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Who Gets Your Wealth When You are Gone?

-The truth about Faraid, Wasiat, and what most people never think about.

Faraid: The Foundation of Islamic Inheritance

- ## Islamic system of inheritance

  Faraid is a divinely guided formula that ensures fair distribution of estate among heirs - spouse, kids, parents, and siblings

- ## Fixed shares

  The shares are predetermined, leaving no room for guesswork

- ## Spouse's share

  Wife gets 1/8 if there are kids, 1/4 if there aren't. Husband gets 1/4 if there are kids, 1/2 if there aren't

- ## Children's share

  Sons get twice the share of daughters

- ## Parents' share

  Each parent gets 1/6 if there are children, or 1/3 if there aren't

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Wasiat: Your Personal Touch

Wasiat allows distribution of up to one-third of estate

A wasiat (will) gives you the flexibility to distribute up to one-third of your estate to individuals or causes not covered by the Faraid system.

Potential to exceed one-third with consent

If all heirs agree, you can allocate more than one-third of your estate through the wasiat, going beyond the default Faraid distribution.

A well-crafted wasiat allows you to leave a legacy that reflects your personal values and unique circumstances, while respecting the principles of Faraid.

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When Wasiat Exceeds the One-Third Limit

Wasiat Exceeding One-Third Limit

If the deceased's wasiat (will) allocates more than one-third of the estate, it requires consent from all heirs as per faraid (Islamic inheritance system).

Seeking Unanimous Consent

The court or estate administrator will seek unanimous agreement from all heirs (e.g., spouse, children, parents, siblings) to allow the full execution of the wasiat.

Excess Portion Reverts to Faraid

If unanimous consent is not obtained, the portion of the estate exceeding one-third will revert to the faraid distribution formula.

Respecting Faraid Principles

The faraid system ensures a fair and divinely guided distribution of the estate among the rightful heirs, as per Islamic inheritance laws.

Achieving Family Consensus

By seeking unanimous consent, the deceased's wishes can be honored while maintaining family harmony and avoiding potential conflicts.

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When Wasiat Exceeds the One-Third Limit

Example : Man passes away, leaving RM900,000 estate

With 4 daughters as only children

Wasiat states entire estate goes to daughters

However, other beneficiaries like parents or siblings are entitled to a share under Faraid

Wasiat exceeds one-third limit

Not aligned with Faraid, so court seeks consent from other heirs

If all heirs agree

Daughters can inherit entire estate as per the wasiat

By seeking unanimous consent from all heirs, the deceased's wishes can be honored while maintaining family harmony and respecting Islamic inheritance principles.

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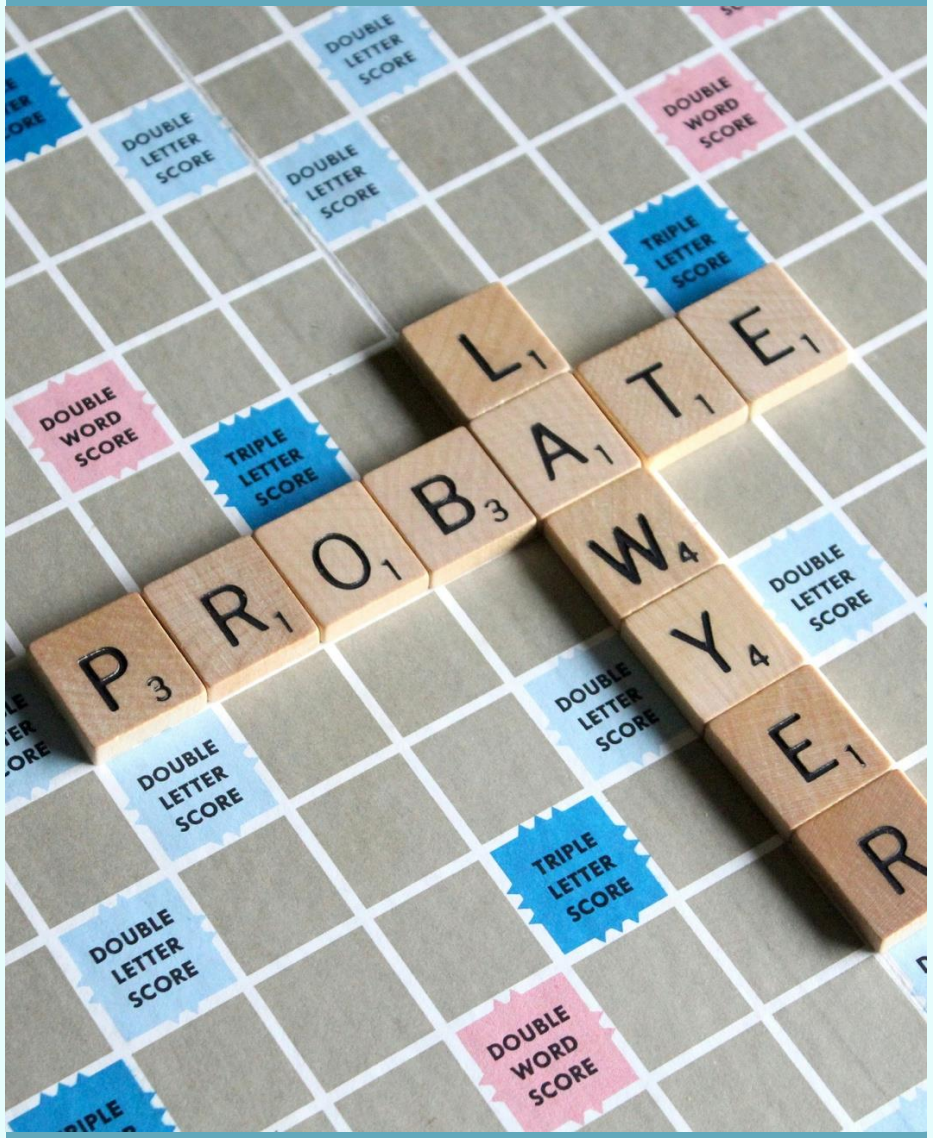

How It Works in Practice

The interplay of Faraid and Wasiat involves several key steps. First, any debts and funeral expenses are settled from the estate. Then, the Wasiat (will) is read and executed, provided it does not exceed one-third of the total estate. If the Wasiat exceeds the one-third limit, the court or estate administrator will seek consent from all heirs. Only with unanimous agreement can the full Wasiat be carried out - otherwise, the excess portion reverts to the Faraid distribution formula.

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Why Plan Early?

Ensure your estate is distributed according to your wishes

Proper planning helps ensure your wishes are honored and your loved ones are cared for

Avoid family conflicts

Estate planning can help prevent disputes and tensions among your heirs

Support causes or individuals not covered by Faraid

Wasiat allows you to direct a portion of your estate to charities, friends, or other beneficiaries

By planning your estate early, you can provide clarity, compassion, and peace of mind for your loved ones.

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Smart Tips for Estate Planning

- ## Understand the One-Third Rule

  You can allocate up to one-third of your estate through a wasiat without needing consent. Beyond that, unanimous approval from heirs is required.

- ## Be Clear and Fair

  A wasiat should be simple, fair, and easy for your family to understand.

- ## Use Other Tools

  Consider options like Hibah (lifetime gifts), Harta Sepencarian (matrimonial property agreements), and Trusts (for long-term financial security) to complement your estate planning.

- ## Plan for Liquidity

  Avoid leaving your family cash-poor. Pair your wasiat with liquid assets like takaful (structured as hibah) to ensure your wishes can be fulfilled without selling sentimental items.

- ## Get Expert Help

  Consult religious authorities or legal experts to ensure your plans align with Islamic principles and Malaysian law.

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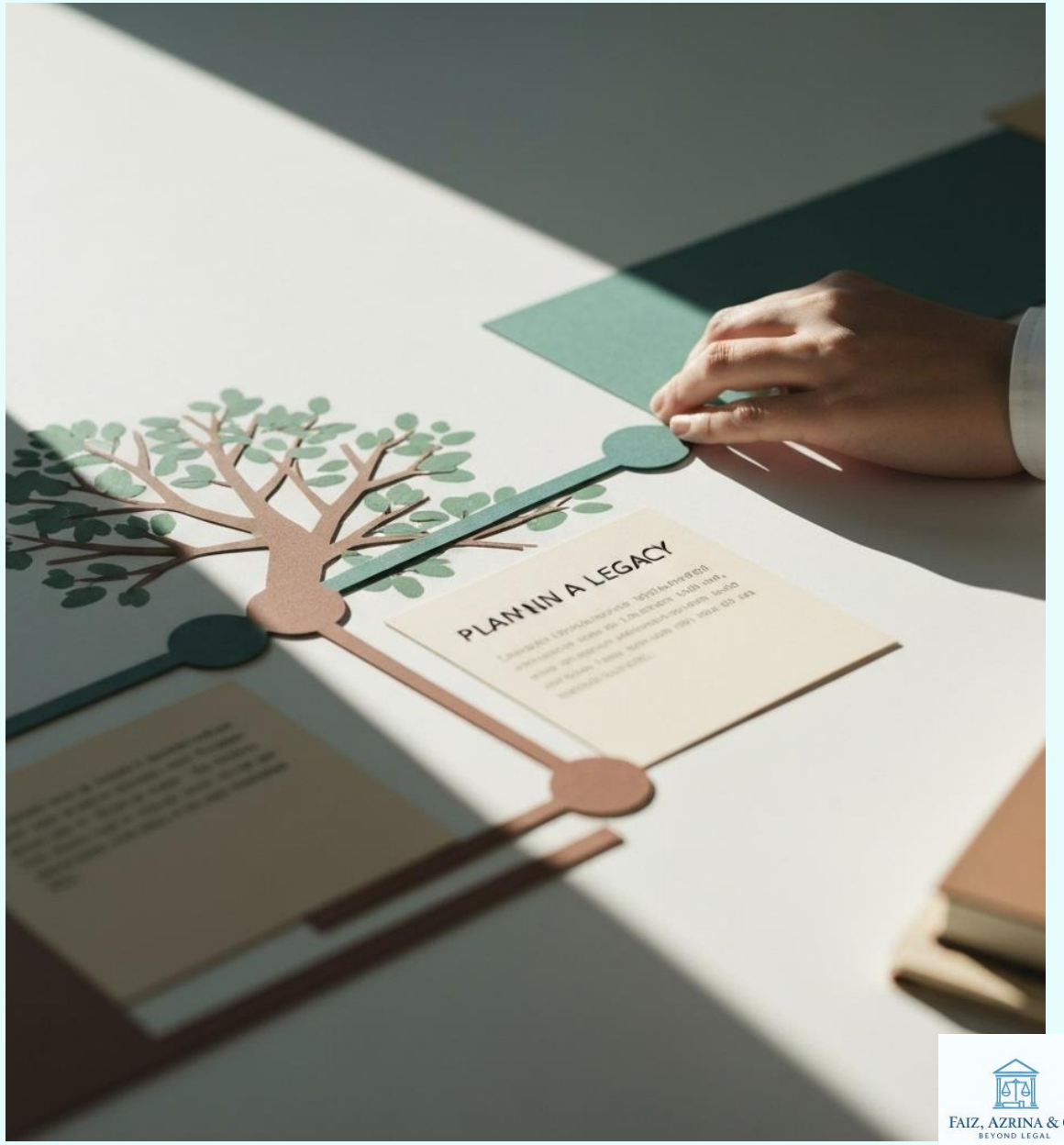
Planning your legacy with a well-crafted Wasiat can provide your loved ones with clarity, compassion, and peace of mind. By leveraging the flexibility of Wasiat while respecting the principles of Faraid, you can ensure your estate is distributed according to your wishes and address unique needs. Start planning your legacy today to leave a lasting impact.



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Got questions? We'd love to hear from **you.**