangan dari konsep wakaf itu sendiri. Pemahaman terhadap tujuan dan prinsip ini menjadi landasan penting sebelum membahas bentuk-bentuk wakaf produktif dan kelembagaan yang mengelolanya.

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<sup>58</sup> Muhammad Rakasyah Pratama, "Pandangan Hukum Terhadap Pengelolaan Investasi Melalui Wakaf: Analisis Terhadap Badan Wakaf Indonesia (Bwi)," *Al-Zayn: Jurnal Ilmu Sosial & Hukum* 3, No. 2 (2025): 274–80.

### 3. Form of Productive Waqf

The development of productive waqf shows that waqf is no longer understood narrowly as the handover of assets to be used directly, but has developed into an asset management instrument that is able to generate sustainable economic benefits. This development emerged in response to the needs of the community and the demand for waqf to play a more active role in the economic empowerment of the people. The various forms of productive waqf that develop are basically the result of *ijtihad* and the development of the concept of waqf that is still based on sharia principles, especially the principle of maintaining the principal of waqf assets and channeling their benefits.<sup>59</sup>

Some of the productive waqf models that have developed in contemporary studies include waqf *mu'qqat*, Money waqf, *istibdal al-waqf*, and *istitsmar amwal al-waqf*. These models show the flexibility of waqf in answering the needs of the times without eliminating the essence of waqf itself

#### a. Waqf Mu'qqat (Waq Temporary)

*Wakaf mu'qqat* is a form of waqf that is limited by a certain period of time in accordance with the will of the waqf. In this model, the waqf determines the period of utilization of waqf assets, so that after

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<sup>59</sup> Shindu Irwansyah Shindu Irwansyah Shindu Irwansyah, Zia Firdaus Nuzula Zia Firdaus Nuzula, and Zia Firdaus Nuzula, "Mewujudkan Kemandirian Pesantren Darul Falah Cimenteng Subang Dengan Konsep Wakaf Produktif Dan Penerapan Prinsip Hukum Islam," *Jurnal Ilmiah Ekonomi Islam* 8, no. 3 (2022): 3613–26.

the period ends, the waqf assets can return to the waqf or its heirs.<sup>60</sup> Waqf *mu'auqqat* developed as an alternative to the classic waqf concept that emphasizes the eternal or eternal nature of waqf.

Waqf *Mu'auqqat* provides a wider space of flexibility for people who want to do waqf, but have limitations in relinquishing property ownership permanently. Through this model, waqf can still provide social and economic benefits during the waqf period. Therefore, waqf *mu'auqqat* is often seen as a form of productive waqf innovation that is relevant to the needs of modern society, especially in the context of dynamic asset management.

## **b. Money Waqf**

Money waqf is one of the most widely discussed forms of productive waqf in contemporary waqf studies.<sup>61</sup> This waqf is carried out by waqf a certain amount of cash which is then managed productively by the waqf manager. The principal of waqf money is maintained, while the results of its management are distributed for the benefit of waqf in accordance with the goals that have been set.

The advantage of money waqf lies in its flexible and inclusive nature. The community does not have to have assets in the

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<sup>60</sup> Muhammad Saeful Anwar, "Analisis Komparatif Perspektif Hukum Positif Dan Ulama Buntet Pesantren Cirebon Tentang Wakaf Muaqqat Sebagai Pemberdayaan Masyarakat" (S1-Hukum Keluarga Iain Snj, 2024).

<sup>61</sup> Siti Masriyah, "Peran Wakaf Produktif Dalam Kesejahteraan Masyarakat," *Jurnal Ilmiah Ekonomi Islam* 10, No. 1 (2024): 627–31.

form of land or buildings to be able to do waqf, but it is enough with affordable amounts of cash. This opens up opportunities for wider participation from various levels of society. Money waqf also allows waqf management to be carried out through various investment instruments in accordance with sharia principles, so that it is able to produce sustainable economic benefits.

**c. Istibdal al-Waqf (Waqf Asset Exchange)**

*Istibdal al-waqf* is a productive waqf model that is carried out through the exchange of waqf assets with other assets that are considered more useful and productive.<sup>62</sup> *Istibdal* It is usually carried out under certain conditions, for example when the waqf property is damaged, no longer functions optimally, or is difficult to develop according to the purpose of the waqf.

Concept *istibdal* The exchange of waqf assets is not to eliminate waqf, but to maintain the sustainability of its benefits. Waqf assets that are no longer productive are replaced with other assets that have greater use value and benefits. This model shows that productive waqf is not rigid, but still leaves room for adjustment as long as it aims to maintain benefits and does not conflict with Sharia principles.

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<sup>62</sup> Muhammad Hasbulloh Huda And Muhammad Madarik, “Praktik Istibdal Wakaf Dalam Perspektif Imam Syafi’i Dan Undang-Undang No. 41 Tahun 2004: Analisis Kemaslahatan Dan Maqāshid Al-Syarī ‘Ah,” *Maqashid* 7, No. 2 (2024): 67–79.

#### **d. Istitsmar Amwal al-Waqf (Waqf Fund Investment)**

*Istitsmar amwal al-waqf* It is a form of productive waqf management through waqf fund investment activities. The waqf funds collected, both in the form of money and other assets, are managed and invested in sectors in accordance with sharia principles.<sup>63</sup> The main purpose of this investment is to generate a surplus or profit that can be used sustainably for the benefit of waqf.

Model *istitsmar* placing waqf as an active and productive economic instrument. Waqf funds are not allowed to settle or passive, but are developed through a safe and sharia-compliant investment mechanism. The profits from the investment are then used to support various social, educational, and welfare programs. Thus, productive waqf through investment in waqf funds is able to expand the role of waqf in the economic development of the people in a sustainable manner.

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<sup>63</sup> Dhofir Catur Bashori, Mifatahul Hasanah, and Hasna Huwaida, "Model Pengelolaan Wakaf Produktif Di Era Digital Dalam Perspektif Maqashid Syari'ah," *At-Tasharruf" Jurnal Kajian Ekonomi Dan Bisnis Syariah"* 7, no. 1 (2025): 1–15.

## CHAPTER III

### RESULT AND DISCUSSION

#### **A. Productive Waqf Management in Indonesia**

##### **1. Position of the Waqf Management Board**

Law Number 41 of 2004 concerning Waqf regulates the management of waqf within an institutional framework involving several parties. Waqf management is carried out by the nazir as the party who receives waqf assets from the waqf to be managed and developed in accordance with the purpose of waqf. The provisions regarding nazir are regulated in the law that regulates the form, conditions, and duties and obligations of the waqf manager. Law Number 41 of 2004 also establishes the Indonesian Waqf Agency (BWI) as an institution that has a role in the implementation of waqf.<sup>64</sup> BWI was formed as an institution that carries out the function of coaching and supervising the management of waqf. The existence of BWI shows that the management of waqf is placed in an institutional system regulated by the state.

These provisions show that the management of waqf in Indonesia is carried out in an institutional structure that involves the nazir as the direct manager and BWI as the waqf supervisor and supervisor institution.

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<sup>64</sup> Teguh Partono And Rohmad Adi Yulianto, “Analisis Yuridis Implementasi Peran Badan Wakaf Indonesia Dalam Pengelolaan Dan Pengembangan Wakaf Perspektif Kemanusiaan,” *Veritas* 9, No. 1 (2023): 105–21.

## 2. The Status and Role of Nazir in the Management of Productive Waqf

The position of the nazir as the party who receives waqf property from the waqf to be managed and developed in accordance with the purpose of the waqf. The provisions regarding nazirs are specifically regulated in Articles 9 to 14 of the law.

Article 9 of Law Number 41 of 2004 states that:<sup>65</sup>

Nazhir includes:

1. individuals;
2. organization; or
3. legal entity.

This provision emphasizes that nazir has a legal status as a waqf manager who acts on the basis of the handover of waqf assets from the waqf.

Article 10 regulates the form and requirements of the nazir, which states that:<sup>66</sup>

- (1) Individuals as referred to in Article 9 letter a can only become Nazhir if they meet the requirements :
  - a. Indonesian Citizen
  - b. Muslim;
  - c. mature;
  - d. amanah;
  - e. physically and spiritually able; and
  - f. not prevented from doing legal acts.
- (2) An organization as referred to in Article 9 letter b can only become a Nazhir if it meets the requirements :
  - a. the management of the organization in question meets the requirements individual nazhir as referred to in paragraph (1); and

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<sup>65</sup> Undang Undang Wakaf, "Pasal 9, Undang-Undang Nomor 41 Tahun 2004 Tentang Wakaf," *Bwi.Go.Id*, 2004.

<sup>66</sup> Pasal 10, Undang-Undang Wakaf.

- b. organizations engaged in the social, educational, social, and/or religious fields of Islam.”

Regarding the requirements for nazir, Article 10 paragraph (2) states that individual nazirs must meet the requirements, including being Muslim, mature, trustworthy, physically and spiritually capable, and not prevented from committing legal acts. These requirements indicate that the position of nazir is not only formally determined, but also takes into account moral aspects and personal abilities.

Article 11 of Law Number 41 of 2004 regulates the duties and obligations of nazirs as follows:<sup>67</sup>

Nazir has a duty:

- a. Performing Waqf Property Administrationf
- b. Managing and developing waqf assets in accordance with their goals, functions, and designations
- c. supervise and protect waqf property; and
- d. report the implementation of duties to the Indonesian Waqf Board.

The article shows that the nazir has inherent legal responsibilities in the management of waqf, including administrative, management, and reporting obligations to the authorized institutions. Based on the provisions of Articles 9 to 11 of Law Number 41 of 2004, nazirs are placed as legal subjects who have a clear position and authority in the waqf system in Indonesia.

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<sup>67</sup> Pasal 11, Undang-Undang Wakaf.

### 3. Authority and Mechanism for Managing Productive Waqf

the party responsible for the management and development of waqf assets. This authority is expressly regulated in several provisions of the law that affirm the scope of legal actions that can be taken by the nazir against waqf property.

The provisions regarding the authority of the nazir can be seen in Article 11, which states that the nazir has the following duties:<sup>68</sup>

Nazir has a duty:

- a. Performing the administration of waqf property;
- b. Managing and developing waqf assets in accordance with their goals, functions, and designations;
- c. supervise and protect waqf property; and
- d. report the implementation of duties to the Indonesian Waqf Board.

The reading of the article shows that the nazir is not only authorized to maintain waqf property, but also has the authority to manage and develop waqf property. This development is carried out while still paying attention to the purpose and allocation of waqf as determined by the waqf.

The authority to manage productive waqf is affirmed in Article 42, which states that:<sup>69</sup> The nazir is obliged to manage and develop waqf property in accordance with its purpose, function, and designation.

This provision strengthens the position of the nazir as an active manager of waqf. Waqf management is not understood as limited to asset

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<sup>68</sup> Wakaf, "Pasal 11, Undang-Undang Nomor 41 Tahun 2004 Tentang Wakaf."

<sup>69</sup> Pasal 42, Undang-Undang Wakaf.

maintenance, but also includes development efforts so that waqf can provide sustainable benefits.

Furthermore, Article 43 affirms that:<sup>70</sup>

- 1) The management and development of waqf property by Nazhir as referred to in Article 42 is carried out in accordance with sharia principles.
- 2) The management and development of waqf property as intended in paragraph (1) is carried out productively.
- 3) In the case of the management and development of waqf property referred to in paragraph (1), a guarantor is required, then a sharia guarantor institution is used.

This provision explicitly uses the term productive, which indicates that the law opens up space for the management of waqf in the form of business activities or asset development that generate economic benefits, as long as it does not conflict with the principle of waqf.

Based on these provisions, Law Number 41 of 2004 normatively gives authority to nazir to manage and develop productive waqf within the limits determined by law, while maintaining the integrity of waqf assets and the purpose of their designation.

#### **4. Supervision of Waqf Management**

Supervision of waqf management in Law Number 41 of 2004 is regulated expressly and explicitly in separate provisions. This arrangement is intended to ensure that the management and development of waqf assets

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<sup>70</sup> Pasal 43, Undang-Undang Wakaf.

is carried out in accordance with the purpose of waqf and the provisions of laws and regulations.

Provisions regarding the development and supervision of waqf are regulated in Articles 63 – 64 of Law Number 41 of 2004. The Article states that:<sup>71</sup>

**Article 63**

- 1) The Minister conducts guidance and supervision of the implementation of waqf to realize the purpose and function of waqf.
- 2) Specifically regarding the guidance as referred to in paragraph (1) the Minister includes the Indonesian Waqf Board.
- 3) Guidance and supervision as referred to in paragraphs (1) and (2) are carried out by taking into account the suggestions and considerations of the Indonesian Ulama Council.

**Article 64**

In the context of coaching, the Minister and the Indonesian Waqf Agency can collaborate with community organizations, experts, international bodies, and other parties that are deemed necessary.

**Article 65**

In the implementation of supervision, the Minister can use public accountants. Article 66 Further provisions regarding the form of guidance and supervision by the Minister and the Indonesian Waqf Agency as intended in Article 63, Article 64, and Article 65 are regulated by Government Regulation.

This provision shows that the supervision of waqf is under the authority of the Minister of Religion as the state's representative in the implementation of waqf affairs.

Article 63 paragraph (2) states that "In carrying out guidance and supervision as intended in paragraph (1), the Minister shall include the Indonesian Waqf Board."

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<sup>71</sup> Wakaf, "Pasal 63-65, Undang-Undang Nomor 41 Tahun 2004 Tentang Wakaf."

This emphasizes that the supervision of waqf management is not only carried out by the Minister, but also involves the Indonesian Waqf Agency (BWI) as an institution that has the function of fostering and supervising waqf nationally. In Article 63 paragraph (3) states that:<sup>72</sup>

"Guidance and supervision as referred to in paragraph (1) and paragraph (2) are carried out by paying attention to the suggestions and considerations of the Indonesian Ulama Council."

The regulation of the supervision mechanism as stipulated in Article 63 of Law Number 41 of 2004 shows that waqf supervision is placed within the framework of public law. Supervision is not only administrative, but also carried out through coordination between institutions that have authority in the field of waqf. With this arrangement, the management of waqf normatively is in a structured supervision system and is clearly regulated by laws and regulations. Based on these provisions, the mechanism for supervising the management of waqf in Indonesia is carried out through the involvement of elements of the government, waqf institutions, and religious authorities in a single supervisory framework that is normatively regulated by law.

##### **5. Accountability and Accountability of Waqf Managers According to Law Number 41 of 2004 concerning Waqf**

Law Number 41 of 2004 concerning Waqf regulates the accountability and accountability of waqf managers as an important part of the waqf management system in Indonesia. This regulation regarding

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<sup>72</sup> Pasa 63 Undang-undang Wakaf.

accountability is intended to ensure that the management of waqf assets is carried out in a trustworthy, orderly, and accountable manner in accordance with the purpose of waqf and the provisions of applicable laws and regulations.

Accountability in waqf management is closely related to the obligation of waqf management institutions to account for the implementation of their duties and authorities. In the context of waqf institutions in Indonesia, the responsibility is normatively attached to the Indonesian Waqf Agency (BWI) as an institution that has a strategic role in fostering and supervising waqf nationally.

The provisions regarding the accountability and accountability of the Indonesian Waqf Agency are expressly regulated in Article 61 of Law Number 41 of 2004 concerning Waqf, which states that:<sup>73</sup>

- (1) Accountability for the implementation of the duties of the Indonesian Waqf Board is carried out through an annual report audited by an independent audit institution and submitted to the Minister.
- (2) The annual report as intended in paragraph (1) is announced to the public.

The article shows that the law normatively requires the Indonesian Waqf Board to prepare an annual report as a form of accountability for the implementation of its duties and authorities. The annual report is not only administrative, but must also be audited by an independent audit body. This

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<sup>73</sup> Wakaf, "Pasal 61, Undang-Undang Nomor 41 Tahun 2004 Tentang Wakaf."

audit obligation is intended to ensure that the management of waqf is carried out transparently and can be objectively accounted for.

The obligation to submit an annual report to the Minister shows the existence of a vertical accountability mechanism in the management of waqf. This emphasizes that waqf management is under state supervision and is not fully released to waqf management institutions without control from the government. The provisions of Article 61 paragraph (2) which requires the announcement of annual reports to the public show that the accountability of waqf management also has a dimension of public openness. With the announcement of the annual report to the community, waqf management is normatively placed within the framework of transparency, so that the community has access to information about waqf management.

Based on the provisions of Law Number 41 of 2004, it clearly regulates the accountability and accountability of waqf managers through annual reporting mechanisms, independent audits, accountability to the government, and information disclosure to the public. This arrangement shows that the management of waqf in Indonesia is carried out in a structured legal accountability system and aims to maintain public trust in the management of waqf assets. In addition to the reporting obligation, Law Number 41 of 2004 also regulates the accountability of waqf management through a supervisory mechanism as stipulated in Article 63. This provision emphasizes that the management of waqf is under state supervision through

the Minister of Religion by involving the Indonesian Waqf Board. The supervision mechanism is part of the nazir's accountability system in carrying out waqf management duties.

The accountability of waqf management is also strengthened by the provisions regarding the examination and supervision of waqf management. Article 65 of Law Number 41 of 2004 states that in the context of supervision, an examination of the management and development of waqf property can be carried out by the authorities. This provision shows that the accountability of the nazir is not only administrative, but can also involve an audit of the management of waqf.

Law Number 41 of 2004 regulates the accountability of waqf managers through sanctions. Article 67 states that:<sup>74</sup>

- 1) Every person who deliberately pledges, grants, sells, inherits, exchanges, or transfers in the form of other rights transfer of waqf property that has been waqf shall be punished with imprisonment for a maximum of 5 (five) years and/or a maximum fine of Rp500,000,000.00 (five hundred million rupiah).
- 2) Every person who deliberately changes the allocation of waqf property without permission as referred to in Article 44 shall be sentenced to imprisonment for a maximum of 4 (four) years and/or a maximum fine of Rp 400,000,000.00 (four hundred million rupiah).
- 3) Every person who deliberately uses or takes facilities for the results of the management and development of waqf property in excess of the amount specified as referred to in Article 12, shall be sentenced to imprisonment for a maximum of 3 (three) years and/or a maximum fine of Rp 300,000,000.00 (three hundred million rupiah).

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<sup>74</sup> Pasal 67, Ayat 1-3, Undang-Undang Wakaf.

Showing that the accountability of waqf management is not only administrative, but also has criminal law consequences in the event of misuse of waqf assets. With this sanction arrangement, the management of waqf is placed in a strict legal accountability system.

Based on these provisions, Law Number 41 of 2004 normatively regulates the accountability and accountability of waqf managers through reporting obligations, supervision mechanisms, examinations, and the imposition of legal sanctions. This arrangement shows that the management of waqf in Indonesia is carried out within a legal framework that emphasizes the responsibility of the waqf manager towards the waqf assets entrusted to him.

## **B. Management of Productive Waqf in Malaysia (State of Selangor)**

### **1. Position of the Selangor Islamic Religious Council (MAIS)**

The management of waqf in the State of Selangor is regulated in the Selangor State Waqf Enactment 2015. This enactment stipulates the Selangor Islamic Religious Council (MAIS) as the trustee of all waqf properties located in the State of Selangor. This provision confirms that legally, waqf assets are under the authority of the Majlis.

The Selangor State Waqf Enactment 2015 stipulates that the Council has the authority to manage, manage, and administer waqf.<sup>75</sup> With the appointment of the Council as the trustee, the management of waqf in

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<sup>75</sup> Finna Apriyani, Moh Khamim, and Moh Taufik, "Mechanisms for the Management and Supervision of Stock Waqf in Indonesia and Malaysia," *Journal of Indonesian Islamic Studies (JSII)* 2, no. 1 (2024): 67–86.

Selangor is carried out in an institutional structure under the Selangor Islamic Religious Council. This provision shows that normatively, the management of waqf in the State of Selangor is carried out by state religious institutions that are officially determined based on the applicable laws and regulations.

The state in this case plays a role in regulating and supervising, without directly taking over the management of waqf at the operational level. Meanwhile, the Selangor State Waqf Enactment 2015 places the management of waqf in an institutional structure centred on the Selangor Islamic Religious Council as the sole trustee. All waqf property is legally under the authority of the Council, so that the management, management, and administration of waqf are carried out in the same institutional line. This arrangement shows that the waqf system in Selangor is built with a more centralized institutional approach, where state religious institutions play a major role in the management of waqf.

## **2. Waqf Manager and Centralized Management System**

Regulations regarding the legal status of waqf managers in the State of Selangor are regulated in the Selangor State Waqf Enactment 2015. This enactment stipulates the Selangor Islamic Religious Council (MAIS) as the trustee of waqf.

The provision is affirmed in Seksyen 4, which explains and states that:<sup>76</sup>

- 1) The Council shall be the sole trustee of all waqf located within the State of Selangor and shall have the authority to-
  - (a) Creating a Corporation;
  - (b) appoint or give written permission to any person to be an administrator or manager and hold any mawquf on his behalf; and
  - (c) recognise the appointment of any administrator or manager in a situation where the waqif has already appointed its own administrator or manager subject to the terms and conditions prescribed by the Council.
- 2) Any manager or administrator appointed under paragraphs (b) and (c) shall have the duties and responsibilities as prescribed by the Council.
- 3) The Council may withdraw the recognition of the appointment of administrators or managers appointed by the waqif who in the opinion of the Council are desirable to do so.
- 4) The Council shall have all powers to do all things that are reasonably necessary for or incidental to the performance of its obligations and responsibilities under this Enactment.

This provision shows that all waqf assets in the State of Selangor are under the mandate of the Selangor Islamic Religious Council.

Seksyen 4 The Selangor State Waqf Enactment 2015 states that:<sup>77</sup>

- (1) The Council shall be the sole trustee of all waqf located within the State of Selangor and shall have the authority to-
  - (a) Creating a Corporation;
  - (b) appoint or give written permission to any person to be an administrator or manager and hold any mawquf on his behalf; and
  - (c) recognise the appointment of any administrator or manager in a situation where the waqif has already appointed its own administrator or

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<sup>76</sup> Negeri Selangor, "Seksyen 4, Enakmen-Wakaf-Negeri-Selangor-2015." N.D.

<sup>77</sup> Seksyen 4, Negeri Selangor.

manager subject to the terms and conditions prescribed by the Council.

- (2) Any manager or administrator appointed under paragraphs (b) and (c) shall have the duties and responsibilities as prescribed by the Council.
- (3) The Council may withdraw the recognition of the appointment of administrators or managers appointed by the waqif who in the opinion of the Council are desirable to do so.
- (4) The Council shall have all powers to do all things that are reasonably necessary for or incidental to the performance of its obligations and responsibilities under this Enactment.

The reading of the Seksyen emphasizes that the legal position of waqf property is directly attached to the Majlis as an official institution stipulated by the state enactment. With this determination, the Selangor State Waqf Enactment 2015 places the legal status of institutional waqf managers at the Selangor Islamic Religious Council. All authority for the management and administration of waqf is exercised by the Council in accordance with the Islamic law and the provisions of the applicable laws and regulations.

The regulation regarding the legal status of waqf managers in Law Number 41 of 2004 shows that nazirs are placed as independent legal subjects. Nazir obtains his legal status directly from the handover of waqf assets by the waqf and is recognized by law as the authority to manage and develop waqf. The regulation of the form, requirements, and duties and obligations of nazir which are regulated in detail in Articles 9 to 11 show that the waqf law in Indonesia pays considerable attention to the personal

and institutional aspects of nazir. The position of the nazir is not only seen from the formal side as a waqf manager, but is also associated with the moral requirements, abilities, and legal responsibilities inherent in him.

The Selangor State Waqf Enactment 2015 places the legal status of waqf managers differently by making the Selangor Islamic Religious Council the sole trustee of waqf. In this arrangement, the position of waqf manager is not attached to individuals or organizations separately, but directly to state religious institutions. The Council does not only act as the trustee of the waqf property, but also has the authority to appoint, recognize, or withdraw the appointment of the manager or administrator of the waqf. This arrangement shows that the legal status of waqf managers in Selangor is institutional and centralized, with the Majlis as the main point of legal accountability for the management of waqf.

### **3. The Authority of Productive Waqf Management in the State of Selangor**

The Selangor State Waqf Enactment 2015 regulates the authority of the Council in the management of waqf. The regulation regarding this authority is no longer related to the legal position of the Council, but concerns the scope of legal action that can be taken by the Council against the waqf property.<sup>78</sup>

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<sup>78</sup> Settle Waqf Legislative Conflict I N Malaysia, "Aplikasi Model Teori Al-Wilayah: Cadangan Penyelesaian Konflik Perundangan Wakaf Di Malaysia," N.D.

The authority to manage waqf by the Council is affirmed in Seksyen 6 - 8 of the Selangor State Waqf Enactment 2015, which states that:<sup>79</sup>

**Council's power to grant property**

- 1) The Council can purchase any property for the purpose of waqf using money from-
  - a. Waqf Fund;
  - b. Baitulmal; or
  - c. other sources that are permissible according to Sharia Law.
- 2) The Registrar of Waqf shall register any property purchased by the Council under subSeksyen (1) as mawquf.

**Council's power for istibdal**

The Council may declare any mawquf subject to Seksyen 41.

**Delegation of the duties or powers of the Council**

- 1) The Council may, by resolution, and subject to such conditions and restrictions as the Council deems appropriate, delegate to the Corporation the performance of any of its obligations or the exercise of any of its powers under this Enactment.
- 2) The exercise of duties and the exercise of powers pursuant to the representation under subSeksyen (1) shall be subject to the control and direction of the Council.
- 3) The Corporation shall notify the Council of all actions and matters done by it according to the representative.”

This provision provides a legal basis for the Council to carry out various management actions on waqf assets, including waqf management and administration activities. The phrase manage and *mentadbir* shows that the Majlis not only functions as a formal trustee, but also as a party that actively carries out waqf management. These authorities include the management of waqf assets, the use of waqf assets, and efforts to develop waqf in order to provide sustainable benefits in accordance with the purpose of waqf. Thus, the Selangor State Waqf Enactment 2015 gives the authority to the Council to carry out the management of waqf actively and

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<sup>79</sup> Negeri Selangor, “Seksyen 6-8, Enakmen-Wakaf-Negeri-Selangor-2015.”

institutionally based on sharia law and the provisions of the enactment. the authority to manage productive waqf in Law Number 41 of 2004 shows that the nazir is positioned as a party that has an active role in the management of waqf.

The authority given to the nazir is not only limited to the administration or maintenance of waqf assets, but also includes the management and development of waqf productively. The affirmation of the obligation to manage productively as stipulated in Article 42 and Article 43 shows that the waqf law in Indonesia has opened up space for the use of waqf in the form of economic or business activities, as long as it is based on sharia principles and the purpose of waqf that has been determined by the waqf. Thus, the authority of the nazir in the Indonesian legal system is direct and operational, because the nazir is directly dealing with the waqf assets he manages.

The Selangor State Waqf Enactment 2015 regulates the authority to manage productive waqf with a more institutional approach. The authority to manage waqf is attached to the Selangor Islamic Religious Council as the sole trustee, with a fairly wide scope of authority. The Council is not only empowered to manage and administer waqf, but also has strategic authority such as purchasing property for waqf purposes, performing istibdal on waqf property, as well as delegating the exercise of its obligations or powers to the Corporation. This arrangement shows that the authority to manage waqf in Selangor is designed to provide

institutional flexibility in developing waqf, especially in the context of productive waqf which requires professional and coordinated management.

#### 4. Waqf Supervision

The mechanism for supervising the management of waqf in the State of Selangor is regulated in the Selangor State Waqf Enactment 2015 and is directly attached to the position of the Selangor Islamic Religious Council (MAIS) as the sole trustee of waqf. In contrast to the system in Indonesia that separates management and supervision functions, the Selangor State Waqf Enactment 2015 places the two functions in one institution.

The normative basis of waqf supervision in the State of Selangor stems from the provisions of Part II Seksyen 4, which stipulates that:<sup>80</sup>

- 1) The Council shall be the sole trustee of all waqf located within the State of Selangor and shall have the authority to-
  - a. Creating a Corporation;
  - b. appoint or give written permission to any person to be an administrator or manager and hold any mawquf on his behalf; and
  - c. recognise the appointment of any administrator or manager in a situation where the waqif has already appointed its own administrator or manager subject to the terms and conditions prescribed by the Council.
- 2) Any manager or administrator appointed under paragraphs (b) and (c) shall have the duties and responsibilities as prescribed by the Council.
- 3) The Council may withdraw the recognition of the appointment of administrators or managers appointed by the waqif who in the opinion of the Council are desirable to do so.
- 4) The Council shall have all powers to do all things that are appropriate, beneficial or reasonably necessary for or incidental

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<sup>80</sup> Negeri Selangor, "Sekysen 4, Enakmen-Wakaf-Negeri-Selangor-2015.Pdf."

to the performance of its responsibilities and responsibilities under this Enactment.

The appointment of the Council as the sole trustee places all responsibility for the management and supervision of waqf under the Council as an institution stipulated by state law.

The authority of the Council in carrying out the management and administration of waqf as stipulated in Seksyen 6 of the Selangor State Waqf Enactment 2015, which states that:<sup>81</sup>

- 1) The Council can purchase any property for the purpose of waqf using money from-
  - a. Waqf Fund;
  - b. Baitulmal; or
  - c. other sources that are permissible according to Sharia Law.
- 2) The Registrar of Waqf shall register any property purchased by the Council under subSeksyen (1) as mawqf.

This provision is the normative basis for the Majlis to supervise the management of waqf, because the authority to manage and administer waqf legally also contains the responsibility to ensure that the management of waqf is carried out in accordance with sharia law and the provisions of the enactment. Although the Selangor State Waqf Enactment 2015 does not regulate the waqf supervision mechanism in a single stand-alone provision, normative supervision can still be traced from the position of the Council as the sole trustee of waqf.

This position places the Council not only as the manager of waqf, but also as the party responsible for ensuring that the management and

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<sup>81</sup> Seksyen 9, Negeri Selangor.

administration of waqf is carried out in accordance with the sharia law and the provisions of the enactment. The mechanism for supervising waqf management in Law Number 41 of 2004 shows that waqf supervision is clearly placed within the framework of public law. The State, through the Minister of Religion, plays a major role in fostering and supervising the implementation of waqf. The involvement of the Indonesian Waqf Board and the considerations of the Indonesian Ulama Council show that waqf supervision in Indonesia is designed as a collective and layered system.

This arrangement provides an idea that supervision is not only interpreted as administrative control, but also as an effort to maintain the conformity of waqf management with the purpose of waqf and sharia principles. The waqf supervision mechanism in Indonesia is also strengthened through the possibility of using public accountants and cooperation with various parties as stipulated in Article 64 and Article 65. This shows that waqf supervision is not entirely internal, but can involve independent parties to ensure accountability and transparency in waqf management. Thus, waqf supervision in Indonesia is built in a separate structure between the waqf manager and the supervisor, so that the control function is placed outside the direct manager of the waqf.

##### **5. Accountability and Accountability of Waqf Managers**

The accountability and accountability of waqf management in the State of Selangor is regulated normatively in the Selangor State Waqf Enactment 2015 through provisions on account management and reporting

of the Waqf Fund. This arrangement shows that the management of waqf in Selangor is placed within the framework of administrative and financial accountability which is regulated in writing by the state law.

The provisions regarding the accountability of waqf management are regulated in Seksyen 39 of the Selangor State Waqf Enactment 2015 concerning *Accounts and Reports of the Waqf Fund*. Seksyen 39 states that the Corporation shall:<sup>82</sup>

- a. cause to keep proper accounts and other records in respect of the administration of the Waqf Fund;
- b. menyebabkan supaya disediakan suatu penyata akaun Kumpulan Wang Wakaf bagi setiap tahun kewangan;
- c. cause the Waqf Fund's account statements to be audited at the end of each financial year by the auditor; and
- d. upon receipt of the statement of accounts of the Waqf Fund which has been audited under paragraph (c), submit the statement of account to the Council.”

Waqf management in the State of Selangor must be carried out with the principle of financial accountability through recording, reporting, and auditing of Waqf funds. The obligation to keep accounts, compile financial reports, and conduct audits is a form of formal accountability in waqf management.

Seksyen 39 SubSeksyen (b) empowers the Council to direct the Corporation to submit financial statements of the Waqf Fund from time to time. This provision strengthens the accountability mechanism for waqf management, because the Majlis has the authority to request reports as a form of administrative supervision. Seksyen 39 paragraph (c) provides that

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<sup>82</sup> Negeri Selangor, “Seksyen 36, Enakmen-Wakaf-Negeri-Selangor-2015.Pdf.”

the financial year for the Waqf Fund begins on 1 January and ends on 31 December every year. This arrangement shows that the accountability of waqf management in the State of Selangor is carried out in an orderly and sustainable financial administration system.

### **C. Comparison of Productive Waqf Management between Indonesia and Malaysia**

#### **1. Similarities in Productive Waqf Management in Indonesia and Malaysia**

The management of productive waqf in Indonesia and Malaysia shows a number of fundamental similarities, although the two countries have different legal systems and institutional patterns. This equation is a starting point to understand the direction of waqf management before discussing the more specific differences between the two.

Waqf in Indonesia and Malaysia is not understood solely as individual worship. Waqf is also placed as a social instrument that has economic potential. The management of productive waqf is directed to produce sustainable benefits while maintaining the existence of the principal waqf assets. The principle of holding waqf assets and utilizing the proceeds for the public interest is the same basis in the practice of waqf management in both countries. The management of productive waqf in Indonesia and Malaysia is within a written legal framework. The existence of laws and regulations and waqf enactments shows that waqf management does not run informally.

Waqf is regulated normatively to ensure legal certainty and orderly management. This condition reflects the similarity of the orientation of the two countries in strengthening the position of waqf as part of the national legal system.

Another similarity can be seen in the emphasis on the role of institutions in the management of productive waqf. Indonesia and Malaysia place official institutions as parties that have authority in the development and supervision of waqf. The institutional role is aimed at ensuring that waqf management runs professionally, accountably, and in accordance with the goals of waqf that have been set. These similarities show that in principle, Indonesia and Malaysia have a parallel direction in the management of productive waqf. This similarity in direction is an important basis for understanding the differences in the waqf management system in the two countries, which will be discussed in the next subchapter.

## **2. Differences in Institutional Systems and Productive Waqf Management**

The management of productive waqf in Indonesia and Malaysia shows quite fundamental differences in institutional aspects and management patterns. These differences are not only related to organizational structure, but also affect the way productive waqf is carried out in practice.

The productive waqf management system in Indonesia involves several institutional actors with different roles divisions. The Indonesian

Waqf Agency carries out the function of coaching and supervision, the Ministry of Religion plays a role in administration and coaching, while the nazir acts as the direct manager of waqf assets. This pattern reflects a multi-layered and relatively decentralized management system.

The management of productive waqf in Malaysia, especially in the State of Selangor, is under the authority of the Selangor Islamic Religious Council (MAIS). This institution acts as the sole trustee of waqf, so that the authority for the management, supervision, and development of waqf is centralized in one institution. This pattern indicates a more integrated and centralized management system. These differences in institutional structure bring different consequences in the practice of productive waqf management. The decentralized system provides a wider space for nazirs to manage and develop waqf. This condition also has the potential to cause differences in the quality of management between nazirs as well as challenges in coordination and supervision. Centralized systems allow coordination and decision-making to run faster. High dependence on one institution is a consequence of this management pattern.

### **3. Implications of System Differences on Productive Waqf Management**

The differences in the productive waqf management system in Indonesia and Malaysia have implications for the effectiveness and accountability of waqf management. This implication can be seen in the aspects of management, supervision, and development of productive waqf.

The waqf management system centralized in the State of Selangor encourages more targeted coordination because the authority is in one main institution. This pattern supports policy consistency and uniformity in waqf management. High dependence on the capacity of the management institution is a consequence of the system. The performance of the institution has a direct effect on the success of the overall management of productive waqf. The productive waqf management system in Indonesia involves many institutional actors. This pattern opens up space for participation and innovation for nazirs in managing waqf. Differences in capacity between nazirs can affect the quality of productive waqf management. Coordination between institutions is a challenge in maintaining management consistency.

Differences in waqf management systems also have an impact on the supervision and accountability mechanism. Centralized systems make it easier to supervise because they are in one institutional structure. The risk of limited external supervision still needs to be considered. Layered systems allow for checks and balances mechanisms. The effectiveness of supervision often depends on synergy between the institutions involved.

#### **4. Allocation of Productive Waqf Management Results in Indonesia and Selangor Malaysia**

The results of productive waqf management in Indonesia and Malaysia show a different trend in practice. In Indonesia, the results of productive waqf are more directed to the educational, religious, and socio-

economic sectors of the community. Data from the Indonesian Waqf Agency shows that the use of waqf land is still dominated for mosques and prayer rooms by 65.2%, education by 18.7%, social by 8.9%, and productive economy by around 4.8%.<sup>83</sup> This condition shows a strong waqf orientation to direct social functions, although there are development efforts through small business programs, agriculture, and waqf-based education asset management.

The direction of the allocation of productive waqf proceeds in Selangor shows a more integrated pattern in asset development. Management by the Selangor Waqf Corporation includes the construction and utilization of waqf properties in the form of commercial buildings, educational institutions, and religious facilities that are rented to generate sustainable income. Until 2022, the area of managed waqf property assets reached around 1,741 hectares with an estimated value of RM1.8 billion, which was then utilized through lease schemes and asset development.<sup>84</sup> Concrete examples can be seen in the development of educational projects such as the Selangor Science Tahfiz Integration Maahad (MITSS), as well as the development of mosque assets such as the Denai Alam Mosque and the Prima Saujana Mosque which are part of the waqf asset optimization

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<sup>83</sup> Badan Wakaf Indonesia, "Data Wakaf Nasional," diakses melalui: <https://www.bwi.go.id/data-wakaf/>, diakses pada 16 April 2026.

<sup>84</sup> Perbadanan Wakaf Selangor, "Hartanah Wakaf," diakses melalui: <https://www.wakafselangor.gov.my/hartanah-wakaf/>, diakses pada 16 April 2026.

strategy.<sup>85</sup> In addition, the corporate waqf model through the Selangor Muamalat Waqf program shows the strengthening of waqf investment based on cooperation with financial institutions to support the education and health sectors.<sup>86</sup>

**Tabel 3. 1** Productive Waqf Management in Indonesia and Malaysia

<b>Aspects</b>	<b>Indonesia</b>	<b>Malaysia (State of Selangor)</b>	<b>Implications / Effects</b>
<b>Legal Basis of Waqf</b>	Law Number 41 of 2004 concerning Waqf.	Selangor State Waqf Enactment 2015.	Differences in legal bases affect the institutional model and pattern of productive waqf management in each country.
<b>Productive Waqf Position</b>	Waqf can be managed and developed productively for the public welfare (Article 43 of Law No. 41 of 2004).	Waqf is managed for the purpose of sustainable benefits under the authority of MAIS (Seksyen 4 and Seksyen 25 of the Selangor Waqf Enactment 2015).	Both countries recognize the concept of productive waqf, but the implementation mechanism is different.
<b>Waqf Management Board</b>	Nazir as a waqf manager with guidance and supervision by the Indonesian Waqf Agency (Article 9 and Article 49 of Law No. 41 of 2004).	Selangor Islamic Religious Council (MAIS) as the sole trustee of waqf (Seksyen 6 of the Selangor Waqf Enactment 2015).	Indonesia implements a layered system, while Selangor implements a centralized system.

<sup>85</sup> Dewan Negeri Selangor, "Tanah Wakaf yang Didaftarkan di Perbadanan Wakaf Selangor," diakses melalui: <https://dewan.selangor.gov.my/question/tanah-wakaf-yang-didaftarkan-di-perbadanan-wakaf-selangor/>, diakses pada 16 April 2026.

<sup>86</sup> Asharaf Mohd Ramli and Abdullaah Jalil, "Model Perbankan Wakaf Korporat: Analisis Wakaf Selangor Muamalat.," *Jurnal Pengurusan* 42 (2014).

<b>Waqf Management Authority</b>	Nazir is authorized to manage and develop waqf assets in accordance with the waqf pledge (Article 11 of Law No. 41 of 2004).	Management authority and the development of waqf is in MAIS (Seksyen 25 of the Selangor Waqf Enactment 2015).	Differences in authority affect the flexibility and speed of productive waqf management.
<b>Accountability and Accountability</b>	Nazir is required to submit a waqf management report to BWI and the government (Article 52 and Article 63 of Law No. 41 of 2004).	MAIS is responsible for the management and reporting of waqf as a trustee of the state waqf (Seksyen 32 of the Selangor Waqf Enactment 2015).	Indonesia emphasizes accountability through multi-layered reporting, while Selangor emphasizes institutional accountability within a single institution.

It can be concluded that the management of productive waqf in Indonesia and the State of Selangor is both placed within a written legal framework and managed through official institutions that have the authority to maintain the mandate of waqf. However, the fundamental difference lies in the institutional design applied in each region. Indonesia implements a layered institutional system with a division of roles between nazir as the direct manager of waqf and the Indonesian Waqf Agency and the Ministry of Religion as a supervisory and supervisory institution. Meanwhile, the State of Selangor implements a centralised institutional system by placing the Selangor Islamic Religious Council as the sole trustee of the waqf. The difference in institutional arrangements shows that the management of productive waqf is not only determined by the existence of regulations alone, but also by how the authority, management mechanism, and waqf

accountability system are regulated and run. Thus, the effectiveness of productive waqf management is greatly influenced by the institutional structure built by each legal system, both in terms of management, supervision, and accountability of productive waqf.

## CHAPTER IV

### CLOSING

#### A. Conclusion

Based on the results of research and discussion on the institutional management of productive waqf in Indonesia and Selangor, it can be concluded that:

1. The institutional regulation of productive waqf management in Indonesia under Law Number 41 of 2004 on Waqf indicates that waqf management is carried out through a multi-layered institutional system. *Nāzir* are positioned as the direct managers of waqf assets, while the Indonesian Waqf Board (BWI) plays a role in guidance and supervision, and the Ministry of Religious Affairs performs administrative and supervisory functions. This regulatory framework reflects a relatively decentralized model of waqf management, characterized by the distribution of authority among multiple institutions.
2. The institutional regulation of productive waqf management in the State of Selangor, Malaysia, under the Selangor State Waqf Enactment 2015 places the Selangor Islamic Religious Council (Majlis Agama Islam Selangor/MAIS) as the sole trustee of waqf. All authority related to the management, supervision, and development of waqf is vested in a single institution. This regulatory arrangement reflects a centralized and integrated waqf management system within one institutional structure.

3. The similarities and differences in productive waqf management between Indonesia and the State of Selangor can be observed in their institutional frameworks. Indonesia places waqf within a national legal framework involving multiple institutions; however, in practice, it reflects a decentralized institutional pattern, resulting in management and supervision that are not yet fully optimal and tend to vary across regions. This condition affects the level of effectiveness and accountability, which remains uneven. In contrast, the State of Selangor implements a centralized institutional system under a single authority, leading to more integrated management processes, more consolidated supervision mechanisms, and relatively higher levels of effectiveness and accountability. Therefore, the institutional model of waqf in the State of Selangor demonstrates a higher level of optimization compared to Indonesia in the context of productive waqf management.

#### **B. Suggestion**

Based on the results of the research and the conclusions that have been described, the author provides some suggestions as follows:

1. For the Indonesian Waqf Agency (BWI), it is hoped that it can strengthen the role of coaching and supervision of productive waqf nazirs, especially in order to improve the professionalism, transparency, and accountability of waqf management. Strengthening coordination between BWI and nazir is also important to minimize overlapping authority in waqf management practices.

2. For the Ministry of Religion of the Republic of Indonesia, it is hoped that it can optimize the function of fostering and facilitating waqf institutions, especially in supporting the synergy between BWI and nazir. In addition, efforts are needed to strengthen technical regulations to encourage more effective and coordinated management of productive waqf.
3. For Nazir Waqf, it is hoped that it can increase institutional capacity and competence in productive waqf management so that waqf management not only runs administratively, but is also able to provide sustainable economic benefits. The professionalism of the nazir is an important factor in supporting the success of productive waqf management.
4. For the Selangor Islamic Religious Council, MAIS is expected to continue to maintain the consistency of centralized productive waqf management while still paying attention to the aspects of accountability and supervision. Strengthening the internal evaluation mechanism is important so that the productive waqf management system continues to run effectively and sustainably.
5. To the next researcher, it is recommended to develop this research by expanding the research approach, both through empirical research on the practice of productive waqf management in the field and by expanding the object of study to other regions or countries. The follow-up research is expected to make a more comprehensive contribution to the development of productive waqf management in the future.

## BIBLIOGRAPHY

- Ahmad, Ahmad, Muhammad Fachrurrazy, Mia Amalia, Engrina Fauzi, Selamat Lumban Gaol, Dirah Nurmila Siliwadi, and Takdir Takdir. *Buku Ajar Metode Penelitian & Penulisan Hukum*. PT. Sonpedia Publishing Indonesia, 2024.
- Alam, Seseop Saepul. "Studi Komparatif: Pengelolaan Wakaf Di Indonesia, Malaysia Dan Saudi Arabia." *An Nuqud Journal of Islamic Economics* 2, no. 1 (2023): 25–33.
- Amin, Restu. "Tantangan Maupun Peluang Pengelolaan Wakaf Produktif Di Indonesia." *EKSYA: Jurnal Ekonomi Syariah* 5, no. 2 (2024): 88–98.
- An-Nawawi, Imam. "Al Majmu' Syarah Al Muhadzab." *Maktabah Syamilah, Juz* 9 (2010).
- Anggraini, Rossy. "Kontrak, Skema Dan Underlying Asset Sukuk Berbasis Wakaf Pada Tiga Negara (Malaysia, Singapura, Dan Indonesia)." Universitas Islam Negeri Maulana Malik Ibrahim, 2018.
- Anwar, Muhammad Saeful. "Analisis Komparatif Perspektif Hukum Positif Dan Ulama Buntet Pesantren Cirebon Tentang Wakaf Muaqqat Sebagai Pemberdayaan Masyarakat." S1-Hukum Keluarga IAIN SNJ, 2024.
- Apriyani, Finna, Moh Khamim, and Moh Taufik. "Mekanisme Pengelolaan Dan Pengawasan Wakaf Saham Di Indonesia Dan Malaysia." *Jurnal Studi Islam Indonesia (JSII)* 2, no. 1 (2024): 67–86.
- Arraniry, Mtabdkui. "Halangan Pengembangan Tanah Wakaf Produktif Di Negeri Selangor, Malaysia Challenges In Developing Productive Waqf Land In Selangor, Malaysia." *Journal Awqaf, Zakat And Hajj (Jawhar)*, n.d., 23.
- Azkiya, Hadiz. "No Title," n.d. <https://hadits.tazkia.ac.id/hadits/bab/2:723>.
- Bashori, Dhofir Catur, Mifatahul Hasanah, and Hasna Huwaida. "Model Pengelolaan Wakaf Produktif Di Era Digital Dalam Perspektif Maqashid

Syari'ah." *At-Tasharruf" Jurnal Kajian Ekonomi Dan Bisnis Syariah* 7, no. 1 (2025): 1–15.

Binti Talib, Hasliza, Nazneen Binti Ismail, Jabatan Usuluddin Akademi Islam Kuis, Nurzatil Ismah Binti Azizan, Jabatan Al-Quran Dan Al-Sunnah, And Akademi Islam Kuis. "Pembangunan Dana Wakaf: Kajian Di Perbadanan Wakaf Selangor," N.D.

Budiman, Muh Arief Budiman Muh Arief. "Keabsahan Dan Pengelolaan Wakaf Ahli (Keluarga)." *Jurnal Ekonomi Dan Bisnis (Ekobis-DA)* 1, no. 2 (2020).

Dahlan, Rahmat, Eko Susanto, And Ita Sitasari. *Berwakaf Cerdas: Praktis Untuk Calon Wakif Di Era Modern*. Penerbit Kbm Indonesia, 2025.

Direktorat Pemberdayaan wakaf. *Fiqih Wakaf*, n.d.

Fauzia, Amelia, Nani Almuin, Tati Rohayati, and Endi Aulia Garadian. *Fenomena Wakaf Di Indonesia: Tantangan Menuju Wakaf Produktif*. Badan Wakaf Indonesia, 2016.

Gozali, Djoni S. "Pengantar Perbandingan Sistem Hukum," 2020.

Hamzah, Imron. *Buku Syariah 5.0: Kajian Maqasidi Atas Transformasi Wakaf, Mawarits, Dan Hukum Keluarga Islam Modern*. Penerbit Widina, 2025.

Hendrik, Mohamad, and Mufidah Mufidah. "Peran Badan Wakaf Indonesia Pasca Terbitnya Undang-Undang Nomor 41 Tahun 2004 Tentang Wakaf." *SALAM: Jurnal Sosial Dan Budaya Syar-I* 6, no. 5 (2019): 417–46.

Hidayat, Ahmad. "Wakaf Produktif: Implementasi UU No. 41 Tahun 2004 Tentang Wakaf." *Bil Dalil: Jurnal Hukum Keluarga Islam* 1, no. 01 (2016): 1–30.

Huda, Muhammad Hasbulloh, And Muhammad Madarik. "PRAKTIK ISTIBDAL WAKAF DALAM PERSPEKTIF IMAM SYAFI'I DAN UNDANG-UNDANG NO. 41 TAHUN 2004: Analisis Kemaslahatan Dan Maqāṣid Al-Syarī 'Ah." *MAQASHID* 7, No. 2 (2024): 67–79.

Huda, Nurul. "Akuntabilitas Sebagai Sebuah Solusi Pengelolaan Wakaf," 2015.

Ibrahim, Muhammad Buchori, Fifian Permata Sari, Lalu Puji Indra Kharisma, Indra Kertati, Putu Artawan, I Gede Iwan Sudipa, Peran Simanihuruk, Gusti Rusmayadi, Mas' ud Muhammadiyah, and Eko Nursanty. *Metode Penelitian Berbagai Bidang Keilmuan (Panduan & Referensi)*. PT. Sonpedia Publishing Indonesia, 2023.

Ilham, Zati, Abdul Manaf, Sharifah Zubaidah, And Syed Abdul. "Examining The Evolution Of Waqf Regulations In Selangor : An Analysis Of The Governance Framework And Transformative Approach Meneliti Evolusi Undang-Undang Wakaf Di Selangor : Suatu Analisa Ke Atas Kerangka" 27, No. December (2019): 337–65.

Irwansyah, Shindu Irwansyah Shindu Irwansyah Shindu, Zia Firdaus Nuzula Zia Firdaus Nuzula, and Zia Firdaus Nuzula. "Mewujudkan Kemandirian Pesantren Darul Falah Cimenteng Subang Dengan Konsep Wakaf Produktif Dan Penerapan Prinsip Hukum Islam." *Jurnal Ilmiah Ekonomi Islam* 8, no. 3 (2022): 3613–26.

Kader, Sharifah Zubaidah Syed Abdul. "Kerangka Undang-Undang Pengurusan Wakaf Di Malaysia: Ke Arah Keseragaman Undang-Undang." *Jurnal Undang Undang Malaysia* 28, no. 1 (2016): 101–26.

Lukito, Ratno. "'Compare But Not to Compare': Kajian Perbandingan Hukum Di Indonesia." *Undang: Jurnal Hukum* 5, no. 2 (2022): 257–91.

Malaysia, Settle Waqf Legislative Conflict I N. "Aplikasi Model Teori Al-Wilayah: Cadangan Penyelesaian Konflik Perundangan Wakaf Di Malaysia," N.D.

Marzuki, Mahmud. *Penelitian Hukum: Edisi Revisi*. Prenada Media, 2017.

Masriyah, Siti. "Peran Wakaf Produktif Dalam Kesejahteraan Masyarakat." *Jurnal Ilmiah Ekonomi Islam* 10, no. 1 (2024): 627–31.

- Masyhadi, Ahmad, and M Mar'il Farochi. "Efektivitas Wakaf Produktif Sebagai Instrumen Keuangan Sosial Islam: Perspektif Hukum Islam." *Al-Musthofa: Journal of Sharia Economics* 8, no. 1 (2025): 130–47.
- Mubarok, Abu Hazim. *Fiqh Idola (Tejemah Fathul Qorib 2)*, 2013.
- Mustofa, Imam. "Hukum Islam Kontemporer: Studi Komparatif Regulasi Wakaf Uang Dan Implementasinya Di Indonesia Dan Malaysia." Idea Press, 2022.
- Mustofa, Imam, Dri Santoso, and Upia Rosmalinda. "Manajemen Wakaf Uang Untuk Pengembangan Sektor Pendidikan: Studi Komparatif Di Malaysia Dan Indonesia." IAIN Metro, 2020.
- Nasution, Ahmad Risqi Syahputra. "Identifikasi Permasalahan Penelitian." *ALACRITY: Journal of Education*, 2021, 13–19.
- Negeri Selangor. "Enakmen-Wakaf-Negeri-Selangor-2015.Pdf," N.D.
- Nisa, Adelia. "Pengelolaan Wakaf Produktif Dalam Perspektif Hukum Positif Dan Hukum Ekonomi Syariah (Studi Pada Badan Wakaf Indonesia Provinsi Lampung)." Uin Raden Intan Lampung, 2023.
- Nissa, Choirun. "Sejarah, Dasar Hukum Dan Macam-Macam Wakaf." *Tazkiyya: Jurnal Keislaman, Kemasyarakatan Dan Kebudayaan* 18, no. 02 (2017): 205–19.
- Nugroho, Sigit Spto, Anik Tri Haryani, and Farkhani Farkhani. "Metodologi Riset Hukum." *Oase Pustaka, Surakarta*, 2020.
- Nurwakhid, Purwadi Nasrun. "Pengaruh Pengelolaan Wakaf Produktif Berbasis Pondok Pesantren Terhadap Pemberdayaan Masyarakat (Studi Kasus Di Pondok Modern Darussalam Gontor)." Universitas Islam Negeri Sultan Syarif Kasim Riau, 2025.
- Partono, Teguh, and Rohmad Adi Yulianto. "Analisis Yuridis Implementasi Peran Badan Wakaf Indonesia Dalam Pengelolaan Dan Pengembangan Wakaf Perspektif Kemanusiaan." *Veritas* 9, no. 1 (2023): 105–21.

- Permana, Yudi, and Meirani Rahayu Rukmanda. "Wakaf: Tinjauan Fiqh, Dasar Hukum, Dan Implementasinya Di Indonesia." *Al-Kharaj: Jurnal Ekonomi, Keuangan & Bisnis Syariah* 3, no. 2 (2021): 154–68.
- Pratama, Muhammad Rakasyah. "Pandangan Hukum Terhadap Pengelolaan Investasi Melalui Wakaf: Analisis Terhadap Badan Wakaf Indonesia (BWI)." *Al-Zayn: Jurnal Ilmu Sosial & Hukum* 3, no. 2 (2025): 274–80.
- Ratmi, Salsabila Akriza. "Sistem Pengelolaan Wakaf Produktif Oleh Lembaga Nazhir Wakaf Ibadurrahman Duri Kecamatan Mandau Dalam Perspektif Ekonomi Syariah." Universitas Islam Negeri Sultan Syarif Kasim Riau, 2024.
- Review, Business. "Productive Waqf Development Model: A Comparative Study between Indonesia and Malaysia Trisno Wardy Putra 1 , Jumadil Saputra 2 , Bayu Taufiq Possumah 3 , Moch. Yofaldy Ichsan Hasyim 4" 17, no. 1 (2023): 13–35.
- Ridwansah, Asep Ahmad. "Pengelolaan Wakaf Produktif Berbasis Nilai Islam Upaya Mewujudkan Ekonomi Berkelanjutan Dan Berkeadilan." *Equality: Journal of Islamic Law (EJIL)* 3, no. 2 (2025): 113–30.
- Rumadan, Ismail. "Peran Lembaga Peradilan Sebagai Institusi Penegak Hukum Dalam Menegakkan Keadilan Bagi Terwujudnya Perdamaian." *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 6, no. 1 (2017): 69–87.
- rumahsyho. "No Title," n.d. <https://rumaysho.com/14693-hadits-wakaf-02-aturan-penting-wakaf.html>.
- Safitri, Nuri. "Pandangan Ibn Qudamah Tentang Penukaran Benda Wakaf." IAIN Metro, 2019.
- Salman, Abdul Matin Bin, Fuad Muhammad Zein, and Joko Robby Prasetyo. "Harmonizing Faith: Exploring the Uniformity of Jum'at Sermons in Malaysia (A Study Analysis of Religious Discourse Dynamics)." *Al-Afkar: Journal For Islamic Studies* 7, no. 2 (2024): 344–75.

- Saprida, Saprida, Fitri Raya, and Zuul Fitriani Umari. "Manajemen Wakaf Dalam Perspektif Hukum Islam Dan Undang-Undang No. 41 Tahun 2004." *Ekonomica Sharia: Jurnal Pemikiran Dan Pengembangan Ekonomi Syariah* 8, no. 1 (2022): 59–74.
- sayyid sabiq. *No Title Fiqh Sunnah*, 2009.
- Suganda, Asep Dadan. "Konsep Wakaf Tunai." *ISLAMICONOMIC: Jurnal Ekonomi Islam* 5, no. 2 (2014).
- Sulistiani, Siska Lis. *Wakaf Uang: Pengelolaan Dalam Hukum Islam Dan Hukum Positif Di Indonesia*. Sinar Grafika, 2022.
- Tahir, Tarmizi, and Syeikh Hasan Abdel Hamid. "Maqasid Al-Syari'ah Transformation in Law Implementation for Humanity." *International Journal Ihya' Ulum Al-Din* 26, no. 1 (2024): 119–31.
- Tan, David. "Metode Penelitian Hukum: Mengupas Dan Mengulas Metodologi Dalam Menyelenggarakan Penelitian Hukum." *Nusantara: Jurnal Ilmu Pengetahuan Sosial* 8, no. 8 (2021): 2463–78.
- Thamrin, Husni, Satriak Guntoro, and Sri Kurnialis. "Tranformasi Digital Wakaf Dalam Menghimpun Wakaf Di Era Digitalisasi." *Jurnal Tabarru': Islamic Banking and Finance* 4, no. 2 (2021): 532–40.
- Ulfah, Aulia. "Revitalisasi Pengelolaan Harta Benda Wakaf Menurut Hukum Islam Dan UU No. 41 Tahun 2004." *Jurnal Literasi Indonesia* 1, no. 3 (2024): 105–11.
- Umat, Kepentingan, And Irfan Faiz Almalik. "Strategi Pengelolaan Harta Benda Wakaf Untuk," N.D.
- Uyun, Linatul, and Nuriya Hamida. "Waqf Productivity in Indonesia: Challenges and Prospects for Sustainability." *Qanun: Jurnal Hukum Keluarga Islam* 2, no. 1 (2024): 80–104.
- Wahed, Hizan, Mohd Dani Muhamad, And Noorul Huda Sahari. "Wakaf Sebagai

- Medium Pengekalan Pemilikan Hartanah Melayu Di Kawasan Bandar Di Negeri Selangor: Satu Tinjauan.” In *Conference on Philanthropy for Humanitarian Aid (CONPHA)*, 85–94, 2017.
- Wakaf, Undang. “Undang-Undang Nomor 41 Tahun 2004 Tentang Wakaf.” *Bwi.Go.Id*, 2004.
- Wibowo, Wahyu, Ahmad Choiri, and Adi Ariga. “Manajemen Wakaf Produktif Dalam Mengatasi Masalah Kemiskinan Di Indonesia.” *J-CEKI: Jurnal Cendekia Ilmiah* 4, no. 3 (2025): 274–92.
- Winata, Fauzan Adzim. “Analisis Penyusunan Laporan Keuangan Pengelolaan Aset Wakaf Di Badan Wakaf Indonesia (BWI).” Universitas Islam Negeri Maulana Malik Ibrahim, 2015.
- Yuliani, Wiwin, and Ecep Supriatna. *Metode Penelitian Bagi Pemula*. Penerbit Widina, 2023.
- Yunita, Trisna Laila. *Kebijakan Negara Terhadap Filantropi Islam: Studi Undang-Undang Wakaf*. Penerbit A-Empat, 2016.
- Zainal, Veithzal Rivai. “Pengelolaan Dan Pengembangan Wakaf Produktif.” *Al-Awqaf: Jurnal Wakaf Dan Ekonomi Islam* 9, no. 1 (2016): 1–16.
- Badan Wakaf Indonesia. “Data Wakaf Nasional.” Diakses 16 April 2026.  
<https://www.bwi.go.id/data-wakaf/>
- Dewan Negeri Selangor. “Tanah Wakaf yang Didaftarkan di Perbadanan Wakaf Selangor.” Diakses 16 April 2026.  
<https://dewan.selangor.gov.my/question/tanah-wakaf-yang-didaftarkan-di-perbadanan-wakaf-selangor/>
- Perbadanan Wakaf Selangor. “Hartanah Wakaf.” Diakses 16 April 2026.  
<https://www.wakafselangor.gov.my/hartanah-wakaf/>
- “Wakaf Selangor Muamalat.” Diakses 16 April 2026.  
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2007 - 2018	TPQ Ziyadatul Muntaha Masjid Jami At-Taqwa
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2021 - 2022	Basic English Course (BEC) Pare Kediri
2022	Markaz Arabiyah Pare Kediri
2022	Ponpes Lirboyo Kediri

### Organization

2018 - 2019	OSIS MAS Khas Kempek Cirebon
2019 - 2020	Secretary of Ikatan Santri Se-Jabodetabek Ponpes Khas Kempek
2022 - 2023	President Muharrrik Mabna Al-Ghazali Ma'had Sunan Ampel al-Aly Malang
2023 - 2024	Faculty Ambassador, Faculty of Sharia
2022 - 2025	Head Of Ikantan Alumni Ponpes Khas Kempek Cirebon, Malang