Legal Foundations and Maqasid Vision: Responsibility for Islamic Higher Education in Malaysia

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ABSTRACT

Malaysian federalism divides the authority over education and Islamic affairs between the federal and state governments, creating a complex governance landscape. This division has influenced the establishment and management of Islamic higher education in the country. Therefore, this paper discusses federalism and its influence on Islamic higher education in Malaysia, claiming that the separation of powers, in which the federal government, in charge of education, and the state, in charge of Islam, should be the main stakeholders, has built a grey area of governance as opposed to a legal restriction. Tracing through a doctrinal approach to the constitutional and statutory texts, complemented with a secondary analysis and a narrow case study of the Sultan Ibrahim Johor Islamic University College (SIJIUC), the research indicates that the approach of State Islamic Religious Councils (SIRCs) can legitimately manage the Islamic universities within the framework of MOHE/MQA. A scalable model can be illustrated by comparative examples of Kedah (INSANIAH/UniSHAMS) and Selangor (KISDAR-KUIS-UIS), which highlight state ownership, recurrent grants, waqf/endowments, and the diversification of the programme into professional spheres. The paper, whose argument is framed by the maqasid al-shari'ah, particularly hifz al-din and hifz al-aql, argues that states and SIRCs have a normative responsibility to promote Islamic universities by expanding access, reducing attrition, and circulating talent in line with current needs. The acquisition of SIJIUC in favour of the Johor case, in support of the JS-SEZ and Industry 4.0 goals, is justified by the connection of these goals to moral rehabilitation and technical competence. The rules are rounded out with policy levers to institutionalise excellence: long-term funding, faculty training, research strengths, and an industry-focused curriculum.

Keywords: Malaysia federalism; Islamic higher education; Sultan Ibrahim Johor Islamic University College (SIJIUC); Maqāṣid al-Sharī'ah (hifz al-dīn; hifz al-'aql)

INTRODUCTION

Federalism in Malaysia is a distinct and multidimensional structure shaped by its history of colonisation, plural society, and constitution. Malaysia's federal system can be traced back to the post-independence era, when the governance system underwent significant changes from one shaped by British colonial policies (Begum, 2023). Due to Malaysia's federal system, educational and religious responsibilities are divided among various authorities (Seng, n.d.). According to Article 74 of the Federal Constitution, the federal government is empowered to handle the majority of education issues, including those related to higher education. In contrast, the management of Islam falls under the state's jurisdiction, including Islamic education (Nor, Abdullah, & Ali, 2016). This suggests a dual jurisdiction in which issues of primary and secondary religious education are addressed within the framework of individual states' laws and policies (Zulkefli, Endut, & Abdullah, 2024).

In higher education, the legislative power is the Universities and University Colleges Act of 1971, which serves as the legislative framework for establishing higher education institutions (HEIs) within the country's federal system. Additionally, the structure of private higher education is governed by the Private Higher

Educational Institutions Act of 1996, which regulates the establishment, management, and operation of private educational institutions (Cheong, Hill, & Leong, 2016; Mosaku & Ghafar, 2017). Besides these and consistent with these underpinning initiatives, the additional formation of the Malaysian Qualifications Agency (MQA) has been crucial in setting the academic standards and quality in the institutions, which are guided through quality assurance systems to support the national educational aim (Leong, 2022; Sinniah, Mamun, Salleh, Makhbul, & Hayat, 2022). This centralisation leads to clear delineation of responsibilities. State governments and State Islamic Religious Councils (SIRCs) are generally viewed as having a limited role in higher education, which is primarily considered the responsibility of federal authorities (Don & Osman, 2020; Usman & Rahman, 2022). As a result, there is a grey area regarding support for Islamic universities, institutions of higher learning oriented toward Islam. SIRCs, which are very active in overseeing and funding religious primary and secondary schools, are less devoted to Islamic Universities, perhaps because of the belief that higher education is strictly a federal matter.

Therefore, in this paper, the assumption is discussed and explained, along with the reasons why state governments and SIRCs are assumed to have a role and a duty, despite not being based on legal requirements, but rather on the broader objectives (maqasid) of Shariah, to promote Islamic universities actively. As an enlightening example, this paper, based on the case of Sultan Ibrahim Johor Islamic University College (SIJIUC), conducts a legal and maqasid-based discussion of how state institutions can foster Islamic higher education. The study also aims to explore how the SIJIUC integrates with modern state development objectives, such as the Johor-Singapore Special Economic Zone (JS-SEZ) and Industry 4.0. Based on comparative examples from another state, i.e., Universiti Islam Selangor (UIS) in Selangor and Universiti Islam Antarabangsa Sultan Abdul Halim Mu'adzam Shah (UniSHAMS) in Kedah, the paper will illustrate how strong state leadership and effective initiatives by SIRCs can turn state Islamic colleges into fully developed universities.

Theoretical Framework

The theoretical foundation of this article is a combination of the Maqāṣid al-Sharī'ah approach, multi-level governance, and change in higher education policy. These three lenses are required because legal doctrine cannot provide a sufficient explanation of the question of Islamic higher education in Malaysia. It is a stratified point of interaction among the constitutional distribution of powers, institutional practices of governance, and normative claims related to the end of education in a Muslim-dominant society.

To begin with, Maqāṣid al-Sharī'ah is used in this work as an evaluative framework of normativity. According to classical juristic discourse, the higher goals of Islamic law are as follows: the protection of religion (ḥifẓ al-dín), life (ḥifẓ al-nafs), intellect (ḥifẓ al-aql), lineage (ḥifź al-nasl), and property (ḥifẓ al-māl). Among them, ḥifẓ al-dīn and ḥifẓ al-Aql are specifically important to the rationale of Islamic higher learning. Higher education is not only a technical tool for employable graduates; the Islamic jurisprudential tradition has always seen it as a means of sound belief, intellectual maturity, ethical consciousness, and the formation of socially responsible citizens. It is possible, within this context, that the backing of Islamic universities can be seen not merely as an administrative choice, but as a methodology for the realisation of public good (maṣlaḥah) through systematic investment in knowledge, religious survival, and the upliftment of society.

Nevertheless, maqasid cannot be deemed sufficient to explain why Islamic higher education is institutionally uneven across the states in Malaysia. That is why the multi-level governance theory is another institutional approach taken in the article. Multi-level governance emphasises the nature of policy power, which is not centralised in the hands of a single player but is usually shared and multiplied across different centres. In the Malaysian case, higher education is under federal jurisdiction, whereas Islam is under state jurisdiction. This does not establish an absolute division or absolute overlap, but it establishes a field of governance characterised by interdependence, ambiguity, and negotiation. Multi-level governance is thus a concept that can be applied in the explanation of the way that Islamic higher education functions on a Federation, state governments, State Islamic Religious Councils (SIRCs), and regulatory agency that includes the Ministry of Higher Education (MOHE) and the Malaysian Qualifications Agency (MQA) with the application of legal

authority, financial capacity, political will, and religious legitimacy across the Federation, state governments, State.

The third prism is based on transformations in higher education policy, especially scholarship on state steering, institutional adaptation, and differentiated mission in tertiary education. However, modern higher education systems are being evaluated beyond their accessibility and quality. They are also assessed for their responsiveness to national development, labour market transitions, technological changes, and social inclusion. Islamic Universities in Malaysia should therefore be analysed not as religious institutions per se, but as actors in policy, existing within the wider discourses of human capital, regional development, educational equity, and institutional sustainability. Such a view is particularly applicable to institutions like Sultan Ibrahim Johor Islamic University College (SIJIUC), which, in fulfilling its faith-based educational mandates, will also serve a purpose in relation to the state's development agenda, such as Industry 4.0 and the Johor-Singapore Special Economic Zone (JS-SEZ).

Combined, these three frameworks enable the article to move beyond merely descriptive discourse about law. Maqasid al-sharieh is why supporting Islamic higher education might be normatively reasonable; multi-level governance is why supporting Islamic higher education is institutionally disaggregated; and higher education policy transformation is why state Islamic universities need to be judged increasingly on quality, sustainability, relevance, and developmental impact. The paper hence concludes that the administration of Islamic higher education in Malaysia must be viewed as an area of collision between constitutional federalism, Islamic normative obligations, and modern policy concerns. This combined model allows a more informed evaluation of whether state governments and SIRCs have only the capacity to facilitate Islamic universities, or whether they also bear an expanded burden of governance to do so.

METHODOLOGY

The proposed study has a qualitative socio-legal design, combining doctrinal legal analysis with document-based policy analysis and a comparative instrumental case study. The methodological approach will address a core research question: Does the restricted positioning of Malaysian states and State Islamic Religious Councils (SIRCs) in Islamic higher education stem from a lack of legal competence, institutional uncertainty, or a lack of policy commitment? In response to this question, the study does not rely on a single source of authority; rather, it examines the mediation of courts of constitutional law, state legal frameworks, institutional practice, and normative reasoning.

On the one hand, the study will use doctrinal analysis to examine the statutory distribution of legislative and administrative powers in the administrative and higher education sectors in Malaysia and Islam. The Federal Constitution, including Articles 3 and 74, and the Ninth Schedule, are the main primary sources; various state-level legal documents, in particular, the Undang-Undang Tubuh Negeri Johor 1985 and the Enakmen Pentadbiran Agama Islam (Negeri Johor) 2003. They are systematically interpreted to determine the levels of federal and state competence, the constitutional status of Islam, and the legal grounds, explicit and implicit, for the state's action in Islamic educational institutions. The doctrinal aspect of the study has not been limited to a literal reading; it also examines how the Constitution's design generates practical consequences for governance, especially in areas where overlapping institutional responsibilities are underspecified.

At the second level, the research conducts qualitative analysis of secondary and institutional materials in paper-based form. These include academic publications on federalism, Islamic governance, and waqf-based educational funding; publications by institutions; budgetary reports; legislation; policy statements; and official media publications on SIJIUC, UniSHAMS, and UIS. The choice of these materials was deliberately made based on the following three criteria: first, relevance to the regulation of Islamic higher education; second, institutional authority or legal relevance; and third, the ability to shed light on reality beyond official legal works. The inclusion of these materials is meant to prevent the analysis from focusing on constitutional abstraction and to place the law discussion in the context of actual policy and institutional facts.

The study further uses a comparative case-oriented strategy. Using Sultan Ibrahim Johor Islamic University College (SIJIUC) in Johor as the main case, this study compares it with Kedah and Selangor, using

INSANIAH/UniSHAMS and KISDAR/KUIS/UIS, respectively. These were not randomly selected cases. Johor was chosen because it can be seen as a spark of life and a model of state-supported Islamic higher education, with deliberate reference to the contemporary state-level development planning. The selection of Kedah and Selangor was based on their availability of longer institutional trajectories that demonstrate how state agencies, legal support, and repeated funding can influence the formation of Islamic higher education over time. These cases should not be subject to statistical generalisation. However, they should allow for analytical comparisons and contrasts in the areas of legal basis, upgrading of government, and patterns of state commitment.

To achieve an analytical purpose, the materials were coded deductively into four thematic categories. The first is the allocation of powers based on the constitution and the law, in which issues of education as a federal issue and Islam as a state issue are examined. The second is the institutional power and governance capacity, especially that of SIRCs, state regimes and university control agencies. The third one is the support mechanisms of Islamic higher education, such as funding provisions, incorporation into law, land provision, programme expansion, and the patronage of policies. The fourth concerns normative justification, particularly Maqāṣid al-Sharī'ah and public-interest reasoning, to conceptualise the role of states in advancing Islamic higher education. These themes were then contrasted across the three models of the state to establish recurring patterns of governance, legal conflicts, and institutional differences.

The study relies on source triangulation in order to enhance interpretive rigour. Legal writings were read alongside policy texts, institutional histories, legal budget allocations, and academic debates to determine whether formal legal competence would be reflected in actual practice. This triangulation is particularly significant within the context of Malaysia, where divisions of the constitution do not necessarily predict a full repertoire of institutional behaviour. The analysis then carefully distinguishes between what the law actually requires, what it permits, and what state actors have actually done. This would be effective in avoiding both overstatements of legal assertions and in unlocking how institutional practice can broaden, or even constrain, the practical sense of constitutional authority.

The research is not an interview or a human subject study. The materials under analysis are publicly available documents, legal texts and institutional records. However, some limitations must be admitted. Since the research is based on documents, it fails to internalise internal decision-making processes, political trades and stakeholder perceptions that could determine the result of policies. Moreover, publicly available information on enrolment patterns, attrition, graduate achievement, and longitudinal institutional funding is not evenly distributed across the states. In this regard, the results must be taken at face value as a qualitative analytic discussion of the legal and governance framework of Islamic higher education, but not as a meta-measure of institutional performance.

Nevertheless, given these drawbacks, the selected methodology is suitable for the article's purpose. The problem of study is essentially the problem of constitutional location, structure in governance, and normative defence, and thus, needs an approach that can help bridge the relationship between legal doctrine and institutional practice and policy analysis. Interpreting the doctrines, documentary evidence, and comparative analysis across states, the study would generate a more analytically sound explanation of the construction of Islamic higher education in Malaysia as structurally under-institutionalised, and of how it could be reconsidered within a framework of maqasid-based and governance-sensitive principles.

FINDINGS & DISCUSSION

Federal versus State Jurisdictions in Education and Islam

In the Constitution of Malaysia, the responsibilities of the federal and state governments have been clearly defined. Education appears on the Federal List (Schedule 9, List I) as a federal duty, in which case policies of universities, curricula, and higher education funding are relatively centralised (Seng, n.d.). By contrast, Islam is included in the State List (Schedule 9, List II), which grants state legislatures the authority to regulate Islamic law and institutions, such as Islamic schools, charitable endowments, zakat, mosques, and the promotion of Muslim theology (Nor et al., 2016). Article 74 provides:

"(1) Without prejudice to any power to make laws conferred on it by any other Article, Parliament may make laws with respect to any of the matters enumerated in the Federal List of the Concurrent List (that is to say, the First or Third List set out in the Ninth Schedule). (2) Without prejudice to any power to make laws conferred on it by any other Article, the Legislature of a State may make laws with respect to any of the matters enumerated in the State List (that is to say, the Second List set out in the Ninth Schedule) or the Concurrent List."

Based on the article and the mentioned list, education is in the federal jurisdiction, and entails educational services of elementary level, secondary level and university level; vocational and technical education; teacher training; teacher registration and control; encouragement of special studies and research; and scientific and literary societies, under the Federal List (List I) to the Ninth Schedule of the Federal Constitution. This provision stipulates that matters related to higher education are under the control of the federal government through legislation passed by parliament, as well as through acts of parliament, such as the Universities and University Colleges Act of 1971. Subversively, at the State List (List II), issues on the Islamic law is vested by the authority of the state and entails individuals including the succession, marriage, divorce, maintenance, guardianship and other matters involving the Islamic law, waqf, zakat, fitrah, baitulmal, mosques, and the formulation and punishment of offences committed in the today Islamic law by individuals professing the Islamic faith ('Constitution of Malaysia 1957', n.d.). This division reflects the Malaysian federal system, in which the Federal government oversees the education sector, including higher education. Conversely, the state governments have exclusive powers in matters touching on Islamic law and religious issues. Centralisation produces a clear separation of responsibilities. In this model, the role of state governments and State Islamic Religious Councils (SIRCs) in higher education is considered minimal. The federal government has been directly linked to the control and administration of higher education, which is regarded as playing a leading role in this regard. Consequently, the state-level organisation is more supportive and peripheral than directive. Such an arrangement strengthens the role of federal agencies in their policy-making processes, institutional regulation, and the provision of higher education resources. This model positions the federal government at the centre of higher education development in the country, as suggested by Don and Osman (2020) and Usman and Rahman (2022).

Remarkably, the Federal Constitution does not overlook the fact that Islam is the religion of the Federation, and, as such, the federal government may spend on the common good, including education and Islamic institutions (Faruqi, 2025). It affirms that Article 3(1) states that Islam is the official religion of the Federation, thereby providing grounds for government interference in matters relating to Islam and the general welfare, including education and Islamic institutions. Such a name highlights Islam's significant position in Malaysian society and defines the roles and responsibilities of the federal and state governments in administering Islamic practices (Adil, Mansor, & Amin, 2023). For instance, the budget of the federal budget of Malaysia during the three fiscal cycles has increased to show that the focus of policy has moved towards a focus on religious affairs and Islamic education, with the budget on Islamic affairs rising to RM1.5 billion in 2023, RM1.9 billion in 2024 and to RM2.0 billion in 2025 (BERNAMA, 2024; 'Kenyataan Media Ketua Pengarah Jabatan Kemajuan Islam Malaysia Berkenaan Belanjawan 2024 Malaysia Madani – Komitmen Berterusan Kerajaan Perpaduan Dalam Memartabatkan Syiar Islam', 2023; Saidi, 2023). These projects encompass mosque and community religious programmes redirected via JAKIM as well as the construction of two new Islamic secondary schools under Budget 2024 (SM Integrasi Sains Tahfiz, Bukit Jalil, and SMK Agama Jempol) (Bernama, 2023b; Ministry of Finance Malaysia, 2023). Moreover, a portion of the religious workforce, specifically over 70,000 KAFA teachers, imams, bilal, and mosque staff, receive monthly allowances paid regularly through federal channels (Adnan, 2023; BERNAMA, 2023b). Federal funds are being programmatically allocated to enhance Islamic educational institutions, such as RM150 million in Budget 2025 to maintain the pondok, tahfiz, and sekolah agama rakyat structures, and RM150 million in Budget 2024 for the same purpose (Malaysia Kini, 2023; Ministry of Finance, 2024). To support Islamic education at higher education levels, the Federal government allocated RM10 million to INCEIF University and IIUM to investigate the field of Islamic economics further (INCEIF, 2024).

Although the federal government has put in place much funding towards Islamic education and institutions, the indicators have shown that the states still need special universities to cater to the Muslims when it comes to

accessing, retaining and improving further among the Muslim students, particularly those who are at risk of falling through the cracks. For example, data from the Department of Statistics Malaysia shows that although completion rates for primary and secondary schooling are high, there is little publicly available disaggregated state-level data for those who drop out or fail to transition into tertiary education in Islamic pathways (DOSM, 2025). One study found that in a Malaysian private university sample of 7,606 students from 2018-19, 12% (931 students) were dropouts, and the remaining 88% (6,675) completed their studies (Roslan, Jamil, Shaharanee, & Alawi, 2024). This underscores that, even at the tertiary level, some students do not complete their studies, and the risk may be higher among those from disadvantaged or rural backgrounds or those lacking access to faith-based higher education institutions. Therefore, state governments and numerous SIRCs must share joint responsibility for establishing and sustaining Islamic universities or branches thereof in each state. The reason is that local circumstances vary; some children in remote or rural communities are more at risk of being left behind without state-provided institutions that offer a tertiary, faith-based option. In the absence of these institutions on a state level, a larger number of young Muslims will be confronted with geographical, economic, or cultural accessibility and fit, and as such will not engage in the formal higher-education system at all. However, in reality, the involvement of state governments in Islamic education has been perceived as focusing on pre-tertiary education, for instance, the operation of primary and secondary religious schools (sekolah agama) and pre-university religious colleges (Zulkefli et al., 2024). While federal funding is vital, the responsibility for localisation, sustained access, outreach and support systems falls in considerable measure to the states and SIRCs in order to ensure that no young Muslim is left behind.

Legal Foundations: Johor State Constitution 1985 and Islamic Administration Enactment (State of Johor) 2003

The legislation that regulates Islamic affairs in Johor primarily combines the Johor State Constitution of 1985 and the Islamic Administration Enactment of 2003. Together, they outline the authorities, roles, and responsibilities of the Sultan, the State Islamic Religious Council (MAIJ), and other institutions involved in the management of Islamic affairs. This will lead to the collective shaping of a general legal framework for the administration of Islam in Johor, consistent with the state's sovereignty and the wider constitutional framework of Malaysia.

According to the Johor State Constitution of 1985, Islam has played a major role in shaping how the State is managed and how it identifies itself. It also evidently recognises the State as an Islamic state, thereby affirming the Sultan as the head of the Islamic religion in Johor. In this position, the Sultan has constitutional authority over Islamic affairs, including the control and management of religious institutions such as mosques, as well as the administration of Islamic law. The supreme advisory and administrative body, the SIRC, is established by the Constitution to assist the Sultan in administering Islamic affairs, including waqf, zakat, and religious education. These provisions are included in the Constitution, which demonstrates that Islam is not a mere theory but a practical foundation incorporated into the State's legal and administrative framework. The Johor Constitution, in its turn, ensures that the regulation of the Islamic affairs can not only arrange the constitutionally abiding but also be in keeping with the sovereignty of the Sultan as it is a bright specimen of a deep-rooted interrelation between the Islamic religion and the constitutional and political procedures of the State (Negeri Johor, n.d.).

The legislative basis for the management of Islamic affairs within the state of Johor is the Islamic Administration Enactment (State of Johor) 2003. It confirms the Sultan's royal powers as the Head of Islam. It provides specifications on the powers, functions, and systems of key organisations in Islam, including the Johor SIRC (MAINJ), the Department of Mufti, Syariah Courts, and the fatwa-issuing system. This act requires comprehensive action by the MAINJ, not just legal and religious, but also economic, social, and educational developments within the Muslim community, which is why the Islamic administration's view is very comprehensive, as shown by Johor state. Its enactment is comprehensive and covers many aspects, such as management and enforcement of mosques, finances (zakat, waqf, and Baitulmal), and spreading of the faith, muallaf, and educating about religion. It provides Islamic administration as one of the essential functions of state administration, as instituted in the legal system and civil organisation of Johor (Majlis Agama Islam Negeri Johor, n.d.-b).

Regarding Islamic education, the Enactment devotes Section (Part X) to it, focusing primarily on its regulation and development, thereby giving it significance within institutions. The Enactment gives the MAINJ the power to declare, regulate and control Islamic schools and education institutions (Section 120) and to supervise the whole teaching of the Islamic religion by constituting a Supervisory Committee for the Teaching of the Islamic Religion (Section 118). It criminalises the impartation of Islamic or Islamic-related matters without reasoned authorisation or permit (Section 119) since the State has an extreme control attitude towards the defence of doctrinal purity and the educational ethics. Besides this, Section 7(f) gives the MAINJ the mandate to organise and run Islamic schools and training institutions, as part of its overall role in promoting the socio-economic well-being of Muslims in Johor. Such a legal emphasis underscores that Islamic education must not be a secondary task but an absolute obligation of the state, provided directly under the leadership of the religious representation and legislation (Majlis Agama Islam Negeri Johor, n.d.-b).

To improve proper governance and the quality of Islamic education in the state, the Islamic Religious Schools (Control) Enactment 1991 (Enakmen Pengawalan Sekolah-sekolah Agama Islam 1991) provides a clear legal framework for the governance, regulation, and control of all Islamic religious schools in Johor. This enactment gives the MAINJ all the powers to enrol, monitor, and penalise these schools for adhering to the set standards of religious teachings and institutional management. It provides that all schools of the Islamic religion should be duly registered and licensed, so that the control of education is centralised and directly supervised by the law, in the best interests of uniformity and authenticity of Islamic teaching. Besides, the enactment enables the Majlis to sanction or punish non-compliant or non-registered institutions, thereby ensuring that religious education is conducted in accordance with the approved doctrines and the state-approved educational objectives. Using such a legislative structure, the state consolidates the integrity, consistency, and, especially, the legitimacy of Islamic education within the broader Islamic administration of Johor (Majlis Agama Islam Negeri Johor, n.d.-a).

Nonetheless, the legal gap regarding Islamic higher education in Johor's legal system is quite apparent. Although both the Johor State Constitution 1985 and the Islamic Administration Enactment (2003) have established comprehensive parameters for governing Islamic affairs, including Islamic religious education at the school level, there is no concrete provision outlining the responsibilities of Islamic higher education. The Islamic Religious Schools (Control) Enactment 1991 also establishes the state's power over primary and secondary Islamic education; however, it does not address post-secondary or tertiary institutions. This exclusion suggests that the state's Islamic jurisdiction is limited to the secondary level, with university governance transferred to the federal education structure. Therefore, even though the Constitution and Enactments provide the legal means to govern, establish, and finance Islamic schools, they do not extend to Islamic universities. This lack of statutory guidance has contributed to poor coordination between state clerical leaders and the federal ministry, as well as a lack of initiative in establishing state-sponsored Islamic schools of education, despite the constitution allowing states to do so.

Some Examples from States in Malaysia

Although some states do not have specific legal provisions regarding Islamic higher education, others have shown initiative in utilising their constitutional mandate to establish such institutions. It is also noteworthy that similar states, such as Kedah and Selangor, have established or institutionalised their respective Islamic tertiary educational institutions, demonstrating that state governments have the capability and precedent to support the growth of Islamic tertiary education in their states.

A case in point is INSANIAH under the authority of the Kedah State Government. In Kedah, SIRC Kedah (MAIK) was the first institution to develop INSANIAH in the mid-1990s. The state's strategy was formalised in a state law and in tight collaboration with the state's foreign partners. The Kedah State Islamic Institute was established by the valid Enakmen Jamiah Islam Kedah of 1995, and the Sultan of Kedah agreed to this visionary step. INSANIAH began by offering twin degree programs in conjunction with the prestigious Al-Azhar University in Egypt, which offers majors in basic Islamic subjects such as Syariah, Usuluddin, and Arabic. The State Government's determination is evident in the fact that the Chief Minister himself served as the board's chairman, which oversaw the institute. Over time, INSANIAH developed into a University College

and, ultimately, into a fully operational university, present day known as Universiti Islam Antarabangsa Sultan Abdul Halim Mu'adzam Shah (UniSHAMS). This development, similar to that of Selangor, did not occur in a carapace but was the outcome of years of its governmental patronage and legal organisation. Kedah gave INSANIAH a mandate and a support system, which provided the institution with a firm foundation to ensure that Islamic scholarship continued even in modern times (Korporat UniSHAMS, 2025).

A good example of pre-emptive involvement in the tertiary institutions is the Selangor Islamic Religious Council (MAIS). To expand the mission of state Islamic schools in Selangor, the state opened its first Islamic college (originally called Kolej Islam Selangor (KISDAR)) in 1995, in partnership with the Selangor Islamic Department (JAIS). KISDAR has strong state support for 104 acres of land and substantial state funding to develop a new campus in Bandar Seri Putra, Bangi. It was later upgraded in 2004 to Kolej Universiti Islam Antarabangsa Selangor (KUIS) and was allowed to offer accredited bachelor's degrees. By 2022, KUIS had fully established itself as Universiti Islam Selangor (UIS), demonstrating steady development under MAIS ownership (UIS, 2025). Worth noting is that UIS has diversified its academic services to include not only Islamic themes but also modern-day professional subjects (business, Islamic banking, education, information technology, etc.), with the same Islamic wisdom sprinkled in. This aligns with the state's goal of developing Muslim professionals and scholars who will be at the forefront of society in all spheres of influence. MAIS offers long-term financial assistance, for example, by allocating baitulmal funds in the form of grants to KUIS. In 2020, MAIS allocated a 1 million education stimulus fund from its Baitulmal funds to KUIS (MAIS, 2020). Indeed, the officials of Selangor have indicated that the authorities provide KUIS with an annual grant (approximately RM12 million) in MAIS to assist in covering staff salaries and operations, highlighting that the religious council considers the university one of the mandated institutions (Dewan Negeri Selangor, 2014). This has been commendable, given the commitment shown to propel state-SIRC relations towards the cultivation of an Islamic university to maturity.

In summary, although the codification of Islamic higher learning is not a feature of every state, many states, including Kedah and Selangor, have implemented their constitutional mandate on Islamic education to establish and develop tertiary education, thereby establishing long-term precedents. Of interest is a state-led development of an institute into a university, exemplified by INSANIAH (since renamed UniSHAMS) in Kedah, which, via enactment, strategic collaboration and compassionate executive support, developed into a campus university, and Selangor KISDAR and then UIS, which, through land grants, repeat funding and expansion of its degree portfolio can become a fuller university. All these factors indicate that state initiative, legal tooling, and long-term investment, rather than the presence or absence of explicit law, are essential for establishing robust Islamic tertiary ecosystems.

Case Study: Sultan Ibrahim Johor Islamic University College (Sijiuc)

A notable case study of the intersection of state initiatives, SIRC, and the provision of Islamic higher education is the Sultan Ibrahim Johor Islamic University College (SIJIUC), located in Johor Bahru, Johor Darul Ta'zim. It is well known that Johor is a state that has a proud history of Islamic education, which notably was the first Malay state to modernise Islamic education and, as the Chief Minister of Johor observed, even as early as 1902, the Johor Sultanate had made basic schooling (and religious schooling) compulsory to children aged seven (BERNAMA, 2023c). This was the pioneer of Johor's later move into tertiary Islamic education through SIJIUC. SIJIUC is a case of visionary leadership, collaborative planning (including international planning), and, most recently, the express knowledge and encouragement of the state's highest authorities.

Historical Background and Foundation.

SIJIUC has its origins in the late 1990s. A key weakness, in the eyes of Islamic educators in Johor, was that once they had completed their studies at the state-level Islamic high school, Ma'ahad Johor, students had few local options for continuing their Islamic education. The majority of Ma'ahad Johor senior teachers believed that the state needed to maintain the flow of Islamic education by further upgrading it to the college level, allowing students to acquire diplomas and degrees in Islamic fields without necessarily leaving Johor (KUIJSI, 2020). Their inspiration, however, was what transpired in Kedah; as indicated, Kedah had already signed an MoU with Al-Azhar University and established INSANIAH in the early 1990s. Johor wanted to copy and

follow that model. These were the teachers, such as well-known names like Ustaz Hj. Hudzairi bin Jabar, as well as Ustazah Datin Rohana Yassin, forwarded their proposal to the Education Division of the Johor Islamic Religious Department. Significantly, they were favourably assisted by the Johor Majlis Agama Islam (MAINJ) and the state Islamic authorities. The first time the Rector of Al-Azhar visited Johor in June 1997, following an invitation from MAINJ, provided impetus to concerted efforts.

Johor did not have to wait long to receive positive feedback from Al-Azhar. The Chairman of the Johor Islamic Affairs Committee (on behalf of the Chief Minister) signed a Memorandum of Understanding with Al-Azhar University in Kedah during the INSANIAH campus on 11 November 1997. Under this MoU, Johor established a new Islamic higher learning institution, which was initially referred to as Pusat Pengajian Islam dan Bahasa Arab MARSAH (abbreviation: Markaz al-Dirasat al-Islamiyyah wa al-'Arabiyyah). Most often, it came to be known as MARSAH (an acronym that still retains the name of the past). The first MARSAH programme was a twinning programme with Al-Azhar: students had to complete their first year in Johor in disciplines such as Syariah, Usuluddin, or Arabic, and then spend their final year in Egypt at Al-Azhar. In 1997, the creation of MARSAH led to Johor's incorporation into an Islamic university. It is worth noting that the MARSAH was founded by MAINJ (the Johor Islamic Religious Council). As Johor himself explains, MAINJ decided to raise the educational level of Ma'ahad Johor to college level and to establish MARSAH as the tertiary wing, with Ma'ahad Johor remaining as an upper secondary school. That is, at the very beginning, the role of religious authority in the state was to serve as the college's patron.

In the 2000s, MARSAH was a college that offered diploma-level courses and the Al-Azhar twinning degree. It was run under the regulation of the Islamic Department of Johor and under MAINJ, though subject to the laws of the federal Ministry of Higher Education; it needed to be registered and, finally, accredited. In 2011, the MARSAH was fully accredited by the Malaysian Qualifications Agency (MQA) for all its courses. MOHE officially accredited it as "Kolej Pengajian Islam Johor (MARSAH), which indicated that it was up to the standards of the country to award higher education qualifications. This was one notable milestone in accreditation: the diplomas and partnership degrees of MARSAH were accepted as equal to those of any other Malaysian private higher education institution.

Greater Upgrade into University College

The recent past has witnessed a landmark change in MARSAH's history. In 2023, the leadership of Johor decided to elevate MARSAH to university college status, with the current Sultan's name attached. On 7 April 2023, the Islamic Affairs Exco of the state of Johor, Mohd Fared Mohd Khalid, stated that MARSAH would be renamed as Kolej Universiti Islam Johor Sultan Ibrahim (KUIJSI) (BERNAMA, 2023a). In renaming it, it has not only been a show of beautification but also of status elevation. Having university college status (as opposed to being a college) generally enables an institution to offer a broader range of degree courses (including its own home-produced baccalaureate degrees). It suggests a higher place in the academic hierarchy. Sultan of Johor, Sultan Ibrahim Ibni Almarhum Sultan Iskandar, agreed to give his name to the institution, which was the royal approval at the highest level (BERNAMA, 2023c) (BERNAMA, 2023c). In fact, Sultan Ibrahim was actually crowned the Chancellor of KUIJSI on its 21st convocation in December 2023. The Johor royal family and state government made the explicit choice in favour of SIJIUC as the state university college by appointing the Crown Prince of Johor and the State Secretary as Pro-Chancellors (BERNAMA, 2023c) (BERNAMA, 2023c).

This upgrading was also supported physically. MAINJ offered the recipient of a RM15 million incentive grant to upgrade MARSAH to KUIJSI. According to the Johor Islamic Affairs Exco, this fund was allocated to support facility upgrades, including the creation of new academic programs, the recruitment of qualified academic personnel, and other investments necessary for a university college. These changes in name and branding were attributed to one of the Islamic education system's successes in Johor, which elevated the institution's status and rank (BERNAMA, 2023a). In the most tangible sense, Johor was proclaiming that its Islamic college had reached maturity and was ready to become a college of higher learning. Notably, the upgrade in Johor was well-planned. The formal rebranding under the new name and logo was to be finalised by the Chief Minister following Eid in 2023, indicating that the state government owns the initiative

(BERNAMA, 2023a). The fact that the Sultan was appointed Chancellor, also gives the university college a constitutional foundation in the state set up, that is, the Sultan, being the Head of Religion in Johor, is now in a symbolic manner the Head of this Islamic university college, as the Yang di-Pertuan Agong is the constitutional Head (Chancellor) of federal public universities such as Universiti Malaya. To Johor, a state that cherishes its independence and Islamic ancestry, such gestures carry a clear message: SIJIUC is a state asset to be proud of and cultivated.

Empowering SIJIUC: Sustaining Johor's Future through Faith, Knowledge, and Growth

In the institution's history, which began as MARSAH and evolved into SIJIUC, the primary objective has been to produce enlightened and religious students capable of serving society and advancing Islamic ideology. Over the years, SIJIUC has offered several programs, mostly in Islamic studies, among others. At the diploma level, it offers programs such as the Diploma in Usuluddin, Diploma in Tahfiz al-Quran and Qiraat, Diploma in Syariah Islamiah, Diploma in Dakwah Management, and Diploma in Islamic Education, among others. Following the university college's elevation, SIJIUC began offering Bachelor's degrees. It will start receiving applications for the diploma and bachelor's programs in various disciplines for the 2025 intake. As an appendix, SIJIUC has also introduced courses in Islamic economics and management, namely the Diploma in Islamic Banking and the Diploma in Islamic Finance, in its School of Muamalat and Management. This type of academic program differentiation indicates that Islamic universities need to adapt to contemporary needs and integrate religious education with professional and technical skills. It is a form of integrated program that is consistent with the notion of Islamic education, which does not merely involve fard 'ain (a person's religious duty), but also fard kifayah (a communal religious duty). This has led to Islamic specialists working in banking, education, and other related areas who are well-versed in the Islamic worldview.

Compared to public universities, SIJIUC is a relatively small institution that is growing. At its 21st Convocation in late 2023, 508 graduates were granted their diplomas (probably a few bachelor's degrees among them had been awarded in prior collaborative programs) (BERNAMA, 2023c). It is not a large circle, but each of these people stands in a niche within a given organisation: every one of those graduates is a strong presence in the community, as either a teacher of Islamic studies, an imam, an officer of shariah or a participant in a training program on finance. This translates to a good number of graduates serving in religious schools, mosques, and Islamic institutions in Johor, thereby fulfilling the human resource needs that would have led to recruitment by the SIRC or the state government. What is more important, the state has formally recognised the role played by SIJIUC in the Islamic business in Johor through certain programs. In 2023, Johor unveiled the Orang Muda Johor (Young Johor Generation) program, which regularly trains religious leaders and Quran-literate individuals. Surprisingly, it was appointed as the secretariat, which KUIJSI (SIJIUC) aims to achieve three major targets: producing 500 certified young imams in Johor, producing 1,200 huffaz (Quran memorisers) in Johor every year, and achieving 50,000 people completing Quran recitation (khatam al-Quran) annually. These targets set by the Islamic Affairs Exco have raised trust in SIJIUC. Johor has utilised its learning institutions to fulfil broader social and religious needs, including imam training and Quranic sessions organised by the coordinating body. All in all, SIJIUC has not just been a target of classroom education, but also a means of community building: it educates spiritual leaders (imams), provides knowledge about the Quran, and increases the religious competence of the youngest generation in Johor. This is an undoubted achievement of one of the institution's main functions in its formation: serving the children of Johor and providing students with religious education. It also places SIJIUC within the system of Islamic governance in Johor.

Another important purpose of SIJIUC is that the institution provides students in Johor, especially those studying in the many religious secondary schools in the state, with the opportunity to pursue tertiary education in a local Islamic environment. Otherwise, some of these students would have had to compete for the limited places offered at federal Islamic universities or go abroad, which very few can afford or find a scholarship to do so. SIJIUC thus helps retain local talent and intellectual capital within Johor. This may be long-term, since graduates in the state can work as educators, officers, or entrepreneurs, contributing to the state's economy and society. It will be an asset in the context of the new economic development in the Johor-Singapore Special Economic Zone (JS-SEZ), where graduates with strong moral and religious values will be a clear advantage, as

they may be the ones to inject social integrity and moral values into the development. The following recommendations will address this attachment to contemporary trends.

Nonetheless, SIJIUC is not devoid of problems; despite the above improvement, it remains an expanding institution and continues to encounter challenges. The required funds will increase as the organisation plans to expand its programs and take on more students. The RM15 million grant will be sufficient to begin with; however, in the long run, the organisation will need annual funds to cover its operating expenses (salaries, repairs, etc.) in addition to student fees. There are also greater expectations within the promotion to university colleges, such as that faculty members should be well qualified (Master's or PhD), research output should increase, and postgraduate programs should be established. Recruitment and retention of high-quality academic faculty can also be a thorny topic when pay rates are less than competitive with those of federal universities, especially in places where recurrent state funding will be paramount, as it will allow SIJIUC to pay its staff decent salaries or incentives. In addition, SIJIUC is bound by national laws regarding higher education; i.e., it must never disobey the directives of MOHE and MQA. To fulfil these needs, the administration requires resources and, in most cases, skills (e.g., reviewing the curriculum and conducting audits). There is also the problem of recognition and perception: SIJIUC will have to build an image of the institution that is seen as equivalent to those of other institutions. Recent rebranding and Sultan's efforts will assist, but academic fame will rest on the quality of graduates and their contributions to knowledge.

In conclusion, SIJIUC has been found to play a significant role in promoting the Islamic, educational, and socio-economic development of Johor by producing graduates who can serve as imams, teachers, and employees who uphold Islamic values. This is demonstrated by its growing number of academic courses and programs, such as those in Quranic sciences and Islamic finance, which suggest its sensitivity to current needs and, concomitantly, to state policies, such as the Orang Muda Johor program and the JSEZ vision. However, to sustain and expand its presence, it needs to be continually funded. While the RM15 million grant is a good base, continued and consistent funding is needed to ensure high academic standards, the hiring of qualified faculty, and that the institution meets national accreditation requirements. Further tax incentives to increase funding for SIJIUC will place it at the centre of intellectual and spiritual change in Johor, and club graduates will contribute both their best and their religion to the state and the ummah.

Maqasid Al-Shariah, Sdgs, And Johor's Js-Sez In Industry 4.0

One important angle for assessing and informing the formation of Islamic universities is the structure of maqasid al-shariah, the objectives or purposes of Islamic law as a whole. According to classical scholars, there are five primary goals of Shariah, namely the protection of religion (hifz al-din), life (hifz al-nafs), intellect (hifz al-'aql), progeny (hifz al-nasl), and property/wealth (hifz al-mal). At least two of these, that is, preservation of intellect and preservation of religion, are directly connected with education, and through it, with institutions of learning. By investing in an Islamic university, a state is actually advancing these maqasid, since an Islamic university cultivates individuals' and society's intellects, strengthening their faith and enabling them to make positive contributions to society. We will deconstruct this rationale grounded in maqasid, since it offers a spiritually compelling case for why SIRCs and state governments must fund Islamic higher education.

Hifz al-Aql (Preservation of the Intellect), Hifz al-Din (Preservation of Religion), and Maslahah (Public Interest) emphasise the importance of higher education in Islamic learning, such as that offered by SIJIUC, to support intellectual and spiritual development. Hifz al-Aql considers the intellectual faculty a divine endowment induced in the educational process, which is the Quranic order of Iqra' and assists in the research of knowledge of all extremities. SIJIUC achieves this through Quranic sciences, Islamic finance, and education programs, in which Islamic teachings are linked with contemporary studies and subsequently contribute to SDG 4 by promoting quality education through waqf. Hifz al-Din is concerned with preserving faith by teaching future ulama, asatizah, and imams, so that Islamic knowledge and the spread of Islamic values can be established through a gradual system that unites faith and reason. In the meantime, Maslahah points to the larger social utility of the Islamic university, which enables charities and workability across a lifetime, based on waqf al-ilm (endowment of knowledge).

Thus, SIJIUC can be considered a sustainable development that balances Islamic objectives and human development. Johor's efforts to pursue initiatives such as the JS-SEZ and Industry 4.0 are grounded in a highly educated population with strong moral values, ensuring sustainable development. As future discussions of Islam's ethics address technology and AI, Islamic universities (SIJIUC in particular) can be central not only to integrating technology into morality but also to integrating morality into technology. This aligns with the maqasid al-shariah, which aim to promote humanity without undermining ethics, ensuring that Johor's economic growth is underpinned by organisations that affirm critical thinking and solid moral principles.

In conclusion, the establishment of Islamic Universities such as the SIJIUC is indeed a success story in fulfilling the maqasid al-shariah, in terms of retaining minds and faith, improving the livelihoods of the population, and promoting sustainable development. These schools encourage people to think critically, be socially responsible, and be ethically focused through faith-based and futuristic education that aligns with Islamic morals and supports the modern developmental priorities of SDG 4. The Johor-based JS-SEZ and Industry 4.0 programs support the importance of a well-educated labour force with moral principles to enhance inclusive and sustainable development. By means of ethics, intellectual development, and economic advancement, the SIJIUC and similar institutions are less effective at integrating the state's and society's spiritual, educational, and economic expectations into a unified whole.

The Power Of Will: State And Sirc Commitment As The Catalyst For Islamic University Excellence

The federal arrangement in Malaysia devolves most higher education authority to the Federation and places Islamic affairs in the States, creating a grey area in Islamic universities. Although many state laws target primary and secondary education in religious institutions, the Federal Constitution and even state laws permit the establishment of Islamic higher education institutions and their funding. In Johor, the Undang-Undang Tubuh Negeri Johor 1985 and the Enakmen Pentadbiran Agama Islam Negeri Johor 2003 acknowledge Islam as the state’s religion, and the administration and promotion of Islamic affairs are vested in the State Islamic Religious Council (SIRC). This normative at least establishes Islam as the state religion, setting a constitutional and regulatory framework for SIRCs and state governments to support Islamic universities. However, there is no explicit statutory responsibility to do so. This is achieved through a clear, transparent process that ensures compliance with state quality control standards.

There is no evidence to support this notion that is not backed by practice in Malaysia: political will, rather than legal incapacity, is the determining variable. The development of INSANIAH (since 1995 Universiti Islam Selangor (UIS)) in Kedah or Selangor, and the transformation of KISDAR/KUIS to Universiti Islam Selangor (UIS) is an example of state legislation, ownership and maintenance of Islamic higher education institutions through council stewardship, specific grants, as well as through periodic upgrades into a university. They are reproducible routes: councils integrate institutions in line with national legislation in higher education, revise curricula to meet MQA/MOHE requirements, and utilise state resources to integrate other learning programs beyond theology into modern professional areas, operationalising hifz al-din, hifz al-aql, and maslahah in the higher-education sector.

SIJIUC of Johor demonstrates the model's modern relevance. Growing out of MARSAH and supported by state grants, scholarships, and programs (Quranic sciences, Islamic finance, education, management), SIJIUC is based in the local market, develops talent, and provides imams, teachers, and professionals to the state's religious and socio-economic systems. Importantly, it becomes even higher when it is correlated with the strategic agenda of Johor, which is Industry 4.0 and the Johor-Singapore Special Economic Zone (JS-SEZ), within which the ethically-based graduates can justify the technological use on the Islamic moral framework, promote SDG 4 (quality education), and direct maqasid towards responsible and inclusive development.

States, state governments, and SIRCs ought to take conscious political will to establish, endow and strengthen established Islamic universities, even where no clear legal responsibility is written to establish it, due to the demands of the affirmation of Islam in the State Constitution, the mandate of Islamic education in SIRC, the maqasid al-shari’ah (and hifz al-din and hifz al-aql in particular), as well as the economic needs of Industry 4.0 and the JS-SEZ collectively. The examples of Kedah and Selangor, the SIJIUC of Johor, can be useful nowadays. These long-run endowments, predictable operating grants, and policy support are not side-whiskers,

but strategic points of leverage to ensure the institutionalisation of excellence through faith, the human capital needed to run high-value industries, and support for state development in the absence of ethical corruption.

CONCLUSION

The federal nature of higher education in Malaysia puts Islamic universities in a grey area, as it gives greater significance to federal and Islamic affairs. The signs indicate that this exclusion is not a jurisprudential barrier but a governance crisis, which a critical belief can overcome: deliberate interpretations of state powers and national control over higher education. An example in Kedah (INSANIAH/UniSHAMS) and Selangor (KISDAR-KUIS-UIS) indicates a pattern that repeats and is expected to continue by implementing programs beyond theology into professional areas, such as state legislation and ownership, SIRC stewardship, repeat operating grants and endowments, and systematic adherence to Federal requirements.

The SIJIUC of Johor is a good example of how a state government can promote hifz al-din and hifz al-aql by providing imams, pedagogues, and professionals who are ethically concerned about the state of the religious and socioeconomic ecosystems. Empowered by focused investment, faculty capabilities, research strengths, and quality assurances, SIJIUC can transform into a university college that supports the Johor ambitions of the JS-SEZ and Industry 4.0, with a focus on moral literacy and technical expertise.

In this respect, there is a normative, albeit not directly prescribed, statutory requirement on state governments and SIRCs to develop Islamic higher education as part of maqasid-inspired public policy. Institutionalised should include long-term operating grants, waqf-based endowments, talent channels based on religious institutions, and programmatic ties to priority industries. Doing so secures inclusive access, strengthens faith and intellect, and ensures state development proceeds with ethical resilience.

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