

## SYARIAH-COMPLIANCE TOURISM IN MALAYSIA

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### **Abstract**

*This study provides a detailed explanation of the definition, characteristics, concept, and principles of Syariah-compliance tourism. This is a qualitative study which explores the syariah-compliance tourism including definition, characteristics, concept, and principles based on library research and scientific conceptual approach and framework. An in-depth conceptual analysis is also applied. The findings unveiled that Syariah-compliance tourism is a new way of developing the tourism industry in Malaysia which is in line with ethics, culture, and Islamic values. Syariah-compliance tourism is not defined as the visit to the mosque alone but also nature, culture, or creativity that is integrated with Islamic values. Currently, the concept of adherence to Islam (which has been called as Shariah-compliant) has become a trend in the global economy, from food and beverage products to lifestyle and finances. As a new lifestyle trend, many countries are beginning to introduce tourism products related to the halal concept or Islamic orientation. The Islamic economic sector has grown rapidly in Malaysia and the world, including culinary, Islamic finance, Islamic takaful (insurance and mortgage) industries, fashion, cosmetics, pharmaceuticals, entertainment, and tourism.*

**Keywords:** *Syariah-compliance tourism, Halal travel*

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### **Introduction**

The recent Islamic-based economic sector has increased steadily, i.e. culinary, Islamic finance, Islamic takaful industry (insurance and mortgage), fashion, cosmetics, pharmaceutical, entertainment, and tourism. Syariah-compliance tourism is seen as a new way to develop the Malaysian tourism industry that upholds Islamic ethics, culture, and values. Syariah-compliance tourism is not only defined as the visit for pilgrimage or the visit to a mosque but also encompasses the nature, culture, or creativity with Islamic values.

Currently, the concept of Islam (what has been termed as Shariah-compliant) has become a trend in the global economy, ranging from food and beverage products, finances, and lifestyle. As a new trend of lifestyle, many countries are starting to introduce tourism products with the concept of halal or Islamic orientation. Countries including Korea, Japan, Australia, Thailand, and New Zealand that are not dominated by the Muslim population have also promoting Syariah-compliance tourism prospects and products.

The terminology of Syariah-compliance tourism does not have clear boundaries and still uses various terminologies such as ‘halal tourism’, ‘halal-friendly tourism destination’, ‘halal travel’, ‘Muslim-friendly travel destinations’, and ‘halal lifestyle’. Even the concept of Syariah-compliance tourism is also not clear in Malaysia. According to some experts in Syariah-compliance tourism, tourism is a complementary product and does not eliminate the conventional type of tourism. As a new way to develop Syariah-compliance tourism in Malaysia, it is important to sustain the Islamic culture, values, and efforts to promote Syariah-compliance tourism without eliminating the uniqueness and originality of Malaysian culture. Syariah-compliance tourism is not only related to religious values but also encompasses other aspects of life that are permitted by Islam. The condition of Syariah-compliance tourism in Malaysia is still not maximised; if more efforts are done, Syariah-compliance tourism in Malaysia has a huge potential. Not many companies and agencies organise trips that offer inbound trips with a halal travel package. Many companies focus on outbound travel such as *umrah* and hajj.

In terms of history, Aminah, the mother of Prophet Muhammad SAW intended to go to Yathrib to visit her husband’s grave. She left Mecca and travelled 500 km to the destination with her child and Umm Aiman with the company of her father-in-law, Abdul Mutalib. She stayed for one month, after which she returned, during her journey she had been facing illness ending with the last breath and rest in peace in Al-Abwa which is situated between Mecca and Medina (Al-Mubarakpuri, 2000).

### **The Definition of Syariah-compliance Tourism**

Many terms are manifesting the meaning of Syariah-compliance tourism such as Syariah tourism, halal tourism, halal travel, or Muslim-friendly destination. Syariah-compliance tourism is an activity supported by various facilities and services provided by the community, entrepreneurs, government, and local governments that comply with the requirements of Islam and Syariah. The term ‘Syariah-compliance tourism’ is used by many people because the characteristics of its products and services are universal, including tourist services, foods and drinks, attractions, and tourist destination as long as they do not contradict with the values and ethics of Syariah. Hence, Syariah-compliance tourism is not limited to religious tourism only (Duman, 2011; Carboni et al., 2014; Battour and Ismail, 2015).

The concept of *halal* can be viewed from religion and industry perspectives; it means allowed to be consumed by Muslim consumers according to Islamic belief and teachings. It brings consequence of consumer protection. From the industry perspective, the halal concept for food producers can be interpreted as a business opportunity. Food industries that targeted Muslim consumers that can guarantee the halal status will increase its value in the form of intangible value. For example, food products with halal packaging and labelling are more attractive to Muslim consumers compared to others.

Tourism has various social and cultural impacts. Halal tourism is a new product of Muslim and non-Muslim markets. Halal market is classified into three categories, i.e. food, lifestyle (cosmetics, textiles, etc.), and services (tour packages, finance, transportation). Therefore, Syariah-compliance tourism can be defined as the tourism and hospitality created by consumers and

producers that follow the teachings of Islam. Many countries in the Islamic world are taking the advantage of increased demands for Muslim-friendly tourism services. Syariah-compliance tourism is a new concept of tourism. It is not limited to offering religious tourism only like umrah or hajj. Syariah-compliance tourism is a tourism activity that can customise the holiday style according to the customers' needs and demands. In this case, the hotel that abides the Shariah principles will not be serving alcoholic drinks and has a separate swimming pool and spa facilities for men and women.

### **The Philosophical Framework of Syariah-compliance Tourism**

Syariah-compliance tourism is a pleasurable activity or an activity that can re-establish health, comfort, calmness, and feeling. Syariah-compliance tourism can also make a person forgets about his or her sadness and strengthen the will by obeying Islamic rules and discipline. In this case, Islam is not a jumble or stiff religion, but it is flexible in adjusting the truth and value of a good life.

Apart from reading the Quran and remembrance of Allah (*zikr*), activities that allow someone to relax and get rid of stress are resting, taking a tour, and travelling. Allah says "Travel in the land, then see what was the end of the rejecters. Say: To whom belongs what is in the heavens and the earth? Say: To Allah; He has ordained mercy on Himself; most certainly He will gather you on the resurrection day—there is no doubt about it. (As for) those who have lost their souls, they will not believe" (Al-An'am, 11-12).<sup>1</sup> Allah stated in this verse that mankind should go on the earth and then see how the end of people who deny Allah. In this verse, Allah SWT asserts that what is in heaven and this world belongs to Allah SWT alone. One of the Syariah-compliance tourism activities is to learn from the effects of the abandonment of the people who were cruel and disobedient to Allah SWT. Muslims are encouraged to travel to see the greatness of Allah's creation, strengthen their mental health and spiritual significance, and appreciate the creations of Allah SWT. The journey to Mecca is regarded as a pilgrimage. Syariah-compliance tourism activities can refresh the mind, bring peace, give knowledge, restore and refresh eyes like sightseeing at green gardens and parks, visiting historic sites, and participating in Syariah-compliance tourism activities in general.

The Prophet SAW says that three things can please the sights: see the green thing, look at the flowing water, and look at a good face. Retain and refresh the body's health through movements such as taking a tour, recreation, and leisure.

### **Syariah-compliance Tourism and the Tauhidic Philosophy**

The government have put in efforts in Syariah-compliance tourism development that is in line with the philosophy and principles of Islam. Human needs and spirituality must be fulfilled in an integrated form. This approach provides a central place for the integration of ethical and moral values in all human needs, activities, and behaviours including Syariah-compliance tourism activities. The philosophy of *Tauhid* advocates unity in knowledge to educate people for the happiness of life (*Al-Sa'adah*), well-being, the pleasure of Allah (*mardhatillah*), and related associations that support the dignity and glory of Islam.

The convergence of Syariah-compliance tourism development is integrated and comprehensive with the focus on the spiritual dimensions besides not avoiding the material dimensions. The appreciation of Islamic morals (*akhlaq*) must be included in all Syariah-compliance tourism affairs and operations. The Tauhidic philosophy also teaches the effort to

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<sup>1</sup> See also Ali 'Imran: 137, Nuh: 36, Al-Naml: 69 and Al-Rum: 42.

establish the attitude of obeying the command of Allah and avoids its prohibitions. In this principle, there is also the value of doing justice, making good deed, helping one another, taking warning, and avoiding injustice. This principle is in accordance with Allah SWT's word: "Surely Allah enjoins the doing of justice and the doing of good (to others) and the giving to the kindred, and He forbids indecency and evil and rebellion; He admonishes you that you may be mindful" (*Surah Al-Nahl: 90*).

The tauhidic philosophy also educates people to be sensitive in their relationship with the creation of Allah SWT. Therefore, Syariah-compliance tourism intention for tourism activities should be for the sake of Allah. There should be no element that conflicted with the creeds like *shirk*, *kufr*, and *nifaq*. Any activities should not contradict with Islamic law. Covering the '*awrah*' is important and similar to the objective of Islam itself. Ethics and moral of Islam should be preserved and there should be no element of contradiction to the commandments of Allah that are against the prohibitions or contain gambling or betting or wasting elements or any harmful elements.

### **The Characteristics of Syariah-compliance Tourism**

The definition of Syariah-compliance tourism is more extensive than religious tourism, philosophically. It is a tour based on the Syariah and Islamic values. People interested in Syariah-compliance tourism are not only Muslims but also non-Muslims. The general criteria for Syariah-compliance tourism are as follows:

- i. Orientation of common good
- ii. Enlightenment and orientation of tranquillity
- iii. Avoiding idolatry and superstitious elements (*khurafat*)
- iv. Free from immorality
- v. Maintaining security and comfort
- vi. Preserving environmental sustainability
- vii. Prioritising important fundamentals
- viii. Respecting social and cultural values and local knowledge.

- i. Orientation of common good

Islam in the sight of Allah is the sincere surrender to Allah in all matters. If a person claims to embrace Islam and does not surrender wholeheartedly to Allah, he is not yet a true Muslim because he has not given up (HAMKA, 1980). A Muslim is a submissive person and surrenders to Allah earnestly without any excuse. A man who fulfilled all the commandments of Allah and abandoned all His prohibitions is considered a true Muslim. This definition is also applied to Syariah-compliance tourism.

Islam is revealed by Allah SWT to Prophet Muhammad SAW and it cannot be confused with the definition of religion in general, i.e. a form of general teaching that expresses the relationship between a man and the supernatural power of mere or ritualistic elements. Islam as *Al-Din* covers all aspects of human life. Islamic teachings contain the elements of faith, practice, and laws relating to the spiritual and physical matters of life in the world and the Hereafter. The definition of Islam is a unique and dynamic religion. Syed Muhammad Naquib al-Attas (1985: 3) explained:

"The very name of the religion, Islam, is in reality the definition of religion: submission to God. But the fundamental element in a man's act of submission to God is his sense of indebtedness to God for his existence so that the sense of indebtedness is a prior condition to true submission."

According to Al-Maududi, a prime requirement for actual submission. Islam is called *al-Islam* due to the obedience and obedience of obedience to God's command and abstaining from His prohibited forbearance, commendation, or fabrication (Al-Maududi, 1989). The obedience and adherence to *al-Amr* (commandment) and *al-Nahy* (prohibition) are not fabricated but based on the willingness, sincerity, and submission to achieve the true nature of Allah's will (the pleasure of Allah).

When we travel abroad, we have the opportunity to know more about the destination's attractions, culture, and heritage destinations. Our country has various natural beauty and treasures. People say "far travelling, wide-sighted" which means when we travel, we would gain more experience and knowledge. Therefore, some people love to travel abroad to see the culture and lifestyles of other countries. Travelling is a fun activity. In addition to excitement while travelling, we can also develop our country's tourism industry. Wdz55e can help to improve our country's economy by travelling domestically. Travelling within the country will increase our love for the country.

ii. Enlightenment and orientation of tranquillity

This criteria reflects Syariah-compliance tourism as a type of tourism that has the cheerfulness, freshness, and serenity of the chalet, homestay, and hotel areas with no noise. These elements are perfect for those seeking peace outside of the hustle of the city. Travellers like to enjoy tranquillity, go sightseeing, and enjoy the beauty of nature created by Allah SWT.

The Muslims obtain the protection of Allah from the threats of enemies (*Surah Al-Hajj*: 38), the happiness of the world and the Hereafter (*Surah Al-Nahl*: 97), liberating the mind from stagnation, gaining salvation, harmony, peace, and the guidance from Allah (*Surah Al-Baqarah*: 15). People who read, appreciate, and practise the Quran are peaceful. Believers who calm their hearts with *zikrullah* are the lucky ones. *Zikrullah* can calm the hearts of sincere human beings and seek the pleasure of Allah SWT. Allah SWT mentioned in *surah Al-Ra'd*, verse 28 and 29 "Those who believe and have peace in their hearts with *zikrullah*." Mankind will find peace and calmness with *zikrullah* and *Quranic* recitations. Those who believe and do good deeds would have exquisite bliss and the best place for their return.

iii. Avoiding idolatry and superstitious elements (*khurafat*)

Some Islamic societies live in apostasy and superstitions when visiting idols, monuments related to other religions, and other religious attractions because they can benefit other religions besides Islam and contradicted to the Islamic faith. Muslims should visit mosques, Islamic monuments, Islamic historical sites, and Islamic attractions. *Shirk*, superstitions, and credulous elements can eliminate the pure Islamic identity, which is the core of a civilisation. Superstition, *shirk*, and fallacy related to the devastation of Islamic faith are forbidden because of the lies in the name of tourism especially if the superstition is related to the destruction of the belief of Allah. The dangers are severe and the threats are huge.

Thus, with the sources of the Quran, hadith, *ijtihad*, *qias*, and *al-maslahah*, Syariah-compliance tourism can develop its style and influence the minds of Muslims. The question of Syariah-compliance tourism needs to be seen in the context of the perspectives of *ijtihad*iyah, *fiqhiyyah*, *usul al-fiqh*, and contextual problems. In the days of *Tabi'in* and *Tabi' al-Tabi'in*, the pattern of Islamic thoughts began to expand rapidly to strengthen the faith, abolished superstition and heresy, purified the teachings of Islam, and allowed Islam to be practised in total. These efforts have changed the paradigm shift during the challenges of Western colonisation around the 18<sup>th</sup>, 19<sup>th</sup>, and 20<sup>th</sup> centuries.

iv. Free from immorality

The convergence of knowledge as the core of strength can be seen in three main strategies for creating the first-class human capital that combines knowledge, science and technology, research and development, innovation, and high moral strength. Interests and habits of visiting immoral and unprofitable places can negatively affect the development of the human mind and physical aspects. Some of the examples include visiting nude beach, night club, pub, and discotheque. Pursuing the enjoyment of the world can cause forgetfulness and may lead a person to commit adultery or involve in prostitution. These kinds of place are contradicted with the characteristics of Syariah-compliance tourism.

v. Maintaining security and comfort

Syariah-compliance tourism is also concerned with wellness, security, comfort, and safety. All tourism industry operators are obliged to maintain their respective places, safe and non-hazardous workplace systems at work. This action will contribute to the security and safety of tourists. They also need to increase the level of safety and comfort of tourists. The travel agencies in Malaysia are aware of the need to create comfort throughout the journey for international travellers. Proactive and effective efforts should be taken by all parties to restore the confidence of the international community on the level of safety and comfort of tourists in Malaysia. Travel services must be upgraded to ensure the convenience and comfort of tourists. Similarly, infrastructure and infostructure facilities should be upgraded. The main factor of tourist arrivals is because of infrastructure facilities such as communication, transportation and transportation. Tourists need cosiness, wellbeing, comfort, safety, and peace of mind.

vi. Preserving environmental sustainability

The term *sustainability* is synonymous with our society. However, how much do our society understand the concept of sustainability in translating the concept of protection and conservation of the environment in Syariah-compliance tourism? What is our attitude towards environmental protection and preservation? Everyone is responsible for the environmental. A responsible government should consider the policy and legislation to overcome environmental issues such as haze, open burning, and river pollution. The real concept of environmental sustainability is to ensure that the environment is well protected and all the components are unchanged or preserved. Preserving the environment is not only limited to managing solid waste, controlling pollution, and maintaining the cleanliness of public areas but also includes well-planned environmental protection and preservation programmes. This is the foundation of life and needs to be implemented for the wellbeing of society. The way to preserve nature starts with small things in the community and also the top leaders of the country. The mind is driven by the awareness on the importance of channelling knowledge about sustainability and understanding and appreciating the nature that is in harmony with the application of life-inspired environmental sustainability.

vii. Prioritising important fundamentals

Muslims often misunderstood the importance of Syariah-compliance tourism in their lives. In dealing with Syariah-compliance tourism development affairs, Muslims often place themselves in a complicated situation — between worldly importance and the demands of the hereafter. Which is more important, life in the world or life in the hereafter? There is a lot of confusion. Muslims hold on to the philosophy that life in this world is temporary and our goal is to live a better and lasting life. In Syariah-compliance tourism, we cannot disregard the demands of *fardu 'ain* such as prayer, fasting, respect, and devotion to parents or abandon the command of Allah SWT. These elements should be a priority compared to other means.

viii. Respecting the social and cultural values and local knowledge

The Islamic value system provides a framework for analysing the norms of society, excellence, trust, and behaviour. The value becomes a measure of goodness and happiness. Islam becomes a

soul in the whole of the social and cultural system of the Malays. The value of respecting others is often associated with the Islamic value system. Culture is a process of implementing cultural and religious values. The values of Islam have shaped the social rules that construct social discipline and establish an effective social relationship. It is therefore important to appreciate the value of this distinction and respect the diversity. This behaviour will help us to enjoy a harmonious life. Respecting cultural and religious diversity is also important.

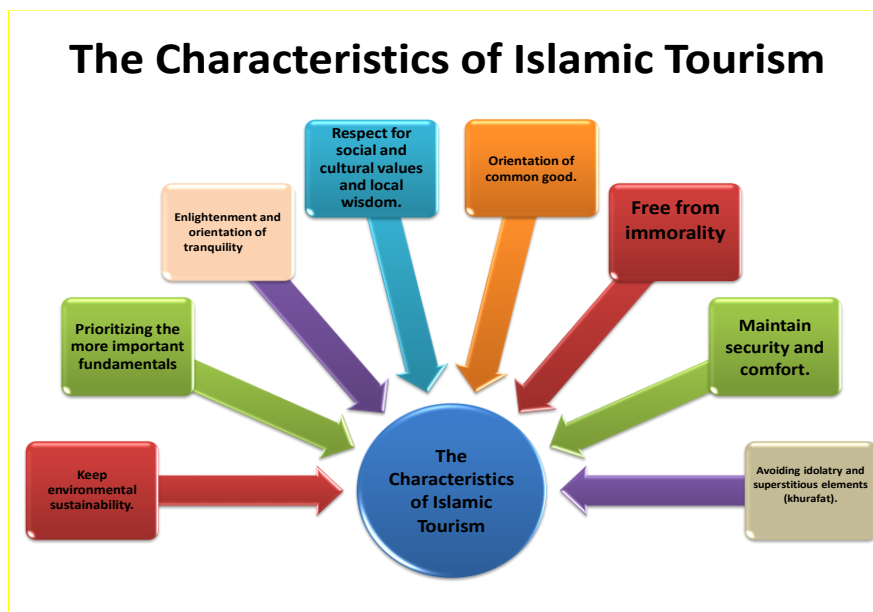


Figure 1: The Concept of Syariah-compliance Tourism

The first concept of Syariah-compliance tourism is the *rububiyah* concept that emphasises the nature of Allah SWT as the Ruler who makes rules and guidance. This concept aims to fulfil the needs of living beings for the sake of happiness in the world and the Hereafter. Allah SWT is the Creator of this universe who understands the journey and the best substance for his nature and creatures. Hence, the rules and systems from revelation are for the sake of harmony, justice, preservation, and the wellbeing of human life.

The relationship between human beings is fundamental and considered as one of the elements of Islamic brotherhood. It will promote noble values and universal security. This world belongs to Allah. A property owned by a man is not absolute because it is a test and considered a responsibility from Allah. The awareness of property ownership should be in accordance with Shariah so the person would manage his or her ownership as directed by Allah SWT. Allah explains in the Quran that Allah permits mankind to make use of all available transportations to move and walk either on land or sea. Everything is valid and permissible with the permission of Allah. Allah says “He it is Who makes you travel by land and sea; until when you are in the ships, and they sail on with them in a pleasant breeze, and they rejoice, a violent wind overtakes them and the billows surge in on them from all sides, and they become certain that they are encompassed about, they pray to Allah, being sincere to Him in obedience: If Thou dost deliver us from this, we will most certainly be of the grateful ones” (Yunus: 22). Allah encourages mankind to walk on His earth and see how Allah SWT creates His creations from their origin; then, Allah begins the creation again (in the Hereafter) in the form of a new event. Allah is in control of everything. Allah said: Travel in the earth and see how He makes the first creation, then Allah creates the latter creation; surely Allah has power over all things (Al-Ankabut: 20). This verse motivates mankind to travel the earth to observe the uniqueness of Allah’s creations.

## The Principles of Syariah-compliance tourism

The principles of Syariah-compliance tourism are as follows:

### i. Intention

A true Muslims need to have the right intention (*niyyah*). Are you travelling just for the sake of worldly affairs, personal gain, or prestige, or for the sake of leisure and pleasure? There are many opportunities in tourism to do good work for the cause of Allah. The Prophet Muhammad SAW said: “Actions are (judged) by motives (*niyyah*), so each man will have what he intended. Thus, he whose migration (*hijrah*) was for Allah and His Messenger, his migration is for Allah and His Messenger; but he whose migration was for some worldly gain or a wife that he might marry, his migration is for that he migrated” (Jamal Ahmed Badi, 2002).

One of the basic Islamic legal maxims is *Al-Umur bi maqasidiha* (every matter is evaluated based on the intentions and goals). This method emphasises that every matter and action is considered based on intention and purpose. The main basis of the construction of this first method is developed from the hadith narrated through ‘Umar al-Khattab “Surely every practice is considered with the intention and indeed for every person what intended” (Muslim). In Allah’s sight, the intention has a great impact. Anyone who has the intention to do good but failed to do so because of difficulties (*masyaqqah*), he will be given a reward by Allah.

### ii. The Principles of *Taklifiyyah*

In Islam, there are five elements of *Taklifiyyah* (liability) or *Al-Ahkam Al-Taklifiyyah*, i.e.:

- a. *Wajib* (obligatory)
- b. *Mandub* (encouraged)
- c. *Haram* (impermissible)
- d. *Makruh* (hated)
- e. *Mubah* (neutrality)
- a. *Wajib* (obligatory)

Obligatory means any injunction or regulation made by Allah SWT based on an ordinary stand, e.g. five-time prayers or fasting in the month of Ramadan. Anything that is an obligation has to be practised and will be rewarded by Allah. Those who ignore the obligation will be punished.

#### b. *Mandub* (encouraged)

*Mandub* means any injunction or regulation made by Allah SWT which is not based on an ordinary stand, e.g. *rawatib* prayer or *duha* prayer. It is encouraged to be practised and will be rewarded by Allah. Those who ignore the *mandub* will not be punished.

#### c. *Haram* (impermissible)

*Haram* means anything that is prohibited by any injunction or regulation made by Allah SWT based on an ordinary stand to avoid it, e.g. consuming usury (*riba*) or not respecting parents. Anything impermissible must be avoided and will be rewarded by Allah (because of sincerity). Those who practice the impermissible will be punished.

#### d. *Makruh* (hated)

*Makruh* means anything that is prohibited by any injunction or regulation made by Allah SWT which is not based on an ordinary stand to avoid it, e.g. holding the penis with the right hand while urinating. Anything that is *makruh* must be avoided and will be rewarded by Allah (because of sincerity). Those who practice *makruh* elements will not be punished.



e. *Mubah* (neutrality)

*Mubah* means anything that is not related to any injunction or regulation, e.g. eating at night during Ramadan.

iii. For the Sake of *'Ibadah* (Worship)

This principle covers all involvements in Syariah-compliance tourism activities which can be considered as worship. Every engagement would be rewarded by Allah. By Syariah-compliance tourism is one of its mechanisms. *Riba* is out of this principle because it is obtained without any effort. It is not permissible to participate in Syariah-compliance tourism with debts. And to Thamood (We sent) their brother Salih. He said: O my people! serve Allah, you have no god other than He; He brought you into being from the earth, and made you dwell in it, therefore ask forgiveness of Him, then turn to Him; surely my Lord is Nigh, Answering (Surah Hud: 61). Allah says in this verse that He (Allah) has made mankind of the earthly things and wants mankind to prosper and mobilise the earth. Man is the vicegerent of Allah to manage, operate, maintain, prosper, and benefit the nature for the worship of Allah. An important concept in Syariah-compliance tourism is that it is beyond the concept of business interests and making profit alone but focus on obtaining the pleasure of Allah and the reward of worship.

In terms of worship, no one can perform worship unless proven it has been determined by the Syariah as worship. When searching for the halal status of Syariah-compliance tourism, is to look good in the product and to determine whether there is evidence of the banning of the product. If nothing banned it, then the ruling is permissible or halal although there is no evidence of justifying it.

iv. Obtaining the Pleasure of Allah (*Mardhatillah*)

Muslim traders were exploring the end of Asia with *muballigh* and *da'i* (preachers), Sufi members, *tariqah* (Sufism orders), and scholars. Muslim traders are not only travelling for trade missions or adventures (as most orientalist explained). Their arrival was due to the consciousness of upholding the religion of Allah and attaining *mathatah* (the pleasure of Allah). Islam grows not because of economic activity but because of its economic actors who are aware that they are preachers. Islam is also “taken” with the merchandise. The strength of Islam was stronger when the Turks converted to Islam which expanded the existing Islamic empire. The obligation to study science is stated in the Quran and the advice of the Prophet Muhammad SAW because knowledge is derived from “cradle to the grave” to provide motivation, inspiration, and intensive effort in obtaining knowledge.

v. The Principal of *Hajiyyah* and *Tahsiniyyah*

Imam Al-Ghazali RA had formulated and elaborated the theory of *Maqasid Al-Shariah* and categorised it into three *maslahah* requirements, i.e. *daruriyyah*, *hajiyyah*, and *tahsiniyyah* (Chapra, 2008, Kamali, 2007). *Daruriyyah* is a need and it is a must in the society because its absence would cause the system of a country to experience chaos. *Daruriyyah* is a general interest (*maslahah*) and the basis involves the maintenance of five matters, i.e. religion, life, mind, ancestry, and wealth. All these elements can be regarded as indefinable and necessary needs. If one of these needs is not fulfilled, human life will no longer meaningful. Any actions that violate these five things will be considered as *mafsadah* (destructive). The need for *hajiyyah* is the element that facilitates human life.

On the other hand, the needs for *tahsiniyyah* are matters related to dignity, manners, behaviour, morals, and ethics that lead to the perfection of life. Under the principle of *hajiyyah*, human interest and needs are fulfilled to create ease and spaciousness in performing tasks in life besides avoiding hardships and difficulties. Although it does not come to a level of basic needs that can lead to the destruction of human beings, it is necessary to avoid the hardships of life or

destruction to society. The absence of *maslahah* (*hajiyyah*) will not affect the life as a whole but will cause some trouble. *Tahsiniyyah* is needed in the perfection for preserving the honour of human life that involves glory, good morals, and customs and leaving bad attitude, morals, and ethics. They are required to guarantee the smoothness of human life in society. The absence of it is not giving great implications to human life but it is still important.

Therefore, Syariah-compliance tourism must be in line with the Shariah goals of protecting and preserving the religion (*hifz ad-din*), safeguarding life (*hifz an-nafs*), preserving and protecting the intellect (*hifz al-'Aql*), protecting (*hifz Al-Nasl*) and safeguarding the property (*hifz al-Mal*).

vi. The Principle of *Istikhlaf* (Mankind as the Vicegerent of Allah on the Earth)

Humans are the caliphs of Allah on this Earth and trustees to prosper the world. Everything in this world is the absolute property of Allah and created for human needs. Man is responsible to Allah for everything that is being worked on and owned. This principle outlines the ownership of the property and how a person uses it should be in Allah's favour. The property must be for the survival and welfare of the owner and his or her family and society. It also involves the flow and spending of money in any economic area.

vii. Limited Freedom and According to Moral Values (*Akhlaq*)

Islam gives the freedom to travel and join recreational activities within the scope of the definition of Syariah-compliance tourism. However, moral values and good qualities of virtues are the basis of filling the principle of freedom. All conventional tourism practices that are contrary to Shariah are considered to abuse the sense of freedom. Therefore, Syariah-compliance tourism practices cannot violate the rules and teachings of Islam. In the verse of Al-Jumu'ah: 9-10, Allah emphasises His call to believers to have a balance between obligations in worship and work. During *azan* (call for prayer), Muslims should immediately abandon all the activities related to this world. Muslims who have finished performing the prayers are commanded by Allah SWT to work and obtain His bounties. The gifts can be in the form of property, health, knowledge, peace, and prosperity.

viii. The Principle of Social Justice

This principle is a dynamic foundation for organising and implementing economic affairs (and part of it is Syariah-compliance tourism) in a society. The excellence of the Syariah-compliance tourism system requires planning, arranging, implementing, monitoring, continuous improving the Syariah-compliance tourism systems based on the spirit of justice and transparency. This spirit provides space for all individuals to become involved directly or indirectly to function positively and optimistically. The management of Syariah-compliance tourism and its mechanism of actions must be directed towards the achievement of economic justice. A country should provide individual fundamental needs through the following actions:

- a. Maintaining religious appreciation through the application and implementation of religious values in all matters.
- b. Improving community thinking power and the quality of knowledge.
- c. Providing freedom and legal guarantees to the public to channel their opinions according to the principles of *shura* relating to tourism affairs.
- d. Determining the freedom of cooperation between the private institutions and the government within or outside the country to increase the capital and create Syariah-compliance tourism activities and opportunities.
- e. Building a solid civilisation so that future generations will continue to excel.

ix. Permissible Means

The ways to obtain financial support and expenses for Syariah-compliance tourism activities must be through a halal way (not through riba practices, fraud, oppression, bribery, exploitation, and other means which contradicted to Islam). The travel activities must not involve any tyranny, oppression, wastage, endangering lives or other people’s lives, and damaging the environment.

x. The Intervention of the Government

Syariah Islamiah refers to the concept of intervention of the government in Syariah-compliance tourism and economic activities for management, preparation, distribution, monitoring, and planning. With the political power in the hands of the government, the government has the right to intervene in the Syariah-compliance tourism affairs to protect and secure social stability and justice. The intervention must be Shariahcompliant. The government that is entrusted by the people is responsible for maintaining the public order, specifically to uphold divine justice.

xi. The Principles of Removing Destructive Manners

Islam prohibits all forms of moral decadency, social problems, personal damage, community damages, family and country destructions. In addition, environmental damage should be avoided in all Syariah-compliance tourism activities. Islam prohibits actions such as oppression, fraud, theft, pollution, and wastage in the Syariah-compliance tourism system.

xii. Promoting Quality Life and Improvement

Islam teaches that the worship and the focus on the Hereafter should not neglect the world. The world becomes a farm or bridge while the ultimate goal of all human activities is the glory and happiness of the world and the Hereafter. In *Surah Al-Qasas: 77*, Allah asked mankind to seek what He has bestowed upon mankind in the Hereafter, but do not forget the mankind’s portion of the world and do good (as others) as He did good to mankind, and do not make trouble in this world. Allah loveth not those who do mischief.

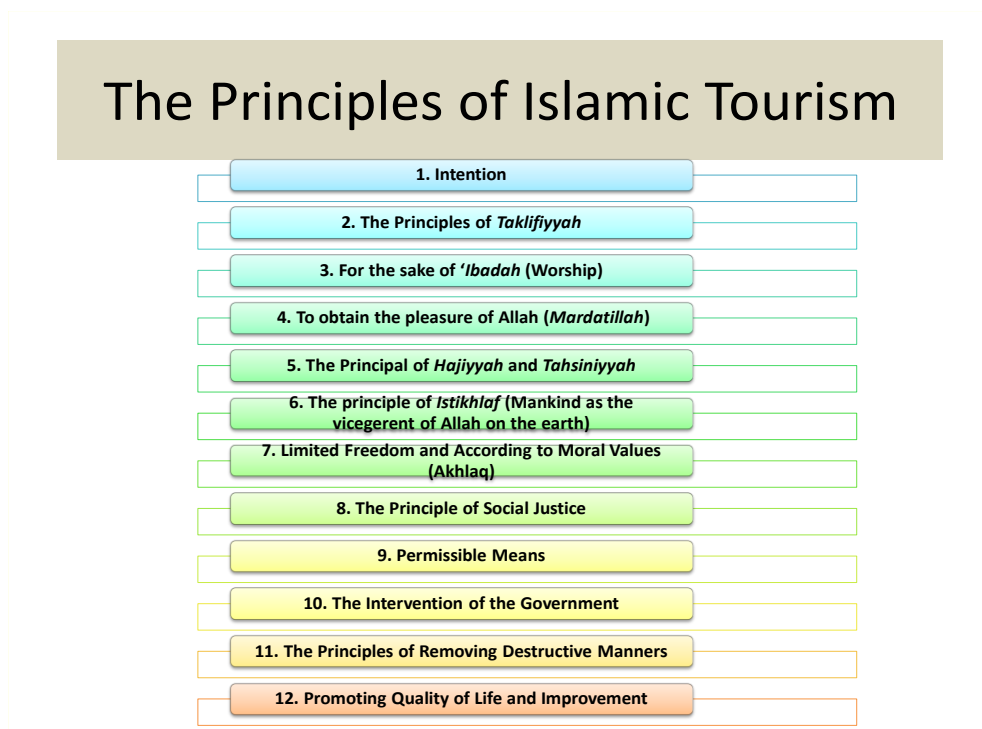


Figure 2

## Conclusion

In Syariah-compliance tourism, it is important to focus on the compliance with religious observances. It should promote a Sharia-compliant tourism product that can attract Muslims. In Syariah-compliance tourism, the awareness of hotel entrepreneurs, travel agents, and airlines agents about halal tourism is very important because it is one of the major issues in Syariah-compliance tourism applications. We need to re-evaluate the current situation of halal tourism to ensure that it is Syariah compliant besides identifying the prospect and challenges of halal tourism in Malaysia. In addition, we need to re-evaluate the halal issues in the tourism sector. Halal tourism is a form of tourism for Muslims who want Shariah-compliant services, activities, and facilities. In addition, Syariah-compliance tourism emphasises Tauhid-compliant and Shariah-compliant aspects at the practice, ethics, and value levels.

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