

LEGAL FRAMEWORK FOR RETIREMENT VILLAGE IN MALAYSIA

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ABSTRACT

The development of retirement villages requires proper and detail planning. The elderly requires a special living arrangement, where the facilities and other attributes must be in accordance with their abilities (Tan & Lee, 2018). This issue could be addressed with a proper legal administration framework and policy, in which the current existing provisions available in this country are inadequate to provide such regulatory. Governed by two distinct Acts, the Care Centres Act 1993 under the Ministry of Women, Family and Community Development and the Private Healthcare Facilities and Services Act 1998 under the Ministry of Health, both are redundant and overlapping in nature. Even with these two duplicate Acts, the provisions are indeed too general, focusing on governing all care centres rather than retirement villages alone. The Private Aged Healthcare and Services Act 2018, which was intended to relieve these two Acts, however, was never brought into implementation. The gap in the current framework, must be redressed with development of a more suitable regulatory and policy framework as well as guidelines on retirement village. Aside from that, the fact that Malaysia is a Muslim majority country must not be overlooked, where the integration of Muslim-friendly component into the law would benefit the Muslims, not only to attract potential Malaysian customers, but Muslims from all over the world to choose Malaysia as their retirement destination. This research is intended to look into, and to analyse the current local and international legal framework relevant to the retirement village.-It is also the objective of this research to propose for certain administrative mechanisms that will support and enhance the establishment of Islamic retirement village.

Keywords: Elderly, Retirement Village, Framework, Muslim-Friendly Component, Retirement Destination

INTRODUCTION

The United Nation (UN) has raised a big concern about the world major shift in term of its population patterns. Their recent report for earth population has shown a precarious trend, in which the number of people aged above 60 years old will raise by 56 percent by 2030 as compared to the statistic recorded in 2015. Malaysia is no exception to this, and is predicted to show a similar pattern, witnessing the increasing numbers of older generation, creating an ageing population known as Silver Tsunami. The report findings suggested that the factors such as betterment of healthcare and declination of birth rate are the contributors for this trend. Hence, in response and preparation for this massive transition, the country must come up with pre-emptive solutions and plans in approaching this inevitable trend. The development of housing, for instance, must comply with certain specific requirements to cater the need of the older generation (elderly) who are frailer and more fragile in nature.

Comparing with the regulations from other developed countries with regards to retirement villages, Malaysia is seen as falling behind. For instance, New Zealand has its own specific law for retirement villages called as the Retirement Villages Act 2003 which is more exhaustive and reliable. In fact, this Act is also supplemented by other subsidiary Acts, i.e., the Retirement Villages (Disputes Panel) Regulations 2006 and Retirement Villages (Fees) Regulations 2006, leaving no lacunae in the regulation of their retirement villages. Australia, as a giant country has some comprehensive laws for their retirement villages where it is enacted according to regions. Hence, as compared to other countries, the development of framework for retirement villages in Malaysia must be placed at the forefront to step up the game of the tourism industry.

There is a concern that Malaysia only has half the time from what English and Germany have to address the issue, due to rapid growth of the population as well as lack of expertise for preparation in approaching the Silver Tsunami (Chew Seng Kok & Joseph Chong, 2018).ⁱ Thus, this research is conducted to address the flaws in the current legislation of retirement

village, in addition to come out with specific framework of Islamic retirement village. The outcome shall be comprehensive, accentuate on all relevant issues such as facilities, ownership, fees, disputes, guideline for developers, operators and stakeholders, taxes and others. The researcher believes that the paper will benefit the tourism industry in Malaysia, and the community in general, by providing guideline for the development of Islamic retirement village.

This study is divided into several parts. It begins with Part 1, the Introduction which highlighted the current scenario related to retirement village in Malaysia, the research gaps, its problems and the scenario in other countries such as New Zealand and Australia. Part 2 will discuss the literature on elderly (older generation), its meaning, statistical reports on elderly in Malaysia, and the protection needs by the elderly. Part 3 will proceed with a discussion on retirement village, existing legislations available in Malaysia, i.e., the Care Centres Act 1993 and Family and Community Development and the Private Healthcare Facilities and Services Act 1998. The Private Aged Healthcare and Services Act 2018, and also retirement planning in Malaysia. Discussion will also be made on laws governing retirement village in New Zealand and Australia. Part Four will discuss the existing legal framework governing retirement village in Malaysia i.e., the Care Centres Act 1993 and Family and Community Development and the Private Healthcare Facilities and Services Act 1998, The Private Aged Healthcare and Services Act 2018 as well as statutes from New Zealand and Australia in order to formulate the framework for Islamic retirement village. Part Five (5) is the main contribution of this study. Alongside the discussion on retirement village this part will highlights the Shari'ah components (i.e., Muslim friendly concept) in retirement village in Malaysia. Lastly, Part 6 will discuss the prospect of Islamic Retirement Village as a new tourism product in order to attract more people particularly from the Islamic countries to choose Malaysia as their retirement village (Malaysia AS MY 2ND HOME).ⁱⁱ

ELDERLY (OLDER GENERATION)

An aging population is defined as one in which those aged 65 years and above make up at least 15 percent of the total population. According to a statement by Malaysia's Chief Statistician

on July 2019, the 15 percent threshold would be crossed in 2030 (R. Hirschmann, 2020).ⁱⁱⁱ The past ten years have seen a change in Malaysia's age structure. The share of the population between 0 to 14 years had been decreasing steadily, while the inverse was true for those aged 65 and above. The average age of the Malaysian population reflected this trend, and was expected to reach 34.1 years in 2030, up from 28.2 years in 2015. At present, (M. Mafauzy, 2000)^{iv} the number of Malaysians aged 60 years and above is estimated to be 1.4 million and is projected to increase to 3.3 million in the year 2020.^v The percentage of the population that is 60 years and over has also increased over the years - 5.2% in 1970, 5.7% in 1990 and 6.3% in the year 2000. Apart from an increase in the aged population, the aged are also living longer as evidenced by an increase in life expectancy (M.Mafauzy, 2000).^{vi} Malaysia officially became an ageing country this year with the percentage of its population aged 65 and above hitting 7.5%. We are predicted to be an aged society by 2044, when 65-year-olds and above make up 14% of the population (Dina Murad, 2020).^{vii} The World Bank forecast shows that Malaysia's ageing process will occur at a much faster pace than in some European countries and Australia, but at similar speed to that in other countries in East Asia and the Pacific, such as China, Japan, Singapore and Thailand (Dina Murad, 2020). Statistics show that Perak is currently the state with the largest proportion of people aged 60 and above at 15.3%, followed by Penang at 14.9%, Melaka at 13.9%, Perlis at 13.1% and Kedah at 12.8%. By 2040, Penang will be in first place at 26.2% followed by Kuala Lumpur at 24.5% and Selangor at 22.4% (Dina Murad,2020).^{viii}

It is perceived that Malaysian society would not be ready to meet the needs of a rapidly aging society. In a survey on aging, more than 70 percent of Malaysian respondents felt that it was the duty of the young to take care of the elderly. This mindset places the burden of care on a shrinking base of young people. Not only that, it could contribute to the underdevelopment of social services for the elderly. Already, more Malaysians seemed pessimistic about aging. Existing problems such as a lack of professional caregivers, affordable care, and elderly-friendly housing, especially in rural areas, need to be quickly addressed before the silver tsunami overwhelms the country (R. Hirschmann, 2020).^{ix}

Research shown that population ageing has been on the policy agenda for over a decade, and it will become a more important policy issue in the future. The age distribution of Malaysia's

population had changed dramatically from 1970 to 2010 where the percentage of the population aged less than 20 years old had decreased by 18.3 % from 55.6 % in 1970 to 37.3 % in 2010. On the other hand, the share of elderly population (age 60 years or over) had increased from 5.5 to 7.9 % for the same period. The proportion of elderly is projected to reach 16.3 % of the total population by the year 2040. Furthermore, the old age index of Malaysia's population has grown from 11.7 in 1970 to 28.7 in 2010. Malaysia is expected to become an ageing nation by the year 2030 where the elderly population comprises 15 % of the total population. (Saharani Abdul Rashid, et. all, 2016).^x

The main aim in the care of the elderly is to maintain the quality of life by assisting them to have a full life for as long as possible. There are other factors apart from medical that influence the quality of life of the elderly - such as work, retirement, income, housing, family, community and leisure activities (M. Mafauzy, 2000).^{xi} A research conducted by an academician from Universiti Sains Malaysia (USM) identified that the elderly who are most affected by Covid-19 are those in the low-income group (Dr Saidatulakmal Mohd, June 2020).^{xii} It is said that with a relatively high number of the elderly living in poverty and vulnerable to poverty, coupled with the fact that a considerable percentage of the elderly have inadequate retirement savings, older people are either dependent on family support or are still working either formally or informally.

Hence, old age social wellbeing, protection and care services for older persons will become increasingly crucial. Aside from the earlier research findings, this study will highlight the necessary steps and recommendations to be taken in order to ensure the older generation are well taken care of and reducing the possibility of them living uncertain life after reaching 60 years old. Unlike the earlier study which highlighted the importance of financial stability for the elderly, this study will discuss the importance of providing retirement village with certain requirements in order to meet the special needs of the elderly on attaining the old age. This is particularly fundamental to those who have to live without any support from their family members. This study will also discuss the need for the relevant government agencies to be proactive in looking for mechanisms and any possible solutions in order to address problems that might occur following the increase of ageing populations in Malaysia.

RETIREMENT VILLAGE

The annual Retirement Index, a list compiled by popular magazine International Living.com, has crowned Malaysia as the fifth best retirement destination in the world in 2018 (The Star, (2018). With such a world-class recognition, positive direct impact may be expected towards Malaysia tourism industry. More people from all over the globe will be attracted to visit or settle down in this exquisite tropical country, which includes, the retirees whom seeking for peaceful settlement to ageing with grace. Hence, the market for retirement villages would be booming with high demand in the near future (K. Begum, 2017). With only several retirement villages scattered in this country, more development of this type of housing is expected to rise in the near future.

According to the 2017 Global Muslim Travel Index (GMTI),^{xiii} Malaysia soar on the upmost position as the world's best Muslim travel destination. Being recognized as a progressive Muslim country, it is seen as an opportunity to incorporate the Shariah compliance concept into the retirement villages towards the development of Islamic retirement villages, in which, if managed to be developed, would be the one of its kind in this world. Such development would not only motivate Malaysian high-skills workers and expatriates living overseas to return to their native country, but also becoming an incentive for other fellow Muslims from all over the world to reside in Malaysia, providing advancement towards government program MALAYSIA MY 2ND HOME (MM2H).^{xiv}

The concept of retirement village encompasses a living arrangement for the retirees within a large landscaped ground or campus style, in which not only provided suitable place to live, but also composed with various communal facilities and services within the needs and capabilities of elders (Hu, Xia, Skitmore, & Buys, 2015).^{xv} This type of housing is popular among developed countries, inter alia, New Zealand, Australia, the United States of America, Germany, Japan and Switzerland. In first world countries, retirement village is considered as the best place to spend the rest of the life with proper monitoring and security. A retirement village is not to be confused with daily care or nursing home, which the former is the concept of home ownership and independent living while the latter is an organization built for taking care of the elders who need daily assistance. The concept of retirement village is still unpopular

among Malaysian, where elders would refuse to relocate into new housing, considering it to be too much hassle. Research paper by Mansor, Maon, & Ahmad (2016)^{xvi} has determined the attracting factors for living in retirement village, i.e., the facilities, environment, lifestyle and healthcare. Understandably, retirees whom are more vulnerable in nature required a better housing planning to cater their specific need.

To this day, there are several retirement villages in Malaysia such as The Green Leaf (Sepang),^{xvii} AraGreens Residence (Ara Damansara),^{xviii} Green Acres (Ipoh),^{xix} Eden-on-the-Park (Kuching),^{xx} Little Japan,^{xxi} Nobel Care retirement Resort,^{xxii} and Sri Seronok (Cheras)^{xxiii} which main target and objectives are to provide leisure, comfort, social wellbeing which among others focus on medical and health care facilities, lifestyle, club house, live in maids, shopping facilities, and other physical activities. Nonetheless none of these retirement villages offers facilities that meet the needs of Muslim retirees. It is timely that the developer should include in their development plan amenities for Muslim retirees.

At present, the only retirement village that cater to the needs of Muslim retiree is the *pondok* institutions. It is established for elders looking for Islamic way of retirement experience by merging retirement housing with learning institution. However, the existing *pondok* institutions are not as promising in term of facilities and services if compared to a proper retirement village. The finding of a research to investigate the satisfaction level of residents in *Pondok Darul Maab*, Pahang, built exclusively for retirees, has resulted in positive overall satisfaction except for certain services like healthcare which is crucial among elderly (Hanif, Wan Abd Aziz, Mohd Aini, Wenjia, & Hua, 2018).^{xxiv} The respondents in that particular research also wish for improvement in house design, mobility, aesthetic, health aspect, security, elderly-friendly spaces and affordability. On the other hand, the research from a retirement village in Australia has shown a high level of satisfaction among the residents in all identified aspects including the built environment, the financial, services, social environment and more (Kennedy & Coates, 2008).^{xxv} A survey in retirement village in New Zealand focussing on several aspects such as comfort, privacy, dignity, meaningful activities, relationship and more also set a high satisfaction values among residents (Yeung, Good, O'Donoghue, Spence, & Ros, 2018).^{xxvi} It is to be noted that both Australia and New Zealand have comprehensive laws to govern the

establishment of retirement villages in their countries. Unfortunately, Malaysia does not have a specific law for that matter.

The idea of Islamic retirement village, while maintaining the basic requirement on the establishment of the common retirement village, also embedded religious component to encourage Muslim retirees to devote towards Islamic teaching. The facilities included therein must be in conformity with the Islamic guidelines. Some of the important components towards an Islamic retirement village, which must be embedded in its implementation are the preservation of physical vitality, mental capacity, sleeping and resting facilities, basic necessities of food and drink, mercy and love, elevations of sensitivity, and priority given to women (Majid, Hamidi, & Denan, 2013).^{xxvii} In addition to that, a mosque or *musolla* (Muslim prayer room) must be built as the heart of the retirement village, cum a centre of social activities and religious worshipping (Majid et al., 2013). With the exception of *pondok* institution for elders, other retirement villages in Malaysia do not incorporate spiritual environment in their establishment. For Muslims, Islamic learning institution must be established to strengthen one's faith in preparation for the afterlife. Indeed, seeking knowledge is important in Islamic teaching, regardless of age, as per first revelation of Quran pertaining Allah's command to believers to seek for knowledge by reading. The revelation of Surah al-'Alaq verse 1 is as follows:

Read! In the Name of your Lord Who has created (all that exists).

(Quran, 96:1)

Retirement planning in Malaysia

The discussion on the term retirement varies among researchers from different field and interest of studies. While there are multiple indicators, the common understanding of retirement refers to one's withdrawal from the paid working life, either voluntarily or otherwise, usually during older age (Denton & Spencer, 2009).^{xxviii} Snell and Bohlander (2007)^{xxix} have classifies one's carrier development into five stages, i.e., the preparation period (age 0 to 25), the organizational entry period (age 18 to 25), the early career and adaptive period (age 25 to 40), the midcareer and promotion period (age 40 to 55), and finally the retirement period (age 55 onwards). With

regards to retirement age in Malaysia, the Minimum Retirement Age Act 2012 (MRA Act) provides that the minimum retirement age for private sectors are 60 years old. On the other hand, the government sectors have undergone several changes for the last decade in terms of the minimum retirement age, from 55 to 56 in 2001, 58 in 2008 and eventually to 60 in 2012 (Kaur & Tan, 2017). Indeed, the decision for such amendment is contributed by the fact in which life expectancy of the society is increasing in these recent years (Henkens et al., 2018).^{xxx} Nevertheless, research has shown that the decision to raise the retirement age to 60 is favoured by the workers due to financial instability (Wahab, 2015).^{xxxii}

Retirement does not necessarily occur for attaining retirement age. While it is indeed the main reason, a study among Malaysian retirees has recognized other factors for retirement such as suffering health problem, having enough financial stability to support retirement life, and finally, wanting to spend more times with family (Noar, n.d.).^{xxxiii} Financial is a very critical aspect, in which it may allow one to retire early and settle down or force one to work beyond the norms. In planning for retirement life, private sectors in Malaysia opted for Employee Provident Fund (EPF), where a determined amount of money will be separated from the salary and kept away until retirement in which the sum will be used later to sustain during the golden age. The civil servants may also opt for EPF or rely on the pension. Despite such arrangement, it could be observed in research by Abdul Samad and Kari, in which EPF money is insufficient to cushion for a desirable retirement life. Other research has shown that the awareness of Malaysian on retirement planning is still low, being considered as a non-immediate concern, making one delays in making saving or contributed less than it should be (Ibrahim, Norhidayah, & Isa, 2012).

Traditionally, retirees in Malaysia will expect to live with their adult children who apparently becoming their caregiver. The usual norm of parents and children relationship in Malaysia is strong and affectionate. A study among elders in Malaysia has shown that most respondents aged 60 and above want to live with their family, especially when they are sick and unable to live independently (Alavi, Sail, Idris, Samah, & Omar, 2011).^{xxxiiii} While there are obligation ties between parents and children, some may not have the choice to provide the anticipated living arrangement. With modernization and globalization, informal support system is no longer a practical move, where the adult children have their own career and might not have

enough earning to provide support to their old parents (Alavi, 2013).^{xxxiv} In the end, children end up sending their parents to nursing home or worst, abandon them. Hence, a research on living arrangement for retirees shall be conducted, one that shall provide them with comfort and care towards their fragile condition. In fact, the religious text itself taught on obligation to treat elderly with kindness. Allah mentions in the Quran in the Surah Al-Isra' (The Journey by Night) in verses 23-24:

Your Lord has commanded that you worship none but Him, and that you be kind to your parents. If one of them reaches old age with you, do not say to the word of disrespect, or scold them, but say a generous word to them. And act humbly to them in mercy, and say, "My lord, have mercy on them, since they cared for me when I was small."

(Quran, 17:23-24)

LEGAL FRAMEWORK

In many advance countries such as Japan, Germany, New Zealand, Australia, and United States, a retirement village is seen as the best option for living a purposive independent life. The existence of thorough framework has led to a successful development of this retirement village. In Malaysia, however, the existing frameworks are not as comprehensive, in addition to low awareness about this type of housing, making it less popular among the retirees.

In Malaysia, elderly is referred to a person aged 60 years old and above. This definition was adopted based on the UN World Assembly on Aging in Vienna^{xxxv} and it has been accepted by many researchers. In Malaysia, there are several policies that have direct or indirect application to the elderly. However, there is no specific law and regulations regarding to the elderly in our country (SUHAKAM, 2012)^{xxxvi}. There have been a number of national policies put in place for the elderly in Malaysia, as the following:

- i. National Health Policy for Older Persons 2008
- ii. National Policy and Plan of Action for Older Persons 2011
- iii. National Advisory and Consultative Council for Older Persons

Relevant laws in place that protect the rights of older persons on the other hand are:

- i. Employment Act 1955: Employment (Part-Time Employees) Regulations 2010
- ii. Minimum Retirement Age Act 2012
- iii. Domestic Violence Act 1994
- iv. Care Centre Act 1993

Care Centres Act 1993

The Care Centre Act 1993 in Malaysia is a guideline that sets out the requirements for the registration, control and inspection of care centres and for matters connected therewith. This Act was introduced to ensure the requirement of care and services at the care centres are maintained. The content of the Act is as the following:

- (1) Preliminary/ Definitions on Term and Interpretations
- (2) Registration of the Care Centres
- (3) Responsibility of the Care Centres Officers
- (4) Miscellaneous, Penalty and Exception

The Private Aged Healthcare and Services Act 2018

Malaysia's Healthcare National Key Economic Area estimated that the country will reach ageing nation status in just 10 years, with more than 15% of the population being aged 60 and over by then. The Private Aged Healthcare Facilities and Services Act 2018 ("the Act") was gazetted on 29 March 2018 to provide a more holistic regulatory environment for elderly care in Malaysia and ensure that all private healthcare centres and services are licensed and regulated. This would be the first time a specific law has been introduced to regulate and protect the standards of care for the elderly in Malaysia. The Act would apply to both residential and day care facilities. ^{xxxvii}

Law of retirement village in other countries

Law plays significant roles in maintaining balance and ensuring society to function in orderly mannered. In Merriam-Webster, law is defined as “a binding custom or practice of a community: a rule of conduct or action prescribed or formally recognized as binding or enforced by a controlling authority” while administrative law is “law dealing with the establishment, duties, and powers of and available remedies against authorized agencies in the executive branch of the government”.^{xxxviii} In ascertaining the functions of law, a scholar paper from 1972 was referred, stressing on seven major functions which are; to legitimize government institution, to allocate power on the government, to order society through codes and guidelines, to control individuals and maintaining peace by taking legal action transgressors, to address conflicts, to uphold justice, and serve as instrument to effect social change on individuals or society towards (David A Funk, 1972).^{xxxix} Hence, an administrative law with regards to retirement village refers to the regulations passed solely for the governance of retirement village matters including the establishment, duties and powers of developers, administrators, property owners and all involved parties. The laws safeguard the community ensuring a smooth operation of a retirement village. In developed countries, retirement villages have been around for decades, providing lengthy opportunity for the authorities to come out with the best laws to govern this institution. The different laws from various developed countries are explained as follows:

- New Zealand

The Land of Kiwi, despite being considered as a remote country due to its geographical location on the southern hemisphere, is indeed a developed sovereign nation with practical laws to protect their people. The Ministry of Housing and Urban Development of New Zealand is the responsible agency for all matters relating to the development of residential housing including retirement villages. Retirement Village Act 2003 (the Act) serves as the main law governing the whole operation of the retirement villages in New Zealand. It was brought into implementation in October 2003, addressing controversies like confusion over contracts and injustice with the monthly fees (Grant, 2006). The Act itself cover a range of operations, from definition of retirement villages, documentation, title, and various protection towards resident’s

right before, during and after their stay (Ministry of Housing and Urban Development, 2018). In addition, the responsibilities of the operators were also underlined under the Act, with the supplementation of Financial Markets Supervisors Act 2011, in which the retirement villages must be registered and operated in accordance with the guidelines mentioned therein. Other subordinate laws include Code of Practice 2008 to ensure consistency with regards to management of retirement villages throughout New Zealand, Retirement Villages (Disputes Panel) Regulations 2006 for entertaining disputes between residents and operators, Retirement Villages (Fees) Regulations 2006 for financial matters, and Retirement Villages (Crossdale Courts) Order 2008 which declares a specific property known as Crossdale Courts to be a retirement village.

- Australia

Australia is another country located on the southern hemisphere of the world. Unlike its neighbour, New Zealand, this ginormous country does not have unified law with regards to retirement villages. The laws on retirement villages varies throughout the states, namely, Victoria, Western Australia, South Australia, New South Wales, Queensland, and Australian Capital Territory.

In the State of Victoria, matters of retirement village are govern by the Retirement Villages Act 1986 which focussing on the rights and powers of the residents, village owners and managers (Consumer Affairs Victoria, 2019). In addition to that, the Retirement Villages Amendment (Records and Notices) Regulations 2013 and the Retirement Villages Amendment (Contractual Arrangements) Regulations 2013 were enacted to assist the contractual obligations.

In Western Australia, the administer of retirement village matters is placed under the Consumer Protection Division of Department of Mines, Industry Regulation and Safety. The first regulation introduced in this region is called Retirement Villages Act 1992 was however, very basic and has been amended multiple times throughout its implementation (Cousins, 2017). Under this act, statutory review was required after 10 years of commencement. The Final Report made over 100 recommended reforms for change. While it is still undergoing constant reviewing and updating process, to this day, three packages of changes has been finalise in

reformation, known as Retirement Villages Amendment Regulations 2015, Fair Trading (Retirement Villages Code) Regulations 2015 and Retirement Villages Amendment Regulations 2016 (Department of Mines, 2019).

South Australia has recently implemented their own law for governing retirement village, known as Retirement Villages Act 2016 (SA) effective on 1st January 2018 (Legal Services Commission of South Australia, n.d.). The said law, under the administration of The Department for Health and Ageing through the Office for the Ageing (OFTA) seek to balance the consumers right and interest of operators. Among the field of improvement addressed in the latest enacted laws includes disclosure statement, premises condition report, residence contract, fees, meetings and voting, various rights, as well as offences and penalty (Department for Health and Ageing, n.d.).

Another state in Australia which has undergone reformation in its retirement village law in these recent years is New South Wales. The Retirement Villages Amendment Act 2018 was introduced to remedy the inadequacy of the previous Retirement Villages Act 1999. The change which are intended to be brought into practice are emergency plans and safety inspections, annual emergency evacuation exercises, meeting to explain village contract information to residents, rules of conduct for operators, asset management plans and others (Marsh, D'Apice, & D'Apice, 2019). Another important component on the reformation is the appointment of Retirement Village Ambassador to inform, listen, advocate, and monitor matters pertaining to 653 retirement villages throughout the state (Department of Finance, Services and Innovation NSW Government, 2018).

The reformation trend continues in the state of Queensland, advancing towards the betterment of the existing law, Retirement Villages Act 1999 (Qld). Under the Department of Housing and Public Works, the Housing Legislation (Building Better Futures) Amendment Act 2017 was passed to amend the previous law. Some of the amendments in the first phase, dated on February 2019, includes on the issue of residence contract and disclosure documentation, village funds, reinstatement and renovation work, valuing and reselling a right to reside, disputes, and others (Gorman & Lowe, 2018). Other than that, the Health and Other Legislation

Amendment Act 2019 also has been passed, providing better consumer protection for freehold interest (Department of Housing and Public Works of Queensland, 2019).

The retirement villages in Australian Capital Territory (ACT) are administered by their local law which is Retirement Villages Act 2012. As the law is relatively new governed under the Ministry for Justice and Consumer Affairs, it is functional well with only minor amendments required to ensure the smoothness of the operation, solving internal disagreement and beneficial for both residents and operators (Senior Australian News and Research, 2016).

MUSLIM FRIENDLY COMPONENT

(Traditional Islamic educational institution (*pondok* system))

In Islam, the acquisition of knowledge is highly encouraged. Knowledge is considered as a blessing and becoming guidance towards the righteous path. In fact, it is an obligation upon Muslim to seek for knowledge which becomes a lifelong process. While education is associate towards one development throughout life, the participation in knowledge seeking during the older phase is related to psychological wellbeing. Research has shown that one will feel the sense of completeness in life through education during the golden period, by connecting the early phase of life to the current days (Luppi, 2009).^{xi} Further study by Narushima, Liu, & Diestelkamp (2018)^{xli} reinstate the benefit of lifelong education towards psychological wellbeing through active involvement in community-based learning programme which resulted in positive reinforcement towards the participants. Above all, seeking for knowledge is the command of Allah, with promising rewards in the afterlife for those who devoted their life to follow this path, as mentioned in the hadith narrated by Abu Hurairah, carries the meaning as follows:

If anyone pursues a path in search of knowledge, Allah will then by make easy for him a path to paradise; and he who is made slow by his actions will not be speeded by his genealogy.

(Sunan Abi Dawud 3643)

The branches of knowledge are practically endless. For Muslims, the elders prefer to deepen their knowledge in religious matter, aiming to be a better Muslim and increasing one's faith, with hope to be rewarded with paradise. Usually, this was done in a non-formal setting of education in mosque or *musolla* by religious preachers. However, Islamic learning in a formal setting does exist, apart from the one taught in university or college, there is an institution known as *pondok* system which is one of the oldest for traditional or orthodox Islamic education in Malaysia. *Pondok* came from the Arabic word "*Fundug*" which means place or shelter (Muhd Fauzi Muhamad et al., 1992).^{xliii} Usually, the institution is built up of several temporary shelters or huts and classes. Hence, it is commonly known by the local as *pondok*. Lead by religious teacher often known as Tuan Guru, *pondok* institution accept full time students as well as elderly who are interested in Islamic studies (Mohd Mahadi Mydin and Noor Sufiza Ahmad, 2014). Roslan et al. (2012)^{xliiii} has classified the attendees for the *pondok* education into two groups; the receivers and the listeners. The receivers are normally the full-time student, aiming to become scholars in the future, by attending all classes with proper books and learning materials. The listeners on the other hand, as the name suggest, are those who come only to hear the lessons, usually the elders.

The *pondok* system, despite being an excellent religious knowledge institution, has a major drawback, which is lack of facilities for the students. With limited financial source, usually through some fees, or through certain funds, the administration of *pondok* could not provide the most comfortable experience for the attendees (Farahdina Fazial & Zakaria Bahari, 2018).^{xliv} Hence, this institution is more suitable for occasional visit for learning purposes among elders rather than staying at the *pondok* itself. Majid et al. (2013)^{xlv} in their research, have compared the facilities in several *pondok* and retirement villages in Malaysia. Indeed, while *pondok* focus more on learning facilities and place of worship, retirement villages are more oriented towards leisure and health facilities. Realizing the importance of both worlds for elders, the merging of these two institutions is possible to bring the Islamic retirement village, providing a proper living experience with the benefit of integrated religious learning institution.

Malaysia as the preferred retirement destination (MALAYSIA MY 2ND HOME PROGRAMME (MM2H))

Purchasing a second home away from the hustle and bustle life is not uncommon in today's world, especially among Europeans and Americans. While travelling has become more affordable, some retirees choose other countries to settle down and unwind during their retirement years. The Ministry of Tourism and Culture (MOTAC) has taken an initiative to introduce Malaysia My 2nd Home (MM2H)^{xlvi} programme in respond towards this trend. Historically, as early as 1996, Malaysia has initially come up with Silver Hair programme, promoting this country as retirement destination. Later in 2002, MM2H was introduced, replacing the Silver Hair programme, with a much lenient policy, abolishing the minimum requirement age, which open up possibilities for even a financially independent non retiree to migrate to Malaysia. Up to August 2018, over 40,000 applications throughout the world for this MM2H programme have been approved (Sulaiman, 2018).^{xlvii} This program was targeted among developed and developing countries, among others, are from Japan, China, Iran, Bangladesh, United Kingdom, Pakistan, India, Singapore, and Australia (K. M. Wong & Musa, 2014).^{xlviii} The participants would contribute to the country's revenue by becoming a taxpayer. It has been reported that as at August 2017, the MM2H has contributed to RM13 billion to Malaysia's economy (Ching, 2019).^{xliv}

Malaysia has received diverse crowds and dubbed as one of the most popular retirement destinations in the world. Some of the main factors which becomes the candy towards pulling people into this country includes no language barrier, local friendliness, great climate, political stability, safe from natural disaster, excellent medical services and attractive currency rate (Abdul-Aziz, Loh, & Jaafar, 2014).¹ The study by Wong, Musa, & Taha (a) (2017)^{li} has identified more pull and push factors among MM2H participants in deciding to choose Malaysia as their retirement destination. Focusing on the pulling factor, the research has underline additional qualities of this country which includes the attractiveness of this country's beauty, peaceful living environment, hassle free retirement scheme, affordable living cost, availability of numerous food choice, and many more. Hence, undoubtedly Malaysia possessed excellent qualities to attract foreign visitors towards its retirement scheme. Jayaraman, Khu, & Kiumarsi,^{lii} has mentioned in their study that Malaysia, albeit aggressively promoting

MM2H, still have to compete with neighbouring countries such as Thailand, Philippines and Australia whom promoting the same scheme as well. Establishment of retirement home scheme particularly the Islamic Retirement Village would benefit hugely on this program, providing a proper place for retirement with suitable facilities, and securities from the proposed regulatory framework.

CONCLUSION

Malaysia requires a proper legal and administrative framework for retirement villages, notably on Islamic retirement villages, to ensure a clear guideline in facilitating the development of conducive and cohesive accommodation ecosystem for the retirees in accordance to the religious guidelines. The development of retirement villages requires proper and detail planning. This issue could be addressed with a proper legal administration framework and policy. The regulations from other developed countries such as New Zealand (the Retirement Villages Act 2003) and Australia which is more exhaustive and reliable could be adopted in order to enhance the existing legal framework in Malaysia. In terms of administration, the existing *pondok* system could be used as a model for the modern Islamic retirement home which is believed to have distinctive similarities with the proposed Islamic retirement village in term of the operation. the development of Islamic retirement villages, would be the one of its kind in this world. Such development would not only motivate Malaysian high-skills workers and expatriates living overseas to return to their native country, but also becoming an incentive for other fellow Muslims from all over the world to reside in Malaysia, providing advancement towards government program MALAYSIA MY 2ND HOME (MM2H). Besides, Malaysia will become the global reference centre for the regulatory framework, policy, and guidelines for Islamic retirement village. Finally, this study will serve as a platform for further research with regards to development of Islamic retirement village in Malaysia.

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^{xvii} The Green Leaf was developed by a group of retired professionals and managers who shared a common desire to retire in a lifestyle resort environment - yet remain empowered to age with grace and dignity within a supportive community, designed as an activity-based destination resort with a full range of amenities and facilities, The Green Leaf aspires to: Create a resort lifestyle environment which is safe, friendly and of the highest standards of service. Incorporate design features that are disabled-friendly with healthcare facilities to meet the special needs of the aged. Implement environmentally sustainable green development Develop a socially sustainable and vibrant community. Enhance the physical & mental 'wellness' of the retirees and encourage self-development and fulfilment., for more info please see <http://www.greenleafretirement.com/index.php?sc=OurConcept>

^{xviii} A healthcare-inspired development with lots of design considerations for the elderly. As a senior living development, AraGreens benefits from this healthcare background. By design, AraGreens will be able to not only accommodate aging in place through the typical design features one would expect (wheelchair access, properly designed bathrooms, etc.), the development will also feature an integrated medical block that will offer a nursing home with added dementia care (operated through a JV with a Japanese nursing home operator), a clinic, pharmacy and TCM. As of now, they do not have a home healthcare component, something that could easily change as their customers age in place and require intermediate levels of caregiving that go beyond the abilities of the locally available live-in maids. Further info see <https://homecare.onedaymd.com/2017/09/best-retirement-homes-malaysia.html>

^{xix} Catering to the elderly who wish to enjoy an independent life away from their families, Green Acres was inspired by Australian retirement villages. The theme for Green Acres is not just unique, but its “tenancy agreement” is also out of the ordinary. These homes cannot be bought or sold; they can only be leased for life from the developer. In Phase 1, prices of the lifetime lease ranged between MYR 300,000 to 452,000, where the only recurring fees that residents need to pay are maintenance fees and sinking funds. Green Acres will sit on 10 acres of land with only 170 units of homes available, and a clubhouse that is meant to serve as a community centre. It is said that the upcoming Phase 2 of the development will cater to the less independent elderly. Further info see <https://homecare.onedaymd.com/2017/09/best-retirement-homes-malaysia.html>

^{xx} Eden-On-The-Park’s Integrated Senior Lifestyle and Care Residence Resort are based on proven models in Australia and New Zealand. Their “Continuum of Care” concept guides and tracks resident over time through a comprehensive array of health services spanning all levels of intensity of care. The Senior Lifestyle Resort is developed to enable a rapidly growing population of senior citizens in the country to continue living independently and productively. Eden-on-the-Park is designed to provide friendly, secured, safe and a conducive living environment among friends supported by state-of-the-art services and professional care. It is a lifestyle concept to promote wellness among residents enabling them to age in place and with dignity. Further info see <https://homecare.onedaymd.com/2017/09/best-retirement-homes-malaysia.html>

^{xxi} As an attractive new or second home for high-net-worth Japanese who are attracted to Malaysia's lower cost of living and balmy climes. Some have also been spooked by the natural disasters back home and the overstretched safety net for Japan's ageing population. For further info see <https://homecare.onedaymd.com/2017/09/best-retirement-homes-malaysia.html>

^{xxii} The new model of retirement resort provides comfortable, relaxing and cheerful living for parents and grandparents. It is a concept of personalised living, that accords its guests personal freedom, dignified living, with the assistance of friendly and round-the-clock skilled staff, akin to butler services. Noble Care professionals have developed an innovative model of resort-like living for the retired and elderly community, moving steps ahead of assisted living, disease management, 24-hour nursing care and emergency care services. Further info see <https://homecare.onedaymd.com/2017/09/best-retirement-homes-malaysia.html>

^{xxiii} The units are rented to the residents and the rent pays for the upkeep of the village while the balance is used to repay the Archbishop for the original cost of construction. According to Mooney, the village only accepts residents who are able to live independently. “Residents are free to move around and go out to the shops and restaurants nearby. Further info see <https://homecare.onedaymd.com/2017/09/best-retirement-homes-malaysia.html>

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