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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.

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