

Conference Paper

Assessing Factors Contribute to Unclaimed Properties in Selangor--Post-pandemic Scenario

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Abstract.

Real estate planning is the exertion plan, which must be made to distribute the property owned by the property owner to the beneficiaries when the owner passes away in order to prevent problems or arguments later on. This paper aimed to study the effect between knowledge, heir's awareness, and complex administration process toward unclaimed properties among residents in Selangor in the context of post-pandemic scenario. This study reviewed the literature of past research of factors that influenced unclaimed properties. The construct variables used in this study were knowledge, awareness, and complex administration process. This study adopts online survey questionnaire to collect 384 valid responses from the residents in Shah Alam, Selangor. These collected data were analyzed using SPSS version 25 and the results were gathered through pearson's correlation coefficient. The findings revealed all variables were significantly influenced by unclaimed properties. The implication of this study was to focus on smaller sample in Selangor while sample size should give another significant outcome. Government and state authority must come up with mountainous strategies to overcome this issue by imposing several initiatives.

Keywords: faraid, heirs awareness, knowledge, Malaysia, unclaimed properties

1. Introduction

According to the Legal Aid Department Malaysia, inheritance, or *harta pusaka* in Malay, refers to the leftover assets or wealth of a deceased individual which includes his or her movable assets and immovable assets that are subsequently given to his or her living heirs. Movable assets are assets that are not fixed to a certain location such as cash, Employees' Provident Fund (EPF) contributions, insurance remuneration, vehicles, furniture, clothes, and others alike. On the other hand, immovable assets are assets that are fixed in place such as land and the fruits of its usage, houses, farms, lakes, and others of the same definition. The Islamic Religious Council of Selangor, or *Majlis Agama*

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Islam Selangor (MAIS), unclaimed money, as an extension to unclaimed property, can be categorized under the unseasonal property or *ghayr dawriyyah* and is one of the sources which *baitulmal* has the rights to. It falls under the category of assets belonging to deceased owners whose heirs are difficult to locate or identify, or heirs being unaware of the assets, or prior to death the owner did not name any nominee as the executor of the assets.

Unclaimed properties are an unrest issue in Malaysia as it causes multiple disadvantages to the economy due to the assets and wealth are not able to be exploited or used by any parties, hence being left unutilised [1]. These unclaimed properties or assets are due to inheritance issues such as the agency in charge of handling inheritance have problems on finding the rightful heirs after the death of the previous owners, familial disputes in regards on who have rights to the properties [2], confusing legal systems between the Civil and Shariah Court [3], complex bureaucratic procedures and processes [4].

There are several most usual types of unclaimed properties including checking or savings accounts, stocks, uncashed dividends or payroll cheques, deposits certificates, refunds, travellers' cheques, trusts, money orders that are not redeemed or gift certificates, overpayments made by customers, utility and security deposits, royalty payments, safe deposit boxes with its contents still inside, payments or refunds for insurance policies, as well as annuities. Malaysia has a registrar known as the registrar of unclaimed moneys by the accountant general's department. It is dependable to do the commitments and capacities Part II of the Unclaimed Moneys Act 1965. However, nowadays is that the problem regarding property inheritance continues to be a prevalent issue in Malaysia. This can be seen in the Internet searches relating to the issue, which garnered more than 400.000 enquiries and Various parties and authorities are facing problems and complexities in managing and dividing inheritance. Lack of public awareness in managing their finances is considered as one of the reasons that causes the emergence of problems of unclaimed assets which may be caused by ignorance of the Malaysian Muslim community regarding the implementation of the distribution of inheritance and other related assets [5].

Likewise, consciousness of the significance of making arrangement ahead of time on the appropriation of property before death is exceptionally essential to keep main beneficiaries from confronting authoritative issues and different issues in dealing with the division of the domain. It is obvious that the law of *faraid* has been laid out in Islam as a method of dividing the estate of the deceased [6]. However, in practice, the execution of the law is not quite as simple as one might assume. This is because the legacy

settlement process that has been made will usually take time since it includes a process in some specific authorities as well as requires a high responsibility for the successors to oversee it. In that capacity, the administration of heritage property regularly encounters hardships and faces challenges in disseminating it to the legitimate beneficiaries.

The administration of estate administration should be believed to guarantee that it is in accordance with Islamic prerequisites to serve society and the country. There are many people who believe that the administrative system regarding estate and inheritance management in Malaysia to be ineffective, which costs tens of billions of ringgits. Likewise, the presence of different jurisdictions has by implication made the public to feel that it is extremely convoluted and confusing to deal with the division of this estate. Worse for those living in rural areas, they have restricted knowledge because of lack of exposure on issues related to estate management [7].

Problems encountered in the application for the division of estate such as the applicant or the heirs cannot deliver the verification of death of the deceased will likewise stretch out the time frame to finish the division of the estate [8]. Such things will lead the successors to surrender in dealing with the division of the estate between them because of the long and significant time period to settle it. Moreover, the significant expense factor also hinders the efforts of the beneficiaries in proceeding with the course of the division of this estate [9].

As of today, this poor situation has not able to cover the hole of inadequate awareness and problem of delays on administration of inheritance division especially for immovable inheritance assets among Muslims in Malaysia. As-Salihin Trustee Berhad reported an estimation between RM 70 billion and RM 90 billion worth of assets are being frozen in Malaysia [10]. Many of these unclaimed properties are due to inheritance issues such as the agency in charge of handling inheritance have problems on finding the rightful heirs after the death of the previous owners, familial disputes in regards on who have rights to the properties, confusing legal systems between the Civil and Shariah Court, complex bureaucratic procedures and processes, and others. Even worst, the aftermath of the corona virus pandemic has long term effects on household finances due to unemployment, reduced hours, furloughs, or pay cuts, thus stirred financial or wealth planning [11]. Hence, this study is ideally important to be investigated whether knowledge, heir's awareness and/or management of administrators contributes to this unresolved issue.

2. Literature Review

In the Theory of Planned Behavior, behavioral intention is a precursor to actual behavior [12]. In this study, subjective attitudes and norms in the theory of rational action thus influence an individual's intention to engage in such behavior. However, this theory only works if behavior is regulated voluntarily, with the necessary incentives and resources such as energy, time, skills, and education. Therefore, the behavioral control element found in the theory of complementarity of planned behavior is the original theory [13]. The demeanour towards conduct is alluded to as how much an individual has an ideal or ominous assessment or evaluation of the conduct being. Subjective norms is defined as the perceived social pressure to perform or not to perform the conduct. Perceived behavioral control also refers to the perception of individuals to the degree of difficulty of performing the conduct of interest. In addition, [14] used this theory to test the relationship towards Islamic estate planning intention among Muslim entrepreneurs. They found that attitude, subjective norms, perceived behaviour control were correlated significantly with the intention of estate planning among Muslim entrepreneurs. Due to the application of this theory in explaining the intention of the Muslim entrepreneurs on Islamic estate planning in various studies, this theory also can be used to explore unclaimed properties behaviour.

2.1. Unclaimed properties during post pandemic

Islam encourages property management and planning while a person is still living as written in the Quranic Surah al-Nisaa' (4):9 and al-Hadith. From the government's point of view, land tax revenue is estimated at RM 200 million [15]. While, Nik Wajis [16], estimates RM 42 billion from frozen farms that should have been disbursed to 500,000 beneficiaries in 2011 was not disbursed. The number of unclaimed properties has been increasing at an alarming rate [17]. Even though a recent issue but the rise in the number has become increasingly chronic in recent years, and This issue also impacted the Malaysian government to an extent and considered economic losses due to taxes not being paid off, which also impacted the public as well as the Muslim community in Malaysia [1,16].

In current situation, the division of inheritance can have a significant impact on the heirs' ability to survive during the pandemic [18]. More than RM 70 billion worth of unclaimed properties are reported in Malaysia, mostly owned by Malays [10]. At present, the rise in unclaimed properties is considered critical [19]. Many of these unclaimed

properties or assets are due to inheritance issues such as the agency in charge of handling inheritance have problems on finding the rightful heirs after the death of the previous owners, familial disputes in regards on who have rights to the properties, confusing legal systems between the civil and shariah court, complex bureaucratic procedures and processes, and others. Reasons for this includes no rightful heirs turn up for claims; lack of knowledge [20], lack of awareness among heirs [4], and confusion of jurisdictions between Civil and Syariah courts [21].

The heirs are unable to enjoy any proceeds from the property either as a result of the development or sale of the property [22]. All these issues will not exist if the heirs expedite the application for the division of inheritance upon death after settling the rights of the other deceased [5]. Property planning and distribution are important in ensuring sustainability of the lives of heirs, as well as to guarantee maintenance of properties and its benefits.

2.2. Knowledge

According to Shafie et al. [2], there were serious delays in processing the application for the estate's distributions because of the lack of knowledge and understanding on the islamic inheritance (*faraid*) process and the reason the *faraid* took place. Mostly for heirs who want to calculate *faraid* but the calculation *faraid* must be based on the Quran and Hadith. *Faraid* is one the ways to distribute the inheritance to beneficiaries and depends on the prescribed conditions [23].

Nowadays, many people are still confused about the implementation of *faraid* division in the division of inheritance. In terms of the *faraid* division method, many are wondering about the division formula. Due to lack of knowledge, the property rights still owned by the deceased have a huge impact on the heirs to be unable to use the assets which result in the government getting less tax revenue [24]. The division of the estate shall be divided according to the order of priority. In addition, factors contributing to lack of knowledge are the increase in the number of frozen estates due to the negligence of the heirs to the claims process [25].

On the other hand, according to Abdullah [26], many people think that the division of inheritance by *faraid* is something that is not fair and many are looking for alternatives to avoid the property that will be left later divided by *faraid*. There are several factors and the main reasons for negligence and delay in the division of the inheritance properties. This is due to several main factors which are due to the attitude of the heirs concerned, unaware of the heirs or customers, and lack of knowledge on this matter. At the same

time, the society itself has narrowed the application of the division of the inheritance properties by the Inheritance rule to the point that its implementation is impractical. According to Rahman and Hassan [27], the level of awareness and understanding of the Muslim community in Malaysia is still lacking. Therefore, greater efforts are needed to overcome this issue.

Therefore, a good understanding of the possible implications and benefits of the Islamic system should be nurtured at the outset and considered to be able to prevent such a situation. Furthermore, the Muslim community lacks understanding of Islamic heritage law, even from their background, professions, or which sectors there are from. The purpose of having a better understanding of the Islamic inheritance concept, followed by knowledge of the essential procedure involved, will reduce the possibility of Muslims making mistakes. Zulkafli and Ahmad [5] said, lack of knowledge in the understanding of *faraid* can also cause other heirs to be oppressed, especially in the case of hiding the heirs in a layered division of inheritance. The claim for a deep understanding of the management of inheritance distribution and *faraid* knowledge are essential to facilitate, streamline and expedite the management of the division of inheritance assets of the deceased.

2.3. Heirs awareness

One of the factors that contribute to the creation of unclaimed properties difficult is lack of knowledge in creating financial plans. As a result, it is critical to plan ahead of time for the distribution of assets before the death of a person in order to avoid complications for heirs in managing the inherited assets. It cannot be denied that the law of *faraid* has been outlined in Islam as a method of distributing a deceased person's inheritance. Nevertheless, the application of this law is not as straightforward as one might imagine.

Despite the fact that Islam has created criteria for the understanding of *faraid* regarding the distribution of the inheritance of the deceased, it is not as simple as it appears because it involves numerous parties and complex procedures [6]. This is due to the fact that the inheritance settlement procedures take time as it entails a process in specific authorities, as well as a high level of commitment on the part of the heirs to handle it. As a result, managing legacy property can be challenging, and distributing it to the legal heirs can be problematic as well [2].

The current perception of the Muslim community needs to be changed, because the Muslim community still thinks that early planning is planning for the distribution of assets throughout life and should not be carried out as a result of the imposition of *faraid* law

[28]. As a result of the community's assumption that the heirs have to fully carry all of the issues that arise in relation with the property owner's claims and the estate's management. Sometimes, the duty of making applications for the inherited properties is solely left to the discretion of the eldest son. Society still has the preconceived view that there should not need any urgency in the distribution of inheritance as to avoid being misinterpreted as not respecting the deceased and being straight up called as greedy [2].

There are also Muslims who have a wealth management planning; however, it is not as per Islamic wealth dissemination. Based on the scenario mentioned above, awareness of Islamic estate planning (IEP) remains one of the most important factors in determining whether an individual opts for Islamic wealth distribution or leaves the planning part unattended. The goal of having a better understanding of the Islamic inheritance concept, followed by knowledge of the essential procedure involved, will reduce the possibility of Muslims making mistakes when it comes to individual planning [27]. Muslims should plan their finances wisely in order to have proper Islamic financial planning for future generations. Ayyash et al. [4] found that Muslims in Malaysia are reluctant to improve their knowledge of Islamic Estate Planning. As a result, this leads to the issue of estate administration problems where it is not well managed and many of them are left unclaimed.

2.4. Complex administrative process

The administration of inheritance in Islam encompasses several stages that involve various specific processes and procedures. In Malaysia, the four main authoritative figures involved in the administration and distribution of the properties of Muslims are the High Court, the Shariah Court, the land administrative bodies, and Amanah Raya Berhad (ARB). The appointment of certain bodies or persons as administrators could be a crucial part in the administration of Muslim property because they are liable for gathering, keeping up with, and ensuring the estate of the deceased forthcoming on the last circulation [29]. The variety of jurisdictions in the administration and organization of inheritance assets is one of the reasons why the beneficiaries postpone the application for the division of the assets of the deceased [5]. However, there are many issues that say the management of the administration of this estate is very complicated and inconvenient for the public and the process of division of property inheritance takes some time to be resolved and not transparency with the data openness [2,30].

Then again, factors adding to property misfortune are not guaranteed due to the convoluted cycle and such a large number of jurisdictions to go through [1]. This is a direct result of the complicated process of distributing the inheritance as the authorities want it to be disseminated to the legitimate heirs who are qualified to receive the estate to prevent fraud. The common practice in Malaysia in the event that the estate remains unclaimed due to nonexistence of rightful heirs for small estates, it will be handled by the land administrator, *Baitulmal* (charity fund) shall then acquire the estate from the Land Office. In addition, even if after the estate went to Baitulmal, the estate is still open to be re-acquired by any rightful heir whose appearance later than the process took place by making a claim through the Land office.

2.5. Conceptual framework

Fig. 1 demonstrates three independent variables that work through behavioral intention namely attitudes towards attitude towards behaviour, subjective norm and perceived behavioral control. It was used in the present study to investigate unclaimed properties behaviour among respondents.

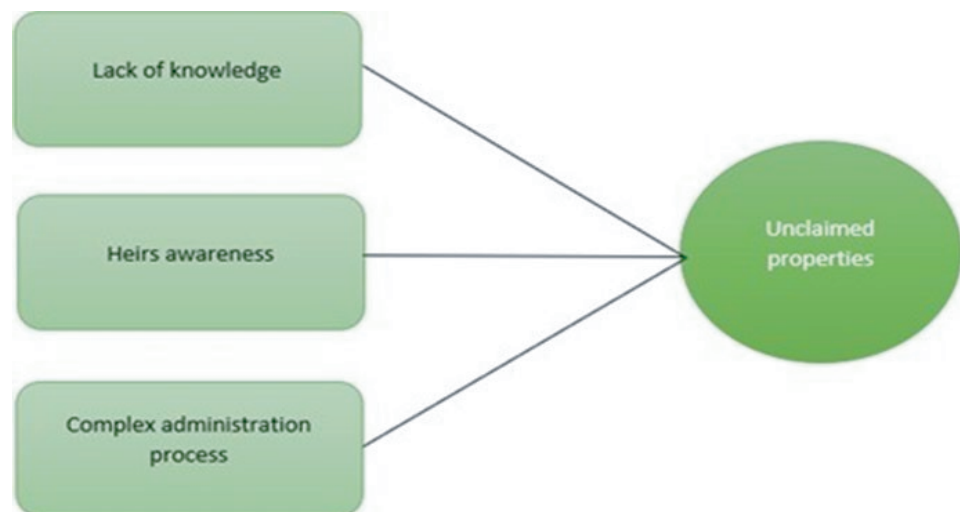


Figure 1: The conceptual framework.

3. Methods

In this study, the design of the current study is quantitative with an associative approach. The aim is to test the hypothesis regarding the dependent variable (Y) is the unclaimed properties, and the independent variables are the lack of knowledge (X_1), Heirs awareness (X_2), and Complex administration process (X_3) by using SPSS software [31]. Data

collection uses primary data sources in the form of distributing questionnaires to 384 respondents through online surveys via Google Form. The population and sample using purposive sampling for the 2021 period for the population in Selangor are estimated to reach 6.6 million people and the population living in Shah Alam is estimated to have a population of 750,000 residents.

The sample size in this research data analysis i.e. 384 respondents in Shah Alam, Selangor referred to Krejcie Morgan's. The location chosen is one of the highest unclaimed properties in the city as Shah Alam is the second most populous city in Selangor. Apart from that, this location is also populated by the majority of the Malay race, around 66% of the total population. The intended respondents also determined the factors causing the non-claiming of property.

Sampling technique using convenience sampling because it is the easiest survey that can be used because they are "convenient" sources of data for researchers. The form of online questionnaire with a series of questions or prompts for the purpose of garnering information from respondents or target population with Likert Scale. The data analysis involves the procedures that will use numerical or statistical measurements and test of hypotheses with the main purpose from the findings of the research using a questionnaire in a structured manner.

4. Results and Discussion

Preliminary analysis was performed with Cronbach's alpha to indicate whether the tests and scales constructed for the research fit with the research objectives. Each variable is also analyzed through descriptive analysis which summarizes the data set in brief. Lastly, variables are tested by using the Pearson's correlation coefficient, in which it is used to measure the statistical relationship between different variables. Furthermore, demographic analysis as the study of factors based on population and the socioeconomic information that are statistically measured in order to know the target population in general. This allows better understanding of certain groups of people within the target population and target sample. In this study, the factors include the respondent's gender, age group, level of education, type of employment, and monthly income range.

It is shown that the highest respondents are female, accounting for 218 respondents (56.8%). The remainder is male respondents at 165 respondents (43%). Majority of the respondents are between the ages of 25 and 31 years old, which is 168 respondents (43.8%), followed by 18 to 24 years old, which is 143 respondents (37.2%), 49 respondents

(12.8%) age 32 to 39 years old, 18 respondents (4.7%) age 40 to 47 years old and 4 respondents (1%) are 56 years old and older. The lowest frequency is 48 to 55 years old at 0.5% or only 2 respondents. Around 174 respondents (45.3%) have or are pursuing a Bachelor's degree. The second highest frequency of respondents (32.3% or 124 respondents) have or are pursuing a Diploma. The third highest (12.5% or 48 respondents) only possess an SPM certificate, whereas 3 respondents (0.8%) have other types of educational qualifications. The remainder of the respondents is pursuing or possessing a postgraduate certification, with 31 respondents (8.1%) having or currently doing their Master's degree and 4 respondents (1%) having or currently doing their PhD. Most of the respondents (33.3% or 128 respondents) are students. The second highest (28.9% or 111 respondents) are private sector employees. The third highest (22.4% or 86 respondents) are government employees. 13% (50 respondents) are self-employed, whereas the remaining 2.3% (9 respondents) are currently unemployed. Besides, 39.3% (151 respondents) have an income between RM1,001- to RM3,000 per month. The second highest (32.8% or 126 respondents) have an income of less than RM1,000. The third highest (22.1% or 85 respondents) have an income between RM3,001- to RM5,000 per month. 14 respondents (3.6%) have a monthly income between RM5,001- to RM7,000. 5 respondents (1.3%) have a monthly income of more than RM9,001 per month. Only 3 respondents (0.8%) have a monthly income between RM7,001- to RM9,000.

The reliability test was carried out by using Cronbach's alpha analysis with a value of more than 0.60 to test whether the independent and dependent variables were accepted or reliable for this study, and to determine the level of stability in measuring variables. It indicates that all of the variables are shown to have internal consistency. Therefore, the questionnaire used for this research regarding all of the dependent and independent variables is questionable and acceptable. The Validity was carried out by using Pearson's Correlation Analysis. Pearson's correlation is used to analyze the research questions on each independent variable and the dependent variable. The result interpretation for Pearson correlation analysis in this study is based on the rule of thumb about correlation coefficient size. Based on the result test Results of Pearson's Correlation shows 0.487 with a significant level of 0.00. This explains that the hypothesis (H_1 , H_2 , H_3) has a significant relationship.

5. Conclusion

The current study aimed to be investigated whether knowledge, heir's awareness and/or management of administrators contributes to this unresolved issue. Based on

the analysis, Various efforts have evolved as a result of the rising issue of frozen estates. The main initiative is seen to be able to give an impact in reducing the increase in frozen property and in order to increase awareness of the importance of claiming unclaimed property is that the government and responsible institutions or departments need to play their role in the interest of all. Second, The demeanor of individuals also should be changed and the negative disposition towards the will during life needs to be changed, as this misunderstanding will make it hard for the beneficiaries to divide the property of the deceased. Third, Last but not least, the "Claiming Inheritance" campaign should also be held to raise public awareness. This campaign can be advertised through television, newspapers, magazines and so on. As you may be aware, social media platforms are currently the primary source of information and news.

Base on the limitations of the research and the theoretical implications explained through the correlation between lack of knowledge, heir's awareness, and complex administrative processes with unclaimed property in Shah Alam, Selangor. The future studies the researchers should focus on highly comprehensive study on the issue of delays in the application of immovable asset allocation to Muslims Community. The researchers needs to fill the gaps that exist in facilitating the management of immovable asset allocation by finding the best and flexible and use other methods of data collection that would increase the data's reliability, as well as conducting research by getting data from the main authoritative entities related to unclaimed properties and to use larger sample to generalize the entire population.

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