



Waqf Contract Analysis Through the Crowdfunding Platform

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Abstract:

Digital waqf fundraising can attract prospective wāqifs and help provide facilities for worship. The enthusiasm of the Indonesian Waqf Board (BWI) for using crowdfunding platforms as a service that accommodates the community in being able to do waqf easily. However, supervision is needed regarding contracts in modern transactions that continue to develop. This research, which analyzes the waqf contract applied to the amalsholeh.com crowdfunding platform, provides practical insights and recommendations for improving the process. The results showed that the waqf funds received were deducted from the Da'wah Development Fund (DPD) by 5%, and the types of waqf managed were waqf buildings such as mosques and wells, Islamic boarding school buildings, and other immovable waqf. DPD is inappropriate if applied to waqf programs because the waqf object must be eternal and does not decrease after being handed over by the wāqif (fundraiser). As for solutions related to DPD, there are two options: releasing DPD deductions from programs that fall into the category of waqf. Second, the amount of DPD fees and waqf to be given by the wāqif should be set, and both fund information should be on the same page. That way, the wāqif can know precisely how much waqf will be channeled and how much da'wah development funds will be infused.

Keywords: Waqf, Crowdfunding, Nazhir Waqf.

Introduction

In Islam, instruments are intended for social activities, namely alms, zakat, infāq, waqf, and social activities oriented towards helping behavior. Social assistance activities such as helping underprivileged people, organizing compensation for the poor and orphans, or alms of the Qur'an in the village mosques are identical to the distribution process through zakat, infāq, and ṣadaqah. Meanwhile, social assistance funds that have a fixed nature and can last for a long time, such as the construction of mosques, school construction, and other social activities, are collected through waqf donations. This research, which critically examines the application of waqf contracts in the context of crowdfunding platforms, is of significant interest and importance to

Islamic finance professionals, researchers, and policymakers, as it offers insights into a rapidly evolving area of Islamic finance.

The classification of zakat, infāq, and ṣadaqah and waqf funds is due to differences in their functions and management processes. Zakat, infāq, and ṣadaqah are distributed to the mustahiq (zakat recipient) to cover the difficulties experienced.¹ The purpose and function of zakat, infāq, and ṣadaqah is to give some of the assets owned to someone in need.² In this case, the funds and benefits will be used up. As waqf assets are managed by the waqif's request, the waqf asset should not decrease, but its benefits can be used for the common good.³

Waqf plays an essential role in the economic life of the Muslim community.⁴ The primary role of waqf is to overcome poverty, so it should be one of the solutions to the community's economic problems.⁵ However, many Indonesians are still less interested in waqf. This is due to the Muslim community's assumption that waqf assets are land, buildings, or other things and require a large amount of money, as well as the lack of public trust in waqf management institutions.⁶ Suppose waqf is only collected in the form of immovable objects. In that case, there are shortcomings in distribution, namely the lack of optimization of waqf management, which results in the benefits of waqf being felt only by the community around the place where the property is fundraised.⁷

If waqf can be collected and distributed in different forms, it can answer existing problems such as place and time attachment in land or

¹ Inayah Muthoifin; Firdaus, "MANAGEMENT OF PRODUCTIVE WAQF FOR EMPOWERMENT OF THE UMMAH," 2014, 253-59.

² Maltuf Fitri, "Pengelolaan Zakat Produktif Sebagai Instrumen Peningkatan Kesejahteraan Umat," *Ekonomi Islam* 8 (2017): 149-73.

³ Azhar Alam, Muslih Isnaini Rahmawati, and Aditya Nurrahman, "Manajemen Wakaf Produktif Dan Tantangannya Di Majelis Wakaf Dan Kehartabendaan Pdm Surakarta," *Profetika: Jurnal Studi Islam* 23, no. 1 (2021): 114-26, <https://doi.org/10.23917/profetika.v23i1.16799>.

⁴ Deden Gandana Madjakusumah and Udin Saripudin, "Pengelolaan Dana Lembaga Filantropi Islam Dalam Pengembangan Ekonomi Umat," *Ekonomi Dan Bisnis Islam* 2, no. 1 (2020): 41-50.

⁵ Haniatul Mukaroham Fitria Rizal, "FILANTROPI ISLAM SOLUSI ATAS MASALAH KEMISKINAN AKIBAT PANDEMI COVID-19," *Al-Manhaj* 3, no. 1 (2021): 35-66.

⁶ Prof. Dr. Raditya Sukmana et al., *Laporan Indeks Wakaf Nasional 2021*, ed. Nurka'ib (Jakarta: Badan Wakaf Indonesia, 2021).

⁷ Angga Syahputra and Khalish Khairina, "Optimalisasi Penghimpunan Dana Wakaf Melalui E-Payment," *Jurnal Ilmiah Ekonomi Islam* 7, no. 1 (2021): 106, <https://doi.org/10.29040/jiei.v7i1.1536>.

building waqf.⁸ Article 15c of Law Number 41 of 2004 concerning Waqf explains that various kinds of assets can be fundraised, including money. With the development of the times, science, technology, innovation and creativity, and ijthad of the scholars stated about the rapid economic growth to introduce productive waqf in the form of stock waqf, sukuk waqf, cash waqf, and so on.⁹

The growth of waqf with various collection types and not relying on land or building waqf makes it easier for people who want to waqf. In addition, if waqf with productive types of waqf can facilitate management. Then, the distribution is more global because it is not bound by place or time.¹⁰ Waqf benefits people worldwide. Innovations, such as cash waqf, make it easier for the Muslim community to perform worship.

Nowadays, with the rapid development of technology, everything is done digitally. Various financial institutions also use technology in the economic sector. With digitalization, all work can be done flexibly.¹¹ A good waqf funding digitization system and program can foster sympathy and encourage public interest in contributing.¹² Waqf that is collected digitally can be done using a platform now known as crowdfunding.¹³

The Indonesian Waqf Board (BWI) is enthusiastic about using crowdfunding platforms to accommodate the community and make waqf

⁸ Mochammad Masrikhan, "Optimalisasi Potensi Wakaf Di Era Digital Melalui Platform Online Wakafin.Com Dengan Konsep Crowdfunding Sebagai Penggerak Ekonomi Masyarakat," *Istismar : Jurnal Ekonomi Syariah* 1 (2019): 1-12.

⁹ Nurjamil and Siti Nurhayati, "Pengelolaan Wakaf Uang Melalui Aplikasi Fintech Pada Koperasi Syariah Di Kota Bandung," *Coopetition : Jurnal Ilmiah Manajemen* 12, no. 2 (2021): 205-12, <https://doi.org/10.32670/coopetition.v12i2.435>; Susilowati Harun, Nadya Elga Ayu Nawang Wulan, "WAKAF TUNAI SEBAGAI REAKTUALISASI SHADAQAH JARIYAH (Tinjauan Istihsan Masalah dan Hukum Muamalat)," *Suhuf* 20, no. (2016).

¹⁰ Andi Muhammad and Ali Amiruddin, "WAKAF TUNAI DAN PEMBERDAYAAN EKONOMI MASYARAKAT," *Al-Mashrafiyah* 3, no. 1 (2019): 43-55.

¹¹ Nurul Iman, Edy Kurniawan, and Adi Santoso, "Integrasi Dan Digitalisasi Sistem Informasi Manajemen Aset Wakaf (Simas Waqfuna)," *KOMIK (Konferensi Nasional Teknologi Informasi Dan Komputer)* 4, no. 1 (2020): 11-17, <https://doi.org/10.30865/komik.v4i1.2567>.

¹² March Hot Asi Sitanggung and Departemen, "MEMAHAMI MEKANISME CROWDFUNDING DAN MOTIVASI BERPARTISIPASI DALAM PLATFORM Kitabisa.Com," n.d., 1-11.

¹³ Nur Azizah, Ina Erwina, and Siti Sidra, "Strategi Sosialisasi Wakaf Di Era Digital Melalui Platform Onlinde Dengan Konawp Crowdfunding Pada Lembaga Aksi Cepat Tanggap (ACT) Sulawesi Selatan," *AT TAWAZUN: Jurnal Ekonomi Islam* 1, no. I (2021): 26-41.

easy.¹⁴ The concept of waqf digitization with the crowdfunding platform is a service that collects waqf funding with an online crowdfunding system with small parameters but sourced from a large population of people so that when collected, the funds are used to support an effort with good intentions that are being held by an individual or an organization.¹⁵

Crowdfunding first emerged in Indonesia in 2012 as a non-profit social media. Crowdfunding has excellent potential in raising funds. Indonesia is one of the countries with the most crowdfunding platforms compared to Malaysia, Pakistan, the Philippines, and others.¹⁶ Some existing platforms and widely known by the Indonesian people are KitaBisa.Com, Dompot Dhuafa, Rumah Zakat, and others. However, in this qualitative research, the author will examine one of the platforms, Amalsholeh, a fundraising platform established in 2019. The Amalsholeh platform has not been studied in many studies, so this research can increase Amalsholeh's credibility and public trust in this platform. Apart from this, many people do not understand the mechanism or system run by the platform. Does the Amalsholeh platform explain the waqf system to its donors, and are Amalsholeh platform users aware of the procedures carried out? Then, when discussing waqf through crowdfunding, some questions are how the waqf contract is carried out through the crowdfunding platform.

Discussions and Result

Fiqh of Waqf and Nazhir

In Arabic, waqf is derived from the word waqafa-yaqifu-waqfan, which means to stop, hold, or remain standing. Other Arabic meanings of the word waqf are al-ḥabs, meaning to hold; al-man'u, meaning to prevent; and al-sukūn, meaning to stop or stay.¹⁷ Scholars define the

¹⁴ M Zakaria, "Analisa Kualitas Penerimaan Wakaf Pada Platform Crowdfunding Di Indonesia Melalui Kualitas Penggalangan Dana Dan ...," *Jurnal Ilmiah Mahasiswa FEB*, 2021.

¹⁵ Nur Salam, "Layanan Urun Dana (Equity Crowdfunding) Perspektif Ekonomi Islam," 2020.

¹⁶ Shadaqah Zis and Studi Intensi, "Penggunaan Platform Crowdfunding Dalam Menyalurkan Zakat, Infaq, Dan Shadaqah (ZIS): Studi Intensi Masyarakat," no. December 2020 (2021), <https://doi.org/10.46918/point.v2i2.748>.

¹⁷ Muh. Abdulloh Hafith, "WAKAF UANG DAN PEMBERDAYAAN EKONOMI MASYARAKAT (Studi Analisis Terhadap Pemberdayaan Ekonomi Masyarakat Berbasis Crowdfunding Wakaf Uang Di KSPPS BMT Nurul Ummah Kecamatan Ngasem Kabupaten Bojonegoro)," no. 8.5.2017 (2022): 2003–5; Robithoh Alam Islamy and Mulawarman Hannase, "Optimizing The Role of Zakat and Wakaf in Promoting National Economic Growth : Analytic Network Process (ANP) Method Approach," *Jurnal of Islamic Economics Laws* 4, no. 1 (2021): 78–95.

meaning of waqf by using different explanations. According to the Māliki scholars, waqf is a social activity carried out by a wāqif on his property without relinquishing ownership. By waqf, a wāqif can hold his property and not release the property he has fundraised to other parties, but he is obliged to provide the benefits of the property he fundraised to a mustahiq for a specific time.¹⁸ Then, the Shafi'i scholars explain that waqf is to surrender an asset from the ownership of the wāqif if the waqf process has been completed. A wāqif who endows his property may not act freely (such as transferring property ownership, exchanging property, bequeathing property, and others) against the endowed property because the benefits of the property will be distributed to recipients (mauqūf 'alaih), and it is binding.¹⁹ According to an expert, the definition of waqf is holding the wāqif's eternal property in material (al-'ain) to be managed and handed over to Naẓir based on sharia, and its benefits can be distributed.²⁰ From the definitions and expressions of the scholars regarding waqf, it can be concluded that waqf is the handing over of some assets with material objects that are eternal and not easily destroyed by a wāqif to be able to take advantage of them continuously.

There is no Islamic legal basis in the Quran or Hadith that specifically discusses waqf in sharia. However, because waqf is a social activity that invites Muslims to share and set aside some of their wealth with others, the verses related to doing good or social activities are also intended to underlie the practice of waqf.²¹ Surah Āli Imrān, verse 92, explain this.

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

“You will not attain to perfect righteousness until you spend some of the wealth you love, and whatever you spend. Then surely Allah knows it.”

The legal basis for waqf written in the hadith is in a narration:

“It was said from Abdullah Bin Umar, that his friend got a piece of land in Khaibar, then he went to the Messenger of Allah for

¹⁸ AN Khoerudin, “Tujuan Dan Fungsi Wakaf Menurut Para Ulama Dan Dan Undang-Undang Di Indonesia,” *Tazkiya* 19 (2018): 1–10.

¹⁹ Muhammad Hizbullah, “WAKAF TUNAI DALAM PERSPEKTIF ULAMA,” *Metadata 2*, no. September 2020 (2020): 170–86.

²⁰ Muhammad Yusuf Siddik et al., “SISTEM PENDAYAGUNAAN WAKAF TUNAI DALAM TINJAUAN ILMU FIQH” XVI, no. 2 (2017): 221–36.

²¹ A Khumedi Ja'far, “Analisis Pendapat Imam Madzhab Tentang Wakaf Tunaidan Implementasinya Di Indonesia,” *Asas* 11, no. 01 (2019): 63–77, <https://doi.org/10.24042/asas.v11i01.4643>.

guidance, then said: Ya Rasulallah, I have got a piece of land in Khaibar that I do not want the property alone, then what do you instruct me to do with the land? The Messenger of Allah replied: If you want you can hold the land, and give in charity from the proceeds. Then Umar did not donate, sell, or bequeath the land. And he gave in charity with the proceeds of the land. He gave charity to the poor, relatives, to free a slave, fii sabilillah, ibnu sabil, and guests. And it is not forbidden for a person to use and eat from the produce within reasonable limits or to eat with no intention of accumulating wealth.”

Before waqf is distributed to recipients, a transaction process is carried out by a wāqif with an institution or individual who manages waqf (nazhir). The agreement of the scholars regarding the contract on waqf consists of ijāb, which means a pledge spoken or signaled in writing by a wāqif and qabūl, which is an acceptance speech.²²

The waqf assets managed by the nazhir are in the form of movable and immovable objects, which in the management of movable objects (cash waqf) can be allocated as business capital and the profits from the business can be distributed to recipients. Nazhir has rights from the business results as the manager of these funds.

According to the Malikiyah scholars, the nazhir’s right is not from the proceeds of the waqf he manages but from the State if the waqf is managed by the government or bayt al-māl (bank) institutions. Hanafiyah and Hanabilah scholars think that the nazhir has the right to the profits of the waqf property he manages. The opinion of the Shafi’iyah scholars says that a nazhir who is a wāqif is not entitled to receive additional wages.²³ In terms of regulation, there are provisions in Pasal 12 Undang-Undang Nomor 41 Tahun 2004 concerning waqf regulating the provisions of the amount of wage rights that can be received by nazhir with an amount not exceeding 10% of the profits from waqf management, most of which are distributed to recipients.²⁴

²² Aris Pratama Gunawan et al., “ANALISIS HUKUM ISLAM TERHADAP AKAD WAKAF TUNAI DI PONDOK PESANTREN TA’ MIRUL ISLAM,” 2019.

²³ Yayah Rodiyah, “TINAJUAN HUKUM ISLAM TERHADAP HONOR NADZIR WAKAF DAN AMIL ZAKAT” (UNIVERSITAS ISLAM NEGERI SYARIF HIDAYATULLAH, 2018).

²⁴ M.A Dr. Ahmad Sudirman Abbas, *Profil Wakaf Nadzir Dan Pengelolaan Wakaf Pesantren*, ed. M.A Dr. Ahmad Sudirman Abbas, 1st ed. (Bogor: Anugrahberkah Sentosa, 2017).

Regulation and Digitalization of Waqf

In Indonesia, the Dutch East Indies government first stated the regulation on waqf in the 1905 Circular Letter of the Secretary of the Government regarding land waqf, mosque construction, and licensing. Entering the old order period, the regulation on waqf was regulated in UU No. 5 of 1960 concerning Basic Regulations on Agrarian Principles against the State's Official Statement Protecting Waqf Assets. Then in the new order period, regulations governing waqf were contained in PP No. 28 of 1977 concerning Land Ownership Fundraising.²⁵ Other regulations govern waqf, namely in Pasal 49 ayat (1) Undang-Undang Republik Indonesia No. 7 of 1989, which explains that the Religious Court has the duty and authority to examine, decide, and resolve all cases at the first level between Muslims in the fields of marriage, inheritance, wills and grants made under Islamic law, and waqf and alms.²⁶ Meanwhile, the beginning of the development of waqf legal regulation in Indonesia was after the reformation period with the issuance of Undang-Undang No. 41 of 2004 concerning Waqf and the statement in Article 2 of the Law, which explains that waqf is valid if carried out according to sharia and PP No. 42 of 2006 concerning the Implementation of Undang-Undang No. 41 of 2004.²⁷

The regulations written regarding the law of waqf become the basis of a person's guidelines when doing waqf. The rules regarding waqf make it something that must be completed with the pillars of waqf. The four pillars of waqf that must be fulfilled when doing waqf are:²⁸

- a. Wāqif (someone who makes a waqf)
- b. Mauqūf (the object being donated)
- c. Mauqūf 'Alaih (the person who receives the waqf)

²⁵ Solikhul Hadi, "Regulasi UU Nomor 41 Tahun 2004 Tentang Wakaf (Tinjauan Sejarah-Sosial) A . Pendahuluan Sejarah Perkembangan Wakaf Di Indonesia Dapat Dikatakan Sejalan Dengan Perkembangan Penyebaran Islam . Wakaf Untuk Masjid , Lembaga Pendidikan , Pesantren , Dan Kubu" 8, no. 2 (2014): 319–38.

²⁶ Supriyadi Supriyadi and Sholihul Hadi, "Regulasi Wakaf Di Indonesia Dari Masa Orde Lama Sampai Era Reformasi Dalam Tinjauan Politik Hukum," *ZISWAF: Jurnal Zakat Dan Wakaf* 6, no. 2 (2019): 204, <https://doi.org/10.21043/ziswaf.v6i2.6418>.

²⁷ Farid Rifai, "Analisis Sistem Pengawasan Wakaf Di Indonesia," *PROCEEDINGS: 1st ANNUAL CONFERENCE ON IHTIFAZ: Islamic Economics, Finance, and Banking 11191 9 (ACI-IJIEFB)*, 2020, 115–25.

²⁸ Wardiah, Samingan, and Amelia Putri, "KEKUATAN HUKUM NAZIR DALAM PENGELOLAAN HARTA WAKAF MENURUT UNDANG-UNDANG NOMOR 41 TAHUN 2004," *Agroindustri* 6, no. 1 (2018): 34–41; Manajemen Wakaf et al., "Manajemen Wakaf Produktif Dan Tantangannya Di Majelis Wakaf Dan Kehartabendaan Pdm Surakarta" 23, no. 1 (2022): 114–26.

d. Sighat (pledge of waqf)

The first regulation on waqf states that the community's first waqf practice was land waqf. The rapid development of life, especially in digitalization, has led to innovations in various fields. Digitalization began to spread to the religious field such as the emergence of online fatwa. The rapid development of technology attracts the Muslim community to transform towards modern religious practices and keep up with the times. This is illustrated by various social crowdfunding platforms such as fundraising with digitalization through productive waqf.²⁹

One form of realization of productive waqf is cash waqf, which is waqf in the form of cash managed by the nazhir. The proceeds from the management are allocated to help the community's economic welfare. Digital development makes the waqf system more efficient because the wāqif will feel more flexible and more accessible in practice, mainly when applied with a crowdfunding system.³⁰

The emergence of digital waqf in Southeast Asian countries such as Singapore and Thailand has been conducting waqf fundraising. Even the Majelis Ulama Islam Singapura (MUIS) tried to organize waqf volunteer training and collaborated with Warees Investment Pte.Ltd. Similar to Singapore, Thailand was much earlier than Indonesia in developing a digital waqf strategy. Furthermore, in Islamic countries such as Egypt and Turkey, productive waqf fundraising methods have been carried out using print and electronic media, advertisements, and even the Internet.³¹

In Indonesia, waqf is regulated under an independently established institution, the Badan Wakaf Indonesia (BWI). In terms of digital waqf, BWI carries out three stages of transformation. First, it strengthens its internal and external digital systems with the emergence of waqf platforms and digital nazhir registration services. Second, the digitalization of nazhir should be strengthened by optimizing the collection of cash waqf fundraising systems and improving the waqf data reportage system so that the reported data is accurate. The last stage is

²⁹ Ekarizki Aryani Mandala Putri and Endi Aulia Garadian, "PATUNGAN WAKAF ONLINE : APA, SIAPA, DAN BAGAIMANA? Oleh : Ekarizki Aryani Mandala Putri (Peneliti Independen)," 2019, 45–55.

³⁰ Eny Lathifah Diniyah Sukma, "Wakaf Produktif Berbasis Digital Sebagai Instrumen Pengembangan Kebijakan Moneter Islam," *Al-Musthofa: Journal of Sharia Economics* 4, no. 1 (2021): 11–21.

³¹ Nely Rahmawati Zaimah, "ANALISIS PROGRESIF SKEMA FUNDRAISING WAKAF DENGAN PEMANFAATAN E-COMMERCE DI INDONESIA THE PROGRESSIVE ANALYSIS OF E-COMMERCE UTILIZATION BASED OF WAQF FUNDRAISING SCHEME IN INDONESIA" 10 (2017): 285–316.

to strengthen the digital ecosystem and develop digital waqf management methods by the nazhir.³²

One of the ways to utilize digital technology is through crowdfunding. Crowdfunding is a fundraising system carried out by an internet-based institution to accommodate individual contributions to a benevolent project. Funds are collected in small amounts by a large group of individuals. This shows that services with this crowdfunding system are mediated by computers as a tool in implementing fund management.³³ The initial form of crowdfunding reflects the crowdsourcing method of microfinance, but its scope is more comprehensive because the internet-based crowdfunding system can attract many individuals. The funds collected come from the community intending to help the economy of other communities.³⁴

Crowdfunding in Indonesia began to appear in 2012, at which time crowdfunding that emerged was classified as Donation Based which was engaged in social and humanitarian (non-profit) such as Kitabisa.com, Ayopeduli.com, Patungan.net, Wujudkan.com, GandengTangan.com, Ammana.id, Danasyariah.id, Duhasyariah.com, Qazwa.id, Finteksyariah.co.id, Syurfi.id crowdfunding with a profit base that began to emerge after the three types of Donation-based crowdfunding except on the Wujudkan.com platform, which began to stop operating in 2017.³⁵

In a study, it is explained that crowdfunding is categorized into four groups, namely:

- a. Equity-based crowdfunding is funding made by a donor who requires reciprocity from the project results he funds.
- b. Landing-based crowdfunding is funding provided by a donor that is compensated in the form of interest. If the project is successful, the recipient of the funds will pay back the donor.

³² Rachmad Risqy K and Rasheed Al Fattah, "Peranan Dan Pengelolaan Wakaf Uang Dalam Perekonomian Di Era Digital," *Hukum Ekonomi Syariah Sekolah Tinggi Ekonomi Islam SEBI*, 2021, 1-11.

³³ M I Hapsari et al., "Crowdfunding for Developing Waqf Land a Study on Malaysia Crowdfunding Untuk Pengembangan Wakaf Tanaf Studi Di Malaysia" 6, no. 1 (2020): 1-10.

³⁴ Uswatun Hasanah and Delli Ridha Hayati, "Empowerment: Crowdfunding Sebagai Inovasi Wakaf Uang Dengan Analisis Pembiayaan Al-Qard," *Eksyda* 1, no. 1 (2020): 43-56.

³⁵ Zaki Abdullah and Akhmad Akbar Susanto, "THE ROLE OF INVESTMENT-BASED ISLAMIC CROWDFUNDING FOR HALAL MSMEs: EVIDENCE FROM INDONESIA," *Al-Iqtishad: Jurnal Ilmu Ekonomi Syariah* 11, no. 2 (2019): 289-302, <https://doi.org/10.15408/aiq.v11i2.13623>.

- c. Reward-based crowdfunding is similar to equity-based crowdfunding. Still, in this funding, the reciprocity given to donors is in the form of objects other than money.
- d. Donation-based crowdfunding is funding provided by a donor who does not expect a return on the assets he donates.³⁶

With this grouping, the result of the waqf fundraising system is donation-based Crowdfunding because this type of funding is social, and donors do not desire feedback.

Waqf Fund Raising Mechanism on the Amalsholeh.com Crowdfunding

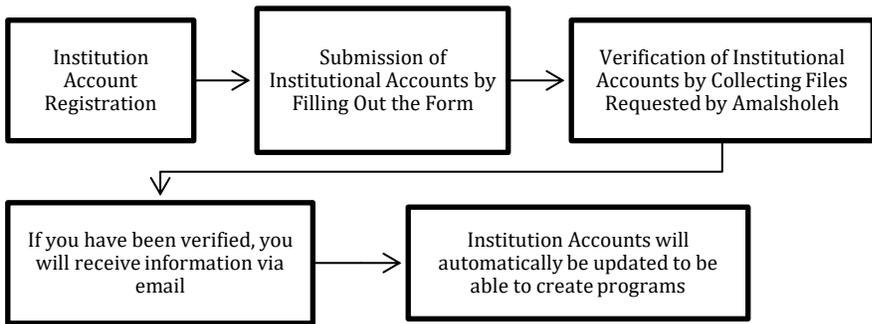
Amalsholeh.com is a forum for institutions that want to organize digital fundraising programs. EA as HR of Amalsholeh.com explained that there are several terms and conditions for institutions that will conduct fundraising on the Amalsholeh.com platform. The requirements that must be met by the program organizers are:

- a. Legal Entity is an organization/community/foundation with an NPWP and a Notarial Deed regarding establishing the organization/community/foundation concerned.
- b. Willing to carry out account verification processes and other completeness, if needed. Verification can be done when an institution has registered an account on the Amalsholeh.com platform.
- c. The institution guarantees that any information provided on the Amalsholeh.com website is correct and can be accounted for.

An institution, foundation, organization can join and have an account on the Amalsholeh platform by filling out the registration form provided by the Amalsholeh platform. On the platform some terms and conditions must be known by every institution that will join the Amalsholeh platform. The flow of institution account registration on the amalsholeh platform can be summarized as follows:

³⁶ Hasanuddin Umi Widyastuti, Nani Hartati, Mohammad Sholahuddin, Fitria Husnatarina, Yatini, Moeljono, Fauzul hanif, Erika Takidah, *Teknologi Finansial : Konsep Dan Praktiknya Di Indonesia*, ed. Kasnowo, 1st ed. (Yogyakarta: Nuta Media, 2021).

Figure 1: Flow Chart of program management institution account creation



Source: Amalsholeh Platform

Operational and Additional Costs

Amalsholeh Platform does not charge administration fees for zakat programs, forms of natural disaster relief activities, or circumstances designated as natural disasters by the government. As for programs other than those mentioned, including waqf, an administration fee of 5% will be charged, which is used for Da'wah Development Fund (DPD).³⁷

Following the laws and regulations that apply to funds obtained from the program will be subject to taxes, levies and / or other levies, there are additional fees determined by the platform provider under the amount as determined by the laws and regulations.

Donation payment methods include various payment features, such as bank transfers, instant payments, or Virtual Accounts.³⁸ The types include:

Table 1: Donation Payment Methods

Virtual Account	Bank Transfer	Instant Payment
BRI Virtual Account	Transfer BRI	Saku Kebaikan
BNI Virtual Account	Transfer BSI	Gopay
Mandiri Virtual Account	Transfer Mandiri	ShopeePay
CIMB Virtual Account	Transfer BCA	Jenius
Permata Virtual Account	Transfer Muamalat	
Danamon Virtual Account		
BJB Virtual Account		

Source: Amalsholeh Platform

³⁷ "Syarat & Ketentuan Amalsholeh.Com," Amalsoleh.com, n.d.

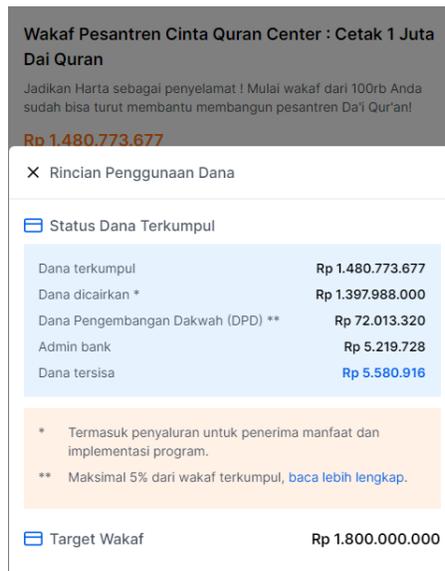
³⁸ "Syarat & Ketentuan Amalsholeh.Com."

Administration fees will be charged on donation payments using bank features, either by Virtual Account or transfer methods. This is except for payments made with e-wallets, in which case no administration fees will be charged. This is under the terms of the program contained in point (K). Administration fees will be paid automatically from donations made by donors on the Amalsholeh platform. The information is included in the account features of each Amalsholeh application user.

Fiqh Analysis of the Waqf Agreement on the Amalsholeh Platform

Based on EA's statement as the HR of AmalSholeh.com platform, it was found that the DPD (Dana Pengembangan Dakwah) fee deduction regulation is 5% of each program other than zakat and disaster relief. In addition, every payment transaction using the transfer method to the bank account provided will be deducted from the service fee. This means that all waqf funds that enter a waqf program will be deducted by 5%. Even though the wāqif does not get this information when he is about to make a waqf, the detailed deduction information will be found if the wāqif reads the terms and conditions menu which is separate from the waqf transaction menu.

Figure 2: Details of Use of Waqf Program Funds



Source: Amalsholeh Platform

For waqf management funds, the nazhir is entitled to a maximum wage of 10% of the profits of the managed waqf. This is stated in the

provisions of Article 12 of Law Number 41 of 2004 concerning Waqf. The law states that the nazhir's rights can only be taken from the profits of the managed waqf. This is in line with what is conveyed by the Hanafiah and Hanabilah schools of thought, which state that the nazhir is entitled to the profits of the waqf property he manages.

If it is assumed that the 5% of the DPD deduction is taken from the nazhir's rights, then further review is needed to ensure that the waqf nazhir understands that his rights have been deducted by 5%. Researchers have not found any provisions that explain from which source the deduction is taken. Another crucial point is that the nazhir's right, agreed upon by fiqh to be a maximum of 10%, is the result of waqf management, not the result of waqf collection. The 5% deduction is undoubtedly taken from the collection of waqf, which is not by the provisions of fiqh and the applicable legal regulations.

To answer this problem, the researcher offers two options. First, the manager of amalsholeh.com should include the waqf program in the group of programs independent of the deduction of da'wah development funds. That way, the waqf funds channeled from the wāqif will go to the 100% waqf nazhir, so the waqf assets of the wāqif are eternal and not reduced.

Second, the manager of amalsholeh.com sets an administrative fee that can be used for the DPD on the same page when the wāqif fulfills his waqf. In this second option, amalsholeh.com must be informative in determining how much funds to be endowed when reduced by the DPD administration fee. That way, the wāqif knows how much waqf is fulfilled, and the waqf nazhir can receive the total amount of waqf funds.

Conclusion

Waqf is one of the social worship recommended in Islamic teachings. Different in characteristics from other social worship, such as infāq and sādāqah, it is required that the object of waqf given by the wāqif must be maintained in perpetuity. So, the deduction of Dana Pengembangan Dakwah (DPD) in the amalsholeh.com platform is inappropriate if applied to the waqf program. For this reason, researchers offer two options as a way out of the problem: removing DPD deductions from programs that fall into the waqf category. Both fund information is on the same page for the DPD fee and the amount of waqf to be given by the wāqif. That way, the wāqif can know precisely how much waqf will be paid and how much da'wah development funds are infused.

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