

Reconstructing Waqf Governance: Institutional Accountability and Sustainable Development in Muslim Societies

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Abstract

Contemporary waqf governance has expanded through statutory regulation, institutional reform, professional management, and financial oversight, yet accountability remains fragmented across the institutions responsible for administering endowed assets. Existing scholarship has examined legal compliance, financial accountability, managerial performance, and stakeholder responsibility largely as distinct governance concerns, leaving insufficient conceptual integration of these functions within an institutional legal architecture. The study reconstructs waqf governance through an Integrated Institutional Accountability Framework (IIAF) developed from normative legal research, doctrinal analysis, comparative institutional examination, and conceptual synthesis of contemporary scholarship. Comparative analysis of Indonesia, Malaysia, and Türkiye reveals that differences in statutory authority, trusteeship, administrative control, and supervisory arrangements generate distinct accountability configurations without fully connecting institutional authority to responsibility, verification, stakeholder scrutiny, and social outcomes. The IIAF integrates six dimensions (legal, *Shari'ah*, administrative, financial, stakeholder, and developmental accountability) within a layered architecture linking institutional authority, responsible action, verification, public scrutiny, and sustainable benefit. Its principal contribution lies not in identifying separate forms of accountability, but in explaining their institutional interdependence as a condition of legitimate and sustainable waqf governance. The framework consequently extends Islamic legal scholarship beyond doctrinal analysis toward an institutional account of how normative authority is organised, exercised, monitored, and translated into public benefit. Its wider application to zakat, *baitul māl*, Islamic charitable foundations, and other Islamic legal institutions provides a basis for comparative inquiry rather than an assumed universal model.

Keywords:

waqf governance; institutional accountability; Islamic legal institutions; comparative Islamic law; legal pluralism.

Abstrak

Kajian Tata kelola wakaf kontemporer telah berkembang melalui regulasi perundang-undangan, reformasi kelembagaan, pengelolaan profesional, dan pengawasan keuangan. Namun, akuntabilitas masih terfragmentasi di antara berbagai institusi yang bertanggung

jawab atas pengelolaan aset wakaf. Literatur yang ada umumnya mengkaji kepatuhan hukum, akuntabilitas keuangan, kinerja manajerial, dan tanggung jawab pemangku kepentingan sebagai aspek yang terpisah, sehingga belum memberikan integrasi konseptual yang memadai mengenai fungsi-fungsi tersebut dalam suatu arsitektur hukum kelembagaan. Penelitian ini merekonstruksi tata kelola wakaf melalui Integrated Institutional Accountability Framework (IIAF) yang dikembangkan berdasarkan penelitian hukum normatif, analisis doktrinal, kajian kelembagaan komparatif, dan sintesis konseptual terhadap literatur kontemporer. Analisis komparatif Indonesia, Malaysia, dan Turki menunjukkan bahwa perbedaan kewenangan, trusteeship, pengendalian administratif, dan pengawasan membentuk konfigurasi akuntabilitas yang berbeda, tetapi belum sepenuhnya mengintegrasikan kewenangan kelembagaan dengan tanggung jawab, verifikasi, pengawasan pemangku kepentingan, dan dampak sosialnya. IIAF mengintegrasikan enam dimensi (akuntabilitas hukum, syariah, administratif, keuangan, pemangku kepentingan, dan pembangunan) dalam suatu arsitektur berlapis yang menghubungkan kewenangan kelembagaan, tindakan yang bertanggung jawab, verifikasi, pengawasan publik, dan manfaat berkelanjutan. Kontribusi utama penelitian ini bukan terletak pada identifikasi berbagai bentuk akuntabilitas secara terpisah, melainkan pada penjelasan mengenai keterkaitan antardimensi tersebut sebagai prasyarat bagi tata kelola wakaf yang sah dan berkelanjutan. Dengan demikian, kerangka ini memperluas kajian hukum Islam dari analisis doktrinal menuju pemahaman kelembagaan tentang bagaimana kewenangan normatif diorganisasikan, dijalankan, diawasi, dan diterjemahkan ke dalam ranah publik. Kerangka ini juga dapat menjadi landasan untuk mengkaji zakat, baitul māl, yayasan amal, dan institusi hukum Islam lainnya dalam perspektif komparatif, tanpa mengasumsikannya sebagai model universal yang diterapkan secara seragam.

Kata Kunci:

tata kelola wakaf; akuntabilitas kelembagaan; institusi hukum Islam; hukum Islam komparatif; pluralisme hukum.

Introduction

Despite extensive legal reforms and increasing governmental commitment to revitalising waqf across many Muslim jurisdictions, the institutional performance of waqf has not always matched its normative and developmental aspirations. Rather than functioning solely as a religious endowment, contemporary waqf has evolved into a complex legal institution that administers endowed assets, exercises fiduciary authority, and mediates relationships between Islamic legal principles and public welfare.¹ This transformation has expanded the responsibilities of waqf administrators beyond the preservation of endowed property to encompass regulatory compliance, strategic asset management, stakeholder engagement, and sustainable service delivery.² Yet, as the legal and organisational functions of waqf have expanded, governance challenges have persisted in the form of fragmented institutional arrangements, uneven oversight, limited

¹ Vika Annisa Qurrita et al., "Institutional Economics from Islamic Perspective: With Special Reference to Waqf," *SAGE Open*, 2025, <https://doi.org/10.1177/21582440251397178>; M. Fikri Himmawan, Sri Yayu Ninglasari, and Husnul Mirzal, "A Systematic Literature Review on Waqf Governance: Stakeholder Analysis," *International Journal of Ethics and Systems*, 2025, <https://doi.org/10.1108/IJOES-03-2025-0137>.

² Leny Nofianti, Murniati Mukhlisin, and Andi Irfan, "Cash Waqf Innovation in Islamic Financial Institutions and Its Governance Issues, Case Studies: Indonesia, Malaysia, Türkiye," *Journal of Islamic Accounting and Business Research* 17, no. 4 (2026), <https://doi.org/10.1108/JIABR-12-2023-0420>.

transparency, and weak accountability mechanisms.³ The central challenge increasingly concerns the institutional capacity through which waqf's legal mandate is governed and translated into enduring public benefit, rather than the legal recognition of waqf as an Islamic institution itself.⁴

The persistence of these challenges reflects a broader institutional accountability problem within contemporary waqf administration. Existing reforms have concentrated substantially on improving financial management, expanding investment mechanisms, strengthening regulatory supervision, and introducing technological and digital innovations.⁵ These initiatives have generated important institutional improvements, but they do not by themselves resolve how accountability should operate across the governance architecture of waqf.⁶ Accountability in waqf extends beyond financial disclosure or administrative compliance. It encompasses fidelity to the intentions of the *wāqif*, the fiduciary responsibilities of *nāzirs*, the protection of beneficiaries' interests, compliance with *Sharī'ah* principles, and the maintenance of public trust.⁷ Recent systematic scholarship confirms that trustee accountability, regulatory fragmentation, stakeholder participation, transparency, and sustainability have become significant themes within contemporary waqf governance research.⁸ The effectiveness of waqf governance must therefore be examined not only through organisational performance or financial indicators, but also through the coherence of the institutional relationships connecting legal authority, organisational responsibility, regulatory oversight, stakeholder interests, and societal legitimacy.⁹

This problem cannot be adequately understood if waqf is approached merely as an instrument of Islamic philanthropy or a mechanism for charitable asset distribution. Such approaches remain important, but they risk underestimating the juridical character of waqf as an institution constituted through legal authority, fiduciary obligations, regulatory supervision, and continuing governance responsibilities.¹⁰ Waqf establishes an enduring legal relationship in which the intentions of the *wāqif*, the responsibilities of the *nāzir*, the supervisory authority of public institutions, and the interests of beneficiaries are interconnected through legally recognised duties and institutional expectations.¹¹ Its defining characteristics—including the dedication of property to specified purposes, the continuing effect of the founder's conditions, and the obligation to preserve and administer endowed assets—make waqf more than an economic

³ Himmawan, Ninglasari, and Mirzal, "A Systematic Literature Review on Waqf Governance: Stakeholder Analysis."

⁴ Qurrata et al., "Institutional Economics from Islamic Perspective: With Special Reference to Waqf."

⁵ Nofianti, Mukhlisin, and Irfan, "Cash Waqf Innovation in Islamic Financial Institutions and Its Governance Issues, Case Studies: Indonesia, Malaysia, Türkiye."

⁶ A. W. Ainol-Basirah and A. K. Siti-Nabiha, "Accountability in Waqf Institutions: A Meta-Narrative Review," *Journal of Islamic Accounting and Business Research* 14, no. 1 (2023), <https://doi.org/10.1108/JIABR-12-2021-0326>.

⁷ Erny Arianty et al., "Strengthening Sharia Accountability and Transparency for the Optimization of Cash Waqf Linked Sukuk," *Riset Akuntansi Dan Keuangan Indonesia* 8, no. 2 (2023), <https://doi.org/10.23917/reaksi.v8i2.2380>.

⁸ Himmawan, Ninglasari, and Mirzal, "A Systematic Literature Review on Waqf Governance: Stakeholder Analysis."

⁹ Ainol-Basirah and Siti-Nabiha, "Accountability in Waqf Institutions: A Meta-Narrative Review."

¹⁰ Qurrata et al., "Institutional Economics from Islamic Perspective: With Special Reference to Waqf."

¹¹ Qurrata et al.; Zulkipli Zulkipli, Abdul Basit, and Farid Wajdi, "The Strategic Role Of Zakat And Waqf In Sustainable Poverty Alleviation: A Literature Review From The Perspective Of Islamic Economics," *Islamic Banking: Jurnal Pemikiran Dan Pengembangan Perbankan Syariah* 11, no. 1 (2025), <https://doi.org/10.36908/isbank.v11i1.1486>.

resource or charitable vehicle; they make it an institution whose normative purposes must be sustained through organisational and legal structures over time.¹²

An institutional legal perspective provides the intellectual bridge necessary to connect these juridical characteristics with contemporary questions of governance. Institutional legal theory treats law not merely as a collection of abstract norms or commands, but as an institutional order through which legal powers, responsibilities, relationships, and patterns of regulated conduct are constituted and maintained.¹³ From this perspective, the effectiveness of a legal institution depends not only upon the validity of its governing rules but also upon the institutional arrangements through which those rules allocate authority, structure relationships, and guide legally relevant conduct.¹⁴ Applied to waqf, this perspective shifts the analytical question from whether waqf possesses sufficient legal rules to how those rules are institutionally organised, interpreted, implemented, supervised, and made accountable across the actors involved in its administration.¹⁵ The institutional legal perspective is therefore particularly useful for analysing waqf because it connects normative commitments embedded in Islamic law with the organisational structures through which those commitments acquire practical effect. Recent scholarship similarly identifies waqf as a rule-bound Islamic institution whose juridical characteristics operate as enduring constraints and whose institutional structures translate normative principles into governance practices and developmental outcomes.¹⁶

This institutional perspective becomes particularly significant where authority is distributed among different statutory and religious bodies. In Indonesia, Law No. 41 of 2004 on Waqf recognises the Badan Wakaf Indonesia (BWI) as an independent institution for the development of waqf within a broader regulatory framework involving the Ministry of Religious Affairs, *nāẓirs*, and other designated actors.¹⁷ In Malaysia, waqf administration is principally situated within the jurisdiction of the State Islamic Religious Councils (Majlis Agama Islam Negeri, or MAIN), while the Department of Waqf, Zakat and Hajj (JAWHAR) operates at the federal level in relation to waqf policy, coordination, information, and development.¹⁸ In Türkiye, the Directorate General of Foundations (Vakıflar Genel Müdürlüğü, VGM) occupies a distinctive position in the administration, regulation, and supervision of foundations under Foundations Law No. 5737.¹⁹ These arrangements should not be treated as equivalent institutional models. Rather, they demonstrate different configurations of legal authority, supervisory responsibility, administrative control, and organisational autonomy.²⁰ Their comparison is therefore

¹² Qurrata et al., “Institutional Economics from Islamic Perspective: With Special Reference to Waqf”; Nur Halimah, “Philosophical Foundations of Islamic Economics: The Formation of Islamic Economics from the Perspectives of Epistemology, Ontology, and Axiology,” *IJIEF: Indonesian Journal of Islamic Economics and Finance* 8, no. 1 (2025), <https://doi.org/10.35719/ijief.v8i1.2376>.

¹³ Martin Loughlin, “Political Jurisprudence,” in *Law as Institution* (Oxford: Oxford University Press, 2017), <https://doi.org/10.1093/oso/9780198810223.003.0007>.

¹⁴ Dick W. P. Ruiter, *Legal Institutions* (Dordrecht: Springer, 2001), <https://doi.org/10.1007/978-94-015-9765-4>.

¹⁵ Loughlin, “Political Jurisprudence.”

¹⁶ Qurrata et al., “Institutional Economics from Islamic Perspective: With Special Reference to Waqf.”

¹⁷ Republic of Indonesia, Law No. 41 of 2004 on Waqf, arts. 1 and 47–49; Badan Wakaf Indonesia, “Undang-Undang No. 41 Tahun 2004 tentang Wakaf.”

¹⁸ Department of Waqf, Zakat and Hajj (JAWHAR), “Waqf Institutions,” Government of Malaysia.

¹⁹ Republic of Türkiye, Foundations Law No. 5737, and Directorate General of Foundations, “Foundation Legislations.”

²⁰ Nofianti, Mukhlisin, and Irfan, “Cash Waqf Innovation in Islamic Financial Institutions and Its Governance Issues, Case Studies: Indonesia, Malaysia, Türkiye.”

analytically significant because institutional design affects where accountability is located, how it is exercised, and how different forms of responsibility are coordinated within contemporary waqf governance.

This institutional diversity has generated several interrelated streams of scholarship seeking to explain how waqf performance may be strengthened within contemporary Islamic legal and administrative systems. One stream examines governance structures and institutional design, emphasising legal authority, professional management, regulatory coordination, and institutional capacity.²¹ Another addresses accountability through fiduciary responsibility, financial reporting, transparency, and stakeholder engagement.²² More recent scholarship has examined governance innovation through digital technologies, cash waqf, Islamic financial institutions, and comparative institutional arrangements, including Indonesia, Malaysia, and Türkiye.²³ Empirical studies have also highlighted continuing challenges concerning financial accountability, transparency, audit mechanisms, and the implementation of *Shari'ah* accountability within contemporary waqf institutions.²⁴ Collectively, these studies demonstrate that waqf governance is no longer adequately explained by a narrow focus on asset management or charitable distribution; it is increasingly understood as a multidimensional institutional process involving law, management, finance, technology, stakeholders, and public accountability.

The analytical gap, therefore, does not lie in the absence of research on waqf institutions, governance, or accountability. Rather, it concerns the limited conceptual integration of these dimensions within an institutional legal framework of accountability.²⁵ Existing scholarship frequently examines governance structures, stakeholder relationships, financial accountability, regulatory compliance, or institutional reform as distinct analytical concerns.²⁶ The recent systematic literature review by Himmawan, Ninglasari, and Mirzal, for example, identifies stakeholder classification, stakeholder roles, trustee accountability, regulatory fragmentation, participatory governance, and digital innovation as significant themes in waqf governance research.²⁷ Likewise, recent comparative research on Indonesia, Malaysia, and Türkiye demonstrates that institutional arrangements and governance mechanisms vary across jurisdictions, particularly in relation to cash waqf and Islamic financial institutions.²⁸ These studies provide important foundations for understanding

²¹ Himmawan, Ninglasari, and Mirzal, "A Systematic Literature Review on Waqf Governance: Stakeholder Analysis."

²² Ainol-Basirah and Siti-Nabiha, "Accountability in Waqf Institutions: A Meta-Narrative Review."

²³ Nofianti, Mukhlisin, and Irfan, "Cash Waqf Innovation in Islamic Financial Institutions and Its Governance Issues, Case Studies: Indonesia, Malaysia, Türkiye."

²⁴ Erny Arianty et al., "Strengthening Sharia Accountability and Transparency for the Optimization of Cash Waqf Linked Sukuk"; Norlaila Mazura Hj Mohaiyadin et al., "Addressing Accountability and Transparency Challenges in Waqf Management Using Blockchain Technology," *Journal of Islamic Monetary Economics and Finance* 8 (2022): 53–80, <https://doi.org/10.21098/jimf.v8i0.1413>; Nur Hazimah Alimuddin and Aprilia Beta Suandi, "Addressing Financial Accountability Challenges in an Indonesian Waqf Institution: Insights Post-PSAK 412 Implementation," *The Indonesian Journal of Accounting Research* 28, no. 03 (2025), <https://doi.org/10.33312/ijar.881>.

²⁵ Himmawan, Ninglasari, and Mirzal, "A Systematic Literature Review on Waqf Governance: Stakeholder Analysis."

²⁶ Ainol-Basirah and Siti-Nabiha, "Accountability in Waqf Institutions: A Meta-Narrative Review."

²⁷ Himmawan, Ninglasari, and Mirzal, "A Systematic Literature Review on Waqf Governance: Stakeholder Analysis."

²⁸ Nofianti, Mukhlisin, and Irfan, "Cash Waqf Innovation in Islamic Financial Institutions and Its Governance Issues, Case Studies: Indonesia, Malaysia, Türkiye."

contemporary waqf governance, but they do not by themselves establish a comprehensive institutional legal architecture explaining how the different forms of accountability should interact across the multiple legal relationships constituting waqf.

The comparative significance of Indonesia, Malaysia, and Türkiye consequently lies not in identifying a universally superior governance model, but in demonstrating how different institutional configurations distribute and coordinate legal authority and accountability.²⁹ Indonesia's nationally structured framework, Malaysia's state-based Islamic institutional arrangements, and Türkiye's distinctive centralised foundation administration represent different ways of organising authority over endowed property and its administration.³⁰ These differences make the three jurisdictions particularly useful for examining accountability as an institutional relationship rather than merely as an organisational attribute. The comparative question is thus not simply whether particular governance mechanisms exist, but how legal, *Shari'ah*, administrative, financial, stakeholder, and developmental responsibilities are allocated, connected, and enforced within different institutional settings.

Against this background, this article proposes an Integrated Institutional Accountability Framework (IIAF) for waqf governance. The framework positions accountability not as a supplementary governance mechanism but as the organising principle through which legal authority, organisational responsibility, regulatory oversight, stakeholder interests, and developmental objectives are institutionally connected.³¹ It identifies six interrelated dimensions of accountability—legal accountability, *Shari'ah* accountability, administrative accountability, financial accountability, stakeholder accountability, and developmental accountability—and conceptualises them as components of a single institutional accountability architecture rather than as isolated governance instruments. Drawing upon institutional legal theory, contemporary governance scholarship, and comparative developments in Indonesia, Malaysia, and Türkiye, the article argues that sustainable waqf governance depends not merely upon the existence of regulatory mechanisms, but upon the coherence of the institutional relationships through which those mechanisms operate.³² The contribution of the IIAF therefore lies not in proposing another discrete governance mechanism, but in integrating established dimensions of accountability into a coherent institutional legal framework through which waqf governance can be evaluated, reconstructed, and oriented towards sustainable public benefit. In doing so, the article contributes to Islamic legal scholarship by shifting the analysis of waqf from the regulation and productivity of endowed assets towards the institutional organisation of legal authority, responsibility, and accountability, thereby advancing an institutional approach to Islamic law in which the effectiveness of legal norms is examined through the structures and relationships that translate those norms into sustained public benefit.

Methodology

A normative-comparative institutional legal design guides the analysis of waqf governance as an institutional component of contemporary Islamic law. Rather than

²⁹ Nofianti, Mukhlisin, and Irfan.

³⁰ Republic of Indonesia, Law No. 41 of 2004 on Waqf; JAWHAR, "Waqf Institutions"; Republic of Türkiye, Foundations Law No. 5737.

³¹ Loughlin, "Political Jurisprudence."

³² Qurrata et al., "Institutional Economics from Islamic Perspective: With Special Reference to Waqf"; Himmawan, Ninglasari, and Mirzal, "A Systematic Literature Review on Waqf Governance: Stakeholder Analysis."

treating legal rules as isolated doctrinal propositions, the study examines how legal norms allocate authority, define institutional responsibilities, structure fiduciary relationships, and establish mechanisms of supervision and accountability within contemporary waqf administration.³³ Such an approach is particularly relevant to waqf because its juridical operation extends beyond the establishment of an endowed asset to continuing relationships among *wāqifs*, *nāzirs*, supervisory authorities, beneficiaries, and other institutional actors.³⁴ The analysis therefore focuses on the institutional organisation of legal authority: how legally recognised powers and responsibilities are distributed, coordinated, exercised, and rendered accountable within contemporary waqf governance.

Three complementary modes of legal inquiry structure the research: doctrinal, institutional, and comparative analysis. Doctrinal analysis identifies and interprets the legal rules governing the constitution, administration, supervision, and development of waqf. Particular attention is given to Indonesia's Law No. 41 of 2004 on Waqf, including provisions defining waqf, *wāqif*, *nāzir*, and the Badan Wakaf Indonesia (BWI), together with provisions concerning the development and supervision of waqf.³⁵ Institutional analysis then examines how those legal provisions allocate powers and responsibilities among public authorities, waqf administrators, beneficiaries, and other relevant actors. Malaysia provides a contrasting institutional configuration in which the State Islamic Religious Councils (Majlis Agama Islam Negeri, or MAIN) occupy a central position in waqf administration, while the Department of Waqf, Zakat and Hajj (JAWHAR) performs federal-level coordinating and developmental functions.³⁶ The Turkish case is examined through Foundations Law No. 5737 and related regulatory materials governing foundation administration, supervision, and management under the Directorate General of Foundations (Vakıflar Genel Müdürlüğü, VGM).³⁷ Legal provisions are therefore read not merely for their substantive content but for the institutional relationships and accountability structures that they establish.

Comparative legal analysis connects the three jurisdictional configurations by examining how authority, responsibility, supervision, and accountability are distributed across different institutional arrangements. Indonesia represents a nationally structured statutory framework in which BWI operates alongside governmental and religious authorities; Malaysia reflects a state-based Islamic institutional structure centred on MAIN and supported by federal coordination through JAWHAR; while Türkiye presents a comparatively centralised foundation administration associated with VGM and a codified foundations regime.³⁸ Such variation makes the three jurisdictions analytically valuable without implying that they constitute equivalent or directly transferable models. The comparative exercise therefore seeks neither to rank national systems nor to prescribe legal harmonisation. Instead, it identifies institutional patterns through which

³³ Mark Van Hoecke, *Methodologies of Legal Research: Which Kind of Method for What Kind of Discipline?* (LMU Munich: Bloomsbury Academic, 2013); Terry Hutchinson, *Researching and Writing in Law*, 4th ed. (Sydney: Lawbook Co., 2024).

³⁴ Ruiter, *Legal Institutions*; Loughlin, "Political Jurisprudence."

³⁵ Republic of Indonesia, Law No. 41 of 2004 on Waqf, arts. 1, 11–15, and 47–49.

³⁶ Department of Waqf, Zakat and Hajj (JAWHAR), Government of Malaysia, "Waqf Institutions."

³⁷ Republic of Türkiye, Foundations Law No. 5737 (2008); Directorate General of Foundations, "Foundation Legislations."

³⁸ Nofianti, Mukhlisin, and Irfan, "Cash Waqf Innovation in Islamic Financial Institutions and Its Governance Issues, Case Studies: Indonesia, Malaysia, Türkiye."

accountability is allocated, coordinated, enforced, or left insufficiently articulated across different legal environments.

Document selection followed four substantive criteria. Primary legal materials were included where they possessed direct normative relevance to the constitution, administration, supervision, or development of waqf or foundations within the selected jurisdiction. The primary corpus consequently comprised statutes, implementing regulations, institutional regulations, and official documents issued by competent governmental or religious authorities.³⁹ Secondary academic materials were selected where they directly addressed waqf governance, institutional accountability, fiduciary responsibility, stakeholder relations, *Shari'ah* governance, financial accountability, or sustainable waqf development. Priority was given to peer-reviewed scholarship published between 2020 and 2026, while earlier theoretical works were retained where their conceptual significance remained indispensable to institutional legal analysis.⁴⁰ Comparative studies were additionally included where they examined institutional or governance arrangements relevant to at least two of the selected jurisdictions. Official institutional materials served a further verification function by establishing the formal mandates, organisational roles, and regulatory relationships of the relevant waqf authorities. Such criteria ensured that institutional claims rested primarily on authoritative legal materials, while academic literature supplied the conceptual and critical context necessary for interpreting those materials.

Four sequential analytical stages connected the documentary evidence to the construction of the IIAF. Legal-institutional mapping constituted the first stage, identifying the principal legal authorities, institutional actors, fiduciary duties, supervisory mechanisms, and governance responsibilities established in each jurisdiction. Institutional relationship analysis formed the second stage, examining how the legal framework structures relationships among *wāqifs*, *nāzirs*, state or religious authorities, beneficiaries, financial actors, and other stakeholders. Comparative accountability mapping constituted the third stage, through which the evidence was examined across six dimensions: legal accountability, *Shari'ah* accountability, administrative accountability, financial accountability, stakeholder accountability, and developmental accountability.⁴¹ Rather than presuming that every jurisdiction formally recognises all six dimensions, the analysis distinguished between accountability mechanisms that are expressly regulated, institutionally embedded, indirectly implied, or insufficiently articulated within each legal framework. Institutional synthesis formed the fourth stage, integrating the comparative findings through legal reasoning to identify recurring relationships, structural gaps, and complementary mechanisms capable of informing a coherent accountability architecture.

IIAF emerges from the comparative reconstruction of these institutional relationships rather than from a framework imposed independently of the legal evidence. Each dimension is therefore traced to a combination of primary legal rules, institutional arrangements, and established scholarship concerning accountability and waqf governance. Legal accountability captures compliance with the formal duties and powers

³⁹ Hutchinson, *Researching and Writing in Law*; Van Hoecke, *Methodologies of Legal Research: Which Kind of Method for What Kind of Discipline?*

⁴⁰ Himmawan, Ninglasari, and Mirzal, "A Systematic Literature Review on Waqf Governance: Stakeholder Analysis."

⁴¹ Erny Arianty et al., "Strengthening Sharia Accountability and Transparency for the Optimization of Cash Waqf Linked Sukuk"; Himmawan, Ninglasari, and Mirzal, "A Systematic Literature Review on Waqf Governance: Stakeholder Analysis."

constituting the waqf institution; *Sharī'ah* accountability addresses conformity with the normative requirements governing waqf; administrative accountability concerns institutional procedures, supervision, and managerial responsibility; financial accountability addresses stewardship, reporting, transparency, and protection of endowed assets; stakeholder accountability concerns responsiveness to *wāqifs*, beneficiaries, communities, and other affected actors; while developmental accountability connects institutional performance with the sustainable public purposes of waqf.⁴² The six dimensions are consequently treated as interconnected rather than discrete governance instruments.

Rather than seeking to replace existing national waqf regimes, IIAF identifies a set of institutional accountability principles capable of adaptation across different legal systems while preserving the normative objectives of Islamic law.⁴³ The framework provides an analytical basis for assessing whether legal authority, institutional responsibility, oversight, stakeholder interests, and developmental objectives operate coherently within a given waqf governance structure. Such a methodological orientation allows the study to move from the interpretation of legal rules towards the reconstruction of institutional relationships and, ultimately, towards a normative framework for strengthening legal integrity, institutional legitimacy, public accountability, and sustainable waqf development.

Findings and Discussion

Institutional Accountability Deficit in Contemporary Waqf Governance

Contemporary waqf governance has expanded beyond the administration of endowed property into a legally and institutionally complex field involving statutory authority, fiduciary responsibility, regulatory supervision, financial stewardship, and public-oriented functions. The emergence of this complexity does not necessarily indicate an absence of regulation. Indonesia, for example, has established a dedicated statutory framework through Law No. 41 of 2004 on Waqf, which recognises waqf as a legal institution serving both religious purposes and public welfare and establishes institutional responsibilities for *waqif*, *nāẓir*, government authorities, and the Indonesian Waqf Board (BWI).⁴⁴ Malaysia similarly operates through state Islamic religious authorities, with JAWHAR performing federal-level functions in strategic planning, coordination, standardisation, and support for the State Islamic Religious Councils (MAIN).⁴⁵ Türkiye, meanwhile, maintains a structured foundation administration under the Directorate General of Foundations (VGM), supported by formal inspection, internal audit, financial reporting, and regional administrative structures.⁴⁶ The persistence of multiple accountability arrangements within these legally developed systems therefore

⁴² Ainol-Basirah and Siti-Nabiha, "Accountability in Waqf Institutions: A Meta-Narrative Review"; Erny Arianty et al., "Strengthening Sharia Accountability and Transparency for the Optimization of Cash Waqf Linked Sukuk."

⁴³ Qurrata et al., "Institutional Economics from Islamic Perspective: With Special Reference to Waqf."

⁴⁴ Republic of Indonesia, Law No. 41 of 2004 concerning Waqf, arts. 1-3, 9-14, and provisions concerning BWI, supervision, and development.

⁴⁵ Department of Waqf, Zakat and Hajj (JAWHAR), "Bahagian Wakaf," Government of Malaysia, describing the division's functions in strategic planning, coordination, standardisation of waqf management procedures, and advisory support to MAIN.

⁴⁶ Republic of Türkiye, Vakıflar Genel Müdürlüğü, 2024 Yılı İdare Faaliyet Raporu, describing VGM's organisational structure, including the Inspection and Guidance Presidency, Internal Audit Unit, legal, financial, foundation-service, and regional structures.

suggests that the central analytical issue is not simply whether waqf is regulated, but whether legal authority is institutionally connected to mechanisms capable of making its exercise transparent, reviewable, and answerable.

Accountability deficit, as used in this study, refers to a structural misalignment between institutional authority and the mechanisms through which that authority is rendered answerable. Such a deficit should not be equated with proven misconduct, regulatory violation, or institutional failure in every waqf setting. Rather, it arises when legal powers, fiduciary obligations, supervisory functions, reporting duties, and stakeholder responsibilities are distributed across separate institutional arrangements without a sufficiently integrated mechanism connecting them. Bovens conceptualises accountability as a relationship in which an actor is obliged to explain and justify conduct before a forum that may question, judge, and potentially impose consequences.⁴⁷ Applied to waqf, this relational understanding requires more than the existence of reporting obligations. It requires identifiable accountability holders, defined forums of scrutiny, accessible information, and mechanisms through which institutional conduct can be evaluated against legal, normative, and public-purpose standards. The meta-narrative review by Ainol-Basirah and Siti-Nabiha likewise demonstrates that waqf accountability scholarship has developed through distinct accounting, reporting, governance, performance, and management perspectives rather than through a single integrated accountability conception.⁴⁸ The resulting problem is therefore one of institutional articulation: accountability mechanisms may exist, but their relationships and respective functions are not necessarily organised as a coherent architecture.

The distribution of waqf authority illustrates why such institutional articulation matters. Waqf governance commonly involves a combination of religious authorities, statutory bodies, government agencies, *nāẓirs*, financial institutions, beneficiaries, and community actors. Each may possess a legitimate function, yet the existence of multiple institutional actors also creates the possibility of fragmented responsibility. Indonesia's statutory framework, for instance, assigns distinct responsibilities to *nāẓirs*, government, and BWI, while the legal system also incorporates registration, supervision, development, and administrative functions.⁴⁹ Malaysia's institutional arrangement similarly combines state religious authority with federal coordination: JAWHAR's Waqf Division is expressly responsible for strategic planning, coordination, standardisation of management procedures, and advisory support to MAIN.⁵⁰ Türkiye provides another configuration, with VGM's organisational structure incorporating inspection, internal audit, legal, financial, foundation-service, and regional administrative units.⁵¹ The significance of these arrangements lies not in demonstrating that any one system is inherently ineffective, but in showing that accountability is distributed across institutional relationships whose boundaries and coordination mechanisms require separate legal analysis.

The documentary and scholarly record further indicates that accountability cannot be reduced to financial disclosure or administrative compliance. Research on downward accountability in Malaysian waqf management emphasises the position of beneficiaries

⁴⁷ Mark Bovens, "Analysing and Assessing Accountability: A Conceptual Framework," *European Law Journal* 13, no. 4 (2007), <https://doi.org/10.1111/j.1468-0386.2007.00378.x>.

⁴⁸ Ainol-Basirah and Siti-Nabiha, "Accountability in Waqf Institutions: A Meta-Narrative Review."

⁴⁹ Republic of Indonesia, Law No. 41 of 2004 concerning Waqf.

⁵⁰ JAWHAR, "Bahagian Wakaf."

⁵¹ Republic of Türkiye, Vakıflar Genel Müdürlüğü, 2024 Yılı İdare Faaliyet Raporu. VGM's official materials also provide annual financial statements and performance programmes, illustrating the formalised monitoring and reporting environment surrounding contemporary foundation administration.

as primary stakeholders whose involvement is necessary for meaningful accountability, while the wider literature has frequently concentrated on financial management, investment, governance structures, and organisational performance.⁵² More recent comparative research on cash waqf governance in Indonesia, Malaysia, and Türkiye similarly identifies governance mechanisms, institutional interaction, professional management, and accountability as central concerns in developing contemporary waqf systems.⁵³ Official institutional developments reinforce the importance of this broader accountability perspective. Malaysia's Accountant General's Department, for example, has undertaken research across several zones as part of developing Islamic accounting standards for Baitulmal, zakat, and waqf institutions, including financial presentation, assets, revenues and expenses, liabilities, and disclosure.⁵⁴ Türkiye's VGM likewise maintains formal activity reports, financial statements, performance programmes, inspection functions, and internal audit structures, demonstrating that contemporary foundation administration requires multiple layers of institutional monitoring rather than a single accountability mechanism.⁵⁵ Such developments are important not because they prove systemic governance failure, but because they reveal the increasing institutional density within which accountability must operate.

The resulting accountability problem is consequently relational rather than merely procedural. A waqf administrator may be legally responsible for managing endowed assets, a religious authority may possess supervisory competence, a governmental institution may regulate registration or development, and beneficiaries may possess legitimate interests in the resulting benefits. Yet accountability becomes institutionally incomplete when these responsibilities are assessed separately without a clear mechanism for connecting authority, duty, scrutiny, justification, and consequence. Osman and Agyemang's analysis of downward accountability is particularly relevant here: the legitimacy of waqf management cannot be assessed exclusively through upward reporting to institutional superiors when beneficiaries remain insufficiently incorporated into governance processes.⁵⁶ Similarly, Siswantoro, Rosdiana, and Fathurahman demonstrate that accountability in Indonesian cash waqf requires attention to institutional arrangements rather than financial reporting alone.⁵⁷ The institutional accountability deficit identified in this study therefore concerns the absence of systematic integration among different accountability relationships rather than the absence of accountability mechanisms altogether.

A further difficulty emerges from the normative character of waqf itself. Legal accountability asks whether institutional actors comply with legally defined powers and duties; *Shari'ah* accountability asks whether administration remains faithful to the

⁵² Ahmad Zamri Osman and Gloria Agyemang, "Privileging Downward Accountability in Waqf Management," *Journal of Islamic Accounting and Business Research* 11, no. 3 (2020), <https://doi.org/10.1108/JIABR-05-2017-0064>.

⁵³ Nofianti, Mukhlisin, and Irfan, "Cash Waqf Innovation in Islamic Financial Institutions and Its Governance Issues, Case Studies: Indonesia, Malaysia, Türkiye."

⁵⁴ Accountant General's Department of Malaysia, "Research Reports for Islamic Accounting Standard," Government of Malaysia, 2024, documenting research undertaken for the development of Islamic accounting standards for Baitulmal, zakat, and waqf institutions across several Malaysian zones

⁵⁵ Republic of Türkiye, Vakıflar Genel Müdürlüğü, 2024 Yılı İdare Faaliyet Raporu; see also VGM, "2024 Yılı Mali Tabloları."

⁵⁶ Osman and Agyemang, "Privileging Downward Accountability in Waqf Management."

⁵⁷ Dodik Siswantoro, Haula Rosdiana, and Heri Fathurahman, "Reconstructing Accountability of the Cash Waqf (Endowment) Institution in Indonesia," *Managerial Finance* 44, no. 5 (2018), <https://doi.org/10.1108/MF-05-2017-0188>.

normative requirements and purposes of waqf; financial and administrative accountability concern stewardship and organisational conduct; stakeholder accountability addresses responsiveness to beneficiaries and other affected parties; and developmental accountability concerns whether institutional performance remains connected to the enduring public purposes of waqf. Treating these dimensions independently can produce a fragmented understanding of institutional responsibility. A waqf institution may satisfy formal reporting requirements while remaining insufficiently responsive to beneficiaries, or may achieve financial efficiency without adequately demonstrating conformity with the purposes attached to the endowed property. The issue is therefore not that these forms of accountability are individually inadequate, but that their institutional interdependence remains insufficiently theorised. This distinction is consistent with the finding of Ainol-Basirah and Siti-Nabiha that accountability research in waqf has developed across multiple conceptual and methodological strands rather than around a consolidated institutional framework.⁵⁸

The comparative significance of the accountability deficit becomes clearer when the institutional configurations of Indonesia, Malaysia, and Türkiye are considered together. Their legal systems do not organise waqf authority through an identical institutional model: Indonesia combines statutory regulation with a national waqf authority and governmental actors; Malaysia locates substantial waqf authority within state Islamic religious institutions while providing federal coordination; and Türkiye operates through a comparatively centralised foundation administration under VGM.⁵⁹ The variation demonstrates that accountability cannot be reconstructed simply by importing a single organisational template from one jurisdiction into another. What requires integration are the accountability relationships connecting legal authority, religious normativity, administrative responsibility, financial stewardship, stakeholder interests, and developmental objectives. Comparative variation therefore provides the analytical bridge from the diagnosis of an accountability deficit to the reconstruction proposed in the following sections.

The central finding is consequently more precise than the claim that contemporary waqf institutions simply “fail” to govern effectively. Contemporary waqf governance has developed substantial legal and organisational mechanisms, but those mechanisms remain distributed across multiple accountability domains whose relationships are not always conceptually or institutionally integrated. The resulting deficit is an architectural problem: legal authority may be clearly constituted, yet the pathways through which that authority is explained, scrutinised, evaluated, and connected to public purpose can remain institutionally dispersed. Recognising this distinction is critical for Islamic legal scholarship because it shifts the inquiry from the adequacy of individual rules towards the institutional relationships through which those rules operate. The next section therefore examines Indonesia, Malaysia, and Türkiye comparatively to determine how different configurations of legal authority structure accountability in practice and which institutional patterns can inform the reconstruction of an integrated accountability architecture.

Comparative Institutional Configurations of Waqf Governance: Indonesia, Malaysia, and Türkiye

⁵⁸ Ainol-Basirah and Siti-Nabiha, “Accountability in Waqf Institutions: A Meta-Narrative Review.”

⁵⁹ Republic of Indonesia, Law No. 41 of 2004 concerning Waqf; JAWHAR, “Bahagian Wakaf”; Republic of Türkiye, Vakıflar Genel Müdürlüğü, 2024 Yılı İdare Faaliyet Raporu.

The institutional architecture of waqf governance differs across Muslim-majority jurisdictions because legal authority, administrative responsibility, and supervisory functions are distributed through different institutional arrangements. Indonesia, Malaysia, and Türkiye provide three distinctive configurations. Indonesia combines a national statutory framework with the independent Badan Wakaf Indonesia (BWI) and operational *nāzirs*. Malaysia places waqf administration primarily within the authority of State Islamic Religious Councils (Majlis Agama Islam Negeri, MAIN), while the Department of Awqaf, Zakat and Hajj (JAWHAR) performs federal-level coordination and policy-support functions. Türkiye adopts a more centralised foundation administration in which the Directorate General of Foundations (Vakıflar Genel Müdürlüğü, VGM) exercises extensive regulatory and supervisory authority under Foundations Law No. 5737.⁶⁰ These differences demonstrate that institutional accountability is shaped not simply by the existence of legal regulation, but by the way authority and responsibility are distributed among institutional actors.

Indonesia: Distributed Statutory Authority

Indonesia represents a distributed statutory configuration in which waqf governance is organised through a national legal framework while operational and supervisory responsibilities are allocated among several institutional actors. Law No. 41 of 2004 concerning Waqf establishes the legal framework for *wāqif*, *nāzır*, waqf assets, administration, and the establishment of BWI as an independent institution for the development of waqf.⁶¹ The institutional design therefore does not place all governance functions within a single state authority.

BWI occupies a distinctive position within this structure. Under the statutory framework, BWI is responsible for supervising and developing *nāzirs*, managing and developing waqf assets at national and international levels, approving changes in the designation or status of waqf assets, approving the substitution of waqf assets, replacing *nāzirs*, and providing advice to the government on waqf policy.⁶² At the operational level, *nāzirs* remain responsible for administering, managing, developing, protecting, and reporting on waqf assets.⁶³ The Indonesian model therefore establishes a differentiated relationship between institutional supervision and operational management.

This differentiation provides an important accountability advantage because it prevents the concentration of all waqf functions within a single institution. At the same time, it creates a continuing need for coordination among BWI, *nāzirs*, the Ministry of Religious Affairs, and other relevant authorities. The accountability of waqf institutions consequently depends not only on the existence of statutory duties but also on the effectiveness of the relationships through which those duties are monitored and implemented. The Indonesian configuration illustrates the first central proposition of the comparative analysis: institutional differentiation can strengthen accountability only when the relationships among differentiated institutions remain sufficiently integrated.⁶⁴

⁶⁰ Republic of Indonesia, Law No. 41 of 2004 concerning Waqf, arts. 47–49; Department of Awqaf, Zakat and Hajj (JAWHAR), “Waqf Institutions,” Official Portal Department of Awqaf, Zakat and Hajj; Republic of Türkiye, Foundations Law No. 5737, arts. 1–3.

⁶¹ Republic of Indonesia, Law No. 41 of 2004 concerning Waqf, arts. 1–3, 9–14, 47–49.

⁶² Republic of Indonesia, Law No. 41 of 2004 concerning Waqf, art. 49.

⁶³ Republic of Indonesia, Law No. 41 of 2004 concerning Waqf, arts. 9–14.

⁶⁴ Siswantoro, Rosdiana, and Fathurahman, “Reconstructing Accountability of the Cash Waqf (Endowment) Institution in Indonesia”; Osman and Agyemang, “Privileging Downward Accountability in Waqf Management.”

The Indonesian experience therefore corresponds strongly with the IIAF dimensions of legal and administrative accountability, but it also reveals the importance of financial, stakeholder, and developmental accountability. Formal statutory supervision establishes institutional legitimacy, yet the broader effectiveness of waqf governance depends upon whether institutional responsibilities are translated into transparent management, effective asset development, and sustained public benefit.

Malaysia: State-Based Religious Trusteeship and Federal Coordination

Malaysia presents a different institutional configuration in which waqf authority is primarily located at the state level. The State Islamic Religious Councils (MAIN/SIRC) function as the principal institutional authorities for waqf and, under the relevant state legal frameworks, serve as the sole trustees of waqf property.⁶⁵ The federal JAWHAR operates as a specialised coordinating institution dealing with waqf, zakat, and hajj, while the administration and management of waqf remain substantially connected to state religious institutions.⁶⁶

The Malaysian structure is therefore characterised by state-based religious trusteeship with federal coordination. Unlike Indonesia, where BWI operates as an independent national waqf institution alongside operational *nāzirs*, the Malaysian system places trustee authority directly within the state religious councils. JAWHAR does not replace MAIN's trustee role; rather, it provides coordination, policy support, institutional guidance, and development-related functions.⁶⁷ This arrangement allows waqf administration to remain institutionally connected to the state's religious authority while providing a federal mechanism for coordination across jurisdictions.

The institutional concentration of trustee authority within MAIN has significant accountability implications. On the one hand, it creates a clear legal chain of responsibility because the institution responsible for waqf trusteeship is identifiable. On the other hand, the concentration of authority requires effective mechanisms of transparency, reporting, stakeholder engagement, and institutional review. Moreover, the existence of different state enactments means that the detailed legal and administrative arrangements governing waqf are not entirely uniform across Malaysia.⁶⁸

The Malaysian configuration therefore demonstrates that clarity of institutional authority does not necessarily produce comprehensive accountability. A strong trustee structure may secure legal responsibility for waqf assets while still requiring additional mechanisms to ensure financial transparency, stakeholder responsiveness, and developmental evaluation. In terms of the IIAF, the Malaysian model provides a strong institutional basis for legal, religious, and administrative accountability but highlights the importance of integrating these dimensions with stakeholder and developmental accountability.

Türkiye: Centralised Foundation Supervision

Türkiye represents a comparatively centralised configuration in which the Directorate General of Foundations (VGM) occupies a central position in the

⁶⁵ Department of Awqaf, Zakat and Hajj (JAWHAR), Waqf Information, particularly the section "Jurisdiction of MAIN as Sole Trustee."

⁶⁶ Department of Awqaf, Zakat and Hajj (JAWHAR), "Waqf Institutions," Official Portal Department of Awqaf, Zakat and Hajj.

⁶⁷ Department of Awqaf, Zakat and Hajj (JAWHAR), Waqf Information.

⁶⁸ Department of Awqaf, Zakat and Hajj (JAWHAR), Waqf Information. JAWHAR identifies different state-level waqf enactments and notes that states without specific waqf enactments rely on Islamic administration and related legislation.

administration and supervision of foundations. Foundations Law No. 5737 establishes rules concerning the management, operation, monitoring, registration, safeguarding, maintenance, and economic management of foundation assets and defines the organisation, duties, powers, and responsibilities of VGM.⁶⁹ The institutional framework is therefore considerably more centralised than the distributed Indonesian arrangement or the state-based Malaysian structure.

The supervisory dimension of the Turkish model is particularly pronounced. The regulatory framework provides for institutional monitoring, accounting, management, and auditing functions and establishes VGM as the relevant supervision authority.⁷⁰ VGM's institutional role also extends to foundations administered or represented by the Directorate General under the statutory framework.⁷¹ This produces a comparatively direct accountability relationship between foundation management and the central supervisory institution.

The principal strength of this configuration lies in its capacity for standardisation and regulatory control. Centralised supervision can facilitate consistent accounting requirements, monitoring procedures, and protection of foundation assets. It can also strengthen institutional continuity in the administration of historical foundations. However, strong supervisory authority should not automatically be equated with comprehensive institutional accountability. A governance system may achieve high levels of legal and financial oversight while providing comparatively less institutional space for downward accountability, stakeholder participation, and explicit assessment of developmental outcomes.

The Turkish configuration therefore demonstrates the importance of distinguishing supervisory accountability from integrated institutional accountability. VGM provides a strong institutional mechanism for legal, administrative, and financial oversight, but the IIAF suggests that these functions should be connected with stakeholder and developmental accountability to produce a more comprehensive governance architecture.

Comparative Institutional Implications

The three configurations reveal different institutional approaches to the allocation of waqf authority. Indonesia represents distributed statutory governance, in which BWI provides national-level supervision and development while *nāẓirs* undertake operational management. Malaysia represents state-centred religious trusteeship with federal coordination, in which MAIN functions as the principal trustee and JAWHAR supports coordination and policy development. Türkiye represents centralised foundation supervision, in which VGM combines regulatory, administrative, and supervisory functions within a specialised national authority.⁷²

⁶⁹ Republic of Türkiye, Foundations Law No. 5737, arts. 1–3.

⁷⁰ Republic of Türkiye, Foundations Law No. 5737; Directorate General of Foundations, “Foundation Legislations,” Republic of Türkiye Ministry of Culture and Tourism.

⁷¹ Directorate General of Foundations, “Annexed (Mülhak) Foundations,” Republic of Türkiye Ministry of Culture and Tourism.

⁷² Republic of Indonesia, Law No. 41 of 2004 concerning Waqf, arts. 47–49; Department of Awqaf, Zakat and Hajj (JAWHAR), Waqf Information; Republic of Türkiye, Foundations Law No. 5737.

Table 1. Comparative Institutional Configurations of Waqf Governance

Dimension	Indonesia	Malaysia	Türkiye
Institutional authority	BWI with <i>nāẓirs</i> as operational managers	MAIN/SIRC as principal trustee, supported by JAWHAR	VGM as central supervisory authority
Governance configuration	Distributed statutory governance	State-based religious trusteeship with federal coordination	Centralised foundation administration
Core accountability mechanism	Legal regulation, <i>nāẓir</i> supervision, and institutional reporting	Trustee oversight, state religious administration, and federal coordination	Legal supervision, financial reporting, and institutional inspection
Key institutional strength	Clear statutory differentiation between supervision and operational management	Strong trustee authority and established religious institutional structure	Strong centralised supervision and financial control
Principal accountability challenge	Inter-institutional coordination and fragmentation	Transparency, standardisation, and stakeholder responsiveness	Balancing supervisory control with stakeholder and developmental accountability
IIAF implication	Integrate legal, administrative, financial, stakeholder, and developmental accountability	Strengthen horizontal, financial, stakeholder, and developmental accountability	Complement legal and financial supervision with stakeholder and developmental accountability

Source: Compiled by the authors from Republic of Indonesia, Law No. 41 of 2004 concerning Waqf, arts. 47–49; Department of Awqaf, Zakat and Hajj (JAWHAR), Waqf Institutions; and Republic of Türkiye, Foundations Law No. 5737.

Taken together, the three configurations reveal a structural asymmetry in the organisation of waqf accountability. Indonesia institutionalises differentiated authority, allowing BWI to perform supervisory and developmental functions while *nāẓirs* retain operational responsibility; its principal vulnerability consequently lies in coordination across institutional boundaries. Malaysia concentrates trusteeship within MAIN, creating a comparatively clear locus of legal responsibility but making transparency, consistency, and downward responsiveness increasingly dependent on the quality of state-level governance arrangements. Türkiye, by contrast, concentrates regulatory and supervisory functions within VGM, providing stronger centralised control over administration and financial oversight while raising a different accountability question: how can supervisory authority be connected to stakeholder participation and demonstrable developmental outcomes?⁷³ The comparative significance therefore lies not in identifying a superior

⁷³ Bovens, “Analysing and Assessing Accountability: A Conceptual Framework”; Ainol-Basirah and Siti-Nabiha, “Accountability in Waqf Institutions: A Meta-Narrative Review”; Osman and Agyemang, “Privileging Downward Accountability in Waqf Management.”

national model, but in exposing the different points at which institutional accountability becomes structurally incomplete.

Such variation supports a more consequential proposition for waqf governance: accountability deficits arise not simply from weak institutions, but from disconnections between accountability functions that are distributed across institutions. Differentiated authority without effective coordination can fragment responsibility; concentrated trusteeship without sufficient transparency can narrow the channels of public scrutiny; and centralised supervision without meaningful stakeholder engagement can privilege upward regulatory accountability over broader institutional legitimacy. Indonesia, Malaysia, and Türkiye consequently represent not competing templates to be ranked, but distinct institutional configurations that illuminate different requirements of a comprehensive accountability architecture. Their comparative value lies precisely in demonstrating that no single organisational arrangement automatically reconciles legality, normative fidelity, administrative control, financial stewardship, stakeholder responsiveness, and developmental performance.

IIAF responds to this institutional problem through functional integration rather than organisational replication. Its normative contribution is not to prescribe that Indonesia adopt Malaysia's trustee model or Türkiye's centralised supervisory structure, nor to suggest that either jurisdiction reproduce Indonesia's differentiated arrangement. Rather, it identifies the accountability functions that must remain connected regardless of institutional design: legal authority must generate clearly attributable administrative responsibility; administrative responsibility must be matched by financial stewardship; financial stewardship must remain subject to stakeholder scrutiny; and institutional conduct must ultimately be evaluated against sustainable social and developmental outcomes. Accountability thus becomes an institutional chain rather than a collection of discrete compliance duties.

Viewed in this way, the comparative configurations provide more than contextual illustrations for the IIAF; they supply the institutional logic for its construction. Indonesia demonstrates the need to connect differentiated authorities; Malaysia highlights the importance of embedding trusteeship within transparent and responsive governance; and Türkiye illustrates the strengths and limits of centralised supervision. IIAF synthesises these institutional lessons into a common analytical architecture without erasing jurisdictional difference. Its central claim is therefore stronger than the proposition that accountability has multiple dimensions: sustainable waqf governance requires those dimensions to be institutionally connected, mutually verifiable, and oriented toward the same endpoint—legitimate and sustainable public benefit.

Reconstructing Institutional Accountability through the Integrated Institutional Accountability Framework (IIAF)

Comparative examination of Indonesia, Malaysia, and Türkiye indicates that the central problem in contemporary waqf governance lies less in the absence of regulation than in the fragmented organisation of accountability. Each jurisdiction possesses formal rules, institutional authorities, supervisory mechanisms, and managerial responsibilities, yet those elements do not necessarily operate as a coherent accountability chain. Indonesia distributes authority between the Badan Wakaf Indonesia (BWI), *nāẓirs*, and state institutions; Malaysia places trustee authority primarily within State Islamic Religious Councils (MAIN/SIRCs) while maintaining federal coordination through JAWHAR; and Türkiye concentrates substantial regulatory and supervisory functions

within the Directorate General of Foundations (VGM).⁷⁴ Institutional variation therefore matters not because one model is inherently superior, but because different configurations determine how authority becomes responsibility, how responsibility becomes verifiable conduct, and how institutional conduct is ultimately connected to public benefit.

Accountability, in this context, should be distinguished from compliance. Compliance asks whether an institution has fulfilled a prescribed legal or procedural requirement; accountability asks whether an institution can justify the exercise of its authority to an identifiable forum through reasons, evidence, and review.⁷⁵ Such a distinction is particularly consequential for waqf because institutional actors simultaneously exercise legal authority, administer entrusted property, preserve religious purposes, and affect beneficiaries and communities. A reporting mechanism may establish evidence of financial compliance without demonstrating whether institutional decisions were legally authorised, religiously appropriate, administratively responsible, socially responsive, or developmentally effective. Accountability consequently requires a relational structure linking authority, responsibility, justification, scrutiny, and consequences.

Evidence from Indonesian institutional practice illustrates the distinction. Law No. 41 of 2004 concerning Waqf imposes managerial and reporting responsibilities on *nāẓirs* and assigns BWI supervisory and developmental functions.⁷⁶ BWI's contemporary accounting guidance further connects reporting with stewardship, asset protection, compliance, and the provision of information to relevant authorities and the public.⁷⁷ Judicial disputes concerning waqf likewise demonstrate that questions of authority, documentation, management, registration, and control over endowed assets can become matters of legal contestation.⁷⁸ Such evidence should not be interpreted as proof of systematic institutional failure. It instead reveals an accountability environment in which legal authority, managerial responsibility, financial stewardship, and institutional legitimacy require continuous coordination.

A more precise conceptualisation is therefore necessary. The Integrated Institutional Accountability Framework (IIAF) proposed here treats accountability as a layered institutional architecture rather than a collection of parallel obligations. Six dimensions are retained—legal, *Sharīʿah*, administrative, financial, stakeholder, and developmental accountability—but their relationship is reorganised into three analytical layers. Legal and *Sharīʿah* accountability constitute the Foundational Layer, administrative and financial accountability form the Operational Layer, while stakeholder and developmental accountability constitute the Impact Layer. Such ordering resolves the principal conceptual weakness of treating six dimensions as equivalent categories and clarifies the direction through which institutional accountability is expected to operate.

⁷⁴ Republic of Indonesia, Law No. 41 of 2004 concerning Waqf, arts. 47–49; Department of Awqaf, Zakat and Hajj (JAWHAR), Waqf Information; Republic of Türkiye, Foundations Law No. 5737.

⁷⁵ Bovens, “Analysing and Assessing Accountability: A Conceptual Framework”; Jonathan Koppell, *World Rule: Accountability, Legitimacy, and the Design of Global Governance* (chi: University of Chicago Press, 2010), <https://doi.org/10.5860/choice.48-4137>.

⁷⁶ Republic of Indonesia, Law No. 41 of 2004 concerning Waqf, arts. 9–14, 47–49.

⁷⁷ Badan Wakaf Indonesia, *Pedoman Akuntansi Wakaf bagi Nazhir* (Jakarta: Badan Wakaf Indonesia, 2024).

⁷⁸ Mahkamah Agung Republik Indonesia, *Direktori Putusan*, “Wakaf,” <https://badilag.mahkamahagung.go.id/>, accessed August 20, 2026.

Figure 1. Integrated Institutional Accountability Framework (IIAF)



Source: Developed by the authors based on the synthesis of accountability theory, Islamic legal objectives, and comparative institutional analysis of waqf governance in Indonesia, Malaysia, and Türkiye.

Foundational Layer: Establishing Legitimate Authority

Legal accountability provides the first boundary of institutional action. Its primary concern is not whether an institution possesses formal rules, but whether the authority exercised by institutional actors can be traced to a valid legal mandate and subjected to recognised mechanisms of review. Statutory competence, procedural regularity, registration, supervisory powers, judicial review, and legally prescribed reporting consequently function as verification mechanisms. Accountability holders include BWI, MAIN/SIRCS, VGM, *nāẓirs*, and other actors exercising legally recognised authority within their respective jurisdictions.⁷⁹

Sharī'ah accountability occupies the same foundational layer but performs a different normative function. Legal accountability determines whether authority is legally valid; *Sharī'ah* accountability determines whether its exercise is normatively faithful to the purposes of waqf and Islamic law. Its normative basis includes the *wāqif's* declared intention, preservation of endowed property, protection of beneficiaries, prohibition of misuse, and the broader objectives of *maqāsid al-Sharī'ah*. Verification may involve *Sharī'ah* review, examination of the conformity between institutional decisions and the purpose of the waqf, and assessment of whether asset utilisation remains consistent with the religious and social objectives attached to the endowment.⁸⁰

⁷⁹ Republic of Indonesia, Law No. 41 of 2004 concerning Waqf, arts. 9–14, 47–49; Republic of Türkiye, Foundations Law No. 5737, arts. 1–3.

⁸⁰ Mohammad Hashim Kamali, *The Parameters of Halal and Haram in Islamic Law: An Islamic Legal Perspective* (Oxford: Oxford University Press, 2024); Jasser Auda, *Maqasid Al-Shariah as Philosophy of*

Maintaining this distinction is essential. Collapsing *Shari'ah* accountability into legal accountability risks reducing Islamic legal legitimacy to state legality. Conversely, treating *Shari'ah* accountability as an independent moral standard detached from legal institutions may obscure the enforceable structures through which contemporary waqf is administered. IIAF instead positions both dimensions as mutually reinforcing foundations: positive law supplies institutional authority and enforceability, while *Shari'ah* supplies normative orientation and purpose.

The relevance of legal pluralism emerges precisely at this boundary. Ma'ani et al.'s study of the mattinja tradition among Bugis communities in Jambi demonstrates how a socially embedded philanthropic practice may preserve characteristics associated with waqf even when its operation does not correspond neatly with formal statutory categories.⁸¹ Its significance for IIAF lies not in presenting mattinja as evidence of regulatory failure, but in demonstrating that institutional legitimacy may be produced through interactions between formal law and community-based normative practices. Such evidence supports a broader understanding of Islamic legal institutions in which statutory authority remains important while social legitimacy may also be sustained through historically embedded normative orders. Legal pluralism therefore functions as a contextual condition within which accountability operates rather than as a competing governance model.

Operational Layer: Translating Authority into Stewardship

Administrative accountability converts foundational authority into organisational conduct. Clear allocation of responsibilities, internal controls, managerial procedures, institutional coordination, performance monitoring, and documented decision-making provide the mechanisms through which legal and *Shari'ah* obligations become operational. Accountability holders at this level include boards, *nāzirs*, managers, administrative officials, and institutional units entrusted with specific governance functions.

Administrative accountability becomes particularly important where institutional authority is distributed across several bodies. Indonesia provides a clear illustration: BWI possesses national supervisory and developmental functions, while *nāzirs* retain direct responsibility for managing and developing waqf assets.⁸² Malaysia similarly distributes functions between MAIN/SIRCs and federal coordinating structures, whereas Türkiye integrates a wider range of regulatory and supervisory functions within VGM.⁸³ Different institutional arrangements therefore generate different coordination risks. Fragmentation may produce gaps between authority and implementation; excessive concentration may reduce institutional checks and downward responsiveness. Administrative accountability provides the mechanism for managing both risks.

Financial accountability constitutes the second operational dimension. Waqf assets are not merely organisational resources; they are legally and religiously entrusted property whose preservation and productive utilisation constitute core institutional responsibilities. Financial accountability consequently extends beyond bookkeeping to

Islamic Law: A Systems Approach (Herndon, VA: The International Institute of Islamic Thought (IIIT), 2008).

⁸¹ Bahrul Ma'ani et al., "Living Waqf Beyond Formal Law: The Mattinja Tradition of Bugis Communities in Jambi's Plural Legal Landscape," *Al-'Adalah* 23, no. 1 (2026): 41–70, <https://doi.org/10.24042/adalah.v23i1.30936>.

⁸² Republic of Indonesia, Law No. 41 of 2004 concerning Waqf, arts. 11–14, 47–49.

⁸³ Department of Awqaf, Zakat and Hajj (JAWHAR), Waqf Information; Republic of Türkiye, Foundations Law No. 5737.

include asset registration, valuation, preservation, investment, expenditure control, financial reporting, auditability, and disclosure. Contemporary waqf scholarship increasingly recognises transparency and accountability as conditions for strengthening institutional trust and the sustainability of waqf management.⁸⁴

Administrative and financial accountability should nevertheless remain analytically distinct. Administrative accountability concerns who is responsible, how decisions are made, and whether institutional procedures function effectively. Financial accountability concerns how entrusted resources are controlled, preserved, reported, and deployed. The distinction creates a more precise verification structure: an institution may possess sound administrative procedures but weak financial stewardship, or maintain accurate accounts while suffering from unclear managerial authority. IIAF therefore treats both as complementary operational controls rather than interchangeable governance functions.

Impact Layer: From Institutional Conduct to Public Benefit

Stakeholder accountability moves the framework beyond internal institutional control. Waqf generates legal and social relationships extending beyond the institution itself, encompassing *wāqifs*, beneficiaries, communities, religious authorities, regulators, civil society organisations, and other actors affected by institutional decisions. Accountability becomes meaningful when those constituencies can obtain relevant information, assess institutional conduct, raise concerns, and receive reasoned institutional responses.

Such a dimension addresses a structural limitation of predominantly upward accountability systems. Reporting exclusively to regulators can demonstrate compliance without establishing meaningful responsiveness to beneficiaries or communities. Research on accountability in waqf institutions has consequently emphasised the importance of downward accountability, transparency, stakeholder engagement, and mechanisms through which institutional actors can be held answerable to those affected by their decisions.⁸⁵ Stakeholder accountability thus provides the principal bridge between institutional governance and public legitimacy.

Developmental accountability occupies the final position because institutional legitimacy cannot be assessed solely through the legality of inputs or the efficiency of internal processes. Waqf is ultimately oriented toward enduring benefit. Developmental accountability therefore evaluates whether institutional authority and resources generate outcomes consistent with the purposes of the endowment and the broader objectives of *maqāṣid al-Sharīʿah*. Indicators may include beneficiary reach, continuity of services, asset preservation, productive utilisation, poverty reduction, educational provision, healthcare access, or other outcomes appropriate to the waqf's designated purpose.

Developmental accountability should not be conflated with *Sharīʿah* accountability. *Sharīʿah* accountability establishes the normative standard of faithfulness; developmental accountability evaluates the institutional consequences of that faithfulness. The distinction prevents *maqāṣid* from becoming merely rhetorical. A waqf

⁸⁴ Luhur Prasetyo, Unun Roudlotul Janah, and Khoirun Nisak, "Islamic Social Finance and Institutional Accountability A Case Study of Zakat and Philanthropic Organizations," *El-Barka: Journal of Islamic Economics and Business* 8, no. 2 (2025): 212–43, <https://doi.org/10.21154/elbarka.v8i2.11973>.

⁸⁵ Ainol-Basirah and Siti-Nabiha, "Accountability in Waqf Institutions: A Meta-Narrative Review"; Mujahidin et al., "Challenges in Waqf Management and Its Implications for the Social and Economic Welfare of Muslim Communities: A Cross-Country Comparative Analysis," *Jurnal Ilmiah Mizani* 12, no. 1 (2025), <https://doi.org/10.29300/mzn.v12i1.7765>.

project may be formally permissible and religiously justified while still requiring evaluation concerning whether it actually reaches intended beneficiaries, preserves the endowed asset, and generates sustainable benefit. Developmental accountability therefore transforms public welfare from a general aspiration into an institutional outcome capable of assessment.

From Six Dimensions to an Integrated Accountability Chain

The layered structure produces a directional relationship among the six dimensions:

***legal and Shari'ah legitimacy → administrative and financial stewardship
→ stakeholder responsiveness and developmental outcomes.***

The relationship is neither strictly linear nor irreversible. Evidence emerging at the Impact Layer can expose weaknesses at the Operational Layer, while persistent operational problems may require reconsideration of foundational rules, institutional mandates, or supervisory arrangements. IIAF therefore incorporates a feedback mechanism rather than a one-directional hierarchy. Accountability becomes continuous: authority must be justified before action, conduct must be controlled during implementation, and outcomes must be evaluated after intervention.

Such architecture also clarifies the meaning of institutional accountability within Islamic legal institutions. Accountability is not simply a technique for preventing misuse of resources. It is the institutional process through which legal authority is converted into responsible stewardship and ultimately validated through legitimate and sustainable social outcomes. The framework consequently connects doctrinal norms with institutional behaviour without reducing one to the other.

The principal theoretical contribution lies in this integration. Conventional accountability theory generally conceptualises accountability through relationships of answerability, justification, and oversight, while institutional approaches focus on how organisational structures allocate authority and constrain behaviour. Islamic legal scholarship, meanwhile, has developed sophisticated accounts of *maqāṣid*, trusteeship, *amānah*, and the normative purposes of *waqf*. IIAF brings these strands together by treating accountability as the institutional mechanism connecting normative authority, organisational practice, resource stewardship, public scrutiny, and social outcomes. Its originality therefore lies not in proposing six entirely new accountability concepts, but in specifying their institutional sequence and verification logic within an Islamic legal institution.

The framework should not be interpreted as evidence that every *waqf* institution in every jurisdiction must adopt an identical organisational structure. Comparative findings instead suggest that institutional form and accountability function should be analytically separated. Indonesia may rely on differentiated authority between BWI and *nāẓirs*; Malaysia may locate trusteeship within MAIN; Türkiye may rely more heavily on centralised VGM supervision. Different organisational forms can nevertheless be assessed against the same accountability architecture by asking whether legitimate authority, responsible implementation, resource stewardship, stakeholder responsiveness, and sustainable benefit are institutionally connected.

Broader application beyond *waqf* should likewise be understood as a testable analytical possibility rather than an established generalisation. Zakat authorities, *baitul māl*, Islamic charitable foundations, and other Islamic legal institutions may present

comparable questions concerning entrusted resources, normative authority, institutional supervision, and public benefit. Application of IIAF to such institutions would, however, require jurisdiction-specific examination of their normative bases, accountability holders, and verification mechanisms. The framework thus offers a transferable analytical proposition without assuming institutional uniformity.

Ultimately, the IIAF reframes waqf accountability from a fragmented compliance problem into a problem of institutional connectivity. Legal validity without operational control is insufficient; operational efficiency without financial stewardship is unstable; financial transparency without stakeholder responsiveness is incomplete; and institutional legitimacy without demonstrable public benefit remains normatively underdeveloped. Integrating these relationships produces a more rigorous conception of accountability in which waqf institutions are evaluated not merely by whether they possess authority or submit reports, but by whether they can demonstrate a continuous and verifiable chain from law and *Shari'ah*, through institutional action and stewardship, to public legitimacy and sustainable benefit.

Conclusion

Contemporary waqf governance faces a problem of institutional disconnection rather than regulatory absence. Legal authority, managerial responsibility, financial stewardship, stakeholder scrutiny, and social outcomes are often regulated or assessed through separate institutional mechanisms. Comparative analysis of Indonesia, Malaysia, and Türkiye demonstrates that different governance arrangements produce different accountability gaps, but none resolves the underlying problem of connecting authority with responsibility and institutional conduct with public benefit.

The Integrated Institutional Accountability Framework (IIAF) addresses this problem by treating accountability as an institutional architecture rather than a collection of compliance requirements. Legal and *Shari'ah* accountability establish legitimate authority and normative purpose; administrative and financial accountability translate authority into responsible institutional action; stakeholder and developmental accountability connect that action with public scrutiny and sustainable outcomes. IIAF's central novelty lies in this relational architecture. It shifts the analytical question from whether an institution satisfies individual accountability requirements to whether accountability remains connected across the institutional chain from authority, responsibility, and verification to participation and outcome.

Institutional reform should consequently prioritise integration rather than regulatory accumulation. Waqf authorities should align legal, *Shari'ah*, administrative, financial, stakeholder, and outcome requirements within a common accountability process; clarify responsibility at the interfaces among regulators, *nāzirs*, managers, auditors, religious authorities, and beneficiaries; and complement financial disclosure with evidence of beneficiary reach and social outcomes. Such measures would move waqf governance beyond formal compliance toward demonstrable institutional accountability. Existing research showing weaknesses in waqf reporting and the uneven development of comprehensive performance measurement reinforces the practical importance of this shift.

IIAF also opens a comparative research agenda for Islamic legal institutions beyond waqf, including zakat authorities, *baitul māl*, Islamic charitable foundations, and other institutions administering religiously entrusted resources. Transferability should, however, remain an empirical question rather than an assumed generalisation. Future

research should test whether the proposed accountability relationships hold across different legal traditions, institutional structures, and normative environments, and whether stronger integration produces measurable gains in transparency, institutional trust, asset preservation, beneficiary reach, and sustainable social impact. Accountable Islamic legal institutions are ultimately defined not merely by the authority they possess, but by their capacity to make that authority responsible, verifiable, publicly scrutinised, and consequential for sustainable human benefit.

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Data Availability Statement

All legal materials and secondary sources analysed in this research are fully cited in the manuscript and are available through the relevant official legal and institutional sources.

Generative AI Statement

During the preparation of this manuscript, the author used generative artificial intelligence tools solely to assist with language improvement, grammar, readability, and editorial refinement. All legal analysis, interpretation, arguments, comparative assessment, and conclusions were independently reviewed, critically assessed, verified, and approved by the author, who retains full responsibility for the content of the manuscript.

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