

			...
			-
	"		
(10)	"		
			:
"	(11)	(700)	"
		(12)(331)	"
			-
			-
"	(1249)	:	()
			-
"			"
			(3)"
			...
			:
			:
			-
			-
			-
			" :
			(4)
			()
			-
			.
		"	
(13)	"	(5)	.
			-
			-
		(6).	
			-
			-1
		" :	
	(1205)	(7)"	
		" :	
(1206)	"		
"		(8)"	
			-2
		" :	
			"
		(9)	.
			-3
(14)	"		

(18) (3339) (31) (997) (15)

(19) (16) -1

(332) -2 -3

(17) (1225) (236)

(20) -1

-2

" -3
."

(25) -4
-

.) (688)
" : (

(27) (26) "

(28) (21)

(29) "

(30) -

(22) "

(31) (1255)

" -1
-2

(23) -5

" -3

" : (236)

(24) "

" (414)
-

(32) .

(38) . ()

.

.

.

:

:

(39) .

(33) .

:

(40) . ()

()

(34) .

:

)

() () (

(35)

(41) .

:

" :

.()

(42) "

687 686

(36) " "

()) (689) :

" (

(43) .

(44) . (632)

(37) "

(1250)

:

" -1

.

-2

"

	-2	"	(1251)	
		"		
(50)	.	:		
	(45)			-1
			.	
	(999)	.		
(51)	.	"		
(233)	"	.		
			(99)	
"		(46)		
(1253)	"	(99)		
		(47)		
"				-2
.		.		
				-3
	-3	(48)		
			-	
			-	
(52)	.			
		:		
	(53)			-1
(1253)				
(1001)	"	(	)	(704)
	.	"		" :
	-	(49)	"	
	:	(1249)		
	-1			"
:		.	"	
	-			

()

.

.

-

-

:

(54)

-1

()

(705)

.

(1252)

(1254)

"

"

"

.

:

(1003)

:

.

.

:

-2

.

(1260)

[] "

.

.

"

.

:

.

(1258)

.

"

(55)

.

-2

"

.

.

(1254)

.

-3

...

.

(1011)

.

.

(1259)

"

(57)

:

-7

-

-

.

"

-

:

:

.

(58)

.

.

:

"

(

)

(695)

.

.

-4

(1260)

.

"

.

"

(1261)

.

"

.

.

.

:()

-5

(56)

.

:

.

-6

(59)

.

(36)

"

(1262)

:

:

"

-1

" :

:

:" (1264) *

(63) "

*

" :

:"

:"

:"

:"

(64)

(60)

:

*

:

() "

-1

() (1264)

-2 ()

:

-3

(61) "

(65)

)

)

(

(

()

:

(67)

(62)

-2

(405)

" (1265)

"

(71) . " (1014) "

() -4 -1

() -2

-3

-4

(72) .

(68) .

(73) . () :

()

()

(74) .

(75) .

-5

(346) .

" "

(69) .

-3

()

(70) .

(4)

:

(76)

(77)

(5)

(78)

:

(1)

(2)

(6)

(3)

(43)

:

1982

.243/2

.11/4

(8)

.114/2

(9)

1

(1)

.463/6 1

(10)

.83/6

(11)

.225/5 2

(2)

.170 1

.233

(3)

(12)

.()

(4)

.92

.401/1 1

(13)

.72 71/11

(5)

.695/3

(14)

.53/18 2

(6)

2

.717/2

(7)

		.485/6	(40)		.861	(15)
292	291/3		(41)	.290/1	1	(16)
2		:			1017	(17)
		.463/1			.419	1
			(42)		.405	(18)
		.334	333/3	1		.8366/9
		.167	(43)		.1068	(19)
		.1424/6	(44)	92		(20)
			(45)		477	476/6
		.134/4				.65
1021	1020		(46)	.156		(21)
		.1451/6			516/2	
.239/2			(47)		95/7	
2			(48)	.283/6		
		.734/2			.146	(22)
		.171	(49)		.167	(23)
		.193	(50)		.92	(24)
		.1475/6	(51)	.446/1	1	(25)
.65/3	6		(52)		.167	(26)
		63/18	(53)		.83	(27)
463/6		.92			.506/2	(28)
		.96/4		.256/5		.99/7
.468	467	1	(54)		(689)	(29)
.368	367		(55)			.167
	1492	1491/6	(56)			.(632)
		.425	424	65		(30)
.737/2			(57)		.172	1
		.83/6	(58)		.477/6	(31)
.			(59)			.255/5
	43/3	7	(60)			(32)
		.106		.171	170/8	1
.426			(61)		.403/5	
.426			(62)		.141	(33)
.441/1			(63)	3		(34)
	42/3		(64)	.255/5		1422/6
		105		.()		(35)
		.87			478/6	(36)
	42/3		(65)	98/7		143
		369				.99
		1035			(237-235)	(37)
		.1498	1497/6		.93	92
(1264)			(66)			(38)
.239/2					.513/4	
110	109		(67)	.63		(39)

.44 42/3	(73)	1502-1500/6	(68)
.464/6	(74)	.1037 1036	
348 347	(75)	.739/2	(69)
707 706		.43 42/3	(70)
.		711 710	(71)
.155 154	(76)	461	.173
.123	(77)		.118
.47 46/3	(78)	.111 110	(72)

.2

. 1998 3

1944

-2-

1

. 1999

. 1997 1

. 1996 1

.1 1985

. 6

. 1406

. 1991 1

. 1987 1

. 1987

.1 1999

1974

. 1998 1

. 1955

.(. .)

-

-

. 2000 1

2

. 1975

1972

1

. 1999

)

. 1958

1

(

. 1965

1. 1987
2. 1979
- 1968
1. 1989
- 1999
- 1985
2. 1985
- 2.
- 1991
1. 1957
- 1388
2. 1987

Endowed Land Monopoly

*Kayed Y. Qaro'ush**

ABSTRACT

This study discusses one of the important endowment issues, which often arises as a result of the development of the current life situations, especially what pertains to the sponsorship of endowed land and real estates if such properties are reverted to ruins and found no sponsor, either individuals or institutions, to renovate them. Thus, a long-term lease of this land would be a way out of this dilemma, i.e., by renting the endowed land on long-term basis, where the leaseholder shall have the priority to utilize this endowed land, in accordance with specific conditions that guarantee preventing others from competing with him, regarding the right of what to do with that land and the right to utilize it.

The study is divided into five sections. Section one discusses the concept of monopolized land and compares it with closely similar concepts. Section two discusses the conditions of endowed land monopoly. As for the third section, it includes a discussion of the rights and the duties of the monopolizing body, as a tenant on the one hand, and as an owner of what he had established on it on the other. Section four discusses, via evidence, the conditions of terminating and ending endowed land monopoly. The last section is allocated to provide examples of the endowed land monopoly mentioned by legal Islamic scholars in later eras.

The study is concluded by providing a summary in which I illustrated the main ideas and results which I arrived at in this study, hoping that this research paper would contribute to providing a new scientific addition in this field, especially for those who are studying Islamic Jurisprudence.

* Department of Shari'a, Faculty of Arts, Private University of Applied Sciences. Received on 28/10/2004 and Accepted for Publication on 20/4/2005.

83/6					(1)
			. 1957 1		(2)
	.2	225/5			(3)
2155	233				(4)
			. 1999		(5)
			.() .		(6)
.1997 1	401/1				(7)
. 1972		71·72/11 .			(8)
		. 1989 2	53/18		(9)
		243/2			(10)
			. 1958		(11)
		11/4			(12)
	114/2				(13)
			. 1987		(14)
1	463/6				(15)
			. 1998		(16)
	.1987 1	170			(17)
	.92				(18)
		. 1987	695/3		(19)
	. 1985 2	717/2			(20)
861 -		-			(21)
			. 1982		(22)
290/1	-	-			(23)
			. 2000 1		(24)
419 -	-		1017		(25)
			. 1999 1		(26)
		405			(27)
	. 1987 1	8366/9			(28)
		1068			(29)
. 65 ,	,	, 477, 476/6	, 92		(30)
, 516/2		. 1971	156		(31)
. 283/6			95/ 7		(32)
	. 1944	146			(33)
		.167			(34)
		.92			(35)
	. 1991 1	446/1			(36)
		.167			(37)

	. 1955	83	(27)
		.506/2	(28)
		.256/5	.99/7
.(632)		.167	(689) (29)
. 1406	65		(30)
	. 1999 172	1	
		.255/5	.477/6 (31)
.1996 1	171 170/8		(32)
	403/5		
			. 1967
		.141	(33)
1998 3	1422/6		(34)
			.255/5
		.()	(35)
. 99 98/7	143	478/6	(36)
	.93 92	(237-235)	(37)
. 1991	513/4		(38)
		.63	(39)
		.485/6	(40)
:	1968	292 291/3	(41)
	. 1979 2	463/1	
. 1985 1	334 333/3		(42)
		.167	(43)
		1424/6	(44)
. 1974	134/4		(45)
	.1451/6	1021 1020	(46)
		.239/2	(47)
	. 1985 2	734/2	(48)
		.171	(49)
. 1985	193		(50)
		.1475/6	(51)
	.6	65/3	(52)
, 463/6	, 92	, , 63/18	(53)
			. 96/4
	. 1999 1	468 467	(54)
. 1975 2	368 367		(55)
.425 424		1492 1491/6	(56)
		.737/2	(57)
		.83/6	(58)
. 1388			(59)

.106	. 1961 7 .	43/3	(60)
		.426	(61)
		.426	(62)
		.441/1	(63)
.87	105	42/3	(64)
1035	369	42/3	(65)
		.1498 1497/6	
	.239/2	(1264)	(66)
		110 109	(67)
	.1037 1036	1502-1500/6	(68)
		.739/2	(69)
		.43 42/3	(70)
.118 461		173 711 710	(71)
		.111 110	(72)
		44 42/3	(73)
		.464/6	(74)
.	707 706	348 347	(75)
		.155 154	(76)
		.123	(77)
		.47 46/3	(78)