

Permasalahan Pentadbiran Harta Pusaka Mualaf

Oleh
Azman Ismail

Tiga Kisah

- ***Lim Sek King***
- ***Moorthy***
- ***Lim Goh Tong***

Lim Sek King

- ***Kisah Benar***
 - Nama : Abdul Wahid Abdullah
 - Hero Gunung Ledang
 - Cuba selamatkan 20 pelancong
 - Pusaka berjumlah RM 100,000 ketika kematian
 - Anggaran nilai ketika isu ditimbulkan ialah RM 200,000
 - Waris semuanya bukan Islam



Moorthy

- ***Kisah Benar***

- Pendaki gunung Everest
- Seorang waris (saudara lelaki) beragama Islam sementara isteri dan anak-anak bukan Islam

Re Everest Moorthy

A summary of the case and related events of *Kaliammal Sinnasamy v Islamic Religious Affairs Council of the Federal Territory, Director Kuala Lumpur General Hospital & Government of Malaysia*. (Decided: 28th December 2005, K. L. High Court Originating Summons No. R1-24-102-2005)

By
K Shanmuga,
Advocate & Solicitor
(watching brief for MCCBCHS)

Moorthy Maniam is a national hero. He had been a member of the Malaysian team that had climbed Mount Everest. The plaintiff, Kaliammal, had been married to Moorthy since 25th November 1995. They had one child, now aged about 9. Moorthy became paralysed from the waist down in 1998 as a result of an accident in the Sungai Udang Military Camp. On 11th November 2005, Moorthy fell from his wheelchair, injured his head and went into a coma. He did not recover and passed away on 20th December 2005.

Kaliammal was suddenly informed on 1st December 2005, for the very first time, by one Major Shukri that Moorthy had converted to Islam and that his body would be given an Islamic burial. When Moorthy died, the Islamic Religious Affairs Council came to collect the body. However, because Kaliammal objected the Hospital director, Dr. Azmi bin Shapie, said he would not release the body until he received a court order certifying the status of Moorthy's religion.

Lim Goh Tong

- ***BUKAN Kisah Benar***
 - Cerita di ada-adakan
 - Kononnya beliau dan salah seorang anak beliau, Dato' Zakaria Lim Abdullah, 35 tahun memeluk Islam



Isu & Cabaran

- ***Peluk Agama Islam***
- ***Terdapat waris bukan Islam***
- ***Perbalahan***
- ***Publisiti***
- ***Cabaran kepada pentadbiran dan pengurusan***

Sebelum itu...

- ***Bidang Kuasa Dalam Konteks Pusaka Orang Islam...***
 - Akta Perbadanan Amanah Raya 1995 [Akta 532]
 - Akta Pemegang Amanah 1949 [Akta 208]
 - Akta Probet dan Pentadbiran 1959 [Akta 97]
 - Akta Harta Pusaka Kecil (Pembahagian) 1955 [Akta 98]
 - Enakmen-enakmen yang berkaitan di negeri-negeri

Bidang Kuasa Pentadbiran...



Berkaitan Pentadbiran...

- ***Geran Probet - Jika si mati meninggalkan pusaka dengan surat wasiat terakhir yang sah (Testate Estate).***
- ***Surat Kuasa Mentadbir - Bagi si mati yang meninggalkan pusaka tanpa wasiat (Intestate Estate).***

Cabaran

- ***Cabaran yang berkaitan dengan si mati, hartanya, waris dan masa depan negara***
- ***Cabaran yang berkaitan dengan pelbagai aspek perundangan termasuk peruntukan dan prosedur***

Cabaran Yang Berkaitan Dengan Si Mati

- ***Cabaran yang berkaitan dengan pusaka orang Islam secara umum***
- ***Cabaran yang khusus melibatkan mualaf***



Cabaran Umum

- ***Si mati tidak merancang***
- ***Si mati tiada wasiat***
- ***Waris tidak dapat dihubungi & diikesan***
- ***Perbalahan waris***
- ***Harta beku & harta tak aman***

AKAN DIBINGKANGKAN DALAM CABARAN PERUNDANGAN PERKAITAN SI MATI, WARIS DAN HARTA

Cabaran Khusus

- *Keluarga/waris si mati yang bukan Islam tidak mengetahui*
- *Keluarga/waris si mati yang bukan Islam tidak menerima hakikat*
- *Media...*

Waris Tidak Mengetahui

- ***Si Mati tidak memberitahu***
 - Sengaja tidak memberitahu
 - Tidak mahu melukai hati keluarga yang tidak mengetahui hakikat Islam
 - Khuatir akan akibat negatif seperti kehilangan mata pencarian, kecederaan tubuh badan dsb
 - Tidak sempat memberitahu
 - Kerana tunggu masa yang sesuai
 - Memeluk Islam sejurus sebelum maridhatul maut

Waris Tidak Menerima Hakikat

- ***Kerana perangai tidak mencerminkan***
 - Si mati tidak menunjukkan ciri-ciri amalan praktikal Muslim
 - Si mati masih mengamalkan amalan yang bercanggah dengan Islam
- ***Kerana inginkan harta***
 - Kerana memerlukan harta tersebut untuk perbelanjaan harian
 - Kerana mengikut kehendak pihak lain
 - Sifat tamak

Media...

• Peranan & tanggungjawab

Malay Indian's burial sparks religious dispute

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[Press Trust of India, Press Trust Of India](#)
Kuala Lumpur

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First Published: 00:00 IST (3/1/2007)

Iklan Percuma Di Malaysia
Anda Boleh Jual Apa- Apa Saja dgn Iklan Online. Sungguh Mudah!

The dispute over the religious identity of a dead ethnic Indian man has prompted a Malaysian inter-faith group to demand that the Constitution be amended to give the High Court the power to decide if a person has become a Muslim convert, overriding the Islamic courts.

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Hindus seek waterway for cremation rituals in Canada

M Moorthy, who was born a Hindu, was buried on Wednesday according to Islamic rites against the wishes of his wife after the High Court rejected her petition saying that it had no jurisdiction to review a Islamic Shariah Court decision that the deceased had converted to

Balu pendaki Everest terima RM110,000 kematian suami

Oleh: HELMI MOHD. FOAD

PUTRAJAYA 3 Jan. - Balu pendaki Everest, M. Moorthy atau nama Islamnya akan menerima sepenuhnya faedah kematian suaminya berjumlah kira-kira



“As for civil society, we have to begin to push for a permanent inter-religious organisation, whatever form it may take.”

Aliran



LAMAN UTAMA

BERITA

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- > Wilayah
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DALAM NEGARA

ARKIB : 04/0

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Moorthy's case: Judiciary the culprit

Sue | Jan 5, 06 4:41pm

Cabaran Yang Berkaitan Dengan Perundangan & Prosedur

- *Yang berkaitan dengan si mati*
- *Yang berkaitan dengan waris*
- *Yang berkaitan dengan pusaka*
- *Yang berkaitan dengan pusaka*
- *Hutang*
- *Harta Sepencarian*

Yang Berkaitan dengan si mati

- ***Pembuktian Kematian***
 - Antara Perundangan Sivil dengan Perundangan Islam
- ***Kematian Berlapis***
 - Seperti di atas
 - Kelewatan permohonan

Yang berkaitan dengan waris

- ***Bukti perkahwinan***
- ***Bukti penceraian***
- ***Bukti anak sah taraf***
- ***Bukti pertukaran agama***
- ***Pertikaian/perbalahan***

Yang berkaitan dengan pusaka

- ***Penentuan Aset***
- ***Penentuan Tanggungan***
- ***Penentuan Pembahagian***



WASSALAM

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