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ROLL NOMBER : F23-1020

DEPARTMENT. : LAW

SECTION : 6TH (A)

SUBMITED TO : MAM SADIA SATTAR

SUBJECT : WAQF

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Waqf: definition, importance, and implementation in society based on Islamic Personal Law:

Definition of Waqf

Waqf (Arabic: وقف) literally means detention, tying up, or dedication.
In Islamic law, it refers to the permanent dedication of property by a Muslim for religious, pious, or charitable purposes, where ownership is transferred to Allah and the benefits are used for the welfare of society.

A classical definition by Abu Hanifa describes waqf as:

> "The detention of a specific thing in the ownership of the waqif (founder) and the devotion of its profits or usufruct to charity."

Other jurists like Imam Abu Yusuf and Imam Muhammad al-Shaybani emphasized that ownership is completely transferred to God, making it irrevocable.

Essential Elements of Waqf

1. Waqif (Founder) –

A competent Muslim who creates the waqf

2. Mauquf (Property)

The property dedicated (must be lawful and permanent)

3. Mauquf-alaih (Beneficiaries) –

Persons or purposes benefiting from it

4. Declaration –

Clear intention to dedicate property permanently

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Types of Waqf

1. Public Waqf –

For general public welfare (mosques, schools, hospitals)

2. Private Waqf (Waqf-alal-aulad) –

For family members, eventually benefiting charity

3. Quasi-public Waqf –

Begins with family, later shifts to public use

Importance of Waqf in Islam

1. Religious Importance

Considered a form of Sadaqah Jariyah (continuous charity)

Reward continues even after death (Hadith of Prophet Muhammad)

2. Social Welfare

Supports mosques, orphanages, hospitals, and education

Reduces poverty and promotes equality

3. Economic Significance

Prevents concentration of wealth

Promotes redistribution of resources

4. Educational Development

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Historically funded major Islamic institutions like:

Al-Azhar University

Al-Qarawiyyin University

5. Community Development

Builds infrastructure (roads, water systems, public facilities)

Strengthens community solidarity

Implementation of Waqf in Society

1. Legal Framework

Governed under Islamic Personal Law and specific waqf laws in different countries

In countries like Pakistan, managed under the Auqaf Department

2. Creation Process

Declaration by waqif

Appointment of a Mutawalli (manager)

Registration (in modern legal systems)

**3. Role of Mutawalli*
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Administers waqf property

Ensures income is used for intended purposes

Acts as trustee, not owner

4. Practical Applications

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Mosques and religious institutions

Schools, colleges, and libraries

Hospitals and welfare centers

Graveyards and water facilities

5. Modern Challenges

Mismanagement and corruption

Lack of proper records

Illegal occupation of waqf properties

Need for reforms and digitization

6. Reforms and Solutions

Government supervision

Transparent record-keeping

Public awareness

Professional management of waqf assets

Conclusion

Waqf is a unique Islamic institution combining spirituality with socio-economic welfare. It plays a vital role in promoting justice, reducing inequality, and ensuring continuous charity. Proper implementation through legal regulation and honest management can significantly improve societal development and welfare.

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