



Muslim Family Law Hub

Strengthening families. Enriching communities.

Checklist for inheritance in South Africa

Understand Islamic inheritance law:

- Familiarize yourself with Qur'anic sharer heirs and their fixed shares
- Learn about agnatic heirs and how they inherit
- Understand the concept of wasiyya (bequest) and its one-third limit.

Consult Professionals:

- Meet with an Islamic scholar knowledgeable in inheritance law
- Consult a South African legal professional experienced in Islamic wills
- Consider meeting with a financial advisor for tax planning.

Create an Inventory of Assets and Liabilities:

- List all assets, including property, investments, and personal possessions.
- Note any jointly owned assets.
- Document all debts and liabilities.

Identify Heirs and Potential Beneficiaries:

- List all potential heirs according to Islamic law.
- Identify any non-heir beneficiaries you wish to include in your wasiyya.

Draft Your Islamic Will:

- Ensure it meets the requirements of the South African Wills Act
- Clearly state your intention to have your estate distributed according to Islamic law
- Specify the distribution of your estate according to Islamic inheritance law
- Include any wasiyya bequests (up to one-third of estate).



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Address Specific Assets:

- Decide how to handle jointly owned property
- Plan for the distribution of business assets, if applicable
- Consider creating separate beneficiary designations for pension and retirement annuity funds and life insurance policies.

Provide for Dependents:

- Ensure adequate provision for your spouse, especially if they don't work outside the home
- Consider setting up trusts for minor children or dependents with special needs.

Plan for Non-Muslim Heirs, Adopted Children or Charities:

- If applicable, include bequests to non-Muslim family members, adopted children or charities within the one-third wasiyya limit.

Appoint an Executor:

- Choose someone knowledgeable in both Islamic and South African law
- Consider appointing co-executors if necessary.

Address Potential Conflicts with South African Law:

- Discuss strategies with your legal advisor to minimize conflicts between Islamic inheritance and South African inheritance laws
- Consider using legal instruments like trusts to achieve your goals.