

Implementation Of The Al-Umuru Bi Maqashidiha Rule On Sharia Tourism Policy In Indonesia

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Abstract: Islamic tourism as part of the halal industry in Indonesia is growing very rapidly. However, its implementation still has some challenges, such as differences in halal standards in regulations, lack of understanding, and symbolic business practices. The fiqh rule *al-umuru bi maqashidiha* emphasizes that every policy must be in accordance with the objectives of sharia which is the main key in ensuring that tourism industry regulations and practices are not only economically oriented, but also in line with sharia maqashid. The purpose of this research is to analyze the application of al-umuru bi maqashidiha rules in the preparation of sharia tourism policies in Indonesia. The method in this research uses a qualitative approach with a literature study. The results show that the application of the *al-umuru bi maqashidiha* rule in Islamic tourism policy still requires a more comprehensive approach, including harmonization of regulations, education for industry players and raising awareness of Muslim tourists. Recommendations for further research to conduct a deeper study of the effectiveness of existing policies and compare them with halal tourism practices in other countries to get more optimal results in the development of Islamic tourism in Indonesia.

Keywords: Sharia Tourism, al-Umuru Bi Maqashidiha, Maqashid Sharia, Policy, Fatwa DSN-MUI.

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A. INTRODUCTION

Indonesia is a country with a majority Muslim population that has great potential in the development of Islamic tourism. Shariah tourism offers shariah-compliant travel experiences for both Muslim and non-Muslim travelers around the world.(Azizuddin, 2022) This has a significant impact on national economic growth as well as strengthening Indonesia's identity as a halal industrial tourist destination. According to the Ministry of Tourism and Creative Economy, the number of foreign tourist visits to Indonesia in October 2024 amounted to 1,193,867 consisting of 1,037,336 visits or 86.89% through immigration records and 156,531 visits or 13.11% through Mobile Positioning Data records at border entrances. This number has grown by 22.01% compared to October 2023 with 978,519 visitors.(Ekonomi Kreatif, 2024)

Government policy in the Law of the Republic of Indonesia No. 10 Year 2009 on Tourism, is a major factor in supporting the sustainability of the Islamic tourism sector.(Undang-Undang Republik Indonesia Nomor 10 Tahun 2009 Tentang Kepariwisata, 2009) Effective policies must meet halal service standards, provision of good facilities, and regulations that underlie Islamic ethics in traveling.(Mahardika, 2020) However, some of the current policies are not fully compliant with sharia principles, causing obstacles in their implementation. For example, Fatwa DSN-MUI No. 108 of 2016 concerning the Implementation of Tourism Based on Sharia Principles, in its application this policy has not been fully optimized in various

regions due to differences in perception between tourism industry players, scholars, and policy makers. (Fatwa Dewan Syariah Nasional-Majelis Ulama Indonesia No: 108/DSN-MUI/X/2016 tentang Pedoman Penyelenggaraan Pariwisata Berdasarkan Prinsip Syariah, 2016) Therefore, a qawaidh fihiyyah-based approach is needed to ensure that government policies that have been established reflect the objectives of sharia and not just as a formality.

One of the fihiyyah rules that reflects sharia values in this policy is al-Umuru Bi maqashidiha, which means that everything must be judged based on its purpose. (Zaviril, 2025) This rule emphasizes that every policy that has been formulated must be based on achieving all benefits in accordance with sharia objectives. In sharia tourism, this policy is made not just to increase the number of Muslim tourists, but also must have a tourist experience and services that are in accordance with Islamic principles. (Hanifah, 2015) If the sharia tourism policy aims to maintain the sustainability of the tourism industry based on Islamic values, then every regulation set must consider the impact on the welfare of the people.

The maqashid sharia approach in the tourism industry is the main aspect to develop policies that include protecting religion (hifdz ad-din), protecting the soul (hifdz an-nafs), protecting the mind (hifdz al-'aql), protecting offspring (hifdz an-nashl), and protecting property (hifdz al-mal). (Rahman, 2025) In the preparation of sharia tourism policies, these five aspects must be the main indicators in the making process. The implementation of hifdz ad-din in sharia tourism can be seen from the provision of places of worship at tourist sites, while regulations regarding tourist safety are a reflection of hifdz an-nafs. However, if the policy does not pay attention to the five aspects of maqashid sharia, it will cause risks and is not in line with the objectives of maqashid sharia.

In practice, Islamic tourism policy has several challenges in applying fihiyyah rules, such as the lack of understanding among the government regarding the concept of maqashid sharia in Islamic economic regulations. (Noviantoro & Achmad Zurohman, 2022) In addition, the lack of contribution between the government, academics, and industry players is also a factor that causes the implementation of Islamic tourism policies to be not maximized. Therefore, an approach based on al-Umuru Bi maqashidiha is needed to ensure that the policies set have clear objectives and can be implemented properly.

Islamic tourism has great potential to provide economic benefits to local communities. The positive impacts of sharia tourism include opening new jobs, increasing regional income, and can encourage the development of the halal industry in the food, hospitality, and transportation sectors. (Basyariah, 2021) However, these benefits have not been fully realized because existing policies still do not meet the needs and participation of local communities. According to Mahardika's research (2020), it states that there are still many tourist destinations that are recognized as halal destinations, but have not met the halal standards by DSN-MUI. (Mahardika, 2020) By referring to the principle of al-Umuru Bi maqashidiha, the policies formulated can be clearer in creating a balance between economic growth and the sustainability of Islamic values in the tourism industry sector.

As an effort to face some of the challenges above, a more comprehensive approach is needed in the preparation of sharia tourism policies. The rule of al-Umur Bimaqashidiha can provide clear direction in the policy as well as objectives based on sharia principles, which

provide benefits for all Muslims. Based on the above problems, this study aims to analyze the extent to which the al-Umuru Bi maqashidiha rule has been applied in sharia tourism policy in Indonesia. Through this approach, this research is expected to provide better policy recommendations to support the sustainable growth of Islamic tourism in accordance with maqashid sharia.

B. METHOD

This research uses a qualitative method with a literature study approach (library research), with the aim of analyzing the application of the al-umuru bi maqashidiha rule in sharia tourism policy in Indonesia. (Sugiyono, 2018) The data sources in this research are primary and secondary data. Primary data in the form of DSN-MUI Fatwa No. 108 of 2016 concerning Guidelines for the Implementation of Sharia-Based Tourism and related laws and regulations. While secondary data in the form of scientific journals, books, previous research that discusses sharia tourism and al-umuru bi maqashidiha rules in Islamic economic policy.

Data were collected through documentation techniques by reviewing relevant literature from various academic sources. (Gunawan, 2015) The analysis is carried out by examining the contents of existing regulations and literature to understand how the concept of al-umuru bi maqashidiha rules is applied in the preparation of Islamic tourism policies. There are several stages of analysis, among others: (1) Identification, namely collecting and classifying literature related to al-umuru bi maqashidiha rules and sharia tourism policies, (2) Grouping data based on themes, (3) Data interpretation, analyzing the suitability of sharia tourism policies with fiqh rules and maqashid sharia, (4) Drawing conclusions from the results of the analysis.

C. RESULTS AND DISCUSSION

1. Kaidah al-Umuru bi Maqashidiha

The rules of fiqh are the main foundation for exploring Islamic law. Many of the rules of fiqh are studied in scientific disciplines, one of which is the rule of al-umuru bi maqashidiha. This rule is formed from two elements, namely lafadz al-amru and al-maqshod. In language, lafadz al-umuru is a form of lafadz al-amru which means circumstances, needs, events, and actions. (Amir, 2023) So the rule al-umuru bi maqashidiha can be interpreted as everything depends on its purpose (intention). While according to the term means the actions and actions of mukallaf both in terms of speech or behavior based on sharia law in accordance with the intent of the work done. As in the hadith of Anas narrated by Imam Baihaqi states لا عمل لمن لا نية له.

The meaning of the rule al-umuru bi maqashidiha is the purpose of the intention that begins to distinguish between worship and customs, distinguish the order of parts of worship and also distinguish all doubts from actions. (Muchsin, 2016) This rule explains that the law that affects a case caused by the actions or words of the subject of law depends on the intent and purpose of the case. So, if a person abandons things that are prohibited by the rules that have been set, then he will get the reward of the action. However, if the action is due to habit or a feeling of dislike for something that is left without anything prohibited, then it is considered an ordinary thing caused by human habit and does not get rewarded.

The rule of al-umuru bi maqashidiha is a very important and general fiqh rule. As quoted from Imam al-Qirafi, a Malikiyyah scholar in his book entitled al-furuq states that all deeds are in accordance with their purpose. (Zuhdi, 2018) This means that every deed can be seen through its purpose or intention, so that the law of charity is the same as the law of its purpose, namely الوسائل تتبع تامقاصد في أحكامه (Muiz, 2020) This rule explains that every action taken will lead to different results (law) depending on the intention and intent. According to the Shafi'iyyah madzhab, intention is defined as the intention to do something accompanied by its implementation. (Zuhdi, 2018) For example, in prayer, the intention is the intention in the heart, and the intention must be accompanied by takbiratul ihram.

Intention in language is a gap or goal, while in Shari'ah it is the determination of the heart to carry out something. According to scholarly terms, intention is the deliberateness of doing an action that coincides with its implementation. From some of the definitions above, it can be concluded that the intention must be made at the beginning of worship, not before or after performing worship. The definition of intention according to al-Baydhawi is the will that drives a person to do something with the aim of solely seeking the pleasure of Alla swt. This definition answers all the branch laws of fiqh, although it does not adjust to the formal laws relating to the validity of worship.

The rule of al-umuru bi maqashidiha has been explained in QS. Al-Bayyinah verse 5, which is about the obligation to intend in worship.

وَمَا أُمِرُوا إِلَّا لِيَعْبُدُوا اللَّهَ مُخْلِصِينَ لَهُ الدِّينَ

Which means: "They (the disbelievers) have not been commanded except to worship Allah, while purifying sincerity in religion (worship)."

Al-Qurtubi interpreted the verse above that the word al-din means worship. He explained that the sincerity contained in the word mukhlisin is an act of the heart that is only done in the context of worship. Ikhlas means an act of the heart that can only be realized through the intermediary of intention. Therefore, the verse is clear that there is a connection between worship and intention.

In the hadith of the Prophet which is the basis for the realization of this rule is

إِنَّمَا الْأَعْمَالُ

Meaning: "The validity of deeds depends on the intention"

From the hadith above, that the beginning of the hadith begins with the sentence innama which functions as a mediating "barrier" to the series of sentences after it, which means that when the word al-a'mal bi al niyyat is preceded by the word innama, it raises the understanding that it is with intention that a person's deeds deserve to be taken into account and considered as an act of worship.

The hadiths of the Prophet include:

إِنَّمَا الْأَعْمَالُ بِالنِّيَّاتِ لِكُلِّ امْرِئٍ مَا نَوَى

Meaning: "Every action depends on its intentions and for each person according to his intentions" (HR. Bukhari Muslim from Umar bin al-Khattab).

2. Tourism in Islamic Perspective

Tourism comes from the word "pari" which means many, many times, round and round, while "wisata" means traveling or journey. (Syahriza, 2014) So, tourism means an activity of traveling from one place to another with the aim of recreation or to look around, look for and witness something. In the Law of the Republic of Indonesia Number 10 of 2009 Chapter I concerning Tourism defines tourism as a travel activity carried out by a person or group of people to visit a certain place with the aim of recreation, personal development, or to study cultural tourism within a certain time. (Azizuddin, 2022)

Tourism is a service activity that utilizes natural wealth and the environment, such as cultural products, historical heritage, beautiful natural scenery and a comfortable climate. A tourist trip is a trip that takes more than three days which is carried out individually or arranged by the General Travel Agency by choosing a city or place both at home and abroad. Thus, tourism or tourism can be said to be a trip made by a person or group for a vacation to a place.

Tourism in Islam has several views, among others: (Ramadhani, 2021)

- a. It is an act of worship, as it is an order to perform one of the obligations in the pillars of Islam, namely Hajj, which is only performed at a certain time and month, and Umrah, which is performed annually.
- b. Aims as learning and knowledge, as explained in the Qur'an Surah At-Taubah: 112, the people who wandered in search of knowledge and religion at the beginning of Islam.
- c. Aiming to learn science and think. The command to travel on this earth has been explained in several Qur'ans, such as QS. Al-An'am: 11-12 and QS. An-Naml: 69-70.
- d. It aims to invite mankind to piety to Allah swt and convey the teachings of Islam brought by the Prophet Muhammad PBUH. This was the goal of the Prophet and his companions.
- e. It aims to make mankind aware of the greatness and majesty of Allah swt's creation of this universe and enjoy its beauty.

Some verses of the Qur'an that explain sharia tourism are QS. Al-Imran: 137 studying the end of those who deny the teachings of the apostle, QS. Ghafir:42 studying the fate of the previous people, QS. Al-An'am:11 studying the fate of those who deny, QS. Saba:11 thinking about how the creation of a place. From the explanation of these verses, it calls on mankind to travel and study what happened in the past and think to obtain a theoretical explanation for the creation of nature.

Islam calls on its people to travel and move to produce good in this world and the hereafter. Allah swt also calls on people to travel followed by attention and tadabbur of what they see. This means that humans will get a plus on rihlah or travel if accompanied by tadabbur because it will remind them of their position as servants of Allah swt on earth. A muslim moves to get sustenance, study knowledge, perform Hajj or Umrah, visit friends or people who are sick. These activities are acts of worship if the purpose of traveling is to seek the pleasure of Allah alone

3. Halal Tourism

According to the travel market (2007) halal tourism is part of religious tourism whose activities are allowed in Islamic teachings related to behavior, clothing and diet. (Azizuddin, 2022) Halal tourism also includes activities to meet accommodation needs in accordance with Islamic rules and beliefs. According to the point of view of Muslim travelers, halal tourism is the use of any object or involvement in activities in accordance with Islamic teachings and facilitates religious practices. The most important factor in halal tourism is the provision of services based on Islamic principles.

There are many terms for halal tourism, namely sharia tourism, Islamic tourism, halal travel, or as a moslem friendly destination. (Wildan, 2020) In the Regulation of the Minister of Tourism and Creative Economy of Indonesia No. 2 of 2014 concerning Guidelines for the Implementation of Sharia Hotel Business article 1 defines sharia as the principles of Islamic law as regulated in the fatwa of the Indonesian Ulama Council (MUI).

In Indonesia, the term for the concept of halal tourism is sharia tourism, which is an activity supported by various facilities and services provided by the community, government, and local governments that meet sharia provisions. (Basyariah, 2021) According to Samsuduha's research (2020), it is explained that halal tourism is currently very large in capturing the market needs of the world community which is starting to switch to the Islamic economy both from the basis of Islamic understanding and a sense of comfort. (Samsuduha, 2020).

According to the Ministry of Tourism of the Republic of Indonesia, "Halal Tourism" has the following terminological and conceptual differences: seen from the aspect of tourism goals and objectives, conventional tourism refers more to entertainment alone. (Iflah, 2019) While religious tourism aims to increase spirituality. Sharia tourism refers to entertainment but still carries out religious obligations. Islamic tourism focuses on different things, such as: participation and involvement by Muslim travelers, tourist attractions and destinations, service products in accordance with Islamic values, namely food, lodging, drinks, entertainment and others. A tourism destination can be said to be halal tourism, if it is included in 7 components, including: (Surwandono dkk., 2020).

a. Halal

Halal hotels provide Islamic services to Muslim travelers, not only providing halal food and beverages, but also managing the hotel based on Islamic values.

b. Halal Transportation

The purpose of halal transportation is to separate the seating position between male and female Muslim tourists and travelers who are not their mahrams, so that they feel comfortable with each other.

c. Halal Restaurant

Restaurants not only provide halal food and beverages, but also locations, such as providing nearby prayer rooms, halal ingredients or food products, garbage disposal in accordance with procedures, the use of staff who are accustomed to serving Muslim tourists or travelers and others.

d. Halal Food

Things related to food and beverages must have halal standards both from the ingredients and the processing, for example, the method of slaughtering animals must mention the name of Allah swt so that it becomes halal meat.

e. Halal Logistics

Halal logistics relates to the processing of procurement, movement, storage of materials, parts, livestock, semi-finished or finished goods of food and non-food supplies, as well as related information and documentation flowing through the organization and supply chain in accordance with Shariah principles.

f. Islamic Financial System

The financing or financial system must prioritize Islamic principles and must not contradict the Qur'an and hadith as well as be fair and honest towards Muslim tourists so that no party is harmed.

g. Islamic Travel Packages

Islam travel packages or called halal tour packages are travel packages that are different from others. Where halal tour packages are packages that provide facilities and rules in accordance with sharia.

h. Halal Spa

Halal Spa consists of several components, including location, spa ingredients, safety, service, social responsibility, environmental management, waste management in accordance with Islamic law.

Places of worship in religious tourism are very available and must be on attractions such as religious pilgrimages or visiting sacred places for Muslims. While halal tourism, worship facilities complement entertainment in order to provide comfort for Muslim tourists. In contrast to sharia tourism which makes places of worship as the main facilities and integrates with tourist attractions. Judging from the culinary aspect, conventional tourism and religious tourism provide general food, while halal tourism prioritizes food and drinks labeled and certified halal but does not specialize in food and drink only. In halal tourism, restaurants are still allowed to provide non-halal food and drinks, but provided that the use of kitchen and cooking utensils and others must be separated. Unlike the case with sharia tourism, all culinary food and drinks must be standardized halal and have a halal certificate.

4. Analysis of the Application of the Rule of al-Umuru Bi Maqashidiha in Sharia Tourism Policy in Indonesia

The fiqhiyyah rule al-Umuru Bi maqashidiha means that everything "depends on its purpose" is the main rule in Islamic law. This rule emphasizes that all actions and policies must have a purpose and purpose, not just the form. In sharia tourism policy in Indonesia, this rule becomes an important reference in determining the direction to develop the tourism sector in accordance with Islamic principles. By applying the al-umuru bi maqashidiha rule, the government and policy makers are expected to ensure that the policies formulated do not only aim to increase economic income, but reflect sharia values in practice.

In sharia tourism policy, the application of the al-Umuru Bi maqashidiha rule is very important to ensure that the regulations made are not just administrative but also reflect Islamic principles, such as the fatwa issued by the National Sharia Council of the Indonesian Ulema Council No. 108 of 2016 concerning the Implementation of Sharia-based Tourism. This regulation aims to ensure that all sharia tourism services, from accommodation to tourist entertainment, are in accordance with sharia principles. This means that this policy aims to protect Muslim tourists so that they can travel and still fulfill their religious obligations.

One form of the application of the al-umuru bi maqashidiha rule in Islamic tourism policy is the provision of facilities that support Muslim tourists to carry out their worship. There are hotels and restaurants in sharia tourism destinations that have provided halal food and drinks as well as sufficient worship facilities. This policy is made to provide comfort for Muslim tourists, so that their trip remains in accordance with Islamic teachings. In this case, the intention and purpose aspect of providing facilities is very important because it is not only to attract Muslim tourists, but also to create an environment that is in accordance with Islamic values. However, the implementation of the al-umuru bi maqashidiha rule in the Islamic tourism industry in Indonesia still faces several challenges. One of them is the lack of public awareness and understanding of the concept of Islamic tourism itself. There are still many business actors who consider halal tourism as a marketing strategy only without paying attention to the actual sharia objectives. This has led to symbolic practices, such as putting a "halal" label on a hotel or restaurant, but not yet certified as MUI standard halal.

There are other challenges such as differences in perception between regulators and industry players regarding the definition and standards of Islamic tourism. Some hotel and restaurant operators think that halal tourism is only about providing halal food, whereas this concept covers a very broad aspect, including Muslim-friendly services, cleanliness of the place, safety, and business ethics in accordance with Islamic values. Therefore, further efforts are needed to equalize perceptions and raise awareness of the importance of applying the principles of al-umuru bi maqashidiha in every sector of the Islamic tourism industry. Government policies in developing Islamic tourism must also consider the five objectives of maqashid sharia, namely the protection of religion (hifdz ad-din), soul (hifdz an-nafs), intellect (hifdz al-'aql), offspring (hifdz al-nasl), and property (hifdz al-mal). In the concept of Islamic tourism, the application of this rule can be seen from the regulatory aspects that encourage the provision of safe and comfortable tourist destinations for Muslim tourists, as well as policies that protect them from practices that are contrary to Islamic values, such as gambling and alcoholic beverages.

The application of the al-umuru bi maqashidiha rule can also affect the marketing and promotion of Islamic tourism. Halal tourism promotion should not only be to attract Muslim tourists, but should also have clear intentions and objectives in supporting the development of the overall halal industry. For example, Islamic tourism marketing should reflect Islamic values, such as the use of media that does not contain pornographic elements and does not mislead tourists by claiming things that are not good. Thus, Islamic tourism marketing is not only oriented towards economic profit, but also prioritizes Islamic ethics and morality. Human resource development in the Islamic tourism industry also includes the application of this rule.

Business actors in the Islamic tourism industry, ranging from tour guides, hotel employees, to managers of tourist destinations must have a deep understanding of the concept of Islamic tourism.(Iflah, 2019) Thus, it is necessary to understand that the purpose of halal tourism is not only to increase the number of tourists, but also to become a means of da'wah that can introduce Islamic values to the entire community. Therefore, sharia-based workforce training and certification is an important step in realizing sharia tourism in accordance with the principle of al-umuru bi maqashidiha.

The successful application of the al-umuru bi maqashidiha rule in sharia tourism policy in Indonesia is highly dependent on the synergy between the government, academics, scholars, and industry players. Regulations made must truly reflect the objectives of sharia principles, while industry players must have a commitment to apply sharia principles in their operations. Education to the public is also an important aspect so that Muslim tourists are increasingly aware and interested in choosing tourist destinations that are in accordance with Islamic values. With the optimal application of the al-umuru bi maqashidiha rule, Islamic tourism in Indonesia not only develops as a potential economic sector, but also becomes part of efforts to maintain and spread Islamic values in modern life. Through policies based on the right intentions and goals, Islamic tourism can be a means to improve people's welfare, strengthen Islamic identity, and expand the scope of Islamic propagation globally.

D. CONCLUSIONS AND SUGGESTIONS

The application of the al-umuru bi maqashidiha rule in sharia tourism policy in Indonesia emphasizes that every regulation and practice of the halal tourism industry must be based on sharia objectives and not just an economic strategy. Policies such as Fatwa DSN-MUI No. 108 of 2016 have become important guidelines to ensure that services, facilities, and tourism activities are in accordance with Islamic principles. However, the implementation of this rule still has some challenges, such as limited understanding, unequal standards, and symbolic practices without strong sharia substance.

To strengthen this rule, policy harmonization, increasing public awareness, and education for industry players are needed. The government and policy makers must ensure that sharia tourism not only develops economically, but also reinforces Islamic values in practice. Recommendations for further research can be focused on analyzing the effectiveness of related policies, comparative studies with other countries, as well as measuring the impact of the application of al-umuru bi maqashidiha rules on the sustainability of the halal tourism industry in Indonesia. This research is expected to contribute to the preparation of policies that are more comprehensive and based on maqashid sharia.

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