

## Islamic estate planning in the industrial revolution era 4.0: Issues and challenges.

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### ABSTRACT

The development of the Industrial Revolution 4.0 has contributed to creating various technologies for economic progress. This includes the field of Islamic estate planning, such as will and trust. However, the technology developed to meet the Muslim community's property planning needs is still in its infancy until now. Therefore, the purpose of this study is to investigate the issues and challenges faced by trust institutions in Malaysia in facing Islamic estate planning in the Industrial Revolution 4.0 era and its effect on Muslim community. This study uses a content analysis approach by reviewing and analyzing previous Islamic estate planning studies. To achieve the goals of the study, this study refers to the classical and secondary sources in the field of expert. Furthermore, five official websites from 5 trust institutions; Amanah Raya Berhad (ARB), as-Salihin Trustee Berhad, Wasiyyah Shoppe Berhad, MyAngkasa Berhad and the Islamic Religious Council (Selangor) (MAIN) were analyzed to obtain information on the current will and trust practice. Several representatives of officials from each selected institution were interviewed to obtain more accurate information. The study found that the implementation of Islamic estate planning through digital technology in line with the era of Industrial Revolution 4.0 is still in the early stage, starting only from 2018. This is because its manual implementation through human resources is still required while manual trust documentation is still maintained. Therefore, it is hoped that the trust institutions may provide new mechanisms and fresher innovations in encouraging the community to implement will and trust in line with Industrial Revolution 4.0

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## 1. Introduction

Will and trust are among the property planning instruments for Muslims. A person who has a perfect title (*milk al-tam*) is allowed by the Islamic law to carry out any transaction on the property owned, in contrast to the imperfect title (*milk an-naqs*) who only enjoys the benefits of the property (*ain al-maal*). Among the transactions allowed by Islamic law for the perfect title such as sale, lease, investment, *waqf*, gifts (*hibah*), Islamic inheritance (*faraid*), will, or Islamic entrustment (*wisayah*) is to appoint a trustee in administering property owned after the death (al-Zuhayli, 2012). Although the Islamic law has required this *tasarruf*, but the issues of Islamic estate administration remain a burden to the heirs left behind.

Therefore, the insistence on studies related to property planning methods such as will and trust, was made following the growing issue of Islamic estate problems. It is estimated that a total of RM 60 billion of Islamic estate cannot be distributed to heirs who are entitled since independence (Muhamad et al., 2019; Kamarudin et al., 2020). More surprisingly, the amount has increased to RM70 billion in 2020 (MyMetro, 2020). Among the factors detected are ineffective administration and negligence by the heirs. In addition, the Managing Director of Amanah Raya Berhad, Adenan Md Yusof said the unclaimed money in Amanah Raya Berhad increased from RM 292 million in 2016 to RM 418 million as of November 30, 2020 (MyMetro, 2020). He stated that among the factors causing the increase in the number of monies waiting to be claimed is that the beneficiary failed to be detected due to incomplete information, especially the address and telephone number. Figure 1 shows the total number of unclaimed money or frozen estate from 2006 to 2020.

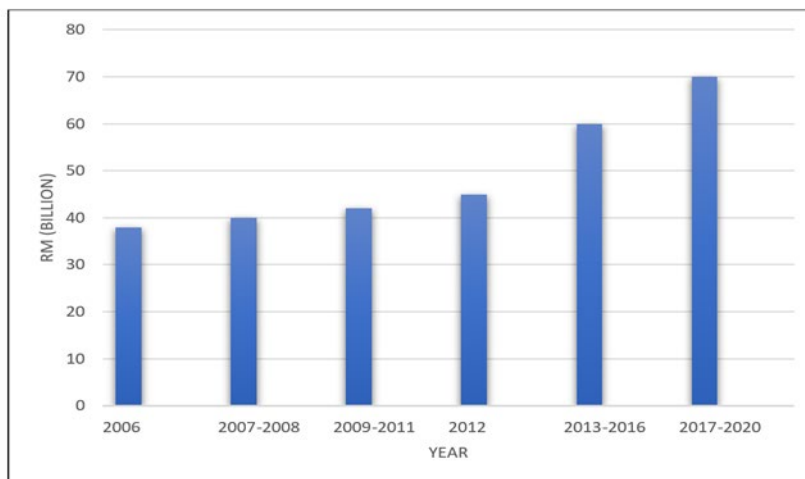


Fig. 1. The total number of unclaimed money or frozen estate from 2006 to 2020

Source: Noordin et.al (2016) and MyMetro (2020)

Another factor is the dispute over the heirs being brought to court and refusing to claim property because the amount is too small. Therefore, to reduce Islamic estate cases and ensure heirs' rights are guaranteed, making a will and trust are a wise endeavor (Rashid & Ahmad, 2013). Among the reasons that property cannot be distributed is due to the lack of ethics such as awareness of the heirs, cost of the process to claim the property and legal restrictions. The issue prolongs and leads to a waste of capital to the economy. In addition, the community still does not understand the mechanism of implementation of estate planning instruments, and does not care about the actual execution ethics especially involving will and trust.

Furthermore, scholars' current studies related to will and trust instruments have not been widely performed. As shown in table 1, an empirical study was conducted by Abdullah et al. (2020) from 2014 to 2019. As recorded, only 2 studies were carried out on trust compared to other estate planning instruments. Meanwhile, 40 studies on estate administration were recorded during the six years of the study, *hibah* and will each with 25 studies, and *faraid* with 15 studies. The study's findings indirectly show that society's choice to some extent is not focused on trust instrument. Nevertheless, trust also has its significance in estate planning (Noordin et., 2016).

Table 1. Number of annual journal publications.

Publication Year	Types of Studies					Total
	Estate Administration	Gift	Will	Islamic Inheritance	Islamic Entrustment	
2014	8	3		6		17
2015	5	3	4	1	1	14
2016	4	3	8	1		16
2017	9	7	5	3		24
2018	9	6	5	2		22
2019	5	3	3	2	1	14
Total	40	25	25	15	2	107

Source: Abdullah et.al (2020)

This issue is increasingly worrying when it negatively impacts society's economy in a country. This includes the amount of property that cannot be resolved, like the case involving the Malay Reservation Areas (MRAs), such as the Kampung Baru Kuala Lumpur with 101.02 acres. Due to that, the lands belonging to Muslim Bumiputera's cannot be developed to benefit the property owners. Although there are various government efforts to help, no solution has been found so far; basically, the National Land Code (KTN) can be implemented for development (Buang, S. 2020).

In order to avoid this problem, will and trust are proposed as an alternative in preventing problems in distributing wealth and property to their heirs (Zainol et al., 2019). These two Islamic estate planning instruments have similarities, namely the appointment of a trustee during life to manage the property entrusted and benefit the heirs left behind. The Shariah has emphasized Islamic estate management and has outlined a few essential ethics that should be followed. Among the ethics outlined are trust, brotherhood, sincerity, truth, justice, wisdom, accountability, science and technology (Hanafy & Sallam, 1988). The appointed trustee must be truthful towards the trust property and be vigilant in executing the responsibility. The trust executed must be based on sincerity, helping each other, and the spirit of brotherhood. Meanwhile, the trust property should be spent wisely only for the beneficiaries' benefits and without breaking the trust. When a trustee understands the Islamic estate planning ethics, human relationships will be maintained and blessed by Allah (Ahmed, 2013).

Therefore, Allah has reminded trustees through his decree:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ

Translation: "O you who have believed, do not consume one another's wealth unjustly...".

(an-Nisa', 4: 29)

The verse clearly states that it is forbidden to consume property that is illegally obtained be it the property that is self-collected or under the care of others. Al-Zuhayli (1997) in his translation mentioned that "unjustly" constitutes fraud, misspend, usury, and neglecting the custody of beneficiaries such as orphans. Islamic law has stressed the ethics of Islamic estate management, so that the property planned can bring benefits to the property owners and beneficiaries. Islamic estate management that is ethical will not only fulfill the material requirements; it will also emphasize the ethics of trust, honesty, truthfulness, justice, mercy, equity, fairness and transparency in all ways. Apart from that, Islamic estate planning ethics can also shape morals and good personalities. (Aman, 2019; Nasution & Rafiki, 2019)

In terms of execution, will administration occur after the settlor's death, while the execution of the trust can occur either during life or after the settlor's death (Muhamad, 2012). The negligence in managing the property from an early stage through these two instruments will indirectly impact the property and society. The arrangement of the property inheritance through these two instruments can ensure the well-being of the heirs. This is because Islam attaches great importance to the future of the heirs left behind, so they do not live complicated and imperfect lives (Rashid & Yaakub, 2010). Due to the community's laziness and procrastination attitude in property planning, trust institutions should take proactive steps in providing the latest technology-oriented facilities to encourage the community to do property planning through will and trust during the Industrial Revolution 4.0 era.

Therefore, to achieve the objectives of the study, five trust institutions were selected and analyzed. Four of them are trust institutions established under the Companies Act 1965 (Act 125) that registered under the Trust Companies Act 1949 (Act 100) such as Amanah Raya Berhad (ARB), as-Salihin Trustee Berhad, Wasiyyah Shoppe Berhad, MyAngkasa Berhad. While the last one is the Islamic Religious Council (Selangor) (MAIN) is a body corporate entity according to Section 5(1) of the Administration of the Religion of Islam (State of Selangor) Enactment 2003. To support the findings of the study, each representative from the Trust Raya Berhad (ARB), as-Salihin Trustee Berhad, Wasiyyah Shoppe Berhad, MyAngkasa Berhad were interviewed. Hence, this study will look at the issues and challenges the crucial people face in Malaysia's trust industry in providing will and trust services as Islamic estate planning instruments. Through this study, the result is expected to optimize systematic property planning among the Muslim community, especially in the Industrial Revolution 4.0.

## 2. The Concept Of Will And Trust In Islamic Estate Planning

### 2.1 Will

The definition of will in term of language originated from the word "wassa" which means connecting or conveying something related to the deceased's affairs. Will also carry the meaning of agreements and inheritance to others executed after the death of the settlor. In terms of *fuqaha'*, a will is the possession of a relic after death by donating whether the possession is in physical form or benefit (al-Zuhayli, 2006). In Islamic terms, a will is defined as giving property ownership after death voluntarily, whether the given is physical property or property benefits (al-Zuhayli, 2010).

Scholars have decided (*istinbath*) on the practice of will through the evidence of the *al-Qur'an*, *hadith*, the practice of the companions (*qaul as-sahabah*) and agreement of the Islamic scholars (*ijma'*). The Qur'an mentioned the bequeath command to parents and immediate family at the beginning of the advent of Islam as commanded by Allah SWT:

كُتِبَ عَلَيْكُمْ إِذَا حَضَرَ أَحَدُكُمْ الْمَوْتُ إِنْ تَرَكَ خَيْرًا الْوَصِيَّةَ لِلْأَوْلِيَاءِ وَالْأَقْرَبِينَ بِالْمَعْرُوفِ حَقًّا عَلَى الْمُتَّقِينَ

Translation: "It has been prescribed, when death approaches any of you, if he leaves property that he makes a bequest to parents and next of kin, according to reasonable portions, it is a duty upon the Allah-fearing".

(al-Baqarah, 2: 180)

This verse's obligatory law was revoked after al-verses al-Mawarith's were revealed (verses 11, 12, and 176 of surah al-Nisa'). This verse touches on the ruling of division, specifically to the heirs of Islamic inheritance in inheritance division (al-Zuhayli, 2010). The mandatory order deducted from the verb (*fe'il amr*) has been repealed but will is encouraged and remains. It is better if the will is executed on families or orphans in need and incapable but not entitled to Islamic estate.

Since the British colonial era, Malaysians have been practicing will for a long time until the Civil Court played a role in the will issue. Then, the amendment of Article 121 of the Federal Constitution in 1998 provided for the exclusive jurisdiction of the Syariah Court. The addition of sub-item 121 (A) is made to issue the High Court's power on matters under the jurisdiction of the Syariah Court. This matter is included in the aspect of the will of Muslims. To date, there are only 6 states that have approved the Islamic will in writing. Namely the Muslim Wills Enactment (State of Selangor) 1999 (No.4, 1999), Muslim Wills Enactment (Negeri Sembilan) 2004 (No.5, year 2004), and the Muslim Will Enactment (State of Melaka) 2005, the Muslim Wills Enactment (Kelantan) 2009, the Pahang State Muslim Wills Enactment (2017) and the Sabah State Muslim Wills Enactment (2018). Meanwhile, in the Federal Territories, there is a Muslim Wills (Federal Territories) bill 2001, but Parliament has not yet approved this bill. Therefore, this law should be emulated by other states in Malaysia (Noor et al., 2018).

Thus, writing a will gives many benefits in the planning of Muslim property, among them are (JAWHAR, 2010):

1. Appointment of trustee through a will document to facilitate the Islamic estate management and administration after the death.
2. Help implement the settlor's wishes to bequeath property for specific purposes such as welfare and aiding family members, relatives, orphans, etc.
3. Help and secure the future of loved ones who need but do not belong among those who are entitled to receive the Islamic estate.
4. Appointment of guardians among people trusted through a will to ensure that minors' welfare and interests are protected after death.
5. Reduce the burden and complications (which must be borne by the heirs left behind) in the management and administration of the property left behind through careful planning before death.

## 2.2 Trust

Trust is property planning based on the concept of English equity. In terms of definition, a trust is an equity obligation that binds a person named as a "Trustee" to administer the property controlled called "Trust Property" for the benefit of the party named as "Beneficiary" (El Islamy, 2018). The trustee's responsibility is based on a fiduciary relationship because of the settlor's goodwill in establishing a trust.

Usually, the trust account created is not for yourself but the benefit of third parties. While in terms of trust implementation, there are usually 3 ways of formation, namely the declaration of trust, deed of trust and will (George, 2005).

The implementation of trust is in full reference to Civil Law, such as the Trustee Act 1949 (Act 208) and the Trust Company Act 1949 (Act 100). While its jurisdiction is clearly stated in the Federal Constitution, Ninth Schedule, Legislative List, List 1, Federal List, 4 (e) (i):

“(i) Contract; partnership, agency and other special contracts; master and servant; inns and inn-keepers; actionable wrongs, property and its transfer and hypothecation, except land, bona vacantia; equity and trusts....”

Any trust institutions in Malaysia that want to offer trust services must be registered under the Companies Act 1965 (Act 125) and the Trust Companies Act 1949 (Act 100). To date, various trust institutions in Malaysia offer trust services such as Amanah Raya Berhad (ARB), Wasiyyah Shoppe Berhad, as-Salihin Trustee Berhad, MyAngkasa Amanah Berhad, Labuan Trustee Berhad, and most banking institutions such as CIMB Trustee Berhad, Maybank Trustee Berhad and more. Trust instrument is flexible because the concept of implementation can be implemented during life or after settling death. According to the trust deed, it is the trustee's responsibility to fulfill the settlor's wishes. Its implementation is like a non-Muslim will and is not subject to Islamic inheritance law (Yaacob, 2016). Table 2 shows the trust products offered by the main industry players in the trust industry.

Table 2. The trust products offered by the main industry players in the trust industry.

No.	Trust Institutions	Trust Products Offered
1.	Amanah Raya Berhad (ARB)	a) Voluntary Trust <ol style="list-style-type: none"> <li>1) Normal Trust</li> <li>2) Safe Care Trust/ Safe Care Premier</li> <li>3) Property Trust</li> <li>4) Institutional Trust (ITA)</li> <li>5) Welfare Trust</li> <li>6) Gift Trust</li> <li>7) Declaration of Gift Trust</li> <li>8) Takaful/Insurance</li> <li>9) Edu Care</li> <li>10) Bare Trust</li> </ol> b) Mandatory Trust <ol style="list-style-type: none"> <li>1) Inheritance Management</li> <li>2) Small Estate Office Order</li> <li>3) Court Order</li> <li>4) Land Compensation</li> <li>5) Pension</li> <li>6) Trust Declaration</li> <li>7) Workers Compensation</li> </ol>

No.	Trust Institutions	Trust Products Offered
2.	Wasiyyah Shoppe Berhad	1) Real Estate 2) Investment (Amanah Saham Nasional Berhad - ASNB) 3) Cash 4) Takaful Policy
3.	as-Salihin Trustee Berhad	1) Education 2) Cost of living 3) Corporate 4) Welfare 5) Insurance 6) Takaful/Insurance
4.	MyAngkasa Amanah Berhad	1) Amanah Takaful/Amanah Insurance 2) Cash Trust (Individual/Corporate)
5.	Islamic Religious Council (Selangor)	None

Source: Amanah Raya Berhad Trust Products (2020), Wasiyyah Shoppe Berhad Trust Products (2020), as-Salihin Trustee Berhad Trust Products (2020), MyAngkasa Amanah Berhad Trust Products (2020)

The uniqueness of trust instrument is that various types of Islamic contracts can be adapted, such as *wakalah* instrument, Islamic entrustment (*wisayah*), amanah, *waqf*, *kafalah*, gifts (*hibah*), *wadiyah* (Ahmad Hidayat, Noor Inayah, Luqman, 2021; Mahmud et al., 2018; Tuyll, 2006). In fact, its implementation is currently getting more attention in the property planning industry by implementing hibah trust (Abdullah et al., 2019; Noordin et al., 2016) and takaful trust (Abdullah et al., 2020). Through the involvement of trust instrument and Islamic contracts, property planning is more comprehensive. Even a settlor can make a trust through a will executed during life. For example, entrust to the trustee 1/3 of his property for the welfare of his minor children. Thus, this provides an opportunity for the Muslim community in Malaysia to plan their property well for the benefit of the property and the heirs left behind.

Both the instruments of will and trust have their significance in realizing the settlor's will for the property entrusted to him during his lifetime. Both are complementary in ensuring that property planning is administered to the fullest. However, if the will to the heirs requires the other heirs' consent and the will to the non-heirs is limited to 1/3 (al-Zuhayli, 2010), then the instrument of trust is the opposite. The settlor has the option to select a trust under Civil Law to give to the desired person and set the conditions, duration, and objectives of the establishment of the trust account created. Moreover, the settlor also has the absolute authority to set and amend any terms that have been implemented (Mahmud et al., 2018).

### 3. The relationship between industrial revolution 4.0 and Islamic estate planning

#### 3.1 Industrial revolution 4.0

The Industrial Revolution was a term popularized by Arnold Toynbee in 1884 through his research paper, "Lecturer on the Industrial Revolution". The term revolution means a comprehensive and sudden change in terms of thought and action. A variety of terms such as "conception," "idea," "phenomenon," "program" and, in most situations, "concept" remain in use for defining Industry 4.0 (Nosalska et al., 2019). The period for a revolution is at least a century. Evolution has a very similar meaning to revolution, except

that evolution requires a more extended period. The following is the development of the Industrial Revolution that happened (Rojko, 2017):

1. Industrial revolution 1.0 began to flourish and was introduced in the early 18th century by James Watt. His idea of steam-powered machines began to be used widely in this era's shipping and transportation sectors. The use of wind energy allowed Europeans to travel around the world to trade and expand their empire.
2. Industrial Revolution 2.0 began in the 20th century with the invention of electric power. This development has increased the transport sector's creation such as cars, airplanes, trains, and the communication sector such as the telephones. It also contributed to the start of the First and Second World Wars as well as the growth of the revolution.
3. Industrial Revolution 3.0 began in the 20th century around 1960. During this time, the human resources used are declining, focusing on the advancement of information technology (IT), automotive, and electronic equipment such as internet, telephone, television, fax machine, radio, etc. The impact of this revolution has increased industrial production, education, and community life.
4. Industrial Revolution 4.0 that hit the whole world currently is an extension of the previous revolution. Industrial Revolution 4.0 emphasizes the more complex, challenging, technological aspects in improving human life. The progress achieved is applied in the form of digitization that connects people directly to the internet. All affairs involve the Internet of Things (IOT). This has made humans part of technology, such as the use of smartphones. There are nine main elements emphasized in the Industrial Revolution 4.0, namely Autonomous Robot, Internet of Thing, Big Data, Simulation, Additive Manufacture, Cloud Computing, Augmented Reality (AR), Cybersecurity and Integration.

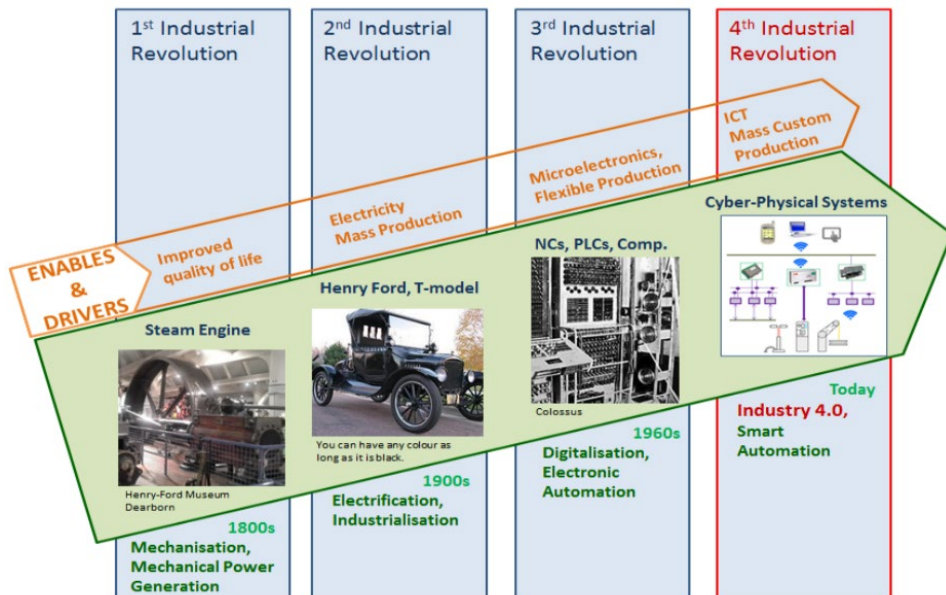


Figure 2. A summary of the development of the Industrial Revolution 4.0

Source: Rojko (2017)



Based on the World Economic Forum, there are 10 basic skills required in the Industrial Revolution 4.0 especially in the 21st century (World Economic Forum, 2020):

1. Complex problem-solving
2. Critical thinking
3. Creativity
4. People management
5. Coordinating with others
6. Emotional intelligence
7. Judgement and decision making
8. Service orientation
9. Negotiation
10. Cognitive flexibility

### *3.2 Industrial revolution 4.0 potential in the estate planning industry*

Although property planning is very important at an early stage, unfortunately, the community still has low interest and lacks awareness. In fact, in the Industrial Revolution 4.0 era, most of humans' daily affairs are facilitated with technologies such as online digital applications (Alaloul et.al., 2020). The Muslim community should be more sensitive and efficient in planning their property. This is because the rapid development of information technology in the Industrial Revolution 4.0 era affects all industry sectors, including the Islamic estate planning industry and the services offered in trust institutions in Malaysia. Despite the rapid pace of technology from the advances of Industrial Revolution 4.0, such as increasing production and solving human problems more efficiently, the potential for its implementation is still not introduced and discussed thoroughly in the estate planning industry. This includes its aggressive implementation by trust institutions to the community in providing more systematic property planning facilities (Ali et al., 2020).

In this regard, trust institutions should be attentive to improving the community's quality of life by providing instrument facilities in line with current developments. Hence, this matter provides an opportunity for individuals in the community to improve the quality of life with a particular system that stores personal data such as lists of heirs and documented property through will and trust instruments digitally. This is to facilitate its implementation like a review of draft wills and trust deed, cancellation matters, application for alimony, the addition of assets, the appointment of a trustee and so on can be made in any situation.

Logically, the development of Industrial Revolution 4.0 could optimize ethics and property planning implementation, especially will and trust online. From the authors' observations, the implementation of the Islamic estate planning industry in Malaysia in line with the development of Industrial Revolution 4.0 is still in its infancy. There is no doubt that trust institutions in Malaysia have implemented various efforts at present. The earliest to implement is the Selangor Islamic Religious Council (MAIS) by creating a Will and Trust Unit. With this unit's existence, the application for e-wills through their official website was introduced in April 2018. This effort has made it easier for Selangor's Muslim community to implement will more easily, quickly, and effectively online. This is evidenced by the acceptance of 2,000 customers after the e-will was launched (MAIS, 2020). After that, the positive development through registration through this will website is also implemented by other trust institutions such as Amanah Raya Berhad, As-Salihin Trustee Berhad, Wasiyyah Shoppe Berhad and MyAngkasa Berhad.

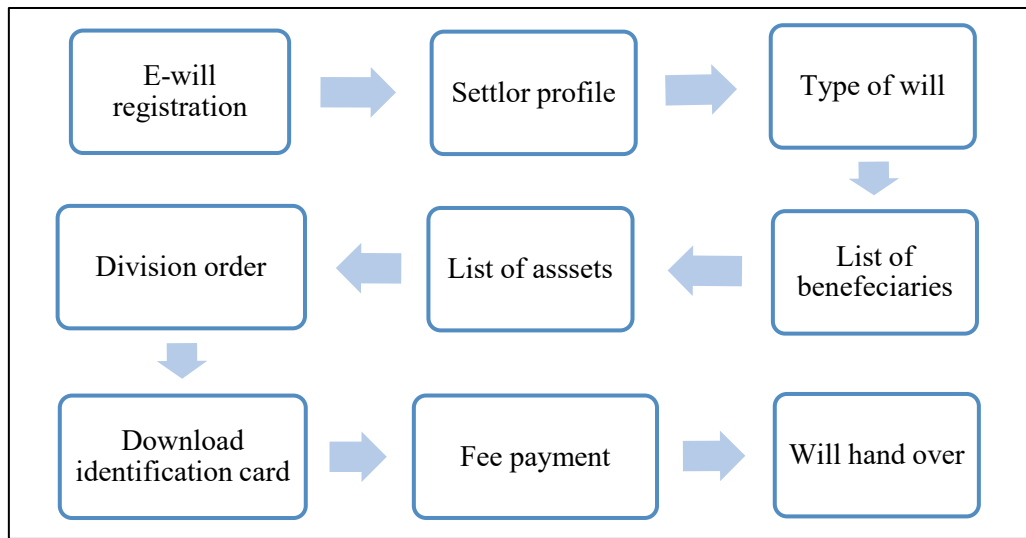


Figure 3. Online e-will registration procedure on websites involving trust institutions.

Source: Authors' online review from trust institutions website

#### Description of e-will registration procedure:

- 1) The applicant will receive a confirmation email after successfully activating the account.
- 2) After that, the applicant will fill in their profile and contact information.
- 3) The applicant needs to determine the types of will to be executed, either the Basic Will or the Comprehensive Will. The Basic Will only involves the appointment of a trustee only after the settlor's death to carry out the process of administration of Islamic estate. While the Comprehensive Will involves the instruction of the division of property in more detail to the trustee to be executed after the settlor's death.
- 4) The applicant must name the beneficiary who will receive his property after the death of the settlor. Beneficiaries can consist of heirs, non-heirs, religious institutions, or welfare centers.
- 5) The list of assets only involves a Comprehensive Will because the property that can be bequeathed is either movable or immovable property provided that the property belongs to the settlor.
- 6) The total percentage of the distribution must be 100% equivalent to each named beneficiary.
- 7) The applicant downloads the identification card for record purposes and as proof of the execution of the will that will be executed.
- 8) Payment is made according to the types of the will selected online.
- 9) For the last process, which it will hand over, there are two conditions. First, for the Basic Will, upon completion of the e-will, the applicant must print the Basic Will and return it to any trust institution by post or present at a trust institution for the signing process within the stipulated time. Meanwhile, for the Comprehensive Will, the applicant will be contacted within a certain period for the next step. It involves various documentation that needs to be completed and submission of a copy of the trustee's asset ownership.

Next, the trust institution also arranges steps to spread information through social media platforms such as Facebook, WhatsApp, Telegram, Twitter, etc. However, this active effort has its issues and challenges in promoting the implementation of will and trust among the Muslim community in Malaysia.

## 4. Issues and challenges

### 4.1 The advancement of data and technology

To strengthen the Islamic estate planning services in line with the development of the Industrial Revolution 4.0, it is no doubt that this effort requires a large investment. Therefore, some essential elements such as internet speed, cloud computing, cybersecurity for data protection (Nazir et al., 2020) are investments that need to be prioritized by trust institutions to improve the quality of services and business. Therefore, trust institutions in Malaysia take some time and are a bit late in implementing online digital applications for the past 2 years. This contrasts with the role played by the banking and takaful industry. Various digital applications have been introduced to facilitate customer service involving personal financing, investment, and financial planning.

Basically, Islamic estate management, such as will and trust, can be registered through the trust institution's official website. However, the progress of the Industrial Revolution 4.0 that took place demanded trust institutions to produce online mobile digital applications. This is to make it easier for the community to make property planning easier and systematic. The results of the authors' online review at each relevant trust institution as shown at table 3 found that several digital applications have been introduced to the community as follows:

Table 3. Several digital applications.

No.	Trust Institution	Mobile Digital Application	Characteristics
1	Amanah Raya Berhad (ARB)	ClickMyArb	It was launched in 2020. Services offered are in the form of will registration, trust and Islamic estate management, and Administrative Power of Attorney (POA) complete with QR Code. Through this digital application, customers can arrange appointments and get the latest feedback from ARB officials.
2	As-Salihin Trustee Berhad	FaST Guide	It was launched in 2019. This digital application features Islamic inheritance ( <i>faraid</i> ) calculation calculator for users in planning at an early stage.
3	Wasiyyah Shoppe Berhad	MyWasiyyah	It was launched in 2019. Information is delivered only to registered consultants, such as memos, notices, promotions, and any activities.
4	MyAngkasa Berhad	None	None
5	Islamic Religious Council (Selangor)	None	None

Source: Authors' online reviews from trusted institutional websites.

Through several digital applications developed by each of these trust institutions, it is undeniable that it has benefited the users. Each of these digital applications can be downloaded through Google Play Store and Apps Store applications. However, based on the authors' observations and four representatives of officials from each selected institution, the digital application is still in its infancy. For example, the ClickMyArb digital application developed by ARB. Although this digital application can be downloaded for free by users and obtaining trust information, its implementation is limited to certain things only. For trust services after implementation, any application process and maintenance of alimony is still implemented manually, which is through a written application or by telephone (Tengku, 2020). For the digital application FaST Guide introduced by As-Salihin Trustee, property planning is only given to Islamic inheritance (*faraid*) calculation. Access to information is not focused on will and trust. Also, downloading the digital application costs 4 Ringgit Malaysia (RM) (Nabila, 2020).

Meanwhile, MyWasiyyah digital application introduced by Wasiyyah Shoppe Berhad is seen only as internal to the consultant registered to the institution for any distribution of information and business activities. In order to obtain any trust information, no digital applications are provided to users. Consumers

need to get services directly from a registered consultant or make an appointment (Norhaziah, 2020). Similarly, no online digital application is currently provided by MyAngkasa Berhad (Jauhari, 2020) and the Islamic Religious Council (Selangor) except for their official website. Based on the above research, this matter deserves attention. Today's society wants all information to be complete at their fingertips and easily accessible only using smart applications such as phones, tablets etc. The implementation of will and trust digitally should be enhanced as technology advances. This challenge is the responsibility of the Research and Development (R&D) unit and Multimedia (IT) unit to upgrade conventional systems to digital systems as technology advances.

The authors view security issues in the implementation of digital will that trust institutions consider, which is one of the main challenges of its implementation. For example, the issue of data leakage, especially the cloud Environment Based which is growing rapidly with the ability to access services from anywhere and anytime. Information security management is important and still needs to be focused on because issues arise, such as security threats and risks (M. Ibrahim et al., 2018). For example, all information data and documents uploaded in a will or trust through digital applications should not be accessed arbitrarily by anyone. This is to protect the privacy of each registered individual from being threatened by third parties.

#### *4.2 Attitude of Muslim Community*

The attitude of a society that likes to procrastinate in doing inheritance planning is not an unfamiliar issue. If the issue of will awareness in Malaysia is studied, the public is still not aware of its importance. Furthermore, the study of Jamhari et al. (2020) stated that the level of preparation of Malaysia, especially the people in realizing the Industrial Revolution 4.0, has not yet achieved confidence in this goal. Although from a global perspective, industrial development in developed countries such as China, Japan and the United States has begun to carry out this aspiration. But Malaysia still needs efforts to provide awareness to all Muslim society levels, especially to be ready to face the reality of Industrial Revolution 4.0.

The combination of procrastination and the unwillingness to face the world of technology makes the Muslim community fall behind in terms of property planning. Hence, the instruments of will and trust instruments offered through mobile digital applications cannot provide maximum benefits if this attitude problem is not eradicated. Therefore, the government and trust institutions need to mobilize efforts to convey awareness on the importance of property planning and the importance of operating technology in managing daily life, including managing the property owned.

#### *4.3 Digital signature in electronic documentation*

In the era of Industrial Revolution 4.0, a business will become smoother, efficient, and faster through digital signature (Cahyadi, 2020). A digital signature is an electronic signature based on a public key cryptography system to verify a person's identity in a matter or contract signed (Rehulina, 2018). The characteristics of a recognized digital signature are the guarantee of confidentiality, identity authentication and non-repudiation. In fact, to maintain the validity and integrity of electronic transaction information and documentation, a Digital Signature Act (Act 562) has been established, which is regulated by the Malaysian Communications and Multimedia Commission (MCMC) (Communications and Multimedia Commission of Malaysia, 2020).

Digital signature application has been widely practiced in the banking and takaful industry to boost the Industrial Revolution 4.0. However, based on the authors' observations, digital signatures in property planning, especially involving will and trust instruments are still not practiced effectively. For example, through a review on the ARB official website, the settlor needs to make an appointment to sign a will that has been agreed upon after completing the draft will online. Besides, the settlor still needs to attach a printed asset document as proof of the settlor's property (Will Services of Amanah Raya Berhad, 2020). These

criteria need to be met to avoid being manipulated and both instruments have their pillars that need to be fulfilled as table 4 below (Muhamad, 2012):

Table 4. The pillars of will and trust instrument.

Pillars of will:	Pillars of trust:
1. settlor ( <i>musi</i> )	1. donor
2. beneficiaries/heirs ( <i>musa lahu</i> )	2. trustee
3. object of will ( <i>musa fahi</i> )	3. beneficiaries
4. proposal and acceptance ( <i>sighah</i> )	4. property trust (moveable and immovable assets)
	5. trust deed

Although will and trust documentation can be executed digitally in the early stages of an online application, printed documentation is still required. Based on current practice, the process of consent (settlor/donor) and acceptance (testator/beneficiary) is physically signed and witnessed by two witnesses who meet the conditions (Azhar, 2018). The presence of this witness is also explained by most jurists based on the hadith narrated by Abdullah bin Umar:

مَا حَقُّ امْرِئٍ مُسْلِمٍ لَهُ شَيْءٌ يُوصِي فِيهِ يَبِيتُ لَيْلَتَيْنِ إِلَّا وَوَصِيَّتُهُ مَكْتُوبَةٌ عِنْدَهُ

"It is not befitting for a Muslim who has anything concerning which a will should be made, to abide for two nights without having a written will with him."

(al-Bukhari, 2005)

Based on the above hadith, Imam an-Nawawi explained that the word "having a written will with him" is proof that a will is not only executed in writing, but also required the presence of witnesses (An-Nawawi, 1970). The ethics that has been set by Shariah is to achieve maqasid of writing the will itself in relation to protect the property (*hifz al-mal*). The witness's purpose is to avoid any dispute after the settlor's death and prove that the will was made at the will of the settlor himself (Ibn Qudamah, 1996). Therefore, the implementation of digital signatures entirely online is a challenge in its implementation currently. Besides, this document's function in writing is more guaranteed its validity, especially if there is any dispute for the contract that has been implemented. Even the documentation of a will and trust after its completion will be given a copy to the settlor. The original copy is kept by the executor for the administration of the Islamic estate later.

## 5. Conclusion

The study found that the ethics in the implementation of will and trust is essential for the donor and beneficiary. Other than that, this study shows that the Industrial Revolution 4.0 has provided a brilliant opportunity for trust institutions in providing awareness and encouragement on the importance of implementing property planning to the Muslim community. The planning mediums focused on the study are digital will and trust instruments as both instruments are relevant to apply. However, there are challenges faced by the issue of technological advancement. It demands large investments and expertise of its members, the issue of society's attitude of procrastination and unpreparedness to face the world of technology without borders and the issue of digital signature validity on electronic documentation provided. As a result, researchers found that efforts to improve innovation to improve digital applications' quality should always be intensified to achieve the standards needed by society. Besides, individuals in the community should equip themselves with the latest knowledge and information to not remain in a comfortable zone without thinking about the economic survival of the generation that will inherit their assets. However, manual documentation is maintained as a complement to digital planning instruments so that documentation is valid, and all wishes can be fulfilled despite the issues and challenges faced.

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