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Productive Waqf for Economic Empowerment: Analysis of the Maxim Mā Lā Yatimm al-Wājib Illā Bihī Fa Huwa Wājib

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Abstract

Productive waqf has attracted increasing attention as a strategic instrument for promoting the economic empowerment and welfare of Muslim communities, particularly in addressing structural poverty and socioeconomic inequality. However, its implementation continues to face challenges related to managerial capacity, legal certainty, and institutional governance. This study analyzes the normative position of productive waqf through the uṣūl al-fiqh maxim Mā Lā Yatimm al-Wājib Illā Bihī Fa Huwa Wājib, which establishes that a necessary means for fulfilling an obligation may acquire an obligatory status. This study employs normative legal research by examining classical fiqh and uṣūl al-fiqh literature, contemporary Islamic economic scholarship, Indonesian waqf regulations, and relevant academic studies. The materials were analyzed using content analysis, normative legal reasoning, and a maqāṣid al-sharīʿah perspective. The findings indicate that economic empowerment of the ummah may be classified as a collective obligation (farḍ kifāyah). Accordingly, productive waqf may acquire an obligatory status when it constitutes a necessary and effective means of fulfilling that obligation. Under these conditions, professional management, institutional strengthening, accountability, and innovation in waqf utilization are not merely policy options but normative requirements. This study contributes to Islamic economic law by providing an uṣūl al-fiqh-based justification for strengthening waqf governance, institutional capacity, and public policy.

Keywords: Economic empowerment; Maqāṣid al-sharīʿah; Productive waqf; Uṣūl al-fiqh maxim; Waqf governance

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Wakaf Produktif untuk Pemberdayaan Ekonomi Umat: Analisis Kaidah Mā Lā Yatimm al-Wājib Illā Bihī Fa Huwa Wājib

Abstrak

Wakaf produktif semakin mendapat perhatian sebagai instrumen strategis untuk mendorong pemberdayaan dan kesejahteraan ekonomi umat, khususnya dalam mengatasi kemiskinan struktural dan ketimpangan sosial ekonomi. Namun, implementasinya masih menghadapi berbagai kendala terkait kapasitas pengelolaan, kepastian hukum, dan tata kelola kelembagaan. Penelitian ini menganalisis kedudukan normatif wakaf produktif berdasarkan kaidah usul fikih *Mā Lā Yatimm al-Wājib Illā Bihī Fa Huwa Wājib*, yaitu sarana yang diperlukan untuk melaksanakan suatu kewajiban dapat memperoleh status wajib. Penelitian ini menggunakan metode penelitian hukum normatif dengan mengkaji literatur fikih dan usul fikih klasik, kajian ekonomi Islam kontemporer, regulasi wakaf di Indonesia, serta penelitian akademik yang relevan. Bahan hukum dianalisis menggunakan analisis isi, penalaran hukum normatif, dan pendekatan *maqāṣid al-sharīʿah*. Hasil penelitian menunjukkan bahwa pemberdayaan ekonomi umat dapat dikategorikan sebagai kewajiban kolektif (*farḍ kifāyah*). Oleh karena itu, wakaf produktif dapat memperoleh status wajib apabila menjadi sarana yang diperlukan dan efektif untuk memenuhi kewajiban tersebut. Dalam kondisi demikian, pengelolaan profesional, penguatan kelembagaan, akuntabilitas, dan inovasi pemanfaatan wakaf bukan sekadar pilihan kebijakan, melainkan tuntutan normatif. Penelitian ini berkontribusi terhadap hukum ekonomi syariah dengan memberikan justifikasi berbasis usul fikih bagi penguatan tata kelola, kapasitas kelembagaan, dan kebijakan wakaf

Kata Kunci: Kaidah usul fikih; *Maqāṣid al-sharīʿah*; Pemberdayaan ekonomi; Tata kelola wakaf; Wakaf produktif.

INTRODUCTION

Waqf is one of the philanthropic instruments in Islam with strategic potential to promote social welfare and economic empowerment of the ummah. Historically, waqf has served not only as a means of individual worship but also as a sustainable mechanism for wealth distribution within Muslim societies. In classical practice, waqf played a vital role in financing education, healthcare, public infrastructure, and social services that broadly supported community life (Cizakca, 2011; Kahf, 2003; Shofiatin et al., 2025). However, in contemporary Muslim societies, particularly in developing countries like Indonesia, the potential of waqf has not been optimally managed, so its contribution to strengthening the ummah's economy remains relatively limited. (Zafar & Ali, 2026; Zafar & Jafar, 2026)

Modern economic developments, the increasing complexity of social needs, and the challenges of structural poverty demand a transformation of waqf management from traditional consumptive patterns toward productive waqf models. Productive waqf is understood as the management of waqf assets through investment and asset development principles, yielding sustainable benefits for the community

(Ascarya & Yumanita, 2018; Ascarya et al., 2022). This approach aligns with the spirit of *maqāṣid al-sharīʿah*, particularly in protecting property (*ḥifẓ al-māl*), life (*ḥifẓ al-nafs*), and the socio-economic sustainability of society. Nevertheless, the implementation of productive waqf in Indonesia still faces various obstacles, such as weak *nāẓhir* capacity, low waqf literacy, limited management innovation, and suboptimal synergy between regulation and field practice (Huda et al., 2014; Jatmiko et al., 2024; Kasdi, 2017; Lestari et al., 2023; Maulina et al., 2025). (Hassan et al., 2022; Umam et al., 2024)

Academic studies on productive waqf have been conducted extensively using various approaches. Several studies focus on managerial and institutional aspects, such as *nāẓhir* professionalism, governance, and accountability of waqf institutions (Abdullah & Ismail, 2017; Ihsan & Ayedh, 2015; Yusgiantoro et al., 2024). Other research highlights the role of productive waqf in poverty alleviation and economic development of the ummah through empirical studies in various Muslim countries (Hapsari et al., 2026; Mohsin, 2013; Thaker et al., 2018). Additionally, some studies associate productive waqf with public policy and national regulations, including the role of the state in creating a conducive waqf ecosystem (Antonio et al., 2020; Fauzia, 2019; Masrizal et al., 2023). (Ainol-Basirah & Siti-Nabiha, 2023; Ramdani et al., 2024)

Nevertheless, these studies generally still focus on economic, managerial, and policy dimensions, while in-depth normative-fiqhiyyah analysis regarding the obligation to develop productive waqf remains relatively limited. Most research positions productive waqf as a recommended instrument (*mandūb*) or strategic option, but has not explicitly framed it as an obligation within the framework of Islamic legal maxims. In fact, in *uṣūl al-fiqh* tradition, there exists the fundamental maxim *Mā Lā Yatimm al-Wājib Illā Bihī Fa Huwa Wājib*, which affirms that a means without which an obligation cannot be fulfilled is itself obligatory (Al-Zuhayli, 2006; Kamali, 2003).

In the context of economic empowerment of the ummah, maintaining social welfare and alleviating poverty can be viewed as a collective obligation (*farḍ kifāyah*). If this objective cannot be achieved without productive and professional waqf management, then productive waqf is no longer merely a policy choice but becomes a normative requirement in Islamic legal perspective. However, until now, few studies have systematically examined productive waqf through this fiqh maxim approach, particularly in linking it to the urgency of institutional strengthening and management innovation in Indonesia.

The novelty of this article lies in integrating productive waqf with *uṣūl al-fiqh* maxims as a normative basis for socio-economic obligation, not merely

as a voluntary philanthropic instrument. This approach distinguishes the present study from previous works that predominantly approach productive waqf from economic, managerial, or policy perspectives without adequately grounding it in the normative framework of Islamic legal maxims. While existing literature recognizes the strategic importance of productive waqf, it has not systematically demonstrated how the maxim *Mā Lā Yatimm al-Wājib Illā Bihī Fa Huwa Wājib* transforms productive waqf from a recommended practice into an obligatory instrument within Islamic legal reasoning.

Therefore, this article aims to analyze productive waqf as an instrument for economic empowerment of the ummah using the maxim *Mā Lā Yatimm al-Wājib Illā Bihī Fa Huwa Wājib*. This research is expected to contribute theoretically by expanding the discourse on productive waqf from merely economic and managerial approaches toward a stronger normative-fiqhiyyah justification. Furthermore, practically, this study is expected to serve as a conceptual foundation for policy strengthening, *nāẓhir* professionalization, and waqf institutional reform to be more responsive to contemporary economic challenges. (Kasmon et al., 2025; Nofianti et al., 2026)

RESEARCH METHOD

This research employs a qualitative research design with a normati-juridical approach. This approach was chosen because the research focus is to analyze productive waqf as an instrument for economic empowerment of the ummah based on the Islamic legal maxim *Mā Lā Yatimm al-Wājib Illā Bihī Fa Huwa Wājib*. Normative legal research views law as a system of norms, principles, and rules examined through authoritative legal sources, both classical and contemporary, making it relevant for examining the normative position of productive waqf within the framework of Islamic law (Ibrahim, 2006; Soekanto & Mamudji, 2015).

The legal materials examined in this research consist of three hierarchical categories. Primary legal materials include classical fiqh and *uṣūl al-fiqh* texts that discuss the maxim *Mā Lā Yatimm al-Wājib Illā Bihī Fa Huwa Wājib*, particularly the works of Al-Zuhayli (2006), Kamali (2003), and Al-Qaradawi (1999). These sources establish the jurisprudential foundations for understanding the conditions under which a means acquires obligatory status. Secondary legal materials comprise contemporary scholarly works on productive waqf, Islamic economics, *maqāṣid al-sharīʿah*, and institutional governance, including studies by Kahf (2003), Cizakca (2011), Ascarya and Yumanita (2018), and Auda (2008). These sources provide the conceptual framework for applying the maxim to modern waqf practices. Tertiary legal materials include Indonesian legislation on waqf, particularly Law No. 41 of 2004 concerning Waqf and Government

Regulation No. 42 of 2006, as well as relevant policy documents and institutional reports.

The selection of legal materials followed purposive criteria based on authority, relevance, and contribution to the research objectives. Classical texts were prioritized based on their recognition within the Sunni legal tradition and their systematic treatment of the maxim. Contemporary sources were selected based on their engagement with productive waqf and their explicit or implicit discussion of the normative dimensions of waqf management. Indonesian regulations were included to contextualize the analysis within the national legal framework.

Data collection was carried out through library research and document study to obtain a comprehensive overview of the concept and practice of productive waqf (Zed, 2014; Creswell & Poth, 2018). Data analysis was conducted using descriptive-qualitative and normative analysis methods. The analytical procedure followed three interconnected stages. First, the collected data were analyzed through content analysis to identify patterns of legal argumentation and the application of the maxim *Mā Lā Yatimm al-Wājib Illā Bihī Fa Huwa Wājib* in waqf management. Second, this analysis was reinforced with a *maqāṣid al-sharīʿah* approach to assess the relevance of productive waqf in realizing the objectives of Islamic law, particularly social justice, economic sustainability, and community welfare. Third, the analysis results were synthesized to formulate normative conclusions regarding the urgency and position of productive waqf as an instrument for economic empowerment of the ummah.

The application of the maxim to productive waqf followed a systematic analytical process. First, the research identified the collective obligation (*farḍ kifāyah*) of economic empowerment and established its legal basis in Islamic sources. Second, the study examined whether productive waqf constitutes a necessary means for fulfilling this obligation, considering the factual context of Muslim societies. Third, the research analyzed the conditions under which the maxim transforms productive waqf from a recommended instrument into an obligatory means. This analytical procedure ensures that the legal conclusion is derived through rigorous normative reasoning rather than mere assertion.

RESULTS AND DISCUSSION

The Concept of Productive Waqf in Economic Empowerment of the Ummah

Definition and Characteristics of Productive Waqf

Normative analysis shows that productive waqf is a form of waqf asset management directed toward sustainable asset development so that its benefits can be used for long-term social and economic interests of the ummah. Unlike consumptive waqf, whose yields are directly exhausted, productive waqf

emphasizes optimizing the economic value of waqf assets through investment activities, productive enterprises, or professional management while maintaining the principle of asset perpetuity (Ascarya et al., 2022; Cizakca, 2011; Kahf, 2003; Shofiatin et al., 2025). The main characteristics of productive waqf lie in its orientation toward sustainability, management professionalism, and commitment to community welfare. (Ismal, 2024; Zafar & Ali, 2026)

In Islamic economic perspective, productive waqf functions not only as a philanthropic instrument but also as a fair and inclusive wealth distribution mechanism. This finding aligns with the view of Ascarya and Yumanita (2018), who assert that productive waqf has great potential to become a source of social financing if managed trustworthily, transparently, and accountably. However, the review of waqf practices in Indonesia reveals that the understanding of waqf remains predominantly traditional and consumptive, so the economic potential of waqf has not been optimally utilized (Lestari et al., 2023; Maulina et al., 2025).

This study identifies several models of productive waqf that have emerged in contemporary practice. Cash waqf (*waqf al-nuqūd*) allows monetary assets to be invested in productive enterprises, generating returns that can be distributed to beneficiaries (Berakon et al., 2022; Masrizal et al., 2023; Mohsin, 2013). Investment waqf involves the development of waqf assets through commercial ventures, such as real estate development or business partnerships. Business-based waqf integrates waqf with entrepreneurial activities, creating sustainable income streams while preserving the principal asset. Each model carries different legal, financial, and governance implications, which must be carefully considered in institutional design and regulatory frameworks (Masse et al., 2024; Sukmana et al., 2024). (Ascarya et al., 2023; Bessais et al., 2024)

The Role of Productive Waqf in Strengthening the Ummah's Economy

The analysis shows that productive waqf has a strategic role in the economic empowerment of the ummah, particularly in creating economic independence and reducing community dependence on consumptive assistance. Productive waqf can function as a source of social and economic capital to support education, health, MSMEs, and community-based job creation. In this context, waqf functions not only as a social instrument but also as a pillar of equitable Islamic economic development (Hapsari et al., 2026; Mohsin, 2013; Thaker et al., 2018; Yusgiantoro et al., 2024). (Zafar & Ali, 2026)

This finding aligns with Islamic economic development theory, which places distributive justice and collective welfare as the main objectives of economic activity. Productive waqf enables sustainable wealth redistribution without diminishing the

principal value of assets, thus aligning with the principle of *ḥifẓ al-māl* in *maqāṣid al-sharīʿah*. Previous research shows that well-managed productive waqf can increase community income and strengthen the economic resilience of vulnerable groups (Abdullah & Ismail, 2017; Fauzia, 2019; Hapsari et al., 2026).

In the Indonesian context, the role of productive waqf becomes increasingly relevant given the high potential of waqf assets that have not been optimally utilized. Based on recent data, waqf land in Indonesia exceeds 55,000 hectares spread across various regions, yet a significant portion remains underutilized or managed in traditional consumptive patterns (Badan Wakaf Indonesia, 2024). This disparity between potential and actual utilization underscores the urgency of institutional reform and capacity building in waqf management. This analysis demonstrates that strengthening the ummah's economy through productive waqf is not merely a technical managerial issue but is also closely related to normative and institutional commitment. Therefore, productive waqf needs to be positioned as a strategic instrument in the contemporary Islamic economic system capable of simultaneously bridging worship objectives and socio-economic development. (Huda et al., 2025; Ismal, 2024)

Analysis of the Legal Maxim Mā Lā Yatimm al-Wājib Illā Bihī Fa Huwa Wājib in Productive Waqf

Position of the Legal Maxim in Uṣūl al-Fiqh

Normative analysis shows that the maxim *Mā Lā Yatimm al-Wājib Illā Bihī Fa Huwa Wājib* occupies a central position in Islamic legal construction, particularly in bridging the relationship between sharia objectives and their implementation means. This maxim affirms that a sharia obligation cannot be understood partially merely regarding the final objective but must encompass all instruments factually necessary for its realization. Thus, Islamic law is not purely abstract and normative but has a functional dimension responsive to social reality (Kamali, 2003).

In *uṣūl al-fiqh* literature, this maxim is often associated with the concept of *wasāʾil* (means), which derive their legal status from their objectives (*maqāṣid*). Al-Zuhayli (2006) explains that this maxim serves as an important basis for establishing the obligation to provide social, economic, and institutional means when sharia objectives cannot be achieved without them. Therefore, this maxim is relevant not only in pure ritual worship (*ibādah maḥḍah*) but is also highly applicable in the realms of *muʿāmalāt* and socio-economic policies of the ummah.

The jurisprudential conditions under which the maxim applies require careful examination. For a means to

become obligatory, it must satisfy several conditions: the objective must be an established obligation in Islamic law; the means must be factually necessary for achieving the objective, with no equally effective alternative available; the means must be lawful in itself; and employing the means must not lead to greater harm than benefit. These conditions ensure that the maxim is applied with jurisprudential rigor rather than used to justify any policy preference.

This research finding indicates that the maxim *Mā Lā Yatimm al-Wājib Illā Bihī Fa Huwa Wājib* has a close correlation with collective obligations (*farḍ kifāyah*). Social obligations such as poverty alleviation, fulfillment of basic community needs, and creation of economic justice cannot be imposed on individuals alone but require systemic involvement from society and institutions. In this context, the maxim serves as a normative justification for the necessity of building effective and sustainable socio-economic instruments (Auda, 2008).

Thus, this analysis reveals that the maxim *Mā Lā Yatimm al-Wājib Illā Bihī Fa Huwa Wājib* is not merely a technical rule in legal determination but is a methodological principle enabling Islamic law to adapt to contemporary social needs. This maxim opens space for strengthening Islamic economic instruments, including productive waqf, as an integral part of implementing sharia obligations in social and economic dimensions.

Establishing Economic Empowerment as a Collective Obligation (Farḍ Kifāyah)

A critical prerequisite for applying the maxim to productive waqf is establishing that economic empowerment of the ummah constitutes a collective obligation (*farḍ kifāyah*) in Islamic law. The doctrinal basis for this classification requires careful examination of primary sources and jurisprudential principles.

The Qur'anic foundations for economic justice and social welfare are well-established. The obligation to address poverty and economic inequality is derived from verses that command the distribution of wealth and the care for the poor and needy. Surah al-Hashr (59:7) emphasizes that wealth should not circulate only among the rich, establishing a principle of distributive justice. Surah al-Tawbah (9:103) commands the collection and distribution of zakah, explicitly designating categories of beneficiaries including the poor and destitute. These verses establish the normative foundation for addressing economic deprivation as a matter of religious obligation.

The Prophetic tradition further reinforces this obligation. The ḥadīth that "the son of Adam does not fill a vessel worse than his stomach" (narrated by al-Tirmidhī) establishes a minimum standard of material provision. The ḥadīth that "whoever sleeps satiated while his neighbor is hungry is not one of us" (narrated by al-Bukhārī and Muslim) demonstrates that

concern for others' basic needs is integral to Islamic identity. The ḥadīth that "the one who takes care of widows and the poor is like the one who strives in the path of Allah" (narrated by al-Bukhārī and Muslim) elevates social welfare to the status of spiritual endeavor.

Jurisprudential classification of economic empowerment as *farḍ kifāyah* is supported by the principle that fulfilling basic needs food, clothing, shelter, health, and livelihood is a collective responsibility. When some members of the community fulfill this responsibility, others are relieved of it. However, when no one fulfills it, the entire community bears the sin of negligence. This principle is articulated by classical jurists such as al-Ghazālī and al-Shāṭibī, who emphasize that securing the necessities of life for all members of society is a communal obligation.

Contemporary scholars have extended this analysis to economic empowerment as a comprehensive concept. Al-Qaradawi (1999) argues that economic justice and poverty alleviation are among the fundamental objectives of Islamic law, requiring systematic institutional responses rather than merely individual charity. Kahf (2003) emphasizes that waqf, as an institutionalized form of charitable endowment, carries the potential to fulfill socio-economic obligations more effectively than sporadic individual giving.

This doctrinal foundation is essential because the claim that productive waqf is obligatory depends on the premise that economic empowerment is itself obligatory. Without establishing this premise, the application of the maxim remains incomplete. The present study thus contributes to the literature by systematically articulating the grounds for economic empowerment as *farḍ kifāyah*, rather than merely asserting it as a given.

Productive Waqf as a Necessary Means for Realizing Ummah Welfare

The research findings indicate that economic empowerment of the ummah and the creation of social welfare are fundamental objectives in Islamic teachings that are collective in nature (*farḍ kifāyah*). These objectives are oriented not only toward fulfilling material needs but also toward creating a just and sustainable social order. In modern socio-economic reality, such objectives cannot be effectively achieved without economic instruments capable of managing and distributing resources productively and sustainably. In this context, productive waqf gains very strong normative relevance.

Analysis of the maxim *Mā Lā Yatimm al-Wājib Illā Bihī Fa Huwa Wājib* shows that when community welfare is positioned as a collective obligation, then the means factually required to realize it also acquire obligatory status. Productive waqf, as an instrument enabling sustainable management of community assets, can

be viewed as one of the primary means of fulfilling that obligation. This finding expands the understanding of waqf from mere voluntary charitable endowment to a strategic instrument carrying legal and moral consequences for Muslims (Kahf, 2003).

However, it is important to acknowledge that productive waqf is not the only instrument available for economic empowerment. Islamic law recognizes multiple mechanisms including zakat, sadaqah, Islamic microfinance, cooperatives, and state welfare policies. The availability of alternative instruments affects the application of the maxim: if alternative instruments alone can effectively fulfill the obligation, then productive waqf cannot be classified as a strictly necessary means and thus remains optional rather than obligatory. However, the analysis reveals that each instrument has distinct characteristics, limitations, and areas of comparative advantage.

Zakat is an obligatory annual payment with specific rates and categories of beneficiaries. While zakat addresses immediate poverty relief, its scope is limited to eight categories of recipients and depends on the accumulation of wealth that reaches the *niṣāb* threshold. Sadaqah is voluntary charity that lacks institutional structure and sustainability. Islamic microfinance provides credit and finansial services but requires capital and institutional capacity. Cooperatives promote mutual economic cooperation but may lack the asset base and perpetuity characteristic of waqf. State welfare policies depend on government capacity and political will.

Productive waqf offers distinctive advantages as a sustainable, asset-based instrument that preserves principal value while generating ongoing benefits. Unlike zakat and sadaqah, which are consumed upon distribution, productive waqf creates a permanent endowment that can generate perpetual returns. Unlike microfinance and cooperatives, waqf does not require repayment or depend on membership contributions for its asset base. Unlike state welfare policies, waqf operates through civil society institutions with community participation and religious legitimacy.

In the Indonesian context, this analysis becomes highly relevant given the enormous potential of waqf assets that have not been optimally managed. The prevalence of underutilized waqf assets, weak institutional capacity, and persistent consumptive management patterns suggests that alternative instruments alone cannot achieve the objective of sustainable economic empowerment. When waqf is still managed consumptively and traditionally, the goal of community welfare is difficult to achieve structurally. Therefore, based on the maxim *Mā Lā Yatimm al-Wājib Illā Bihī Fa Huwa Wājib*, strengthening productive waqf management through *nāẓhir* professionalization, management innovation, and policy support can no

longer be viewed as an optional choice but as a normative demand inherent in the social obligations of the Muslim ummah (Lestari et al., 2023; Shofiatin et al., 2025). (Nofianti et al., 2026; Ramdani et al., 2024)

Thus, this discussion affirms that productive waqf must be positioned as a mandatory means in the contemporary Islamic economic system when it becomes an inseparable instrument from efforts to realize community welfare. This finding provides strong theoretical and normative foundations for waqf institutional reform and for strengthening the role of the state and society in developing productive waqf as a sustainable instrument for economic empowerment of the ummah.

Normative and Practical Implications of Productive Waqf in the Contemporary Islamic Economic System

Normative Implications for Productive Waqf Management

The analysis results in the previous section show that productive waqf, when positioned as an inseparable means of the collective obligation of economic empowerment of the ummah, has significant normative implications in the Islamic legal system. Based on the maxim *Mā Lā Yatimm al-Wājib Illā Bihī Fa Huwa Wājib*, waqf management can no longer be understood merely as a voluntary activity dependent on individual awareness, but as part of the collective responsibility of the ummah. Consequently, productive waqf management must meet certain normative standards to effectively perform its obligatory function.

The first normative implication is the obligation of *nāẓhir* professionalization. In Islamic legal perspective, the trust of managing waqf assets demands competence, integrity, and accountability. When waqf is positioned as a strategic instrument for economic empowerment of the ummah, its management by incompetent *nāẓhir* can have implications for the failure of collective obligation fulfillment. This aligns with Kamali's (2003) view that failure to provide adequate means to fulfill an obligation can have moral and legal consequences (Yusgiantoro et al., 2024). (Ainol-Basirah & Siti-Nabiha, 2023; Ramdani et al., 2024)

The obligation of *nāẓhir* professionalization encompasses several dimensions. Technical competence requires familiarity with investment principles, asset management, and financial reporting. Legal understanding requires knowledge of waqf regulations, property law, and contractual arrangements. Integrity requires adherence to fiduciary standards and avoidance of conflicts of interest. Accountability requires transparent reporting and responsiveness to stakeholders. These requirements go beyond mere voluntarism and become normative expectations when waqf serves an obligatory function.

The second normative implication relates to the obligation of innovation and development in waqf management.

In the context of *maqāṣid al-sharīʿah*, stagnation of consumptive waqf management potentially hinders the achievement of broader public interest (*maṣlaḥah*). Therefore, innovation in the form of productive waqf—such as cash waqf, investment waqf, and business-based waqf—can be viewed as a normative demand, not merely a technical choice. Auda (2008) emphasizes that *maqāṣid al-sharīʿah* demands a systemic and dynamic approach to keep Islamic law relevant to contemporary social needs (Berakon et al., 2022; Sukmana et al., 2024). (Kasmon et al., 2025; Nofianti et al., 2026)

Thus, normatively, productive waqf demands a reconstruction of legal understanding of waqf from a static approach to a functional and objective-based approach. Waqf management that is not oriented toward productivity and sustainability can be regarded as incompatible with the demands of fiqh maxims and *maqāṣid al-sharīʿah* when that waqf becomes the primary means of realizing community welfare.

Clarifying the Scope of Obligation: Individual, Institutional, and Collective Responsibility

A crucial aspect of the normative analysis is specifying to whom the obligation applies. The maxim *Mā Lā Yatimm al-Wājib Illā Bihī Fa Huwa Wājib* establishes that a means becomes obligatory when it is necessary to fulfill an obligation, but it does not automatically specify the duty-bearers. The scope of obligation requires careful differentiation among individual, institutional, and collective responsibilities.

Individual obligation applies to the person who has control over waqf assets. The *wāqif* (endower) has an obligation to ensure that the waqf is properly established and directed toward productive management. The *nāẓhir* has a fiduciary obligation to manage waqf assets professionally and accountably. When individuals in these positions fail to fulfill their responsibilities, they bear personal moral and legal consequences.

Institutional obligation applies to waqf institutions and organizations that manage waqf assets. These institutions have an obligation to develop professional management systems, invest in capacity building, and ensure that waqf assets generate sustainable benefits. When institutions fail to fulfill these obligations, they cannot claim that the collective obligation has been discharged.

Collective obligation applies to the Muslim community as a whole. When individual waqf managers and institutions fulfill their responsibilities, the collective obligation is satisfied. However, when they fail, the community bears the moral responsibility for the unmet obligation. This implies that the community, through its representative institutions and civil society organizations, has an interest in monitoring waqf management and advocating for reform.

State obligation applies to the government, which has a role in creating a conducive regulatory environment for productive waqf. This includes providing clear legal frameworks, protecting waqf assets, supporting *nāẓhir* capacity building, and facilitating coordination among stakeholders. While the state is not the primary manager of waqf, its policies can either enable or obstruct the fulfillment of the collective obligation.

This differentiation of obligations ensures that the legal conclusion is not overgeneralized and that practical recommendations are appropriately targeted. The article does not claim that every Muslim individual has a personal obligation to manage waqf productively, but rather that the collective responsibility for economic empowerment includes the management of waqf assets as a necessary means.

Practical Implications for Policy and Institutional Strengthening of Waqf

Beyond normative implications, this research also has significant practical implications for public policy and institutional strengthening of waqf, particularly in the context of contemporary Islamic economics in Indonesia. When productive waqf is positioned as a mandatory means within the framework of collective obligations, the state and social institutions have a strategic role in creating a conducive and sustainable waqf ecosystem. This includes regulatory aspects, development, supervision, and facilitation of productive waqf development.

The first practical implication is the need for policy strengthening that encourages the transformation of waqf from consumptive to productive. Waqf regulations are insufficiently limited to legal-formal aspects but must also provide space and incentives for productive waqf development. Fauzia's research (2019) shows that the success of Islamic philanthropy, including waqf, is strongly influenced by policy support and synergy between the state, religious institutions, and civil society. In this context, waqf policy needs to be directed toward strengthening *nāẓhir* capacity, management transparency, and integration of waqf with the productive economic sector (Lestari et al., 2023; Shofiatin et al., 2025). (Hassan et al., 2022; Zafar & Jafar, 2026)

Specific policy recommendations include: (a) providing regulatory incentives for productive waqf management, such as tax benefits or reduced administrative burdens; (b) establishing clear standards for *nāẓhir* certification and professional development; (c) creating platforms for collaboration between waqf institutions and Islamic financial institutions; (d) developing dispute resolution mechanisms for productive waqf; and (e) integrating waqf data and management into national economic planning.

The second practical implication relates to institutional strengthening of

waqf. Productive waqf requires professional, adaptive management institutions capable of responding to modern economic challenges. Previous research shows that strong waqf institutions significantly contribute to the effectiveness of waqf benefit distribution and the sustainability of economic empowerment programs (Abdullah & Ismail, 2017; Mohsin, 2013; Yusgiantoro et al., 2024). Therefore, strengthening waqf institutions is not merely administrative but also strategic in order to optimally perform the socio-economic functions of waqf.

Institutional strengthening should focus on: (a) developing professional management systems, including asset valuation, investment planning, and risk management; (b) implementing transparent governance structures with clear accountability mechanisms; (c) investing in human capital development through training and education; (d) establishing monitoring and evaluation frameworks to measure the impact of productive waqf; and (e) fostering innovation in waqf product development.

Furthermore, the practical implications of these findings also touch upon multi-stakeholder collaboration. Productive waqf requires synergy between waqf institutions, the Islamic financial sector, the business world, and the government. This collaboration allows waqf to function as an integrated economic development instrument, rather than operating separately and sporadically. In this perspective, productive waqf can become part of an Islamic economic development strategy oriented toward social justice and sustainability (Masrizal et al., 2023; Sukmana et al., 2024).

Thus, this section affirms that productive waqf has broad normative and practical implications in the contemporary Islamic economic system. When productive waqf is positioned as a mandatory means based on the maxim *Mā Lā Yatimm al-Wājib Illā Bihī Fa Huwa Wājib*, strengthening management, institutions, and policies becomes an imperative. These findings provide a strong conceptual foundation for the development of productive waqf as an instrument for economic empowerment of the ummah that is not only legally valid but also socially and economically effective.

CONCLUSION

This research concludes that productive waqf holds a strategic position as an instrument for economic empowerment of the ummah in the contemporary Islamic economic system. The analysis shows that productive waqf does not merely function as a voluntary philanthropic practice but has a structural role in realizing social welfare and economic justice. Through productive and sustainable management of waqf assets, waqf is able to address the economic needs of the ummah more systematically compared to the temporary consumptive waqf approach.

Based on the analysis of the maxim *Mā Lā Yatimm al-Wājib Illā Bihī Fa Huwa Wājib*, this research finds that when economic empowerment of the ummah is positioned as a collective obligation (*farḍ kifāyah*), then the means factually required to realize it also acquire obligatory status. In this context, productive waqf can be understood as a mandatory means when it becomes an inseparable instrument from efforts to achieve community welfare. This finding reinforces the normative argument that professional, innovative, and productivity-oriented waqf management is not merely a policy choice but a logical consequence of social obligations in Islam.

The theoretical contribution of this study lies in integrating productive waqf with *uṣūl al-fiqh* maxims as a normative basis for socio-economic obligation. While previous studies have approached productive waqf from economic, managerial, and policy perspectives, the present study demonstrates that the maxim *Mā Lā Yatimm al-Wājib Illā Bihī Fa Huwa Wājib* provides a robust normative justification for treating productive waqf as a mandatory instrument rather than merely a voluntary philanthropic option. This contribution expands Islamic economic discourse by grounding institutional reform in legal reasoning rather than policy preference alone.

The implications of these findings indicate that strengthening productive waqf management must encompass both normative and practical aspects simultaneously. Normatively, productive waqf demands a reconstruction of legal understanding of waqf from a static approach toward an objective-based approach (*maqāṣid al-sharīʿah*). Practically, productive waqf requires policy support, institutional strengthening, and *nāẓhir* professionalization to effectively and sustainably perform its function as an instrument for economic empowerment of the ummah.

However, this research has several limitations that should be acknowledged. First, as a normative study, it does not include empirical data on productive waqf management practices in Indonesia, which could enrich the analysis and demonstrate the practical relevance of the normative findings. Second, the research focuses primarily on the Indonesian context, and the findings may have different applicability in other Muslim societies with different legal, economic, and institutional contexts. Third, the analysis of alternative instruments zakat, sadaqah, microfinance, cooperatives, and state welfare is limited and could be developed further through comparative analysis.

Recommendations from this research are directed toward several matters. First, strengthening waqf policies is needed to explicitly encourage the development of productive waqf as part of the ummah's economic development strategy. Second, waqf institutions and *nāẓhir* need to improve managerial capacity,

transparency, and management innovation so that waqf can have a tangible economic impact. Third, further research is expected to develop this study through empirical approaches, such as case studies of productive waqf management in specific institutions, to enrich normative analysis with field data and strengthen the practical relevance of these research findings. Additionally, comparative studies examining productive waqf alongside other Islamic economic instruments could provide a more comprehensive understanding of the optimal policy mix for economic empowerment.

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