

An Overview of the Halal Regulatory Framework for Halal Certification of Hotel in Malaysia

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ABSTRACT

Nowadays, Halal industry is well known in Muslim and non Muslim country. Clean and safe service that are few of the elements in Halal food that are being practiced worldwide. Malaysia is one of the country that have highest Muslim population. Food industry in Malaysia is mostly concerned about producing Halal food since Malaysia one of the Muslim country and already built Halal Hub on their own. Halal is needed by consumers in any place either in the premises or restaurants. In Malaysia, Halal certification for hotel issued solely for the kitchen and restaurants of hotel business. Currently, Halal food premises were certified only by competent authorities in Malaysia is Jabatan Kemajuan Islam Malaysia (JAKIM). This certification indicate that premises are already complying with Halal standards and safe to be consumed by consumers. In addition, this study attempts to explore and look into existing Malaysia legal and regulatory framework relating to Halal certification of food and beverage premises in hotels. In this paper also will include general knowledge about hotel industry worldwide, Hotel in Malaysia, Halal industry in Malaysia, Muslim friendly hospitality and last will delineate a regulatory framework to help industry to learn and implement the Halal process in real business. Methodologically, for this paper utilizes a qualitative approach and the paper explore into literatures to identify those regulatory framework for Halal certification of Hotel in Malaysia. The finding of this study demonstrates that law and regulation, standard, guideline and manual procedure that relevant and related for food and beverage premise business specifically for the hotel industry. It is hoped that the results from the paper would provide other aspect that need to be controlled by management and not only focusing on food preparation, adding with inspection regularly to improved quality food at food premises in the future.

KEYWORDS: Halal Regulatory Framework, Halal Certification, Logistics, Hotel.

INTRODUCTION

The rigorous of hotel world in the previous 60 years have become more reliable and now the hotel industry worldwide is much more closely associated with entertainment. Previously, the captain of a ship, the conductor of an orchestra or the star of a stage show are the limelight, but now the general manager takes over all the matters on the hotel. There is no specific manual or guidelines to have a grade hotel and to be successes, only need to work on based the situation and the basic management [6]. Islamic tourism or halal hospitality has been observed growing that is similar to the concept of Halal food as per recognized from the countries in the Middle East [2, 22].

Malaysia is now moved to the stage as the Islamic tourism hub among the Islamic tourist in the world. Malaysia has the capability and ability to cater the need of Islamic tourists. The huge potential who has high spending power in Malaysia will be from Saudi Arabia, Bahrain, Kuwait, Oman and Qatar. The important matter need to be focused in order to achieve this Islamic hub status, introduction of Islamic hotel or Halal hotel as a form of tourism is the services. It is very

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important to any business that there should be substantial demands for this type of hotel, even if the demand is available. This will help the hotel to gain a good investment. A halal hotel must be halal, this will show the Islamic way [9].

Beside the matter of services, the premises are also important. "Catering premises" means those premises where food is offered for immediate consumption, including but not limited to restaurants, canteens, schools, hospitals, hotels and similar institutions as well as mobile or temporary vendors (where permitted) of ready-to-eat food; "Foods for Catering Purposes" means those foods for use in catering premises such as restaurants, canteens, schools, hospitals, hotels and similar institutions where food is offered for immediate consumption[33, 37].

LITERATURE REVIEW

Hotel Industry Worldwide

A hotel can be interpreted as a service that provides accommodation, food and beverage for guest or temporary residents who intend to overnight at the hotel [12]. As stated by[7],the other similar to hotel can be called as the lodging area because hotels offer immediate accommodation to the guests [16].

The other hand, hotel also defined as an operation that arrange for accommodation and additional services to the people that are away from home. The development of economy can be enhance through the contribution from Hotels, whereby the tourist or guests who are staying in the hotel, will prefer to spend on the services and do shopping in the hotel or local hotel rather than buy far from their hotel. This will help to boost the local economy [16].

The involvement of Sharia-compliant in hotel will contain values of development, management and marketing. The practices done, must differentiate between properties in Muslim countries and elsewhere. The high demand from Muslim can gain success and possible in economies and societies. Even the hospitality field is inclusive of non-Muslim, it may create a positive market for the large Muslim beliefs. Therefore, the hotel organization or companies need to understand and put sensitivity for both Muslims and non-Muslim satisfactory to cater their needs [19].

Hotels In Malaysia

Since 1994 in Malaysia, the hotel sector is growing everyday[27]. The development and enhancement of tourism industry in Malaysia has lead to the increasing number of local hotels. The arrivals of tourist in Malaysia due to travelling and attending event, has bring demand for accommodation services and lead for more new hotels to be opened [16].

JAKIM is authority body that presents Halal certification for the food industry. The total number of hotels and resorts at the moment is 432 which consist of 317 (hotel) and 115 (resort). From Table 1 show that the highest number of hotel and resort in Wilayah Persekutuan (110) and followed by Selangor (77), then Johor (65).It also indicate the statistis of halal kitchen and restaurant in Malaysia from Jabatan Kemajuan Islam Malaysia [5].

Table 1: Number of halal kitchen and restaurant in Malaysia [5]

Stated	Number of Halal Kitchen and Restaurant
Johor	65
Kedah	32
Kelantan	20
Melaka	46
Negeri Sembilan	32
Pahang	53
Perak	39
Perlis	3
Pulau Pinang	50
Sabah	46
Sarawak	54
Selangor	77
Terengganu	21
Wilayah Persekutuan Labuan	0
Wilayah Persekutuan Putrajaya	13
Wilayah Persekutuan	110
Total	661

Based from the previous research done by Putra University, The Shariah Compliant Hotel was a provision that provides services based on the Islamic concept. The HVC Company applies the concept of Shariah Compliant Hotel where the legal principle or practical is following the way of Islam and cater the tourist of Muslim countries. The practical in Malaysia which based and follow the Shariah Compliant Hotel was covered all fields and provides service totally in Halal food [4, 20].

The services provided for hotel in a proper way means it must be accordance with the Shariah compliant hotel [18]. Serving halal food and beverage, safety, environment, health, services offered and financial are all fall under Shariah Compliant and it give benefits on economic part of all human regardless race, faith and culture. This shown a complete package of shariah compliant hotel. The principle of Shariah will look into all aspect of operation completely and some requirement are needed in order to be a Shariah compliant hotel. However, there is no specific manual or guidelines to apply this concept [8].

HALAL INDUSTRY IN MALAYSIA

The Company or entrepreneurs in Malaysia whom understand and have a knowledge on food hygiene and halal food will comply the the Halal certification [9, 17]. In Middle East is one of the countries that apply the concept of such as Islamic tourism or halal hospitality which same as the Halal food. This practice has grown in a new tourism concept [2, 22, 28]. The Halal food matter are the other main thing trusted by Muslim which shown the food can be consumed safely. The Muslim especially the Muslim tourists who are living under the religious principles strictly are very concern on the Halal food. The business of Halal food had become well known after understanding the lifestyle, belief, culture and the their behaviour compare from other religious. The practical according to the way of Islam is where the designation taken was totally based on Islamic perspective such as arranging the place of worship (prayer room). The Muslim service and facilitation from the beginning to the end of service must not be contradictory and follow the Islamic way and provision [8].

As a potential country, Malaysia is one of country that have a positive development from Islamic tourism and hospitality industry, whereby it has the uniqueness in term of arts, heritage and culture of Malay Muslims. In year 2010, Malaysia was listed as the top 10 destination in the Lonely Planet (the world's largest publisher of travel guides) [37]. The Muslim tourists have higher purchasing power which leads the outsider to do visit and also shown the Muslim-friendly

services. This will bring good opportunity and image for Muslim countries. It is important to show a good services especially the Muslim-friendly services, so that Malaysia will have an opportunity to develop and establish their Islamic tourism [1]. The movement of Halal industry was more rapid in Malaysia as compared to Halal supply chain services and the acceptance of Halal supply chain its low among Halal manufacturers. The barriers happen has block the adoption and also the variable could be as enablers for them to adopt it [15].

The Halal hub are contain all the Islamic way from all over the world such as halal food, halal manufacturers, halal pharmaceuticals, halal cosmetics, halal packaging and halal logistics products as well as halal services. It is an objective or goal of government in Malaysia to be a global halal hub for product and services to the all Muslim countries in the world [14]. The development of Halal tourism gives lot of opportunity to Muslim and non-Muslim in market. The privilege of the product is the handmade or unique idea of the product which make Malaysia become special and can cater the demand [29]. Beside that, the Halal industry also help this Halal tourism to be establish in the economic market or growth. The expansion of Halal industry as per matters on food, non-food product and services are now growing and also increase the number of Muslim tourist[10, 18, 30].Therefore, the Halal product and services can be increase when the rising number of Muslim population are in a positive level [13, 18, 30].

MUSLIM FRIENDLY HOSPITALITY IN MALAYSIA

The Muslim friendly hospitality services are products or services in the travel and tourism industry guided by Shariah requirements that cater to or provide facilities suitable for Muslim travellers [36]. The characteristic of the hotel to be Islamic, it must be halal. Therefore, when people mention about Islamic hotel, surely it will be Halal Hotel. It is vital for all hotel proprietor to understand at the Halal concept in order to fulfil all Muslim consumer demand toward Halal product [9].

In addition, the hotel product and operations are matters that are needed to be understood in Halal hotel. The term of Halal hotel does not focus only the decoration or designation of Islamic concept, but also the Islamic rules of the service itself [9]. The attraction in Halal tourism in Malaysia will influence more Muslim tourist from all the world. The Islamic offerings are a good opportunity for Malaysia to promote the Islamic way of tourism for the traveller who are very concern for Islamic values. The Muslim tourists have higher purchasing power which leads the outsider to do visit and also shown the Muslim-friendly services. This will bring good opportunity and image for Muslim countries. It is important to show a good service, especially the Muslim-friendly services, so that Malaysia will have an opportunity to develop and establish their Islamic tourism [1].

Therefore, a good image of Islamic environment for halal food has made the Muslim tourist feel safe to consume Islamic products. Branding as Islamic and halal hub has brought Malaysia to move into the halal matter in this recent year. The rules made to ensure the safety and control the behaviour of the tourist which is forbidden in Islam as long they staying in Malaysia [3].

However, there are still of number of tourists that unable to follow the rules and guideline in Malaysia. There are small number of respondents from Arab tourist that realize Malaysia as Islamic country and most of the studies previously on Islamic environment were limited to halal food and halal hospitality in hotel[21, 22, 25]. Therefore, to understand the country's potential in branding as an Islamic destination for Muslim, Malaysia's Islamic offering need to be investigated to transform and be better in the future in Halal food and Halal Industry [23].

HALAL REGULATORY FRAMEWORK

Legal Framework

a) Food Act (1983) and Food Hygiene Regulation (2009)

Halal regulatory framework start with complying food act and food hygiene regulation in the food business. Food premise need the food handler to operate the business and make sure the

operation of food smoothly. It is stated in legal interpretation that food handler is the one that directly involved in preparing, direct contact with food, handles packaged or unpackaged food in food premises. In additional, in Clause number 33 it also concerns on personal hygiene of food handler while handling, preparing, packing, carrying, storing, displaying and serving food to consumers[32]. Any behaviour or action that could result contamination need to be avoided to ensure the food clean and safe for consumers. It is possible to be done by educating the food handler to concern more about personal cleanliness (Section 15) and avoid contamination.

Furthermore, in section 10 relates to food traceability as mention in food act, an owner or occupier of food premises shall provide a food traceability system in the food premises which able to identify one step back from where the food came and one step forward to where the food went at any specified stage of a food chain from production to distribution. Storage of food also needs to comply accordance to section 25 and 38 in food act and food hygiene regulation which include adequate food stored room, suitable temperature, separate storage for food and non food to prevent from contamination of food. Its also precise about the person who carries food (transportation) must clean, able to maintain temperature, separation food and non food items to avoid high risk contamination [31].

b) Trade Description Act (2011)

Trade Description Act have been enforce started since 1 January 2012 even though the act already exists in 2011. The important of establishing this act is to overcome the fraudulence of Halal certification and Halal logo in related industries. Halal is very sensitive issues for Muslim because it related to faith. Hotels that claim their food premise are Halal, need to comply rules from Trade Description Act 2011. Normally, when the auditor or ambush from authority bodies will observe the premise either they meet the requirement stated in the Act or not. From this act, the most related sections that discuss about food industry are Section 28 and Section 29. Each of this act section emphasise about enforcement to take action to the premise that served non-Halal food, but showing that their premise is Halal and trying to deceive consumers.

i) Section 28 (2011)

According to this section Act, authority body can take an enforcement action toward any food premise that offer food, product or service that not followed Shariah law (Halal) but allowed their staffs to wear fez (kopiah), hijab, skullcap (songkok) and others that as commonly worn by Muslims. This action be taken to avoid misleading or deceiving the Muslims consumers against the Halal status of the product and services offered by the food premise. This enforcement purpose is to take action toward any food seller who deceive public that their food are Halal by using items about Islam or verses of the holy Al-Quran.

ii) Section 29 (2011)

As stated in this section Act, the Minister of Domestic Trade, Cooperatives and Consumerism Ministry (Ministry) can nominate any competent authority to endorse and stamping on anything related items including Halal certification. The only one Authority body can certify and approve an application by any company that fulfil requirement Halal standard that is already imposed by government. For the labeling and certification of halal logo, it is JAKIM and MAIN responsibility as the authority body as Halal certification agency in Malaysia that is recognized as the competent authority under the Trade Description Act 2011. Through this section only JAKIM and MAIN can produce halal certificate and logo in Malaysia, if there are other parties that produce halal certificate and logo of the matter is an offence and can be prosecuted under the Trade Description Act 2011 [39].

Regulatory Framework

a) Malaysia Standard 1500:2009

This Malaysia Standard close relates to Halal certification of Hotel in Malaysia and general guidelines on production, preparation, handling and storage Halal food. Halal in Clause 2.3 mentions that Halal food are permitted under Shariah, does not contain najis, clean and safe for consumption. The clean wholesome equipment also needs to meet the requirement before certified as Halal. It is important to concern premise design (construct) to protect and control risk of product contamination while along process flow as stated in Clause 3.2 in standard. Halal food very detail about hygiene, sanitation and food safety. It includes the various aspects of personal hygiene, clothing, devices, utensils, machines and processing aids and the premises for processing, manufacturing and storage of food (Clause 3.4) [35]. In additional, good hygiene practices (GHP) will be certified only to hygienic premises.

According to Clause 3.6 all halal food that is stored, transported, displayed, sold and/or served shall be categorised and labelled halal and segregated at every stage so as to prevent them from being mixed or contaminated with things that are non-halal. Thus, packaging and labeling play role to portray Halal food product and from nature Halal sources, then comply all requirements [35].

b) Manual ProsedurPensijilan Halal Malaysia (MPPHM) 2014

In this manual procedure for hotel kitchen and restaurant (premise) focus on the need to establish an internal committee member. Point 6.2.2.4 mention that to comply with Halal requirement organization need to appoint at least 2 Muslim person for each kitchen/ premise and develop Halal Assurance System guideline. Management needs to control and monitor each kitchen that supply food to restaurant/premise certified with Halal certification. The new process flow that's been looking into being logistics and supply chain which is also included together with to make sure food serve is Halal for consumption [38].

c) Halal Assurance System (HAS) 2012

Food safety management system actually similar to HAS that with its food safety control activities and assurance activities [11] however, its take more precaution with Halal control activities and assurance activities in logistics transport business procedures or methods [26]. As stated in Halal assurance systems, point 1.1 and 1.2 essentially promote the systems when developing, implementing and improving the effectiveness of controlling halal purity and genuineness. Based on point 8, traceability in the concept of effective quality management system throughout the supply chain.

According to point 4.5, for organizations or hotels that intend to have Halal certification need to construct and establish the Internal Halal Committee (IHC) consist of 4 members to be responsible for purchasing, developing, monitoring and controlling the halal assurance system to ensure its effectiveness and adding with Internal Halal Committee meeting for discussing on current issues related to Halal Assurance Management Systems as stated in point 2.1 / 2.2 (HAS) guideline. Moreover, Halal Critical Point (HCP) principle needs to focused to monitor and control constantly within the entire supply chain to avoid the risk of Non-Halal contamination. Further to this, continuous training also very important to make sure the Halal Assurance System well maintained [30]. Thus, this training will strengthen committee member skill and knowledge in Halal certification requirement [34].

d) Malaysia Standard 2610:2015

The latest Malaysia Standard officially launches by the Deputy of Tourism at 2 December 2015 relate to Muslim friendly hospitality service to enhance the hospitality and tourism industry. In Clause number 4.5 can be related to concerns of documentation and storage establish by

organizations to protect and control all records which is the most important to track all process and operation occur in organization.

CONCLUSION AND RECOMMENDATION

Thus, we can conclude that legal law and other regulation are related. Additionally, both are needed for establishment of Halal regulatory framework for Halal certification of hotel especially in Malaysia. The increasing of awareness on the need to consume Halal food widely spread internationally, but Halal not only focusing on the food ingredient. Halal in hotel business should not only focus within kitchen and restaurant premise, however, its need extends to along supply chain from the transportation of food to guest table. High risk of contamination will occur before transmit food ingredient to storage. Thus, it is important to look into logistic part regularly inspect, monitor and control to prevent the high risk contamination in the first place of supply chain. The best recommendation is to improve Manual Prosedur Pensijilan Halal JAKIM on enforcement of regularly inspects toward supplier transportation and storage for ensuring the starting point of food supply chain come from Halal supplier in wholesome.

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