Journal of Contemporary Business and Economic Studies Vol.(09) No.(02) (2026)

The Integration of Cash Waqf into the Management of Customary Land for the Empowerment of Indigenous People: An Analysis Based on *Maqāṣid al-Sharī'ah*

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Received: 23/06/2025 **Accepted: 11/06/2026** **Published: 20/07/2026**

Abstract:

Indonesia, home to the world's most extensive customary territory at 30,108,515 Hectares, grapples with providing legal certainty and maximizing benefits for its indigenous peoples. As a Muslim-majority nation and a leader in ASEAN's cash waqf issuance, integrating this progressive Islamic philanthropy with customary land management presents a significant opportunity. This study analyzes the integration of cash waqf on customary land from the perspective of maqāṣid al-syarī'ah, specifically Al-Syāṭibi's concept of *Kulliyāt al-dīn al-khams*. The research finds that this integration model benefits both Islamic Financial Institutions (LKS-PWU) and indigenous communities by supporting general welfare. A well-structured model can fulfill the core principles of waqf management, including sharia compliance, usefulness, value growth, and sustainability. The model, which has various advantages and challenges, ultimately aligns with the five main objectives of Islamic law (*Kulliyāt al-dīn al-khams*). The research offers recommendations for stakeholders to implement this innovative approach to indigenous empowerment.

Keywords: *Tanah Ulayat*, Indigenous People, *Kulliyāt al-dīn al-khams*, al-Syāṭibi, Waqf Management

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I- Introduction:

Customary land *(Tanah Ulayat)*, as a type of agrarian right in Indonesia, faces various problems that require serious legal attention. Customary land often leaves many disputes in indigenous communities (Yarsina, 2023, p.13), the registration regulation of customary land that has not realized the value of justice, the weakness of the government in providing legal certainty for customary land, and conflicts of interest that often color customary land areas (Mirwati & Faisal, 2018, pp. 61-62; Pribadi et al., 2024, p. 11801). Therefore, in addition to its enormous potential for conflict, the integration of customary land with other legal products needs to be carried out to increase legal certainty and its benefits in empowering Indigenous communities.

The amount of customary land in Indonesia is not tiny. However, the term customary land is also used in other countries, such as Malaysia (Sahid et al., 2017, p. 3). The size of customary land in Indonesia is among the largest in the world, with a total customary territory of 30,108,515 Ha. Based on data quoted from the Customary Territory Registration Agency (BRWA), the total area of customary land that has been registered is 17,681,859 Ha (Table 1). However, of this amount, only about 1,810,750 hectares have been certified. This means that approximately only 10.2% of the total customary land in Indonesia has maximum legal certainty and protection. Papua dominates both in the number of customary territory maps and their area. Papua has 263 customary territory maps covering 13.4 million hectares, equivalent to 44% of the total customary territory in Indonesia (30.1 million hectares). This is in line with the large margin of legal uncertainty in the management of customary land in Papua, which is directly proportional to the actual area of customary land in Papua (22). Kalimantan ranks second with 517 maps and 10.5 million hectares (35%). Sumatra ranks third with 322 maps and 2.6 million hectares (8.6%). Java/Bali/East & West Nusa Tenggara have the smallest customary territory area. Although it has 149 customary territory maps, its area is only 624 thousand hectares, contributing the least to the total customary territory area in Indonesia.

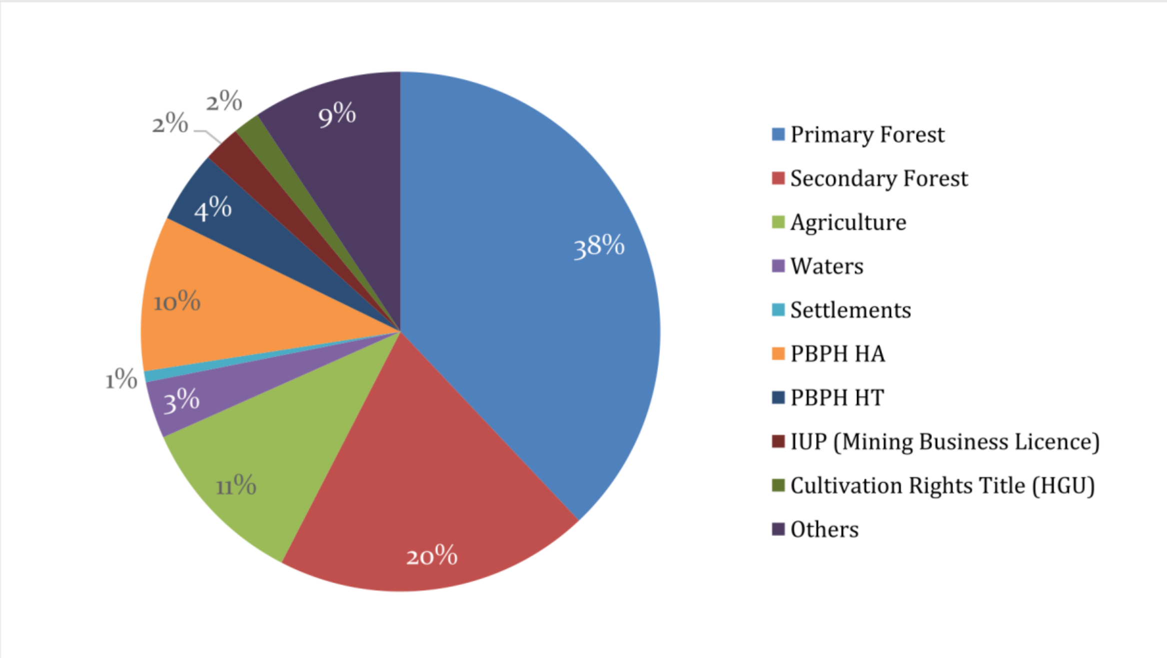
Table (1): Distribution of Customary Land in Indonesia as of August 2024 (Source: Customary Territory Registration Agency (BRWA))

Island	*Total Customary Territory Maps*	*Registered*	*Certified*
Sumatera	322 (2.591.302 Ha)	230 (2.003.361 Ha)	8 (40.195 Ha)
Kalimantan	517 (10.541.385 Ha)	404 (6.043.277 Ha)	24 (1.479.464 Ha)
Sulawesi	208 (2.152.414 Ha)	58 (828.494 Ha)	19 (163.407 Ha)
Jawa/Bali/NTT & NTB	149 (624.585 Ha)	77 (432.440 Ha)	10 (23.492 Ha)
Maluku	40 (761.810 Ha)	13 (348.854 Ha)	0 (0 Ha)
Papua	263 (13.437.019 Ha)	93 (8.025.433 Ha)	7 (104.192 Ha)
Total	**30.108.515 Ha**	**17.681.859 Ha**	**1.810.750 Ha**

Given the diversity of customary land in each region and the vast extent of areas, the use of customary land often fails to achieve maximum effect in empowering indigenous peoples (Rahayu, 2023, pp. 4-6). Unilateral buying and selling, claims by certain business or legal entities (Yulestari, 2024, p. 167), and government intervention in the development of public facilities (Putra et al., 2022, p. 526) often cause significant losses for indigenous peoples. The inheritance of customary land also often causes disputes among the

Indigenous people themselves (Hanifuddin, 2018, p. 107; Muchtia et al., 2021, p. 34), including the transfer of customary land rights to certain individuals in the Indigenous community, often leaving polemics and division (Islami et al., 2024, p. 498; Nababan, 2022, pp. 9-10). Based on data from BRWA, most of the customary land in Indonesia is forest area, accounting for 72% (Primary Forest, Secondary Forest, Protected Forest, Business Permit for Utilization of Customary Forest (PBPH) (HA), and PBPH Permanent Forest (HT)). This shows the dominance of forest protection within indigenous peoples' customary land (Figure 1). There are also smaller-scale uses, such as agriculture, settlements, water, mining, and plantations. With this small scale of utilization, of course, the potential for using customary land to empower indigenous peoples still needs to be explored further.

Figure (1): Graph of the Distribution of Customary Land Use in Indonesia in 2024 (Source: Customary Territory Registration Agency (BRWA))



It is important to remember that as a country with a Muslim majority population, indigenous communities in Indonesia are also dominated by adherents of Islam (Muqorobin, Etica, Rodliyah, et al., 2026, pp. 49-51). Therefore, integrating customary land with various Islamic philanthropic products can be a profitable way to increase the potential for its utilization. Several efforts to integrate customary land into waqf land have been carried out in indigenous communities in Indonesia (Fahmi et al., 2024, pp. 32-34). Of course, this is in line with Sharia, as customary land can be analogous to the concepts of shared ownership *(milk musytarak)* or public ownership *(milk al-āmmah)* (Putri, 2020, pp. 25-26). The practice of waqf of customary land can also be assessed in the family waqf approach *(dzurri)* (Sahid et al., 2017, pp. 11-12) so that it remains in line with Fiqh regarding Waqf. However, conversion into waqf land also cannot fully support the empowerment of indigenous peoples; it needs to be integrated with other, more progressive forms of philanthropy to deliver higher-value benefits.

To address this problem, Cash Waqf, as a contemporary form of Islamic philanthropy that has grown dramatically, can provide a solution for the utilization of customary land (Muqorobin et al., 2025, p. 3157; Benazza & Akmal, 2025, pp. 248-249). It was recorded that the Cash Waqf managed by the Indonesian Waqf Agency in 2023 amounted to 2.23 trillion Rupiah, of which 840.7 billion Rupiah came from one of the waqf products based on sukuk, namely the Cash Waqf Linked Sukuk (CWLS) (Table 2). As a regional leader in the issuance of Cash Waqf in ASEAN, Indonesia has been recognized internationally through the Islamic Development Bank (IsDB) Prize for its Cash Waqf Linked Sukuk (CWLS) program, which has been running for the past 5 years (Mutmainah et al., 2022, p. 3).

Table (2): Data on Cash Waqf Linked Sukuk (CWLS) Progression on 2020-2024 (Source: Ministry of Finance of the Republic of Indonesia)

Kind of CWLS	*Series of CWLS*	*Amount of Funds (Million Dollars)*
Retail (4 Series)	CWLS Retail SWR001	0.87
	CWLS Retail SWR002	1.48
	CWLS Retail SWR003	2.34
	CWLS Retail SWR004	6.91
Total		**11.60**
Private Placement (6 Series)	CWLS SW001	3.12
	CWLS SW002	1.71
	CWLS SW003, SW004, SW005, and SW006	33.77
	CWLS SW007 and SW008	10.51
Total		**49.11**

The large amount of cash waqf funds that have been managed has had a significant effect on community empowerment. In general, the utilization of cash waqf in Indonesia has been used for the construction of mosques and their facilities (Mubarak et al., 2024, p. 673), the construction of schools and educational institutions (Azzām, 2020, p. 256; Musari, 2016, p. 5; Mustofa et al., 2020, pp. 72-73), the construction of hospitals and health facilities (Baiti & Syufaat, 2021, p. 39; Fauziah et al., 2021, p. 7), community economic empowerment (Aldeen et al., 2020, p. 135; Afrina, 2024a, p. 9, 2024b, p. 7; Ashfahany & Lestari, 2023, p. 171; Hasibuan & Lubis, 2024, pp. 14-15; Nurani et al., 2023, p. 63; Oftafiana & Laila, 2024, pp. 3278-3279; Paul, 2023, pp. 49-51; Taqwiem & Rachmadi, 2023, p. 1747), to various environmental conservation projects (Musari, 2022, p. 135; Mutmainah et al., 2022, p. 12; Salam & Iskandar, 2023, pp. 347-348). Furthermore, cash waqf serves as a vital instrument for distributive justice and socio-economic relief for marginalized segments of society (Adeyemi et al., 2016, p. 504) Some utilization in social fields has also been carried out to provide positive value to the community (Fakhrurozi & Ali, 2023, pp. 9-10; Fatahuddin, 2018, p. 185.; Fauziah et al., 2021, p. 9; Khamim et al., 2023; Riḍwān, pp. 23-25, 2023; Yunita, 2021, pp. 61-63), such as the Community Sanitation Program, the Social Community Da'wah Program, Community Empowerment Through Livestock, to the Program to Build Superior Villages for the Development of Goat Farming Businesses.

However, it is important to remember that the use of waqf as a form of Islamic philanthropy is an act of *taqarrub* and piety to Allah SWT alone (Muqorobin, Hubur, Budiman, et al., 2026, p. 294). Therefore, in any form, at least waqf must fulfill four main principles of implementation and management of waqf. First, the Sharia principle means that the implementation of waqf must not conflict with Sharia rules. Second, the usefulness principle: decisions on managing waqf assets must be based on the most significant benefit for the *mauqūf' alaihi* (beneficiary). Third, the value growth principle, waqf asset management, is oriented towards the growth of the value and benefits of waqf assets to increase the value of benefits. Fourth is the sustainability principle, which states that waqf asset management must maintain the "eternity" (sustainability) of the assets it manages (Hartanto & Sup, 2021, p. 211). This proper utilization also needs to be assessed from the perspective of the principles and objectives of Sharia in Islam, known as *maqāṣid al-syarī'ah*, specifically the Sharia principle and the usefulness principle. Thus, waqf must not be utilized carelessly; careful consideration will determine the direction of the use of waqf to fulfill *maqāṣid al-syarī'ah.* This is because a law or deed in Islam cannot be separated from its purpose (Ningsih, 2024, p. 11).

The various uses of cash waqf must align with the principles of Islamic law known as *maqāṣid al-syarī'ah*. Al-Syāṭibi introduced the concept of *Kulliyāt al-dīn al-khams* as the core objective of various issues in Islam (Al-Syāṭibi, 1997, pp. 52-54). This objective consists of five main elements, namely religion (*hifẓ al-dīn*), life (*hifẓ al-nafs*), intellect (*hifẓ al-aql*), descent (*hifẓ al-nasl*), and wealth (*hifẓ al-māl*). This is because Islamic law cannot be separated from its intended purpose. Therefore, a study is needed on the law governing the integration of cash waqf into the management of customary land to empower Indigenous peoples from the perspective of *maqāṣid al-syarī'ah*. Based on the statements above, several questions arise: What is the model for integrating cash waqf into the management of customary land to empower indigenous peoples? What is the review of *maqāṣid al-syarī'ah* regarding the integration of cash waqf in the management of customary land for the empowerment of Indigenous peoples? This research is expected to provide recommendations and guidelines to cash waqf managers, Indigenous community leaders, and other stakeholders on integrating cash waqf into the management of customary land to empower indigenous peoples.

II- Literature Review:

In research conducted by Onny Medaline (2017b, p. 108) that examined customary land and waqf land conversion in West Sumatra, specifically in Payakumbuh City and Lima Puluh Kota Regency, it was found that more than 85% of waqf land in Payakumbuh City and Lima Puluh Kota Regency originated from community customary land. Waqf has been proven to achieve social welfare. A new paradigm for waqf needs to be developed that emphasizes productive and professional waqf management. (Medaline, 2017a, pp. 136-137). This is also in line with research conducted by Nazil Fahmi, Hasbi, Berlian Gobo, Mirnawati, and Moh Helmi (2024, pp. 42- 45) that a comprehensive understanding of waqf and customary law, increasing public awareness of waqf procedures, and providing a professional *Nāẓir* are needed to overcome challenges in waqf management on customary land.

Based on other research conducted by Iza Hanifuddin (2016, pp. 17-18) regarding the role of customary land management by Muhammadiyah, it was found that Muhammadiyah offers a model for managing customary land from what was originally communal ownership based on lineage to communal ownership managed by the Muhammadiyah organization. Muhammadiyah still maintains the tradition regarding waqf status and the prohibition on selling and reducing customary land. Then, all land assets are under the control of the Muhammadiyah business division. It has been proven that, with this collaboration, legal certainty and the value of the benefits of customary land can be better guaranteed. Based on various previous studies, several points can be drawn regarding the importance of research on integrating Islamic philanthropic products, such as Cash Waqf, into the management of customary land to increase legal certainty and value, especially to maximize the empowerment of indigenous peoples. However, these studies must still be based on *maqāṣid al-syarī'ah* to consider the legality of integrating the utilization of waqf on customary land.

III- Method

This research uses qualitative research and normative legal research to develop arguments, theories, and practical solutions for identified legal issues (Kanggas & Arif, 2025, pp. 56-57). This research will use a conceptual approach in analyzing the law of integrating cash waqf with customary land for the empowerment of Indigenous peoples with the theory of *maqāṣid al-syarī'ah* by al-Syāṭibi, specifically in the application of the concept of *Kulliyāt al-dīn al-khams*. The data used is secondary data from various regulations, fatwas, or official documents in the utilization and management of Cash Waqf. Then, it is supported by analysis from various books, journals, or relevant research related to customary land, *maqāṣid al-syarī'ah*, and Cash Waqf. In the first part of this article, the researcher will focus on the model of integrating cash waqf in the management of customary land for the empowerment of indigenous peoples. Then, in the next section, this research will discuss the analysis and review of *maqāṣid al-syarī'ah* regarding the integration of cash waqf in the management of customary land for the empowerment of indigenous peoples.

IV- Discussion and Analysis

Customary land (Tanah Ulayat) is a plot of land on which a particular customary law community holds customary rights. A customary law community is a group of people bound by their customary law order as fellow citizens of a legal community based on shared residence or descent. Customary rights themselves are the authority held by a particular customary law community over a specific area, which is the living environment of its members (Jabarudin & Karmila, 2022, pp. 187-188). This authority arises from an unbroken physical and spiritual relationship passed down through generations between the customary law community and the area in question. In several regions in Indonesia, several other terms are also known, such as Perdikan Land and Customary Land (Kunnashirin, 2021, p. 13).

As one of the components of the waqf law dialectic in Indonesia, customary land ownership is recognized as a right to land that can be donated as waqf (Rahmah, 2024, p. 72). The waqf law dialectic in Indonesia is a dynamic and complex process. The legal pluralism adopted by Indonesia allows for interaction among Islamic law, customary law, and state law within the waqf legal system. This interaction results in a waqf legal system that continues to develop and accommodate values from various legal systems that apply in society. Of course, this needs to be well accommodated to benefit many parties, especially the indigenous people themselves.

Although in general Fiqh does not explicitly explain the permissibility of waqf of customary land, several opinions can provide alternatives for converting customary land into waqf land (Hanafi, 2021, p. 57). Such as an analogy with the concept of customary or shared land ownership *(milk musytarak)* or public ownership *(milk al- āmmah)* (Putri, 2020, pp. 28-30). Alternatively, making customary land into owned land first and then waqf it. The practice of waqf of customary land can also be assessed in the family waqf approach *(dzurri)* (Sahid et al., 2017, pp. 13-14). However, there is another more comprehensive solution to increase the value of the benefits of customary waqf, namely by integrating it with Cash Waqf products such as Cash Waqf Linked Sukuk (CWLS). With this integration, the land does not need to be donated as waqf, but the waqf infrastructure is built on customary land. This does not conflict with the concept of Fiqh or Sharia (al-Dausarī, 2020, p. 753-754; Mishʿal, 2020, pp. 2-3). The utilization of waqf is not always limited to Muslims only; the benefits of waqf may also be used for non-Muslim residents (al-Harbī, 2010, pp. 472-474). So that equality and balance among Indigenous peoples will be maintained through harmony and peace in the community.

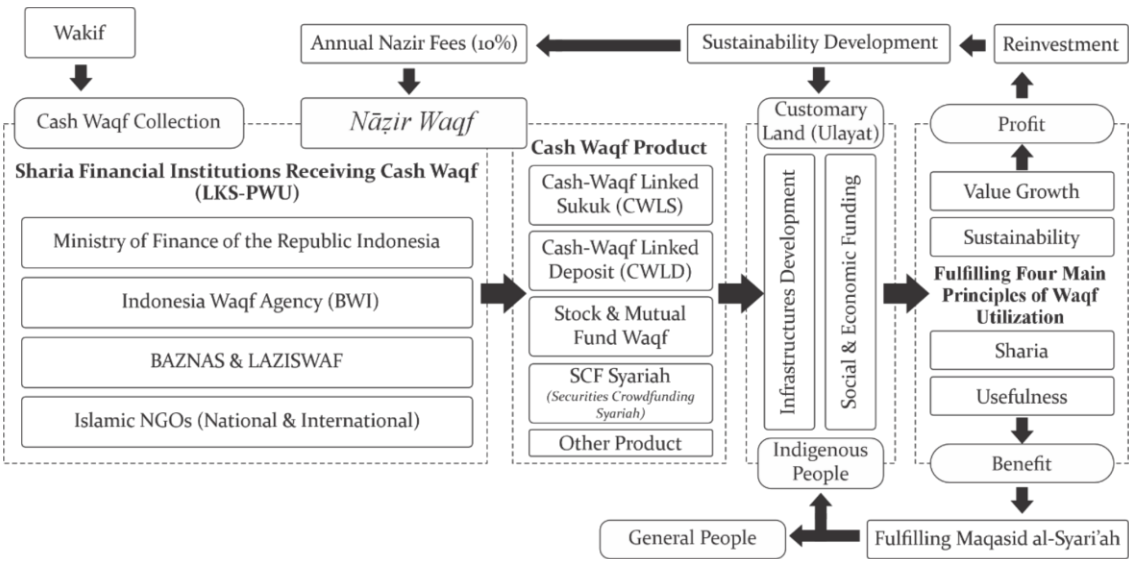
Therefore, integrating cash waqf with customary land can be a good choice for both the Islamic Financial Institution Recipient of Cash Waqf (LKS-PWU) and the indigenous people themselves to support the welfare of the community in general. On the one hand, LKS-PWU does not need to spend money on the location of waqf infrastructure, as the waqf is built free of charge on customary land. Meanwhile, indigenous peoples can enjoy the benefits of this infrastructure. Because land is often a problem in constructing waqf infrastructure, particularly in the management of cash waqf (Ubaidillah et al., 2021, pp. 36-37), finding a suitable location or purchasing waqf land at high prices is often a challenge for LKS-PWU. This can certainly increase the added value of the cash waqf itself, because the efficiency of land acquisition can be diverted to the utilization of other productive waqf. Integrating products like CWLS also aligns with the modern application of temporary endowments, providing continuous investment channels to solve immediate societal problems and support those in need without permanently locking the physical principal in traditional forms (Alnaief et al., 2024, p. 142).

For example, building a hospital on customary land with Cash Waqf funds can provide adequate health facilities and services for Indigenous peoples. In addition, various employment opportunities will grow from waqf-based hospitals. In several established hospitals and health facilities, cash waqf funds have been shown to reduce the high cost of health services (Mutaqin & Guntoro, 2023, p. 32). However, these various services can also support the sustainability of waqf value, so that with cash waqf, the *waqif* will continue to receive good value from the amount of wealth donated in waqf, along with the value of the waqf that continues to grow. Indigenous peoples around the hospital also receive adequate health empowerment so that customary land that was previously not/underutilized can provide much more optimal benefits.

Another example is the construction of schools, universities, and educational institutions on customary land. Integration of cash waqf funds can reduce the financing burden required to provide adequate school infrastructure. Cash waqf-based financing has also been shown to provide affordable educational services to the surrounding community (Syamsuri et al., 2021, p. 44). Supporting facilities, such as libraries, laboratories, community counseling centers, and study centers, can also be developed. With good educational facilities, the empowerment of indigenous peoples can continue to improve by raising the community's standard of living. Even the community can be directly involved in the employment opportunities generated, both as teachers and as people responsible for various operational aspects of educational institutions. Of course, this can reduce the margin of inequality for Indigenous peoples, especially in remote areas, in accessing education (Rahmadi, 2022, p. 47).

However, these various uses must not be carried out carelessly. As previously stated, the utilization of waqf must adhere to four main aspects of waqf management: the Sharia principle, usefulness principle, value growth principle, and sustainability principle (Muqorobin et al., 2025, p. 3157). The use of cash waqf must be in accordance with the Sharia aspects and benefits measured by *maqāṣid al-syarī'ah*. Meanwhile, the value growth and sustainability principles are measured by increases in the value of the funds generated and by the potential for long-term benefits. So, besides having great benefits for the community, LKS-PWU must be clever in maintaining the added value and perpetuity of waqf (Hafandi & Handayati, 2021, pp. 9-11). Systematically, the model for integrating cash waqf management on customary land must accommodate the fulfillment of these four basic principles (Figure 2).

Figure (2): Model for Implementing the Integration of Cash Waqf on Customary Land for the Empowerment of Indigenous People



The model for implementing the integration of waqf on customary land offers several advantages over the conventional cash waqf management model. *First*, Productive Use of Customary Land. This model allows the use of customary land that may not have been used optimally. With the existence of cash waqf, customary land can be managed to produce productive assets that provide economic benefits for indigenous peoples. *Second*, Improving the Economy of Indigenous Peoples. The results of managing customary land through cash waqf can be used to finance various economic empowerment programs for

Indigenous peoples, such as small business development, skills training, and access to capital. *Third,* the Welfare of Indigenous Peoples. Improving the economic conditions of indigenous peoples is expected to enhance their overall welfare, including access to better education, healthcare, and infrastructure. *Fourth,* Preservation of Customary Land. This model can help maintain the sustainability of customary land by ensuring its use is carried out sustainably and responsibly. *And finally,* the Involvement of the Waqf *Nāẓir* and Indigenous Peoples. The waqf *Nāẓir* and indigenous peoples play important roles in managing cash waqf and ensuring its use aligns with the waqf's objectives and Sharia principles.

However, these advantages will also face challenges and shortcomings in implementation. There are several challenges and shortcomings in the model for integrating waqf on customary land that need to be considered. *First,* the Legal Status of Customary Land. Customary land often has an unclear legal status, so it is necessary to ensure its legality before it is made a waqf object. *Second,* Agreement with Indigenous Peoples. This model requires the agreement and full support of indigenous peoples, including for the management and distribution of waqf results. *Third,* the Development of Appropriate Waqf Products. It is necessary to develop waqf products that align with the characteristics and needs of indigenous peoples. *Fourth,* the Capacity of the Waqf *Nāẓir*. The waqf *Nāẓir* needs to have adequate capacity and integrity in managing cash waqf and the productive assets generated. *And fifth,* Monitoring and Evaluation. An effective monitoring and evaluation mechanism is needed to ensure that cash waqf is well managed and provides optimal benefits for Indigenous peoples.

Therefore, with some possible challenges and shortcomings of the model for implementing the integration of waqf on customary land, there are several additional recommendations to strengthen the integration within it. First, Clarify the Legal Status of Customary Land. The government needs to help clarify the legal status of customary land so that it can be utilized optimally, including for waqf. Second, Build Agreements with Indigenous Peoples. A participatory and inclusive approach is needed to reach agreement with indigenous peoples on the management of cash waqf on customary land. Third, Develop Innovative Waqf Products. Islamic financial institutions and waqf *Nāẓir* need to innovate in developing waqf products that suit the needs of indigenous peoples. Fourth, Increase the Capacity of the Waqf *Nāẓir*. Training and mentoring programs are needed to increase the capacity of waqf *Nāẓir* to manage cash waqf on customary land. Fifth, Strengthen Monitoring and Evaluation. Taken together, the model for integrating cash waqf on customary land has great potential to empower Indigenous peoples. However, it is necessary to address the various challenges and shortcomings of this model to ensure its implementation runs effectively and delivers optimal benefits.

Then, in considering the value of Sharia and its benefits, an analysis based on *maqāṣid al-syarī'ah* is needed. *Maqāṣid al-syarī'ah* literally means the purpose or intent of Sharia. In a broader context, *maqāṣid al-syarī'ah* refers to the values and goals that Allah SWT seeks to achieve through the enactment of Sharia law (Ikhlas et al., 2021, pp. 215-216; Milhan, 2022, pp. 91-92; Hidayah et al., 2026, p. 51). Among the many concepts of *maqāṣid al-syarī'ah*, the theory of *maqāṣid al-syarī'ah* by al-Syāṭibi is considered by scholars to provide a basis for the development of ijtihad that is responsive to the needs of the times and still adheres to Sharia principles (al-Qarḍāwī, 2021, p. 41).

The concept of *Kulliyāt al-dīn al-khams* introduced by al-Syāṭibi will be very appropriate to assess the fulfillment of the main elements of *maqāṣid al-syarī'ah*. The five main elements in *Kulliyāt al-dīn al-khams* formulated by al-Syāṭibi are religion (*hifż al-dīn*), life (*hifż al-nafs*), intellect (*hifż al-aql*), descent (*hifż al-nasl*), and wealth (*hifż al-māl*) (Al-Syāṭibi, 1997, pp. 52-54). These five main elements were obtained from al-Syāṭibi's four steps in understanding *maqāṣid al-syarī'ah* (Ikhlas et al., 2021, p. 214). *First*, understanding *Maqāṣid* through the purity of commands and prohibitions. Second, understanding *Maqāṣid* through the existence of *'illah* (reason) in commands and prohibitions. Third, understanding *Maqāṣid* through laws relating to ' *ādah* (customs) and *'ibādah* (worship), which have primary and additional purposes. Finally, understanding *Maqāṣid* through *Sukūt al-Shāri'* (the silence of the lawmaker) because there is no opportunity or circumstance for further explanation regarding a particular matter. Therefore, al-Syāṭibi divides the orientation of *maqāṣid al-syarī'ah* into the Goals of Allah as the creator of Sharia (*Qaṣdu al-Syāri*) and the Goals of those who are subject to religious rulings (*Qaṣdu al-Mukallaf*) (Milhan, 2022, p. 94).

From the explanation of *maqāṣid al-syarī'ah* by al-Syāṭibi himself, the worship of Waqf can be considered a command that has an *'illah* (reason) in the form of worship that is not explicitly explained but exists in Sukūt al-Shāri' (Maʿāshī, 2016, pp. 134-137; Maʿtūq, 2024, p. 162; Qahwī, 2015, p. 74). Therefore, the implementation of Cash Waqf can be assessed by its five main elements, the Goals of Allah, and the religious rulings governing its utilization. To be able to analyze the value of *maqāṣid al-syarī'ah* in Cash Waqf, we must evaluate how the management of utilization has been determined, then how the implementation of the benefits of Waqf-linked sukuk can fulfill the five main elements or *Kulliyāt al-dīn al-khams*, both from the perspective of the goals of Allah (*Qaṣdu al-Syāri*) and the goals of those subject to religious rulings (*Qaṣdu al-Mukallaf*) (Khulūfī, 2021, pp. 1133-1136; Muḥammad, 2023, p. 88; Nourri & Bouali, 2022, pp. 97-99).

Therefore, in its implementation, both in *Qaṣdu al-Syāri* and *Qaṣdu al-Mukallaf*, *maqāṣid al-syarī'ah* is consistent with the integration of waqf on customary land (Table 3). For example, in the development of education and skills training based on cash waqf on customary land, at least in the implementation, there is the fulfillment of the value of *hifż al-dīn* by increasing the understanding of religion and morals of Indigenous peoples. Then, there is also the fulfillment of *hifż al-aql* through the development of the community's scientific potential and the protection of indigenous peoples from various discourses of misinformation. Educational facilities also support improving the quality of indigenous peoples' human resources. Then, the aspect of *hifż al-nasl* is also fulfilled by creating an environment that is conducive to the growth and development of children. Educational facilities also help the children of indigenous peoples receive a proper education and prepare for a quality future generation.

Table (3): Examples of Implementing the Integration of Cash Waqf on Customary Land and its Compliance with *Maqāṣid al-Syarī'ah*

Examples of Implementation	*Benefits in Accordance with Maqāṣid al-Syarī'ah (Kulliyāt al-dīn al-khams)*
Development of education and skills training centers based on cash waqf on customary land.	***Hifẓ al-dīn,*** increasing the understanding of religion and morals of indigenous peoples. ***Hifẓ al-aql,*** developing the scientific potential of the community and protecting them from various discourses of misinformation. Improving the quality of human resources of indigenous peoples. ***Hifẓ al-nasl,*** creating an environment that is conducive to the growth and development of children. Helping the children of indigenous peoples to get a proper education and prepare quality future generations.
Development of MSMEs and organic farming based on cash waqf on customary land.	***Hifẓ al-dīn,*** implementing environmentally friendly and Sharia-compliant agricultural principles. Protecting the community from agreements that contain elements of usury in the economy. ***Hifẓ al-nafs,*** improving the health of indigenous peoples through the consumption of organic food. Meeting the nutritional needs of the community from agricultural products. ***Hifẓ al-māl,*** increasing the income and economic independence of indigenous peoples. Providing capital and economic stimulus in accordance with Sharia agreements and protecting assets from things that are prohibited.
Establishment of hospitals and health clinics based on cash waqf on customary land.	***Hifẓ al-nafs,*** maintaining the health and safety of indigenous peoples. Increasing the awareness of indigenous peoples about the importance of health. Facilitating community access to treatment and prevention of infectious diseases. ***Hifẓ al-nasl,*** reducing maternal and child mortality rates. Providing vaccination facilities for children to avoid various diseases. Providing counseling about the risks of various sexually transmitted diseases and counseling related to realizing a harmonious family. ***Hifẓ al-māl,*** managing cash waqf productively for the sustainability of health services.
Development of waqf-based infrastructure on customary land, such as places of worship, roads, bridges, and irrigation.	***Hifẓ al-dīn,*** facilitating access for indigenous peoples to places of worship and other public facilities. ***Hifẓ al-nafs,*** improving the safety of indigenous peoples in accessing access through dangerous routes such as rivers, cliffs, forests, and so on. Increasing the mobility and accessibility of indigenous peoples. ***Hifẓ al-māl,*** increasing the economic value of customary land and waqf assets.

As a form of Islamic philanthropy, cash waqf certainly fulfills the aspect *of hifẓ al-dīn* as a form of worship and *taqarrub* to Allah SWT, and the aspect of *hifẓ al-māl* where one's assets and wealth are empowered and utilized for the benefit of the people (Alaidrus, 2022, p. 51). However, from the description of the example above, there are other values in the aspects of *hifẓ al-nafs, hifẓ al-aql*, and *hifẓ al-nasl* whose fulfillment must be maximized. With various possible uses, the integration of cash waqf on customary land has fulfilled the *Kulliyāt al-dīn al-khams* formulated by al-Syāṭibi. Therefore, as a manager of cash waqf, the utilization of cash waqf on customary land must pay attention to the needs of indigenous peoples and compliance with *maqāṣid al-syarī'ah*.

To strengthen the applied dimension, a highly feasible implementation model is the integration of Cash Waqf Linked Deposit (CWLD) directed toward agricultural sustainability on customary lands. In this model, the *Nāẓir* collaborates with Islamic

Financial Institutions (LKS-PWU) to place cash waqf funds in deposit instruments. The returns generated from these deposits are channeled directly as zero-margin micro-financing or capital grants for indigenous farmers to transition to high-yield, organic, and sustainable agricultural practices on their customary lands.

From a cost-benefit perspective, this model significantly lowers the cost of capital for indigenous farmers who traditionally lack access to formal banking. Financial sustainability is maintained because the principal waqf fund remains intact and secure within the LKS-PWU. The generated yields cover both the operational costs of the agricultural projects and the *Nāẓir*'s management fee, creating a self-sustaining economic loop that continuously injects capital into the indigenous economy without depleting the original waqf asset.

The governance mechanism requires a dual-board structure: an Executive *Nāẓir* Board responsible for financial management and Sharia compliance, and a Customary Advisory Council (*Dewan Adat*) representing the indigenous people. This ensures that the utilization of funds aligns with both *Maqāṣid al-Sharī'ah* and local customary values. To mitigate risks (such as land disputes or fund misappropriation) and to ensure strict transparency, the integration of digital financial governance, such as blockchain-based smart contracts, can be utilized. Smart contracts can automate the distribution of agricultural yields and provide an immutable, transparent ledger accessible to both the indigenous community and the *wāqif*. Sharia compliance is strictly monitored through regular audits by the Indonesian Waqf Agency (BWI) and the National Sharia Board.

V- Study Limitations

While this study proposes a progressive model for integrating cash waqf into customary land management, it is primarily conceptual and theoretical in nature. The primary limitation of this research is the absence of empirical validation through a real-world pilot project. Furthermore, the generalizability of the proposed model may be restricted. Customary land laws and indigenous community structures in Indonesia are highly heterogeneous, meaning that an integration model applicable in one region (e.g., Papua) may require significant structural modifications before implementation in another (e.g., West Sumatra). Future research should focus on empirical case studies and quantitative impact assessments to measure the actual socio-economic outcomes of this model.

VI- Conclusion

The concept of integrating cash waqf with customary land can be a good choice for both the Islamic Financial Institution Recipient of Cash Waqf (LKS-PWU) and the indigenous people themselves, supporting the welfare of the community in general. On the one hand, LKS-PWU does not need to spend money on the location of the waqf infrastructure because the waqf is built free of charge on Customary land. Meanwhile, indigenous peoples can enjoy the benefits of this infrastructure. The utilization of cash waqf must be in accordance with the Sharia aspects and benefits measured by *maqāṣid al-syarī'ah*. Meanwhile, the value growth principle and sustainability principle are measured by the increase in the value of the funds generated and the potential for long-term benefits. With the right model, integrating cash waqf on customary land can fulfill these four principles. In general, both in the *Qaṣdu al-Syāri* and *Qaṣdu al-Mukallaf*, *maqāṣid al-syarī'ah* is consistent with the integration of waqf on customary land. With various possible uses, the integration of cash waqf on customary land has fulfilled the *Kulliyāt al-dīn al-khams* formulated by al-Syāṭibi.

Compared to the conventional cash waqf management model, the model for integrating waqf into customary land has several advantages: Productive Use of Customary Land, Improvement of the Indigenous People's Economy, Welfare of Indigenous People, Preservation of Customary Land, and Involvement of the Waqf *Nāẓir* and Indigenous People. However, there are several potential challenges and shortcomings, such as the Legal Status of Customary Land, Agreement with Indigenous People, Development of Appropriate Waqf Products, Capacity of the Waqf *Nāẓir*, and Monitoring and Evaluation. Therefore, as recommendations for implementing the waqf integration model on customary land, the government, stakeholders, and Indigenous peoples themselves must clarify the legal status of customary land, build agreements with Indigenous peoples, develop innovative waqf products, increase the capacity of the waqf *Nāẓir*, and strengthen monitoring and evaluation.

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