

EDUCATIONAL WAQF (ENDOWMENT) IN ARTIFICIAL INTELLIGENCE PROGRAMS: TOWARD A NEW FORM OF WAQF

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Abstract

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Waqf entails locking-up the title of an owned property and allotting the benefits for charitable purposes. It is among the most emphasized acts of righteousness in Islam, emphasizing social justice, collective good deeds, and fair distribution of wealth. The main legislation regulating and governing *waqf* in the United Arab Emirates (UAE) is the Federal Waqf Law No. 5 of 2018, largely derived from Islamic law (Shari'a). This study discusses the possible benefits of applying the *waqf* system in educational programs related to artificial intelligence (AI) in the Emirate of Dubai. It discusses the general legal rules of *waqf* in UAE law and its applications in the field of education, as well as its potential role in AI programs. It concludes that *waqf* can nowadays play a distinguished role in promoting investment in educational programs in Dubai, particularly with regard to AI. The present study paves the way for a better understanding of the role of *waqf* in the field of education and its results contribute to the growing literature on the subject.

Keywords: *Waqf*, Education, Artificial Intelligence, Programs, Law, Dubai

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1. INTRODUCTION

Waqf is one of the most significant institutions in United Arab Emirates (UAE) law. It was originally derived from Islamic law (Shari'a), which applies to every aspect of a Muslim's life at all ages and can cater for the demands of changing times (Edge, 1996; Nyazee, 1996).

Islamic jurists propose different meanings of *waqf*. Abu Hanifa and Zufar (as cited in Siwar, 2020) define it as the tying up or retaining of the substance of the donated property in the ownership of the appropriator, while devoting its yield, i.e., usufruct, benefit and produce, to charitable purposes. The *Book of Islamic Waqf* (Ashoub, 2000) defines *waqf* as a property which,

while retaining its substance, yields a usufruct and of which the owner has surrendered his/her power of disposal with the stipulation that the yield is used for permitted good purposes.

Meanwhile, Section 2 of the Federal Waqf Law No. 5 of 2018¹ defines *waqf* as the "allocation of a benefit alone or with the sequestration of the endowed asset and preservation of the same from loss". According to this definition, the founder withdraws the substance of the property from circulation and spends the proceeds for charitable purposes. Arguably, this definition is close to that of Abu Hanifa and Zufar (as cited in Siwar, 2020), making *waqf* an irrevocable disposition since

¹ <https://laws.uaecabinet.ae/ar/materials/law/1237>

the founder perpetually relinquishes his/her rights to the donated property.

This study aims to show that *waqf* in artificial intelligence (AI) programs can enhance the educational level among people who are unable to bear the education costs and can stimulate social and economic development in the Emirate of Dubai.

The research has sought to achieve the following objectives:

1. To show the importance of *waqf* in the Emirati society, specifically in the Emirate of Dubai.
2. To discuss the mechanism of creating and managing *waqf* properties under the UAE Law.
3. To examine and investigate the role of *waqf* in the field of education in general and in the field of AI in particular.
4. To contribute to the growing literature on the research topic.

To achieve the aim and objectives of the research, we have discussed thoroughly the following research questions:

RQ1: What does the concept of waqf mean?

RQ2: How can waqf be created and managed?

RQ3: What is the role of waqf in the field of education?

RQ4: What is the role of waqf in the field of AI?

The structure of this paper is as follows: Section 2 reviews the relevant literature. Section 3 analyses the methodology that has been used to conduct the research. Section 4 involves a discussion of the concept of *waqf* in UAE law, the role of *waqf* in the field of education, and the role that *waqf* can play in the field of AI. Section 5 presents the research conclusions and recommendations.

2. LITERATURE REVIEW

At the outset, it is highly significant to indicate that the subject of study has been chosen because it is concerned with the life of every individual in the society and touches his/her very essential and unquestionable need for education. The primary interest of this study is the desire to examine the issues relating to *waqf*, to investigate the role that *waqf* can play in promoting investment in AI-related educational programs in Dubai, and to show the positive aspects of this legal and religious institution.

There are some previous studies that have focused on *waqf* in general, but there is no single study about the topic of this research. One of these studies is carried out by Abbasi (2012). The writer describes *waqf* as the most important institution in Arab and Islamic law. He argues that *waqf* is the foundation of Islamic civilization and that *waqf* is interwoven with the entire religious life and the social economy of Muslims. Abbasi (2012), however, neither explains how *waqf* property can be managed nor discusses the role that *waqf* can play in serving the society at the educational level.

Another work is written by Radhwan (2019). The writer touches on the philosophy of *waqf* and its general purpose. He looks at *waqf* as an important institution in the Islamic social framework and argues that *waqf* can harness the potential of selfless charitable giving effectively for better economic impact in the targeted social segments of society. He estimates that during

the Umayyad and Abbasid eras, more than 60% of public services were carried out via the institution of *waqf*. He maintains that *waqf* helped to finance the basic social services and infrastructure of education and health and played an important role in the development of cultural and scientific life as it financed the production of books, and the construction of libraries, as well as supporting scholars of various religious and secular sciences. Thus, according to Radhwan (2019), *waqf* has become an important economic sector dedicated to improving socio-economic welfare, and the strong emphasis placed on the infinity of *waqf* has led, over the years, to a considerable accumulation of societal wealth. Although Radwan's (2019) research is extensive and comprehensive, it does not address a specific issue and has no relation to the endowment in the field of AI.

Another study is carried out by Edris (2020). Edris (2020) discusses the opinions of Islamic jurists regarding the transfer of ownership of property after its endowment. He maintains that Islamic jurists differ on the legal ownership of the assets once the endowment has been completed: some suggest that ownership is returned to Allah, whereas others indicate that ownership remains with the donor. At the end of his debate, he concludes that even though the property remains devoted in perpetuity for the specified purpose, the donor forfeits most of the rights associated with ownership, and the property is managed by a manager (*mutawallī*). Edris's (2020) study, however, is general and does not focus on the role that *waqf* can play in the field of AI.

Another research is done by Amjad (2020), which is in the form of a comparative study between *waqf* in Islamic law and charity or endowment in other legal systems. The author specifically focuses on the similarities and differences between the institution of *waqf* in Islamic law and the institution of trust in the common law. His study is very comprehensive. He argues that while the institution of *waqf* was created at the time of the Prophet Muhammad (PBUH), the common-law institution of trust was developed in England at the time of the crusades during the twelfth and thirteenth centuries. At that time, land ownership in England was based on the feudal system. When a landowner left England to fight in the crusades, he needed someone to run his estate in his absence and to pay or receive feudal dues. To achieve this, he would convey his lands to a friend, on the understanding that the land would be conveyed back on his return. Unfortunately, English law did not recognize the crusader's claim. As far as the courts were concerned, the land belonged to the friend who was under no obligation to return it. The crusader would petition the King, who would refer the matter to the lord chancellor. As a priest, the lord chancellor tended to decide cases according to his conscience based on morality and equity. The lord chancellor would consider it unjust that the legal owner could deny the claims of the crusader (the true owner). Therefore, he would find in favour of the returning crusader. Over time, it became known that the Lord Chancellor's Court (the Court of Chancery) would continually recognize the claim of a returning crusader. The legal owner would hold the land for the benefit of the original owner and

would be compelled to convey it back to him when requested. The crusader was the beneficiary and the legal owner was the trustee. The term *use of land* was coined, and in time developed into what became known as a *trust*.

Amjad (2020) maintains that under Islamic law, there are many requirements for the creation of *waqf*. These requirements are related to the *waqf* founder, *waqf* property, the purpose of *waqf*, and the formality, whilst in the English common law, a trust requires three requirements; namely: 1) a clear intention to create a trust, 2) identification of the trust subject-matter, and 3) identification of the trust beneficiaries.

Amjad (2020) concludes that a *waqf* structural similarity to a common-law trust facilitates its description in familiar common-law terms. In those terms, the *institution of waqf* may be described as an irrevocable trust of property that is created in perpetuity for the benefit of beneficiaries designated by the grantor, with the income only payable to such beneficiaries for as long as the corpus remains in existence.

Although Amjad's (2020) study is useful in understating the concept of *waqf*, its origins, and its similarity to the common-law institution of trust, it is not relevant to the topic of this research and has no relevance to the educational *waqf* or *waqf* in AI programs.

Another work is written by Ahmed (2020). The author explains *waqf* as a concept that resembles closely the Anglo-American trust and as a form of endowment under which the ownership of assets is transferred to a juristic body, which manages the assets and the fruits of the assets for named beneficiaries for a defined period. He discusses the roots of this institution in Islam and explains the meaning of the relevant Quran verses and the Prophet's sayings and deeds. His book is solely devoted to explaining these issues without touching on the detailed aspects of *waqf* and the role it can play in the society. In addition, Ahmed's (2020) study is in Islamic law in general and has no relevance to the law in the UAE, particularly in the Emirate of Dubai.

The most recent articles concerning *waqf* are written by Abdullah (2021) and Othman (2021). In his article, Abdullah (2021) discusses the general meaning of *waqf*, and *waqf* types and characteristics. He also outlines some issues relating to *waqf* in general and provides some applications in Saudi Arabia. Abdullah's (2021) article, however, is short and lacks analysis. It does not focus on the impact of *waqf* on the economic or social life of people, particularly at the educational level. Besides, the study is purely in Islamic law and it has no relevance to statutes.

Othman's (2021) article, on the other hand, considers some issues relating to the replacement of *waqf* properties in terms of its conditions, controls, and the general rules regulating replacement. His article is in the form of a comparative study between Islamic jurisprudence and the UAE Federal Waqf Law No. 5 of 2018. Othman's (2021) article, however, does not discuss any issue relating to the role of *waqf*.

As seen above, writers have not touched on the positive aspects of *waqf*. They have not investigated its role in developing education in

the society. The scarcity of articles written on or about this subject is exactly what makes this study of great importance at present. It is the first work, which investigates the role of *waqf* in the field of education in the UAE in general and in the Emirate of Dubai in particular.

The lack of references, however, did not prevent the researcher from consulting many comparative works in the laws of other Arab countries as well as many foreign references relating to the topic.

3. RESEARCH METHODOLOGY

Methodology refers to the research techniques used, and procedures employed to achieve the research objectives. It explains how the research is conducted and the data is analysed (Shaikhly, 2019). Having described research as a formal, systematic, intensive process used in the investigation of a problem, Turney and Robb (1971) point out that research provides answers for important and fundamental questions through sound and acceptable methods. They argue that research is directed towards seeking answers to worthwhile, fairly important and fundamental questions through the application of sound and acceptable methods.

Since qualitative methods permit the evaluator to study selected issues in depth and detail (Patton, 2015), the research strategy adopted is qualitative. Qualitative research has been historically used in many fields of investigation in the social sciences. Miles and Huberman (1994) indicate that in the past decade, more research in basic disciplines and applied fields has shifted to a more qualitative paradigm. These fields also include linguistics, Psychology, media, cultural studies, religious studies and law (Fairclough, 1992; Shaikhly, 2019).

As has been pointed out by Patton (2015), qualitative methods can be used both to discover what is happening and then to verify what has been discovered. They are ways of finding what people do, know, think, and feel. Besides, qualitative methods provide the intricate details of phenomena, which cannot be derived through quantitative methods (Strauss & Corbin, 2008).

According to Patton (2015) and Wenger (1987), there are two main types of qualitative research:

1. *Basic research*, which aims mainly at contributing to fundamental knowledge and providing understanding and explanation of a specific phenomenon.

2. *Applied research*, which aims mainly at focusing on human problems and generating potential solutions to these problems.

This research is a mixture of basic and applied research as it aims to contribute to the literature on the subject of *waqf* and at the same time it aims to investigate and provide a clear understanding of the role of *waqf* in the field of education in general and in AI programs in particular as well as to provide some useful recommendations in the concern.

In light of that mentioned above, the research strategy adopted is qualitative with a descriptive and analytical method. Van Hoecke and Warrington (1998) argue that description is the first step in the carrying out of social studies. Descriptive research, however, is not confined to data gathering,

but it goes beyond this to involve analysis and interpretation of the issues under investigation. To deeply study the legislative texts and judicial verdicts, the inductive approach is employed too.

This research is based on primary and secondary data which has been gathered from many different Arabic and English sources. These include legislations, governmental documents and reports, court judgments, journal articles, Shari'a research, books, newspapers, law dictionaries, electronic resources, etc. This, of course, is in addition to the researcher's analysis and opinions.

4. RESULTS AND DISCUSSION

In this study, we will discuss the concept of *waqf* in UAE law, the role of *waqf* in the field of education, and the role that *waqf* can play in the field of AI.

4.1. The concept of *waqf* in UAE law

4.1.1. The nature of *waqf*

From a philological perspective, "*waqf*" means "detention" (*habs*) or "stoppage" (Ibn Mandour, 2008). Legally, however, it means detention of the subject matter of the property from being owned by any person, natural or legal, and devotion of the income and revenues to charitable purposes (Obaidi, 2020). Accordingly, *waqf* constitutes the freezing of the property and the use of any income or profits for particular purposes. In this sense, *waqf* includes state lands, which are used for charitable purposes and pious endowments.

Waqf thus entails the holding of specific property and its preservation to benefit certain descendants or certain purposes, with the prohibition of any use or disposition contrary to that objective (The Explanatory Memorandum of the UAE Civil Transactions Code, 2011).

When a *waqf* is effected, the founder cedes ownership of the property. In effect, donated property is transferred from the appropriator without passing through the hands of any other human being (Ibn Taymeiyah, 1987). According to Tuhfat Al-Muhtaj, "*it is evident that the ownership of the subject matter of the appropriation passes to Allah, in the sense that it ceases to be vested in the hands of human beings, since it no longer belongs to the donor nor passes to the donees*" (Al Shurwani & Al-Halabi, 1315, p. 272).

This is true because everything in the universe is under the real ownership of Allah, and when any other person is said to own something, his/her ownership is merely ostensible. In this sense, the donated property belongs to Allah, rather than any human being. This is envisaged by Sections 10 and 27 of the Federal Waqf Law No. 5 of 2018, which provide that after a *waqf* is effected, its object shall not be gifted, inherited, willed, or mortgaged; its founder shall be divested of ownership; and it shall not be subject to acquisition by others).

Waqf is of a hybrid nature, combining a property right and legal transaction. In this concern, Section 110(1) of the UAE Civil Transactions Code No. 5 of 1985 (CTC 1985)² states that "*principal rights in rem are the right of*

property, disposal, usufruct, use, lodging, shared occupation, servitudes, waqf and all what is so considered by law". Under Section 10 of the Federal Waqf Law No. 5 of 2018, *waqf* has a legal personality, acquired from its creation deed. It also has a special financial liability for debts incurred for its expenditures in accordance with the founder's conditions (Dubai Court of Cassation, 2022).

4.1.2. Essential requirements of *waqf*

Under Section 5 of the Federal Waqf No. 5 Law of 2018 and Section 11 of Law No. 14 of 2017 Regulating Endowments and Gifts in the Emirate of Dubai³, the essential requirements of *waqf* are as follows:

1. The *waqf* founder must have attained legal age and be of sound mind. On this point, Section 85 of CTC 1985 states: 1) "*every person attaining the legal age, enjoying full mental capacity and not interdicted shall be considered of full capacity to exercise his rights provided for in this Law and all laws deriving therefrom*"; 2) "*a person shall be considered of full age if he completes twenty-one lunar years*". This means that the *waqf* deed shall not be acceptable if the disposition is impermissible or void, or if it is discovered that its founder lacked capacity.

2. The *waqf* founder must be the full owner and possessor of the property dedicated.

3. The property dedicated must be *mal* and capable of being used without being consumed (Zakariya bin Man & Abdulwaheed, 2011). *Mal* is defined by Section 95 CTC 1985 as "*anything, or right, which has a material value in dealing*". Accordingly, ownership of this property must be vested in Almighty Allah, and the profits must be devoted to the benefit of human beings. The beneficiaries of *waqf* must be alive, since *waqf* on dead is impermissible.

4. The purpose must be religious, i.e., the *waqf* must be for something pleasing to Allah (Section 14 of Law No. 14 of 2017 Regulating Endowments and Gifts in the Emirate of Dubai). In other words, a *waqf* can be made for any purpose recognized as laudable by Islam (Braude & Lewis, 1982).

5. *Waqf* shall be effected by an official deed in the competent court, i.e., Shari'a Court (Al-Sudairy, 2010). This means that the declaration must be in writing, whether the subject matter is movable or immovable property. However, in the latter case, the *waqf* shall be registered with the land registration department.

6. *Waqf* must be of a permanent and tangible nature, created in perpetuity. The Hanafi doctrine accepts the following movables as a subject matter of *waqf*: 1) movables permanently attached to immovables; 2) animals, e.g., horses and camels; 3) books and furniture (Fyzee, 1955; Qasem, 1995). If the founder inserts a condition in the deed reserving to himself the power of revocation, then the *waqf* is void.

7. *Waqf* must be inalienable, i.e., the subject matter of the donated property cannot be sold, mortgaged, or confiscated. This is simply because it belongs to Almighty Allah (Al Khalili, 2004; Fyzee, 1955). There are only two exceptions: 1) it can be

² <https://laws.uaecabinet.ae/ar/law-modifications/1025>

³ <https://tinyurl.com/yc5azm5z>

exchanged, or sold, on the authority of the court to purchase a new property; and 2) it can be leased, though usually for only a limited time period, upon the request of the *waqf* founder or the trustee (Al Khalili, 2004).

In this regard, Section 9(3) of the Federal Waqf Law of 2018 provides that *“the Endowment Certification shall include the statement of the will of the endower to seize its assets and circulate the benefit thereof to whomever it chooses and under the conditions specified by it. It shall also include all the data related to the endower and the conditions thereof, the endowed, endowees and the next eligible persons of endowment, the endowment expenses and conditions, the administrator and his fee, as well as the entity to which the administrator shall submit the records and financial reports, in addition to the period of endowment if temporary”*.

4.1.3. Types of property that can be a subject matter of waqf

For a property to constitute the subject matter of *waqf*, it must meet three conditions:

1. *Mal mutaqaawwem*, which means measurable by money and not prohibited. Under Section 97 CTC 1985, *“anything that can be possessed materially, or morally, and can be lawfully benefited from, and is not excluded from dealing by its nature, or by virtue of the law, may be the subject matter of pecuniary rights”*. This includes movables and immovables, provided they cannot be consumed in a single use. Section 101 CTC 1985 differentiates between movables and immovables by saying *“anything that is fixed and constant in its place and cannot be moved therefrom, without damage, or deformation, is an immovable property and anything else is a movable property”*.

2. *Mu’ayyan* (specific property), which means capable of immediate delivery. Section 7(7) of the Federal Waqf No. 5 Law of 2018 provides that *“if the endowed property is a land or real estate allocated for mosques or cemeteries, it shall be sorted, and shall include the utilities allocated for the service thereof and the endowment thereon shall be eternal”*. This means that land dedicated for *waqf* for the purpose of accommodating a mosque or cemetery must be specifically defined, whereas land dedicated for any other purpose can be independently separated or common.

3. *Mulk* property, which is the only type of land that can be the subject matter of *waqf* (Section 7(3), Federal Waqf Law No. 5 of 2018). In this concern, Section 1133(1) CTC 1985 defines the right of ownership over *mulk* property as *“the power of the owner to dispose of his property in an absolute manner whether in kind, benefit or exploitation”*. Section 1133(2) CTC adds that *“the owner of a thing shall alone be entitled to benefit from the owned property, its revenues, fruits, and products and dispose of it by all lawful dispositions”*. This means that other types of land are excluded.

4.1.4. Management of waqf

Under Section 10 of the Federal Waqf Law No. 5 of 2018, a representative shall act on behalf of a *waqf* before various persons and be responsible for its administration and supervision of its revenues and

expenditures, in accordance with the founder’s conditions and provisions of the law.

The General Authority of Islamic Affairs and Endowments (GAIAE) is the formally authorized body currently responsible for the administration of *waqf* properties in the UAE. Local authorities or bodies entrusted with managing endowment affairs are responsible for *waqf* exploitation and spending of its revenues on causes specified by its founder. The UAE Federal Supreme Court held that *“the General Authority for Islamic Affairs and Endowments is the supervisor of endowments attached to mosques, which must be handed over to it in order to exercise its jurisdiction in implementation of the condition of the endower and the rule of law”* (UAE Federal Supreme Court, 2002).

Basically, the *waqf* founder determines how the *waqf* is to be managed. The *waqf* manager (*mutawalli*) is responsible for good management of the *waqf* property to the best interest of beneficiaries (Siwar, 2000). He/she should do his/her best to preserve the *waqf* property and increase its revenues (Section 16, Law No. 17 of 2022 Concerning the Endowment and Minors’ Trust Foundation in Dubai⁴). The *waqf* founder himself may become the *mutawalli*.

The *mutawalli* can be appointed orally or by deed. In the *waqf* deed, the founder may lay down the succession process for the *mutawalli*. As the *waqf* property is transferred to the ownership of Allah, the *mutawalli* cannot later claim to be the owner.

The *waqf* deed should include a clear mechanism for the *mutawalli* to be compensated for his/her efforts in managing the *waqf* property. In the absence of such a mechanism, the *mutawalli* can seek a determination of compensation from the court (Section 20 of Law No. 14 of 2017 Regulating Endowments and Gifts in the Emirate of Dubai).

Section 15 of the Federal Waqf Law No. 5 of 2018 restricts and regulates the management powers of a *mutawalli* to ensure transparency and proper management of a *waqf*. For example, the *mutawalli* is required to submit to the concerned authority all records and accounts relating to the *waqf*.

The purpose, revenue distribution, and management of the *waqf* must be observed as stipulated by the founder, as long as they are compatible with Shari’a and the rule of law. The specified *waqf mutawalli* cannot be dismissed or deprived of managing the *waqf* property unless he/she becomes untrustworthy or unable to undertake his/her duty.

Section 15 of the Federal Waqf Law No. 5 of 2018 stipulates that the court may, on the application of those concerned, dismiss the manager or trustee of the *waqf*, even if the founder or his/her appointee, where 1) his/her disloyalty is proved or 2) a legal prohibition to his/her tenure arises under Shari’a. The court may appoint a co-manager if the trustee is incapable of undertaking his/her duties alone. However, the court may dismiss any court-appointed manager or trustee if it considers there is just cause, and it may appoint another temporarily pending final determination of a dismissal.

⁴ <https://tinyurl.com/4ufvkwk>

Waqf properties require a special kind of judicial body to supervise their administration and consider all disputes relevant to *waqf*. This judicial body is the Shari'a Courts.

To reform the *waqf* system and achieve better administration of *waqf* properties in the UAE, we suggest establishing management units formed of concerned individuals and civil society organizations whose interests match the purposes of the *waqf*. These units could decide the best way to benefit from *waqf* properties and, if necessary and with approval of the concerned court, they could exchange the *waqf* property with another property that can provide similar services or revenues.

4.2. The role of *waqf* in the field of education

At the outset, it should be noted that although many verses in the Holy Quran recommend gifts of property to charity, the principle of *waqf* itself is not mentioned expressly in the Holy Quran, and its evolution is a product of Muslim jurists.

According to Ibn Rushd (1988), *"the only deeds dating back to the pre-Islamic era (aljahiliyyeh) were linked to retention or charity, abandoned properties, astray animals or sheep set free after consecutive parturitions. These were denied and rejected in Islam. But, later, the Prophet (PBUH) allowed retention of some of these properties. Thus, retention is an established tradition that was practiced by the Prophet, pursued by Muslims and agreed upon by consensus"* (p. 85).

Waqf symbolizes the close relationship between this world and the hereafter (Fyzee, 1955). Almighty Allah has shown that as much as a person is rewarded for his/her good deeds during life, so is the reward for some good deeds that remain in his/her favor even after death (Sayyed, 1998). In his words, *"whatever goods (acts of charity) ye give benefits your own souls, and ye shall only do so seeking the Face of Allah. Whatever goods (acts of charity) ye give shall be rendered back to you, and ye shall not be dealt with unjustly"* (Quran, 2:272).

In addition, Prophet Muhammad (PBUH) said that *"when the son of Adams dies, his chain of actions cease except in three respects; a continuing charity, or a useful knowledge, or a pious son who prays to him"* (Muslim, 1977, p. 867; Athamneh, 2000, p. 11). *Waqf* falls in the first category, encapsulating significant good deeds and actions.

In response to these noble verses and traditions, the companions and their followers have made many *waqfs* during their lifetimes. These *waqfs* have contributed to serving Muslim society at large. In the present time, *waqfs* can spread knowledge among people, reduce public expenditure, and encourage people to participate in public life by establishing educational centers, libraries, and schools.

In fact, there are many past and present examples of *waqfs* playing an important role in serving society, particularly in the field of education. In this regard, under Section 4 of the Federal Waqf Law No. 5 of 2018 and Section 6 of Law No. 14 of 2017 Regulating Endowments and Gifts in the Emirate of Dubai, *waqfs* are divided into three kinds, according to who benefits from their revenues: family, charitable, and mixed (benefits are

allotted to people and charitable purposes) (Siwar, 2000).

It is important to note that a *waqf* has two main characteristics:

1. *Perpetuity*: once a property, often a real estate, is dedicated as an educational *waqf* it remains *waqf* forever (Sadeq, 2002). Termination of *waqf* status requires long and complex procedures. In this regard, Section 11.1 of the Federal Waqf Law No. 5 of 2018 provides that *"the endower may withdraw his lineage (family) endowment during his lifetime and may also amend the endowment certification, including the replacement of the endowed, in case he states this condition in the endowment certification. In all events, the withdrawal of endowment or amendment of any of its conditions shall be proved by another certification issued by the competent court, provided that the amendment is registered in the record"*. The perpetuity principle is guaranteed in UAE law by a number of prohibitions on dispositions of *waqf* assets through sale or any other contract and on the acquisition of property rights in *waqf* assets by the passage of time.

2. *Stability of the founder's conditions*: these must be met as long as they do not contravene the provisions of Shari'a, as embodied in the texts of the Quran and Sunnah (Al Ethaimeen, 2000). Permanence covers all the founder's stipulations, whether related to purpose, revenue distribution, or management. In its tenth session held in Mecca from October 17 to 21, 1987, the Council of the Islamic Fiqh Academy (1987) decided that in the absence of a stipulation that the *waqf* revenues should be spent on a certain party, *waqf* revenues can be spent on public interests.

Historically, Muslim societies depended heavily on *waqfs* for providing education at all levels, cultural centers, and scientific research (Abdul Malik, 1989). For example, there were reportedly hundreds of high schools and universities built as *waqfs* in some Islamic cities, such as Jerusalem, Nisapur, Cairo, and Baghdad; these include universities like Al Qurawiyy in Fez, Al Azhar in Cairo, and Al Nidhamiyah in Baghdad. University lecturers, supervisors, and librarians were paid from the revenues of orchards and rentable buildings dedicated as *waqfs* to benefit these universities and libraries (Monzer, 1995). There were also certain *waqfs* for scientific research in medicine, plant science, pharmacology, and other disciplines (Abdul Malik, 1989).

Providing education through *waqf* centers can contribute to reducing social and economic differences between members of society by supporting qualified people without means to pay for educational services (Dubai Court of Cassation, 2022). Students and education lovers from the economically poor class should be helped to have the same access to educational opportunities as their wealthier peers, enabling them to more quickly climb the social and economic ladder (Al Misri, 1405). AI can also cater to the requirements of students with special needs, for instance by helping to translate between languages, simplify the structure of sentences, or replace words that can be challenging to read or pronounce (Zhai et al., 2021).

Within the UAE, the Dubai courts have launched university endowment projects under which a percentage of rent from the shops providing services in their buildings contributes to paying the university fees of students otherwise unable to afford them. This is enhancing the innovative orientation of educational endowment activities and projects, and supporting the activities of the Mohammed bin Rashid Global Center for Endowment Consultancy (Al Mansouri, 2016).

Court cases related to charitable (including educational) endowments require the intervention of the Dubai Public Prosecution, either through a representative expressing his/her opinion during the session or by a memorandum of opinion submitted in writing. However, there is no requirement for a representative to be present when the judgment is pronounced (UAE Federal Supreme Court, 2003).

Evidently, *waqf* can play an effective role in promoting the socio-economic development of society (Hasan et al., 2019). It can help activate economic activity and ameliorate the situation of the poor, particularly with regard to their education. Establishing universities, schools, libraries, and other facilities as *waqfs*, or paying the tuition fees of poor students, can contribute significantly to serving society and the advancement of science.

We suggest, here, adopting other forms of educational *waqf* such as media *waqf* where the endowed channels can help not only to spread knowledge to all people but also to help educate the illiterate especially elderly people. The establishment of *waqf* funds is another suggested form of educational *waqf*. In this concern, we argue that these funds can be considered as a type of Islamic cooperative insurance. They can help to cover not only the costs of education but also, they may cover sickness, unemployment, disability, work injuries, accidents, transportation dangers, disasters, and urgent circumstances.

Accordingly, the respective governments of the UAE and Dubai need to revive and develop *waqf* institution and encourage people to create new *waqfs* for educational purposes. This will help to establish and develop another sector in the country, distinct from the private sector, which aims primarily to generate profit, and the public sector, which relies mainly on the governmental administration pattern.

4.3. The role of *waqf* in the field of AI

It is important to note from the outset that there is no specific definition of AI. It is generally regarded as a computer science discipline aiming to develop machines and systems that can perform tasks requiring human intelligence (Thaer & Sadi, 2006) and simulate processes that take place within the human mind, including thinking, forming opinions, issuing judgments, and learning (Ahmed, 1989; Negnevitsky, 2011). AI is now one of the main pillars of the technology industry (UAE Minister of State for Artificial Intelligence Office, 2020).

AI has several applications, the most important of which fall within three categories: 1) artificial general intelligence — a machine performs intellectual, physical, or emotional tasks that a human can perform; 2) narrow AI, which is

specialized in one specific area or task such as translation or spam classification; and 3) artificial super intelligence — an intellect far smarter than the best human minds in fields including scientific creativity, general wisdom, and social skills (Kaplan & Haenlein, 2019; Noura, 2021).

There are many reasons behind the interest in AI. Use cases include creating an organized knowledge database, storing information and knowledge related to AI, creating a mechanism not subject to human feelings, and quickly analyzing and finding solutions to complex problems (Asala, 2015).

Seeking to stimulate AI innovation, the UAE Cabinet approved in April 2019 the National Strategy for Artificial Intelligence 2031 (UAE Minister of State for Artificial Intelligence Office, 2018), which aims to establish the UAE as a world leader in AI by 2031. The national strategy includes eight strategic objectives: consolidate the country's position as a destination for AI and increase its competitiveness in priority sectors through AI development, develop a comprehensive system for AI, adopt AI in government services, attract and train talents for future jobs that will be enabled by AI, attract world-leading research talents to work in targeted sectors, provide data and supporting infrastructure to serve as a testing platform for AI, and establish an effective legislative and regulatory environment (UAE Minister of State for Artificial Intelligence Office, 2020).

Given that, *waqf* can play a key role in developing and supporting AI programs. Among the most prominent educational programs that *waqf* can support in the field of AI are those connected to the medical industry: for instance, AI can be deployed to describe surroundings to blind people and convert speech into written text for deaf people. AI technologies can also create synthetic audio for students who suffer vocal cord damage that inhibits their ability to talk, producing sounds that resemble natural speech (UAE Minister of State for Artificial Intelligence Office, 2021). Similarly, AI can help to meet the needs of expatriates and refugees, especially children, in reading, writing, learning, and interaction.

AI technologies can help to improve research and data analysis, find the right resources promptly and more easily, and develop and set up many learning programs. AI can also help with grading academic work, allowing teachers to spend more time with students individually and modify the curriculum for greater relevance to each class (Chen et al., 2020). All these technologies and projects can be financed by *waqf*.

In the field of law, AI technologies can play a prominent role by automating documents, drafting contracts, analyzing previous legal cases, and predicting the possible outcomes of future cases. They can also help resolve legal disputes online, thereby reducing the time and cost of legal proceedings (Mohammad, 2023). One can even anticipate a future scenario in which an artificial lawyer pleads in front of an artificial judge within a virtual court, pursuing the sole goal of achieving justice.

In all of these fields, educational *waqfs* and the revenues they generate in the Emirate of Dubai can play a vital role. Consistent with the high

importance of AI, the UAE government appointed its first-ever Minister of Artificial Intelligence in October 2017 (UAE Minister of State for Artificial Intelligence Office, 2020).

Law No. 14 of 2017 Regulating Endowments and Gifts in the Emirate of Dubai stimulates *waqf* in educational programs in general. According to Section 3, “*this Act aims to provide a stimulating environment for charitable work and community contribution in the fields of education, health, culture, arts, environment, etc.*”. In addition, Dubai established the Awqaf Foundation and Management of Minors’ Funds to enhance the role of *waqf* in charitable work and encourage endowments in various fields, including various educational programs. In Law No. 17 of 2022 Concerning the Endowment and Minors’ Trust Foundation in Dubai, Section 4 states “*the Foundation aims to develop the endowment through a contemporary Islamic and social perspective and to strengthen the role of endowments for the advancement of society and the achievement of social solidarity among its members*”.

Based on the Federal Waqf Law No. 5 2018, Law No. 14 of 2017 Regulating Endowments and Gifts in the Emirate of Dubai, Law No. 17 of 2022 Concerning the Endowment and Minors’ Trust Foundation in Dubai, and the National Strategy for Artificial Intelligence 2031 (UAE Minister of State for Artificial Intelligence Office, 2018), we conclude that AI programs can become one form of *waqf* in Dubai. This will boost and encourage investment in educational programs and development/economic programs.

We also believe that the enactment of Law No. 32 of 2020 Regarding Land Designated for Educational Use⁵ will enhance the role of *waqf* in developing the education sector and providing free educational opportunities for citizens and expatriates living in Dubai. Under Section 4, the ownership of all educational lands located within the Emirate of Dubai is transferred to the Knowledge Fund Foundation, established to supervise the proper management of these lands and follow up on related matters. Here, we argue that the inclusion of *waqf* properties in this foundation will ultimately help to stimulate the role of *waqf* and encourage the establishment of more *waqfs* in educational programs in general, particularly in AI.

5. CONCLUSION

Islamic law (Shari’a) has developed the concept of the *waqf* as well as the legal rules on how *waqf* is to be regulated or governed. The UAE Federal Waqf Law No. 5 of 2018 embodies the rules governing the establishment and management of *waqf*, which means that *waqf* is no longer a risky option to adopt as an ownership structure.

Waqf is a permanent dedication of movable or immovable property for religious or charitable purposes and can be made by any person of legal age and sound mind.

This study concludes that the ownership of a *waqf* property is detached from the person who created the *waqf*. Once a *waqf* is created, ownership of the *waqf* property vests in Allah, the Almighty.

It also concludes that providing education through *waqf* can contribute to reducing socioeconomic differences by offering education to those who can take it on a merit basis rather than on the ability to pay for educational services. This will enable the economically poor class to enjoy equal educational opportunities that will allow it to climb the socioeconomic ladder. Here, the civilized aspect of *waqf* becomes clear as it helps to achieve cooperation and keeps people away from greed and egotism.

This study will be of great benefit as it emphasizes that the institution of *waqf* itself is not expressly mentioned in the Quran, but it is a product of Muslim jurists. It emphasizes the need for a special kind of judiciary body that can supervise the management of *waqf* and can resolve any dispute related to *waqf*. It also emphasizes the need to expand the jurisdiction of the Shari’a Courts to include supervision of the establishment of *waqf*, the conditions for the validity of *waqf*, the conditions of its founder, and the change in its expenditures.

Shari’a Courts should exercise their jurisdiction not only in respect of matters of personal status of Muslims but also in respect of issues relating to the creation of *waqf* and the creation of any contract related to the *waqf* property, such as the *Hikr* contract.

Under UAE law, *waqf* is divided into charitable *waqf*, family *waqf*, and mixed *waqf*. Charitable *waqf* is the most important of these types because it is devoted to charitable purposes from the beginning, i.e., it is allocated for the benefit of the entire community and not for a limited group of people. It can also provide many services to the local community and can cater for all activities, which are of interest to people at large, e.g., education, orphanages, health services, reclamation and utilization of uncultivated lands, etc. Accordingly, it is the type of *waqf* that is suitable to be a field for *waqf* in AI programs.

Under UAE law, *waqf* is of a hybrid nature, combining a property right and legal transaction. It is not complete by mere declaration: an official deed must be attested by the Shari’a Court.

Waqf gives the economy a non-profit benevolent sector that can provide a permanent income and services for future generations. Accordingly, it can play a vital role in stimulating educational development in the UAE, particularly through financing AI programs and projects.

We close by making five main recommendations. First, the definition of *waqf* in Section 2 of the Federal Waqf Law No. 5 of 2018 needs a technical amendment. We propose the following: “*waqf is the detention of the subject matter of a fully owned property in the notional ownership of Allah while granting its usufruct in charitable or religious purposes, either immediately or ultimately in the future*”.

Second, the Dubai government should establish a special council for educational *waqf*. This council should advise on matters concerning the working of charitable *waqf* boards, the proper management of charitable *waqf* properties, and any important issues affecting the community, especially those pertaining to *waqfs* in AI programs.

⁵ <https://tinyurl.com/4t3emc8w>

Third, the government in general, and the General Authority of Islamic Affairs and Endowments, in particular, should revise the management of Awqaf, in order to increase the efficiency and productivity of the *waqf* properties and provide a new style of management that suits the *waqf* institution, keeping in mind that *waqf* properties are not owned by those who manage them.

Fourth, to achieve further prosperity and maximize the revenues of the beneficiaries, *waqf* should be given an investment characteristic. The wealth derived from *waqf* revenues can produce many commercial, industrial, and urban projects and enhance economic development in the society.

Fifth, financial rights, e.g., patents, educational software programs, and other intangible properties, should be explicitly covered by law and recognized as a valid subject matter of *waqf*. This is because these rights and properties fall within the definition

of *mal*, which includes both tangibles and intangibles.

Finally, the Dubai government should also incorporate into education curriculums the concept of *waqf* and its religious and humanitarian underpinnings, seeking to enhance awareness of the values from which *waqf* derives.

Educational *waqf* (endowment) in artificial intelligence programs is an undeveloped area of study. Very few studies are carried out. This paper has attempted to make some contribution to that endeavour. Many issues, however, are still in need of investigation. These issues are relevant to the management of *waqf* in artificial intelligence programs, the implications of *waqf* in artificial intelligence programs on the social and economic development in the society, and *waqf* in intangible properties such as educational software programs and patents.

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