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SCIENTIFIC VIEWS OF WAQF SCHOLARS ON WAQF PROPERTY

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Abstract: This article analyzes the essence of waqf property, its place in Islamic law, and the scientific views of waqf scholars regarding this institution. The study examines the significance of waqf property in social development, its socio-economic functions, and its historical stages of evolution. Furthermore, the opinions of Abu Yusuf, Muhammad al-Shaybani, Imam Malik, Imam al-Shafi'i, and other scholars concerning waqf property are comparatively analyzed.

Keywords: waqf, waqf property, waqf studies, Islamic law, charity.

Introduction

Waqf is one of the most important legal and social institutions of Islamic civilization. It has played a significant role in the development of education, healthcare, science, culture, and social welfare systems within Muslim societies. Waqf property refers to the permanent dedication of a portion of private property for the benefit of society. Throughout history, waqfs have served as the primary financial source for the operation of mosques, madrasas, libraries, hospitals, and various charitable institutions.

The issue of waqf constitutes an important branch of Islamic jurisprudence (fiqh) and has been extensively studied by numerous scholars. Representatives of different schools of Islamic law have presented diverse views regarding the legal status of waqf, the ownership of endowed property, and the rules governing its use and administration. This article examines the scientific perspectives of waqf scholars concerning waqf property and highlights their contributions to the development of Islamic legal thought.

Main Part

The term waqf is derived from the Arabic word waqafa, which means "to stop," "to hold," or "to preserve." In Islamic law, waqf refers to the preservation of the original property while allocating its benefits and revenues to charitable, religious, educational, or social purposes. This institution has played a vital role in the economic and spiritual development of Muslim societies throughout history.

The earliest scholarly views on waqf property were formulated by prominent representatives of the Hanafi school of law, namely Abu Hanifa, Abu Yusuf, and Muhammad al-Shaybani. Abu Hanifa interpreted waqf as a form of granting the usufruct of property while retaining certain ownership rights for the donor. According to his view, the endowed property does not completely leave the ownership of the founder.

Abu Yusuf, however, adopted a different approach. He argued that waqf property becomes dedicated to Allah and therefore cannot be sold, gifted, or inherited. This opinion later became widely accepted within the Hanafi school and significantly influenced the practical application of waqf law. Muhammad al-Shaybani also emphasized the permanent nature of waqf. He maintained that waqf property should serve the interests of society and supported directing its revenues toward education, scientific advancement, and social assistance. According to him, waqf represents an essential institution that addresses both the material and spiritual needs of individuals.

The issue of waqf property has been one of the most discussed subjects in Islamic jurisprudence throughout history. Muslim scholars considered waqf not only as a legal mechanism but also as a social institution that contributed to the stability and prosperity of communities. The main purpose of waqf was to preserve property permanently and use its benefits for the welfare of society. Therefore, waqf became an important bridge between individual wealth and collective interests.

The concept of waqf was developed based on the principles of charity, social responsibility, and public benefit. Islamic jurists emphasized that the founder of a waqf should clearly define the purpose of the endowment and determine the beneficiaries. The conditions established by the founder were considered legally binding, and administrators of waqf properties were expected to respect these conditions. This principle ensured the continuity and stability of waqf institutions over generations.

Imam Malik, the founder of the Maliki school of law, regarded waqf as a permanent form of charity that served the interests of society. In his legal opinions, he paid particular attention to the intention of the founder and the social objectives of the endowment. According to Imam Malik, the value of waqf was not limited to religious purposes; rather, it represented a broader mechanism for supporting public welfare and maintaining social harmony.

Imam al-Shafi‘i considered the protection of waqf property as one of the fundamental principles of the institution. He argued that once property was dedicated as waqf, it acquired a special legal status and could not be transferred, sold, or inherited. His views emphasized the permanence and independence of waqf assets. These principles later influenced the development of waqf regulations in many Muslim societies.

Ahmad ibn Hanbal, a prominent scholar of the Hanbali school, also highlighted the importance of waqf in supporting disadvantaged groups. He believed that waqf revenues could be effectively used to assist the poor, orphans, travelers, and people in need. In his view, waqf strengthened social solidarity and encouraged cooperation among members of society.

Many medieval Muslim thinkers also examined the economic importance of waqf institutions. Ibn Khaldun, one of the most influential Muslim historians and social theorists, considered waqf an important factor in maintaining economic balance. He believed that waqf assets reduced the pressure on state resources by providing independent financial support for education, healthcare, and social services. According to his ideas, strong social institutions contributed to the development and stability of civilization.

In Central Asia, waqf institutions had a particularly important historical role. Cities such as Samarkand, Bukhara, and Khiva became major centers of education and culture partly due to the financial support provided by waqf properties. Many famous madrasas, libraries, mosques, and scientific centers operated with the assistance of waqf revenues. The existence of these institutions demonstrates the close connection between waqf and the intellectual development of the region.

Historical documents show that waqf properties in Central Asia included large agricultural lands, trade centers, water facilities, and urban buildings. Income from these assets was distributed among teachers, students, religious scholars, and charitable organizations. In this way, waqf contributed to the preservation of knowledge and the development of social infrastructure.

A significant aspect of waqf management was the role of the mutawalli. The mutawalli was responsible for protecting waqf assets, collecting revenues, and ensuring that funds were spent according to the founder's instructions. Islamic scholars developed detailed rules concerning the responsibilities and ethical requirements of mutawallis. They emphasized that poor management or misuse of waqf resources could damage the institution and violate the purpose of the endowment.

The economic influence of waqf can also be seen in its contribution to urban development. Many markets, caravanserais, water systems, and public facilities were established through waqf foundations. These projects supported trade, improved living conditions, and strengthened economic activity. Thus, waqf functioned as an important instrument of economic development in Muslim societies.

During the nineteenth century, changes in political structures affected traditional waqf systems in Central Asia. The expansion of the Russian Empire into the region led to increased documentation and administrative control over waqf properties. Government records, surveys, and reports created during this period provide valuable information about the size, management, and economic condition of waqf assets. These archival materials remain important sources for modern researchers studying the history of waqf.

Modern waqf scholars continue to analyze the relevance of waqf institutions in contemporary society. They argue that waqf can contribute to solving modern social challenges by supporting education, healthcare, scientific research, and poverty reduction programs. With improved management systems and transparent administration, waqf properties can become effective tools for sustainable social development.

Digital technologies have also created new opportunities for waqf management. Contemporary researchers emphasize the importance of modern accounting systems, public reporting, and professional administration in increasing the efficiency of waqf institutions. Such approaches help preserve the traditional values of waqf while adapting it to modern economic conditions.

The institution of the mutawalli (trustee) occupies a special place in scholarly discussions concerning waqf property. A mutawalli is responsible for administering waqf assets and ensuring that they are utilized according to the objectives established by the founder. Waqf scholars have emphasized that a mutawalli should be honest, trustworthy, knowledgeable, and responsible. The effective management of waqf property largely depends on the competence and integrity of the trustee. Medieval Muslim jurists elaborated in detail on the rights and obligations of mutawallis, stressing the necessity of protecting waqf assets from misuse and ensuring their preservation.

Scholars of waqf have also extensively discussed the role of waqf property in the educational system. Historical sources indicate that many renowned madrasas and centers of learning in the Muslim world operated through waqf funding. Scholarships for students, salaries for teachers, the expansion of libraries, and support for scholarly research were frequently financed through waqf revenues. Consequently, many researchers regard waqf as one of the principal financial foundations for the advancement of science and education in Islamic civilization.

Furthermore, waqf property played a crucial role in the development of healthcare systems. Throughout Islamic history, numerous hospitals, pharmacies, and medical centers were established and maintained through waqf endowments. These institutions often provided free or affordable medical services to the public. According to waqf scholars, such activities reflected the humanitarian principles of Islam and contributed to strengthening social solidarity within society.

Some scholars have interpreted waqf property as an instrument of economic security. They argue that waqf assets served as stable and long-term sources of income. Agricultural lands, markets, commercial shops, orchards, and other forms of real estate were often endowed as waqf, and the revenues generated from them were directed toward public welfare. As a result, waqf institutions helped reduce the financial burden on the state while supporting various social services.

Modern studies on waqf property have also examined its potential contribution to sustainable development goals. Researchers emphasize that waqf institutions can play a significant role in poverty reduction, the promotion of quality education, the improvement of healthcare services, and the enhancement of social equality. Consequently, many Muslim countries are currently undertaking reforms aimed at modernizing waqf administration, increasing its economic efficiency, and improving governance mechanisms.

According to waqf scholars, the institution of waqf also promotes values such as generosity, solidarity, and mutual assistance among individuals. Through the act of endowment, a person not only dedicates material wealth for the benefit of society but also leaves a lasting legacy for future generations. In this sense, waqf should be understood not only as an economic and legal institution but also as a moral and ethical one.

Moreover, waqf property constitutes an integral part of Islamic cultural heritage. Many historical monuments, mosques, mausoleums, and madrasas have been preserved through the waqf system. Scholars emphasize the importance of safeguarding this heritage and transmitting it to future generations, as the preservation of historical and cultural sites contributes to strengthening spiritual values and national identity.

Conclusion

Waqf property represents one of the most significant institutions in the history of Islamic law and Muslim civilization. The scientific views of waqf scholars demonstrate that waqf was not merely a religious practice but also an important legal, economic, and social mechanism that contributed to the development of societies. The ideas of prominent scholars such as Abu Hanifa, Abu Yusuf, Muhammad al-Shaybani, Imam Malik, Imam al-Shafi'i, Ahmad ibn Hanbal, and Ibn Khaldun played a fundamental role in shaping the theoretical and practical foundations of waqf institutions.

The analysis of scholarly opinions shows that waqf property was based on several essential principles: the preservation of the original property, the permanent use of its benefits for public purposes, and the protection of social welfare. Muslim jurists emphasized that waqf assets should be managed responsibly and that their revenues should serve education, healthcare, charity, and other community needs.

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