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ISSUE 1: GIVING HIBAH TO NON- MUSLIM

ISSUE 2: GIVING CONDITIONAL HIBAH

LECTURER: USTAZ AHMAD MURSHIDI BIN MUSTAPHA

BIL	STUDENT'S NAME	STUDENT'S ID
1	CT DALILA BINTI ABDUL GHANI	2023368461
2	FARAH NUR AIN BINTI MOHD NAZRI	2023301471
3	NUR IZZAH NAJIAH BINTI MOHD HAKIMI	2023375375
4	NUURUL FARIHAH BINTI MOHD ROSLY	2023115851

SEMESTER 4 2023/2024

AKADEMI PENGAJIAN ISLAM KONTEMPORARI

STUDENT DECLARATION

بسم الله الرحمن الرحيم

We hereby acknowledge that in fact all of the work in the preparation of this academic work is the result of our own efforts and works except as expressly stated.

Date: 11 December 2023

Name: Ct Dalila Binti Abdul Ghani

Student ID: 2023368461

Name: Farah Nur Ain Binti Mohd Nazri

Student ID: 2023301471

Name: Nur Izzah Najihah Binti Mohd Hakimi

Student ID: 2023375375

Name: Nuurul Fariah Binti Mohd Rosly

Student ID: 2023115851

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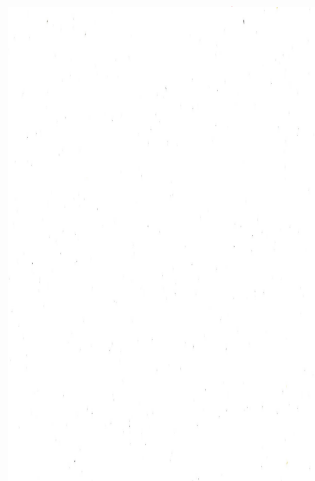


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ISSUE 1: GIVING HIBAH TO NON-MUSLIM

1. Introduction to Hibah

Hibah is one of the important instruments used in Islamic wealth management. Hibah arises when a person unilaterally or without proper deliberation transfers their asset to another person throughout their lifetime. When hibah is written in its original form, it is considered as a *tabarru'* contract, meaning it is made voluntarily. In Islam, the practise of delivering the hibah is encouraged because it advances the idea of maqasid of Shari'ah in terms of safeguarding money and fostering interpersonal relationships. In Malaysia, Muslims typically use the hibah instrument to plan the distribution of assets to the intended beneficiaries regarding assets. Under this arrangement, ownership of the asset transferred to the beneficiary either while the donor is still alive or in certain restricted situations, conditionally passed over after the donor's death (Hassan & Zaizi, 2020).

There is an assumption that the hibah practise might break a will or the *faraidh* law. This assumption, however, is inaccurate because the property owner retains the ability to choose the recipient and the amount of property to be delivered of, and this approach has been demonstrated to be among the most successful. Some people are even unaware that it exists. More asset and property institutions and agencies have introduced and encouraged Muslims to adopt and use this method to prevent any protracted disputes in Syariah courts and conflict within the family regarding property distribution. This is due to the current development in Malaysia regarding Muslims' property and asset management, as well as this realisation and benefits (Yusof & Ahmad, 2013).

According to the Fourth Edition of the Dictionary of the Language Hall and Library, grant means the voluntary giving of rights (property) to others with a good purpose; grant giving (when the giver was still alive).

Hibah in *shara'* terms is a contract that contains a voluntary donation of property by a person to another person during his lifetime without compensation (*I'wad*). More specifically, hibah is a contract of giving ownership of property from one party to another party without compensation (*I'wad*) during life voluntarily, not expecting reward in the afterlife and glorifying someone, by using the words *ijab* and *qabul* or similar (Ismail et al., 2020).