

UNCLAIMED ESTATES IN WEST MALAYSIA: A LEGAL ANALYSIS AND REFORM PROPOSALS ON NON- ADMINISTERED ESTATES

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ABSTRACT

In West Malaysia, the existing legal framework categorises unclaimed estates into four distinct types namely, unclaimed money, undistributed funds, ownerless estates (*bona vacantia*), and estates which are not administered after a deceased's death. Among these, only the non-administered estate remains idle and frozen, primarily due to the absence of a clear ownership claim and procedural gaps within the legal system.

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This situation is exacerbated by the existence of various laws that govern different types of unclaimed estates as well as the lack of proactive initiatives by the authorities to trace and manage such estates, particularly when the estate is not administered accordingly after the deceased's death. Consequently, the number of unclaimed estates continues to grow at an alarming rate, and the beneficiaries are therefore losing out on potential benefits or utilities that they could derive from the ownership of such estates. This paper aims to identify the categories of estates classified as unclaimed and to examine the relevant legal framework in addressing the issue. Employing qualitative research methods, including doctrinal analysis and field interviews, it is observed that the existing legal mechanisms are inadequate to remedy the problem relating to unclaimed estates. Hence, this study proposes measures towards reforming the legal framework for the administration of unclaimed estates, with particular emphasis on non-administered estates. It is anticipated that the proposed reforms may serve as a valuable reference for the Malaysian government in formulating a structured legal mechanism to address the issue effectively and to prevent its recurrence in the future.

Keywords: Unclaimed Estates, Non-Administered Estates, Unclaimed Moneys, Frozen Estates, Ownerless Estate (*Bona Vacantia*).

HARTA PUSAKA TIDAK DITUNTUT DI SEMENANJUNG MALAYSIA: SUATU ANALISIS PERUNDANGAN DAN CADANGAN PEMBAHARUAN TERHADAP HARTA PUSAKA TIDAK DITADBIRKAN

ABSTRACT

Di Semenanjung Malaysia, kerangka perundangan sedia ada mengkategorikan harta pusaka tidak dituntut kepada empat jenis utama iaitu wang tidak dituntut, dana tidak diagihkan, harta tanpa pemilik (*bona vacantia*), dan harta pusaka yang tidak ditadbirkan selepas kematian si mati. Di antara jenis-jenis harta yang tidak dituntut ini, hanya harta pusaka yang tidak ditadbirkan kekal terbiar dan dibekukan, terutamanya disebabkan ketiadaan tuntutan pemilikan yang jelas serta jurang prosedur dalam sistem perundangan. Keadaan ini diburukkan lagi dengan kewujudan pelbagai undang-undang yang mengawal selia jenis-jenis harta pusaka tidak dituntut serta kekurangan inisiatif yang proaktif oleh pihak berkuasa untuk mengesan dan menguruskan harta pusaka tersebut, khususnya apabila harta pusaka tidak ditadbirkan dengan sewajarnya selepas kematian si mati. Akibatnya, nilai harta pusaka tidak

dituntut terus meningkat pada kadar yang membimbangkan dan waris kehilangan potensi manfaat atau utiliti yang sepatutnya diperolehi daripada pemilikan harta pusaka tersebut. Kertas kerja ini bertujuan mengenal pasti kategori harta pusaka yang diklasifikasikan sebagai tidak dituntut dan meneliti kerangka perundangan yang berkaitan dalam menangani isu ini. Dengan menggunakan kaedah penyelidikan kualitatif, termasuk analisis doktrin dan temu bual lapangan, dapatan kajian menunjukkan bahawa mekanisme perundangan sedia ada masih tidak mencukupi untuk menyelesaikan masalah berkaitan harta pusaka tidak dituntut. Justeru, kajian ini mencadangkan langkah-langkah ke arah pembaharuan kerangka perundangan bagi pentadbiran harta pusaka tidak dituntut, dengan penekanan khusus kepada harta pusaka yang tidak ditadbirkan selepas kematian si mati. Kajian ini menjangkakan bahawa pembaharuan yang dicadangkan ini boleh menjadi rujukan kepada kerajaan Malaysia dalam merangka mekanisme perundangan yang lebih teratur untuk menangani isu ini secara berkesan dan mencegah berulangnya pada masa hadapan.

Kata Kunci: Harta Pusaka Tidak Dituntut, Harta Pusaka Tidak Ditadbirkan, Wang Tidak Dituntut, Harta Beku, Harta Tanpa Pemilik (*Bona Vacantia*).

INTRODUCTION

Unclaimed estates undermine their intended functions, whether as instruments of economic development or as resources for consumption. As a result, beneficiaries are deprived of the potential benefits and utilities that could be derived from rightful ownership. The magnitude of this issue has long been acknowledged, although the reliability of the figures remains open to question.¹ Based on the reports from the local newspapers and parliamentary statements, the problem of unclaimed estates in Malaysia has persisted for decades, with reported figures indicating a steady and significant increase in value over time. In 2006, it was stated that more than one million inheritance cases, valued at RM38 billion, remained unclaimed.² The value was reported

¹Malaysian Administrative Modernisation and Management Planning Unit (MAMPU), Prime Minister's Department, *Cadangan Transformasi Pentadbiran Harta Pusaka di Semenanjung Malaysia (Transformation Plan for Estate Administration in West Malaysia)* (Putrajaya: MAMPU, 2015), 58.

²Abdul Halim Yusoff, "RM38b Pusaka Belum Dituntut," *Berita Harian*, July 4, 2006, 6.

to increase to RM40 billion from 2007 to 2010.³ By 2011, the amount had reportedly reached RM42 billion,⁴ before escalating further to between RM52 billion and RM66 billion from 2013 to 2015⁵. The value of unclaimed estates in West Malaysia was said to stand at RM60 billion between 2016 to 2019,⁶ a figure that reportedly rose to RM70 billion in 2020⁷ and further to RM90 billion between 2023⁸ and 2025.⁹

³Efendi Badaruddin, "Harta RM40b Belum Dituntut," *Harian Metro*, November 2, 2007, 18; Raja Norain Hidayah Raja Abdul Aziz, "RM40 Bilion Aset Umat Islam Dibekukan," *Harian Metro*, October 3, 2010, 8.

⁴Muhd Izawan Baharin, RM42b Harta Beku, *Harian Metro*, April 26, 2011, 13.

⁵Badrul Hafizan Mat Isa, "Harta Pusaka Tertunggak RM52b," *Utusan Malaysia*, February 17, 2013, 9; Yusliza Yukimir Abd Talib, "RM66b Tak Dituntut," *Harian Metro*, May 18, 2014, 17; Mahaizura Abd Malik, "Permudah Urusan Perwarisan," *Harian Metro*, January 30, 2015, <https://www.hmetro.com.my/mutakhir/2015/01/27353/permudah-urusan-perwarisan>

⁶Ilah Hafiz Aziz, "RM60b Harta Umat Islam Tidak Dituntut," *Berita Harian*, March 29, 2016, accessed September 4, 2025. <https://www.bharian.com.my/berita/nasional/2016/03/138450/rm60b-harta-umat-islam-tidak-dituntut>; Siti Rohana Idris, "Lebih RM60 Bilion Harta Orang Islam Terbeku," *Harian Metro*, February 26, 2019, accessed September 4, 2025. <https://www.hmetro.com.my/mutakhir/2019/02/427566/lebih-rm60-bilion-harta-orang-islam-terbeku>

⁷Ekhwan Haque Fazlul Haque, "Harta RM70 Bilion Tergantung," *Harian Metro*, January 12, 2020, accessed September 5, 2025. <https://www.hmetro.com.my/utama/2020/01/534382/harta-rm70-bilion-tergantung>

⁸Yasmin Hanani Mohd Safian. "RM90 Bilion Harta Faraid Tak Dituntut." *Utusan Malaysia*, September 5, 2023, accessed September 5, 2025. <https://www.utusan.com.my/gaya/2023/09/rm90-bilion-harta-faraid-tak-dituntut/>

⁹Nadzari, Nur Nazlina. "RM90B Harta Pusaka Tak Dituntut Ancam Ekonomi Domestik." *Utusan Malaysia*, July 21, 2025, accessed September 6, 2025. <https://www.utusan.com.my/ekonomi/2025/07/rm90b-harta-pusaka-tak-dituntut-ancam-ekonomi-domestik/>

The value of the unclaimed estates as reported in local dailies in West Malaysia can be illustrated by Figure 1 below:

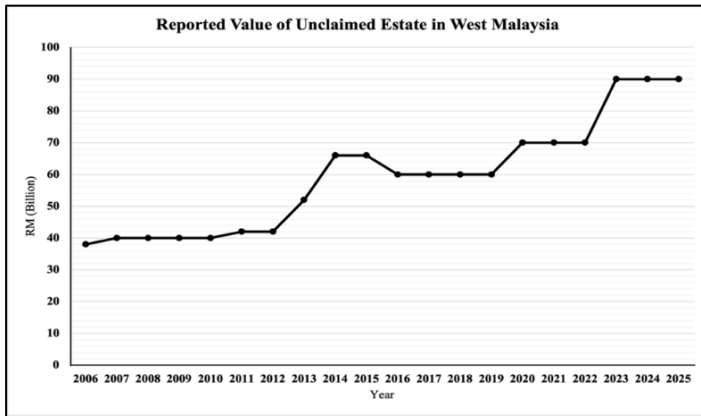


Figure 1: Reported Value of Unclaimed Estates in West Malaysia from 2006 - 2025

In this respect, it is interesting to note that the Malaysian Administrative Modernisation and Management Planning Unit (MAMPU) in 2015 has adversely stated in its report on Transformation Plan for Estate Administration in West Malaysia that the reported data on the value of the unclaimed estates has never been supported by any valid research findings¹⁰ and there are no official reports or statistics that could be found specifically on the said matters, except some uncorroborated and anecdotal evidence reported in newspapers, which is based on the statements made by Members of Parliament and individuals. According to a statement by the Estate Distribution Section of the Department of the Director General of Land and Mines, even the Department itself was unclear as to how the reported figure had been derived.¹¹ In fact, the exact types and actual value of unclaimed estates remain hitherto uncertain and not specifically identified.

¹⁰MAMPU, *Cadangan Transformasi Pentadbiran Harta Pusaka di Semenanjung Malaysia*, 58.

¹¹Chew, Rachel. "Why Are Inherited Properties Left Behind?" *Edgeprop.my*, September 8, 2018, accessed September 9, 2025. <https://www.edgeprop.my/content/1421178/why-are-inherited-properties-left-behind>

However, although the figures were not derived from systematically verified research, they underscore a consistently upward trend and highlight the pressing need for more reliable data and effective policy interventions. Hence, this paper seeks to identify the types of estates that are classified as unclaimed estates and to examine the governing law to remedy the problem. By using qualitative methods of research that include content analysis and interviews during field studies, this paper proposes measures towards reforming the legal framework for the administration of unclaimed estates, with special reference to the non-administered estate.

The study is conducted based on the premise that the existing legal mechanisms are inadequate to remedy the problem relating to unclaimed estates, especially when there are no proactive efforts on the part of the authorities to trace the rightful beneficiaries thus resulting in a fast-growing number of unclaimed estate cases. The existence of various laws that govern different types of unclaimed estates has also led to the distinctive methods in the administration and management of such estates.

LITERATURE REVIEW

Estates that remain unadministered often result in land or property being left idle. For example, in a study of non-administered real estate in the Kampong Bharu area, it was observed that such estates prevent land from being developed, which in turn reduces economic opportunities and restricts access to credit for heirs who cannot use the property as collateral.¹² In this regard, it is said that the absence of proper succession planning and the failure to promptly initiate the estate administration process may result in the estates being frozen and eventually classified as unclaimed estates.¹³

¹²Nabila Ayuni Abdul Malek, Rahmawati Mohd Yusoff, Azhani Arshad, Mohammad Hidir Baharudin, and Siti Afiqah Mohammad, "Analysis of the Issues and Current Framework in the Administration and Development of Non-Administered Real Estate of Kampong Bharu, Kuala Lumpur, Malaysia," *Planning Malaysia: Journal of the Malaysian Institute of Planners* 22, no. 4 (2024): 501–515

¹³Nurin Athirah Mohd Alam Shah, Muhammad Amrullah Drs Nasrul, Akmal Hidayah Halim, and Nora Abdul Hak, "Administration of Estates:

In addition, previous legal measures aimed at reducing the time and cost involved in the administration and distribution of Islamic inheritance have had a limited impact on addressing the issue of unclaimed estates.¹⁴ The use of *hibah* (gift) as an estate planning instrument has also been proposed as a means to prevent the estate from becoming frozen due to non-administration by the beneficiaries.¹⁵ As for the practice of nomination for Employees Provident Fund (EPF), it was opined that in the absence of such nomination, there is a high probability that some parts of the fund may be left unclaimed upon the member's death.¹⁶ Hence, nomination is an essence to curb future cases of non-administered estate. Nevertheless, it should be highlighted that the nomination scheme applies only to movable estates such as the Employees Provident Fund (EPF), the Pilgrimage Fund (*Tabung Haji*), and Takaful policies.¹⁷ As such, it is incapable of addressing the issue of unclaimed estates in relation to immovable estates.

Additionally, in order to reduce the number of non-administered estate cases, previous studies have also suggested for the establishment of a single body for non-contentious estate proceedings which inter alia functions as a monitoring body to trigger the beneficiaries to make an application for estate administration within 6 months from the date of the death, failure which the estate would be administered by the Public

Resolution of Disputes in Achieving Sustainability among the Deceased's Family," *IJUM Law Journal* 30, no. 2 (2022): 274.

¹⁴Nooraini Noordin et. al. "Delay in Islamic Inheritance Claim—an Ignorance Issue," *Procedia-Social and Behavioral Sciences* 90, (2013): 505.

¹⁵Rusnadewi Abdul Rashid and Nor Hisyam Ahmad, "Pengurusan Harta Melalui Hibah: Kepentingan dan Manfaat dari Pelbagai Aspek untuk Kemajuan Ummah" (Hibah Wealth Management: The Important and Benefit from Various Aspects for Ummah Development), *Jurnal Hadhari*, 5, no.1 (2013); 93

¹⁶Muhammad Hisyam Mohamad, "Harta Beku: Kesan ke atas Ekonomi Umat Islam," in *Faraid dan Perancangan Pewarisan: Harta Beku, Bidangkuasa dan Amalan di Malaysia*, ed. Muhammad Hisyam Mohamad and Siti Shamsiah Md Supi, (Kuala Lumpur: Institut Kefahaman Islam Malaysia (IKIM) Press, (2019), 71.

¹⁷Wan Noraini Mohd Salim, Akmal Hidayah Halim, and Muhammad Amrullah Drs Nasrul, "Streamlining the Nomination Policy in Estate Administration for Muslims in Malaysia," *IJUM Law Journal* 32, no. 1 (2024): 309–334

Trust Corporation (Corporation) or Amanah Raya Berhad.¹⁸ In this respect, the 2015 Report on the Transformation Plan for Estate Administration in West Malaysia proposed the creation of a One-Stop Data Centre (OSDC) for wills, assets, and liabilities as a means of expediting the administration of estates. The OSDC is envisioned to play a central role in tracing non-administered estates and in reducing the occurrence of unclaimed estates in the future.¹⁹ To date, however, the proposal has not been realised, thereby leaving the persistent issue of unclaimed estates largely unaddressed.

It has also been highlighted that despite a lot of impacts from non-administered estates being identified, the Government has not yet established any cohesive mechanism to solve this issue.²⁰ In addition, the absence of a dedicated department for estate management has created opportunities for misuse and mismanagement of unclaimed estates, including illegal occupation and the unauthorised sale of inherited land by third parties.²¹ Previous literature has also examined the various forms of unclaimed estates in Malaysia, including unclaimed money, undistributed funds, and ownerless estates (*bona vacantia*).

¹⁸Akmal Hidayah Halim, "Reforming Legal Framework for Administration of Estates in West Malaysia: An Overview," *The Law Review* 4, (2013): 304; Azhani Arshad and Akmal Hidayah Halim, "Administration of Non-Contentious Estates in West Malaysia: Legal and Administrative Reforms" in *Proceedings of International Conference on Advanced Research in Business and Social Sciences*, ed. Husnal Iqbal and Anura Binti Azlan Shah, (Kuala Lumpur: Panoply Consultancy, (2015), 261

¹⁹MAMPU, *Cadangan Transformasi Pentadbiran Harta Pusaka di Semenanjung Malaysia*, 77. This is also in line with the suggestion made by the then Director (now Senior Director) of the Estate Distribution Section, Department of Director General of Land and Mines, Tuan Haji Baharuddin Aziz, who recommended for the establishment of a One-Stop Estate Management Centre (OSC) to integrate all agencies engaged in estate management under one roof, thereby significantly facilitating estate administration for the community. Interview by Siti Khadijah Abdullah Sanek, Putrajaya, 28 December 2023 & 8 February 2024.

²⁰Akmal Hidayah Halim and Rahmawati Mohd Yusoff, "The Impacts of Non-Administered Estates in West Malaysia: An Analysis," *Journal of Islamic Law Review* 15, no. 1 (2019): 118.

²¹Maisarah Sheikh Rahim and Juani Munir Abu Bakar, "Tiada Jabatan Khas Pusaka, Buka Ruang Seleweng Aset Tidak Dituntut Lebih RM70 Bilion," *Utusan Malaysia*, 8 Ogos 2022, 1.

However, while acknowledging the ownership of these estates by relevant authorities, such as the Registrar of Unclaimed Money, the Corporation, and the Government/State Authority/Baitulmal respectively, there is a notable gap regarding estates that remain unmanaged and unadministered by the beneficiaries themselves.²²

In relation to *bona vacantia* estate, the existence of a different set of personal laws and procedures, which depend on the jurisdiction of the state advocates the need for collaborative efforts among stakeholders to address these challenges and develop standardised procedures and policies.

Undeniably, the integration of multiple disciplines is essential for developing efficient strategies and solutions to handle ownerless properties.²³ As a result, despite assertions that these estates have diverse effects, the total number of non-administered estates cannot be determined. Thus, one vital gap in the law that requires further study is to analyse the constraints relating to the administration of the current problem of unclaimed estates and to further propose an effective legal mechanism to solve and unfreeze the current non-administered estates.

CLASSIFICATION OF UNCLAIMED ESTATES

In general, unclaimed estates may be classified into four categories, namely unclaimed moneys, undistributed funds, ownerless estates (*bona vacantia*), and non-administered estates. For the purpose of the discussion, it is essential to delineate each category in order to provide a clear overview of the types of unclaimed estates and to clarify their ownership and management by the relevant authorities.

²²Akmal Hidayah Halim, Noor Azlina Mohd Noor, Azhani Arshad, "Administration of Unclaimed Estates in Malaysia: The Peculiarities of Unclaimed Money, Undistributed Fund and *Bona Vacantia*," *Journal of Social Sciences Research (JSSR)* 4, no. 12 (2018).

²³Siti Khadijah Abdullah Sanek et al., "Bona vacantia in West Malaysia: Issues and Challenges," *International Journal of Law, Government and Communication* 9, no. 36 (2024): 139.

Unclaimed Moneys

As of 31 January 2025, the total value of unclaimed money was reported to amount to RM12.7 billion,²⁴ rising to 13.4 billion as of 30 September 2025.²⁵ The management of unclaimed moneys falls entirely under the responsibility of the Registrar of Unclaimed Moneys, who is required to credit all such funds lodged with him into the Federal Consolidated Fund (YDPA Fund). Once money has been classified as unclaimed, the rightful owner may apply to the Registrar for a refund. There is no limitation period for making such claims, and refunds are made without the payment of interest. In cases where the owner is deceased, his personal representative may claim the funds on behalf of the estate, provided that sufficient proof of identification and supporting documents are submitted to establish locus standi and validate the claim.

The term unclaimed moneys refers to funds held in court as well as funds belonging to companies and firms, as governed by the Unclaimed Moneys Act 1965.²⁶ With respect to the court, unclaimed moneys denote any sum that has been, or is paid into court pursuant to any written law, rule of court, or by virtue of any applicable rule of practice or procedure, as stipulated under section 5(1) of the Act. In relation to companies and firms, unclaimed moneys are classified into three categories. The first category consists of moneys that are legally payable to the owner but remain unpaid for a period of not less than

²⁴Abd Mutalib, Zanariah. "Wang Tak Dituntut Kini Mencecah RM12.7 Bilion," *Berita Harian*, March 5, 2025, accessed August 28, 2025. <https://www.bharian.com.my/berita/nasional/2025/03/1368618/wang-tak-dituntut-kini-mencecah-rm127-bilion>

²⁵Nawiah Mohet (Pengarah Bahagian Pengurusan Wang Tidak Dituntut, Jabatan Akauntan Negara, Kementerian Kewangan Malaysia), "Peranan Institusi dan Rakyat Dalam Menangani Harta Pusaka Terbeku", panel discussion at *AmanahRaya Grand Seminar 2025*, organized by AmanahRaya, Bangsar, 22 October 2025.

²⁶According to Puan Nur Fatin Amirah binti Samsudin, Assistant Director of the Claims Unit, Unclaimed Money Management Division, National Accountant Department of Malaysia, unclaimed money is distinct from *bona vacantia* or ownerless property. *Bona vacantia* refers to money without heirs and is unrelated to unclaimed money. Unclaimed money concerns funds that remain uncollected by their rightful owners within a prescribed period. Interview by Siti Khadijah Abdullah Sanek, Putrajaya, 29 December 2023.

one year, including salaries, wages, bonuses, commissions, and other payments due to employees. The second category comprises moneys standing to the credit of an account which has not been operated by the owner in any manner for a period of not less than seven years. Examples within this category include savings accounts, current accounts, and fixed deposits with automatic renewal instructions. The third category consists of moneys credited to a trade account that has remained dormant for a period of not less than two years.²⁷

Interestingly, the rule requiring that balances from inactive accounts exceeding seven years be transferred to the Registrar of Unclaimed Moneys does not apply to deposits in the Pilgrimage Fund (*Tabung Haji*). This exception exists because the *Tabung Haji Act 1995 (Act 535)* expressly provides that the *Tabung Haji Board* is not deemed a company under the *Unclaimed Moneys Act 1965*. Instead, all unclaimed moneys are to be recorded in a register maintained by the Chief Executive Officer of the Board. Pursuant to section 23 of the *Tabung Haji Act*, such unclaimed moneys remain under the Fund of the *Tabung Haji Board* until they are claimed and repaid to the rightful depositors. In other words, unclaimed moneys in *Tabung Haji* revert to the Board itself rather than to the Registrar of Unclaimed Moneys.

The rule requiring the transfer of unclaimed moneys from inactive accounts exceeding seven years to the Registrar is also not applicable to funds in the Employees' Provident Fund (EPF). Pursuant to section 51A of the *Employees Provident Fund Act 1991 (Act 452)*, the EPF Board may transfer to the Registrar of Unclaimed Moneys any sum standing to the credit of a member that remains unclaimed once the member has reached the age of 100 years, or such higher age limit as may be prescribed by the Board. Thereafter, any application or claim relating to the member's credit must be made directly to the Registrar of Unclaimed Moneys in accordance with the *Unclaimed Moneys Act 1965*.

Undistributed Fund

Undistributed funds arise in situations where, upon the conclusion of administering the estate of a person who dies testate or intestate, certain funds cannot be immediately distributed in accordance with the law.

²⁷Section 8, *Unclaimed Moneys Act 1965*.

Several factors may contribute to this, including the unknown whereabouts of a beneficiary, a beneficiary's refusal to accept payment, the beneficiary's lack of legal capacity (such as being a minor or mentally incapacitated), or other circumstances that make payment impracticable. The management of undistributed funds is regulated under the Probate and Administration Act 1959, the Small Estates (Distribution) Act 1955, and the Public Trust Corporation Act 1995. Such funds are deposited with the Corporation, which holds them in trust on behalf of the rightful beneficiaries.

Ownerless Estate/*Bona Vacantia*

If a deceased person leaves no heirs to inherit the estate, the estate is deemed ownerless, or *bona vacantia*. The administration of *bona vacantia* is subject to different sets of personal laws, depending on whether the deceased was Muslim or non-Muslim.

For a Muslim's estate, *bona vacantia* is governed by the Federal Constitution, the National Land Code (Revised 2020), the Small Estates (Distribution) Act 1955, and the relevant Administration of Islamic Law statutes in each State in West Malaysia. Under the rules of *farā'id*, when a Muslim dies without residuary heirs, the estate, whether movable or immovable devolves upon the *Baitulmal*. An estate may also be considered *bona vacantia* if there are no residuary heirs (*'asabah*) to inherit the balance of the estate, or where the legal heirs are impeded from inheriting. This may arise, for example, in cases involving heirs classified as *zawul al-arhām* (outer relatives), or where the heirs are of a different religion, such as when a Muslim convert (*muallaf*) dies leaving only non-Muslim family members. However, there have been instances where heirs successfully redeemed property inherited by *Baitulmal*. This confirms that heirs are allowed to reclaim such property by making the necessary payments, even after *Baitulmal* has initially received it as part of the estate.²⁸

In contrast, for a non-Muslim deceased, the administration of *bona vacantia* is governed by the Civil Law Act 1956, the Distribution Act 1958, the National Land Code (Revised 2020), and the Federal Constitution. In such cases, the deceased's movable property reverts to

²⁸Ustaz Mohd Azri Bin Esa, Penolong Pengarah *Baitulmal*, Majlis Agama Islam Negeri Johor (MAIJ), interview by Siti Khadijah Abdullah Sanek, 27 November 2023.

the Federal Consolidated Fund (YDPA Fund), while immovable property accrues to the State Authority.

Non-Administered Estate

Non-administered estates refer to cases where, after the expiration of six months from the death of a deceased person, no application has been made for probate or letters of administration to his estate, or cases whereby the beneficiaries have made an application to administer the estate but has not been not fully administered due to several reasons such as disputes among the beneficiaries or lack of information regarding the estates. Provisions relating to the non-administered estates are provided by the Probate and Administration Act 1959, Small Estates (Distribution) Act 1955 and Public Trust Corporation Act 1995. Nevertheless, according to an officer who was then in charge of estate administration at the Estate Distribution Section, there is a *lacuna* in the procedures as the available system and mechanism as provided in Malaysia does not accommodate the tracing of the estate in cases where there is no application to administer the estates.²⁹ Unless and until the beneficiaries take the initiative to proceed with the administration of the deceased's estate, the estate remains unadministered and cannot be distributed to the beneficiaries.

At this point, it is pertinent to note that previous literature has focused on the discussion of the three types of unclaimed estates namely, the unclaimed money that is put under the custody of the Registrar of the Unclaimed Money, the undistributed fund that is held on trust by the Corporation and the case of ownerless estate or *bona vacantia* whereby personal estate of the deceased accrues to the Government and the real estate reverts to the State Authority, with the exception to the rights of *Baitulmal* in the deceased Muslim's estate.³⁰ Nevertheless, it is observed that whilst these three types of estates are classified as unclaimed estates, they do not fall under the category of frozen estate since such estates could still be invested, transacted and

²⁹Puan Noor Rashidah Ramli, Estate Distribution Section, Department of Director General of Land and Mines, interview by Akmal Hidayah Halim, Kuala Lumpur, 30 January 2025.

³⁰Akmal Hidayah Halim et. al., "Administration of Unclaimed Estates in Malaysia," 1078; Abdullah Sanek et al., "Bona Vacantia in West Malaysia," 132.

liquidated provided that the entitlements of the beneficiaries are protected.³¹

On the other hand, it is the non-administered estate that becomes the ultimate unclaimed and frozen estate, which remains idle and cannot be dealt with unless and until an application for the administration of such estate is made by the beneficiary. Hence, the discussion hereinafter focuses on the administration of non-administered estates in order to identify the appropriate legal mechanism to curb this problem. The classification of unclaimed estates and the ownerships are summarised in Figure 2 below:

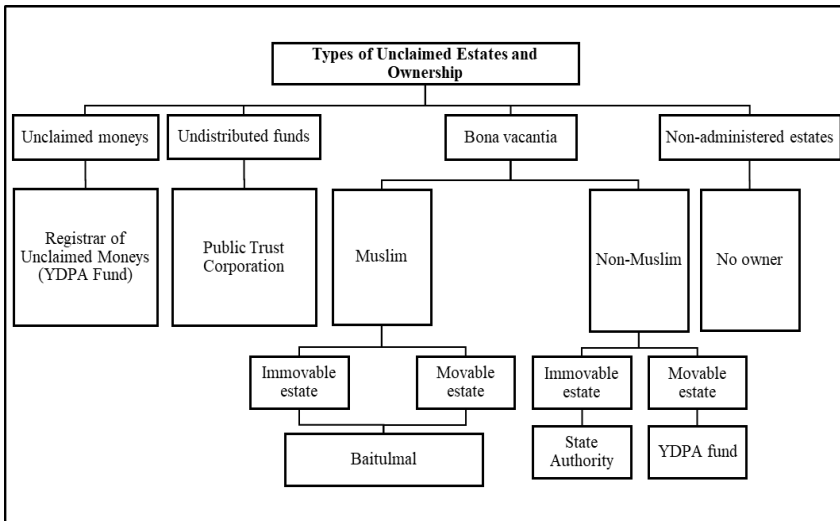


Figure 2 – Types of Unclaimed Estates and Ownerships

³¹The management of the unclaimed money is governed by the Unclaimed Moneys Act 1965. In cases of the undistributed fund, Section 24 (a) of the Public Trust Corporation Act 1995 empowers the Corporation to invest any money on the separate account of the estate, trust, property or person to which or to whom the money belongs. As for *bona vacantia* estate, the ownership lies with the Government, State Authority and *Baitulmal*, as the case may be, since the ownerships over such estate have been vested accordingly. Hence, all these estates are not categorised as frozen estate.

CURRENT FRAMEWORK FOR NON-ADMINISTERED ESTATES

Section 39 of the Probate and Administration Act 1959 provides that in cases where a person dies intestate, his movable and immovable property shall vest in the Corporation or Amanah Raya Berhad until administration is granted in respect of that estate. Section 81 of the same Act further provides that in cases of delays, letters of administration with or without the will annexed may also be granted to the Corporation or to such other person as the Court thinks fit in the following situations:

- a) “In cases where, after the expiration of six months from the death of a deceased person, no application has been made for probate or letters of administration to his estate; or
- b) where any such application, though made within the said six months, has not within that period been proceeded with, or has been withdrawn or refused; or
- c) where a receiver may be appointed under section 45, but it appears that the appointment would not be a sufficient protection for the estate; or
- d) where, after the death of a last surviving executor or administrator of a deceased person's estate, six months have elapsed and no application for the representation of the estate has been made.”

The provision, however, does not prevent the Corporation from applying for or being granted letters of administration of the estate of a deceased person with or without the will annexed before the expiration of a period of six months of the death of the deceased.

The provision for non-administered estates can also be found in Section 18 of Small Estates (Distribution) Act 1955, which empowers the Corporation or Majlis³² to make a report to the Estate Distribution Officer in cases where a proprietor of any land has died and that no proceedings have been taken to obtain a grant of probate or letters of administration or for estate distribution of the deceased's estate within 6 months after the death. Upon receiving such report, the Estate

³²According to Section 2 of the Small Estates (Distribution) Act 1955, “Majlis”, in relation to a State, means the Majlis Agama Islam, by whatever name called, established under any written law for the purpose of administering Islamic law.

Distribution Officer may thereupon request the Corporation or Majlis to lodge a petition for the distribution of the estate, subject to the consent from a beneficiary to the estate of a deceased person, a creditor or a purchaser who has an interest in the estate of a deceased person, as the case may be.

In addition, section 16 of the Public Trust Corporation Act 1995 provides that the Corporation may, as soon as it learns on such evidence as it deems sufficient that any person who dies intestate leaving property in Malaysia, forthwith take possession thereof and provide for its safe custody until letters of administration are granted by the Court.

Comparatively, in the United Kingdom, the Government Legal Department (previously known as the Treasury Solicitor's Department until 2015) publishes a list of unclaimed estates which have been referred, but not yet administered, and historic cases which have been administered but not yet been claimed within the time limits for doing so. The list is updated every working day and newly advertised estates appear at the top of the list. Estates where the 30 years' time limit from the date of death has expired would be accordingly removed. The list of unclaimed estates which is available online goes back as far as 1997 when computer records began.³³ Since 2016, the Government Legal Department began placing deceased estates notices in the Gazette in order to publicise the estate to potential beneficiaries. The Gazette is a government publication, managed by the Stationery Office, under the superintendence of the National Archives. As the official public record, information published is verified and certified as fact. In Singapore, proper steps to claim unclaimed estates are clearly provided in the Office of Public Trustee's website, under the Singapore Ministry of Law. All government agencies, including statutory boards, are required to make all reasonable efforts to return the unclaimed estates promptly.³⁴ In this respect, it could be said that in West Malaysia, the

³³Marc Shoffman and Rachel Rickard Straus, "Is There a Fortune Waiting for You? How to Find out If You're an Heir," *This is Money*, February 28, 2015, accessed September 10, 2025. <https://www.thisismoney.co.uk/money/bills/article-2965122/Heir-hunters-track-unclaimed-inheritance.html>.

³⁴Goy, Priscilla. "Some \$150m of Unclaimed Money Held by Government Ministries and Courts." *The Straits Times*, January 19, 2016, accessed September 10, 2025. <https://www.straitstimes.com/singapore/some-150m-of-unclaimed-money-held-by-government-ministries-and-courts>.

available legal mechanisms are still inadequate and incomprehensive in governing the administration of unclaimed estates, especially in the absence of mechanisms and proactive efforts to trace the potential and rightful beneficiaries by the authorities.

TYPES OF NON-ADMINISTERED ESTATES

Non-administered estates can be divided into movable and immovable estates. However, it is important to note that for the movable estate, the fact that it has not been administered by the beneficiaries would not prevent such estates from being transacted or invested because eventually upon the expiry of specific period, the estate would be surrendered to and managed by the Registrar of Unclaimed Money or Tabung Haji Board/ EPF Board, as the case may be. Hence, even though such estates can be classified as unclaimed estates, they are not frozen and could still be utilised within the specific powers as conferred to the managing bodies under the law.

As for the non-administered immovable estates, the discussion is made based on the two types of alienated lands namely, freehold and leasehold lands. Based on section 93 of the National Land Code (Revised 2020), annual rent is payable in respect of all alienated lands of which the non-payment shall be treated as a debt due to the State Authority. If the rent is not payable, the State Authority may forfeit the land based on section 100 of the Code. There are also cases when the deceased has died, but the title of the land was kept alive by payment of annual rent by the heirs of the deceased or by a person who has no real claim to the land without having administered the estates. Especially in suburbs or rural areas, the deceased's neighbour or any unacquainted person could continue to pay the quit rent of the land, so that they can purposely continue to use the land for farming or business without buying over the land. In this case, the local government will not know it is unclaimed property.³⁵ In this respect, there are several issues relating to this matter that need to be taken into consideration.

As far as the leasehold land is concerned, although the beneficiaries may continue to pay the rent for such land, it would still

³⁵Hasiah Kasah (then Director of Estate Distribution Section), interview by Rachel Chew, *Edgeprop.my*, 8 September 2018.

revert to and vest in the State Authority upon the expiry of the term under section 46 of the National Land Code which is normally for 99 years. In contrast, freehold land does not revert to the State so long as rent (if any) is paid, since it carries no expiry term. Nevertheless, even though beneficiaries may continue to cultivate the land or occupy any existing building after the owner's death, they cannot exercise ownership rights under section 92 of the National Land Code (Revised 2020). These rights include sub-dividing the land, effecting dealings, disposing of the property, or claiming rights to the building. Similarly, if beneficiaries wish to erect or develop a new building, they cannot do so because section 21 of the Town and Country Planning Act 1976 requires that planning permission applications be made by the registered landowner. Consequently, without proper administration, such estates remain registered in the deceased's name, cannot be distributed to the heirs, and effectively become ownerless.³⁶ This legal incapacity effectively renders the land an idle or dormant estate, as no lawful dealings or development can take place until administration is completed. Therefore, until and unless the estate is administered, it is submitted that this is the type of estate that could ultimately be considered and treated as frozen unclaimed estates in West Malaysia. Figure 3 illustrates the types of non-administered estates.

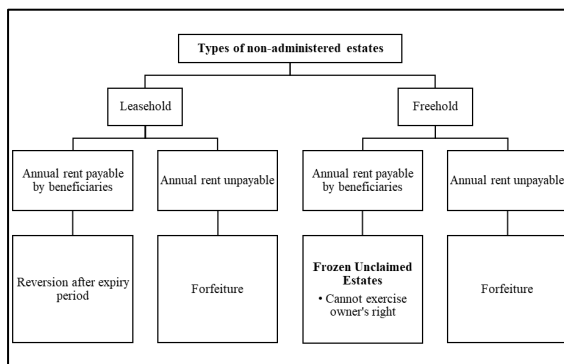


Figure 3: Types of Non-Administered Estate

³⁶Sariha Mohd Ali and Mohd Nasruddin Parzi, "RM65 billion in unclaimed assets, cash due to lack of inheritance planning," *New Straits Times*, Feb. 22, 2025; "Stuck in Limbo: Cash, Real Estate among RM65b in Unclaimed Assets in Malaysia, Highlighting Need for Estate Planning, Says AmanahRaya," *Malay Mail*, February 23, 2025, <https://www.malaymail.com>

Be that as it may, the law provides that the Government may acquire such non-administered estates under the Land Acquisition Act 1960 and award compensation for the acquisition. The compensation or award will be paid to the Corporation, which acts as the Public Trustee in Malaysia and holds the sum in the estate account pending proper administration.

PROPOSAL FOR REFORMS

At present, the process of estate administration is initiated only upon the application of the beneficiaries. Unless and until such an application is filed, the relevant administrative bodies will not take any action. The tendency of beneficiaries to delay filing applications for the distribution of a deceased's estate has consequently contributed to the growing number of non-administered estates.³⁷ A key reason for such delays is the beneficiaries' lack of access to accurate and comprehensive information regarding the deceased's assets and liabilities.³⁸ Furthermore, public confusion arising from the existence of multiple governing bodies responsible for estate administration has also exacerbated the problem of non-administered estates.³⁹ Hence, in order to reform the legal framework governing non-administered estates, it is essential to implement both corrective measures to address existing cases and preventive measures to mitigate the occurrence of future cases of non-administered estates.

Corrective Measures for the Administration of Current Non-Administered Estates

Establishment of a One-Stop Data Centre

To address the backlog of current non-administered estate cases, measures should be taken, inter alia, to obtain the list of deceased

³⁷Rahmawati Mohd Yusoff et al., "A Comparative Analysis of Frozen Estates in Malaysia and Indonesia," *International Journal of Social Science Research* 11, no. 2 (2023): 137.

³⁸Arshad and Halim, "Administration of Non-Contentious Estates," 260.

³⁹Arshad and Halim, "Administration of Non-Contentious Estates," 260; Halim, "Reforming Legal Framework for Administration of Estates," 304; MAMPU, *Cadangan Transformasi Pentadbiran Harta Pusaka di Semenanjung Malaysia*, 46; Mohd Alam Shah et al., "Administration of Estates: Resolution of Disputes," 261.

persons from the National Registration Department (NRD) based on death registrations. A subsequent data search would then be required to identify the estates of the deceased. However, under the existing framework, no cohesive system or mechanism has been established by the government to trace non-administered estates. Accordingly, the proposed establishment of a One-Stop Data Centre (OSDC) by MAMPU should be pursued as a key innovation to expedite estate administration.⁴⁰ Such a Centre would play a vital role in simplifying the process of locating and identifying the assets and liabilities of deceased persons through an automated and integrated system. By linking with the databases of relevant agencies, the system would enable the automatic extraction of information on the deceased's assets and liabilities, thereby streamlining the estate administration process.

Ideally, the above initiative should be driven from a policy and governance perspective. Hence, it is proposed that the Legal Affairs Division of the Prime Minister's Department (BHEUU) or MAMPU spearhead the establishment of the OSDC, with the Estate Distribution Section or the Corporation serving as the implementing agency. MAMPU's expertise in digital transformation and e-government initiatives makes it particularly well-suited to oversee the data integration component of the proposed system.

Comprehensive Implementation of E-Tanah System

It is further proposed that the Land Offices (LO) of each district in West Malaysia fully implement the E-Tanah system to ensure that data relating to immovable estates can be accessed more efficiently. At present, searches at the Land Office are conducted based on the registered title number of the land. This process has undeniably exacerbated the problem of non-administered estates, particularly in situations where beneficiaries lack sufficient information regarding the deceased's assets.⁴¹ Under the manual system, previous studies have

⁴⁰MAMPU, *Cadangan Transformasi Pentadbiran Harta Pusaka di Semenanjung Malaysia*, 77.

⁴¹Halim, "Reforming Legal Framework for Administration of Estates," 304; MAMPU, *Cadangan Transformasi Pentadbiran Harta Pusaka di Semenanjung Malaysia*, 46; Arshad and Halim, "Administration of Non-Contentious Estates," 260; Mohd Alam Shah et al., "Administration of Estates: Resolution of Disputes," 261.

identified several methods for tracing immovable estates, including cross-checking the identity card (IC) number on land grants with records from the National Registration Department (NRD), making enquiries through the Penghulu (village headman), and referring to data from the Department of Survey and Mapping (JUPEM).⁴² However, these methods have proven to be inefficient for identifying unclaimed estates.⁴³ Such findings should have served as a strong signal for the Government to accelerate the establishment of the OSDC as a more effective mechanism for tracing the estates of deceased persons.

Application to Principal Registry

If it is established that the deceased has left behind certain estates, an application should be submitted to the Principal Registry of the High Court to verify whether any application for estate administration has been filed in respect of the deceased's estate. In the absence of such an application, the estates shall be deemed non-administered and thereafter vest in the Corporation, which would then proceed to administer the estates in accordance with the law.

Preventive Measures for Future Non-Administered Estates

Establishment of A Monitoring Unit for the Application of Estate Administration

It has been established that the current legal and procedural framework does not mandate the application of the estate administration upon the deceased's death. Unless and until the beneficiaries themselves take the initiative to proceed with the administration of the deceased's estate, the estate remains unadministered and cannot be distributed to the beneficiaries. Hence, in order to prevent or mitigate the recurrence of non-administered estates, it is proposed that a dedicated unit be established to monitor and notify beneficiaries to file an application for

⁴²Robiah Suratman, Mohammad Tahir Sabit Haji Mohammad, Khadijah Husin, *Methods of Identifying Land Titles and Beneficiaries Relating to Unclaimed Muslim Estates* (project funded by National Real Estate Research Coordinator [NAPREC], (2016); Abdullah Sanek et al., "Bona Vacantia in West Malaysia," 136.

⁴³Suratman et al., *Methods of Identifying Land Titles and Beneficiaries Relating to Unclaimed Muslim Estates*.

estate administration within six months from the date of death. The six-month period is critical because, under existing legal provision, if no application for probate or letters of administration is made within this timeframe, the court is empowered, at its discretion, to grant letters of administration with or without the will annexed to the Corporation or to any other person it deems fit.⁴⁴ By ensuring beneficiaries are informed promptly, this measure promotes timely estate administration, safeguards the rights of heirs, and reduces the likelihood of estates remaining unadministered or effectively ownerless.

For effective monitoring and timely notification, the proposed unit must be informed of the exact date of the deceased's death, so that the six-month period can be accurately observed from that date. Currently, there is no specific mechanism within the existing procedural framework to facilitate this process. Hence, an integrated system should be established with the National Registration Department (NRD), enabling automatic transfer of death details and information on beneficiaries to the proposed unit upon registration of death. The system's analytic function could further enhance efficiency by triggering proactive measures through automated data comparison with NRD records. Upon receiving such information, the proposed unit should issue a formal notice to beneficiaries instructing them to proceed with estate administration at the relevant authority, depending on the type and value of the estate.

Vesting of Property and Taking Possession by the Corporation

Eventually, in cases where the beneficiaries fail to apply for the deceased's estate administration within the specified period, the Corporation may be authorised to deal with the deceased's estate. Where no application is made within six months, the officer in charge must then notify the Corporation, in writing, to take possession and administer the estate accordingly. In this regard, it is crucial that the relevant legal provisions namely, sections 39 and 81 of the Probate and Administration Act 1959, section 18 of the Small Estates (Distribution) Act 1955, and section 16 of the Public Trust Corporation Act 1995 which allow the Corporation to take possession of the estate, are given full force, thereby empowering the Corporation as the sole authorised

⁴⁴Section 81 of the Probate and Administration Act 1959.

administrator of non-administered estates after the six-month period has lapsed.

However, it is to be highlighted that the taking of possession of such estates by the Corporation should not be made mandatory in all cases. Instead, in line with the provision of Section 16 (1) of the Public Trust Corporation Act 1995, the Corporation should be accorded discretion to decide whether to assume possession and administration, considering the nature of the estate, its value, and any existing family disputes. This flexibility would ensure that resources are not unnecessarily expended on estates of minimal value and that sensitive family matters are duly respected.

Digital Reforms and Accessibility

It is worth emphasising that the administrative framework for estate administration in Malaysia is not aligned with the current needs and technological resources, such as web-based applications. In fact, certain administrative structures and procedures inherited from the colonial era remain in use today. This is evident from the provisions of the primary statute namely, the Probate and Administration Act 1959, and the procedures for estate administration as provided by the Malaysian Rules of Court 2012, which have been adopted mainly from the Administration of Estates Act 1925 and Non-Contentious Probate Rules 1954 of the United Kingdom, respectively.⁴⁵ Hence, the necessity for reform has become increasingly apparent, particularly in light of the significant changes in Malaysia's economic and social landscape, which demand administrative mechanisms that reflect current realities.

Accordingly, it is proposed that a more effective and user-friendly online system for estate administration be developed. The proposal for a more effective and user-friendly online system is justified by the current limitations of digital services in estate administration. Presently, online facilities for such application are only available for small estates, defined as intestate estates not exceeding

⁴⁵Azhani Arshad, Akmal Hidayah Halim, and Rahmawati Mohd Yusoff, "Tracing the Development of the Law for Estate Administration in West Malaysia," *INSAF: The Journal of the Malaysian Bar* 41, no. 1 (2024): 57.

RM5 million.⁴⁶ It is further recommended that a publicly accessible online database of non-administered estates be established to enable beneficiaries to easily identify such estates.⁴⁷ In line with the new norms, enhancing the online system would not only speed up the estate administration process but also encourage beneficiaries to initiate proceedings promptly. Beyond saving cost and time, such reforms would significantly increase the likelihood of beneficiaries properly administering the deceased's estates, thereby reducing the incidence of non-administered estates.

Advance Credit for Estate Administration

The establishment of a dedicated fund to provide advance credit for estate administration is crucial to address existing financial and procedural weaknesses in the current system. This is particularly relevant as some beneficiaries may be unable to initiate estate administration proceedings due to financial constraints, such as the inability to pay the initial fees and bear the related costs throughout the process before accessing the benefits of the estate. The absence of a formal financial support mechanism further aggravates this issue, leaving beneficiaries with no viable means to obtain credit or assistance to cover these costs. Consequently, numerous estates remain unadministered, leading to administrative inefficiencies and backlogs within institutions responsible for estate administration. A dedicated fund would therefore not only alleviate these financial constraints but also enhance overall administrative efficiency by enabling more estates to be processed without unnecessary delay. The proposed advance credit could be classified as part of the administrative expenses and subsequently deducted from the total value of the estate.

⁴⁶Department of Director General of Lands and Mines (Federal), *MyLand System*, Ministry of Natural Resources and Environmental Sustainability, accessed October 23, 2025, <https://www.myland.gov.my>

⁴⁷Abdullah Sanek et al., "Bona Vacantia in West Malaysia," 136; Halim and Yusoff, "The Impacts of Non-Administered Estates," 118. However, the implementation of this recommendation depends on the establishment of the proposed mechanism and dedicated unit responsible for tracing non-administered estates as previously discussed.

Estate Planning Awareness Program

Enhancing public awareness of estate planning and administration is essential to prevent the accumulation of non-administered estates. A significant proportion of such cases stems from the public's limited understanding of the procedures and available instruments for effective estate management.⁴⁸ Proactive outreach by estate administration institutions through campaigns, seminars, and digital platforms, can encourage individuals to take early steps, including nominating potential legal heirs as *wasi* for the Employees Provident Fund (EPF) and the Pilgrimage Fund (Tabung Haji). This would ensure that, upon death, the funds are transferred directly to the nominee without the need to undergo the estate administration process. Similarly, the preparation of a will can expedite estate administration, particularly when it provides a clear record of the deceased's assets and liabilities. Such measures would ultimately help prevent or at least mitigate future cases of non-administered estates.

CONCLUSION

The study reveals that the existing legal framework is generally sufficient to regulate all categories of unclaimed estates, except for non-administered estates. Specifically, unclaimed moneys are placed under the custody of the Registrar of Unclaimed Moneys and regulated by the Unclaimed Moneys Act 1965. Undistributed funds are managed by the Public Trust Corporation in accordance with the Probate and Administration Act 1959, the Small Estates (Distribution) Act 1955 and the Public Trust Corporation Act 1995. In the case of *bona vacantia* involving Muslims, such estates devolve to the *Baitulmal* and are governed by the Federal Constitution, the National Land Code (Revised 2020) and the Small Estates (Distribution) Act 1955. Conversely, for non-Muslims, movable estates are treated as unclaimed

⁴⁸Halim, "Reforming Legal Framework for Administration of Estates," 304; MAMPU, *Cadangan Transformasi Pentadbiran Harta Pusaka di Semenanjung Malaysia*, 46; Arshad and Halim, "Administration of Non-Contentious Estates," 260; Mohd Alam Shah et al., "Administration of Estates: Resolution of Disputes," 261; Sariha Mohd Ali and Mohd Nasruddin Parzi, "RM65 Billion in Unclaimed Assets," *New Straits Times*, Feb. 22, 2025; "Stuck in Limbo," *Malay Mail*, Feb. 23, 2025.

moneys and held by the Registrar of Unclaimed Moneys, whereas immovable estates revert to the State Authority and are regulated by the Civil Law Act 1956, the Distribution Act 1958, the National Land Code (Revised 2020) as well as the Federal Constitution. Finally, non-administered estates fall within the ambit of the Probate and Administration Act 1959, the Small Estates (Distribution) Act 1955 and the Public Trust Corporation Act 1995 and are vested in the Corporation. Nonetheless, a lacuna persists in the estate administration mechanism, as the system does not provide for estate tracing in circumstances where no application for estate administration is submitted by the beneficiaries.

It is further anticipated that the establishment of a single dedicated body for the administration of estates, together with a centralised One-Stop Data Centre (OSDC) on wills, assets, and liabilities would greatly facilitate the retrieval of comprehensive information on a deceased's estate and, in turn, expedite the administration process in West Malaysia. Crucially, the active involvement and cooperation of all stakeholders are imperative in addressing the issue of unclaimed estates and preventing their recurrence in the future. The findings of this study are expected to contribute towards safeguarding the rights and interests of entitled beneficiaries, thereby enabling them to benefit from the assets for improved family well-being and supporting the sustainability of socioeconomic growth.

In a nutshell, it is hoped that the proposed corrective and preventive measures could solve and prevent or at least mitigate the unclaimed estate cases particularly the non-administered estates which have become idle and frozen. It is predicated that the findings would serve as guidelines in assisting law makers, policy makers and stakeholders on what would be the appropriate legal mechanism to regulate and manage issues on unclaimed estates. The proposal would also enable the estate to be properly administered, transacted or liquidated into cash for the purpose of distributing the estates to the rightful beneficiaries. This would eventually lead to positive consequences for the economic growth of the country.

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