

**UNIVERSITI TEKNOLOGI MARA**

**UNDERSTANDING OF *WASIYYAH WAJIBAH*: A  
STUDY IN KUANTAN SHARIAH COURT**

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## ABSTRACT

*Wasiyyah wajibah* is an instrument in Islamic inheritance law designed to grant rights to heirs who are not eligible to receive *faraid*, such as grandchildren whose parents passed away before their grandparents. However, this concept is still poorly understood and known, leading to confusion in its application. This study aims to analyze the level of understanding among the staff of the Kuantan Shariah Court regarding *wasiyyah wajibah*. The study uses a qualitative approach, involving in-depth interviews with the staff of the Kuantan Shariah Court, with a total population of 41 staff members and seven selected for the in-depth interviews. The study found that they have basic knowledge of *wasiyyah wajibah*, but the understanding among the staff of the Kuantan Shariah Court varied. Therefore, this study helps improve public understanding of *wasiyyah wajibah* in estate management and ensures the welfare of every heir.

**Keywords:** *Wasiyyah wajibah, Islamic Inheritance, Faraid, Heirs and Shariah Court.*

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# CHAPTER 1

## INTRODUCTION

### 1.1 Introduction

The management and distribution of Islamic inheritance often present challenges and issues, mainly when conflicts and disputes arise regarding heirs. The distribution of inheritance in Islam is crucial in fostering family harmony and ensuring justice for all heirs. This system not only determines and establishes the rights of legitimate heirs but also safeguards social interests by distributing wealth according to Shariah principles. One of the mechanisms introduced in Islamic inheritance is *wasiyyah wajibah*, an instrument designed to protect and safeguard the welfare of heirs excluded from receiving inheritance through faraid. The concept of *wasiyyah wajibah* has been introduced and is provided for by law to ensure that a portion of the estate is still allocated to certain marginalized heirs. Although this concept has been introduced in Malaysia, a gap in understanding remains among the public. Therefore, this chapter will discuss several key components to enhance understanding of the concept of *wasiyyah wajibah* and its significance. Among the topics elaborated upon are the background of the study, problem statement, research questions, research objectives, and the scope and limitations of the study. This discussion will provide a clear overview of the studied issues and comprehensively outline the research's direction.

### 1.2 Research Background

*Wasiyyah wajibah* is an important aspect in ensuring the fair distribution of property to heirs who are prevented from receiving inheritance through faraid. In this situation, it happens to a grandchild whose mother or father has died and they may be prevented from receiving a share of the inheritance because there are still closer heirs such as their uncles (Md. Habibur Rahman A. T., 2020). *Wasiyyah wajibah* is a mechanism to ensure the rights of the grandchildren remain protection who are initially eligible to receive an inheritance but due to the death of their parents before their grandparents died. This shows that *wasiyyah wajibah* is a necessity that needs to be understood in the inheritance section, even though society often practices the concept of faraid. Therefore, *wasiyyah wajibah* is an additional instrument that