

## BAITULMAL: ITS ROLE AS AN HEIR ACCORDING TO FUQAHA' AND LEGAL PRACTICES IN MALAYSIA

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### ABSTRACT

*Baitulmal is a crucial institution with a significant role in preserving and managing the wealth of the Muslim community. During the early Islamic era, among the sources of baitulmal were inherited properties that were not exhausted by the heirs from among the ashāb furūd and inheritance that had no eligible heirs. According to Imam Shāfi'ī and Imam Mālik, such inheritance must be entrusted to the baitulmal. However, after the fourth century of the Hijrah, later scholars of the Shāfi'ī school, such as Imam al-Nawawī, stipulated that for the baitulmal to qualify as an inheritor, it must be well-managed and properly administered. In general, the states of Malaysia adhere to the original stance of the Shāfi'ī school, which allocates surplus inheritance to the baitulmal. Hence, this study aims to examine the perspectives of Islamic jurists regarding the inheritance rights of the baitulmal and its position as an heir within the legal framework of Malaysia. This study employs a qualitative methodology, encompassing data collection through content analysis and interviews with informants, specifically selected baitulmal officers directly involved in the management of inheritance. The collected data is then analysed inductively to synthesise the research objectives. The findings of the study indicate that in Malaysia, the baitulmal is recognised as the party entitled to receive the surplus of a deceased person's estate and serves as a trustee responsible for safeguarding Muslims' property, including inherited assets. Nevertheless, various constraints must be addressed to ensure the smooth administration of baitulmal estates, thereby preserving the maṣlaḥah (benefit) of the Muslim community. In addition, it is essential to ensure that the assets under its management achieve the predetermined objectives, namely for the purposes of welfare and the socioeconomic development of the Muslim community in line with the provisions of shariah and the law.*

**Keywords:** *Baitulmal*, surplus, inheritance, *dhawī al-arḥām*, Shāfi'ī school

## INTRODUCTION

History has shown that the *baitulmal* was a crucial institution in managing the socioeconomic affairs of Islamic countries at the time, and it served as the highest financial institution in the state, overseeing various aspects of national finance. Generally, the term *baitulmal* originates from Arabic and consists of two words: 'al-Bait' and 'al-Māl.' 'Al-bait' means 'house,' while *al-Māl* means 'wealth.' When combined, these words translate to 'house of wealth.' Essentially, it refers to a house that receives and stores wealth for distribution to rightful beneficiaries (Ibn Manzur 1990). Imam al-Māwardī in the book *al-Aḥkam al-Sulṭaniyyah*, has explained that *baitulmal* is not merely a physical place but an institution aimed at preserving and managing unclaimed or non-private wealth for the benefit of the Muslim community. Accordingly, any wealth channelled for the benefit of Muslims falls under *baitulmal*'s management (Al-Mawardi 2006).

The systematic establishment of *baitulmal* became evident during the reign of Caliph Umar al-Khaṭṭāb. According to Sadr (2016), at that time, Islam was rapidly expanding, leading to conquests and territorial expansions that resulted in a sudden increase in wealth, making immediate distribution unfeasible. Consequently, to strengthen the governance and administration of the Islamic state, Khālid al-Walīd proposed to Caliph Ūmar al-Khaṭṭāb the establishment of a national financial institution to manage the Islamic state's wealth (Al-Mawardi 2006). During that period, this institution was known as 'dīwan' or 'khazanah,' later becoming recognised as *baitulmal*. Subsequently, the *baitulmal* institution expanded widely, with each Islamic territory establishing its own *baitulmal*. Since then, *baitulmal* has functioned as an institution that manages the financial resources of the Islamic state and allocates them for the benefit of society and the nation, in accordance with Islamic law, faith, and ethics. This function continued from the reign of Caliph Ūmar al-Khaṭṭāb until the end of the rule of Caliph Ālī (Mustafa 1996).

However, the functions and roles of the *baitulmal* in Malaysia today differ from those in historical times. This is because its scope and role have been narrowed, and it is now considered merely a trust fund under the State Islamic Religious Councils (SIRC; Majlis Agama Islam Negeri, or MAIN) (Mohammad and Mohd Farihal 2018). The administration of the *baitulmal* is currently under the jurisdiction of the Islamic Religious Councils and is also directly responsible for implementing Islamic administrative laws, including matters related to *baitulmal* assets and finances across different states (Luqman, Muhammad Ikhlas and Raihanah 2022). In practice, inheritance distribution in Malaysia is largely based on the Shāfi'ī school of thought, and the *baitulmal* is among the parties entitled to receive the remaining inheritance. Therefore, if there

is an excess of inheritance after the distribution of *farā'id* or if the deceased has no eligible heirs, the inheritance will be handed over to the *baitulmal* for management. This is because, in practice, most states in Malaysia adhere to the Shāfi'ī school of thought concerning Islamic personal law, including inheritance and bequests (Jasni 2008), and the *baitulmal* is one of the parties entitled to receive the remaining inheritance. Therefore, the objective of this study is to discuss the views of the *fuqaha'* (Islamic jurists) regarding *baitulmal* inheritance and its position as a recipient of estates according to legal practices in Malaysia, as well as to present several proposed solutions to overcome the constraints in managing and developing inherited land faced by the *baitulmal* so that the assets under its administration can be managed more efficiently, systematically, and effectively.

## LITERATURE REVIEW

*Fuqaha'* hold differing views on the prioritisation of surplus inheritance, whether it should be allocated to the *baitulmal*, distributed via the *al-radd* method, or assigned to *dhawī al-arḥām*. This divergence in opinion is not only evident among leading *mujtahid* scholars but also among the Prophet's companions, who held different views on the matter. The debate remains ongoing among contemporary scholars due to the absence of explicit scriptural evidence on this issue. Amir Syauqi et al. (2020) note that Malaysia lacks specific legislation that outlines the priority of surplus inheritance distribution. Consequently, courts revert to Islamic jurisprudence, primarily referring to the Shāfi'ī school, which grants the *baitulmal* rights over the estate of a deceased person in the absence of a *‘aṣabah* (agnatic heir). This principle is consistently applied across Malaysia, as the *baitulmal* is an authoritative institution entrusted with managing Muslim wealth since the early development of Islam (Muhammad Assyifaa, Mohamad Hilmi and Mohd Saifudin 2021). The adherence to the Shāfi'ī school as the primary reference in Malaysia poses a challenge to implementing the *al-radd* method and the inheritance rights of *dhawī al-arḥām*, which, in turn, affects the welfare of potential heirs (Zahari 2020). Mohd Ali, Hishamuddin and Fauzi (2022) explain that since the *baitulmal's* inheritance rights are embedded in Islamic jurisprudence, its entitlement is implicitly recognised under inheritance laws, as stipulated in the Small Estates (Distribution) Act 1955 (Act 98), Section 12, Subsection 7. As an institution responsible for safeguarding and managing assets, including unclaimed inheritance, the *baitulmal* faces several challenges that must be addressed to uphold the interests of the Muslim community (Md Yazid and Syamsul Rusydi Somad 2020). Consequently, various proposals have been put forward to address these challenges, particularly in the management of Islamic inheritance. Mohamad Fadzil and Muhamad Mu'izz (2022) suggest that the *al-radd* method could serve as an alternative solution, particularly

in ensuring the welfare of heirs. This situation is evident in an unreported case in Kuala Terengganu, namely *Kalthum binti Muda v. Nazir Baitulmal Kuala Terengganu* (1362), in which the *baitulmal* inherited the estate even though the heir was poor, thereby risking the depletion of the family's assets. The applicant was the deceased's wife and the sole heir, who inherited only one-quarter of the estate, while the remaining three-quarters were handed over to the *baitulmal*. Due to financial hardship, the heir requested that the *baitulmal* relinquish its three-quarters share and transfer it to her as the rightful heir entitled to inherit her husband's entire estate (Jasni 2008). Accordingly, the SIRC may consider discussing the implementation of estate distribution through *al-radd* or inheritance to *dhawī al-arḥām* instead of the *baitulmal*, based on the views of the Ḥanafī and Ḥanbalī schools of thought, as practised in the State of Perlis, which issued a ruling and fatwa on the management of surplus estates through the Decision of the 37th Meeting of the Perlis State Fatwa Committee in 2018. This means that the State of Perlis has taken the initiative to provide an opinion grounded in public interest deemed reasonable for the welfare of the deceased's heirs, and this *fatwa* is neither anomalous (*asy-syaz*) nor contrary to the majority of the four recognised schools of thought. On the contrary, it embraces the diversity of schools of thought within Islam (Muhamad Mu'izz, Mohd Zamro and Md Yazid 2024). Ahmad Sabiq, Ahmad Syihan and Hanaffie (2025) also suggested that the *al-radd* method be applied in certain cases, as it better fulfils the *maqāṣid al-sharī'ah* (objectives of Islamic law) in legislating the rules of *farā'id*, which aim to safeguard the welfare of heirs, particularly when the surviving heirs comprise a single mother and a daughter with no other family members to support their livelihood. Additionally, Abdul Rahman, Zamzuri and Md Yazid (2024) assert that inheritance is one of the designated sources of the *baitulmal* under the principles of *farā'id* (Islamic inheritance law). Therefore, the *baitulmal* must plan various beneficial development projects through joint ventures, particularly for co-owned lands that have economic potential for development activities with other owners to ensure that the assets owned can generate benefits and guarantee the long-term sustainability of the property.

## RESEARCH METHODOLOGY

This study employs a qualitative approach in both data collection and analysis. Qualitative research focuses on gathering non-numerical information (Creswell 2013) and offers an in-depth explanation of the background of a particular subject. It utilises naturalistic methods to understand the actual circumstances of a phenomenon within a specific context, without manipulating the real-life situation (Patton 2002). Three key processes are involved in conducting this qualitative research: data collection, data analysis, and ensuring data validity

and reliability. Data collection involves planning and implementing methods to gather relevant information and data concerning the issue under investigation.

Accordingly, to gather design-related information in this study, an inductive document analysis method was employed through a literature review and semi-structured interviews. The document analysis method involved printed materials, including scholarly books, journals, seminar articles, and reports. Primary and secondary sources, including an examination of statutory provisions, were utilised. These sources serve as guidelines for conducting action research and subsequently preparing research reports for publication as articles and journals. This literature review is crucial as it provides researchers with a clear understanding of principles, concepts, methods, data processing, and analysis relevant to the study design (Ercikan and Roth 2006).

Meanwhile, semi-structured interviews was only focused on with five officers serving in the *baitulmal* of the Negeri Sembilan Islamic Religious Council (MAINS), the Kedah Islamic Religious Council (MAIK), the Selangor Islamic Religious Council (MAIS), the Terengganu Islamic Religious and Malay Customs Council (MAIDAM), and the Melaka Islamic Religious Council (MAIM). These selected samples were able to provide relevant information for this study, as they are directly involved in managing *baitulmal* inheritance assets. A purposive sampling method was used to obtain detailed information on the legal practices and management of inheritance assets by *baitulmal*, the administrator of estate assets in Malaysia. As explained by Ahmad Munawar and Mohd Nor Shahizan (2021), this type of sampling facilitates more manageable, efficient, and cost-effective research compared to studying the entire population. All conversations were recorded using a voice recorder for transcription purposes to enable further analysis by the researchers. Subsequently, the data obtained from the interviews underwent a data validation process. According to Othman (2021), internal validity concerns how research findings align with reality. Thus, internal validity relates to the meaning of reality. One of the assumptions in qualitative research is that reality is holistic, multidimensional, and constantly evolving.

The data obtained are then analysed inductively to draw themes related to the research objectives. Neuman (2006) asserts that inductive research begins with detailed observations of a general situation, eventually moving towards forming more specific views and theories. Inductive research involves a deep examination of the research situation, culminating in forming explanations that lead to conclusions upon completion (Bernad 2011). This approach helps describe the issue or phenomenon being studied, and the findings will contribute to the development of themes regarding *baitulmal* and its role as an inheritor, as understood by *fuqaha'* and legal practices in Malaysia.

## FINDINGS AND DISCUSSION

### **The Position of *Baitulmal* as a Recipient of Inherited Property According to the View of the *Fuqaha*'**

The *fuqaha*' have differing views regarding inheritance with no heirs, or where there are heirs, but a surplus remains after distribution to the rightful heirs according to shariah law. The question arises whether this inheritance should be handed over to the *baitulmal* or redistributed among the heirs according to the principle of *al-radd* (estate redistribution) or inherited by the distant relatives (*dhawī al-arḥām*).

The first group, consisting of Imam Al-Shafi'iy (Al-Khatib 1995; Al-Nawawi, n.d.) and Imam Malik (Al-Dardir n.d.; Al-Baji n.d.) holds the view that the *baitulmal* is entitled to inherit surplus estate or the estate of a deceased person with no heirs. This is because the *baitulmal* plays a vital role in ensuring the proper management and distribution of inheritance for the benefit of the Muslim community. Therefore, the estate should be handed over to the *baitulmal* for the collective welfare of the Muslim community, and the *dhawī al-arḥām* should not be given any part of the inheritance (Al-Sabuni 2001), even if the deceased had many distant relatives (*dhawī al-arḥām*). This view is also supported by Zayd ibn Thābit, al-Awzā'iy, 'Urwah, al-Zuhriyy, Dāwūd al-Zāhiriyy and scholars from the Maliki and Syāfi'ī schools of thoughts.

In this regard, Imam Al-Shafi'iy (1990) stated: "And whoever receives a fixed share (*fard*) as stipulated by the Quran, *sunnah*, or the traditions of the *salaf*, we allocate the shares accordingly. If there remains a balance of wealth, we do not return (*al-radd*) the value thereof."

Therefore, according to this group, the *baitulmal* is more deserving of the inheritance than applying the principle of *al-radd* or giving it to the *dhawī al-arḥām*. The *baitulmal* is entitled to the inheritance regardless of whether its administration is well-organised, as the rights of Muslims should not be jeopardised by poor governance or the injustice of leaders (Abdul Rashid 1987).

One of the arguments put forward by this group is based on the Quran, as evidenced by Allah's words in surah Maryam, verse 64, which means, "And your Lord is never forgetful." It is widely known that the laws of inheritance in Islam are established through verses from the Quran, Hadith, and *ijma* (consensus). In fact, Allah has detailed the rightful heirs and their shares, but the verses do not mention the portion for the *dhawī al-arḥām*. If they were entitled to inherit, Allah would have clarified this in the Quran. This group also argues that granting inheritance rights to the *dhawī al-arḥām* amounts to adding something not found in the Quran, which is considered invalid (Mansur Ali 2010).

Furthermore, this group presents evidence from Hadith, as mentioned by the Prophet Muhammad (PBUH) in a Hadith narrated by 'Atha' bin Yassar: "The Prophet wore a cloak to seek Allah's guidance regarding the inheritance of the paternal and maternal aunts, and Allah revealed that they do not have a share of the inheritance" (narrated by al-Dāruquṭnī, Sunan al-Dāruquṭnī, Kitāb al-Farā'id wa al-Sayr wa Ghayr Dhalik) (Al-Daruqutni 1996).

This Hadith explains that paternal and maternal aunts, who are *dhawī al-arḥām*, are not entitled to inherit. Additionally, this group uses logical reasoning to argue that the inheritance given to the *baitulmal* provides greater benefit, as it can be shared with the Muslim community. On the other hand, if the inheritance is given to the *dhawī al-arḥām* and redistributed according to *al-radd*, the benefit is limited. According to one of the *fiqhiyyah* principles, "public interest must take precedence over individual interest" (Al-Sabuni 2001).

The second group, including Imam Abu Hanifah (Ibn Abidin 1998) and Imam Ahmad bin Hanbal (Ibn Qudamah 1998), argue that the *baitulmal* is not entitled to inherit. Instead, the *baitulmal* receives inheritance on the basis of public interest to safeguard it, not as a rightful heir. The *baitulmal* merely serves as a temporary custodian of the estate when the heirs are unknown. If legitimate heirs are later found, the inheritance must be returned to them. This view has also been expressed by the *sahābah* and *Tābi'īn*, including Saidinā 'Alī bin Abī Ṭālib r.a, Saidinā 'Umar al-Khaṭṭāb, 'Ibn Mas'ud, Abī Darda', Mu'az bin Jabal, and 'Ubaidah Bin Al-Jarrah.

This group supports their view with evidence from the Quran, specifically surah al-Anfal, verse 75, which states, "And those who are akin to one another are nearer to one another in the Book of Allah." The term *ulu al-arḥām* (relatives) is general and includes all family members, without distinguishing whether they are *ashab al-furud*, *asabah*, or others. Allah (SWT) has stated that anyone with a kinship relationship to the deceased has a right to the inheritance, including the *dhawī al-arḥām* (Al-Sabuni 2001). Therefore, the right of the *dhawī al-arḥām* to inherit is mentioned in the Quran and does not represent the addition of a new ruling, as claimed by the first group.

Furthermore, the second group of scholars also supports their argument with the saying of Prophet Muhammad (PBUH) as narrated by Abī Umāmah ibn Sahl Ibn Ḥunayf: "Umar ibn al-Khaṭṭāb wrote to Abī 'Ubaydah, stating that indeed, the Prophet Muhammad (PBUH) said: Allah and His Messenger are the guardians of those who have no guardian. The maternal uncle is the heir of those who have no other heir" (Al-Tirmiziyy 1999). This Hadith has been classified as Sahih by al-Nasā'ī, al-Ḥākim, and Ibn Ḥibbān. However, al-Tirmiziyy and Abū Zar'ah al-Rāziyy assessed it as merely Hasan. Consequently, this Hadith is used as a basis for granting inheritance rights to *dhawī al-arḥām* (Al-Shaukaniyy 2005).

Accordingly, it can be inferred from this Hadith that *dhawī al-arḥām* heirs have the right to inherit the deceased's estate if there are no *aṣḥāb al-furūd* or *aṣabah* heirs. In addition to the Quran and Hadith, this group also presents logical reasoning, arguing that *dhawī al-arḥām* heirs have a stronger claim than *baitulmal* due to their dual relationship with the deceased: a bond of Islamic faith and a blood relationship. In contrast, *baitulmal* shares only the religious connection with the deceased. Thus, those with two relationships have a stronger entitlement, and *dhawī al-arḥām* heirs should be prioritised over *baitulmal* (Al-Sabuni 2001). Moreover, Ibn Rusyd (1953) emphasised the responsibilities borne by the heirs of *dhawī al-arḥām*, such as arranging the funeral and settling the deceased's debts, which reinforce their right to inherit over *baitulmal*. Furthermore, Allah (SWT) has affirmed the status of *dhawī al-arḥām* as the closest heirs through the phrase '*al-Aqrabūn*' (al-Nisa', 4:47), further strengthening their entitlement to the remaining inheritance.

Nevertheless, this perspective is not unprecedented, as later scholars from the Shāfi'ī school, such as Qalyubi (n.d.) and Al-Ramli (n.d.), as well as later Maliki jurists (Wabah 1984), after the fourth century Hijri, permitted *dhawī al-arḥām* heirs to inherit under the condition that *baitulmal*'s administration was disorganised to safeguard the welfare of Muslims. Similarly, al-Muzani and Ibn Syuraih, scholars of the Shāfi'ī school, also held that *dhawī al-arḥām* heirs have a stronger claim to unclaimed or excess inheritance than *baitulmal* (Al-Khatib Al-Sharbiniyy 1995).

### Legal Practices in Malaysia

The Malaysian Constitution places the institution of *baitulmal* under the jurisdiction of the MAIN. Religious matters fall under the purview of the state, except for the Federal Territories of Kuala Lumpur, Labuan, and Putrajaya. Consequently, executive authority concerning Islamic affairs is the responsibility of the MAIN, as outlined in the Ninth Schedule List II – State List:

Except in relation to the Federal Territories of Kuala Lumpur, Labuan, and Putrajaya, Islamic law and personal and family law for persons professing the religion of Islam, including Islamic law concerning inheritance, wills, and intestacy, engagement, marriage, divorce, dowry, maintenance, adoption, guardianship, gifts, division and trust not for charity; waqf and the definition and regulation of religious and charitable trusts, appointment of trustees, and incorporation of persons connected with religious and charitable endowments, institutions, trusts, charities, and Islamic charitable institutions operating wholly within the State; Malay customs; zakat, fitrah, and *baitulmal* or similar Islamic religious revenue; mosques or any public place of worship for Muslims; the creation and punishment of offenses by persons professing the religion of Islam against precepts of that religion, except in respect of matters included in the Federal List; the composition, organisation, and procedure of Shariah courts, which

shall have jurisdiction only over persons professing the religion of Islam and only in respect of any of the matters included in this paragraph, but shall not have jurisdiction over offenses except to the extent conferred by Federal law; control of the propagation of doctrine and beliefs among persons professing the religion of Islam; determination of matters of Islamic law and doctrine and Malay customs.

Thus, it is understood that *baitulmal* in the Malaysian context is established under the jurisdiction of the state and falls within the state legislative authority according to the Ninth Schedule of the Constitution, which lists it as a right of the state government, including the authority to determine religious laws related to assets such as *zakat*, *waqf*, *baitulmal*, and other religious matters. In this regard, the function of *baitulmal* as an heir, executor, and administrator of estates is subject to state laws under the State Administration of Islamic Law Enactments. For example, the role of *baitulmal* in managing estates or unclaimed estates is provided for under Rules 18 and 19(1), (2), Part IV - Property and Baitulmal Resources, Enactment No. 9 of 2008, Kedah Darul Aman Administration of Islamic Law Enactment 2008. The Baitulmal Regulations (Kedah Darul Aman) 2021 outline similar provisions.

#### **Property vested in the Council**

18. Any money or property vested in the Council relating to *baitulmal* through a court order or authority under any written law shall be managed by the Council under these Rules.

#### **The Council may administer inherited property**

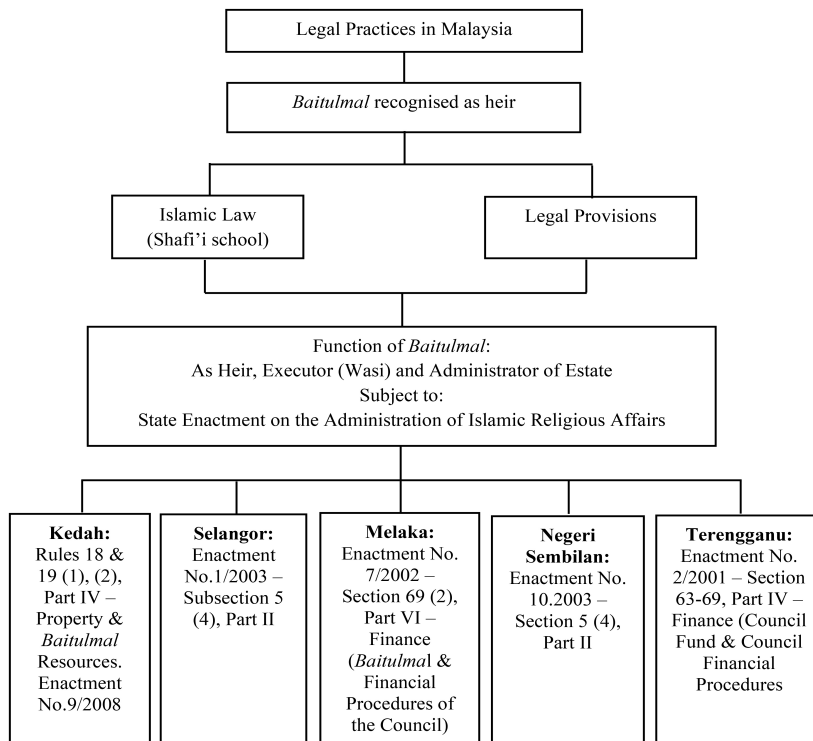
19. (1) The Council may administer inherited property on behalf of any person if appointed as administrator by the court or by any authority under any written law. (2) For the purpose of subrule (1), the Council may impose any fee or service charge at rates determined by the Council.

Based on these regulations, it is clear that Kedah State Baitulmal is granted jurisdiction and is responsible for making agreements or assessments of any assets obtained and for fulfilling its role as trustee while managing all properties vested in *baitulmal* in accordance with Islamic principles approved under Islamic law.

In Selangor, the rights of *baitulmal* as a recipient of inheritance assets are outlined in the Selangor State Administration of Islamic Law Enactment, which assigns significant roles to Selangor Baitulmal in managing the inheritance of Muslims as well as administering wills and other trust properties. This is stipulated in Enactment No. 1 of 2003, Selangor State Administration of Islamic Law Enactment 2003, Subsection 5(4), Part II - Selangor Islamic Religious Council: "The Council shall have the authority to act as the executor of a will or as the administrator of the estate of a deceased person or as the trustee of any trust."

Likewise, in Terengganu, Enactment No. 2 of 2001, namely the Islamic Affairs Administration Enactment (Terengganu) 2001, Sections 63 to 69, Section IV – Finance (Council Fund and Council Financial Procedures), grants *baitulmal* significant responsibilities to manage and administer assets obtained from general sources in order to benefit the Muslim community. This includes identifying and recording assets from general sources, controlling, enhancing, and advancing general source assets, and distributing them to those entitled according to Islamic law. Among the assets obtained from general sources is inherited property.

These enactments were also adopted by other states in Malaysia, such as Johor under Enactment No. 16 of 2003, Johor State Administration of Islamic Law Enactment 2003, and Penang under Enactment No. 2 of 2004, Penang State Administration of Islamic Law Enactment 2004, among others. Based on the above legal provisions, whether under acts or enactments, it can be concluded that *baitulmal* has the right to unclaimed inheritance property and the remainder of the estate after the inheritance distribution is completed when there are no surviving heirs (*aşabah*). Figure 1 presents a summary of legal practices in Malaysia.



**Figure 1:** Legal practices in Malaysia.

Therefore, based on the above legal provisions, it can be understood that in Malaysia, the *baitulmal* is responsible for managing, in accordance with shariah, the assets of the SIRC, including inherited estates. Nevertheless, to this day, Malaysia has no specific law that stipulates the priority of entitlement to the surplus of such estates. Accordingly, due to the absence of specific shariah legislation, the shariah courts will revert to shariah principles by referring to the *fiqh* opinions of the Shāfi'ī school of thought (Amir Syauqi 2020). This is because the prevailing legal preference is determined by the school of thought adopted by the country or the *fatwa* issued by the *mufti* within that jurisdiction (Zaini 2005). Moreover, according to Juraish (2009) this practice has already been implemented in reality, as the shariah court has jurisdiction to determine the share of inheritance to which each heir is entitled. Consequently, the *baitulmal* is commonly granted the right to claim the surplus estate and is made the respondent in inheritance distribution applications. This is because the role of the court and the legal framework is also essential, as matters involving property fall within the scope of issues that must be resolved in accordance with the rule of law (Rusnadewi and Noor Inayah 2010).

### **The Role of Baitulmal in Managing Inherited Assets in Malaysia**

In general, the development of inheritance administration law in Malaysia can be divided into two periods, namely the pre-independence era before 31 August 1957 and the post-independence era beginning from 31 August 1957 until the present. In brief, before the Second World War, the administration of Muslim inheritance in the Unfederated Malay States was placed under the responsibility of the respective State Islamic Religious Departments and the shariah courts within those states. The same situation also applied to the Federated Malay States. After the Second World War, the British returned to Malaya and established the Federation of Malaya, which later became Malaysia. At that time, the distribution of Muslim inheritance and the determination of rightful heirs were decided by the shariah court in accordance with Islamic law, known as *hukum farā'id*. Meanwhile, the shariah court had the authority to issue or certify the rightful heirs and their respective portions through a *sijil faraid* or *perakuan ahli waris* (Nasri 2016). Moreover, matters related to shariah law concerning Islamic inheritance issues—such as the legitimacy of a child, the validity of a marriage contract, *harta sepencarian* (matrimonial property), the confirmation of wills, *hibah* (gifts), and so forth—also fell under the jurisdiction of the shariah court (Mohd Zamro and Mohd. Ridzuan 2006).

According to Jasni (2011), the development of Islamic inheritance law administration in Malaysia has evolved from various perspectives, either directly or indirectly. This situation is closely linked to the historical background of Malaysian society, which was influenced by colonial rule and customary practices that shaped specific identities in the distribution of Muslim

inheritance. Additionally, customary inheritance practices dominated Malay society at that time, leaving a lasting impact that persists to this day. Moreover, the administration of Islamic law in Malaysia today continues to be influenced by the Shāfi‘ī school of thought.

The influence of the Shāfi‘ī school in the administration of Islamic law in Malaysia has a long history, paralleling the arrival and spread of Islam in the Malay Archipelago. The dominance of the Shāfi‘ī school in the Malay world established it as a primary reference for the community and influenced the development of jurisprudence, including matters related to personal law such as inheritance (Jasni 2008). This situation can be observed in a case decided by the court that also prioritised the view of the Shāfi‘ī school of thought. For example, the earliest recorded case, *Re Mutchilim @ Ashrhin, deed (1960)* [10 MLJ 51], was a case in Singapore, which at that time was still part of the Federation of Malaya. The court ruled that the remaining estate should be handed over to the *baitulmal* and could not be redistributed (*al-radd*) to the wife who had already received her *farḍu* share, as it was established that the deceased was a Muslim who adhered to the Shāfi‘ī school (Jasni 2008). This decision was based on the provision under Section 28 of the Amendment Ordinance No. 26 of 1934, which required reference to the school of thought of the deceased. This proves that the court acknowledged the Malay community’s adherence to the Shāfi‘ī school, which is intertwined with Malay customary practices. Furthermore, the *kadi* appointed by the governor under the provision of Section 4 of Ordinance No. 26 was also reported to have followed the Shāfi‘ī school (Jasni 2011).

In line with this, the Shāfi‘ī school has been established as the primary reference in the Administration of Islamic Law Enactments in each Malaysian state. The preference for referring to the Shāfi‘ī school is explicitly stated in the Administration of Islamic Law Enactments of all states, except for the state of Perlis, and is further supported by the General Practice Directive of the Malaysian Syariah Judiciary Department (JKSM) No. 9/2001, which stipulates the “Application of Juristic School Opinions for the Adoption of Legal Instructions Related to Juristic School Opinions.” The adoption of opinions from recognised juristic schools must adhere to the policies set by the Ruler of the state, who accredits shariah judges (Jabatan Kehakiman Syariah Malaysia 2001).

The preference for the Shāfi‘ī school is also reflected in the Mufti and Fatwa Enactment (Kedah Darul Aman), Part III – Fatwa Committee, Law No. 10 of 2008, Section 26, which mandates adherence to the *Qaul Muktamad*. Similarly, the Administration of Islamic Law Enactment (State of Selangor), Part III – Appointment of Mufti, Authority in Religious Affairs, Fatwa Committee, and Fatwas Related to National Interests, Law No. 1 of 2003, Section 54, states that the *Qaul Muktamad* must follow the opinions of the Shāfi‘ī school. The same

provision is found in the Administration of Islamic Law Enactment (State of Negeri Sembilan), Part III – Appointment of Mufti, Authority in Religious Affairs, Fatwa Committee, and Fatwas Related to Matters of National Interest, Law No. 10 of 2003, Section 54, which mandates adherence to the *Qaul Muktamad* of the Shāfi'ī school.

Therefore, based on the above legal provisions, it is understood that in Malaysia, *baitulmal* is responsible for managing the assets of the SIRC, including inheritance, in accordance with Islamic law. In such cases, the Department of Director-General of Lands and Mines, the shariah court, and Amanah Raya Berhad will transfer the unclaimed inheritance to *baitulmal*.

According to Syafiah asserts that the court will transfer any unclaimed inheritance to *baitulmal*.<sup>1</sup> Similarly, Syeikh Ahmad Zaki (2023) emphasises that in the state of Kedah, the Shāfi'ī school is fully adhered to, and any surplus inheritance is transferred to *baitulmal*. In line with this, Indera Sharil also explained that the distribution of inheritance through the *al-radd* method, or bequeathing it to *dhawī al-arḥām* heirs, does not occur in the state of Selangor.<sup>2</sup> This is because Selangor adheres to the Shāfi'ī school of thought. Furthermore, according to him, there is no explicit textual evidence in the Quran regarding the distribution of inheritance through *al-radd* or the inheritance rights of *dhawī al-arḥām* heirs. He argues that public *maṣlahah* should be prioritised over specific *maṣlahah*. Consequently, the surplus inheritance must be transferred to the *baitulmal*.

The same situation also occurred in the state of Terengganu, where, if there were any surplus from the deceased's estate, such property would be handed over to the *baitulmal*.<sup>3</sup> This is aligned with Rohaizah emphasised that the practice of *al-radd* distribution or transferring inheritance to *dhawī al-arḥām* heirs has never occurred in Melaka.<sup>4</sup> This is because when inheritance proceedings take place and an 'Order for Estate Distribution' is issued by the Department of the Director General of Lands and Mines, the court, or Amanah Raya Berhad, the estate is immediately handed over to the *baitulmal*. The transfer of inheritance to heirs or *dhawī al-arḥām* heirs can only occur through an inheritance redemption application submitted to the *baitulmal*.

In the context of managing Islamic estates involving real property, the role of the *baitulmal* includes receiving and redeeming, selling, purchasing, and applying for the execution of inheritance claims at relevant agencies. It also receives payments from various inheritance-related transactions, processes instalment-based redemption payments, and manages unredeemed inherited properties within the *baitulmal* (Md Yazid and Syamsul Rusydi Somad 2020). The *baitulmal* also conducts investigations into the deceased's heirs before

determining their rightful shares, including portions that will be retained by the *baitulmal*. Based on research findings up to 2023, a number of inherited land lots have been acquired by *baitulmal* institutions of MAINS, MAIK, MAIS, MAIDAM, and MAIM. These lands are either wholly owned (absolute ownership) or partially owned (joint ownership). For instance, the number of *baitulmal*-inherited land lots is presented in Table 1.

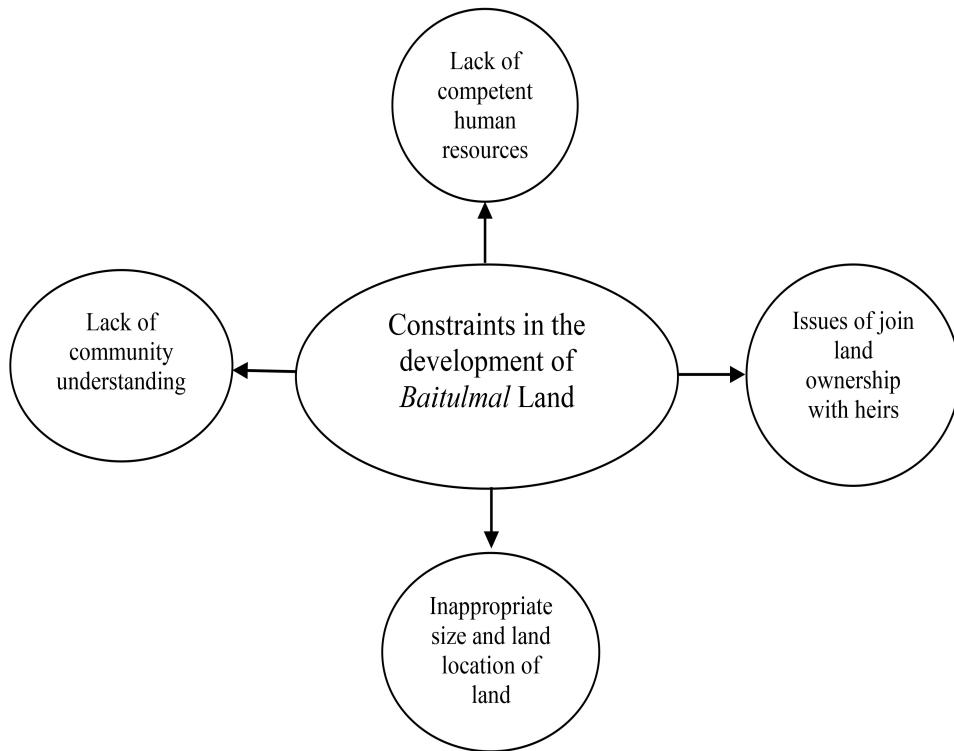
**Table 1:** Number of *baitulmal*-inherited land lots in 2023

State	Full ownership	Joint ownership
Negeri Sembilan	27 lots and one house (status unspecified)	-
Kedah	1668 lots (unspecified)	-
Selangor	33 lots	600 lots
Terengganu	-	519 lots
Melaka	12 lots	194 lots

Source: *Baitulmal* files from the Islamic Religious Councils of Negeri Sembilan, Kedah, Selangor, Terengganu, and Melaka.

However, these figures are subject to change as *baitulmal* institutions of MAINS, MAIK, MAIS, MAIDAM, and MAIM continually work to liquidate and sell less viable or strategically located land. The development of *baitulmal* land faces various constraints, including a shortage of competent human resources to manage it, and the issue of co-ownership of land where shares are held jointly with heirs. This is because such jointly owned land is difficult to manage and sell due to a lack of cooperation among the heirs. In fact, there are certain parcels of land that cannot be jointly developed due to their small size or non-strategic locations, such as in remote areas.<sup>5,6</sup>

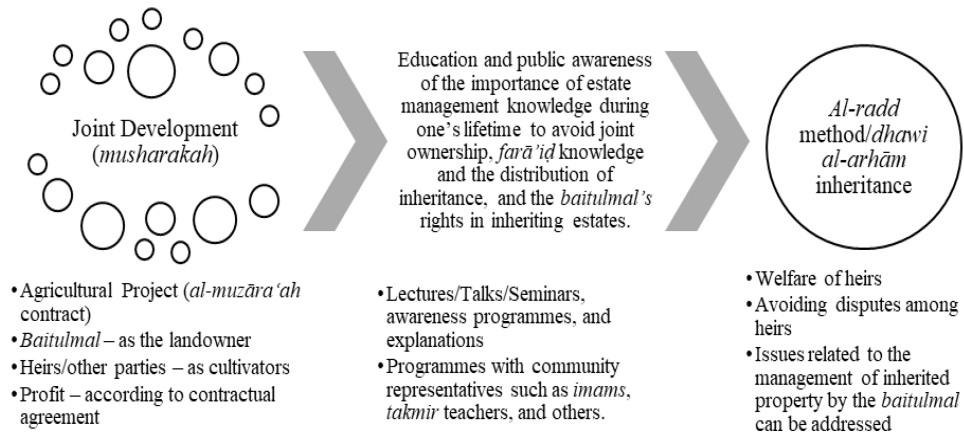
Apart from the non-strategic location of the land, the *baitulmal* institutions of MAIK, MAIDAM, and MAIM have also acquired land parcels of small size, making it difficult for the *baitulmal* to sell to other parties or to develop them to generate income for the *baitulmal*.<sup>7,8,9</sup> Moreover, there are other constraints, such as disputes within the community and among heirs who question the legitimacy of the *baitulmal*'s receipt of a deceased person's estate. This is because MAINS, MAIK, MAIS, and MAIM still face issues with public understanding. Indeed, due to misunderstandings regarding the *farā'id* law, some heirs dispute the *baitulmal*'s right to inherit and cannot accept this.<sup>10</sup> This lack of understanding extends not only to heirs but also to administrators and consultants appointed by the heirs.<sup>11</sup> These constraints have resulted in many *baitulmal*-owned land lots not being optimally developed. Figure 2 summarises the constraints faced by the *baitulmal*.



**Figure 2:** Constraints faced by the *baitulmal*.

### **Recommendations and Implications**

Given that inheritance is one of the sources of income for the *baitulmal* in Malaysia, it is therefore seen to have a significant role in managing and administering its inherited assets. In fact, it is also responsible for ensuring that these assets can be utilised by arranging safe, high-potential investment portfolios so that the resulting income can be channelled back to the Muslim community in need. Figure 3 summarises the proposed recommendations and their implications. Further elaboration will be provided in the following paragraphs.



**Figure 3:** Recommendations and implications.

To ensure that immovable inherited property, particularly land jointly owned with heirs, can be managed and developed, it is proposed that the *baitulmal* plans suitable land development strategies to develop such land, such as establishing various beneficial joint development projects. One method that can be implemented is drafting a policy agreement for the development of two parties to undertake agricultural cultivation using the *al-muzāra'ah* contract, a partnership agreement in the agricultural sector. According to Mohd Danial and Sanep (2013), through such collaboration, the landowner hands over the land to the cultivator for cultivation, and both parties are directly involved in the planting project. The provision of seedlings and the method of profit distribution depend on the mutual agreement of both contracting parties. This means that the *baitulmal* serves as the landowner, while the cultivator may either be an heir who jointly owns the land with the *baitulmal* or another party. Indirectly, this method can generate profits for both parties by providing mutual benefits and ensuring the asset's long-term sustainability.

In addition, another method that can be employed to address issues related to the development of inherited land jointly owned with heirs is for the *baitulmal* to avoid accepting joint ownership titles by taking proactive measures, such as raising awareness and providing explanations to the public through various platforms on the importance of estate management knowledge during one's lifetime. The public should also be made to understand that the distribution of inheritance or the *farā'id* law is not the only method of transferring ownership of property in Islam. In fact, there are various other methods such as *hibah* (gift), *wasiat* (will), and sale and purchase. Therefore, early action by property owners in planning the management of their assets during their lifetimes is one of the safest approaches to avoid joint ownership of property.

Furthermore, to address the challenge of the public's limited understanding of *farā'id* as well as disputes over the *baitulmal*'s rights to inheritance, it is also proposed that the *baitulmal* and all parties involved in managing and administering estates in Malaysia collaborate to increase the number of lectures and explanatory sessions for the public on the importance of inheritance knowledge, *farā'id* knowledge, and the *baitulmal*'s rights in inheriting estates. In addition to providing understanding to the public, the *baitulmal* and its collaborating partners can also organise programmes with community representatives, such as *imam* (leader), *penghulu* (village headmen/community leaders), *takmir* (teachers, shariah officers, and others) so that the knowledge they acquire can be shared with members of their respective congregations.

Another appropriate proposal is that the acceptance of the *al-radd* method or the distribution of inheritance to *dhawī al-arḥām* heirs in Malaysia also constitutes a solution to the issue of surplus inheritance in the *farā'id* system. One of the benefits of implementing this method is that it can resolve various conflicts related to the welfare of heirs. This is because Jasni and Faisal Husen (2011) are of the view that the welfare or *maṣlahah* of these heirs are built upon the blood ties that exist between them and the responsibilities they bear in their daily lives. Furthermore, acceptance of the *al-radd* method or the distribution of inheritance to *dhawī al-arḥām* heirs can also ensure that issues related to the management of inherited property by the *baitulmal* are addressed, such as dealing with jointly owned and shared inherited land. This is because such jointly owned land is difficult to manage and sell due to the lack of good cooperation among the heirs.

Thus, in making decisions, the views of the *mufti* must be taken into account. Moreover, before any decision is made by the *mufti*, relevant inputs or facts concerning the status and situation of the heirs must first be presented to ensure that the decision made is relevant and feasible to be implemented. However, such considerations or *fatwas* must be aligned with the Small Estates (Distribution) Act 1955 to ensure that the Department of the Director General of Lands and Mines complies with the *fatwa* and implements the deceased's inheritance distribution accordingly.

## CONCLUSION

Overall, based on the above discussion, it can be understood that in the context of Malaysian law, *baitulmal* is entitled to the entire inheritance of a deceased person who has no heirs. Additionally, if there are heirs but a surplus remains after distribution to the rightful beneficiaries among the *ashāb al-furūd*, the *baitulmal* retains the right to such surplus in accordance with the perspective

of the Shāfi‘ī school of thought. Accordingly, as an institution entrusted with being the trustee of the Muslim community in safeguarding property, including managing inherited assets under its ownership, the *baitulmal* faces various constraints in managing them, particularly land. Among these constraints are the shortage of competent human resources, the issue of joint ownership of land with heirs, and disputes among the public and heirs over the legitimacy of the *baitulmal*'s receipt of a deceased person's estate. These constraints have resulted in many *baitulmal*-owned land lots not being optimally developed. Therefore, these constraints need to be overcome so that their utilisation can achieve the intended objectives, namely, welfare and the socioeconomic development of the Muslim community, in line with shariah provisions and the law. At the same time, this can help those involved in managing the *baitulmal* allocate income generated more efficiently, thereby enabling the *baitulmal* to progress towards becoming a well-structured and effective Islamic financial management institution.

## NOTES

1. Syafiah Abdul Jalil. Assistant Director, Finance Unit, Finance Division, Waqf Department, Negeri Sembilan Islamic Religious Council (MAINS). Negeri Sembilan. Interview on 8 February 2023.
2. Indera Shahril Mohd Shahid. Director of the Selangor Islamic Religious Council (MAIS) Baitulmal Sector, Selangor. Interview on 3 August 2023.
3. Mohd Ridzuan Muhamad. Assistant Secretary (Wakaf and General Resources), Terengganu Islamic Religious and Malay Customs Council (MAIDAM), Kuala Terengganu. Interview on 15 November 2023.
4. Rohaizah Abas. Assistant Secretary, Waqf and Mal Division, Malacca Islamic Religious Council (MAIM), Melaka. Interview on 20 December 2023.
5. Syafiah Andul Jalil. Interview.
6. Rohaizah. Interview.
7. Syeikh Ahmad Zaki Ghazali. Head of the Baitulmal Devison, Kedah Islamic Religious Council (MAIK), Alor Setar, Kedah. Interview on 31 July 2023.
8. Mohd Ridzuan. Interview.
9. Rohaizah. Interview
10. Ibid.
11. Indera Shahril. Interview.

## REFERENCES

- Abdul Rahman Musliman, Zamzuri Zakaria and Md Yazid Ahmad. 2024. Contributing factors to the problem of immovable estate management in Baitulmal Division, Johor Islamic Religious Council. *Jurnal Ulwan* 9(2): 98–114.
- Abdul Rashid Abdul Latif. 1987. *Hukum pusaka dalam Islam, satu kajian perbandingan*. Selangor: Academy Art & Printing Service Sdn. Bhd.
- Ahmad Munawar Ismail and Mohd Nor Shahizan Ali. 2021. *Mengenal kuantitatif dan kualitatif dalam penyelidikan Pengajian Islam*. Selangor: Penerbit Universiti Kebangsaan Malaysia.
- Ahmad Sabiq Abdul Rahman, Ahmad Syihan Ismail and Hanaffie Hasin. 2025. Pertimbangan antara masalah awam dan peribadi berdasarkan Sunnah Nabawiyah: Aplikasi terhadap pengagihan faraid melalui kaedah al-Radd di Malaysia. *Jamalullail Journal* 4(1): 91–110. <https://doi.org/10.64638/jj.v4i1.006>
- Al-Baji, Abi Walid Sulayman ibn Khalf ibn Saad ibn Airab ibn Warith al-Andalusia. n.d. *Al-Muntaqa Sharh Al-Muawatta' Li Imam Malik*. Juz 6. al-Qahirah: Dar al-Kitab al-Islami.
- Al-Dardir, Ahmad Ibn Muhammad ibn Ahmad. n.d. *Sharh Al-Saghir*. 4th ed. n.p.: Dar al-Ma'arif.
- Al-Daruqutni, 'Ali ibn 'Umar. 1996. *Sunan Al-Daruqutni*. Juz 4. Beirut: Dar al-Kutub al-'Ilmiyyah.
- Al-Khatib Al-Sharbiniyy. 1995. *Mughniyy Al-Muhtaj Ila Ma'rifat Ma'aniy Alfaz Al-Minhaj*. 4 ed. Beirut: Dar al-Kutub al-'Ilmiyyah.
- Al-Mawardi, Abi al-Hasan Ali bin Muhammad al-Basri. 2006. *Al-Ahkam Al-Sultaniyyah*. al-Qahirah: Darul Hadith.
- Al-Nawawi, Abi Zakaria Yahya ibn Sharf. n.d. *Minhaj Al-Talibin*.
- Al-Ramli, Muhammed ibn Ahmad ibn Hamzah Shams ad-Din ibn Shihab ad-Din. n.d. *Nihayah Al-Muhtaj Ila Sharh Al-Minhaj Fi Al-Fiqh 'ala Madhhab Al-Imam Al-Shafi'i*.
- Al-Sabuni, Muhammad Ali. 2001. *Al-Mawarith Fi Al-Shariah Al-Islamiyyah Fi Dhawi Al-Kitab Wa Al-Sunnah*. Beirut: Maktabah al-'Asriah.
- Al-Shafi'iy, Muhammad ibn Idris. 1990. *Al-Umm*. Beirut: Dar al-Ma'rifah.
- Al-Shaukaniyy, Muhammad Ibn Ali Ibn Muhammad. 2005. *Nayl Al-Auṭār*. 5–6th ed. Kaherah: Dar al-Ḥadīth.
- Al-Tirmiziyy, Abu Isa Muḥammad Ibn Isa Ibn Surah. 1999. *Sunan Al-Tirmizīyy Wa Huwa Al-Jāmic Al-Ṣaḥīḥ*. Vol. 4. Kaherah: Dar al-Ḥadīth.
- Bernad, H.R. 2011. *Research methods in anthropology: Qualitative and quantitative approaches*. Lanham, Maryland: Rowman Altamira.
- Creswell, J.W. 2013. *Reseach design: Qualitative, quantitative and mixed method approaches*. London: SAGE Publications Ltd.
- Ercikan, K. and W.-M. Roth. 2006. What good is polarizing research into quantitative and qualitative? *Educational Researcher* 35(5): 14–23. <https://doi.org/10.3102/0013189X035005014>
- Ibn Abidin, Muhammad Amin ibn Umar. 1998. *Rad Al-Muhtar 'Ala Al-Durr Al-Mukhtar*. Beirut: Dar Ihya' al-Turath al-'Arabiyy.

- Ibn Manzur, Jamal al-Din Muhammad Mukarram ibn 'Ali. 1990. *Lisan Al-'Arab*. Beirut: Dar Sadir.
- Ibn Qudamah, Al-Maqdisi. 1998. *Al-Muqni Li Ibn Qudamah*. Al-Tabaah. al-Qahirah: Dar al-Hadis.
- Ibn Rusyd. 1953. *Bidayah Al-Mujtahid Wa Nihayah Al-Muqtasid*. 2nd ed. al-Qahirah: Matba'ah al-Ma'hud.
- Jabatan Kehakiman Syariah Malaysia. 2001. Arahan amalan no. 9 tahun 2001. Pemakaian pendapat mazhab fiqh. [https://www.mswp.gov.my/uploads/content-downloads/file\\_20230418141238.pdf](https://www.mswp.gov.my/uploads/content-downloads/file_20230418141238.pdf)
- Jasni Sulong. 2008. Kedudukan mazhab Syafi'i dalam amalan pembahagian pusaka dan wasiat Islam di Malaysia. *Jurnal Syariah* 16(1): 163–83.
- \_\_\_\_\_. 2011. *Pembaharuan undang-undang pentadbiran pusaka Islam*. Pulau Pinang: Penerbit Universiti Sains Malaysia.
- Jasni Sulong and Faisal Husen Ismail. 2011. Application of doctrine of al-Masalih al-Mursalah in fara'id. *Jurnal Syariah* 19(1): 1–22.
- Juraish Kamaruddin. 2009. Memperkasa baitulmal menerusi undang-undang syariah. *Pengurusan JAWHAR* 6: 99–140.
- Luqman Abdullah, Muhammad Ikhlas Rosele and Raihanah Azhari. 2022. *Pengurusan harta menurut hukum Islam*. Kuala Lumpur: Penerbit Universiti Malaya.
- Amir Syauqi Mat Sukri, M., Nasrul Hisyam Nor Muhamad and Afifah Hamdan. 2020. Pelaksanaan perintah harta pusaka waris Zawil Arham di baitulmal. *Journal of Islamic, Social, Economics and Development* 5(31): 100–113.
- Mansur Ali, Abdul Halim Muhammad. 2010. *Ahkam Al-Tarikat Wa Al-Mawaris 'Ala Dhawi Al-Qanun Al-Usrah Al-Jadid*. n.p.: Dar al-Thaqafah.
- Md Yazid Ahmad and Syamsul Rusydi Somad Abdul Bashit. 2020. Cabaran pengurusan harta pusaka di baitulmal: Satu tinjauan umum. In *Isu-isu kontemprari dalam Pengajian Islam II*, eds. Mohamad Imran Ahmad, Nurhanisah Senin, Abur Hamdi Usman, Mohd Norzi Nasir and Muhammad Yusuf Marlon Abdullah, 1–175. Selangor: Kolej Universiti Islam Antarabangsa Selangor.
- Mohamad Fadzil Mohamad and Muhamad Mu'izz Abdullah. 2022. The implementation of radd in Islamic inheritance law (fara'id): One of the solutions for estate administration problem. In *Proceedings from the 1st International Conference on Contemporary Islamic Studies (ICIS 2021)*, eds. Nur Nafhatun Md Shariff, Mohd Asmadi Yakob, Zety Sharizat Hamidi, Z.A.A. Aghwan and Najahudin Lateh, 105–116. Singapore: Springer Nature Singapore. [https://doi.org/10.1007/978-981-19-2390-6\\_10](https://doi.org/10.1007/978-981-19-2390-6_10)
- Mohd Ali Mohd Yusuf, Hishamuddin Salim and Fauzi Yusoh. 2022. Bayt al-mal's position as asabah's heir according to Islamic Laws and practices in Terengganu. *Bitara International Journal of Civilizational Studies and Human Sciences* 5(4): 58–70.
- Mohd Danial Mohd Razali @ Busu and Sanep Ahmad. 2013. Muzara'ah Muntahiyah Bittamlik: Produk Pembiayaan. *Prosiding Persidangan Kebangsaan Ekonomi Malaysia* 1: 11–19.
- Mohd Zamro Muda and Mohd Ridzuan Awang. 2006. *Undang-undang pusaka Islam: Pelaksanaan di Malaysia*. Bangi: Jabatan Syariah, FPI, UKM.

- Muhamad Mu'izz Abdullah, Mohd Zamro Muda and Md Yazid Ahmad. 2024. Evaluating the fatwa on surplus estate management in the state of Perlis: Insights into the al-radd (reinstatement) method. *International Journal of Academic Research in Business and Social Sciences* 14(8): 108–119. <https://doi.org/10.6007/ijarbss/v14-i8/22071>
- Muhammad Assyifaa Ulhayat Jahidin, Mohamad Hilmi Mat Said and Mohd Saifuddin Abdul Karim. 2021. Baitulmal management during the time of Rasulullah SAW and the ruling of Khulafa Ar-Rashidin. *Jurnal Al-Sirat* II(19): 103–11.
- Mustafa Daud. 1996. *Tamadun Islam*. Kuala Lumpur: Utusan Publication & Distribution Sdn. Bhd.
- Nasri Naiimi. 2016. *Pengurusan pusaka Islam wasiat dan hibah di Malaysia isu dan aplikasi*. Kedah: Universiti Utara Malaysia Press. <https://doi.org/10.32890/9789670876931>
- Neuman, W.L. 2006. *Social research methods: Qualitative and quantitative approaches*. 7th ed. Essex: Pearson.
- Othman Lebar. 2021. *Penyelidikan kualitatif pengenalan kepada teori dan metod*. Perak: Universiti Pendidikan Sultan Idris.
- Patton, M.Q. 2002. *Qualitative research and evaluation method*. Thousand Oaks, CA: Sage Publications.
- Qalyubi, Shihab al-Din wa 'Umairah. n.d. *Hashiyatayn Al-Imamayn Al-Muhaqqiqayn*.
- Rusnadewi Abdul Rashid and Noor Inayah Yaakob. 2010. Masalah kegagalan dan kelewatan pengagihan harta pusaka di Malaysia. *Jurnal Intelek* 5: 1–18.
- Sadr, S.K. 2016. *The economic system of the early Islamic period: Institutions and policies*. New York: Palgrave Macmillan.
- Wabah al-Zuhaily. 1984. *Al-Fiqh Islami Wa Adillatuh*. Damascus: Dar al-Fikr.
- Zahari Mahad Musa. 2020. Agihan faraid melalui kaedah al-radd (pulangan semula) sebagai mekanisme kebajikan waris dan amalan di Malaysia. *Malaysian Journal of Syariah and Law* 8(2): 1–14. <https://doi.org/10.33102/mjsl.vol8no2.263>
- Zaini Nasohah. 2005. Undang-undang penguatkuasaan fatwa di Malaysia. *Islamiyyat* 27(1): 25–43.