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## **HIBAH AS AN ALTERNATIVE METHOD OF DISTRIBUTION IN MALAYSIA: THE IMPORTANCE OF USING SOCIAL MEDIA AS A MEDIUM IN RAISING MUSLIMS' AWARENESS ABOUT HIBAH PRODUCTS**

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### ***Abstract***

Previous researches have proven that the problem of frozen assets in Malaysia is increasing every year where the amount reached RM70 billion in year 2020. In recent days, hibah has been suggested as one of the important methods in distributing Muslims' properties in Malaysia. In fact, this effort is seen as an attempt to facilitate the issue of frozen assets in Malaysia. This situation has inspired the authors to raise the awareness among public on the importance of using hibah as an alternative method in Islamic estate planning in Malaysia. This study discovers that social media plays a vital role in raising the awareness about hibah among Muslims as it can be easily published and accessed by the public. It is hoped that this study will be beneficial for the public to understand the role of social media in disseminating information about hibah as an alternative distribution method and to also able to cater the issue of frozen assets in Malaysia. This study recommends for a future study to be carried out by other researchers to tackle the issue of the role of social media influencers in promoting hibah. This study applies a doctrinal legal approach where the data collection is based on a library-based research as well as observations on YouTube videos.

Keywords: hibah, Muslims, property, Syariah Court, social media

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## **INTRODUCTION**

With the growth of hibah products in Malaysia, various agencies have emerged and introduced many products such as hibah trust, hibah takaful, hibah mudharabah and many more. Several

literatures have also discussed the application of the conditional hibah in Malaysia (see for example, Muda, 2008; Noordin et al., 2016; Osman et al., 2015; Halim & Bustami, 2017). According to Kamarudin et al. (2018), the existence on a specific law on hibah could play an important role in influencing the practice of hibah in Malaysia. It is important to highlight that Malaysia has yet to introduce any specific law pertaining to hibah. Apart from the issue of the absence of a specific hibah law, the awareness among public about the application of hibah as an alternative method in property distribution should be made as priority as well. This issue has to be addressed seriously to ensure that the effective application of hibah could be done successfully in the future.

Rahmat (2009) studied about the advantages and the disadvantages of hibah compared to other instruments. The author stressed that hibah is one of the important instruments in the management of inheritance property. However, the level of awareness among public about hibah is not convincing. Therefore, the author suggested for an improvement in promoting hibah as one of the distribution instruments among public and concluded in her research that hibah instrument is the best mechanism in property planning compared to other instruments. Similarly, Ahmad et al. (2019) viewed that hibah has many benefits for individuals, society and the government which could help to resolve the problem of frozen assets in Malaysia. Furthermore, the authors also opined that the want of knowledge and the lack of exposure about the execution of hibah are among the factors which explained why most of Malaysians do not understand the concept of hibah.

Realizing the fact that hibah is considered as one of the best alternatives available to distribute someone's wealth, it is important to educate the public about the advantages of choosing hibah as a solution for problem of frozen assets in Malaysia. Ahmad et al. (2017) observed that the dissemination of knowledge about hibah should be exposed to the public to avoid further problems in the future. It is interesting to note that social media has the capability to attract public's attention to seek for any information in recent days. Therefore, the usage of social media has become a trend in promoting the products and services as it is interactive in nature and would be able to meet the needs of everyone. Currently, research carried out pertaining to the usage of social media in respect to inheritance issue, particularly on hibah is still limited. It is important to educate the public about hibah since hibah offers many advantages to the public as it stands as an alternative in distributing Muslims' property and in a way may help to reduce the increasing number of frozen assets in Malaysia. Having said that, this paper recommends some proposals in enhancing the awareness about hibah and in ensuring the application of hibah could be made effective from time to time, by using social media as a medium to transfer information pertaining to hibah. This study discovers that social media has the capability to spread the information effectively as it is easier for the public to access. This study is hoped to benefit many agencies involved with the management of Muslims' estates particularly hibah to start planning and promoting its application since it is beneficial to the society.

## UNDERSTANDING HIBAH AND THE EXISTING LEGAL PROVISIONS GOVERNING IT

Muhamad Asni and Sulong (2016) viewed hibah as an act of giving a gift voluntarily by the donor and it is executed during the lifetime of the donor without asking for any form of compensation from the donee ('*aqd tabarru'*). Other than that, Noordin et al. (2016) mentioned that, traditionally, hibah means giving away one's property to create mutual love and affection among Muslims and also to help those who are in need. Dato' Haji Zainul Rijal bin Abu Bakar in his opening speech at the Conference on Hibah vs Faraidh, organised by the Syariah and Law Faculty of USIM and Persatuan Guaman Hartanah Malaysia (HartaGuam) in the year of 2017 mentioned clearly that hibah stands as an alternative method in property distribution and thus the application of hibah must strictly observe the Syariah principles laid down in Islam. Further, he stressed that the execution of hibah must not overtake the position of faraidh and wasiyyah in Islam. Mohd Yusof and Ahmad (2013) affirmed that the presumption made about the practice of hibah might be against the faraidh or a will is incorrect. In fact, hibah has been proven as one of the most effective methods of distribution in Malaysia by looking at the various agencies and institutions involved in promoting hibah products.

Hasan and Mohamad Zaizi (2020) viewed that there are two types of hibah which have been permitted to be practiced in Malaysia. The first type is hibah related to asset management for Muslims and the second type of hibah is known as commercial hibah applied as a supporting financial instrument in Islamic financial institutions. Apart from that, takaful industry has also been using hibah instrument by offering takaful products to participants where it will benefit the beneficiaries upon the maturity of the takaful certificate.

In understanding the administration and execution of hibah, it is necessary to understand that hibah has no specific law in Malaysia. It is interesting to note that though the proposals to enact hibah law have been raised in various occasions and seminars since 2004, these proposals remain unattended by the legislators (Nor Muhamad et al., 2019). Thus far, hibah has been referred to certain provisions from the various statutes namely; Federal Constitution, Administration of Islamic Law Enactments, Federal Territories Act, Syariah Court Enactment, Islamic Financial Services Act, National Land Code, Contracts Act and Civil Law Act. However, these existing legal provisions in Malaysia do not clearly address hibah in detail. In fact, there are provisions which are conflicting with each other. This situation has caused a lot of jurisdictional problems including a conflict of jurisdiction between the Syariah and Civil Courts in Malaysia.

## SOCIAL MEDIA AND ITS FUNCTION

The usage of social media has changed how people are communicating among each other since it is interactive in nature. According to Akashraj and Pushpa (2014), social networking and media can be considered as the best medium to enable public to share knowledge, ideas and valuable culture to the next generation effectively since the world is becoming a small place to live in. Researchers also viewed that materials in social media can be easily published and accessed by anyone as compared to the traditional method.

Kamarudin et al. (2018) have studied to what extent social media may help to disseminate information about inheritance in Malaysia and viewed that the studies conducted on the roles of social media in disseminating information related to estate inheritance is still lacking. In addition, researchers in this study concluded that the usage of Facebook benefits the users to get the latest information pertaining to the estate management issue. Likewise, Facebook should be utilized by the authorities in estate management to promote their products and services to the public. This attempt is important to reduce the number of frozen assets in

Malaysia. In addition to that, Zulkaflī and Ahmad (2016) also suggested the community to be exposed with the knowledge of inheritance by using current mass media as it could facilitate an effective and interactive communication. As noted by the researchers, it is important to utilize social media in spreading and sharing the knowledge among public in educating the society about the importance of inheritance.

Furthermore, Ismail (2017) observed in his study that social media allows consumers to speak their thoughts and share their experiences by communicating it with the whole world. In fact, social media provides consumers a platform to search for information and compare the prices of their desired products before they decide to purchase it. This is a proof that social media has offered a lot of benefits to public in assisting them to choose the best product that is worth buying.

Thus, social media should be used as a tool in promoting and raising the awareness of understanding hibah among public. Previous researchers have discussed about the use of social media in promoting Islamic estate management to the public. However, the discussion made was very general. Supposedly, the discussion should be dealt in detail by taking into consideration about hibah as an alternative method in resolving the problem of frozen assets in Malaysia. Therefore, this paper aims to explore the usage of social media in spreading the knowledge about hibah and aims to add existing literature to estate management, particularly in Malaysia.

## **RESEARCH METHODOLOGY**

This study uses pure qualitative approach where it is based on a library research. This study applies a doctrinal approach as it seeks to identify and analyse the importance of using social media in raising Muslims' awareness about hibah. In this research, the data were collected from primary and secondary sources. The primary data collection sources include Al-Quran, hadith, constitution, law cases, treaties, and statutory provisions. Most importantly, the author uses the Federal Constitution, Administration of Islamic Law Enactments, Federal Territories Act, Shariah Court Enactment, Islamic Financial Services Act, National Land Code, Contracts Act and Civil Law Act as the main statutes that become primary sources in this research. Meanwhile, secondary data collection sources include journal articles, newspaper, textbooks, seminar papers and dictionaries which were also referred to in order to keep up with the relevant information regarding this topic. This paper discusses on the usage of social media as a medium in disseminating information pertaining to hibah. Observations have been made to certain videos explaining on hibah uploaded in YouTube channels. It is hoped that this paper would become a contribution to the body of knowledge and contribute towards more in-depth research in the area of Islamic estate management in the future.

## **RESULT AND DISCUSSION**

Previous researches have shown that social media plays a significant role in disseminating information and knowledge to the public as it allows the public to reach a lot of information easily and speedily. The nature of social media which allows the public to access and publish easily saves a lot of time and money. In fact, this method of spreading information is extremely convenient for everyone as it can be reached by the public regardless of time and place. For the purpose of this research, this study identifies a few trending hibah videos uploaded in YouTube channel with vast number of viewers and likers.

This study observes the awareness of hibah knowledge among public through the medium of social media by looking at the number of viewers and likers in YouTube channel. This study discovers that a video explaining on hibah concept uploaded by ASNBmy has a total

number of 36,149 viewers and 244 likes since it was uploaded in June 2013. In addition, the total number of 14,984 viewers have viewed the videos titled “The difference of wasiat, faraid and hibah” delivered by Datuk Dr. Mohd Asri Zainul Abidin, which was uploaded in the year 2017. This video has 102 likes from the viewers. The most recent video was uploaded by TV3MalaysiaOfficial in November 2019, a video titled “Hibah Milik Siapa”, under the program of “Tanyalah Ustaz” delivered by Ustaz Ghazali Ibrahim as panel and Da’i Fahmi as the moderator. This video has achieved 3,087 viewers and 42 likes from the audiences. From the observations made by researchers in this study, videos on hibah have been uploaded since many years before. However, only in recent years audiences started to listen and understand about hibah as hibah has been used and promoted widely by many agencies in Malaysia. Even with such efforts by the agencies, the numbers of viewers and likers who watched these videos are still low. This is to show that social media has not been used wisely by the authorities to spread the knowledge concerning hibah. Supposedly, social media should have been made as a platform to promote and educate the public about the application of hibah.

This study proposes that the usage of social media must be enhanced in acknowledging and promoting hibah as an important instrument in property distribution. A clear understanding about hibah concept and application may lead to an effective distribution of Muslims’ assets and will be able to resolve the problem of frozen assets in Malaysia which is reported to be increasing every year. In fact, in order to ensure that all the videos on hibah will be watched by majority of Muslims in Malaysia, social media influencers should play an important role to make it happen. The social media influencers could secure a huge number of followers on their accounts and these numbers will be increasing by asking the followers to share all the videos with other audiences. This method is seen as an effective method in raising awareness about hibah instruments among Muslims. Apart from that, it is hoped that Malaysian government will address the issue of specific hibah law to be implemented quickly as this is significantly crucial to ensure the effective process of distribution and application of hibah.

## **CONCLUSION**

Islam allows the acquisition of wealth as long as it is beneficial for the use of humankind. However, one should have managed his/her property correctly by distributing all of the property equally and justly to the potential recipient as the person thinks fit. Hibah is seen as the best mechanism for the family members to be entitled for the deceased’s property as the process in the executing of hibah is straightforward and easy. Hibah basically helps the family members in need and works as a method to avoid conflict among them. However, the biggest problem that the society is facing now is the absence of a specific law regarding hibah. In fact, the awareness among Muslims as regards to the implementation of hibah is still fragile. To tackle this issue, this study proposes that it could be done by having a powerful understanding about the existence of hibah as an alternative in property distribution. Based on the findings of this study, promoting hibah by using social media may help to ensure the smooth process of managing inheritance issues and help to deter the problem of unclaimed properties involving Muslims in Malaysia. Thus, it can be concluded that social media stands as an important medium in spreading the knowledge and information regarding hibah to the whole community. This paper recommends a further research to be done on the roles of social media influencers in spreading the knowledge and raising the awareness about hibah among Muslims in Malaysia.

## REFERENCES

- Administration of Islamic Law (Federal Territories) Act 1993.
- Administration of the Religion of Islam (Negeri Sembilan) Enactment 2003.
- Administration of the Religion of Islam (State of Malacca) Enactment 2002.
- Administration of the Religion of Islam (State of Selangor) Enactment 2003.
- Administration of the Religion of Islam Enactment (State of Perlis) 2006.
- Ahmad, K., Ab Majid, R., Abdullah, Z., Minhad, S. F. N., & Shafinar, I. (2017). Acceptance of Hibah as an Alternative Mechanism in Muslims Asset Management, SHS Web of Conferences (Vol. 36, p. 00030). EDP Sciences.
- Ahmad, S. H., Kamaruddin, N. I., Yaacob, N. J. A., Ali, R., Mohamed Azudin, M. Z., (2019). A Study on the Awareness of Hibah Among Raub Residences in Pahang State, *International Journal of Social Sciences Research (IJSSR)* ISSN (Online): [2710-6276].
- Akashraj, D. P. and Pushpa, C. O., (2014). Role of Social Media on Development, *Merit Research Journal of Education and Review* (ISSN: 2350-2282) Vol. 2(2) pp. 015-018, February, 2014.
- Civil Law Act 1956.
- Conference on Hibah vs Faraidh, organised by the Shariah & Law Faculty of USIM and Persatuan Guaman Hartanah Malaysia (HartaGuam) 2017.
- Contracts Act 1950.
- Halim, A. H., & Bustami, T. A., (2017). Execution of Hibah Amanah as an Instrument of Islamic Property Management in Malaysia, *Kanun Jurnal Undang-undang Malaysia*, 29 (2). pp. 90-115. ISSN 0128- 2670.
- Hassan, R., and Mohamad Zaizi, N. A., 2020. The Concept and Application of Hibah as a Financial Instrument from the Malaysian Legal Perspective: An Analysis, 28(1) 2020 *IIUMLJ* 227-252.
- Islamic Financial Services Act 2013.
- Ismail, A. R., (2017). "The Influence of Perceived Social Media Marketing Activities on Brand Loyalty: The Mediation Effect of Brand and Value Consciousness", *Asia Pacific Journal of Marketing and Logistics*, Vol. 29 Issue: 1, pp. 129-144, doi: 10.1108/APJML-10- 2015-0154.
- Kamaruddin, M. K., Suhaimi, M. H., Nor Muhamad, N. H., Mohd Noor, S. S., Hehsan, A., Abu@Hussin, M. F., Ruskam, A., Zulkifli, A. H., Muhamad Zain, N., (2018). Roles of Social Media in Disseminating Inheritance Estate Management Information, *International Journal of Civil Engineering and Technology (IJCIET)*, Volume 9, Issue 4, April 2018, pp. 1640–1648, Article ID: IJCIET\_09\_04\_181.
- Malaysian Federal Constitution.
- Mohd Yusof, Y. & Ahmad, A., (2013). Hibah as an Alternative Mechanism in Muslims Assets Management: A Study in Melaka Tengah. *South East Asia Journal of Contemporary Business, Economics and Law*. Vol.3. Issue 3 (December) ISSN 2289-1560.
- Muda, M. Z., (2008). Instrumen Hibah: Analisis Hukum dan Aplikasi di Malaysia, *Konvensyen Faraid dan Hibah Kebangsaan* 2008.
- Muhamad Asni, M.F.A.H., & Sulong, J., (2016). Fatwa Concerning Qabd in Hibah and the Insertion of Qabd Element in States Fatwa in Malaysia, *Journal of Islamic Studies and Culture* June 2016, Vol. 4, No. 1, pp. 143-154 ISSN: 2333-5904.
- National Land Code 1965.
- Noordin, N. H., Ismail, M. I., Abd Rahman, M. A. H., Haron, S. N., Abdullah, A., (2016). Re-evaluating the Practice of Hibah Trust in Malaysia, *Humanomics*, Vol. 32 No. 4, 2016 pp. 418-436 © Emerald Group Publishing Limited 0828-8666 DOI 10.1108/H-05-2016-0044.

- Nor Muhamad N. H., Kamarudin, M. K., Abdullah, A. H., Sholehuddin, N., Abdul Hamid, M. F., Muhidin, I., Abdul Karim, K., (2019). Islamic Intervivos Law Challenges in Malaysia, *Journal of legal, Ethical and Regulatory Issues* Volume 22, Issue 1, 2019.
- Osman, S., Mat, I., Ahmad, J., Othman, Y., (2015). Unlocking Value of Waqf Property Using Hibah Mudharabah: A Case Study of Commercial Buildings in Kedah, Malaysia, *International Journal of Development Research*, 5(5):4294 - 4299.
- Rahmat, N.H., (2009). Perancangan Harta Mengikut Undang-Undang Islam Menggunakan Konsep Hibah, Laporan Projek Sarjana Sains (Pentadbiran dan Pembangunan Tanah), Jabatan Pentadbiran Tanah Fakulti Kejuruteraan dan Sains Geoinformasi Universiti Teknologi Malaysia NOVEMBER 2009).
- Shariah Court Enactment (Kedah) 2008.
- Shariah Court Enactment (Sabah) 2004.
- Shariah Court Enactment (Terengganu) 2001.
- Zulkafli, B.N.A., and Ahmad, M.Y., (2016). “Kekangan dan Penyelesaian Kelewatan Pengurusan Aset Pusaka Tak Alih Orang Islam di Malaysia,” *Islamiyyat*, vol. 38, no. 1, pp. 53–63, 2016.