



Developing Halal Tourism from Maqasid Sharia Perspective



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Abstract

This paper aims to formulate the relationship between the halal tourism concept and *maqasid sharia*. This library research collected the data from Arabic books, literature, journal articles, websites, etc, then were analyzed with a content analysis strategy. This study revealed that halal tourism is carried out to realize the benefit of religion (*hifdz diin*) by applying Islamic teachings in tourism activities. Some of the efforts to keep Islamic teachings are providing places of worship, halal food, halal lodging, halal financial services, and others. On the other hand, *maqasid sharia* can be the basis for developing halal tourism, along with al-Qur'an, al-Hadith, and other relevant bases. Jaser Auda's concept of *Maqasid Sharia* stated that the tourism sector is carried out to improve community welfare. At least, *maqasid sharia* can reinforce seeing halal tourism from Islamic perspective.

Keywords: Halal Tourism, Halal Industry, Maqasid Sharia

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Abstrak

Tulisan ini bertujuan untuk merumuskan kaitan konsep pariwisata halal dengan konsep maqasid syariah. Kajian ini dilakukan dalam kerangka penelitian pustaka, di mana data diperoleh melalui pengkajian terhadap kitab berbahasa Arab, buku literatur, artikel jurnal, website, dan lain sebagainya. Data yang terkumpul dianalisis dengan strategi analisis isi (content analysis). Dari kajian yang dilakukan diperoleh simpulan bahwa pariwisata halal dilakukan dalam rangka mewujudkan kemaslahatan agama (hifdz diin), yaitu menerapkan ajaran Islam dalam kegiatan pariwisata. Di antara bentuk untuk menjaga ajaran Islam adalah penyediaan bagi wisatawan berupa tempat ibadah, makanan halal, penginapan yang halal, penyediaan layanan keuangan halal, dan lain-lain. Di sisi lain, maqasid syariah bisa menjadi dasar pengembangan pariwisata halal, di samping dari al-Qur'an, al-Hadits, dalil-dalil lainnya yang relevan. Dengan merujuk pada konsep Maqasid Syariah Jaser Auda, pariwisata dijalankan untuk meningkatkan kesejahteraan



masyarakat. Dengan maqasid syariah, setidaknya bisa menambah cara pandang baru dalam melihat pariwisata halal dalam perspektif Islam.

Kata Kunci: Pariwisata Halal, Industri Halal, Maqasid Syariah,

A. INTRODUCTION

Halal tourism has become a business trend in Indonesia and other countries. Practically, it is not only implemented in muslim-majority countries such as Saudi Arabia (Alshammaa, 2019), Turkey (Carboni, Perelli, & Sistu, 2016), Indonesia (Palupi, Romadhon, & Arifan, 2017), Malaysia (Battour, 2017), but also in muslim-minority countries such as Russia (Gabbrakhmanov, 2017), Thailand (Mansouri, 2014), Japan (Satriana & Farida, 2018), South Korea (Ayu & Fani, 2020), and others. The implementation of halal tourism in Indonesia has been running so far and had readiness as well as the potential includes West Nusa Tenggara (Ministry of Tourism, 2018) (Ministry of Tourism, 2018), West Sumatra (Surya, 2018), Pontianak (Amalia, 2018), Cirebon (Ropiah, 2018), Pekalongan (Ismanto, 2019), Yogyakarta (Priyadi, Dahri, & Atmadji, 2016), Solo (Saeroji, Wijaya, & Wardani, 2018), and Banyuwangi (Jauhariyah, 2019). Non-muslim majority areas such as Manado still has less readiness than Aceh (Andriani, 2015). In Indonesia, particularly in Bali, this concept is still controversial and refused to implement (Makhasi & Rahimmadhi, 2019).

Halal tourism has great and potential economic opportunities in Indonesia, as this country has an attractive tourist attraction and tremendous potential (Widagdyo, 2015). Halal tourism aims to grow the economy of a country which bears the improvement of the community welfare. Several countries that have implemented this concept have benefited economically. On the other hand, this concept aims to implement Islamic teachings in economy and business field, especially in tourism. Halal tourism can be used to realize and preserve the Islamic teachings as stated in the concept of *maqasid sharia*. This paper refers to the concept of *Maqasid Sharia* by Abu Ishaq Asy-Syatibi (2002), Al-Ghazali (2002), Jasser Auda (2019), and other scholars.

Mohammad Hashim Kamali (2008) argued that *maqasid sharia* is an important theory for discussing Islamic law. Wahbah al-Zuhaili (2011) believed that *maqasid sharia* is recognized as the goal of *syara'* in law, or it is also interpreted as the ultimate goal of sharia. Furthermore, Zuhaili divided the *maqasid sharia* into three parts, *dharuriyah* (primary), *hajiyyah* (secondary), and *tahsiniyah* (tertiary). Later, the concept was reviewed by an Egyptian scholar named Jasser Auda. He stated there are two main reasons for reconstructing *maqasid sharia*, namely the humanitarian crisis (*ajmah insaniyah*) and the lack of methods (*qushur manhajiy*) in solving problems. He changed the paradigm by revising the range of *maqasid*, and improving the induction source. If the classical *maqasid sharia* is derived from the *fiqh* literature, the contemporary *maqasid* would be directly extracted from the Qur'an.

According to Fasa (2016), the difference between Jasser Auda and other classical and contemporary muslim scholars regarding *maqasid sharia* is the advancement of human development concept as the main target of *maṣlahah* (public interest). Auda (2019a) viewed *maṣlahah* is a target in realizing complete Islamic law. The realization of the new *maqasid sharia* can be observed, controlled, measured, and validated by the human development index and human development targets theories.

There have been many researches on the implementation of *maqasid sharia* theory in Islamic economic studies. One of which is a study conducted by Kuat Ismanto (2016) applying it in Islamic insurance. By using the same approach, his study found that insurance has benefits for mankind (Ismanto, 2017). Rusydia & Al Parisi (2016) and Hudaefi & Noordin (2019) believed that *maqasid sharia* theory is used to measure the performance of Islamic banks, supported by several studies in Malaysia includes Zamri Zaenal Abidin, et al., (2016). In financial practice, it was applied by Mohamed Naim Asmadi (2016) and in *waqf* practice, it was implemented by Laldin & Furqani (2013). Even *maqasid sharia* is used as a measurement of sharia indexing in business activities (Zamri Zainal Abidin et al., 2016). From the elaboration, it can be concluded that the implementation of *maqasid sharia* is more than just an argument and a method of legal *ijtihad*, it has been formulated to be a measuring instrument (index).

The implementation of *maqasid sharia* in the halal tourism industry is still limited. The study by concluded that *maqasid sharia* could be one of the approaches in developing halal tourism industry (Nugroho, Utami, & Doktoralina, 2019). The author believed that there was not been deep studies of halal tourism and *maqasid sharia* concept. This paper examines the relationship between halal tourism and *maqasid sharia* theory using Islamic legal philosophy approach. The author used *maqasid sharia* developed by Abu Ishaq Asy-Syatibi in *al-Muwafaqat fi Ushul asy-Syariah*, Al-Ghazali in *Al-Mustasfa min Ilmi Ushul*, and Jasser Auda. This study focused on whether halal tourism has benefits as stated in the *maqasid sharia* concept as well as its capability to be used as an evidence for the existence of halal tourism. Content analysis is used to analyze the data, which emphasizes the meaning to draw conclusions (Cole, 1988).

B. DISCUSSIONS

1. Halal Tourism and Its Development

Tourism is defined as a trip that takes a person or group to a new place, a place to visit, a place that reminds them of something, or a place that is able to reconstruct a person's life (Crick & Peacock, 1988). Meanwhile, tourism is a kind of touring activities of phenomena which are different from previous tourism traditions. Tourism refers to a person or group moving from their natural habitat to the destinations and industries that accommodate their needs (Chambers, 2009).

The halal tourism concept comes from the sharia tourism, Islamic tourism, Muslim friendly tourism, halal holidays and family tourism phenomena (Nirwandar, 2005). The development of sharia tourism concept includes pilgrimage and religious tourisms (spiritual tourisms). There are several terms related to tourism issue in the Islamic tradition, including *siyar* (السير), *safar* (السفر), *al-siyahah* (السياحة), *al-ziyarah* (الزيارة) or *al-rihlah* (الرحلة) (Rohi, 1995). Sofyan (2012) said that the definition of halal tourism is broader than religious tourism. World Tourism Organization (WTO) stated that halal tourism consumers are not only Muslims, but also non-Muslims who want to visit tourist destinations located in Islamic countries. Based on this understanding, halal tourism is a concept that does not contradict with Islamic values and ethics (Patrick, 2018).

There are verses of the Al-Qur'an that support to be references, in the form of *al-siyahah*, as stated in Al-Taubah (9) verses 2 and 112 below.

فَسِيحُوا فِي الْأَرْضِ أَرْبَعَةَ أَشْهُرٍ وَاعْلَمُوا أَنَّكُمْ غَيْرُ مُعْجِزِي اللَّهِ وَأَنَّ اللَّهَ مُخْزِي الْكَافِرِينَ



“Travel freely in the land four months, and know that ye cannot escape Allah and that Allah will confound the disbelievers (in His Guidance).”

التَّائِبُونَ الْعَابِدُونَ الْحَامِدُونَ السَّائِحُونَ الرَّاكِعُونَ السَّاجِدُونَ الْأَمْرُونَ بِالْمَعْرُوفِ وَالنَّاهُونَ عَنِ الْمُنْكَرِ وَالْحَافِظُونَ لِحُدُودِ اللَّهِ وَبَشِّرِ الْمُؤْمِنِينَ

“(Triumphant) are those who turn repentant (to Allah), those who serve (Him), those who praise (Him), those who fast, those who bow down, those who fall prostrate (in worship), those who enjoin the right and who forbid the wrong and those who keep the limits (ordained) of Allah – And give glad tidings to believers!”

Regarding the measurement standards of halal tourism, there has not been a comprehensive agreement. However, several measurements or instruments to measure the Islamic values in halal tourism have been provided, including Global Muslim Travel Index (GMTI) (Mastercard-CrescentRating, 2019). Apart from that, halal tourism also refers to the tourism product theory (4A), consisting of attractions, amenities, accessibility, and ancillary (Andriani, 2015). Indonesian Ministry of Tourism uses Indonesia Muslim Travel Index (IMTI) as the measuring instrument (Mastercard-CrescentRating, 2019). Indonesian Ulema Council Fatwa No: 108/DSN-MUI/X12/2016 concerning Guidelines for the Implementation of Sharia-Based Tourism is used as the guideline in Indonesia (Dewan Syariah Nasional, 2016).

The differences between conventional, religious, and halal tourism are: 1) conventional tourism covers natural, cultural and culinary destinations, while religious tourism are places of worship. Halal tourist destinations comprises all conventional and religious tourist destinations. 2) Conventional tourism is for entertaining, religion tourism is for spirituality, and halal tourism is for increasing religious spirituality by entertaining. 3) Worship facilities are only as a complement in conventional and religious tourism, but they are a requirement for halal tourism. 4) Conventional and religious tourism are the separated parts with community, but halal tourism enables the community to be the part that must be empowered (Sucipto & Andayani, 2014).

Some researchers, including Henderson (2010), Sahida, Rahman, Awang, & Man (2011), Saad, et al., (2014) and Battour, Ismail, Battor, & Awais (2014) mentioned several principles of halal tourism, which can be summarized as follows: (a) the availability of halal food; (b) no alcoholic drinks; (c) no pork products; (d) no discotheque; (e) segregation of male and female staffs; (f) entertainment which considers religious teachings; (g) the availability of prayer rooms for men and women; (h) staffs' proper attire; (i) availability of Qur'an and prayer equipment; (j) Qibla direction; (k) non-human art; (l) toilet which does not face Qibla; (m) the availability of sharia financial services; (n) hotels or tourism companies supporting sharia economic principles, such as paying zakat.

Tourism, including halal tourism, plays an important role in developing economy of the world, as it provides job vacancies and grows the economy of every country (Satriana & Farida, 2018). Halal tourism develops every year along with the increase of Muslim tourist expense. In 2011, the increase was estimated to reach US \$ 192 billion (Priyadi, 2016). Based on the data from the Ministry of Tourism (2016), the tourism sector contributed to Indonesia's Gross Domestic Product (GDP) reaching 9% or Rp. 946.09 trillion in 2014. In that year, foreign exchange from the tourism



sector reached IDR 120 trillion and provided employment for 11 million people (Sowwam, Riyanto, Anindita, Riyadi, & Qibthiyyah, 2018). In 2018, the number of Muslim tourists was 140 million and expected to increase to 230 million by 2026. The estimated expenditure reached US\$ 280 trillion (Mastercard-CrescentRating, 2019). For this reason, it was not surprising that countries are competing to attract tourists from various countries, especially the Middle East.

Antara and Paning (Aryunda, 2011) mentioned that tourism has close economic relationship with other sectors. This relationship is known through the trickle-down effect and multiplier effect, also known as the concept of open-loop effect and induced-effect. Tourism has various impacts on the region involving Regional Original Income (PAD) increase, the development of Micro, Small and Medium Enterprises (MSMEs), providing job vacancies, reducing poverty, and other sectors (Widagdyo, 2015). Several concepts of specific tourism development, including ecotourism, are able to empower local communities (Ridlwani, Muchsin, & Hayat, 2017). The tourism destination managers comprise various stakeholders and have functions (a) as an economic driver, such as creating job vacancies, regional income, and generating taxes for local economic growth, (b) as a community marketer for introducing tourist destinations and tourism activities, (c) as an industry coordinator that produces results through the tourism sector, (d) as a quasi-public representative which represents the public opinion of the tourism industry, (e) as a builder of community pride in improving the human life quality (Ministry of Tourism, 2018).

The development of halal tourism in West Nusa Tenggara is based on the philosophical foundation stating that economic development should aim to the welfare of the community. It is conducted through equitable distribution of business opportunities, benefits of the development, and challenges in facing life changes (Jaelani, 2018). Moreover, tourism sector contributes 6% of the Gross Regional Domestic Product in this province (Ministry of Tourism, 2018). Therefore, it can be concluded that halal tourism has a contribution to the community economy individually and regionally.

Halal tourism is an applicable business strategy in tourism sector in any country, including Indonesia. It is not only practiced in muslim-majority countries such as Iran (Ghanbari & Tamaj, 2018), Indonesia (Ghanbari & Tamaj, 2018), Turkey (Çakmak & Dilek, 2018), and Malaysia (Battour, Hakimian, Ismail, & Bogan, 2018), but also in muslim minorities countries (Samori, Md Salleh, & Khalid, 2016) such as South Korea (Han, Al-Ansi, Olya, & Kim, 2019), Japan (Henderson, 2016), Thailand (Chookaew, Charatarawat, Sriprasert, & Nimpaya, 2015), Ethiopia (Ahmed & Akbaba, 2018), New Zealand (Razzaq, Hall, & Prayag, 2016), Argentina (Priyadi, 2016), and other countries. From the description above, it comes to the conclusion that halal tourism is a separable part of the state or ideology of a country. It is a tourism concept that upholds Islamic values. On the other hand, tourism is considered as the cheapest and easiest sector to increase foreign exchange that many countries want to adopt it.

2. *Maqasid Sharia* as the Basis of Developing Halal Tourism

Maqasid sharia concept has been an interesting theme to be discussed for the well-known Islamic jurists at the past such as Abu Ishaq Asy-Syatibi, Al-Juwainī, al-Ghazali, Ath-Thufi, al-Qarafi, and Jasser Auda at the present time. Nasitotul Janah & Abdul



Ghofur (2018) concluded that *maqashid sharia* has two roles based on economic context. It is as a means of control and a means of social engineering to realize human benefit. This concept provides a rational philosophical basis of economic activities. Terminologically, *maqashid sharia* is defined as the goal or the target of a law. The discussion in this sub-chapter starts with the presentation of the classical *maqasid* concept, which is the formulation of previous scholars including Al-Ghazali and Asy-Syatibi. The halal tourism is discussed by using *maqasid* theory of classic scholars, which then analyzed by using the *maqasid sharia* concept developed by Jaser Auda.

It was previously described that according to *maqasid sharia* perspective, the level of human needs is divided into three categories, namely *dharuriyah* (primary), *hajiyah* (secondary), and *tahsiniyah* (tertiary) (Al-Syatibi, 2002). By regarding the individual needs (tourists), tourism is categorized as a *hajiyah* need and it is a secondary need that can be fulfilled to realize (*ijabiyah*) someone's physical and mental goodness. Moreover, traveling activities can also prevent fatigue, stress, or even mental disorders due to busy work. In country economy's perspective, the development of halal tourism is categorized as a *dharuriyah* (primary) need, as improving the country's economy, especially foreign exchange income, is very significant. Increasing and managing properly foreign exchange of a country will ultimately be beneficial for the community welfare.

Based on *dharuriyat* aspect, there are five aspects of fulfilling basic human needs namely *hifz ad-din* (maintaining religion), *hifdz an-nafs* (maintaining soul), *hifdz al-aql* (keeping mind), *hifdz al-maal* (maintaining property), *hifdz al-irdl* (maintaining honor) (Al-Ghazali, 2002). The implementation of halal tourism is an effort to apply *sharia* into business activities. The involvement of *sharia* in business activities has been widely known, including in Islamic banks, Islamic insurance, Islamic financial institutions, and others. For this reason, it is not an exaggeration to apply halal tourism.

By referring to halal tourism and the five aspects of *maqasyid sharia*, the principles of halal tourism in the *maqasid sharia* perspective are formulated as follows: 1) Halal tourism is implemented to meet *dharuriyyah* needs; 2) The implementation of halal tourism upholds the principles of halal management; 3) Only halal products / services that may be offered and consumed by the tourists; 4) The companies serving products/services must implement *sharia* values; 5) Halal tourism is developed to realize community welfare (*hifdz maal*); 6) The companies are required to invest in human development to maintain the sustainability of the halal industry (*hifdz 'aql*); 7) The government decide the policy by referring to *maqasid sharia*.

The individual purpose of halal tourism in particular comprises knowing God and improving spirituality. The other goals are doing or starting up business and expanding scientific insight. The other important goal is to seek peace of mind and a clean heart (Arifin, 2015) (Arifin, 2015). Realizing those five benefits in *dharuriyat* can be maintained in two ways. First, through realization (*ijabiyah*); secondly, through preserving sustainability (*salbiyah*) (Al-Syatibi, 2002). The implementation of halal tourism can be interpreted as realizing aspects of *maqasid sharia*, such as the benefit of religion, soul, mind, descent, and property. For an instance, benefit of religion can be achieved by implementing *sharia* values in tourism sector. On the other hand, the tourism activities are expected not to deviate the religion but uphold Islamic law at least.

Furthermore, halal tourism is discussed by using Jasser Auda's theory of *maqasid sharia*. *Maqasid* is the plural form of *maqasud*, which means purpose, goal, secret, principle, and destination. Auda's thoughts have been expressed in his works including "*Maqasid Al-Shariah as Philosophy of Islamic Law A Systems Approach*" (Auda, 2019b).

The other works are entitled "*Maqasid Al-Shariah: An Introductory Guide*," (Auda, 2008), "*A Systems Approach to Islamic Juridical Theories*" (Auda, 2019a), "*A Maqāsidī Approach to Contemporary Application of the Shari'ah*" (Auda, 2011). Based on those thoughts, at the present time islamic researchers intensively study the *maqasid sharia* concept and its implementation in various fields, such as Mayangsari R & Noor (2014) Zaprul Khan (2018) Muhammad Iqbal Fasa (2016), Syukur Prihantoro (2017), Prihantoro (2017), Muhammad Salahuddin (2017), Ainol Yakin (2018), Muhammada Lutfi Hakim (2017), and other researchers.

A new perspective of reformulated *maqasid sharia* theory introduced by Jasser Auda without abandoning the old concept. According to traditional theory, *maqasid* is a secondary topic to study in *ushul fiqh* after *maslahah mursalah* and *qiyas*. Meanwhile, the contemporary theory offered by Auda places *maqasid* as a fundamental methodology for *ushul fiqh*. Amin Abdullah believed that Jaser Auda reformed the *maqashid sharia* from the perspective of protection and preservation to the development and esteem of human rights (Auda, 2015b).

Six features of a systems approach was used by Jaser Auda in rereading the traditional *maqasid sharia*. First, a cognitive feature proposing a separation between "revelation" as divine knowledge and *fiqh* as "cognition" of the revelation. Second, the wholeness feature, which seeks to fix the tendency of atomistic and reductionist traditional *ushul fiqh*. Third, the openness feature considering a specific and limited text and contradict with events which are unlimited, that *ijtihad* is a necessity for Islamic law. Fourth, hierarchy and interrelationships features that provide improvements in two dimensions of *maqashid*: (a) the range of particular and specific law at the beginning creates the limitation of the range of *maqasid* and classify it into hierarchical levels (general, specific, and partial) (b) the extension of the individual range into social dimension that it can reach the community, nation, and mankind. Fifth, multidimensionality features can provide solutions to the contradicting dilemma of verbal postulates. Sixth, intent feature, which is addressed to the primary sources, the Qur'an, hadith and other sources (Auda, 2015a).

As the consequence of the paradigm shift by Jaser Auda, the efforts of maintaining religion (*hifz al-din*) are not interpreted as protecting muslim from leaving islam (*murtad*), but as respecting the freedom of religion or belief. The meaning of caring descendants (*hifz al-nasl*) is expanded to be family caring. Keeping mind (*hifz al-aql*) is interpreted as the development of mindset and scientific research, the search for knowledge, and the prioritization of a healthy mindset. Maintaining honor (*hifz al-irdh*) is defined as the protection of human dignity and human rights. Maintaining property (*hifz al-maal*) is prioritizing social care, development, economic development and the social welfare improvement.

Fasa (2016) tried to correlate Jaser Auda's *maqasid sharia* theory with Islamic economics. The framework of halal tourism as the part of the Islamic economy can be used for this discussion. The main component of islamic economic activity is *falah* (balance of needs afterlife), and the final goal of this activity is stated in *maqasid sharia* concept. In economy activities, *falah* comprises three meanings, including survival, freedom from want, and power & honor. While in afterlife concept, *falah* includes eternal survival, eternal prosperity, knowledge free of all ignorance, and everlasting glory.

Maintaining property (*hifdz al-maal*) is only about punishment for theft, but also social security, economic development and growth, enhancement of community welfare, and erosion of inequality between social classes. This contemporary *maqashid* theory is



oriented to increase economic growth and community welfare (Auda, 2015a). This argument emphasizes that the development of halal tourism is oriented to develop the country's economy, then for the community welfare. Thus, it is undoubtedly that *maqasid sharia* is the basis for the feasibility of implementing halal tourism.

C. CONCLUSION

The previous elaboration has led to a conclusion that *maqasid sharia* concept is a relevant *ijtihad* to study contemporary issues, including halal tourism. Both classic and modern *Maqasid sharia* have similar perspective of halal tourism, stating that it is in *dharuriyah* level and beneficial for economic development of a country. The elements (*al-kulliyah al-khamsah*) of *maqasid sharia* can be achieved through halal tourism in the form of realization (*ijabiyyah*) and prevention (*salbiyyah*). Moreover, Jasser Auda's formula, which focuses on development, emphasizes that halal tourism is an effort to manifest economic development and community welfare that must be realized. *Maqasid sharia* is an comprehensive perspective alternative on contemporary problems.

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