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Islamic Family Inheritance Law in a Global Legal Perspective: Influence of Cyber-Crime

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Abstract

This study aims to evaluate the Islamic family inheritance laws of various Muslim nations and the cybercrime issues associated with these laws. The Quran contains Allah Almighty's just and equitable teaching regarding the equitable distribution of a deceased person's property among his legal successors. Violating these constraints and Islamic laws renders a person a miscreant before the Almighty on the Day of Judgement and legally. As a result, many Muslim nations strictly adhere to the inheritance guidelines that Islam has outlined. In addition, the present research aims to assess the impact of cybercrimes on inheritance laws by identifying how cybercriminals can violate legal constraints and break the law for their benefit. Numerous practical and theoretical implications result from the research. As this research contributes to the expanding corpus of literature on Islamic inheritance laws in Muslim countries, a global perspective is taken. This research has multiple practical benefits for practitioners in Muslim nations that oversee legal regulations. As cybercrime has also negatively influenced the breaching or violating of laws, policymakers of Muslim countries have been provided with useful insights through this research to amend the legislations and legal laws and impose severe punishments on those who violate these laws or engage in cybercriminal activities. The limitations of the investigation are also discussed in this study.

Keywords: Inheritance, Islamic Laws, Shariah, Cyber-crime, family heirs

1. Introduction

Family law (Harris, Carbone, & Rebouché, 2023) is the body of rules, regulations, and laws governing family-related issues. This category includes marriage, divorce, inheritance, child possession, etc. Inheritance laws (Khosyi'ah & Rusyana, 2022) are the norms and regulations governing inheritance issues. It also includes statutes regarding the portion of an individual's assets or property that they will receive from family members. This type of family law about family inheritance exists in every nation on Earth. The inheritance laws (Abubakari, Richter, & Zevenbergen, 2019) pertain to various aspects of inheritance, including inheritance of property, the ratio

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of property division, inheritance tax, and inheritance assets such as gold, automobiles, etc. Concern that all family matters and issues should be resolved with dignity and within the law motivated the inclusion of inheritance laws within family law (Lutska et al., 2022).

Few-Demo and Allen (2020) state that inheritance or family law is significantly influenced by the culture and religion of the region or country it belongs to. Islamic inheritance laws (Asni, Sulong, & Ismail, 2021) are those created by Islam and followed by all Islamic nations and Muslims (Asni et al., 2021). As technological advancements occur over time, the crime rate involving this technology also rises (Monteith et al., 2021). Cybercrime (Buil-Gil et al., 2021) entails using computer networks, online networks, platforms, computers, etc. According to recent statistics, in 2022, nearly one out of every five people were cybercrime victims (Griffiths, 2023). These cybercriminals are increasingly involving themselves in inheritance and property transfer matters. Even with a proper system of inheritance laws, inheritance disputes continue to plague people. Among these cybercrimes is identity theft for property transfer, document forgery for illegal employment, and threats. In some substantial conflicts, the issue leads to additional crimes such as murder, kidnapping, and threats (Fincham, 2019). Numerous nations are acting and drafting legislation to combat these issues, but adding cybercrime to these inheritance disputes has exacerbated the problem. This is why countries also attempt to control cyber issues (Basuchoudhary & Searle, 2019). As a result of the absence of inheritance laws and the unequal distribution of inheritance, other social ills such as dowry, murder, unlawful property theft, etc. are increasing at an alarming rate in several nations. This is why the discussion of this issue has become so crucial. Various research studies (Agarwal, 2022; Chang, 2022; Grajzl & Murrell, 2022) have examined inheritance laws. However, the Islamic family inheritance laws have been the subject of few studies, notably about cybercrime.

Consequently, the present research aims to examine Islamic family inheritance law from a global legal perspective and its connection to cybercrime. The significance of the current research study for various stakeholders varies by aspect. As the current research examines the Islamic family inheritance law from a global legal perspective and its connection to cybercrime, it can be considered a significant contribution to the existing body of literature. The significance of the current research study extends to the law-making authorities, as it helps them determine which areas of inheritance laws require further contemplation and reform and which loopholes exist in the existing laws and regulations. As the current study discusses Islamic inheritance laws from a global perspective, it can help the general public become aware of these laws and their rights, giving them great significance and practical utility. Future researchers will benefit greatly from the current research investigation.

1.1. Method

Qualitative research methodology is employed as the current research study examines Islamic family inheritance law from a global legal perspective. As a qualitative research study that seeks to develop a theory, it employs the philosophical approach of interpretivism and the inductive research methodology. Thus, the qualitative research approach, interpretivism, and inductive research are the most

suitable approaches for this study. For data collection, the current research study has adopted the "normative juridical research method," one of the most frequently employed techniques in law-related studies. The current research study collected information from both primary and secondary sources. The data compiled from primary sources is derived from various primary law documents, such as case laws and court hearings about family inheritance, where different inheritance-related laws, regulations, rules, documentation, etc., were utilized. In the case of secondary data, the researcher has conducted in-depth analyses of the extant literature concerning international family inheritance laws and their relationship to cybercrime. This literature was analyzed using diverse secondary database sources, including law journals, law-related online databases (West Law, Springer, Emerald, Bloomberg Law, Hein Online, J.S.T.O.R., and others), and diverse family law-related publications. The "content analysis method" has been utilized in the current research study to analyze the collected data from various sources. According to Hajek, Youssef, and Hajkova (2022), content analysis is one of the most dependable qualitative research methods. This method identifies the various patterns and themes associated with specific terms in the researcher's collected data.

2. Literature Review

2.1. Family Inheritance Laws: A General Perspective

Family inheritance law (Bahrami-Rad, 2021) is the collection of family law statutes or regulations about inheritance matters. The inheritance laws govern inheritance-related issues, such as the distribution of inheritance assets, the proportion of inheritance among family members, inheritance taxation, etc. (Berkah & Sawarjuwono, 2019). The inheritance assets may include real estate or land, a vehicle, gold, etc. According to Ortiz (2023), inheritance is the privilege of the heir to receive property from any ancestor, parent, or family member during their lifetime or upon their death. It is the legal privilege of every family member, and no one should be deprived of it.

2.2. International Family Inheritance Laws

There are varying inheritance laws in every country on the globe. However, these inheritance laws emphasize the significance of diligently carrying out inheritance rights (Neuhäuser, 2023). The inheritance transfer is typically determined by a person's will, relationship with the legal family, national law, etc. According to British law, there is no obligation to transfer property or inheritance to the heirs. In their will, anyone can leave their property or assets to anyone (Expatica, 2023). Family inheritance law in the United States (Cornell Law School, 2020) states that only close relatives of the deceased are entitled to the inheritance.

Additionally, the spouse or relatives can be included. According to Barać et al. (2023), the religion and culture of a region or country influence family laws, including inheritance laws. Further, it was discussed that countries, where people of various cultures and religions reside may give everyone the freedom to follow family laws based on their religion or culture. Most of the time, however, laws reflect the culture or religion of the population. In Qatar, family inheritance law is founded on religion and adheres to its teachings. According to Article 243 of L.A.W. NO. 22 of 2006

Promulgating 'The Family Law (P.F.L.), transferring property or any inheritance asset to the descendants is a mandatory, time-sensitive action. In addition, Article 245 mandates that the inheritance be transmitted only to blood relatives or heirs (Al Meezan, 2006). Following the instruction of President No. 1 of 1991, the transmission of inheritance to the heirs is mandatory in Indonesia. Only then can it be determined who else is entitled to a portion of the inheritance and in what proportion (Legal Nexus Law Firm, 2023). Depending on their system, various nations have enacted diverse inheritance laws.

2.3. Cybercrime Concerning Family Inheritance

Cybercrime is a crime that is perpetrated using computer networks (Buil-Gil et al., 2021). The commission of such crimes necessitates a collection of networks, online platforms, or computers. According to Bossler and Berenblum (2019), cybercrime is a computer-related criminal activity. The involvement of a computer indicates that the computer may be used to conduct the crime or maybe the criminal's intended target. These cybercrimes are sometimes committed by individuals on their own or with the assistance of unlawful organizations (Kshetri, 2019). In recent years, cybercrime has been a factor in inheritance disputes (Chandra & Snowe, 2020). Gupta and Kumar (2020) state that identity theft has become more prevalent in recent years.

Identity theft is the theft of a person's confidential information, such as social media passwords, bank account passwords, etc. This information is utilized by criminals and those who employ them for various purposes. This identity theft can be used against anyone to alter a deceased person's last will and steal inheritance assets (Basuchoudhary & Searle, 2019). Similarly, document forgery is a form of cybercrime that targets inheritance matters. According to Ally and Gadgala (2022), document forgery involves altering or falsifying the documents of a person so that they can be used for the benefit of a third party. The number of cybercrimes involving the forged proprietorship of inheritance assets has increased. In the case of illicit property transfers, numerous instances of forgery have been observed (Dong, 2023). Winatalia, Laxamana, and Firdaus (2022) explained that one of the most prevalent forms of cybercrime is using extortion or threats for a specific purpose or personal gain. It is discussed further that due to technological advancements, people are becoming increasingly digital, even though most documentation is also created digitally. This has made life simpler for such criminals. Blackmailing someone for personal information or anything else to force them to do something against their will is also cybercrime (Verma et al., 2023).

3. Results and Discussion

Inheritance involves the transfer of a deceased person's property to a surviving human with other transferable rights. In Islam, inheritance has multiple interpretations. There is no explicit definition of inheritance in the Quran, and different scholars have interpreted it differently (Powers, 1993). Sir Abdur Rahim explains as follows:

"Inheritance is the transfer of obligations and rights from the deceased person to his or her heirs" (Rahim, 1911; Saba, 2018).

Coulson (1971) defined inheritance as the distribution of property to heirs following the payment of funeral expenses, valid bequests, obligations, etc. The norms and regulations of inheritance are described as a right of the heirs in possession of the deceased person's estate and succession to any transferable rights held by the dead. The transferred rights are founded on property or other rights in the form of debts and are intended to obtain compensation for the deceased. Consequently, the Islamic inheritance law is of greater significance, and its proper implementation in Muslim countries is a divine mandate (Cheema, 2021; Reskiani et al., 2022). According to the teachings of the Quran, a descendant's possessions are distributed to their descendants in the proportion specified in the Holy Quran. The Holy Quran, the Hadith of the Holy Prophet (P.B.U.H.), and the Fiqh present important inheritance-related laws.

3.1. Heirs in Islam

In Islam, there are three classes of legitimate heirs: primary, secondary, and substitute (Zouaoui & Rezeg, 2021).

Included in the principal category are parents, children, and spouses. The second group of heirs comprises "agnate brothers" and "uterine sisters and brothers." The third category of substitutes includes agnate grandsons, granddaughters, and agnate grandmothers and grandfathers. Consequently, the legal share of the property varies by the category of the heir (Zubair et al., 2014). Muslim nations such as Indonesia, Malaysia, Dubai, the Philippines, Syria, and Afghanistan follow the implementation of Islamic inheritance law. Inheritance is governed by the verses of "Surah An-Nisa (4:11, 12, and 176)":

"Allah instructs you regarding your children for the male what is equal to the share of two females. But if there is a single daughter, two or more, for them is two-thirds of one's estate. And if there is only one, for her is half. And for one's parents, to each of them is a sixth of his estate if he has left his children. But if he had no children and the parents are alone to inherit for him, then his mother is one-third in such a case. And if he had brothers or sisters, for his mother is a sixth, after any bequest he may have made or debt. Your parents or children, you know not which one of them is nearest to you in benefit. These shares are an obligation implied by Allah. Indeed Allah is the ever-knowing and wise."

"And for you is half of what your wives leave if they have no children. But if they have a child. But if they have a child for you is one-fourth of what they leave, after any bequest they may have made or debt. And for the wives in one-fourth if you leave no children. But if your leave children, then for them is an eighth of what you leave after any bequest you may have made or debts. And if a man or woman leaves neither Ascendants nor descendants but has a brother or sister then for each one of them is a sixth. But if they are more than two, they share a third after any bequest made or debts as long as no detriment is caused. This is an ordinance from Allah, and Allah is Knowing and forbearing."

"They request from you a legal ruling. Say Allah who gives you a ruling concerning one having neither descendent nor ascendants as heirs. If a man dies, leaving no child but only a sister, she will have half of what he left. And he inherits from her if she dies and has no child. But if there are two sisters or more, they will have two-thirds of what he left. If there are sisters and brothers, the male will have the share of two females. Allah has made His laws clear to you, lest you go astray, And Allah knows of all things" (Berkah & Sawarjuwono, 2019).

3.2. Application of Islamic Family inheritance law in Muslim Countries

As Muslim nations adhere to the divine and righteous injunctions of the Holy Quran, they must adhere to Islamic Shariah inheritance law following its verses and Allah's teachings in the Holy Book. In Malaysia, the mother is entitled to fifty percent of an individual's possessions. However, as your father's wife and according to Faraid Law, your stepmother has also entitled to 1/8th an equal share of 50% of the domicile from the distribution of your father's property. The Malaysian inheritance law also requires co-heirs consent if the will provides for distribution to heirs or if the non-heir receives more than one-third of the estate (Ahmad Razimi, 2016). Likewise, Indonesia has three legal inheritance systems, including "Islamic inheritance law, western inheritance law, and adat inheritance law." Globally, Islamic nations adhere to the inheritance principle that entitles the daughter to half the share granted to the son. However, according to Islamic Shariah, descendants do not receive any proportion in the presence of their father. However, if the son has passed away, the descendant is entitled to the inheritance share (Cammack, 2002; Judiasih & Fakhriah, 2018; Lev, 1962). However, if there are multiple sons, the inheritance will be distributed equitably among them.

In Afghanistan, a daughter is entitled to inherit one-third of her siblings' inheritance. Due to a combination of willful neglect and ignorance, male heirs typically prefer to exclude female family heirs from the legitimate estate. However, if she has no children, a wife is entitled to a quarter share of her deceased husband's property. And if she has offspring, she must pay an eighth (Rastin-Tehrani & Yassari, 2012). In the Philippines, the inheritance requirements for the Muslim law of succession in Mindanao stipulate that the death of a descendant must be confirmed, the successor must be alive at the time of the descendant's death, and the successor must not be disqualified from inheriting. The "Philippine Law of Intestate Succession" stipulates that the decedent's offspring and spouses will automatically inherit his possessions and property upon death (Haque et al., 2020). The estate consists of both personal and real estate belonging to the deceased. In addition, Dubai strictly adheres to the inheritance principle outlined in the Noble Quran. According to Sharia law, the son typically inherits twice as much as the daughter. According to Article 352 of 2005 of the United Arab Emirates Personal Law, "males shall inherit in the proportion of two females" (Bulbul, 2013; Chiniara & De La Rosa, 2009). This applies to daughters and sons in Dubai Islamic law regardless of whether they share the same mother and father.

The inheritance proportion is distributed among family members, with males receiving twice as much as females. This follows the fundamental Islamic principles. The law applied to all Syrians until 2010 when the main Christian denominations passed new legislation. The purpose of which was to ensure that men and women inherit equally. Under "Law No. 59 of 1953," a deceased person's inheritance in Syria may not exceed one-third of their total estate, and bequests are prohibited (Berger, 1997). Similarly, Saudi Arabia, as a representative of Muslim nations, adheres rigorously to the family inheritance law cited in Surah Al-Nisah's verses mentioned above (Jahar & Shodiq, 2022).

3.3. Cyber Crime Issues in Inheritance

Cybercrime is defined by Curtis and Oxburgh (2022) as any illicit activity that employs or targets a computer, a network of computers, or a networked device. Hackers or cyber

criminals perpetrate numerous cybercrimes for financial gain or profit. However, most cybercrime is motivated by motives other than financial gain. In inheritance, cybercrime is typically destructive when a hacker or cybercriminal intends to harm legal regulations and illegally violate them through various activities. For instance, a person's personal information, signature, or private data can be seized and used for illegal purposes that are otherwise prohibited. Cybercrime can damage and negatively influence family inheritance laws through fraudulent activities, confidential information that can be used for fake purposes, and the illicit acquisition of a deceased person's property that would otherwise be impossible to obtain. Cybercriminal defamation is another emerging issue. Theft of confidential information and its use to harm a person's reputation or goodwill is also a possible negative consequence of cybercrimes.

With the advancement of technology, cybercriminals find it much simpler to invade the privacy of others and gain unauthorized access to their personal information (Saidakhrarovich & Tursunovich, 2022). These attitudes pose long-term hazards to any state's reputation, conduct, and overall legal regulations. In light of family law, the impact of cybercrime on society and legal constraints is devastating and far-reaching. Globally, cybercrimes that result in significant financial loss for the victim are circulating. In situations where there are legal discrepancies between families regarding possessions and property, cybercriminals may steal information and use it to unlawfully seize the property of others, which would not be possible otherwise. Therefore, devastating cyber-crimes and negative or illegal activities of cyber-criminals can cause financial damage, unlawful property possession, reputational harm, long-term litigation costs, etc.

4. Recommendations

Based on the above analysis and detailed discussion of the Islamic family inheritance law from a global legal perspective and its connection to cybercrime, the following recommendations are made for the government, law-making authorities, the general public, and other stakeholders of Islamic inheritance law. These recommendations are intended to enhance the Islamic family inheritance laws and their application:

- It is crucial that the laws and regulations governing familial inheritance be streamlined so that the general public can better comprehend them. It is one of the most essential issues for the general public because understanding something is necessary for awareness. The government and relevant authorities should simplify the laws to benefit the general public. Still, there are numerous nations where inheritance laws are not adequately implemented. These nations must pay close attention to the appropriate implementation of inheritance laws so that property and inheritance-related disputes can be resolved.
- The government should focus on establishing such judicial institutions that can oversee whether or not inheritance laws are effectively implemented. As a result, despite having the appropriate set of laws, these are frequently disregarded in many regions of various nations.
- Crimes related to property disputes, such as murder over a property dispute, abduction, etc., are increasing over time; therefore, law-making authorities should severely punish the perpetrator of such a crime for halting this misdeed or wrongdoing.

- The government and law-making agencies should bring technological advancements to the field so that issues of inheritance related to cybercrime can be resolved more efficiently, as issues such as hacking, identity theft, etc., which are used in property crimes, have increased.
- People should be aware of the inheritance laws and their significance through awareness campaigns, so they can understand why these laws are essential and how they can prevent unnecessary family disputes.
- The government should also coordinate campaigns to raise awareness about cybercrimes associated with inheritance issues and cyber laws. People should be aware of the inheritance-related schemes that can be perpetrated so they do not fall victim to them.

5. Conclusion

This study seeks to examine the Islamic family inheritance laws from a global standpoint. Islamic laws regarding Sharia inheritance have been observed in Muslim countries for this purpose. The research employed a "normative juridical research approach" and analyzed primary and secondary data from reputable databases. Various primary documents, such as court hearings and case statutes about family inheritance, were reviewed as primary sources. The literature review examined a global perspective on family inheritance laws, which was then narrowed to Muslim countries during the analysis of the results. According to the results, the Quran and Islamic Sharia contain distinct regulations and legal constraints for this purpose, the violation of which is religiously and legally prohibited. The Islamic inheritance laws have been analyzed by comparing them to the verses of Surah Al Nisah. According to the analysis results, inheritance is the foundation of Shariah law. Following Quranic verses, Muslims inherit from one another. Therefore, there is a legalized proportion of the deceased person's relatives and other relations in his property, possessions, etc. There is a purpose behind these Islamic laws and regulations that every Muslim must observe. These laws are only applicable after a person's death. If the legal heir is still alive after a person's death, he becomes a lawful heir and is entitled to his portion of the deceased person's property. Inheritance's fundamental rules are outlined in the Hadiths and Fiqh of the Quran. In addition, the results include a description of the fact that Muslim nations such as Malaysia, the Philippines, Syria, Saudi Arabia, Dubai, and Indonesia adhere to Islamic inheritance laws, the violation of which is considered wrong and renders one a sinner. Cybercrime issues have also been observed to significantly impact various industries by gaining access to confidential information and data. The analysis has also briefly illustrated the role of cybercrime in destroying inheritance law.

6. Implications

The present study analyzes Islamic family inheritance law from a global legal perspective and examines its connection to cybercrime. Implementing these Islamic inheritance laws has assumed great significance due to their expansive scope and extensive inheritance distribution among the parties involved. In addition, cybercrimes, which are on the rise in inheritance cases, should also be considered. The following are the theoretical and practical ramifications of the current research.

6.1. Theoretical Implications

As the current research examines the Islamic family inheritance law from a global legal perspective and its connection to cybercrime, it can substantially contribute to the existing body of knowledge. Cybercrime issues related to inheritance, such as identity theft, document forgery, threats, etc., which are essential to discuss, are also addressed in the current research study. Different international inheritance laws, Islamic inheritance laws, and cybercrime-related cybercrime issues were discussed in the current study, which can greatly contribute to the theory. Since the study is conducted from a global perspective, it can have far-reaching implications, i.e., it is applicable globally.

6.2. Practical Implications

The present research has examined Islamic family inheritance laws from a global legal perspective and their connection to cybercrime. It has also addressed various cybercrime issues related to inheritance issues. This can help governments determine which aspects of family inheritance laws require additional attention and which laws must be considered immediately. Additionally, this can be advantageous for law-making authorities in two ways. First, they can determine which issues require immediate attention or should be punished more severely. Second, they will learn how to ensure that supervisory institutes keep a close eye on implementing family inheritance laws, as the current research indicates a lack of implementation. The current research study is also very useful and advantageous for the general public because it informs them of the family inheritance laws that exist worldwide and in Islam. In addition, the current research study discusses cybercrimes related to inheritance, so it will assist the general public in avoiding these cons. It can also greatly assist policymakers because it discusses various laws and issues, allowing them to formulate policies accordingly.

7. Research Limitations

Each study has its own set of limitations. A few deficiencies in the current research need to be addressed. Firstly, this research was conducted using secondary data, and there was no accumulation of primary data from respondents. Direct interaction with respondents improves the accuracy of results, resulting in more beneficial and accurate findings. Therefore, future researchers can utilize primary data techniques and conduct formal or informal discussion sessions with Islamic law representatives from various Muslim nations. Thus, their perspective on Islamic family inheritance laws can be inculcated directly to elicit a favorable or beneficial response. Secondly, this study has limited its purview by analyzing family heirs' inheritance or property rights in Muslim-majority countries. Future scholars can conduct comparative research between Eastern and Western family inheritance laws to produce more accurate results. Thus, the substantial differences between these two laws can also be addressed. Thirdly, the present research is constrained by time constraints because it was conducted using normative legal methodologies and thus lacks longitudinal research scope. Future researchers can examine pre- and post-evaluations of Islamic inheritance laws to determine the significance of their implications. The present research focused primarily on Islamic family inheritance laws, indicating a lack of

clarity regarding cybercrime and its impact on such laws. Therefore, this research lacks a clear association between cybercrime and Islamic family inheritance laws, which opens the door for future researchers to conduct an in-depth investigation of cybercriminals and report various case laws in Muslim nations regarding how they fraudulently acquire the property of others.

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