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AN ANALYSIS OF PROCEDURES AND MANAGEMENT OF MUSLIM PROPERTY AT BAITULMAL

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Abstract

Baitulmal has special jurisdiction in managing muslim property especially for found property (luqatah), debtors' money, unclaimed property, and estate redemption. However, each state has its own management methods as baitulmal's authority falls under state jurisdiction. This uncoordinated management raises concerns that these property resources may not be administered optimally, consequently preventing the benefits from reaching eligible beneficiaries. More worryingly, the public may become confused and unaware of baitulmal's true function in managing these property resources. Therefore, this study aims to analyze the procedures and management of muslim property especially for found property, debtors' money, unclaimed property, and estate redemption at baitulmal. This study employs a qualitative research design by conducting library research in the form of document analysis on the Management Manual of the Department of Waqf, Zakat and Hajj (JAWHAR). To observe the practical application of managing these property resources, this study focuses on the implementation at the Negeri Sembilan Islamic Religious Council (MAINS). Data was further obtained through their official website. The study findings reveal the necessity for clear property procedures and management of muslim property from these property sources to benefit eligible Muslims.

Introduction:-

The concept of Baitulmal implementation is a form of treasury akin to a financial institution in managing Muslim-owned property. Executive authority concerning Islamic affairs is under the jurisdiction of the State Islamic Religious Councils (MAIN), as outlined in the Ninth Schedule, Articles 74 and 77 of the Malaysian Constitution—Legislative List; List II-State List (Amendment Act A1905):

“... Islamic waqf and its definition as well as regulations concerning charitable trusts and religious charities, the appointment of trustees and corporations ... zakat, fitrah, and Baitulmal or other Islamic religious revenues ...”

For instance, the jurisdiction of the Negeri Sembilan Islamic Religious Council (MAINS) concerning Islamic affairs includes managing zakat, waqf, trusts, wills, vows, executors, administrators of Muslim estates, trustees, and Baitulmal (MAINS, 2024). The jurisdiction of Baitulmal is further specified under the Negeri Sembilan Islamic Religious Council Enactment 2003, Section 81(2):

“Baitulmal shall comprise all money and property, movable or immovable, which according to Islamic Law or under this Enactment or the rules or regulations made hereunder, accrue or are contributed by any person to the Baitulmal.”

Based on the provisions in Section 81(2), the mechanisms for Baitulmal property collection have evolved significantly compared to its implementation during the Prophet Muhammad’s (PBUH) era and the era of the Companions, which focused on sources like kharaj, jizyah, usyur, kaffarah, and zakat alone. Modern sources of Baitulmal include fidyah trust funds, non-shariah-compliant funds, donations, wills, rentals, found property (luqatah), unclaimed estates (either heirless or unutilized by heirs), and other resources as determined by the council (MAIK, 2024). All these types of properties are also administered by MAINS, as referenced in the Negeri Sembilan Islamic Religious Council Enactment 2003, Section 81(3):

“All money and property in the Baitulmal shall vest in the Council, which shall administer all such money and property in accordance with the regulations made under this Enactment.”

This study examines the role of Baitulmal in managing Muslim-owned property, particularly found property, debtors' money, unclaimed property, and estate redemption, which are considered crucial in ensuring the welfare of the Muslim community. Efficient management and utilization of these collected resources must be prioritized to analyze the procedures for managing found property, debtors' money, unclaimed property, and estate redemption at Baitulmal to return the benefits to the Muslims in need. Moreover, effective management can enhance Muslims' social and economic development, particularly in Negeri Sembilan.

Definitions

Baitulmal has specific jurisdiction in managing muslim property especially for the found property (*luqatah*), debtors' money, unclaimed property, and estate redemption. The definitions provided by Islamic jurists for these four categories of property are as follows:

1. Found Property (Luqatah)

Islamic jurists have discussed the characteristics of luqatah in detail in their works. According to al-Nawawi (2005) in *Minhaj al-Talibin*, luqatah refers to property lost by its owner and found by someone else in an unprotected (unguarded) location. A more detailed definition is provided by Ibn Qudamah (1997) in *Al-Mughni*, describing luqatah as property lost by its owner, whether due to being misplaced or other reasons, and found by someone else. It encompasses all types of possessable property, including stray animals. Wahbah al-Zuhaili (1985) in *Al-Fiqh al-Islami wa Adillatuh* offers a contemporary definition, describing luqatah as property lost by its owner and found by someone else in an unprotected location, where the finder does not know the original owner.

2. Debtors' Money

In the context of property management, debtors' money refers to the debts left by a deceased individual that must be settled before distributing the estate to heirs (Wahbah al-Zuhaili, 1985). Debts of the deceased are financial obligations that must be fulfilled from the deceased’s estate before its distribution to heirs. This includes all valid debts under Islamic law, whether debts owed to Allah (e.g., unpaid zakat) or debts owed to individuals. Life-encompassing debts must be settled, whether scheduled debts such as house or vehicle loans or unscheduled debts like personal loans from friends or relatives (MAIS, 2024).

3. Unclaimed Property

Unclaimed property is a vital source for Baitulmal under the category of non-recurring assets (*ghayr dawriyyah*). As discussed by Md Yazid Ahmad and Iknor Azli Ibrahim (2006), Baitulmal's rights not only include heirless property or unclaimed estates but also extend to assets at risk of being lost or whose owners are unknown, such as confiscated property, loans, and savings that are difficult to trace. Unclaimed property can exist under several circumstances, such as when the owner dies without lawful heirs, when heirs are unaware of the deceased's assets, or when designated beneficiaries fail to claim assets due to ignorance, unreachability, or unfamiliarity with claim procedures.

4. Estate Redemption

Estate redemption refers to Baitulmal's crucial role in managing estate redemption or Islamic inheritance. It serves as the final recipient of estates in two scenarios: when there are no lawful heirs or after distribution to eligible heirs, with surplus property remaining. Baitulmal receives these estates based on official orders from agencies such as the Small Estate Distribution Unit, Amanah Raya Berhad, or the High Court (Mahad Musa, 2020). In Malaysia, the Shafi'i school of thought heavily influences inheritance law, including acts of worship, legal administration, and family law (Awang et al., 2007). The Shafi'i and Maliki schools prefer returning surplus property to Baitulmal over giving it to distant relatives (*zawil arham*). According to Imam Nawawi in *Raudhah at-Talibin*, *zawil arham* do not inherit, nor is the surplus returned to them, particularly when Baitulmal is well-administered by a just leader (al-Nawawi, 1991). The rationale is that inheritance distribution to rightful heirs is explicitly decreed by definitive texts (*nas syarak qat'ie*) from the Qur'an or Sunnah, which differs entirely from any allocation to *zawil arham*.

However, according to the Hanafi and Hanbali schools of thought, the surplus of the estate should be returned to *zawil arham* because they also share a blood relation and familial connection with the deceased, in addition to the *waris fardu* (obligatory heirs) and *waris asobah* (residuary heirs). Examples of such relatives include grandchildren from a daughter's side, maternal aunts, and maternal grandfathers. Their welfare should also be safeguarded (Musa, 2017). In fact, the practice of redistribution (*ar-radd*) to *zawil arham* is implemented in Middle Eastern countries such as Egypt, Algeria, and Indonesia (Mohamad & Abdullah, 2022).

Methodology

This study adopts a qualitative approach in the form of library research by analyzing documents such as journal articles, classical and contemporary Islamic jurisprudence texts, websites, newspapers, and the Management Manual of the Department of Waqf, Zakat, and Hajj (JAWHAR). The research focuses on MAINS to examine the procedures for managing muslim property especially for found property, debtors' money, unclaimed property, and estate redemption. Data is analyzed descriptively to provide a comprehensive overview of the study.

Findings And Discussion

1. The Need for a Systematic Management of Collected Wealth Sources

The management of wealth sources, including *luqatah*, debts, unclaimed assets, and estate redemption, requires careful and Sharia-compliant approaches. The Prophet Muhammad (PBUH) prohibited wastefulness and improper administration of assets, as emphasized in a hadith:

"Indeed, Allah dislikes for you three things: engaging in futile speech, wasting wealth, and excessive questioning." (Al-Bukhari, 1993).

Continuous research is essential to identify appropriate methods for managing these wealth sources, ensuring they align with contemporary needs. Each of these categories requires distinct management methods due to differences in

their conceptual frameworks. A clear understanding of wealth management from a Sharia perspective significantly influences how these assets are handled and utilized (Yazid Ahmad & Iknor Azli Ibrahim, 2006).

Currently, the governance of *Baitulmal* differs from historical Islamic practices in terms of its administration and status (Jahidin et al., 2021). According to Yazid Ahmad & Iknor Azli Ibrahim (2006), the management of wealth in Malaysia requires the integration of both Islamic and civil systems, as both legal frameworks operate concurrently. For instance, in inheritance matters, the Sharia court only confirms the status of heirs and issues a *faraid* certificate. However, the complete inheritance administration process depends on the Letter of Administration (LOA) or Grant of Probate governed by civil law (Husnaa & Saifullah, 2020).

This dual system is evident in estate redemption processes involving *Baitulmal* in Negeri Sembilan Islamic Religious Council (MAINS), which require coordination with agencies like the Small Estate Distribution Unit and the Civil High Court (JAWHAR, 2009). MAINS' estate redemption methods also differ depending on whether the inheritance is registered under the Small Estates (Distribution) Act 1955.

The management of debts in the context of Islamic inheritance is a complex issue that often presents challenges. A study by Mohd Zamro Muda et al. (2008) found that the settlement of a deceased's debts frequently causes delays in the distribution of inheritance in Malaysia. This is due to difficulties in verifying the actual amount of debt, incomplete information, challenges in finding valid evidence to support debt claims, and debts that have been outstanding for an extended period. This assertion is further supported by data released by MAINS through an advertisement on their official website dated January 19, 2024, as follows:

| No. | Debt Date | Creditor Information | Last Address |
|-----|------------|--|----------------------------------|
| 1 | Not stated | Textile Shop, Wilkinson Street, Seremban | Not stated |
| 2 | 1990 | Hamdan / Siti Aminah | Jalan Cham Show Lin, Ceras |
| 3 | 2010 | Rashid | Indonesia |
| 4 | 10/10/2023 | Salina Saad | Kedah |
| 5 | 2022 | Mr's Gunn (Klinik Gunn) | Batu 3, Jalan Ipoh, Kuala Lumpur |
| 6 | Not stated | Aishah | Pulau Pinang |

Table 1: Information on Unclaimed Debts
Source: MAINS Website, 2024

The advertisement highlights information regarding outstanding debts involving six creditors. There are two cases where the debt date is not specified, namely Kedai Kain Jalan Wilkinson Seremban and Aishah from Pulau Pinang. The oldest debt dates back to 1990, involving Hamdan/Siti Aminah, whose address is listed as Jalan Cham Show Lin, Ceras. Other debts include Rashid from Indonesia in 2010, Salina Saad from Kedah on October 10, 2023, and Mr's Gunn (Klinik Gunn) from Batu 3, Jalan Ipoh, Kuala Lumpur, in 2022 (MAINS, 2024).

A study by Nasrul Hisyam (2012) highlighted the need to raise public awareness about the importance of settling debts before death to avoid complications in inheritance management. However, there is a gap in the existing literature. This study observes that the issue of debts, particularly the management of a deceased's debts in the digital era—such as cryptocurrency, online debts, and others—has received little attention and requires further research.

Meanwhile, in the management of unclaimed assets, appropriate forms and methods of management for the Muslim community must be implemented effectively. MAINS, as the trustee for Muslims, bears a significant responsibility to safeguard entrusted assets until they are claimed by their rightful owners. The question arises: what are the forms and methods of managing these entrusted assets, including how they are stored, invested, distributed, or disposed of?

A review of JAKIM's e-SMAF website reveals that only four states—Federal Territory, Selangor, Kedah, and Perlis—have issued specific fatwas related to unclaimed assets (e-SMAF JAKIM, 2024). This lack of uniformity may discourage Muslims from consulting MAINS for asset management. A study by Abdullah & Mat Ali (2023) notes that amendments to the Small Estates (Distribution) Act 1955 have expanded MAINS' role as trustees for unclaimed inheritance exceeding six months post-death. However, MAINS lacks detailed legal provisions for certain processes, such as estate redemption, which complicates effective management.

A study conducted by Abdullah & Mat Ali (2023) reported that the role of MAIN across Malaysia as trustees for Muslims has been expanded following the amendment to the Small Estates (Distribution) Act 1955 [Act 98]. In the context of this study, the amendment grants MAINS the authority to act as a guardian or "Next Friend" representing heirs as petitioners for the inheritance of the deceased in cases where the estate has not been distributed six months after the date of death. This implies that MAINS now assumes part of the role played by Amanah Raya Berhad as the authoritative body managing estates and unclaimed assets (Drs Nasrul et al., 2023).

Although MAINS lacks detailed legislative provisions regarding estate redemption, such as the procedures, its jurisdiction can be referred to under Section 13(1) of the Small Estates (Distribution) Act 1955 [Act 98], which states:

"The Collector (Land Administrator) shall, before dividing any part of the estate of a deceased person who is a Muslim, satisfy himself that any portion of the estate payable to the Baitulmal has been duly paid or that appropriate provision has been made for such payment".

Thus, referring to Section 13(1) of the Small Estates (Distribution) Act 1955 [Act 98], the role played by MAINS through the Baitulmal is significant. According to a report by Sinar Harian (2023), Amanah Raya Berhad, through the Delayed Funds Management Department (JPDT), has managed unclaimed funds by actively tracing the owners or heirs of the funds. As of 2023, the total accumulated amount was RM500 million. Based on the authority of Amanah Raya Berhad under Section 24(a) of the Amanah Raya Corporation Act (APAR 1995), the corporation is allowed to invest any funds either under a separate account for estates, trusts, properties, or the rightful owners of those funds (APAR 1995).

This study observes that MAINS now also bears the responsibility of implementing efficient forms and methods of management to trace heirs and resolve reported cases while utilizing the unclaimed assets effectively. A specific fatwa should be developed to examine the administrative process for assets that remain unclaimed by their owners. For example, this could include rulings and guidelines on the permissibility of investing such assets or using them for the socio-economic development of the Muslim community, public utilities such as infrastructure development, or other purposes beyond the construction of mosques and prayer halls.

The lack of proper documentation through Islamic instruments such as *wasiyyah* (wills), *hibah* (gifts), or *waqf* (endowments) can contribute to the rise in unclaimed inheritance assets (Mustafa @ Busu et al., 2021; Mohamad & Sulaiman, 2017). Additionally, unclaimed assets may also include savings that are difficult to trace back to their owners or heirs, especially when the owners have passed away. Issues such as changes in residential addresses or incomplete contact details further complicate the process of claiming these assets (MyGovernment, 2024).

This study also found that the management of unclaimed assets, particularly their administration through MAINS, is still underexplored and not widely understood by the public. While many studies have been conducted on unclaimed funds, these mostly focus on the management of inheritance assets from a legal and practical standpoint within official government agencies, such as the Accountant General's Department of Malaysia (AGD), the Small Estates Distribution Unit under the Federal Department of Director General of Lands and Mines (JKPTG), and Amanah Raya Berhad (ARB) (Halim et al., 2018; Mohd Arafat, 2017; Noordin, 2012). Discussions surrounding unclaimed funds are critical and require clear guidelines. This is evident in the government's attention, as demonstrated by the

approval of the Unclaimed Moneys (Amendment) Bill 2024 during its third reading in Parliament, aiming to address the growing statistics of unclaimed money in Malaysia each year (*Sinar Harian*, 2024).

Therefore, knowledge of the criteria for unclaimed funds managed by MAINS is essential, particularly in the context of contemporary asset management. This is to optimize the utilization of *Baitulmal* resources for the socio-economic development and welfare of the Muslim community. According to Mohd Arafat (2017), the increase in *Baitulmal* resources also impacts its management. This statement is valid because the management of unclaimed assets was also deliberated in the Selangor State Fatwa Committee Meeting (2nd Session/2012), held on April 10, 2012 (18 Jumada Al-Awwal 1433H). The meeting decided that assets and money belonging to Muslims in Selangor that remain unclaimed in any financial institutions, companies, or firms must be handed over to *Baitulmal*, under the Selangor Islamic Religious Council (MAIS) (MyGovernment, 2024).

Furthermore, the management of these assets appears inconsistent across different states, potentially leading to public misunderstanding regarding the procedures and guidelines for such assets. For instance, while much research has been done on inheritance, the studies tend to focus more on the legal rulings for inheritance distribution rather than discussing the management and utilization of the proceeds (Mohd Zamro et al., 2008).

2. Establishing Procedures and Guidelines for Asset Management

Setting clear procedures and guidelines for managing *luqatah* assets (lost and found), debts owed to the deceased, unclaimed assets, and estate redemption is crucial to ensure fair, transparent, and efficient management. This not only protects the rights of the original owners or rightful heirs but also ensures that these assets are managed according to *Shariah* principles. Moreover, such guidelines help prevent mismanagement, reduce disputes, and facilitate the distribution process to rightful claimants. However, based on an examination of official websites, as of now, MAINS has yet to establish clear procedures and guidelines for managing these asset sources. The existing procedures appear to be limited to management manuals produced separately by the Department of Waqf, Zakat, and Hajj (JAWHAR), which can serve as references for all MAIN institutions across Malaysia (JAWHAR, 2021). These manuals, however, only address the detailed management of *luqatah* assets and estate redemption. There is no specific manual discussing the procedures and guidelines for managing and utilizing unclaimed funds or debts owed to the deceased (JAWHAR, 2024).

As a result, this gap may hinder the efficient management of such assets by MAIN institutions across Malaysia, particularly MAINS. Although studies on *luqatah* assets have been conducted by Mustafa @ Busu et al. (2021) and Mas'Ad Saleh & Sharif @ Hamzah (2021), these studies focus only on the management framework for *luqatah* assets within higher education institutions (HEIs) in Malaysia, without addressing the broader context of MAIN institutions. Consequently, these studies do not fully reflect the reality of *luqatah* asset management within the Muslim community.

This study also found that the information provided on the MAINS website regarding asset sources remains incomplete. Therefore, this research will focus on the Property Management Manuals (2021) and the Estate Redemption Manuals (2009), published by JAWHAR. It will also examine the information available on the official MAINS website regarding property-related services provided to the community. The focus will be on the Property Management Manuals and Estate Redemption Manuals as no publication has been found by JAWHAR to date regarding a manual for the management of debts owed to the deceased or unclaimed assets.

3. Luqatah Assets

The characteristics of *luqatah* assets have been extensively detailed by earlier scholars. Discussions include the evidential basis for *luqatah* rulings, types of assets, custodial authority, announcement periods, and ownership rulings (al-Nawawi, 2005; ar-Ramli, 1984; Ibn Nujaim, n.d.). However, in the modern context, discussions on the criteria and types of *luqatah* assets have expanded to include items such as communication devices, vehicles, credit

cards, and more. For example, the following are examples of luqatah assets listed on MAINS' website, dated August 8, 2023, and January 19, 2024:

| No. | Date | Location / Details | Type of Property / Address |
|-----|----------------|--|----------------------------------|
| 1 | 1990 | Hamdan / Siti Aminah | Jalan Cham Show Lin, Ceras |
| 2 | 2003 | Centerpoint | Jewelry (Cash) |
| 3 | 2007 | SRA Pasoh 2007 | Gold Chain |
| 4 | 2010 | Centerpoint | Cash |
| 5 | 2010 | Rashid | Indonesia |
| 6 | 2015 | At Home | Gold Bracelet |
| 7 | December 2021 | Famosa, Melaka | Gold Ring |
| 8 | 2021 | EPF Washroom, Seremban | Jewelry |
| 9 | 25/2/2022 | Warisan Puteri Restaurant | Cash |
| 10 | 2/5/2022 | Hospital HTJ Parking Lot | Gold Ring |
| 11 | 9/5/2022 | Parking P2 Lot, MAINS Tower | Gold Bracelet |
| 12 | 9/5/2022 | Seremban Centrepoint | Cash |
| 13 | 11/5/2022 | Ampangan Food Court | Gold Bracelet |
| 14 | 12/6/2022 | Mydin Underground Parking | Cash |
| 15 | Jun 2022 | Kenyir Lake | Gold |
| 16 | 29/6/2022 | Male Restroom, Avillion Hotel Riau | Watch |
| 17 | 8/7/2022 | Maybank Seremban | Cash |
| 18 | 1/8/2022 | Old Baitulmal Office | Cash |
| 19 | 1/8/2022 | Old Baitulmal Office | Cash |
| 20 | 2022 | Mr's Gunn (Clinic) | Batu 3, Jalan Ipoh, Kuala Lumpur |
| 21 | 2022 | Senawang Square | Cash |
| 22 | 2022 | Shop Row, Taman Paroi Jaya | Jewelry |
| 23 | October 2022 | RnR Sg. Perak | Gold Ring |
| 24 | 8/782022 | Mega Rasa Restaurant | Gold Chain (Imitation) |
| 25 | 4/1/2023 | Shop Row | Gold Ring |
| 26 | 22/3/2023 | Traffic Light Pekan Lama Nilai | Cash |
| 27 | 31/3/2023 | MAINS Nilai Collection Office | Gold Bracelet |
| 28 | 2023 | Fitting Room, IOI City Mall | Gold Chain |
| 29 | 15/8/2023 | Mains P1 Parking Lot | Cash |
| 30 | 17/8/2023 | Kampung Gedok | Cow (Cash) |
| 31 | 10/10/2023 | Salina Saad | Kedah |
| 32 | Not Stated | Textile Shop, Wilkinson Street, Seremban | Not Stated |
| 33 | Not Stated | Aishah | Pulau Pinang |
| 34 | Ramadhan Month | Seremban Central Market | Cash |
| 35 | Not Stated | Not Stated | Cash Transfer (Gold) |

Table 2: Details of luqatah assets found
Source: MAINS website, 2024

Referring to Table 2 above, this study observes that detailed information about the discovered luqatah assets is critically important. Essential records include the date of discovery, the location of the find, and the specific details

of the property. These records facilitate the safekeeping and management of the *luqatah* assets until they can be reclaimed by their rightful owners.

According to the JAWHAR Manual on the Management of Luqatah Assets, several processes and governance procedures must be adhered to in the management of luqatah assets, as outlined below:

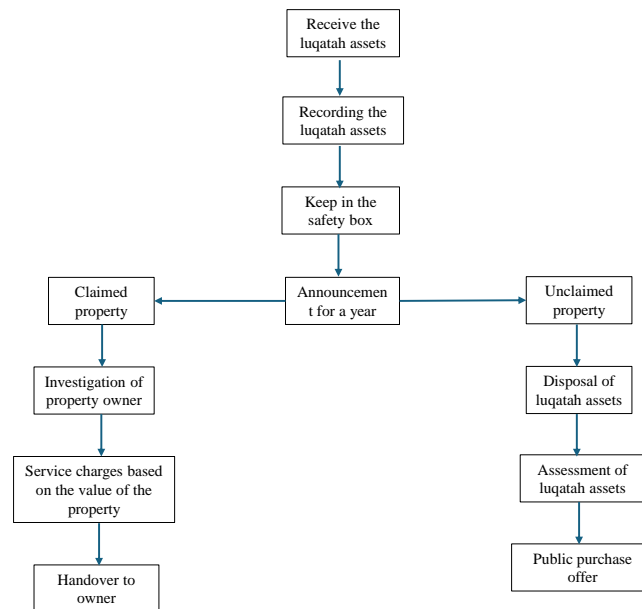


Figure 1: Procedures and governance of luqatah assets
Source: JAWHAR Manual on the Management of Luqatah Assets

Referring to Figure 1 above, the procedure and governance of luqatah assets begin with the discovery of the assets, where the finder (*multaqit*) is required to immediately hand them over to the *baitulmal* authority (MAINS). Upon submission, detailed information such as the date and location of the discovery, description of the assets, the finder's details, and an estimated value must be carefully recorded. Once the handover is complete, *baitulmal* registers the luqatah assets in their system. This registration process includes issuing a receipt for the submission, recording detailed characteristics of the assets, and photographing the items if necessary. The assets are then stored securely according to their category. High-value items, such as gold, are stored in a safe and recorded in a special ledger, while cash is deposited into a special *baitulmal* account (JAWHAR, 2021).

Subsequently, *baitulmal* advertises the found items for a year through various channels, including *baitulmal* notice boards, social media, official websites, and mass media if necessary. During this one-year waiting period, the original owner may claim the items by providing proof of ownership and an accurate description of the assets. The claim process requires the owner to fill out a claim form, submit ownership evidence, and provide a detailed explanation. *Baitulmal* will verify the claim's validity and conduct an investigation if needed. If no claim is made after the one-year period, the assets will belong to *baitulmal* until claimed by the original owner. Cash in this case, will be added to *baitulmal* funds (JAWHAR, 2021).

In this process, the finder may be rewarded based on the asset's value and at *baitulmal*'s discretion. Throughout the process, comprehensive records are maintained, including the status of each luqatah asset, claims made, and dispositions carried out. Periodic reports are also prepared for monitoring purposes. To ensure this process runs smoothly and transparently, regular monitoring and audits are conducted, including routine inspections, internal and external audits, and ensuring Shariah compliance. Procedure enhancements are made as necessary. This entire

process is vital to ensure the assets are managed responsibly, provide the original owners an opportunity to reclaim them, prevent misuse, and ensure transparent and professional administration (JAWHAR, 2021).

4. Estate Redemption

The characteristics of inherited property handed over to MAINS can include both movable and immovable assets. However, according to Abdullah (2023), this inheritance process can become complicated, especially for immovable assets such as houses and land, particularly for families unable to reclaim these assets from MAINS. A study by Musa (2017) also suggested reassessing the inheritance of assets to MAIN. This issue arises due to the absence of a specific act or enactment on inheritance rights allowing these assets to be claimed by zawil arham heirs through applications to baitulmal and the Shariah Court (Mad Sukri et al., 2020).

Nonetheless, the practice in this country is based on the opinion of Zaid bin Thabit, aligned with the Shafi'i school of thought. While the concept of ar-radd (reversion to zawil arham heirs) exists, it is not practiced. Instead, when assets are inherited by baitulmal, heirs may still claim them through the concept of takharruj, which involves releasing baitulmal's rights to the heirs in exchange for compensation. This study will focus on the procedures for heirs' claims by examining the Manual for Estate Redemption Management published in 2009.

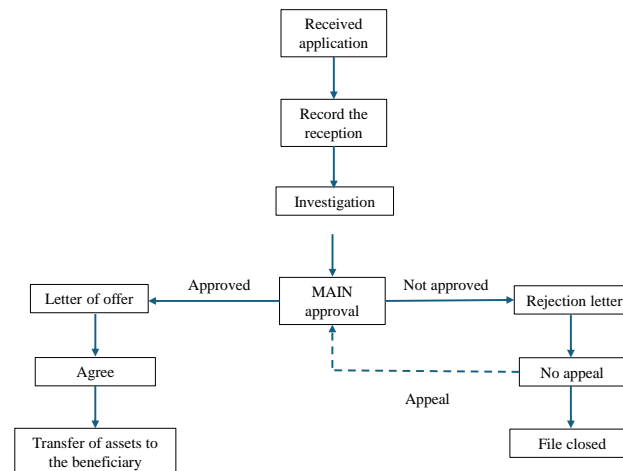


Figure 2: Estate Redemption Procedure Registered Under the Small Estates (Distribution) Act 1995

Source: Estate Redemption Manuals, JAWHAR, 2009

Referring to Figure 2 above, the procedure and governance for estate redemption registered under the Small Estates (Distribution) Act 1995 begin with the collection of supporting documents upon receiving an application from the claimant. An investigation is then conducted by baitulmal, particularly concerning land ownership. An official search is carried out to determine whether baitulmal's share has been redeemed, if any restrictions or caveats exist, and whether there are liens or other encumbrances. Similarly, physical investigations are conducted to assess the current use, issues, and surroundings of the land. Once the report is completed, it is submitted to MAIN's secretariat for evaluation and consideration (JAWHAR, 2009).

For approved applications, an offer letter is issued, and the applicant must respond within 30 days. There are three common types of responses (JAWHAR, 2021):

- i. The applicant accepts the offer: All costs for the transfer agreement are borne by the applicant. Subsequently, the land transfer is executed using Form 14A of the National Land Code.
- ii. The applicant accepts the offer with an appeal: The appeal will be reconsidered by baitulmal.
- iii. The applicant rejects the offer.

For the second scenario, where the applicant accepts the offer with an appeal, four types of appeals are typically submitted:

- i. Appeal for an extension of the payment period and preparation of the sales agreement.
- ii. Appeal for an extension of time to complete the payment.
- iii. Appeal to make payment in installments.
- iv. Appeal for a price reduction not exceeding 20% of the offered price. If the reduction exceeds 20%, baitulmal's secretariat approval is required.

If the application is not approved, a notification letter will be issued. Appeals if submitted will be reconsidered. If no appeal is made, the file will be closed.

Conclusion

In conclusion, this study identifies gaps in past research where there is no comprehensive procedure or management system integrating the handling and utilization of all types of collected assets into a unified document. It is crucial for MAINS to ensure that the management and utilization of these assets are conducted systematically and transparently. From the socio-economic perspective of the Muslim community, clear guidelines can ensure that the proceeds from these assets are optimally utilized for the development of the ummah, in line with the principles of maqasid shariah in preserving wealth and ensuring societal well-being.

By establishing clear and detailed guidelines, the management process becomes more systematic and standardized, reducing confusion and increasing operational efficiency. Appropriate distribution methods can ensure assets are distributed fairly and transparently according to Shariah law. This ensures the rights of all parties, including the original owners, creditors, and heirs are safeguarded. Efficient distribution methods also reduce time and costs involved in the process.

This study suggests a comparative analysis of asset management with other agencies across Malaysia to identify best practices that MAINS can adopt. The findings of this comparison can also provide recommendations for improving existing asset management procedures. Additionally, this study proposes that authoritative bodies like JAWHAR publish a Management Manual involving proceeds from debtors' money, unclaimed property. This would allow the manual to serve as a reference for all MAIN offices in Malaysia.

References

1. Abdullah, M. M. (2023). Analysis Of Vehicle Redemption In Estate Administration. *Journal of Contemporary Islamic Studies*, 9(2), 1–17.
2. Abdullah, M. M., & Mat Ali, A. M. (2023). The Implications of the Amendment of Small Estates (Distribution) Act 1955 [Act 98] on the Estate Administration in Malaysia. *Kanun Jurnal Undang-Undang Malaysia*, 1, 95–118.
3. Small Estates (Distribution) Act 1955 [Act 98]
4. APAR 1995, Public Trust Corporation Act 1995.
5. Al-Bukhari, Muhammad bin Ismail. (1993) *Sahih Bukhari*. Dimashq: Darul Ibnu Kathir.
6. Al-Nawawi, Muhyiddin bin Syaraf. (2005). *Minhaj al-Talibin wa 'Umdat al-Muftin*. Dar al-Minhaj.
7. Al-Nawawi, Muhyiddin bin Syaraf. (1991). *Raudhah at-Thalibin wa 'Umdah al-Muftin*. Beirut: al-Maktab al-Islami.
8. Ar-Ramli, Muhamad bin Abi al-Abbas. (1984). *Nihayah al-Muhtaj ila Syarh al-Minhaj*. Beirut: Dar al-Fikr.
9. Al-Zuhaili, Wahbah. *Al-Fiqh al-Islami wa Adillatuhu*. (1985). Dar al-Fikr
10. Awang, I., Sarina, T., & Tengku, A. (2007). The Adoption of the Shafi'i School of Thought in Islamic Society. *Journal of Fiqh*: 4, 157-172.
11. Enactment of the Negeri Sembilan Islamic Religious Council 2003.e-SMAF JAKIM, (2024). "Luqatah Property", <http://e-smaf.islam.gov.my/e-smaf/index.php/main/mainv1/fatwa/pr/16061>
12. Drs Nasrul, M. A., Mohd Alam Shah, N. A., Mohd Yusoff, R., & Md Said, M. H. (2023). Small Estates (Distribution) Act 1955 : Analysis On The 2022 Amendment and its Effects Over The Inheritance Management. *IIUMLJ*, 31(2), 207–228.

13. Halim, A. H., Mohd Noor, N. A., & Arshad, A. (2018). Administration Of Unclaimed Estates In Malaysia: The Peculiarities of Unclaimed Money, Undistributed Fund and Bona Vacantia. *Journal of Social Sciences Research*, 2018 (Special Issue 6), 1075–1079.
14. Husnaa, A., & Saifullah, M. (2020). Arising Issues in the Management of Simple Testate and Intestate Estates at Amanah Raya Berhad (ARB). *Journal of Shariah Law Research*, 5(2), 207–230.
15. Ibn Qudamah, Abdullah ibn Ahmad. (1997). *Al-Mughni*. Dar 'Alam al-Kutub.
16. Ibnu Nujaim, Zainuddin bin Ibrahim. (t.t). *Al-Bahr ar-Raiq Syarh Kanz ad-Daqaiq*, Beirut: Dar al-Makrifah.
17. Jahidin, Muhammad Assyifaa Uhayat., Mat Said, Mohamad Hilmi, & AbdulKarim, Mohd Saifuddin . (2021). Baitulmal Management During The Time of Rasulullah Saw And The Ruling of Khulafa Ar-Rashidin. *Jurnal Al-Sirat*, 19(2), 103-111.
18. JAWHAR, (2021). "Property Management Manuals", Department of Waqf, Zakat, and Hajj", 1-42.
19. JAWHAR, (2009). "Estate Redemption Manuals", Department of Waqf, Zakat, and Hajj, 1-75.
20. JAWHAR, (2024), "Penerbitan Manual Pengurusan JAWHAR", <https://e-penerbitan.jawhar.gov.my/manual-pengurusan/>
21. MAIK, (2024), <https://maik.kedah.gov.my/index.php/baitulmal/#:~:text=Sumber%20Baitulmal,mana%2Dmana%20orang%20k, epada%20Baitulmal.>
22. MAINS, (2024), <https://www.mains.gov.my/v2/korporat/sejarah-mains>
23. MAIS, (2024), "wang orang berhutang", <https://mais.gov.my/wang-orang-berhutang/>
24. Md Yazid Ahmad dan Ibnor Azli Ibrahim , 2006. "Konsep Harta Menurut Perspektif Undang-Undang Islam dan Undang-Undang Sivil: Satu Tinjauan." *Jurnal Pengajian Umum*, 7, 123-140.
25. Muda, M.Z., Awang, M.R., & Abdul Majid, A. (2008), "Islamic Inheritance Law: Implementation in Malaysia" *Universiti Kebangsaan Malaysia*, 1-254.
26. Mustafa @ Busu, Z., Nik Din, N. M., Awang @ Ab Rahman, N. H., Noor Zain, N. I., Ismail, M. K. A., Zainal, N. S., Che Mat, C. B., & Mohd Firdaus Kozako, I. N. A. (2021). Formation of Luqatah Property Management Model Framework: An Analysis of New Approach in Dealing Unclaimed Property in Institutions of Higher Learning (IPT). *Journal of Islamic Philanthropy & Social Finance*, 3(1), 1-8.
27. MyGoverment, 2024. <https://www.malaysia.gov.my/portal/content/27679?language=my>
28. Mohamad, M. Q., & Sulaiman, N. (2017). A comparative study on the management of Al-Mafqud real estate (AMRE) and Luqatah property (LP) in Malaysia. *Al Qimah Al Mudhafah The Journal of Management and Science (ALQIMAH)*, 1(1), 1-5.
29. Mohd Arafat Bin Jaafar. (2017). Unclaimed Properties in Islam and Malaysian Law. In *Universiti Teknologi Malaysia (Vol. 91)*.
30. Mahad Musa, Z. (2020). Faraid Distribution Through Al-Radd Method (Reinstatement) As a Welfare Mechanism for Heirs and Its Practice in Malaysia. *Malaysian Journal of Syariah and Law*, 8(2), 1–14.
31. Musa, Z. M. (2017). The welfare of Dhawi al-Arham Heirs as Recipients of Inheritance and Its Implementation Challenges in Malaysia. *Labuan E-Journal of Muamalat and Society*, 11, 1–12.
32. Mad Sukri, M. A. S., Nor Muhamad, N. H., & Hamdan, A. (2020). Implementation of Zawil Arham Inheritance Orders in Baitulmal. *Journal of Islamic, Social, Economics and Development*, 5(31), 100–113.
33. Mohamad, M. F., & Abdullah, M. M. (2022). Selected Proceedings from the 1st International Conference on Contemporary Islamic Studies (ICIS 2021). In *Selected Proceedings from the 1st International Conference on Contemporary Islamic Studies (ICIS 2021)*. Springer Nature Singapore. page 105-116.
34. Mas'Ad Saleh, M. A., & Sharif@Hamzah, L. (2021). The Understanding of Ruling and Management of Luqatah (Lost Property) Among Usim Students. *Malaysian Journal of Syariah and Law*, 9(2), 66–74.
35. Mohd Zamro Muda, Mohd Ridzuan Awang, Abdul Basir Mohamad, & Md. Yazid Ahmad. (2008). Introduction to the Law and Administration of Inheritance, Wills, and Waqf for Muslims in Malaysia. Department of Shariah, Faculty of Islamic Studies, Universiti Kebangsaan Malaysia, 1-204.
36. Nor Muhamad, N.H. (2012). "Wills and Guardianship in Estate Planning: Principles and Practices." UTM Press. 1-186.
37. Noordin, N. (2012). Unclaimed inheritance: the need to strengthen the process and amend the Federal Constitution. *Journal of Administrative Science*, 9(2), 143–160.
38. Sinar Harian, (2023), "RM500 juta tak dituntut", <https://www.sinarharian.com.my/article/628340/berita/nasional/rm500-juta-wang-pusaka-tunggu-dituntut-waris>
39. Sinar Harian, 2024, "pindaan RUU Wang Tak Dituntut (Pindaan) 2024", <https://www.sinarharian.com.my/article/656711/berita/nasional/dewan-rakyat-luluskan-ruu-wang-tak-dituntut-pindaan-2024>

40. Sulong, J. (2008). The Position of the Shafi'i School in the Practice of Islamic Inheritance and Wills in Malaysia. *Jurnal Syariah*, 16(1), 163–183.
41. Yazid Ahmad & Iknor Azli Ibrahim. (2006). The Concept of Property from the Perspective of Islamic Law and Civil Law: An Overview. *Jurnal Pengajian Umum*, Bil.7, 123–138.