



The inheritance system and its economic effects

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Abstract

Abstract The inheritance system in Islamic law is a means of transferring property, rights and wealth and redistributing them in a way that has not been preceded by any of the hereditary status systems, by identifying the heirs and their shares in line with the Islamic financial system in an effort to achieve fair distribution and efficient use of resources and facilitate the circulation of funds and fragmentation of wealth and prevent its accumulation among a certain group by expanding the base of heirs, and this in turn contributes to the elimination of economic inflation and ensures the limit of Sufficiency for individuals and achieves economic development.

Keyword. inheritance . economic .effects

1. INTRODUCTION

Money has been given great attention in Islamic law as it is a component of human life, its needs and requirements. The ownership of money is linked to its circulation and transfer from one hand to another with death. Man-made systems have been unable to come up with such an inheritance system, which is a means of transferring property, rights and wealth and redistributing them in a coordinated, calm and straight manner in a systematic and temporal manner commensurate with human life and living and psychological requirements, as is inheritance. On the other hand, the importance of inheritance emerges from the fact that it addresses an important issue that affects human reality in general, which is naturally related to financial issues in line with the human instinct forced to love money and children. The inheritance system applies the foundations and controls transferring ownership due to movement and change since ancient times, and previous nations have known the legacy and been exposed to it divine laws and human norms. No nation is devoid of the inheritance system, which is in line with its intellectual and social origins. Islamic law has opposed all man-made systems in determining the shares of heirs and their quality, which made it a pioneer in this field, as it did not and will not be preceded by any legislation or law in accuracy and estimate based on mathematical fractions such as half, quarter, sixth and price to determine the shares of heirs, which are calculations that were known neither in the Arab environment nor by previous nations. Any accurate study with modern mathematical standards can reveal any errors in this system transmitted by a person who does not know how writing or reading. It is a unique system in which the legislator took into account the interests of relatives in order to ensure fair distribution and efficient use of resources, returns a positive impact on economic variables saving and investment and serves the elements of economic activity production and distribution, so what are the economic effects of the inheritance system in Islamic law?

In order to answer this question and highlight the economic effects of the inheritance system, we will address the following axes:

First: The concept of inheritance and its importance in the economic system.

Second: The economic effects of the inheritance system in Islamic law.

1- the concept of inheritance and its importance in the economic system

Islamic law was characterized by the innovation of financial systems that have never been applied before and made it a means of applying Sharia provisions such as the subject of inheritance, which received great attention in identifying heirs and controlling their shares in a way that man-made systems were unable to come up with an example in terms of statement, gradation and consistency in preserving money.

A- the concept of inheritance in Islamic legislation

Inheritance in language: the rest of the thing, and inheritance is the old thing inherited by the people from ancestors¹

As for the terminology: there are several definitions of inheritance, all of which converge around one connotation, which is that science that is concerned with indicating the legally estimated shares of the heirs or a name that the heir did not deserve from his heir because of one of the reasons for inheritance².

Or it is an indivisible right that proves to be due to him after the death of those who had it, and the jurists differed in the inherited money, so Al-Ahnaf and Dahiriah adopted the fact that what is meant by the estate is pure money for the attachment of the right of others in particular and includes in that the real money that can be acquired and owned from real estate or movable, as well as financial rights such as the right of passage and the right to drink and out of this sense the rights that are not money or in the meaning of money as a right and pre-emption are not subject to inheritance and do not enter into the content of the estate, as do indivisible rights such as the right of guardianship and custody.³

The estate includes according to the majority of jurists all the money and rights left by the deceased, whether financial or non-financial, with the exception of indivisible rights such as procuration and custody, every right attached to the shop and remains after the deceased to remain the shop is an estate because the rights are benefits and objects are wanted for their benefits and benefits are money, but the rights of a personal nature (personal rights) do not fall within the elements of the estate and are not related to inheritance such as job, agency and mandate.

But after the digital revolution today in our contemporary world, what is the fate of assets, information, data, applications, phone contents and e-mail, which is expressed in the digital heritage

or digital legacy, does it express the personal identity of its owner and his attachment and its contents are part of his private life and if it has a material aspect and economic benefits? Or are they financial rights that can be passed to heirs according to traditional rules?

Inheritance has two causes and obligations:

1 / inheritance by lineage: It is the connection with birth by ending one with the other, either without a mediator such as the father and son or by one such as grandfather and grandson or by more than one medium such as the son of the son and therefore the lineage is three layers:

A- Connected parents without grandparents, grandmothers and children, and if they descend male and female.

(b) Grandparents, if high, brothers and sisters, and their children, and if they descend.

C- Uncles and uncles and if high

2 / inheritance by reason: It is contact with non-birth, which requires inheritance such as wife and loyalty and the reason is two parts:

A / Marriage: It includes the husband and wife and inherits with the ranks of advanced lineage

B / Loyalty: It means the loyalty of manumission

The heir is divided according to the type of inheritance by imposition and innervation into five sections:

1- The one who always inherits by obligation, which is the wife and the husband

2- Whoever inherits by imposition always and may inherit with him by restitution like the mother.

3- Whoever inherits by imposition at times and innervation at other times like the father.

4- Whoever inherits by innervation only, such as the son and brothers of the parents...

5- Whoever does not inherit by imposition or innervation, such as the freedman.

The hypothesis is the estimated share in the Holy Book (the Qur'an) and it is six types $1/2$ (half), $1/8$ (price), $2/3$ (two-thirds), $1/3$ (one-third), $1/6$ (one-sixth).

And the owners of the duties, and they are the ones who made them a known amount and share of the estate, and they are twelve people, including eight females and four males.

B- the importance of inheritance in the economic system

Inheritance in economy is an important resource of wealth, as inheritance facilitates the circulation of money and the fragmentation of wealth and prevents its accumulation in a certain category by

expanding the circle of heirs benefiting from the estate, and this eliminates inflation or at least limits it and ensures the adequacy of individuals and achieves fair distribution with high efficiency, and this appears in the following:

First: Economic Efficiency

Efficiency means obtaining the greatest benefit from resources at the lowest costs, if efficiency is ⁴in the sense of effectiveness and achieving goals at the lowest costs, we are looking for means and mechanisms of efficiency from all parts of the inheritance system, as it appears by preventing the testator from disposing of his money by more than a third, and what is more than that is dependent on the leave of the heirs and this in order to preserve the rights of the heirs, and not to prevent the heir on the one hand from acting in a way that does not negatively affect the shares. The estimated of all the estate after the fulfillment of the rights from them, in addition to the accurate detail of the shares of the heirs with prior knowledge of them by the heir and the testator makes the future of wealth known, and this is what supports the effectiveness of the economic process through the knowledge of the heir of the economic march of wealth.

The inheritance system, unlike other legal inheritance systems, includes all categories, whether productive or consumed, in the category of heirs, and this is to ensure the transfer of wealth to the elements of the future youth of life that increase the efficiency of the use of resources and reduce their economic waste to the maximum extent possible, and the license to inherit all types of money (movable or real estate) in addition to the rights related to this money is one of the most important evidence of the economic efficiency of the inheritance system in Islamic law, where the inheritance of rights with funds stabilize all transactions, achieve their economic objectives and stimulate development in general.

Second: Fair Distribution

The inheritance system in Islamic law distributed the estate fairly to many types of heirs, where the testator does not interfere in two-thirds ($2/3$) of the estate, he does not have the right to restrict shares or determine the amounts, and the heir is chosen in the third ($1/3$) puts it where he wants except for the inheriting persons, and thus the inheritance system ensures the fragmentation of wealth quietly and prevents its inflation and concentration in the hands of a small group of members of society traded generation by generation and this is one of the defects of the capitalist system due to the great disparity in income and wealth, and Islamic law distributed shares in a distribution of assets, branches and pairs, thus allowing the transfer of ownership according to a unique system that converts huge wealth into medium or small property by a group of individuals, just like the ice

pyramid that melts its head as soon as the inheritor dies, so the head of the pyramid decreases until it is equal to those under it, and this happens with the death of each gene, which helps to reduce the differences between incomes and individuals over the years dry up the sources of stratification within society.⁵

Even in the case of a decrease in the origin of the issue and the presence of excess money after the heirs fulfill their rights, this excess is returned and disbursed to the owners of the assumptions according to the proportions of their duties if there is no asip, and this is called in the inheritance system restitution, and the dependence, which is that the estate is less than the shares of the heirs, the shortage is introduced to all heirs without exception, and it is based on the expansion of the distribution base, even if it reduces the value of shares⁶.

Third: The fragmentation of wealth and the elimination of class

The inheritance system in Islamic law works on convergence in the distribution of wealth and income and does not allow disparity until after achieving a sufficient limit for all members of society, after the death of the inheritor owner, his wealth is fragmented and transferred to other new owners less wealthy than him, and this is enough to address stratification at least in the long term, and this distribution and continuous fragmentation of wealth through the inheritance system with its controls turns large properties successively into small and medium property, and this What achieves economic balance.

There is another thing in the inheritance system that works to fragment and redistribute wealth, which is the will to non-heirs less than a third (1/3) in favor of the poor class in society, so part of the wealth is transferred outside the family and outside the scope of the heirs (25 individuals) and this contributes to making stratification at its lowest levels, and prevents the circulation of money in the hands of a few members of society as is prevalent in capitalist societies.

The inheritance system in Islamic law its mission and scope is to determine accurately and decisively the properties resulting from the ownership of the testator, where he divides them and converts them into multiple properties that decrease in number and amount or increase, so what was for one becomes for numbers of heirs and in varying proportions, and to prevent non-economic fragmentation negatively affecting productive efficiency, the inheritance system allowed ways, for example, exit, is the departure of some heirs from their right to inherit in exchange for a certain known From the estate or from outside, in addition to activating the blocking and innervation system, which indicates the effectiveness and integration of the inheritance system, which ensures the optimal use of resources. ⁷

2- the economic effects of the inheritance system in Islamic law

The inheritance system in Islamic law positively affects the patterns of production and consumption through the circulation of money among members of society, and leads to an increase in investment and savings by influencing the economic behavior of the individual, and this can be clarified in the following points:

First: Inheritance and Investment System

The inheritance system in Sharia is consistent with the motives of investment and its controls in an integrated harmony, as the inheritance system by determining the heirs and the statement of their shares pushes to make more effort and activity, so that the human being works as much as he can and not as much as he needs with his prior knowledge that what he leaves goes to his family members and heirs without others, and this is one of the biggest incentives for⁸earning and investment, the testator is making an effort to secure the needs in general and The heir helps the testator in economic activity because he knows that the fruit of his effort will not be for anyone other than the heirs, and this leads to resolving disputes and providing the appropriate climate for investment.

Also, the heirs' access to their shares of the heirs leads to an increase in the marginal tendency to consume, whether it is commodity or service consumption, and this is reflected positively on the investment, so there are new investments in order to meet the actual demand for new consumption, as consumer behavior is affected by inheritance and consumption, in turn, affects savings and investment, taking into account the interest of the heirs.⁹

Respecting the inheritance system of rights and distributing them with funds increases the likelihood of investment because the investment decision is affected by the benefits of these rights and their transfer to the heirs.

Second: Inheritance and Savings System

Income is divided in terms of its use into consumption and saving, where saving represents the difference between income and consumption during a certain period of time, and the relationship of savings with income is a direct relationship that increases with its increase and decreases with its decrease, and therefore saving is the deduction directed to part of the income in order to use it at the time of need, provided that that part deducted takes its way to the legitimate areas of investment, whether directly or indirectly¹⁰, and by this definition we can differentiate between compactness and Savings.

There are many motives for saving, whether for the purpose of investment or in order to secure the future of the heirs, as the philosophy of the inheritance system has an impact on the behavior of the testator, if he knows that his effort and the fruit of his work belong to his heirs after him, he becomes paid to save for the heirs, and we can also say for sure that most of the estate is in increasing income and the greater the income, the greater the marginal tendency to save.

Since the heirs are not all at the same level in terms of poverty and wealth, there are those who are satisfied and increase their share of the ability to save, and the other increases their income, and thus this increase is directed to consumption, which is followed by an effective demand for goods and services followed by a double increase in investment, and the inheritance system works through the female share that is not linked to the expenditure system to increase capital accumulation, which helps in providing the money necessary for investment and development, all An inheritance in which a share of savings through the shares and shares of females by imposition and innervation, and from here the inheritance system is one of the means of forming and increasing ¹¹savings.

Third: Inheritance and Distribution System

Distribution is one of the pillars of economics because distribution is necessary for production and consumption, as it is taken by the pattern and volume of consumption based on the structure of distribution, and the level and quality of production is determined based on the consumption pattern, the more the distribution structure is balanced, the more the pattern and volume of consumption and production are ¹²balanced, and distribution is intended to divide the income or wealth between individuals, whether through netting such as buying and selling or through others such as inheritance, and this suggests great interest in Islamic law Distribution is more important than man-made systems, because of its very important economic effects, and one of the distribution systems brought by Islam is zakat, inheritance, endowments and gifts, unlike the capitalist system, which considers the market its main tool in the distribution of the exchanges taking place in it with the absence of controls for this distribution, and this is what reflected negatively on the distribution of income in capitalist society.

The philosophy of ownership in Islamic law is based on the socio-economic function, as economic work is the most important reasons for ownership and making inheritance, wills and other reasons for their transmission as well, and this is in order to ensure distributive justice from the first moment without neglecting the prominent role of the market mechanism in distribution as long as things are going on normally, and if imbalances appear, the Islamic approach resorts to balanced distribution or redistribution with tools including zakat, endowment and vows. And penances, wills, inheritance and others, as some of them are mandatory, some of them are optional, some of them are

under the supervision of the state, and some of them are under the supervision of individuals¹³, and these rules are fixed and do not change from era to era and do not follow the form of production, and thus the distribution structure based on these foundations and foundations is unique that achieves the desired balance and reflects positively on economic development.

The impact of inheritance appears in the distribution structure, as it is one of the crucial redistribution tools that transfer private property with the continued performance of ownership of its function and redistribution among the classes of society in one generation while preserving the rights of future generations, where wealth is divided in the vicinity of those who inherit relatives and others, the death of the testator with the inheritance system with its shares ensures long-term redistribution across successive generations in addition to the will system for non-heirs, which transfers part of the estate. Outside the family, which also contributes to the rebalancing.

The inheritance system is a means of redistributing income continuously and periodically efficiently and competently, as it works through redistribution to keep the distribution curve close to the line of complete equality in the Lorenz curve does not touch it due to the different shares of heirs while maintaining the disparity of capabilities and talents and maintaining individual incentives because of their important effects in driving economic activity.¹⁴

Fourth: Inheritance System and Economic Development

Economic development is sufficiency in production and justice in distribution because the abundance of production with poor distribution is monopoly and exploitation, and the fairness of distribution without sufficient production is injustice, and real income is the most important criterion that indicates the achievement of economic development, unlike the standard of positive systems that see the average per capita income as the real criterion and comes from dividing the national income by the number of members of society¹⁵.

It is clear that economic development is affected by some elements that may have a direct or indirect relationship to economic activities, and it is possible to express the inheritance system as one of the elements that work in the process of economic development positively, as distributive justice is one of the goals of comprehensive and continuous development and the inheritance system works to redistribute wealth in the short and long term together, it contributes to the establishment of distributive justice rules, and the transfer of funds from The path of inheritance is often in the hands of young energies and this is an incentive to invest effectively to achieve an increase in production.

The inheritance system lifts the spending burden on the state treasury because it meets the needs of the heirs, and thus it is consistent with the policies and objectives of public spending and helps the state treasury to achieve social security, in addition to providing the regulatory framework for the development process through the accuracy and control of the shares of the heirs and their distribution to generations horizontally and vertically.

Conclusion:

It is clear from all of the above that the inheritance system is an effective tool for the economic fragmentation of wealth and its redistribution in accurate and controlled shares according to the heirs and the succession of generations horizontally and vertically, and it is an opportunity to reshape capital in some cases where the share of individuals exceeds the consumption needs and when wealth reaches a certain limit, the marginal tendency to consume becomes non-existent or almost non-existent, and therefore the consumer resorts to saving, especially since the entire female share is saved for not linking it The expenditure system, which in turn becomes a catalyst for investment and achieving the elements of economic development.

Footnotes & References

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