

## **THE LEVEL OF AWARENESS ON WASIYYAH: A STUDY AMONG MUSLIM RESIDENTS IN TAMAN MEDAN**

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### **ABSTRACT**

*Wasiyyah* is one of the most crucial concepts to understand before dying. This is necessary to guarantee that beneficiaries receive their rights once a person has died. Therefore, *wasiyyah* is extremely essential to society and to the testator of *wasiyyah* itself. In Malaysia, however, people are less concerned about the *wasiyyah* practice which lead to an increase in frozen asset and unclaimed property. *Wasiyyah* is an essential aspect of Islamic estate planning that may have an impact on Malaysia's unclaimed asset statistics. The purpose of this study is to identify the level of awareness of Taman Medan residents on the execution of wills and to investigate the factors influencing the awareness of Muslim residents in Taman Medan toward *wasiyyah* practice. The research methodologies employed for this study are qualitative and used a random sampling method to interview and collect data from respondents among Taman Medan residents. The qualitative research described in this work sought to investigate the links between *wasiyyah* practice awareness and independent variables like knowledge, life events, and institutional factors that encourage

Muslims in Taman Medan to write *wasiyyah*. Based on the findings, it shows religion is the most influential element influencing awareness of *wasiyyah* practice. Hence, the stronger their adherence to religion, the higher their level of awareness of the *wasiyyah* practice. As a result, the community and ARB as well as responsible parties such as the government, and third parties must work together to address these issues.

**Keywords:** awareness, *wasiyyah*, unclaimed asset, Muslim wills, Taman Medan residents

## INTRODUCTION

Islam is a comprehensive *ad-din* because it covers the affairs of this world and the hereafter. Therefore, Islam places great emphasis on its believers to understand the concept of property management properly based on the understanding of the Qur'an and Sunnah (Abdullah et al, 2020).

Property is one of the most crucial components of everyday human life. The features of a property are inextricably linked to every human being. Allah bans us from giving property to someone who would waste it in a wasteful manner since this will harm many people. Allah has *commanded* that property be used for the greater good (Azmi, 2019). This hadith shows the importance of a Muslim's will in their lives. Will writing has been a tradition among Muslims since the time of Prophet Muhammad (Abd Aziz et al, 2017).

Based on Allah SWT's words in Surah al-Imran verse 185:

كُلُّ نَفْسٍ ذَائِقَةُ الْمَوْتِ

*“Every soul will taste death”*

This implies that death is a certain and unavoidable event. The individual who dies will leave the property, which is entitled to be inherited by the heirs by the terms of the existing legislation. In Islam, a will is an act of determining the testator's final message. A will is a law made available through Islamic law. It is a gift from Allah to Muslims, containing blessings and diverse wisdom to achieve prosperity and harmony for the entire Muslim community (Razif, 2021).

Furthermore, according to Ibn 'Umar, the Prophet Muhamad said:

*“It is not rightful for a Muslim person if he has anything to bequeath, that he sleeps two consecutive nights without having his will written with him.”*

This hadith shows the importance of a Muslim's will in their lives. Will writing has been a tradition among Muslims since the time of Prophet Muhammad PBUH (Abd Aziz et al, 2017).

According to Ayyash et al, (2019), *wasiyyah* is one of the most essential tools for wealth distribution management, especially when reducing the problem of unclaimed assets caused by a lack of financial planning. However, among Muslims nowadays, writing *wasiyyah* is no longer stressed. This contributes to unclaimed inheritances by causing inappropriate wealth management after death. One of the causes of this problem is a lack of awareness of the necessity of writing *wasiyyah*.

Allah prescribes a will that contains great wisdom for his servants, which is one of the ways human beings use to get closer to Allah and increase good deeds for the welfare of human beings in this world and the hereafter. Based on the above background, I am interested in researching awareness of wills among the Muslim population in Taman Medan, Petaling Jaya. As taught in Islamic law, a will has the purpose of realizing welfare, justice, and conformity (Azmi, 2019).

In Malaysia, the penetration rate of *wasiyyah* property is quite low. As a result, when a person dies, there is an excess of unclaimed property and a rising amount of frozen assets that cannot be transacted. This will cause problems for the heirs in the demand for the property. For example, the death of a person who has passed away is not automatically transferable to their family, but rather the deceased's representative has to apply for a letter of representation from the Civil High Court before the estate can be transferred into their name (Noor et al, 2019).

Unclaimed assets are assets that the heirs do not claim due to family problems, poor property management, a lack of awareness of inheritance law, and administrative issues. If the situation continues, the value of these assets, which total billions of Ringgit Malaysia, will deplete the country because they cannot be used as sources of revenue and will not tackle community poverty issues (Ulum et al, 2017).

Generally, will writing is not frequently practiced among Malaysian Muslims. Malaysian Muslims are unaware that *wasiyyah* planning is a major matter. Even though the parties have agreed, family disagreements and quarrels sometimes emerge without formal agreement (Mursidi & Maulan, 2020).

Apart from that, lack of awareness and an easygoing attitude are factors of almost RM70 billion worth of property, with the majority belonging to the Malays in this country, not claimed since independence until now. The enormous value of money is embedded just like that. If liquidated, it will give more benefits to the heirs and indirectly develop the Malay economy (Harian Metro, 2020).

The amount is expected to increase yearly if it is not claimed. This is said to be so because, until now, property owners' contempt for the will, that is, not making a *wasiyyah*. At the same time, they are still alive to determine the administrator and recipient of the property when they die, which has remained concerning, potentially complicating the process of claiming property (Fazlul Haque, 2020).

As a result of the issue, there will be heirs who consider the process of applying for the division of the estate to be time-consuming, expensive, and inconvenient. This will cause the deceased person's property to be frozen and the land to become idle and unmanaged.

Thus, because the problem has yet to be handled, this study aims to identify the awareness of *wasiyyah* practice among residents in Taman Medan, Petaling Jaya Selangor, and to provide a solution based on unclaimed property and a growing quantity of frozen property. Taman Medan was chosen as the study site because residents here are on average, have a low level of education, and are generally not exposed to matters related to property management, such as wills.

## LITERATURE REVIEW

### 1. Definition of *Wasiyyah*

Wills is derived from the Arabic term *wasiyyah*, which means bequest, Islamic will, or to transfer. In other opinions, *wasiyyah* also derives from the term *wassa*, which means “to promise, counsel, order, or give away property after death” (Mursidi & Maulan, 2020).

Shafie scholars, on the other hand, believe that "*wassa*" implies "connection" or "delivering," as in "connecting" or "delivering" someone's good actions during his lifetime to be rewarded after his death. It could also be seen as a gratuitous transfer of property by its owner to another, contingent on the giver's death. This means that the grant will only take effect after the testator has died (Noor, 2018)

According to Azmi (2019), under Section 2 (1) of the Muslim Wills (Selangor) Enactment 1999, a will is a promise of a person made during his lifetime on his property or benefit to complete something for welfare or any purpose permitted by Islamic law after his death. Whereas Section 2 (1) of the Negeri Sembilan Muslim Wills Enactment 2004 and the Melaka Muslim Wills Enactment 2005 state that a will is a promise of a person made during his lifetime on his property or the benefits of his property to be executed for charitable purposes or any other purpose given according to Islamic law after he died.

Aside from that, another technical meaning of *wasiyyah* is a declaration in the specified form of the intention of the person making it of the matter which he intends to take effect on or after his death, until which time it is revocable. The dead will receive the award indefinitely after death. *Wasiyyah* is also a method of connecting one item to another and the initiator advising or directing a person to perform a good thing (principal). There are a few distinct perspectives on the meaning of *wasiyyah* from past studies, but they all seem to be linked (Khalid et al, 2017).

### 2. Muslim Awareness of *Wasiyyah*

The Quran demonstrates the link between knowledge and awareness. The greater one's understanding, the more riddles, and secrets are revealed. Furthermore, awareness should be present before making changes to something. According to Halim et al. (2018), the term “awareness” may be described as knowledge or comprehension of a subject, issue, or situation. Meanwhile, according to (Al

Rowaili, 2021), the component of awareness is when a person responds without seeing or thinking, feelings that result from understanding, and knowledge within the framework of the concepts, beliefs, and standards they possess.

Meanwhile, Jamalurus et al. (2019), state that knowledge or understanding of a concept, issue, or circumstance can be defined as "awareness." *Wasiyyah* is a term that the majority of Muslims are familiar with. On the other hand, they lacked knowledge and understanding of *wasiyyah* practice.

Regardless of their upbringing, career, or industry, Muslims have poor knowledge of Islamic inheritance rules in today's society. There are also Muslims with a money management strategy that isn't in line with Islamic wealth sharing. Due to a lack of information and knowledge distribution and promotion, most Muslim society has limited awareness about *wasiyyah*.

Furthermore, most Muslims in Malaysia are not properly informed about the crucial facts needed to write *wasiyyah*, which would reduce their desire to do so. Another factor is that they were unaware of the importance of wills in property development and administration.

### **3. Factors That Influence The Awareness Of *Wasiyyah***

#### **3.1 Knowledge**

The most influential aspect of *wasiyyah* awareness and practice is knowledge. The average Malaysian Muslim is unaware of the *wasiyyah* and its implications (Ahmad, 2021). Furthermore, a study by Jamalurus et al. (2019) found that the value of unclaimed assets mentioned in magazines and newspapers rises year after year. This is because the *faraid* is used by most Malaysian Muslims in estate distribution and impacts them, whether it is an estate or an intestate succession. Furthermore, a lack of knowledge regarding the expense of writing a *wasiyyah* charge by Amanah Raya Berhad (ARB) contributed to the lack of *wasiyyah* awareness (Bouteraa, 2019).

Regardless of their upbringing, profession, or sector, the Muslim community poorly understands Islamic inheritance laws. Because most Muslims in Malaysia are not properly informed about the knowledge and crucial facts needed to write *wassiyah*, their willingness to do so will decrease (Abd Aziz et al, 2017). According to Hashim et al. (2019), knowledge reflects the public's understanding of the importance of proper wealth management planning and it plays a significant impact in influencing Islamic *wasiyyah* practice. As a result, the greater their knowledge, the greater their awareness of *wasiyyah* practice.

#### **3.2 Life Events**

The life cycle of events such as 'death' is also relevant to *wasiyyah* (Jamalurus et al, 2019). Most people believe that they do not need to prepare a *wasiyyah* while they are still young. This is because they believe it can be done when they are older and have a high level of serious disease, at which point they will perform the *wasiyyah*. Nonetheless, we have no way of knowing when death will take

control. If they do not finish their will before dying, they may cause disagreement among the deceased's family and relations. The estate distribution process will also take a lengthy time. It is because, it must follow a certain procedure compared to the estates that already have *wasiyyah* (Ahmad, 2021).

Next, disputes or disputes among heirs are one of the issues that exist in the problem of estate management. This is because the deceased did not make a *wasiyyah* while they were still alive (Berita Harian, 2020). However, this problem is rare if the deceased has left a *wasiyyah* as the division of property will be done by the rulings of the testator and by Islamic law. When the heirs or those around them become aware and experience such problems, they will recognize the value of a *wasiyyah* and will indirectly give them awareness to do so (Mohamood & Saifullah, 2020).

### 3.3 Institutional Factor

Institutional factors can also influence a person's willingness to make a *wasiyyah*. We all know that making a testator is difficult. To make a *wasiyyah*, we must go through a lengthy process. When it comes to estate administration and settlement, one of the biggest roadblocks is when it comes to rules and regulations (Ahmad, 2021).

According to Abd Aziz et al. (2017), knowing a *wasiyyah* writing supplier can impact a person's decision to make a *wasiyyah*. This can also be shown in the choice to make *wasiyyah*. As a result, it is on to the respective institutions to spread information to the general public to raise public awareness and knowledge regarding *wasiyyah*. "Knowledge of the institutions' existence" was a crucial major predictor in *wasiyyah* (Jamalurus et al, 2019).

### 3.4 Religion

According to Abdullah et al. (2020), Islam places the concept of estate planning in a high position because the property bestowed by Allah SWT is a trust that will be held accountable in the hereafter. Hashim et al. (2019) state that Religious people's values differ from those of the less religious and the non-religious. The assumption is that a very religious person will evaluate the world via religion and, as a result, will incorporate religion into much of his or her life. If followers truly believe in their religion's doctrine, they are more likely to follow the laws and standards of behavior established by their religious teachings.

In Islam, all Muslims are encouraged to write a *wasiyyah* and practice in the teaching of life. Muslims are not permitted to leave a *wasiyyah*. Religion is an essential indication of charitable giving since it has a considerable influence on the likelihood of creating a charitable bequest. This demonstrates that there is a positive and substantial association between religiosity and *wasiyyah* behaviors (Abd Aziz et al, 2017).

Given that leaving an Islamic will is advocated in Islam, each decent Muslim should be able to put this Islamic teaching into practice in his or her life. Religion is one of the variables that impact Muslim behavior in Malaysia.

Religiosity refers to an ethical concept that informs Muslims' everyday behavior and commitment. Furthermore, religiosity can be described as a faith that has a major impact on people's attitudes, beliefs, and behaviors. As a result, it is argued that more religiosity influences the adoption of Islamic will (Hashim et al., 2019).

## METHOD

For this study, the researcher has used qualitative methodology as a research instrument. This study was conducted through interviews and surveys to obtain data from respondents among the residents of Taman Medan. The first instrument is an interview to obtain information verbally from the interviewee. The researcher used an unstructured interview where the set of questions was less formal and the interviewer modified the sequence and order of the questions for the selected group of participants who were asked about their opinion or knowledge about the practice of *wasiyyah*.

Additionally, the second instrument used in this interview is a survey. The survey will ask interviewees questions, where there are also some open-ended questions, excluding unlimited questions or essays. As a result, both instruments help this research to get responses from residents in Taman Medan to measure the level of awareness of *wasiyyah*.

Interviews are conducted as a research technique to examine and obtain data from study participants about their level of awareness. In addition, respondents were randomly selected to answer interviews based on their experience and understanding of *wasiyyah* to assist the researcher in collecting data and achieving the objectives of this research.

A semi-structured questionnaire is used as an interview guide for the researcher, as some specific questions are prepared to steer the interview toward meeting the research objectives. Nevertheless, new questions related to the topic of this study were found throughout the interviews. The criteria for selecting experts is based on their work experience and expertise. The saturation idea was examined in this research when respondents provided no fresh insights to conclude the number of respondents. Content analysis was applied to examine the data and information received from personal interviews. This kind of study in which data acquired is classified and grouped into themes to be similar to the data.

The four phases of data analysis are as follows: establishing codes, coding data processes, discovering articles, patterns, and linkages, and lastly, summarising the data. The outcomes of this research were evaluated utilizing coding and theme analysis based on data collected from a semi-structured interview.

## FINDINGS AND ARGUMENTS

### Understanding and Awareness Toward *Wasiyyah*

There are three research questions that have been focused on in this study. Among them are to identify the level of awareness of Taman Medan residents on the execution of *wasiyyah*. The first question is about the respondent's awareness of the importance of executing a *wasiyyah*. This question is to identify the understanding of the importance of *wasiyyah* among residents in Taman Medan in Selangor.

Next, the second research question is to know whether awareness alone plays a role in writing a will or whether there are other factors that push a person to delve deeper into it. The second question posed is to study the factors that influence the Muslims in Taman Medan in preparing *wasiyyah*.

Apart from that, the third research question is how to improve the level of knowledge of the general public, including in Taman Medan, so that they look more seriously at the execution of the will. The third question is to ask for the respondent's suggestions for solutions regarding the problem of increased unclaimed property and a rising amount of frozen assets.

Based on the results of this study, it was found that all respondents who are residents of Taman Medan have awareness and knowledge about the importance of *wasiyyah*. They also know that a will is important for their family's future. A few of them stated that they were aware of it because they got information from talks, newspapers, and even experience.

They also agree that a will to an heir is invalid except with the consent of all other heirs. They also state why they do it. For example, some respondents stated that it is common knowledge and it is something that everyone knows because many cases like this happen in our society. Some respondents answered that they learned about it through reading that is from google and newspapers. So, due to a large number of cases of fights due to property disputes, it can be concluded that all respondents know that it requires the consent of all other heirs in the division of property.

All respondents stated that they are aware of the importance of *wasiyyah*. However, only 2 respondents have made a will and used the services of Amanah Raya Berhad (ARB) and As-Salihin Trustee. However, there are also those who do not want to make a will because they do not have property to inherit. The rest, all other respondents are still in the process of planning to make a will, and all of them want to use the services of institutions that can manage wills so that the distribution of property is easy and accurate. Thus, with the writing of this will, it aims to ensure that any remaining property will be shared more fairly, especially for debt management and children.

Meanwhile, the findings of the study have also found that most of the respondents in Taman Medan agree that factors that influence the Muslims in Taman Medan stated that religion is another factor that motivates them in making a will. Religion is significant because it can influence the behavioral and cognitive abilities of an individual. Therefore, the values of religious people are



different from the values of less religious and non-religious people. Since writing a will is encouraged in Islam, every Muslim believer should be able to practice this Islamic teaching in their lives.

In a conclusion, all respondents gave the same recommendations as responsible parties such as the government, institutions that manage wills, and mosques in each residential area to create awareness of the importance of wills such as by using media power or providing educational programs on Islamic estate planning, especially *wasiyyah*.

The respondents described awareness as one of the main factors that made them know about *wasiyyah*. They realize they have a better understanding of the issues that arise after death. There are several media headlines that highlight fights between family members over property, which often result in unfavorable outcomes. This factor is important because, with awareness, one will do something to prevent unwanted things from happening. It can be concluded that awareness, will further increase the desire of the community to make a will. Therefore, the problem of frozen property can be reduced.

Based on the results of the interview session with the residents in Taman Medan, it was found that all of them have a high and moderate level of awareness. This is said so because a few of them are aware of the importance of wills but still do not make it for some reason. This attitude clearly shows that they still do not take the consequences seriously if they do not make a will in advance. However, they know many important things about wills. Next, based on the results obtained from the interviews also, it can be concluded that all respondents have to know the benefits of an Islamic will. Moreover, the majority of them also have a perception of the need to plan the distribution of wealth for the benefit of heirs.

Furthermore, all of the respondents agree that the first factor that influences them to plan and make a *wasiyyah* is the existence of awareness in them. And the majority of them stated that their awareness is specifically supported by other factors: such as religion, while the others said it is the life event factor and knowledge. Therefore according to the results, it is proven that religion is the most influential factor in *wasiyyah* practice.

Last but not least, some improvements need to be implemented to increase the awareness and understanding of the Taman Medan community in understanding and practicing the practice of *wasiyyah*. This is because, continuous awareness and knowledge of *wasiyyah*, can mobilize more residents and other communities to make wills. Therefore, the dissemination of information, especially will management procedures, must be maintained more neatly, systematically, and extensively so that it truly reaches the knowledge of the entire public

Several suggestions can further encourage the public to register a will. First, the relevant body or institution must vigorously promote the manner and importance of *wasiyyah* writing. The will is very important because it will ensure that the property will be distributed to the right person according to the will of the person who died. Therefore, the relevant body or institution can aggressively promote the writing of the *wasiyyah* to the public to make them aware of its

importance. In this way, the Muslim community will be more serious about writing this *wasiyyah*.

Next, The Selangor Islamic Religious Council (SIRC) must do its best to make the community in the province of Selangor especially in densely populated settlements, understands the wills' management so that the property of the will can be used in the right way. This is because the unclaimed will property is worth RM 42 billion. If this property is claimed, it will help the economy of Muslims (Azmi et al., 2019).

Last but not least, to prevent an increase in frozen assets in ARB, ARB must constantly upgrade its official portal and make it user-friendly, especially for the elderly, so that it is easy to understand. To spread awareness on the importance of estate planning and management, ARB should increase the number of programs and awareness campaigns regardless of whether it is in the simple or small estate. By this kind of program, the community is more exposed to the importance of estate management, especially *wasiyyah*.

## CONCLUSION

This study aims to identify the level of awareness among residents in Taman Medan toward *wasiyyah*. This study also focuses on factors that influence the awareness of *wasiyyah* among Muslim residents in Taman Medan. Four factors are studied: knowledge, life events, institutional factors, and religion.

In conclusion, *wasiyyah* is one of the financial sectors that has been a catalyst for the people's economy from the past to the present. The implementation of *wasiyyah* is believed to be able to resolve issues arising in estate planning in Malaysia. Therefore, it is critical to highlight that every Muslim should be determined to know and understand property inheritance in Islam, such as *wasiyyah*. Ignorance will undoubtedly impact any wealth distribution problem, particularly following the loss of a family member or close relative. Neglecting property management, such as *wasiyyah*, will result in an unexpected build-up of currently frozen assets. Therefore, the Muslim community that understands the importance of *wasiyyah* will help the government and Muslim economic development.

In a conclusion, among the recommendations that need to be emphasized are responsible parties such as the government, institutions that manage wills, and mosques in each residential area to create awareness of the importance of wills such as by using media power or providing educational programs on Islamic estate planning, especially *wasiyyah*. Finally, this study achieves its goal by investigating the level of awareness of the Muslim population in Taman Medan, Selangor on the writing of wills.

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