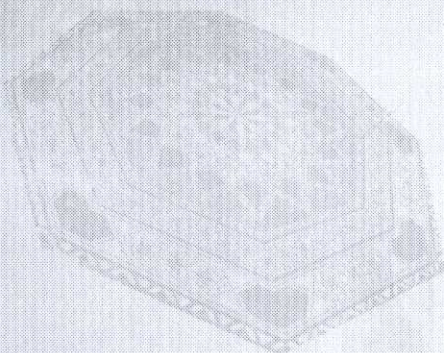
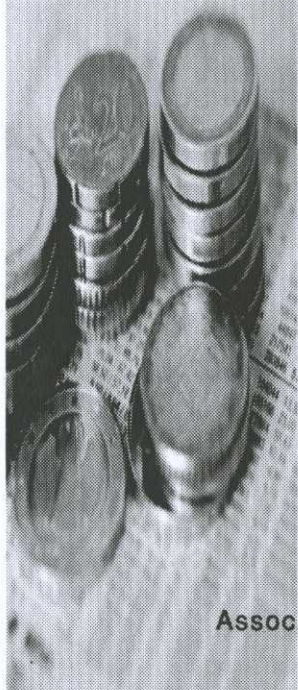




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## OWNERSHIP AND HIBAH ISSUES OF TAKAFUL BENEFIT

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### ABSTRACT

*This paper aims at investigating the ownership of the Takaful benefit and the issues of hibah in nomination. The focus is made solely on the Family takāful because this type of policy is singularly related to death. In this regard, the question is raised as whether the money paid by the takāful operator on the death of the participant (death benefit) before the policy matures constitutes the participant's estate or not, and secondly over the validity of making a conditional hibah of that takaful policy to a nominee as a sole beneficiary.*

### Takaful Benefit as a *Mal* (Property)

The Arabic word *māl*, or property, originates from the root word *mawala* that literally means to finance.<sup>1</sup> Ibn Manẓūr defines *māl* as things commonly known and that can be owned.<sup>2</sup> Ibn al-Athīr defines it as everything that one owns.<sup>3</sup> These definitions take into account the customary

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<sup>1</sup> Al-Mawrid, p. 1143.

<sup>2</sup> *Lisān al-ʿArab*, vol.11, p. 635.

<sup>3</sup> Al-Fayrūzabādī, *al-Qāmūs al-Muḥīt*, Beirut: Dār al-Iḥyā' al-Turāth al-ʿArabī, 1991, vol. 4, p. 70.