

THE CONCEPT AND ESSENCE OF WAQF AND ITS DISTINCTIVE FEATURES

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ABSTRACT

The article discusses the establishment and development of the waqf institution. Facts and information about waqf institutions have been researched based on the principle of historicity.

KEYWORDS: *Waqf, Mosque, Madrasa, Era, Property, Education.*

INTRODUCTION

During the era of Prophet Muhammad (peace be upon him), waqfs gained general importance, and they flourished during the caliphate, especially for various social purposes. Below we provide the examples:

1. **Mosques:** During the caliphate era, the waqf of mosques reached its highest level. Mosques were allocated to caliphs and commanders, and their imams were appointed by them. During the period of Umar, the construction of mosques increased significantly. Umar ordered the establishment of mosques in various cities. Sa'ad ibn Abu Waqqas was ordered to establish the Kufa Mosque. Umar expanded the area of the Masjid al-Haram and purchased some houses around it, incorporating them into the Masjid al-Haram complex. Usman also expanded the Masjid al-Haram, buying numerous houses and adding them to its structure. Ali, too, established many mosques in various regions.
2. **Public waqf:** The Companions established public endowments during the time of the Caliphs. The major ones are houses, cultivated fields, weapons for war, animals and property, wells and waterways. Endowment of houses was especially popular. The largest waqf fields are the waqfs made by Umar, Usman, Ali and Zubayr ibn Awam. Regarding the endowment of weapons, it is mentioned in the above hadith that Khalid bin Walid endowment of his shield. Umar also used to provide the necessary equipment for the battle in the way of Allah. The most famous of the endowed wells is the Ruma well. Umar also ordered Sa'd ibn Abu Waqqas to dig a river for the people of Kufa, and Abu Musa Ash'ari to dig a river for the people of Basra during his governorship.

The State of Waqfs in the Later Period of the Companions:

According to the majority opinion, waqfs, especially familial waqfs, were considered a means of depriving daughters of their rightful inheritance. Particularly, in narrations, it is mentioned that Aisha disapproved of familial waqfs, saying, "I will not tolerate the charities of today's people being diverted only to that which has been mentioned in this verse of Allah: And they say, "These animals and crops are forbidden; no one may eat from them except whom we will," by their claim. And there are those [camels] whose backs are forbidden [by them] and those upon

which the name of Allāh is not mentioned - [all of this] an invention of untruth about Him. He will punish them for what they were inventing."By Allah, a man gives a large amount of charity to his daughter. You see in that girl the blessing of his charity. Then you feed another daughter of that person and you see poverty in her, because that person forbade her from his charity.

Caliph Umar bin Abdulaziz attached importance to people's rejection of charity that prohibited women. But he died before doing this.

Imam Malik said: Umar ibn Abdulaziz's insistence on rejecting the almsgiving that did not include girls is proof that he can give alms to both boys and girls.

Waqfs during the Umayyad Period: During the Umayyad era, waqfs expanded extensively, especially in newly conquered territories such as Egypt, Syria, and other regions. This expansion was due to the broadening of the conquered territories and the subsequent increase in waqf areas. During this period, waqfs were not limited to supporting only the poor and needy through direct assistance. Instead, a variety of educational institutions (madrasas) were established, contributing to the development of scholarly disciplines (Islamic sciences), and the construction of mosques and charitable homes also flourished. As people began to pay serious attention to waqfs, institutions and committees were formed to supervise and enhance waqf affairs.

In Baghdad and other regions, supervisors oversaw endowments and accounted for the endowment managers (mutawallis). If any shortcomings or negligence were identified in the management or preservation of endowments, they would be corrected or the managers replaced.

Tawba ibn Nimr ibn Hawmil Hadrami, who managed waqfs in Egypt during the time of Hisham ibn Abdulmalik, emphasized the exclusive allocation of waqf benefits to the poor and needy. He stated, "These charities are meant only for the poor and needy. Thus, we must establish a firm rule to prevent these charities from being used for bribery and inheritance." During this era, a cautious individual named Tawba ibn Nimr, with a keen sense of responsibility, established an independent fund for waqfs, overseeing it alongside other established committees. This fund was not only the first of its kind in Egypt but also set a precedent for waqf supervision throughout the Islamic world.

During the Abbasid Era, the endowment system further developed. Now, endowments were not limited to only the poor, needy, and scholars; libraries were established, funds were allocated to them, and hospitals providing free services to the sick were built. Homes and shelters were also constructed for the poor and needy. Additionally, during this period, a head leader was appointed for the endowment administration, known as the head of endowments (sadr al-vuquf). This leader supervised all endowments and appointed dedicated servants (agents) to carry out the tasks.

In the time of the Abbasid Caliph Ma'mun, Lahiya ibn Abbas Hadrami supervised endowments in Egypt. Concerning him, it is said: "During Lahiya's period of leadership, he executed excellent work in governing all the endowments of Egypt. Sometimes, he ruled based on evidence and sometimes by the consent of the endowers, and there was no endowment left unattended. He once said, 'I asked Allah for success in managing the endowments properly. Among all the endowments, not a single one was left without my ruling, evidence, or renewal of proof.'" This

period marked the initial phase of establishing independent endowment records and a significant development in the endowment system.

Endowments were consistently supported and empowered by the Abbasid caliphs. According to Ibn Kathir in his book "Al-Bidayawa'l-Nihaya," in the year 631 Hijri, it is mentioned that in that year, the construction of a madrasa in Baghdad initiated by Caliph Al-Mustansir Billah was completed. Such a madrasa had not existed anywhere before. In this madrasa, during the educational process, equal opportunities were provided for students adhering to the four Sunni schools of thought. Specifically, for each school of thought, there were 62 jurists, four assistants, a teacher for each school of thought, a hadith master, two reciters, 20 boarding students, a medical master, and ten Muslim individuals engaged in medical practices. Additionally, there was a special educational residence for orphaned children, providing them with sufficient bread, meat, halva, and all necessary provisions.

During the Ottoman era, urban development projects were extensively carried out through a well-established endowment system. These initiatives were financed without relying on state funds or taxes collected from the public. Instead, financial support for activities such as education, healthcare, social assistance, urban development, water supply, and various other fields came from endowments. The endowment system enabled the Ottoman Empire to provide high-quality services in diverse areas, reaching a significant level of service delivery without being dependent on government funding or taxation from the population.

In O.A. Sultonov's doctoral dissertation on the endowment properties in Central Asia, particularly in the following information has been provided: "When we talk about the ancient endowment properties in the Central Asian region, especially during the time of the Qarakhanids, it is possible to refer to two endowment deeds related to the second half of the 12th century in Samarqand, attributed to the ruler Ibrohim Tamg'achxon. In reality, during the Qarakhanid period, several madrasas operated in Samarqand and Bukhara. These madrasas were established with endowment properties allocated by rulers, their relatives, and representatives of the upper class for financial support. Besides madrasas, there is also information about endowment properties allocated for mosques and cemeteries. One of the main characteristics of endowment properties during this period was the benevolent endowments allocated by rulers and representatives of the upper class. In the later periods, larger endowments were mainly associated with familial endowment properties. An example of this tradition is evident in the endowment properties established during the Timurid period, exemplified by the endowment properties initiated by Khwaja Ahrar, which contributed to his elevated status."

If we consider the separate regions within the current territory of Uzbekistan, one of the earliest waqf documents that has come down to us dates back to the 13th century and pertains to the city of Bukhara. This document, from the late 13th century, is associated with a waqf established for the use of two mosques in the town of Bukhara-Samarkand and the mausoleum of Khwaja Hamina in the vicinity of Hamina village. According to the information obtained from this document, endowments were allocated for the maintenance of the mosque and mausoleum, including funds for repairs, renovations, housing, and other non-movable properties. One of the earliest documents related to the waqf in Bukhara dates back to the early 14th century, around the beginning of the 14th century, and pertains to the mausoleum of Shaykh Saifuddin Bukhari in the Fathabad complex near Bukhara, including a guesthouse and a bathhouse. During the reign of

Abdulloh Khan (1533-1598), when Bukhara became the capital of the Shaybanids in 1557, waqfs in Bukhara and its surroundings flourished, and many religious, social, and cultural endowments were established.

The most developed period for endowments in Samarkand corresponds to the era of Timur and the Timurids. In the 14th to 16th centuries, Samarkand was designated as the political, religious, and cultural center of the region, witnessing the establishment of numerous endowments in the city. During the Timurid period, under the prominent representative of the Naqshbandi Sufi order, Khwaja Ahrar Vali (1404-1490), and his descendants, significant endowments were organized around him. These waqf documents from that time provide information about life in Samarkand and its surrounding villages and towns.

Throughout the long reign of the Khiva Khanate, whose capital was the city of Khiva in Khorezm, the region of Khiva also developed significantly in terms of endowments.

In the latter half of the 19th century, as the Russian Empire expanded its influence over Central Asia, the issue of endowments came under review, among other religious institutions. In 1867, under the administration of K.P. Kaufman, the "Regulation on the Administration of the Turkestan Region" was issued. This regulation included a section on "Managing the Waqf Properties of the Turkestan Region." Consequently, Turkistan's waqfs fell under Russian control. The desire of the colonial policy to confiscate endowments intensified over the next twenty years. In the regulations of 1886 concerning the administration of the Turkestan region, Articles 265, 266, and 267 directly addressed the issue of endowments. According to these articles, lands designated as waqf, which were considered state property benefiting the public, were allocated to peasants. The establishment of new endowments was permitted only in "special cases" with special permission, thus placing limitations on the creation of waqfs.

Until the beginning of the Soviet era, endowments in the territories of the Bukhara Emirate and the Khiva Khanate retained their previous status.

With the advent of the Bolsheviks, on January 23, 1918, a decree titled "On Separating the Church from the State and the School from the Church" was adopted. Articles 12 and 13 of this decree contained provisions related to endowments, stating: "No religious community or religious society can be the owner of property. They are deprived of legal entity status"; "The property of existing church communities and religious societies in Russia is declared public property." According to this decree, religious organizations were not allowed to own property, and all properties, including endowments, were declared public property.

The implementation of land and water reforms marked the beginning of the significant decline for regional endowments. For example, in November 1925, at the Congress of the Uzbekistan Communist Party, a decision was made to implement the land reform. According to the resolution issued on December 19, 1925, with the number 168, all endowments outside of cities were transferred to the People's Commissariat of Village Farming. The endowments in cities were left to the discretion of religious communities. After a short period, even urban endowments were confiscated, and their revenues were handed over to the People's Commissariat of Education. However, permission was granted for imams and muezzins to retain the endowments of mosques. Thus, only the endowments of mosques remained during this period.

In this manner, only the endowments of mosques remained during this period. With the decision of the Council of People's Commissars and the Central Executive Committee in August 1927, the Central Waqf Administration was abolished, and religious endowments were also transferred to public ownership. The decree stated: "All religious endowments managed by the existing waqf administrations should be considered government property and transferred to the jurisdiction of the People's Commissariat of Education." However, until the late 1920s, endowments were not entirely transferred to state ownership. In 1930, the central government in Moscow declared all remaining endowments, left without proper use, to be public property.

The manner in which endowments were abolished reflects a pattern seen in many countries where Islamic civilization flourished, such as Egypt, and so on. In Turkey, although the process did not unfold in the same way, the term "waqf" was changed, and for a period, it operated under a different name. The nationalization of endowments by states resulted in the weakening and disappearance of systematically organized and purposeful activities of endowments in the economic, educational, and healthcare systems. Unfortunately, despite the significant cultural and economic potential of states with a high degree of waqf culture, many endowment activities have not been able to return to their former level.

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