

Provisions of Electronic Endowment: A Foundational Jurisprudential and Legal Study

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Abstract:

With technology expansion, waqf could be integrated into electronic systems. And with transparency, access to and interaction with donors became easier. But the primary issue is centered on how waqf rulings should be studied from a jurisprudential (fiqh) and legal perspective. Jurisprudential studies have shown that electronic waqf does not deviate from the general framework of traditional waqf, but differs only in the nature of the endowment, which has become a digital asset. This is legitimate according to the general evidence of traditional waqf. Furthermore, it achieves the objectives of Islamic Sharia in preserving endowed funds through documentation via these platforms, which verify the identity of the donor. From a legal perspective, legislation still lacks texts regulating its provisions in a manner consistent with the requirements of modern technology.

Keywords: electronic waqf (digital endowments), digital assets, traditional waqf, jurisprudential adaptation, legal adaptation.

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1. Introduction

Historically, the **waqf (Islamic endowment)** has contributed to social solidarity and sustainable development and to establishing the scientific and cultural foundations of the Muslim community. With the vast expansion of technology, the nature of waqf — which was traditionally administered by conventional means — has now shifted to electronic management via digital platforms, a phenomenon known as **electronic waqf**. Electronic waqf has played a prominent role across various sectors, including education, health, and the economy, which has given rise to jurisprudential and legal problems that require scholarly examination. This article enters that field of inquiry under the title “Rulings on Electronic Waqf: A Foundational Jurisprudential and Legal Study.”

Significance of the Study

The significance of electronic waqf lies in the ease of access to and interaction with donors: it has helped accelerate donation processes through electronic platforms. It generally requires lower costs than traditional waqf, thereby positively contributing to an increase in the revenues allocated to beneficiaries. Moreover, it ensures transparency by documenting donation transactions, which enhances donors’ trust in these electronic platforms. Consequently, the topic of electronic waqf has surged across the academic landscape and become a matter of current interest; therefore, researchers must study its jurisprudential and legal rulings in a manner consistent with contemporary needs.

Research Objectives

The objectives of the research are the following points:

- 1- To determine the meaning of the term electronic waqf (electronic endowment), as well as its contemporary forms.
- 2- To clarify the jurisprudential and legal characterization of the rules governing the electronic waqf.

Research Problem

With the rapid development of technology and its penetration into the field of waqf — which has come to rely on digital tools and electronic platforms for its establishment and is now known as the electronic waqf — this enormous development has raised a principal problem, namely: What are the jurisprudential and legal rulings

applicable to the electronic waqf? From this central problem stem subsidiary questions and issues, the most prominent of which are:

- 1- What is meant by electronic waqf and what are its forms?
- 2-What is the jurisprudential and legal characterization of the electronic waqf?

Research Methodology

In this study I adopted the following methods:

- 1- The inductive method: I surveyed the literature on the subject through previous scholarly studies, collecting the Sharia texts related to waqf in order to derive the jurisprudential characterization of the rules applicable to the electronic waqf.
- 2- The analytical method: I read the Sharia and legal texts related to waqf and analyzed them logically, drawing on principles of uṣūl (Islamic legal theory), jurisprudential rules, and the objectives (maqāṣid) of Sharia.
- 3- The comparative method: For Islamic jurisprudence I relied on the four well-known schools (madhāhib), presenting the juristic opinions on each issue by referring to the primary sources authoritative in each school. As for positive law, I relied on the Algerian Family Code and on Law No. 91-10 and Law No. 26-06 concerning endowments (awqāf).

Research Plan

Introduction: In the introduction I present a preface to the topic, the importance and objectives of the research, its problem statement, the methodology employed, and, finally, its outline.

Section One: The Concept of Electronic Waqf and Its Forms.

Subsection One: The Concept of Electronic Waqf.

Subsection Two: The Forms of Electronic Waqf.

Section Two: Jurisprudential and Legal Adaptation of Electronic Waqf.

Subsection One: The Jurisprudential Adaptation of Electronic Waqf.

Subsection Two: The Legal Adaptation of Electronic Waqf.

Conclusion: Containing the most important research findings and recommendations.

Section One: The Nature of Electronic Waqf and Its Forms

Electronic waqf is considered one of the contemporary forms that have accompanied the developments of the digital age. It employs digital and technological advances to achieve the Shari‘ah objectives of waqf by dedicating digital assets or virtual benefits, or by investing modern technological means, with the aim of providing sustainable services that benefit society — for example, financing educational projects, supporting religious outreach activities, and disseminating Shari‘ah knowledge online. I divided this section into two subsections: the first subsection addresses the concept of electronic waqf, and the second subsection deals with the forms of electronic waqf.

Subsection One: The Concept of Electronic Waqf and Its Importance

Electronic waqf is among the modern concepts that have emerged as a result of the development of digital and technological means. It uses digital advancement as a means to create waqfs, manage them, or direct their benefits in ways that achieve the legitimate and humanitarian objectives through contemporary technological media.

Division One: Definition of Electronic Waqf

The electronic waqf can be defined in two ways: first, by considering its component terms — i.e., defining the term waqf and the term electronic separately — and second, by defining it as a compound term, that is, defining the term electronic waqf as a composite construct.

First: Definition of electronic waqf by examining its component terms.

-1 Definition of waqf linguistically and technically:
a. Linguistic definition of waqf: Waqf is a noun derived from the verb waqafa (to stop, to stand); the letters waw, qaf and fa share a single semantic root indicating stability or staying in something, from which the derived meanings are measured (Ibn Faris, 1979, vol.6, p.6 . Ibn Manzūr, 1414 AH, vol.9, p. 359). Waqf is used with several senses, including:

— Contrasting with sitting: one says “he stood in the place” (*waqafa bi-al-makan waqfan wa wuqufan*), i.e., he stood. (Ibn Manẓūr, 1414 AH, vol.9, p. 359).

— Confinement or preservation: one says “he endowed the land to the poor” meaning he made it perpetually reserved for the poor, i.e., he confined it. (Ibn Manẓūr, 1414 AH, vol.9, p. 359)

B. Terminological definition of *waqf* (endowment):

Al-qala‘: it is said, “I refrained from the matter in which I was,” that is, I ceased. (al-Jauharī, 1987, vol.4, p. 1440).

- **Hanafi:** Waqf is the immobilization (habs) of the asset in the ownership of the waqif (donor) and the charitable dedication of its benefit. (Ibn ‘Abidīn, 1992, vol.4, p. 337. al-Nasafī, 2001, p. 403).

- **Maliki:** To grant the benefit of a thing for the duration of its existence while its continued remaining in the ownership of its grantor is obligatory, even if only by estimation. (al-Ruṣā‘, 1350 AH, p. 411).

- **Shafi‘i:** Waqf is the confinement of a possessed thing and the making available of its benefit, with the corpus remaining intact and continuous usufruct by those designated by the donor to a particular person who acquires it by assignment or to a public body, provided it involves no sin and is performed as an act of drawing near to God. (al-Manāwī, 1990, p. 340).

- **Hanbali:** The immobilization (habs) of the principal (corpus) and the permitting (disposal) of its fruits (usufruct). (al-Mughnī, (n.d., print), vol.6, p. 3).

From these definitions we observe agreement on the technical meaning of waqf despite differences in wording: namely, the immobilization of the corpus and the disposal/spending of its fruits. This corresponds with the Prophet’s saying: “Tie up its principal and expend its produce.” (al-Nasā’ī, 2001, vol. 6, p. 140. And Ibn Mājah, 2009, vol. 3, p. 476; and al-Bayhaqī, 2003, vol. 6, p. 269; and al-Daraqutnī, 2004, vol. 5, p. 331; and Ibn Ḥibbān, 1988, vol. 11, p. 262. Albānī, 1985, vol. 6, p. 31).

Definition of waqf in Algerian law: The Algerian Family Code defines waqf in Article 213 as “the confinement of property from becoming the ownership of any person in the manner of perpetuation and charitable dedication.” (Law No. 84–11 Official Gazette, Issue No. 15, published on 27-02-2005) After the promulgation of Law 91-10 concerning endowments, this was further clarified.

The meaning of **waqf** in Article 3 thereof is: “the sequestration (habs) of the corpus from ownership in perpetuity and the donation of its usufruct to the poor or to some form of charity and benevolence.” (Law No. 91–10 Official Gazette, Issue No. 21, published on 08-05-1991).

It should be noted that the first definition is broader and more inclusive, since it employs the term property (al-mal), which encompasses both the corpus (al-‘ayn) — the principal — and the usufruct. Nevertheless, the Algerian legislator did not clarify the exact nature of the endowed subject: whether it is the corpus itself or its usufruct; consequently, ambiguity may arise concerning the object of the waqf. By contrast, the second definition is more precise and clearer, because it distinguishes between the endowed corpus and the benefit that is donated, and it specifies the destination (uses/beneficiaries) of the waqf’s disbursements.

In 2025, Law No. 06-25 relating to waqf was promulgated; Article 8 thereof provides that waqf is: “the sequestration of property from ownership in a perpetual or temporary manner, and the donation of its usufruct for purposes of public, private, or mixed charity and benevolence.” (Law No. 25–06 Official Gazette, Issue No. 47, published on 22 July 2025, p. 11).

What is notable about this definition is that the endowed property may be either perpetual or temporary, thereby taking into account the jurisprudential disagreement concerning temporary waqf. The law also details the categories of waqf disbursements: public includes mosques, hospitals, schools, and other forms of public charitable works; private includes the waqif’s children and descendants; and mixed includes both public and private elements. Accordingly, the latter definition is more comprehensive and flexible than the others: it incorporates both perpetual and temporary waqf, broadens the range of endowable property to include real estate,

movable property, and money, and more precisely identifies the categories of waqf expenditures as public, private, and mixed.

Secondly: Definition of electronic waqf as a terminological concept

Contemporary jurists have offered varying but closely related definitions of the term electronic waqf; examples include:

- 1- “It is the sequestration of electronic assets and the channeling of their benefits toward charitable ends.” (Zāfir b. Ḥasan Al-Ja‘fār, 30 July 2025, at 19:37. <http://www.aljebaan.com/play-862.html>).
- 2- “It is the donation of a permissible electronic product that can be used, while its corpus remains dedicated to a charitable purpose.” (Sulaymān b. Muḥammad al-Najrān, vol. 16, no. 02, 2021, p. 14).
- 3- “It is the sequestration of electronic and digital assets—such as websites, applications, software, and the like—for lawful utilization, and the use of their returns for expenditure in charitable causes.” (Ḥusayn Muḥammad Bayūmī al-Shaykh, Issue 15, September, 2024, p. 1084).

Here a question arises: what is the difference between **electronic waqf** and **digital waqf**?

To answer this question, it is necessary to examine the concept of the digital waqf so that we can compare it with the electronic waqf.

Digital waqf: Any intangible right that is sequestered in a digital format through an appropriate medium with the intent of benefiting from it or from its revenues (usufruct). The intended meaning of digital waqf is the assets that are digital in nature and constitute the subject matter of the waqf itself; for example, endowing a digital copy of the Qur’an in PDF form or as an application. (Suhayl b. Sulaymān b. ‘Abd Allāh al-Shāyī’, 2017, p. 33).

Electronic waqf: By contrast, electronic waqf refers to the management (administration) of waqf assets—whether tangible (corporeal) or digital—through the use of electronic means. An example of this is endowing a printed copy of the Qur’an and administering it via a website. Electronic waqf is broader and more comprehensive than digital waqf: in terms of genus and species, every digital waqf is an electronic waqf, but not vice versa.

Thus, electronic waqf is the sequestration of assets of a digital nature—such as websites, accounts, and systems—that are managed with advanced electronic technologies and precisely programmed to achieve their sustained and continuous benefit, whether in religious fields such as proselytizing and education, or in publishing digital books, or in permissible worldly fields such as training courses, health services, technical assistance, and others.

Section Two: The Importance of Electronic Waqf

The importance of electronic waqf manifests across several religious, social, economic, and technical dimensions; the most prominent are:

First: Reaching the majority of social classes and segments. Through it, waqf benefits can be delivered to a wide audience around the world via the Internet. A study by the Chinese company Baidu in 2020 stated that the number of smartphone users will reach 6.1 billion worldwide, that 160 view it as a communication tool, and that 23 consider it an essential part of their lives, while others use it for social interaction or entertainment. (Sulaymān b. Muḥammad al-Najrān, vol. 16, no. 02, 2021, p. 21).

Second: Electronic waqf accompanies people in all circumstances. Electronic waqf follows individuals in their various conditions and locations—whether in motion or at rest, in health or illness—and is characterized by ease of use for anyone who possesses digital means and knows how to use them. (Sulaymān b. Muḥammad al-Najrān, vol. 16, no. 02, 2021, p. 22. Ḥusayn Muḥammad Bayūmī al-Shaykh, Issue 15, September, 2024, p. 1091).

Third: The flexibility of digital waqf and the ease of its development in confronting the complexities of traditional waqf. Digital waqf is distinguished by its lower financial costs compared with traditional waqf, in addition to the ease of updating and developing it in line with people's needs and life changes, which ensures the continuity of its benefits without interruption, unlike the corporeal (in-kind) waqf, which often...

"Unlike the in-kind endowment, which is often in a fixed form that is difficult to modify, the digital endowment is flexible and a

means of adaptation; the amount of assets required to manage it is smaller, and it is not subject to the legal complexities and regulatory constraints that afflict in-kind endowments." (Sulaymān b. Muḥammad al-Najrān, vol. 16, no. 02, 2021, p. 22 adapted).

Section Two: Forms of the Electronic Endowment

Endowment in the modern era has witnessed a noticeable development as a result of technological progress and the expansion of digital use across various spheres of life. This has given rise to what is known as the electronic endowment, meaning the dedication of benefits arising from electronic or digital assets to charitable, proselytizing, or developmental purposes. This surpasses the traditional concept of endowment commonly associated with tangible assets and real estate, and includes educational and da‘wa (religious outreach) websites, free service applications, accounts on digital platforms, software, and others. Thus, there are several forms of electronic endowment, as noted below.

First: Digital Financial Endowment: The digital financial endowment includes two main methods:

1- Online monetary donations: Users can contribute funds through electronic platforms or dedicated applications; these funds are directed according to the donor’s intention to support specific areas such as education, health care, or the needy.

2- Digital endowment investments: These allow funds to be invested in endowment projects managed electronically so that the returns from these investments are used to support various endowment purposes.

Second: Digital Real Estate Endowment: Individuals or institutions can register real estate assets as endowments through specialized digital registries, where data are collected and assets are documented electronically. These properties can be allocated to serve specific endowment purposes, such as establishing schools or health centers.

Third: Digital Educational Endowment: The digital educational endowment comprises two main methods:

1- Digital scholarships: Individuals or institutions can dedicate scholarships as an electronic endowment managed through digital systems in order to cover tuition fees for needy students or to support higher education in particular disciplines.

2- Endowment via e-learning and digital resources: This takes the form of providing digital libraries or subscriptions to scientific journals and making them available to students and researchers online.

Fourth: Digital Health Endowment: The digital health endowment includes two main methods:

1- Donations via health applications: Individuals can contribute to digital health endowments through electronic donation platforms, such as supporting the treatment of indigent patients or providing medical equipment to hospitals.

2- Telemedicine: This involves allocating endowment-based medical services to be delivered online, such as free health consultations and treatment for those in need, especially in remote areas.

Fifth: Technical and Software Endowment: The technical and software endowment includes two main methods:

1- Waqf software: Programs or technical applications can be designated as digital waqfs that contribute to supporting various sectors such as education or health; they may be open-source or made available free of charge to specific categories of users.

2- Technical courses and tools: Provision of technical equipment such as computers or Internet services, delivered via electronic platforms to educational institutions or regions deprived of technology.

Sixth: Inter-institutional digital waqf: includes two main approaches:

1-Supporting environmental initiatives: Digital waqfs are allocated to finance environmental protection projects such as tree-planting campaigns or the cleaning of lakes and rivers, through donations via electronic platforms.

2- Financing environmental research: Allocating a digital waqf to support scientific studies concerned with climate change and the preservation of biodiversity.

Seventh: Digital cultural and artistic waqf: includes two main approaches:

1- Supporting virtual museums and exhibitions: Allocating digital waqfs to create online museums or art exhibitions that display cultural and historical heritage, with the aim of enhancing public awareness of art and culture.

2- Digital libraries: Funding the creation of electronic libraries that provide rare books and reference works, offering free access to the public. (Najlā' 'Abd al-Mun'im, , no. 151, January 2025, pp. 11–13 adapted).

Section Two: Jurisprudential and Legal Adaptation of the Electronic Waqf

With the rapid development of technology and its applications in various fields—education, the judiciary, health, social communication, and waqf—the latter raises new jurisprudential and legal challenges that require jurisprudential and legal adaptation of the provisions governing the electronic waqf. Accordingly, I divided this section into two demands: the first addresses the jurisprudential adaptation of the electronic waqf, and the second addresses the legal adaptation of the electronic waqf.

Subsection One: The Jurisprudential Adaptation of the Electronic Waqf

The jurisprudential classification of the electronic waqf stems from a juristic question concerning the ruling on waqf of benefits: that is, whether the waqf-object must be tangible (in-kind) or whether it may validly be a benefit, since the ruling on a thing derives from its conceptualization. Consequently, a principal problem can be posed as follows: Does the electronic waqf take the ruling of a waqf of benefits or not?

To answer this problem, jurists differed on the ruling regarding waqf of benefits into two opinions:

The first opinion: The majority of jurists among the Hanafis (al-Marghīnānī, (n.d), vol. 3, p. 15), some Malikis (‘Alīsh, 1989, vol. 8, p. 111), the Shafi‘is (al-Sharbīnī, 1994, vol. 3, p. 526), and the Hanbalis (Ibn Qudāmah, (n.d), vol. 6, p. 36) held that waqf of benefits is not permissible; they relied on the Sunnah and rational considerations:

First: The Sunnah: From Ibn ‘Umar, who said: ‘Umar acquired land in Khaybar, so he came to the Prophet (peace be upon him) to ask his counsel about it. He said: "O Messenger of Allah, I have acquired land in Khaybar; I have never obtained any property dearer to me than it. What do you command me concerning it?" He said: "If you will, you may sequester its principal and give its produce in charity." (al-Bukhārī, (n.d), vol. 3, p. 198; and Muslim, (n.d.), vol. 3, p. 1255) The import of the hadith indicates that a waqf is valid in any thing from which benefit is taken while its principal remains, and this occurs with lands, houses, and other items from which benefit is derived while their corpus remains. (Ibn Qudāmah, 1994, vol. 2, p. 250).

Second: The rational argument

1- The endowed ‘ayn is the principal — that is, its corpus — and the benefit is a branch of the principal and follows it; consequently, one cannot endow the branch without its principal. (al-Sharbīnī, 1994, vol. 3, p. 526).

2- The benefit is neither a corporeal thing nor a debt-like right, so it is not validly endowed. (al-Buḥayrīmī, 1950, vol.3, p. 203).

3- Waqf requires the existence of a principal that is sequestered so that its benefit is realized over time; since waqf resembles manumission in its meaning, ownership of the usufruct alone is insufficient to establish the authority to sequester. al-Sunaykī, (n.d.), vol.2, p. 458).

Second opinion: The Malikis held that it is permissible to endow usufructs, whether perpetual — such as endowing a dwelling in perpetuity — or temporary — such as endowing a rented house for a specified period. (al-Dasūqī, (n.d.), vol.4, p.76. al-Ṣāwī, (n.d.), vol. 4, p. 97. al-Khurshī, (n.d.), vol. 7, p. 79) This was the view chosen by Shaykh al-Islam Ibn Taymiyya. (Ibn Taymiyyah, 1987, vol. 5, p. 426) Accordingly, it was the resolution of the Islamic Fiqh Academy. (Resolution No. 181 (19/7) See: International Islamic Fiqh Academy,

5th edition, 2025, pp. 610–613). They adduced the following evidence:

1- The generality of the scriptural texts relied upon in support of waqf without restricting them to corporeal things. Among these is the Divine statement: "And do good; perhaps you will be successful." [al-Hajj: 77], and His statement: "And that you give in charity is better for you, if you only knew." [al-Baqarah: 280]. (33) Likewise the hadith of Ibn 'Umar cited above. (33)

2- Narrated Abu Huraira, may Allah be pleased with him, that the Prophet, peace and blessings be upon him, said: "Whoever restrains a horse in the way of Allah out of faith in Allah and in confirmation of His promise, then its fodder, its sweat, its dung, and its urine will be in his balance on the Day of Resurrection." (Bukhārī, (n.d.), vol. 4, p. 28).

The implication derived from the hadith is the validity of endowing a movable item (the animal), and that making such items perpetual—even if only temporarily—favors the permissibility of endowing benefits (usufructs). (Khālīd b. 'Alī al-Mushayqīh, 2012, p. 108).

3- There is no difference between endowing benefits themselves and endowing the corporeal object that contains the benefit (Khālīd b. 'Alī al-Mushayqīh, 2012, p. 109); because benefits are intended for their own sake, and waqf in reality effects the transfer of ownership of those benefits. Corporeal things are sequestered only for the benefits they contain. In this regard, Ibn Taymiyya, may Allah have mercy on him, pointed out that there is no difference between this kind of waqf and the waqf of a building or of plantings; likewise there is no difference between the waqf of a garment worn by the poor, a horse they ride, or a sprig of scented herbs smelled by the people of the mosque. The ruling on the perfume of the Kaaba is the same as the ruling on its covering (kiswah), which indicates that perfume is an intended benefit; although its duration of continuity may be long and it may be intended for itself without an immediately perceptible effect. (Ibn Taymiyyah, 1987, vol. 5, p. 426).

4- By analogy, the waqf of benefits is measured against the bequest (wasiyya); because a bequest of a standalone benefit is valid — this is the position of the majority — except Ibn Abi Layla, who does not recognize its validity on the ground that it is non-existent. (Ibn Qudāmah, 1995,

vol. 17, pp. 364–365 adapted). Consequently, the waqf of benefits is valid because both are forms of donation.

The preferable view, upon examining the evidence of both parties, appears to the researcher to be the view affirming the validity of waqf of benefits; this rests on the following considerations:

1- The evidences that encourage waqf are all general and there is no specific evidence restricting them; therefore their generality is applied and acted upon. The usul rule states: “A general text applies to its generality until a specific [text] is received.” (Zayed’s Guide to Jurisprudential and Usulī Principles, 2013, vol. 4, p. 337).

2- The waqf of benefits is classified among contracts of donation, and it is well known among jurists that donations permit what is not permitted in other contracts such as reciprocal transactions; the juristic maxim states: “There is leniency in benefits that is not permitted with regard to corporeal items.” (Zayed’s Guide to Jurisprudential and Usulī Principles, 2013, vol. 16, p. 371).

3- It is established among jurists that one may contract regarding a benefit and bequeath it; accordingly, its waqf is likewise valid. (al-‘Uthmān ‘Abd al-Raḥmān b. ‘Abd al-‘Azīz, 1425 AH, p. 111).

4- Those who opposed the endowment of usufructs nevertheless permitted endowing on land whose owner possesses its usufruct but not its corpus. In this regard Imam al-Nawawī, may God have mercy on him, said: “If he endowed a building or plantings on land he has rented, the sounder view is that it is permissible.” (al-Nawawī, 2005, p. 168).

Wealth includes corporeal property and usufructs. It has been established that a usufruct may be given as a dowry (mahr) to a woman, and the dowry is property; and God, in the story of Moses as related by Shu‘ayb, said: “I intend to marry you to one of my two daughters on condition that you serve me for eight years.” (al-Qasas: 27). The same reasoning therefore applies to the endowment of usufructs, and the jurisprudential maxim states: “Usufructs have the legal status of corporeal property.” (Zayed’s Guide to Jurisprudential and Usulī Principles, vol. 16, p. 351).

Accordingly, the electronic endowment is based on a purely digital usufruct. It may take the form of financial donations made through electronic platforms to support the needy, or endowment projects run electronically with the aim of establishing schools, hospitals, and the like; or of providing digital libraries for students and researchers; or of offering free endowment-based electronic medical services to those in need, and so on. Nevertheless, although technology contains many benefits, it may also give rise to numerous harms; therefore it is necessary to establish regulations governing it, of which I mention the following:

First: The electronic endowment must be founded on public benefit (*maslaha*). The value of an endowment is magnified by two matters: 1) the abundance of its output and fruitful returns; 2) the strength of the interests that those returns serve. (Sulaymān b. Muḥammad al-Najrān , vol. 16, no. 02, 2021, p. 19).

Second: The endowment must not include sinful acts, such as someone who disseminates fabricated hadiths via social media or permits the display of indecent images on his website as a source of income for his endowment channel. Al-Qarafi, may God have mercy on him, said: “If the endowment is for a lawful thing, such as a sale, it is valid; if it is for a sin, it is null—like highway robbery.” (al-Qurrānī, 1994, vol. 6, p. 312).

Third: It is not permissible to endow what one does not own, for example a person who publishes others’ research and articles without their permission on social media under the pretext of spreading knowledge. The means employed in this case are illegitimate—namely academic theft—so the intended purpose becomes prohibited; that is, the endowment is impermissible because means carry rulings with respect to ends. (al-Jizānī, 1427 AH, p. 297).

Fourth: It is not permissible to endow that which yields no benefit, such as a person who posts electronic games on his endowment channel—especially those accompanied by violence—because they lead to the breakdown of social relationships, aggressive behaviors in children, and health problems such as impaired vision, mental disorders, autism, and other afflictions.

Fifth: The electronic waqf is subject to the condition set by the donor; for the donor's condition is the text of the donor. Thus, the waqf is to be assessed according to the donor's expressed condition (Ibn Qudāmah, (n.d.), vol. 6, p. 39). Consideration is given to the waqf in accordance with the donor's own perspective, as is narrated about 'Umar, may God be pleased with him, who entrusted the supervision of his waqf to Ḥafṣa for as long as she lived, and thereafter to the family members of sound judgment among her relatives. Since the disposal of the waqf is bound by the donor's condition, the person charged with overseeing it is likewise bound by that condition (Ibn Qudāmah, (n.d.), vol. 6, p. 39 adapted).

Second Section: The Legal Characterization of the Electronic Waqf

After legally characterizing the presented fact, one must determine the legal branch to which the fact generally belongs — for example, civil law or criminal law — that is, analyzing the facts and legal acts to assign them their correct legal description and to place them in the appropriate category within the prevailing divisions of law. By legal characterization may also be meant the extent to which the rule of law applies to a particular fact for the purpose of resolving the dispute, i.e., affixing the appropriate legal description to the fact under consideration in order to apply the legal rule that settles the dispute (Muḥammad al-Madanī Ṣāliḥ al-Sharīf, 2024, pp. 282–283 adapted). The electronic waqf is a form of waqf in general; it aims to immobilize property or to allocate its usufruct to a charitable entity and is managed through electronic media and platforms. In order to determine the legal characterization of the electronic waqf, one must transpose its provisions to those of the traditional waqf, given that the Algerian legislator has not regulated its rules in separate statutory provisions. Consequently, it raises new legal challenges regarding the manner of applying its rules. Nevertheless, I attempt to extract some of its rules taking into account Law No. 25-06 dated 23 Muharram 1447 AH, corresponding to 19 July 2025, concerning waqfs; accordingly, the electronic waqf is subject to the following provisions:

First: The electronic waqf is a donation contract and differs in essence from the traditional waqf only insofar as the endowed object

in it may be digital assets such as cryptocurrencies, or knowledge resources such as educational platforms, digital libraries, or programs and applications offered free of charge. Article 8 of Law 25-06 concerning waqfs provides that a waqf is “a binding donation contract that issues from the free, unilateral, and unimpaired will of a competent, sane, adult donor.” The electronic waqf has the same essential characteristic as the traditional waqf in that both are donation contracts emanating from the free, unilateral will of a competent, sane, adult donor; however, the means of expressing that will are through electronic platforms and authenticated digital signatures with verification of the donor’s identity and legal capacity. (Official Gazette, Issue No. 47, p. 11).

Second: The electronic waqf has the same pillars as the traditional waqf. Article 13 of Law 25-06 concerning waqfs provides that a waqf rests on the pillars of waqf which are: 1- the donor; 2- the endowed property (the endowed object); 3- the formula of dedication; 4- the beneficiary (the entitled party). (Official Gazette, Issue No. 47, p. 12).

Electronic waqf does not fall outside the general framework of the pillars of the traditional waqf. The waqif in an electronic waqf may be a natural or a juridical person with capacity to act, provided their identity is verified via electronic signature. Article 14 of the same law stipulates that the waqif is a natural or a juridical person. (Official Gazette, Issue No. 47, p. 12). As for the endowed property in an electronic waqf, it may consist of digital assets such as cryptocurrencies transferred through electronic platforms, or knowledge resources such as digital libraries or websites that provide charitable services. Article 15 of the same law states that “the endowed property shall be either tangible rights, intangible rights, or usufruct.” (Official Gazette, Issue No. 47, p. 12). The electronic waqf is founded on the waqf of benefits, as we explained in the previous section.

Regarding the formal expression of the electronic waqf, it may take the form of an electronic offer in the shape of a written declaration electronically signed, or by pressing an approval button on official electronic waqf platforms. Article 16 of the same law provides that the form shall be the expression of the waqif’s will and the acceptance by the person entitled to the endowment, whether by

utterance or in writing, or by gesture, or by any means that conveys that intent. (Official Gazette, Issue No. 47, p. 12). The phrase “by any means that conveys that intent” may encompass offer and acceptance conducted via authenticated electronic platforms. As for the entitled party, it may be charitable and benevolent organizations through electronic platforms; Article 17 of the same law states that the entitled party designated by the waqf may be public, private, or mixed. (Official Gazette, Issue No. 47, p. 12). The electronic waqf is subject to the same classification rules as the traditional waqf (public, private, or joint), with a fundamental distinction in that the beneficiary may be a virtual institution operating within electronic platforms.

Third: the electronic waqf is a public waqf whose management and administration are undertaken by the authority charged with awqaf, just as with the traditional waqf, in accordance with the provisions and objectives of Islamic law; this is set forth in Article 64 of Waqf Law 25-06. (Official Gazette, Issue No. 47, p. 15). It is also managed through official administrative bodies responsible for governance, such as the Department of Religious Affairs and Endowments, the authority entrusted with managing waqf properties, and others. This is in accordance with Article 65 of Waqf Law 25-06. (Official Gazette, Issue No. 47, p. 15), with due regard for the particularities of electronic waqf assets.

Conclusion: through research and study of the subject of the provisions governing electronic waqf, I reached the principal findings and recommendations, which can be summarized in the following points.

First: Findings

1- Electronic waqf is the sequestration of electronic assets and the dedication of their revenues to purposes of benevolence and charity. It includes various forms of waqf managed via electronic means, such as financial donations, the electronic registration of waqf real estate, the provision of digital libraries and scholarships, in addition to supporting health services delivered electronically—such as medical consultations and free treatment, among others. It also entails allocating programs and applications that contribute to the cultural and historical awareness of society. Electronic waqf differs from traditional waqf in having lower

costs and in the ease with which it can be updated and developed to suit people's needs today.

2- The electronic endowment is based on a purely digital benefit. It is among those contracts in which certain concessions are permitted that would not be allowed in other types of contracts, such as contracts of exchange.

3- The electronic endowment is governed by juristic principles and objectives: it must serve the interest of the needy; it must not involve any sinful act; the endowed digital asset must belong to the donor (waqif) and must be permissible to benefit from under Islamic law; finally, the electronic endowment must conform to the donor's conditions, as prescribed by the religious text.

4- The electronic endowment is a donation contract that does not differ in essence from the traditional endowment: it originates from the will of the donor, which is documented via electronic platforms and digital signatures, with verification of his identity and legal capacity.

5- The electronic endowment does not depart from the general framework and pillars of the traditional endowment. The donor may be a natural or juridical person with legal capacity, whose identity is verified through electronic signature. The endowed property may consist of digital assets or knowledge resources that provide charitable services via electronic platforms. Its formation occurs through offer and acceptance on authenticated electronic platforms, and the rightful recipients are charities and benevolent organizations via those platforms. Accordingly, it is subject to the same legal rulings as the traditional endowment.

6- The electronic endowment is a public endowment whose administration and management are undertaken by the authority charged with endowments, as is the case with traditional endowments, while taking into account the particular nature of electronic waqf assets.

Second: Recommendations

1- I recommend that researchers—both faculty and students—devote attention to studying the electronic endowment from jurisprudential and legal perspectives.

2- I propose holding international and national conferences to study the electronic endowment from jurisprudential and legal viewpoints, and

urging juristic councils to issue fatwas that regulate the detailed rulings concerning new developments in electronic endowments.

3- I recommend that lawmakers enact specific legislation to regulate the electronic endowment and ensure its protection from exploitation or cyber intrusion.

4- I propose establishing electronic waqf platforms that enable donors to manage and monitor their endowments with transparency.

5- I also recommend incorporating the subject of the electronic endowment into university curricula within the disciplines of jurisprudence and law, so that students and researchers can keep pace with the technologies that support such research.

In conclusion, I ask Almighty God to make what we have learned beneficial to us and to grant us sincerity and correctness in word and deed; He is the Protector and Able. And finally, all praise is due to God.

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