



The Impact of Documentation on Strengthening Judicial Oversight of Endowment Transactions in the Maliki School of Thought

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Abstract ;

Documentation is considered one of the most important mechanisms for strengthening legal and Sharia-based oversight in Maliki jurisprudence as it safeguards transactions and regulates rights. This is particularly evident in the field of endowments (waqf) which are based on continuity, the protection of interests, and the achievement of sustainable development. Therefore, this study aims to demonstrate the impact of documentation on strengthening judicial oversight of endowment transactions by highlighting its legal foundations in the Maliki school of thought, demonstrating its function as a means of proof before the judiciary, and its role in reducing disputes related to endowments. The study concludes that documentation effectively supports judicial oversight of endowments and their modern financing mechanisms by enhancing transparency, safeguarding rights and the endower's will, and ensuring the sustainability of endowment resources against loss or disruption.

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1. Introduction

Documentation constitutes one of the fundamental issues that regulates transactions, preserves rights, and strengthens judicial oversight. It also ensures the preservation of endowed properties and their contribution to sustainable development. Islam has given documentation paramount importance as evidenced by verses in the *Holy Quran* urging the documentation of financial transactions, such as: “O you who have believed, when you contract a debt for a specified term, write it down.” (Al-Baqarah 2:282).

Documentation has also facilitated the management of endowment resources, contributing to the spread of education, the care of the poor, the construction of hospitals, and meeting the diverse needs of society. However, these significant roles can only bear fruit through meticulous documentation that preserves the conditions stipulated by the endower and ensures their implementation through judicial oversight.

Moreover, endowment holds a distinguished position in Islamic law (*Sharia*) due to its prominent role in achieving social development and strengthening the spirit of solidarity and cooperation within the community. With the development of endowment institutions, the need arose for effective oversight tools to ensure their proper management and the preservation of their assets. Among the most important of these tools is documentation which constitutes a fundamental means of regulating

endowment transactions. For this reason, Maliki jurisprudence has given considerable attention to regulating endowment affairs, and one of the most prominent manifestations of this attention is its aim to protect the endowment and ensure the fulfillment of its objectives. Thus, this research seeks to highlight the role of Maliki Jurisprudence in grounding and activating judicial oversight of endowments.

Research Problem:

The main problem addressed by this research is determining the impact of endowment documentation within the Maliki School of thought, and the extent to which its role continues in strengthening judicial oversight of endowments within the Maliki School and legislation.

This leads to the following sub-problems:

1. What is the pivotal role of documentation and its mechanisms in managing endowments and developing and activating their resources to achieve sustainable development?
2. How does judicial oversight contribute to finding Sharia-compliant solutions for activating and restructuring endowments through documentation and its legal regulations?

Research Methodology:

This research adopts the descriptive-analytical approach where the jurisprudential texts, legal materials and their practical applications were analyzed. A critical analysis is employed by

examining empirical realities and exploring traditional and modern methods of endowment documentation considering it as an important economic tributary and a sustainable source of funding and development independent of fluctuations in traditional and contemporary resources for endowment investment. As for the descriptive approach, it is used to describe the documentation and its contemporary mechanisms, such as writing and electronic documentation, in accordance with the objectives of Islamic legislation and the concepts of judicial oversight.

Research Hypotheses

With regard to determining the impact of documentation, its mechanisms, and its legal regulations on endowments and the supervisory role of the judiciary over endowments, the study hypotheses are summarized as follows:

First Hypothesis:

If endowment is a civilizational institution reflecting the flexibility of its rulings in line with the digital era and financial sustainability, then improving endowment documentation and enhancing the effectiveness of judicial oversight are necessary. Consequently, this contributes to reducing the rate of violations and abuses in endowment management.

Second Hypothesis:

If documentation is absent, this leads to difficulties in monitoring endowments and evaluating their performance; this necessitates defining the relationship between documentation “as an independent variable” and the endowment

and the judiciary “as a dependent variable”, and identifying contemporary mechanisms that consider the objectives of documentation in relation to endowments.

Research Objectives

1. To clarify the concept of documentation and its pivotal role in ensuring the stability of transactions within Islamic jurisprudence.
2. To highlight the role of the judiciary in supervising endowment institutions and to demonstrate the impact of documentation on judicial oversight in endowment cases, both theoretically and practically, within the legal framework of endowments, including their development, maintenance, and documentation of transactions.
3. To present the status of documentation among Maliki jurists and to review modern methods.
4. To strengthen documentation mechanisms in endowment institutions and to demonstrate their impact on enabling the judiciary to exercise its supervisory and sustainable developmental role for endowments.

2. The Concept of Documentation and Its Status in Maliki Jurisprudence

The immunity of endowed properties and their contribution to stimulating investment at the financing level necessitated documentation procedures. This is to safeguard contractual freedom in endowment resources and contributes to protecting their fixed assets and

channeling their variable benefits into the investment sphere.

Essentially, the study of the concept of documentation and its status in Maliki Jurisprudence is organized into two subsections. The first subsection reviews the meanings of documentation among Maliki scholars, who recognized the necessity of regulating and formalizing Sharia-based legal transactions as reflected in documents, records, and Sharia archives within the intellectual and judicial framework. Moreover, it examines the way documentation is employed to achieve legal objectives, safeguard rights, and prove them in case of dispute.

2.1 Definition of Documentation

Understanding the concept of documentation within the Maliki jurisprudential and judicial framework requires defining it in its original context and legal terminology to clarify its meanings as a means and proof for establishing rights.

Linguistic Meaning of Documentation:

The term “documentation” (*tawthīq*) is derived from the root “document” (*wathaqa*), meaning to secure or strengthen something and confirm its validity; to document something is to render it firm and binding (Al-Misri 371).

Technical Meaning of Documentation:

Although the science of documentation is one of the fields that scholars have researched and written extensively about, no single technical definition of this discipline has been found. However, a definition of documentation has been cited as follows: “A science that examines how

contracts, obligations, transactions, and the like are established in a manner that allows them to be validly relied upon and invoked as proof.” (Al-Wansharisi 30)

- “Jurists did not define it as evidence for proving rights, but rather used various terms to refer to it as evidence of proof. Some used all of these terms, while others used specific types. These terms are limited to the following expressions: instrument, proof, record, register, and document.” (Al-Zuhayli 415)

- “Documentation is a science that examines how to prove contracts, transactions, and other matters in a way that allows them to be legally binding and enforceable.” (Al-Zuhayli 415)

2.2 The Status of Documentation in Maliki Jurisprudence

The importance of documentation lies in its role in achieving the objectives of Islamic law in preserving rights and regulating transactions in general, and endowment transactions in particular; this is evident in the rich heritage of books on documentation and judicial records: it serves as a practical reference that ensures the protection of endowed properties and the utilization of their benefits within the framework of contractual freedom.

Maliki jurists paid great attention to documentation to guarantee the preservation of rights, as contracts that are not documented through testimony or writing are prone to disputes and loss. Ibn Rushd stated in *Al-Bayān wa Al-Taḥṣīl*: “Documentation is a means of preserving rights and confirming contracts.” (Ibn Rushd 35)

In his summary, Khalil emphasized the necessity of testimony in matters such as marriage and divorce. For instance, in the chapter on endowments, the *Maliki* scholars considered the documentation of the endowment contract a condition for the validity of its effects in order to ensure the continuity of its benefit and prevent manipulation (Al-Qarafi 421). Hence, documentation is of great importance in Islamic law as Allah commanded in the *Quran* the documentation of debt. Although scholars differed regarding whether documenting contracts is obligatory or recommended, they unanimously agreed that it is commanded (Al-Baghawi 349).

In addition, the Prophet ﷺ documented a sale between himself and Ibn Khālid Ibn Hawdha, in which he sold him a slave, male or female, as narrated in the hadith:

“Shall I not read to you a document written for me by the Messenger of Allah ﷺ?” We said, “Yes.” It was written: “In the name of Allah, the Most Merciful, the Most Compassionate. This is what Ibn Khālid Ibn Hawdha purchased from Muhammad, the Messenger of Allah ﷺ: he purchased from him a slave or a slave-woman...” (Al-Tabarani 12).

2.3 The Importance of Documentation

The importance of documentation appears in the following:

1. Reducing disputes; because writing is a preventative measure against the emergence of conflict and disagreement. The rightful owner is reassured by the document that preserves his right, and the

debtor has no incentive to deny or disavow because he knows of the document recording that right (Al-Zuhayli 415).

2. Relieving the debtor from the liability of debts in the Hereafter; if the debtor dies before paying the debt and the heirs deny the creditor's claim. However, if the creditor has a document, his debt is not lost and the deceased debtor is saved from the consequences of the unpaid debt. In the Hereafter, forgiveness is contingent upon paying off his debt, as narrated by Abdullah bin Amr bin Al-Aas that the Prophet, may Allah bless him and grant him peace, said: “The martyr is forgiven for every sin except debt.” (Muslim 1502)

3. Documentation and Judicial Oversight of Endowments

Endowment is characterized by its breadth and unlimited scope contributing significantly to the investment sphere and sustainable development. This includes the role of documentation in regulating endowment transactions and its impact on judicial oversight, the extent of judicial supervision and management of endowments, and its supervisory role, alongside a review of contemporary applications such as official, administrative, and electronic documentation, and the manifestations of judicial oversight in Maliki jurisprudence.

Both documentation and judicial oversight contribute, within the framework of contemporary legislative and administrative developments, to preserving endowments and maintaining their assets. This is organized into the role

of documentation and the judiciary in protecting the conditions stipulated by the endower as a first requirement; meanwhile, the second requirement clarifies the mechanisms of documentation in endowment institutions and the supervisory role of the judiciary.

3.1 The Role of Documentation and the Judiciary in Protecting the Endower's Conditions

Documentation and judicial oversight are of paramount importance as they play a crucial role in preserving and precisely regulating endowment assets. Documentation serves as a safeguard, while judicial oversight provides a practical guarantee for protecting the endower's conditions and ensuring their implementation as long as they do not contradict the Islamic law. This highlights the crucial relationship between documentation and the judiciary in supervising endowments and ensuring their sound management.

1. The Role of Documentation in Protecting the Endower's Conditions

In essence, Maliki scholars emphasized the importance of documentation as a means of safeguarding the endower's conditions and regulating transactions. The continuity of endowments and their benefit to successive generations are inconceivable unless they are stipulated and documented in a manner that prevents their loss or alteration of purpose. Notably, with the development of societies and the increase in their needs, the necessity of strengthening judicial oversight of endowments and trusts, their maintenance,

and the effective management of their administration has become increasingly evident. In this regard, Ibn Rushd states: "An endowment is not valid unless its conditions are known and established through testimony or a legally valid written document." (Ibn Rushd 210)

2. The Role of the Maliki Judiciary in Supervising Endowments

Given the vital and sustainable role of endowments in meeting the needs of educational, health, and charitable institutions, thus contributing to societal well-being and supporting scientific and intellectual development, this judiciary's role can be summarized as follows:

1. Monitoring and regulating the actions of trustees: The judge would require the trustee or administrator to submit the endowment documents drawn up before notaries relying on them to verify the proper management of the endowment.

2. Legally and systematically documenting endowments through methods of proof to ensure their sustainability and protect them from loss: Judges did not rely solely on written documentation but also resorted to testimony and confessions as means of proof reflecting the flexibility of the Maliki judicial system in verifying the proper management of endowments (Al-Wansharisi 152).

"If there is doubt about the actions of the trustee or administrator regarding the endowment, the judge must request documents proving the conditions stipulated by the endower. If the

conditions are met, the endowment is approved; if they are not, it is rejected.” (Al-Qarafi 430)

3.2 Documentation Mechanisms in Endowment Institutions and their Role in Judicial Oversight

Documentation mechanisms in endowment institutions contribute to strengthening judicial oversight, transparency, and the protection of endowments, hereby ensuring the continuity of their benefits. This necessitates the development of modern forms of documentation such as electronic, official, and administrative documentation along with the activation of judicial mechanisms within Islamic jurisprudence and Algerian legislation.

1. Documentation Mechanisms in Endowment Institutions

1. Ordinary Documentation

This refers to what is written to document the establishment or validity of an endowment without referring to the competent governmental documentation authorities. This applies whether the person obligated to document the endowment writes it themselves, dictates it to another and signs it, or a scribe provides a certificate. It is considered customary documentation because it is issued by someone without official authorization (Al-Khnein 5). For ordinary documentation to be admissible as evidence before the courts, it must meet the following conditions:

1. The writing must be legible.

2. The writing must be written in the usual manner.

3. The attribution of the writing to its author must be proven in a reliable manner ensuring it is free from forgery and alteration that would compromise its authenticity and its attribution to the author (Ali 158).

2. Official Documentation

This involves establishing or registering the endowment with a competent state authority, in accordance with the necessary legal and Sharia procedures (Al-Tariqi 5). A judge's written document to another judge is considered legally binding (Al-Sherbini 158), as it can be used as evidence in case of dispute due to the security against forgery (Ibn Abidin 632).

3. Administrative and Electronic Documentation

Modern endowment institutions utilize administrative and digital documentation methods, such as electronic archiving systems, financial resource management programs, and electronic transaction documentation. This enhances oversight and saves time and effort.

3.3 The Role of Maliki Jurisprudence in Judicial Oversight over Endowments

An endowment is the dedication of an asset and the allocation of its benefits; meaning, the asset is no longer owned by anyone, while its proceeds are spent on charitable causes. The schools of Islamic jurisprudence agree on its permissibility, supported by the Prophet's saying (peace

and blessings be upon him): “When a person dies, all his deeds cease except for three: ongoing charity.” (Muslim 1631)

1. *Maliki Jurists' Attention to Documentation*

Maliki jurists paid close attention to documentation and contributed significantly to its enrichment and the development of its tools. Wherein, they established clear rules and foundations for it, considering them procedural principles for proving endowments, overseeing their management, ensuring their sustainability, along with mechanisms for monitoring the performance of trustees and reviewing their reports. The science of documentation was linked to other Islamic sciences, particularly the sciences of Hadith and jurisprudence.

References to the rules of Hadith and jurisprudence served as guides for notaries, especially those recorded by the judge Iyad in his book *The Illumination of the Principles of Narration and the Recording of Hearing*. Other examples include Al-Khushani's book *The Judges of Cordoba and the Scholars of Africa*, Al-Baji's book *Chapters of Rulings and an Explanation of Established Practice among Jurists and Judges*, Ibn Salmun's book *The Organized Contract Regarding Contracts and Rulings Among Them*, Al-Malaqi Al-Andalusi's book *History of the Judges of Andalusia*, Ibn 'Asim's book *A Gift for Judges on the Subtleties of Contracts and Rulings*, And Ibn Khalaf al-Talili in his book, *Selected Rulings and an Explanation of the Practices of Rulers*. Similar to Al-Gharnati's book *The Concise Documents*, and Al-Wansharisi's *The*

Superior Approach, the Clear Source, and the Meaning Appropriate to the Etiquette of the Notary and Documents Rulings.

2. *The Requirements of a Notary according to Islamic Jurists*

Islamic jurists have outlined the requirements for a notary, whether professional or amateur (Al-Gharnati 80), as follows:

1. **Islam:** The scribe of documents that record individuals' obligations and rights must be a Muslim (Al-Gharnati 80), because a non-Muslim is not considered a just person in Islam (Al-Maliki 972).

2. **Sound Mind and Senses:** The scribe must be of sound mind and senses because there is no obligation upon the insane (Al-Tunisi 2327). Sound senses include sound hearing, sight, and speech.

3. **Integrity:** The scribe must be just (Al-Gharnati 80), and a person's integrity is forfeited by immorality.

4. **Knowledge of Documents:** The scribe must be knowledgeable and well-versed in legal documents and capable of writing them in clear and correct Arabic free from errors that distort the meaning (Al-Gharnati 80).

4. Manifestations of Judicial Oversight in Maliki Jurisprudence and Mechanisms of Oversight in Algerian Legislation

4.1 The Manifestations of Judicial Oversight in Maliki Jurisprudence

1. The Judge's Authority over Endowments

The Maliki school of thought holds that the judge has the authority to appoint a supervisor in the absence of one, or if the existing supervisor is proven to be corrupt. This demonstrates the judiciary's role in ensuring the continuity of endowments. Ibn Rushd stated: "If an endowment has no supervisor, the judge shall appoint a just supervisor."(344)

2. Restricting the Supervisor's Authority to the Endower's Conditions

A well-established principle among the Malikis is that the supervisor must adhere to the endower's conditions, and the judge is responsible for preventing any violation of them. Al-Qaraḥī stated: "The endower's conditions are like a legal text and must be followed unless they contradict Islamic law."(33)

3. Dismissing a Corrupt or Incompetent Supervisor

The Maliki School permits the judge to dismiss a supervisor if his corruption or negligence becomes apparent, even if he was appointed by the endower, because the public interest takes precedence.

4. Judicial Permission for Unusual Transactions

Some actions require judicial permission, such as selling a dilapidated endowment property or investing a portion of the endowment funds in economic projects. This demonstrates the judiciary's role in regulating endowment transactions (Al-Desouki 93).

5. Adjudication of Disputes Related to Endowments

One of the most prominent forms of judicial oversight is the judge's adjudication of disputes between beneficiaries or between the trustee and third parties. This strengthens the protection of endowment assets and the rights of beneficiaries. The Maliki School of jurisprudence has documented numerous instances in which the judge exercised oversight of endowments, including: obligating the trustee to submit an accounting, compelling him to undertake repairs or restorations, or removing him from the endowment if mismanagement or negligence is proven.

4.2 The Legal Basis for Oversight of Endowments in Islamic Jurisprudence

1. Definition of Oversight of Endowments

This refers to a set of administrative, financial, and accounting processes applied to endowment properties and their management bodies. Its purpose is to identify deficiencies in these bodies, enforce laws, ensure compliance with approved regulations, decisions, and bylaws, and detect violations or potential risks. It also aims to provide relevant authorities with necessary information and data, purify endowment projects from

illicit transactions, and ensure their operation in accordance with Islamic law (Al-Hunain 491).

In this sense, Muslim jurists agree on the legitimacy of oversight of funds, whether they are the funds of banks, financial institutions, economic projects, or the funds of endowments. This is supported by *Quranic* verses such as, “Indeed, We have sent down to you the Book in truth... and do not be an advocate for the deceitful” (Al-Nisa' 105), and verses that call for prudence in management and expenditure, such as, “And do not give the foolish your wealth...” (Al-Nisa' 5) These verses, in their entirety, mandate the preservation of wealth, its protection from waste, and its oversight in various aspects of economic activity including endowments (Muwaffaq 90).

Simultaneously, one of the most prominent arguments used by jurists to support the legitimacy of endowment oversight is the principle of the objectives of Islamic law (*maqasid*), which considers the preservation of wealth one of the five essential objectives of Islamic law. Further supporting the jurists' argument for the legitimacy of endowment oversight is the historical experience of Muslims, primarily the work of the Companions of the Prophet (peace be upon him) in establishing administrative bureaus (*diwans*); these bureaus formed the foundation of the administrative and financial oversight system for public and endowed funds, in addition to the fact that endowment administrators were subject to judicial oversight.

4.3 Oversight Mechanisms in Algerian Legislation

An important aspect that can reveal the extent to which oversight of endowments is enshrined in Islamic jurisprudence and Algerian legislation is understanding the mechanisms each stipulates for carrying out this task. Among the spiritual and moral values upon which the doctrinal and ethical structure of the individual Muslim and Muslim society is founded is the value of being mindful of Allah Almighty. Undoubtedly, embodying this virtue places the Muslim under a comprehensive, permanent, and continuous oversight system.

The mechanisms for managing and administering endowments are numerous, on the one hand, and have evolved with the development of administrative and legal systems worldwide, on the other. This fertile and vital field has attracted the attention of both educated and ruling elites; this attention has produced a vast body of jurisprudential work that addressed and established the principles of endowment oversight, and an administrative and institutional mindset that has striven to transform these principles into established bodies and institutions. By consequence, this has resulted in two main types of endowment oversight:

1. Judicial Oversight of Endowments in Islamic Jurisprudence

One of the most important types of oversight in Islamic jurisprudence is judicial oversight. The judiciary is the primary body or mechanism entrusted

with the task of overseeing endowments, whether through the ordinary courts or the Board of Grievances.

1.1 Oversight of Endowments at the Ordinary Judicial Level

Since its inception, the Islamic judiciary has undertaken numerous fundamental tasks and wielded extensive powers. This includes accounting oversight through the establishment of the Audit Bureau of supervisors and the legal documentation of endowments to guarantee rights in a legitimate and legal manner. For this reason, Islamic jurisprudence entrusted this authority and supervision to Muslim judges to regulate endowments. The judiciary has many jurisdictions in this regard which are discussed in detail in the works of numerous jurists. For instance, Wahba Al-Zuhayli stated that the judiciary has the authority to supervise the management of endowments, monitor them, and appoint and dismiss those in charge of managing endowment institutions, such as mosques and other similar institutions (769). This includes oversight of endowment management, the disbursement of its proceeds, and the replacement and maintenance of endowments.

On the other hand, Muhammad bin Saeed explained that: "Among the tasks assigned to the judiciary by Islamic jurists is the supervision of the appointment of trustees of endowments, their oversight, monitoring of their actions, holding them accountable for any shortcomings, and taking measures and procedures to correct errors and deviations. The judge is not permitted to allow the trustee to dispose of

endowments as he pleases." (Al-Hunain 490)

Furthermore, the judiciary ensures, through preventative oversight, the sale and purchase of endowment assets, their investment, and the preservation of historical properties and the invaluable role of endowments by documenting them legally and systematically. Historical records provide clear examples of the faithfulness of Muslim judges in fulfilling these duties and powers; one such example is that of Abu Tahir Al-Hazmi, the judge of Egypt in 173 AH, who would inspect endowments three days a month, accompanied by his staff and those working on them. He would order their restoration and repair, and if he found any negligence on the part of those in charge or others, he would hold them accountable and punish them accordingly (Siraj 313).

1.2 Oversight of Endowments at the Level of the Court of Grievances:

Among the prominent institutions in Islamic civilization, playing a leading role in the Islamic administrative and judicial system, was the Court of Grievances. Some researchers liken this institution to the Supreme Court or Council of State in the modern judicial system. If this comparison is accurate, it means that the Court of Grievances occupied the highest position in the hierarchy of judicial authority in the Islamic state.

In this concern, Abdul Halim Awais states: "Protecting Islamic endowments from encroachments by governments or individuals managing them, monitoring the allocation of endowments according to

their founders' intentions, considering how their funds are invested, and what increases their income and makes their benefit general and comprehensive.”(380)

2. Administrative Oversight of Endowments in Islamic Jurisprudence

This form of oversight mechanism for endowments has been known in Islamic legislation since ancient times, with what was known as the "Department of Endowments". It has become more widespread and institutionalized in contemporary practice, particularly in terms of preventative oversight and accounting supervision. These developments have prompted Islamic jurisprudence to move beyond rigid adherence to traditional organizational structures for endowments and to strive for more responsive administrative and organizational forms that meet contemporary needs. This has been achieved by engaging with modern administrative and oversight systems and maximizing the benefits of the mechanisms they offer. It can be said that oversight of endowments in Islamic jurisprudence today is no longer a simple matter handled by a single entity, but rather a complex process involving various judicial, administrative, accounting, and other bodies.

3. Mechanisms for Overseeing Endowments in Algerian Legislation:

Algerian legislation assigns the responsibility for overseeing endowments to the state which exercises this responsibility through the Ministry of Religious Affairs and Endowments. This is

evident in Article 6, Paragraph 5 of Executive Decree No. 89-99, which defines the powers of the Minister of Religious Affairs and Endowments highlighting that one of the Minister's duties is managing endowments.

Regulations for Managing and Investing Endowment Funds

These regulations reflect the implementation of judicial oversight of endowment transactions and the extent to which endowments are invested for sustainable development. Among these regulations are the following:

-Preserving Endowment Funds

This includes protecting them from theft, loss, extravagance, misuse, and all forms of waste. This principle is considered one of the objectives of Islamic law, namely, the preservation of wealth. The four schools of Islamic jurisprudence agree that the administrator of an endowment is responsible for its preservation and the management of its benefits. Therefore, the administrator must be characterized by trustworthiness and competence (Khattab 36).

-Organizing the Revenues and the Generated Benefits

The financial administration exerts its efforts in making decisions and formulating policies to achieve this by fulfilling the needs of the beneficiaries and fulfilling the endowment's purpose. The administrator is responsible for developing the endowed property using the revenue. This development involves improving, expanding, or constructing new properties,

provided it serves the best interests of the endowment and its beneficiaries (Fatwa Al-Azhar 430).

-Maintaining Endowed Properties takes Precedence over Distributing the Proceeds to the Beneficiaries

Whether or not the endower stipulated this but maintaining the endowed property is a means of preserving it and ensuring its continued benefit (Fatwa Al-Azhar 430).

- If the administrator of an endowment misuses or abuses its authority, he must be dismissed because his actions are not in the best interest of the endowment and thus violate its intended purpose; this is the ultimate protection of the endowment (Ibn Abidin 386).

- The administrator of an endowment must be held accountable for their actions, whether by the judge or the beneficiaries. The administrator is entrusted with the endowments and their proceeds and is not liable for losses incurred without negligence (Ibn Najim 73). Even if the endowment is considered charity, this does not preclude holding them accountable and monitoring their actions. The basis for this is the practice of the Prophet (peace and blessings be upon him) with his tax collectors and the practice of his successors. The Caliph Omar ibn Al-Khattab (may God be pleased with him) used to hold his officials accountable and monitor them. Al-Ghazali said, "Omar watched over his governors with a vigilant eye." (Al-Alil 244) The benefit of holding administrators accountable is to preserve the endowment itself, ensure that its proceeds and benefits reach the

beneficiaries, and prevent injustice by the administrators. Through accountability, the judge can distinguish the trustworthy from the dishonest (Khattab 38).

5. CONCLUSION

We can summarize several key points, including:

1. Documentation preserves rights and safeguards transactions. In the field of endowments, it acquires even greater importance due to its connection to public and charitable interests. Furthermore, judicial oversight of endowments cannot play its effective role without robust documentation that protects the conditions stipulated by the endower and ensures the sustainability of the endowment's benefits.

2. In Maliki jurisprudence, documentation is not a mere formality, but rather a mechanism for preserving rights and ensuring the stability of transactions. It forms the basis for judicial oversight of endowments.

3. Documentation mechanisms are among the most important contemporary tools that enable the judiciary to oversee endowment institutions. Official and electronic documentation enhances transparency and guarantees the protection of endowment funds. Therefore, the development of technical systems for documentation is recommended.

4. Maliki jurisprudence has made a significant contribution to regulating endowment operations by establishing precise rules for judicial oversight. This has protected endowments from loss and

misappropriation ensuring their continued contribution to serving society.

For this reason, among the most prominent recommendations are:

1. Implementing widespread electronic documentation of endowment contracts.
2. Strengthening the judiciary's role in overseeing endowments.
3. Raising awareness of the importance of documentation in endowments and Sharia-compliant transactions.

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