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January – May 2022

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eISSN 2600-9811



9 772600 981003
Publication Date
30 June 2022

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Have You Written Your **WILL (WASIAH)?**

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Many Muslims consider writing a will to be a trivial matter in managing future estate planning. What's more, some of us consider conversations about Wills to be a Taboo matter because it deals with the question of death. So, it is not surprising if many Muslims do not prepare to write a will because they think it is not important as if praying for death. Hence the affairs of this property are placed under faraid only.

Many muslim take for granted the question of wills and estate management after death without making the necessary preparations. However, when the head or family member who is the main source of income dies, the division of property according to faraid and inheritance makes it difficult for the surviving heirs.

After the funeral process is completed and the debts of the deceased are settled, the status of the property is transferred to the heirs which requires them to undergo three main processes, namely acquisition of power, administration and distribution to eligible heirs. Many Muslims are unaware of inheritance management operations which can be risky and complicated if not planned from the beginning. The ignorance about it, resulting in the management and division of the estate not being able to be done perfectly. It may take many years to complete the process. Some cases, take more than 10 years inheritance matters are done because the deceased grandparents or their paternal mother died, already over 10 years.

In some cases, it takes more than 10 years for inheritance management to be done when it involves

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the management of the estate of deceased grandparents or parents of their deceased father. Matters became more complicated and time consuming, eventually the estate was frozen and none of the heirs benefited from the estate of the deceased when it involved layered cases. The 2016 National Land and Mines Department report revealed that frozen property statistics exceed RM60 billion and are increasing every year (Hassin, Shahar & Zan, 2016).

What is a Will

A will is an inheritance legal document in the form of instructions to the Executor (Wasi) that stipulates to whom a person will be leaving their assets (property, possessions, money) upon their return to Allah (SWT). The preparation of a will can resolve many conflicts later on.

Bequeathing is a noble act to express the testator's desire for the division of property accumulated during life. Inheritance of property planned through a will can be distributed for charitable purposes and to a loved one after death. Rasulullah SAW strongly encouraged his ummah to write a will as prescribed :

"It is not permissible for any Muslim who has something to will to stay for two nights without having his Last Will and Testament written and kept ready with him."

(Sahih al-Bukhari)

And as Allah said, "It has been prescribed for you when death approaches any one of you if he leaves wealth is that he should make a bequest for the parents and close relatives, impartially - This is a duty upon the righteous.

(Qur'an, Surah al-Baqarah, Verse 180)

Importance of Will

Writing a will is very beneficial because the appointment of an executor through a will document would assist the management

and administration of the estate after death. After the death of the parents, appointing a trustworthy guardian through a will ensures the welfare of the minor children. At the same time, it will ease the burden on the heirs who will be left behind. There are many reasons why it is important to write a will, including:

- Prevent the state from deciding how to divide your estate. We can choose our executor.
- Save money for heirs on distributing the inheritance. We are able to make a bequest for a friend, relative or charity.
- **Prevent the inheritance from going to the wrong hands. We may control what will happen to our estate property after death.**
- The estate property will be easier to administer and may prevent family disputes.
- **Writing a will is much cheaper than hiring lawyers and we can modify the will for no cost.**

A simple Way Writing a Will

According to Sharia, everyone has the right to make a will for one-third of his or her property, but not more, so that the legal heirs' rights are not harmed. Here are some guidelines on how to write a will. Those who desire to write a perfect will should be informed of these testamentary guidelines

1. Understand the distinction between a will and a hibah.

This is significant because, despite the fact that the concepts appear to be the same, the implementation differs. The testator will be executed after he has died, whereas the hibah will be executed while he is still alive.

2. Determine Faraid's heirs and their portion of the estate.

Make a list of the names of your wife/husband, mother/father, children, and other relatives.

3. Identify your property.

All property, whether mobile or immovable, must be listed by the testator. This is required to make the obligations of the executor appointed later easier. The testator is advised

to update the nominee in the financial institution to ensure that the correct nominee / administrator is named. Avoid nominating minors because they will not be able to administer the property until they are 18 years old.

4. Make a list of the testator's debts and the people who owe him money.

Make a list of the people you owe money to. In many cases of inheritance, the deceased's debts are not settled ahead of time. This is because the heirs are preoccupied with dividing the estate until the deceased's obligation is forgotten and paid. This debt includes the testator's debts to Allah, such as zakat, hajj, fidyah, nazar, qada, and kaffarah, as well as any pledges the executor is capable of managing.

5. Make a plan for distributing the property.

There are several methods to distribute your property later, namely the faraid/consensus/equal consent/desire method. The distribution of property in a will occurs only after the testator has died, and it will be reversed during the heirs' dispute.

6. Appointment of Executor/Administrator, Trustee and Guardian for minors.

For the minor child or heirs, the testator must appoint an Executor/Administrator, a Trustee,

The Will document must be signed by the Executor and witnessed by 2 authorised or qualified witnesses. This is to avoid any disagreements about the Will's legitimacy following the Testator's death.

Estate planning entails not only the distribution of our assets after our death, but also the proper administration of our estate. Wasiat writing must be done while we are in good health and of sound mind. We have the right to choose the executor of our estate and the distribution plan once we pass away. Allowing others to make these critical decisions for our heirs in the future is not an option.

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BizNewz 2022
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