

## RESOLUTION OF FAMILY DISPUTES IN ADMINISTRATION OF ESTATE BY AMANAH RAYA BERHAD<sup>1</sup>

***Muhammad Amrullah Drs Nasrul***

*Assistant Professor, Ahmad Ibrahim Kulliyah of Laws,  
International Islamic University Malaysia (IIUM),  
Jalan Gombak, 53100 Kuala Lumpur.  
amrullah@iium.edu.my*

***Ahmad Hidayat Buang***

*Professor, Department of Shariah and Law,  
Academy of Islamic Studies,  
Universiti Malaya, 50603 Kuala Lumpur.  
ahidayat@um.edu.my*

***Noraini Noh***

*Manager, Amanah Raya Berhad, Wisma Amanah Raya,  
No 2, Jalan Ampang, 50508 Kuala Lumpur  
noraini.noh@arb.com.my*

***Nurin Athirah Mohd Alam Shah (Corresponding Author)***

*Postgraduate Student, Ahmad Ibrahim Kulliyah of Laws,  
International Islamic University Malaysia (IIUM),  
Jalan Gombak, 53100 Kuala Lumpur.  
nurinathirahalamshah@gmail.com*

### ABSTRACT

*Despite being under the same laws, the practical aspects on administration of estate of a deceased person is different subject to case by cases basis. For some families, there are disputes that exists relating to the inheritance that must be resolved. Such occurrence of disputes may be caused by several factors. This include instances such as family members who are not satisfied*

---

<sup>1</sup> This paper is funded by the Fundamental Research Grant Scheme (FRGS), granted by Ministry of Higher Education (Malaysia), under the Project ID: FRGS/1/2021/SSI0/UIAM/02/5.

*with their portion, disagreement with the appointed personal representative and cannot forget with past problem between the family members. The existence of such disputes can affect the flow of estate administration and eventually lead to adverse implication including rendering the assets frozen due to absence of management application or causing delays in the estate administration. Being one of the administrative bodies, these are among the situations encountered by Amanah Raya Berhad (ARB) in their management of the deceased asset. As a personal representative with experience over 90 years in handling estate administration cases, ARB have developed their own practice to address the arising disputes. The aim of this paper is to discuss on how ARB addresses the family disputes in estate administration. This paper also will determine the suitability of mediation to be implemented by ARB as part of ARB practice in managing estate administration cases. This paper undertakes a library-based study as a research method through the analysis of selected materials including journal articles, academic writings, statutes and cases. The results of this paper shows that ARB is emphasizes on the aspects of discussion and negotiation in handling family disputes in estate administration. There is however, a room to improve on the aspects of disputes resolution, particularly via the implementation of mediation as suggested in this paper.*

**Keywords:** *family dispute, estate administration, ARB, mediation, beneficiaries*

## **INTRODUCTION**

Estate administration in its literal meaning is a process of handling or administering a deceased's property (Surianom Miskam, Muhamad Helmi Md Said, Nora Abdul Hak, Wan Noraini Mohd Salim Hak & Muhammad Amrullah bin Drs Nasrul, 2019). Technically, when someone passed away, their estate is left unmanaged and will be treated as inheritance. This situation requires for someone to take care of the property (Anna Johnson, 2022). Ideally, the deceased's estate must be identified and located by the beneficiaries or family members prior to the commencement of the process of estate administration. This is important to ensure that all the deceased's assets are fairly distributed to the correct beneficiaries (Khai Ren Hng, 2020). In its technical process, there are three primary stages in the estate administration that have to be fulfilled. This includes collection of the deceased's assets, payment of debts and liabilities, and distribution of the remaining assets to those entitled (Bryan

A. Garner, 2014). In other words, estate administration includes not only the management and distribution of the deceased's assets, but also the payment of debts and liabilities (Brent Yap & Nik Irma Amir Nik Kamaruddin, 2021), which takes precedence over the former in the estate administration.

In Malaysia, there are three main administrative bodies is in charge of the matters pertaining to estate administration namely Civil High Court, Small Estate Distribution Unit and lastly Amanah Raya Berhad (ARB) (Fatin Afiqah Md Azmi & Mohammad Tahir Sabit Mohammad, 2011). Managing estate of the deceased via the issuance of letters of representation is a power being granted to these administrative bodies, each with their exclusive jurisdiction and subject to their specific set of laws. Therefore, it is important for the public to be able to distinguish their jurisdiction since if the application is submitted to the incorrect authority, the estate administration and distribution cannot take place. This may lead to cases involving frozen assets and finally left unadministered. From the perspective of the dual legal system being practiced in Malaysia, it is important to note that the Syariah court also possesses jurisdiction in matters pertaining to inheritance of a Muslim subject as stated in the 9<sup>th</sup> Schedule List II of the Federal Constitution (Mohd Khairy Kamarudin & Nasrul Hisyam Nor Muhamad, 2018: 8-16).

However, for the discussion of this paper, *Syariah Court* is not listed as one of the administrative bodies as the *Syariah Court* does not have the authority to issue letters of representation. In this paper, the highlight will be on ARB itself where regards as to their practice in managing the estate of the deceased. The statement of problem of this paper is that, despite having several laws to govern matters on estate administration, there are difficulties in terms of technical aspects and the process in relation to it. Such process is actually complicated and extensive in nature that involves completion of tasks layered under multiple stages from the early collection of assets until the distribution of such asset to the recipients (Mohd Fitri Abdul Rahman, Kamaruddin Ngah, Jamaluddin Mustaffa, Rozita Abdul Mutalib & Mohd Hilmi Hamzah, 2016:180-187). The complexity of the process is worsen by the occurrences family disputes which have the potential of hindering the smooth administration of the deceased's estate.

As one of the administrative bodies and the sole agency being given the authorities to carry out their role as the personal representative, ARB have completed numerous cases on estate administration, including resolving family disputes that arose in some of those cases. Various types of family disputes need to be addressed by ARB in handling estate related matters. However, not all disputes could be resolved by the "corporation" as there are some which is irrelevant to the inheritance matters while some would require the corporation

from the beneficiaries. In addressing the matter however, there is no specific method on how to resolve the family disputes at ARB other than discussion and negotiation during meetings with beneficiaries. Moreover, until today, there is no specific instructions and guidelines on how to conduct negotiations with the disputing parties. The lack of these effective mechanism in addressing and resolving family disputes in ARB is seen as one of the areas that needs to be improved (Mohd Zamro Muda & Mohd Ridzuan Awang, 2006).

The objectives of this paper consist of the following. Firstly, the research seeks to examine the overview of ARB in Malaysia in terms of laws and procedures. Next, the research will analyze the occurrence of family disputes in administration of estate including, identifying the stages that is prone to the occurrence of such problem. Lastly, the researcher will suggest a method on how to resolve family disputes especially via proposing mediation to be implemented in ARB as part of its practice in estate administration. As for the research methodology, the researcher undertakes a socio-legal approach, which focuses on how the law operates in a social context and how it addresses social issues, namely the family disputes among the beneficiaries in inheritance (Anwarul Yaqin, 2007:10). As a non-doctrinal study, this research employs qualitative approach. Primary data, such as legislation and case laws, as well as secondary data, such as journal articles, books, and government documents, are used to complete this paper. Public Trust Corporation Act 1995 (PTCA 1995), as well as non-legal literature such as law textbooks, online articles, newspapers, case analysis, conference proceedings, and seminar papers, are examined in the doctrinal analysis section. As for literature review, majority of the literature review focused on the procedural and technical aspects of estate administration. Reference to literatures mostly centers on the discussion regarding the estate administration process and its bodies, with little to none on the details of family disputes that arise in ARB during the process of managing the deceased's estate. Although some literature did discussed on the factors that lead to such occurrence of family disputes, it does not offer a concrete solution towards addressing the family disputes by ARB.

The last part of the discussion highlights the significance and the way forward of the research including ways that can be developed to improve the overall practice by ARB to ensure smoother process in handling estate administration. One of it is by implementing mediation in ARB. As one of the most utilized mode of ADR, mediation is not something uncommon among the society nowadays. It has constantly and continuously been practiced to date in variety of sectors including banking, family and even at international level (Hanna Ambaras Khan, 2013:180-195). The application of mediation has now been recognized as an official mode of settlement by the Malaysian judiciary

via the implementation of the court-annexed mediation. This development signifies the acknowledgement that mediation is indeed practical as it offers a lot of benefits to the disputing parties. To name a few, mediation offers a high degree of privacy and confidentiality. Any information that is obtained from the mediation will not be disclosed to the public. It will remain inside the room only known to the knowledge of the mediator and the disputing parties only (Victoria J. Haneman., 2011: 513). Moreover, mediation session encourages the disputed parties to communicate with each family members as part of the process to resolve the damaged and broken relationship. In addition, the disputing parties are allowed to craft their own solution or recommendation. When the other disputed parties accept the proposed solution, this could set aside any trace of dissatisfaction against one another (Radford, M. F., 2000: 601-667). This will eventually resolve the family disputes and at the same time repair back the family relationship that is already broken.

## **OVERVIEW OF AMANAH RAYA BERHAD (ARB)**

ARB is also known as the Corporation. ARB was called as Corporation as PTCA 1995 used the wording in the Act. ARB was established in 1921 as the Department of Public Trustee and Official Administrator, under Minister of Finance. Back then, ARB was Malaysia's premier trustee company wholly owned by the Government of Malaysia (Nur Khairina Othaman, Mohamad Anwar Zakaria, Muhammad Hazzim Ahmad, Noriashah Nordin, 2018). Then, ARB is a government-owned corporation that was privatized on 1 August 1995 under the PTCA 1995. Public Trusts Corporation Act 1995 (Act 532) or PTCA 1995 is an Act to amend the laws concerning the public trustee and official administrator, to provide for the vesting of property, rights and liabilities of the public trustee and official administrator in a company, to regulate the exercise of functions and powers by the company and to provide for matters connected and incidental thereto. To exercise the duty, the main authority that will be used by ARB is PTCA 1995. However, there are other statutes that also be used in ARB. For instance, Trustee Act 1949, Probate and Administration Act 1959, Small Estate Distribution Act 1955, Distribution Act 1958 and lastly Wills Act 1959.

Apart from the Civil High Court and the Estate Distribution Unit, ARB have the rights of issuing Grant of Administration, namely the Letter of Declaration (Suhaili Alma'amun, 2010: 165-185). and Letter of Direction. These two letters issued by ARB is regarded as part of Letters of Representation. The effect of these two is the parties appointed ARB as the personal administrator in handling the deceased's estate. Letter of Declaration and Letter of Direction

are depending on the value of the property and the administration process. This can be seen in section 17(1) of the PTCA 1995<sup>2</sup> where ARB have the jurisdiction to administer cases involving the deceased who died testate or intestate, including movable property which value is RM600,000 and below:

*Whenever any person dies, whether testate or intestate, leaving movable property in Malaysia and the Corporation is satisfied after such investigation as it deems sufficient—*

*a) that the total value of the property without deduction for debts, but not including the value of any property which the deceased possessed or was entitled to as trustee and not beneficially, does not exceed six hundred thousand ringgit; and*

*b) that no person is entitled to apply to the Court for grant of probate of will or no petition for letters of administration is pending,*

*the Corporation shall, upon the application of a person making a claim on the property and if it thinks fit to do so, by writing declare that it undertakes to administer the property, and thereupon the Corporation shall be empowered to administer the property as though letters of administration of the estate of the deceased person had been granted to the Corporation, and the Corporation's receipt shall be a sufficient discharge to any person who pays any money or delivers any property to the Corporation; and notice of every such declaration shall be filed in the proper Registry of the Court.*

Based on the provision below, it can be concluded that ARB has jurisdiction on movable asset below the value of RM600, 000. It is important to take into account that the Declaration Order under this section is managed wholly by ARB. If the minors are beneficiaries or if the value of the estate is less than RM50,000, the estate must be administered under this section too. This is because ARB have responsibility to secure the minor's portion by placing the share in a trust account. ARB will distribute the share to the beneficiaries once they reached the majority age. Before they reach the majority age, the shares will be under supervision of ARB and managed wholly by ARB and not the guardians. For withdrawal, only a guardian appointed by the Court or ARB, or with the consent and agreement of the child's family, may submit a withdrawal request on behalf of a minor (Trust Administration FAQ). Applications from sources acting against these rules would not be taken into consideration. This

---

<sup>2</sup> Public Trust Corporation Act (1995), Act No: 532

second important section that people have to look into is Section 17(2) of the PTCA 1995<sup>3</sup> as below:

*(2)(a) When the Corporation is satisfied that the value of any property referred to in subsection*

*(1) does not exceed fifty thousand ringgit, it may direct that the same or any part thereof be delivered to any person or persons on being satisfied as to the title of the claimant and value of the property by the oath or affirmation of the claimant or by such other evidence as the Corporation may require and the Corporation may in its discretion take such security as it thinks proper for the due administration of the property or the protection of the rights of any other person.*

*(b) Nothing in this subsection shall affect the right of any person to recover the whole or any part of the property delivered under paragraph (a) from the person to whom it may have been delivered.*

*(c) If the property is of no appreciable value or its value, in the opinion of the Corporation, is so small as to render impracticable the sale thereof, the Corporation may direct the property to be destroyed or otherwise disposed of as it thinks fit.*

This provision actually allows ARB to issue Direction Order involving movable asset with monetary value less than RM50,000. This is totally different with Declaration Order like what has been discussed previously, Direction Order does not involve any process of administration of estate. This Order only aim to gather the related financial institution or other bodies to follow the order made. The heirs or beneficiaries also can deliver the Direction Order to the related financial institution by themselves if they do not want to use ARB as sometimes matter pertaining financial is a bit confidential for some families.

During the process, after the parties or the heirs file the application in ARB, ARB will administer the deceased's estate directly. The heirs or beneficiaries do not have to worry as ARB will do the work from the beginning until the end of the process of estate administration. This actually shows that ARB also serve as personal representative in estate administration matters because ARB have the duty to collect the property and distributed the property accordingly to the heirs. This is different in normal cases if the case is not handled by ARB, the beneficiaries itself need to appoint the personal representative. A person or company designated as the estate administrator of a deceased person is referred as the personal representative (Nor Azlina Mohd Noor & Ahmad

---

<sup>3</sup> Public Trust Corporation Act (1995), Act No: 532

Shamsul, 2022). The personal representative is the only person who have the power to manage the deceased's assets and liabilities. In addition to the spouse, family members or other beneficiaries may also be given the authority to handle the deceased's assets and liabilities. The personal representative has full control over the estate once they are appointed and can take possession of it (Akmal Hidayah Halim, Wan Noraini Mohd Salim, Halyani Hassan, Nor Azlina Mohd Noor & Azhani Arshad, 2013). Failure to appoint a personal representative in accordance with the procedure prescribed by law may result in civil or criminal charges being taken against the person who interferes with the deceased's property (Akmal Hidayah Halim & Nor Azlina Mohd Noor, 2016). The personal representative also has the power to take control of and oversee the estate (Akmal Hidayah Halim & Nor Azlina Mohd Noor, 2015). Based on the tasks of the personal representative, all of them will also apply to the ARB case when the ARB is chosen as the personal representative by the client. This is crucial to make sure the estate administration process can be done without any hassles or hardships (Nasrul Hisyam Nor Muhamad, 2017).

As discussed previously, ARB not only issued orders but it is unique compared to other administrative body as it can be personal representative as well. The case that can be referred in ARB is *Jigarlal Kantilal Doshi v Amanah Raya Bhd (as the administrator of the estate of the late Kantilal Prabhulal Doshi, deceased) and other appeal*<sup>4</sup>. The appellant's father ('the deceased') had named the appellant's mother and his brother as executors of the deceased's will. When the appellant applied to the High Court to revoke the Grant of Probate to the executors, the Courtappointed Amanah Raya Bhd ('ARB'), as administrator of the estate. Without applying for grant of Letters of Administration, ARB successfully applied to substitute itself as plaintiff. About 12 1/2 years after its appointment as the administrator, ARB obtained a Grant of Probate to the deceased's estate. Arguing that the grant of probate was wrongly issued and that ARB should instead have applied for Letters of Administration, the appellant applied to set aside the grant of probate but failed. However, on further appeal, the Federal Court decided in the appellant's favor and set aside the Grant of Probate. The Apex Court disagreed with the Court of Appeal's finding that the Grant of Probate was 'substantially a grant of letters of administration with will annexed'. In the instant appeal against that decision, the appellant argued that the grant of Letters of Administration pendente lite could only have prospective effect from the date of its grant and could not retrospectively cure or regularize actions which were commenced, undertaken or continued by ARB without grant of letters of administration and

---

<sup>4</sup> [2014] 6 MLJ 629



that those actions were incurable nullities. Court allowing the appeal with costs RM5,000 and setting aside the decision of the High Court.

## **FAMILY DISPUTES IN ESTATE ADMINISTRATION**

One of the common problems that always arise in estate administration is family disputes. In normal circumstances, estate administration can happen at any time during the estate administration process (Muhammad Amrullah Drs Nasrul, Muhamad Helmi Md Said, Nora Abdul Hak & Wan Noraini Mohd Salim, 2019:15-32). In some cases, family disputes arose during the early stage which is during the application of Letters of Representation. In other cases, the family disputes might also happen during the end of the estate administration. Therefore, it can be concluded that all families have different types of family disputes. So, the method used to resolve family disputes for each family cannot be the same. However, the effect of the family disputes is actually same for all families. Once family disputes happen, there will be many negative impacts precisely on the estate administration itself. One of it is it may cause delay in the estate administration. Therefore, family disputes must be resolved first in order to ensure the estate administration can run smoothly.

To resolve family disputes, there is still weakness in the administration of administrative bodies (Wan Kamal Mujani, Rusnadewi Abdul Rashid, Wan Muhd Hirwani & Noor Inayah Yaakub, 2011: 326-330) like ARB where there is no specific procedure or method for addressing the issue. Some of the family disputes might already happened for a long time ago and not settle until now. That is why for some families, the disputed parties will bring the case to Court under the process of litigation. This only applies for rich families or for those who have money as litigation process actually consume a large amount of money. This family might think this is the only option that they have to resolve the issue. They want everything to settle in a short time without considering the other party's feelings. They just want to pay their lawyers and let their lawyers play their role. What is important to them is the issues are resolved in a short period. This is actually wrong concept and must be corrected. When talking about estate administration, the first thing that people have to consider is the emotion or the feelings itself other than the jurisdiction of the administrative bodies. In reality, when talking about estate administration, there will be feelings or emotions that must be tackled first. When this issue is addressed in administrative bodies precisely in ARB, the family think they want to address the emotions and feelings by themselves. They do not prefer any involvement from an outside party as they think that only the family members should do on what they supposed to do (Wan Noraini Mohd Salim, 2002).

This is actually wrong and a misconception. When having family disputes, it is advisable to have third party to resolve it. In this context, the third party is referred to is the ARB. ARB should address the feelings and emotions of all parties to ensure the family disputes can be resolved smoothly.

Moreover, when they realize they have to do estate administration, they tend to postpone and not wish to initiate the application. Although ARB has a unique feature which is can be personal representative at the same time, they might think that all of these just wasting their time and money. So, they prefer to postpone the estate administration process (Othman Yaacob, 2006). In some cases, family disputes always happen because of the greediness of the family members (Muhammad Amrullah Drs Nasrul & Wan Noraini Mohd Salim, 2018: 75-86). They always want to get the property more than what they supposed to get. Some of them are also want to get the property fast. They do not want to wait anymore. When this happened, this will lead to other problem. The greediness inside them created tensions between them. When they become tension, they will start to quarrel. Some of them will constantly blame to each other and automatically tearing the relationship in the family apart. More worsen, some of them killed their own parents or their own families just because of property. Nowadays, many cases were reported in newspaper regarding this issue (Asliza Musa, 2022). Because of property or money, people can kill each other. This shows that family disputes must be settled quickly so this kind of incident might not be happening in the future.

In conclusion for this part, family disputes actually create a lot of negative impacts especially on estate administration process. Firstly, when family disputes happen, it will delay the estate administration process. When the process is delay, some of beneficiaries involving several generations might already die or missing. This makes the process become more difficult especially on tracking the beneficiaries to distribute their portions as some beneficiaries might lost contact or live outside the country. Next, family disputes can increase the risk of disappearance or destruction of the deceased assets (Muhammad Amrullah Drs Nasrul, Wan Noraini Mohd Salim, Muhamad Helmi Md Said & Siti Nuramani Abdul Manap, 2017: 183-196). There are some other cases where some of the family members steal the relevant documents (Nohafizah Arifin & Khadijah Hussin, 2015) because they are so angry or they have bad intention to not cooperate. Last but not least, family disputes also might lead to the murder of one's family. It clearly shows the seriousness of this issue and must be overcome effectively. Therefore, proactive steps need to be taken especially by ARB to address this issue.

## **STEPS TAKEN BY ARB**

To overcome family disputes between the parties in estate administration, ARB has actually played its role by actively communicates with the beneficiaries either through direct meetings or other methods of communication such as emails or phone calls. ARB also has instructed meetings to be held if there are issues arise during the process. However, the steps taken by ARB might not be enough. Inserting mediation as soon as the application of estate administration made by the parties are one of the methods that can be considered. Mediation also can be done before Letters of Representation are issued or while the second stage occurs during the asset's execution and distribution. The idea of inserting mediation inside the practice of ARB is because mediation is proven to be effective method in resolving family disputes (Nora Abdul Hak, 2007: 121–148). Many family disputes cases used this method as it actually gives benefits to both parties such as the appointed mediator can facilitate the parties' efforts to prepare a good settlement agreement that is agreed upon by both parties by fostering a favorable environment (Mayer B, 2004: 29-52) otherthan repair the relationship among the family members.

In practice, although ARB has never practiced the actual idea of mediation, this body has actually incorporated the key components of mediation into their practice. This includes elements of communication, negotiation, and a friendly approach. However, the practiced is not standardized for all branches and not widely practiced. Moreover, ARB face problem where they have shortage of qualified personnel or qualified officer to conduct a proper meeting with the beneficiaries. More worsen when in some cases, if the family disputes still cannot be resolved, the discussions have had to be repeated. Usually, in this kind of disputes, some of the family members ego and do not want to give their cooperation. They refuse to accept each other's opinions on tackling the family disputes. Therefore, ARB should take some new steps or method to settle this issue. One of the steps or method to settle this issue is imposing mediation with a complete regulation in their practice. For instance, once they have the new set of rules and regulations, the ego family members have no choice other than obey to the laws.

This actually can faster the process of resolving disputes. When ARB has imposed a clear guideline on mediation, the disputed parties will know on what to do next. They have better understanding that the ARB officer is not trying to get their money, but they actually want to help the disputed parties resolve the issue. The best part is when mediation is officially implemented in ARB, the bonding between family members can be repaired. They can listen and hear from each family members on what is actually happen. They also can

suggest their suggestion on settling the disputes. Usually, the family disputes happen because the family members refuse to meet with each other. So, in mediation held by ARB, they have the opportunity to sit down and discuss together to resolve the disputes. ARB officers just sit there and let them talking and proposing their outcome. This actually helps a lot especially on family disputes as listening and pay attention to other people is actually the key to solve the family disputes. Therefore, it can be suggested that ARB should take all the benefits of mediation (Ahmad Mukhlis Mansor, Nora Abdul Hak, Roslina Che Soh @ Yusoff, 2020: 279 -288) into practice so that ARB can resolved the family disputes among their clients more effectively. This is actually important as it might help ARB to continue to be selected as one of the society preferences when dealing with estate administration.

## **CONCLUSION**

In conclusion, Malaysia, is a fast and developing country for the creation of a holistic and complete benefit to people, which can lead into the new millennium by 2023. In order to ensure the well-being and comfort of present progress toward becoming a developed country, family disputes among the society must not be ignored. Administrative bodies in Malaysia specifically ARB must play important role to resolve the family disputes so that estate administration can run well. The researcher proposed the use of mediation in resolving family disputes as it is efficient in resolving family disputes. Mediation in family disputes entails a lot of benefits rather drawbacks. Therefore, ARB can take the points that have been highlighted previously and implemented it when their clients facing family disputes. As a body with over 90 years of experience in estate administration, ARB must take a fresh approach, particularly with regard to incorporate mediation into their practice as it would significantly improve the efficiency of their estate administration process and at the same time can ensure that the estate administration cases are resolved as quickly as possible.

## **REFERENCES**

- Ahmad Mukhlis Mansor, Nora Abdul Hak & Roslina Che Soh @ Yusoff, (2020) Online Mediation in The Malaysian Shariah Court: Its Benefits and Challenges. *INSLA E-Proceedings*, vol. 3, no. 1, 279 -288.**
- Akmal Hidayah Halim & Nor Azlina Mohd Noor (2015). Criminal Liability for Breach of Fiduciary Duty: A Case of Criminal Breach of Trust by the Personal Representative of the Deceased's Estate. *Pertanika J. Soc. Sci. & Hum.*, vol. 23 (S): 125-136.**

- Akmal Hidayah Halim & Nor Azlina Mohd Noor (2016). Fiduciaries in the Administration of the Deceased's Estate: The Two Distinct Capacities of Personal Representatives and Trustees. *Current Law Journal*, vol. 8, i-x
- Akmal Hidayah Halim, Wan Noraini Mohd Salim, Halyani Hassan, Nor Azlina Mohd Noor & Azhani Arshad (2013). Dealing with Shares on a Shareholder's Death: The Plight of the Deceased's Personal Representative. *Global J. Bus. Soc. Sci. Review*, vol. 1, no. 1, 25-2.
- Amanah Raya Berhad. Trust Administration FAQ. Retrieved from <http://www.amanahraya.my/trust-administration/trust-faq/>
- Anna Johnson (2022). *The Estate Administration Process: What is it and Why Does it Take*
- Anwarul Yaqin (2007). *Legal Research and Writing*. LexisNexis Malaysia Sdn Bhd.
- Asliza Musa (2022). Bertengkar harta pusaka punca abang bunuh adik. Kosmo Publication. Retrieved from <https://www.kosmo.com.my/2022/08/19/bertengkar-harta-pusak-punca-abang-bunuh-adik/>
- Brent Yap & Nik Irma Amir Nik Kamaruddin (2021). Estate Administration in Malaysia. Retrieved from <https://www.vikneshyap.com/post/estate-administration-in-malaysia>
- Bryan A. Garner (2014). *Black's law dictionary*. West Group. Federal Constitution
- Fatin Afiqah Md Azmi & Mohammad Tahir Sabit Mohammad (2011). The Causes of Unclaimed, Late Claimed or Distributed Estates of Deceased Muslims in Malaysia. International Conference on Sociality and Economics Development. IPEDR vol. 10, IACSIT, Press Singapore.
- Hanna Ambaras Khan (2013). Community Mediation in Malaysia: A Comparison between Rukun Tetangga and Community Mediation in Singapore. *Journal of Literature and Art Studies*, vol. 3, no. 3, 180-195.
- Khai Ren Hng (2020). Grant of Probate vs Letter of Administration In Malaysia: What Are The Differences? Retrieved from <https://simrahman.com/estate-planning-lawyer-in-malaysia/grant-of-probate-vs-letter-of-administration-2/>
- Mahinder Singh Sidhu (2005). *The Law of Wills Probate Administration & Succession in Malaysia and Singapore (With Cases and Commentaries)* (2 ed.). Kuala Lumpur: International Law Book Services.
- Mary F. Radford (2000). An Introduction to the Uses of Mediation and Other Forms of Dispute Resolution in Probate, Trust, and Guardianship Matters. *Real Property, Probate and Trust Journal*, 601-667

- Mayer B (2004). Facilitative mediation. *Divorce and Family Mediation: Models Techniques, and Applications*, 29-52
- Mohamad Ali Roshidi Ahmad (2021). The Role of Legal Heirs to Resolve Unclaimed Properties in Malaysia. *Proceeding of the 8<sup>th</sup> International Conference on Management and Muamalah 2021 (ICoMM 2021)*, 298-306.
- Mohd Fitri Abdul Rahman, Kamaruddin Ngah, Jamaluddin Mustaffa, Rozita Abdul Mutalib & Mohd Hilmi Hamzah (2016). Kelewatan dalam Pembahagian Harta Pusaka. *Journal of Global Business and Social Entrepreneurship*, vol. 2, no. 3, 180-187.
- Mohd Khairy Kamarudin & Nasrul Hisyam Nor Muhamad (2018). Islamic Estate Planning and Management: Malaysian experience. *International Journal of Management Applications*. Vol. 1 No. 1, 8-16.
- Mohd Zamro Muda & Mohd Ridzuan Awang (2006). *Undang-undang Pusaka Islam: Pelaksanaanya di Malaysia*. Kuala Lumpur: Syarikat Percetakan Putrajaya Sdn Bhd.
- Muhammad Amrullah Drs Nasrul & Wan Noraini Mohd Salim (2018). Administration of Estates in Malaysia: Determinant of Factors Behind the Delay in The Distribution of The Deceased's Asset. *Journal of Nusantara Studies*, vol. 3, no. 1, 75-86.
- Muhammad Amrullah Drs Nasrul, Muhamad Helmi Md Said, Nora Abdul Hak & Wan Noraini MohdSalim (2019). Family Disputes in Administration of Estates: Analysis on Mediation as Effective Dispute Resolution Mechanism in Malaysia. *Malaysian Journal of Consumer and Family Economics*, 15-32.
- Muhammad Amrullah Drs Nasrul, Wan Noraini Mohd Salim, Muhamad Helmi Md Said & SitiNuramani Abdul Manap (2017). Administration of Estates in Malaysia: Jurisdiction and Misconception. *UUMJLS* 8, 183-196
- Nasrul Hisyam Nor Muhamad (2017). Wasiat Sebagai Instrumen Perancangan Harta Islam: Prosedur dan Pelaksanaan. *Jurnal Hadhari: An International Journal*, vol. 9, no. 1, 17-32.
- Nohafizah Arifin & Khadijah Hussin (2015). Review on issues and problems of transferring felda land ownership. *Journal of Management Research*, vol. 7, no. 2, 229.

- Nor Azlina Mohd Noor & Ahmad Shamsul Abd Aziz (2022). Empowering Personal Representatives' Statutory Duties in Administration of Deceased's Estates. *UiTM International Conferenc on Law & Society 2021 (UiTM i-CLaS 2021)*. E-BPJ, 7(SI11).15-20
- Nora Abdul Hak (2007). Family Mediation in Asia : A Special Reference to The Law and Practice in Malaysia. *IIUM Law Journal*, vol. 15, no. 1, 121-148.
- Noraini Noordin, Adibah Shuib, Mohammad Said Zainol & Mohamed Azam Mohamed Adil, (2012). Review on issues and challenges in Islamic inheritance distribution in Malaysia. *OIDA International Journal of Sustainable Development*, vol. 3, no. 12, 27-38
- Nur Khairina binti Othaman, Mohamad Anwar bin Zakaria, Muhammad Hazzim bin Ahmad, Noriashah binti Nordin. (2018). Peranan Amanah Raya Berhad (ARB) Dalam Pentadbiran Harta Pusaka di Malaysia. Retrieved from <https://www.researchgate.net/publication/332959993>
- Rusnadewi Abdul Rashid, Siti Asishah Hassan & Noor Inayah Yaakub (2013). A Need for Legal Framework of Gift Inter Vivos (Hibah) In Malaysian Estate Planning. *International Journal of Business, Economics and Law*, vol. 2, no. 3.
- So Long?. Retrieved from <https://www.pathstone.com/the-estate-administration-process-what-is-it-and-why-does-it-take-so-long/>
- Suhaili Alma'amun (2010). Islamic estate planning: Malaysian experience. *Kyoto Bulletin of Islamic Area Studies*, vol. 3, no. 2, 165-185
- Surianom Miskam, Muhamad Helmi Md Said, Nora Abdul Hak, Wan Noraini Mohd Salim Hak, Muhammad Amrullah bin Drs Nasrul (2019). The Roles of The Personal Representative in Estate Administration in Malaysia. Proceedings of the International Coference on Law, Environment and Society (ICLES 2018). 70.
- Victoria J. Haneman (2011). The Inappropriate Imposition of Court-Ordered Mediation in Will Contests. *Cleveland State Law Review*, vol. 59, 513
- Wan Kamal Mujani, Rusnadewi Abdul Rashid, Wan Muhd Hirwani & Noor Inayah Yaakub (2011). Constructions of Failure and Delay under Islamic Estate Management. *International Business Management*, vol. 5, no. 3, 326-330

- Wan Kamal Mujani, Rusnadewi Abdul Rashid, Wan Muhd Hirwani & Noor Inayah Yaakub (2011). The Concept of Law of Gift Inter Vivos Under Islamic Law and The Contracts Act 1950. *International Business Management*, vol. 5, no. 3, 319-325.**
- Wan Noraini Mohd Salim (2002). Problems in the administration and distribution of intestate estate in Malaysia with special reference to its foundation in customary law, Islamic Law and English law, PhD Thesis, University of Exeter, United Kingdom.**

**List of Statutes**

Public Trust Corporation Act (1995), Act No: 532

**List of Cases**

Jigarlal Kantilal Doshi v Amanah Raya Bhd (as the administrator of the estate of the late Kantilal Prabhulal Doshi, deceased) and other appeal [2014] 8 CLJ 70