PEOPLE: International Journal of Social Sciences
ISSN 2454-5899

Amalina Mursidi, 2026

Volume 12 Issue 3, pp. 30-49

Received: 08th September 2026

Revised: 28th September 2026, 29th September 2026

Accepted: 06th October 2026

Date of Publication: 26th November 2026

DOI- https://doi.org/10.20319/pijss.2026.123.3049

This paper can be cited as: Mursidi, A. (2026). Beyond Awareness: Practitioner and Institutional Perspectives on the Barriers to Wasiyyah (Islamic Will) Adoption in Malaysia. PEOPLE: International Journal of Social Sciences, 12(3), 30-49

This work is licensed under the Creative Commons Attribution-Non-commercial 4.0 International License. To view a copy of this license, visit http://creativecommons.org/licenses/by-nc/4.0/ or send a letter to Creative Commons, PO Box 1866, Mountain View, CA 94042, USA.

BEYOND AWARENESS: PRACTITIONER AND INSTITUTIONAL PERSPECTIVES ON THE BARRIERS TO WASIYYAH (ISLAMIC WILL) ADOPTION IN MALAYSIA

Amalina Mursidi

Faculty of Economics and Muamalat, Universiti Sains Islam Malaysia, Nilai, Negeri Sembilan, Malaysia

amalina.mursidi@usim.edu.my

Abstract

Malaysia continues to accumulate frozen Muslim inheritance assets even after three decades of institutional expansion in Islamic estate planning, and most published explanations for this situation rest on a single premise: that the public does not know enough about the wasiyyah. This study interrogates that premise. Semi-structured interviews were conducted with three purposively selected key informants who occupy distinct positions within the same system, namely a registered estate planning practitioner and Islamic Financial Planner candidate, an academic Shariah advisor whose research concerns the coordination of wakaf, wasiyyah and faraid, and a senior academic who sits on the Federal Territory Shariah Law Consultative Committee and the Selangor Islamic Religious Council. Transcripts covering general understanding of the wasiyyah and the obstacles encountered in preparing one were analysed thematically following Braun and Clarke's

six-phase procedure. Five themes were generated: awareness that is broad in recognition but shallow in comprehension; enduring misconceptions surrounding the relationship between wasiyyah and faraid; a competency gap among the intermediaries who sell the instrument; legal and regulatory fragmentation across states and between the Shariah and civil jurisdictions; and an asymmetry in which preparation has become inexpensive and largely frictionless while post-death execution remains slow, costly and institutionally uncoordinated. The informants converged most strongly on the final theme, which reframes the problem: the binding constraint on wasiyyah adoption is located less in household ignorance than in the supply-side and institutional arrangements surrounding the instrument. Public education campaigns are therefore unlikely to move adoption rates appreciably while intermediary competency standards and jurisdictional coordination remain unaddressed. The paper offers a barrier typology that separates demand-side, supply-side and institutional constraints, and identifies regulatory standardisation and agent certification as the more consequential points of intervention.

Keywords:
Wasiyyah, Islamic Estate Planning, Frozen Estates, Malaysia

1. Introduction

The transfer of wealth from one generation to the next is, in Islamic law, a matter settled by rules rather than left to preference. Faraid fixes the shares of the legal heirs, and the wasiyyah operates at the margin of that scheme, permitting a testator to bequeath up to one-third of the net estate to persons who would not otherwise inherit and to appoint someone to administer the estate after death. The instrument is therefore complementary rather than substitutive. What it does not resolve automatically is the administrative passage between death and distribution, and it is in that passage that Malaysia has developed a problem of considerable size.

Estimates of the value of frozen and unclaimed Muslim estates in Malaysia vary with the source and the year, but the direction of travel is not in dispute. Abd Wahab et al. (2021) report approximately RM70 billion in unclaimed assets and observe that roughly 85 per cent of Malaysian Muslims have made no formal estate plan. Jamalurus, Mokhtar and Rahim (2019) cite an earlier figure of RM42 billion attached to some 500,000 beneficiaries. Saiman and Romeyzee (2024), working from case data at Amanah Raya Berhad, again reference the RM70 billion order of

magnitude. Abdul Rahman and Hassan (2020) put the number of Malaysians who have declared a wasiyyah at roughly 700,000 against a national population of some 30 million, the majority of whom are Muslim. Whichever estimate is preferred, the stock of immobilised family wealth has been rising rather than falling over the period in which the estate planning industry has expanded.

That last observation is the puzzle this paper takes up. Malaysia is not short of institutional capacity. Amanah Raya Berhad has operated as a public trustee for decades; private trustee companies, Islamic banks and law firms all offer will-writing services; State Islamic Religious Councils provide their own wasiyyah facilities and digital providers have reduced the cost and inconvenience of preparing a document to a level that would have been difficult to imagine twenty years ago. Nor is the topic under-researched. Abdullah, Nasir and Habidin (2023), in a bibliometric review of Scopus-indexed work between 2015 and 2021, identify a substantial and growing body of Malaysian scholarship on Islamic estate planning. Yet the frozen estate figure keeps climbing.

The dominant explanation in the literature is a demand-side one. Low uptake is attributed to insufficient public awareness, weak knowledge of the instruments, cultural discomfort with discussing death, and procrastination (Ahmad & Peyman, 2008; Jamalurus et al., 2019; Latib, Izham & Mohamad, 2024). The policy prescription that follows is equally consistent: more education, more campaigns, more outreach. This framing is not wrong, but it may be incomplete, and its incompleteness matters because it directs resources towards the intervention that is easiest to fund rather than the constraint that binds most tightly.

The present study approaches the question from the other side of the counter. Rather than surveying households about what they know, it interviews three individuals who observe the wasiyyah system from within one who sells the product, one who has researched the coordination of Islamic wealth transfer instruments, and one who sits on the committees that issue rulings and oversee religious administration. The guiding question is whether awareness, properly understood, is in fact the operative barrier, or whether it is better read as the most visible symptom of constraints situated elsewhere.

The study is one component of a larger research programme concerned with developing a Madani Wasiyyah services framework for Malaysia. The Malaysia MADANI policy narrative, with its six constituent values of sustainability, prosperity, innovation, respect, trust and compassion (Ushama, 2025), supplies the normative frame for that broader work. This paper,

however, is confined to a prior and more modest task establishing, from the vantage point of informed practitioners and institutional actors, what actually obstructs the preparation of a wasiyyah in Malaysia. The objectives to examine how key informants positioned across practice, academia and religious administration characterise the current level of public understanding of the wasiyyah.

2. Literature Review

2.1 The Wasiyyah within Islamic Estate Planning

Islamic estate planning in the Malaysian context is not a single instrument but a set of them. Abd Wahab et al. (2021) treat faraid, wasiyyah, hibah and waqf as the constituent tools of a coordinated practice, and from interviews with both individuals and providers they derive ten best practices ranging from early commencement of planning to the maintenance of current asset inventories and the appointment of trustworthy executors. Their framing is useful because it treats the wasiyyah as one element in a portfolio rather than as a standalone product, which is how practitioners in the field describe it.

The distinctively Malaysian complication is that these instruments are administered under different legal regimes. Nasrul et al. (2021) describe an inheritance system in which the civil High Court issues grant of probate while the Shariah Court alone may issue a faraid certificate, and in which three separate bodies handle distribution according to the value and character of the estate. Halim et al. (2020) push this further, showing that in the absence of any statutory requirement to refer a Muslim's will to the Shariah Court before probate is granted, a will may be admitted to probate in terms that would not survive Shariah scrutiny. Their conclusion is uncomfortable but hard to avoid: the procedural architecture permits the wasiyyah to be used as a route around faraid rather than as a complement to it.

Nor is the substantive law uniform. Jurisdiction over Muslim wills rests with the states, and while some states have enacted dedicated legislation, others have not, with the result that provisions on matters such as wasiyyah wajibah differ across the federation. The amendment history of the Small Estates (Distribution) Act 1955 illustrates the coordination difficulty from another angle. Nasrul et al. (2023) find that the 2022 amendment, while raising the ceiling for small estate proceedings, produced fresh overlaps with the jurisdiction of Amanah Raya Berhad and the civil High Court, and they recommend further statutory clarification to prevent it.

2.2 The Demand-Side Account of Low Uptake

A substantial strand of Malaysian scholarship explains low wasiyyah adoption in terms of what households know and want. Ahmad and Peyman (2008) found early on that Muslims recognised the term wasiyyah but held little substantive understanding of it, and attributed this to inadequate outreach by the institutions responsible. Jamalurus et al. (2019), surveying 81 respondents in Kedah and modelling awareness against knowledge, life events and institutional factors, found knowledge to be the dominant predictor. Latib et al. (2024), working with Islamic Studies students at Universiti Teknologi MARA, recorded high general awareness alongside a noticeably weaker grasp of pre-death planning specifically.

Quantitative modelling of intention follows a similar logic. Abd Wahab et al. (2021) using partial least squares structural equation modelling on 406 respondents across Peninsular Malaysia, identify altruism, perceived advantage and compliance as significant determinants of engagement with Islamic estate planning, while service quality proves insignificant. Mursidi and Maulan (2020), applying self-determination theory to consumers who had already purchased wasiyyah services, distinguish internal motivations of interest, religion and family from external motivations of future reward, awareness and financial management. In a later study, Mursidi et al. (2023) find autonomy and relatedness significantly associated with satisfaction, competence not significantly associated, and religiosity failing to moderate any of these relationships.

Taken together, this body of work establishes with reasonable confidence that knowledge and motivation matter at the individual level. What it does not establish is that they are the constraints that bind. Almost all of it samples consumers or the general public, which means it is structurally well placed to detect demand-side variation and structurally ill placed to detect anything else. A respondent who has never encountered a competent agent cannot report that agent competency is a problem, a respondent who has never taken an estate through probate cannot report that inter-court coordination is a problem.

2.3 Supply-Side and Institutional Accounts

A smaller literature looks at the providers. Abdul Rahman and Hassan (2019, 2020) interview practitioners and arrive at a markedly different diagnosis unstandardised inheritance legislation, no comprehensive law governing hibah, disparate legal frameworks across trustee companies, a dual court system that lengthens and inflates the cost of settlement, inconsistent

practice between institutions, and the absence of standardised Shariah compliance oversight for estate planning companies. Their recommendation is a Shariah advisory framework designed specifically for the sector, together with uniform legislation across the states.

Mohd Alam Shah et al. (2022) approach the same terrain from the direction of dispute resolution, arguing that family conflict during estate administration produces measurable financial harm to beneficiaries and proposing mediation as a faster alternative to litigation. They explicitly connect efficient estate administration to sustainability outcomes, which anticipates part of the argument developed here. Saiman and Romeyzee (2024) add an operational dimension, finding in their Amanah Raya Berhad case study that processing fees themselves deter heirs from initiating claims.

3. Methodology

3.1 Research Design

The study adopts a qualitative exploratory design. The choice follows from the research question. The aim is not to measure the prevalence of known barriers but to establish how barriers are understood and prioritised by those who encounter them professionally, and to permit the emergence of constraints that a pre-specified survey instrument would have excluded by construction. Creswell and Poth (2018) identify this as the appropriate use of qualitative inquiry, namely where the variables are not fully known and where the researcher requires the participants' own framing of the phenomenon.

3.2 Informants and Sampling

Three key informants were selected purposively. Palinkas et al. (2015) describe purposeful sampling as the identification of information-rich cases related to the phenomenon of interest, and the selection criterion applied here was direct and sustained professional engagement with wasiyyah services, combined with occupancy of distinct positions within the system. Three informants is a small number by the conventions of interview research, and the justification rests on information power rather than on numerical adequacy. Malterud et al. (2016) argue that the sample size required in qualitative interview studies falls as the specificity of the aim increases, as the specificity of the participants increases, and as the quality of the dialogue improves. All three conditions apply here. The aim is narrowly delimited to barriers within a single instrument in a single jurisdiction, the informants are highly specific, each holding a position that very few

individuals in Malaysia occupy and the interviews were conducted with participants able to reason analytically about their own sector rather than merely report experience. The claim advanced is accordingly one of analytical rather than statistical generalisation, and the limitations of a three-informant design are addressed directly.

3.3 Data Collection

Data were collected through semi-structured interviews conducted using a research instrument organised into five sections which are general understanding of the wasiyyah, challenges and obstacles in its preparation, digitalisation of wasiyyah services, sustainability impact, and outlook. Interviews were conducted in Malay, recorded with consent, and transcribed. Transcripts were subsequently translated into English, and both versions were retained so that analysis could be conducted against the original wording. Informants were assured that their responses would be reported under codes rather than names.

3.4 Data Analysis

Transcripts were analysed thematically using the six-phase procedure set out by Braun and Clarke (2006): familiarisation with the data, generation of initial codes, search for themes, review of themes, definition and naming of themes, and production of the report. Coding proceeded inductively at the semantic level in the first instance, with latent interpretation introduced only at the theme review stage. An initial pass produced 34 codes, which were collapsed into nine candidate themes and then, after review against the coded extracts and the full data set, into the five themes. Two candidate themes concerning cost were absorbed into the fifth theme once it became apparent that the informants located the cost problem after death rather than before it.

3.5 Trustworthiness

Trustworthiness was addressed against the criteria proposed by Lincoln and Guba (1985). Credibility rests principally on the deliberate positional diversity of the informants, which permits triangulation of source where a practitioner, a researcher and a religious administrator independently identify the same constraint, the finding is unlikely to be an artefact of any one professional vantage point. Transferability is supported through the thick description of context provided in the findings. Dependability was pursued by maintaining an audit trail of coding

decisions and theme revisions. Confirmability is supported by the presentation of verbatim extracts alongside each interpretation, which allows readers to assess the fit between the data and the claims made from it.

4. Findings and Discussion

Five themes were generated. The first two concern what the public understands, the third concerns those who mediate between the public and the instrument, and the last two concern the legal and administrative environment in which both operate. They are presented in that order because the sequence traces the argument: the analysis begins where the existing literature begins and moves progressively away from it.

4.1 Awareness Without Comprehension

All three informants described public awareness as having improved without a corresponding improvement in understanding. R1 attributed the visibility gain to industry growth rather than to education, noting that acceptance had risen because the number of players had risen, and that the arrival of digital providers alongside Amanah Raya Berhad and the banks had made the service more conspicuous. He was nonetheless clear that the underlying comprehension had not kept pace:

> *Up to now, public awareness is not yet fully formed, unlike takaful. The issue I see is that agents sell the wasiat the way they sell takaful.*

The comparison with takaful recurs across the interviews and is more analytically loaded than it first appears. Takaful is a regulated product sold by certified agents under the supervision of Bank Negara Malaysia. When the respondent says that the wasiyyah is sold the way takaful is sold, he is identifying a mismatch between a sales method borrowed from a regulated environment and a product that sits outside one.

The respondents also provided the most systematic account of what non-comprehension consists of, listing five barriers, the assumption that assets will simply pass automatically under faraid without difficulty, the belief that a wasiyyah is required only by the wealthy, procrastination grounded in youth or good health, confusion between wasiyyah, hibah, trusts and nomination, and cultural sensitivity around the discussion of death. It reduced the same phenomenon to a single

mechanism, observing that people do not see the real impact until a death occurs in their own family.

This theme is largely consistent with the existing literature. Ahmad and Peyman (2008) reported recognition without substantive understanding and Latib et al. (2024) recorded high general awareness alongside weak knowledge of pre-death planning. The contribution of the present data is one of emphasis rather than novelty: awareness, in the informants' account, is a real but already-improving condition, and the informants did not regard it as the point at which the system is failing.

4.2 Enduring Misconceptions on the Wasiyyah-Faraid Relationship

The misconceptions reported were not diffuse. They clustered tightly around one relationship, namely that between the wasiyyah and faraid, and they were reported as frequent rather than occasional. The respondent enumerated them precisely that a wasiyyah may give all assets to anyone, when in fact it is confined to one-third and to non-heirs absent the consent of the heirs; that the wasiyyah replaces faraid, when it only complements it and that assets will be distributed automatically without estate proceedings provided a wasiyyah exists.

The respondent identified a further distinction that clients routinely fail to grasp, between a wasiyyah that operates as an instruction and a wasiyyah whose function is to appoint an administrator. The consequence is that clients sign documents believing they have distributed their assets when they have done something rather different. Significantly, he extended the criticism upward:

> *Many agents and clients do not understand the relationship between the wasiat and faraid. Do we take the faraid factor into account? Do we understand faraid distribution, the sweeping of heirs and so on? If we do not understand, we will see the wasiat merely as asset distribution.*

They raised a variant with distinct social consequences, the belief that a wasiyyah can properly be made in secret, for instance in favour of an adopted child without the knowledge of the heirs. He observed that this is precisely the practice that generates disputes after death, and that awareness of such disputes then makes other families reluctant to prepare a wasiyyah at all. The misconception is thus self-reinforcing at the community level: improper use produces conflict,

conflict produces reputational damage to the instrument, and reputational damage suppresses adoption.

The finding that the wasiyyah is popularly understood as a device for asset distribution rather than as a bounded supplement to faraid connects directly to the legal analysis offered by Halim et al. (2020). Where the procedural architecture does not compel Shariah verification before probate, a public misconception about what the instrument can lawfully do is not merely an educational deficiency. It is a misconception the system does not reliably correct.

4.3 The Competency Gap Among Intermediaries

The third theme emerged most forcefully who is the informant best placed to observe it, and was corroborated indirectly by the other two. Its substance is that the individuals who mediate between the public and the instrument are frequently not competent to explain it.

> *I am sorry to say that some agents' knowledge of the wasiat itself is still lacking. The training given to wasiat agents is still insufficient, and that is where much of the misunderstanding among clients comes from.*

The respondent described his own entry into the field as having come through a capital market programme and then foundation planning and remarked that most practitioners arrive from other backgrounds because few enter estate administration directly. He characterised the field as difficult and as demanding deep understanding, which is a description of a profession requiring certification. He also noted that not all agents explain to clients that a bequest to one heir remains subject to the consent of the other faraid heirs, an omission that is not a matter of sales technique but of substantive Shariah competence.

The remedy he proposed was regulatory. He called for a centralised body to supervise estate planning agents on the model applied to takaful agents, and for practitioners to improve their knowledge of faraid and of the interaction between wasiyyah, hibah and trusts describing the operational side, noted that a lack of client awareness makes onboarding and explanation time-consuming, which is the same phenomenon observed from the provider's cost accounts rather than from the agent's conscience.

This theme constitutes the study's clearest departure from the prevailing literature. The demand-side account treats the household as the locus of the knowledge deficit. The present data locate a knowledge deficit at the intermediary level as well, and the intermediary deficit is the

more consequential of the two, since it converts a public education problem into an active source of misinformation. A member of the public who knows nothing is uninformed; a member of the public who has been advised by an agent who does not understand the difference between a wasiyyah and a distribution instrument has been misinformed, and holds a signed document reinforcing the error. Abdul Rahman and Hassan (2019) approach this in noting the absence of standardised Shariah compliance oversight for estate planning companies, but their emphasis falls on the institution rather than on the individual adviser.

4.4 Legal and Regulatory Fragmentation

All three informants identified the legal environment as a primary obstacle, and their accounts were mutually reinforcing while differing in emphasis according to position. R1 framed it as an absence of regulation:

> *This wasiat industry has no regulator, unlike takaful under Bank Negara, or investments which are regulated. We deal with companies that have varied, non-standard Shariah engagements. So different companies have different Shariah rulings; it is not uniform.*

He then described the jurisdictional difficulty in operational terms. The civil High Court holds the power to issue grants of probate in respect of a Muslim's wasiyyah, but where the document contains asset distribution, some judges decline to act until the instrument has been validated, which returns the applicant to the Shariah Court. The result is that the substantive jurisdiction and the procedural power sit in different courts. This is precisely the structural problem documented by Nasrul et al. (2021) and by Halim et al. (2020), and its appearance here in the form of an agent's account of what his clients' families actually experience supplies useful empirical corroboration of a proposition previously established through doctrinal analysis.

The respondent whose vantage point is research rather than practice, put the matter more briefly, observing that the law is not sufficiently clear and requires amendment, and adding that Malaysia's plural religious composition compounds the difficulty of determining which law applies. They supplied the most granular account, identifying differences in state enactments concerning Muslim wills, the absence of any uniform national standard, Shariah compliance issues surrounding the one-third limit and the execution of wasiyyah wajibah, and the presence of multiple regulators whose remits sometimes overlap. She observed that Malaysia still lacks a

uniform federal Islamic will law, jurisdiction resting with the states, and cited the Muslim Wills (Selangor) Enactment 1999 as an example of a state framework that is comparatively clear while noting that not every state has an equivalent.

Her summary of the ecosystem is worth setting out in full, since it constitutes a diagnosis rather than a complaint:

> *The main weaknesses of the current ecosystem are industry fragmentation - many players but no uniform standards; a lack of integrated national digital systems for wasiat and estate management, still-low Islamic financial literacy, non-uniform service costs, and poor coordination between Shariah and civil institutions.*

Convergence here is notable because the three informants have no professional reason to agree. A practitioner's incentive is to describe a market in which his services are valuable, a researcher's incentive is to identify a gap that further research might fill, a member of a fatwa committee has institutional reasons for describing the religious administration favourably. That all three nonetheless characterise the legal framework as fragmented, and do so in compatible terms, strengthens the inference that the fragmentation is real and consequential.

4.5 The Preparation-Execution Asymmetry

The final theme was the strongest in the data and is, in the view of the present study, the most important. Every informant, when asked whether the process of preparing a wasiyyah is complicated, gave a version of the same answer, preparation is not the difficulty, but execution is.

> *The preparation process itself is not complicated, especially through digital platforms. What is complicated is the post-death process. At that stage, heirs face document validation, grant applications, and possibly having to shuttle between the Shariah Court and the civil High Court. So ease at the preparation stage does not necessarily mean ease at the implementation stage.*

Meanwhile, from the provider's side, described the same asymmetry:

> *Preparing the document itself is not complicated, but implementation after death is still slow. The administration process involves multiple agencies and is sometimes repetitive due to poor coordination between Shariah and civil institutions. As a result, the wasiat does not deliver the immediate impact families expect, even when the document was prepared well in advance.*

The respondent treated the asymmetry as the explanation for the frozen estate figures themselves, arguing that the post-death process is complicated and that the evidence for this is the volume of frozen assets, which he placed at RM200 billion. He described the resulting waste in macroeconomic terms, observing that the money could be circulating in the economy or the land developed, but cannot be used because it belongs to someone else. His figure is considerably higher than the RM70 billion reported by Abd Wahab et al. (2021) and by Saiman and Romeyzee (2024), and it is offered here as the informant's own estimate rather than as a verified statistic. The point that survives the discrepancy is directional the informants closest to the system believe the stock of frozen assets to be growing, not shrinking.

Cost follows the same asymmetric pattern, which is why the two candidate themes concerning cost were ultimately absorbed here, explained that preparing a wasiyyah is inexpensive, at roughly RM500, but that the administration fee charged after death may reach five per cent of the estate value, which on an estate of one million ringgit is a substantial sum. He added that since the small estate threshold was raised, many families conclude that professional administration is not worth the expense and handle small estates privately. The front end of the service has been commoditised while the back end has not, and households appear to be responding rationally to that structure. This observation aligns with Saiman and Romeyzee (2024), who found that processing charges at Amanah Raya Berhad deter heirs from initiating claims, and it extends their finding by showing that the deterrent operates prospectively as well: a testator who anticipates that his heirs will face a five per cent charge has a reason not to appoint a corporate executor in the first place.

The asymmetry has an uncomfortable implication for policy. Digital preparation platforms, which have absorbed a significant share of industry investment and attention, address the part of the process that was already the least burdensome. A family whose testator prepared a flawless wasiyyah online in twenty minutes may still spend years moving between the Shariah Court and the civil High Court to give effect to it. This is not an argument against digitalisation, which the respondent in particular regarded as necessary, but it is an argument that digitalisation confined to document preparation cannot by itself reduce the stock of frozen estates.

4.6 Synthesis: A Typology of Barriers

The five themes may be reorganized by the locus of the constraint rather than by the order of presentation. Table 1 sets out the resulting typology, together with the informants who contributed to each theme and the position of the theme relative to the existing literature.

Table 1: *Typology of Barriers to Wasiyyah Adoption by Locus of Constraint*

Theme	Locus of Constraint	Relation to Existing Literature
Awareness without comprehension	Demand side	Consistent with Ahmad and Peyman (2008), Jamalurus et al. (2019), Latib et al. (2024)
Misconceptions on the wasiyyah-faraid relationship	Demand side	Extends prior work by specifying the content and the legal consequence of the misconceptions
Competency gap among intermediaries	Supply side	Largely absent from the demand-side literature; partially anticipated by Abdul Rahman and Hassan (2019)
Legal and regulatory fragmentation	Institutional	Corroborates Halim et al. (2020), Nasrul et al. (2021, 2023) with practitioner evidence
Preparation-execution asymmetry	Institutional and operational	New framing; connects Saiman and Romeyzee (2024) on fees to the jurisdictional literature

Read this way, the data support a straightforward proposition. Two of the five themes sit on the demand side and are already well documented; three do not. The three that do not are the themes on which the informants spoke with the greatest specificity and the greatest urgency, and they are also the themes least amenable to the public education response that dominates current policy discussion. A campaign can tell a household that a wasiyyah is important. It cannot certify the agent who sells it, harmonise the state enactments, or shorten the passage between the Shariah Court and the civil High Court.

5. Implications

5.1 Theoretical Implications

The study qualifies the prevailing demand-side account of wasiyyah adoption in Malaysia. Models of behavioural intention, whether grounded in self-determination theory (Mursidi & Maulan, 2020; Mursidi et al., 2023) or in determinant modelling of the kind reported

by Abd Wahab, Maamor, Hashim et al. (2021), specify the individual as the unit of analysis and treat the institutional environment as background. The present findings suggest that the institutional environment is not background. A prospective testator forms intentions under conditions established by intermediary competence, legal certainty and the anticipated burden on heirs, and these conditions vary independently of anything the individual knows or believes. Future modelling might therefore treat institutional quality as a moderator rather than as a controlled constant.

The preparation-execution asymmetry also suggests a refinement of how adoption is measured. Studies that record whether a respondent has prepared a wasiyyah capture an act at the front of a long process. If the informants are right that the binding constraint sits at the back of it, then preparation rates are a weak proxy for the outcome that actually matters, which is the timely release of estate assets to beneficiaries.

5.2 Practical and Policy Implications

Three implications follow with reasonable directness from the data. The first concerns certification. If intermediaries are a source of misinformation, the competency of the intermediary is a regulatory object and not merely a matter of firm-level training policy. The respondent's proposal that estate planning agents be supervised on the takaful model is a specific and implementable suggestion, and it has the advantage of drawing on an existing Malaysian regulatory template rather than requiring the design of a new one.

The second concerns harmonisation. The absence of a uniform standard for the Muslim will across the states was raised by every informant, and the respondent identified the Department of Shariah Judiciary Malaysia as the natural coordinating body, particularly in relation to bequests to heirs and to wasiyyah wajibah for grandchildren. This aligns with the recommendation for uniform legislation advanced by Abdul Rahman and Hassan (2019) and with the call for statutory clarification made by Nasrul et al. (2023) in respect of overlapping administrative jurisdictions.

The third concerns the execution stage specifically. Both respondents proposed a centralised registry so that a deceased person's last wasiyyah can be traced by the heirs, and also argued for a dedicated government agency capable of charging lower fees while functioning as a public reference point. Whatever the institutional form eventually chosen, the underlying point stands: interventions that reduce the friction, duration and cost of post-death administration address

the constraint the informants regard as binding, while interventions confined to pre-death preparation do not.

6. Limitations and Directions for Future Research

The principal limitation is the size of the informant pool. Three informants, however well positioned, cannot represent the range of views held across an industry, and the findings should be read as analytically rather than statistically generalisable. A second limitation concerns the composition of the sample. All three informants operate at a senior or specialist level, and none is a member of the general public or a beneficiary who has personally taken an estate through administration. The study accordingly reports how the system appears from within it, which is its purpose, but it cannot speak to the experience of families at the receiving end of the process.

Third, the interviews were conducted in Bahasa Melayu and analysed in translation alongside the original transcripts. Although both versions were retained, translation inevitably introduces some interpretive distance, particularly in relation to terms such as amanah and ihsan, which carry connotations that no single English word captures.

Several directions for future work follow. A larger practitioner study, extending to agents across multiple providers as well as to officers of Amanah Raya Berhad, the Estate Distribution Division and the Shariah Courts, would allow the competency and fragmentation themes to be tested properly. A study of families who have completed estate administration would document the execution-stage burden directly rather than through the accounts of professionals. Quantitative work might usefully attempt to estimate the elapsed time and total cost of post-death administration under different estate profiles, since the informants' central claim is empirical and, in principle, measurable.

7. Conclusion

This study set out to examine the barriers to wasiyyah preparation in Malaysia through the accounts of three informants positioned at different points within the system. It finds that public awareness, while genuinely limited, is neither the only nor the most consequential constraint. Alongside awareness and a set of specific and persistent misconceptions concerning the relationship between the wasiyyah and faraid, the informants identified a competency gap among the agents who sell the instrument, a fragmented legal framework operating without an industry

regulator and without uniform provisions across the states, and an asymmetry in which preparing a wasiyyah has become simple and inexpensive while giving effect to one remains slow, costly and institutionally uncoordinated.

The last of these findings carries the greatest weight. It suggests that the persistence and growth of frozen Muslim estates in Malaysia is not adequately explained by households failing to write wills, and that a portion of the problem lies downstream of the document entirely. The policy consequence is not that public education should be abandoned, but that education alone should not be expected to deliver what only regulatory standardisation and jurisdictional coordination can. Certifying the intermediary, harmonising the state enactments, and reducing the friction of post-death administration address the constraints the informants regard as binding.

As a small exploratory study these conclusions are offered as propositions for further testing rather than as settled findings. They nonetheless indicate that research attention in this field, which has concentrated heavily on the Muslim consumer, might profitably be redirected towards the institutions and intermediaries through which that consumer must pass.

Acknowledgement:

This research was funded by the Ministry of Higher Education (MOHE) under the Fundamental Research Grant Scheme Early Career Researcher (FRGS-EC) with reference number FRGS-EC/1/2024/SS01/USIM/02/10.

References

Abd Wahab, N., Maamor, S., Hashim, S., Zainol, Z., & Yaacob, H. (2021). Investigating tendencies of Malaysian Muslims in Islamic estate planning: Insight into its determinants. The Journal of Muamalat and Islamic Finance Research, 18(2), 127-140. https://doi.org/10.33102/jmifr.v18i2.377

Abd Wahab, N., Maamor, S., Zainol, Z., Hashim, S., & Mustapha Kamal, K. A. (2021). Developing best practices of Islamic estate planning: A construction based on the perspectives of individuals and estate planning providers. ISRA International Journal of Islamic Finance, 13(2), 211-228. https://doi.org/10.1108/IJIF-03-2020-0052

Abdul Rahman, A. H., & Hassan, R. (2019). Issues and challenges in Islamic estate planning in Malaysia. In Proceedings of the 7th ASEAN Universities International Conference on Islamic Finance (AICIF 2019) (pp. 67-75). SCITEPRESS. https://doi.org/10.5220/0010115000002898

Abdul Rahman, A. H., & Hassan, R. (2020). Islamic estate planning in Malaysia: The dilemma. Journal of Islam in Asia, 17(2), 238-268. https://doi.org/10.31436/jia.v17i2.963

Abdullah, M. M., Nasir, N. M., & Habidin, N. F. (2023). The viability of Islamic estate planning in Malaysian Muslim market: A bibliometric analysis indexed by Scopus from 2015 to 2021. The Journal of Muamalat and Islamic Finance Research, 20(1), 1-23. https://doi.org/10.33102/jmifr.436

Ahmad, I., & Peyman, J. (2008). Exploring Muslim society's knowledge of wassiyah. The Journal of Muamalat and Islamic Finance Research, 5(1), 39-60.

Braun, V., & Clarke, V. (2006). Using thematic analysis in psychology. Qualitative Research in Psychology, 3(2), 77-101. https://doi.org/10.1191/1478088706qp063oa

Creswell, J. W., & Poth, C. N. (2018). Qualitative inquiry and research design: Choosing among five approaches (4th ed.). Thousand Oaks, CA: Sage.

Drs Nasrul, M. A., Abdul Manaf, Z. I., Syafril, S., & Fathurrohman, M. (2021). An overview of the inheritance legal system in Malaysia and Indonesia: Issues faced by both countries. Journal of Shariah Law Research, 6(2), 181-200.

Halim, A. H., Mohd Noor, N. A., & Mohd Salim, W. N. (2020). The execution of Muslim's will (wasiyyah) in Malaysia: A way to evade Islamic inheritance (faraid). Journal of Islam in Asia, 17(3), 184-197. https://doi.org/10.31436/jia.v17i3.992

Jamalurus, H. L., Mokhtar, S. F., & Rahim, H. A. (2019). The awareness of wasiyyah (will writing) practice among Muslims. In N. Sidek, R. Said, & W. Hasan (Eds.), Islamic development management (pp. 151-160). Singapore: Springer. https://doi.org/10.1007/978-981-13-7584-2_11

Latib, N. A. A., Izham, S. S., & Mohamad, S. N. A. (2024). Understanding and knowledge of Islamic estate planning strategies at Universiti Teknologi MARA, Shah Alam, Malaysia. Labuan e-Journal of Muamalat and Society, 18(1), 151-158.

Lincoln, Y. S., & Guba, E. G. (1985). Naturalistic inquiry. Beverly Hills, CA: Sage.

Malterud, K., Siersma, V. D., & Guassora, A. D. (2016). Sample size in qualitative interview studies: Guided by information power. Qualitative Health Research, 26(13), 1753-1760. https://doi.org/10.1177/1049732315617444

Mohd Alam Shah, N. A., Drs Nasrul, M. A., Halim, A. H., & Abdul Hak, N. (2022). Administration of estates: Resolution of disputes in achieving sustainability among the deceased's family. IIUM Law Journal, 30(2), 253-279.

Mursidi, A., & Maulan, S. (2020). Qualitative study in identifying reason that motivate Malaysian Muslims in writing wasiyyah. The Journal of Muamalat and Islamic Finance Research, 17(2), 44-60. https://doi.org/10.33102/jmifr.v17i2.293

Mursidi, A., Muhammad Nasir, N. I., Razali, S. S., & Maulan, S. (2023). Muslims' motivation to patronize wasiyyah (Islamic will) services: Does religiosity act as a moderator in the relationships? The Journal of Muamalat and Islamic Finance Research, 20(2), 73-86. https://doi.org/10.33102/jmifr.512

Nasrul, M. A., Mohd Alam Shah, N. A., Mohd Yusoff, R., & Md Said, M. H. (2023). Small Estates (Distribution) Act 1955: Analysis on the 2022 amendment and its effects over the inheritance management. IIUM Law Journal, 31(2), 207-228. https://doi.org/10.31436/iiumlj.v31i2.862

Palinkas, L. A., Horwitz, S. M., Green, C. A., Wisdom, J. P., Duan, N., & Hoagwood, K. (2015). Purposeful sampling for qualitative data collection and analysis in mixed method implementation research. Administration and Policy in Mental Health and Mental Health Services Research, 42(5), 533-544. https://doi.org/10.1007/s10488-013-0528-y

Saiman, M. Z., & Romeyzee, M. D. F. (2024). Unclaimed money in Islamic inheritance: A case study at Amanah Raya Berhad. Sains Insani, 9(2), 192-202. https://doi.org/10.33102/sainsinsani.vol9no2.648

Ushama, T. (2025). Malaysia MADANI concept: An exploration of its Islamic dimensions and characteristics. Advances in Social Sciences Research Journal, 12(11), 53-84. https://doi.org/10.14738/assrj.1211.19544