

The tricks and their effects on the inheritance and wills"- A jurisprudential comparative. (Fiqh Muqaran)

Prepared by: Basil Ahmad Salim Doudin.

Supervised by: D. Orwa Ikrema Sabri.

Abstract

The title of this thesis is about "The tricks and their effects on the inheritance and wills"- A jurisprudential comparative. (Fiqh Muqaran).

The matter of tricks is an important subject especially on the inheritance and wills for what follows that of people's tangible rights.

Consequently, I researched about these tricks. The study consists of two parts. The first gives a general definition of tricks, inheritance and wills. After that I talked about the history of tricks, the reasons why they are used, jurists opinion about tricks, their evidences, permissible and impermissible tricks.

The second part is about the two ways used to trick people and infringe on their rights. Some of these ways are originally permissible such as fugitive divorce, family and charitable Waqf, donations and wills. Although I talked about the ways people trick each other about the previous issues.

The impermissible tricks such as concealment, heritage appropriation, apostasy and the delay of heritage division.

And there is no dissidence among jurists about the forbidden tricks or the allowed ones. But the dissidence is about the part of the tricks that don't show the goal of it.

One of the most important results of the study is the importance of people's knowledge about their rights in inheritance cases, especially women.

To avoid concealment in limitation of succession cases we must connect the Shari'a Courts with the ministry of the Interior records, especially that this connection was approved in some Arab countries.

The followed method in this study is the descriptive study helped by the induction analytic study.