

## Muslim Community's Understanding of an Islamic Inheritance Will in Pulau Duyong, Kuala Terengganu, Malaysia

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**Abstract:** A will is a financial management instrument after one's death which allows the Muslims to spend some of their wealth on things that they desire after their death. It is one of the rights from the Islamic rights of inheritance that has to be carried out by the inheritors. The existence of will products as a mechanism to solve the issue of inheritance for the Muslims in Malaysia has caused some confusions about the role of a will. Therefore, this research is aimed to investigate the knowledge among the Muslim community in Pulau Duyong, Terengganu about the will as one of the Islamic rights of inheritance and its role on the deceased's properties. This research is carried out using both qualitative and quantitative methods by means of documentation and survey forms which were distributed to the respondents in Pulau Duyong, Kuala Terengganu. The data from the field survey was descriptively analyzed with the analysis method of mean, standard deviation, percentage and mean score using the Statistical Package for Social Science (SPSS) software. This research concluded that a will is an important instrument to be carried out before the distribution of properties to the inheritors. This research also found out that the knowledge of the Muslim community in Pulau Duyong, Kuala Terengganu about the will as one of the Islamic rights of inheritance is at a medium level. In relation to that, the concept of will has to be disclosed more comprehensively among the Muslim community, so its role can be understood in a deeper sense especially when managing the distribution of inheritance.

**Key words:** Will • Islamic Inheritance • Knowledge • Muslim community and Pulau Duyong

### INTRODUCTION

A will is a method ruled out in Islam to allow a Muslim to spend some of his wealth after his death. Therefore, the verses of al-Quran that explained the issues of will are usually preceded with verses related to inheritance such as the verses of al-Quran 4: 11 and 12. Islam has ruled that the position of will is at the fourth place among the rights of inheritance of the deceased and it has to be carried out before the distribution of wealth to the heirs. Islam has also set a clear guidance about the laws of will to avoid confusions between will and inheritance.

A newspaper report showed that there are RM40 billion of assets are frozen, involving one million cases of land that cannot be solved because the deceased did not leave wills [1]. This general statement has raised many questions about the status of will in the distribution of

inheritance. It may cause confusions among the people regarding the true purpose of a will in solving the cases of inheritance, especially after an article written by Ikbal Salam was published in Utusan online, calling for the people to be careful when making wills because there are cases where wills documents which have been signed could not help much in solving inheritance cases as reported by the heirs [2].

The issue is, how far is the knowledge of the Muslim community with regard to the will and its role in the distribution management of inheritance. The term knowledge here means the basis knowledge on the laws of will and its standings as one of the Islamic rights of inheritance. This is due to the fact that everyone will die and when there is death there will be a need to manage the deceased's properties. This scenario does not just happen to a specific individual or group, rather it involves all Muslims. Hence the knowledge of will is not foreign to

the Muslims, especially in knowing the basics of making will so it is legitimate according to syarak (Islamic laws) to be carried out.

Therefore, this research aimed at investigating the knowledge of the Muslim community in Pulau Duyong, Terengganu about the status of will as one of the Islamic rights of inheritance and the fundamental laws related to it. It is important in order to see how far is the Muslims' understandings on the will and its true functions in managing the deceased's inheritance. The result of this study will provide a depiction about the Muslims' views on the subject matter and why the Muslims could not care less on making up wills to facilitate the distribution of inheritance as claimed by some people.

**Literature Review:** Before the revelation of Islam, the jahiliyya (ignorance or barbaric state prior to Islam) people were known to have used the will as one of the methods of ownership for the deceased's properties. According to Ali al-Khafif the will has been known by the people before the revelation of Islam. In fact most people in this world have used some methods to divide their inheritance after their death [3]. Furthermore, in the early stage of Islam, wills were still being used by the Muslims to manage the deceased's inheritance. After hijra (the great migration of Prophet Muhammad S.A.W.) the method of will was continued but the deceased were asked to enlist parents and relatives as beneficiaries. Until Allah S.W.T. revealed the verses in al-Quran 4: 11, 12 and 176, then only the will was replaced as an inheritance method. Nevertheless, the law of will was not totally abolished, instead it remains as one of the methods for the deceased to use some of their wealth to what they desires and has been made as one of the rights among the Islamic rights of inheritance to be carried out by the heirs of the deceased. Therefore, the discussion on will is not a foreign matter for the Islamic scholars.

In the early stage of collection and writing of Islamic laws, the subject of will has been argued in detail in the books of fiqh (Islamic jurisprudence). However, the arguments related to it as one of the rights among the Islamic rights of inheritance in *faraid* (Islamic laws that deal with the distribution of inheritance according to al-Quran and al-Sunnah) chapter are only in the forms of simple arguments. The reason being is, the basic issues about the rights of inheritance were not foreign for the Muslims at that time, moreover because the laws of will have been specifically explained as a chapter in fiqh knowledge. Therefore, the discussion on will does not

need to be repeated in *faraid* chapter. Appropriate to the development of *faraid* knowledge in the 20<sup>th</sup> century, the discussions on the rights of inheritance have been reviewed in detail by the contemporary Islamic scholars such as Muhammad Abu Zahrah via his book *Ahkam al-Tarikat wa al-Mawarith* [4] and Sheikh Muhammad Mustafa Shalabi in his book *Ahkam al-Mawarith bayna al-Fiqh wa al-Qanun* [5]. Intellectual research at philosophical doctorate level on the Islamic rights of inheritance have also been carried out by Isma'e Ali titled *Al-Huquq al-Muta'alliqah bi al-Tarikah* at the Islamic University of Madinah, Saudi Arabia in the year 1405H and Hasan Nikmah Yasir titled *Al-Huquq al-Muta'alliqah bi al-Tarikah: Dirasah Muqaranah bayna al-Fiqh al-Islamiyy wal Qanun al-Muqaran* at the University of Baghdad, Iraq in 2005. Indirectly, the rights of a will have also been discussed in detail through this publication.

As already mentioned, the laws of will is one of the arguments in fiqh knowledge, in fact the venerated fiqh books in the mazhab (school of thoughts) is incomplete without the arguments on the subject of will. Nevertheless, scholars still take the initiatives to separately collect the arguments about will particularly the enactment of *wasiyyah wajibah* enacted by some Islamic countries such as Egypt to be the National law in solving some inheritance issues. Amongst the early scholars was Muhammad Abu Zahrah who discussed the laws of will in fiqh knowledge framework through his book *Sharh Qanun al-Wasiyyah Dirasah Muqaranah li Masadirihi al-Fiqhiyyah* [6]. Besides that, Sheikh Ali al-Khafif had also discussed comparative studies on the 1946 Egypt's laws of will, through his book titled *Ahkam al-Wasiyyah Buhuth Muqaranah Tadammanat Sharh Qanun al-Wasiyyah 71 li Sanah 1946*. In addition, intellectual research about *wasiyyah wajibah* had also been carried out by Ra'im Adil al-Az'ar titled *al-Wasiyyah al-Wajibah Dirasah Fiqhiyyah Muqaranah* for his master's thesis at the Islamic University, Gaza in 2008. These literatures contain detail discussions about will and its positions in the Islamic rights of inheritance.

Based on the above literatures and research, it is concluded that the doctrine of the laws of will and its position as one of the Islamic rights of inheritance in the treasure *al-fiqh al-Islami* has been collected to the point of almost perfect by Islamic scholars and intellectuals then and now. Yet, the room for research about knowledge, understanding and executions by the Muslims still need to be vastly fulfilled. The issue of lack of interest among the Muslim community in Malaysia on

will products as the methods to manage inheritance as publicized, needs more studies to be performed on the Muslims to examine their knowledge on will. To fill the gap, this brief research is done to generally analyze the knowledge of the Muslim community in Pulau Duyong, Terengganu on the issue of will as one of the rights of inheritance.

**Methods:** The author used two approaches in this research which were; Documentation method to obtain information regarding the position of will as one of the Islamic rights of inheritance in the scholarly discussions. The mentioned documentation means the collection or grouping of materials or documents used as the basis for a certain research, publishing a literature and others [7]. Through this method too the discussions and arguments of the Islamic scholars on the fundamentals of the laws of will were gathered, analyzed and studied. It also involved data acquisition and information about the early times of the area and of the subjects being studied.

Besides the method mentioned above, the author had also used the method of field survey research with quantitative approach. Survey study was used because this research is a descriptive research method and not experimental [8]. It produced the data needed by the author to be analyzed to accomplish the research purposes. The field survey here means the process of data collection obtained directly on selected samples using the method of structured interviews (questionnaires forms) as well as unstructured interviews. Unstructured interviews were performed by interviewing the head of the village, the Village Development and Security Committee (JKKK), religious teachers and local community that attend the fardhu ain (Islamic personal obligations) class in the research area.

**Selection of the Reserach Area and Respondents:** The research on the knowledge of the Muslim community on the will as one of the Islamic rights of inheritance is done in Pulau Duyong, Kuala Terengganu. This area was selected because it was amongst the early settlement in Terengganu. It was opened by a famous Islamic scholar named Haji Wan Abdullah bin Haji Wan Mohammad Amin or better known as Tok Sheikh Pulau Duyong in the year 1846M [9]. He had established a center for traditional Islamic studies in this area that made it famous and known by many. This has made the area as an interesting area to be studied due to the early religious influence that existed here. The inhabitants of this area also gain easy access to

education whether formally or informally because it is close to some important educational centers in Terengganu. The respondents for this research consist of the Muslim community in Pulau Duyong aged 20 and above. The purpose of this age setting is so that they can provide clearer information about their knowledge on the will as the rights of inheritance based on demographic background. This will produce a set of data relevant to the research objectives.

**Samples and Sampling Methods:** The samples were chosen through simple random sampling on the inhabitants of Pulau Duyong Kecil, Pulau Duyong Besar and Pulau Ketam, Kuala Terengganu – after this stated as Pulau Duyong only. According to the census by the Department of Statistics of Malaysia in 2010, the population of the island districts in Kuala Terengganu (Pulau Duyong and the nearby islands) was 3,945 people and 2,405 from the total population aged over 20 years [10]. They are a general community consists of professional worker group or non-professional in public as well as private sectors, those who are self-employed as well as the those not in labor force such as the housewives, the unemployed and students.

The survey forms were distributed to 450 samples that represent the general community in Pulau Duyong and from that amount 350 forms were successfully recovered by the author. After refinement, only 345 questionnaires met the sampling criteria to be studied and used as in the data analysis in this research. This sampling total is considered as meeting the target based on sample size table suggested by Uma Sekaran which is 331 samples [11]. This size is adequate to optimally estimate the parameter in the population of 2,405 people.

**Research Instrument:** The instrument used in this research is based on a few standard instruments made by previous researchers to test people's knowledge or perception and their validity were proven. The author has modified that instrument in order to fulfill the research requirements and relate it to the knowledge of the Muslim community in Pulau Duyong, Kuala Terengganu on the issue of will as one of the Islamic rights of inheritance. However, the modifications on questionnaire instrument have gone through some procedures to maintain its validity. Procedures such as content validity, pilot study and the instrument's reliability test have been performed prior to conducting the actual study. The instrument's

reliability was measured using the alpha cronbach test on the scale of 0 – 1. The closer the value to 1, the higher the reliability of the instrument [12]. Analysis on the reliability of the instrument used in this research shows a high reliability (>0.7) which is 0.852 alpha cronbach.

**Data Analysis:** The data obtained from the questionnaires were collected and analyzed using a computerized analysis, the *Statistical Package for Social Science*. A descriptive data analysis method was used to answer research questions. For that purpose, the author used the analysis of percentage, mean, standard deviations and mean score to descriptively explain the score spread on every dimensions of the study. The obtained score spread is put into a table to facilitate discussion. To explain further on the description of data spread analysis in this research, the score mean interpretation table used by Nazri Muslim *et al.*, was referred to as a guidance to provide an insight on the contribution level of the knowledge of will as one of the rights of inheritance by the respondents [13]. Other than that, to ease the elaboration on research findings particularly when the author makes discussions on the findings and results, the author has used the interpretation for the obtained percentage adapted from Mohd Ali Mohd Yusuf in his master's research at the University of Sultan Zainal Abidin (UniSZA) since 2013 about The Knowledge of Muslim Community in Kuala Terengganu about The Rights Of Inheritance. This is to reduce mathematical jargons which are hard to be understood by the readers.

## DISCUSSION

The knowledge on the laws of will analyzed in this research only involves general matters that have to be known by the Muslim community in order to make a will and the priority of its executions as one of the rights from the Islamic rights of inheritance by the deceased's heirs.. The result of a detailed review on the scholarly discussions and data analysis from the questionnaires forms as well as interviews at the site on the knowledge of the Muslim community in Pulau Duyong, Terengganu can be concluded as follows:

**Will in the al-Quran:** The word *wasiyyah* was mentioned in the al-Quran 25 times whether in the form of root words or derivative words [14]. Literally, the word *wasiyyah* originated from the Arabic language taken from the root

word *Wasa, Yasi* which means "connecting" [15]. Meanwhile technically, Sayyid Sabiq defined it as the ownerships awarded after one's death with the purpose of charity [16]. According to Section 2(1) Muslim Will Enactment (Selangor), No.4 Year 1999, "will" means an admission made by a person during his lifetime with respect to his properties or benefit thereof, to be carried out for the purpose of charity or for any other purpose permissible by the Islamic law, after his death [17].

Based on the above explanation, a will is a message from an individual to spend some of his properties for the purpose of charity after his death. It is one of rights from the rights of Islamic laws of inheritance mentioned by Allah S.W.T parallel to the verses about the laws of inheritance (*faraid*) in the al-Quran 4: 11 and 12. The word will in these verses were repeated four times to show how important it is for the heirs to pay attention towards the deceased's will. In these verses too, the rights of inheritance of the deceased were reorganized from the rights of heirs (their part of inheritance), the rights of will and finally the rights of debt for the deceased. Amongst them are stated in Allah S.W.T.'s commandment which means:

*And for you is half of what your wives leave if they have no child. But if they have a child, for you is one fourth of what they leave, after any bequest they [may have] made or debt. And for the wives is one fourth if you leave no child. But if you leave a child, then for them is one eighth of what you leave, after any bequest you [may have] made or debt.*  
(al-Quran 4:12)

On the other hand, from the aspect of executions of the rights, the majority of Islamic scholars from Shafie school of thought have agreed to prioritize the rights of debt, followed by the rights of heirs which is the rights of inheritance [18]. According to Ibn. Kathir the early and contemporary Islamic scholars have reached a consensus to prioritize the rights of debt over the rights of will [19]. This is based on a hadith narrated by al-Tirmidhi [20] from °Ali bin Abi Talib r.a who said:

*The Prophet s.a.w judged with the debt before the will and you people (the followers of Prophet s.a.w) recite (the verse of al-Quran) the will before the debt.*  
(al-Tirmidhi, 1937, 2122)

The above hadith clearly explained that the rights of debt of the deceased have to be settled first as compared to the rights of will in managing the inheritance. However, Allah s.w.t. gave priority on the word will over debt in the al-Quran 4: 11 – 12 to show the importance of carrying out the responsibilities to fulfill the rights of will by the heirs. The heirs are reminded not to take the wills of the deceased for granted or to conceal it from being carried out. Al-San'ani [21] has explained the meaning of the above hadith from 'Ali bin Abi Talib r.a by saying:

*Imam al-Suhayli has answered this question by saying: verily the purpose of a will is to perform charity and bring relationship closer among the people whereas debt is to clear the deceased's burdens therefore putting priority on fulfilling the will to show the deceased's goodness is better. Other scholars stated that a will should be prioritized because it is given without return (given for free) but debt is given to pay loans so of course fulfilling the will is harder for the inheritors as compared to paying debt.*

The priority to carry out the will of the deceased as mentioned in the al-Quran cannot be argued through the above statement, but it is balanced with certain rules so the properties of the deceased are not fully spent on the will alone. This is to take care of the interest of the deserving heirs. For that reason Islam has ruled that a will must not exceed one third of the balance of inheritance after fulfilling other prior rights [22]. Meanwhile the rest of two third is allocated to the deceased's heirs. This is based on the hadith narrated by Imam al-Bukhari [23] from Amir bin Sa'ad:

*"O Allah's messenger s.a.w. May I will all my property (in charity)?" He said "No". I said: Then may I will half of it? He said "No". I said: one third? He said "Yes, one third, yet even one third is too much."*  
(Ibn. Hajar, 1986, 2742).

Other than that, it is obligated that a will should not be made for one's heirs, because heirs already have their shares as ruled by Allah S.W.T in the rights of inheritance after fulfilling the rights of will. It is based on the hadith of Rasulullah s.a.w narrated by at-Tirmidhi from Abi Umamah al-Bahiliy:

*Indeed Allah, Most Blessed and Most High, has given the right due to everyone deserving a right. So there is no will for an heir.*  
(Tirmidhi, 1937, 2120)

However, if the deceased insist on putting more than one third of his properties in a will or if he wants to will his properties to his heirs, scholars agreed that it can be done with the permission of all heirs who have rights on his inheritance [24].

As a conclusion, these verses of al-Quran 4: 11 – 12 from surah an-Nisa' have literally explained the fundamentals of Islamic jurisprudence on the will. These fundamentals should be learned and known by the Muslims because every human will face death. When death happens, the heirs will be responsible to manage the properties of the deceased according to the rules of the Islamic laws. A will status in general as agreed by the Islamic scholars is permissible and its position is acknowledged as one of the Islamic rights of inheritance that has to be carried out by the heirs upon the death of a person. Will execution is done after settling the debts and before dividing the properties to the deserving inheritors of the deceased. It is clear here that a will is not a mechanism to distribute one's inheritance but it is a method to manage the rights for the deceased's properties. Therefore, there should not be any issue of the inability to distribute inheritance due to an absence of a will.

#### **The Relationship Between Will and Inheritance:**

The Islamic laws aims at providing justice to all people and amongst the justice stressed out in Islam is in the issue of ownership of properties of the deceased whether through a will or inheritance. This is because during the jahiliyya period, the weaker group such as women and children were not given the rights of inheritance and will. Therefore, amongst the early method of inheritance being used at the beginning of its commandment is through a will. Allah S.W.T. said:

*Prescribed for you when death approaches [any] one of you if he leaves wealth [is that he should make] a bequest for the parents and near relatives according to what is acceptable – a duty upon the righteous*  
(al-Quran 2: 180).

The above verse explained that a will has been acknowledged as a mechanism to distribute wealth in the early stage of Islam before the obligations to distribute wealth through the laws of *faraid*. The deceased is given an authoritative power to distribute his wealth without limits to anyone he likes from among his family except for his parents whom it is compulsory to receive some of his wealth [25]. After that, Allah S.W.T has revealed three verses in the al-Quran 4: 11, 12 and 176 that detailed the list of heirs who have rights on the deceased's properties and the amount they deserve. According to as-Sabuni even though there were just three verses and in simple explanation, it is enough to cover all the fundamentals of *faraid* knowledge and its regulations methods [26]. Henceforth, these verses have annulled the inheritance method by the use of will in the al-Quran 2: 180.

Nevertheless, the Islamic scholars have reached a consensus that a will is permitted but not compulsory for the Muslims except for those who are in debt or keeping a trust that is owned by somebody else, whereby it is compulsory to make a will on it [27]. A will is a mechanism for the deceased to allocate some of his bequest to whomever he likes other than the deserving inheritors, or to anything permissible that can benefit himself. With that regard, a will in this matter has become a special instrument yet still remains as one of the Islamic rights of inheritance from a deceased individual because it will only being carried out after one's death. Undeniably, a will has a significant relationship with inheritance. For those reasons the revelations in the al-Quran 4: 11 – 12, is concluded with a reminder on the will and the necessity to carry it out as outlined by syarak.

The Knowledge of Muslim Community in Pulau Duyong, Terengganu about the Priority of the Will as One of the Islamic Rights of Inheritance: The priority positions for every rights of inheritance was gained through feedback of the survey forms distributed to the respondents in the reseach area. It was measured through total percentage and mode obtained at every level of executions which were MI (Most Important) = the first rights to be fulfilled, 2nd (Second) = the second rights to be fulfilled, 3rd (Third) = the third rights to be fulfilled, 4th (Fourth) = the fourth rights to be fulfilled, LI (Least Important) = the last rights to be fulfilled. In this context, the position of will based on the priority of execution as one of the Islamic rights of inheritance falls at the third place. The majority of respondents chose the rights with the highest priority (MI) to be fulfilled is the management

of the deceased's corpse with the highest percentage of 82.9% as compared to other rights, followed by settling the debt of the deceased which falls at the second place (2nd) with the highest percentage of 56.8%, next is the will on the third place (3rd) with the highest percentage of 38%, whereas the last rights (LI) that has to be fulfilled from the deceased's bequest is distributing the deceased's properties with total percentage of 39.1%. In short, the order of priority in fulfilling the rights obtained from the respondents' feedbacks based on percentage and mode are as follows:

#### **Managing Corpse:**

- Settling debt
- Taking care of the will
- Redeem back the pawned or confiscated properties
- Distributing the inheritance to the beneficiaries

The interesting thing is, the rights of debt over properties marked with the question of redeeming back the confiscated properties did not get the highest percentage for any level of executions even though the mode of respondents' answers are around 4. This shows that the respondents were still not clear about the position of the rights of debt over properties as one of the rights of inheritance whether in terms of its rulings or executions. The spread and description on the positions and priorities of the Islamic rights of inheritance are shown in the Table 1.

From the above explanation is can be concluded that the Muslim community in Pulau Duyong, Terengganu clearly aware about the position of will as one of the Islamic rights of inheritance as stressed out in the al-Quran 4: 11 - 12. Meanwhile, looking from the aspect of the priority of executions for the Islamic rights of inheritance, a will falls at the third place which means it is to be carried out after taking care of the rights of managing corpse and the rights of debts of the deceased. According to Islam, the priority to carry out a will falls at the fourth place in the order of the rights of inheritance.

The above result of analysis shows that there are confusions among the Muslims on the rights of debts over the inheritance, where according to the Shafie sect, the rights of debt over the inheritance is the most important rights to be carried out among all the rights of inheritance. This explains that even though the Muslim community in Kuala Terengganu are followers (*muqallid*)

Table 1: The sample spread on the positions and priorities of carrying out the rights of inheritance

| Item                   | MI    | 2nd   | 3rd   | 4th   | LI    | Mode | Description           |
|------------------------|-------|-------|-------|-------|-------|------|-----------------------|
| Pay debts              | 30.1% | 56.8% | 9%    | 3.8%  | 0.3%  | 2    | Second                |
| Manage corpse          | 82.9% | 13.9% | 1.7%  | 0.6%  | 0.9%  | 1    | Most Important        |
| Distribute inheritance | 6.1%  | 12.2% | 13.3% | 29.3% | 39.1% | 5    | Least Important       |
| Settle the will        | 10.1% | 13.9% | 38%   | 29.3% | 8.7%  | 3    | Third                 |
| Redeem pawned assets   | 6.1%  | 8.4%  | 31.9% | 21.7% | 31.9% | 3    | No Highest Percentage |
|                        | 100%  | 100%  | 100%  | 100%  | 100%  |      |                       |

Source: Survey forms

Table 2: The knowledge about the fundamentals of the rules of inheritance

| Item   | DNNAL | DNN   | NS    | K     | KVW   | Mean | Std. Deviation | Level |
|--|-------|-------|-------|-------|-------|------|----------------|-------|
| Fulfill a will before distributing properties  | 1.2%  | 7.2%  | 19.4% | 38.3% | 33.9% | 3.97 | 0.964          | EK    |
| Will must not exceed one third   | 8.7%  | 39.7% | 20.6% | 22%   | 9%    | 2.83 | 1.140          | FK    |
| Will should not be to the deserving heir   | 9.9%  | 35.7% | 22.3% | 22.7% | 9.9%  | 2.87 | 1.164          | FK    |
| Will must not be on haram matters or vices   | 4.9%  | 12.8% | 13.3% | 26.1% | 42.9% | 3.89 | 1.228          | EK    |
| The permission to award over one third or to the heirs provided all heirs agreed on such terms | 5.5%  | 22.3% | 20.6% | 35.7% | 15.9% | 3.34 | 1.151          | FK    |
| No will/inheritance if all wealth was spent to fulfil prior rights                             | 2.6%  | 12.8% | 21.7% | 39.4% | 25.5% | 3.68 | 1.049          | EK    |

Source: Survey forms

Table 3: The mean scores for the questions about the fundamental knowledge of will

| Mean score  | Question Items   | Knowledge Level Interpretation |
|-------------|--|--------------------------------|
| 3.68 – 5.00 | 1. A will must be carried out before distributing inheritance<br>2. Cannot make a will on haram matters<br>3. No will or inheritance if all inheritance were used up for prior rights  | Excellent                      |
| 2.34 – 3.67 | 1. A will cannot exceed one third of the balance of inheritance<br>2. Cannot make a will to one's righteous heirs<br>3. A will that does not meet both of the above requirements can be carried out with the approval of all deserving heirs | Fair                           |
| 1.00 – 2.33 | No question with the mean score at this level  | Poor                           |

Source: Survey forms

of the Shafie sect as ruled by the authority, their understanding is not based on the knowledge of the sect that they followed. The Islamic influence that has taken its roots within the community has helped the Muslims in Pulau Duyong to learn about Islam via legacy or informal education through observations and participations on religious matters. That is the reason why the respondents prioritize the rights of corpse management as the first rights to be carried out among the rights of inheritance of the deceased.

**Knowledge on the Fundamentals of Will:** The investigated fundamental matters related to the will were focused on the general laws of will which were; it is forbidden to will more than one third of the

properties after settling the prior rights, it is forbidden to make a will to the heirs, it is forbidden to make a will on haram (proscribed by the Islamic law) matters or vices and some issues on the position of will in the Islamic rights of inheritance. The percentage analysis on the respondents' feedbacks can be grouped in two categories. Over half of the respondents (51% – 72%) stated that they knew very well or fairly well on the subject of the position of will as compared to inheritance, that it is forbidden to make will on haram matters, the rights of will will not be carried out if the inheritance has been totally used up and it is allowed to will over one third of the properties or to the deserving heirs provided that all other heirs agreed for such settlement.

On the contrary only a small number of respondents (30% - 32%) responded that they knew very well or fairly well about the laws of will which are; cannot exceed one third of the balance of the inheritance and cannot make a will to the deserving heirs. The detailed percentage and mean for the knowledge of the community on the fundamentals of will can be seen through the table 2.

Meanwhile, the analysis on the mean score summarized that the respondents' knowledge is divided into two categories which are excellent knowledge level on the issue of the position of will as compared to inheritance, the prohibition on making will on haram matters and there is no execution of will or inheritance if all properties were used up with the mean scores between 3.68 – 5.00. Concurrently, a fair knowledge level is obtained for the rules that it is not allowed to will over one third from the inheritance balance, it is not allowed to make a will to the righteous heirs and the status of a will that does not meet the previous two rules depends on the agreement of all deserving heirs with the mean scores in between 2.34 – 3.67. The order of questions and mean scores acquired were organized in the table 3:

The result of the description gained from the analysis on percentage, mean and mean score about the knowledge of the Muslim community in Pulau Duyong, Terengganu on the fundamentals of will in general can be concluded to be at a medium level. This is based on the result derived from the mean score for all question regarding this matter (mean = 3.379 and s.d = 0.731) which implicated that the overall knowledge level of the respondents are at a medium level.

## CONCLUSION

The role of a will is crucial as a mechanism to manage the properties of a deceased in the Islamic laws. In fact, in the early stage of Islam, a will act as an instrument to divide inheritance. However with the revelations of verses on the resolutions of inheritance (*faraid*) to the inheritors in the al-Quran 4: 11, 12 and 176, the majority of Islamic scholars opinated that the role of will has been annulled and replaced with properties distribution through *faraid*. Nevertheless, the law of will remains as a selective mechanism for the Muslims for the purpose of managing some of their properties to be channeled on charity after one's death. Therefore, it has changed the role and position of a will to become one of the Islamic rights of inheritance. This position is clearly explained in the al-Quran 4: 11 – 12 which explains the position of will and the debt of the deceased as the compulsory rights to be

carried out by the heirs besides the distribution of inheritance to the deserving beneficiaries.

The knowledge about the fundamental of will such as the rules of the will is highly necessary for the Muslims, even though the obligations to gain a deeper knowledge in the subject matter is under *fardu kifayah* (collective duty whereby it is sufficient for some community members to carry it out, but it is a sin if nobody takes it). This is due to the fact that death is a certain thing for all human and the properties left need to be managed for the purpose of charity and gaining a peace of mind. From another perspective, the sentiments of the Muslim community in Malaysia towards Islamic financial products such as *takaful* (Islamic-based insurance) and Islamic banking is very high nowadays. Hence there are numerous shariah-compliant products were being introduced to the Muslims in Malaysia to manage financial matters during lifetime or after death. In managing properties after one's death, a *hibah* (gift) and a will were introduced to the Muslims. Accordingly, the Muslims need to know the basics of the laws of will in order to prevent themselves from being exploited by dishonest and irresponsible agents who just want to make profits.

The Muslim community in Pulau Duyong, Terengganu has a good knowledge on the position of a will and the priority of its execution as one of the Islamic rights of inheritance. Their confusions on the rights of debt on the properties as the main rights did not impair their knowledge on the position and roles of a will whereby most of the respondents know that a will takes precedence over the distribution of properties for the inheritors. This implies that the Muslim community are aware and know the importance of carrying out a deceased's will if he leaves a will during his lifetime. The majority of the respondents also know that if all of the deceased's properties were used up to manage corpse and pay all of his debt, then the rights of the will and the rights of his beneficiaries (inheritance) cannot be carried out.

From the aspect of the knowledge on the fundamental matters of the laws of will, it is found that people are still confused with some of the laws of inheritance. This is based on the question about the prohibition on making a will of over one third of the balance of inheritance and the prohibition on making a will for the deserving heirs did not gain a positive feedback from the respondents. The failure to truly understand the laws of will has caused the Muslims to fail to clearly understand the functions and purposes of a will.



They might be trapped to sign a will document that oppose the rules of will according to the Islamic rules such as a will that exceeds one third of the properties or a will given to one's own heirs which cannot be carried out unless with the approval of all the deserving heirs. This kind of will cannot be resolved quickly as publicized in will products except through dispute and court's order. Nowadays the Muslims are seen to be taken a careful approach when making a will, yet if it is not handled properly, the Muslims might easily fall for the products of will available in the market which were created for the sake of getting business and future profit.

The Muslim community also shows a high awareness on the prohibition to make a will on haram and vices matters, which is depicted when it is found that over half of the Muslim community know that a deceased's will cannot be carried out on things forbidden by Allah S.W.T. If a will is made for such purposes, then it becomes automatically null and void. This is due to the fact that the prohibition on viced and haram matters are clear in Islam. It is a basic knowledge which is known by all Muslims.

In general the knowledge of the Muslim community in Pulau Duyong, Terengganu on the will as one of the Islamic rights of inheritance is at a medium level. This is proven through the mean score result for all questions related to a will of the deceased (mean = 3.379 s.d = 0.731). At this level it shows that a will is not unfamiliar to the Muslims, but there are areas that need to be clarified so the people can better understand the true roles of a will and its position in managing inheritance. In this time, the Muslims are becoming more aware about the need to make financial plan when they are alive or dead. Therefore the authorities should take advantage of this situation to increase information regarding the laws of will and the management of a deceased's properties for all Muslims.

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