

Waqf as an Instrument of Social Ethics: A Study of Islamic Legal Philosophy on Altruism and Ownership

Abstract

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Background: In the tradition of Islamic law, waqf functions not only as an economic or social worship instrument but also as an embodiment of transcendent ethical values, emphasizing ownership as a trust and altruism as a social principle. However, the development of waqf studies in Indonesia remains largely dominated by technical, administrative, and productive-economic approaches, with limited attention to the underlying value structures and moral logic.

Aim: This study aims to examine waqf as an instrument of social ethics within the framework of Islamic legal philosophy, focusing on three core concepts: ownership, altruism (*īthār*), and *maqāṣid al-sharī'ah*.

Methods: This research employs a qualitative normative-philosophical approach using hermeneutics and textual analysis. Primary data are drawn from classical works such as those of *al-Shāfi'ī*, *al-Ghazālī*, *Ibn 'Ashūr*, and *Mutahhari*, while secondary data are obtained from academic journals indexed in Scopus and SINTA. The analysis applies ontological, axiological, and epistemological readings of ownership concepts and waqf practices.

Results: The findings reveal that waqf, in its philosophical sense, represents the relinquishment of private ownership as an act of spiritual devotion that bridges faith and social responsibility. Altruism in Islam is not merely a moral behavior but a structured ethic integrated within the Islamic legal system. Therefore, the understanding of waqf should be constructed not only through formal legal aspects but also as a reflection of the ethical logic of Islamic law, oriented toward public welfare and social justice.

Keywords: Waqf, Ownership, Altruism, Social ethics, Islamic legal philosophy

INTRUDUCTION

Waqf is often positioned in Islamic legal discourse as a means of philanthropy or a system of wealth distribution rooted in religious teachings. However, upon closer examination, waqf functions not merely as an economic or charitable instrument, but rather reflects a structure of values embedded in the Islamic moral system.¹ In this context, waqf is not only a form of generosity, but also a conscious action that represents the principle of social ethics, namely the sacrifice of property rights for the public good.² Such a perspective is rarely fully addressed in contemporary literature, either in classical fiqh studies or in modern policy research.

Al-Ghazālī, one of the main figures in Islamic intellectual history, explained that property in Islam is not owned absolutely by individuals. In *Ihyā' 'Ulūm al-Dīn*, he states that all forms of ownership are basically a gift from Allah, which must be used responsibly and fairly.³ This ownership carries moral

¹ Muhammad Ibn Fahd al-Ahmad, *Waqf Al-Ashum Fi al-Syirkat al-Mushāmah* (Mu'assasah Sa'ī li Tathwīr al-Awqāf, 2018), 43.

² Muhammad Abdullah, "Evolution in Waqf Jurisprudence and Islamic Financial Innovation," *Journal of Islamic Monetary Economics and Finance* 4, no. 1 (2018): 161–82.

³ Abu Hamid al-Ghazali, *Ihya Ulum Al-Din* (Mustapha al-Babi al-Halabi Press, 1939), 87.



consequences: a person is not only responsible for himself, but also for his social environment. This provides the basis for the act of donating part of one's wealth not only as a good personal choice, but also as an ethical social responsibility.

This view aligns with al-Shāfi'ī's ideas in al-Risālah, which emphasize the close relationship between social justice and ownership. Al-Shāfi'ī believes that any form of property management must be directed towards achieving justice and the public good.⁴ In his view, the transfer of private property to the public sphere through waqf is not simply an act favored by sharia, but rather a concrete manifestation of Islamic moral values. Thus, waqf becomes a form of altruism institutionalized within a legal structure. However, in contemporary academic practice and policy, such narratives rarely find space. Most research tends to emphasize the formal legal dimensions or economic aspects of waqf. The emphasis on regulation, waqf asset productivity, and management optimization tends to dominate.⁵ Results- and efficiency-oriented studies obscure the discourse on substantive values that are the initial foundation of waqf.⁶ As a result, waqf is seen as a mere tool, not as an expression of social morals or ethics.

Seyyed Hossein Nasr criticized this kind of approach as a form of modern reductionism towards science.⁷ In his various writings, he stated that many aspects of the Islamic social system lost their sacred dimension because they were too focused on utility.⁸ According to Nasr, understanding Islamic institutions such as waqf only through the lens of economics or formal law means ignoring the deepest layers of Islamic law: the spiritual and ethical dimensions.⁹ Within this framework, waqf should be read as an effort to reconcile the transcendental dimension with real social needs. This is a concrete form of achieving the maqāṣid al-syarī'ah—protecting wealth, justice, and social solidarity.

This research is based on anxiety over this gap, as well as an effort to restore the ethical dimension of waqf within the framework of Islamic legal philosophy.¹⁰ By rereading classical and contemporary literature, this study seeks to reaffirm that waqf is not merely a philanthropic policy, but a form of altruism conceptualized in Islamic law as a collective trust.¹¹ From this perspective, waqf is not a technical administrative act, but rather an ethical one integrated into the structure of Islamic law. Examining waqf within the framework of Islamic legal philosophy will revitalize the importance of an integrative approach. Here, Islamic law is not simply read as a collection of regulations, but rather as a reflection of moral values and goals.¹² Through this approach, research on waqf becomes relevant not only to address administrative and economic challenges, but also to build ethical awareness about the importance of social justice, responsibility of ownership, and individual contribution to the collectivity.¹³

In the Indonesian context, as revealed by Nurul Huda et al., current waqf studies are still trapped in the administrative and productive economic dimensions—for example, the use of ANP to evaluate

⁴ Imam Abi Abdullah Muhammad bin Idris al Syafi'i, *Ar-Risalah* (Dar al- Katib wa kitab, 1993), 98.

⁵ Isa Anshori, "Peran Dan Manfaat Wakaf Dalam Pengembangan Pendidikan Islam (Studi Kasus Di Madrasah Tsanawiyah, Pesantren al Andalusia Caringin Sukabumi Jawa Barat Indonesia)," *Jurnal Tahdzibi : Manajemen Pendidikan Islam* 3, no. 1 (May 30, 2018): 27–38, <https://doi.org/10.24853/tahdzibi.3.1.27-38>.

⁶ Firman Muntoqo, "Problematika Dan Prospek Wakaf Produktif Di Indonesia," *Al-Ahkam*, April 25, 2015, 83–108, <https://doi.org/10.21580/ahkam.2015.1.25.195>.

⁷ Seyyed Hossein Nasr, *Islamic Philosophy from Its Origin to the Present: Philosophy in the Land of Prophecy* (SUNY Press, 2006), 76.

⁸ Seyyed Hossein Nasr, *The Heart of Islam: Enduring Values for Humanity*, 1st ed (HarperSanFrancisco, 2002), 76.

⁹ Syyed Hossein Nasr, *Islam And The Plight Of Modern Man* (ABC International Group, Inc., 2001), 43.

¹⁰ Jamil Uddin and Wawan Afriadi, "Karakteristik Dinamisitas Hukum Muamalah Tentang Rahn Dalam Teori Dan Praktik (Pertarungan Antara Formalitas Versus Substansialitas Hukum Muamalah)," *Jurnal Justisia Ekonomika: Magister Hukum Ekonomi Syariah* 6, no. 2 (December 20, 2022), <https://doi.org/10.30651/justeko.v6i2.14264>.

¹¹ Muhammad Zubair Abbasi, "The Classical Islamic Law of Waqf: A Concise Introduction," *Arab Law Quarterly* 26, no. 4 (2012): 375–404.

¹² al-Ahmad, *Waqf Al-Ashum Fi al-Syirkat al-Mushāmah*, 54.

¹³ Khalfan Amour and Nobuyuki Ogura, "The Contribution of Islamic Waqf to Managing the Conservation of Buildings in Zanzibar," *International Journal of Heritage Studies* 19, no. 3 (2012): 271–91.

nazhir institutions and productive asset management.¹⁴ The emphasis on digital-based strategies, regulations, or technologies (for example, the era of the industrial revolution 4.0) is actually important, but often ignores the deeper purpose of waqf – as a reflection of altruism and responsible ownership.¹⁵ So philosophical thinking becomes a bridge that is able to bridge empirical results and transcendent moral values.¹⁶ Philosophically, waqf is a compelling moral act when positioned as an instrument of altruism. This allegory is rarely discussed in contemporary Islamic legal literature, with a few limited exceptions.¹⁷ For example, studies on cash waqf and the donation intentions of Millennials highlight the role of Islamic altruism in motivating waqf giving, but fail to address the philosophical aspects rooted in the concept of ownership as a trust. Thus, despite its growing practice, enlightenment on the moral meaning of waqf remains minimal.

This research also highlights the conceptual gap where studies such as Timur Kuran that review the contribution of waqf in public policy do not liberate the concept of altruism philosophically or ownership as a transcendent trust.¹⁸ Likewise, current studies on the sustainability and governance of waqf—for example, those measured through indexes or institutional performance—describe “how waqf is managed,” rather than “why it is managed in light of ethical and philosophical values.”¹⁹ This study introduces a new analytical framework: examining waqf as an expression of trust ownership, exploring the meaning of collective altruism as stipulated in Islamic law, and placing the act of waqf within the hierarchy of Islamic social ethical values.²⁰ This philosophical intervention is intended to fill the gap between the post-normative approach and the ontological-axiological approach which have not been interactive so far.

Thus, the novelty of this research is not only in the combination of themes, but also in the way of thinking, namely bridging between administrative practices and the transcendent morality of Islam.²¹ This is not merely a theoretical idea; its application in Indonesia emphasizes the research’s relevance and potential contribution to the development of a more holistic and contextual study of Islamic law. Research on waqf generally focuses on the economic, administrative, and positive legal dimensions, while the philosophical-moral dimension—such as the ontology (nature) and axiology (value) of waqf as part of the ethical system of Islamic law—remains very limited. Major studies, such as Timur Kuran’s, have highlighted the function of waqf as an instrument for providing public goods in Middle Eastern history, but their focus has been on the economic and institutional impacts of waqf, rather than the moral values inherent in the religious act of waqf.²²

Nada Moumtaz, in her article “Waqfs as Moral Persons and Other Stories of Waqf Today,” alludes to the fact that the institution of waqf has lost its moral and emotional resonance among modern Muslims, but she does not pursue a philosophical analysis of how waqf should be positioned within the structure of Islamic social values.²³ Similarly, David Powers, although mentioned by Kuran as part of an early discussion of the institution of waqf, focuses more on the legal and administrative history of

¹⁴ Nurul Huda, “Pengelolaan Wakaf Produktif Di Indonesia,” *Jurnal Keuangan Islam*, 2017, https://www.researchgate.net/publication/123456789_Pengelolaan_Wakaf_Produktif_di_Indonesia.

¹⁵ Tegar Rismanuar Nuryitmawan, “Motivasi Altruisme Dalam Wakaf Tunai Generasi Milenial,” *Jurnal BEST: Ekonomi Syariah Dan Tafsir*, 2022, https://jurnalbest.com/article/789_motivasi_altruisme_wakaf_tunai.

¹⁶ Elza Syarif, “Optimization of Waqf Land Management in Indonesia,” *International Journal of Research in Business and Social Science (2147- 4478)* 10, no. 2 (2021): 270–83, <https://doi.org/10.20525/ijrbs.v10i2.1076>.

¹⁷ Tegar Rismanuar Nuryitmawan, “Motivasi Altruisme Dalam Wakaf Tunai Generasi Milenial,” *Jurnal BEST: Ekonomi Syariah Dan Tafsir*, 2022, https://jurnalbest.com/article/789_motivasi_altruisme_wakaf_tunai.

¹⁸ Timur Kuran, *Islam and Mammon: The Economic Predicaments of Islamism*, 3. print., and 1. paperback print (Princeton Univ. Press, 2006), 54.

¹⁹ Anshori, “Peran Dan Manfaat Wakaf Dalam Pengembangan Pendidikan Islam (Studi Kasus Di Madrasah Tsanawiyah, Pesantren al Andalusia Caringin Sukabumi Jawa Barat Indonesia).”

²⁰ Abdan Rahim, “Peran Wakaf Dalam Pengembangan Pendidikan Islam,” *Al Qalam: Jurnal Ilmiah Keagamaan dan Kemasyarakatan* 13, no. 1 (2019): 1, <https://doi.org/10.35931/aq.v0i0.131>.

²¹ Nurul Huda, “Pengelolaan Wakaf Produktif Di Indonesia.”

²² Timur Kuran, “The Provision of Public Goods Under Islamic Law: Origins, Contributions, and Limitations of the Waqf System,” SSRN Scholarly Paper no. 326641 (Social Science Research Network, August 27, 2002), <https://papers.ssrn.com/abstract=326641>.

²³ Nada Moumtaz, “Waqfs as Moral Persons and Other Stories of Waqf Today,” *Islamic Law Blog*, 2021.

waqf, rather than on a broader exploration of its moral values.²⁴ Although a number of works such as Siti Nur Indah Rofiqoh's study on 'microfinance cash waqf' in Indonesia,²⁵ and Muhammad Nur Iqbal on the determinants of land waqf—providing important empirical data, both remain trapped within the statistical and regulatory framework of waqf without addressing the philosophical level of ownership and altruism as fundamental values of Islamic law. This indicates a significant gap between practical and conceptual studies.²⁶ Meanwhile, contemporary Islamic thinkers such as Mohammad Tahir Sabit Haji Mohammad and Ibn 'Ashūr have systematically developed the theory of maqāṣid al-Sharī'ah which can be used to open a moral interpretation of the waqf institution.²⁷ However, there has been no direct application of this framework to examine how the meaning of ownership as trust and altruism—two basic moral values—is strengthened in classical texts and modern practices of waqf. This makes maqāṣid-based research still separate from the study of pragmatic values and moral foundations at the waqf institutional level.²⁸

LITERATURE REVIEW

Wakaf ontology of Islamic law and its relationship with waqf

Ontology, in the context of legal philosophy, refers to the most fundamental questions about the nature of law: what is law, where does it come from, and how does it exist? Within the Islamic framework, law is not merely an external rule governing behavior, but an integral part of a metaphysical structure built on the basis of monotheism.²⁹ Islamic law originates from Divine will and is directed to guide humans towards a balanced life—both personally, socially, and spiritually.³⁰

Unlike secular law, which arises from social or political agreements, Islamic law is transcendental. It is not merely a human construct, but rather a manifestation of God's will (*irādah Ilāhiyyah*) revealed through revelation.³¹ The Qur'an and Sunnah are the primary sources, while reason and *ijtihad* serve as instruments of reasoning, subject to sharia values. Therefore, Islamic law is not only prescriptive (regulating) but also descriptive (describing ideal moral realities).

In this context, waqf cannot be understood simply as a social contract or asset administration. It is part of the Islamic legal system that reflects these ontological values.³² Waqf demonstrates how Islamic law aims not only to create order but also to shape character and social piety. When someone donates their property, they are in effect fulfilling a moral imperative born of theological relationships: that what is owned truly belongs to God, and that property has a social function that transcends individual ownership.³³

From a legal ontological perspective, waqf is a concrete manifestation of the principle of *al-milkiyyah al-mutlaqah liLlāh*—absolute ownership belongs only to Allah. Humans are merely *mustakhlaf*

²⁴ David S. Powers et al., *Islamic Legal Thought: A Compendium of Muslim Jurists* (Brill, 2013), 65.

²⁵ Siti Nur Indah Rofiqoh et al., "Chi-Square Association Test for Microfinance-Waqf: International Conference on Mathematics, Computational Sciences and Statistics 2020, ICoMCoS 2020," *International Conference on Mathematics, Computational Sciences and Statistics 2020*, AIP Conference Proceedings, American Institute of Physics Inc., February 26, 2021, <https://doi.org/10.1063/5.0042168>.

²⁶ Muhammad Nur Iqbal, "Pengelolaan Tanah Wakaf Secara Produktif Menurut Undang – Undang Nomor 41 Tahun 2004 (Analisis Terhadap Kinerja Nazhir Dalam Pengembangan Wakaf Produktif)," *Islamic Circle* 1, no. 1 (July 10, 2020): 166–86, <https://doi.org/10.56874/islamiccircle.v1i1.107>.

²⁷ Mohammad Tahir Sabit Haji Mohammad, "Maqāṣid Al-Sharī'ah and Waqf: Their Effect on Waqf Law and Economy," *Intellectual Discourse*, December 21, 2018, 1065–91, <https://doi.org/10.31436/id.v26i2.1257>.

²⁸ Jeffrey A. Schoenblum, "The Role of Legal Doctrine in the Decline of the Islamic Waqf," *Vanderbilt Law Review* 32, no. 4 (2021): 1191–220.

²⁹ David S. Powers et al., *Islamic Legal Thought: A Compendium of Muslim Jurists* (Brill, 2013), 76.

³⁰ Ali Abdel Raziq, *Islam and the Foundations of Political Power* (Edinburgh University Press, 2013), 54.

³¹ Siraj Sait and Hilary Lim, *Land, Law and Islam: Property and Human Rights in the Muslim World* (Zed Books, 2006), 87.

³² Mohammad, "Maqāṣid Al-Sharī'ah and Waqf."

³³ Syarief, "Optimization of Waqf Land Management in Indonesia."

(*khalifah*/manager), and the act of waqf is a means to realize this function.³⁴ By donating wealth for the public good, a person fulfills both a religious and social function within the Islamic system. This makes waqf a concrete expression of Islam that extends beyond ritual worship to ongoing social action.

Thinkers such as al-Shāṭibī and al-Ghazālī³⁵ positioned law as a path to welfare (*maṣlahah*) that connects the outer (*al-zāhir*) and inner (*al-bāṭin*) dimensions of humankind. Waqf, in this regard, is a perfect illustration: the outer as the transaction of assets and the transfer of ownership, the inner as the spiritual intention and ethics of altruism.³⁶ Islamic law, which facilitates waqf, is not a system devoid of values, but one shaped by the highest values of faith, compassion, and social responsibility.³⁷

Thus, ontologically, waqf is not merely an object of Islamic jurisprudence, but an expression of the essence of Islamic law itself—a law that not only regulates but also shapes. It is not only legal, but also ethical and spiritual. And it is at this point that waqf becomes important to examine not only from a formal legal perspective, but also from an ontological basis that makes it part of the larger narrative of Islamic life.

Epistemology of Islamic law and reasoning on waqf

The epistemology of Islamic law concerns the methods and sources by which legal knowledge is acquired and developed. In the Islamic tradition, the primary sources of law are revelation—the Qur'an and the Sunnah—which are then processed through rational methodologies such as *ijtihād*, *qiyās*, *ijmā'*, and *istihsān*.³⁸ This forms a system of knowledge that is not only textual, but also contextual—combining *naqli* and *'aqli* arguments in one complete system of interpretation.³⁹

In this context, waqf as a legal entity is not merely the result of an explicit text, but the fruit of a reasoning process that involves historical, social, and spiritual aspects.⁴⁰ Although not specifically regulated in the Qur'an, waqf is an integral part of the Islamic legal system because it is built through a strong epistemic construction of the *Sunnah*, the consensus of the Companions, and the practices of Muslim communities since the early days. Scholars use *bayani* (textual-linguistic), *ta'līli* (rational-causal), and *isytiṣlāhī* (benefit-oriented) approaches in interpreting the concept of waqf. For example, general evidence such as Surah al-Baqarah 2:261—which discusses the reward of those who spend their wealth in the way of Allah—is interpreted to justify waqf as a commendable act with high social value. The Sunnah of the Prophet, which directly demonstrates the practice of waqf, serves as a legal basis that is expanded by *ijtihād* by scholars to form the framework of waqf jurisprudence as we know it today.⁴¹

The epistemology of Islamic law is also very open to social context. Therefore, when conditions change—as in the case of cash waqf, digital waqf, or productive waqf—*ulama* do not simply rely on the literalness of the text, but explore the values and *maqāṣid* (Sharia objectives) of these institutions. They seek to find ways in which the fundamental values of waqf—altruism, permanence of benefits, and social distribution—can still be realized, even in a different medium.⁴²

For example, thinkers such as Ibn Qayyim⁴³ and Ibn 'Āshūr⁴⁴ expanded the epistemic horizon of Islamic law by emphasizing the *maqāṣid al-sharī'ah* as the key to interpretation. With this approach, law is no longer understood merely as a set of rules, but as a means to achieve noble ethical and social

³⁴ Asmawi, *Pengantar Filsafat Hukum: Sebuah Ontologi, Epistemologi, Dan Aksiologi Ilmu Hukum* (Various, 2023), 65.

³⁵ al-Ghazali, *Ihya Ulum Al-Din*, 76.

³⁶ Zaaba Mustapha, "From Solidarity to Prosperity: Waqf's Impact in Kuwait," *International Journal of Economic Perspectives* 18, no. 12 (2024): 2400–2422.

³⁷ Jeffrey A. Schoenblum, "The Role of Legal Doctrine in the Decline of the Islamic Waqf," *Vanderbilt Law Review* 32, no. 4 (2021): 1191–220.

³⁸ Wahbah al-Zuhaylī, *Uṣūl Al-Fiqh al-Islāmī* (Dār al-Fikr, 2004), 87.

³⁹ Burhān al-Dīn Al-Zarkashī, *Al-Ijāz Fī Hikmati al-Waqf* (Dār al-Fikr al-Mu'āṣir, 2002), 76.

⁴⁰ Fahd Ibn 'Abd al-Rahmān al-Yahya, *Al-Bank al-Waqfī* (Jāmi'at al-Qāsim, 2013), 54.

⁴¹ Nasr, *Islamic Philosophy from Its Origin to the Present: Philosophy in the Land of Prophecy*, 98.

⁴² Peter C. Hennigan, *The Birth of a Legal Institution: The Formation of the Waqf in Third-Century A.H. Hanafī Legal Discourse* (Brill, 2003), 87.

⁴³ Ibn Qayyim al-Jauzi, *'Ilam al-Muaqī'in* (Dar Al-Fikr, tt), 65.

⁴⁴ Ibn 'Āshūr, *Maqāṣid Al-Sharī'ah al-Islāmiyyah* (1946), 43.

goals. Thus, waqf is no longer viewed in terms of its physical form (land, buildings, money), but in terms of the substance of its benefits. This is where the epistemology of Islamic law becomes relevant: it allows flexibility in form, but maintains a strict adherence to value. Waqf may change in its model, mechanism, and management, but it must not lose its essence as a means to realize social welfare based on responsible ownership and altruism.

Thus, legal reasoning regarding waqf is a combination of deduction from normative texts, contextualization through *ijtihad*, and verification against fundamental Islamic values. This demonstrates that Islamic law is not only normative but also reflective and progressive. In this research, an epistemological approach is crucial to explain why waqf can develop flexibly while remaining firmly grounded in its ethics.

METHODS

The study employed a qualitative, normative-philosophical approach with hermeneutics and textual analysis. Primary data were sourced from classical works such as those by al-Shāfi'ī, al-Ghazālī, Ibn 'Āshūr, and Mutahhari. Secondary data were obtained from academic journals indexed by Scopus and Sinta. The analysis applied ontological, axiological, and epistemological readings to the concept of waqf ownership and practices.

RESULT

Axiology of Islamic law: Values, objectives, and relevance of waqf as social ethics

Axiology, as a branch of philosophy, examines values and purposes. In the context of Islamic law, axiology is key to understanding why a law exists and what moral values it contains.⁴⁵ Islamic law is not simply a collection of norms, but a system built on fundamental values—such as justice, welfare, compassion, and social responsibility. It is at this point that waqf finds its place as an institution that serves not only legal and economic functions, but also, more importantly, ethical ones.⁴⁶

Waqf is not simply an act of disposing of assets; it is a manifestation of the highest value in Islam—devotion to Allah expressed in service to humanity.⁴⁷ Within the framework of *maqāṣid al-syarī'ah*, waqf contributes directly to the maintenance of five main pillars: religion (*ḥifẓ al-dīn*), soul (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-'aql*), lineage (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*).⁴⁸ When someone donates land for education, they are protecting reason and religion. When someone donates a hospital, they are protecting souls. This demonstrates that waqf has an extraordinarily broad ethical reach.

The fundamental value of waqf lies in the concept of altruism: giving without expecting anything in return. This is a concrete form of *ithār*, namely putting the interests of others first.⁴⁹ This value has its roots in prophetic morality, where the Prophet Muhammad encouraged people not only to live well for themselves, but to provide the greatest benefit to others.⁵⁰ In this view, waqf serves as a means to foster the spirit of sincerity (*ikhlas*), social responsibility (*mas'ūliyyah*), and solidarity (*ta'āwun*) in a practical sense. Waqf also embodies the value of sustainable benefits (*dawām al-nafa'*), which distinguishes it from ordinary charity.⁵¹ As confirmed in the hadith, “If a child of Adam dies, then his deeds will be cut off except for three: charity, useful knowledge, and pious children who pray for him.” Here, waqf is included in the category of “almsgiving” because its useful value extends beyond

⁴⁵ al-Ghazali, *Ihya Ulum Al-Din*, 54.

⁴⁶ Abu Hamid Muhammad bin Muhammad Al-Ghazali, *Al-Mankhul Min Ta'liqat al-Ushul* (Dar Al-Fikr, n.d.), 65.

⁴⁷ et al. Yuliaqamariyanti, “The Contextual of Waqf in Philosophy of Islamic Law Based on the Context,” *Lambung Mangkurat Law Journal* 1, no. 1 (2016): 1.

⁴⁸ Shatibi, *Al-Muwafaqat Fi Usul al-Shariah*, 43.

⁴⁹ Sait and Lim, *Land, Law and Islam: Property and Human Rights in the Muslim World*, 65.

⁵⁰ Al-Zarkashī, *Al-Ijāz Fī Hikmati al-Waqf*, 54.

⁵¹ Hasan Ibn Shalih al-Manā'ī, *Bank Tanmiyyat Al-Awqāf* (Dar al-Shamī'ī, 2009), 76.

time.⁵² This value is very relevant in today's era, when Muslims face the challenges of social and ecological sustainability.

The axiology of Islamic law also demands that law be in line with the principles of social justice. In this context, waqf is a concrete instrument for realizing distributive justice—that is, the use of wealth for the benefit of the many, rather than its accumulation in a few hands. This makes waqf part of the Islamic economic ethical system that balances individual rights and collective interests.⁵³ Thinkers such as al-Ghazālī, Ibn 'Āshūr, and Muhammad Baqir al-Sadr provided a conceptual framework that Islamic law aims to cultivate values, not just regulate behavior.⁵⁴ In this tradition, waqf is not treated as a technical legal product, but rather as an instrument of social ethics. It serves as a bridge between spirituality and social reality, between individual worship and societal transformation.⁵⁵

In the modern context, where waqf practices are beginning to be positioned within the financial system and public policy, axiological questions become increasingly important: are today's waqf practices still grounded in these core values? Does it remain an instrument of social piety, or has it shifted into an instrument of asset capitalization that has lost its soul? These questions are crucial to ensuring that waqf does not lose its identity in the process of modernization. The axiology of Islamic law emphasizes that form may change, but value must remain. Therefore, in this study, an axiological approach is used to assess whether the modern waqf system remains in line with the objectives of sharia, or whether it is in fact quietly moving away from them.

Waqf as a manifestation of trust ownership and altruism

Waqf in Islamic law is not simply a form of ongoing charity or an instrument of economic distribution. It represents the culmination of two core values in the Islamic ethical system: ownership as a trust and altruism as a moral principle. In the practice of waqf, a person not only gives but also consciously relinquishes full control over his or her personal property and surrenders it for the collective benefit.⁵⁶ This action does not arise from external pressure, but from an internal awareness of spiritual values and responsibilities.

The concept of ownership as a trust has profound moral consequences. In Islamic law, ownership is not an absolute right, but rather a limited right encompassed by social responsibilities and obligations.⁵⁷ The concept of ownership as a trust has profound moral consequences. In Islamic law, ownership is not an absolute right, but rather a limited right encompassed by social responsibilities and obligations.⁵⁸ When someone donates his wealth, he is affirming the principle that wealth is not his absolute property, but rather a trust that must be transferred to those who need it more for the common good.

On the other hand, altruism in Islam is not just an ethical choice, but a form of adherence to the highest spiritual values.⁵⁹ Waqf is the most obvious example of an altruistic act: giving selflessly, relinquishing ownership without demanding recognition, and entrusting its benefits to the long term. This is what distinguishes waqf from ordinary charity.⁶⁰ In waqf, the perpetrator does not only act as a provider of temporary benefits, but as the creator of a system of sustainable benefits, which continues to flow even after his death.

In the Sufī tradition, actions such as waqf are referred to as part of the “purification of the soul from worldly attachments.” Al-Ghazālī, in *Ihyā' 'Ulūm al-Dīn*, illustrates that possessions can become

⁵² Muhammad Baqir al-Sadr, *Iqtisaduna* (Al-Tali'ah, 1975), 43.

⁵³ Al-Zarkashī, *Al-Ijāz Fī Hikmati al-Waqf*, 78.

⁵⁴ al-Ghazali, *Ihya Ulum Al-Din*, 86.

⁵⁵ Mohammad, “Maqāṣid Al-Sharī'ah and Waqf.”

⁵⁶ Muhammad Abdullah, “Evolution in Waqf Jurisprudence and Islamic Financial Innovation,” *Journal of Islamic Monetary Economics and Finance* 4, no. 1 (2018): 161–82.

⁵⁷ Mustapha, “From Solidarity to Prosperity: Waqf's Impact in Kuwait.”

⁵⁸ Syarief, “Optimization of Waqf Land Management in Indonesia.”

⁵⁹ Muhammad Amrullah, “The Concept of Waqf from Worldview Theory,” *Ulul Albab* 21, no. 1 (2022): 101–18.

⁶⁰ Muhammad Zubair Abbasi, “The Classical Islamic Law of Waqf: A Concise Introduction,” *Arab Law Quarterly* 26, no. 4 (2012): 375–404.

a hijab (barrier) between a servant and his Lord if they are not used for the path of Allah.⁶¹ By donating wealth, a Muslim not only distributes his wealth, but also purifies himself from excessive love of the world.

Philosophically, waqf is the intersection of ontological (the essence of ownership) and axiological (the value of giving) dimensions. Ontologically, waqf shifts the status of property from private to public within the framework of Islamic law. Axiologically, waqf embodies values such as sincerity, social responsibility, and intergenerational goodness.⁶² These values are important to examine in more depth, considering that modern waqf practices tend to be trapped in administrative, legal-formal, and economic investment discourse.

This view is reinforced by contemporary thinkers. Muhammad Baqir al-Sadr stated that Islamic economics will only be meaningful if it is supported by the moral consciousness of its practitioners.⁶³ Waqf, in this case, is a social system born of values and awareness, not simply a financial mechanism. Ibn 'Āshūr, with his maqāṣid approach, also emphasized that every Islamic legal institution must be evaluated based on the extent to which it realizes the values of *maṣlahah*, justice, and social balance.⁶⁴ When waqf is framed within the framework of ownership as a trust and altruism as a value, it becomes not merely a technical instrument but an instrument of social ethics. Waqf is not merely a legal contract or a policy product, but rather a moral mechanism that moves the community toward a more just, equitable, and spiritual social order.

Waqf is ultimately a language of values. It teaches that giving is the highest form of belonging, and that true belonging lies in the ability to let go.⁶⁵ In today's increasingly materialistic climate, waqf serves as an important reminder that in Islam, wealth is measured not only by its value, but also by the extent to which it benefits others. By understanding this, we can reposition waqf not simply as a distribution system but as a foundation of social ethics within the fabric of Islamic law.

Historical transformation of waqf and shifting social meanings

Waqf has never been a static entity.⁶⁶ Waqf has undergone various phases of historical transformation, following the political, social, and intellectual dynamics of the Muslim community from the time of the Prophet Muhammad to the modern era. This long journey demonstrates how the meaning of waqf has evolved from an individual practice with spiritual nuances to a social institution integrated with the state legal system, even becoming a strategic instrument for economic development.

During the time of the Prophet Muhammad, waqf remained both personal and spiritual. Its purpose was simple: to facilitate the needs of the community, whether in the form of drinking water, places of worship, or agricultural land. The waqf of Abu Talhah's garden or the land of Khaybar belonging to Umar ibn al-Khattab are concrete examples of how the spirit of giving—based on faith and altruism—was used as an instrument for building the common good. There were no formal regulations. What existed were values—sincerity, usefulness, and sustainability.⁶⁷ However, entering the Abbasid and then Ottoman periods, waqf transformed into a very complex social and economic system.⁶⁸ Waqf manages hospitals, madrasas, libraries, even public roads and city facilities.⁶⁹ Waqf became an institution that not only provided services but also managed large assets that had a significant impact on

⁶¹ al-Ghazali, *Ihya Ulum Al-Din*, 45.

⁶² Yulia Qamariyanti, *Filsafat Dan Hukum Perwakafan* (Trussmedia Grafika, 2023), 54.

⁶³ al-Sadr, *Iqtisaduna*, 43.

⁶⁴ Muhammad al-Tahir Ibn Ashur, *Maqasid Al-Shariah al-Islamiyyah* (Dar al-Nafaes, 2006), 21.

⁶⁵ Ghazaleh, "Pious Foundations: From Here to Eternity?," *Islamic Law and Society*, 2021, 5–20.

⁶⁶ Timur Kuran, "The Provision of Public Goods under Islamic Law," *Law and Society Review* 35, no. 4 (2001): 841–79.

⁶⁷ Khalil Abdur-Rashid, "Financing Kindness as a Society: The Rise and Fall of the Waqf as a Central Islamic Philanthropic Institution (Awqāf)," *Journal of Muslim Philanthropy & Civil Society* 5, no. 1 (2021): 1, <https://scholarworks.iu.edu/iupjournals/index.php/muslimphilanthropy/article/view/3565>.

⁶⁸ Samiul Hasan, "Waqf," in *International Encyclopedia of Civil Society* (Springer, Cham, 2022), https://doi.org/10.1007/978-3-319-99675-2_121-1.

⁶⁹ Shadiya Mohamed S. Baqutayan et al., "Waqf Between the Past and Present," *Mediterranean Journal of Social Sciences* 9, no. 4 (2018): 149–55, <https://doi.org/10.2478/mjss-2018-0124>.

people's lives. At this point, waqf began to undergo legal formalities—with strict recording, supervision, and administration. Its social function remained, but its spiritual value began to shift to bureaucratic obligations.

The colonial era marked a turning point that drastically changed the face of waqf. In many regions, colonization shifted control of waqf from the community to the state.⁷⁰ In India, waqf was incorporated into Muslim civil law and directly monitored by the colonial government. In Egypt and North Africa, the institution of waqf was integrated into the colonial legal system, with regulations restricting its flexibility and independence. This shift was not merely technical, but conceptual—waqf was positioned as a legal asset, no longer an embodiment of moral values.⁷¹

Entering the 20th and 21st centuries, the transformation of waqf has become increasingly complex. On the one hand, it remains part of the Islamic legal system. On the other, it has begun to be viewed as an economic resource. The concepts of “productive waqf,” “cash waqf,” and even “digital waqf” have emerged, all embracing the spirit of efficiency, sustainability, and transparency. Official institutions such as the Indonesian Waqf Board have also emerged, tasked with managing waqf professionally, using modern legal, accounting, and management instruments.⁷² However, this transformation is not without criticism. Many believe that the spiritual value of waqf is beginning to erode. Instead of being an instrument of altruism and social piety, waqf has become a policy commodity trapped in neoliberal economic logic. The discourse on “waqf for development” tends to oust the ethical dimension from the discussion, replacing it with concepts of profit, efficiency, and long-term results. This is where the most significant shift in meaning occurs—from ethics to economics, from worship to investment.⁷³

From the perspective of Islamic legal philosophy, this calls for profound reflection. Waqf, as a theological concept, demands a balance between value and utility. When values such as sincerity, social responsibility, and distributive justice are no longer the primary framework for waqf practices, the institution risks losing its soul. While historical transformation is inevitable, a re-examination of the fundamental meaning of waqf as a reflection of trust ownership and altruistic action remains essential.⁷⁴ Therefore, this study deems it crucial to return the discourse on waqf to the realm of Islamic social ethics. This means that the historical transformation of waqf must be critiqued not merely from a legal and technical perspective, but also from a value perspective. What has changed? What has been lost? And what should remain as its spiritual foundation?

This awareness is crucial in today's Indonesian context, where waqf is being pushed to become a driver of development. Without a strong framework of values, waqf can lose its orientation and become merely an economic instrument. Yet, as in its early history, waqf is a spiritual act embodied in social structures. It's not just about giving, but about surrendering. It's not just about sharing, but about liberating.

The concept of ownership in Islamic law: Amanah, social responsibility, and the limits of individual ownership

Within the framework of Islamic law, the concept of ownership never stands alone as an unlimited, exclusive right. It is part of a value system that unites the vertical dimension (humanity's relationship with God) and the horizontal dimension (humanity's relationship with others) Herein lies the transcendent character of *milkiyyah* Ownership is not simply a matter of who controls something, but how and for what purpose it is used The normative basis of ownership as a trust is contained in QS

⁷⁰ Shadiya Mohamed S. Baqutayan et al., “Waqf Between the Past and Present,” *Mediterranean Journal of Social Sciences* 9, no. 4 (2018): 149–55, <https://doi.org/10.2478/mjss-2018-0124>.

⁷¹ Amy Singer, *Charity in Islamic Societies*, Themes in Islamic History (Cambridge University Press, 2008), 43.

⁷² Rinda Asyuti, “Optimalisasi Wakaf Produktif,” *At-Taradhi: Jurnal Studi Ekonomi* 3, no. 1 (2012), <https://doi.org/10.18592/taradhi.v3i1.577>.

⁷³ Achmad Nurdany, “Determinan Wakaf Tanah Di Era Digital,” *Jurnal Ilmu Islam Dan Peradaban (JIIP)* 4, no. 2 (2019): 233–45.

⁷⁴ Bustanul Arifin, “Franchise in The Perspective of Islamic Contract Law,” *At-Tahdzib: Jurnal Studi Islam Dan Muamalah* 12, no. 2 (2024): 105–18, <https://doi.org/10.61181/at-tahdzib.v12i2.361>.

al-Hadid [57]:7 This verse clearly states that property is a trust originating from Allah In the ontological view of Islam, everything in this world belongs to Allah (QS al-Baqarah [2]:284), and humans are only mandated to manage it⁷⁵ Philosophically, property rights in Islam are functional, not substantial—they are bound by values and purposes

This concept is reinforced by the theory of basic values of Islamic law, particularly 'adl, rahmah, maslahah, and amanah Property rights cannot be separated from the principles of justice (because the accumulation of wealth by a few violates fair distribution), compassion (because exclusive ownership is contrary to the spirit of sharing), and amanah (because control of property is illegitimate without moral responsibility) Al-Shāṭibī⁷⁶ developed this understanding further According to him, sharia not only protects ownership from being confiscated, but also prevents it from being oppressed So, maqāṣid al-syarī'ah in the context of ḥifẓ al-māl is not only about protecting physical assets, but also about keeping ownership socially meaningful In Shāṭibī's terms, benefit can never be exclusive—it must be universal, or it loses legitimacy

Even property obtained legally, in Islam, is still subject to ethical logic Even classical scholars such as al-Ghazālī emphasized that the use of wealth to only enrich oneself, without contributing to the benefit of the people, is a form of spiritual humiliation⁷⁷ Endowing property is not merely a legal act, but rather a manifestation of spiritual awareness of the limitations of ownership and social priorities In the study of Islamic legal philosophy, waqf represents a form of social action grounded in a profound understanding of the nature of ownership in Islam Unlike the liberal paradigm, which views ownership as an absolute and unlimited right, Islamic law places ownership within a transcendent framework—that everything, including property, essentially belongs to God, and humans only act as responsible stewards (*mustakhlaf fih*)

When someone donates land, buildings, or other financial assets, they are not simply performing a charity or social good They are affirming a fundamental principle of Islamic law: that property rights are not absolute Within the framework of the maqāṣid al-syarī'ah (the protection of property), such an act not only fulfills the dimension of ḥifẓ al-māl (protection of property), but also reflects the values of welfare (*maṣlahah*), justice ('*adl*), and trust (*amanah*) This is what makes waqf an ethical medium in Islam Ownership in Islam is functional, not substantive This means that the value of an asset is not measured by the extent or permanence of control over the item, but by the extent to which it benefits the wider community Therefore, in Islamic law, there is a moral limit beyond which ownership rights cannot be crossed This limit is not determined by a legal contract, but by the principle of distributive justice rooted in Islamic revelation and social ethics

Waqf, as a form of sublimation of ownership, carries significant ontological and axiological significance Ontological because it transforms property from the private to the social domain Axiological because it adds value in the context of social sustainability, reduces inequality, and builds solidarity Through this mechanism, Islamic law bridges individual rights and collective responsibilities The historicity of waqf reinforces this argument During the time of the Prophet Muhammad, waqf emerged as a deeply spiritual form of social responsibility Examples include the gardens of Abu Talhah and the land of Khaybar owned by Umar ibn al-Khattab Both waqf not only had short-term impacts but also formed the foundation of independent and sustainable Islamic social institutions They were not legally obligatory but instead served as prototypes for Islamic institutions of justice and public service.

In the contemporary context, this concept often loses its philosophical substance. Many modern waqf studies emphasize legal-formal or administrative aspects, such as asset management, economic productivity, and reporting systems. However, the essence of waqf lies in its moral dimension: that relinquishing property rights is the culmination of spiritual awareness of worldly limitations and the importance of contributing to collective well-being. Criticisms raised by thinkers such as al-Ghazālī in *Ihyā' 'Ulūm al-Dīn* and al-Shāṭibī in *al-Muwāfaqāt* directly address this issue. They agree that

⁷⁵ Bustanul Arifin and Ilyas Nurul Azam, "Nilai-Nilai Keadilan Dalam Ekonomi Syari'ah," *J-Mabes: Jurnal Manajemen, Akuntansi, Bisnis Dan Studi Ekonomi Syariah* 2, no. 1 (2024): 1, <https://doi.org/10.61181/tbk4gc26>.

⁷⁶ Shatibi, *Al-Muwafaqat Fi Usul al-Shariah*, 87.

⁷⁷ al-Ghazali, *Ihya Ulum Al-Din*, 43.

ownership that only leads to personal accumulation without social benefit is a violation of the divine trust. Therefore, waqf is not merely an option, but rather the ultimate expression of Islamic values in managing wealth as part of social service. Furthermore, an axiological analysis of waqf shows that it avoids exclusivism and social inequality.⁷⁸ By donating, individuals set aside personal interests to promote the public good. In this sense, donating serves as a moral control mechanism against economic greed and as an instrument of solidarity in the face of structural inequality.

From an Islamic legal perspective, waqf demonstrates that the legal system not only regulates behavior but also instills values. It is neither secular nor positivistic, but is rooted in transcendent values born of revelation and ethical rationality. Waqf is a living reflection of Islamic law, which extends beyond texts to social practice.

In conclusion, the act of waqf (endowment) is not simply a transfer of rights, but rather a complex spiritual and social process. It involves affirming values, rejecting the absolutism of ownership, and creating a more equitable social space. Thus, waqf is a moral institution rooted in Islamic values and serves as a meeting point for law, ethics, and spirituality. Axiologically, ownership in Islam is not solely measured by legality or the strength of evidence, but by its contribution to the social order. Wealth that does not produce social benefits is considered worthless, even harmful. This aligns with Ibn Khaldun's critique of wealth that accumulates and is not circulated.

The relinquishment of property rights in the context of waqf is not only justified but also glorified. This is not an irrational act, but the pinnacle of ethical rationality in Islam. Property becomes a path to closeness to God because it is used for the benefit of others. Thus, the concept of ownership in Islamic law can never be separated from the principles of trust, social responsibility, and moral boundaries.

Waqf as a manifestation of altruism: Theological and philosophical basis

In Islam, altruism is not merely a personal virtue, but a core value instilled as the foundation of social relationships. It is not an optional act, but a concrete part of faith. In Islamic tradition, altruism is known as *īthār*—a comprehensive concept that encompasses the sacrifice of self and wealth for the benefit of others without seeking worldly gain. This concept has deep philosophical and relational roots: it is not simply a matter of giving, but of prioritization and sincerity. This is strongly reflected in the migration of the Anṣār, as described in Surah al-Ḥaṣr [59]:9. In that verse, Allah praises the Anṣār as anyone who “prefers others over themselves, even though they themselves are in difficulty.” This spirit is not merely an individual phenomenon, but a collective social culture deeply rooted in the society of Medina. They embraced faith as the primary basis for their actions, not economic motivations.⁷⁹

Etymologically and philosophically, *īthār* goes beyond the modern concept of donation. In Arabic, *īthār* means “choosing others” or “prioritizing the rights of others over oneself.” It denotes a moral action that is permanent and profound.⁸⁰ Unlike alms or gifts, which can be conditional and limited, *īthār*—and in this context, waqf—is an altruistic act that is exclusive and eternal. Within this framework, waqf becomes a concrete expression of *īthār*: the act of relinquishing ownership of something we hold dear, without second thought. There is no intention of gaining recognition, praise, or worldly rewards. It is not merely an economic context, but rather a spiritual act of worship. Waqf bridges the horizontal (between people) and the vertical (people to God).⁸¹

Ontologically, the waqf process changes the status of an object: from a personal possession that can be sold, inherited, or used freely by individuals, to a “frozen” (*muḥbassa*) property—it remains in existence, but its benefits are not for one person. This is an act of high moral value. Axiologically, it is shaped by the Islamic ethical value system: sincerity (*ikhḷās*), responsibility (*amanah*), social justice (*ʿadl*), and benefit (*maṣlahah*). When we give something we deeply love, aren't we demonstrating the

⁷⁸ Muhammad Nabhani and Bustanul Arifin, “Rekonstruksi Konsep Keadilan Relasional Dalam Filsafat Hukum Dan Implikasinya Terhadap Akad-Akad Muamalah Kontemporer,” *CENDEKIA: Jurnal Studi Keislaman* 11, no. 1 (2025): 1, <https://doi.org/10.37348/cendekia.v11i1.704>.

⁷⁹ Baqutayan et al., “Waqf Between the Past and Present,” 2018.

⁸⁰ Arifin and Azam, “Nilai-Nilai Keadilan Dalam Ekonomi Syari'ah.”

⁸¹ Mustapha, “From Solidarity to Prosperity: Waqf's Impact in Kuwait.”

alignment of our actions with our faith and spiritual etiquette? Historically, the Anṣār and Muhājirīn demonstrate how the social context shapes these values. Post-hijrah Medina became a fundamentally moral community, not merely an economic one. Everyone—mostly farmers and merchants—shared land, gardens, and homes with the immigrants from Mecca. Without formal regulation, they operate on the basis of a sense of faith, spiritual intention, and moral responsibility. This is the foundation of waqf thinking: not a mechanism, but an ethic that lives within Muslim society.⁸²

The transition from social benevolence to formal institution occurred through the traditions of Abu Talhah's waqf, Umar's waqf, and so on. On the one hand, this practice developed as an adaptive social tool—building mosques, wells, schools, and access roads for Muslim communities. On the other hand, it maintained its core moral value—that all wealth truly belongs to God. Thus, waqf is a social legal institution with spiritual qualities.⁸³ Socially, altruism and waqf serve as tools for fostering solidarity, meeting public needs, and building a society's moral capital. In situations of inequality, waqf is a social intervention that arises not because the state imposes it, but because religious law affirms personal and moral responsibility. This differs from taxation mechanisms in secular systems: waqf generates social change without the framework of a modern state, as it arises from faith and spiritual awareness.⁸⁴ In a contemporary context, this concept emphasizes the distinction between “economic donations” and “altruistic waqf” Productive waqf, cash waqf, and digital waqf do enhance modern economic and accounting inputs. However, if the sole intention is to seek reciprocity—for example, image promotion, tax reductions, or social rewards—then they are far from the spirit of īthār and the moral value of spiritual sincerity. Therefore, reforming waqf institutions is not sufficient merely in terms of management systems; it requires a refocus on intentions, ethics, and moral thinking.⁸⁵

Contemporary Islamic thinkers such as Seyyed Hossein Nasr emphasize that institutions like waqf must be grounded in spirituality, not mere regulation. Islamic law, in his view, is not merely a tool for social regulation, but a means of moral transformation. Therefore, this context demands that we view waqf not merely as a subject of Islamic jurisprudence and economics, but as a “social spiritual laboratory”—a place where faith becomes a tangible blessing within society.⁸⁶ Thus, prioritizing sincerity and solidarity in waqf represents a renewal of values needed by modern society. It is a response to secular emotions that drive ownership solely for accumulation. Waqf teaches that wealth can exist as a long-term ongoing charity without being subject to the constraints of the state's legal system. It remains eternal, social, and spiritual—an expression of true altruism within the framework of Islamic faith and legal ethics.

Altruism in Islam finds that this dimension does not emerge from empty space. It has a deep theological basis, integrated in the doctrine of monotheism and prophetic life. Allah is described as ar-Raḥmān, Most Merciful, and this attribute is the moral basis for humans to love others. In authentic hadith it is stated, “Allah will not love someone who does not love humans” The theory of altruism in the Islamic context, as explained by al-Ghazālī in *Iḥyā' 'Ulūm al-Dīn*, is a cleanser for the soul from the disease of ḥub *al-māl* (love of wealth). According to him, someone who gives when they have enough is not necessarily sincere, but someone who gives when they are lacking shows that they have overcome their desires. Waqf is the peak form of this, because it is not just giving, but giving forever.⁸⁷

The axiology of Islamic law emphasizes that it is a place for values such as *rahmah* (compassion), *maslahah* (benefit), and *amanah* (trust) to emerge.⁸⁸ Waqf represents all three simultaneously: it arises from love, aims to provide benefits, and is operated on the basis of trust in the recipient and administrator. Therefore, waqf is a form of social ethics that lives and moves within the Islamic legal system. Contemporary thinkers such as Murtaza Mutahhari and Nasr Haamid Abu Zayd

⁸² Amrullah, “The Concept of Waqf from Worldview Theory.”

⁸³ Abdur-Rashid, “Financing Kindness as a Society.”

⁸⁴ Moumtaz, “Waqfs as Moral Persons and Other Stories of Waqf Today.”

⁸⁵ Ghazaleh, “Pious Foundations: From Here to Eternity?”

⁸⁶ Mohammad, “Maqāṣid Al-Sharī'ah and Waqf.”

⁸⁷ Syarief, “Optimization of Waqf Land Management in Indonesia.”

⁸⁸ Bustanul Arifin, “Kehujjahan Masalah Mursalah Dalam Perspektif Imam Al-Ghazali Dan Najm Al-Din Al-Tufi,” *Al-Mawaddah: Jurnal Studi Islam dan Hukum Keluarga (Ahwal Al-Syakhsyiyah)* 1, no. 1 (2024): 1, <https://doi.org/10.61181/al-mawaddah.v1i1.426>.

have criticized the tendency of modern Islamic law to be overly textual and neglect the ethical dimension, Mutahhari, within the *maqāṣid* framework, urges a return to Islamic law, not merely to values, but to forms, Waqf exemplifies that Islam is not merely a system of norms, but a system of love and sacrifice.⁸⁹ Meanwhile, Seyyed Hossein Nasr emphasized the importance of spiritualizing Islamic social institutions, so that they are not uprooted from their divine meaning.⁹⁰ In Nasr's view, every religious institution, including waqf, must remain bound by the principle of *tawḥīd*, namely the awareness that all actions must be directed towards Allah, not merely towards material or administrative gain.

Altruism in waqf is not merely a moral spirit, but an existential expression of a Muslim. It rejects ego dominance and makes ownership a means, not an end. Waqf is an act of worship, not merely asset management. Therefore, in Islamic legal philosophy, waqf stands as an ethical symbol that lives not only in texts but also within the conscious, caring, and sacrificial body of Muslims.

Transformation of private property into public property: The ontological and axiological dimensions of waqf

The transformation of private property into public property through waqf is not simply a legal administrative process. It is a philosophical phenomenon that reflects a change in the existential status of ownership—from an individual entity to a communal one.⁹¹ In Islamic law, this touches on two dimensions at once: ontology (the essence of what property and ownership are) and axiology (the moral purpose of its use).⁹² Ontologically, ownership in Islam is not absolute. The entire universe, including property, fundamentally belongs to God (Quran 2:284). Humans only hold usufructuary rights (*tasarruf*), and even then, within moral limits. Therefore, when someone donates their property, they are essentially returning the right of ownership to its original status: belonging to God for the benefit of humanity as a whole.

Al-Ghazali, within his Sufi-philosophical framework, emphasized that relinquishing wealth is a form of *tazkiyah* (self-purification). The wealth is not lost, but its status and function change. From a means of personal consumption to a source of ongoing benefits for society. In this logic, wealth that is no longer owned becomes eternal because it is used for ongoing good. This is the spirit of “*sadaqah jāriyah*,” which is the spiritual foundation of waqf. The axiological dimension emerges when we consider waqf not merely a legal act, but an ethical one. Waqf aims to achieve welfare (*maṣlahah*) and social justice (*‘adl*), two key values discussed in the theory of *maqāṣid al-sharī‘ah* referred to by al-Shāṭibī. Transforming wealth into the public sphere means transforming the means of production, consumption, or living space into inclusive social instruments. Houses become schools. Land becomes community gardens. Money becomes scholarships.

In Islamic legal philosophy, this reflects the function of law as a balance maintainer not only between individuals but also between individuals and society. Waqf is not only a tool for redistribution, but also a reminder that wealth can be misleading if not directed towards the greater good. Thus, waqf is a correction to an overly private ownership system, as well as an affirmation that Islamic law not only regulates behavior but also shapes collective moral character.

This concept is increasingly relevant in the modern era, when wealth and power are concentrated in the hands of a small elite. Waqf offers a counter-model: the powerful give, not under duress, but out of a conscious effort. Islamic legal philosophy teaches that piety extends not only vertically to God, but horizontally to others. This transformation can only be fully understood when we go beyond *fiqh* (Islamic jurisprudence) and delve into the spirit of the law itself.

Seyyed Hossein Nasr called it “living wisdom”—that is, Islamic wisdom that is not limited by legal formulas, but shines through in human actions. Every waqf carried out with ethical awareness not only has a social impact but also becomes a form of existential worship. And that is the pinnacle of

⁸⁹ Murtaza Mutahhari, *Understanding Islamic Sciences* (Islamic Propagation Office in Qom, 2007), 65.

⁹⁰ Nasr, *Islamic Philosophy from Its Origin to the Present: Philosophy in the Land of Prophecy*, 43.

⁹¹ Amrullah, “The Concept of Waqf from Worldview Theory.”

⁹² Abbasi, “The Classical Islamic Law of Waqf: A Concise Introduction,” 2012.

transformation: not just a change in the status of an object, but a change in one's position before God and society.

CONCLUSION

Waqf is not simply a legal instrument or a model of economic distribution in Islam. It is a concrete projection of the ethical social values imbued within the construction of Islamic law. A philosophical analysis of waqf reveals that the deepest substance of this practice lies in the unification of faith, social responsibility, and ethical awareness of ownership. First, from the perspective of ownership, Islamic law positions property not as an absolute, exclusive right, but as a trust that must be managed fairly and proportionally. This principle affirms that in Islam, individual property rights have moral limits, and the use of property must consider the collective good. Therefore, waqf exists as a spiritual and social mechanism that reflects the owner's responsibility to the community. Second, the act of donating property is the highest form of altruism in Islam. With a strong theological foundation, waqf demonstrates that the value of giving in Islam is not an instrument of exchange, but rather part of an active spirituality. Waqf is a profound expression of selfless love—not only for fellow human beings, but also for God, the true Owner of all things. Third, the transformation of property from private ownership to the public sphere is a process fraught with ontological and axiological significance. Ontologically, it reflects the recognition that property is merely a trust. Axiologically, it demonstrates that every form of ownership is only valid when directed towards justice, compassion, and public welfare. Within the framework of the maqāsid al-syarī'ah (Islamic principles), waqf becomes a medium for actualizing the noble values of Islamic law amidst social realities.

Overall, waqf can no longer be viewed solely through the lens of normative fiqh or Islamic financial administration. It demands a profound, philosophical, and reflective rereading to ensure its spirit is not lost. This research study represents a small step towards revitalizing the understanding of Islamic law as a value system, not simply a system of rules.

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