

# Methodology - Islamic Law of Succession (Farā'id)

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## 1. Purpose and Scope

This document outlines the principles, rules, and calculation methodology used by the **Islamic Law of Succession - Estate Planning Tool**. The system is designed to provide **educational guidance and structured estate planning support** based on classical Islamic jurisprudence (fiqh al-farā'id).

This tool does **not** constitute legal advice, judicial determination, or a binding fatwa. Final inheritance decisions must be reviewed by qualified Islamic scholars and legal professionals.

## 2. Primary Sources

- The Noble Qur'an, primarily:
  - Surat An-Nisā' (4:11)
  - Surat An-Nisā' (4:12)

- Surat An-Nisā' (4:176)
- Classical works on Islamic inheritance ('Ilm al-Farā'id)
- Consensus (ijmā') of the classical Sunni jurists

### 3. Order of Estate Settlement

The estate is settled in the following mandatory order:

1. Funeral and burial expenses
2. Outstanding debts and financial obligations
3. Valid wasiyyah (bequest), up to one-third of the net estate
4. Distribution to legal heirs according to Islamic law

### 4. Conditions Necessary for Succession

- **Death of the propositus**

Death must be proven by actual death or legally recognized certification.

- **Heirs must be alive**

Only heirs alive at the time of death inherit. An unborn child inherits only if born alive.

- **Estate or property must exist**

The law applies to all property, movable or immovable, ancestral or self-acquired.

## 5. Classification of Heirs

### 5.1 Fixed-Share Heirs (Aṣḥāb al-Farā'id)

- Spouse (husband or wife)
- Mother
- Father
- Daughter(s) when no sons exist

### 5.2 Residuary Heirs ('Aṣabah)

- Sons
- Sons and daughters jointly (2:1 ratio)
- Father (when no children exist)

## 6. Spousal Shares

- Wife(s):
  - 1/8 if the deceased has children
  - 1/4 if the deceased has no children
- Husband:
  - 1/4 if the deceased has children
  - 1/2 if the deceased has no children

*(Qur'an 4:12)*

## 7. Parental Shares

- Mother:
  - $\frac{1}{6}$  if the deceased has children
  - $\frac{1}{3}$  if the deceased has no children
- Father:
  - $\frac{1}{6}$  if the deceased has children
  - Residuary heir if no children exist

*(Qur'an 4:11)*

## 8. Children's Shares

### 8.1 Sons Present

When one or more sons exist, children inherit as residuary heirs. Distribution follows a 2:1 ratio between sons and daughters.

### 8.2 Daughters Only (No Sons)

- One daughter:  $\frac{1}{2}$  of the estate
- Two or more daughters:  $\frac{2}{3}$  of the estate (shared equally)

*(Qur'an 4:11)*

## 9. Residue Distribution

Any remaining estate after fixed shares is allocated to the appropriate residuary heirs. If the father is alive and no sons exist, he receives the residue.

## 10. Radd (Return of Residue)

If no residuary heirs exist and residue remains, the residue is returned (radd) to eligible fixed-share heirs proportionally. **Spouses are excluded from radd.**

## 11. Disqualifications from Inheritance

- Murder of the propositus
- Difference of religion (classical Sunni position)
- Slavery (historical rule)

## 12. Calculation Integrity and Audit Trail

- All Qur'anic shares applied are explicitly recorded

- Residuary and radd applications are clearly identified
- Generated reports are suitable for scholarly and legal review

## 13. Disclaimer

This tool is provided for educational and planning purposes only. Final determination of inheritance rights must be reviewed and approved by qualified Islamic scholars and legal professionals.

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