



HOW DOES THE ISLAMIC WASIYAH WORK

WHAT IS WASIYAH

It basically means the testamentary bequest limited to one-third ($\frac{1}{3}$) of the Testator's Estate and can only be given to non-heirs as defined in the Holy Quran.

Asset redistribution is one of the areas that is very important in Islamic financial planning. The objective of the asset redistribution is to ensure the smooth transition or transfer of the asset of the deceased to the beneficiaries. Among the methods that can be adopted in asset redistribution by Muslim is through Wasiyah (Islamic Will).

"It is the duty of a Muslim who has anything to bequest not to let two nights pass without writing a Will about it".

After death, inheritance may only be distributed after debts and Wasiyah. The Wasiyah is a bequest you give at your direction. This is different from the Faraid, or Islamic Inheritance, which is the system of mandatory rules of inheritance. For Islamic Inheritance, you do not get to decide how or in what proportions inheritance is distributed (assuming you are believing Muslim). For Wasiyah, you get to decide who gets what, with some important caveats.

WHAT IS THE ONE THIRD ($\frac{1}{3}$) RULE?

There is a hadith on this, a story by Sa'ad ibn Abi Waqqas, reported in multiple sources:

"I was stricken by an ailment that led me to the verge of death. The Prophet came to pay me a visit. I said, 'O Allah's Apostle! I have much property and no heir except my single daughter. Shall I give two-thirds of my property in charity?' He said, 'No.' I said, 'Half of it?' He said, 'No.' I said, 'One-third of it?' He said, 'You may do so, though one-third is also too much, for it is better for you to leave your offspring wealthy than to leave them poor, asking others for help'.

WHAT ARE THE SCHOOLS OF THOUGHT ON THE $\frac{1}{3}$ RULE?

All schools of thought in Islam take the view that there is a limit of that can be allotted to the Wasiyah. The rest must go to heirs. This is a maximum and not a minimum. Indeed, Muslims are under no obligation to have a Wasiyah at all. If you want to leave everything to your family, you can certainly do so, but it must be proportional to the allocated shares in the Islamic rules of Inheritance.

WHY CAN HEIRS NOT BE NAMED IN YOUR WASIYAH?

This is one of the big rules that answers a major question: If I have a discretionary amount, why can't I just give my daughter (or son, or wife) more? Because that violates the Shariah. This is the opinion in the four Sunni schools of thought. There is a well-known hadith "there is no Wasiyah for an heir"-

WHAT ARE USES OF WASIYAH IN CHARITY?

One of the most common uses of Wasiyah is for charity. Many people connect their legacy to charitable institutions they are a part of, or institutions that have been part of their own family and community, for example, Mosques and Islamic Schools. Others are concerned with the good of communities they have not been a part of. This may include care for orphans in other countries or water projects in places where there is insufficient clean water.



WHAT ARE THE USES OF WASIYAH FOR FAMILY

There are several ways family members can benefit from the Wasiyah. For one thing, not everyone who is in your family, even close family members, are "heirs" in Islam. This is often the case with family members who are adopted, or non-Muslim. Such family members do not inherit by right but are eligible for a Wasiyah.



If you need further clarifications on this, please reach out to us
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