

Question 1391) - When is the ownership of the waqif over the endowment terminated?

A: According to Abu Hanifah RAH. it does not terminate unless the judge rules thus; or he attaches it to his death and says, "When I die then I make my house waqf for ...". According to Imaam Abu yusuf RAH. it terminates with his mere utterance. According to Imaam Muhammed RAH. it does not terminate until he appoints a trustee for the waqf and hands it over to him, because it is the right of Allah.*

* According to Abu Hanifah RAH. it is not finalised until the judge Rules that it moves out of his ownership by way of a bequest. According to the other two it is finalised without that. The general 'ulaMa agree with that and that is correct. According to Abu yusuf RAH. it is finalised by his mere utterance because it is the same as setting a slave free. The Fatwa is upon this.
[Roddul Muhtar]

~ al-Quduri ~