

# Factors Influencing Muslims to Choose Hibah: Empirical investigation using Logit Approach

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**Abstract**---When a Muslim dies, there are four main things should be settled upon his death: funeral expenses, debt settlement, will and faraid. Upon settling funeral and debt of the dead, estate management is one of the obligations required to be carried out by the heir using faraid. Nevertheless, based on the recent statistics issued by Amanah Raya Berhad, there are more than RM60 billions worth of properties of the deceased's in Malaysia have been frozen from being distributed to the respective heirs. Unfortunately, 95% of the properties belong to Muslims. Among reasons of the undistributed properties are due to unawareness of the heirs, cost of property claims and law restriction. If this situation continuously happens, there will be a waste of capital in economy. To avoid this problem, hibah (inter vivos) and will were suggested to be used as tools to avoid problems in distributing the wealth and properties to the heirs. However, there are limitations in the use of these tools. Hence, the purpose of this research is to investigate behaviour of Malaysian Muslims in managing their estate specifically on Hibah and further to determine the factors that influence Muslim to choose Hibah. This is an empirical study which employed Logit Model analysis of data collected from survey to Muslim in Malaysia. This study manages to collect 406 questionnaires and based on the result it shows that income and knowledge are significant in explaining the Muslim behaviour to choose Hibah. This imply that Muslim would more likely to choose Hibah as to their estate planning if they have more income and knowledge about Hibah; either basic or technical knowledge.

**Keywords**---Muslim dies, estate management, hibah (inter vivos)

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## I. INTRODUCTION

In Islam, the wealth of the deceased is distributed using the faraid system. Faraid is that section of the Islamic law that deals with the distribution of the estate of a deceased person among his heirs in accordance with Allah's (God) decree in the Holy Quran and according to the Hadith or tradition of the Messenger of Allah. In Malaysia, the faraid system has been applied for the dead Muslims since long years ago. However, based on the recent statistics issued by Amanah Raya Berhad, there are RM60 billions worth of properties in Malaysia have been frozen from being distributed to any receivers (Harian Metro, 14 January 2016) due to several reasons. Among reasons for the undistributed properties are awareness of the heirs, cost of property claims and law restriction.

Another tool, namely, will is another form of wealth distribution tool for Muslims to inherit their wealth. However, based on syariah rule, only one third of the Muslim's properties can be distributed using will and it can only be distributed to non-heirs. Due to these problems, hibah was suggested to be used as an alternative for Muslims to bequeath their wealth.

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Hibah is a gift of wealth made voluntarily by a donor during his/her lifetime to the beneficiary without any consideration in terms of rate or receiver. Statistics from Wasiyyah Shoppe shows that the use of hibah in Malaysia is increasing in trend whereby some Muslims use hibah to distribute all wealth to their favours in order to avoid the use of faraid.

Is this practice contradicts with what Allah been prescribed in wealth distribution of the dead? Hence, it is crucial to evaluate the Muslim behaviour in choosing Hibah and determine factors that influence Muslim to choose Hibah as Islamic estate management planning.

In general, the Islamic estate planning among Malaysian Muslims is not widely practiced. It was evidenced that low level of awareness and knowledge are the factors contributed to the reason Islamic estate planning was not practice widely (see for example Sharfina et al., 2013). Some people feel that estate planning is not too important as they feel that estate planning is only for the wealthy. Although Islam has provided a number of estate management tools for Muslims, the problems of estate management are still prevalent.

According to statistics in 2006, there was an estimated over a million cases in Malaysian estate claims valued at RM38 billion still outstanding for not being managed by the beneficiaries (Ahmad & Laluddin, 2010; Mujani et al., 2012 and 2011). This does not include unclaimed monies in various agencies such as in Amanah Raya Berhad (ARB), Employee Provident Fund (EPF) and other financial and banking institutions (Ahmad & Laluddin, 2010; Mujani et al., 2012). Statistics show that in 2011, it is estimated that RM42 billion of the frozen estates that should be distributed to 500,000 beneficiaries have not been distributed (Mujani et al., 2012).

## **II. REVIEW ON HIBAH**

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In 2015, the amount is already RM60 billion and this shocking statistic are predicted to increase every year. This alarming statistics trigger the importance of delivering the Muslim society with the right tools to solve the problems immediately. The increasing number of cases of unsolved Muslim's inheritance property calls for a need to introduce an alternative mechanism in distribution of Muslim's estates. Undoubtedly, this is where the Islamic estate planning plays its role. Islamic estate planning can be defined as a process whereby an individual's personal and financial goals are achieved through the development and implementation of a comprehensive estate plan based

on Islamic principles (Omar, 2006). The objective of making an estate planning is to ease the family while dealing the estate administration and settlement since the whole process is lengthy and costly (Mujani et al., 2011). One must clear that estate planning is not meant to avoid faraid (Mujani et al., 2011). The estate planning should be prepared for two elements of time, covering planning during the lifetime and planning upon death (Muda et al., 2006; Omar, 2006).

Besides faraid, wasiyyah or will, could be perceived as one of the most important tool in Malaysian Islamic estate planning upon the death (Alma'amun, 2010). Apart from that, estate planning during the lifetime also helps to solve the problem of frozen estates.

Among tools available for the estate planning prior to death is hibah. Gift or intervivos in Arabic termed as hibah is precisely defined as a mode of transfer of asset to the next generation and it is voluntary (Albertini & Radl, 2012; Cox & Rank, 1992). The behaviour of making intervivos transfer reflects the motives of such transfer. The two most dominant motives are exchange (Cox & Rank, 1992; Norton & Van Houtvenf, 2006) and altruism (Halvorsen & Thoresen, 2011) motives. Apart from these two most dominant motives, other motives are studied by the researchers namely precautionary savings, the joy of giving, familial obligation (Norton & Van Houtvenf, 2006), egoistic (Nordblom & Ohlsson, 2011), status reproduction (Albertini & Radl, 2012) and equal division (Halvorsen & Thoresen, 2011).

The next discussion will focus on the finding of previous study. The finding of the study can be divided into several theme which are including i. conceptual of Hibah; ii. Issues and challenges in Hibah implementation; iii. Determinants of Hibah giving behavior.

### **Conceptual of Hibah**

The first theme will be discussed based on previous study on Hibah is conceptual of Hibah. As a study by NurulHaziraRahmat (2009) find out more about hibah, the advantage and disadvantages and also the effort that can be done to make hibah a more well-known estate planning among the community. At the end of her study, she explain hibah as the best way in property or estate planning as compared to others.

Rusnadewi Abdul Rashid & Nor Hisyam Ahmad (2013) discuss on the advantages of giving estate using Hibah including permissible by Shariah law, as gift to anyone whom we wanted to, no limits applicable for the proposition as well as total amount, as an alternative for faraid, beneficial share of property, can be made according to economics background of recipient and transfer of hibah property after death.

Rusnadewi Abdul Rashid, et al. (2013) also discuss the benefits of Hibah. They found that there is important need to enact a specific and comprehensive law pertaining hibah. They stated that this legal framework is not merely meant for ensuring the smooth running of the implementation of hibah in Malaysia, but also must be outlined to overcome some statutory, non-statutory as well as the practical impediments for the implementation of hibah.

Study by MohmadIdhamMdRazak et al. (2015) focused on the discussion on restricted Hibah and unrestricted Hibah. Meanwhile NazrulHaziziNoordin et al. (2016) state that based on the comparison made between hibah trust and its conventional counterpart, living trust, this study found that that the hibah trust product mirrors the

conventional living trust, which provides a high degree of freedom to the benefactor to decide on the distribution of his wealth without taking into consideration the interest of the eligible heirs under farai'd. Nevertheless, it is undeniable that the practice of hibah trust would be able to expedite the lengthy and complex procedures of inheritance, reduce administrative costs and avoid legal impediments and inheritance tax.

Mohammad Ehsan Ahmad Sokri, et al. (2016) found that good management of Hibah can be one of the effective alternative sources beside Waqf. They added that Hibah is much more flexible, the ownership is absolute and can be implemented directly. The benefit gained from Hibah are more flexible, fast and effective for long period.

Different finding found in AkmalHidayah Halim &TajulAris Ahmad Bustami (2017) which stated that Hibahamanahseems to be inconsistent with the Islamic rules of hibah, wills, trust and inheritance as the donor does not give up his rights or possession of the property during his lifetime even though the donee has the legal capacity to own and manage his property.

The current study found in Nurul Natasha Daud, at al. (2017) where it shows how the hibahtakaful can help the society, especially those who are Muslims. This concept is aimed at assisting someone to provide fund and to protect the finances after the disaster and as a matter of planning for property management.

Based on the discussion, the study more focus on basic concept of hibah, advantages and benefit of hibah, hibahamanah (turst) as well as hibahtakaful.

### **Issues and challenges in Hibah implementation**

The other theme that have been discussed in the previous study can be categorised in issues and challenges faced in implement Hibah in Malaysia. MohdZamro Muda (2008) debate about Hibah is clearly indicates that it is an appropriate instrument for application nowadays provided that it is not contrary to faraid law if it is implemented according to the law of Syarak. The implementation of Hibah law requires a specific law.

NasrulHisyam Nor Muhamad (2010) found that principle of Hibah is not perceive as main principle in estate planning, but its applied as supporting principle in Islamic muamalah activities at financial institutions in Malaysia.

Finding in Yusnita Bt. Mohd.Yusof&Asmida Bt. Ahmad Hibah (2013) also supporting previous study where they revealed that most reported hibah cases were very minimal in which proven that most Muslims did not realized of its existence and importance although it can be the best alternative for them to manage the distribution of their assets rather opted for wasiyyah and faraidh.

Meanwhile, Alias Bin Azhar, et al. (2014) focusing on Hibah instruments in Islamic inheritance law covers the legal issues and the reality of its application in Malaysia. Hibah is an asset distribution element listed in Islamic property management concept. Hibah needs to be understood in depth in terms of concept and its application in terms of law and the way of implementation. After the death of givers, there is often a dispute among the parties to make it difficult for the settlement of the estate.

In summary, the implementation on Hibah in Malaysia is acceptable but rare. Even though, Hibah can be used as an alternative to Faraid but because of few Muslim only aware and understand how to use Hibah, therefore the use of Hibah is still very minimal in Malaysia.

### **Determinants of Hibah giving behaviour**

The following theme of the previous study done by previous researcher can be categorised in Determinants of Hibah giving behavior. Study by MohdKhairyKamarudin&SuhailiAlma'amun (2013) found that only three variables are significant which are demographic factor, economics variable and knowledge in influencing Muslim to choose Hibah. They also claimed that findings from this study are important for the industry as it can be utilized to understand the consumers' behaviour and reinforce the industry of Islamic estate planning in Malaysia.

The other two study from the same authors who are NadzirahMohd Said & Ram Al JaffriSaad (2016)(a) and NadzirahMohd Said & Ram Al JaffriSaad (2016)(b), they proposed a model which introduced attitude, religious value and service quality as the determinants of hibah giving behavior. They also claimed that the review of past literatures conceptualized that attitude and religious value as the internal factors while service quality as the external factor that can influence the hibah giving behaviour.

In summary, based on the past study, the determinants of Hibah giving behaviour are includes demographic factor, economics variable, knowledge, attitude, religious value and service quality. For the next study, researcher should consider those variables to be studied in Hibah giving behaviour in Malaysia especially.

## **III. METHODOLOGY**

This study is a quantitative research which performed using a survey method through questionnaires. A total of 406 samples was selected in this study using technique of the proportional cluster random sampling from Malaysian Muslim who are working or retired. The collected data were analysed using Logit regression analysis to achieve the research objectives. The questionnaire comprised three main sections which are related to the demographic profile of respondents, estate management planning and close-ended questions adapted from previous literature. Muslim adult behavior in planning to choose Hibahserved as dependent variables whereas man, age, income, health status, number of heirs, knowledge, religiosity, service, advantages of hibah instrument and Syariah compliance served as independent variables.

## **IV. FINDINGS**

Finding section will be elaboratedinto two main things which are profile of respondent and the factors that influence respondent (Muslim adult) in choosing Hibah. Table 1 shows the descriptive statistics of the respondents including gender, age, education background and information about their job.

Based on Table 1, it indicates that the respondents in this research consists of 192 males (47.3%) and 214 females (52.7%). In terms of age, most of them are between 36-50 years old (38.7%). Table above also shows majority of the respondent are married 335 (82.5%) followed by single 43 (10.6%) and widow and widower 28 (6.9%). With regards to education level, around 174 (42.9%) of the respondents are among bachelor degree, master and Phd holder, showing that most respondents are well-educated person

**Table 1:** Respondents' general background

No	Items	Total	Percentage
<b>1</b>	<b>Gender</b>		
	Male	192	47.3
	Female	214	52.7
	<i>Total</i>	406	100
<b>2</b>	<b>Age</b>		
	Less than 35 years	122	30.0
	36-50 years	157	38.7
	51- 65 years	111	27.3
	66 and above	16	3.9
	<i>Total</i>	406	100
<b>3</b>	<b>Marital status</b>		
	Married	335	82.5
	Single	43	10.6
	Widow and widower	28	6.9
	<i>Total</i>	406	100
<b>4</b>	<b>Education Level</b>		
	No Schooling	1	0.2
	Primary School	22	5.4
	SRP / PMR	23	5.7
	SPM	122	30.0
	Diploma	64	15.8
	Bachelor Degree/	174	42.9
	Master/Phd	406	100
	<i>Total</i>		

As shown in Table 2, most of the respondents are government servants which are 200 respondents or 49.3%. In contrast, majority of them which are 229 (56.4%) have less than 3 dependents. Followed by around 156 (38.4%) respondents that have 4 to 7 number of dependents and 21 (5.2%) respondents have 8 dependents and above. Meanwhile, total number of household shows majority of the respondents have 4 to 7 number of households which are 249 (61.3%). In term of total number of heir, majority of them which are 217 respondents or 53.4% have 4 to 7 heirs.

In term of working experience, it shows that majority of respondents have less than 1 year working experience [174 (42.9%)]. The table also indicates that most respondents have a monthly income which less than RM2000. This is in line with the data of working experience, where most of them are still new in the job market. From the total household expenses, the data specify that majority of the respondents expend less than RM2000 per month 238 (58.6%) and only 8 respondent (2.0%) expand more than RM8 000 for their household expenses.

Lastly, from the total of 406 respondents, the table shows 375 (92.4%) of the respondent are very healthy while the rest which are 31(7.6%) of the respondents are very unhealthy. In term of chronic disease, 370 (91.1%) out of 406 of the respondent have chronic disease while another 36 (8.9%) shows that they do not have chronic disease.

**Table 2:** Respondents' information related to family, job and health situation

No	Items	Total	Percentage
<b>1</b>	<b>Working Sector</b>		
	Government	200	49.3
	Private sector	89	21.9
	Self-employed	95	23.4
	Not working	22	5.4
	<i>Total</i>	406	100
<b>2</b>	<b>Working Experience</b>		
	Less than 12 years	174	42.9
	13 - 24 year	126	31.0
	25 - 36 year	90	22.2
	37 years and above	16	3.9
	<i>Total</i>	406	100
<b>3</b>	<b>Monthly Income</b>		
	Less than RM 2,000	157	38.7
	RM2,001 to RM 4,000	129	31.8
	RM 4,001 to RM 6, 000	74	18.2
	RM 6, 001 to RM 8,000	31	7.6
	RM 8, 001 and above	15	3.7
	<i>Total</i>	406	100
<b>4</b>	<b>Household Expenses</b>		
	Less than RM 2,000	238	58.6
	RM2,001 to RM 4,000	110	27.1
	RM 4,001 to RM 6, 000	36	8.9
	RM 6, 001 to RM 8,000	14	3.4
	RM 8, 001 and above	8	2.0
	<i>Total</i>	406	100
<b>5</b>	<b>Number of Dependents</b>		
	Less than 3 people	229	56.4
	4 -7 people	156	38.4
	8 and above	21	5.2
		<i>Total</i>	406
<b>6</b>	<b>Number of Household</b>		
	Less than 3 people	110	27.1
	4 -7 people	249	61.3
	8 and above	47	11.6
		<i>Total</i>	406
<b>7</b>	<b>Number of Heirs</b>		
	Less than 3 people	117	28.8
	4 -7 people	217	53.4
	8 and above	72	17.7
		<i>Total</i>	406
<b>8</b>	<b>Health Status</b>		
	Very Unhealthy	31	7.6
	Very Healthy	375	92.4
	<i>Total</i>	406	100
<b>9</b>	<b>Chronic Disease</b>		
	Yes	370	91.1
	No	36	8.9
		<i>Total</i>	406

The following discussion is about the factors that influence respondents which are Malaysian Muslim in this study to choose Hibah. The Logit model is employed as explained in the methodology section. Based on Table 3, its shows that overall percentage is 54.7 which imply that the 10 independent variables (man, age, income, health status, number of heirs, knowledge, religiosity, service, advantages, and syariah compliance) in the model classified correctly at 54.7% of the overall cases. The 54.7 is the percentage accuracy in classification (PAC). There are 222 out of 406 respondents choose Hibah in this study. Moreover, interm of percentage of respondent's chances to be observed in this study is 1.207 as shown is Table 3.

**Table 3:** Percentage of respondent's chances to be observed

		Variables in the Equation					
		B	S.E.	Wald	df	Sig.	Exp(B)
Step 0	Constant	.188	.100	3.546	1	.060	1.207

The omnibus Tests of Model Coefficients table gives the result of the Likelihood Ratio (LR) test which indicates whether the inclusion of this block of variables contributes significantly to model fit. A p-value (sig) of less than 0.05 for block means that the block 1 model is a significant improvement to the block 0 model. Table 4 shows that Chi-square is 28.326 and significant at 1% which imply that all independent variable included in the model is significant to estimate choice of respondents towards Hibah.

**Table 4:** Omnibus Test result

Omnibus Tests of Model Coefficients				
		Chi-square	df	Sig.
Step 1	Step	28.326	10	.002
	Block	28.326	10	.002
	Model	28.326	10	.002

Based on Table 5, variation in choosing Hibah have been explained by the factors for this model is 6.7% and 9% as Cox & Snell and Nagelkerke result.

**Table 5:**Result of Log Likelihood and R Square

Model Summary			
Step	-2 Log likelihood	Cox & Snell R Square	Nagelkerke R Square
1	530.947 <sup>a</sup>	.067	.090

a. Estimation terminated at iteration number 4 because parameter estimates changed by less than .001.

As shown in the Table 9, the Logit regression result shows that only income and knowledge are significant in explaining the Muslim behaviour to choose Hibah. The regression result shows that B for income is 0.558 which is positive sign means that they are more likely to choose Hibah. The Exp(B) for income is 1.747 which imply one unit increase of income it will increase the possibility ratio of choosing Hibah by 1.747 time. It shows that

possibility of choosing Hibah is 1.747 time higher for each increment of health status. The higher the income received, the higher possibility of people to choose Hibah as one of the instruments for estate planning. The finding is similar to study by MohdKhairyKamarudin&SuhailiAlma'amun (2013) which found that economics variable including income is influencing Muslim to choose Hibah.

Another variable that also influence significantly for respondents to choose Hibah is knowledge. Based on the regression result shows that B for knowledge is 0.418 which is positive sign means that they are more likely to choose Hibah. The Exp (B) for knowledge is 0.060 which imply one unit increase of income it will increase the possibility ratio of choosing Hibah by 0.06 times. It shows that possibility of choosing hibah is 1.747 time higher for each increment of health status. The higher the knowledge on Hibah gained, people will prefer to choose Hibah as one of the instruments for estate planning. As mentioned by Alias Azhar, et al. (2014) knowledge on Hibah is very important and it needs to be understood in depth in terms of concept and its application in terms of law and the way of implementation. The finding is also supported by MohdKhairyKamarudin&SuhailiAlma'amun (2013) which found that knowledge is one of the factor that influence Muslim to choose Hibah.

**Table 6:** Logit regression result on Hibah

		Variables in the Equation						95.0% C.I. for EXP(B)	
		B	S.E.	Wald	df	Sig.	Exp(B)	Lower	Upper
Step 1	Jantina_new(1)	.115	.213	.294	1	.588	1.122	.740	1.703
	LnAGE	.379	.422	.807	1	.369	1.461	.639	3.344
	LnINCOME	.558	.144	15.006	1	.000	1.747	1.318	2.318
	LnHEALTH	.489	.430	1.293	1	.255	1.631	.702	3.787
	LnHEIRS	.017	.189	.008	1	.929	1.017	.703	1.472
	LnKnowledge	.418	.222	3.550	1	.060	1.518	.983	2.345
	Religiosity	-.084	.200	.176	1	.675	.919	.621	1.362
	Service	-.219	.153	2.062	1	.151	.803	.595	1.083
	Advantages	.059	.247	.057	1	.811	1.061	.654	1.721
	SyariahC	-.222	.285	.604	1	.437	.801	.458	1.401
	Constant	-5.447	2.478	4.831	1	.028	.004		

a. Variable(s) entered on step 1: Jantina\_new, LnAGE, LnINCOME, LnHEALTH, LnHEIRS, LnKnowledge, Religiosity, Servi Advantages, SyariahC.

## V. CONCLUSIONS

This study found that income and knowledge are significant in explaining Muslim behaviour to choose Hibah. This implies that Muslim would more likely to choose Hibah as to their estate planning if they have more income and more knowledge about Hibah either basic or technical knowledge. Income plays an important factor in choosing Hibah because to implement or to have this service (Hibah) which actually a document that stated who and portion that a person wish to distribute. This document incurred cost and most of the document based on the value and categories of properties that the person wants to Hibah. Therefore, this service will be taken by those who have stable income or higher income. This information is symmetry where most of the people who want or have intention to Hibah their properties. The process of doing the Hibah document incurred lawyer professional fees which to ensure the Hibah document is accurate and certain (guarantee) and it affect the higher cost as well as the price of Hibah.

Meanwhile for the variable knowledge which also influences people in choosing Hibah is a norm. When people have more knowledge as well information related to Hibah, they are aware of the benefit of Hibah especially as an alternative for a person to ensure their properties will be properly distributed to their selected heirs. The most important knowledge here is not only the basic knowledge of the Hibah but also the technical as well as the benefit of the Hibah. Once people understand the concepts, benefit and technicality of the implementation of Hibah, people will choose Hibah. If they know the complexity of the distribution of the properties after they died, and Hibah can be an alternative, people will choose Hibah to ensure their heirs get their rights. Therefore, the more the knowledge on Hibah that people have, the higher the tendency for them to choose Hibah.

In conclusion, government should see those 2 factors carefully which will increase the tendency of Muslim to choose Hibah. These 2 factors are very important and need to carefully entertain to ensure Muslim especially in Malaysia utilised Hibah in their estate planning. In Islam, those instruments have been outlined and have been discussed by scholars to ensure that Muslim have alternatives to do the right decision. This is especially in managing their properties as well as their own resources which actually 'amanah' given by Allah to be fulfilled by all of us vicegerent for the betterment of Ummah. Not only that, with proper management of the estate planning and proper utilization of the instruments outlined in Islam, it will actually help all of us Muslim to be successful in the world and hereafter which simply said as to achieve al-falah.

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