

Table Of Content

Journal Cover	2
Author[s] Statement	3
Editorial Team	4
Article information	5
Check this article update (crossmark)	5
Check this article impact	5
Cite this article	5
Title page	6
Article Title	6
Author information	6
Abstract	6
Article content	7

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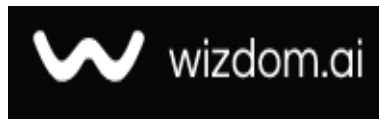
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Mutual Relationship of Islamic Law and Private International Law in Inheritance Matters

Attia Suleiman Khalifa, dratia_hwj@ntu.edu.iq, (1)

Forensic Evidence Techniques Department, Al-Huwayjah Technical Institute, Northern Technical University, Iraq

Nashwan Salah Samad, nashwan.salah@ntu.edu.iq, (0)

Occupational Safety and Occupational Medicine Techniques Department, Health and Medical Technical College, Northern Technical University, Iraq

⁽¹⁾ Corresponding author

Abstract

General Background: In today's globalized world, cross-border inheritance disputes are increasingly common, raising challenges where Islamic law intersects with private international law. **Specific Background:** Islamic inheritance rules, grounded in the Qur'an and Sunnah, impose mandatory shares, while private international law addresses conflicts of laws, jurisdiction, and recognition of foreign judgments. **Knowledge Gap:** Despite extensive literature on both systems, little research has focused on their mutual influence, particularly in reconciling religiously based inheritance rules with secular international frameworks. **Aims:** This study investigates how Islamic inheritance principles interact with private international law, highlighting areas of harmony and conflict, and exploring mechanisms for integration. **Results:** The analysis reveals significant challenges such as jurisdictional disputes, limits of testamentary freedom, procedural diversity, and the role of public order in excluding foreign laws. It also identifies opportunities for harmonization through bilateral agreements, renvoi application, and judicial adaptation. **Novelty:** Unlike previous works, this research provides a comparative approach supported by case studies, proposing models that respect both Islamic values and international legal norms. **Implications:** The findings suggest pathways to develop legal systems that uphold religious and cultural diversity while ensuring fairness, predictability, and global legal coherence in inheritance matters.

Highlights:

- Interaction of Islamic inheritance principles with private international law creates both harmony and conflict.
- Public order plays a decisive role in accepting or rejecting foreign inheritance laws.
- Bilateral agreements and clear choice-of-law provisions help reduce cross-border disputes.

Keywords: Islamic Law, Private International Law, Inheritance, Conflict of Laws, Cross Border Disputes

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Introduction

Importance of the Study: People and families can have links to many countries in a world becoming more and more global. In inheritance issues, particularly when one jurisdiction follows Islamic law and another adopts secular legal principles, these links might result in conflicts of law. This research helps to solve and explain such difficulties. Islamic law lays certain guidelines for inheritance distribution to guarantee equality and fairness among heirs [1]. Knowing how these norms interact with private international law guarantees that, especially in cross-border matters, all parties' rights are protected and maintained [2]. **Motives for choosing the theme:** Deeply ingrained in the religious and cultural identities of millions of people all over is Islamic law. Especially in circumstances of cross-border inheritance, the paper investigates how these values could be maintained and honored within the larger framework of international legal systems [3]. Furthermore, cohabitation of secular and religious legal systems poses special difficulties, especially in fields like inheritance where personal status rules are rather important. This intricacy drives a closer study of the harmonization and conflicts between other legal systems, where judges and attorneys often struggle to settle inheritance problems including Islamic law and private international law [4]. This research is rather important for professionals in the industry as it seeks to provide useful ideas and solutions. **Difficulties of the Study:** Whereas private international law is essentially secular and differs greatly across countries, Islamic law is developed from religious ideas [5]. Dealing with these essentially distinct approaches to inheritance presents a great difficulty. The research also has to negotiate complex rules of conflicts of laws including jurisdiction, relevant law, and foreign judgment execution [2]. These complexity may make the analysis exceedingly technical and multifarious; additionally, Islamic law is not monolithic; interpretations vary across schools of thought (e.g., Hanafi, Maliki, Shafi'i, Hanbali, Ja'fari) [6]. Knowing and considering these variances adds even another level of complexity. Conversely, there is no common framework controlling cross-border inheritance conflicts involving Islamic law and private international law, therefore producing different methods and uncertain results [7].

Method

Scope of Research: The mutual influence between Islamic law and the rules of private international law in matters of inheritance and exploration of the fundamental principles of Islamic inheritance law, including its sources (Qur'an, Sunnah, and scholarly interpretations) and its basic concepts such Fara'id (obligatory shares) [1]. includes study of private international law doctrines, especially those pertaining to inheritance, like conflict of laws, choice of law, jurisdiction, and acceptance of foreign rulings [2]. We also identify areas of harmony and conflict between the two legal systems by thorough comparison of the laws controlling inheritance in Islamic law with those in secular systems under private international law.

Results and Discussion

A. Results

The Impact of Private International Law on Inheritance Issues in Islamic Law: Particularly in circumstances involving international conflicts, private international law greatly affects the interpretation of Islamic inheritance rules. The interaction of these two systems draws attention to both possibilities and difficulties in equitably and successfully addressing inheritance problems [4].

1. Determination of Applicable Law

Private international law offers means to decide which law applies in inheritance conflicts involving many nations. When one considers Islamic law, the choice usually rests on elements like the deceased's nationality, location, or domicile [2]. Because to differences in legal traditions, cultural practices, religious views, and society standards, inheritance laws vary greatly across countries. Particularly in civil law systems, succession is generally controlled by codified norms that stress family relationships, these variations affect how estates are allocated, which laws are implemented, and how conflicts are settled [7]. While Common law jurisdictions, such the United States or the United Kingdom, prioritize testamentary freedom, allowing individuals great discretion in distributing their estates through wills, countries applying Sharia (e.g., Saudi Arabia, Iran) strictly regulate inheritance, ensuring that close relatives receive a portion of the estate [5]. This is true of mandatory inheritance shares in France or Germany (Laatr, 2018) [8]. While other countries like India, personal laws influenced by religion (Hindu, Christian, or Muslim law) govern inheritance for different communities, creating a pluralistic legal environment, fixed shares are allocated to heirs based on the Qur'an and Sunnah, and gender plays a role in determining these shares [6]. Should a foreigner's inheritance be contested outside of their own nation, the matter raises difficult legal, cultural, and procedural questions. Resolving issues concerning jurisdiction, appropriate law, and the acceptance of foreign decisions in such conflicts usually calls for the use of private international law concepts [2]. Usually, the nationality, domicile, or habitual abode of the dead determines the law relevant to the inheritance issue; additionally, this concept of *lex situs* the law of the place where the property is situated plays a vital role [9]. When a foreigner's

bequest consists of assets housed abroad**[9]. Application of the personal law of the deceased:- The personal law of the dead is the legal framework controlling an individual's personal status, including her inheritance. Many countries rely mostly on the personal law of the departed to decide the guidelines of succession and the division of their wealth. Many times, this legislation relates to things like country, residence, or religion. Particularly where there are foreign aspects or conflicts of law, Article 22 of the Iraqi Civil Code No. 40 of 1951 offers guidelines for deciding the relevant law in circumstances concerning inheritance. When a dead or their assets are linked to more than one nation, this article helps determine which legal system controls the distribution of an estate. According to the article, the nationality of the dead controls issues of personal status including inheritance. This implies, independent of the location of the assets, the inheritance rules of the deceased's nationality will usually apply. While the deceased owns immovable property (such as land or buildings) in Iraq, the law of the location (*lex situs*) applies to the distribution of the estate, regardless of the deceased's nationality. If a foreigner dies with assets in Iraq, for example, the inheritance rules of their nationality will control how the estate is divided, absent real estate in Iraq. [10] This concept guarantees that the laws of the nation in which the real estate is located i.e., Iraq in this case guest rule over disputes involving real estate. Unless otherwise stated, the law of the deceased's domicile, or permanent residence, usually applies as for moveable property (such as bank accounts, personal possessions, or stocks) [11]**. Should the dead have a residence outside of Iraq, the laws of their domicile or nationality usually control the succession of any moveable goods. Because of its great relevance to an individual's identity, expectations, and cultural or legal context, inheritance is subject to personal law in cases of a conflict of laws. Personal law, which is generally decided by nationality, domicile, or habitual residence, reflects the deceased's personal circumstances, cultural values, and society norms. Applying personal law to inheritance guarantees that the transfer of assets fits the deceased's wishes and identity; likewise, personal law provides a uniform and predictable framework for deciding inheritance policies. This is especially crucial in cases when the dead links to many countries as it lessens ambiguity for heirs and beneficiaries [12]. Money Site Law Application:- Referred to as the *lex situs* for immovable property and occasionally *lex rei sitae* for movable property, the opinion in jurisprudence that the law applicable to inheritance should be the law of the place where the money (or property) is located—based on certain practical and legal considerations whereby each jurisdiction has exclusive authority over property situated within its territory. Using the local legislation guarantees that inheritance honors the sovereign legal system controlling that property, also Local laws are better enforced by officials and courts in the area of the property. Particularly when local institutions or systems are engaged, this streamlines administrative procedures including probate and asset distribution; furthermore, following the law of the place clarifies all parties, especially in cases of assets situated in many jurisdictions [13]. This saves the need to prove foreign laws in court or reconcile conflicting personal laws. Certain jurisdictions might have particular laws pertaining to property ownership, taxes, or prohibitions on foreign ownership. Using local laws guarantees adherence to these guidelines and helps to prevent disputes with regional legal standards. Laws controlling property often support more general society objectives as land use control, inheritance taxation, or protection of historical or cultural landmarks. Local legislation guarantees these objectives are maintained [14]. He faults some of the legal application of the Financial Location Law on Property. Applying the law of each property's location can result in inconsistent results if a deceased person's estate is scattered over several jurisdictions, so complicating the resolution of inheritance conflicts; moreover, *Lex situs* may not reflect the personal or cultural expectations of the deceased, particularly if they lived in a different jurisdiction with separate inheritance laws, on the other hand Personal law controls personal status and associated affairs like inheritance in various systems. Using *lex situs* on moveable assets such as money might throw off this accepted legal legacy. *Lex Situs* and Personal Law should at last be balanced where the law of the place of the property (*lex situs*) usually applies because to its relationship to land rights and sovereignty. To fit the deceased's personal legal setting, personal law—based on domicile, nationality, or habitual residence—often controls moveable assets, including money. Offering flexibility, some systems let people choose the law controlling their inheritance via a will. This is what Iraqi law considers in article 22 of the Iraqi Civil Code [15]. And lastly, while following the law of the place of the money (*lex situs*) has practical and geographical benefits, it may cause fragmentation and inconsistency in cross-border inheritance situations. Thus, many countries choose a hybrid approach, using personal law for moveable property and *lex situs* for immovable property, thereby guaranteeing both justice and pragmatism in international inheritance conflicts [16]. Recent literature highlights that legal frameworks governing inheritance cannot be separated from broader socio-economic contexts; for instance, studies addressing Iraq's residential crisis and international loan dynamics emphasize the importance of coherent regulatory systems that balance local traditions with global legal standards [17], [18].

2. Scope of Applicable Law to Inheritance in Int

Ernational law:- In international law, concepts of private international law—conflict of laws—formulate the extent of relevant legislation applicable to inheritance. It decides which legal system controls the inheritance process in case of many jurisdictions involved, especially in cross-border conflicts. Usually, the relevant legislation controls the following features of inheritance:

a. Choosing Heirs and Beneficiaries

In inheritance law, the determination of heirs and beneficiaries is a crucial process controlled by the relevant legal framework, which differs depending on the jurisdiction and whether the succession is intestate (without a will) or testamentary (with a will), where the applicable law establishes who the heirs are and their shares in the estate when a person dies without a valid will. Personal law established by nationality, domicile, or habitual residency guides intestate succession most of the time, and Legal systems give close family members top priority, usually

classifying them—e.g., spouses, children, parents, and siblings. Stated differently, the choice of heirs and beneficiaries is a difficult process shaped by legal systems, family dynamics, and international issues. Although legal systems seek to guarantee justice and consistency, clarity in testamentary papers and succession planning help to greatly reduce conflicts and uncertainty [19].

b. Validity of Forced Will and Testaments

A pillar of inheritance law, the legality of compulsory will and testaments guarantees the legal distribution of a dead person's assets in line with their preferences. Although jurisdiction determines the validity standards, usually they include both substantive and procedural factors; a will must satisfy certain formalities to be regarded legitimate. Writing and Form Signature and Witnesses, in addition the substantive validity of a will concentrates on the testator's ability and purpose where these criteria seek to avoid fraud and secure the legitimacy of the instrument. The testator has to be mentally able to grasp the nature of creating a will, understand the size of their property, and identify the possible successors and their rights. A will may be void depending on mental infirmity, too strong influence, or compulsion. [20]

c. Heirs Rights and Obligations

Legal jurisdiction and the controlling inheritance rules affect the rights and responsibilities of heirs. However, in many legal systems, where Heirs can choose to accept the inheritance (with or without conditions) or renounce it entirely, especially if the estate has significant debts and in the case of multiple heirs, they have the right to demand partition or distribution of the estate in accordance with their legal share also Heirs are entitled to receive complete and transparent information about the deceased's estate, including assets, debt, and liabilities [21].

d. Administration of the Estate

The administration of the estate is the process of managing and distributing the assets and obligations of a dead person in line with their will (if one exists) or, in the lack of a will, in line with the principles of intestate succession. This procedure guarantees correct settlement of the deceased's financial and legal matters, debt payment, and distribution of residual assets to the legitimate heirs or beneficiaries. Should the dead leave a legal will, usually the will designates an executor in charge of distributing the inheritance. If no will exists or if the designated executor is unable or reluctant to act, the probate court will name an administrator; the executor is permitted to act on behalf of the dead. Many times, the administrator is another competent person or a close family. If a will exists, the administration of an estate is a multi-stage procedure that guarantees the deceased's desires are respected; debts are paid; and assets are dispersed fairly. When many countries are engaged or when there are questions about the legitimacy of the will or the division of assets, the procedure may become convoluted. To carry out their duties and safeguard the interests of heirs and beneficiaries, executives and managers have to negotiate legal constraints with great care [22].

e. Rules for Forced Heirship

Legal clauses known as forced heirship regulations guarantee, independent of a will, certain family members—usually children, spouses, or sometimes parents are entitled to a share of a dead person's wealth. These guidelines supersede the testator's preferences in order to preserve close relative inheritance rights. Most often found in civil law systems, forced heirship is especially important in international inheritance law when handling estates across boundaries. The idea behind compelled heirship is to stop people from disinherit close relatives who are regarded to have a legal claim to inherit a piece of the inheritance [23]. Although the dead person has expressly omitted heirs such as children or spouses from their will or attempted to leave less than the statutory portion, this safeguard guarantees a minimum part of the estate for these heirs. Many civil law systems depend on forced heirship, a necessary component of inheritance law that guarantees minimal portion of the estate protection for certain family members. It protects the financial stability of close relatives even if it reduces the testator's capacity to freely disperse their possessions. Forced heirship restrictions may complicate cross-border estates, and thorough estate planning is essential to properly negotiate these requirements [24].

3. Foreigners' Status in Inheritance Cases

In inheritance matters, a foreigner could be either a defendant (in response to allegations) or a plaintiff (starting the lawsuit). Involving a foreigner in such positions involves particular legal and procedural questions about jurisdiction, appropriate legislation, and execution of decisions. These factors rely on the laws of the nation where the issue is being tried as well as any current international agreements. Usually aiming to submit a claim to an inheritance or question an element of the estate's distribution, a foreigner acting as a plaintiff Based on the rules controlling the deceased's inheritance, a foreign heir might start a lawsuit to get their fair part of the estate. For instance, a foreign woman sued the heirs of her Saudi husband claiming her due portion of the estate. Although the marriage occurred outside the court and not recorded, the judge decided her case was legal and she got a portion of the inheritance. (Judicial Rulings Collection, 1435) In circumstances where a foreigner is accused of improper behavior or when their rights to the estate are contested, they might find themselves defendants. Like so, Other heirs or interested parties might contest the foreigner's claim to the inheritance, claiming lack of standing or that their rights are subordinated under relevant legislation or Claims of fraud, embezzlement, or improper influence on

the dead can be filed against a foreign defendant engaged in estate planning or asset management. All told, foreign plaintiffs or defendants in inheritance matters must negotiate jurisdictional problems, relevant legislation, and procedural complexity. Protecting their rights depends on knowing the relevant legal systems and looking for suitable advice [25].

B. Discussion

1. The Role of Public Order in The Law Applicable to Inheritance

Particularly in international or conflict-of-law circumstances, the idea of public order—or *ordre public*—plays a major influence on how laws are applied in inheritance issues. Public order is the basic ideas and ideals of a society judged necessary for its social, moral, and legal system. Based on the basis of *lex domicilii* (law of domicile), *lex situs* (law of the place), or *lex patriae* (law of nationality), a court may use the law of another country when inheritance matters involving many countries. On the other hand, should the foreign law offend the public order of the forum nation, its applicability may be limited or denied for illustration purposes. Many countries, like France, have rigorous compulsory heirship laws that guarantee certain family members cannot be totally disinherited. Should a foreign law permit complete disinheritance, it might be considered against public order in such countries or Under the public order principle, a court may reject a foreign inheritance law if it treats certain heirs (e.g., depending on gender, religion, or validity) unfairly [26].

a. The Role of Islamic Law in Excluding Foreign Law

In nations where Sharia principles form the basis of public order (*ordre public*), Islamic law greatly affects the exclusion of Western law. Particularly in areas like family law, inheritance, and financial transactions, this exclusion mechanism guarantees that foreign laws contradictory with Islamic legal, moral, or social values are neither implemented or enforced. Public order is ingrained in Islamic countries mostly in Sharia, which stands for divine direction and controls both personal and social behavior. In Islamic law, public order sometimes refers to Laws contradicting Islamic religious values might be disallowed if inheritance laws have to follow Islamic standards and foreign laws allowing acts like *riba* (interest), same-sex marriage, or gambling violate moral order. Additionally, Islamic governments use the concept of public order to exclude foreign law under certain conditions, for example Islamic law requires set shares for heirs (*faraid*). Furthermore, rejected might be foreign laws enabling uneven treatment of heirs or freedom of testation. Usually seen incompatible with Islamic ideals are practices like unrestricted divorce or acceptance of non-Islamic weddings (e.g., same-sex marriages). Islamic courts often call for public order to forbid alien laws. For example, while handling international family law issues in Indonesia, the court often incorporates Islamic law doctrines, therefore guaranteeing adherence to Islamic rules [27]. Indonesian courts investigate nature of the connection. Would applying the foreign law disturb societal cohesion or moral values for examples a Muslim national residing abroad dies, leaving assets in a country where foreign law permits complete disinheritance of children? Is the case directly related to the Islamic jurisdiction (e.g., involving Muslim nationals or assets within the jurisdiction)? In an Islamic jurisdiction, the foreign law is probably excluded; if a foreign law recognizes a marriage that is unacceptable under Sharia (e.g., same-sex or polyandrous marriages), the marriage might be void in Islamic jurisdictions due to public order concerns [28]. In Islamic countries like Saudi Arabia, where *riba* is forbidden, frequently international rulings enforcing interest-based contracts may be invalidated. Although Islamic law's public order is firmly anchored in Sharia, its execution differs based on the interpretation of Islamic principles by the jurisdiction and degree of Sharia's incorporation with national law. While some (e.g., Indonesia) balance Sharia with international legal norms, in contrast the exclusion of foreign law for violating public order can create challenges in cross-border legal relationships as Islamic governments may reject to recognize or enforce foreign judgments that contradict Sharia-based public order. Article 32 of the Iraqi Civil Code states that: "The provisions of the Foreigner Law stipulated in the previous texts may not be applied if these provisions are contrary to public order or morals in Iraq [12]. In sum, The exclusion of foreign law for breaching public order guarantees that Islamic governments uphold society, moral, and religious values anchored in Sharia. This theory preserves public morality and protects the integrity of Islamic legal systems even in a legal environment becoming globalized. Still, it also calls for careful balance to handle the complexity of foreign legal contacts.

b. Terms of Use of Public Order Payment in Inheritance Matters

In inheritance affairs, the terms of usage of public order relate to how public order concepts are implemented to guarantee that inheritance laws and their execution coincide with the society, legal, and moral norms of the jurisdiction. Terms and conditions below typically apply in the framework of inheritance, especially in countries like Iraq where Islamic values and state policy have great weight.

1) Public order guarantees obedience to obligatory legal standards for inheritance, including the compelled heirship system in Islamic law. Some heirs—such as spouses, children, parents—have to have specific estate portions. Any arrangement—including a will or foreign law—that runs counter to these required guidelines is deemed void [26].

2) Protection of Heirs' Rights: Public order assures that heirs cannot be unfairly denied their rightful shares, defined by Sharia law or local laws, or disinherited. In Iraqi law, for instance, disinheritance must follow rigorous

legal criteria and a will that totally removes required heirs would be invalid [23].

3) Agreements that divide inheritance against public morality or Islamic values such as usury agreements or immoral clauses in wills—are unlawful under Prohibition of Agreements Contrary to Public Morals. For instance, a clause allowing inheritance only upon the satisfaction of immoral conditions would be against public order [24]

4) Equality in Treatment (Subject to Local Norms): Public order may respect local legal traditions while enforcing rules guaranteeing equality. In Islamic law, for instance, male heirs usually get more than female successors. Any effort to impose a foreign norm requiring equal shares would be considered in an Islamic jurisdiction as against public order [16].

5) Following Islamic principles—Sharia—is essential for public order in Muslim-majority nations like Iraq. Any foreign inheritance legislation that runs counter to Islamic norms may be declared unenforceable. When inheritance includes foreign elements—that is, a foreign decedent or estate situated overseas—the implementation of foreign laws cannot run counter to public order in the jurisdiction. Under Article 32 of the Civil Code, Iraqi law adopts this concept permitting foreign laws to control inheritance unless they contradict public order or morality [27].

6) While other countries provide unlimited testamentary freedom, Iraq restricts this to guarantee adherence to Sharia and public order values, therefore violating public order. For instance, bequests to non-heirs only cover one-third of the estate unless required heirs' approval is secured. As in the situation where A foreign individual with assets in Iraq creates a will based on their national laws, excluding certain heirs and giving the whole inheritance to one heir. Should this contradict Iraqi inheritance laws, the Iraqi courts will modify the allocation in conformity with public order. Or if someone tries to pass a will including property to a party disqualified according to Islamic inheritance rules. Public order would allow one to nullify such a transfer [22]. As a sum, Inheritance's public order concepts guarantee that the legal system corresponds with obligatory legal regulations, religious beliefs, and fundamental society values. These values preserve Islamic inheritance regulations and defend heir rights in Iraq and like countries.

2. Integration Between Islamic Sharia and Private International Law in The Issue of Inheritance

With reference to the inheritance question, there are many factors suggesting the interaction between Islamic law and private international law:

a. Respect of Public Policy (Ordre Public)

Countries using PIL might reject to impose foreign laws (including Sharia) should they contravene basic national policies. In private international law (PIL), a crucial concept is public order, often known as *ordre public*. It lets governments refuse the application of foreign laws or the execution of foreign rulings should they contradict the fundamental values, ethics, or principles of the home legal system. In terms of inheritance, public order is absolutely important for harmonizing the implementation of foreign inheritance laws with the social and moral framework of the host state. PIL decides the relevant law in inheritance conflicts containing cross-border aspects by use of linking criteria such nationality, domicile, or habitual residence. Respect of public order, however, serves as a defense against implementing foreign laws that go against basic home values such gender equality or A nation where gender equality is a constitutional right could reject to apply foreign laws assigning unequal shares of inheritance based on gender, or foreign laws excluding adopted children or recognizing illegitimate children contrary to domestic principles either partially or totally set aside [26].

b. Choice of Islamic Law for Wills

Muslims in non-Muslim countries can include Islamic inheritance rules into their wills, provided the selected provisions line with the testamentary laws of the jurisdiction in issue where Private international law (PIL) generally respects the principle of party autonomy, allowing people to choose the governing law of their will, including Islamic law. Still, this regard depends on a number of elements, including if the clauses contradict local rules or public policy, When PIL Most non-Muslim governments let people choose their own ruling law, particularly if they have a strong relationship to the law that is, by nationality, habitual residence, or religion. A Muslim testator living in a non-Muslim nation may clearly express in their will that Islamic law plus should rule them. Many times, local laws limit testamentary freedom in order to guarantee justice and safeguard certain heirs. Islamic clauses in a will—such as set shares or exclusion of certain heirs—are likely to be maintained whether they coincide with or contradict local rules. For example, Islamic regulations allowing shares to certain heirs may usually be followed provided they follow local norms about compelled heirship and Some countries acknowledge "moral obligations" of testators, which might coincide with Islamic values [28].

c. Agreements Between Two Countries or Between Several Countries

Particularly in international affairs concerning inheritance and wills, bilateral and multilateral agreements may be rather important in harmonizing the implementation of Islamic law. Under the frameworks of both Islamic law and the relevant governments' private international law (PIL), these agreements help nations to solve any legal issues, advance mutual acceptance of legal systems, and guarantee respect of testator intentions [29].

Conclusion

Finally, this study produces some suggestions and conclusions as follows:

First Results

1. Many countries with Muslim populations acknowledge and follow Islamic inheritance standards, which are based on set shares and obligatory heirship guidelines. But non-Muslim governments may restrict their relevance in light of public policy concerns. Although PIL concepts like renvoi and choice of law help to apply Islamic inheritance laws in cross-border situations, they also generate legal complexity.

2. With set portions for certain heirs, Islamic law strictly regulates the disposal of inheritance. This runs against the testimonial freedom granted in many Western judicial systems.

Particularly in countries where compulsory heirship is not required, PIL systems find it difficult to balance these variances.

3. Courts in non-Muslim countries might reject to apply Islamic inheritance norms that contradict local public policy, including ones favoring male heirs or barring certain heirs.

For Muslim testators residing in non-Muslim countries, this restriction generates uncertainty.

4. Referring inheritance matters back to the law of the deceased's country or residence helps the renvoi concept to lead to the reapplication of Islamic law. In multinational situations, this usually helps to clarify the link between PIL and Islamic law.

5. Procedural variations across countries (e.g., in evidence, probate processes) worsen the difficulties of implementing Islamic law via PIL. Depending on their goals, parties are turning to forum shopping more and more, choosing states more likely to implement or reject Islamic inheritance laws.

6. Existing PIL systems, such the Hague Conventions, insufficiently handle the special features of Islamic inheritance, thereby generating a need for particular treaties or agreements that suit these values.

Second Recommendations: We have developed a set of ideas based on our study *The Mutual Influence of Islamic Law and the Rules of Private International Law on Inheritance Matters*. We highlight them below:

1. Promote the creation of bilateral or multinational conventions addressing the mutual application of Islamic law and PIL in inheritance concerns.

2. Clearly identify public policy exclusions to reduce uncertainty and let Islamic inheritance norms where relevant be acknowledged.

3. Provide procedural rules for cross-border inheritance situations and inspire Muslim testators to incorporate clear choice-of-law provisions in their wills to reduce conflicts.

4. PIL guidelines should specifically identify circumstances wherein Islamic law might be selected, therefore offering consistency in application.

5. Jurisdictions should use adaptable strategies to allow religious inheritance customs without going against basic local values. Courts could, for instance, partly uphold Islamic inheritance restrictions while changing discriminating clauses to reflect popular opinion.

6. Provide Islamic inheritance arbitration systems approved by non-Muslim as well as Muslim-majority governments. These systems might provide quicker and more sensitive solutions for inheritance conflicts in terms of culture.

7. Train judges and legal practitioners on Islamic inheritance rules and their relationship with PIL principles by means of improved knowledge of the religious and cultural relevance of Islamic law thus ensuring fair adjudication.

8. Codify how renvoi need to be handled in situations involving Islamic law to lower discrepancies and disputes across countries. To guarantee fit with world legal systems.

9. Muslim-majority nations should think about changing certain inheritance rules to handle problems arising in multicultural or multinational environments.

10. Educate Muslims living in non-Muslim countries about their rights, the restrictions of Islamic law in other countries, and the need of legally compatible wills.

11. Promote cooperation among nations with predominantly Muslims to create regional PIL systems handling inheritance conflicts including Islamic law.

12. Islamic academics and legislators might strive for interpretations of inheritance laws that solve issues of gender inequity in contemporary settings, therefore increasing the acceptance of these regulations everywhere

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