

SELECTED LEGAL ISSUES IN ISLAMIC FAMILY LAW, WAQF, INHERITANCE, HALAL AND ISLAMIC FINANCE

**EXTENDED ABSTRACTS & COMPILATION
OF SLIDES**

**IN CONJUNCTION WITH THE INTERNATIONAL CONFERENCE ON
ISLAMIC LAW: MALAYSIA & ALGERIA & ROUND TABLE
DISCUSSION ON ISLAMIC SOCIAL FINANCE, HALAL & WAQF**

17th-19th. February 2025
18-20 REJAB 1446



**MOSQUE OF ALGIERS
UNIVERSITY OF ALGIERS 1
INTERNATIONAL ISLAMIC
UNIVERSITY MALAYSIA
INTERNATIONAL WAQF ACTION COUNCIL
(iWAQF)**

Editor: Nor Asiah Mohamad

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MALAYSIA & ALGERIA & ROUND TABLE DISCUSSION (RTD) ON
ISLAMIC SOCIAL FINANCE & WAQF

EDITED BY: NOR ASIAH MOHAMAD

2025

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HALAL AND ISLAMIC FINANCE

Extended Abstracts & Compilation of Slides

Published by
Ahmad Ibrahim Kuliyah of Laws
International Islamic University Malaysia
Address: Jalan Gombak, 53100
Kuala Lumpur

Editor: Nor Asiah Mohamad

Perpustakaan Negara Malaysia

Cataloguing-in- Publication

Data

ISBN NO: 978-967-26418-1-0

1. Islamic law, Islamic family law
2. Islamic criminal law, inheritance, halal
3. Islamic social finance, waqf

IIUM and iWAQF; individual contributors.

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Bismillahirrahmanirrahim

In the name of Allah SWT, the Most Gracious & the Most Merciful

In memory of an educational visit to the largest country in Africa, ALGERIA, home to the Sahara desert, the largest desert in the world. Algeria is rich in Islamic cultural heritage, with influences from Arab, Berber, and French cultures.

In this land, we build connections, strengthen *the ukhuwwah*, as well as exchange knowledge and expertise

Special Acknowledgement

Dean, Ahmad Ibrahim Kulliyah of Laws, IIUM
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PREFACE

In the name of Allah, the Most Gracious the Most Merciful
Assalamu'alaikum warahmatullahi wabarakaatuh. Greetings to all.

The International Conference on Islamic Law: Malaysia and Algeria, which takes place from the 17th to the 19th of February 2025, marks the beginning of a strategic collaboration between two law institutions from Southeast Asia and North Africa. By the grace of Allah SWT, the flight journey, which takes no less than 12 hours, is a clear testament to the commitment that knowledge transcends ocean borders and land limitations. This commitment reflects the desire to learn from each other and to appreciate the blessings in both the similarities and diversities of legal systems. Above all, justice and humanity prevail.

Our theme, “Issues and Challenges in Managing Family Economy and the Laws,” was chosen based on common challenges faced by both jurisdictions. Thus, there are many opportunities for mutual learning, insha Allah.

The Round Table Discussion on Islamic Finance and Waqf is the first collaborative effort between the Mosque of Algiers, IIUM, and iWAQF, serving as a platform to stimulate discussions on Islamic Social Finance, particularly Waqf. It seeks to connect academics, researchers, and practitioners to provide a framework for managing Waqf. The initiative also aims to establish a global platform, exploring and sharing information on how Waqf can be created, managed, and developed to achieve its sustainability goals.

This event marks the beginning of a strategic initiative between the two countries. Through bilingual approaches, we hope this event will inspire more informative and effective resolutions, paving the way for strategic programs in the future. While IIUM will offer its expertise, the Great Mosque will lead practical approaches to creating and managing Waqf, and iWAQF will play its role in connecting Waqf institutions, practitioners, and authorities with society by promoting impactful and innovative Waqf projects or products. This event will also share the legal frameworks surrounding various modes of wealth and property management in Islam. The initiative, involving two jurisdictions, is significant from both legal and Shariah perspectives.

As the event explores ways, areas and medium to share knowledge and expertise on other aspects of wealth management, the foundation may be strengthened through planning for future cooperation, while Memorandums of Understanding (MOU) may be signed as legal documents to be witnessed by the successors of the three institutions. Furthermore, to stamp the collaboration, this book is published to commemorate the beautiful memories in achieving the goals. In this book, we record our appreciations, thanks, memories, thoughts and prayers.

Alhamdulillah.

Editor

Professor To' Puan Dr Nor Asiah binti Mohamad

Ahmad Ibrahim Kuliyah of Laws , IIUM,

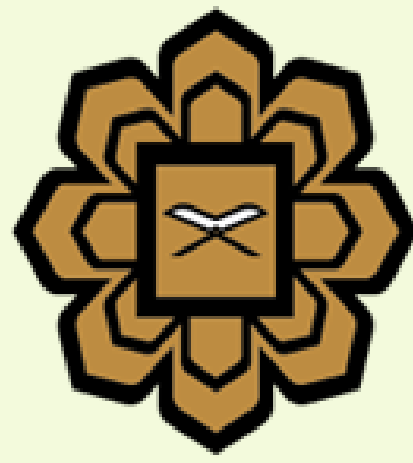
Vice President

International Waqf Action Council 2022- 2026 (iWAQF)

“Indeed, in so far as man is concerned, justice begins and ends with the self ”

(Royal Laureate Professor)

Syed Muhammad Naquib al-Attas



الجامعة الإسلامية العالمية ماليزيا
INTERNATIONAL ISLAMIC UNIVERSITY MALAYSIA
يُونُسِيَّتِي إِسْلَامِيَّةٌ أَبَتَارُ إِغْثِيَا مِلِّيْسِيَا
Garden of Knowledge and Virtue



INTERNATIONAL SEMINAR ON ISLAMIC LAW

ORGANISED BY: LAW FACULTY, UNIVERSITY OF
ALGIERS 1, ALGERIA AND AHMAD IBRAHIM KULLIYAH
OF LAWS, IIUM, MALAYSIA

18TH FEB 2025

THEME: ISSUES AND CHALLENGES IN MANAGING
FAMILY ECONOMY AND THE LAWS



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Muslim Woman's Contribution to Waqf: Its Social and Legal Implication

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إسهامات المرأة المسلمة في الوقف: خصائصها البارزة وآثارها الاجتماعية والقانونية

يعتبر الوقف من أهم الموارد المالية في الحضارة الإسلامية وقد لعب دورا كبيرا في دعم المجالات الدينية والخدمية في المجتمعات الإسلامية عبر القرون المختلفة، فإن الوقف تقرب إلى الله من خلال المساهمة المالية -عقارا كان أو نقدا- في بناء المساجد والمدارس والزوايا والمؤسسات الاجتماعية، وبالتالي، يدمج الوقف الشؤون الدينية والدينية في صيغة واحدة، مما جعله أداة هامة للتركيز النفسية والرفاهية الاجتماعية والاقتصادية في آن واحد، وقد ساهم نظام الوقف في تعزيز الاستقلال المالي للمؤسسات الدينية والعلمية في العالم الإسلامي من خلال تمويل غير حكومي، كما قدم خدمات أساسية للمجتمعات مثل الطرق والجسور والمستشفيات، مما أدى إلى تخفيف عبء الإنفاق الحكومي على الخدمات العامة، وقد شارك في المشاريع الوقفية كل من الرجال والنساء على حد سواء. لكن لم تحظ إسهامات المرأة المسلمة في هذا المجال باهتمام خاص من قبل الباحثين، فيناقش هذه الورقة دور المرأة المسلمة في نظام الوقف : كيف أثرت فيه وتأثرت هي به، وكيف يمكن إحياء دورها فيه من جديد.

على سبيل المثال، أنفقت زبيدة بنت جعفر العباسية، زوجة الخليفة هارون الرشيد، مبلغًا ضخماً -وهو ألف ألف وسبعمائة ألف دينار - في تطوير طرق الحج وهو مبلغ كبير حتى بالمعايير المعاصرة، ولكنها لم تنل حقها من الاهتمام والعناية وقد قال الله تعالى: ﴿وَمَنْ يَعْمَلْ مِنَ الصَّالِحَاتِ مِنْ ذَكَرٍ أَوْ أُنْثَىٰ وَهُوَ مُؤْمِنٌ فَأُولَٰئِكَ يَدْخُلُونَ الْجَنَّةَ وَلَا يُظْلَمُونَ نَقِيرًا﴾ [النساء: ١٢٤]، فعدم الاعتراف بإسهامات المرأة المسلمة في الأعمال الخيرة إهمال وتقصير في حقها وبالتالي، قد مست الحاجة إلى إبراز دور النساء في مجال الوقف في التاريخ الإسلامي، فتتناول هذه الدراسة إسهامات المرأة المسلمة في الوقف من خلال استعراض عدد من النماذج البارزة، ومناقشة خصائصها وتأثيرها على السلوك الاجتماعي والقانوني للمرأة، وكذلك طرق إحيائها في العصر الحديث من جديد.

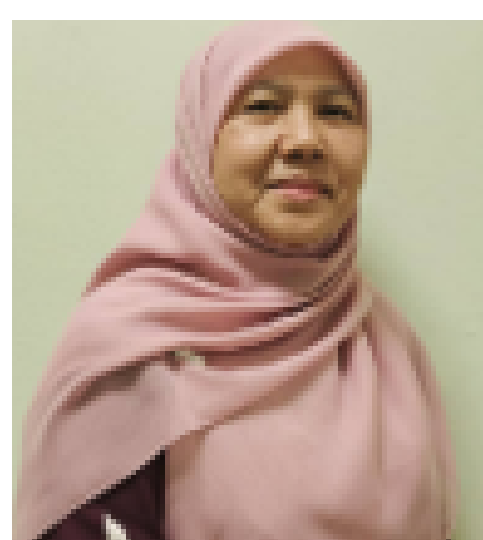
مع أن المرأة المسلمة تشارك الرجال في الصفات الإنسانية العامة ولكنها تتميز بخصائص عديدة، فإنها قوية العاطفة شديدة الانفعال، و هي التي تحتضن الأمومة بكل حب ورعاية، وذلك شجعها على أن تقوم بدور كبير في مجال الخدمات الدينية والخدمية، وقد شارك كثير من نساء الملوك في المشاريع الوقفية بمن فيهن زبيدة بنت جعفر العباسية، زوجة الخليفة هارون الرشيد كما أسلفنا ذكرها -على سبيل المثال-، ولم تقصر عوام النساء عن التمويل الوقفي ولو بيسير، وقد ساعدن أموال المهور ونفقات الزواج في المشاركة في بناء المساجد والمدارس والزوايا، وكذلك، كانت الموارث من الآباء والأزواج من المصادر المهمة لدى المرأة المسلمة للتطوعات المالية بما فيها الوقف. إضافة إلى ذلك، تأثرت المرأة المسلمة نفسها بدورها في المشاريع الوقفية من خلال قوة حضورها في المجالات العامة، مما عزز مكانتها الاجتماعية وحرية تصرفها القانونية، فهي ساهمت فيها وبدورها استفادت هي منها. بناء على ذلك، يمكن إحياء دور المرأة المسلمة في المشاريع الوقفية من خلال تربيتها على صفات الأمومة وقوة العاطفة المحمودة.

تعتمد الدراسة على منهجين: الأول استقرائي لتتبع نماذج متميزة لإسهامات المرأة المسلمة في الوقف من خلال التراث الإسلامي، والثاني تحليلي لمناقشة خصائص هذه الإسهامات وآثارها الاجتماعية والقانونية وطرق إحياء دورها من جديد، فيهدف البحث إلى توثيق نماذج متميزة لإسهامات المرأة في الوقف وتحليل خصائصها البارزة وآثارها الاجتماعية والقانونية، و مناقشة إمكانية تطبيقها من جديد، ولا تكمن أهميته لصناع القرار والسياسيين ورجال الأعمال والمصارف الإسلامية والمؤسسات الدينية، فإنه مساهمة جديدة في النقاش المتداول والمتزايد حول دور الوقف في التنمية الاجتماعية والاقتصادية، داعياً إلى تحقيق مجتمع أكثر استدامة وعدالة وازدهاراً، وتشير النتائج إلى أن المرأة المسلمة، عبر العصور، لعبت ولا تزال تلعب دوراً مهماً في مبادرات الوقف، وأنها كانت شريكة فاعلة في التمويل والإدارة والتطوير للوقف، وبالتالي، تميز دور المرأة في الوقف بآثار اجتماعية وقانونية كبيرة، من خلال حضورها الاجتماعي والمساهمة الاقتصادية والحرية القانونية، وذلك يمكن إحياءه من جديد من خلال تعويدها على فطرتها من الأمومة وقوة العاطفة.

وعلى عكس النظرة النمطية، كانت المرأة المسلمة في الحضارة الإسلامية تمارس حقوقها القانونية وتحقق حضورها في المجال العام من خلال إسهامات عديدة، بما في ذلك مشاريع الوقف والتبرع. إن فهم هذه الإسهامات والاعتراف بها يمكن أن يُلهم نظرة شاملة لإدارة الأوقاف في المجتمعات الإسلامية، مما يساهم في تعزيز العدالة الاجتماعية والتنمية الاقتصادية، مع إبراز دور المرأة المسلمة بشكل خاص.

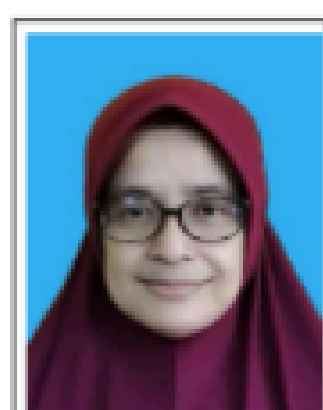
الكلمات: الوقف، المرأة المسلمة، إسهامات المرأة، التبرع

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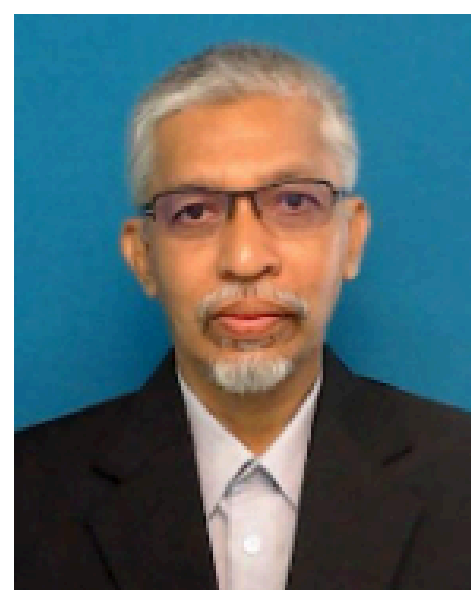
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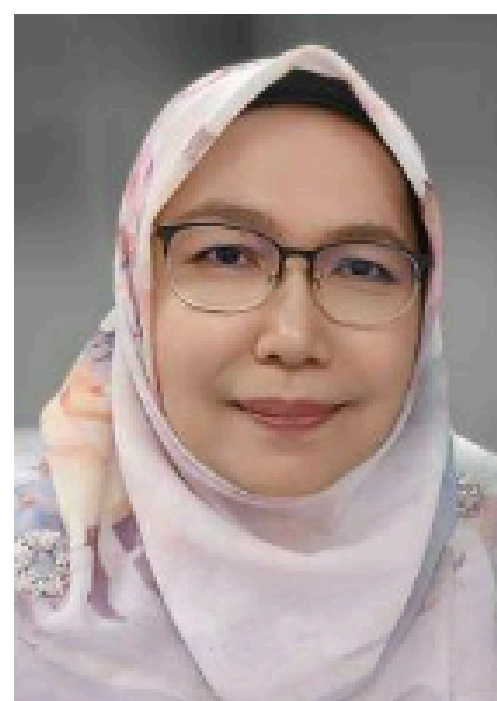


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