بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِيْمِ

الوقف والوصية

Digital Waqif

The Waqf & Wasiyyah Playbook

An educational guide to planning bequests, endowments, purposes, and stewardship in the digital age

THE FALAH BUILDER SERIES

Digital Waqif

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The Falah Builder Series — Falah Digital

IMPORTANT: PLEASE READ BEFORE YOU BEGIN

This is educational material, not legal, financial, or religious advice, and not a substitute for a qualified Islamic scholar, a licensed lawyer, or a registered will or waqf deed.

This playbook explains *how the classical instruments of wasiyyah (bequest) and waqf (endowment) are designed to work*, drawing on general Islamic fiqh across the Hanafi, Maliki, Shafi'i, and Hanbali schools. It is written to help you **understand the mechanisms and think clearly before you seek proper advice** — not to hand you a will or an endowment deed to copy, sign, and execute.

Four cautions that run through every lesson:

1. **Nothing here is a will or a waqf deed.** The sample wording and planning templates are learning aids to structure your thinking. They are *not* legally executable documents. Do not copy-paste any passage from this course into a will, trust, or deed and treat it as binding.
2. **The rules vary by jurisdiction.** Wasiyyah and waqf law — and how (or whether) a civil court will recognise them — differ significantly between countries, states, and madhhabs. What is valid in one place may be void in another. You must confirm the specifics for *your* jurisdiction.
3. **You must involve qualified professionals before you act.** Before you finalise anything, have your intentions reviewed by a qualified Islamic scholar (for the fiqh), a licensed estate lawyer (for the civil-law validity), and, where relevant, a Shariah-compliant financial or tax adviser.
4. **Faraid (the fixed inheritance shares) is not the subject of this course.** Where the fixed shares are mentioned, it is only to mark the boundary they place around your planning. The *calculation* of who inherits what is a separate discipline (see the cross-reference note at the end).

If you take one thing from this disclaimer: **understand it here, then go get it properly drafted.**

Introduction: The Job This Playbook Does

Most people treat legacy as a funeral document — something written once, filed away, and opened after death. The classical Islamic tradition treats it as a *living* design discipline. You carve out a defined space, and within that space you act with intention while you are still alive and able to sign.

There are, in the tradition, distinct "exits" through which wealth leaves your hands:

- **Faraid** — the fixed inheritance shares, fixed by revelation, distributed to designated heirs. You have *no discretion* here.
- **Wasiyyah** — a bequest that takes effect after death, capped at one-third of the net estate (after debts and funeral costs), and which cannot go to someone who already inherits a fixed share.
- **Waqf** — an endowment, typically made during your lifetime, where the *corpus* is locked in perpetuity and only the *usufruct* (the yield) flows to a chosen purpose.
- **Hibah** — an outright lifetime gift, transferred with immediate possession.

This playbook is about the two instruments where you have design freedom: **wasiyyah and waqf.** It walks through what each is *designed to do*, the conditions that make them valid, how digital assets complicate the picture, and how to prepare a clear planning brief before you sit down with a scholar and a lawyer.

A note on voice. The source material this course is built on uses two complementary "readings" of every question, and we have kept them because they genuinely help:

- **FARADI — the Jurist's Reading.** The classical fiqh: the conditions (*shurut*), the limits, what makes an instrument valid or void. This is the voice of caution and precision.
- **WAQIF — the Builder's Reading.** The practical, forward-looking application: how to actually design a legacy, especially one that includes crypto, domains, SaaS revenue, and other digital assets. This is the voice of intention and construction.

Hold both. The Jurist keeps you inside the lines; the Builder gives you a reason to pick up the pen.

> **Reminder:** Everything that follows is educational. It describes how these instruments work in general fiqh. It does not tell you what is valid in your country, and it is not a document you can execute. Treat each lesson as preparation for a conversation with a qualified scholar and a licensed lawyer — not as a replacement for one.

PART ONE — THE WASIYYAH (THE WILL)

> **Disclaimer — start of the Wasiyyah section.** The lessons in this part explain the classical design of the wasiyyah: the one-third cap, who may and may not benefit, the conditions of validity, and how digital assets fit in. This is **general educational fiqh, not legal advice and not a will.** Rules on wills — and whether a civil court recognises an Islamic wasiyyah at all — vary by jurisdiction and by school. Nothing here should be copied into a will. Before you write or sign anything, have it reviewed by a qualified Islamic scholar and a licensed estate lawyer in your jurisdiction.

Lesson 1 — What a Wasiyyah Is Designed to Do

The idea

A wasiyyah is the instrument through which you direct up to **one-third** of your net estate — after debts and funeral expenses — to people and causes that would *not* otherwise inherit. It is witnessed, written, dated, and kept accessible to your executor. Without it, your estate is distributed by the fixed shares alone, and your non-heir dependents, your chosen charities, and your digital legacies receive nothing.

The point is not to override the divine distribution. It is to use the defined space the tradition leaves open for *intentional mercy*.

The textual basis (the nass)

Surah Al-Baqarah 2:180 — "Prescribed for you, when death approaches any of you, if he leaves wealth, is a bequest for parents and near relatives — according to what is acceptable. This is a duty upon the righteous."

This verse was revealed *before* the fixed inheritance shares were legislated in Surah An-Nisa. When the fixed shares came down, the obligation to bequeath *to those specific relatives* was abrogated — but the command to *have a written will at all* remained. The Prophet ﷺ said: "It is not permissible for any Muslim who has something to bequeath to spend two nights without having his will written with him" (Bukhari, Muslim).

The Hadith of Sa'd ibn Abi Waqqas (Bukhari, Muslim): The Prophet ﷺ visited Sa'd during his illness. Sa'd asked whether he could bequeath two-thirds of his wealth. "No." "One-half?" "No." "One-third?" "One-third, and one-third is much. It is better to leave your heirs rich than to leave them poor, begging from people." This hadith establishes the **one-third cap** for non-heir bequests — the will is for *additional* charity and support beyond the fixed heirs, never for rewriting the divine distribution.

FARADI — the Jurist's Reading

The wasiyyah is mandatory *in principle* but graded by circumstance. The four schools (Hanafi, Maliki, Shafi'i, Hanbali) differ on whether it is *fard* (obligatory), *wajib* (necessary), or *mustahabb* (recommended). The dominant view: it is **wajib** if you have obligations to discharge — unpaid debts, zakat, trusts (*amanah*), or expiation (*kaffarah*) — or non-heir dependents you wish to support. It is **mustahabb** if you have no such duties but want ongoing charity (*sadaqah jariyah*). It becomes **impermissible** if you bequeath to an heir (disrupting the fixed shares) or exceed one-third without the heirs' consent.

The technical conditions (*shurut*) of a valid wasiyyah, in classical fiqh:

1. **Capacity (*ahliyyah*)** — the testator must be adult, sane, free, and acting voluntarily. A will made under duress or with diminished capacity is void.
2. **Assets** — you can only bequeath what you own. Joint accounts: only your share.
3. **Beneficiary** — cannot be an heir. Must be a specific person, institution, or cause.
4. **Limit** — a maximum of one-third of the net estate *after debts and funeral expenses*. Debts come first.
5. **Witnesses** — the classical requirement is two just Muslim men, or one man and two women; the Hanafi school permits two non-Muslim witnesses where Muslim witnesses are unavailable. Witnesses must not be beneficiaries.
6. **Revocation** — you may revoke or amend at any time while alive.

> *How these conditions are applied, and whether your civil courts will enforce them, depends entirely on your jurisdiction. This list helps you understand the shape of the instrument; it does not tell you what will stand up where you live. Confirm with a scholar and a lawyer.*

WAQIF — the Builder's Reading

Treat the will as the **first** instrument of legacy, not the last. The one-third cap is not a restriction — it is a *design constraint* that forces intentionality. The fixed shares are the space of justice; the one-third is the space of grace. Within it you can fund an endowment, support a non-heir relative, or carry a digital portfolio across the boundary of death to an executor who knows how to manage it.

And this is where the digital age bites. Your seed phrases, multi-sig wallets, domain registrar logins, and SaaS revenue streams are *not* automatically accessible to your heirs. The blockchain does not know you died. If you have no will that names an executor and specifies digital-asset instructions, that wealth is locked — immortal and inaccessible at the same time. A modern wasiyyah needs a *digital inventory clause*: what you own, how it is accessed, and who is authorised to retrieve and distribute it (Lessons 3 handles the mechanics).

Reflection

If you died tonight, could your family even *find* what you own — not the intention, the keys? The honest answer is rarely in your heart. It is on your paper, or it is nowhere.

Lesson 2 — The Four Exits, the Fixed-Share Boundary, and Valid Beneficiaries

The idea

Every asset you own at death leaves through one of four exits, and you cannot mix them:

Exit	What it is	Timing	Cap
Wasiyyah	Post-death bequest to non-heirs	After death	≤ 1/3 of net estate
Waqf	Perpetual endowment; corpus locked, usufruct flows to a purpose	Usually during life	No fixed cap, but must not defraud heirs/ creditors
Hibah	Outright lifetime gift, full possession transferred	During life	None, if it does not harm heirs
Faraid (inheritance)	The residual estate, by fixed divine shares	After death	Fixed fractions

The planning work is to **classify every asset** — digital and tangible — into the right exit *before* death, within the limits the tradition sets.

The textual basis

The waqf as a legitimate exit is grounded in the **hadith of Umar ibn al-Khattab at Khaybar** (Sahih al-Bukhari, Kitab al-Wasaya): Umar acquired a valued palm grove and asked the Prophet ﷺ what to do with it. “If you wish, you may make it a waqf and give its produce in charity.” Umar endowed it on the condition that the corpus itself could never be sold, gifted, or inherited, while its fruits went to the poor, relatives, travellers, and guests.

And the hadith of Abu Hurayrah (Sahih Muslim): “When a man dies, his deeds end except for three: ongoing charity (*sadaqah jariyah*), beneficial knowledge, or a righteous child who prays for him.” The waqf is the archetype of ongoing charity.

FARADI — the Jurist’s Reading

Two boundaries matter most here.

First, the fixed-share boundary. The fractions in Surah An-Nisa (4:11–12, 4:176) — one-half, one-quarter, one-eighth, two-thirds, one-third, one-sixth — are fixed by revelation. You do not design that justice; you execute it. "Allah has given every rightful person his right; so no bequest to an heir" (Abu Dawud, Tirmidhi). You cannot use a wasiyyah, a waqf, a gift, a smart contract, or a foreign legal entity as a loophole to disinherit a fixed-share heir. Doing so is tampering with the limits of Allah (*hudud Allah*).

This course does not teach you how to calculate those shares — that is the separate discipline of faraid. What you need to carry forward is only this: roughly two-thirds of a typical estate is already spoken for, and your design freedom lives in the remaining third (for wasiyyah) and in whatever you lawfully endow as waqf during life.

Second, valid beneficiaries. For a wasiyyah, the beneficiary must *not* be someone who already inherits a fixed share (unless all other heirs consent after death), must be identifiable or administrable, and the purpose must be lawful — no bequest for riba, gambling, or haram enterprise. A bequest that exceeds one-third, or that goes to a fixed-share heir without consent, is void as to the excess.

> *Whether your jurisdiction's courts will honour these distinctions — and how "consent of the heirs" is evidenced — varies. Confirm locally.*

WAQIF — the Builder's Reading

The fixed matrix is a gift to the planner: it *frees you from designing fairness among your heirs*. You stop agonising over who gets what; that is settled. Your energy concentrates on two questions only: how do I use the one-third well, and what do I want to endow as waqf that outlives me?

A clean mental model for building:

- Inventory everything.
- Mark what is already bound by the fixed shares (do not touch it).
- Within the one-third, decide your wasiyyah — including whether part of it seeds a waqf.
- Decide what, if anything, you will endow *during life* as waqf (removing it from the estate entirely).
- Classify the remainder.

Reflection

Pick one asset you own. Which of the four exits should it leave through — and have you ever actually decided, or just assumed?

Lesson 3 — Digital Assets and the Wasiyyah: Inventorying and Securing the Invisible Estate

The idea

Two failures lose more digital wealth than theft ever will: **the asset nobody knew existed**, and **the asset nobody could unlock.** This lesson covers both — the inventory obligation and the key covenant.

The textual basis

Classical jurists defined *mal* (wealth) as "that which is naturally desired and can be stored for use in need." Ibn Abidin: "*Mal* is anything that has value and is permissible to benefit from." The Shafi'is and Malikis leaned on custom (*'urf*) — "*al-'urf muhakkam*," custom is authoritative. Today, custom plainly treats a Bitcoin wallet, an income-generating domain, or a SaaS codebase as wealth. The *Shariah* recognises value where the community recognises value, provided it is lawful (*halal*) and deliverable (*maqdur 'ala taslimihi*).

On trust and access: the Prophet ﷺ praised the trustworthy custodian (*al-amin*) who returns what he was entrusted with, in full and on time (Bukhari, Muslim). In the digital age, "returned" means *the key is handed over*. Ibn Abidin noted that a trustee who dies without making the trust known is sinful and liable. Withholding the key is a form of harm to the heirs.

FARADI — the Jurist's Reading

Faraid can only distribute what is *found*. The classical jurists assumed the estate was known, locatable, and divisible. They never imagined wealth that vanishes when a password is forgotten. If no inventory exists, the shares become fractions of a ghost. The executor's duty of discovery is real, but discovery needs clues — a log, a location, a recovery method. "Do not consume your wealth among yourselves unjustly" (2:188); letting wealth evaporate through negligence is a species of that injustice.

So the obligation is **proactive inventory by the living**, with, for each asset: (1) what it is (name / URL / contract address), (2) how it is accessed (seed phrase, private key, 2FA backup — stored *separately* and securely), and (3) its designation (personal, business, or waqf).

WAQIF — the Builder's Reading

A legacy you cannot list is a legacy you cannot endow (*al-waqf yaftaqir ila al-ta'yin* — the endowment requires specification). "I endow my crypto" is meaningless. Which wallet? Which chain?

A working inventory of the digital kingdom spans: crypto and tokens (hot, cold, multi-sig wallets; exchange accounts; staked assets; NFTs); domains (registrar, expiry, DNS, revenue); intellectual property (code repos, SaaS codebases, AI models, content libraries, patents); digital businesses

(Stripe/PayPal, subscription platforms, stores, community admin roles); monetised social accounts; and infrastructure (cloud storage, password managers, email, SIM/eSIM, hardware wallets).

Then, **the key covenant: you shall not die with the only key.** The craft is to separate *control during life* from *control after death*, so that access exists but cannot be seized, and moves only when you stop moving. The classical tools map onto modern ones:

- **Custody quadrants** — Hot (daily use), Cold (long-term store), Multi-sig (shared control), Inherited (time-locked or trigger-based transfer).
- **Multi-sig with heirs/executor** — e.g. a 2-of-3 threshold where you hold one key, your executor one, and a trusted third party (lawyer, imam, or time-lock) the third. After death, two parties reconstruct access without you.
- **A dead-man switch** — access releases after a defined period of verified inactivity.
- **A sealed succession document** — the key hierarchy, held by a trusted non-heir bound by *amanah*, updated regularly.

The risks are real and worth naming: a human custodian can be bribed or coerced; a smart contract cannot be bribed but can have bugs; a single key is a single point of catastrophic failure. Design for redundancy, test it, and never let one failure stop the flow.

> *The specific tools, services, and legal wrappers that are safe and recognised where you live are beyond the scope of this course. Treat the above as a conceptual map, and get the implementation reviewed by a competent technical adviser and a lawyer.*

Reflection

Name one digital asset that, if you died tonight, no one would ever find or unlock. Is it worth more to you than the hour it would take to document and secure it properly?

PART TWO — THE WAQF (THE ENDOWMENT)

> **Disclaimer — start of the Waqf section.** The lessons in this part explain the classical design of the waqf: what it preserves, how corpus and usufruct are separated, how assets and purposes are chosen, and how the endowment is governed. This is **general educational fiqh, not legal advice and not a waqf deed.** Whether a civil jurisdiction recognises an Islamic waqf — and through what legal vehicle (trust, foundation, purpose trust, registered waqf board) — varies enormously. On-chain "waqf" structures in particular sit in deep regulatory uncertainty. Nothing here is a deed you can execute. Before endowing anything, consult a qualified Islamic scholar and a licensed lawyer in your jurisdiction, and remember a waqf is generally irrevocable once made.

Lesson 4 — Purifying the Estate, and What a Waqf Is Designed to Preserve

The idea

Before you can lawfully endow anything, the wealth must be **clean** — because you cannot endow, bequeath, or distribute what is encumbered. Then we turn to the waqf itself: an instrument designed to *preserve* a corpus in perpetuity while its benefit flows forever to a purpose.

Purification first (the prerequisite)

The classical sequence for settling an estate is immutable and ordered: **(1) burial expenses, (2) all debts, (3) the wasiyyah — up to one-third of what remains, (4) the fixed shares.** The Qur'an conditions inheritance on prior clearance — "after any bequest or debt" (4:11, 4:12, 4:176), and debt is named before bequest in every verse. The Prophet ﷺ said: "The soul of a believer is held hostage by his debt until it is paid off" (Tirmidhi, Ibn Majah), and "Begin with the debts before the bequest" (Muslim).

Zakat owed at death is treated as a debt to Allah and, in the Hanbali and Hanafi view, must be discharged from the estate before distribution. This includes zakat on modern assets — many contemporary scholars hold crypto held for trade is subject to zakat on its market value, with different treatment for long-term holdings versus active trading, mining, or staking.

The builder's warning: **a waqf built on debt is a lie.** The classical condition for a valid waqf is *milk tamm* — complete, unencumbered ownership. A mortgaged property is not fully yours to give. Purify first; endow only what is clean and lawful.

> *Zakat treatment of digital assets is genuinely contested among scholars and varies by school and by how the asset is held. Do not rely on the summary above — get a specific ruling.*

What a waqf preserves (the textual basis)

Return to Umar's grove: the corpus "never sold, given away, or inherited," the fruit given perpetually. The waqf separates two things:

- **The corpus (*mawquf*)** — the tree that can never be cut. It is removed from your ownership and from the inheritance pool entirely.
- **The usufruct (*manfa'ah*)** — the fruit that flows forever to your designated beneficiaries (*mawquf 'alayh*).

You are the *waqif* (founder). You appoint an *amil*/*nazir* (manager/overseer). You write a *waqfiyyah* (deed) defining purpose, beneficiaries, and the succession of managers. In classical understanding, it is a commitment that is irrevocable once executed.

FARADI — the Jurist's Reading

Because the waqf removes wealth from the inheritance pool, it is a grave matter. The jurists are clear: a waqf that exhausts the estate to the detriment of lawful heirs is disliked (*makruh*) and, in some schools, invalid where it exceeds one-third combined with the wasiyyah — unless all adult heirs consent after the waqif's death. The dominant view (Hanafi, Shafi'i, Hanbali) permits endowing up to roughly one-third during life without that consent. For a lifetime gift (*hibah*) the rule is more permissive; for waqf, because it is perpetual and irrevocable, the caution is greater. You cannot use the waqf to rewrite the Qur'anic inheritance.

WAQIF — the Builder's Reading

The waqf is the only exit of wealth that can survive you by centuries. Its anatomy is simple — corpus locked, usufruct flowing — but perpetuity is a *decision*, not a wish. The key design rule: **the corpus must be productive.** A waqf of idle assets produces no ongoing charity. Endow only what generates continuous, lawful value — rental income, dividend streams, staked (halal) yield, recurring revenue. And build in redundancy: name multiple managers, specify succession, and anticipate the day the corpus stops being productive (classically, *istibdal* — substitution — but only under proper authority).

Reflection

What hidden debt or unpaid zakat might your estate discover too late — and poison the very legacy you meant to leave clean?

Lesson 5 — Selecting Assets, Beneficiaries, and Purposes for a Waqf

The idea

A waqf is only as strong as three choices: **what you endow (corpus), whom/what it serves (purpose and beneficiaries), and how durable the design is.** This lesson is about making those choices well — including when the corpus is digital or tokenised.

FARADI — the Jurist's Reading

The classical conditions (*shurut*) for a sound waqf:

- The **corpus** must be identifiable, transferable, and non-consumable (real estate, IP rights, domains, tokenised assets, and so on), and **lawfully owned and halal** — not interest-bearing instruments or riba-based tokens.
- The waqf is generally declared **during life** (*inter vivos*), not smuggled into a will beyond the one-third limit.
- The **usufruct** must go to a specified lawful purpose — scholarships, maintaining a masjid, Quranic education, open-source Islamic knowledge, a water fund.
- A **manager** (*amil*) or mechanism must be appointed to enforce the terms, and the waqif generally cannot revoke after execution.

What *voids* perpetuity: any clause letting the founder or heirs reclaim the corpus or arbitrarily change the beneficiary after death; using the waqf to disinherit fixed-share heirs; or endowing an unlawful asset.

WAQIF — the Builder's Reading

Choose a durable corpus. A domain name needs annual renewal — not perpetual unless you also endow the renewal cost. A smart contract can persist on-chain, but its governance key must sit with a board, not a person. A content channel earns only while someone maintains it and the platform's terms hold. Anticipate decay; name a technical administrator *and* a purpose guardian.

Make the purpose specific. Not "for the sake of Allah" in the abstract, but something administrable: "the net revenue from [this specific source] shall be distributed [on this schedule] to [this specific fund], and if that fund ceases, to [this named fallback]." Specificity is what blocks abuse — the classical deeds named the street, the neighbour, the minaret.

On **tokenised / on-chain waqf**: the appeal is real — an immutable corpus no one can sell, transparent accounting every beneficiary can see, and programmable, time-locked distributions. Pilots exist (mosque-endowment tokenisation in some jurisdictions). But the honest cautions are just as real:

- **The oracle problem** — code cannot verify off-chain facts (a graduation rate, a death, a new heir) without a trusted oracle, which can fail or be corrupted.

- **Regulatory recognition** — many jurisdictions do not recognise an on-chain waqf as a valid legal trust; you may need to register it in a civil vehicle that does.
- **Halal yield and real value** — the corpus must be genuine productive value (not a memecoin), and the yield must come from lawful sources (no riba protocols, no gambling derivatives).
- **Realistic perpetuity** — the chain must plausibly outlive you; test with a small endowment first.

> *On-chain endowment is a frontier with little settled law and active scholarly debate. Do not treat the above as a green light. It is a map of the questions you must put to a qualified scholar, a lawyer, and a security-competent technical adviser before committing any real value.*

Reflection

If you had to endow one productive asset today and name one specific, fallback-protected purpose for its yield — what would the asset be, and exactly who would the fruit reach?

Lesson 6 — Governance and Stewardship: The Executor, the Manager, and Business Continuity

The idea

An instrument is only as good as the people who carry it. This lesson covers choosing an executor (*wasi*) and endowment manager (*amil*), and keeping a living business from dying with its founder.

The textual basis

"The trustee (*amin*) is not liable for what is not his fault" (Ibn Majah; graded sound by al-Albani) — the executor is held to a standard of *due care*, not perfection. If an asset is lost without negligence (a hack, a market crash), no personal liability attaches; but recklessness (storing keys in plaintext, delaying distribution, favouring one heir) does attach liability. Classically, the executor must be trustworthy (*'adl*), sane, adult, and *capable of the task* — and for a digital estate, capability now includes real technical literacy.

FARADI — the Jurist's Reading

The executor **executes your will but distributes God's shares.** He is a delivery mechanism for divine justice, not a redistributor of preferences. The classical accountability (*hisbah*) is rigorous: the judge (*qadi*) supervises, and can remove an executor who fails to collect debts, liquidate properly, or distribute in reasonable time. Appoint someone who fears Allah more than he fears your family — and who can actually open a hardware wallet and navigate a domain registrar. A

compensation (*ujrah*) for the work is permitted if reasonable and disclosed (prefer a fixed fee over a percentage, which invites moral hazard). Avoid appointing a conflicted fixed-share heir as sole executor over a contested estate.

WAQIF — the Builder's Reading

For complex digital wealth, a **hybrid** is strongest — e.g. a family member (who knows your values and handles beneficiary relations), a Shariah-compliant estate lawyer (legal filings), and a crypto-literate trustee (wallet recovery and transfer), with major decisions requiring more than one signature. Name a successor manager; store the dead-man switch with a separate custodian; update contacts and keys regularly. A single point of failure voids the whole design.

Business continuity is a special case of stewardship. A sole proprietorship dies with its owner; a partnership generally dissolves on a partner's death (the classical rule: *tanfasihu al-shirkatu bi-mawti ahad al-shuraka'* — the contract of agency ends with death); a company survives but its shares become inheritable property that heirs may not know how to run. The gap the Shariah leaves is sharp: **ownership transfers instantly; authority does not** — and that gap kills businesses. The remedies are to *classify* each entity and pre-write a succession instrument (a continuation clause, a buy-sell agreement, a directed transfer with compensation to other heirs), or — the most powerful option — to make the enterprise itself a **waqf**, removing it from the line of inheritance so it continues under a board of trustees for a defined purpose (the classical *habous*/*awqaf* commercial tradition did exactly this).

> *Succession instruments, partnership law, and whether a business can be endowed as waqf are heavily jurisdiction-dependent and must sit in the entity's actual founding documents — not merely in a personal will. This is squarely a lawyer's domain.*

Reflection

Can you name a *living* person who both understands your values and could technically recover your most important digital asset? If not, you have named a ghost, not an executor.

PART THREE — HANDOFF

Lesson 7 — Drafting a Planning Brief Before You Seek Professional Advice

The idea

You do not draft your own will or waqf deed. But you *can* arrive at your scholar's and lawyer's office with a clear, organised **planning brief** — which makes their work faster, cheaper, and far more accurate. This lesson assembles the threads of the course into that brief.

A planning brief is **not a legal document.** It is a structured summary of your intentions and your situation, for professionals to review, correct, and translate into something valid. Think of it as the homework, not the exam.

A planning-brief checklist (educational template — not a will or deed)

1. **Family map** — list every person who might be a fixed-share heir (parents, spouse, children, siblings if no children). *You are not calculating their shares here* — that is faraid, a separate discipline (see the cross-reference note). You are simply ensuring no rightful heir is omitted and none is invented.
2. **Asset inventory** — every asset, digital and tangible, with: what it is, how it is accessed, approximate value, ownership status (solely owned / jointly owned / encumbered by debt), and its intended exit (wasiyyah / waqf / hibah / inheritance).
3. **Purification list** — all debts (secured, unsecured, subscriptions, tax, margin loans) and any zakat you suspect is outstanding. Flag anything you are unsure about for the adviser.
4. **Wasiyyah intentions** — within the one-third, who and what you wish to support, and whether part of it seeds a waqf. Note any bequest that might touch a fixed-share heir (which needs heir consent).
5. **Waqf intentions** — candidate corpus (productive, halal, fully owned), specific purpose, named fallback purpose, and a proposed manager and successor.
6. **Governance** — your intended executor(s) and endowment manager(s), their competencies, fee arrangement, and a succession plan.
7. **Business continuity** — each business interest, its legal form, and what you want to happen to it.
8. **Open questions for the professionals** — a frank list of everything you are unsure of. This is the most valuable page in the brief.

> *Every item above is a prompt for a conversation, not a decision that is final the moment you write it. The templates and wording in this course are learning aids; they carry no legal force. The output of this lesson is a brief to hand to a qualified scholar and a licensed lawyer — nothing more, and nothing less.*

Reflection

Of the eight items above, which one is most incomplete for you right now? That gap is exactly what is currently unprotected.

Lesson 8 — Handoff: Turning an Educational Plan into Jurisdiction-Specific Review

> **Disclaimer — final lesson.** This closing lesson exists precisely to hand you *off*. Everything in this playbook has been **educational**: a map of how wasiyyah and waqf are designed to work in general Islamic fiqh. It is **not legal, financial, or religious advice; not a will; and not a waqf deed.** The moment you move from understanding to *acting*, you leave the scope of this course entirely. Do not execute anything based on this material alone. The remaining work — and it is essential work — belongs to qualified professionals who know your jurisdiction.

What only a professional can do for you

- **The scholar (fiqh)** confirms what is valid in your school, resolves the genuinely contested questions (zakat on digital assets, the validity of on-chain structures, the treatment of specific beneficiaries), and ensures your intentions do not cross the limits of the Shariah.
- **The lawyer (civil law)** confirms whether — and how — your jurisdiction recognises an Islamic wasiyyah or waqf, drafts documents that will actually stand up in court, and handles the interaction between religious intention and secular inheritance law, which frequently conflict.
- **The financial / tax adviser** confirms the zakat, tax, and structuring implications, and whether a corpus is genuinely productive and halal.

The handoff sequence (educational guidance, not instructions to execute)

1. **Prepare the planning brief** from Lesson 7.
2. **Take the fiqh questions to a qualified scholar first** — resolve what is permissible before you spend on legal drafting.

3. **Take the validated intentions to a licensed estate lawyer** in your jurisdiction, and have the actual will, trust, or deed drafted and properly witnessed or registered.
4. **Have the financial and tax implications reviewed**, especially for business interests and any tokenised or yield-bearing corpus.
5. **Review periodically** — a birth, a death, a divorce, a new asset, or a move to a new country can change everything. What was valid can quietly become void.

A closing word

The tradition's own framing is that your deeds end at death except for three: ongoing charity, beneficial knowledge, and a righteous child who prays for you (Sahih Muslim). A waqf is the archetype of the first. But the tradition is equally insistent that the *justice* of the fixed shares is never sacrificed to the *grace* of the endowment. You do not starve your heirs to feed a foundation. You hold both.

This playbook has tried to give you the understanding. It cannot — and must not — give you the document. **Understand it here. Then go and have it properly drafted.**

Where This Fits: Three Products, Three Different Jobs

Digital Waqif deliberately does one job and hands off the others. If you are planning your estate, you will likely need all three of the following, and it helps to know which answers which question:

- **Faraid Inheritance Workbook** answers: *"How is the estate distributed among the heirs?"* — the **distribution math**, the fixed shares, the calculation. (This course deliberately does **not** teach that; it only marks the boundary the fixed shares create.)
- **Digital Waqif** (this course) answers: *"What mechanisms can be planned for bequests, endowments, purposes, and stewardship?"* — the **planning mechanisms** of wasiyyah and waqf, and how they behave with digital assets.
- **Amanah Home** answers: *"How does the family preserve information, intentions, and continuity?"* — the **household organisation** of records, access, and continuity.

Think of it as: *Faraid Workbook* computes the shares, *Digital Waqif* designs the mechanisms, and *Amanah Home* organises the household that has to live with both.

FINAL REMINDER

This is educational material, not legal, financial, or religious advice, and not a substitute for a qualified Islamic scholar, a licensed lawyer, or a registered will or waqf deed. Wasiyyah and waqf law vary by jurisdiction and by school. Nothing in this playbook is a will or deed you can copy, sign, or execute. Confirm every specific with qualified professionals in your jurisdiction before you act.

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