

The Roles and Functions of JKPTG: The Contribution of the Estate Distribution Section (BPP)

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Abstract

The purpose of this study is to gain a comprehensive understanding of the roles and functions of the Department of Director General of Lands and Mines (Jabatan Ketua Pengarah Tanah dan Galian (JKPTG)) and Bahagian Pembahagian Pusaka (BPP) under JKPTG to avoid confusion among the nations, especially when comparing them to Pejabat Tanah. JKPTG is the biggest organization or department that administers the estate distribution of the deceased under Bahagian Pembahagian Pusaka (BPP), which is about 65% of the assets claimed. As we know, Malaysia has struggled with the issue of unclaimed assets among Muslims. The value of unclaimed properties, the majority of which belong to Malays, has risen every year. If this problem is not addressed early on, it will have long-term consequences for the individual, community, and nation. Many studies have been done on this subject, focusing on the cause and solutions, but not many studies have been done on the roles and functions of JKPTG and BPP. Hence, it is vital to address this matter so that JKPTG and Bahagian Pembahagian Pusaka (BPP) under JKPTG can be recognized and become more accessible to the people.

Keywords: JKPTG, BPP, Pejabat Tanah, Estate Distribution, Roles and Functions.

Introduction

Effective estate planning and management is crucial for all individuals. The failure to promptly address the issue results in the system becoming unresponsive and unusable. The assets will be frozen. Even though Islam taught the believers the importance of estate planning and it

was mentioned clearly in the Al-Quran and the Al-Hadith, the issue of unclaimed assets has been a concern until now due to the number of cases that keep increasing every year involving a significant amount of assets. The value of unclaimed assets increased from RM52 billion in 2013 to RM66.6 billion in 2014 (Abdullah et. al, 2019) and subsequently increased more in 2020 (Awang et al., 2022). As reported in UTUSAN Malaysia Online by Safian (2023), there were RM90 billion value of frozen assets. Metro (2020), reported that Amanah Raya Berhad (ARB) had stated that 95% of these unclaimed assets are owned by Muslims. This matter needs to be solved so that the frozen assets can be utilised by the dependent heirs.

There are three agencies or organizations that are responsible for handling the administration of estate distribution. These agencies or organizations are known as Amanah Raya Berhad (ARB), the High Court, and the Department of Director General of Lands and Mines (Jabatan Ketua Pengarah Tanah dan Galian (JKPTG). The following is a general discussion of the roles and functions performed by those three agencies.

Amanah Raya Berhad (ARB)

According to Mohamad (2024), Amanah Raya Berhad (ARB) is a private corporation under the Public Trust Corporation Act (1995). ARB plays a vital role in managing the administration of estates belonging to deceased individuals, specifically focusing on movable assets with a value not exceeding RM600,000. This applies regardless of whether the deceased had a valid will (testate) or not (intestate). When there is a testate demise, ARB has the ability to serve as a Petitioner by presenting an application for a Grant of Probate in the High Court.

The procedures differ depending on the assessment of the estates. When the value of the assets is less than RM50,000, ARB has the authority to issue an administrative order called the Letter of Direction under Section 17(2), which is then given to the heirs. For assets which are valued between RM50,000 and RM600,000, ARB will issue a Letter of Declaration under Section 17(1). In this scenario, the assets are consolidated and calculated to ascertain the net estates of the deceased. ARB then proceeds with the distribution, adhering to either *fara'id* (Islamic inheritance laws) or *mufakat* (agreement among legal heirs, not based on *fara'id*). The legal references supporting this information include ARB (January 22), Nasrul et al. (2017), Alma'amun (2010) as cited in Abdul Rahman (2007), the Public Trust Corporation Act 1995 (Act 532) of 2008 (pages 82–83), and (Yaacob, 2006). ARB is also empowered to administer the deceased's estate and act as the personal representative in both testate and intestate cases. This is a unique feature which is available only to the ARB and not to the other administrative bodies (Alma'amun, 2010).

High Court

The jurisdiction of the High Court is also determined by the values and types of assets. Technically, the High Court possesses jurisdiction in cases involving two categories of assets, namely (a) estates comprising immovable or movable assets or a combination of immovable and movable assets where the value is more than RM2,000,000, and (b) estates comprising immovable or movable assets or a combination of immovable and movable assets where the value is less than RM2,000,000, involving the deceased who died testate (Nasrul et al., 2017). On the other hand, it is exceptional for a Muslim who dies testate but has assets valued at less than RM2,000,000 to still be able to file the claim at JKPTG (Representative, JKPTG, March 15, 2022). However, the valuation of the assets under the jurisdiction of the civil court might

be changed subsequent to the changes to the new amendment 2022 by BPP, JKPTG, to a sum of RM5,00,000 (Aziz, 2023).

The High Court will be able to grant two types of letters of representation, namely the Grant of Probate for testate cases and the Letter of Administration for intestate cases (Nasrul et al., 2017; as cited in Aziz et al., 2014). The Letters of Administration are categorized subject to different situations. The letters of representation that will be granted by the High Court can be in the form of non-contentious or contentious probate proceedings. A non-contentious probate proceeding involves a straightforward application process; on the other hand, a contentious probate proceeding generally involves court hearing sessions, which usually take some time to complete the entire procedure (Nasrul et al., 2017).

Estate Distribution Section (BPP), Department of Director General of Lands and Mines (Jabatan Ketua Pengarah Tanah dan Galian - JKPTG)

The Estate Distribution Section, JKPTG, is a government agency that is exclusively being given the authority to manage or handle the deceased's assets with a total value of less than RM2,000,000. JKPTG was determined under the jurisdiction of Section 8 of the Small Estate (Distribution) Act 1995, which stated that only intestate cases shall be handled by the Estate Distribution Section, JKPTG. However, this is only applicable to non-Muslim estates. As for the Muslim estates, regardless of whether a person dies testates or interstates, the legal heirs can file the claiming matters with JKPTG (JKPTG, 2022). Nevertheless, the estates must include immovable assets.

Nonetheless, as outlined by Aziz (2023), and Mohamad (2024), a forthcoming amendment to the act is anticipated. This amendment pertains to the reevaluation of asset values and categories. The total asset value is expected to rise significantly, transitioning from RM2,000,000 to RM5,000,000. Furthermore, the amendment will broaden the scope of assets, with the BPP no longer exclusively focusing on immovable assets but encompassing all estate types, even those comprising solely of movable assets. Other modifications include the shift from the MyeTaPP to the MyLAND application system. These proposed changes are pending implementation and are likely to impact the prerequisites for applications submitted through ARB and the High Court.

Among all the above three agencies, JKPTG handles the largest share of the estate distribution administration, accounting for approximately 65% of cases, as highlighted by (Ab Samad & Ramli, 2023). Despite this, there remains widespread confusion surrounding the roles and responsibilities of JKPTG, particularly within the Estate Distribution Section (BPP). Aziz (2023) points out that BPP was not well-recognized by the public, leading to a lack of clarity regarding estate distribution and administration, causing confusion not only between Pejabat Tanah (District Land Office) and BPP at JKPTG but also with Pejabat Tanah dan Galian Negeri (State Land and Mines Office - PTG). It is crucial to note that Pejabat Tanah refers to the District Land Office in a state, while PTG refers to the State Land and Mines Registrar's Office, as outlined by (Mohamad, 2024).

Therefore, this study aims to expose and spread awareness by emphasizing the critical roles and functions of JKPTG and the Estate Distribution Section (BPP) to a broader audience, including policymakers, practitioners, and the general public. By elucidating the

responsibilities and contributions of JKPTG and BPP specifically, it can enhance their visibility and accessibility within the community. Thus, increased recognition of JKPTG and BPP will facilitate better collaboration and communication with stakeholders, leading to more informed decision-making and improved outcomes in estate distribution and land governance. Ultimately, this study serves to foster greater appreciation for their functions, promoting a more engaged and informed citizenry regarding estate distribution issues that affect their lives and communities.

Literature Review

Many studies have been done regarding Islamic inheritance. Most of the studies discussed the issues of frozen or unclaimed assets and the solutions. Several studies discussed Islamic inheritance in general such as the legal aspects.

The jurisdiction lies between the Civil Court and the Shariah Court (Mursidi et al., 2022; Kamarudin et al., 2021, 2019; and Kamarudin and Muhamad, 2018). Each system has its own rules and procedures, leading to potential conflicts or overlaps in cases involving Islamic inheritance. Nevertheless, the civil court has a greater role and jurisdiction, while the Shariah Court is limited and has no authority in probate and administration heirloom matters (Abdullah et al. 2020).

As mentioned earlier, there are many issues that have been raised by previous researchers that contributed to the unclaimed assets process and management. The issues highlighted were the delay in the process of asset distribution (Nordin et al., 2012, 2013), lack of awareness (Shafie et al., Zulkifli & Ahmad, 2016; Kamaruddin et al., Bouteraa, 2019), disagreement among the heirs (Zulkifli & Ahmad, 2016), lots of documentation to be prepared, time-consuming, and the expenses involved in the estate distribution process which sometimes could be very costly (Nordin et al., 2012,2013).

Regarding the issues raised by the previous researchers, many solutions were suggested, including developing a framework. The solutions involved the use of estates management tools or methods, such as wasiyyah, hibah, takharuj and waqaf (Ghul et al., 2014; Kamaruddin et al., 2019; Rahman et al., 2020; Kamis et al., 2021; Kamarudin e. al., 2021; Sanusi et al., 2021; Mursidi et al., 2022).

All the data that was collected from the previous literature was from various agencies; the private trust agencies, civil court, ARB and JKPTG. As far as the author's knowledge, ARB is the most engaged agency for the researchers to collect the data and information. Other than that, some were from the private trust agencies who act as the wasiy to the deceased. There is not much data from the BPP, JKPTG. Nevertheless, the studies were focused more on the issues of the heirs and the solutions to it, and not so much on the agencies. Moreover, not to mention when it comes to the in-depth discussion on the roles and functions of the agencies, not many studies have been done. Therefore, it is vital to discuss the roles and functions of the agencies, specifically JKPTG and BPP that handle 65% of the estate administration and distribution (Ab Samad & Ramli, 2023) to avoid confusion among the people, especially between BPP and Pejabat Tanah (Aziz, 2023).

Overview of the Department of Director General of Lands and Mines (Jabatan Ketua Pengarah Tanah dan Galian - JKPTG)

The Jabatan Ketua Pengarah Tanah dan Galian (JKPTG) was established in 1957. JKPTG is an important government agency that contributes to the overall management and development of land and mineral resources in Malaysia. Currently, JKPTG is one of the organizations under the Ministry of Land and Mineral and is in charge of managing Federal Government lands in accordance with the Federal Lands Commissioner Act 1957. The acquisition of Federal Lands is for the implementation of projects to benefit the people. The means of acquisition is through purchase, reservation, application to State Governments, or land acquisition under the Land Acquisition Act 1960. To date, the acquisition and management of Federal lands have been carried out successfully through cooperation from all agencies at both Federal and State levels.

As shown in Figure 2.1, JKPTG is divided into six (6) sections, which are Sektor Kemajuan Pengurusan dan Perundangan (SKPP), Sektor Penyelarasan dan Operasi (SPO), Bahagian Pembahagian Pusaka (BPP), Bahagian Khidmat Pengurusan (BKP), Unit Undang-Undang (UUU) and Unit Integriti (UI). There are six (6) divisions under SKPP, and three (3) divisions under SPO. There are also fourteen (14) branches of JKPTG all over Malaysia under SPO.

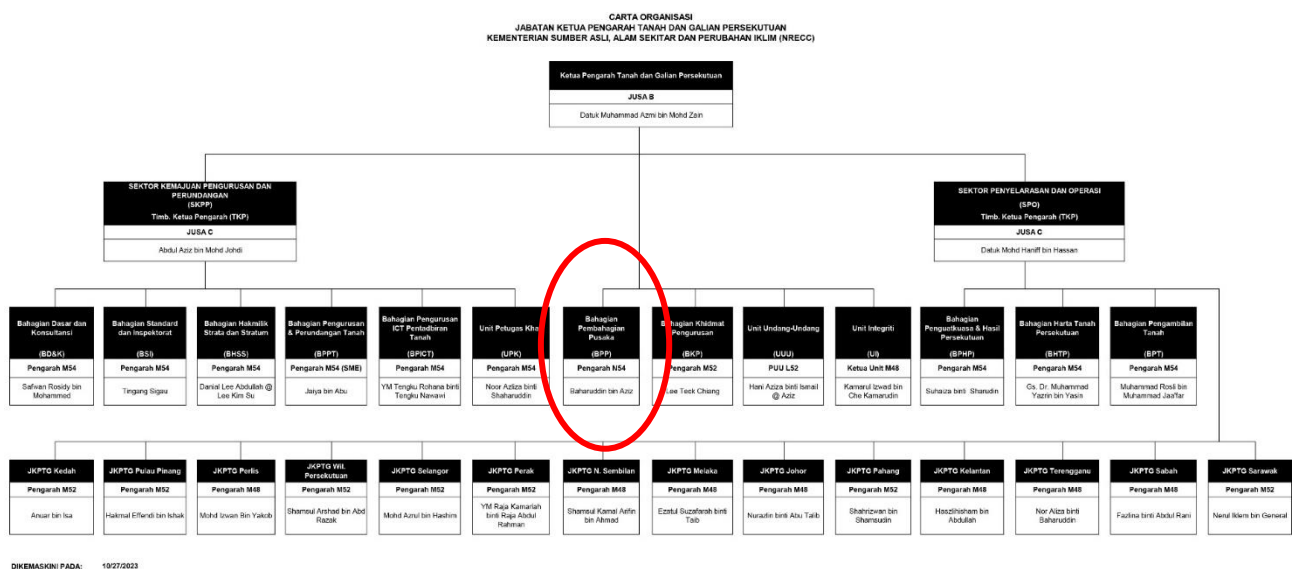


Figure 2.1: Organization Chart of JKPTG (Updated: October, 27, 2023)

Research Methodology

This research utilizes qualitative methods. This study employs a content analysis approach to examine the themes and patterns present in the data collected. Content analysis is a qualitative research method that involves systematically analysing textual, visual, or audio-visual data to identify key concepts, themes, or patterns within the content (Krippendorff, 2018). The data was collected from the literature reviews, interviews with the JKPTG’s representatives, and analysis of relevant materials such as newspapers and websites. The approach taken is thematic analysis, focusing on the act and existing literature. The information collected will be shared with JKPTG to ensure clarity and accuracy on the data.

Findings

Based on the data collection and analysis, several factors were identified. Not only were the roles and functions of JKPTG and BPP clarified, but the differences between JKPTG and Pejabat Tanah were also clearly stated. Besides the differences, this study also shows the coordination between JKPTG and Pejabat Tanah along with the relationship between BPP and Pejabat Tanah.

Roles and Functions of JKPTG

As referred to in the JKPTG website and studies by Ismail (2023) and Ganason (2012), generally, the main functions of JKPTG include:

- 4.1.1 Amendment or improvement of any provision of land law and legislation regarding land registration and administration such as land titles, land acquisition, land alienation, and land-related matters.
- 4.1.2 Management of the record of the Federal Government's Property in Land. JKPTG is responsible for maintaining and updating the records of land ownership and property pertaining to the Federal Government.
- 4.1.3 Land acquisition and alienation for Federal Projects. The acquisition of land by JKPTG is primarily aimed at facilitating infrastructure development, public amenities, and other government projects. This procedure involves the identification of land that meets the requisite criteria, followed by the initiation of the land acquisition process. In some cases, the landowner shall get appropriate compensation for their property. As a government body, JKPTG has the authority to alienate or transfer ownership rights to the relevant federal agency for supervising the project.
- 4.1.4 Enforcement and tenancy of Federal Government's Property in Land. The JKPTG is responsible for managing and enforcing tenancy agreements and leases related to federal government land.
- 4.1.5 Management and administration of Small Estate Distribution. JKPTG is responsible for ensuring that the distribution of small estates is carried out efficiently and in accordance with the law of the Small Estates (Distribution) Act 1955. According to Mohamad (2024), the administrator roles regarding this matter are as follows:
 - i) Issuance of Distributions Order or Letter of Administration (Pengeluaran Perintah Pembahagian atau Pemberian Surat Kuasa Mentadbir);
 - ii) Issuance of Order for Sale (Pengeluaran Perintah Jualan) and give permission to the appointed Administrator to sell the estate of the deceased for certain reasons.
 - iii) Appointment of trustees for minor heirs or unsound of mind heirs and the inclusion of registrar caveats to protect the rights and interests of these heirs on immovable property.

The Difference between JKPTG and Pejabat Tanah

Many people are confused about the roles and functions of JKPTG and Pejabat Tanah (Land Office) of the district and state. JKPTG (Jabatan Ketua Pengarah Tanah dan Galian) and Pejabat Tanah are both government departments in Malaysia involved in the management and administration of land-related matters. However, there are distinct roles and responsibilities between JKPTG and Pejabat Tanah.

JKPTG is different from the Pejabat Tanah of the State. The Pejabat Tanah task is to administer any matters regarding the land administration of each district and state. Hence, it is crucial to comprehend the distinction between the two agencies.

Ismail (2023), Ganason (2012), the JKPTG and Pejabat Tanah Selangor website, emphasize the main differences between JKPTG and Pejabat Tanah. JKPTG operates at the national level and has a broader scope of responsibilities, including land and mineral resources management. As a federal-level department under the Ministry of Natural Resources and Environmental Sustainability (NRES) (Kementerian Sumber Asli dan Kelestarian Alam - SAKA), it oversees land administration, land development, mineral and mining management, land surveying, and environmental conservation at the national level; and also sets policies, guidelines, and regulations related to land and mineral resources management.

On the other hand, Pejabat Tanah which is categorized as Pejabat Tanah at the district and Pejabat Tanah and Galian Negeri (PTG) at the state level, focuses on land administration and management. The body manages land title registration, property ownership transfers, land acquisition, and land use planning in its state. It serves individuals and businesses regarding land-related issues in their respective districts or states.

The Coordination of JKPTG and Pejabat Tanah

JKPTG (Jabatan Ketua Pengarah Tanah dan Galian) and Pejabat Tanah, although both are separate entities, both are involved in land administration and management in Malaysia. Therefore, their cooperation with one another is vital to make sure that the coordination of land-related policies and regulations goes smoothly, and that they are effectively carried out. Based on the statement and information, both JKPTG and Pejabat Tanah will correspond based on the followings:

1. Hierarchy and Reporting

JKPTG functions at the national level and is accountable for establishing comprehensive policies and guidelines for the management of land and mineral resources in Malaysia. Pejabat Tanah, on the other hand, functions at the district or state level and carries out the rules and guidelines established by JKPTG within their jurisdictions. The Pejabat Tanah reports to the JKPTG and adheres to its orders and guidelines when performing land administration activities.

2. Implementation of Land Laws and Regulations

JKPTG is responsible for establishing the legislative framework, legislation, and regulations pertaining to land administration and management in Malaysia. On the other hand, Pejabat Tanah is responsible for ensuring the enforcement of these laws and regulations within their respective districts or states. The Land Office implements regulations and procedures relating to land, including the registration of land titles, land use planning, and the transfer of land ownership, in accordance with the recommendations supplied by the Department of Survey and Mapping Malaysia (JKPTG).

.3. Collaboration and Coordination

JKPTG and Pejabat Tanah collaborate to facilitate the flow of information, the sharing of data, and the coordination of activities pertaining to land administration and management.

JKPTG may provide technical assistance, training, and support to Pejabat Tanah officers to ensure consistent and standardized practices across different districts or states. Pejabat Tanah also will communicate with JKPTG for guidance, clarifications and updates on land-related matters.

4. Policy Alignment

JKPTG sets the overall policies and guidelines for land and mineral resource management in Malaysia, considering national priorities, environmental concerns, and sustainable development objectives. These policies are designed to ensure alignment with broader national goals and objectives concerning land and mineral resource management. Thus, Pejabat Tanah aligns its practices and procedures with the policies and guidelines set by JKPTG to ensure consistent implementation and adherence to national standards.

As mentioned by Ganason et al (2012), in the Federation, Peninsular Malaysia had maintained decentralized land administration offices in each state jurisdiction because the land administration is under the State Government's responsibility. This land administration was performed under different levels of government departments, which are known as District Land Offices (Pejabat Tanah Daerah), State Director of Land and Mines Offices (JKPTG states) and Departments of Survey and Mapping. The land registry and titles are within the control of both the State's District Land Offices and the State's Director of Land and Mines (JKPTG) Offices. However, anything related to federal land management will be within the control of the Federal Land Commissioner, Department of the Director General of Land and Mines (Federal) (JKPTG). Therefore, each state will have Land Offices and JKPTG.

It is crucial to get a comprehensive understanding of the roles and responsibilities of JKPTG (Department of Director General of Lands and Mines) and Pejabat Tanah (Land Office) to comprehend the rationale behind the requirement for BPP, JKPTG to collaborate with Pejabat Tanah Daerah (District Land Office) for the administration of estate distribution.

Roles and Functions of the Estate Distribution Section (BPP)

The organizational chart in Figure 2.1 above provides a clear depiction of BPP's autonomous status as a distinct division, as highlighted with a circle. BPP is the division that handles the administration of a deceased's assets. This section was established on 1 March 1974. The existence of this section is to fulfil and implement Schedule 9, Item 1, Section 4(e)(i), Federal Constitution which puts the affairs of small estates under the responsibility of Federal Government. As mentioned earlier, BPP only handles the deceased's assets that had a total value of less than RM5,000,000 (New Amendment 2022) and under the jurisdiction of Section 8 of the Small Estate (Distribution) Act 1995. This section stated that only intestate cases shall be handled by the Estate Distribution Section, JKPTG.

Nevertheless, this provision exclusively pertains to non-Muslim estates. In the case of Muslim estates, whether the individual passes away with a will (testate) or without one (intestate), the legal heirs have the right to initiate claim proceedings with BPP, JKPTG (JKPTG, 2022). Until the enactment of the New Amendment in 2022, the legislation specified that only immovable assets were applicable. However, in cases where the deceased possessed movable assets, the claimant or legal heirs had the option to include them alongside immovable assets for valuation and subsequent distribution. The upcoming amendment

signifies a noteworthy change, expanding the scope of BPP to encompass all types of estates, even those solely comprised of movable assets (Aziz, 2023; Mohamad, 2024).

Currently, there are 36 units of BPP in all of Peninsular Malaysia including the headquarters (HQ) at Putrajaya. Among all the 12 states, Selangor shows the highest application of estate claiming process with the largest number of populations. According to the former minister of the Ministry of Land and Mineral, as reported by Bernama, March 3, 2022, the number of unclaimed assets or unsettled claiming assets in Selangor is 10,358 cases. The roles of BPP are very important and crucial to contribute to the reduction of frozen assets. Table 4.1 below shows the list of BPPs in Malaysia.

Table 4.1

List of Estate Distribution Sections (Bahagian Pembahagian Pusaka, BPP or Unit Pembahagian Pusaka, UPP) in Malaysia.

UPP (Unit Pembahagian Pusaka)	State
UPP Perlis	Perlis
UPP Alor Setar (2 units)	Kedah
UPP Sungai Petani	
UPP Pulau Pinang	Pulau Pinang
UPP Ipoh	Perak
UPP Tapah	
UPP Kerian	
UPP Kuala Kangsar	
UPP Taiping	
UPP Klang	Selangor
UPP Bangi	
UPP Banting	
UPP Kuala Selangor	
UPP Gombak	
UPP Kuala Lumpur	KL
UPP Seremban	Negeri Sembilan
UPP Kuala Pilah	
UPP Melaka (2 units)	Melaka
UPP Johor Bharu	Johor
UPP Muar	
UPP Kluang	
UPP Batu Pahat	
UPP Segamat	
UPP Kuantan	Pahang
UPP Temerloh	
UPP Raub	
UPP Kuala Terengganu	Terengganu
UPP Dungun	
UPP Besut	
UPP Kota Bharu (2 units)	Kelantan
UPP Machang	
UPP Pasir Mas	

Source: Website of Estate Distribution Section, Department of General of Lands and Mines, JKPTG (2023)

As the division that handles the administration of estate distribution, BPP may utilise and collaborate with Pejabat Tanah (District Land Office) in the management of inheritance matters. This is because of the following reasons:

1. Land-related Inheritance

Inheritance often involves land or properties, which fall under the purview of Pejabat Tanah. As land is a significant asset that frequently passes through inheritance, Pejabat Tanah's involvement ensures proper transfer and registration of land ownership in accordance with inheritance laws.

2. Expertise in Land Matters

Pejabat Tanah possesses specialised knowledge and expertise in land-related matters such as dealing with land transfers, land titles, land surveys and land-use regulations. By engaging Pejabat Tanah, the BPP can leverage their expertise to ensure accurate and lawful distribution of land assets as part of the inheritance process.

3. Legal Compliance

Complying with legal requirements and regulations is required in inheritance proceedings. Given that Pejabat Tanah has a comprehensive understanding of land laws, land transfer procedures and related documentation, its involvement ensures that the inheritance process complies with the relevant legal provisions and safeguards the rights and interests of the heirs.

4. Local Jurisdiction

Pejabat Tanah operates at the district or state level, which means they have a localized understanding of land administration within their jurisdiction. Since inheritance matters are often specific to particular districts or states, involving Pejabat Tanah ensures that the process aligns with local regulations and practices.

5. Streamlined Processes

By collaborating with Pejabat Tanah, the BPP can streamline the inheritance process. Pejabat Tanah can provide guidance, support and assistance in handling land-related documentation, transferring land titles and resolving any land-related issues that may arise during the inheritance proceedings. This collaboration helps expedite and smoothen the overall inheritance management process.

In conclusion, the collaboration between Pejabat Tanah and BPP supposedly is to facilitate seamless coordination and enhance the efficient execution of land-related policies and regulations.

As for the Muslims, BPP will handle the application based on the shariah guidelines. However, for some states, there are special or unique customary laws that need to be followed such as 'Adat Perpatih' at Negeri Sembilan. The legal heirs need to file separately for such land. This is also applicable to the states of Sabah and Sarawak. The land there is known as 'Tanah Adat' (customary land). Therefore, incorporating the participation of Pejabat Tanah in the management of inheritance affairs also enables BPP to leverage the agency's specialised knowledge, expertise and deep familiarity with local customs and jurisdiction as well as its own resources to ensure the estate distribution is appropriate and legally compliant within the context of the inheritance process.

There are guidelines on how the claim of the deceased's assets can be made, and relevant forms can be downloaded from the JKPTG website at <https://www.jkptg.gov.my/en/panduan/sop/pembahagian-harta-pusaka>. Below is the process flow diagram published by BPP at JKPTG.

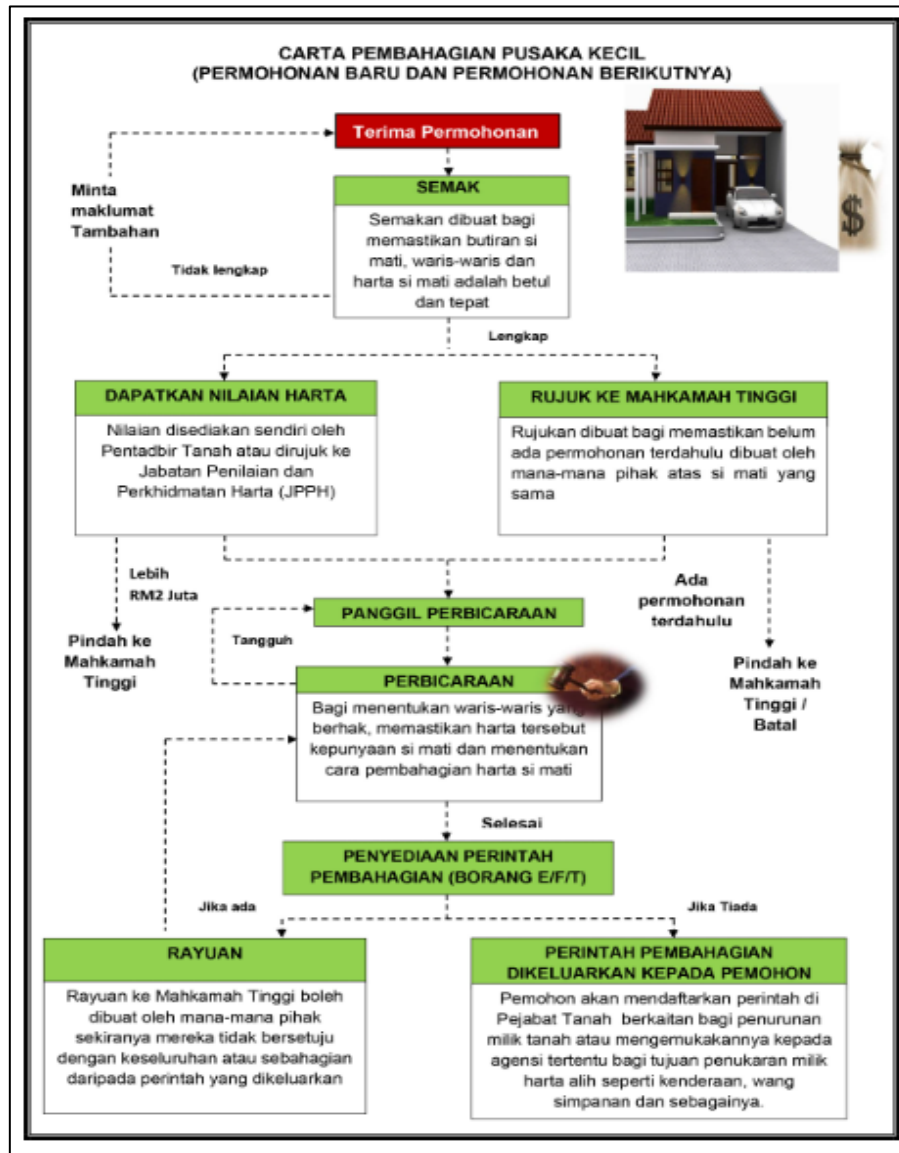


Figure 4.1: Process flow of submission of application

Source: JKPTG website (2023)

Conclusion and Recommendation

This study will add the contribution of literature to the roles and functions of JKPTG and BPP specifically. It can streamline the understanding of the relationship between JKPTG and Pejabat Tanah and BPP with Pejabat Tanah. The information and data gathered will eliminate the confusion among the individuals, especially the claimants, and allow them to recognize the existence of BPP. This study will enlighten the visibility of BPP, JKPTG. Therefore, it will be recommended that this study be carried out further, especially due to the changes in the new amendment of the act in 2022 that are yet to be implemented, so that BPP can stand alone and thus individuals will have a better picture of the roles and functions of BPP.

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References

- Abdullah, M. M., Nasir, N. M., Muhamad, N. H. N., Aziz, M. R. A., Awang, A. B., & Mahmud, M. W. (2020). A Literature Review on Islamic Estate Planning from Year 2014 to 2019. *Library Philosophy and Practice*.
- Abdullah, L., Rosele, M. I., Razif, N. F. M., Ali, A. K., & Rahman, N. N. A. (2019). Muslim's trust property issues in Malaysia: A preliminary study. *Journal of Emerging Economies and Islamic Research*, 7(2), 63–71.
- Ab Samad, S. B., & Ramli, N. R. B. (2023). *Pemeriksaan Pengurusan Pembahagian Harta Pusaka Kecil Pasca Pindaan Akta Harta Pusaka Kecil (Pembahagian)(Pindaan) 2022. Jurnal LAND*, 11(1), 43-56
- Alma'amun, S. (2010). < Special Feature" Islamic Finance at the Current Stage: Scopes and Issues"> Islamic Estate Planning: Malaysian Experience. *イスラーム世界研究: Kyoto Bulletin of Islamic Area Studies*, 3(2), 165-185.
- Al-Quran, An-Nisa' 4: 11, 12, 176.
- Berhad, A. (Sunday, 01 Jan 2023). <http://www.amanahraya.my/ms/pentadbiran-pusaka/>
- Awang, A. B., Abdullah, M. M. I., & Muhamad, N. H. N. (2022). The Analysis of Trust As An Islamic Estate Planning Instrument In Malaysia: Challenges And Effects. *UUM Journal of Legal Studies*, 13(1), 107-129.
- Aziz, B. (2023, October 18). *Reformasi Harta Pusaka Di Malaysia: Cabaran Dan Peluang* [Video]. Klinik Guaman Fakulti Syariah dan Undang-Undang USIM Facebook. <https://www.facebook.com/KlinikGuamanFSUUSIM/videos/862665315167268>
- Bername (Thursday, 03 March 2022). No confusion in jurisdiction of agencies tasked with distribution of inheritance – Takiyuddin, retrieved from <https://www.astroawani.com/berita-malaysia/no-confusion-jurisdiction-agencies-tasked-distribution-inheritance-takiyuddin-349707>
- Bouteraa, M. (2019). Conceptual Study: Barriers of Islamic Estate Planning. *IBMRD's Journal of Management & Research Volume 8 ,Issue 1*, Print ISSN : 2277-7830, Online ISSN: 2348- 5922.
- EasyLaw. (n.d.). Jenis Hakmilik Tanah di Malaysia. Retrieved from [https://www.easylaw.com.my/jenis-hakmilik-tanah-di-malaysia+Estate Distribution Section, Department of Director General of Lands and Mines \(Jabatan Ketua Pengarah Tanah dan Galian \(JKPTG\), 2022 retrieved from https://www.jkptg.gov.my/en/korporat/profil-bahagian/bahagian-pembahagian-pusaka-bpp](https://www.easylaw.com.my/jenis-hakmilik-tanah-di-malaysia+Estate Distribution Section, Department of Director General of Lands and Mines (Jabatan Ketua Pengarah Tanah dan Galian (JKPTG), 2022 retrieved from https://www.jkptg.gov.my/en/korporat/profil-bahagian/bahagian-pembahagian-pusaka-bpp)

- Ganason, A. (2012). Land Law and Property Development Conference: Land Development Issues & Latest Initiatives Undertaken by JKPTG to Improve Service Delivery System of Land Administration. Available at SSRN 2097459.
- Ghul, Z. H., Yahya, M. H., & Abdullah, A., (2014). Factors Influencing Wasiyah Adoption and Its' Barriers among Malaysian Muslims. DOI: 10.7763/IPEDR. 2014. V73. 6.
- Ismail, M. (2023). Land Administration In Peninsular Malaysia: A General Overview. *Jurnal LAND*, 1(1), 1-15. Retrieved from <https://myjms.mohe.gov.my/index.php/land/article/view/23053>
- Kamarudin, M. K. & Muhamad, N. H. N. (2018). Siblings' dispute over parents' transfer: Malaysian case. *J. Advanced Res. L. & Econ.*, 9: 978-989.
- Kamarudin, M. K., Ibrahim, M. A. H., Ahmad, N. A., Abdullah, A. & Muhamad, S. F. 2016. Analysis of Islamic estate distribution preferences: analytical hierarchy process approach. *The Social Sciences*, 11(7): 1318-1321.
- Kamarudin, M. K., Zaman, N., & Razak, R. M. (2019). Thematic Analysis on The Necessity Of Hibah Law In Malaysia. *al-Qanatir: International Journal of Islamic Studies*, 16(1), 1-13.
- Kamis, N. S., & Wahab, N. A. (2021). Investigating the level and determinants of hibah knowledge: a study among Muslims in Kedah, Malaysia. *Journal of Islamic Accounting and Business Research*. 13(3), 486-513.
- Krippendorff, K. (2018). *Content analysis: An introduction to its methodology* (4th ed.). Thousand Oaks, CA: Sage Publications.
- Mursidi, A., Razali, S. S., & Maulan, S. (2022). Consumers' Motivation Towards Satisfaction in Patronising Wasiyyah (Will) Services. *Malaysian Journal of Consumer and Family Economics*, 28: 335-354.
- Mohamad, M. (2024, February 27). Personal Communication [Interview with Officer, Jabatan Ketua Pengarah Tanah dan Galian (JKPTG) Negeri Melaka, Melaka, Malaysia]
- Nasrul, M. A. D., Salim, W. N. M., Said, M. H. M., & Manap, S. N. A. (2017). Administration of estates in Malaysia: Jurisdiction and misconception. *UUM Journal of Legal Studies*, 8, 183-196.
- Noordin, N., Shuib, A., Zainol, M. S., & Mohamed Adil, M. A. (2012). Review and Challenges in Islamic Distribution in Malaysia. *OIDA International Journal of Sustainable Development*, 3(12), 27-38.
- Noordin, N., Shuib, A. (2013). Delay in Islamic Inheritance Claim—An Ignorance Issue. *International Journal of Advances in Engineering Science and Technology (IJAEEST)*, Volume 3, Number 2, ISSN: 2319-1120.
- Nowell, L. S., Norris, J. M., White, D. E., and Moules, N. J. (2017). Thematic analysis: striving to meet the trustworthiness criteria. *International Journal of Qualitative Methods*, Vol. 16 No. 1, pp. 1-13.
- Onwuegbuzie, A. J., and Leech, N. L. (2007). Sampling designs in qualitative research: making the sampling process more public. *The Qualitative Report*, Vol. 12 No. 2, pp. 19-20.
- Qualitative Research Methodology (2021). Retrieved from <https://docplayer.net/76292-Qualitative-research-methodology.html>
- Rahman, A. H. A., & Hassan, R. (2020). Islamic Estate Planning in Malaysia: The Dilemma (The Dilemma Perancangan Harta Islam di Malaysia: Satu Dilema). *Journal of Islam in Asia (E-ISSN 2289-8077)*, 17(2), 238-268.
- Safian, Y. H. M. (2023, September 6). RM90 billion harta faraid tak dituntut. – *Utusan Malaysia Online*. <https://www.utusan.com.my/gaya/2023/09/rm90-bilion-harta-faraid-tak-dituntut/>

- Sahih al-Bukhari 6733. (Internet). Book 85, Hadith 10. USC-MSA web (English) reference: Vol. 8, Book 80, Hadith 725. <https://sunnah.com/bukhari:6733>.
- Sanusi, S. W. S. A., Yaacob, S. E., & Salleh, M. F. M. (2021). Waqf Zurri: An Instrument for Estate Planning in Developing Islamic Civilization. *Journal of Al-Tamaddun*, 16(1), 139-152.
- Shafie, F., Wan Yusoff, W. Z., & Al-Edrus, S. M. D. (2016). Factors of Failure and Delay in Islamic Inheritance Distribution in Malaysia. *Jurnal Teknologi (Sciences & Engineering)*.
- Zulkifli, B. N. A., & Ahmad, M. Y. (2016). Constraints and Solutions of Delayed Management of Muslim Immovable Property Management in Malaysia. *Islamiyyat* 38(1) Bab 6.indd 60.