SHARI’AH COMPLIANT SPA PRACTICES IN MALAYSIA
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Abstract
There is an increasing demand for spa products and services due to the increase in the need for a state of wellness which includes physical, mental and social well-being (WHO, no date). In Malaysia, this phenomenon has triggered concerns among Muslim consumers of the issue of whether or not going to the spa is permitted in Islam and whether or not the products offered to Muslim consumers are Halal in nature. This article focuses on the issue of spa practices and what are the criteria that needs to be adhered to in order to ensure these products and services are Shari’ah compliant and suitable for Muslim use. In doing so, this article is divided into four parts. The first part explains Islam’s general position on the usage of beauty and personal care products. This then leads to the second part which examines the concept of Maqasid Shari’ah and explains its relation with Halal Spa products. The third part continues to explore how the Shari’ah compliant spa concept, treatments, and products could be realized in Malaysia. Finally, the article concludes by proposing principles that could be adopted by the Government in order to ensure that companies supplying these products strictly comply with the proper Shari’ah requirements.

Keywords: Spa; Halal; Wellness in Islam,, Shari’ah compliant spa, Maqasid Shari’ah

Introduction
A spa is usually known as a place where men and women go for health and beauty treatments. Literally, a spa is known as a watering place and traditionally, it is usually a place with a spring of mineral water where people come for cures of various diseases (Longman Dictionary). Nevertheless, a more flexible definition has been adopted to allow for the growth in the Spa industry. As such, the Global Wellness Institute offers a more flexible interpretation of “spa” to mean, “establishments that promote wellness through the provision of theapeutic and other professional services aimed at renewing the body, mind and spirit.” (Global Wellness Institute, 2016) Research from the Global Wellness Institute (GWI) shows that there is an increase in the demand for the wellness industry worldwide (2015), whereby there was a 10.6% increase in the growth if compared to 2013.

This increasing demand for spa products and services is due to the increase in the need for a state of wellness which includes physical, mental and social well-being (WHO, no date). Spas are usually expected to offer wellness services, using safe and trusted products, whilst providing a tranquil and restful environment for their customers (Yaman et al. 2012).

In Malaysia, this phenomenon has triggered concerns among Muslim consumers on the issue of whether or not going to the spa is permitted in Islam and whether or not the products offered to Muslim consumers are Halal in nature. Hence, aside from concentrating on setting the standard for Shari’ah compliant hotels, the

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relevant authorities such as the Malaysian Islamic Development Department (JAKIM) is also urged to develop comprehensive guidelines for Shari’ah compliant spas (Bernama 2014).

This article focuses on the issue of spa products and what are the criteria that needs to be adhered to in order to ensure these products and services are Shari’ah compliant and suitable for Muslim use. In doing so, this article is divided into four parts. The first part explains Islam’s general position on the usage of beauty and personal care products. This then leads to the second part which examines the concept of *Maqasid Shari’ah* and explains its relation with *Halal* Spa products. The third part continues to explore how the Shari’ah compliant spa concept, treatments, and products could be realized in Malaysia. Finally, the article concludes by proposing principles that could be adopted by the Government in order to ensure that companies supplying these products strictly comply with the proper Shari’ah requirements.

**Islamic View on**

Islam never rejects efforts of Muslims to maintain good health and portraying a beautiful appearance. After all, Allah loves beautiful things and His creations are made beautiful. Prophet (pbuh) said in a Hadith reported by Abdullah Ibn Mas’ud:

“*God is beautiful and loves beauty. Pride is to disregard the truth and to scorn people*”

(Sahih Muslim, Hadith. 612)

Therefore, Muslims are encouraged to care for their personal health and appearance by maintaining a healthy lifestyle. At the root of being healthy is of course the need to always be clean. The Prophet (pbuh) always reminds us to be clean as cleanliness is part of *iman*. Cleanliness is the essence of good appearance and the beauty of every adornment. Abu Sufyan said,

"Abu Ayyub Al-Ansari, Jabir bin 'Abdullah, and Anas bin Malik told me that when this Verse: “In it (the mosque) are men who love to clean and to purify themselves. And Allah loves those who make themselves clean and pure.” was revealed, the Messenger of Allah said: ‘O Ansar! Allah has praised you for your cleanliness. What is the nature of your cleanliness?’ They said: ‘We perform ablution for prayer and we take bath to cleanse ourselves of impurity due to sexual activity, and we clean ourselves with water (after urinating). He said: ‘This is what it is. So adhere to it.’”

(Sunan Ibn Majah, Hadith 383)

Therefore, in Islam, cleanliness is a pre-requisite to performing any kind of acts of worship. This ensures a healthy body and is also the first step to beauty and elegance. In Surah Al-A’raf verse 32, Allah had mentioned,

“*Say: Who has forbidden the adornment of Allah which He has brought forth for His servants, and the good things of His providing?*”
Sheikh Yusuf al-Qardhawi had given a clear explanation upon the matter of beautification in his book titled *The Lawful and The Prohibited in Islam*. He mentioned that Islam not only permitted but also required a Muslim to be careful about his appearance, dress decently, maintain his dignity, and enjoy what Allah has created for the purpose of clothing and adornment (Al-Qardhawi 1960).

Based on the above statements, it is therefore clear that Muslims are encouraged to care for their physical, mental, emotional and spiritual health and wellbeing. This is a manifestation of their obedience to Allah and a part of their responsibility. The discussion now turns to the underlying concept behind the Shari’ah compliant spa.

**Shari’ah Compliant Spa-Concept, Treatment and Products**

The interpretation of a spa that was given by the Global Wellness Institute as described above is in line with the definition given by the International Spa Association (ISPA) which defines a spa as a place dedicated to provide overall well-being through a variety of professional services that encourage the rejuvenation of body, mind and spirit (International Spa Association 2014). Thus, in the context of a Shari’ah compliant spa, a similar meaning and mission could also be attributed to it with the addition that such treatments offered and products used are suitable for Muslim customers.

As such, a spa may be labelled as “Shari’ah compliant” if the treatments and products that seeks to provide a wellness program complies to the basic principles of the Shari’ah (Yaman *et al.*, 2012). In terms of services offered, a Shari’ah compliant spa offers services according to the Shari’ah law, such as separation of treatment rooms for males and females, all female employees wear *hijab/scarf* and services are carried out by therapist of the same gender (male for male customer and female for female customer) and the therapists are trained to respect the aurah of the customer and themselves (Yaman *et al.* (2012). Further classifications of the types of spa by the International Spa Association is provided below (Table 1)

**Table 1: Classification of Spa Types by International Spa Association (ISPA)**

<table>
<thead>
<tr>
<th>Type of Spa</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Club spa</td>
<td>A facility whose primary purpose is fitness and which offers a variety of professionally administered spa services to its members.</td>
</tr>
<tr>
<td>Day spa</td>
<td>Offering a variety of professionally administered spa services to clients on day-use basis.</td>
</tr>
<tr>
<td>Cosmetic spa</td>
<td>Primarily offers aesthetic/cosmetic and prevention/wellness procedures and services such as facials, peels, waxing and other non-invasive procedures that are within the scope of practice of its staff but do not require on-site medical</td>
</tr>
</tbody>
</table>
supervision.

Cruise ship spa  A spa aboard a cruise ship providing professionally administered spa services, fitness and wellness components and spa cuisine menu choices.

Destination spa  A facility with the main purpose of guiding individual spa-goers to develop healthy habits by providing a comprehensive program that includes spa services, physical fitness activities, wellness education, healthful cuisine and special interest programming.

Medical spa  A facility that has full-time licensed health care professional on-site is a health professional who has earned a degree of Doctor of Medicine (M.D.).

Mineral Spring spa  A spa offering an on-site source of natural mineral, thermal or seawater used in hydrotherapy treatments.

Resort/Hotel spa  A spa located within a resort or hotel providing professionally administered spa services, fitness and wellness components.

Shari’ah Compliant spa  A spa that offers professional spa services in accordance with Islamic or Shari’ah Law in terms of services, management and products.

As shown in Table 1, there are several types of spas available around the world including Malaysia. There are eight types of spas that have been classified by ISPA, which includes the Shari’ah compliant spa as a new addition of the spa type in Malaysia. Due to the diversity of the spa types, spa operators have offered various kinds of treatments. Generally, there are two types of spa treatments; traditional and modern. Sometimes, spa owners tend to combine both types in order to give full services in their spa. A variety of spa treatments can be found around the world, depending on their spa concept, philosophies and therapies. Below is a list of some basic spa treatments that can be found in a spa (Crebbin-Bailey et al. 2011).

Table 2: Types of Treatments Offered in A Spa

<table>
<thead>
<tr>
<th>Type of Treatment</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Massage</td>
<td>A type of therapy that using a variety of gliding, kneading and cross-fibre friction strokes to work the muscle tissues, releasing tension and improving circulation.</td>
</tr>
<tr>
<td><strong>Facial</strong></td>
<td>Cleans, exfoliates and nourishes the skin in promoting a clear, well-hydrated complexion and make the skin look younger.</td>
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<td>-----------------</td>
<td>---------------------------------------------------------------------------------------------------------------</td>
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<tr>
<td><strong>Body treatment</strong></td>
<td>Consist of several treatments for body parts such as body scrub, bathing, body wrap, and a few more to mention, in order to cleanse, exfoliate and hydrate the skin of the body.</td>
</tr>
<tr>
<td><strong>Aromatherapy</strong></td>
<td>Traditional therapies that use essential oils in any topical application either absorbed through skin or inhaled.</td>
</tr>
<tr>
<td><strong>Manicure</strong></td>
<td>A cosmetic beauty treatment for hands and fingernails consist of filing, shaping the edge, cuticle treatments, hand massage and also application of polish.</td>
</tr>
<tr>
<td><strong>Pedicure</strong></td>
<td>A treatment to improve the appearance of the feet and nails.</td>
</tr>
<tr>
<td><strong>Reflexology</strong></td>
<td>A spa treatment that works on “reflex points” on feet, hands and head (especially the ears), to stimulate those points with finger pressure and promote health in those organs and glands via the body’s energetic pathways.</td>
</tr>
</tbody>
</table>

Treatments provided in Shari’ah compliant spa are almost the same as what are offered in conventional spas, with the addition to the consideration to five important areas which are considered as a necessity in human life. It is these five points which Muslim jurists need to consider before declaring a spa as a Shari’ah compliant spa.

**Maqasid Shari’ah and the Determination of Hukm on Spa Practices And Products**

**Spa Products**
Every spa product has its own uniqueness in terms of ingredients, purpose and target user. Spa product can be categorised as personal care which means any substance or preparation intended to be placed in contact with various external parts of the human body (epidermis, hair, nails, lips and external genital organs). The functions of these products are different depending on their purpose and usage (Howard and Vincent 2008).

There are many spa product ranges in the market (Howard and Vincent 2008). New technology allows the manufacturer to create unique products to fulfill customer demands. The spectrum of facial and body treatments have widened as the spa industry grows. It means that the product needed can range from highly scientific acid-based facial peel through a basic salt and vegetable oil body scrub.
Table 3: Examples of Spa Products Used in the Treatments (Crebbin-Bailey et al. 2011)

<table>
<thead>
<tr>
<th>Product</th>
<th>Properties</th>
<th>Active Ingredients</th>
<th>Source</th>
<th>Function(s)</th>
<th>Treatment used</th>
</tr>
</thead>
<tbody>
<tr>
<td>Essential oils</td>
<td>- Highly concentrated</td>
<td>- Esters</td>
<td>Plants</td>
<td>To give soothing, relaxing, distressing, detoxifying, stimulating and hydrating effects.</td>
<td>Massage, Healing, Psychologic al benefits</td>
</tr>
<tr>
<td></td>
<td>- Very volatile</td>
<td>- Terpenes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>organic oil</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>- Scented (have an odour)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Milk Baths</td>
<td>- Antimicrobial</td>
<td>- Milk:</td>
<td>Plant</td>
<td>To give relaxing, distressing, hydrating, and soothing effects of the dry, stressed and sensitive skin.</td>
<td>Bathing, Body Treatments</td>
</tr>
<tr>
<td></td>
<td>- Cleansing</td>
<td>- Calcium</td>
<td>Animal</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Potassium</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Sodium</td>
<td></td>
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</tr>
<tr>
<td></td>
<td></td>
<td>- Magnesium</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Vitamin A, B, C, and D</td>
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<td></td>
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<tr>
<td>Coconut</td>
<td>Moisturizing</td>
<td>Rich in vitamins</td>
<td>Plant</td>
<td>Cleansing and can be utilised in exotic treatments when mixed with oils or herbs or flowers.</td>
<td>Body scrub, Massage therapies</td>
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</tr>
<tr>
<td>Sea salts</td>
<td>Healing properties</td>
<td>Sodium and chloride ions</td>
<td>Natural</td>
<td>To exfoliate dead skin cells, re-mineralise the body and also give the feeling of well-being and equilibrium.</td>
<td>Body scrub, Bathing</td>
</tr>
<tr>
<td>Seaweeds</td>
<td>Healing Properties</td>
<td>- Iron</td>
<td>Plant/Natural</td>
<td>Body envelopment treatment. Released into water for body absorption through osmosis process</td>
<td>Facial, Bathing, Body treatments</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Calcium</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Proteins</td>
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</tbody>
</table>
Table 3 shows examples of products that are basically being used in a spa treatment. Most of them are derived from plants and natural sources. With the current trends, most of the manufacturers and producers preferred to use natural or organic based products because the ingredients are very gentle with our skin. People nowadays are keener to use products made from natural resources as they knew the benefits of using it. Natural and organic products are cheaper and affordable.

The Shari’ah position in regards to the use of personal care products, including spa products are generally allowed due to the necessity of maintaining cleanliness and promoting a healthy lifestyle. The general position for determining the status of a product is that all products are permitted unless there is evidence to show that it contains items that are not permitted by the Shari’ah. The determination of whether or not these items are permitted can only be found in the holy Qur’an, Hadith or in cases where these two sources of the Shari’ah are silent, then reference must be made to the ijtihad of the Muslim jurists on this matter.

The general principles of Halal and Haram is actually clear. In a Hadith narrated by an-Nu’man ibn Basheer (ra), the Prophet said,

“That which is lawful is clear and that which is unlawful is clear, and between the two of them are doubtful matters about which many people do not know. Thus he who avoids doubtful matters clears himself in regard to his religion and his honor, but he who falls into doubtful matters [eventually] falls into that which is unlawful, like the shepherd who pastures around a sanctuary, all but grazing therein. Truly every king has a sanctuary, and truly Allah’s sanctuary is His prohibitions. Truly in the body there is a morsel of flesh, which, if it be whole, all the body is whole, and which, if it is diseased, all of [the body] is diseased. Truly, it is the heart.” (Sahih Bukhari & Muslim, Hadith 6)
It is necessary to know what Allah has made *haram* according to Sheikh Yusuf al-Qaradhawi since what is not included in it is considered pure and permissible. Abu Tha'labah Al-Khushani (ra) said, the Prophet (pbuh) said,

“Allah, the Exalted, has laid down certain duties which you should not neglect, and has put certain limits which you should not transgress, and has kept silent about other matters out of mercy for you and not out of forgetfulness, so do not seek to investigate them.”

[Ad-Daraqutni and others, Hadith 1832]

Therefore, in determining the permissibility of spa products, there may be items in these products that have been clearly prohibited in Islam. Examples of these items include clear prohibition of the use of “dead animals, blood, the flesh of swine that which has been dedicated to other than Allah.” (Surah al-Baqarah, verse 173) Therefore, there is a clear prohibition for Muslims from consuming or using any part of or derivatives of the following:

1. Dead animals – this means animals which are considered as carcasses which had died due to natural means. Aside from that, it also means animals which died through other means than being slaughtered with the name of Allah s.w.t.
2. Blood – this includes all types of blood, be it from humans or animals.
3. Flesh of swine – this includes any pork derivatives.
4. Any meat that was slaughtered without mentioning Allah’s name. This would include all derivatives from these animals as well. This is with the exception of fish and sea food. For now, the discussion continues on an explanation of the method of deriving hukm by Muslim jurists.

Meanwhile, there may be instances where the product or item used in the product has not been specifically prohibited neither in the Qur’an nor Hadith. In such situations, the Muslim jurist will have to resort to their ijtihad which involves an effort in interpreting how existing sources may be applied to new cases through several methods of legal reasoning. This includes the use of legal analogy (qiyas), considerations made to public interests (masalih al-mursalah), reliance on equitable principles in Islam (Istihsan), reliance on the usual practices (‘urf) of the people and prevention of any possible harm (sad al-zara‘i). When using these methods, the mujtahid, i.e the jurist utilising these methods are required to exercise their reasoning whilst incorporating the concept of *Maqasid al-Shari‘ah* when coming up with their hukm.

When deriving a hukm of a particular item or product, Muslim jurists are required to ensure that five essential values or matters are protected and promoted. These five essential values include the protection of religion, life, intellect, progeny or dignity and property. Muslim jurists have considered these five values as essentials (daruriyyah) for Muslims.

As such, in the context of determining the permissibility of certain spa products, Muslim jurists must determine that the the personal care and beauty product will not
affect Muslims when performing their specific daily religious obligations. This includes the use of facial cleansers, moisturizers, toners, shampoo, lotions etc before taking wudhu' or before performing prayer (solah) as it will create syubhah (doubtful) feeling when performing the ibadah. This is a valid concern as it affects the need to protect the religion of every Muslim.

The next consideration is the protection of human life. Muslim jurists need to look at this requirement seriously especially when determining the safety of the spa products as the usage of unsafe product may cause serious problem that might lead to death. Harmful ingredients such as Diethanolamine (hormone-disrupting chemicals) and sodium laureth sulfate which can be found in shampoos and facial cleansers for instance, can be cancer-causing agents that target liver and kidney functions (Lipman 2014). As such, Muslim jurists must work to discover the meaning of these products and how effects to the human body. It is crucial for Muslim jurists to work together with scientists in order to ensure that these products are in fact safe for human usage.

Aside from that, the protection of the mind is also a consideration that Muslim jurists must give when considering whether or not a spa product is Halal. This can especially be seen in the misuse of substances in the product itself which could give negative effect to our mind such as in aromatherapy treatment, essential oil is used for inhalation in order to let the customer relax and calm. The use of substances that can stimulate one’s mind to become unconscious or addicted is therefore deemed harmful.

In addition to the above, careful thought must also be given to the protection of the progeny, since harmful products used in some spa products can cause impairment to the human gene and it will give impact to future generation. The chemical used in the personal care products like triclosan (synthetic antibacterial and a hormone-disrupting chemical) is one of the examples of dangerous substances. It is widely used in soaps and disinfectant gels. It can damage the genital organs and leads to infertility, and also may cause birth defects (Lipman 2014). Included in this part of the Maqasid is also the protection of a Muslim’s dignity. The protection of dignity must also be ensured by spa practitioners through the respect given to the aurah of the customer.

The fifth and final Maqasid Shari’ah that needs to be protected is the property. Hence, Muslims should not spend money on non-halal and harmful products. Allah hates people who do wasteful deeds since wasting is the footsteps of evil (satan).

**Shari’ah Compliant Spa as a Tourism Product**

The Shari’ah compliant spa products and services is one of the key attractions in the Malaysian tourism industry, especially for Muslim-Friendly Hospitality Services. Currently, there are no specific guidelines that govern the Shari’ah compliant spas in Malaysia. Nevertheless, there exists Malaysian Standard (MS) that can be used as a control mechanism to ensure the safety and quality of cosmeceutical products that are mainly used in spas. These include the MS 2200: Part 1: 2008 – Islamic Consumer Goods – Part 1: Cosmetic and Personal Care – General Guidelines. Aside from that there is also a need to abide by the Guidelines for Control of of Cosmetic Products in Malaysia. must also register with the National Pharmaceutical Control Bureau, Ministry of Health Malaysia. Aside from that, it is also a requirement that manufacturers must
also comply with Good Laboratory Practices (GLP), Good Manufacturing Practices (GMP) and Good Distribution Practices (GDP).

Therefore, in order to ensure that spa products and services are also in line with the Shari’ah requirements, the Government could take the following suggestions into consideration:

1. Ingredients of spa product must be from halal resources; The products used in a Shari’ah compliant spa, must be certified halal by JAKIM or any other recognized bodies.

2. The product must not contain any ingredient that is unsafe and harmful either in the short term or in long term usage; There should not be any hazardous substances in the spa product. In Malaysia, every spa product, cosmetics and personal care product must be registered with the National Pharmaceutical Control Bureau, Ministry of Health so as to confirm and validate for any presence of harmful ingredients.

3. The product must be produced in a hygienic condition; The main purpose of using the spa product is to encourage people to take care of their cleanliness and make hygienic principles as their lifestyle.

4. Storage, transportation and application of the product must not be contaminated with haram substances; During transportation and storage, the product must not be placed with haram products or substances in one area. In using spa product, haram substances or materials must not be in contact with the spa product such as using bristle from pig or addition of essential oil from haram sources. The spa product is used for the sake of cleanliness and health.

5. The space inside the spa should be designed according to the Islamic teaching, for example, segregation and proper partition between the treatment spaces in order to prevent from the ajnabi view.

6. The workers and therapist must be Muslim and the same gender as the customer.

7. The spa should not offer and serve prohibited practices in Islam, such as change the creation of Allah, 'Abd Allah (b. Mas'us) said:

   “Allah has cursed the woman who tattoo and the women who have themselves tattooed, the women who add false hair (according to the version of Muhammad b. Isa) and the women who pluck hairs from their faces (according to the version on 'Uthman). The agreed version then goes: The women who spaces between their teeth for beauty, changing what Allah has created…”

   (Sunan Abi Dawud, Hadith 11)

   The alteration of Allah’s creation was inspired by Satan as Allah SWT quote in the Quran:

   “And I will mislead them, and I will arouse in them (sinful) desires, and I will command them so they will split the ears of cattle, and I will command them
so they will change the creation of Allah.” And whoever takes Satan as an ally instead of Allah has certainly sustained a clear loss. (Surah An-Nisa’: 119)

As mentioned by Spa and Wellness Industry Association of Malaysia (SWIAM), Shari’ah compliant spas can become a Malaysia trademark (Yaman et al. 2012), so that, it may expand the tourism and halal industry of the country.

Conclusion
As a whole, Malaysia is seen as a favourable tourist destination for Muslim tourists from around the world. Malaysia has the prospect to advance the Muslim Friendly Hospitality services locally and internationally. Being an Islamic country with political stability, excellent infrastructure and full government support, there is a potential to enhance the Shari’ah Compliant spa products and services. However, to materialize this objective, several initiatives need to be adopted and implemented by the Government of Malaysia, especially in providing good governance i.e. regulation and administrative mechanisms for the tourism industry. This would in turn result in a highly regulated industry. This reduces the risk of consumer frauds which will ensure genuine Shari’ah compliant spa products and services. In the long run, this will inevitably transform Malaysia into a global reference center for Muslim friendly hospitality products and services.

In conclusion, if the Government of Malaysia is serious about attracting Muslim tourists to Malaysia by enticing them with the availability of high quality Shari’ah compliant spa services, then the Government must be ready to improve the current regulations through the enactment of a comprehensive legislation which seeks to provide the mechanism and guide for those interested to embark on the Shari’ah compliant spa business.

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