

The Reality of the Life of Filipino Refugee Community Settlement Scheme, Sabah in the Aspects of Education and Health Care Services: An Analysis from the Perspective of Maqasid Syariah

Siti Fatimah Az-zahraa M. Rasid Rida, *Mohd Nur Hidayat
Hasbollah Hajimin

Fakulti Pengajian Islam, Universiti Malaysia Sabah (UMS), Malaysia

Email: zahraa.rasid@gmail.com

Corresponding Author Email: mnhidayath_h@ums.edu.my

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Abstract

The absence of a distinct legal framework for refugee management makes Malaysia's refugee management system, particularly in Sabah, unsystematic and inadequate. Hence, lacking assurance of human rights, leaves refugees with limited access to education and healthcare. Although Malaysia is not a signatory to the 1951 Refugee Convention or the 1967 Protocol, education and healthcare remain crucial for human subsistence. As a result, this study examines the real-life situation of Filipino refugees in the Refugee Community Settlement Scheme (SPMP) concerning their access to education and healthcare services, while discussing these issues from the perspective of Maqasid Syariah. The study focuses on whether the education and healthcare services refugees received align with the five fundamental needs (dharuriyyah) defined by the Maqasid Syariah framework. This qualitative research incorporates both literature and field research, analyzed using ATLAS.ti software. The findings indicate that the education and healthcare services provided to Filipino refugees in Sabah do not fully meet the five fundamental dharuriyyah needs outlined by the Maqasid Syariah framework. This research aims to serve as a reference for policy development concerning refugee education and healthcare services.

Keywords: Filipino Refugees, Education, Health Care Services, Human Rights, Maqasid Syariah

Introduction

The large-scale influx of Filipino refugees into Sabah has presented a significant challenge for the state government. This is primarily because Malaysia has not ratified the United Nations Convention Relating to the Status of Refugees of 1951 and its 1967 Protocol, leaving the

country without a specific legal framework to manage refugees. These Filipino refugees were permitted to cross maritime borders and reside in Sabah on humanitarian grounds, as advocated by Tun Mustapha, and under the auspices of the United Nations High Commissioner for Refugees (UNHCR) through an 'Open Door' policy that began in 1976 (Penyata Rasmi Dewan Rakyat, 1974; Daily Express, 1981a).

Despite having lived in Sabah for nearly five decades, these Filipino refugees still face limited access to education and healthcare services. They rely on the goodwill of the Sabah state government due to citizenship issues that deprive them of guaranteed human rights (Badariah, 2018). Education and healthcare are essential for human survival, and while Malaysia is not obligated to provide a specific refugee management framework, the refugees need support to continue their lives, given that the Malaysian government allowed them to settle in Sabah.

The discussion of basic human survival needs holds significant importance within the framework of Maqasid Syariah (Siti Fatimah Az-Zahraa et.al, 2023). The Maqasid Syariah approach in Islamic jurisprudence aims to understand various social phenomena by prioritizing the principle of public welfare (*maslahah*) in legal determinations (Rohmad Adi, 2019). The protection of religion, life, intellect, lineage, and property are the fundamental necessities discussed in detail within Maqasid Syariah, with the goal of promoting well-being (*maslahah*) for human *and* avoiding harm (*mafsadah*). These five essential needs (*dharuriyyah*) cover all basic human necessities, including health, welfare, security, education, economy, family, and more. The universal values inherent in the Maqasid Syariah approach make it a superior method for addressing contemporary humanitarian issues (Jamaluddin, 2003). Therefore, this study will identify the living conditions of Filipino refugees in the Refugee Community Settlement Scheme concerning education and healthcare and analyze them from the perspective of Maqasid Syariah.

The results of this study can help to understand and explain the current situation of the refugees in Sabah and the extent to which the Malaysian government, especially the state government of Sabah, has fulfilled its social responsibility to provide all the basic needs or protection for the refugees. Although these refugees have been in Sabah for more than five decades, the current situation of the refugees needs to be re-examined. Therefore, based on the current situation of the refugees in Sabah, the government can improve the existing refugees management as Malaysia is not a state party to any refugees convention. This study is also an initiative to highlight the need to make a study of the refugees studies from a religion point of view. Finally, it is hoped that this study can be used as a reference for measuring the minimum and maximum rates in the care of main need (*ad-dharuriyyah*) of humans in relation to human rights affairs from various dimensions.

Methodology

This study employs a qualitative approach, utilizing case studies and phenomenology as its research design. Data for this study is gathered through two primary methods. The first method is a literature review. The second method involves field research using semi-structured interviews and non-participant, uncontrolled observation as research instruments. Face-to-face interviews are conducted with selected study informants, with questions structured around themes relevant to the study's objectives (formal). There are two groups

of informants in this study: the Chairman of the Welfare and Development Committee for Refugee Communities (JKKMP) from each SPMP, consisting of 5 individuals, and the heads of refugee families from each SPMP, consisting of 10 individuals. Each SPMP is represented by one JKKMP and 2 family heads. Alongside the interviews, observations are also conducted, albeit only once per SPMP, due to security concerns as mandated by the Sabah National Security Council (MKN, 2023).

Finally, the collected data and information are analyzed descriptively and thematically using ATLAS.ti version 9 software to address the research questions. Upon completion of data analysis, conclusions are drawn about the reality of Filipino refugees' lives in the SPMP from the perspective of Maqasid Syariah. The researcher explains whether the access Filipino refugees have to education and healthcare aligns with Islamic principles, encompassing the preservation of religion, life, intellect, lineage/dignity, and property.

Definition and Concept of Maqasid Syariah

Linguistically, Maqasid Syariah is a combination of two Arabic words: 'Maqasid' and 'Syariah'. Each word has a distinct meaning. The word Maqasid is the plural form of maqsad (مَقْصِد) and maqsid (مَقْصِد), which stem from the verb qasada (قَصَدَ), meaning to aim towards; goal, purpose, intent, and objective (Almaany, n.d.). Meanwhile, the word Syariah originates from the verb syara'a (سَرَعَ), which means to legislate, establish laws, and prescribe (Almaany, n.d.). According to Al-Yubi, syariah refers to the regulations set by Allah for humanity through His prophets (Al-Yubi, 1998).

Classical scholars did not provide a specific definition for the term Maqasid Syariah because they had a clear understanding of it, rendering its definition unnecessary for debate (al-Raysuni, 1992). However, contemporary Islamic scholars have introduced and articulated its definition. Ibn 'Ashur (1947) described Maqasid Syariah as the meanings and wisdom considered by Allah (the Lawgiver) in most legislations, where such considerations are not restricted to specific aspects of Islamic law. Alal al-Fasi (1993) defined Maqasid Syariah as the objectives of the legislation and the secrets set by the All-Wise Allah in every ruling. According to al-Raysuni (1992), Maqasid Syariah represents the goals set by syariah to achieve human welfare. Based on definitions presented by both classical and contemporary scholars, Jasser Auda (2008) later formulated the rational foundation of the theory, summarizing Maqasid Syariah as the demands, goals, objectives, intents, aims, or principles of Islamic law established for human benefit.

From the above discussion, it can be concluded that the purpose of Maqasid Syariah, as envisioned by Islamic scholars, is to achieve the welfare of human life. In his work, Ibn 'Ashur (1947) explained that scholars categorize Maqasid Syariah into several parts based on ijtihad through in-depth examination of syarak evidence. Referring to Imam Syatibi's opinion, the level of human importance varies. Thus, the objectives of syariah also have different levels corresponding to human needs (al-Raysuni, 1992). The levels of Maqasid Syariah include ad-dharuriyyat (necessities), al-hajiyyat (needs), and al-tahsiniyyat (embellishments).

Ad-dharuriyyat refers to the fundamental necessities crucial for achieving the goal (maslahah) of life both in this world and the hereafter. It involves the preservation of five essential elements: religion (hifz al-din), life (hifz al-nafs), intellect (hifz al-'aql), lineage (hifz

al-nasab), and property (hifz al-mal). The absence of these necessities leads to instability, corruption, and the loss of life and enjoyment, resulting in significant detriment. Al-Hajiyat represents non-essential yet necessary benefits for maintaining safety and comfort. The lack of these does not compromise the essential elements preserved in ad-dharuriyyat but can cause difficulty and hardship. Al-Tahsiniyyat encompasses benefits that enhance, beautify, and facilitate achieving additional excellence and value. They are not essential (dharuriyyat) or necessary (hajiyat) but contribute to the best practices related to customs and transactions (al-Ghazali, 1997).

The security and well-being of individuals, society, or the nation will be assured if these three components are successfully fulfilled in an effective and balanced manner (Zulfaqar et al., 2020). In relation to education and health, which are emphasized in this study, the researcher identifies them as critical elements for human survival. Similarly, the principle of maslahah in Maqasid Syariah emphasizes the protection of intellect and life as essential for human existence. Neglecting these aspects results in significant harm to humanity.

Islamic Concern for Refugees

The 1951 Refugee Convention defines a refugee as an individual who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of their nationality and is unable or unwilling to avail themselves of the protection of that country (United Nations High Commissioner for Refugees, n.d.). Simply put, refugees are individuals who are in danger due to persecution and oppression, seeking help and protection as a guarantee for safety and security (Mualimin et al., 2021).

Islamic law places great emphasis on matters related to human protection. This has been specifically and clearly discussed in Islamic studies through the Maqasid Syariah approach to realize human welfare (maslahah) and prevent harm (mafsadah). Islam obligates its followers to provide protection and assistance to those in need, as the primary objective of syariah is to preserve the human life system. Therefore, this applies to refugees who are forced to flee their home countries due to persecution and safety threats they face. The obligation for Muslims to provide protection to those in need is enshrined in the Quran and Hadith. According to an analysis by Zaat (2007), there are nine verses in the Quran that explicitly and implicitly discuss providing protection to those in need. One of these is verse 72 from Surah Al-Anfal:

وَالَّذِينَ ءَاوُوا۟ وَنَصَرُوا۟ اُولٰٓئِكَ بَعْضُهُمْ اَوْلِيَاءُ بَعْضٍ ۗ وَالَّذِينَ ءَامَنُوا۟ وَلَمْ يُهَاجِرُوا۟ مَا لَكُمْ مِّنْ وَلِيَّتِهِم مِّنْ شَيْءٍ حَتّٰى يُهَاجِرُوا۟ ۗ وَاِنْ اَسْتَنْصَرُوكُمْ فِي الدِّينِ فَعَلَيْكُمْ النَّصْرُ اِلَّا عَلَىٰ قَوْمٍ بَيْنَكُمْ وَبَيْنَهُم مِّيثَاقٌ ۗ وَاللّٰهُ بِمَا تَعْمَلُونَ بَصِيْرٌ

Meaning: Indeed, those who have believed and emigrated and fought with their wealth and live in the cause of Allah and those who gave shelter and aided - they are allies of one another. But those who believed and did not emigrate - for you there is no guardianship of them until they emigrate. And if they seek help of you for the religion, then you must help, except against people between yourselves and whom is a treaty. And Allah is Seeing of what you do.

(Al-Quran, 8:72)

Based on the excerpt from the Quran above, it is commanded that Allah obliges other Muslims to help their fellow believers who need assistance in defending their religion from persecution and oppression by enemies. Islamic history has also shown the world that protection and assistance were once provided by the Ansar (original inhabitants of Medina) to the Muhajirin (those who migrated from Mecca to Medina) due to the security threats they received from the polytheists of Mecca. This can be illustrated by the following hadith:

فَتَيَّبَهُ حَدَّثَنَا إِسْمَاعِيلُ بْنُ جَعْفَرٍ عَنْ حُمَيْدٍ عَنْ أَنَسٍ رَضِيَ اللَّهُ عَنْهُ أَنَّهُ قَالَ قَالَ قَدِيمٌ عَلَيْنَا عَبْدُ الرَّحْمَنِ بْنُ عَوْفٍ وَآخَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بَيْنَهُ وَيَيْنَ سَعْدِ بْنِ الرَّبِيعِ وَكَانَ كَثِيرَ الْمَالِ فَقَالَ سَعْدٌ قَدْ عَلِمْتُ الْأَنْصَارُ أَنِّي مِنْ أَكْثَرِهَا مَالًا سَأْفِسِمُ مَالِي بَيْنِي وَبَيْنَكَ شَطْرَيْنِ وَوَلِي امْرَأَتَانِ فَاَنْظُرْ أَعْجَبَهُمَا إِلَيْكَ فَأُطْلِقُهَا حَتَّى إِذَا حَلَّتْ تَزَوَّجْتَهَا فَقَالَ عَبْدُ الرَّحْمَنِ بَارَكَ اللَّهُ لَكَ فِي أَهْلِكَ فَلَمْ يَرْجِعْ يَوْمَئِذٍ حَتَّى أَفْضَلَ شَيْئًا مِنْ سَمْنٍ وَأَقِطٍ فَلَمْ يَلْبَثْ إِلَّا يَسِيرًا حَتَّى جَاءَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَعَلَيْهِ وَصْرٌ مِنْ صُفْرَةٍ فَقَالَ لَهُ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مَهَيْمٌ قَالَ تَزَوَّجْتُ امْرَأَةً مِنَ الْأَنْصَارِ فَقَالَ مَا سَأْتِ إِلَيْهَا قَالَ وَرَنَ نَوَاةٍ مِنْ ذَهَبٍ أَوْ نَوَاةٍ مِنْ ذَهَبٍ فَقَالَ أَوْلِمَ وَلَوْ بِشَاةٍ

Meaning: "It was narrated to us by Qutaibah, and he said, 'Isma'il bin Ja'far narrated from Humaid from Anas (may Allah be pleased with him) who said, 'Abdur Rahman arrived among us, and the Messenger of Allah (peace be upon him) established brotherhood between him and Sa'ad bin Ar-Rabi'. Sa'ad was a wealthy man. Sa'ad said, 'The people of Ansar know that I am the wealthiest among them. So, I will divide my wealth into two parts for you and me, and I have two wives. Look at whichever one of them pleases you, and I will divorce her. When she becomes lawful, you may marry her.' Abdur Rahman said, 'May Allah bless you in your family.' Since that day, he returned with something of the best types of butter and cheese. He did not stay (at home) except for a short while and then came to the Messenger of Allah (peace be upon him) wearing a garment and perfume. The Messenger of Allah (peace be upon him) asked him, 'How are you?' Abdur Rahman replied, 'I have married an Ansari woman.' He (the Messenger) asked, 'What dowry did you give her?' Abdur Rahman replied, 'The weight of a date stone in gold.' The Messenger (peace be upon him) then said, 'Hold a wedding banquet, even if only with a sheep.'"

(Al-Bukhari, 3497)

The actions of the Ansar towards the Muhajirin were praised by Allah SWT. This praise is recorded in the Quran, symbolizing a call for Muslims to offer help and protection to those in need. As stated in Surah Al-Hasyr, verse 9:

وَالَّذِينَ تَبَوَّءُوا الدَّارَ وَالْإِيمَانَ مِنْ قَبْلِهِمْ يُحِبُّونَ مَنْ هَاجَرَ إِلَيْهِمْ وَلَا يَجِدُونَ فِي صُدُورِهِمْ حَاجَةً مِمَّا أُوتُوا وَيُؤْتُونَ عَلَى أَنْفُسِهِمْ وَلَوْ كَانَ بِهِمْ خَصَاصَةٌ ۚ وَمَنْ يُوقِ شُحَّ نَفْسِهِ فَأُولَٰئِكَ هُمُ الْمُفْلِحُونَ

Meaning: "And those who were settled in Al-Madinah and adopted the faith before them. They love those who emigrated to them and find not any want in their heart of what the emigrants were given but give (them) preference over themselves, even though they are in

privation. And whoever is protected from the stinginess of his soul - it is those who will be successful."

(Al-Quran, 59:9)

The historical migration of the Prophet Muhammad SAW and the Muslims from Mecca to Medina serves as an early example of the relationship between those seeking protection and those providing it. The migrants were not only given shelter but also guaranteed their basic human rights. The rights of those seeking refuge are tied to the obligations of those providing protection. Thus, the status of refugees in Islam and related legal issues often refer to the Hijrah event of the Prophet Muhammad SAW. Based on this historical record and the actions of the Prophet Muhammad SAW, the Organization of Islamic Cooperation (OIC) has also issued resolutions regarding the human rights of refugees. Article 12 of the OIC Declaration states that within the framework of Islamic law, everyone has the right to seek asylum in another country if they are persecuted. The destination country must ensure their protection until they reach safety, unless they are driven by actions considered crimes by Islamic law (Mohamad A'sim, 2015).

Malaysia's Response to the Influx of Filipino Refugees into Sabah

It is well-known that Malaysia has not ratified any agreements related to refugees, specifically the 1951 Refugee Convention and its 1967 Protocol. However, on humanitarian grounds, Malaysia opened its borders to Filipino refugees seeking safety and protection. These refugees were allowed to cross the borders and reside in Sabah based on the humanitarian principles advocated by Tun Mustapha and the United Nations Charter under the administration of the United Nations High Commissioner for Refugees (UNHCR). This was officially stated by Malaysia's Prime Minister at the time, Tun Abdul Razak Bin Datuk Hussein, who said, "The refugees who had escaped from the Philippines into Sabah had been allowed to remain on humanitarian grounds and were free to leave anytime they wished" (Daily Express, 1974).

Filipino refugees who entered Sabah and held official refugee status were provided with housing equipped with electricity, clean water, sanitation, and medical assistance by the Sabah state government, with help from the UNHCR (Daily Express, 1981). From their initial arrival until 1977, these Filipino refugees received an allocation of RM12 million for management, which included housing, education, and various infrastructure facilities for their convenience (Daily Express, 1977; 1978; 1981b; 1982; 1984; 1987). This refugee management was conducted by the government to ensure their well-being and, at the same time, to prevent them from becoming a burden to the local population.

The Reality of Filipino Refugees' Lives in the Refugee Community Settlement Scheme in Sabah

Education

The history of education in Sabah records that Filipino refugees were once given the opportunity to pursue formal education from primary to secondary school levels. However, their access to formal education started to become restricted in 1995 when fees of RM120.00 for primary school and RM240.00 for secondary school were imposed. Nevertheless, these fees did not deter the refugees from sending their children to school. This is evidenced by a statement from the Sabah State Education Department, which reported that more than

51,814 Filipino children were enrolled in primary and secondary schools in 2003. Eventually, the government officially introduced a new regulation, enforced from 2002, requiring a birth certificate for admission to government schools (Azizah, 2009).

This situation demonstrates that they are aware of the importance of education for their children's future. They utilized the available opportunities to obtain proper education despite existing constraints and challenges. The results of interviews highlighting the perceptions of refugee parents regarding the importance of education for their children are shown in Table 1.

Table 1
Informants' Perception of the Importance of Education

Informant	Awareness of the Importance of Education
KP1	"In my opinion, <i>it can indeed be a problem for a country if children cannot read. At least, if they were mischievous before, when they read books that lead them to become good people, they gain knowledge from that, right? But if they cannot, it becomes a problem. So, in my opinion, for them to pursue knowledge and achieve the basic 3Ms is more important because it can lead to problems for a country or their family.</i> "
KK4	"That's what I want, what's important because <i>I don't want my child to be illiterate, doing things without direction, right... Being able to count and write, they all should know which shop it is or which bus to take, otherwise, they might get lost if there's no education. Moreover, nowadays if there's no school, they end up doing all sorts of things. Like here, you know our place, sniffing glues (drugs). Breaking into people's houses.</i> "
KK9	" <i>Education is important for their future. So that they can learn to live in the future. They know what is good and bad, what is permissible, and they can move forward, right. Take the initiative from education, like living now, like now we are struggling, even my sister is having a hard time earning money. When there is not enough wisdom, it becomes difficult.</i> "

The mastery of basic literacy skills—reading, writing, and arithmetic (the 3Rs)—is seen as the hope held by every parent for their refugee children. This is because they realize that mastering these basic literacy skills can open up opportunities and prepare their children to explore life outside the settlement, especially in seeking employment. These children can then lighten the burden on their parents by contributing to the household income, reducing their dependency on aid. This aligns with the aspiration voiced by *Yang DiPertuan Besar Negeri Sembilan Tuanku Muhriz Tuanku Munawir* during the Human Rights Day Forum in Malaysia in December 2022. He stated, "If these children are given the opportunity to receive an education, they will become independent and not rely on government aid" (Benar News, 2022).

The refugees believe that education is the key to a secure future, enabling them to break the cycle of poverty. Additionally, with the knowledge they acquire, they can distinguish between right and wrong or actions that violate the law, as noted by informants KP1 and KK4. Noor Farhana's (2020) research has demonstrated that the involvement of refugee groups (Rohingya) in criminal activities is a result of restricted access to education. Recognizing the importance of education for stateless children, the Malaysian Government eventually implemented another initiative to provide education through the Alternative Learning Program under the Ministry of Education Malaysia (KPM). Introduced in 2010, this initiative

required cooperation from government agencies and non-governmental organizations (NGOs) (UNDP, 2015). The education provided in this program encompasses all non-formal education programs not categorized within the national education system (UNICEF, 2015b).

This education program is carried out through Alternative Learning Centers (PPA) managed by the community, using a primary school-level curriculum that includes basic literacy (reading, writing, arithmetic), religious education, and life skills (sewing) (UNICEF, 2015a; UNDP, 2015; Badariah, 2018). Therefore, as an initiative to provide education to Filipino refugee children in Sabah, each settlement scheme (SPMP) has an operational PPA (Mohd Nur Hidayat et al., 2018). Informant KP1 explained that the PPA has now been renamed the Children's Humanitarian Development Center (PPKK), but it still uses the same concept as before. Although schools have been established in each settlement to provide access to education, they still face challenges and constraints that prevent children from attending the PPKK. Table 2 shows the challenges and constraints faced by parents and the PPKK.

Table 2

Challenges and Constraints Faced by Parents and the PPKK in Accessing Education

	Informant	Challenges and Constraints in Education at SPMP
The parents	KP1	"Aa,, there are 3 reasons. <i>One is financial</i> , then <i>maybe they are not interested in studying</i> , and the third one <i>is related to their documents</i> . But if we look at it from a certain perspective. If I see it, it leans more towards the financial aspect because the current wages, at the very least for construction workers, are low here. They are more inclined to become construction workers."
	KP2	"Because there is one family that might have up to three children, right. That's why some <i>say they can't afford it</i> . <i>Because they have many other school fees for their children</i> ."
	KK10	"I had to stop sending my youngest child to school because <i>I can no longer afford the fees</i> . I'm already paying for my two other children's schooling, which costs 20 ringgit each, so that's 40 ringgit total."
The PPKK	KP2	"But, like our school, <i>we can't accommodate all of them</i> . So, others can't attend school, right? We can't accommodate many."
	KK1	"Aaa, if I look at <i>this area</i> , <i>it seems somewhat uncomfortable</i> , but if you consider the school, it needs to have its proper area. You know, our children also need safety, right? That's all for the education aspect."
	KK4	"That might be difficult because <i>there are not enough teachers</i> . There are 4 teachers now. Initially, there were about 300 students, but the number has decreased, decreased, decreased, decreased, decreased. But there are still only 4 teachers."

The primary challenge faced by parents in sending their children to school is financial. Based on interviews conducted with informants and respondents, the average monthly fee for PPKK is between RM5 and RM10. However, the low household income makes it difficult for them to afford school fees, as they need to prioritize basic daily needs such as food, drink, and medication. Aside from financial issues, refugee children without clear documentation are also denied access to education at PPKK. Informant KK10 mentioned that this stems from the inadequate documentation system for their parents' marriages, leading to children lacking birth certificates or clear identification documents. Refugee children who are not exposed to the importance of education often lack interest in learning. Informant KK1

explained that many refugee children prefer to work at a young age to help support their families financially.

Meanwhile, the challenges faced by the PPKK in implementing the Alternative Learning Program are mainly related to the condition and environment of the school buildings. The PPKK built in SPMP Telipok is located on a high and steep hill. During rain, water flows from the top of the hill, making the area muddy and slippery. This poses a danger to students, especially those in lower primary levels, moving around the school area. This situation is clearly not in line with the Safe School Model introduced by the Ministry of Education Malaysia (KPM). Marinah & Norhazwani (2017) stated that a safe school environment contributes to positive emotional development and long-term well-being of students. Furthermore, Badariah's (2018) study found that classrooms at the PPA in Pulau Mabul are cramped and crowded, causing discomfort among students. As a result, the school has to limit the intake of other refugee children, preventing them from attending school. This issue is also faced by every PPKK in the five SPMP areas. Such conditions have closed the educational opportunities that refugee children should have.

Healthcare Services

Regarding healthcare, refugees holding official refugee status in Malaysia have been granted access to healthcare services. This was outlined in the Circular of the Chief Secretary of the Ministry of Health Malaysia No. 2 of 2018, which explains the medical treatment charges for undocumented migrants officially registered with the United Nations High Commissioner for Refugees (UNHCR). The treatment charges imposed on them are 50% of the foreigner rates stated in the Fees Order 2014 (Chief Secretary of MOH, 2018).

Although the treatment charges for refugees have been reduced by 50% compared to foreigner rates, many still struggle to afford healthcare costs. This difficulty is emphasized in a study by Mohd Nur Hidayat (2023), which states that refugees face challenges in financing healthcare services due to limited access to stable income sources. This situation clearly shows that refugees face challenges despite being granted access to healthcare services. Table 3 shows the challenges faced by refugees in accessing healthcare services.

Table 3

Challenges Faced by Refugees in Accessing Healthcare Services

Informant	Challenges in Accessing Healthcare Services
KP1	"For childbirth <i>registration</i> , it's 40 ringgit... At Tuaran Hospital, for IM13, the checkup was 100 ringgit. <i>For just the checkup</i> , it was usually around 100 ringgit. But now it's only 4 ringgit because they used IM13."
KP2	"If we go to <i>register at the clinic</i> , it's 40 per registration... <i>Seeing a doctor costs about 80 if it's government</i> , and it's even more expensive if it's private... Considering that clinic fees are very high, <i>childbirth can cost up to 4000</i> . And that's for a normal birth. That's not even including an operation... <i>An operation can cost more than 8000</i> , and <i>the hospital stay can be up to one or two weeks</i> . That's why sometimes birth certificates are not claimed."
KK2	"If it's in town, <i>the registration fee is 40 each</i> . Just 40. But if we have other illnesses or <i>additional appointments</i> , we have to pay more."
KK6	"My youngest child had to go to the hospital for dengue fever. It was quite recent, not even a year ago, maybe around 3 or 4 months ago. For three nights, I had to pay over 1000, maybe 1500. I had to ask my family for help. I had to request and gather money, where could I find more than 1000? I have no choice but to ask my family for help."
KK7	"Hmm, but it's rare. Even when I gave birth there, my payment reached 5000. For the two others, the pay was even higher according to the people here. <i>For the two</i> , it was more than 3000 each. So, 3000 each is quite normal. If it's something like surgery, it can cost 7000."

Refugees are only permitted to work in the informal sector, such as in labor-intensive jobs (3D – Difficult, Dangerous, Dirty), as market workers, shop assistants, grass cutters, cleaners, and self-employed recyclers. These types of jobs only allow them to earn low wages (Norazira, 2014). This situation keeps them trapped in poverty and destitution, ultimately being one of the reasons they cannot afford healthcare costs.

According to Table 3 above, the registration cost for treatment alone exceeds RM40. Treatment charges become more expensive if they require medication and follow-up treatments, which can reach hundreds or thousands of ringgits. The treatment cost for women giving birth is also significantly high compared to their financial capabilities based on their income. This is further supported by a report from UNHCR (2017), which states that 50% of the main barriers to healthcare among refugees are financial constraints to cover treatment costs.

Their inability to access healthcare in any hospital or clinic means they must bear serious consequences. These effects are shown in Table 4 below.

Table 4

Effects of refugees not receiving healthcare

Informant	Effects of not receiving healthcare
KP1	"Aa, searching for... searching <i>for alternative medicine, like traditional village medicine</i> , but if the village medicine hasn't been studied, it might be dangerous."
KP2	"There are some <i>who are willing to give birth at home but end up dying.</i> " "Some have to pay over 8000 and stay for up to one or two weeks. Because of that, <i>sometimes birth certificates aren't issued if they don't have a deposit. They leave without a birth certificate and never get one.</i> " "It seems that one of them didn't get one because one died, and if someone is sick, without documents, <i>they can't be admitted to the hospital and end up dying at home.</i> "
KP4	"For common fevers, traditional healers use roots that are stored. These roots are soaked in hot water and then drunk."
KK10	"I gave birth at home; there's no way I could afford the hospital. It's just the village midwife... I've given birth to all my children at home."

Their inability to afford medical costs at hospitals or clinics leads some refugees to choose alternative treatments (such as traditional medicine, healers, or midwives) or to remain at home without any treatment. For chronic illnesses, this lack of early or proper treatment can be extremely dangerous. According to Ahmad Ikram, Managing Director of an NGO clinic, common health issues among refugees include diabetes, hypertension, skin inflammation, respiratory infections, gastrointestinal problems, and premature births. These conditions often require hospital referrals for treatment (Benar News, 2024). However, their inability to cover the treatment costs means they do not receive adequate care. Failure to receive treatment for chronic illnesses can be life-threatening. This is the harsh reality faced by refugees, as explained by informant KP2.

Maternal mortality is also a significant contributor to the high death rates among refugees. According to a UNHCR study in 2019, the maternal mortality rate among refugees in Malaysia is estimated at 62 per 100,000 live births. Maternal deaths are often due to postpartum hemorrhage and hypertension. Médecins Sans Frontières (MSF)/Doctors Without Borders reports that refugee pregnant women face limited access to adequate maternal healthcare, including antenatal and postnatal care, skilled birth attendants, emergency obstetric care, and family planning services (MSF, 2023). The high costs of adequate maternal healthcare services are unaffordable for them. Their inability to pay for these healthcare services results in the inability to obtain birth certificates for their children, leading to an increasing number of children without clear identification documents. When they choose to give birth at home without professional supervision and equipment to save on medical costs, they face life-threatening risks. This was evidenced by interviews conducted with informant KP2.

Analysis of the Reality of Filipino Refugees' Lives in the Refugee Community Settlement Scheme in Sabah in Terms of Education and Healthcare Services from the Perspective of Maqasid Syariah

Generally, Filipino refugees in Sabah have been granted access to education and healthcare services. The opportunities provided to them align with the framework of Maqasid Syariah to uphold welfare (maslahah) and prevent harm (mafsadah). When discussing Maqasid Syariah, the primary goal is to bring benefits and ward off harm (جلب المصلحة ودرء المفسدة) to humanity.

The implementation of Islam to achieve these aims is through the preservation of necessities (ad-dharuriyyat), needs (al-hajiyyat), and embellishments (al-tahsiniyyat). The benefits and harms to humans are assessed based on their priority levels, namely ad-dharuriyyat, al-hajiyyat, and al-tahsiniyyat. The fundamental necessities (ad-dharuriyyat) encompass the preservation of religion, life, intellect, lineage, and property (al-Raysuni, 2010). This study focuses on these five elements to evaluate whether the access provided to education and healthcare services for Filipino refugees fulfills the requirements of Maqasid Syariah.

Healthcare Services

The provision of access to healthcare services for refugees aligns with the preservation of essential human needs (dharuriyyah), specifically the preservation of life (hifz al-nafs). To ensure their well-being, they can obtain medical treatment at both government and private hospitals and clinics. Seeking medical treatment to prevent diseases from worsening, which could lead to death, is a right over one's body. Islam places great importance on health and urges its followers to seek medical treatment when afflicted by illness, as Allah SWT has not sent down a disease without its cure (Muhammad Mushfique, 2019). From Anas bin Malik RA, the Prophet SAW said:

إِنَّ اللَّهَ حَيْثُ خَلَقَ الدَّاءَ، خَلَقَ الدَّوَاءَ، فَتَدَاوُوا

Meaning: "Indeed, when Allah created diseases, He also created cures.

So, seek treatment."

Riwayah Ahmad (12596)

However, there are still gaps in other aspects that hinder refugees from accessing healthcare services, notably the high medical costs. The high medical costs are not aligned with their low-income levels. Mohd Nur Hidayat et al. (2023) explain that this is due to their limited access to job opportunities, which keeps them trapped in poverty. In this situation, imposing high medical costs on them contradicts the element of hifz al-mal (protection of wealth) as it places a heavy burden on them, especially when they are already in a state of deprivation and hardship.

From another perspective, their inability to pay medical costs at any healthcare facility means they do not receive proper treatment. Failure to obtain treatment for chronic diseases and medical assistance for pregnant women can be life-threatening. It is evident that this situation does not align with the principles of Islamic law to avoid harm (mafsadah) to humans, as there is a threat to the element of hifz al-nafs (protection of life). Access to healthcare services should be facilitated to prevent greater harm or damage to them. This harm does not only affect them but can also pose risks to the local population if the diseases they suffer from are contagious. Abu Hurairah narrated that the Prophet Muhammad SAW once said about the requirement to ease the difficulties faced by others:

مَنْ نَفَسَ عَنْ مُؤْمِنٍ كُرْبَةً مِنْ كُرْبِ الدُّنْيَا، نَفَسَ اللَّهُ عَنْهُ كُرْبَةً مِنْ كُرْبِ يَوْمِ الْقِيَامَةِ، وَمَنْ
يَسَّرَ عَلَى مُعْسِرٍ، يَسَّرَ اللَّهُ عَلَيْهِ فِي الدُّنْيَا وَالْآخِرَةِ، وَمَنْ سَتَرَ مُسْلِمًا، سَتَرَهُ اللَّهُ فِي الدُّنْيَا
وَالْآخِرَةِ، وَاللَّهُ فِي عَوْنِ الْعَبْدِ مَا كَانَ الْعَبْدُ فِي عَوْنِ أَخِيهِ

Meaning: "Whoever relieves a person from the difficulties of this world, Allah will relieve them from the difficulties of the Day of Judgement. Whoever eases the burden of someone in distress, Allah

will make things easier for them in this world and the hereafter. Whoever conceals the faults of their Muslim brother, Allah will conceal their faults in this world and the hereafter. Allah will assist His servant as long as the servant helps his brother.”

Riwayat Muslim (2699)

Education

The government's initiative to establish Alternative Learning Centers (PPA) represents a valuable opportunity for stateless children, especially refugee children living in the SPMP. The government's efforts to provide education to them are seen as aligning with the principles of Maqasid Syariah. Islam views education as a holistic process for the cognitive, physical, and spiritual development of individuals, aiming to produce humane beings who are not only knowledgeable but also possess good morals and ethics (Kurshid, 1975). The importance of education is emphasized in the Quran:

وَعَلَّمَ آدَمَ الْأَسْمَاءَ كُلَّهَا ثُمَّ عَرَضَهُمْ عَلَى الْمَلَائِكَةِ فَقَالَ أَنْبِئُونِي بِأَسْمَاءِ هَؤُلَاءِ إِنْ كُنْتُمْ صَادِقِينَ

Meaning: "And He taught Adam the names of all things; then He placed them before the angels and said, 'Tell Me the names of these if you are right.'"

(Al-Quran, 2:31)

The above verse clearly illustrates that Allah SWT taught Prophet Adam AS about all things in the world before he inhabited it. The introduction or knowledge of the names of things forms the basis of human knowledge (Mahyuddin, 2001). This event highlights the importance of education, as Allah directly taught the first human He created to serve as a model for humankind. Additionally, the first revelation given to Prophet Muhammad SAW also pertains to the exhortation to seek knowledge. Allah SWT states:

اقْرَأْ بِاسْمِ رَبِّكَ الَّذِي خَلَقَ * خَلَقَ الْإِنْسَانَ مِنْ عَلَقٍ * اقْرَأْ وَرَبُّكَ الْأَكْرَمُ * الَّذِي عَلَّمَ بِالْقَلَمِ * عَلَّمَ الْإِنْسَانَ مَا لَمْ يَعْلَمْ *

Meaning: “Read in the name of your Lord who created (1) Created man from a clot of blood (2) Read, and your Lord is the Most Generous (3) Who taught by the pen (4) Taught man that which he knew not (5)”

(Al-Quran, 96:1-5)

In the context of Filipino refugees, although they have been granted access to non-formal education, they still face several challenges that prevent them from sending their children to school. One of the identified challenges is financial constraints. Although school fees are set at a low rate, ranging from RM5 to RM10, many still cannot afford it due to the need to meet other basic necessities such as food, drink, electricity, water, and healthcare costs. They have been given the opportunity for education, but the path to it is difficult for those with insufficient income. This situation does not align with the element of hifz al-mal (protection of wealth), considering they are already in a state of deprivation.

If this issue persists, it could lead to significant harm that threatens *hifz al-'aql* (protection of intellect). Those with limited knowledge are more vulnerable to social problems that can impair their cognitive functions, as they are not exposed to ethical knowledge and practical life applications. With this knowledge, they should be able to think logically and rationally to make sound judgments (Zubair et al., 2019), such as distinguishing between good and bad and between truth and falsehood. Allah SWT has clearly stated the difference between those who are knowledgeable and those who are not in His words:

فُلْ هَلْ يَسْتَوِي الَّذِينَ يَعْلَمُونَ وَالَّذِينَ لَا يَعْلَمُونَ ۗ إِنَّمَا يَتَذَكَّرُ أُولُو الْأَلْبَابِ...

Meaning: "...Say: are those who know equal to those who do not know? Only they will remember (who are) people of understanding."

(Al-Quran, 39:9)

Additionally, the condition and environment of the PPKK school buildings, which are constructed on steep hills, raise safety concerns among parents, as they pose a threat to their children's well-being. Furthermore, the insufficient number of teachers makes it difficult to fully supervise the large number of students, especially those in lower primary levels who are not yet aware of the potential dangers. This situation does not align with the element of *hifz al-nafs* (protection of life) as it presents a significant threat to the children's safety. Allah SWT honors human life to the extent that Islam obliges individuals to safeguard their own safety and strictly prohibits any actions that could endanger their own or others' lives (Zubair et al., 2019).

Based on the situation faced by Filipino refugees in Sabah regarding access to education and healthcare services, it can be concluded that the practices are not balanced according to the framework of *Maqasid Syariah*. The reality of their access to these two aspects has not yet comprehensively covered the five essential elements (*dharuriyyah*) for human needs, including the preservation of religion, life, intellect, lineage/dignity, and wealth.

Conclusion

The refugee issue in Malaysia requires a more intelligent and holistic approach as a solution. We should not think that just because they have been granted access to basic amenities in the country, their problems are solved. Every mechanism used in refugee management must be scrutinized for its impact and consequences on them and the long-term effects on the local population. Although Malaysia is not a signatory to the 1951 Refugee Convention and its 1967 Protocol, this should not hinder the country from protecting and providing welfare to refugees, as Malaysia has already accepted their presence on humanitarian grounds. Islam, as a religion that honors human beings as servants of Allah SWT through divine revelation and authority, adopts the *Maqasid Syariah* approach, which recognizes benefits that are advantageous to humans and prevents harm that could lead to destruction or ruin. Shariah does not evaluate needs based solely on individuals but considers humanity, prioritizing needs according to their importance. Therefore, the *Maqasid Syariah* approach can be used as a principle in improving policies related to refugees, ensuring that everyone's rights are upheld while maintaining the country's welfare and stability.

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