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THE ROLE OF LOCAL AUTHORITIES IN GOVERNING MUSLIM FRIENDLY SPORT FACILITIES

BY

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A thesis submitted in fulfilment of the requirement for the degree of Master of Halal Industry Management

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ABSTRACT

The needs of the Muslim tourist vary form one type to another, but all tourists need some form of tourism related activities. However they are very few Muslim friendly tourism activities which due to inadequate facilities and attractions that cause very little substances for travel agency to promote Muslim friendly tourism. Current situations indicates that they are no clear guidelines and regulations on how to manage an Islamic and sharia-compliance sport facilities for the local authority and private company to follow and control. In response to this scenario, this research is to provide a greater understanding of Muslim friendly sport facility concept by scrutinizing the sharia principles framework for sport alongside with fatwas that are already produced to guide Muslim in sport. Besides that, the study also collaborated with the selected local authority which is Nilai Municipal Council (Majlis Perbandaran Nilai) in developing the guidelines and procedure in governing and managing the concept of Muslim friendly sport facility that follow the sharia guidelines. The type of methods that used in this study is by adopting the qualitative method of research. Qualitative methods often refer to several types of research techniques which includes case studies, observation, and interviews. Furthermore, qualitative methods emphasizing on the understanding, interpretation, observations in natural setting and closeness to data with a sort of observer view. In this research, three methods used to collect data which are library research, focus group discussions and open ended interview. The research required the general overview of the current roles of local authority in managing sport facilities in Malaysia. The method also emphasizes the shariah rules that have to follow in order to claim the sport facilities as a Muslim friendly. Besides that the research also integrates the shariah principles, the laws and regulations of sport facilities management in order to develop the Muslim friendly sport facilities. The findings of the study imply that the Muslim Friendly sports facilities development has improved rapidly over the past years in Malaysia. However, such improvements are inadequate to the overall development of sports facilities for the Muslim friendly tourism. However, there are still on-going debates on how people will practice and behave when they are using the Muslim friendly sport facilities. This is because people are not free from committing bad behaviors and this might give a bad image to the branding or Muslim friendly sport facilities. Thus, the study of people perception and practices that comply when they are playing in the Muslim friendly sport facility is necessary for the future research.

خلاصة البحث

اللوازم للسياح تختلف بعضهم بعضا ولكنهم يحتاجون إلى بعض التسهيلات والمنشآت والتيسيرات، المثال، البرنامج الصديق للمسلمين كالأنشطة الرياضية. وللأسف الشديد، الأنشطة السياحية الصديقة للمسلمين مقدارها ضئيلا بسبب التيسيرات و نقاط جذب السياح غير الممتعة والمريحة وهي التي لا تؤدي إلى دخول السياح المسلمين. وفي وقتٍ حالٍ تشير بأن لا توجد أيَ الخطوط التوجيهية الواضحة والدلائل عن كيفية إدارة تسهيلات الرياضة بالتوافق الشرعي للجهات الحكومية والشركات الأهلية للإقتداء بها. لذلك، نظرا إلى هذه الحالة، يقوم الباحث هذه العينة لإعطاء الفهم بالدقيق في منهج التسهيلات الرياضية بتعيين مبادئ الشريعة في الرياضة بالفتاوى. علاوة على ذلك، إن هذا البحث يتعاون مع الجهات الحكومية المختارة في تنمية الخطوط التوجيهية والإجراءات في إشراف تسهيلات الرياضة الصديقة للمسلمين ليمثل التوافق الشرعي. لذلك، بوجود الاحتياجات لبحث ومناقشة بالدقيق عن هذه القضية ومن دور الجهات الحكومية في إدارة تسهيلات الرياضة الصديقة للمسلمين لكي تكون ماليزيا محورَ الحلال للقطاع السياحي في أنحاء العالم.

APPROVAL PAGE

I certify that I have supervised and read this study and that in my opinion, it conforms to acceptable standards of the scholarly presentation and is fully adequate, in scope and quality as a thesis for the degree of Master of Halal Industry Management.

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DECLARATION

I hereby declare that this dissertation is the result of my own investigations, except otherwise stated. I also declare that it has not been previously or concurrently submitted as a whole for any other degrees at IIUM or other institutions

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CHAPTER 1
INTRODUCTION

1.1 GENERAL INTRODUCTION

In Arabic, the word tourism originated from the word *'**siyaahah**'* from the book Al-Mawrid by Dr. Rohi Baalbaki, which literally means travelling on the earth for various objectives such as worship. According to the book "***Fath Al-Baari***" by Ibn Rajab, Islam came to elevate the concept of siyaahah and connect it to great and noble aims such as worshiping Allah. In this case, siyaahah or travelling is enjoined in order to perform one of the pillars of Islam, namely *Hajj* and '*Umrah* throughout the year. In fact, there are a lot of verses mentioned in the Al-Qur'an which encourage Muslim to travel for the purpose of worshiping Allah such as in Surah Al-Ankabut verse 20,

قُلْ سِيرُوا فِي الأَرْضِ فَانْظُرُوا كَيْفَ بَدَأَ الْخَلْقَ ثُمَّ يُنشِئُ النَّشْأَةَ الآخِرَةَ إِنَّ اللَّهَ عَلَي كُلّ شَيْءٍ قَدِيرٌ

"Say: 'Travel in the earth and see how He has originated the creation, then Allah brings forth the later creation; verily Allah is powerful over everything'."

Besides that, in the Surah Al-An'am also mentioned in the verse 11 which is:

قُلْ سِيرُواْ فِي الأَرْضِ ثُمَّ انظُرُواْ كَيْفَ كَانَ عَاقِبَةُ الْمُكَذِّبِينَ

"Say: 'Travel in the earth, then sees what has been the end of the rejecters '."

Lastly, the urges for Muslim to travel also are mentioned in the Surah Muhammad verse 10:

أَفَلَمْ يَسِيرُوا فِي الْأَرْضِ فَيَنْظُرُوا كَيْفَ كَانَ عَاقِبَةُ الَّذِينَ مِنْ قَبْلِهِمْ دَمَّرَ اللَّهُ عَلَيْهِمْ وَلِلْكَافِرِينَ أَمْثَالُهَا

Have they not traveled through the earth and seen what was the end of those before them? Allah destroyed them completely, and a similar [fate is in store for] disbelievers.

Hence, from all these three Surahs, we can conclude that, Islam encourages Muslim to travel and see the greatness of Allah and they learn a lesson from the ancestors who are disbelievers towards Allah. Meanwhile the technical meaning of the word tourism is a social interaction or movement that is done through a visit to a region of another country for various purposes (Shakiry, 2007).

Tourism gives an impact to the receiving country whereby the tourist would bring harm either positive or negative impact. On the other hand, tourism as defined by World Tourism Organization (WTO 1990) is the activities of person travelling to and staying in places outside their usual environment for not more than one consecutive year for leisure, business and other purposes. Comparatively, Islamic tourism is defined by The Malaysian Islamic Tourism Center (Ministry of Tourism Malaysia) as any activity, event, experience or indulgence, undertaken in a state of travel that is shariah compliant. Such travels are done with the purpose of learning history, experiencing the arts, culture and heritage, as well as the way of life of the locals.

In addition to that, travel could also motivated by economics, health, educational reason and other human interest. The history of tourism in the early stages of its emergences was to meet human needs for safety and food (Cook, Yale & Marqua, and 2006:14). For safety reasons, a person will go for travel to a peaceful place to meet those needs. If such area is calm and peace, then they will continue for other purposes. For the purposes of searching the sources of food, they will go to travel and hunting for food. However, in the present day, the need for travel has evolved in which people tend to engage in business.

In this field, they will produce products that can meet the needs of others and through the production of goods it would create a demand that requires traveling in order to get it. In addition, the human purpose of travel is closely related to the religious purpose. For example, travel to the holy places in Palestine, Al-Aqsa Mosque and others. For Arabs and Muslim communities, they travel due to the urge to seek knowledge, preaching, trading, and geographical changes and see the relics and shrines of the religious and history.

In this case, tourism is always influenced by religious including Islam, Christianity, Buddhism, Hinduism, Judaism and other religions (Shani et al, 2007). Religious tourism is the oldest type of the tourism because religion emerged when human was created in the world. Religious tourism is developed based on tourist's motivation by religious reason and faith.

Religious tourism refers to someone who visits a specific place out of their usual environment, with the intention of spiritual meaning and growth without overt the religious compulsion which could be religious, sacred or experiential in nature but within a divine context, regardless of the main reason for travelling (Haq and Jackson, 2009 cited by Haq and Wong Ho Yin, 2010, p. 137).

The feeling of devoutness cannot see by eyes directly but can be felt the inner soul of persons. Thus, the action taken by human usually is based from the spiritual faith of the believers. Spiritual aspect or *Ruhaniyyah* is the one of the factors in human development for emotions, physicals, intellectuals and social. On the other hand, spirituality is significant towards sociological and business approaches. Human should have a good spiritual in order to gain peace and harmony. Furthermore, religious and spiritual in Islam are interrelated to each other, but many people cannot recognize it. Likewise, Haq and Ho Yin (2010) categorized Islam as religious and spiritual tourism into three sections which are Hajj/Umrah, rihlah and ziyarah (Bhardwaj, 1998).

Traveling in Islam is a purposeful activity that aims to achieve physical, social and spiritual goals. The concept of Islamic tourism is a very broad and has various concepts, but it is rooted according to the principles of Islam that encompassing guidelines for the Muslim tourist.

The guidelines referred to certain paragraph of the international code of ethical tourism adopted on 1st October 1990 by the UN's World Tourism Organizations. According to Islamic view, tourism is consolidated from the global viewpoint as a civilized and interdependent global tourism whereas the principles are based on:

1. Respect for the noble human values and ethics which preserve human dignity and pride
2. Respect for the natural environment and society
3. Enhancement of social solidarity by ensuring local people profit from tourist activities.
4. Making the effort to give the right of travel to all people by offering services suitable to all social classes.
5. Respect the families of various religion and various people who want to preserve their values and the education of their children.
6. Respect for people who observe Islamic values.

Thus, according to these principles, the idea of Islamic values in tourism already exists and recognized internationally at global level. Nonetheless the increasing demand for shariah compliances products and services is indirect result of the increase number of Muslims travelers.

In the Muslim World, the relevance of religion seems even more pronounced where the tourism in Muslim countries shows that the Islamic principles have a clear imprint on policies that affecting tourism development. In all Muslim countries, however, including Saudi Arabia and Libya, the hedonistic forms of tourism are discouraged, but at the same time the Islamic concept of tourism are more stresses on the sacred goal of submission to Allah. (Graburn, 1977). Muslims as hosts and guests are repeatedly enjoined to support acts of *Fi-Sabilillah* which is the commission of an act sincerely for the sake of Allah.

Muslims are encouraged to travel through the earth so that they appreciate the greatness of God through observing the signs of beauty and bounty of Allah's creations which can be seen everywhere, both in the realms of the past and present. The goal of travel is to help instill the realization of the smallness of man and the greatness of Allah. (Graburn, 1977). The spiritual goal of travel is to reinforce ones submission to Allah, while the social goal is to encourage and strengthen the bond of Muslim fraternity among the Muslim community. According to the Prophet Muhammad, "*a traveler is granted similar reward to that given for good deeds practiced at home, as if the traveler was practicing the same while traveling"* (Sahih Al-Bukhari (4:239), SAB 1984). To facilitate Muslim travelers, it should be well supported with the Muslim friendly facilities such as tourism accommodation, prayers places, halal food and beverages, sport and recreational facilities as well as suitable tourism products.

Tourism has become one of the world's largest and fastest growing industries. The tourism industry is globally a rapid growing industry and contributes to the economic enhancement as well as generates employment opportunities, apart from contributes to the development, especially in a developing country like Malaysia. The international tourist arrivals worldwide for the year 2005 was 806 million with Asia Pacific receiving 155 million tourists, and the international arrivals is expected to reach 1.0 billion by 2010 (NMP,2006:199). The rapid growth is seen as a huge potential for further advancement of the industry, and thus strengthening of the nation's economy through it. The Malaysian tourism industry had undergone multiple challenges before assuming its position in the world tourism destination map, abreast of the other popular destinations worldwide. The unstable world politics, SARS and challenge posed by the other ASEAN countries competing to draw tourists had initiated Malaysia to set its own strategy in diversifying the tourist attractions.

Various studies were undertaken to identify the tourism demand characteristics and international trend apart from define the potential products to be promoted. As such, Malaysia had increased the tourism promotions, arranged various programmes and events, as well as diversified and upgraded the tourism-related facilities. The current scenario showed that Muslim friendly facilities for Muslim travelers are not well provided. Most of the facilities provided by the tourisms industry are not shariah compliant. Thus, there is a need to study the appropriate shariah guidelines for the local authority and the tourism industry to manage and provide a Muslim friendly products and services.

1.2 BACKGROUND

Islam and tourism has generated significant academic interest (Al-Hamarneh & Steiner, 2004). However the understanding of the relationship between tourism and Islam has attracted far less attention, despite the existence of several enquiries dealing with specific elements of that relationship which are the attributes of shariah compliant hotels and their commercial interest (Henderson, 2010), halal food and its influence on the tourism industry and destination choice (Bon & Hussain, 2010) and Islamic hospitality as a regional strategy for indigenous tourism development (Stepheson, Russel & Edgar, 2010). Unfortunately, the research regarding on the Muslim-friendly sport tourism has never been done. Tourism and hospitality industries are dependent on one another and it is a fundamental element of tourism experience.

As Malaysia is heading to be the world halal hub, there is a need to ensure the Islamic principles and practices are manifest within the context of tourism and its development including Muslim friendly sports facilities. The concept of the Muslim friendly tourism is an addition to the conventional or mainstreams tourism in which, Islamic tourism emphasizes the elements that implements shariah as a guidelines to the Muslims. This reflects that Islam does not distinguish between religious and secular but considering the shariah as a part of elements to be implemented in order to make it a complete way of life. These combinations will give a balanced satisfaction of both the material and spiritual needs of all human being.

Each activity or program is conducted according to shariah compliant rules which also can be applied to all regardless of their religious affiliation. In this case, it shows that Muslim friendly tourism is not only focused on the Muslim community only but also include others religious community too. Many Islamic scholars has characterized the concept of Muslim friendly tourism which are flexible, rationale, simple and balanced. Islamic tourism is flexible and is just not limited to a certain purposes but it also covers a wide scope of tourism. Islam allows for a variety of purposes to travel as long as the intention is not in contravention of the Islamic law. This purpose is encouraged for the good things such as visiting family members, relatives, friends and historical places in order to foster the bonds.

In addition, Islam does not burden his people when they are travelling. Among the concessions provided by Islam when a Muslim travel is the lightness or rukhsah for tourist to perform prayer such as shortening or qasar and combining prayers which is jama'. This shows that Islam is a simple and rational religion that makes it easy for it followers to travel with peace of mind. Malaysia especially Muslim community traditionally guided by shariah law, which is derived primarily form the Al-Qur'an and other important sources of Islamic law include statements of Prophet Muhammad SAW which are including the As-Sunnah or Hadith that emphasizing the prophetic tradition of Islam and the sanctions of the jurist representing the Muslim community. Shariah is a mercy and it is intended for the interest of the people in both this life and hereafter. It is neither harsh nor strangling. (Sanad, Kassim & Scott 2010).

Thus, shariah establishes a social structure for Muslim community and acts as a moral guideline for daily life. It place emphasis on the human conduct and instruct behavior associated with many aspects of the social environment such as food, drink, dress, hygiene, etiquette, communication and entertainment which including sports. The needs of the Muslim tourist vary from one type to another, but all tourists need some form of accommodation such as food , drink, transportation, shopping and to a lesser extent our Muslim tourist need some sort of entertainment and decent sport facilities .

Besides inexpensive and dependable ground transportation, the other needs which include are the quality facilities for accommodations such as restaurants, shopping and sightseeing and also the Islamic kind of entertainment that often required by the Muslim Travelers. This is very important where the length of stay which proportional to the amount of tourist dollars spent are depends on the ability of the host community to provide sustained interest among the Muslim tourists. The rating of a destination gets from the tourists will have a decisive influence on the probability of repeat visits in the future, which include the further publicity by the word of mouth. One of the most significant yet misunderstood Islamic concepts is the role of sport and leisure towards reaching the desired spiritual harmony and perfection. Islam not only permits sport and leisure, in fact Islam recommends it in such a moderate way. We find that Islam allows people to enjoy sport and leisure but in a ways that are wholesome, pure, clean and definitely ḥalal.

According to one of the principles of fiqh, when it comes to things in this world is that everything is permissible unless there is a proof it is prohibited as mentioned in the hadith The Prophet (pbuh) said: *"The lawful is that which Allah has made lawful for you, and the prohibited is that which is prohibited in His Book; that concerning which He is silent, He has permitted as a mercy to you." (Bukhari, Ibn Majah and at-Tirmidhi*). This applies to all forms of activity as well as sport and leisure. Those forms of entertainment which are clearly prohibited in the Al-Qur'an or in the Sunnah or by analogy are the prohibited forms, but everything else is permissible as long as they fulfill basic criteria

There is a narration of hadith that prohibits all forms of entertainment except three where in the hadith narrated from Hazrat Ibn Umar (R.A) in which our beloved Prophet Muhammad said "*Teach your children swimming, archery and horse riding*". On the other hand, as we can see, In Ihya' U'lumuddin book by Imam al-Ghazzali, he gives a very good response to this hadith. Imam al-Ghazzali mentioned that, "*Just because these few are mentioned in one ḥadīth, it does not necessarily mean that other forms of sports are all ḥaram because there are many other narrations that the Prophet and the Sahabah entertained themselves in other ways that was not mentioned in this ḥadīth.*" Thus, based on this hadiths and scholar view, we can conclude that the kind of entertainment that encourages by Islam is sport and recreation.