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| 1 |  <p style="text-align: center;">WHO ARE THE OWNERS OF THESE PROPERTIES? 19 May 2017AD / 22 Syaaban 1438H</p> |
| 2 | <p>إِنَّ الْحَمْدَ لِلَّهِ، مُحَمَّدُهُ وَنُسْتَعِينُهُ وَنَسْتَغْفِرُهُ وَنَتُوبُ إِلَيْهِ، وَنَعُوذُ بِاللَّهِ مِنْ شُرُورِ أَنْفُسِنَا وَمِنْ سَيِّئَاتِ أَعْمَالِنَا، مَنْ يَهْدِ اللَّهُ فَهُوَ الْمُهْتَدِ وَمَنْ يُضِلِّ فَلَنْ تَجِدَ لَهُ وَلِيًّا مُرْشِدًا.</p> |
| 3 | <p>أَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَحْدَهُ لَا شَرِيكَ لَهُ، وَأَشْهَدُ أَنَّ مُحَمَّدًا عَبْدُهُ وَرَسُولُهُ،</p> |
| 4 | <p>اللَّهُمَّ صَلِّ وَسَلِّمْ عَلَى نَبِيِّنَا مُحَمَّدٍ وَعَلَى آلِهِ وَصَحْبِهِ وَمَنْ دَعَا بِدَعْوَتِهِ إِلَى يَوْمِ الدِّينِ.</p> |
| 5 | <p>أَمَّا بَعْدُ، فَيَا عِبَادَ اللَّهِ، اتَّقُوا اللَّهَ، أَوْصِيكُمْ وَنَفْسِي بِتَقْوَى اللَّهِ وَطَاعَتِهِ لَعَلَّكُمْ تُقْلِحُونَ.</p> |
| 6 | <p>قَالَ اللَّهُ تَعَالَى: أَعُوذُ بِاللَّهِ مِنَ الشَّيْطَانِ الرَّجِيمِ وَأَعْلَمُوا أَنَّمَا أَمْوَالُكُمْ وَأَوْلَادُكُمْ فِتْنَةٌ وَأَنَّ اللَّهَ عِنْدَهُ أَجْرٌ عَظِيمٌ ﴿٢٨﴾</p> |
| 7 | <p>Fellow Muslims blessed by Allah, Let us strive to increase the level of our conviction in Allah SWT by diligently fulfilling all of Allah SWTs' commands and avoiding all that he has prohibited us from doing. May we gain calmness, blessings and prosperity not only in this world, but also in the hereafter.</p> |
| 8 | <p>The <i>mimbar</i> today shall deliver a sermon entitled, "Who Are The Owners Of These Properties?"</p> |
| 9 | <p>Fellow Muslims blessed by Allah, Assets and properties are wealth and trust bestowed by Allah SWT. Each of us will be held accountable by Allah SWT for the management of such wealth:</p> |



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| | from where we obtain them, and how they are spent. When someone dies, all his wealth will change ownership and will be inherited by others. |
| 10 | <p>Allah SWT declared in Surah an-Nisa ', verse 7:</p> <p>لِّلرِّجَالِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ مِمَّا قَلَّ مِنْهُ أَوْ كَثُرَ ۗ نَصِيبًا مَّفْرُوضًا ﴿٧﴾</p> |
| 11 | <p>Which means: “For men is a share of what the parents and close relatives leave, and for women is a share of what the parents and close relatives leave, be it little or much - an obligatory share.”</p> |
| 12 | <p>Allah SWT has set a duty to manage estates and inheritances justly. However, there are often arguments and squabbles in relation to property rights among heirs, which eventually leads to enmity and discord. We have to ask ourselves: is that the outcome that we dreamt of from our inheritance? <i>Nauzubillah min zalik...</i></p> |
| 13 | <p>Fellow Muslims blessed by Allah,</p> <p>According to the Department of the Director General of Lands and Mines, through the Estate Distribution Section, since the country gained independence until today there are RM60 billion worth of properties still unclaimed by the heirs of those deceased, and the number continues to grow. Among the factors that has caused these assets to be seemingly disregarded are:</p> |
| 14 | <p>First: The attitude of taking things for granted and procrastinating</p> <p>Some beneficiaries, or heirs, are indifferent about the affairs of the estate or inheritance. They view it lightly and allow the property to be unmanaged. Added to that, there is the skewed view of a handful of people in the society who do not see the need to quickly manage the properties or inheritance of the deceased, as it is regarded disrespectful to be discussing about the distribution of properties and inheritance so soon after the death of a loved one.</p> |
| 15 | <p>Second: Disputes among the Heirs</p> |



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| | <p>And then there is the issue of property tussle among heirs. There are those who are not satisfied with the amount of property distributed to them, and thus blame the unfairness of the Islamic Inheritance System, known as <i>faraid</i>. In addition, there are also claimants to the property coming from family members, such as siblings of the deceased, adopted children, and others, which add to the chaos of the situation.</p> |
| 16 | <p>Third: Confusion among Heirs</p> <p>Some of the beneficiaries are confused with regards to the proper agency or department which can handle issues regarding distribution and division of property and inheritance. Is it <i>Amanah Raya</i>, the Small Estate Distribution Unit, the Syariah Court or the High Court? The confusion arises due to the fact that all of the institutions mentioned are related to the distribution of inheritance, and the public often do not understand the authority of each institution.</p> |
| 17 | <p>Fellow Muslims blessed by Allah,</p> <p>Good planning is essential for the smooth management of property and inheritance, be it before or after death. Therefore, here is a brief guide on how to overcome a possible property tussle:</p> |
| 18 | <p>First: Understand the Fairness of the Faraid System</p> <p>It is time for all Muslims to understand the fairness of the Islamic inheritance system. Do not take the easy way out and blame the <i>faraid</i> system, which is alleged to be irrelevant and unfair.</p> |
| 19 | <p>The fairness of <i>Faraid</i> has been described by Allah SWT in Surah an-Nisa', verse 11:</p> <p>يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلَّذِ كَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ فَإِن كُنَّ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ</p> |
| 20 | <p>Which means: "Allah (thus) directs you as regards your Children's (Inheritance): to the male, a portion equal to that of two females: if only</p> |



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| | <i>daughters, two or more, their share is two-thirds of the inheritance left behind by the deceased.”</i> |
| 21 | <p>In a hadith recorded by Imam Muslim <i>rahimahullah</i> and based on a narration by Ibn Abbas RA, Rasulullah SAW was reported to have said:</p> <p style="text-align: center;">اِقْسَمُوا الْمَالَ بَيْنَ أَهْلِ الْفَرَائِضِ عَلَى كِتَابِ اللَّهِ تَعَالَى.</p> <p>Which means: "Divide the estate among the heirs according to the provisions set by the al-Quran."</p> |
| 22 | <p>Second: Will Execution</p> <p>Property owners have to prepare a last will and testament before death.</p> |
| 23 | <p>Allah SWT stated in Surah al-Baqarah, verse 180:</p> <p style="text-align: center;">كُتِبَ عَلَيْكُمْ إِذَا حَضَرَ أَحَدَكُمُ الْمَوْتُ إِنْ تَرَكَ خَيْرًا الْوَصِيَّةَ لِلْوَالِدَيْنِ وَالْأَقْرَبِينَ بِالْمَعْرُوفِ ۗ حَقًّا عَلَى الْمُتَّقِينَ ﴿١٨٠﴾</p> |
| 24 | <p>Which means: "Prescribed for you when death approaches [any] one of you if he leaves wealth [is that he should make] a bequest for the parents and near relatives according to what is acceptable - a duty upon the righteous."</p> |
| 25 | <p>The execution of a will and testament will provide the right to non-beneficiaries to receive the inheritance, and be able to guarantee better management of the property of the deceased.</p> |
| 26 | <p>Third: The Execution of Hibah (Distribution of Property While Alive)</p> <p><i>Hibah</i> is distribution of property when the owner is still alive. The property owner can decide who will get his property and the amount to be distributed, with certain conditions. This practice of <i>Hibah</i> is strongly encouraged as it will prevent disputes in the division of property later.</p> |
| 27 | <p>In a hadith recorded by Imam al-Bukhari <i>rahimahullah</i>, based on a narration from Abu Hurairah RA, Rasulullah SAW was reported to have said:</p> |



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| | <p style="text-align: right;">تَهَادُوا تَحَابًّا</p> <p>Which means: "Be providers amongst you, as it will accord love between you."</p> |
| 28 | <p>Fellow Muslims blessed by Allah, Management and distribution of inheritance must be expedited. Neglect and delay in settlement of the inheritance will invite many disadvantages, such as exposing the heirs to the risk of unauthorized and improper use of the inheritance, as well as the tendency to misuse the rights of others.</p> |
| 29 | <p>. These are forbidden by Allah SWT, as stated in Surah al-Baqarah, verse 188:</p> <p style="text-align: center;">وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ وَتُدْلُوا بِهَا إِلَى الْحُكَّامِ لِتَأْكُلُوا فَرِيقًا مِّنْ أَمْوَالِ النَّاسِ بِالْإِثْمِ وَأَنْتُمْ تَعْلَمُونَ ﴿١٨٨﴾</p> |
| 30 | <p>Which means: "And do not consume one another's wealth unjustly or send it [in bribery] to the rulers in order that [they might aid] you [to] consume a portion of the wealth of the people in sin, while you know [it is unlawful]."</p> |
| 31 | <p>Fellow Muslims blessed by Allah, To conclude, among the takeaways from the sermon today are as follows:</p> <p>First: Wealth and property are entrusted to us by Allah SWT. Therefore, manage them fairly and wisely in accordance with Islamic teachings.</p> <p>Second: Preserve relationships among heirs, and avert any dispute which could lead to loss or which could affect relationships.</p> <p>Third: Make haste when claiming inheritance and be open in managing it.</p> |
| 32 | <p>Allah SWT declared in Surah Ali-Imran verse 186:</p> |



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| | <p>أَعُوذُ بِاللَّهِ مِنَ الشَّيْطَانِ الرَّجِيمِ</p> <p>لَتَبْلُوكَ فِي أَمْوَالِكُمْ وَأَنْفُسِكُمْ وَلَتَسْمَعَنَّ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ مِنْ قَبْلِكُمْ وَمِنَ الَّذِينَ أَشْرَكُوا أَذًى كَثِيرًا وَإِنْ تَصْبِرُوا وَتَتَّقُوا فَإِنَّ ذَلِكَ مِنْ عَزْمِ الْأُمُورِ ﴿١٨٦﴾</p> |
| 33 | <p>Which means: "You shall certainly be tried and tested in your possessions and in your personal selves; and you shall certainly Hear much that will grieve you, from those who received the Book before you and from those who worship many gods. But if you persevere patiently, and guard against evil, - then that will be a determining factor in all affairs."</p> |
| 34 | <p>بَارَكَ اللَّهُ لِي وَلَكُمْ بِالْقُرْآنِ الْعَظِيمِ، وَنَفَعَنِي وَإِيَّاكُمْ بِمَا فِيهِ مِنَ الْآيَاتِ وَالذِّكْرِ الْحَكِيمِ، وَتَقَبَّلَ مِنِّي وَمِنْكُمْ تِلَاوَتَهُ إِنَّهُ هُوَ السَّمِيعُ الْعَلِيمُ، أَقُولُ قَوْلِي هَذَا وَأَسْتَغْفِرُ اللَّهَ لِي وَلَكُمْ وَبِجَمِيعِ الْمُسْلِمِينَ وَالْمُسْلِمَاتِ وَالْمُؤْمِنِينَ وَالْمُؤْمِنَاتِ فَاسْتَغْفِرُوهُ يَا فَوْزَ الْمُسْتَغْفِرِينَ يَا نَجَاةَ التَّائِبِينَ.</p> |