



# STRENGTHENING THE PRINCIPLES OF INHERITANCE LAW IN THE VERSES OF THE QUR'AN AND HADITH

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Қуръон оятлари ва ҳадисларда мерос ҳуқуқи тамойилларининг  
мустваҳкамланиши  
Укрепление принципов наследственного права в аятах Корана и  
хадисах

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## ANNOTATION

*In this article, the subject of inheritance law, which is one of the basic sciences of Islamic law, is covered by Qur'anic verses and hadiths. In the article, Niso, Anful, verses related to the inheritance of the Ahzab Sura, Sunani Termiziy and a number of hadiths come from Sahihi Bukhari. 2 decrees on the issue of the community and the situation related to it are also stated.*

**Аннотация.** Мазкур мақолада ислом ҳуқуқининг асосий илмларидан бири бўлмиш мерос ҳуқуқи Қуръон оятлари ҳамда ҳадислар орқали мавзу ёритилган. Мақолада Нисо, Анфул, Аҳзоб сураларидаги меросга оид оятлар, Сунани Термизий ва Саҳиҳи Бухорийда келган бир қанча ҳадислар келтириб ўтилган. Ижмо масаласига оид 2 та фатво ва унга боғлиқ ҳолат ҳам баён этилган.

**Аннотация.** В данной статье предмет наследственного права, являющегося одной из основных наук исламского права, освещается в стихах Корана и хадисах. В статье Нисо, Анфул, стихи, связанные с наследованием Ахзоб Суры, Сунани Термизий и ряд хадисов исходят от Сахиhi Бухари. 2 указы по вопросу об общине и ситуации, связанной с ней, также изложены.

**Таянч иборалар.** Фароиз, Қуръони карим, ворислик ҳуқуқи, ижмо, ҳадис, оят, мерос, саҳоба.

**Base phrases.** Faraiz, Quran, inheritance legal, community, Hadith, verse, inheritance, companions.

**Базовые фразы.** Фараиз, Коран, закон о наследовании, община, хадис, стих, наследование, сподвижники.

The purpose of Faraiz's science is to ensure that each person receives his or her legally appropriate share, this is called the distribution of inheritance. In Faraiz science, the main sources of inheritance distribution are Koran Karim, Sunnah and Ijma.

On the solution of any issue of inheritance, the principle of "comparison" and "Ijtihad" are not addressed.

The Holy Quran, which plays an important role in the life of Muslims, is the main source of



religious guidelines, moral, spiritual norms, all the laws of Muslims, in their social lives.

Legal norms are given in the Sura "Bakara", "Niso", "Maida", "light", "Anful". They covered activities such as fasting, prayer, Hajj, as well as debt, testament, inheritance, marriage and annulment, as well as issues related to them.

The norms of inheritance are also explained mainly in the Qur'an, in which the right of inheritance is revealed as a fullness.

Norms of inheritance the verses 7, 8, 11, 12, 176 of Surah Nisa are given in verse 75 of Surah Anfal and verse 6 of Surah Ahzab.

These verses can be divided into two groups in general.

The first group of verses sets out the basic principles of the right to inheritance, these are the following verses:

"For men, a share of the inheritance left by their parents and relatives. For women (too) their parents, relatives left a share (from inheritance). These shares are the share that is prescribed by the majority." [1; 78 p.]

"Then come to believe that those who emigrated and fought with you are (also) of you. And relatives are closer to each other in the book of Allah. Surely Allah knows all things." [1; 186 p.]

"The prophet is more truthful to the believers than themselves, and his women are their mothers. In the book of Allah, relatives (in reconciliation) are more righteous than believers and reporters to one another (non-relatives). Except that you (Religious) do good (permissible) to your friends (by making them heirs for yourself). It is inscribed in the book (that is, in the Lavhul Mahfuz)." [1; 418 p.]

"If, in the division of inheritance, distant relatives, orphans and needy are also present, make them enjoy the same inheritance and say good words." [1; 78 p.]

If in verse 8 of Surat Nisa it is stated that women and children have the right to inherit as well as adults and men, then in the remaining two verses, that is, Surah Anfal 75-verse and Surah Ahzab 6-verse, it is stated that they have more right to inherit than others. The reason for this would be on the basis of friendship, piety, to receive inheritance among Muslims until these verses are revealed.

This is not a custom of ignorance, it was one of the rules that Islam introduced at the first moment after the hijra. In order to preserve their religion, Muslims left their homeland, possessions, relatives and migrated to the Medina Munawwara. At this time, the Prophet (p.a.v.) promoted religious unity relations between the emigrant and the Ansar. From this, the sung emigrant had the right to obtain the heritage of the Muslim brother – in-law Ansar, as well as the inheritance of the emigrant brother-in-law

Ansar. At the same time, the inheritance on the basis of kinship was temporarily destroyed, this situation lasted until a certain period of time, the revelation of verses denying the issue of inheritance in the early days of the hijrah, the conquest of Mecca and religion began to gradually introduce the rules of law on the formation, strengthening of the individual, family and society.

When these verses were revealed, they noted that there is an important role in the issue of inheritance in strengthening family ties, it is considered an important factor for the perception of mutual responsibility among relatives, family members, therefore, the inheritance should be among the believing relatives.

In the second group of verses, the legal shares of each person who has the right to inherit are determined, they are as follows:

"Allah will bequeath to your children a share of two daughters for a son on inheritance. If there are more than two women (heirs), then two-thirds of what is left to them (the deceased), if there is a single girl, then half of it (inheritance) (touches). If he (the deceased) has a child, then one-sixth of the (inheritance) left by each of his parents touches. If, without a child, only his parents are heirs, then one-third (right) touches his mother. If there are brothers (of the deceased), then one sixth (of the truth) touches his mother. (These distributions are made after the will or debt (granted) by the deceased (executed). You do not know which of your parents and children are more useful to you. (hence the inheritance tax) is prescribed by Allah (Himself) (determined and). Of course, Allah is knowledgeable and judge." [1; 78 p.]

Here it is natural that the question arises whether the Will is executed in the first place or the debt is paid. In practice it is put forward even if the debt in the verse is mentioned after the testament. Because Islam dinida is given great attention to debt. Therefore, even after the death of the debtor, the responsibility of the debt will not be neglected. And before the funeral of the deceased person is read, he is asked whether he has a debt.

Imam Termizi came to the Sune: the Prophet (PBUH) said: a.v.) brought a deceased to read the funeral prayer before him. UI-Zeeb: "read the funeral of your brothers to yourself, as long as he has a debt." then Katoda (r.a.): "O Messenger of Allah, I will take his debt to my neck." Ol zat (s.a.v.): "With Fidelity?" they asked. Katada (r.a.): "With Fidelity", he said. After that, the paychamber (P.a.v.) read his funeral" [2; 435 p]. So, if a person dies, then from the remaining inheritance from him, first of all, debt is deducted. The increased debt is used according to intent and divided into heirs.

And in the second verse it is called so:



From what your wives left (inheritance) to you – if they do not have children – half (tegur). If you have their children, you will touch a quarter (share) from what they left (inheritance). (This distribution) he (the deceased) after the will or debt (adosi) (executed). To those (wives) you left (inheritance) if you do not have children – one quarter (share) touches. If you have a child, touch them one-eighth of what you left (inheritance). (This is a division) after the will or debt (adasi) you have made (is executed)". [1. 79 p]

The continuation of this verse is about the legacy of "kalola", which is a person who does not have parents and children, but only (by the mother) has a brother or brother or sister or sister. In the course of the verse, it is mentioned about such an inheritance.

"If a (deceased) man or woman has one brother or sister or sister left (not by the mother) without both parents, then each of the two has a sixth (share). If (they) are more than one of these (adad, i.e.), they (inheritance) become equal partners in one third (contribution). (This distribution is made according to the will of Allah (execution) after the will or debt ADOS made without harm (execution). Allah is knowledgeable and knowledgeable" [1. 79 p].

In the course of the verses on the regulation of the distribution of this inheritance, verses highlighting them are mentioned:

"These are the regions (borders) of Allah. Whoever obeys Allah and his messengers will be admitted to the gardens beneath which rivers flow. (They are) there forever (they will be). This is a huge achievement" [1. 79 p].

"Whoever disobeys Allah and his messengers and goes beyond the regions, he will cause him to enter Hell (to stay) forever and suffer for him." [1; 79 p].

"(O Muhammad), they ask you for a fatwa. Say, " God gives you a decree (so) on a man who has neither a father nor a child: if a man without a child dies (dies), if his sister (the rest), take half of the inheritance of the inheritance left. If the sister does not have children, then she will inherit him (brother). If there are two (sisters), then two-thirds of what is left to them (Brother) (touches). If there are (heirs) brothers and sisters, then two female contributions (will be given) to each male. Allah will make clear to you (the truth of) your inheritance, that you may not go astray. Allah knows everything" [1; 106 p].

In these verses, the state of the person's right to inherit and the deprivation of it, as well as the obligatory way when he inherits from the cause of a relative bond, when he is deprived of the right to take all inheritance and when to take part, is very clearly

indicated by the amounts of shares of all heirs in general.

In these verses of the miracle, the basic principles of the science of faroism in itself, the judgments of inheritance and the totality of its pillars, in which no one's right, whether large or small, be it male or female, is unitized, but their share is determined to all.

Even before the solution of the issue of inheritance, the Koran is addressed to Karim, if he does not find a solution to this issue, then the Prophet (SaaS) will be asked to answer the question.a.v.) will be addressed to the circumcision of. Because the Sunnah is in three different positions in relation to the Qur'an in the right of Islam.

First, it comes to strengthening and highlighting the norms that come from the Qur'an.

Secondly, by interpreting the norms and terms that come in the Qur'an, understanding tirib comes.

In the third, it applies a new norm that is not in the Qur'an [3. 90 p].

On the issue of inheritance, too, the Sunnah has been in these three different approaches, with support in some places, commenting on some of its areas, and in some places applying new norms.

About the knowledge of inheritance and its Grace also come from many hadiths, one of them:

He is the son of Allah.a.will be narrated from ):

"Nabiy (s.a.v.): "Knowledge is three-fold, and another is Grace: an excellent verse, and the Sunnah of Qaim, and the pharisah of Justice."

Narrated by Abu Dawud and the governor [4. 8 p].

This is the most important verse in the Hadith.a.v.) sunnats and just Pharisees are the knowledge of the division of inheritance with Justice.

It is necessary for a Muslim to study the Qur'an and the Sunnah and to follow it, as well as to study the science of inheritance. Therefore, it is necessary to pay great attention to this science.

Abu Huraira (r.a.) DN is reported:

"Nabiy (s.a.v.): "Learn the Quran and faroizni and teach people. Because I am a receipt taker, " they said" [4. 12 p].

The Prophet Muhammad (PBUH)a.v.) what they say "I am a receipt "means" I am a deceased", and they did not strongly propagate this to other sciences.

Imam Bukhari Jabir ibn Abdullah (may Allah bless him and grant him peace)a.in the narration he made from: "the messenger of Allah (PBUH) (PBUH) (PBUH)"a.v.) know Abu Bakr (r.a.) the two of them came to the tribe of Bani Salama in the pony, who saw me. Satellite (s.a.v.) seeing that I was lying in a strange sleep, they were cleaning asking for water, and when they scattered me from that water, I



came to myself and said, "O Messenger of Allah, what do you command me to do with my property?", I said. Then he said, "Allah has sent down to you a verse that commands you to bequeath about your children and to grant two daughters to one son." [5. 22 p].

"Faroizni (inheritance) hand over to their owners, and the rest are the closest ones" [6. 279 p].

"We do not leave an inheritance, what we leave is sadaqadur" [6. 279 p].

"I am more caring (closer) to believers than they are. Whoever died and remained in debt, to pass it is on our neck, and whoever left the goods after himself, it is the heirs" [6. 279 p].

"Whoever leaves the goods after himself, it is the heirs of the goods. I am the heir of the non-heir. I will inherit by paying his Khun. The mountain is the heir of a person without an heir. By paying khunini, he becomes his heir" [6. 279 p].

Such hadiths also make up a lot in the books of Suna. The third source after the Quran and Sunnah on the issue of inheritance is the "community".

"Ижмо" is an Arabic word, which means to act as an alliance, that is, to convene the mujtahideen (Muslim jurists) in the solution of a legal issue that is not clearly stated in the Qur'an and Hadiths and to issue a judgment upon coming to a single opinion.

Some issues of inheritance law in Islamic law have also been addressed by the community and they have been resolved on the following issues:

1) if there is no mother, then the grandmother alone will receive 1/6 share of the inheritance, according to which two and three grandmothers will be equal among themselves, this share is fixed by the community of companions and subordinates [7. 50 p].

Abu Bakr (may Allah bless him and grant him peace)a.) in the period of caliphate, this issue is discussed. A woman (some narrators say that the mother is the mother, some say that the father is the mother) Abu Bakr (r.a.) asked dan about the share that belongs to him from the inheritance. Shunde Abu Bakr (r.a.) "You are right, both in the book of Allah and in the Prophet (PBUH).a.v.) circumcision also does not say anything, so I will ask others about this issue," he said and asked. Thus, Muğiyra bin şuba said: "The Messenger of Allah (may peace be upon him) said:a.v.) who assigned them a share of 1/6", - he said. Abu Bakr (may Allah bless him and grant him peace)a.) "Who else besides you will confirm this?"when asked by Muhammad bin Maslama (r.a.) stand up, Mughiyra bin branch (r.a.) returned the sentence of. After that, Abu Bakr (r.a.) with all companions, the council determined that whether the mother, mother, father, mother or both, their share is 1/6 of the contribution . This share is obtained only when they are absent from the mother [2, 499 p].

2) the right of inheritance arises between the parties who have entered into a civil marriage relationship. In Bunda it does not matter whether the couple live together or separately. If after marriage suddenly the husband dies, the wife is the heir to him, if the wife dies, then of course the husband is his heir, even if they have not yet lived together. This issue has also been resolved through the community [5. 21 p].

Neither son nor daughter of someone who died, nor when the daughter of his son was a lonely heir, He (the granddaughter) received half of the inheritance, was also resolved through the community [8. 7731p].

In the system of Islamic law, the sphere of inheritance law is one of the most important and perfect institutions. The right to inherit Islam requires compliance with certain rules. This is due to the fact that the inheritance is mainly distributed to the heirs in the main sources of Islamic law, depending on their level. Its norm is determined mainly in the Koran Karim, partly in the Hadiths and Ijma. No matter how studied and tasted the right to inherit Islam, it still attracts people with its vital, important laws.

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