



RESEARCH ARTICLE

Inheritance rules for conjoined twins in Islamic jurisprudence

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ABSTRACT

This research examines the topic of inheritance rulings for conjoined twins in Islamic jurisprudence, given the increasing occurrence of this phenomenon and its expected rise in future generations. This highlights the importance of clarifying the inheritance rulings for conjoined twins and how to apply them in Islamic law. The study aims to define conjoined twins from both medical and jurisprudential perspectives, outlining the medical and jurisprudential criteria for determining whether conjoined twins should be regarded as one individual or two distinct persons. It also reviews jurisprudential rulings on their inheritance with practical examples. The study employs an inductive-analytical method along with a comparative approach, by gathering comprehensive information related to the research topic, analyzing it accurately, and extracting general concepts to reach correct conclusions. Additionally, it compares jurisprudential and medical opinions on the subject and evaluates differing views among scholars on various jurisprudential issues to determine the most favorable opinion from the researchers' perspective. The study concludes that conjoined twins are regarded as one person if the independence of each twin's life is not established, and as two separate persons if their independent lives are confirmed. This distinction directly affects the inheritance rulings concerning them. The study recommends further attention to the legal rulings related to conjoined twins and suggests creating an extensive jurisprudential encyclopedia encompassing all legal rulings across various branches of Islamic jurisprudence for conjoined twins, covering all possible cases in detail.

INTRODUCTION

All praise is due to Allah, whom we praise, seek help from, seek forgiveness from, and seek guidance from. We seek refuge in Allah from the evils of our own souls and from the consequences of our deeds. Whomever Allah guides, none can misguide, and whomever He allows to stray, none can guide. I bear witness that there is no deity worthy of worship except Allah, alone without partner, and I bear witness that Muhammad is His servant and Messenger. Allah sent him with truth, guidance, and righteousness. He conveyed the message, fulfilled the trust, and we send prayers and peace upon the Messenger of Allah ﷺ, upon his noble companions, and upon those who follow them in righteousness until the Day of Judgment, with abundant salutations.

To proceed:

Allah created the children of Adam in honor, forming them in the best of forms and the finest of shapes. He says: "Indeed, We created man in the best of stature" [Surah At-Tin: 4]. However, some manifestations of human creation may appear with certain deformities. In these, there are profound divine wisdoms, such as prompting reflection upon Allah's magnificent creation and greatness. Such

reflections strengthen the believer's faith and may guide the misguided toward the path of righteousness. They also inspire gratitude to Allah for the blessings of health, completeness, and beauty of creation. Moreover, these deformities serve as a form of trial for the afflicted, testing their patience and contentment. If they persevere and remain content, the trial becomes a means of expiation for their sins in this world and a cause for their eternal bliss in Paradise. On the other hand, if they despair, it may lead to their loss in both this world and the Hereafter.

Among such deformities is the creation of conjoined twins, who live their entire lives physically connected, sharing all worldly activities. Allah has decreed the occurrence of this phenomenon since ancient times, allowing early jurists to be aware of it and to establish rulings for them. The early jurists devoted attention to this matter, diligently striving to develop jurisprudential rulings for their cases. However, with the passing of time and the advancements in modern technology and medicine, some jurisprudential rulings regarding conjoined twins may require reevaluation to align with contemporary realities, while adhering to the foundational principles established by early jurists.

This research is dedicated to discussing the inheritance rules of conjoined twins due to the lack of in-depth exploration of their rulings in this area. This study, titled "Inheritance Rules for Conjoined Twins in Islamic Jurisprudence," focuses on the inheritance regulations applicable to conjoined twins. It encompasses the principles and rules for their inheritance in Islamic law, addressing their roles as inheritors and those who bequeath, while providing practical examples of their inheritance cases.

This is a human endeavor, and as such, it is bound to have shortcomings. Whatever is correct is by the grace and guidance of Allah, and whatever is wrong is from me and Satan. I ask Allah for success, assistance, and proper guidance. May Allah's peace, blessings, and mercy be upon our Prophet Muhammad, his noble family, companions, and those who follow his path and guidance, with abundant salutations.

PROBLEM OF THE TOPIC:

The central issue of this research lies in how inheritance rules are applied to conjoined twins. Some questions arise regarding this, such as: Are there specific regulations or rulings on how to inherit in their case? Do they inherit as one person or two separate individuals?

Research Questions:

1. What is the definition of conjoined twins?
2. What are the medical and jurisprudential criteria for determining whether conjoined twins are considered one person or two individuals?
3. What are the jurisprudential rulings regarding the inheritance of conjoined twins, both as heirs and as inheritors?
4. What is the impact of conjoined twins on the issue of exclusion (hijab) in inheritance?

Research Objectives:

1. To define conjoined twins from both a medical and jurisprudential perspective.
2. To clarify the medical and jurisprudential criteria used to determine whether conjoined twins are considered one person or two individuals.
3. To review the jurisprudential rulings on the inheritance of conjoined twins, considering them both as heirs and as those who inherit, with practical examples.
4. To examine the impact of conjoined twins on the issue of exclusion (hijab) in inheritance, with practical examples.

Scope of the Research:

The scope of this research is to extensively examine the inheritance rulings of conjoined twins, without addressing their rulings in the fields of worship and transactions.

RESEARCH METHODOLOGY:

The study follows both an analytical and inductive approach, alongside a comparative method. It involves gathering sufficient information related to the research topic, followed by thorough analysis. The study aims to derive general concepts from this information to reach accurate conclusions. Additionally, it compares the various jurisprudential and medical opinions concerning the topic, analyzing the differing viewpoints of jurists on controversial jurisprudential issues related to the research to reach the most reliable opinion, supported by the examination of the evidence for each opinion and discussion of these perspectives.

Previous Studies:

Acknowledging the efforts of those who have contributed to this field, I present the following studies which, after reviewing available books and research, I found not to be entirely focused on the inheritance of conjoined twins. However, several studies and theses discuss the definition of conjoined twins, the causes behind the phenomenon, and its implications, including their inheritance as a sub-topic. Below is a summary of the key efforts and studies:

- "The Conjoined Twin: Marriage, Crimes, and Inheritance," by Muhammad Burhanuddin Al-Sanbali, presented to the Islamic Fiqh Academy, Mecca, 20th session, Muharram 1432H - December 2010.
- The researcher discusses the history of conjoined twins, the increase in occurrences of this phenomenon in modern society, and the criteria for determining whether they are considered one person or two in the context of worship. He also addresses their marriage rulings in detail and provides a brief mention (four lines) of their inheritance, with a focus on the researcher's conclusions.
- "Virtual Jurisprudence in the Shafi'i School," by Muhammad Ali Ahmed Ali Al-Naimi, Thesis in Islamic Jurisprudence and its Principles (published), Graduate School, International Islamic University, Amman, Jordan, 2014.
- This study explores the share of the mother when there are two conjoined twins, under the section addressing hypothetical jurisprudential issues related to breastfeeding and inheritance. The researcher defines conjoined twins, mentions the growing frequency of the phenomenon, and discusses how the mother inherits in the presence of conjoined twins, comparing the views of classical and contemporary jurists on the rules of inheritance for such cases.
- "Conjoined Twins and their Rulings in Islamic Jurisprudence," by Badshah Rahman, Haroon Or Rashid, Malakand University, Shakhdra Dair, Albania, Volume 9, Issue 2, July-December 2020.
- This study provides an overview of conjoined twins, their classifications, and the criteria for considering them as one person or two. It elaborates on the theoretical rulings of their inheritance from three perspectives: as heirs, as inheritors, and concerning exclusion (hijab). It offers a more detailed analysis of inheritance issues than previous studies and compares them with related studies. The paper also discusses the legal opinions surrounding the marriage of conjoined twins and the differing views on the subject.
- What distinguishes this research from others is the in-depth treatment of inheritance issues for conjoined twins, covering a wide range of topics: their inheritance as heirs and as those who inherit, as well as the impact on exclusion in inheritance, illustrated with practical

examples. This research includes both theoretical and practical aspects, unlike other studies in the field.

Research methodology summary:

1. Define the terminology and jurisprudential opinions on conjoined twins.
2. Analyze the jurisprudential texts related to inheritance rulings for conjoined twins, discussing the differences in opinion.
3. Clarify the issue under study before stating its ruling, as needed.
4. Review medical studies on conjoined twins to understand the scientific aspects of the condition.
5. Rely on jurisprudential books from the four schools of thought to analyze the rulings related to inheritance for conjoined twins.
6. Reference contemporary fatwas and opinions relevant to the research topic.
7. Compare the opinions of jurists from the four schools to identify differences in jurisprudential rulings, critically discussing each and highlighting the most reliable opinion.
8. Derive the relevant jurisprudential rulings on inheritance for conjoined twins based on the analysis of texts.
9. Ensure academic integrity by accurately citing the sources of each opinion.
10. Support the research with relevant texts from the Qur'an and the opinions of jurists, citing them correctly.
11. Use lexicons and linguistic sources to explain the terminology in the research.
12. Cite Qur'anic verses to clarify inheritance shares, ensuring they are highlighted in the text.
13. Place Quranic verses within decorative brackets, then mention the name of the surah and verse number within separate brackets in the body of the text.
14. Provide proper documentation of sources and references, including detailed citation in the bibliography.
15. Mention results and recommendations derived from the research.
16. The research will also ensure precise citation practices, including abbreviations like (D.T) for undated works, (D.N) for works without a publisher, and (D.M) for sources without a stated place of publication.

RESEARCH PLAN:

This research dictated that I divide it into: an introduction and two sections, each section dividing three sections, a conclusion, and then indexes.

The introduction included: an introduction to the research topic from the perspective of the wisdom behind the existence of these congenital deformities, a simple historical overview of the existence of this phenomenon, an introduction to the research topic, the problem of the topic, research questions, research objectives, research limits, research methodology, previous studies, research methodology, and research plan.

The first topic: defining conjoined twins and explaining their reality according to doctors and jurists, and two requirements fall under it:

- The first section: Definition of conjoined twins.

- The second section: Scientific types of twins.

The second requirement: Explaining the reality of conjoined twins according to doctors and jurists, and two branches branch out of it:

- The first section: Explaining the reality of conjoined twins according to doctors.
- The second section: Explaining the reality of conjoined twins according to jurists

The first requirement: The provisions for the inheritance of conjoined twins, as they are heirs or heirs. It has three branches:

- The first section: Pregnancy with two conjoined babies.
- The second section: The provisions for the inheritance of conjoined twins, as they are heirs.
- The third section: The provisions for the inheritance of conjoined twins, as they are heirs.

The second requirement: Defining blocking and explaining the extent of the influence of conjoined twins in the section on blocking. Two branches branch out from it:

- The first section: Defining blocking linguistically and terminologically and explaining its types.
- The second section: The extent of the effect of conjoined twins in the section on blocking,

Then the conclusion, which dealt with the most important findings and some recommendations, and a list of sources and references arranged alphabetically according to the author's name.

The first topic: Defining conjoined twins and explaining their reality according to doctors and jurists.

The first requirement: Defining conjoined twins and the types of twins scientifically. The first section: Defining twins linguistically, terminologically, and the types of twins scientifically.

First: Linguistically, twins are those born with others in the womb of one of the two or more. Male or female, or male and female, and the plural is twins and twins; A woman may perform the prayer when she gives birth to two children in one womb, and her brother performs the prayer: he was born with him, and he is his mother, and she is his mother and his mother is his mother (1).

Secondly: Twins Terminologically

The majority of scholars from the four schools of Islamic jurisprudence expanded on the linguistic definition by adding a time criterion between the births. They defined twins as two children born within less than six months of each other, from the same womb.

According to the Hanafi School:

Al-Marghinani stated: "Two children born within less than six months, because no pregnancy lasts less than six months." (2)

Ibn Mazah said: "If the interval between the births is less than six months, they are considered twins, and twins are born from one womb." (3)

According to the Maliki School:

Imam Malik explained: "What if a woman gives birth to one child and then another after five months, would they be considered from the same pregnancy?" He replied: "Yes." I asked: "If the second is born six months or more later, would they be considered two pregnancies or one?" He said: "Two pregnancies." (4)

Al-Rassa' stated: "If the interval between their births is less than six months." (5)

According to the Shafi'i School (6):

Al-Nawawi stated: "The condition for them to be considered twins is that the interval between their births must be less than six months; if it is six months, they are considered two separate pregnancies." (7)

Ibn Hajar said: "Whenever the interval is less than six months, they are twins." (8)

This view was also supported by Ibn Qudamah of the Hanbali school

Preference Between the Linguistic and Jurisprudential Definitions of Twins:

Upon examining the definitions provided by linguists and jurists, the linguistic definition is preferred, which states that twins are any two children born together from the same womb.

This is because the jurists' criterion of specifying a minimum interval of less than six months between their births does not align with reality or scientific evidence. Typically, the interval between the births of twins is only a matter of minutes, as the birth of the first twin usually triggers the uterus to deliver the second twin. If the delivery of the second twin is delayed for several hours, it poses a risk to its life, and if the delay is prolonged, the second twin is likely to be stillborn (9).

Thirdly: Definition of "Conjoined" Linguistically and Terminologically:

Linguistic Definition of "Conjoined":

The root of the word "Lasiqa" is Laam-Saad-Qaaf which denotes adherence or attachment. It is said: "Lasiqa bihi" , meaning to adhere to or stick closely to something (10). Thus, the term refers to something attached or closely associated with another. The terminological meaning does not deviate from this linguistic sense.

Fifthly: Definition of Conjoined Twins as a Compound Term According to Jurists and Physicians:

According to Jurists:

Classical jurists did not provide a specific textual definition for conjoined twins. However, contemporary jurists have offered various definitions, including:

"A child born with another child or more in the same womb, where their bodies are connected at any point of attachment." (11)

"Two nearly fully developed children who are attached or fused together by nature with muscular tissue." (12)

"Any two children naturally connected at one or more parts of their bodies, such that separation is only possible through surgical intervention; they are a type of identical twins." (13)

From the above it becomes clear that conjoined twins are born, and it emerges from this that they are more than two bodies, of the same sex, so they cannot be male and female. They lived a significant period of their lives, with parts of their bodies united and linked by muscle tissue, and they cannot be separated except by a surgical operation, and in some cases not They can be separated, and they are identical twins.

Doctors' Definition:

Doctors define conjoined twins as twins that originate from a single ovum and a single placenta. These are identical twins whose separation process was incomplete, resulting in their being born connected in one or more areas of the body. They share the same gender, genetic traits, and blood type, meaning that each twin can donate blood or organs to the other without requiring immunosuppressive medication (14).

Doctors have explored various causes of this phenomenon, but the most widely accepted and prevalent explanation is that it results from delayed separation of the fertilized ovum. The separation process remains incomplete during the embryonic disc stage, known as the germinal disc stage, leading to incomplete division in one or more areas of the body. This results in the formation of two embryos within one amniotic sac and a single chorionic membrane, causing the birth of connected twins, a phenomenon referred to as the theory of incomplete division (15).

The connection of twins can take various forms, including attachment at the sides, backs, heads, pelvises, sacral regions (16), or chests. The birth of conjoined twins is considered one of the most challenging childbirth processes (17).

SECTION TWO: SCIENTIFIC TYPES OF TWINS

There are two main types of twins: identical (monozygotic) twins and non-identical (dizygotic) twins. Identical twins are so similar that they can be considered as one person, born in two separate bodies with identical physical features, including gender, genetic traits, and blood type. However, subtle differences between them exist, making them distinct individuals, although medical science cannot fully explain these minute differences. This reflects the greatness of God in His creation (18).

Conjoined twins are only seen in identical twins. Thus, conjoined twins are a type of identical twins.

The second type is non-identical twins: These twins do not share identical characteristics and may differ in gender, with one being male and the other female. They may also differ in color, shape, and blood type. Each of the two embryos has a separate placenta, but they are born on the same day from the same womb. This is in contrast to identical twins (19), and no conjoined twin cases can occur in non-identical twins.

Subsection Two: The Truth about Conjoined Twins According to Doctors and Jurists

Subsection One: The Truth About Conjoined Twins According to Doctors (20)

Doctors divide conjoined twins into two types from a medical perspective: parasitic twins and complete twins, based on the presence of internal organs and the fundamental life-sustaining components.

First: Parasitic Twins

These occur when one twin has fully developed organs, while the other is a part of the body attached to the first twin. This second twin lacks the essential life-sustaining organs, such as the brain and heart, according to most doctors. The parasitic twin relies on the complete twin for survival, and thus, both are considered as one person by medical professionals.

Second: Complete Twins

In this type, both twins have fully developed life-sustaining components, and each can survive independently. These twins are typically easier to separate. However, they may share a vital organ, such as the heart or brain, making separation impossible without endangering the life of one or both. In this case, they are regarded as one person by doctors.

The doctors' criterion in this regard is the consideration of the vital organs, namely the brain and the heart. If both share these vital organs, they are considered a single person; if each has independent vital organs, they are considered two separate individuals.

Section Two: The Reality of Conjoined Twins According to the Jurisprudence Scholars

The jurists have paid significant attention to this issue, and it has not been hidden from them. They have made great efforts to establish the criterion for determining whether conjoined twins are one person or two. This is crucial, as determining whether conjoined twins are one or two people is key

to understanding all of their legal rulings, including those related to inheritance. The jurists have divided conjoined twins into two categories: non-problematic conjoined twins and problematic conjoined twins. For each type, the scholars have different opinions regarding the criterion.

First: Non-Problematic Conjoined Twins

These are twins whose bodies are complete and independent, but are conjoined in certain parts such as the heads, chests, or backs. They are two separate bodies but are conjoined, often with four arms and four legs, or sometimes three legs. These twins cannot be separated. There are several opinions among jurists about the criterion for this type.

First Opinion: Some jurists argue that the criterion is the completeness of the external organs. If the external organs of each twin are complete, they are considered two individuals. Some scholars, such as Al-Jamal in his marginal notes, have said: "The conjoined twins, with their complete organs, are considered two in all rulings" (21). Al-Qalyoubi said: "If they are conjoined and the organs of each are complete, even the genital organs, they are considered two individuals in all rulings" (22). Al-Hatimi stated: "If they are conjoined and each has a head, two hands, two legs, and genital organs, their ruling is like that of two individuals in all matters" (23).

This means that if the external organs are incomplete, for example, if they share a lower part of the body, they are considered one person.

However, this opinion can be criticized because there have been cases where conjoined twins share external organs but have been proven to be two individuals based on other signs. The completeness and independence of the external organs do not necessarily indicate the independence of life for each twin. Therefore, this opinion can be applied as a criterion for some cases, but not all.

Second Opinion: Some jurists mention that the criterion is the presence of two heads. As Al-Sharbini mentioned: "One body cannot have two heads. The two bodies must have two heads. If there is only one head, the entire body is considered one" (24).

However, the presence of two heads does not necessarily mean that they are two independent souls. They could have two heads on one body and share essential life components, such as in cases of parasitic twins. In such cases, they cannot be considered two separate individuals because one twin's life depends on the other, even though they have separate heads.

Third Opinion: Some jurists argue that the criterion is the independence of sensation. If each twin experiences different sensations and has distinct actions, they are considered two individuals. For example, if one twin sleeps while the other remains awake, or if one twin exhibits a distinct personality and emotions, such as one being happy while the other is not, they are considered two people. This was the judgment of Ali ibn Abi Talib (may God be pleased with him), as narrated that he ruled on a child born with two heads and two torsos, saying: "Let them be left until they fall asleep, then call out to them. If both wake up, they will inherit as two individuals; if only one wakes up while the other remains asleep, they will inherit as one person" (25). Al-Qalyoubi also stated: "If one of them loses some organs, and the life of one can be independently determined—such as when one sleeps while the other remains awake—then they will be treated as two individuals, otherwise, as one" (26).

Conclusion: After considering these opinions, the third opinion appears to be the most convincing, namely that the criterion is the independence of each twin's sensation. This independence indicates that each twin has an independent soul and life, which aligns better with reality. The independence of the organs can be used as a criterion in some obvious cases where life independence is evident, but it does not apply to all cases of conjoined twins. Supporting this, the judgment of Ali ibn Abi Talib (may God be pleased with him) is also relevant, as narrated by Muhammad ibn Sahl from Abu Salama ibn Abdul Rahman: "Umar ibn al-Khattab was brought a person with two heads, two mouths, four

eyes, four hands, four legs, two navels, and two posteriors. They asked: 'How should he inherit, O Commander of the Believers?' Umar called Ali, and he gave two rulings. One was to observe them while they sleep. If both make a sound, it indicates one soul; if only one makes a sound, they are two souls. The second ruling was regarding their eating and drinking. If both urinate and defecate together, they are one soul, but if each does so separately, they are two souls" (27). Al-Qalyoubi also said: "If one of them loses some organs and the life of one can be independently determined, such as when one sleeps while the other is awake, they will be treated as two individuals. Otherwise, they are one" (28). This is the most knowledgeable and correct view.

These signs and indications of the twins may not always be recognized, such as when they die immediately after birth. In such cases, it is referred to trusted doctors, and the determination is made according to medical standards, as they are the specialists in this matter(29).

Secondly: The Conjoined Twins:

The conjoined twins are those who share the lower part of the body, forming two bodies from the upper part of the body on one hip, with no separation between them. After examining the views of the scholars on this case, it is evident that their legal rulings differ from one judgment to another. In acts of worship, they have been considered as two individuals. As al-Nawawi mentions in his *Al-Majmu* in the book of worship, he says: "If there are two faces on two heads, both faces must be washed. Al-Darimi mentioned that it suffices to wipe one of the heads, and it is possible that wiping part of each head is required" (30). He also said in another passage, "It is necessary to wash both temples" (31). Al-Hattab said: "A woman created from her navel downward is the creation of one woman, and above that is the creation of two women. She must wash the places of impurity, wash both faces either as an obligation or a Sunnah, wash both hands, wipe both heads, and wash both feet" (32). Al-Ansari said: "If two faces are created, the conclusion derived from what the scholars have mentioned in the book of ablution is that it suffices to prostrate on one of them, because it suffices to prostrate on part of the forehead. Therefore, it is similar to when two heads are created; it suffices to wipe one of them in ablution, unlike if two faces are created, where both must be washed. The difference is that washing part of the face does not suffice, unlike the head" (33).

As for the issue of blood money (*diyah*), they are considered as one individual. As al-Shafi'i stated: "If two heads emerge from a woman's womb and both die without distinguishing them, I would only rule for them the *diyah* of one fetus and require the perpetrator to free one slave. It is more preferable to free two slaves in this matter" (34). Al-Bijirmi said: "If she delivers three or four hands, feet, or heads, it is required to pay the compensation for the loss of one fetus, some being original and others being additional" (35), and this is the opinion of al-Nawawi as well.

What concerns us in this matter is their ruling in the chapter of inheritance. The criterion in this case is based on the independence of the senses and feelings of each twin, as it was preferred in the case of non-conjoined twins, based on the judgment of Ali (may Allah be pleased with him) regarding a child born with two heads and two chests on one torso. He said: "It is left until it sleeps, then it is called. If they both wake up, they inherit as one; if one wakes up and the other remains asleep, they inherit as two" (36).

From the comparison between the opinions of doctors and jurists regarding this matter, it is clear that doctors rely entirely on internal organs, with the assistance of medical devices, to make their determination. In contrast, jurists rely on observable signs and external organs. The jurists' opinion will be the one adopted in this research to build the inheritance rulings for conjoined twins, except in special cases where the necessity calls for relying on the opinion of doctors, provided that they are just doctors.

Chapter Two: Inheritance Rulings for Conjoined Twins as Heirs or Progenitors and Their Impact on the Concept of Exclusion

Section One: Inheritance Rulings for Conjoined Twins as Heirs or Progenitors

Subsection One: Pregnancy with Conjoined Twins (37).

One of the conditions for inheritance is the fulfillment of the heir's life at the time of the deceased's death, either genuinely or hypothetically. A hypothetical life is established when the fetus is alive in the mother's womb, in which case their share of the estate is reserved until they are born alive, if they are an heir. If a pregnancy is confirmed to involve conjoined twins through medical examination, the question of whether they are considered one individual or two must be determined through medical criteria and a report from the doctors, as there are no visible signs in such cases. If the doctors determine that they are two individuals, each twin's share is reserved as if they were separate persons, regardless of their gender. However, if the medical assessment concludes that they are one person, the inheritance is reserved as if they were a single individual.

If both twins are born alive, they will receive the shares that were reserved (held in suspension). If one twin is born dead and the other survives, the deceased twin does not inherit because their life was not confirmed. The reserved share for the deceased will be redistributed among the other heirs. If both twins are born alive but one later dies (e.g., after crying out and then passing away), they will inherit, and the inheritance will be distributed among their heirs according to their entitlement. If both twins are stillborn, the reserved shares for them will be distributed among the heirs based on the scientific method of distributing suspended inheritance shares.

For example: If a man died leaving a pregnant wife and a full brother, the issue is resolved as follows: the wife takes 6 shares and 42 shares are stopped. If it appears that the twins are male, they take 42 shares, and if they are female, they take 32 shares and the full brother takes 10 shares, and if they die, the wife is given 6 additional shares on top of her share, and the full brother gets 36 shares. The second section: Provisions on the inheritance of conjoined twins as they are heirs. If the inheritor dies and among his heirs are two conjoined twins, and the independence of the life of each of them is known by the jurisprudential rule, then they are treated as two persons in all the provisions of inheritance, so they take the inheritance of the two persons; For example, if a person dies leaving behind: a wife, two sisters, two related sisters (their lives are independent), a cousin, then the division will be as follows:

Heirs	Their share	6
wife	1/6	1
Conjoined sisters	3/2	4 (two shares for each sister)
cousin	Q.A	1

So the two sisters take two-thirds, which is the inheritance of the sisters when they are more than one, according to the Almighty's saying: "And if there are more than two women, then they shall have two-thirds of what he left" [Surat An-Nisa: 11], because they are considered two people in this case.

{	The share	4	12	The share	1	3	The overarching issue	2	2	48	Distribution of the suspended			
wife	1/4	1	12	1/8	2	6	1/8	3	6	6	6	6	-	-
Pregnancy	-	-	-	Q.A	14	42	2/3	16	32	-	-	-	42	32
Brother brother	Q.A	3	36	-	-	-	Q.A	-	5	10	-	-	36	10
Two females	First Hypothesis: The pregnancy is dead Second Hypothesis: The pregnancy is of two males Third Hypothesis: The pregnancy is of two females Held (Mawquf): 42													

If the twins were related to their maternal brothers and there were no other maternal brothers, they would inherit one-third if the conditions were met. God Almighty said: "And if the inheritance is a man or a woman, and he has a brother or a sister, then for each one of them is a sixth; but if they are more than that, then they are Partners in the third" [Surat An-Nisa: 12].

For example: She died leaving behind: two maternal brothers next to each other, a grandmother, a murderer's son, and a paternal uncle. The division is as follows:

Heirs	Their share	6
Grandma	6/1	1
The Lamm brothers are close knit	3/1	2
The murderous son	He does not inherit	-
Uncle	Q.A	3

On this basis, the rest of the inheritance issues that are affected by multiple types of heirs are measured. However, if it is known that the lives of each of them are not independent, then the division will be based on the fact that they are one person. If we take the first example, the division will be as follows:

Heirs	Their share	4
wife	4/1	1
Conjoined sisters	2/1	2
cousin	Q.A	1

So conjoined twins take half on the basis that they are one person (one full sister), according to the Almighty's saying: "And if she is one, then she gets half" [Surat An-Nisa: 11]; In the same way, in the second example, the division is as follows:

Heirs	Their share	6
Grandma	6/1	1
The Lamm brothers are close knit	6/1	1
The murderous son	He does not inherit	-
Uncle	Q.A	4

The Twins Inherit the Sixth as a Single Entity (One Maternal Brother):

Third Subsection: The Inheritance Rulings for Conjoined Twins as Inheritors (38)

There are two scenarios when conjoined twins pass away:

First Scenario:

When it is not known which of the two died first, the situation is treated similarly to inheritance cases involving drowning or collapse. In such cases, the twins are regarded as strangers and do not inherit from one another. Instead, the estate of each is distributed to their respective heirs (39).

Second Scenario:

When it is known which twin died first, the surviving twin inherits from their sibling unless barred by another heir. For example, if there is a son among the heirs, the son will bar the sibling. However, if the heirs consist of siblings only, the surviving twin will inherit from the deceased, even if they died moments later. This inheritance follows the succession (munasakhat) method in inheritance distribution (40).

Section Three: Definition of Exclusion (Ḥijb) and the Extent of the Impact of Conjoined Twins on Exclusion in Inheritance

First Subsection: Definition of Exclusion Linguistically and Terminologically, and Its Types

1. Linguistic Definition of Exclusion (Ḥijb):

The root letters Ḥ, J, and B share a common meaning, which is that of concealment and prevention. It is said: ḥajaba al-shay'a (he excluded the thing) meaning he concealed or prevented it. Anything that obstructs something is said to have excluded (ḥajaba) it(41).

2. Terminological Definition of Exclusion (Ḥijb):

Exclusion in inheritance is defined as:

"Preventing a person who has a legitimate cause to inherit from receiving the inheritance, either entirely or partially, by reducing their share."(42)

Exclusion is divided into two types(43):

1. Partial Exclusion (Ḥijb al-Nuqsān):

This occurs when an heir's prescribed share is reduced due to the presence of another heir.

Example: The mother's share is reduced from one-third to one-sixth due to the presence of a group of siblings or a descendant heir. This is based on the verse:

"For parents, a sixth share of the inheritance to each, if the deceased left children. If the deceased left no children and his parents are the only heirs, the mother has a third." [Surah An-Nisa: 11].

2. Complete Exclusion (Ḥijb al-Ḥirmān):

This occurs when an heir is entirely prevented from inheriting, receiving no share of the estate.

Example: The son and the father exclude the siblings from inheriting.

Second Subsection: The Impact of Conjoined Twins on Exclusion in Inheritance

This matter has been addressed in the works of Islamic jurists, where conjoined twins are treated as two distinct individuals in matters of inheritance exclusion, even if they share a single lower body, as long as the independent life of each twin is confirmed. Al-Sharbini stated in his commentary:

"This may include the case where a woman gives birth to two conjoined children who have two heads, four legs, four arms, and two private parts, and they have another son. If this son dies, leaving his mother and the two conjoined siblings, the mother receives one-sixth of the inheritance, as their ruling is the same as that of two separate individuals in all rulings."(44)

In Mughni al-Muhtaj, it is mentioned:

"They are considered as two persons in reality, evidenced by the fact that they reduce the mother's share from one-third to one-sixth."(45)

Example of Partial Exclusion:

If the deceased is survived by a mother and two conjoined full brothers, the division of inheritance would be as follows:

Heirs	Their share	6	Corrector 12
the mom	6/1	1	2
Conjoined brothers	Q. A	5	10Shares for each brother

The mother's share is reduced from one-third to one-sixth due to the presence of a group of brothers. As for their effect on withholding deprivation, for example, if a person dies, leaving behind two adjacent sisters, a paternal sister, a paternal uncle, then the division will be as follows:

Heirs	Their share	3
Two closely related sisters	3/2	2
Sister Lab	Blocked	-
Uncle	Q. A	1

So the paternal sister is excluded due to the presence of two full sisters adjacent to each other, because they are the first to receive two-thirds of the inheritance because they are closer. This is the maximum limit for the inheritance of daughters or sisters from the estate, according to the Almighty's saying: "And if there be two, then to them are two-thirds of what he left" [Surat An-Nisa: 176]; Based on this, the rest of the issues of blocking inheritance are measured.

CONCLUSION

In conclusion, it becomes evident that the key to understanding the inheritance rulings concerning conjoined twins lies in determining their true nature: are they one individual or two? This is established by ascertaining the independence of each life from the other through apparent signs recognized by jurists and internal life determinants confirmed by medical professionals. Once this is established, their inheritance rulings become clear and unambiguous.

KEY FINDINGS:

1. Conjoined twins are identical twins originating from one ovum and one placenta, which failed to separate fully, resulting in physical connection in one or more body regions. They are identical in gender, genetic traits, and blood type.
2. The medical criterion for considering them as one or two individuals is their sharing of vital life components (brain and heart). If they share these, they are one person; if each has an independent set, they are two separate individuals. In Islamic jurisprudence, the criterion relies on the independence of sensory perception for each twin. If independence is established, they are treated as two persons; if not, they are treated as one, inheriting as a single individual.
3. If the deceased's heirs include conjoined twins, their inheritance is assessed based on their independent lives according to juristic criteria. If independence is established, they are treated as two individuals in all inheritance rulings. If one twin dies before the other, and there is no impediment preventing the living twin from inheriting, the living twin inherits from the deceased, even if only a minute separates their deaths, through the process of sequential inheritance.
4. Conjoined twins are considered two persons in matters of inheritance blockage, even if physically connected at the waist, provided their independent lives are established according to juristic criteria.

RECOMMENDATIONS:

1. Give attention to the topic of Islamic rulings regarding conjoined twins and conduct comprehensive jurisprudential studies addressing all aspects of Islamic rulings for conjoined twins, detailing their various cases.
2. Highlight rulings concerning conjoined animals that impact Islamic law, such as sheep, camels, and cattle. This includes investigating their effect on zakat, sacrificial animals, and pilgrimage offerings.

3. Treat individuals with such conditions with exemplary Islamic ethics, ensuring they do not feel different from others. They should neither be mocked nor marginalized due to their condition, but rather given their full rights.
4. Establish specific provisions for conjoined twins in personal status laws to regulate their rulings.
5. All praise is due to Allah, through whose blessings righteous deeds are accomplished. May peace, blessings, and salutations be upon our Prophet Muhammad, his family, and companions. Our final supplication is: Praise be to Allah, Lord of all worlds.

REFERENCES

- (1) Lisan al-Arab, Ibn Manzur, Chapter: Mim, Section: Ta, Vol. 12, p. 61.
- (2) Al-Hidayah fi Sharh Bidayat al-Mubtadi, Al-Marghinani, Vol. 6, p. 81.
- (3) Al-Muhit al-Burhani fi al-Fiqh al-Nu'mani, Ibn Mazah, Vol. 4, p. 47.
- (4) Al-Mudawwanah al-Kubra, Malik, Vol. 2, p. 357.
- (5) Al-Hidayah Al-Kafiyah Al-Shafiyah Li Bayan Haqaiq Al-Imam Ibn Arafah Al-Wafiyah, Al-Rassa', (p. 305).
- (6) Al-Majmu' Sharh Al-Madhhab, Al-Nawawi, (Vol. 2, p. 543).
- (7) Hawashi Tuhfat Al-Muhtaj Fi Sharh Al-Minhaj, Ibn Hajar Al-Haytami, (Vol. 8, p. 240).
- (8) Al-Mughni, Muwaffaq Al-Din Ibn Qudamah, (Vol. 11, p. 170).
- (9) Al-Mawsu'ah Al-Fiqhiyah Al-Tibiyah, Ahmad Kanaan, (p. 225).
- (10) Maqayis Al-Lughah, Ibn Faris, Chapter of Lam, Sad, and their derivatives, Entry: Lasaq (Vol. 5, p. 249).
- (11) Ahkam Al-Tawa'em Al-Multasiqah Fi Al-Fiqh Al-Islami, Faisal Bal'amash, (p. 9).
- (12) Al-Taw'am Al-Multasiq Al-Siyami, Saad Al-Shathri, (p. 7).
- (13) Nawazil Al-Tawa'em Al-Multasiqah (Ahkam Tafsilaha, Mirathaha, Wa Zawajaha), Abdul Nasser Abu Al-Basr, (p. 7).
- (14) Al-Tawa'em Al-Siyamiyah (Ta'arifuha - Asbabuha - Nisab Huduthiha - Anwa'uha), Abdullah Al-Rabeeah, (p. 3).
- (15) Al-Janin Al-Mushawwaha (Asbabuhu, Tashkheesuhu, Wa Ahkamuhu), Muhammad Al-Bar, (pp. 295-296); Khalq Al-Insan Bayn Al-Tibb Wa Al-Qur'an, Muhammad Al-Bar, (p. 478); Ahkam Al-Tawa'em Al-Multasiq Fi Al-Ahwal Al-Shakhsiyyah, Eid Othman, (pp. 285-288); Langman's Medical Embryology, (p. 168).
- (16) This refers to attachment in the posterior pelvic region, which is a rare occurrence. Ahkam Zawaj Al-Tawa'em Al-Multasiqah, Abdul Halim Ali, (p. 3426).
- (17) Al-Janin Al-Mushawwaha (Asbabuhu, Tashkheesuhu, Wa Ahkamuhu), Muhammad Al-Bar, (p. 296); Langman's Medical Embryology, (p. 169); Al-Taw'am Al-Multasiq Al-Siyami, Saad Al-Shathri, (p. 8).
- (18) The Deformed Fetus (Its Causes, Diagnosis, and Rulings), Muhammad Al-Bar, (p. 295).
- (19) The Creation of Man Between Medicine and the Qur'an, Muhammad Al-Bar, (pp. 475-477).
- (20) Rulings on Conjoined Twins in Personal Status Law, Eid Osman, (p. 319), Siamese Twins (Their Definition, Causes, Occurrence Rate, and Types), Abdullah Al-Rabeeah, (p. 5).

- (21) Al-Jamal's Marginal Notes on Sharh al-Minhaj, Al-Jamal, (Vol. 4, p. 13).
- (22) The Marginal Notes of Qalyoubi and Amira, Al-Qalyoubi, (Vol. 3, p. 140).
- (23) The Marginal Notes on Tuhfat al-Muhtaj in Explaining al-Minhaj, Ibn Hajar al-Haytami, (Vol. 6, p. 397).
- (24) Asna al-Matālib in Explaining Rawdat al-Tālib, Al-Ansari, (Vol. 4, p. 90); Mughni al-Muhtāj in Understanding the Meanings of al-Minhaj, Al-Sharbini, (p. 5, Vol. 370).
- (25) The Legal Means in the Politics of Sharia, Ibn al-Qayyim, (p. 48).
- (26) The Marginal Notes of Qalyoubi and Amira, Al-Qalyoubi, (Vol. 3, p. 140).
- (27) The Legal Means in the Politics of Sharia, Ibn al-Qayyim, (p. 49).
- (28) Hashiyat Qalyoubi and Amira, Qalyoubi, (Vol. 3, p. 140).
- (29) The Rulings on Conjoined Twins in Islamic Jurisprudence, Faisal Saeed Al-Amash, (p. 19).
- (30) Al-Majmu', Al-Nawawi, (Vol. 1, p. 382).
- (31) Mawahib Al-Jalil fi Sharh Mukhtasar Khalil, Al-Hattab, (Vol. 1, p. 194).
- (32) Asna Al-Matalib fi Sharh Rawdat At-Talib, Al-Ansari, (Vol. 1, p. 161).
- (33) Al-Um, Al-Shafi'i, (Vol. 7, p. 272).
- (34) Mughni Al-Muhtaj ila Ma'ani Alfaz Al-Minhaj, Al-Sharbini, (Vol. 5, p. 370), Hashiyat Al-Bijirmi 'ala Al-Khatib, Al-Bijirmi, (Vol. 4, p. 156).
- (35) Rawdat Al-Talibin wa 'Umdat Al-Muftin, Al-Nawawi, (Vol. 9, p. 368).
- (36) Al-Turuq al-Hukmiyya fi al-Siyasah al-Shari'iyah, Ibn Qayyim, (p. 48).
- (37) Nawazil al-Tawam al-Multasiqah, Abdul Nasser Mousa Abu al-Basal, (pp. 19-20), Ahkam al-Tawam al-Multasiq fi al-Ahwal al-Shakhsiya, Eid Ahmad Osman, (pp. 322-324).
- (38) Nawazil al-Tawa'im al-Multasiqa, Abd al-Nasir Musa Abu al-Basil, p. 20.
- (39) Al-Rahbiyyah fi 'Ilm al-Fara'id with commentary by Sibt al-Mardini, Al-Baqri, p. 156.
- (40) Al-Rahbiyyah in the Science of Inheritance with the Commentary of Sibt al-Mardini, Al-Baqari, pp. 137-138.
- (41) Maqayis al-Lughah, Ibn Faris, Chapter of Ḥā' and Jīm, Root: Ḥ-J-B, vol. 2, p. 143; Lisan al-'Arab, Ibn Manzur, Chapter of Bā', Section on Ḥā' Mahmūlah, vol. 1, p. 298; Tāj al-'Arūs min Jawāhir al-Qāmūs, Al-Zabidi, Section on Ḥā' Mahmūlah, Root: Ḥ-J-B, vol. 2, p. 240; Al-Mu'jam al-Wasīṭ, Academy of the Arabic Language in Cairo, Chapter of Ḥā', Root: Ḥ-J-B, vol. 1, p. 156.
- (42) Hashiyatā Qalyubi wa 'Umairah, Al-Qalyubi, vol. 3, p. 142.
- (43) Radd al-Muhtār 'ala al-Durr al-Mukhtār, Ibn 'Abidin, vol. 10, p. 529.
- (44) Al-Iqna' fi Hall Alfaz Abi Shuja', Al-Sharbini, (Vol. 2, p. 389).
- (45) Mughni al-Muhtaj, Al-Sharbini, (Vol. 2, p. 407).