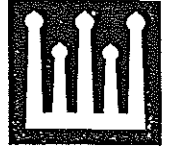


مجلس ائمه الاسلام في سنغافورا

Majlis Ugama Islam Singapura

(Islamic Religious Council of Singapore)



Islamic Centre of Singapore, 273 Braddell Road, Singapore 579702. Website: <http://www.muis.gov.sg> Telephone: 2568188 Fax: 2537572

OOM/31/02
HJ FM 2343 98B

DID : 63591123
FAX : 62591735

7 October 2002

M/s H. A. Jalil & Associates
Advocates & Solicitors
No. 6001, Beach Road
Golden Mile Tower
#10-02
Singapore 199589

Dear Sirs

**WILL OF HADJEE YOUSOF BIN HADJEE MOHAMAD NOOR, DECEASED
(DIED ON 16TH OCT 1950)**

We refer to your letter on the above matter. Attach herewith is the ruling issued by the Legal (Fatwa) Committee, Majlis Ugama Islam Singapura on your question on the above matter.

2 We enclosed our Invoice on our administrative charges for the services rendered for your settlement.

Yours faithfully

Kamaruzaman Bin Afandi
for Secretary
Majlis Ugama Islam Singapura

G:/Religious Authority/Fatwa/Fatwa Correspondences/Jaw156_Will of Hadjee Yousof (H.A.Jalil & Associates)



ADMINISTRATION OF MUSLIM LAW ACT
(CHAPTER 3, SECTION 32 (2))

FATWA (RULING) ISSUED
BY
LEGAL (*FATWA*) COMMITTEE, MAJLIS UGAMA ISLAM SINGAPURA

*QUESTION FROM MESSRS H. A. JALIL & ASSOCIATES ON WILL OF
HADJEE YOUSOF BIN HADJEE MOHAMAD NOOR, DECEASED.*

FATWA ISSUED

حمدا وصلاة وسلاما

1 Request from Messrs H. A. Jalil & Associates dated 16 February 2001 for a ruling on the Will of the Hadjee Yousof Bin Hadjee Mohamad Noor, Deceased. The questions are:

- i. Whether the will is valid?
- ii. Whether the said estate can be directly distributed to the beneficiaries without waiting 21 years after the death of the last survivor?

2 After discussion on the issue and deliberation on a copy of the will particularly on para 14 from the said will, the Fatwa Committee decided that the will made by the Hj Yusoff bin Mohd Noor, the deceased, is not valid. This is because the will purported to benefit the testator's heir. According to the Islamic (Syariah) Law, such a will is not valid. This is based on the meaning of Prophet Muhammad instruction: "*Verily, Allah has given to each its rightful share, thus the will is not valid to the beneficiary*".

3 Furthermore, the beneficiaries are the deceased "heirs" which did not exist at the time (الوصية للمعدوم). The majority of the Ulama are of the view that such a will (الوصية للمعدوم) is not valid.

Hence, the estate of the deceased constitutes an inheritance. A person who dies cannot decide when or to whom the estate should be distributed, unless he made a valid will according to Islamic Law, which is:

- i. Not purported to the legal beneficiaries, and
- ii. Not more than one-third.
- iii. The beneficiaries should be in existence.
- iv. They are defined.

It is because issues of inheritance are ordained by Allah swt as explained in the Qur'an in surah An-Nisa' verse 11 which means:

"These are settled portions ordained by Allah"

In relation to this, the Trustee to the deceased's inheritance has to be distributed according to Islamic Law of Inheritance to the beneficiaries who are alive on the death of the deceased. It did not matter whether the beneficiaries are still alive or a deceased today. This can be implemented based on the methodology of Al-Munasakhat in Islamic Law of Inheritance.

الله أعلم ، وبالله التوفيق ، وصلى الله على سيدنا محمد وعلى آله وصحبه وسلم.

والسلام



SYED ISA MOHD B SEMAIT
MUFTI SINGAPURA
CHAIRMAN, LEGAL (FATWA) COMMITTEE
MAJLIS UGAMA ISLAM SINGAPURA

Date: 22 November 2001

cc Zhulkeflee Bin Hj Ismail