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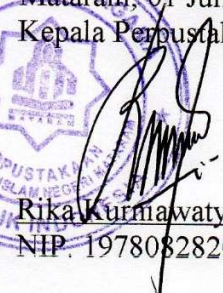
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A Review of Islamic Economic Law on Religious Tourism Arrangements in South Sulawesi

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Abstract. Religious tourism objects in Indonesia are attractive destinations and have the potential to be fully developed. This study is an analysis of Islamic economic law on the arrangements of religious tourism in Indonesia, especially in South Sulawesi. The research method used to examine this problem is field research, utilizing interview, questionnaire, and observation techniques. This study concludes that there are dimensions of Islamic economic law in setting religious tourism. Although there is a difference of opinion on whether or not religious tourism is allowed, it should be noted that religious tourism provides benefits such as increasing the country's foreign exchange income and developing the community economy. Thus, it is necessary that the government makes regulations that emphasize the purpose of opening religious tourism to the public, including the rights and obligations of managers and visitors, as well as relevant warnings and signs. The regulations have multiple functions, including to improve the economy, to increase the number of visitors, to guarantee the protection of the right to access while maintaining the teachings of their respective religions, to eliminate doubts about the occurrence of deviations of purpose, and to strengthen inter-religious unity. The concept that can be carried out in managing religious tourism objects of different religions is by making rules that integrate arrangements for the benefit of fostering inter-religious relations so as to create harmony in a *Pancasila*-based society. In the study of Islamic economic law, the arrangements of religious tourism objects will have an impact on creating harmony between religious communities, increasing people's income, opening up employment opportunities, and strengthening the unity of the nation and the people.

Keywords: Islamic Economic Law, Religious Tourism Arrangements, Harmony of Religious Communities, National Unity

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Abstrak. Objek wisata religi di Indonesia menjadi destinasi yang menarik dan potensial dikembangkan. Kajian merupakan studi hukum ekonomi Islam tentang pengaturan wisata religi di Indonesia khususnya di Sulawesi Selatan. Metode penelitian yang digunakan untuk mengkaji masalah ini adalah penelitian lapangan dengan teknik wawancara, angket dan observasi. Penelitian ini menyimpulkan bahwa terdapat dimensi hukum ekonomi Islam dalam pengaturan wisata religi. Meskipun terdapat perbedaan pendapat antara boleh atau tidaknya melakukan wisata religi, namun yang dapat dilihat adalah sisi maslahatnya tidak hanya untuk devisa negara, tetapi juga pengembangan ekonomi masyarakat. Perlunya pembuatan aturan oleh pemerintah yang menegaskan tujuan dibukanya wisata religi untuk umum, hak dan kewajiban pengelola dan pengunjung, serta peringatan dan rambu-rambu yang diperlukan. Aturan tersebut memiliki fungsi ganda, selain untuk peningkatan ekonomi, juga untuk meningkatkan jumlah pengunjung, memberikan jaminan perlindungan hak untuk mendapatkan akses tetap menjaga ajaran agama masing-masing, menghilangkan keraguan terjadinya penyimpangan tujuan, dan mempererat persatuan antar umat beragama. Konsep yang dapat dilakukan dalam menata objek wisata religi beda agama adalah pembuatan aturan yang mengintegrasikan pengaturan untuk kepentingan pembinaan hubungan antar umat beragama sehingga tercipta harmoni dalam masyarakat yang berlandaskan Pancasila. Dalam kajian hukum ekonomi Islam, pengaturan objek wisata religi akan berdampak pada munculnya harmoni antar umat beragama, peningkatan pendapatan masyarakat, terbukanya lapangan kerja, dan penguatan persatuan bangsa dan negara.

Kata Kunci: Hukum Ekonomi Islam, Pengaturan Wisata Religi, Harmoni Umat Beragama dan Persatuan Bangsa

Introduction

Religious tourism is a source of economic income for countries that become tourist destinations throughout the world, including in Indonesia as well as other countries in Europe, Asia, and even Africa. In Europe, such as Greece, Terzidou wrote that the complexity of the motivation for traveling to holy places could be studied using an ethnographic approach in the context of Orthodox Christians. With this approach, institutionally built motivation was found to be fragile, dynamic, and progressive. In contrast to the motivation of traveling influenced by the natural appearance and the appearance of people who believed in a place to be religiously holy or sacred, the significance of a

place was, in fact, based on the experience of religious life and interaction with the sacred.¹

In England, Bond, Packer, and Balantyne studied and compared the experience of religious tourism of visitors to three different Christian religious heritage sites such as Canterbury Cathedral, The Shrine of Our Lady of Walsingham, and Glastonbury Abbey Christian pilgrimage festival. Using the framework of activities, settings, experiences and benefits, this research showed that restorative experiences and benefits often overshadowed the spiritual or cognitive benefits that many believed to be the primary outcomes of religious tourism.²

Shinde reported that in India religious tourism has become a natural development of the traditional pilgrimage economy, emerging from socio-cultural and ritual exchanges and knowledge of religious protocols and procedures between native religious functionaries and visitors. By using the hegemony of religion, status, and social networks, religious entrepreneurs have been innovating, developing new products, and expanding the cultural economy of rituals and performances to meet the growing needs of tourism. Likewise, tolerance in inter-religious or multi-religious religions between Hindu as the majority and other religions has been created from the function of their different involvements in cultural performances and their participation in pilgrimage sites.³

To add, in Nigeria, as emphasized by Okon, there has been an increase in the number of tourist arrivals from abroad who visited the country to attend various religious programs. This has created jobs for residents in the regions. Therefore, religious tourism has become the highest foreign exchange income for the country's tourism industry even though the industry is still in its early stages and has not yet taken a significant position in the management of Nigerian state revenues, for example, hotels and other tourist facilities.⁴

¹ Matina Terzidou, Caroline Scarles, and Mark N.K. Saunders, "The Complexities of Religious Tourism Motivations: Sacred Places, Vows And Visions", *Journal Annals of Tourism Research* 70, (2018), p. 54.

² Nigel Bond, Jan Packer and Roy Ballantyne, "Exploring Visitor Experiences, Activities and Benefits at Three Religious Tourism Sites", *International Journal of Tourism Research*, First published, 30 July 2014, p.1.

³ Kiran A. Shinde, "Entrepreneurship and indigenous entrepreneurs in religious tourism in India" *International Journal of Tourism Research*, 4 August 2010, p. 1. Kiran A. Shinde, "Religious Tourism And Religious Tolerance: Insights From Pilgrimage Sites In India", *Journal Tourism Review* 70, No. 3 (2015), p. 194-196. Anita Medhekar, Farooq Haq, "Development of Spiritual Tourism Circuits: The Case of India", *Journal on Business Review (GBR)* 2, No. 2 (2012), p. 212.

⁴ Emmanuel O. Okon, "Socio-Economic Assessment of Religious Tourism in Nigeria", *International Journal of Islamic Business & Management* 2, No. 1 (2018), p. 1.

In Malaysia, there has been awareness that it is important to promote interfaith understanding and harmony and to ensure that theological differences do not undermine the national goal of building a unified society. This will have an impact on national integration which is an urgent need for a common platform that allows interfaith dialogue and mutual understanding.⁵

Further, in Indonesia, the country has a famous destination that is Bali, which has implemented the concept of religious tourism called the Puja Mandala concept centered in the Nusa Dua area, Badung District, Bali. This concept was initiated by the government by building an integrated religious tourism area in one place for five religions in Indonesia. Each religion was granted 0.5 hectare of land to build a place of worship for visitors who come from various regions.⁶ The centralization of multi-religious tourism areas aims, in addition to improve the economy, to foster solidarity, tolerance, and unity.

In South Sulawesi, as the object under study, the development of tourist attractions with religious nuances in several districts has shown an increasing trend in recent years. This indicates that the community needs a tourist place that has a religious atmosphere at the same time. For example, religious-based cultural tourism places in Tana Toraja and North Toraja Districts attract visitors who come from various regions and even foreign countries with different ethnicities, religions, and skin colors.

One of the relatively new tourist attractions in Tana Toraja is the “Patung Yesus Memberkati” (Jesus Blessing Statue) which was built on Buntu Burake Mountain, Makale City in May 2015 at the initiative of the Governor of South Sulawesi, spending 22 billion funds. Although the tourist spot “Patung Yesus Memberkati” is a symbol of Christian religious culture, those who visit this place are not only Christians.⁷

Therefore, it is important to conduct research that brings together a conceptual theoretical legality study based on the opinions of Islamic jurists and field empirical data. This is needed as a solution to overcome the

⁵ Ismail, Ahmad Munawar and Wan Kamal Mujani, “Themes And Issues In Research On Interfaith And Inter-Religious Dialogue In Malaysia,” *Advances in Natural and Applied Sciences* 6, No. 6 (2012), p. 1001.

⁶ Ida Bagus Wika Krishna, Kajian Multikulturalisme: Ide-Ide Imajiner Dalam Pembangunan Puja Mandala, *Jurnal Genta Hredaya: Media Informasi Ilmiah Jurusan Brhama Widya STAHN Mpu Kutusan Singaraja* 3, No. 2 (2019), p. 48.

⁷ [Phinemo.com/patung-yesus-tertinggi-di-dunia-terletak-di-tana-toraja-indonesia/](http://phinemo.com/patung-yesus-tertinggi-di-dunia-terletak-di-tana-toraja-indonesia/), accessed on November 11, 2020. Based on direct observation in the tourist place “Patung Yesus Memberkati”, the author saw friendly attitude and tolerance of the local people toward visitors who mostly Muslims wearing hijab. They prepared special drivers who also wore hijab for Muslim women visitors. Observation was conducted on October 18, 2020, in Makale, Northern Tana Toraja, South Sulawesi.

difference in view that tend to be polemic and also to produce a moderate concept between two contradictory views.

The significance of this study was to examine the management of religious tourism from the perspective of Islamic economic law. The concept of interfaith religious tourism may be applied to prevent a confrontational orientation in the management and development of tourism which may trigger the disintegration of the nation. Thus, the regulations of religious tourism will not only have an economic impact, but also become a medium for building harmony within inter-religious life in the management of inclusive religious tourism destinations.

The study used field research method to examine this problem. Data were collected by using interview, questionnaire, and observation. The research findings were analyzed using an Islamic economic law approach (*fiqh muamalah*) in order to produce a more productive and dual-functioning concept in regulating religious tourism objects.

A Study of Religious Tourism in the Perspective of Islamic Law

Religious tourism incorporating different religions turns out to cause pros and cons among Islamic jurists in assessing its permissibility. Among other things, according to the *fatwa* (religious edict) of Sheikh Abdurrahman bin Nasir Al-Barrak, places of worship for infidels cannot be separated from the sights that constitute the practice of *shirk*, either in forms of words, deeds, and symbols, such as images of *shirk* and also idol statues. Therefore, it is not allowed to go in there even for merely looking around and taking a walk because all of these are considered *az zuur* (falsehood) as mentioned in the word of Allah Almighty in al-Furqan 25:72 and al-Hajj 22:30-31. It is thus obligatory for a Muslim to fear Allah and be content to have recreation and tourism in anything that Allah permits. There are so many permissible places that there is no need for Muslims to spend time at *haram* (prohibited) recreational facilities. This is what distinguishes a Muslim from followers of other religions, and this will also strengthen the attribute of Islam on a person.⁸

However, if one examines the literature of classical *fiqh* books, there is a difference of opinion among the scholars on the law of a Muslim entering non-Muslim places of worship, such as churches, monasteries, and synagogues.⁹

⁸<https://muslim.or.id/28408-fatwa-ulama-hukum-rekreasi-ke-tempat-peribadatan-kaum-musyrikin.html>, accessed on November 22 2020

⁹<https://islam.nu.or.id/post/read/111156/ulama-4-mazhab-soal-hukum-memasuki-tempat-ibadah-non-muslim>, accessed on November, 26, 2020.

The Hanafi school of thought states that it is *makruh* (disapproved) to enter a non-Muslim place of worship. Sheikh Ibn Abidin in the book *Radd al-Muhtar 'Ala al-Durr al-Mukhtar* mentions: يُكْرَهُ لِلْمُسْلِمِ الدُّخُولُ فِي الْبَيْعَةِ وَالْكَنِيسَةِ. "For a Muslim, entering synagogues and churches is *makruh*".¹⁰ In line with Ibn Abidin, Sheikh Ibn Nujaim Al-Mishry in his book *Al-Bahru al-Ra'iq Syarh Kanz al-Daqaiq* asserts that: يُكْرَهُ لِلْمُسْلِمِ الدُّخُولُ فِي الْبَيْعَةِ وَالْكَنِيسَةِ. تَحْرِيمِيَّةٌ. "For a Muslim, entering synagogues and churches is *makruh*. And apparently, it is *makruh tahrim* (close to haram)".¹¹

The majority of scholars, on the other hand, including Maliki, Hanbali, and some Shafi'i scholars, state that a Muslim may enter a non-Muslim place of worship. A Maliki scholar named Sheikh Abdus Sami' Al-Abi Al-Azhari says: "That is the place of worship of his wife, either in the form of a church or a synagogue. And her Muslim husband may enter it (the wife's place of worship) with his wife."¹² Another Maliki scholar named Ibn Rushd Al-Qurtubhi wrote in his book *al-Bayan wa al-Tahshil*: وَرَوَى ابْنُ الْقَاسِمِ أَنَّ مَالِكًا سُئِلَ عَنْ أَغْيَادِ الْكَنَائِسِ فَيَجْتَمِعُ الْمُسْلِمُونَ يَحْمِلُونَ إِلَيْهَا. "Ibn Qasim narrated that Imam Malik was asked about celebrations in the church, where Muslims gathered and brought clothes, jewelry and other items to the church to sell them there. He said: It is fine."¹³

Conceptually, interfaith religious tourism is counter-productive with *halal* (permissible) tourism (sharia tourism) which is currently developing. In the concept of *halal* tourism, Muslims are oriented toward visiting tourist attractions related to Islamic culture, history, and heritage, as well as applying Islamic principles in the services and facilities provided.

In the case of non-Muslims visiting Islamic religious tourism places, such as historic mosques, there is also a difference of opinion among scholars, in which some scholars provide restrictions to what may be entered. Apart from the differences, according to Rianto Sofyan (owner of Sofyan Corporation/Hotel Syariah), non-Muslims are allowed to visit Muslim religious tourist attractions. They may come to historic mosques or mosques that are unique for them to see. It is considered a good way to introduce Islam

¹⁰ Muhammad Amin Ibnu Abidin, *Raddul Muhtar Alad Duril Mukhtar*, Juz 1, Beirut: Daar al-Kutub, 1432 H, p. 380.

¹¹ Ibnu Nujaim Al-Mishry, *Al-Bahrur Ra'iq Syarh Kanzud Daqaiq*, Juz 8, Qahirah: Dar al-Ilmi, 1438 H, p. 374.

¹² Abdus Sami' Al-Abi Al-Azhari, *Jawahirul Iklil*, Juz 1, Beirut: Daar al-Fikr, 1437, p. 383

¹³ Ibnu Rusyd Al-Qurtubhi, *Al-Bayan Wat Tahshil*, Juz 4, Lebanon: Maktabah Dahlan, 1439 H, p. 168-169.

to them, as it may be a medium of *da'wah* (propagation), and to strengthen brotherhood, in the hope that they will be given *hidayah* (guidance).¹⁴

In terms of *halal* tourism, Mahardika mentioned that in 2018 Indonesia took the second place as the best *halal* tourism destination among the Organization of the Islamic Conference (OIC) countries, as it has been visited by many Muslim tourists from around the world. Indonesia's position in 2018 was better than the previous year, raising one level from 2017 where Indonesia was in the third place. The first place remained occupied by the neighboring country, Malaysia.¹⁵

In the MUI Fatwa **concerning Guidelines for the Implementation of Tourism Based on Sharia Principles**, Al-Hasan explains **that** there are a number of rules that need explanations, and if these provisions are not explained in detail, it is highly likely that it will lead to the perception that every tourist may disrespect the socio-cultural aspect of a place, which is contrary to sharia principles. In fact, the culture in Indonesia is not only sourced from Islamic culture, but also from a very diverse background. To this end, people need to respect one another despite having different religions and beliefs.¹⁶

However, this provision seems to intersect with other provisions contained in the same regulation, namely a clause which describes that *halal* tourism must be directed at efforts to realize universal and inclusive goodness. In addition, the DSN-MUI Fatwa stipulates that tourist destinations must be free from polytheism and superstition, as well as performing arts, cultures, and attractions that are contrary to sharia principles. In this regard, these two provisions need to be clarified and limited in detail to what parts are included in polytheism, superstition, and performances that are contrary to sharia principles. These issues need further clarification in this fatwa considering that there are many tourist destinations related to non-Islamic religious cultures, such as tours to various temples in Indonesia, cultural developments in Bali, and many others.¹⁷

It should also be emphasized that it is more important to instill love for the homeland to the younger generation starting from childhood, some of

¹⁴Rianto Sofyan (Sofyan Corporation), Response for the author's question at *The 2nd International Conference on Halal Issue, Policy, and Sustainability 2020 (IC-HalalUMI2020)*, November, 27, 2020.

¹⁵Rahardi Mahardika, "Strategi Pemasaran Wisata Halal", *Mutawasith Jurnal Hukum Islam* 1, (2019), p. 66.

¹⁶Fahadil Amin Al Hasan, "Penyelenggaraan Parawisata Halal di Indonesia (Analisis Fatwa DSN-MUI tentang Pedoman Penyelenggaraan Pariwisata Berdasarkan Prinsip Syariah)", *Al-Ahkam: Jurnal Ilmu Syari'ah dan Hukum* 2, No. 1 (2017). p. 74-75.

¹⁷Fahadil Amin Al Hasan, "Penyelenggaraan Parawisata Halal, p. 74-75.

which can be done by showing them the cultural results and struggles of the nation's founding fathers and traveling to museums which are places for storing and preserving historical evidence of the nation.¹⁸

Fransisca and Kurniawan add that in principle the regulation of religious tourism and *halal* tourism (sharia) are not contradictory that will cause restrictions on the movement of visitors and restrictions on visitor acceptance, but rather it needs arrangements to guarantee safety and protection of the world and the hereafter. Muslims are not restricted to visiting cultural tourism destinations of other religions, but they still have to obey the rules of the religion they believe in, and conversely, adherents of other religions may also visit *halal* tourist destinations. Therefore, the World Tourism Organization (WTO) recommends that non-Muslim tourists can also consume *halal* tourism so that those who travel may enjoy local wisdoms.¹⁹

Fahadil Amin Al Hasan further describes that in the DSN-MUI/X/2016 Fatwa concerning Guidelines for the Implementation of Tourism Based on Sharia Principles, the rules set out through three outlines of provisions: matters relating to their endeavors as a *halal* tourist destination, the obligations that must be fulfilled as a *halal* tourist destination, and things to avoid as a *halal* tourist destination. From the provision related to the endeavors as a *halal* tourist destination, there are several points that should be criticized, those related to the obligation to respect socio-cultural values and local wisdoms that do not violate sharia principles. The clause contained in this provision is very ambiguous because it is limited by the sentence "which does not violate sharia principles". If this provision is not explained in detail, it may lead to the perception that every tourist may disrespect socio-cultural values that are contrary to sharia principles. However, Indonesian culture is not only from Islam, but also from different backgrounds. Thus, people should respect each other despite having different religions and beliefs.²⁰

Therefore, this provision seems to intersect with other provisions contained in the same regulation, namely a clause that explains that *halal*

¹⁸Sri Mulyani Wahono, "Penanaman Cinta Tanah Air Melalui Wisata Budaya dengan Mengunjungi Museum Jawa Tengah Ronggowarsito", *Jurnal Gema Wisata* 16, No 1 (2020), p. 667-668.

¹⁹Yuniati Fransisca, "Factors Affecting The Purchasing Decision of The Millennial Muslim Generation: A Review of Personality Destination, Brand Attractiveness, And Brand Awareness," *Jurnal MBIA* 18, No. 2 (2019), p. 3-4. Muhammad Nizar dan Antin Rakhmawati, "Tinjauan Wisata Halal Prespektif Maqosidus Syariah Terkait Fatwa DSN MUI DSN-MUI No. 08 Tahun 2016," *Jurnal Istiqro: Jurnal Hukum Islam, Ekonomi dan Bisnis* 6, No. 1 (2020), p. 109.

²⁰Fahadil Amin Al Hasan, "Penyelenggaraan Parawisata Halal di Indonesia (Analisis Fatwa DSN-MUI tentang Pedoman Penyelenggaraan Pariwisata Berdasarkan Prinsip Syariah)", *Al-Ahkam: Jurnal Ilmu Syari'ah dan Hukum* 2, No. 1 (2017), p. 74 -75.

tourism must be directed at efforts to realize universal and inclusive goodness. In the next provision, it is explained that *halal* tourist destinations must have worship facilities that are suitable for use, are easily accessible, and meet sharia requirements. This provision must also be explained in detail, such as what and how the criteria for worship facilities that meet sharia requirements referred to in this *fatwa*. In addition, in the last provision, it is explained that tourist destinations must be free from polytheism and superstition, as well as from performing arts, culture and attractions that are contrary to sharia principles. These two provisions need to be clarified and limited in detail to what parts are included in polytheism, superstition, and performances that are contrary to sharia principles. These need to be explained further in this *fatwa* considering that there are many tourist destinations related to non-Islamic cultures, such as tours to various temples in Indonesia, cultural developments in Bali, and so forth.²¹

Religious Tourism Arrangements in South Sulawesi

The results of the questionnaire showed that the community agreed that the existence of religious tourism objects in an area has played a role in creating employment opportunities and increasing people's income. A total of 54.8% of respondents answered that religious tourism had a very important role, 41.9% answered that it had a role, and 3.3% answered that it had a little role.

Therefore, the community stated that religious tourism objects can be developed to have multiple functions, not only to increase recreation and economy, but also to enhance religious development and to be a medium to strengthen brotherhood among young generation. In relation to the potential for the development of multi-functional religious tourism sites, the respondents' answers were: 48.4% very possible, 45.2% possible, and 6.4% less possible.

In the case of the potentials needing attention for the development of the functions of religious tourism objects/sites including to be used as a medium to foster and increase brotherhood between religious communities, the respondents answered with: 45.2% very possible, 51.6% possible, and 3.2% less possible.

Therefore, to support the development of the functions of religious tourism objects so that they can play a broader role, especially to serve as a hub for bonding brotherhood and unity between religious communities, it is highly necessary to have separate regulations. All of the respondents (41.9% very necessary and 58.1% necessary) stated that religious tourism objects need

²¹Fahadil Amin Al Hasan, "*Penyelenggaraan Parawisata Halal*", p. 74-75.

separate arrangements so that they can function more as a platform for national unity.

Based on the results of the surveys and interviews in a number of tourist attractions in South Sulawesi, the study found that the current regulations, promulgated by the local government regarding the management of tourist attractions in the area, concern with visitor rules, management responsibilities, and income distribution. There is no specific regulation issued in order to encourage the functions of tourist attractions to become a means of strengthening solidarity and unity between religious communities. In addition, a number of religious and community leaders viewed the need to make special arrangements (regulations) in the future to develop tourism objects to function as a unifying platform.

The promulgation of specific regulations for tourism in general and religious tourism in particular as a hub to strengthen brotherhood and unity among religious communities in Indonesia is the implementation of the 1945 Constitution Article 31 paragraph (5) which states that: "The government advances science and technology by upholding religious values and national unity for the advancement of civilization and the welfare of mankind".

It is also an implementation of the Act of the Republic of Indonesia Number 10 of 2009 concerning Tourism Article 4 which describes that tourism aims to:

1. increase economic growth;
2. improve people's welfare;
3. eradicate poverty; and
4. foster a sense of love for the homeland.

In addition, Article 5 of the Tourism Act mentions that tourism is carried out with the following principles:

1. upholding religious norms and cultural values as the embodiment of the concept of life in a balanced relationship between humans and God Almighty, the relationship between humans and fellow humans, and the relationship between humans and the environment;
2. upholding human rights, cultural diversity, and local wisdoms;
3. providing benefits for the welfare of the people, justice, equality, and proportionality; and
4. empowering local communities.

The Government Regulation of the Republic of Indonesia Number 50 of 2011 concerning the Master Plan of National Tourism Development in 2010-2025 Article 2 Paragraph (8) letter d states that: "The direction of national tourism development as referred to in paragraph (3) letter e is that national tourism development is carried out in an integrated manner across sectors, across regions, and across actors".

However, tourism that functions as a unifier of the nation is one sector that should be integrated with other sectors that are yet to receive proportional attention. This is evidenced by the exclusion of the Indonesian Ministry of Religious Affairs in the team tasked with making the Master Development Plan and the Integrated Tourism Master Plan for Indonesian Tourism in the Presidential Regulation of the Republic of Indonesia Number 14 of 2018 concerning the Second Amendment of the Government Regulation No. 64 of 2014 concerning Cross-Sectoral Strategic Coordination in Tourism Management.

Nevertheless, religious figures can still get involved through regional regulations (governor regulations or regent regulations) in formulating the concept/design of religious tourism that serves to provide enlightenment to the community so that they understand the importance of tolerance, solidarity, and unity between religious communities, as the foundation for strengthening the Unitary State of the Republic of Indonesia through performing arts activities or through integrated local wisdom activities in religious tourism areas.

Regional autonomy has the potential to enhance the creativity of the local government and the community to create concepts and regulations to make tourism facilities have dual and cross-sectoral functions. Opportunities are open for districts and cities to compete to show their creativity in making and implementing the concept of religious tourism integrated with the awareness of the visiting community to better appreciate and understand the teachings and beliefs of other religions, and so, increased unity can occur among young generation.

Perceptions of Community and Religious Leaders toward Religious Tourism

The majority of the people viewed that the existence of religious tourism objects in their area was needed to create job opportunities. 38.7% of the respondents said it was highly necessary, 51.6% said it was necessary, and only 9.7% said it was not necessary. In this case, the local government needs to prioritize the development of religious tourism objects in their region in order to increase the Regional Budget Revenue as well as to become the unifier of inter-religious life. To this issue, 90.4% of the respondents said it needed to be a priority, 6.4% said it was less needed, and 3.2% said it was not needed.

The concept of religious tourism that has the potential to develop in an area is a tourist attraction integrated with a program to strengthen the nation resilience. Therefore, religious tourism objects of certain religions should open to receive visitors from adherents of other religions in order to establish solidarity and to strengthen unity. In this case, 35.5% of the respondents said

it was very necessary, 61.3% said it was necessary, and 3.2% said it was not necessary. Besides, religious tourism objects of different religions need to be promoted separately so that they can become a medium for national unity. Here, 48.4% of the respondents said it was very necessary, 48.4% said it was necessary, and 3.2% said it was less necessary.

Based on the interviews from a number of religious leaders, scholars and academics, the study found that they generally gave the same view about the need to revitalize religious understanding in an effort to counteract radicalism and intolerance that are recently an issue. Currently, the role of religious leaders is very much needed in the context of increasing solidarity and unity among Indonesian citizens. Every effort needs to be made to balance the swift currents of thoughts that have the potential to cause disintegration, triggered by religious differences that pit people against each other.

In regard to the appropriateness of visiting places which are sites considered religiously sacred and glorified by adherents of certain religions, there is also a difference of opinion among Islamic scholars. Fathurahman (Chairman of the MUI Fatwa Council of Bone District) said that visiting religious tourism sites of other religions, as long as there is no deviation of intents from Islamic provisions, is basically permissible. However, it is feared that there will be slander or suspicion from the people who see it. It is hoped that the people will not have prejudices or other judgments, especially if those who visit such places are community leaders or Islamic scholars. Such a situation has the potential to legitimize that it is permissible to follow what adherents of other religions do. Therefore, for the sake of prudence and preventing misunderstandings among the people, it is better to avoid visiting sacred places of adherents of other religions.²²

The above view applies the rule of “avoiding harm takes precedence over taking benefit” (*dar’u al-mafasid muqaddamun ‘ala jalb al-mashalih*) and the method of “preventing doors that can lead to something forbidden” (*zad al-zari’ah*). Although there is no prohibition on visiting such places, it is best not to visit there in order to avoid any harm.

Further, Hukmiah argued that unless there is another need, for example, in the context of conducting research or by chance passing through visits of other activities, it is better not to visit non-Muslim tourist attractions if it is only for the recreational purpose as there are still many choices of tourist attractions that are *halal* and in line with Islam so that one can maintain a

²² Interview with Dr. KM. H. Fathurahman, M.Ag., Chairman of MUI Fatwa Council of Bone District, on Desember, 7, 2020.

reputation as a Muslim to always stay away from places that are sacred among followers of other religions.²³

In line with this statement, Asni Zubair said that preferably Muslims should not make it a main priority to travel and visit non-Muslim tourist attractions. If a Muslim wants to travel, it is better to prioritize places that are conducive and in line with Islamic teachings. However, it is allowed to visit non-Muslim tourist attractions if there are other useful needs, for example, conducting studies or helping people who ask for company.²⁴ In planning a tourist visit, a priority scale should be made, and in this case a *halal* tourist attraction or one that conforms to Islamic teachings should be the main option for Muslims. However, if there are other needs, it is permissible to visit non-Muslim tourist objects with a note that they maintain the ethics and norms of adhered religious teachings (Islam).

Lukman Arake, one of the Heads of MUI Bone, remarked that, in principle, visiting religious tourism objects of adherents of other religions depends on the people's intentions and behaviors when they are in those places. As long as their intention is only to observe or know about the places firsthand and there is no intention to deviate from the provisions of Islam, then it is fine for them to visit religious tourism places of other religions. The Messenger of Allah s.a.w (peace be upon him) during his times in Mecca lived and mingled with adherents of other beliefs and religions, and at the time there were still many idols in Mecca and its surroundings; however, there was no *nash* (text) from Allah to leave Mecca.²⁵

The Messenger of Allah s.a.w socialized and worked with non-Muslims. Islamic teachings recommend maintaining good relations with communities of followers of other religions, prohibiting from disturbing or damaging their places of worship, and even encouraging cooperating and helping each other in maintaining regional security and stability as well as in meeting humanitarian needs. These acts are an embodiment of solidarity (*ukhuwah*) among citizens who live in the same area.²⁶

Doing *muamalah* activities with non-Muslims is permissible in Islam. As long as it is not related to matters of faith, ritual worship, and Islamic principles, it is allowed to cooperate with non-Muslims in order to create

²³Interview with Dr. Hj. Hukmiah, Lc., M.Ag, Lecturer at IAIN Bone, on Februari, 17, 2021

²⁴Interview with Dr. Asni Zubair, M.HI, Lecturer at IAIN Bone, on Februari, 19, 2021.

²⁵Interview with Dr. H. Lukman Arake, Lc., MA., Ketua I of MUI Fatwa Council of Bone District and Lecturer at IAIN Bone, on February, 16, 2021.

²⁶Interview with Dr. H. Lukman Arake, Lc., MA., Ketua I of MUI Fatwa Council of Bone District and Lecturer at IAIN Bone, on February, 16, 2021.

political, economic, and educational security and stability and to promote the welfare of society.

According to Bunyamin, there is no problem of traveling to non-Muslim religious tourism objects. There are positive values gained from visiting those places such as increased knowledge and experience, and so such visits can add insights and perspectives in assessing an object, in which knowledge is needed to explain a discussion related to the object.²⁷

From these five respondents' answers, it can be understood that principally the starting point for evaluating the visit to religious tourism objects of other religions is benefits and harms. Those who concern more with the potential harms to visitors tend to choose not to recommend visiting those places and prefer to choose destinations that can be ensured to be safe and in line with Islamic teachings. In contrast, those who focus more on the potential benefits tend not to discriminate nor set a priority scale, completely depending on the choice of tourists, provided that they organize their own intentions and goals so that they do not deviate from the teachings of Islam.

A Study of Islamic Economic Law on Religious Tourism

One hundred percent of the respondents stated that visiting religious tourism objects/sites of other religions did not damage or weaken commitment to their own religion. The data showed that there was no negative impact on the weakening of faith in one's own religion. On the contrary, frequent visits to religious tourism objects/sites of other religions increased the faith in their own religion (96.7% of the respondents), while the rest 3.3% stated that it did not increase the faith in their own religion.

In addition, frequent visits to religious tourism objects/sites of other religions had an impact on the broadening of knowledge/insights on the need for solidarity and tolerance between religious communities (96.8% of respondents), and the remaining 3.2% stated that it had little impact on opening up insights to promote solidarity and tolerance. Further, 80.7% of the respondents stated that being open to visit religious tourism places of different religions was an important activity in enhancing brotherhood and unity between religious communities, and only 19.4% stated that it was less important.

In light of the data and discussions in the study of Islamic economic law (*fiqh muamalah*) regarding the concept of interfaith religious tourism to create national unity, the study summarized the following points:

²⁷Interview with Dr. Bunyamin, M.Ag., Lecturer at IAIN Bone, on February, 17, 2021.

1. Arrangements of religious tourism of different religions are part of the *muamalah* law

During his life, the Messenger of Allah s.a.w had social interactions (*muamalah*) with non-Muslims, including infidels, polytheists, Jews, Christians, Magians, and others. The Messenger of Allah s.a.w carried out transactions and cooperation in various fields of *muamalah*, business relations, neighborly life, security, and politics. The relationships were more of having a social relationship as fellow human beings.

In this context, the Prophet s.a.w still maintained tolerance related to beliefs and implementation of ritual worship. The Prophet s.a.w continued to provide opportunities for non-Muslims to carry out ritual worship that they believed in, and the Prophet s.a.w even forbade disturbing or damaging their houses of worship. Such social interactions (*habl min al-nas*) were built on the basis of mutual benefits under the condition that they did not interfere with the servants' interaction with Allah Almighty (*habl min Allah*). Therefore, in the field of *muamalah*, openness and cooperation need to be intensified without being hindered by religious differences to increase the national unity as a prerequisite for achieving increased security, improved economy, and political stability.

In *muamalah*, customary law and benefit in Islamic law are closely related. The customs carried out by the Muslim community are justified by Islamic law as long as they do not conflict with the sharia, as examined by using a benefit approach.²⁸ Thus, in regulating religious tourism, it is necessary to synergize the two sources of norms so that people can carry out and maintain religions and customs simultaneously since tradition has long been formed as a standardized norm in the people's lives.

2. Arrangements of interfaith religious tourism can increase benefits and reduce harms

Having regulatory mechanisms for the supervision and management of religious tourism objects can increase any benefit obtained while reducing any possible harm (adverse impact). Religious tourism objects that are less regulated or not supported by a number of relevant regulations can hinder obtaining potential benefits.

The necessary arrangements are related to efforts to improve tangible and non-tangible targets. Tangible benefits include the creation of employment opportunities in various sectors as well as the improvement of

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²⁸Mursyid Djawas and Sri Astuti A. Samad, "Conflict, Traditional, and Family Resistance: The pattern of Dispute Resolution in Acehese Community According to Islamic Law", *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 4, No. 1 (2020), p. 77.

the economy and the facilities enjoyed by the community. Non-tangible benefits include supervision and management concepts that are prepared to provide audio-visual and written guidance containing messages to instill awareness of tolerance and directives aimed at maintaining the teachings of their respective religions.

Respective local governments and tourism offices can prepare a number of concepts in collaboration with the use of strategic places in religious tourism objects that call for a sense of togetherness and shared responsibility to maintain and care for the values of brotherhood and unity among religious communities in the face of global competition and challenges. For example, the government creates a program to make a religious tourism object as a meeting place for religious leaders and the public so that they can carry out direct dialogue to share knowledge and to get to know each other better. This program is conducted regularly and on schedule, so that it can be used for research information and other scientific assignments.

In tourism, establishing friendship is recommended in Islam as it provides goodness, opens sustenance, cleanses the soul, and obtains the blessing of life. In this way, local governments can increase the potential for spiritual tourism, such as visits to houses of worship, nature tourism, religious traditions, and many others.²⁹

Tourism management in the context of today's modern world may combine modern management with the principles of religious teachings under the following considerations:

- a. The goals are directed toward strengthening faith and cultivating morals,
- b. Tourism facilities and infrastructure can be used as a platform of *da'wah* (religious warnings or notices in certain places or making brochures containing religiously nuanced explanations),
- c. The management of tourism objects does not change or damage the functions of nature and ecosystems, and
- d. Public facilities are provided, so that the comfort of tourists is guaranteed properly.³⁰

3. Having arrangements can eliminate worries

Some verses of the Qur'an describe that tourism activities can become a way to strengthen brotherhood and inter-religious unity as a prerequisite for strengthening the national unity. In Al-'Ankabut 29:20, it reads:

²⁹ Johar Arifin, "Wawasan Al-Qur'an dan Sunnah tentang Pariwisata", *Jurnal An-Nur* 4, No. 2 (2015), p. 157.

³⁰ Johar Arifin, *Wawasan Al-Qur'an*, p. 158-159.

قُلْ سِيرُوا فِي الْأَرْضِ فَانظُرُوا كَيْفَ بَدَأَ الْخَلْقَ ثُمَّ اللَّهُ يُنشِئُ النَّشْأَةَ الْآخِرَةَ إِنَّ اللَّهَ عَلَى كُلِّ شَيْءٍ قَدِيرٌ ﴿١٠٨﴾

Translation: Say, [O Prophet], "Travel throughout the land and see how He originated the creation, then Allah will bring it into being one more time. Surely Allah is Most Capable of everything."

In al-An'am 6:108, it reads:

وَلَا تَسُبُّوا الَّذِينَ يَدْعُونَ مِنْ دُونِ اللَّهِ فَيَسُبُّوا اللَّهَ عَدْوًا بِغَيْرِ عِلْمٍ كَذَلِكَ زَيْنًا لِكُلِّ أُمَّةٍ عَمَلُهُمْ ثُمَّ إِلَىٰ رَبِّهِمْ مَرْجِعُهُمْ فَيُنَبِّئُهُمْ بِمَا كَانُوا يَعْمَلُونَ ﴿١٠٨﴾

Translation: And do not insult those they invoke other than Allah, lest they insult Allah in enmity without knowledge. Thus We have made pleasing to every community their deeds. Then to their Lord is their return, and He will inform them about what they used to do.

Sheikh al-Maraghi has explained that the Qur'an forbids Muslims from insulting gods and other religious symbols because it is a futile act, and it does not bring any benefit nor it prevents something unwanted. Therefore, any form of insult or offence toward other religions outside of Islam is not justified.³¹

Further, tourism managers must provide public facilities so that the comfort and safety of tourists are guaranteed. Tourists will not feel afraid and worried about leaving their obligations, such as prayer, or feel afraid of violating prohibitions, such as consuming food not clearly stated *haram* or *halal*.³² The procurement of facility is the realization of prioritizing the public interests. In Islamic teachings, the interests of the community take precedence over personal and group interests.

In addition, in the context of legal sociology, law is positioned as a tool and means to control and build the society in a better direction. Religious law and customary law are two sources of norms that can be mutually reinforced in resolving conflicts that occur in the community through the use of customary mechanisms.³³

³¹ Ahmad Mustafa al-Maraghi, *Tafsir Al-Maraghi, Terj: Bahrin Abu Bakar*, Juz 6, Semarang: Toha Putra, 1992, p. 17.

³² Johar Arifin, *Wawasan Al-Qur'an*, p. 159.

³³ Fajri M. Kasim dan Abidin Nurdin, "Study of Sociological Law on Conflict Resolution Through Adat in Aceh Community According to Islamic Law" *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 4, No. 2 (2020), p. 359.

Therefore, in terms of religious and social aspects, tourism objects that are nuanced in traditional cultures and local religions require special arrangements to provide certainty and security for visitors. This can also help eliminate worries of some scholars who consider the arrival of a Muslim in non-Muslim tourist attractions as a form of violation of Islamic teachings because the places are used to conduct beliefs and practices that do not conform to Islamic teachings. The scholars view that the arrival of a Muslim in such places can be considered to support evil. Thus, such views can be diminished by having regulations that ensure the intents and purposes of religious tourism visits in different religious sites are to gain benefits in line with Islamic teachings. Additionally, the regulations that emphasize the religious boundaries must be obeyed, and visitors of different religions may only observe the places to gain more knowledge without following the rituals and religious beliefs in those places.

4. Indonesia is a country based on *Pancasila*

Pancasila as the foundation of the state firmly upholds religious teachings. Thus, tourism has a high chance to be developed as long as it does not conflict with the basic teachings of religion. Tourism can be a medium for growing awareness, faith, and piety, and achieving noble and high values of life. To this end, proper attention is needed in building the relationship between religion and tourism. Moreover, this requirement is a must for Indonesia, whose philosophy of the nation's life is based on *Pancasila* with its first precepts being Belief in the Oneness of God.³⁴

Pancasila values should be implemented in the management of tourism objects to create a more conducive situation in an effort to strengthen brotherhood and unity between religious communities. *Pancasila* is the umbrella for all recognized religions in Indonesia, and thus, the values of *Pancasila* should be appropriately translated into all aspects of life, including in the arrangements of religious tourism to strengthen national unity.

Conclusions

The arrangements of religious tourism in the study of Islamic economic law (*fiqh muamalah*) has the potential to establish as it is part of *muamalah* law. Special regulations promulgated by the government which govern the management of interfaith religious tourism objects have multiple functions: to increase the economy, to provide guarantees for the protection of the right to access while maintaining the teachings of their respective religions, to eliminate worries about the occurrence of deviations in goals, and

³⁴Johar Arifin, *Wawasan Al-Qur'an*, p. 160.

to strengthen unity among inter-faith community. Although there is a difference of opinion on whether or not religious tourism is allowed, the benefits of religious tourism include increasing the country's foreign exchange income and improving the economic development of the community. The concept to manage religious tourism objects of different religions involves making rules that integrate arrangements for the benefit of fostering inter-religious relations so as to create harmony in society based on *Pancasila*. In the study of Islamic economic law, the regulations of religious tourism objects will have an impact on the emergence of harmony among religious communities, the increase of people's income, the opportunity for employment, and the unity of the nation and the people.

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