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Digital Cash Waqf and Legal Transformation in Indonesia: Harmonizing Islamic Philanthropy with Positive Law

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Abstract

The rapid development of financial technology has transformed the management and distribution of Islamic philanthropic instruments, including cash waqf in Indonesia. Digital cash waqf has emerged as an innovative mechanism that enhances accessibility, transparency, and public participation in waqf practices through online platforms and financial technology systems. This study examines the legal transformation of digital cash waqf in Indonesia by analyzing the relationship between Islamic law principles and the national positive legal framework governing waqf management. Using a normative juridical approach combined with conceptual and statutory analysis, this research explores the harmonization between Sharīʻah principles, Law Number 41 of 2004 concerning Waqf, and contemporary financial regulations related to digital transactions and fintech governance. The findings demonstrate that digital cash waqf possesses significant potential to strengthen Islamic social finance, promote financial inclusion, and support sustainable socio-economic development. Nevertheless, challenges remain regarding legal certainty, institutional supervision, digital literacy, cybersecurity, and Sharīʻah compliance in digital waqf operations. The study argues that strengthening regulatory integration and adaptive legal governance is essential to optimize digital cash waqf in Indonesia. Furthermore, collaboration between state institutions, Islamic authorities, and financial technology providers is necessary to ensure accountable, transparent, and sustainable digital waqf management within the national legal system.

Introduction

The development of digital technology has significantly transformed the global financial system, including the management of Islamic social finance instruments.[1] In recent years, financial

[1] Ulfah Alfiyah Darajat, "Wealth Distribution Inequality and Social Justice in Islamic Economics: An Evaluation of the Role of Zakat, Waqf, and Islamic Philanthropic Instruments in the Digital Economy Era in Indonesia," *Journal of Social Science and Economics* 4, no. 2 (September 3, 2025): 152–65, https://doi.org/10.37812/josse.v4i2.2037; Sumarni Sumarni et al., "From Vision to Practice: Comparative Dynamics of Islamic Economics in Indonesia and

technology (fintech) has accelerated the digitalization of philanthropic activities by enabling easier, faster, and more transparent financial transactions through digital platforms. Within the context of Islamic philanthropy, digital innovation has increasingly influenced the administration of zakat, ṣadaqah, and waqf, particularly cash waqf.[2] In Indonesia, the emergence of digital cash waqf reflects the broader transformation of Islamic economic practices toward technology-based governance and financial inclusion. This phenomenon demonstrates that digitalization is no longer limited to commercial financial services but has expanded into the domain of religious-based socio-economic empowerment.

Cash waqf has historically played a strategic role in supporting social welfare, educational institutions, health services, and economic development in Muslim societies.[3] Unlike traditional immovable waqf assets such as land or buildings, cash waqf offers greater flexibility and wider participation because individuals can contribute with relatively small amounts of money. The integration of digital systems into cash waqf management further enhances its accessibility by allowing donors to participate through mobile applications, crowdfunding platforms, internet banking, and electronic payment systems. Consequently, digital cash waqf possesses substantial potential to strengthen sustainable Islamic social finance and broaden community participation in philanthropic activities.

Indonesia, as the country with the world's largest Muslim population, possesses enormous potential for developing digital cash waqf. The advancement of internet penetration, smartphone usage, and digital financial services has created favorable conditions for the expansion of digital-based Islamic philanthropy. Several Islamic financial institutions, fintech companies, and waqf management organizations have initiated digital waqf platforms to facilitate fundraising and improve transparency in waqf distribution. These developments indicate that digital transformation has become an important instrument in optimizing waqf collection and management in contemporary Indonesian society. Moreover, digital waqf initiatives are increasingly viewed as strategic instruments for supporting national economic resilience and social development programs.[4]

Despite its promising potential, the implementation of digital cash waqf in Indonesia also raises various legal and institutional challenges. One of the major issues concerns the harmonization between Islamic legal principles and the national positive legal framework governing waqf administration and digital financial transactions. The rapid growth of financial technology often develops faster than legal adaptation, creating regulatory gaps and uncertainty regarding supervision, accountability, and legal protection. As a result, questions emerge concerning the

Malaysia," *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 12, no. 2 (October 23, 2025): 652, https://doi.org/10.29300/mzn.v12i2.7685; Erike Anggareni, Gustika Nurmalia, and A. Kumedi Ja'far, "Utilizing the Banking System For Digital Waqf Behavioral Approach of Millennial Muslims," *El-Usrah: Jurnal Hukum Keluarga* 7, no. 1 (June 30, 2024): 390, https://doi.org/10.22373/ujhk.v7i1.22562.

2 Yudhi Hadiamsyah Ahmad Rezy Meidina, Syaibani Ihza Ibrahim, Imam Sibawaih, "From Theology to Social Action: How Islamic Community Organization Conceptualize Islamic Philanthropy," *Saqifah: Jurnal Hukum Ekonomi Syariah* 10, no. 2 (2025): 61–70, https://doi.org/https://dx.doi.org/10.15548/sqf.v10i2.915.

3 Achmad Siddiq et al., "Reconstructing Waqf Share Policies: A Maqashid Sharia Approach with Insights from Indonesia," *El-Mashlahah* 15, no. 1 (June 18, 2025): 79–100, https://doi.org/10.23971/el-mashlahah.v15i1.9029.

4 Ahmad Jafar, Hafsa Ibrahim, and Rizwan Malik, "Waqf: From Classical Charitable System to Modern Financial Tool," *International Journal of Ethics and Systems*, May 7, 2025, https://doi.org/10.1108/IJOES-10-2024-0354.

legal validity, institutional authority, and Sharīʻah compliance of digital cash waqf mechanisms within Indonesia's contemporary legal system.[5]

From the perspective of Islamic law, waqf is a religious institution rooted in the principles of perpetual charity (ṣadaqah jāriyah) and socio-economic justice. Classical Islamic jurists primarily discussed waqf in the context of immovable assets; however, contemporary scholars have expanded the interpretation of waqf to include movable assets such as money, securities, and digital financial instruments.[6] This expansion reflects the dynamic character of Islamic jurisprudence in responding to changing socio-economic realities. Through principles such as maṣlaḥah, maqāṣid al-sharīʻah, and ijtihād, Islamic law provides a flexible framework for accommodating technological innovation while preserving the ethical and religious objectives of waqf practices.

Within the Indonesian legal context, waqf regulation is principally governed by Law Number 41 of 2004 concerning Waqf and its implementing regulations. The law recognizes cash waqf as a legitimate form of waqf and establishes institutional mechanisms for its management through authorized Islamic financial institutions.[7] However, the emergence of digital platforms and fintech-based waqf transactions introduces new legal complexities that were not fully anticipated by earlier regulations. Issues related to digital authentication, cybersecurity, electronic contracts, consumer protection, and institutional supervision require further legal interpretation and regulatory adaptation. Therefore, legal transformation becomes necessary to ensure that digital cash waqf operates effectively within both Sharīʻah principles and state law.

The discourse on legal transformation in digital cash waqf also intersects with broader debates concerning governance and accountability in Islamic philanthropy. Transparency and public trust are essential elements in maintaining the legitimacy of waqf institutions. Digital technology potentially enhances transparency by enabling real-time monitoring, financial reporting, and transaction traceability. Nevertheless, digital systems also create vulnerabilities related to data security, misuse of funds, and technological manipulation. Consequently, effective governance mechanisms are needed to balance innovation with legal certainty and institutional accountability. In this regard, the role of state institutions, religious authorities, and fintech providers becomes increasingly important in creating an integrated and trustworthy digital waqf ecosystem.[8]

Furthermore, digital cash waqf contributes to the broader agenda of financial inclusion and sustainable development in Indonesia. The accessibility of digital platforms allows wider community participation, including younger generations and individuals in remote areas who previously faced limitations in accessing conventional waqf institutions. Through productive

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5 Farid Ahmad Marlion, "Implementation of Cash Waqf Linked Deposit in Islamic Banking in Indonesia: Regulations, Opportunities, Challenges, and Digital Era Prospects," *Al-Bank: Journal of Islamic Banking and Finance* 6, no. 1 (January 31, 2026): 15–28, https://doi.org/10.31958/ab.v6i1.16075.

6 Agung Pratama et al., "Nazhir, Cash Waqf, and Digitalization: Assessing Sharia Compliance and Governance at Laznas Yakesma Kepri," *Az-Zarqa': Jurnal Hukum Bisnis Islam* 17, no. 1 (June 30, 2025): 40–61, https://doi.org/10.14421/az-zarqa.v17.i1.3841.

7 Fuadah Johari et al., "Factors That Influence Repeat Contributionof Cash Waqfin Islamic Philanthropy," *Management & Accounting Review (MAR)* 14, no. 2 (2015): 55–78, https://doi.org/http://dx.doi.org/10.24191/mar.v14i2.490.

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

investment and social empowerment programs, digital cash waqf may support poverty alleviation, educational development, healthcare services, and micro-enterprise financing. Thus, digital waqf should not merely be understood as a technological innovation, but also as a strategic socio-economic instrument capable of strengthening inclusive development within Muslim societies.[9]

Several previous studies have discussed cash waqf, Islamic fintech, and waqf governance in Indonesia.[10] However, most existing studies focus separately on either Islamic legal perspectives or financial and technological dimensions. Limited research specifically examines digital cash waqf within the framework of legal transformation that integrates Islamic law and Indonesia's positive legal system comprehensively. Therefore, this study seeks to fill the existing academic gap by analyzing how legal harmonization can optimize digital cash waqf management while addressing contemporary regulatory challenges in Indonesia.

Based on these considerations, this study aims to analyze the optimization of digital cash waqf in Indonesia through the perspective of Islamic law and positive law. The research focuses on examining the legal transformation of waqf governance, the harmonization between Sharī'ah principles and national regulations, and the challenges arising from digital financial innovation in waqf administration. By exploring these issues, this study is expected to contribute both theoretically and practically to the development of Islamic social finance, legal reform, and digital governance in Indonesia's contemporary socio-legal landscape.

Method

This study employs a normative juridical research method with a qualitative approach to analyze the legal transformation of digital cash waqf in Indonesia within the frameworks of Islamic law and positive law.[11] The research focuses on examining legal norms, statutory regulations, Islamic legal principles, and conceptual frameworks related to waqf governance and digital financial technology. The primary legal materials consist of Law Number 41 of 2004 concerning Waqf, Government Regulations related to waqf administration, regulations issued by financial authorities concerning electronic transactions and financial technology, as well as fatwas and contemporary Islamic legal opinions regarding cash waqf and digital financial practices. Secondary legal materials include scholarly books, journal articles, academic reports, and previous studies discussing Islamic social finance, fintech governance, and legal harmonization in Indonesia.

The analytical approach applied in this research includes statutory, conceptual, and comparative approaches. The statutory approach is utilized to examine the coherence and effectiveness of Indonesian legal regulations governing digital cash waqf, while the conceptual approach is employed to explore Islamic legal doctrines such as maqāṣid al-sharī'ah, maṣlaḥah, and ijtihād in responding to technological developments. In addition, a comparative analysis is conducted to evaluate the interaction between Sharī'ah principles and national legal frameworks in addressing contemporary challenges related to digital waqf governance, including legal certainty,

[9] Haslindar Ibrahim, "Cash Waqf : An Innovative Instrument for Economic Development," 2013.

[10] Bustami Bustami, Rio Laksamana, and Zuliana Rofiqoh, "Waqf Fundraising through Money in the Industrial Revolution 4.0 Era: A Case Study on Baitulmaal Munzalan Indonesia," *Ijtihad : Jurnal Wacana Hukum Islam Dan Kemanusiaan* 20, no. 1 (June 10, 2020): 23–40, https://doi.org/10.18326/ijtihad.v20i1.23-40.

[11] John W Creswell and J David Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches* (Sage publications, 2017).

institutional accountability, cybersecurity, and public trust. The collected data are analyzed descriptively and analytically to formulate a comprehensive understanding of the opportunities and challenges in optimizing digital cash waqf within Indonesia's socio-legal system.[12]

Result and Discussion

The Development and Potential of Digital Cash Waqf in Indonesia

The development of digital technology has significantly transformed the landscape of Islamic philanthropy in Indonesia, particularly in the management of cash waqf.[13] Traditionally, waqf practices in Indonesian Muslim society were primarily associated with immovable assets such as land, mosques, cemeteries, and educational institutions. These conventional forms of waqf were generally administered through manual and localized mechanisms, often relying on direct interaction between donors (wāqif) and waqf managers (nāẓir). However, the emergence of digital technology and financial innovation has gradually shifted the paradigm of waqf management toward more flexible, accessible, and technology-based systems. This transformation reflects the adaptation of Islamic philanthropic institutions to the changing socio-economic realities of contemporary society.

The concept of cash waqf itself represents an important innovation in Islamic economic practices because it allows broader community participation regardless of economic status. Unlike land waqf, which typically requires substantial financial resources, cash waqf enables individuals to contribute smaller amounts of money for social and productive purposes. The introduction of digital systems further strengthens this accessibility by enabling donations through mobile banking, e-wallets, crowdfunding applications, and online payment platforms. Consequently, digital cash waqf has become increasingly relevant in responding to the needs of modern Muslim societies characterized by high levels of technological connectivity and digital financial transactions.

In Indonesia, the expansion of internet penetration and smartphone usage has created a favorable environment for the growth of digital Islamic philanthropy.[14] The rapid development of financial technology (fintech) has encouraged Islamic financial institutions and waqf organizations to integrate digital systems into their operational activities. Digital platforms simplify fundraising processes by providing users with convenient, fast, and transparent mechanisms for donating waqf funds. Through these platforms, waqf contributions can be made anytime and anywhere, thereby overcoming geographical and administrative barriers that previously limited participation in conventional waqf practices.

The development of Sharīʿah-compliant fintech has also contributed significantly to the growth of digital cash waqf in Indonesia. Islamic fintech institutions increasingly collaborate with

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12 Islamiyati Islamiyati et al., "Legal Renewal of Cash Waqf Law Through Legal System Approach," in *Proceedings of the The First International Conference On Islamic Development Studies 2019, ICIDS 2019, 10 September 2019, Bandar Lampung, Indonesia* (EAI, 2019), https://doi.org/10.4108/eai.10-9-2019.2289333.

13 Hendri Hermawan Adinugraha, Muhammad Shulthoni, and Zohaib Hassan Sain, "Transformation of Cash Waqf Management in Indonesia: Insights into the Development of Digitalization," *Review of Islamic Social Finance and Entrepreneurship*, March 26, 2024, 50–66, https://doi.org/10.20885/RISFE.vol3.iss1.art4.

14 Fatkhur Rohman Albanjari et al., "Innovation in Islamic Philanthropy Development in Increasing the Inclusiveness of Cash Waqf in Indonesia," *Journal of Islamic Economic and Business Research* 5, no. 2 (December 22, 2025): 301–15, https://doi.org/10.18196/jiebr.v5i2.486.

waqf management organizations to create integrated digital ecosystems for Islamic social finance. These collaborations involve various technological innovations, including mobile applications, QR code payments, digital wallets, crowdfunding systems, and blockchain-based financial recording mechanisms. Such technological integration enhances efficiency in fundraising, management, and reporting processes while simultaneously increasing public trust in waqf institutions. As a result, digital cash waqf is increasingly perceived as a modern and adaptive form of Islamic philanthropy capable of addressing contemporary socio-economic challenges.

Several Indonesian Islamic financial institutions have actively initiated digital waqf services as part of their broader Islamic social finance programs. Islamic banks, fintech companies, and charitable organizations have introduced online waqf platforms designed to facilitate easier public participation.[15] These platforms not only function as fundraising instruments but also serve educational and informational purposes by promoting awareness regarding the importance of productive waqf. Through digital campaigns and social media engagement, waqf institutions are able to reach younger generations who are more familiar with digital financial systems. Therefore, digitalization contributes not only to operational efficiency but also to the expansion of waqf literacy within society.

The economic potential of digital cash waqf in Indonesia is highly significant considering the country's large Muslim population and rapidly growing digital economy. Indonesia possesses enormous untapped waqf potential that can be mobilized to support social welfare and economic development programs. Digital systems provide opportunities for collecting waqf funds on a larger scale by encouraging micro-donations from broad segments of society. Even relatively small individual contributions may generate substantial collective economic resources when managed systematically and productively. This demonstrates that digital cash waqf can function as a sustainable financial instrument for community empowerment and poverty alleviation.

Productive utilization of digital cash waqf can contribute to various sectors of socio-economic development.[16] Waqf funds may be invested in productive economic activities, including microfinance programs, educational development, healthcare services, infrastructure projects, and support for small and medium enterprises. In this context, digital cash waqf does not merely function as charitable assistance but also serves as an investment-oriented social finance mechanism capable of generating long-term benefits for society. The productive management of waqf funds aligns with the broader objectives of Islamic economics, particularly the realization of social justice, equitable wealth distribution, and sustainable welfare development.

Furthermore, digital cash waqf has strategic relevance in strengthening financial inclusion within Indonesian society. Many individuals in rural or marginalized communities face limitations in accessing formal financial services due to geographical and economic barriers. Digital financial technology enables broader participation in waqf activities by reducing administrative costs and increasing accessibility through online platforms. This inclusiveness allows wider segments of society, including young people and lower-income communities, to participate in Islamic

[15] Asyari Asyari et al., "Online Cash Waqf Behavioral Intention: The Role of Knowledge of Cash Waqf and Trust," *Journal of Islamic Marketing* 15, no. 11 (April 16, 2024): 2864–90, https://doi.org/10.1108/JIMA-07-2023-0224.

[16] Izra Berakon, Hendy Mustiko Aji, and Muhammad Riza Hafizi, "Impact of Digital Sharia Banking Systems on Cash-Waqf among Indonesian Muslim Youth," *Journal of Islamic Marketing* 13, no. 7 (May 10, 2021): 1551–73, https://doi.org/10.1108/JIMA-11-2020-0337.

philanthropic activities. Consequently, digital cash waqf contributes not only to religious and social objectives but also to the democratization of financial participation in the digital era.

The role of nāẓir institutions is crucial in ensuring the effectiveness and sustainability of digital cash waqf management. As official waqf managers, nāẓir institutions are responsible for maintaining transparency, accountability, and compliance with Sharīʻah principles in the administration of waqf funds. Digital technology offers important tools for improving institutional governance through real-time reporting systems, digital financial monitoring, and transparent distribution mechanisms.[17] Nevertheless, the successful implementation of digital waqf systems depends heavily on the managerial capacity, technological literacy, and institutional professionalism of waqf administrators. Therefore, strengthening institutional competence remains an essential component in optimizing digital cash waqf governance.

Islamic financial institutions also play a central role in facilitating digital cash waqf transactions within Indonesia's financial system. Through cooperation with waqf organizations and fintech providers, Islamic banks function as intermediaries that ensure the security and legality of digital waqf transactions. These institutions provide technological infrastructure, payment systems, and regulatory compliance mechanisms necessary for efficient digital financial operations. In addition, the involvement of formal financial institutions enhances public confidence because digital waqf transactions are conducted within regulated and supervised financial frameworks. Thus, collaboration between Islamic financial institutions and waqf organizations is fundamental for establishing a reliable digital waqf ecosystem.

Despite its significant potential, the development of digital cash waqf in Indonesia still faces several structural and social challenges. Public understanding regarding cash waqf and digital financial systems remains relatively limited in certain segments of society.[18] In addition, concerns regarding cybersecurity, misuse of funds, and digital fraud may reduce public trust in online waqf platforms. Institutional fragmentation and disparities in technological capacity among waqf organizations also create obstacles in achieving integrated and efficient digital waqf governance.[19] Therefore, comprehensive efforts involving legal reform, technological innovation, institutional strengthening, and public education are necessary to support the sustainable growth of digital cash waqf.

Overall, the development of digital cash waqf in Indonesia demonstrates the dynamic interaction between Islamic philanthropy, technological innovation, and socio-economic transformation. Digitalization has expanded the scope and accessibility of waqf practices while creating new opportunities for strengthening Islamic social finance and inclusive economic development. Through effective governance, regulatory support, and institutional collaboration, digital cash waqf possesses the potential to become a strategic instrument for promoting social welfare and economic justice in Indonesia. Consequently, optimizing digital cash waqf requires

[17] Tika Widiastuti et al., "Determinant Factors for Online Cash Waqf Intention among Muslim Millennial Generation," *Journal of Islamic Marketing* 16, no. 1 (August 6, 2024): 258–89, https://doi.org/10.1108/JIMA-12-2023-0408.

[18] DR. RIFKI ISMAL, "IDENTIFYING THE OPTIMAL CASH WAQF LINKED SUKUK: INDONESIAN EXPERIENCE," *Hamdard Islamicus* 45, no. 3 (September 30, 2022), https://doi.org/10.57144/hi.v45i3.500.

[19] Leny Nofianti, Murniati Mukhlisin, and Andi Irfan, "Cash Waqf Innovation in Islamic Financial Institutions and Its Governance Issues, Case Studies: Indonesia, Malaysia, Türkiye," *Journal of Islamic Accounting and Business Research* 17, no. 4 (June 11, 2024): 819–37, https://doi.org/10.1108/JIABR-12-2023-0420.

not only technological advancement but also the integration of legal, institutional, and ethical frameworks capable of ensuring sustainable and accountable waqf management in the digital era.

Harmonization of Islamic Law and Positive Law in the Governance of Digital Cash Waqf

The governance of digital cash waqf in Indonesia represents an important intersection between Islamic legal principles and the national positive legal system.[20] The rapid expansion of digital financial technology has encouraged the transformation of Islamic philanthropic practices from conventional mechanisms into technology-based systems. In this context, legal harmonization becomes essential to ensure that digital cash waqf operates in accordance with Sharīʻah principles while simultaneously complying with state regulations concerning financial transactions and digital governance. The interaction between Islamic law and positive law demonstrates the dynamic adaptation of legal systems in responding to contemporary socio-economic developments within Indonesian society.

From the perspective of Islamic law, waqf is fundamentally understood as the dedication of property for religious and social purposes with the objective of generating sustainable public benefit. Classical Islamic jurisprudence primarily associated waqf with immovable assets such as land and buildings. Nevertheless, contemporary Islamic scholars have broadened the interpretation of waqf to include movable assets, including money and financial instruments. This development reflects the flexibility of Islamic law in responding to changing economic realities while preserving the essential objectives of waqf as a form of perpetual charity (ṣadaqah jāriyah). Consequently, cash waqf has gained wider acceptance as a legitimate and strategic instrument of Islamic social finance.

The legitimacy of cash waqf within Islamic law is closely related to the principles of maqāṣid al-sharīʻah, particularly the protection of wealth (ḥifẓ al-māl) and the realization of social welfare (maṣlaḥah). Through productive management and investment, cash waqf may generate long-term socio-economic benefits for society, including poverty alleviation, educational support, healthcare financing, and economic empowerment programs. The use of digital systems in waqf management further strengthens these objectives by increasing accessibility, efficiency, and transparency. Therefore, digital cash waqf can be understood as a contemporary manifestation of Islamic legal adaptation aimed at realizing broader public welfare within the framework of modern technological development.[21]

The flexibility of Islamic law toward digital cash waqf is also supported by the methodology of ijtihād, which allows contemporary scholars to formulate legal interpretations relevant to current social conditions. Through approaches such as maṣlaḥah mursalah, istiḥsān, and ʻurf, Islamic jurisprudence accommodates technological innovation provided that it does not contradict fundamental Sharīʻah principles. In this regard, digital financial transactions, electronic payment systems, and online waqf platforms are generally considered permissible as long as they maintain transparency, accountability, and compliance with Islamic ethical values. This adaptive

[20] Ani Faujiah, "Integration of Cash Waqf and Waqf Through Cash in Islamic Social Finance: Opportunities, Challenges, and Policy Implication," *ICO EDUSHA* 4, no. 1 SE-Articles (December 8, 2025): 489–504, https://prosiding.stainim.ac.id/index.php/prd/article/view/607.

[21] Nova Monaya and Andri Brawijaya, "Regulatory Model of Cash Waqf within the National Legal System and Its Challenges," *Jurnal Legisci* 3, no. 2 (December 10, 2025): 121–32, https://doi.org/10.62885/legisci.v3i2.975.

characteristic demonstrates the capacity of Islamic law to engage constructively with the digital transformation of financial systems.

Within the Indonesian legal framework, the regulation of waqf is principally governed by Law Number 41 of 2004 concerning Waqf, which formally recognizes cash waqf as a legitimate form of waqf asset. The law establishes legal provisions concerning waqf administration, the appointment of nāẓir, and the role of Islamic financial institutions in managing waqf funds. This legal recognition reflects the Indonesian state's acknowledgment of the strategic role of waqf in supporting socio-economic development and public welfare. Furthermore, the law provides a formal legal basis for integrating waqf practices into the broader national financial and institutional system.[22]

Despite the existence of legal recognition, the emergence of digital cash waqf introduces new regulatory challenges that require further legal adaptation. The original waqf regulations were formulated before the rapid development of fintech and digital financial transactions. Consequently, several contemporary issues related to cybersecurity, electronic authentication, digital contracts, and online financial supervision remain insufficiently regulated within traditional waqf legislation. This situation highlights the necessity of legal transformation capable of integrating waqf governance with contemporary regulations concerning electronic transactions and financial technology operations in Indonesia.

The harmonization between Islamic law and positive law in digital cash waqf governance is closely connected to Indonesia's broader regulatory framework for digital finance. Regulations concerning electronic information, financial technology, and digital payment systems provide additional legal foundations for online waqf transactions. These regulations aim to ensure consumer protection, transaction security, and institutional accountability within the rapidly evolving digital economy.[23] In practice, digital waqf platforms must comply not only with Sharī'ah principles but also with national regulations related to electronic systems, anti-money laundering measures, and financial supervision. Therefore, digital cash waqf governance requires a multidimensional legal framework integrating religious and state legal standards.

The role of the National Sharia Council of the Indonesian Ulema Council (DSN-MUI) is highly significant in providing Sharī'ah legitimacy for digital financial practices related to waqf management. Through fatwas and legal opinions, DSN-MUI establishes normative guidelines concerning the permissibility of electronic financial transactions, Islamic fintech operations, and cash waqf mechanisms. These fatwas function as important references for Islamic financial institutions and waqf organizations in ensuring that digital waqf operations remain consistent with Islamic legal principles. Consequently, DSN-MUI plays a central role in bridging Islamic jurisprudence with contemporary technological innovation within Indonesia's Islamic financial system.

In addition to religious authorities, the role of Financial Services Authority (OJK) is essential in supervising digital financial activities related to waqf management. OJK regulates fintech operations, digital payment systems, and financial consumer protection within Indonesia's

[22] M. Roem Syibly, "Cash Waqf Literacy in Indonesia and Malaysia: An Analysis of Journal Publications and Trends (2018-2023)," *Millah: Journal of Religious Studies*, August 28, 2024, 681–702, https://doi.org/10.20885/millah.vol23.iss2.art6.

[23] Rusdiana Priatna Wijaya, "CASH WAQF LINKED DINFRA (CWL-FRA) AS WAQF INNOVATION MODEL INTEGRATED WITH INFRASTRUCTURE INSTRUMENT FOR NATIONAL ECONOMIC RECOVERY AND SUSTAINABILITY," *Malaysian Journal of Syariah and Law* 11, no. 2 (December 1, 2023): 330–43, https://doi.org/10.33102/mjsl.vol11no2.422.

national financial framework. Through regulatory oversight and licensing mechanisms, OJK seeks to ensure the legality, transparency, and accountability of digital financial transactions, including those associated with Islamic philanthropic activities. The involvement of state financial regulators enhances public confidence and legal certainty regarding digital waqf operations conducted through online platforms and fintech services.[24]

Institutional supervision is another important element in harmonizing Islamic law and positive law within digital cash waqf governance. The effectiveness of digital waqf management depends heavily on coordination among waqf institutions, Islamic financial organizations, government agencies, and fintech providers. Institutional fragmentation and overlapping authority may create inefficiencies and legal uncertainty in supervising digital waqf activities. Therefore, integrated governance mechanisms are necessary to ensure consistent implementation of Sharīʻah compliance, financial transparency, and regulatory accountability. In this context, institutional collaboration represents a crucial strategy for strengthening the sustainability and legitimacy of digital waqf systems in Indonesia.

The process of legal transformation in digital cash waqf governance reflects broader socio-legal changes occurring within Indonesian society. Technological development has altered patterns of financial interaction, institutional management, and public participation in religious philanthropy. Consequently, legal systems are required to adapt to these transformations by developing more responsive and flexible regulatory frameworks. Legal transformation does not merely involve formal legislative reform but also includes changes in institutional practices, public legal awareness, and technological governance mechanisms. Through this transformation, digital cash waqf emerges as a contemporary model of Islamic philanthropy capable of integrating religious values with modern financial innovation.[25]

Overall, the harmonization of Islamic law and positive law in the governance of digital cash waqf demonstrates the importance of adaptive and integrative legal frameworks in responding to technological advancement. Islamic legal principles provide ethical and normative foundations for digital waqf practices, while positive law establishes regulatory certainty and institutional supervision necessary for sustainable governance. The successful integration of these legal systems contributes to strengthening public trust, promoting financial inclusion, and enhancing the socio-economic impact of digital waqf in Indonesia. Therefore, legal harmonization becomes a strategic prerequisite for optimizing digital cash waqf as an innovative instrument of Islamic social finance in the contemporary digital era.

Challenges and Future Strategies for Optimizing Digital Cash Waqf in Indonesia

The rapid development of digital cash waqf in Indonesia presents significant opportunities for strengthening Islamic social finance; however, it also introduces various legal, institutional,

[24] Eficandra Eficandra, "The Reconstruction of High-Inherited Wealth in Minangkabau through Cash Waqf Movement," *JURIS (Jurnal Ilmiah Syariah)* 21, no. 1 (June 30, 2022): 121, https://doi.org/10.31958/juris.v21i1.5850.

[25] Muhamad Nadratuzzaman Hosen et al., "Evaluating the Fundraising Process of the World's First Cash Waqf-Linked Sukuk in Indonesia," *QIJIS (Qudus International Journal of Islamic Studies)* 10, no. 1 (July 26, 2022): 175, https://doi.org/10.21043/qijis.v10i1.8161.

and technological challenges.[26] The integration of financial technology into waqf governance requires adaptive legal systems, accountable institutional management, and reliable technological infrastructure. While digitalization enhances efficiency and accessibility, it simultaneously creates new vulnerabilities related to legal certainty, cybersecurity, and institutional supervision. Consequently, optimizing digital cash waqf requires comprehensive strategies capable of balancing technological innovation with legal protection and public trust within Indonesia's socio-legal framework.

One of the primary challenges in digital cash waqf governance concerns the issue of legal certainty. Existing waqf regulations in Indonesia were largely formulated before the rapid expansion of digital financial technology and online financial transactions. Although cash waqf has been formally recognized within the national legal system, regulations specifically governing digital waqf mechanisms remain relatively limited and fragmented. This regulatory gap creates uncertainty regarding the legal status of digital contracts, online waqf transactions, electronic verification systems, and cross-platform financial operations. Therefore, clearer and more comprehensive legal frameworks are necessary to provide legal certainty for waqf institutions, fintech providers, and donors participating in digital waqf activities.[27]

Cybersecurity represents another major concern in the administration of digital cash waqf. The increasing reliance on online platforms and electronic payment systems exposes waqf institutions to various digital threats, including hacking, phishing, data breaches, and financial fraud. These risks may undermine public confidence in digital waqf platforms and potentially disrupt the sustainability of waqf management systems. In addition, cyberattacks targeting financial institutions may result in significant economic losses and reputational damage. Consequently, digital waqf governance requires strong cybersecurity infrastructure, secure digital payment systems, and continuous technological monitoring to ensure the protection of waqf assets and donor information.

Closely related to cybersecurity is the issue of digital data protection. Digital waqf transactions involve the collection and management of sensitive personal and financial information from donors and beneficiaries. Weak data protection mechanisms may increase the risk of unauthorized access, misuse of information, and violations of privacy rights. In the context of digital financial governance, protecting personal data has become an increasingly important legal and ethical obligation. Therefore, waqf institutions and fintech providers must implement secure data management systems and comply with national regulations concerning electronic information and personal data protection. Effective data governance is essential not only for legal compliance but also for maintaining public trust in digital waqf systems.[28]

Another important challenge concerns the relatively low level of digital literacy and waqf literacy among certain segments of Indonesian society. Although internet usage and digital financial services continue to grow rapidly, many individuals still possess limited understanding

[26] Jaharuddin Jaharuddin, "STRATEGIC OPTIMIZATION OF CASH WAQF IN INDONESIA, A PRODUCTION FUNCTION AND GOVERNANCE-BASED APPROACH," *Multidisciplinary Research Studies in Social Sciences* 1, no. 1 (May 27, 2025): 30–41, https://doi.org/10.71312/mrscholar.v1i1.337.

[27] Aprida Susanti, Dede Fatah, and Zulkarnain Muhammad Ali, "An Analysis of Problems and Solutions in the Low Level of Cash Waqf in Indonesia Using Analytic Network Process (ANP)," *Tazkia Islamic Finance and Business Review* 19, no. 1 (June 12, 2025): 22–64, https://doi.org/10.30993/tifbr.v19i1.392.

[28] Fauzan Ghafur et al., "Maqashid Syariah-Based Optimization of Cash Waqf," *Jurnal IPTEK Bagi Masyarakat* 5, no. 3 (April 30, 2026): 678–87, https://doi.org/10.55537/j-ibm.v5i3.1640.

regarding the mechanisms, benefits, and legal aspects of digital cash waqf. In rural and economically marginalized communities, technological limitations and lack of financial education may reduce public participation in digital waqf programs. Similarly, misconceptions regarding the concept of cash waqf and productive waqf management continue to exist within some Muslim communities. Therefore, educational initiatives and public awareness campaigns are necessary to improve both digital competence and understanding of Islamic philanthropic practices.

The challenge of literacy also extends to institutional actors involved in digital waqf governance. Some waqf management institutions (nāẓir) still face limitations in technological expertise, digital infrastructure, and professional management capacity. The transition from conventional waqf administration toward digital governance requires institutional adaptation in terms of human resources, financial management systems, and technological innovation. Without adequate institutional capacity, the effectiveness of digital waqf management may remain limited despite technological availability. Consequently, institutional training and capacity-building programs are important components in strengthening the sustainability of digital cash waqf systems in Indonesia.[29]

Accountability and transparency constitute central elements in maintaining the legitimacy of digital waqf governance. Public participation in waqf activities depends heavily on confidence that waqf funds are managed professionally, transparently, and in accordance with Sharīʻah principles. Digital technology potentially enhances transparency through real-time reporting systems, online monitoring mechanisms, and digital financial records. Nevertheless, ineffective governance practices, limited financial disclosure, and weak institutional supervision may reduce public trust in digital waqf institutions. Therefore, transparent reporting standards and accountable financial management systems are essential to ensure the credibility and sustainability of digital waqf administration.

Public trust is a crucial factor influencing the success of digital cash waqf initiatives. In the digital era, trust is shaped not only by religious legitimacy but also by perceptions regarding technological security, institutional professionalism, and legal protection. Cases involving financial fraud, misuse of charitable funds, or weak governance practices may significantly affect public confidence in online philanthropic platforms. As a result, waqf institutions must consistently demonstrate integrity, accountability, and compliance with both Sharīʻah principles and national regulations.[30] Building public trust requires long-term institutional commitment supported by transparent governance and effective communication with donors and beneficiaries.

Institutional fragmentation also presents a substantial obstacle to optimizing digital cash waqf governance in Indonesia. Various institutions—including waqf agencies, Islamic financial institutions, fintech companies, religious authorities, and government regulators—possess overlapping roles and responsibilities within the digital waqf ecosystem. In some cases, the absence of integrated coordination mechanisms creates inefficiencies and inconsistencies in regulatory implementation. Differences in institutional standards and supervisory procedures

[29] Haniah Lubis, Nuryanti Nuryanti, and Eggi Zulfahri Adibtia, "Digital-Based Cash Waqf Management at Waqf Institutions in Indonesia," *Management of Zakat and Waqf Journal (MAZAWA)* 6, no. 1 (December 29, 2024): 19–38, https://doi.org/10.15642/mzw.2024.6.1.19-38.

[30] Muhammad Ash- Shiddiqy, Makhrus Makhrus, and Muhammad Ghafur Wibowo, "Cash Waqf Management for Education: Challenges, Solutions and Strategies," *Shirkah: Journal of Economics and Business* 9, no. 2 (August 20, 2024): 275–89, https://doi.org/10.22515/shirkah.v9i2.723.

may also complicate the management of digital waqf operations across multiple platforms. Therefore, stronger inter-institutional coordination is necessary to establish coherent and integrated digital waqf governance mechanisms.

The synchronization of regulations among government institutions remains another important challenge in the legal governance of digital cash waqf. Regulations concerning waqf administration, fintech operations, electronic transactions, and financial supervision are often developed separately by different regulatory authorities. This regulatory fragmentation may create overlapping jurisdiction and legal ambiguity in supervising digital waqf activities. Consequently, harmonization among legal instruments and institutional policies is essential to create an integrated regulatory environment capable of supporting innovation while ensuring legal certainty and consumer protection. Regulatory synchronization also contributes to improving administrative efficiency and reducing institutional conflict within digital waqf governance.[31]

To address these challenges, strengthening regulatory frameworks constitutes a strategic priority for optimizing digital cash waqf in Indonesia.[32] The government needs to formulate more adaptive and comprehensive regulations specifically addressing the governance of digital Islamic philanthropy and fintech-based waqf systems. These regulations should include provisions related to electronic contracts, digital authentication, cybersecurity standards, institutional accountability, and Sharīʿah compliance mechanisms. In addition, stronger legal integration between waqf law and digital financial regulations is necessary to create a more coherent legal environment supporting sustainable digital waqf development.[33]

Finally, the future sustainability of digital cash waqf depends heavily on collaboration among government institutions, Islamic financial organizations, nāẓir institutions, fintech providers, and religious authorities. Collaborative governance enables the integration of legal supervision, technological innovation, financial infrastructure, and public education within a unified digital waqf ecosystem. Technological innovation such as blockchain systems, artificial intelligence, and digital financial monitoring tools may further improve efficiency, transparency, and accountability in waqf management. Through adaptive regulation, institutional strengthening, and multi-stakeholder collaboration, digital cash waqf possesses substantial potential to become a transformative instrument of Islamic social finance capable of supporting inclusive socio-economic development in Indonesia's digital era.

Conlusion

The development of digital cash waqf in Indonesia reflects the dynamic transformation of Islamic philanthropy within the context of technological advancement and contemporary financial

[31] Imam Mustofa, Dri Santoso, and Upia Rosmalinda, "THE IMPLEMENTATION OF THE REGULATION OF CASH WAQF MANAGEMENT IN HIGHER EDUCATIONAL INSTITUTION IN INDONESIA AND MALAYSIA (A STUDY OF LEGAL SYSTEM THEORY)," *Humanities & Social Sciences Reviews* 8, no. 4 (July 5, 2020): 69–77, https://doi.org/10.18510/hssr.2020.848.

[32] Haris Maiza Putra et al., "Reconstruction of the Practice of Siyasa Syar'iyyah During the Islamic Empire's Relevance to the Practice of Sharia Financing CWLS Retail in Indonesia," *Al-Istinbath: Jurnal Hukum Islam* 8, no. 2 November (November 9, 2023): 347, https://doi.org/10.29240/jhi.v8i2.8057.journals and the internet, as well as other relevant sources regarding the politics of Islamic law (siyasah syar'iyyah

[33] Hisam Ahyani, Memet Slamet, and Tobroni, "Building the Values of Rahmatan Lil 'Alamin for Indonesian Economic Development at 4.0 Era from the Perspective of Philosophy and Islamic Economic Law," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 16, no. 1 (June 27, 2021): 121–51, https://doi.org/10.19105/al-lhkam.v16i1.4550.

innovation. The integration of digital systems into cash waqf management has significantly expanded public accessibility, enhanced fundraising efficiency, and strengthened the potential of waqf as an instrument of Islamic social finance. From the perspective of Islamic law, digital cash waqf is consistent with the objectives of maqāṣid al-sharīʿah, particularly in promoting social welfare, economic justice, and sustainable public benefit. At the same time, Indonesia's positive legal framework, especially Law Number 41 of 2004 concerning Waqf, provides an important juridical foundation for the legitimacy and institutional governance of cash waqf. The harmonization between Sharīʿah principles, national legal regulations, and digital financial governance demonstrates that legal transformation is essential for accommodating technological developments while maintaining legal certainty, accountability, and public trust in digital waqf administration. Nevertheless, the optimization of digital cash waqf in Indonesia continues to face various challenges related to cybersecurity, digital data protection, institutional coordination, regulatory synchronization, and limited public literacy regarding digital finance and waqf management. These challenges indicate that technological innovation alone is insufficient without the support of adaptive legal frameworks, professional institutional governance, and integrated regulatory supervision. Therefore, strengthening collaboration among government institutions, Islamic financial organizations, nāẓir, fintech providers, and religious authorities is necessary to establish a sustainable and accountable digital waqf ecosystem. In addition, regulatory reform, technological capacity-building, and public education programs should be prioritized to enhance the effectiveness and inclusiveness of digital cash waqf. Through comprehensive legal harmonization and institutional collaboration, digital cash waqf possesses significant potential to become a transformative instrument for strengthening Islamic social finance and supporting inclusive socio-economic development in Indonesia's digital era.

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