

Methodology - Islamic Law of Succession (Farā'iḍ)

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'iḍ).

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'iḍ)

- 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:
 - 1/6 if the deceased has children
 - 1/3 if the deceased has no children
- Father:
 - 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: 1/2 of the estate
- Two or more daughters: 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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