

extend their benefits beyond an individual's lifetime.

The study also highlighted the precautions taken by Islamic law to protect waqfs, emphasizing the importance of accurately managing their expenditures and regulating activities to ensure benefits, prevent harm, and avoid corruption. The research included a review of the current regulations and rules governing the supervision of waqfs in the Kingdom of Saudi Arabia, and the judicial practices followed as far as accessible. The study encompassed various issues, benefits, and discussions that can be beneficial. The researcher recorded the key findings in the conclusion of the study.

Final Comment on the Study:

- This book encompasses a range of studies related to the authority over and management of waqf, a crucial responsibility due to its impact on the interests of the waqf and its beneficiaries. The importance of this authority is underscored by the potential consequences of failing to uphold it, which can lead to the disruption of the waqf and its resources, as well as resulting disputes and conflicts. It is one of the important and evolving catastrophes due to the evolving regulations related to it and the changing circumstances that requires ongoing monitoring and updating of its issues according to new developments. Given that the authority over the waqf, regulating the actions of the super attendants, and overseeing their work are crucial for the sustainability of the waqf and fulfilling the endower's objectives.

■ maintenance takes precedence. The same applies to the waqf's debts. He presented the scholars' opinions and their evidence for each of these issues.

The researcher discussed the issue of dismissal the super attendant of the waqf, elaborating on it with reference to the opinions and evidence of jurists. He explained that the dismissal of the super attendant can be initiated by the ruler, the endower, the beneficiaries, or by the super attendant resigning himself. The researcher also addressed the reasons for removing the super attendant, which include the super attendant's insanity, immorality, betrayal, negligence of duties, death, dismissal by the appointer, and the end of the condition set by the endower.

The discussion concluded with the examination of the waqf super attendant's accountability by the judiciary. Since one of the super attendant's duties is to collect the waqf's revenues, spend on its needs, and distribute it to the beneficiaries, the judge has the authority to hold the super attendant accountable if deemed necessary. This audit can occur due to doubts about the super attendant's integrity or competence. The researcher detailed this process, relying on the opinions and evidence of jurists and conducting a thorough scholarly analysis of these discussions.

Key Recommendations and Findings:

The research presented an overview of the rules and issues related to the supervision of waqfs. It offered summaries that included the perspectives of jurists, along with some of their evidence and discussions. The findings clearly demonstrate how Islamic law organizes and regulates human affairs, detailing methods for investing and spending funds. Additionally, the research highlights the great rewards promised for continuous charitable deeds, which

ing on the behavior and actions of the super attendant, his liability, dismissal, and accountability. The researcher discussed several issues related to the super attendant's behavior / action including: **Firstly**, the nature of the super attendant's behavior in terms of his actions, noting that the super attendant acts under the authority of his guardianship over the waqf, which is a form of authority over others. The role of the super attendant is governed by principles like those applied to other fiduciary positions and is distinct from that of an agent.

Secondly, the nature of the super attendant's hand was addressed, detailing the jurists' classification into two types: faithful/trusted hand and guarantee. The opinions of the scholars and their differences on these matters were discussed, with evidence provided for each point of view.

He then discussed the issue of the waqf super attendant's guarantee, defining it in both linguistic and juristic terms. He provided examples of when the super attendant would be guaranteed and when he would not. The reasons for the super attendant's guarantee include:

First: Obscuration, which refers to the trustee not clarifying the condition of the entrusted property at the time of his death. This obscuration prevents the rightful owner from reclaiming their property and thus results in guarantee.

Second: Renting out the waqf for less than the fair market value.

Third: Delaying the maintenance and repair of the waqf. If the super attendant delays necessary maintenance and distributes the income to the beneficiaries, he is guaranteed for the amount given to the beneficiaries, as this is considered neglectful, given that

solely on the super attendant's discretion and require presentation to the judge and obtaining their approval.

The researcher then discussed the authority of the super attendant, including the permissible actions he can take concerning the waqf to benefit both the waqf itself and its beneficiaries. This was based on the opinions of jurists, prevailing judicial practices, and the principles applicable in the Kingdom of Saudi Arabia. Among these actions are leasing the waqf, utilizing agricultural land, developing land with construction, replacing or transferring the waqf, and investing in equipment and machinery, and similar assets.

The researcher concluded the chapter with a discussion of what must be avoided, referred to as "prohibitions of supervision." It clarifies that among the responsibilities of the super attendant are the preservation, care, defense, and proper administration of the waqf according to its Sharia-compliant processes in accordance with the endower's conditions. The prohibitions of supervision include any actions that harm the waqf or its beneficiaries, violate the endower's conditions, or exploit the role for personal gain. Such actions are deemed prohibitions that the super attendant must avoid, falling under the prohibitions of authority. The chapter also elaborates on the reasons for liability in these cases, which stem from negligence in the duties of supervision, or the powers of the super attendant previously discussed. It details these prohibitions, including failure to provide the revenue or benefits to the rightful recipients, failing to collect the revenue, pledging or lending the waqf, favoritism in the waqf, not seeking the judge's permission when required, and neglecting to defend the waqf.

Third chapter:

The researcher discussed the implications of supervision, focus-

jurists have said about the super attendant's responsibilities to clarify the extent and details of these duties. These responsibilities include implementing the conditions set by the endower, repairing the waqf, maintaining and defending the waqf, fulfilling the waqf's rights and obligations, representing the waqf in legal proceedings, and concluding with a discussion of a jurisprudential issue: Can the super attendant reach a settlement regarding the waqf? And the matter of administering oaths to the super attendant.

He discussed the discretionary authority of the super attendant and its impact. This authority allows the super attendant to perform supervisory duties based on his judgment, aiming to achieve the best interest of the waqf and prevent harm. This authority is inherent to any administrator, regardless of the constraints imposed by the endower or the judge. The super attendant retains a degree of discretion in matters that cannot be rigidly regulated, giving him the right to manage the waqf with wise judgment. The super attendant is required to seek the optimal outcomes in his duties, as he is managing assets entrusted to him, not his own. Authority over others requires consideration of their best interests, and the super attendant's duties include various actions concerning the waqf and its income. The super attendant's role includes making decisions necessary for the benefit of the waqf, guided by his judgment and experience. It is established that competence and expertise are prerequisites for the super attendant, enabling him to identify the waqf's interests and maintain them. Given that the basic principle in actions that are not specified by the endower or restricted by the judge falls within the super attendant's discretion. However, certain actions related to the waqf, such as replacing the waqf, borrowing against it, pledging its assets, managing surplus assets, and contravening the endower's conditions, cannot rely

dant, and the right of the state to oversee endowments. He connected these points to the practices under the General Authority for Endowments system and what is implemented in the Kingdom of Saudi Arabia.

He also discussed legal and derivative supervision, citing the views of the jurists and their conflicting opinions. He examined several issues, including the super attendant's right to delegate, the plurality of super attendants, the overseer of the super attendant, supervision by a legal entity, the resignation of the super attendant, delegation of authority, and the ratification of the appointment.

Second chapter:

The researcher discussed the rights and duties of the super attendant, including his compensation, role, discretionary authority, responsibilities, and what he must abstain from. He provided a detailed analysis of the super attendant's compensation, the ruling on receiving payment for it, the conditions of the super attendant's compensation, the amount of compensation if it was neglected by the endower, the inclusions of the super attendant's fee, and the timing of its entitlement. He based his discussion on established jurisprudential principles and what is practiced according to the Supervision Regulations issued by the General Authority for Awqaf in the Kingdom of Saudi Arabia.

He also addressed the duties of the waqf super attendant, and the tasks and actions related to the waqf. Some of these actions are obligatory, meaning failure to perform them constitutes a breach of duty, while others are permissible, meaning the super attendant may choose to perform them, but neglecting them might not be considered a breach of the supervisory role. He reviewed what the

from the consent of the ward, but rather it is established either by Sharia, such as the mandate/ authority of a father, or by contract, such as the authority of a guardian. The researcher divided the types of authority into two categories: general authority, which is granted to rulers and judges, and special authority, which is granted to the endower, the beneficiaries and the super attendant. He further divided special mandate /authority into two types: original authority, which does not require appointment and is inherent to the endower and the beneficiaries, and derivative mandate/authority, which requires appointment by someone with the power to do so.

First chapter:

The researcher discussed the conditions for the super attendant of the waqf, who has the right to the authority over the waqf, the legal and derivative supervision, and detailed the conditions for the super attendant of the waqf. Since supervision of the waqf is a type of guardianship, the same conditions apply to the super attendant as to the guardian, including justice and capacity to manage affairs.

There is no disagreement among jurists on these points. However, there is disagreement on additional conditions such as: sanity, adulthood, Islam, justice, and competency in management). The researcher presented the views of the jurists, their evidence for each condition, and discussed these points.

The researcher addressed who is entitled to the authority over the waqf. This includes the right of the endower (waqif) to manage the waqf and appoint the super attendant, the right of the beneficiaries to manage the waqf and appoint the super attendant, the right of the judge to manage the waqf and appoint the super atten-

jurists have stated. He concluded that supervision of waqf is a legal authority granted to a real or legal person, enabling him to manage the waqf and handle its revenues according to the conditions of the endowment. He explained that it has become common to assign the supervision of waqf to councils or bodies, meaning the authority over the waqf is not held by a single real person, but by a legal body. Thus, the ruling of supervision applies to it. The researcher also mentioned the concept of supervision as outlined in the Supervision Regulations issued by the General Authority for Endowments.

The researcher provided a detailed discussion on the legitimacy of supervision and the ruling on appointing a super attendant. He emphasized that the duty of supervision, including the preservation and care of endowments, is obligatory, as endowments are at risk of being lost without it. The Companions of the Prophet (peace be upon them) appointed who can manage and care for their endowments. The obligation to appoint a super attendant for waqf is supported by numerous of Quranic verses and Hadiths that emphasize the necessity of preserving wealth, prohibiting its wastage, and the obligation to safeguard trusts and deliver them to their rightful owners. Failing to oversee endowments leads to their neglect, which is prohibited by Sharia, as it forbids wasting wealth and neglecting rights. Therefore, the supervision of endowments is considered a communal obligation (fard kifayah), meaning that if sufficient individuals undertake this responsibility, the obligation is lifted from the rest.

The researcher then defined the term "mandate" both linguistically and technically. He explained that, in the usage of jurists, it refers to the power by which a guardian can obligate others or carry out / execute actions upon them. This authority does not originate

supervision is a legitimate authority vested in a real or legal person, granting him the capacity to manage the waqf and its revenues according to the conditions of the endowment.

Keywords:

Supervision - Endowments - Authority - Management - Oversight – Power.

Importance of the Scientific Material:

The significance of this topic lies in its connection to waqf, which is a noble avenue of ongoing charitable work. The research focuses on the supervision of waqf, a crucial responsibility due to its impact on the interests of the waqf and its beneficiaries. Any failure in supervision can lead to mismanagement of the waqf and its allocations, resulting in disputes and conflicts, with the accuracy of its issues, their similarity, their many branches, and the need to edit them completely, given many applications in reality.

Main Topics of the Scientific Material:

The researcher divided this study into an introduction, a preface, three chapters, and a conclusion.

Introduction:

The researcher addressed the importance of the topic, reasons for choosing it, its objectives, previous studies on the subject, a summary of the differences between these studies, the methodology followed in the research, and the divisions of the study.

Preface:

The researcher elaborated on the concept of supervision of waqf, based on what is found in language dictionaries and what

continues to bring rewards after one's lifetime, ensuring abundant rewards and the continuation of good deeds.

Scholars have focused on applying the general principles of Sharia, its established rules, and its objectives to various jurisprudential issues entrusted to knowledgeable and pious individuals, such as waqf (endowment). Sharia has emphasized and advocated for waqf, and its benefits and impact have been evidenced throughout reality and history. Scholars have dedicated themselves to clarifying its issues, organizing its branches, and ensuring its proper implementation to achieve and enhance the intended benefits of sharia. Part of completing these benefits is appointing a super attendant to manage and operate the waqf according to its designated purposes.

Hence, this research came to address the rulings of the super attendant of the waqf, his actions, and related matters. It outlines what scholars have discussed and clarified in their writings, along with some practical examples of judicial work in Saudi Arabia on these issues. The goal is to elucidate the rulings on waqf super attendants, regulate their activities, and benefit those interested in understanding the direction of judicial rulings and the decisions of systems and regulations regarding this matter.

The research includes a brief presentation of the rulings and issues concerning the supervision of endowments, covering various topics and providing concise summaries that include scholars' perspectives, some of their evidence and discussions. It also presents some of the existing systems and rules for organizing supervisory work, as well as current judicial practices, as much as the author could ascertain.

Among the issues and benefits covered in the research is that

Supervision of Waqf (Endowment)

A Jurisprudential Study with Reference to Applicable Systems and Rules and Their Applications

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Brief Introduction of the Author/Researcher:

Dr. Hani is specializing in jurisprudence and its roots and works as an appellate judge at the Court of Appeals in the Riyadh Region. He has made numerous scholarly contributions, media programs, and participation in scientific journals, newspapers, and websites. He has also published research and books include: "Jurisprudence of Prophetic Medicine" "The Phenomenon of Differences among Scholars and How to Deal with It," "Permission for executing Surgical Operations," and others.

General Objective of the Scientific Material:

Islamic Sharia came to organize human life and manage his affairs, guiding individuals on how to invest and spend their money. It directed them towards ongoing charity (sadaqah jariyah), which