El-Mãl | Jurnal Kajian Ekonomi & Bisnis Islam

Vol 7 No 8 (2026) 5059 - 5079 P-ISSN 2620-295 E-ISSN 2747-0490
DOI: 1047467/elmal.v7i8.12280

The Architecture of Fiqh Muamalat Based on The Geometry of Equilibrium in the Islamic Tourism Ecosystem

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ABSTRACT.
The massive growth of the global Muslim travel market demands a rigorous business governance model. While Indonesia has integrated Muslim-friendly tourism into RPJMN 2025–2029 via Perpres No. 12/2025, a legal vacuum persists following the revocation of Permenparekraf No. 2/2014, leading to policy fragmentation and "halal-washing" risks. This study aims to address this dichotomy by proposing a comprehensive blueprint based on the "Geometry of Equilibrium" in Islamic economics. Employing a qualitative-descriptive framework with a legal-normative approach, this research evaluates the integration of sharia contracts into state regulations. The findings reveal that the Geometry of Equilibrium harmonizes profitability, ecology, and social welfare by synthesizing Ibadah, Khilafah, and Maslahah. Furthermore, the "Red Zone" matrix stabilizes the market by prohibiting israf, tabzir, riba, and ihtikar, while a precise "Contract Taxonomy" structures the supply chain. This study concludes that transforming Fatwa DSN-MUI No. 108/2016 from soft law into binding hard law set at a Ministerial Regulation level is an absolute prerequisite to eliminate policy fragmentation, realize national strategic targets, and enhance global competitiveness.
Keywords: *Fiqh Muamalat, Geometry of Equilibrium, Islamic Tourism Ecosystem, Maqashid al-Shariah, Regulation.*

INTRODUCTION

The contemporary growth of the global Muslim market ecosystem exhibits massive escalation, positioning the Muslim-friendly tourism sector no longer as a subordinated alternative segment, but rather transforming it into a highly complex macroeconomic powerhouse. Based on recent data from the Global Muslim Travel Index (GMTI), international Muslim visitor arrivals are projected to surge sharply, reaching 230 million to 245 million arrivals between 2028 and 2030 (Sumardi et al., 2025). This extraordinary mobility is simultaneously accompanied by tourist expenditure projections predicted to penetrate USD 225 billion to USD 235 billion (Mastercard, 2025). This gigantic economic valuation absolutely demands rigorous, precise, and targeted business governance instruments. Domestically, this urgency has been responded to by the government through the enactment of Presidential Regulation (Perpres) Number 12 of 2025 concerning the National Medium-Term Development Plan (RPJMN) 2025–2029 (Perpres No. 12, 2025), which officially integrates Muslim-friendly tourism development into the national strategic development orientation. The existence of this cross-ministerial macro-legitimacy confirms that within the global-scale industrial landscape, tourism governance orientation can no longer rely solely on maximizing financial profits. Its development

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must be balanced with compliance with ethical-religious instruments to ensure that operational practices on the ground do not deviate from the noble principles of Sharia and remain aligned with the state's development vision.

In responding to the complexity and innovation of modern business models, Fiqh Muamalat plays a crucial role as a dynamic and proactive legal system. Unlike ritual worship (ibadah), which is static (immutable), the contemporary muamalat order is designed to be dynamic (mutable), continuously adapting to social and cultural developments (Al-Qaradhawi, 2013; Hidayah et al., 2025). This epistemological framework of jurisprudence progressively formulates commercial contract architectures that guarantee justice, transparency, and ensure business activities remain free from exploitative elements (Suheryadi et al., 2026). Through this flexible yet firm methodological approach, Fiqh Muamalat demonstrates its capacity not as a collection of classical dogmas that hinder progress, but rather as a navigation instrument capable of aligning the rapid pace of tourism industry innovation with the parameters of religious-moral compliance.

Nevertheless, operational realities on the ground reveal a profound structural gap resulting from the dichotomy between pure theoretical understanding of jurisprudential norms and industrial regulatory implementation. This gap is clearly confirmed by the empirical clash between the progressive idealism of jurisprudence—which has produced the Normative General Guidelines of Fatwa DSN MUI No. 108/2016, and the fragile state regulatory instruments following the revocation of Permenparekraf No. 2 of 2014 (Wajdi et al., 2026). The absence of a national-level positive law (hard law) framework leaves sharia guidelines without binding legal force. This systematic regulatory vacuum triggers governance uncertainty, non-standardized regulatory fragmentation at the regional level, and induces industrial practices that prioritize symbolic compliance (halal-washing) (Rahmatullah et al., 2025; Wathoni et al., 2025) over substantial adherence to the actual architecture of sharia contracts.

To overcome this fragmented governance crisis, there is an urgent need to formulate a comprehensive Grand Blueprint of legal architecture anchored in the "Geometry of Equilibrium" of Islamic economics. This governance architecture must be designed to integrate three fundamental pillars comprehensively: the dimensions of Ibadah (worship), Khilafah (stewardship), and Maslahah (public interest) (Djumadi et al., 2025). At the level of Ibadah, which acts as the motivational foundation, humans are positioned as servants ('abid) to ensure that every business and recreational activity maintains devotional value to Allah (Yafiz, 2015). Furthermore, the Khilafah dimension serves as the operational methodology, positioning humans as God's representatives on earth (khalifah fil ardh) to manage resources equitably, maintain balance (tawazun), and prevent any form of ecological exploitation (israf and tabzir) (Fathma et al., 2025). This entire process must ultimately culminate in the Maslahah dimension as the ultimate outcome, namely the realization of holistic welfare based on the protection of the five pillars of Maqashid al-Shariah.

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Based on the legal dichotomy issues and the urgency of formulating comprehensive governance, this study aims to fill the research gap regarding the integration of sharia contractual frameworks into the state's positive legal order. The novelty of this research lies in its conceptual approach to "Contemporary Fiqh Muamalat Architecture," which does not merely dissect the legal status of a contract partially, but rather designs an integrated framework that synergizes theological principles with operational governance regulations. To guide this inquiry, this study addresses four primary research questions, namely how do the conceptual values of Ibadah, Khilafah, and Maslahah construct the theological and operational foundations within the framework of the Geometry of Equilibrium in Islamic economics?, how does the Economic Boundary Matrix (The Red Zone), which includes the prohibitions of israf, tabzir, riba, and ihtikar, function as an instrument to protect market equilibrium from potential exploitation?, how is the contract taxonomy classified into industrial ecosystem clusters to facilitate comprehensive transactional needs?, how can a synergy model between fatwa instruments (DSN-MUI No. 108/2016) and positive legal regulations (Permenparekraf) be integrated to establish an Islamic tourism ecosystem that is sharia-compliant yet globally competitive?. In alignment with these four research questions, this study objectives to reconstruct industrial governance through a precise architectural approach, thereby ensuring the attainment of economic welfare (Maslahah) that is both equitable and globally competitive.

LITERATURE REVIEW

Fiqh Muamalat within the Sharia Ecosystem

Within the architecture of the Islamic legal system, Fiqh Muamalat (Islamic transactional jurisprudence) serves as the regulatory instrument governing horizontal human relations (Hablun min al-Nas). These relations are highly dynamic, rational, and perpetually open to temporal adaptations, distinct from the static and absolute nature of ritual worship (ibadah) (Az-Zuhaili, 2011; Hidayah et al., 2025). The inherent flexibility of Fiqh Muamalat aligns with the divine decree in Surah Ta-Ha, Verse 2:
"We have not sent down the Qur'an to you to cause you distress." (Q.S. Ta-Ha: 2)
This verse reinforces that Sharia was revealed not to complicate human life but to facilitate it (Al-Qaradhawi, 2013). This regulatory dynamism is anchored firmly by three fundamental philosophical pillars: Ibadah (worship), Khilafah (stewardship), and Tawazun (equilibrium) (Yafiz, 2015), which collectively navigate the trajectory of commercial activities. The pillars of ibadah and khilafah synergistically position human beings as the terrestrial vicegerents of God, obligated to manage commercial resource ecosystems responsibly, anti-exploitatively, and with devotional intent. At the practical tier of tourism governance, the synthesis of these values generates a philosophy of tawazun that establishes a precise equilibrium between the commercial ambitions of asset leasing and the preservation of tourists' spiritual rights (DSN-MUI No. 108, 2016; Nahidloh et al., 2026). This is operationally manifested through the

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provision of service ecosystems that are hygienic, halal, and completely insulated from moral vices (maksiat).

The capacity of Fiqh Muamalat to accommodate the complexities of the modern tourism industry is centered on the foundational legal maxim:

"Al-ashlu fil mu'amalah al-ibahah illa an yadulla dalil 'ala tahrimiha" (The default state in commercial transactions is permissibility unless there is evidence indicating prohibition.)

This permissive maxim acts as a structural catalyst for innovation and entrepreneurial freedom (Al-Qaradhawi, 2013), driven by the divine promise in Surah Al-Ankabut, Verse 69:

"And those who strive for Us - We will surely guide them to Our ways." (Q.S. Al-Ankabut: 69)

Rigorous intellectual effort (ijtihad) in the path of God inspires industry actors to design inclusive, Muslim-friendly tourism products. Although the parameters of innovation are vastly open, the entire architecture of commercial perikatan (obligations/contracts) is rigorously calibrated under the maxim of Tafriq bayna al-halal wa al-haram (the clear demarcation between the permissible and the forbidden) to prevent entry into economic "red zones" such as riba (usury), gharar (uncertainty), and maysir (gambling) (Alam et al., 2025; Shakar et al., 2025). Through this moral filtering mechanism, Fiqh Muamalat transforms into a holistic value system that internalizes honesty and justice within contractual agreements. Within this ethical matrix, industrial success is measured not merely by financial yields, but by the capacity of corporate entities to distribute public benefit (maslahah), thereby securing long-term systemic blessings.

Methodological Dynamics of Contemporary Fiqh Muamalat

Islamic law possesses a dual, complementary character in addressing civilizational evolution: the nature of tsawabit (permanence) in divine texts and mutaghayyirat (flexibility) in interpretive application (Hidayah et al., 2025; Khan, 2008). Historically, jurists have demonstrated this flexibility through the dialectics of ijtihad, frequently conceptualized as a tree with immutable theological roots yet dynamic, evolving branches designed to accommodate modern shifts (Ma'rifah, 2019). To ensure that this adaptability does not degenerate into unguided liberalization, Fiqh Muamalat remains strictly anchored to static evidentiary foundations (Adillat al-Ahkam) derived from the hierarchical consensus of the Qur'an, As-Sunnah, Ijma' (scholarly consensus), and Qiyas (analogical reasoning) (Az-Zuhaili, 2011; Hilmi et al., 2025). Moving outward from this textual core into the realm of practical operationalization, legal development is executed via dynamic ijtihad instruments such as Maslahah Mursalah to accommodate public utilities (Kusnan et al., 2022) and 'Urf to legitimize local business customs (Hassan & Batool, 2024). The recognition of local wisdom is grounded in the jurisprudential maxim:

"Li kulli maqamin maqal" (Every distinct context or setting dictates its own unique approach.)

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Through this legal maxim, the implementation of sharia tourism service standards can dynamically adapt to regional customs to prevent socioeconomic exclusivity, provided they do not infringe upon the clear demarkation lines of Islamic law (Purwandani & Yusuf, 2024) As a strategic counterweight, this methodology is reinforced by the preventive control mechanism of Sadd al-Dzari'ah (blocking the pathways to harm) (Az-Zuhaili, 2011). The mechanism of Sadd al-Dzari'ah is strictly applied to block any loopholes in service innovations that risk bringing systemic detriment (mafsadah) to society (Nahidloh et al., 2026)

This methodological synergy between textual stability and interpretive dynamism ultimately culminates in the synthesis of comprehensive applied law within the Indonesian jurisdiction. Nationally, this adaptive collective ijtihad is crystallized through the promulgation of Fatwa DSN-MUI No. 108/DSN-MUI/X/2016 concerning Guidelines for the Implementation of Tourism Based on Sharia Principles (Wiryanto et al., 2024). Literature on Islamic economic fatwa methodologies confirms that the National Sharia Board (DSN-MUI) formulated these normative-ethical guidelines by networking actively with stakeholders to ensure the regulations are grounded in the realities of the modern tourism industry (Hilmi et al., 2025). These religious decrees are strategically positioned to transcend mere moral appeals, functioning instead as substantive foundations for state governance frameworks (Wajdi et al., 2026). Through this institutional integration, muamalat guidelines transform into a binding positive legal framework, providing legal certainty for the domestic sharia tourism sector to compete globally without compromising its religious identity (Hamzah et al., 2024).

Theory of Wealth (Al-Mal) and Rights (Al-Haq)

The operationalization of the tourism industry within the paradigm of Fiqh Muamalat heavily relies on the legal status of its transactional objects, which is calibrated through the conceptual parameters of property or wealth (al-mal). Al-mal is defined as any entity that commands natural human desire and can be possessed or controlled, which is legally bifurcated into harta mutaqawwim (legally recognized valuable property) and ghair mutaqawwim (unrecognized/prohibited property) (Az-Zuhaili, 2011). Based on these criteria, tourism services that encompass elements of vice or intoxicants fall into the category of ghair mutaqawwim, rendering their underlying contracts automatically void ab initio (batal demi hukum), as reinforced by Fatwa DSN-MUI No. 108/2016. To accommodate the intangible nature of the tourism industry, modern governance grounds its ontological foundation in the progressive view of the Jumhur (majority) scholars, who recognize "usufructs" or services (manfa'at) as legitimate forms of property. The legal recognition of the economic value of services must subsequently be managed through a rigorous lifecycle of wealth, initiated by honest acquisition (iktisab) and kept entirely free from deceptive manipulation (tadlis) and risk-laden ambiguity (gharar) (Handayani & Zahara, 2021; Mardani, 2019) The enforcement of these acquisition ethics demands

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that corporate entities distribute inclusive economic impacts to foster public equitable welfare in line with the ultimate achievement of Al-Falah.

Legal certainty and operational equity within the sharia tourism ecosystem are dictated by contractual structures supported by the taxonomy of rights (al-haq). As a contractual baseline, Islamic jurisprudence precisely classifies commercial rights into two main forms: personal contractual rights arising from mutual agreement (haq syakhshi) and absolute real/proprietary property rights (haq 'ayni) (Az-Zuhaili, 2011). A deep comprehension of this dichotomy serves as an essential parameter in delineating the legal boundaries between tourists as consumers and hoteliers as producers. In the implementation of an ijarah (leasing/rental) contract, for instance, the tourist legally holds only the personal right of temporary usufruct (haq al-intifa') to utilize services for a specified duration in exchange for rental compensation (ujrah) (DSN-MUI No. 108, 2016). Through this clear differentiation between temporary usufruct and absolute ownership, the institutionalization of contracts successfully protects the interests of each party proportionally.

Maqashid al-Shariah: The Ultimate Goal of the Ecosystem

Within the architectural matrix of Islamic economic law, all governance constructions and contractual institutionalization ultimately converge toward Maqashid al-Shariah. Maqashid al-Shariah operates as the core philosophical foundation dedicated to the securement of public benefits (jalb al-masalih) and the prevention of systemic harms (dar' al-mafasid) (A. Jaelani et al., 2020; Kasdi, 2014). As elaborated by Abu Ishaq al-Shatibi, an industry's compliance with Sharia is not merely a matter of rigid, formalistic box-checking, but a systematic endeavor to engineer a just and sustainable business ecosystem. To realize this objective, the Maqashid framework structures a hierarchy of necessities anchored in the preservation of primary essentials (dharuriyyat) (Widiastuti et al., 2021), whereby tourism activities—which are initially complementary—can be transformed in value to support these essential needs. At this primary level, Imam Al-Ghazali formulated the five fundamental pillars of protection (Ad-Dharuriyyat al-Khams), which mandate the preservation of religion (hifz al-din), life (hifz al-nafs), intellect (hifz al-'aql), lineage (hifz al-nasl), wealth/property (hifz al-mal) (Kusnan et al., 2022). Given that the absence of protection across these five pillars triggers moral decadence and social collapse (Muhamad et al., 2022), they must be integrated as core metrics in formulating Muslim-friendly tourism governance standards (Hashim et al., 2025).

The operationalization of these five Maqashid al-Shariah pillars is practically actualized within the tourism ecosystem through general normative service standards bound tightly by Fatwa DSN-MUI No. 108/DSN-MUI/X/2016. According to these authoritative guidelines, the guarantee of protecting religion (hifz al-din) is represented concretely through the provision of proper worship facilities and absolute halal certification across the entire food supply chain (Nahidloh et al., 2026). On the other hand, the instruments to protect life, intellect, and lineage are strictly executed via total prohibitions against facilities providing access to alcohol, gambling

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arenas, and indecent activities. Meanwhile, the dimension of protecting wealth (hifz al-mal) is actualized through the mandatory deployment of valid business contracts devoid of exploitative interventions, the prevention of wasteful practices (tabdzir), and absolute transparency in every commercial transaction. Contemporary academic inquiries definitively conclude that without this substantive guidance rooted in these protective pillars, industrial governance will merely be trapped in a state of formalistic administrative compliance (Wajdi et al., 2026) without ever yielding authentic social welfare.

METHODOLOGY

This study is designed using a qualitative-descriptive method with a legal-normative approach to examine and reconstruct the governance of the Muslim-friendly tourism ecosystem. As asserted by methodological experts such as Peter Mahmud Marzuki and Soerjono Soekanto, this normative approach is highly essential for evaluating regulatory gaps, tracing legal principles, and synchronizing norms without relying on the empirical testing of quantitative statistical data on the ground (Marzuki, 2017; Soekanto & Mamudji, 1995) Methodologically, the research focus is divided into two integrated layers: the formal object and the material object. The formal object rests on the delineation of theological doctrines, encompassing the foundational principles of Fiqh Muamalat, the philosophy of Maqashid al-Shariah, and the taxonomy of commercial contract architecture (Wajdi et al., 2026). Meanwhile, this conceptual understanding serves as the fundamental analytical lens to evaluate the material object, namely the Fatwa DSN-MUI No. 108/DSN-MUI/X/2016 document alongside the dynamics of state policies, represented by Permenparekraf No. 2 of 2014 and its revoking regulation, Permenpar No. 11 of 2016.

In its execution, the entire data collection process relies exclusively on library research. This library research hierarchically aggregates primary, secondary, and tertiary legal materials (Suheryadi et al., 2026). Primary legal materials are extracted directly from binding regulatory documents and religious fatwas, whose arguments are subsequently reinforced by secondary materials from classical literature, such as the magnum opus Al-Muwafaqat by al-Shatibi and the encyclopedia Al-Fiqh al-Islami wa Adillatuhu by Az-Zuhaili. This accumulated dataset is then analyzed objectively and systematically using the content analysis method to map the normative substance and grammatical structures within the authoritative documents. Upon completing this textual mapping, the study applies the analytical tools of Islamic legal hermeneutics to bridge pure classical jurisprudential doctrines with modern business governance frameworks. Through this methodological synergy, the fatwa formulations are transcended beyond rigid textualist readings; rather, they are successfully synchronized and contextualized to transform into a legally certain positive law (hard law).

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RESULTS AND DISCUSSION

Geometry of Equilibrium: Theological and Operational Foundations

The concept of the "Geometry of Equilibrium" serves as an architectural blueprint that comprehensively integrates sublime theological dimensions with practical applications within the Islamic business ecosystem. The success of Islamic economic governance fundamentally depends on the harmonious synchronization of spiritual intent (Ibadah), management methodology (Khilafah), and the attainment of the ultimate outcome (Maslahah) (Putria & Salsabila, 2025). Within the first foundational pillar, the Ibadah dimension positions human beings in their essential role as servants ('abid), rendering all commercial activities a manifestation of vertical devotion to the Creator. As emphasized in the paradigm of Umer Chapra, the achievement of material welfare in Islamic economics is never detached from the strength of faith (din), which consistently functions as the primary moral filter for every business decision (Yafiz, 2015). Through the internalization of 'abid values and the purification of the soul (tazkiyah al-nafs), business actors are bound by divine accountability. This accountability culminates in the cultivation of integrity (amanah) while insulating tourism operations from loopholes of manipulation and fraud (Uluyol, 2025).

Once the foundation of spiritual motivation is firmly established, this equilibrium geometry architecture is further supported by the governance methodology pillar, represented concretely by the Khilafah dimension. Within the operational framework of the modern tourism business, the concept of khalifah fil ardh (stewardship on earth) provides a robust ethical foundation, mandating humanity to manage all resources professionally, equitably, and with high social responsibility (Fathma et al., 2025; Putria & Salsabila, 2025). The horizontal orientation inherent in this stewardship dimension demands that industrial entities look beyond mechanical operational efficiency and proactively preserve the surrounding ecological ecosystem. Based on contemporary literature regarding the Islamic circular economy and sustainable green development, this vicegerency mandate explicitly prohibits all forms of environmental destruction (al-fasad fi-l-ardh), excessive exploitation (israf), and the wasteful depletion of resources (tabzir) (Mursid et al., 2024) Consequently, institutionalizing a Muslim-friendly governance model absolutely necessitates a tangible commitment to ecological protection as authentic proof of industrial compliance with sharia stewardship principles.

The calibrated synergy between pure spiritual motivation and rigorous stewardship methodology is ultimately directed toward the third pillar: the attainment of Maslahah as the ultimate goal. In contemporary Islamic economic discourse, Maslahah is articulated as an equilibrium point that precisely balances the demands of commercial profit accumulation on one side with the holistic distribution of social welfare on the other (Putria & Salsabila, 2025; Uluyol, 2025). This balancing framework, widely referred to in academic literature as Tawazun, ensures that the pursuit of financial returns by capital owners never negates the responsibility to protect diverse public interests. By implementing tourism strategies aligned with

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local community self-reliance, generated economic returns must be proportionally allocated to drive community welfare and support ongoing destination conservation agendas (Putria & Salsabila, 2025). This comprehensive managerial approach is fully designed to realize Al-Falah, a manifestation of holistic success where tourism industry excellence is measured not merely by upward spikes in material profit margins, but by its capacity to bring genuine well-being to all creations (Widiastuti et al., 2021).

This ideal conceptualization of the Geometry of Equilibrium architecture must be immediately transformed into binding operational standards at the practical tier of the tourism industry. An accommodation facility that claims a Muslim-friendly label can no longer reduce its primary function to a mere commercial entity focused on physical occupancy rates. Business entities carry both moral and legal obligations to provide comprehensive sharia-compliant assurance instruments without compromise, such as premium access to worship facilities, halal-certified food supply chains, and environments free from moral vices (DSN-MUI No. 108, 2016; Permenparekraf No. 2, 2014). Within human resource management, this operationalization must also prioritize the jurisprudential maxim:

> "Al-ibrah bi al-ma'ani la bi al-mabani"
> (The essence and substance are prioritized over mere outward attributes or symbols.)

As a concrete example, sharia hotel management is not justified in enforcing religious dress codes, such as the hijab, upon non-Muslim female front-office staff. This rational policy is grounded in the principle of theological tolerance found in Surah Al-Baqarah, Verse 256:

> "La ikraha fid-din"
> (There is no compulsion in religion.)
> — Q.S. Al-Baqarah: 256

Management needs only to establish a uniform standard that is polite, modest, and loose-fitting for non-Muslim female front-office staff. This demonstrates that sharia tourism compliance prioritizes ethical substance over symbolic coercion (Wathoni et al., 2025). If this precise synergy between fundamental pillars and substantive maxims is not maintained, the implementation of sharia tourism governance will undergo a fatal degradation, reducing it to mere formal administrative compliance that lacks spiritual essence and fails to yield sustainable benefits for the broader society (Mustofa et al., 2026).

Economic Boundary Matrix (The Red Zone)

Within the architecture of Fiqh Muamalat, the freedom to innovate guaranteed by the principle of permissibility (ibahah) is consistently counterbalanced by clear demarcation lines, conceptually defined as the "Red Zone" of the economic matrix. Az-Zuhaili (2011), in Al-Fiqh al-Islami wa Adillatuhu, dissects these jurisprudential boundaries precisely, asserting that these prohibitions are essentially designed to guarantee contractual justice and avert potential harm (mafsadah). Aligning with this

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view, Mardani (2019) emphasizes that sharia boundaries are by no means designed to stifle commercial business innovation. Rather, this negative regulatory framework functions as a vital internalization system for sharia compliance corridors to prevent moral hazards, deception, manipulation, and market failure. Through the enforcement of this red zone construct, the Muslim-friendly tourism industry is guided to operate within healthy business ethics, which simultaneously manifests the operational application of the legal maxim:

"Tafriq bayna al-halal wa al-haram"

(The clear separation between the permissible and the forbidden.)

In modern tourism innovation schemes, sharia provides no room for compromise regarding the intermingling of substantially prohibited elements (Azam et al., 2019). Therefore, a highly precise separation between halal service offerings and exploitative or vice-driven practices must be articulated to ensure a harmonious and equitable market equilibrium for all stakeholders.

A fundamental threat strictly prohibited within the economic red zone matrix is the practice of israf (extravagance in permissible matters) and tabzir (the squandering of wealth on vice). The prohibition of these destructive practices has been legally institutionalized through the Tourism Implementation Guidelines in Fatwa DSN-MUI No. 108/DSN-MUI/X/2016, which mandate all business operators to avoid elements leading to polytheism, vice, and wastefulness (Wiryanto et al., 2024). In the context of modern hotel operations, compliance with this prohibition demands strict management efficiency, particularly in addressing critical issues such as food waste, which frequently drives cost inefficiencies (A. K. Jaelani & Kusumaningtyas, 2025). Contemporary literature on the Islamic circular economy and sustainable green development confirms that the prevention of israf and tabzir reflects a practical ecological awareness (fiqh al-bi'ah) that must be internalized by business entities (Fathma et al., 2025; Mursid et al., 2024; Nilda et al., 2025). By integrating the values of amanah and the mandate of stewardship into the industrial supply chain, tourism business practices can suppress resource waste while contributing directly to comprehensive environmental preservation.

The next guardian of market equilibrium centers on the absolute prohibition of riba (usury). Historically and conceptually, riba is identified as the most destructive instrument of capital exploitation within economic systems (Al-Qaradhawi, 2013; Noviarita et al., 2025). Referencing fundamental studies by Fatkhul Wahab on illicit transactions, the practice of riba is empirically proven to facilitate financial oppression and widen the inequality gap between capital owners and entrepreneurs (Alam et al., 2025; Wahab, 2017). To prevent the transmission of these exploitative practices into the tourism ecosystem, Fatwa DSN-MUI No. 108/2016 formulated a risk mitigation instrument through its institutionally binding Fourth Provision. This regulation requires every tourism service entity to exclusively utilize sharia financial institutions for banking, insurance, financing, and investment fund management. The enforcement of this regulatory instrument effectively cuts the chain of interest-based exploitation, prevents harmful price manipulation, and secures the financing

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structures of the hospitality industry from monetary instabilities that disrupt transactional justice.

The closing element of the red zone matrix is the strict prohibition against ihtikar, legally defined as hoarding essential goods or services to reap unfair, unilateral profits. Az-Zuhaili (2011) and Mardani (2019) agree that this economic malpractice aims purely to engineer artificial scarcity in the market, forcing consumers to transact at highly exploitative prices. In the landscape of modern tourism governance, the prohibition of ihtikar serves as a sharp critique of the monopolistic practices frequently deployed by giant travel agencies. Unfair behaviors, such as hoarding transportation tickets during peak holiday seasons or securing exclusive control over local accommodation facilities, violate business ethics and systematically stifle the competitiveness of small scale entrepreneurs at tourist destinations (Choudhury, 2024; Wathoni et al., 2025). Therefore, rejecting ihtikar is not merely a matter of compliance with jurisprudential doctrine, but a strategic effort to cultivate healthy market competition, distribute business opportunities equitably, and protect the economic self-reliance of local communities sustainably.

Contract Taxonomy in the Industrial Ecosystem

A holistic tourism industry ecosystem requires a precise legal architecture to bind all entities across the supply chain. At the macro capital level, this industrial construction is supported by a partnership cluster utilizing mudharabah and musyarakah contracts, which distribute risk burdens proportionally for both resort development syndications and capital injections into local MSMEs (Kusnita et al., 2025; Noviarita et al., 2025). Moving toward operational supply chain fulfillment, this governance architecture utilizes a commercial exchange cluster focused on procurement. This cluster is driven by a combination of murabahah contracts for large-scale hotel inventory financing, alongside salam and istishna instruments that legitimize pre-order frameworks (Az-Zuhaili, 2011). By adopting these contracts, travel agencies possess a firm legal footing to secure blocks of long-distance transport tickets or custom souvenir orders well in advance.

The core engine of Muslim-friendly tourism management operates within the service cluster, given that the majority of transacted commodities consist of intangible offerings. The operational legality of the hospitality and travel service industry is explicitly secured through the Fourth Provision of Fatwa DSN-MUI No. 108/DSN-MUI/X/2016 regarding contractual guidelines. According to this authoritative document, commercial interactions between tourists and accommodation or spa providers must be bound using ijarah contracts to facilitate wage- or fee-based transfers of usufruct (Az-Zuhaili, 2011). Furthermore, the institutional marketing ecosystem is structured through wakalah bil ujrah contracts to validate agency partnerships, alongside ju'alah contracts to legitimize performance-based compensation for tour guides (Hidayah et al., 2025). The synergy of all derivative contracts within the service cluster must be implemented to provide

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multi-layered regulatory certainty and protect consumer rights amid complex cross-border transactions.

To protect the industrial structure from the tides of pure capitalistic exploitation, this muamalat contract taxonomy is completed by a social contract cluster focused on philanthropy (tabarru'). This fundamental cluster empowers redistribution channels such as zakat, infak, alms, and wakaf (ZISWAF) to realize equitable public welfare around tourist destinations (Amrin, 2022; Muqorobin & Urrosyidin, 2023; Widiastuti et al., 2021). Empirical studies on the effectiveness of productive, wakaf-based halal tourism development at Teras Lembang confirm that philanthropic assets can be transformed into engines for adaptive rural economic circulation (Ahyani et al., 2025). Optimizing these funds allows for the precise allocation of resources to design mentorship programs for local MSMEs, build inclusive public sanitation facilities, and establish essential worship infrastructure at remote tourist points. Through the institutionalization of this comprehensive social cluster, industrial wealth accumulation is redirected to nourish the grassroots economy, underscoring that sharia tourism governance consistently places human dignity above the optimization of profit margins.

Case Study: Synergy of Fatwa and Sharia Tourism Regulation

The governance ecosystem of Muslim-friendly tourism in Indonesia operates under a dual-authority framework: religious fatwas serve as soft law providing a normative foundation, while state regulations act as hard law with coercive authority. Substantively, Fatwa DSN-MUI No. 108/DSN-MUI/X/2016 has successfully established itself as the national sharia reference, carrying absolute religious legitimacy to translate the pillars of worship, stewardship, and public benefit into Standard Operating Procedures (SOPs) for hotels and travel agencies to block polytheism, vice, and waste (Wiryanto et al., 2024). However, this theological instrument harbors a fundamental structural limitation: it lacks coercive enforcement power compared to state statutes or government regulations. Without positive legal intervention from state authorities, industry compliance with these sharia guidelines remains entirely voluntary and highly vulnerable to being reduced to mere commercial manipulation (Wajdi et al., 2026). Consequently, an absolute synergy between the sharia authority and state power is an indispensable prerequisite to convert this legal embryo into a binding public instrument.

Ironically, the potential transformation of this legal embryo from Fatwa DSN-MUI No. 108/DSN-MUI/X/2016 faces the realities of state policy discontinuity. Historically, the national tourism ecosystem possessed a legal umbrella through Permenparekraf No. 2 of 2014 concerning Guidelines for Sharia Hotel Operations. This regulation marked a historic milestone as the first technical instrument containing clear operational standards for sharia hotel certification in Indonesia (Permenparekraf No. 2, 2014). However, the formulation of these rules was deemed too rigid by most hospitality actors, prompting field resistance. In response to these dynamics, the government pursued deregulation by issuing Permenpar No. 11 of

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2016, which officially revoked the previous rule. This revocation carried a pragmatic motive: shifting the paradigm from a formal "sharia hotel" concept to a more inclusive and flexible "Muslim-friendly tourism" model to minimize industrial resistance (Permenparekraf No. 11, 2016).

Unfortunately, critical analysis from the perspective of Maqashid al-Shariah confirms that this move backfired, triggering a regulatory vacuum due to the absence of a replacement decree. The loss of these technical standards induced governance uncertainty and policy fragmentation across regional tiers, severely harming operational certainty for both the industry and investors (Wajdi et al., 2026). While awaiting positive legal steps or new regulations that fully integrate the substance of the DSN-MUI fatwa, industry actors are urged to optimize operational compliance based on the jurisprudential maxim:

"Ma la yudraku kulluh, la yutraku kulluh"

(What cannot be achieved completely must not be abandoned entirely.)

The absence of complete state statutes (hard law) must never be used as a justification for business entities to ignore sharia principles entirely; instead, they must remain proactive in implementing the SOP guidelines from the MUI fatwa to the best of their legal and operational capacities. Through this pragmatic commitment, a harmonious integration between the collective intellectual efforts of scholars and industrial capacity can serve as a precise mitigation tool, safeguarding consumers before national binding regulatory standards are formally enacted.

Tabel 1. Analysis Table of Indonesia's Halal / Muslim-Friendly Tourism Legal Framework (2014–2026)

No	Name & Number	Positive Impact	Advantages	Disadvantages	Implementation Role
1	Presidential Regulation (Perpres) No. 12 of 2025 concerning RPJMN 2025–2029 (Feb 10, 2025)	Muslim-friendly tourism is integrated into national development directives.	Holds cross-ministerial and national-level legitimacy.	Requires derivative Government/Ministerial Regulations for budget and administrative execution.	Serves as the baseline for central-regional program synchronization.
2	Menparekraf Guidelines No. PDM/5/HK.01.04/MK/2024 concerning Basic Services for Muslim-Friendly Tourism (Oct 15, 2024)	Served as the foundational nomenclature for Perpres No. 12 of 2025.	Serves as a general basic service guide for the entire tourism sector.	Interpretations across sub-sectors vary, failing to guarantee standardized quality in marketing.	Not yet widely referenced by general tourism industry actors.
3	Central Java Governor Reg	Central Java establishes a	Adaptive through the	Implementation across various	Guides regional government

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	(Pergub Jateng) No. 40 of 2023 concerning Muslim-Friendly Tourism (Sep 4, 2023)	strategic positioning as a Muslim-friendly destination.	usage of the more inclusive "Muslim-friendly" terminology.	cities/regencies within Central Java remains uneven.	agencies (OPD), tourism actors, and regional promotion.
4	West Sumatra Governor Reg (Pergub Sumbar) No. 19 of 2022 concerning Implementation of Perda No. 1 of 2020 (June 30, 2022)	Strengthens the implementation process of Muslim-friendly tourism development in West Sumatra.	Serves as an operational guide for regional government agencies (OPD).	Lacks coercive legal power to enforce implementation at city and regency levels.	Guides OPD and industrial actors in developing Muslim-friendly tourism.
5	Law (UU) No. 17 of 2022 concerning West Sumatra Province (July 25, 2022)	Strengthens Islamic economic implementation by anchoring it to local cultural customs (Adat basandi Syarak).	Serves as a macro-guide for regional Islamic economic and financial development.	Lacks binding coercive power for swift commercial execution (e.g., Bank Nagari remains conventional, behind West Java's BJB Syariah).	Guides OPD in developing the sharia economy, including Muslim-friendly tourism.
6	West Java Governor Reg (Pergub Jabar) No. 1 of 2022 concerning Sharia Economic & Financial Development (Jan 3, 2022)	Integrates halal tourism into the broader macro sharia economic ecosystem.	Deploys a comprehensive ecosystem approach.	Lacks specific, standalone focus on the tourism sector.	Links halal MSMEs, tourist destinations, and sharia financing.
7	Banjarmasin Regional Regulation (Perda) No. 2 of 2021 concerning Halal Tourism (Aug 23, 2021)	Strengthens the positioning of religious tourism in South Kalimantan.	Holds a firm legal umbrella at the municipal level.	Constrained by limited human resources and inadequate socialization.	References city tourism development under a Muslim-friendly framework.
8	West Sumatra Regional Regulation (Perda Sumbar) No. 1 of 2020 concerning Halal Tourism	West Sumatra becomes a regional regulation pioneer.	Supported strongly by local cultural and	The formal "halal" terminology occasionally incites certain industrial resistances.	Standardizes destinations, hotels, restaurants, and regional events.

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	Governance (June 24, 2020)		customary philosophies.		
9	Bandung Regency Regional Regulation (Perda Kab. Bandung) No. 6 of 2020 concerning Halal Tourism (Nov 10, 2020)	Active promotion of halal tourism within Bandung Regency.	Highly proximate to the massive domestic Muslim tourist market.	Halal certification implementation remains structurally limited.	Guides destination development and regional tourism offerings.
10	Fatwa DSN-MUI No. 108/DSN-MUI/X/2016 (Oct 1, 2016)	Becomes the absolute national sharia reference baseline.	Carries undisputed theological and scholarly legitimacy.	Lacks binding positive law enforcement power like state statutes.	Guides sharia principles for industry practitioners.
11	Ministerial Regulation (Permenparekraf) No. 11 of 2016 (Revocation of Permen 2/2014) (Aug 2, 2016)	Shifts the approach from rigid "formal sharia hotels" to a flexible model.	Minimizes open resistance from conventional hospitality networks.	Induces a vacuum of technical standards for sharia hotels.	Opens structural paths for the "Muslim-friendly tourism" concept.
12	West Nusa Tenggara Regional Regulation (Perda NTB) No. 2 of 2016 concerning Halal Tourism (June 21, 2016)	NTB gains global recognition as a premier halal destination.	Serves as a national benchmark for regional halal tourism.	The "halal" branding was highly vulnerable to local political dynamics.	Regulates the ecosystem of destinations, hotels, travel bureaus, and worship amenities.
13	Ministerial Regulation (Permenparekraf) No. 2 of 2014 concerning Sharia Hotel Guidelines (Jan 9, 2014)	The first technical operational regulation for sharia hotels in Indonesia.	Displayed highly transparent technical and operational criteria.	Deemed overly rigid and exclusionary by mainstream hospitality actors.	Guided initial sharia hotel certifications and hotel management operations.

Source: Data processed by the researcher, 2026.

Responding to the regulatory vacuum at the national tier following the revocation of the 2014 ministerial decree, various regional governments felt compelled to take independent initiatives to protect the tourism ecosystems within their jurisdictions. This decentralized approach is empirically demonstrated by the birth of diverse regional legal products, which indirectly confirms the thesis of policy fragmentation. The urgency for localized regulations is further substantiated by empirical evidence showing that core tourism indicators, such as tourist arrivals and

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hotel occupancy rates, significantly dictate regional tax revenues and local economic growth (Wati & Murtanto, 2026). As a pioneer, West Nusa Tenggara issued Perda NTB No. 2 of 2016 concerning Halal Tourism, which successfully transformed the region into a national benchmark and a top-tier global destination (Perda Provinsi NTB, No. 2, 2016), despite facing local political branding dynamics. This strategic step was followed by West Sumatra through Perda Sumbar No. 1 of 2020, backed by its local customary philosophies, although the use of the strict "halal" terminology occasionally triggered resistance (Pergub Sumbar No. 1, 2020).

This wave of institutionalization continued to expand with the passing of Perda Kab. Bandung No. 6 of 2020 and Perda Kota Banjarmasin No. 2 of 2021, both aiming to strengthen regional religious tourism positioning despite facing hurdles in human resource capacity and certification outreach (Perda Banjarmasin No. 2, 2021; Perda Kab. Bandung No.6, 2020). Furthermore, several regions began calibrating with a more adaptive approach; for instance, Pergub Jawa Barat No. 1 of 2022 integrated tourism into the macro sharia economic ecosystem (Pergub Jabar No. 1, 2022), while Pergub Jawa Tengah No. 40 of 2023 consciously shifted toward "Muslim-Friendly Tourism" terminology to ensure broader (Pergub Jateng No. 40, 2023), more inclusive acceptance. Although these progressive regional initiatives deserve appreciation as efforts to preserve sharia instruments at the grassroots level, the sheer diversity of approaches, differing nomenclatures, and unequal implementation capacities between provinces underscore the urgent need for a standardized national legal umbrella to eliminate regional governance imbalances.

Ultimately, institutionalizing the synergy between sharia fatwas and state regulatory instruments does not hinder innovation; rather, it transforms into a distinct competitive advantage in the global arena. The empirical validity of this equilibrium directly correlates with Indonesia's performance in the global Muslim-friendly tourism sector, as officially documented in the Global Muslim Travel Index (GMTI) reports spanning from 2014 to 2025.

CONCLUSION

This study concludes that reconstructing sharia tourism ecosystem governance strictly requires a comprehensive integration of theological foundations and regulatory compliance. By applying the "Geometry of Equilibrium" (Ibadah, Khilafah, and Maslahah) alongside the "Red Zone Matrix" risk mitigation instrument, the tourism ecosystem can effectively align commercial profitability with ecological preservation while preventing financial exploitation. Based on empirical findings regarding the current legal vacuum following the revocation of Permenparekraf No. 2/2014, this study strongly recommends that the Ministry of Tourism and Creative Economy (Kemenparekraf) immediately formulate a new policy instrument at the Ministerial Regulation level to formalize Fatwa DSN-MUI No. 108/2016. Transforming this framework from soft law into hard law with coercive binding power is an absolute prerequisite to execute the mandates of Presidential Regulation (Perpres) No. 12/2025 concerning the RPJMN 2025–2029. Ultimately, this

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positivization step is vital to eliminate local policy fragmentation, resolve legal uncertainties for investors, and establish periodic cross-sectoral sharia compliance audits that secure Indonesia's position as a global halal tourism hub.

For industry practitioners, sharia compliance must transcend mere administrative formalities or physical attributes; instead, businesses must internalize the five protective pillars of Maqashid al-Shariah directly into their daily service Standard Operating Procedures (SOPs). This managerial shift demands operational waste reduction, margin transparency, and strategic collaboration with official sharia financial institutions to avoid interest-based (riba) capital traps. Amid infrastructure constraints and fierce global competition, practitioners are urged to embrace an attitude of optimism and gratitude as enshrined in Q.S. Ibrahim Verse 7, proactively optimizing the nation's massive domestic Muslim demographic rather than counterproductively comparing it to neighboring countries. Finally, acknowledging its limitations in focusing strictly on macro-level fatwa documents, this study advises future research to utilize a mixed-methods approach to quantitatively measure the impact of fatwa positivization on field performance. Furthermore, future inquiries should explore integrating Generative Artificial Intelligence (Generative AI) tools to design advanced sharia compliance training syllabi for hospitality human resources, thereby enriching the literature on Islamic economic governance.

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