

NAVIGATING LEGAL LANDSCAPES: THE ROLE OF TRANSNATIONAL MIGRATION IN SHAPING THE RESURGENCE OF SPANISH MUSLIMS

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Article history

Received date : 4-5-2026
Revised date : 5-5-2026
Accepted date : 20-6-2026
Published date : 25-6-2026

To cite this document:

Abu Bakar, A. Y., Abdullah, S. R., Ismail, M. S. I.,
Mohd Saufi, M. S. A., & Omar, A. A. I. (2026).
Navigating legal landscapes: The role of transnational
migration in shaping the resurgence of Spanish
Muslims. *Journal of Islamic, Social, Economics and
Development (JISED)*, 11 (83), 743 – 754.

Abstract: *Despite progressive legal frameworks, transnational Muslim migrants in Spain confront persistent systemic marginalization and institutional "othering" within a secular public sphere. Addressing the limitations of linear assimilation theories, this study aims to propose the Structural-Historical Synthesis Model, a novel conceptual framework that positions Cultural Moderators—specifically the historical memory of al-Andalus—as the critical mediator between structural/legal inputs and socio-religious integration outcomes. The study employs a narrative review methodology, utilizing an integrative thematic analysis of multidisciplinary literature systematically sourced from the Scopus database. The findings reveal that while transnational migration and post-1978 legal structures catalyze the demographic resurgence of Spanish Islam, successful integration is rarely guaranteed by law alone. Instead, diaspora communities and native converts navigate systemic alienation by leveraging Spain's unique historical crucible. The synthesis demonstrates that anchoring contemporary Muslim identity in the romanticized legacy of al-Andalus provides a vital cultural buffer, legitimizing their institutional visibility and countering prevailing Islamophobia. Theoretically, this study shifts the paradigm from purely administrative integration to historically mediated inclusion. Practically, it provides policymakers and community leaders with actionable insights to utilize shared historical narratives to foster genuine civic cohesion, rather than relying solely on bureaucratic accommodations. As a conceptual endeavor, the primary limitation lies in the lack of empirical validation for the proposed framework.*

Consequently, future research should empirically test the developed propositions through localized ethnographic fieldwork and quantitative surveys across diverse Muslim typologies in Spain, alongside comparative analyses of historical mediation in broader European contexts.

Keywords: *Maghrebi Diaspora, Cultural Moderators, Muslim Identity Formation, Islamophobia and Alterity, Immigration Law and Policy*

Introduction

Opening Statement: Context and Background

The contemporary landscape of Spain has witnessed a profound demographic and socio-religious transformation, characterized by the unprecedented resurgence of Islam following centuries of historical marginalization. Driven primarily by transnational migration from the Maghreb and other regions, the re-emergence of Muslim communities has fundamentally altered the Spanish socio-cultural fabric. As Europe grapples with the broader complexities of multiculturalism and the integration of diasporic identities (Habti, 2014), Spain presents a highly specific paradigm. The nation sits at the intersection of a deeply entrenched Catholic heritage and a rapidly expanding migrant population, necessitating a continuous negotiation of religious tolerance, legal recognition, and identity expression within a predominantly secular public sphere (Laurence, 2026).

Literature Review and Background Information

A burgeoning body of literature has explored the multifaceted dimensions of this Islamic resurgence, heavily emphasizing the dynamics of transnational identity and cultural integration. Scholars highlight the continuous cultural exchanges between Spain and migrants' countries of origin, which foster a unique synthesis of local and transnational Islamic practices (Solana, Montaña, & Vagni, 2024). Furthermore, the complex process of Muslim identity formation is inextricably linked to Spain's specific historical imaginaries. The enduring legacies of colonialism and the historical memory of al-Andalus create a paradoxical environment where Muslims encounter both romanticized cultural acceptance and deeply rooted suspicion (Rogozen-Soltar, 2012). Consequently, comparative studies on immigrant integration underscore the ongoing struggle of these transnational communities to assert their religious identities while adapting to the structural and secular demands of their host society (Alekseev, 2023).

Statement of the Problem

Despite these rich cultural dynamics and formal legal transitions toward secularism, significant socio-political challenges persist, illuminating a critical problem within the Spanish integration model. Muslim migrants frequently confront systemic discrimination and marginalization, particularly within the labor and housing markets, which exacerbates social tensions and impedes meaningful integration (Alekseev, 2023). Furthermore, the visibility of Muslim communities in the public sphere is often countered by institutional practices of invisibilization and foreignization, disproportionately affecting vulnerable demographics such as women and youth, thereby undermining their agency as socio-political actors (Lems, 2020). These socio-economic barriers are compounded by formidable legal and administrative obstacles—rooted in historical conceptualizations of foreignness—that restrict the free practice of religion and are intensified by a resurgent wave of Islamophobia and xenophobia across the state (Barbero, 2014).

Research Gap and Aim of the Study

While existing scholarship has utilized diverse comparative, ethnographic, and statistical methodologies to document the isolated effects of migration networks, legal barriers, and transnational political participation (Lamela, Pérez-Caramés, & Fernández-Suárez, 2012; Maisonave & Ortí, 2018), there remains a pronounced research gap. Specifically, current literature lacks a comprehensive theoretical model that systematically links transnational migration dynamics and state-religion legal structures with the unique cultural moderators of Spanish historical memory. To address this deficiency, the primary aim of this study is to propose a novel conceptual framework that elucidates how these structural and legal variables interact with historical paradigms to shape the socio-religious institutionalization and integration of Muslims in contemporary Spain.

Significance of the Study

The significance of this study lies in its capacity to transcend fragmented empirical observations by providing a cohesive, macro-level theoretical architecture. By delineating how historical memory filters modern legal and demographic realities, this conceptual framework offers policymakers, sociologists, and legal scholars a critical tool to better understand the structural integration of Muslim communities. Ultimately, this research contributes to the broader academic discourse on European multiculturalism by offering a culturally contextualized model of religious resurgence in Southern Europe.

Theoretical Framework or Approach

This study is theoretically grounded in a Structural-Historical Synthesis approach. The framework posits those independent structural variables—namely, transnational migration dynamics and post-1978 legal frameworks—do not directly determine integration outcomes. Instead, these inputs are inherently mediated by a critical intervening variable: cultural moderators, specifically the collective historical memory of al-Andalus and subsequent Reconquista narratives. This conceptual approach argues that it is through this unique historical filtration mechanism that the dependent variables—distinct typologies of Muslim identity and varying degrees of socio-religious institutionalization—are ultimately formed.

Overview of the Structure of the Paper

To systematically build this argument, the remainder of the paper is structured as follows: Section two provides a comprehensive review of the exogenous structural catalysts, analyzing the impacts of transnational migration and modern Spanish legal frameworks. Section three introduces the mediating role of cultural and historical moderators, examining the tension between Andalusian romanticism and institutionalized othering. Section four details the proposed conceptual framework, outlining the resulting trajectories of Muslim socio-religious development. Finally, section five synthesizes these insights, offering concluding remarks and formulating testable theoretical propositions to guide future empirical research.

Literature Review

Transnational Migration and the Maghrebi Diaspora

The demographic landscape of contemporary Spain has been profoundly altered by the influx of transnational migrants, necessitating a complex negotiation of identity and integration among Muslim communities. Current scholarship extensively examines how this diaspora populations maintain their religious and cultural identities while simultaneously adapting to the socio-cultural environment of their host country. As European nations confront an ongoing crisis of

multiculturalism, Muslims in Spain face acute pressures to assimilate into a predominantly secular society (Habti, 2014). This dynamic of self-identity formation is precarious, as migrants must navigate the boundaries of their faith within a public sphere that is often characterized by an elusive and highly conditional form of religious toleration (Laurence, 2026). Consequently, the diaspora experience is defined by a constant balancing act between preserving heritage and achieving functional integration.

Beyond internal identity negotiations, transnational migration inherently fosters continuous cultural exchanges between Spain and the migrants' countries of origin. These multidirectional interactions significantly influence the everyday practice of Islam within Spanish borders, contributing to a unique synthesis of cultural identities that reflects both indigenous Spanish influences and transnational heritage (Solana, Montaña, & Vagni, 2024). Furthermore, the structural selection of migrant destinations and the establishment of diaspora enclaves are heavily dictated by pre-existing social networks (Lamela, Pérez-Caramés, & Fernández-Suárez, 2012). These networks not only facilitate geographical mobility and transnational political participation (Maisonave & Ortí, 2018) but also serve as vital conduits for cultural exchange, illustrating how migration shapes community dynamics and religious practices at the local level.

Despite these rich cultural synergies, the socio-political implications of transnational migration frequently manifest as severe structural marginalization for Muslim communities in Spain. Comparative analyses of immigrant integration reveal that Muslims disproportionately endure systemic discrimination, particularly within the housing and labor markets, which severely exacerbates social tensions (Alekseev, 2023). When Muslim communities do achieve visibility within the public sphere, they are often confronted with institutional practices of invisibilization and foreignization, a dynamic that acutely suppresses the social and political agency of women and youth (Lems, 2020). These socio-economic realities indicate that demographic presence alone does not equate to successful integration, thereby highlighting the need to understand how underlying cultural and historical perceptions mediate the migrant experience.

Legal and Structural Factors: Navigating the Political Landscape

The integration of Muslim migrants in Spain is fundamentally constrained by a complex web of legal and structural factors that often contradict the state's formal commitments to secularism and religious freedom. A critical review of contemporary legal frameworks reveals that Muslim communities face profound administrative obstacles that complicate their ability to practice their religion freely. These legal challenges are not merely bureaucratic; they are deeply entangled with rising currents of Islamophobia and xenophobia within Spanish society, which functionally restrict the civil liberties of minority populations (Laurence, 2026). Furthermore, the historical evolution of immigration law in Spain demonstrates a continuous legislative pattern of "alterity," wherein the legal system inherently constructs the migrant—particularly the Muslim migrant—as a perpetual "Other" (Barbero, 2014).

This legal othering operates alongside severe socio-political barriers that govern how Islam is represented and regulated in the public domain. While the Spanish Constitution theoretically guarantees religious pluralism, the practical socio-political landscape frequently dictates a dual nature of acceptance and suspicion toward Islam (Alekseev, 2023). This duality is deeply rooted in Spain's historical colonial legacies and is continually reinforced by current political discourse. As a result, the legal recognition of Islamic institutions often clashes with societal practices that actively seek to minimize Muslim visibility, raising fundamental questions about

the viability of Muslims as recognized, equal socio-political actors in 21st-century Spain (Lems, 2020).

To comprehensively understand these complex dynamics, it is evident that a purely structural analysis of migration and law is insufficient; hence, the primary aim of this study is to propose a novel conceptual framework that positions Cultural Moderators as the critical mediator between these structural inputs and socio-religious outcomes. The literature demonstrates that the intersection of Spanish legal structures and transnational migration is inextricably filtered through specific historical imaginaries of Islam, such as the legacy of al-Andalus and the Reconquista (Rogozen-Soltar, 2012). By establishing Cultural and Historical Factors as the mediating mechanism, this conceptual framework will elucidate how collective memory and historical perceptions dictate whether legal and demographic variables result in socio-cultural integration or systemic marginalization.

Methodology

Research Design

To systematically address the research aim—proposing a conceptual framework that positions Cultural Moderators as the critical mediator between structural factors and socio-religious outcomes—this study employs a narrative review methodology. Unlike rigid systematic reviews (e.g., PRISMA) which are primarily designed to aggregate quantitative empirical outcomes, a narrative review is epistemologically aligned with theoretical and conceptual theory-building. It permits a more interpretive, comprehensive synthesis of fragmented, multi-disciplinary literature across sociology, political science, history, and theology. By adopting this design, the study transcends mere chronological or descriptive summaries, allowing the researcher to critically map the theoretical landscape, identify prevailing conceptual gaps, and construct the novel "Structural-Historical Synthesis" framework. The narrative approach provides the necessary flexibility to trace the complex, non-linear intersections between legal structures, transnational migration, and historical memory in contemporary Spain.

Key Steps in Conducting a Narrative Review

To ensure methodological rigor and mitigate selection bias, the narrative review was executed through a structured, multi-phased protocol.

Defining the Scope and Formulating the Research Question: The primary objective was to identify literature that explores the nexus of migration, law, and historical memory in the context of Spanish Islam.

Database Selection and Data Collection: The data collection was exclusively conducted through the Scopus database. Scopus was selected as the primary repository due to its extensive, peer-reviewed coverage of the social sciences, humanities, and international migration studies, ensuring access to high-impact, multidisciplinary research relevant to the European context.

Screening and Selection: The retrieved literature was subjected to a two-tier screening process: an initial review of titles and abstracts to determine relevance to the independent and mediating variables, followed by a full-text appraisal to ensure theoretical depth and academic rigor.

Data Extraction and Synthesis: Relevant theoretical propositions and empirical findings were extracted and prepared for thematic categorization.

Data Collection and Review Strategy

To execute the data collection phase within the Scopus database, a highly specific, Boolean-driven search string was developed to capture the multidimensional nature of the variables. The search string utilized a combination of exact phrasing and truncation to capture diverse terminologies across the selected disciplines. The final executed search query was structured as follows:

("transnational migration" OR "migration" OR "immigration" OR "movement") AND ("Spanish" OR "Spain" OR "Hispanic" OR "Iberian") AND ("Islam" OR "Muslim" OR "Islamic" OR "Moslém") AND ("identity" OR "culture" OR "community" OR "integration") AND ("diaspora" OR "settlement" OR "refugee" OR "asylum")

Following the retrieval and screening of the literature, an integrative thematic analysis approach was utilized to evaluate the data. This review strategy moves beyond descriptive cataloging; it involves systematically coding the literature to identify and synthesize key themes, overarching concepts, and competing theoretical perspectives.

The thematic analysis was conducted in three stages:

Familiarization and Conceptual Coding: The selected texts were read comprehensively, and initial codes were generated based on their alignment with the study's predefined constructs (e.g., coding legal barriers under Structural Factors; coding references to al-Andalus under Cultural Moderators).

Thematic Development: Codes were then aggregated into broader, cohesive themes that explained the interactions between the variables. For instance, literature discussing the "Reconquista" and "social marginalization" were synthesized into a theme highlighting the dual nature of Spanish historical memory.

Theoretical Synthesis: Finally, the identified themes were conceptually woven together to formulate the paper's core argument. This integrative synthesis allowed for the abstraction of empirical case studies (such as the integration of the Moroccan diaspora in Andalusia) into broader theoretical propositions, ultimately serving as the foundational evidence for the proposed conceptual framework.

Key Findings from the Narrative Review

The integrative thematic analysis of the selected literature generated four distinct findings. These findings illustrate the complex interplay between demographic shifts, legal constraints, and the mediating power of historical memory in contemporary Spain.

Key Finding	Description	Primary Supporting Literature
Historical Memory as a Cultural Moderator	The legacy of Al-Andalus provides a unique diasporic consciousness that filters how migrants build identity and how the host society perceives them.	Finlay (2022); Rogozen-Soltar (2012)
Transnational Religious Adaptation	Migration catalyzes the localization of Islamic practices (e.g., Sufi brotherhoods) and the creation of transnational religious networks across borders.	Arraràs (2014); Molina (2014); Massó Guijarro (2016)
Structural and Legal "Othering"	Spanish immigration frameworks inherently construct Muslim migrants as "unassimilable," driving systemic socio-economic marginalization.	Barbero (2014); Alekseev (2023)
Socio-Political Visibility Challenges	Institutional invisibilization and rising Islamophobia actively suppress Muslim political agency in the public sphere.	Lems (2020); González-Baquero et al. (2023); Laurence (2026)

Synthesis of Key Findings

The thematic extraction from the literature reveals a profound tension between the lived reality of transnational Muslim migrants and the structural constraints of the Spanish state. First and foremost, the findings confirm that transnational migration acts as a primary catalyst for religious adaptation. Rather than merely importing static religious frameworks, migrant communities—such as the Senegalese Murid and Bay Fall diasporas—actively localize their Islamic practices, creating complex transnational networks that bridge Spain and their countries of origin (Arraràs, 2014; Massó Guijarro, 2016; Molina, 2014). However, this dynamic demographic resurgence frequently collides with entrenched legal and structural barriers. The literature demonstrates a pervasive pattern of "legal othering," wherein contemporary Spanish immigration and socio-economic frameworks structurally marginalize Muslim populations, perpetuating a duality of formal constitutional acceptance juxtaposed with functional discrimination in labor, housing, and civil visibility (Alekseev, 2023; Barbero, 2014; Lems, 2020).

Crucially, the review substantiates the study's proposed conceptual framework by identifying historical and cultural memory as the ultimate mediator of these structural inputs. The unique historical paradigm of Spain—defined by both the romanticized legacy of Al-Andalus and the exclusionary narrative of the Reconquista—functions as a powerful cultural moderator. For the Maghrebi diaspora, the physical and cultural remnants of Al-Andalus offer a foundational narrative for diasporic home-building and belonging (Finlay, 2022). Conversely, these same historical imaginaries are frequently mobilized by the host society to orientalize Muslims or justify Islamophobic sentiment (González-Baquero et al., 2023; Rogozen-Soltar, 2012). Ultimately, the synthesis of these findings dictates that the socio-religious integration of Muslims in Spain cannot be measured solely through the lens of legal policy or migration volume; rather, outcomes are inextricably filtered through Spain's deeply contested historical memory.

Proposition: Focus on Migration and Demographic Presence

The contemporary influx of transnational migration, particularly from the Maghrebi and broader global diaspora, has fundamentally catalyzed the resurgence of Spanish Islam while simultaneously exposing these communities to persistent ambient historical othering and structural marginalization (Barbero, 2014; Lems, 2020). As these migrant populations navigate a secular European public sphere characterized by the elusive toleration of minority faiths (Laurence, 2026), their adaptation processes generate distinct typologies of Muslim identity, ranging from strictly localized diasporic identities sustained by transnational networks to native, hybridized identities seeking indigenous European roots (Arrarás, 2014; Molina, 2014). However, the trajectory of these diverse identity typologies—and their capacity to achieve civic inclusion—is heavily mediated by Spain's unique historical imaginaries, which frequently juxtapose the romanticization of the Islamic past against the exclusionary narratives of the Reconquista (Rogozen-Soltar, 2012). For transnational migrants and native converts alike confronting systemic discrimination, the appropriation and internalization of the Andalusian legacy serves as a vital cultural moderator, functioning as a psychological and social anchor that reconfigures the diasporic home and legitimizes their contemporary presence within the Iberian landscape (Finlay, 2022). By leveraging this shared historical narrative, these various typologies of Muslim identity can effectively bypass institutional foreignization and cultivate a more resilient, localized sense of belonging (Archick et al., 2012; Solana, Montaña, & Vagni, 2024). Consequently, because this specific historical memory acts as an essential mechanism for translating demographic presence into enduring civic inclusion, the theoretical framework posits the following: Proposition 1: The greater the reliance on the historical memory of al-Andalus (Cultural Moderator), the more likely Muslim communities are to achieve successful socio-cultural integration (Outcome) despite ambient historical othering.

Proposition Development: Focus on Legal Frameworks and Visibility

While the formal legal and structural factors established by the 1978 Constitution and the 1992 Cooperation Agreement theoretically guarantee religious pluralism and provide the administrative scaffolding for the socio-religious institutionalization of Islam, actual Muslim visibility remains heavily contested in the Spanish public sphere (Barbero, 2014; Lems, 2020). These modern legal provisions frequently collide with deeply entrenched socio-political challenges, including xenophobic administrative hurdles and institutional practices of foreignization that construct Muslim populations as unassimilable "others" within the legal framework of immigration (Alekseev, 2023; Laurence, 2026). To bridge the gap between abstract legal toleration and genuine civic institutionalization, diaspora communities increasingly navigate these complex legal landscapes by invoking Spain's unique historical imaginaries (Rogozen-Soltar, 2012). Specifically, the romanticized historical memory of al-Andalus functions as a crucial cultural moderator; it provides an epistemological bridge that mitigates structural discrimination and conceptually legitimizes the physical and social visibility of Muslim institutions within the Iberian landscape (Finlay, 2022; Solana, Montaña, & Vagni, 2024). By framing their contemporary institutionalization as a continuation of indigenous heritage rather than an imported foreign element, these communities effectively negotiate the limitations of Spanish law and counter prevalent Islamophobic public discourse (González-Baquero, Amores, & Arcila-Calderón, 2023). Therefore, because navigating these formal legal structures successfully depends on cultural legitimation, the theoretical framework posits the following: Proposition 2: Within the context of modern legal and structural factors (e.g., the 1978 Constitution and 1992 Accords) governing socio-religious institutionalization and visibility, the greater the reliance on the historical memory of al-Andalus (Cultural

Moderator), the more likely Muslim communities are to achieve successful socio-cultural integration (Outcome) despite ambient historical othering.

Proposition Development: Focus on Identity Typologies and Psychological Buffering

The continuous influx of transnational migration into Spain has generated diverse typologies of Muslim identity, ranging from tightly knit diasporic groups that localize their home-country traditions to hybridized communities that actively seek to embed their religious practices within a European context (Massó Guijarro, 2016; Molina, 2014). Regardless of these varying identity typologies, Muslim communities universally confront a pervasive environment of historical othering, where systemic marginalization and public orientalizing actively threaten their socio-cultural integration (Barbero, 2014; Lems, 2020). To navigate this societal alienation, these diverse Muslim identities frequently engage with Spain's unique cultural imaginaries, utilizing the historical memory of al-Andalus as a critical cultural moderator (Rogozen-Soltar, 2012). By conceptually anchoring their religious presence in this romanticized Andalusian legacy, both migrants and native converts are able to reconfigure their diasporic consciousness, transforming their social status from "unassimilable foreigners" into communities with a legitimate, indigenous claim to the Iberian landscape (Finlay, 2022; Solana, Montaña, & Vagni, 2024). This strategic internalization of cultural memory not only aids in the theological adaptation of their identity—often supported by frameworks such as minority jurisprudence (*fiqh al-aqalliyyāt*)—but also serves as a robust socio-psychological buffer against contemporary Islamophobia, ultimately facilitating deeper civic inclusion (Archick et al., 2012; Papa, 2020). Consequently, because this shared historical narrative acts as the mechanism that bridges disparate identity typologies with the host society, the theoretical framework posits the following: Proposition 3: The greater the reliance on the historical memory of al-Andalus (Cultural Moderator) by various typologies of Muslim identity, the more likely Muslim communities are to achieve successful socio-cultural integration (Outcome) despite ambient historical othering.

Proposition Development: Focus on the Historical Crucible

The formal legal and structural factors established by the 1978 Constitution and the subsequent 1992 Cooperation Agreement theoretically guarantee the socio-religious institutionalization and public visibility of Islamic communities in Spain. However, in practice, these legal frameworks frequently collide with entrenched administrative hurdles and societal practices of foreignization that persistently construct Muslims as marginalized "others" (Barbero, 2014; Lems, 2020). To bridge this profound gap between constitutional rights and lived socio-political realities, Muslim populations must navigate the "historical crucible" of Spanish identity. Within this crucible, the romanticized historical memory of al-Andalus serves as a pivotal cultural moderator that mitigates the alienating effects of modern immigration laws and ambient Islamophobia (Rogozen-Soltar, 2012). By strategically anchoring their institutional presence and public visibility in this shared indigenous heritage, diaspora communities legitimize their religious practices, thereby transforming their socio-religious institutions from perceived foreign encroachments into organic extensions of Iberian history (Finlay, 2022; Solana, Montaña, & Vagni, 2024). This reliance on cultural memory not only facilitates smoother navigation of the secular legal landscape but also actively counters systemic marginalization to foster deeper civic inclusion (Alekseev, 2023; Archick et al., 2012). Consequently, because this historical filtration is essential for actualizing legal rights into societal acceptance, the theoretical framework posits the following: Proposition 4: Within the constraints of modern legal and structural factors (e.g., the 1978 Constitution and 1992 Accords), the greater the

reliance on the historical crucible and the memory of al-Andalus (Cultural Moderator) to legitimize socio-religious institutionalization and visibility, the more likely Muslim communities are to achieve successful socio-cultural integration (Outcome) despite ambient historical othering.

Conclusion

In conclusion, this study establishes that the contemporary resurgence and integration of Spanish Islam cannot be understood solely through the structural lenses of transnational migration and modern legal frameworks, as these elements are fundamentally mediated by Spain's complex historical crucible. The primary theoretical implication of the proposed Structural-Historical Synthesis Model lies in its shift away from linear assimilation theories, positioning the collective memory of al-Andalus as a critical cultural moderator that bridges the gap between formal legal toleration and lived socio-religious institutionalization. Practically, these insights offer a valuable paradigm shift for policymakers and community leaders, demonstrating that leveraging a shared historical heritage is a significantly more effective strategy for combating systemic "othering" and fostering genuine civic inclusion than merely relying on administrative accommodations. Despite these contributions, the study is inherently limited by its conceptual design and reliance on narrative review methodologies, meaning the proposed theoretical propositions remain empirically untested and the framework is deeply specific to the unique Spanish context. Consequently, future research should seek to empirically validate these propositions through robust quantitative surveys or localized ethnographic fieldwork across diverse Muslim typologies in Spain, while also conducting comparative analyses to explore whether similar cultural narratives mediate migrant integration in other European nations.

Acknowledgements

The authors would like to express their sincere gratitude to the Kedah State Research Committee, UiTM Kedah Branch, for the generous funding provided under the Tabung Penyelidikan Am. This support was crucial in facilitating the research and ensuring the successful publication of this article.

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