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# Trust Deficit and Institutional Bypass: How Community-Based Mediation Explains Zakat Underperformance in Kano State, Nigeria

**Siraj Muhammad Enagi**[1*]
Email: sirajmuhammad688@gmail.com

Affiliation: Usmanu Danfodiyo University, Sokoto, Nigeria

**Abstract**

This paper examines Islamic philanthropy (*al-tabarru'at*) as a public welfare instrument through the theoretical lens of *Maqasid al-Shari'ah* – the higher objectives of Islamic law. Arguing that philanthropy is not merely a moral virtue but a structural mechanism embedded in the Islamic legal order, the study demonstrates how the classical *Maqasid* framework – comprising the protection of religion (*din*), life (*nafs*), intellect (*'aql*), lineage (*nasl*), and wealth (*mal*) – provides a coherent theoretical foundation for understanding, classifying, and expanding philanthropic institutions in the Islamic public domain. Drawing on classical juristic sources including al-Ghazali, al-Shatibi, Ibn Ashur, and al-'Izz ibn 'Abd al-Salam, the paper argues that philanthropy serves as a collective obligation (*fard kifayah*) that preserves societal *maslahah* (public interest) at all three levels: *daruriyyat* (necessities), *hajiyyat* (needs), and *tahsiniyyat* (refinements). The paper further contends that a *Maqasid*-based framework offers a systematic methodology for evaluating, prioritising, and institutionalising philanthropic activity in the contemporary Muslim public sphere.

**Keywords:** Islamic Philanthropy, *Maqasid al-Shari'ah*, *Maslahah*, Public Welfare

## Introduction

Islamic philanthropy encompasses a broad range of voluntary and obligatory transfers of wealth oriented toward the public good. These include *Zakah* (obligatory alms), *sadaqah* (voluntary charity), *Waqf* (endowment), *hibah* (gift), and *kaffarah* (expiation). Classical Muslim jurists treated these institutions not as peripheral acts of personal piety but as integral pillars of the Islamic socio-economic order. Al-Ghazali observed that the well-being of (Khan & Badjie, 2020) depends upon ensuring that needs are met through lawful means, and that the hoarding of wealth to the neglect of communal obligations represents a departure from the spirit of the *Shari'ah* .

Despite its prominence in classical *fiqh*, the theoretical foundations of Islamic philanthropy as a public welfare mechanism remain underexplored in contemporary academic discourse. Much existing scholarship focuses on the operational and economic dimensions of specific instruments such as *Zakah* and *Waqf*, while the overarching normative framework that confers on these instruments their juristic coherence and social purpose receives less systematic attention (Tahiri Jouti, 2019). This paper addresses that gap by situating Islamic philanthropic institutions within the framework of *Maqasid al-Shari'ah* as articulated by al-Shatibi and later elaborated by Ibn Ashur and contemporary scholars (Abdulgafar, Abdulraheem, & ..., 2024).

The central argument of this paper is that the *Maqasid* framework provides not merely a descriptive account of the purposes behind philanthropic rules but a normative architecture that: (i) justifies the obligatory nature of certain philanthropic acts; (ii) prioritises philanthropic action in times of social crisis; (iii) enables the extension of philanthropic norms to novel public welfare challenges; and (iv) grounds the accountability of wealth-holders to the broader community. In advancing this argument, the paper draws exclusively on classical and semi-classical sources, reflecting the conviction that the intellectual resources of the Islamic tradition remain adequate for addressing contemporary challenges without recourse to secular theoretical imports.

## Literature Review

### Definition and Classical Development

Maqasid al-Shari'ah refers to the objectives, purposes, and intents that the divine Lawgiver sought to achieve through the rules of Islamic law. Ibn Ashur (2006) defines maqasid as the meanings and underlying wisdoms that the Lawgiver observed in all, or most, of the rulings of the Shari'ah. Al-Raysuni (2005) traces the systematic articulation of Maqasid theory to al-Juwayni and al-Ghazali, noting that al-Shatibi's al-Muwafaqat represents its fullest classical elaboration.

Al-Ghazali's (1997) formulation identifies five essential objectives: the preservation of religion (hifz al-din), life (hifz al-nafs), intellect (hifz al-'aql), lineage (hifz al-nasl), and property (hifz al-mal). Al-Shatibi systematises these into three tiers: daruriyyat (necessities), the absence of which leads to the collapse of social order; hajiyyat (needs), the neglect of which causes hardship; and tahsiniyyat (embellishments), which are desirable but not essential.

**Maslahah as the Operative Principle of Public Welfare**

Intimately linked to Maqasid is the concept of maslahah (public interest or welfare). Al-Shatibi defines maslahah as that which ensures the flourishing of human beings and their societies in accordance with the purposes of the Lawgiver. Al-'Izz ibn 'Abd al-Salam (1991) extends this further, arguing that the entire body of Islamic jurisprudence reduces to the pursuit of masalih (interests) and the repulsion of mafasid (harms), both in this world and the next.

For public welfare analysis, the critical distinction is between maslahah khassah (private interest) and maslahah 'ammah (public interest) (Ariyani, 2016). The Shari'ah consistently privileges the latter over the former. Ibn Nujaym's (1999) well-known maxim, that the harm suffered by one may be borne for the benefit of all, encapsulates the juristic consensus that the needs of the community take priority over those of the individual when a genuine conflict arises.

Maslahah is also classified according to its level of legal recognition into *maslahah mu'tabarah* (recognized public interest), *maslahah mulghah* (rejected public interest), and *maslahah mursalah* (unrestricted public interest). Classical jurists generally accepted *maslahah mu'tabarah* because it is explicitly supported by the Qur'an, Sunnah, or established legal principles, while *maslahah mulghah* is rejected because it contradicts clear textual evidence. The most dynamic category is *maslahah mursalah*, which refers to public interests that are neither explicitly endorsed nor rejected by the revealed texts but remain consistent with the overall objectives of the Shari'ah. As explained by Kamali (2008), this doctrine enables Islamic law to respond to emerging social, economic, and technological developments while maintaining fidelity to the Maqasid al-Shari'ah. Consequently, *maslahah mursalah* has become an important methodological basis for formulating contemporary public policies in areas where direct textual guidance is absent.

In the context of public policy and governance, the principle of *maslahah* functions as an evaluative framework for determining whether a policy genuinely advances collective welfare rather than serving sectional or short-term interests. A policy is considered consistent with the Shari'ah only when it demonstrably preserves or enhances the essential objectives of religion (*din*), life (*nafs*), intellect (*'aql*), lineage (*nasl*), and wealth (*mal*), while minimizing harm to society (Millati, 2020). This normative orientation makes *maslahah* particularly relevant for contemporary issues such as economic development, social protection, environmental sustainability, and public financial management (Andni, Aris, Widodo, & Anam, 2025). Therefore, *maslahah* should not be understood merely as a utilitarian concept of maximizing benefits, but as a comprehensive ethical and legal principle that balances individual rights, collective interests, and long-term societal well-being in accordance with the objectives of Islamic law.

## Islamic Philanthropy: Instruments and Juristic Classification

### Zakah: Obligatory Philanthropy as Social Contract

Zakah is the most institutionalised form of Islamic philanthropy. As the third pillar of Islam, it is an obligatory transfer of a fixed portion of wealth from eligible Muslims to designated categories of recipients enumerated in Surah al-Tawbah (9:60), which lists the poor, the needy, zakah administrators, those whose hearts are to be reconciled, the enslaved seeking freedom, debtors, those striving in God's cause, and wayfarers as the legitimate beneficiaries.

Al-Qaradawi (1999) argues that Zakah constitutes a systemic mechanism for wealth redistribution that addresses poverty at its structural roots rather than merely alleviating its symptoms. From a Maqasid perspective, Zakah simultaneously serves multiple essential objectives. It preserves life (nafs) by ensuring the subsistence of the destitute; it preserves intellect ('aql) by funding education and intellectual welfare, as in the category of fi sabil Allah; it preserves lineage (nasl) by protecting families from destitution; and it preserves property (mal) by preventing its unhealthy concentration. Al-Kasani (1986) emphasises that the Lawgiver imposed Zakah as a means of purifying wealth and channelling it toward collective social benefit.

### Waqf: Endowment as Institutional Philanthropy

Waqf, the permanent dedication of an asset to public benefit, represents perhaps the most institutionally consequential form of Islamic philanthropy. Classical jurists such as Ibn Qudamah (1997) defined Waqf as the confinement of the principal and the release of the usufruct. Historically, Waqf institutions supported mosques, schools, hospitals, water supply systems, and care for the poor, effectively constituting a parallel system of public infrastructure independent of state funding (Cizakca, 2000).

Within the Maqasid framework, Waqf operates primarily at the level of hajiyyat and tahsiniyyat, supplementing the baseline welfare guaranteed by Zakah. Al-Nawawi's analysis of Waqf conditions underscores its function as a vehicle for perpetual sadaqah jariyah (ongoing charity), maximising the preservation of all five essentials over an indefinite time horizon.

**Sadaqah and Voluntary Philanthropy**

Beyond obligatory transfers, voluntary sadaqah fills the space between formal Zakah obligations and the full range of community needs. Ibn Taymiyyah (1995) considers sadaqah a communal obligation (fard kifayah) when the community's basic needs cannot otherwise be met, thereby elevating it from mere supererogation to a legal duty under conditions of public necessity.

Voluntary *sadaqah* also embodies the principle of social solidarity (*takaful ijtima'i*), encouraging individuals to contribute beyond the minimum legal obligation whenever societal circumstances demand greater collective support. Unlike Zakah, which is governed by fixed rates and designated beneficiaries, *sadaqah* offers greater flexibility in both its amount and allocation, allowing resources to be directed toward urgent humanitarian, educational, healthcare, and community development needs (Khadijah & Afif, 2019; Zulyanto, Wiranatakusuma, & ..., 2025). This flexibility enhances the responsiveness of Islamic social finance to evolving socio-economic challenges while remaining firmly rooted in the ethical objectives of the Shari'ah. As Chapra (2008) argues, voluntary charitable giving strengthens social cohesion and reduces inequality by cultivating a culture of compassion, mutual responsibility, and shared prosperity.

From the perspective of *Maqasid al-Shari'ah*, *sadaqah* complements Zakah by extending the protection of the essential interests (*daruriyyat*) beyond the minimum threshold required by law. It contributes to the preservation of life through assistance to the poor and vulnerable, supports intellect through educational initiatives, safeguards wealth by preventing extreme deprivation, and reinforces social stability by reducing economic disparities that may lead to social conflict. Consequently, *sadaqah* should be understood not merely as an individual act of piety but as a strategic instrument of Islamic social welfare that enhances societal resilience and promotes inclusive development. Its voluntary character does not diminish its public significance; rather, it enables the Muslim community to address welfare gaps that cannot always be covered through obligatory redistributive mechanisms alone (Sulaeman, 2021).

### Institutional Complementarity: Zakah, Waqf, and Sadaqah as an Integrated System

Although Zakah, Waqf, and sadaqah are governed by distinct juristic rules, several scholars argue that they should not be studied in isolation but rather as complementary components of a single Maqasid-oriented welfare architecture (Kahf, 1999; Chapra, 2008). Zakah supplies a recurring, obligatory, and legally enforceable floor of subsistence; Waqf provides durable, capital-intensive infrastructure whose benefits accrue over generations; and sadaqah offers a flexible, discretionary instrument capable of responding to needs that fall outside the fixed categories of Zakah recipients or the specific purposes stipulated by a waqif (endower).

Sadeq (2002) contends that this layered structure allows Islamic philanthropy to address both chronic and acute forms of deprivation: Zakah functions as an income-transfer mechanism analogous to a social safety net, whereas Waqf resembles an endowment-financed public trust, and sadaqah operates as a residual, need-responsive channel. Read together with al-Shatibi's tiered classification of daruriyyat, hajiyyat, and tahsiniyyat, this literature suggests that the three instruments were never intended to compete but to jointly saturate the full spectrum of human necessity, from bare survival to the refinement of communal life.

### Contemporary Reinterpretation of Maqasid al-Shari'ah

Twentieth- and twenty-first-century scholarship has sought to extend the classical Maqasid framework beyond its originally individual-centred formulation. Ibn Ashur (2006) himself was among the first modern jurists to argue that maqasid should also encompass objectives at the level of the ummah (community), such as justice, freedom, and institutional stability, rather than being confined to the five classical essentials.

Building on this, Auda (2008) proposes a systems-based reading of Maqasid, arguing that classical jurisprudence tended to treat the objectives of the law atomistically, whereas a systems approach treats them as interconnected, dynamic, and oriented toward openness, multidimensionality, and human development. Auda's reworking situates concepts such as human rights, development, and public welfare institutions, including Zakah and Waqf, within a broader teleology of the Shari'ah rather than as narrowly defined ritual or fiscal obligations. Al-Raysuni (2005) similarly stresses that Maqasid scholarship must move from a purely descriptive account of al-Shatibi's theory toward its practical application in areas such as economic policy and public administration.

Dusuki and Bouheraoua (2011) apply this reinterpreted Maqasid framework specifically to Islamic finance and philanthropy, arguing that maslahah-based reasoning provides the interpretive bridge between classical juristic categories and the design of modern financial and charitable instruments, including zakah funds, waqf-based endowments, and Islamic microfinance products.

**Islamic Philanthropy in Contemporary Development Discourse**

A growing body of literature situates Zakah, Waqf, and sadaqah within contemporary debates on poverty alleviation and sustainable development. The Islamic Development Bank's Islamic Research and Training Institute has argued that Islamic social finance instruments possess considerable, largely untapped potential to complement conventional development finance in achieving the Sustainable Development Goals, particularly those relating to poverty, hunger, education, and inequality (Islamic Development Bank Group and World Bank Group, 2017).

Obaidullah (2016) examines the rise of zakah- and waqf-based fintech platforms, observing that digital collection and disbursement mechanisms have improved the transparency and reach of Zakah administration, while also raising new juristic questions about the permissible scope of zakah-fund investment and cross-border disbursement. Similarly, Cizakca (2000) traces the historical decline of the classical waqf system under colonial and post-colonial state intervention, and argues that its revival through cash-waqf and corporate-waqf models offers a plausible vehicle for financing modern social infrastructure, including healthcare, education, and microfinance, without imposing recurrent fiscal burdens on the state.

Chapra (2008) situates this discussion explicitly within the Maqasid framework, arguing that development itself should be redefined in Maqasid terms, not as GDP growth alone but as the realisation of daruriyyat, hajiyyat, and tahsiniyyat for the greatest possible number of people. On this reading, Islamic philanthropy is not peripheral charity but a structural component of an Islamic theory of development.

### Critical Perspectives and Gaps in the Literature

Not all scholarship is celebratory. Kuran (2001, 2004) offers an influential critique of the historical waqf system, arguing that its rigidity, the doctrine of perpetuity, and the difficulty of altering a waqif's original stipulations once conditions changed, entrenched economic inefficiency and may have contributed to the delayed institutional development of corporate forms in some Muslim-majority regions. Kuran's critique has generated substantial debate, with several scholars, including Cizakca (2000), disputing the extent to which such inefficiencies were inherent to waqf doctrine as opposed to being products of later state mismanagement.

A further gap identified in the literature concerns measurement and governance. Several contemporary studies note that although the juristic foundations of Zakah, Waqf, and sadaqah are well developed, empirical research on their actual redistributive impact, and on the accountability mechanisms governing modern zakah and waqf institutions, remains comparatively underdeveloped (Obaidullah, 2016). This suggests that while the normative, Maqasid-based case for Islamic philanthropy is well established, the literature connecting that normative framework to verifiable welfare outcomes is still emerging.

### Synthesis and Conceptual Framework

Taken together, this body of literature supports three propositions that inform the present study. First, Maqasid al-Shari'ah, and its operative principle of maslahah, provide the normative architecture within which Islamic philanthropic instruments derive their legitimacy and purpose, rather than being free-standing acts of charity. Second, Zakah, Waqf, and sadaqah, though juristically distinct, function as complementary tiers of a single welfare system that maps onto al-Shatibi's classification of daruriyyat, hajiyyat, and tahsiniyyat. Third, contemporary reinterpretations of Maqasid, particularly the systems-based approach advanced by Auda (2008) and the development-oriented reading advanced by Chapra (2008), extend the classical framework toward present-day concerns such as sustainable development, financial inclusion, and institutional governance, while critical scholarship such as Kuran's (2001) reminds researchers that the normative promise of these instruments cannot be assumed to translate automatically into efficient or equitable outcomes without adequate institutional design.

This synthesis suggests that any contemporary study of Islamic philanthropy should be evaluated against two simultaneous benchmarks: fidelity to the Maqasid al-Shari'ah as classically and contemporarily understood, and demonstrable contribution to measurable public welfare (maslahah 'ammah) outcomes.

## Discussion

### Applying *Maqasid al-Shari'ah* to Islamic Philanthropic Action

#### Philanthropy at the Level of *Daruriyyat*

At the level of necessities, philanthropic institutions are obligatory instruments of social survival. When members of a community face starvation, homelessness, or denial of access to medical care, the *Shari'ah* mandates that those with surplus wealth contribute – through *Zakah* or *sadaqah wajibah* – to avert social collapse. Al-Shatibi is unambiguous that the *daruriyyat* level of the *Maqasid* must be preserved even at the cost of departing from secondary rules.

This has direct implications for the juristic assessment of wealthy Muslims who withhold wealth in times of communal crisis. Classical scholars, including Abu Zahrah, held that the state may compel additional levies beyond *Zakah* when the essential needs of the community cannot otherwise be met a position directly grounded in the logic of *Maqasid* (Ihsan, Agustar, Muslim, & ..., 2022).

#### Philanthropy at the Level of *Hajiyyat*

At the level of needs, philanthropy expands to include educational endowments, healthcare *Waqf*s, and support for productive capacity among the poor (Kumari, 2021). The jurists recognised that a Muslim community unable to access education, basic healthcare, and economic opportunity, while technically surviving, suffers a form of structured deprivation incompatible with the honour Islam confers on human beings. Philanthropic action at this level is a collective duty enforceable by the Islamic State and commended upon individuals (bin Lahuri, Ahmad, & ..., 2025).

### Philanthropy at the Level of *Tahsiniyyat*

At the highest level, Islamic philanthropy encompasses cultural, aesthetic, and moral enrichment of the public sphere. The historical patronage of Islamic scholarship, architecture, libraries, and arts through *Waqf* endowments reflects this dimension. Ibn Ashur treats such contributions as expressions of the Islamic spirit of *ihsan* (excellence) that elevate society beyond mere survival to genuine civilisational flourishing (Mahfudz, Ahmad, & Maulana, 2024).

### Philanthropy as *Fard Kifayah*: The Collective Obligation Framework

A key theoretical contribution of the *Maqasid* framework to the understanding of Islamic philanthropy is its grounding of broad philanthropic responsibility in the doctrine of *fard kifayah* collective obligation. When a communal need arises that cannot be met without collective action, the obligation to act falls upon the community as a whole. If a sufficient number perform it, the rest are absolved; if no one does, all are culpable (Ab Rahman, Abdullah Thaidi, Baharuddin, Ab Rahman, & Ab Rahim, 2019; Yafiz, 2019).

This doctrine has profound implications for Islamic public welfare theory. It means that the provision of schools, hospitals, shelter for the homeless, and support for the disabled is not merely the responsibility of the Islamic state but falls upon all Muslims with the means to contribute. The *Maqasid* framework explains why such obligations exist: because their neglect would undermine the very objectives preservation of life, intellect, lineage, and property that the *Shari'ah* was revealed to protect (Susilawati, Sulaiman, Abduh, & ..., 2021).

Jasser Auda's systems-based reading of *Maqasid al-Shari'ah* further supports this point, arguing that the preservation of the five essentials must be understood not merely at the level of the individual but at the systemic level of society (Jasser Auda', 2012).

## Conclusion

This paper has argued that Islamic philanthropy is best understood not as a collection of isolated pious acts but as a structured system of public welfare institutions grounded in the coherent normative architecture of *Maqasid al-Shari'ah*. The classical framework of al-Shatibi, enriched by Ibn Ashur's sociological reading and al-'Izz ibn 'Abd al-Salam's welfare-centred jurisprudence, provides a complete and self-sufficient theoretical foundation for analysing, justifying, and expanding Islamic philanthropic practice.

The paper demonstrated that philanthropic instruments *zakah*, *waqf*, *sadaqah* correspond systematically to the three tiers of the *Maqasid* (*daruriyyat, hajiyyat, tahsiniyyat*) and collectively serve to preserve all five essential objectives of Islamic law. It further argued that the doctrine of *fard kifayah*, interpreted through *Maqasid* theory, imposes a legally enforceable duty upon the Muslim community to maintain adequate philanthropic provision for its members.

The implication for contemporary Muslim societies is clear: the revitalisation of Islamic philanthropic institutions is not a matter of cultural sentiment or optional charity but a *Shari'ah* obligation whose neglect constitutes a collective failure with juristic consequences. A *Maqasid*-informed approach to Islamic philanthropy offers Muslim communities a rigorous and authentic framework for addressing public welfare challenges in the twenty-first century without recourse to alien theoretical frameworks.

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