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### New issues in temporary Muslim endowments (waqf)

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## NEW ISSUES IN TEMPORARY MUSLIM ENDOWMENTS (WAQFS)

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### ABSTRACT

**Purpose** — This study aims to discuss several examples of temporary Islamic endowments (waqfs) in the modern period, arguing that jurists and Muslim endowment managers should utilise them more widely to adjust to current societal circumstances and open the door for new ways of caring for those in need.

**Design/Methodology/Approach** — It employed textual analysis of legal opinions related to temporary waqfs, outlining the positions of scholars on both sides of the issue, including a presentation and analysis of their evidence.

**Findings** — The research findings show that temporary waqfs are an essential means of renewable and sustainable economic support, where wealthy people endow their money for religious gain and to help others in need.

**Originality/Value** — Unlike some previous studies, this article specifically examines modern and contemporary forms of temporary endowments and demonstrates some of their effects in supporting the economy and the needy in society.

**Practical Implications** — Following this paper's recommendations, those with funds and everyone who can create an endowment should support endowment institutions in modern ways and in different areas of temporary endowments, which would be very beneficial in eliminating poverty and supporting the economy.

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**Research Limitations/Implications** — Due to the limited scope of the study, its findings are limited to contemporary jurisprudential issues related to temporary endowments. Hence, it is related to the Islamic economy and steps for strengthening it in Muslim societies.

**Keywords** — Charity; Endowments; Islamic jurisprudence; Islamic law; Temporary waqf

**Article Classification** — Research paper

## INTRODUCTION

A waqf (Islamic endowment) is the most permanent form of charity as it is, by definition, the ‘stopping’ of a property from being bought and sold, along with benefit being taken from its yield. Muslim jurists consistently encourage waqf managers to preserve the property they oversee so that it may continue to operate and provide benefits without interruption. Temporary waqfs are a modern creative phenomenon in Islamic finance and require a significant degree of ease and liberty when creating rulings for them. In addition, circumstances have changed, and interactions between individuals have developed far beyond what existed in the past. Due to these developments, it is necessary to clarify Islamic rulings to make them suitable for current conditions.

The importance of the present study lies in the relevance that waqfs have to several fields of societal development, including knowledge production, healthcare, and social services. This study is significant because most modern matters of Islamic jurisprudence are based on scholarly interpretation (*ijtihad*) rather than direct derivation of rulings from explicit revealed texts. The development of creative solutions regarding waqf assets and how their funds may be utilised to support the needs of modern society according to the Shari‘ah (Islamic law) is a practical need and religious duty. One of the advantages of the waqf system is that it develops with changes in human interactions to fulfill the needs of the Islamic nation (*ummah*).

The current study clarifies the importance of temporary waqfs in expanding the realm of charity, opening new doors for donors and recipients alike. The study also emphasises that most juristic waqf rulings are based on interpretation (*ijtihad*), not textual evidence. Therefore, just as previous jurists developed waqf based on the circumstances of their times, we must suggest new waqf approaches that can positively impact sustainable and holistic development.

This study is divided into the following main sections: the literature review defines temporary waqfs and discusses the evidence used to justify their permissibility in previous writings. It is followed by the methodology section, which explains the research approach adopted in the conduct of this study. The findings section discusses the importance of temporary waqfs and their standard forms as well as outlining new issues in the realm of temporary waqfs. The last section summarises the paper and concludes the discussion.

## LITERATURE REVIEW

### Defining Temporary Waqfs

The linguistic definition of waqf is ‘to restrain’ and the meaning suggests permanence. It is said, ‘A person creates a permanent waqf from his land, or that he has restrained it from being sold or inherited’ (Ibn Manẓūr, n.d., p. 63). Ibn Qudāmah (1968, vol. 3, p. 6) defined waqf as ‘the restraining of the property and the direction of its fruits’. Conversely, temporary waqfs are those limited to a specific period by their creator. When the period ends, the waqf returns to the creator’s ownership for him to dispose of as he wishes. Kahf (2000) has suggested a more specific definition, stating that temporary waqfs are those ‘where the property is consumed through its use, and no condition exists that it be replenished through a part of the proceeds. It also requires the specification of a period by its creator’ (Kahf, 2000, p. 159). Another definition states that temporary waqfs ‘are waqfs restricted by a period stated by their creator. When the

period expires, so does the waqf. It then transforms into a charitable endowment or returns to its original owner' ('Abd al-Rahman, 2017, p. 13).

The legal concept of temporary waqf is derived from several definitions created by earlier Muslim jurists, including:

1. The Mālikī scholar al-Kashnāwī, who stated, 'It is known in Islamic law that a waqf does not need to be permanent. Rather, a person may create an endowment for a specific period, such as a year or more, so long as that period is fixed. When the period ends, it returns as property to the creator of the original waqf or another' (al-Kashnāwī, n.d., vol. 3, p. 102).
2. The Mālikī scholar Ibn 'Abd al-Salām who stated that a waqf 'creates a usufruct benefit from the property, whether by charging rent or from its natural profits, for a period defined by its creator' (al-Ṣāwī, 1952, vol. 4, p. 98). He also stated, 'It does not require permanence. For example, if the waqf property was a mosque'. His statement that a waqf is created for a period 'defined by its creator' indicates that it is permissible for a waqf to be either permanent or temporary, according to the desires of its creator.

By studying the nature of temporary waqfs, some researchers have suggested dividing this category of endowments into two types:

1. A waqf that ends and transforms into a charitable endowment
2. A waqf that ends and the property returns to its original owner

It should be noticed that the first type is a generality for both family and specific waqfs. This definition is not specific to a form or beneficiary. The second type is a general statement of truth about the temporary nature of waqfs and can be applied to all its forms ('Abd al-Rahman, 2017, p. 14).

Likewise, it should be noted that the concept of permanence or temporality of a waqf for pre-modern jurists was limited to the conditions of the form of contracts of sale, defined by jurists as requiring an offer and acceptance. However, the temporality of a waqf is not limited to its form. Instead, it can include three areas: the form, the property being endowed, and the beneficiary of the endowment. For example, a waqf may be temporary through the statements made in the contract creating it. Likewise, a waqf may be temporary regarding its beneficiary in that the beneficiary of an endowment may be non-permanent or have no fixed beginning, middle, or end. Finally, a waqf may be temporary regarding the property endowed in that it is movable, whether or not it remains in its same state when transferred from one place to another. This final type of waqf is automatically removed from the realm of permanence ('Abd al-Rahman, 2017, p. 9).

A detailed survey of pre-modern juristic discourse on waqfs finds plenty of information on temporary endowments, particularly in the Mālikī school. However, the other schools (Ḥanafī, Shāfi'ī and Ḥanbalī) make permanence a requirement for a waqf to be valid, as a waqf means to remove property from the hands of individuals. Such removal may not be temporary, such as when setting free a slave or turning a home into a mosque (al-Mawardī, 1999, vol. 7, p. 521; Ibn Qudāmah, 1968, vol. 6, p. 26).

Ibn Qudāmah stated the following regarding waqfs, ‘If its end is connected to a condition, as if one were to say ‘my home is a waqf for a year, or until I complete the Hajj’, it is not valid because it contradicts the very meaning of waqf which is that it is permanent’ (Ibn Qudāmah, 1968, p. 6, p. 26).

### **Evidence for the Permissibility of Temporary Waqfs**

Through a survey of the works of pre-modern jurists, it is found that only a minority have supported them, particularly:

1. Mālikī scholars (al-Dusūqī, n.d., vol. 4, p. 87): These scholars argue that the Prophetic statements regarding waqfs do not indicate the condition that endowments should be permanent, as explained by Shaykh al-Dardīr in *al-Sharḥ al-Kabīr*. (Al-Kharshī, n.d., p. 92) detailed the statement that waqfs ‘do not carry the condition of permanence’, which means that a period must be set during the creation of the waqf, after which time it returns to the possession of its creator. Al-Dusūqī (n.d., vol. 4, p. 87) commented on the writings of Aḥmad al-Dardīr by writing, ‘There is no condition of permanence in the validity of the waqf. It may be determined from this that any condition changing or modifying the nature of the endowment will be accepted’. Al-Qarāfī (1994, p. 6, p. 326) stated in his work *al-Furūq* that ‘a waqf does not have to be issued immediately. If a person says that a waqf occurs at the beginning of the following month, it will be valid so long as the waqf property remains intact until that time’.
2. Abū Yūsuf of the Ḥanafī school (al-Bukhārī, 2004, p. 6, p. 108; al-Babartī, n.d., vol. 6, p. 222): His view is that there is no requirement that a waqf be permanent so long as the property remains present. Ibn al-Humām narrated, ‘Abū Yūsuf indicated that a waqf may return to the descendants [of the original owner]. Likewise, creating a waqf for twenty years is permissible, and there is no difference between these two rulings’. He later wrote, ‘The ruling for the permissibility of a temporary waqf is the primary position of the Ḥanafī school’ (Ibn al-Humām, n.d., vol. 6, p. 214).
3. One opinion of the Shāfi‘ī school: al-Nawawī wrote, ‘If a person were to say, ‘I turn this property into a waqf for one year’, it would be correct to say that most jurists reject this approach. However, others suggest that it is correct. The waqf expires with the period’s conclusion, just as occurs with all proclamations that are not bound by time, like setting a slave free’ (al-Nawawī, n.d., vol. 15, p. 334). Al-Mawardī wrote, ‘Just as a person may donate all or part of his wealth for the service of God, so may he do so for all time or a part of it’ (al-Mawardī, 1999, vol. 7, p. 521).
4. One opinion of the Ḥanbalī school: In the work *al-Inṣāf*, it is written that ‘if a person declared a waqf for one year, the school’s opinion is that it is not valid. However, other texts have validated them, stating that it ends just as the property may cease to exist’ (al-Mardāwī, n.d., vol. 7, p. 35).
5. Opinions of contemporary scholars: ‘Contemporary practice in Muslim societies and others indicate that creating temporary waqfs achieve several public benefits and open the doors of charity that should not be closed. These waqfs care for their beneficiaries in a contemporary way to help them fulfill their temporary needs’ (Kahf, 2000, p. 62).

### Basis for Permissibility of Temporary Waqfs

The scholars who permit temporary waqfs rely upon *qiyās* (analogy) and logic. The analogy is built on the Prophetic statement that allows permanent endowments. There should be no barrier to the development of temporary endowments whose profits are spent temporarily, as the common factor between both types of endowments—spending money for charitable purposes—is achieved by both permanent and temporary waqfs. On the other hand, logic shows that a waqf carries with it the purpose of giving charity. Charity may be given from one's property permanently or temporarily, and no textual evidence prevents individuals from doing so.

Some scholars have questioned the validity of the analogy used to justify temporary waqfs, arguing that permanent endowments are not built on the principle of analogy. Using a further analogy to allow temporary endowments cannot be accepted. This argument may be rebutted by stating that even though the legal validity of a waqf may be contrary to some established legal principles, it is the result of a logical conclusion that may be used as the basis for an analogy. Others may say that a temporary waqf violates juristic principles. However, this is not the case, as the Shari'ah accepts and establishes restricting property from being bought or sold for a specific period. Instead, it is the permanent waqf that is the anomaly. So long as permanent waqfs, which go against juristic principles are accepted, temporary waqfs should be considered valid (Abū Zahra, 1972, pp. 68–9; Yusuf, 2016, p. 18; Faydum, 2019, p. 411). From the above discussion, the following determinations can be made about temporary waqfs:

1. The Mālikī school, based in the Prophetic city of Medina and which took as its foundation the practice of its people, including the Companions of the Prophet Muhammad (SAW), should be considered more valid than the others.
2. Those who advocate for the permissibility of temporary waqfs base their opinion on easing matters for the population and caring for the general good of Muslims and their societies, allowing that suitable for their time.
3. It is established that the requirement that waqfs be permanent is relative and applies to land that is not subject to change. However, moveable property may deteriorate, regardless of maintenance and proper care, and its economic value is limited. Therefore, it may function as a waqf if its expenditures equal its income or when it is enough to provide benefit (al-Miṣrī, 1999, p. 32; al-Qarawshi, n.d., p. 15).
4. The permissibility of temporary waqfs helps to achieve more flexibility in this realm of the law by allowing the desires of its original owner to be fulfilled as a method of voluntary charity. Charity should not be burdened with conditions such as permanence. Instead, charity should be encouraged for all who can provide it, and the virtue of giving charity should be promoted in society; as Imam al-Qarāfī wrote, 'Waqfs are the greatest form of charity and its conditions should be reduced as much as possible' (al-Qarāfī, 1994, vol. 6, p. 322).

This study sheds light on the importance of temporary waqf for expanding the doors of goodness for the waqf donors, and opening new windows for the beneficiaries. It also shows the importance of the developmental role that endowments can play in many areas of development, such as scientific and health development, as well as societal issues, especially since most of the jurisprudential issues in endowment are based on diligence. This study further enhances

innovation and creativity in endowments in a way that keeps pace with the needs of the era and its progress in accordance with Islamic law, because one of the characteristics of waqf is that it should keep pace with time and meet the nation's need.

## METHODOLOGY

This research scrutinises, through its analytical and comparative approaches, the rich juristic discourse of the classical and contemporary jurists on the permissibility of temporary waqf and its vitality in supporting the needy and enhancing the economy. The analytical methodology is used to assess the diverse legal opinions of those scholars and their textual evidences pertaining to the temporary and permanent waqf. The analysis of these opinions demonstrates that many of the legal rules of waqfs are derived through interpretations and analogy, proving the soundness of endowments to be of limited time. The comparative methodology is also applied to identify the similarities and differences between temporary and permanent waqf practices. This comparative analysis has been reinforced by traditional and contemporary applications of temporary waqf to demystify its permissibility and its vital status in Islamic finance.

## FINDINGS AND DISCUSSION

### The Importance of Temporary Waqfs and Their Typical Forms

The importance of temporary waqfs is no less than that of permanent ones, in that the former provide investment property that can be continuously extracted for benefits and provide a constant channel for the society to provide for those less fortunate or solve its problems. Likewise, temporary waqfs open the doors of continuous charity to a degree that may not be fully realised by permanent waqfs, as temporary endowments allow for the quick treatment of new issues and encourage all levels of the society to contribute to their success. In addition to the above, the importance of temporary waqfs includes:

1. They allow all forms of wealth to be utilised for charitable purposes. The wealthy of today do not just hold real estate, as was the case in the past, and they may have other forms of moveable property such as bank accounts, stocks, automobiles, equipment, technology, or even services that, through temporary waqfs, can be utilised to generate income for charitable purposes and benefit the entirety of society (Yusuf, 2016, p. 21).
2. They open the door for real property holders to participate in endowments even though they might not be able to create a permanent waqf. This will directly benefit the poor and needy. For example, if an owner of an apartment only needs it for a certain period of the year and leaves it empty, it can be turned into a temporary waqf to house students during the academic year and returned to him when he needs it (Yusuf, 2016, p. 21).
3. They provide several easy ways to participate in charitable activities, as there are several instances in the Muslim world where immediate, but temporary, help is needed. Temporary waqfs help to fill this need, encouraging members of the society to participate and contribute to charity (Kahf, 2015, pp. 68–72).
4. They may help solve a significant problem found in permanent waqfs, as in many cases, the property used to create a waqf may deteriorate over time while the number of beneficiaries only continues to increase. Turning this property into a temporary waqf may



provide a more significant benefit, encouraging the supervisors to maintain the endowed property well until the waqf expires (Yusuf, 2016, p. 21).

5. They allow for more participants and, as a result, a more significant number of beneficiaries. The overall benefit to the society is more significant for temporary waqfs as they can cover a larger number of needs and encourage community cohesion (Hazza', 2006, p. 2).
6. They treat the problem found in permanent waqfs by limiting it to a specific purpose, such as building mosque or an institute for memorising the Qur'an, without setting aside capital or a form of income to maintain it over time. Studies have shown that instituting these purposes as temporary waqfs, then allowing them to turn into general public endowments, is much more effective for their overall management and sustainability ('Abd al-Rahman, 2017, p. 10).

### Examples of Traditional Applications of Temporary Waqfs

Students who have observed the practice of the schools of jurisprudence can easily see that temporary waqfs were regularly used, including in the following rulings:

1. Scholars have permitted turning real or moveable property into a waqf for a set period, following which it is transferred back to the owner to deal with as he chooses. This opinion is most evident in the Mālikī school, as they classify what is endowed as the usufruct benefits of the property and not the property itself. This can be found when they say, 'A waqf means to designate the benefit of the property, its rent, or excess, to a beneficiary for a period set by its owner' (al-Ṣāwī, 1952, vol. 4, p. 98).
2. Scholars permitted establishing waqfs for temporary items such as buildings, animals, furniture, and weapons. This is the accepted opinion of the Shāfi'ī and Ḥanbalī schools and is the majority view of the Mālikīs and Zufar of the Ḥanafīs (al-Sarakhsī, 1993, vol. 12, p. 45; al-Nawawī, 1991, vol. 5, p. 316). The evidence for their position is found in the collection of al-Bukhārī, in which the Companion Abū Hurayrah reported that Prophet Muhammad (SAW) stated, 'Khālid has endowed his shields and returned them in the path of God' (al-Bukhārī, 2001, vol. 2, p. 116). Moveable property can be temporarily endowed without any restriction, as Imam Mālik approved the endowment of a wall for two or three years, as it is stated in *al-Mudawwanah*, 'If a man stated that the income of his wall for 2 or 3 years is dedicated to the poor then it shall be taken from him as charity' (Mālik, n.d., vol. 2, p. 360).

Through a careful reading of the works of classical Muslim jurists, one discovers that they also allowed for the creation of a waqf with the characteristics of a temporary one. However, they chose to classify it differently. This is the case regarding all items that depreciates in value over time, such as real estate, trees, and books. Jurists ruled that there is no problem creating permanent waqfs for these items, even though the endowed property is not permanently available. However, only some moveable property should be accepted in the rules of permanent waqfs as it decays over time (Mansuri, 2014, p. 11).

### ***Financial Waqfs***

For those scholars who have allowed them, creating waqfs from cash or money is an important method for establishing temporary waqfs, with some suggesting that cash is ideal for permanent waqfs. Imam Mālik wrote, ‘I was asked about a man who endowed 100 dinars for a year or two, after which it returns to him to trade as he pleases. I stated that he is liable for any reduction in the principal. In reality, it is a loan. He may get it back or leave it’. A later commentator on the text asked, ‘In the opinion of Mālik, are these dinars a waqf? He responded, ‘Yes, they are a waqf for the period they were made so by the owner, as an endowed loan’’ (Mālik, n.d., vol. 14, p. 499).

### ***Usufruct Waqfs***

Al-Shaykh al-Dardīr wrote, ‘If a person rents his home for a specified period, he may endow the benefit of that rental, with the money returning to him once the rental period ends, so long as he does not make permanence a condition’ (al-Dusūqī, n.d., vol. 4, p. 76).

### **Modern Applications of Temporary Waqfs**

Modern Muslim jurists have discussed the creation of new forms of temporary waqfs to handle situations that did not exist in previous eras to create new benefits and expand the legal realm of endowments and charity. Jurists have used the legal principle ‘The original ruling of all matters is permissibility, so long as there is no clear text that prohibits it’ to encourage the development of law in this field of transactions (*mu‘āmalāt*), an area of Islamic jurisprudence that relies heavily on interpretation (*ijtihād*). For example, al-Zarqā (1986, p. 15) stated, ‘All of the principles and rules related to waqfs are based on interpretation and analogy. Therefore, there is significant room for new opinions here’.

### ***Applications of Temporary Waqfs in Usufruct and Service Endowments***

Several modern jurists argue that the benefits of a free man’s services may be used as the object of a waqf. Jurists have already, in principle, agreed that such services carry value. For example, authors of books, inventors, and creative minds have the right to sell, rent, or endow their creations. Based on the majority approach of the jurists, any property that has value can be turned into a waqf. For example, Ibn Qudāmah (1968, vol. 5, p. 327) stated, ‘Everything that has a value that can be sold can be rented, as a rental contract is like a sale. Likewise, it is permissible that consideration [in a contract] can be physical or usufruct. This is permissible even if they are of the same type, for example, exchanging the benefit of one home for that of another’. Jurists also accepted that the working time of a person could be turned into a temporary waqf (volunteering) according to several conditions (al-Zarqā, 1983, pp. 71–73; al-Rifa’i, 2016, p. 16):

1. The benefit of the work must be within the owner’s rights, as is the case with a university professor who teaches a particular subject. He must be a specialist in that field.
2. The endowed work must have a legally-recognised value, regardless of whether it is physical or mental work. This includes creative activity, as it is customary for these activities to carry a monetary value.

3. The endowed work must be capable of being completed. The person willing to endow their time must be capable of doing so for the organisation, and the organisation must benefit from it. For example, if a mechanic agrees to spend his effort repairing cars of a charitable organisation for free, he must hold to his agreement as he would if it was being done for money.
4. The endowed time must be recorded as a contract for a specified time and to an organisation that accepts the endowment. For example, an engineer must inform the organisation he will volunteer with that he is prepared to complete the work as necessary without any compensation. Likewise, a hospital director who will provide free medical care to an orphanage must do so in writing for a set period (al-Rifa'i, 2016, p. 16).

The law of the United Arab Emirates (UAE) has followed the conditions outlined above, as Law 14 of 2017 regarding the Organization of Endowments and Gifts in Dubai states in Article 13 that 'the thing endowed must meet the following conditions:

1. Its beneficiaries must be specified. If the creator of the endowment does not specify it, it will be considered as specified for the poor. The creator of the endowment may specify a beneficiary at any time during his life. If no specification is made, the endowment will continue to be used for the poor after his death;
2. It must be used for a legal purpose;
3. It must be present or potentially present in the future. The creator of the endowment, during his life, may move the benefits from one beneficiary to another;
4. It must be a thing that is legally allowed to be used as an endowment; and
5. Its use in the endowment must not contradict public policy'.

These new forms of temporary waqfs fall within the general meaning of the narration from the Prophet (SAW), who stated:

'Every Muslim must give charity'. When his Companions asked, 'What should he do if he does not have money to give?', the Prophet (SAW) responded, 'Then he should work with his hands, spend what he needs, and give charity'. When his Companions asked, 'What should he do if he cannot or will not do this?', the Prophet (SAW) responded, 'Then he should help those in need directly'. When his Companions asked, 'What should he do if he does not do this?', the Prophet (SAW) responded, 'Then he should order others to do good'. When his Companions asked, 'What should he do if he does not do this?', the Prophet (SAW) answered, 'Then he should refrain from doing evil as that is charitable for him' (al-Bukhārī, 2001, vol. 8, p. 11).

This Prophetic statement indicates that those in need should be helped, whether by statement or action, as explained by several later scholars (al-'Asqalānī, 1959, vol. 5, p. 149).

### ***Potential Temporary Waqfs for Craftsmen***

Temporary waqfs may be considered for different fields of work. The following are examples of temporary waqfs that craftsmen may undertake:

1. Mechanics, who may present their services to a charitable institution that owns cars, stating that he will repair them for free as an endowment of their work to God.
2. Electricians, who may present their services to the homes of regular citizens or offer to repair the electronics in cars belonging to a charitable institution, stating that they will repair anything electronic for free for a set period as an endowment of their work to God.
3. Carpenters, who may provide their services for free to a school, educational centre, or orphanage, stating that they will repair their building to the best of their ability for free for a certain period, regardless of how much work will be needed during that time.
4. Computer specialists, who may provide their services to repair computers and other IT equipment for free to a company or organisation (al-Rifa'i, 2016, p. 26).

### ***Potential Temporary Waqfs for Handicrafts***

Previous studies have shown the possibility of using temporary waqfs for the handicrafts created by companies or organisations, including:

1. Tailors, who may provide their services to organisations that provide care to orphans, including catering for their housing and education needs. The children under the care of these organisations need clothes and school uniforms. The owner of a tailor shop may pledge to provide clothes (or simply the tailoring work and not the material) for orphans during a specified period, with the result acting as a temporary waqf of the shop's labour.
2. Transportation companies that provide their services to charitable organisations which require large items and groups of people to be moved across long distances. The owner of a transportation company may pledge to provide for those transportation needs during a fixed period, resulting in a temporary waqf (al-Rifa'i, 2016, p. 30).

### ***Potential Temporary Waqfs for Freelance Workers***

The following are examples of temporary waqfs that freelance workers may undertake:

1. Professors may pledge to commit their spare time during the week to teach or develop a curriculum for those in need. For example, if a university professor is required to teach several lectures each week, they could offer to teach an additional two hours without additional payment in service of knowledge; and
2. Doctors may pledge to commit their spare time to treat the poor and those in need, whether individually or in a charitable clinic. For example, a doctor may pledge to provide six hours spread across the week to work in a charitable clinic without compensation (Manşūr, 2005, p. 54; al-Rifa'i, 2016, p. 31).

This category can be extended to any other analogous form of work, including:

1. Engineers, who may pledge to contribute designs to a charitable organisation or work for a specific period or on a particular building project without compensation.
2. Public school teachers, who may pledge to dedicate, for example, two hours of their time every day to help out weaker students.
3. Volunteering time as a waqf. In this situation, a person may dedicate any amount of their spare time to, for example, help provide services to those in need or accompany people on the pilgrimage. This type of waqf may be essential for university students who have

additional time and energy to dedicate to additional work or require experience before heading into the job field (Mansuri, 2014). Volunteering one's time is considered one form of waqf and, as long as it is done during a specified period, can be classified as a temporary waqf.

The above are simply a few examples of potential avenues through which temporary waqfs can be easily applied in the contemporary context, particularly as waqfs encourage charity and provide blessings from God. There is a severe need for endowments like these in today's societies, particularly as the financial situation of Muslim countries means that charitable and societal organisations provide more essential services. Waqf may be an important part of the answer to these growing problems.

### ***Potential Temporary Waqfs for Real Property***

Several researchers have suggested that new forms of temporary waqf need to be explored from real property, including (Faydum, 2019, p. 9):

1. Specifying periods for mosques and graveyards to be considered waqf property. For example, a non-religious space can be designated as a mosque for a certain period, returning to the owner at its close, as the need for the mosque is temporary. This is particularly important when a prayer space is needed while constructing a permanent mosque. Likewise, graveyards can also be designated as temporary waqf and then transformed for other uses later, so long as the general Islamic rulings of dealing with the dead are followed (Kahf, 1998, pp. 134–35).
2. Creating temporary waqfs for agricultural land. These types of endowments can be created for one or more harvest cycles or be given to a specific farmer for a certain period until it moves to its permanent owner. Such lands can also be temporarily designated as space for Eid prayers, rain prayers, or service structures such as parking until a permanent space is created (Hazza', 2006, p. 22).
3. Creating temporary waqfs for commercial products. A company may create an endowment from products they create during a specific period or dedicate a percentage of their products to a charitable cause. For example, a dairy company may pledge to give one week of its production yearly to charitable causes (Kahf, 1998, p. 136).
4. Creating temporary waqfs from future products not created directly by the owner of the endowment. For example, a scientific journal may dedicate the next ten years of its publications to be given to a library. This is valid even though the issues have not yet been published (Kahf, 1998, p. 148).
5. Temporary waqf ownership of property. For example, if a person owns a piece of real estate but uses it sparingly throughout the year, he may turn that real estate into a temporary waqf when he is away, renting it to students until he returns. As a result, he will receive reward from God and the benefit of the rent from students. Likewise, day labourers from far-away villages could use such real estate rather than returning to their villages regularly or staying on the street. Instead of the real estate owner only being able to turn his property into a permanent waqf, the concept of a temporary waqf would allow him more leeway and would enable those who might not have the ability to create

permanent endowments to benefit from this system (Yusuf, 2016, p. 22; Faydum, 2019, p. 9).

### ***Temporary Waqfs Created from Money***

Modern jurists created temporary monetary waqfs as a result of significant interpretation. For example, the concept of a ‘good loan’ (*qard hasan*) is one where an amount of money is turned into an endowment for two years, during which the owner has no access. The funds can then be used to fund small projects that have an enormous impact at the local level, even though the amount may be relatively small. Some of the most important books written in this area are those of Dr. Fu’ad ‘Abd Allah al-‘Umar (al-‘Umar, 2012, p. 15; Faydum, 2019, p. 420).

The following is a list of some examples of these types of temporary waqfs extracted from Mālikī (al-Dusūqī, n.d., vol. 4, p. 77) and Ḥanbalī scholars (Ibn Qudāmah, 1968, vol. 6, p. 34):

1. Temporary money waqfs for funding small projects for the poor: This can be done by providing funding through Islamically legal means to poor individuals who would like to establish productive projects but need more credit than is available from traditional banking institutions or would prefer to access credit through an option compatible with their faith. This type of endowment would provide the necessary securities to the poor debtors and allow them to get started on their projects and improve their livelihoods (Mansuri, 2014, pp. 20-22).
2. Endowing part of a salary or profit: This is done by a person or group of individuals who decide to deposit part of their salaries into an endowed fund for a specified time (Dunya, 2006, p. 16).
3. Endowing reserve funds of publicly traded companies: This form of waqf is completed when a company takes a part of its profits every year to repair damage (personal or environmental) that has occurred during the past year as a result of its activities. This form of waqf should include all of the legal guarantees to ensure that the shareholders are protected, and the principal amount used for the waqf should always be maintained as a reserve in case the company becomes insolvent (Kahf, 1998, pp. 157–58).
4. Endowing the entirety of an investment fund: This means an investment company dedicates all its assets and liabilities to an endowment. These types of companies are well known in the Arab world, and many owners order that, upon their death, their companies will be turned into endowments or added to existing endowment funds. This can be done for general charitable benefits, specific causes, or individual benefits. This type of endowment could also be set up where, for a specific period, all of a company’s profits are directed towards a charitable cause and afterwards to a selection of individuals from the original owner’s family (Kahf, 2000, p. 202; Faydum, 2019, p. 420).

The above examples are just a few instances where temporary waqfs can be used in the contemporary context, where new interpretations must be applied to meet the changing needs of Muslims. As has been seen, many of these examples are analogies from earlier forms of endowments that were closer to that of Prophet Muhammad (SAW), his Companions, and generations of pious Muslims who were adamant about providing for those in need whenever and however they could. One important instance of an interpretation of waqf is that of Saladin,

who created a waqf that would supply milk and sugar water for poor mothers to feed their children two days a week (Junayd, 1996, p. 37).

## CONCLUSION

This study clarifies the importance of temporary waqfs in expanding the realm of charity, opening new doors for donors and recipients alike. The study also emphasises that most juristic waqf rulings are based on interpretation (*ijtihad*), not textual evidence.

The study has several implications. The first is that temporary waqfs are permissible for most Muslim jurists, as their ruling is based upon sound evidence. Additionally, societies' need for new ways to create endowments overrides any evidence to the contrary. Finally, as many of the rules of waqfs are derived through interpretation and analogy, allowing endowments to be limited by time provides an even broader and more flexible interpretation of the law. It falls in line with the will of the endowment's creator. As the Mālikī scholar al-Qarāfī (1994, vol. 6, p. 322) wrote, 'A waqf is the greatest way to become closer to God, and its conditions should be lessened as much as possible'. Traditional forms of waqfs included real and moveable property endowments for a set period, after which the principal returns to its original owner. Buildings, animals, furniture, and weapons were also used as endowments, just like money, and usufruct rights of real and moveable property.

One of the most important results of this study is that temporary waqfs open a wide door for real estate owners who find it difficult or impossible to create permanent property endowments. By setting a specific period, owners may now be able to provide more help to the poor and needy, for example, by giving out their apartment in the summer months when they do not need it. Some further examples of these temporary waqfs in the contemporary period may include creating temporary endowments for mosques and graveyards, endowing money to fund small businesses, and setting aside a portion of a person's labour or services to volunteer work, such as the temporary endowment of university youth's time and effort to provide volunteer services to pilgrims during the pilgrimage season.

This study increases the awareness of temporary waqf and its impact on construction and development, as indicated by contemporary experiences for Islamic societies and others. Creating temporary waqf endowments can achieve multiple interests that cannot be overlooked in modern times.

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## DECLARATION

### Credit Authorship Contribution Statement

- Moath Alnaief: Conceptualisation, Investigation, Writing original draft, Review & editing, Supervision.
- Kotb Rissouni: Investigation, Writing, Methodology, Formal analysis, Visualisation, Resources.
- Reda Ibrahim Abdelgalil: Formal analysis, Resources, Writing, Review & editing, Visualisation.
- Maryam Almansoori: Formal analysis, Resources, Review & editing, Visualisation.

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### **Data Availability**

None

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### **Appendix**

None