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GOVERNMENT AND COMMUNICATION  
(IJLGC)**[www.ijlgc.com](http://www.ijlgc.com)**BONA VACANTIA IN WEST MALAYSIA: ISSUES AND  
CHALLENGES**

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**Abstract:**

This paper examines the concept of *bona vacantia*, or ownerless goods, in West Malaysia, probing into legal, practical, and societal perspectives. It highlights the differences in handling these assets under Islamic law (Sharia) for Muslims and civil law for non-Muslims, with the former reverting ownerless assets to Baitulmal and the latter managing them through the federal government or state authority. This paper highlights the inefficiencies and inconsistencies in *bona vacantia* administration, which leads to fragmented legal provisions, administrative variances, and challenges for small estate claims. Furthermore, a lack of data on ownerless estates exacerbates these problems. It thoroughly analyses the legal framework, issues and challenges using a qualitative approach, based on a literature review and interview with the Unclaimed Money Management Division (BWTD). The study was also conducted using a library research approach, incorporating qualitative exploratory and descriptive methodologies. Data analysis was performed through content analysis. Bibliographic references encompass information obtained from various mediums including journals, conference proceedings, and online media. The conclusion advocates the need for collaborative efforts among stakeholders to address these challenges and develop standardised procedures and policies. The integration of multiple disciplines is essential for developing efficient strategies and solutions to handle ownerless properties. We anticipate that this collaborative endeavour will be a critical milestone in addressing the complexities of *bona vacantia* management.

**Keywords:***Bona Vacantia*, Ownerless Property, Estate Administration, Challenges**Introduction**

*Bona vacantia*, a term originating from Latin, refers to assets or goods that do not have an identifiable owner or ownerless estate. This situation can arise due to various reasons, such as abandonment, misplacement, or forgetfulness. A situation known as *bona vacantia* occurs when a deceased person leaves no heir to inherit their estate. In West Malaysia (also known as Peninsular Malaysia), *bona vacantia* covers various types of assets, ranging from real estate, personal belongings, financial assets, and other forms of property. Accordingly, when the property becomes *bona vacantia*, it falls under specific legal procedures and rules that govern its management and disposition. These procedures strive to manage ownerless property in alignment with legal principles and public interests. Hence, both the Islamic law (*Sharia*) and civil law systems influence the treatment of *bona vacantia*, reflecting the diverse legal landscape of the region.

For Muslims, a deceased person's estate is considered ownerless (*bona vacantia*) if they die intestate (without a valid will) and have no next of kin. Depending on the deceased's religion, different procedures and laws govern the administration of *bona vacantia*. If the deceased was a Muslim, the estate reverts to Baitulmal. Baitulmal is an Islamic institution responsible for managing unclaimed or ownerless properties for the Muslim community. In contrast, under civil law systems, *bona vacantia* refers to property that is unclaimed for a specific period. If these assets or properties remain unclaimed, the government assumes custodianship. The type of estate a deceased non-Muslim held will determine its disposition. Depending on this, the estate may revert to either the Federal Government or the State Authority.

In West Malaysia, *bona vacantia* has significant implications for property rights, inheritance, and estate administration. In a multicultural and multireligious society like Malaysia, where Islamic law coexists with civil law systems, the management of ownerless property involves complex legal frameworks and cultural considerations. The purpose of this article is to provide a comprehensive analysis of *bona vacantia* in West Malaysia, examining the legal, practical, and societal dimensions of this concept. By examining the definition, significance, and implications of *bona vacantia*, this article aims to illuminate the challenges and opportunities associated with managing ownerless property in a complex and dynamic legal landscape.

**Literature Review**

Scholars have extensively researched the foundational principles of property rights and inheritance in Islamic law, also known as Sharia. Significant publications include "Principles of Islamic Jurisprudence" by Kamali (2003) and "An Introduction to Islamic Law" by Schacht (1982), where these studies examine the impact of Sharia on property ownership and the division of assets among heirs. Kamali (2003) emphasises the importance of equitable distribution and fairness in handling estates under Sharia.

In contrast, scholars in civil law have explored the theoretical groundwork of property law and the concept of ownerless property. Legal philosophers such as Gray (1886) in his work "The Rule Against Perpetuities" and William Blackstone (1765) in "Commentaries on the Laws of

England” (1765–1769) provide valuable insights into property rights in common law systems. Their works trace the development of legal concepts concerning ownership and succession, offering a basis for understanding how civil law systems comprehend situations where property lacks a rightful owner.

In West Malaysia, the Federal Constitution, Civil Law Act 1956, National Land Code 1965, and Small Estates (Distribution) Act 1955 govern movable or immovable *bona vacantia*. For non-Muslims, the estate reverts to the Federal Government, except for land, which may revert to the State Authority. The concept of *bona vacantia* transcends legal frameworks, intersecting with Islamic estate planning and management, particularly in Malaysian contexts (Khairy Kamarudin & Hisyam, 2018; Norazlina Abd Wahab et al., 2021). Ab Rahman et al. (2018) note that inconsistencies in Malaysian Muslim estate management due to the involvement of various agencies cause public perplexity. In furtherance, based on studies conducted by Halim et al. (2019), it was revealed that distinct legislative frameworks and procedures for managing *bona vacantia* estates applicable across states in West Malaysia. Baitulmal allocates such estates to Muslims, while the responsibilities for non-Muslims vary based on the nature of the properties.

In this regard, Arshad (2015) and Mohammada & Suratman (2017) have pointed out the fragmented and conflicting nature of the current system, highlighting the need for a cohesive legal framework for inheritance law. Similarly, Halim et al. (2018) stress the need for standardised procedures to address administrative disparities and ambiguities. Furthermore, Mohd Yusoff (2019) also emphasises the lack of comprehensive data on *bona vacantia* amounts, urging further research on asset management and valuation by relevant authorities.

The absence of uniformity and lack of consistency in the redemption procedure for Baitulmal parts and other administrative difficulties highlight the necessity for standardisation and further research. In conclusion, the current laws and procedures regarding *Bona vacantia* in West Malaysia are inadequate without specific protocols, underscoring the necessity for further investigation and the establishment of significant legal frameworks.

## Legal frameworks for *Bona vacantia* in West Malaysia

### *Islamic Law Perspective*

Principles established in the Quran and Hadith, which regulate matters of inheritance and property ownership, determine the handling of *bona vacantia* in the context of Islamic law (Sharia). According to Sharia, property ultimately belongs to Allah, and individuals are considered trustees who are accountable for managing their assets following Islamic principles. The principles of inheritance outlined in the Quran (*faraid*) offer specific guidelines for the distribution of assets among beneficiaries, giving priority to immediate family members such as spouses, children, parents, and siblings. Al-Quran offers instruction on inheritance, considering the inherent distinctions between males and females, as provided by Allah. Specifically, in Surah An-Nisa (4:11), it is stated: “*God (thus) directs you as regards to your children’s (inheritance): to the male a portion equal to that of two females...*”. Further, as narrated by Abu Hurairah, the Messenger of Allah ﷺ said, “*Learn the laws of inheritance and the Quran, and teach the people, for I am a mortal*” (Jami at-Tirmidhi 2091, Book 29, Hadith 2). This hadith stresses the importance of learning and teaching the laws of inheritance and the

Quran. The Prophet Muhammad ﷺ encourages Muslims to acquire knowledge on these subjects and share it with others.

If a deceased individual leaves no valid will or has no eligible heirs, their estate may be considered *bona vacantia*. Zaid bin Tsabit R.A. expressed the view that any remaining inheritance after the distribution of fixed shares (*furudh*) should go to the *Baitul Mal* (public treasury). Furthermore, he believed that no heir should receive more than their prescribed share. Imam Malik, Imam Al-Auza'i, and Imam Shafi'i also shared this viewpoint (Ibnu Qudamah, 2022). Sharia rules govern *bona vacantia* estates by ensuring that assets are distributed following Islamic principles of justice and welfare for the heirs.

Comparative studies examining the management of ownerless estates in Islamic law and civil law systems demonstrate divergent approaches to property distribution. Law scholars like Brown (2014) and Ahmad (2017) investigated the application of Sharia principles in intestate succession cases and asset distribution among heirs. These works underscore the role of religious authorities in overseeing the distribution of estates and ensuring adherence to Islamic inheritance laws.

*Baitulmal* typically administers the estates of Muslims here in West Malaysia. This entity possesses authority over matters of inheritance and estate distribution, ensuring compliance with Sharia principles and procedural safeguards. An Islamic institution known as *Baitulmal*, which manages unclaimed or ownerless properties for the Muslim community, may receive a deceased Muslim's deemed *bona vacantia* estate. *Baitulmal* serves as a custodian of these assets, utilising them for the benefit of the Muslim community, such as supporting charitable foundations, providing social welfare, or funding religious activities. The rule of *faraid* dictates that the remainder of the estate goes to *Baitulmal*, and the public treasury is placed under the State Islamic Religious Council (SIRC).

### ***Civil Law Perspective***

In contrast, the civil law system governs the treatment of *bona vacantia* through statutory provisions and procedural frameworks established by the government in West Malaysia. Civil law systems, influenced by British legal traditions, provide specific rules and procedures for handling unclaimed property or estates. Statutory provisions outline the process for identifying and managing *bona vacantia* estates, including procedures for notification, claims, and distribution of assets. These provisions may vary by jurisdiction but aim to ensure transparency, accountability, and efficiency in administering ownerless property. Legal scholars like Gray (1886) and William Blackstone (1765) provide insights into the historical development of property law in common law systems, thus shaping the statutory provisions and procedural frameworks governing *bona vacantia* in West Malaysia.

Specific acts such as the Civil Law Act 1956, the Inheritance (Family Provision) Act 1971, and the Distribution Act 1958 govern the estates of non-Muslims (Halim et al., 2019). However, other statutes relating to estates also include the National Land Code 1965, the Small Estates (Distribution) Act 1955, and the Federal Constitution. In West Malaysia, government agencies play a key role in administering *bona vacantia* estates, ensuring compliance with legal requirements, and preserving the interests of potential claimants.

The key differences between these acts lie in their scope and the type of estates they govern. Under the Federal Constitution, land matters fall under the jurisdiction of the State Government as outlined in Article 74, Item 2, List II (State List), Ninth Schedule. The State Legislative Assembly regulates the management of ownerless estates, known as *bona vacantia*, for non-Muslims. In addition, disputes concerning land for non-Muslims fall under the exclusive authority of Civil courts. This constitutional provision guarantees the power of each state in handling land and property affairs, including the allocation of *bona vacantia*. For Muslims, Islamic law applies to both movable and immovable estates under the personal laws of Muslims as per Item 1, List II (State List), Ninth Schedule of the Federal Constitution. Thus, the ownerless estates of Muslims find their destination in Baitulmal, rather than contributing to the government's Consolidated Fund as stipulated for non-Muslims.

Next, under Section 351 of the National Land Code (NLC), a process is outlined for the reversion of land when there is no surviving proprietor. If a Land Administrator confirms the death of the proprietor of an alienated land and finds that no petition for representation or estate distribution has been filed, they can endorse the document of title. Accordingly, the land will revert to or become vested in the State Authority after one year subject to certain conditions. For Muslims however, the provision of Section 4(2)(e) of the National Land Code 1965 (NLC) ensures that the NLC does not override existing legislation related to wakaf and baitulmal. This saving clause limits the NLC's authority, excluding land disputes involving Baitulmal from its regulations. Consequently, Islamic law holds precedence over the NLC in these matters, affirming its superior authority.

Further, under Section 24 of the Civil Law Act 1956, *Bona Vacantia* refers to the property of a person who dies intestate (without a will) and without any legal heirs. Such property accrues to the government, becoming part of the Consolidated Fund. This fund can be appropriated for public purposes as directed by the Yang di-Pertuan Agong. However, the provision does not extend to Muslims abiding by Islamic legal principles where all money and properties shall pass to Baitulmal.

The Distribution Act in Malaysia outlines the distribution of a deceased individual's estate in the event of intestacy. Section 6 of the Act provides a framework for asset allocation in various scenarios. If no eligible beneficiaries are found as per Section 6(1)(a)-(i), the government assumes ownership of the entire estate, excluding land. Thus, unclaimed estates (*bona vacantia*) are directed to the Government of Malaysia, unless they include land. This Act however only applicable to non-Muslims.

In summary, each act has a specific focus and governs different aspects of estate distribution in the event of a person's death. The management of ownerless estates, or *bona vacantia*, is governed by several legal frameworks that vary between Muslims and non-Muslims and depend on the type of property involved. The Federal Constitution grants the state authority over land matters, establishing a jurisdictional framework. For Muslims, Islamic law governs both movable and immovable estates, with unclaimed properties typically reverting to the Baitulmal Fund.

### Issues

The management of unclaimed property, including *bona vacantia* presents multiple issues. These include directing the difficulties of complying with varying laws and regulations.



### ***Fragmented Legal Provisions***

Different laws apply to Muslims and non-Muslims in the context of *bona vacantia*. For Muslims, Islamic law (Sharia) governs the administration of estates, while civil law applies to non-Muslims. This dual system can lead to complexities and inconsistencies in managing ownerless properties. This fragmentation stems from the concurrent existence of Islamic law (Sharia) and civil law. Halim et al. (2019) and Yusoff et al. (2021) reported that the legal provisions of *bona vacantia* vary across different states in West Malaysia, leading to inconsistencies in the management of ownerless property. For instance, Baitulmal, the Islamic institution responsible for managing unclaimed properties, receives the estates of deceased Muslims without heirs, according to Islamic law; however, the procedures and practices surrounding this allocation vary from state to state.

### ***Inefficiency in Administration***

A lack of effective administrative systems can lead to delays and complications in the distribution process (Rusnadewi & Nor Hisyam, 2013). Ineffective estate management may waste resources, requiring additional time, energy, and financial resources to address distribution problems. Inefficiency in administration is a significant issue in the management of *bona vacantia*. When administrative systems are not effective, it can lead to various problems in the distribution process.

Firstly, it may cause delays if there is no direct way to figure out who are the rightful owners of the estates. In such cases, distributing the assets could take time. This can be quite frustrating for the claimants, meaning that these assets go unclaimed for a long time. Next, we have complications. These could be anything from legal disputes to problems with asset valuation or even issues verifying ownership. These complications can worsen the whole process of administering the estate. In some cases, they could even lead to legal disputes, which would further delay the distribution of assets. Finally, about the potential for resource wastage due to ineffective estate management. Managing an estate involves a lot of tasks like identifying and valuing assets, figuring out the potential claimants, and followed by the estate distribution. If these tasks are handled inefficiently, it could lead to a lot of unnecessary expenditure of time, energy, and money. For instance, if there is no centralized system and the same information has to be verified over and over again, it could result in a lot of wasted time and effort.

Therefore, improving the efficiency of administrative systems is the key to managing *bona vacantia*. This could involve reforming processes, reducing bureaucratic hurdles, implementing effective systems for asset identification and valuation, and improving methods for owner verification and claiming process. By doing so, it would be possible to reduce delays and complications, save resources, and ultimately ensure that assets are distributed to their rightful owners in a timely and efficient manner.

### ***Inconsistencies in Administration Across States***

Abdullah (2006) believed that the multitude of jurisdictions could be confusing, and occasionally, their distinct functions overlapped. Moreover, it becomes more challenging for the public to cope, particularly for those with inadequate comprehension of information. This can be complicated for the general public to understand. For people who might not fully understand the information, this becomes much more challenging. Furthermore, the inconsistencies across states can lead to inefficiencies and delays. Baitulmal plays a vital

function in the administration of Muslim deceased estates that are ownerless. This is in accordance with the provisions of the Federal Constitution, specifically stated in Item 1 of List II (State List), Ninth Schedule. Therefore, each Baitulmal in every state can autonomously exercise its jurisdiction, which may vary from one state to another. It underscores the need for better coordination and perhaps even standardization across states to make the system more understandable and accessible for everyone.

### ***Lacking Knowledge***

Furthermore, the community's lack of knowledge regarding the methods, means, and processes required to effectively manage the estate is also a significant factor contributing to the increasing number of unclaimed estate concerns in Malaysia (Nik Wajis et al., 2018). The reason why many Malaysians perceive estate planning as unimportant is due to the belief that it is solely intended for rich individuals. (Md Azmi & Mohammad, 2011; Ismail et al., 2013). Many people are unaware of the procedures and legal implications surrounding *bona vacantia*. According to Nasrul and Mohd Salim (2018), this lack of awareness can lead them to approach the wrong body for their needs. When the rightful owners cannot be located, these property assets remain in a state of indeterminate state which complicates and impedes the state's ability to properly administer, manage and make fair, beneficial use of these assets. Public ignorance about the claiming process aggravates the problem, leading to many estates being unclaimed and improperly managed.

### ***Setbacks in Claiming Small Estates***

The disproportionate time and expense required to claim small estates discourage beneficiaries from pursuing their inheritance. Beneficiaries may find the process too burdensome and expensive, particularly for small estates, which leads to unclaimed assets remaining unclaimed. Individuals with greater estates are more likely to possess the financial means to pursue their inheritance keenly, contrary to individuals with smaller estates. Mr Seh Nilamuddin bin Hassan, the Deputy Director-General of the Division of Inheritance at the Department of the Director General of Land and Mines (Federal) in his presentation during the Jawhar Intellectual Discourse (JID) Program No. 2/2012, highlighted that certain state baitulmal authorities exhibit reluctance in initiating applications even upon learning that the deceased had no heirs. Additionally, some of these authorities are unwilling to make payments despite having received their share. (Hassan S. N., 2012).

### ***Lack Of Data On Bona Vacantia***

Muslim and non-Muslim estates face different administrative processes depending on the nature of the properties involved. Mohd Yusoff (2019) highlights the lack of comprehensive data on *bona vacantia* amounts and the absence of a standard procedure for managing and valuing these assets. Additionally, the 2023 interview with Malaysia's National Accountant Department clarified that unclaimed money (*Wang Tak Dituntut* or WTD) and *bona vacantia* are distinct. Over the past 10 years, a total of RM8.68 billion in WTD has been reported, and none of them are classified as *Bona Vacantia*. These funds are managed under the Unclaimed Moneys Act 1965. Nevertheless, there is a lack of precise techniques to identify *bona vacantia* funds, and anyone seeking to claim such funds must proactively apply to the Registrar of Unclaimed Money. There is also no established method to differentiate between unclaimed money for the living person and the deceased. Hence, lacking this data hinders the efforts of authorities to outline policies and strategies for managing these estates. Without accurate data, planning for the management of unclaimed estates is halted, too.

## Challenges

### ***Legal and Policy Standardization***

The potential of developing a standardised legal framework in *bona vacantia* administration between different state and religious traditions is a major challenge. This kind of standardisation is important to be able to manage those estates, as fair and effectively as possible. Research indicates that the process of law development is more crucial than the content of the laws themselves, especially in developing economies (Pistor, 2000). Effective legal systems depend on the alignment of various legal traditions. Hence, this alignment is particularly complex when dealing with *bona vacantia*, where the laws of different legal and religious traditions must be reconciled. Moreover, according to Aysan et al. (2022), standardization in Islamic finance has demonstrated that common standards across jurisdictions can facilitate smoother legal and financial transactions. This principle can also be applied to the regulation of *bona vacantia*, where a standardized legal framework can promote seamless processes and reduce conflicts arising from jurisdictional differences.

In conclusion, creating a common legal framework to standardise the regulation of *bona vacantia* requires careful harmonization of Sharia and civil law. This standardization is essential for managing estates fairly and effectively, ensuring that legal processes are transparent and consistent across different jurisdictions.

### ***Improving Administrative Efficiency***

Improving administrative efficiency in the management of unclaimed properties and ownerless estates, also known as *bona vacantia*, involves several key strategies. Firstly, the process can be made more efficient and takes less time by reducing the number of steps. Second, promoting good inter-agency collaboration, including sharing information and making sure that processes are followed the same way, thus, it can minimise delays. For the process to run smoothly, there must also be clear, easy-to-understand rules and a quick flow of work. Lastly, prompt identification, accurate valuation, and fair distribution of *bona vacantia* can further enhance efficiency. By implementing these strategies, we can ensure fair and efficient management of unclaimed properties and ownerless estates.

### ***Educating the Public***

The key component of solving the problem of *bona vacantia*, or lands without owners is by educating the public. The public often lacks knowledge about the existence of such estates and the probable outcomes of leaving them unclaimed. Therefore, it is important to inform them about these estates and guide them on the necessary steps to make a claim. There are many ways to do this, such as through outreach efforts and programmes to raise awareness. These undertakings can make the process less complicated and easier for most people to understand. By improving public understanding, we can facilitate the claim process, reduce the number of unclaimed estates, and streamline probate management. Ultimately, a knowledgeable audience can make a significant impact on how efficiently *bona vacantia* is administered.

### ***Making it Easier for Families to Claim***

More of these properties may come into control if the process for heirs to inherit estates without a will is made simpler. Such measures could include the reduction of bureaucratic red tape and an increase in the availability of resources for claimants. This could include providing clear and comprehensive information about the claim process, offering guidance and support, and



ensuring that help is readily available when needed. With these resources, people would be able to pass through the process with more confidence. In addition, developing a user-friendly process will make it easy for rightful heirs to come forward and claim their estates.

### ***Using Technology***

Technology may significantly streamline the management of ownerless, particularly a national database. This database would serve as a one-stop resource centre for all such estates, making the process more accessible and transparent. It would be a valuable tool for officials to monitor these estates and for potential claimants, to find and claim estates. Digital tools can further simplify the claiming process and improve documentation. They can speed up the process, increase efficiency, and reduce errors. Digital records are also easier to maintain and retrieve than paper records. In short, technology can reform the management of ownerless estates, making the process easier, more transparent, and more accessible for everyone involved.

### ***Protective Measures for People and the Environment***

If *bona vacantia* refers to real estate, as well as in the case where the *bona vacantia* results from an inability to identify an alternative use for the property so it can be used sustainably, or where the surrounding area is of scientific or environmental value, the preventive measures for the protection of people and the environment shall apply. This could also involve identifying certain value(s) that some properties represent to communities, as well as that sustainable usage guidelines take local culture into accounts such as cultural awareness, better relationships with the community, more safety, and better estate management.

### **Conclusion**

Managing unclaimed estates in West Malaysia can be a real challenge because of the unique dual legal system that combines Islamic law with civil law. Therefore, there is a need to establish consistent procedures for handling ownerless estates or *bona vacantia*. For Muslims' estates, they shall revert to Baitulmal under Islamic law. Whereas non-Muslim estates are managed by civil statutes, often ending up in federal or state custody. Hence, it is crucial to harmonise these legal structures and resolve any administrative problems. The current issue lies in the present laws are disorganised, resulting in inconsistent administration of estates. The concurrent implementation of Sharia and civil laws aggravates the confusion. As a result, it causes delays in the distribution of assets and impedes the entire procedure. In addition, the lack of accessible information and data about ownerless estates makes it harder for authorities to formulate policies and plans for managing such estates. Moreover, another issue is the complex procedures in claiming smaller estates, which discourages potential claimants and leaves these assets in limbo. To overcome these problems, we need collective work and effort in harmonising the legal and policy frameworks, improving the administrative procedures, engaging the public, streamlining the claims process, leveraging technology, and establishing measures to protect individuals and the environment.

Consequently, addressing the issues and challenges related to the administration of these estates contributes to the broader discussion on property rights and inheritance laws in West Malaysia. Future research should explore the effectiveness of existing legal frameworks, the influence of cultural and historical contexts, and the role of technology, such as advancements in information and communication technology (ICT), in managing *bona vacantia* and making information more easily accessible. Thus, efforts and continuous research are crucial for

developing comprehensive policies and procedures to facilitate the effective management of ownerless estates in Malaysia.

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### References

#### Conference Papers

- Hassan, S. N. (2012). *Isu-isu dan permasalahan dalam pembahagian pusaka orang Islam di Malaysia*. Retrieved May 11, 2024, from [http://e-muamalat.islam.gov.my/images/pdf-bahan-ilmiah/isu-isu\\_dan\\_permasalahan\\_dalam\\_pembahagian\\_pusaka\\_orang\\_islam\\_di\\_malaysia.\\_utk\\_portal.pdf](http://e-muamalat.islam.gov.my/images/pdf-bahan-ilmiah/isu-isu_dan_permasalahan_dalam_pembahagian_pusaka_orang_islam_di_malaysia._utk_portal.pdf)
- Muhamad, A. (2006). Isu dan masalah dalam pengurusan pembahagian pusaka kecil. In Z. Zakaria, S. Zalikah Md Nor, M. Noor Mat Zain, M. Yazid Ahmad, & M. Zaini Yahya (Eds.), *Prosiding Seminar Kebangsaan Pengurusan Harta Dalam Islam* (pp. 27–40). Bangi: Jabatan Syariah, Fakulti Pengajian Islam, Universiti Kebangsaan Malaysia.
- Md Azmi, F. A., & Mohammad, M. T. S. (2011). The Causes of Unclaimed, Late Claimed or Distributed Estates of Deceased Muslims in Malaysia. *International Proceedings of Economics Development and Research (IPEDR)*, 10, 440–444.

#### Journal Papers

- Ab Rahman, S., Khalid, Rasyidah Md, Razak, A. A., & Jaafar, A. Bakar. (2018). Pemerkasaan Mahkamah Syariah Dalam Pentadbiran Harta Pusaka Masyarakat Islam Menurut Kerangka Federalisme Di Malaysia. *Akademika*, 88(3), 113–125, ISSN 0126-5008.
- Halim, A. H., Ahmad Bustami, T. A., Mohd Salim, W. N., & Mohd Yusoff, R. (2019). The Administration of Muslims's and Non-Muslims's Ownerless Estate (*Bona vacantia*) in West Malaysia: An Analysis. *International Journal of Law, Government and Communication*, 4(16), 26–34. <https://doi.org/10.35631/ijlgc.416003>
- Halim, A. H., Mohd Noor, N. A., & Arshad, A. (2018). Administration of Unclaimed Estates in Malaysia: The Peculiarities of Unclaimed Money, Undistributed Fund and *Bona vacantia*. *The Journal of Social Sciences Research*, 6, 1075–1079. <https://doi.org/https://doi.org/10.32861/jssr.spi6.1075.1079>
- Ismail, S., Hashim, N., Kamis, R., Harun, H., & Abdul Samad, N. N. (2013). Determinants of attitude towards estate planning in Malaysia: An Empirical Investigation. *Procedia Economics and Finance*, 1-9. Elsevier. Retrieved from [https://www.researchgate.net/publication/260986225\\_Determinants\\_of\\_Attitude\\_towards\\_Estate\\_Planning\\_in\\_Malaysia\\_An\\_Empirical\\_Investigation](https://www.researchgate.net/publication/260986225_Determinants_of_Attitude_towards_Estate_Planning_in_Malaysia_An_Empirical_Investigation)
- Khairy Kamarudin, Mohd & Hisyam, Nasrul. (2018). Islamic Estate Planning and Management: Malaysian Experience, *International Journal of Management Applications*, 1(1), 8-16

- Mohammada, M. T. S., & Suratman, R. (2017). Complexity of Intestate Estates Distribution and Escheat Law. *International Journal of Law, Government and Communication (IJLGC)*, 2(4), 1–12.
- Nasrul, M. A., & Mohd Salim, W. N. (2018). Administration of Estates in Malaysia: Determinant of Factors Behind the Delay in the Distribution of the Deceased's Asset. *Journal of Nusantara Studies (JONUS)*, 3(1), 75–86. <https://doi.org/10.24200/jonus.vol3iss1pp75-86>
- Nik Wajis, N. R., Abdul Mutalib, L., Ab. Rahman, A., Mochammad Sahid, M., Nik Saleh, N. S. S., Mohd Rusli, M. H., ... Ahmad, A. S. (2018). Harta Tidak Dituntut: Punca Dan Kaedah Penyelesaiannya. *Malaysian Journal of Syariah and Law*, 6(1), 129–141.
- Norazlina Abd Wahab, Selamah Maamor, Suraiya Hashim, Zairy Zainol, & Hakimah Yaacob. (2021). Investigating Tendencies of Malaysian Muslims in Islamic Estate Planning: Insight Into Its Determinants. *The Journal of Muamalat and Islamic Finance Research*, 18(2), 129–143. <https://doi.org/10.33102/jmifr.v18i2.377>
- Rusnadewi, A. R., & Nor Hisyam, A. (2013). Pengurusan Harta Melalui Hibah: Kepentingan Dan Manfaat Dari Pelbagai Aspek Untuk Kemajuan Ummah (Hibah Wealth Management: The Important and Benefit from Various Aspects for Ummah Development). *Jurnal Hadhari: An International Journal*, 5(1), 91–104.
- Yusoff, R. M., Halim, A. H., Azlan, W. A., Arshad, A., Ali, A., Ismail, N., Ghazali, A. F., & Sainan, Z. (2021). The Administration of Bona Vacantia (Ownerless Property) in West Malaysia: A Comparative Analysis. *International Journal of Academic Research in Business and Social Sciences*, 11(5), 586–597

### Online Books

- Ahmad, A. A. (2017). *Islamic Law: Cases, Authorities and Worldview*. Retrieved May 8, 2024, from <http://books.google.ie/books?id=gt02DwAAQBAJ>
- Blackstone, W. (1765). *Commentaries on the Laws of England, Volume I*. Oxford: Clarendon Press. Retrieved from <https://archive.org/details/BlackstoneVolumeI/page/n9/mode/2up>
- Brown, J. A. (2014). *Misquoting Muhammad*. New York, NY: Simon and Schuster. Retrieved May 8, 2024, from <http://books.google.ie/books?id=7hu9DwAAQBAJ>
- Gray, J. C. (1886). *The rule against perpetuities*. Boston: Little, Brown, and Company. Retrieved from <https://archive.org/details/cu31924018785851>
- Ibnu Qudamah. (2022). *Al-Mughni Ibnu Qudamah* [Online version]. Retrieved from <https://archive.org/details/al-mughni/Al%20Mughni%208/page/n505/mode/2up>
- Islamicity. (n.d.). *Hadith on Inheritance: What has been Related About Learning the Laws of Inheritance*. Retrieved May 8, 2024, from <http://www.islamicity.org/hadith/search/index.php?q=27723&sss=1>
- Kamali, M. H. (2003). *Principles of Islamic jurisprudence*. Cambridge, United Kingdom: The Islamic Texts Society. Retrieved from <https://archive.org/details/principlesofisla0000kama>
- Schacht, J. (1982). *An introduction to Islamic law*. New York: Clarendon Press. Retrieved from [https://archive.org/details/introductiontois0000scha\\_m8r2/page/n7/mode/2up](https://archive.org/details/introductiontois0000scha_m8r2/page/n7/mode/2up)

**Report / Discussion Paper**

Aysan, A. F., Belatik, A., Bouheraoua, S., Disli, M., Oseni, U. A., Chachi, A., Said Al Zadjali, F., Nagayev, A. R., & Yaş, M. (2022). *Standardization Efforts in Islamic Finance*. COMCEC Coordination Office.

Pistor, K. (2000). The Standardization of Law and Its Effect on Developing Economies. *G-24 Discussion Paper Series*, 4. <https://unctad.org/system/files/official-document/pogdsmdpbg24d4.en.pdf>

**Thesis**

Arshad, A. (2015). *Administration of non-contentious estates in West Malaysia: Legal and administrative reforms* [PhD thesis]. International Islamic University Malaysia (IIUM).

Mohd Yusoff, R. (2019). *The administration of unclaimed estates in West Malaysia: Formulating a legal framework* [PhD thesis]. International Islamic University Malaysia (IIUM).