

DETERMINANTS OF FAILURE AND DELAY IN THE DISTRIBUTION OF FARAIID AMONG MUSLIMS IN KELANTAN

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Abstract: *The majority of Muslims in Malaysia are experiencing delays in claiming their Islamic inheritance rights, which has become a big concern. As a result, unclaimed inheritance and frozen assets accumulate, unable to be transferred to deserving heirs. Claim processes have become increasingly expensive and time-consuming over time. Over the years, there has been an upward tendency in the volume of unclaimed property. The growing amount of frozen assets has become one of the major challenges confronting Malaysia's Muslim community. There are numerous factors that have been identified as contributing to the delay. Despite the fact that many initiatives have been taken to address this issue, the process remains lengthy. As a result, it is necessary to identify the factors causing delays in the distribution of inheritance estate (Faraid) property left by deceased disputes. Therefore, the purpose of this study is to study the factors that contribute to delay in the distribution of Faraid among Muslims in Kota Bharu, Kelantan. Three factors are identified: attitude of legal heirs, legislation and knowledge. Questionnaires were distributed to 153 respondents. The sampling procedure adopted was convenience sampling. The data was analysed for reliability, descriptive and regression tests. The result indicates that attitude of legal heirs and legislation are important determinants that contribute to the delay in the distribution of Faraid among Muslims. Moreover, legislation is found to be the best predictor that contribute toward the delay in the distribution of Faraid.*

Keywords: *Attitude, Legislation, Knowledge, Inheritance, Distribution*

Introduction

Faraid is an Islamic inheritance distribution procedure that is based on Islamic laws and distributed to legitimate heirs after the death of a Muslim (Ab Aziz & Nordin, 2015). The legal heirs and the portion that will be inherited are the two most important aspects of Faraid distribution (Kamarudin & Abdullah, 2016). Although the concepts of property management have been addressed and taught in Islam and they bring benefits to a community, many Muslim nations or communities are still not interested and they fail to plan and make a will before they decease. Muslims in Malaysia are not spared from these. As a result, many issues have arisen due to these nonchalant attitudes. The delay in the distribution of Faraid is one of the worst Muslims' economy issues. Due to this delay, properties are frozen and cannot be developed. Negligence in the distribution and administration of inheritance can trigger problems like mass ownership, overlapping claims and abandoned and unmanaged property. This can also make the distribution of properties or asset during property hearing difficult and thus, expose heirs to the risks of losing important documents and facing more complex hearing when several generations are involved. Therefore, this study is aimed at conforming whether attitudes of legal heirs and other factors such as legislation and knowledge have any influence on the delay in the distribution of Faraid.

Literature Review

Delay in the Distribution of Faraid

Faraid is the study of the calculation and allocation procedure of inheritance for each of the beneficiaries according to Islamic laws (Abdul Rahman, Yaakob, Fadzil, & Shaban, 2018). According to Shafie et al. (2014), the number of unclaimed inheritance or value of the frozen assets has become an increasing trend and it has become a problem or a crisis that has long been suffered by Muslims in Malaysia. It is evident that the problem is serious and it is a cause of concern among many parties. Therefore, measures must be taken to avoid this problem from becoming worse and improve the estate administration and management in our country.

Attitude of legal heirs

One of the issues in the unresolved inheritance is brought about by the attitudes of legal heirs. Wealth planning in estate distributions is often taken for granted by many people. This is because many people think that any wealth that is left by the deceased can be distributed under Faraid. This oversimplification or ignorance among many can actually lead to the failures in estate administration and distribution settlement. Many previous studies have concluded this too. Beneficiaries, who are often siblings, frequently fight for ownership of the land as a result of the disagreements (Mohamad et al., 1998). According to Abdul Rahman (2008) and Mahamod (2006), Malaysian Muslims have high level of ignorance on the process and procedure of claiming inheritance. Furthermore, beneficiaries' bad attitudes often disrupt the administration of the estate in some ways (Muhammad Amrullah & Mohd Salim, 2018).

Legislation

Legislation is another issue that is causing the delay in the distribution of Faraid. According to Rashid and Madya (2015), delayed process in legislation has often caused other problems to occur and legal heirs to feel they are being treated unfairly. In addition, as stated by Alma'amun (2010) the nonchalant attitude among many Malaysian Muslims toward having wills prior to their decease puts their heirs in jeopardy for not having to inherit any of their assets. Furthermore, in 2016, Asni & Sulong pointed out that unstandardized Islamic laws led

to uncertainty in the implementation of legislation and caused injustice. From the legal point of view, the existence of opposing fuqaha' viewpoints leads to disagreements. This type of impediment is a major obstacle to the growth of Islamic estate planning in Malaysia. According to recent studies, because there is no specific law regarding hibah, Islamic estate planning institutions or private estate planners must seek reliable views or approvals from fatwa bodies or Syariah advisors (Nor Muhamad et al., 2019). Currently, hibah is a popular instrument for estate planning. However, in order for hibah to function as estate planning management, appropriate legislation governing the substantive and procedural aspects of law should be available.

Knowledge

As expressed by Ghul, Yahya et al. (2014) many Muslims in Malaysia know and accustomed to the term of Faraid yet they do not have a clear understanding about it. To overcome this, awareness and enhancement of knowledge on Islamic inheritance law which is also known as Faraid must be instilled among Muslims in order to reduce the number of unclaimed properties (Zulkifli, Batiha, & Qasim, 2018). There are also Muslims who have wealth management strategy in place, but the plan does not adhere to Islamic wealth distribution principles (Abd Aziz, Mohamed, Mazlan, Abd Aziz, & Mohaini, 2017). Therefore, awareness of Islamic estate planning remains one of the most important factors if the individual opts for Islamic wealth distribution.

Conceptual Framework

There are three factors of delay identified as the independent variables in this research work. They are attitude of legal heirs, legislation and knowledge. This research work focuses on the sample of Muslims from Kota Bharu, Kelantan. Figure 1 demonstrates the research framework of this study.

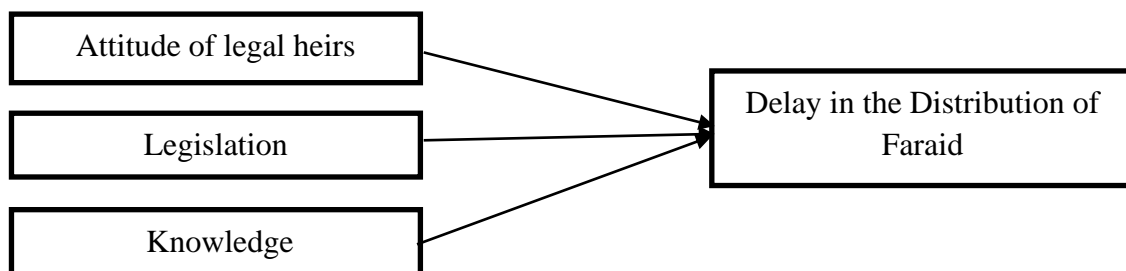


Figure 1: Conceptual framework

Methodology

This research has identified the variables or the factors of the delay in the distribution of Faraid among the Muslim community in Kota Bharu, Kelantan. They are attitude of legal heirs, legislation and knowledge. Quantitative approach was adopted in this study. The sample population consists of the Muslim community members who live in Kota Bharu. Non-probability sampling technique was employed by using convenience sampling in which 153 questionnaires were distributed to the respondents. The questionnaire was divided into five sections; Section A, Section B, Section C, Section D and Section E. In section A, there were questions on the demographic profile of the respondents and for section B consisted the questions related to the dependent variable of the study while section C, section D and section E consisted of opinions of respondents on the independent variables, which were attitudes of

legal heirs, legislation and knowledge from society. The scoring system was measured through a five-point Likert scale (1= strongly disagree to 5= strongly agree). Pearson's Correlation Coefficient was used to investigate the strength of the association between independent and dependent variables.

Result and Discussion

The respondents' demographic profile is presented in Table 1.

Table 1: The Demographic Profile of Respondents

No	Variable	Category	Frequency	Percentage (%)
1.	Gender	Male	63	41.18
		Female	90	58.82
2.	Age	18 – 25	48	31.38
		26 – 40	40	26.14
		41 – 56	53	34.64
		57 and above	12	7.84
3.	Educational level	No formal education	13	8.38
		PMR/SPM	34	22.25
		STPM/STAM/ DIPLOMA	65	42.48
		Bachelor	37	24.87
		Master's Degree	4	2.02
4.	Job	Unemployed	30	19.62
		Student	14	9.20
		Housewife	37	24.18
		Private sector	28	18.30
		Government sector	28	18.30
		Others	16	10.40
5.	Marital status	Single	58	37.90
		Married	89	58.18
		Divorce	6	3.92
6.	Monthly Income	None	70	45.75
		RM1000 - RM2999	58	37.91
		RM3000-RM4999	18	11.76
		More than RM4000	7	4.58

According to Table 1, total of 153 respondents were involved in this study in which 63 respondents were male and another 90 respondents were female. The female respondents were more than the male respondents. In term of respondents' age, it was found that respondents' who were between 41 and 56 years were the highest in number, followed by respondents who were between 18 and 25 years and those who were from 26 to 40 years. The lowest number of respondents was those of the age of 57 and above. The majority of the age group, which was between 41 and 56, has suggested that the respondents were considered to be of matured age as stated by many psychologists and hence, they were considered as mature and able to make wise decisions. In term of educational level, it was discovered that respondents with STPM/STAM/DIPLOMA were the highest, followed by respondents with Bachelor, PMR educational level and those without formal education. The least number of respondents were the ones with Master Degree. This has indicated clearly that the respondents have had their education and they must have been exposed to term Faraid, thus it can be assumed that they

were aware about the issues of delay in the distribution of Faraid. In term of the respondents' job, it was discovered that housewife made the highest number of respondents, followed by the unemployed, the government servants, the private sector employees and other types of job. The lowest number of respondents in this category was in the category of students. The statistics also showed that the married respondents were the majority, followed by single respondents and last but not least, the divorced. In term of the monthly income, it was found that respondents who do not have any monthly income made the majority, followed by respondents of income between RM1000 – RM2999 monthly and respondents with income of RM3000 – RM 4999 monthly. The lowest number of respondents was the ones with income of more than RM4000 monthly.

The Pearson Correlation Analysis (Correlation Coefficient) is presented in Table 2.

Table 2: Correlation Coefficient

		DV	IV1	IV2	IV3
DV	Pearson Correlation	1	.708**	.803**	.681**
	Sig. (2-tailed)		.000	.000	.000
	N	153	153	153	153
IV1	Pearson Correlation	.708**	1	.711**	.698**
	Sig. (2-tailed)	.000		.000	.000
	N	153	153	153	153
IV2	Pearson Correlation	.803**	.711**	1	.763**
	Sig. (2-tailed)	.000	.000		.000
	N	153	153	153	153
IV3	Pearson Correlation	.681**	.698**	.763**	1
	Sig. (2-tailed)	.000	.000	.000	
	N	153	153	153	153

** . Correlation is significant at the 0.01 level (2-tailed).

According to Table 2, for the first correlation of coefficients between delaying distribution of Faraid (DV) and attitude of legal heirs (IV) the value is 0.708. This shows the value has a moderate association. For the second correlation of coefficients between the delaying distribution of Faraid (DV) and legislation (IV) the value of relationship was 0.803. Thus, this relationship was considered as a high association according to Hair et al (2003). While when the value of significant was less than 0.05 according to D.A.de Vaus (2002) the relationship between the independent variable and dependent variable was significant, the result shows the value of 0.000, so it was significant. The last correlation of coefficients between the delaying distribution of Faraid (DV) and knowledge showed the value of relationship of 0.681. This indicated that variables had a moderate association. Then, the value of significant was 0.000 which indicated that it was very significant.

Table 3: Coefficient

Coefficients ^a						
Model		Unstandardized Coefficients		Standardized Coefficients	T	Sig.
		B	Std. Error	Beta		
1	(Constant)	.561	.203		2.759	.007
	Attitude of legal heirs	.247	.067	.256	3.673	.000
	Legislation	.576	.078	.570	7.377	.000
	Knowledge	.064	.072	.067	.886	.377

a. Dependent Variable: Delay in the distribution of Faraid

Attitude of legal heirs and legislation were significant and we rejected the null because p value for attitude of legal heirs was 0.000 and for legislation, it was 0.000 which was below 0.005. Knowledge was not significant because the p value was more than 0.005 which was 0.377.

The standardized coefficients beta was employed to determine which independent variable had the most and the least influence onto the dependent variable. Among the three independent variables, legislation had the highest value of standardized coefficients which was 0.570, <0.001. It was followed by attitude of legal heirs which was 0.256, p<0.001 and knowledge which was 0.067, p<0.001. Therefore, it can be concluded that attitude of legal heirs and legislation had significant positive relationship toward the delay in the distribution of Faraid among Muslims in Kota Bharu, Kelantan.

Conclusion

The distribution of Islamic inheritance after a Muslim's death is a responsibility that all Muslims must take seriously. This study has pointed out the importance legislation as the most dominant factor contributing to the delay in the distribution of Faraid. However, this study focuses only on the delay distribution of Faraid among the Muslim community in Kota Bharu. Further studies can be carried out by exploring more of the Muslim communities around the country or worldwide. This study can help related parties to advise heirs in dividing their inheritance and discharge their Faraid. Various efforts need to be enhanced to provide clarification to the Muslim communities on the rules that can be applied in dividing the assets or Wasiyyah apart from the division of faraid. It is very important for Muslims to have comprehensive knowledge about Faraid in order to educate Muslims to use the proper procedures in their effort to fulfill their duties properly and efficiently.

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