

# **Agreement of waqf in Indonesia and Malaysia: harmonisation with Quranic principles and modern legal frameworks**

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This research aims to find out the harmonisation of waqf agreements in Indonesia and Malaysia with Quranic principles and modern legal frameworks, with an emphasis on the role of agreements in waqf management. The agreement, in this context, refers to a legal action between the *Waqif* (waqf giver) and the *Nadzir* (waqf recipient/manager), who have rights and obligations regarding the provision of land as waqf, as recorded through the Waqf Pledge Law. This agreement provides legal certainty and guarantees the rights and obligations of the parties, as well as fulfilling the command of the Quran Surah Al Maidah verse 2 to "help each other in kindness and piety". The research applies normative and qualitative approaches. The primary legal source was obtained through interviews, and the secondary data included Indonesian Law No. 41 of 2004 concerning Waqf in Indonesia, and relevant state-level waqf laws in Malaysia. The study shows that a harmonisation of the rules governing waqf management agreements applies in both Indonesia and Malaysia, based on the Quran, Surah Al Maidah, verse 2. This article contributes to strengthening knowledge in the law of waqf agreements, especially the harmonisation of waqf management in Indonesia and Malaysia.

Penelitian ini untuk mengetahui harmonisasi perjanjian wakaf di Indonesia dan Malaysia dengan prinsip-prinsip Alquran dan kerangka hukum modern, dengan penekanan pada peran perjanjian dalam pengelolaan wakaf. Perjanjian, dalam konteks ini, adalah tindakan hukum antara *Waqif* (pemberi wakaf) dan *Nadzir* (penerima/pengelola wakaf) mempunyai hak, kewajiban, dalam pemberian tanah sebagai wakaf, yang dicatatkan melalui Akta Ikrar Wakaf. Perjanjian ini memberikan kepastian hukum dan menjamin hak dan kewajiban para pihak serta untuk memenuhi perintah Alquran Surah Al Maidah ayat 2 untuk "bertolong-tolonglah dalam kebaikan dan ketakwaan." Penelitian menggunakan metode pendekatan normatif empirik dan kualitatif. Sumber hukum primer dilakukan melalui wawancara dan data sekunder berasal dari Undang-Undang Republik Indonesia No. 41 Tahun 2004 tentang Wakaf di Indonesia, dan undang-undang wakaf tingkat negara yang relevan di Malaysia. Temuan menunjukkan bahwa terdapat harmonisasi peraturan perjanjian pengelolaan wakaf yang berlaku baik di Indonesia dan Malaysia, dengan Quran Surat Al Maidah ayat 2. Artikel ini berkontribusi pada dunia akademisi internasional dalam memperkuat pengetahuan dalam hukum perjanjian wakaf, khususnya dalam hal harmonisasi pengelolaan wakaf di Indonesia dan Malaysia.

**Keywords:** *legal harmonization; surah al Maidah verse 2; waqf agreement*

## Introduction

The concept of waqf, an Islamic endowment of property for religious, educational, or charitable purposes, holds significant cultural and legal importance in Indonesia and Malaysia (Huda et al., 2025). The integration of waqf within the frameworks of modern law and its harmonisation with Quranic principles present both challenges and opportunities as these nations strive to manage waqf properties effectively while adhering to Islamic values. A critical examination of waqf law reveals the necessity to balance traditional Islamic

jurisprudence with contemporary legal systems to optimise the benefits derived from waqf (Sarmadi, 2024).

Waqf is a highly advantageous structure for enhancing the assets of the Muslim community. Waqf is conducted for the sake of religious devotion and the economic advancement of the community, particularly the Muslim community (Çakır and Abu-Sarhan, 2021). In this waqf, the eligible assets for donation are those legally owned and controlled by their proprietors. Waqf is one of the Islamic philanthropy strategies that plays a significant role in promoting social and economic welfare within Muslim communities (Thahir, 2017; Huda, Supriyadi and Ramadhita, 2025; Santoso and Musthofa, 2022). Waqf, as a form of *shadagah jariyah* (continuous charity), has been practised since the time of the Prophet and has evolved into various forms throughout Islamic civilisation (Zaib et al., 2025). Waqf is fundamentally grounded in the Quran and Hadith. Surah Al Maidah, verse 2, is frequently referred to, which urges believers to cooperate in upholding righteousness and piety principles, fundamentally underpinning the concept and implementation of waqf.

Waqf is a legal act that aims to dedicate part of one's wealth for public benefit. Its implementation often involves an agreement or contract between the waqf donor (*Wakif*) and the waqf recipient (*Nadzir*), such as in a *wakalah* contract where the *Wakif* grants authority to the *Nadzir* to manage the waqf property (Ismon, Ali and Hingun, 2021). An agreement is an understanding between two or more parties that creates legal rights and obligations (Adyatma and Anggriani, 2023). One type of agreement in Islamic law practice pertains to waqf management (Syamsi and Qomaro, 2020), where the *Wakif* (wqaf donor) and *Nadzir* (wqaf manager) make an agreement that regulates the authority, responsibilities, and procedures for managing waqf assets (Rahman et al., 2025). This management agreement can be a *wakalah* contract, where the *Wakif* authorises the *Nadzir* to manage the waqf assets, with the aim of providing legal certainty, protecting the interests of the parties, and ensuring sustainable, accountable, and transparent management of the waqf (Sahla, Inayah and Sudiarti, 2023).

In the modern era, waqf administration faces challenges as it must adapt to contemporary legal systems and the evolving demands of society. Therefore, there is an urgent need for a legal framework that aligns with *Shari'ah* principles and is effective from administrative

and economic standpoints (Zakiyy and Hamid, 2025). Indonesia and Malaysia, both Muslim-majority countries, have established their respective waqf legal systems through national legislation and specialised institutional management. A comparative study of these countries is essential for understanding how divine values are incorporated into formal legal systems (Sa'adillah et al., 2023).

In Indonesia, Law No. 41 of 2004 provides the primary legislative foundation for waqf management, allowing for the endowment of movable and immovable properties, including cash waqf and stocks. This aligns with contemporary financial developments and reflects a progressive interpretation of Islamic principles (Elfia and Duhriah, 2022). Despite these advances, challenges persist, including a lack of societal awareness of waqf regulations, the commitment of waqf managers (*Nadzirs*), and the need for effective institutional oversight in managing waqf properties (Syarief, 2021). Furthermore, the Indonesian Waqf Board has initiated movements like “Green Waqf,” which emphasises sustainable environmental practices in utilising waqf land assets (Jannah, Sarkawi and Othman, 2024).

Conversely, Malaysia's waqf system is governed by the State Islamic Religious Councils (MAIN), each of which possesses autonomous authority in formulating waqf policies. At the federal level, this is coordinated by the Department of Waqf, Zakat and Hajj (JAWHAR) to enhance the management of waqf properties (Ascarya, Hosen and Rahmawati, 2022). Malaysian law also encompasses innovative applications of waqf, including stock waqf, which has notable traction among investors and reflects a move towards more productive uses of waqf assets (Pitchay et al., 2018). However, similar to Indonesia, Malaysia faces challenges with its legislative frameworks, such as addressing the roles of various authorities in administering land waqf, which can lead to jurisdictional overlaps and inefficiencies (Ismail and Mohsin, 2023).

Both countries exhibit a commitment to reforming waqf management systems to foster social and economic empowerment. Effective waqf administration hinges on the successful integration of Islamic legal principles with modern regulatory practices (Imran, Sapa, and Aisyah, 2025). There is a need for continuous dialogue among scholars, legal practitioners, and policymakers in both nations to ensure that waqf fulfills its potential as a vehicle for community welfare while remaining faithful to its Quranic foundations.

This integrated approach not only reinforces the significance of waqf in promoting socio-economic welfare but also protects the sanctity of these endowments within their religious contexts (Hakimah et al., 2022).

This article uses a case study to explore a land waqf initiative donated by a *Waqif* to the Regional Board of Muhammadiyah in the Special Region of Yogyakarta (PWM DIY), intended for the construction of a mosque and an educational institution. The objective is to generate sustainable benefits for the surrounding community while also exemplifying the implementation of Quranic values within the framework of national law (Marza et al., 2022). This study aims to analyse the extent to which the waqf legal systems in Indonesia and Malaysia succeed in harmonising Islamic legal norms with modern governance, and to identify the challenges encountered in their practical implementation.

Meanwhile, in Penang, Malaysia, the Seetee Aisah Waqf illustrates how a development cooperation agreement can optimise previously unproductive waqf assets. The State Islamic Religious Council of Penang (MAINPP), as the sole trustee, entered into an agreement with UDA Holdings Berhad, a government-owned corporation, to develop the waqf land into a residential area for the Muslim community. The objective of this development is to enhance the economic and social value of the waqf asset and ensure its sustainable contribution to the welfare of the ummah (Penang Property Talk, 2022).

In the practice of waqf, two principal parties are involved: the *Waqif* (endower) and the *Nadzir* (trustee) (Wardi, 2016). The *Waqif* donates immovable property for perpetual public benefit, while the *Nadzir* is responsible for managing and safeguarding the asset in accordance with the waqf's objectives (Iman, Santoso and Kurniawan, 2020). This trust-based relationship is formalised through the Waqf Pledge Deed (*Akta Ikrar Wakaf*) (Kholid, 2016), which serves both as a Sharia-compliant declaration and as a binding civil agreement under the Indonesian Civil Code, particularly Articles 1313 and 1320 (Anggriani, 2019). By formalising this arrangement, both parties adhere to the Quranic command in Surah Al Maidah, verse 2, to "cooperate in righteousness and piety", thereby integrating religious obligations with legal mechanisms to achieve sustainable public benefit (*maslahah*).

## **Method**

This research applies normative and qualitative approaches. The primary legal source was obtained through interviews with academics and the Management of the Waqf Empowerment Council of the Muhammadiyah Regional Executive. The secondary data included Indonesian Law No. 41 of 2004 concerning Waqf in Indonesia, as well as the relevant state-level waqf laws in Malaysia. Case studies are used to identify similarities and differences in the regulation and implementation of land waqf in the two countries, this analysis includes case studies of land waqf provided by a waqf through the Regional Executive of Muhammadiyah Yogyakarta (PWM DIY) and Waqf given by Seetee Aisah Mahmood, which is managed by the Penang State Islamic Religious Council (MAINP). The data was analysed to evaluate the harmonisation of waqf regulations and waqf management agreements with the Quran of Surah Al Maidah, verse 2.

### **Foundations and philosophical principles of waqf in Al Maidah, verse 2**

The concept of waqf is central to the socio-economic framework of Islamic societies, serving as a mechanism for charitable donations that transcend individual wealth and benefit the community at large. Its foundational principles are rooted in Islamic teachings, particularly in the Quran (Ab Latif et al., 2024). A notable verse reflecting the ethos of communal welfare through waqf is Surah Al Maidah, verse 2, which states, “And cooperate in righteousness and piety, but do not cooperate in sin and aggression” (Qur'an 5:2). This verse explicitly calls upon Muslims to promote good (righteousness) and discourage wrongdoing, serving as a strong moral foundation for the practice of waqf (Aslan and Dokgöz, 2023).

In the context of waqf, this call to cooperation highlights the altruistic intent behind the establishment of waqf properties, an act intended to foster collective benefit and community welfare (Shahriar et al., 2018). Scholars note that waqf serves as a form of perpetual charity, embodying the principles of justice and generosity as articulated in the Quran while aligning with the broader philosophical framework of Islamic economics, which emphasises equity, social responsibility, and communal prosperity (Omercic, 2023). The Quranic values of justice (*adl*) and the sanctity of trust underscore the notion that

the waqf endowment should serve the needs of the community, ensuring that resources are mobilised effectively to address urgent social issues such as poverty and inequality (Omercic, 2023).

In addition to being an instrument of Islamic philanthropy oriented towards sustainable benefits, the concept of waqf in the Quran also reflects the principle of distributive justice (*al-'adalah al-ijtima'iyyah*), which places public interests above individual interests (Ab Latif et al., 2024). This principle implies that endowed assets must be managed in such a way that their benefits can be felt by a wider community, without social, economic, or geographical discrimination (Lita, 2021). In this context, waqf is not only a means of individual worship but also a manifestation of social responsibility based on the values of *amanah* (trusteeship) and sustainability, in accordance with the guidance of *maqāsid al-shari'ah* to achieve the common good (*maslahah 'ammah*) (Eldersevi, Mohammed and El Amri, 2021; Munir, 2025).

Furthermore, the philosophical foundation of waqf in the Quran can be interpreted as a form of *ta'awun* (cooperation) that transcends generations, where the proceeds from the management of waqf assets are intended to continue providing benefits without time limits (Choudhury, Pratiwi and Hoque, 2019). This understanding requires professional, accountable, and adaptive governance in line with the times, ensuring that the spiritual value of waqf is preserved while remaining relevant to contemporary society's needs (Sati and Tambunan, 2025). The essence of Surah Al Maidah, verse 2, extends beyond a moral call to cooperate in goodness; it also contains a practical incentive to build a waqf management system capable of bridging classical Islamic teachings with modern socio-economic challenges (Zeni, Kadir and Sapuan, 2023; Nurhaliza et al., 2025).

The ethical framework underlying waqf is deeply interconnected with conceptions of stewardship (*khalifah*) and accountability, as articulated within Islamic teachings (Bakr, El Amri and Mohammed, 2021). This entails not only the act of giving but also the responsible management of waqf assets for sustainable development and community upliftment (Azzuhri and Fadhil, 2022). It is posited that effective waqf management should resonate with *maqāsid al-shari'ah* (the higher objectives of Islamic law), aiming to enhance the welfare of individuals and the community by providing essential services and support (Ramdani, Widiastuti and Mawardi, 2024; Nurhaliza et al., 2025). Consequently, waqf emerges as

a critical instrument in Islamic finance, operating at the intersection of socio-economic development and religious obligation.

Moreover, recent scholarly discussions have highlighted the transformative potential of waqf in addressing contemporary economic challenges. It has been emphasised that the productive waqf model can significantly contribute to social finance, demonstrating a fusion of traditional charitable practices with modern financial instruments to cater to the diverse needs of Muslim communities today (Yumarni, Mulyadi and Maryam, 2023). By aligning the management of waqf with Quranic principles, stakeholders can ensure that such endowments preserve their spiritual value and serve as effective tools for social change and economic empowerment (Budiarti and Wahyuni, 2020).

Overall, waqf, as depicted in Surah Al Maidah verse 2, embodies a dedication to communal welfare and social equity (Yusdani, 2016). It embodies a philosophical perspective in which economic actions are perceived as extensions of moral responsibilities to society (Hashmi, 2022). This comprehension establishes waqf as an essential element of Islamic economics, promoting equilibrium between personal wealth and collective welfare, thus enhancing the fortunes of both the donor and the beneficiary within the context of divine direction.

The role of waqf aligns directly with several objectives of Islamic law (*maqāṣid al-shari'ah*). First, it fulfills *hifz al-mal* (protection of wealth) by ensuring that endowed assets remain preserved and beneficial in perpetuity. Second, it advances *hifz al-din* (protection of religion) by supporting the construction and maintenance of mosques and religious education institutions (Furqon, 2016). Furthermore, by funding schools, healthcare facilities, and social programs, waqf promotes *hifz al-'aql* (protection of intellect) and *hifz al-nasl* (protection of progeny). This holistic alignment between legal structures and *maqāṣid al-shari'ah* underscores the enduring relevance of waqf as a mechanism for achieving both spiritual and socio-economic welfare (Siddiq et al., 2025).

The concept of waqf is not only rooted in Quranic verses, but also closely related to the principles of social ethics in Islam that govern collective interaction and responsibility. Key values such as *amanah* (trust), *'adl* (justice), and *ihsan* (goodness that exceeds obligation) provide a moral foundation that strengthens the practice of waqf. These principles encourage waqf assets to be managed not merely to preserve their value, but to maximise

their benefits in accordance with the needs of the community (Razak, 2020). From this perspective, waqf is not merely a transfer of ownership rights, it represents a moral bond among the donor, the manager, and the beneficiary, all aimed at achieving long-term *maslahah* (public interest) (Munir, 2025).

Furthermore, classical and contemporary scholars' interpretations of Surah Al Maidah, verse 2, indicate that the command to cooperate in goodness is not limited to ritual worship activities but encompasses all forms of social collaboration that bring widespread benefits. This perspective aligns with the role of waqf as an instrument merging spiritual dimensions and practical benefits in community life.

### **Legal framework and institutional management of waqf in Indonesia and Malaysia**

The legal framework and institutional management of waqf in both Indonesia and Malaysia play crucial roles in the effectiveness and impact of waqf as an Islamic socio-economic mechanism. The evolution of waqf from a purely religious obligation to a structured, legally recognised entity reflects the developing comprehension of its potential to address community needs and foster economic growth (Huda, Noviana and Santoso, 2020; Sulaiman and Zainuddin, 2023).

In Indonesia, the primary legislative guideline for waqf management is encapsulated in the Waqf Act No. 41 of 2004 (Choeri, 2022), which emphasises the importance of effective management and oversight of waqf assets and outlines the roles of religious and governmental bodies in the administration of waqf properties (Yulianto, 2023). The Indonesian Waqf Board (BWI) serves as the central authority, responsible for promoting the potential of waqf properties, overseeing *Nadzir* (waqf managers), and ensuring compliance with Islamic law (Islamiyati et al., 2021). However, the landscape of waqf management in Indonesia is often characterised by traditional practices, with many waqf properties remaining underutilised or ineffectively managed, leading to a stark contrast with more productive models seen in other countries (Hakimah et al., 2022; Hadi et al., 2025).

In contrast, Malaysia has developed a more advanced and productive framework for waqf management. The State Islamic Religious Councils (SIRCs) play a pivotal role as the authorities responsible for administering waqf, ensuring that waqf properties serve

their intended purposes and align with community needs (Ghazali et al., 2021). Malaysia's emphasis on creating a systemic approach to waqf governance includes the establishment of corporate waqf models and cash waqf initiatives, which have resulted in significant socio-economic contributions (Muneeza et al., 2024). Recent studies indicate that waqf in Malaysia extends beyond traditional charitable purposes, with innovative applications in sectors such as health, education, and environmental conservation, signalling a shift toward more productive uses of waqf assets (Abdullah and Rusydiana, 2024).

Despite these advancements, both countries face challenges concerning regulatory harmonisation and institutional accountability. In Malaysia, variations in regulations across different states can lead to disparities in waqf management, hindering the establishment of a unified approach (Rafita, Bella, and Sugeng, 2023). In Indonesia, although the legal framework is established, the actual implementation often lacks the robustness necessary to effectively leverage waqf as an asset for socio-economic development. Furthermore, accountability mechanisms for waqf institutions in both countries require strengthening to foster trust among *Waqif* (donors) and beneficiaries (Pitchay, 2022).

While both Indonesia and Malaysia regulate waqf through a combination of statutory provisions and Sharia principles, Malaysia's waqf sector demonstrates higher productivity and institutional integration. Several factors contribute to this outcome: the centralised role of State Islamic Religious Councils (MAIN) in each state, consistent federal guidance, proactive investment of waqf assets in income-generating ventures, and supportive fiscal policies (Sapuan and Zeni, 2021). In contrast, Indonesia's waqf management is often decentralised, with varying degrees of coordination between the Indonesian Waqf Board (BWI) and local stakeholders. To enhance efficiency and asset productivity, Indonesia could adopt best practices from Malaysia, such as unified investment guidelines, streamlined asset registration, and stronger monitoring mechanisms (Kamaruddin and Hanefah, 2021).

Evidently, the pathway towards effective waqf management in Indonesia and Malaysia is contingent upon the optimisation of legal frameworks in conjunction with institutional governance mechanisms. This necessitates ongoing engagement with stakeholders to adapt to evolving socio-economic contexts while ensuring that waqf serves as a viable means of enhancing social welfare (Ramadhan and Hayatullah, 2025). Efforts to integrate

contemporary management practices, promote transparency, and invest in waqf education among stakeholders are imperative for realising the full potential of waqf as a key instrument in development (Jaharudin, 2025).

In the contemporary context, waqf demonstrates remarkable adaptability in addressing modern socio-economic and environmental challenges while remaining anchored in its Qur'anic and *maqāsid al-shari'ah* foundations (Asni and Sulong, 2019). Beyond its traditional role in funding mosques, education, and healthcare, waqf has been effectively utilised to finance clean energy projects, such as solar panel installations on mosque waqf land, micro-hydro plants providing electricity and clean water, and solar farms that generate income for reinvestment in social programs (Hasbullah, Yusoff and Zakaria, 2019). These initiatives exemplify waqf's potential to function as a perpetual asset whose benefits multiply over time, aligning with *hifz al-māl* through the preservation and productive use of endowed property (Akhtar, 2024), and *hifz al-nafs* through the provision of essential community services (Wijaya, 2023). By leveraging waqf assets for innovative, income-generating, and socially impactful purposes, contemporary practice reaffirms the Quranic directive to "cooperate in righteousness and piety" (Quran 5:2) while ensuring that waqf remains a dynamic vehicle for long-term communal welfare.

Another notable innovation in waqf asset management is the development of waqf-linked sukuk based on the concept of *istibdal* (substitution of waqf property) (Asni, Mahamud and Sulong, 2020). This mechanism facilitates the exchange or development of underutilised strategically located waqf assets into more productive forms, with the proceeds invested through sukuk to finance the construction or enhancement of waqf properties such as schools, hospitals, and mosques (Abidah et al., 2025). By ensuring that the corpus of waqf remains preserved while optimising its economic utility, *istibdal*-based waqf sukuk aligns with both the Qur'anic directive to dedicate resources for continuous benefit and the *maqāsid al-shari'ah* objective of preserving wealth (*hifz al-māl*). This model, as applied in Malaysia's federal and state-level initiatives, illustrates the potential for integrating Islamic financial instruments with traditional waqf governance to generate sustainable, long-term socio-economic impact (Zakaria et al., 2019).

The practice of giving land waqf in the community is still carried out traditionally,

namely orally between *Wakif* and *Nadzir*, without any written documents of transition. This often leads to future problems, and the state intervenes to resolve these issues and prevent them by enacting laws and regulations that govern the procedures for implementing waqf, especially land waqf. The transfer of rights must be accompanied by a written document for legal certainty (Sudirman et al., 2022). This aligns with the practice of Surah Al Maidah verse 2, *ta'awunu 'alal-birri wat-taqwa*, which encourages helping in virtue to promote piety. For example, waqf land can be used for a hospital that benefits the entire surrounding community, not just those who receive the waqf land.

### **Legal social implications of land waqf by Muhammadiyah Yogyakarta (Indonesia) and the waqf Seetee Aisah land (Malaysia)**

Building on the legal and institutional frameworks outlined above, this case study examines how Muhammadiyah's waqf management in Yogyakarta embodies the dual compliance model, integrating Sharia principles with national legal requirements to deliver lasting public benefit.

Muhammadiyah, established in 1912 in Yogyakarta by K.H. Ahmad Dahlan, is a socio-religious organisation focusing on education, healthcare, social welfare, and economic empowerment. To fulfil its mission, Muhammadiyah manages various assets, including land, much of which is acquired through the waqf mechanism for religious and social purposes. Legally, Muhammadiyah's capacity to own land is grounded in the Basic Agrarian Law (UUPA) and Government Regulation No. 38 of 1963, which grants land ownership rights to certain recognised religious and social legal entities. This legal status was formally acknowledged by the Minister of Home Affairs' Decree No. 14/DDA/1972, which designates Muhammadiyah as a legal entity entitled to hold land under Freehold Title (*Hak Milik*), provided it is directly used for religious or social purposes (Junarti et al., 2021).

Land acquired by Muhammadiyah, whether through waqf, purchase, or other lawful means, is managed under strict organisational regulations. According to its Articles of Association and Bylaws (*AD/ART*), all assets belong to the Muhammadiyah Central Board (Pimpinan Pusat Muhammadiyah) and must be registered under the name "Persyarikatan Muhammadiyah," domiciled in Yogyakarta. The management of such land is entrusted to the Council for Waqf and Asset Management (Majelis Pendayagunaan Wakaf) at the

central, provincial, and district levels. This structure ensures consistent legal ownership and protects assets from misuse or claims by individuals.

From a civil law perspective, the relationship between the *Waqif* (endower) and the *Nadzir* (trustee) constitutes a legal relationship arising from a consensual agreement, in which the *Waqif* transfers rights over immovable property for public benefit and the *Nadzir* undertakes the obligation to manage the asset in accordance with the waqf's objectives (Munthe, 2015). This agreement, formalised through the Waqf Pledge Deed (*Akta Ikrar Wakaf*), is binding under the general provisions of the Indonesian Civil Code, particularly Articles 1313 and 1320 on the validity of agreements (Toumahu and Anggarini, 2024), while also complying with the specific requirements stipulated in Law No. 41 of 2004 on Waqf (Suhadi et al., 2022). This dual compliance framework ensures both the legal enforceability of the arrangement and its alignment with the Qur'anic injunction to cooperate in righteousness (Surah Al Maidah, verse 2), thereby reinforcing the waqf as an instrument for achieving collective benefit.

An agreement is an act whereby one or more persons bind themselves to one or more other persons (Utami, 2020). The waqf agreement is outlined in a deed known as the Waqf Deed (AIW). The Waqf Deed (AIW) is an official document prepared by the Waqf Deed Official (PPAIW), who in this case is the head of the Religious Affairs Office (KUA), containing a statement of intent from the waqf (the person who endows the property) to transfer their property to the *Nadzir* (waqf administrator) to be managed in accordance with the purpose of the waqf. This Waqf Deed serves as legal proof of the waqf and is important for providing legal certainty regarding the waqf property (Anggriani, 2017).

The land waqf program of Muhammadiyah produces significant social advantages. The waqf lands are utilised for the establishment of mosques, educational institutions, medical facilities, orphanages, and community centres (Junaidi, 2021). These contributions improve social welfare, facilitate the dissemination of religion, and increase educational access, particularly in marginalised areas. Through centralised and transparent administration, Muhammadiyah maintains the trust of the donors (*Waqif*) and enhances public confidence in the professional governance of waqf. This strategy has motivated other companies to use centralised asset management to guarantee sustainability and accountability (Irawan

and Fadli, 2020).

Persyarikatan Muhammadiyah is a legal entity acknowledged by the Republic of Indonesia, specifically in the Special Region of Yogyakarta. By donating land through waqf, the *waqif* has fulfilled the Quranic mandate in Surah Al Maidah verse 2, which advocates for collaboration in virtue and piety for the benefit of the ummah. The *Waqif* entrusts the *Nadzir* by formalising the arrangement in a Waqf Pledge Deed, so guaranteeing legal certainty, clarity of purpose, and the sustained utilisation of waqf land (Rokhim and Suratman, 2021). The integration of Sharia principles, agricultural regulation, and professional asset management establishes Muhammadiyah's land waqf as a sustainable paradigm of religious generosity (Usman, 2020).

The Muhammadiyah land waqf initiative in Yogyakarta exemplifies the substantial socio-economic impact of effectively administered waqf holdings. In addition to functioning as a site of worship and an educational centre, the waqf property catalyses local economic activity by attracting vendors, generating employment in construction and facilities administration, and enhancing the land value of the surrounding area. The educational institution established on waqf land offers accessible study opportunities for hundreds of students each year. Meanwhile, the mosque facilitates daily congregational prayers and community development initiatives. These results illustrate how waqf can function as a catalyst for comprehensive community transformation when underpinned by effective governance and strategic planning (Wira et al., 2023).

In Penang, Malaysia, the practical implementation of waqf has been exemplified by the Waqf Seetee Aisah project, which serves as a case study of how a well-structured development agreement can revitalise previously underutilised waqf assets in accordance with Sharia principles and Qur'anic values. The waqf land, endowed since 1901, remained underutilised for decades due to financial constraints and the limited managerial capacity of the State Islamic Religious Council of Penang (MAINPP) as the sole trustee. To address these challenges, MAINPP entered into a development agreement with UDA Holdings Berhad, a government-owned corporation equipped with both capital and expertise in property development. Under this agreement, MAINPP contributed the waqf land, while UDA assumed full responsibility for financing and executing the development process.

The project successfully transformed the previously idle agricultural land into a thriving residential and commercial area, generating stable income that supports community welfare (Penang Property Talk, 2022). This initiative reflects the Qur'anic principle of *ta'awun* cooperation in righteousness and piety as enjoined in Surah Al Maidah, verse 2, and demonstrates how collaborative waqf management can realise *maslahah 'ammah* (public welfare) through the sustainable socio-economic empowerment of the Muslim community. These cases reflect Malaysia's dynamic and diversified approach to waqf management, blending religious principles with modern corporate governance to enhance the socio-economic impact of waqf assets (Najmuddin, Ishak and Mohamad, 2025).

From case studies in Indonesia and Malaysia, there is harmony between legislation and Surah Al Maidah verse 2, namely "*alal-birri wat-taqwa*", which means to help one another in righteousness and piety, manifested by giving waqf in the form of land for charitable purposes. The waqf land is used as a hospital that benefits not only the waqf land recipients but also the surrounding community. The state's role is to establish regulations for registering the waqf land in the name of the waqf recipient for legal certainty. Through an agreement, it is agreed that the waqf land will be used for the benefit of all. In the above case, a hospital was built on the waqf land that can be used by the community other than Muhammadiyah members. For waqf in Malaysia, the benefits of waqf can be enjoyed by the surrounding community, all for mutual assistance in goodness and the intention of the *Waqif* in donating the land is to increase piety.

## Conclusion

The implementation of waqf in Indonesia is regulated by Law Number 41 of 2024 concerning Waqf, which governs land waqf that is recorded or registered, as well as the main rules in Malaysia. The management of waqf in both Indonesia and Malaysia is based on an agreement between the *Wakif* and the *Nadzir*. This collaboration ensures that management aligns with the *Wakif*'s intention to increase devotion. Waqf agreements are typically formalised through a Waqf Deed, which outlines the rights, obligations, and procedures binding the *Waqif* (waqf donor) and the *Nadzir* (waqf recipient or manager). This agreement clarifies the duties and responsibilities of the *Nadzir*, including the

obligation to maintain, develop, and distribute the benefits of waqf in accordance with Sharia objectives and legal regulations.

The harmonisation of the Quran, specifically Surah Al Maidah verse 2, which states ‘*ta’awunu ‘alal-birri wat-taqwa*’, relates to regulations in both countries and serves as a framework for the legal transfer of waqf land. Agreements for the management of waqf land that are intended to promote goodwill and increase the devotion of the *Wakif*. These objectives can be achieved by *Nadzir* according to the Waqf’s wishes. Waqf land benefits the surrounding community in need by promoting virtue and piety. This article contributes to the international academic discourse on waqf agreements, focusing on the harmonisation of waqf management in Indonesia and Malaysia.

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