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# The Concept of Islamic Philanthropy and Its Potential for Disputes in Religious Courts

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***Abstract:*** *Islamic philanthropy has traditionally been understood primarily through the instruments of zakat, infak, sedekah and wakaf as part of Islamic social finance. This perspective has meant that the instruments within Islamic family law have not yet been extensively studied as part of Islamic philanthropy. This study aims to analyse the construction of Islamic philanthropy within family law and to identify potential disputes arising within the jurisdiction of the Religious Courts. This study is a normative legal study employing a conceptual approach and a statutory approach. Legal materials were obtained through a literature review and analysed qualitatively using a descriptive-analytical method. The results of the study indicate that Islamic philanthropy encompasses not only the instruments of zakat, infak, sedekah, and waqf, but also various family law instruments such as child maintenance, spousal maintenance, mut'ah, iddah maintenance, gifts, and wills. Based on these findings, Islamic philanthropy can be constructed into two dimensions: social philanthropy and family philanthropy. This framework implies an expansion of the scope of disputes concerning Islamic philanthropy falling within the jurisdiction of the Religious Courts, extending beyond zakat and waqf to include disputes arising from the implementation of maintenance, mut'ah, iddah maintenance, gifts, and wills. This research contributes to broadening the perspective of Islamic philanthropy studies and clarifies the position of the Religious Courts in resolving disputes arising from the practice of Islamic philanthropy.*

***Keywords:*** *Islamic Philanthropy; Family Law; Religious Court; Philanthropy Disputes; Islamic Family Philanthropy*

## INTRODUCTION

Philanthropy is one of the key instruments in achieving social welfare and economic equality within society. (Ridho et al., 2025) Generally, philanthropy is understood as charitable activity undertaken by individuals or groups to assist others through the donation of wealth, labour, or various other forms of social assistance. Over time, philanthropy has come to be viewed as a voluntary act focused on social assistance and as an instrument of community empowerment that has a long-term impact on improving quality of life and social development. (Hughes & Siddiqui, 2024) In many

countries, philanthropic practices have become part of the social mechanisms that serve to reduce economic inequality, strengthen social solidarity, and promote social justice.

From an Islamic perspective, philanthropy has a strong theological foundation and forms an integral part of religious teachings. (Umarji et al., 2024) The values of generosity in Islam are realised through various instruments such as zakat, infak, sadaqah, and waqf, which aim to bring about the common good and provide protection for those in need. The existence of these instruments demonstrates that philanthropy in Islam functions as a form of individual worship and a mechanism for the distribution of welfare, possessing social, economic, and legal dimensions. (Osseilan & James, 2023)

Studies on Islamic philanthropy have, to date, predominantly focused on zakat, infak, sedekah, and wakaf as the primary instruments of philanthropy. Various studies over the past decade have generally addressed the management of zakat, the optimisation of productive waqf, the governance of Islamic philanthropic institutions, and the contribution of philanthropy to the social and economic development of society. (Fallas, 2023) Nevertheless, these studies still tend to focus on the social dimension of philanthropy, whilst the dimension of philanthropy developing within the scope of Islamic family law has not received adequate attention. Yet, Islamic family law also recognises various forms of giving that embody philanthropic values, such as child maintenance, spousal maintenance, mut'ah, iddah maintenance, gifts, and bequests. (Faure, 2024)

The limitations of these studies indicate a gap in the literature on Islamic philanthropy. Family law instruments have hitherto been studied more frequently as legal consequences of marriage, divorce, or inheritance, without being situated within the broader framework of Islamic philanthropy. (Usman et al., 2020) Consequently, the relationship between Islamic philanthropy, family law, and the jurisdiction of the Religious Courts has not been comprehensively discussed. Yet, various forms of giving within family law essentially contain elements of welfare distribution, protection of vulnerable parties, and social responsibility that align with the principles of Islamic philanthropy. Furthermore, the implementation of various instruments of Islamic philanthropy whether of a social nature or those developed within family law does not always proceed as it should. In practice, disputes frequently arise concerning the implementation of post-divorce maintenance, gifts, wills, waqf, zakat, infak, and sadaqah. These disputes may ultimately escalate into legal disputes falling within the jurisdiction of the Religious Courts to examine, adjudicate, and resolve. (Masykuroh et al., 2025) This situation indicates that studies on the construction of Islamic philanthropy cannot be separated from the aspect of dispute resolution arising from the legal relationships between the parties.

Based on this situation, this research offers a broader perspective on Islamic philanthropy by positioning family law instruments as part of the construction of Islamic philanthropy. This approach is used to explain that Islamic philanthropy has a broader scope; in addition to zakat, infak, sadaqah, and waqf, it also encompasses various forms of giving within family law aimed at realising the public interest and social protection. Thus, this study seeks to broaden the understanding of the scope of Islamic philanthropy whilst linking it to potential disputes falling within the jurisdiction of the Religious Courts.

This study was conducted with the aim of analysing the construction of Islamic philanthropy within Islamic family law and examining the implications of this construction for potential disputes falling within the jurisdiction of the Religious Courts. Specifically, this study addresses two main questions: how is Islamic philanthropy constructed within Islamic family law, and what are the implications of this construction for potential disputes falling within the jurisdiction of the Religious Courts?

The main contribution of this study lies in its effort to expand the conceptual framework of Islamic philanthropy through the integration of family law instruments into the discourse on Islamic philanthropy. Furthermore, this study provides a mapping of potential disputes regarding Islamic philanthropy within the jurisdiction of the Religious Courts, thereby serving as an academic and practical reference for the development of research on Islamic family law, Islamic philanthropy, and the procedural law of the Religious Courts.

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## METHOD

This study is a normative legal study employing a conceptual approach and a statutory approach. The conceptual approach is used to analyse the construction of Islamic philanthropy within family law, whilst the statutory approach is used to examine various legal provisions relating to Islamic philanthropy and the jurisdiction of the Religious Courts. (Friedl, 2025) (Hamzani et al., 2024)

The legal materials used consist of primary legal materials in the form of legislation and the Compilation of Islamic Law, as well as secondary legal materials in the form of books, journals, and relevant research findings. The legal materials were collected through library research and analysed qualitatively using a descriptive-analytical method to gain an understanding of the construction of Islamic philanthropy and its potential for dispute in the Religious Courts.

## FINDINGS

### The Concept of Islamic Philanthropy in Islamic Family Law

Research findings indicate that Islamic philanthropy is realised through the instruments of zakat, infak, sadaqah and waqf, as well as through various instruments developed within Islamic family law. These instruments include child maintenance, spousal maintenance, mut'ah, iddah maintenance, gifts and wills. All these instruments involve the provision of benefits or assets from one party to another, aimed at ensuring welfare, protection, and the common good. (Anoraga, 2023) Within family relationships, child maintenance and spousal maintenance constitute forms of economic responsibility placed upon the party obliged to ensure the fulfilment of family members' basic needs. Similarly, mut'ah and iddah maintenance, provided as legal consequences of divorce, serve to protect women's rights following the dissolution of the marriage. (Rochmatullah, 2025) Meanwhile, gifts and wills are forms of asset transfer made either whilst the donor is alive or after their death, with the aim of providing benefit to the recipient.

Based on these characteristics, this study finds that Islamic philanthropy within family law is constructed through instruments of gift-giving that contain elements of responsibility, protection, and the distribution of benefits to family members. Thus, Islamic philanthropy has two main dimensions: social philanthropy, which develops within society, and family philanthropy, which develops within the context of family law. (Hasan, 2024)

**Table 1. Instruments of Islamic Philanthropy in Family Law and Their Objectives**

| Instruments | Form of Grant | Purpose |
|---|---|---|
| Child Maintenance | meeting children's needs | child protection and welfare |
| spousal maintenance | meeting one's wife's needs | family well-being |
| Mut'ah | Post-divorce arrangements | Protection of women's rights |
| iddah maintenance | maintenance during the 'iddah period | provision for post-divorce needs |
| gifts | gifts made during one's lifetime | distribution of benefits |
| wills | gifts made after death | the welfare of the beneficiaries |

### The Implications of the Concept of Islamic Philanthropy for Potential Disputes within the Jurisdiction of the Religious Courts

The research findings indicate that the expansion of Islamic philanthropy into the realm of family law has implications for the broadening scope of disputes concerning Islamic philanthropy that may fall within the jurisdiction of the Religious Courts. Potential disputes arise in relation to instruments of social philanthropy such as zakat, infak, sedekah and wakaf, as well as instruments of family philanthropy. (Mufid & Muhammad, 2023) In practice, disputes may arise due to the failure to fulfil obligations regarding child maintenance and spousal maintenance, the non-payment of mut'ah and iddah maintenance, or disagreements concerning the execution of gifts and wills. Furthermore, disputes may also arise in the management of waqf, zakat, infak, and sedekah, which form part of Islamic social philanthropy. (Nugroho & Aini, 2023) Research findings indicate that the presence of elements of giving within various instruments of Islamic philanthropy does not eliminate the possibility of legal disputes. On the contrary, the legal relationships arising from these instruments have the potential to give rise to disputes regarding rights, obligations, or their implementation, thereby requiring resolution through legal mechanisms falling within the jurisdiction of the Religious Courts.

**Table 2. The Potential for Disputes over Islamic Philanthropy within the Jurisdiction of the Religious Courts**

| Philanthropic Instruments | Potential Disputes |
|---|---|
| Child Maintenance | Claims for child maintenance |
| Spousal Maintenance | Claims for spousal maintenance |
| Mut'ah | Claims for payment of mut'ah |
| Iddah maintenance | Claims for fulfilment of iddah maintenance |
| Gifts | Disputes regarding the revocation or validity of gifts |
| Wills | Disputes regarding the execution of wills |
| Waqf | Disputes regarding the management and status of waqf |
| Zakat, Infaq and Sadaqah | Disputes regarding management and distribution |

## DISCUSSION

### The Concept of Islamic Philanthropy in Family Law

Understanding of Islamic philanthropy has, until now, been largely focused on the instruments of zakat, infak, sadaqah and waqf. Previous studies have generally positioned Islamic philanthropy as part of Islamic social finance instruments that serve to reduce poverty, improve community welfare, and strengthen social development. This perspective suggests that Islamic philanthropy is understood primarily in relation to society at large. The findings of this study indicate that the scope of Islamic

philanthropy is, in fact, much broader. (Sulasih, 2020) In addition to encompassing social philanthropy instruments, Islamic philanthropy can also be found in various family law instruments such as child maintenance, spousal maintenance, mut'ah, iddah maintenance, gifts, and wills. (Rokhim et al., 2025) All these instruments share the same characteristic, namely the provision of benefits or assets aimed at ensuring the welfare, protection, and well-being of the recipient.

This framework arises because Islamic family law governs legal relationships between family members, as well as the principles of social responsibility and the protection of vulnerable parties. In this regard, the provision of maintenance, mut'ah, gifts, and bequests are instruments for the distribution of welfare that align with the objectives of Islamic philanthropy. (Soh et al., 2022) Therefore, Islamic philanthropy cannot be limited solely to instruments of a social nature and other instruments that develop within family relationships. The contribution of this research lies in the expansion of the conceptual framework of Islamic philanthropy by incorporating family law instruments as part of Islamic philanthropic practice. This perspective enriches the study of Islamic philanthropy, which has hitherto focused primarily on zakat, infak, sadaqah, and waqf.

This framework is also consistent with the fundamental principles of Islamic law, which position the family as the primary institution for the realisation of the public good. From the perspective of *maqāṣid al-syarī'ah*, the preservation of the lineage (*ḥifẓ al-nasl*) and the preservation of wealth (*ḥifẓ al-māl*) are two important objectives realised through various family law instruments. The obligation to provide maintenance for children and a wife constitutes a form of protection for the survival and well-being of family members, whilst mut'ah and iddah maintenance serve as social security for women following divorce. (Solikin, 2023) On the other hand, gifts and wills serve as instruments for the distribution of wealth, enabling the equitable distribution of benefits and the protection of specific parties in need. Therefore, these instruments possess not only a legal dimension but also embody the values of generosity and solidarity that form the essence of Islamic philanthropy. (Busriyanti et al., 2025)

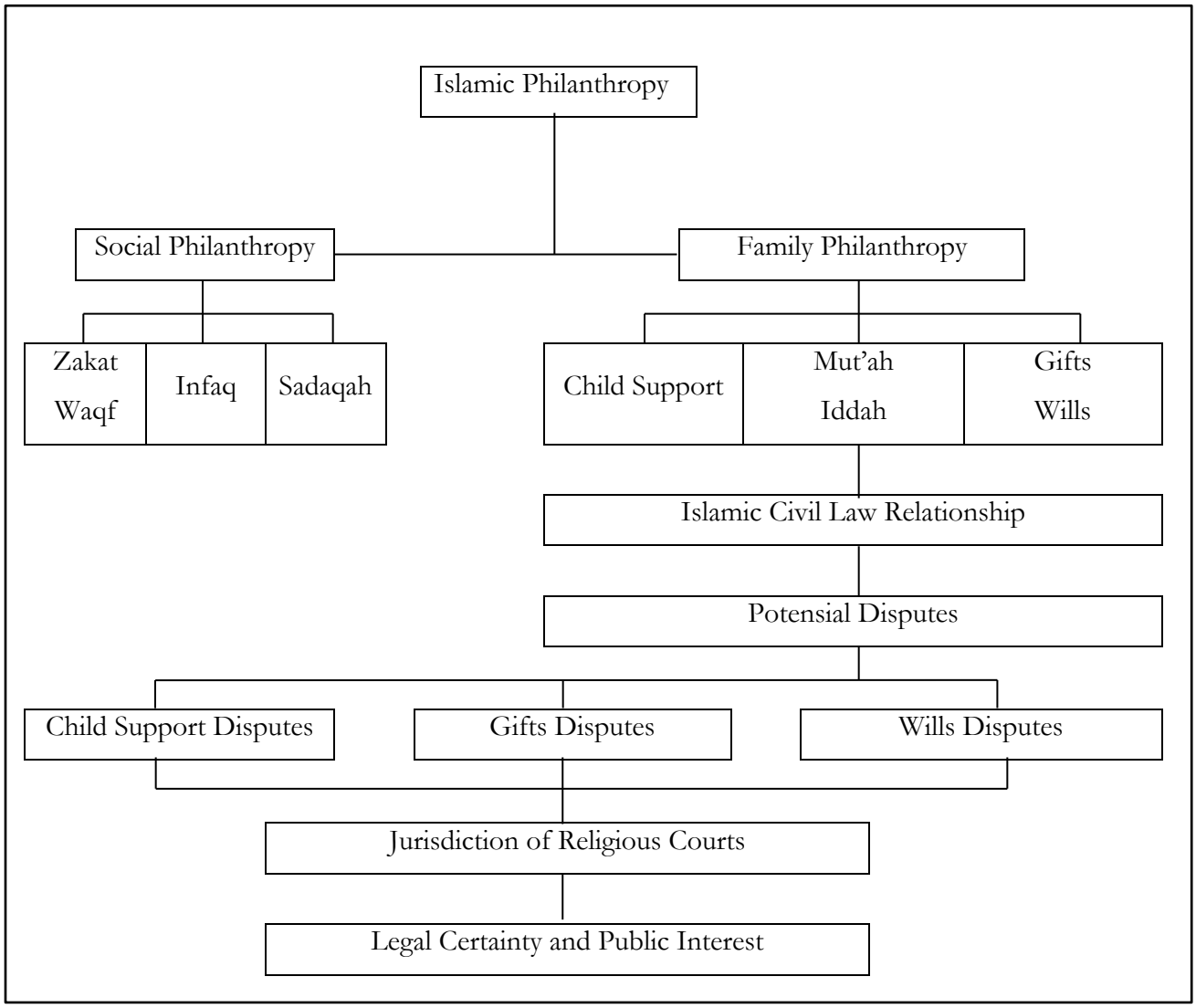
When viewed in terms of its characteristics, Islamic philanthropy is fundamentally determined not merely by the form of its instruments, but by the objectives it seeks to achieve, namely the realisation of benefit, justice, and welfare. In this context, there is a substantial similarity between zakat, infak, sedekah, and waqf and various family law instruments. (Harahap et al., 2024) All of them contain an element of giving or transferring benefits from one party to another, aimed at meeting needs, protecting rights, and ensuring the sustainability of the beneficiaries' lives. The differences lie more in the basis of the obligation, the recipients, and the scope of implementation. Whilst social

philanthropy is oriented towards society at large, philanthropy within family law is oriented towards family members as parties with closer legal ties and responsibilities.

Thus, the findings of this study indicate that Islamic philanthropy can be understood as a system of welfare distribution operating in two spheres simultaneously: the social sphere and the family sphere. (Shuaib & Sohail, 2021) This understanding broadens the scope of research on Islamic philanthropy, which has hitherto tended to focus on Islamic social financial instruments. In addition to offering a new perspective in the study of Islamic philanthropy, this framework also affirms that Islamic family law does not merely serve to regulate civil relations among family members, but also functions as a means to realise social protection and distributive justice, in line with the primary objectives of Islamic law. (Khasanah et al., 2023)

Based on this analysis, this study categorises Islamic philanthropy into two main categories: social philanthropy and family philanthropy. Social philanthropy is the practice of giving directed at the wider community through the instruments of zakat, infak, sadaqah, and waqf. Meanwhile, family philanthropy is the practice of giving arising from legal family relationships through the instruments of child maintenance, spousal maintenance, mut'ah, iddah maintenance, gifts, and wills. Both categories share the common feature of a transfer of benefits or assets aimed at realising the public interest, protection, and welfare of the beneficiaries, yet they differ in the basis of their legal relationships. (Makhrus et al., 2024) Social philanthropy is grounded in social-religious relationships, whereas family philanthropy is grounded in family law and kinship relationships.

**Figure 1. The Structure of Islamic Philanthropy and the Potential for Disputes in the Religious Courts**




## The Potential for Disputes over Islamic Philanthropy within the Jurisdiction of the Religious Courts

Developments in the practice of Islamic philanthropy indicate that every philanthropic instrument carries the potential to give rise to legal disputes. In previous studies, attention to philanthropic disputes has been directed primarily towards the management of waqf and zakat, as both involve public interests and institutional management. (Safingah et al., 2025) The findings of this study show that the potential for disputes in Islamic philanthropy is not, in fact, limited to waqf and zakat alone.

In the realm of family law, disputes may arise due to the failure to fulfil maintenance obligations, the implementation of mut'ah and iddah maintenance following divorce, disputes regarding gifts, or the execution of wills. These disputes essentially stem from differences in the parties' interests regarding the exercise of rights and obligations that involve the granting or transfer of benefits. (Saidon et al., 2023) The emergence of these disputes indicates that Islamic philanthropic instruments serve a social function whilst simultaneously carrying legal consequences that may give rise to litigious legal relationships. Consequently, the existence of the Religious Courts is vital as the institution authorised to provide legal certainty regarding various Islamic philanthropic disputes. The contribution of this research is to broaden the understanding of the subject matter of Islamic philanthropy disputes falling within the jurisdiction of the Religious Courts.

This expansion of the subject matter of Islamic philanthropy disputes is in line with the development of the Religious Courts' jurisdiction within the Indonesian legal system. Pursuant to Law No. 3 of 2006 amending Law No. 7 of 1989 on the Religious Courts, the jurisdiction of the Religious Courts covers cases relating to marriage, inheritance, wills, gifts, waqf, zakat, infak, sadaqah, and Islamic finance. (BPK, 2006) This scope of jurisdiction indicates that the majority of instruments constructed as Islamic philanthropy in this study have gained legal recognition as subjects of dispute that can be examined, tried, and adjudicated by the Religious Courts. Furthermore, the characteristics of Islamic philanthropy which involve elements of giving, protection, and the distribution of welfare do not preclude the possibility of conflicts of interest arising between the parties. Precisely because these instruments give rise to rights and obligations recognised by law, their implementation has the potential to lead to legal claims if one party feels their rights have not been fulfilled. (Maula, 2023) In this regard, the Religious Courts do not function as a dispute resolution body. Rather, the Religious Courts serve as an instrument to ensure the realisation of the objectives of Islamic philanthropy, namely the achievement of justice, benefit, and protection for those entitled to receive such benefits. (Ubaidilah & Husna, 2023)

Based on these findings, this study offers the perspective that disputes concerning Islamic philanthropy should not be narrowly understood as disputes relating solely to zakat and waqf. Disputes arising from the implementation of maintenance, mut'ah, iddah maintenance, gifts, and wills can also be placed within the framework of Islamic philanthropy disputes as they share the same characteristics, namely being related to the provision of benefits or assets aimed at realising the public good. (Agustar & Arafah, 2024) This perspective broadens the scope of Islamic philanthropy studies whilst

reinforcing the position of the Religious Courts as an institution playing a central role in resolving disputes arising from the practice of Islamic philanthropy, both in the social and family spheres.

## CONCLUSION

Based on the research findings, Islamic philanthropy is broadly understood through the instruments of zakat, infak, sadaqah and waqf, and encompasses various instruments within Islamic family law such as child maintenance, spousal maintenance, mut'ah, iddah maintenance, gifts and wills. These instruments involve the provision of benefits or assets aimed at realising the welfare, protection, and well-being of the recipients. Therefore, Islamic philanthropy can be conceptualised within two dimensions: social philanthropy and family philanthropy.

This conceptualisation implies an expansion of the scope of disputes concerning Islamic philanthropy within the jurisdiction of the Religious Courts. These disputes relate to zakat and waqf, and may also arise from the implementation of maintenance, mut'ah, iddah maintenance, gifts, and wills. Consequently, the Religious Courts play a vital role in providing legal certainty regarding various disputes arising from the practice of Islamic philanthropy, whether in the social or family sphere.

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