



جامعة الأئمة في سلاغور
JABATAN AGAMA ISLAM SELANGOR

INHERITANCE

MANAGEMENT: THE

IMPORTANCE OF ITS

UNDERSTANDING AND

METHOD OF

IMPLEMENTATION



Let us have the *taqwa* of Allah
Subhaanahu Wata ‘aala with
true *taqwa*. Indeed, we hope to
become among the believers
and those attaining salvation in
this world and the Hereafter.

Today's *khutbah* will expound
on matters relating to

“Inheritance Management:

The Importance Of Its

***Understanding And Method Of
Implementation.”***

Everyone living on earth will surely taste death. Often we witness that when death occurs, the main thing that is of concern by the heir is the wealth and possession left by the deceased,

also known as estate or inheritance. Whereas, among the main matters that must be tended to before the distribution of the estate are:

1- Managing the affairs of the burial, with expenditures

taken from the deceased's
estate.

- 2- Settling all outstanding debts
of the deceased
- Settling any outstanding *zakaat*,
fidyah, *kaffaarah*, and hajj.

3- Fulfilling the deceased's will regarding the estate left behind. It is very unfortunate when the heirs are busy and preoccupied with their share of the *faraa'iid* (inheritance)

after the demise of the deceased, neglecting the obligations upon the estate that are to be immediately fulfilled. Even more unfortunate is when the inheritance itself becomes

the source of conflict and dispute amongst them even though “*the soil on the grave is still red (fresh) and the flowers have yet to dry*”. There are also those from among the deceased that

belittle and look down upon the allotment stipulated in the rulings of *faraa' id* that prior to their death they had structured in their will, portions exceeding what has been permitted by the

shara‘, thus oppressing the heirs that are more deserving and in need of it.

The question is, what is the cause or source of such madness and confusion?

Is the *Sharee'ah* silent on these grave matters? Where are the Muslim *ummah* in the comprehension and implementation of the laws of Allah and the *sunnah* of Rasulullah regarding the

administration and management
of the estate? What would be
the best solution so that these
problems will not continue
forever?

To begin with, it must be understood that the objectives of inheritance management in Islam are divided into two:

1- To fulfill the obligation that is shouldered upon the

deceased regarding the estate,
which includes debts owed to
Allah such as the *fidyah*,
kaffaarah, *zakaat*, and *hajj*, and
also debts owed to humans such
as individual debts, debts upon

the house, car, and others.

2- Fulfilling the rights of the deceased upon their wealth, which includes the funeral expenses, *hibah* (gift)

bequeathed of not more than 1/3 of the estate to non-heirs,

and executing the *faraa'i*d distribution from the remaining estate to the heirs.

In achieving these objectives in a just and systematic manner, and to further avoid dispute amongst individuals,

a document of inheritance management should be drafted by every Muslim that is sane, *baaligh* (attained puberty), free (not a slave), and possessing wealth while they still can.

We should do so before the
Malak al-Mawt (angel of death)
take us away in returning to
Allah, so that the wealth left
behind will not become a
liability that will be questioned
about in the

Hereafter. Narrated ‘Abdullah ibn ‘Umar *radiyAllaahu ‘anhu*, the Messenger *sallAllahu ‘alayhi wasallam* said:

“It is not permissible for any Muslim who has something to will to stay for two nights without having his last will and testament written and kept ready with him.”

(al-Bukhaari and Muslim)

According to Naafi‘
rahimahullah, ‘Abdullah ibn
‘Umar *radiyAllaahu ‘anhu*
said: *Ever since I heard those
words from the Prophet, I never
went to sleep without writing a
will*

next to me, even for one night.
Such is the gravity of writing
the will and inheritance
administration, that its ruling
and method were explained in
details in al-Qur'an and

*hadeeth of Rasulullah
sallAllahu ‘alayhi wasallam.*

Furthermore, there are many other reasons why we should have the inheritance administration document.

However, the reality is that

the awareness on the need to write our “last will” is very low, especially amongst Muslims, when it is supposed to be part and parcel of our daily lives as Muslims.

Why did it become as such?
Probably because we do not
think and contemplate about
death that can occur at any time,
or maybe due to our knowledge
and information about
inheritance

administration that is very lacking. It is strange and bizarre that Muslims are willing to spend hundreds of Ringgit in sending SMS-es every month, but failed to spend for the sake of the

“last will” which is only once in
their lifetime.

The failure and negligence of
the Muslims today in
documenting the mandate for
individual estate administration
before their

death has caused numerous negative consequences, among them:

1. More than RM40 billion worth of estate have been frozen because the deceased did not leave their wills.

According to a newspaper report, there are more than RM40 billion worth of estate that have been frozen. This includes unclaimed money (RM4.4 billion), KWSP funds (RM277 million),

and Tabung Haji funds (RM60 million). Among the reason for these frozen estate is the fact that there are no *wasiyyah* (will) left by the deceased. Those were figures recorded in the year 2010.

As for today, definitely the numbers have increased.

2- 900,000 land ownerships are still in the names of the deceased.

The biggest loss and harm in this phenomenon is that

many properties and real estate
are unable to be developed,
sold, or purchased. This not
only incurs loss upon the family
of deceased but to the Muslims
in entirety because

it hampers the economic development of the Muslims.

3- Contributions to the social problems.

We find stories and articles in the newspapers and magazines about how the

children would shamelessly ask their mother to swear upon the Qur'an in denying the will of their deceased father. This is happening because the *wasiyyah* made was either not in written

format or there was none at all.

Other examples of social problems include: due to greed for inheritance share, an elderly man was tied up so the perpetrator can obtain

his fingerprints; a grandmother punched by her dissatisfied cousin regarding estate distribution; the younger sibling labeling the older sister as being “born out of wedlock”

so as to hoard all of the inheritance; and many other incidents and tragedies that occurred in the struggle for wealth after the passing away of individuals.

Islam as a religion that is all-encompassing and comprehensive has provided the best methodology in managing one's estate before their passing away. It incorporates or combines the

various *Sharee'ah* methods such as *amaanah*, *wisaayah*, *kafaalah*, *wakaalah*, *hibah*, *wasiyyah*, *hadaanah*, and *faraa'id*. If these methods are properly arranged and administered according to

the *shara* ‘ then the misfortunes of close relatives and those in need will be cared for. The same goes out for others such as foster children, milk (suckling) children, foster father,

foster mother, and others.

Though not considered as heirs, they can still inherit from the estate through *hibah* stipulated in the will. The establishment of *Bayt al-Maal* and other financial

agencies that offer services for the planning, management, and administration of will and testament should be fully utilized by every Muslim in attaining the higher

objectives of the *Sharee'ah* (or *Maqaasid ash-Sharee'ah*). After realizing the significance in drafting such document, and the ill-effects without having one,

I would personally recommend several measures in resolving disputes that may occur later after one's demise that would stem from the deceased's estate.

Among the recommendations:

1- Every Muslim must realize that preparing the *wasiyyah* document is something that is demanded by the *shara'*.

2- They must realize that drafting the *wasiyyah* document can avoid conflicts and disputes regarding the authenticity of a *wasiyyah*, extinguishing dissatisfaction over inheritance distribution

hence avoiding strife amongst heirs.

3- Everyone that possess wealth must strive to draft a document of estate administration, and notarizing or legalizing it

through *Bayt al-Maal* or other authorized agencies that are capable of managing the estate after one's demise.

4- Each family member must be educated or provided the awareness regarding the

function and importance of drafting the last will.

5- All debts to be paid off by every Muslims must be listed out so that they can be efficiently managed by capable trustees that are

identified while alive, so that the heirs will not be burdened or abused later.

Hopefully after listening to this verse, we will be granted the realization by Allah upon the true reality that we are

only caretakers to all the wealth,
our offspring, and our families
for the real true owner that is
Allah *Subhaanahu Wata ‘aala.*
Our failure in managing and
administering them properly

will definitely be held accountable for in the Hereafter.

Our negligence in leaving a thorough last will causing great harm to our offspring and the heirs, is truly a grave sin.

Take note and full cognizance before it is too late! Take swift actions for the sake of our own security in the eternal world, and well being for those entrusted with the estate administration and progenies that we will leave behind.

“And know that your properties and your children are but a trial and that Allah has with Him a great reward.”

(al-Anfaal 8:28)

بَارَكَ اللَّهُ لِيْ وَلَكُمْ فِي الْقُرْآنِ الْعَظِيْمِ وَنَفَعَنِي
وَإِيَّاکُمْ بِمَا فِيهِ مِنَ الْأَيَاتِ وَالذِّكْرِ الْحَكِيمِ وَتَقَبَّلَ
مِنِّي وَمِنْكُمْ تِلَاقُتُهُ إِنَّهُ هُوَ السَّمِيعُ الْعَلِيمُ أَقُولُ
قَوْلِيْ هَذَا وَأَسْتَغْفِرُ اللَّهَ الْعَظِيْمَ لِيْ وَلَكُمْ وَلِسَائِرِ
الْمُسْلِمِيْنَ وَالْمُسْلِمَاتِ وَالْمُؤْمِنِيْنَ وَالْمُؤْمِنَاتِ
الْأَحْيَاءِ مِنْهُمْ وَالْأَمْوَاتَ فَاسْتَغْفِرُوهُ
إِنَّهُ هُوَ الْغَفُورُ الرَّحِيمُ

**O Allah, You are the Almighty Lord,
we are grateful unto You for having
bestowed upon us Mercy and
Blessings, nourishing us to strive
to continue in strengthening the
Muslim nation especially the state
of Selangor, as an advanced,
progressive, peaceful, and
benevolent state.**

**We beseech and beg You, Ya Allah,
to strengthen our *imaan*, increase
our good deeds, strengthen our
unity, increase our provision,
enrich us with beneficial
knowledge, nourish our soul with
beautiful *akhlaaq*, guide us to the
Path that is Pleasing to You,**

protect us from Your severe tribulations such as the long drought, severe flooding, disease outbreak, violence and instability, poverty, and others, so that our land will become more peaceful and blessed.

Oh Allah, we ask You to open up the hearts of the Muslim *ummah* especially in Selangor, to fulfill their *zakaat* obligation as You had decreed in al-Qur'an. Bless the lives of those who have fulfilled their *zakaat* obligation, loving and caring for the poor and needy.

**Purify their wealth and soul so that
they will live according to that
which pleases You. Protect the poor
and needy from disbelief and
everlasting poverty. *Allaahummaa
ameen***



DI SEDIAKAN OLEH :

BAHAGIAN KHUTBAH,

JABATAN AGAMA ISLAM SELANGOR

ILLUSTRASI OLEH :

UNIT TEKNOLOGI MAKLUMAT,

JABATAN AGAMA ISLAM SELANGOR