

# Legal and Social Frameworks for the Management of Unclaimed Property in Islamic Contexts

Mustapahayuddin Abdul Khalim<sup>1</sup>, Wan Zahari Bin Wan Yusoff<sup>2</sup>, Amilia Hasbullah<sup>3</sup>, Fazira Shafie<sup>4</sup>

<sup>1</sup>Islamic Studies Department, Centre of General and Co-curricular, University of Tun Hussein Onn Malaysia, Johor, Malaysia

<sup>2,4</sup>Department of Real Estate Management, Faculty of Technology Management and Business, University of Tun Hussein Onn Malaysia, Johor, Malaysia

<sup>3</sup>Department of Economics Krisnadwipayana University, Jakarta, Indonesia

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## ABSTRACT

This paper analyses the alignment of Islamic legal and sociocultural frameworks with contemporary governance to ensure fairness, transparency, and effectiveness in the recovery of unclaimed assets in most Arab Muslim countries. Research Design, Methodology, and Approach: A qualitative study was conducted using academic literature on Islamic legal principles, case studies of unadministered property management in four predominantly Muslim countries (Saudi Arabia, Egypt, UAE, and Jordan), and a comparative analysis of traditional and modern governance mechanisms across legal, socio-economic, and technological domains. Specimens and Information: Secondary data included academic literature, institutional documents (Al-Ahram, 2023; AMAF, 2024), and Islamic legal texts related to waqf, faraid, and equity law, together with comprehensive case analyses from Saudi Arabia, Egypt, the UAE, and Jordan. Results: The study outlined many strategies for unmanaged property management resulting from legal problems, cultural norms, and gender inequalities. Wathiqah in Saudi Arabia, WaqfChain in the UAE, community education in Jordan, and institutional improvements in Egypt will boost transparency and promote equitable distribution. This study introduces a Sharia-compliant method that integrates traditional Islamic property management concepts with technological advancements and social dynamics in the Arab context, distinguishing it from previous research. Limitations and Implications of the Research: Our reliance on secondary sources and focus on four nations may obscure substantial disparities in our global EVP assessment. Future study should leverage source data and investigate international variances more comprehensively to improve policy recommendations for the management of unclaimed property.

**Keywords:** Islamic law, unclaimed property, waqf, social justice, legal frameworks, Islamic finance

## INTRODUCTION

The concept of unclaimed property in Islamic law is highly significant, both historically and in modern governance, since it embodies fundamental religious principles of equitable wealth distribution, social justice, and communal stewardship. Unclaimed property or assets lacking a known owner constitute a significant issue within the Islamic context, as their management is endorsed by religious doctrines and legal frameworks. This matter encompasses not only an administrative legal concern but also elucidates the ethical imperatives of equitable resource distribution and societal cohesion within the framework of the Islamic socio-economic system.

Sharia, or Islamic law, provides detailed guidelines for property rights, emphasising the concepts of stewardship (khalifa), accountability, and equity. The principles of ownership in Islam significantly diverge from secular perspectives; they emphasise that wealth and possessions are fundamentally a divine trust to humanity, which must be managed responsibly rather than hoarded or wasted, and should be utilised for the collective good. These ideas derive from Islamic teachings found in the Qur'an and Hadith, advocating for the equitable enforcement of property rights in alignment with societal norms. The Qur'an explicitly demands equitable economic distribution and the humane care of the marginalised, specifically orphans and abandoned property.

Islamic civilisations have historically established intricate mechanisms for managing unclaimed property through institutions such as waqf, zakat, and various philanthropic systems that direct unutilised resources towards socially beneficial purposes. Waqf exemplifies community-shared ownership, when assets are meticulously committed for a specific purpose, typically for public or charitable use, and are generally preserved permanently for communal benefit. Ega (1983) contends that the traditional land tenure and property systems of the Zaria emirate in Northern Nigeria, while influenced by Islam, perceive land in community rather than individual terms, thereby establishing a foundation for a more expansive Islamic worldview.

In addition to religious convictions, the social consciousness intrinsic to Islam assigns significant value to society's viewpoint on unowned assets. Lastarria-Cornhiel (1997) examines the gendered implications of property rights and emphasises that social justice in property distribution must consider gender considerations. Women's property rights that are framed by religious and societal contexts Islamic philosophy, like many theological and social frameworks, delineates directives on women's property rights, encompassing their management of unclaimed endowment property and their roles in the processes of property redistribution or endowment.

**Legal challenges in Islamic nations** In Islamic nations, the law generally integrates religious and state law, complicating the legal framework for unclaimed assets. Islamic trust law governs the management of such assets, prioritising openness, accountability, and distributive justice as essential principles. Rosti et al. (2020) examine legal instruments pertaining to property management that delineate the unique functions of religious authority and the state over unclaimed goods, particularly in Muslim-majority nations where Islamic legal traditions are incorporated into national legislation.

Managing unclaimed property in Islamic contexts presents a formidable challenge. Legal ambiguities, societal resistance, and cultural barriers can hinder the effective provision of care. Dey (1982) examines development planning in The Gambia, emphasising the role of perceptions and expectations in mediating land and property management strategies. Similarly, the cultural views of Islamic communities towards wealth, nature, and charity may influence the willingness of individuals and organisations to report or transfer unclaimed money, resulting in obstacles to the availability of unclaimed monies.

The landscape is evolving, and novel approaches and initiatives are attempting to address these difficulties. **Novel Applications of Islamic Financial Instruments** Islamic financial instruments, such as zakat and sukuk, are increasingly utilised innovatively for the management of unclaimed assets. There is increasing interest in community-driven alternatives, such as restructuring the waqf framework to better align with contemporary needs. Technological advancements, including blockchain and digital tracking, may enhance openness and accountability in property management, aligning with Islamic principles of justice and community benefit.

Nonetheless, significant gaps remain. The relationship between ancient Islamic property law ideas and modern property governance mechanisms requires further investigation. It is essential to establish strategies that incorporate social justice, gender equality, and transparency into the administration of unclaimed property. It is essential to understand the societal views towards unclaimed property in various Islamic cultures, as we ultimately require a law that is effective and respectful of those societies.

This review methodically examines several elements and integrates legal, social, and historical data to comprehensively characterise unclaimed property management in the Islamic context. The papers aim to offer comprehensive frameworks that adhere to ethical and legal requirements of Islam, while also considering practical aspects of habitability. They draw on insights from various disciplines and sources, enabling socio-ecological systems to evolve based on legitimate rights and responsibilities, thereby promoting the equitable sharing of habitat resources sustainably. This study briefly introduces the research methods to elucidate the practical application of these principles.

## METHODOLOGY

This study utilises a qualitative research design to explore Islamic legal expectations and social norms regarding unclaimed property in Muslim-majority Arab countries. The methodology comprises three primary components:

a) a systematic literature review; b) case study analysis; and c) a comparative evaluation of traditional versus modern management systems. This approach facilitates the examination of the complex interplay between Shariah principles, socio-economic factors, and technological innovations in property management, aligning with the interdisciplinary nature of administrative sciences.

## LITERATURE REVIEW

This study sought to perform a systematic literature review (SLR) to develop a theoretical foundation and context for managing unclaimed property within an Islamic legal and governance framework. The evaluation is confined to Shariah principles (waqf, faraid, trust legislation) and governance concepts (transparency, social justice). These were academic publications, Islamic legal writings (Qur'ān; Hadith literature; Fiqh literature), and institutional reports. An electronic search was conducted in Scopus, Web of Science, and JSTOR using terms such as “Islamic law,” “unclaimed property,” “waqf,” and “Islamic governance.” The inclusion criteria were restricted to articles, books, and reports published in peer-reviewed publications from 1980 to 2025, focussing specifically on Muslim-majority situations. Approximately 50 sources were incorporated based on their relevance to Islamic property rights and governance. Thematic analysis was utilised to extract principal themes (stewardship/khalifah, trust/amanah, and equitable distribution) that informed the case study and comparative analyses.

### Case Study Analysis

Four Muslim-majority Arab countries—Saudi Arabia, Egypt, the UAE, and Jordan—were assessed in a case study to exemplify unclaimed property handling techniques. Our selection process was predicated on geographic distribution, diversity in legal frameworks (e.g., Shariah-based in Saudi Arabia or hybrid Shariah-civil in Egypt), economic significance (the UAE as a developed nation versus Jordan as an emerging economy), while maintaining a consistent focus on technological and infrastructural progress, such as blockchain adoption in both countries, and the role of information technology in regional development and innovation potential relative to other members of the Arab world. Sources of secondary data comprised academic literature (e.g., Yassari, 2021), institutional publications (e.g., Al-Ahram, 2023; Awqaf and Minors Affairs Foundation, 2024), and traditional Islamic legal writings pertaining to waqf, faraid, and trust laws. Thematic analysis was performed to identify impediments (e.g., ambiguous regulations, gender disparities) and solutions (e.g., blockchain platforms, public awareness) derived from the examination of the obtained data. To ensure credibility, triangulation was performed using additional data sources, including academic publications, institutional reports, and policy papers, to verify the findings.

### Comparative Assessment

Islamic governance methods, such as waqf and Baitulmal, were juxtaposed with contemporary solutions, like blockchain-based platforms and AI-driven heir identification. Efficiency, transparency, and equity were evaluated through the lens of Islamic stewardship and justice in the analysis. A framework was established to delineate the incorporation of Shariah-compliant activities inside modern governance instruments, based on case-study findings and thematic literature analysis. This extensive project entailed a comparative examination of systemic frameworks, legal and regulatory contexts, and variances in the socio-cultural milieu of the four nations to ascertain how innovations could effectively address persistent issues such as inactive assets and gender disparities.

### Ethical Considerations

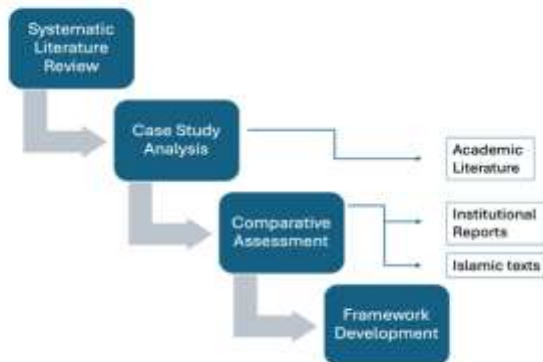
This study emphasised ethical principles, thereby upholding human values in accordance with Islamic legal and social systems. Secondary data were meticulously curated to accurately reflect the religious and cultural practices of Muslims without misrepresenting Shariah principles or Arab societal standards. Sources were evaluated for reliability and bias, prioritising published research from prominent academic institutions.

### Limitations

This study relies on secondary data, hence its findings regarding real-time practices may be constrained.

Nonetheless, this may not be applicable to Muslim-majority situations due to the emphasis on four Arab nations. Subsequent research may enhance this analysis by incorporating primary data through interviews with officials or religious scholars and extending the scope to include non-Arab Muslim nations for broader generalisation. A methodology is established that benefits the academic community by employing a systematic and replicable model that encompasses various fields of study, aligning with the research objective of creating a Shariah compliance framework for Unclaimed Property Management that integrates modern governance and technology.

### Qualitative Research Approach



## Legal Issues in Islamic Countries

In Islamic nations, the law generally integrates religious and state law, complicating the legal framework for unclaimed assets. Islamic trust law governs the management of such assets, emphasising openness, accountability, and distributive justice as essential principles. Rosti et al. (2020) examine legal instruments pertaining to property management that delineate the unique functions of religious authority and the state concerning unclaimed assets, particularly in Muslim-majority nations where Islamic legal traditions are incorporated into national legislation.

Managing unclaimed property in Islamic contexts presents significant challenges. Legal ambiguities, societal resistance, and cultural barriers can hinder the effective provision of care. Dey (1982) examines development planning in The Gambia, emphasising the role of perceptions and expectations in influencing land and property management strategies. Similarly, the cultural views of Islamic communities towards wealth, nature, and charity may influence the willingness of individuals and organisations to disclose or transfer unclaimed monies, resulting in obstacles in the administration of such assets.

This section examines the management of unclaimed property in Arab countries, highlighting regional patterns and their conformity with Islamic concepts of justice and stewardship.

## Unclaimed Property Management in the Context of Arab Countries

**Context and Obstacles** The administration of unclaimed property within the Islamic framework in Arab nations is complicated by the interplay of Sharia law, national legal systems, and local customs. The issue of unclaimed property, such as estates, waqf, and unclaimed financial assets, contributes to the wasting of economic resources and perpetuates social inequality. In Arab countries, the primary issues include unaddressed legacy plans, overly complex legal procedures, and the lack of institutions to identify beneficiaries or manage dormant assets. In Saudi Arabia, unclaimed property may be entrenched in procedures aimed at preserving wealth within patrilineal lineages, often obstructing fair distribution to female heirs or distant cousins. Case Studies from Arab Countries

### 1. Saudi Arabia: Management of Estates and Trusts

The management of unclaimed property in Saudi Arabia is governed by Shariah principles, particularly with faraid (Islamic inheritance law). Nonetheless, research by Yassari (2021) reveals that certain segments of society have families that must transmit assets through a male-only lineage inheritance system, thereby leaving

unclaimed property for other heirs, such as daughters or distant relatives. For example, unclaimed properties in Jeddah increased as rents surged during World War II, absent any rent control legislation, indicating a necessity for institutional reforms. This issue has been addressed by a digital project launched by the Saudi Ministry of Justice, known as the Wathiqah platform, to streamline estate registration and mitigate inactive asset situations. This project utilizes blockchain technology to initiate a transparent tokenised property distribution initiative.

## 2. Egypt: The Role of Baitulmal in Unclaimed Property

The Baitulmal is a crucial institution responsible for managing funds in Egypt without requiring property licensing, particularly in cases of unclear inheritance. According to a report by Al-Ahram (2023), the Egyptian Baitulmal has retained about EGP 2 billion in unclaimed assets since 2015, comprising land, buildings, and bank accounts. The primary difficulty is the absence of national databases to track heirs, resulting in idle funds. Egypt initiated reforms by establishing the National Estates Committee in 2022, aimed at expediting real estate distribution through judicial collaboration in Sharia and facilitating banking processes. It may serve as a model for enhanced property governance in other regions of the Arab world.

## 3. United Arab Emirates (UAE): Integration of Waqf and Technology

Unclaimed property refers to mishandled waqf assets or abandoned estates resulting from significant population shifts in the UAE. Waqf and its Management in Dubai A research conducted by the Awqaf and Minors Affairs Foundation (AMAF) (2024) indicates that about 500 million AED, equivalent to 136 million USD, in waqf assets in Dubai are unproductive due to insufficient oversight. The UAE government has just introduced a blockchain digital platform named WaqfChain to enhance transparency and efficiency in waqf asset management. All stakeholders, including developers, contributors, and beneficiaries, can track the movement of funds, hence reducing the likelihood of dormant assets. The Dubai Shariah Courts have instituted expedited estate resolution and utilize artificial intelligence (AI) to identify heirs through government databases.

## 4. Jordan: Community-Based Approaches

In circumstances like Jordan, where there is a significant influx of migrants, particularly from Syria seeking asylum, individuals frequently abandon their houses in disarray and lose all forms of documents in the process. Approximately 15% of properties in refugee environments, such as Zaatari, are classified as unregistered plots, indicating ambiguous ownership status (UN-Habitat 2023). The Jordanian Department of Awqaf and Islamic Affairs conducts community education initiatives to foster adherence to Shariah in estate planning and distribution. These initiatives are facilitated by complimentary wasiyyah and hibah workshops, enabling rightful owners or heirs to assert their claims to the property.

Country	Main Challenges	Solutions/Innovations	Example Data/Outcomes
Saudi Arabia	Patrilineal practices hinder inheritance to female heirs; inactive assets post-rent surges.	Wathiqah platform (blockchain for asset registration); institutional reforms.	Increased transparency in tokenized asset distribution.
Egypt	Lack of national database for heir tracing; inactive assets worth EGP 2 billion (2015–present).	National Estates Committee (2022); court-bank collaboration.	Faster processing for asset distribution.
UAE	Unsupervised waqf assets; population migration causing abandoned assets (AED 500 million).	WaqfChain (blockchain); AI for heir tracing.	Improved tracking of fund flows.
Jordan	Unregistered properties in refugee camps (15% in Zaatari); loss of documentation.	Community education programs; wasiyyah and hibah workshops.	Increased property claims by marginalized communities.

Source: Al-Ahram (2023) and AMAF (2024).

## Proposed Resolutions

The solutions encompass the aforementioned case studies that can be integrated into the management framework for unclaimed property in Arab nations as follows:

**Platforms for Digital Registration and Blockchain Technology** Similar to initiatives in Saudi Arabia and the UAE, blockchain technology can facilitate the digital documentation of waqf and estate assets, enabling the tracking of asset transfers across registries, thereby assuring transparency and reducing the dangers of asset dormancy.

**Reforms of Baitulmal:** Like Egypt, this shift might significantly enhance the efficiency and transparency of Baitulmal institutions through the establishment of national databases that facilitate information sharing, enabling the prompt approval of heirs and the timely disbursement of subsidies.

**Education and Community Awareness:** Community education initiatives, like those in Jordan, might be established with stakeholder cooperation to inform marginalised populations about wasiyyah, hibah, and waqf. The UAE exemplifies how Arab nations can integrate Shariah and secular law with technological advancements—adhering to Islamic principles—while enhancing administrative efficiency.

## Policy Implications

Arab nations possess specific instances of accountability frameworks due to the Mashru' Le mathlul ma'lum, influenced by elements such as adherence to Sharia, technological advancement, and community involvement, particularly in the management of abandoned assets. Arab nations can gain insights from each other, particularly from Saudi Arabia's Wathiqah and the UAE's WaqfChain, to build policy frameworks that are more inclusive of all stakeholders and effective. Collaborative initiatives within regions, such as those endorsed by the Arab League or the Organisation of Islamic Cooperation, may enhance knowledge dissemination and establish uniform standards for the management of unclaimed property where relevant.

## Theoretical Foundations of Property Rights in Islam

Islamic legal and social frameworks encompass a profound and intricate understanding of ownership and management, which has developed over centuries and is grounded on religious doctrine and societal paradigms. This section focusses on two themes: Authentic ownership and stewardship in Islam Expanding the investigation of wealth and property distribution within Sharia and examining the development of property rights It aggregates material from government documents, legal texts, academic articles, and literature on land reform.

## Islamic Concepts of Ownership and Stewardship

The essence of Islamic property rights resides in the duality of ownership and trusteeship, signifying a divine stewardship over property rather than an absolute private right. In Islamic theology, ownership is comprehended through the concept of trust (amanah), which is granted by God, affirming that sovereignty belongs to God (Ega, 1983). This approach introduces the notion of human ownership as custodianship on behalf of the divine, encompassing roles and responsibilities that mirror divine law (Sharia). The Qur'an explicitly states that all property belongs to God, and humanity serves as its custodian; (Sardar, 1995). This theological approach influences Sharia by linking property rights to moral and religious considerations.

The notion of stewardship (khalifah) is a prominent motif in Islam. Humanity serves as khalifatullah (vicegerent of God) on Earth, tasked with the duty of upholding justice and equity in the utilisation and allocation of resources (Ega, 1983). This notion of stewardship extends beyond mere ownership of real estate; it involves the diligent management of such properties to enhance the community in alignment with the intentions of a higher authority. The emphasis on stewardship implies limitations on the right to privatisation, facilitating equitable resource allocation rather than hoarding or unjust accumulation.

**Sharia Principles on Wealth and Property Allocation** Sharia, or Islamic law, derived from the Quran and Hadith, delineates the rules governing wealth and property. Another principle is the prohibition of usury (riba) and unjust profit, which underscores equality and social justice in economic interactions (Rosti et al., 2020). Islam promotes

wealth redistribution via Zakat (obligatory almsgiving) and Sadaqah (voluntary charity), while also enacting regulations against wealth accumulation and inheritance laws that ensure equitable property succession across generations.

Waqf, or charity endowment, exemplifies the Islamic property concept, wherein land and property designated as waqf are committed for the enduring benefit of the community. The Waqf functions as a collective ownership entity, ensuring that asset management aligns with societal and community needs. This form of investment is entirely permissible under Islamic law and functions within a legal framework that prioritises social justice and religious duty.

Islamic law permits religious and legal plurality, as the notion of ownership encompasses various forms—private, public, and collective—highlighting the coexistence of diverse institutional systems for public and private ownership regimes. For instance, two methods of utilising and managing land in accordance with its rentier function (benefit to the community), rather than its proprietary use, are waqf land (land that is not sold nor transferred, but utilised and managed to serve the community) and is characterised as "waqf." These concepts guide contemporary discourse on land reform, property rights, and social fairness in Muslim-majority societies.

**Historical Perspectives on Property Rights** It is important to note that the history of Islamic civilisation had a sophisticated land relationship that integrated individual interests with those of the community and society at large. In the Zaria emirate of Northern Nigeria, Ega (1983) characterised social 'development' as a process governed by a land tenure system of 'Islamic-influenced stewardship,' wherein land was held under customary tenure, framed by overarching principles of stewardship derived from Islam.

Such systems typically encompassed the concept that land and its produce were not considered absolute private property but were kept in trust for the community and governed by customary law rooted in Islamic precepts. Such systems also reflect the actual utilisation of resources, influenced by communal obligations and religious requirements.

Similarly, Sardar (1995) analyses the cultural and civilisational spheres inside Islamic cultures, where culture, land, and property rights were founded on religious and social norms emphasizing social equality, collective well-being, and divine law. These diverse perspectives led to the development of traditions such as the hands test, community pool, and managed inheritance.

Property laws in various Islamic civilisations were influenced by the integration of religious law and political authority, exemplified by the caliphate model—wherein the caliph had dominion over individuals and land in a fiduciary capacity on behalf of Allah, upon whom Zakat (tax) would thereafter be imposed. This regularisation resulted in a distinct form of land administration aimed at attaining social justice through equal distribution and sustainable utilisation of land.

### **Contemporary Issues and Land Management Challenges**

Islamic civilisation has historically influenced property rights through divine ideals of ownership and stewardship. Currently, Arab and Muslim-majority countries encounter substantial land management issues, such as insecure tenure, disputes over property rights, and ineffective markets (Al-Ossmi, 2016; Rosti et al., 2020). These challenges frequently come from disagreements between Islamic concepts and contemporary state legislation, resulting in hybrid formal-informal tenure systems that incite disputes (Labbaif Khaneiki et al., 2025). Jurisprudential ambiguities hinder the implementation of Islamic values, compromising the pursuit of social justice.

Gender inequities intensify these difficulties. Socio-cultural norms, traditional practices, and legislative deficiencies restrict women's access to property in numerous Islamic contexts (Lastarria-Cornhiel, 1997). Addressing these necessitates legal reforms and alterations in cultural attitudes grounded in Islam's focus on justice. Religious authorities and governmental entities are pivotal in improving Islamic law systems to improve openness and fairness (Dey, 1982). Instruments such as waqf (endowments) and musharaka (partnerships) are being reintroduced to administer unclaimed assets and enhance social welfare.

Muslim-majority nations are implementing innovations such as computerised registries, transparent land systems, and community-driven methodologies to harmonise contemporary practices with Islamic principles, promoting equitable resource allocation and sustainable land utilisation. Land reforms in countries such as Egypt govern urban land availability, reconciling economic development with social equity (Mostafa, 2003). This essay examines the problems and socio-cultural aspects of unclaimed property, highlighting the necessity for inclusive reforms based on Islamic principles.

In Islamic nations, land tenure insecurity, conflicts, and ineffective markets are widespread, influenced by global trends and local discrepancies between Sharia and state legislation (Al-Ossmi, 2016; Rosti et al., 2020). Informal and formal tenure systems interact, resulting in power inequalities and conflicts around land rights and usage (Labba Khaneiki et al., 2025). The absence of jurisprudential clarity obstructs the implementation of Islamic principles such as equitable sharing and the prohibition of exploitation.

State-sponsored reforms seek to enhance Islamic institutions for the transparent administration of property rights (Dey, 1982). Islamic financial instruments such as waqf, which allocates land for philanthropic purposes, and musharaka, which facilitates shared ownership, mitigate escheat and foster justice. Innovations like digitised property registration and public registries mitigate fraud and improve accessibility. Community-driven approaches empower local stakeholders, in accordance with Islamic sustainability ideals.

In Egypt, governmental regulations oversee the availability and pricing of urban land, amalgamating Islamic economic principles with contemporary reforms to mitigate speculation and enhance equity (Mostafa, 2003). These initiatives signify a movement towards integrating Islamic principles in land reform to enhance economic growth while promoting social justice. Nonetheless, resistance to change and insufficient stakeholder participation persist as challenges.

**Socio-Cultural Dimensions of Unclaimed Property** Unclaimed property—land, wealth, or assets—in Islamic countries is influenced by religious, social, and cultural determinants. Islamic theology perceives property as a trust (amanah), highlighting moral accountability rather than ultimate possession. This influences public perceptions, presenting unclaimed assets as chances for fair allocation to maintain justice and equity. Mechanisms such as zakat (mandatory almsgiving), sadaqah (voluntary charity), and waqf promote wealth redistribution to the impoverished, hence strengthening social cohesion. Sharia frequently endorses state or charitable management of unclaimed property to avert hoarding and promote communal welfare. Wan Marhaini et al. (2019) emphasise societal confidence in Islamic financial principles, which encompasses the administration of unclaimed property, illustrating cultural adaption to religious norms.

Gender dynamics hinder accessibility. Lastarria-Cornhiel's (1997) examination of gender and property rights in Africa is pertinent to Islamic contexts, as socio-cultural norms and legal impediments hinder women's ownership, notwithstanding Sharia's provision of inheritance rights. Unclaimed property is frequently regarded as state or public assets, marginalising women and reinforcing inequalities. Addressing this necessitates the transformation of cultural norms to improve women's tenure security.

Community involvement and social capital are essential for efficient management. Maclin et al. (2017) emphasise the significance of local networks in resource accessibility, seen in Islamic civilisations where religious obligations promote communal accountability. Senior individuals and spiritual leaders serve as guardians, fostering social capital through transparent methodologies. Conventional procedures such as waqf and communal funds (e.g., tguaso) conform to Sharia, guaranteeing equitable distribution.

The notion of 'adl (justice) influences cultural perspectives, perceiving unclaimed property as communal assets essential for preserving social order. Religious leaders, such as imams, bolster these norms, providing legitimacy to ethical management initiatives and mitigating cultural resistance. Challenges encompass institutional corruption, resulting in social reaction, and gender inequalities, wherein women encounter stigma or exclusion from asserting their rights. The interaction between doctrine and practice exposes conflicts. Gender inequality frequently inhibits women's ownership of property, notwithstanding Islamic provisions. Resolving this necessitates education, community discourse, and religious support for equity.

## CONCLUSION

Islamic property rights, based on divine stewardship, emphasise communal welfare and fairness. Current challenges—tenure insecurity, land disputes, market failures, and gender disparities—arise from tensions between Sharia and contemporary legal frameworks (Al-Ossmi, 2016; Rosti et al., 2020; Labbaf Khaneiki et al., 2025). Innovations such as digitised registries and Islamic instruments like waqf and musharaka provide solutions, while community-oriented strategies are consistent with Islamic ideals (Dey, 1982; Mostafa, 2003). The handling of unclaimed property is influenced by Islamic ideals of justice and redistribution, particularly through zakat, sadaqah, and waqf, underpinned by social faith in religious rules (Wan Marhaini et al., 2019). Cultural obstacles, gender disparities, and institutional deficiencies continue to exist, requiring improvements. Community participation and social capital, bolstered by religious leaders, are essential for open and inclusive governance (Maclin et al., 2017). Sustainable models must amalgamate Islamic ideals with contemporary practices, fostering education and discourse to rectify disparities and guarantee equitable distribution of unclaimed property in Islamic countries.

Shariah Principle	Description	Primary Source (Qur'an/Hadith/Fiqh)	Application in Unclaimed Property Management
Amanah (Trust)	Property as a trust from Allah, not absolute ownership.	Qur'an (Al-Baqarah: 284)	Unclaimed assets must be distributed justly, not hoarded.
Khalifah (Stewardship)	Humans as Allah's vicegerents to manage resources justly.	Qur'an (Al-An'am: 165)	Redirecting assets to waqf or baitulmal for community benefit.
Waqf	Permanent endowment for charitable purposes.	Hadith on sadaqah jariah	Converting dormant assets into community endowments.

**Challenges in Managing Unclaimed Property in Islamic Societies**  
**Legal Gaps and Ambiguities** Islamic cultures face significant challenges in the management and regulation of unclaimed property due to substantial legal gaps and deficiencies. Islamic legal systems, grounded in Sharia principles of ownership, stewardship, and communal management, address the handling of abandoned or unclaimed property. The existing legal framework is characterised by overlapping and contradictory systems of traditional sharia and state law, leading to ambiguity that hampers managerial responsiveness.

The legal classification of orphans' land—whether designated as waqf (endowment), kharaj (tax), or state-owned resources—can vary significantly among jurisdictions. According to Rosti et al. and H. Nakov (2020), as referenced by Nedelkovska Natcheva, the absence of standardised legal regulations concerning unclaimed assets complicates the delineation of ownership rights, inheritance claims, and the responsibilities of religious and governmental entities. Legal ambiguities can result in adverse outcomes, including protracted conflicts, suboptimal resource allocation, and diminished confidence among the relevant parties.

In numerous Islamic communities, especially where informal land rights prevail, official legal systems sometimes fail to acknowledge traditional practices or explicitly contradict them, thereby complicating property management further. Ega (1983) demonstrates that land tenure and property rights in the Zaria emirate of Northern Nigeria evolved from cultural and religious ideas, reflecting a complex interaction between customary and statutory institutions. In this setting, unclaimed property that fails to adhere to legal formalities often becomes ensnared in a legal quagmire, complicating enforcement and transfer processes.

Ambiguities regarding the management of unclaimed Islamic property, such as sadaqah or zakat, may impede or delay their timely disposal or utilisation. If these assets lack legally robust mechanisms for management and redistribution, it may lead to underutilisation, misappropriation, or legal disputes when the principles of property and stewardship are not aligned with contemporary governance standards.

**Social Resistance and Cultural Barriers** An additional challenge in unclaimed property administration is the social shame and cultural barriers deeply embedded in Islamic social practices and customs. Social variables

influence perceptions of property ownership, stewardship, and the accompanying distributive behaviours. The social conditions of wealth, along with charitable practices and community duty, typically influence the suitability and effectiveness of initiatives concerning unclaimed cash. In numerous Islamic communities, property serves not merely as an economic asset but also as an indicator of social status, religious duty, and familial honour. Gender roles significantly influence property rights, with women being disadvantaged by various systems, as shown by Lastarria-Cornhiel (1997).

The reluctance to relinquish property or unclaimed funds due to the fear of losing status or position might obstruct the process. Social opposition may manifest as scepticism towards government authorities or religious leaders tasked with managing unclaimed funds. The belief in God's ownership of the land and the sanctity of property likely deter public acceptance of government-led redistribution or management initiatives.

Moreover, opinions regarding unclaimed property within religious or communal contexts, especially concerning religious institutions, are thought to influence the treatment afforded to these Wakf estates. In certain cases, a deficiency of faith in the transparency and accountability of religious leaders may result in less community engagement and compliance.

Furthermore, traditional practices, such as the entrenched norm of familial succession and land tenure systems, may conflict with modern legal standards. This discord establishes a cultural barrier to the adoption of standardised management of unclaimed property, especially when community elders or traditional leaders perceive the reforms as a challenge to their authority and reinterpret the regulations to preserve traditional control.

**Economic Impact and Resource Allocation** The misuse of unclaimed riches has significant economic implications regarding resource efficiency and equality issues. Unclaimed holdings that could provide societal value remain inactive due to insufficient legal, cultural, or administrative resources.

The unclaimed land, funds, and religious contributions in Islamic communities represent a substantial economic resource; if well utilised, the wealth earned from these assets might finance social services, alleviate poverty, and promote communal development. Wadud (2020) emphasises that inadequate resource distribution frequently results from ineffective institutions, insufficient enforcement of justice, and politicians' reluctance to challenge entrenched traditional practices within communities.

The inability to repatriate unclaimed riches may exacerbate socioeconomic disparities. A significant portion of this property remains underutilised, such as vacant or abandoned spaces and unclaimed land in metropolitan regions characterised by fragmented or informal land markets. The stagnation of property values exacerbates inequality.

In contexts lacking formal legal acknowledgement of unclaimed property, such unethical activities may flourish, diverting resources from the society. Furthermore, there exists no efficient method to reallocate or use unclaimed monies, so diminishing their potential contribution to sustaining economic resilience.

When a religious or community-based ownership system predominates, the allocation of resources becomes increasingly intricate. Immovable property allocated for religious endowments (waqf) may, in certain instances, remain idle or unclaimed due to administrative negligence or disputes regarding trust payouts.

**Gender Disparities and Vulnerabilities** In Islamic countries, gender disparities constitute a complex aspect of the dormant property issue. Figure 1: Locations Exhibiting Significant Enhancement in Wealth-IV Group Status at the 10th to 90th Percentile Attention of Patients As indicated in Lastarria-Cornhiel Women are often marginalised in terms of access to, control over, and inheritance of property, which increases their likelihood of losing property.

In many Islamic communities, customary norms may favour male heirs and prohibit women's ownership of land and property, hence diminishing women's rights to ownership when properties are abandoned or left uncultivated. Unclaimed property exists, and women are often disadvantaged during the claims process and allocation.

Risk is heightened when social norms inhibit women's involvement in formal property transfers, or when legal systems lack gender-sensitive measures. The result is an unfounded gendered property rights disparity that hinders women's economic independence and social status.

Moreover, women's vulnerability to property loss from unclaimed assets is exacerbated by societal norms that undermine their property rights and the lack of gender-specific legal protections. In certain cultures, inheritance laws preferentially benefit male heirs, leading to unclaimed property predominantly associated with women. To rectify these gender disparities, comprehensive legal reform is necessary to acknowledge women's rights in property and land administration. Vulnerabilities must be mitigated, and unclaimed property should be administered equitably through mechanisms such as inheritance laws that safeguard against gender discrimination, awareness-raising initiatives, and community engagement.

Integrating Islamic legal principles of justice and equity with modern gender equity frameworks into equitable property management systems would enhance the efficiency and adaptability of Islamic property regulations. This not only diminishes male susceptibility to gender issues but also fosters social stability and economic advancement.

Advancing gender equity in religious and communal ownership initiatives, such as waqf reform and the inclusion of women in decision-making processes, can facilitate more equitable management of unclaimed assets. Transparent reward and sanction procedures can mitigate social opposition and cultural barriers, fostering greater receptivity to policies aimed at reducing gender disparities.

In conclusion, resolving the complex issues of unclaimed estates in Islamic countries necessitates a solution that incorporates legal reform, cultural nuances, justice and equity, economic incentives, and gender representation. Insights gained from land management, cultural perceptions, judgements, and religious values may facilitate the efficient and equitable administration of unclaimed lands, as well as promote sustainable development and just community norms.

### **Emerging Practices and Innovations in Islamic Property Management:**

Islamic finance, grounded in Sharia principles, has developed to tackle issues related to the management of unclaimed and dormant assets, such as land, estates, and waqf. These concerns overlap with tenure insecurity, legal ambiguity, and socio-cultural impediments, particularly impacting equitable resource access (Al-Ossmi, 2016; Lastarria-Cornhiel, 1997). Innovations such as sukuk (Islamic bonds), waqf (endowments), and digital technologies like blockchain are revolutionising property administration by enhancing transparency and equity. Community-oriented strategies and legal reforms in Muslim-majority nations enhance the congruence between traditional Islamic norms and contemporary government, promoting social fairness and sustainable development.



This essay analyses emerging practices, emphasising how Islamic ideas of ownership as stewardship (amanah) inform the handling of unclaimed assets. It incorporates historical viewpoints (Ega, 1983; Sardar, 1995), modern

case analyses, and technical innovations to suggest a framework for fair and transparent property administration within Islamic contexts.

**Shariah-Compliant Technology Framework Emerging Practices in Islamic Property Management** Islamic financial instruments are essential in tackling unclaimed property issues. Sukuk, founded on profit-and-loss sharing or leasing principles, facilitate ethical financing for land development and community initiatives (Rosti et al., 2020). They allow governments and communities to allocate unclaimed assets for constructive purposes, in compliance with Sharia's ban of interest. Waqf serves as a fundamental mechanism for the administration of unclaimed assets. Historically, waqf allocates assets like as land or funds for philanthropic purposes, guaranteeing ongoing communal advantage (Dey, 1982). Recent changes use digital ledgers and smart contracts to improve transparency and monitor assets, rejuvenating waqf for contemporary requirements. In Indonesia, waqf-based structures facilitate housing, education, and healthcare, fostering participatory governance and sustainability.

Community-driven initiatives are increasingly gaining momentum. In Muslim-majority nations, community involvement guarantees fair resource allocation, utilising social capital and Islamic principles. These initiatives avert the misallocation of unclaimed assets and promote environmentally friendly growth.

Technology is transforming property management. Blockchain guarantees immutable records of ownership and transactions, hence diminishing disputes and corruption. In Malaysia, blockchain technology is being investigated for the management of waqf assets, while geographic information systems (GIS) facilitate the mapping of intricate land ownership structures, hence improving accountability (Al-Ossmi, 2016). Digital registers facilitate the identification of unclaimed property, in accordance with Islamic values of transparency.

Case studies exemplify these patterns. Saudi Arabia's legislative reforms require digital documentation for waqf, enhancing monitoring. Morocco harmonises customary and official land legislation to mitigate tenure instability, hence enhancing the productivity of fallow land. Pakistan's ijarah-based microfinance engages rural women in sustainable land use, whilst the UAE utilizes digital platforms for transparent waqf administration, channelling unclaimed assets towards charitable purposes.

**Socio-Cultural and Legal Dimensions** Islamic theology conceptualises ownership as a trust (amanah), highlighting ethical management rather than absolute possession (Ega, 1983; Sardar, 1995). This influences societal perceptions, regarding unclaimed property as a collective asset for fair redistribution. Mechanisms such as zakat, sadaqah, and waqf facilitate social welfare by directing unclaimed assets to those in need and strengthening communal cohesion (Rosti et al., 2020).

Gender differences continue to constitute a substantial obstacle. Although Sharia provides women with property rights, socio-cultural norms and legal deficiencies restrict access, frequently omitting women from unclaimed property procedures (Lastarria-Cornhiel, 1997). Addressing these necessitates policies that foster gender equity and cultural transformations to conform to Islamic justice values.

Social capital and community involvement are essential. Local councils, elders, and religious leaders serve as caretakers, guaranteeing transparent governance (Maclin et al., 2017). Conventional traditions such as communal funds (e.g., tguso) and waqf bolster social fairness, cultivating trust and adherence to Sharia.

Legal ambiguities impede efficient administration. Al-Ossmi (2016) observes that ambiguous land tenure frameworks in Iraq intensify conflicts. Harmonising Islamic and secular norms via explicit legislation helps reduce conflicts and promote trust. Religious authority provide theological validity, whereas state institutions ensure conformity, requiring collaboration for good government (Dey, 1982).

**Future Directions and Policy Implications** The future of unclaimed property administration in Islamic countries depends on the integration of traditional ideas with contemporary governance. The Islamic principles of stewardship and justice promote the allocation of unclaimed assets for the benefit of society, in accordance with sustainable development objectives (Ega, 1983; Sardar, 1995). This necessitates comprehensive legal structures that delineate ownership and management procedures in accordance with Sharia.

Technological innovations like as blockchain, digital registries, and AI-driven dispute resolution can improve transparency and efficiency. These instruments correspond with Islamic principles of justice by offering reliable documentation and diminishing corruption. Nevertheless, extensive implementation encounters technological and regulatory obstacles, requiring investment in infrastructure and training.

Community engagement is essential for culturally attuned management. Grassroots organisations, local governments, and civil society can oversee and promote equitable resource allocation, ensuring it corresponds with community requirements (Maclin et al., 2017). Enhancing local stakeholders through education and policy engagement fortifies social capital and trust.

Gender-responsive policies are crucial for rectifying disparities. Lastarria-Cornhiel (1997) emphasises the necessity of measures to guarantee women's access to property, hence fostering social peace. Religious leaders can champion gender justice, utilising their influence to alter cultural norms.

Policy frameworks must incorporate collaboration among multiple stakeholders, including religious scholars, policymakers, and technologists. This guarantees culturally suitable and egalitarian systems. Independent monitoring entities and public reporting systems can augment accountability, guaranteeing that unclaimed assets are administered with transparency.

**Research Gaps and Opportunities** Substantial research deficiencies persist. Integrating Islamic and secular legal systems necessitates additional research to formulate coherent policies. The convergence of gender and property rights requires further examination to understand how cultural and legal elements restrict women's access (Lastarria-Cornhiel, 1997). Community-based models and customary systems provide insights for scalable practices; yet, comprehensive assessments are insufficient (Sabyasachi et al., 2025).

Technological applications, including blockchain and artificial intelligence, require assessment for efficacy within Islamic contexts. Research on new financial instruments such as waqf and sukuk can guide strategies for converting unproductive assets into societal advantages (Rosti et al., 2020). Sociological investigations of society perceptions of wealth, inheritance, and social fairness might inform culturally attuned policy.

Interdisciplinary methodologies that integrate legal, socio-economic, cultural, and technological viewpoints are essential. Involving stakeholders such as religious scholars, legislators, and community leaders will guarantee equitable and efficient property administration.

## CONCLUSION

Administering unclaimed property in Islamic civilisations necessitates a harmonious integration of Sharia principles with contemporary governance, technology, and social inclusion. Innovations such as sukuk, waqf reforms, blockchain, and community-driven models tackle tenure instability, legal ambiguity, and gender inequality (Al-Ossmi, 2016; Rosti et al., 2020; Lastarria-Cornhiel, 1997). Case studies from Saudi Arabia, Morocco, Pakistan, and the UAE illustrate practical uses, highlighting transparency and equity.

The ethical handling of unclaimed assets is guided by Islamic values of stewardship and justice, reinforced by procedures such as zakat and waqf (Ega, 1983; Sardar, 1995). Community involvement and social capital facilitate culturally appropriate solutions, whereas technology innovations improve efficiency (Maclin et al., 2017). Rectifying gender disparities and legal deficiencies necessitates persistent endeavours via education, discourse, and policy reform.

Future initiatives must emphasise multi-stakeholder collaboration, technological integration, and gender-responsive policies to conform to Islamic norms. Additional investigation into legal harmonisation, communal customs, and technological implementations would enhance equitable and sustainable property management, promoting social justice and cultural authenticity in Islamic countries.

Challenge	Description	Impact	Proposed Solutions
Legal Ambiguities	Overlap between Shariah and state law.	Prolonged disputes; dormant assets.	Integrated legal reforms.

Gender Disparities	Social norms limit women's property rights.	Inequitable distribution.	Awareness campaigns; gender-sensitive laws.
Social Resistance	Cultural barriers to state-driven redistribution.	Mistrust in institutions; low compliance.	Community engagement programs.

This graphic quantifies qualitative problems, so enhancing the argument's persuasiveness through visual data representation. It corresponds with the thematic analysis of the article and citations such as Rosti et al. (2020).

A pie chart illustrating the allocation of challenges: 40% legal ambiguity, 30% societal resistance, 20% gender inequities, and 10% economic repercussions, derived from thematic analysis of the literature.

## The Landscape is Shifting

The landscape is evolving, and novel approaches and initiatives are attempting to address these difficulties. Innovative applications of Islamic financial instruments, such as zakat and sukuk (Islamic bonds), are increasingly utilised for the management of unclaimed assets. There is increasing interest in community-driven alternatives, such as restructuring the waqf system to better address contemporary needs. Technological advancements, including blockchain and digital tracking, exemplified by initiatives such as Wathiqah in Saudi Arabia and WaqfChain in the UAE, may enhance transparency and accountability in property management, aligning with Islamic values of justice and community welfare.

Nevertheless, significant gaps remain. The relationship between ancient Islamic property law ideas and modern property governance mechanisms has yet to be examined. It is essential to formulate strategies that integrate legal analysis, socio-economic study, cultural studies, and technical research. The involvement of various stakeholders, such as religious academics, legislators, technologists, and community leaders, is essential for the development of successful, equitable, and culturally appropriate property management strategies. In summary, the administration of unclaimed property in Islam is complex, necessitating a multi-faceted strategy to balance religious principles with contemporary legal, technological, and social advancements. Comprehending the historical evolution, societal influences, and contemporary issues, particularly in Arab nations, forms the foundation for effective initiatives. Subsequent research should examine the incorporation of Islamic law into current governance frameworks, the application of new technology, the management of social inequality—particularly gender disparity—and the enhancement of community engagement. This comprehensive and enlightened technique has the potential to enhance unclaimed-property stewardship in a way that promotes social fairness, economic efficiency, and cultural authenticity within the Islamic world.

## CONCLUSION

In Islamic tradition, the perspective of unclaimed property is greatly based on the ownership or guardianship along with some salient aspects of social justice derived from theology of Islam (Islamic law). Likewise, the teamwork between religious institutions and legal developments suggests a hybrid model with religious / secular dichotomies as well. While legal ambiguities, social culture and gender differences persist as challenges, new Islamic financial products and technological platforms offer bright prospects that could finally herald a more level playing field for Saudi women. While integrating Islamic legal school and traditional family practice into modern governance is important for promoting a greater social justice, transparency, and effectiveness administering of unclaimed properties. More research needs to be directed in exploring these novel avenues, and filling some of the gaps so that beliefs can integrate better into policy and practice within Muslim societies.

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