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The Influence of the Endowment's Moral Personality on its Administration and Governance in Algerian Legislation

Abstract

Islamic jurisprudence and statutory law collectively acknowledge that an endowment (waqf) possesses a notional personality, which ensures civil and criminal legal safeguards. Undoubtedly, endowments have become a cornerstone for economic and social advancement. Recognizing the moral personality of an endowment significantly impacts its governance, particularly through the appointment of an administrator responsible for overseeing its operations and management. This framework is notably relevant in Algeria, where the government has established a regulatory system to oversee local-level endowment administration, facilitating autonomy in management, governance, and investment within the framework of Algerian legislation.

Keywords: legal personality, endowment institute, administrator, Algerian legislation

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Əlcəzair qanunvericiliyində vəqfin əxlaqi şəxsiyyətinin idarəetmə və idarəçiliyinə təsiri

Xülasə

İslam hüquqşünaslığı və qanuni hüququ birlikdə qəbul edir ki, vəqf (vəqf) mülki və cinayət hüquqi təminatlarını təmin edən şərti şəxsiyyətə malikdir. Şübhəsiz ki, vəqflər iqtisadi və sosial tərəqqinin təməl daşına çevrilmişdir. Vəqfin mənəvi şəxsiyyətinin tanınması onun idarəçiliyinə əhəmiyyətli dərəcədə təsir göstərir, xüsusən də onun əməliyyatlarına və idarə olunmasına nəzarət etmək üçün məsul olan inzibatçının təyin edilməsi vasitəsilə. Bu çərçivə, hökumətin Əlcəzair qanunvericiliyi çərçivəsində idarəetmə, idarəetmə və investisiyada muxtariyyəti asanlaşdıraraq yerli səviyyəli ianə idarəçiliyinə nəzarət etmək üçün tənzimləyici sistem qurduğu Əlcəzairdə xüsusilə aktualdır.

Açar sözlər: hüquqi şəxs, vəqf institutu, idarəçi, Əlcəzair qanunvericiliyi

Introduction

Allah Almighty has entrusted Muslims with stewardship over the Earth and guided them toward its optimal development. This divine mandate outlines pathways for human effort and progress, fostering the establishment of the greatest civilization in history.

Among the foundational pillars of this civilization is wealth, viewed in Islam not as condemnable but as a vital element that sustains life and progress. Wealth's inclusion among Islam's five essentials underscores its pivotal role. Within this framework, the institution of the endowment has emerged as a central pillar of Islamic society, with Muslims dedicating mosques, hospitals, lands, and wells for communal benefit.

The endowment institution features unique attributes within Islamic jurisprudence and Algerian law, one of the most significant being the concept of moral personality. This notion profoundly influences the governance and management of endowed properties, particularly regarding operational control and oversight. The core question this discussion seeks to address is (Ashi, 2012):

How does the moral personality of an endowment shape its governance and administration?

Chapter 1: Understanding the Legal Personality of the Endowment

The endowment represents a novel manifestation of moral personality. To clarify, this chapter explores its definition within Islamic jurisprudence and Algerian legislation.

Section 1: Defining the Moral Personality of the Endowment in Islamic Jurisprudence and Algerian Law

In Islamic thought, the endowment is rooted in the principle that all ownership belongs to Allah, and human beings act as trustees of His property. This is emphasized in the Quranic verse: “*Believe in Allah and His Messenger and spend from that in which He has made you successors; those of you who believe and spend will have a great reward.*”

The concept of an endowment centers on public benevolence, emphasizing tangible contributions and communal devotional practices. It also highlights individual initiative and detachment from personal gain. The autonomy granted to endowments—whether to their founders, beneficiaries, or administrators—is expressed through their moral personality (Quran, Surah Al-Hadid).

Islamic jurisprudence is divided into two perspectives: those supporting and those opposing the moral personality of endowments. Classical Islamic scholarship did not explicitly use the term "moral personality," as it emerged later through Western intellectual advancements. However, Islamic tradition already encompassed analogous legal structures (Kanazah, 2006).

While Islamic theology lacks a direct definition of moral personality, scholars have linked it to patrimony. Jurisprudential debates have revolved around whether an endowment inherently possesses patrimony. Islamic legal principles establish the waqf as a legal entity with moral identity, financial independence, and legal authority, represented by its administrator.

Research

Contemporary Islamic scholars, like Professor Munther al-Qudah, have elaborated on this concept. He defines it as a "collection of assets and institutions formed through collective effort to achieve a common goal, existing independently of individual contributors, and recognized as a self-sustaining legal entity (Kanazah, 2006)".

Jurisprudential Opinions

1. Denial of Patrimony:

Some Hanafi scholars deny that endowments possess patrimony. They argue against borrowing on behalf of an endowment, asserting that endowments lack independent patrimony. This position emphasizes that legal obligations cannot be assigned to the endowment itself.

2. Recognition of Patrimony:

Other Hanafi scholars, including Abu Yusuf and Muhammad ibn al-Hasan al-Shaybani, argue that endowments have independent patrimony. They define the endowment as "locking the property to the ownership of Allah Almighty". This perspective acknowledges that endowments are distinct legal entities, managed by their administrators.

This chapter establishes the foundational understanding of the endowment's moral personality, exploring its implications for governance in both Islamic jurisprudence and Algerian law.

The Concept of Endowment's Legal Personality in Islamic Jurisprudence and Algerian Law **First Opinion**

Some Hanafi scholars denied the legal personality of endowments. They argued against borrowing on behalf of the endowment, grounding their position in the principle that endowments

lack patrimony. Despite this denial, they still acknowledged certain rights and duties associated with endowments. For example, they allowed the founder or their heirs to reclaim rights from the endowment's revenue (Ibn Abidin, 2003).

Ibn 'Abidin, in *The Response of Al-Muhtar*, states:

"It is impermissible to borrow on an endowment unless it aligns with the endowment's purpose. Unlike a guardian, who can procure items for an orphan as needed, an endowment cannot incur debts because patrimony is absent in its nature. While an orphan has patrimony and can claim it, an endowment lacks patrimony altogether."

Second Opinion

Another group of Hanafi scholars, including Abu Yusuf Ya'qub Ibn Ibrahim Al-Ansari and Muhammad Ibn Al-Hasan Al-Shaybani, acknowledged the patrimony of endowments. They defined endowment as:

"Locking the property so it no longer belongs to any individual but remains under Allah Almighty's ownership."

This definition implies that endowments lack ownership by natural persons. Beneficiaries can only enjoy the endowment's yield, while the endowed property itself has no personal owner. These scholars argued that the endowment, represented by its administrator, possesses an independent moral personality. Jurists supporting this view allowed borrowing on behalf of the endowment when necessary, emphasizing its financial autonomy and legal individuality (Sabri, 2011).

Section Two: The Moral Personality of the Endowment in Algerian Law

Historically, only natural persons were recognized as the subjects of legal rights and obligations. However, as civilizations evolved, large-scale projects required collective efforts, prompting the acknowledgment of collective entities as independent legal persons. These institutions, distinct from their members, could engage in legal activities autonomously.

In Algerian law, the legal foundation for recognizing the moral personality of endowments emerged from doctrinal debates. Initially, endowments were viewed as institutional phenomena, challenging the judiciary to reconcile their unique status within the legal framework. The endowment system originates from the unilateral will of the founder, where endowed property is removed from the founder's ownership and deemed to belong to Allah or His right. Consequently, civil courts linked moral personality to endowments, establishing their recognition as independent entities benefiting specific individuals or groups (Sabri, 2011, p. 45).

Theories on the Endowment's Legal Foundation

1. Theory of Donation

This theory posits that endowments involve the donation of usufruct (benefit) rather than ownership. Two interpretations exist within this theory:

- **Imam Abu Hanifa's View:** The endowment constitutes a temporary donation of the usufruct, similar to a loan for use, where ownership remains with the founder.
- **Imam Ahmad Ibn Hanbal and Imam Muhammad Ibn Al-Hasan's View:** The donation encompasses both usufruct and property, akin to a gift, but the property cannot be disposed of.

Criticism:

The theory faces criticism due to its limitations on ownership. Ownership, by definition, implies the ability to dispose of property. When such rights are restricted, ownership becomes symbolic rather than practical (Order No. 05-10 dated June 20, 2005).

Article 674 of the Algerian Civil Code defines ownership as:

"The right to enjoy and dispose of property, provided such use does not contravene prohibitions set forth by laws and regulations."

2. Theory of the Abandonment of Ownership

This theory holds that endowments signify the complete relinquishment of ownership by the founder. The endowed property no longer belongs to the founder and is instead dedicated to perpetual charitable use, aligning with the principle of waqf as a divine trust.

These perspectives highlight the evolving recognition of endowments' legal personality, bridging Islamic jurisprudence and Algerian legislation to ensure effective governance and management.

The Concept and Importance of the Moral Personality of Endowments in Algerian Law The Theory of the Abandonment of Ownership

Proponents of the abandonment of ownership theory argue that creating an endowment entails relinquishing ownership of the endowed property. Grounded in Islamic jurisprudence, this perspective views the endowed property as transferring its ownership to Allah (SWT), affirming that all ownership ultimately belongs to Him. Scholars like Imam Abu Yusuf, supported by the Shafi'i and Hanbali schools, emphasize the irrevocability of the endowment. Once established, the endowment is perpetual, and its property gains a moral personality or juridical status, rendering it independent of individual ownership (Masqawi, 2011).

Critique:

This theory has faced criticism, particularly from those who support the first theory. Imam Malik Ibn Anas argued that the endowed property remains in the founder's ownership but with restrictions that prevent disposal. Critics highlight that relinquishing ownership does not fully address the implications of perpetual restrictions on the property.

Algerian Legal Framework:

Despite Algeria's predominant adherence to the Maliki school, the legal framework aligns with the abandonment of ownership theory.

- **Article 17 of Law No. 91-10 (April 27, 1991):** States that upon validating an endowment, the founder's ownership rights are extinguished, and usufruct rights transfer to the beneficiary under the endowment's conditions.

- **Article 5 of Law No. 91-10:** Explicitly recognizes the endowment's legal personality, stating that an endowment is not owned by natural or legal persons and that the state ensures adherence to the founder's intentions.

- **Article 49 of the Amended Civil Code:** Establishes the legal personality of endowments, solidifying their independent status.

This approach reflects the Algerian legislator's commitment to modern legal principles and Islamic practices, recognizing endowments as self-standing institutions with moral personality.

Implications of Recognizing the Endowment's Moral Personality

The recognition of moral personality for endowments enhances their management and administration by granting them legal independence. This concept enables endowments to operate effectively, fulfilling economic, social, and cultural roles while safeguarding their assets.

Professor Akmoun Abdelhalim notes that legal personality consists of two elements:

- 1. Objective Element:** A collective effort of people and resources aimed at a specific goal.

- 2. Subjective Element:** The state's recognition of this collective entity as possessing legal personality.

Professor Boudiaf emphasizes that the moral personality of endowments ensures independence in funding, decentralization in management, and a capacity to fulfill various societal roles (Ben Mishrnen, 2012).

Section Two: The Importance of the Moral Personality of Endowments

The moral personality of endowments is vital for their protection, administration, and societal contributions. Key aspects of this importance include:

1. Protection from Unlawful Acts by Administrators

- The moral personality shields endowments from misuse or mismanagement by administrators who might prioritize personal interests over the endowment's objectives.

- Administrators are legally accountable for their actions, representing the endowment in lawsuits concerning its property or income.

2. Safeguarding Endowment Continuity

- The moral personality prevents excessive debt or legal entanglements that could threaten the endowment's existence.

- It ensures that the endowment remains dedicated to its intended purposes, regardless of administrative challenges.

3. Promotion of Economic, Social, and Cultural Roles

- Legal independence allows endowments to actively participate in community development.
- They serve as mechanisms for sustainable charitable contributions, education, and cultural preservation.

2: Empowering the Endowment Institution to Make Beneficial Decisions

The recognition of the endowment's moral personality enables it to engage in decisions that benefit its purposes, such as selling, leasing, or mortgaging property, provided such actions comply with Sharia law. This framework offers the following advantages:

- **Enhanced Protection:** By aligning the endowment's operations with Sharia law, it is safeguarded against misuse or inappropriate transactions.
- **Increased Accountability:** The accountability measures tied to the moral personality promote transparency and efficiency in the administration, aiding the institution's continuous development.

3: Allowing Positive State Intervention in Endowment

State involvement plays a critical role in ensuring the proper management and sustainability of endowments. Historically, endowment losses in early Islamic periods were attributed to (Boudhan, 2011):

- Imprudent actions of individual administrators.
- Weak mechanisms to protect endowed properties.

The Algerian state now plays an active role in:

- **Protecting Endowment Assets:** Through legal frameworks that prevent misuse.
- **Managing and Administering Endowments:** Ensuring that administrators adhere to regulations and the founder's intentions.
- **Preserving Endowment Objectives:** Supporting endowments in fulfilling their social, cultural, and economic purposes.

4: Independence of the Endowment's Moral Personality from Beneficiaries

The endowment's moral personality ensures a clear distinction between its assets and the beneficiaries' rights, providing the following safeguards (Boudiaf):

- **Protection from Beneficiaries' Creditors:** Creditors cannot seize endowment rents or revenues, as these belong to the institution, not the beneficiaries.
- **Maintaining Integrity:** The independence ensures that endowment revenues are used solely for their intended purposes.

5: Financial and Administrative Independence of the Endowment

The moral personality grants the endowment both financial and administrative autonomy:

- **Financial Independence:**
 - Endowment funds, income, and obligations are distinct from those of administrators or beneficiaries.
 - Financial duties, such as maintenance and operational expenses, are borne by the endowment itself.
- **Administrative Independence:**
 - The endowment operates as a separate legal entity, capable of entering into contracts and conducting transactions with third parties.
 - A legal representative, designated as the administrator, manages the institution's affairs, ensuring compliance with Sharia and legal standards.

Chapter 2: Management of Endowment Properties as a Result of its Moral Personality

The moral personality of endowments profoundly influences their management, particularly the role of the administrator. The Algerian legislator has made significant efforts to structure the administrative framework governing endowments, emphasizing local-level management to safeguard and optimize their use (Executive Decree No. 64-283, 1964).

Section 1: The Concept of Endowment Administration

The administration of endowment properties is regulated by **Law No. 91-10**, which assigns responsibility to an administrator operating within defined legal and procedural boundaries. Key aspects include:

- **Role of the Administrator:**

- The administrator is the legal representative of the endowment, entrusted with its management and operations.

- They are required to act in accordance with regulations that prioritize the endowment's sustainability and purpose.

- **Legal Framework:**

- The law delineates the rights, responsibilities, and limits of the administrator's authority.

- It ensures that decisions, such as property sales or leases, are made transparently and align with the founder's intentions.

- **Local Oversight:**

- To enhance efficiency, endowment management is integrated into local administrative structures.

- Local bodies oversee administrators, providing additional checks and balances to prevent misuse or inefficiency.

The recognition of the endowment's moral personality in Algerian law facilitates its empowerment, protection, and proper management. Through financial and administrative independence, as well as clear legal guidelines, endowments can achieve their intended objectives while remaining accountable to both Sharia law and state regulations. The structured approach to administration ensures that endowments contribute effectively to societal and charitable goals, in line with their foundational purposes (Mansour, 1999).

1: The Legal Status of the Administrator under Algerian Legislation

The management of endowment properties in Algeria is entrusted to the Administrator, whose primary responsibilities include care, maintenance, preservation, and cultivation of the properties. Although Law No. 91-10 does not provide an explicit definition, **Executive Decree No. 98-381** establishes the Administrator as the individual directly responsible for these duties. Key articles and decrees provide the framework for this role:

- **Responsibilities (Article 7, Executive Decree No. 98-381):**

1. Direct management of endowment properties.

2. Care and maintenance.

3. Development and exploitation.

4. Preservation and protection.

- **Regulatory Oversight (Article 33, Law No. 91-10):**

The Administrator is subject to procedures determined by regulations and oversight by the endowment authority, ensuring compliance with the objectives of the endowment.

The relative novelty of Algeria's formalized endowment management is notable, with challenges such as inventorying properties and training personnel hindering full implementation. Nevertheless, the legislator's efforts to define and regulate the Administrator's role signify progress in safeguarding endowments.

2: Conditions for Appointing the Administrator under Algerian Law

Article 16 of Executive Decree No. 98-381 specifies the conditions for appointing an Administrator, emphasizing a centralized approach wherein the **Minister of Religious Affairs**, in consultation with the endowment Committee, plays a decisive role.

General and Specific Conditions:

1. Algerian Nationality:

- This condition reflects loyalty to the state and aligns with public service laws.

- Common in Arab legislation, but not derived from Islamic jurisprudence.

2. Religious Requirement:

- The Administrator must be Muslim, consistent with the Maliki school of thought and the charitable purposes of endowments.

3. Age of Majority:

- The minimum age is set at **19 years**, in accordance with **Article 40 of the Algerian Civil Code**, ensuring administrative maturity.

4. Competence and Capability:

○ Verified through academic qualifications, administrative investigations, experience, and certifications.

○ Training programs for administrators are offered by specialized Islamic institutes under **Decree No. 81-102**, amended by **Executive Decree No. 02-03**.

Oversight and Accountability:

Administrators are monitored by the endowment Commissioner (Article 11, Executive Decree No. 98-381), ensuring transparency and adherence to regulations. The appointment process includes thorough investigations and certifications to verify the Administrator's eligibility.

The legislator views the Administrator as akin to a public official, subject to specific administrative criteria and ethical standards such as justice, trustworthiness, and a strong moral character.

3: Duties of Endowment Administration in Algerian Legislation

The evolution of endowment management in Algeria has shifted from self-regulation post-independence to a more centralized and structured system. The **Algerian legislator** has paid significant attention to defining the duties of the Administrator due to the critical role endowments play in society (Kanazah, 2006).

Key Duties:

1. Care and Maintenance:

○ Ensure the proper upkeep of endowment properties, preventing deterioration or loss.

2. Preservation and Protection:

○ Safeguard endowments against misuse, unlawful claims, or actions that might undermine their purposes.

3. Development and Exploitation:

○ Utilize endowment properties effectively to maximize their benefits while adhering to Sharia principles.

4. Adherence to Regulatory Procedures:

○ Act within the legal framework outlined by laws and ministerial decrees.

Importance of Centralized Oversight:

The centralized approach allows for better coordination and enforcement of regulations, ensuring that endowment objectives are met. This oversight extends to both the appointment and daily operations of administrators, reflecting the significance of endowments in Algerian law.

The legal framework governing the role of the Administrator in Algeria underscores the importance of effective management and oversight of endowments. Through carefully defined conditions and duties, the legislator seeks to ensure that endowments fulfill their intended social, cultural, and economic roles. By aligning these regulations with both Islamic jurisprudence and modern administrative practices, the Algerian system aims to protect and sustain endowments as vital institutions within the community (Kanazah, 2006).

Jurists agree that the Administrator of an endowment is responsible for its direct management and protection. Article 13 of Executive Decree No. 98-381 of December 1, 1998, outlines the Administrator's duties as follows:

• **Management and Representation:** Oversee the endowment property, represent the beneficiaries, and ensure no negligence occurs.

• **Preservation:** Safeguard all assets, including immovable and movable properties.

• **Benefit and Harm Prevention:** Perform actions beneficial to the endowment and its beneficiaries while preventing harm, in accordance with regulations and the founder's conditions.

• **Maintenance and Repairs:** Maintain and repair built properties, and rebuild them if necessary.

• **Land Management:** Protect, improve, and cultivate agricultural lands, as specified in Article 45 of Law No. 91-10 of April 27, 1991.

• **Revenue Collection:** Collect revenues generated by the endowment property.

• **Beneficiary Payments:** Distribute payments to beneficiaries in line with the founder's conditions, deducting necessary expenses for property maintenance and protection.

To ensure these duties are performed effectively, the Administrator is under the continuous supervision of the Endowment Commissioner.

Section 2: Rights of the Administrator and Termination of Their Duties

The Administrator, entrusted with endowment management, is granted specific rights under Islamic jurisprudence and Algerian law. However, their duties may be terminated if they are unable to fulfill their responsibilities for any reason (Kanazah, 2006).

1: Rights of the Administrator in Algerian Legislation

Articles 18, 19, and 20 of Executive Decree No. 98-381 outline the Administrator's rights:

- **Salary:**

The Administrator is entitled to a monthly or annual salary derived from the endowment's revenues, effective from their appointment date.

- The salary is determined by the founder's endowment deed or, if unspecified, by the Minister of Religious Affairs following consultation with the Endowment Committee.

- Typically, the salary is around 8% of the endowment's income, as per Executive Decree No. 91-144 of April 24, 1991.

- **Discretionary Fee Determination:**

The endowment authority has the power to set the Administrator's fee, which may vary between administrators. Article 18 specifies that the fee is to be paid in cash.

- **Social Insurance and Security:**

Administrators are covered under social insurance and security regulations. Contributions are deducted from their remuneration, as outlined in Article 20 of Executive Decree No. 98-381. This ensures economic and social protection for both the Administrator and the endowment system (Boudiaf).

2: Termination of the Administrator's Duties

The Administrator's role may end if they fail to meet their responsibilities or for other justified reasons. The Algerian legislator emphasizes the importance of aligning the Administrator's rights and obligations with the protection and development of the endowment.

The First Case: Social security contributions are deducted from the custodian's salary. These contributions provide personal benefits, particularly in cases such as retirement, death, or other contingencies.

The Second Case: Since the custodian is required to contribute to insurance, they can also secure the endowment property against risks such as fire, damage, drought, and other potential hazards.

2: Termination of the Administrator's Duties in Algerian Legislation

The custodian of an endowment may be dismissed for engaging in activities that violate the founder's conditions, breach public morals, or contravene regulations. Such actions necessitate their dismissal and the appointment of a replacement to prevent harm to the endowment property. This ensures that the endowment continues to fulfill its economic and social objectives.

The administrator's role is subject to oversight and accountability. While some legal systems, like the Egyptian legal code, classify the administrator as an agent, Algerian law views the custodian as a quasi-public official. Their dismissal requires a decision from the Minister of Religious Affairs and Endowments (Ramoul, 2006).

Article 21 of Executive Decree No. 98-381 outlines two categories of situations that warrant dismissal, following the same procedures used for appointment:

A: Grounds for Dismissal

The endowment administrator may be dismissed under the following circumstances:

- **Health Impairment:** If the custodian becomes physically or mentally incapable of performing their duties, their actions are deemed invalid. Such impairments render them unable to discern what is appropriate for the endowment.

- **Incompetence or Resignation:** If the custodian is proven to be incompetent or voluntarily resigns. Resignations must be formally communicated in writing, specifying the departure date.

- **Substance Abuse:** If the custodian engages in activities such as alcohol or drug use, or gambling. These behaviors are harmful to the endowment property and violate Islamic law.

- **Unauthorized Mortgage or Sale:** If the custodian mortgages or sells endowment property without prior written approval from the responsible authority or beneficiaries. Such actions are void under Islamic jurisprudence and Algerian law, and the custodian is held legally accountable.

- **Claims of Private Ownership or Breach of Trust:** If the custodian claims ownership of endowment property, breaches their fiduciary duties, or neglects their responsibilities. These breaches invalidate their appointment, as trustworthiness and fairness are core conditions. Evidence for such breaches can be gathered through investigations, inspections, expert opinions, or witness testimony.

B: Grounds for Removal

The administrator may also be removed for the following reasons through a ministerial decision:

- **Damage to the Endowment:** If it is proven that the custodian has caused harm to the endowment's interests or the beneficiaries' rights. The legislation uses the term "damage" broadly, without specifying its type or degree, necessitating further legal clarification.

- **Criminal Activity:** If the custodian is found guilty of a felony or misdemeanor. The law, however, does not specify the nature of crimes or whether they must occur during the custodian's tenure or outside it.

In both dismissal and removal scenarios, Algerian law does not clearly differentiate the administrative consequences. It remains ambiguous whether the custodian is treated as a public servant under civil service regulations or as a contracted service provider.

Additionally, the centralized administration of endowment properties poses challenges in oversight and management. The process of proving and finalizing the dismissal of a custodian through ministerial decisions can be cumbersome, especially when considering the practical limitations of centralized governance compared to the localized duties of custodians.

The ambiguity surrounding the legal ramifications and procedures for dismissal or removal requires further legal examination and improvement to guarantee effective governance and the safeguarding of endowment assets.

Contributions to Social Insurance and Conclusion of the Endowment Custodian's Duties under Algerian Legislation

Conclusion

The recognition of the legal personality of endowments under Algerian law provides legal protection and differentiates them from other charitable agreements, such as gifts, wills, and similar acts. The Algerian legislator has formalized the endowment's legal personality within the frameworks of both the Endowment Law and the Civil Code. This recognition has significantly impacted the management and administration of endowment properties, which are supervised by the administrator. The following recommendations are drawn from this article:

1. The inclusion of additional legal provisions in Article 5 of the Algerian Endowment Law, specifically addressing the legal consequences resulting from the recognition of the endowment's moral personality.

2. Considering the broad scope for state intervention provided by the endowment's moral personality, it is crucial for the newly established National Office for Endowments and Zakat (charity) to extend its oversight over all public endowments in Algeria.

3. The management of endowment property is generally assigned to the administrator, which calls for the creation of criminal safeguards for these individuals, particularly in cases where powerful political or economic elites interfere with state-owned endowment properties.

4. There is an urgent need to amend Article 21 of Executive Decree No. 98-381, which addresses the termination of the administrator's duties. The decree should clarify the consequences of termination in each situation to ensure legal certainty.

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