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Critical Assessment of the Productive Waqf Innovation Linkage Literature: Lessons for Waqf Asset Management Institutions in Indonesia

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Abstract

This article describes the results of a survey of literature related to waqf, especially productive waqf innovations in Indonesia. The data found related to waqf literature include that waqf of immovable property, waqf of movable property other than money and large cash waqf have become the scope of research from these works of literature. In the sample, it is known that the most popular theme raised in research related to waqf is cash waqf for waqf research from 2015 to 2020. The literature used uses empirical and normative approaches. The direct benefit of this research is that it becomes a reference and benefit for the waqf and wakif managers regarding the direction of the development of waqf nowadays and becomes a research direction for further researchers.

Keywords

Productive Wagf Innovation; cash wagf; professional wagf; stock wagf; Wagf intellectual property rights

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Introduction

This study was conducted to review an extensive survey of the available literature that examines or examines waqf assets. The study also aims to provide input to waqf management institutions to manage waqf assets in support of religious activities and socio-economic development (Iman, Santoso, & Kurniawan, 2020). Waaf can be managed properly to have a positive impact on poverty reduction or alleviation (Kaleem & Ahmed, 2010). Wagf assets are sourced from individual donations, groups, or institutions based on Islamic law and their management is entrusted to the waqf manager (nazir) (Ramli & Jalil, 2014). The management of the waqf asset will become an eternal asset, meaning that the benefits of the asset will be felt for a long time (Haq, 2012). Another purpose of this study is to guide and direct the research themes related to waqf in the future towards quality research and appropriate to be implied. This literature study will reveal the results of research or contributions from experts related to waqf by ensuring that the literature references used in this research have adopted very detailed criteria so that they are appropriate to be used as literature studies in this research and ensure that a comprehensive and detailed analysis has been described well in the literature (Al Hidayah & Kurniawan, 2018). The literature selected and used is literature that examines the development of waqf assets. So that a recapitulation of the direction of the development of research related to waqf assets will be found and will provide benefits to the waqf management institution regarding the development of waqf assets that are currently developing. The literature source used in this study is the SINTA indexed article (SINTA, 2020). Indonesia is a country with the largest number of adherents of Islam in the world. This is a great opportunity to increase the number of waqfs. Where waqf is part of the behavior that grows in the Muslim community. The total area of waqf land officially registered with the government is 500,239,800m2 spread over 378,456 points. With the number of thousands of nadir both individuals and institutions. According to the Indonesian Waqf Board, the opportunity for waqf in Indonesia is very good. For cash waqf nationally, there is a potential of 217 trillion which can be collected from the Muslim community. Indonesia has enormous potential in raising cash waqf funds, so cash waqf is very easy to realize in Indonesia. Actions in realizing cash waqf are closely related to one's desire to donate money. So far, people only understand that the waqf that can be done is waqf for immovable assets such as waaf for land, buildings, vehicles, and plants so that knowledge sharing is needed to increase public knowledge about current waqf developments. Hasbullah, Khairi, and Aziz (2016) explained that people who know cash waaf and desire to donate money will be an important factor that drives their behavior and actions in waqf money, and vice versa when they do not know cash waqf, there will be no encouragement. in him to do cash waqf (Hasbullah et al., 2016). Through this literature review, it is hoped that it can be known in detail about the development of waqf innovations in Indonesia. With this literature review, it is expected to provide the right insight to waaf managers in Indonesia regarding the opportunities that can be used to collect waqf assets, and the results of this research can be an appropriate reference for research on waaf in future studies.

Literature Review

Social Cognitive of Self-Regulation Theory

This theory analyzes the processes underlying individual self-determination, altruism, and moral behavior (Tougas et al., 2015). The main scope of this theory is to emphasize how the interaction is built between individuals and their social environment (Suwartini, 2016). Giving charity or waqf is one of the social interaction behaviors that exist among the Muslim community. Waqf is an environmental factor that affects individuals or groups, however, each individual or group can still regulate their behavior to want to do waqf or not. Each individual has self-regulation, namely the ability to regulate the achievement of the actions they take and evaluate success when achieving the targets they want. The point is that every human being is a person who can regulate himself and has a level of behavior that can affect the environment or behavior that arises from environmental influences, but this is accepted by the individual and is willing to make it part of his behavior (Hasri & Suyadi, 2020).

Religiosity

According to Osman and Muhammed (2017) a person's religious values will be able to be a strong driver in influencing waqf actions in waqf money because these religious values can become the



waqif motivation for waqf. A person's high religious level will be able to influence behavioral intentions on cash waqf. Religious values are very important in shaping a person's behavior in carrying out the orders of religious law.

Waqf Management in Indonesia

Waqf management in Indonesia is under the guidance and supervision of the Ministry of Religion of the Republic of Indonesia with its duties and functions as a coach and supervision of the implementation of waqf to realize the goals and functions of waqf as regulated in Article 63 of Law No. 41 of 2004. The Ministry of Religion through the directorate of zakat and waqf empowerment has the task of carrying out policy formulation, standardization, and technical guidance as well as evaluation in the field of zakat and waqf empowerment by the provisions of the PMA legislation no. 42 of 2016 related to the organization and work procedures of the Ministry of Religion. In its implementation, the ministry of religion involves an independent institution, namely the Indonesian Waqf Board (Fanani, 2011). The Indonesian Waqf Board has the task of developing waqf in Indonesia and technically its duties and authorities are described in article 49, paragraph 1 of Law no. 41 of 2004. The management of waqf assets is carried out by Nadzir and Islamic financial institutions receiving cash waqf (LKSPWU). The duties & functions of nazir and LKSPWU are to manage and develop waqf assets, distribute benefits and results of management and development of waqf assets and report on the implementation of tasks to the Indonesian Waqf Board (Kasdi, 2016).

Waqf

There are several different opinions from figh experts regarding the meaning of waqf, for example in the opinion of Imam Abu Hanifah explaining the meaning of waqf as the surrender of the benefits of assets owned for the benefit of the general public (Hashim & Rahman, 2012). This means that the position of the property is still the property of the wakif so that it is permissible to withdraw the waqf asset because only the benefits are waqf and the ownership of the waqf asset can be passed down to the heirs, this is also embraced by the Maliki school. Different opinions come from the Syafii and Ahmad Bin Hambal schools where according to them, a waqf is an act of releasing the waqf property from its ownership so that after the waqf procedure is complete, the waqf asset automatically has lost its ownership from the wakif and becomes the right of the nazir appointed by the wakif to manage it. The waqf assets are by sharia and the ownership of the waqf assets belongs to Allah.

Waqf Management Model

There are several models in the management of waqf management. The waqf management model includes the following (Iman, Santoso, & Kurniawan, 2019);

- 1. Wagf which is managed by the party who is wagf (wakif)
- 2. Waqf managed by professionals
- 3. Waqf managed by the waqf management institution
- 4. Waaf managed by the nazir appointed by the judge
- 5. Waqf is managed by the government

Referral article screening stage

This research goes through several specific criteria at each stage to ensure that only articles that meet the quality standards are used as reference material to provide the best recommendations for waqf managers, as well as being the right reference for further research in the future. In building a literature review study design related to waqf, researchers used several references in building a literature review-based research methodology such as the literature written by (Aguinis & Glavas, 2012; Hoque, 2014; Narayan & Phan, 2019; Snyder, 2019). Snyder (2019) and Aguinis and Glavas (2012) in their literature explain that one concept of a literature review that can be done is to classify all reference literature based on the classification of authors, scientific disciplines, and contributions presented by the literature. There are three stages of selecting appropriate literature to be used in this research, as explained by Narayan and Phan (2019) in the article, namely;



Forms of Waqf

Table 1. Form of Waqf

No	Types of Waqf	Forms of Implication	Papers
1	Waqf of immovable property	Land	(Birahmat & Farlina, 2020; Fetrimen, 2016; Maulana, Iski, & Pratama, 2019).
		Worship place	(Abdullah, Muslem, & Fauzan, 2020; Rochmiyatun, 2018).
		Plantation	Ezril (2018)
		Well	Fauziah (2021).
		Home/Building	(Kurniati & Lita, 2019; Sulistio, 2019)
2	Waqf of movable objects other than	Livestock	Solekah and Oktaviana (2017)
	money		0 1 (0015)
		Vehicle Securities	Salam (2015) (Afkar, 2020; Baihaqi, Islamiah, & Munandar, 2021; Paksi, Manzilati, & Ekawaty, 2018; Prasetyo, 2019; Yuliana & Hadi, 2019)
		Profession	(Fauzi et al., 2019; Islamy & Setiadi, 2020; Riyadi, 2016)
		Intellectual property rights	(Dewangga, 2020; Habibah, Zuhdi, & Huda, 2019; Heniyatun, Sulistyaningsih, & Hendrawati,
3	Cash waqf	Cash	2017; Munir, 2016; Syufa'at, 2017). (Anwari & Ryandono, 2019; Fajariah, Sudana, & Rusydiana, 2020; Thaheransyah, 2020)

Source: Ministry of Religion of the Republic of Indonesia (2020)

Table 2. Types of Waqf based on its designation

mation ert waqf is explained as form of waqf that itizes the general are of fellow relatives have nasab or blood	•
form of waqf that itizes the general are of fellow relatives	Tjung, Kartikasari,
itizes the general are of fellow relatives	
ions.	
form of waqf given for oublic interest	(Budiman, 2016; Kurniati & Lita, 2019; Sulistio, 2019)
of whose benefits are anded for the cendants of the wakif the general public, for a foundation that do no waqf land, the	(Latifah & Jamal, 2019)
<u>-</u>	endants of the wakif the general public, for nple, a foundation that

Source: Ministry of Religion of the Republic of Indonesia (2020)



Research Methods

Table 3.Literature recapitulation process based on the reference journal database

No	Database	Search Tot Keyword	Total	Total Year					
				2015	2016	2017	2018	2019	2020
		Money Waqf	96	7	11	16	14	28	20
		Share Waqf	12	1	1	1	2	3	4
1	GARUDA (2020)	Waqf Intellectual property rights	3	0	0	2	0	0	1
		Professional Waqf	3	1	0	0	0	1	1
		TOTÁL	170	24	22	23	29	40	38

Source: secondary data processed from GARUDA (2020)

The first stage

This study uses 3 journal databases, namely for reputable international literature using a journal database sourced from reputable national literature indexed by Sinta in the (SINTA, 2020). The keywords used are cash waqf, stock waqf, Sukuk waqf, waqf of copyright/intellectual property, and professional waqf

Second stage

The article used is an article based on research results so that the article can describe well the development of waqf from various points of view, for example, cash waqf, stock waqf, Sukuk waqf, copyright waqf/intellectual property, and professional waqf. Researchers carefully ensure that the literature used is only based on research results.

Third stage

The articles used in this research are only articles published from 2015 to 2020, with the reason that the results of renewable research are more suitable to be developed and implied in the current period where the progress of human behavior has been different from the behavior in the past, considering the dynamics of people's behavior continues. change in terms of outlook on life, economy, social and technology. Articles that are declared to have passed each stage of the criteria and continued to be researched based on national articles indexed by SINTA can be tracked on the database (SINTA, 2020).

Existing Research Related To Wakaf

Table 4.Classification of the productive waqf topics, subtopics, and papers

No	Topics	Subtopics	paper
1		Share Waqf	(Afkar, 2020; Baihaqi et
	Productive Waqf Innovation		al., 2021; Paksi et al.,
			2018; Prasetyo, 2019;
			Yuliana & Hadi, 2019)
			(Faudji & Paul, 2020;
		Sukuk Waqf	Hartanto & Sup, 2021;
		·	Ilmiah, 2020; Khoiruddin

Waqf Copyright/intellectual property Professional waqf	2018; Rahmansyah, 2021) (Dewangga, 2020; Habibah et al., 2019; Heniyatun et al., 2017; Munir, 2016; Syufa'at, 2017) (Fauzi et al., 2019; Islamy & Setiadi, 2020; Riyadi, 2016)
Cash waqf	(Anwari & Ryandono, 2019; Fajariah et al., 2020; Thaheransyah, 2020)
Land & Building Waqf	(Birahmat & Farlina, 2020; Fetrimen, 2016; Kurniati & Lita, 2019; Maulana et al., 2019; Sulistio, 2019)

Source; secondary data processed from various reference articles

Money Waqf

In general, in Indonesia waaf is still identified in the form of land grants or building waaf. The behavior of waqf in the form of land and buildings has occurred since Islam entered Indonesia. The development of waqf continues to occur in every era where currently there is an alternative waqf in the form of cash waqf. Historically, it is known that cash waqf has emerged since the 7th century which was popularized by Iman Zuhri, and has been popularized again in modern times through the social Islamic bank limited in Bangladesh which was pioneered by Abdul Manan (Masyita, Tasrif, & Telaga, 2005). The form of cash waqf carried out at that time was in the form of collecting waaf funds from the community which was then invested as business capital and social assistance (Iman, Santoso, & Kurniawan, 2021). The development of cash waqf is inseparable from changes in human behavior that arise due to economic, social, and technological changes (Nizar, 2014). Cash waqf is issued in the form of a cash certificate and issued and submitted by Islamic financial institutions receiving cash waqf to wakif and nazir as evidence of the surrender of waqf assets (Suryadi & Yusnelly, 2019). In Indonesia, cash waqf that can be done is in rupiah currency, if the wakif wants to do cash waaf which is still in the form of foreign currency, then he must first convert the foreign currency into rupiah currency (Fauziah & El Ayyubi, 2019). Financial institutions that can issue cash waaf certificates are financial institutions that get permission from the ministry to act as Islamic financial institutions receiving cash waqf (LKSPWU). The financial institution will later provide a blank cash waqf certificate, receive cash waqf from the wakif on behalf of nazir, then place the cash wagf funds into a deposit account (wadi'ah) in the name of nazir who had previously been appointed by the wakif (Amin, 2020). In Indonesia, the legitimacy of cash waqf has been regulated in the MUI fatwa on May 11, 2002, which states that cash waqf is allowed to be carried out by Muslim communities in Indonesia. The MUI fatwa by the government was then used as a reference for legal legitimacy through law number 41/2004 regarding cash waaf which is allowed in Indonesia. Among the four main schools that are believed by the Muslim community, only the Hanafi school rejects the behavior of waqf money because the substance of the object being waqf must have a long-term economic life, for example, land and buildings. However, the other three schools of thought argue that the permanence of the waqf property is not only seen from the substance used but also from the benefits generated from the waqf property. This means that when the substance of the waqf property runs out or is damaged, it can be replaced with a new asset but with the same benefits, and the new waaf property is sourced from the previous waaf benefit (Mukhlisin & Hamidah, 2017).

Share Waqf

One of the relatively new types of waqf that emerged from the development of modern times is stock waqf. There has been no in-depth study of the prohibition or its permissibility, but the majority



of scholars in Indonesia agree to allow it as part of the waaf on the condition that the investment media carried out and the contract built for cooperation does not violate the values of the Shari'a (Alam et al., 2017; Hassan, Abidin, & Abdullah, 2011). Share waqf is one type of productive waqf (Nasution & Aris, 2020). Share waaf occurs, one of which is through money, where the wakif submits the money to be invested in shares. In this mechanism, the waaf can represent the nazir or other parties by depositing a sum of money which is then bought or exchanged for shares, then the shares are waaf. This is done, among other things, with prospective wakif who want to endow shares but do not yet own shares (Hanna, 2018). For this reason, the wakif submits an amount of money to choose the type of share or appoints the Nazhir to choose the right shares to be used as waqf. Another mechanism is when the wakif already owns the shares and wants to donate the shares. In this share waqf mechanism, the wakif was previously a shareholder of a company, then waaf the shares he owned. Profits or dividends are generated from shares that are waaf in a company, then the profits will be distributed either directly for the benefit of the community or so on to be reinvested to increase the benefits (Syaifullah & Idrus, 2019). Meanwhile, if the investment in the shares suffers losses or does not obtain dividends, then no results can be distributed to waaf recipients (Al-hakim, 2018). Thus nazir must have competence in business management, choose investment fields that do not contain too high risk, as well as other preventive efforts by making stock insurance coverage. The challenge of stock waaf is that there are still doubts in stock waaf because the investment from these shares has the opportunity to cause gharar or masyir in the investment process, while in Islamic law it is not permissible for waaf assets to contain ambiguity and contain gambling activities, where assets are obtained in large quantities in a short time without doing a worthy job (Mihajat, 2016). These doubts naturally arise in stock waaf activities because in modern finance these two things are very likely to arise in their activities. Another opinion says that playing stocks is different from playing gambling because playing stocks requires special skills and investing in stocks requires observations from various considerations before deciding to invest (Yuliana & Hadi, 2019).

Copyright Waqf

One form of waqf innovation that has developed in modern times is copyright waqf (Fikri & Noor, 2012). In the classification of wealth assets, goods are categorized as one part of wealth assets. The development of science and technology has given rise to a variety of human creativity that can be utilized for the mankind. The form of creativity that is successfully realized is called creation. The creation that is successfully realized will give rise to copyright for the inventor and the legislation regulates the protection of the various copyrights produced. Forms of copyright include science, written works, and works of art, drama, songs, dance, cinematography, and songs. Intellectual property rights are material rights whose ownership can be transferred by applicable legal provisions. The transfer can be done in the form of waqf as regulated in Article 16 paragraph 2 letter d of Law no. 28 of 2014 which states that copyright can be transferred in whole or in part due to waqf. Copyright belongs to the category of immovable waqf property and has long durability, long-term benefits, and economic value. Objects protected by copyright are regulated in article 40 paragraph (1) of Law No. 28 of 2014 concerning Copyright which includes:

- a. Books, pamphlets, representations of published works, and all other written works:
- b. Lectures, lectures, speeches, and other similar creations;
- c. Props made for the benefit of education and science;
- d. Songs and/or music with or without subtitles;
- e. Works of art in all forms such as paintings, drawings, carvings, calligraphy, sculptures, sculptures, or collages;
- f. Drama, musical drama, dance, choreography, wayang, and mime;
- g. Applied works of art;
- h. Architectural works;
- i. Map;
- j. Batik art or other motif art;
- k. Photography works;
- I. Portrait;
- m. Cinematograph works;
- n. Translation, adaptation, arrangement, transformation, or modification of traditional cultural expressions;



- o. Translations, interpretations, adaptations, anthologies, databases, adaptations, arrangements, modifications, and other works resulting from the transformation;
- p. Compilation of creations or data, both in a format that can be read by Computer Programs or other media;
- q. The compilation of traditional cultural expressions during the compilation is an original work;
- r. Video games; and
- s. Computer programs.

Copyright contains two important components, namely moral rights, and economic rights. Moral rights are rights inherent in the creator, namely the right to always include the name of the creator in each of his creations and the rights to the integrity of his creation, which cannot be removed or deleted, even though the copyright or related rights have been transferred. While economic rights are rights owned by an author to benefit from his creation. These economic rights in each copyright law are always different, both in terms of terminology, types of rights covered, and the scope of each type of economic rights. The scope of waqf which is generally understood tends to be limited to waaf of immovable objects such as land and buildings, waaf can also waaf some of their wealth in the form of movable waqf property, either tangible or intangible, namely money, precious metals, securities, vehicles, rights intellectual property, lease rights, and other movable property. The designation of waaf property is not solely for the benefit of religious and social facilities but is also directed at advancing public welfare by realizing the potential and economic benefits of waqf property. Waqf among jurists adheres to the principle that the object being waqf is essentially a perpetuation of the benefits of the object. The concept of wagf objects can be seen from the principle of their usefulness, therefore Copyrights which can provide economic benefits in the form of royalty payments are seen as one of the huqua maliyyah (wealth rights) that receive legal protection (mashu) as mal (wealth), and can be used as the object of the contract (al-ma'qud'alaih), both mu'awadhah contracts (exchange, commercial), and tabarru'at (non-commercial) contracts, and can be waqf.

Professional Waqf

A professional waqf is a form of innovation that develops in the implementation of waqf in Indonesia. Professional wagf is wagf in the form of expertise or profession from someone to nazir. One example of professional waqf is waqf. Notary professions or land deed officials can also waqf their competencies and professions by making a notary deed or waqf land certificate free of charge, either partially or completely. Professional wagf is a benefit wagf, namely physical benefits (waaf manafi"ul abdan). Because it is still foreign and not many people know about professional wagf and the understanding of wagf is still confined that wagf is allowed with only property, especially in Indonesia. so the law of professional waaf has not yet found a bright spot. The definition of waqf conveyed by Munzir Qahf mentions that waqf benefits include types of waqf, and one of the benefits of waqf is the benefit of the work of workers, technicians, and professionals with various expertise. So, professional waaf is a work waaf, which is a work waaf that includes physical work that relies on labor that produces services or services that are by sharia such as builders, mechanics, or vehicle mechanics, and non-physical work that relies on the reason that produces appropriate services or services, sharia law such as doctors, teachers, or lecturers, whether carried out independently or through institutions and companies for benevolent purposes. Professional or work waaf can be done either for a permanent period (permanent waaf) or a certain period (temporary waaf) because according to Munzir Qahf waaf can be permanent or temporary as stated in the meaning of waqf above. To be clear, professional waqf or permanent work is a waaf of physical work (which relies on energy) or non-physical work (which relies on reason) that produces benefits according to sharia forever or is not limited in time, either done independently or through institutions for good purposes. Meanwhile, professional or temporary work waaf is waaf of physical work (which relies on energy) or non-physical work (which relies on reason) that produces benefits according to sharia for a while, either done independently or through institutions for good purposes. The purpose of professional or occupational waqf is to provide benefits resulting from human work, not those generated from fixed capital such as land and houses where the benefits of land are for example for agriculture, and the benefits of houses for example are for housing. This type of waqf was widely discussed by previous jurists in which they asserted to retain the principal property (eg land and houses) and provide benefits (eg land



for agriculture and houses for residence). Likewise, the benefits resulting from human work are not the same as the benefits generated from moving capital such as the benefits of cars and the benefits of computers. This benefit is what some jurists are legal to waqf, for example, someone who has a car or computer can donate the benefits of the goods he has. According to Hasan Muhammad Rifai, someone who will donate his profession or work must pay attention to the following provisions: (1) the benefits of the work being donated must be generated by the wakif. (2) The work that is donated must be of value according to sharia. (3) The work that is donated must be able to be handed over or carried out. (4) The work being donated must be clear or known. (5) The time for waqf work is determined if the waqf is temporary. (6) The waqf work is made a waqf pledge deed. (7) Work that is donated is a job that is permitted by sharia. (8) Wakif does not receive any compensation for the work he has donated.

Land and Building Waqf

Based on data from http://siwak.kemenag.go.id/ it is known that until 2020 the use of waqf land is still oriented to the construction of mosques 44.27%, mosque construction by 28.42%, school construction by 10.68%, social 8.65%, Cemetery 4.45%, and Islamic Boarding School 3.54%. This means that the management of waqf assets into productive waqf has a great opportunity so that it can provide even greater benefits for poverty alleviation and provide benefits for the welfare of the wider community. Land waqf that is used to build productive buildings, for example, buildings with non-profit or commercial functions will provide each benefit, where non-profit buildings will provide social benefits and commercial buildings will provide financial benefits so that they will be able to provide greater benefits to social welfare improvement programs and minimize the occurrence of poverty around the area of waqf assets.

Conclusion

This study found that several developments or innovations occurred related to waaf in Indonesia. Some forms of the development of waqf innovations such as cash waqf, stock waqf, Sukuk waqf, professional waqf, and copyright waqf or intellectual property rights. Of the several innovations of waaf, cash waaf most often receives research studies from researchers, followed by research related to copyright waaf and stock waaf or tribal waaf. Meanwhile, professional waaf is still rarely studied in endowment research in Indonesia. So this can be an interesting gap to be studied in depth in empirical studies by further researchers. Waaf innovations in the form of professional waaf and copyrighted waaf are also not too familiar among the Muslim community so that waaf management institutions should conduct intense education to the Muslim community regarding the development of waqf which is permitted by Islamic law and has been regulated by laws issued by the government. Where this will be able to widely open up opportunities for waaf funding sources so that they can collect waqf assets that are more optimal and can be channeled properly to alleviate poverty and improve the welfare of the general public. This research proves that the Muslim community in Indonesia will perform cash waaf if they have a positive attitude related to the cash waaf system in Indonesia. This study also found that subjective norms can have a positive effect on the behavior of waqf money. This tendency arises when the Indonesian Muslim community considers that donating money does not violate the existing behavior in the family, community and opinion of religious leaders, only some people with certain sects have not performed cash waqf because of their understanding, in schools or religious leaders they follow. to perform cash waaf and only recommended for other types of waaf so as not to have behavioral intentions to donate money. The religious factor of a person also has an important role in influencing the behavior of waaf in cash waaf, this study found that the higher the level of a person's religion, the higher his behavior in carrying out and obeying religious orders so that the behavior shown will be better. better participate in implementing cash waaf.

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