

# **The Waqf Replacement: Its parameters and Procedures**

## **(Comparative Study)**

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### **Abstract**

This paper deals with a juristic issue: The Waqf Replacement (allowed or not). While the majority of Māliki and Shāfi'I legal schools do not allow the Replacement of Waqf with another, other schools like Al-Hanafi, to a greater extent, and Hanbali, to a lesser extent, hold the replacement allowable when some requirements are met.

This paper aims to explore this legal difference with its various conditions and procedures. In conclusion, the paper recognizes that the permissibility of Waqf properties (whether movable or immovable, and whether the donor allows the replacement or not) proves more valid and flexible if a general interest of people is considered. This stance, it can be argued, conforms to the principles and objectives of Sharia, which are intended to promote the best interests of human beings (*Masālih al-'Ibād*)