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Violations In The Inheritance Of The Aleasbuh And Their Impact On Social Security

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ABSTRACT

I have devoted this research; of the widespread irregularities in the inheritance of the Aleasbuh and its bad impact on Islamic societies. In this research, I dealt with defining who the Aleasbuh is, and then explaining their inheritance in Islam. Then it dealt with the widespread violations, how to deal with them, confront them and reduce them, and limit the crimes resulting from these violations. Then I dealt with the social impact of implementing Allah's law on inheritance because of its role in social security.

1. Introduction

The Islamic religion is a complete religion and legislation, which deals with all aspects of life, and regulates the relationship of man with his Creator, and people with each other, individuals and groups, and this organization is built on sound foundations.

And it has become one of the measures of progress and advancement of states today is the extent to which human rights included in the Universal Declaration of Human Rights are taken into consideration, even though this document has only been half a century since its declaration, while the Islamic religion has approved more and more comprehensive rights than this document starting from human life until his death. Among these rights is the right to inheritance, which is the focus of this research, especially the inheritance of Aleasbuh and the system of inheritance. Allah has clarified it and determined the shares of each heir in total and in detail. There is no room for diligence as the Prophet, peace and blessings of Allah be upon him, urged his teaching and learning. PBUH" said:" Learn the statutes and teach them, for it is half knowledge while

he forgets, and it is the first thing that is taken from my ummah". (Sunan Abi Dawood p. 119, No 2885).

Reasons for choosing a topic:

Many people divide inheritance according to their preferences.

A statement of the danger of this science, and a statement of the prohibition of tampering with it.

Importance of the topic:

Explain how important this science is.

Explaining the limits of Allah in the inheritance of Aleasbuh, and deterring all those who share inheritances according to their desires.

Approach:

Inductive approach, through extrapolation of the provisions of the inheritance of Aleasbuh.

Comparative approach, by comparing some issues.

Previous studies:

Many scholars, in the past and present, have dealt with the science of inheritance, but I devoted this research to the inheritance of Aleasbuh only, and I did not find an independent research on the inheritance of Aleasbuh.

Search Plan:

Introductory chapter: on the sections of inheritance and types of heirs.

It includes two topics:

The first topic: sections of legacy.

The first requirement: inheritance by imposition.

The second requirement: inheritance by Altaesib.

The third requirement: the conditions of Aleasbuh in inheritance.

The second topic: the types of heirs.

The first chapter: Definition of gangs, and evidence of their inheritance, how and types, It includes three sections:

The first topic: Definition of the Aleasaba, and evidence of their inheritance.

It has two requirements:

The first requirement: Defining the Aleasaba.

The second requirement: evidence of their inheritance.

Chapter two: violations in the inheritance of Al-Asabat and its impact on social security.

It includes two topics:

The first topic: A monitoring of the most famous violations of the Aleasbuh legacy and its impact on social security.

The second topic: treatment of these violations and how to confront them.

Then, at the end of the research, I mentioned the most important findings that I have reached. The most important recommendations.

Introductory chapter: on the sections of inheritance and types of heirs.

2. Sections of legacy (Methodological jurisprudence 5 p.83) The first requirement: inheritance by imposition:

Legal heirs: The ones who have a predestined imposition. (Ibn Rushd matters 1/463)

They are: twelve: four of the men: they are husband, father, grandfather, brother to mother, And eight of the women: They are the wife, the mother, the grandmother, the daughter, the daughter of the son, the full sister, the sister to the father, and the sister to the mother. (Al-Muwatta, Part 2, p.20).

The second requirement is inheritance by Altaesib.

Inherits by Altaesib four sides:

The aspect of filiation includes the son, the son of the son, and if it came down.

Paternity side: It includes the father and grandfather.

Sibling side: the full brother and brother of the father, the nephew of the full brother, and the nephew of the brother of the father.

Cousin side: It includes: the brother's uncle, the paternal uncle, the brother's uncle, and the uncle's father.

The weighting between them in the side: if they are different sides.

The degree: if they are one side.

Relative degree: This is between brothers and uncles. (Bammad Effendi, Majma 'Al-Anhar chapter in Al-Asabat Part 2, p. 752)

3. Types of heirs (A brief explanation of Khalil, part 8, p. 198)

- 1. A type inherits by imposition only: they are seven: husband, wife, mother, grandmother to mother, grandmother to father, brother to mother, sister to mother. It is possible to shorten the words about them: the mother and her two children, the two grandmothers, and the spouses.
- 2. A section inherits by Altaesib only: they are twelve: the Aleasba with the soul, except for the father and the grandfather, Almuetaq and Almuetaqat.
- 3. A division inherit once by imposition, and once by Altaesib, and they may be combined: they are two: the father and the grandfather the father of the father (the true grandfather) Each of them inherits the sixth by imposition with the son or the son of the son, and inherits by Altaesib if it is devoid of the heir branch, and combines the imposition and Altaesib if he has a female from the heir branch, and he prefers more than the sixth, then he takes his Tesybaan.
- 4. And a type of inheritance once by imposition, and once by Altaesib and does not combine them: they are four: the daughter, the daughter of the son, the sister, and the sister to the father. If each one is alone with someone who Yuesibu her, she inherits the obligation, and if she has someone who is Uesib with her, then she inherits with Altaesib.(Al-Hanafi, the facts show the chapter on correcting the obligatory duties, part 6, p. 247).

These heirs: Some of them inherit due to relative kinship, and they are called the owners of relative hypotheses, and they are all the heirs except for the spouses.

And some of them inherit because of marriage, so they are called the owners of causal assumptions, and they are the spouses.

Chapter One: Definition of Al-Easabat, and evidence of their inheritance and how it is

4. The definition of Al-Easaba, and evidence of their legacy

The first requirement: Defining of Al-Easba.

Al-Easba in language: the plural of Asab, from the Asab of the people, if they surround it, so the father is a side, the son is a side, and the uncle is a side, and the brother is a side.(Luminous Lamp 2: 631)

Al-Easba: male kinship

They called it; because they surround him and because they tighten each other and strengthen each other, and this is the meaning of strengthening. (Selection for the explanation of the chosen c5 p.92).

The second requirement: a guide to the legacy of Al-Easabat

Evidence from the Holy Quran: (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 point of inference: Allah Almighty mentioned the mother's share, and He did not, the Almighty, declare the father's share, which indicates that he takes the rest as Eusba.

From the Sunnah, may Allah bless him and grant him peace: "Give the shares to those who are entitled to them, and what remains over goes to the nearest male heir" (Narrated by Muslim No. 1615), (Sahih Al-Bukhari, vol. 8, 150 p. No. 6732).

The point of inference: The Prophet - May Allah bless him and grant him peace - commanded those in charge of dividing the legacy to distribute it to those who deserve it in a fair and legitimate division, as Allah Almighty wanted, so that the owners of the estimated hypotheses would give their assumptions in the Book of Allah, What remains after that, it is given to those who are closer to the dead than men, and they are called Al-Easba. And the peace and blessings of Allah be upon him specified the term (male) to include the child if he was a breastfed (Sabil Al-Salam, Part 2, p. 143), (Al-Qarafi Ammunition, Part 13, p. 31), (Al-Mawardi Al-Iqna ', Bab Al-Asabat, Part 1, p. 126).

5. How to inherit Al-Easabat

- The rest after the legal heirs, Example: He died and left behind: a son, a mother and a father: Mother: 1/6. Father: 1/6. Son: The rest is Eusba
- All the inheritance when alone, Example: He died and left a father, nothing for them if the hypotheses take the legacies.

Chapter two: Violations in the legacy of Al-Asabat and their impact on social security

First: Threatening Al-Easabat to the woman to give up her share of the inheritance, either by bargaining with her to relinquish her inheritance or by threatening to separate her from her husband if she demands her share of the inheritance or to kill her or deprive her of her children and this is usurping her money unjustly and aggressively. This is forbidden in Islam. For the Almighty said: (do not consume one another's wealth unjustly) [An-Nisa: 29].

Allah's Messenger as saying: "You must not act oppressively, and a man's property may not be taken except with his goodwill"(Al-Bayhaqi in Al-Sunan Al-Kubra, No. (11877).

Second: Some sons' appropriation of the inheritance on the pretext that he was the one who helped create his father's wealth, or on the pretext that the inheritance did not leave the family. Allah says: (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). The verse is a clear indication of the impermissibility of transgression.

Third: The father (the inheritor) divides his wealth in his life to the males of his children, not the females, with the intent to deprive them of the inheritance after his death, through a gift or ownership (by Al-Suwri sale), the duty of fathers is fairness among their children in giving, for it has been proven in the authentic hadith (Be afraid of Allah, and be just to your children). (Sahih Muslim Part 2, p. 1242, No. 162).

Fourth: The claim of each of the brothers to be the guardian of his sisters with the intention of seizing the share of the daughters.

Fifthly: Postponing the division of the estate, generation after generation, until rights overlap and forgotten.

Sixth: The crimes of forgery in the inheritance documents are intended to deprive some, especially females.

Seventh: Females not claiming their inheritance from Al-Easba bout of fear or out of fear of a rupture of the uterus.

Eighth: Controlling a wrong custom over Islamic societies, which are that the inheritance is for men, not women, and that it is not permissible for a girl to inherit and go with her inheritance to her husband, especially if the inheritance is real estate.

Ninth: the mother's control and standing by Al-Easabat because she fully believes that the inheritance is for Al-Easabat only, not for women, and that the woman is sufficient for her marriage apparatus only from her father's house.

These were the most important violations of Al-Easabat in the Muslim community.

Thus, it becomes clear to us the negative impact of these violations on societal security, due to the existence of a rupture of the womb, hatred and hatred, its infection may lead to murder, planning to harm others with the intention of revenge.

The second topic: the implications of the widespread violations of the inheritance of Al-Easabat and how to deal with them.

Disobeying Allah Almighty

Allah said: (and whoever disobeys Allah and His Messenger and transgresses His limits - He will put him into the Fire to abide eternally therein, and he will have a humiliating punishment.)

2. Appropriating the right of others, injustice and aggression

Allah said: (O you who have believed, do not consume one another's wealth unjustly but only [in lawful] business by mutual consent. And do not kill yourselves [or one another]. Indeed, Allah is to you ever Merciful* And whoever does that in aggression and injustice - then We will drive him into a Fire. And that, for Allah, is [always] easy.) Alnisa:29-30.

The Prophet, may Allah bless him and grant him peace, said: "You must not act oppressively, and a man's property may not be taken except with his goodwill." (The Musnad of Ahmad Bin Hanbal (5/73))

3. A rupture of the kinship that results from eating others' shares of inheritance from wrongful and aggressive actions.

The Prophet said:" The one who severs the ties of kinship will not enter Paradise." (Sahih Muslim, 4/1981 No. 2556) Breaking the ties of kinship is one of the major sins, one of the reasons for denying entry to Paradise unless Allah pardons its owner, because estrangement is one of the major evils and sins.

- 4. The females who took their money Al-Easabat are exposed to extreme poverty, especially if they do not have a breadwinner.
- 5. The occurrence of hatred, hatred and enmity between relatives and the continuation of it for many years.
- 6. Multiple murders due to a violation of Allah's law in the distribution of inheritance, especially if the father deprives some of his children of inheritance for any reason.

When it comes to inheritance, each person appears for his truth, the ropes of affection are broken and the ties of kinship are forgotten, so the brother does not know his brother, nor the son, and the conflicts and quarrels begin that end in absence of murder and bloodshed, but it is not any blood, it is the blood of womb, and in our days the murders have increased due to inheritance.

Al-Wafd newspaper featured many murders that took place because of inheritance (Al-Wafd Electronic Newspaper: Friday, 21 September 2018).

Remedy for these irregularities:

- 1. The call to direct people and make them aware by preachers and scholars in knowing the legitimate rights of all.
- 2. Correct the inherited misconceptions related to the inheritance of Al-Easabat.
- 3. Directing parents to the necessity not to allocate some children to some of the inheritance.

- 4. Directing women to the necessity to claim their right to inheritance and not to give it up out of shame, coercion, or fear.
- 5. Directing Al-Easabat about the necessity of restoring rights to their people and the prohibition of eating them.

6. Conclusion:

First: The inheritance is determined by Allah Almighty, and it is not permissible to contradict it with an increase or decrease.

Second: the inheritance of Al-Easabat is: the whole estate when alone. nothing for them if the hypotheses take the legacies, the rest after the hypotheses.

Third: The weighting between Al-Easabat is in the direction or degree or by the proximity of kinship and that is between the brothers and the uncles.

Fourth: The distribution of inheritance according to the law of Allah Almighty protects societies from crimes and the estrangement of mercy that results from greed for the inheritance of others.

7. Recommendations:

First: The necessity to direct Al-Easabat to restore rights to their owners.

Second: Protecting the rights of inheritors, especially women and children.

Third: Holding seminars to inform women of their inheritance right.

Fourth: Confronting customs that violate the law of Allah.

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