

TOURISM UNDER THE PURVIEW OF ISLAMIC JURISPRUDENCE: THE DEFINING LAW (*HUKM TAKLIFI*) AND THE DECLARATORY LAW (*HUKM WAD'IE*)

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ABSTRACT

*It is common and well known that tourism is a kind of world industry that develops rapidly globally. Travelling for tourism can be for some reasons which include Leisure, recreational, educational, religious as well as business. It follows that industrial tourism may highly contribute and support the government income and boost the economic sector achievement and assist in the job sector of the whole population in a country. Therefore, tourism sector is an important and significant agenda in development and growth of countries and Nations. In the same vein, Islam is a universal religion that is followed by many around the globe and everywhere. Islamic law counts every aspect of human life. Despite religious duties and obligations like solat and fasting, any act of the mukallaf including developing tourism industry or travelling for the purpose of tourism and sightseeing must be in line with the Shari'ah. This paper seeks to study primarily on the concept of tourism and its position under Islamic jurisprudence through library research. Examination will focus primarily on the rules (*Hukm*) of tourism namely the defining law (*hukm taklifi*) on travelling for tourism purpose under Islamic jurisprudence. The discussion will also highlight the concession (*rukhsah*) as part of declaratory law (*hukm wadh'ie*) and other related legal rulings during tourism where relevant and necessary.*

Keywords: *Tourism, Hukm of tourism, travelling for tourism, Islamic jurisprudence, Islamic law.*

1. INTRODUCTION

Tourism has unequivocally established itself as a cornerstone of the global economy, consistently ranking among the largest industries worldwide

(Ahmed & Akbaba, 2023). It is an industry with far-reaching economic effects on the prosperity of many countries globally, playing a significant role in the economic growth of a nation and the creation of employment opportunities among the general population (Haque & Momen, 2017). The intrinsic economic power and wide reach of the tourism industry cement its role in the development and growth policies of countries in the global context as being a crucial and highly important agenda (Saboori et al., 2022).

Among such an extensive market in the world, Halal tourism is a unique and specialized market segment that is growing rapidly (Arnoldy & Hubur, 2022). This has been aided by the fact that the total global Muslim population is huge and is increasing, estimated to be 2 billion people and is projected to be 2.8 billion by the year 2050 (Ratnasari et al., 2024). This demographic trend is converted into a significant economic leverage, which means that Muslim tourists represent an essential niche market on the international level (Hendrik et al., 2024). In such a way, Halal tourism serves the unique demands of the market and provides the services and experiences that do not contradict the Islamic legal and ethical requirements (Hasan et al., 2023).

Islam is a universal religion (*al-din*) which gives a complete system of life in that its teachings are not confined in just the relationship that exists between the servant and the Creator (Akhir, 2010). The entire legal structure of the *Shari'ah* regulates all the activities that are carried out by the *mukallaf* (responsible person) (Shmailan, 2023). This means that all activities in the tourism sector either as a destination developer or as a leisure and tourist that comes to watch the sights or recreational activities should be strictly guided by the *Shari'ah* principles and values (Sumpena, 2025). This moral necessity defines the whole system of Halal tourism, including such issues as food consumption, accommodation, financial transactions, and social interaction (Arnoldy & Hubur, 2022).

Such a regulatory environment is literally captured in decisions and directives given out by Islamic institutions, like the Fatwa of the Indonesian Ulema Council (MUI), which is an official governing body on *Shari'ah* compliant tourism practices (Hariani & Hanafiah, 2024). This systematic legal control reveals the need to study with academics the need to go beyond economic studies and delve into the extensive penetration of *Fiqh* (Islamic jurisprudence) in modern travelling.

This paper is a systematic study based on the research in libraries to examine the concept of tourism and its authoritative status under the Islamic jurisprudence. In particular, the paper will discuss the law that defines (*hukm taklifi*) the tourist activities and will expand on the concessions (*rukhsah*) given

to the Muslim traveler as a part of the declaratory law (*hukm wad'i*). This paper seeks to elucidate these legal principles to present a clear picture of the mandate of tourism in the context of the Islamic worldview.

2. LITERATURE REVIEW

To fully grasp the concept of tourism and halal tourism, it is essential to thoroughly analyze the current body of literature on the subject. This review will examine mainly the subject of Islamic jurisprudence that govern tourism. The study will examine academic literature that sheds light on the Islamic viewpoint about allowed and forbidden activities associated with travel and leisure.

The SESRIC (2017) wrote on Islamic Tourism in OIC Countries discuss among others on concept of tourism in Islam, Halal Tourism and major components in halal tourism. The study also identifies several main factors that affect the decision of Muslim tourists when travelling for leisure.

Abdullah et al. (2020) developed Islamic tourism, its characteristics, concepts and principles. According to them, there are several words that convey the concept of Halal tourism, including Syariah tourism, Islamic tourism, halal travel, or Muslim friendly place. Halal tourism is a form of tourism that is facilitated by a range of amenities and services offered by the community, business owners, government, and local authorities, all of which adhere to the principles and regulations of Islam and *Shari'ah*. Halal tourism is a widely used word that refers to products and services in the tourism industry that adhere to global standards, including tourist services, food and drinks, attractions, and destinations. These offerings are in line with the values and ethics of Syariah. Halal tourism encompasses more than just religious tourism.

Many scholars attempted to define the halal tourism concept such as Qadir et al. (2024), (Azam et al. (2019), (Duman (2012), Henderson (2009), and Hassan (2007). To sum up, in their study, Battour & Ismail (2016, p. 153) define Halal tourism as “any tourism object or action which is permissible according to Islamic teachings to use or engage by Muslims in tourism industry”. According to their definition, they believe that the Islamic law should be used as the foundation for providing tourist products and services to their target customers, who are primarily Muslims. This includes offering Halal hotels (hotels that comply with syariah), Halal resorts, Halal restaurants, and Halal tours. The definition asserts that the geographical scope of the activity is not restricted to the Muslim world. Thus, it encompasses services and products specifically tailored for Muslim visitors, regardless of whether they are in Muslim-majority or non-Muslim nations. Moreover, the concept acknowledges

that the aim of travel is not exclusively religious. It could encompass any of the broad motivations behind tourism.

In highlighting the relation of Halal tourism to shariah, Firdaus et al. (2021) clarify that Tourism has huge benefits in Islam and even has a good impact on One's faith since it is a part of *maqasid al-Shari'ah* which comprises of protecting religion, soul, reason, descent (honor), and property. Tourism can even be covering all these parts of this "*maqasid*" because it is backed by the scriptures of the Qur'an and the Hadith, which illustrate the merits and benefits of the tour. In addition, tourism is a part of being tied to all parts of shariah *maqasid*, which have been done by earlier peoples. Islam advocates pilgrimages to three places, namely Haram Mosque, Nabawi Mosque, and Aqsa Mosque. Islam has specific symbols for both Muslims and non-Muslims when they travel or visit Muslim land. Non-Muslim individuals visit Muslim nations with the intention of refraining from engaging in immoral activities that are prevalent in their own country. Still, they want to experience the beauty of nature and know the culture that exists so that Muslims do not need to give facilities that are prohibited in Islam to boost tourism.

In their analysis on development, problems and possibilities in Halal tourism, Widodo et al. (2022) state that Muslim visitors is an opportunity for the tourism sector to grow halal tourism due to the Muslim population is currently approximately 30 percent of the entire world population. In conclusion, the availability of halal food, products that do not contain pork, non-intoxicating drinks (containing alcohol), the availability of prayer room facilities including ablution places, the availability of the Qur'an and worship equipment(prayer) in the room, *Qibla* instructions and staff clothing Politeness is a condition that is possible to establish a Muslim-friendly atmosphere.

A study by Che Mat Safiee et al. (2025) establishes a conceptual link between Islamic tourism development and the framework of *Maqasid Shariah* (objectives of Islamic law). It highlights that the five principles of *Maqasid Shariah*, the protection of faith, life, intellect, lineage, and property, serve as crucial guidelines to ensure that tourism practices align with Islamic principles. It implies that the inclusion of *Maqasid Shariah* into tourist products (like Halal Edugastronomy Tourism) also leads to economic development, cultural exchange, and a higher level of satisfaction among Muslim tourists.

According to Indonesia, as Jaelani (2017) points out, Halal tourism is becoming increasingly popular and it does not confine itself to traditional religious or spiritual field trips, covering to health, history, knowledge, culture or sports tours. According to him, tourism activities should be strictly guided by Shariah principles in order to be regarded as Halal tourism.

Mohsin et al. (2016) emphasized the fact that the segment of the Halal tourism market is emerging and may continue to grow. According to the authors, the Halal tourism involves the provision of all the services and facilities required by Muslims in accordance with Shariah. Two important factors that they recognize as leading to the development of Halal tourism are affordability and easy travelling.

This, as a result, is one of the key issues in Islamic jurisprudence of tourism, given that there is a lack of comprehensive, standardized system of Jurisprudence of Tourism. This gap drives the need to do original research and build theoretical concepts to establish a contemporary unified framework.

3. METHODOLOGY

The study follows qualitative research design. The data collection is predominantly carried out in the library on the basis of the primary and secondary data which includes the Quran and the Sunnah of the Prophet (PBUH), the works of the classical jurists, the works of modern and recent Muslim scholars along with the current works on tourism and halal tourism.

4. RESULTS & DISCUSSION

4.1. *Concept of Tourism in Islam: Terminology and Etymology*

Academic discussion on faith-based travel is also filled with a debate about the right terminology and definition, which has created conceptual and practical ambiguities among scholars, tourism marketers, and practitioners (Ahmed & Akbaba, 2020). Halal tourism, Islamic tourism, and Shariah tourism are commonly synonyms, but they have different juridical and motivational backgrounds (Faidah et al., 2021).

4.2. *Etymological and Historical Understanding of Travel*

Al-Siyahah (السياحة) is the movement and the transition between two locations and literally means movement and wandering (Al-Qawasmi, 2020). Arabic *siyahah* is a linguistic derivative of *siyh*, which initially meant the movement of water in a transparent stream on the surface of the earth (Mohamed, 2021). It also refers to the going forth in the earth (Ab Rahman & Laderlah, 2018). The term is used in the Qur'an 9:2 to mean circulating or traveling, like in the request to "*Travel freely, [O disbelievers], throughout the land [during] four months*" (Al-Qawasmi, 2020).

In the past, classical readings associated *siyahah* with religion, equating it to asceticism, monasticism, or fasting (Al-Qawasmi, 2020). It signifies the meaning of going out in the earth to serve and asceticism (Al-Qawasmi, 2020). It refers to going forth in the earth to worship and asceticism (*tarahhub*) (Mohamed, 2021). However, the Prophet Muhammad (PBUH) rejected the concept of monastic wandering in devotion, stating: “*The tourism (siyāḥah) of my Ummah is Jihād (struggle in the way of Allah)*” (Abu Dawud, 2486). Thus, in its religious context, the term shifted to mean striving in obedience to Allah, reflecting the dedication and effort traditionally associated with ascetic wandering (Al-Qawasmi, 2020).

Al-Safar (السفر) is the general and commonly used legal term in Fiqh referring to a journey or movement (Wahyono et al., 2023). The term implies leaving the place of residence for a temporary period, often defined as cutting a distance (*qat’ al-masāfah*) (Al-Qawasmi, 2020).

Al-Rihlah (الرحلة) refers to a journey in particular to find knowledge (*ar rihlah fi tallabal ilm*) or trade (business) (Supriadi et al., 2022). *Al-Ziyārah* (الزيارة) specifically refers to religiously motivated trips, typically involving visits to sacred sites, shrines, or historical locations and it is often considered a form of voluntary pilgrimage (Al-Qawasmi, 2020). In the modern context, religious tourism is necessary for visiting holy sites, and Islamic heritage and sacred religious places globally (Rautela et al., 2025). Historically, *ziyārah* refers to non-*Hajj* pilgrimage undertaken to sacred sites to receive blessings or express veneration (J.W. et al., 2012).

4.3. *The Legal Rulings of Tourism under Islamic Jurisprudence*

Islamic jurisprudence classifies every human action into five categories under the defining law (*ḥukm taklīfī*). The classification of travel and tourism is not static; rather, it shifts dynamically based entirely on the intention (*niyyah*) and purpose (*maqṣūd*) of the activity (Rahman et al., 2022).

The original legal status of tourism, being classified under customary and commercial dealings (*mu’āmalāt*), is permissible (*mubāḥ*) (Qadir et al., 2024). This is based on the legal maxim that the origin of (human relations) is permissibility (*al-āṣlu fī al-mu’āmalāt al-ibāḥah*) (Qadir et al., 2024). The concept that permissibility is the basic norm and presumption of the for worldly matters suggests that activities are authorised unless there is a clear scriptural injunction that prohibits them (Kamali, 2012).

Tourism is considered *mubāḥ* if it is undertaken simply for enjoyment, recreation, or fun, without a specific religious motivation, provided the

activities involved do not contradict any explicit *Shari'ah* prohibition (Mazlan et al., 2023).

Most modern, secular-motivated tourism falls into this neutral category (Mohamed, 2021). When travelling simply for enjoyment, recreation, or fun, the journey is considered permissible, provided it does not lead to neglecting any religious duties or violating any religious rule (Fikri, 2022). This act of recreation and relief from fatigue is permitted, provided it is kept within the boundaries of the permissible and is governed by *Shari'ah* controls (Suid et al., 2017). The benefit of such permissible travel is linked to achieving psychological rest and mental well-being, enabling one to fulfil other tasks with renewed enthusiasm, which aligns with the need to prevent the soul from becoming weary or resorting to despair (Mohamed, 2021). However, if travel involves non-*Shari'ah* compliant actions such as immorality, alcohol consumption, or gambling, the legal status immediately shifts to forbidden (*haram*) (Muhammad & Al-Mujtaba, 2020).

4.4. *Categorization of the Legal Ruling Based on Tourism Purposes*

The legal ruling governing travel and tourism shifts across the ethical spectrum of the *hukm taklifi* (defining law) based entirely on the intention (*niyyah*) and purpose (*maqṣūd*) of the activity (Al-Fihri, 2013).

4.4.1. *Mandatory (Wājib/ Fard)*

Travel becomes an obligation when it is necessary for fulfilling one of the essential religious duties or preserving the *al-Ḍarūriyyāt al-Khamsah* (Five Necessities) (Jaapar et al., 2021).

Accordingly, performing the mandatory *Hajj* pilgrimage is considered a religious duty, and travel for this purpose is therefore classified as obligatory (*wājib*) (Timothy & Iverson, 2006). The obligation of *Hajj* is explicitly stated in the Qur'an 3:97: "In it are clear signs and the standing-place of Abraham. Whoever enters it should be safe. Pilgrimage to this House is an obligation by Allah upon whoever is able among the people".

Travel for deepening religious knowledge or acquiring crucial intellectual resources is mandatory in order to preserve the intellect (*ḥifẓ al-'aql*) (Fikri, 2022). According to Prophet's (PBUH) saying encouraging the deepening of religious understanding "Seeking knowledge is a duty upon every Muslim" (Ibn Majah, 224), search for knowledge is considered an obligation (*fard*) for every Muslim individual (Fikri, 2022).

Preserving life (*ḥifz al-nafs*) is one of the five necessities (Ruzulan et al., 2022). Travel necessary for medical treatment, such as curing severe diseases such as trauma, anxiety disorders, psychotic disorders, or liver disorders, is designated as mandatory because it is required to safeguard one's life and health (Fikri, 2022).

Moving to avoid threats or persecution to one's religion or safety is mandatory, representing a necessary form of migration (*Hijrah*) (Al-Fihri, 2013). The necessity of performing such migration is supported by the Qur'an (4:97) (Al-Mawt, 2018).

4.4.2. Recommended (Mandūb/ Sunnah)

Travel is categorized as recommended (*mandūb*) if the journey is undertaken to achieve a clear, non-mandatory benefit (*Maṣlahah*) (Mohamed, 2021). Travel undertaken to relieve sadness, fatigue, or monotony aligns with the Sunnah (Fikri, 2022). In an example, when Prophet (PBUH) was going to Al-Aqsa, from the Masjid al-Haram, as it is stated in the Quran 17:1, Allah (SWT) revealed his magnificence at every stage of the journey, alleviating the grief of Prophet (PBUH) after the death of his beloved wife, Siti Khadijah (RA), and his uncle, Abdul Muttalib (Fikri, 2022). This therapeutic effect coincides with the purpose of life preservation (*Ḥifz al-Nafs*) and intellect (*Ḥifz al-Aql*), and thus, achieving mental well-being (Wahab et al., 2023).

Trade traveling, searching sustenance (*rizq*), or righteous business (*kasb halal*) is encouraged (Al-Mawt, 2018). This economic activity adds to the benefit of the individual and community, and it would be part of the larger need to maintain wealth (*Hifz al-Mal*) (Musa & Zaidi, 2020). The intention behind acquiring lawful livelihood elevates the act of business travel to a form of worship (*'ibādah*) (Kamali, 2012).

Travel for strengthening community bonds falls into this valued category. Travel with the intent of preaching and propagation of the faith is encouraged, serving as a noble intention that can elevate the travel status to recommended (Firdaus et al., 2021). Visiting kin (*Ziyārat al-Arḥām*), other relatives and Friends is categorized as recommended (*mandūb*) (Al-Fihri, 2013). This practice is valued as it reinforces kinship and prevents the breaking of relations (Ahmed & Akbaba, 2020).

4.4.3. Discouraged (Makrūh)

Travel is discouraged (*makrūh*) when the purpose is deemed frivolous or carries potential negative consequences, even if the act itself is not strictly

prohibited by the *Sharī'ah* (A. A. Abdullah et al., 2020). Travel undertaken solely for sightseeing (*nuzhah*) or mere recreation and the travel is to a land where corruption is widespread, without combining it with a higher, spiritual purpose like reflection, contemplation, or family strengthening, may be considered undesirable (Mohamed, 2021).

Some scholars note that travel solely for amusement or mere entertainment (*nuzhah*) is sometimes deemed discouraged (*makrūh*) because it is mere amusement without benefit or need (Al-Hawli, 2019). This dislike stems from the fact that it is viewed as leisure without benefit or purpose.

Travel is strongly discouraged (*makrūh*) when the journey is to lands or places where corruption (*fasād*) or sin (*ma'ṣiyāt*) is widespread (Hammad, 2018). This discouragement is based on the difficulty of preserving one's religious duties or morals in such environments (Fikri, 2022). It is feared that travelling to a land where corruption is rife risks the traveller falling into *ḥarām* (Mohamed, 2021). It is also argued that traveling to such places where one risks neglecting an obligatory or recommended act, or encountering widespread immorality (*fasād*), falls under the category of *makrūh* (Al-Fihri, 2013).

Some prominent jurists considered trade travel to a 'land of war' (*arḍ al-ḥarb*) as severely disliked (*karāhah shadīdah*) or disliked with an element of prohibition (*karāhah taḥrīmiyyah*) due to the associated risks of treachery and the inability to safely observe religious duties (Fikri, 2022).

4.4.4. Prohibited (*Ḥarām/Mahzūr*)

Travel becomes strictly prohibited if the trip itself, or the core activities performed therein, violate fundamental *Sharī'ah* principles (Mohamed, 2021). Accordingly, any tourism associated with or facilitating prohibited acts is forbidden (*ḥarām*) (Mohamed, 2021). This encompasses consuming alcohol (*khamr*) or any intoxicants (Mohsin et al., 2021), adultery (*zinā*) or illicit mixing as the *Sharī'ah* prohibits any conduct that promotes sexual permissiveness (Suid et al., 2017) and gambling (*maisir*) or betting (A. Abdullah, 2017).

This prohibition is mandatory because engaging in such sins violates the fundamental *Maqāṣid al-Sharī'ah*, specifically the protection of religion, lineage (*naṣab*), and intellect (*'aql*) (Hasan et al., 2023). Travel is definitively *ḥarām* if its main intention (*maqṣad*) is to commit a sin and the most scholars agree that a traveler whose journey is for sinful purposes does not receive the allowances granted to travelers, such as the concessions to shorten and combine prayers or break the fast during Ramadan (IslamWeb, 2019).

Spending excessively (*isrāf*) on travel expenses is forbidden as it is evident from the Qur'anic verses (17:26-27) "Give to close relatives their due, as well as the poor and 'needy' travellers. And do not spend wastefully. Surely the wasteful are 'like' brothers to the devils." (Wahab et al., 2023). The *Sharī'ah* mandates that wealth must be used beneficially, avoiding destructive practices, and prohibiting excessive spending or waste (*isrāf/tabdhīr*) (A. A. Abdullah et al., 2020).

Tourism becomes forbidden if it competes with the rights of Allah, such as traveling for tourism during the time of *Hajj* when one is obligated to perform *Hajj* and is able to do so, or if tourism interferes with the rights of others, such as the rights of parents or a spouse, or if the cost of tourism delays the repayment of a debt that is due (Mohamed, 2021). Additionally, if the travel is in defiance of the parents' orders not to go (Mohamed, 2021). Wasteful tourism activities or those that are immoral and unprofitable are forbidden as they negatively affect the development of the human mind and physical aspects (A. A. Abdullah et al., 2020).

Traveling to locations where God's wrath descended upon sinful previous peoples is forbidden (*ḥarām*) (Firdaus et al., 2021). The Prophet Muḥammad (PBUH) warned against entering such places unless the visitor is crying or showing solemn reflection and fear, to prevent the same calamity from befalling them (Al-Hawli, 2019) as He stated:

"Do not enter but weepingly (the habitations) of these people who had been punished by (Allah), and in case you do not feel inclined to weep, then do not enter (these habitations) that you may not meet the same calamity as had fallen to their lot." (Bukhari, 3381).

4.5. Declaratory Law (*Ḥukm Waḍ'ī*) and Concessions (*Rukhsah*)

The operation of the defining law (*ḥukm taklīfī*) is often supported by the declaratory law (*ḥukm waḍ'ī*), which relates legal consequences (like permissibility or prohibition) to their causes and conditions. The most direct example of *ḥukm waḍ'ī* in tourism is the granting of concessions (*rukhsah*) to travellers (*musāfir*).

4.5.1. The Principle of Concession (*Rukhsah*)

A concession is a legal dispensation or relief granted by the *Shar'ah* to alleviate the burden (*Mashaqqah*) associated with travel, ensuring that the Muslim traveller can comfortably fulfil their religious duties (*Rukhsah* (*Concession*) in Islam, n.d.). The act of being in a state of travel (*safar*) is the cause

(*sabab*) that triggers the permissibility of the concession (*rukhsah*) (Bunyamin, 2018). This mechanism adheres to a foundational objective of *Sharī'ah*: the removal of hardship (*Raf' al-ḥaraj*) (Bunyamin, 2018). Qur'an 4:101 states "When you travel through the land, it is permissible for you to shorten the prayer".

The concessions offered demonstrate the recognition that travel inherently carries certain difficulties (Musa & Zaidi, 2020). The main provisions of *rukhsah* pertinent to tourism include prayer facilitation as the traveller is permitted to shortening (*Qaṣr*) obligatory prayers, specifically reducing the four-unit prayers namely *Dhuhr*, *'Aṣr*, *'Ishā'* to two units and combining (*Jam'*) two prayers that is *Dhuhr* with *'Asr*, and *Maghrib* with *'Ishā'* into one time slot (Musharraḥ, 2016). This facilitation is essential for ensuring the compulsory daily prayers are maintained during busy travel schedules as this rule ensures that a Muslim can fulfil their five daily prayers even while travelling (Shakona et al., 2015).

Travellers are exempted from fasting during the month of Ramadan (Ghouri et al., 2018) and the traveller retains the obligation to compensate for the missed days later as the Qur'an 2:184 elaborates "Fast a prescribed number of days.1 But whoever of you is ill or on a journey, then let them fast an equal number of days after Ramaḍān".

In the absence of water, dry ablution (*Tayammum*) is permitted (Alim et al., 2020) as the Qur'an 4:43 states:

"O believers! Do not approach prayer while intoxicated1 until you are aware of what you say, nor in a state of 'full' impurity unless you merely pass through 'the mosque' until you have bathed. But if you are ill, on a journey, or have relieved yourselves, or been intimate with your wives and cannot find water, then purify yourselves with clean earth, wiping your faces and hands."

Halal tourism standards require easily accessible places of worship (Arnoldy & Hubur, 2022). This can be done by provision of facilities which assist tourists in accomplishing their mandate like specific prayer rooms (*musolla*), prayer timetables, and clearly marked indicators of Qibla (Mecca direction) (Abas et al., 2017).

4.5.2. Legal Approach to Foreign Visitors (*Siyāḥat al-Qādimīn*)

Islamic scholars have a general consensus that non-Muslims should be allowed to enter the country on legitimate reasons such as tourism, trade or education (*ja'iz*) in principle (Al-Hawli, 2019). This notion is that the core legal status for tourism, which falls under customary and commercial dealings

(mu'āmalāt), is generally permissible (*mubāḥ*), unless specifically prohibited (Al-Hawli, 2019).

The permission for foreign visitors is contingent upon specific declarative conditions (*ḥukm waḍ'ī*). Accordingly, the entry must be authorised by the Muslim government, granting security (*amān*) to the visitor (Al-Hawli, 2019). Scholars generally agree that the ruler of the Muslims (*Imām*) or the ruler's deputy is permitted to grant a guarantee of safety (*amān*) to foreigners, allowing them entry into Muslim lands, provided the visitation is beneficial and causes no harm (Al-Hawli, 2019).

This principle which is derived from the Qur'an 9:6, "And if anyone from the polytheists asks for your protection 'O Prophet', grant it to them so they may hear the Word of Allah, then escort them to a place of safety, for they are a people who have no knowledge", ensures the visitor has a commitment of peace from the entire Muslim community (Al-Hawli, 2019).

The visitor must observe and respect the cultural, moral, and customary values of the host country as Halal tourism regulations generally require foreigners to respect the moral and ethical values of *Shari'ah* and the local culture (Al-Hawli, 2019). The fundamental principles of *Shari'ah* must be strictly adhered to, meaning that activities must be free from immorality, idolatry, and superstitious elements (*khurāfāt*) (A. A. Abdullah et al., 2020).

The tourist must not engage in any activity that is hostile to Islam or endangers the security of the Muslim state (Al-Fihri, 2013). Activities such as publicly displaying prohibited conduct such public consumption of alcohol or pork, indecency, engaging in espionage or spying, displaying open enmity toward Islam, or engaging in proselytization are prohibited (Al-Hawli, 2019; Firdaus et al., 2021). It is strictly prohibited to enter a place where non-Muslims gather if the tourist intends to commit sin (*ma'siyah*) (Kamali, 2012). This adherence is necessary because the presence of the visitor must not entail harm (*ḍarar*) or damage to the host community (Al-Hawli, 2019).

This solution makes sure that even though the Islamic nations are open to international tourism due to its economic and social empowerment, the sanctity of *Shari'ah* and societal morality are not compromised (Al-Fihri, 2013). The application of customary practice (*Al-'Urf*) is formally recognized as the secondary source of law in Fiqh along with other sources like *qiyas* (analogy) and *masalih mursalah* (public interests) whereby it can be flexible in applying the Islamic standards to non-Muslim visitors, as long as it does not contradict the foundational Islamic principles (Al-Fihri, 2013).

5. CONCLUSION

Tourism, interpreted within the broad parameters of Islamic jurisprudence, is a practice that borders on both being mandatory and totally prohibited with most leisure travel being permissible (*mubah*) under the underlying Fiqh rule of "permissibility is the basic norm". Nonetheless, the ultimate legal decision (*hukm taklifi*) is dynamically defined by the will of the traveler in which he must conform to ethical and spiritual goals. The importance of travel driven by religious obligation (Hajj, necessary knowledge search or health maintenance) is compulsory (*wajib*), but that which involves banned actions like alcohol, gambling, or immorality is without any doubt forbidden (*haram*). Moreover, the status of the journey per se provides the Muslim traveller with concessions (*rukhsah*) like shortening or combining of prayers which are codified within the declaratory law (*hukm wad'i*). In the case of international relations, the customary law (*Al-'Urf*) permits Muslim states to receive foreign tourists in order to visit the local sites as long as they do not violate local Islamic culture and morals. The application of Shariah-compliant tourism despite the obvious legal framework is marked by the significant challenges such as the absence of terminological agreement, the bureaucracy and expensive Halal certification procedures, insufficiency of infrastructure and stakeholder training. Going future, the success and viability of Halal tourism hinges on the setting of global standards, strengthening of governance system according to principles of *Maqasid al-Shari'ah*, and constant education of all the tourism players which will reconcile the profitability of the economy with the Islamic ethical accountability.

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