



Implementation of DSN-MUI Fatwa Number 108/DSN-MUI/X/2016 concerning Halal Tourism at Tuan Tapa Tourism, South Aceh

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Abstract

The National Sharia Council of the Indonesian Ulema Council (DSN-MUI) issued Fatwa No. 108/DSN-MUI/X/2016 on Guidelines for Tourism Organisation Based on Sharia Principles. The substance of the fatwa regulates the criteria for tourism objects that are in accordance with sharia principles. Tuan Tapa tourist attraction is the most visited tourist destination in South Aceh, but in practice there are still activities that are contrary to the values of Islamic law, even though Aceh is an area that is given authority in terms of implementing Islamic law without exception in the tourism sector. This research examines how the implementation of Fatwa Number 108/DSN-MUI/X/2016 concerning Guidelines for the Implementation of Tourism Based on Sharia Principles. This research uses qualitative methods and descriptive analysis approaches, with data collection techniques namely interviews, documentation, and questionnaires. The results of the study that, Implementation of halal tourism at Tuan Tapa tourist attraction has not fulfilled the general principles of halal tourism as described in Fatwa DSN-MUI Number 108/DSN-MUI/X/2016, based on the results of the study there are still found persugihan practices that lead to shirk, in addition to the practice of persugihan, there are still tourists who do not maintain worship obligations while travelling, there are still tourists who do activities when Friday prayers are held, and Tuan Tapa tourist attraction there are still young tourists who do khalwat actions.

Keywords: *Halal Tourism, Maqashid Syariah, Fatwa DSN-MUI*

Introduction

Tourism has existed since ancient times at that time human travel from one place to another aimed at trade and education, then in medieval times the purpose of travel to certain places was for exploration as done by Marco Polo who travelled to the Asian continent to study culture, then in the 17th and 18th centuries the term *Grand Tour* appeared which indicates travel for intellectual cultural purposes is increasingly popular. In the 19th century the development of land and sea transportation was increasingly rapid such as the existence of trains and steamships, so that in this century many people travelled long distances and this period was the beginning of modern tourism began to develop until today.¹

Currently tourism is one sector that has an important role in the economic development of various countries in the world . High progress and prosperity have made tourism a basic part and human needs or lifestyle, and moved people to get to know nature and culture in other countries. the movement of people from one country to another, as well as from one region to another with the aim of enjoying the beauty of nature indirectly has an impact on the economy of a particular country or region.² The Tourism sector is the most effective sector to boost Indonesia's foreign exchange, because the resources needed to be able to develop tourism are found in the country.³ The trend of world tourism development from year to year has shown a very significant development. The cause is the change in the socio-economic structure of countries in the world and the increasing number of people who have more income with increasingly high numbers.

One of the tourism industries that is experiencing an increase is halal tourism. Halal tourism is a tourist activity that is devoted to facilitating the travel needs of Muslims. The presence of halal tourism is also the presence of a travel package that refers to the rules of life of Muslims, both in terms of travel manners, determining tourist destinations, accommodation, and food. The needs of Muslim travellers for halal tourism in general include the need to worship, get halal food,

¹ Pitana G. and Diarta K.S, *Introduction to Tourism Science*, PT Andi Offset, Yogyakarta, 2009, p.40.

² Pratiwi, "Analysis of Sharia Tourism in Yokyakarta City", *Journal of Tourism Media*, Vol 14 No 1, 2016, pp. 35.

³ Adenisa Aulia Rahma, "the potential of natural resources in developing the tourism sector in Indonesia", *National Journal of Tourism*, Vol 12 No. 1 2020, p. 1.

get added value from travel and be protected from immorality and obscenity.⁴

Halal tourism is seen as a new way to develop Indonesian tourism, especially in Aceh, which upholds the culture and values of Islamic law . Halal tourism prioritises halal products and is safe for consumption by Muslim tourists. However, this does not mean that non-Muslim tourists cannot enjoy halal tourism. For non-Muslims, halal tourism with halal products is a healthy guarantee. Because in principle, the implementation of halal rules means getting rid of things that are harmful to humanity and the environment in the products and services provided, and of course provide goodness. With Islamic values that exist in sharia tourism, it is not only beneficial for the tourism industry but also beneficial for the community in increasing faith, becoming a better human being and preventing things that are mudharat for the community.⁵

Aceh is one of the tourist destinations (DTW), which means a tourist destination is an area that can be seen natural scenery, ancient relics, history, performances or something that can be purchased unique goods / souvenirs and even something that can be eaten and enjoyed such as cool air and special food. Aceh is also known for its beautiful sea, green forests, panoramic beauty that is still natural, and on the other hand Aceh also has a diversity of cultures, tribes, languages, historical places and others. This causes many places that can be used as a tourist attraction and almost all regions in Aceh have tourist attractions that are interesting and can be utilised.⁶

The development of tourism in Aceh is closely related to the religiosity of its people who are predominantly Muslim. Islam has been present for centuries in the midst of Acehnese life and has become part of the Acehnese community from time to time, so that in the process of developing tourism in Aceh, the main thing to develop is Islamic tourism or Islamic law-based tourism because Islamic law has become a system or social aspect in the life of the Acehnese people.

⁴ Pratiwi, "Analysis of Sharia Tourism in Yokyakarta City", *Journal of Tourism Media*, Vol 14 No 1, 2016, pp. 35

⁵ Nunung, *Selayang Pandang Nanggroe Aceh Darussalam*, Intan Pariwara, Klaten, 2009, p.35.

⁶ Rahmadhani, *Towards a Disaster-Based Aceh Tourism Industry* (Banda Aceh: Aceh Tourism Culture Office, 2014) p.2.

In the development of tourism in the ethics of dress, it emphasises a critical approach in seeing and wrestling with moral values and norms as well as moral problems that arise in human life, especially society.⁷ Clothing is a reflection of the wearer and the needs of every human being. When it's cold, clothes are needed to keep warm. When under the hot sun, clothing is needed to protect from ultraviolet and dust.⁸ In relation to clothing, the Aceh region has set a policy on the rules of clothing that should be worn by its residents.

In addition, Aceh has also issued a regulation, namely Aceh Qanun No. 8 of 2013 concerning Sharia Tourism, which explains that Aceh tourism aims to preserve, promote, utilise and improve the quality of tourist objects and attractions, promoting Aceh's Islamic historical values as a tourist attraction. Furthermore, Aceh tourism functions to be grateful for the blessings of Allah Subhanahu Wa Ta'ala, improve physical and spiritual living standards and increase knowledge and experience.⁹

In managing tourism that is identical to the environment, there are things that must be considered by the government, entrepreneurs and tourists. Currently, Indonesia's nature, especially in tourist areas, is increasingly alarming. Where there is a lot of natural damage, both cutting down trees which are then replaced with resorts or inns, destruction of the original habitat of rare animals, to the dumping of garbage that is not managed properly so that the garbage fills the sea where it greatly threatens the ecosystem As happened on the island of Bali. In 2017, six kilometres of coastline covering popular beaches such as Jimbaran, Kuta and Seminyak were littered with tonnes of rubbish. In addition, the beauty of tourist areas is threatened as the number of visitors increases. Tourism helps economic growth on one hand, but in the end, it is bad for nature.

In 2016 the National Sharia Council of the Indonesian Ulema Council, hereinafter referred to as DSN-MUI, issued Fatwa Number 108 / DSN-MUI / X / 2016 concerning Guidelines for Organising Tourism Based on Sharia Principles as an effort of Islamic teachings to respond to how tourism management is in accordance with the values of Islamic

⁷ Syaiful Sagala, *Ethics & Morality in Education: Opportunities and Challenges* (Jakarta: Kencana, 2012) pp. 13.

⁸ Darul Wathan Scientific Department, *Ethics of a Muslim* (Jakarta: Darul Haq, 2008) pp. 23.

⁹ Aceh Qanun No. 8 Year 2013 on Tourism

teachings.¹⁰ One of the focuses of the regulation in the DSN-MUI Fatwa on halal tourism is regarding tourist destinations, it is explained that tourist destinations must have worship facilities that are easily accessible to tourists, the food traded must be certified halal by MUI, then tourist destinations must also avoid acts of shirk, adultery, and acts that are contrary to Islamic values.

In addition to the regulation of tourist destinations, Fatwa DSN-MUI also contains provisions regarding the concept of sharia hotels, although in the substance of the fatwa of the seven articles included, it does not contain related hotel construction land. Where hotels can be built in conservation areas as has happened in many areas. In addition, sanitation management and waste management have also not been regulated, which according to the author is very urgent to pay attention to. In determining the fatwa *maqashid al-shari'ah* becomes an important foundation that must be considered. The purpose of *maqashid al-shari'ah* itself is to protect the basic human needs, namely religion, reason, soul, lineage and property. But of the five things there is something even more important, namely protecting nature.

One of the tourist cities in Aceh that is the destination of visitors is South Aceh district. The Acehnese people in general are more familiar with calling South Aceh Regency the Dragon City or Tapak Tuan, Tapak Tuan City is one of the cities in Aceh Province which has quite beautiful natural tourism destinations. The city of Tapak Tuan has natural beauty that is very rich and varied from underwater tourism to mountains, making South Aceh Regency one of the most popular destinations in Aceh Province.

One of the tourist destinations in the city of Tapak Tuan which is most visited by local and foreign tourists is Tuan Tapa tourist destination, Tuan Tapa tourism is one of the attractions of historical sites originating from local community stories. From the observations made by the author, there are still many irregularities in the implementation of halal tourism at Tuan Tapa tourist attraction in South Aceh Regency, such as clothing, sharia-based lodging facilities, and the environment around tourist attractions, so the purpose of this study is to find out the implementation of DSN-MUI Fatwa number 108/DSN-MUI/X/2016 at Tuan Tapa tourist

¹⁰ Fatwa DSN-MUI Number 108/DSN-MUI/X/2016 concerning Pariwisata Guidelines Based on Sharia Principles.

attraction in South Aceh Regency, to find out the challenges and obstacles of the South Aceh Regency government to the implementation of halal tourism at Tuan Tapa Tourism Object, and to find out the *Maqhasid Sharia* analysis of the contents of fatwa number 108/DSN-MUI/X/2016 concerning guidelines for organising tourism based on sharia principles.

Research Methods

In this study, the author conducted qualitative research. This research focuses on building a narrative or textual description of the phenomenon studied. The types of research used in this research are *Field Research* and *Library Research*. *Field Research* is research conducted by collecting data at the location of the object of research, *Field Research* is the primary data source in research. Data in this type of research is data obtained directly from the source, either through interviews, observations or reports in the form of unofficial documents which are then processed by researchers. *Field Research* data in this study are informants consisting of the Tourism Office, Tuan Tapa Tourism Object Manager, and Local and Foreign Tourists. *Library Research* is a literature research in the form of a literature review taken by the author, namely by examining library data as a theoretical basis and reference for the research to be carried out.¹¹ Data obtained or collected by researchers from various sources obtained by reading, studying and reviewing reading books, papers, encyclopedias, journals, articles and applicable laws and regulations relating halal tourism practices in the perspective of maqhasid sharia and DSN-MUI fatwa

The data sources in this study consist of: a) Primary data is data obtained directly from the source, either through interviews, observations or reports in the form of unofficial documents which are then processed by researchers. Primary data in this study are informants consisting of the Tourism Office, Management of Tuan Tapa Tourism Objects, and Local and Foreign Tourists; and b) Secondary data, namely data obtained from official documents, books related to the object of research, research results in the form of reports, theses, theses which are certainly related to the theme of the thesis that the author is researching, namely dealing with halal tourism practices in the maqhasid perspective of sharia and DSN-MUI fatwa.

¹¹ Bogong Suyanto, *Social Research Methods*, (Jakarta: Kencana, 2005), p.56

To get the data needed in this research, the author uses *interviews*, and documentation as data collection techniques. In this research, documentation is obtained from the researcher's activities in conducting direct interviews with the Tourism Office, the Manager of Tuan Tapa Tourism Object, and Local and Foreign Tourists.

The validity of the data in this study, researchers used triangulation techniques as a data checking technique, which is one of the very important parts in qualitative research, to determine the degree of trust in the results of the research conducted. If the researcher carries out an examination of the validity of the data carefully with the right technique, it can be obtained research results that can really be accounted for from various aspects or aspects. To get this process is very supportive and determines the final result of a study. Therefore, a technique is needed to check the validity of the data. The technique is triangulation. Triangulation is a data checking technique that utilises something other than the data for the purposes of checking and comparing the data. The data triangulation technique as a checking technique is to utilise the use of sources, methods, investigators and questionnaires and others.

After all the processed data is collected, the data will be analysed descriptively qualitatively, which means that the method used to dissect a phenomenon in the field, both in the form of primary data and secondary data, will be arranged systematically. This method is intended to collect actual and detailed information, identify problems, and make comparisons or evaluations so that the right conclusions are found and can be used as guidelines in determining future plans.¹²

Results and Discussion

A. Implementation of DSN-MUI Fatwa Number 108/DSN-MUI/X/2016 at Tuan Tapa Tourism Object in South Aceh Regency

The National Sharia Council of the Indonesian Ulema Council, which is then abbreviated as DSN-MUI, is an institution that carries out the duties of MUI in stipulating fatwas and overseeing their application in order to develop the business of Islamic finance, business and economics in Indonesia. Meanwhile, fatwa is a term regarding opinion or interpretation on a problem related to Islamic law. Fatwa comes from Arabic which means advice, advice, answer, or opinion. Fatwa can be said

¹² Zainuddin Ali, *Legal Research Methods*, (Jakarta: Sinar Grafika 2010). pp. 75.

to be an official decision or advice taken by an institution or individual whose authority is recognised, delivered by a mufti or scholar, as a response or answer to questions posed by the fatwa requestor.¹³

From the quotation of Al Fitri Johar, according to Hamdan Zoelva, what is meant by fatwa is a legal statement from the side of Islamic teachings issued by scholars either individually or in groups regarding a problem that arises. ¹⁴Based on the explanation of some scholars above, it is concluded that the DSN-MUI fatwa is a legal statement issued by the DSN-MUI institution in response to problems arising from the community. The fatwa issued by the MUI institution is the result of *ijma'* carried out by the scholars through the results of *ijtihad*.

The background of the issuance of this fatwa is in response to the development of sharia-based tourism that is growing both in the world and Indonesia.¹⁵ Travel consulting companies ranking the tourism industry, Muslim tourists Crescentrating Halal Friendly Travel (Singapore) and Dinar Standard (United States). In its report, the growth of the Muslim tourist segment spending is considered the fastest in the world. Even the growth exceeds the growth of the US, Chinese and French tourist segments. Muslim tourist spending is expected to reach US\$192 billion by 2020, up rapidly from US\$126 billion in 2011. The research is based on the shopping style of Muslims in 47 countries.¹⁶

While the guidelines for the implementation of tourism with sharia principles do not exist at all, either made by DSN-MUI itself, government agencies or Islamic organisations that usually make fatwas, such as Lajnah Bahsul Masa'il Nahdhotul Ulama or Majelis Tarjih Muammadiyah. Departing from this, and after hearing the opinions of the participants of the Plenary Meeting of DSN-MUI on 01 October 2016 held in Bogor, Fatwa Number 108/DSN-MUI/X/2016 was issued concerning Guidelines for the Implementation of Tourism Based on Sharia Principles.

Aceh Province is an area given special privileges in terms of implementing Islamic Sharia, the application of Islamic Sharia values in Aceh does not only focus on jinayat law regulations but also on various

¹³ Al-Fitri Johar, "The Legal Authority of Fatwa of Indonesian Ulema (MUI) from the Perspective of Legislation in Indonesia", *Court Article*, 2019, p.4.

¹⁴ *Ibid.*

¹⁵ Fatwa DSN-MUI Number 108/DSN-MUI/X/2016 concerning Guidelines for Organising Tourism Based on Sharia Principles.

¹⁶ *Ibid.*

sectors such as Islamic economics, the seriousness of the Aceh government in implementing Islamic Sharia in a kaffah manner can be seen in several forms of Aceh Qanun regulations issued such as Aceh Qanun No.11 of 2018 concerning Sharia Financial Institutions which requires every banking business unit operating in Aceh to be based on sharia principles. In addition to sharia economic regulations in the banking sector, the Aceh government also issued sharia economic regulations in the tourism sector or often referred to as sharia tourism which is regulated in Aceh Qanun Number 8 of 2013 concerning Tourism.

The legal basis for the implementation of sharia tourism in Aceh Province has been specifically regulated in Aceh Qanun Number 8 of 2013 concerning Tourism. In addition to local regulations regarding guidelines for the implementation of tourism based on sharia principles nationally, it is also regulated in Fatwa DSN-MUI Number 108/DSN-MUI/X/2016. The legal umbrella for the implementation of tourism based on sharia principles in Aceh Province has been regulated in the local and national legal basis so that in its implementation it has clear guidelines and boundaries.

In the hierarchy of laws and regulations in Indonesia, the position of the DSN-MUI fatwa does not have binding force at the level of implementation so that the halal tourism regulations / guidelines stipulated in fatwa Number 108 / DSN-MUI / X / 2016 must be absorbed in legislation as explained in Article 7 Paragraph (1) of Law No.12 of 2011 concerning the Formation of Legislation. Based on this, the South Aceh Regency government and the South Aceh Regency Parliament should immediately formulate policies in the form of Qanun Kab / City which regulates halal tourism and is adjusted to the values that live in society.

Based on the results of interviews with Mr Hendri Haddy as Staff of the Marketing Section of the South Aceh Regency Tourism Office explained that currently in terms of the implementation of halal tourism in South Aceh Regency still refers to Qanun Aceh Number 8 of 2013 concerning Tourism, because Aceh is a province that has privileges in terms of implementing Islamic law, the implementation and guidelines for halal tourism are still guided by Qanun Aceh Number 8 of 2013 concerning Tourism, however, for special arrangements such as District

Qanuns have not been formulated by the Government of South Aceh and the South Aceh Parliament.¹⁷

Despite the existence of regulations such as Aceh Qanun Number 8 of 2013 concerning Tourism and Fatwa DSN-MUI Number 108/DSN-MUI/X/2016, there are still violations of Islamic law at Tuan Tapa Tourism Object in South Aceh. Based on Mr Hendri's explanation, some of the violations that are often committed at the Tuan Tapa Tourism Object in South Aceh are as follows:¹⁸

a) Practice of buggery

The practice of buggery is one of shirk and is prohibited in Islam, this practice is carried out by tourists who adhere to certain teachings, and usually tourists who perform these actions come from outside South Aceh Regency.

b) Tourists Visit During Friday Prayers

Tuan Tapa Tourism Object has operational hours like tourist attractions in general, on Friday the tourist attraction only operates until 10.00 WIB, but there are still naughty tourists who ignore the rules, so that when the Friday prayer is held there are still tourists who are in the area of Tuan Tapa Tourism Object.

c) *Khalwat*

In addition to the two violations above, another violation that often occurs is the *khalwat* act committed by young couples in the tuan tapa tourist attraction area, the *khalwat* act is an act of being together between men and women without marriage bonds both in quiet and public places, in Aceh the *khalwat* act is one of the *jarimah* regulated in Qanun Jinayat Aceh, *khalwat* perpetrators can be subject to *ta'zir* sanctions in the form of flogging.

Against these violations, the South Aceh Tourism Office has collaborated with *Wilayatul Hisbah* (WH) of South Aceh Regency in terms of law enforcement against young tourists who commit *khalwat* acts, as for the form of sanctions given is customary sanctions and sanctions verbal / oral reprimands, against perpetrators who commit *khalwat* acts then first resolved by custom by the local *gampong*, if not completed then

¹⁷ Interview Hendri Haddy, Staff of the Marketing Section of the South Aceh District Tourism Office, Monday 6 May 2024

¹⁸ Interview Hendri Haddy, Staff of the Marketing Section of the South Aceh District Tourism Office, Monday 6 May 2024.

it will be submitted to *Wilayatul Hisbah* to be resolved based on the Aceh Jinayat Qanun. Another effort made by the South Aceh Tourism Office is to place the South Aceh Tourism Office at the Tuan Tapa tourist attraction to supervise the activities of local and foreign tourists, besides that the South Aceh Tourism Office also cooperates with the local local community to jointly supervise tourist activities, so it is hoped that the participation of the community can increase the optimisation of the concept of halal tourism at Tuan Tapa South Aceh tourist attraction.¹⁹

Furthermore, Mr Hendri explained that in addition to supervision with related parties, another effort made to optimise halal tourism at Tuan Tapa tourist attraction is to conduct a campaign in the form of banner writing placed at Tuan Tapa tourist attraction, the campaign is expected to provide understanding to local tourists visiting, but based on observations made there are no banners and notice boards available in English, this is an obstacle for foreign tourists in understanding the available notice boards. As a result, there are still foreign tourists who wear open clothes because there is no information available regarding the prohibition of open clothes at Tuan Tapa tourist attraction.²⁰

Based on the description of the data above, it can be correlated with DSN-MUI Fatwa Number 108/DSN-MUI/X/2016 which explains that the implementation of halal tourism must fulfil general principles including: First, avoiding shirk, disobedience, *mafasadah*, *tabdhir / israf*, and obscenity. Second, creating benefits, and benefits both spiritually and materially. In connection with these general principles, Tuan Tapa tourist attraction has not fulfilled the general principles of halal tourism as described in Fatwa DSN-MUI Number 108 / DSN-MUI / X / 2016, based on the results of observations there are still persugihan practices that lead to shirk, in addition to the practice of persugihan there are still tourists who do not maintain worship obligations while travelling, as described above there are still tourists who do activities when Friday prayers are held, Then the Tuan Tapa tourist spot still has young tourists who do khalwat, although in terms of worship facilities and infrastructure there is a Mushalla with easy access to tourists, and the food traded in the Tuan Tapa tourist

¹⁹ Interview Hendri Haddy, Staff of the Marketing Section of the South Aceh District Tourism Office, Monday 6 May 2024

²⁰ Interview Hendri Haddy, Staff of the Marketing Section of the South Aceh District Tourism Office, Monday 6 May 2024

attraction is also halal food and for packaged food there is a halal label listed on the food product.

B. Challenges and Obstacles of South Aceh Regency Government towards the Implementation of Halal Tourism at Tuan Tapa Tourist Attraction

The implementation of halal tourism in the Tuan Tapa South Aceh tourist attraction is faced with obstacles and challenges at the practical level, the following are the obstacles and challenges to the implementation of halal tourism in the Tuan Tapa South Aceh tourist attraction:

a) Regulations are not well publicised

In the implementation of halal tourism in South Aceh Regency, the challenge is that the related regulations, both Qanun Aceh Number 8 of 2013 and Fatwa DSN-MUI Number 108/DSN-MUI/X/2016, are not well published in tourist destinations, especially Tuan Tapa tourist attractions, besides that the warning board containing the rules is not available in English, only available in Indonesian, this results in foreign tourists not knowing the existence of regulations related to the implementation of Islamic law and halal tourism in Tuan Tapa South Aceh tourist attractions.²¹

b) There are still local people who commit Sharia violations

In addition to the factor of rules that are not well publicised, the thing that supports the occurrence of violations of Islamic law in tourist destinations in South Aceh Regency is that there are still local people who commit acts of shirk, khalwat, and do not keep the time of worship, the South Aceh Regency government routinely supervises and takes action against local people who commit violations so as to minimise the occurrence of violations of Islamic law in South Aceh.²²

c) Number of Tourists Visiting on Weekdays

Every year the number of tourist visits to South Aceh Regency always increases, this can be seen from the statistical data of the South Aceh Regency Tourism Office. However, on weekdays there is a decrease in tourist visits. The decline in the number of tourist visits has an impact on the economy of the people of South Aceh, especially the community

²¹ Interview Hendri Haddy, Staff of the Marketing Section of the South Aceh District Tourism Office, Monday 6 May 2024

²² Interview Hendri Haddy, Staff of the Marketing Section of the South Aceh District Tourism Office, Monday 6 May 2024

around Tuan Tapa tourist attraction. Therefore, the South Aceh Tourism Office continues to strive to cover these shortcomings by improving tourist attraction infrastructure and increasing tourism promotion in South Aceh Regency.²³

d) Local Travellers' Food and Beverage Complaints

Every tourist who comes to South Aceh certainly has different characteristics and characters, some are happy and unhappy with the services provided by tourism actors or tourism awareness groups in the Tuan Tapa tourist attraction area. The challenges that are often found while tourists are in the Tuan Tapa tourist attraction are tourist complaints related to the problem of expensive food prices, this often occurs due to tourist dissatisfaction with the services provided by tourism actors who set food and beverage prices that are too expensive.²⁴

e) Illegal Parking Collection by Local Communities

The collection of illegal parking at Tuan Tapa tourist attraction by local communities can be a costly problem for both visitors and business owners in the area. Such practices usually occur when individuals or groups claim parking areas as their own and collect parking fees without official permission from the local government or landowners. The government through the South Aceh Tourism Office has made efforts in terms of controlling illegal parking at Tuan Tapa tourist attraction, currently the South Aceh government is formulating regulations to curb parking at various tourist attractions in South Aceh. This is done to attract local and foreign tourists so that tourists can calmly and comfortably enjoy the Tuan Tapa tourist attraction.²⁵

f) Lack of Facilities in the Tourist Attraction Area

Attractive tourist objects will be seen from the facilities available. Local and foreign tourists will feel at home if the facilities provided by tourism actors are adequate. However, the concern of the Gampong Government, Local Government, Provincial Government is very

²³ Interview Saiful, Trader at Tuan Tapa Tourism Object in South Aceh Regency, Tuesday 7 May 2024

²⁴ Interview Yuli, Tourist at Tuan Tapa Tourism Object in South Aceh Regency, Tuesday 7 May 2024

²⁵ Interview Yuli, Tourist at Tuan Tapa Tourism Object in South Aceh Regency, Tuesday 7 May 2024

concerning, both parking lots, roads, and visitor shelters are still very limited.²⁶

Based on the description above, there are six obstacles and challenges of the South Aceh government in implementing halal tourism at Tuan Tapa Tourism Object, the challenges and obstacles are caused by the lack of understanding of the community, tourists, and the lack of implementing regulations such as Qanun Kabupaten/Kota which regulates the concept of halal tourism in South Aceh Regency based on the values that live in the community. Currently the South Aceh government in terms of implementing halal tourism only refers to the Aceh Qanun and Fatwa DSN-MUI. However, in practice there are still many violations that are contrary to the values and principles of halal tourism as stipulated in the Aceh Qanun and Fatwa DSN-MUI.

C. *Maqhasid Sharia* Analysis of the Contents of Fatwa Number 108/DSN-MUI/X/2016 concerning Guidelines for the Implementation of Tourism Based on Sharia Principles

Fatwa No.108/DSN-MUI/V/2016 contains several provisions that must be fulfilled. These provisions regulate the contracts used in transactions by tourists, tourism organisers, travel and hotels. Furthermore, the DSN-MUI fatwa also regulates related to sharia-based hotels. Some things that must be considered for hotel organisers include:²⁷

- a) Sharia hotels must not provide facilities for access to pornography and immoral acts.
- b) Sharia hotels must not provide entertainment facilities that lead to polytheism, immorality, pornography and or immoral acts.
- c) The food and beverages provided by Islamic hotels must have obtained a halal certificate from MUI.
- d) Provide adequate facilities, equipment and amenities for the performance of worship, including purification facilities.
- e) Hotel managers and employees must wear sharia-compliant clothing.
- f) Sharia hotels must have guidelines and or guidelines regarding hotel service procedures to ensure the implementation of hotel services in

²⁶ Interview Yuli, Tourist at Tuan Tapa Tourism Object in South Aceh Regency, Tuesday 7 May 2024

²⁷ Fatwa DSN-MUI Number 108/DSN-MUI/X/2016 concerning Guidelines for the Implementation of Tourism Based on Sharia Principles.

accordance with sharia principles.

- g) Sharia hotels are required to use the services of Sharia Financial Institutions in performing services.

Furthermore, the provisions regulated are provisions related to tourist destinations so that tourist destinations are well maintained, comfortable and provide benefits for tourists must fulfil the following criteria:²⁸

- a) Tourism destinations shall be directed towards endeavours to: 1) Realising the public good; 2) Enlightenment, refreshment and tranquillisation; 3) Maintaining trust, security and comfort; 4) Realising universal and inclusive goodness; 5) Maintaining cleanliness, preservation of nature, sanitation, and the environment; and 6) Respecting socio-cultural values and local wisdom that does not violate sharia principles.
- b) Tourist destinations must have: 1) Worship facilities that are suitable for use, easily accessible and fulfil sharia requirements; and 2) Halal food and drinks that are guaranteed halal with MUI Halal Certificate.
- c) Tourism destinations must avoid: 1) Kernusyrikan and khurafat; 2) Maksiat, adultery, pornography, pornoaction, liquor, drugs and gambling; and 3) Art and cultural performances and attractions that contradict sharia principles.

From the contents of the fatwa above, the author will discuss the content of *maqasid al-shari'ah* contained therein.

a) Safeguarding Religion (*Hifdu Al-Din*)

In general, religion means belief in God, while specifically religion is a set of beliefs, worship, laws and laws prescribed by Allah SWT to regulate human relations with their God and relations with each other to uphold and realise it, the religion of Islam has prescribed faith and various basic laws of the five which are the basis of religion, namely testimony that there is no God but Allah, and the prophet Muhammad is His

²⁸ Fatwa DSN-MUI Number 108/DSN-MUI/X/2016 concerning Guidelines for the Implementation of Tourism Based on Sharia Principles.

messenger, establishing prayer, giving zakat, fasting in the month of Ramadan and performing the haji. ²⁹

Religion occupies the first position that must be maintained, therefore religion must have its nursery. This can be caused because first, religion becomes an expression of obedience to God, so there is no choice but to carry out the values that exist in religious teachings. Second, religion is attributed to individual faults that can be measured by the ability to create communal piety. Third, religion as a place of obedience will maintain the consistency of monotheism.³⁰

In terms of protecting religion, the existence of facilities and a supportive atmosphere for worship is an effort to fulfil the protection of religion. In the provisions of the fatwa, tourist destinations must avoid: polytheism and khurafat. However, in this case, the explanation of polytheism and khurafat itself is not explained in the general provisions. This explanation is important because it is to avoid misinterpretation of meaning or narrowing the meaning of the words polytheism and khurafat. Furthermore, tourist destinations are also obliged to provide adequate facilities, equipment and facilities for the implementation of worship, including purification facilities. The provision of these facilities is important so that tourists can worship comfortably even when travelling or in tourist attractions

b) Safeguarding the Soul (*Hifdu Nafs*)

The guarantee of life safety is a guarantee of safety for the right to live honourably and nobly. In a general sense, it is a guarantee of the safety of life, limbs, and the guarantee of honour and humanity. Maintaining the soul according to the rank of importance can be divided into three: 1) Maintaining the soul in the *daruriyyat* level such as fulfilling basic needs in the form of food for survival. If this is ignored it will threaten human existence; 2) Maintaining the soul in the level of *hajiyyat*, such as enjoying drinks and delicious food. If ignored, it will not threaten human existence; and 3) Maintaining the soul in the *tahsiniyyat* level, an

²⁹ Muhammadiyah Syukri Albani Nasution, *Philosophy of Islamic Law*, Jakarta, RajaGrafindo, 2013, p.128

³⁰ Fakhruddin Aziz, "Formula for Maintaining Religion (*Hifdu Al-din*) in the Village Community
Jepara: Implementation of *Maqasid Al-Shariah* with Anthropological Approach", *Al-Ahkam Journal*, 2017, p.89.

example of this level is like the procedure for eating. This is only related to politeness, and does not in any way threaten the safety of the soul.

Tourism is actually a psychological need for everyone. Because by travelling a person will add satisfaction in his life, through travel a person will feel enlightened mind and will feel the inner calm. Because tourism as an inner need for a person, in the end the need for tourism is a primary need.³¹ In order to fulfil the criteria of *maqhasid hifdu al-nafs* DSN-MUI requires the hotel organiser to prepare food and drinks that have been certified halal, do not provide alcohol and other intoxicating drinks. In addition to hotels, tourism organisers are also strongly sought to avoid the spread of illegal drugs, such as narcotics, methamphetamine and others.

However, according to the author, there are things that have not received attention in this fatwa, namely efforts to *hifdu al-nafs* not only halal-certified food, but broader than that, for example, the availability of clear and unpolluted drinking water. Because as happens in many tourist attractions, a lot of garbage is piled up and not managed properly. If this does not receive attention, it is not impossible that the water source will be polluted, and it will endanger physical health. Furthermore, development that does not pay attention to the environment will also cause losses and even disasters. For example, building villas or tourist attractions by cutting down trees that support the land or building hotels without paying attention to good sanitation will cause flooding in the future.

c) Guarding the Intellect (*Hifdu Al-Aql*)

Reason is the source of wisdom (knowledge), the light of guidance, the light of the eyes of the heart, and the medium of human happiness in this world and the hereafter. With reason, the command letter from Allah SWT is delivered, with it humans have the right to become leaders on earth, and with it humans become perfect, noble, and different from other creatures.³² Quoted by Ahmad al-Mursi Husain Jauhar in his book, Umar bin Khatab said: "the origin (base/foundation) of a person is his deeds, and the goodness of his religion is the honour of his mind".

³¹ Muhammadiyah Djakfar, *Halal Tourism from a Multidimensional Perspective Roadmap Towards Academic Development & Halal Industry in Indonesia*, Malang, UIN-MALIKI PRESS, 2017, p.128.

³² Ahmad Al-Mursi Husain Jauhar, *Maqasid Al-Shari'ah*, Jakarta, AMZAH, 2009, p.91.

Through his intellect, man is guided towards realisation of God and his Creator. With his intellect, he worships and obeys Him, establishes His perfection and majesty and defects, confirms the messengers and prophets. And believes in them as intermediaries who will transfer to mankind what Allah commands them, and bring good news and threaten bad deeds.³³ Islam enjoins us to protect the mind, and to prevent all forms of abuse that are shown to it. Islam commands us to take care of the mind, preventing any form of mistreatment shown to it or anything that causes it to become damaged and not function properly. To preserve the mind, there are several things that are regulated in Islam, including the prohibition of drinking alcohol and all intoxicants and enforcing punishment against drinkers or using all intoxicants.³⁴

Nowadays, the market for alcohol and illegal drugs is active, starting from entertainment venues, shops or hotels. This is very dangerous to the health of the mind, especially since most of the victims are teenagers. The consumption of alcohol or drugs leads to other crimes and certainly disturbs the community.³⁵

The guidelines formulated by DSN-MUI urge hotels and tourist destinations to avoid entertainment that provides entertainment facilities that lead to pornography, alcohol, drugs and or immoral acts. The steps of DSN-MUI according to the author are appropriate, because prevention through regulations will provide signs for the government, entrepreneurs, and communities around tourist attractions.

d) Guarding the Treasure (*Hifdu Al-Mal*)

The DSN-MUI Fatwa regulates that in order for the tourism business management assets to avoid usury, there are several contracts that can be used. These contracts include; the contract between tourists and the Sharia Tourism Management Agency (BPWS) used is an *ijarah* contract. *Ijarah* transactions are based on the transfer of benefits or rent. *Ijarah* contracts are classified according to the object into two types, namely *ijarah* for the benefits of real objects that can be sensed and *ijarah* for work services. In this contract, tourists as service tenants and BPWS as service providers. The leased object is the service and tourist attractions provided.

³³ *Ibid.*

³⁴ Muhammad Syukri Albani Nasution, *Philosophy of Islamic Law*, Jakarta, Raja Grafindo Persada, 2013, p.128.

³⁵ Ahmad Al-Mursi Husain Jauhar, *Maqashid Syariah*, Jakarta, AMZAH, 2010, p.94

Furthermore, the contracts used by BPWS with tour guides are *ijarah* and *ju'alah* contracts, and the contracts between tourists and tourism entrepreneurs are *ijarah* contracts. According to Haryono, what is meant by a *ju'alah* contract is an agreement to reward a certain job or work that is not certain to be done. So the tour guide as a person who does the service well or meets the target of BPWS will get a reward as promised at the beginning. Meanwhile, the contract between the Islamic hotel and tourists is an *ijarah* contract, as in the definition of *ijarah* above, the hotel as the party who owns the goods or the hotel rents it to tourists.

Furthermore, what is used by Islamic hotels with BPWS for marketing is a *wakalah bil ujah* contract, what is meant by a *wakalah* contract is a power of attorney from the *muwakkil* to the *representative* to perform certain legal actions. Meanwhile, what is meant by *wakalah bil ujah* is work done in return.³⁶ BPWS, which carries out marketing actions, will be rewarded by hotel entrepreneurs

e) Preserving Descendants (*Hifdu Al-Nasb*)

To preserve the honour of religion, Islam requires *hadd* punishment for men who commit adultery, women who commit adultery and *hadd* punishment for those who accuse others of adultery, without witnesses.³⁷ In order to realise this, Islam prescribes marriage in order to have children and to continue the continuation of the human species in its most perfect form.

In Fatwa DSN-MUI No.108 / DSN-MUI / 2016 concerning Halal Tourism Guidelines has contained one of the objectives of *maqashid sharia*, namely *hifdu al-nasb*, this can be seen in the formulation of tourist destination guidelines which explain that tourist destinations must avoid adultery, adultery is an act prohibited in Islam, adultery can damage a person's lineage, therefore tourist destinations must be free from adultery and acts that lead to adultery

f) Safeguarding Nature (*Hifdu Al-Biah*)

Fatwa-DSN MUI on Halal Tourism has included provisions to maintain the benefit, protect the environment and avoid mischief. However, the provisions included do not discuss in detail how to maintain a good environment. So that according to the author has not

³⁶ DSN-MUI Fatwa Number 113/DSN-MUI/I/IX/2017 concerning Akad *Wakalah Bi Al-Ujah*

³⁷ Muhammad Syukri Albani Nasution, *Philosophy of Islamic Law*, Jakarta, Raja Grafindo Persada, 2013, p.129.

answered the problems faced now. Such as drought, natural damage, either cutting down trees which are then replaced with resorts or inns, destroying the original habitat of endangered animals, to the dumping of garbage which is not managed properly so that garbage fills the sea which is very threatening to the ecosystem.

Furthermore, tourist destinations must be directed towards efforts to realise the public good, realise universal and inclusive goodness, maintain cleanliness, preserve nature, sanitation and the environment, respect socio-cultural values and local wisdom that do not violate sharia principles.³⁸ However, the regulation is implicitly only intended for tourist destinations. Whereas those who carry out development are not only providers of tourist destinations, but also other business organisers such as shops or inns. So it is appropriate that the regulation is also intended for them. And it can even be included in detail in its provisions.

In Islamic literature, environmental preservation is known as the harim area. Harim is an area that must be maintained for its ecosystem, and it is forbidden to disturb it. The harim area is intended to maintain rivers, trees, and animals thriving in it and development in the area is strictly limited. Harim belongs to the public, because water sources and timber provide livelihoods for the surrounding communities.³⁹

From this analysis, it can be concluded that the contents of the DSN-MUI fatwa Number 108/DSN-MUI/X/2016 have fulfilled the elements of *maqasid al-shari'ah*. However, in the effort to *hifdu al-nafs* there are several points that must be added, such as proper waste management. Because the danger of waste can pollute soil and water sources, and of course endanger human health. Furthermore, in the context of *hifdu bi'ah*, the development of tourist areas and lodging must also pay attention to the correct management of nature, because otherwise it will cause danger and threaten human existence.

Conclusion

The implementation of halal tourism at Tuan Tapa tourist attraction has not fulfilled the general principles of halal tourism as explained in Fatwa DSN-MUI Number 108 / DSN-MUI / X / 2016, based on the results

³⁸ Fatwa DSN-MUI Number 108/DSN-MUI/X/2016 concerning Guidelines for the Implementation of Tourism

³⁹ Safrilsyah and Fitriani, "Religion and Environmental Awareness", *Substantia Journal*, 2014, p.45.

of the research there are still practices of persugihan that lead to shirk, in addition to the practice of persugihan, there are still tourists who do not maintain worship obligations during the tour, In addition to the practice of persugihan, there are still tourists who do not maintain worship obligations while travelling, there are still tourists who carry out activities when Friday prayers are held, and Tuan Tapa tourist attractions still have young tourists who commit acts of khalwat, although in terms of facilities and worship infrastructure there is a Mushalla with easy access to tourists, and the food traded in Tuan Tapa tourist objects is also food that is halal certified by the Indonesian Ulema Council.

There are six obstacles and challenges of the South Aceh government in implementing halal tourism in Tuan Tapa Tourism Object, the challenges and obstacles are caused by a lack of understanding of the community, tourists, as well as the lack of implementing regulations such as Qanun Kabupaten/Kota which regulates the concept of halal tourism in South Aceh Regency based on the values that live in the community . Currently, the South Aceh government in terms of implementing halal tourism only refers to the Aceh Qanun and Fatwa DSN-MUI.

The substance of Fatwa DSN-MUI Number 108/DSN-MUI/X/2016 has fulfilled the elements of *maqasid al-shari'ah*. However, in the effort to *hifdu al-nafs* there are several points that must be added, such as proper waste management . Because the danger of waste can pollute soil and water sources, and of course endanger human health. Furthermore, in the framework of *hifdu bi'ah*, the development of tourist areas and lodging must also pay attention to the correct management of nature, because if not it will cause danger and threaten human existence.

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