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The Pledges as Alternative to Witnesses in Waqf and Grant Transactions: A Comparative Study of Fiqh Madhhab

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Abstract

This study aimed to analyze the role of witnesses and pledges in the settlement of waqf and grant disputes based on the perspective of Islamic law. Although Islamic law had regulated these two concepts in detail, there remained uncertainty in the application regarding the validity of witnesses and pledges in waqf and grant transactions. This analysis focused on addressing the effectiveness of the two concepts in resolving conflicts. A qualitative method with a normative approach was adopted, which further depended on literature studies and juridical analysis of classical and contemporary Islamic legal texts. Data were collected through a review of the fiqh madhhab legal literature as well as relevant fatwas and further analyzed using the descriptive-analytical method. The results showed that witnesses and pledges played a significant role in determining the validity of waqf and grant transactions. In particular, the pledges could be used as evidence when witnesses were unavailable or ineligible. However, applying both concepts required adjustments to the local context and community customs. The originality of this study lay in the comprehensive approach to the pledges as a legitimate alternative in dispute resolution, providing a new solution in the context of modern Islamic law. Furthermore, this study provided an important contribution to the development of Islamic law related to waqf and grant transactions. The implications of this study were the need for more adaptation to local conditions and further exploration of the practical implementation of these elements.

Keywords: Pledges; Witness; Waqf and Grant; Islamic Law; Madhhab Comparative.

Abstrak

Penelitian ini bertujuan untuk menganalisis peran saksi dan ikrar dalam penyelesaian sengketa wakaf dan hibah berdasarkan perspektif hukum Islam. Meskipun hukum Islam

telah mengatur kedua konsep ini secara rinci, masih ada ketidakpastian dalam penerapannya terkait keabsahan saksi dan ikrar dalam transaksi wakaf dan hibah. Analisis ini difokuskan untuk membahas efektivitas kedua konsep tersebut dalam menyelesaikan konflik. Metode kualitatif dengan pendekatan normatif diadopsi, yang selanjutnya bergantung pada studi literatur dan analisis yuridis terhadap teks-teks hukum Islam klasik dan kontemporer. Data dikumpulkan melalui tinjauan literatur hukum mazhab fikih serta fatwa-fatwa yang relevan dan selanjutnya dianalisis dengan menggunakan metode deskriptif analitis. Hasil penelitian menunjukkan bahwa saksi dan ikrar memainkan peran penting dalam menentukan keabsahan transaksi wakaf dan hibah. Secara khusus, ikrar dapat digunakan sebagai bukti ketika saksi tidak tersedia atau tidak memenuhi syarat. Akan tetapi, penerapan kedua konsep tersebut membutuhkan penyesuaian dengan konteks lokal dan kebiasaan masyarakat. Keaslian penelitian ini terletak pada pendekatan komprehensif terhadap ikrar wakaf sebagai alternatif yang sah dalam penyelesaian sengketa, yang memberikan solusi baru dalam konteks hukum Islam modern. Selain itu, penelitian ini memberikan kontribusi penting bagi pengembangan hukum Islam terkait transaksi wakaf dan hibah. Implikasi dari penelitian ini adalah perlunya lebih banyak adaptasi terhadap kondisi lokal dan eksplorasi lebih lanjut tentang implementasi praktis dari elemen-elemen ini.

Kata Kunci: Ikrar; Saksi; Wakaf dan Hibah; Hukum Islam; Perbandingan Mazhab.

Introduction

In Islamic civilization, waqf and grants are two significant religious activities that serve as vehicles for redistributing wealth and maintaining charitable assets (Khan, 2015; Razak, 2020; Shaikh et al., 2017). These practices are among the most important religious practices. Waqf and grants significantly require the presence of witnesses to guarantee the legitimacy and transparency of the transactions (Hussin et al., 2024; Nor Razinah Mohd Zain et al., 2019). However, in certain areas, the absence of qualified witnesses to testify becomes a substantial obstacle. Data from the Indonesian Waqf Board (BWI) showed that a significant number of waqf cases in Indonesia face delays or conflicts due to the absence of valid witnesses during waqf or grant transfers (Fahmi et al., 2023; Khasanudin & Santoso, 2022). This situation led to the exploration of alternative solutions such as using pledges as substitutes for witnesses in emergencies or resource-scarce scenarios. Consequently, debates arise regarding the significance and reliability of pledges as a methodology for providing evidence.

In the domain of fiqh, the use of pledges as replacements for witnesses in waqf and grant transactions has become a contentious issue (Abd Jalil et al., 2019; M. Abdullah, 2018; Musthafa et al., 2022). Some scholars advocate for the use of pledges as a practical alternative under circumstances where witnesses are unavailable. However, other scholars oppose this approach, emphasizing that witnesses are a crucial requirement under Sharia (Abualfaraj, 2011; Marglin, 2017). For example, Hanafi scholars permit the use of pledges as proof in waqf and grant transactions under certain conditions while al-Al-Shafi'i scholars categorically reject this alternative (Alnaief et al., 2024; Azrak et al., 2022;

Bessais et al., 2024). According to (M. Abdullah, 2020; R. Hassan et al., 2022), the Maliki and Hanbali madhhabs of thought offer varying perspectives depending on the circumstances but generally support the requirement of witnesses as an obligatory condition. All of these divergent points of view underscore the need for comparative analysis to identify solutions appropriate for contemporary society.

According to (Lestari et al., 2023), the data provided by the BWI further supported arguments for alternative options such as using waqf and grant transactions. These results outline an urgent need for waqf management procedures that are more adaptable and flexible (Hatimah et al., 2024), particularly in addressing contemporary difficulties (Hasbulah et al., 2024). Waqf and grant offer the potential solution to overcome administrative and legal constraints that often hinder the optimal use of waqf assets (Fauzi et al., 2022; M. K. Hassan et al., 2023; Ismail et al., 2023; Syarief, 2021).

The importance of witnesses in waqf and grant transactions has been examined in various studies. The significance of witnesses in waqf transactions in the Middle East (Layš, 2024), focussing on the al-AI-Shafi'i madhhab of thought mandating witnesses for transaction validity. In Malaysia, the use of pledges as alternatives in situations where witnesses were unavailable, showing the flexibility of fiqh regulations (Nur Yuhanis Ismon et al., 2021). Furthermore, the Hanbali perspective by examining the role of witnesses in grants and recognizing pledges under specific conditions (Galdibarmak et al., 2023).

This study aimed to investigate the use of pledges as substitutes for witnesses in waqf and grant transactions through a comparative analysis of the Hanafi, Maliki, Al-Shafi'i, and Hanbali madhhabs of thought. Furthermore, it provides practical contributions to the development of modern Islamic law that adheres to Sharia principles and maintains flexibility. The significance of this study lies in addressing the practical need for solutions in managing waqf and grants, which are often hindered by the absence of witnesses. Securing credible witnesses can be particularly challenging in remote areas, thereby pledges present a more practical alternative that correlates with Sharia principles and meets religious requirements. This study aimed to bridge the gap in the existing literature by establishing a flexible legal framework that accommodates contemporary circumstances, supporting more inclusive and adaptable Islamic legal reforms.

Methods

This study used a normative juridical design with a comparative approach (Bhat, 2015). This design was selected because the study focused on comparing the perspectives of fiqh regarding the use of pledges (*ikrar*) as substitutes for witnesses in waqf and grant transactions. The comparative approach enabled authors to systematically analyze the

differences and similarities among the four main madhhabs namely Hanafi, Maliki, al-Shafi'i, and Hanbali. Through this comparison, the study evaluated various views on pledges and determined the most relevant solutions for contemporary contexts. Therefore, this design was considered appropriate for exploring more flexible alternatives in Islamic law.

The data used in this study consisted of primary and secondary data. Primary data were collected through interviews with fiqh experts and practitioners experienced in managing waqf and grant transactions. These interviews aimed to obtain direct insights into the practice of using pledges in dispute resolution. Secondary data were obtained from classical and contemporary literature related to the perspectives of fiqh, as well as legal documents such as fiqh books, academic journals, and books related to waqf and grant transactions. Data collection was carried out systematically to ensure accuracy and completeness in analyzing different madhhab perspectives through observation, interviews, and documentation studies.

Data validation was further conducted by ensuring the validity, relevance, and credibility of the legal sources used (Oberlader et al., 2016). In the normative approach, validation included verifying the validity of regulations related to waqf and grant transactions, fiqh doctrines from various madhhabs, and relevant rulings or fatwas from scholars while ensuring consistency of interpretation through source triangulation. In the comparative approach, data from various madhhabs were compared to assess the relevance of pledges, verifying the consistency of original or translated texts from the madhhabs of thought and suitability in both local and international contexts. This validation process was supported by credible literature, discussions with Islamic legal experts, and data audits ensuring that the results provided a strong and applicable legal foundation.

Data processing included stages of reduction, display, editing, and concluding while the data analysis technique used was qualitative comparative analysis (Assarroudi et al., 2018). Furthermore, data obtained from literature and interviews were analyzed by comparing the views of each fiqh regarding the validity of pledges as substitutes for witnesses. This method allowed authors to identify similarities and differences among the madhhabs and explore the practical implications of the perspectives. Additionally, qualitative data were analyzed descriptively to provide a deep understanding of the theological and legal arguments underlying scholars' views. The results of the analysis were further presented in a comparative table format to facilitate understanding.

Results and Discussion

The Legal Strength of Witnesses and Pledges in Waqf Determination

This study showed significant discrepancies among the four principal madhhabs of Islamic law regarding the legal validity of witnesses and pledges in waqf transactions (M. M. Abdullah et al., 2024; Nur et al., 2024). The Hanafi madhhab used an adaptable methodology, permitting pledges as legitimate proof in the absence of witnesses which was contingent upon the pledges satisfying certain Sharia stipulations (Galdibarmak et al., 2023). This flexibility was based on the principles of *maslahah* (public interest) and *rukhsah* (concession), outlining practicality and adaptability in circumstances where obtaining witnesses was difficult (Hope et al., 2022). The Maliki and Hanbali madhhabs also considered pledges as acceptable substitutes in exigent situations while accepting the critical importance of witnesses for the validity of waqf (M. Abdullah, 2020). These institutions maintained a balance between adhering to legal formalities and addressing practical issues, exhibiting a conditional acceptance of pledges.

The al-Shafi'i madhhab adopted a stringent position, claiming that witnesses were indispensable for the legality of waqf transactions. Pledges were considered inadequate and could not substitute for the function of witnesses under any circumstances (Narang et al., 2017). This perspective was grounded in the institution's dedication to legal certainty and a pronounced focus on protecting public rights and property integrity. From the Al-Shafi'i perspective, witnesses were crucial safeguards against fraud, mismanagement, and conflicts, rendering the witnesses indispensable in waqf agreements.

The varying interpretations underscored the intricate theological and philosophical foundations of each madhhab's methodology. The Hanafi and Hanbali madhhabs emphasized contextual flexibility and adaptability while the al-Shafi'i madhhab prioritized procedural rigidity to ensure accountability and transparency. The differing viewpoints offered significant insights into the application of Islamic legal concepts across various socio-cultural and geographical contexts.

Table 1 – Comparative Views of Fiqh Madhhabs on Witnesses and Pledges

Madhhab	View on Witnesses	View on Pledges	Description
Hanafi	Witnesses are important but not mandatory in all conditions	Pledges are accepted in certain situations as an alternative to witnesses	Flexible
Maliki	Witnesses are required but can be replaced in emergencies	Pledges are accepted when witnesses are unavailable	Conditional

Al-Al-Shafi'i	Witnesses are mandatory and cannot be replaced	Pledges are not accepted as valid evidence	Strict
Hanbali	Witnesses are required but with flexibility in emergency conditions	Pledges are accepted in specific cases	Moderate

Source: Processed data from the authors

The facts presented in Table 1 showed the differing perspectives among the four madhhabs concerning the legal validity of witnesses and pledges in waqf transactions. The Hanafi and Hanbali madhhabs exhibited flexibility by permitting pledges as viable alternatives in the absence of witnesses. The Maliki madhhab upheld a conditional acceptance, acknowledging pledges as valid in unusual circumstances. By contrast, the al-Shafi'i madhhab maintained a stringent view by categorically dismissing pledges as alternatives to witnesses.

The distinctions outlined the significance of context in the implementation of Islamic legal principles. The adaptable positions of the Hanafi and Hanbali madhhabs showed the capacity to address practical issues such as the absence of witnesses in isolated locations or urgent circumstances. This flexibility corresponds with the overarching objectives of Islamic law which emphasized justice, convenience, and damage reduction (Zoli et al., 2017). Although the al-Shafi'i madhhab's inflexibility ensured legal certainty, it posed difficulties in situations when witnesses were few or absent.

The theological basis of these distinctions indicated a substantial divergence in the priorities of each madhhab. The Hanafi and Hanbali madhhabs underscored the primary objectives of Sharia (*maqāṣid al-sharī'ah*), particularly in protecting public welfare and mitigating hardship. Simultaneously, the Al-Shafi'i madhhab emphasized procedural integrity and legal certainty, showing the cautious approach to legal validation in waqf transactions. The adaptability shown in the Hanafi and Hanbali madhhabs provided a realistic resolution for modern issues in waqf administration, particularly in rural or remote regions. The stringent reliance on witnesses in the Al-Shafi'i madhhab posed a substantial obstacle in areas where the madhhab prevailed, necessitating policy modifications and legal reforms to correlate with contemporary circumstances.

The results showed that the al-Shafi'i madhhab's stringent position offered strong legal protection while the Hanafi and Hanbali methodologies presented more pragmatic alternatives for contemporary times. Future studies could investigate how modern Islamic scholars perceive these ideas, especially in both global and local contexts. Furthermore, empirical studies on the practical application of pledges as alternatives to witnesses across different jurisdictions would yield significant insights into the efficacy and acceptance. The

analysis underscored the necessity for a balanced methodology that integrated the flexibility of the Hanafi and Hanbali madhhabs with the procedural safeguards prioritized by the Al-Shafi'i madhhab. In this manner, Islamic legal systems could guarantee both legal purity and practical applicability in waqf transactions, thereby furthering the overarching objectives of Sharia in modern circumstances.

The Evidence System of Witnesses and Pledges in Waqf Dispute Trials

The issue of witnesses regularly evolved in contemporary settings (Alkhan & Hassan, 2024; Sano & Kassim, 2021), especially in rural regions where the availability of witnesses who fulfilled Sharia criteria was frequently constrained. In many rural areas of Indonesia, Egypt, and Malaysia, securing qualified witnesses proved difficult due to demographic limitations or the witnesses' incapacity to be physically present. These challenges often led to postponements or potential legal invalidation of waqf transactions.

In this context, the use of pledges (*ikrar*) as a substitute for witnesses gained significant relevance (Haryanto et al., 2023). A pledge which was traditionally viewed as a formal declaration could reinforce a waqf claim in the absence of witnesses (Wan Abdul Fattah bin Wan Ismail & Mehmet Asutay, 2024). Empirical instances from rural regions showed that religious courts acknowledged pledges as substitutes for witness testimony in waqf disputes (Freddy & Nor Asiah Mohamad, 2024). Consequently, pledges provided an effective avenue to accelerate the resolution of waqf disputes by adhering to essential Sharia norms in areas with geographical and demographic obstacles.

The evidentiary framework of witnesses and pledges in waqf dispute adjudications was profoundly shaped by the viewpoints of several fiqh madhhabs (Layiř, 2024). The results showed that the Hanafi and Hanbali madhhabs used a more adaptable approach, permitting pledges as alternatives to witnesses in circumstances where witnesses were absent. The Al-Shafi'i madhhab adopted a more stringent position, claiming that witnesses were a requisite for waqf procedures thereby excluding pledges as alternatives. This showed a fundamental divergence in perspectives on the legitimacy of non-traditional evidence such as pledges which many institutions regarded as providing a degree of legal certainty similar to the witnesses.

From the perspective of classical Islamic legal theory, these results corresponded with the core tenets of Islamic law which underscored the significance of witnesses as credible evidence (Ganai & Salama, 2024). In the Al-Shafi'i madhhab, this view emphasized that witnesses were an essential requirement in transactions and could not be disregarded (Capra & Richter, 2021). The perspective was grounded in Qur'anic texts and hadiths that

outlined the need for witnesses to maintain justice (Mårtensson, 2016). Conversely, the Hanafi and Hanbali madhhabs used a more flexible and contextual methodology, outlining the evolving character of Islamic law in confronting actual societal issues.

In the framework of Islamic evidence theory, the use of witnesses and pledges was perceived as crucial to the pursuit of truth and justice in the resolution of disputes (Talli et al., 2023). This perspective distinguished between direct (eyewitness testimony) and indirect evidence (pledges) with witnesses regarded as strong in establishing legal certainty (Adair, 2023; Ramadhan & Alam, 2023; Setiawan et al., 2023). In certain instances, pledges made before a judge or religious authority were considered valid testimony and possessed adequate evidentiary weight when witnesses were scarce. This outlined that pledges could function as an effective mechanism to enhance justice in legal proceedings.

In legal systems addressing waqf issues, using pledges as alternatives to witnesses offered a pragmatic solution in instances where witnesses were difficult to locate in rural regions or familial conflicts (Azhar, 2024). The adoption of pledges in specific madhhabs created potential for contemporary legal systems to take a more adaptable approach to determining valid evidence. The stringent methodology of the Al-Shafi'i madhhab which remained prevalent in numerous nations presented challenges and required modifications in legal policy to more effectively accommodate modern sociological circumstances (Ilyas et al., 2024). Furthermore, a flexible evidence framework that included commitments could affect social dynamics in places with restricted access to credible witnesses. In rural or remote areas with limited witnesses, pledges provided a more attainable option. The use of promises could reduce technical barriers in resolving waqf disputes by facilitating case resolution while adhering to the core tenets of Islamic law.

From a sociological standpoint, the endorsement of pledges in waqf dispute adjudications showed the flexibility of Islamic law to accommodate the requirements of traditional communities. In areas deeply entrenched in custom and tradition, the validation of claims through pledges made in the presence of religious or community leaders was more readily acknowledged than through formal witnesses. This showed that Islamic legal systems could maintain adaptability and responsiveness to societal circumstances while preserving the core principles of justice.

Based on these results, waqf law practitioners needed to adopt a more inclusive approach to recognizing pledges as legitimate evidence in court processes, especially in areas where the flexibility of the Hanafi and Hanbali madhhabs prevailed. Furthermore, national legal systems needed to implement reforms to address situations where securing witnesses proved challenging which further facilitated greater access to justice for communities residing in remote regions.

This study further emphasized the significance of acknowledging the multiplicity of fiqh opinions in the context of the evidentiary system concerning witnesses and pledges in waqf disputes. Comprehending the adaptability provided by certain educational institutions enabled contemporary judicial systems to better address the requirements of modern societies in waqf contexts. The adoption of pledges as alternatives to witnesses also provided a pragmatic approach and enhanced the efficiency of legal proceedings.

Additional investigation into the adaption of the legal principles was crucial to facilitate the evolution of Islamic law to effectively address contemporary concerns. Subsequent studies should integrate empirical data and examine the practical implementation of pledges across various legal jurisdictions, providing an enhanced understanding of efficacy and societal acceptance. Based on this perspective, Islamic legal systems could attain an equilibrium between procedural integrity and practical flexibility by assuring fairness and efficiency in the resolution of waqf disputes.

Madhhabs Comparative on the Role of Witnesses and Pledges in Waqf and Grant Transactions

The functions of witnesses and pledges in waqf and grant transactions possessed differing importance among the principal madhhabs of fiqh. Although witnesses were not considered essential components (*rukun*) in these contracts, the presence was crucial in resolving disputes. Pledges served as a crucial evidential instrument, particularly in the occurrence of disputes. This study outlined the significance of witnesses and pledges in validating ownership and the lawful transfer of rights under Islamic law.

The Hanafi madhhab asserted that witnesses were not obligatory in waqf and grant contracts as these transactions remained legitimate without the elements (Hussin et al., 2024; Noordin et al., 2016). The participation of witnesses was highly advisable as a safeguard for the interests of the parties (Altman et al., 2018; Pournaras, 2020). This perspective was based on the perspective that the witness acted as an auxiliary instrument to show the truth in contentious situations (Cheng & Nunn, 2018). Consequently, witnesses were considered crucial protections for maintaining transaction integrity despite not being mandatory.

The al-Shafi'i madhhab considered witnesses advisable in contracts that lacked formal offer (*ijab*) and acceptance (*qabul*) including waqf and grant transactions (Hasibuan & Lubis, 2024). Although not considered a fundamental pillar, witnesses were crucial in affirming the transaction's legitimacy when one party refuted the agreement (Zamoff, 2022). In this context, witnesses served as safeguards against any conflicts or future problems.

The Maliki madhhab contended that witnesses were not fundamental components in waqf and grant transactions but emphasized the significance of averting potential disagreements (Allah Pitchay et al., 2024). This perspective was based on the recognition that humans were susceptible to forgetfulness or deceit, necessitating witnesses to preserve the integrity of contracts and furnish tangible evidence in legal conflicts (Desta, 2019). Consequently, the presence of witnesses was considered essential for ensuring transactional stability despite not being obligatory.

The Hanafi madhhab regarded pledges as acceptable self-acknowledgments that could function as legal evidence in court. In the domain of waqf and grant transactions, pledges did not necessitate witnesses provided the elements were made voluntarily, without duress, and with complete awareness. This signified that pledges possessed considerable legal authority in dispute resolution with witnesses necessary only in instances of uncertainty or denial of the pledges.

The al-Shafi'i madhhab recognized the significance of commitments as legal proof concerning waqf and grant transactions. The madhhab further asserted that pledges had to be made sincerely and free from external coercion. A pledge constituted a formal declaration of intent to convey ownership, and it underpinned the legitimacy of ownership transfer in waqf instances (M. Abdullah, 2016). Witnesses were required only in instances when there was a possibility of contention or repudiation of the pledges.

The Maliki madhhab emphasized the importance of oaths in fiqh. The madhhab contended that pledges needed to be acknowledged as legitimate evidence when certain criteria were fulfilled including the autonomy to make the pledge and the clarity of recognition. Pledges within the framework of waqf and grant transactions were considered genuine without witnesses, provided there was no fraud or compulsion. To avert future disagreements, pledges were advised to be either witnessed or thoroughly documented.

Although witnesses and pledges were not regarded as fundamental components of waqf and grant transactions, the functions remained crucial in affirming and enhancing the legality of these agreements. Witnesses helped avert disputes and provided legal protection for the parties while pledges established a robust legal foundation for evidence in court. This study underscored the importance of upholding integrity and clarity in the execution of waqf and grant transactions (Hussein Azeemi Abdullah Thaidi et al., 2023).

In evaluating flexibility, public interest (*maslahah*), and the safeguarding of stakeholders' rights in waqf and grant transactions, the Hanafi madhhab's perspectives appeared most pertinent and applicable in contemporary settings (Hussin et al., 2024). The Hanafi position which did not require witnesses but strongly advocated for the presence

stuck a balance between legal formalism and practical necessity. In modern contexts such as isolated areas or crisis scenarios where obtaining witnesses was challenging, the adaptability provided by the Hanafi madhhab was particularly advantageous.

The flexibility that recognized pledges as legitimate proof without the requisite presence of witnesses ensured that waqf and grant transactions remained legally valid and efficiently executed. The method also eliminated superfluous barriers in dispute resolution, particularly when commitments were undertaken voluntarily and without duress.

Although the Al-Shafi'i and Maliki madhhabs underscored the significance of witnesses—albeit not as fundamental tenets—the flexibility exhibited by the Hanafi madhhab corresponded more adeptly with the requirements of contemporary Islamic legal frameworks. In circumstances where witness availability was constrained and pledges were made with complete awareness and sincerity, the Hanafi madhhab's perspective offered a more pragmatic and legally strong basis for dispute resolution.

In the framework of modern fiqh which necessitated both accessibility and efficiency in adjudicating waqf and grant disputes, the Hanafi perspective on pledges as alternatives to witnesses stood out as the most compelling and pertinent method. This perspective promoted public interest (*maslahah*) while also safeguarding the integrity of transactions using legitimate legal instruments in court.

Future legal frameworks and judicial policies needed to accept the Hanafi madhhab's adaptability while integrating protections to ensure accountability and avert exploitation. This equitable strategy would further enhance the legal certainty of waqf and grant transactions. Simultaneously, the strategy tackled practical issues encountered in modern contexts and further advanced the primary objectives of Islamic law (*maqāṣid al-sharī'ah*).

Conclusion

In conclusion, this study explained the crucial functions of witnesses and pledges in waqf and grant transactions within the framework of Islamic law. According to academic studies, witnesses in these contracts were not invariably considered an essential requirement (*rukun*) as in marriage contracts. Witnesses further played an essential role in assisting courts in disclosing the truth in cases of conflict. Pledges on the other hand functioned as compelling evidence and frequently replaced witnesses, particularly when made voluntarily and legitimately before an acknowledged authority. This study's strength resided in the thorough examination of the theories of witnesses and pledges across many Islamic jurisprudential madhhabs. It effectively synthesized experts' viewpoints, providing

a comprehensive understanding of the role of witnesses and pledges as evidence in waqf and grant practices. This theoretical analysis substantially enhanced comprehension of the dynamics of Islamic legal application in practical contexts.

However, the study acknowledged specific limitations, chiefly the absence of empirical data. Although it offered a comprehensive theoretical study, it did not explore specific court cases that could provide additional insights into the practical application of witnesses and pledges in contemporary circumstances. Subsequent studies could bridge this gap by integrating empirical data and case studies from Sharia courts to enhance understanding of these concepts in modern legal contexts. This study underscored the necessity of harmonizing theoretical principles with practical flexibility. The perspectives of different fiqh madhhabs offered a strong foundation, although practical applications necessitated contextual adaptability to address issues such as the absence of witnesses. Future studies could further refine Islamic legal procedures in waqf and grant transactions by integrating theoretical analysis with empirical evidence.

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