

THE URGENCY OF MAQĀSHID AL-SHARĪĀ FOR HALAL TOURISM REGULATION IN INDONESIA

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Abstract

Halal tourism is one of the halal value chains that has experienced very significant development, not only in Muslim-majority countries but has penetrated into minority countries. Indonesia is also one of the drivers of halal tourism with various achievements achieved in the international arena, however, the regulation of halal tourism is still a polemic and there is no strong legal umbrella governing it. This research aims to see the urgency of maqashid sharia on halal tourism regulation in Indonesia. This research is a normative research with literature search method. Data obtained from journals, books, research relevant to the discussion are reviewed descriptively. The result of the research is that related to halal tourism in Indonesia there has been a MUI fatwa No. 18/MUI-DSN/X/2016 concerning Guidelines for the Implementation of Tourism Based on Sharia Principles and various other laws and regulations, but it has not fully given effect to tourism management and development, especially legal certainty. So in making regulations, the elements of maqashid sharia are needed, namely protecting religion, soul, mind, offspring and property which is the basic foundation because it is in line with the purpose of establishing halal tourism, namely the realization of maslahah and avoiding mafsadah which can be achieved by all related elements.

Keywords: Maqashid Sharia; Regulation; Halal Tourism

INTRODUCTION

Currently, the concept of halal has become a trend in the Islamic economic development in Indonesia. This trend is started with the emergence of various “halal” taglines. Halal products, such as food and beverages, cosmetics, clothing, and halal tourism, are commonly known as halal lifestyles. The halal lifestyle has not only developed in the majority of countries but has also become a trend in Japan, Australia,

Thailand, and various other minority countries.¹ Based on data compiled by the State of The Global Islamic Economy in 2022, which includes developments from the middle of the pandemic in 2020 to the third quarter of 2021, it is stated that despite the pandemic, the halal trend indicators showed good growth in financial services, halal food, clothing, media as well as halal tourism. According to this report, Indonesia ranks 4th out of the top 5 implementing countries for this ecosystem.²

Tourism is a quite promising business. In its development, the industry has become a prima donna on its own, both internationally, nationally, and locally.³ The tourism sector plays an important role in the economic development of countries in the world. The rapid development of technology and science has increasingly spurred competition in the tourism industry. The demand for welfare, in this case, the increasing human needs, continues to grow. Based on the presentation by the Minister of Tourism and Creative Economy, Sandiaga Salahudin Uno, at the year-end press conference of the Ministry of Tourism and Creative Economy, the number of foreign tourists visiting Indonesia until the third quarter or October 2022 has reached 3.92 million tourists. This number has significantly increased compared to 2021, which had only 1.56 million tourists. Minister of Tourism and Creative Economy, Sandiaga Salahudin Uno revealed that in 2022, the number of domestic tourists reached 633-703 million movements until October 2022, up from 603.02 million in 2021. In 2023, the Ministry of Tourism and Creative Economy targets a further increase to 1.2-1.4 billion movement.⁴ There are various forms of tourism, including panoramic tourism, cultural tourism, educational tourism (edu-tourism) and so on.⁵ Along with the development and models of the

¹ Hendri Hermawan Aginugraha and Mashudi, "Al-Maslahah Mursalah Dalam Penentuan Hukum Islam," *JIEI: Jurnal Ilmiah Ekonomi Islam* 4, no. 01 (2018): 63-75, <https://doi.org/http://dx.doi.org/10.29040/jiei.v4i1.140>.

² Dinar, "State of the Global Islamic Economy Report" (Dubai, 2022).

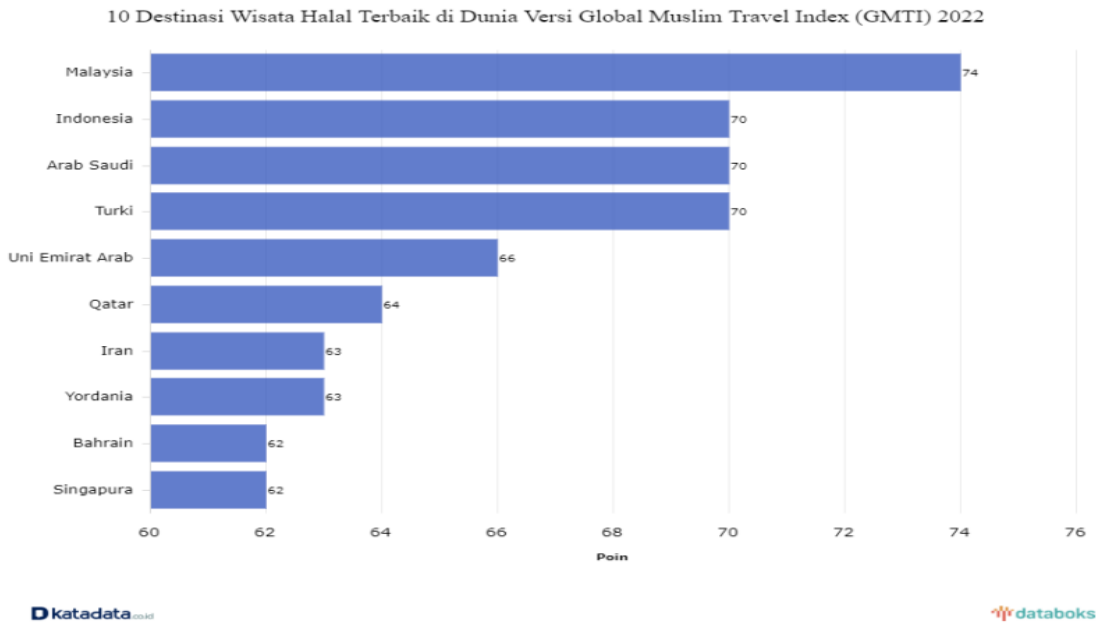
³ Kurnia Maulidi Noviantoro and Achmad Zurohman, "Prospek Pariwisata Syariah (Halal Tourism): Sebuah Tantangan Di Era Revolusi Industri 4.0," *Equilibrium: Jurnal Ekonomi Syariah* 8, no. 2 (2020): 275, <https://doi.org/10.21043/equilibrium.v8i2.8160>.

⁴ Untung Sutomo, "Hingga Oktober 2022, Jumlah Wisman Ke Indonesia Capai 3,92 Juta Orang," *Menpan*, 2022.

⁵ Erwin Akib, "Pariwisata Dalam Tinjauan Pendidikan: Studi Menuju Era Revolusi Industri," *Pusaka: Journal of Tourism, Hospitality, Travel and Business Event*, 2, no. 1 (2020): 1-7, <https://doi.org/10.33649/pusaka.v2i1.40>.

tourism industry, one of the current trends that has been the subject of pros and cons related to its development pattern is halal tourism.

Indonesia is one of the countries that has the potential for halal tourism because the majority of its population is Muslim. With this significant potential for halal tourism, Indonesia has achieved an international level. According to the Global Muslim Travel Index (GMTI) report in 2022, Indonesia's halal tourist destinations secured second place out of 138 countries. This position represents an improvement from 2021 when Indonesia was ranked fourth in the world.



Source: Databoks, 2022

Based on the data above, it aligns with the research conducted by Regina⁶ which highlights the prospects of Indonesian tourism for economic growth. Similarly, Heni⁷ that tourism potential in Lampung has been supported by four aspects, namely attractions, amenity, accessibility and ancillary. stated that the tourism potential in Lampung has

⁶ Regina Dewi Hanifah, "Potensi Halal Tourism Di Indonesia," *Jurnal Hospitality Dan Pariwisata* 1, no. 2 (2020): 51–70.

⁷ Heni Noviarita, Muhammad Kurniawan, and Gustika Nurmalia, "Analisis Halal Tourism Dalam Meningkatkan Laju Pertumbuhan Ekonomi Di Provinsi Lampung," *Jurnal Ilmiah Ekonomi Islam* 7, no. 1 (2021): 302, <https://doi.org/10.29040/jiei.v7i1.1574>.

been supported by four aspects, namely attractions, amenities, accessibility, and ancillary services. However, there are still shortcomings due to the lack of cooperation between the government and managers. In contrast, West Sumatra has been recognized as the best national halal destination due to its strategic development of sharia tourism as a leading sector. Also, there is an integrated movement that functions effectively with the district, provincial, and stakeholder governments.⁸

Likewise, in West Nusa Tenggara, the strong encouragement of the local government, the availability of many tourist destinations and worship facilities, and the Islamic orientation of the local population serve as the basis for the strength of developing halal tourism. However, there are drawbacks such as the low number of halal-certified businesses and not optimal provision of services for tourists.⁹ Furthermore, when developing the potential of halal tourism destinations in Kediri¹⁰, several obstacles are found, including the lack of intervention from the local government, resulting in no optimal development. However, positive impacts on the community around the location were also found. This is related to Muslim needs regarding halal tourism, so the government should support these needs by providing various forms of supporting infrastructure and regulations so that halal tourism is optimal.¹¹ However, textually, there are tourism regulations in Indonesia in general, specifically based on Law Number 10 of 2009 concerning tourism. As for halal tourism, it has been regulated in the DSN MUI Fatwa No. 108/MUI-DSN/X/2016.¹² Nevertheless, the regulation is still not specific and weak, so it still needs more concrete development.

⁸ Rimet Rimet, "Strategi Pengembangan Wisata Syariah Di Sumatera Barat : Analisis Swot (Strength, Weakness, Opportunity, Threat)," *Syarikat: Jurnal Rumpun Ekonomi Syariah* 2, no. 1 (2019): 50–61, [https://doi.org/10.25299/syarikat.2019.vol2\(1\).3702](https://doi.org/10.25299/syarikat.2019.vol2(1).3702).

⁹ Mariska Ardilla Faza, "Analisis SWOT Pariwisata Halal Provinsi Nusa Tenggara Barat," *Jurnal Manajemen Indonesia* 19, no. 1 (2019): 10–29.

¹⁰ Khairan and Imma Rokhmatul Asya, "Pengembangan Potensi Destinasi Pariwisata Syariah Dalam Meningkatkan Ekonomi Lokal Di Wilayah Kediri Jawa Timur," *Al-Mansyur: Jurnal EKonomi Syariah* 1, no. 2 (2022): 21–33.

¹¹ Lucky Nugroho, Wiwik Utami, and Caturida Meiwanto Doktoralina, "Ekosistem Bisnis Wisata Halal Dalam Perspektif Maqasid Syariah," *Perisai : Islamic Banking and Finance Journal* 3, no. 2 (2019): 92–104, <https://doi.org/10.21070/perisai.v3i2.1964>.

¹² Fahrur Ulum, "Inovasi Pariwisata Syariah Di Indonesia: Analisis Fatwa MUI No. 108/MUI-DSN/X/2016," *Tsaqafah* 15, no. 1 (2019): 103, <https://doi.org/10.21111/tsaqafah.v15i1.2905>; Wahyudin Darmalaksana and Busro Busro, "Pariwisata Halal Perspektif Ekonomi Syariah: Studi Takhrij Hadis,"

One of the fundamental values in the dimension of Islamic law is the matters formulated in the objectives of Islamic law (*maqashid al-shari'ah*), namely human happiness, which is described in the form of benefit, justice, pleasure, grace, and so on.¹³ *Maqashid syariah* is one of the branches of knowledge in Islamic law, which consists of two double pronunciations (*murakkab*), namely *maqashid* and *al-shari'ah*.¹⁴ *Maqashid syariah* can also be interpreted as the secrets behind the laws set by *sharia*, in the form of benefit for mankind, both in this world and in the hereafter.¹⁵ The relationship between *maqashid syariah* and *mashlahah* is very close because the aim of *maqashid syariah* itself is to achieve *mashlahah*.¹⁶

Furthermore, the regulations made must certainly collaborate with a combination of Islamic values and elements of tourism to create a complete and comprehensive guide. This collaboration ensures that the development of halal tourism achieves maximum benefits without compromising sharia compliance. Therefore, this research will discuss the importance of implementing *maqashid sharia* in the formation and implementation of regulations on halal tourism in Indonesia so that halal tourism can develop and remain in the corridors determined by Islamic law.

METHOD

This study was normative research with a library research method. The data was gathered from journals, books, and relevant research materials, which were reviewed descriptively. This descriptive study aimed to describe *maqashid sharia* on halal tourism regulations in Indonesia so the research approach used was a combination of phenomenology and syar'i normative juridical.

Masyarakat Pariwisata: Journal of Community Services in Tourism 2, no. 2 (2021): 99–108, <https://doi.org/10.34013/mp.v2i2.410>.

¹³ Sofyan Sofyan et al., "Islamic Law Legislation In An Effort To Reform Indonesia's National Law," *Al-Risalah Jurnal Ilmu Syariah Dan Hukum* 22, no. 1 (2022): 93–104, <https://doi.org/https://doi.org/10.24252/al-risalah.vi.28369>.

¹⁴ Husamuddin MZ and Harwis Alimuddin, "The Urgency of Maqāṣid Al-Sharīa in Strengthening Religious Moderation in Aceh," *Al-Risalah Jurnal Ilmu Syariah Dan Hukum* 22, no. 2 (2022): 105–20, <https://doi.org/10.24252/al-risalah.vi.29781>.

¹⁵ Khodijah, "Maqashid Syari'ah Dan Masalahah Dalam Ekonomi Dan Bisnis Syari'ah," *IQTISHADUNA: Jurnal Ilmiah Ekonomi Kita* 3, no. 1 (2014): 659–72.

¹⁶ Khodijah.

RESULT AND DISCUSSION

1. The Existence of Halal Tourism

Halal tourism is a tourism concept that adheres to the ethics and rules of Islamic law.¹⁷ According to Wahidati, as cited by Riska Destiana¹⁸ halal tourism is a concept that has just appeared in the industrial world, which offers package designs for tourist destinations in order to cater to tourists, especially Muslim tourists. The presence of halal tourism is inspired by the motivation in fostering a sense and religious value that exists in a Muslim tourist by visiting places of worship, historical sites, cemeteries, and other sites that have religious values for the religion they believe in.¹⁹ In addition to accommodating the lifestyle patterns of tourists during their vocations, halal tourism is considered flexible, rational, and balanced.²⁰

The concept of sharia tourism is a process of integrating Islamic values into all aspects of tourism activities. The value of Islamic law as a trust and confidence held by Muslims is a basic reference in developing tourism activities. Sharia tourism considers the basic values of Muslims in the presentation starting from accommodation and restaurants, which always refer to Islamic norms.²¹ Halal tourism began to be socialized around 2000 from the discussion at the Islamic Conference Organization (OIC) meeting.²²

Halal tourism is one of the tourism sectors that has developed quite well at the moment and has become a trend for tourists. Many domestic and foreign tourists are interested in halal tourism, such as inns or sharia hotels, halal culinary, and Islamic destinations.²³ The majority of Muslims in Indonesia can, of course, also apply the concept of halal tourism, even though it is

¹⁷ Nuhbatul Basyariah, "Konsep Pariwisata Halal Perspektif Ekonomi Islam," *Youth & Islamic Economic* 2, no. 01s (2021): 1–6.

¹⁸ Riska Destiana, Kismartini Kismartini, and Tri Yuningsih, "Analisis Peran Stakeholders Dalam Pengembangan Destinasi Pariwisata Halal Di Pulau Penyengat Provinsi Kepulauan Riau," *Jurnal Ilmu Administrasi Negara ASIAN (Asosiasi Ilmuwan Administrasi Negara)* 8, no. 2 (2020): 132–53, <https://doi.org/10.47828/jjanaasian.v8i2.18>.

¹⁹ Devitasari, M I Fasa, and Soeharto, "Analisis Pengembangan Wisata Halal Dalam Prospek Membantu Meningkatkan Perekonomian Di Indonesia," *Jurnal Bina Bangsa ...* 15, no. 01 (2022): 130–39.

²⁰ Abdurrahman Misno, "Analisis Praktik Pariwisata Syariah Perspektif Hukum Ekonomi Syariah," *Ad Deenar: Jurnal Ekonomi Dan Bisnis Islam* 2, no. 02 (2018): 135, <https://doi.org/10.30868/ad.v2i02.353>.

²¹ Hendri Hermawan Adinugraha, Mila Sartika, and Ana Kadarningsih, "Desa Wisata Halal: Konsep Dan Implementasinya Di Indonesia," *Jurnal Human Falah* 5, no. 1 (2018): 28–48.

²² Rahardi Mahardika, "Strategi Pemasaran Wisata Halal," *Mutawasith: Jurnal Hukum Islam* 3, no. 1 (2020): 65–86, <https://doi.org/10.47971/mjhi.v3i1.187>.

²³ Elpa Hermawan, "Strategi Kementerian Pariwisata Indonesia Dalam Meningkatkan Branding Wisata Halal," *Jurnal Ilmu Manajemen Dan Akuntansi* 7, no. 2 (2019): 87–95.

still below Malaysia. Halal tourism in Indonesia can be classified as very aggressive because, in just a few years, it has achieved dominance in various domains.²⁴ Thus, halal tourism is a comprehensive tourism, not limited to specific places but prioritizing the provision of facilities that can provide comfort and fulfill the needs of Muslim tourists during religion-based tourism.²⁵

The Minister of Tourism and Creative Economy has regulated the implementation of sharia tourism in Article 6 paragraph 1 Number 1 of 2016, which states that all implementation related to sharia tourism businesses must have halal certification issued by the DSN-MUI.²⁶ Several regulations related to sharia tourism in Indonesia are:²⁷

- 1) Regulation of the Minister of Tourism and Creative Economy of the Republic of Indonesia Number 2 of 2014 concerning Guidelines for Implementing Sharia Hotel Business.
- 2) Decree of the Minister of Tourism of the Republic of Indonesia Number KM.40/UM.001/MP/2018 concerning the Indonesian Halal Tourism Logo and the Halal Tourism Logo in Indonesia.
- 3) Law Number 33 of 2014 concerning Guarantees for Halal Products.
- 4) MUI Fatwa No. 18/MUI-DSN/X/2016 Concerning Guidelines for Organizing Tourism Based on Sharia Principles.

Some important aspects listed in the MUI Fatwa include:

- 1) There is a synergy between the government, local government, private sector and the community in implementing sharia tourism.
- 2) There are various contracts used in carrying out these services and business.
- 3) Must avoid *tabzir* and *israf*.
- 4) There are adequate prayer facilities.
- 5) Avoid various forms of pornographic activities, adultery, pornography, and illegal drugs.
- 6) Avoid polytheism and *khufarat*.

²⁴ Abdul Rachman, "Strategi Pengembangan Pariwisata Halal Dalam Meningkatkan Daya Saing Bisnis Pariwisata Indonesia," in *International Conference On Syariah & Law 2021 (ICONSAL 2021)*, vol. 6 th, 2021, 1-17.

²⁵ Akhmad Saufi et al., "Pariwisata Halal: Perlukah Rekonseptualisasi?," *Jmm Unram - Master of Management Journal* 9, no. 3 (2020): 305-14, <https://doi.org/10.29303/jmm.v9i3.580>.

²⁶ Fitratun Ramadhany and Ahmad Ajib Ridlwan, "Implikasi Pariwisata Syariah Terhadap Peningkatan Pendapatan Dan Kesejahteraan Masyarakat," *Muslim Heritage* 3, no. 1 (2018): 157, <https://doi.org/10.21154/muslimheritage.v3i1.1303>.

²⁷ Ulum, "Inovasi Pariwisata Syariah Di Indonesia: Analisis Fatwa MUI No. 108/MUI-DSN/X/2016."

- 7) It is directed at efforts to refresh so that it can reflect on the beauty of God's creation.
- 8) There are halal food and drinks and other facilities that have been guaranteed halal with halal verification, for example hotels, spas and saunas.
- 9) There is standardization and human resources that comply with sharia principles, and service guidelines are in accordance with sharia principles.

Important aspects in the Indonesian Council of Ulama (ICU) Fatwa can be indicated in guaranteeing the implementation of comfortable and blessed tourism and really functioning halal tourism as a means of calming oneself, enjoying nature, traveling and enjoying various facilities that can lead to benefit and avoid harm.

The development of halal tourism requires several strategic stages to be covered comprehensively in order to achieve the final goal effectively. The Minister of Tourism and Creative Economy formed a Halal Tourism Development and Acceleration Team (HTDA) to accelerate the development of halal tourism in Indonesia while at the same time integrating the promotion of halal tourism into the national tourism program.²⁸ Several strategies can be taken by the government in developing halal tourism in Indonesia:²⁹ First, socialization is carried out with the community and stakeholders, which can build the same perception among the people regarding halal tourism currently being developed by the government. Socialization can also provide awareness for the community in improving service and hospitality when with tourists. Second, there is an integration of infrastructure development carried out by the government with increased connectivity to tourist destinations. Third, the preparation of a law based on the results of research and development as a legal umbrella in the development of halal tourism in Indonesia. This is also a form of central government commitment and can be used as a reference for the development of halal tourism for local governments. Fourth, providing guidance to the community and ease of doing business in managing the opportunities that exist due to the development of this halal tourism provides a multiplier effect for the economy of the community around the tourist area while maintaining the preservation of nature and the environment. Then, in developing Muslim tourism, support is also needed from the aspect of information technology.

²⁸ Rachman, "Strategi Pengembangan Pariwisata Halal Dalam Meningkatkan Daya Saing Bisnis Pariwisata Indonesia."

²⁹ Nidya Waras Sayekti, "Strategi Pengembangan Pariwisata Halal Di Indonesia," *Kajian* 24, no. 3 (2019): 159-71.

In addition to providing promo information related to tourist attractions, it also provides a sense of comfort and efficiency for Muslim tourists because they already know faster information about the tourist sites to be addressed.³⁰

The concepts that must exist in halal tourism are:

- 1) The availability of guaranteed halal food and drinks;
- 2) The availability of proper and comfortable facilities for washing with water;
- 3) Facilities that make it easy to worship;
- 4) Products and services for businesses and tourist objects are conducive to a halal lifestyle.

In order to realize Indonesia as the center or mecca of world halal tourism, every halal tourism destination must comply with Islamic goals and principles. In addition, collaboration and cooperation between academics as problem solvers and originators of concrete development strategies is also needed with the government as the foundation for the development and promotion of various tourism destinations in Indonesia through various infrastructure renovations, promotions, the availability of human resources, especially business actors and making tourism a main program at the Minister of Tourism and Creative Economy.³¹

2. Maqashid Sharia on Halal Tourism Regulations

An understanding of *Maqāshid al-Syariah* has many benefits for a Muslim in terms of understanding and practicing Islam.³² Recognizing *Maqāshid al-Syariah* is the same as recognizing the virtues of Islam. With *Maqāshid*, Muslims can become more interested and love Islam more, and may even encourage non-Muslims.³³ In general³⁴, scholars provide an overview of the *Maqāshid al-Syariah* theory. *Maqāshid al-Syariah* must be centered and based on five points of

³⁰ Pedro Cuesta-Valiño, Fadoua Bolifa, and Estela Núñez-Barriopedro, "Sustainable, Smart and Muslim-Friendly Tourist Destinations," *Sustainability (Switzerland)* 12, no. 5 (2020): 1-13, <https://doi.org/10.3390/su12051778>.

³¹ Noviantoro and Zurohman, "Prospek Pariwisata Syariah (Halal Tourism): Sebuah Tantangan Di Era Revolusi Industri 4.0."

³² Abdi Wijaya, "Dimensi Ilahi Dan Dimensi Insani Dalam Maqashid Al-Syariah," *Al-Risalah* 15, no. 2 (November 2015): 214-21, <https://doi.org/https://doi.org/10.24252/al-risalah.v15i2.844>.

³³ Abd Rauf Muhammad Amin, "Implementation of Maqasid Al-Syariah Contemporary Perspective," *Journal of Social Transformation and Regional Development* 2, no. 3 (2020): 189-200, <https://doi.org/10.30880/jstard.2020.02.03.023>.

³⁴ Musolli Musolli, "Maqasid Syariah: Kajian Teoritis Dan Aplikatif Pada Isu-Isu Kontemporer," *AT-TURAS: Jurnal Studi Keislaman* 5, no. 1 (2018): 60-81, <https://doi.org/10.33650/at-turas.v5i1.324>.

benefit, namely preserving religion (*Hifz al-Din*), preserving the soul (*hifz al-nafs*), preserving the mind (*hifz al-aql*), preserving offspring (*hifz al-nasl*) and preserving property (*hifz al-mal*). Basically, *maqashid sharia* is one of the most important intellectualistic and methodological ways to carry out legal reform.³⁵ The concept of halal tourism in the perspective of *maqashid sharia* is the application of five maintenances in tourism destinations, namely:³⁶

a. Preserving Religion (*Hifz al-Din*)

The maintenance itself is a way for management and the community to provide comfort in terms of carrying out worship.³⁷ Tourist trips are still in the context of maintaining religion, for example, the availability of visits to tourist destinations that are historic and contain high religious or spiritual values and can be provided by travel agents.³⁸ In addition, the management also maintains religious norms, for example, the availability of comfortable worship facilities, and various food and beverage provisions that have been verified as halal. Travel can be done if you have a connection between tourism and preaching and worship.³⁹

b. Preserving the Soul (*hifz al-nafs*)

In relation to preserving the soul, namely management efforts and the wider community can maintain the situation and conditions so that security and comfort can be maintained in spending time on tourism.⁴⁰ For example, tour guides need to convey various information related to tourist objects that can evoke the value of faith and preserve the human soul, such as, the unavailability of activities that can cause interpretations on the souls of tourists. To ensure the protection of tourism activities, the government's role is very much needed in law enforcement in tourist destinations that

³⁵ Nayla Fithri, "Seberapa Penting Maqashid Al-Syari'ah Di Era Kontemporer," *Izzi: Jurnal Ekonomi Islam* 1, no. 1 (2021): 1-2.

³⁶ Muhammad Salman Al Farisi, Azis Muslim, and Adilla, "Konsep Pariwisata Halal Di Indonesia Dalam Perspektif Maqashid Syariah," *Perbanas Journal Of Islamic Economics & Business* 2, no. 1 (2022): 84-90.

³⁷ Musawar and Muktamar, "Pariwisata Syari' Ah Sebagai Aset Perekonomian Dalam Bingkai Maqashid Al-Syari' a h," *Jurnal Pariwisata* 6, no. 1 (2019): 39-55.

³⁸ Farisi, Muslim, and Adilla, "Konsep Pariwisata Halal Di Indonesia Dalam Perspektif Maqashid Syariah."

³⁹ Maulana Hamzah, "Tren Travelling Dalam Perspektif Maqoshid Syariah," *IJIEB: Indonesian Journal of Islamic Economics and Business* 4, no. 2 (2019): 16-26.

⁴⁰ Musawar and Muktamar, "Pariwisata Syari' Ah Sebagai Aset Perekonomian Dalam Bingkai Maqashid Al-Syari' a h."

will threaten the lives of tourists so that it can be proven that there is an essence of preserving the soul of this halal tourism.

c. Preserving the Mind (*hifz al-aql*)

The maintenance of mind is maintaining conditions and situations by staying away from all forms that damage the mind, for example goods and services offered while maintaining the health and preservation of the human mind. For example, the prohibition on providing alcoholic drinks, narcotics and other psychotropic drugs that can damage the mind. Halal tourist destinations must provide halal food and drinks for Muslim tourists.

d. Preserving Offspring (*hifz al-nasl*)

The maintenance of offspring is a wider community, both hotel managers and the public. As citizens of tourist areas, they can provide family comfort and privacy, and they can feel that their honor is maintained in tourism. Halal tourism must ensure that there are no destinations or tourist services that can damage *nasab*, such as not allowing unmarried couples to stay in one hotel room, abolishing adultery and all facilities that protect it such as localization and cafes, not allowing tourists with deviant sexual tendencies to show and practicing deviant sexual orientations, and preventing these groups from preying on other tourists.

e. Preserving Property (*hifz al-mal*)

In the maintenance of assets, halal tourism requires that tourism activities can provide protection and security for assets by maintaining security so that no property of tourism business actors or tourist assets is lost or stolen by anyone. In addition, it also protects tourist activities from fraud by various tourism promos, gambling, games in Ponzi schemes, and all elements of prohibition that can harm the assets of halal tourism actors. This includes ensuring that economic transactions that occur comply with sharia contracts, such as rental agreements at lodging places, tour guide service rental agreements, sales and purchase agreements for souvenirs and tourism object fees, and so on. By applying the *maqashid sharia* concept to halal tourism, it will encourage local and foreign tourists, especially Muslim tourists, to visit the place.

3. The Urgency of Maqashid Syariah in Halal Tourism Regulations

Halal tourism is a rapidly developing sector in the global economy. Indonesia, as a country with a Muslim majority, has the potential to develop halal tourism. However, there is a regulatory vacuum related to efforts to develop this potential. Halal tourism

requires main regulations that can be used as guidelines for the implementation of halal tourism. This regulation can be used by both halal tourism business actors and tourists as consumers of halal tourism. Law Number 33 of 2014 concerning Guarantees for Halal Products and Government Regulation Number 31 of 2019 regarding the implementation of Law Number 33 of 2014 concerning Guarantees for Halal Products are considered inadequate as legal support for the halal tourism industry in Indonesia.⁴¹

Furthermore, especially for halal tourism, the existing legal basis is Fatwa Number 108/DSN-MUI/X/2016 concerning Guidelines for Organizing Tourism based on Sharia Principles. The government currently does not yet have a strong legal umbrella related to the development of the halal tourism sector. This potential for halal tourism must be responded positively by the regions through transformative regional regulations as a means of regional development and can prosper the people.⁴² However, these industries are underdeveloped due to a lack of a supportive regulatory framework. Halal tourism laws are being drafted, with the main objective of providing greater legal certainty for the wider community, especially Muslim tourists.⁴³

Law is recognized as having a very important and strategic role in accelerating the development of a region. This effort is not solely in the framework of meeting the demands of short-term development but also in the medium and long term, although it is realized that at any time the law can change according to the needs of the community. Islamic law, which is a key part of Islamic religious teachings, is a source of law, which is actually very important to be institutionalized (enacted) in Indonesia.⁴⁴ The basic thing related to the regulation of halal tourism that needs to be reviewed and rethought is the

⁴¹ Deden Effendi, Aden Rosadi, and Yoyok Prasetyo, "International Journal of Religious Tourism and Pilgrimage Preparing Halal Tourism Regulations in Indonesia Preparing Halal Tourism Regulations in Indonesia," *International Journal of Religious Tourism and Pilgrimage* 9, no. 1 (2021): 58–69, <https://doi.org/10.21427/gt5w-sy51>.

⁴² Lukman Santoso and Yutisa Tri Cahyani, "Pengaturan Wisata Halal Untuk Pembangunan Daerah: Transformasi Industri Halal Di Era Disrupsi," *Supremasi Hukum: Jurnal Kajian Ilmu Hukum* 9, no. 1 (2020): 73.

⁴³ Muhammad Majdy Amiruddin, "Critical Review on Sharia Regulation of Halal Tourism and Its Contribution to Creative Economies," *Mazahibuna: Jurnal Perbandingan Mazhab* 4, no. 2 (2022): 195–211, <https://doi.org/10.24252/MH.VI.33522>.

⁴⁴ Harwis Alimuddin and Tahani Asri Maulidah, "Implication of Local Wisdom in Islamic Law Compilation Legislation," *Mazahibuna: Jurnal Perbandingan Mazhab* 3, no. 2 (December 31, 2021): 142–58, <https://doi.org/10.24252/MH.V3I2.24982>.

policy and concept of developing halal tourism. The application of halal standardization in tourism should be based on the awareness of various parties, not coercion.

Halal tourism policy in Indonesia is basically still in the form of participation compared to outreach. This is related to Law No. 10 of 2009 concerning tourism, which does not contain anything at all about halal, sharia or equivalence tourism. Halal tourism policies are actually found in the regional regulation of the province of West Nusa Tenggara No. 2 of 2016. This regional regulation is a regional creativity to respond to global developments in tourism management, where a number of countries have developed and implemented tourism concepts with the tagline Muslim-friendly tourism, up to halal tourism.⁴⁵

Regional regulations for halal tourism as a legal product are guidelines for the application of sharia in tourism. Local regulations serve as a guide for hotels, restaurants, travel, and other managers in implementing the halal concept in tourism. The implementation of sharia is the individual responsibility of every Muslim tourist. Therefore, it is not surprising that later there are tourists who hope that there will be swimming pool facilities that separate the men's and women's swimming pools, separate beaches for men and women, and so on.⁴⁶

However, halal tourism should not be limited to the formality of the sharia aspects, but rather defined as tourism activities based on sharia goals (*maqashid sharia*), namely preserving religion, preserving the soul, preserving the mind, preserving offspring, and preserving property. In the context of preserving religion, halal tourism managers are expected to be able to guarantee the availability of worship facilities.⁴⁷ Furthermore, preserving the soul, tourism ensures safety and benefits for spiritual tourists. Preserving the mind, managers are asked to participate in providing halal food and caring for offspring, namely the convenience of tourist privacy. Lastly, preserving property is the security of property carried by tourists and carrying out transactions in accordance with

⁴⁵ Surwandono Surwandono et al., "Polemik Kebijakan Wisata Halal Di Indonesia Serta Tinjauannya Dalam Maqashid Syariah," *Tsaqafah* 16, no. 1 (2020): 91, <https://doi.org/10.21111/tsaqafah.v16i1.3594>.

⁴⁶ Santoso and Cahyani, "Pengaturan Wisata Halal Untuk Pembangunan Daerah: Transformasi Industri Halal Di Era Disrupsi."

⁴⁷ Santoso and Cahyani.

sharia provisions. The implementation of sharia tourism must also be able to create benefits both materially and spiritually.⁴⁸

Therefore, the importance of the *maqashid sharia* element is the basis for making sharia tourism regulations in Indonesia because there is harmony between the values contained in *maqasid sharia* and the tourism objectives themselves. The term *maqashid sharia* is, of course, inseparable from the purpose and intent of the regulation, namely the application of Islamic values to create something that gives happiness in the hereafter and the world by rejecting harm.

Finally, the political direction of halal tourism law as a means to achieve legal goals that are prosperous in the form of justice, benefit, and legal certainty must be based on legal principles with character; holistic or integrated between epistemological truth values, ontological truth values and practical values (praxis); inclusive; the law must have equality in different capacities; transplantative; and able to accommodate various conditions.

CONCLUSION

The concept of halal tourism refers to Islamic values, which are reflected in various aspects of tourism and consist of halal products and services, government support such as legitimacy or halal fatwas issued for halal tourism, various aspects of halal infrastructure, to halal human resources. However, various existing laws, government regulations, and fatwas in this regard are considered inadequate as legal support for the halal tourism industry in Indonesia so new regulations are needed to cover all aspects related to halal tourism. In formulating these regulations, of course, they must be based on the values contained in the *maqasid sharia* so that the regulations issued later can be in line with the objectives prescribed by Islamic law itself. In addition, the realization of *sharia maqashid* in halal tourism activities in Indonesia can only be achieved if all elements of halal tourism such as tourist destinations, services, infrastructure, and government regulations synergize with each other to realize sharia provisions concerning halal tourism.

⁴⁸ Santoso and Cahyani.

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