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An analysis of regulation and governance for funeral social fund in Malaysia

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Abstract

The funeral expense is becoming expensive. It will lead to funeral poverty whereby the next of kin of the deceased face difficulty paying funeral expenses. Increasing numbers of people seek financial management advice following bereavement, which can have a long-term effect on the grief experience and an individual's ability to manage. More should be done to encourage people on low incomes to prepare for death through simple advice and guidance. In Malaysia, a funeral social fund such as the Khairat death fund, in general, is financial assistance that is a grant to the family of the deceased for covering the cost and expenses of funeral processes. Khairat death fund was managed by community members or organizations in the areas. However, all this Khairat death organization moving with their own way as there is no legal jurisprudence as guidance to regulate and to be more systematic and synchronize management. Hence, this study will review regulation and governance for the funeral social fund in Malaysia.

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Introduction

A funeral social fund, in general, is financial assistance that is a grant to the family of the deceased for covering the cost and expenses of funeral processes. The funds are coming from various sources that were established by the government, government-linked companies (GLC), non-government organizations (NGO), takaful companies and bureau of community or mosque in the residential area. The Khairat death fund is well-known in our society because most community members will form the Khairat death fund in their mosques, villages and community members of the areas. However, all this Khairat death organization moving with

their own way as there is no legal jurisprudence as guidance to regulate the Khairat death organization in Malaysia to be more systematic and synchronized management.

The Khairat death organizations are currently managed based on to consent of the committee to decide the fee of registration, amount of contribution, the cost of managing funeral and the benefit to the deceased's family. The differences in committee decisions will lead to dissatisfaction in society because of the differences in contribution and amount of benefit between different organizations. Besides that, there are other organizations that grant funeral funds to assist in the funeral cost of the deceased, but the procedure to claim the money is quite complicated, and it cannot disburse immediately, whereas the funeral process must be completed as soon as possible without delay. This financial problem may be faced by unfortunate that unable to bear the cost of a funeral. Hence, this study will review regulation and governance for the funeral social fund in Malaysia.

There are a number of funeral social funds in Malaysia that establish by various organizations. The most common one is the Khairat death fund that organizes in each society by mosque or community organization. According to [Ibrahim et al. \(2017\)](#), the concept of 'Khairat kematian' (Mutual Benevolent Association) existed in Malay culture back to the year 1926 when an organization was established named Persekutuan al-ikhwan al-masakin. This organization started officially in Masjid Jelutong, Pulau Pinang, and the motive of the organization is to manage Khairat's death for the members and their families. [Sin \(2002\)](#) mention that 'Khairat kematian' is a kind of alternative ethnic organization that exist in Malay culture which purposely created to provide funeral benefit to the members and as a channel for social interaction.

This is an organic institution that exists in every Malay Muslim community in Malaysia, which envisaged to be operated within the kariah or mosque vicinity to provide assistance to its local community ([Muhamat, 2014](#)). Besides that, there are other organizations that provide some allocation of funds as an assistance to their members to cover their funeral costs. From a government side, there is Khairat benefit to BSH recipient, Jabatan Perkhidmatan Awam (JPA) had provided a provision for funeral aid to the retired government servant. On top of that, there are a number of states that introduce a scheme specifically for funeral cost assistance, such as Selangor, Pulau Pinang and Kelantan. Each state allocates a different amount of benefit, and the applicant needs to fulfil the requirements stated.

The Government Link Company (GLC) also accommodate the members with their own funeral fund in order to assist their family in term of finances during the critical time when death happens. Those organizations are Employees Provident Fund (EPF), Social Security Organization (SOCSO), FELDA, Amanah Saham Nasional Berhad (ASNB) and others. There is also a non-government organization (NGO) that serve society by helping in the funeral process to the uplift burden of the poor and needy in the funeral arrangement of the deceased. This gives us a general overview that actually there are various funeral social funds and benefits that are accessible to the Muslim community in Malaysia.

Muslim funeral management considers the simplest and most efficient among other beliefs ([Ekpo & Is'haq, 2016](#)). The funeral is now costly, and these costs are seldom considered until it happens. The family will be having a difficult emotional and sensitive time, this cost issue making it more difficult for the family to manage money and fund available for the funeral arrangement of the deceased. According to [Sunlife \(2017\)](#) in the Cost of Dying report, the cost of a funeral in the United Kingdom has been steadily rising much faster than inflation for the past 13 years, and it has risen 4.7% a year. The national average dying cost in the UK for a basic funeral is over £4,078. The issue of rising funeral costs is a global issue that effected many countries ([Valentine & Woodthorpe, 2014](#)). [Roth \(2000\)](#) reported that in South Africa, the study

conducted in the poorest province there show that the households spend approximately 15 times of their average monthly income on a funeral, means that the cost is extremely high compared to their capability.

According to [Foster et al. \(2013\)](#), in the United Kingdom, the government has provided a Social Fund since 1988 as part of social policy for supporting people from a low-income background. Currently, it is situated within the remit of the Department for Work and Pensions (DWP). Within the Social Fund, regulated funeral expenses payment have been available as a grant for the necessary expenses through the Funeral Payment (FP). In 2010/11, there were 38,000 funeral payments, averaging around £1,200 per claimant ([Fletcher & McGowan, 2020](#)). Although the Social Fund Funeral Payment represents a relatively small part of overall funeral expenditure, it shows the government has a responsibility to support those who are struggling to make ends meet. Despite, there are other issues on sustainability of the policy as there are an increasing number of deaths, insufficient attention given to the FP policy and also inefficient of the system and the payment in supporting low-income people to afford the funeral process.

There is a different issue in the United States related to the funeral industry; the Federal Trade Commission was so concerned about death care costs that it adopted its Funeral Rule in 1982. However, a study finds that the state funeral regulations can increase consumer costs directly by limiting competition or raising production costs or indirectly by facilitating "demand inducement" that prompts consumers to purchase a more expensive package of funeral goods or services. [Ellig's \(2015\)](#) study mention that the main beneficiary of funeral regulations is the funeral homes and services segment of the industry. According to [Harrington \(2013\)](#) state, funeral regulations affect the choice of whether to cremate or bury dead bodies. The state embalming regulation had reduced the cremation rate by 16% because cremation funeral expenditure increases 2.6% a year and cause a potential income loss to the funeral directors as consumers are more strenuously away from cremations.

According to [Rotar \(2021\)](#), changes in the Romanian death system after the collapse of the communist regime in 1989 required the adoption of the new funeral law. One of the most important regulations in this law is the acceptance of civil funerals as equal to religious funerals. Meanwhile, a study on cremation in Norway stated the foundation for the Norwegian constitution is based on a Christian humanistic heritage, and the constitution shall safeguard a state based on democracy, judicial and human rights and individual freedom to practise religion ([Hadders, 2013](#)). Burial grounds or churchyards, as these came to be designated in Norway, were established by local communities and parishes in the vicinity of churches. Church of Norway full administrative responsibility for the management of funerals organised in Norway. The Church of Norway receives funding from the central and local authorities to perform these services ([Hadders, 2013](#)).

In a study by [Ahhadour and Broexkaert \(2016\)](#), financial aspects seem to have a deciding impact on the burial practices of Muslims in Belgium. Burial in Belgium involves high costs, and a large majority of Muslims is already insured to be repatriated ([Jonker, 2004](#); [Kadrouch-Outmany, 2014](#); [Kanmaz & Zemni, 2005](#); [Seuntjens, 2012](#)). [Kadrouch-Outmany's study \(2014, 2016\)](#) highlighted that the majority of Muslims opt for repatriation since they have been paying a small annual fee for decades, which assures them that all burial costs are covered but also because of the idea that graves are practically free of cost. As reported by [Micro Insurance Network \(2011\)](#), it is estimated that around 2.4 billion people in the world live on \$2 a day or less, facing daily hardships like poor nutrition and poor education. They stated that this group of people could not meet the funeral costs, as it can be as high as a few months' wages.

While in Singapore, the government restriction is on the burial policy that must be followed by all citizens, regardless of race and religion. The Crypt Burial System is a system designed for the sustainability of future generations and to overcome the issue of the limited

land of Singapore (Alfa and Reza, 2012). In the issue of being unable to afford funeral management, the deceased's family can report to Majlis Ugama Islam Singapore (MUIS), and then they will be a channel to an organization called Muslim Trust Fund Association which is a non-profit organization that provides free burial services to those without next-of-kin or not afford to pay for burial rites (MTFA, 2018).

Meanwhile, in Malaysia, regulations and governance of the funeral social fund, known as the Khairat Death Fund, was managed by the administration of local society in certain resident area (Mirza et al., 2020). It was supervised by the local authority in every state, known as Majlis Agama Islam Negeri (MAIN). Even though funeral expenses were increasing, there are Khairat Death Funds which have been established to help the funeral management of the deceased in a Muslim community. According to Suhaimi and Mirza (2019), funeral management in the Muslim world, especially in Malaysia, can be defined as a holistic process to handle someone who is dead, according to Islamic Law and local customs. Hence, this study will review regulation and governance for the funeral social fund in Malaysia.

Methodology

The purpose of this study was to review regulation and governance for the funeral social fund in Malaysia. To do this author has in-depth observation by using existing, established criteria for appraising qualitative study research rigour (Creswell, 2013; Merriam, 2009; Stake, 1995). Hence, the critical review method described by Grant and Booth (2011) was used, which is appropriate for the assessment of research quality and is used for literature analysis to inform research and practice. This paper applies a qualitative method through observing related literature to understand the subject matter and issue related to the topic. The articles, published and unpublished reports, government and NGOs website were reviewed to determine whether if study aims, methods, and reported findings were consistent with subject of the current study.

For this review, literature relevant to the context was published has been included. Systematic search strategies were used to identify relevant peer-reviewed journal articles from eight (8) electronic databases (Scopus, ScienceDirect, Springer, Web of Science, Wiley, Emerald, Taylor and Francis Online and Google) for the period 2010-2020. From these electronic databases were consulted, though the majority of the literature has been located through hand searching and reference list searching. The main keywords guiding our search were: Regulation, governance, social fund and funeral. These terms were crossed with: funeral, burial practices/rituals, policy, legislation, law, regulation, social fund, Malaysia, Muslim. The search yielded 47 references, of which 24 theoretical studies, 9 legal/policy documents, 6 empirical studies, 5 reports/essays and 3 news articles. Large-scale empirical or legal studies are lacking to a great extent. Grey literature (reports etc.) proved to be an important source of information.

Results and Discussion

Khairat death fund in Malaysia

The word Khairat is an Arabic word that has been commonly used in Malay word that defines as charity and donation. Jalil (2013), jurists have defined sadaqah or donations into various definitions. A complete definition of sadaqa according to the Islamic perspective is: "Contract (aqad) which give ownership of the property to the other party that wishes to without reciprocity but to bring much closer to Allah SWT voluntarily." So, the word Khairat in Malay culture refers to any type of donation or fund that collect and give to the poor and needy or to build mosque and school also any other charity purpose.

From the legal aspect of the Khairat fund in Malaysia, it mentions the general meaning of the Malaysia constitution in Article 11, which state religious freedom with the provision that every religion has the right to manage its religious affairs by establishing and maintaining institutions with religious and Khairat purpose. Based on the division of legislation, the Khairat fund is under the jurisdiction of the state. Every state-provided particular enactment relating to the collection of Khairat. However, no legal form or standard operating procedure (SOP) is related explicitly to the Khairat fund (Muda et al.,2016; JAWHAR,2014).

Under the enactment of each state, Khairat is defined in the general meaning of charity, not specific to the Khairat death fund. Nevertheless, Khairat's death needs specific regulation and provision because it's related to the fee, compensation, rights of members, management and appointment of a committee, deficit if occur and terms and concept of Shariah that apply. These matters require observation and monitoring of the authorities and related parties (Ibrahim et al., 2017).

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The current practices of Khairat death are under the jurisdiction of mosques, villages or community organizations that create Khairat death organizations in the community and form a committee to manage the association. This organization provides a Khairat death scheme to help and manage the funeral and burial process of the dead in their community area. There are no specific regulations and guidance from the State Religious Council in managing the Khairat death fund. Each organization will decide their execution of the Khairat death organization within the committee members. However, as the organization is not observed and monitored by authorities, it may lead to mismanagement or misuse of the collection fund of subscribers and other issues relating to accountability and transparency.

Muhamat (2014) stated that the basis of the Khairat death scheme is similar to Takaful which is based on a mutual agreement to help each other, and the contribution of premium paid is based on the principle of donation (tabarru'). Khairat death fund is a system build in a community to make a collection among Muslims who want to involve. The people that sign up for the scheme will contribute some funds based on monthly or yearly. If death happens to contributors or the family, they will receive financial assistance to pay for the funeral expenses. The community will take care of the funeral process to ease the family's burden during this challenging and emotional period. The purpose of signing in is to ensure their last rites will be conducted without complication and burdensome to the next of kin left behind.

Conclusion

A funeral social fund, in general, is financial assistance granted to the family of the deceased for covering the cost and expenses of funeral processes. Based on the review, this study found there are a number of funeral social funds in Malaysia that were established by various organizations. The most common one is the Khairat death fund that organizes in each society by mosque or community organization. The concept of 'Khairat' (Mutual Benevolent Association) is to help members in need. Moreover, 'Khairat kematian' is a kind of alternative ethnic organization that exist in Malay culture which purposely created to provide funeral benefit to the members and as a channel for social interaction. The motive of the organization is to manage Khairat's death for the members and their families.

Besides Khairat, there is another funeral social fund that will be received without any contribution, or it is associated with other subscriptions. The funeral fund that grants without any subscription or premium is the fund that has been allocated by an entity to provide financial assistance for funeral expenses such as from government schemes like Bantuan Sara Hidup (BSH), a civil servant in Jabatan Perkhidmatan Awam (JPA), FELDA, Employee Provident Fund (EPF) and Amanah Saham Nasional Berhad (ASNB). It is a remarkable initiative from the government, GLCs and NGOs that provides their fund for the funeral benefit to be granted, especially to the poor and needy that may be facing a financial burden to manage the funeral of a deceased family member.

From the legal aspect of the Khairat fund in Malaysia, it mentions the general meaning of the Malaysia constitution in Article 11, which states religious freedom with the provision that every religion has the right to manage its religious affairs by establishing and maintaining institutions with religious and Khairat purpose. Based on the division of legislation, the Khairat fund is under the jurisdiction of the state. Every state-provided particular enactment relating to the collection of Khairat. There are no specific regulations and guidance from the State Religious Council in managing the Khairat death fund. Each organization will decide within the committee members their execution of the Khairat death organization. Khairat's death needs specific regulation and provision because it is related to the fee, compensation, rights of members, management and appointment of a committee, deficit if occur and terms and concept of Shariah that apply. All of this matter required observation and monitoring of the authorities and related parties. For furthering the study, an interview session is conducted to get detailed information from relevant parties related to the issue in this study.

Author's Contribution

Azrul Azlan Iskandar Mirza: Supervision, Funding acquisition, Writing - Original draft, Conceptualization. Nurul Hanis Kamarudin: Writing - Original draft, Investigation. Khairil Faizal Khairi: Writing - Original draft, Methodology, Conceptualization. Syadiyah Abdul Shukor: Writing - Original draft, Validation, Formal analysis, Supervision. Nurul Aini Muhamed: Writing - Original draft, Conceptualization. Ahmad Fadly Nurullah Rasedee: Visualization, Data curation, Formal analysis. Muhammad Suhaimi: Writing - Original draft, Investigation. Nur Halimatus Saadiah Masrukhin: Writing - Original draft, Investigation. Aimi Fadzirul Kamarubahrin: Writing - Review & editing, Project administration, Writing - Original draft.

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Declaration of Competing Interest

We declare that we have no conflict of interest.

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