



**DEVELOPING HALAL TOURISM GUIDANCE IN INDONESIA
BASED ON MAQĀṢID AL-SHARĪ'A APPROACH**

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Abstract: The increase of the tourism sector in the world, including Indonesia having various lands and cultures, will captivate tourists' attention. On the other side, with the majority Muslim population, Indonesia should keep its culture and tradition within the Islamic framework. This paper aims to develop Halal tourism in Indonesia by employing the *Maqāṣid al-Sharī'a* approach in four sectors: hotel, restaurant, tour, travel, and SPA. These sectors are the point of development of Halal tourism in Indonesia based on the Ministry of Tourism and Creative Economy regulation. This study explored the theories related to the five universals of *Maqāṣid Al-Sharī'a*, including the preservation of *din* (religion), life, intellect, descendants, and wealth. The analysis results indicate that if the four sectors are used in the five universals of *Maqāṣid Al-Sharī'a*, the implementation of Shariah tourism is about the Shariah label and the substance of the Shariah objectives. This study guides the developing halal tourism in Indonesia based on Islamic teachings, that is *al-Darūriyyat al-Khams* on *Maqāṣid Al-Sharī'a*.

Meningkatnya sektor pariwisata di dunia, sebagaimana di Indonesia yang kaya akan tradisi dan budaya, akan memberikan hiburan dan pemandangan yang menarik bagi para wisatawan. Di sisi lain, Indonesia yang mayoritas penduduknya beragama Islam harus tetap menjaga budaya dan tradisinya dalam kerangka Islam. Makalah ini bertujuan untuk mengembangkan pariwisata Halal di Indonesia dengan pendekatan *Maqāṣid Al-Sharī'a* pada empat sektor, seperti hotel, restoran, tour and travel, dan spa, sektor-sektor tersebut merupakan titik pengembangan pariwisata Halal di Indonesia berdasarkan Kementerian Pariwisata dan Ekonomi Kreatif. Untuk mencapai tujuan penelitian ini

adalah penelitian kualitatif dengan menggali teori-teori yang berkaitan dengan lima penjagaan *Maqāṣid Al-Sharīa*, yaitu pelestarian din, pelestarian nyawa, pelestarian akal, pelestarian keturunan dan pelestarian kekayaan. Hasil penelitian menunjukkan bahwa jika keempat sektor tersebut digunakan dalam lima penjagaan pada *Maqāṣid al-Sharia*, maka implementasi wisata syariah tidak hanya sekedar label syariah, tetapi juga substansi dari *Maqāṣid Al-Sharīa*. Kontribusi penelitian ini memberikan pedoman untuk mengembangkan pariwisata halal di Indonesia berdasarkan ajaran Islam, yaitu berdasarkan *al-Darūriyyat al-Khams* pada *Maqāṣid Al-Sharīa*.

Keywords: *Halal Tourism; Development; Maqāṣid Shariah.*

INTRODUCTION

In the following years, the trend of Halal tourism in Indonesia has become one of the peculiar phenomena for tourism activators. The term '*Halal Tourism*' or other similar terms used in many countries, such as Islamic tourism, become familiar among most Muslim travelers and the minority of non-Muslim as a tourism product. This phenomenon also leads the government to highlight this term and view it as a new opportunity to develop the tourism sector based on Islamic principles and values in Indonesia¹. One of Halal tourism destinies chosen by the Indonesian government is Lombok Island in West Nusa Tenggara, Aceh, Padang, Riau, and Yogyakarta.

Indonesian government targets some potential areas to be developed into Halal tourism. For example, Kudus, one of the regions in Central Java, is potential for Halal tourism destinations, such as Masjid Kudus supported by accommodation such as Halal hotel providing a Prayer room (*Musalla*), the Qur'an put in every room, as well as halal foods and beverages for visitors. Also, Pratiwi stated that Yogyakarta was one area with great potential to become one of the Halal tourism destinations from its destination products and service quality².

On the other hand, Permanasari concluded that Manado could be selected as one of the Halal tourism destinations based on attractive destinations, accommodation, and accessibility³. Another potential region is Lombok, located in West Nusa Tenggara Province, awarded in The World Halal Travel Awards as World's Best Halal Tourism Destination in 2015⁴.

Indonesia has a rich natural panorama and is the largest Muslim population country in Asia, potentially attracting local and foreign tourists visiting Indonesia.

¹ Ade Suherlan, "Persepsi Masyarakat Jakarta Terhadap Islamic Tourism," *The Journal of Tauhidinomics* 1, no. 1 (2015): 61-72.

² Ade Ela Pratiwi, "Analisis Pasar Pariwisata Syariah di Kota Yogyakarta," *Jurnal Media Wisata*, 14, no. 1 (2016): 345-62.

³ Ika Kusuma Permanasari, "Laporan Akhir Kajian Pengembangan Wisata Syariah," (*Jakarta: Kementerian Pariwisata* 2015), November 2015, 2.

⁴ Mulyono Jamal dkk, "Implementasi Wisata Syariah Lombok Dalam Perspektif Maqashid Syariah," *IAIN CURUP* 4, no. 2 (November 2020): 150-51, <https://doi.org/10.29240/jhi.v4i2.1002>.

Implementing tourism based on Shariah values and principles in Indonesia can increase the welfare of the community. In Lombok, Halal tourism positively impacts the interest of souvenir producers and sellers in Mataram City⁵. Besides, halal tourism also has a significant effect on tourists' satisfaction visiting one of the regions in Indonesia, namely Banda Aceh City, with a level of influence of around 58.4%⁶.

Viewing the great potential of Indonesia that can implement halal tourism, an operational standard referring to the objectives of Shariah is needed. Masful argued that Halal tourism could be developed without losing its essence in Islamic values in tourism objects⁷. Chookaew differently viewed tourism based on Shariah or Conventional rules. He stated that Halal tourism should be determined from the halal (allowed) and haram (forbidden) facilities and services⁸. Mulyono et al. said that Halal tourism is related to the five universals of *Maqāṣid Al-Sharī'ah*, namely preservation of religion, life, intellect descendants, and wealth, which must be implemented into Halal tourism⁹. Akmal addressed that Shariah is made to direct humans on living in the world without sacrificing Islamic principles¹⁰.

The early Muslim jurist like Imam Ghazali said that everything must be the goal of the Shariah so that everyone can measure the level of Shariah, whether it is worthy or not within the framework of the life, mind, and property preservation are among the *Maqāṣid Al-Sharī'a*¹¹. Imam Syathibi stated that Allah puts Shariah to all His servants and promotes the *maṣlahat* of Shariah in the world and akhirah¹². Imam Ibnu 'Ashur mentioned that the *Maqāṣid Al-Sharī'a* is generally to preserve the life system of humans and the sustainability of *maṣlahat*, including intellect, work, and everything in the world¹³. Supported by 'Izz bin 'Abdussalam that said Allah Almighty put the Shariah only for the benefit of a servant in the world and the hereafter and as a form of virtue for his servants¹⁴.

⁵ Husna Dwi Dayana, "Pengaruh Wisata Syariah Terhadap Kesejahteraan Masyarakat Pelaku Usaha Cinderamata di Kota Mataram" (UIN Mataram, 2017). 14.

⁶ Fajar Peunoh Daly, "Pengaruh Wisata Halal Terhadap Kepuasan Wisatawan Berkunjung Ke Kota Banda Aceh," *UIN AR Raniry*, 2018, 88.

⁷ Mila, Falma Masful, "Pariwisata Syariah: Suatu konsep kepercayaan dan Nilai Budaya Lokal di Daerah Pedalaman Pilubang, Payakumbuh, Sumatera Barat," *THE MESSENGER* 9, no. 1 (2017): 1-8.

⁸ Chookaew S, "Increasing Halal Tourism Potencial at Andaman Gulf In Thailand For Muslim Country," *Journal of Economics Business and Management*, 2015, 739-41.

⁹ Mulyono Jamal dkk, "Implementasi Wisata Syariah Lombok Dalam Perspektif Maqoshid Syariah", 147.

¹⁰ Haerul Akmal, "Konsep Walimah Dalam Pandangan Empat Imam Madzhab," *Jurnal Tarjih* 16, no. 1 (2019): 21-33.

¹¹ Abdurrahman Yusuf Abdullah al Qordhowy, *Nadzoriyyatu Maqoshid as Syari'ah baina Ibnu Taimiyyah wa Jumhurul Ushuliyyin*, 1 ed. (Cairo University: Qismu Syariah, 2000). 60.

¹² Ahmad Ar Raysun, *Nadzoriyyatul Maqoshid 'Inda al Imam as Syathibi* (al Ma'had al 'Alamy al Fikri al Islamy, 1995). 344

¹³ Muhammad Thahir bin 'Ashuro Hamid al 'Alam, *Maqoshid Syari'ah al Islamiyyah* (Al Ardan: Daar an Nafais, 2001). 273.

¹⁴ Ahmad Ar Raysun dkk, *Huquq al Insan Mihwar Maqoshid Syari'ah* (Qatar: Wazaratul al Auqof wa As syuun al Islamiyyah, 2002). 71.

Therefore, Halal tourism should be developed based on five necessities of *Maqâsid* to sustain the *maşlahat* of Islamic ummah, specifically and generally in the world and the afterworld (*akhirah*). *Maşlahat* of the world is everything having benefits to humanity that can keep it away from various diseases, harms, and considerable damages in the world and the hereafter¹⁵.

Regarding the five necessities of *Maqâşid*, this study attempted to revitalize the halal tourism management system based on the five essentials of *Maqâşid*, which are the reasons for the application of Shariah or Islamic laws. Halal tourism in Indonesia is developed blindly without a clear concept but by implementing Shariah to avoid harming the other tribes, cultures, and religions. The scope of this study was in line with the four sectors set by the Ministry of Tourism and Creative Economy, namely hotel, restaurant, tour and travel services, and spa. By running the four industries of Indonesian tourism based on *Maqâşid Al-Sharī'ah*, everyone, either the tourism actor or the tourism community, is expected to reach prosperity and happiness in the world and the hereafter based on the promise of the Shariah or the Shariah Maker (*Shâri'*).

LEGAL BASIS AND THE THEORY OF FIVE NECESSITIES OF MAQĀŞID

In the arrangement of *Maqâşid of Darūriyyat*, the preservation of *Dīn* is prioritized in the first among the other four preservations. It is the arguments of *jumhur ushuliyyun*, that said preserving on *Dīn* (religion) has the objective in achieving the eternal happiness and the other preservations are intended to achieve and, or to safeguard the faith as mentioned in Surah al-Dzariyat, 56: "And I did not create the jinn and humanity except to worship Me"¹⁶. Ismail Habib also conveyed the same thing. Preserving religion is the highest and most important among the other preservations¹⁷.

The argument that is the basis for the five aspects of preservation is as expressed by Muhammad Thahir bin 'Ashur that he said some of the scholars of Usul made the following verse of the Qur'an as the basis for the five aspects of preservation of *Maqâşid*¹⁸.

Ibn 'Ashur adds that the verse is not only for women but also for men. From the side of meaning in this verse, '**do not make partners other than Allah,**' is a manifestation of religious preservation, like also not stealing is the way to preserving religion against property, not adultery as the preservation of descendants, not killing and not lying are preservation for the Life.

¹⁵ Ahmad Ar Raysun dkk, "Huquq al Insan Mihwar Maqoshid Syari'ah," t.t., 81.

¹⁶ Nuruddin Mughtar Khomidi, *Maqoshid as Syari'ah wa Subul Tahqiquha fil Al Mujtama'at al Mu'ashiroh* (Malaysia: Jami'ah al Islamiyyah al 'alamiyyah, 2006). 230-231.

¹⁷ Muhammad Bakr Ismail Habib, *Maqoshid Syariah Tafshilan wa Taf'ilan* (Mesir: Idaroh Da'wah wa Ta'lim, 2002). 307

¹⁸ Zain bin Husein bin Muhammad Al 'Idrus, *Al Mudakhal Ila 'Ilmi Maqoshid Syari'ah* (Yaman: Daar al 'Idurs, 2014). 22.

As explained in the previous verse, the verse is also intended for all Muslims; the prohibition of worshipping without Allah and doing good to both parents is aimed at the preservation of religion, proscription of killing children and committing heinous acts is to protect the offspring and reason, the prohibition not to kill a life without unjustifiable reasons is aimed at preserving the Life itself. The ban on eating the property of orphans is safeguarding the property.

Thus, the Qur'an gives pieces of evidence that the Shariah is stipulated and enforced on earth for all humankind, not mere a regulation, but as a way of life protecting our faith that their religion, life, mind, offspring, and property, which will impact to their welfare and happiness in this world and the hereafter. Therefore, the study attempts to find out the meaning of the five necessities of maqâsid Shariah related to the practice of tourism.

1. Preservation of *Dîn*

Shariah has confirmed there are two sides to the preservation of *Dîn* (Religion), namely being (*wujūd*) and non-being (*'adam*). On the first side, Allah confirms that Islam is the only true religion and protects it from various kinds of damage caused by destroyers. Islam, as a perfect religion (*Dîn*), commands us to believe in Allah, his angels, his books, his Messenger, the Day of Judgment, and fate and destiny (*qaḍā`* and *qadar*). The five pillars of Islam preserve our faith in religion, believing in *Shahâdatayn*, establishing prayers, paying zakat, fasting during the month of Ramadan, and performing hajj to Baitullah for those who can afford it. Also, Prophet Muhammad, peace be upon him, command us to invite people embracing Islam without coercion, and jihad is to enforce the words of Allah Almighty. These are all examples of preserving *Dîn*. By then, it can be concluded that what is meant by the side of being is all forms of commands that must be carried out by every person (Muslim), either obligatory (*wâjib*) or recommended (*sunnah*)¹⁹.

On the side of non-being, all prohibitions in Islam, like hostility, murder, and underestimating religious teachings, humiliate its laws and weaken religion. Like committing sin, approaching evil matters, apostate from religion, and committing *shirk* or worshipping without Allah Almighty as the highest sin for Muslim people. All those actions can damage and expel a person from his religion. Besides, preservation of religion is performed by carrying out the five pillars of Islam, having faith and saying the *Shahâdatayn*, that prevent the damage if *'aqidah* that will occur and impose sanctions on those who call for something new, which the Holy Prophet did not teach²⁰. Concerning the preservation of *Dîn* (Religion), the

¹⁹ Maqoshid Syariah Tafshilan wa Taf'ilan, "Muhammad Bakr Ismail Habib," t.t., 317.

²⁰ Muhammad Sa'id Ramadhan al Buthy, *Dhowabith al Maslahah fi Ash Shari'ah al Islamiyyah* (Damaskus: Muassasatu ar Risalah, 1973). 119.

Qur'an emphasizes someone should take the way as a form of guarding against religion, namely in Surah al-Hajj verse 78, which means:

“And strive for Allah with the striving due to Him. He has chosen you and has not placed upon you in the religion any difficulty. [It is] the religion of your father, Abraham. Allah named you “Muslims” before [in former scriptures] and in this [revelation] that the Messenger may be a witness over you, and you may be witnesses over the people. So establish prayer and give zakah and hold fast to Allah. He is your protector, and excellent is the protector, and perfect is the helper.”

2. Preservation of Life

In making the objective of being (*wujūd*) in maqâsid Shariah can be realized and promoted in life, the Life must exist that can punish something, which will return to the Life while there is a problem. This is why humans were created on the earth as the vicegerent (*Khalifah*) of Allah. Hence, Allah al-Mighty gives a special gift to the human life, so that he was created with their two hands, the angels bow down to them, and they can control everything on the air and in the sea, as a form of pleasure and virtue for that Life, with the intention that they are grateful and always remember his Lord in every situation and condition. This is then the biggest reason why Islam preserves Life and does not allow someone to destroy it. Therefore, Islam preserves Life from two sides, the side of being and non-being²¹.

On the side of *wujūd*, Islam preserves lives by requiring men to marry women, aiming to preserve and sustain the offspring in marriage. On the other hand, Islam also commands the Life to eat and drink, to wear clothing and have a place to live, and other conditions that make Life is live. Furthermore, Islam commands parents to feed their children, husbands to support their wives, and a mother breastfeeds her child. So, it can be seen that this side of the form is related to the orders that must be done for the survival of Life. Meanwhile, from 'adam, Shariah prohibits Life from destroying itself, prohibits all things that can harm it, such as not eating food that can damage it and improperly killing another life. By then, it can be said that in the side of 'Adam by forbidding anything that can disturb or destroy the Life²².

Meanwhile, according to al-Buthy, the Shariah protects Life by legalizing food, drink, and shelter, which can be a factor for human survival and regulates *diyat* and *qishos* penalties for people who have killed other human lives. This is how the Shari'a keep the Life²³.

²¹ Maqoshid Syariah Tafshilan wa Taf'ilan, “Muhammad Bakr Ismail Habib.” 314

²² Maqoshid Syariah Tafshilan wa Taf'ilan. 317

²³ Muhammad Sa'id Ramadhan al Buthy, *Dhowabith al Maslahah fi Ash Shari'ah al Islamiyyah*. 119

3. Preservation of Intellect

Intellect is essential in human life because a person knows a God by utilizing the intellect/ mind and His commandments and prohibitions. Therefore, Islam pays attention to reason and preserves it with the side of *wujūd* and *'adam*. On the side of *wujūd*, Islam commands every Muslim to study, makes knowledge mandatory for every Muslim, and explains the position and virtues of those who know. Meanwhile, from the side of *'adam*, Islam prohibits everything that corrupts the mind, such as drinking *khamr* and everything that can be intoxicating and cause loss of mind. Hamid al-'Alami added that Shariah provides *hudūd* for those who drink intoxicating drinks, preserving the Intellect²⁴.

To preserve the intellect from various harm, the Qur'an commands Muslim people are avoiding food and drink that can destroy the mind. Maintaining the reason from the damage is to prohibit all things that can harm or destroy the human intellect as mentioned in Surah al-Maidah verse 90: "O you who have believed, indeed, intoxicants, gambling, [sacrificing on] stone alters [to other than Allah], and divining arrows are but defilement from the work of Satan, so avoid it that you may be successful."

4. Preservation of Offspring

Islam also preserves the offspring from two sides of *wujūd* and *'adam*. As for the side of *wujūd*, he orders him to do an action that can make it sustainable in the future. Therefore, Islam requires a person to get married. Moreover, from the side of *'adam*, Allah requires laws to protect the offspring from loss, absence, and diminution. This starts from holding back your eyes, finally to punishment for adulterers and all kinds of clothing that can damage the offspring, such as marriages performed by ignorant people and *nikah mut'ah*. In other words, Islam requires marriage, *nafaqah*, *haḍānah*, and forbids adultery²⁵.

To preserve the offspring, the al-Qur'an prohibits the actions approaching adultery, as mentioned in Surah al-Isra, 32: "And do not approach unlawful sexual intercourse. Indeed, it is ever an immorality and is evil as a way." In other verses is also mentioned in Surah al-Nur verse 32: "and marry the unmarried among you and the righteous among your male slaves and female slaves. If they should be poor, Allah will enrich them from His bounty, and Allah is all-Encompassing and Knowing."

5. Preservation of Wealth

Like other preservations, Islam also preserves wealth on the side of *wujūd*, and *'adam*. On The Side of Wujūd, Allah requires seeking wealth and multiplying

²⁴ Yusuf Hamid al 'Alami, *Maqhosid al 'Ammah Li as Shari'ah al Islamiyyah* (Riyadh: Ad daar al 'Alamiyyah lil Kutub al Islamiy, 1994). 162.

²⁵ Muhammad Sa'id Ramadhan al Buthy, *Dhowabith al Maslahah fi Ash Shari'ah al Islamiyyah*. 120.

it by looking for a living on earth like farming, producing, trading to meet daily needs. As for *'adam*, Allah requires everything to protect the wealth itself from losing or damaging property or causing damage to it on earth. So Allah Almighty forbids the enmity caused by it, especially if the owner of the property is weaker, does not give the property to people who cannot use it. Allah Almighty forbids stealing and punishing thieves, just as Allah forbids usury, and is careful of the consequences caused by property such as greed, stingy, and using it for immorality²⁶. Shariah also prohibits the act of exploiting people's wealth without their knowledge (*Ghasab*), *qaṭ'u al-tāriq*, fraud, consuming someone's property in an immoral way, obliging to replace borrowed goods damaged by someone whether intentional or not²⁷.

In their research, Haerul Akmal et al. concluded that the concept of preserving tourism could be carried out in two aspects, namely by *iktisāb* and distribution. *Iktisab* is carried out by working by the guidance of the Shariah and leaving all forms of work that are not by the direction of the Shariah, such as robbing, stealing, cheating, hoarding, etc. Also, what is meant by distribution is employing *zakat*, *infaq*, and *sadaqah*, intended for people who need it²⁸.

Thus, it can be concluded that what is meant by safeguarding religion is believing in Allah and upholding the three pillars of religion, namely, Islam, Iman, Ihsan. In guarding the Life, everyone is obliged to protect the Life from various damages, for that his needs in the form of food, clothing, and a place to live must always be fulfilled so that he can maintain his survival. In terms of guarding reason, Islam requires everyone to protect their intellect by learning and studying and to prevent things that can destroy them, such as intoxicating drinks. The care for offspring is done by requiring marriage, caring for the children properly to develop and have offspring. Moreover, in safeguarding property, a person is obliged to find a property corrected by religion, not by justifying what haram is and what is forbidden is lawful, and allowing various kinds of *muamalat* between people²⁹.

FOUR HALAL TOURISM DEVELOPMENT SECTORS

The data from the Ministry of Tourism and Creative Economic states show us that four sectors of halal tourism development must be used as a reference in carrying out tourism based on Shariah's guidance. The four sectors are Hotels, Restaurant, Bureau, and Spa.

²⁶ Muhammad Bakr Ismail Habib, *Maqoshid Syariah Tafshilan wa Tafilan*. 332-335.

²⁷ Yusuf Hamid al 'Alami, *Maqhosid al 'Ammah Li as Shari'ah al Islamiyyah*. 163.

²⁸ Haerul Akmal, "Konsep Penjagaan Terhadap Harta Dalam Penerapan Wisata Syariah," *Jurnal Ijtihad* 14, no. 1 (April 2020): 9.

²⁹ Zain bin Husein bin Muhammad Al 'Idrus, *Al Mudakhal Ila 'Ilmi Maqoshid Syari'ah*. 23.

1. Hotels or Hospitality

Hotel or hospitality is one of the Tourism supports whose presence is one of the primary needs for tourists so that its existence in tourist destinations is mandatory. In general, a hotel can be defined as a place or building with many rooms rented out for everyone who needs lodging. In another sense, a hotel is also a form of accommodation managed by its owner commercially, by providing facilities in the form of services, lodging, food, and drink provided to each tenant. From this understanding, it can be concluded that hotels have a primary role in meeting the needs of Muslim and non-Muslim tourists, especially tourists from far away places or foreign tourists.

Based on data obtained from the tourism ministry, there has been a significant increase in Muslim tourists to Indonesia. According to Shariah, this then becomes one factor that encourages hotel managers to have standard services, meaning that it follows halal tourism services with hotels that have services. Anang Sutomo (Chairman of the Ministry of Tourism's Development Acceleration Team) said that hotels are conceptualized based on sharia are like existing hotels in every room³⁰.

Physically, what was conveyed by Anang was very accurate, but the researchers saw there were more fundamental things in implementing hotels with the concept of Shariah. Because in essence, the Shariah stipulated in Islam does not only bring up the label of Shariah, meaning that it is not limited to being implemented by Mukallaf, but some objectives must be maintained so that by preservation, a mukallaf can find a problem in his life. So that in the implementation of hotels with Shariah nuances, hotel managers must-see and refer to five aspects of preservation.

DSN MUI in 2016 has also established guidelines for implementing halal tourism, including hotels being one of the points of attention in the development of Islamic tourism. Therefore, a guideline is made in the management of halal hotels, including halal hotels that are not allowed to provide pornography and adultery facilities, must not provide entertainment that smells of idolatry and immorality, hotels must provide food and drinks labeled halal MUI, provide worship facilities, the clothes of employees must cover their awrat, must have guidelines for implementing halal hotels, and must cooperate with halal banking³¹.

Referring to the guidelines set by the DSN MUI in implementing halal hotels, the Researcher sees that there is a side of *Wujūd and 'Adam* in it, while the 'adam side is prohibited from providing pornography adultery, entertainment

³⁰ "Kemenparekraf Kembangkan Wisata Halal di 10 Destinasi Pariwisata," <https://ekonomi.bisnis.com/read/20191024/12/1162883/kemenparekraf-kembangkan-wisata-halal-di-10-destinasi-pariwisata>, 26 Oktober 2019.

³¹ DSN MUI, "Fatwa DSN MUI No 108 Tentang Ketentuan Pelaksanaan Pariwisata Syariah" (DSN MUI, 2016).

that smells of idolatry and immorality. Meanwhile, the *Wujud* side includes the obligation to provide halal food and drinks, provide worship facilities, cover awrat for employees, have guidelines for implementing halal hotels, and require hotels to collaborate with banks whose management is following halal.

On both sides (*Wujūd and 'Adam*), there is a prohibition on providing pornography and adultery facilities, this is under the purpose of implementing the Shariah, namely to protect the offspring, while the prohibition on the provision of entertainment which tends to act of *syirk* and immorality and provides adequate worship facilities aimed at preservation of *Dīn*. Jaser 'Auda said that preservation of *Dīn* is implemented with respecting the freedom of religion and belief³². The preservation of Intellect and life is contained in the obligations of halal hotels in providing halal food and drinks and the obligation for employees to cover their awrat. As for cooperation with halal banking does not guarantee the preservation of wealth because not all banks labeled as sharia carry out the provisions of sharia, protection of assets will be achieved if it is carried out following the theory of preservation of wealth, namely by investing a portion of income per year or donating it for the sake of increasing the welfare of the people, namely by setting aside a few percent of the income that has been earned per year. Of course, with an integrated management system. Thus halal hotels, which are in line with the concept of preservation five aspects, can improve the standard of living for the managers, but people who live with weak economic standards can also feel the results.

In addition, all provisions that serve as guidelines for implementing halal hotels should apply to hotels, and things such as covering one's awrat, bringing halal drinks and food, and prohibiting pornography and pornographic acts in hotels – also applied to guests who want lodging services in Islamic hotels. Thus, all aspects of the preservation of halal hotels are completed.

For more details, see the following table:

| Hotels | The Side of <i>Wujūd</i> | The side of <i>'Adam</i> |
|----------------------------|--|---|
| Preservation of <i>Dīn</i> | Providing prayer facilities in the room and outside the room | Abolish <i>As-Syirk</i> and khurafat facilities |
| Preservation of Life | Food and beverages have MUI halal certificate | Eliminate haram food and drink |
| Preservation of Intellect | Prohibit <i>Khamr</i> | Eliminate liquor |

³² Kuat Ismanto, "Developing Halal Tourism from Maqasid Sharia Perspective," *Jurnal Hikmatuna: Pascasarjana IAIN Pekalongan* 6, no. 2 (2020): 108, <https://doi.org/oi.org/10.28918>.

| | | |
|---------------------------|--|---|
| Preservation of Offspring | Provide clothes that can cover the awrat of employees and visitors | Eliminate access to pornography and adultery |
| Preservation of Wealth | Spend a portion of income for the benefit of the poor | Do not make transactions with <i>ribawī</i> banks |

Figure 1: *Aplication of Hotels on Maqāṣid Al-Sharī'ah.*

2. Restaurant

Restaurant is a critical sector of tourism. A restaurant at each tourist attraction will make it easier for tourists to meet their food needs while in a tourist attraction. Therefore, restaurant managers are required to provide adequate facilities, a varied menu, and friendly service to meet the needs of tourists. Concerning the development of halal tourism through one of these sectors, restaurants must fulfill five aspects of preservation, namely Din, life, Intellect, offspring, and wealth. That way, the restaurant will be one of the supporting factors for the sustainability of halal tourism.

In the preservation of Din, restaurants must have full attention to providing religious facilities for Muslim tourists, inviting Muslim tourists to pray in the congregation when prayer time has arrived, and not presenting anything that smells of *syirk*. In preservation the life and Intellect, restaurants are not allowed to sell food and drinks that can roast visitors and prohibit all visitors from bringing food and drinks that are haram for consumption. In the preservation of offspring, the restaurant should prohibit all visitors who have not had an unclear relationship, so that the restaurant is not used as a place for adultery for both of them, requires employees always to cover their awrat when serving visitors, and provides more facilities for the guest's non-Muslim visitors in the form of clothes that can cover their awrat while in the restaurant, or by providing a special place for them, and denying access to pornography or pornographic content or adultery. It can also be with the protection of human dignity and human right³³. Preserving wealth, restaurants are required to invest or donate part of the income earned for the survival of orphans, excluding building taxes paid to the regions and not making transactions with *ribawī* banks. That way, it will create prosperity for business people, visitors, or tourists to feel safe, and those in need will feel the benefits. Therefore, the researcher tries to summarize that there are two sides that restaurants must fulfill on halal tourism, namely the side of *Wujūd* and *'Adam*. On the side of *'adam* restaurants may not provide access to *syirk* as a form of preservation of din, may not provide *haram* food and intoxicating drinks as a form of preservation of life and Intellect, in guarding the descendants of restaurants,

³³ Kuat Ismanto. 109.

they must not grant access to adultery, and as a form of preservation wealth, restaurants may not be associated with ribawi banks and withhold their profits for the restaurant's interests. Whereas on the would side, in order for religion to be maintained, restaurants are required to provide worship facilities for visitors, provide *halal* food and drinks for the sake of preserving their life and Intellect, obliging employees to cover their awrat and providing facilities for covering their genitals for non-Muslim visitors for the sake of preserving their descendants, and providing extravagance. Of course, part of the income to the orphans is managed by a trusted agency or institution.

Thus, a restaurant concept for sharia tourism will be created following the objectives of implementing sharia, as shown in the following table:

| Restaurant | The Side of <i>Wujūd</i> | The side of ' <i>Adam</i> |
|----------------------------|--|--|
| Preservation of <i>Dīn</i> | Providing worship facilities and stopping services at prayer times | Removing accesses of <i>syirk</i> , worship other than Allah |
| Preservation of Life | Provide food and drinks that are halal for consumption | Eliminate haram food and drink according to the Sharia |
| Preservation of Intellect | Provide food and drinks that are halal for consumption | Eliminate haram food and drink according to the Sharia |
| Preservation of Offspring | Providing aurat covering costume for employees and visitors | Eliminate access to pornography and porno-action or adultery |
| Preservation of Wealth | To save part of the income for the poor | Do not make transactions with <i>ribawi</i> banks |

Figure 2: *Aplication of Restaurant on Maqāṣid Al-Sharī'a.*

3. Travel Agency or Services

To travel agencies or services, according to DSN-MUI fatwa, it has been determined that someone who opens travel services for tourists, especially for halal tourism objects, should organize tour packages following Shariah principles, have a list of accommodation and tourist destinations that are following Shariah principles, have a list of halal food and beverage providers who have MUI halal certificates, use the services of Shariah financial institutions in providing tourism services, both banks, insurance financing institutions, guarantee institutions,

and pension funds, managing funds and investments must comply with Shariah principles, must have a travel guide that can prevent acts of shirk, khurafat, immorality, adultery, pornography, porno-action, liquor, drugs, and gambling³⁴.

Researchers see, at least in the provision of travel services in Islamic tourism objects, several things must be considered to follow the objectives of implementing Shariah, namely by maintaining five aspects of preservation. As in previous sectors, to achieve the goal of implementing Shariah, travel agencies must implement provisions following the objectives of implementing Shariah.

In this case, the researcher sees from two sides, namely the side of *wujūd* and the *'adam*. Referring to the MUI DSN fatwa, that what is meant by the would side is to hold a tour package following Shariah principles, the bureau is obliged to have a list of restaurants that provide food and beverages that have MUI halal certificates, the travel agency should cooperate with Islamic financial and financing institutions has a list of tourist objects that are far from the elements of syirk, immorality, adultery, and alcohol. While on the *'adam* side, even though it was not listed in writing, the researchers saw a ban on travel agents to travel tourism objects that did not prevent accesses of syirk, adultery, and immorality and prohibited travel agents from taking tourists to restaurants that did not provide food and halal drink.

Based on the five aspects of preservation, the travel agency should also stop its journey when prayer time arrives and make special trips to Shariah tourism objects. These namely tourism objects do not smell of syirk and khurafat as preservation of din, in collaboration with restaurants that have MUI halal certificates, that is, a restaurant that does not provide food and drinks except for halal ones as a preservation for the lives and intellect of tourists, so that protection for offspring can be achieved, travel agencies should not travel two couples who do not have a marriage bond, as well as providing unique clothes for foreign and local tourists that can cover their awrat while on the road, as well as for tour guides, and to achieve reservation of wealth, the travel agency should provide a few percent of the income earned for the benefit of the poor. Moreover, it may also be used for the development of tourist villages³⁵.

Thus, the aim of implementing Shariah will be achieved, especially in travel agencies, as one of the supports for the implementation of Shariah tourism, as in the following table:

³⁴ DSN MUI, "Fatwa DSN MUI No 108 Tentang Ketentuan Pelaksanaan Pariwisata Syariah."

³⁵ Ahsan Taqwiem, Ahmad Rofiq Zakaria, "Wisata Halal untuk Mencapai Pembangunan Ekonomi Masyarakat Desa dan Tujuan Maqashid Syariah (Studi Kasus pada Desa Wisata Pujon Kidul, Kabupaten Malang, Jawa Timur)," *Jurnal El Aswaq* 1, no. 1 (2020): 1-7.

| Travel agency | The Side of <i>Wujūd</i> | The side of ' <i>Adam</i> |
|----------------------------|---|---|
| Preservation of <i>Dīn</i> | Stopping service at prayer times, having a guide for implementing Islamic travel | Abolishing the journey to objects that contain elements of shirk and khurafat |
| Preservation of Life | Establishing relationships with restaurants or hotels that have MUI halal certification | Do not visit objects that can endanger the lives of tourists |
| Preservation of Intellect | Establishing relationships with restaurants or hotels that have MUI halal certification | Do not consume khamr during service. |
| Preservation of Offspring | Providing aurat covering costume for guides and tourists | Do not visit places of adultery |
| Preservation of Wealth | Donating part of the income to Ziswaf agencies or institutions | Hoard of treasure |

Figure 3: *Application of Travel Agency on Maqāṣid Al-Sharī'a.*

4. Spa

The spa is one of the sectors of development of halal tourism in Indonesia, whose existence is no less important than other sectors. In the MUI DSN fatwa, several provisions serve as guidelines in implementing spa on halal tourism. They are: should use halal materials and have a halal MUI label, avoid pornography and pornography, protect the honor of tourists, male consumers are served by male therapy and vice versa, there are facilities to worship at every therapeutic place or spa.³⁶

As with the previous three sectors, the provisions above are also divided into the would side and the 'adam side. The 'adam' side is seen in the prohibition of using haram therapeutic materials, the prohibition on presenting pornography, the prohibition against harming tourists, the prohibition of meeting two partners who are not mahrams. While the wujud side is in the command to use halal therapeutic materials, stay away from adultery, safeguard consumer honor, orders to serve male and female consumers by his mahram, and orders to provide means of worship for consumers.

³⁶ DSN MUI, "Fatwa DSN MUI No 108 Tentang Ketentuan Pelaksanaan Pariwisata Syariah."

To the five aspects of preservation, the researcher sees that the order to provide a means of worship is aimed at preservation *din*, using materials that are lawful and do not injure the life of tourists, is to achieve protection of the life, protection of offspring is contained in order to eliminate adultery and male consumers. Male therapists must serve men. Other than that, SPA managers should also not provide food and drinks that are not intoxicating for consumers while in the spa room. To attain reasonable care and preserve wealth, spa owners should invest a few percent of spa income to benefit orphans so that welfare can be achieved and felt by those who need it.

That way, the objectives of sharia tourism are achieved, which refer to the five aspects of preservation, as in the following table:

| SPA | The Side of <i>Wujūd</i> | The side of ' <i>Adam</i> |
|----------------------------|--|---|
| Preservation of <i>Dīn</i> | Provide worship facilities. | Stop the service at prayer times |
| Preservation of Life | Using halal therapeutic materials | Do not use therapeutic materials that are harmful to the life of tourists |
| Preservation of Intellect | Provide halal drinks | Eliminate khamr at service points |
| Preservation of Offspring | Male therapists serve male consumers, as well as women | Does not provide adultery access |
| Preservation of Wealth | To save a portion of income for the poor | Not hoarding income |

Figure 4: *Application of SPA on Maqāṣid Al-Sharī'ah.*

CONCLUSION

Implementing tourism that refers to implementing the Shariah, is not a very easy thing to do. Many provisions of the Shariah must be fulfilled following the five aspects of preservation.

In this case, the management of Islamic tourism has a significant role. Tourism managers must have religious basics that can support the ongoing process of halal tourism, not only managers that the central and regional governments must contribute in the form of regulations that support the creation of halal tourism.

Based on the five aspects of preservation, the four sectors of halal tourism development must at least be implemented under the provisions of the Shariah, namely by paying attention to the two sides, are the side of *wujūd* and the side

of 'adam. The side of *wujūd* is by carrying out all the commands prescribed in the Qur'an and Hadith, and side of 'Adam by abandoning all the prohibitions that have been set in the Qur'an and Hadith. All of them aim to achieve the purpose of the Shariah so that human beings can achieve a benefit in this dunia and akhirah.

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