



## SPECIFIC ASPECTS OF HERITAGE ISSUES IN EASTERN COUNTRIES

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<https://doi.org/10.5281/zenodo.8213515>

Study the mouse, teach it, because it is half the science. The first thing that will be forgotten between Ummatim and the first "(legend of Ibn Mozha, Doraktyn and Hokim). The principles, sources, norms of Islamic inheritance law are investigated. His important innovation is the rejection of the medieval norm of the Arab adat, which considered a woman as an object of inheritance. The main sources of Islamic inheritance law are the Koran, sunnah, fatwa. The modern fatwa is regarded as a synthesis of ijthihad and ijma. The principles declared by Islamic inheritance law are considered: justice and humanism, determination by the Koran's instructions. Distinctive features of the inheritance law of Muslims are: the absence of the testator's right to limit the number of heirs, which means both inheritance by will and inheritance by law; the preemptive right of the male sex in inheritance; the admissibility of changing a will if it contradicts Shariah norms.

**Key words:** Islamic inheritance law; adat; fiqh; sunnah; Koran; legal conflict.

### **Abstract.**

"I sometimes think that the only person worthy of an inheritance is a person who is not in need of an inheritance, because he believes in the wealth he has earned, not the wealth left by someone else. He sees wealth as misfortune" - William E. Simon - a British political scientist.

It is known from history that every nation, state, nation, nation and religion had laws and rules for inheriting the property of a deceased person.

The first reason why inheritance issues are forgotten is that people begin to pay no attention to it, lawyers are not asked about it either, and big problems arise in social life due to the fact that they are not asked. In particular, when the heirs want to sell, exchange, or donate their property, it becomes known that the inheritance property has not been formalized in the necessary order and has not been distributed among the heirs [1]. Reality also shows that the issue of inheritance is raised decades after a person's death. However, this issue should have been resolved in its place.

At this point, I would like to compare and interpret the issue of inheritance with our legislation on the example of several Eastern countries.





Inheritance law is unique in the Republic of India, a country rich in conflicting views, sects, religions and conflicts. In India, inheritance is not only a source of income for many, but also a symbol of lineage in Indian society. Inheritance laws in India are legally also known as succession laws [2]. As there is no Uniform Civil Code in India, one of the peculiarities of inheritance law is that the laws of succession are based on the rule, custom and religion followed by the owner of the property. It is the law of inheritance among Sikhs, Jains, Buddhists, Muslims, Christians and Arya Samaj. India has several Inheritance Acts depending on the religion practiced, including the Hindu Succession Acts of 1956, 2005 and 2005, the Muslim Personal Law Enforcement Act of 1937, and the Indian Succession Act of 1925. Looking at this legislation, we can see the unique aspects of Indian inheritance law compared to other countries.

For example, in India, a separate family has the right to inherit as an heir, that is, under the Income Tax Act of India, 1961, a "HUF" i.e. a non-Hindu family is included as a "person" and its inheritance issues are unique, that is, according to Hindu Laws, "HUF" is descended from a common ancestor and includes men, their wives and unmarried daughters. "HUF" cannot be created on the basis of a contract, it is created on the basis of family relations. Every male member of "HUF" is considered as the breadwinner of the society, if a male member of the family dies, it is not required to be settled immediately according to Hindu law (except the head of the family), unless another breadwinner claims it. In "HUF", after the death of a man, his wife is not an heir to his property, only children are considered legal heirs. Another important aspect of this clause is that if a deceased man has separate property for his wife, then the equal half of this property, i.e., common share property, will be transferred to his children. While these matters are the inheritance law of a non-Hind family, Hindu inheritance matters are treated differently. That is, if a Hindu man dies, his first-order heirs will receive it equally, if there are no first-order heirs, it will go to the second-order heirs, if there are no heirs in the first, second, and other orders, the ownership of the property will be terminated and transferred to the state [3].

Inheritance issues of the Indian woman were, in my opinion, highly discriminated, including the fact that women's rights had certain limitations. When we see the inheritance rights of a girl child and a boy child, if the girl child is not married, she is considered an equal heir after the father and mother. , her property is divided among her husband's relatives. If there are no such heirs, the inheritance is divided between the woman's father and his relatives or between her mother and her relatives. A widow can claim her husband's property until



she remarries, and if she does not marry, she is considered an heir and has the right to use his husband's property during her lifetime.

Muslims in India follow Sharia law based on Islamic law. According to belief, the value of a woman is half that of a man. Inheritance laws for women here give daughters half of what sons get, but the woman has full control and access to her property. In the case of the death of a married woman's husband, if she does not have children, she will receive 1/4 of the property, and if she has children, she will receive 1/8 of the property. The other heirs, i.e. the daughters, shall receive double the share given, Only one daughter shall receive half of her father's property. The Islamic law of inheritance divides the recipients of benefits among the partners - wife, mother and children, and the rest, i.e. the remaining heirs (distant and close relatives) [4]. What is left of the estate is distributed among the people who fall under the residual category. If there are no dependents and residual heirs, the inheritance is distributed among distant relatives.

The heritage issues of the United Arab Emirates (UAE), one of the most developed and prominent countries in the world, are unique and appropriate. In the UAE, inheritance matters are governed by Sharia law. Several codified laws in the UAE are based on Sharia. More than 80% of citizens in the UAE are expatriates, that is, they are not their native population. Accordingly, in the UAE, the basis of inheritance is seen based on the religion, belief and origin of the population. Inheritance issues in the UAE are governed by the Federal Law No. 5 of 1985 and the Personal Status Law. Shariah matters are sometimes referred to as Mirat or Al Farakhid in Islamic jurisprudence. Heirs are generally divided into three categories in Islam:

1. Quota (zawu al-farakh) heirs. This group is usually the spouse, parents, sons, daughters, siblings, grandparents who inherit the shares or share of the property and are the beneficiaries. They are usually never excluded. Depending on the circumstances and circumstances, other heirs may be excluded.

2. Asaba members or residuals: these are the members who receive the inheritance as residual after the shares of the heirs have been duly distributed according to the quotas.

3. Members of the extended family (dhawu al arkham): usually maternal grandfather, aunts, nephews and first cousins, as well as without any quota and the Asaba heir family [5]. The main stage of the courts for the distribution of inheritance is to determine the heirs and establish family ties through two male witnesses (birth and through marriage certificates). Illegitimate and adopted





children cannot be considered heirs according to Islamic law. Non-Muslims cannot use the property of a Muslim. Murder was committed in order to benefit from the inheritance.

A person does not have the right to inherit. Early Shari'ah Inheritance Issues After the Battle of Uhud, after the death of a woman's husband, all property of the testator passed to her brother. Then, when the woman complained, today's inheritance distribution conditions appeared. Inheritance according to Sharia is carried out as follows: that is, first the quota heirs receive their shares, if there is no more property left to divide, the process is completed, if not, the second stage is counted. In the second stage, the remaining heirs will receive the rest of the estate. In cases where there are no remaining heirs, but there is a balance of the property, the money is redistributed equally among the heirs of the quota, and this redistribution is called AL-RAD. At the next stage, in the absence of quota or balance heirs, the property is divided among the members of the extended family. Under certain circumstances, when there are no takers, the property goes to the state treasury and is called BAITUL-MOL. Inheritance matters are dealt with by the courts in accordance with the laws of the UAE [6].

When considering the inheritance issues of the higher countries, we will compare them on the basis of the Civil Code of the Republic of Uzbekistan. According to Article 197 of the Civil Code of the Republic of Uzbekistan, the right of inheritance is considered one of the main factors of property rights. In the Republic of Uzbekistan, formalization of inheritance issues on the basis of will and law is fully explained in chapter 66-69 of the Civil Code of the Republic of Uzbekistan

Here it should be noted that the inheritance legislation of the Republic of Uzbekistan is structured on the basis of gender equality, regardless of gender, according to Articles 1135-1140 of the Civil Code, inheritance property is distributed on a turn-by-turn basis, and this is stated in Article 58 of our Constitution, i.e. Equal Rights of Women and Men and State Rights of Women and Men provision of equal rights and opportunities in the management of society and state affairs, as well as in the spheres of society and state life if strictly defined.

Based on this article, according to Article 1135 of the Republic of Uzbekistan, children (including adopted children), husband (wife) and parents (adoptees) are among the first-order heirs of the testator in equal shares. It should also be noted that in our legislation, except for the property of the



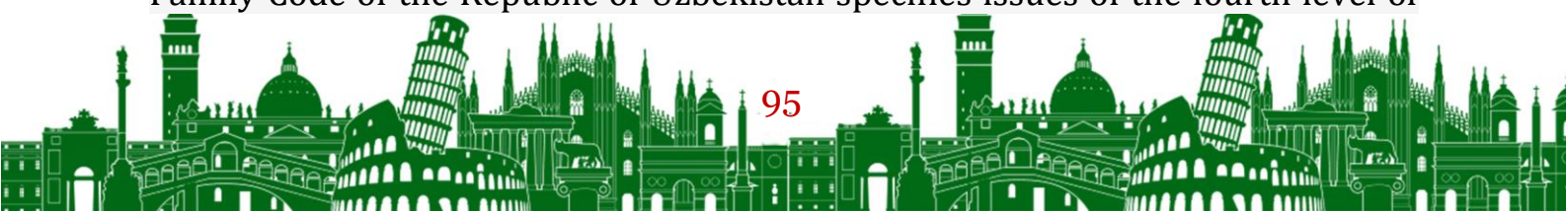


husband or wife received as a gift or inheritance, all the property acquired during the marriage is considered common property, and according to Article 1114 of the Republic of Uzbekistan, it is strictly defined that the property that is jointly owned is inherited. According to Article 1136, the heir's biological and maternal (father), other brothers and sisters, as well as his paternal and maternal grandfather and grandmother have the right to the second line of succession according to the law. In the absence of the first and second heirs or their refusal, the next heirs have the right to inherit. In particular, the deceased's maternal uncle, uncle, aunt and aunt or presentation (in case the heir dies before the opening of the inheritance, the share belonging to him will pass to his descendants, in which case the share is between the descendants who are related to the heir at the same level according to the law of the presentation distributed equally.

The right to present in the inheritance of a child, grandchild, great-grandchild, great-grandchild is valid without limitation of the degree of kinship, the right to present in the inheritance in the case of side kinship is granted to the inheritor's biological brothers (sisters) by his nephews or the inheritor's maternal uncle (uncle) or aunt (aunt) on behalf of her cousins (aunts) and cousins (cousins) or transmission (if the heir called to inherit according to the will or according to the law died without having time to receive it after the opening of the inheritance, the right to receive the inheritance due to him is transferred to his heirs according to the law, if all inherited property is bequeathed, his heirs by will) will pass.

### **Conclusion.**

We can see the positive and negative aspects of the inheritance legislation of the Republic of Uzbekistan when analyzing the inheritance legislation of the countries analyzed above and our own culture. In particular, gender equality is strengthened by the Constitution and legislation, the right of a woman to inherit is strict, the right of parents or grandparents is also strengthened in the articles, the period of inheritance is not limited, i.e. the period of acceptance of inheritance is not determined, if we consider it positive that the circle of heirs is not limited and the inheritance I consider the negative aspects of acceptance, maintenance, relinquishment, as well as the existence of conflicting laws in several laws, and the absence of a strict law on inheritance and heirs. For example, articles 1135-1141 of the Civil Code of the heirs according to the law provide for the sixth level of the order of receiving heirs, while Article 57 of the Family Code of the Republic of Uzbekistan specifies issues of the fourth level of





kinship. As a notary, I would like to emphasize that if it is necessary to accept the inheritance at the sixth level, but when the family tree according to the Family Code and the Civil Code contradict each other, it can be a problem to determine which legislation. As a proposal, I believe that it is necessary to adopt the "Unitary Inheritance" law, which analyzes all codes, plenum decisions and laws and correctly defines inheritance and inheritance relations in a unified manner.

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