

Digital Productive Waqf: Contextualization of Sharia Economic Law in Indonesia

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Article Info	Abstract
Received: 21-09-2025 Revised: 06-10-2025 Accepted: 07-10-2025 Published: 09-10-2025 Keywords: Productive Waqf; Digitalization; Islamic Economic Law; Regulation; Governance	The digital transformation in waqf management has shifted traditional practices toward a more modern, transparent, and participatory system. While digitalization provides significant opportunities for optimizing productive waqf, current regulations remain conventional and have yet to fully accommodate the needs of the digital era. This study aims to analyze the role of digitalization in developing productive waqf in Indonesia and to evaluate the responsiveness of Islamic economic law regulations to these transformations. This research employs a qualitative approach using literature review and normative analysis. Data were obtained from a review of waqf regulations, DSN-MUI fatwas, and both national and international academic literature on waqf digitalization. Digitalization offers substantial opportunities to enhance transparency, accountability, and public participation in productive waqf. However, Islamic economic law regulations in Indonesia are not yet fully responsive to emerging issues such as digital data protection, transaction security, and technology-based governance. Differences in fatwa interpretation also present challenges in implementing digital waqf. Digitalization of productive waqf has great potential to support the economic empowerment of the Muslim community. Nevertheless, regulatory reforms, stronger roles for supervisory authorities such as BWI, DSN-MUI, and OJK, as well as improved public digital literacy, are required to maximize its benefits. This article contributes a new perspective on the urgency of strengthening the legal framework and governance of digital waqf that is adaptive to technological developments, providing both a conceptual foundation for future research and guidance for policy formulation.
Info Artikel	Abstrak
Kata Kunci: Wakaf Produktif; Digitalisasi; Hukum Ekonomi Syariah; Regulasi; Tata Kelola.	Transformasi digital dalam pengelolaan wakaf telah mengubah paradigma tradisional menuju sistem yang lebih modern, transparan, dan partisipatif. Digitalisasi menghadirkan peluang besar bagi optimalisasi wakaf produktif, namun regulasi yang ada masih berbasis konvensional dan belum sepenuhnya mengakomodasi kebutuhan era digital. Penelitian ini bertujuan menganalisis peran digitalisasi dalam pengembangan wakaf produktif di Indonesia serta mengevaluasi responsivitas regulasi hukum ekonomi syariah terhadap perubahan tersebut. Penelitian ini menggunakan pendekatan kualitatif dengan metode studi literatur dan analisis

normatif. Data diperoleh melalui telaah terhadap regulasi wakaf, fatwa DSN-MUI, serta literatur akademik nasional dan internasional terkait digitalisasi wakaf. Digitalisasi membuka peluang besar dalam meningkatkan transparansi, akuntabilitas, serta partisipasi masyarakat dalam wakaf produktif. Namun, regulasi hukum ekonomi syariah di Indonesia belum sepenuhnya responsif terhadap isu-isu baru seperti perlindungan data digital, keamanan transaksi, dan tata kelola berbasis teknologi. Perbedaan interpretasi fatwa juga menjadi tantangan dalam implementasi wakaf digital. Digitalisasi wakaf produktif memiliki potensi besar dalam mendukung pembangunan ekonomi umat, tetapi diperlukan pembaruan regulasi, penguatan peran otoritas pengawas seperti BWI, DSN-MUI, dan OJK, serta peningkatan literasi digital masyarakat agar manfaatnya dapat dimaksimalkan. Artikel ini memberikan perspektif baru mengenai urgensi penguatan kerangka hukum dan tata kelola wakaf digital yang adaptif terhadap perkembangan teknologi, serta menawarkan basis konseptual bagi penelitian lanjutan dan perumusan kebijakan.



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INTRODUCTION

Productive waqf serves as one of the most vital instruments in fostering the economic independence of Muslim communities. This concept emphasizes the professional and sustainable management of waqf assets to generate a surplus that can be redistributed for social welfare and community empowerment. In the Indonesian context, productive waqf holds high urgency due to the vast potential of national waqf assets which, if optimally managed, could make a significant contribution to sustainable development (Muttaqim et al., 2025). Data from the Indonesian Waqf Board (Badan Wakaf Indonesia/BWI) indicates that thousands of hectares of waqf land and hundreds of billions in cash waqf remain underutilized, creating a gap between potential and realized contributions to the strengthening of the Islamic economic system (Sugianto & Fadhel Mohammad, 2024).

The development of digital technology presents new opportunities for managing productive waqf. The emergence of online waqf platforms, Islamic crowdfunding, and blockchain-based waqf systems has enabled broader public participation, including from individuals with limited financial capacity. These digital mechanisms have shifted the paradigm of waqf from being exclusive to more inclusive. Such transformation requires a prompt response from the perspective of Islamic economic law to ensure that technological innovations remain grounded in Shari'ah principles without undermining the substance of the waqf contract (Siregar & Pahutar, 2024).

Studies on waqf digitalization reveal a paradigm shift in Islamic philanthropy management toward systems that are more adaptive to technological advancement. Ulhusna, Azizah, Dinanti, and Adriansyah (2024) assert that digital waqf plays a strategic role in promoting social welfare and achieving the Sustainable Development Goals (SDGs) through effective and transparent governance. However, they also identify obstacles such as public skepticism and limited understanding of the digital waqf concept. A critical perspective offered by Wahyuni S. et al. (2025) questions whether waqf digitalization constitutes an innovation or a distortion of its classical concept. Their study underscores the necessity of maintaining Islamic legal principles to ensure that digital transformation does not erode the substantive meaning of waqf as a social and spiritual instrument.

Furthermore, Rahmawati et al. (2021) explain that the digital transformation initiated by the Indonesian Waqf Board represents a systematic effort to strengthen the national waqf ecosystem through three main stages: internal digitalization, nazhir digitalization and data integration, and the acceleration of digital ecosystem development. Their research highlights the importance of synergy between technology and waqf institutions to create efficient and accountable governance. Similarly, Syaifullah and Idrus (2019) emphasize how the use of social media and digital platforms by nazhirs at the Bani Umar Waqf Foundation has proven effective in enhancing communication, promotion, and transparency in productive waqf management.

The above studies demonstrate that waqf digitalization has become an increasingly dominant trend at both national and global levels. Nevertheless, this development also raises normative and regulatory challenges that must be addressed carefully to ensure that digital innovations remain consistent with Shari'ah principles and contribute tangibly to sustainable development. One of the key issues concerns the legal validity of digital waqf contracts. The practice of performing *ijab qabul* (offer and acceptance) through digital applications raises a fundamental question: can such contracts be considered valid under Islamic law? This issue reveals a gap between *das sein*—the existing digital practices—and *das sollen*—the normative requirement that contracts comply with Shari'ah legal provisions.

An Islamic economic law analysis is therefore essential to bridge this gap. Strengthening the regulation of digital waqf must be grounded in the principles of *maqāṣid al-shari'ah*, particularly those of public welfare (*maṣlaḥah*), justice, and protection of rights. Digital waqf can be deemed acceptable insofar as it supports the objectives of Shari'ah, namely the preservation of religion, life, intellect, lineage, and property. Without the

foundation of *maqāṣid*, digitalization risks causing harm, including the potential misuse of communal funds. Hence, contextualizing Islamic economic law serves as a middle path between technological innovation and adherence to Shari'ah principles.

The practice of digital waqf in various countries offers valuable references for strengthening Indonesia's regulatory framework. Malaysia, for instance, has developed the Waqf Integrated Online System, combining information technology with a robust accountability structure. Meanwhile, Turkey has successfully implemented a cash waqf model integrated within Islamic banking systems under state supervision. These experiences demonstrate that waqf digitalization is not inherently contrary to Shari'ah, provided that it is supported by clear regulations and effective oversight mechanisms.

Against this backdrop, this study aims to analyze the opportunities offered by digitalizing productive waqf in strengthening Indonesia's Islamic economy, while identifying regulatory challenges from the perspective of Islamic economic law. Academically, the study seeks to contribute a theoretical framework for digital waqf law and to offer practical recommendations for regulators, *nazhirs*, and digital platform managers to ensure that digital waqf implementation remains Shari'ah-compliant, transparent, and accountable.

RESEARCH METHOD

This study employs a qualitative approach with a normative-legal research type complemented by a literature review. The normative-legal approach is applied to analyze the provisions of positive law governing waqf in Indonesia, while simultaneously examining how Islamic economic law provides a normative framework for digital waqf practices. The literature review is utilized to explore theories, concepts, and findings from previous studies relevant to the development of technology-based productive waqf. This combined approach enables the research to comprehensively reveal the interconnections between legal norms, Shari'ah principles, and the practical realities of digital waqf implementation.

The research data sources include primary, secondary, and tertiary legal materials. Primary legal materials encompass Law No. 41 of 2004 concerning Waqf, Government Regulation No. 42 of 2006, and fatwas issued by the National Sharia Council-Indonesian Ulama Council (DSN-MUI) related to waqf. Secondary data are obtained from official reports by the Indonesian Waqf Board (BWI), scholarly articles published in reputable national and international journals, and publications from Islamic financial institutions.

Additional data are sourced from digital waqf platforms, which provide information on fund collection mechanisms, management transparency, and technological innovations in waqf practices.

Data analysis is conducted through several stages. First, data reduction is applied to select and focus on information relevant to the research topic. Second, legal interpretation is employed to examine the norms and Shari'ah principles within the context of waqf digitalization. Third, descriptive-analytical analysis is performed to systematically elaborate on digital waqf phenomena and assess their alignment with the framework of Islamic economic law. This process yields findings that are not only descriptive but also offer in-depth insights into the opportunities and regulatory challenges of digital productive waqf in Indonesia.

RESULTS AND DISCUSSION

Opportunities for the Digitalization of Productive Waqf

The digitalization of productive waqf offers broader access for the public to participate in Islamic philanthropy. Through digital platforms, individuals can contribute waqf using any internet-connected device, without the need to be physically present at the nazhir office or waqf institution. This transformation marks a shift from traditional practices to a more inclusive modern model (Hasanah, 2023). Experience in Malaysia demonstrates that digital Islamic philanthropy can significantly increase the number of *wakifs* in a relatively short period due to the ease of access provided (Mahfud et al., 2020). Such findings are highly relevant in the Indonesian context, which has a large population of internet users.

The accessibility offered by digital platforms aligns with global trends in financial inclusion. The World Bank emphasizes that financial technology can extend services to grassroots communities (Satria, 2025). Digital waqf becomes part of this movement, enabling low-income communities to contribute. Micro-cash waqf mechanisms have been implemented in countries such as Turkey and Pakistan, yielding substantial results in social fund mobilization (Anggraini et al., 2024). This demonstrates that digital waqf can overcome socio-economic barriers that previously limited community participation.

Transparency represents a strategic opportunity of waqf digitalization. Blockchain technology, for instance, enables permanent, decentralized, and tamper-resistant recording of waqf transactions. Each *wakif* can monitor fund flows in real-time, enhancing public trust (Nasywa & Setiawan Bin Lahuri, 2025). Zulkarnaen et al. (2021) emphasize that

blockchain has the potential to strengthen the accountability of waqf institutions while minimizing moral hazard risks. Although blockchain adoption in Indonesia remains limited, its potential to enhance the legitimacy and credibility of nazhirs is significant.

Accountability in managing digital waqf is crucial, as public trust underpins the success of philanthropic initiatives. Digital platforms that provide real-time reports on funds collected, financed projects, and outcomes can garner broader community support (Huda et al., 2014). Wibisono et al. (2022) highlight transparency as a key factor in building *wakif* trust, particularly among younger generations who are critical of fund management. Thus, technology functions not only as a technical tool but also as a means of fostering social relationships between nazhirs and communities.

Participation from millennial and Gen Z cohorts constitutes another strategic opportunity. These groups are highly engaged with digital technologies and more likely to participate in social activities via online platforms (Ratna et al., 2023). They prefer contributing through digital applications rather than conventional methods. In Indonesia, tech-savvy youth can serve as the driving force for the resurgence of digital waqf. Their involvement can ensure the sustainable growth of waqf contributions (Ulhusna et al., 2024).

The engagement of young generations also has strategic importance, as they are the productive segment dominating the population. Digital waqf allows them to learn about Islamic philanthropy early on, thereby strengthening intergenerational waqf culture (Firdaus et al., 2023). Hasanah (2023) notes that digital philanthropy among youth fosters sustainable participation, as they not only contribute but also promote philanthropic values through social media.

Asset management efficiency is further enhanced through digital systems. Digitalization allows for rapid, accurate, and integrated waqf asset registration. The Indonesian Waqf Board can develop a national digital database linked with blockchain to record land status, certification, and asset utilization reports (Anggraini et al., 2024). This efficiency directly increases waqf asset productivity, enabling nazhirs to design waqf investment programs that meet community needs while providing economic benefits—for instance, managing waqf land for hospitals or schools under profit-sharing arrangements with digital financial reporting (Rahmah, 2022).

Digitalization also encourages cross-institutional collaboration. Online waqf platforms can partner with Islamic banks, fintech firms, and marketplaces to expand

donation reach. Such collaboration allows waqf to enter a broader digital economic ecosystem (Rahmawati et al., 2021). Zakariyah et al. (2023) found that synergy between waqf institutions and fintech in Malaysia increased collected funds by up to 30% within a year, demonstrating that digital collaboration accelerates Islamic social fund mobilization.

Digital system connectivity supports more accurate monitoring and evaluation. Waqf institutions can provide online dashboards enabling *wakifs* to track project progress. Such monitoring enhances ownership and engagement, thereby fostering *wakif* loyalty (Satria, 2025). Additionally, digitalization opens opportunities for waqf internationalization, allowing funds to be collected not only from Indonesian communities but also from the global Muslim diaspora. Cross-border waqf facilitates international development collaboration, for example, funding hospitals or Islamic educational institutions.

Internationalization requires governance standards aligned with global practices. Adoption of digital technology must comply with international regulations, including anti-money laundering (AML) and counter-terrorism financing (CTF) frameworks. Waqf institutions meeting these standards are more likely to gain the trust of international *wakifs* (Nasywa & Setiawan Bin Lahuri, 2025). With the world's largest Muslim population, Indonesia has a significant opportunity to optimize international waqf funds (Ahmad, 2019).

The availability of digital data also creates broader research opportunities. Academics can utilize big data from digital waqf platforms to analyze participation trends, *wakif* segmentation, and program effectiveness, thereby supporting evidence-based policy formulation (Maisyarah & Hadi, 2024).

Finally, product innovation presents additional opportunities. Some platforms in the Middle East have developed micro-waqf, crypto-waqf, and integration with e-wallets, enabling diversified funding sources and reaching digitally fluent youth (Dzaki et al., 2025). Ultimately, these opportunities strengthen Islamic economic law, as digital systems facilitate the effective implementation of Shari'ah principles, including contract clarity, transparency, and justice.

Regulation and Legal Protection in the Digitalization of Waqf

Waqf regulation in Indonesia is still grounded in conventional legal frameworks, particularly Law No. 41 of 2004 on Waqf and Government Regulation No. 42 of 2006. These legal instruments were established prior to the rapid development of digital transformation and therefore do not explicitly regulate waqf mechanisms via online

platforms. This mismatch has created a regulatory gap as waqf practices enter the digital realm, including the use of applications, Islamic crowdfunding, and blockchain technology (Hasan & Sari, 2021).

Regulatory ambiguity generates legal vulnerabilities for all stakeholders involved. *Wakifs* require assurance that funds channeled through digital platforms are managed in accordance with Shari'ah principles, while nazhirs need legal certainty to ensure that digital management activities are not considered violations of positive law (Yumarni et al., 2025). Current legal protection remains limited to recognition of rights and obligations under the Waqf Law, while detailed regulation concerning digital transactions—such as personal data protection and fund restitution in the event of system failure—has not been clearly established (Koswara, 2022).

Nazhirs managing digital waqf face similar challenges. Existing legal instruments emphasize manual management and do not accommodate governance based on financial technology. Yet, efficient management of waqf through applications and blockchain requires legal legitimacy to avoid normative gaps (Hasan & Sari, 2021). The risk of personal data misuse is a significant concern, given that digital platforms collect information including *wakif* identities, bank account numbers, and transaction histories. Without adequate data protection regulations, this information is vulnerable to illegal exploitation by third parties (Insani et al., 2024).

Cybersecurity constitutes a critical challenge in waqf digitalization. Platform systems are susceptible to hacking, phishing, and payment system manipulation. Indonesia's Electronic Information and Transactions Law (ITE) exists, but its provisions are general and do not specifically protect digital waqf transactions. The potential for fraud also warrants caution, particularly concerning fraudulent platforms claiming affiliation with official institutions to collect public funds.

Fatwas issued by the National Sharia Council-Indonesian Ulema Council (DSN-MUI) provide guidance on the use of Islamic financial instruments; however, differences in interpretation persist regarding the utilization of financial technology in waqf. Some scholars argue that digital platforms are permissible as long as they comply with Shari'ah principles, while others emphasize the necessity of strict oversight. These divergent interpretations highlight the limitations of the normative framework in anticipating the complexities of digitalization, leading to varying implementation standards across institutions and potential public confusion.

Fragmentation of the legal framework has implications for weak accountability of digital waqf institutions. While the Indonesian Waqf Board (BWI) endeavors to provide guidance, these guidelines lack the legal force equivalent to statutory law. In other countries, such as the United Arab Emirates, waqf authorities have full authority to regulate, supervise, and sanction digital waqf institutions.

The absence of comprehensive legal norms also affects international accessibility. Indonesia has the potential to become a global waqf hub; however, without clear regulations, foreign investor trust is difficult to secure. Singapore, for instance, has developed an Islamic fintech regulatory model that allows global investors to channel funds securely (Syahbibin & Hisan, 2023).

Regulatory urgency relates not only to protection but also to the optimization of digital waqf potential. Productive digital waqf can support the development of educational and healthcare infrastructure as well as economic empowerment. Yet, without regulations ensuring transparency and accountability, such potential risks remaining unrealized (Rahmah, 2022). Legal protection in digital waqf requires synergy between positive law and Shari'ah principles. National regulations should adopt the principles of *maqāṣid al-shari'ah* so that the protection of *wakifs* and *nazhirs* is not merely technical but also substantive (A'yun et al., 2025).

The regulatory challenges in digital waqf underscore the need for responsive legislative reform. Revising the Waqf Law or issuing new regulations specifically addressing digital waqf could provide more comprehensive legal certainty (Anggraini et al., 2024). In doing so, Indonesia would not only protect the community from misuse risks but also strengthen its position as a pioneer in digital waqf development globally.

Strengthening Regulation and Governance of Digital Waqf in Indonesia

Strengthening digital waqf regulation has become an urgent necessity alongside the growth of technology-based Islamic financial instruments. Current regulations, such as Law No. 41 of 2004 on Waqf, remain focused on conventional waqf without providing detailed guidance for digital practices. The emergence of application-based waqf platforms, Islamic crowdfunding, and blockchain technology introduces a new model that has yet to be fully accommodated within the existing legal framework (Fattah & Kurniawan, 2021). Consequently, regulatory revisions must address not only technical aspects but also

substantive issues, including the legal status of digital transactions, data protection mechanisms, and technology-based audit procedures.

The involvement of key institutions such as the Indonesian Waqf Board (BWI), the National Sharia Council-Indonesian Ulema Council (DSN-MUI), and the Financial Services Authority (OJK) is critical for effective governance of digital waqf. BWI is responsible for regulating and supervising *nazhirs*, DSN-MUI issues fatwas regarding *Shari'ah* compliance, and OJK oversees aspects of digital financial operations. Collaboration among these institutions can establish an integrated governance system that ensures legal legitimacy while enhancing public trust.

BWI has initiated digital waqf platforms as part of management innovation. However, without a stronger legal framework, these initiatives remain largely administrative. Strengthening governance requires legally binding regulations rather than internal guidelines alone. BWI needs support through legislation that expands its supervisory authority over digital waqf activities (Rahmawati et al., 2021).

OJK bears the responsibility of ensuring the security and transparency of digital financial platforms, including waqf. Supervision by OJK may encompass digital platform certification, system audits, and consumer protection. Practices in the United Arab Emirates demonstrate that financial authorities grant special permits to digital waqf institutions that meet cybersecurity standards (Yumarni et al., 2025). A similar model could be implemented in Indonesia to enhance public confidence and attract global investors.

Digital waqf literacy is a crucial element in strengthening governance. The public must understand the mechanisms, benefits, and risks associated with digital waqf to participate consciously. Low digital literacy often creates opportunities for fraud and data misuse (Satria, 2025). Literacy programs should involve universities, religious institutions, and community organizations through seminars, digital campaigns, and community-based training. Practices in Turkey show that collaboration between religious authorities and universities successfully increases public trust in digital waqf platforms (Satria, 2025).

Literacy challenges also extend to millennials and Gen Z, who, despite being technologically adept, often have limited understanding of *Shari'ah* law. They are primary targets of digital platforms but remain vulnerable to misinformation. Therefore, regulatory strengthening requires the integration of data between digital waqf platforms and supervisory institutions. Such systems enable real-time transaction tracking and ensure

transparency. Blockchain technology can further guarantee the immutability of transaction records.

Digital waqf governance must adopt good governance principles, including transparency, accountability, and participation. Transparency can be realized through publicly accessible digital financial reports; accountability through independent audits; and participation through feedback features on platforms. Cybersecurity policies should establish minimum system security standards mandatory for all platforms. Without robust protection, cyber threats may undermine public trust.

Regulation and governance strengthening must also consider the principles of *maqāṣid al-sharīʿah*, including the protection of *wakif* assets, fairness in management, and equitable distribution of waqf benefits. Maqāṣid-based regulation can balance the need for technological innovation with the sustainability of Sharīʿah principles (Ratna et al., 2023).

Overall, strengthening digital waqf regulation and governance in Indonesia requires a comprehensive strategy encompassing legal reform, institutional collaboration, public literacy, and alignment with international standards. Indonesia possesses significant potential to become a global waqf hub, but this can only be realized if regulations adapt proactively to the digital era. With clear legal frameworks, robust governance, and adequate public literacy, digital waqf can serve as a strategic instrument for strengthening the national Islamic economy while enhancing Indonesia's contribution on the global stage.

CONCLUSION.

The digitalization of productive waqf presents significant opportunities to strengthen Indonesia's Islamic economy by enhancing public access, leveraging technology-based transparency, fostering youth participation, and improving asset management efficiency. Nevertheless, existing regulations remain grounded in conventional frameworks and have not fully accommodated the dynamics of digital instruments. Legal protection for *wakifs* and *nazhirs* in the digital context remains limited, encompassing issues of legal certainty, data security, and transparency assurance.

Institutions such as the Indonesian Waqf Board (BWI), the National Sharia Council-Indonesian Ulema Council (DSN-MUI), and the Financial Services Authority (OJK) play a strategic role in establishing credible digital waqf governance that aligns with Sharīʿah principles. Strengthening regulations, enhancing public literacy, and harmonizing with international standards constitute key priorities to ensure that digital waqf functions not

only as a religious instrument but also as a vehicle for sustainable Islamic economic development.

This study has limitations, as it focuses on normative-legal analysis and secondary literature, without empirical field data. The analysis is confined to national regulatory frameworks and selected international comparisons, and therefore does not encompass the full spectrum of global digital waqf practices. The evolving regulatory landscape also necessitates periodic updates to maintain the relevance of research findings.

Based on the results, this study recommends revising the Waqf Law and its derivative regulations to explicitly accommodate digital mechanisms, including data protection, cybersecurity, and governance based on good governance principles. The roles of BWI, DSN-MUI, and OJK should be strengthened through integrated supervisory collaboration to ensure consistent and comprehensive implementation. Digital waqf literacy programs should be prioritized to raise public awareness—particularly among millennials and Gen Z—regarding both the benefits and risks of technology-based waqf.

Future research is encouraged to adopt empirical approaches, including case studies of digital waqf platforms in Indonesia, and to expand international comparisons. This would support the formulation of a more comprehensive, practical, and adaptive governance model for digital waqf that effectively balances technological developments with Shari'ah principles.

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