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## Islamic Governance in Action: Malaysia's Approach to Rohingya Refugee Islamic-Based Assistance

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### ABSTRACT

*This study examines Malaysia's Islamic governance mechanisms in addressing the challenges confronted by Rohingya refugees, focusing on the roles of Jabatan Agama Islam Selangor (JAIS) and Jabatan Kemajuan Islam Malaysia (JAKIM). Employing a qualitative approach with a case study design, the research explores Malaysia's intricate response to the Rohingya refugee crisis, specifically in Kuala Lumpur and Selangor. The purposive sampling method involves engaging JAKIM and JAIS officers, offering valuable insights into Islamic governance structures. The research methodology includes content analysis of official documents, policies, and interactions with key stakeholders, aiming to illuminate the holistic approach of Islamic governance in addressing religious, legal, educational, and welfare aspects of Rohingya refugee assistance. Key findings unveil the roles played by JAIS and JAKIM in empowering Rohingya refugees, particularly in education and religious affairs. Through content analysis, the research provides a comprehensive understanding of the challenges, successes, and gaps in Malaysia's Islamic governance response to the Rohingya refugee crisis. The research advocates for collaborative efforts and policy enhancements to ensure a more inclusive and compassionate environment for refugees within the Islamic context.*

**Keywords:** *Islamic governance, Malaysia, Jabatan Agama Islam*

Rakhine State, encompassing approximately 20,000 square miles, features a distinctive geography. It comprises a narrow mountainous strip of land with a 360-mile coastal belt along

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the Bay of Bengal (Leider 2018). Bounded by the Bay of Bengal to the west and the Chin Hills to the northeast, it shares a 176-mile border with Bangladesh, 48 miles of which is covered by the Naf River. The natural physiographic unit of Rakhine State is delineated from the rest of Burma by the mountain range of Arakan Yoma running from north to south. The geographical features, including the Arakan Yoma Mountain range, have significant geopolitical implications for Rakhine State. This natural landscape contributes to the region's isolation from the rest of Myanmar. This isolation, facilitated by geographic barriers, can influence cultural, social, and political dynamics within the state.

The majority of the Rohingya ethnic group resides in the northern part of the state of Arakan or Rakhine, located in western Burma. This state also shares a border with Bangladesh. According to history, the Rohingya ethnic group practices Islam due to the occurrence of migration activities, such as trade, since the 9<sup>th</sup> century by Arab traders who brought Islam to Arakan (Al-Mahmood 2016). The Rohingya are descendants of a mixture of residents through marriages with Muslim populations from Afghanistan, Persia, Turkey, the Arabian Peninsula, and Bengal. The spoken language is called Rohingya, which has similarities with Bengali, used by the inhabitants of Chittagong, a region in Bangladesh.

However, this language is a mixture of various languages such as Urdu, Hindi, Arabic, and Burmese, spoken by most of the Myanmar population, while its written form consists of Arabic letters, similar to the Malay community in the past before the existence of the Romanized script. According to history, initially, Rakhine was a region ruled separately from other regions and states in Myanmar and was a sovereign state. Until the mid-17<sup>th</sup> century, Rakhine was influenced by political developments on the Indian subcontinent (Sarmin, 2021). As a result of the rise and fall of the Mughal Empire in Delhi, Rakhine successfully obtained Chittagong and its surrounding areas as part of the Rakhine state. However, due to internal upheavals within this kingdom, Rakhine fell into the hands of King Bodawpaya, the Burmese king at that time, who incorporated the state as part of the territories in Myanmar in 1784 (Ansar 2020).

According to the Central Statistical Organization of Myanmar, as of 2013, Rakhine State had a total population of about 3.3 million. Within this demographic landscape, the Rohingya population was estimated at around 1.3 million during the same year. These figures highlight the diverse and complex population makeup of Rakhine State (Balčaitė 2022). The population dynamics of Rakhine State are further complicated by controversies surrounding the Rohingya. The Myanmar government's refusal to recognize the Rohingya as citizens has resulted in their stateless status. This denial of citizenship, along with ethnic and religious differences, has contributed to tensions within the region.

The Rohingya community turned into refugees due to the policies implemented by the Myanmar government. The denial of the Rohingya people's rights began when the military assumed control of the civil administration in 1962 (Khairi et al. 2020). U Nu, who was serving as Myanmar's Prime Minister, was ousted by General Ne Win, who became the military leader. Under the military rule in Myanmar, Ne Win accused the Rohingyas of being illegal immigrants brought by the British government to Rakhine. Subsequently, in 1974, Myanmar's Immigration Act was enacted, formally stripping the Rohingyas of their citizenship rights in the country (Wahab & Khairi 2020). In 1977, the military junta initiated an operation named Dragon Min to locate and apprehend these alleged illegal immigrants residing in Myanmar. Throughout the operation, the Rohingyas became victims of violent actions by the authorities. The repercussions of the violence during the Dragon Min operation were evident in 1978 when there was a significant influx of Rohingyas seeking refuge in Bangladesh (Khairi et al. 2023).

The second significant wave of Rohingya influx took place from 1991 to 1992, primarily driven by the enactment of the 1982 Myanmar Citizenship Law (Khairi et al. 2018). This legislation played a crucial role in entirely denying the Rohingyas the right to obtain citizenship in their own country. The junta, ruling Myanmar at the time, made an official statement regarding the Rohingya citizenship issue. This statement likely addressed and reinforced the restrictive provisions of the 1982 Citizenship Law, further marginalizing the Rohingya community and contributing to their status as stateless individuals. The denial of citizenship rights had severe

consequences for the Rohingyas, leading to increased displacement and a surge in the number of refugees seeking safety and security beyond the borders of Myanmar, particularly in neighboring countries. The junta made an official statement about the case of Rohingyas' citizenship as:

“In actual fact, although there are (135) national races living in Myanmar today, the so-called Rohingya people are not one of them. Historically, there has never been a ‘Rohingya’ race in Myanmar. The very name Rohingya is a creation of a group of insurgents in the Rakhine State. Since the First Anglo-Myanmar War in 1824, people of Muslim Faith from the adjacent country illegally entered Myanmar Ngain-Ngan, particularly Rakhine State. Being illegal immigrants, they do not hold immigration papers like other nationals of the country.”(Khairi & Wahab 2018)

The statement highlights the plight of the Rohingyas, who find themselves in a state of statelessness. Despite being born and raised in Myanmar, they lack any identification that would officially recognize them as Myanmar citizens (Hossain 2023). This absence of legal documentation means that Rohingyas are deprived of the basic rights enjoyed by other ethnic groups in Myanmar. Consequently, they are unable to access public facilities and services provided by the government, placing them in a marginalized and vulnerable position within their own country.

The issues surrounding citizenship, compounded by systemic discrimination and violence in Myanmar, have compelled the Rohingya population to seek refuge in other countries. Deprived of their rights and facing persecution, many Rohingyas are forced to leave their homes and venture into an uncertain and challenging journey in the hope of finding a better life elsewhere (Wildan, 2021). The denial of citizenship becomes a significant factor in their status as refugees, as it limits their options for legal recognition and protection within Myanmar and intensifies their vulnerability in their pursuit of safety and a more secure future beyond the borders of their home country.

### **Journey to Malaysia**

The journey of Rohingya refugees to Malaysia and the surrounding region is a harrowing experience marked by perilous conditions and numerous challenges, primarily driven by the dire circumstances they face in Myanmar (Wildan 2021). Persecution, discrimination, and violence in their home country force many Rohingya individuals and families to make the difficult decision to leave in search of safety and improved living conditions. As they embark on their journey, Rohingya refugees often traverse through neighboring countries such as Bangladesh and Thailand, utilizing clandestine routes facilitated by human trafficking networks. This stage of the journey exposes them to exploitation, with traffickers subjecting them to abuse, extortion, and other forms of mistreatment.

The sea crossings across the Bay of Bengal and Andaman Sea represent a particularly perilous phase. Rohingya refugees undertake these journeys in overcrowded boats, facing the constant threat of capsizing, lack of provisions, and severe humanitarian crises (Mustafa et al. 2023). Reports of deaths, injuries, and psychological trauma highlight the immense challenges faced during these perilous sea voyages. Upon reaching Malaysia, Rohingya refugees may land on the country's shores, but their status remains precarious. Many are detained in immigration detention centers, adding to the complexities of their journey. The lack of legal recognition in Malaysia leaves Rohingya refugees in a state of legal limbo, rendering them susceptible to arrest, detention, and deportation.

Challenges persist for Rohingya refugees in Malaysia, where limited access to education, healthcare, and formal employment prevails. They live in precarious conditions with minimal legal protections, increasing their vulnerability to exploitation and abuse (Muzafarkamal & Hossain 2019). The absence of legal status and integration mechanisms in host countries complicates the long-term prospects for Rohingya refugees, contributing to protracted displacement and uncertainty regarding their future. The journey of Rohingya refugees reflects a complex and perilous process shaped by the urgent need to escape persecution. From transit

through neighboring countries to perilous sea crossings and challenges faced in host nations like Malaysia, the Rohingya's plight underscores the urgent need for international attention, cooperation, and comprehensive solutions to address the root causes and consequences of their displacement.

In addressing the complex and perilous journey of Rohingya refugees, the role of Jabatan Kemajuan Islam Malaysia (JAKIM) and Jabatan Agama Islam Selangor (JAIS) becomes pivotal in providing an Islamic approach to their predicament. These Islamic institutions play a crucial role in offering managerial Islamic-based activities to Rohingya refugees (Georgiou et al. 2023). JAKIM, with its national scope, collaborates with various stakeholders to ensure a comprehensive response. By leveraging Islamic principles of compassion and solidarity, JAKIM actively engages in assisting Rohingya refugees, emphasizing the importance of unity among the Muslim community to address the root causes of their displacement.

On a regional level, JAIS, being a state-level Islamic department, extends its support to Rohingya refugees facing challenges in host nations like Malaysia. Through community engagement and outreach programs, JAIS emphasizes the Islamic values toward Rohingya refugees, especially in Selangor state. The involvement of JAKIM and JAIS underscores the importance of an Islamic approach in addressing the Rohingya refugee matters, highlighting the need for international attention and cooperation to implement comprehensive solutions. By aligning their efforts with Islamic principles, these institutions contribute to a compassionate and holistic response that seeks to alleviate the plight of the Rohingya population in Malaysia.

### **The Role of JAKIM**

Jabatan Kemajuan Islam Malaysia (JAKIM), or the Department of Islamic Development Malaysia, was established on February 1, 1997, through the Jabatan Kemajuan Islam Malaysia Act 1997 (Act 562). Before its establishment, Islamic affairs in Malaysia were managed at the state level, leading to a decentralized approach. JAKIM was created to centralize and streamline the administration of Islamic matters at the federal level, marking a significant shift in the management of religious affairs (Welton-Mitchell et al. 2019). One of JAKIM's primary objectives is to promote, coordinate, and implement Islamic development across various facets of Malaysian society. This encompasses education, economics, social issues, and the application of Islamic jurisprudence. By consolidating these efforts at the national level, JAKIM aims to ensure a cohesive and comprehensive approach to Islamic development in the country.

A notable role of JAKIM is its involvement in halal certification, overseeing the certification process to ensure that products and services comply with Islamic dietary laws. The Malaysian Halal Certification issued by JAKIM is widely recognized globally, contributing to Malaysia's reputation as a leader in the halal industry (Chandran et al. 2020). Internationally, JAKIM collaborates with Islamic organizations and entities. This collaboration extends to participating in conferences, seminars, and initiatives aimed at promoting Islamic development on a global scale. The department plays a pivotal role in representing Malaysia in the broader Islamic community.

Within JAKIM, the Shariah Advisory Council, or Majlis Penasihat Syariah, operates to guide on various Islamic matters, including financial transactions and economic activities, ensuring adherence to Shariah principles. The council's input is instrumental in shaping policies related to Islamic finance and economic practices in Malaysia (Aida Zahirah Samsudin & Napisah Karimah Ismail, 2022). JAKIM is actively involved in promoting and enhancing Islamic education in Malaysia. This includes supporting educational institutions, developing curricula, and ensuring the integration of Islamic values within the national education system. The department contributes to fostering an environment where Islamic teachings are imparted to the younger generation.

Despite its significant contributions, JAKIM has not been without criticisms and controversies. Discussions often revolve around its role, policies, and impact on religious harmony in Malaysia. The interpretations and enforcement of Islamic practices have been subjects of

scrutiny, reflecting the complex nature of managing Islamic affairs in a diverse and multicultural society (Farzana et al. 2020). Over the years, JAKIM has adapted to changing needs and challenges within the Malaysian and global Islamic landscape. The department continues to evolve, addressing contemporary issues while upholding fundamental Islamic principles. As a key institution in Malaysia, JAKIM remains instrumental in the country's efforts to promote and develop Islamic affairs, both domestically and internationally.

### **JAKIM and Rohingya Refugees in Malaysia**

In essence, the role of the Department of Islamic Development Malaysia (JAKIM) in addressing the Rohingya refugee issue in Malaysia is limited to acting as a coordinator, particularly in matters related to Islamic affairs. This is because, according to an Ustazah who worked in JAKIM, the institution does not have absolute authority to give specific directives in the efforts to address the Rohingya refugee issue in Malaysia to each State Islamic Religious Department (JAIN) (Personal communication, August 8, 2023). This is subject to the jurisdiction of the Sultan and the respective state government. She further adds:

"JAKIM does not have the absolute authority to give specific directives in the efforts to address the Rohingya refugee issue in Malaysia to each State Islamic Religious Department (JAIN) because it falls under the jurisdiction of the Sultan and the respective state government."

To coordinate efforts in addressing the Rohingya refugee issue, JAKIM was invited by the National Security Council (Majlis Keselamatan Negara, MKN) to represent the State Islamic Religious Departments (JAIN) in government agencies meeting related to Rohingya refugees in Putrajaya. Following this meeting, MKN declared that all government agencies involved in handling the Rohingya refugee issue in Malaysia are subject to MKN Directive Number 23. JAKIM was also advised by MKN to exercise caution in dealing with Rohingya refugees and UNHCR, as their increasing presence over time could potentially pose a threat to national security (Farzana et al. 2020). Additionally, MKN expressed concerns that if government agencies, such as JAKIM, generously assist Rohingya refugees, there is a possibility that the refugees may take advantage of the aid and goodwill extended to them.

Upon receiving instructions and decisions from MKN, JAKIM will disseminate this information through a special meeting to representatives from each attending JAIN. Although JAKIM serves as a coordinator for JAIN, every directive, decision, and announcement made is crucial as it emanates from the policies of the Federal Government, providing an understanding of the existing issues in the country, particularly regarding Rohingya refugees (Mahaseth & Banusekar, 2022). Based on this discussion, it is understood that each JAIN has its jurisdiction and is not subject to directives from JAKIM. Therefore, discussions on addressing the Rohingya refugee issue in Malaysia in the context of Islam will focus on the role of the Selangor Islamic Religious Department (Jabatan Agama Islam Selangor, JAIS) because JAIS is a JAIN that has shown attention to the Rohingya refugee issue in Malaysia and has specific policies related to it (Personal communication, August 8, 2023).

### **Islamic Governance in Action: The Role of JAIS in Handling the Rohingya Refugee Islamic-Based Assistance**

The Selangor Islamic Religious Department (JAIS) was officially established in 1948. JAIS serves as the state government agency focusing on Islamic affairs in the state of Selangor. There are 8 specific divisions within JAIS, namely the management services division, family law division, Islamic education division, enforcement division, research & development division, prosecution division, mosque management division, and propagation division. According to Ustaz Haji Mohd. Basori Umar, the Deputy Director of Operations at JAIS, several divisions are closely related to addressing the Rohingya refugee issue in the state of Selangor, including the family law division,

Islamic education division, mosque management division, and the propagation division (dakwah) (personal communication, August 20, 2023).

The family law division of JAIS has taken the initiative by making efforts to register marriages for Rohingya refugees who are Muslims and wish to marry in Selangor. The family law division of JAIS utilizes the Selangor Islamic Family Law Enactment (EUUKIS) 2003 as a guideline for managing the family affairs of Muslims in Selangor. Section 4 of EUUKIS 2003 states:

"Unless expressly provided otherwise, this enactment applies to all Muslims residing in the state of Selangor and to all Muslims who are domiciled in the state of Selangor but reside outside the state."

Based on the provisions of Section 4 of the Selangor Islamic Family Law Enactment (EUUKIS) 2003, this enactment also applies to Rohingya refugees holding UNHCR refugee cards. JAIS has taken note of the approval of the Chief Registrar of Marriage, Divorce, and Reconciliation for the 32nd time on May 6 to 8, 2015, which concurred with the report from a visit to the Immigration Department, Ministry of Home Affairs on April 8, 2015. As a result of discussions between JAIS and BHEI-KDN, two resolutions were agreed upon: JAIS can manage the marriage of Rohingya refugees with UNHCR refugee cards, and JAIS cannot manage the marriage of refugees without UNHCR refugee cards (Hoffstaedter 2017). For Rohingya refugees who wish to register and solemnize their marriages at JAIS, there are documents required by both parties, namely the man and the woman. The following are the document requirements for male and female applicants:

Male Applicant:

1. Copy of the UNHCR refugee card of the applicant.
2. Copy of MyKad (Citizen) / Passport (Foreigner) / UNHCR Card for 2 male witnesses.
3. Pre-marriage Course Certificate and its copy (Recognized by JAKIM/JAIS/JAWI/JAIN).
4. HIV screening record (only at government clinics).
5. Form 1 (affirmation of residency) certified by the Mosque Treasurer / Residents Committee Chairman / Housing Estate Chairman / Village Community Management Committee Chairman / Village Headman (for applicants with a different address than that on the UNHCR card).
6. Certificate of Divorce and its Copy / Marriage Certificate and Death Certificate of the spouse along with its copy / Decree of Nullity of Marriage Order (if the applicant is a widower).
7. Letter / Islamic Certification and its copy (if the applicant is a new convert).
8. UNHCR status confirmation letter from the UNHCR administration office or the Security Unit, Immigration Putrajaya.
9. Marriage Permission Letter from the Chief Registrar of Marriage, Divorce, and Reconciliation.
10. Copy of Form 2A and supporting documents (if the applicant is marrying outside the district/state / country).

Female Applicant:

1. Copy of the UNHCR refugee card of the applicant.
2. Copy of MyKad (Citizen) / Passport (Foreigner) / UNHCR Card for 2 male witnesses.
3. Copy of MyKad (Citizen) / Passport (Foreigner) / UNHCR card of the guardian.
4. Pre-marriage Course Certificate and its copy (Recognized by JAKIM/JAIS/JAWI/JAIN).
5. HIV screening record (only at government clinics).
6. Form 1 (affirmation of residency) certified by the Mosque Treasurer / Residents Committee Chairman / Housing Estate Chairman / Village Community Management Committee Chairman / Village Headman (for applicants with a different address than that on the UNHCR card).
7. Permission letter from the husband to marry.
8. Parents' Marriage Certificate and its copy / Affidavit of the parents' marriage.
9. Guardian's Death Certificate and its copy / Affidavit of the guardian's death.
10. Certificate of Divorce and its Copy / Marriage Certificate and Death Certificate of the spouse along with its copy / Decree of Nullity of Marriage Order (if the applicant is a widow).
11. Letter / Islamic Certification and its copy (if the applicant is a new convert).
12. UNHCR status confirmation letter from the UNHCR administration office or the Security Unit, Immigration Putrajaya.

13. Marriage Permission Letter from the Chief Registrar of Marriage, Divorce, and Reconciliation.
14. Copy of Form 2C, 2D, and supporting documents (if the applicant is marrying outside the district/state / country).

The Family Law Division of JAIS is the first state government agency in Malaysia to establish specific marriage guidelines, especially for refugee communities who are Muslims. These guidelines were established after JAIS held a meeting with JAKIM and representatives from UNHCR to discuss the issue of marriages among refugee communities in Malaysia, particularly the Rohingya refugees residing in the state of Selangor (Towadi 2017). The primary objective of the marriage guidelines formulated by JAIS is to assist Rohingya refugees in registering their marriages legally, aiming to prevent the occurrence of adultery within their community. For Rohingya refugee applicants who meet the specified criteria, they can proceed with their marriage arrangements, and the union will be solemnized by an authorized marriage officiant appointed by JAIS.

Afterward, they qualify to receive a marriage certificate issued by JAIS, similar to the marriage certificates provided to locals. However, the marriage certificate issued by JAIS is not a supporting document that can be used by any Rohingya refugee to become a permanent resident in Malaysia because, according to JAIS personnel:

"We (JAIS) assist in managing the marriage affairs of Rohingya refugees solely to fulfill the requirements of Sharia law (Islamic law). The marriage certificate issued does not promise any privileges for them (refugees) to stay in Malaysia" (Personal communication, August 20, 2023).

In addition to marriage affairs handled by JAIS for Rohingya refugees, there are Rohingya refugees who get married with the assistance of their organizations, specifically around the state of Selangor (Kassim 2015). In such cases, JAIS will review the content and details of the letter or marriage certificate issued by the Rohingya refugee organization. Once satisfied, JAIS will issue an affirmation letter to support the marriage. However, JAIS will not issue a marriage certificate because the individuals did not undergo the marriage process under JAIS's supervision. Although JAIS has guidelines and procedures for marriage affairs involving refugee communities, it is limited to those with valid UNHCR refugee cards only (Rajaratnam & Azman 2022). JAIS will not process marriages for refugee groups without UNHCR refugee cards as it contradicts the laws of the country, particularly the Immigration Act. Therefore, Rohingya refugees without UNHCR refugee cards or those awaiting processing by UNHCR may proceed with their marriages under the auspices of specific refugee organizations. Consequently, JAIS can only assist specific refugee groups, particularly Rohingya refugees, who marry under JAIS's supervision if they face domestic issues such as marital disputes, abuse, or divorce.

In addition to the Family Law Division of JAIS, the Islamic Education Division, Mosque Management Division, and the Propagation Division also have a connection in efforts to address the Rohingya refugee issue in the state of Selangor. However, the roles they play are still at the discussion level, and their impact is not readily visible. For instance, the Islamic Education Division of JAIS has a desire to assist Rohingya refugees in terms of educational empowerment. According to another JAIS personnel:

"For now, there are no Rohingya refugees attending schools under our division. We understand that Rohingya children are attending learning centers established by local NGOs. In JAIS, we have the intention to assist Rohingya refugee children in acquiring knowledge. What we are doing is visiting these learning centers to study and understand the implementation of their educational operations, and we will discuss at the department level to find ways to help these Rohingya children. Inshallah (God willing), in the future, we may consider taking Rohingya refugee children to study in educational institutions managed by JAIS" (Personal communication, August 20, 2023).

The Mosque Management Division of JAIS is related to matters involving the death and the management of Rohingya refugee funerals. This is because this division is involved in the management of burial land in Selangor. According to Ustaz Idris Jais, there are two types of burial land for Muslims in Selangor. The first is burial land owned by a specific congregation or community, and the second is burial land endowed (waqf) for which it becomes the responsibility of the Mosque Management Division of JAIS to oversee. He added:

"If there are heirs of Rohingya refugees who wish to bury their family members or friends in burial land owned by a specific congregation or community, they must obtain permission from that party. If they want to bury the deceased in burial land under the management of the Mosque Management Division of JAIS, they can do so by meeting with representatives of mosques in the state of Selangor, such as Mosque Committee Members or the imams, to request permission to bury the deceased. So far, there have been no issues regarding the management of Rohingya refugee funerals in Selangor. Alhamdulillah, everything is going smoothly" (Personal communication, August 21, 2023).

Although the Mosque Committee Members or imams have given permission and assisted in managing the funeral affairs of Rohingya refugees, all associated costs must be borne by their heirs or friends. The funeral costs for Rohingya refugees are typically estimated to be around RM1,000.00 to RM1,800.00, depending on the location and services provided. This is because, in Selangor, there are now funeral management services established by mosques as business entities based on service provision. Additionally, some mosques channel funeral management services to specific entities, and Rohingya refugees who wish to complete the funeral rites for their family members must deal with and pay for the services of these entities.

One factor contributing to the relatively higher cost of funeral management for Rohingya refugees compared to residents is that Rohingya refugees do not register themselves and pay the death charity fees as done by the local population. Regarding the Propagation Division, JAIS is not directly involved in preaching activities involving Rohingya refugees in Selangor. However, this division provides support by issuing certification, support letters, and acknowledgment letters to Rohingya refugee clerics, enabling them to deliver lectures and teachings related to Islamic matters to their community. According to JAIS personnel:

"There are Rohingya refugee organizations that come to JAIS seeking support to provide religious lectures and teachings to the Rohingya refugee community. After we examine and investigate, we assist them by issuing support letters to carry out preaching activities within the Rohingya refugee community. JAIS considers this matter important because Rohingya refugee clerics can help deliver religious teachings to their community, strengthening the faith and teachings of Islam among Rohingya refugees. We do not want Rohingya refugees who are Muslims to be involved in activities that contradict Islamic teachings, and we would also be sinful if we did not want to help and support their efforts in activities based on Islam" (Personal communication, August 21, 2023).

Although JAIS's role in addressing the Rohingya refugee issue may not be comprehensive, its initiatives have led other state Islamic religious departments (JAIN) to follow their policies and implementations. For example, the Department of Islamic Affairs Federal Territories (JAWI) has initiated steps to follow JAIS's initiative by establishing procedures for registering the marriages of Muslim refugees in Kuala Lumpur, including the divorce process. The roles implemented by JAIS in addressing the Rohingya refugee issue have the potential to be expanded, especially in the areas of education, welfare, and preaching activities for Rohingya refugees, particularly those residing in Selangor.

The complex issue of Rohingya refugees in Malaysia, particularly in Selangor, involves various government agencies, each playing a distinct role in addressing the multifaceted challenges faced by this vulnerable population. The discussion has shed light on the roles of Jabatan Agama Islam Selangor (JAIS) and Jabatan Kemajuan Islam Malaysia (JAKIM) in managing



the religious aspects, legal matters, education, welfare, and preaching activities concerning Rohingya refugees.

JAIS, as the state Islamic religious department, has undertaken significant initiatives in response to the Rohingya refugee crisis. The Undang-undang Keluarga Islam Negeri Selangor (Selangor State Islamic Family Law) serves as a guide for JAIS in managing the marriages of Rohingya refugees. The department, through its various sections, such as the Undang-undang Keluarga and Pendidikan Islam, has worked towards empowering Rohingya refugees, particularly in the realm of education. Despite facing challenges in terms of funding and resources, JAIS has expressed its commitment to supporting educational initiatives for Rohingya children. Furthermore, JAIS's involvement in managing mosque affairs and dakwah (preaching) activities demonstrates a holistic approach to addressing the needs of the Rohingya community. While there are challenges, such as the high cost of managing Rohingya burials, JAIS has provided support by issuing letters of endorsement for preaching activities, aiming to strengthen Islamic teachings among the Rohingya refugees.

On the national level, JAKIM serves as a coordinating body, playing a crucial role in facilitating communication and collaboration among different Islamic religious departments across Malaysia. However, it's important to note that JAKIM's authority is limited, and specific directives related to Rohingya refugee matters often fall under the jurisdiction of state governments. The role of Islamic government agencies in managing Rohingya refugee matters extends beyond administrative functions. It encompasses efforts to safeguard the rights of Rohingya refugees, uphold their religious practices, and provide support for their overall well-being. The involvement agencies reflect a commitment to addressing the unique challenges faced by Rohingya refugees in Malaysia.

In exploring the historical context of the Rohingya crisis in Myanmar, it becomes evident that the Rohingyas' displacement is a consequence of discriminatory policies and persecution by the Myanmar government. The denial of their citizenship rights, beginning in 1962 with the military takeover, has led to successive waves of Rohingya refugees seeking safety in neighboring countries. The journey of Rohingya refugees to Malaysia is fraught with peril, and many embark on these journeys in search of safety and better living conditions. The recent influx of Rohingya refugees in Aceh, Indonesia, highlights the ongoing humanitarian crisis and the desperate measures taken by Rohingya individuals and families to escape persecution.

While the Malaysian government, through its Islamic agencies, has taken steps to address the Rohingya refugee issue, challenges persist. Collaborative efforts at both the state and national levels are essential to provide comprehensive solutions, including addressing legal, educational, and welfare needs. The commitment shown by JAIS and similar agencies in other states is commendable, but a unified national strategy is crucial for a more effective and sustainable response. The plight of Rohingya refugees in Malaysia requires a concerted effort from government agencies, civil society, and the international community. It is a multifaceted issue that demands not only immediate humanitarian assistance but also long-term strategies to address the root causes of displacement and discrimination. As discussions and initiatives continue, the hope is to create a more inclusive and compassionate environment for Rohingya refugees in Malaysia, allowing them to rebuild their lives with dignity and security.

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