



## Inheritance of women in princely lands from a legal and legal perspective

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### Abstract:

This study dealt with the inheritance of women in the princely lands from a legal and legal perspective, aiming to identify the nature of this, through the statement of cases of inheritance of women from the legal and legal perspectives, where the concept of inheritance, princely land and the right of movement in these lands was identified, and the statement of the owners of the right of movement, as well as addressing the legal articles that discuss and discuss this and stand on its contents and contents, as it appeared that the beginning of legal legislation has been deprived The daughter from the full use of the princely lands, until the royal orders came in the Ottoman Empire to give girls as boys equally without differentiating between male and female, and this is until Law No. (4) of 1991 AD was issued, which abolished the division contained in the Transition Law, and the princely lands became legally divided after the issuance of this law, as of the date: 16/4/1991 AD, according to the details and readings dealt with in this research. This study provides a unique analysis of women's inheritance rights in princely lands, examining legal and historical perspectives. It traces the evolution of these rights from early marginalization to eventual legal reforms, notably Law No. (4) of 1991. Scrutinizing legal texts and historical contexts, it offers valuable insights into the journey toward gender equality in inheritance practices within princely territories.

**Keywords:** *Inheritance; Women; Princely Land; Right of Transfer; Sharia, Law.*

## توريث المرأة في الأراضي الأميرية من منظور شرعي وقانوني

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### ملخص:

تناولت هذه الدراسة توريث المرأة في الأراضي الأميرية من منظور شرعي وقانوني، هادفة إلى التعرف على طبيعة ذلك، من خلال بيان حالات توريث المرأة من المنظورين الشرعي والقانوني، حيث تم الوقوف على مفهوم الإرث والأرض الأميرية وحق الانتقال في هذه الأراضي، وبيان أصحاب حق الانتقال، وكذلك معالجة المواد القانونية التي تبحث ذلك وتناقشه وتقف على مظانه ومضامينه، حيث ظهر أن بداية التشريعات القانونية قد حرمت البنات من الانتفاع كلياً من الأراضي الأميرية، إلى جاءت الأوامر السلطانية في الدولة العثمانية بإعطاء البنات كالأولاد بالتساوي دون التفريق في ذلك بين ذكر وأنثى، وهذا إلى أن صدر القانون رقم (4) لسنة 1991م، الذي ألغى التقسيم الوارد بقانون الانتقال، وأصبحت الأراضي الأميرية بعد صدور هذا القانون تقسم تقسيماً شرعياً، اعتباراً من تاريخ: 1991/4/16م، وفق تفصيلات وقراءات عالجهما هذا البحث. تقدم هذه الدراسة تحليلاً فريداً لحقوق المرأة في الميراث في الأراضي الأميرية، ودراسة وجهات النظر القانونية والتاريخية. وهو يتتبع تطور هذه الحقوق من التهميش المبكر إلى الإصلاحات القانونية النهائية، ولا سيما القانون رقم (4) لعام 1991. ومن خلال التدقيق في النصوص القانونية والسياقات التاريخية، فإن الدراسة تُقدّم رؤية قيمة في الرحلة نحو المساواة بين الجنسين في ممارسات الميراث داخل الأراضي الأميرية.

**الكلمات المفتاحية:** الميراث؛ المرأة؛ الأرض الأميرية؛ حق الانتقال؛ الشرع، القانون.

## 1. Introduction

Praise be to Allah, Lord of the Worlds, and prayers and peace be upon the Master of all creation, his family and those who followed him with charity until the Day of Judgment. The issue of princely lands is based on the fact that these lands are the property of the state, which in turn owned the citizens the right to usufruct those lands without owning their neck, and the princely land is the lands whose neck belongs to the house of money (the state), such as farms, bushes, and meadows, and these lands do not take place in which inheritance, endowment, mortgage, sale, gift and pre-emption, and not to spend the debt of the deceased who was disposing of them, and not to execute his will, but the transition law has developed with the days amendments that brought about some change In it, when he authorized the inheritance of the princely land and put a term instead of it: the right of transfer, and at the beginning of the legislation deprived the daughter of the full use of the princely lands, then came the royal orders to give daughters like boys, where the heirs shared this right equally without differentiating between male and female. This matter remained until Law No. (4) of 1991 was issued, which abolished the division contained in the Immovable Transfer Law, and after the issuance of the aforementioned law, the princely lands became legally divided. The law published in the Official Gazette, in issue No. 3747, dated 16/3/1991, and became effective as of 16/4/1991, in the courts of the West Bank, hence this research came to address the issue of women's inheritance in the princely lands and the statement of cases according to the manifestations were discussed under the title: "Inheritance of women in the princely lands from a legal and legal perspective".

### **The importance of the topic and the reasons for choosing it:**

The importance of the topic and the reasons for choosing it are as follows:

1. This issue relates to the issue of the inheritance of women in princely lands in terms of governance and types and the statement of its impact on this from a legal and legal perspective.
2. Demonstrating that women in inheritance is not a sub-issue in it, but it is an essential matter that proves itself strongly and affects other heirs.
3. The focus is on showing that a woman's inheritance is multiple, and it is not limited to one case: "the male has the same luck as the females", but it is multiple and varied according to her position in the inheritance issue.
4. This issue violates women's inheritance rights, and it is not far from the reality of people and their observations.

### **1.1 Research Questions:**

It is represented by:

1. What is the meaning of legal and transitional inheritance?
2. What are the cases of women's inheritance from a legal and legal perspective?
3. What is the nature of women's inheritance in princely lands?
4. What is meant by princely lands?
5. Are there holders of the right to move and what are they meant for?

### **1.2 Research Methodology**

The research methodology was as follows:

1. Relying on descriptive and analytical approaches.
2. Refer to original sources and mothers of books.
3. Presentation of cases showing cases of women's inheritance from the legal and transitional perspectives.

## 2. Previous studies:

Ancient jurists as well as contemporaries discussed the rulings of women in inheritance, its types, and related issues in various jurisprudence books, including:

Daoud (2007) where he talked about the concept and types, in terms of rulings and without addressing the inheritance of women in the princely lands from a legal and legal perspective and other than what the subject of research addressed.

Al-Nimr (2009) he talked about criteria for women's inheritance and how to inherit them without focusing on inheriting them in princely lands and other aspects related to the subject of research.

And also, Shubash (2022), where he updated on the transitional legacy in terms of governance and cases without talking about the issue of women in that, which is what this research addressed.

And other studies and articles scattered on the Internet and others that deal with inheritance in general, or that talk about cases of women's inheritance only, and as for talking about the inheritance of women in the princely lands from a legal and legal perspective, it was not the subject of independent research or study according to my knowledge and knowledge.

## 3. The first topic: what is meant by inheritance and princely lands, and the law governing their inheritance

### 3.1 The first requirement: the reality of inheritance and princely lands

**Inheritance is a language:** in the sense of the origin and the old order inherited by the other from the first, and it is also in the sense of the rest of everything, and it is inherited inherits inheritance and inheritance, where it is said that so-and-so inherited his relative and inherited his father, which is the transfer of something from person to person, or from people to people (Al-Firouzabadi, 1426 AH). In the terminology, it is the transfer of ownership from the deceased to his living heirs, or it is the property and rights left by the deceased to be entitled to his death as the legitimate heir, and it is a divisible right that is established for his due to the death of the person who had it due to a kinship between them or the like. We mean inheritance: inherited, and equal to this absolutely in meaning: the estate (Desouky, 1995).

As for inheritance: it is jurisprudential and arithmetic rules by which the share of each heir of the estate is defined (Sheikh Nizam, 1999).

Article 1109 of the Jordanian Civil Code (1976) provides for the division of the estate among the heirs after the removal of the aforementioned rights, as stated in article 1109: "After the performance of the estate's obligations, the remainder of its property shall be transferred to the heirs, each according to his legitimate share or according to his share by law."

Article 1110 of the Jordanian Civil Code also stipulates that:

1. The trustee of the estate shall deliver to the heirs the property that has befallen them
2. Upon the expiry of the time limit for disputes relating to the inventory of the estate, the heirs may demand the receipt of items and money not required for liquidation or some of them, temporarily against or without the provision of a guarantee.

The Civil Code gives the right to any heir or interested party such as creditor and partner to request the court to issue an inheritance limitation after proving the death and counting the heirs.

This is stipulated in Article (1111): At the request of one of the heirs or the interested party, the court shall issue an argument to count the heirs and indicate the share of each of them in his legitimate inheritance and his transitional right.

Princely lands are defined as lands whose neck belongs to the house of money, such as farms, bushes, and meadows, and these lands do not take place in which inheritance, endowment, mortgage,

sale, gift and pre-emption take place, and the debt of the deceased who was disposing of them is not paid, and his will is not executed (Al-Shdeifat, 2007, Al-Ajouz, 1986). And "the princely land, which is the land that was forcibly opened or reconciled, but did not belong to its people, but was acquired for the house of money, and then leased with a corrupt lease on the condition that they cultivate it and perform from its yield a sharing abscess, and it became famous among the people in the decade, as is the rule of the lands of our country, and it does not belong to those in their hands, they cannot sell and buy it and give it (Sheikhzadeh, 2002).

Ibn Abdeen's footnote reads: "Selling the musk is not permissible, because it is the rent of the land and the irrigation of its rivers, it was called a muska, because its owner has a grip on it, so that it is not removed from his hand because of it, and it is also called a grip corset, because the corset is from the intensity in the sense of strength, that is, the power of clinging, and it has rulings based on royal orders issued by the scholars of the Ottoman Empire (Ibn Abdeen, 1998).

### **3.2 The second requirement: the law governing the inheritance of princely lands**

The law regulating the inheritance of princely lands has been amended over the days by these amendments, according to which it allowed the sale of princely land and put a term for its allowance: "void by allowance", and in exchange for the gift: "free void", and in exchange for mortgage: "void by payment", and "the right to demand for the partner and the mixture": in exchange for pre-emption, and the right of transfer (Shdeifat, 2007, Al-Bitar, 1977): in exchange for inheritance (Shdeifat, 2007).

The provisions of the transfer of princely lands have been subject to several amendments from the time of their appearance at the time of the Ottoman Empire until the last transfer law was issued at the time of Sultan Muhammad Rashad, issued on 27 Rabi' al-Awwal 1331 AH according to February 21, 1912 AD, where this law remained in force until Law No. (4) of 1991 AD was issued, which abolished the division contained in the Immovable Transfer Law, and the princely lands became legally divided after the issuance of the aforementioned law, and this law was issued published in the Official Gazette, in Issue No. 3747, dated 16/3/1991, and became effective as of 16/4/1991 (Shdeifat, 2007).

The articles of the Movement of Immovable Property Act No. 4 of 1991 are as follows:

**Article 1-** This Law shall be called the Law on the Transfer of Immovable Property of 1991 and shall come into force thirty days after the date of its publication in the Official Gazette.

**Article 2-** The transfer of immovable property, including the right to dispose of the Emiri property, to the heirs of the deceased after the entry into force of the provisions of this Law shall be carried out in accordance with the provisions of inheritance in Islamic Sharia and the Personal Status Law in force.

**Article 3-** The Ottoman Immovable Property Law shall be repealed as well as any provision in any other legislation that conflicts with the provisions of this Law.

**Article 4-** The Prime Minister and the Ministers shall be charged with implementing the provisions of this Law.

Hence, if the death occurred on behalf of the princely lands before the date of: 16/4/1991 AD, the division will be according to the transitional law, but if it occurred after it, it will be according to the legal system.

### **3.3 The third requirement: between the legal inheritance and the transitional legacy in the princely lands**

The nature of the relationship between transitional law and legal inheritance appears in terms of points of disagreement and agreement (Al-Bitar, 1977), and this is explained as follows:

First: The difference between legal inheritance and transitional inheritance in terms of, inter alia:

1. There is no differentiation between male and female in transitional law other than Sharia.
2. There are no causal neurons in the transitional other than legal.
3. Relatives of kinship inherit with those with duties and leagues in the transition, unlike the legitimate.
4. The transitional palace is to respond to one of the spouses other than the legal.

Second: As for the points on which they agree, they are as follows:

1. The ruling on pregnancy is in the transition like the legal inheritance, in that it stops his share and the issue is resolved on the estimates of life and death, if he is born alive, the person who is arrested is fully entitled to him, and if he is born dead, the endowment is returned to those who deserve it from the owners of the transfer.
2. The marriage that requires inheritance and transfer is only the correct marriage without the corrupt and invalid.
3. Divorce that requires inheritance and transfer is retroactive, but in the case of health, there is no inheritance or transmission, and in the event of death disease, she inherits it and deserves to be transferred as long as she is in the waiting period, and he does not inherit it if she dies before him and does not deserve to be transferred from it.

#### **4. The second topic: cases of inheritance of women in the legal and transitional inheritance**

The nature of women's inheritance in Islamic jurisprudence shows the strength of their right to entitlement, and that this is not an exception to the general principle of inheritance, but rather it is a stand-alone matter supported by the legal texts establishing the right of men to inheritance, which equates between male and female in the origin of inheritance, based on several methods and cases, some of which are through imposition and others are located through innervation, and these multiple ways of inheritance of women make them more fortunate in inheritance than other heirs, if they are prevented from inheritance from one way she inherited from another way, because her inheritance in Islam is multiple, and it is not limited to one case in which it is: for the male like the females, but the woman may inherit like the male in some cases, and she inherits and he does not inherit in other cases, and sometimes she may inherit more than him as well (Supreme Council for Islamic Affairs, 2006) and this is explained as follows:

##### **4.1 The first requirement: who inherits from women in the case of imposition only**

The heirs of women through the imposition only are: wife, mother, grandmother, sister of a mother, and this is explained as follows:

First: The cases in which the mother inherits (Article 287 of the Jordanian Personal Status Law, 2010) through imposition only are:

1.  $\frac{1}{6}$  The estate with the inheriting branch, or a group of brothers from any quarter, whether male or female, heirs or non-heirs (withheld)
2.  $\frac{1}{3}$  Estate with no heir branch, or lack of plural of brothers.
3.  $\frac{1}{3}$  The remainder after the share of one of the spouses in the age issue (Al-Gharawia), which consists of a father, mother, and one of the spouses (Al-Mousli, 1998).

Second: As for the cases in which the wife (s) inherit (Jordanian Personal Status Law, 2010) through hypotheses, they are:

1.  $\frac{1}{4}$  With the absence of the husband's inheriting branch, whether the branch is from her or from other wives.
2.  $\frac{1}{8}$  with the presence of the heir branch of the husband.

**Third: The grandmother inherits 1/6 of one or more of them, which is divided equally among them** (Jordanian Personal Status Law, 2010), provided that she is an heir, and that there is no one to withhold her, namely:

1. The mother, where grandmothers are completely obscured by her, whether the grandmother is illiterate, paternal or relative.
2. The father, where he withholds only the paternal grandmother.
3. The grandfather and obscures every grandmother who leads to the deceased through his mediation.
4. The closest grandmother, whether the grandmother is from the father's or mother's side, and whether the relative is an heir or is obscured by another heir.

**Fourth: A sister inherits to a mother only 1/6 per one or 1/3 if she is more than one** (Jordanian Personal Status Law, 2010), provided that there is no one to veil them. It is the inheriting branch in general (masculine or feminine) even if it descended, as well as the masculine inheriting origin (father and grandfather) even if higher.

#### **4.2 The second requirement: Whoever inherits from women by imposition once, and by innervation by non-once, and the woman does not combine obligatory and innervation**

The heirs in these cases are women: daughters, daughters of the son, even if their father descends. This is explained as follows:

First: Crucifixion girls (Jordanian Personal Status Law, 2010), and their inheritance cases are as follows:

1. 1/2: If it is one and there is no one to innervate it.
2. 2/3: If there is more than one (there are many) and there is no one to innervate them.
3. Participation with the son(s) in the rest as a way of innervation with others (for the male like the luck of the females).

Second: Daughters of the son, whose inheritance cases (Jordanian Personal Status Law, 2010, Daoud, 2002) are as follows:

1. 1/2: If it is one and there is no one to disobey it, or to block it
2. 2/3: If there is more than one (plural) and there is no one to blindfold them, or to veil them.
3. 1/6 for one or more: When there is a daughter or daughter of a son higher than her and inherited half, the son's daughter(s) remains 1/6 of the two-thirds supplement.
4. Participation with the son's son (son's sons) who is in her degree or lower than her degree if she needs him (to them) to inherit and he (the blessed relative) takes with him (with them) the rest as a way of innervation with others (for the male like the luck of the females).
5. The son's daughter shall be obscured by the following:
  - by the two daughters onwards or by the daughters of the son of a higher degree, unless there is someone with whom to inherit the rest of the innervation.
  - By the son or the son of the son of the highest degree.

#### **4.3 The third requirement: Whoever inherits from women by imposition once, and by innervation by non-once, and by innervation with others once, and the woman does not combine these cases**

These cases concern a number of women: sisters, sisters of a father. This is explained as follows:

First: Sisters, where they inherit through the following cases (Jordanian Personal Status Law, 2010):

1. 1/2: If it is one and there is no one to disobey it, or to block it
2. 2/3: If there is more than one (plural) and there is no one to blindfold them, or to veil them.

3. Sharing with the brother(s): you take with him (with them) the rest as a way of innervation with others (for the male, like the luck of the females).
4. The rest (for one or more) with the feminine heir branch (one or more) as a matter of innervation with others.
5. Sister or sister sisters are withheld in cases:
  - By the male heir branch, such as the son and the son of the son, even if he descends.
  - By the father in agreement, and by the grandfather according to the Hanafi (Al-Mawsili, 1998) contrary to the public (Abd al-Barr, 2000, Al-Husni, 1995, p. 453, Ibn Qudamah, 1997).

Second: Sisters to a father whose inheritance (Jordanian Personal Status Law, 2010) is as follows:

1. 1/2: If it is one and there is no one to disobey it, or to block it
2. 2/3: If there is more than one (plural) and there is no one to blindfold them, or to veil them.
3. 1/6: Complement the thirds with the sister sister who inherited the half.
4. Sharing with the brother to the father (brothers to the father): you take with him (with them) the rest as a way of innervation with others (for the male like the luck of the females).
5. The rest (for one or more) with the feminine heir branch (one or more) as a matter of innervation with others.
6. A sister or sisters of a father shall be withheld in cases:
  - By the male heir branch, such as the son and the son of the son, even if he descends.
  - The father agreed, and the grandfather at the tap contrary to the public.
  - Brother brother
  - By sister sister if she becomes a league with others (Al-Mousli, 1998).
  - With the two sisters, unless the sister or sisters have a nerve-father (brother to father), she takes the rest with him as a male innervation like the luck of the females.

## **5. The third topic: women's inheritance of the princely land and the owners of the right to move according to the transitional law**

### **5.1 The first requirement: the inheritance of women in the princely land**

The jurisprudential basis for the issue of transitional (Ottoman) inheritance is based on the idea that princely lands belong to the state, which in turn owned the citizens the usufruct of those lands without owning their neck (Jordanian General Iftaa Department, 2010, Ibn Abdeen, 2000).

At the beginning of the legislation, the girl was deprived of full use of the princely lands, and then came the royal orders to give daughters like boys. The musk corset - the princely land - is passed on to the son, and the daughter is not given a share... In the year fifty-eight and nine hundred, in such lands that live and succeed with work and the cost of dirhams, it is estimated that it should be given to others by title deed, for the daughters should not have been deprived of the money spent by their father and the royal order to give them was returned" (Sheikhizadeh, 1998, Ibn Abdeen, 2000).

Ibn Abdeen's footnote reads: "Selling the musk is not permissible, because it consists of renting the land and irrigating its rivers, it is called a muska, because its owner has a grip on it, so that it is not removed from his hand because of it, and it is also called a grip corset, because the corset is from the intensity in the sense of strength, that is, the power of holding, and it has provisions based on royal orders issued by the scholars of the Ottoman Empire" (Ibn Abdeen, 2000).

The heirs shared this right equally without differentiating between male and female. This did not mean that they went from being princely to being royal lands, but rather princely lands whose division depends on the method of dividing the estate, as determined by the guardian or his representative (Jordanian General Iftaa Department, 2010).



Therefore, what was previously divided on the basis of the female like the male was not an inheritance to be said invalid, but rather occurred on the part of the right of the guardian to transfer the usufruct of the princely land to whomever he deems appropriate after the deceased, and in all cases the neck remains the property of the state, so there is nothing wrong with the female benefiting from what has become of her based on the old transitional law developed by the jurists of the Ottoman Empire with a good legal view (Jordanian General Iftaa Department, 2010).

### **5.2 The second requirement: the holders of the right to move in the princely land according to the transitional law**

The owners of the right of movement have included the Transfer Law issued on 27 Rabi' al-Awwal 1331 AH according to February 21, 1912 AD at the time of Sultan Muhammad Rashad, and the following is a statement of the owners of the right of movement and their degrees according to what is included in the articles of this law.

1. If a person dies in his custody princely lands or endowments, they shall be transferred to one or more persons on the following grades, and these persons shall be called holders of the right of transfer, and this is stipulated in Article (1) of the Law.
2. The first degree of the owners of the transfer are: the descendants of the deceased, who are his children and grandchildren, and the right of transfer in this degree belongs first to the children, then to their successors, who are the grandchildren of the deceased, and then to the grandchildren of the children.

Therefore, branches that connect to the deceased through a living branch are forfeited from the right of transfer because of the existence of this branch, and the branch that died before the deceased is replaced by its branches, meaning that they take the share that would have been transferred to him. If the deceased had multiple children and all of them had previously died, the examination of each of them shall be transferred to the branches through which they are connected to the deceased.

Given that some children died without a branch, the right of transfer is limited to the remaining children or their descendants. Whenever there are many bellies, the transaction shall be carried out on these assets and in the manner inscribed. Males and female children and grandchildren have equal right to transfer. This is according to Article 2.

3. The second degree of the owners of the transition are the parents and their descendants. If both of them are alive, they have the right to transfer on an equal basis, and if one of them has previously died, his share belongs to his descendants according to their grades, in accordance with the judgments drawn up in the first degree, and if one of them has died and the other is alive The right of transfer is obtained only by the father or mother, but if both have died previously, the father's share is transferred to his branches and the mother's share is transferred to her branches according to the grades, and if there are no branches, the other's branches are independent by transfer, and this is according to Article (3).
4. The third degree of the owners of the transfer; the grandparents of the deceased and their descendants. Grandfathers and grandmothers on the father's and mother's side while they are alive have the right to transfer on equality, and if one of them is dead, his branches take his place according to their grades, and if there are no branches for him, he is examined for the survivor and moves to his branches (the paternal grandfather if he does not exist and does not have a branch examined belongs to the grandmother of the father, as well as if one of the maternal grandparents does not exist and does not have a branch examined belongs to the other). If the grandparents

(paternal or maternal grandfather and grandmother) do not exist, and they do not have branches examined by the grandparents on the other side, and if they do not exist, then their branches, and under this Article (4), the successors of the parents or grandparents from the branches shall be subject to the provisions of the transfer of the estate in the first degree.

5. If some branches in the first, second and third grades deserve to be moved from multiple sides, it is in everyone. According to Article (5).
6. In the grades set forth in the previous articles, they deserve to be transferred in order, and if there is one of these degrees, there is no right for those in the next degree to transfer, with the exception of parents, where they or those who were alive have the right of one-sixth with the owners of the first degree (children and grandchildren). According to Article (6).
7. When one of the spouses meets with the holders of the first degree of the right of transfer, he has a quarter, and when he meets with the holders of the second degree or with grandparents, he is given half. If the grandfather or grandmother has the branches of a grandfather or grandmother on the other hand, the share that will affect the branches will be returned to one of the spouses, and if there is no one of the holders of the degrees (first and second) nor from grandparents, as the right of transfer belongs to one of the spouses only. According to Article (7).

**The following is noted in this law (al-Bitar, 1977):**

- It has made transitional degrees in three are:

**First:** the children, descendants and descendants of the deceased.

**Second:** Parents and their descendants: (brothers to parents, father and mother, and sisters to parents, father and mother) and their grandchildren: (children of brothers and sisters from any side and their children ...)

**Third:** Grandparents: (paternal grandfather, paternal grandmother, maternal grandmother, maternal grandmother) and their branches: (uncles and aunts to parents, father and mother, uncles and aunts to parents, father and mother. And their children and children of their children).

- The parents take one-sixth with the children, grandchildren and their descendants equally, and if one of them is deceased, the living shall be independent by one-sixth, even if the deceased has descendants and offspring.
- One of the spouses takes a quarter with the children, grandchildren and descendants of the deceased, takes half with second-degree holders and with grandparents, and takes half and the share of the branches of grandparents if any (reply).
- If one of the spouses is found, the branches of grandparents do not have a share in the transfer because their share belongs to one of the spouses by way of (restitution), and the right of transfer of these spouses is when one of the spouses is not present.
- If the grandfather and grandmother are on one side deceased and have no descendants or descendants, the right of transfer of their share shall belong to the grandfather and grandmother on the other side, and if not, to their descendants, and if three grandparents died before and did not have branches, the share of these shall belong to the existing grandparents and if not, it shall return to his descendants.
- If none of the holders of the degrees or their descendants or one of the spouses is the land returned to the house of money.

The Transitional Legacy Law (Ottoman) - which is based on the jurisprudential basis considering that the princely lands are the property of the state and its citizens have the right to usufruct those lands without owning their neck - remained in force until Law No. (4) of 1991 was issued in Jordan and became effective in Palestine, which abolished the division contained in the law on the transfer

of immovable lands and became princely lands after the issuance of this law. The said new is legitimately divided.

## 5. Conclusion

Praise be to Allah, Lord of the Worlds, who helped alif for the completion of this work, and praise and thanks to Him, Glory be to Him, he the best thing with which one concludes his work after in this station, it is worth presenting the most important points included in this study:

1. The beginning of the legal legislation has deprived the girl of full use of the princely lands, until the royal orders in the Ottoman Empire came to give girls as boys equally without differentiating between male and female, until Law No. (4) of 1991 AD was issued, which canceled the division contained in the Transition Law, and the princely lands became legally divided after the issuance of this law, as of the date: 16/4/1991.
2. The issue of princely lands is based on the fact that these lands belong to the state, which in turn has owned the citizens the usufruct of those lands without owning their neck.
3. The princely land is the lands whose neck belongs to the house of money (the state), such as farms, bushes, and meadows, and these lands do not take place in which inheritance, endowment, mortgage, sale, gift, pre-emption ... However, the Transition Law has been amended over the past few days, which brought about some change in it, when it authorized the inheritance of the princely land and therefore put a term in its replacement: the right of transfer.
4. The inheritance entitlement of women and the origin of their inheritance in Islamic law shows that this right is not an exception to the general principle of inheritance, but rather that her right to do so is supported by legal texts that equate male and female in the origin of inheritance.
5. The inheritance of women in Islamic law is multiple, as it is not limited to one case, which is that the male has the same as the females, but the woman may inherit like the male in some cases, and she inherits in cases where the male does not inherit, and she may also inherit more than him.
6. The position of women in the Islamic inheritance is mostly of the owners of the duties, which are any owners of duties in the inheritance system inherit before other heirs such as leagues.

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