



SUSTAINABLE PRODUCTIVE WAQF MANAGEMENT OF MANARUL ILMI ITS FOUNDATION PERSPECTIVE OF MAQÂSHID SHARIA

Roby Julio Pratama^{1*}, Abdul Wahab², Dian Berkah³

¹Universitas Muhammadiyah Surabaya, Indonesia; robjulyo99@gmail.com

²Universitas Muhammadiyah Surabaya, Indonesia ; abdulwahabf04@gmail.com

³Universitas Muhammadiyah Surabaya, Indonesia ; dianberkah@um-surabaya.ac.id

*correspondence author: robjulyo99@gmail.com

Abstract: This research project aims to examine the management of sustainable productive waqf at the Manarul Ilmi ITS Foundation and assess its suitability from a Maqâshid Syariah perspective. It used a qualitative case study approach. Data were collected through interviews with foundation administrators (nazhir), waqf fund managers, and donors (waqif). Additionally, the researchers conducted direct observations of the waqf business unit and analysed supporting documents, such as programmes and financial reports. The results showed that the management of productive waqf at the Manarul Ilmi Foundation includes asset development in the form of waqf funds from alumni and benefactors, as well as thematic programmes such as well waqf, mosque design waqf, and scholarships. However, the sustainability aspect has not yet been fully incorporated into long-term strategic planning or social impact measurement. From a Maqâshid Syariah perspective, this management fulfils several aspects, such as hifz al-din (through mosque utilisation and da'wah), hifz al-'aql (through scholarship waqf), and hifz al-nafs (through well waqf). However, the hifz al-mal aspect still requires improvement in efficiency, transparency, and reinvestment of waqf proceeds. This research recommends that foundations develop a productive waqf governance system based on sharia maqâshid indicators, strengthening public engagement and institutional documentation to ensure the long-term benefits of the waqf.

Keyword: Management, waqf, Manarul Ilmi Foundation, Maqâshid Syaria

A. Introduction

Waqf is a social activity that started in the era of the Prophet Muhammad SAW and continues to develop today. Waqf is also a style of socio-economic activity that is mandated by Islam so that it can build a social spirit, empathy, or concern for their Muslim brothers. This activity has developed throughout the world; for example, in Indonesia, the practice of waqf has its laws in regulating and managing waqf assets as stated in Law No. 41 of 2004 concerning waqf, along with the times the practice of waqf has many innovations as an infrastructure for managing waqf assets.



The development of waqf is not far from social turmoil, and the role of researchers in analyzing waqf, according to the Indonesian Waqf Board, is that waqf has economic potential compared to zakat, shadaqah, and others. (Indonesia, 2016). So that waqf management also gave birth to various types of innovative management; one example is launched from <https://infopublik.id/> UNAIR, the first university to manage waqf; BWI (Indonesian Waqf Board) has also issued a waqf management approval letter to UNAIR on 8/23/2018 in Jakarta; and many more social institutions and fund management institutions that extend to waqf practices. The Manarul ilmi Foundation is also one of the social institutions implementing waqf programs, including scholarship waqf and design waqf, in collaboration with the ITS Endowment Fund Management Institute.

Waqf also has several types of assets that can be waqfed, including immovable property and movable property, which is the focus point of the author. In this case, the author focuses more on movable property, namely funds or money, as in the hadith of the Prophet Shallahu alaihi wassalm, From Abu Hurairah radhiyallahu anhu, 'the Messenger of Allah SAW said: "When a person dies, all his deeds and except for three : a countinous charity, knowledge, wich benefited from, or a pois child who prays rom him" (H.R. Muslim No. 1631).

The management of productive waqfs in Indonesia is a concern for many, including academics and practitioners. Several studies show that productive waqf management in various institutions still faces challenges regarding management, transparency, sustainability, and compliance with Sharia principles. The research conducted by the Nazirs highlights several issues, including a lack of public understanding of the concept of productive waqf, limited managerial capacity among nazirs, and restricted access to financial resources and technology (Ubaidillah, 2024). Secondly, the research results (Hidayatullah & Saiin, 2025) require policy and regulatory reforms that are more adaptive to the current climate. This includes supporting productive waqf schemes based on investment and social entrepreneurship. Strengthening the governance of waqf institutions through the capacity building of nadzir via education, training, and competency certification is also a strategic step.

Jasser Auda considers it very important to include human resources development in general maslahat, one of the maqâshid al-sharī'ah realized in Islamic law. Jasser Auda's approach to maqâshid al-syarī'ah does not start from scratch, but instead builds on and develops the work of previous scholars (Yaqin, 2018). Based on this research, three gaps have been identified: Firstly, there is a lack of empirical studies on productive waqf management in science and technology-based universities, such as the Manarul Ilmi ITS Foundation. Secondly, there is a lack of integration between sustainability principles and productive waqf evaluation models, which only assess success in economic terms. Thirdly, there is a lack of integration between sustainability principles and productive waqf evaluation models, which do not consider maqâshid sharia.

It management focuses on organising, structuring, and achieving specific goals. Productive waqf, in this term, also transforms natural waqf management into reliable waqf management to increase the benefits of waqf. (Ainulyaqin et al., 2023), Productive waqf is also part of the initiation of the purpose of waqf, which is to benefit the people, and not less than or more than the principal value. According to the author, with this sustainable, productive waqf program, part of the nadzir's efforts to manage the cash waqf continue to survive and increase its benefits.

The Manarul Ilmi Foundation is an institution that manages the ITS Manarul Ilmi Mosque and is engaged in the social sector, including waqf and zakat. For this reason, the Indonesian Waqf Board provides a Proof of Registration Certificate for Cash Waqf Nazirs to provide a legal umbrella for the operations carried out by the Manarul Ilmi ITS Foundation in the field of cash waqf. Launched from (BWI, 2019), the Manarul Ilmi foundation has legally become Nadzir on October 19, 2019. Productive waqf management at the Manarul Ilmi ITS foundation is a programme that moves on the use for the community through Education Scholarships and Waqf Design, which aims to help the community in supporting education, with the hope of educating the nation's children.

The issue of how to manage waqf assets productively and sustainably using Sharia principles is still a relevant research topic. While previous studies have discussed the optimisation of waqf assets and economic efficiency, few have examined how waqf management contributes to achieving the main objectives of sharia (maqâshid sharia). Furthermore, there is a lack of empirical studies examining productive waqf management in modern higher education institutions, despite the great potential of institutions such as the Manarul Ilmi ITS Foundation in developing waqf that is not only economically valuable, but also has social, intellectual, and spiritual impacts. Given these gaps, this research is important in analysing how productive waqf management at the Manarul Ilmi ITS Foundation can be directed towards sustainability and alignment with maqâshid sharia. This could serve as a model for productive waqf development in similar institutions.

B. Method

His research takes a qualitative approach using the case study method. This approach was chosen because the research aims to explore in depth how sustainable, productive waqf management is implemented at the Manarul Ilmi ITS Foundation and how this practice is assessed from the Maqâshid Syariah perspective. Case studies are considered an appropriate way of describing complex phenomena in real-life situations (Yin, 2016). This type of research is a descriptive, qualitative, single-case study, focusing on one main object: the Manarul Ilmi ITS Foundation. Case studies enable researchers to conduct in-depth investigations into the social context, management, and Sharia values involved in productive waqf management. The research was conducted at the Manarul Ilmi ITS Foundation and the ITS endowment fund management institution as the waqf fund manager. Data collection techniques were conducted using the following methods: In-depth interview. This technique was used to gather information on productive waqf policies, strategies, challenges, and management practices from the manager's perspective. This technique was conducted using a semi-structured set of questions. The Participatory observation: Researchers directly observed Waqf management activities and how they are utilised in the field. This observation aimed to obtain contextual data that was not revealed in the interview and documentation study: This included an analysis of the foundation's internal documents, such as programme reports, organisational structures, activity proposals, and waqf financial reports, as well as waqf regulations (e.g. Law No. 41/2004 and PP No. 42/2006). The data analysis includes data reduction, data presentation, and drawing and verifying conclusions. Data Validity (Trustworthiness) To maintain the validity and reliability of data in qualitative research, strategies are used: Source triangulation (comparing the results of interviews, observations, and documents), Member checking (confirming interview results with key informants), Audit trail

(recording the data analysis process systematically and transparently) and Peer debriefing (discussion of preliminary findings with supervisors or peer researchers).

C. Result and Discussion

Find out more about the Manarul Ilmi Foundation's Productive Waqf programmes.

According to Ms. Ika Putri Rahma Daniya, the operational coordinator of the Manarul Ilmi Foundation, it is one of the institutions engaged in the social sector. Among other things, its programme is called waqf. The Manarul Ilmi ITS Foundation has three waqf programs: the Well Waqf Program, the Design Waqf Program, and the Scholarship Waqf (Ika Putri Rahma Daniya, Personal Communication, February 18, 2025).

The First: Well Waqf Programme has collaborated with several other institutions, including the Nurul Hayat Foundation, Rumah Yatim, Rumah Zakat, etc. The Manarul Ilmi Foundation's Well Waqf management mechanism only provides funds for development with the proper location specifications, whether or not the location is suitable for digging wells. As for the designation of the Waqf Well itself, of course, it is prevalent. One example is that the Pondok Pesantren Well can impact the surrounding community; if residents do not have enough water, the pesantren cannot monopolize the well water because residents have rights there. If the submission from the residents, the foundation will see the use of this well for how many people, is it enough for the portion of many people, when the location is likely to be a small water source. It must move the place, because the well water can be sufficient for one hamlet or one RT, ensuring environmental sustainability. Do not let the well water be taken until it runs out and dries up, said Mrs. Ika Putri Rahma Daniya, as the Operations Coordinator. So, how do the residents take care of the environment? One example of a solution is to make infiltration wells and plant trees around the wells that are supposed to store water. It also includes preserving the environment. As for building the waqf well, the one responsible is the Manarul Ilmi Foundation, with partner organizations.

The Second: Waqf Design Program is very different from the Waqf Program in general, but the Manarul ilmi Foundation made the program at the initiative of ITS Alumni, and from the results of the interview with the Operations Coordinator in the program, the Manarul ilmi Foundation has an MoU in collaboration with ITS Alumni that they want to endow their knowledge through the intermediary of the Manarul ilmi Foundation. From the interview results, Mrs. Ika Putri Rahma explained that this waqf design is not limited to handing over the drawing results to the residents. However, several conditions must be fulfilled to accept this waqf design. Among others, the Manarul Ilmi Foundation must know the location of the mosque construction and whether it is strategic. Then, whether or not the construction of the mosque is suitable is also seen in terms of the hamlet's population, the number of residents, and the distance between the construction of the mosque and the pre-existing mosque. With the hope that the mosque will be built, it can be utilized by the community as it should be the function of the mosque: praying in congregation, holding recitations, and holding a Qur'an Education Park (TPQ).

Third: Manarul Ilmi ITS Foundation Scholarship Waqf Programme, Yayasan Manarul Ilmi opened a scholarship waqf program in 2019 and only started collecting funds in 2019, then in 2020 started fund management and first distribution in 2021. The waqf fund initially started from alumniITS and then managed to grow so that it could be given to younger siblings, said the head of the Manarul Ilmi Foundation.

From 2019 to 2024, the management of waqf funds first collaborated with BPR Syariah Lantabur Tebuireng. Waqf funds, represented by the balances of the Manarul Ilmi Foundation, were withdrawn and transferred to the ITS Endowment Fund Management Institution (LPDA).. For this productive waqf programme, YMI moved the partnership with LPDA under one roof. The waqf fund management system used by BPR Syariah Lantabur Tebuireng is based on deposits, whereas the Endowment Fund Management Institution uses a Sukuk Link system.

The Operations Coordinator of Yayaysan Manarul Ilmi ITS said that the cooperation contract is still profitable because one of the Manarul Ilmi Foundation's efforts is to find profitable deposits. In the past year, YMI has collaborated with the Endowment Fund Management Agency (LPDA) in the Scholarship Waqf programme, and the Manarul Ilmi Foundation has entrusted only one student as a recipient of the Scholarship Waqf. For the time being, only 500 million is managed by LPDA, and the Manarul Ilmi Foundation still holds the rest.

The Manarul Ilmi Foundation manages the Waqf funds submitted to LPDA, which are distributed through the Fund distribution system. The results of this management are then distributed to students through the Scholarship Waqf Programme. These funds are managed for one year, after which profit sharing begins.

The Potential Level of Productive Waqf in Manarul Ilmi Foundation, ITS

In sustainable, productive waqf management, developing thematic waqf programmes, such as scholarship and mosque design waqfs, has great potential to expand the scope of waqf benefits and increase community participation. These three programmes offer a form of waqf diversification that is consumptive and provides long-term benefits based on Maqâshid Syariah principles.

In the context of Manarul Ilmi Foundation, these waqf programmes can be directed to:

No	Waqf programmes	Potential
1.	Waqf Wells	<ul style="list-style-type: none"> Establish a clean water management system within the mosque, dormitory, or neighbouring community. Integrate the well system with renewable energy sources, such as solar power, to make it more energy-efficient and environmentally friendly. In terms of the Maqasid Shari'a, the waqf supports: Hifz al-nafs (protection of the soul), since water is a basic necessity for life. It also supports Hifz al-mal if the well is managed as a productive asset, with minimal paid services to ensure its operational sustainability. The well's potential for sustainability is very strong, as it can be used long term and is regularly maintained by the Waqf manager.
2.	Waqf Design	<ul style="list-style-type: none"> Provision of environmentally friendly and efficient mosque designs. Development of modular designs that can be replicated in many places.

No	Waqf programmes	Potential
		<ul style="list-style-type: none"> • In the context of Maqâshid Sharia: Hifz al-din (preserving religion) through the optimal role of the mosque and Hifz al-mal, if the design is directed to be efficient and cost-effective in the long run. • Waqf in the form of mosque design services is a highly promising innovation in non-material waqf. Students or alums, architecture or civil engineering alums, can contribute their expertise in the form of competency waqf, facilitating collaboration between science and charity, and establishing the mosque as a centre of civilisation and learning, and a place of worship.
3.	Scholarship Waqf	<ul style="list-style-type: none"> • Proceeds from the management of productive waqf assets (such as rental properties); • Cash waqf contributions from alums and benefactors, or collaboration with zakat and philanthropic institutions. • From the perspective of Maqâshid Sharia, safeguarding the intellect (Hifz al-'aql) is reflected in increasing the intellectual capacity of the ummahummah, while safeguarding offspring (Hifz al-nasl) is also fulfilled through investment in the younger generation. • This scholarship can be directed to: Underprivileged students, especially santri or mosque activists, and Islamic-based research or technology innovation programmes.

Productive Waqf Management at Manarul Ilmi ITS Foundation

As for the Productive Waqf Management at the Manarul Ilmi ITS Foundation with its three waqf programs, starting from Waqf Design (Architectural Design of Mosque Construction), continuing from the results of interviews with Mrs. Ika Putri Rahma, the design of the building is not limited to drawing only but anticipating and calculating all the scope of development needs and the conditions of the location of the construction site. So that the building design has a high value. Researchers took one example from the PUPR Architecture design concept: sustainable architecture has nine important principles in it, namely: urban ecology, energy strategy, water, waste, materials, environmental community, economic strategy, cultural preservation, and operational management (Amini et al., 2019).

This shows how important the architectural design is for the sustainability of the building, as the Manarul Ilmi Foundation said that this design has value. Architecture is sincere in donating its design because it knows it has value. It is built by applying the principles of Shara. Sustainable development can balance environmental, social, and economic aspects with the conditions of priority areas such as urban areas, which are the benchmark for much development.

The Well Waqf program is the result of the waqf funds collected. In this program, the Manarull Ilmi Foundation invites other institutions and agencies to partner and jointly assist in the construction of a well waqf, one of which is the Nurul Hayat Surabaya Foundation, which is one of the cooperation partners in the well waqf program. As

exemplified by the third Caliph, Usman bin Affan, endowed the well he bought from the Jews and benefited the general public in Medina, including the Jews who were the first owners (Mulyono, 2020).

Scholarship Waqf is a Waqf Fund channeled through the Manarul Ilmi ITS Foundation and managed through cooperation (partnering). Starting from BPR Syari'ah Lantabur Tebuireng, then switching to the ITS Endowment Fund Management institution, aiming to ensure that all waqf management processes go through one door. As for the first year, 2019, the Manarul Ilmi Foundation focused on collecting funds with an Rp income of 153,446,374 then in 2020 it increased by 185,477,295, until 2024 it increased and was managed in collaboration with BPR Syari'ah Lantabur Tebuireng, managed in the form of deposits. Continuing until 2024, the Manarul Ilmi Foundation moved to a partnership with the ITS Endowment Fund Management institution, Manarul Ilmi Foundation moved to a partnership with the ITS Endowment Fund Management institution, so that the funds that were previously in BPRS Lantabur were transferred to management using a sukuk contract.

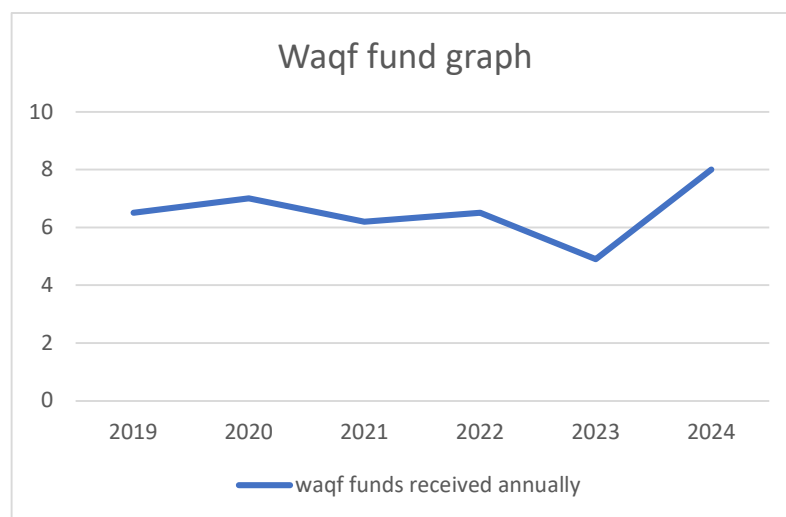


Figure 1: Graph showing Waqf funds received per year (2019–2024).

The trend line shows the fluctuation in the amount of waqf funds received each year. There was a decrease in 2023. There was a significant increase in 2024.

Source: Research data collected by Roby Julio Pratama et al., 2025.

Definition of Sukuk

By definition, sukuk are long-term securities based on Sharia principles that serve as proof of ownership and are issued by the issuer to Islamic bondholders. The issuer must pay bondholders income in profit-sharing margins or fees and repay the bond funds at maturity by the fatwa No. 32/DSN-MUI/IX/2002 (Rahayu & Agustianto, 2020).

There are two types of Sukuk: Sukuk as collateral assets and Sukuk as business investments. As collateral assets, Sukuk are usually designed in a sale and purchase agreement scheme using Murabahah (general sale and purchase), Istisna (sale and purchase with pre-order), and Salam (sale and purchase with pre-order and payment in full at the beginning of the contract), or a lease agreement scheme with Ijarah (lease of an asset). Meanwhile, Sukuk as a business investment can use a Mudharabah contract

(partnership where one party deposits 100% capital funds, the other party provides 100% skills) or Musyarakah (each party contributes a certain amount of capital funds and/or skills in an agreed percentage). Besides these two major schemes, Sukuk can also be used with an Agency Agreement scheme and a Wakalah contract. (Laila, 2019).

From the results of interviews with the coordinator of the LPDA (Endowment Fund Management Institution), it was explained that this fund management institution is a new institution directly coordinated by the ITS Rector, so that in managing funds, there must be campus approval. As explained in the previous paragraph, the LPDA fund management process uses sukuk. Sukuk is proof of ownership as long-term securities based on Sharia principles issued by issuers to holders of Sharia bonds. The Eternal Fund Management Institute has an MoU with BWI (Indonesian Wakaf Agency) for enduring fund development, which includes a program of formulating the eternal fund administration system and a perpetual fund development program with a second-stage CWLS Private Placement investment portfolio. The objectives of improving the utilization of enduring funds development include a lasting fund program for education, a lasting fund program for research grants, and a lasting fund program for community service. In harmony with managing Waqf funds under the idea of the Manarul Ilmi Foundation is Waqf Scholarship, which, from the management results, is intended for students in need, such as orphans and outstanding students.

In Islam, waqf refers to property donated by the waqif, without the intention of deriving material benefits from managing the waqf. Instead, it is managed by the nadzir for the benefit of the community and serves as a form of ongoing charity for the donor. From the explanation above, the Manarul Ilmi Foundation strives to manage waqf as effectively as possible while being cautious and adhering to the principles of Islamic Law. As Q.S. al-Baqarah (2:267) states, Allah SWT commands His people to spend their good wealth correctly, just as He sustains them on this earth.

Discussion on Maqasid Syari'ah

Maqāṣid al-sharī'ah is a two-word phrase consisting of maqāṣid and al-sharī'ah. Maqāṣid is the plural form of the word maqṣid, which means "the place intended or meant," or maqṣad, which means "goal or direction." The word al-sharī'ah is also interpreted as a set or collection of laws governing actions contained in Islam" (Helim, 2019). Ibn 'Ashūr, nicknamed Shaykh al-Maqāṣid al-Thānī, previously stated that maqāṣid al-sharī'ah are:

"The meanings and wisdoms preserved by the shāri' in every decree of His, and these meanings and wisdoms are not only specific to certain laws, but also encompass various legal characteristics, general purposes, meanings contained within a legal provision, and even meanings that are not considered by a legal decree".

In the above understanding, maqāṣid al-sharī'ah means the same as the meanings of wisdom, reason, intention, or benefit. It is stated in other words that maqāṣid al-sharī'ah is not only related to the purpose for which a law is established, but also to why that law is established (Helim, 2019). As is stated in its qaidah :

إِنَّ الْحُكْمَ يُدَوَّرُ مَعَ عِلَّتِهِ إِلَّا مَعَ حُكْمَتِهِ وَجُودًا وَعَدَمًا

"The existence or absence of the law depends on the presence or absence of 'Ilah, not depending on the presence or absence of wisdom".

We can conclude that the law occurs when the 'illah exists. According to Jasser Auda, the classic maqâshid al-syariah, which are more individual (namely protection and preservation), must be reoriented into maqâshid that are more universal in value and more societal and humanitarian (human rights and freedom).

Auda is a contemporary scholar who views maqâshid shari'ah as the core of Islamic law, understood holistically and contextually. He also criticises the classical approach, which he sees as too textual, rigid, and limited to the five basic maqâshid shari'ah: hifz al-din, al-nafs, al-'aql, al-nasl, and al-mal. According to Jasser Auda, the understanding of maqâshid shari'ah must include social justice, freedom, public participation, and human rights to address modern challenges.

As for Jasser Auda's use of a systems approach, this includes six interrelated properties: the cognitive nature of systems; wholeness; openness; interrelated hierarchies; multi-dimensionality; and purposefulness (Sutisna, 2020).

a. Cognitive nature (Cognitive nature of system)

Islamic law is the result of the ijtiḥad of the classical scholars in studying the Qur'an and Hadith to give birth to a law that Allah SWT directly commands in writing or implied, sometimes implicit orders of the classical scholars need to review to get the proper understanding in determining a law so that with cognitive assessment that is needed to think rationally and make sense. Jasser Auda believes that the classical Maqasid Shari'ah is more Individual, namely protection (protection) and preservation (preservation). So because the product of Islamic law (Fiqh) is the result of cognitive activity (which is likely to be errors or shortcomings) of course, it is possible to hold criticism and reassessment, namely First positioning Islamic law as an interpretation or the result of human ijtiḥad, second separating between Revelation and interpretation (Yaqin, 2018).

b. The Collapse Of The Islamic Legal System

The collapse of the Islamic or holistic system is seen in how to see the arguments and ijtiḥad of scholars in studying the Qur'an and Hadith, which are used by *usul fiqh* Scholars, which are "holistic evidence" (*hujjah al-kulliy*) taken into consideration in determining Islamic law (Sutisna, 2020). In the view of Jasser Auda, at least two urgent matters must be considered and rethought in this section: First, the uncertainty of the individual proposition; second, the limitations of causality in traditional and modernist theories (Yaqin, 2018). So in the integrity of Islamic law, a thorough assessment is needed involving other sciences such as Islamic philosophy, Mantiq Science, etc. In order to produce a holistic or complete law.

c. Openness Of The Islamic Legal System

According to Jasser Auda, there is no term closing the door of ijtiḥad in Islamic law as proposed by the classical scholars, because throughout the ages the reality that we experience the development of the Times will affect the social life system of society so that what is said by Jasser auda law will change with the development of the Times (Sutisna, 2020). So, with this, the study of Islamic law cannot necessarily

be fixed only on one reference, like the classical science of previous scientists. According to Jasser Auda, the philosophy of systems comes as a critique of modernity and postmodernity, which rejects modern reductionism, claiming that the whole human experience can only be understood through causal logic (Faisol, 2017). This encourages us to examine social phenomena through Islamic law, which is studied with post-modern science as the birth of philosophy, mantiq, and other logical Sciences to support social problems that bind rational Islamic law.

d. Relationship between levels in Islamic law

As formulated by classical scholars such as al-Syatibi, for example, there are hierarchies or levels of the most basic maqâshid, namely dharuriyat, hajiyyat, and tahsiniyat. However, in essence, the three are interconnected and related to each other, in the sense that all the things that must be done still have to consider basic needs such as eating, providing for the family, and the husband (Sutisna, 2020). Jasser Auda argues that holistic principles and ways of thinking are important in *usul fiqh* because they can play a role in contemporary renewal. So, forming a universal mindset helps us escape the shackles of narrow thinking by only focusing on things subject to fixed obligations (*qoth'i*).

e. Multidimensionality of the Islamic legal system

The system is a unity of various interrelated subsystems, as well as Islamic law, which is a system. So, in determining Islamic law, one must think multidimensionally. In this case, Auda criticized the *usul* scholars and scholars of classical jurisprudence tend to think in only one or two dimensions. For example, looking at everything only in terms of black and white, physical and metaphysical, universal and specific, and so forth. For example, in *Ta'arud al-dalalah*, some consider that there are conflicting verses in the Qur'an (Sutisna, 2020).

f. The purpose of the Islamic legal system

The purpose of Islamic law is to cover the five features of the Islamic legal system above: cognitive nature, integrity, openness, interrelation between levels, and multidimensionality.

In the contemporary Maqasid Shari'ah of Jasser Auda, which is more of a universal value, he divided the classification/hierarchy of contemporary maqâshid al-Shari'ah into 3 levels (Sutisna, 2020).

General maqâshid, the entire Islamic law includes dharuriyat and hajiyyat with the addition of justice. Management certainly requires caution when carrying out Shari'ah as *peraktek Waqf*. Manarul ilmi Foundation actualizes the Waqf program with good stages such as Waqf Wells, Waqf Design, and Waqf scholarships. This is seen from several examples of the companions practicing the waqf system with various muamalah instruments and representatives taught by Rasulullah Sallahu Alaihi Wasallam. According to the Quran, a Muslim has surrendered to Allah and his commands and believes in pure Tawhid (the oneness of God) that is not tainted with any shirk, and this is why the Almighty has introduced Prophet Abraham as a true:

وَرُوي أَبُو ثَوْرٍ عَنِ الشَّافِعِيِّ جَوْزٍ وَقَفَّهَا أَيُّ الدِّنَانِيرِ وَالذِّرَاهِمِ

It means: *Ibn Thawr narrated from Imam Shafi'i about the permissibility of Waqf dinar and dirham (money).* (Medias, 2010)

The Fatwa Commission of the Indonesian Ulema Council (MUI) also allowed Waqf money to be issued on May 11, 2002, which reads " suppress assets that can be utilized without the disappearance of the object or the pokonya, by not taking legal action against the object (selling, giving, or inheriting it), to be channeled (the result) to something permissible (not) haram that exists.

Allah (SWT) says: "You will not attain wisdom until you spend of what you love. And whatever you spend, God knows it "(QS. Al-Imran [3]:92), (fatwa MUI wakaf uang, 2002).

It is concluded that the management of productive waqf is the implementation of Allah SWT's command, which comes from the NAS or the Qur'an. His ummah will always do good by giving alms, and of course, giving alms cannot be separated from the Waqf management rules set by the government in the representative act.

Partial maqâshid is, maqâshid are aimed at certain decisions, such as feeding the poor and forbidding Muslims to store meat during the days of Eid al-adha. To determine a law in maqasid Shari'ah must begin with illat and wisdom. Talk about ' illat when discussing al-Qiyas, as qiyas equates a case that does not have a ruling in nash with a case whose law is in nash. Sy-Shirazi (t.t.: 56-57) reveals that ' illat is a substance or nature that requires the existence of law. He is a sign of the law, even illat, requiring it (Prof. Dr. Duski Ibrahim, 2019) As an example of money, Waqf management uses sukuk contracts. Nash did not explain that in Bemumalah, one must use a sukuk. However, to know how the sukuk is allowed, ijtihaad results from jurisprudence. In previous research, sukuk was a transformative instrument that helped raise funds for the development of a nation and increase business capital for firms or Limited Liability Companies (PT) in their business development (Fad, 2021).

Specific maqâshid, that is, maqâshid are aimed at specific parts of Islamic law, such as the prevention of monopolies in the law of financial transactions. This is seen in the postulate of the Prohibition of Islam against usury, which as Muslims in bertensaksi the need for a transfer of one example in the management of waqf assets in the form of money, solve the problem by making the waqf remain useful by the principle of waqf without eliminating the principal value of the waqf assets tesebut, using waqf assets to be used as business capital and then from the sales proceeds can be transferred to social charity when managing waqf assets in collaboration with banking institutions, of course, peru sees whether the banking uses the Shari'ah principles or not and the contract is used immediately Shari'ah principles as well, so that it is clear that the management and of course the report on expenses and income from the management and allocation to whom so that it is clear that the transfer of Waqf management is intended for the ummahummah. The cause of the Prohibition of a transaction is due to factors: first, haram zatnya (haram li-dzatuhi); second, haram other than zatnya (haram lighairihi); and third, invalid or incomplete contract, in Qaidah Fiqh Muamalah :

لَا ضَرَّارَ وَلَا ضَرَارَ

It means neither harm nor harm to each other.

This Q'aida states that whatever actions muamalah in that contain benefits and do not harm are permissible, but if the actions muamalah contain harm, they are forbidden (Fathurrahman, 2015).

A review of productive waqf from the perspective of Maqâshid Shariah is necessary because waqf is related to worship, society, and the economy. According to Jasser Auda, the five main objectives of Maqâshid Shariah are:

1. Hifz al-Din: Safeguarding, Protecting, Respect for freedom of religion and belief.
2. Hifz al-Nasl: Protection of the family and the institution of the family.
3. Hifz al-'Aql: Multiplying the mindset and Scientific research.
4. Hifz al-nafs: Preserving the dignity of humanity and Human rights.
5. Hifz al-Mal: Prioritising social care, Development and Social welfare.

Sustainable, productive Waqf management at Yayasan Manarul Ilmi, ITS, Maqasid Syari'ah perspective

In the description above, the Waqf program at the Manarul Ilmi ITS foundation starts from Waqf Design, Waqf Wells, and scholarship endowments; only scholarship endowments become productive Waqf management. In the classification of Jasser Auda Generak maqasid, it has been fundamentally advocated by Rasullullah charity through Waqf in Q.S. Al-Baqarah (2): 267 enjoins his ummahummah to spend good wealth on the right path, just as Allah SWT gives his Ummah sustenance on this earth. The Manarul Ilmi Foundation partially manages Maqasid and waqf assets through its endowment fund management institution. The results of the management will be distributed to the scholarship program (Waqf scholarship), to help students who can continue their education and sepcifiq Maqasid in the process of managing waqf assets, its endowment fund management institution, apply the sukuk contract system as described in the previous chapter that by using the sukuk contract system, in order to keep waqf assets from monopolistic practices and elements of usury, so that they are not separated from syara'law. As in the maqasid Shari'ah has the meaning of wisdom ' ' illah, intention or maṣlahah, and what is the practice of managing this waqf has maqasid elements, namely :

- a. hifz al-Din: The Manarul Ilmi ITS Foundation supports religious activities such as organising regular studies, building mosques, and financing campus da'wah. This demonstrates the direct contribution of waqf to preserving Islamic values in higher education. The research analysis confirms that one of the strategic functions of waqf is to strengthen religious institutions. Field research shows that some of the proceeds from waqf businesses are channelled towards students' spiritual and social activities, demonstrating conformity with the hifzh al-din objective. The analysis concluded that the foundation had successfully implemented this value by supporting the continuous improvement of the Islamic quality of the ITS academic community through its programmes.
- b. hifz al-nasl is reinterpreted with the protection of the family and the institution of the family. In Islam, it is very deep in its nash that we are forbidden to approach zina (Q.S. Al-Isra 17: 32). Previous research (Fad, 2021) suggests that it will have a positive impact on families, offspring, and the formation of future generations of the nation. This will influence the future of society and the state through an

infrastructure network funded by citizens. Researchers at the Endowment Fund Management Institution have observed that the collaboration between the Manarul Ilmi Foundation and the ITS Endowment Fund Management Institution uses sukuk products, also known as WLS, to combine waqf and sukuk contracts, consisting of tabarru and tijaroh contracts. This WLS contract is considered permissible by the opinion of DSN MUI Number B-109/DSN-MUI/II/2019 regarding the Statement of Syariah Alignment of Cash Waqf Linked Sukuk, issued on February 6, 2019. This sukuk product adheres to the fundamental principles of Shari'ah and can protect future generations by providing scholarships to support quality education.

- c. *hifz al-'aql* is reinterpreted by multiplying the mindset and scientific research, as revealed in the first Qur'an that teaches its *iqro'* (read). It is an effort Islam commands us to learn. The Manarul Ilmi Foundation's waqf management aims to benefit the community and enable low-income people, those in need, and orphans to continue their education. This is achieved through the sukuk instrument, which ensures waqf management by Sharia principles. One of the primary uses of the proceeds from productive waqf management at the foundation is to finance educational activities, such as providing scholarships for higher education. (Rahim, 2019) The role of the waqf in supporting the implementation of education is significant. With waqf, Muslims can easily study, which is the proper way of preserving the mind (*hifzh al-'aql*). The researcher's observations show that the Manarul Ilmi Foundation manages waqf funds in cooperation with the Endowment Fund Management Institution, providing guidance and mentoring for scholarship recipients. According to the researchers, managing waqf funds at Manarul Ilmi is productive from an economic perspective and encourages intellectual development per *maqâshid sharia*.
- d. *Hifz al-nafs* is reinterpreted by maintaining human dignity and Human Rights (HAM), maintaining the soul is a command of Allah SWT, so that we do not dispute each other, while maintaining harmony. Moreover, do not attack or kill but embrace each other, helping each other towards their brothers (Q.S. Al-Baqarah:178-179). The Manarul Ilmi ITS Foundation allocates funds from productive waqf for humanitarian and social activities, such as scholarships for underprivileged students, health assistance, and disaster awareness programmes. The Scholarship Waqf programme teaches us honesty and trustworthiness. With reasonable structure and management, it can instill a spirit of honesty and trustworthiness, helping to avoid disputes and negative perceptions. The annual transparency reports demonstrate that the waqf can fulfil its purpose of *amal jariyah*. The management of waqf will become broader in its allocation so that, in turn, it can strengthen the role of waqf in improving the economy and welfare of the people (Hazami, 2016). From an interview with Mrs. Ika Putri Rahma Daniya as the Operational Coordinator of Manarul Ilmi Foundation, 'The foundation tries to make sure that the waqf proceeds can help the people who need it the most, including students who almost dropped out of college because of the cost' (Ika Putri Rahma Daniya, Personal Communication, February 18 2025).
- e. *Hifz al-mal* is reinterpreted by prioritising social care, development, and social welfare. Productive waqf management using sukuk products also forms part of asset protection (*hifz al-mal*). Productive waqf management based on prudence, transparency, and sustainability is a form of asset protection. The foundation

manages waqf funds through waqf designs, land, and productive business units. In Indonesia, the development of sukuk as a long-term investment is encouraged by the March 20, 1990, Fatwa of Majma'al-Fiqh al-Islami and Fatwa No. 32/DSN-MUI/IX/2002, and is regulated in Fatwa No. 69/DSN-MUI/VI/2008 and Law No. 19 of 2008 concerning State Sharia Securities (Rahayu & Agustianto, 2020). In Q.S. Al-Baqarah: 282, Allah SWT explains that a written record must be kept when doing business without cash. Islam also forbids usury in buying and selling (Q.S. Al-Baqarah: 275). According to the researcher's analysis, sukuk products help us avoid usury practices through profit-sharing contracts, enabling us to maintain waqf assets properly.

D. Conclusion

Based on the above description, productive waqf management is achieved through collaboration between institutions (partners), starting with BPR Syariah Lantabur Tebuireng and moving on to the ITS Endowment Fund management institution. Using the sukuk contract instrument maintains the value of waqf assets and prevents ghoror and usury. The management of Manarul Ilmi ITS Foundation's waqf programmes incorporates the five elements of maqasid shariah: hifz al-din (preserving religion), hifz al-nasl (preserving progeny), hifz al-'aql (preserving intellect), hifz al-nafs (preserving soul), and hifz al-mal (preserving life). This research contributes to developing a productive waqf management model based on maqâshid sharia principles in Indonesia's higher education context. From a scientific perspective, this study enriches the literature on integrating maqâshid sharia principles with Islamic financial management practices, particularly regarding managing waqf assets that generate multidimensional benefits. Additionally, it provides a novel analytical framework for evaluating the effectiveness and sustainability of productive waqf programmes in enhancing educational services. In practice, it provides waqf managers (nazirs), higher education institutions, and policymakers with guidance on designing, managing, and evaluating waqf programmes, making them more relevant to societal needs and aligned with Sharia objectives.

Several important recommendations emerge based on the findings and analysis from the maqâshid sharia perspective. Firstly, Nazirs must increase their managerial capacity and understanding of Maqâshid Sharia, so that Waqf management focuses not only on financial returns, but also on social impact, education, and sustainability. Nazirs must develop productive waqf investment strategies that balance economic returns with long-term community benefits. Secondly, higher education institutions should be more proactive in forming strategic partnerships with waqf institutions to fund research programmes, scholarships, construction projects, and human resource development initiatives. These institutions can also serve as models for implementing maqâshid sharia-based waqf management. Thirdly, regulators and relevant authorities (such as the BWI, the Ministry of Religious Affairs, and the OJK) should implement policies and regulations that encourage standardisation, transparency, and accountability in productive waqf management. This should include the development of Sharia maqashid-based performance indicators. These regulations should also provide fiscal incentives for waqifs and educational institutions that actively develop productive waqf as part of national development.

Reference

- Ainulyaqin, M. H., Achmad, L. I., & Meilani, M. A. (2023). Peningkatan Kesejahteraan Santri Berbasis Manajemen Pengelolaan Wakaf Produktif di Pesantren Assyifa Subang. *Jurnal Ilmiah Ekonomi Islam*, 9(1), 221–228. <https://www.jurnal.stie-aas.ac.id/index.php/jei/article/view/7951>
- Amini, A. R., Sumadyo, A., & Marlina, A. (2019). Penerapan Prinsip Arsitektur Industrial Dalam Produktifitas Ruang Pada Solo Creative Design Center. *Penerapan Prinsip Arsitektur Industrial Dalam Produktifitas Ruang Pada Solo Creative Design Center*, 2(2), 395–404. <https://jurnal.ft.uns.ac.id/index.php/senthong/article/view/1058>
- Fad, M. F. (2021). Wakaf Linked Sukuk Dalam Perspektif Maqashid Syari'ah. *Journal of Islamic Studies and Humanities*, 6(1), 44–62. <https://doi.org/10.21580/jish.v6i1.8150>
- Faisol, M. (2017). Pendekatan Sistem Jasser Auda Terhadap Hukum Islam: Ke Arah Fiqh Post-Postmodernisme. *Kalam*, 6(1), 39. <https://doi.org/10.24042/klm.v6i1.393>
- Fathurrahman, A. (2015). *Qawaidh Fiqhiyah Muamalah*. https://idr.uin-antasari.ac.id/6804/1/QAWAID_FIQHIYAH_revisidocx.pdf
- fatwa MUI wakaf uang, A. L. (2002). "Kamu sekali-kali tidak sampai kepada kebajikan (yang sempurna), sebelum kamu menafkahkan sebahagian harta yang kamu cintai. Dan apa saja yang kamu nafkahkan, maka sesungguhnya Allah mengetahuinya "(QS. Ali Imron [3]:92). 2. 1–15.
- Hazami, B. (2016). Peran dan aPlikasi Wakaf dalam meWujudkan kesejahteraan umat di indonesia. 16(1), 173–204. <https://ejournal.radenintan.ac.id/index.php/analisis/article/view/742>
- Helim, A. (2019). *Maqasid Syariah versus Ushul Fiqh (Konsep dan Posisinya dalam Metodologi Hukum Islam)*. 214.
- Hidayatullah, R., & Saiin, A. (2025). Dinamika Hukum Wakaf di Indonesia Tantangan dan Solusi dalam Pengelolaan Aset Wakaf Produktif. *Al Barakat: Jurnal Kajian Hukum Ekonomi Syariah*, 5(01), 11–23. <https://journal.stishusnulhotimah.ac.id/index.php/al-barakat/article/view/274>
- Indonesia, B. W. (2016). *Fenomena Wakaf di Indonesia*.
- Laila, N. (2019). *Pengembangan Sukuk Negara Di Indonesia: Analisis Komprehensif dalam Menggali Alternatif Solusi dan Strategi Pengembangan Sukuk Negara Indonesia*. 218.
- Medias, F. (2010). Wakaf Produktif Dalam Perspektif Ekonomi Islam. *La_Riba*, 4(1), 71–86. <https://doi.org/10.20885/lariba.vol4.iss1.art5>
- Mulyono, S. H. (2020). Peran Wakaf Sebagai Instrumen Keuangan Publik Dalam Perekonomian. *Kasaba: Jurnal Ekonomi Islam*, 13(2), 122–137. <https://ejournal.uika-bogor.ac.id/index.php/Kasaba/article/view/3665>
- Prof. Dr. Duski Ibrahim, M. A. (2019). *Al-Qawaâ Id Al-Maqashidiyah*.
- Rahayu, R. D., & Agustianto, M. A. (2020). Analisis Implementasi Cash Waqf Linked Sukuk (CWLS) Perspektif Prinsip Ekonomi Syariah. *Management of Zakat and Waqf Journal (MAZAWA)*, 1(2), 145–161. <https://doi.org/10.15642/mzw.2020.1.2.145-161>
- Rahim, A. (2019). Peran Wakaf Dalam Pengembangan. *Al Qalam*, 13(1), 89–102.
- Sutisna, D. (2020). *Panorama Maqashid syariah*.
- Ubaidillah, M. (2024). *Peluang Dan Tantangan Pengembangan Wakaf Produktif Di Kabupaten Pekalongan*. 8(1), 61–69.
- Yaqin, A. (2018). Rekonstruksi Maqâshid al-Syarî'ah dalam Pengembangan Metodologi Hukum Islam (Kajian Eksploratif Pemikiran Jasser Auda). *Madania: Jurnal Kajian*

- Keislaman*, 22(1), 63. <https://doi.org/10.29300/madania.v22i1.803>
- Yin, R. (2016). Case Study Research and Applications. In *Theory and Methods of Metallurgical Process Integration*. <https://doi.org/10.1016/b978-0-12-809568-3.00016-4>