

FARAIDH :- The Heritage Sharing in Islam

A. Preliminary

Dead tiger leaves stripes; dead elephant leaves ivory; dead man leaves a name. That is the maxim called by the wise for those who have died. In addition to the name or image in the community who knew him, a man usually also leave inheritance or more commonly referred to as legacy or heritage. Islam has set the sharing of inheritance as clearly and detailed as possible in Al-Qur'anul Kariem and the hadiths conveyed by Nabiyullah Muhammad salallaahu 'alaihi wasallam for the Muslims who will live after him. Then all of them were interpreted further by his friends and some other chosen Muslims (like waliyullah, the Imamul Mazhabs (leaders of Muslim groups), the 'Ulamas) who give more explanations to the principles of the sharing suitable to the condition when they live. Before continuing this article, I want to remind all Islamic parties that will take this writing as a guide for them in sharing the estate they would care, in order to read this paper repeatedly and thoroughly to obtain a perfect understanding. Because every part in my writing is closely related to one and another, so that those who read and study it halves, it will give them wrong understanding about how to do with inheritance. Or if still not satisfied or understand with what I will describe later, you can try to learn the science division / sharing of inheritance from various books on Islamic Fiqh which are very easily found in bookstores; try to seek more information through your search engine in internet; or ask it directly to the teachers of Fiqh, lecturers of Fiqh, or the ones that are regarded know more about Islamic law –especially the ones who go to Islamic School.

The first landing in the management of the estate is quoted from the word of Allah in surah Al-Baqarah verse 188; and do not some of you take some of the other treasures of you with a false path.

What is meant by the verse above, is taking the rights of others in the general scale unlawfully, whether it's a way to steal, rob, cheat, coerce and so forth.

More specifically, the problem of the sharing of this estate (in Minangkabau, the legacy of this type referred to as low heritage or low heirloom), set by Allah Subhanahu wata'aala in Surah An-Nisa verse 7-14. Here, I lay out the copy: (I take refuge in Allah from the deceit and the presence of the accursed satans)

(7). For men there is the right part of the heritage with their mother-father and relatives, and for those women is the right part (also) of the heritage with their mother-father and relatives, whether few or many according to a predetermined portion.

(8). And if at the time of the sharing were present relatives, orphans and the poor's, give them the property (merely or modestly) and say to them good words.

(9). And let the fear of Allah those who if leaving behind their children in weakness, on whom they worry about (the welfare of) them. Therefore they should be worry about Allah and they should say the true words.

(10). Those who devour the wealth of orphans unjustly, they actually have swallowed fire fully into his belly and they will be entered into a flaming fire (hell).

(11). Allah has ordered you about (the sharing / division of inheritance for) your children. Namely the portion of a son is the same to the portion of two daughters, and if the children are all women more than two, then for them two-thirds of the abandoned property; if the girl is only one, so she will obtain a half. And for two mother-father (parents), for each one-sixth of the abandoned property, if the late (the dead) has children, if the late has no children and inherited (only) by the mother-father, then the mother will get one-third; if the dead man has several siblings, the mother will get one sixth. (The sharing's above could be done) after the last wills and testaments (of the dead) fulfilled, or (and) after the debt is paid. (About) your parents and your children, you do not know who among them is closer (much) in advantages to you. This is the decision of the God. Allah is The Greatest Knower as well as The Greatest Sympathizer.

(12). And for you (the husband) half of the property left by the wife (wives), if they do not have kids. If the wife had a child, then you would get a quarter of the inheritance she left

behind after the last will had made be met or (and) her debt is paid. The wife will obtain a quarter of the treasure that you leave if you do not have a child. If you have children, then the wife will obtain one-eighth of the property you left after the last will you made be met or (and) after debts are paid. If someone dies, both men and women who did not leave his father and no children, but has a brother (one mother but different father) or a sister (one mother but different father), then for each of the two is a sixth out of their brother property. But if the siblings from the one mother are more than one, then they are allied in the one third, after the last will he made be fulfilled and/or his debt is paid with no harm (to the beneficiary). (The God established it as such) real shayari'ah (law) of Allah and Allah is The Supreme Knower as well as the Supreme Sympathizer.

(13). (The laws) are the provisions of the God. Anyone who obeys Allah and His Messengers, Allah will put them into heaven in which rivers flow in it, while they abide therein for good, and that's a big victory.

(14). And whoever disobeys Allah and His Messengers and violate the provisions of Him, Allah will put them into eternal hell fire while they will be forever in it, and for them a humiliating torture.

(Allah is Supreme true with all of His words)

The eight verses mentioned above, are the basis for Fiqh experts to determine the sharing of inheritance of a Moslem who died to those he left, or it could be a legal foundation that can be taken by a Moslem who feel his age is not that long anymore and want to share his legacy by himself before leaving the world forever.

B. The Rights associated with Heritage Assets:

What is meant by the rights here are the things that must be resolved firstly before the heirs shared up. The meanings of these points are as follows:

1. Paying all the costs or other matters related to such property, for example the zakah (part of money or property that should be given away to the concerned ones (like the poor) before being taken thoroughly by someone), the rents, and so forth. Make sure, the property which will be shared is clean (the zakah has been taken out) and no more problem with other people who may have dealings with the property in question. For example, the property was managed by a person before, give the person's payment in advance; included also in this case if notary fee is required.

2. The payment of the cost to take care of his body (if there are no heirs who is willing to bear the cost of this one, then taken from the treasure that he left).

3. If the late died in hock to a person or institution, then discharge the debt in advance with all the treasures that have been abandoned. If the property left is not sufficient to discharge all his debts, the heirs who live, are obliged to work together to solve the problem. It means, they certainly do not get the legacy they want.

In this case, there are two hadiths that I can quote for the people who die in this hock;

- From Abu Hurairah Radiallaahu 'Anhu., Rasulullah Muhammad Salallaahu 'Alaihi Wasallam said, "Whoever left property, then it is for those heirs; and those ones who leave burdensome, then it is to be ours." (Narrated by Bukhari).

- From Abu Hurairah Radiallaahu 'Anhu. He said that Rasulullah had said, "No mukmin, unless I am prominent for him beyond himself in the world and the Hereafter. If you wish, say: Annabiyyu aulaa min bil mukminiina anfusihim - The Prophet is prominent to Believers than their own. Any believers who dies, and leaves property, then let his heirs inherit it that is the existed ones. Whoever left the debt or futility, so he will come to me because I am his guardian. "

The meaning of the two hadiths above is if a believer dies in debt bondage - whether intentionally or forced, then the Rasulullah is to be the one who will be the person who would find the settlement of his debts later in the Hereafter.

As an additional explanation, the ones who hold Islam as their religion, are divided into four dealing with their level of beliefs in being an Islamic people; Muslim, mukmin, muchlisin, and muttaqin. Moslem is a common Islamic people, mukmin is the better one, muchlisin is the more better one, and muttaqin is the best Islamic people.

4. Last will; if the corpse left a last will for his heirs to provide a number of his assets to certain person or institution, it has to be paid firstly, the number should not be more than a third of all the treasure he left. If he bequeaths more than that, the heirs may infringe the will / testament. This is uttered by the Rasulullah Muhammad SAW in his hadith which was also narrated by Imam Bukhari:

From Sa'ad bin Abi Waqas RA., He said, "Rasulullah visited me in Farewell Hajj for serious ill that befell me.

I said: Indeed, my illness has been severe as what you see, and I have treasure, meanwhile the one who I inherited is a daughter. Am I just to give away a two-thirds of my property for charity ?

He said: Do not!

And then he said: A third, and a third has been much a lot. Because, if you leave your heir in wealthy is much better than you leave them in destitution, begging to people, and when you actually spend out a living, where you expect the merit of the God and no other one but you must be rewarded, even to anything (foods) that have in your wife's mouth.

I said: Ya Rasulullah, I am left behind my friends.

He said: Surely you will not miss it, then you resume practicing pious charity, unless you add the degrees and height, then hopefully you will be left behind, so that the groups get the benefit from you and the other ones get harm. Ya Allah, let them have durable hijrah, and do not you turn on their heels (do not make them apostate), but those who languish is Sa'ad bin Khamlah which was lamented by Rasulullah Muhammad as died in Mecca. " One more thing to be kept in mind in giving this testament, a will should be addressed to the people who are not included in the heirs; for example, friends, foster child, orphans, mosques, and so forth.

After all of the rights above fulfilled, then the rest of the property may be shared, in accordance with the guidance of Surah An-Nisa verse 7-14 above.

C. Heritage in the Creedlessness time:

The time that I mean here is the one that occurred before the birth of Nabiyullah Muhammad Salallaahu 'Alaihi Wasallam into the world. Why is this discussed? To anticipate if there is a place in the field. This section discusses the wrong ways in bequeathing legacy to someone who will be left behind, and should not be done. In the past, practiced by ignorant people, and there is a possibility to happen in this time, especially to the moslems who do not understand the nature of sharing / dividing inheritance.

. Discriminating heirs. In the days before Rasulullah Muhammad was born, it was common in that time to address the estate only to the sons who had grown up and been able / powerful to be deployed to the battlefield. At this time, women and those who were still children removed their rights to the inheritance.

2. Foster child. In these dark ages, it was common for someone who had a foster child to make his adopted son as his heir after his death. Adopted children are not entitled to receive inheritance from her adoptive parents who have preceded him. No matter how dear to her adoptive parents are, after all, still he may not be taken into account to get the inheritance. However, if in such force that the wishes of the adoptive parents to give rations to the children adopted, it could be through a last will, and the total amount should not exceed one third of the entire property.

3. Agreement / oath. In the days of ignorance, it is an ordinary thing for two people who are very close (eg friends), to have a covenant or vow one another to inherit each other when one of them died. This is not acceptable in Islamic inheritance law. Although, they declare it legally and in writing (eg by using a public notary paper); agreement or oath is null and void and must be broken according to Islamic law, of course if he still had a legitimate heir - who have a clear and definite rights to the assets that have been left.

D. The Causes of Receiving Heritage Treasure:

There are four things that cause a person that has the rights to the legacy of someone who has died:

1. Cord blood relations.
2. Marriage
(These two have been mentioned in Surah An-Nisa verse 7-14 above)
3. The relationship between the slave / servant who was freed by the master who has freed him/her.
4. Brotherhood as Muslims.

(For points 3 and 4 can occur when those ones who have cord of blood and marriage relation with the corpse have got their respective parts, except the last two parties have received a special bequest from the late.

One thing that must be assured for those who deserve this legacy is one Aqidah, namely Islam. Those one who are outside the Islamic religion / non muslims (although they are included in the criteria above), they lose their rights to the inheritance; or in the other hand, Moslem people have no rights of someone's legacy who does not embrace Islam.

E. Heirs:

There are 25 groups of people who deserve the legacy of someone who has died, 15 male and 10 female. The discussion below is basically the interpretation to the contents of Surah An-Nisa verse 7-14 above. But there is one thing to remember, not all of the 25 who have rights over the estate when it will be distributed, there are certain conditions that give a rise to the priorities of some people who may cancel the right of the heir to another. The 25 groups are:

1. Male heirs:

1. Sons.
2. Grandsons (sons of the sons, as well as in this case all descendants who are still in the male line (paternal)- great-grandsons, his sons, and so on down).
3. Father.
4. Grandfather from the side of Father (father of father), and continue upwards from the blood ties are from the father (up to the great-grandfather, for instance, if they are still alive).
5. True Brothers (one mother and father).
6. Brothers from father descendant; the same father (but different mother).
7. Brothers from mother descendant; the same mother (but different father).
8. The sons of the true brothers (nephews).
9. The sons of the brother from father descendants.
10. The true brothers of father (uncle).
11. Father's brothers (uncle) from father descendant.
12. The sons of uncle (the true brother of father) or in the other terms the cousin from father family.
13. The sons of uncle (brother of father from father descendant).
14. Husband.
15. The Men who have liberated (freed) the corpse (if he used to be a slave when he was alive).

If the 15 people mentioned above are all still alive, then the entitled ones to inherited the heritage left by the corpse only 3 (three):

1. The Father of the dead.
2. His Sons.
3. Husband.

2. Female heirs:

1. Daughters.
2. The daughters of the sons and so on down, in condition that still in ties with the dead on the line of men. For example, the daughters of grandsons, or the daughters of great-grandsons; came down from the original line of men.
3. Mother.
4. The Mother of Father.
5. The mother of mother, and continue upwards in maternal line and may not be broken by the male line (for example mother of grandmother, grandmother of grandmother, and so on).
6. True sisters (one mother and father).
7. The sisters from father descendants; the same father but different mother.
8. The sisters from mother descendants; the same mother but different father.
9. Wife(s).
10. The Women who have liberated (freed) the corpse (if she / he used to be a slave when she/he was alive)

If the 10 people mention above are all still alive, then the ones who have rights to inherit the corpse's heritage are only 5 (five):

1. Wife.
2. Daughters.
3. The daughters of the sons.
4. Mother.
5. The true sisters (one mother and father).

Furthermore, if the 25 parties above are still alive or have been found, then the rights of the inheritance are only for:

1. Husband / Wife.
2. Mother and Father.
3. Sons and Daughters.

There is no age limit to get a ration of inheritance in Islam, even if there is a child born when the death occurred - the baby is entitled to the inheritance. For this thing, Nabiyullah SAW said, "If there is cry of a newborn child, he get a heritage." (Narrated by Abu Dawud).

There are even scholars who argue, not only newborns, even fetuses which are still inside their mother's womb is to be entitled to the inheritance in which they are entitled.

F. The persons whose Rights are cancelled from a Legacy:

We have discussed all parties (the 25 groups / individuals) who have rights to the legacy, , and we also have discussed the ones who would get the estate in condition that the 25 are still alive at the time such property will be divided. However, there are 4 conditions that will cause the rights of the people concerned is deprived out of their positions which are eligible to receive the inheritance from someone who has died. Some parts have already discussed in the previous section. However, for more details, let's discuss more things with more focus. They are:

1. Slave. A slave lose his right in receiving inheritance from a person (his family member) until he is freed by his master.

The God's Words in Surah An-Nahl verse 75 says: Servant of my family owned can not act on anything.

2. Murderer. The man who killed his family members, lose his right to inherit from the late. In this case, Rasulullah SAW said: The killer, do not inherit anything from the one that he has killed (Narrated by Nasa'i)
3. Apostate. Someone who set out of Islamic religion, is cut off his right as heir from his family, as well as the vice versa, if he dies, then none of his family who may inherit even a penny, any of his assets. In the sharing of inheritance of a Moslem family, the apostates are considered not exist or do not include in the calculation of the legacy. In this case there was a history of Abu Bardah, he said, "Rasulullah SAW sent me to meet a man who had married his father's wife (her step mother). Rasulullah sent me to kill the man and distributed his wealth as booty (not heritage), while he was an apostate. "
4. Non-Muslem. Similarly, to the apostate above, those who are not Moslem, are not entitled to receive inheritance from his family who converted to Islam. Conversely, even so, her family is prohibited to receive any inheritance from him when he died later. And the unbelievers do not come into the calculation of the recipient family's heir, or he is considered absent. Rasulullah Salallaahu 'Alaihi Wasallam said: Moslems do not inherit the unbelievers, and the unbelievers do not inherit Muslems as well (Hadith Narration by Jama'ah).

G. The Ones Who Complete the Rest of the Treasure:

The rest of the property meant in this section is the treasure left behind or left over after all heirs have received their respective sections. One thing that should be known, each party can finally get the inheritance portions that have been determined, there are half, quarter, eighth, two thirds, one third, and sixth. If each party mentioned are already getting their share, there will be some parts of the property left behind (left), well, this section will be discussed in this section. Those who are referred there are 12 (twelve) people who are listed on the basis of priority:

1. Sons
2. Sons of the sons.
3. Father.
4. Grandfather (father of father).
5. True brothers.
6. Brothers from father descendant.
7. The sons of true brothers.
8. The sons of brothers from father descendant.
9. The true brothers of father (uncle).
- 10 Brothers of father from father descendant.
11. The sons of uncle (the sons of number 9 above).
12. The one who has liberated or freed the corpse (if he used to be a slave).

H. The Women who can Complete the Rest of the Treasure:

In the previous section, mentioned, that the persons who are entitled to take all of the rest of a legacy that has been divided are basically male, except for the last number, it could be female. However, a daughter could do the same with the condition that she is opted by her brother.

There are four men who can have their sisters to take part with him in the rest of the inheritance. They are:

1. Sons. He can take his sister to take all the rest of the property that has been divided in accordance with the syar'i provisions. It means, if the women (the daughters) do not have a brother, she could only get the legacy in accordance with the provisions of the division that have been determined.
2. Sons of the sons (grandsons) are also able to do this.
3. The true brother of the corpse also can do this.

4. The Brothers of father from father descendant also can get his sister to complete the rest of the division of the inheritance.

In setting the sisters' portion of the four parties mentioned above, certainly also in accordance with the provisions in the guidance of Al-Qur'an, boys get two times of the girls. There are a several reasons that can be explained as a thinking base why Allah determined men get two times more than women:

- The Men in Islam bear a far greater responsibility than women.
- The Men in Islam, when he got married, he had dual responsibilities and obligations; responsibility to ensure his wife and children stay alive and the responsibility to ensure the live of his parents (especially mother), and infrequently also the live of his brothers and sisters (if they are still kids). Meanwhile, the women responsibility in Islam is only to establish the household of her husband, including therein also to educate their children, keeping her husband's estate if he is not at home, serving her husband, and so forth.
- The Men in Islam have much more extensive space than women do, so also will spend much more money. Men can go wherever he wants, while women, if she wanted to leave the place of origin must be under the permission from her father (or guardian) and accompanied by her mahram (someone that can not / prohibited to marry her). And if she's married, he must get permission from her husband to do something, especially the activities carried out outside the home.
- The obligation to make a living exist in men, women are not obliged to do so. Thus, the part that twice as many that could be used by men for her capital.
- The main Struggle (Jihad) for a man is outside the home that automatically require greater costs, while the Struggle for a Moslem women is in her husband's home or at home where she participates directly to support the life of her husband and her children.
- And so forth.

I. Furudul Muqaddarah:

What is meant by Furudul Muqaddarah is the provisions of the respective heirs according to the Islamic law; there are who get a half section, quarter, eighth, two thirds, one third, and sixth. To note, the portion of the division of the property is based on the rules stated in Surah An-Nisa verse 7-14. So, if it is found the doubts on the exposition below, do please refer to and read back the points contained in the verses. For more clearly, then the following will be discussed one by one.

1. Who received half of the property

- a. Daughter, when she is the only one, does not have brother and sister.
- b. The daughter of the son of the late (the granddaughter), if the late does not have a daughter (Scholarly consensus of the scholars of fiqh).
- c. The true sisters of the late or can be the sister from the father descendant, if there is no true sister or she is the only one.
- d. Husband, when his wife who died had no children; nor does she have grandchildren from her son (in this case for instance, that her son had died before her).

2. Who get a quarter

- a. Husband, when his wife who died leaving children; whether boys or / and girls. Or leave the children of her sons (grandchildren), regardless of her grandchildren male or female.
- b. Wife, no matter the late leave one or more than one wives, on the condition, her late husband has no children (no matter son and / or daughter); nor also the children of his sons. Suppose, he leaves more than one wife, then the quota which they share is from the same quarter in average.

3. Who received one-eighth

Wife, no matter his wife is one or more (maybe two, three, or four); when her husband leaves children, whether sons or daughters, or he has grandchildren from his son(s), either the male or female one(s).

4. Who received two-thirds

- a. Two or more daughters, and no sons (the dead does not have sons).

- b. Two or more daughters of the sons (granddaughters), if the dead does not have daughters.
- c. Two or more true sisters.
- d. Two or more sisters from father descendant, if there is no true sisters.

5. Who received one-third

- a. Mother, if the dead does not leave children or grandchildren (children of his / her son), nor leaving two true brothers / sisters, nor the brothers / sisters from father descendant, nor the brothers / sisters from mother descendant.
- b. Two or more sisters / brothers from mother descendant.

6. Who received one-sixth

- a. Mother, when she is also along with the children of the dead, along with the grandchildren of the dead (the children of his son), or with two or more siblings - either the true ones, from father descendant or from mother descendant.
- b. Father, if the Late has children or grandchildren (children of her / his sons.)
- c. Grandmother (the mother of his mother or the mother of his father), if the Late has no mother anymore.
- d. Granddaughters (the daughters of his / her sons), either one or more, they get a sixth of the estate, provided, there is a daughter of the corpse. But, if there are more than one daughter, the granddaughters are not entitled to the legacy.
- e. Grandfather (the father of father), if there also with him are the children of the dead or the children of the corpse's sons, while his / her own father has gone.
- f. Brothers or sisters either from mother descendant.
- g. The sister from father descendant, either alone or more than one person, with reservations, with them there is also one true female sibling of the corpse. But when the female siblings are more than one, then these women may not be inherited.

7. Part of grandfather and brother

Grandfather (the father of father of the dead), when he is with the true siblings of the dead, or the ones from father descendant, no exact numbers on how the division of the inheritance among them in Al-Qur'an and Hadith. Thus, 'Ulama based on the opinion of the Companions of Rasulullah and was supported by the advice of Imam Mazhab. Friends of the Nabiyullah Muhammad, Abu Bakr Shiddique RA., Ibn Abbas RA., And some other friends believe that grandfather is not different from father, which means he blocks the true brothers of the Late. That is, if the true brothers and grandfather were both there, then the true brothers do not get the part. This opinion held by Imam Abu Hanifah (Imam Hanafi).

On the other hand, Ali Ibn Abi Talib RA. Zaid bin Tsabit RA., And Ibn Mas'ud RA., Argued, in the event conditions as above, then, both grandfather and the true brothers - both parties get the inheritance. This opinion held by Imam Shafi'i, Imam Malik, and Imam Hambali.

8. How The division between the grandfather and brother

Starting from the second opinion, we try to look at an example application in the sharing between two conditions;

- a. The first condition, the heirs who live are only them, (grandfather and brother), there are no other heirs which are included in the 25 criteria above; In this case, the grandfather can choose between two ways which are more profitable:
 - Divided equally with the brother, and the grandfather is considered like another brother (get a double ration of women); or
 - Taking a third of the property.

The Examples for the average that is more profitable than getting a third for grandfather from the inheritance;

- If the grandfather is with 1, 2, or 3 true sisters of the dead ; the property is divided into three; 2/3 for the grandfather, and 1/3 for one true sister mentioned. Or divided by four; 2/4 for the grandfather and the two true sisters each get 1/4 of the property. Or shared into five; 2/5 for the grandfather and the three true sisters get one fifth for each.
- When the dead leaves only a true brother, then the property is divided into two; 1/2 for the grandfather and the other 1/2 the brother of the corpse.

- In condition that the corpse leaves a true brother and a true sister, then the property is divided into five; $\frac{2}{5}$ for the grandfather, $\frac{2}{5}$ for the true brother, and $\frac{1}{5}$ for his true sister. Here, the grandfather share is more than one third.

Examples of one-third divided equally

- Grandpa is with two true brothers of the Late, the property is divided into three: $\frac{1}{3}$ for the grandfather, and the rest of each $\frac{1}{3}$ for the two true brothers.

- Grandpa is along with a true brother and two true sisters of the Late, then the property is divided into six; $\frac{2}{6}$ for the grandfather, $\frac{2}{6}$ for the true brother, and two true sisters each got $\frac{1}{6}$ of the possessions.

- Grandfather is along with 4 true sisters of the Late, the property is also shared into six; $\frac{2}{6}$ for the grandfather, and the four true sisters of the corpse each received the rations of one sixth.

The example of one third which is more advantageous for grandfather;

- If with him there are 3 true brothers of the corpse, if the heritage is divided equally, then the grandfather would get $\frac{1}{4}$ part of property. Here, Grandpa also can take a portion of one third out of the distribution of the estate and the other $\frac{2}{3}$ is divided into three by the three true brothers of the Late.

- If with the grandfather there are two true brothers and one true sister of the corpse, if divided equally, then the grandfather would get part $\frac{2}{7}$ out of the abandoned property. So the system of part $\frac{1}{3}$ is much more profitable for the grandfather. Grandpa gets $\frac{1}{3}$ section, while, the $\frac{2}{3}$ is divided by the two true brothers and the true sister above (so the division finally are: grandfather obtained $\frac{5}{15}$, the true brothers for each gets $\frac{4}{15}$ and the true sister gets $\frac{2}{15}$).

b. The second condition: If the right heirs are not only the grandfather and brother, but with them there are also the heirs to which the portion of the distribution of the beneficiaries has been determined (half, third, and so on), then let the quota for the specified heirs is distributed firstly, after that the rest one is shared as mentioned.

Grandpa can take part in the rest which is more profitable for him among the three following ways:

- For flat.
- A sixth of the original property, or ..
- One third of the remainder.

For example:

- Average sharing is more profitable for grandfather when he is along with a true brother of the dead and his grandmother (that is, to be taken into account are three people).

Grandma gets $\frac{1}{6}$, while the $\frac{5}{6}$ remainder is shared between grandfather with two true brothers; part $\frac{5}{6} = \frac{10}{12}$, it means, grandpa gets $\frac{5}{12}$ and the true brother of the Late also gets $\frac{5}{12}$.

- One sixth section will be more profitable for a grandfather's side as well if there are 4 other heirs, the wife of the dead, two daughters and a true brother. Both daughters get two third of the estate, the wife gets $\frac{1}{8}$, then grandfather takes one sixth of the estate, while the true brother of the Late take the remaining $\frac{1}{24}$.

- One third of the remaining estate that has been divided would be better for a grandfather if there are other six heirs with him; the grandmother of the Late, and five true brothers. So the division is as follows: Grandma gets $\frac{1}{6}$, grandfather takes his $\frac{1}{3}$ of the remaining property left by the grandmother ($\frac{5}{6}$). To further facilitate calculation, the fraction $\frac{5}{6}$ we convert into $\frac{15}{18}$ ($\frac{5}{6} = \frac{15}{18}$) to better facilitate the calculations, the grandfather take a portion of $\frac{5}{18}$ from this asset, while the remainder ($\frac{10}{18}$) is shared by the five true brothers; it means each of them gets $\frac{2}{18}$ part of the estate.

J. Hijab:

The meaning of hijab here is the conditions that cause a person included in the list of 25 persons / parties for eligible heirs as we describe above may be reduced or even just lost their right to the inheritance because there are other more concerned entitled to get it. At the first glance there are several techniques discussed in the division of inheritance as I have written in the previous section. Here will be given more concrete examples:

1. a. Grandmother (mother's mother or mother's of father), will not get the inheritance if the mother of the corpse is still alive, because mother blood kinship is closer to the Late than to his/her grandmother.
- b. Grandfather (father of father), will not get the inheritance from his grandchildren when the father of his grandchildren is still alive, because the child's relationship to his father cord blood is much more closer than to his grandfather.
2. Brothers from mother descendant (born from the same mother but different father), will not get the inheritance if there are the heirs of the following:
 - a. Children, whether male or female.
 - b. Grandchildren (the children of the sons of the Late), no matter male or female.
 - c. Father
 - d. Grandfather.

The Brothers from mother descendant lost their right to the inheritance if his brother who died still has four persons / parties above, because their blood cord relationship is much closer to the corpse. As stated in Surah An-Nisa verse 12, that the brothers from mother descendant would only get the inheritance from his brother /sister who died when he does not leave any child or father. Meanwhile, grandfather, lawfully is like father in the case, as well as grandchildren (the children of sons), lawfully are the same to sons (descendants of sons).

3. Brothers from father descendant lost their rights to the inheritance if there is one of the four parties below:
 - a. Father.
 - b. Sons.
 - c. Grandsons (the sons of Sons).
 - d. True brothers..

The four parties above, their relationship in blood cord is much closer to the dead body compared with his brother from father descendant.

Nabiyullah Muhammad SAW said: Give the heritage to all of the right heirs (the beneficiary) under the terms of their portion for each, if there is still remaining, for the nearest male in the family (this Hadith was accepted by all hadith experts or agreed by all hadith narrators.)

The meaning of the provisions in the above hadith meant by Rasulullah is the portion of the respective heirs according to the rules for heirs as mentioned by Surah An-Nisa 'verse 7-14.

In other hadits Rasulullah SAW said: Bani Adam (those ones who are true siblings) were determined to inherit one and another besides also to the brother from father descendant upward (in paternal line) (Hadith History by Ahmad, Tirmidhi and Ibn Madjah).

4. True Siblings lose their right to the inheritance if there are 3 persons / parties below:
 - a. Sons of the Late.
 - b. Grandsons (the sons of sons) of the Late.
 - c. Father.

For example, someone dies. He leaves 4 beneficiaries, a true brother, a son, father and grandson; as mentioned above. So the division of property in the inheritance are:

- His true brother do not get the legacy because the dead still has father and son. His grandson does not get the part because the Late still has a son. So, from the four people above, those ones who are entitled to inherit only the son of the Late and his father. His father get one sixth of the property abandoned, and the rest 5/6 is the right of the sons.

5. Supplement.

The three parties of a men below are the ones who are entitled to receive heritage, but his sisters do not:

- The true brother of father (uncle), is included into the person which is entitled to receive inheritance, but the true sisters of father (aunt) are not entitled to the inheritance left by their nephew.
- The Sons of the uncle above (the sons of father's true brother) or the male cousins of father's family are taken in account to be the person which are entitled to receive inheritance, but his daughter (the female cousins) do not.

- The sons of true brothers (nephews), including into the rightful inheritance, but their daughters do not.

K. Counting Rule:

After reading the exposition above, it is clear that in calculating the share of the legacy left by someone who passed away in Islam demands keen mathematical ability on the one who will do it, at least in processing the numbers of fractions. It must be ensured that the counter or the heirs should be familiar with the numbers of numerator and denominator in each calculation and how to process the numbers which still remain that still needs to be broken into other form to simplify the calculation.

If we refer to the technological progress at this time that is growing so fast, to calculate the heritage system in Islam actually is not a complicated thing; it can be calculated by using a calculator, using a spreadsheet in computer, or by composing a computer programming to do it.

I hope, in the future, based on the exposure of the article I have presented and added with a more deeper study on the principles of sharing inheritance through this calculation, there will be someone who will try to create a software that will be able to calculate the inheritance left by someone quickly when one passed away, just type the number of the property left and the heirs who have a right to such property; enter; then it will be directly obtained each party's distribution of preferred rights. I think, it is not a complicated program to be composed.

1. Rule

a. If the heirs existed only the ones who can complete the heritage, no body that get the quota that has been determined, then the inheritance is divided equally between them according to the number of the heads, but the division for the men still 2 times than the female ones. For example, a person died, and he leaves three sons, then his property is divided into 3; every child get one third part of the property. If he inherits two children: one son and one daughter; then, his property is also divided into three - $2/3$ for the son and one third to his daughter.

b. If the beneficiary is a person who has been clearly determined to certain provisions on the inheritance according to the Islamic inheritance law, and he is just himself: he is only entitled to the section designated for him. For instance, he is a person ho has the right to get one third of the estate, he can only get $1/3$ of the legacy left by the corpse. While the remaining (the $2/3$) must be delivered to the others who will also will have rights over such property.

c. If the heirs as exemplification above are more than one, we should consider carefully the number of the denominators contained in the fractions to determine the ration for each of them. If the denominator is the same, such as husband and sister, each one of them gets $1/2$ (half) part of the property, denominator remains the subject of division between them. But if the denominator is not the same, then the denominator must both be equated (converted) so that it can be processed more easily, in this case. For example, the numbers are: $1/2$ and $1/3$, so the two fraction should be $2/6$ and $2/6$.

Example:

- The heirs of abandoned are mother and two brothers from mother descendant, then mothers will get $1/6$, while the two brothers mentioned get one third. Both numbers can be converted into the fractions with denominator 6; It means that mother gets $1/6$ of the possessions, and the two brothers are getting $2/6$.

- The beneficiaries left are mother, wife and son. So mommy will get $1/6$, wife get $1/8$, and the son get all the rest of the heritage. The denominator closest to the numbers 6 and 8 is 24. So to ease the division, the property is divided into 24; $1/6 = 4/24$, and $1/8 = 3/24$, The total amount of both is $7/24$. Meanwhile, the rest of the legacy ($14/24$) is the right of the son..

- The Heirs left are only the mother and the wife's corpse. So mom gets $1/3$, and wife get $1/4$ of the heritage. Both figures can be converted to the denominator 12; that the mother's

is to be $\frac{4}{12}$ and the wife's is to be $\frac{3}{12}$, the total of both is $\frac{7}{12}$. The rest of the legacy that have not been distributed shall be submitted to other parties that will be more entitled to such property.

2. 'Aulu

'Aulu mean is the number of the ones whose portions have been determined are more than one, or the total number of the numerator is more than the multiples of the smallest alliance-denominators.

For example, the heirs are:

- Husband; and
- Two true sisters.

So the husband will get $\frac{1}{2}$ (half), while the two true sisters get $\frac{2}{3}$ of the estate.

When these two prominent figures have been converted to the nearest fraction, the denominator of fitting is 6, so that the husband becomes $\frac{3}{6}$ and the two true sisters should get $\frac{4}{6}$.

There is a problem arises, the sum of the two produces the number $\frac{7}{6}$, which means that exceed the limit of property that should be distributed. Ideally, of course should be $\frac{6}{6}$ or less.

If there is, as above, then let the property divided by 7 (in accordance with the value derived from the number fraction numerator); three parts to her husband who died and four sections for the two true sisters. Actually this should not happen, but it is the way out that should be taken so that everything can continue to operate on syari'ah that has been outlined.

The next example, the beneficiary is:

wife, mother, two true sisters or the sisters from father descendant, and a brother/sister from mother descendant.

Their respective provisions are:

- Wife gets $\frac{1}{4}$ section.
- Mother gets $\frac{1}{6}$.
- The two true sisters or the sisters from father descendant get $\frac{2}{3}$; and
- The brother of sister from mother descendant get $\frac{1}{6}$.

If we put the fraction in line and total the numbers, then the value will be obtained as follows: $\frac{1}{4} + \frac{1}{6} + \frac{2}{3} + \frac{1}{6}$,

To make it easier to calculate, they must be converted to the value of the numerator and denominator figures such fragments. Denominator that can be taken is 12, then the calculations become: $\frac{3}{12} + \frac{2}{12} + \frac{8}{12} + \frac{2}{12} = \frac{15}{12}$. The Conditions like this occur again like the first instance.

Thus, the inheritance is divided into 15 (corresponding to the number fraction numerator);

- $\frac{2}{15}$ for mother,
- $\frac{3}{15}$ for the wife,
- $\frac{8}{15}$ for the true sisters or the sisters from father descendant,
- $\frac{2}{15}$ for the brother / sister from mother descendant.

From the example above, It has been shown clearly, the division of each side taken guidance from the numerator he had after the initial fraction converted to the initial denominator (12), then the final total number of numerator (15) were used as the denominator to determine the final division.

The above items is called by '**aulu**' that occurs because of many heirs, so that their quota which has been specified by Al-Qur'anul Kariem is a lot more than one number, so, figure on the total number of final numerator greater than denominator - which means the division is required is much greater than what it should be divided.

'Aulu presented is the result of the Ijtihad (something like initiative which is taken based on some closer guidances) of Nabiyullah SAW fellows, because of this such incident happened in their day, and had never surfaced when Rasulullah was alive. Suppose that never happened, would have obtained the way out of Rasulullah. The first 'aulu occurred in the era of Caliphate' Umar ibn Khatab RA.; He got a complaint from the family of someone who had just died. She left her husband and two sisters, as has been described

in the first example in this section. Caliph 'Umar said: if I give the right of the husband under the terms of, certainly the right of both the dead sister would not be enough; and vice versa, if the rights of both sisters of the dead which first issued, the rights of her husband also would not be enough. He then conducted an intense meetings with his companions to get a fair share of the division between those who have the rights to the inheritance of the Late, so it will not run from the provisions laid down by Al-Qur'anulkariem. It is the outcome formulation of Rasulullah Companions that is called as 'aulu.

3. Distribution of residual property

If there is only the appointed heir only, meaning no one can take the rest of the inheritance left behind. Meanwhile, if the division is carried out in accordance with the provisions outlined by the laws, there is still some remainder of the property. This such rest should be distributed back to the right heirs.

The division returned to them should be under the stated portion of each, **except the husband or wife, both of them have no longer be eligible to take part of the heritage left. That is, they have no right to take more than the provision for them as has been outlined by Al-Qur'anulkariem.**

To share the rest, it is necessary to use an easy rule to conform with Islamic guidance and can be applied to premises fairly as possible.

a. If the one who gets the re-division is only one, for example, mother only, all inheritance should be given to her. That is, at this early stage she obtains a third because it is in conformity with the provisions of Al-Qur'an, and the 2/3 is the division that she get through the rest of the way from the division of the inheritance.

b. If the one who get the re-distribution is more than one person, while the their degree (level) is equal, for example, some brothers / sisters from mother descendant, then the estate is left over should be divided equally among them. It means, they have inherited the inheritance through two ways; the provisions of sunnah and the re-distribution (re-sharing) of the inheritance.

c. If the one who get the re-distribution is more than one person, and different degrees of acceptance of their heritage portion, then let the number that have been taken into the provisions of their ration portions of the estate as a benchmark; amount used as the denominator, and comparison of the provisions of each used as the numerator . Then split the remainder of the legacy with this comparison and with the amount which already specified.

For example, the heirs is the daughter of the dead and the mother of the Late; then,
- 1/2 heritage is for the daughter, and
- The mother of the Dead get one sixth.

For ease of calculation, we make the denominator into 6; so,

- The daughter gets 3/6, and
- The mother of the corpse get 1/6 of the property abandoned.

The total both 4/6, and still remain 2/6 of the possessions.

So that calculations will be as follows:

- 3/4 of the 2/6 = $6/24 = 1/4$ section for his daughter.

- 1/4 of the 2/6 = $2/24 = 1/12$ part for his mother.

For more details, It will be explained again the origin of the number above;

- Number 3 in the fraction 3/4 above is the numerator figures on the portion of inheritance that must be earned by the daughter (3/6);

- So did the number 1 in the fractional numerator 1/4 above the figure for the treasure that must be obtained by the mother of the Dead.

- Figures 4 (denominator) is the sum of 3 +1.

Then finally, if we count back the broken pieces that have divided the treasure, you will see the figures the following numbers:

$3/6 + 1/6 + 1/4 + 1/12 = 6/12 + 2/12 + 3/12 + 1/12 = 12/12.$

That is, a treasure to be passed is divisible by those who qualify.

Keep in mind again by all parties, if in the list of heirs, there is a **wife or husband, then their parts must be taken in the first occassion, because they are not entitled to**

receive part of the estate remaining which is to be re-distributed to the parties outside them.

L. Heritage Rahim:

What is meant by heritage Rahim is giving the rest of the estate or the inheritance to the person or party who is not mentioned in the list of those who are entitled to the inheritance, but they still have a cord blood relationship. And of course all of them are given according to the scale of priority, those ones who are most closely associated with the dead are those who that have to be put forward to get a ration of inheritance.

That is, if the treasures can only be acquired by the heirs whose provisions parts have been determined by Al-Qur'an, then the rest is re-distributed in accordance with the provisions as mentioned above, and the wife or husband should not be partaken on this second count.

If there is only a husband or wife, and the other heirs do not exist, then the estate is left to be submitted to Rahim.

The same thing must be done if the Late has no heir of any of the 25 parties that have been outlined, then the inheritance fell to the Rahim.

If there is no Rahim, so the estate of the dead is given to Baitul Mal. If the Baitul Mal also does not exist, or exist in that place but could not be trusted to manage the trust of people, then give the estate to the pious man trusted which will be able to manage the property and hand them out to people in need.

There are two ways to manage the property for this Rahim:

1. If the Rahim is only one person, then the rest of the estate whose portion had previously taken by the husband or the wife of the corpse, is given entirely to him.
2. If the Rahim is more than one person, then the opinions of 'Ulama split into two options;
 - a. The first, each Rahim is placed to the origin place they are inherited. Those who are came first in getting the heirloom, is given a sacred trust, although they are more far distant with the dead. Beyond that:
 - The true Brother or the true sister of mother, are placed on mother side, not on grandfather side.
 - The brother of father from mother descendant, father's sisters (no matter the true ones, from father descendant, or from mother descendant), as well as the daughters of father's brothers, they are placed in place of father, not grandfather.
 - b. Secondly, prior closer ties to the dead, for example the great-granddaughter (the daughter of the granddaughter of the corpse's daughters), is along with the daughter of the great-granddaughter of the grandson of the corpse's son.

If the condition is as mentioned above, some 'Ulama argue, the legacy should be given to the second party, although somewhat more distant blood ties to the corpse, for they are the first one who get an inheritance, in which the great-granddaughter of the grandson, but the first of the women party. Meanwhile, the others argued, the treasure is given to the first mentioned because he's closer ties with the dead.. My Last Will

Last Will is a good message that should be run after someone dies. The Islamic law for this one is sunnat (will give merit if to be done and cause nothing if not).

The Pillars of Will

1. There is someone who bequeath the Will; should be Mukallaf (mature) and is entitled to do good, and with his own.
2. There is someone that will receive the Last will (mausilah). The situation must be with the way that is not immoral, good for public good (such as building Masjids, mushalla, schools, orphanages, etc.). But if for a particular purpose, shall be added the requirements that state clear ownership of what to be bequeathed (to the one(s) addressed).
3. Something to be bequeathed; goods, property, or ownership which are bequeathed must have clear legality in case to change hands fairly from someone to another. In the current conditions, the property that is bequeathed must enable the person that receiving the bequest to settle the certificate of the

property. That, if one day he needs money or forced by economic necessity, he can sell what he receives through the Last will. There should be no testament that prohibits a person or people who received a will, to sell the property, because such things will only cause dissension in the future time.

4. Lafadz (sentences) of the Last will, the sentences could be understood to be a testament.
5. The maximum number for the heritage that can be given away through the Will is one third of the estate left by a person who dies, never be more. Hadith relating to this matter have been discussed in the previous section. May be exceeded, but must be with the consent and willingness or may be requested by the legitimate heirs.
6. Wills should only be given to people who are not included in the heirs; they are allowed to get this such special part of treasure, except in certain circumstances in where it has been approved or given willingly by the other parties.
7. In this case the words of Nabiyullah Muhammad SAW; From Abu Amamah, he said: I have heard Nabiyullah SAW said, "Verily, Allah has defined the right of each heir. So with this provision, no longer rights of will on an heir (This was narrated by 5 hadith Narrators, except Nasa'i).
8. In order to obtain the strength of the Last will which is to be left behind, the process of writing or stating the Last Will must be witnessed by at least by 2 (two) fair male witnesses.
9. The Will must be in form of property. There is also a testament to the power associated with the rights / responsibilities that will be executed after he dies, for example a person bequeath in people who are trusted to help the dead to educate his children in the future, to pay his debts, or to return the borrowed items after his death.
10. The Rights of power to be bequeathed must be in form of treasure / property. The other things out of property are unlawful to be bequeathed; for example to be the Guardian for his / her children at the time they get married, this may be violated, because the power of the guardian after the death of someone will be transferred to another trustee as has also been determined by Allah and His Rasulullah.

Terms for people who may accept a will are 6 (six):

1. Must be Muslim.
2. Already baligh (mature).
3. Sane (sensible).
4. Free (not a slave).
5. Trustworthy (credible).
6. Able to run or hold what is mandated.

It's good for those who will be given the bequest to have seen the above factors as a barometer measuring their ability and willingness to the Last Will. Had he seen or are unable to accept the bequest, it will be much better to find someone else who is deemed to be more appropriate. There must be no element of coercion on someone to accept a will.

N. Closing:

Alhamdulillah, finally I can finish writing this hub. On an ongoing basis, this writing will be continuously updated / improved. I confess, there are still many shortcomings that must be revised here and there. Once again, I hope to all those who read what I have written, in order to study it thoroughly, never be halves, for the lacking complete understanding on Islamic inheritance law is going to result in misinterpretation of those who do it. May Allah Subhanahu Wata'ala provides guidance, wisdom and understanding on all Muslims and the Muslim World and the universe to master the science of sharing / dividing inheritance, so there will be no more strife and dissension among the group of people who feel themselves entitled to an inheritance.