

## **From State Islamic Religious Schools to Syariah and Legal Studies: Human Resource in the Islamic Sector and Academic Entrepreneurship in Malaysian Higher Education Institutions**

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### **ABSTRACT**

The present paper examines the importance of policy in enabling human resources, following the completion of university-level education, to be involved in the Islamic sector and academic entrepreneurship in *syariah* and legal studies in Malaysia. This paper argues that the human resources in the Islamic sector in Malaysia and academic entrepreneurship in *syariah* and legal studies are dependent on students from Islamic religious schools. Islamic religious secondary schools are usually administered either by the federal government, state governments or private institutions. According to the constitutional division of powers, education is a federal matter. Therefore, any educational institutions fall under the responsibility of the federal government, irrespective of the means of their establishment. However, state-administered Islamic religious secondary schools are considered to fall outside the purview of the federal government due to the fact that such institutions are administered by the state governments. This perceived conflict between state and federal authority in reading the Malaysian Constitution has resulted in the state Islamic religious secondary schools being virtually ignored by the federal government. This paper demonstrates the effects of the neglect of the Malaysian federal government regarding state Islamic religious secondary schools in relation to human resources in the Islamic sector and academic entrepreneurship at Malaysian higher education institutions, especially in the area of *syariah* and legal studies. The current scenario in the Malaysian

Muslim society will be taken into account in portraying the current need for students and graduates of Islamic studies to fulfill vacancies in the job market. The paper concludes with some suggestions to improve the development and management of human

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resources in the Islamic sector and academic entrepreneurship in the area of *syariah* and legal studies in Malaysia.

*Keywords:* Academic entrepreneurship, human resource, legal studies, state Islamic religious schools, syariah

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## INTRODUCTION

Academic entrepreneurship has only been recently discussed in Malaysia. Issues concerning how the social sciences, including law and *syariah*, can contribute to the development of academic entrepreneurship in Malaysia are seldom discussed. Law and *syariah* are two distinct branches of knowledge that do not produce tangible results in a fashion similar to science and technology. Nevertheless, solutions produced by social scientists, Islamic jurists, legal practitioners and legal scholars make significant contribution to the development of the Malaysian society.

Human resources are obviously an important element in academic entrepreneurship. The orientation of human resource towards academic entrepreneurship is not accomplished overnight, but is a process closely related to the national education policy and the expectations of society. This paper highlights the importance of developing human resources in the Islamic sector and academic entrepreneurship, especially in relation to *syariah* and legal studies during education in secondary schools and higher education institutions.

Of particular interest in the present study is the fact that the contribution of

state Islamic religious schools to human resources in the Islamic sector and academic entrepreneurship in *syariah* and legal studies is rarely recognized. State Islamic religious secondary schools are schools administered by state governments, either under the auspices of the education department of a state Islamic religious agency; or a state Islamic education foundation. Due to the fact that Islamic religious schools are considered Islamic institutions under the administration of the state governments, the Malaysian federal government deems such institutions to fall outside the purview of its responsibilities with regards to education institutions. These schools do not have adequate financial assistance, and have less qualified or trained teachers as well as proper educational facilities. The lack of attention from the federal government towards these secondary schools motivates the present study, as the situation has been ongoing for the past few decades, and has - directly and indirectly - affected the quality of talents in the Malaysian human resources with regards to the Islamic sector and academic entrepreneurship in Malaysia, particularly in relation to *syariah* and legal studies.

The present paper demonstrates that the lack of attention given to students who had studied in state Islamic religious secondary schools affects their position in the job market requiring Islamic knowledge background and academic entrepreneurship in *syariah* and legal studies. This paper begins with a preliminary discussion on academic entrepreneurship in Malaysia from an Islamic perspective. The constitutional

position of state Islamic religious secondary schools in the Malaysian legal framework and education system will be discussed in the next section. After that, a brief discussion will be provided on human resources in the Islamic sector in Malaysia, and academic entrepreneurship in *syariah* and legal studies that can be found in Malaysian universities. After that, the current situation in the Malaysian Muslim society will be assessed in relation to the role of students who graduate from state Islamic religious schools. This paper concludes with preliminary suggestions on how the current situation may be improved, especially with regards to the demands of human resource in the Islamic sector in Malaysia, and academic entrepreneurship in *syariah* and legal studies at Malaysian universities.

### **ACADEMIC ENTREPRENEURSHIP IN MALAYSIA**

According to MoharYusof and Kamal Kishore Jain (2010), three differing views appear to exist regarding academic entrepreneurship: Firstly, the view that academic entrepreneurship is in conflict with the traditional view of the university, and thus, it normally and conveniently occurs outside the university, and beyond the traditional role of academia due to the conflict and tension created (Louis *et al.*, 1989; Klofsten & Jones-Evans, 2000; Laukkanen, 2003). Secondly, the view that academic entrepreneurship is focused on the creation of new business ventures created from university intellectual property, which would include the commercialization

of research, technology transfer and university spin-off activities (Chrisman *et al.*, 1995; O'Shea *et al.*, 2004). Thirdly, an integrative view based on a corporate entrepreneurship perspective, where academic entrepreneurship encompasses organizational creation and innovation and strategic renewal which occur both inside and outside the university (Brennan *et al.*, 2005; Brennan & McGowan, 2006).

Klofsten and Jones-Evans (2000) identified eight specific types of academic entrepreneurial activities, which can be distinguished by the amount of external contact with the respective industries: consultations, contract research, large scale science projects, external teaching, testing, patenting/licensing, spin-offs and sales. Out of these eight entrepreneurial activities, academic entrepreneurship in *syariah* and legal studies consist of consultations, contract research, external teaching and the sales of books, modules or software.

Academic entrepreneurship is a new phenomenon in Malaysia and considerable focus has been placed upon research and technology commercialization (MoharYusof *et al.*). Greater emphasis on the development of science and technology can be found in several Malaysian government documents, such as the Third Outline Perspective Plan (2001-2010); Knowledge-Based Economy Master Plan 2002, Ninth Malaysia Plan (2006-2010) and the Tenth Malaysia Plan (2011-2015). One of the important decisions made by the Malaysian government regarding research commercialization in higher

education was the designation of four public universities as research universities, namely, the University of Malaya, the Science University of Malaysia, the National University of Malaysia and the University Putra Malaysia (Ninth Malaysian Plan 2006-2010). The Ninth Malaysia Plan has allocated RM5.3 billion for science, technology and innovation initiatives to strengthen the national innovation system. In addition, considerable emphasis is placed upon biotechnology, advanced materials, manufacturing, information and communication technology, and nanotechnology to generate 300 science and technology-based companies through public-funded research and development, and 50 companies with global partnerships. The aforementioned facts clearly demonstrate that the Malaysian government is placing greater emphasis on the development of science and technology as compared to other areas of education, such as the arts, social sciences, law, economics and Islamic studies.

#### **ACADEMIC ENTREPRENEURSHIP IN ISLAM**

Academic entrepreneurship is rarely discussed in the social sciences and Islamic studies. Discussions on academic entrepreneurship are usually focused on its origin, development and implementation in various universities around the world. This may be due to the fact that research in these areas does not produce tangible materials that can generate income for academic institutions, with the exception of books.

Research in the social sciences and Islamic studies is usually geared towards addressing certain questions or problems faced by the society.

In order to discuss academic entrepreneurship in *syariah* and legal studies, the discussion must necessarily include a survey of academic entrepreneurship from an Islamic perspective. The philosophy and purpose of Islamic studies differ from what academic entrepreneurship is all about. The main premise of academic entrepreneurship is that, since a considerable amount of scientific research takes place in universities, these universities can be catalysts for entrepreneurial activities and agents for generating revenue (Wood, 2012).

In contrast, Islamic studies emphasize that man is to serve God and to be His vicegerent on earth. Al-Attas (1991) defines education as the progressive instilling of *adab* in individuals, namely “the recognition and acknowledgement of the proper places of things in the order of creation, such that it leads to the recognition and acknowledgement of the proper place of God in the order of being and existence”. In accordance with the premise of Islamic studies, the primary goal of education is to lead humanity to recognize and acknowledge its Creator, or to acquire a deeper faith (Al Attas, 1991). In short, education in Islam is viewed as a means to know God. Stemming from this principle, the Malaysian Ministry of Education describes Islamic education as a continuous effort to deliver knowledge, skills and practice of Islam based on the al-Quran and al-Sunnah in developing

attitudes, skills, personalities, and views of life as a servant of God who is responsible to develop oneself, society, the environment and country to achieve happiness in this world and hereafter' (Mohd.Yusuf, 2002).

This paper adopts the view that if the purpose of seeking knowledge and conducting research is purely for financial gain, then that intention is contrary to the purpose of seeking knowledge in accordance with Islamic principles. If financial gain is an incidental fruit in the process of seeking knowledge or dissemination of knowledge, then the activity can be considered permissible from the Islamic perspective. The challenge is to create a balance between seeking knowledge for the sake of Allah, and seeking knowledge for financial gain - which is one of the outcomes of academic entrepreneurship in higher education institutions.

#### **THE POSITION OF STATE ISLAMIC RELIGIOUS SECONDARY SCHOOLS IN THE MALAYSIAN LEGAL FRAMEWORK AND MALAYSIAN EDUCATION SYSTEM**

The present paper argues that the development of human resources for the Islamic sector and academic entrepreneurship in *syariah* and legal studies must begin in school, because this is where the foundation for Arabic language and the exposure for legal text is built. The contribution of state Islamic religious schools to the development of human resources in these two sectors is rarely highlighted. Although these schools are administered by state governments, the question arises as to which

level of government is actually responsible for graduates of these schools. In order to answer this question, reference will be made to the Federal Constitution, relevant state legislation and federal legislation.

#### *Federal Constitution*

In order to determine the legal position of state Islamic religious school in the Malaysian education system, the first reference must be made to the Federal Constitution. Since Malaysia is a federation, the division of powers between the federal government and state governments can be found in the Ninth Schedule of the Federal Constitution. Item 13 of the Federal List in the Ninth Schedule of the Federal Constitution provides that legislative power over education rests in the hands of the Federal government. Item 13(a) defines 'education' as including: elementary, secondary, and university education; vocational and technical education; training of teachers; registration and control of teachers; managers and schools; promotion of special studies and research; scientific and literary societies.

By virtue of this provision, this paper argues that the federal government is responsible to legislate, administer and finance educational institutions, including educational institutions administered by state governments. Whether the educational institutions are established by the federal government or the state government or private individuals or companies, this should not affect the way the responsibility is dispensed. Currently, state Islamic religious

secondary schools are considered state Islamic institutions and, therefore, are entirely under the responsibility of the state government. These schools implement the national curriculum while providing additional Islamic religious subjects simultaneously. However, the fact that the national curriculum is being implemented in these schools does not guarantee financial assistance from the Malaysian Ministry of Education. This is an unfortunate situation for state Islamic religious schools in Malaysia.

Article 12(2) of the Federal Constitution provides that both the Federal government and State governments can establish and maintain Islamic institutions of education:

*“Every religious group has the right to establish and maintain institutions for the education of children in its own religion, and there shall be no discrimination on the ground only of religion in any law relating to such institutions or in the administration of any such law; but it shall be lawful for the Federation or a State to establish or maintain or assist in establishing or maintaining Islamic institutions or provide or assist in providing instruction in the religion of Islam and incur such expenditure as may be necessary for the purpose.”*

Education institutions are considered part of state jurisdiction in the administration of Islamic matters based on Item 1, State List in the Ninth Schedule of the Federal

Constitution which states,

*“...Wakafs and the definition and regulation of charitable and religious trusts, the appointment of trustees and the incorporation of persons in respect of Islamic religious and charitable endowments, institutions, trusts, charities and charitable institutions operating wholly within the State;..”*

The word ‘institutions’ in the aforementioned provision includes educational institutions. Reading these two constitutional provisions together, one may come to the conclusion that state Islamic religious secondary schools are the responsibility of the state government. However, Item 1 of the State List in the Ninth Schedule of the Federal Constitution, which enumerates subject matters under state administration, does not prohibit cooperation between the federal government and the state in the administration of Islamic matters, including state Islamic religious schools.

#### *State Legislation*

Pursuant to the abovementioned provisions, states have legislated enactments regarding the establishment and management of such educational institutions. One example is the Control of Islamic Religious Schools (Kedah) Enactment 1988 which defines Islamic religious schools as:-

*“Any Islamic schools within the state including mosques, suraus,*

*Islamic centres, pondok and tadika, of which twenty students have been registered to learn or be taught any subjects including Islamic Religion, except Islamic Religious schools under the purview of Ministry of Education”.*

Section 3 of the Enactment provides that the Kedah Islamic Religious Council with the leave of the Ruler may appoint a Registrar of Religious Schools. Section 4 of the Enactment further provides that the Registrar shall oversee the administration of the schools accordingly.

#### *Federal Legislation*

All schools are subject to federal laws which were subject to the Education Act 1961, prior to the enactment of the Education Act 1996. The new act has been promulgated in view of the changes that have taken place in the field of education and the country's transformation since.

One of the main features of the Education Act 1996 is the emphasis upon equal opportunities given to children in developing their potentials. The Act defines the national education system as being comprised of primary, secondary, post-secondary and higher education. The Minister of Education is given the power to establish education institutions and to oversee their operations, management and maintenance.

The 1996 Education Act categorizes educational institutions into government educational institutions, government-

aided educational institutions, and private educational institutions. Unfortunately, the Act does not make reference to educational institutions under the state government, and whether or not such institutions are entitled to financial aid from the federal government. Section 52 of the Education Act 1996 provides that:-

*“.. Financial assistance by way of grant may be given out of moneys provided by Parliament to an Islamic educational institution which is not maintained by the Minister under this Act or by the Government of a State...”*

This provision clearly states that the federal government may assist Islamic educational institutions, even if they are not under the purview of the Ministry of Education. However, to be eligible for such aid, the Minister may impose any conditions that he deems fit.

From another perspective, in any federation, in order to determine whether legislation is within the purview of one legislature or another, the pith and substance of the legislation in question will be looked into. The pith and substance principle envisaged that ‘the legislation as a whole will be examined to ascertain its true nature and character in order to determine which legislature is responsible’ (Jain, 2003). The present paper contends that, by applying the pith and substance rule, since education is a federal matter, whether the institution is a religious one or not does not negate the

fact that it is an education institution under federal jurisdiction.

### **HUMAN RESOURCE IN THE ISLAMIC SECTOR AND ACADEMIC ENTREPRENEURSHIP IN SYARIAH AND LEGAL STUDIES IN MALAYSIAN HIGHER EDUCATION INSTITUTIONS**

Human resource in the Islamic sector refers to firstly, human resource in the federal and state agencies involved in the administration of Islamic matters; secondly, human resource in commercial sectors such as manufacturing *halal*-compliant products including food and pharmaceutical, as well as establishing *syariah*-compliant services including Islamic banking, finance and *takaful*; and thirdly, professionals such as *syariah* court lawyers.

There are three Islamic religious departments at the federal level, and four Islamic religious agencies at the state level. The federal agencies are the Department of Islamic Development (JAKIM), the Department of Islamic Judiciary (JKSM) and the Department of Wakaf, Zakat and Haj (JAWHAR). All the states in Malaysia have at least four agencies to administer Islamic matters. They are the State Islamic Religious Council, the State Islamic Religious Department, the State Department of Islamic Judiciary, and the State Department of Mufti. Therefore altogether, there are 56 state Islamic religious agencies in Malaysia.

Both human resource in the Islamic sector and academic entrepreneurship in *syariah* and legal studies require graduates who possess religious educational

backgrounds, which assists them in understanding the Quran, Sunnah and various other established religious books written by diverse Muslim scholars throughout the centuries. The understanding and knowledge of Islam is then applied to the current problems and situations to fulfill the needs of contemporary Islamic society. This requires individuals of high intellectual capacity.

Out of 20 public universities in Malaysia, only a few universities offer degrees in *syariah* and legal studies, as indicated in Table 1.

Other public universities have Islamic studies-related faculties for the purpose of offering general courses such as Islamic civilization.

Out of 469 registered private colleges and private college universities, only 12 institutions offer degrees in *syariah*. Other private institutions offering legal studies are Taylors University, HELP University, KDU University College and Multimedia University. However, attendance by students from state Islamic religious schools is not common due to the expensive fees of the institutions.

### **THE CURRENT SCENARIO**

The discussion on human resources in the Islamic sector and academic entrepreneurship in *syariah* and legal studies in Malaysia must take into account the present circumstances in the Malaysian Islamic society. After two decades of Islamic resurgence which has swept across the entire Islamic world, Muslims are not just conscious about their



religion, but also are more concerned about practicing the correct Islamic way of life. This can be seen in two aspects: financial matters and *halal*-compliance. Along with this development, the administration of Islamic matters in Malaysia has undergone significant changes.

In the 1980s, Islamic banking, finance and *takaful* industries began to bloom, but not many Muslim scholars were available to meet the needs of the emerging industries. After several legal developments in the Malaysian Islamic banking and finance sector, the need to have more students and graduates from an Islamic legal background is more pronounced than ever. This can be seen in the requirement of establishing *syariah* committees in banks as well as

having Islamic counters in 2004 (Guidelines on the Governance of *Syariah* Committee for Islamic Financial Institutions 2004, Central Bank of Malaysia).

The beginning of the twenty first century in Malaysia also witnessed further development in the area of *halal* certification due to growing concerns within the Islamic society regarding the *halal* status of food that may be consumed. The final change was made when the Parliament passed the Trade Description Act 2011 containing two regulations on *halal* matters. Although the Act is under the Ministry of Domestic Trade, Cooperative and Consumer Affairs, certification, audit and enforcement activities are actually performed by the state Islamic religious officers. Since the development

TABLE 1  
List of Public Universities offering *Syariah* and Legal Studies in Malaysia

No.	Public University	Diploma in Law	LLB	Diploma in <i>Syariah</i>	LLB ( <i>Syariah</i> ) /Bachelor in <i>Syariah</i> /Bachelor in <i>Syariah</i> & Law
1	Malaya University (Research University)		√		Bachelor in <i>Syariah</i>
2	Universiti Kebangsaan Malaysia (UKM) (Research University)		√		Bachelor in <i>Syariah</i>
3	International Islamic University Malaysia (IIUM) (Comprehensive University)		√		LLB ( <i>Syariah</i> )
4	University Institut Teknologi MARA (UITM) (Comprehensive University)	√	√		
5	Universiti Utara Malaysia (UUM) (Focused University)		√		
6	Universiti Sains Islam Malaysia (USIM) (Focused University)				Bachelor in <i>Syariah</i> & Law
7	Universiti Sultan Zainal Abidin (UNISZA) (Focused University)	√	√	√	Bachelor in Islamic Studies ( <i>Syariah</i> )

of *halal* certification has grown rapidly in the past few years, many more officers are needed.

Changes in the Islamic society in Malaysia were also reflected in the government sector. The administration of Islamic matters in Malaysia have gradually been transformed from being administered by the State Islamic religious councils and State Islamic religious departments, to being administered by four different agencies: they are the state Islamic religious council, the state Islamic religious department, the state department of Islamic judiciary, and the state department of mufti. This change took place in the 1990's, and the need for human resource to fill in the vacancies in these agencies has never been more apparent than now. For example, states have *syariah* courts in their respective districts. Each *syariah* court must have its own *syariah* court judges, registrar and prosecutor. These officers must be trained in Islamic legal studies and usually were educated in Islamic religious schools.

The Islamic banking and finance sector, *halal* sector and administration of Islamic matters are in dire need of graduates from an Islamic legal background. Unfortunately, the current policy is that most of the academically good students are channelled to do science and technology-based courses, leaving only the students of average quality to take up law or *syariah* courses.

It is submitted that the issue of channelling academically good students from state Islamic religious schools to science and technology based-courses and not to

*syariah* and legal studies are due to several reasons. Firstly, students from state Islamic religious secondary schools are not aware of job prospects in the Islamic sector in Malaysia. This may be due to the teachers' or parents' failure in exposing students to the courses available at the university level. Federal and state religious agencies also contribute to the lack of information given to students, parents and teachers regarding available career paths for *syariah* and legal graduates from state Islamic religious schools. The students, teachers and parents were not offered relevant information from the respective departments regarding possible career choices, such as *syariah* prosecutors, *syariah* court registrars, *syariah* court judges, *orzakat* officers in charge of collection or distribution.

Secondly, there is a practice in certain schools which encourage excellent students to take up science streams, leaving the average students to take up the arts or go into the Islamic studies stream. For example, Maahad Muhammadi (P) and Maahad Muhammadi (L) are the two schools in Kelantan that introduced science stream classes in 1997. As a result of the move, many top students opted for science classes after sitting for their PMR (Lower Secondary Examination). The idea of establishing a science stream was to enable students with strong Islamic religious education backgrounds to pursue science-based courses at the university level. However, this most students who excelled in their studies decided to pursue science stream classes, leaving the average

ones to pursue arts stream classes. The idea has effectively decreased the number of students opting for religious or arts-based subjects in the schools. Consequently, human resources in the Islamic sector and academic entrepreneurship in *syariah* and legal studies in Malaysian higher learning institutions has been affected.

Thirdly, there is a lack of publicity from higher education institutions in Malaysia that have Islamic Studies faculties, as well as less information pertaining to job opportunities available to graduates of Islamic Studies. As previously discussed, students who enrol in Islamic studies in Malaysian universities are mainly students who have religious education backgrounds, and a large number of such students come from state Islamic religious schools.

The current academicians in *syariah* and legal studies in Malaysian higher learning institutions play an important role in assisting the development of human resource in the Islamic sector and academic entrepreneurship. The academicians identify problems that need to be researched and provide appropriate answers. Academic entrepreneurship in *syariah* and legal studies may not be as lucrative as entrepreneurial activities related to science and technology, but it is equally important to the development of society. Some universities have established centres of excellence for consultation in specific areas. For example, UKM (National University Malaysia) has established several institutes dealing with specific areas in the social sciences and Islamic studies (e.g., Institute of Ethnic

Studies; Institute of Islam Hadhari and Institute of Occidental Studies). These institutes may not directly contribute to the commercialization of knowledge, but they do play an important role in the development of knowledge in the social sciences and Islamic studies in Malaysia.

Some academicians in law and *syariah* faculties owe their knowledge to the education received during periods of study at state Islamic religious schools. The present paper highlights the importance of state Islamic schools to human resource in the Islamic sector and academic entrepreneurship in *syariah* and legal studies, especially as these schools did not receive appropriate funding similar to Islamic religious schools established by the federal government. State religious schools are considered state institutions. Therefore, they have not received the same attention given to Islamic religious schools under the federal government. Despite the lack of attention and funding from the federal government, students continued to pursue their studies there, and the Islamic religious education received at the state Islamic religious schools have provided a solid foundation for the students in understanding law or *syariah* subjects at the university level.

Within the Malaysian education system, there are several categories of religious schools. According to Kraince (2009), they are as follows:

1. People's religious schools (*Sekolah Agama Rakyat or SAR*), which are managed by individuals, communities,

- independent Islamic foundations, or other non-governmental organizations;
2. State Islamic schools (*Sekolah Agama Negeri*), which are administered through state-level bureaucracies as opposed to the federal government;
  3. Private Islamic Schools (*Sekolah Agama Swasta*), which by definition follow the national curriculum even though they are operated by private groups;
  4. National Islamic Schools (*Sekolah Menengah Kebangsaan Agama or SMKA*) which are run by the national government;
  5. National schools (*Sekolah kebangsaan*).

State Islamic religious schools (*Sekolah Agama Negeri-SAN*) are within the purview of State Islamic Religious departments, that have Malay Rulers or Chief Ministers as their patrons. The Education division of the State Islamic religious department is responsible for the administration of the religious schools (Abdul Halim & Che Pee, 2008).

State Islamic religious schools' (SAN) curriculum does not differ very much from what is implemented in SMKA schools, except that adjustments are made to suit local circumstances. Some of the SAN also use the curriculum prepared by *Maahad al-Azharlil-Buhuth al-Islamiyyah*. Similarly, SAN students are allowed to sit for national examinations. With the passing of the Education Act 1996, all schools in the country had to use the national curriculum as stated by the Act. This also includes SAN,

which previously had their own syllabus.

Fig.1 and Fig.2 depict the ideal and actual production line of students from state Islamic religious secondary schools to university, and filling the job market in four key sectors. The four key sectors are federal Islamic religious departments, state Islamic religious departments, professionals and academicians.

In Fig.1, the students from state Islamic religious schools are supposed to enter either the public or private universities, or universities outside Malaysia. If they remain in the arts stream, they usually undertake social sciences courses, Islamic studies, law or commerce. Graduates from Islamic studies or law will be able to obtain jobs either in the federal or state Islamic religious agencies, or become professionals such as *syariah* court lawyers or academicians.

Fig.2 explains the actual situation that is currently taking place. Academically excellent students from state Islamic religious schools had taken science or commerce streams, leaving the average performing students to take arts or Islamic studies. Based on the author's experience, only a few excellent students opt for arts or Islamic studies streams. Students who undertook science would continue to study in science-based courses, while students who undertook Islamic studies would continue to study Islamic studies courses. Contrast the first chart with the second chart.

The latest data from the Ministry of Education website shows that out of 2,296 secondary schools in Malaysia, there are 68 national Islamic religious secondary schools

(SMKA) which constitute approximately 3 percent of the total number of national schools. Out of 54 fully boarding secondary schools administered under the Ministry of Education, 38 are science schools. Only three are Islamic religious secondary schools, while 11 are integrated boarding schools (which offer religious subjects

along with science subjects, also known as Sekolah Berasrama Penuh Integrasi, SBPI). Some of the state Islamic religious schools have been given assistance by the Ministry of Education. These schools are called Sekolah Agama Bantuan Kerajaan (SABK). There are a total of 118 SABK throughout Malaysia (Portal Sistem Maklumat

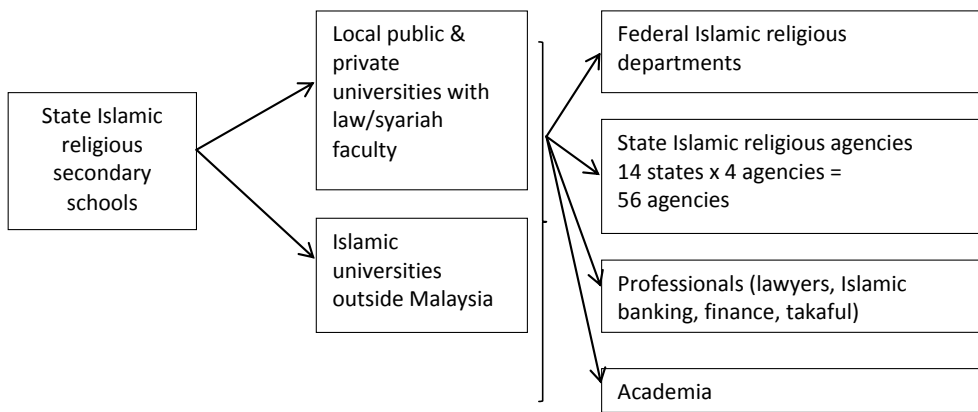


Fig.1: The Supposed Production Line of Students Produced by State Islamic Religious Secondary Schools

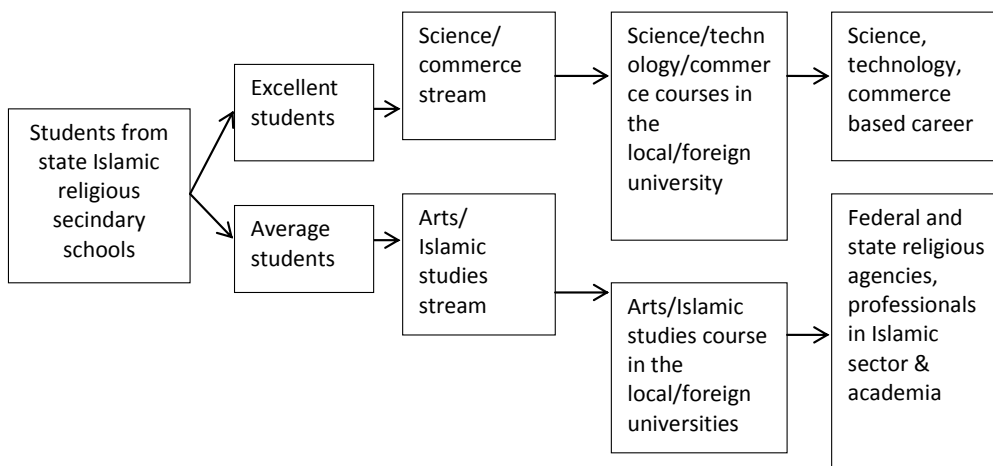


Fig.2: The Actual Production Line of Students Produced by State Islamic Religious Secondary Schools

Pengurusan Pendidikan, emisportal.moe.gov.my). There is no data on the total number of state Islamic religious schools in Malaysia administered directly by state Islamic religious authorities. What can be said is that students from these schools are considered a minority when compared to the students from national schools.

### PROPOSED SOLUTIONS

The present paper proposes a three-pronged strategy to overcome the problems faced in relation to human resource in the Islamic sector and academic entrepreneurship in *syariah* and legal studies at Malaysian universities. The first solution is to provide ample exposure to students, parents and teachers in state Islamic religious secondary schools concerning future job prospects, both in the government or private sector. Such exposures may take place in the form of talks or visits to State or Federal religious agencies, as well as organising a Career Day for students following major examinations.

The second solution is for the government to rectify the current policy, which places more emphasis on science and technology, by providing equal attention to social sciences and arts studies. Over the years, there has been an exodus of top students entering the science stream classes in schools run by the Ministry of Education and State-run schools, i.e., State Islamic religious schools. The policy can be demonstrated by the fact that high numbers of MRSM institutions have been built by the federal government as compared to Islamic religious schools. The number of students receiving scholarships to

pursue science- or technology-based courses in universities in or outside Malaysia are higher than the number of scholarships provided to students pursuing arts or Islamic studies streams. These practices result in the less excellent students ending up studying arts and social sciences, which can have deleterious effects upon national society, particularly the Malaysian Islamic society in the long run. This imbalance should be corrected, and equal emphasis should be given to both areas.

The third solution is for the alumni either from state Islamic religious schools or graduates from law or *syariah* courses in universities to return to the state Islamic religious schools they had attended to share their experiences with the current students. Such sharing sessions should be performed regularly so as to inspire the students to do better in their studies, and to enable them to visualise potential careers after completing their studies.

### CONCLUSION

Three general conclusions can be drawn from the current examination of human resources in the Islamic sector and academic entrepreneurship in *syariah* and legal studies in Malaysia. First, education policies which place greater emphasis on excellent students from schools being channeled into science classes are rather flawed. The flaw effectively decreases the number of students that enrol in *syariah* and legal studies courses, which in turn affects the human resources in the Islamic sector and academic entrepreneurship in *syariah* and

legal studies at Malaysian universities. Therefore, a serious reconsideration of the policy should be performed by the relevant authorities.

At present, the job market for those who have religious background has expanded. There are vacancies for graduates from *syariah* and legal studies in Islamic banking, Islamic finance, *halal* industry and government agencies. Unfortunately, these vacancies are not being filled by graduates from *syariah* or legal studies courses. According to a study conducted upon *syariah* graduates from the Academy of Islamic Studies, Malaya University, out of 190 respondents, more than half are involved in education. The needs of the Islamic community in Malaysia, as well as the nation at large, can and will not be met by scientists, doctors or engineers alone. Skilled individuals are needed from other backgrounds, particularly the fields of Islamic banking and *takaful*, *syariah* judges and lawyers, as well as academics.

Secondly, academic entrepreneurship is only compatible with knowledge of Islamic traditions, to a certain extent. Knowledge can be commercialized, but not all knowledge should be for the sake of making profit. For centuries, Islamic scholars have devoted their time and energy to the development of knowledge for the benefit of the Islamic community. This was accomplished without profit being a principle outcome envisaged in the process.

Thirdly, no concerted effort has been made in relation to a proper strategic

planning for *syariah* and legal studies in Malaysia. The focus of academics in the *syariah* and legal studies in universities has been to fulfill key performance indices in teaching, research and community service. The emphasis is given to the academicians, but no adequate attention is placed on the grooming of excellent students from Islamic religious secondary schools to continue their studies in *syariah* or law. At the undergraduate level, out of 20 public universities in Malaysia, only seven universities (UM, UKM, UIA, USIM, UUM, UITM and UNISZA) have graduates in *syariah* and legal studies. The number of graduates from *syariah* and legal studies is small as compared to students in other field of study. The graduates from these universities are expected to fill vacancies in the job market in the government sector, private sector or in the higher learning institutions.

The shortage of graduates in *syariah* and legal studies requires a strong effort from key players of various fora to develop a proper plan for *syariah* and legal studies in Malaysia.

## REFERENCES

- Abdul, H. T., & Che, P. S. (2008). The development of Islamic Education in Malaysia. In Ibrahim A. Bajunid (Ed.), *Malaysia-From Traditional to Smart Schools*. Shah Alam: Oxford Fajar Sdn Bhd.
- Control and Registration of Islamic Religious Schools (Kedah) Enactment 1988.
- Federal Constitution.

- Guidelines on the Governance of Syariah Committee for Islamic Financial Institutions 2004. Central Bank Malaysia.
- Jain, M. P. (2003). *Indian Constitutional Law*. New Delhi: Wadhwa and Company Nagpur.
- Klofsten, M., & Jones-Evans, D. (2000). Comparing academic entrepreneurship in Europe - The case of Sweden and Ireland. *Small Business Economics*, 14(4), 299–309.
- Kraince, Richard G. (2009). Reforming Islamic education in Malaysia: Doctrine or Dialogue. In Hefner, Robert W, *Making Modern Muslims*. Honolulu, USA: University of Hawai'i Press.
- Mohd, Y. A. (2002). *Falsafah dan Sejarah Pendidikan Islam*. Kuala Lumpur: Penerbit Universiti Malaya.
- Ninth Malaysia Plan 2006-2010.
- Nor, A. A., Azizi, C. S., Mohd, Y. M. H. (2005) Kerjaya Graduan Sarjana Muda Syariah, Akademi Pengajian Islam, Universiti Malaya (1996-2002). *Jurnal Syariah*, 13(1), 81-104.
- Portal Sistem Maklumat Pengurusan Pendidikan Kementerian Pelajaran Malaysia. (n.d.) *Maklumat Mengenai SABK*. Retrieved from [http://emisportal.moe.gov.my/emis/emis2/emisportal2/doc/fckeditor/File/senarai\\_sek\\_08/menengah/SekMen07\\_SABK.pdf](http://emisportal.moe.gov.my/emis/emis2/emisportal2/doc/fckeditor/File/senarai_sek_08/menengah/SekMen07_SABK.pdf)
- Syed Muhammad Naquib al-Attas (1991). *The Concept of Education in Islam*. Kuala Lumpur: ISTAC.
- Wood, M. S. (2011). A process Model of Academic Entrepreneurship. *Business Horizons*, 54, 153-161.
- Yusof, M., & Jain, K. K. (2010). Categories of university-level entrepreneurship: A Literature Survey. *International Entrepreneur Management Journal*, 6, 81-96.
- Yusor, M. et. al. (n. d.) *Academic Entrepreneurship and Innovation in Higher Education: An Integrated Framework for Malaysian Universities*. Advanced Educational Technologies.