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infringement against endowments.

6. The lack of integrated legislation and regulations regarding endowments has allowed individuals with weak consciences to exploit legal loopholes to commit transgressions against endowments.

Recommendations:

1. There is a need for increased research on the issue of encroachment against endowments, particularly focusing on emerging tricks and evolving methods.
2. Issuing an integrated system of regulations and laws to protect endowments and prevent transgressions, ensuring their ongoing benefit and utility.
3. The need to pay attention to regulations and legislation related to endowments, regularly reviewing, renewing, and developing them to keep up with all developments in the field of endowments.
4. The need to raise awareness about the dangers of encroachment against endowments through various media channels and Friday sermons, while clarifying the deterrent penalties for those who consider committing such infringements.

Scientific Sources and References

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- Legislate effective control systems.
- Linking any actions related to the endowment—such as sale, exchange, transfer, or mortgaging—with the approval of the competent court.
- Expediting the resolution of endowment-related cases in the courts.
- Safeguarding the investment of endowment funds and avoiding high-risk ventures.

Results and Recommendations:

Results:

1. Protecting endowments is a crucial issue that impacts the future of society, threatening their existence and usefulness.
2. The issue of infringement against endowments is an evolving one, with its forms and methods being shaped and varied as society develops and changes.
3. The lack of awareness about the dangers of transgressing against endowments, and the absence of discussion about it in the media and Friday sermons, has contributed to the leniency of those with weak faith in committing such transgressions.
4. The negligence of endowers in documenting, drafting, and publicizing endowments has contributed to the facilitation of transgressions or infringement.
5. The delay in resolving some endowment-related cases in the courts has contributed to the audacity of individuals with weak consciences in committing transgressions or

- Harm to society due to the disappearance and reduction of endowments and the disruption of their developmental contributions.

Protection Against Transgression:

Endowments can be protected from transgression through various means, including:

- Official documentation of the endowment.
- Renewing old endowment documents and converting them into official documents.
- Comprehensive and detailed drafting of the endowment document/ deed.
- Preserving endowment documents.
- Monitoring endowments and recovering those that have been unlawfully seized or usurped.
- Publicizing endowments, announcing them, and raising awareness among people.
- Selling, transferring, or exchanging endowments in case they are damaged.
- Establishing the endowment on land that is officially registered with the relevant authorities (some government institutions and charitable organizations create their endowments on state-owned land).
- Including a precise mechanism for monitoring the endowment in the endowment document.

- Rampant nepotism and personal courtesy.
- Neglect by superintendents and their preoccupation with other matters, leading to a lack of oversight of the endowments.
- Disputes among heirs and their contention after the endower's death.
- Corrupt conditions imposed by the endower, such as depriving daughters or certain sons.
- Political unrest, conflicts, wars and insecurity.
- Neglecting endowed lands without utilization for an extended period.
- Failure to implement the endower's conditions regarding the distribution of the yield (through delays, unfair distribution, or including undeserving individuals).
- Legal Reasons:⁽¹⁾ Including:
 - Weak civil protection for endowment assets.
 - Inadequate criminal protection for endowment assets.
 - Delay in litigation procedures.
 - Lack of official documentation for endowments.

Key Results of Transgression:

- Overburdening the courts with various disputes among the parties involved.

(1) Asbihi, Abdulrazzaq (2018), The Phenomenon of Seizing Endowment Properties: Causes and Solutions, Publications of the Journal of Law - Legal and Judicial Knowledge Series, Issue 62, pp. 45-60.

3. Endowment Beneficiaries: Examples include:

- Forgery of documents and papers that establish their right to benefit from the endowment.
- Seizing and usurping the benefits of the endowment.

4. Others outside the endowment system from the public: Examples include:

- Usurping the endowment and taking possession of it by force, managing it as if it were personal property.
- Encroaching on the benefits of the endowment.
- Theft of the endowment's contents.

Causes of Transgression:

The endowment has a unique nature, as its ownership does not belong to natural or legal persons, which makes it the weakest link among other types of ownership (governmental or private)⁽¹⁾ This vulnerability makes it susceptible to transgression. The reasons for this include:

- Religious Reasons:
 - Weak religious motivation.
 - Ignorance of the provisions regarding transgression against endowments.
- Social Reasons:
 - Weakening of moral deterrents.

(1) Asbahi, Abdulrazzaq (2018), The Phenomenon of Seizing Endowment Properties: Causes and Solutions, Publications of the Journal of Law - Series of Legal and Judicial Knowledge, Issue 62, p. 7.

- Selling the endowment for a meager or at a low price under the pretext of its lack of benefits, to achieve personal gains for the administrator.
- Leasing the endowment for less than its market value.
- Speculating with the endowment's funds or income with the aim of earning commissions.
- Investing the endowment's assets or yield in high-risk investment areas.
- Harming the endowed property by mortgaging it or borrowing against it without permission from the relevant authorities.
- The superintendents' leniency and neglect in preserving, maintaining, and repairing the endowment to ensure it remains functional and generates the benefits intended by the endower.
- Fraud and breach of trust,⁽¹⁾ including: personal use of endowment property, courtesy and nepotism in appointing staff, awarding contracts, receiving commissions, neglecting maintenance, dishonesty in maintenance work, negligence and indifference resulting in the loss of endowment rights, and disclosing endowment secrets and data.
- Excessive spending on salaries and operational expenses.

(1) Issa, Haddad, and Juhnaït Khadija (2020), The Crime of Transgression Against Endowment Real Estate in Algerian Legislation, Journal of Judicial Effort, vol. 12, p. 543.

gence and transgression, such as by damaging the endowed asset, or altering its nature and characteristics (e.g., converting it from residential to agricultural use or vice versa), ⁽¹⁾ if not authorized by the endower.

- Complete or partial damage of the endowed property.⁽²⁾
- Seizing the endowment and taking possession of it, either directly or indirectly, by force or dominance, and incorporating it into one's private funds.⁽³⁾
- Forgery of contracts, documents, and records.
- Concealing contracts, documents, and papers, and misleading the responsible authorities.
- Theft of the endowed property (such as stealing endowed books and manuscripts).
- Tampering with the endower's conditions by altering or concealing them.
- Tampering with the endowment's yield through embezzlement, delay and procrastination, borrowing, or managing them as if they were personal property.

(1) Damage can either affect the endowed property itself, causing its complete or partial destruction, either directly or indirectly, or it can impact the benefits derived from the endowment, resulting in either total or partial disruption, either directly or indirectly. See: Al-Rouza, Nawal bint Saeed Yahya, *Transgression Against Public Property: Forms and Rulings*, previously cited, pp. 1-30. Adapted.

(2) Al-Rouza, Nawal bint Saeed Yahya, *Transgression Against Public Property: Forms and Rulings*, previously cited, p. 15.

(3) The report on trust against betrayal defines it as: everything entrusted to a person, including religious duties and other responsibilities such as worship, deposits, family, and finances. See: A Group of Authors, *Kuwaiti Jurisprudential Encyclopedia*, previously cited, vol. 6, p. 236.

By the type of assault:

- Transgression against the endowed asset.
- Transgression against the benefit of the endowed asset.

Forms of Infringement on Endowments:

Infringement on endowments refers to any action or behavior affecting endowments that is prohibited by either a religious text or a legal provision. ⁽¹⁾ This infringement may occur by:

1. Heirs: Examples include:

- Transgression against endowments through the damage, concealment, or forgery of endowment documents, particularly if they are not officially documented by the relevant authorities.
- Seizing the benefits of the endowment by taking possession under the pretense of entitlement.

2. Administrators of the Endowment: This includes the endower himself or the superintendent appointed by the endower. Examples include:

- Altering the terms of the endowment.
- Changing the channels of expenditure: either by suspension or substitution.
- Misappropriating endowment funds through negli-

(1) Changing the nature and characteristics of the endowment is considered an infringement unless the endower has specified it in the endowment document and it has been authorized by the legitimate ruler.

- The heirs of the endower.
- The beneficiaries of the endowment.
- The endowment investor.
- External transgressors.

Types of transgression:

By intent⁽¹⁾:

- Deliberate transgression.
- Quasi-deliberate transgression.
- Accidental transgression.

By means of assault:

- Direct transgression.
- Indirect transgression.

By the identity of the assault:

- Transgression by a natural person.
- Transgression by a moral person.

(1) Article 3 of the General Authority for Endowments Law states: "The Authority aims to organize, preserve, develop, and enhance endowments in a manner that fulfills the conditions set by the endowers and strengthens their role in economic and social development and social solidarity, in accordance with the objectives of Islamic Sharia and regulations. Paragraph 2 of Article 4 of the General Authority for Endowments Law specifies: The Authority oversees the activities of the administrators appointed by the endowers within the limits prescribed by regulations, ensuring that these activities do not violate the conditions set by the endowers or interfere with the administrative functions.

your wealth, and your dignity are forbidden to one another, like the sanctity of this day of yours, in this month of yours, in this land of yours. Have I not conveyed (the message)?" (Agreed upon). Allah's Messenger (ﷺ) said: "If anyone takes a span of land unjustly, on the Day of Resurrection Allah will strangle him with it from seven earths." [Agreed upon].

Transgressing against endowments (awqaf) falls under the prohibition because it is an act of aggression against what Allah has made sacred and forbidden. The one who commits it is condemned and warned of punishment in both this world and the Hereafter.

Transgressions against endowments can occur in two forms:

- Material transgressions, such as neglecting maintenance, repair, and development.
- Moral transgressions, which include illegal exploitation such as theft and embezzlement (external transgressions), as well as abuse of authority, overlapping authorities, altering the endowment, mortgaging, and borrowing or taking a loan (internal transgressions).⁽¹⁾

Entities of transgression against endowments:

There are various entities involved in the transgression against endowments, such as:

- The endower.
- The Super-Attendant.

(1) Changing the endowment, mortgaging it, or borrowing by using it as collateral is considered an infringement unless the endower has stipulated it in the endowment document, and it has been authorized by the legitimate ruler.

favorable conditions for its development and investment. It also involves achieving the endower's objectives and allowing the beneficiaries to benefit from the endowment in accordance with Sharia legislations.⁽¹⁾

The Concept of Infringement on Endowments:

Infringement on the endowment can be defined as: any intentional or unintentional, direct or indirect act that inflicts harm on the endowment's principal, disrupts its benefits and purposes, alters its form, and deprives the beneficiaries of their legitimate right.

The Verdict on Infringement of Endowments:

Infringement on the property of others is prohibited according to the following Quranic verses and Hadiths:

Allah states: "But do not transgress. Indeed, Allah does not like the transgressors". Surah Al-Baqarah, [verse: 190]. Allah states: "But whoever transgresses after that will suffer a painful punishment." Surah Al-Baqarah, [verse: 178]. Allah states: "O believers! Do not devour one another's wealth illegally, but rather trade by mutual consent." Surah An-Nisa, [verse: 29]. The Messenger of Allah (peace and blessings be upon him) (ﷺ) said: "The blood, honor and property of a Muslim is inviolable for another Muslim." [Muslim], The Messenger of Allah (peace and blessings be upon him) (ﷺ) said: "The property of a Muslim is not lawful except with his willing consent." (Narrated by Ahmad, 20172). Allah's Messenger (peace be upon him) (ﷺ) His statement in his sermon on the Day of Sacrifice at Mina during the Farewell Pilgrimage: "Verily, your blood,

(1) Ibn Aneeq, Nasser Ibrahim Nasser. Protection of Endowments in Islamic Jurisprudence and Its Judicial Procedures in the Kingdom of Saudi Arabia. Previous reference, p. 69.

without the intention of owning it.

The Difference Between Transgression, Oversight, and Protection:

Oversight: A continuous and ongoing process conducted by the authority or delegated to others to ensure that activities are carried out according to established plans, set policies, prepared programs, and within the limits of applicable laws, rules, and instructions to achieve specific objectives.⁽¹⁾

Oversight of the Endowment Institution: This involves the state's monitoring of the endowment administration's activities to ensure the application of laws and regulations governing it, the proper functioning of the institution, and the extent to which it achieves the purposes for which it was established.⁽²⁾

Protection: Refers to surrounding private and public rights, interests, and properties with legislation that safeguards them from infringement and allows their owners to manage or enjoy them according to Sharia legislations.⁽³⁾

Protection of the Endowment: Means surrounding it with appropriate or suitable legislation and measures that ensure the preservation of its principal, guarantee its continuity, and create

(1) Ayyasra, Bassam Awad (1431AH), Financial Supervision in the Islamic Economic System, Dar Al-Hamed for Publishing and Distribution, Jordan, 1st edition, p. 25

(2) Ibn Azzouz, Abdelkader (2011). The State's Authority over Waqf Affairs. Fifth Forum on Fiqh Issues of Waqf, Istanbul, Turkey, May 13-15, p. 12.

(3) Ibn Aneeq, Nasser Ibrahim Nasser. Protection of Endowments in Islamic Jurisprudence and Its Judicial Procedures in the Kingdom of Saudi Arabia. Previous reference, p. 40.

Consequences:

The Linguistic Meaning of "Al-i'tidaa'

(Infringement/Transgression): Linguistically, "transgression" (Ta'addi) refers to injustice, fundamentally involving the crossing of boundaries, limits, and rightful claims. The phrase "I transgressed the right" indicates surpassing it. Jurists also use this term in its linguistic sense, applying it to signify the infringement upon the rights of others.⁽¹⁾

It is stated in the Kuwaiti Fiqh Encyclopedia: Transgression in language and terminology means injustice and exceeding the limit. It is said, 'He transgressed against him,' meaning he wronged him, and 'He transgressed against his right,' meaning he overstepped it without any right.⁽²⁾

It has been said that transgression: is exceeding the limit, measure, and right that one ought to adhere to, doing what one has no right to do, or neglecting what one is obligated to do concerning the assets and benefits of public property.⁽³⁾

Ibn 'Arifah defined it as: The unauthorized benefit from someone else's property with the intent of acquiring ownership of it, destroying it, or a part of it, without intending to possess it." In another instance,

he said: "Acting on something without the owner's permission

(1) Group of authors (from 1404 to 1427 AH), Kuwaiti Jurisprudence Encyclopedia, Vol. 12, p. 233, published by: Ministry of Awqaf and Islamic Affairs, Kuwait, second edition, Dar Al-Salasil.9

(2) Group of authors, Kuwaiti Jurisprudence Encyclopedia, previously referenced, Vol. 5, p. 202

(3) Al-Rouza, Nawal bint Saeed Yahya (2020 CE), The Violation of Public Property: Forms and Rulings, previously referenced, p. 4.

took from the spoils of Khaybar, before the shares were divided, is now burning on him in fire.' The people were shocked, and a man came forward with a shoelace, or two shoelaces, saying: 'O Messenger of Allah, I took these on the day of Khaybar.' The Messenger of Allah (peace be upon him) said: 'A shoelace of fire, or two shoelaces of fire.'" [Narrated by Muslim]

One of the most dangerous forms of transgressions against wealth is the violation of endowments, which are in the possession of Allah Almighty. To instill fear in those weak in faith and prevent them from infringing upon the wealth of endowments, we find that most endowment documents conclude with the verse: "But whoever changes the will after hearing it, the blame will only be on those who made the change." (Al-Baqarah: 181). This is intended to scare those with weak souls from manipulating, violating, or diverting endowments from their intended purpose. Endowment wealth is respected, donated by individuals as a means of drawing closer to Allah and seeking reward. Any form of aggression against endowments is a serious crime, an encroachment upon Allah's property, and a bold defiance of His legislations. It is also an infringement on the rights of others, a deviation of the Waqf from the goals set by its Endowers, and an unjust consumption of people's wealth. "Do not consume one another's wealth unjustly, nor deliberately bribe authorities in order to devour a portion of others' property, knowing that it is a sin." (Al-Baqarah: 188). In order to prevent individuals from daring to attack endowments, legislation and laws related to the protection and oversight of endowments were established to create a solid legal foundation that makes endowment properties immune from any attack or encroachment.

The Concept of Endowment Violations, Its Forms, Causes, and

The Attack on Endowments

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Transgressing against the public and private wealth of Muslims is a major crime. Islamic law has issued severe warnings, both in this life and in Hereafter, for anyone who dares to encroach upon these assets in any way. The story of the young man who took a share from the spoils of war on the day of Khaybar, before it was divided, illustrates the gravity of such offenses. Abu Hurayrah (may Allah be pleased with him) reported: "We accompanied the Prophet (peace and blessings be upon him) to Khaybar, where Allah granted us victory. We did not acquire gold or silver but instead gained possessions, food, and clothes. We then proceeded to the valley, where the Messenger of Allah (peace be upon him) had a servant gifted to him by a man from the tribe of Judham named Rifa'ah bin Zayd from the Banu al-Dubaib. When we arrived at the valley, the servant of the Messenger of Allah (peace be upon him) was unpacking his belongings when he was struck by an arrow, leading to his death. We exclaimed: Congratulations to him on his martyrdom, The Messenger of Allah (peace and blessings be upon him) responded: 'No, by the One in whose hand is the soul of Muhammad, the share he