

Al-Wisayyah in The Islamic Estate Planning: The Malaysian Perspective

Mohd Sirajuddin Siswadi Putera Mohamed Shith^{1*} 

Mohamed Azam Mohamed Adil² 

Nurus Sakinatul Fikriah Mohd Shith Putera³ , Memiyanty Abdul Rahim⁴ 

¹Academy of Contemporary Islamic Studies (ACIS), Universiti Teknologi MARA (UiTM), 40450 Shah Alam, Selangor, Malaysia.

Email: sirajuddin@uitm.edu.my

²Institute of Islamic Understanding, 50480 Kuala Lumpur, Malaysia.

Email: mazamadil@ikim.gov.my

³Faculty of Law, Universiti Teknologi MARA (UiTM), Universiti Teknologi MARA (UiTM), 40450 Shah Alam, Selangor, Malaysia.

Email: nurussakinatul@uitm.edu.my

⁴Faculty of Administrative Science & Policy Studies, Universiti Teknologi MARA (UiTM), 40450 Shah Alam, Selangor, Malaysia.

Email: memiyanty@uitm.edu.my

CORRESPONDING

AUTHOR (*):

Mohd Sirajuddin Siswadi
Putera Mohamed Shith
(sirajuddin@uitm.edu.my)

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ABSTRACT

The considerable increase in the amount of unclaimed inheritance or the value of the deceased's frozen assets over time is a contentious topic among the Muslim community of Malaysia, and it must be emphasised. It is likely that the impression and misunderstanding of the Muslim community regarding the planning, management, and administration of the deceased's property, particularly regarding the appointment of property administrators through the Islamic concept of al-wiṣāyah, has contributed to the neglect of this topic. This study therefore, aimed at analysing the practice of al-wiṣāyah in Malaysia and the impediments in implementing it as an alternative to Muslim estate planning. Adopting the qualitative approach of document review, systematic collection, documentation, analysis and interpretation, and organization of primary and secondary data was conducted. The data was then subjected to content analysis in organizing and eliciting meaning from the data collected and to draw realistic conclusions from it. It is hoped that this study is able to shed light on the concept of al-wiṣāyah in Malaysia, subsequently providing a clear insight and the extent to which its application in Malaysia conforms to the al-maqāṣid al-syar 'iyyah for the good of Muslims. This study also presents recommendations to the Muslim community pertaining the importance of al-wiṣāyah in the present day, where Islamic law is beginning to experience an era of codification that, to some extent, will cause difficulties in the management and administration of the deceased's property.

Contribution/Originality: This study contributes to the existing literature on the practice and application of Al-Wisayyah in Malaysia. It explores the legal position and conflicts in implementing Al-Wisayyah. The study ultimately provides recommendations as to the role of the Muslim community and the government in ensuring proactive adoption of this concept as an alternative to the Muslim property management.

1. Introduction

Property ownership plays an important role in life. It plays a role to fulfil most of the human needs and wants in this world. What's more, in today's modern and sophisticated life, property ownership becomes one of the benchmarks of an individual's prestige, position and enjoyment in the eyes of society. In other words, wealth has become a worldly ornament that is often coveted by humans. Property according to legal terms includes materials and any interest in movable or immovable property. According to Syara', property includes everything that has value in human society, which can be owned and utilized based on the Islamic principles. Every individual who owns property during their life basically has full rights in managing their property as long as it does not conflict with the principles of Sharia and the existing law. However, everything changes when the individual departs from this life. Property administration is challenging given the various rules binding it either from the aspect of Syariah or man-made legislations (Hassan et al., 2016). In the modern era that is filled with various laws, regulations and administrative and management procedures that are sometimes unknown or difficult to comprehend, it is often wise if the individual appoints a person, body, trust company or competent authoritative institution as waṣī mukhtār (testator's chosen executor) to administer and manage everything related to the deceased's properties after their passing.

Accordingly, the practice of al-wiṣāyah is essential to ensure that all rights related to property can be fulfilled. In fact, the practice of al-wiṣāyah is seen as very critical, especially for individuals whose heirs do not possess the qualifications to execute ('adam ahliyyah al-ādā') or are subject to limited qualifications (al-ḥijr) in managing property such as minors (al-ṣaghīr), person of unsound mind (al-majnūn) and lack of intelligence (al-safih) in managing wealth (Ahmad, 2021). Appointing waṣiy mukhtār is a measure of care and management so that the right to manage the deceased's properties does not fall into the hands of unqualified individuals, which may cause the property to be mismanaged or used in an incorrect way (Mohammad, 2015). Clearly, the responsibility of individuals towards the people under their care extends even after their death, to ensure that the interest and rights of those persons are maintained until they are able to take care and manage themselves. Thus, al-wiṣāyah can be used as a medium that plays a major role in ensuring that all dimensions in the planning of the deceased's property such as will, faraid, grant, charity, waqf, marital property and others can be carried out efficiently. Unfortunately, many Muslims lack understanding of al-wiṣāyah or rather their understanding of the concept is very much clouded with confusion (Ahmad, 2021). This leads to reluctance and ignorance of this concept as an alternative to Muslim estate planning. Therefore, this study aims at shedding light on the concept of al-wiṣāyah in Malaysia, subsequently providing a clear insight and the extent to which its application in Malaysia conforms to the al-maqāṣid al-syar' iyyah for the good of Muslims

2. The Perception of the Muslim Community on Estate Planning

Estate planning is taken for granted in part because many Muslims continue to believe that the faraid rule ensures that heirs will receive their share of a deceased relative's estate without difficulty (Noordin et al., 2017). When viewed through such a restricted lens, the practise of estate planning such as al-wiyah is neither a requirement nor a priority, despite the fact that such planning is required by Islam for the sake of one's own well-being and that of one's family and community. Rasulullah S.A.W. has reminded the believer that:

وَإِنَّكَ أَنْ تَدَعَ أَهْلَكَ بِخَيْرٍ أَوْ قَالَ بَعِيثٍ خَيْرٌ مِنْ أَنْ تَدَعَهُمْ يَتَكَفَّرُونَ النَّاسَ وَقَالَ بِيَدِهِ

Meaning: Therefore, leaving your heirs in a good and comfortable life is better than leaving them poor and begging for human kindness (Hadith. Muslim. Bāb al-Waṣīyah bi al-Thuluth. 3079).

The position becomes more precarious if the heirs are dishonest and act to apply the faraid principle based entirely on their own personal desires, without regard for the family members, individuals, and institutions who depend on the deceased's presence during their lives. According to the former Director General of the Malaysian Syariah Justice Department (JKSM), Datuk Sheikh Ghazali Abdul Rahman, this resulted in incidences of fraud in the applications for faraid certificates. The result is that the demise of the deceased person marks the beginning of the end for many families and communities. This unfortunate occurrence grabbed the attention of Dato' Ahmad Rodzi Pawanteh, who observed that the society's preoccupation with worldly possessions led to conflicts and animosity amongst spouses, parents, children, and other relatives. The calamity is enormous as it leads to the breakdown of family institutions, the freezing of assets that can contribute to the country's economic development, and worst of it all, it ruins the current well-being and affluence of the ummah (Shafie et al., 2017). Due to this, coupled with the ambiguity surrounding the concept of al-wiṣāyah—which ought to be able to lessen the harm—seems to be frequently disregarded. In addition, the diversity of products supplied by estate administration service providers also contributes to the Muslim community's perplexity (Puad et al., 2018).

3. The Concept of Inheritance According to the Malaysian Law

Islamic inheritance law is a unique system based on revelation from Allah s.w.t. that is consistent with human nature and instinct. This system differs from the previous system in a number of ways, particularly since the revelation of the verse al-Mawrith, which established improvements and privileges in the Islamic inheritance law that are currently in effect (Abdullah et al., 2020a). The distribution of the deceased's estate is accorded a high priority in Islam, as seen by the amount of issues that must be determined (Ab Rahman et al., 2019). These details must be understood in order to safeguard the inheritance of the deceased from any anomalies in how it is distributed to the heirs. Inheritance is known as al-mīrāth in Islamic law. According to the translation, it is the transfer of inheritance from one person to another person either by ḥaqīqī, ḥissī or ma'nawī (Kamaruddin, 2018). Shariah law refers inheritance as the transfer of property, land, rights and interests belonging to the deceased to his surviving heirs. Inherited property is also called al-tarikah or legacy. According to jumhur ulama', al-tarikah does not only include property, but includes all things left behind by the deceased, including his debts, children, and other things that he is responsible for. All of

these will be inherited either by heirs or non-heirs (Sulong, 2012). According to this opinion, the rights that can be inherited include the right to traffic or the right to drink, the right to profit from rented or borrowed goods, and the right of khiyār such as conditional khiyār. However, in principle, not all property left by the deceased becomes an inheritance. The property involved does not include property gifted to others during their lifetime, property sold by the deceased, property that has been waqf, trust property held by the deceased, pension (including issued pension), stipend, as well as gifts by people (Abdullah et al., 2020b).

4. Implementation of Al-Wiṣāyah in Malaysia

The Islamic inheritance system, when viewed from the perspective of estate planning, includes responsibilities and qualities that a guardian (waṣī) must possess (Musa & Hussin, 2020). Article 3 of the Federal Constitution recognises Islam as the federal religion without excluding the practise of other religions, in accordance with the setting of the social contract that celebrates the existence of a multi-ethnic and multireligious society in Malaysia. This clearly demonstrates the privilege of Islam in the Federal Constitution. However, the notion of federalism practised in Malaysia demonstrates the division of legislative and executive responsibilities between the federal government and the state governments, as stipulated in Articles 74 and 80 of the Federal Constitution, which has an effect on the authority to develop Islamic law, conduct hearings, and decide matters involving Muslims (Ab Rahman et al., 2018). The provision of Article 74 elaborates on the jurisdiction of the Parliament regarding the enactment of laws related to the matters listed in the Federal List and the Joint List which is the First or Third List specified in the Ninth Schedule. In addition, the state legislature is empowered to enact laws for matters listed in the State List. While the executive powers of the federal and state governments given to state legislatures are outlined in Article 80 of the Federal Constitution. The Federal List, the State List and the Joint List generally separate the jurisdiction of the central and state governments and the matters over which both government structures have joint powers (Shuaib, 2018).

4.1. Al-Wiṣāyah and the Administration of Islamic Law in Malaysia

Although Islam is the federal religion of Malaysia, Islamic matters or Shariah law are included in the matters listed in the State List and the power of overseeing and implementing the law is given to the state legislature. For example, provisions regarding the administration of Muslim estates have been included under the Islamic Law Administration Act (Federal Territories) 1993, the Islamic Religious Administration Enactment (Johor) 2003, the Syariah Court Enactment (Terengganu) 2001 and others. This provision has empowered the state government to enact laws to manage the Muslim affairs including those pertaining Islamic law and teachings. Through this mandate, the State Legislature has the power to enact Islamic laws (referred to in Part VI "Relations between the Federation and the States" under Articles 73 to 76 of the Federal Constitution) and establish administrative institutions and the implementation of the relevant laws, such as the establishment of Islamic Religious Councils and Syariah Courts (Bahrom, 1999).

In the context provided by the Federal Constitution, "Islamic Law" covers:

"Sharia law and personal and family law for people who follow the Islamic religion, including Sharia law related to inheritance,

testamentary and intestate, engagement, marriage, divorce, dowry, alimony, adoption, legitimacy, guardianship, inheritance, theft and non-charitable trusts; Waqf and definition as well as regulation of charitable and religious trusts, appointment of trustees and incorporation of persons in respect of permanent religious and charitable donations, institutions, trusts, charitable and Islamic charitable institutions operating entirely within the State; Malay custom; Zakat, Fitrah and Baitulmal or similar results of the Islamic religion; mosque or any place of public prayer for Muslims, the establishment and punishment of offenses committed by people who follow the religion of Islam against the orders of that religion, except in respect of matters included in the Federal List; the membership, composition and procedure of the Syariah court, which shall have jurisdiction only over persons who profess the religion of Islam and only in respect of any matter included in this paragraph, but shall not have jurisdiction in respect of offenses except to the extent provided by law federal law; control the development of doctrines and beliefs among people who adhere to the religion of Islam; the determination of matters concerning the law and doctrine of Syarak and Malay custom".

Thus, it can be concluded from these provisions that al-wiṣāyah is not only required by Syara', but its implementation is also based on the Federal Constitution of Malaysia, particularly regarding Islamic affairs which are placed under the Ninth Schedule, List 2, State List which lists trust properties such as bequeathed and not bequeathed, gifts (hibah), waqf, Amanah khairat, Zakat and Baitulmal (Abdullah et al., 2020b). In addition, based on the spirit of Article 3(1-5) of the Federal Constitution which positions Islam as the federal religion, other matters owing a connection with the administration of Islamic affairs began to receive attention. For instance, the establishment of the Syariah Court, the Islamic Religious Councils or Departments in other states. In accordance with the present need to coordinate the administration of Islamic matters, the state government has separated the role and responsibilities of three key institutions: the Council or Religious Department, the Mufti Department, and the Syariah Court. This is made possible by the refinement of the parent legislation (administrative Syariah law), which defines the roles of the three institutions involved: the state Islamic Religious Council is the primary authority in religious affairs, the Syariah Court regulates the administration of justice, and the Syariah Council aids and advises the Yang di-Pertuan Agong or the Sultan on topics pertaining to Islam in the state save for questions of Syariah law (Abdullah et al., 2020c). Due to this power structure, the Majlis Agama Islam Negeri (MAIN) is referred to as the sole trustees involving waqf property, vows and trusts of Muslims in Malaysia. The trust property includes both moveable and immovable assets. Muhamad Mu'izz Abdullah, Abdul Bari Awang, and Nasrul Hisyam Nor Muhammad asserted in their writings that despite the fact that the term al-wiṣāyah is not explicitly mentioned in the state statute, the notion of its application is evident from the laws therein (Abdullah et al., 2020c). Section (VI): "Maintenance of Wife, Children, and Others," and Section (VII): "Rights of Custody," are cited as examples of places where the notion of al-wiṣāyah is implied in the Islamic Family Law Act (Federal Territory) of 1984. The Islamic Family Law Act (Federal Territories) 1984 places particular emphasis on Sections 81 and 82, which deal with the proper nomination of executors and the requirements to guarantee the protection of the beneficiaries' personal interests and property.

4.2. The Legal Conflicts of Al-Wiṣāyah in Malaysia

The concept of trust in civil law applies to Muslims and non-Muslims. While the concept of Islamic trust is only limited to Muslims. In light of this distinction, Akmal Hidayah and Tajul Aris argued that civil trust law is superior to Islamic trust law in Malaysia (Halim et al., 2017). This is because Malaysia is bound by English law, particularly regarding the principle of equity. If there is an overlap in the implementation of the trust, the civil law will be used as a reference and will be tried in the civil court. This can be seen in several cases such as *TM Feroze Khan & Ors v Meera Hussain TM Mohamed Mydin* and *Wan Naimah v Wan Mohamad Nawawi*.

In this context, Islamic inheritance law seems to serve insignificant function due to the overlap of powers with the existing civil law at the federal level. The dominance of civil statutes such as the Probate and Administration Act 1959, the Small Property Inheritance (Distribution) Act 1955, the Amanah Raya Berhad Corporation Act, the High Court Rules 1980, the Wills Act 1959 and others enacted at the federal level that is indeed applicable to inheritance Muslims are significant and result in the limited jurisdiction of the State Legislature regarding the administration of Muslim estates (Mohd Zainudin et al., 2021). For example, a will made by a Muslim must be in accordance with the Syariah law, unlike a will made by non-Muslim testators who are subject to the Wills Act 1959 which originates from English law (Roslan & Ahmad, 2022). The Wills Act 1959 which applies in Peninsular Malaysia does not apply to wills made by Muslims. Based on Islamic law, judges are empowered to hear or decide disputes regarding wills, however, the existence of a conflict of jurisdiction between the Syariah court and the civil court has occurred even though the Syariah court is given the power to hear cases involving Muslims and wills as provided in the Islamic Religious Administration Enactments in Malaysia. This situation is closely related to the authority of the civil court regarding the administration of the estate through the probate grant application procedure and letter of administration for the deceased's property as well as the authority given to the executor contained in the Probate and Administration Act 1959 and applicable to Muslims and non-Muslims (Hisyam & Muhamad, 2017). This Act contains matters involving the granting of representation, additional powers of the court, re-registering probate and administrative powers given outside Malaysia, powers, rights and obligations of representatives, asset management and so on. Rule 5, Rule 7 of the Rules of Court 2012 provides for the grant application procedure through Form 168 which is followed by sworn confirmation by the petitioner along with the documents required by the Registrar. This situation led to a reference to the two-court system which vest the power of administration and property management into the civil court and the jurisdiction of the Syariah court only involving the verification of will and the granting of a faraid certificate.

5. The Practice of Al-Wisayah Among Estate Administrators

The Muslim community in this country has subjected will-writing and al-wiṣāyah to legal processes and codification in response to the contemporary demands and circumstances. Its implementation is more complicated than it was before since it requires cooperation from multiple organisations using methods or procedures that are not intuitive, especially for the Muslim community, which is representative of the wider population.

5.1. Central and State Government Agencies

Several entities are involved during the distribution procedure to ensure that the deceased's property is ceded or dispersed to the entitled parties, including creditors, heirs, beneficiaries of the will, etc. Among these entities, there are two (2) that cannot be ruled out: the Civil High Court and the Syariah High Court. While for others, their involvement depends on the will and al-wiṣāyah sealed between al-mūṣī and the executor. For the purpose of this study, three institutions were selected which are the Civil High Court and Syariah High Court and the Amanah Raya Berhad.

5.2. Civil High Court and Syariah High Court

Superior courts such as the Federal Court and the Court of Appeal have been established in Malaysia based on Articles 121 and 122 of the Federal Constitution. Clause (1) Article 121 provides for the jurisdiction of the High Court of Malaya and the High Court of Sabah and Sarawak. The Civil High Court acts as the mother of all keys for matters related to testamentary property. The High Court is vested with the authority to issue the grant of probate to executors appointed through a will. In addition to issuing grants of probate, letters of administration, and distribution orders, the Civil High Court has jurisdiction over estates with a value greater than RM 2 million. While the Syariah Court which is placed under state matters has jurisdiction in matters related to Syariah law and all existing laws applicable only to Muslims.

From the aspect of jurisdiction related to the context of the study, by taking the example of the state of Selangor - the Syariah High Court has authority in matters related to the maintenance of dependents, legitimacy, or the care or guardianship (hadhanah) of children; division or claim of marital property; will during death; alms during life, or settlements made without adequate consideration in money or money's worth, by a Muslim; waqf or nazr; distribution and inheritance of property by will or intestate; and the determination of the persons who are entitled to the share of the inheritance of a deceased person who is Muslim or the portions to which each person is entitled (Muhamad Mu'izz et al., 2020). Specifically, the property administrator, that is, the appointed executor, ought to obtain a faraid certificate and a will confirmation statement before applying to the Civil High Court to obtain a grant of probate and a distribution order. The issuance of the "Faraid Certificate" is a power that only the Syariah High Court has as provided in the enactment. The same is the case with Muslim wills whose exclusive validity either complies with Syariah law or otherwise can only be obtained in the Syariah High Court (Mohd Zainudin et al., 2021).

5.3. Amanah Raya Berhad (ARB)

Amanah Raya Berhad (ARB) was founded in 1921 as the Department of Public Trustees and Malaysian Heritage Administrators, a government agency. After incorporation under the Companies Act of 1965 on August 1, 1995, it commenced operations as a company. Under the Public Trust Corporation Act 1995 (Act 532), ARB was established as a trusted company. Next, the ARB is closely related to several statutes to ensure that the functions of the organization are carried out. Among them, are the Trustee Act 1949, the Small Estate (Distribution) Act 1955, the Distribution Act 1958 and the Wills Act 1959, the Probate and Administration Act 1959, and the Public Trust Corporation Act 1995. There are four (4) services offered by ARB which are testamentary and intestate estate administration, writing, storage and execution of wills, probate services, and

management of various trust accounts. The ARB also has its role in the will administration process and its role hovers between two things, namely as a "petitioner" or as an "executor". Referring to Section 13, Probate and Administration Act 1959, the ARB is empowered to file a petition in the Civil High Court to obtain a power of attorney to administer the estate or grant of probate to manage cases of estates exceeding RM600,000 with a will.

In the case of the deceased who left a will containing only movable property, the ARB can administer it directly with a power of attorney applied for under Section 17 of the Amanah Raya Corporation Act 1995 by issuing a Declaration [Section 17(1)] for a value not exceeding RM600 thousand or Instructions [Section 17(2)] for a value not exceeding RM50 thousand, if the executor appointed by the testator rejects his appointment or if the previously appointed administrator has died. In the initial stage, to obtain a grant of probate in the administration of a bequeathed property, the heir must act to become an executor. This is intended as a certificate for the authority to administer the estate of the deceased and serves to obtain confirmation of his will. Next, if the heir has certain constraints, the ARB is allowed to replace the heir and act as a substitute executor (وصي الوصي) if appointed. In addition, the ARB acts as an administrator on the same level as the rights of the heirs of the deceased as stipulated in the Public Trust Corporation Act 1995. In addition, ARB also functions as a trustee, guardian, representative, agent, successor and executor. The ARB has also resolved the cases of estate administrators who have been appointed but have died or who are not qualified to manage estate administration matters because they have gone bankrupt. A positive response can be seen to the registration of wills at ARB which has reached 980 thousand wills until April 2018 and now reaches 1 million wills through the increase recorded from 2018 to 2020. According to Amanah Raya Group Managing Director, Adenan Md Yusof, until 31 July 2019, Amanah Raya has administered approximately 15,910 inheritance files with an estimated asset value of RM1.3 billion.

The increase in will writing from 2011 to 2013 was driven by three (3) main factors, namely the dynamic of strategic partners, especially banks and the role of corporate agents in marketing will products throughout the country, aggressive sales promotion by ARB by creating various marketing channels in addition to giving sales initiatives to agents and corporate partners and lastly, the existence of collaboration between ARB and several government agencies such as Felda and Tabung Haji. To ensure that ARB remains relevant and competitive, several agencies have been appointed by ARB from time to time as Strategic Partners of Amanah Raya Berhad, the number of which now reaches 20 agencies from various service sectors such as banking, cooperatives and registered companies. Surprisingly, as the Covid-19 pandemic claimed millions of human lives and is capable of destabilizing the world economy, the rate of registration and writing of wills at ARB remains stable. The online will registration eases potential customers to deal with ARB. It was added when ARB came forward to offer the "AmanahRaya Caring Package" for Malaysians in April 2020 where it offered a basic will promotion of RM350 compared to the original price of RM500 and the testator was eligible to receive a 5% discount on the estate administration fee. While for the comprehensive will, the promotional price is RM888 compared to the original price of RM1,200 and the testator is eligible to receive a 20% discount on the estate administration fee. In addition, a comprehensive will combo for married couples is also offered at a price of RM1,500, which is only RM750 per the will and each couple is eligible to receive a 20% discount on the estate administration fee. Through cooperation

with strategic partners, ARB can further expand the marketing and sales of service products related to will management.

6. Conclusion

The study has inspired the authors to express several recommendations to be used as a guide or basis for the parties concerned to take appropriate actions pertaining estate planning and management. These recommendations will be addressed to two main parties, namely Muslim communities and the government.

6.1. The Muslim Community

In accordance with the requirements of the Federal Constitution, the Muslim community in this country has sufficient room to acquire Islamic knowledge and practise it in daily life. To that end, individuals should make it a priority to educate themselves about the fundamentals of the Islamic inheritance system and to devise a strategy for managing their wealth that would work best for them and their loved ones. The Muslim community must dispel the notion that only the wealthy have the right to have their inheritances administered by choosing an estate administrator (*waṣi*) or a lawyer to do so. Additionally, the community must work together to introduce property management practises and subsequently promote their adoption. The community's collective knowledge, both positive and negative, on handling the administration of family members' estates on their own or through the appointment of executors, should be shared for the benefit of all. That sentence implies that the author advocates for a partnership between the community and the film industry, regulated by agencies like JAKIM or MAIN, to release film materials like dramas, films, skits, sitcoms, and advertisements with accurate screenplays and plots so that the public can learn from them. The authors also call for religious leaders, even though few of them are specialists in the Islamic inheritance system and the methods of managing inheritance in this modern day, to get out into the field and encourage the Muslim community to engage in property planning. The subject of "self-ability" encompassing knowledge, time, energy, and money to manage property must be posed frequently so that the community is aware of their position or that of their heirs. This will allow them to determine if they can administer the estate on their own or if they will need to appoint a property administrator or executor. The authors also encourage that Islamic NGOs, particularly the Malaysian Syariah Lawyers Association (PGSM), mobilise an initiative as a platform for the Muslim community to voice their collective desires to the party's leadership to further facilitate the administration of inheritance for the common benefit if efforts to give information and awareness are successful in boosting the practise of property administration among the community.

6.2. The Government

The government is a highly authoritative entity when it comes to setting the country's direction; legislators and their enforcement strategies. Academics, legal experts, and practitioners of the estate planning and estate administration industry have, in fact, provided the government with a variety of suggestions and recommendations pertaining to areas of the law as well as monitoring. The authors therefore fervently believes that the existence of coordinated measures from religious institutions, supported by property administration organisations and society at large, would be able to create a wave of property planning and administration and additional emphasis from the public

on the need to streamline and facilitate connected problems. In light of the fact that, to date, only five (5) states have enacted Muslim wills, the authors recommend that additional states in Malaysia pass their will enactments as well. To ensure a more methodical and effective execution of wills and al-wiṣāyah, the procedures taken by the Selangor state government, which also passed the Rules for the Management of Muslim Wills (Selangor State) in 2008, should be followed. The author recommends that the government construct a centralised facility that may serve as a liaison between property administrators and associated government entities, as well as a monitor, coordinator, and reference centre for property administrators and the Muslim community in general. It is also advised that the government include property planning and administration as a subject in all upper secondary or university curricula so that the younger generation will be more aware of the idea and the necessity of doing property planning and administration. Finally, to attract the interest of the Muslim community to make property planning; among them by making a will and appointing a property administrator or executor, it is suggested that the government give income tax rebates to those who subscribe to this product. This is a two-pronged action because in addition to being able to be a medium of solution to the freezing of property, it is also definitely a catalyst for the vibrancy of the industry involved. Allah al-Musta'an.

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