

ILLEGAL IMMIGRANT ISSUE IN MALAYSIA: A REVIEW FROM AN ISLAMIC PERSPECTIVE

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The issue of illegal immigrant in Malaysia has rooted ever since before the independence and it becomes a major concern of the Malaysian government to tackle this issue in the best possible way and in a win-win situation. This research paper aims to investigate and re-look at the issue from an Islamic perspective with special reference to the illegal immigrant. The objective of this paper is to discuss and highlight some concerns of the issue from past and contemporary Islamic scholars with regard to this issue and propose some approaches and recommendations for the government to handle and tackle this issue effectively for future growth and development of the nation. The research methodology for this research paper is qualitative in nature where the author studies and analyzes the sources from books, articles, research papers and other sources from past scholars with regard to the issue concerned to discuss the main root cause and propose several possible solutions for the government.

Keywords: Illegal immigrant, Islamic perspective, Malaysia

Introduction

The issue of illegal immigrant in Malaysia is not new. In fact, it has been rooted ever since before independence and becomes a major concern for the government to provide them with the basic needs like shelter and other requirements as prescribed by the international law for human rights. This certainly will incur additional huge cost in government spending from the taxpayers, towards fulfilling the needs of these illegal immigrants. These include the expenditure incurred in retaining them at the detaining centers across the country before being deported to their home country.

Malaysia has been a favorite destination for foreign workers to make a living in this country for several reasons such as geographical factor, shortage of total workforce, government policy etc. Some of the foreign workers hired are legal while others are not. As such, various operations and programs have been taken seriously by the government to reduce the number of illegal immigrant in this country. For example, the government has launched an amnesty program which is known as the '6P' program in 2011. The 'P' stands for Malay words for *Pendaftaran* (registration), *Pemutihan* (legalization), *Pengampunan* (amnesty), *Pemantauan* (supervision), *Penguatkuasaan* (enforcement) and *Pengusiran* (deportation). However, this program has disadvantages to reduce the number of illegal immigrants due to the loopholes on the implementation of the program. Besides that, the government also has an agreement with neighboring countries like Thailand and the Philippines to strengthen and enhance the security measures at the border to combat the human-trafficking activity as well as the movement of the illegal immigrants from and to both countries.

Table 1: Total number of foreign workers by country from 2011 to 2015

Country	2011	2012	2013	2014	2015
Indonesia	785,236	746,063	1,021,655	817,300	835,965
Bangladesh	116,663	132,350	322,750	296,930	282,437
Thailand	5,838	7,251	17,044	12,467	13,547
Philippines	44,359	44,919	69,126	63,711	65,096
Pakistan	26,229	31,249	50,662	51,563	72,931
Myanmar	146,126	129,506	161,447	143,334	145,652
Nepal	258,49	304,717	385,466	490,297	502,596
India	87,339	93,761	124,017	105,188	139,751
Others ¹	102,714	81,773	98,155	92,624	77,060
Total	1,573,061	1,571,589	2,250,322	2,073,414	2,135,035

Source: Economic Planning Unit, Prime Minister's Department, 2016.

The objective of this paper is to discuss and highlight the issue of illegal immigrant from an Islamic perspective. The author will discuss the views and thoughts of the past and contemporary Islamic scholars with regard to the immigrant issue. The paper

¹ Others include countries such as Cambodia, China, Sri Lanka, Vietnam and Laos.

concludes with some suggestions and recommendations for the government to combat the influx of illegal immigrants into the country to tackle the issue effectively for future generation.

Discussion

Islam and migration

Islam encourages Muslim people to migrate from one place to another to gain experience, earn a living and for a better life. It also teaches us to travel around the world to witness the creatures of Allah s.w.t in order to glorify and praise Him as the sole Creator of the universe. There are many Quranic verses in which Allah s.w.t encourages us to travel around the globe to acquire meaningful knowledge for the sake of other human beings and also learn from the history of past generation of people who had been destroyed and demolished from the world by Allah s.w.t due to their disobedience, negligence and misbehavior. For example, Allah s.w.t said in *Surah Al-Mulk* verse 15:

النُّشُورُ وَإِلَيْهِ رَرْفِيفٌ مِّنْ وَكُلُوا مِمَّا كَيْفَا فِي فَا مَسْتَوَا ذُلُولًا لِّلْأَرْضِ لَكُمْ جَعَلَ الَّذِي هُوَ

“It is He who has made the earth manageable for you, so traverse ye through its tracts and enjoy of the Sustenance which He furnishes: but unto Him is the Resurrection.”

In *Surah Al-Hajj* verse 46, Allah s.w.t said:

أَفَلَمْ يَسِيرُوا فِي الْأَرْضِ فَتَكُونُ لَهُمْ قُلُوبٌ يَعْقِلُونَ بِهَا أَوْ آذَانٌ يَسْمَعُونَ بِهَا فَإِنَّمَا لَا تَعْمَى الْأَبْصَارُ وَلَكِن تَعْمَى الْقُلُوبُ

“Do they not travel through the land, so that their hearts (and minds) may thus learn wisdom and their ears may thus learn to hear? Truly, it is not their eyes that are blind, but their hearts which are in their breasts”.

On the other note, Allah s.w.t said in *Surah Muhammad*, verse 10:

أَفَلَمْ يَسِيرُوا فِي الْأَرْضِ فَيَنْظُرُوا كَيْفَ كَانَ عَاقِبَةُ الَّذِينَ مِن قَبْلِهِمْ دَرَأَ اللَّهُ عَلَيْهِمُ الْكُفْرَ مِن أَمْثَلِهَا

“Do they not travel through the earth, and see what was the End of those before them (who did evil)? Allah brought utter destruction on them, and similar (fates await) those who reject Allah”.

In the early history of Islam, many prophets (peace be upon them) migrated from one place to another to spread the *da'wah*. The prophets such as Abraham, Noah, Moses Jacob, Joseph and many more had been instructed by Allah s.w.t to migrate to another place to preach their people towards Islam. Prophet Muhammad (PBUH) himself also migrated from his homeland, Mecca to Medina, 280 miles north of Mecca, to spread Islam and he settled down in Medina for several years before returning back to Mecca.

Immigration in modern era

Even though Islam encourages Muslims to travel around the world to gain experience and knowledge, Muslim should not neglect the importance to adhere strictly to the local rules and regulations of the place visited. It will reflect the true nature of a Muslim as a law abiding people as long as the rules and regulations do not contravene with the *Shari'ah* law. This is important to ensure that Muslims are regarded as the most civilized people so that we could attract non-Muslim to embrace Islam.

Since the end of the colonization era by the powerful countries like England, Spain, Netherland, France and Portugal in the late 18th century and early 19th century, and the fall of the Ottoman Empire, the Muslim countries in the world as well as in the South East Asia like Malaysia, Indonesia, Singapore, Brunei, Thailand and the Phillipines had been separated by the international border created for the sovereign individual state. This has resulted the Muslims in these countries need to abide by the law in the respective country to mobilize and travel around. Each and every country has its own acts, rules and regulations with regard to the matters of receiving and treatment for foreigners coming into the country depending on the law established and enacted in the respective country.

In this regards, Muslims should obey, follow and adhere strictly to the rules and regulations stipulated in the country of intended to visit or migrate to avoid any bad consequences in future. Allah s.w.t said in the Holy Quran, *Surah An-Nur*, verse 27:

يَأْتِيَا النَّبِيْنَ مَا مَنُّوْا لَا تَدْخُلُوْا بُيُوْتًا غَيْرَ بُيُوْتِكُمْ حَتَّىٰ تَسْأَلُوْا وَتُسَلِّمُوْا عَلٰٓى اَهْلِهَا ذٰلِكُمْ خَيْرٌ لَّكُمْ لَعَلَّكُمْ تُدْعَرُوْنَ

“O ye who believe! Enter not houses other than your own, until ye have asked permission and saluted those in them; that is best for you, in order that ye may heed (what is seemly)”.

In this particular verse of the Holy Quran, Allah s.w.t command us to ask permission before entering into someone else’ house and getting approval from the owner of the house so that we could stay in the house peacefully. This verse also could be applied when entering into another country where we have to ask permission before entering the intended country by applying a valid visa. Normally, the citizen of the Association of Southeast Asian Nations (ASEAN) countries will be given 30 days visa entry for free to enter among the 10 member countries. Thus, we should utilize this free entrance visa wisely and do not purposely abuse it by overstaying and we must return back to our home country before the expiry of the visa. It seems that many foreigners who abuse this visa come from neighboring countries like Indonesia and southern Thailand. They enter this country with valid visas but purposely overstay for a certain period of time mainly for working purpose.

Factors influencing the influx of foreign workers

Migration could be caused by many reason such as economy, religious or simply relocation (Saritoprak, 2011). Generally, the government policies could be the main factor which saw the influx of foreign workers in Malaysia in the last few decades. Malaysia is moving towards achieving the high income nation status by the year 2020 and it needs more labor force, especially in the manufacturing sector to build the infrastructures in becoming a developed nation such as public transportation, buildings and other public facilities. On the other hand, the total Malaysian population as of 2015 is just 31 million people with the labor force participation rate is 69.7 percent, while the unemployment rate is at 3.1 percent (Department of Statistics, 2016). Thus creating more opportunities for the employers to hire foreign workers and earn profit through it in terms of paying low salary and the employers do not have to pay the statutory deductions for the foreign workers like Employee Provident Fund (EPF) and Social Security Organization (SOCSO).

Besides that, the attitude of Malaysian people towards the illegal foreign workers is considered as the most friendly and tolerant. Malaysian people tend to ignore and prefer not to mingle with the issue of illegal immigrants and just let the authorities do their job to arrest the illegal immigrants. By right, the public should work closely and hand-in-hand with the authorities to combat the illegal immigrant issues by being a sensitive citizen with regard to not only this issue but also other criminal acts.

Recommendations

The government policies on the hiring foreign workers should be reviewed from time to time to suit the current need of foreign workers in the country so that their presence should not be a stone wall for the local to find a job. Othman, M.B (2015) proposed strategies for the government to prevent the influx of illegal immigrant workers in Malaysia. The proposed strategies include:

- i. Selection criteria for the foreign workers – only Muslim foreign workers are allowed to work in this country.
- ii. Working period is shortened to allow other workers to have equal opportunity to work in this country.
- iii. Levy, visa, bond and working permit fee should be increased to an acceptable maximum amount to discourage the employers to hire foreign workers and give priority to local labor force thus reducing the unemployment rate.
- iv. Heavier punishment and penalty to those illegal immigrant entering this country.
- v. Inculcate the importance of integrity in all enforcement agencies to avoid any corruptions and loopholes in the implementation to combat this issue.

The government should be more proactive to combat this issue since it involves various implications for the economy and the society. Many scholars and researchers found that the negative implications are more dominant than the positive implications to our country with regard to hiring foreign workers (Rahmah, 2016). Many initiatives and plans of the government seem to be ineffective to combat this issue since the presence of this illegal immigrants still persist. This results from the loopholes and corruption in the implementation of the enforcement part of the government agencies which need to be abolished completely. As an Islamic country by constitutional law, the government of Malaysia should instill and educate the enforcement agencies to avoid corruption in the implementation of the immigration law. Allah s.w.t said in *Surah Al-Baqarah*, verse 188:

وَلَا تَأْكُلُوْا اَمْوَالَكُمْ بَيْنَكُمْ بِالْبَطْلِ وَتَذَلُّوْا بِهَا اِلَى الْحَكَامِ لِتَأْكُلُوْا فَرِيْقًا مِّنْ اَمْوَالِ اِنْسِي بِالْاِثْمِ وَتَعْلَمُوْنَ .

“And do not eat up your property among yourselves for vanities, nor use it as bait for the judges, with intent that ye may eat up wrongfully and knowingly a little of (other) people's property”.

The government also should launch an awareness campaign for the public to cooperate with the enforcement agencies to combat the illegal immigrant issue in the country. The public should be the front line for the government to act effectively by lodging a report to the authorities immediately if encounter any illegal immigrant in the neighborhood. This is because the enforcement agencies could not act effectively to tackle this issue without any support and cooperation from the public. This is in line with the command of Allah s.w.t in *Surah Al-Maaidah*, verse 2:

وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ ۖ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ ۗ وَاتَّقُوا اللَّهَ ۗ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ .

“Help ye one another in righteousness and piety, but help ye not one another in sin and rancour: fear Allah. for Allah is strict in punishment”.

Conclusion And Way Forward

Islam encourages Muslims to travel around the globe to acquire knowledge and experiences, but it also has provided guidelines for the traveler to maintain a good ethic and behavior towards the local people so that his presence would not create any obstacle. The issue of illegal immigrant workers in Malaysia is ongoing and it seems to never end issue since it is rooted in more than 50 years ago. The government should tackle this issue in the most effective way to avoid any negative implication to the economy and the local citizen as a whole. The government also should not be seen as too lenient and generous towards the illegal immigrants by providing various programs in favor of them to prolong their stay in this country. In contrary, the government should be more firm and be seen as serious in tackling this issue for the next generation in future.

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