

3. Adequate qualification of judges who judge Waqf disputes.
4. Activating alternative means of resolving disputes in accordance with the nature of the Waqf, and in a manner that achieves happiness and benefit.
5. Activating the work of think tanks by providing specialized reports that contribute to making the optimal decision regarding permissions, terminations and disputes, including: evaluating the Waqf 's assets for replacement and substitution, proposing the amount of the superintendent's reward, and so on.
6. There is a need to study jurisprudential and legal calamities of the issues related to Waqfs and their entities, due to the difference of rulings and cases of today from what the jurists mentioned in their books in the past.

Suggestions:

The researcher suggests that researchers conduct more studies in the Waqf field, and the proposed studies in this regard are:

- A. Controls of infringement and negligence leading to removing the superintendent.
- B. The reward of the superintendent between the condition of the waqif and the custom, and the authority of the judiciary to amend them.
- C. Judgments of judicial experience in relation to Waqf issues.
- D. Controls of Waqf provisions between reasons for charity, and reasons for control and scrutiny.
- E. Provisions for the capacity of beneficiaries in filing a lawsuit in Waqf disputes.

10. There is an urgent need for the establishment of objective legislation regulating waqf, and regulating the rights and duties of the superintendents and the beneficiaries, and this is because the system of the General Authority for Waqfs is legislation for the work of the authority supervising the Waqf sector, and does not cover the objective aspects of Waqfs.
11. The fact that disputes in Waqfs are related to an independent ruling personality, that acquires rights and bears obligations, and may own property, has become increasingly leading to disputes in Waqfs, both in commercial and civil systems.

The fact that the disputes in Waqfs are related to an independent judgmental personality, and the provisions that distinguish them from other disputes, have led to the lack of clarity of the appropriate mechanism for dealing with disputes arising from the Waqf, and the ways to certify them.

Study Recommendation:

The research recommended the following:

1. Issuing objective legislation for public and private Waqfs that regulates their establishment and work, and clarifies their statutory provisions, the provisions of their transactions, and the obligations of those in charge of them.
2. Activating the means that protect Waqfs from disputes, and this is done through the following:
 - A- Adequate qualification of the principals from a legal point of view, training them, and supervising their work.
 - B- Activating the supervisory work and accountability for the superintendents when they violate laws.
 - C- Placing clear obligations on each of the endowment originator, superintendent, and beneficiary.
 - D- Obliging Waqfs in certain cases - as appropriate - to contract with specialized legal and accounting offices that provide advice for legal and accounting Waqfs work.
 - E- Obliging Waqf superintendent to document their behavior in a regular manner.

seeking reward from Allah.

4. The Waqf in Islamic law is considered one of the doors of righteousness and charity, and in the history of Muslims it is a culture with its legal, economic and social dimensions. The Waqf and its sciences have received great attention and a great place among Muslims, and scholars, predecessors and successors, have taken great care in establishing its rulings and have given it great care.
5. The Kingdom of Saudi Arabia is at the forefront of countries interested in Waqfs; it gave it the utmost attention, and laid down its own regulations and legislation.
6. The reflection of prosperity and economic development on the Waqf assets; because it is directly related to investment operations, therefore the Waqf has been establishing commercial and investment entities.
7. Because the Waqf has to be a specific investment activity, such as endowing shares in joint stock companies, this led to, in some cases, disputes that obstruct commercial and investment activities, which made it claimant and defendant; therefore, waqfs have become like other entities that need to know their rights and duties in disputes and litigations.
8. Disputes in Waqfs differ from many other disputes; because the litigant in waqfs is often not the owner.
9. The existence of some legislative voids, including that many of the duties and actions of the superintendents in today's reality are governed by customs, and judges make independent opinions about them without the existence of legislative texts governing them. For example, the systems do not address the period during which the superintendent is obligated to keep the financial records of the endowment. Is it permissible for the superintendent to be held accountable for the actions that he recorded in financial records that are twenty or fifty years old? Another example is the resolution of the capacity in the Waqf dispute, especially the capacity that goes to the indirect beneficiary of the Waqf yield. Other examples are the controls of infringement and negligence, and the repeals of the right in the superintendence, and the like.

the applications of disputes of removing the superintendent with the beneficiaries (endowment management) The third is concerned with the applications of the disputes of superintendents with the beneficiaries, and the fourth is concerned with the applications of conciliation and arbitration in the Waqf.

The study concluded with a sixth chapter:

It included the summary of the study, the most prominent findings of the researcher, the most prominent recommendations emanating from those results, and some suggestions.

Study results:

After studying and researching issues of disputes in Waqfs ,the researcher reached a number of results, the most important of which are:

1. The jurists agreed in general on the permissibility of the Waqf except for what was narrated on the authority of Qadi Shuraih and Imam Abu Hanifa and those who followed them from the people of Kufa, a matter that was due to their distance from the Waqf field in the Hijaz, and that is what Imam Malik declared when he heard this saying. He said: "Shurayh spoke in his country and did not come to Medina; he only saw the endowments of the Companions and of the Prophet's wives...»; On the other hand, it is attributed to the fact that there is no explicit text in the Holy Qur'an indicating the desirability of Waqfs, and perhaps the hadiths that indicate its desirability have not reached them.
2. The jurists did not agree on a single definition of Waqf. Rather, their definitions and orientations varied. This is due to several considerations, including; (1) those to whom belongs the ownership of the Waqf; (2) Waqf permissibility and necessity.
3. The Saudi regulator did not find the need to define the term Waqf. The talk about the Waqf in the regulations came in agreement with the meaning that came in Islamic jurisprudence, which the Kingdom of Saudi Arabia adopted as a reference for its regulations. This is evident in the statement of the General Authority for Waqfs, regarding the concept of Waqf by mentioning its types, all of which revolve around the meaning of confinement of the origin and the use of benefit,

disputes, as well as defining the types of Waqf disputes objectively, the provisions for disputes of Waqf entities, the courts competent to consider Waqf disputes, then the procedures for settling Waqf disputes, and the provisions for resorting to alternative means of litigation in Waqf disputes.

The first chapter of this study stated:

The study's problem and questions, its objectives, its scientific and practical importance, its limits, as well as the study's terminology, and it was concluded by enumerating what it was easy to collect from the previous studies related to its subject.

In the second chapter:

The study talked about the nature of the Waqf and its legality, and the character of its disputes. The first topic was about the concept of the Waqf and its legitimacy, its pillars and conditions. The second topic dealt with the rooting of the character in Waqf disputes, with an explanation of the capacity of the Waqif , the superintendent, the judge, the sultan and the Muhtasib.

The third chapter:

It was about the types of Waqf disputes, the procedures for do them, and the authorities concerned with them. It dealt with this topic in three sections: the first of which was devoted to explaining the types of Waqf disputes, and the second section specialized in the documentary and judicial competence in Waqfs , and the third section was devoted to arbitration and reconciliation in Waqf disputes.

The fourth chapter

It talked about the procedures for adjudication of Waqf disputes came in two sections: the first of them concerned the procedures of the case, while the second was concerned with evidence in Waqf disputes. Thus, it ended the theoretical chapters of the subject.

The fifth chapter:

It is an applied chapter, which talks about judicial and arbitration rulings related to Waqf -related disputes, and the first topic is concerned with the applications of disputes regarding the wages of the Nidhara and the management of the Waqf. The second is concerned with

Waqfs disputes and their judicial applications in the Kingdom of Saudi Arabia

Prepared by: Dr. Ahmed bin Mohammed Abdullah Al-Shanqiti

Origin of the book: A thesis submitted to obtain a doctorate degree from the Department of Islamic Economics at the Faculty of Sharia at the Islamic University of Madinah

The scientific supervisor of the thesis: His Excellency Sheikh Prof. Prof. Dr. Saad bin Nasser Al-Shathri

This study dealt with the topic of “Waqfs Disputes and their Judicial Applications in the Kingdom of Saudi Arabia”. The researcher identified the problem of the study in the lack of clarity of the mechanism for dealing with disputes arising from the establishment and management of the Waqf, the methods of proving them, and the provisions that distinguish them from other disputes.

According to this problem, the main question of the study was: What are the substantive and procedural provisions for the disputes of Waqfs and their affiliated entities in the Kingdom of Saudi Arabia? This is a question from which sub-questions emerged, questions about the nature of the Waqf, the concept of dispute in the waqf, the owner of the capacity in its disputes, the types of waqf disputes objectively, the provisions of the disputes of the entities affiliated with the waqf, and the courts competent to consider waqf disputes, the procedures for settling waqf disputes, and the ruling on resorting to alternative means of litigation in waqf disputes.

In answering the questions of the study, the researcher took the descriptive and analytical approaches based on induction and analysis. This study clarified the rule of Waqf disputes, relying mainly on the descriptive approach, as well as on the analytical approach, which depends on the analysis of the legal texts in the relevant legislation under study, to conclude the study with an analysis of some judicial applications.

The objectives of the study:

It was represented in defining the nature of the Waqf, the concept of dispute in the Waqf, and the rooting of the issue of capacity in Waqf