

**UNIVERSITI TEKNOLOGI MARA**

**THE POTENTIAL DEVELOPMENT  
OF THE AL-MAFQUD PROPERTY IN  
MALAYSIA**

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## ABSTRACT

The increasing amount of missing persons' property has become a prolonged issue in Malaysia. Based on the Islamic perspective, a missing person is known as Al-Mafqud. Mafqud is derived from the Arabic language, which comes from the headwork of faqada, which means lost, far, and hidden. The status of Al-Mafqud is unclear—whether the person is still alive or dead. The uncertain status of Al-Mafqud will create conflict in the administration and management of Al-Mafqud property. The property of Al-Mafqud will be frozen due to legal constraints, and any transactions are prohibited. This situation not only has a negative impact on the family of Al-Mafqud, but it also will have an effect on the country because Al-Mafqud's properties are left frozen and virtually useless. Although there are many cases of missing persons, there is still no legislation that only specifies managing Al-Mafqud property. Thus, the objective of this study is to identify the legislation issue on Al-Mafqud property in Malaysia, then explore the development opportunity of Al-Mafqud property in Malaysia, and finally to propose the appropriate solution for resolving Al-Mafqud property in Malaysia. For this research, the approach is using qualitative methods with in-depth interviews. The interview session involved four respondents. The results of this study are based on data gathered through in-depth interviews with respondents from many agencies, such as the State Islamic Religion Council (SIRC), Yayasan Wakaf Malaysia (YWM), Syariah Court lawyers, and academicians. All the information had been clarified as confidential. All the data was analysed using Nvivo software using content analysis and coding. The result shows that three strategies were suggested in this research. Firstly, enhance the legal aspect, such as by creating new laws for missing persons' property. Secondly, set up a special task force. Lastly, education and awareness camping. These results are expected to be the catalyst for further action by the government to solve this issue in Malaysia and simultaneously contribute to enhancing the quality of property management based on the highest and best use concept. The strategy proposed in this research can solve the microeconomic problems of Al-Mafqud's heirs and the macroeconomic problems of the country. This research has never been fully explored by any researcher. This area of research also definitely has high value and should continue to be explored.

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# CHAPTER ONE

## INTRODUCTION

### 1.1 Introduction

Wealth is a gift from Allah to human beings (M.A. Sulaiman et al., 2016). As a human, they need to use it in the right way and not misuse the gift. Property also includes a type of wealth. Thus, the administration and management of property in Islam is very important and useful as a foundation and a guide for balanced and well-planned property development. This is explained in the Quran in Surah An-Nisa' verse 132, which means:

*“And to Allah belongs whatever is in the heavens and whatever is on earth. And sufficient is Allah as disposer of affairs.”*

Humans are accountable for administering it in line with Islamic law as trustees. The rise of unclaimed property is a serious problem that must be addressed. Missing people property is one of the causes contributing to the rise in unclaimed property. Managing the property of those who have gone missing or stayed away without explanation is difficult. In Malaysia, tangible proof of a corpse must be present before it may be recognised as having died (Nor Azlina Mohd Noor, 2017). The missing person problem will put family members, especially their spouse, in a distressing scenario about the condition of their marriage and the status of property management.

Missing people are also known as Al-Mafqud in Islam, which signifies the person's status is unknown, either living or dead (M.A. Sulaiman et al., 2016). The individual's unclear status may result in a number of conflicts. These disagreements will be detrimental to the nation, religion, society, and the family itself. Several scholars have recently begun investigating missing people' property in order to identify the implications and number of unexpected occurrences of missing individuals. Previous study has only focused on the missing person's property in a few areas, such as civil law and shariah law. Nevertheless, little study has been conducted on the management of missing people's property.