Islamic Tourism Development Based on the Scientific of the Maqasid Shari'ah Framework

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Abstract
Islamic tourism is a balance concept of life; not only achieving pleasure while travelling but relates tourism activities as a bridge to gain happiness in the hereafter. Therefore, this research study on the Islamic tourism development based on the *Maqasid Shari'ah* framework. Qualitative method has been used which based on the library research such as books, articles, journals review and any other related materials. Finding of this research show that the development of Islamic tourism is an important and market advantage which in conformity with the *Maqasid Shari'ah* perspective in order to bring the social welfare and justice for the public interest (*maslahah*). As conclusion, the development of the Islamic tourism should be based on the preservation of five necessities (*daruriyyah al-khamsah*), namely, the preservation of religion (*din*), the preservation of life (*nafs*), the preservation of intellect (*'aql*), the preservation of progeny (*nasl*) and the preservation of wealth (*mal*).
Keywords: *Islamic Tourism, Maqasid Shari'ah Framework, Maslahah.*

Introduction

Tourism industry is widely accepted as one of the major sources of economic growth and Islamic tourism has been seen as a new emergence tourism business concept globally. The emergence is due to the fact that many of the Muslim majority markets now are the fast emerging economies. According to Dinar Standard and Crescent Rating (2012), the Muslim tourists' expenditure growth rate is expected to be at 4.79% per year on average for the year 2012 until 2020. This expenditure growth rate is higher than the global expected average growth rate of 3.8% during the same period. The total Muslim tourists' expenditure estimates to be $192 billion representing 13.36% of global tourism expenditure by 2020 and the top destinations for Muslim tourists are Malaysia, Turkey, and United Arab Emirates, followed by Singapore, Russia, China France, Thailand and Italy.

On the other hand, the tragedy of 11 September 2001 (9/11) is the most significant factor that contributes to the changed of the international pattern on tourist flow (Hanim, Redzuan, Abu Hassan Shaari, & Safar, 2010). As claimed by Westerners, the attack was launched by the Islamic terrorist group led to the significant increasing of Islamophobia, which denotes anti-Muslim sentiment, irrational fear of Muslims and hatred of Islam (Stephenson, 2014). Since Muslim tourists were facing somewhat restrictions to travel to the USA and European countries, Muslim countries increasingly becoming popular destinations as Muslim tourists search for new and safer destinations. Thus, Islamic tourism has been introduced as a solution to overwhelm the image crisis of 9/11 (Al-Hamarneh & Steiner, 2004).

Furthermore, through Islamic tourism, religious duty was performed as well as knowledge achieved for wider dimension (Bhuiyan, Siwar, Ismail, & Islam, 2011) such as for the benefits of economy, social and cultural indeed. Thus Islamic tourism emerged as an answer to the needs of Muslim population intended to stay within their cultural and religious environment while on vacation (Arasteh & Eilami, 2011). Then, studies to obtain such information as discussed should be conducted. Despite studies in the Islamic attributes which could provide insights of this segment requirement, tour operators or destination marketers can benefit the information for developing and promoting their tourism services to attract Muslim tourists. However, discussion on the importance of Islamic attributes remains highly limited.

As Islam is an association of life and religion (Hazarina, Jamie, & Nazlida, 2007) it requires Muslim tourists travelling with the purpose of their recreation to achieve physical, social and spiritual satisfaction along with blessings and increasing faith to Allah (Bhuiyan et al., 2011; Din, 1989). Al-munajjid (2009) associate Islamic tourism with the concept of Siyaahah as connected to the great and noble aims. The Siyaahah aims are, connecting travel activities to worship; to gain knowledge and learning; to learn lessons and receive reminders; to call people to Allah and Prophet Muhammad (peace and blessings of Allah be upon him); finally, travelling should lead human to ponder the wonders of Allah's creation and to enjoy the beauty of this great universe.

Then, relaxation is essential to enable after human soul develop strong faith in the oneness of Allah and fulfil the obligations of life.

Meanwhile, Laderlah, Rahman, Awang, & Man (2011) state that the travelling and exploring activities may be considered as '*ibadah*' and '*da'wah*'. Everything can be '*Ibadah*' as long as the purpose of travelling is for God's blessing and avoid the wrongdoings either from speaking or acting. On the other hand, *da'wah* means to attract or preach a person into a right way by any Muslims (preachers or *da'i*) who have knowledge and good manner in delivering the message of Islam to the society. The discussions lead us to understand that Islamic tourism as a purposeful tourism (Din, 1989) as it direct travel activities in line with the Islamic principle. In return, the tourists can enhance health and well-being, reducing stress and enabling Muslims to serve God better (Zamani-Farahani & Henderson, 2010). Hence, the discussion specified the practicality of Islamic tourism concept for Muslim Travellers.

The Islamic Tourism
The concept of Islamic tourism can be characterized by economic, cultural and religious-conservative concept (Al-Hamarneh & Steiner, 2004). In terms of economic concepts, this tourism is seen as a platform to foster closer cooperation between government institutions around the world. It can also enhance tourism activities among Muslims by contributing to the creation of new tourism product destinations. The cultural concept of Islamic tourism helps to preserve and conserve the heritage of Islamic products while creating new tourism products with the theme of Islamic features like Islamic theme tour packages. Lastly, the concept of religious-conservative is to understand Islam based on a conservative interpretation and understanding of Islam. When these conservative thinking combined with the modern life of the tourism industry, it will triggers a new tourism product choices which are different from existing products (Al-Hamarneh, 2012; Al-Hamarneh & Steiner, 2004).

Therefore, Islamic tourism is a balance concept of life; not only achieving pleasure while travelling but relates tourism activities as a bridge to gain happiness in the hereafter. It is clear that the involvement of social, religious and economic factors contribute to the Islamic tourism development process. On the other hand, the formation of this tourism is a mixture of religious tourism, spiritual tourism, cultural tourism and other types of tourism as long as the activities involved not against the Islamic values or principles as a way of life. Table 1 reviews the meaning of Islamic tourism from various perspectives in previous studies.

Table 1: Previous Definitions of Islamic Tourism

Authors	Definitions
Din (1989)	Islamic tourism as a purposeful tourism since tourists should pursue goals that are based on humanitarian principles. Tourists may also seek pleasure and giving thanks. The purpose of travel is to appreciate the greatness creations of God whereby hosts and guests are repeatedly enjoined to support *Fi-Sabilillah* with controlled activities (prohibit gambling, consumption of pork, eating during Ramadhan and provision against *khalwat*).
Hassan (2004)	Islamic tourism means a new ethical dimension in tourism with new outlook on life and society. It stands for values generally accepted as high standards of morality and decency with respect of local beliefs and traditions, as well as care for the environment. It also encourages understanding and dialogue between different nations and civilizations and attempts to find out about the background of different societies and heritages.
Shakiry (2006)	The concept of Islamic tourism is not limited to religious tourism, but it extends to all forms of tourism except those that go against Islamic values (*Shariah*).
Hassan (2007)	Its mean "Religious Tourism" (visiting shrines all over the Islamic World) in narrow sense but in wide sense, it is the type of tourism that adheres to the values of Islam. Most of these values are shared with other religious and non-religious beliefs (for example the ethical code promoted by World Tourism Organization). It calls for respect for local communities and the local environment, benefiting the locals, decency and learning about other cultures.
Al-Hamarneh (2008)	Islamic tourism consists of three concepts of economic concept, cultural concept and religious-conservative.
Henderson (2009)	Tourism mainly by Muslims, although it can extend to unbelievers motivated to travel by Islam, which takes place in the Muslim world.
Hendersaon (2010)	All product development and marketing efforts designed for and directed at Muslims and non-Muslims for pursuing similar leisure experiences. Motivations are not always or entirely religious.

Bhuiyan, Siwar, Ismail & Islam (2011)	Islamic tourism is a way to perform the religious duty that must be respectful of Islamic values and human beings in light of Islam.
Duman (2011)	Islamic tourism represents the demand side which based on travelers' motivation to choose an Islamic lifestyle during their holiday and Halal tourism to describe the economy and the sector where halal goods and service offered to the market for consumption (supply side).
Laderlah, Rahman, Awang, & Man (2011)	The characteristics of Islamic tourism can be identified as flexible, rationale, simple and balanced which Islamic tourism is purpose tourism where tourists are motivated to get the pleasure and blessing from God.
Hamza, Chouhoud, & Tantawi (2012)	Islamic tourism is about satisfying tourists looking for a destination that can fulfill their needs without being offensive in any way.
Jafari & Scott (2013)	Islamic tourism is essentially a new 'touristic' interpretation of pilgrimage that merges religious and leisure tourism.

Based on previous definitions, it can be concluded that Islamic Tourism provide reference to the participants of the activity (i.e. Muslims), locations (i.e. Islamic destinations), products (i.e. accommodations, food and beverage), dimensions (economic-cultural-religious), values (i.e. sharia compliant) and management of the service production process (i.e. marketing and ethics). Indeed, Islamic tourism is one of the most important resources particularly in Muslim countries which have rich and various heritages resources. Despite attracted Muslim visitors throughout history, the awards of this wealth and treasure have and will also attract hundreds of non-Muslims. Thus, it is vital for Islamic tourism to be coherence with Islamic values as brought human beings in light of Islam.

The Objectives of *Shari'ah* (*Maqasid Shari'ah*)
The fundamental objectives of the *Shari'ah* or *maqasid al-Shari'ah* are to ensure the well-being and welfare of mankind (*maslahah; Pl. masalih*), both in this world and the hereafter. *Maqasid* are the key to better understand the *Shari'ah* in its true perspective. Imam al-Ghazali (d. 505 AH/1111 AC) defined *maqasid* by stressing that the *Shari'ah* concerns with preservation of five objectives: "The main objective of the *Shari'ah* is to promote the public interest and the well-being of the people, which lies in preservation of their religion (*din*), their life (*nafs*), their intellect ('*aql*), their progeny (*nasl*) and their wealth (*mal*). Whatever ensures and covers the safeguarding of these five origions, and it is a public interest, and whatever leaves these five's, it is a harm and against public interest" (Al-Ghazali, 1998). Therefore, the *maqasid al-Shari'ah* are the law's meanings and objectives as

manifested in most or all of its rulings, or they may be said to be the objectives of the *Shari'ah* and the hidden wisdom which the Lawgiver has placed within each of its rulings" (Zuhaili, W, 1996).

It is generally held that the *Shari'ah* in all of its parts aims of seeking a benefit for the people or protecting them against corruption and evil. For example, the Qur'an explained the main objective of the Prophethood of Muhammad is a mercy (*rahmah*) for the mankind (*'alamin*).(Al-Anbiya, 21;107) Elsewhere, Allah (swt) describes His purpose in the revelation of religion is not a means of imposing hardship, as He says: "*God never intends to impose hardship upon people*".(Al-Hajj, 22;78) Here the Lawgiver wishes to make things easy and to avoid imposing hardships on people and thus not obligate anyone more than his or her capacity, which Allah (swt) says: "*No one is charged with more than his capacity*".(Al-Baqarah, 2;233) In principle, the main objective of *Maqasid* is seeking of benefit (*manfa'ah*) and to repelling of harm (*madarrah*) for the public interest (*maslahah*) as directed by the Lawgiver. Examples are seeking and preserving of public welfare, justice, fairness, human brotherhood and equally, in order to bring happiness to human beings.

The interpretation of *Maqasid* should be based on three essential objectives, namely necessities objectives (*maqasid daruriyyah*), needs objectives (*maqasid hajiyyah*) and embellishments objectives (*maqasid tahsiniyyah*). From the objectives on necessities, it should be for the preservation on five necessities (*daruriyyah al-khamsah*), namely, the preservation of religion (*din*), the preservation of life (*nafs*), the preservation of intellect (*'aql*), the preservation of progeny (*nasl*) and the preservation of wealth (*mal*). These preservations include the preservation of the essential objectives of this world and in the hereafter.

The Islamic Tourism Characteristic with the Five Preservations of *Maqasid Shar'iah*
Preservation of religion is an obligatory in the Islamic tourism characteristic which not led to commit a sin or immorality to Allah SWT. Therefore, the Muslim tourists travelling which in conformity with Islamic tourism characteristic is necessities (*daruriyyah*) to control, so that it is not misused to cause the user to neglect the remembrance of Allah SWT including abstaining from prayers and obligations that have been entrusted by Allah SWT. To be in line with the preservation of religion, Islamic tourism characteristic should be increase Religious facilities or tangible attributes such as worship facilities likes prayer rooms, separate tourism recreational facilities for men and women, halal foods services and others. Allah S.W.T said: "*Allah has explained to you - among the matters of religion that He has ordained - as that which He has enjoined on Nuh, and that which We (Allah) have revealed to you (O Muhammad), and that which We have enjoined on Ibrahim, Musa, and Isa. Namely, that ye should remain steadfast in Religion, and make no divisions therein; it is hard for the polytheists (to accept monotheism) to which you call them. Allah chooses to bring to His Religion of Monotheism whom He pleases, and guides to His Religion those who turn to Him (in obedience)*" (Al-Syuura: 42;13).

Definitely, religious identity appears to play an important role in shaping consumption experiences including hospitality and tourism choices among Muslim customers. It is a religious obligation for all Muslims to consume products that are allowed by Allah (God) and falls under the authority of *Shariah* (Alserhan, 2010; Borzooei & Asgari, 2013; Hanzaee & Ramezani, 2011; Wilson et al., 2013).

Meanwhile, *Shariah* Compliant tourism products generally refer to all such products accordance with the instructions of Almighty Allah (God) and Prophet Mohammad (may peace be upon him) (Sahida, Ab Rahman, Awang, & Che Man, 2011; Samori & Rahman, 2013; Stephenson, 2014; Zamani-Farahani & Henderson, 2010).

Preservation of life should also be taken into account for a Muslim tourists travelling, which offers a safe trip including transportation and accommodation. Therefore, the development of Islamic tourism characteristic should emphasize the safety for every traveler, including traveling to any potentially dangerous destinations and activities, such as travelling to the war countries without any safety provided by those countries. Hence, providing the takaful protection for the Muslim tourists is the value added as a preservation of life for strengthening the development of Muslim tourism. Allah S.W.T said: "*And spend of your substance in the cause of Allah, and make not your own hands contribute to (your) destruction; but do good; for Allah loved those who do goodness*" (Al-Baqarah:2;195).

The traveling without restrictions and controls would also affect the physical and mental health of a person, such as tourism which provided alcoholic to the Muslim tourist. Hence, the preservation of intellect is an important for the development of Muslim tourism characteristic which in conformity with the *Shariah* principles. This is including providing the *Shariah* compliance hotels which non-alcohol to be served or consumed on the premises, including Islamic dress codes, Banning of alcohol and gambling; with providing Islamic entertainments. Allah S.W.T said: "*They ask you (O Muhammad) about drinking and gambling. Say: There is great sin in both, although they have some benefit for men, but their sin is greater than their benefit. And they ask you about what they should spend (for charity). Say: Spend for charity whatever you can spare (out of your expenses). Thus Allah makes plain to you His Revelations (injunctions) so that you may reflect upon them*" (Al-Baqarah:2;219). Hence, it is clear that the preservation of intellect is an important in developing Muslim tourism characteristic. In addition, Muslim travelers are also prohibited from traveling to any tourist places that can lead to adultery. Adultery might lead to birth of children out of wedlock's. Therefore, it is clear that the preservation of the progeny is an important thing to consider in every purpose of Muslim tourism characteristic development, such as the selection of hotels that provide separate recreational facilities for men and women, provision swimming pool facilities for women only and others. *Allah S.W.T said: "And nor draw near to adultery, for it is a shameful deed and an evil way (leading to destruction)"* (Al-Isra':17;32). Hence, every development of Islamic tourism characteristic should be complying with the Shariah principles, which in line with al-Quran and al-Sunnah.

The development of Islamic tourism characteristic should also take into account the profitability by ensuring the competitiveness and effectiveness of Islamic tourism in the global tourism industry. Hence, the preservation of the wealth is a necessity for the sustenance revenue with permissible (halal) services and received the blessings of Allah SWT. This shows that Islamic tourism needs to be expanded to attract more Muslim and non-Muslim tourists in promoting halal products and services in the world market as generating wealth and productivity for a country. With generating wealth and profits earned from tourism, then the value of paid zakat will increase and the outcome will be used

for distribution purposes to the needy and poor society in order to reduce the poverty gap in the community system for the public interest *(maslahah).* Therefore, one of the main objectives *(maqasid)* is upon public welfare *(maslahah),* which is in line with one of the principles of legal maxims *(qawa'id al-fiqhiyyah)* which states *"management of citizen's affairs is depended upon public welfare" (al-tasarruf 'ala al-ra'iyyati manutu bi al-maslahah) (Al-Nadwi, A. A. 1999).* The objective of all those legal rulings is for the preservation of religion that is to avoid poverty and ingratitude in society. Hence, the preservation of the wealth is to ensure the circulation of wealth among members of the society level could be equally distributed. This coincides with the Qur'anic verse, which Allah (swt) says*: "so that it may not be [a benefit] going round and round among such of you as may [already] be rich"* (Al-Hasyr 59: 7)*.*

Conclusion

The difference between tourism in the secular or western perspectives with Islamic tourism is its purposes or its objectives. In Islam, tourism activities should be seeking a benefit for the people or protecting them against corruption and evil (*jalb al-masalih wa dar' al-mafasid*), which in conformity with the *Shari'ah* principles. These make Islamic tourism unique by upholding the Islamic value during their travel activities without abandoning the desire to have pleasure. Therefore, the objectives of *Shariah* (*Maqasid Shariah*) framework in which preservation of religion, preservation of life, preservation of intellect, preservation of progeny and preservation of wealth as parameters for developing of the Islamic Tourism characteristic. All of the types of tourism activities are permissible as long as the main concern of the travelling intention is not contradict with the *Shari'ah* principles, as well as the Objectives of the *Shariah* (*Maqasid al-Shariah*). This can be demonstrated through the following framework figure 1.
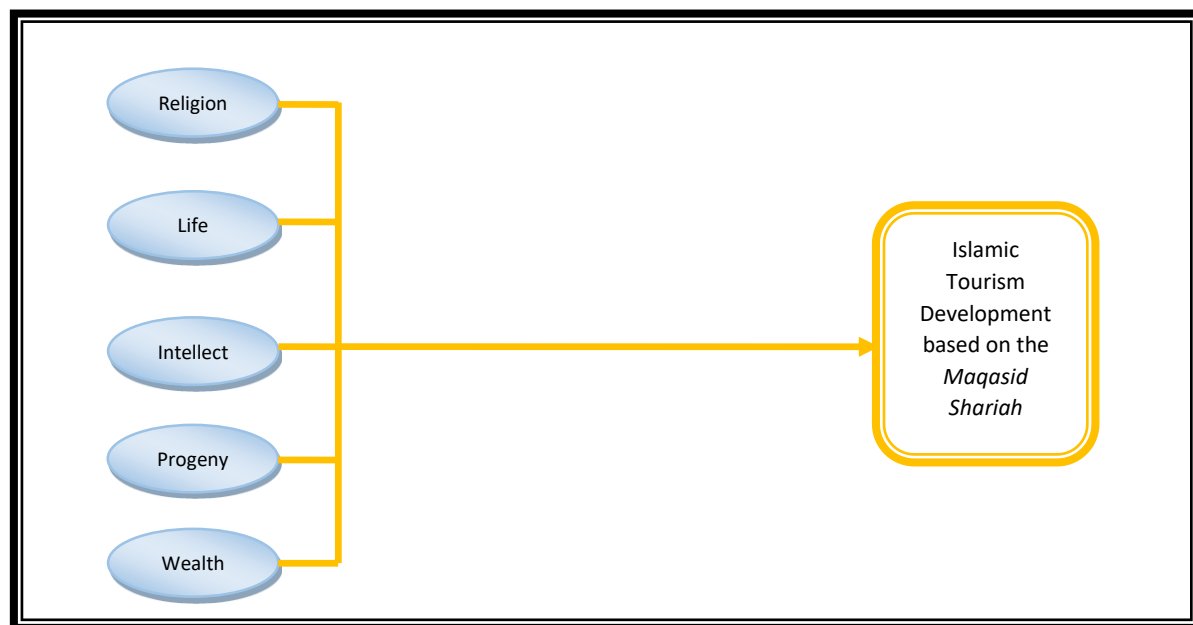
Figure 1: The framework of Islamic Tourism Development based on the Scientific of the *Maqasid Shariah* Framework

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