



# PROCEEDING SEMINAR ON LAW AND SOCIETY 2022 (SOLAS VI)

**THEME:**

**SUSTAINABILITY IN SOCIETY: LEGAL  
RESPONSE**

**8 - 9 NOVEMBER 2022**

**SCHOOL OF LAW  
UNIVERSITI UTARA MALAYSIA**



**PROCEEDING  
SEMINAR ON LAW AND SOCIETY 2022  
(SOLAS VI)**

**THEME:  
SUSTAINABILITY IN SOCIETY: LEGAL RESPONSE**

**8 - 9 NOVEMBER 2022**

**ORGANIZED BY:**

**SCHOOL OF LAW, UUM COLGIS UNIVERSITI  
UTARA MALAYSIA**

**EDITORS**

ASMAR ABDUL RAHIM  
AIDA ABDUL RAZAK  
NAJAH INANI ABD JALIL  
AHMAD NASYRAN AZRAE

---

Perpustakaan Negara Malaysia

Cataloguing-in-Publication Data

Seminar on Law and Society (2022: Sintok, Kedah)

PROCEEDINGS: SEMINAR ON LAW AND SOCIETY 2022 (SOLAS VI), THEME:  
"SUSTAINABILITY IN SOCIETY: LEGAL RESPONSE" 8 & 9 NOVEMBER 2022/  
ORGANIZED BY: SCHOOL OF LAW, UUM COLGIS UNIVERSITI UTARA MALAYSIA;  
EDITORS ASMAR ABDUL RAHIM, AIDA ABDUL RAZAK, NAJAH INANI ABD JALIL &  
AHMAD NASYRAN AZRAE

e ISBN 978-967-26060-2-4

e ISBN 978-967-26060-2-4



1. Sociological jurisprudence--Malaysia--Congresses.
2. Law and the social sciences--Malaysia--Congresses.
3. Law--Malaysia--Congresses.
4. Government publications--Malaysia.

- I. Universiti Utara Malaysia. Pusat Pengajian Undang-undang.
- II. Asmar Abdul Rahim et. all, 1976-. III. Title.

Asmar Abdul Rahim et. al, (ed), Proceedings: Seminar on Law and Society 2022 (SOLAS VI). UUM Sintok: School of Law UUM.

© 2023 School of Law, Universiti Utara Malaysia

All rights reserved. No part of this publication may be reproduced or stored in a retrieval system, or transmitted in any form or by any means, including photocopying and recording, or storing in any medium by electronic means and whether or no transiently or incidentally to some other use of this publication, without the written permission of the copyright holder, application for which should be addresses to the publisher.

Editors: Asmar Abdul Rahim et. all

Publisher: School of Law, UUM College of Law, Government and International Studies,  
Universiti Utara Malaysia, 06010 UUM Sintok Kedah Darul Aman, Malaysia Email:  
[uumsolas6@gmail.com](mailto:uumsolas6@gmail.com)

---

## PREFACE

Seminar on Law and Society (SOLAS) is a series of annual seminar conducted by School of Law (SOL), Universiti Utara Malaysia. The primary aims of Seminar on Law and Society 2022 (SOLAS VI) is to provide a platform for academics, researchers, practitioners and industrial players to share knowledge and ideas, widen networking, present their research findings, experience and expertise as well as to explore any other potential benefits that might contribute for the sustainability in society. This year is 6<sup>th</sup> Series of SOLAS. The first SOLAS was held in 2016. The theme for SOLAS this year is "**SUSTAINABILITY IN SOCIETY: LEGAL RESPONSE**".

The sustainability in society is to ensure the balance of development economic growth with social inclusion and environmental sustainability, based on solid institutional foundations, conditions for peaceful societies and the realization of human rights. Thus, the legal landscape needs to catch up with SDG's mandates to ensure the balance of sustainability in society. As the law is created and put into practice through societal processes, the perspective of the mutual relationship between law and society is currently extended to different actors, institutions, processes and landscapes.

The Sustainable Development Goals (SDG's) is a new, universal set of goals, targets, and indicators that United Nation (UN) member states will be expected to use to frame their agenda and political policies over the next 15 years (2016 – 2030). With its 17 Goals, 169 Targets and more than 200 Indicators that cover 5 dimensions namely People, Planet, Prosperity, Peace and Partnership. The SDGs will stimulate action over the next fifteen years in areas of critical importance for humanity and the planet. Among the mandates of SDG's are a call to action to end poverty, protect the earth's environment and climate, and ensure that people everywhere can enjoy peace and prosperity. The mapping of SDGs with 11th Malaysia Plan strategic thrust and six policy pillars under the Mid Term Review involving the integration of the national development plan's action plans, initiatives and outcomes to the SDGs' goals, targets and indicators.

SOLAS VI is very fortunate to receive forty scholarly works that cover various aspect of daily life in the society. I am pleased to present to all of you, a compilation of those works, the SOLAS VI Book of Proceedings that is divided into six area of discussions. I do hope that this Book of Proceedings will be beneficial to all readers. Finally, I wish to express my utmost appreciation and congratulate all writers for their contribution in this Book of Proceedings.

Asmar Abdul Rahim et. all

Editors

Proceedings: Seminar on Law and Society 2022 (SOLAS VI)

## CONTENTS

### **PART I PEACE, JUSTICE, AND STRONG INSTITUTIONS**

	<b>Page</b>
Self-Regulation Sebagai Mekanisme Kawalselia Transaksi Dropshipping: Satu Tinjauan <i>Wan Izzat Wan Ahmad, Nor Anita Abdullah</i>	1
Ejen <i>Dropshipper</i> Vs Pengasas Produk: Apakah Hubungan Mereka? <i>Nor Anita Abdullah, Wan Izzat Wan Ahmad</i>	6
Tracing Corrupt Politician Via Anti Money Laundering Regime: Malaysian Experience <i>Aspalella A.Rahman</i>	11
Accountability Key to Sustainable Legal Response <i>Noor Fariah Mohd Noor</i>	16
Peculiarities Of Small Companies Versus Insolvency Liability Framework in Nigeria <i>Yusuf Usman Ilman, Zuryati Mohamed Yusuf, Rohana Abdul Rahman</i>	22

### **PART II SUSTAINABLE CITIES AND COMMUNITIES**

Seksyen 340(3) Kanun Tanah Negara 1965 Dan Kes CIMB Berhad Lwn Ambank Berhad & Ors [2017] 2 Mlj 142 <i>Khuzaimah Md Salleh, Najah Inani Abdul Jalil</i>	27
An Overview of The Right to Adequate Housing for Migrants <i>Suzy Suhaimi, Marfunizah Ma' Dan, Mohd Na'em Ajis</i>	33
Mooting And Technology: Stimulation in Legal Education <i>Aida Abdul Razak, Asmar Abdul Rahim, Muhammad Hafiz Badarulzaman, Nor Ashikin Md Nasir</i>	42
The Role of Corporate Governance in Achieving Sgds: Is Malaysia Ready? <i>Aida Abdul Razak, Hanis Wahed</i>	46
Tuntutan Gantirugi Pembeli Dalam Projek Perumahan Terbengkalai di Semenanjung Malaysia (I) <i>Nuarrual Hilal Md Dahlan</i>	50
Tuntutan Gantirugi Oleh Pembeli Dalam Projek Perumahan Terbengkalai di Semenanjung Malaysia (II) <i>Nuarrual Hilal Md Dahlan</i>	58

Tuntutan Gantirugi Oleh Pembeli Dalam Projek Perumahan Terbangkalai di Semenanjung Malaysia (III) <i>Nuarrual Hilal Md Dahlan</i>	66
--	----

**PART III  
DECENT WORK AND ECONOMIC GROWTH**

The Incorporation of Collective Bargaining Agreement in Individual Employment Contract in Nigeria <i>Rabi'u Isa, Zuryati Mohamed Yusuff, Ani Munirah Mohamad</i>	71
Excessive Leaves in Malaysia, Too Much Leisure to Employees Whilst Unbearable Burden to Employer? <i>Zahratul Najihah Haji Razi</i>	76
Dasar Dan Perundangan Pengajian Pekerja Asing Di Malaysia: Melestari Matlamat Pembangunan Mampan No. 8 <i>Asmar Abdul Rahman, Suhaidah Hussin, Mohd Hanafiah Ahmad, Abdul Halil Abdul Majid, Ahmad Afif Ahmarofi, Norhana Mohd Aripin, Supt MARKandan a/l Subramaniam</i>	83
Proposing a Conceptual Framework of Domestic Tourists Preference of Holiday Destination to Maintain Sustainability of Travel Related Business During Covid-19 Endemic <i>Muhamad Nasyat Muhamad Nasir, Muhammad Firdaus Bidin</i>	94
Siapakah Pekerja Menurut Undang-Undang? Ulasan Ringkas kepada Akta Kerja 1955 (Pindaan 2022) <i>Khadijah Mohamed</i>	98
<i>Sulh</i> and Mediation: How both Differ to Each Other <i>Hanis Wahed, Aida Abdul Razak, Nur Ashikin Md Nasir</i>	103

**PART VI  
REDUCED INEQUALITIES**

Retrenchment Due to Covid 19: For or Against Employers? <i>Harlida Abdul Wahab</i>	110
Implementation of Diplomatic Assurance against Torture: The Way to reduce the Refugee Crisis in South Asia <i>Chowdhury Nujhat Samanta</i>	115
Open and Distance Learning: Enhancing Legal Education for Postgraduate Students <i>Zuryati Mohamed Yusoff</i>	120
The Uncertainty in Assessing the Claim for Damages Involving Common Specific Injuries Sustained from The Road Accident <i>Fariza Romli, Nor Khatiha Asmida Mohd Subari</i>	124
Domicile of a Married Woman: Call for Changes?	130

*Najah Inani Abdul Jalil, Khuzaimah Md Salleh, 'Ain Husna Mohd Arshad*

Isu Keluar Islam Dan Konsep Kebebasan Beragama Di Malaysia: Satu Tinjauan Literatur <i>Nor Ashikin Md Nasir &amp; Hanis Wahed</i>	134
--	-----

## **PART V CLIMATE ACTION & QUALITY EDUCATION**

The Government's Broken Promises: What International Law and The Emerging Legal Initiatives Can Do to Address Climate Change <i>Rashma Indriyani</i>	139
Micro Plastic Pollution on South Asia: The Impact of Micro Plastic Pollution Over the Unsustainable Development Goals <i>Tasfie Rahman Rifa</i>	149
Legal and Policy Regulations for Environmental Protection in Bangladesh: A Comparison with EU Countries <i>Mohammad Balayet Hossain</i>	157
Aligning assessment with CLO in Mooting and Litigation Course from School of Law's experience. <i>Nor Ashikin Md Nasir, Aida Abdul Razak, Asmar Abdul Rahim, Muhammad Hafiz Badarulzaman &amp; Mukhriz Mat Rus</i>	163

## **PART VI INDUSTRY, INNOVATION, AND INFRASTRUCTURE**

Comparison Regarding Investor Privacy Legislation in Equity Crowdfunding Between Malaysia and Indonesia <i>Roos Niza Mohd Shariff, Fithriatus Shalihah</i>	169
The Horizon of Employing Artificial Intelligence (AI) in Arbitration in Malaysia: S.W.O.T Analysis <i>Mohamad Fateh Labanieh, Mohammad Azam Hussain, Salim Ali Abdulla Mohamed Albedwawi</i>	178
Emerging e-commerce platforms and money laundering: A critical analysis of the policy response by the Government <i>Md. Zaharul Haq</i>	185
Pemilikan Harta Berhakcipta Si Mati: Analisis Undang-Undang di Malaysia <i>Nor Azlina Mohd Noor, Ahmad Shamsul Abd Aziz</i>	192
Penilaian Harta Intelek Dalam Sebuah Perniagaan: Keperluan Kerangka Undang-Undang <i>Ahmad Shamsul Abd Aziz &amp; Nor Azlina Mohd Noor</i>	198

An Overview of Challenges in Drafting ICT Contract in Malaysia <i>Zainal Amin Ayub, Harlida Abdul Wahab &amp; Rohana Abdul Rahman</i>	203
Challenges In Adopting Green Procurement in Malaysia <i>Rohana Abdul Rahman &amp; Nur Akmal Sharizal</i>	207



## PROPOSING A CONCEPTUAL FRAMEWORK OF DOMESTIC TOURISTS' PREFERENCES OF HOLIDAY DESTINATION TO MAINTAIN SUSTAINABILITY OF TRAVEL-RELATED BUSINESS DURING COVID-19 ENDEMIC

Muhamad Nasyat Muhamad Nasir  
Faculty of Hospitality, Tourism and Wellness, Universiti Malaysia Kelantan (UMK))  
Email: nasyat.mn@umk.edu.my

Muhammad Firdaus Bidin  
Faculty of Hospitality, Tourism and Wellness, Universiti Malaysia Kelantan (UMK)  
Email: mfirdaus.b@umk.edu.my

### ABSTRACT

*The prevalence of the COVID-19 outbreak has caused significant challenges to all industries around the globe, particularly in the tourism sector. The spread of the Covid-19 hinders to achieve 17 sustainable development goals set by the United Nation. Following the recovery from the COVID-19, the governments have set various initiative to assist the country's development. The present study emphasizes on the tourism sector whereby the new model has been proposed in order to revitalize the tourism sector particularly in Malaysia. A new model consisting of affordability, health and safety compliance as well as access to facilities and amenities have been integrated in one model in order to test on their effects toward tourist preference of holiday destination. This model is important because the travel trends have changed during the post Covid-19. Hence, by knowing the factors that affect tourist preference of holiday destination, it will guarantee the continuity of the tourists (particularly domestic tourists) to travel from time to time without hesitation. Hence, it will generate continuous income to the travel-related businesses (tour guide, event management, hoteliers and more) from the visiting tourists. This will provide more job opportunities to the local people. Eventually, it will help to achieve several goals set by United Nation such as no poverty, zero hunger, good health and well-being, decent work and economic growth as well as reduced in equalities.*

**Keywords:** Sustainability, Tourist Preference, Covid-19, Holiday Destination

### INTRODUCTION

The Covid-19 virus has spread around the world for more than two years. The virus is highly contagious and it has killed millions of people around the globe. During this phase, many people lost their jobs since most of the industries have ceased their business operations. One of the most affected industries is tourism. However, in the last two years when most of the people around the world have received the Covid-19 vaccine, the businesses start to grow again including the tourism-related businesses. Nevertheless, the travel trend among the people has changed due to the Covid-19. Thus, it is important to understand the factors that affect the domestic tourist preference of holiday destination during the Covid-19 endemic in order to help the travel-related businesses to grow steadily. Most importantly, it could help to achieve at least several goals from 17 sustainable development goals set by United Nations. Hence, the main objective of the study is to determine the factors that influences on the domestic tourist preference of holiday destination during the Covid-19 endemic to achieve the sustainable development goals. This study will emphasize on tourism destination in Malaysia because this country is considered one of the popular tourism spots in the Asia Pacific and Asia (Muhamad Nasir, Mohamad, & Ab Ghani, 2021; Nasir, Mohamad, & Izzati Ab, 2021)

## LITERATURE REVIEW

### Domestic Tourists Preference of Holiday Destination

In 2021, the domestic tourist arrivals in Malaysia have recorded around 66.0 million visitors and spent around RM 18.4 billion during their visit (Department of Statistics Malaysia, 2022). As supported by Ab Ghani et al. (2021), domestic tourists have generally proven important to the survival of many nations' tourism sectors including Malaysia. Moreover, domestic tourists are imperative towards the tourism industry's recovery, especially in countries, since foreign travel possibilities have been limited due to the ongoing pandemic (OECD, 2020). Therefore, it is crucial to determine the tourists' preference to travel during the COVID-19 endemic situation as recovery strategies for the tourism sector in Malaysia.

### Access to Facilities and Amenities

Truchet et al. (2010) claimed that the tourists who spend time away from their home require to access to a suitable level of services and amenities at that particular holiday destination. Food and beverage in restaurants, financial transactions (ATM and digital payments), and communication (telephone and internet) are the among the examples of tourist destination amenities. Sukmawati et al (2018) added that expectations for tourism services and facilities may differ among the tourists depending to their income level. Hence, it is important to develop the linkage between the access to facilities and amenities and domestic tourist preference of holiday destinations.

### Health And Safety Compliance

Health and safety compliance has become pivotal among visitors because lack of attention on this matter will cause them to be infected. WHO (2020) suggested that hotel facilities and travel and tour operators are required to adhere strictly to specific prevention protocol and standard operating procedures (SOPs) to cease the spread of COVID-19 among the visitors such as cleaning, disinfection and sanitisation of hotel facilities as well as physical distancing, avoiding touching eyes, nose and mouth, put on the medical or fabric masks by staff when interacting and communicating with customers. Thus, it is crucial to establish the linkage health and safety compliance and tourist preference of holiday destinations.

### Affordability

Camilleri (2019) pointed out that many travellers travel according to their budget and hence, they may only consider accommodation, food/beverages and entertainment that are affordable to them or within their price range. This issue is getting more serious especially during the post pandemic Covid-19, when a lot of the people lost their jobs and the living cost has increased. Thus, it is important to determine the relationship between affordability and domestic tourist preference of holiday destinations.

### Proposed Model and Hypotheses

Figure 1 indicates the proposed model of the study consisting of three independent variables and one dependent variable.

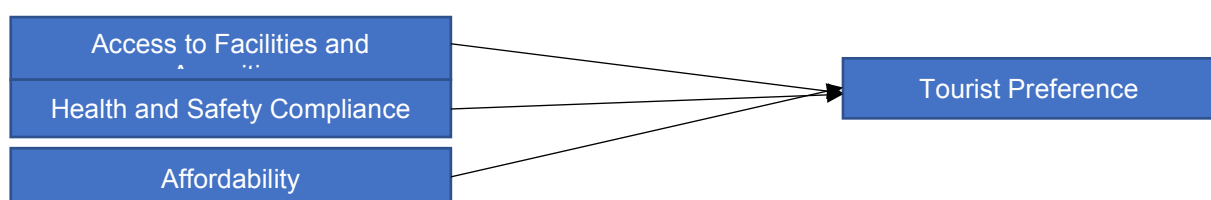


Figure 1: Proposed Conceptual Model

The proposed hypotheses are as follow:

H1: There is a positive relationship between access to facilities and amenities and domestic tourist preference of holiday destinations in Malaysia.

H2: There is a positive relationship between health and safety compliance and domestic tourist preference of holiday destinations in Malaysia.

H3: There is a positive relationship between affordability and domestic tourist preference of holiday destinations in Malaysia.

## CONCLUSION

A new conceptual model (affordability, health and safety compliance, access to facilities and amenities and tourist preference of holiday destination) has been proposed in this study which, in turn, contributes significantly to the existing literature. Most importantly, by knowing the factors that affect tourist preference of holiday destination, it will guarantee the continuity of the tourists (particularly domestic tourists) to travel from time to time without hesitation during the post Covid-19. This could help the prosperity of travel-related business particularly in Malaysia and provides more direct and indirect job opportunities from this sector. This recovery process is crucial because a lot of people have lost their jobs especially during the two years of Covid-19 pandemic. When people securing jobs and have a stable income, it could help to achieve several sustainable goals set by the United Nation. Based on the Figure 2, among the goals that will be achieve from the outcome of this study are (1) no poverty (2) zero hunger (3) good health and well-being (8) decent works and economic growth (10) reduced in equalities.



Figure 2: Sustainable Development Goals

## REFERENCES

- Ab Ghani, N. I., Nasir, M. N. M., Nor, Z. M., Yahya, R. N. S. R., Ramli, R., Muhammad, N., & Karim, F. (2021). Identifying Destination Attractiveness of Kuala Terengganu Perceived by Domestic Tourist. *International Journal of Asian Social Science*, 11(9), 399-408.
- Camilleri, M. A. (2018). The planning and development of the tourism product. In *Tourism Planning and Destination Marketing* (pp. 1-23). Emerald Publishing Limited.
- Department of Statistic Malaysia (2022). Retrieved from [Department of Statistics Malaysia Official Portal](#) on 16 September 2022.
- Hamburger, P. (2021). *Is administrative law unlawful?*. University of Chicago Press.
- Stasi, A. (2021). The Function of Criminal Law in Society. In *General Principles of Thai Criminal Law* (pp. 15-23). Springer, Singapore.
- Muhamad Nasir, M. N., Mohamad, M., & Ab Ghani, N. I. (2021). Modelling the relationships between destination attractiveness, service quality, tourist satisfaction and destination loyalty. *Asia-Pacific Journal of Innovation in Hospitality and Tourism*, 10 (2), 1 -19.

- Nasir, M. N. M., Mohamad, M., & Izzati Ab, N. (2021). Understanding the Behaviour of International Tourists from China Visiting Malaysia: Proposing a Conceptual Model. *Journal of Marketing Advances and Practices*, 3(2), 1-16.
- Sukmawati, N. M. R., Ernawati, N. M., & Nadra, N. M. (2018). Luxury tourism: A perspective of facilities and amenities. *International Journal of Applied Sciences in Tourism and Events*, 2(1), 32.
- Truchet, S., Callois, J. M., Aubert, F., & Piguet, V. (2010). Amenities and location of hotels: a micro-economic model and estimations. 50th Congress of the European Regional Science Association: Sustainable Regional Growth and Development in the Creative Knowledge Economy (pp. 1-18). European Regional Science Association (ERSA), Louvain-la-Neuve
- UNWTO (2022). Retrieved from THE 17 GOALS | Sustainable Development (un.org) on 17 September 2022.
- World Health Organization (2020). COVID-19 management in hotels and other entities of the accommodation sector. Retrieved from: <https://apps.who.int/iris/bitstream/handle/10665/331638/WHO-2019-nCoV-Hotels-2020.1-eng.pdf> on 16 September 2022.