

## From Settlers to Successors: Navigating Inheritance Restrictions on FELDA Land Ownership

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### Abstract

The development of the Federal Land Development Authority (FELDA) is recognised as a successful effort by the Government of Malaysia in eradicating poverty and developing rural lands into massive plantations for the country's exports. The land ownership by the FELDA settlers under the FELDA's scheme is unique and differs from other land ownership, since it is subject to the Land (Group Settlement) Act 1960 (GSA). However, the restriction provided under the GSA that limits the number of landowners has led to complex issues, especially upon the death of the settler, since legal heirs cannot inherit the land according to their entitled portions under the inheritance law. Undoubtedly, the imposed restriction has posed problems in estate distribution, which adversely affects the rights and entitlements of the legal heirs. Hence, this article aims to analyse the issues affecting the interests of the legal heirs of FELDA's settlers, as well as to identify the right distribution mechanisms that can be proposed as potential solutions. Data gathered is obtained from previous literature studies, and from the interviews conducted with the personnel representatives of authoritative stakeholders, namely, the Estate Distribution Officer from the Estate Distribution Division of the Department of the Director General of Lands and Mines (JKPTG), and an officer of the Land Management Department of FELDA Headquarters. This article indicates that issues of inheritance claims must be thoroughly addressed, and that the execution of a trust deed could help to resolve the issues of estate distribution relating to FELDA lands. Additionally, cooperation from stakeholders is highly needed to ensure the transfer of ownership of FELDA holding title to the next generation can be carried out smoothly, while also achieving the economic and administrative purposes of the stakeholders fairly and equitably.

**Keywords:** FELDA land ownership, Estate distribution, FELDA inheritance, Trust deed, Land Group Settlement Act 1960

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### 1.0 INTRODUCTION

The Federal Land Development Authority (FELDA) was established on July 1, 1956, through the Land Development Act (Ordinance No. 2 of 1956) for the purpose of settlement planning, which aimed at increasing the economic urbanization of the rural areas. At present, there are 317 FELDA settlements all around Malaysia, which consist of 11 states (Perlis, Kedah, Perak, Selangor, Negeri Sembilan, Melaka, Johor, Pahang, Terengganu, Kelantan, and Sabah).

In order to achieve the objective of its establishment, FELDA developed plantations in the settlement areas, primarily through the large-scale cultivation of crops such as oil palm and rubber. FELDA management structure basically consisted of three levels: FELDA headquarters, regions, and land schemes. Accordingly, participants of FELDA were selected from individuals who met the criteria set by FELDA at that time, including healthy adult men who were married, with priority given to the poor who did not have land. Even though it is often observed that FELDA participants are from the Malay race, other races were chosen as settlers, such as the Chinese and Indians. Each settler is given 10 acres (40,000 m<sup>2</sup>) for oil palm or rubber plantations, a private orchard and half an acre for housing purposes. At the beginning of its establishment, this settlement area lacked many facilities. Over time, alongside the development of the country, it can now be viewed that the infrastructure of the FELDA area is already complete, whereby schools, health clinics, mosques, community halls, and other facilities are available. Since 1990, FELDA has ceased acquiring new settlers to open new plantations and finalized the remaining 112,638 settlers in 317 settlements in this country. In 1996, the government adopted a privatization policy, and FELDA then became a statutory body to sustain itself on its own, no longer receiving operational funding from the government.

The establishment of FELDA has proven successful in the government's efforts to eradicate poverty and increase the country's exports to an international level. Nonetheless, considering that most original settlers are now deceased and elderly, the current challenge is to ensure the sustainability of FELDA into the next generation. In this regard, the government has taken some initiatives in diversifying the sources of economic in agriculture and entrepreneurship as well as providing residential construction support for the second generation to enable them to remain in FELDA (Berita Harian Online, November 30, 2023; Mohd Yassin et al., 2017; Economic Plan Unit 2015). However, the challenge in determining successors to replace the original settlers as the second and third generations has become an acute

problem in transferring the ownership of FELDA land title. The land ownership by the FELDA settlers under the FELDA's scheme is unique and differs from other land ownership, since it is subject to the Land (Group Settlement) Act 1960 (GSA). Consequently, the restriction provided under the GSA that limits the number of landowners has led to complex issues, especially upon the death of the settler, since the land cannot be inherited by legal heirs according to their entitled portion under the inheritance law. Undoubtedly, the imposed restriction has posed problems in estate distribution, which adversely affects the rights and entitlements of the legal heirs. Therefore, this article aims to analyse the issues affecting the interests of the legal heirs of FELDA's settlers by reviewing the methods of transferring the FELDA land ownership from the first settlers to their selected successor in the inheritance process. This includes identifying the right mechanism that can be proposed to resolve inheritance issues relating to land titles registered under FELDA.

## ■ 2.0 LITERATURE REVIEW

### 2.1 Land (Group Settlement Areas) Act 1960 and The National Land Code

In order to ensure uniformity of law and policy, the Parliament under Article 76(4) of the Federal Constitution had enacted the GSA to govern the FELDA Settlements, Federal Land Consolidation and Rehabilitation Authority (FELCRA), and marginal land schemes. The purpose of the act is to standardize the implementation in terms of policies and executive powers given to the State Authority across West Malaysia. This is in addition to the main goal of creating a new settlement by providing economic resources through plantation and agricultural activities.

The first generation of settlers was mostly involved in the plantation sector. The cost of plantation development, including the acquired land, is borne by the settlers through monthly instalment to FELDA, which is deducted from their crop's income. The repayment period originally took 15 years, and upon completion of the settlement with annual taxes to the State Government, FELDA will recommend to the State Government for the issuance of land title deeds in the name of the settlers. Until the issuance of the grant in the name of the settler is obtained, the settler is recognised as the owner of the 10 acres of land and the site of his house. During this period, if oil palm or rubber plantations are no longer able to produce crops, settlers will be bound to replant the plants. If the settlers have financial capability, the replanting process can be conducted on their own without the help of FELDA. In most cases, FELDA provides loans to settlers who cannot afford the replanting process, covering the cost of living until their plantations produce returns. As a result, the loan repayment cycle to FELDA will be repeated for approximately 15 years. However, by this stage, settlers are typically no longer engaged in plantation activities and merely receive a monthly income after deductions for loan instalment and associated management fees (Ministry of Economic Affairs, 2019).

In relation to land ownership, the registration of title is a condition for the indefeasibility of title under Section 340 of the National Land Code (NLC). The application of the Torrens system in land law in Peninsular Malaysia is based on the mirror principle, whereby all information recorded in the land title, such as the owner's name, lot number, land location, area, and any restrictions on interest, is deemed conclusive and cannot be disputed, except in cases provided under Section 340(2). This includes fraud, misrepresentation, forgery, insufficient or void instruments, and unlawful acquisition. These principles are similarly applicable to FELDA land titles. Despite this, in the context of FELDA, legal ownership is only conferred to the settlers upon full settlement of the prescribed land premiums. Thereafter, individual titles are issued in the names of the settlers through a chain grant arrangement, which typically comprises both agricultural and residential (house site) grants. Notwithstanding the issuance of individual titles, the ownership conferred is not absolute in nature but constitutes beneficial ownership, as it remains subject to the GSA. Furthermore, FELDA land titles are commonly subject to restrictions in interest, which limit the settlers' ability to deal freely with the land. In other words, no transaction on land is allowed, such as sale, purchase, transfer, mortgage, or lease, without the permission of FELDA.

It has been reported that the problem with FELDA's land ownership lies with its imperfect ownership status, which resulted in all transactions involving the land being subject to FELDA's permission. The cause of this problem is attributed to the existence of an initial agreement between the original settlers and FELDA that is binding on both parties, although there is a view that the agreement is unilateral (Berita Harian Online, May 2019; Mohd Yusof, M.Y., 2010). Due to "conditional holding" of FELDA lands, there exist many obstacles in passing the land to the second generation (Nor Muhamad, N. H., et al, 2020). In addition, the first generation of FELDA settlers is already old, and many have passed away, thus causing problems for FELDA's sustainability if the inheritance issues remain unsettled. Hence, the failure to overcome inheritance issues of FELDA land ownership may affect the productivity of the country's main export commodity in the future (Mohamad, Z., 2010). The Title Division of FELDA Land Management Department had reported that almost 95%, or 107,478 settlers, have received the final title. The record also revealed that less than 50% (50,127) of the 112,638 are the first settlers, whereas more than 60,000 are among the successors of the second and third generations, and appointed administrator or temporary representative of the beneficiaries. Table 1 displays the record of land title ownership categories in FELDA settlements according to regions.

**Table 1** FELDA Land Title Ownership Categories

Categories (According to Regions)	First Settler*	Successor	Administrator	Temporary Representative of the Beneficiaries	TOTAL
Alor Setar	1581	622	1378	461	4042
Gua Musang	1701	342	766	305	3114
Jengka	6043	3404	3762	1748	14957
Johor Bahru	6833	3480	4665	2576	17554
Kuantan	7830	2370	3420	1430	15050
Mempaga	6012	2750	3101	1256	13119
Raja Alias	7968	3704	3196	1564	16432
Sahabat	1045	177	315	110	1647
Segamat	4768	2407	3039	1204	11418
Terengganu	3654	1581	1774	449	7458
Trolak	2692	1740	2499	916	7847
<b>TOTAL</b>	<b>50127</b>	<b>22577</b>	<b>27915</b>	<b>12019</b>	<b>112638</b>

\*First Settler – An individual who signed the preliminary entry agreement into the FELDA scheme plan and has registered his name in the Register of Holdings (ROH).

(Source: The Title Division of FELDA Land Management Department, June 2025)

## 2.2 Inheritance Issues in Felda Land Ownership

As FELDA has now reached 70th years of its establishment, inheritance issues concerning FELDA land titles have arisen upon the death of the settlers. Most literature suggest that among factors revolves in inheritance of FELDA land ownership are the failure of the beneficiaries to come into agreement, unresolved family disputes, the inability to understand the transfer ownership procedures, technical procedures, polygamy, inability to afford in buying from other legal beneficiaries and heirless estate (Mohd Asri, M.H.F., et al. 2023; Mohd Asri, M.H.F., et al. 2022; Mat Hussain, N. & Nor Muhamad, N. H., 2013; Mohamad, Z., 2010). In addition, unresolved disputes between beneficiaries, characterised by suspicious attitudes towards each other, often result in their absence from the hearing of settlement, which shall cause the distribution of FELDA land titles to become far from possible (Ariffin, N., & Hussain, K., 2015).

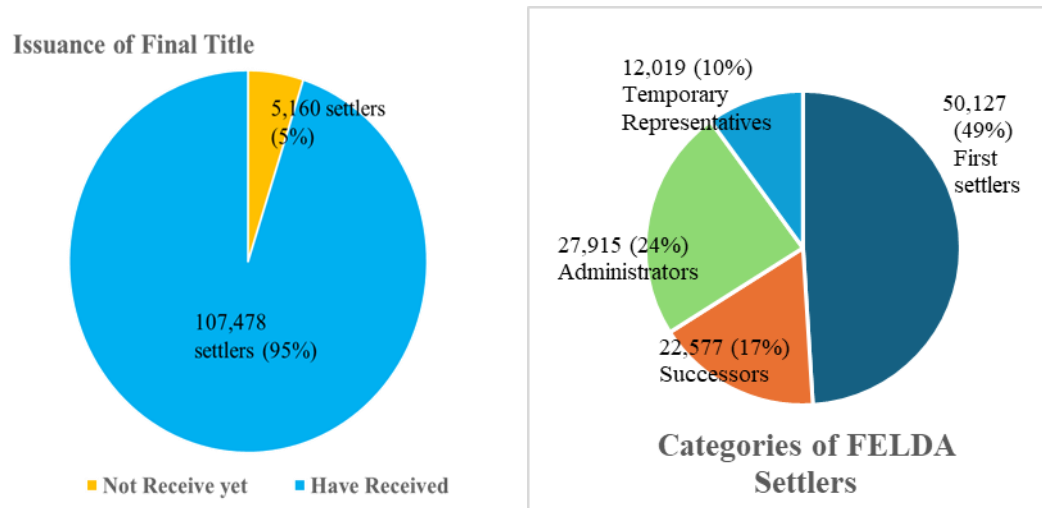
Despite factors contributing from the attitudes and experiences of the beneficiaries, there are also factors on the administrative and legal sides. Factors concerning administrative sides, for instance, are high numbers of estate distribution applications, which caused red tape, complicated and time-consuming procedures at multiple agencies and possession of non-FELDA lands by the deceased (Ariffin, N., & Hussain, K., 2015; Mohamad, Z., et al., 2011). However, the main factor of the legal side bears greater concern, which is due to the strict conditions provided under the GSA whereby the ownership of the land can be transferred only to two names. Due to this restriction, the FELDA land cannot be inherited by the settlers' beneficiaries according to succession law (Nor Muhamad, N.H., et al., 2020). In fact, any transfer, if possible, can only take place with the consent of the State Authority as well as the FELDA management, which can be relatively difficult to navigate.

The restrictions under the GSA which affect the inheritance process are as follows:

- i. Section 7(3) limits the holding for city categories such as residential, commercial, public uses and other uses as approved by the State Authority;
- ii. Section 14 limits the registration of settlers only to two persons as co-owners; and
- iii. Section 15 limits the land from being subdivided or leased in part or in whole.

These restrictions were imposed objectively to maintain FELDA land titles as agricultural lands for plantations to provide extensive production of commodities, which is in line with the purpose of its establishment in 1965 (Mohd Yusof, M.Y., 2010; Zulkifli & Ahmad, 2016). Consequently, due to such restrictions, issues relating to inheritance have since arisen upon the death of the first generation of settlers. Notably, the FELDA lands could not be distributed according to the *faraid* principles or according to the Distribution Act 1958 [Act 300] for the Muslims and non-Muslims deceased settlers, respectively, since the transfer of ownership only permits up to two persons to be registered as new owners. The situation is worsened in cases where the settlers left behind many heirs, who would be entitled to the estate, especially when some of them have practiced polygamous marriages, which contributed to the delay in the process of estate distribution (Mat Hussain, N. & Nor Muhamad, N. H., 2013; Mohamad, Z. et.al, 2011). Furthermore, the restrictions imposed also contributed to the beneficiaries' tension, which negatively impacts family institutions (Norhaifa, G. et al., 2021; Abdul Rahman & Hassan, 2020). Figure 1 illustrates that, following the issuance of the final title of FELDA land ownership of first settlers, the inheritance process

has taken place and passed the ownership into several categories of settlers, as appointed administrators (24%), final successors (17%), and temporary representatives (10%).



**Figure 1** Categories of FELDA Settlers Upon Transfer of Ownership from the First Settlers  
(Source: The Title Division of FELDA Land Management Department, June 2025)

### 3.0 METHODOLOGY

This study utilised a qualitative method of content analysis within the confines of the doctrinal legal research methodology. The doctrinal legal research methodology was employed to analyse legal resources, both primary and secondary sources of law. In particular, the approach uses secondary data analysis to analyse text, including articles, theses, manuscripts, newspapers and websites. In addition, interviews were conducted with the personnel representatives of authoritative stakeholders, namely, the Estate Distribution Officer from the Estate Distribution Division of the Department of the Director General of Lands and Mines (JKPTG), and an officer of the Land Management Department of FELDA Headquarters. These two interviewees are selected based on the major involvement of the stakeholders in the determination of the issues, since the land titles registered under FELDA mostly fall under the jurisdiction of small estates in terms of the valuation of the estate. The management of the FELDA settlements is under the Land Management Department of FELDA Headquarters. The interview aimed to gain a deeper understanding of the inheritance issues of FELDA land ownership and to suggest new possible mechanisms to overcome the problems arising.

### 4.0 RESULT

#### 4.1 Existing Options for Inheritance Distribution Involving Felda Land Ownership

Upon the death of the settlers, two situations may affect the distribution of the deceased's estate. Firstly, in cases where the deceased settlers have not yet acquired any title, their interests would be recognised based on their beneficial rights in FELDA's record of holding and the stipulated agreement between FELDA and the settler as a participant. In such a case, the Estate Distribution Officer at the Estate Distribution Office would appoint an administrator among the deceased's heirs who is empowered to cope with the FELDA management and State Authority (Land Office) later for the purpose of issuing the land title. After receiving the title, a subsequent application for the distribution of the deceased's estate will have to be made to distribute the assets. Secondly, for a situation where the settler has already received the final title of FELDA lands, the petition for the distribution of the deceased settler's estate can be made directly without having to undergo the above hassle since the name of the settler is already being registered as the owner of such lands. The lands are jointly held by the owner as provided by Section 7 of GSA, in which the titles for each land owned cannot be separated.

In relation to the inheritance distribution involving FELDA land ownership, there are three available options: direct distribution, appointment of an administrator, and order for sale. Firstly, the direct distribution is obtained by the issuance of Form E (order for direct transmitting) from the Estate Distribution Officer according to Section 15 of the Small Estate (Distribution) Act 1955 [Act 98] to particular successor/s (one or two persons). In this case, all legal heirs of the settler would have to unanimously agree to give up their rights to the land to only one or two people among the heirs without any consideration. Nonetheless, this method is challenging to implement, as most heirs would insist on their rights to the property as per the law of inheritance. Undeniably, this method is only suitable if the successor of the settler is the only child and there are no other beneficiaries left behind except for the wife of the settler as the existing co-owner. Notably, the option for this method is the best solution to maintain FELDA lands in achieving its objectives, which are the sustainability of agricultural production and preventing uneconomic subdivision (Nor Muhamad, N.H. & Mat Hussain, N., 2013). Meanwhile, the second option involves the appointment of an administrator, which is the most favourable option agreed upon by the heirs of the settler in many FELDA settlements. This is compared to the first option of giving up the ownership directly to particular heirs (Nasrul Hisyam, N. M., &

Norazila, M. H., 2014). Despite this, the appointment of an administrator is only temporary in nature and can be replaced from time to time in the subsequent applications of small estate proceedings. The administrator will be responsible for managing the settler's income derived from the plantation to be divided among the beneficiaries, either according to *faraid* or the Distribution Act 1958 or based on the agreement between the heirs. Nonetheless, the problem arises when the administrator fails to execute the duties stipulated upon them and does not distribute the income properly. Furthermore, the frequent requests for the change of the administrator would give hassle to FELDA management, as FELDA is not directly involved in inheritance distribution among the heirs. Lastly, another available method of estate distribution is the order for the sale of the FELDA lands, whereby the proceeds of sale will be distributed to the legal heirs according to the entitled portions or agreements. In such cases, the priority to buy the land is given to the heirs of the deceased settler. If the heir is unable to pay the price of the land, the offer is open to an outsider buyer. The mechanism, however, is complex to apply due to the high valuation and price of the land. The buyer must buy the "stranded holding" (*tanah berangkai*), which consists of an 8 to 10-acre plantation, and a quarter acre of residential land. Under the GSA, these lands could not be separated, thus resulting in a higher price. In cases where the outsider buyer is later determined, permission from FELDA management is required. Accordingly, FELDA will determine whether the buyer is qualified under Section 19 of GSA to become a new replacement of the settler or otherwise. For these reasons, the sales of the land have rarely materialized, which eventually results in the conservative means of appointment of administrators, which is supposed to be temporary in nature.

Despite the hassles that must be faced by the heirs in the arrangement for the sale of FELDA lands, in Muslim case, this method has been approved by the consensus results of the 38th Fatwa Committee of the National Council for Islamic Religious Affairs Malaysia regarding the appointment of a representative (*penama*), which is based on mutual agreement between legal heirs. The appointed representative is responsible for managing the deceased's estate in accordance with the current practice of FELDA land ownership inheritance. In cases of disagreement among the parties involved, the land may be sold, with priority given to the heir who is capable of purchasing it. The proceeds of the sale will later be distributed to the beneficiaries according to *faraid*. In cases where there are no residuary heirs (*asabah*), it may be given to Baitulmal.

The same concept has also been adopted in the new amendment of the Small Estates (Distribution) Act 1955 through Subsections 15(4A) and 15(4B) -

- 4A. Where any beneficiaries fail to agree to the sale of land or any part of it, the Estate Distribution Officer may order the land or any part of it to be sold in such manner as may be prescribed based on the consent of the beneficiaries holding two-thirds majority shares on the land or any part of it.
- 4B. In the exercise of the power under Subsection (4A), the Estate Distribution Officer shall take into account the interests of the beneficiaries to be secured and protected.

The introduction of these two subsections empowers the Estate Distribution Officer to sell the land or any part of it, subject to the two-thirds majority consent of shares or entitlement of the beneficiaries, to avoid any injustice or hindrance to other beneficiaries to enjoy the benefits of the deceased estate. Among the requirements as prescribed in the regulation for this method are that priority to purchase must first be given to the beneficiaries and the proceeds of sale must be secured and protected, especially in cases involving a minor or an unsound mind beneficiary.

In addition to the three available options for distributing the FELDA land titles, other methods are also being recommended as estate planning tools. From the past literature, Nor Muhamad, N.H. et al. (2020) have proposed *hibah* or gift inter vivos as an instrument for transferring FELDA lands to the second generation to overcome the inheritance issues. While the study by Norhaifa, G. et al. (2021) had proposed the same, albeit in terms of conditional *hibah*. Thus, it should be noted that inter vivos through transfer of holding is not allowed based on Sections 14 and 15 of the GSA, as the settler only has partial holding of the lands. There are also debates regarding the interpretation of "holdings" of FELDA lands, whether it is "full holding," "partial holding," or "conditional" in the application of *hibah*. The result of its application is that if the settler wishes to transfer the lands, permission from the State Authority, as well as FELDA management, must first be obtained. Moreover, *hibah* or gift inter vivos or conditional *hibah* is still subject to being challenged by others in the process of inheritance, particularly if such has not yet been transferred to the recipient. Thus, the parties involved must obtain approval or endorsement of such *hibah* from the Syariah Court before it can be executed through inheritance. On the contrary, Zulkifli Mohamad (2011) suggested education and information dissemination to the settlers and their beneficiaries to make them aware of their rights and limitations under the GSA as well as their entitlements under the law of inheritance. It would also be beneficial to establish a department with an expert in this field to develop a proper solution for centralised information on FELDA land inheritance issues.

## ■5.0 DISCUSSION ON RECOMMENDATION OF TRUST INSTRUMENT AS DISTRIBUTION MECHANISM

As mentioned above, the selection of settlers for FELDA settlements was based on their poverty background and landless ownership to open up new plantations and residential areas in rural areas. Thus, most of the beneficiaries who came from this background would eventually demand the entitlement to the settler's estate upon the demise of the settlers. However, due to the legal constraint for the restriction in interest imposed on FELDA land titles, the distribution of estate to be made according to succession law is thus hindered, and conventional issues of untrustworthy administrators have become common. Therefore, it is recommended to use a trust instrument as a distribution mechanism to address the problems faced by FELDA management and the estate beneficiaries of the deceased settlers. Practically, trust is an arrangement between the owner of the property (as a trust maker) and the trustee on how to manage the property or estate. It will have a list of the assets, trustees, and beneficiaries of the trustee. In essence, a trust deed is a legal document that forms the basis of a trust, containing instructions on how to manage a property or asset and how to distribute the income or property itself to the named recipient (beneficiary).

Meanwhile, for estate planning purposes, trusts can be highly customizable to meet the specific needs and goals of the parties involved. The trust deed can clearly lay out the inheritance intentions and wishes of a co-owner in the event of their death. The study by



Ahmad (2021) has mentioned that proper management of an estate may enable individuals to plan a well-designed distribution of their property after death to avoid unsatisfactory outcomes. As trust can be applied for Muslims and non-Muslims in Malaysia, which is created by the owner of the property during his lifetime, it can take effect immediately or after his death. Furthermore, the trust instrument had played a crucial role as one of the mechanisms in Islamic wealth disposition in Malaysia (Halim, A.H., 2011). In addition, Syed Abdul Kader, S. Z. et al. (2023) have mentioned that there were three requirements that should be complied with to create a valid trust, which is also known as the certainties test; (i) certainty of intention, (ii) certainty of the subject matter, and (iii) certainty of object. Firstly, certainty of intention means the words from the owner of the property to create such trust must be clear and imperative, demonstrating that the trust was intended. Secondly, the certainty of the subject matter refers to the specific property to be treated as trust property. The exact property that was intended to be put under trust and the share in that trust property to be taken by each beneficiary must also be certain. Lastly, the certainty of the object, which means the object or person intended to have benefit from the trust property must be mentioned, or the disposition must be certain.

Trust is applicable in the civil law as specified in the Ninth Schedule of the Federal Constitution, which is listed under the Federal List. Thus, the jurisdiction for trust matters for Malaysians, regardless of religion, lies with the High Court. Nevertheless, matters of trust are also mentioned under the State List of the Federal Constitution, indicating that there is still room for trust involving Muslims' estate that can also be addressed according to Islamic law and fall within the jurisdiction of the Syariah Courts. This can safeguard the creation of trust in Muslim's wealth management to be made based on the Syariah principles, rather than depending on the civil requirements (Mohd Yusof, Y. & Halim, A.H., 2024).

Based on the analysis of the GSA with other relevant laws and from the observations made by past research, the original concept of FELDA land titles, which is based on the contractual agreement between parties (State Authority, FELDA and settlers), must be considered. Thus, the entitlement of ownership must be subject to certain restrictions. Unless the government amends the restrictions on the ownership of FELDA land titles to align with other land under NLC, issues with FELDA land transfer cannot be addressed. As a result, in cases where all beneficiaries insist on their rights as legal heirs, only the proceeds from the production of the plantation can be distributed according to their entitlements or agreement between the beneficiaries. For those reasons, the recommendation to create a trust deed is more reasonable to overcome the inheritance issues of FELDA land titles. Through the establishment of trust, the binding relationship between the settlers' heirs and the trustee to manage FELDA land titles on their behalf would ensure a more structured approach, which is also subject to legal action if there is a breach of trust or in cases where the trustee fails to deliver in carrying out the assigned responsibilities. Indirectly, these precautions may motivate trustees to perform their duty trustfully, and the FELDA land titles can be managed properly. As a result, the heirs can enjoy the benefits of distribution harmoniously and reduce the distrust among themselves. Additionally, the FELDA management at the settlements level can also cope with the responsible authoritative people on behalf of other settlers' beneficiaries much more easily and comfortably.

## 6.0 CONCLUSION

As a conclusion, to preserve FELDA's sustainability and expand its economic growth in the agricultural sector and to eradicate rural poverty, it is crucial to overcome the inheritance issue of transferring FELDA land ownership to the next generation of FELDA settlers. This study indicates that the inheritance issues are mainly due to the restriction imposed under the GSA. At the same time, other legal heirs insisted on obtaining their rights over the deceased's estate according to succession law. On this basis, the article has analysed the procedures and the available options as well as the mechanisms to resolve the issues. It is observed that the suggestions from other studies to execute the transfer of the lands through inter vivos gift or conditional gift are still impossible due to the difficulties in obtaining consensus among the heirs and are subject to being challenged in the inheritance process. To overcome these issues, it is therefore proposed that the settlers and the parties should create a deed of trust. Such an approach aims to appoint a trustee either among the beneficiaries or a third party (trust company or public trustee) to manage the FELDA land titles and represent the settlers' beneficiaries in any management issues with the FELDA management, to pay the taxes and any disbursement involved and lastly to distribute the income of the plantations to the beneficiaries accordingly. In this way, even though the assets are later treated differently as a trust, it is no longer considered the deceased's property. Furthermore, the involvement of other parties, such as the FELDA management and trust company, which are more neutral, can reduce the trust issues among the beneficiaries. In line with this, the trustee can also be held responsible for ensuring the management of the FELDA holding title is managed properly, especially in complying with Syariah principles when involving Muslim settlers.

Thus, a special task force consisting of all authorities involved in the administration of FELDA land title, such as the JKPTG under the Ministry of Natural Resources and Environmental Sustainability, together with Bahagian Kawal Selia Felde of the Prime Minister's Office, Attorney General's Chamber, and FELDA itself, has to be established to investigate all the problems. Note that the need to transform the succession of FELDA lands is pressing, as any further delay is likely to exacerbate existing problems. The establishment of the task force is essential to ensure the smooth transfer of FELDA lands to the next generation of settlers while safeguarding the continuous benefits of the beneficiaries. Nevertheless, the application of trust as a mechanism in the administration of FELDA land matters should serve to preserve the economic restrictions imposed by law, while administratively ensuring the continuity of the special rights attached to such lands.

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### Conflict of Interest

The authors declare that there is no conflict of interest regarding the publication of this paper.

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