

**UNIVERSITI TEKNOLOGI MARA**

**THE CHALLENGES AND SOLUTIONS IN THE  
MANAGEMENT FARAIID CASES: A STUDY IN KOTA  
BHARU SYARIAH COURT**

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## ABSTRACT

In Malaysia, the management of inheritance for Muslims is handled by three key institutions: the High Court, the Small Estate Distribution Unit under the Department of Director General of Lands and Mines (JKPTG), and Amanah Raya Berhad (ARB). Meanwhile, the Syariah Court primarily issues *faraid* certificates and is referred to in cases involving collateral issues in inheritance management and administration, such as marriage validity, heir verification, and inheritance rights. The Syariah Court plays a crucial role in upholding justice by ensuring rightful heirs receive their due rights. This study aims to examine the challenges faced in managing *faraid* cases at the Syariah Court in Kota Bharu. To achieve this objective, the researcher conducted an intensive study using qualitative methods. Structured interviews were conducted with five respondents working at the Syariah Court in Kota Bharu, all of whom were involved in managing *faraid* cases. The findings revealed several issues faced by the Syariah Court in handling *faraid* cases, such as difficulties in locating distant heirs, dishonest applicants, lack of cooperation from heirs, incomplete documents, and constraints in calculation systems, which are major factors delaying the inheritance distribution process. Furthermore, the study highlighted dissatisfaction among staff regarding the system used to manage *faraid* cases, particularly for registration and calculation purposes. Respondents expressed a preference for the e-Syariah version 2 system over the newer e-Syariah version 3 launched by the Department of Syariah Judiciary Malaysia (JKSM).

**Keywords:** *Inheritance management, Faraid cases, Syariah Court, Challenges and solutions in inheritance distribution.*

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# TABLE OF CONTENT

	<b>Page</b>
<b>CONFIRMATION BY PANEL OF EXAMINERS</b>	<b>I</b>
<b>AUTHOR’S DECLARATION</b>	<b>II</b>
<b>ABSTRACT</b>	<b>III</b>
<b>ACKNOWLEDGMENT</b>	<b>IV</b>
<b>TABLE OF CONTENT</b>	<b>V</b>
<b>LIST OF FIGURE</b>	<b>VIII</b>
<b>LIST OF ABBREVIATION</b>	<b>IX</b>
<b>CHAPTER 1 INTRODUCTION</b>	<b>1</b>
1.1 Introduction	1
1.2 Background of Study	2
1.3 Problem Statement	4
1.4 Research Question	5
1.5 Research Objectives	6
1.6 Significant Of Study	6
1.7 Conclusion	10
<b>CHAPTER 2 LITERATURE REVIEW</b>	<b>11</b>
2.1 Introduction	11
2.2 The Concept of <i>Faraid</i> and Syariah Court	11
2.3 The Lack of Knowledge and Public Awareness	14
2.4 Challenges in <i>Faraid</i> Case Management	15
2.5 Administrative Challenges	17
2.6 Research Gap	18
2.5 Conclusion	19
<b>CHAPTER 3 RESEARCH METHODOLOGY</b>	<b>20</b>
3.1 Introduction	20
3.2 Research Design	20
3.3 Sampling Design	21
3.4 Data Sources	23

# CHAPTER 1

## INTRODUCTION

### 1.1 Introduction

Islam provides a comprehensive legal system, including the law of *faraid*, to manage the distribution of inheritance. *Faraid* is the knowledge that determines the distribution of wealth to Islamic heirs after death. The issue of inheritance distribution is one of the current societal concerns that needs the attention of the involved heirs. Inheritance is an important matter in human life (Ghul, 2015). The wealth obtained through the distribution of inheritance can ensure the livelihood of an individual and their family in the future. Therefore, human rights are preserved from one generation to the next within the Muslim community. *Faraid* is a very important practice for Muslims because, with the knowledge of *faraid*, Muslims are able to carry out their daily activities effectively (Zuleika & Desintha, 2014). According to Zuleika (2014), *faraid* plays an important role in the development of knowledge, bringing positive effects to the economy and overall well-being. It is crucial to establish *faraid* as the foundation of inheritance laws to ensure that heirs receive their rightful portions fairly. However, confusion arising from the diversity of laws and agencies involved in managing estates often leads to public complaints. While these criticisms are not always accurate, they highlight issues that need to be thoroughly examined to improve the management of Islamic inheritance.

Furthermore, the legal system in Malaysia, which involves both the Federal and State Governments, adds complexity to the administration of Islamic inheritance, leading to weaknesses in the management process. Therefore, a study is needed to assess the laws and procedures applied and to propose improvements. The aim is to ensure that the inheritance management system becomes more efficient, fair, and provides appropriate solutions for all parties involved (Rahman & Khalid, 2019).

*Faraid* is the distribution of property or inheritance according to Islamic law to eligible and rightful heirs after the death of a family member. If you pass away without leaving a will or a gift (*hibah*), all your assets, known as the estate, will be distributed according to the *faraid* law based on the portions designated for each eligible heir. Both wills and *faraid* involve the