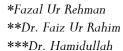
Waqf in Pakistan: Contemporary issues and challenges from Shari'ah Perspective

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Abstract

This research paper tried to collect the views and opinions of classical jurists and contemporary Muslim scholars about the contemporary Waqf issues and challenges faced by Waqf institutions such as the concept of Intellectual Properties (IP), copyrights tangible and intangible and moveable and immovable assets and properties. The purpose is to consolidate their opinions and reconcile for further discussions at the academic level and to explore new initiatives in Pakistan on a similar pattern as other Muslim countries are adopting to revive the Waqf institutions in their countries. They have been revising laws, refining their operational strategies, and enlisting the expertise of religious scholars and professionals to ensure compliance with Shari'ah principles. We believe that our researchers and academia can motivate the authorities through awareness and presenting Shariah-based practical models that can be helpful for the revitalization of this institution in Pakistan. This paper discussed such good models working currently in some other Muslim countries and that can be a base point for our researchers and practitioners.

This research paper used a systematic method to review and analyze the relevant literature identify the contemporary issues and challenges and their Shariah-compliant solutions for the betterment of the Waqf institution particularly and society at large.

This research paper concluded that there is a need to work continuously to provide Shariah compliant solutions for contemporary issues and challenges and introduce new initiatives to develop financial sector of Waqf such as Cash Waqf, Waqf Takaful, Capital Market of Waqf and similar other initiatives (as mentioned at the end of this paper) for socio-economic development of the society in Pakistan. A few recommendations were also proposed for the improvement of the Waqf institutions in Pakistan.

Key Words: Waqf in Pakistan, Waqf contemporary issues and challenges, Cash Waqf, Waqf of copyrights, intellectual property and patent rights in Shariah perspective

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INTRODUCTION

Waqf is a well-known Islamic terminology in Muslim history. It is a form of sustainable charity (Sadaqa e Jariya) for the sake of Allah (SWT). In Arabic, Waqf means to stop, contain, or preserve. In Islamic terms, Waqf refers to a religious endowment i.e., a voluntary and irrevocable dedication of one's wealth or a portion of it - in cash or kind (such as a house or a garden), and its disbursement for shari'ah-compliant projects (such as mosques or religious schools). In other words, Waqf is a genuine Islamic formula that reflects the interaction between the values of faith and development in Islam. These values distinguish the spirit of Islamic societies from that of other societies - that spirit reflects the role of Waqf in maintaining a society's identity and coping with its developmental requirements.

Waqf is an effective tool for Economic development poverty alleviation, and religious and charitable purposes in Muslim history but unfortunately in Pakistan, this institution was neglected, and still no planning with authorities to revive this institution.

The concept of waqf and its implications cannot be comprehended unless and until it is discussed from the perspective of Shari'ah scholars' view. Most of the Waqf-related research studies during the last few decades were about the historical contribution, governance, property utilization, and their role in the religious and charitable aspects. Very few research studies are about contemporary Waqf trends and new Waqf initiatives towards the socio-economic development, financial sector and cash Waqf. This research paper explained the meaning of waqf from the Shari'ah point of view and also explained the nature of contemporary issues and challenges to the core understanding of Waqf. In the modern era, the emergence of intellectual property, such as copyrights, trademarks, and patents, introduces new dimensions to Waqf. Scholars acknowledge that these rights, registered and recognized by contemporary institutions, hold the characteristics of Māl (property). The definition of Māl aligns with the legal status of intellectual properties, allowing their donation via Waqf for noble causes. Copyrights, for instance, are legally recognized and enforceable, rendering them valuable movable assets. This recognition holds irrespective of the creator's religion, and both Muslims and non-Muslims can benefit from such Waqf, provided it is not directed toward sinful purposes.

This paper offers an extensive exploration of the concept of Waqf, from its historical roots to its adaptation to contemporary contexts, including contemporary issues, challenges, and solutions, and also explains the classical views with contemporary understandings of the Waqf and its implications.

At the end some recommendations to revive the Waqf institutions are also proposed for authorities and also for researchers to work further on such recommendations in the future to develop the Waqf institutions in line with other Muslim countries that are far ahead of Pakistan for the revitalization of the Waqf institutions.

Before going into further detail, there is a need to understand the Waqf and its fundamental concepts from a Shariah point of view. The details are as follows:

The Concept Of Waqf And Its Implication In Shari'ah Waqf Definition:

Waqf is a well-known Islamic terminology in Muslim history. It is a form of sustainable charity (Sadqah e Jariya) for the sake of Allah (SWT). Waqf pl. Awqāf in the Arabic language, means to stop, contain, or preserve.

The famous Hanbli Imām ibn Qudamah al-Maqdissi mentioned in his book Al-Moughni

(تحبيس الأصل و تسبيل الثمرة) The Waqf is

It means to hold the original object and give its produce or usufruct to the people. That means once any Māl or property, the dedicated property becomes perpetually inalienable and cannot be sold, gifted, or inherited. The proceeds generated from the endowed property are then used to fulfill the intended purpose, which is often charitable or community-oriented

In the Oxford, Dictionary, the Waqf meaning is explained as "Confinement or prohibition; pl. Awqāf. Generally used to mean the endowment of a certain property for the sole benefit of a certain philanthropy to prohibit any use or disposition of the property outside that specific purpose."

"The definition indicates the perpetual nature of Waqf as it broadly relates to land and buildings, although there is Waqf of books, agricultural machinery, cattle, shares and stocks, and cash. In North and West Africa, Waqf is called Habs." (The Oxford Dictionary to Monzer Kahf's definition)

- 1. In linguistic terms, "Waqf" signifies the act of holding back or retaining something. However, when we probe into its technical terminology, "Waqf" refers to the act of reserving an asset, which could encompass various forms such as a house, an orchard, cash, or similar items. The primary objective is to render it unmarketable and untransferable while directing the benefits it generates toward a lawful avenue of expenditure. Essentially, any individual who owns a property, be it a house, an orchard, cash, or similar assets, can devote it for continuous lawful expenditure. (Hussein Elasrag, 2017)
- 2. Once the property is created as a Waqf, it can never be given as a gift, inherited, or sold. It belongs to Allah (SWT), and the Waqf property remains intact. Only its generated revenue is channeled to its beneficiaries. (Magda I. Mohsin et al., (2016)
- 3. "Waqf refers to making a property invulnerable to the disposition that leads to a transfer of ownership and donating the usufruct, or the fruit of the asset, to beneficiaries." (AAOIFI Shari'ah Standard 2/1, 2010).
- 4. In other words, Waqf is a genuine Islamic formula that reflects the interaction between the values of faith and development in Islam. These values distinguish the spirit of Islamic societies from that of other societies that spirit reflects the role of

Waqf in maintaining a society's identity and coping with its developmental requirements.

Waqf: Classical And Contemporary Thoughts Of The Shariah Scholars And Their Implications

According to the majority of the jurists (Jumhur) implies that the funder (Waqif) permanently relinquishes ownership of the object (Waqf property). As a result, the property cannot be sold, gifted, or inherited. Whereas, the implication of the opinion of Imām Mālik, the Waqif does not lose ownership of the property. However, Waqif cannot sell the object or allow it to be inherited, even though the Waqif remains the object's owner. (M.Z Abbasi, 2012).

Similarly, in the historical practices of the Sahaba (Companions of Prophet Muhammad) and their successors, it can be observed that once a property (Māl) is declared as Waqf (Mauquf), it is no longer considered the property of the Waqif, and the Waqif loses certain legal rights over the property (Māl). Therefore, the opinion favored by the majority (Jumhur) is preferred over Imām Abu Hanifa's opinion. Ibn al Humam's writings support this view, and there is a fatwa (legal opinion) on the definition of Jumhur. This preference for the Jumhur definition creates consistency and harmony among all schools of thought, which benefits the current era. (Zaman Irfan, et al. 2020)

Similarly, according to Imām Abu Yousuf and Imām Muhammad Waqif, after donating an asset, becomes no longer the owner of Mauquf. He cannot sell/gift that property, which cannot be inherited after his/her death. Fatwa and the ruling of the Hanafi School are also on this opinion. "Shāfi' and Hanbali, schools of thought, also have the same opinion." (Usmani, 2014). The majority Jurist (Jumhur) also has the same opinion. Therefore, it is the preferred opinion because it is more consistent. Hence, the Waqf is inalienable and irrevocable regarding the ownership of the Waqf property.

Contemporary Issues And Challenges Faced By Waqf Institutions And Shari'ah Guidance

According to contemporary scholars, there might be a need to understand the Waqf meaning in the lights of Shari'ah to resolve the contemporary challenges and issues the contemporary world is facing, as Khaf Monzer (1999) explained. He said there are various issues and challenges in the understanding (Fiqh) of the Waqf, and he mentioned the following issues that need to be discussed in the contemporary world.

- 1. The principle of Perpetuity versus Temporality
- 2. The Waqf of Usufructs and Financial Rights
- 3. The Public Waqf versus the Posterity or Private Waqf
- 4. The Waqf management
- 5. The ownership of Waqf and its legal entity
- 6. The special condition of the Waqf founder (Waqif).

Khaf. Monzer (1999); further explained that the classical fiqh does not recognize the use of Usufructs of Waqf in financial or patent rights. Waqf's usufructs in financial or patent rights are unknown by other classic schools of thought except for the Maliki School. Ijārah that renting an asset that produces repeated mobile objects rather than usufructs renting a well for water, education software, intangible properties, etc.

Kahf (1998) defined Waqf from the Shari'ah perspective as "holding a Māl (an asset) and preventing its consumption to repeatedly extract its usufruct for the benefit of an objective representing righteousness or philanthropy." According to Kahf, this definition could include both types of Waqf, i.e. (1) perpetual Waqf that is agreed upon by the four schools of fiqh, and (2) temporary Waqf by the will and conditions of its founder, which is approved by Maliki school of fiqh only. In addition, the definition also covers some newly created forms of Waqf that were not known before in the classical fiqh literature, such as the Waqf of financial rights, copyrights, intellectual properties, and Waqf of usufruct. Furthermore, including all kinds of Māl (asset) for Waqf purposes is also possible under the above definition. Hence, Waqf is not necessarily in the form of fixed assets such as land or buildings but could also be liquid assets such as cash or shares.

Manzar Kahf explained the concept of Waqf considering the current world scenario. He explained that most Jurists (Jumhur) agreed on the perpetuity of Waqf and the use of its usufructs. In contrast, the Maliki School adds that Waqf's nature can be temporary and depends on the will and condition of Waqf's founder (Waqif). The consideration of Maliki's opinion has different implications and impacts on the practical side of a Waqf. (Kahf.M (1998)

"Waqf's purpose is also possible for all kinds of Māl irrespective of moveable (cash, shares, etc.) or immovable (land house, building, etc.). It means Waqf is not necessarily in the form of fixed assets but could also be in the shape of liquid assets such as cash or shares or intangible assets like patents and intellectual property." (Kahf. M (1998).

The above issues and challenges were raised by Kahf Manzar in 1998; however, some scholars worked on these issues. Recently in 2020, Irfan Zaman and Dr. Shakir Ullah did comprehensive research on the above-stated issues and challenges faced by the Waqf institutions. The following section will analyze their findings and the solutions proposed by them.

Scholars' Opinions On Waqf-Related Issues In The Contemporary World And Reconciliation:

Issue related to Waqf as a property (copyrights, Intellectual Properties (IP), tangible and intangible, perpetual and temporality, and moveable and immovable properties,) and opinions of the scholars.

It is the modern era—the era of invention, discoveries, and rationalization. New things are being discovered continuously. Some of these new and existing things are now considered property, which was not considered property in the past. Copyright is one such object which is considered a valuable property recommended by contemporary scholars in the last century. Copyright can be made Mauquf, and its Waqf is permissible with the condition of the current practice of its Waqf and registration.

Oxford Dictionary explains the term copyright as "copyright (on something) if a person or an organization holds the copyright on a piece of writing, music, etc., they are the only people who have the legal right to publish, broadcast, perform it, etc., and other people must ask their permission to use it or any part of it. The Cambridge Dictionary defines copyright as "The legal right that someone has to control the production and selling of a book, play, film, photograph, piece of music, etc. for a particular period:

Hence, copyright is the right of the person who writes/invents/innovates intellectual material for the first time. The same is the case for the trademark, patent, etc. The reality of copyright and other intellectual properties is that these are rights. But nowadays it is registered in government institutions and is treated as a real object in practice. If the right of the invention is registered then it becomes a legal right and the inventor is given a certificate by the government. In Pakistan there is a copyright ordinance "THE COPYRIGHT ORDINANCE, 1962 [XXXIV of 1962]" according to which all rights of the inventors/innovators/producers and publishers are preserved and registered with the government and there is a punishment and imprisonment for breaching of the copyrights under this ordinance. It is, therefore, copyrights or patents/trademarks and intellectual property are considered precious property within the practice of the traders. Hence, it is counted to be a real object. Because customary practice has a great role in considering an object as a property. The reason for this is that the valuation of something is made due to considering it people as property. After registration, this right can be preserved and stored for the time of need. In considering this custom there is no prohibition of any Nus of Qur'an and Sunnah. In the case of contravention of based on Qiyas (analog) which means one can leave that due to current practice in the contemporary era. It means that copyright is now not merely a right, but it is considered a real object in the market. (Zaman Irfan et al, 2020).

Contemporary scholars like Khaf Manzar, Maulana Mufti Kifayat Ullah, and some others who are considering buying and selling copyrights also confirm that copyright is a Māl. (Khaf 1999). All the characteristics of Māl are found in copyright as explained by various scholars. Due to registration with the authorities, it is now treated as a real object in the market. Hence, there is no issue concerning waqif also, if the waqif is sane, mature, and free from legal restrictions to Waqf his/her property rights.

It can be summarized that any author /inventor/ innovator/software owner who has legal competency and wants to donate his copyright for any welfare and noble deed can do it. Almost all kinds of people Muslims and non-Muslims (beneficiaries) could

benefit from this waqf. (Zaman Irfan et al, 2020)

In Shari'ah, there is no restriction of religion for beneficiaries. Both Muslims and non-Muslims can benefit from the Waqf if the property is not donated for sin. "If the property is donated for the weapons or lawbreakers or any source of sin the Waqf is void". (Al- Nawawi, 1985). Waqf is an act of reward therefore it cannot combine with an act of sin.

Copyright is considered a valuable movable asset nowadays. "The term movable means any property that can be transferred from one place to another" (Rahmani, 2007). concerning the copyrights, their lifespan is sixty years (The Copyright Ordinance, 1962), which seems to be the temporal nature of copyright as a property while Waqf needs permanency. The Jurists have different opinions on this matter. As earlier discussed, according to the Māliki school of thought temporary Waqf is allowed, which means Waqf with time limitation is permissible. So, there is no Shari'ah issue in considering copyright as Mauquf according to Māliki. It is an issue for other schools of thought who consider Waqf as only for immovable assets. The author deserves the benefits of his writing in his life and his heirs after he passes away at sixty years old. After sixty years or after his death, the book will become public property like General Mauquf analyzing it on the fixed duration in the right of the Hikr that means the right of the Qarār continuity and stay on the land of Waqf for horses or buildings based on a long-term lease. (Irfan Zaman et al, 2020)

(Khaf (1998) explained that once the legal lifespan is expired, the IP becomes public domain. Hence as such the usufruct from the IP can be considered for waqf for the legal life span. However, an IP is also limited by its economic life span, especially for patents. Nevertheless, the sunnah has recognized several forms of waqf, which are temporal such as a horse or a sword Such understanding leads to an inference that temporal waqf is possible, whether the asset is temporal in nature or the period of waqf is temporal as assigned by the founder. The scholars agreed on the permissibility of the Waqf. (Fauzia Raji et al., 2015).

Therefore, there is no issue, according to Shāfi' and Hanbali schools because they admit Waqf of movable assets. Mauquf should be an object that is beneficial perpetually. "According to Malki school Waqf of the movable object is allowed." (Aazami, 2010).

In addition to Jumhur's opinion, the preferred opinion of Imām Muhammad (Hanafi school) Waqf of movable assets is also allowed and permissible with some conditions. Hence, issues regarding all schools of thought are resolved about the Waqf of copyrights and IP. As a result, the practice of Waqf of copyright anywhere in the world will be considered permissible.

CASH WAQF ROLE AND ITS STATUS IN SHARI'AH:

Another area of Waqf that has been given less attention in research studies, especially with reference to Pakistan is financial inclusion, cash waqf, and corporate and

professional development of Waqf institutions.

Cash Waqf is defined as: "The confinement of an amount of money by a founder(s), (individuals, companies, institutions, corporations or organizations private or public), and the dedication of its usufruct in perpetuity to the welfare of the society.

If we talk about the permissibility of cash Waqf, it remained a disputed and debatable issue in classical Fiqh. However, the Ottoman Empire to modern times, there has been a gradual change and flexibility in the opinion of the Jurists about the Cash Waqf (Waqf al-Nuqud)

As we discussed earlier there was a big debate among classical jurists especially the Hanafi school of thought and other Jurists about Waqf of moveable and immoveable properties. Cash Waqf also falls under this category. The same discussion and debate remained under discussion for a long time among various scholars. Now time with time, there is a consensus among the majority of Muslim jurists regarding the legitimacy of cash Waqf. From the Hanafi school, a follower of Abu Hanifah, Imām Zufar approved all movable properties to be dedicated as Waqf including the waqf of dirham and dinar, namely Waqf al-nuqud/cash Waqf. Along the same lines, Imām Zufar confirmed that jewellery could also be dedicated as Waqf. (Magda, 2009)

Furthermore, Imām Zufar thought that anything measurable or weighable could be endowed as Waqf. if the Waqif stipulates in his deed that the given corpus of the Waqf be sold and the cash proceeds be used for lending purposes, there is nothing wrong with this condition. In addition, he explained that if the Waqif dedicated some grains or seeds with the condition that the same would be lent to farmers for cultivation, and once the fruits were grown the same quantity of the seeds be repaid for further lending to others, it is all permissible (Othman: 1982).

The permissibility of making Waqf with contemporary forms of wealth like cash and shares increases flexibility and widens participation. (Shaikh S Ahmed, 2017), explains that "Waqf can be used to establish new financial, commercial and social sector institutions. Waqf with large funds can also become a superstructure under which other commercial and welfare institutions can be established." (Mohammad, 2011) Nadwi further explained that "The position that played a pivotal role in legalizing cash Waqf is that of Imām Zufar, (a Hanafi Jurist) who holds that anything measurable or weighable could be endowed as Waqf." Abul Hasnat Md. et al., (2018), Kahf. Monzer, (1998); El-Karanshawy H A., (2015).

Imām Az-Zuhri ruled that for the sake of Islamic purposes, the welfare of society and development of the Ummah, Waqf in the form of the dinar (money) is allowed. (Ibrahim et al., 2013). He realized that cash waqf had been ascertained as one of the successful financial institutions in financing different goods and services needed in the various Muslim and Muslim minority countries without depending on the government's budget. Similarly, many other scholars explained the importance of cash

waqf to meet the issue of liquidity, and poverty alleviation through micro Waqf or microfinance, waqf funds, and Takaful. in Muslim countries. (Mohsin, M. I. A., (2013). How cash waqf will work and its operational structure at present time explained by (Ayub M & K. Khurram 2023) through a graphic model presentation in their recent report. It is self-explanatory in Figure:2 below and it covers all aspects of cash Waqf resource mobilization and practical use of the Waqf Fund.

FIGURE 2: FLOW OF THE CASH WAQF FOR SOCIO- ECONOMIC DEVELOPMENT

USES OF FUNDS SOURCES Instant need Return on Cash Waqf created Investments of based by Financial Waqf property Institutions Zakat & Ushr Al-khair Grants/ Allowances Sukuk Education CSR Funds CWD/ As Capacity Banks **CWTs** building charities C/As for Training Other Waqfs Qard Hassan Takaful Social welfare Social Return on entities Micro/SMEs Infrastructure Charities Health facilities Profit from abroad allocations by Government account grants/ holders Entrepreneurship allocations Donation Economic Venture Capital Transfers Infrastructure Start-ups Micro Business Renewable Venture Capitalist Energy and Start-ups Equity/ Disposal Financing Donation Qard with Trade based Consignment Q. H, No ljarah- lease based Murahaha/ Voluntary service change based sharing in Salam, Istisna based change profits

Operations of Cash Waqf by Banks and Financial Institutions

FEW EXAMPLES OF CASH WAQF FROM THE MUSLIM WORLD:

Mohsin (2013) explored the Shari'ah implications of cash waqf and its application across various nations, with a particular emphasis on six distinct cash waqf schemes.

These included the waqf shares scheme, deposits cash waqf scheme, compulsory cash waqf scheme, corporate waqf scheme, deposit product waqf scheme, and cooperative waqf scheme. In this context, Mohsin affirmed that in the contemporary era, cash waqf initiatives are actively being implemented in numerous countries around the world.

Ramli and Jalil (2013) examined the framework of the corporate waqf model that was put into practice within the "Wakaf Selangor Muamalat" project initiated in 2012. This initiative represented a collaboration between a state-owned waqf management institution and an Islamic commercial bank (BMMB).

In parallel, Aziz and Yusof (2013) provided evidence highlighting the necessity for a waqf-based banking system in Malaysia to facilitate Islamic finance for students' educational expenses. Notably, at least four universities in Malaysia have established their own waqf endowments, with one of these universities even constructing rentable buildings as part of their waqf initiatives. On an annual basis, IIUM (International Islamic University Malaysia) successfully assists 4,000 students in obtaining scholarships funded through waqf resources.

Islam (2015) was involved with the Social Investment Bank Ltd in Bangladesh, which notably became the pioneer in the country to introduce Cash Waqf Certificates (CWC) back in 1995. This initiative harnessed cash waqf to provide financing for micro, small, and medium-sized enterprises. The approach involved mobilizing funds from individuals, organizations, SME members, and the government for investment purposes.

Ensuring the long-term sustainability of collected funds is a crucial aspect of managing waqfs. The researchers argue that when handling liquid waqf assets, it's vital to both preserve the original value of the funds and seek opportunities for growth over time. To address this challenge, Shulthoni et al. (2018) propose three distinctive approaches. The first is the Venture Philanthropy Waqf Model (VPWM), wherein a wāqif endows a fund to a nāzir who then invests in highly promising social impact enterprises. The primary objective here is to maximize the social benefits rather than solely focusing on financial returns, as is typically done in traditional venture capital. The second model is the Value-Based Capital Model of Waqf (VBCM). In this model, the primary focus is on preserving the intrinsic value of the dedication rather than just the physical assets.

The third model is the Social Enterprise Waqf Fund Model (SEWF). This model places the welfare of beneficiaries as the highest priority, making it particularly well-suited for managing cash waqf. Administrators are required to innovate and develop new strategies to generate additional and diverse revenue sources. In this approach, the wāqif (founder) contributes to the social enterprise through waqf, entrusting it to the nāzir for management and investment. Returns on investments can be allocated to the nāzir, but not exceeding 10% of the returns, while the remaining 90% must be

distributed to the beneficiaries. These models provide innovative ways to sustain and grow waqf funds while maximizing their social impact. (Ayub and Khurram 2023) Malaysia's Waqf Transformation: Malaysia's Tabung Waqf Diraja (Royal Waqf Fund) is a prime example of effective Waqf management. The fund leverages Waqf properties to generate consistent income, which is then channeled into community development projects. For instance, the fund has financed educational initiatives, healthcare facilities, and poverty alleviation programs. This model serves as an inspiration for Pakistan to create a sustainable revenue stream from Waqf assets.

Indonesia's Institutional Innovations: Indonesia's Badan Wakaf Indonesia (Indonesian Waqf Board) showcases the potential of establishing a centralized institution for Waqf management. The board oversees various Waqf initiatives, ranging from education to poverty reduction. By providing a unified platform, this model ensures effective resource allocation and transparent governance.

Turkey's Waqf Revival: Turkey's revitalization of its Waqf system has led to remarkable results. The Vakif Bank Foundation, a Waqf-based initiative, invests in strategic sectors, generating returns that fund diverse projects, including education and healthcare facilities. This financial sustainability offers a compelling model for Pakistan to compete with.

CONCLUSION AND RECOMMENDATIONS

Historically, Waqf has underpinned socio-economic progress in regions such as the Indian subcontinent during the Mughal era. However, contemporary Pakistan faces challenges including, an inadequate legal framework, resource mismanagement, poor governance, and most importantly non-compliance with Shariah rules with the true letter and spirit for the development of Waqf institutions. These challenges have hindered the full realization of Waqf's potential in Pakistan.

With reviewing the relevant literature and according to the opinions of contemporary scholars, there might be a need to understand the Waqf meaning in the light of a comprehensive understanding of the Shari'ah rules to resolve the contemporary challenges and issues the contemporary world is facing.

In Pakistan, very few research studies are about contemporary Waqf innovations and new Waqf initiatives towards the socio-economic development, financial sector, cash Waqf and contemporary Waqf issues and challenges faced by Waqf institutions such as the concept of Intellectual Properties (IP), copyrights tangible and intangible, perpetual and temporality, and moveable and immovable assets (Maal) and properties.

This paper tried to collect the views and opinions of classical jurists and contemporary Shariah scholars about these issues consolidate their opinions and reconcile for further discussions at the academic level to explore new initiatives in Pakistan.

It is obvious from the above discussion that the tools of Islamic social finance, including zakat, Sadqah, waqf, Islamic microfinance, and cooperative takaful models with a true understanding of the Shariah rules, contribute significantly to the religious, charitable,

financial, and social sector to reduce poverty and income inequality. Cash waqf, in particular, plays a crucial role in providing these services.

By harmonizing Shariah rulings, providing a conducive environment to Shariah Scholars and academic researchers, and using true Islamic philanthropic principles with contemporary economic strategies, waqf, and cash waqf pave the way toward a more inclusive and equitable world, where prosperity is shared, and no one is left behind.

Government authorities can play a pivotal role in supporting and facilitating Waqf and cash waqf initiatives aimed at promoting financial inclusion, poverty alleviation, and community development. They can do so through Regulatory Framework, Shariah complained policies, Public Awareness and Education, Collaboration with Financial Institutions, Capacity Building, Partnerships with NGOs and Development Organizations, Inclusion in National Development Plans, Research and Data Collection, and Government government-supportive policies

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