

Mechanisms for Investing Wakf Properties under the 2025 Law: An Applied Analytical Study on the Wakf Assets of Tlemcen Province

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Abstract :

This study examines the investment mechanisms of Wakf properties under the 06-25 Law through an applied analysis of Wakf assets in Tlemcen Province. The research aims to assess the effectiveness of the new legal framework in improving Wakf investment and enhancing the sustainability of Wakf properties. The study adopts a descriptive and analytical approach based on the analysis of legal provisions related to Wakf investment and the evaluation of their practical implementation in Tlemcen. The findings indicate that the 2025 Law introduced new mechanisms to diversify investment methods and strengthen the developmental role of Wakf assets. Despite these reforms, practical application still relies largely on traditional management practices, while using modern investment tools remains limited due to administrative and managerial constraints. The study concludes that the effectiveness of the Wakf investment depends not only on legal reform but also on efficient governance, professional management, and strategic planning that ensure the sustainability and economic efficiency of Wakf properties.

Key Words: Algerian Wakf law 06-25, Directorate of religious affairs and Wakf Tlemcen, Investment Wakf properties, Tlemcen -ALGERIA-, Wakf.

JEL Classification : K11, G23, Z12, O55

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Introduction :

The endowment (Wakf) system in Algeria witnessed qualitative development with the issuance of the new law of 2025, which reorganized the mechanisms for managing endowment properties according to a modern vision based on the transition from the logic of traditional preservation to the logic of investment and development. The endowment is no longer just locked-in money whose essence is protected, but has become an asset capable of professional management and economic employment within a disciplined legal framework

The new legislation established an integrated system that combines the protection of endowment assets with the activation of their benefits, through diversifying

investment formulas in the agricultural, urban, commercial, and financial fields, and incorporating modern tools that enhance governance and economic effectiveness. It also strengthened legal guarantees for documentation and oversight and prevented disruption or illegal exploitation.

The importance of studying management mechanisms lies in highlighting the extent to which the new law can achieve a balance between the sanctity of endowments and development requirements, and transform them into an economic actor that contributes to achieving sustainable social and development goals.

The question problem:

The endowment system in Algeria witnessed significant legislative development with the issuance of Law No. 25-06 of 2025, which expanded mechanisms for investing endowment properties and set a trend toward modernizing its management and enhancing its financial performance. However,

the applied reality reveals the persistence of traditional exploitation patterns and a relative weakness in the implementation of certain modern investment instruments, raising a question about the extent to which the legal text is consistent with actual practice. Therefore, the problem is represented by the following question:

To what extent has Law 25-06 of 2025 been able to bring about an actual transformation in the mechanisms for investing endowment properties, and to what extent have these mechanisms been embodied at the level of endowments in the state of Tlemcen?

Hypotheses :

- The new Algerian Endowments Law of 2025 has introduced investment mechanisms that may contribute to a more effective and sustainable use of waqf properties.
- Despite the legal reforms, the actual investment of waqf assets in Tlemcen still faces several practical and administrative difficulties.
- The limited use of modern investment methods reduces the financial performance of waqf properties and affects their development potential.
- Improving governance and management practices can enhance the efficiency and profitability of waqf investments.

Objectives of the study :

The objective of this study is to examine the investment mechanisms introduced by the Algerian Endowments Law 25-06 of 2025 and evaluate their practical application through the case of waqf properties in Tlemcen. The study aims to analyze the extent to which the new legal framework contributes to improving the management, development, and profitability of waqf assets, while identifying the main challenges that affect their effective investment in practice.

I. Theoretical Framework: Typology and Investment Mechanisms of Waqf

1.Types of endowments(Wakf):

Law 25-06 developed the types of endowments with some additions. Thus, the types of endowments can be classified as follows:

1.1.Classification of endowment properties according to the beneficiary criterion:

The criterion of the beneficiary of the endowment benefit is the focus of understanding the purpose for which the money was endowed, and this idea has been mentioned explicitly or implicitly in successive Algerian laws (Algerian Endowments Law No. 25-06, Art. 8)

○ **Public Waqf:**

According to previous legislation No. 25-06, a public Wakf is an endowment whose proceeds or the benefit of its funds are allocated to the public or collective interest, and it is divided into two parts:

- A public Wakf with no specific entity: its proceeds are spent on public charitable and charitable works.

- A public Wakf with a specific entity: in which a specific bank determines its rent, and its rent may not be spent on others unless it has been exhausted.

○ **Private Waqf:** It is an endowment that the founder voluntarily endows on male and female descendants, or on one or more persons whom he appoints. After the endowment is cut off, the Private Wakf is transferred to the entity appointed by the founder. If the latter does not exist, the private Wakf turns into a public endowment.

○ **Joint Waqf (Waqf Mushtarak):** According to modern legislation 25-06, the joint Waqf combines the public interest and the private interest in distributing the endowment benefit, so that part of it is allocated to specific entities or persons determined by the donor and another part is allocated to the public Wakf, and it was called in Law 25-06 the charitable lot of the joint Waqf.

Article No. 51 of the modern legislation divides the proceeds of the joint endowment equally between the charitable entity and the eligible individuals, if there is no text in the endowment deed specifying how the shares will be distributed(Algerian Endowments Law No. 25-06,Art. 51).

1.2. Classification of endowment properties according to the criterion of the nature of the money:

This classification allows understanding the type of thing being endowed (Algerian Endowments Law No. 25-06, Art. 52):

- **Real estate endowment properties:** It is all immovable property whose origin is withheld, and includes land, buildings, dwellings, buildings, shops and farms.
- **Movable endowment properties:** It is movable property of value that may be withheld and managed within the endowment system, such as property, equipment, machinery, books and goods.
- **Cash Endowment:** It is an endowment with a financial guarantee or a cash amount invested according to the terms of the endowment and the investment of its assets to achieve a continuous benefit.
- **Dependent or attached endowment properties :** In modern legal contexts, any money that is associated with or related to the endowment property or movable property, such that it is not possible to benefit from the original property or movable property without what is associated with it.

For example, a person endows a plot of land to build a mosque, and thus the mosque becomes the original endowment property, and the external courtyard belonging to the mosque is considered affiliated or attached endowment property, which acquires endowment status by virtue of the law.

- **Replaced endowment properties:** Substituted endowment properties are funds that acquire the status of endowment instead of original endowment assets that were abandoned due to the inability to benefit from them or the fear of their loss or destruction, with an explicit legal license from the competent authority, with the condition that the new money replaces the old money in achieving the same endowment purpose.

For example, a plot of agricultural land stood in a remote rural area, the proceeds of which were spent on maintaining a Quranic school. After years, the water source dried up and the land became unsuitable for agriculture, meaning its income was completely lost. In this case, the land is licensed for sale according to legal procedures, and a commercial store in an urban area is purchased with the price. Thus, the new store becomes a replaced endowment property and maintains the same purpose, which is to finance a Quranic school. The endowment status of the old land is removed.

2. Mechanisms for investing in Wakf properties according to the 2025 law 06-25.

Articles from 68 to 98 of Law 06-25 established an integrated legal system that aims to move from the concept of negative preservation of endowments to a development approach based on productive investment while preserving the endowment asset. This is demonstrated by diversifying exploitation tools, introducing modern contractual formulas, and providing operations with regulatory guarantees.

According to Article 68 of the Algerian Endowments Law of 2025, endowment properties are invested and developed in the following areas:

2.1.The field of real estate development, reconstruction and promotion:

Public Wakf properties or charitable lots in joint Wakf can be exploited, invested and developed as follows:

- **Al-Hikr (waqf leasehold system):** It is a lease contract for vacant endowment land for the person who builds on or plants it for a known period in exchange for paying an amount previously specified in the contract(Algerian Endowments Law No. 25-06, Art. 73)
- **Al-Marsad:** It is a lease contract for land that allows its owner to build on it in exchange for exploiting construction revenues for an agreed-upon period, and then the construction is transferred to the authority in charge of endowments after the end of the contract period (Algerian Endowments Law No. 25-06, Art. 74).
- **Contracting (al-muqawala) :** It is a contract whereby the entity in charge of endowments assigns a contractor to complete a specific work on an endowment property, in exchange for a specific fee. One of its formulations is Istisna'a (manufacturing contract) (Algerian Endowments Law No. 25-06, Art. 75): It is a contract that requires the construction of a building or endowment project with specific specifications, with payment of the consideration in stages or according to agreed-upon arrangements. It differs from contracting in that it is:
 - More related to project financing,
 - And before scheduling payment,
 - Based on the delivery of a project that meets specifications.

Contracting and manufacturing both serve:

- Developing the endowment real estate balance.
- Integrating it into preparation and reconstruction.
- Maximizing return while preserving the endowment asset.

- **Barter:** Barter in the Wakf Law of 2025 is: An exceptional legal mechanism based on the exchange of endowment funds for other equivalent or more beneficial funds, with the aim of improving the investment status of the endowment, while respecting the controls of replacement and the endowment interest(Algerian Endowments Law No. 25-06, Art. 76)

For a barter to be legally valid, it must:

- Achieving the endowment interest.
- Not violating the donor's condition.
- Maintain or increase value.
- Respect the legal procedures regulating replacement. (Algerian Endowments Law No. 25-06, Art. 35-36)
- **Maintenance and Restoration:** Under this contract, the tenant maintains and restores the destroyed endowment properties in exchange for deducting the maintenance value from the rent amount, to be agreed upon in advance.(Algerian Endowments Law No. 25-06, Art. 77)
- **Construction, operation, and conversion:**

Construction, operation, and conversion is an investment formula based on:

- Building a project on an endowment property by an investor.
- Operating and exploiting it for a specific period to recover its costs and make a profit.
- Transferring it (returning it) to the endowment after the end of the period

So it is a temporary empowerment by exploitation in exchange for financing and construction.(Algerian Endowments Law No. 25-06, Art. 79)

- **Construction and exploitation:** A formula is approved that allows the construction of a project on an endowment property while enabling the investor to exploit it for a specific period, without transferring ownership, and in a way that ensures the return of full control of the endowment after the end of the period.(Algerian Endowments Law No. 25-06, Art. 80).

2.2.The field of agriculture:

Agricultural investment in endowment lands includes the following mechanisms:

- **Farming:** It is an agricultural investment contract in which the entity in charge of endowments provides the endowment land, and the farmer provides the work, and this is done by dividing the crop in an agreed-upon proportion. Farming is different from rent because the consideration is not a fixed amount of cash, but a share of agricultural output
- **Musaqat:** Musaqt is an agricultural investment contract for endowment land planted with fruit trees. The worker is obligated to water and care for

the trees in exchange for a known share of the fruits. So it is not about replanting the land, but about maintaining existing trees and ensuring their continued production.(Algerian Endowments Law No. 25-06, Art. 71).

2.3.The field of trade and production:

This is done through the following mechanisms:

- **Al-Qirad:** It is a contract in which the endowment provides capital, the other party provides work and experience, and profits are shared at an agreed-upon rate. Therefore, the endowment finances the project, the investor manages the commercial or production activity and the profit is divided according to the agreement, while the financial loss is borne by the capital unless there is a count or default.(Algerian Endowments Law No. 25-06, Art. 72)
- **Murabaha:** It is a financing formula in which the endowment purchases a commodity or productive asset and then sells it to the beneficiary at a price that includes a known profit margin. Therefore, the endowment buys equipment or goods and then sells them to the investor or merchant at a deferred or installment price, where the profit is predetermined.(Algerian Endowments Law No. 25-06, Art. 82)
- **EL-Salam (forward payment sale contract):** It is a contract in which the endowment pays the price in advance in exchange for a commodity described in the conscience that will be delivered in the future. Therefore, the endowment finances production in advance. The producer is obligated to deliver the product at a specific time, and the Wakf may sell the product later to make a profit.(Algerian Endowments Law No. 25-06, Art. 83)
- **Participation:** It is an investment formula based on the endowment's contribution with another party to a specific project, so that each party provides a share (financial or in kind), and profits and losses are shared according to the agreed-upon percentage(Algerian Endowments Law No. 25-06, Art. 78) :

2.4.The field of monetary and financial institutions:

It is carried out through the following mechanisms:

- **Capital contribution:** means enabling the entity in charge of endowments to employ endowment funds by entering as a partner in the capital of a company or institution. That is, the endowment not only finance a project with a direct participation contract, but it can also (Algerian Endowments Law No. 25-06, Art. 85)
 - shareholder in an existing company,
 - or a partner in establishing a new company,
 - or the owner of shares or stocks in an economic entity.

- **Endowment Takaful Insurance:** It is a system for endowment Takaful insurance that is: A mechanism that allows the risks of endowment properties or their investment activities to be covered through a symbiotic system based on cooperation and not on traditional commercial compensation. It differs from commercial insurance because it is based on:
 - Principle of solidarity,
 - Risk sharing,
 - Failure to make an insurance profit at the expense of the insured
- **Investment account deposits with financial institutions (waqf funds):** Deposit in investment accounts means employing endowment funds with financial institutions (especially Islamic ones) in investment accounts that achieve a return, instead of keeping them frozen without investment, through investment deposits, investment savings and investment instruments.(Algerian Endowments Law No. 25-06, Art. 87)

2.5. In the field of services outside education, health and tourism, we find the mechanism:

- **Interest-free loan (Qard Hasan) :** An interest-free loan (Qard Hasan) is to enable a beneficiary to receive a sum of money without profit, provided that he returns it within the specified period. Therefore, the good loan in the Endowments Law of 2025 falls within the field of social and development services, and is considered a tool for support and empowerment, and not a tool for investment or profitable financial activity.

II. Applied Framework:

1. Methods and Materials:

This study adopted a descriptive and analytical approach to examine the investment mechanisms introduced by the Algerian Wakf Law 25-06 of 2025 and their practical application in Tlemcen waqf properties.

Field data were obtained from the Director of Endowments in Tlemcen(Tlemcen Endowments Directorate, Interview, Feb. 2026) and covered the period from January to September 2024. The analysis focused on key indicators such as the number of wakf properties, financial collections, arrears, and investment methods.

The collected data were organized into tables and analyzed using percentages and descriptive statistical methods to assess the gap between the legal framework and actual practice. Microsoft Excel was used for data processing, organization, and summarization.

2. Results and discussion :

The data are divided into three tables as follows :

2.1.Total proceeds of endowment properties:

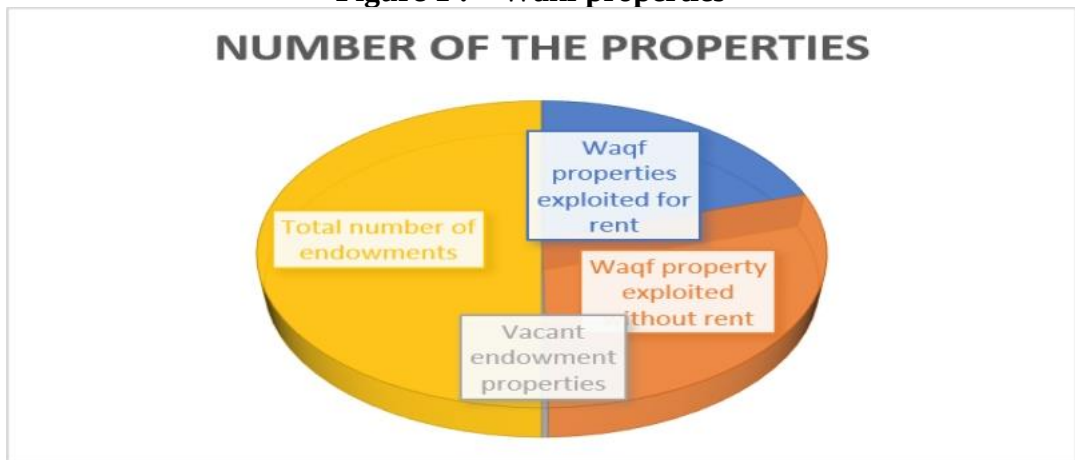
Tlemcen Province is considered the second endowment province after Bejaia Province in Algeria. It contains a total number of endowment properties amounting to 1,095, distributed as follows:

Table 1: « Total endowment property by type »

Type	Number of properties	Percentage of each type
Waqf properties exploited for rent	441	40,27%
Waqf property exploited without rent	647	59,08%
Vacant endowment properties	07	0,06%
Total number of endowments	1095	100%

Source: Directorate of Religious Affairs and Endowments, Tlemcen

Figure 1 : « Wakf properties »



Source: Prepared by the authors using EXCEL software.

a. Interpretation of results: The table describes the distribution of 1095 endowment assets according to the exploitation method and can be summarized as follows:

- 40.27% of the endowment property is exploited for rent, as it generates financial income from rent.
- 59.09% is exploited endowment property without rent for religious or social use.
- 0.94% of the endowment properties remain vacant and unused.
- Endowment property is almost fully exploited at 99.36%, but the majority of it does not achieve a financial return, while the vacancy rate is weak.

2.2. Types of endowment property located in the state outside mosques, Quranic schools, and cemeteries:

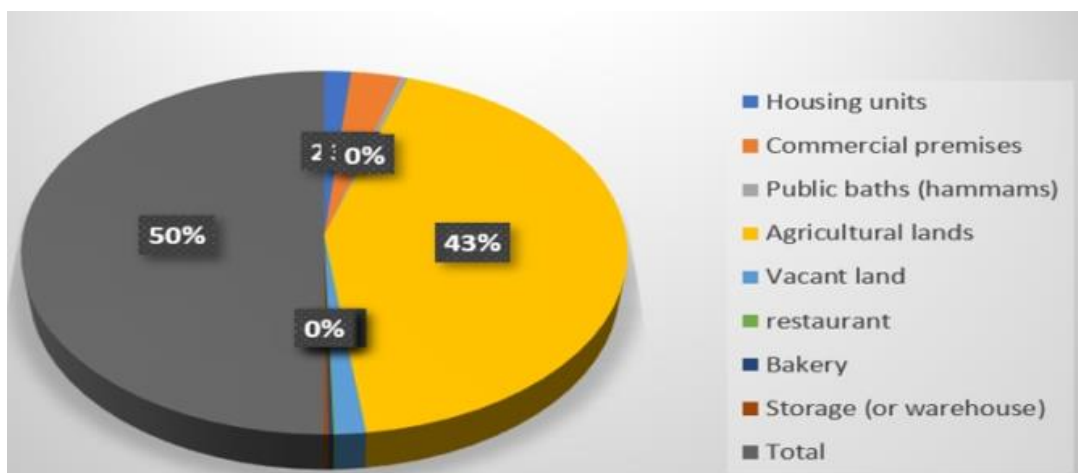
There are 447 Waqf properties in the state, of which 440 have been transferred to the National Office of Endowments and Zakat, leaving 7 Waqf properties in dispute.

Table 2: « Types of endowment property in the state outside mosques, Quranic schools, and cemeteries »

Types of waqf property	Number	Percentage of each type of waqf property
Housing units	14	3.13%
Commercial shops	26	5.81%
Public baths (hammams)	04	0.89%
Agricultural lands	385	86.12%
Uncultivable land	13	2.90%
restaurant	01	0.22%
Bakery	02	0.44%
Storage (or warehouse)	02	0.44%
Total	447	100%

Source: Directorate of Religious Affairs and Endowments of Tlemcen Province

Figure 2. « Percentage of each type of waqf property »



Source: Prepared by the authors using Excell software.

a. Statistical analysis of the distribution of endowment properties by type:

The total number of endowment properties under study is 447, distributed into eight main types, according to a relatively unbalanced structure in terms of functional and investment composition.

a1. Structural dominance of agricultural lands: Agricultural land constitutes the largest number with 385 properties, or 86.12 percent of the total properties. This ratio reflects a high structural concentration in assets of an agricultural productive nature, which indicates that the endowment portfolio is of a traditional real estate nature that relies on agricultural rents as the primary source of return. Statistically, this category represents more than five times the sum of the rest of the species combined, which indicates:

- Weak sectoral diversification.
- High degree of risks associated with the agricultural sector (climate fluctuations, productivity, marketing).
- Limited investment in commercial and service activities with stable periodic returns.

a2. Properties of a commercial nature: Commercial Shops come in second place with 26 shops at 5.81%, followed by: housing units (Al-Sakanat) 14 units at 3.13%, then Uncultivable land 13 plots at 2.90%.

Although these groups are important in providing a periodic rental return, their total percentage does not exceed 11.84 percent, which is an indication of limited endowment investment in urban income-generating activities.

a3. Service-related properties: bathrooms, ovens, warehouses, and restaurants together constitute less than 2% of the total properties, indicating the weak presence of endowment investment in the direct services sector, which has high daily demand.

Based on the principles of investment analysis, this distribution reflects a traditional, undiversified endowment structure, which calls for:

- Redirecting investment policies towards diversifying the endowment portfolio, as emphasized by the 2025 law
- Exploiting white lands in income-generating real estate projects.
- Promote business and service investment to improve cash flows.
- Adopting modern tools to value agricultural assets instead of being satisfied with classical exploitation.

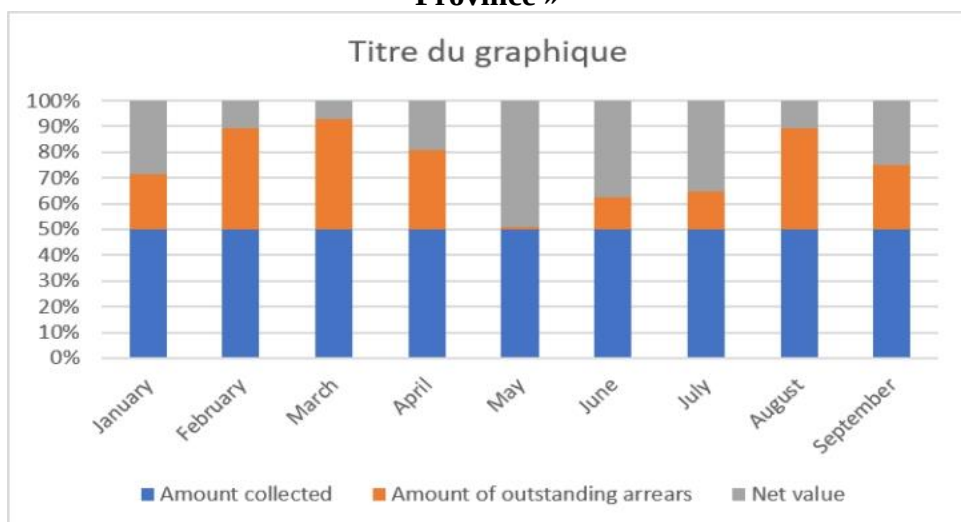
2.3. Revenues and income from endowment properties for the year 2024:

Table 3: « Values of collections, waste, and net values of endowment properties in Tlemcen Province »

Month	Amount collected	Amount of outstanding arrears	Net value
January	727 050,00	308 500,00	418 550,00
February	304 000,00	238 000,00	66 000,00
March	949 875,00	812 500,00	137 375,00
April	481 200,00	296 200,00	185 000,00
May	1 377 000,00	26 000,00	1 351 000,00
June	433 000,00	110 000,00	323 000,00
July	709 500,00	210 000,00	499 500,00
August	1 701 500,00	1 334 000,00	367 500,00
September	6 683 125,00	3 335 200,00	3 347 925,00

Source: Directorate of Religious Affairs and Endowments of Tlemcen Province

Figure 3: « Values of collections and waste of endowment revenues in Tlemcen Province »



Source: Prepared by the authors using Excel software

a. Analysis of results: This table reflects a complex monthly financial dynamic between collection, waste, and net worth, allowing for an accurate statistical reading of the efficiency of collection and the stability of financial flows.

- Total Amount collected: 6,683,125.00 DZD
- Total Amount of outstanding arrears: 3,335,200.00 DZD
- Total net value : 3,347,925.00 DZD

The net value represents about 50.1% of total collection, compared to 49.9% of the amount of outstanding arrears, which is an indication of a fragile balance between what actually occurs and what remains as debt, reflecting a relative weakness in collection efficiency.

From the results we conclude the following:

- Sharp collection gap: Net worth represents only 50% of total collection compared to a similar percentage of waste, reflecting a structural weakness in collection efficiency.
- High fluctuation in performance: Monthly results are clearly unstable with a sharp transition between very weak months (February, March and August) and strong months (May and June), which is an indication of the absence of a regular and sustainable collection system.
- The paradox of size and efficiency: The increase in collection in some months (March and September) did not translate into actual performance due to the inflation of the waste, which confirms that the problem is not in the revenues but in converting them into actual liquidity.
- May as an ideal month: achieving a net percentage of nearly 98% demonstrates the potential for high efficiency when effective collection mechanisms are in place.

We conclude from the above that the system does not suffer from weak resources, but rather from shortcomings in governance and collection mechanisms, which requires moving from a logic of qualitative collection based on effectiveness and continuity.

Conclusion:

This study explored the investment mechanisms of waqf properties under the Algerian Endowments Law 25-06 of 2025 through a legal and applied analysis based on the case of Tlemcen waqf properties. The review of the new law shows a clear attempt to modernize the waqf sector by introducing more flexible investment mechanisms and encouraging the diversification of investment methods. The law no longer focuses only on preserving waqf assets, but also seeks to improve their economic and social role through more effective management and sustainable investment approaches.

Key Findings: At the practical level, the field study highlighted a noticeable difference between the possibilities offered by the legal framework and the actual situation of waqf investment in Tlemcen. Although the number of waqf properties has increased in recent years, the financial performance did not improve at the same level. Revenues increased in terms of total collections, yet the rise in financial arrears reduced the net returns generated by these properties. This indicates that the main challenge is not limited to the availability of waqf assets, but also concerns the efficiency of management, monitoring, and collection systems.

The study also showed that most waqf properties are still managed through traditional leasing methods, while modern investment mechanisms provided by the law remain rarely used. This reflects the persistence of a conventional administrative approach that has not yet fully shifted toward strategic and investment-oriented management capable of improving profitability and ensuring long-term sustainability.

Based on these findings, the study concludes that the success of waqf investment depends not only on the existence of an advanced legal framework, but also on the ability of institutions to apply it effectively. Improving governance, strengthening administrative and financial expertise, modernizing management methods, and adopting performance-based evaluation systems are essential steps to enhance the efficiency of waqf investment and increase its contribution to local development.

Recommendations : Based on these findings, the following recommendations are offered:

- Strengthening the collection and monitoring system by digitizing processes and establishing early warning mechanisms to treat waste before it worsens.
- Periodic review of rental values to ensure their suitability to market value and improve net return.
- Diversifying the endowment portfolio by activating modern investment formulas permitted by law, and reducing unilateral reliance on traditional rent.
- Qualifying management competencies in the areas of asset management, financial analysis, and risk management.

- Establishing a periodic performance evaluation system that adopts clear indicators to measure net return, the percentage of waste, and the level of investment diversification.
- Adopting a long-term strategic vision that links the social function of endowments with the requirements of economic sustainability.

Thus, the transition from traditional endowment management to effective investment management requires integrating the legal text with profound institutional reform, ensuring that legislative capabilities are transformed into tangible financial and development results.

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