

CONSOLIDATING THE STRENGTH OF A FAMILY THROUGH THE ISLAMIC LAW OF INHERITANCE

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Abstract

Death is an inevitable end of mortals. A family can be afflicted with the death of its member which could result into unpleasant condition. In some families, this, sometimes results to conflicts and disputes among the members. In order to settle such uncalled situations, Islam comes with rules that justify the transfer of deceased's properties to the legal heirs through the law of inheritance. This paper attempts to give brief highlight on consolidating the strength of a family through the law of inheritance. In order to achieve this, library research method and the data generated was analyzed using content analysis. It was discovered that greediness and oppression serve as the main reason for disintegration of the family of a deceased. Therefore, it was recommended that heirs should always unite themselves and fear Allah (S.W.T) in order to avoid dispute in the process of distribution of properties and distribution should be handled by the court of law to avoid future discrepancy. Where the distribution is made based on internal arrangement, it should be ratified and endorsed by a qualified judge or his equivalence.

Keywords: *Consolidating, Strength, Family, Law of Inheritance.*

Introduction

The manifestations of the difference between the Islamic system of inheritance and its predecessors are manifold and far-reaching. As we have noted, on the one hand, Greek-Roman law was determined by the domestic religion and thus excluded some immediate relatives; the daughters. The Hebrew system largely followed the patrilineal lines of

descent (such as male ascendant and descendant of the deceased's, male descendant of deceased's father as well as male descendant of the deceased's grandfather) and preferred some heirs to others¹. For instance, in a family they preferred the sons than the daughters most importantly the first-born son. According to the rule of primogeniture, if a father died and was survived by his sons and other

relatives, it is only the sons who will inherit him, also among them, the first-born son is entitled to double share of others. But if he (first-born son) agreed with his junior brothers upon equal distribution, he is allowed to do so. And there is no difference either first born son is legal son or bastard one.² The pagan Arabian custom was arbitrary and basically determined by the so-called comradeship in arms. Hence it favored parental male descent, adoption, and sworn alliance or clientage.

The Islamic system, on the other hand was founded on two natural bases, "bilineal relationship through paternal and/or maternal lines, and acts through marriage and/or its "legitimate" variant "concubine age" In default of these two bases, a third was accepted by some schools of law and may be called voluntary mutual patronage or wala. These grounds of inheritance eliminate some remote kindreds categories and include the nearer kindreds. Those who formally succeeded the property on the bases of adoption, outright sworn alliance, and arbitrary will are no longer eligible under the then new system of Islam. Adoption, in particular was completely excluded from the grounds of Inheritance. Outright sworn alliance was likewise eliminated and replaced with the eligible heirs. The newly introduced eligible heirs clearly outnumbered those who are excluded by the Islamic law. That is, under Islam a larger number of heirs are accorded fixed shares, which sometimes means the division of the property into appropriate fractional shares. One's sex, age, or order of birth no longer constitutes a total

impediment to inheritance. Women (mothers, wives, daughters, sisters), invalids, minors of both sexes, and parents are now entitled to fixed shares. Their inclusion becomes the prescribed rule rather than the benevolent or debatable exception. This marked a significant departure from the previous local as well as the surrounding systems of inheritance. For, in the Islamic system no distinction is made between the father and mother, first born and the last born, children from free mother and those of slave mother, married daughters and unmarried daughters etc.³ The Almighty Allah says in the Qur'an: -

"For men is a share of what the parents and close relatives leave, and for women is a share of what the parents and close relatives leave, be it little or much – an obligatory share."(Q 4:7)

Conceptual Definitions of Family and Inheritance

Literally, family is a group of two people or more (one of whom is the householder) related by birth, marriage, or adoption and residing together.⁴ The word "family" also indicates a group of people connected together through a tight tie that keeps them together and maintains their solidity.

Technically, family is a group that emerges from a unity between a man and woman through a marriage contract, and the subsequent offspring that come from such a unity.⁵

Inheritance is the transfer of the rights and obligations from the deceased person to his/her heirs.⁶

Inheritance also is knowledge about some rules of Shariah which guide us about who will inherit and who will not and what shares will go to the heirs from the property of the deceased.⁷

In Islam, the rules of inheritance are generally described as both an entrance of the heirs into the possession of the estate of the dead person, and a succession to any transferable rights of the dead person. These transferable rights comprise of property rights and other such rights as debts and compensation on behalf of the dead person.⁸

Reason for the Revelation of Verses of Inheritance

The rules regulating inheritance in Shariah are based on the principle that property which belongs to the deceased should devolve on those who by reason of consanguinity or marital relations have the strongest claim to be benefited by it and in proportion to the strength of such claim. The deceased may, however, leave more than one person so related to or connected with him that it would be difficult to say with regard to any one of them that his claim should altogether supersede that of the others. It is laid down in the Qur'an "... of your parents and sons you do not know which of them are the nearest to you in benefit."(Q4:11).

Islamic Shariah in those cases distributes the estate among the claimants in such order and proportions as are most in harmony with natural strength of their claims.⁹

A hadith reported by Jabir Bin Abdullahi (R.A), that a woman

came with her two daughters before the Holy Prophet (P.B.U.H.) and said "O Prophet of Allah these are two daughters of Sa'ad bin Al-Rabi'a who has been martyred in the Battle of Uhud. Their uncle has taken away their entire property and has left nothing for them. And it is not possible to get them married without property. The Holy Prophet (P.B.U.H) answered, "Allah will decide in this matter". Thereafter the verses of Surah Al-Nisa VII and 12 were revealed. The Holy Prophet (P.B.U.H) send for their uncle and told him to give two-third (2/3) to the daughters and one-eight (1/8) to their mother and the remainder is for you".¹⁰

The Heir

An heir is defined as a person whose relation to the deceased legally entitles him to inherit part of deceased property, depending on factors such as his relation to the deceased and presence of other heir(s). All heirs are not equal. Some of them are closer to the deceased than the others. The closers have priority over the remoter. The total number of heirs is twenty-five. There are fifteen male and ten female heirs.¹¹

Below are the Qur'anic injunctions that mention the total heirs as translated:

"Allah commands you as regard your children's (inheritance); to the male, a portion equal to that of two females; if (there are) only daughters, two or more, their share is two thirds of the

inheritance; if only one, her share is half. For parents, a sixth share of the inheritance to each if the deceased left children; if no children, and the parents are the (only) heirs, the mother has a third; if the deceased left brothers (or sisters), the mother has a sixth. (The distribution in all cases is) after the payment of legacies he may have bequeathed or debts. You know not whether your parents or your children, are nearest to you in benefit, (these fixed shares) are ordained by Allah. And Allah is All-Knowing, All-Wise.”(Q4:11)

“In that which your wives leave, your share is a half if they have no child; but if they leave a child, you get a fourth of that which they leave after payment of legacies that they may have bequeathed or debts. In that which you leave, their (your wives) share is a fourth if you leave no child; but if you leave a child, they get an eighth of that which you leave after payment of legacies that you may have bequeathed or debts. If the man or woman whose inheritance is in question has left neither ascendants nor descendants, but has left a brother or a sister, each one of the two gets a sixth; but if more than two, they share in a third; after payment of legacies he (or she) may have bequeathed or debts, so that no loss is caused (to anyone). This is a Commandment from Allah; and Allah is All-Knowing, Most-Forbearing.”(Q4:12)

“ They ask you for a legal verdict. Say: “Allah directs (thus) about Al-Kalalah (those who leave neither descendants nor ascendants as heirs). If it is a man that dies, leaving a sister, but no child, she shall have half the inheritance. If (such a deceased was) a woman, who left no child, her brother takes her inheritance. If there are two sisters, they shall have two-thirds of the inheritance (between them); if there are brothers and sisters, the male will have twice the share of the female. Thus does Allah make clear to you (His Law) lest you go astray. And Allah Has knowledge of All things.” (Q4:176)

Classification of Heirs

Heirs in Islamic law can be divided into the following classes (listed in order of succession)

1. sharers (Ashaabul- Furud)
2. Residuary by reason of blood relationship (Asabat)
3. Residuary by special reason (eg. Mawla Al-itaq)
4. Distant kindred (Dhawul-Arham)
5. Successor by contract (Mawlaul-Mawala)
6. Acknowledged kinsman (Al-Muqirr Lahu)
7. Universal legatee/testatee (Al-Musa Lahu)
8. Public treasury (Baytul-Mal) ¹²

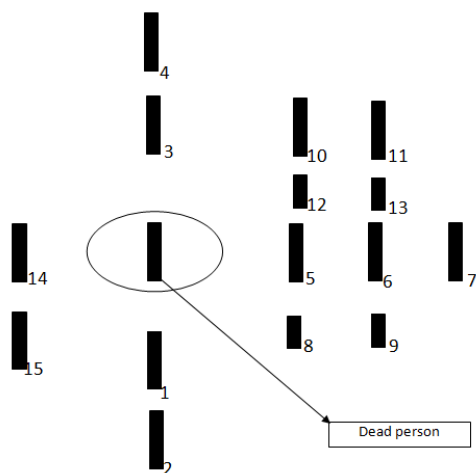
The male heirs:

1. Son
2. Son of son (*how low so ever*)
3. Father
4. Grandfather (father of father *how high so ever*)

5. Full brother (germane brothers)
6. Half-brother (consanguine brothers)
7. Uterine brother(brothers)
8. Son of full brother (*hls*)
9. Son of half-brother (*hls*)
10. Full paternal uncle
11. Half paternal uncle
12. Son of full paternal uncle (*hls*)
13. Son of half paternal uncle (*hls*)
14. Husband
15. Male emancipator (who freed his slave)

Note: If a woman died leaving behind all above mentioned male heirs only three of them will inherit her, they are husband, father and son.¹³

An Illustration of Total Male Heirs Mentioned above Based on their Position with the Dead Person



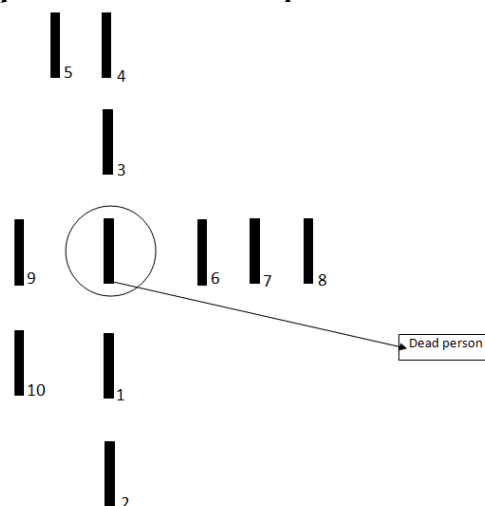
The female heirs:

1. Daughter.
2. Daughter of son (how low so ever).
3. Mother.
4. Grandmother (mother of father)
5. Grandmother (mother of mother).
6. Full sister (germane sister).
7. Half-sister (consanguine sister).
8. Uterine sister.
9. Wife.

Note- 1: If a man died leaving all above mentioned female heirs only five of them will inherit him, they are Daughter, daughters of son, mother, full sister and wife. But where there are more than one daughter, the daughters of son do not inherit.

Note- 2: If a person died leaving behind all the above-mentioned male and female heirs only five of them will inherit him often. They are father, son, mother, daughter and one of the spouses. (Husband or wife).¹⁴

An illustration of total female heirs mentioned above based on their position with the dead person.



Qur'anic Heirs (Ashab al- Faraid).

These are those persons who have the right to inherit a specific or definite share, established by Qur'an and Sunnah in the estate of the deceased.¹⁵

They are four males and eight females:

1. Husband of the deceased.
2. 2. Father of the deceased.
3. 3. Grandfather of the deceased (paternal only).
4. Uterine brother
5. Wife of the deceased.

6. Daughter/Daughters of the deceased.
7. Daughter/ Daughters of the son of the deceased.
8. Mother of the deceased.
9. Grandmother of the deceased (paternal/maternal).
10. Half-sister (consanguine sisters)
11. Full sister (germane sisters)
12. Uterine sister¹⁶

The Six Qur'anic Shares and Sharers

A 'share' (al-fard) is a fixed portion (of the heritage) determined by the Qur'an. According to consensus there are six such shares: 1/2, 1/4, 1/8, 1/3, 2/3 and 1/6. Some have summarized it by saying: "1/3 and 1/4, and the double and half of each."

Those entitled to 1/2

1/2 is the share of the only one daughter if there is no son sharing with her, and according to the four Sunni schools the son's daughter is like the daughter. Half is also given to the only one sister, either full or half on the father's side, if there is no brother sharing with her. A husband gets a half if the wife has no offspring to inherit her.

Those entitled to 1/4

1/4 is the husband's share if the wife has a descendant and the wife's or wives' if the husband has no descendant.

Those entitled to 1/8

1/8 is the share of a wife or wives if the husband has a descendant.

Those entitled to 2/3

2/3 is the combined share of two or more daughters in the absence of male

children, two or more son's daughters in the absence of son's son, and of two or more sisters, full or consanguine, if there is no brother sharing with them.

Those entitled to 1/3

1/3 is the share of the mother if the deceased has no male child, or brothers whose presence prevents her from inheriting more than one-sixth. And the mother inherits 1/3 of the remainder in the two cases of Gharrawan; FMH (father, mother & husband) and FMW (father, mother & wife). Also one-third is the share of two or more uterine brothers and sisters.

Those entitled to 1/6

1/6 is the share of the father and the mother in the presence of a child. The mother also gets one-sixth if the deceased has brothers. The same is the share of a single uterine brother or sister. The inheriting of one-sixth as sharers by the above three enjoys concurrence.¹⁷ Half-sister with the existence of full sister, and by her taking one sixth that will make two thirds of the total property, just as in the case of son's daughter with the existence of daughter.¹⁸ The four Sunni schools add to these sharers entitled to one-sixth, one or more son's daughters along with the daughter of the deceased. Hence if the deceased has a daughter and a son's daughter, the former will take half and the latter one-sixth.

That is if the deceased has two or more daughters and a son's daughter, the latter will be prevented from inheriting unless she has a male counterpart of her class, such as when

she has a brother or, lower in order, her brother's son, i.e. the great grandson of the deceased. One-sixth is also given to the paternal grandfather in the absence of the father. A grandmother, just like a mother, inherits a sixth if she is a paternal or maternal grandmother or mother of the paternal grandfather. Thus, if she is the mother of the decedent's mother's father, she will not inherit. If two parallel grandmothers, such as the mother's mother and the father's mother are present together, the share of one-sixth will be equally divided between them.¹⁹

Detail of Primary Heirs and Their Shares

The following heirs are referred to as "primary heirs". They are never totally excluded from inheritance provided there is no impediment preventing them from doing so but their shares may be reduced partially. All the primary heirs are Qur'anic heirs except the son. :-

Father, Mother, Son, Daughter and Spouse relict (husband/wife)²⁰

The Father

Father has three cases in Mirath:

- a. He is entitled to 1/6 of the property in the presence of male descendant of the deceased i.e. son and of son of son (hls)
- b. He is entitled to 1/6 as a sharer and also, he will get the remaining as an asabah where the deceased left female children i.e. daughter and daughter of son (his). In other words, in the presence of female children he has double capacity; as a sharer and as an asabah, asabah or agnatic heir.

- c. He will inherit as an asabah only when there are no children of deceased. He will take all property after the Qur'anic heirs.

Note: After the Qur'anic heirs have taken their Shares, if there is no residue then father will take his fixed share which is 1/6.²¹

The Mother

Mother is entitled to three different shares also:

- a. She has one-third (1/3) of the net estate of the deceased in the absence of deceased's children or children of his son (hls), also in the absence of the two or more brothers or sisters. Whether they are full, half or uterine or one brother and one sister.
- b. She is entitled to one-sixth (1/6) of the net estate of the deceased if the deceased left behind his children, or two or more brothers, or sisters, whether full, half or uterine, or one brother and one sister even if they are excluded from inheritance, in their presence mother has 1/6.
- c. She is entitled to one-third of the remaining (1/3R) estate after subtracting the share of husband or wife if she is inheriting along with the father of the deceased and one of the spouses, in the absence of the children, or more than one brother and sister. Therefore, the mother will get one-third(1/3R) of remaining in following two cases only:

Case 1: The deceased is survived by husband, mother and father in this case, if mother is given one-third (1/3) of the net estate, then she will get double share of the father.

The base is 6. The husband will get 3 out of 6, mother 2, and the remaining 1 is for father. This is against the principle of Islamic law of inheritance, which provides that a male will get double share of female, if they are of the same class.

Case 2: A man died leaving his wife, mother and father.

In this case, if mother is given 1/3 of the net estate, then her share will almost equal to father's share. The base is 12. Wife will get 3 out of 12, mother 4 and father the remaining 5. This also is against the principles of Islamic Law of Inheritance.

These cases were brought forth during the Caliphateship of Sayyid Umar (R.A) He consulted Zaid Bin Thabit (R.A) and asked his opinion. He pointed, that mother should be given 1/3 after the husband or wife has taken his/her share. Then Umar ((R.A) gave his verdict that mother should be given 1/3 of the remaining in these two cases. Later on, these cases were known as Umariyyatain or the algharrawiyyain cases.

Thus, according to Umar's decision father will get double share of mother in these two cases.²²

The Son

Son is a primary heir; he always gets a share of inheritance base on the following unless there is an impediment.

- The son always inherits as a residuary.
- After all the heirs who have a fixed share in the inheritance have been given their allotted share, the residue in the first instance

devolves upon the son(s) together with the daughter(s) if any.

- The general rule that the male (son) takes the portion of two females (daughters) of the same degree applies.
- If the son is the sole heir, then he takes the whole property.
- Interesting enough the son who is the most important heir in Sharia law is not specifically mentioned in the Qur'an. (Because he always inherits as a residuary)

Heirs Excluded by Son of the Deceased

The following potential heirs are excluded from inheriting by the presence of a son of the deceased:

- All grandchildren (h.l.s.).
- All siblings and their descendants.
- All uncles and their descendants.
- All other more remote relatives who are not sharers.²³

The Daughter

Daughter is in the group of primary heirs who always gets a share of the inheritance unless there is an impediment preventing her from inheriting. She is entitled to two different shares i.e inheriting as a sharer and as a residuary.

Daughter inheriting as Sharer

- The daughter inherits as a sharer if there is no surviving son as heir.
- If there is only one daughter, she inherits a fixed share of 1/2.
- If there are two or more daughters, they jointly inherit a fixed share of 2/3 which is divided equally amongst them. The maximum collective share allotted to the daughters and son's daughters h.l.s. inheriting as sharers is 2/3.

Daughter Inheriting as a Residuary

- When inheriting along with the son of equal degree, the daughter inherits as a residuary. That is after all heirs entitled to a fixed share are given their allotted shares, the residue of the estate that remains is inherited by the residuaries, in this case son and daughter.
- The residue firstly devolves upon the sons together with the daughters if any.
- The general principle that the male inherits a portion that of two females of the same degree applies.

Heirs excluded by daughter

- Two or more daughters exclude DS h.l.s. unless DS h.l.s. is converted into residuary by SS h.l.s. of equal or lower degree.²⁴ She also excludes uterine brothers and sisters.

The Husband

Husband is a primary heir; he always gets a share of the inheritance (unless there is an impediment preventing him) and he is also one of those heirs who can be partially excluded. The husband is always a sharer and gets a fixed share of either 1/2 or 1/4.

The husband gets a fixed 1/2 share if there is:

- No child (whether male or female)
- No son's son h.l.s. (SS, SSS, SSSS etc.) and
- No son's daughter h.l.s. (DS, DSS, DSSS etc.)

The husband gets a fixed 1/4 share if there is a:

- Child or
- Son's son h.l.s. (SS, SSS, SSSS etc.) or
- Son's daughter h.l.s. (DS, DSS, DSSS etc.)²⁵

The Wife/Widow

Wife is in the group of primary heirs who always get a share of the inheritance (unless there is an impediment) and she is also one of those heirs who can be partially excluded. Technically speaking, when a husband dies, his wife becomes a widow, so the inheritance share is strictly speaking that of a widow not a wife although the term wife is often used in this context.

The wife gets inheritance in two different ways: -

The wife gets a fixed 1/4 share if there is:

- No child
- No son's son h.l.s. (SS, SSS, SSSS etc.) and
- No son's daughter h.l.s. (DS, DSS, DSSS etc.)

If there is more than one wife, they share in the allotted share as stated above (1/4).

The wife gets a fixed 1/8 share if there is a:

- Child or
- Son's son h.l.s. (SS, SSS, SSSS etc.) or
- Son's daughter h.l.s. (DS, DSS, DSSS etc.)²⁶

If any of the descendants mentioned above are amongst the surviving heirs then the wife/wives will get 1/8 otherwise she/they will get 1/4.

Formular to Find Out the Bases for Calculating Mirath

Jurists have divided the six Qur'anic shares into two sections **A** and **B**.

The section **A** consists of $1/2$, $1/4$ and $1/8$ while the section **B** consists of $2/3$, $1/3$ and $1/6$.

Section A = $\frac{1}{2}$, $\frac{1}{4}$, $\frac{1}{8}$ and **Section B** = $\frac{1}{3}$, $\frac{2}{3}$, $\frac{1}{6}$

FORMULA ONE IS DEVIDED IN TO TWO EXAMPLES BASED ON THE ABOVE SECTIONS

When all the shares in any case are from Section A only or from section B only the base (asl) must be the biggest denominator of their shares. E.g.

From section ‘A’ only:

$$\frac{\frac{1}{2} + \frac{1}{4} + \frac{1}{8}}{\frac{4}{4} + \frac{2}{2} + \frac{1}{1}} = \frac{7}{8}$$

According to the formula above, 8 is the highest denominator therefore, 8 is regarded as the base. Or

$$\frac{\frac{1}{2} + \frac{1}{4}}{\frac{2}{2} + \frac{1}{1}} = \frac{3}{4}$$

Here too the base is 4, because it is the highest denominator.

From section ‘B’ only:

$$\frac{\frac{1}{3} + \frac{2}{3} + \frac{1}{6}}{\frac{2}{2} + \frac{4}{4} + \frac{1}{1}} = \frac{7}{6}, \quad \text{The base is 6.}$$

Or

$$\frac{\frac{1}{3} + \frac{2}{3}}{\frac{1}{1} + \frac{2}{2}} = \frac{3}{3}, \quad 3 \text{ is the base also.}$$

Example 1(from the formular).

A man died leaving his wife, daughter and full brother. The wife is entitled to $1/8$, daughter $1/2$ and Full brother is an Asbah. Their biggest denominator 8 is the Base.

SOLUTION: Let's W stand for wife, D for daughter, FB for full brother and A is for Asabah.

Therefore, $W = \frac{1}{8}$, $D = \frac{1}{2}$, $FB = A$

$$\frac{\frac{1}{8} + \frac{1}{2}}{\frac{1}{1} + \frac{4}{4}} = \frac{5}{8}, \quad 8 - 5 = 3$$

The portion of wife is 1, the daughter is 4 and the full brother will get the remaining 3 as an Asabah.

Example 2(from the formular too).

A person died leaving his mother, two full sisters and two uterine brothers. The mother is entitled to $1/6$, two Full sisters $2/3$ and two uterine brothers $1/3$. Their biggest denominator 6 is the Base also.

SOLUTION: Let's M stand for mother, 2FS for two full sisters, 2UB for two uttering brothers.

$M = \frac{1}{6}$, $2FS = \frac{2}{3}$, $2UB = \frac{1}{3}$

$$\frac{\frac{1}{6} + \frac{2}{3} + \frac{1}{3}}{\frac{1}{1} + \frac{4}{4} + \frac{2}{2}} = \frac{7}{6}$$

The initial base is 6 but the new base will be 7 because of AWL.

The portion of mother is 1, the two full sisters is 4, and the two uttering brothers is 2.

FORMULA TWO:

If the $1/2$ of section A is mixed with all or some shares of section B, the Base must be 6, E.g.

A woman died leaving her husband, two full sisters and a mother. Their shares are $1/2$, $2/3$ and $1/6$ respectively. Therefore, according to the formula, the Base is 6.

SOLUTION: Let's H stand for husband, 2FS for two full sisters and M for mother.

$$H = \frac{1}{2}, \quad 2FS = \frac{2}{3}, \quad M = \frac{1}{6}$$

$$= \frac{\frac{1}{2} + \frac{2}{3} + \frac{1}{6}}{3 + 4 + 1} = \frac{8}{6}$$

, The initial base is 6 but because of AWL the new base will be 8 also.

The portion of husband is 3, two full sisters is 4, and the mother is 1.

FORMULA THREE:

If 1/4 of section A is mixed with any share of section B. The Base must be 12. E.g.,

A man died leaving his wife, two uterine brothers and mother. Their shares are 1/4, 1/3 and 1/6 respectively. Thus, the Base is 12. The Base will be the same even if the 1/2 is mixed with them.

SOLUTION: Let's W stand for wife, 2UB for two uttering brothers, M for mother.

$$W = \frac{1}{4}, 2UB = \frac{1}{3}, M = \frac{1}{6}$$

$$= \frac{\frac{1}{4} + \frac{1}{3} + \frac{1}{6}}{3 + 4 + 2} = \frac{9}{12}$$

12 - 9 = 3 In this case the uttering brothers are the only male heirs but fixed share has been given to them in the Quran (4:12) and they were not among those who will inherit as asabah. Therefore, the remaining 3 will be taken to bait-al mal (public treasury).

The portion of wife is 3, two uttering brothers is 4, and the mother is 2.

FORMULA FOUR:

If the 1/8 of section A is mixed with the shares of section B. Then the Base must be 24. E.g.

A man died leaving his wife, two daughters, mother and one full brother. They are entitled to 1/8,

2/3, 1/6 and Asbah accordingly. The Base is 24. The Base will remain the same even if the 1/2 is mixed as well.²⁷

SOLUTION: Let's W stand for wife, 2D for two daughters, M for mother and FB for full brother.

$$W = \frac{1}{8}, 2D = \frac{2}{3}, M = \frac{1}{6}, FB = A.$$

$$= \frac{\frac{1}{8} + \frac{2}{3} + \frac{1}{6}}{3 + 16 + 4} = \frac{23}{24}$$

= 24 - 23 = 1. The portion of wife is 3, the two daughters is 16, the mother is 4 and the full brother is 1 as an Asabah.

Distribution of Property to the Legal Heirs

Distribution of the properties is carried out by calculating the share of each heir to which he/she is entitled according to following formula: -

$$\text{Share} = \frac{\text{Property}}{\text{Base}} \times \text{Portion}$$

Share is the final entitlement of any heir.

Property is what the deceased left behind for distribution.

Portion is the ratio calculated from base.

According to the above equation, the property is first divided by the base and the result is then multiplied by the portion of concerned heir. The resulting product is the final entitlement of that heir from the net property.

It should be noted that while distributing the property, the respective Qur'anic shares such as 1/4, 1/6, and 2/3 e.t.c which are fractions, are not used, instead portions (whole numbers) calculated from base are to be used.²⁸

Example: 1. A woman died leaving her husband, mother, two uterine brothers, full brother and full sister.²⁹

With a cash worth N20,000:00.

SOLUTION: Let's H stand for husband, M for mother, 2UB for two uterine brothers, FB for full brother and FS for full sister.

$H = \frac{1}{2}$, $M = \frac{1}{6}$, 2UB, FB and FS = $\frac{1}{3}$.

$$= \frac{\frac{1}{2} + \frac{1}{6} + \frac{1}{3}}{\frac{3}{3} + \frac{1}{6} + \frac{2}{6}} = \frac{6}{6}$$

The portion of husband is 3, the mother is 1 and the two uterine brothers, full brother and full sister is 2; Donkey case.

Distribution of their Property (Money)

- Share of Husband
= $\frac{20,000}{6} \times 3 = \text{N}10,000:00$

- Share of Mother
= $\frac{20,000}{6} \times 1 = \text{N}3,333:00$

- Share of 2Uterine Brothers,
Full brother,
Full sister:
= $\frac{20,000}{6} \times 2 =$

N6,667:00 ; Donkey case

N20,000:00

Example: 2. A man died leaving his wife, daughter, daughter of son, half-sister and uncle.³⁰ With a cash worth N50,000:00.

SOLUTION: Let's W stand for wife, D for daughter, DS for daughter of son, HS for half-sister.

$W = \frac{1}{8}$, $D = \frac{1}{2}$, $DS = \frac{1}{6}$, $HS = A$

$$= \frac{\frac{1}{8} + \frac{1}{2} + \frac{1}{6}}{\frac{3}{3} + \frac{12}{12} + \frac{4}{6}} = \frac{19}{24}, = 24 - 19 = 5.$$

The remaining 5 will be given to half-sister as an Asaba.

In this case, half-sister excluded the uncle base on the condition of "Asaba with another."

Therefore, the portion of wife is 3, the daughter is 12, the daughter of son is 4 and the half-sister is 5.

Distribution of their Property (money)

- Wife = $\frac{50,000}{24} \times 3 =$
N6,250:00

- Daughter = $\frac{50,000}{24} \times 12 =$
N25,000:00

- Daughter of Son = $\frac{50,000}{24} \times 4 =$
N8,333:00

- Half-Sister = $\frac{50,000}{24} \times 5 =$
N10,417:00

N50,000:00

Following the distribution of properties to the heirs in two families above, Islam proofs itself that; it consolidates the strength of a family after the dead of it loved ones through the law of inheritance. Where each heir has taken his/her share in accordance with what the Almighty Allah has ordained in the Quran, without any oppression or selfishness, irrespective of their status in life since there was no any impediment preventing them from inheritance.

Conclusion and Recommendations

The paper reveals that emphasis has been given to the heirs as they are the backbone of the family in the distribution of inheritance. It mentions how the heirs were

illustrated in the diagram and gives a clear indication of their relationship with the deceased person. Also, the distribution of properties to the heirs has been carried out using L.C.M and formula, to enable the people to know how to share the properties to heirs in a simple way. The following are recommendations;

1. The distribution of property should be carried out in time after the death to avoid confusion (deprivation or denial of right).
2. The heirs should always unite themselves in order to avoid dispute in the process of distribution of properties.
3. The Judges should fear the Almighty Allah concerning the heirs' properties.
4. Seniors should fear Allah not to connive (with judges) at their favors.
5. The shares of the minor heirs should be properly managed and taken very good care of.
6. Joint venture and family companion should be encouraged.

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