

Barriers Factors Of wasiyyah (Will Writing): Case of BSN Bank

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Abstract

The growth of unclaimed inheritance in Malaysia is an issue that requires a serious action. Absence of awareness on procedures about the distribution of dead's people estates worth more than RM60 billion have not been claimed by their beneficiaries since independence of Malaysia. The purpose of this paper is to find out the intention barriers factors for not buying *Wasiyyah* (Islamic will writing) product among customers of BSN bank. A qualitative approach was used through face-to-face structured interviews to identify the intention factors and awareness level concerning the subscription on *Wasiyyah* under the BSN bank. The findings reveal that most interviewees are aware of *Wasiyyah* and its benefits, they were not aware that BSN bank offers such product which shows the need of promotion. The study also found that *Wasiyyah* is not widely used among Malaysians and they are not interested to subscribe under the BSN bank (or other banks). The study is useful to improve the awareness level of Malaysian concerning the estate planning as well as elaborate the advantages of *Wasiyyah*. More specifically for BSN bank, this study will enhance the long-term survival of the banks by attracting the customers, while the bankers will set up different marketing campaigns for the client based on their level of awareness and preferences.

Keywords: *Wasiyyah*- Will Writing – Inheritance – BSN Bank, Wealth Management

1. Introduction

BSN bank is a government owned bank based in Malaysia which offers both Islamic or conventional financial products and services which is appointed as an agent of Malaysia's primary trustee company *Amanah Rayat Berhad* known by ARB on 1997 to sale the trust decease estate planning, *Wasiyyah* (Will) service, *Hibah* (Gift) and *Waqaf* (endowment) (BSN 2017; Centre BSN Training 2012). According to Alma'amun (2010) Malaysian have a very low level of awareness on Islamic estate planning. Supported by BSN wealth management Departement (2016) The Islamic will (*Wasiyyah*) is offered by the department of wealth management which currently faces a huge lack in selling will writing and that leads to the growth of unclaimed inheritance in Malaysian.

Since *Wasiyyah* product is one of the recourses of the BSN, and if customers keep on ignoring the investment in it, BSN will be exposed to high financial risk and inappropriate sales incentives schemes. That will cause significant instability in the financial system which will result in difficulties to compete with other banks (Lindley 2014). Attracting more customers will contribute in improving the long-term subsistence of the bank. Therefore, there is a need of a deeper understanding of the causes that lead to lack of sale of *Wasiyyah* product. By doing so, the bank may set up different strategies to attract more clients.

Moreover, *Wasiyyah* product is important for individuals, societies, and government. Individuals will be benefited customers will be able to distribute their property beneficiaries quickly and guarantee his/her

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properties. As for society, *Wasiyyah* can be used to minimize the expenses and remove disputation among inherit as well as avoid all the unnecessary hassle of the estate distribution after death (Aziz 2012). Finally, the government will be able to reduce the amount of the frozen and unclaimed inheritance via smooth process of inheritance settlement, honest regulation guideline (Harbi 2013).

Consequently, this study was motivated to find out the main causes for the lack of subscribing in *Wasiyyah* among Malaysian customers. A qualitative primary data was collected, assembled and gathered explicitly for the purpose of this study. Face-to-face interviews with customers of BSN bank were carried out. They were asked about their awareness of the *Wasiyyah* (in general and within BSN bank in particular) and the reasons of not purchasing the product. This paper is organized into five sections. The introduction is the first tracked by a brief background of *Wasiyyah* dilemma in BSN bank. The second section is a review of the literature, which includes the definition of *Wasiyyah*, its importance, and the Malaysian current practice of Islamic estate planning and the inclusion of *Wasiyyah* as part of Islamic estate planning. This is followed by the research methodology and findings. The paper ends with the conclusions and recommendations.

1.2 Background of Wasiyyah in BSN Bank

In Malaysia *Amanah Rakyat Berhad* (ARB) is known as a premier trustee company wholly owned by the Malaysian Government has served the nation for over 87 years (Rakyat 2017). It considers the market leader in providing trusted, estate administration, will services, *Hibah* and *Waqaf* (BSN Training Center, 2012). ARB has nineteen branches over Malaysia, in addition to its appointed agents via several financial institutions including Bank *Simpanan Nasional* (BSN).

BSN was legitimate lyrecognized on 5th of December 1974 by YAB Tun Haji Abdul Razakbin Hussein, the Second Prime Minister of Malaysia. BSN Wealth Management Department was appointed as an agent by ARB to sell its products (BSN 2017). BSN Wealth Management offers a full financial planning solution for all stages in life, the education planning, retirement planning, risk management planning, wealth protection, wealth accumulation, Insurance, telemarketing, and wealth distribution (BSN 2017).

1.3 problem statement

The growth of unclaimed inheritance in Malaysia is an issue that requires a serious actions (Mohamad, 2012). There are about a million property are still under the name of the dead proprietors. In 2012, it is estimated about RM45 billions of unclaimed estates and this amount is probable to increase more. This figures are alarming and they need an imperative action to solve the issue of unclaimed inheritance in Malaysia (Ghul et al. 2015). The Natural Resources and Environment assistant minister reported in 2016 that is an absence of awareness on procedures about the distribution of dead's people estates worth more than RM60 billion have not been claimed by their beneficiaries since independence of Malaysia. The sum of the frozen properties due to unclaimed bequest among Malaysian is significant (High Court 2016). Moreover, the Islamic will is one of the instruments that helps to reduce this gap, whereby several financial institutions offer it. In 2016, very low figures in terms of the sales of the Islamic will product (*Wasiyyah*) was declared by the wealth management department of BSN bank which shows a huge gap in terms of actual 33% versus target 60% and in addition to a fluctuation and low performance in the monthly of will writing performance as it is showed in the figure 1. and 2 (BSN wealth management Departement 2016).



Figure 1: Monthly Performance Meeting

Source: (Wealth Management BSN, 2016).

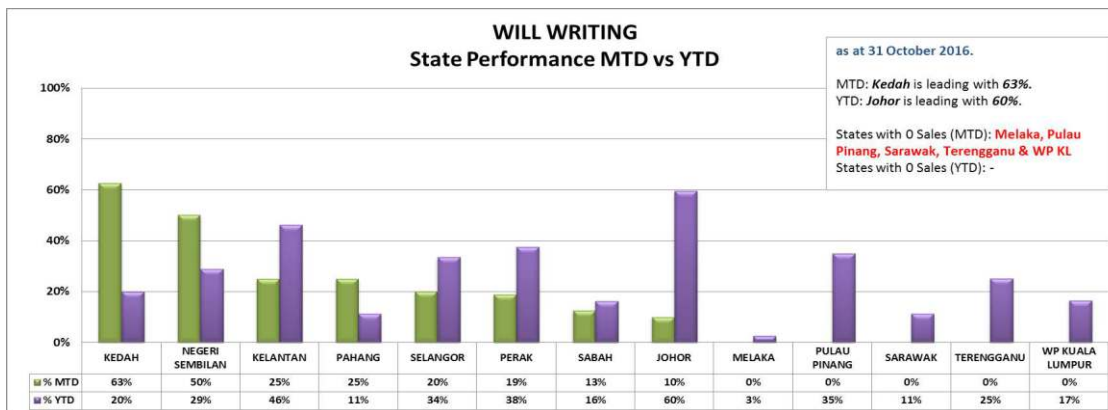


Figure 2: Rates of Will Writing performed by the states

Source: (Wealth management BSN,2016)

The figures Represent the as for the line, the graph shows the trend of the actual monthly performance of Will Writing product in the BSN bank during the year 2016. it can be seen the dynamic fluctuation with the lowest percentage was in May and July (00%), while the peak trend reached in August is(63%) with 963 of Will Writing sales, even though still did not reach the target of 1560 Fee Base Income (FBI) per month. In 2016, BSN bank’s wealth management department has a huge gap in terms of actual versus target.

2. Literature review

2.1 The Concept of Islamic Will (Wasiyyah)

Wasiyyah can be defined Literally as a person who make a declaration within his life about the distribu - tion of his wealth after his death to be carried (Ridhwan et al. 2015). Wasiyyah is defined as a written document about the distribution of wealth after death, and wealth distribution will be done only after the

demise of the translator and it must be according to *faraid* in the Islamic law (Ahmad & Peyman 2008). *Wasiyyah* refers to a will declared by a Muslim whereby the giver carries his wish in form written or verbal how part of his property will be distributed after death. The legal heirs who are not eligible under the *fara'id* might receive some of property by *Wasiyyah* (Mohammad 2015). In Islam *Wasiyyah* is not only a part of *Ibadah* but it is also as a responsibility towards the society since it participates indirectly in the socio-economic by *sadaqahjaria* (Farooq 2014; Ridhwan et al. 2015).

In this sense of *Wasiyyah*, has stated in the holy Quran in numerous verses and Surat which recommend the *Wasiyyah* for Muslims as well as Allah lays down the legislation for how wealth is to be distributed fairly (Design 2013). Allah says: [... *When death approaches any of you and he is leaving wealth, that he makes fair bequests*] (Al-Baqarah 2:180 n.d.). Moreover, Allah stated in (Surat an-Nisa 4:11 n.d.) [*After (the distribution of) a Wasiyyah that was intended, or a debt*]. In addition, the position of the Islamic will (*Wasiyyah*) is clear from the following two hadiths as well: 1) “*It is the duty of a Muslim who has anything to bequest not to let two nights pass without writing a will about it Sahih Al-Bukhari.*” 2) “*A man may do good deeds for seventy years but if he acts unjustly when he leaves his last testament, the wickedness of his deed will be sealed upon him, and he will enter the Fire. If, (on the other hand), a man acts wickedly for seventy years but is just in his last will and testament, the goodness of his deed will be sealed upon him, and he will enter the Garden.*” Ahmad and Ibn Majah (Khan 1997).

2.2 Importance of the Islamic Will (Wasiyyah)

The benefits of leaving a *Wasiyyah* can be highlighted by describing the reverse situation. Explained by Aziz, (2012) estate planning had a few advantages whereby customers will be able to distribute their property beneficiaries quickly. Also, will minimize the expenses, less strain from the deceased's family, taxes reduce and provide the pledge to the family after the death. stated by Aziz, (2012), with estate planning, Muslims will avoid all the unnecessary hassle and other advantages that their trust will not be frozen but will be able to access in whatever circumstances. In event of an intestate individual, numerous complications for his family and friends. It frequently makes financial hardship and the worse is the loss of money to the heirs who really want it most. The greatest hostile situation frequently happens is when the heirs dispute over choosing the assets. When there is a disagreement between heirs, the substance is the court, and this certainly will consequence suspensions which could take years to solve it. Without a *Wasiyyah* heirs would not automatically receive all the estate.

In many countries, a huge amount of dollars is not paid in inheritance tax (death duties) due to intestate, such as Malaysia is not a straightforward task due to several features. Firstly, dishonesties in the guidelines and regulations of the estate management and clearance. Secondly, dying without a will or testate is apportioned by different regulations and law finalities, even with the involvement of many lawful bodies and agreement with the provisions of regulations, the estate management and clearance the process will not be smooth. Previous studies disclose that it is easier to manage and settle testate assets. It could spend years to clear the case of dying without *Wasiyyah* as it may froze the estate and postponements in the settlement period (Harbi 2013).

2.3 Current Practice Islamic Estate Planning in Malaysia

Islamic estate planning in general uncommonly practiced among Malaysian especially Malaysian Muslims. Previous study stated that there is low awareness towards estate planning because of low in the financial planning as they are not planning nor aware on estate planning (Abdul Rahman 2007;

Pusaka. 2004a; Hassan, A. A. and Yusop 2006). Study from Yaacob, (2006), *Wasiyyah* practice among Malaysian Muslims, especially from Malays is driven only for protecting towards their adoption children as compared to Non-Muslims in Malaysia. Generally, Muslims are referring to Islamic law that based on Al-Quran which is *Faraid* whereby non-Malays practices by leaving their wills estates for the future. Furthermore, statement from ARB Amanah Raya Berhad (2006), stated the level of awareness towards estate planning among Malaysian are very low as 90 percent of Malaysian did not have wills. This percentage include both to Muslims and non-Muslims. Claimed by Omar, (2006a), particularly, the Malays do not write the *Wasiyyah* base on the lacks of knowledge towards estate planning, postponing the draw of *Wasiyyah*. And wrong perception as Muslims believe in *Faraid* system.

Furthermore, Ahmad and Pyeman, (2008) stated that contend with absence of awareness as well as knowledge are interrelated broadcasting or promotion involves. Therefore, behavioral norms are an important part in developing of will writing as Muslims should be courteous and well-mannered with respect to the estate matters. Based on the theory of plan behavior the major behavioral norms are awareness, religiosity and social influence (Liao et al. 2007).

2.4 The Reasons Behind Practice of the Islamic Estate Planning and Leaving Wasiyyah

According to Hassan and Yusop (2006) most of Malaysian Muslims do not have the knowledge about the *Wasiyyah* and the benefits of it. Mostly of Malaysian Muslims, depending on the *Faraid* applies in the estate distribution and impact to them whether it is estate or intestate. Another reason relates to the reluctance on writing the *Wasiyyah* as estate planning is not widely practiced among Malaysia Muslims even though they knew it is important. Generally, people in this group thinking on doing *Wasiyyah* is light matter. Final reasons are where it involves cost as most of them have not enough money to write *Wasiyyah* even they are familiar with it. Furthermore, zero knowledge about the cost of writing *Wasiyyah* charge by Amanah Raya Berhad (ARB) also contributed the lack of the awareness towards estate planning. Affecting to the confusion and misunderstanding towards estate planning, Pusaka., (2004a) and (2004b), agreed only those who are aware of the important of leaving the estates to heirs who receive the inheritance will have the estate planning. There is a wrong perception from the Muslims society as the believing deeper towards with *fara'id* system, as the *fara'id* system is providing the ensure on the entitlement to be shared and follows strictly following Islamic law. Argued by Alma'amun, (2010) that such structure does not insure a smooth process of estate management and clearing.

According to Ahmad and peymen(2008) The most significant features that encourage a Muslim to leave wasiyyah are namely, to guarantee the transfer of the asset as the testator plans, well-being factors, to fastly clear off the property smoothly, and to help the needy. Also, they evidenced through Ordinary Least Squares (OLS) regression investigation that *Wasiyyah* subscribing among Muslims was influenced by three factors: knowledge, objective and benefits of wasiyyah. The results disclose the mentioned features had a positive significance with leaving *Wasiyyah*.

3. Methodology

This research is a qualitative research method, including contented analysis, interviews, observations, and descriptive analysis using comparative analysis of previous studies and interview the respondents. In the first stage, the paper collected data form fitting books, journals, and other publications, and from recognized internet websites that discuss some of the issues related to the research objectives. In the second

phase, the researchers interviewed a few customers of BSN bank Islamic to know their intention factors and awareness level on the discussed matters. According to Sosulski & Lawrence (2008), the designed population is the best sources for a reliable data that advance the study to fulfill the reasonable objectives of the study. This technique requires the researcher to select an appropriate informer based on prior knowledge of the population to fulfill exact goals study.

Twenty face-to-face interviews with various categories of BSN customers in were intended to seek and thoroughly discuss the practices and matters concerning the issue under discussion. The researcher selected the respondents thru random sampling methods. The interview with each informer was conducted for around 10 minutes, and some was recorded and written out for analysis. The interviewee been asked four questions about the *Wasiyyah* product in BSN bank the question were as follow:

1. Are you aware that BSN provides will writing (*Wasiyyah*)? If “Yes”: who told you about it?
2. Are you aware of the benefits of *Wasiyyah* ? If “Yes”: what is/are the most important benefit/s for you (from your perspective)?
3. Are you interested to subscribe for the *Wasiyyah* in BSN? If “Not interested”: may you please explain why?
4. Kindly provide any suggestion for BSN to improve the awareness of customers about *Wasiyyah*.

4. Finding

As presented in Table 1 the interviewee gender is quale 50% male and 50% is female Out of 20 interviewees, 35% representing age from 28-37 years old followed by 25 % for the category above 48 years old whereas the last answers were 20% from below 18-27 years old and 38-47 years old. Next, most respondents are married with 70% and 20% are single, the lowest is from Divorced 10%. Further, this study found that 45% percent of the respondents were master or degree holders and the least respondents are SPM or equivalent 10%. Next, 45% percent of the respondents earned RM3001 – RM5000, followed by the highest monthly income 35% percent. The smallest amount received from the respondents was 10% percent less than 2000RM.

Table 1. Profile of interviewees (N=20)

Item	Characteristics	Number	Percentage (%)
Gender	Male	10	50%
	Female	10	50%
Marital Status	Single	4	20%
	Married	14	70%
	Divorced	2	10%
Races	Malay	13	65%
	Chinese	3	15%
	Indian	4	20%
Age	18 – 27 years old	4	20%
	28 – 37 years old	7	35%
	38 – 47 years old	4	20%

	48 years old and above	5	25%
Education Level	PHD Level	0	00%
	Master Level	9	45%
	First Degree or equivalent	9	45%
	SPM or equivalent	2	10%
Income	Less than RM2000	4	20%
	RM2001 – RM3000	0	00%
	RM3001 – RM5000	9	45%
	Above RM5000	7	35%

Another question from the face to face interview for the customers of BSN bank was about the statement “Are you *Aware of the benefits of Wasiyyah?*”. Table 3 shows 80% of the customers do not know the benefits of the Islamic will. While in the other part just 20% who have knowledge about the benefits of *Wasiyyah*. The common answers were as follow: Distribution of wealth According to the Islamic law *Faraid* was the highest common answer of 35% followed by 20% for the answer faster and ease the distribution of wealth after the death, next 15% is give a part of wealth to those who will not inherit in the law such as adopted children, where the lowest percentage was for prevent from the deputation among inherits after death and Prevent from the deputation among inherits after death were(10%).

Table 2: Awareness of the Benefits of Wasiyyah Product (N=20)

Item	Number	Percentage (%)	What is the benefit?	Number	Percentage (%)
Aware	16	80%	Distribution of wealth according to the Islamic law Faraid	7	43.75%
			Faster and ease the distribution of wealth after the death	4	25%
			Give a part of wealth to those who will not inherit in the law such as adopted children	3	18.75%
			Prevent from the deputation among inherits after death	2	12.5%
Not Aware	4	20%			
Total	20	100%			

The table 2 presents the result obtained from analysis question used in face to face interview regarding the statement “Are you aware that BSN offers *Wasiyyah* product?”. Based on table 2 below, 75% respondents are not aware that BSN bank offers will writing product, R2 said “I have never heard that BSN bank offers Islamic will” while just 25% are aware about it from website of the bank and the bankers. R6 said” I know about the Islamic will from my father who is an ex-banker”.

Table 3 Awareness of the BSN *Wasiyyah* Product (N=20)

Item	Number	Percentage (%)	What is the source of awareness? *	Number	Percentage (%)
Aware	5	25%	Website of BSN bank	2	40%
			BSN bank's staff	2	40%
			parents	1	20%
Not Aware	15	75%			

Reasons for not having a will

The result revealed in table 4 is based on the study of answers of informers regarding the statement “*Are you interested to subscribe for the Wasiyyah in BSN?*” the results show a huge variation between two groups 75percent are not interested to subscribe for *Wasiyyah* while just 25% who intend to write a will in the future.

We asked respondents who did not have a will to tell us the single main reason why they did not have R12 answered immediately ‘I don’t have big amount of wealth, so no need for me to write a will’. about those who do not have the will the most common reason given by more than half (53.33%) My family will inherit my wealth anyway with or without *Wasiyyah* those who were married were also more likely to give this response than those who were single. The unique reason given by a single Chinese aged between 28 – 37 years old only one respondent R9” I’m not thinking about to die now”

Table 4: Willingness to Subscribe for *Wasiyyah*

Item	Number	Percentage (%)	What is the reason?	Number	Percentage (%)
No, I am not interested	15	75%	My family will inherit my wealth anyway, with or without <i>Wasiyyah</i>	6	40%
			I don’t have too much property and I’m not rich	8	53.33%
			I’m not thinking about to die	1	6.66%
Yes, I am interested	5	25%	I would subscribe on the future		

Based on the outcomes got from the interviews, it can be summarized that Malaysian have knowledge about the benefits of the Islamic will. In addition, majority of them also have a perception of necessity to plan for wealth distribution for benefits of heirs as well as the bank. But the majority of them are not aware that BSN bank offers *Wasiyyah* product. Meanwhile, when the researchers discussed the findings of the study with the findings of earlier researchers there is contradiction of the results. Consequently, to diminish the problem of frozen assets, Malaysian have to perceive a positive perception towards *Wasiyyah* and *faraid* followed by a serious action to have an appropriate supporting in planning wealth distribution.

5. Conclusion and recommendations

Lately, researchers have explored and analyzed a new domain of Islamic wealth planning, namely Islamic estate planning. This paper studied widely on Islamic will writing which is a subset of Islamic estate planning with the purpose of locating information concerning *Wasiyyah* products from BSN bank customers. It founded that there was a constructive development in the Islamic estate planning in Malaysia. Which offered a numerous product at various costs for people to choose from?

It is a fact that a conducive environment is essential for a good growth of the Bank to raise competition and to enhance the product innovations. Primarily, what the bank entails is proper legal regulation of the *Wasiyyah* writing and qualified staff and an intensive marketing and advertisement of the product has to be set up by the bank such as specify a department for marketing and advertisements to inform the customers and increase the level of awareness.

This study is useful to BSN bank and banks in general that provides the estate planning product, because by knowing the level of awareness of customers towards Will Writing (*Wasiyyah*) product, the bankers may design or set up different marketing campaigns for the client based on their level of awareness and preferences. Beside this, by knowing the level of knowledge towards the offered product, the staff of the bank could use simple words or by cross-selling through counter staff about the benefits of the product. Moreover, by knowing the perception of the customers toward the will writing, the banker could correct his/her opinion via the concept and the importance of *Wasiyyah*.

The article can serve the government to set up an effective strategy based on the intention and the preferences of Malaysian in addition to ease and make the process of clearance and management the inheritance smooth by issuing an honest legislative guideline. This paper can serve the postgraduate student and academician of Islamic Finance and Banking in their studies and assignment.

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