

Why an Islamic Will

Protect your rights

Every Muslim Needs An Islamic Will.

Without an Islamic Will to indicate your wishes, the court steps in and distributes your property according to the laws of your state.

Islamic Wills are not just for the wealthy; your assets can be protected regardless of their value.

You may say to yourself; "I don't have anything to be inherited!"

Any possession you own forms part of your estate. From the cash in your wallet to your personal items such as clothing and jewellery. Each and every one of us will be taken to account for every possession we own. No matter how insignificant we think our possessions are we must make sure they are used in a Halal way during life and that they are distributed in a Halal way at death.

An Islamic Will ensures your assets will be given to your beloved family members or other specified beneficiaries as ordained by Allah.

Australian Laws give every one the right to distribute her/his wealth in any way they please.

This Islamic Will contains all the legal requirements for a valid Will in Australian Law while simultaneously providing for the fulfilment of a Muslim's duties under Shariah Law.

“Make a valid Islamic Will and assert your legal rights by fulfilling your Islamic rights.”

Protect your body

Making an Islamic Will means your body will be respected according to the Law of Allah.

Even after death, our bodies are prized possessions. In Australia your body, after death, becomes property. If you have a valid Will your executor decides what happens to your body. .

By having an Islamic Will you can make sure your body is treated in a respectful way in complete accordance with the Shariah and the Sunnah.

Importantly, this Islamic Will allows you to ensure that your burial rites are conducted in an Islamic manner. This Islamic Will includes directions for:

- Washing after death,
- Shrouding the body,
- And proper burial.

All completed according to Shariah Law and the Sunnah.

This is especially important for "reverts" to Islam because without a valid Islamic Will your next of kin decide how to dispose of your body. This may mean a non-Islamic burial or even worse cremation. This Islamic Will allows you to make complete directions to your executor so your body is treated in an Islamic manner.

No one would want their body desecrated by an autopsy.

This Islamic Will provides directions for the prevention of an autopsy or organ donation. The contents of one's Will are weighty arguments in the prevention of autopsies. Without a valid Islamic Will you are taking chances that are too important to risk.

Control Your Assets

Choosing An Executor

When you write your Islamic Will you will need to name an executor. Your executor is your representative after death. Your executor will administer your estate and distribute your assets to your beneficiaries as you have directed in your Islamic Will. It is also your executor's role to carry out all the directions and orders you have made in your Will regarding your funeral and other important matters. Your executor will also become the trustee of any assets belonging to your children.

You can choose almost anyone who is an adult and is legally competent to serve as executor - a spouse, sibling, friend or business associate. We recommend you choose someone you trust.

No Islamic Will No Choice

If you die without an Islamic Will the court will appoint an administrator, for a fee. The administrator could be a complete stranger and your loved ones will have their affairs in their hands. The administrator will distribute your money and your belongings according to state law.

You don't want this to happen! A court appointed administrator will not know your personal interests and therefore will not act with you or your families personal needs in mind.

No one would want their house sold if they had a young family and if the deceased's assets are placed in a trust, family members can only access the funds with the executors permission.

By making an Islamic Will, you appoint the executor; you tell the executor what to do and your executor make sure that your property is distributed in accordance with the Laws of Allah ensuring your family is looked after as you desire.

Provide for Your Family

If you die intestate (without a will), rules contained in state legislation decide how your assets are distributed. In the extreme case, the state will take your assets.

Your wife/husband

In this real life scenario:

Abu Ali dies suddenly without having made a valid Will.

At the time of his death, Abu Ali owns a house, has some cash and other assets.

State laws give the entire estate to his wife. His five children do not receive anything.

Ali, the eldest son, cannot afford to take care of his brothers and sisters. His wages from his job barely cover the cost of food.

Ali needs \$22,000 and a lot of Panadol to cover court fees to recover their rightful inheritance.

Meanwhile, his mother meets a new but younger man whilst overseas and whom she later marries but decides to settle overseas: with their rightful inheritance!

Had Abu Ali executed an Islamic Will from Queen Street Chambers prior to his death, Ali and his siblings would have received their rightful inheritance without worry or financial hardship.

For a few hundred dollars you can protect your assets which are worth hundreds of thousands of dollars. Think about it. A minimal outlay, now, to save your loved ones anguish and heartache in a time of extreme grief. Also save your assets from being used up in costly court battles over who are the rightful heirs to your estate.

If you do not have a valid Islamic Will you are leaving the affairs of your loved ones to chance.

The Probate courts can take a long time to make a decision and your loved ones will have to wait for their shares. This may place them in financial and emotional hardship. If you have a valid Islamic Will your executor can use some of your money to maintain your family. Without a valid Will it is more difficult for your family to use your personal assets for their maintenance.

If you are not in a legally married (like an Islamic Marriage Contract (*`Aqed un-Nikkah*) and have not registered with The Department of Births, Deaths and Marriages, unless you have made a valid Islamic Will your partner may not be able to inherit from you. This means the death of one partner may create serious financial problems for the remaining partner.

Without a valid Last Will and Testament your beneficiaries are left with the problem of obtaining a Grant of Letters of Administration (an expensive process) and the court will appoint an administrator in your absence to deal with disposal of your estate under the rules of intestacy. This again can take many months. In the meantime your surviving spouse has all the usual household, daily, weekly and monthly expenses. All this and your spouse will undoubtedly be on a reduced income, not to mention the grief and pain of losing their beloved.

Your surviving spouse may not have access to the money they would normally have and the money could be frozen until the formalities of Probate have been completed, which could take many months. By naming an executor in your Islamic Will you can avoid undue delay and stress. Your executor may get access to bank accounts and other personal assets to use for the maintenance of your spouse and children.

Your children

If you have children, you owe it to them to have an Islamic Will. You must make sure your children end up with the right guardians (adoptive parents) and the right physical and emotional support, not to mention the right upbringing and education.

If you die without a valid Will and your children are minors (under the age of 18) then the court will determine a person to look after them. This may involve the Department of Community Services or another specialist service in deciding who the guardian of your children will be. The state will undoubtedly do its best for the child but why risk the unnecessary trauma this can cause, especially at a time when the child has lost both parents.

There is no guarantee that the person you consider to be most appropriate will become the guardian of your children. The court appointed guardian may even be a non-muslim teaching your children ideals and values you do not approve of.

The appointment of a legal guardian by the courts can become a very expensive process involving the fees of: the court, solicitors and barristers, all of which are payable from your children's inheritance.

Make a Islamic Will; declare YOUR wishes and look after YOUR children the way that makes YOU happy.

What happens if you die without a will

The disadvantages of dying without a Will include:-

BREAKING ALLAH'S LAW: Your property will NOT be divided according to the rules of Islamic Law.

BODY MAY BE DAMAGED: An autopsy may be carried out on your body causing you and your family pain, suffering and delay in burial.

CHILDREN PLACED IN HARDSHIP: Your children may not receive the emotional, financial or other assistance they desperately need.

DELAY FOR YOUR FAMILY: Intestacy (dying without a Will) procedures can take a long time to finalise. In the meantime, your loved ones have to wait a long time to get their shares and will undergo financial and emotional hardship.

COSTS INCREASED: The listing and appraisal of assets can be a long process and may involve a lot of unnecessary expenses.

COMPLEX LEGAL BATTLES: Potential claims to your estate will delay distribution and may even use up all your assets in legal fees.

CHILDREN DETRIMENTED: If you leave minor children the court may appoint a non-Muslim as a guardian of your children.

WEALTH WASTED: Your wealth may go to state and non-Islamic institutions.

RIGHTS LOST: You can't leave contributions to a Masjid or charity. State laws do not consider religious and charitable institutions as heirs.

This Islamic Will protects you and your loved ones from all of these situations and gives you the power to decide what happens with your hard earned assets.

Be in control. Don't leave your affairs or your family's affairs to chance.

“It has never been more important than now to be certain that YOU are the person making the decisions that will affect your family and loved ones for years after you are gone.”