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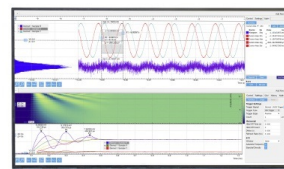
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Expansion of Heritage Mosques in Malaysia: Issues and Challenges

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Abstract. The expansion of the mosque is a common practice that aims to provide additional space for the increase in congregation members as well as to improve the facilities of the mosque. However, there are some issues and challenges that have to be faced in the expanding of heritage mosques. Some mosques in Malaysia have been designated as heritage sites and have been gazette under the National Heritage Act 2005 (Act 645). Act 645 has stipulated that any new development including expansion must comply with certain conditions as a heritage site. Department of National Heritage (DNH) has provided guidelines related to new developments at heritage sites in the Heritage Building Conservation Guidelines 2017. Although guidelines have been made available, reports from DNH indicate that issues involving the expansion works of heritage mosques continue to arise. There is dissatisfaction among the community of heritage mosques over the restriction made by DNH upon their expansion proposal. While DNH sees the expansion as potentially affecting the heritage value of the mosque, in contrary the mosque community sees it as important in continuation of using it. The purpose of this study is to discuss the issues and challenges surrounding the problems in the expansion of heritage mosques in Malaysia. This is a library-based study, follows qualitative approach by analyzing laws and guidelines in Malaysia that govern heritage sites development. The study results found that the conflict of values involving various stakeholders on the heritage mosque, the absence of clear criteria in the existing guidelines and the absence of community involvement in the evaluation process are the factors in the issue of expanding heritage mosques in Malaysia.

INTRODUCTION

Since the early growth of Islam, mosques have become important centres for the Muslim community to gather and perform religious affairs such as congregational prayers and iq'tikaf. Moreover, mosques have also been known to have wider roles including being centres for education, welfare, administration, social places and cultural centres for the Muslim community [1, 2]. As a centre with huge function in the Muslim community, the mosque is not spared from undergoing changes such as renovations and expansion of space. The main reasons for the need of these renovation and expansion works are to increase the size of the existing space to accommodate the increase in congregation members that occur in line with the population expansion of the surrounding community, in addition to upgrading the existing facilities of the mosque [3].

Malaysia has a large number of mosques scattered throughout the country and some of these mosques have been gazette as heritage sites under the National Heritage Act 2005 (Act 645) because of their heritage significance. Heritage mosques in Malaysia consist of various architectural styles from different construction eras developed as early as the glory days of Melaka such as the Kampung Hulu Mosque and Kampung Keling Mosque to the post-independence mosque such as the National Mosque in Kuala Lumpur. As a gazette site, matters related to the management and developments of a heritage mosque are subjected to the rules and laws in Act 645. The purpose is to ensure that these heritage buildings or sites are always in a preserved and conserved condition to be passed on to the future generations.

Although designated as heritage sites, almost all of the heritage mosques in Malaysia are lively mosques that are still used by the public and are active as a community centre. As a community centre, expansion and improvement often happen when the provided space becomes insufficient. This expansion also means the construction of new additional structures is needed on the heritage mosque. However, the construction of new additional structures on heritage buildings is an issue in the field of conservation. The construction of new structures is an intervention because it is considered to have the potential to give negative impact on the fabric and importance of the building architecture [4]. Article 3 of the Venice Charter (1964) also emphasizes that heritage buildings need to be conserved with the purpose of retaining them as a work of art and historical evidence. Therefore, it is important for heritage buildings to be protected so that they can be inherited to future generations in its most authentic state.

Preserving the original form of the mosque in the name of heritage conservation is often contrary to the needs of the mosque community who want their mosque to be enlarged to accommodate the increase in congregations as well as the improvement of facilities. As a result, issues arise involving the management of the mosque with the heritage management when a development proposal is to be made [5]. Although guidelines related to new developments in heritage sites are in place, reports from the Department of National Heritage (DNH) have shown that issues related to the expansion of heritage mosques in Malaysia are still not fully resolved. Recently, there has been dissatisfaction among the committee members of several heritage mosques in Melaka over the development restrictions by DNH on the proposed expansion of their mosques. Prior to that, the same issue also arose involving the Leboh Acheh Mosque in Penang when the mufti of Penang proposed to enlarge the mosque, associations related to heritage had opposed to the proposal because fearing it would affect the heritage value of the mosque [6]. Thus, this study has focused on issues and problems related to the expansion of heritage mosques in Malaysia by referring to existing policies and latest guidelines.

The study adopts a qualitative approach by referring to primary sources consisting of the Act 645 and the Heritage Building Conservation Guidelines. These two documents have been selected to identify the basis for the arisen problems and issues because both are the main source of reference for DNH in making the assessment on the new development proposal of heritage sites such as the expansion of heritage mosques. Meanwhile, secondary data is obtained through previous studies such as journal articles, books and theses whether published or not. The study also aims to discuss the challenges that need to be faced and taken into account for us to pioneer solutions to the issue of expanding heritage mosques in the context of heritage building conservation in Malaysia.

MOSQUES AS HERITAGE SITES

Sites as defined in section 2, Act 645 does cover areas, zones, nature, archaeological reserves, buildings and monuments. Meanwhile, heritage sites are referring to sites that have been set based on the provisions of Section 24, Act 645 related to sites that have been set by the Heritage Commissioner because it is considered to have value of importance to heritage either in terms of nature or culture. Based on information from DNH (2019), the number of mosques that have been gazetted under Act 645 is 28 mosques. However, this number will increase from time to time in line with the ongoing efforts and the gazetting processes carried out by DNH.

The designation of a mosque as a heritage site aims to ensure that the mosque is protected based on the provisions contained in the Act 645. This includes from the aspect of mosque management which must comply with the conservation management plan (CMP) as stated in section 45 (1) Act 645; "Where a site is designated as a heritage site, that site shall on the date of the designation become a conservation area and shall be conserved and preserved according to a conservation management plan".

However, the number of heritage mosques that have been equipped with CMP is still small until now. There are various constraints on the side of the Heritage Commissioner as the authority in ensuring that each gazetted site has been equipped with CMP as stipulated in the act. DNH has issued heritage building conservation guidelines that provide principles and procedures related to conservation of heritage buildings in 2017 to ensure that these heritage sites are properly conserved and preserved. The guidelines have also stated that all physical activities and works related to the conservation of heritage buildings including new development, repair and maintenance works must comply with these guidelines [7]. Therefore, the current heritage building conservation guidelines are the main reference in matters related to new development involving heritage mosques in Malaysia, including in the expansion.

Expansion of Heritage Mosques

Regardless of the status of heritage mosque or otherwise, the expansion of the mosque space is a necessity when the existing space is not enough to accommodate the increase in congregation other than to improve the facilities of the mosque. Mosques in Malaysia have experienced an increase in area size of 42% to 313% in just 15 years [3]. Expansion on heritage mosques can be seen in several numbers of mosques such as Kuala Lumpur Jamek Mosque, Sultan Suleiman Royal Mosque in Kelang and Kampung Hulu Mosque in Melaka. Some of these heritage mosques have also undergone expansion works before being designated as heritage sites. There are even some heritage mosques that have undergone expansion work for several times and are still planning to be further expanded.

Recently, many experts have accepted the heritage mosque as a living cultural heritage or living cultural site because there is a strong relationship between the building and the local community [5, 8, 9]. As something living, change is something that is necessary and it is something that is natural in line with the changes in its surroundings. Living cultural heritage will continue to undergo change and renewal compared to 'dead' monuments [10, 11]. Continuity is an important feature of living heritage site especially religious buildings that are actively used [9]. Continuity for a living heritage site refers to the continuation of the original use or function of a heritage site by the local community. In certain circumstances, changes and new developments such as the expansion of the mosque can ensure this process of continuity takes place.

Policies and Procedures of Heritage Mosque Developments in Malaysia

There are basically a number of legal sources that govern development planning on heritage sites in Malaysia. Among the legal sources involved are Town and Country Planning Act 1976 (Act 172), Environmental Quality Act 1974 (Act 127), Street, Drainage and Building Act 1974 (Act 133), Uniform Building By-Laws 1984 and National Heritage Act 2005 (Act 645) [12]. However, in the issuance of Planning Permission approvals involving heritage sites, local authorities require applicants to first obtain written approval from the Heritage Commissioner. This is in line with the provisions under section 40 (1) of Act 645, where local authorities must make coordination and obtain approval from the Heritage Commissioner before planning permission on a heritage site is issued.

All development proposals involving heritage sites must go through an evaluation process before the Heritage Commissioner decides to support it or otherwise. For the purpose of this evaluation, DNH has established a committee at the agency level which is responsible for conducting reviews and evaluations for all these development proposals. Therefore, the developer or committee members must first apply for approval from the Heritage Commissioner before planning development for a heritage mosque. They will be requested to submit an official application and will usually be required to make a presentation before the assessment panel. The assessment panel consisting of officers who generally represent their respective divisions within the department will act as evaluators to the proposed development planned for the mosque. As a result of this assessment, a letter of review signed by the Heritage Commissioner will be issued. This letter of review will be used by the developer to be submitted to the local authority where the mosque is located as proof of having obtained the consent of the Heritage Commissioner or vice versa. The process of Planning Approval's application and evaluation of heritage sites are shown in the following Fig. 1;

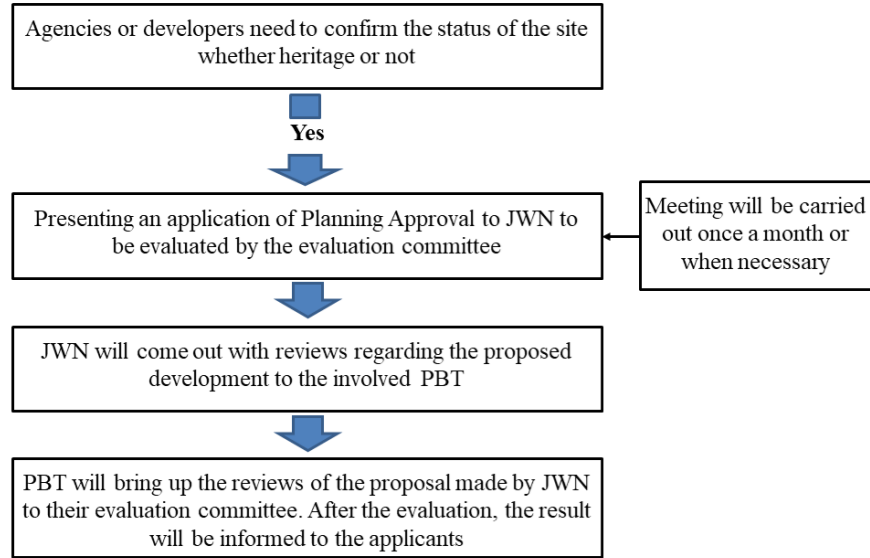


FIGURE 1. Flow chart shows the application process of Planning Permission for development proposal on Heritage Sites (Source: Department of National Heritage, 2016)

DISCUSSION

Issues and Challenges

As the leading government agency in the conservation and preservation of heritage sites in Malaysia, DNH has established procedures related to new development in heritage sites including the expansion of heritage mosques. The purpose of this procedure is to enable an evaluation of each development proposal made and to determine whether it needs to be approved or otherwise. The evaluation committee consisting of DNH officers appointed will consider and evaluate the suitability of the development proposals based on the existing guidelines and regulations. Guidelines related to new developments as contained in the heritage building conservation guidelines are an important reference in decision making for the expansion of heritage mosques. The assessment of the proposed expansion of heritage mosques will be made with reference to the principles of new developments as contained in the guidelines. However, there is dissatisfaction among the mosque community over the constraints and development limits on heritage mosques. For example, the DNH's official comment in 2018 on the expansion works made to Tengkeri Mosque by committee member stated that the expansion was incompatible because obstructing the mosque's view apart of has been implemented without prior permission. On top of that the Guideline for the Conservation Area and Heritage Building in Melaka World Heritage Site has stipulated that there is no additional work is allowed for Kampung Hulu Mosque and Kampung Keling Mosque in Melaka as both have been categorized as heritage building category 1 [13]. As a result, conflict has arisen involving the mosque community and DNH. Here are the main issues that are creeping up this problem and each of them has given new challenges to all parties involved in the conservation of heritage mosques in Malaysia.

Conflict of Interest Values between the Mosque Community and the Heritage Authority

The heritage mosque is a source of living heritage that have various stakeholders in it. Apart from the building structure that is considered important to heritage, this mosque is also a building that functions to the local community and also a source of attraction for the tourism industry [5]. Each stakeholder has different focuses, roles and involvements. Heritage related authorities and conservation professional groups focus on conserving the fabric

structure of the heritage mosque, administration and management group of the mosque meanwhile prioritize on function and comfort of mosque for the mosque members, while stakeholders in tourism sector are more interested in unique features of the mosque that can become tourist attraction. The existence of various parties with different focus and interests has often caused conflicts of interest when efforts to enlarge the heritage mosque want to be done [5].

The expansion of the heritage mosque requires the construction of new structures at the heritage site and involves the merging of new structures with the original building structure. The expansion of the mosque is important for the mosque community in order to provide sufficient space and facilities for the congregation members. This will ensure that the mosque functions well for the community or mosque members. Meanwhile for DNH, the expansion of mosques involving new development is something that is sensitive and needs to be done in compliance with the principles and rules contained in the guidelines. In the guidelines related to new development in heritage sites by DNH, there are eight (8) principles that need to be followed when a new development is to be done on heritage sites [14]. However, the required principles emphasize the aspects of design suitability, fabric retention and visual effects of existing buildings that are physical and tangible. There are no specific principles in the guidelines that emphasize the importance for the community to continue the usage of the building as an essential aspect of heritage conservation. This is because in contrast to obsolete monuments, heritage mosques are living heritage sites where the value of its importance lies not only in the building structure alone but also in the function and spiritual value by its community which is intangible [8].

Recent developments in heritage site conservation have seen the value-based conservation approach as a better approach than material-based conservation. Value-based conservation not only emphasizes the tangible values of a heritage site, but also the intangible values such as community beliefs and spiritual practices [15]. Therefore, a value-based conservation approach is the best solution in dealing with issues involving living heritage sites such as heritage mosques because it involves several stakeholders with their respective interest values. However, the main challenge in the issue of expanding the heritage mosque is to get a balance between the value of tangible heritage and the value of intangible heritage of the mosque. Understanding and coordination between stakeholders is very important to achieve this balance [5]. However, due to JWN as a heritage authority and has the power to make decisions regarding the proposed expansion of the mosque, the tendency to evaluate based on the retention of the original fabric and design of the mosque is higher compared to the needs of the mosque community.

Obscurity of Compatible Development Criteria in Existing Guidelines

Compatible development is a key principle in the merging of new structures with old structures that have been heavily emphasized in charters and guidelines related to heritage site conservation. In addition, the terms harmonious development and contextual development are also used with the same meaning [16, 17]. In the existing guidelines by DNH, the term 'harmony' has been used in describing the need for new development to be compatible with the heritage building (original building) to ensure the heritage value is conserved. Several aspects of harmonious development have also been stated including height, scale, use of colours, textures, building materials, design elements and the distance between new and old buildings [14]. However, clearer and more specific criteria are important in guiding designers (representing mosque community) and evaluator (DNH) understand the criteria of compatible development of the heritage mosques which consists of various designs, sizes, scales and building materials according to the era of its construction.

In determining whether a new development can be accepted as appropriate or harmonious is a question that can only be answered when the quality and characteristics of a type of heritage building have been first understood in depth [16]. The clear features and characteristics of this heritage building will help the designer determine what new development design features are considered compatible or harmonious to a heritage mosque. At the same time, DNH as the decision-maker whether a proposed expansion of the heritage mosque is appropriate or otherwise should have clear and specific criteria according to the features and characteristics of the relevant heritage mosque. The application of principles that are general in nature as in the existing guidelines will result in conflicting interpretations related to appropriate design features and criteria by both parties. This is because specific criteria are important in ensuring predictability, consistency and certainty in decision making by providing points of reference for both parties [18].

Act 645 has stipulated the need to prepare a Conservation Management Plan (CMP) as soon as a site is designated as a heritage site which aims to ensure that it is conserved and preserved accordingly (sec. 45 & sec. 46 of Act 645). Among the important content within this CMP are conservation guidelines on the site including new developments and renovations. It is a big challenge for DNH as a heritage authority to equip each heritage mosque with appropriate development design criteria with the increasing number of heritage mosques across the country over the years in addition to the diverse character and architectural features across the country. However, the absence of clear criteria

will be a bigger problem when difficulties appear involving two parties involved in the new development of the heritage mosque due to the absence of references that are mutually understood.

Absence of Community Involvement in the Development Evaluation Process

The expansion of heritage mosques requires more consideration and study compared to ordinary mosques. This is because the expansion needs to take into account the implications of new development on the value of heritage mosques. As a community institution, the mosque is not only valuable in terms of its structure and design but more importantly its function to the local community as a spiritual and community centre. In fact, many heritage experts have tended to refer heritage mosques as a living cultural heritage. They have agreed that apart from the tangible value contained in the fabric or structure of its construction, the mosque contains intangible value that exists from the function and spiritual connectivity to the community. Thus Hasan-Uddin Khan (2015) has emphasized the importance of looking at heritage mosques in a broader context than just the value of its architecture alone in matters related to the planning and development of new heritage mosques.

The role of community in the conservation of heritage sites has shown tremendous development internationally. The community should not only be given the right to engage in discussions on matters that affect them but should have influence in decision making [12]. The importance of community involvement in heritage site conservation has been stated in the Burra Charter which emphasizes that the conservation of a heritage will be unsustainable without the involvement of its community [19]. In the conservation of heritage sites, the community should be included in every conservation plan that will become a space for them to discuss openly on issues involving the site. The heritage site belongs to the public; therefore, only people who visit it often or live nearby really know the problems on the site and can evaluate the effectiveness of the planning to be done [12].

In designating a site as a heritage site, the public is also given a role in Section 27 of Act 645 where the Heritage Commissioner must announce the intention to assign a site to the public before a site can be designated. Sec 28 further contains provisions on the rights of the site owner concerned as well as the public who do not agree with the designation of the site to submit an objection. In this case the role or right of the public has been taken into account legally to participate in the process of designating a heritage site. However, in the development of a heritage site such as the expansion of the heritage mosque structure, the decision is based on the discussion of committee members appointed at the DNH level without involving representatives from the community. Community involvement in the decision-making process related to new development is also not found in any of the heritage site development procedures or guidelines as in the heritage building conservation guidelines. This has resulted in the interests and needs of the community not being understood or taken into account as an important basis in conducting assessment on the new development of heritage mosques.

CONCLUSION

Conservation on heritage mosques should not be seen as an effort to maintain the fabric or structure alone. Heritage mosques have been recognised as a living cultural heritage with tangible and intangible values. As a living cultural heritage, change in the form of new development is inevitable and should be taken into account in its conservation management. However, there are three main issues in conservation management involving the expansion of heritage mosques. First, the existence of several stakeholders on the heritage mosque with different interests has created a conflict of values that should be given priority in the expansion of heritage mosques. Second, the compatible development criteria as contained in the existing guidelines are too general to guide designers and evaluators to make more accurate decisions. This is because heritage mosques in Malaysia consist of various characters, designs and construction eras. Third, the existing assessment procedures for the development of heritage mosques is 'top-down' and does not provide enough space for the community to highlight their needs. The needs of the mosque community which is part of the stakeholders and is the group closest to the heritage mosques are not adequately understood and are considered less important.

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