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Developing Halal Standard for Malaysian Hotel Industry: An Exploratory Study

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Abstract

There has been a significant growth in the hotel industry in Malaysia. Each year, a large number of tourists especially from the Middle East countries visit Malaysia. Due to this, a lot of initiatives have been taken in its attempt to attract this group of tourists. This is done by offering hotel facilities in accordance with the religious beliefs of the Muslim tourists. Due to the above trend, it is therefore important to examine the current policies and regulatory framework relating to halal or Shariah Compliant hotel in Malaysia. Apart from that, this paper will also identify the prospect and challenges of developing halal hotels in Malaysia. The study will be conducted using qualitative research in which data is collected through library research and sessions of interviews with the relevant authorities. It is hopeful that the finding of this paper can provide information to the authority bodies and to industry players as well regarding the existing policies for Shariah compliant hotel. The results of this paper will also indicate the importance for the hoteliers to have knowledge and fully prepared with the prospects and challenges that they might be facing prior to developing Shariah Compliant Hotel in Malaysia.

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1. INTRODUCTION

Malaysia is a multiracial country with Islam being the largest practiced religion, comprising approximately 61.4% Muslim adherents, or around 17 million people, as of 2010. In 2011 Malaysia comprises with 28.9 million of the total population and out of that 61.4% are Muslim population which equivalent to 17.7446 million. The halal industry which consists of Halal food, pharmaceuticals, cosmetics, packaging and logistics products as well as in services become highlighted by many countries especially Malaysia.

In recent years, it has been observed that there is a growing interest in a new tourism concept such as ‘Islamic tourism’ or ‘halal’ hospitality which similar to the concept of Halal food which had been recognized in many countries including those in the Middle East. (World Travel Market, 2007 cited in Battour, Nazari et.al, 2010). In the tourism industry, Mohd Salleh, Othman & Mohd Noor (2010) cited in Nor Shahrul Nizam & Norzaidi Daud (2012) notes that it has been drastically dropped of tourist from the Middle East of UK and US after Sept 11, 2000 and shift to other Muslim countries such as Malaysia. Similar views given by Henderson (2003 ) cited in Battour, Nazari et.al, (2010) claims that the traditional Arab and Muslim choice of USA and Europe destinations has changed since the September 11 attacks with Middle Eastern and hence, Muslim countries becoming increasingly popular destinations for Muslim tourists.

In response to this, the current study is an attempt to greater understands this concept by scrutinizing the current policies and regulatory framework on Shariah compliant hotels. Therefore there are the needs to discuss in depth on the issue policies and halal standard that can be designed in order to enable the hotelier in Malaysia keep adhering to this standard prior to being recognized as Shariah Compliant Hotel. It should be stressed that Shariah Compliant hotel was not to replace the existing hotel concept but rather to offer an alternative service and operation especially to cater Muslim tourists and others.

2. PROBLEM STATEMENT

It has been significant growth in the hotel industry in Malaysia. Malaysia, for instance, has been leading the way in the halal tourism industry and has been successful in trying to attract Muslim tourists from all over the world, especially the Middle Eastern travellers, by offering facilities in accordance with the religious beliefs of these Muslim tourists.

Even though the Halal certification is an option for hotels, many have decided to embed the logo into their operational processes, with the aim to capturing a bigger tourism market especially tourists from the Middle East and the Gulf countries. It can be proven by the year 2011 it foresees close to 500,000 tourists from the region. Due to this trend, many hotels are adapting their services more and more to their Muslim guests. It should be emphasized here that one of the importance of having halal standard for hotel industry in Malaysia is it can boost the confidence of the general public that all the practices and activities are in compliance with the Shariah at all times whether in its products, instruments, operations, practices, management etc. However, according to JAKIM (Department Of Islamic Advancement Malaysia) until now there are no legal guidelines or standard being regulated for the hotelier in order to enable them to fully abide and equip with the requirement as Shariah compliant Hotel as a whole which covered the whole premises when applying halal certification. What they have only is a halal guideline and certificate on food and beverage outlet but not covered the whole premise and management. (Yuni Aryanty, 2010). There were few empirical studies done on the needs of hotel operation according to Shariah Compliant as well as Shariah compliant perspective in hospitality and tourism industry. In fact, Islamic tourism, relationship between tourism and religion has been widely addressed in the literature on tourism. In spite of this widely acknowledged fact and research, there remain a shortage of theoretical publications and research in the area of the regulators framework or a specific halal standard for
Malaysian hotel industry on the whole premise. When it comes to the standards or current policies relating to halal or Shariah compliant hotel in Malaysia, the lack of literature is more obvious. Halal Friendly Travel is one of the fastest growing segments within the travel industry and Halal friendly facilities are now in growing demand. With a proper standards drawn and fully equip by the hoteliers muslim guest at any hotels and resorts will be very comfortable with the Halal friendly services offered at these Hotels and Resorts and it inflicts a positive influence on the economy of Malaysia as well. Due to that effect it is urgency for having a proper halal framework and standard specifically for halal hotel. Hence, this study will emphasize the needs of the policy guidelines or standards that are potentially developed Islamic hotel in Malaysia. Efforts have to be made in order to cater to the needs of Muslim travellers, especially the growing number of visitors to Malaysia from the Middle East region.

3. RESEARCH OBJECTIVE

1) To examine the current policies and regulators framework relating to halal or Shariah compliant hotel in Malaysia.

2) To identify the prospect and challenges of developing halal hotels in Malaysia.

3) To highlight and access the needs of the Shariah compliant hotel in Malaysia by legislating the halal standard

4. RESEARCH METHODOLOGY

In order to achieve the objectives of this study, this research will use qualitative method. For the first stage, primary data will be used where first hand data will be collected where several personal interviews session and focus group will be set up with the relevant authority from halal industry. It is to explore their opinions on the needs of developing halal standards or regulators framework specifically for hotel industry in Malaysia. In addition, small workshop with opinion and discussion with industrial representative will also be conducted to access the needs of Shariah Compliant hotel and the prospects and challenges that they might be facing. Apart from that, secondary data will also be used and collected through some sources for example refereed journal, book standards, magazine, and newspaper cuttings and so on in order to gain useful information in completing this study.

5. LITERATURE REVIEW

5.1 Halal Food in the Quran

Halal food and halal hotel should go together as part and parcel of tourism industry. In the Quran, there are a lot of verses asking th Muslim to consume halal foods such as in Surah al-Baqarah : 173 and 168. Allah SWT says in Surah al-Baqarah: 168:

"O ye people! Eat of what is on earth lawful and good, and do not follow the footsteps of the Evil One, for he is to you an avowed enemy.”

Again in Surah al- Baqarah : 172, Allah reminds

"O ye who believe! Eat of good things that We have provided for you and be grateful to Allah, if it is Him ye worship.”
Halal food and drinks are very much concern in Islam because indirectly it will influence our heart, body and mind.

5.2 Halal Standard in Malaysia

Malaysia aims to become a global Halal Food Hub by 2010. This is to be achieved by producing halal products and services over other Muslim countries in food products, trading, logistics, banking system and halal certification. In 1982, Malaysia Department of Islamic Development, now known as JAKIM was established under the Islamic Affairs Division of the Prime Minister’s Department with the responsibilities to check and instil halal awareness among food producers, distributors, importers including food services in premise, restaurants and hotels.

In general, there are seven basic requirements for the preparation of halal food based on MS 1500: 2004/2009 as below:

a) Sources of halal food and drinks should be halal animal and plant based
b) Slaughtering for example halal and non-halal animals must never slaughtered together
c) Product processing, handling and distribution should comply with halal regulations
d) Product storage, display and serving for instance equipments, machineries and other materials used must not be made of non-halal materials
e) Hygiene, sanitation and food safety should comply with the concept of halalan tayyiban
f) Packing and labelling must be carefully evaluated by JAKIM
g) Legal requirements which in line with MS 1500: 2004 revised 2009

However, these basic requirement or standard is given to any industries or premises that require it but it was reported that not all of them apply for it. Malaysia is considered as one of Muslim country but until now there is no specific halal Act has been applicable. However an attempt has recently been taken by the government to introduce Halal Act in future. In relation to halal product, Malaysian government now applied the regulations which are governed by Akta Perihal Dagangan 2011 (Pindaan 1975), Food Act, Consumers Act and others. MS 1500:2009 is the recent standard applied by the legal authority such as JAKIM and JAIN/MAIN.

Thus, JAKIM and MAIN only are given the authority by the Malaysian government to produce halal Certificate to any food producers or industries, premise, restaurant and hoteliers who apply for it. Generally, the use of the halal logo and certification system in this country seems to be in the interest of Muslim consumes. The certification enables them to select goods without doubt of their halal status. Trading companies which comprise non-Muslims are now beginning to realise the importance of the halal certification. JAKIM as a coordinating body of halal certification in Malaysia has introduced the standard Halal Malaysia logo which is intended to answer the confusion and misconception in relation to halal certification. JAKIM also recognises foreign halal certification bodies to ensure the halal status of imported products. Until now, JAKIM has recognised 51 halal certification bodies from 25 nations. (Buletin JAKIM, April, 2012)
5.2.1 Some guidelines on halal food product services towards Muslim tourists in Malaysia

In August 2004, the Halal Food, Production, Preparation, Handling and Storage general guidelines (MS 1500:2004) was launched. This guidelines was developed by the Department of Science, Technology and innovation in conjunction with JAKIM, JAIN/MAIN, relevant government agencies, universities, industries and non-government. JAKIM has published procedure of Malaysia Halal Certification that covers the application procedure, inspection, monitoring and enforcement which includes guidelines for food producers. (JAKIM Buletin Halal, 2012). MS 1500: 2004 or now MS 1500: 2009 is the standard applied by JAKIM and JAIN/MAIN as guidelines before delivering the Halal Certificate. In this respect, it involves several elements as follows:

a) Halal Logo

In Malaysia as mentioned earlier Malaysia Department of Islamic Development (JAKIM) and Malaysia State Islamic Department (JAIN/MAIN) have been given the absolute authority by the government to produce the Halal Certificate. It is well-known now as ‘Halal Malaysia’. Hence, whenever any industry or premise had the Certificate, they have to observe the provisions and regulations as endorsed by JAKIM or MAIN. In this case, the Muslim tourists in Malaysia can rely on this Halal logo if they require to purchase any products such as foods, beverages, cosmetics, medicine including food services in restaurants and hotels.

b) Premise

With respect to this, any premise that require the Halal certificate should apply first through JAKIM or JAIN/MAIN in order to authorise the premise as halal food product premise. In order to ease the tourists particularly the Muslims, the premise such as restaurant, cafe and hotel which display halal logo or certificate (Halal Malaysia) at the entrance is assumed to be halal food product premise. The halal certificate for premise covers the processing area, dining space, clean toilet including the staffs involved in preparing and serving the food.

c) Premise food staffs

They should predominantly Muslim workers and being well dressed in a clean proper clothes or uniforms during preparing and serving the foods. Apart from that, they should be in a good condition of health. Additionally, they are required to behave in a proper manner.

d) Hotel rooms

Hotel room should not serve any prohibited foodstuffs or beverages in the fridge especially which involve the Muslim tourist. In addition, the male and female rooms should be separated. It is recommended that every room for Muslim tourist should has the direction of performing prayer or qiblat, prayer mat and Quran translation. Perhaps, this situation may be considered as ‘friendly Muslim hotel’.

5.3 Tourism and hotel industry in Malaysia

Travelling and tourism are encouraged in Islam for example Allah SWT says in Surah al-Ankabut: 20

"Say: Travel through the earth and see how Alla did originate creation: so will Allah produce a later creation: for Allah has power over all things.”
Next in Surah al-Rum :42, Allah SWT further mentiones:

"Say: Travel hrough the earth and see what was the end of those before you: most of them worshipped others besides Allah."

Again in Surah al-An`am: 11, Allah urges

"Say: Travel through the earth and see what was the end of those who rejected truth."

In this context, travelling and touring are encouragable and will normally go together with hospitality. The Prophet Muhammad SAW once said:

"Hosting a guest for on night is the duty of every Muslim. Whoever comes to his courtyard in the morning, he owes him (hospitality) if he (visitor) may ask for his right and if he wishes, he may refrain.” (Sunan Abu Dawud)

It should be notable that the population of Muslims in the world  grow quickly by which in 2011 the population had reached 2013.62 Million which equivalent with 2.1 billion out of the total world population estimated to reach 7 billion people in 2011 (geography.about.com, 2012). This situation had give the opportunity to Malaysia to be labelled as developed Islamic country throughout the years. Muslims population has been slowly inceased for example in 2009, it raised up to 1657.6 million compared to 1627.61 in 2008. (http://www.islamicpopulation.com/world general.html.23 april 2010). It also has been stated that Malaysia is the eleventh popular country for tourists favourite destination.(http://berita-harian-online.com/jumlah-kemasukan-meningkat 20 Mei 2010).

Tourism sector has been recognized by Malaysian government as a major source of revenue and catalyst to the Malaysian economic renaissance. Minister of Tourism Malaysia, YB Dato’ Sri Dr Ng Yen Yen has announced government funding of RM50 million (EUR12 million, USD16 million) for the business tourism sector for 2011, as part of the 10th Malaysia Plan Malaysia Tourism is targeting 25 million foreign tourists in 2011. In 2010 Malaysia welcomed 24 million tourists and revenues of RM60 billion comparing to 23.6 million tourists in 2009 with RM53.4 billion in revenues. (traveldailynews.com, 2010). It was reported from tourism Malaysia at Dubai that more than 24.7 million tourists Arabia arrived in Malaysia during 2011, from the Gulf Air with 87,693 tourists. In fact Malaysia also received more than 139,000 tourists from Iran and 24,212 from the UAE. Therefore, statistic shows that total tourist arrivals rose to 24,714,324 compared to 24,577,196 in 2010 while receipts climbed to RM58.3 billion (around SR72.2 billion) compared to RM56.5 billion the previous year. (K.T Abdurabb, Zawya.mht, 2012).

Based on previous statistic from Corporate Website of Malaysia Ministry of Tourism 2010, it was reported that the arrival of tourists to Malaysia was increased year by year as follows:

| Year | Arrival   | Profit (RM in million) |
|------|-----------|------------------------|
| 2009 | 23.6 million | 53,367.7               |
| 2008 | 22.0 million | 49,561.2               |
| 2007 | 20.9 million | 46,070.0               |
| 2006 | 17.45 million | 36,71.1                |
| 2005 | 16.4 million | 31,954.1               |
In terms of tourism growth in the world according to Malaysia Tourism Industry Forecast to 2012, Malaysia has emerged as one of the top tourist destinations in the world. According to World Tourism Organization, Malaysia bagged one of the leading positions in the list of top 10 tourist destinations across the globe. Moreover, with increasing government support and rising promotional activities, international tourist arrival in the country is expected to surge at a CAGR of around 8% during forecast period (2011-2013). (World Tourism Organisation, 2010)

It is also interesting to note that Malaysia ranked ninth behind France, the United States, Spain, Turkey and Germany in which Malaysia is the only Muslim country which is in group 10 high ranking world tourist destinations of which 23% is made up of Muslim tourists which is 4.48 million (UNWTO, 2010).

In fact Malaysia has the potential development of Islamic tourism and hospitality industry as Malaysia has the arts, heritage and unique culture of the Malay Muslims. In addition Malaysia is listed in the Lonely Planet (the world's largest publisher of travel guides) for 10 destinations to visit in 2010 (Dewan Ekonomi, April 2010). Besides, Malaysia was recognized as the WEF in 2009 as the fourth out of the 133 countries (who participated in the survey) that offer competitive pricing in tourism including hotel accommodation and fuel, airline ticket taxes and airport charges low and favourable tax regime (Dewan Ekonomi, August 2009).

According to the statistics carried out by Tourism Malaysia, it is reported that there were a large number of tourist consists of the tourists from Saudi Arabia, UAE and Oman which they had spend large amount of expenses which is RM 7991.60 RM 6315.70 RM 6412.20 and nearly twice than Australia and United Kingdom tourists with their amounting to RM 3, 97470 and RM 3797.60. Their total expenses for food and beverages worth 17.7% out of the total expenditure (RM 8.7 million) compared their expenses for the accommodation which is 15.4 million. (Malaysia Profile, 2008).The above scenario does not only happen in Malaysia but according to UWTO, the UAE tourist had spent around USD 1700 in every vacation where USD 500 is much higher those European tourists. (Talal, 2008 in Ilya Nur et.al, 2010). From the above situation and data given, it shows that the tourists from Muslim countries have higher purchasing power and this will benefit the countries they will visit and offer Muslim-friendly. Moreover most of the government of the Arab countries had promoted Islamic tourism among the population and it is the need for Malaysia to grab this opportunity by providing a variety of Muslim-friendly facilities.

Tourism Malaysia has a mission to marketing Malaysia as a favourite and excellent destination which enable to contribute towards the socio-economic of the country. According to Henderson, he claims that tourism in Malaysia and elsewhere in Muslim world have formed tourist rules on the unacceptable of tourist behavior which are forbidden by Islam such as drinking alcohol, making love in public places, wearing sexy clothes, gambling, prostitution and handling the non-halal food by staffs. (Henderson, 2003)

In relation to the service quality for hotel, it normally refers to cleanliness, comfortable and well-maintained rooms, a convenient location and safety place including conducive room facilities. Apart from that, the courteous service, good quality of food and drinks, convenient parking are taken into consideration. Furthermore, Ching (2005) on his findings of study about satisfaction levels of Asian and Western travelers using Malaysian hotels has concluded that the factor of halal food and beverage plays an important role in determining the overall satisfaction levels especially Muslim tourists. Asian Muslim travelers travel to Malaysia in order to experience something different i.e the variety and freshness of halal food. Together with the development of tourism industry in Malaysia which has been created in 1959 which known as Tourism Department and followed by the formation of the Tourism Development Corporation (TDC) in 1972, the Malaysia Association of Hotel (MAH) was initially established by a group of concerned and dedicated hotelier to come out with more dynamic hospitality industry as a catalyst for the tourism industry. (MAH Annual Secretariat Report 2006/2007)
5.4 Shariah Compliant Hotel from International Perspective

Shariah-Compliant hotel that is an interesting development which illustrating several important features of demand and supply of hospitality services within an Islamic realm. Actually, there are no formal criteria for the Shariah Compliant hotel or Halal Hotel. However, some of Muslim writers describe some basic characteristics of Shariah-Compliance Hotel as mentioned in the following:

a) Halal foods and no alcohol to be served in the premises or hotels
b) Having the Holy Book Quran, prayer mat and arrow that indicating the direction of qiblat
c) Beds and toilets positioned not to face the qiblat
d) Prayer room available in the premises and hotels
e) No inappropriate entertainment
f) Predominantly Muslim staffs with a proper Islamic code of dressing
g) Separate salon, recreational facilities and swimming pool for men and women
h) Separate room/ floor for unmarried couple between male and female
i) Tourists dressing code
j) No gambling and alcohol drinks in the hotel lobby or restaurant
k) No prohibited foods and beverages in the hotel fridge

The introductory for Shariah Compliant hotel development in European cities have been led by Almulla Hospitality which includes the continent in its plan. It has been reported that the concept is problematic for their four and five star Middle East properties particularly in central business districts as well as at airport. This is because the four and five star hotel normally provide exclusive bar for the visitors to relax in. (Business Emirates: 2009). Next, the Jawhara Hotels and Apartments (United Arab Emirates) has a mission to provide authentic Emirate Shariah-Compliant hospitality in its hotels. It tries to assimilate hotel environment between culture, authenticity together with the Islamic values. (Islam Online, 2009). Saudi Arabia for instance is considered the leading centre to provide Shariah-Compliant hotels because of its role to cater over 8 million pilgrims each year. (Henderson JC, 2010).

Meanwhile, the more stringent scope of Halal hotel industry could be adopted where Islamic resorts and hotel as well as Islamic destinations and programs are shaping some tourist activities which can be said to be complying with Islamic teaching. Islamic resorts funded and owned by Islamic finance institutions have also-free accommodations, no indoor disco/nightlife hotel; provide gender-segregated fitness and sports facilities to avoid free mixing between sexes, hotels could offer separate swimming pools and recreational facilities (Henderson, 2003; Al-Hamarneh and Steiner, 2004) and availability of prayer-rooms on site, women floor and Islamic entertainment programs. In short this research is supporting with another research done by Weidenfield (2006) cited in Nor Shahrul Nizam & Norzaidi (2012) which he found that hospitality and tourism industry need to cater religious needs of tourist. These elements had been implemented in the domestic tourism in Saudi Arabia and Iran. Nevertheless, the luxurious hotels and resorts, where the share of international tourism is significant, are
less controlled and have a more liberal atmosphere even in these both countries. (Nooraslinda et.al. 2010)

5.5 Shariah Compliant Hotel in Malaysia

In Malaysia, the opportunity of Malaysia hotels to provide some facilities and activities in line with the Islamic values indirectly have come into existence. For example some hotels promote the traditional halal food, organize the Bazaar Ramadhan, Ramadhan buffet and prayer room to perform solat tarawih. However to set up the Shariah-Compliant hotel in a short period of time is very difficult. It takes times to make it comes into existence. In Malaysia it was reported that only 101 hotels throughout Malaysia have applied for the Halal logo certificate from JAIM to certify their restaurant and cafe. (Berita Harian: 2010). In fact, there exist some hotels which serve basic facilities to fulfil the Muslim tourists' needs so-called as 'friendly Muslim hotel'. Most of them located in Kuala Lumpur, Shah Alam and Kelantan such as PNB Darby Park Hotel and Putra Hotel, Kuala Lumpur, UiTM Hotel, Shah Alam and Ansar Hotel in Kelantan.

Many writers or scholars in their writings give some aspect that can constitute religious attributes of destinations or hotel. Shariah compliant hotel must catered the Muslim needs in the hospitality industry by requiring hotels to provide the Qiblah indicator, placing a copy of the Quran in every room occupied by Muslim visitors prayer mats, prayer room or space, halal food, form of jewellers which does not reflect any sign or symbol of living being and layout of furniture that meet the shariah principle. (Stephenson, 2010; Din, 1989) In fact, the funding operations of the hotel should adopt Shariah compliant contracts and further the owners of the premises must pay zakat.

The above research is supporting with another research that points out in terms of facilities, toilet facilities for customer friendly Muslim must be provided as well as providing halal food and facilities for the month of fasting as a buffet breakfast, and services for sahur. (Berita Harian, 2010 in Suhaimi, Yaakob, Wan Sahida, 2010). Yusuf (2009) in Yuni Aryanty (2010) further states that Shariah Compliant Hotel is defined as the hotel that is governed by Shariah standard which go beyond the concept of Dry Islamic hotel. It covers beyond that where the core value of such hotel follows Islamic perspective in all aspect, from cleaning to accounting practices.

Some of the studies discuss services of Islamic religious needs that may include Muslim religious restrictions such as activities of vice and forbidden entry for unmarried couples. In addition, they also found that hotels may provide religious information such as the location of nearby mosque or prayer times and nearby Halal restaurants. (Din, 1989; Henderson, 2003). As for Muslims the issue of halal food is very pertinent as it refers to the food that can be lawfully consumed when conditions for Islamic food preparation are met. Research on halal food servicing also had being highlighted in many studies. It can be simply said that food which is unlawful to Muslims includes pork, pork-derived food including lard and bacon and meat and other products from carnivore’s animals or those that feed on carrion. In addition, consumption of any food or drinks with alcoholic content is also prohibited. In fact, it is also not permissible for Muslims to visit places where alcohol is consumed and gambling is practised. (Dugan, 1994; Din, 1989; Henderson, 2003)

Categories of hotels in Malaysia that incorporates services and friendly facility for Muslim customers mostly are 3 or 4 star hotels. According to senior JAKIM Halal Hub division, she said that most of the 3 or 4 stars hotel only were issued with halal certificate from JAKIM specifically for the hotel kitchen. Malaysia as hotel operators who are franchised by over sea base in United States of America, Singapore or United Kingdom totally do not have any opportunity or chances to run the business according to Halal and Islamic compliance. Most of four and five stars hotels in Malaysia are not belong to local operators but they are owned by outside operators. (Yuni Aryanty & Nor’Ain, 2010)

PNB Darby Park Suites Kuala Lumpur for example catered service apartment and have some elements that constitute Islamic concept. They did implement the Islamic financial system in their management and
investment. They have two restaurants which all of the restaurants and café in their premise had certification of halal recognized by JAKIM. Apart from that, they also implemented samak (clean off the najis mughallazah) concept at the apartment kitchen when the tenancy duration period for non-Muslim tenant had been ceased. This Suite also provides some family entertainment (karaoke room for family members) and others facilities which do not contradict with Islamic principle. (Suhaili, 2010 in Ilya Nur, 2010). Furthermore, it also does not allow customers to bring alcoholic beverages into the hotel premises. Other services to reinforce the Muslim-friendly for customers are to provide swimming pool facilities for male and female customers. Usually this separation is done when there was an arrival of summer tourists from the Middle East and it is done by the fraction of time to use the swimming pool.

Halal Hotel such as the abovementioned name could be considered as a role model for other hoteliers to follow their effort. Malaysia for instance has been leading the way in the halal tourism and halal hotel industry. As a Muslim country and popular Muslim tourists’ destination, it has been successful in trying to attract Muslim tourists from all over the world to come here every year.

5.6 Current Statutes and Policies Governing Tourism and Hotel Industry

In Islam, Shariah aims at achieving society’s well being which also known as public interest (maslahah). It can be said that public interest generally known as seeking or promoting something which is useful and at the same time removing something which is harmful. If we refer to the objectives of Islamic law, it is clearly targeting in protecting the five essentials values which are protecting the religion, life, intellect, lineage and property. (Mohd Hashim Kamali, 1999). Therefore it can be concluded that if the nature of tourism industry activity or services bring harms and disruption to the any of the above five, then it considered to be harmful and hence, it is totally prohibited.

Nuraisyah Chua (2010) in her study, stresses that in Islam, the hospitality relationship is triangular, comprising host, traveler and Allah SWT. Sustenance is a right rather than a gift, and the duty to supply it is a duty to God, not to the stranger.. She further notes that Islam has described the manner in which a person should treat his guest for instance by greeting honourably and at the same time, as a guest, they should considerate the condition of their host by not burdening him. She also quota Abdul Ala Mawdudi writing where he fully stresses on neighbourhood principle which is also the principle in the law of negligence under the Western law of tort: believers’ moral obligation of ‘duty of care’ towards his neighbours including fellow-travellers (temporary neighbourhood) must be recognised.

As a matter of fact, in term of hospitality industry in Malaysia, certain act has already been gazetted for example the application of Inkeepers Act 1952. In the United Kingdom and the US, there are decided cases or precedents defining the legal duties of innkeepers as there are no precedents available in Malaysia. Apart from the duty clearly laid down was that duty towards patrons or to received any traveller who is able and willing to pay reasonable sum for the services. The innkeeper is also under the duty to provide reasonable refreshment to travellers, duty for registration of guests, has right of refusal to receive guests, a misdemeanour. Apart from that, It is a duty for the Innkeepers to provide adequate facilities to guests and duty to refrain from discrimination (Nuraisyah Chua, 2008)

Section 3 (1) of the Civil Law Act 1956 (Act 67) provides the court shall apply the common law of England and the rules of equity as administered in England. In determining whether to accept the application of English law, the courts will have regard to the circumstances of the States of Malaysia. In United Kingdom, Tourism Act 1969 was imposed in order to foresaw a need to regulate the hotel industry and to introduce consumer protection measures. In addition this legislation provided a framework for compulsory registration and classification of accommodation (lodging) for tourists. In the early history of Tanah Melayu, tourism was an important commercial activity which contributed to the economy of the state. Hence, one of the first written Codes during that time was Undang-Undang Melaka which impliedly provides rules which were applied to travellers. In the early 1990s, various laws governing the tourism industry were introduced in Malaysia. In 1992, three written laws were enacted which were Tourism Industry Act 1992, the Tourism Industry (Compounding of Offences) Regulations 1992 and the Tourism
Industry (Licensing and Control of Tourist Guides) Regulations 1992. In addition, Tourism Act 1992 is an act governing the target group in the travel industry i.e the tourism enterprises and the regulations provide the guidelines for the operation of the tourism industry. (Nuraisyah Chua, 2008)

Based on the abovementioned statutory governing tourism industry in Malaysia, it is submitted that in terms of legal policies, there was no clear guideline or regulatory framework which specifically designed for establishing Shariah Compliant hotel in Malaysia. The existing statutory governing on Tourism and hotel industry seems to only laid down the general rights and liabilities of the innkeepers or holiday providers in the view of common law practices per se. Therefore, by applying the concept of Maslahah (public interest) due the demand of Shariah compliant hotel, it is really a need to have a black and white regulators framework which provide standards and guideline in developing Shariah Compliant Hotel which covered the whole spectrum in the premises and not only limited to the food provided at the hotel perse. It is believed that the current policies and rules in Malaysia governing the tourism industry should be in line with the principles of Islamic morality which are the giest of developing Shariah compliance hotel.

However, it is interesting to note that, due to gauge demand of Halal hotel, initiative step had been organised by Halal Industry Development Corporation (HDC) which will be the first commitment to be undertaken for the hotel sector. It comes in the wake of the increasing discussion presently underway on how hotels are adapting to the requirements of Halal certification. Due to the effect, special designed programme on Halal internal Auditors for hotels in Kota Bharu Kelantan had been launched by the Minister of International Trade & Industry, Dato’ Seri Mustapa Mohamed on 23 October 2011. HDC, being the key developer in the Halal Industry, is always looking for ways to assist the industry in getting ahead and it is believed by offering this programme, hotels are pre-equipped when applying for Halal certification. (The Halal Journal, 2011)

Apart from that, The Halal Internal Auditors (HIA) programme for Hotels is being carried out in close cooperation with the Malaysia Association of Hotels (MAH), and Jakim. The HIA comes as a next step to a dialogue we held with hoteliers in June 2009 and followed by Halal Awareness Programme in 2010. The feedback from this dialogue indicated that many would like to become truly well versed with the entire checklist of requirements of Halal certification.

The HIA is actually an expansion of HDC’s existing Internal Auditing workshop programme (HIP03). Halal auditing has always been a mainstay HDC training programmes, as Halal integrity is an encompassing concern in the Halal eco-system. HIA workshops will be offered to 15 more ready and willing hotels throughout Malaysia until end of 2011, and will continue in the following years. The programme content includes shariah principles and requirements related to Halal, the technical components of raw materials & ingredients, Halal certification integrated requirements, which includes Halal standards and manual procedures of Halal Certification Malaysia, internal audit Halal components and mock audits. (Dato’ Seri Jamil Bidin, chief executive officer of HDC, 2012)

5.7 The Prospect & Challenges in developing the Halal or Shariah Compliance Hotel in Malaysia.

Malaysia as a Muslim majority country is considred the perfect and convenient destination. It enables to cater almost all the Muslim tourists needs in the form of halal foods, accommodation and good service quality. For instance at the Kuala Lumpur International Airport (KLIA), Muslim tourist from Middle East will be able to see signs in Arabic language everywhere and there available Arab-speaking staff to guide them. In fact, Malaysian are well-known as friendly and helpful people.

Malaysia has recently set up its hotels, restaurant and shopping malls to accomodate the tourists needs. Majority of the tourists came to Malaysia are from Middle East and West Asia. Hence, the hotels in Malaysia are recently equipped with the necessary facilities for Muslim tourists such as a qiblat direction, a prayer mat and do serve the halal food or drinks. The shopping malls which normally nearby the hotels usually have many halal restaurants and prayer room that make it more convenient for these Muslim
tourists to shop. Even the Kuala Lumpur street has been given the Arabic name of `Ain Arabia that serve various Arabs and Middle Eastern food and cultures.

While having vacation in Malaysia, normally these Muslim tourists will spend their money on shopping or start up a business or invest in properties that available. This shows that Malaysia has been successful in positioning itself as one of the Arabs or Middle Eastern travelers’ favourite holiday destination. Based on the above discussion, serving halal food and convenient accommodation will give the advantage especially to the halal hotels in Malaysia in order to attract more local and foreign Muslim tourists particularly from Middle East and other Islamic countries.

In Islam, halal food represents hygiene, safety and quality assurance whereby the products must be prepared in clean, safe and served in proper manner. JAKIM Halal Certificate did fulfil these requirement. Muslim tourists especially from West Asia are very concern with the halal foods and accommodation. In relation to this, the statistic from JAKIM has shown that only 101 hotels throughout Malaysia have applied the Halal Certificate from JAKIM or MAIN while the rest are still not doing so. (JAKIM Halal Buletin 2011).Thus, it is important that the awareness among hoteliers in Malaysia to be certified their hotels with JAKIM Halal Certification and served the halal accommodation in attracting more Muslim tourists locally and internationally.

In spite of having some prospect in developing Shariah Compliant hotel, there are also some challenges that might be faced in developing Halal Hotel in Malaysia. Firstly, in relation to gender segregation and the separation of rooms and floors to male, female including families, it is argued to complicate capacity planning and management and give effect for architectural and interior design. Next, room must be comfortable and spacious for prayer. Secondly, the hotel staffs from both sexes whereby the productivity of the labour force is maximised. These matters could lead to extra costs and the absence from alcohol trade can effect the hotel financial sources. Hotel developer and hotelier will face problem on how to position the hotel and promote it to non-Muslim guests or tourists. (Rosenberg and Choufany, 2009).

Thirdly, the hotel developers and hoteliers should satisfy their guests from both group of Muslims and non-Muslims tourists and avoid any conflicts between them. In other word, customers should come first. Some hoteliers opined that Shariah-Compliant hotel does not avoid non-Muslims but may benefit them. For instance, alcohol and gambling banned, no smoking policies are good for health physically and mentally.

5.8 The Needs of Shariah Compliance Hotel In Malaysia

Hoteliers in Malaysia particularly should enhance the value of offering halal foods, good service quality and hotel basic facilities in line with the Islamic teachings to attract more Muslim tourists particularly from Middle East and West Asia. Hence, they or hoteliers should ensure that the qualities of their hotels are maintained to suit customers’ needs. If a customer’s satisfaction are not met, his or her perceptions of service quality and hotel image will be affected.

Briefly, there is a need to develop more halal tourism products and services together with Shariah–Compliance hotel as it is a potential market in future. (Suhaiza Zailani, Azizah Omar, Simon Kopong, 2011). As mentioned earlier, majority of tourists to Malaysia came from the Middle East, West Asia and China. In fact, most of them are Muslim. Therefore it is a need to provide a proper accommodation for their convenience such as Muslim friendly hotel, good service quality, hospitality and halal foods service which are in line with the Shariah requirement.

Perhaps, it will then attract the non-Muslim hoteliers and developers to follow this positive effort. In fact, Shariah rulings is not purposely suitable for Muslims but it also benefits non-Muslims as well and that is why Shariah is considered as a universal divine law.
CONCLUSION

It is concluded that there are a large potential of the halal industry and tourism in terms of marketing size and income. By specifically referring to the hotel services sector, it clearly shows that it will not only benefit the Muslim per se but also it will give advantages to non-Muslim. In addition, it gives a large space for another niche sector which is able to generate income to the country. Thus, it is in line with government's desire to be a global halal hub as stated in (Industrial Master Plan 2006-2020 3rd) provided that certain aspect need to be improved from time to time. Eventually, the mission and vision of Malaysia government to be World Halal Hub country will come into reality.

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