

***Fiqh al Awqāf*: Exploring Perspectives and Dimensions in Islāmic Texts**

¹Aadil Hussain Wagay, ²Dr Ghulam Nabi

¹Senior Research Scholar, Department of Islamic Studies, IUST, Awantipora, J&K, India

²Assistant Professor, Department of Islamic Studies, IUST, Awantipora, J&K, India

Abstract: This paper explores the *sharī'ah* basis of waqf (Islāmic Endowment), examining it as both a concept and a legal institution and delving into the key elements of classical *fiqh al-awqāf* (the Islāmic Jurisprudence of Endowments/Waqf jurisprudence). It analyzes *Qur'ānic* and Prophetic perspectives, as well as the views of the Ḥanafī [1], Mālikī [2], Shāfi'ī [3], and Ḥanbalī [4] schools of fiqh (Islāmic Jurisprudence). The aim is to maintain coherence with classical methods for deriving waqf rulings, enabling waqf stakeholders to innovate and contextualize waqf applications in contemporary settings while remaining rooted in authentic Islāmic jurisprudence. The study emphasizes the meticulous care taken by classical jurists to align waqf rulings with established *sharī'ah* (Islāmic Law), avoiding contradictions with other legal institutions such as *mawārith* (inheritance) and *sadaqah* (charity). It highlights the importance of *maṣlahah* (public interest) and *istiḥsān* (juristic preference) in formulating waqf principles, arguing that these considerations often achieve equity and fairness more effectively than strict *qiyās* (analogy). The study also highlights the contemporary relevance of waqf.

Research Methodology

To examine the jurisprudential aspects of classical *fiqh al-awqāf*, the paper employs textual analysis, focusing on the *Qur'ān*, *Ḥadīth*, and related areas of Islāmic jurisprudence. This approach ensures that contemporary interpretations and applications of Waqf address modern challenges while adhering to the tradition of Islāmic law.

Implications

- i. **Theoretical Contributions:** This paper provides a comprehensive examination of the various perspectives and dimensions of waqf within Islāmic texts, offering a deeper understanding of the theoretical foundations of *fiqh al-awqāf*.
- ii. **Practical Applications:** By elucidating the principles and guidelines derived from Islāmic texts, the research can guide contemporary waqf practices, helping to align them more closely with classical jurisprudence.
- iii. **Legal Framework Development:** The insights gained from the analysis can assist in developing a robust legal framework for waqf management and governance, ensuring that it adheres to traditional Islāmic principles while addressing modern needs.
- iv. **Policy Implications:** Policymakers can utilize the findings to create regulations and policies that support the effective administration and growth of waqf institutions, promoting socio-economic development in Muslim communities.

Findings

The study highlights the critical role of charity in Islām, emphasizing waqf as a means to support those in need, purify wealth, and achieve social justice. While the *Qur'ān* does not explicitly mention Waqf, its principles are