

THE STUDY ON THE DEATH KHAIRAT FUND SCHEME (DKFS) AS A HALAL SERVICE SCHEME IN THE ISLAMIC FINANCIAL SYSTEM AT MALAYSIA: AN ANALYSIS FROM ISLAMIC AND LAW VIEWS

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Abstract:

The Death Khairat Fund Scheme (DKFS) is a financial fund collected from Muslims to prepare for managing the remains of scheme members who face death. According to the origin of the story at Malaysia, this scheme is managed by the mosque or the community in a particular community. This scheme provides convenience and assistance to members when managing the remains through the use of DKFS funds. DKFS management is one of the Islamic financial systems that become a halal service scheme. Therefore, this scheme needs to be studied in terms of sharia and law. Therefore, this study aims to identify the position of DKFS practiced by the Muslim community from the aspect of Islam and law. This study uses descriptive qualitative by collecting data through documentation from literature review, news and scientific articles, as well as legal acts that discuss this issue. This study found that DKFS should be according to the Islamic perspective and should be enforced through law to protect the rights and obligations of the parties involved. The implications of this study will reveal the Muslim community as members get assurances in managing the remains and reduce the hardships faced by members. Also will create a form of cooperation between members in this scheme when facing death in the future.

Keywords: Death khairat fund scheme (DKFS), donation fund, Islamic financial system, halal service, Islamic and law.

INTRODUCTION

The development of the Islamic Financial System (IFS) is very encouraging and is growing rapidly to meet current needs. Through the diversity of this system will provide convenience to the community, not to mention that this matter is related to the needs in living life on earth. In realizing this matter, Islam as a comprehensive religion provides a flexible guide, so that Islam can protect this field and its benefits can be felt by society and industry. The field of Islamic finance is broad, covering the needs of industry and society. Through this IFS it is believed that using any service or product is legal from the Islamic side. At the same time, it also needs to be strengthened through legislation to protect members from things that can affect their rights.

Malaysia has various types of products or services based on the IFS system. Through IFS will produce products that benefit the people and contain social elements of the community. The DKFS is one of the practices that has been categorized as a social and welfare scheme product that is practiced by the Muslim community in Malaysia. Usually, this scheme is offered by a mosque institution or a community association that collects funds allocated to manage the remains. Even now, DKFS is also provided in any institution, such as government and private offices through the establishment of welfare associations. Therefore, there is a need for an in-depth study of DKFS which is one of the areas of Islamic finance in empowering Halal services. This study was conducted with reference to Islamic law and laws to provide guarantees that contain social values and benefits for Muslims.

LITERATURE REVIEW

DKFS is a fund and donation money collected by individuals in an association, aiming to provide needs in the management of remains, when faced with the death of one of the members. In theory that explains the meaning of "Khairat" which is derived from the Arabic word (Munjid al-Tulab, 1987) which means khairat whice also includes donations, alms and so on. Khairat or donation is a sincere contribution from someone to give to someone else.

According to Kamus Dewan (2002), the donation is defined as assistance in the form of money to groups and others, sincere giving and khairat to the poor and others. Khairat means giving to the poor and others sincerely. While khairat is understood as a khairat, donation or alms. Amirul Haswendy Ashari (2019) thinks about the death khairat fund which is very important among Muslims. Usually, this fee is charged as low as RM30 every month or RM500 for life, depending on the area and management. This point shows that it is necessary to study on Islamic view in explaining the position of DKFS from the aspect of the Islamic view. Death khairat or death assistance is a form of financial assistance for the family of the deceased. This money will be given to the heirs of the deceased in the event of death. The focus is to help with the funeral process and costs and can help the heirs continue their lives in the event of sudden death.

Hasan Bahrom & Rawi Nordin (2015) explained a preliminary survey study on an aspect of philanthropy that is strongly emphasized by Islam. Khairat funds are a mechanism to help part of the Muslim community through the distribution of funds in the event of a disaster or death. Detailed studies on the implementation of khairat funds carried out by higher education institutions in Malaysia or death khairat funds implemented in the Malay community are rarely focused on. Mohd Rofaizal Ibhram et al (2017) also said that the term of khairat in the Malay realm is not foreign to the Malaysian community. The term of khairat has been absorbed among the Malay community through the welfare aspect because the concept of khairat has existed since 1926 through the lineage of the Federation of Al-Ikhwan al-Masakin. The studies above are more about the general debate related to khairat fund and do not focus on the law against this scheme according to the Islamic perspective.

Generally, members of the community are aware that this kind of voluntary aid is done suddenly, that is, when a disaster happens, it is not systematic, and the amount of donations

received is not much. Participation through this method is also not comprehensive; whoever has time will lend a helping hand. Thus, the appreciation of the spirit of helping each other becomes uneven because it does not involve everyone (Mohd Firrdhaus, n.d). Therefore, this voluntary donation practice needs a systematic scheme so that it is easy for the community to take swift action to help others. Even so, there is no denying that this donation is very good that makes the cultural practice of the Muslim community in Malaysia.

From the law aspect, the use of the term from khairat collection has been used for a long time in Malaysia, for example in the Islamic Religious Administration Law (Selangor State) 1952 and the Islamic Religious Administration Law (Perak State) 1965. The provisions of the law with the permission to collect khairat and the provision regarding the punishment for conducting khairat collection without permission have been provided in Section 84 (1), Islamic Law Administration Act (Federal Territories) 1993. Muhammad Aminnurakiff (2020) explained that Selangor will re-implement the donation death benefit under the Old Age Friendly Scheme (Skim Mesra Usia Emas (SMUE)). This shows that the administration of khairat money has been enshrined in the legal act and needs to be informed to any party that wants to manage in terms of collection. Even so, no provision related to the DKFS debate in terms of law has been discussed in depth before.

METHODOLOGY

This paper explains the issues of DKFS by using descriptive qualitative methods through a literature review from primary and secondary sources. DKFS in Malaysia is studied through the collection of data from documentation sourced from websites, newspapers and articles, such as books, journals and relevant local newspapers. DKFS was also studied through the library method by taking sources from the Quran, hadith and history as well as legal acts in Malaysia as primary sources, while newspaper letters which became observations as secondary sources became a case study. Furthermore, the collected data will be analyzed to find a solution to the issues of DKFS from the perspective of Islam and law which is one of the IFS in the halal service sector.

RESULTS AND DISCUSSION

The Death Khairat Fund is a deposit of money (fees) collected by khairat members to provide welfare to its members who face death at some point in the future. Death management requires the expense of equipment and corpse management, the wages of bathers and gravediggers and so on. Conceptually, every member of DKFS or every family registered with this fund will be required to pay contributions, either monthly or annually. The contribution amount is different depending on the number of benefits that will be paid as assistance when a member dies. So, if the contribution money is large, then the number of aid benefits will be obtained. Usually, it exists in suraus or mosques. DKFS is also not included in the estate of the deceased, so it can be used for the convenience of the deceased's family members including to help finance the cost of managing the remains.

Definition of Death Khairat Fund Scheme (DKFS)

In Malaysia, especially for Muslims, usually, in a community such as the Federal Land Development Authority (FELDA) community, village and housing estate, a death khairat is appointed to manage the funeral affairs of those who have died. This population-scale DKFS operates like an insurance coverage scheme. Every month, every family in the area has to pay a sum of money to the trustee of the scheme. This collection of money will be used for every death case to buy funeral equipment and funeral arrangements (Jefri Yusof, 2022).

This DKFS was created to ease the burden that members must bear when a disaster befalls any member or family of the community concerned. Tragedy will have the effect of sadness and the most felt is when there is a tragedy of death. Every member of society, and not only among the unfortunate heirs, will feel the loss of death. Some steps need to be taken immediately to express sympathy to reduce the possible financial burden borne by the heirs, especially if the deceased was the head of the family, sincere donations, usually in the form of money, will be extended by members of the community to the unfortunate family. Even if this contribution seems small, collectively the amount is also large. At least enough to manage the body including funeral expenses.

Generally, members of the community are aware that this kind of voluntary assistance is done suddenly, that is, when a disaster happens, it is not systematic, and the amount of donations received is not much. Participation through this method is also not comprehensive, whoever has time will lend a helping hand. Thus, the appreciation of the spirit of helping each other becomes uneven because it does not involve all parties.

Death Khairat Fund Scheme (Dkfs) From Islamic View

Conceptually, DKFS has the value of taawun, which is mutual help among members. Evidence about taawun has been stated in Al-Quran, surah Al-Maidah 5: 2, which means:

And cooperate in righteousness and piety, but do not cooperate in sin and aggression. And fear Allah; indeed, Allah is server in penalty.

From the verse above, it is clearly stated that indeed humans are social creatures who need others to fulfil their needs. The religion of Islam directs the purpose and form of helping each other towards goodness and for all good and beneficial things by the permission of Allah (SWT). This means that helping each other is based on faith, truth, and gaining the pleasure of Allah (SWT). Likewise, with DKFS in practice, this scheme has a taawun value among the members involved. Gathering welfare funds together to make preparations for expenses in the face of death to manage the remains of things related to the funeral.

Narrated by the companion of Jarir Bin Abdillah al-Bajali, may Allah be pleased with him, he said: The Messenger of Allah said:

Meaning:

Whoever pioneers (initiates) in the religion of Islam a good sunnah (deed), then for him will be the reward of that deed, and the reward of those who do it (follow him) after him, without

diminishing in the slightest from their reward. And whoever pioneers in Islam a bad sunnah, then for him is the sin of that act and the sin of those who do it (follow him) after it without diminishing from their sins in the slightest. (Muslim # 1017)

Referring to the reason for the decline of this hadith is that they are of the view that the figures who were involved with the Messenger of Allah (SAW) in that incident, one of the companions started an innovation/thing but the Messenger of Allah did not oppose it. This shows that there is good innovation or hasanah. To look more closely at the truth, there is a prophetic letter that tells and comments in more detail about the reasons for the decline of the hadith. The reason for the decline of the hadith of this narration is that the hadith was revealed when a group of very poor Mudhor tribes came to Madinah. Their poverty can clearly be seen through their aurat which is easily exposed when the wind hits them because they are only dressed in striped and torn fur.

DKFS is a new scheme that is part of the IFS, because it is seen in terms of the system and mechanism in implementing the scheme. This collection of charitable funds uses IFS which aims to help each other members in managing death. It is also included in one of the halal services that have social value among members. A scheme that aims to revive the tradition of mutual welfare, so that the community will obtain social security between them at some point in the event of death. Social insurance or takaful has been taken from the fund of this scheme for the provision of financing funeral costs.

Apart from that, it also has the value of takaful as a principle in running DKFS. Takaful comes from the Arabic word (Munjid al-Tulab, 1987) which is kafala which means commitment and joining. In the term (al-Jurjani, 1995), it means taking responsibility for a right that has been confirmed to be the responsibility of another person or to present a person who will be responsible for a right of another person or a guaranteed item. Maliki, Syafie and Hanbali scholars define a guarantee as combining the responsibility of the guarantor with the responsibility of the person guaranteed (the debtor) in fulfilling the right claimed, which is the debt. So, the meaning of kafalah is a contract that obligates the party named as guarantor to be responsible for the rights borne by others (al-Khin et.al. 2010).

DKFS contracts are required and allowed by Syariah. Many texts that indicate such, among them the words of Allah (SWT), surah al-Baqarah 2: 185, which means:

Allah intends for you ease and does not intend for you hardship.

And the word of Allah (SWT), surah Yusuf 12: 72, which means:

They said, "We are missing the measure of the king. And for he who produces it is [the reward of] a camel's load, and I am responsible for it."

The story of Mus'ab bin Umair is said to be proof that it is not necessary to take other people's property in the management of a corpse. There is also a hadith that explains:

Meaning:

Khabbab said: We migrated in the way of Allah with the Messenger of Allah (SAW) only to seek the pleasure of Allah (SWT), then Allah will reward us (including the spoils of the Battle of Badr). But there are among us who have never received the reward, one of them is Mus'ab bin 'Umair because he was killed during the battle of Uhud. At that time, there was nothing to cover him except a piece of purdah cloth, if we put it on his head, then his legs would be visible, but if we put it on top of both cloths, then his head would also be visible. So, the Messenger of Allah (SAW) told us to cover his head with it (the purdah) and put Idzkhir (a type of vegetation) on his feet. But among us, there are those who have had the chance to taste the results, which is the opportunity to feel His reward in the world. (Al-Bukhari #3914, Muslim #940).

Based on the story of Mus'ab bin 'Umair, it must be understood that Mus'ab bin 'Umair was only shrouded with a piece of his cloth because of two things. First, Mus'ab bin 'Umair belongs to those who were martyred in the path of God (Ibn Hajar, 2015). Second, there is a special law regarding martyrs from the aspect of bathing and shrouding them. People who are martyred do not need to be bathed or pray but are even circumcised to be buried with the clothes they were wearing when they died (al-Nawawi, 2008).

According to Imam al-Syafi'i, any clothing that is rarely worn by humans such as clothing based on leather or fur, khuf (socks made of leather) and so on, is removed from the body of a martyr, while the usual clothing worn by him when he was martyred is left (al-Nawawi, 2008).

This is based on the hadith of Jabir (RA), narrated by Abu Daud, no: 3133

Meaning:

A man was shot in the chest or the neck and then he died. Then he was left to wear the clothes as they were. And we were with the Messenger of Allah (SAW) at that time.

However, the scholars differ in their opinion regarding this order of the Prophet Muhammad (SAW) either for reasons of sunnah and aulawiyat (preference) or necessity:

First, because it is a Sunnah. Imam al-Nawawi said: So, the government has a choice whether to remove the martyr's clothes and shroud him in other clothes or let him be buried in his clothes when he was martyred. So, there is no prohibition for both, but it is better to let them go (al-Nawawi, 2008).

Second, it is obligatory on the side of the Maliki school, some scholars of the Hanbali school, Imam al-Syaukani and Ibn al-Qayyim. Imam al-Mardawi (one of the scholars of the Hanbali School) said: Meaning: And what is authentic on our side (the Hanbali School) is that it is obligatory to bury the person who was martyred with the clothes he wore when he was martyred (Muhd Farhan, 2019).

Setiyawan (2012) explained that taawun is a unity that cannot be separated from each other in performing welfare in groups. The DKFS practice concept also contains a taawun system, where member's practice protecting scheme and helping each other in a scheme.

Death Khairat Fund Scheme (DKFS) from The Law Perspective

DKFS needs to refer to the law in Malaysia to guide its implementation to get protection for participants, when something happens that involves rights. In addition, the law will give peace and confidence to the participants. Acts and Enactments of the State Islamic Administration in Malaysia have already stated matters related to the implementation of the DKFS. The Islamic Religious Administration Law (Selangor State) 1952 and the Islamic Religious Administration Law (Perak State) 1965.

The legal provisions regarding the permission to collect khairat funds and the provisions regarding punishment for collecting khairat funds without permission have been provided in Section 84 (1), Islamic Law Administration Act (Federal Territories) 1993. Muhammad Aminnurakiff (2020) explained that Selangor will re-implement the giving of death khairat funds under the SMUE. This DKFS is legislated to permit to collection DKFS money. While the implementation still needs to be studied again to increase the community's trust in participation.

In line with the concept of being able to benefit all individuals and complying with Islamic law, DKFS has been provided for in the State Islamic Religious Administration Act and Enactment in Malaysia except for the state of Sarawak. The existing provision allows the State Islamic Religious Council (MAIN) to carry out the activity of death khairat collection without permission to advance the Islamic religion (JAWHAR, t.th). The following are examples of acts and enactments for the Federal Territories, Selangor, Negeri Sembilan, Terengganu and Penang regarding khairat collection.

Table 1: Law provisions

| | |
|--|---|
| ACT 505 - ADMINISTRATION OF ISLAMIC LAW (FEDERAL TERRITORIES) ACT 1993 - SECTION 84 (1), SECTION VIII - <i>KHAIRAT</i> COLLECTION | <i>"The Council may collect or give a letter of permission on terms it deems appropriate to any person or group of people, allowing that person or group of people to collect money or other contributions for any charitable purpose to support and advance the religion of Islam or for the benefits of Muslims according to Sharia Law."</i> |
| ENACTMENT 1 - ISLAMIC ADMINISTRATION (SELANGOR STATE) ENACTMENT 2003 - SECTION 106 (1), SECTION VIII - <i>KHAIRAT</i> COLLECTION | |
| ENACTMENT 2 - ADMINISTRATION OF ISLAMIC AFFAIRS (TERENGGANU) ENACTMENT 2001 - SECTION 90 (1), PART VII - <i>KHAIRAT</i> COLLECTION | |
| ENACTMENT 4 - ISLAMIC ADMINISTRATION (PENANG STATE) ENACTMENT 2004 - SECTION 106 (1), PART VIII - <i>KHAIRAT</i> COLLECTION | |
| ENACTMENT 10 - ADMINISTRATION OF ISLAMIC RELIGION (SEMBILAN STATE) ENACTMENT 2003 - SECTION 106 (1), PART VIII - <i>KHAIRAT</i> COLLECTION | |

Table 1 shows that the interpretation of the Council in the provision above means the State Islamic Religious Council (Majlis Agama Islam Negeri (MAIN)) for each state. This proves that the activity of death khairat collection has been recognized and enforced by the Islamic Administrative Law in Malaysia. Therefore, the encouragement in doing and participating in this scheme should be celebrated specially by the Muslim community. The existence of the law will protect throughout the set period of the user's rights so that users do not have to doubt when they want to participate in this scheme.

Funeral Management Mechanism Using DKFS

When someone dies, there are several obligations related to the deceased's estate (bequests) that need to be fulfilled. It should be done based on the following sentence and order:

- a. Corpse handling. It needs to take precedence over debts, the execution of wills and the rights of heirs. This is because the preparation of the corpse is a right of the corpse that needs to be fulfilled.
- b. Debts that are under the responsibility (zimmah) of the deceased.
- c. Execution of the deceased's will (if any).
- d. Distribution of inheritance to the heirs according to their respective shares.

al-Nawawi (2005) has explained the matter of funeral management in his book:

The management of the estate of the deceased begins by financing the equipment and management of his body, then his debts are settled, then his will is fulfilled (only one-third of it) and then the remaining property is given to the rightful heirs.

Regarding the issue of financing the cost of funeral management using other people's money and not using the money left by the deceased. If the deceased was a poor person and did not have the property to take care of his body, then the responsibility of taking care of his body is borne by the person who supported him while he was alive, the same as in the case of the death of a child and wife. If there is none, the management expenses are taken from Baitul Mal. If there is none, it is the responsibility of the rich Muslims. al-Zuhaili (2011) says:

If he/she can't afford it, then wealthy Muslims and charity workers (to finance the cost of funeral management), as a sign of respect, helping, and supporting fellow human beings.

Meanwhile, if the deceased is capable and has sufficient inheritance money, it must first be used to carry out the obligations related to the deceased's estate as stated above. If a member of the deceased's family receives a donation from an outside party or a member of their own families such as children or relatives and others, even though the deceased left money, then it can be used to help finance the cost of managing the body, in addition to being able to ease the burden of the deceased's family members. Therefore, there is no prohibition to use other people's property such as children to manage the remains of the deceased. Not to mention that there are arguments that show that the child's property also belongs to the parents. From 'Abdullah bin 'Amr bin Al-As, the words of the Prophet (SAW) narrated by Abu Daud, no: 3530:

Meaning:

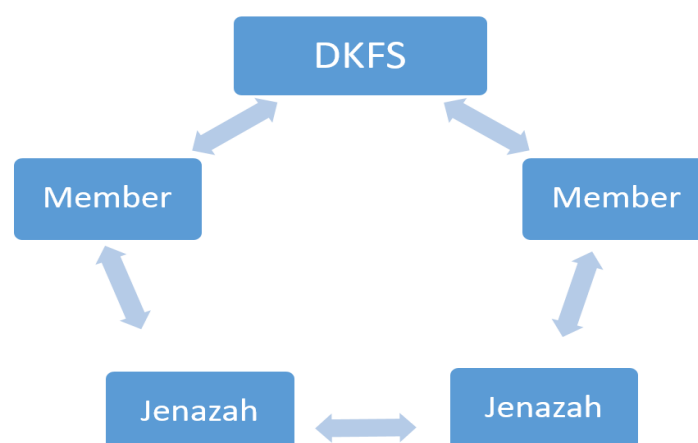
You and your property belong to your parents. Indeed, your children are among the best results of your efforts, so eat (take as much as you need) from the results of your children's efforts.

Al-Khattabi (2008) said in the meaning of the hadith: Anta wa Maluk li Abik (you and your property belong to your father). When a father needs your property, he can take the property as much as he needs. If you don't have property but still have a job, then you must provide for him. Ibn Battal (2008) said: The meaning of the hadith is in terms of doing good and is just a suggestion, not a necessity or necessity. Therefore, if a child wants to finance the cost of managing his father's remains, then it is allowed, as long as it does not burden or cause hardship to the child.

Next, the DKFS fund concept can be perfected through the current takaful system. It uses the same concept of helping each other and helping each other, just different in the way of implementation. Through this takaful system, the member's payment rates each year is lower compared to the assistance benefits provided. For example, an average rate of RM10.00 per person per year is expected to be enough to provide a benefit of RM1000.00 in the event of death.

The DKFS management unit will provide services to manage the funeral process. In some places, management begins on the first night of death by preparing a light meal and tahlil, it is subject to each mosque as manager. All matters will be dealt with by the administration of the unit, so that members do not have to think about the management of remains, in the event of the death of a member of this scheme. The next of kin of the deceased must inform the scheme's administrative unit to discuss the work and the funeral process. After discussing and agreeing on this matter, the administrative unit will manage the funeral in the best possible way by using management costs from the DKFS fund.

Figure 1: DKFS Management Process



Based on this diagram 1, it was found that indeed the DKFS management process is based on takaful and taawun. DKFS is conducted to help each other in implementing this scheme. DKFS is formed in one body to manage collection and distribution among scheme members. When a death occurs, some members have already collected funeral funds sourced from DKFS. Next, funerals are also carried out by DKFS as a Halal guarantee and service scheme that comes from the collection of khairat funds, even this DKFS system is included in the IFS from the aspect of administration system, because it manages Islamic finances owned by Muslims as members of the scheme.

CONCLUSION

The Malaysian community has a good habit and tradition of adhering to "weight is equal to carry, light is equal to carry since long ago, especially the Malay community. The practice of helping each other has become the culture of community life, especially in villages. This aims to ease the burden that a person must bear when a disaster befalls any member or family of the community concerned. The collection and distribution of DKFS is a good practice carried out by any association or similar. DKFS is usually practiced through the collection of death khairat donations, aiming to ease the burden that must be borne by the family members of the deceased in managing the remains. In principle, DKFS is closely related to an IFS, through the principles of taawun. Even this system can empower halal products or services in the financial field.

Indeed, the provision of funds according to the welfare/death khairat fund concept is in line with Sharia practice. Help to help and guarantee to guarantee in hardship is a practice that is strongly demanded by Islam. In the modern world, one of the ways to realize this practice is through collective financial assistance.

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