

Property Inheritance Management: Issues Unclaimed Property

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Abstract

Unclaimed property is a major issue in Malaysia. It is also a disadvantage to the Islamic economy because wealth cannot be exploited. It continues to grow year by year and it does not appear that it will be completed in a short time. This article discusses issues affecting the increase of unclaimed property and the authorities involved in resolving these endless issues. In addition to issues of public awareness, social issues and administrative and legal issues, educational level also plays a significant role in contributing to the increase in unclaimed property as the availability of education on this property will provide awareness and smart people to act to prevent frozen inheritance. Therefore, this artwork provides an overview of related issues and provides steps to be taken to mitigate the increase in unclaimed property.

Keywords

Property, Inheritance, Unclaimed.

Introduction

According to the dictionary of the Board, is the inheritance of property left by the deceased, (to be inherited by his family) in Arabic called Al Irth inheritance, Al Wirth, or Al Wirathah that the Malay language is called Heritage. According to the term Shara the inheritance or mirath is the inheritance of the deceased who has the absolute right of his heirs to division among the entitled. Real estate planning is the effort and plan that must be made to division and division the property owned by the property owner to the heirs when the owner dies, to avoid problems or disputes when the property owner dies. And

according to Mohd Fitri (2007), it is stated that the division of this property is made where the owner of the property is still living.

Today, unclaimed property is a serious economic problem among Muslims. In 2005, out of 6.2 million acres of unclaimed land, 900,000 acres were still recorded under the names of the landowners who had been approved. From the government's perspective, it lost an estimated RM200 million in land tax revenue (Ahmad, Md. Yazid, & Laluddin, H., 2010). This unclaimed inheritance poses a serious problem to the country Mujani et al., (2011) stated that an estimated RM42 billion of frozen farms that should have been distributed to 500,000 recipients in 2011 had not been distributed. The number of frozen farms increased by 3 billion to RM45 billion in 2012 and these statistics are expected to increase annually (Shahrul, 2012).

According Islamic Property Planner Specialist As Salihin Trustee Berhad, Norisah Ibrahim, said that RM66 billion inheritance poses of Muslim property was not claimed, and even house and land specific heirs were left untouched for years. (Full article, Sinar Harian Nov 2019). And in other article BH online November 2019 has stated Jabatan Tanah dan Galian Negara 2016 report revealed that frozen property statistics exceed RM60 billion and are rising every year, that a latest statistic but not give thoroughly as clearly data just like a probability.

Issues Unclaimed Property

There are many issues that are causing the unclaimed property of Muslims. And it can be divided into several factors that can focus on key issues.

Awareness Issues

Society today despite advances in technology and IT but in financial planning still lacks awareness and lack of knowledge of financial importance in life and continues to be the driving force behind the rise of unclaimed property. It is important to inform the public of the early plans for the division of the estate before the death so that the heirs will not have difficulty in managing the estate. Although in Islam, it has established guidelines in Faraid's knowledge on the division of deceased inheritance (Rusnadewi Abdul Rashid & Noor Inayah Yaakub 2010), it is nevertheless practically not as easy as it may be because it involves many parties and very complicated processes. This is because the inheritance settlement process usually takes time because it involves processes in certain bodies and requires high commitment for the heirs to manage it. Consequently, the management of the heirloom has often encountered difficulties and difficulty in division it to the rightful

heirs. In general, we can see the factors that contribute to this issue involving many parties.

Social Issues

Social factors are one of the main factors that cause property to be claimed. The unchanging attitude of society and the tendency to neglect to manage inheritance applications often occur in society, (Nik Rahim Nik Wajis 2018). Such attitudes often occur to people living in rural areas who are less exposed to the knowledge of the distribution of property. In addition, the society's attitude often delays and take it is easy to apply for the division of property assets. And on the contrary, the stigma in the "land still red has want to claim" society means that the division of property should not be hastened. And making a disinterested attitude to the division of property into one of the unresolved inheritance issues.

Furthermore, according to Wan Suraya Wan Hassin, Wan Shahzlinda Shah Shahar and Umami Munirah Syuhada Mohamad Zan (2016), stating that the Islamic community already knew about inheritance should be divided according to Faraid law after the deceased's death, so the community felt that there was no need to plan early. Management of property allocation during life. Such a perception must be altered by society as it will cause the heirs to suffer difficulties in relation to the abandoned property. Furthermore, according to Buang A.H (2009), state the amount of frozen property is increasing.

On the other hand, the reason why property is not claimed is the unwillingness to cooperate with the heirs involved (Nik Rahim Nik Wajis, 2018). The issue of inheritance in Malaysia was recently raised when Celebrities died and left behind a child. The issue occurred when the little brother of the celebrity held all the deceased's property. And it raises an issue because when a deceased son of the deceased dies the son of the deceased. This is due to the lack of cooperation and misunderstanding between deceased siblings and former deceased wives. Therefore, effective cooperation and communication are necessary in this situation, as the deceased siblings feel obligated to settle the deceased's debt first and then the property can be division faraid. And this is a new issue and it will be in 2020, and this means that the issue of unclaimed property is growing with society's attitude unchanged. And according to (Md Yazid Ahmad & Hayatullah Laluddin 2010), it is stated that the attitude does not want to cooperate with the heirs as there is an intention to take all the inheritance and desire more property.

Therefore, the issue of inheritance disputes and the issue of who has the right to manage the inheritance property are often the main cause of dispute among the heirs. Due to these disputes, there will be a lack of tolerance in the settlement of the estate and will continue to result in delays in distributing the estate and due to that delays in property division which will further complicate the process of dividing the property. And worse is the intention of the beneficiary not to appear in court and deliberately omit important documents relating to the division of property. Other concerns also arise when long-standing heirs have emerged claiming to be legitimate heirs. This further complicates the process of dividing the estate. And even worse, when there is no proof of inheritance such as birth certificate or identity card (Buang A.H 2009). The increase in unclaimed property can also be due to the greed inherent in the heirs (Ahmad M.Y. & Laludin H 2010).

As a result of the delay in applying for inheritance division, this will result in overlapping deaths among the beneficiaries of the estate (Wan Saifuldin Wan Hasan 2010). The reason for this delay is that, when a beneficiary wants to hasten the inheritance division, it is said to be rude, greedy and negatively charged, this attitude often prevails in society that continues to haunt the wish for months and years. This delusional attitude will result in the loss of important documents relating to inheritance and further complicate the division of estate. Documents such as birth certificates, marriage documents, divorce papers, religious exchange letters, and letters relating to land grants. Failure to submit the document will complicate the process for obtaining a distribution order (Bibi Nur Alida Zulkafli & Md. Yazid Ahmad 2016).

The increase in unclaimed property is also due to the attitude of the community who often take it easy in storing documents related to deceased inheritance assets as there is no specific commitment in managing it (Md. Yazid Ahmad, Nor Yani Isa & Annuar Fakhri Omar 2014). On the other hand, in a society that is often in a state of ignorance that only inherits property without a change in its original documents (Abdullah Muhammad 2007). As a result of this practice, there has been a lot of strife and misunderstanding among the beneficiaries involved which has delayed the division of the estate for many years and the occurrence of multiple deaths which further complicates the division of property with many involved parties.

Subsequently, there is a claim of unclaimed property in Malaysia is also because it is common among less educated villagers that the costs of managing the property are high and complicated and thus the process is delayed (Abdullah Muhammad 2007), besides the rich and well-informed, they are able to appoint lawyers and also have the capital to pay any authority necessary to manage the estate until it is completed. Also, the existing

procedure is very complicated and does not know the right place to tell you exactly what procedure is required regarding the distribution of the estate.

Administrative and Legal Issues

The administration and management system in line with the Islamic system can ensure that it meets the needs of the community and the nation. However, in order to achieve a good inheritance management and management system, the administration and management need to resolve some of the problems that are causing the community to struggle. In the wake of the controversy over the system of administration of property in Malaysia which is said to be ineffective and caused arrears in the property amounting to billions of dollars. According to Nik Rahim Nik wakis (2018) in his article which states that inheritance is divided into three, namely, small inheritance, large inheritance and simple inheritance. According to the type of small estate for which the RM2 million estate does not apply at the State Land Office in Malaysia (Small Estate (Distribution) Act 1955). Whereas for a value of more than RM2 million, the application should be made to the Civil Court and the division of the estate that determines the portion of the estate is being managed by the Syariah Court (Mohd Zamro Muda & Mohd Ridzuan Awang 2006).

On the other hand, factors contributing to property loss are not claimed due to the complicated process and too many jurisdictions to go through. This is because of the complicated process of distributing the inheritance because the authorities want it to be distributed to the rightful heirs who are entitled to receive the estate to prevent fraud. However, the complicated process poses a problem for the community and the occurrence of unclaimed property. It is worse for the villagers who are less exposed to office procedures and want less time-consuming processes. Therefore, due to the complicated process the deceased beneficiaries are frustrated with the difficulties encountered in managing the division.

The administration and management should consider as much as possible the report of the application from the beneficiary to prevent any future problems. As a result, the time taken for the application process is so long that the community cannot commit to continuing the process, it is even more burdensome to the self-employed community with no other source of income and if they do not work then there is no income for them. major factors affecting the cause of property are not claimed.

Another problem is that the applicant is unable to provide sufficient documents for management to process, thus making the property management process more complex and extending the duration of the property allocation (Hasbah Bakar 2006). Due to the increasing management time of layoffs it further complicates the process of property creation (Hasbah Bakar 2006). The problem is that the deceased manager is delaying the distribution of the property, and it is problematic that at the beginning of the process it is necessary to provide a high cost of expenditure thus eliminating the benefit of the heirs to integrate this process of division of property (Othman Yaacob 2006).

Education Level Issues

Education level is one of the issues of this unclaimed property because if the education level is low then the knowledge of inheritance distribution is low. Aside from ineffective management and administration methods, poor legal systems, lack of beneficiaries' knowledge of deceased estate management is one of the major factors contributing to the increase in unclaimed property. The management of estate planning management in Islam or Faraid's knowledge is among the earliest knowledge raised by Allah S.W.T. Thus, pursuing this knowledge and deepening it has made it obligatory (Noor Hayati Marzuki & Syed Muhammad Dawilah al-Edrus, 2009). It is undeniable that in Malaysia there is already a wealth of education in faraid science, but there are not many experts in the field of knowledge to come up with these unsolicited inheritance problems. As such, faraid education should include all areas of study that are not limited to Islamic studies. The education ministry also needs to emphasize Faraid's subject at the beginning of school to provide the public with an initial knowledge of the importance of knowledge sharing and to understand the implications of ignoring it. In order to raise the level of knowledge at all levels of society, it is very important to empower the Malaysian education system at all levels, primary, secondary and even higher education. (Fazira binti Shafie, Prof. Madya Sr Dr. Wan Zahari bin Wan Yusoff & Prof. Madya Dr. Syed Muhammad Dawilah Al-Edrus, 2014)

Conclusion

Based on the above issues, it is evident that the attitude of the people as well as the management and administration factors are the main factors the source of the property is not claimed. It focuses on fixed assets which mean they are immovable. Each law is also intended to provide justice to the public so that there is no oppression on the part of the people involved. It should provide harmony to the community to prevent conflicts among beneficiaries. However, the authorities have to play their part in the best interests of all.

The attitude of the people also needs to be changed and the negative attitude towards the will during life needs to be changed, as this misunderstanding will make it difficult for the heirs to distribute the deceased's property. This is another problem when the heir is desperately in need of a fortune to enter life. The community needs to be educated on the knowledge of inheritance distribution so that knowledgeable society can guide the community towards a better and more prosperous future.

Therefore, more attention is needed to address this undisputed property problem. It not only loses the heirs, but also damages the economy of the Muslim community there are many but unfortunately cannot benefit the general public. Non-profitable frozen property is the cost of loss to the State. Therefore, a comprehensive follow-up study on the issue of delay in the application of immovable asset allocation to Muslims should be undertaken to fill the gaps inherent in facilitating the management of immovable asset allocation by finding the best and flexible alternative to addressing this problem (Bibi Nur Alida Zulkafli & Md. Yazid Ahmad. 2016).

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