

Halal Tourism in The View of Maslahah Mursalah

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Abstract

Indonesia as a country with a majority Muslim population, takes advantage of great opportunities to further develop its potential in the halal tourism sector. Halal tourism began to develop because of the lifestyle needs of people who like to travel but still maintain sharia rules such as halal food and drinks, as well as sharia concept lodging. Islamic scholars agree that the main sources of Islamic law are the Qur'an and hadith. Other sources (theorems) such as ijma', qiyas, istihsan, mashlahah mursalah are still in dispute, both their existence and their intensity as legal arguments. For this reason, it will be seen how halal tourism is in Maslahah Mursalah's view. This research is a normative research with secondary data sources to be analyzed by descriptive analysis. In Maslahah Mursalah's view, a halal tourism concept can certainly provide the benefit of the world and the hereafter to humans. the concept of halal tourism is something that fulfills some of these principles, halal tourism can help humans to relieve fatigue because of activities that are the benefit of basic human needs, this is included in the Maslahah Dhorurriyah printip with the aim of maintaining religion, soul, mind, offspring and property . In addition, halal tourism in the form of mosques can also be managed so that tourist visitors can still worship while traveling with family.

Keywords: *Halal Tourism, Maslahah Mursalah.*

INTRODUCTION

Tourism is one sector that has the potential to contribute to improving the economy of a country. The Indonesian National Planning Agency (Bappenas) in its 2005-2025 Vision and Direction of Long-Term Development (PJP) states that: Tourism is developed in order to encourage economic activity and improve Indonesia's image, improve the welfare of local communities and provide expansion of employment opportunities. Tourism development utilizes the diversity of natural beauty and national potential as the world's largest marine tourism area in a wise and sustainable manner, and encourages economic activities related to the development of national culture (Hamzana, 2018). Over time, the tourism sector has experienced innovative developments, including the emergence of the trend of halal tourism which has strengthened in recent years. Indonesia

as a country with a majority Muslim population, takes advantage of this great opportunity to further develop its potential in the halal tourism sector. Halal tourism began to develop due to the lifestyle needs of people who like to travel but still maintain sharia rules such as halal food and drinks, as well as sharia-concept lodging (Reza, 2020).

As for Indonesia, halal tourism itself has been developed into a national program by the Ministry of Tourism. To accelerate halal tourism, the Ministry of Tourism has designated 15 (fifteen) provinces as the focus for the development of leading Muslim tourist destinations that are given autonomy by the tourism ministry to manage tourism potential in their respective regions. By granting autonomy by the Ministry of Tourism, it is hoped that each designated province can develop their own halal tourism potential to excel and become a favorite destination for halal tourism (Ferdiansyah, 2020).

Islamic scholars agree that the main sources of Islamic law are the Koran and hadith. Other sources (arguments) such as *ijma'*, *qiyas*, *istihsan*, *mashlahah mursalah* are still disputed, both their existence and their intensity as legal arguments. However, what the author discusses is *mashlahat/istishlah*. *Mashlahat* is a legal proposition that can provide a faster and wider movement for *mujtahids* to think, because it does not require so much connection with texts as applies to *qiyas*. However, what is emphasized more is a belief that in it there is the benefit of the people (Misran, 2016).

Tracing the meaning of *maslahah mursalah* must be started by tracing the etymological (*lugatan*) meaning of the word. *Maslahah ah mursalah* consists of two words, namely the word *maslahah* and *mursalah*. Etymologically, the word *maslahah* is a form of *masdar* (adverb) which comes from *fi'l* (verb), namely *saluha*. Judging from its form, besides the word *maslahah* being an adverb form, it is also a singular ism (noun) form of the word *masâlih* (*jama'*, plural) (Al-Manzûr, 1972). The word *maslahah* has been absorbed into the Indonesian language to become *maslahat*, as well as the word *benefits* and *benefits*. Etymologically, the word *maslahah* has the meaning: *manfa'ah*, benefit, good, good (kindness), use (usefulness). According to Yûsuf Hâmid al-'Âlim, in his book *al-Maqâsid al-'Âmmah li asySyarî'ah al-Islâmiyyah* states that *maslahah* has two meanings, namely the meaning of *majâzî* and *haqîqî*. What is meant by the meaning of *majâzî* here, said al-'Âlim, is an action (*al-fi'l*) in which there is goodness (*saluha*) which means benefit. An example of the meaning of *majâzî* is, for example, seeking knowledge. With knowledge will result in benefits. Other examples, for example, farming and trading, by doing all of this, benefits will be obtained, that is, property ownership will be obtained. The meaning of *maslahah* like this is the opposite of *mafsadah* because of that, it is impossible for the two to meet in an act. The *majâzî* meaning of *maslahah* can be clearly found in *ma'âjim al-lugah* books, such as the dictionaries of *al-Muhît* and *al-Misbâh al-Munîr* (Al-'Âlim, 1991).

Meanwhile, what is meant by the meaning of *maslahah haqîqî* is *maslahah* which literally means *al-manfa'ah*. This meaning is different from the meaning of *majâzî*. This meaning can be seen in *mu'jam al-Wasît*, that *al-maslahah as-salah wa an-naf'*. If it's *saluha*, said al-'Âlim the damage will surely disappear because of that, said *saluha asy-syai'* which means it is useful or appropriate (*munâsib*). Based on this meaning, al-'Âlim gives an example, for example, the pen has benefits for writing. Therefore, *al maslahah* in the sense of *majâzî* is the certainty that humans benefit from what they do. While *al-maslahah* in the sense of *haqîqî* means that the action itself contains benefits (Al-'Âlim, 1991). Here al-'Âlim does not explain how to get the benefits like what and how.

RESEARCH METHOD

This research is a normative research, with descriptive research analysis using secondary data sources. Secondary data comes from the development of primary data from library references such as academic journals, essays, and reference books related to research. Secondary data is "data from library research (library research) related to publication, namely library data described in official documents (Marzuki Peter Mahmud, 2014). Secondary data sources are divided into primary, secondary and tertiary legal materials. Tertiary legal materials, namely "legal materials that provide information on primary and secondary legal materials, for example bibliographies and cumulative indexes (Subagiyo P. Joko, 2015). Tertiary legal materials or supporting legal materials basically include materials that provide guidance on primary and secondary legal materials, which are better known as legal reference materials or legal reference materials, for example statutory abstracts, legal bibliographies, court directories, legal encyclopedias, law magazine indexes, legal dictionaries, and so on (Mamudji, 2012).

ANALYSIS AND DISCUSSION

Conception of Halal Tourism According to Islamic Law

Halal tourism is starting to be in demand globally because the characteristics of the products or services offered are universal. Halal tourism and conventional tourism have no differences in products, services or development objectives as long as they do not conflict with sharia business values and ethics. Halal tourism is a form of culture-based tourism by prioritizing the values and norms of Islamic law as the main foundation. The cycle of the tourism industry, which is still in the development phase, certainly requires more up-to-date ideas and the internalization of a thorough understanding of the integration of Islamic values at all stages of tourism activities. Halal tourism continues to experience development and face the challenges of technology and information trends (Surur, 2020). The meaning of the phrase "halal tourism" is actually very ambiguous, non-standard, even very confusing because there is no interpretation of the meaning that can be used as the main guideline. For this reason, everyone can interpret it differently according to their respective foundations of understanding (Awalia, 2017). Halal tourism from the lay community is often referred to as religious tourism. Religious tourism is an activity of visiting places of worship for pilgrimages or other worship. Meanwhile, shari'ah tourism is not only focused on objects, but travel manners, and other facilities (Chookaew, 2015). So that sharia tourism is interpreted as a tourist activity carried out by Muslims who are indeed motivated to carry out Islamic activities according to Islamic sharia principles (Pratiwi, 2016).

Halal tourism is a form of culture-based tourism by prioritizing the values and norms of Islamic law as the main foundation. The cycle of the tourism industry, which is still in the development phase, certainly requires more up-to-date ideas and the internalization of a thorough understanding of the integration of Islamic values at all stages of tourism activities. Halal tourism continues to experience development and face the challenges of technology and information trends. Natural tourism has several aspects in it, namely:

1. Aspects of worship, tourism in the context of Islam has the main goal, namely to know God. Allah SWT hints in various verses of the Koran for humans to travel on earth and think about various phenomena and natural creations. Allah SWT says in QS Al-Ankabut / 29: 20 which means: "Say, walk on earth, then pay attention to how Allah created man from the beginning, then Allah made him once again. Verily, Allah is

Powerful over all things.” The essence of worship in tourism is also seen from the implementation of the fifth pillar of Islam, namely by performing the Hajj and Umrah pilgrimages to Mecca and Medina. Pilgrims will carry out a series of worship changing tawaf, sai and throwing jumrah. All of this is done because of the value of worship in the ritual. The purpose of the pilgrimage and umrah performed by Muslims is not for Allah SWT, but in order to get closer to Him. The essence of the process of carrying out or practicing the Hajj and Umrah pilgrimages is that there are ritual and non-ritual events, obligations and prohibitions that are carried out both physically and symbolically as a form of drawing closer to the Creator (Surur, 2020).

2. Aspects of Science, Factors of knowledge and insight are also important factors that make tourism develop in Islamic culture. Since the emergence of Islam, this noble religion has motivated its followers to seek knowledge, even to distant lands. One of the important reasons for the growth and development of Islamic civilization is tourism travel aimed at studying knowledge. Tourism has a close relationship with the concept of knowledge development and its dissemination. This motivation can be seen in QS at-Taubah / 9: 112 "They are people who repent, worship, praise (Allah), wander (for the sake of knowledge and religion), bow down, prostrate, order to do what is right and prevent what is wrong and who keep God's laws. And rejoice those who believe." (Surur, 2020).
3. Aspects of Muamalah, The essence of tourism according to the next Islamic view is for business activities. Currently trade is the most important destination segmentation of tourism. Islam recommends seeking income through business or trading in a lawful manner. Various verses show attention to healthy business activities, parallel to other acts of worship. QS Quraish/106: 1-4 describes the custom of the Quraysh tribe to make trade trips to Yemen and Sham. Giving motivation like this has made Muslims travel to various parts of the world to trade and earn income. This trade trip activity also spread Islam to various parts of the world, including to Indonesia. The development of tourist objects managed by the community and the government has a positive impact on economic development in general. Stretching tourist attractions in the region as energy and positive impetus for economic development at the local level. This can improve welfare, especially at the village scale. Tourists who visit will enjoy tourist attractions requiring accommodation managed by the community or business actors.
4. Aspects of Islamic Symbolism, The linkage of tourism as a symbol of Islam is manifested by the existence of tourist objects as a medium of da'wah or Islamic symbols. Religious tourism is encouraged by offering tourist attractions with the aim of arousing public awareness of the omnipotence of Allah SWT, as well as growing religious awareness. Tourists who come to tourist attractions will feel a change in their religious emotions, such as the awakening of a sense of calm, solemnity and humility (humility to Allah SWT). Tourist destinations are media that have a good influence, are reminders of death and the hereafter, encourage repentance, be grateful for creation and His majesty. However, there are times when visitors who come to these tourist attractions do not understand what to do and are not in accordance with the guidance of Islamic teachings, so halal tourism is present as a guide in the direction set by Allah SWT (Surur, 2020).
5. Aspects of peace of mind. The essence of tourism in Islam is also directed at the essence of pleasure but in a positive corridor. Wholesome and rewarding pleasure can be achieved by traveling from city to city or from country to country. Tourists can see

various beautiful creations of God, such as towering mountains, clear springs, clean seas, fast-flowing rivers and green forests. This will create calm and freshness of the soul and increase the strength of faith in the Creator. Nature was created by Allah SWT with various purposes. We enjoy nature through tourism activities that provide peace of mind and body, as well as provide positive energy. In addition, the goal of establishing friendship is recommended in Islam by meeting relatives and relatives (Surur, 2020).

Specifically, halal tourism is a trade or business activity (halal tourism). In Islamic literature, the term "halal" refers to everything that is ordered in religious teachings and is the basis for the behavior and activities of Muslims. In particular, halal is used to mean everything that can be consumed according to the Koran or the Hadith of the Prophet. The opposite term is "haram" which refers to acts of violation of religious teachings by Muslims. Therefore, a Muslim is required to benefit from halal activities and avoid things that are forbidden by religion. The word "halal" means something that is permissible and is usually used in the sense of lawful. The concept of halal in Islam has very specific motives such as to preserve religious purity, to maintain Islamic mentality, to sustain life, to protect property, to protect future generations, to maintain dignity and integrity. Also, the definition of halal refers to all aspects of life such as permissible behavior, speech, clothing, behavior, ways and diet. In addition, the definition of halal is explored in various ways due to the broad meaning of its language use in the East and in a narrow context it is also used in the West. For Muslims, what makes lawful or permissible usually reverts back to Islamic law which is largely fixed and unchangeable, unlike secular law. Sharia is a moral system of life that is not limited to food requirements that may be consumed and continues to develop in relation to the Muslim population. Therefore, the concept of halal is important to be part of the brand. In addition, the word halal is not only an element of the brand but also part of a belief system, code of ethics and morality, and is integral to everyday life. As a result, whether the term halal or the fulfillment of sharia principles is a process or value acquired plays an important role in shaping the minds of Muslim consumers, especially when it comes to consumption. However, what types of consumption at the product level should be offered by many brands as a broader approach than the definition of halal that should be applied to goods or food brands. As a growing consequence of the market related to halal consumption, from a demographic point of view, Muslim consumers focus on this provision. Halal consumption has an influence in opening up new horizons of possibility. Large multinational companies can produce soft drinks, chewing gum and health supplements, vaccines, infant formula, ingredients and more. Halal consumption is targeted as a new marketing segment. In addition, halal products for consumers provide space for everyone as a global association around this topic (Jaelani, 2017).

The concept of halal tourism is a form of tourism that prioritizes the values and norms of Islamic law as its basic foundation. As a new concept in the tourism industry, of course, halal tourism requires further development and a more comprehensive understanding regarding the collaboration of Islamic values embedded in tourism activities. The concept of halal tourism is a form of tourism that prioritizes the values and norms of Islamic law as its basic foundation. As a new concept in the tourism industry, of course, halal tourism requires further development and a more comprehensive understanding regarding the collaboration of Islamic values embedded in tourism activities. In order to understand related to halal tourism, it is necessary to have a good understanding regarding the legal foundations concerning halal tourism both in the Al-

Quran and in the Hadith. The essence of halal tourism is tourism that is permitted by Allah SWT because there is an element of getting closer to Allah SWT. For this reason, when we decide to travel, it is important for Muslims to prioritize halal tourism over conventional tourism. This choice cannot be separated from that Islam has concepts that promote brotherhood and socio-economic justice.

There are several letters in the Al-Quran that discuss tourism related to Islamic teachings. Discussions related to tourism that are allowed in Islam can be found in sura al-Hajj verse 46, sura al-Maidah verse 3, surah at-Taubah verse 60, sura an-Nisa verse 100, sura al-Quraish verse 2, sura al-Ankabut verse 20, sura al-An'am verse 11, sura Muhammad verse 10 and sura al-Saba' verse 18. Translation of surah al-Hajj verse 46 which reads "Then do they not walk on earth, then they have hearts that with which they can understand or have ears with which they can hear? For in fact it is not the eyes that are blind, but what is blind is the heart that is in the chest." Surah al-Maidah verse 3 reads: "It is forbidden for you (to eat) carrion, blood, pork, (animal meat) slaughtered in the name of other than Allah, those who are strangled, those who are beaten, those who fall, those that are gored, and are attacked by wild animals, except those that you could slaughter it, and (unlawful for you) slaughtered for idols. And (it is also forbidden) to draw fate with arrows, (to draw fate with arrows) is wickedness. On this day the disbelievers have given up hope of defeating your religion, so do not be afraid of them and fear Me. On this day I have perfected your religion for you, and I have completed My favor on you, and I have pleased Islam to be your religion. So whoever is forced through hunger without knowingly commits a sin, verily Allah is Forgiving, Most Merciful" (INEWS, 2020).

Surat at-Taubah verse 60 "Indeed, zakat is only for poor people, poor people, zakat administrators, converts whose hearts are persuaded, to (liberate) slaves, debtors, for the path of Allah and for those who are on their way, as a decree obligated by Allah, and Allah is All-Knowing, All-Wise." Surah an-Nisa verse 100 "Whoever migrates in the way of Allah, they will surely find on this earth a wide place of migration and a lot of sustenance. Whoever leaves his house with the intention of emigrating to Allah and His Messenger, then death befalls him (before arriving at the destination), then his reward is fixed with Allah. And Allah is Most Forgiving, Most Merciful." Surat al-Qurays verse 2 "(namely) their habits of traveling in winter and summer". Surat al-ankabut "Say, walk on earth, then pay attention to how (Allah) begins the creation (of creatures) then Allah makes the final event. Verily Allah is Powerful over all things." Surat al-An'am verse 11 "Say (Muhammad), explore the earth, then see how the end of those who deny it" (INEWS, 2020).

The conclusions that can be drawn from several arguments in the Koran and hadith have given us an idea that halal tourism is an alternative tour that is not only entertaining but also has the essence of getting closer to Allah SWT so that we are always under His good protection. in this world and in the hereafter.

Maslahah Mursalah Theory View of Halal Tourism

The definition of al-maslahah al-mursalah is etymologically, maslahah is the same as benefits, or a job that contains benefits. It is also said that from the word al-maslahah everything means "benefit", either from origin or through a process such as producing pleasure or benefit. In principle, the terminology is "taking advantage and rejecting harm." Because the view in the concept of maslahat is very comprehensive as a map of life in the world, even the most important life "to come". The future life addressed in

Islam is the afterlife. Maslahah comes from the word shalaha (صلاح) (with the addition of "alif" at the beginning which literally means "good" the opposite of good is bad or "damaged". regardless of damage". or damage. So, everything that contains benefits deserves to be called maslahah. That way mashlahah contains two sides, namely attracting or bringing benefit and rejecting or avoiding harm (Syarifudin, 2008).

Whereas al-maslahah al-mursalah in terminology according to Ash Syatibi, one of the scholars of the Maliki school of thought, argues that al-maslahah al-mursalah is every syara' principle which is not accompanied by specific textual evidence but is in accordance with syara' actions and its meaning is taken from syara' arguments. So this principle is valid as a legal basis and can be used as a reference. Drawing conclusions by Rachmat Syafe'i regarding Asy Syatibi's opinion, namely "the conformity of maslahah with syara' is not known from one particular proposition and text, but produces qoth'i law even though its parts do not show qoth'I (I, 2015).

In the concept of al-maslahah al-mursalah it discusses life that leads to substantive happiness towards happiness hereafter. The life of the world that is obtained also brings true happiness, not vice versa, the life of the world is miserable, especially that which has an impact on spiritual life. The concept of al-maslahah al-mursalah has several principles as a syara' goal, namely maintaining religion, soul, mind, lineage and property. Examining a legal act of tourism development seen from the concepts of maslahah al mursalah. Development is studied from the categorization of values al-maslahah al dhoruriyah, maslahah al hajjiyyah and maslahah al tahsiniyah: (Harun, 1996)

1. Maslahah al-daruriyyah, namely maslahah related to the basic needs of mankind in this world and in the hereafter. There are five benefits like this, namely: (1) maintaining religion, (2) maintaining the soul, (3) maintaining the mind, (4) maintaining offspring, (5) maintaining property/property
2. Maslahah al-hajjiyyah, namely the benefit needed in completing the previous basic (fundamental) needs in the form of relief to maintain and maintain basic human needs;
3. Maslahah al-tahsiniyyah, namely benefit that is complementary in nature in the form of flexibility that can complement the previous benefit. The three benefits mentioned above are distinguished so that Muslims in particular can determine priorities in taking benefit.

In halal tourism, tourists are like guests visiting a family. Because of that, it is necessary to respect their arrival and protect all their interests so that they get physical and spiritual satisfaction in making visits. In the philosophy of Javanese culture, the respect of a host for every guest who comes is woven into the teachings, namely gupuh, lungguh and suguh. Gupuh is intended for the host to immediately welcome his guest in a respectful and friendly manner, after which the guest is asked to sit down, and if possible, can be served with only food and drink as needed. Such a practice is actually the same as what is taught in Islam which obliges every Muslim to honor his guests as an expression of their faith in Allah. Furthermore, what is the form of respect and service if applied to the world of tourism in the perspective of Maqāṣid al-Syarī'ah which basically teaches to protect the interests of tourists which includes aspects: protection of religion or hifzuddin (hifz al-din), protection of the soul of the king or hifzun- nafi (hifz al-nafs), protection of property or hifzulmali (hifz al-mal), protection of the mind or hifzul aqli (hifzul al-aqli) and protection of offspring or hifzun nasli (hifz an-nasl). Some ushul fiqh experts add protection of honor or hifzul-irdi (hifz al-ird) in addition to the five very well-known maqasid above (Djakfar, 2017).

In the teachings of Maqāṣid al-Syarī'ah it can strengthen the meaning of halal in tourism activities in carrying out tours according to sharia guidelines. At the same time, they want to protect their beliefs so that they are far away from polytheism, superstition, disobedience, and so on which are currently happening and developing in a society which is of course counterproductive to what is taught in Islam. Therefore, to keep Muslim tourists away from disobedience, the concept of halal tourism is necessary, including the presence of halal-certified hotels, halal beaches that provide permanent barriers for female and male tourists.

The concept of Maslahah Mursalah has several principles as syara' goals, namely preserving religion, preserving the soul, preserving the mind, preserving offspring and preserving property. In addition to looking at the five syara' objectives, the author will also examine the categorization of Maslahah Dhoruriyah, Maslahah Hajjiyah and Maslahah Tahsiniyah. Maslahah Dhoruriyah is maslahah related to the basic needs of mankind in this world and in the hereafter. Religious tourism is a place for us to draw closer to God, this can be categorized as the needs of the hereafter. Apart from that, we can also be refreshed and let go of fatigue because of our activities, we can call this the need in the world. The benefit of Maslahah Dhoruriyah includes five objectives, namely: maintaining religion, protecting the soul, protecting the mind, protecting offspring and protecting property. Maslahah Hajjiyah is a benefit that is needed in perfecting the previous basic (fundamental) benefits in the form of relief to maintain and maintain basic human needs. Maslahah Tahsiniyah, namely complementary benefits in the form of flexibility that can complement the previous benefits.

If we look at some of the Maslahah Mursalah principles above, the concept of halal tourism is something that fulfills some of these principles, halal tourism can help people relieve fatigue because of activities that are the benefit of basic human needs, this is included in the Maslahah Dhoruriyah printip with the aim of maintain religion, soul, mind, lineage and wealth.

CLOSURE

Conclussion

In the view of Maslahah Mursalah, a halal tourism concept can certainly provide benefits to humans in the world and the hereafter. the concept of halal tourism is something that fulfills some of these principles, halal tourism can help people to relieve fatigue because activities that are for the benefit of basic human needs, this is included in the principle of Maslahah Dhoruriyah with the aim of maintaining religion, soul, mind, lineage and property. In addition, halal tourism in the form of mosques can also be managed so that tourist visitors can still perform their prayers while traveling with their families.

Sugesstion

Regarding to halal tourism in the view of Maslahah Mursalah, of course, it is advisable to stay within the corridors of Islamic law while providing benefits for humans in the world and in the world. In addition, it is planned to form a team so that it can continue to maintain and supervise the presence of halal tourism in Indonesia so that it always upholds the concept of Maslahah Mursalah and Maqāṣid al- Syari'ah.

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