

In the **Name of Allah, Most Gracious, Most Merciful**
Inheritance Law from the Quraan
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Death is imminent and can come any time. It can come during childhood, or when grown up or after becoming old. One may be married or may be not, he or she has to die on one day and most probably leaving heirs behind. Since the stages change according to the time, a person's responsibility also gets change. Men have their responsibilities and women have their. So it is necessary to find the right dividends for the right heirs. BUT it is extremely hard to determine these dividends without the help of Allah. Allah already mentioned in the Quraan dealing with all these issues categorically and in great detail.

Allah enjoins you concerning your children: The male shall have the equal of the portion of two females; then if they are more than two females, they shall have two-thirds of what the deceased has left, and if there is one, she shall have the half; and as for his parents, each of them shall have the sixth of what he has left if he has a child, but if he has no child and (only) his two parents inherit him, then his mother shall have the third; but if he has brothers, then his mother shall have the sixth after (the payment of) a bequest he may have bequeathed or a debt; your parents and your children, you know not which of them is the nearer to you in usefulness; this is an ordinance from Allah: Surely Allah is Knowing, Wise, (AI_Quraan_004.011).

Islaamic Sharia Law stipulates how the estate of a Muslim is to be dealt with and distributed after his or her death. The rules described here reflect the Commandments of Allah according to the Quraan; some differences or variations may be adopted under the Hanafi, Maliki, Shafi and Hanbali schools.

Knowledge of Mathematics:

To understand these calculations, you must know the middle school mathematics, which are not complex as of university level or even as of high school level mathematics. E.g. one of the bases of inheritance is male gets $\frac{2}{3}$ and female gets $\frac{1}{3}$. Although $\frac{2}{3} + \frac{1}{3} = 1$ looks PERFECT, BUT you cannot exactly divide 100 or 50 Dollars equally among the males and females. There are many cases in which you may need to deal with the prime numbers (e.g. 89), which are only divisible by 1 or by itself. Islaamic Inheritance Law are based on complete Quraan and are NOT limited to few verses only, and answers PERFECTLY to deal with all those cases. Presently with the help of science and specially the computers, it became more easier to search many things and find the answers more easily ever than before.

Hold the division of the Inheritance in case, the wife of the deceased could be pregnant:

And the divorced women should keep themselves in waiting for three courses; and **it is not lawful for them that they should conceal what Allah has created in their wombs**, if they believe in Allah and the last day; and their husbands have a better right to take them back in the meanwhile if they wish for reconciliation; and they have rights similar to those against them in a just manner, and the men are a degree above them, and Allah is Mighty, Wise, (AI_Quraan_002.228).

From the above Ayah, it very clear that the main purpose of the Iddat is to wait and see if she is pregnant or not. Waiting is variable according to cases. Also **it is advised that people should hold the division of the Inheritance in case, the wife of the deceased could be pregnant**. In this way we also will come to know if she delivers the **boys or girls**.

To understand the logic of Islaamic Inheritance Law, we need to keep in our mind the following Ayaat from the Quraan:

If one gets Booty, pay a fifth of shares to relatives and orphans etc.:

And know that out of all the booty that you may acquire (in war), a fifth share is assigned to Allah, and to the Messenger, and to near relatives, orphans, the needy, and the wayfarer, if you do believe in Allah and in the revelation We sent down to Our servant on the Day of Testing, the Day of the meeting of the two forces. For Allah hath power over all things, (AI_Quraan_008.041).

If one gets produced of gardens / farm pay the Due:

And He it is Who produces gardens, trellised and un-trellised, and palms and seed-produce of which the fruits are of various sorts, and olives and pomegranates, like and unlike; eat of its fruit when it bears fruit, and pay the due of it on the day of its reaping, and do not act extravagantly; surely He does not love the extravagant, (AI_Quraan_006.141).

If one earns pay the Due:

O you who believe! spend (benevolently) of the good things that you earn and or what We have brought forth for you out of the earth, and do not aim at what is bad that you may spend (in alms) of it, while you would not take it yourselves unless you have its price lowered, and know that Allah is Self-sufficient, Praiseworthy, (AI_Quraan_002.267).

How much to spend:

... And they ask you as to what they should spend. Say: that which is superfluous (in excess). Thus does Allah make clear to you the communications that you may ponder, (AI_Quraan_002.219).

WILL: A Muslim must make a will in favor of his Specified as well as non-Specified Heirs, when death approaches. In case of accidental death or the remainder of the estate after WILL, should be divided among the heirs according to the Quraan:

... If any do fail to judge by (the light of) what Allah hath revealed, they are Unbelievers, (AI_Quraan_005.044).

It is decreed that when death approaches, you shall write a will for the benefit of the parents (Specified Heir) and relatives (Specified as well as Non-Specified Heir), equitably. This is a duty upon the righteous, (AI_Quraan_002.180).

And those of you who die and leave wives behind, (make) a bequest in favor of their wives (Specified Heir) of maintenance for a year without turning (them) out, then if they themselves go away, there is no blame on you for what they do of lawful deeds by themselves, and Allah is Mighty, Wise, (AI_Quraan_002.240).

Close Relatives from where you can eat and vice versa: If you can eat from someone's house, then they can do so:

There is no blame on the blind man, nor is there blame on the lame, nor is there blame on the sick, nor on yourselves that you eat from your houses, or your fathers' houses or your mothers' houses, or your brothers' houses, or your sisters' houses, or your paternal uncles' houses, or your paternal aunts' houses, or your maternal uncles' houses, or your maternal aunts' houses, or what you possess the keys of, or your friends' (houses). It is no sin in you that you eat together or separately. So when you enter houses, greet your people with a salutation from Allah, blessed (and) goodly; thus does Allah make clear to you the communications that you may understand, (AI_Quraan_024.061).

You must give due to your relatives as well:

And give to the relatives his due and (to) the needy and the wayfarer, and do not squander wastefully, (AI_Quraan_017.026).

Then give to the near of kin his due, and to the needy and the wayfarer; this is best for those who desire Allah's pleasure, and these it is who are successful, (AI_Quraan_030.038).

We must need to think of Orphans:

And let those fear who, should they leave behind them weakly offspring, would fear on their account, so let them be careful of (their duty to) Allah, and let them speak right words, (AI_Quraan_004.009).

It is advised to announce the day of distribution of the heirs among closed as well as far relatives. If any of them are not present without any valid reason or have no interest in getting some from the inheritance then we may proceed without them and their shares may be excluded. One of the great wisdom in the following Ayaat that it did not mention any exact figure of share for the other relatives or charity, could be that we might need to deal

with the prime numbers or other number which are not divisible among the heir. So choice is totally left upon us so that we can balance it:

And when there are present (alive) at the division the (far) relatives and the orphans (among relatives as well) and the needy (among relatives as well), give them (something) out of it and speak to them kind words, (AI_Quraan_004.008).

Woe to Prayers who neglect the Charity:

So woe to the worshippers, who are totally heedless of their prayers. They only show off. But refuse (to supply) (even) neighborly needs, (AI_Quraan_107.004-007).

Below are the Ayaat which mentions about inheritance in more detail and are the limits imposed by Allah:

It is decreed that when death approaches, you shall write a will for the benefit of the parents (Specified Heir) and relatives (Specified as well as Non-Specified Heir), equitably. This is a duty upon the righteous, (AI_Quraan_002.180).

And those of you who die and leave wives behind, (make) a bequest in favor of their wives of maintenance for a year without turning (them) out, then if they themselves go away, there is no blame on you for what they do of lawful deeds by themselves, and Allah is Mighty, Wise, (AI_Quraan_002.240).

Men shall have a portion of what the parents and the near relatives leave, and women shall have a portion of what the parents and the near relatives leave, whether there is little or much of it; a stated portion, (AI_Quraan_004.007).

And when there are present (alive) at the division the relatives and the orphans and the needy, give them (something) out of it and speak to them kind words, (AI_Quraan_004.008).

And let those fear who, should they leave behind them weakly offspring, would fear on their account, so let them be careful of (their duty to) Allah, and let them speak right words, (AI_Quraan_004.009).

Those who consume the orphans' properties unjustly, eat fire into their bellies, and will suffer in Hell, (AI_Quraan_004.010).

Allah enjoins you concerning your children: The male shall have the equal of the portion of two females; then if they are more than two females, they shall have two-thirds of what the deceased has left, and if there is one, she shall have the half; and as for his parents, each of them shall have the sixth of what he has left if he has a child, but if he has no child and (only) his two parents inherit him, then his mother shall have the third; but if he has brothers, then his mother shall have the sixth after (the payment of) a bequest he may have bequeathed or a debt; your parents and your children, you know not which of them is the nearer to you in usefulness; this is an ordinance from Allah: Surely Allah is Knowing, Wise, (AI_Quraan_004.011).

And you shall have half of what your wives leave if they have no child, but if they have a child, then you shall have a fourth of what they leave after (payment of) any bequest they may have bequeathed or a debt; and they shall have the fourth of what you leave if you have no child, but if you have a child then they shall have the eighth of what you leave after (payment of) a bequest you may have bequeathed or a debt; and if a man or a woman leaves property to be inherited by neither parents nor offspring, and he (or she) has a brother or a sister, then each of them two shall have the sixth, but if they are more than that, they shall be sharers in the third after (payment of) any bequest that may have been bequeathed or a debt that does not harm (others); this is an ordinance from Allah: and Allah is Knowing, Forbearing, (AI_Quraan_004.012).

These are Allah's limits, and whoever obeys Allah and His Messenger, He will cause him to enter gardens beneath which rivers flow, to abide in them; and this is the great achievement, (AI_Quraan_004.013).

They ask you for a decision of the law. Say: Allah gives you a decision concerning the person who has neither parents nor offspring; if a man dies (and) he has no son and he has a sister, she shall have half of what he leaves, and he shall be her heir she has no son; but if there be two (sisters), they shall have two-thirds of what

he leaves; and if there are brethren, men and women, then the male shall have the like of the portion of two females; Allah makes clear to you, lest you err; and Allah knows all things, (Al_Quraan_004.176).

Basic Logic of Distribution after paying all the debts including funeral expenses and wills:

Case-1:>

Ref: Al_Quraan_004.011

The Deceased Person was married and leaving behind children only, since spouse might already had passed away or were separated.

And when there are present at the division the relatives and the orphans and the needy, give them (something) out of it as well.

Case -2:>

Ref: Al_Quraan_004.011

The Deceased Person was married and leaving behind children and parents, since spouse might already had passed away or were separated.

And when there are present (alive) at the division the relatives and the orphans and the needy, give them (something) out of it as well.

Case -3:>

Ref: Al_Quraan_004.012

The Deceased Person was married and leaving behind spouse without any children and may or may not have parents.

And when there are present (alive) at the division the relatives and the orphans and the needy, give them (something) out of it as well.

Case -4:>

Ref: Al_Quraan_004.012

The Deceased Person was married and leaving behind spouse and children.

And when there are present (alive) at the division the relatives and the orphans and the needy, give them (something) out of it as well.

Case -5:>

Ref: Al_Quraan_004.012

The Deceased Person was un-married or married and leaving behind parents and brothers and sisters, without any children or spouse.

And when there are present (alive) at the division the relatives and the orphans and the needy, give them (something) out of it as well.

Case -6:>

Ref: Al_Quraan_004.176

The Deceased Person was un-married or married and leaving behind brothers and / or sisters only (no ascendants - no descendents and no parents - no spouse - no children).

And when there are present (alive) at the division the relatives and the orphans and the needy, give them (something) out of it as well.

Because a male is responsible for the maintenance of the family, not the female, Male gets 2/3 and Female gets 1/3:

And when there are present (alive) at the division the relatives and the orphans and the needy, give them (something) out of it as well.

Other Relatives and Charity:>

Do not neglect other relatives and charity. Also we need to keep in mind, if only daughter or only sister is the heir, where could she feel comfortable to live with, either state need to look after her or she will feel more comfortable with her uncle and aunt. So uncle and aunt should also get some shares as well as. Under the light of the list of above Ayaat, if I don't forget any, it is my suggestion to be in the middle and pay to other relatives as well as charity which may be around 10 percent **upon the consult of all the specified heirs if they agree**. Now we can realize why Allah did not fix the shares for other relatives and charity in Ayaat Al_Quraan_004.008, since in dividing shares we may come up with dealing of prime numbers or other numbers which do not perfectly divide among heir.

Division of dividends for simple case (Male 2/3 and Female 1/3):

Because a male is responsible for the maintenance of the family, not the female, Male gets 2/3 and Female gets 1/3.

Remember: If any of the specified heirs is not alive BUT his / her descendents are alive. He or she will be treated as alive and later his / her shares will then be divided among his or her heirs.

Priority of payments:

Before the estate of the deceased can be distributed to his/her heirs, all the debts owing by the deceased, all prior claims against him/her and all the wills must first be paid.

In order of priority, payments from the estate are as follows:

- a> Payment of funeral expenses.
- b> Payment of ALL the DEBTS owing by the deceased.
- c> Satisfaction of all Zakaat payments that are unpaid;
- d> Making donations of the specified amount to redeem fast days unobserved;
- e> Payment of legacies under a valid will. Wills could be for those how are heirs as well, so they should get both Wills and heirs on top of Wills.
- f> Distribution of net estate among Specified Heirs according to the Quraan and Authentic Sunnah (described below).

Specified heirs:

Heirs entitled to share in the net estate of the deceased in accordance with Islaamic Sharia Law.

These Specified Heirs include the following:

a> MALES who are entitled to succeed are:

- 1> Son of the deceased.
- 2> Grandson of the deceased how low so ever.
- 3> Father of the deceased.
- 4> Grandfather of the deceased how high so ever.
- 5> Brother of the deceased.
- 6> Son of the brother of the deceased.
- 7> Uncle, i.e. brother of the parents of the deceased.
- 8> Son of Uncle, i.e. Son of brother of the parents of the deceased.
- 9> Husband of the deceased.

b> FEMALES who are entitled to succeed are:

- 1> Daughter of the deceased.

- 2> Granddaughter of the deceased how low so ever.
- 3> Mother of the deceased.
- 4> Grandmother of the deceased how high so ever.
- 5> Sister of the deceased.
- 6> Daughter of the Sister of the deceased.
- 7> Aunt, i.e. sister of the parents of the deceased.
- 8> Daughter of Aunt, i.e. Daughter of sister of the parents of the deceased.
- 9> Husband of the deceased.

c> Other close relatives.

d> Charity.

These heirs are entitled to certain prescribed shares which are intended to effect an equitable distribution of the estate. For instance, males are given 2 shares of the estate to every share given to his female counterpart because they are expected to assume financial responsibility for the women. In addition, female heirs are allocated a specified portion of the estate (e.g. half or one sixth) which means they will always be entitled to a portion of the estate, regardless how small, while male heirs are often residuary heirs who are only entitled to what is left of the estate after the claims of female heirs have been met. It may happen that a residuary heir is left with nothing or a very tiny portion after claimants with specific shares have been paid off.

Specified Heirs forfeit their claim under the following circumstances:

- a. he caused the death of the deceased, whether deliberately or unintentionally; or
- b. he is not a Muslim (the deceased may be a Muslim convert, or the heir may have renounced Islam).

Making of Wills:

A Muslim can make a will in favor of his Specified Heirs as well as non-Specified Heirs, such as his adopted children, paternal relatives, maternal relatives, or third parties such as close friend.

It is decreed that when death approaches, you shall write a will for the benefit of the parents (Specified Heir) and relatives (Specified as well as Non-Specified Heir), equitably. This is a duty upon the righteous, (Al_Quraan_002.180).

Sharia Court administration:

The first step is for a beneficiary to apply to the Syria Court for a Certificate of Inheritance to be issued. The Certificate will identify the surviving Specified Heirs, state their relationship to the deceased, and specify his precise share to the estate.

Computation of shares of specified heirs:

We must try our best to do the justice in dividing the shares among the heirs for the case where there is no wills or there is some leftover after the payment of wills.

It is decreed that when death approaches, you shall write a will for the benefit of the parents (Specified Heir) and relatives (Specified as well as Non-Specified Heir), equitably. This is a duty upon the righteous, (Al_Quraan_002.180).

... If any do fail to judge by (the light of) what Allah hath revealed, they are Unbelievers, (Al_Quraan_005.044).

Followings are six main categories of the deceased person:

Remember: If any of the specified heirs is not alive BUT his / her descendents are alive. He or she will be treated as alive and later his / her shares will then be divided among his or her heirs.

Category-1 :::>>>

Ref: Al_Quraan_004.011

The Deceased Person was married and leaving behind children only, since spouse might already had passed away or were separated.

And when there are present (alive) at the division the relatives and the orphans and the needy, give them (something) out of it as well.

Category-2 :::>>>

Ref: Al_Quraan_004.011

The Deceased Person was married and leaving behind children and parents, since spouse might already had passed away or were separated.

And when there are present (alive) at the division the relatives and the orphans and the needy, give them (something) out of it as well.

Category-3 :::>>>

Ref: Al_Quraan_004.012

The Deceased Person was married and leaving behind spouse without any children and may or may not have parents.

And when there are present (alive) at the division the relatives and the orphans and the needy, give them (something) out of it as well.

Category-4 :::>>>

Ref: Al_Quraan_004.012

The Deceased Person was married and leaving behind spouse and children.

And when there are present (alive) at the division the relatives and the orphans and the needy, give them (something) out of it as well.

Category-5 :::>>>

Ref: Al_Quraan_004.012

The Deceased Person was un-married or married and leaving behind parents and brothers and sisters, without any children or spouse.

And when there are present (alive) at the division the relatives and the orphans and the needy, give them (something) out of it as well.

Category-6 :::>>>

Ref: Al_Quraan_004.176

The Deceased Person was un-married or married and leaving behind brothers and / or sisters only (no ascendants - no descendents and no parents - no spouse - no children).

And when there are present (alive) at the division the relatives and the orphans and the needy, give them (something) out of it as well.

For more detail with examples download:

http://www.global-right-path.com/Downloads/Global_Islaamic_Inheritance_Law.pdf

Read Al-Quraan, the Miracle of Miracles and free from contradictions and errors

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