

القسم الرابع

ترجمة ملخصات أبحاث ودراسات
وأوراق ومقالات علمية
باللغة الانجليزية

Section Four

Translating research
summaries, studies,
papers, and Scientific
articles into English

- Increasing allocations, grants, and financial aid necessary for scientific research.
- Generalizing the idea of allocating endowment funds to finance various charitable projects, including scientific projects.
- Integrating the endowment system into various education levels and promoting it through awareness campaigns.
- Implementing creative endowment ideas, such as the concept of the service bank.

Final Comment on the Research:

This research is distinctive in its field; it discussed the impact of the university on the advancement of endowments and society, as well as the impact of endowments on the advancement of the university and society. This is supported by several examples of endowments in Arab, Islamic, and Western universities, highlighting their impact on society by addressing the issue of unemployment, especially for those with master's and PHD degrees. This is achieved through the inclusion of most faculty members by means of genuine announcements, real competition, dedication to work, and subsequently avoiding emigration and dispersion.

As for the monetary impact of endowments on universities, it is evident in the funds they provide to solve most of the existing scientific research problems. Additionally, it takes into consideration the interests of future generations, as establishing an endowment is akin to creating a permanent economic institution for the benefit of future generations.

8. Human Experience in Endowing Scientific Research:

The researcher presented some global endowment experiences, including several experiences from Arab and Islamic universities. Among these experiences, including Turkish universities, the Moroccan universities (Al-Qarawiyyin University in Fes), Egyptian universities, and Algerian universities. Additionally, the researcher highlighted the experience of some Western universities, such as the American experience of Harvard University.

9. Conclusion:

In conclusion, the researcher addressed the resolution of the problem related to understanding the impact of endowments on scientific research and cultural advancement. This was achieved by explaining the nature and pillars of endowments, presenting examples of endowments in some Arab, Islamic, and Western universities, and elucidating their impact on society.

Key findings and recommendations:

The researcher recommended focusing on the establishment and support of university endowments through the following:

- Establishing universities through endowments in new (remote) areas for the purpose of development.
- Establishing partnerships between endowment universities to exchange experiences, overcome obstacles, and benefit from endowment experiences.
- Organizing scientific meetings and training courses to introduce endowments and their developmental goals.
- Developing new channels for scientific endowments and diversifying research and development fields.

the productive assets, not disposing of them, spending from their proceeds, and achieving self-sufficiency for the educational institution.

5. Benefits of Endowment for Scientific Research:

The researcher presented the benefits of endowment for scientific research, stating that in its introduction, it supports government universities in orienting towards rare biological specializations required by the job market. This is achieved by removing financial obstacles that hinder the development of the university.

6. Prospects of the Endowment University:

In this section, the researcher discusses the prospects of the endowment university. Regardless of the conditions of its endowment and its strategies, the endowment university seeks to enhance its research levels and outputs. This is aimed at ensuring the highest quality and striving to contribute alongside government universities.

7. Obstacles of the Endowment University:

The researcher mentioned that among the primary obstacles facing the endowment university is the legislative hurdle related to the provisions of endowments and their intricacies. Other obstacles include the mismanagement of endowments by drowning them in directives and poor administration. Additionally, there is the exploitation of those in charge of these endowments for the funds of the endowers, using them for personal purposes. Another obstacle highlighted is the failure to respect the conditions set by the endower.

G. Devotion to the Pursuit of Knowledge:

A famous saying of AlShaf-ee emphasizes the importance of knowledge pursuit: "If I were tasked with buying an onion, I would learn its intricacies." This illustrates the dedication to the pursuit of knowledge.

Undoubtedly, these aforementioned elements are among the significant motivations for establishing endowments at universities. Endowments provide funds to address most of the existing scientific research challenges, considering the future generations' interests. Establishing an endowment is akin to creating a permanent economic institution for the benefit of future generations.

4. The interaction between scientific endowments (Waqf) and universities:

The researcher mentioned that the interaction between scientific endowments (Waqf) and universities is manifested in achieving the university's outputs on one hand and revitalizing the concept of endowments in scientific research on the other hand. The researcher presented the explanation through the following points:

- The impact of the university in promoting endowments and society: Through influencing with words and advocating for endowments, emphasizing their importance, spreading their culture, and their effects on society, their benefits on people, the environment, animals, and life as a whole.
- The impact of endowments in promoting the university and society: This impact can be summarized by looking at the returns of endowments to the university, represented by a stable and steady source of funding. This is due to preserving

contemporary statistics covering university rankings, higher education, research, literacy levels, scientific research, patents, etc.

B. Living in the Era of the "Six Revolutions":

Our era, known as the "era of the six revolutions" includes information, communication, space, technology, biology, and genetics, all of which are fields in scientific research. Each of these areas requires substantial funding, making it imperative to establish endowments at universities to bridge the spending gap on these scientific and informational revolutions.

C. Essential Elements of Scientific Research Funding System:

One of the fundamental elements is the financial source or "financial resource" necessary for expenditure, which should be a stable and growth-oriented resource for sustainable self-development.

D. Need for Equipping Labs and Specialized Research Libraries:

There is a need for state-of-the-art equipment in laboratories and the establishment of specialized libraries for scientific research, relying on regular communication technologies with databases specialized in various scientific fields.

E. Addressing Unemployment:

Some endowment universities address the issue of graduate employment by providing scientific, vocational, and skill training that aligns with the demands of the time, enabling graduates to secure jobs within their fields of expertise.

F. Creating a New Specializations:

Endowments open the door to the emergence of specialists in various fields, following the economic principle that "specialization increases productivity and fosters innovation."

the emergence of the need for (endowment for scientific research) and funding for universities and research centers. Additionally, funding for researchers is achieved through endowment, aiming to achieve the nation's self-sufficiency and enhance its independence and freedom. This is done by directing towards endowments for (universities) with vital specializations that benefit the nation. It also encourages initiatives to finance education in government universities and expand endowment investments in developmental fields, with the introduction focusing on (universities).

2. Nature of Endowment and its Pillars:

In this paragraph, the researcher defines several terms related to the research. The researcher explained the nature of scientific and educational endowment, stating that it is a form of "contemporary" endowment that receives cash and in-kind donations, investing them in the scientific aspect. The researcher also touched upon defining the nature of an endowment university, stating that it is an entity whose funds are pruned to establish and fulfill its functions, such as academic functions (knowledge dissemination), research functions, and community service.

3. Motives for Establishing Endowments at Universities (University Endowments):

The researcher mentioned that there are several motives in our present era for establishing endowments at universities and working to encourage them. We can summarize them in the following paragraphs:

A. Relative Underdevelopment in Some Arab Universities:

The researcher pointed out that some Arab universities are experiencing relative underdevelopment, as evidenced by

relationship with society, and the endowment has an even stronger connection with both. The research also seeks to highlight the influence of endowment on the development of the university and the impact of the university on the progress of endowment, using examples of international endowment experiences.

Keywords:

Endowment - Scientific Research - Advancement - Cultural / Civilizational.

Importance of the scientific material:

The research aimed to address the problem of understanding the impact of endowment on scientific research and cultural advancement. This was achieved by presenting examples of endowments in some Arab, Islamic, and Western universities, illustrating their impact on society. The ultimate goal of Waqf universities is to serve as a platform for creativity and cultural advancement. The research emphasizes the contribution of endowment to solving the problem of unemployment, especially for those with master's and PHD degrees, by absorbing a significant number of faculty members. The material impact of endowment on universities is evident in the funds it provides to address existing challenges in scientific research. Moreover, the establishment of an endowment is akin to creating a permanent economic institution for the benefit of future generations, considering their interests and needs.

Key Topics of the Scientific Material:

The researcher divided the research into the following sections:

1. Introduction:

In this section, the researcher mentions that endowment is a pure Islamic system, its benefits are general, and one of its forms is

The Impact of Endowments on Scientific Research and Cultural Development

A Model of Endowments in Universities

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General Introduction of the Author/Researcher:

Dr. Mohamed El-Habib Mennadi is a Professor of Arabic Language and Literature, as well as a University Education Professor at the University Center of Aflou - El Oued - Algeria. He is a member of the Linguistics and Discourse Analysis Research Center at Amar Thelidji University in El Oued, and a member of the National Union of Algerian Doctors and Researchers - El Oued branch. Additionally, he is a member of the Arbitration Committee for the collective book "Arabic Grammar and Contemporary Linguistics - Coalition and Diversity" in El Oued, and a member of the Center for Scientific Research Generation (Algeria).

The general objective of the scientific material:

This research aims to discuss a type of endowment, specifically the models of the Waqf University, which today serves as a paradigm for modern education and a model for social advancement. The researcher illustrates the impact of endowment on scientific research and cultural development. The university has a close

- Prevention of dividing the superintendents' tasks and functions regarding the endowment if joint supervision is assigned to them.
- Justice among the children in the endowment, as in other gifts.
- Division annulment due to the extinction of the class.
- If the endower appoints a specific time for the entitlement of the yield, the right of the endowment beneficiaries is established upon its occurrence.
- If the endower appoints a specific place for delivering the yield, otherwise it is where the custom dictates its distribution.
- Legitimacy of temporal and spatial preparation in the endowment.

Key recommendations:

- Include in the regulations issues that are highly needed, such as division matters, in the endowments.
- Examine some division issues and forms that were not addressed in the research, particularly emerging issues in this field.

Closing Comment on the Research:

The research stands out for its meticulous handling of facts and the adaptation of contracts upon which its issues are built. Its results are consistent and in line with the principles upon which the judgments are based. Additionally, the research distinguishes itself by comprehending and following the statements of jurists in the issues it encompasses, supplementing them with relevant legal texts. Furthermore, it is characterized by the provision of references for each issue, making this research a comprehensive index for many endowment issues and a compilation of various matters, especially the core issues of the endowment chapter.

In the conclusion:

The researcher summarized the results derived from the investigation of this topic, amounting to ninety-one scientific findings. Following that, the researcher provided recommendations.

The main results and recommendations are as follows:

- Ownership is emphasized in specific endowments, while liberation and relinquishment are emphasized in non-specific endowments.
- The specific endowment origin that endowed for specified individuals is owned by them and the non-specific endowment is under God ownership.
- Validity and permissibility of dividing the endowment from the common property that allows division either compulsorily or voluntarily.
- The indivisible common property, some of which is endowed, is sold compulsorily at the request of one of the partners seeking division.
- The prevention of endowment division among its owners is a necessary division.
- Permission for dividing the endowment is granted if it involves two parties.
- Prevention of violating the endowment and dividing its neck or its price, owned by the heirs or the deserving.
- The superintendent may be a guardian or an agent according to the terms of the supervision contract.
- Division of supervision over the endowment's properties is not valid if the supervision is entrusted to all superintendents collectively.

In the fifth chapter:

It discussed the effects of dividing endowments, including notable issues such as:

- Effects of dividing the endowments: the effect of dividing endowments origin: Such as the necessity of division, the application of replacement rulings to the divided origin, and considerations like verifying the adequacy and benefit when replacing the suspended asset with a divided one. It also addressed the jurisdiction of the judiciary in the replacement process.
- Effects of dividing the supervision over the endowment: Such as responsibilities, not negligent, and the sharing of wage.
- Effects of dividing the benefits of the endowment: Including issues like the absence of the necessity of division, the non-termination of benefits with the death of some beneficiaries, specialization, proving the right to exploit, and the termination of division due to the deterioration of the asset.
- Rulings on taking fees for the division of the endowment, how to distribute fees among the dividers in case of multiple parties, and who bears the fees.
- Errors in division: Such as if a beneficiary emerges after the division of the yields, or if there is a defect or injustice in the division of the origin.

In the sixth and final chapter:

The researcher presented some judicial applications in the division of the endowment origin, the division of the supervision over the endowment, the division of endowment's yields, and the division of the endowment's benefits.

- The endower's requirement for dividing the yield in a specific manner.
- Conditions for dividing the yield among the descendants equally, differentially, or based on legal sharia.
- Invalidating division upon the extinction of the specified class.
- Conditions for dividing the yield if the endower specifies individuals, descriptions, or leaves it unspecified.
- Division of the yield if the endower's conditions are unknown.
- Division of the yield if the administration of the endowment's channel of expenditure is discontinued.
- Division of the remaining portion of the yield.
- Division of the yield if the designated beneficiaries are overcrowded.
- The timing and location of dividing the yield.
- Deducting the share of the building and the appraiser's wage before the division.

In the fourth chapter:

It addressed the rulings related to dividing the benefits of the endowment, with notable issues such as:

- Definition of dividing the benefits of the endowment.
- Dividing the timed benefits of the endowment.
- Dividing the spatial benefits of the endowment.
- Rulings on the difficulty of determining benefits among the beneficiaries of the endowment.

- Dividing the endowment origin based on its revenues.
- Dividing the endowment origin through the discretion of the superintendent, either initially or during replacement.
- Dividing the neck of the endowment or its value as ownership for the heirs.
- Temporary endowment, endowment with interrupted disbursement, the conditions of the divider, and identifying who is responsible for dividing the endowment origin.

As for the second chapter:

It addressed the rulings related to dividing the supervision over the endowment, with notable issues such as:

- Defining the distribution of supervision.
- The essence of the endowment's supervision.
- Distributing the supervision over the assets of the endowment.
- The responsibilities of the endowment superintendent
- Dividing the tasks of the superintendents.

In the third chapter:

It covered the definition of dividing the yields of the endowment and the rulings associated with it. Notable issues in this chapter include:

- The validity of imposing conditions by the endower in dividing the yield.
- Determining who is responsible for dividing the yield of the endowment.

5. The topic of endowment division is often surrounded by disputes and conflicts. Examining its issues and studying them can make it easier for judges to understand its rulings, aiding endowment administrators, superintendents, and beneficiaries in envisioning these rulings. This, in turn, reduces disputes and conflicts.

Highlighted Topics of the Scientific Material:

The researcher structured this material into an introduction and six chapters as follows:

Introduction:

- Defined the research terminology.
- Explored the legitimacy of division and endowment.
- Discussed the essence and adaptation of division.
- Examined the reality and adaptation of endowment.
- Addressed the ownership of the endowed property.
- Touched upon the essence and adaptation of superintendents in the introduction to one of the chapters.

In the first chapter:

The researcher covered the definition of dividing the principal of the endowment, the rulings related to it, and highlighted issues such as:

- Dividing the endowment origin upon the request of a partner, concerning what is able to be divided and what is not.
- Dividing the endowment origin among the beneficiaries and the conditions of their agreement or disagreement, including situations where one of the beneficiaries is absent.

superintendents, lawyers, researchers, and others, in a scientific manner. This is achieved through investigation, collection, and presentation of what jurists have mentioned regarding these issues and forms.

Keywords:

Division - Endowments - Wills - Estates- Inheritances - superintendents - yields - Benefit - Allocation

Importance of the Scientific Material:

1. The topic addresses the legal rulings of the endowment ritual, emphasizing the need for understanding, highlighting, and attention to these rulings in the present era.
2. It underscores the significance and impact of the endowment ritual on Muslims and the nation's development across various fields, particularly in education and knowledge.
3. The practical need for the topic is evident, as endowments involve shared financial assets with participants requiring division. The subject of endowment division, whether regarding its assets, supervision, superintendents, yields, or benefits, highlights the necessity of showcasing its rulings, given that some issues are integral to the essence of endowments and their outcomes.
4. The increasing interest in and attention to this ritual at individual, communal, and national levels, along with the focus of academic and practical entities, give this topic added importance. This emphasizes the need to keep up with its developments and enrich the academic and practical domains with its legal rulings.

The Division of Endowments: A Comparative Jurisprudential and Applied Study

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A general introduction to the author/researcher:

He is a faculty member at the College of Sharia and Law at Hail University, a researcher, and legal consultant in endowments and wills. Additionally, he is a contributing researcher in the redevelopment of the Sharia standard for endowments issued by the Accounting and Auditing Organization for Islamic Financial Institutions (AAOIFI). Furthermore, he holds several certificates in the field of endowments, such as a certificate in the management of endowment properties and a certificate as an endowment specialist.

The general objective of the scientific paper:

Is to elucidate the jurisprudential rulings related to issues and forms of endowment division in the four Islamic jurisprudential schools. This includes matters connected to the division of the endowment's principal, its supervision, benefits, and yields. The aim is to present this information to interested parties, such as judges,



Second Section

**Translating summaries
of research and scientific
studies on the endowment**



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- Muhammad Besbas and Mohammed Alsahli, Customs are a Source for Historical Knowledge Production: The Water Customs in the Oasis Tafilalet as a Model, Madarat Tarikhia Review, Faculty of Arts and Humanities, Sidi Mohammed Ben Abdellah University, Fez, Morocco, Vol. 1, Issue 3, September 2019, pp. 233-246.
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- Ali bin Muhammad Al-Sharif Al-Jurjani, *Al-Ta'arifat (The Definitions)*, edited by: Ibrahim Al-Abiari, Dar Al-Kitab Al-Arabi, Beirut, 1998, p. 193.
- 'Uwaidah bin Metirik Al-Juhani, *Najd before Wahhabism: "The Social, Political, and Religious Circumstances During the Three Centuries Preceding the Wahhabi Movement"*, translated by Ihsan Zaki, Jusoora for Translation and Publishing, 1st edition, 2016, p. 175.

Abdullah Al-Kharashi, and Abdul Rahman bin Hamad bin Mansour, bear witness that it is known in our town of Ushaiger that when the flood (torrent) is divided among its people, each community (Sinja) preserves their water flow. If they deserve it in their Sinja, the one responsible for the division does not leave anything of their water rights unless it is agreed upon by all.

The original owner safeguards it, and if there is any negligence in its protection, and someone from the privileged class receives water from it, the guardian of privilege compels them to preserve their water flow. If the flow separates from their Sinja, they don't leave it to go to others; they contribute from the division until the flood is crossed, and everyone collaborates to repair the channel through which their water flows until it reaches the land. Dated 23/R1/1359Hijri.

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<https://khutabaa.com/khutabaa-section/corncr-speeches/326426>

Custom "U'rf Al-Sail: (Torrent)

(It is the water that comes from torrents. The torrent water that is gathered in the pelvis or sink is to be divided to orchards according to what orchards owners agreed of).

Document Number 17 from the Sixth Collection of the Al- Furaih Documents⁽¹⁾:

I, Abdullah bin AbdulKarim bin Hamad bin Shenaiber, and others, bear witness that it is known in our town of Ushaiqer that when the flood is divided among its people, each community Sinja (pelvis or sink) preserves their water flow. If they deserve it in their Sinja, the one responsible for the division does not leave anything of their water rights unless it is agreed upon by all. The original owner safeguards it, and if there is any negligence in its protection, and someone from the privileged class receives water from it, the guardian of privilege compels them to preserve their water flow. If the flow separates from their Sinja, they don't leave it to go to others; they contribute from the division until the flood is crossed, and everyone collaborates to repair the channel through which their water flows until it reaches its destination. This tradition was established in our town in the year 1359 Hijri.

Document Number 10 from the Second Collection of the Furaih Documents⁽²⁾:

I, Abdullah bin AbdulKarim bin Hamad bin Shenaiber, and Muhammad bin Abdul Rahman Aba Hussein, and Ibrahim bin

(1) Ismail, Ibrahim bin Muhammad, Documents of the Ismail Family in Ushaiqer, Previous Reference, Vol. 2, p. 98.

(2) Documents of Al-Fariyh, Second Collection, unpublished.

of what the landowner gained from (construction or fence), and Ghashee-e (mud removing), and other things in the year 1349AH.

Definition of Custom “Urf “Al-Mustajir” (The Tenant):

(If the tenant (Al-mustajir) to the land his plants yielded, his work is done and completed)

Document Number 207 from the Documents of the Al-Ismael Family⁽¹⁾:

Abdullah bin Muhammad Al-Basimi and Abdullah bin Majid testified before me that in our town, it is known that when the tenant cultivates his planting, his work is considered completed once he matures the planting. This is how the mentioned witnesses testified, and their testimony was recorded by their own request by Abdullah bin Abdul Rahman bin Ismail in the year 1353AH.

Document Number 208 from the Ismael Family Documents⁽²⁾:

I, Abdulaziz bin Muhammad Al-Shabani, and Ibrahim bin Abdulrahman Aba Hussein, and Muhammad bin AbdulKarim Aba Hussein, bear witness that the ongoing tradition in our town of Ushaiqer is when the tenant’s planting is yielded, his work is considered fulfilled and completed.

Thus, the mentioned witnesses testified, and their testimony was recorded by their request, by Abdulaziz bin Abdullah bin Luhayb. This document was issued in Jumada, in the year 1353AH.

(1) Ismael, Ibrahim bin Muhammad, Documents of the Ismael Family in Ashiqar, Previous Reference, Vol. 2, p. 96.

(2) Isamael, Ibrahim bin Muhammad, Documents of the Isma’il family in Ashiqar, previous reference, vol. 2, p. 98.

the laborer and half for the landowners. The fence or building and mud removing (Qashee-a) are to be executed by the worker until land yielding. Once the plants are yielded, everyone is entitled to his share, as defined by the customary practice in the neighborhood in the year 1351H.

Definition of Custom "Urf "Al-Muqasama":

(It is the period specified and agreed between the worker and landowner to divide the yield (for example: after one year or two years....act).

Document Number 71 from the Al-Farieh Documents⁽¹⁾:

From Prince Ibrahim bin Abdullah Al-Kharashi to the esteemed Sheikh Ibrahim bin Abdullatif, may Allah preserve him. May Allah grant you a long life in His obedience. Hamad Al-Munayi has requested us to arrange for people from the seedlings of our land (part cut in the document), known in our town as "Al-Urf." We brought Abdullah bin Mansour Al-Farieh, AbdulRahman bin Ali Al-Husayni, Ali Al-Ruziza, Abdullah bin Muhammad Al-Basimi, Abdullah bin Ibrahim Al-Munayi, and his brother AbdulRahman bin Ibrahim Al-Munayi. They testified that in our town, when the landowner returns to the planted area and consumes the fruit (eats from the fruit), the sharing agreement is established, either through patience or through a general understanding, 1339AH.

Abdul Rahman bin Saleh bin Isa also testified before me that in our town, Ushaiqer, when the owner of the land returns to the one who planted the land and shares the fruit, he is entitled to his share

(1) Farieh Documents, Sixth Collection, Unpublished.

The fence or buildings are executed by the worker until the cultivation matures. Once the cultivation matures, each party will receive their share accordingly in the year 1313AH.

Document Number 65 from the Diwan Awqaf Al-Suwaam in Ashiqar⁽¹⁾:

The content of this document is that AbdulKarim bin Muhammad bin Shenaiber, acting as a deputy for the Al Shenaiber family, and Abdullah bin Suleiman bin Ayyaf, and Ibrahim bin Abdullah bin Masnad, acting as superintendents of Suwaam endowments in Ushauqer , have appointed Ahmad bin Muhammad Al-Najidi to the southern part of Abu Ali Al-Li's land, adjacent to the Ma'bar land, divided in half according to the customary practice in the neighborhood, with one-half for the people of Suwaam and the Al-Shenaiber family, and the other half for the laborer. Whatever grows in the mentioned land, be it trees or crops, is associated with the planting, divided in half. Any fence or construction or removing the mud that executed by the worker until the plants are yielded. Once the planting yielded, everyone is entitled to his share.

Document Number 14 from the Documents of the Al-Ismail Family⁽²⁾:

Ismail bin Ibrahim bin Ismail acknowledges that he has planted AbdulRahman bin Ali Al-Husayni on the white land of the Ismail family and the Sehamia in the north of Al-Tuwaila, divided in half for

(1) Ismael, Ibrahim bin Muhammad, Diwan Awqaf Al-Suwaam in Ashiqar, Previous Reference, p. 196.

(2) Ismael, Ibrahim bin Muhammad, Documents of the Ismael Family in Ashiqar, Previous Reference, Vol. 1, p. 41.

of Ushaiqer, has cultivated, along with his brother Abdulrahman bin Sulaiman Ar-Raziza, the land of Saqi As-Suwaym in the town of Ushaiqer, according to the customary practices of the neighboring town. One-third for the worker, and two-thirds for the landowners (As-Suwaym). They also cultivated their land in Faid As-Suwaym, known as Faid Al-Umaniyah, according to the town's customary practices: half for the worker and half for the landowners (As-Suwaym). The construction (the fence and buildings) needed are to be executed by the worker until the cultivation matures. Once the cultivation matures, each party will receive his share accordingly.

Document number 62 from the Diwan of Awqaf As-Suwaym in Ushaiqer⁽¹⁾:

The reason for its issuance is that Muhammad bin Abdulrahman bin Hasan, acting as an agent on behalf of his father Abdulrahman bin Muhammad bin Hasan bin Muhammad and Abdullah bin Hasan bin Muhammad bin Hasan bin Muhammad bin Hasan, along with Abdullah bin Abdulaziz bin Muhammad bin Hasan bin Muhammad and Latifah bint Muhammad bin Hasan bin Muhammad bin Hasan bin Muhammad, have cultivated the land of Abdulrahman bin Abdulaziz bin Muhammad bin Hasan bin Muhammad bin Hasan in Aba Al-Khukh Al-Sharib (that irrigated) from the well of Al-Muqaysha'ah, known in the town of Ushaiqer, which is an endowment for the family of bin Hasan. They cultivated it according to the customary practices of the neighboring town: half for the worker and half for the landowners.

(1) Ismael, Ibrahim bin Muhammad, Diwan Awqaf Al-Suwaam in Ashiqar, Previous Reference, p. 192.

in «A'lam Al-Muwaqqi'in» that custom governs the pronunciation in more than a hundred instances. Therefore, if the customary practice is established in a village, it becomes like a condition, and the customary condition is like the verbal condition. It is not permissible to divert water from «Al-Musqam» in this state due to the significant harm and obstruction of the benefits of the land and its destruction. The Prophet (peace be upon him) said: «There should be no harm inflicted or reciprocated.» It is obligatory for the ruler to prevent anyone who intends to divert water from «Al-Musqam» and deter him because it is one of the greatest interests, and Allah knows best. This was stated by the humble servant of Allah, Ahmad bin Ibrahim bin Isa. May Allah bless our Master Muhammad and his family and companions 4 Sha'ban 1290AH.

Custom "U'rf" Al-Mabna⁽¹⁾ and Al-Qashi-e'⁽²⁾:

(Al-Mabna: "It is a kind of fence or buildings needed to protect the land").

(Al-Qashi-ee-a: "It is to remove the mud from grove land to facilitate torrent/water reaching to it").

Document number 61 from the Diwan (Register) of Awqaf (Endowments) in As-Suwaym, Ushaiqer⁽³⁾:

The reason for its issuance is that Abdullah bin Sulaiman bin Ayyaf, acting as an agent for As-Suwaym endowments in the town

(1) Al-Mabna: What the orchard needs in terms of construction for protection.

(2) Al-Qashi: Removing soil (clay) from the orchard's land until it reaches by the floodwater.

(3) Ismael, Ibrahim bin Muhammad, Diwan Awqaf Al-Suwaam in Ashiqar, Previous Reference, p. 190.

Document Number 19 from the Al Feraih Documents⁽¹⁾:

Suleiman bin Muhammad bin Yusuf affirmed being a representative for his cousin AbdulAziz bin Ibrahim bin Yusuf. He planted his brothers, Othman and AbdulKarim, the sons of Muhammad bin Sulaiman bin Yusuf, on his intended lands. They **cultivated** the palm trees in the mentioned property, allocating one-fourth for the landowners and three-fourths for the workers in the year 1351AH.

Definition of "Al-Musqam"⁽²⁾:

(It is the palm tree that irrigated from waterwheel directly. It doesn't need for the worker to irrigate it)

In the definition of "Al-Musqam," it is mentioned in the documents: that water is not diverted from it, and it is not avoided, and no building or fence is erected on it. Examples of these documents include:

Document number 86 from the documents of Al-Faraih⁽³⁾:

Praise be to Allah, the Lord of all worlds. It is confirmed to me that the established customary practice and the continuous tradition among the people of Ushaiqer is that "Al-Musqam" is the same, whether for the area or place where the water is collected⁽⁴⁾ or water channel⁽⁵⁾, the customary practice among them for many years is that water is not diverted from it, it is not avoided, and no building or fence is erected on it. If this is established, Ibn Al-Qayyim mentioned

(1) Farieh Documents, Second Collection, unpublished.

(2) Al-Musaqqam is the water channel-that irrigate palm tree that passing through the landowner's property.

(3) Farieh Documents, Sixth Collection, unpublished.

(4) Al-Jabiya: The place where water gathers after being drawn from the well.

(5) Al-Saqi: The watercourse.

Document Number 61 from the Diwan Awqaf Al-Sawam in Ushaiqer⁽¹⁾:

The reason for its issuance is that Abdullah bin Sulaiman bin Ayyaf, while acting as a representative for the endowments of Al-Sawam in the town of Ushaiqer, planted Abdullah bin Suleiman Al-Raziza and his brother Abdulrahman bin Suleiman Al-Raziza. Additionally, they cultivated the mature palm trees in the Faid Al-Omaniya, with one-third for the original owners of Al-Sawam and two-thirds for the cultivators until the planting is yielding.

Document Number 65 from the Diwan Awqaf Al-Sawam in Ushaiqer⁽²⁾:

The content is that AbdulKarim bin Muhammad bin Shenaiber, while acting as a deputy for the Shenaiber family, and Abdullah bin Suleiman bin Ayyaf, and Ibrahim bin Abdullah bin Musnad, while acting as Superintendents for Al-Sawam endowments in Ushaiqer, planted Abdullah bin Muhammad Al-Najidi and the sons of Hamad bin Muhammad bin Mansour bin Shiha Muhammad and Abdul Rahman on the northern part of the land of Al-Abu Ali Al-Mazboorah above. They cultivated them on the mature palm trees, allocating one-third for the landowners and two-thirds for the workers in the year 1320AH.

(1) Al-Sama'il, Ibrahim bin Muhammad, Diwan Awqaf Al-Suwaam in Ashiqar, previous reference, p. 190.

(2) Al-Sama'il, Ibrahim bin Muhammad, Diwan Awqaf Al-Suwaam in Ashiqar, previous reference, p. 196.

Forms of these Documents as follows:

Document Number 62 from the Diwan (Administration) of Awqaf (Endowments) in Ushiaqer⁽¹⁾:

The reason for its issuance is that Muhammad bin Abdul Rahman bin Hassan, acting as an agent on behalf of his father Abdul Rahman bin Muhammad bin Hassan bin Muhammad, and Abdullah bin Hassan bin Muhammad bin Hassan bin Muhammad bin Hassan, along with Abdullah bin Abdul Aziz bin Muhammad bin Hassan bin Muhammad, and Latifah, the daughter of Muhammad bin Hassan bin Muhammad bin Hassan bin Muhammad bin Hassan, have collectively planted, on behalf of Abdul Rahman bin Abdul Aziz bin Muhammad bin Hassan bin Muhammad bin Hassan, a field of apricots irrigated from the well of Al-Muqayshaiyah known in the region of Ushaiqer. They cultivated it, with half of the yield going to those who tended to the cultivation (Musaqat), and the other half to the landowners, until the planting matured in the year 1313AH.

Document Number 63 from the Diwan Awqaf Al-Sawam in Ashaiqer⁽²⁾:

The reason for its issuance is that Abdullah bin Suleiman bin Ayyaf, while acting as a representative (agent) for the endowments of Al-Sawam, planted Abdullah and Abdulaziz, the sons of Abdulrahman bin Shenaiber, on the white land located in the walls (**lands**) of Sabih. They cultivated the palm trees within the mentioned properties, with one-third belonging to Al-Sawam and two-thirds for, in the year 1314AH.

(1) Isma'il, Ibrahim bin Muhammad, Diwan Awqaf Al-Sawam in Ashiqar, Previous Reference, p. 192.

(2) Al-Sama'il, Ibrahim bin Muhammad, Diwan Awqaf Al-Suwaam in Ashiqar, previous reference, p. 193.

The concept of «Musaqat» (partnership in agricultural cultivation) is known as follows:

Musaqat involves entrusting a planted tree to a worker who takes care of the tree's needs, such as irrigation, pruning,⁽¹⁾ fertilization, and other forms of care for a specified period. A known portion of the tree's yield is allocated to the caretaker, referred to as «Saqitok» or «Aamaltuk» (I agreed with you) or any phrase that indicates this meaning, without specifying a fixed payment or indication thereof.

In the customary practice of «Musaqat,» the following recognitions are documented:

1. Specifically for date palms irrigation, it is customary that one-third of the yield goes to the landowner, and two-thirds (for al musaqat) go to the caretaker (the worker).

2. Another customary practice involves a fifty-fifty distribution, where half of the yield goes to the caretaker (Musaqat) and the other half to the landowner. Additionally, for date palms, the Musaqt's share is three-quarters, and one-quarter goes to the landowner.

These practices define the terms and shares in the Musaqt arrangement for the cultivation of date palms.

(1) Ta'beer means pollination, and its meaning is the process of splitting the female palm tree shoot to be fertilized with pollen from the male palm tree shoot, making its fruit suitable, with the permission of Allah. Al-Ayni said: «And Ta'beer is to pollinate each fruit according to its kind and according to their customary practice, to strengthen its fruit and bind it.» Mujaddidi, Muhammad Aameem Al-Ihsan (1424), Fiqh Definitions, Dar Al-Kutub Al-Ilmiyya, 1st ed., p. 50.

Yusuf over the Al-Ulya land endowment on the customary terms of the town, with half for the worker and half for the landowners in the year 1309AH.

Document Number 32 from the documents of Al-Hasan⁽¹⁾:

Abdulrahman bin Muhammad bin Hasan and his sister Latifa, along with others, planted Abdulrahman bin Abdul-Aziz bin Hasan over the land known as Al-Shalikha, which is an endowment for the son of Hasan, on the customary terms of the town, with half for the worker and half for the landowners in the year 1309AH.

Document number 36 from the documents of Al-Feraih⁽²⁾:

I bear witness that Muhammad bin Uthman Al-Bujadi attests that the mentioned Mukaffiziya Muqasama (The palm tree that irrigated from waterwheel) that does not need to be irrigated by the worker. The worker will irrigate the trees that above and below it is distributed with one-third for the worker and two-thirds for the landowners.

Document number 13 from the documents of Al-Hasan⁽³⁾:

It is mentioned that the descendants of Basam bin Muneif have planted the sons of their uncle, Abdullah and Abdul Rahman, the sons of Abdul Aziz bin Muhammad bin Hasan, palm trees or any other trees that irrigated directly from the edge of the sink that the water is gathered, with one-third for the worker according to the custom of the country in the year 1297AH.

(1) Hasan Documents, p. 5, Unpublished.

(2) Freiha Documents, Seventh Collection, Unpublished.

(3) Hasan Documents, p. 2, Unpublished.

Document Number 19 from the documents of Al-Faraih⁽¹⁾:

Sulaiman bin Muhammad bin Yusuf acknowledges being the representative (agent) of his cousin Abdulaziz bin Ibrahim bin Yusuf. He planted his two brothers, Othman and AbdulKarim, the sons of Muhammad bin Sulaiman bin Yusuf, on the white land of Al-Shimali, on the high ground according to the customs of the people of the town of Ushaqer. It is divided equally between them: half for the worker and half for the landowners. He planted them in certain place of the landowner to be irrigated from the water that is passing to landowner and what is blow it: the portion is divided by one-third for the worker and two-thirds for the landowners in the year 1351AH.

Document Number 57 from the Diwan of Awqaf Al-Suwaym in Ushaqer⁽²⁾:

The reason for its issuance is that Abdullah bin Sulaiman bin Ayyaf, while being the representative (agent) of the endowments of Al-Suwaym in Ushaqer, planted Ali bin Abdulrahman Al-Ruziza on the property under the endowment of Al-Suwaym in Ushaqer, Waqf Ramethah bin Ghadeeb planted according to the custom of the town, divided equally between the worker and the landowners, who are the Suwaym, in the year 1308AH.

Document Number 14 from the documents of Al-Hasan⁽³⁾:

Abdulrahman bin Muhammad bin Hasan and his sister Latifa, along with others, planted Muhammad bin Abdullah bin Yahya bin

(1) Freiha Documents, Second Collection, Unpublished.

(2) Isma'il, Ibrahim bin Muhammad, Diwan Awqaf Al-Sawam in Ushaqer, Previous Reference, p. 180.

(3) Hasan Documents, p. 3, Unpublished.

of the rights according to the customs of the neighboring town, for the landowners, the Sawam: half for the Al- Shenaiber family, and half for the worker.

Also, the aforementioned have appointed Abdullah bin Muhammad Al-Najidi and the sons of Hamad bin Muhammad bin Mansour bin Sheeha Muhammad and Abdul Rahman, to the northern part of the land of Al-Abu Ali Al-Mazboorah above Al-Sharba (irrigated) from the Sudais well, planting them with half of the rights according to the customs of the town, **half for the landowners, the Sawam and Al Shenaiber family, and half for the worker, in the year 1320AH.**

Document Number 6 from the Documents of the Al-Ismail Family⁽¹⁾:

Ismail bin Ibrahim bin Ismail acknowledges that he has planted Abdullah and Abdul-Aziz, the sons of Hamad Al-Munaiei, on the white land of Al-Madraj Al-Sharib (drinking) from Al-Muqayshia, following the customs of the town; half for the worker and half for landowners in the year 1328.

Document 14 of the Ismail Family⁽²⁾:

Ismail bin Ibrahim bin Ismail affirmed that he granted Abdulrahman bin Ali Al-Husaini, the cultivation rights over a piece of land belonging to the Ismail family, and Al-Sahama, located to the north of Al-Tuwaila. Half of it is allocated for the workers, and the other half for the landowners in the year 1351 Hijri.

(1) Al-Sama'il, Ibrahim bin Muhammad (1441), Documents of the Al-Ismail Family in Ashiqar, Unpublished book, Vol. 1, p. 25.

(2) Al-Sama'il, Ibrahim bin Muhammad, Documents of the Al-Ismail Family in Ashiqar, previous reference, Vol. 1, p. 41.

Document Number 62 from the Diwan of Awqaf Al-Sawam in Ushaiqar⁽¹⁾:

The reason for its issuance is that Muhammad bin Abdul Rahman bin Hasan, acting as an agent on behalf of his father Abdul Rahman bin Muhammad bin Hasan bin Muhammad, and Abdullah bin Hasan bin Muhammad bin Hasan bin Muhammad bin Hasan, along with Abdullah bin Abdul Aziz bin Muhammad bin Hasan bin Muhammad, and Latifa, the daughter of Muhammad bin Hasan bin Muhammad bin Hasan bin Muhammad, have planted Abdul Rahman bin Abdul Aziz bin Muhammad bin Hasan bin Muhammad bin Hasan on the land of Abu Al-Khukh Al-Sharib (drinking) from the well of Al-Muqaysha'iyya, known in the town of Ushaiqar, which is an endowment for the family of Bin Hasan. They planted it according to the customary practices of the neighboring town; **half for the agent and half for the landowners** in the year 1313AH.

Document Number 65 from the Diwan of Waqf Al-Sawam in Ushaiqar⁽²⁾:

The content of this document is that AbdulKarim bin Muhammad bin Shenaiber, acting as a deputy for Al-Shenaiber family, and Abdullah bin Sulaiman bin Ayyaf, and Ibrahim bin Abdullah bin Masnad, acting as superintendents of the Waqf of Sawam in Ushaiqar, have appointed Ahmed bin Muhammad Al-Najidi to the southern part of the land of Abu Ali Al-Li following the land of Al-Ma'bar, **with half**.

(1) Al-Sama'il, Ibrahim bin Muhammad, Diwan of the Swam Endowments in Ashiqar, previous reference, p. 192.

(2) Al-Sama'il, Ibrahim bin Muhammad, Diwan of the Swam Endowments in Ashiqar, previous reference, p. 196.

the land and the trees, or the trees alone, have a certain proportion between them after the contract is concluded.”⁽¹⁾

In the practice of plantation “Al-magharisa”, two recognized norms “Urfs” are mentioned in the following documents:

The first: Specific to plantation on the whit cultivated land, and the norm in it is half for the worker and half for the landowners.

The second: plantation and care of the cultivation done by the worker (the person who will irrigate the land), and the norm in it is one-third for the worker and two-thirds for the landowners.”

Among the examples of these documents are the following:

Document Number 61 from the Diwan of Awqaf Al-Sawam in ushaiqer⁽²⁾:

The reason for its issuance is that Abdullah bin Suleiman bin Ayyaf, while serving as an agent for the endowments of Al-Sawam in the town of Ushaiqer, planter Abdullah bin Suleiman Al-Raziza, along with his brother Abdul Rahman bin Suleiman Al-Raziza, on the land of Saqi (irrigator) Al-Sawam in the town of Ushaiqer, according to the customary practices of the neighboring town: **One-third for the agent (the worker) and two-thirds for the Sawam on the land.**

They also planted them on the land of Fayd Al-Sawam, known as Fayd Al-Omani, according to the customary practices of the town; **half for the agent (the worker) and half for the Sawam.**

(1) Younis, Muhammad Rafie Muhammad (2012), Cultivation in Waqf Land: A Comparative Study in Islamic Jurisprudence, Al-Rafidain Journal of Law, Vol. 15, No. 25, p. 17, p. 85.

(2) Al-Sama'il, Ibrahim bin Muhammad (1442), Diwan of the Swam Endowments in Ashiqar, Sa'i Al-Ilmiyya Series 21, p. 190.

The custom "Urf" named "Al-musaqat": (It is an agreement between landowner and a person to take care of palm trees and irrigate them for a certain period against a certain allocation according to the custom "Urf" of the region: one-third of the yield for the landowner and two-thirds for the person).

The custom "Urf" named "Al-mosakam": (It is the palm trees that irrigated from the water passing in landowner).

The custom "Urf" named "Al-mabna": (It is a kind of fence or building needed to protect the land)

The custom "Urf" named "Al-gha-shee-a": (It is to remove mud from the land to facilitate the water to go through the land for irrigation).

The custom "Urf" named "Al-sail": ((It is the water that comes from torrents. The torrent water that is gathered in the pelvis or sink is to be divided to orchards according to what orchards owners agreed of).

The most Prominent Customs "Al-A'raaf" used in Endowment Documents include:⁽¹⁾⁽²⁾

The custom "Urf" named "Al-magharisa"

"A contract by which the owner of the land delivers it to the one who plants it with known, fixed origin, and fruitful trees. The care of the planted trees is for a specific period, on the condition that

(1) Note: The texts excerpted from the original documents include only what is relevant to the country's customary practices.

(2) The mentioned documents include both endowment (waqf) and non-endowment documents.

Najdi villages. These arrangements contributed to regulating the movement of society and organizing its affairs. Among the prevailing regulations was the empowerment of social customs⁽¹⁾, serving as a legal reference in organizing community life as long as it did not contradict a legal text (sharia). Many ancient documents in Najd are enriched with numerous customs in various fields, such as marriage customs, agriculture and water, generosity, guest rights, assistance to the needy, buying and selling, and transactions, etc.

The Customs (Al-A'raaf) in Ancient Documents in Ushaqer:

The ancient documents of the town of Ushaqer, including endowment documents, abound with many customs that prevailed in Ushaqer in past centuries. These customs played a significant role in organizing life and its procedures, contributing positively to the growth of the community and the sustainability of its contributions over centuries. Despite the diversity of customs, most of them found in the ancient documents are related to agriculture and its derivatives. Examples include the custom "Urf" named "Al-magharis": (It is a trees partnership agreement between landowner and a person who will bring the trees and plant them. Then the yield will be distributed according to the Urf: half for each, or third for the landowner and two-third for the person).

(1) Dr. Awwad bin Muteirik Al-Juhani mentioned in his book «Najd Before Wahhabism» that the customary law was the law of the land, which is the customary Arabian law. Prominent figures in society could either suspend the customary law or establish new customs. See: Awwad bin Muteirik Al-Juhani, «Najd Before Wahhabism: Social, Political, and Religious Conditions during the Three Centuries Preceding the Wahhabi Movement,» translated by Ihsan Zaki, Jusoor for Translation and Publishing, first edition, 2016, p. 175.

and custom are official and fundamental sources of those laws. The breadth of legislation and regulation has not affected them; rather, it has influenced the status occupied by 'Urf or custom in the law of each country»⁽¹⁾.

The acknowledgment of the Sharia for customs stems from its significant impact on interpreting many texts and clarifying their meanings, thus eliminating ambiguity. Therefore, jurists adhere to it in many of their interpretations and legal opinions. The principle «custom has the force of law» represents one of the major jurisprudential principles, and countless issues branch out from it. What is established by custom is considered as established by text, as scholars have stated, subject to specific conditions for the recognized custom⁽²⁾. Ibn Al-Qayyim said, «Custom has followed the course of expression in more than a hundred instances.»⁽³⁾

The Customs (Al-A'raaf) in Najd:

During the period of the absence of central government in Najd-before the unification of the Kingdom of Saudi Arabia - administrative, financial, security, and social organizations were formed within the

(1) altalaba, Mohammed Mahmoud (2020) the impact of custom and custom in the guidance of sharia rulings and legal texts, Journal of the College of Islamic studies and Arabic for girls in Alexandria, P. 6, p. 36, p. 783-782.

(2) Custom is the practice that is sanctioned to be followed or endorsed, and it is characterized by three conditions: The first: It should not contradict an established legal text. The second: The custom should be continuous; if it becomes disturbed, varied, or divergent, it does not serve as a valid basis for adherence. The third: The custom should precede the ruling in existence, not follow it.

(3) Al-Jawziyya, Ibn Qayyim (1411AH), «I'lam Al-Muwaqqi'in 'an Rabb Al-'Alamin,» Edited by: Muhammad Abdul Salam Ibrahim, Dar Al-Kutub Al-'Ilmiyya - Beirut, 1st edition, Vol. 2, p. 297.

Based on the Foregoing:

"Social A'raaf or customs represents an unwritten law that governs and regulates the life affairs of society. It consists of a set of inherited regulatory rules that 'spontaneously seep into the minds without any system governing them or any institution or organization controlling their emergence"⁽¹⁾. These customs contribute to controlling the movement of life, manifesting in actions and words. They are characterized by their universality for all individuals, enjoy social acceptance, and have societal protection against any violation or rejection.

Customs "Urf" in Islamic Jurisprudence:

"The purified Sharia has acknowledged and endorsed customs, all within the framework of righteous and upright customs. As for corrupt customs, the Sharia prohibits and rejects them. Al-Shatibi says: "Habits, if not considered, would lead people to impose what is unbearable"⁽²⁾. They also said, "The human is the creator of customs and traditions and their craft".⁽³⁾

Upon careful examination of Islamic law, one finds that it respects prevailing 'Urf and customary practices among people in legislation. It incorporates and refers to them in many rulings. «Those who investigate the most of contemporary state laws find that 'Urf

(1) Fawziya Diab: The book titled «Al-Qiyam wal 'Adat Al-Ijtima'iyya» (Values and Social Customs) authored by Fawziya Diab is cited as a reference, P195

(2) Al-Shatbi, Abu Ishaq Ibrahim bin Musa bin Mohammed Al-Lakhmi (1417AH), approvals in the origins of jurisprudence, Investigation: Abdullah Daraz, publisher: Dar Knowledge-Beirut, M2, i1, P228.

(3) bin Hamid, Saleh bin Abdullah (1440AH), Customs and traditions and their impact on societies, previous reference.

The concept of Norm "Urf":

Norm "Urf" In language:

Al-'Urf linguistically refers to what is known. It is also defined as "that which people are accustomed to in their habits, behaviors, and traditions."⁽¹⁾ It is the opposite of what is reprehensible (Munkar). Al-'Urf is rooted in the origin of language, initially carrying the meaning of knowledge, then later used to signify the familiar and commendable, accepted by sound minds.⁽²⁾

As for Reform:

According to the definition by the scholar Sumner, it is "those social customs that indicate the prevalent meaning of habits, traditions, and customs. They include judgments on the individual's behavior contrary to the community, leading to the well-being and public interest of society. They are enforced on the individual to obey them, and his behavior conforms to them, even though they are not imposed on him by a specific authority."⁽³⁾

In the Jurisprudential Terminology, Urf is Defined as:

"What the souls have settled upon based on the testimony of minds, and what the natures have accepted with approval."⁽⁴⁾ It is also explained as: «What has settled in the souls from the perspective of minds, accepted by sound natures, and people have continued to adhere to it, which the Sharia does not reject.»⁽⁵⁾

(1) Ibrahim Mustafa and others, Al-Mu'jam Al-Wasit, Part One, Dar Al-Da'wah, 1989, p. 595.

(2) Ahmed bin Mohammed Al-Fayoumi, Al-Misbah Al-Muneer fi Ghareeb Al-Sharh Al-Kabeer by Al-Rafi'i, Dar Al-Kutub Al-Ilmiyah, Beirut, 1994, Vol. 2, p. 404.

(3) Fawzia Diab (2003), Values and Social Customs, Family Library, Beirut, p. 195.

(4) Ali bin Mohammed Al-Sharif Al-Jurjani, Al-Ta'rifat, Edited by Ibrahim Al-Abiyari, Dar Al-Kutub Al-Arabi, Beirut, 1998, p. 193.

(5) Sayed Saleh Awad, «The Impact of Custom on Islamic Legislation,» Dar Al-Kutub Al-Jami'i, Cairo, 1979, p. 52.

or norms come as solutions to social problems, contributing to the flow of life, facilitating the movement of societies, and achieving harmony among all their components.

And the existence of traditions is a social and organizational necessity for the cohesion, interconnectedness, solidarity, and effectiveness of the community. It serves to protect the community from slipping into the pitfalls of social chaos that tear apart its unity, threatening its stability and existence. The continuity of traditions and the strength of their positive impact on the movement of society are linked to the extent of commitment to them. Individuals are obligated to submit and comply with them, whether by compulsion rather than choice, unless they violate a legal text. Traditions are characterized by being «social laws governing general practices, serving as a nurturing ground for many authentic Arab values.»⁽¹⁾ They represent an information base for the history of society in its positive or negative form. Historians derive crucial information from them, sometimes complementing and restoring gaps or silences intentionally present in other documents⁽²⁾.

(1) Saloom Al-Qubayil, Saleh bin Mohammed Al-Shihi, an article in Al-Watan newspaper, Sunday, November 13, 2016, published at the link:
<https://www.alwatan.com.sa/article/32431>.

(2) Mohammed Bessbass and Mohammed Al-Sahli, «Customs as a Source of Historical Knowledge: The Water Customs of the Tafilalt Oasis as a Model,» Historical Circuits Journal, Faculty of Arts and Humanities, Sidi Mohammed Ben Abdullah University, Fes, Morocco, Volume 1, Number 3, September 2019, pp. 246-233.

The Norms "Al-A'raf" in Najdi Documents and its Relationship with Endowments haiqer Documents as a Model⁽¹⁾

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Introduction:

Traditions or norms are an ancient social phenomenon inherent to human nature, through which societies achieve more organized and regulated social behavior of individuals and their interactions. "They are a natural outcome of the requirements and renewed needs of societies, arising spontaneously from the environment and social life systems, encompassing qualities and deficiencies, wealth and poverty, knowledge and ignorance, righteousness, and deviation. They reflect the state of each society, as virtue produces virtuous customs, ignorance produces ignorant customs. The better a society's religious commitment, the sounder its upbringing, the elevated its culture, and the increased awareness, the higher it rises in its customs and traditions, reducing undesirable habits."⁽²⁾ Traditions

(1) These customs apply to both suspended and unsuspended matters.

(2) Bin Hameed, Saleh bin Abdullah (1440/514), «Customs and Traditions and Their Impact on Societies,» Friday sermon at the Grand Mosque, dated 28/04/1440, published at the link:

<https://khutabaa.com/khutabaa-section/corncr-speeches/326426>.

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- "Does the History of the Kingdom Need More Studies?" by Dalal bint Mukhled Al Harbi, Al-Dariya Journal, Issue Thirteen, Year Four, Riyadh (1422AH/1992 CE).
- Official Website of the professor Ibrahim Al-Sama'il:
<https://ebraheemalsmaeel.com>

journey to document the social history of the region. It still requires someone to analyze these documents to paint a picture of the reality of daily life and the practices of individuals in the community. Completing the social image through the analysis of expenditure patterns, the nature of endowments, their sizes, and the types and social and economic levels of the endowers is essential. This aspect reveals corners of society and is a task that is not insurmountable, especially if the writer is from the same environment. It is an invitation to researchers from other regions of the Kingdom to delve into the social history of their communities. Understanding the nature of life in the past is a reason to be grateful for the present reality, and this gratitude is a call to continue doing good, as it is through gratitude that blessings endure.

Before conclusion, it is essential to commend the efforts of Mr. Ibrahim bin Muhammad Al-Sama'il in compiling the endowment documents in the town of Ushaiqer. His remarkable dedication to researching and documenting these documents, profiling their benefactors, supervisors, expenditures, and unveiling the mysteries of the endowment history of the region is truly commendable. This includes his work on the document "Endowment of the Sons of Ahmad bin Isma'il in their well-known property called (Al-Jufrah in Ushaiqer) (Diwan of the Endowments of Al-Sawam in Ushaiqer), the series (Endowments of Ushaiqer) (Suruj, Dila, and Masai), (Document of the Right of the Guest in Ushaiqer), and (Document of the Endowment of Ramitha bin Qudayb). His scholarly contribution in the field of endowments is worthy of scientific acclaim.

And may God bless you and grant you success

use or have been almost forgotten with the passage of time. It is difficult to grasp the true essence, content, and magnitude of endowment documents without an understanding of these terms. Examples include: "Al-Bayza," and "Al-Tiflisiya," and "Al-Jadeeda, (three names of currencies)" - "Al-Shahiya," - "Al-Hayala (small cultivated land)" "Al-Howayyet (small cultivated land)" - "Al-Jakhor," "Al-Jabiya," "Al-Rakiya," "Al-Qrawa (sinks that made of stone to collect the water)" - "Al-Zarnoq (a kind of wood to be put over the well to help withdrawing the water)," "Al-Shatn," "Al-Shiqs (a part of palm tree)" - "Al-Eidanah (a very long palm tree)" and many more.

Through the endowment documents, the book paints a geographical picture of Shaqra's farms, neighborhoods, boundaries, and the extent of agriculture during that historical period. It delves into the types of crops, the varieties of palm trees prevalent at that time, and the preferred types. The people were keen on endowing the finest of their palm trees. For instance, the book mentions a type of palm tree, no longer present today, known as (Al-Khawli) confirming that endowment documents contain more than just declarations or endorsements of endowments, their usage, and supervisors. They represent a wealth of social, geographical, architectural, and economic information.

Furthermore, the book provides a glimpse into the nature of people's lives and their priorities by observing the expenditures of endowments. These expenditures were directed towards filling the most pressing gaps in the hierarchy of people's daily livelihood, and overall essential needs.

This valuable book represents the first step in an academic

religiosity, commitment to goodness, ingrained Islamic values, and the presence of a compassionate spirit are all underscored by these documents. They exemplify the community's dedication to implementing Islam fully in their lives.

The significance of the book becomes evident through its meticulous tracking of judges and scholars who played a crucial role in preserving and caring for the endowment registers (divan). They undertook the responsibility of renewing and safeguarding these registers to prevent their loss or encroachment, ensuring the continuity of their benefits as intended by their endowers. The author documented their biographies, provided their profiles, numbering twenty judges who successively supervised these endowments until they were handed over to the branch of the Ministry of Islamic Affairs and Endowments in Shaqra. The author expresses gratitude to this ministry for preserving and maintaining these registers over the years, preventing their deterioration.

The author's exploration of the documentary journey, the process of copying the registers, and their contents reveal the immense efforts of these exceptional individuals. They were the true and trustworthy custodians who passed down this legacy to those who came after them. The author also highlights the most notable supervisors of the endowment registers in Shaqra and those who assumed responsibilities for charitable deeds within the endowment.

The author demonstrated great insight by providing definitions for several terms found in the endowment documents, especially considering that many of these terms have fallen out of common

registers had been left in their original state, they would have likely succumbed to the ravages of time, much like others have.

The registers (divans) consist of four ancient notebooks and a collection of scattered documents, inscribed from the twelfth to the fourteenth century of the Hijri calendar. The author notes that the original source is a small notebook comprising (27) pages, penned by the Washm judge, Sheikh Abdulaziz bin Abdullah Al-Hussein Zuhqi, who passed away in the year (1237 H, 1821 CE). He commenced writing it around the year (1170 H).

The significance of this book lies in the fact that endowments, their channel of expenditures, and the actions of their superintendents' supervisors contain the minutiae of daily life within the community. They portray a natural and unpretentious image of the interpersonal interactions among individuals in society. It is a mistake to perceive these endowment documents merely as papers defining the type and usage of endowments; they extend far beyond that into social, historical, and cultural dimensions, surpassing them by leaps and bounds.

These documents highlight the spirit of compassion among individuals despite monetary weakness, scarcity, poverty, and the limited resources characterizing the society during the period covered by the endowment records. They showcase a sense of solidarity among people, touching upon the needs that were met through the endowments, despite their simplicity. These endowments, although basic, fulfilled crucial and genuine needs for members of the community. There were no governmental service ministries as exists in the present-day state. The community's

It Can Be Said:

To this day, we find a hazy image of the essence of Saudi society, and undoubtedly, this lack of clarity in understanding societal life is an extension of the documentary weakness in the preceding period. Studying society at that time required an exploration of its various facets to establish connections, forming a clear picture by understanding societal determinants, patterns, interrelationships, and the reciprocal impact and influence of each element. This process enables the creation of a social map that depicts the intricacies of the community.

I present this introduction on the deficiency in documenting the social history of Saudi society, and as I gaze optimistically into the book "Registers of Ancient Endowments in the Washm Region (Shaqla as a Model)," prepared by Professor Yusuf bin Abdulaziz Al-Muhanna, spanning over (500) pages. The book involves research, exploration, documentation, and verification of the ancient endowment registers in the Washm region in general, and the city of Shaqla in particular.

The significance of this book, both scientifically and historically, lies in its role of reviving a heritage that was on the brink of disappearance. One marvels at the author's effort and patience in discovering these registers, the story of his quest, and his dedication in delivering them to the King Abdulaziz Dara (Library), which graciously took on the task of restoring them as part of the social history of the Kingdom of Saudi Arabia. This thoughtful act of documentation by the author acknowledges the (library) Dara's expertise as a documentation hub for the Kingdom's history. If the

It echoes his remarks in the introduction to his book titled (The Title of Glory in the History of Najd). In this work, he highlighted the scant attention given to the history of the region in general and Najd in particular. He pointed out that the focus of writings about the region was limited to aspects of battles and conflicts. He stated, "Know that the people of Najd, both ancient and modern scholars among them, did not have much concern for documenting the history of their days, their lands, their constructions, what occurred therein, or the comings and goings. Except for some oddities recorded by a few scholars, because when they mention a year, they say: so-and-so was killed in it, without mentioning his name or the reason for his killing. And when they talk about a battle or an incident, they say: in this year, the so-and-so incident occurred. We know that from the time of Adam until today, there has been constant conflict, but we want to know the truth, the reasons, and the peculiar and astonishing events that took place in their history, all of which are absent."

The deficiency in documenting social history, as highlighted by historian Ibn Bishr, extends beyond hesitation or scientific reluctance, and can be generalized to the rest of the Kingdom. This implies that Ibn Bishr's lament holds true: the focus of those chronicling the region's history often fixates on recording incidents, killings, and battles without delving into details or celebrating other social, economic, and educational aspects of life. Except for sparse indications and subtle hints, scarcely mentioned, these narratives fall short of meeting the demands of the social analyst or observer eager to capture the evolution of society.

to capture social life either focused on isolated regions, severely limited in scope, or were found within the writings of intrepid foreign wanderers who explored the Arabian Peninsula or the Gulf. Yet, their narratives typically fixated on the political or geographical facets of the regions they traversed, offering only fleeting glimpses into the social fabric. These studies, however, fall short of satiating the researcher's curiosity, given their fleeting presence, insufficient for painting a comprehensive picture of the social landscape in the visited realms.

Mentioning this, His Excellency Dr. Abdulaziz Al-Khuwaiter, in one of his lectures on historical documentation in the Kingdom at large, notes that aspects of Saudi history vary in the attention they've received. Some have been thoroughly explored, while others have only grazed the surface, awaiting further scholarly consideration. Undoubtedly, the social dimension and its evolution fall into the third category, eagerly anticipating the scholarly and written focus from researchers and scholars.

Dr. Dalal Al-Harbi reinforces this need, highlighting that the history of the Kingdom still awaits numerous studies. However, these studies must be temporally and geographically delimited, with a specific emphasis on economic, scientific, and social facets.

This scientific report, authored by contemporary scholars passionate about documenting the social history of the Kingdom, serves as a confirmation of the statement made by the historian Othman ibn Bishr, who passed away in the year (1290 H, 1873 CE).

A Reading in the Book: The Registers of Ancient Endowments in the Washam Region (Shaqra divan as a Model)⁽¹⁾

Prepared by:

Dr. Abdullah bin Nasser Al-Sadhan

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Despite the existence of several studies that have addressed Saudi society over the past three centuries, it is noteworthy that most of these writings tend to focus more on the historical and purely political aspects than on others. Following that, the scientific, cultural, and social aspects come in the third position in terms of attention, documentation, and observation. As for social studies on Saudi society during the past three centuries, they are relatively scarce.

In the tapestry of the past three centuries and beyond, one notices a dearth of studies delving into the societal tapestry of that era. Deep, analytical social studies of the community were scarce during that time, leaving a knowledge void for specialists attempting to sketch a vivid social portrait. The few available studies that dared

(1) This article was previously published in the Saudi newspaper Al-Jazirah on the 11th of Sha'ban 1433, Issue No. 14521. It has been subsequently updated to reflect the scientific developments in the field of endowments.



First Section

**Translating of papers
and articles published
in the Magazine**



assistance of Allah. We implore the Generous Allah to grant him the joy of acceptance in the Hereafter and elevate his status in the highest ranks.

We ask Allah to bless this issue and its research, and to make its knowledge and findings beneficial globally. May He abundantly reward and grant blessings to the benefactor/ endower, his descendants, all his family members, and relatives, as well as to all those involved in his endowments. All praise is due to Allah, the Lord of all worlds.

Editor-in-Chief

Prof. Dr. Saleh bin Hussein bin Abdullah Al-Ayed

The magazine continues to welcome new research, if the authors adhere to the publication standards specified at the beginning of each issue. After passing the customary scientific review by qualified experts, it remains a refereed scientific journal.

The editorial board of the magazine recognizes the need of faculty members in Saudi, Arab, and Islamic universities, and others, for a reputable scientific outlet to publish their promotion research. Therefore, the magazine and its editorial board are committed to facilitating the publication process by expediting the peer-review and publication, issuing consecutive editions. This is done with the aim of disseminating beneficial knowledge, with the permission and assistance of Allah, and in the interest of professors in universities and beyond.

This journal, while welcoming researchers to publish their research, acknowledges that the credit for this opportunity goes to Allah Almighty and then to the benefactor/ endower, Sheikh Sulaiman bin Abdulaziz Al Rajhi. He dedicated himself to divesting from all the adornments of this world before his departure and entrusted it to the grand endowment entity, (Awqaf Sulaiman Al Rajhi). Within its entities, he established an institution (Sae for Awqaf Development) dedicated to the development of endowments, from which this journal, (Waqf Magazine), emanates.

We can only pray to Allah for Sheikh Sulaiman Al Rajhi's well-being. May Allah protect him. Just as his eyes witnessed the success and growth of his great endowment projects, may they continue to prosper according to what he intended with the guidance and

May Allah's blessings be upon you, O one whose mention Has sweetened the ears and mouths

As for what follows:

Here is the (ninth) issue of the **"Waqf" magazine, a peer-reviewed journal for Endowment studies, published by the Sae for Awqaf Development** affiliated with the Endowments of Sheikh Sulaiman Al-Rajhi - may Allah preserve him. It is released to fit into the series of previous issues of the magazine, aiming to fulfill the desires of scholars, researchers, students of knowledge, and those interested in endowments, whether they are endowers or superintendents, employees, or beneficiaries seeking to stay informed about everything new in the field of endowments, including history, regulations, modern studies, publications, summaries, and scientific articles.

And indeed, this issue has diversified its topics significantly in countries such as Kuwait and the Kurdistan region of Iraq. It covers various modern scientific fields, including a detailed study on the regulations for amending endowment documents and their management. Another article discusses endowment administration, elaborating on the implementation of total quality management in the endowment sector.

And the editorial board of the magazine reiterates its perpetual gratitude to the researchers who have submitted their research for publication. In this issue, some of the articles that have passed the scientific peer review are published. We would like to emphasize that the remaining research will be published, with the help of God, in the upcoming issues, taking into consideration the diversification of topics in each issue.

Editorial of the Issue

All praise and gratitude are due to Allah, in the number of atoms in the universe, in the heavens, the earth, and what is between them.

O Allah, to You belongs the praise and gratitude in the beginning, and to You belongs the praise and gratitude in the Hereafter, and to You belongs the praise and gratitude before and after, during the night and at the edges of the day, and always, continuously, and forever.

To You be the praise, O Allah, the One who beautifies concealment

To You be the praise, if the stars in the sky continue to flow

You have bestowed and favored the beautiful, and You have not ceased

Gentle with us, from where You know, while we do not comprehend

And peace and blessings be upon the one who guided the worlds to all that is good, warned them against every evil and harm. He embodied the virtues of character, and his character was the Qur'an. His Lord made him an exemplary model for his nation and commanded them to emulate him. Indeed, he is our Messenger Muhammad (Peace Be Upon Him), and upon his family and all his companions.

May Allah's blessings be upon you, O one who came to us

With gentleness, devoid of harshness or severity

May Allah's blessings be upon you, O one who came to us

Providing comfort for the haggards without inducing perplexity

May Allah's blessings be upon you, O one whose love

Has enlightened hearts after darkness