
The Legal Reconstruction of Digital Waqf in Indonesia: Integrating Islamic Legal Principles and Positive Law in the Digital Economy**Fahri Roja Sitepu¹ Arifin Siahaan² Syahrini Harahap³**¹Doctoral Program in Islamic Law, Medan, Indonesia²Yayasan Wakaf Tongku Azhar Nahdliyyin³Universitas Islam Negeri Sumatera Utara Medan, IndonesiaEmail: fahri0204171029@uinsu.ac.id² arifinalmishry@gmail.com²
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Article History Received : 20-09-2026 Revised : 28-09-2026 Published: 09-10-2026 Keywords: <i>Digital Waqf; Cash Waqf; Waqf Law; Nazir Accountability; Digital Economy</i>	<i>Waqf is collected in Indonesia through platforms, payment gateways, and crowdfunding campaigns, while the governing statute was constructed around a pledge made before an authorised official and two witnesses and around registrable physical assets. The gap between the practice and the instrument is now the principal source of legal uncertainty in Indonesian waqf. This study examines whether the existing framework accommodates digitally performed waqf, analyses the doctrinal problems raised by the digital pledge and by digital objects, and formulates a reconstruction of the legal framework. The research is normative juridical and doctrinal, using statutory, conceptual, and comparative approaches together with classical waqf doctrine and maqasid reasoning as internal normative standards. The statute accommodates digital collection but not digital pledging, because the requirement of a declaration before the authorised official is institutional rather than merely formal and cannot be satisfied by functional equivalence alone. Digital assets satisfy the classical conditions of a waqf object only where durability and transferability can be established, which is not uniform across asset classes. Platforms exercise trustee-like influence without trustee-like duties, and the regime of registration, reporting, and supervision does not reach them. Reconstruction should regulate the function of soliciting and receiving waqf, provide expressly for electronic pledging with a certified signature and a recorded verification, extend nazir accountability to platform intermediaries, and define the treatment of digital assets.</i>

I. INTRODUCTION

Waqf occupies an unusual position in Indonesian law. It is an institution of classical Islamic law that the state has absorbed comprehensively, through a dedicated statute, an implementing regulation, a national supervisory board, and a registration system administered together with the land administration.¹ It is also, increasingly, an institution of the digital economy. Contributions are solicited through applications and social media, transferred through payment gateways, aggregated by crowdfunding platforms, and channelled into financial instruments that link waqf proceeds to state securities.² The institution that the statute regulates and the institution that the public encounters are no longer the same.

The statute was constructed around a particular sequence of acts. A person declares a waqf by pledging it before an authorised waqf pledge official and two witnesses, the pledge is recorded in a deed, the trustee accepts responsibility for the asset, and the asset is registered so that its dedication becomes a matter of public

¹ Republic of Indonesia, Law No. 41 of 2004 concerning Waqf; Government Regulation No. 42 of 2006 concerning the Implementation of Law No. 41 of 2004.

² On the linkage of waqf proceeds to state sharia securities, see Law No. 19 of 2008 concerning State Sharia Securities, Articles 1 and 4.

record.³ Movable assets, including money, were brought within the statute expressly, following the fatwa endorsing cash waqf, and implementing regulation established the mechanism through which cash waqf is received by designated financial institutions.⁴ The framework thus anticipated a degree of financial modernisation, but not the mediated, disintermediated, and often anonymous forms of giving that digital platforms have produced.

Three problems follow, and they are the subject of this article. The first concerns the pledge. Where a contributor gives through a platform, it is unclear whether the statutory pledge has been performed, whether it has been performed by the contributor or later by the receiving institution, and consequently at what moment the contribution becomes irrevocable and inalienable. That question determines the legal character of the funds in transit and the recourse available if the platform or the institution fails. The second concerns the object. Classical doctrine required that the dedicated asset be durable and capable of yielding benefit without being consumed, and the extension of waqf to money already required doctrinal argument; the extension to digital assets whose value is volatile and whose legal characterisation is contested requires more.⁵ The third concerns accountability. The statute allocates duties to the trustee and supervision to the national board; it says nothing about the platform that solicits the contribution, holds it briefly, and shapes the contributor's understanding of where it will go.

These problems are not merely technical. Waqf is the one Islamic legal institution whose defining characteristic is that it removes an asset from circulation permanently, and every element of its classical regulation follows from that characteristic: the pledge is solemn because it cannot be undone, the trustee is supervised because the founder has withdrawn, and the register exists because future generations must be able to establish what was dedicated and for what purpose. A framework that permits dedication to occur casually, through an interface designed to minimise friction, without a record that will survive the platform, places all three safeguards at risk simultaneously.

Existing scholarship has documented the growth of digital waqf and its potential for financial inclusion, and has examined cash waqf linked instruments as a development in Islamic finance. Comparatively little of it has examined the legal validity of the digitally performed pledge or the statutory position of the platform.⁶ The literature on the harmonization of Islamic law with Indonesian positive law has likewise treated waqf as an example of successful absorption without asking whether the absorbed institution survives its digital transformation intact.⁷

³ Law No. 41 of 2004, Articles 17–21 and 32–39.

⁴ Law No. 41 of 2004, Articles 16(3) and 28–31; Government Regulation No. 42 of 2006, Articles 22–27; Indonesian Ulema Council, Fatwa concerning Cash Waqf, 11 May 2002.

⁵ Monzer Kahf, *Al-Waqf al-Islami: Tatawuwur, Idaratuh, Tanmiyatuh* (Damascus: Dar al-Fikr, 2000), 63–75.

⁶ Yasardin and S. B. Kooria, "Revisiting the Compilation of Islamic Economic Law in Indonesia: Legal Challenges and Pathways to Harmonization," *JURIS: Jurnal Ilmiah Syariah* 24, no. 1 (2025): 130–34, <https://doi.org/10.31958/juris.v24i1.13736>.

⁷ Suud Sarim Karimullah, "Pursuing Legal Harmony: Indonesianization of Islamic Law Concept and Its Impact on National Law," *Mazahib: Jurnal Pemikiran Hukum Islam* 21, no. 2 (2022): 230–36, <https://doi.org/10.21093/mj.v21i2.4800>.

This article accordingly asks four questions. First, to what extent does the existing Indonesian framework accommodate waqf performed and collected digitally? Second, what doctrinal problems does the digital pledge raise, and can they be resolved by functional equivalence? Third, can digital assets satisfy the conditions of a valid waqf object? Fourth, how should the legal framework be reconstructed so that digital waqf serves the purposes that the classical institution was designed to serve?

The contribution is threefold: a doctrinal analysis distinguishing formal from institutional requirements in the law of the pledge, an assessment of digital assets against the classical conditions of the waqf object, and a reconstruction agenda that regulates the function of soliciting waqf rather than the medium through which it is solicited.

II. LITERATURE REVIEW AND THEORETICAL FRAMEWORK

Classical waqf doctrine supplies the first framework. The institution rests on the dedication of an asset so that its corpus is withheld from circulation while its benefit is applied to a designated purpose, and the jurists derived from this three characteristics: perpetuity, irrevocability, and the inalienability of the corpus.⁸ Two features of the classical discussion are directly relevant here. The first is the debate over movable property: the Hanafi tradition admitted the waqf of movables where custom supported it, and the position attributed to Zufar permitting the waqf of money became the doctrinal foundation for the modern cash waqf.⁹ The second is the emphasis on the trustee's fidelity. Because the founder withdraws from the asset and the beneficiaries are often indeterminate, the classical law invested the trustee with duties of preservation and productive management and made supervision by the judge the principal safeguard.¹⁰

The theory of purposes supplies the second framework. Waqf is ordinarily analysed as serving the protection of property in its social dimension, but its classical justification reaches further, since dedicated assets historically financed education, health, and water supply, thereby serving the protection of intellect and of life.¹¹ Al-Shāṭibī's insistence that rules be read against the purposes they serve, and Ibn 'Āshūr's reconstruction of those purposes for modern legislation, authorise the adaptation of the institution's forms provided its functions are preserved.¹² Auda's systemic criteria supply a warning in the opposite direction: an adaptation that preserves the name of the institution while dissolving its function fails on its own terms.¹³

⁸ Wael B. Hallaq, *Shari'a: Theory, Practice, Transformations* (Cambridge: Cambridge University Press, 2009), 142–47.

⁹ Murat Çizakça, *A History of Philanthropic Foundations: The Islamic World from the Seventh Century to the Present* (Istanbul: Boğaziçi University Press, 2000), 29–42.

¹⁰ Hallaq, *Shari'a*, 142–47; Kahf, *Al-Waqf al-Islami*, 101–15.

¹¹ Çizakça, *A History of Philanthropic Foundations*, 43–60.

¹² Abū Ishāq al-Shāṭibī, *al-Muwāfaqāt fī Uṣūl al-Shari'a* (Cairo: Dār Ibn 'Affān, 1997), 2:17–25; Muhammad al-Ṭāhir Ibn 'Āshūr, *Treatise on Maqāṣid al-Shari'ah*, trans. Mohamed El-Tahir El-Mesawi (London: International Institute of Islamic Thought, 2006), 87–92.

¹³ Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach* (London: International Institute of Islamic Thought, 2008), 45–55.

Modern scholarship on waqf revitalisation forms the third framework. Studies of waqf in the contemporary economy have argued that the institution declined not because its doctrine was defective but because its governance was, and that revival depends on professional trusteeship, transparent reporting, and the integration of waqf assets into the financial system.¹⁴ That analysis indicates that the decisive variable for digital waqf is not the technology of collection but the quality of accountability.

The fourth framework is Indonesian. The statutory scheme is unusually complete by regional standards, with a dedicated statute, an implementing regulation, a supervisory board, and a registration mechanism, and it has been described as one of the clearer instances of the absorption of Islamic legal institutions into national law.¹⁵ The scholarship on that absorption has concentrated on institutional design and on the productive management of waqf assets. Work on the positivisation of fatwas in the economic field has identified a recurring difficulty that reappears here: the operative standard is often carried by a fatwa whose position in the hierarchy of norms is unsettled.¹⁶

A fifth body of work, on digital giving and platform philanthropy, completes the picture. Studies of crowdfunding have shown that the platform is not a neutral conduit: it selects which appeals are visible, frames the purpose in terms designed to secure a decision quickly, and retains a share of the sum collected. Where the giving is religious, these design choices operate on a decision that the law treats as solemn and irreversible, which is a combination the statute never contemplated. Comparative experience with charitable fundraising regulation indicates that the effective response has been to impose duties on the act of soliciting rather than on the legal form of the soliciting entity, a technique this article adopts for waqf.

The theoretical gap is therefore specific. Classical doctrine tells us what the pledge and the object must achieve; Indonesian statute tells us the form in which they must be achieved; neither tells us whether a digitally mediated act achieves it. The missing analytical step, supplied here, is the distinction between requirements that are formal, and therefore amenable to functional equivalence, and requirements that are institutional, and therefore require regulatory specification of how the institution's function is discharged at a distance.

III. RESEARCH METHOD

This study is normative juridical research, doctrinal in technique and prescriptive in orientation.¹⁷ It reconstructs the applicable norms, evaluates them against stated criteria, and proposes a reconstruction of the framework.

The statutory approach examines the Waqf Law and its implementing regulation, the regulations of the national waqf board, the legislation on electronic transactions and electronic signatures, the legislation on personal data protection,

¹⁴ Kahf, *Al-Waqf al-Islami*, 101–15; Çizakça, *A History of Philanthropic Foundations*, 71–90.

¹⁵ Euis Nurlaelawati, *Modernization, Tradition and Identity: The Kompilasi Hukum Islam and Legal Practice in the Indonesian Religious Courts* (Amsterdam: Amsterdam University Press, 2010), 88–95; Compilation of Islamic Law, Book III.

¹⁶ Yasardin and Kooria, "Revisiting the Compilation of Islamic Economic Law," 132–34.

¹⁷ Peter Mahmud Marzuki, *Penelitian Hukum*, rev. ed. (Jakarta: Kencana, 2017), 55–60.

and the financial sector legislation relevant to waqf-linked instruments. The conceptual approach clarifies the relations among the pledge, the object, trusteeship, registration, and accountability, and introduces the distinction between formal and institutional requirements on which the analysis turns. The comparative approach is functional, drawing on the treatment of electronic form requirements in general commercial law as a reference point for assessing whether a statutory requirement of presence can be satisfied electronically.¹⁸ Islamic legal methodology is applied internally: classical waqf doctrine supplies the conditions against which digital arrangements are tested, and *maqāṣid* reasoning supplies the criterion for evaluating proposed reconstructions.

Primary legal materials comprise Law No. 41 of 2004 concerning Waqf; Government Regulation No. 42 of 2006 concerning its implementation; the Compilation of Islamic Law, Book III; the fatwa of the Indonesian Ulema Council on cash waqf of 2002; Law No. 11 of 2008 concerning Electronic Information and Transactions as amended by Law No. 19 of 2016 and Law No. 1 of 2024; Government Regulation No. 71 of 2019 concerning the Implementation of Electronic Systems and Transactions; Law No. 27 of 2022 concerning Personal Data Protection; Law No. 19 of 2008 concerning State Sharia Securities; and Law No. 4 of 2023 concerning the Development and Strengthening of the Financial Sector. Secondary materials are peer-reviewed articles, monographs, and classical works; tertiary materials are reference works.

The analysis proceeds by mapping the statutory architecture and its digital extension, testing the pledge and the object against classical and statutory conditions, examining the position of platform intermediaries, and formulating a reconstruction agenda. The study does not generate empirical data on platform practice; its descriptions of that practice rely on published regulatory and scholarly sources.

IV. RESULTS AND DISCUSSION

A. The Statutory Architecture and Its Digital Extension

The Indonesian waqf framework distributes functions across five positions: the founder who dedicates the asset, the pledge official who receives and records the declaration, the witnesses, the trustee who manages the asset, and the national board that registers, supervises, and may replace trustees.¹⁹ Money was brought within the framework expressly, and the implementing regulation channels cash waqf through designated sharia financial institutions, which issue certificates to founders.²⁰ Waqf proceeds have subsequently been linked to state sharia securities, producing instruments in which the dedicated capital is preserved while returns are applied to social purposes.²¹

¹⁸ Konrad Zweigert and Hein Kötz, *An Introduction to Comparative Law*, 3rd ed., trans. Tony Weir (Oxford: Clarendon Press, 1998), 34–47.

¹⁹ Law No. 41 of 2004, Articles 9–14, 17–21, and 47–54.

²⁰ Law No. 41 of 2004, Articles 28–31; Government Regulation No. 42 of 2006, Articles 22–27.

²¹ Law No. 19 of 2008, Articles 1 and 4; Law No. 4 of 2023, Articles 205–213.

Digital practice extends this architecture in three ways that the statute did not anticipate. Collection is disintermediated: a platform, not a financial institution, is the contributor's counterpart. Contribution is fractionalised: amounts are small, contributors numerous, and the individualised deed the statute contemplates is impracticable. And the contributor's relationship is with an interface rather than with an institution, so that the information on which the decision rests is determined by design choices rather than by the disclosure obligations the statute imposes.

Statutory element	Classical function	Digital practice	Status
Pledge before official	Verification and publicity	Click-through or transfer	Unsettled
Two witnesses	Evidence	System log	Not addressed
Deed and certificate	Proof of dedication	Electronic receipt	Partly addressed
Trustee	Preservation and management	Receiving institution	Addressed
Registration and supervision	Public accountability	Platform outside perimeter	Gap

Table 1. Statutory elements of waqf and their digital counterparts

B. The Pledge: Formal and Institutional Requirements

The pivotal doctrinal question is whether a digitally performed pledge satisfies the statute. The answer requires a distinction that Indonesian scholarship has not drawn clearly.

Some statutory requirements are formal: they prescribe a medium for something whose purpose is evidentiary. Writing, signature, and the issuance of a certificate belong here. For these, the doctrine of functional equivalence applies directly, and Indonesian law already supplies the tools, since electronic documents constitute valid legal evidence and a certified electronic signature carries legal force and legal consequences.²² A pledge recorded in an electronic instrument authenticated by a certified signature satisfies the evidentiary purpose at least as well as a paper deed, and classical doctrine offers no obstacle, since the requirement of documentation in transactions is itself grounded in the protection of rights against denial.

Other requirements are institutional: they prescribe the participation of an office whose function is verification, counselling, publicity, and record-keeping. The requirement that the pledge be made before the authorised official belongs here, as does the requirement of witnesses insofar as witnesses serve to attest that the declaration was made freely and understood. These requirements cannot be satisfied by functional equivalence alone, because what must be replicated is not a medium but an institutional act. They can, however, be satisfied by regulation that specifies how the act is performed at a distance: a recorded verification session, identity verification against population data, a standardised explanation of irrevocability, and retention of the record by the official.

Three practical conclusions follow. First, digital pledging is not doctrinally impossible; it is regulatorily unprovided for. Second, in the absence of such

²² Law No. 11 of 2008 as amended, Articles 5(1)–(2) and 11(1); Government Regulation No. 71 of 2019, Articles 59–63.

provision, the safest legal characterisation of most present digital giving is that the contributor transfers funds to an institution which then performs the statutory pledge, which means the contributor's protection during the interval rests on general law rather than on waqf law. Third, that characterisation should be disclosed to contributors, since the difference between giving to a waqf and giving funds that will be dedicated as waqf is material to the decision.

C. The Object: Digital Assets and the Conditions of Durability

The second doctrinal question concerns what may be dedicated. Classical doctrine required that the asset be owned, lawful, identifiable, and capable of yielding benefit while its corpus endures; the admission of money required the argument that value persists through replacement even when particular units are consumed.²³ Indonesian statute followed that reasoning, listing money among the movable assets that may be dedicated and providing a mechanism for its management.²⁴

Digital assets are heterogeneous, and the analysis must be disaggregated. Intellectual property rights and licences present the least difficulty: they are identifiable, ownership is established by law, they generate benefit over time, and their transfer is regulated. Revenue-generating digital infrastructure a platform, a database, a domain used commercially likewise satisfies the conditions, subject to valuation and to the practical question of trustee competence. Crypto-assets are different. Their legal characterisation in Indonesia has developed within the commodity and financial-sector framework rather than as currency, their valuation is volatile, custody presents distinctive risks, and their compatibility with the classical conditions of a waqf object remains contested among scholars.²⁵ The appropriate conclusion is neither blanket permission nor blanket prohibition but a condition: dedication of an asset whose value is highly volatile is consistent with the requirement of preservation of the corpus only where the trustee is able to convert or hedge and where the founder's purpose is expressed in terms of value rather than of the specific asset.

A related question concerns the preservation of the corpus where the dedicated asset is money collected in small amounts. The classical requirement that the corpus endure was satisfied for cash waqf by the argument that value persists through investment and replacement, which places on the trustee an obligation to preserve real value rather than nominal value. In a period of inflation, a trustee who holds contributed funds without investing them is not preserving the corpus in the sense the doctrine requires, however faithfully the nominal sum is retained. The statute's requirement of productive management should therefore be read as an obligation of value preservation, and reporting requirements should be framed accordingly, since a report of the nominal balance conveys nothing about whether the classical condition has been met.

²³ Kahf, *Al-Waqf al-Islami*, 63–75; Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence*, 3rd ed. (Cambridge: Islamic Texts Society, 2003), 351–60.

²⁴ Law No. 41 of 2004, Article 16(3).

²⁵ Auda, *Maqasid al-Shariah*, 248–50; Kamali, *Principles of Islamic Jurisprudence*, 351–60.

The same reasoning bears on the treatment of returns. Where waqf proceeds are linked to state sharia securities, the structure is designed precisely to preserve the dedicated capital while applying the return to the designated purpose, which corresponds closely to the classical conception.²⁶ Extending that logic to digitally collected waqf would mean requiring that small contributions be pooled into instruments capable of preserving value, rather than held as balances by receiving institutions, and that the purpose designated by contributors be traceable to the application of the return.

This analysis yields a drafting recommendation. Rather than enumerating permitted digital assets, the framework should state the conditions—lawful ownership, identifiability, transferability, capacity to yield benefit, and the practical possibility of preserving value—and require the national board to assess asset classes against them. Enumeration ages badly; conditions do not.

D. Platforms, Trusteeship, and the Accountability Gap

The third finding concerns the position of the platform. Under the statute, responsibility for the dedicated asset rests with the trustee, who must be registered, must manage the asset productively, must report, and may be replaced by the national board for failure.²⁷ The platform is not a trustee. It does not hold the asset in the legal sense, it does not undertake to manage it, and it is not registered. Yet it determines which campaigns are presented, how the purpose is described, what proportion of the contribution is retained as a service fee, and how quickly funds are transmitted.

This is the same structural problem identified in other digitally intermediated fields: the entity with practical influence over the transaction sits outside the perimeter of the rules designed to protect the parties to it. The remedy proposed here follows the principle of regulating functions rather than media. A person who solicits contributions to waqf from the public should be subject to obligations proportionate to that function, comprising disclosure of the receiving trustee and its registration status, disclosure of fees, segregation of contributed funds from operating funds, transmission within a defined period, reporting of amounts collected and transmitted, and a clear statement of the moment at which the contribution becomes irrevocable. None of these obligations requires new Islamic legal doctrine; each of them protects what the classical requirement of trustee fidelity protected.

A further problem concerns the aggregation of small contributions. The statute assumes a founder whose dedication is individually recorded, whereas platform giving produces thousands of contributions too small to be documented individually without disproportionate cost. Two solutions are available, and they have different legal consequences. The first treats each contributor as a founder and permits collective documentation, with the register recording the aggregate and the platform retaining evidence of each contribution; this preserves the contributor's status but places an evidentiary burden on the intermediary. The second treats the

²⁶ Law No. 19 of 2008 concerning State Sharia Securities, Articles 1 and 4; Law No. 41 of 2004, Article 43.

²⁷ Law No. 41 of 2004, Articles 9–14 and 45.

contributions as donations to an institution that subsequently dedicates the aggregate as waqf; this simplifies documentation but changes the legal character of the act, since the contributor is then a donor rather than a founder and acquires none of the protections the waqf regime confers. Indonesian regulation should choose expressly between these constructions rather than leaving the choice to the drafting of platform terms.

The question of the trustee's competence is equally pressing. The statute requires trustees to be registered and to manage dedicated assets productively, but registration criteria were designed for the management of land and buildings.²⁸ A trustee receiving digitally collected cash waqf, still more one receiving digital assets, requires competence in treasury management, custody, and reporting that the present criteria do not test. Raising the criteria for trustees handling such assets, and providing for a category of professional trustee subject to enhanced reporting, would serve the classical emphasis on fidelity better than the current uniform standard.

Personal data adds a further dimension. Contributor data collected by platforms is subject to the data protection regime, and its use for marketing or profiling engages obligations of lawful basis and purpose limitation.²⁹ In the context of religious giving, where the data reveals both religious practice and financial capacity, the protective purpose of the classical rules aligns closely with the statutory obligations.

E. Comparative Reference: Registration, Intermediaries, and Public Accountability

Comparison at the level of technique rather than of doctrine clarifies what is at stake. Three features recur in jurisdictions that have modernised endowment law successfully.

The first is a searchable public register. Where dedicated assets are recorded in a register open to inspection, the classical requirement of publicity is discharged continuously rather than at the moment of the pledge, and beneficiaries, donors, and supervisors acquire the information they need to hold trustees to account. Indonesian registration currently operates most effectively for land, where it is integrated with land administration; assets other than land are recorded less consistently, which weakens the evidentiary and supervisory function precisely where digital waqf is growing fastest.

The second is a licensing or authorisation requirement for those who solicit contributions from the public. The technique does not require any judgment about the religious character of the giving; it attaches obligations to the activity of asking the public for money and holding it, which is the point at which the risk of loss and of misdescription arises. Applied to waqf, it would bring platforms within the supervisory perimeter without treating them as trustees, which they are not.

The third is the separation of fundraising from management. Systems that perform well distinguish the entity that raises funds, which owes duties of

²⁸ Law No. 41 of 2004, Articles 9–11 and 42–45; Government Regulation No. 42 of 2006, Articles 4–13.

²⁹ Law No. 27 of 2022 concerning Personal Data Protection, Articles 16, 20, and 25–28.

disclosure and transmission, from the entity that manages the dedicated asset, which owes duties of preservation and productive management, and they subject each to the obligations appropriate to its function. The Indonesian statute already contains the second half of this distinction in its regulation of trustees; what it lacks is the first.

These features are not foreign transplants. Each of them serves a function that classical waqf doctrine identified publicity, fidelity, and preservation through means adapted to a market in which the giver and the asset may never be in the same place.

F. A Reconstruction Agenda

The findings support a reconstruction organised around five measures.

Provide expressly for electronic pledging. Amend the implementing regulation to authorise the pledge to be made through a recorded verification session before the authorised official, with identity verification, a standardised explanation of irrevocability, a certified electronic signature, and retention of the record. This resolves the central uncertainty without abandoning the institutional function of the office.

Regulate the function of soliciting waqf. Impose the disclosure, segregation, transmission, and reporting obligations described above on any person soliciting waqf contributions from the public, with supervision allocated to the national waqf board in coordination with the financial services authority where payment services are involved.

State the conditions for digital assets. Replace enumeration with criteria, and empower the national board to assess asset classes and to impose conditions, including conversion or hedging requirements for volatile assets.

Integrate registration with existing digital infrastructure. Extend the waqf register so that dedicated assets other than land are recorded in a publicly searchable form, which serves the classical function of publicity and provides the evidentiary basis for enforcement.

Align incentives and reporting. Link fiscal treatment and eligibility to participate in waqf-linked financial instruments to compliance with reporting obligations, so that accountability is enforced through access rather than only through sanction.

Measure	Instrument	Function protected
Electronic pledge procedure	Government regulation	Verification and publicity
Obligations for soliciting platforms	Government regulation and board rules	Trustee fidelity
Criteria for digital assets	Board regulation	Preservation of corpus
Searchable register of waqf assets	Board regulation	Publicity and evidence
Incentives tied to reporting	Fiscal and sectoral regulation	Accountability

Table 2. Reconstruction agenda for digital waqf

V. CONCLUSION

The Indonesian waqf framework accommodates digital collection but not digital dedication. Its architecture assumes a pledge performed before an authorised official and witnesses, a deed, a registered trustee, and a registrable asset; digital practice supplies a transfer of funds through an intermediary that the statute does

not recognise, in amounts too small for the individualised procedure the statute contemplates.

The doctrinal analysis shows that this gap is not the result of any incompatibility between classical waqf doctrine and digital practice. The requirements of writing, signature, and certification are formal and are satisfied by electronic equivalents that Indonesian law already recognises. The requirement of a pledge before the authorised official is institutional, and can be satisfied at a distance only by regulation specifying how verification, explanation, and record-keeping are performed. The absence of that regulation, rather than any doctrinal obstacle, is what makes the status of digitally performed waqf uncertain.

On the object, digital assets are not a single category. Intellectual property and revenue-generating digital infrastructure satisfy the classical conditions readily; volatile crypto-assets satisfy them only where the trustee can preserve value and the founder's purpose is expressed in terms of value. A conditions-based rule, administered by the national board, is preferable to enumeration.

On accountability, the platform occupies a position of practical influence without corresponding duty. Because the classical law placed trustee fidelity at the centre of waqf, and because the statute reproduces that emphasis through registration, reporting, and supervision, the coherent response is to extend proportionate obligations to the function of soliciting waqf from the public rather than to the legal form of the entity performing it.

The reconstruction proposed here electronic pledging, regulation of soliciting platforms, criteria for digital assets, a searchable register, and incentives tied to reporting is designed to preserve the functions of the classical institution while adapting its forms. Further research should test empirically whether digitally collected waqf reaches its stated purposes, examine the treatment of platform intermediaries in other jurisdictions with codified waqf law, and develop valuation and custody standards suitable for trustees managing digital assets.

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