



## The Dynamics of Islamic Law in the Practice of Modern Religious Philanthropy


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<b>Keywords:</b> <i>Beneficiaries, Legal competence, Modern religion, Philanthropy, Social justice</i>	In the vortex of digital modernity that has shifted Islamic philanthropy from communal worship to a global institutional instrument, the dynamics of Islamic law appear not as a frozen normative legacy, but as a philosophical arena where authority, social justice, and the meaning of piety are renegotiated amid the tug-of-war between text, maqāṣid, state, and market logic. This study aims to formulate conceptual and practical contributions to the development of Islamic philanthropy that is responsive to changing times while remaining grounded in sharia principles. It employs a qualitative approach with a multiple-case study design grounded in doctrinal analysis, seeking to map the dynamics of Islamic law in modern philanthropy through documented texts and practices. The results indicate that modern Islamic philanthropy can no longer be understood merely as the technical application of fiqh <i>ibādah māliyyah</i> , but has transformed into a strategic arena in which Islamic law is produced, contested, and fought over within power relations among scholars, the state, the market, and digital technology. This dynamic shows that philanthropic innovation is not only a matter of legal permissibility, but also of the direction of social justice one wishes to realise. The validity of innovation is not determined solely by textual conformity, but also by governance, transparency, platform design, and beneficiaries' experiences in interpreting justice and trust.
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## Introduction

The dynamics of Islamic law in the practice of modern religious philanthropy is an important issue that is increasingly relevant in the context of social, economic and technological transformation in contemporary Muslim societies. Religious philanthropy, which includes zakāt, infāq, ṣadaqah and waqf, has long been a key instrument in building social solidarity and redistributing welfare in Islamic civilisation.<sup>1</sup> However, in recent developments, philanthropic practices no longer take place in traditional patterns that are local, personal, and community-based, but have undergone modernisation through the institutionalisation of zakāt institutions, the professionalisation of productive waqf management, the digitisation of fund collection, and integration with the global economic system.<sup>2</sup> These changes have complex legal consequences because Islamic law, as a normative system, must respond to a constantly changing new reality, giving rise to an urgent need to examine how the flexibility, adaptation, and renewal of Islamic law work in responding to the challenges of modern philanthropy.

Historically, philanthropy in Islam is not merely an act of individual generosity, but an integral part of the legal and social ethical structure that is normatively regulated in the Qur'an, ḥadīth, and the elaboration of fiqh by the 'ulamā'.<sup>3</sup> Zakāt, for example, has a mandatory legal dimension with detailed rules regarding its objects, subjects, nisab, haul, and distribution to the eight *aṣnāf*. Waqf developed as a socio-economic institution that supported education, health, and public services in classical Muslim societies. Thus, Islamic philanthropy has had a well-established legal framework since its inception. However, changes in the global socio-economic context raise new questions: what is the status of zakāt through digital platforms? How valid is cash waqf in the modern banking system? How does Islamic law view philanthropic institutions that operate like professional corporations? These questions show that modern philanthropy requires a re-reading of classical fiqh norms to remain relevant in contemporary reality.

The development of modern philanthropy is also influenced by the state's increasing role and formal regulations in managing religious funds. In many Muslim countries, including Indonesia, zakāt is not only a personal religious obligation but also a public policy concern, reflected in the establishment of official institutions such as the National Zakāt Agency and regulations on productive waqf. This creates a new relationship between Islamic law, state law, and community practices. This dynamic becomes even more complex when Islamic philanthropy is linked to development agendas, poverty alleviation, and the achievement of Sustainable Development Goals (SDGs). Islamic philanthropy is now understood not only as an act of worship, but also as a strategic socio-economic instrument. Consequently, Islamic law must address issues of accountability, transparency, institutional governance, and financial innovation, which were not previously the main focus of traditional fiqh.

In academic studies, modern Islamic philanthropy has become the focus of many researchers. Early studies emphasised the normative dimensions of zakāt and waqf from a classical fiqh perspective. Studies on zakāt generally discuss basic concepts, sharia

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<sup>1</sup> Ziyaad Mahomed and Irum Saba, "Sustainable Development: Exploring the Role of Islamic Social Finance in Promoting Sustainable Development and Social Welfare," in *The Future of Islamic Finance: From Shari'ah Law to Fintech* (Emerald Publishing Limited, 2024), 103-20, <https://doi.org/10.1108/978-1-83549-906-120241007>.

<sup>2</sup> Lalu Hendri Nuriskandar et al., "The Convergence of Islamic Law and Customary Law in the Management of Zakāt in Indonesia and Malaysia," *Insani: Jurnal Pranata Sosial Hukum Islam* 1, no. 1 (2025): 63-79, <https://journal.mahkotascience.org/index.php/insani/article/view/5>.

<sup>3</sup> Samiul Hasan, "Philanthropy and Social Justice in Islam: Principles, Prospects, and Practices," *Prospects, and Practices* (January 30, 2024), 2024, <https://doi.org/10.2139/ssrn.4709876>.

objectives (*maqāsid al-sharī'ah*), and the role of zakāt in wealth distribution.<sup>4</sup> Meanwhile, studies on waqf have focused on transforming traditional waqf into productive waqf, including cash waqf as a contemporary innovation.<sup>5</sup> In the last two decades, studies on Islamic philanthropy have also expanded into the institutional realm, highlighting modern zakāt management, distribution effectiveness, and the role of philanthropic institutions in social development.

Recent studies indicate a trend toward the digitalisation of Islamic philanthropy through fintech, crowdfunding, and online donation platforms. Several studies confirm that digital technology increases the accessibility of zakāt and almsgiving for the community and expands the distribution of funds to a wider group.<sup>6</sup> Other studies highlight the importance of governance and transparency in philanthropic institutions so that public funds can be managed professionally and in a trustworthy manner.<sup>7</sup> In addition, interdisciplinary studies have begun to link Islamic philanthropy with Islamic economics, development theory, and socio-political studies on the role of religion in the modern public sphere.

Although the literature on modern Islamic philanthropy is growing rapidly, there are still significant gaps in knowledge. Most previous studies remain partial and fragmented, for example, focusing only on aspects of zakāt institution management or the fiqh legitimacy of cash waqf, without integrating broader Islamic legal dynamics.<sup>8</sup> Many studies emphasise philanthropic innovation from an economic and management perspective, but do not sufficiently explore how Islamic law, as a normative system, adapts through the mechanisms of *ijtihad*, fatwa, and institutional regulation.<sup>9</sup> In addition, studies of the digitalisation of philanthropy often place greater emphasis on the effectiveness of technology. At the same time, legal issues such as the validity of digital contracts, the authority of amil institutions, and the implications of sharia for global philanthropic practices are still not explored in depth.<sup>10</sup>

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<sup>4</sup> Salman Ahmed Shaikh, "Achieving Economic Development through Institutionalisation of Zakāt and Waqf in Contemporary Economies," in *Islamic Economics, Growth and Development* (Routledge, 2025), 60–72, <https://doi.org/10.4324/9781003312864-5>.

<sup>5</sup> Ahmad Jafar, Hafsa Ibrahim, and Rizwan Malik, "Waqf: From Classical Charitable System to Modern Financial Tool," *International Journal of Ethics and Systems*, 2025, <https://doi.org/10.1108/IJOES-10-2024-0354>.

<sup>6</sup> Mohd Ariff Bin Mohd Salimin and Nur Harena Binti Redzuan, "Empowering Zakāt Management Through the Viability of the Financial Technology," in *International Conference on Business and Technology* (Springer, 2024), 547–55, [https://doi.org/10.1007/978-3-032-00450-5\\_57](https://doi.org/10.1007/978-3-032-00450-5_57); Abdul Karim Chy, "The Role of Zakāt in the Socio-Economic Empowerment of Muslim Communities in the UK: Challenges, Opportunities, and Future Directions," *AZKA International Journal of Zakāt & Social Finance*, 2025, 191–218, <https://doi.org/10.51377/azjaf.vol6no1.206>.

<sup>7</sup> Ushi Ghoorah, Edward Mariyani-Squire, and Sabreena Zoha Amin, "Relationships between Financial Transparency, Trust, and Performance: An Examination of Donors' Perceptions," *Humanities and Social Sciences Communications* 12, no. 1 (2025): 1–11, <https://doi.org/10.1057/s41599-025-04640-2>; Marek Hudon, Samuel Anokye Nyarko, and Ariane Szafarz, "Ethical Funding and Good Governance: Does the Design of Funding Matter?," *Journal of Alternative Finance* 2, no. 2 (2025): 84–110, <https://doi.org/10.1177/27533743251319539>.

<sup>8</sup> Islam Kamal, "Islamic Finance and Welfare Economics: Normative Islamic Welfare State versus Positive Islamic Finance Mechanisms," *Qualitative Research in Financial Markets*, 2025, <https://doi.org/10.1108/QRFM-03-2025-0092>; Setiawan bin Lahuri et al., "Determinants of Zakāt Payment Attitude and Its Impact on Muslims' Acceptance of Zakāt as a Tax Deduction: Evidence from Indonesia," *Journal of Islamic Accounting and Business Research*, 2025, 1–27, <https://doi.org/10.1108/JIABR-05-2025-0252>.

<sup>9</sup> Moh Mufid and Adamu Abubakar Muhammad, "Islamic Philanthropy and Public Policy: A Study of Zakāt Fatwas from the New Order Era to the Post-Reform Era," *Jurnal Hukum Islam* 21, no. 2 (2023): 201–30, [https://doi.org/10.28918/jhi\\_v21i2\\_01](https://doi.org/10.28918/jhi_v21i2_01); Azharsyah Ibrahim, "A Critical Appraisal of Product Innovation in Islamic Banking: Navigating Market Pressures, Ensuring Shariah Compliance, and Advancing the Objectives of Maqasid Al-Shariah," *IQTISHADIA Jurnal Ekonomi & Perbankan Syariah* 12, no. 2 (2025): 238–68, <https://doi.org/10.19105/iqtishadia.v12i2.19941>.

<sup>10</sup> Milla Izzati, Ratna Mulyany, and Heru Fahlevi, "Digitalization of Accountability in Philanthropy: The Missing Attention on Islamic-Based Organizations," in *2024 International Conference on Sustainable Islamic Business and Finance (SIBF)* (IEEE, 2024), 284–88, <https://doi.org/10.1109/SIBF63788.2024.10883825>; Jafar, Ibrahim, and Malik, "Waqf: From Classical Charitable System to Modern Financial Tool."

There is still a lack of studies that map the tension between classical fiqh and the needs of modern philanthropy. For example, how is the concept of *aṣnāf* zakāt reinterpreted in the context of modern structural poverty? How does Islamic law respond to cross-border philanthropy involving global donors and international institutions? What is the position of fatwas in regulating the evolving practice of digital philanthropy? These questions indicate that previous studies have not fully addressed the need for a comprehensive Islamic legal analytical framework in dealing with the transformation of modern philanthropy.

This study offers an effort to build a comprehensive understanding of the dynamics of Islamic law in modern religious philanthropy practices with an approach that integrates the normative dimensions of fiqh, legal reform mechanisms through *ijtihād* and fatwas, as well as the institutional and digital realities of contemporary philanthropy. The new contribution offered is not only at the theoretical level, namely the development of a conceptual framework on the flexibility of Islamic law in responding to the modernisation of philanthropy, but also at the practical level by providing recommendations for Islamic philanthropic institutions and regulators in formulating philanthropy governance that is in accordance with sharia principles and relevant to the demands of modernity.

This study examines how Islamic law has evolved in modern philanthropic practices, particularly in the context of the institutionalisation, digitalisation, and globalisation of religious philanthropy. The scope of the study includes an analysis of the concepts of zakāt, infāq, ṣadaqah, and waqf from an Islamic law perspective, as well as how their implementation has developed through modern philanthropic institutions and digital platforms. This research also discusses the role of fatwas issued by Islamic scholars, state regulations, and legal challenges arising from technological innovation and social change. The aim is to comprehensively explain the dynamics of Islamic law in modern religious philanthropy practices, identify forms of legal adaptation through *ijtihād* and regulation, and analyse the challenges and opportunities that arise in the context of the digitalisation and globalisation of philanthropy.

## Methods

This study employs a qualitative, multiple-case study design based on doctrinal analysis to map the dynamics of Islamic law in modern philanthropy, drawing on documented texts and practices. The focus of the study is operationalised on normative dynamics (fiqh arguments, fatwas, regulations and *maqāṣid* orientation), institutional dynamics (governance, accountability, *amil/nāzir* authority), and technological dynamics (contract validity and digital platform mechanisms). The case units were selected purposively in the form of several zakāt/waqf institutions and philanthropy platforms that represent a variety of collection and distribution models.<sup>11</sup> The instruments consisted of document analysis protocols and non-participant observation sheets compiled from literature reviews. Data was collected in stages by compiling a corpus of documents (fatwas, regulations, SOPs, reports, platform guidelines/terms, public materials) and conducting digital observations of service flows and reporting evidence. The analysis used content and thematic analyses, as well as cross-case comparisons through multi-level coding, to identify patterns of adaptation, points of tension, and prerequisites for sharia legitimacy in modern religious philanthropy.

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<sup>11</sup> Aam Slamet Rusydiana et al., "Waqf Development Models for Sustainable Development Goals: An Analytic Network Process Approach," *International Journal of Islamic Finance and Sustainable Development* 17, no. 1 (2025): 51-74, <https://doi.org/10.55188/ijifsd.v17i1.929>.

## Result and Discussion

### The Transformation of Islamic Legal Authority in Modern Religious Philanthropy

The transformation of Islamic legal authority in modern religious philanthropy is one of the most significant phenomena in the socio-religious development of contemporary Muslim societies. Islamic philanthropy, which includes zakāt, infāq, ṣadaqah, and waqf, has from the outset functioned as a normative and social instrument for building solidarity among the *ummah*, reducing inequality, and upholding the principle of distributive justice within the framework of sharia.<sup>12</sup> Historically, these philanthropic practices took place within a relatively stable traditional ecosystem, based on local communities, guided by local scholars, and carried out through personal social relationships. However, changes in the structure of modern society, characterised by urbanisation, economic globalisation, advances in digital technology, and the increasing role of the state in religious regulation, have led to a major shift in the patterns of Islamic philanthropy. This shift not only concerns the mechanisms of fund collection and distribution, but also touches on the most fundamental aspects of Islamic law, namely the authority of interpretation and normative legitimacy of contemporary philanthropic practices.

In the traditional context, Islamic legal authority over philanthropy rests with the fuqaha and scholars, who serve as guardians of the interpretation of sharia.<sup>13</sup> They determined the validity of zakāt, set the conditions for waqf, and supervised the distribution of alms in accordance with fiqh provisions. This structure reflected a hierarchical authority pattern based on classical religious knowledge. Legal legitimacy was derived from the epistemic authority of the ‘ulamā’, who were masters of sharia texts, istinbath methodology, and madhhab traditions.<sup>14</sup> However, in modern developments, this structure has begun to fragment because philanthropic practices no longer take place solely within local communities, but have been institutionalised in the form of professional institutions that operate with modern managerial systems, financial audits, fundraising strategies, and even integration with financial technology.

The shift in Islamic philanthropic practices towards professional and digital institutional models has brought new actors to the fore who were previously not dominant in the Islamic legal landscape. The state, through positive regulations and official institutions, has assumed a major role in overseeing zakāt and waqf as part of public policy. Corporations and fintech companies have created digital platforms that facilitate zakāt payments, online almsgiving, and crowdfunding for productive waqf. Non-state organisations, such as international philanthropic NGOs, also play a role in distributing zakāt-based humanitarian aid.

The core issue is the renegotiation of Islamic legal authority among classical fuqaha, state religious institutions, market actors, and modern philanthropy practitioners. This negotiation takes place at various levels, ranging from conceptual debates about the validity of digital philanthropy innovations to the daily practices of zakāt institutions that must balance sharia requirements and professionalism. In the context of digital

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<sup>12</sup> Ahmet Üçağaç, “Economic Security in Developing Muslim Countries: The Case of Indonesia,” *Uluslararası İslam Ekonomisi ve Finans Araştırmaları Dergisi* 11, no. 2 (2025): 103–24, <https://doi.org/10.54427/ijisef.1734874>.

<sup>13</sup> Muhammad Hasbi Zaenal, Abdul Ghafar Ismail, and Muhammad Hakimi Mohd Shafiai, “Philanthropy from Islamic Tradition,” in *Islamic Philanthropy: Exploring Zakāt, Waqf, and Sadaqah in Islamic Finance and Economics* (Springer, 2022), 23–49, [https://doi.org/10.1007/978-3-031-06890-4\\_2](https://doi.org/10.1007/978-3-031-06890-4_2).

<sup>14</sup> Ahmad Yani Anshori and Landy Trisna Abdurrahman, “History of the Development of Maḏhab, Fiqh and Uṣūl Al-Fiqh: Reasoning Methodology in Islamic Law,” *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 9, no. 1 (2025): 273–98, <https://doi.org/10.22373/sjhk.v9i1.25355>.

zakāt, for example, questions arise about the validity of intentions and contracts in electronic transactions. In the context of cash waqf, there is a long discourse on its fiqh legitimacy in the madhhab tradition and its implications in the modern banking system. At this point, Islamic legal authority is no longer singular but plural, as each actor brings a different logic of legitimacy.

The main debate centres on who has the authority to determine the validity of contemporary philanthropic practices. The first camp emphasises the supremacy of classical fiqh authority and normative prudence. They argue that Islamic philanthropy is a form of worship with strict sharia provisions and therefore cannot be reduced to a mere social instrument. In this view, traditional scholars, as heirs to classical scientific authority, remain the main actors in determining the law. Normative caution is important to ensure that philanthropic innovation does not blur the boundaries between sharia and modern economic practices that may contain elements of usury, *gharar*, or manipulation.<sup>15</sup> This approach emphasises the need to maintain the continuity of Islamic legal tradition so that the pragmatic logic of modernity does not erode it.

Conversely, the other camp emphasises *maqāṣid al-sharī'ah*, social effectiveness, and contextual *ijtihād*. They view Islamic philanthropy as a strategic instrument for achieving sharia objectives, particularly in realising social justice, economic empowerment, and poverty alleviation. Within this framework, institutional innovation and digitalisation are considered legitimate forms of adaptation, provided they are in line with the basic principles of sharia. Legal authority is not determined solely by mastery of classical texts, but also by the ability to understand the modern socio-economic context and to create effective solutions. Professional philanthropic institutions with managerial expertise, social impact evaluation, and transparency are considered to have practical legitimacy in managing community funds more optimally.

The tension between these two camps reflects the epistemological dynamics in contemporary Islamic law. Classical fiqh authority is grounded in textual legitimacy and madhhab tradition, whereas modern authority is grounded in functional legitimacy, namely the ability to produce tangible social benefits. In practice, the negotiation of this authority is not always confrontational, but often takes the form of institutional compromise. Many modern philanthropic institutions have established sharia supervisory boards composed of scholars to ensure normative compliance, while also adopting modern management systems to improve effectiveness.<sup>16</sup> The state also plays an ambivalent role: on the one hand, it strengthens philanthropy regulations to ensure accountability; on the other, it has the potential to shift the authority of traditional scholars into the framework of positive law.

In daily practice, the negotiation of Islamic legal authority is evident in how modern philanthropic institutions formulate policies for collecting and distributing funds.<sup>17</sup> For example, zakāt institutions must decide whether zakāt funds can be used for long-term empowerment programmes, rather than just consumptive assistance. This decision often requires both fiqh legitimacy and managerial considerations. In the context of

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<sup>15</sup> Mohammad Alhejaili, "Harmonising Derivatives with Shari'ah: Ethical Practices and Regulatory Insights," *International Journal of Islamic and Middle Eastern Finance and Management* 18, no. 5 (2025): 1132-49, <https://doi.org/10.1108/IMEFM-03-2024-0163>.

<sup>16</sup> Md Kausar Alam et al., "The Influences of Shariah Governance Mechanisms on Islamic Banks Performance and Shariah Compliance Quality," *Asian Journal of Accounting Research* 7, no. 1 (2022): 2-16, <https://doi.org/10.1108/AJAR-11-2020-0112>.

<sup>17</sup> Muhammad Ayub et al., "Management and Governance of Awqāf as Social Finance Institutions," *Qualitative Research in Financial Markets*, 2025, <https://doi.org/10.1108/QRFM-01-2025-0013>.

productive waqf, institutions must balance the principle of the perpetuity of waqf assets with the need for risky investments.

The transformation of Islamic legal authority in modern philanthropy also involves the beneficiary dimension. Legal legitimacy is not only determined by scholars or the state, but also by public perception and the recipients of zakāt or waqf.<sup>18</sup> Beneficiaries interpret the legitimacy of philanthropy through direct experience: whether the assistance is truly fair, transparent, and empowering. In an increasingly critical modern society, public trust is the main asset of philanthropic institutions. Therefore, Islamic legal authority is no longer merely doctrinal but also performative, built through real practices that demonstrate trustworthiness and social impact. This challenges the traditional concept of authority based solely on textual knowledge, as legitimacy is now also influenced by accountability and professionalism.

The theoretical implications of this phenomenon are crucial for the study of Islamic law. The transformation of authority in philanthropy challenges the assumption of a single authority in the classical fiqh framework. Islamic legal authority is now more pluralistic, dispersed, and influenced by modern institutions. This creates space for new approaches in Islamic legal theory that are more sensitive to power relations, social structures, and technological change. In other words, Islamic law can no longer be understood merely as a static normative system, but rather as a dynamic arena in which various actors interact to shape the meaning of sharia in a contemporary context.

On the other hand, the practical implications are very influential on the design of modern religious philanthropy governance. If Islamic legal authority continues to be negotiated, philanthropic institutions must build governance mechanisms that accommodate both sharia and professional standards. Transparency, sharia auditing, adaptive regulations, and public participation are key factors in maintaining legitimacy. The state needs to formulate regulations that not only control but also empower philanthropic institutions to remain in line with sharia principles. ‘Ulamā’ are also required to broaden their horizons of *ijtihad* to respond to the challenges of digitalisation and globalisation in philanthropy.

### **Controversy over Legal Innovation and Commodification in Islamic Philanthropy**

The controversy surrounding legal innovation and commodification in Islamic philanthropy has emerged as a direct consequence of major changes in the way Muslims practise māliyah worship in the modern era. Within a normative framework, zakāt, infāq, ṣadaqah, and waqf are not merely acts of transferring wealth, but instruments of worship that link spiritual dimensions, social ethics, and relatively strict legal rules. However, the modernisation of Islamic philanthropy, characterised by institutionalisation, professionalisation, digitalisation, and integration with modern financial instruments, has encouraged the emergence of increasingly diverse innovations, such as productive zakāt, cash waqf, sharia crowdfunding, and various philanthropic collaboration schemes with the fintech sector and the sharia finance industry.

This phenomenon shows that Islamic philanthropy no longer operates solely within the logic of direct generosity, but within a new ecosystem that combines managerial rationality, social impact targets, technological tools, and market mechanisms. This is where the issue becomes complex: innovations that some parties see as necessary legal

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<sup>18</sup> Saeed Awadh Bin-Nashwan, “Alms Tax (Zakāt) Law Intricacies: An Institutional and Governance-based Analysis,” *Thunderbird International Business Review*, 2025, <https://doi.org/10.1002/tie.70053>.

adaptations can also be interpreted as the commodification of religion, namely the process by which the value of worship is reduced to economic transactions and religious symbols are used to legitimise market-oriented products, brands, or services.

In fiqh literature, māliyah worship has a unique character because it combines elements of *ta'abbudī* (submission to sharia provisions) and *ma'qūl al-ma'nā* (rationality of purpose, especially benefit). Zakāt, for example, as an obligation, has detailed rules regarding subjects, objects, nisab, haul, and distribution.<sup>19</sup> Waqf, as an act of retaining the principal of assets and distributing their benefits, emphasises the principles of asset permanence and certainty of purpose. Therefore, innovation in Islamic philanthropy always faces methodological tensions. On the one hand, the history of Islamic law shows that institutional innovation is not uncommon, as evidenced by the institution of baitulmal, regional variation in distribution models, and the establishment of zakāt administration mechanisms in classical times, which demonstrate that practices can evolve according to context. On the other hand, acts of worship that have ritual and obligatory dimensions are considered to have stricter limits than pure muamalah.

Productive zakāt is a prime example of innovation that has sparked controversy. Traditionally, most zakāt practices have been oriented towards consumptive distribution to meet the urgent needs of the mustahiq. In the context of modern poverty, the consumptive model is often considered insufficient to break the cycle. Philanthropic institutions then introduced productive zakāt, the use of zakāt funds for economic empowerment programmes, including micro-business capital, skills training, and productive asset development.<sup>20</sup> Pro-innovation groups base their arguments on *maqāṣid al-syarī'ah*, particularly *hifz al-māl* (protection of property), *hifz al-nafs* (protection of life), and the principle of eliminating hardship. If the purpose of zakāt is to lift the mustahiq toward independence, then productive schemes are more appropriate in this context. However, critics question the ownership status of zakāt funds in productive schemes.

Cash waqf is also an area of debate that reveals the tension between legal innovation and concerns about commodification. In classical constructions, waqf usually takes the form of immovable assets such as land or buildings because it is easier to guarantee the perpetuity of the principal. Cash waqf changes this paradigm by making money the object of waqf, which is then managed in sharia-compliant investments so that its benefits can be distributed sustainably.<sup>21</sup> Supporters of cash waqf emphasise that the substance of waqf is to retain the principal and distribute the proceeds, not merely the type of asset, so that money can fulfil this function if managed prudently. On the other hand, criticism arises when cash waqf is combined with complex investment products, making waqf appear to resemble a financial instrument that pursues returns, and this is where accusations of commodification intensify.

When waqf is promoted through marketing campaigns that highlight social returns or multiplied rewards in an advertising style similar to that used for investment products, the spiritual value of waqf risks being reduced to a transactional calculation. The controversy does not stop at the contract's legal aspects. Still, it extends to the ethics of representing worship in a capitalist public space. Sharia crowdfunding reinforces this transformation in the context of digital capitalism. Digital platforms transform philanthropy into a fast-paced, measurable activity that is highly dependent on interface

<sup>19</sup> Suud Sarim Karimullah, "Konsep Dan Implementasi Zakāt Untuk Pelestarian Lingkungan," *DIRHAM: Jurnal Ekonomi Islam* 6, no. 1 (2025): 51–65, <https://doi.org/10.53990/dirham.v6i1.396>.

<sup>20</sup> Zainal Arifin et al., "Transformation of Productive Zakāt for the Empowerment of Urban Poor Families," *Jurnal Pelita Raya* 1, no. 2 (2025): 137–51, <https://doi.org/10.65586/jpr.v1i2.23>.

<sup>21</sup> Faiza Elmahgop et al., "The Socio-Economic Impacts of Waqf Investment Funds as a Model for Sustainable Financing in Saudi Arabia," *Sustainability* 17, no. 9 (2025): 3805, <https://doi.org/10.3390/su17093805>.

design, algorithms, and marketing strategies. Donations can be made with just a few clicks, accompanied by target visualisations, progress bars, and emotional stories to trigger empathy.

From a pro-innovation perspective, this technology expands public participation. It accelerates humanitarian responses by making fundraising more inclusive, transparent, and able to reach cases that were previously invisible to local communities. However, from a religious political economy perspective, the platformisation of philanthropy places worship within a logic of attention and data commodification, as viral campaigns tend to raise more funds.<sup>22</sup> At the same time, less marketable cases can be marginalised. Platform algorithms and design ultimately have the potential to shape a new moral hierarchy by making certain forms of suffering more worthy of assistance because they are easier to market, while silent suffering becomes less appealing. In this context, commodification does not always mean the direct sale of worship, but rather a structural process by which religious values are transformed into content, attention, and reputation that can be monetised.

The tension between adaptive legal innovation and accusations of religious commodification can be analysed through the debate on the boundaries between legitimate *ijtihād* and deviation from the basic principles of *māliyah* worship. Pro-innovation groups usually depart from the principle of *uṣūl al-fiqh*, which holds that Islamic law is elastic through mechanisms such as *ijtihād*, *maṣlaḥah mursalāh*, *istiḥsān*, *sadd al-dzari'ah*, and changes in fatwas due to shifts in time and place of work. Within this framework, philanthropic innovation is seen as a response to the complexities of modern poverty, humanitarian disasters, and public governance demands. As long as the innovation preserves the essential elements of worship, such as the fulfilment of *nisab* and *aṣnāf zakāt*, freedom from *riba* and *gharar*, and the preservation of the permanence of *waqf*, then adaptation is considered legitimate.

Conversely, critics remind us that the flexibility of Islamic law must not exceed the limits of *ta'abbudī*, which preserves the sanctity of worship. They argue that innovations too closely aligned with market logic risk distorting intentions (*ikhhlāṣ*) and reducing worship to a profit-loss calculation. In Islamic ethical tradition, intention is the foundation of good deeds; when philanthropy is promoted with narratives of reward presented as investment returns, the intention of sincerity can be eroded by a transactional mentality. In addition, the risk of exploitation of religious symbols also increases, because the sharia label can be a branding strategy to attract the Muslim market, even when the substance of its management does not fully reflect its mandate. This criticism is in line with the analysis of the political economy of religion, which sees that capitalism not only commodifies goods and services, but also experiences, identities, and symbols, including religious symbols.

To connect *fiqh* theory with the study of the political economy of religion, it is necessary to recognise that this controversy is not merely a conflict between religion and modernity, but between two regimes of rationality. In *fiqh*, philanthropy operates within a horizon of values that emphasises trust, justice, and solidarity.<sup>23</sup> In digital capitalism, social practices are often structured by the logic of efficiency, scalability, and

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<sup>22</sup> Monica Lea and Lucia Gomez, "Digital Stunt Philanthropy: Mechanisms, Impact, and Ethics of Using Social Media Influencing for the Greater Good," in *The Routledge Handbook of Artificial Intelligence and Philanthropy* (Routledge, 2024), 287–306, <https://doi.org/10.4324/9781003468615-21>.

<sup>23</sup> Dilwar Hussain, "Islamic Social Ethics, Social Work and the Common Good: Learning from Western Contexts," in *Exploring Islamic Social Work: Between Community and the Common Good* (Springer, 2022), 121–36, [https://doi.org/10.1007/978-3-030-95880-0\\_7](https://doi.org/10.1007/978-3-030-95880-0_7).

monetisation.<sup>24</sup> When philanthropy enters the platform system, it must adhere to metrics such as donor count, conversion rates, acquisition costs, engagement, and more. These metrics are not necessarily bad; they can increase accountability. However, they carry epistemic consequences whereby what can be measured is considered good, and what cannot be measured becomes less important. In the context of productive zakāt, for example, institutions may prefer programmes that produce quick indicators of success. In contrast, programmes that take a long time or whose impact is difficult to measure may be neglected. This is where the political economy of religion helps explain how the transformation of philanthropy also shifts the definition of goodness from norms to numbers.

The controversy over commodification can also be understood through the concepts of moral economy and audit culture. Traditional Islamic philanthropy often operates within the community's moral economy, where social relationships, trust, and local reputation serve as the primary mechanisms of control.<sup>25</sup> In modern systems, control shifts to auditing, certification, compliance, and governance standards. This shift creates ambivalence. On the one hand, it increases transparency and prevents abuse; on the other, it transforms the worship experience into an administrative procedure. Donors can assess institutions not only based on social proximity but also through annual reports, ratings, or sharia-compliant labels. Capitalism, real-time data reinforce audit culture: donations are tracked, campaigns are monitored, and user behaviour is analysed. This condition can increase accountability, but it also opens up space for the commodification of religious data, namely when worship behaviour becomes a source of economic value through analytics and marketing.

In the realm of authority, innovations in Islamic philanthropy have resulted in competition for legitimacy between scholars, the state, and market actors. Traditional clerics have textual legitimacy, the state has regulatory legitimacy, while professional institutions and fintech have technocratic legitimacy based on expertise and effectiveness. When a sharia crowdfunding platform claims compliance through an internal sharia board, the question is not only whether the fatwa is valid, but also how power relations are structured: does the sharia board have independence, or merely provides a stamp of legitimacy? In political economy studies, this can be read as a form of commodified authority, namely, religious authority that becomes part of the business value chain. This does not mean that all sharia hardliners have lost their integrity. Still, it does highlight the structural risks when religious authority is placed within a market ecosystem that demands growth and profit.

However, criticism of commodification should not oversimplify the fact that innovation often arises from real needs. Modern poverty is not only individual but also structural. In this context, productive zakāt can be an instrument of social transformation if it is designed with the principles of *tamlīk*, *mustahiq* participation, and mechanisms to protect against dependency.<sup>26</sup> Cash waqf can broaden public participation because people who do not own land can still participate in waqf. Crowdfunding can accelerate disaster relief and connect donors with urgent cases. Therefore, the main issue is not to reject innovation altogether, but to formulate normative and ethical parameters so that innovation does not slip into commodification that undermines the value of worship.

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<sup>24</sup> Petter Törnberg, "How Platforms Govern: Social Regulation in Digital Capitalism," *Big Data & Society* 10, no. 1 (2023): 20539517231153810, <https://doi.org/10.1177/20539517231153808>.

<sup>25</sup> Basit Kareem Iqbal, "Economy of Tribulation: Translating Humanitarianism for an Islamic Counterpublic," *The Muslim World* 112, no. 1 (2022): 33–56, <https://doi.org/10.1111/muwo.12420>.

<sup>26</sup> Mu'adil Faizin et al., "Development of Zakāt Distribution in the Disturbance Era," *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 10, no. 2 (2024): 186–97, <https://doi.org/10.29300/mzn.v10i2.2997>.

These parameters can be developed by combining the principles of *usul al-fiqh* and political economy. From a *fiqh* perspective, innovation must maintain the pillars and requirements of *māliyah* worship, avoid elements of usury, *gharar*, and *maysir*, and ensure clarity of intent and contract in digital transactions. In addition, it is necessary to ensure that institutions do not misuse funds for their own institutional interests, such as high operational costs or branding strategies that manipulate emotions. From a political and economic perspective, it is necessary to critique platform structures and market incentives. Transparency is important not only in financial reporting but also in algorithmic transparency and data governance, which are crucial issues in digital capitalism. If Islamic philanthropy is to remain an act of worship, it must limit the dominance of market logic, which treats attention and data as primary commodities.

The controversy also touches on the dimension of spirituality, which is often overlooked in institutional studies. In the traditions of Sufism and Islamic ethics, almsgiving and *zakāt* are not merely a transfer of wealth, but exercises of the soul to detach from worldly attachments.<sup>27</sup> Digital capitalism tends to produce instant experiences, including instant religious experiences. The issue is spiritual bypassing, when worship is reduced to minimal actions that provide a moral sensation without long-term engagement. For example, donors may feel they have contributed enough by making small donations periodically, yet consider the structural roots of poverty. In this context, philanthropic innovation needs to be accompanied by moral education and social awareness to avoid becoming mere moral consumption.

When applied to institutional practices, the controversy surrounding legal innovation and commodification is also related to governance design. Modern philanthropic institutions can minimise the risk of commodification by strengthening the independence of sharia boards, implementing substantive rather than symbolic sharia audits, and developing marketing ethics standards that limit the exploitation of religious symbols and the suffering of beneficiaries. On the other hand, they need to adopt the principle of *mustahiq* participation so that productive programmes are not top-down and controlling. In digital platforms, it is important to design features that encourage sincerity, such as anonymous donation options, educational narratives about intentions, and reduced excessive gamification. The development of technot is sensitive to sharia ethics, which can be a form of contemporary *ijtihād*, not only at the textual level, but also at the system design level.

### Religious Philanthropy as an Arena for Political Law and Social Justice

Religious philanthropy in Islam is one of the oldest and most dynamic social practices in the history of Muslim civilisation. From the outset, *zakāt*, *infāq*, *ṣadaqah*, and *waqf* have been understood not only as expressions of personal generosity but also as normative institutions with legal, ethical, and political-economic dimensions. In the classical context, Islamic philanthropy served as a mechanism for redistributing resources to support social stability and build solidarity among the people.<sup>28</sup> However, in contemporary developments, religious philanthropy has increasingly become an arena of legal politics and social justice, as these practices are directly linked to issues of

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<sup>27</sup> Tarek Badawia, "Islamic Practical Theology: Waqf and Zakāt as Theological Foundations," in *Exploring Islamic Social Work: Between Community and the Common Good* (Springer, 2022), 151–64, [https://doi.org/10.1007/978-3-030-95880-0\\_9](https://doi.org/10.1007/978-3-030-95880-0_9).

<sup>28</sup> Suud Sarim Karimullah, "The Role of Islamic Philanthropy in Natural and Humanitarian Disaster Management," *At-Tasyri': Jurnal Ilmiah Prodi Muamalah* 17, no. 1 (2025): 11–28, <https://doi.org/10.47498/tasyri.v17i1.3626>.

structural inequality, power relations, public policy, and the legitimacy of Islamic law within the nation-state.

Zakāt, for example, is an obligation explicitly intended to reduce the gap between the rich and the poor by distributing it to eight categories of recipients.<sup>29</sup> Waqf provides public resources for education, health, and social services. In Islamic economic theory, philanthropy is considered one of the main pillars that complement market and state mechanisms in building prosperity.<sup>30</sup> The core issue concerns how Islamic law is used to legitimise or challenge social inequality through philanthropic practices. In many cases, religious philanthropy is carried out within a charitable framework that emphasises direct assistance to people experiencing poverty, such as providing compensation, food packages, or other forms of assistance.<sup>31</sup> This model is often understood as a form of textual compliance with the obligation of zakāt and the recommendation of almsgiving. However, social criticism shows that the charitable approach can be symptomatic, as it only addresses the symptoms of poverty without changing the structures that produce it.

Direct assistance is important for urgent needs. Still, if philanthropy stops at the charitable level, it risks becoming a tool for social stabilisation that dampens conflict without addressing the root causes of inequality. In this context, Islamic law can be used to justify minimal redistributive measures that maintain social stability, but it is not sufficiently progressive to encourage transformation. The main debate arises between the charitable and transformative approaches to Islamic philanthropy. The charitable camp usually departs from arguments of normative compliance and fiqh prudence. They emphasise that zakāt is a religious obligation with fixed rules, so its distribution must be in accordance with fiqh texts and traditions. Direct assistance is considered the safest and clearest way to fulfil sharia obligations. Furthermore, this approach is often associated with maintaining social harmony and stability, as philanthropy is seen as a source of solidarity that reduces social jealousy.

From a legal-political perspective, the charitable approach can be understood as a conservative model of redistribution, which acknowledges the existence of poverty but does not explicitly challenge the economic-political structures that give rise to it. In contrast, the transformative camp promotes a progressive interpretation based on *maqāṣid al-sharī'ah* and distributive justice theory. They view Islamic philanthropy not merely as the fulfilment of formal obligations, but as a strategic instrument for building more substantive social justice. Within the *maqāṣid* framework, the objectives of zakāt and waqf are not only to provide temporary assistance but also to uplift human dignity, empower the economy, and create a more equitable social order. Therefore, the transformative approach emphasises empowerment programmes, productive zakāt, strengthening access to education and health, and advocating pro-marginalised policies. Philanthropy in this perspective is understood as a legal practice that can be a tool for structural change, not merely charitable giving.

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<sup>29</sup> Akmal Bashori, Arif Sugitanata, and Suud Sarim Karimullah, "Dekonstruksi Pemaknaan Mualaf Sebagai Penerima Zakāt Di Indonesia," *DIKTUM: Jurnal Syariah Dan Hukum* 22, no. 1 (2024): 11-23, <https://doi.org/10.35905/diktum.v22i1.5027>.

<sup>30</sup> Isa Yilmaz, "Exploring the Foundations of Islamic Moral Economy: A Return to Substantive Morality," *International Journal of Ethics and Systems*, 2024, <https://doi.org/10.1108/IJOES-03-2024-0085>.

<sup>31</sup> K Afsal and R S Reshmi, "Diaspora Philanthropy: A Study of Diaspora-Funded Philanthropic Organizations' Activities in the Health Sector of Kerala, India," *Global Social Welfare*, 2023, 1-17, <https://doi.org/10.1007/s40609-023-00288-5>; Micah A Hughes and Shariq A Siddiqui, "From Islamic Charity to Muslim Philanthropy: Definitions across Disciplines," *Religion Compass* 18, no. 10 (2024): e70002, <https://doi.org/10.1111/rec3.70002>.

The tension between these two approaches reflects a broader debate in contemporary Islamic legal theory, namely between a textual-formal orientation and a social-purpose orientation. In fiqh proposals, there is a dialectic between preserving the text and opening up space for contextual *ijtihad*. The charitable approach tends to emphasise the *ta'abbudī* aspect, namely obedience to established forms of worship. In contrast, the transformative approach emphasises the *ma'qūl al-ma'nā* aspect, namely the rationality of the law's purpose for the common good. Thus, Islamic philanthropy becomes an arena where methodological debates in fiqh meet the demands of modern social justice. This shows that Islamic law not only regulates the relationship between individuals and God but also social relations laden with political and economic dimensions.<sup>32</sup>

From a legal-political perspective, religious philanthropy is also related to the role of the state and public policy. Many Muslim countries, including Indonesia, have institutionalised zakāt through regulations and official institutions.<sup>33</sup> The state views Islamic philanthropy as a potential source for social development and poverty alleviation. In addition, Islamic philanthropy is also connected to the global political economy and modern capitalism.<sup>34</sup> Professional philanthropic institutions often operate with managerial logic, auditing, and programme effectiveness. The digitisation of philanthropy through fintech and crowdfunding expands the reach of donations, but also brings philanthropy into the logic of the market and competition. In this situation, the question of social justice becomes increasingly important.

This is where the relevance of social justice theory becomes important in interpreting Islamic philanthropy. Distributive justice theories, such as those developed in John Rawls' thinking on fairness or Amartya Sen's thinking on capability, can enrich the discourse on Islamic philanthropy by emphasising that justice is not only a matter of the distribution of aid, but also a matter of the structure of opportunities and human capabilities to live with dignity.<sup>35</sup> From an Islamic perspective, the concepts of justice (*'adl*) and *ihsan* form the foundation of social ethics. Zakāt not only reduces poverty but also corrects the inequality resulting from the accumulation of wealth.<sup>36</sup> Waqf not only provides public facilities but also expands equitable access to education and health care.

The theoretical implication of this approach is an encouragement to re-conceptualise Islamic philanthropy as a political-legal practice. Islamic law in philanthropy not only establishes obligations and rules of distribution, but also shapes social relations and economic structures.<sup>37</sup> Thus, Islamic legal authority is not neutral, but rather involved in the contestation of the definition of justice. Philanthropy becomes a space where interpretations of Sharia can strengthen social solidarity while also being used to maintain social hierarchies.<sup>38</sup> Therefore, understanding Islamic philanthropy as a legal

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<sup>32</sup> Suud Sarim Karimullah, "Exploration of Maqasid Al-Shariah Concepts in the Development of Islamic Economic Policies," *Mu'amalah: Jurnal Hukum Ekonomi Syariah* 2, no. 2 (2023): 153–72, <https://doi.org/10.32332/muamalah.v2i2.7747>.

<sup>33</sup> Cahaya Rembulan et al., "The Impact of the Digital Economy on Economic Empowerment Models for Muslim Youth in Indonesia," *Jurnal Lentera Insani* 1, no. 1 (2025): 48–63, <https://doi.org/10.65586/jli.v1i1.17>.

<sup>34</sup> Hughes and Siddiqui, "From Islamic Charity to Muslim Philanthropy: Definitions across Disciplines."

<sup>35</sup> Kausar Yasmeen, "Framework for Islamic Social Entrepreneurship," *Journal of Islamic Accounting and Business Research*, 2024, <https://doi.org/10.1108/JIABR-08-2023-0256>.

<sup>36</sup> Qurroh Ayuniyyah et al., "The Impact of Zakāt in Poverty Alleviation and Income Inequality Reduction from the Perspective of Gender in West Java, Indonesia," *International Journal of Islamic and Middle Eastern Finance and Management* 15, no. 5 (2022): 924–42, <https://doi.org/10.1108/IMEFM-08-2020-0403>.

<sup>37</sup> Hughes and Siddiqui, "From Islamic Charity to Muslim Philanthropy: Definitions across Disciplines."

<sup>38</sup> Hasan, "Philanthropy and Social Justice in Islam: Principles, Prospects, and Practices."

political arena means recognising that religious practices always exist within a complex socio-political context.

The practical implications are highly relevant for the design of more equitable, inclusive, and sustainable philanthropy policies. If Islamic philanthropy is only carried out in a charitable model, it risks becoming a short-term solution that does not address the root causes of inequality. Conversely, if philanthropy is directed towards a transformative approach, it can become an instrument of structural empowerment, supporting access to education, health, employment, and economic justice. Public policy needs to encourage philanthropic governance that is transparent, participatory, and empowerment-oriented, rather than merely distributing aid. Philanthropic institutions also need to develop programmes that integrate direct assistance with long-term strategies to reduce dependency and build beneficiaries' capabilities.

### **Conclusion**

The dynamics of Islamic law in the practice of modern religious philanthropy unfold through a process of adaptation, negotiation, and contestation of authority that assumptions of a single authority or a simple opposition between tradition and modernity can no longer explain. The shift in philanthropy from a model of local communities and scholars towards an institutional, professional, and digital ecosystem shows how *fiqh*, fatwas, state regulations, managerial rationality, and technology interact in determining the legitimacy of *zakāt*, *infāq*, *ṣadaqah*, and *waqf*, while also giving rise to tensions between normative caution based on classical *fiqh* and contextual *ijtihād* based on *maqāṣid* and social effectiveness. This synthesis implicitly complements previous studies, which tended to be partial, by linking three dimensions simultaneously, namely the normative, institutional, and digital political-economic dimensions, so that the novelty of the study lies in an integrative framework that reads Islamic philanthropy as a plural, performative, and political legal practice. The validity of innovation is not determined solely by textual conformity, but also by governance, transparency, platform design, and beneficiaries' experiences in interpreting justice and trust.

The theoretical implications encourage a re-reading of Islamic law as a normative tradition that lives within the structures of power and digital capitalism. In contrast, the practical and policy implications demand designing a philanthropy governance system that balances sharia compliance, public accountability, data protection, and a distributive justice orientation, so that philanthropy does not become trapped in charity that stabilises inequality or the commodification of religious symbols. The limitations of this study lie in its reliance on document trails and digital observations, which may not fully capture the dimensions of intention, inner experience, and informal dynamics in the field, and there is a potential for representational bias, as the documented cases tend to come from more established institutions. Therefore, further studies should expand cross-regional and cross-institutional comparisons, examine legitimacy mechanisms in beneficiary communities in greater depth, and develop substantive sharia-compliance indicators capable of assessing the interaction among *fiqh*, social impact, and platform architecture.

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