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EDUCATION TOWARDS UNDERSTANDING AND AWARENESS OF HIBAH IN ESTATE PLANNING MANAGEMENT: A STUDY AMONG UITM STAFF

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Abstract: *Unclaimed property left behind when the owner dies is a common phenomenon these days. One of Islam's methods for managing inheritance that is not frequently used by Muslims in this nation is the hibah. Due to a lack of information and the fact that they do not really disclose how hibah is used, the majority of Malaysian Muslims do not comprehend the notion of hibah. Additionally, individuals encounter challenges and need to seek advice to manage their property because institutions that provide estate management planning do not disclose their hibah practices. Numerous organisations still today offer hibah and other assistance for estate management planning. The objectives of the study are to know the level of understanding of the importance of hibah in estate management planning among UiTM staffs. Secondly, to look awareness of the importance of hibah in estate management planning among UiTM staffs. To achieve its goals, this study relies on quantitative techniques and uses a questionnaire survey to collect data. Further, the questionnaire was analyzed using SPSS 25 software by looking at the percentage, mean, standard deviation and T-test. The results of the study found that the level of understanding and awareness of UiTM lecturers about hibah in property management is high. Researchers also suggest that other researchers develop their research aspects more widely, not only at the level of a UiTM but also at the level of comparison according to the UiTM of other universities.*

Keywords: *Understanding, awareness, Estate Planning, UiTM*

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Introduction

Estate management planning is the process of creating a will or the distribution and disposal of a person's money or property in line with Shariah Law after his or her death. Movable and immovable property such as money, takaful, insurance, shares, EPF, a home, a car, land, and others are all considered to be property. Nowadays, most people are unaware of the importance management of deceased's property, and according to the Ministry of Natural Resources and Environment, there are estimated to be RM60 billion in unclaimed assets, up from RM42 billion in frozen assets in 2011 and RM60 billion since the country's independence in 1957 (Star, 2016). The selection of heirs, the number of shares the heirs will get, and the mechanism of division are other aspects of estate planning. Furthermore, deceased's property is necessary for people who want their property to be distributed according to their wishes and for those who have young or adopted children, unpaid debts, reside in non-Muslim nations, have dependent parents, are childless, or have no boys. In addition, some deceased's property tools, including grants (hibah), can assist in allocating intestate assets. This tool serves a distinct and important purpose in the Shariah-compliant distribution of wealth. The importance of grants knowledge can help reduce the problem of delay in settling the claim of the estate of the deceased. This is because of the nature of the grant which needs to take effect immediately without the need for a complicated process and implemented while the property owner is still alive (Hasliza et al, 2022). For that, education about hibah can improve the level of understanding and awareness among the Muslim community on the importance of hibah

Literature Review

The Concept of Hibah

Education is a process of gaining the most important knowledge in human life. The process of education will occur throughout human life. Starting in the mother's womb until the end of life, the education phase will take place in human life either formally or informally (Norizzathy & Mohd Effendi, 2022). Through education, one can understand a subject well. The awareness of something, whether it is good or otherwise, has a lot to do with the level of understanding of a certain knowledge. Since hibah is a form of muamalat in the form of property CSR that is strongly encouraged by religion, every Muslim should understand and be aware of its importance.

Hibah is a voluntary agreement in which one party transfers ownership of their property to another party for the duration of their lives without payment or other benefit. The aim of the hibah contract is to give the recipients benefits by giving them property without expecting anything in return. This demonstrates *ihsan* (benevolence), which is highly regarded in Islamic ethics. By establishing best practices for Islamic estate planning, Abd Wahab et al. (2021) highlighted the significance of estate planning, particularly the usage of hibah.

Contracting parties, the contract (*aqd*), and subject matters are three essential components to guarantee the legitimacy of *hibah* donation. Donors (wealth owners) and beneficiaries are the two parties to the agreement. Donors must be willing to donate their riches, competent in doing so, and able to complete the deal (must be of sound mind and wise in handling their wealth, rusyd). Wealth must belong exclusively to the donors. Giving in the hibah must be done voluntarily, free from force or improper influence. However, the agreement to give a hibah is void if there are any components of compulsion or undue influence. (Mohd Khairy & Nasrul, 2018)

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Additionally, receivers must be present when the hibah giving contract is executed and must be capable of owning and managing the wealth, whether they are Muslims or not. Contractual requirements include the following an offer (*ijab*) and an acceptance (*qabul*), connectivity and similarity between the two, the requirement that both the donor and the recipient understand the terms of the agreement, the absence of any hanging conditions (*taliq*), the prohibition against changing the first party before the second party, a clear declaration of hibah giving (which must be heard by other close parties who are close to the contracting parties), the requirement that two parties remain qualified during the contracting process, and clarity. Furthermore, Hibah's contract-giving cannot be conditioned in any way. The transfer of the subject matter must be physical, legal, present when the contract is formed, valued, and legally possessed (Mohd Khairy & Nasrul, 2018).

Differences Among Hibah, Wasiyyah and Faraid

The distribution of *faraid* and *wasiyyah* will only be put into effect following the passing of the testator or the estate's owner. As a result, the *faraid* distribution must be implemented before the *wasiyyah* distribution. The grant must be upheld instead for the duration of the donor's life. Giving is subject to the *wasiyyah* laws if it is associated with death, such as when based on *maradhul mawut*. After providing for the funeral and paying off the deceased's debts, less than one-third of the total bequest must be divided in accordance with the will. However, only "net inheritance" will be divided in accordance with *faraid*, not the total value of the inheritance. The *faraid* distribution method affects the distribution formula (Mohd Khairy & Nasrul, 2018). On the other hand, the granting of hibah, on the other hand, is not governed by the amount of the inheritance because the donor has complete control over the wealth and is free to engage in any transaction they like during their lifetime. The recipient of a faraid payout is the legitimate heir. However, in order to be eligible for a Wasiyyah Wajih (Mandatory Will), the receiver must be a non-legal heir, such as a *dhawi al-arham* heir, a protected heir (hijab), an adopted kid, or any charitable organization (Mohd Khairy & Nasrul, 2018).

Hibah are exempt from this rule. Donors are free to distribute their wealth to any heirs, legitimate or illegitimate. Will contracts and hibah must be made during the life of the testator or donor to be valid. Therefore, owners must plan their estate. However, because Allah has determined the legal heirs and how many shares they will inherit, the *faraid* distribution will automatically apply after the death of the owner of the inheritance (Mohd Khairy & Nasrul, 2018).

Types of Hibah

The use of hibah has been expanded in Malaysian modern practise as a form of auxiliary financial instrument within the core Islamic financial services provided by some Islamic financial institutions. The contract of sale and purchase (*al-bay*), lease (*al-ijarah*), kafalah (*al-rahn*), company (*al-syarikah*), profit and loss sharing (*al-mudharabah*), and saving (*al-wadiah*), including takaful product, are other types of main Shari'ah-based contracts of products or services to which this type of hibah is attached (Hasan & Mohd Zaizi, 2020)

The second type of hibah, also known as the "contemporary notion of hibah," is used as a financial instrument in Islam to support the takaful and Islamic banking services provided by Islamic financial organisations. Due to its role and intent as a financial instrument in the Islamic financial system, the hibah is also known as the "commercial hibah." Given that it is a financial instrument and that Islamic financial institutions are governed by Item 1, List I (Federal List),

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in the Ninth Schedule of the Federal Constitution, it falls under the jurisdiction of federal law (Hasan & Mohd Zaizi, 2020).

Aside from that, the hibah instrument has also been applied in the takaful sector in two two ways, directly and conditionally. In a direct hibah, the takaful company will design and provide its takaful participants with a takaful product in which, upon the maturity of the takaful certificate, the takaful benefits are relinquished to the hibah recipient. The progeny of the takaful participant or the takaful participant himself or herself may be the beneficiary of the takaful advantages under this idea of hibah. This concept of direct hibah includes the educational plan, medical plan, and other types of plans provided by the takaful company. This is in addition to the saving plan on behalf of the beneficiary themselves. All Muslim jurists are in agreement with this practice as far as the direct hibah concept is concerned (Hasan & Mohd Zaizi, 2020).

Significances of Hibah in the Management of Inheritance

Hibah is a form of organised wealth management that is found in the Quran and the Sunnah and is practised by Muslims worldwide, including Malaysia. It serves as an addition to the faraid system of property distribution in Islam rather than as a replacement for it. Dr. Siti Zalikhah Md. Nor, an academic, believes that the community needs to understand that the *faraid* system is essentially a method of distributing property to heirs when someone passes away unexpectedly or at a young age without having time to consider the preparation of property distribution. As a result, she recommended that gifts be used as a kind of early planning for the inheritance of property for philanthropic purposes (Zalikhah Md Nor, 2002).

Zalikhah (2002) emphasised once more that hibah is an alternative property management system that serves the same function or meaning as other property inheritance systems, namely the equitable distribution of wealth and the promotion of love and the avoidance of hostility. Abdullah bin Muhammad, Director of the Heritage Development Section at the Department of the Director General of Federal Lands and Mines, also echoes his viewpoint in one of his papers (Abdullah M.,2006). He has proposed that the community, which has exclusively utilised the traditional method of inheritance, alter its mindset to one that uses the technique of "giving during life," such as grants. He has a great deal of experience in the subject of inheritance. (Rusnadewi et.al, 2013)

Thus, hibah is not only acknowledged in Islam, but the *Prophet Muhammad* himself is credited with introducing it through the hadith of *Saidatina Aisyah*. Therefore, the concept of hibah is very suitable to be practised by the community, especially when the *faraid* inheritance system fails to function properly due to certain problems like the heirs' ignorance of the concept of *faraid*, neglecting the settlement of inheritance, and delays due to problems administration. This complements the perfection of the property distribution system in Islam.

Methodology Of The Study

This study is categorized as a case study. According to Abdul Majid Konting (2009), "a case study is research carried out intensively by a researcher on a small social unit such as an individual, a family, a village, a club, a school or a community". This study uses the purposeful sampling method (purposive sampling) which refers to a group that has the characteristics of the sample desired by the researcher (Mokhtar 2011). The focus of the study is the group of UiTM staff who work at the Dungun campus. Although the total population is as many as 800 people, the total sample obtained as many as 100 people is more sufficient for a pilot study.

This study uses data collection techniques through the distribution of questionnaires that have been reviewed by experts. The researcher distributed the questionnaire to the respondents to obtain feedback. The questionnaires were distributed to the 150 UiTM Dungun campus staff via Google form. However, only 100 people responded to the Google form provided. The questionnaire is divided into three parts, namely part A: Respondent Profile Information, part B: Level of UiTM Staff's Understanding of the Hibah in estate management planning, and part C: level of awareness of the UiTM Dungun staff towards the Hibah in estate management planning. Cronbach's Alpha results showed a reading of 0.96 Thus, according to Pallant (2007), the closer the reliability coefficient is to 1.0, the higher the reliability. This coincides with the Rowntree index which states that Cronbach's Alpha level = 0.71 - 0.90 is a strong level of reliability and is a high level of reliability (Ahmad Sunawari 2009). Overall, the data obtained was analyzed descriptively using SPSS 26. The mean and s.p. analysis was performed on a five-point likert question, namely (1) strongly disagree, (2) disagree, (3) Not sure, (4) Agree and (5) Strongly Agree. When this scale is divided into three levels, the following numbers become indicators of low when the mean score is (1.00-2.49), medium (2.50-3.49) and high when the mean score obtained is (3.50 - 5.00).

Result

Demography of Respondent

Table 1: Demografy of respondents

No	Variable & Category		Total	Percentage
1.	Gender	Male	38	38
		Female	62	62
2.	Age	21-30	41	41
		31-40	35	35
		41-50	16	16
		51-60	8	8
3.	Marital status	Single	51	51
		Maried	49	49
		Divorced	0	0
4.	Education	Diploma	11	11
		Degree	23	23
		MA	46	46
		PhD	20	20
5	House Income	> RM3000	20	20
		RM3001-RM5000	27	27
		RM5001-RM10000	38	38
		RM10001-15000	13	13
		< RM15000	2	2

The respondents consisted of 38 (38%) male respondents and 62 (62%) female. Based on the table 1, there are 41 (41%) respondents aged between 21-30 years. Next, there were 35 (35%) respondents aged 31-40 years who answered this questionnaire. In addition, about 16 (16%) respondents from the age group 41-50 years have been collected from this survey. And the last is from the age group of 51-60 years as many as 8 (8%). The respondents from the age group of 21-30 years are the most in answering this questionnaire while the fewest respondents were

Volume: 9 Issues: Special Issue 60 [January, 2024] pp. 34 - 43
Journal of Islamic, Social, Economics and Development (JISED)
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from the 51-60 age group. There are 51 (51%) are single, while 49 (49%) are married. In addition, for the divorced status, no divorced respondents were involved in this study. Based on the table, for those who earn RM3001-RM5000 per month are 27 (27%) respondents. While for those who earn RM5001-RM10000 per month, there are 38 (38%) respondents. There are 13 (13%) respondents who earn RM10001-RM15000 per month.

Table 2: Participation of Hibah Distribution of Respondents

		Frequency	Percent	Valid Percent	Cumulative Percent
Participation of Hibah	Yes	52	52	52	52
	No	48	48	48	100
	Total	100	100	100	

For the last demographic profile question, table 2 shows the distribution of this study successfully collecting the number of staff who do hibah in estate management. Out of 100 respondents who responded to this study, there were 52 (52%) respondents who did hibah while 48 (48%) respondents did not do hibah in estate management. Therefore, it can be concluded that the number of respondents who do hibah from among Dungun uitm staff is higher compared to respondents who do not do hibah.

The level Understanding the Concept of Hibah

A total of five questions were asked about hibah in estate management planning to UiTM staff. The majority of UiTM Dungun staff are well know the meaning of hibah in general. This is proven when the mean value obtained is 4.04 with s.d (0.791). Respondents know that know hibah is a gift from one individual to another individual or a certain party and the gift is done while the individual giving is still alive. The result of the mean value with 4.04 with s.d (0.751) shows that it is at a high level. Respondent also know that property/items donated by the grantor must belong the grantor in full is at a high level when the mean value showed 4.06 with s.d (790). Others, respondents know that heirs of Takaful participants who pass away can still receive hibah without going via Faraid is at a high level. This is shown when mean value is 3.91 with s.d (0.842). This is shown in table 3 below:

Table 3 : The level Understanding the Concept of Hibah among UiTM staff

No	Questions	Mean	Standard Of Deviation	Level
1	I know the meaning of grants (hibah) in general	4.00	.791	High
2	I know hibah is a gift from one individual to another individual or a certain party and the gift is done while the individual giving is still alive	4.04	.751	High
3	I know that property/items donated by the grantor must belong the grantor in full	4.06	.790	High
4	I know that heirs of Takaful participants who pass away can still receive hibah without going via Faraid	3.82	.947	High
5	I know that grant (hibah) is one of the alternatives of inheritance management that has the same purpose or meaning as other forms of property inheritance system	3.91	.842	High

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Further, a t-test was performed to see the mean, standard deviation and results of the knowledge level of UiTM staff based on gender differences towards hibah in estate management planning. The mean for male staff is 3.99 with s.p (0.679) higher than the mean for female staff 3.95 with s.p (0.715) with a difference of only 0.04 points. Although based on the findings of Sig. (2tailed) 0.794 > 0.05 shows that there is no significant difference between the mean knowledge of male and female. This is explained as table 4 below:

Table 4: T-Test Staff UiTM Knowledge Toward Hibah

Group Statistics

	Gender	N	Mean	Std. Deviation	Std. Error Mean
Know	Male	38	3.9895	.67855	.11007
	Female	62	3.9516	.71489	.09079

Independent Samples Test

		Levene's Test for Equality of Variances		t-test for Equality of Means					95% Confidence Interval of the Difference	
		F	Sig.	t	df	Sig. (2-tailed)	Mean Difference	Std. Error Difference	Lower	Upper
Know	Equal variances assumed	.314	.576	.262	98	.794	.03786	.14450	-.24890	.32462
	Equal variances not assumed			.265	81.569	.791	.03786	.14269	-.24601	.32173

The level Awareness the Concept of Hibah

Respondents were also asked 5 questions about their level of awareness about hibah. For the first question, respondent agreed that hibah can provide financial assurance to the grantee to survive after the death of the grantor. The results of the mean 4.04 with s.d (0.764) show that it is at a high level. Likewise, for the next question, the results of the mean4.17 with s.d (0.7260 show that it is at a high level. Respondent understood that Islam as a religion that is easy and does not make it difficult for its people in the division of property with the method of giving. Respondent also aware the importance of the duty of Muslims to learn integrated knowledge in Islam, especially in relation to hibah that can guarantee the integrity of the bond of friendship among living heirs and social peace for the sake of happiness in the hereafter. The results of mean 4.14 with s.d (0.752) showed that it is at a high level too. For the next question, respondent aware that parents who register for hibah do so because they want to provide for their children's future educational needs showed at a high level. This can be stated when the mean value obtained is 4.18 with s.d (0.744). The last question, most of respondent interested in learning about grants (hibah) and intend to learn the basics about grants through formal @ informal classes. The results of mean 4.11 with s.d (0.723) showed that it is at a high level. This can be seen in the table 6 below:

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Table 6: The Level Awareness The Concept Of Hibah Among UITM Staff

No	Questions	Mean	Standard Of Deviation	Level
1	I am aware that hibah can provide financial assurance to the grantee to survive after the death of the grantor.	4.04	.764	High
2	I understand Islam as a religion that is easy and does not make it difficult for its people in the division of property with the method of giving.	4.17	.726	High
3	I am aware of the importance of the duty of Muslims to learn integrated knowledge in Islam, especially in relation to hibah that can guarantee the integrity of the bond of friendship among living heirs and social peace for the sake of happiness in the hereafter.	4.14	.752	High
4	I am aware that parents who register for hibah do so because they want to provide for their children's future educational needs.	4.18	.744	High
5	I am interested in learning about grants (hibah) and intend to learn the basics about grants through formal @ informal classes.	4.11	.723	High

A t-test was performed to see the mean, standard deviation and results of the awareness level of UiTM staff based on gender differences towards hibah in estate management planning. The mean for male staff is 4.14 with s.p (0.642) lower than the mean for female staff 4.22 with s.p (0.607) with a difference of only 0.08 points. Although based on the findings of Sig. (2tailed) 0.539 > 0.05 also shows that there is no significant difference between the mean knowledge of male and female. This is explained as table 7 below:

Table 7: T-Test Staff UiTM Awareness toward Hibah

Group Statistics

	Gender	N	Mean	Std. Deviation	Std. Error Mean
Aware	Male	38	4.1421	.64163	.10409
	Female	62	4.2210	.60683	.07707

Independent Samples Test

		Levene's Test for Equality of Variances		t-test for Equality of Means						
									95% Confidence Interval of the Difference	
		F	Sig.	t	df	Sig. (2-tailed)	Mean Difference	Std. Error Difference	Lower	Upper
Aware	Equal variances assumed	.582	.447	-.617	98	.539	-.07886	.12777	-.33243	.17470
	Equal variances not assumed			-.609	75.013	.544	-.07886	.12951	-.33686	.17914

Volume: 9 Issues: Special Issue 60 [January, 2024] pp. 34 - 43
Journal of Islamic, Social, Economics and Development (JISED)
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DOI: 10.55573/JISED.096004

Discussion

Islam supports the practice of hibah, which is translated as "and distribute the wealth he loves to his relatives, orphans, the needy, travellers (who need assistance), and those who beg and (liberate) my servant." (Verse 177 of Surah Al-Baqarah). Property that is not yet totally held by the grantor, such as property that is still in collateral, a mortgage that is not yet fully owned by the grantor or property that is still in financing is one of the issues that are frequently brought up about property that can be granted. (Rositah Kambol, 2019). According to the study's findings, UiTM Dungun staff are aware of and comprehend the hibah's role in daily life. A few staff are still less familiar with this hibah than others. The study of descriptive analysis carried out to get high mean values shows this awareness and understanding. This study is in line with the previous study conducted by Hasliza et al. (2022) who found that the knowledge level of KUIS staff about hibah is high even though the exposure about this aspect is less.

Conclusion

Hibah is one of the methods of distributing property to a person while he or she is still alive. The purpose is to take care of the welfare of his family members when the grantor dies. The study above shows that the level of understanding of UiTM staff on the general concept of hibah is at a high level. Similarly, their awareness of the importance of giving hibahs to family members is at a high level. However, the results of the study show that there is no significant difference in the level of knowledge and awareness based on gender. This explains that although UiTM staff have not received formal hibah education, their understanding and awareness of hibah is high

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