

UNIVERSITI TEKNOLOGI MARA

**AWARENESS OF HIBAH AMONG STAFF IN
PEJABAT AGAMA ISLAM DAERAH (PAID)
BALING**

NORSHAHIRA BINTI AZMAN

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ABSTRACT

The study focusses at the understanding, acceptance, and acceptability of hibah as an estate planning tool among the staff of Pejabat Agama Daerah (PAID) Baling. Hibah, an Islamic legal term that refers to the voluntary transfer of property ownership, holds great potential for settling inheritance disputes and encouraging transparent wealth distribution in accordance with Islamic norms. The study reveals a large knowledge and awareness gap about hibah among PAID personnel, which has an impact on its execution and perceived advantages. The study employed a quantitative technique, with questionnaires delivered to 108 respondents to analyze their demographic characteristics and attitudes towards hibah. Key findings show that, while most respondents recognize the value of hibah as a property planning tool, knowledge of its legal and procedural components is limited. Factors such as education level and exposure to organized information impact respondents' understanding and acceptance of hibah. The study emphasizes the need for focused educational programs to raise knowledge and dispel myths regarding hibah, notably its conformity with Islamic inheritance regulations such as faraid. Furthermore, the findings highlight legal and procedural differences, emphasizing the importance of a uniform legal framework and greater regulatory control to prevent abuse and fraud. By addressing these gaps via joint efforts including religious authorities, legal professionals, and financial institutions, hibah can be better used as a tool for equitable and transparent estate planning. This study adds vital insights to Islamic financial studies and lays the groundwork for further investigation of hibah's uses.

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CHAPTER 1

INTRODUCTION

1.1 INTRODUCTION

Hibah, originating from the Arabic term “هبة” (hibah), signifying “gift” or “bestowal,” constitutes a pivotal concept within Islamic jurisprudence and estate planning. It denotes the voluntary conveyance of property or assets from one individual (the donor) to another (the donee) without any anticipation of reciprocation. This practice is deeply entrenched in Islamic tradition and is regarded as an act of charity and benevolence, aligning with the principles of wealth distribution and communal support as enshrined in the Quran and Hadith.

The legal foundation regulating hibah is exhaustively defined in Islamic law. For a hibah to be considered genuine, it must meet certain requirements: the donor must have legal possession of the property, the gift must be given voluntarily, and the donee must accept the gift freely. Furthermore, the transfer of the gift must be instantaneous and unconditional, separating hibah from other kinds of inheritance, such as wills and bequests, which are only effective after death.

Hibah assumes a critical role in estate planning for Muslims, offering a mechanism to distribute wealth during one’s lifetime. This practice not only ensures the fulfilment of the donor’s intentions but also provides financial security to the donee without the intricacies of probate and inheritance laws. By facilitating the immediate transfer of assets, hibah mitigates potential disputes among heirs and ensures a seamless transition of property ownership. The concept of hibah is further substantiated by various verses in the Quran and sayings of the Prophet Muhammad. For instance, the Quran advocates the act of giving and sharing wealth with others, as illustrated in Surah Al-Baqarah (2:177), which underscores the significance of charity and benevolence. Similarly, the Hadith accentuates the value of exchanging gifts to foster love and fortify social bonds.

In Malaysia, hibah has gained popularity as an effective estate planning