UNIVERSITI SAINS ISLAM MALAYSIA
جَامِعَةُ العُلومِ الإسلاميَّةِ المَاليزيَّة
ISLAMIC SCIENCE UNIVERSITY OF MALAYSIA

MS ISO 9001 : 2000 REG. NO. AR3454

FACULTY OF SYARIAH AND LAW
BACHELOR OF SYARIAH AND LAW (HONS)

1	**Name of Course**	Islamic Law of Property
2	**Course Code**	LAB2033
3	**Instructor**	Dr. Zulkifli Hasan
4	**Rational for the Inclusion of the Course in the Programme**	To learn and understand the law of properties under the Islamic law and its application in Malaysia.
5	**Semester and Year offered**	Semester 3 (Year 2)

6	**Student Learning Time**	**Face-to-face**					**Non Face-to-face**	**Total time (Guided and Independent Learning)**
	L = Lecture **T = Tutorial** **P = Practical** **O = Others** **E= Examination**	**L** 28	**T** 28	**P** 0	**O** 14	E 4	46	120

7	**Credit Value**	3
8	**Objectives**	The objectives of the course are: 1. To introduce the students to the concept of Islamic law of property, its application and the procedures, ways and conditions in the distribution of property in Islam; 2. To train and teach the students to identify problems relating to Islamic law of property; and 3. To develop the students' problem solving skills to various issues in the administration of Muslim properties in Malaysia.
9	**Learning outcomes**	At the end of semester, students will be able to: 1. To understand the basic structure of property law in Islam and identify various properties under the administration of State Islamic Religious Council. (LO1-C2); 2. apply and resolve problems relating to Islamic Law of property. (LO2-P2); and 3. identify and evaluate specific issues related to Islamic properties in Malaysia. (LO6-P2)
10	**Transferable skills**	Students should be able to develop good written and interpersonal communication, team work and leadership, problem solving through a process of

		lectures and tutorials.
11	**Teaching-Learning and Assessment Strategy**	Teaching-learning strategy: The course will be taught through a combination of formal lectures, exercises, group work, using authentic materials, informal activities and various textbooks. Practical experience and collaborative teamwork will be fostered throughout the course. The use of examination and internal reporting assessment will assess the student's ability to apply theoretical concepts in context. Assessment strategy: • Formative • Summative
12	**Synopsis**	This course focuses on the legal aspects of Muslim property in Malaysia which are relevant to the *wakaf* property, *zakat,* inheritance, will, *hibah*, jointly acquired property, nominee's property and saved property. It discusses specifically the administration of *faraid*, the applicable laws including the Probate and Administration Act and the customary laws among Muslims in Malaysia. It covers some forms of practical training, concept, conditions and the method of distribution of estates and wills. This course will also discuss the administration of zakat and bait-ul-mal as financial institutions of an Islamic state and its administration in Malaysia. Discussion on the administration of zakat will include the current rate of zakat, the power to collect it and contemporary issues including zakat on income and its method of distribution.
13	**Mode of Delivery**	Lecture, tutorial, class discussion, presentation, test and quiz and drafting.
14	**Assessment Methods and Types**	(a) Mid semester exam = 15% (b) Presentation/Participation= 15% (c) Written assignment = 10% (d) Final examination = 60%
15	**Mapping of the Course Learning Outcome/Module to the Programme Learning Outcomes**	Refer to attachment

16	Content Outline and the SLT per Topic	Lecture	Tutorial	Library	Self-learning	Others	Total

Week 1	**Introduction**
	
	• Origin of the Property Law in Islam
	• Sources of Islamic Law of property
	    a. Evolution of Islamic Law of property
	    b. Qur'an and Sunnah in Relation to property Law
	    c. Other Sources
		2	2	1	2	1	8

Week 2	**Concept of Property Rights and Acquisition** • Definition • Sources and Basis of Acquisition of Property in Islam • Levels of Property Rights • Limits of Property Rights • Claims of Property Rights • Legitimate Acquisition of properties • Ethics on rights of property	2	2	1	2	1	8
Week 3	**Administration of Wakaf Properties in Malaysia** • Definition of wakaf • Background and Sources • Constitutions of wakaf • Subjects of wakaf • Classification of Wakaf	2	2	2	2	1	9
Week 4	**Regulation on Waqf** • Wakaf Legislations • Wakaf management in Malaysia • Application of wakaf properties • Issues and problesm	2	2	2	2	1	9

Week		2	2	2	2	1	9
Week 5	**Administration of Zakat in Malaysia** • Zakat Legislation • Management of zakat properties • Programmes and application of zakat assets • Problems in the collection and distribution of zakat **Administration of Bait-ul-Mal in Malaysia** • Definition of Bait-ul-Mal • Objectives and functions of Bait-ul-Mal • Development of Bait-ul-Mal in Malaysia • Management of Bait-ul-Mal • Programmmes and activities under Bait-ul-Mal	2	2	2	2	1	9
Week 6	**Current Rate of Zakat and Power to Collect Zakat** • Objectives of Zakat • Obligatory nature of zakat and its place in Islam on whom Zakat is obligatory • Kind of wealth on which zakat must be paid and their ratios • Assets subject to zakat power of the State in the collection of zakat • Zakat on Income and the Method of Distribution - Jurists' opinion on Income - The nisab of earned income - Zakat rate on earned income - The place of intention in Zakat payment in value - Transporting Zakat - Pre-payment and delayed payment of zakat	2	2	2	2	1	9
Week 7-8	**Administration of Muslim Estates in Malaysia** • Qur'an and Sunnah Injunctions on the law of Inheritance • Muslim law of Inheritance in Malaysia - customary law and Islamic law • Distribution of Estates According to Shafi'I School • Order of Payments of Estate Monies • Impediments to Succession • Distribution of Properties under the Small Estates Act • Probate and Administration Act 1959	4	4	2	2	1	13

Week	Topic						
Week 9-10	**Administration of Wills in Malaysia** • Sources of the Law of Wills • Nature and Conditions of a valid Will • Subject matter of a Will • Formalities of an Islamic Will • Revocation of a Will • Testamentary law under the Shafii School of law • States' legislation on Wills • Obligatory Bequest under the Selangor Wills Enactment	4	4	4	4	1	12
Week 11	**The Position of Hibah and its Implementation in Malaysia** • Definition of Hibah • Constitution of Hibah (proposal, acceptance and Possession) • Revocation of Hibah • Position and Implementation of Hiba in Malaysia	2	2	2	2	1	9
Week 12	**Nominees' and Saving Properties** • Definition of Nomination • Types of Nomination • Nominations affecting Insurance Policyholders • Nominations affecting members of Co-operative Societies • Nomination under the Employees Provident Fund Act 1991 • Nominations of Monies held by Tabung Haji • Fatwas on the Effect of Nomination	4	4	2	2	1	13
Week 13-14	**The Position of Harta Sepencarian and its implementation in Malaysia** • Definition • Background of Harta Sepencarian • Conceptual Basis of Harta sepencarian • Application of Harta Sepencarian from • Customary Practice to Syariah rule • Harta Sepencarian and Savings of Muslimgs in the EPF and other saving funds.	2	2	2	2	1	9
	TOTAL (14 Weeks)	28	28	22	24	14	116

17	**Main references**	1. Pawanceek Marican. (2004). *Islamic Law of Inheritance Laws in Malaysia*. Kuala Lumpur: Lexis Nexis 2. Islahi, Abdul Azim. (2003). *Waqf: A Bibliography*. Jeddah: Scientific Publishing Centre. 3. Islahi, Abdul Azim. (2005). *Zakatf: A Bibliography*. Jeddah: Scientific Publishing Centre. 4. Islam, Muhammad Wohidul, Al-Mal: The Concept of Property in Islamic Legal Thought, *Arab Law Quarterly*, Vol. 14, No. 4 (1999), pp. 361-368. Related Cases

| 18 | **Additional references** | 1. Al-Qaradawi, Yusuf. (1999). *Fiqh az-Zakat: A comparative Study*. London: Dar Al Taqwa Ltd.
2. Coulson, N. J. (1970). *Succession in the Muslim family*. Cambridge: Cambridge University Press.
3. Ziadeh, Farhat. (1993). *Property Rights in the Middle East: From Traditional Law to Modern Codes*. Brill.
4. Ziadeh, Farhat. (1979). Property *law in the Arab World: Real rights in Egypt, Iraq, Jordan, Lebanon, Libya, Syria, Saudia Arabia, and the Gulf States*. London: Graham & Trotman.b
5. Abdul Kader Ismail. (1983). *Sistem Pusaka Islam*. Kuala Lumpur: Dewan Bahasa dan Pustaka.
6. Mohd Ridzuan Awang. (1986). *Undang-Undang dan Pentadbiran Harta Pusaka Orang Islam di Malaysia*. Kuala Lumpur
7. n. a. *Majallat al-Ahkam*. (1967). Pakistan: Law Publishing Company.
8. Sidhu, Mahinder Singh. (1998). *The Law of Wills Probate Administration and Succession in Malaysia and Singapore*. Kuala Lumpur: International Law Book Services.
9. G. Raman. (1993). *Probate and Administration in Singapore and Malaysia: Law and Practice*. Kuala Lumpur: Butterworths.
10. Hasan, Z. (2007). The Effectiveness of the Administration of *Waqf* Land in Malaysia*, Shari'ah Law Reports*, 3, 68-80.
11. Hasan, Z. (2008). *The Investment of Waqf Land as an Instrument of the Muslims' Economic Development in Malaysia,* Dubai International Conference for Endowments Investments, the Dubai Awaqf and Minors Affairs Foundation, 4-6th February 2008.
12. Hasan, Z. (2008). *Introduction to Islamic Law of Property in Malaysia*. Unpublished. |

COURSE LEARNING OUTCOMES, DELIVERY AND ASSESSMENT TEMPLATE

Course Learning Outcomes	Compliance to PO									Teaching & Learning Activities (TLAs)	Assessment Tasks (ATs)
	PO1 LO1	PO2 LO2	PO3 LO3	PO4 LO4	PO5 LO5	PO6 LO6	PO7 LO7	PO8 LO8	PO9 LO9		
	K	CTPS		CS	TS	EM	LL	KK	LS		
1-explain the basic structure of property law in Islam and identify various properties under the administration of State Islamic Religious Council. (LO1-C2)	3									Classroom lecture and discussion	Written test
2-explain problems relating to Islamic Law of property. (LO2-P2)		3								Presentation	Instructor evaluation of the presentation
3-explain specific issues related to Islamic properties in Malaysia. (LO8-P2)								3		Assignment	Instructor evaluation of the assignment

1- Compliance not measurable (slightly)	2- Compliance without assessment (moderately)	3- Compliance and measurable (substantially)