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## **Islamic Legal Perspectives on Refugee Protection and Welfare: A Case Study of Malaysia**

**All-Mu'izz Abas**

Universiti Teknologi MARA, Malaysia

[allmuizz@uitm.edu.my](mailto:allmuizz@uitm.edu.my)

**Mohd Al Adib Samuri**

Institute of Islam Hadhari and Faculty of Islamic Studies,  
Universiti Kebangsaan Malaysia, Bangi, Selangor, Malaysia.

[al\\_adib@ukm.edu.my](mailto:al_adib@ukm.edu.my)

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### **Abstract:**

This article examines the refugee crisis in Malaysia from the perspective of Islamic law, addressing the challenges arising from the absence of a formal legal framework for refugee protection. Through a legal normative approach and in-depth interviews with Islamic authorities and NGOs, this study investigates Islamic principles related to refugee welfare. The findings of this study reveal that Malaysia has an ethical and legal responsibility under Islamic law (domestic and legal normative) to protect and support refugees despite not signing the 1951 Refugee Convention. This study emphasises the potential role of Islamic authorities as part of the government body in administering, coordinating, and implementing Islamic welfare efforts to meet the needs of refugees. By aligning refugee support with Islamic values, Malaysia can improve its ability to provide comprehensive care and protection to refugees, fulfilling religious and humanitarian duties. This integrated approach could serve as a model for other Muslim-majority countries, promoting a more inclusive and compassionate response to the global refugee crisis.

**Keywords:** refugees; refugee rights; state obligation; human rights; hijrah.

### **Introduction**

Malaysia lacks a comprehensive legal framework to protect refugees and asylum seekers because it has not signed the 1951 Refugee Convention. The Malaysian government asserts that the country has no international legal obligation

to provide services to refugees.<sup>1</sup> Consequently, refugees and asylum seekers are considered illegal immigrants under Malaysian law and face periodic raids by authorities, with the risk of being arrested, detained, and deported. Refugees do not have the legal right to work or access formal education, healthcare, and other essential services.<sup>2</sup> They struggle with poverty and lack of access to formal employment, education for their children in public schools, and affordable healthcare.<sup>3</sup>

To address this issue, it is crucial to argue that the Malaysian government has legal obligations from various legal systems, not just based on international or domestic civil law. Previous researchers have emphasised that an appropriate legal framework for refugee affairs should be developed to facilitate a more structured approach by Malaysian authorities in handling refugee-related issues.<sup>4</sup> One argument that has emerged among scholars to address the government's inadequate treatment of refugees, as in the case of Malaysia, is through the Islamic legal framework.<sup>5</sup> This perspective highlights that, beyond international obligations, Malaysia has ethical and legal duties under Islamic law to protect and support refugees. Suitable cultural and religious solutions for the refugee crisis can be found

<sup>1</sup> Rohaida Nordin, Suzarika Sahak, and Ma Kalthum Ishak, 'The Plight of Refugees in Malaysia: Malaysia as a Transit Country in Protecting Refugees' Rights', *Journal of Nusantara Studies (JONUS)* 5, no. 1 (30 January 2020): 378–94, <https://doi.org/10.24200/jonus.vol5iss1pp378-394>.

<sup>2</sup> Nur Nadia Lukmanulhakim and Mohd Al Adib Bin Samuri, 'The Religious Identity of Rohingya Refugees in Malaysia', *Studia Islamika* 30, no. 3 (4 April 2024): 439–68, <https://doi.org/10.36712/sdi.v30i3.32095>.

<sup>3</sup> Rodziana Razali et al., 'Refugees in Malaysia: Protection Framework, Challenges and Implications', *Malaysian Journal of Syariah and Law* 9, no. 2 (31 December 2021): 157–72, <https://doi.org/10.33102/mjssl.vol9no2.285>; M. Yakub Aiyub Kadir et al., 'The Legal Vacuum on Access to Higher Education for Refugees in Indonesia: Islamic Claim for Aceh Responsibility', *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 1 (31 March 2023): 522, <https://doi.org/10.22373/sjhk.v7i1.15454>; Tetyana M. Vakhoneva et al., 'Legal Challenges to the Protection of Labor Rights of Refugees in the Digital Age', *Legality: Jurnal Ilmiah Hukum* 31, no. 2 (7 September 2023): 245–65, <https://doi.org/10.22219/ljih.v31i2.26576>.

<sup>4</sup> Razali et al., 'Refugees in Malaysia'; Nordin, Sahak, and Ishak, 'The Plight of Refugees in Malaysia'; Md Mahbulul Haque, Zarina Othman, and Bakri Bin Mat, 'Rohingya Refugees and Their Right to Work in Malaysia', *Asian Affairs: An American Review* 50, no. 2 (3 April 2023): 95–119, <https://doi.org/10.1080/00927678.2023.2197582>; Ahmad Sharif Haron, Mohd Irwan Syazli Saidin, and Zarina Othman, 'The Human (In)Security of Syrian Refugees in Malaysia', *Social Sciences* 12, no. 6 (25 May 2023): 317, <https://doi.org/10.3390/socsci12060317>; Katrina Munir-Asen, '(Re)Negotiating Refugee Protection in Malaysia: Implications for Future Policy in Refugee Management', *Discussion Paper*, 2018, <https://doi.org/10.23661/DP29.2018>; Khamami Zada, 'The Rohingya's Muslim Asylum Seekers in Southeast Asia: From National to International Law Perspective', *AHKAM: Jurnal Ilmu Syariah* 17, no. 1 (7 January 2017), <https://journal.uinjkt.ac.id/index.php/ahkam/article/view/6227>.

<sup>5</sup> Mohammed R. M. Elshobake and Amirul Syafiq bin Yusri, 'Addressing the Refugee Crisis Through the Lens of Islamic International Law', *INSAF - The Journal of the Malaysian Bar* 40, no. 1 (2023): 77–95; Nasser Ul Islam, 'Refugee Crises in the Contemporary World: An Islamic Perspective', *Muallim Journal of Social Science and Humanities*, 2 January 2023, 41–52, <https://doi.org/10.33306/mjssh/223>; Gerhard Hoffstaedter, 'Refugees, Islam, and the State: The Role of Religion in Providing Sanctuary in Malaysia', *Journal of Immigrant & Refugee Studies* 15, no. 3 (3 July 2017): 287–304, <https://doi.org/10.1080/15562948.2017.1302033>.



by understanding the crisis through the lens of Islamic law. This approach could enhance the acceptance and implementation of a country's refugee policies.

There is a clear research gap in understanding how Islamic legal principles are applied to allocate responsibilities in protecting and assisting refugees, particularly in the context of Malaysia. This gap underscores the need for scholarly examination of Islamic legal discourse on this issue. As a country with a majority Muslim population, Malaysia designates Islam as the religion of the Federation in its constitution and implements civil law alongside Islamic law.<sup>6</sup> Additionally, Islamic principles significantly influence the formulation of laws, policies, social norms, and the legal framework in Malaysia.<sup>7</sup> In the context of this discussion, Islamic law refers to the administration of Islamic law in the Malaysian states that govern Islamic authorities such as the Islamic Religious Council, Shariah courts, and Baitul Mal (for the administration of zakat and waqf),<sup>8</sup> which have authority over Muslims, including non-citizens, in all matters, including their welfare. This administration of Islamic law can potentially address refugee issues more effectively.

This article aims to contribute to the broader conversation about stakeholders' shared responsibility in alleviating the suffering of refugees in Muslim-majority countries. The objective of this article is to reinforce the assertion that the government (including its state Islamic authorities) should play a role in addressing refugee-related issues, with a specific emphasis on the government's obligations towards refugee welfare according to Islamic law, in addition to international law. The article discusses the hypothesis that Islamic law and Islamic authorities in Malaysia can significantly enhance the welfare and support of refugees. This is based on the premise that Islamic law mandates the protection and assistance of refugees. This approach can address Malaysia's lack of a formal legal framework to protect and assist refugees by aligning them with Islamic obligations. Malaysia can improve the welfare of refugees by aligning Islamic authorities to meet their needs and integrating them into a comprehensive welfare system.

It is noteworthy that Malaysia does not have dedicated legislation governing refugees' rights and status, as pointed out at the beginning of this article. It is unfortunate that Malaysia has not acceded to the comprehensive and holistic legal framework governing refugee status, particularly the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, which renders these agreements lacking legal enforceability and non-legally binding upon the country. Consequently, refugees in Malaysia have no legal status and do not benefit from the protection and rights provided by such official documentation. Despite the absence of a legal framework, the Malaysian government has nevertheless extended protection to many refugees on humanitarian grounds. Over the years, although not fully, the Malaysian government has cooperated with the United Nations High Commissioner for Refugees (UNHCR) office in Malaysia to register refugees who require international protection.

<sup>6</sup> Joseph M. Fernando, 'The Position of Islam in the Constitution of Malaysia', *Journal of Southeast Asian Studies* 37, no. 2 (2006): 249–66.

<sup>7</sup> Abdillah Noh, 'Islam, Public Policy and Public Administration in Malaysia: Negotiating Complexities', *Halduskultuur* XV, no. 2 (2014): 204–21.

<sup>8</sup> Farid Sufian Shuaib, 'Strengthening Administrative Institutions of Islamic Law in Malaysia: An Overview', *Jurnal Syariah* 16, no. 3 (1 September 2008): 443–64.



While the rights of refugees are being processed for regularisation, the Malaysia UNHCR continues to hold a crucial role as the administrative body responsible for determining refugee status based on the procedural standards of Refugee Status Determination (RSD), as mandated by the United Nations General Assembly. This determination precedes the issuance of a UNHCR card to the eligible refugees. The UNHCR card facilitates individuals' interaction with relevant authorities and provides a degree of protection, reducing the likelihood of detention and deportation risks.<sup>9</sup> The card serves solely as identification documentation for refugees, aiming to mitigate the risk of arrest and granting them access to crucial support services such as health care, education, and other essential aid offered by UNHCR and its affiliated organisations. Intriguingly, this reliance was placed not on the UNCHR's treaty but on humanitarian considerations.<sup>10</sup> It is important to emphasise that the UNHCR card does not function as a valid pass or entry permit enabling lawful entry into Malaysia, as prescribed by Section 6(1) of the Immigration Act 1959/63 (Act 155).

Numerous refugees find themselves in a state of limbo in Malaysia, where they are prohibited from legally working. However, the Malaysian government has extended support to multiple refugees through various initiatives, exemplified by the pilot project enabling approximately 300 Rohingya refugees holding UNHCR cards to obtain legal employment in the plantation and manufacturing sectors.<sup>11</sup> This initiative also encompasses specialised training in essential survival skills to equip them for future opportunities.<sup>12</sup> Moreover, the UNHCR collaborates with various non-governmental organisations such as Asylum Access Malaysia, Malaysian Social Research Institute (MSRI), Refuge for the Refugees (RFTR), and Persatuan Jaringan Islam Global Masa Depan (JREC), which were known to be actively working in assisting refugees and asylum seekers in Malaysia.

Malaysia government, through its charity organisation, Yayasan Kebajikan Negara (YKN), has engaged in collaborative efforts with the Qatari Government through the Qatar Charity (QC) and Qatar Fund for Development (QFFD), which is dedicated to supporting humanitarian relief efforts globally by implementing the Universal Health Coverage as recommended by the World Health Organization.<sup>13</sup> A significant milestone occurred in December 2019 when the QFFD Clinic, a humanitarian healthcare facility, was launched to cater to the healthcare needs of refugees in the country. This three-year initiative has been rolled out in

<sup>9</sup> UNHCR Malaysia, 'Registration', UNHCR Malaysia, accessed 31 January 2024, <https://www.unhcr.org/my/registration>.

<sup>10</sup> Wallace Kew JiaRong and Chia Jia Xuan, 'Right of Refugees in Malaysia', UMLR | University of Malaya Law Review, accessed 4 July 2024, <http://www.umlareview.com/7/post/2022/05/right-of-refugees-in-malaysia.html>.

<sup>11</sup> Beh Lih Yi, 'Malaysia in Pilot Scheme to Allow Rohingya Refugees to Work', *Reuters*, 24 November 2016, sec. World, <https://www.reuters.com/article/world/malaysia-in-pilot-scheme-to-allow-rohingya-refugees-to-work-idUSKBN13J1F0/>.

<sup>12</sup> Laurence Todd, Adli Amirullah, and Wan Ya Shin, 'The Economic Impact of Granting Refugees in Malaysia the Right to Work', The Tent Partnership for Refugees, accessed 4 July 2024, <https://www.tent.org/resources/ideas-malaysia-right-to-work/>.

<sup>13</sup> Yayasan Kebajikan Negara, 'QFFD Humanitarian Clinic for Refugees in Malaysia', 2019, <https://yknm.org.my/wp-content/uploads/20.12-QFFD-Humanitarian-Clinic-for-refugees-in-Malaysia-themalaysianreserve.pdf>.



collaboration with three prominent medical non-governmental organisations: the Malaysian Medical Relief Society (MERCY), the Islamic Medical Association of Malaysia (IMARET), and the Malaysia Relief Agency (MRA). Nonetheless, it is essential to note that the implemented program is temporary and is not intended to facilitate the continued presence of the refugees involved in this humanitarian assistance program to remain permanently within the country. Instead, it serves as preparation for their resettlement to a third country or their return to their country of origin within three years.<sup>14</sup> The main concern of the Malaysian government is the healthcare costs incurred while providing services for refugees. Therefore, there is potential to utilise zakat and waqf funds managed by state Islamic authorities to ease the government's financial burden in supporting refugees' healthcare services.

In education, Malaysia lacks formal governmental initiatives specifically designated to provide educational support to refugee children. The existing non-formal educational provisions, known as madrasas, have been exclusively established by refugee communities, NGOs, and faith-based organisations.<sup>15</sup> These centres provide basic education but often lack the resources and infrastructure of formal schools. The UNHCR offers financial support and collaborates with local communities to run these learning centres. These centres provide basic education, often combining academic subjects with religious studies (mainly Quranic recitation) and skills-based learning. However, these alternative education pathways face numerous challenges, such as a lack of standardised curriculum and quality control, inadequate resources, facilities, and trained teachers, difficulties in managing diverse student backgrounds and language levels, psychological and emotional challenges faced by refugee children, and limited opportunities for higher education and formal recognition.<sup>16</sup> There is a pressing need for more inclusive national policies and a legal framework to ensure these children have access to quality education and are not left behind. According to Islamic law in Malaysia, madrasas or religious schools, including those run by refugees, are supposed to be registered, monitored, and supported by the state Islamic authorities. However, they often escape this oversight as Islamic authorities have been underutilised in addressing refugee issues.

## Method

This study employed normative legal methods and qualitative in-depth interviews, focusing deeply on Islamic legal principles related to refugee welfare in

<sup>14</sup> Abdul Rahman Abdul Wahab, 'Majlis Perasmian Klinik Bantuan Kemanusiaan Qffd', *Laman Web MKN* (blog), 30 December 2019, <https://www.mkn.gov.my/web/ms/2019/12/30/majlis-perasmian-klinik-bantuan-kemanusiaan-qffd/>.

<sup>15</sup> Azlinariah Abdullah, Azharudin Mohamed Dali, and Mohamad Rodzi Abd Razak, 'Surviving Stateless Refugees: The Uncertain Future of Rohingya's Children in Malaysia', *Jebat: Malaysian Journal of History, Politics and Strategic Studies* 45, no. 1 (July 2018): 177–95; Vincent Pang, Mei Teng Ling, and Rose Patsy Tibok, 'Achievement of Children in an Alternative Education Programme for Refugee, Stateless and Undocumented Children in Sabah, Malaysia', *Journal of Nusantara Studies (JONUS)* 4, no. 2 (18 December 2019): 335–61, <https://doi.org/10.24200/jonus.vol4iss2pp335-361>; Poh-Chua Siah, Wan-Ying Lee, and Lee-Ying Goh, 'Quality of Life among Refugee Children in Malaysia – a Brief Report', *Vulnerable Children and Youth Studies* 10, no. 4 (2 October 2015): 294–99, <https://doi.org/10.1080/17450128.2015.1092624>.

<sup>16</sup> Poh Chua Siah et al., 'Improving the Education Quality for Refugee Children: Perspectives from Teachers at Refugee Education Centres in Malaysia', *Vulnerable Children and Youth Studies* 18, no. 3 (3 July 2023): 458–66, <https://doi.org/10.1080/17450128.2022.2163731>.



Malaysia. The research method includes carefully investigating primary Islamic legal sources to understand the doctrines important for refugee protection and help. Also, the study reviews many academic literature and books discussing the general themes of refugees and Islamic law. This review covers classical Muslim jurist texts and modern academic writings, providing a full view of how Islamic legal principles on protecting refugees have developed and been applied over time. Additionally, the researchers interviewed three Islamic non-governmental organisations (NGOs) in Malaysia that serve refugees and two State Religious Councils, the primary Islamic authority at the state government level. Data collected for this study was aimed at determining whether the Islamic authorities have any responsibilities towards refugees in Malaysia and whether they could provide services to that vulnerable group in the future. This method of using multiple sources helps the article to connect Islamic legal theory with the actual challenges faced by refugees, aiming to suggest knowledgeable solutions based on combining doctrinal insights with the current situations.

## Result and Discussion

### The Perspective of State Islamic Authorities and Muslim NGOs

The Friday sermon delivered by the Federal Territory Islamic Religious Department in June 2024 addressed the issue of refugees, marking the first time religious authorities publicly discussed this topic in conjunction with World Refugee Day.<sup>17</sup> The sermon, representing the official voice of Islamic authorities in Malaysia, has long been used to convey the government's stance on various issues.<sup>18</sup> Accordingly, the Friday sermon is an effective medium to initiate discussions within the community about the obligation to assist refugees. The sermon included several Quranic references to refugees, regarded as '*muhajirin*' (migrants) and '*mustad'afin*' (the oppressed), who should be aided, not discriminated against, and treated with humanity. The text of the sermon reads:

“Show sympathy towards them. Do not insult or show hatred towards the refugee groups, as their presence is seen as a burden on our country. Remember, we are all brothers in faith and Islam... help them sustain their lives. On this World Refugee Day, we are called to help ease the burden of refugees. Let us strive to achieve the quality of the Ansar [in Medina] who fostered brotherhood by providing various forms of assistance such as housing, food supplies, financial contributions, clothing, medical needs, and more to refugees in need of protection.”

This sermon can be seen as a positive start by Islamic authorities in addressing refugee issues. However, the sermon did not mention legal terms such as “obligation to assist,” instead using softer language like “the community should assist” refugees. The sermon also repeatedly emphasised that the refugee issue is a test of faith for Muslims in Malaysia to see how far we can help our fellow Muslims

<sup>17</sup> Jabatan Agama Islam Persekutuan, ‘Khutbah JAWI 2024’, 23 June 2024, <https://www.jawi.gov.my/index.php/component/content/article?id=4533&Itemid=472>.

<sup>18</sup> Mohd Al Adib Samuri and Norfadilah Amir, ‘Wacana Undang-undang Hudud dalam Khutbah Jumaat di Negeri-Negeri Terpilih di Malaysia’, *Islāmiyyāt* 41, no. 2 (3 January 2020): 117–29.



in need. Such a text is certainly crafted carefully to avoid 'shocking' the community about the responsibility to protect and serve refugees, considering the community's negative sentiment towards refugees.<sup>19</sup> Additionally, it may signal that Islamic authorities are ready to be mobilised by the government to provide aid to refugees and reduce the existing government's burden. Islamic authorities and Muslim NGOs are aware of the gaps in services and care for refugees in Malaysia. In interviews with them, they recognise that the government does not have obligations under international conventions related to refugees. However, given that refugees are already in Malaysia, study participants stated that this matter falls under the responsibility of various stakeholders such as the Federal Government, state governments, Islamic authorities, and the public. Muslim NGOs dealing with refugees in Malaysia argued that:

"I believe the government should be responsible because this is a national issue. NGOs can only provide basic assistance. The government needs to play a bigger role to ensure the future of refugees is more secure..." (NGO A)

"The main responsibility lies with the government, civil society, and the people. The government must take the primary responsibility because everything that happens in this country falls under their jurisdiction." (NGO B)

"The government's policy does not directly help refugees. They are considered undocumented migrants... The government's policy needs to be refugee-friendly, and society needs to understand why these refugees need help." (NGO A)

"As a community, we need to return to the concept of a united ummah. We need to understand and help refugees, not discriminate against them. Public education needs to be enhanced to understand refugee issues."

Arguably, governments here should include Islamic authorities, which are part of the federal and state government structures and are responsible for all Muslims. Until now, the Malaysian government has never mobilised Islamic authorities and authorities to provide systematic and comprehensive aid and protection. This was acknowledged by the Islamic authorities participating in this study:

"Under Section 6 of the Selangor Islamic Religious Administration Enactment, the council must assist and manage all matters related to Islam in Selangor. This includes the issue of Muslim refugees that needs to be discussed and scrutinised by Selangor Islamic Religious Council."

Islamic authorities also believe that several forms of aid and administration can be implemented for refugees. From interviews with representatives of Islamic Religious Councils, Islamic authorities can take several actions for refugees. These include allowing refugees to perform their religious activities, managing donations

<sup>19</sup> Nadhirah Zainal Rashid and Mohd Irwan Syazli Saidin, "'#SayNoToRohingya': A Critical Study on Malaysians' Amplified Resentment towards Rohingya Refugees on Twitter during the 2020 COVID-19 Crisis", *The Round Table* 112, no. 4 (4 July 2023): 386–406, <https://doi.org/10.1080/00358533.2023.2244287>.



collected by refugee groups, providing zakat to eligible recipients, managing refugee marriages according to Islamic law in Malaysia, providing and administering Islamic education to Muslim refugees, offering advice and social support services, providing aid, and offering counselling services. Excerpts from the interviews are as follows:

**Table 1.** Interview Result Islamic Religious Council

Themes	Interview excerpts
Allowing refugees to perform their religious activities	“First, we will not prohibit their religious activities, but they must be within the framework we will set.”
Managing donations collected by refugee groups	“In terms of equality, if they collect donations without permission, we will take action according to the law. We will also need to understand their position and background before making any decisions.”
Providing zakat to eligible recipients	<p>“Zakat needs to function efficiently to assist them as recipients according to their eligibility.”</p> <p>“Zakat will play a role in helping them, but there will need to be a legal discussion to determine the appropriate category of recipients. The government will also need to commit to helping them with clear policies.”</p> <p>“The approach of <i>maqasid shariah</i> should be applied in assisting Muslim refugees because they are fellow believers. The assistance provided will meet the objectives of zakat itself and ensure the well-being of Muslims in this state.”</p>
Managing refugee marriages according to Islamic law in Malaysia	“We will also need to protect their lineage by ensuring legitimate marriages and safeguarding their property. Moreover, we will need to enforce laws with compassion and not seek to find faults without reason.”
Providing Islamic education to Muslim refugees	“Islamic education will be provided through teachers paid by zakat to educate refugees. However, they will not be included in our formal education system. Informal education can help them maintain their faith and confidence.”
Offering advice and social support services	“Islamic authorities will play a role in providing advice and support to Muslim refugees.”
Providing aid	“We will look at the aid that can be channelled to Muslims in the context of the Muslim community, even





if they are not citizens of this state. The channelling mechanism will comply with the enactment regulations, guidelines, and circulars developed by MAINS.”

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Providing counselling services	“We will provide open counselling services to all, including refugees. These services will be provided in mosques that also run religious programs.”
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### The Duty to Protect Refugees Under Islamic Law

Accordingly, the discussion within the Islamic law literature will affirm and strengthen the above findings regarding the perspective of Islamic authorities and Muslim NGOs. Originally, the term “refugee” was not recognised as a distinct term in the discourse of Islamic traditions. Three classical terms used by Muslim jurists bear relevance and demonstrate a relation with the contemporary understanding of the modern refugee concept: *muhajir*, *musta'man*, and *mustajir*. Regarding the term “*muhajir*”, Muslim scholars have thoroughly and comprehensively discussed it, whether through its linguistic or terminological definition. As outlined by Alsubaih,<sup>20</sup> it was indicated the term “*muhajir*” denoted individuals who moved from a place where they were being oppressed to an Islamic territory or from infidelity to Islam. However, the interpretation strongly associated with seeking refuge signifies that it distinctly only relates to Muslim emigrants needing sanctuary.

On the other hand, the terms “*musta'man*” and “*mustajir*” were applied to those seeking protection, irrespective of their origins and religious identity. According to al-Kasani,<sup>21</sup> the term “*musta'man*” encompassed non-Muslims originating from regions outside Islamic territories who needed protection or safe passage while residing within an Islamic state. Similarly, al-Haskafi<sup>22</sup> defines a *musta'man* as an individual who enters a foreign country securely, regardless of their religious affiliation, whether Muslim or non-believer. El-Wafa<sup>23</sup> elucidated the term “*musta'man*” as referring to an asylum-seeker in a region under Islamic rule or within a territory subject to Islamic governance, and this classification extended the safety and sanctuary of Islam to all inhabitants.

Nevertheless, out of these three terms, only two, namely *musta'man* and *mustajir* are regarded as having the closest meaning to refugee. Scholars<sup>24</sup> stated that these terms were derived from the extensive discussions among Muslim scholars regarding the concept of *jiwar*, which refers to neighbourhoods, and they carry a shared meaning that pertains to seeking protection (*himayah*) and safety (*aman*).

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<sup>20</sup> Mohammed Alsubaih, ‘The Refugee in Islamic and International Law: A Comparative and Practical Study on Refugees in Saudi Arabia and Australia’ (phd, Victoria University, 2021), <http://vuir.vu.edu.au/>.

<sup>21</sup> Abu Bakr Bin Mas'ud Al-Kasani, *Bada'i' Al-Sana'i' Fi Tartib al-Shara'i'* (Beirut: Dar al-Kutub al-Ilmiyah, 2003).

<sup>22</sup> Ala al-Din Al-Haskafi, *Majma' al-Anhar Fi Sharh Multaqa al-Abhur* (Beirut: Dar al-Kutub al-Ilmiyah, 1998).

<sup>23</sup> Ahmed Abou-El-Wafa, ‘The Right to Asylum between Islamic Shari'ah and International Refugee Law: Consequences for the Present Refugee Crisis’, *Max Planck Yearbook of United Nations Law Online* 19, no. 1 (30 May 2016): 305–36, <https://doi.org/10.1163/18757413-00190011>.

<sup>24</sup> Tahir Zaman, *Jiwar: From a Right of Neighbourliness to a Right of Neighbourhood for Refugees* (University of Sussex, 2020), [https://doi.org/10.1163/9789004417342\\_005](https://doi.org/10.1163/9789004417342_005)].



The idea and mechanisms of granting *jiwar* had been recognised and established within various tribal and ethical regulations widespread throughout the Arabian Peninsula since the pre-Islamic period (also known as the era of *jahiliyyah*). This concept places significant emphasis on protection and ensuring safety. Islamic Shariah upheld this principle as it was ingrained within their established traditions and customs. This practice embodied honourable behaviour and ethical values, encompassing rescuing those in need and safeguarding the oppressed. This principle is similarly reflected in the fundamental rule set forth by the response of Prophet Muhammad (PBUH) when inquired about the merits of the ancestry of the Arabs in the pre-Islamic era, including the practice of granting *jiwar* and hospitality.<sup>25</sup> The Prophet's answer was: "Those who excelled amongst you in the pre-Islamic period remain excel amongst you in Islam if they comprehend (the Islamic religion)" (Sahih al-Bukhari). Indeed, the concept of *jiwar* had been instructed in the Quranic verse (9:6): "And if any one of the polytheists seeks your protection, then grant him protection so that he may hear the words of Allah. Then, deliver him to his place of safety. That is because they are a people who do not know."

Therefore, within the framework of Islamic tradition, it can be condensed that the individuals can be categorised as refugees who have come to the Islamic regions from either their country of origin or their country of residence. They have fled their homes and sought refuge in Islamic territories due to various reasons, including persecution, conflict, or oppression. Muslim scholars did not delve into an extensive explanation regarding why refugees should depart from their home countries; instead, they emphasised that refugees are compelled to flee only when facing imminent danger that necessitates seeking asylum. Nonetheless, their entitlement to protection from Islamic states was only limited to a temporary arrangement.<sup>26</sup> Although a modern refugee definition is not present in Islamic tradition, and the existing interpretations might diverge from those in modern refugee law, it is crucial to highlight that both viewpoints uphold the principle of extending compassion and humanity to refugees who have endured oppression, particularly in religious persecution.

Refugees possess the right to seek refuge and protection in other countries. The protection afforded to refugees is equivalent to the protection granted to asylum-seekers. In exploring the early advent of Islam, a discernible concept of seeking refuge can be argued to have practical relevance in the present day. Within this historical context, two pivotal occurrences unfolded, significantly influencing contemporary practices according to Islamic perspectives. Firstly, in the preliminary phases of Islam, a momentous event occurred when Prophet Muhammad advised the newly converted Muslims, who faced persecution due to their embrace of Islam, to seek sanctuary in Abyssinia (modern-day Ethiopia) in the year 615. Upon their arrival, they were warmly received and protected by King Negus, who ruled over that land. Secondly, this practice can be observed when Prophet Muhammad encountered hostility in Mecca and was compelled to relocate

<sup>25</sup> Ul Islam, 'Refugee Crises in the Contemporary World'.

<sup>26</sup> Arafat Madi Shoukri, *Refugee Status in Islam: Concepts of Protection in Islamic Tradition and International Law*, International Library of Migration Studies (London: I.B. Tauris, 2011), <http://site.ebrary.com/id/10456934>.



and seek refuge in Yathrib, later renamed Medina.<sup>27</sup> This practice has already been carried out and recorded in the Quranic verse (59:9): “*And (also for) those who were settled in the home (Medina) and (adopted) the faith before them. They love those who emigrated to them and find not any want in their breasts of what they (the emigrants) were given but give (them) preference over themselves, even though they are in privation. And whoever is protected from the stinginess of his soul - it is those who will be successful.*”

Humans are frequently described as social beings, indicating that they cannot thrive in isolation and inevitably rely on assistance from others to fulfil their needs. As a result, it becomes crucial to emphasise the role and attitude of helping each other to alleviate the burdens carried by fellow humans. In truth, humans are inherently vulnerable beings, making it unnecessary for individuals to display arrogance and demean others based on their perceived superiority and nobility. The divine command of Allah instructs humankind to perpetually extend assistance to one another, as stated in the Quranic verse (5:2): “*And cooperate in righteousness and piety, but do not cooperate in sin and aggression. And fear Allah; indeed, Allah is severe in penalty.*” The preceding verse illustrates that Muslims are obligated to provide help in acts of benevolence to anyone who requires it. Aiding those who seek help is a fundamental obligation in Islam, irrespective of an individual’s position or standing.

Refugees encounter difficulties from being compelled to leave their country of origin, rendering them susceptible to potential harm and peril. Therefore, based on the broad interpretation of the previous verse, refugees are eligible to receive assistance. This obligation is also emphasised in the hadith of Prophet Muhammad, as reported by al-Bukhari: “*Help your brother whether he is an oppressor or he is an oppressed one.*” Refugees have been forced to flee their own countries because of persecution, war, or violence. Thus, they are categorised as oppressed individuals deserving of assistance, as stated in the hadith. Moreover, Islamic scholars contend that Islam has been at the forefront of safeguarding fundamental rights, with a particular emphasis on protecting the basic rights of refugees, regardless of whether they are in conflict or peace.<sup>28</sup>

According to the history narrated earlier, granting asylum is fundamentally based on the spirit of Islam because, during that time, the establishment of an Islamic state was based on religious affiliation. Suppose an Islamic state cannot differentiate between refugees based on religion. In that case, the distinction that comes to mind in this case is that the Islamic State would grant asylum to Muslims and deny it to non-Muslims because it is based on Islamic beliefs. This matter contradicts the Quranic text, as explained in the verse (9:6): “*And if any one of the polytheists seeks your protection, then grant him protection so that he may hear the words of Allah. Then, deliver him to his place of safety. That is because they are a people who do not know.*” This verse imposes upon the Muslim community the responsibility to offer protection to non-Muslims as well, according to the will of Allah (SWT). Therefore, both Muslims and non-Muslims have an equal right to

<sup>27</sup> Nehaluddin Ahmad, ‘A Study of Evolution and Practices of Asylum and Rights of Refugees in Islamic Traditions and International Law’, *Rutgers Journal of Law and Religion* 22 (2022 2021): 518.

<sup>28</sup> Ahmed Yamani, ‘Humanitarian International Law in Islam: A General Outlook’, *Michigan Journal of International Law* 7, no. 1 (1 January 1985): 189–215.



seek refuge from an Islamic state, especially when we consider that the need for them to seek refuge from persecution, violence, and fear is the same.<sup>29</sup>

### **The Responsibility of Protecting Refugees from Muslim Jurists' Perspectives**

The participants in this study have explained that the government, including Islamic institutions, is responsible for providing refuge to refugees. The following discussion provides a fascinating insight into the responsibility of protecting refugees through the lens of Islamic law. Previous scholars explain the states and general Muslims' duty to protect refugees. In protecting refugees, the Islamic tradition firmly incorporates a deeply rooted moral understanding of refuge and the concept of being under protected status.<sup>30</sup> Muslim scholars contended that this concept is based on the Quranic verse (9:6) mentioned previously. This Quranic verse conveys a clear message that protection must promptly be granted to anyone seeking it, regardless of their faith, creed, culture, or origin, even if they were once enemy soldiers who fought against Muslims. One of the contemporary scholars, Hamidullah,<sup>31</sup> argues that the passage signifies that if any human being seeks asylum, it must never be denied under any circumstances. Muslim jurists also derive the concept of refuge from the broader term "protection" mentioned in the verse, which encompasses protection, refuge, and safety.<sup>32</sup> The term is elucidated as an all-encompassing framework, which is considered a secure route, safe passage, and a guarantee of protection. This framework enables an ordinary Muslim citizen, a leader, or his representative to protect any individual, irrespective of their origin, from Muslim or non-Muslim territory.<sup>33</sup>

According to Islamic traditions, the protection concept can be understood in two main categories: general protection, which applies to all people, and specific protection, intended for a particular individual or group.<sup>34</sup> Most Muslim scholars concur on the point that only leaders or their representatives can grant general protection, while any adult Muslim can grant specific protection. It is important to note that there is significant variation in Islamic traditions and the opinions of Muslim scholars regarding particular protection. Certain jurists affiliated with the Maliki school of law, such as Ibn Habib<sup>35</sup> and Ibn Majishun, contend that specific protection must be officially sanctioned by a leader who is in the topmost position in a government or a country to be considered valid. However, other jurists within the Maliki school have put forth differing viewpoints on this matter. For instance, Ibn Jawzi asserts that if any Muslim grants protection to someone without any explicit or implicit harm in doing so, the other Muslims, including the leader, must respect such a grant and abide by the protection.<sup>36</sup> Considering this discourse, it

<sup>29</sup> Shoukri, *Refugee Status in Islam*.

<sup>30</sup> Ghassan Maârout Arnaut, *Asylum in the Arab-Islamic Tradition* (Geneva: Office of the United Nations High Commissioner for Refugees, International Institute of Humanitarian Law, 1987).

<sup>31</sup> Muhammad Hamidullah, *The Muslim Conduct of State* (Lahore: The Other Press, 2011).

<sup>32</sup> Alsubaih, 'The Refugee in Islamic and International Law'.

<sup>33</sup> Akmal al-Din Al-Babarti, *Al-'Inayah Sharh al-Hidayah* (Beirut: Dar al-Kutub al-'Ilmiyah, 2019).

<sup>34</sup> Alsubaih, 'The Refugee in Islamic and International Law'.

<sup>35</sup> Abu Marwan 'Abd al-Malik ibn Habib, *Al-Ahkam* (Qatar: Ministry of Endowments and Islamic Affairs, 2014).

<sup>36</sup> Al-Babarti, *Al-'Inayah Sharh al-Hidayah*.



remains crucial for leaders or governments to grant asylum to refugees, irrespective of whether the protection is classified as general or specific. They possess extensive authority to provide protection rights, which can be sourced from various channels and mechanisms.

### **Determining Mechanisms and Responsibility for Assisting Refugees from Islamic Views**

In light of the interview data, the Malaysian state Islamic authorities and Muslim NGOs clearly stated and admitted that there are many potential avenues for the government, including Islamic authorities, to assist and protect refugees. From the standpoint of Islamic jurisprudence, it is essential to highlight that Muslim scholars have not extensively engaged in a specific discourse regarding this responsibility. However, when this matter is approached from a broader standpoint, where the requirements of refugees are viewed in the same light as those of the oppressed or the persecuted, it certainly has already been discussed among scholars. Refugees are typically considered part of the disadvantaged or vulnerable category. Those compelled to escape regions afflicted by armed conflicts, persecution, and economic poverty encounter arduous circumstances and require support from the international community and Muslims alike. Those seeking asylum in foreign countries have abandoned all their belongings in their home countries, consequently finding themselves impoverished.<sup>37</sup> Therefore, refugees can be considered part of the disadvantaged category (*mustad'afin*) from an Islamic law perspective, which necessitates care and support, especially from the Muslim community.

Within the Islamic framework, one of the viable mechanisms by which assistance can be channelled to refugees when they are classified under the category of *mustad'afin*, is through the allocation of zakat. In this study, research participants mentioned this as well. It is usually disbursed among designated beneficiaries, including people experiencing poverty (*fuqara'*), which consists of individuals who do not have the necessities, and the needy (*masakin*), which implies those whose necessities fall below half of what is considered poverty-level necessities. Refugees are mainly classified within these categories, given their daily pressing requirements for fundamental necessities. While refugees may come from other regions and are not natives of the host country, zakat can still be allocated to assist them. There is no specific and detailed discussion among scholars regarding prioritising zakat distribution to local citizens until poverty is eradicated. At this point, it could be extended to those in need from outside the community.

Zakat represents a compulsory almsgiving applicable when a Muslim's earnings surpass a specified threshold beyond their essential needs, obligating them to contribute a portion of their earnings to support the impoverished and those in need.<sup>38</sup> Additionally, zakat functions as an enduring revenue stream dedicated to

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<sup>37</sup> Nur Amirah Mohd Razin and Romzie Rosman, 'The Role of Zakat to Alleviate Poverty of Refugees in Malaysia: Issues and Challenges' (Pennsylvania, USA: IGI Global, 2021), 47–66, <https://www.igi-global.com/book/handbook-research-islamic-social-finance/257762#table-of-contents>.

<sup>38</sup> Mohammad Hossain, 'Zakat in Islam: A Powerful Poverty Alleviating Instrument For Islamic Countries', *International Journal of Economic Development Research and Investment* 3 (1 May 2012).



relieving the plight of the less fortunate.<sup>39</sup> Viewed through the perspective of social work, zakat exhibits a tremendous positive impact, emphasising its substantial contribution to effectively eradicating poverty within society.<sup>40</sup> Uddin et al.<sup>41</sup> presented findings consistent with other studies, indicating promising outcomes where zakat programs enhance average monthly income and assets and establish sustainable livelihoods. Drawing upon prior research outcomes, zakat is acknowledged as a promising avenue that has the potential to genuinely alleviate the difficulties encountered by refugees who are classified as part of the vulnerable and needy group. Thus, this implies that zakat can assist refugees financially and ease their burden, particularly regarding their daily living expenses.

al-Qaradawi<sup>42</sup> contends that the government should manage zakat under the condition that it does not reject Islam as its foundational ideology, adheres to Islamic jurisprudence, and maintains a social structure rooted in Islamic principles. The allocation of assistance to those in need through zakat should ideally fall under the purview of the governmental authorities as a matter of general responsibility. This is substantiated by the practical examples set by the Prophet (PBUH), his companions, and the leaders who succeeded them. The concept that zakat serves as a governmental-regulated social welfare system is corroborated by a Quranic verse (9:103): “Take from their wealth charity to purify and bless them and pray for them.” Muslim scholars universally acknowledge that the verb “take” represents a

<sup>39</sup> Ramadhita Ramadhita, Sudirman Sudirman, and Syabbul Bachri, ‘Model of Zakat Utilization in the Covid-19 Pandemic Era: Perspective of Maqashid Sharia’, *Al-Istinbath : Jurnal Hukum Islam* 7, no. 1 (30 May 2022): 245, <https://doi.org/10.29240/jhi.v7i1.4462>; Sudirman Sudirman, Ramadhita Ramadhita, and Syabbul Bachri, ‘Revitalizing Productive Zakat in the Covid-19 Pandemic Era in East Java’, *Jurisdictie: Jurnal Hukum Dan Syariah* 12, no. 2 (2021): 275–93, <https://doi.org/10.18860/j.v12i2.14089>; Azwar Iskandar et al., ‘Islamic Philanthropy and Poverty Reduction in Indonesia: The Role of Integrated Islamic Social and Commercial Finance Institutions’, *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 16, no. 2 (31 December 2021): 274–301, <https://doi.org/10.19105/al-lhkam.v16i2.5026>; Rizal Rizal, Ruslan Abdul Ghofur, and Pertiwi Utami, ‘The Role of Muslim Generation Community at Zakat Collection on Realizing Sustainable Development Goals (SDGs) in the Era of Digital Society 5.0’, *JURIS (Jurnal Ilmiah Syariah)* 22, no. 1 (14 June 2023): 105–18, <https://doi.org/10.31958/juris.v22i1.6562>; Desi Refnita, ‘The Mustahik Zakat in Various Dimensions of Fiqh in Era Society 5.0’, *El-Mashlahah* 11, no. 1 (28 June 2021): 13–28, <https://doi.org/10.23971/elma.v11i1.2285>.

<sup>40</sup> Isahaque Ali and Zulkarnain Hatta, ‘The Role of Zakat in Poverty Reduction in Bangladesh from a Community Social Work Perspective’, 1 October 2011; Budi Rahmat Hakim et al., ‘Reactualization of Maslahat and Social Justice Principles in the Contextualization of Fiqh Zakat’, *Syariah: Jurnal Hukum dan Pemikiran* 24, no. 1 (26 June 2024): 102–18, <https://doi.org/10.18592/sjhp.v24i1.12909>; Imam Yahya, ‘Zakat Management in Indonesia: A Legal Political Perspective’, *Al-Ahkam* 30, no. 2 (30 October 2020): 195–214, <https://doi.org/10.21580/ahkam.2020.30.2.6420>; Ali Murtadho Emzaed et al., ‘Restriction of Islamic Civil Society Participation: Genealogy of Zakat Legal Politics and Its Centralized Management in Indonesia’, *Journal of Islamic Law* 4, no. 2 (9 August 2023): 148–71, <https://doi.org/10.24260/jil.v4i2.1444>; Husin Bafadhal, ‘Zakat on Legal Entities: Towards Concept Perfection and Its Regulations in Indonesia’, *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 21, no. 1 (30 June 2021): 13–32, <https://doi.org/10.30631/alrisalah.v21i1.734>.

<sup>41</sup> Md Uddin et al., ‘The Effect of Zakat Programs on the Social Impact of Microfinance Institutions in Bangladesh’, 1 April 2020, 2672–7471.

<sup>42</sup> Yusuf Al-Qardhawi, *Fiqh Al-Zakah: Dirasah Muqaranah Li Ahkamiha Wa Falsafatiha Fi Daw al-Qur’an Wa al-Sunnah* (Beirut: Mu’assasat al-Risalah, 2006).



directive from Allah to the Prophet (PBUH), who served as the Islamic state's leader and subsequently governed Muslim affairs. Abu Bakr comprehended the verse, utilising state authority and its law enforcement body to collect and disseminate zakat.

Al-'Asqalani<sup>43</sup> also asserted that the governing body collects and disburses zakat. This assertion is grounded in the evidence provided when the Prophet (PBUH) dispatched Mu'adh to Yemen, instructing him to collect zakat from the wealth of the affluent and offer it to the indigent among them. Certain jurists posit the existence of consensus (ijma') on the obligation and accountability of the state to oversee the collection and distribution of zakat, contending that Quranic verses, Prophetic traditions, and the practices of the companions collectively imply that zakat on various assets should be under the authority of the Islamic governance and its delegates.<sup>44</sup> Based on the discussions herein, it can be inferred that the responsibility for financially supporting refugees through allocating zakat rests within the purview of governmental authorities. Moreover, it is incumbent upon an Islamic government to promote a high standard of living and well-being for its populace, encompassing those individuals who have sought refuge within its borders.

## Conclusion

This study emphasises the critical role that Islamic law in force in Malaysia can play in dealing with the refugee crisis at the domestic level. Although there is no formal legal framework under international law, Malaysia has a moral and legal responsibility to protect and assist refugees under Islamic law. Based on the findings of this study, Malaysian Islamic authorities, which are part of government institutions, may be mobilised to provide assistance and support to refugees. This study also emphasises that many other ways, paths and mechanisms of Islamic welfare can effectively meet the needs of refugees. With that, the Malaysian government can improve its ability to provide comprehensive care and protection to refugees. This approach is not only in line with Islamic principles but also strengthens the commitment of the Malaysian government to look after the welfare of individuals seeking protection. The involvement of Islamic authorities emerged as a critical strategy in ensuring access to essential services, including health care, education, and social security for refugees. This study emphasises the importance of using Islamic principles to develop a sustainable and compassionate response to the refugee crisis, which can serve as a model for other Muslim-majority countries.

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<sup>43</sup> Ahmad ibn 'Ali Ibn Hajar Al-'Asqalani, *Fath Al-Bari Sharh Sahih al-Bukhari*. (Riyadh: Maktabah Dar al-Salam, 2000).

<sup>44</sup> Abu al-Hassan 'Abd Allah Ibn Muftah, *Sharh Al-Azhar* (Cairo: Maktabah al-Turath al-Islami, 2014).



## Bibliography

- Abou-El-Wafa, Ahmed. 'The Right to Asylum between Islamic Shari'ah and International Refugee Law: Consequences for the Present Refugee Crisis'. *Max Planck Yearbook of United Nations Law Online* 19, no. 1 (30 May 2016): 305–36. <https://doi.org/10.1163/18757413-00190011>.
- Ahmad, Nehaluddin. 'A Study of Evolution and Practices of Asylum and Rights of Refugees in Islamic Traditions and International Law'. *Rutgers Journal of Law and Religion* 22 (2022 2021): 518.
- Aiyub Kadir, M. Yakub, Aditya Rivaldi, Lena Farsia, and Saifuddin Bantasyam. 'The Legal Vacuum on Access to Higher Education for Refugees in Indonesia: Islamic Claim for Aceh Responsibility'. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 1 (31 March 2023): 522. <https://doi.org/10.22373/sjhk.v7i1.15454>.
- Al-'Asqalani, Ahmad ibn 'Ali Ibn Hajar. *Fath Al-Bari Sharh Sahih al-Bukhari*. Riyadh: Maktabah Dar al-Salam, 2000.
- Al-Babarti, Akmal al-Din. *Al-'Inayah Sharh al-Hidayah*. Beirut: Dar al-Kutub al-'Ilmiyah, 2019.
- Al-Haskafi, Ala al-Din. *Majma' al-Anhar Fi Sharh Multaqa al-Abhur*. Beirut: Dar al-Kutub al-'Ilmiyah, 1998.
- Ali, Isahaque, and Zulkarnain Hatta. 'The Role of Zakat in Poverty Reduction in Bangladesh from a Community Social Work Perspective', 1 October 2011.
- Al-Kasani, Abu Bakr Bin Mas'ud. *Bada'i' Al-Sana'i' Fi Tartib al-Shara'i'*. Beirut: Dar al-Kutub al-'Ilmiyah, 2003.
- Al-Qardhawi, Yusuf. *Fiqh Al-Zakah: Dirasah Muqaranah Li Ahkamiha Wa Falsafatiha Fi Daw al-Qur'an Wa al-Sunnah*. Beirut: Mu'assasat al-Risalah, 2006.
- Alsubaih, Mohammed. 'The Refugee in Islamic and International Law: A Comparative and Practical Study on Refugees in Saudi Arabia and Australia'. Phd, Victoria University, 2021. <http://vuir.vu.edu.au/>.
- Arnaut, Ghassan Maâruf. *Asylum in the Arab-Islamic Tradition*. Geneva: Office of the United Nations High Commissioner for Refugees, International Institute of Humanitarian Law, 1987.
- Azlinariah Abdullah, Azharudin Mohamed Dali, and Mohamad Rodzi Abd Razak. 'Surviving Stateless Refugees: The Uncertain Future of Rohingya's Children in Malaysia'. *Jebat: Malaysian Journal of History, Politics and Strategic Studies* 45, no. 1 (July 2018): 177–95.
- Bafadhal, Husin. 'Zakat on Legal Entities: Towards Concept Perfection and Its Regulations in Indonesia'. *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 21, no. 1 (30 June 2021): 13–32. <https://doi.org/10.30631/alrisalah.v21i1.734>.
- Elshobake, Mohammed R. M., and Amirul Syafiq bin Yusri. 'Addressing the Refugee Crisis Through the Lens of Islamic International Law'. *INSAF - The Journal of the Malaysian Bar* 40, no. 1 (2023): 77–95.
- Emzaed, Ali Murtadho, Sidiq Aulia, Valencia Kirana Rosadhillah, and Surya Sukti. 'Restriction of Islamic Civil Society Participation: Genealogy of Zakat Legal Politics and Its Centralized Management in Indonesia'. *Journal of*





- Islamic Law* 4, no. 2 (9 August 2023): 148–71. <https://doi.org/10.24260/jil.v4i2.1444>.
- Fernando, Joseph M. 'The Position of Islam in the Constitution of Malaysia'. *Journal of Southeast Asian Studies* 37, no. 2 (2006): 249–66.
- Habib, Abu Marwan 'Abd al-Malik ibn. *Al-Ahkam*. Qatar: Ministry of Endowments and Islamic Affairs, 2014.
- Hakim, Budi Rahmat, Muhammad Nafi, Hidayatullah Hidayatullah, and Herlinawati Herlinawati. 'Reactualization of Maslahat and Social Justice Principles in the Contextualization of Fiqh Zakat'. *Syariah: Jurnal Hukum dan Pemikiran* 24, no. 1 (26 June 2024): 102–18. <https://doi.org/10.18592/sjhp.v24i1.12909>.
- Hamidullah, Muhammad. *The Muslim Conduct of State*. Lahore: The Other Press, 2011.
- Haque, Md Mahbulul, Zarina Othman, and Bakri Bin Mat. 'Rohingya Refugees and Their Right to Work in Malaysia'. *Asian Affairs: An American Review* 50, no. 2 (3 April 2023): 95–119. <https://doi.org/10.1080/00927678.2023.2197582>.
- Haron, Ahmad Sharif, Mohd Irwan Syazli Saidin, and Zarina Othman. 'The Human (In)Security of Syrian Refugees in Malaysia'. *Social Sciences* 12, no. 6 (25 May 2023): 317. <https://doi.org/10.3390/socsci12060317>.
- Hoffstaedter, Gerhard. 'Refugees, Islam, and the State: The Role of Religion in Providing Sanctuary in Malaysia'. *Journal of Immigrant & Refugee Studies* 15, no. 3 (3 July 2017): 287–304. <https://doi.org/10.1080/15562948.2017.1302033>.
- Hossain, Mohammad. 'Zakat in Islam: A Powerful Poverty Alleviating Instrument For Islamic Countries'. *International Journal of Economic Development Research and Investment* 3 (1 May 2012).
- Ibn Muftah, Abu al-Hassan 'Abd Allah. *Sharh Al-Azhar*. Cairo: Maktabah al-Turath al-Islami, 2014.
- Iskandar, Azwar, Bayu Taufiq Possumah, Khaerul Aqbar, and Akhmad Hanafi Dain Yunta. 'Islamic Philanthropy and Poverty Reduction in Indonesia: The Role of Integrated Islamic Social and Commercial Finance Institutions'. *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 16, no. 2 (31 December 2021): 274–301. <https://doi.org/10.19105/al-lhkam.v16i2.5026>.
- Jabatan Agama Islam Persekutuan. 'Khutbah JAWI 2024', 23 June 2024. <https://www.jawi.gov.my/index.php/component/content/article?id=4533&Itemid=472>.
- JiaRong, Wallace Kew, and Chia Jia Xuan. 'Right of Refugees in Malaysia'. UMLR | University of Malaya Law Review. Accessed 4 July 2024. <http://www.umlreview.com/7/post/2022/05/right-of-refugees-in-malaysia.html>.
- Lukmanulhakim, Nur Nadia, and Mohd Al Adib Bin Samuri. 'The Religious Identity of Rohingya Refugees in Malaysia'. *Studia Islamika* 30, no. 3 (4 April 2024): 439–68. <https://doi.org/10.36712/sdi.v30i3.32095>.
- Mohd Razin, Nur Amirah, and Romzie Rosman. 'The Role of Zakat to Alleviate Poverty of Refugees in Malaysia: Issues and Challenges', 47–66. Pennsylvania, USA: IGI Global, 2021. <https://www.igi->



- global.com/book/handbook-research-islamic-social-finance/257762#table-of-contents.
- Munir-Asen, Katrina. '(Re)Negotiating Refugee Protection in Malaysia: Implications for Future Policy in Refugee Management'. *Discussion Paper*, 2018. <https://doi.org/10.23661/DP29.2018>.
- Noh, Abdillah. 'Islam, Public Policy and Public Administration in Malaysia: Negotiating Complexities'. *Halduskultuur* XV, no. 2 (2014): 204–21.
- Nordin, Rohaida, Suzarika Sahak, and Ma Kalthum Ishak. 'The Plight of Refugees in Malaysia: Malaysia as a Transit Country in Protecting Refugees' Rights'. *Journal of Nusantara Studies (JONUS)* 5, no. 1 (30 January 2020): 378–94. <https://doi.org/10.24200/jonus.vol5iss1pp378-394>.
- Pang, Vincent, Mei Teng Ling, and Rose Patsy Tibok. 'Achievement of Children in an Alternative Education Programme for Refugee, Stateless and Undocumented Children in Sabah, Malaysia'. *Journal of Nusantara Studies (JONUS)* 4, no. 2 (18 December 2019): 335–61. <https://doi.org/10.24200/jonus.vol4iss2pp335-361>.
- Ramadhita, Ramadhita, Sudirman Sudirman, and Syabbul Bachri. 'Model of Zakat Utilization in the Covid-19 Pandemic Era: Perspective of Maqashid Sharia'. *Al-Istinbath: Jurnal Hukum Islam* 7, no. 1 (30 May 2022): 245. <https://doi.org/10.29240/jhi.v7i1.4462>.
- Rashid, Nadhirah Zainal, and Mohd Irwan Syazli Saidin. "'#SayNoToRohingya': A Critical Study on Malaysians' Amplified Resentment towards Rohingya Refugees on Twitter during the 2020 COVID-19 Crisis". *The Round Table* 112, no. 4 (4 July 2023): 386–406. <https://doi.org/10.1080/00358533.2023.2244287>.
- Razali, Rodziana, Zulfaqar Mamat, Sarah Adibah Hamzah, Wan Abdul Fattah Wan Ismail, Tasneem Rahmatullah, and Asmaa Arinah Zulkifli. 'Refugees in Malaysia: Protection Framework, Challenges and Implications'. *Malaysian Journal of Syariah and Law* 9, no. 2 (31 December 2021): 157–72. <https://doi.org/10.33102/mjssl.vol9no2.285>.
- Refnita, Desi. 'The Mustahik Zakat in Various Dimensions of Fiqh in Era Society 5.0'. *El-Mashlahah* 11, no. 1 (28 June 2021): 13–28. <https://doi.org/10.23971/elma.v11i1.2285>.
- Rizal, Rizal, Ruslan Abdul Ghofur, and Pertiwi Utami. 'The Role of Muslim Generation Community at Zakat Collection on Realizing Sustainable Development Goals (SDGs) in the Era of Digital Society 5.0'. *JURIS (Jurnal Ilmiah Syariah)* 22, no. 1 (14 June 2023): 105–18. <https://doi.org/10.31958/juris.v22i1.6562>.
- Samuri, Mohd Al Adib, and Norfadilah Amir. 'Wacana Undang-undang Hudud dalam Khutbah Jumaat di Negeri-Negeri Terpilih di Malaysia'. *Islāmiyyāt* 41, no. 2 (3 January 2020): 117–29.
- Shoukri, Arafat Madi. *Refugee Status in Islam: Concepts of Protection in Islamic Tradition and International Law*. International Library of Migration Studies. London: I.B. Tauris, 2011. <http://site.ebrary.com/id/10456934>.



- Shuaib, Farid Sufian. 'Strengthening Administrative Institutions of Islamic Law in Malaysia: An Overview'. *Jurnal Syariah* 16, no. 3 (1 September 2008): 443–64.
- Siah, Poh Chua, Sew Kim Low, Soo Ting T'ng, Khee Hoong Ho, Yeong Yeong Lim, Siew May Cheng, and Poi Kee Low. 'Improving the Education Quality for Refugee Children: Perspectives from Teachers at Refugee Education Centres in Malaysia'. *Vulnerable Children and Youth Studies* 18, no. 3 (3 July 2023): 458–66. <https://doi.org/10.1080/17450128.2022.2163731>.
- Siah, Poh-Chua, Wan-Ying Lee, and Lee-Ying Goh. 'Quality of Life among Refugee Children in Malaysia – a Brief Report'. *Vulnerable Children and Youth Studies* 10, no. 4 (2 October 2015): 294–99. <https://doi.org/10.1080/17450128.2015.1092624>.
- Sudirman, Sudirman, Ramadhita Ramadhita, and Syabbul Bachri. 'Revitalizing Productive Zakat in the Covid-19 Pandemic Era in East Java'. *Jurisdictie: Jurnal Hukum Dan Syariah* 12, no. 2 (2021): 275–93. <https://doi.org/10.18860/j.v12i2.14089>.
- Todd, Laurence, Adli Amirullah, and Wan Ya Shin. 'The Economic Impact of Granting Refugees in Malaysia the Right to Work'. The Tent Partnership for Refugees. Accessed 4 July 2024. <https://www.tent.org/resources/ideas-malaysia-right-to-work/>.
- Uddin, Md, Hamdino Hamdan, Nor Azizan, Nor Azizan Che Embi, Salina Kassim, Norma Bt, and Md Saad. 'The Effect of Zakat Programs on the Social Impact of Microfinance Institutions in Bangladesh', 1 April 2020, 2672–7471.
- Ul Islam, Nasser. 'Refugee Crises in the Contemporary World: An Islamic Perspective'. *Muallim Journal of Social Science and Humanities*, 2 January 2023, 41–52. <https://doi.org/10.33306/mjssh/223>.
- UNHCR Malaysia. 'Registration'. UNHCR Malaysia. Accessed 31 January 2024. <https://www.unhcr.org/my/registration>.
- Vakhoneva, Tetyana M., Dmytro A. Mykolayets, Yuliya M. Hryshyna, Viktoriia V. Yurovska, and Olha A. Dyachenko. 'Legal Challenges to the Protection of Labor Rights of Refugees in the Digital Age'. *Legality: Jurnal Ilmiah Hukum* 31, no. 2 (7 September 2023): 245–65. <https://doi.org/10.22219/ljih.v31i2.26576>.
- Wahab, Abdul Rahman Abdul. 'Majlis Perasmian Klinik Bantuan Kemanusiaan Qffd'. *Laman Web MKN* (blog), 30 December 2019. <https://www.mkn.gov.my/web/ms/2019/12/30/majlis-perasmian-klinik-bantuan-kemanusiaan-qffd/>.
- Yahya, Imam. 'Zakat Management in Indonesia: A Legal Political Perspective'. *Al-Ahkam* 30, no. 2 (30 October 2020): 195–214. <https://doi.org/10.21580/ahkam.2020.30.2.6420>.
- Yamani, Ahmed. 'Humanitarian International Law in Islam: A General Outlook'. *Michigan Journal of International Law* 7, no. 1 (1 January 1985): 189–215.
- Yayasan Kebajikan Negara. 'QFFD Humanitarian Clinic for Refugees in Malaysia', 2019. <https://yknm.org.my/wp-content/uploads/20.12-QFFD-Humanitarian-Clinic-for-refugees-in-Malaysia-themalaysianreserve.pdf>.
- Yi, Beh Lih. 'Malaysia in Pilot Scheme to Allow Rohingya Refugees to Work'. *Reuters*, 24 November 2016, sec. World.



<https://www.reuters.com/article/world/malaysia-in-pilot-scheme-to-allow-rohingya-refugees-to-work-idUSKBN13J1F0/>.

Zada, Khamami. 'The Rohingya's Muslim Asylum Seekers in Southeast Asia: From National to International Law Perspective'. *AHKAM: Jurnal Ilmu Syariah* 17, no. 1 (7 January 2017). <https://journal.uinjkt.ac.id/index.php/ahkam/article/view/6227>.

Zaman, Tahir. *Jiwar: From a Right of Neighbourliness to a Right of Neighbourhood for Refugees*. University of Sussex, 2020. [https://doi.org/10.1163/9789004417342\\_005](https://doi.org/10.1163/9789004417342_005)].

