



FACTORS INFLUENCING CUSTOMER PREFERENCE FOR WILLS OVER HIBAH: A QUALITATIVE STUDY OF AMANAH RAYA BERHAD EMPLOYEES' PERSPECTIVES

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ABSTRACT

Islamic estate planning instruments, particularly Wasiyyah and Hibah are essential for mitigating the escalating issue of frozen assets in Malaysia. While existing literature frequently examines public awareness and behavioral intent to explain the underutilization of these tools, the operational realities encountered by the service providing institutions remain predominantly overlooked. This study aims to determine the primary factors driving customer preference for Wasiyyah over Hibah based on the perspectives of Amanah Raya Berhad (ARB) employees. Utilizing a qualitative case study design, semi structured interviews were conducted with five senior ARB personnel possessing extensive expertise in estate management. The collected data was systematically evaluated using thematic analysis. The analysis revealed four principal themes underpinning customer preference for Wasiyyah perceived procedural simplicity, financial feasibility, established institutional trust coupled with cultural familiarity and the

catalytic effect of social religious dynamics. This research highlights practical bottlenecks often neglected in community based surveys by focusing on the institutional interface. To foster the adoption of comprehensive estate planning, the study advocates for targeted institutional interventions, notably the establishment of strategic awareness partnerships with entities like Tabung Haji during peak religious seasons.

Keywords: Wasiyyah, Hibah, Amanah Raya Berhad, Asset distribution, Asset management

INTRODUCTION

Most previous studies have concentrated on encouraging the community to engage in property planning prior to death, utilising estate planning instruments such as Wasiyyah and Hibah to mitigate potential issues related to estate administration in the future. While considerable research has been conducted on trust institutions, focusing on their establishment, roles, and services; these investigations have often remained somewhat general.

Moreover, prior studies have identified only a limited number of factors deemed by the researchers to be secondary influences on the community's interest in employing Wasiyyah as opposed to Hibah for their estate planning needs. Consequently, this study aims to delve deeper into the factors that attract community interest in the Will instrument compared to Hibah at Amanah Raya Berhad in Shah Alam. Estate planning is a crucial element in asset and financial management, ensuring the fair and equitable distribution of wealth according to the owner's wishes. Institutions like Amanah Raya Berhad (ARB) offer two principal instruments for estate management, each serving distinct purposes and functions. Prior research indicates that a larger number of individuals express a preference for applying for a Wasiyyah rather than a Hibah. This raises the question of what factors influence this preference. Furthermore, ARB is regarded as a trusted institution by the community for managing estate planning, assisting individuals in making informed choices (Abd Wahab et al., 2019).

The primary challenge to favouring Wasiyyah over Hibah lies in the community's lack of understanding and awareness regarding estate planning. Individuals tend to prefer Wills without fully considering Hibah, largely due to unfamiliarity with its complex procedures and the perceived risks associated with its implementation. Estate planning institutions such as ARB must develop effective strategies to educate the community, thereby bridging the knowledge gap surrounding Wasiyyah and Hibah. This study seeks to conduct a discourse

analysis of Amanah Raya Berhad in Shah Alam to identify the factors influencing the community's preference for Wasiyyah over Hibah (Abd Wahab et al., 2021).

This study aims to identify and analyze the key factors influencing community preference for Wasiyyah over Hibah from the institutional perspective of Amanah Raya Berhad (ARB) employees in Shah Alam. Specifically, it seeks to examine how perceived procedural simplicity, cost considerations, levels of awareness and understanding, as well as seasonal religious factors shape customers' decision-making between the two instruments. Additionally, the study will investigate the role of ARB as a statutory estate planning institution in influencing public perception, trust, and future trends in the selection of Wasiyyah and Hibah within the Malaysian context.

LITERATURE REVIEW

Wasiyyah and Hibah in Islamic Estate Planning

In Malaysia, Islamic estate planning predominantly utilizes two instruments: Wasiyyah and Hibah, both rooted in Shariah law. These instruments serve to ensure equitable distribution of wealth while fulfilling religious obligations (Halim et. al, 2019). A Will lets a person give up to one third of their estate to people who are not heirs. The rest of the estate must be split up according to the rules of Faraid. This framework finds a middle ground between personal choice and Islamic inheritance laws. It makes things clearer and reduces the chances of heirs getting into fights. On the other hand, a gift is given while the donor is still alive that immediately transfers ownership and is not limited by Faraid. This flexibility allows donors to include adopted children or beneficiaries who are not related to them, which affords them more power over how their assets are divided (Nor Muhamad, 2010). Even though Hibah has these benefits, it usually requires more steps such as paperwork, approval from the right authorities and sometimes even legal verification to avoid arguments (Ghazali et. al, 2025). These differences in process and accessibility are very important factors that could affect what customers want, especially from an institutional perspective.

Socio Religious and Cultural Influences

Socio religious and cultural factors further affect the adoption of estate planning instruments. Family consultation, adherence to religious obligations, and cultural norms influence how Malaysians plan their estates. Decisions are often made collectively with input from close family members or advice from religious authorities (Nor Muhamad, 2010). Seasonal religious practices, such as preparing for Hajj or Umrah, also heighten awareness of estate planning obligations

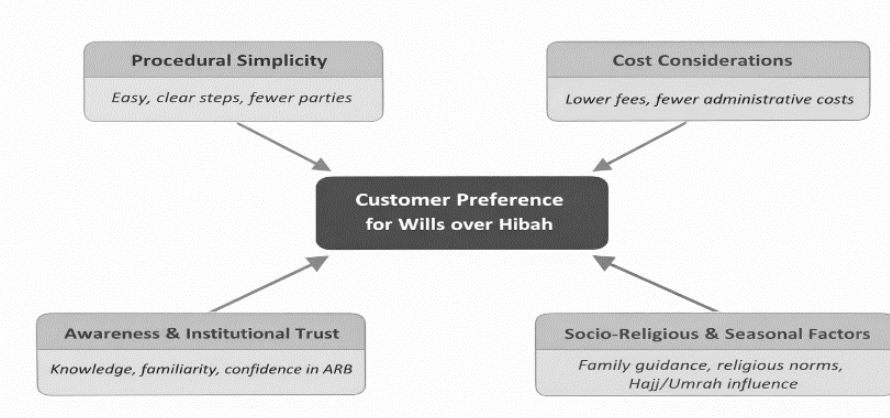
prompting individuals to take timely action to secure their legacy (Halim et al., 2019). These socio religious and temporal considerations complement procedural and institutional factors, offering a more holistic explanation for why Wasiyyah tend to be preferred over Hibah.

While existing literature has examined legal frameworks procedural aspects and public awareness of Wasiyyah and Hibah. There is limited research exploring these issues from the perspective of institutional employees. Employees at Amanah Raya Berhad have firsthand experience observing customer behaviour, procedural challenges and operational realities. Their insights can provide a deeper understanding of why certain instruments are preferred and guide strategies to improve the adoption of both Wasiyyah and Hibah (Ghazali et al., 2025; Halim et al., 2019).

CONCEPTUAL FRAMEWORK

The conceptual framework of this study aims to examine the factors influencing customer preference for Wasiyyah over Hibah from the perspective of Amanah Raya Berhad (ARB) employees. Drawing from both the literature and practical observations within the institution, four key determinants have been identified: Procedural Simplicity, Cost Considerations, Awareness and Institutional Trust, and social religious. These factors are believed to collectively shape customer decisions when selecting estate planning instruments.

Figure 1. Conceptual Framework: Factors Influencing Customer Preference for Wills over Hibah



Procedural Simplicity

Wasiyyah are generally perceived as easier to execute compared to Hibah, which often requires the involvement of multiple parties such as banks, the Shariah

Court, and legal authorities (Ghazali, Ismail, & Abu Kasim, 2025). ARB employees have observed that customers are drawn to Wasiyyah because of the minimal administrative burden and the clear, straightforward procedures involved. The simplicity of the process not only reduces confusion but also increases accessibility making Wasiyyah more attractive, particularly for first time users.

Cost Considerations

Financial factors play a central role in customer decision making. Wasiyyah typically involve lower fees, cover a broad range of assets including those encumbered by debts and require fewer additional legal or administrative expenditures. In contrast, Hibah may entail costs related to property verification, Takaful insurance, or Shariah Court confirmation, resulting in a higher financial commitment (Nor Muhamad, 2010). These differences in cost can significantly influence the perceived affordability and overall attractiveness of Wasiyyah among diverse customer groups.

Awareness and Institutional Trust

Customer knowledge of the instruments and confidence in the service provider strongly affect preferences. Wasiyyah have been actively promoted through institutional campaigns, religious talks and media exposure resulting in greater familiarity among the public, whereas Hibah is less well known and often misunderstood (Halim, Noor, & Salim, 2019). Trust in ARB, as a statutory body with extensive experience in estate planning, further reinforces customer confidence in the process. This institutional credibility reduces perceived risks and encourages the selection of Wasiyyah over Hibah.

Socio Religious and Seasonal Factors

Socio religious considerations and seasonal practices also influence customer choices. Individuals often engage in estate planning during significant religious periods, such as preparing for Hajj or Umrah, which raises awareness of personal obligations and motivates timely action (Halim et al., 2019). Cultural norms, family consultation and guidance from religious authorities further reinforce Wasiyyah as a preferred instrument highlighting the interaction between religious values and practical decision making. In summary, this framework posits that procedural simplicity and cost considerations serve as direct drivers of customer preference, while awareness, trust, and socio-religious factors act as mediating influences. By examining these determinants through the insights of ARB

employees. The study seeks to provide a nuanced understanding of why Wasyyah are often chosen over Hibah reflecting both operational realities and customer behaviour in the Malaysian Islamic estate planning context.

RESEARCH METHODOLOGY

This research adopts a qualitative case study design to gain an in-depth understanding of institutional perspectives regarding estate planning behaviors (Yin, 2018).

Sampling and Data Collection

We utilized purposive sampling to select five personnel from the ARB Shah Alam branch. The primary inclusion criterion was that respondents must possess significant, direct operational experience managing both Wasyyah and Hibah portfolios. In qualitative case study research, a highly targeted sample of five is deemed academically robust provided that data saturation is achieved (Fusch & Ness, 2015). In this study, saturation was definitively reached no novel themes emerged after the fifth interview. Data was collected via semi structured, in depth interviews, allowing participants the latitude to articulate nuanced operational challenges and recurrent customer archetypes. To maintain respondent anonymity within a localized branch, specific job titles and tenures have been generalized.

Table 1: Respondents’ Background

Numberof Respondens	Position	Duration of Working
RP1	Branch Head	19 years, 5 months
RP2	Branch Manager	17 years
RP3	Assistant Manager	15 years
RP4	Senior Executive	17 years
RP5	Executive	10 years, 10 months

According to Table 1, five people were selected as research participants from ARB employees. The respondents comprised four women and one man. Among them were RP1 who is a Branch Head who has served for 19 years and 5 months; RP2, who is a Branch Manager and has served for 17 years; RP3, who is an Assistant Manager who has served for 15 years; RP4, who holds the position of Senior Executive after working for 17 years; and RP5 who is an Executive who has served for 10 years and 10 months. They were asked to

provide a brief explanation of their roles at Amanah Raya Berhad and their involvement in the Wasiyyah and Hibah instruments.

Data Analysis

The transcribed interview data was analyzed systematically using Thematic Analysis (Braun et. al, 2006). This process involved a rigorous protocol of open coding where specific operational phenomena were tagged followed by category clustering and the synthesis of overarching themes.

Trustworthiness and Credibility

To fortify the methodological rigor and mitigate interpretive bias, we integrated two established qualitative validation techniques peer debriefing to independently verify the coding framework and member checking to ensure the synthesized themes accurately reflected the respondents' institutional experiences.

FINDINGS

The thematic analysis of qualitative data from five key informants (RP1–RP5) elucidates the principal variables affecting the community's preference for Wasiyyah over Hibah at Amanah Raya Berhad (ARB). The research data are categorized into four primary themes: procedural simplicity, financial feasibility, institutional trust and socio religious dynamics, leading to a synthesis of respondent predictions regarding future adoption patterns.

T1: Transparent Procedures and Adaptable Management.

The main theme derived from the interview data is the administrative ease associated with the execution of a Wasiyyah which acts as a key incentive for community support. Participants consistently underscored the distinct operational prerequisites of the two devices. A Wasiyyah is a concise, unilateral instrument that requires the involvement of only the testator and the ARB; the beneficiary is neither required to be present nor informed about it (RP1, RP2). Conversely, Hibah necessitates the involvement of multiple individuals. To fulfill the fundamental Islamic contractual prerequisites of offer (*ijab*) and acceptance (*qabul*) both the offeror and the offeree must be present in person. Furthermore, the execution of Hibah necessitates the involvement of the Shariah Court, financial institutions and the Land Office. Asset malleability represents a distinguishing factor between the two strategies. Individuals employing a Wasiyyah may bequeath many assets including encumbered properties and digital

assets. Conversely, Hibah legislation imposes stringent standards. For instance, properties must be unequivocally devoid of any liens and legal encumbrances sometimes render the transfer of agricultural land or strata titles unfeasible until the developer grants their consent (RP2, RP3). The implementation of a Wasiyyah circumvents prompt court authorization while a legitimate Hibah necessitates official ratification from the Shariah Court and intricate legal validation resulting in significant administrative difficulties.

T2: Fiscal and Economic Feasibility

The cost discrepancy emerged as a substantial obstacle to the adoption of Hibah, with established pricing structures considerably influencing public choice for Wasiyyah. The qualitative analysis indicates a significant disparity between fixed and variable pricing models. RP5 indicates that ARB employs a straightforward flat fee mechanism for Wasiyyah, priced at RM1,200. This model encompasses all assets regardless of the estate's size. Conversely, Hibah possesses a pricing structure that is subject to modification and is rather more stringent. The base charge is RM1,500 with an additional RM500 for each individually specified item. Respondents said that the implementation of Hibah incurs numerous additional expenditures beyond the fundamental administrative fees. This expense encompasses stamp duties derived from current real estate evaluations and Shariah Court processing expenses. RP4 emphasized the effectiveness of ARB's seasonal marketing campaigns which provide reduced prices for Wasiyyah documents. This marketing strategy creates a sense of urgency resulting in rapid adoption at minimal expense.

T3: Institutional Trust and Public Awareness

Wasiyyah's enduring market dominance is intricately connected to its extensive history of sales and society's reliance on ARB's institutional stability. In Malaysia, the concept of the testamentary will holds significant cultural influence. RP3 asserts that cultural landmarks such as P. Ramlee's renowned film *Tiga Abdul* have integrated the Wasiyyah into common vernacular, rendering Hibah a seemingly novel and philosophically intricate option. The trust in ARB as a government sanctioned statutory entity serves as a global stabilizing influence. RP5 emphasized that this institutional trust effectively unites racial and demographic disparities. Non muslim demography particularly Chinese consumers often engage ARB's services due to its statutory permanency in contrast to private legal practices that may dissolve within a 10 to 20 year period. ARB ensures long term administrative continuity. Traditional media has

historically upheld the Wasiyyah. Respondents observed a current transformation: the emergence of internet platforms is democratizing Islamic financial literacy, increasing public awareness, and providing the ARB with modern educational opportunities to promote both instruments fairly.

T4: Sociol Religious Dynamics and Faraid Mitigation

The research indicates that Islamic law and intricate family dynamics rigorously govern the utilization of any estate planning instrument. Wasiyyah is mostly utilized for the execution of Islamic philanthropic objectives. Testators utilize this instrument to allocate up to one third of their assets to non heirs or charitable organizations thus generating a lasting stream of posthumous benefit while retaining the remaining two thirds for legal heirs (RP4). The implementation of Wasiyyah exhibits a distinct pattern of milestone oriented adoption characterized by significant increases in usage during the Hajj pilgrimage, Umrah or extended expatriate assignments. Notwithstanding Wasiyyah's prevailing influence, RP1 and RP2 suggested that Hibah is increasingly acknowledged as the most efficacious method for addressing particular intricate societal circumstances, especially for families with adopted children or those without male heirs. A hibah is an inter vivos transaction which effectively excludes the designated assets from the Faraid payout pool. This last transfer halts the division of assets and mitigates conflicts among family members offering a degree of security that a Wasiyyah may not consistently ensure.

T5: Potential Modifications in Estate Planning

Instruments in the future wasiyyah is still the most popular estate planning approach but qualitative findings from key informants imply that the future of estate planning strategies at ARB will be split. The majority of respondents believe that Hibah will gain in popularity and ultimately surpass Wasiyyah. This forecast relies on the application of adaptable contemporary Hibah frameworks such as Conditional Hibah and ARB's comprehensive HibahKu solution. It is also predicated on the increasing necessity to circumvent intricate Faraid disputes by delineating asset transfers clearly. Conversely, two responders (RP4 and RP5) advocate for pro Wasiyyah stability. Its distinctive user friendliness, evident economic efficiency and significant religious function in facilitating posthumous donations will ensure its continued prominence and market leadership.

DISCUSSION

This study's findings provide essential insights into the behavioral determinants influencing Islamic estate planning preferences, as directly observed through the institutional perspective of Amanah Raya Berhad (ARB) employees in Shah Alam. This study juxtaposes the administrative, financial, and socio-religious aspects of Wasiyyah (testamentary wills) and Hibah (inter vivos gifts), thereby enhancing the discourse on the navigation of wealth distribution complexities among Malaysian Muslims. The subsequent discourse analyzes these empirical results through the lenses of transaction cost economics, institutional path dependency, and the fundamental goals of Islamic law (Maqasid al-Shariah).

The Cost Benefit Analysis and the Ease of Procedure

The community's strong preference for Wasiyyah is mostly based on how easy and cheap it is to use, which is similar to transaction cost economics (Williamson, 1981; Abdullah et al., 2020). People naturally choose the options for estate planning that are less expensive and easier to deal with when it comes to paperwork. For ARB practitioners, Wasiyyah's one sided nature and flat fee of RM1,200 make it very easy to get involved. On the other hand, the multilateral requirements of Hibah requiring the presence of both the donor and the recipient, validation by a Shariah Court and variable, asset based pricing (starting at RM1,500) make the transaction costs too high. Despite academic literature often extolling Hibah as the ideal mechanism for absolute wealth transfer and dispute resolution (Awang, 2019; Kamarudin et al., 2021), the practical experience of ARB employees indicates that immediate financial and temporal challenges hinder widespread implementation. This aspect underscores a notable disparity between theoretical Islamic wealth management models and actual consumer behavior, indicating that the perceived cost of certainty linked to Hibah is presently regarded as excessively high for the average consumer.

Trust in institutions, path dependency, and the shift to digital literacy

The continued dominance of Wasiyyah is also a sign of institutional path dependency that is heavily affected by ARB's legal status (Alma'amun, 2010). Because testamentary wills were made into a business and became part of everyday life long before Hibah products, people were very familiar with them. Historical media representation ingrained Wasiyyah in the collective consciousness of society. Also, the fact that everyone trusts ARB as a government-backed statutory body helps people make decisions. Clients choose the product that they are most familiar with from an institution they think is

permanent and safe. The qualitative data, however, shows that modern digital media has caused a major change in the way things work. The democratization of Islamic financial literacy through platforms such as TikTok and Instagram is initiating a disruption of this path dependency by enhancing community awareness (Shafii et al., 2022). As more people learn about the complexities of Faraid and the protective benefits of Hibah, the gap in information between them and the public gets smaller. This change in digital literacy explains the changes in consumer behavior that ARB staff have seen. It suggests that the market is about to correct itself, and Hibah adoption will likely speed up as more people learn about its unique benefits.

Seasonal Religious Influences and the Dual Nature of Wealth Distribution

The data shows a deep social and religious duality that shows how testators balance their own faith with their family duties. Wasiyyah is mostly a religious tool that the community uses to make Sadaqah Jariyah (continuous charity) happen. ARB employees say that this religious obligation is often triggered by seasonal religious events. For example, there are distinct, cyclical spikes in Wasiyyah applications as customers get ready for the Hajj, Umrah or work assignments abroad. Giving up to one-third of an estate to people who aren't heirs is an easy way to meet this religious duty that is based on milestones. On the other hand, Hibah is a tool for legal and family safety (Muda et al., 2020). The results show how important it is to get around the strict rules of Faraid for families that don't fit the mold, like those with adopted children or no male heirs. Hibah directly follows the Maqasid al-Shariah principle of wealth preservation (Hifz al-Mal) by transferring assets while they are still alive. This stops the threat of disputes between family members before they happen (Kamali, 2008; Hasan et al., 2019). This duality affirms that Wasiyyah and Hibah are not opposing competitors instead, they are complementary instruments fulfilling distinct socio-legal roles contingent upon the client's current life stage and religious influences. What will happen in the future and what it means for ARB as an institution. The contrast between the accessibility of Wasiyyah and the safeguarding efficacy of Hibah shapes the future trajectory of estate planning in Malaysia and constitutes a strategic necessity for ARB.

Based on what employees think will happen in the future, the path ahead is split in two: Wasiyyah will always be popular because it is cheap and useful for charity. Hibah, on the other hand, will grow quickly as new versions like HibahKu and Conditional Hibah become more popular. In order to keep up with these trends, ARB's current focus on marketing products must change to

include all aspects of advisory services. The answers from the respondents show that institutions need to teach clients not only about the products but also about the long-term effects of Faraid. In addition, Hibah's expected growth requires new ways of doing things. To meet the growing demand for absolute asset transfer, ARB needs to use its legal power to push for easier administrative processes, better integration with Shariah Courts, and more competitive, clear pricing models for Hibah to close the current accessibility gap.

RECOMMENDATIONS AND CONCLUSION

Conclusion

This study set out to understand why the local community consistently prefers Wasiiyah over Hibah, based on the direct observations of Amanah Raya Berhad (ARB) personnel in Shah Alam. The findings suggest that the widespread use of Wasiiyah is driven less by strict theological preference and more by practical constraints. Specifically, the straightforward administrative process, flat-fee structure, and long-standing cultural presence of wills create a very low barrier to entry. In contrast, the high out-of-pocket costs and complex multilateral requirements of Hibah currently discourage broader public uptake.

However, the data also highlights a noticeable change in consumer behavior. As digital platforms improve public understanding of Islamic inheritance law (Faraid), more individuals are recognizing Hibah as a necessary mechanism to protect non traditional family structures and prevent future estate disputes. While Wasiiyah remains highly relevant for fulfilling charitable goals (Sadaqah Jariyah), Hibah offers the legal certainty needed for direct wealth preservation. Ultimately, estate planning should not be viewed as a choice between two competing products, but rather as a coordinated process where both instruments serve distinct, complementary roles depending on a family's specific needs.

Policy and Practical Implications for ARB

Drawing on the operational insights of ARB staff, several practical steps can be taken to improve service delivery and public engagement:

1. Shift to Comprehensive Advising: Rather than marketing estate planning tools as isolated products, ARB could benefit from transitioning toward a holistic advisory model. By guiding clients through the long-term consequences of Faraid, advisors can help families select the most appropriate instrument based on their specific household dynamics.

2. Address the Cost of Hibah: The financial burden of executing a Hibah remains a significant obstacle. ARB should consider exploring tiered pricing, subsidized options for lower-income groups or inter agency collaborations to reduce the friction and expenses for clients.
3. Targeted Educational Outreach: Given the influence of digital media on financial literacy, ARB should continue to leverage modern social platforms. Using real world case studies to illustrate how Hibah prevents inheritance disputes can help dismantle the long standing cultural habit of relying solely on wills.

Limitations and Future Research

It is important to note the limitations of this research. The findings are drawn from qualitative interviews with a small group of ARB employees in a single location (Shah Alam), which may not fully represent broader national trends. Furthermore, the data reflects the perspectives of service providers rather than the end-users themselves.

To build on this exploratory work, future studies should employ quantitative methods to survey a large and geographically diverse sample of actual ARB clients. Testing the identified variables such as cost, procedural simplicity, and religious motivation through statistical modeling would provide a more robust understanding of consumer behavior. Additionally, researchers might investigate the specific legal and bureaucratic bottlenecks between civil and Shariah jurisdictions that currently complicate the Hibah execution process

ETHICS STATEMENTS

The authors declare that the ethics statement for this research confirms that approval was obtained from the ethical committee with the approval number and relevant informed consent was obtained from respondents.

AUTHOR STATEMENTS

Mohd Luqman wrote the problem statement and data analysis. Noor Aznaim gave ideas and advice on the structure of the subtopic and wrote again all the articles in academic sentences, with good grammar, formatting, and literature review. Nurina support financially

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DECLARATION OF INTERESTS

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this article.

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