



Majlis Ugama Islam Singapura
(Islamic Religious Council of Singapore)

fara'idh
THE ISLAMIC LAW OF
INHERITANCE

DEFINITION

faraidh is known as the Islamic Law on Inheritance.

It deals with the distribution of the assets (the estate) of a deceased person to his heirs in accordance with Allah's decree in the Holy Al- Quran and according to hadith or tradition of the Messenger of Allah.

In Arabic, it is known as 'Al-Faraid' which literally means fixed portions. Technically, the term denotes the quantum of shares allocated to the lawful heirs as determined by Shari'ah.

basis of faraidh

The Quran

Allah instructs you concerning your children: for the male, what is equal to the share of two females. But if there are [only] daughters, two or more, for them is two thirds of one's estate. And if there is only one, for her is half. And for one's parents, to each one of them is a sixth of his estate if he left children. But if he had no children and the parents [alone] inherit from him, then for his mother is one third. And if he had brothers [or sisters], for his mother is a sixth, after any bequest he [may have] made or debt. Your parents or your children - you know not which of them are nearest to you in benefit. [These shares are] an obligation [imposed] by Allah . Indeed, Allah is ever Knowing and Wise.

(Surah An-Nisaa verse 11)

The Hadith

"The Prophet Muhammad (pbuh) said: Give the appointed portions to those entitled to them. Then whatever remains is for the nearest male."

(Narated by Bukhari - Muslim)

Ijmak & Ijtihad of the companions of the Messenger of Allah, imams of mazhab & mujtahid of proven knowledge

A substantial part of faraidh and the section governing the distribution of property among heirs are provided for in the Quran. Only a small part is determined on the basis of Hadith and Ijmak.

list of assests in **farajdh**



CPF
CENTRAL PROVIDENT
FUND



INVESTMENT



INSURANCE



PROPERTIES



CASH



JEWELLERIES



**BANK
SAVINGS**



VEHICLES

Asset Planning Tools
**WILL, NUZRIAH,
 HIBAH**
 Singapore's Context



Legal document by a person during their lifetime expressing their wishes as to how a part of their property is to be distributed at death.

It can also include the name of the executor to manage the asset until it is distributed.



- Recorded
- Signed & Dated
- At least 2 male or more witnesses
- Sound mind
- Maximum of 1/3 can be Willed away to non-faraidh beneficiaries
- Purposes permissible by Islamic Law
- Must not omit lawful Faraidh beneficiaries from Estate



- Defined as a form of gift either in its physical form or otherwise (cash, property etc)
- Must be done while still alive
- Gift is a contribution to honour someone and usually refers to a specific matter.



Wakaf is a sadaqah jariyah (ongoing charity) or a voluntary charitable endowment in the form of a permanent, irrevocable gift to Allah from one's personal belongings or wealth in the form of cash or property for purposes mentioned by contributor (Wakif). One can also consider planned giving to Wakaf Ilmu.



Nuzriah means making Nazar. Nazar is a vow made to perform certain actions if certain condition are met.



- Recorded
- Signed & Dated
- At least 2 male or more witness of sound mind
- Takes effect 3 days before death

Asset Planning Tools
**WILL, NUZRIAH,
 HIBAH**
 Singapore's Context



Allows CPF members option to specify who will receive their CPF savings, and how much each nominee should receive, upon their demise.



This is a form of ownership where all co-owners have an equal interest in the flat, regardless of the individual owner's contribution to buy the flat. In joint-tenancy, there is a right of survivorship. Meaning upon death of a joint-tenant, his/her interest in the flat will automatically be passed to the remaining co-owner(s), regardless of whether the deceased joint-tenant has left behind a Will.



This allows a beneficiary mentioned in a Will, or a beneficiary to redirect his or her benefit to another person of his or her choosing.

• **Validity of the Deed:**

Can only be made if all the beneficiaries are over the age of 18.
 Can be made at any time after a person has died
 Deed must be executed within 2 years of the date of death

PLANNING
**YOUR
 ASSETS**

It is important to use estate planning tools to plan for your assets before death.

- 1 **JOINT TENANCY AGREEMENT**
 - To ensure your family has a home
- 2 **CPF NOMINATION**
 - To distribute your CPF assets
- 3 **JOINT SAVINGS ACCOUNT**
 - To ensure your savings are held by someone your trust
- 4 **INSURANCE NOMINATION**
 - To distribute your insurance proceeds
- 5 **WILLS**
 - To allocate a maximum of 1/3 to a non-faraidh beneficiary
- 6 **PLANNED GIVING**
 - To set aside donations and Wakaf for charitable purposes

FARAIDH HEIRS ARE DIVIDED INTO 2 GROUPS

Quranic HEIRS (Ashabul Furud)

- 1 Husband
- 2 Wife
- 3 Mother
- 4 Grandfather
- 5 Grandmother
- 6 Daughter
- 7 Son's Daughter
- 8 Full Sister
- 9 Consanguine Sister
- 11 Uterine Sister
- 12 Uterine Brother

The above are regarded as primary heirs with shares fixed by the Quran.

Residual Beneficiaries (Asabah)

MALE

The agnate in his own right (asabah bi nafsi).

- 1 Son
- 2 Father
- 3 Brother
- 4 Uncle

The agnate in the right of another (asabah bi ghayri)

- 1 Daughter with son
- 2 Son's daughter with son's son
- 3 Full sister with full brother
- 4 Consanguine sister with consanguine brother

FEMALE

The agnate with another (asabah ma'a ghayri)

- 1 Full sister(s) together with either daughter(s) or son's daughter(s).
- 2 Consanguine sister(s) together with either daughter(s) or son's daughter(s)

*Quranic Heirs (Ashabul Furud)

Those whose shares are fixed by Al-Quran

*Agnatic Heirs (Asabah)

Those who will receive any residue after distribution to Quranic Heirs

As none of these exists, the balance falls to Baitulmal.

FARAIDH
HEIRS

WHAT IS BAITULMAL?

Baitulmal is the institution that acts as a trustee for the Muslims. It looks after assets from which members of the Muslim public could benefit. In Singapore, the Islamic Religious Council of Singapore (Muis) administers the Baitulmal.

The estate of a deceased person goes to the Baitulmal under the following circumstances:

- There is no rightful beneficiary to the estate
- All beneficiaries have received their shares, yet there is a portion that remains of the estate
- There is no claimant to the estate
- The deceased person leaves no beneficiary (heir)

ADMINISTERING AN ESTATE

STEPS	WHAT TO DO?	WHO TO CONTACT?
STEP 01 Upon Death	1. Settle Burial 2. Settle Debts 3. Settle Zakat, Kafarah or penalty of oath	
STEP 02	Obtain Death Certificate	1. NEA 2. Hospital 3. MHA**
STEP 03	Obtain Inheritance Certificate (IHC)	1. Syariah Court
STEP 04	Determine Assets	HDB/ CPF / IPTO* Insurance / Jewellery Cash/Bank / Vehicles
STEP 05	Obtain Grant Letter of Administration (GLA) / Probate	1. Appoint a lawyer 2. Renunciation Deed of Undertaking 3. Retrieve Will
STEP 06	Liquidate/ Retrieve Assets	1. Property agents 2. Insurance 3. Banks
STEP 07	Disburse Funds	1. Give beneficiaries share as per IHC 2. Distribute Will 1/3 3. Nuzriah 4. Baitulmal
STEP 08	Appeal	1.*Baitulmal's share

* IPTO - PUBLIC TRUSTEE'S OFFICE, MINISTRY OF LAW
**MHA - MINISTRY OF HOME AFFAIRS

MUSLIM ESTATE
**THAT CAN BE
 DISTRIBUTED**

Instrument	Net Assets that may be distributed while alive (inter vivos)	Net Assets that may generally be given upon death (bequest)
Charitable Donation (Wakaf & Sadaqah)	Unlimited	Not exceeding 1/3
Gift (Hibah)	Unlimited	N.A.
Will (Wasiat)	N.A.	Not exceeding 1/3 to non-faraidh beneficiaries
Vow (Nuzriah)	Unlimited	Varies
Joint Tenancy	Unlimited	100%



Questions
 & Answers

Can my adopted child inherit from me when I die?

An adopted child can inherit up to 1/3 share of the adopted parents estate provided there is a Will prepared or as a gift from all the beneficiaries if there is no Will created.

I am a Muslim revert. How can my non-Muslim family inherit from my asset?

A non-Muslim do not inherit from a Muslim person. However, you can prepare a Will to bequest up to 1/3 of your assets to them upon your death.



Questions & Answers

When does the right of the beneficiaries begins?

The rights of the beneficiaries begin from the certainty of the death of the person after executing all the affairs related to the deceased estate, this includes:

- Debt that is concerned with the estate e.g zakat and its like.
- Funeral expenses
- Pay the debts of the deceased
- Distribute the Will of the deceased up to 1/3 of the estate to non-beneficiaries.

Does a non-Muslim woman that is married through a civil marriage becomes a beneficiary to her deceased husband's estate?

A non-Muslim woman that is married through a civil marriage is not recognized as the wife in Islamic law, therefore she does not become a beneficiary to her husband's estate.

I have made a CPF Nomination for my CPF savings. Will the CPF monies be re-distributed once again according to Faraidh law?

CPF savings that has been nominated do not need to be re-distributed according to faraidh law as it is treated as a gift made during your lifetime.

My late father did not make a nomination for his CPF savings. How do I go about liquidating his CPF monies?

You can apply to the Public Trustee for assistance online through the Public Trustees website, www.ipto.gov.sg and send the supporting documents as listed in the application forms to the following address: Public Trustee, The URA Centre, East Wing 45 Maxwell Road # 06-11.



Questions & Answers

Does investment in terms of company shares, unit trust and jewelry of a deceased person constitutes as the asset or estate of the deceased?

Yes it does. All the investment instruments and jewelry must be liquidated and sold at market price and then distributed amongst the beneficiaries.

Is it obligatory for Muslims to prepare a Will on their assets?

Muslims are highly encouraged to make a Will if you want to distribute up to 1/3 of your assets according to your wishes to non lawful beneficiaries. This is to avoid complications and conflicts between the beneficiaries and next-of-kins in the future.

However, it must satisfy the following:

- That it should be witnessed by two male Muslims, who are not the beneficiaries.
- The beneficiaries of the Will cannot be any of the lawful heirs who will get their shares from Faraidh.
- The Will is considered valid until another Will is written to override the earlier Will.

I do not want to follow Faraidh law. Can I prepare a Will for that purpose?

A Will is prepared only to bequest up to 1/3 of your assets to anyone except your lawful heirs. The balance after distribution of the Will should rightfully be distributed according to Faraidh law.

Can the deceased's assets be distributed equally without following Faraidh with the consent of all the beneficiaries?

The distribution of assets of a deceased person in its original law is in accordance with the law of Faraidh. However, the portion allocated to the lawful heir can be changed provided its agreed upon all of the beneficiaries.

Can children born out of lawful Islamic marriage inherit from their parents?

Children born out of lawful Islamic marriage do not have the right to inherit from the father. However, they will be able to inherit from the mother's estate.



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