

# **THE POTENTIAL OF THE MUSYARAKAH MUTANAQISHAH AGREEMENT AS AN ALTERNATIVE FOR DEVELOPING THE MADURA HALAL TOURISM OBJECT AREA THROUGH AN INFRASTRUCTURE APPROACH**

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## **Abstract**

Musyarakah Mutanaqishah is a form of cooperation between two or more parties for ownership of an item or asset. Even though the capabilities and technicalities of musyarakah mutanaqishah have been stated in the DSN-MUI fatwa Number 73 of 2008, in practice this contract is still not widely used. This agreement is used as an alternative for developing halal tourist attractions in Madura through an infrastructure approach. Based on this, the objectives of this research are (1) To examine the potential of the musyarakah mutanaqishah contract in supporting the development of halal tourist attractions (2) To provide a general description of the development of Madura tourist attractions through an infrastructure approach using the musyarakah mutanaqishah contract. This research uses a descriptive qualitative research method which aims to describe the condition of the subject and research object. The data collection techniques used by researchers in this research were conducting interviews and documentation. Then the results of the interviews and documentation were imported using the NVIVO application to get more measurable results. The research results obtained: (1) Access to halal tourism development which includes the construction of railway infrastructure is in the less productive category because the existing route has become a public facility. (2) The potential of the Mutanaqishah Musyarakah Agreement as an alternative for developing halal tourism with infrastructure development in the Madura region is very impactful and less significant. It is hoped that this research will be able to develop tourist transportation access in the Madura area.

**Keywords:** Musyarakah Mutanaqishah, Halal Tourism, Infrastructure.

## **PENDAHULUAN**

Indonesia is a country that has diversity in terms of customs, culture, ethnicity and language as well as abundant natural resources. One area that has the potential to be developed is tourism. Etymologically, the word tourism comes from Sanskrit and means "a lot" or "going around", while tourism means "going" or "travelling". So tourism can be interpreted as travel that is carried out repeatedly from one place to another (Ketut & I Gusti, 2017). Indonesia is also a country with the largest Muslim population in the world. The Central Statistics Agency (BPS) stated that Indonesia's population in 2010 reached 237.6 million people, with a Muslim population of 207,176,162 people, or 87.18% of the total Indonesian population. In 2017 the population of Indonesia reached

261.9 million people. This number increased in 2019 to reach 269.6 million people. Of course, this could be an opportunity for the Madura area as a potential market for developing halal tourist attractions, so that the planned development can be implemented well.

The Madura area is one of the tourist attraction areas that has great potential for development, in particular there are limited basic infrastructure which causes low efficiency. This is because every infrastructure in the Madura area is interconnected with each other, both directly and indirectly. Apart from that, it is very important to develop infrastructure in the Madura area. One effort to increase halal tourist attractions must be to develop more comfortable road infrastructure. According to the Minister of Transportation of the Republic of Indonesia, a railway network is a railway facility with mechanical power that can run alone or be coupled with other railway facilities that will or are currently running on a rail network related to train movement.

The train is one of the fast, safe and smooth forms of mass transportation in the development of land transportation in Indonesia which can be an alternative for people to carry out their activities, especially inter-city transportation (Dhevy, 2021). The rail transportation mode is relatively cheap and can be used to transport quite large amounts of people and goods. According to Law Number 23 of 2007 concerning Railways, "That transportation has an important role in supporting economic growth, regional development and unifying the territory of the Unitary State of the Republic of Indonesia in order to realize an archipelagic outlook, as well as strengthening national resilience in an effort to achieve national goals based on Pancasila and the Law-The 1945 Constitution of the Republic of Indonesia.

Based on data from the 2011 National Railway Master Plan, the railway network in Indonesia is still relatively small and uneven. In 2009, the length of the railroad in operation was only 4,684 km, down 31.2% compared to the length of the railroad in 1939. Meanwhile, in the Madura region, currently the railroad network is no longer operational. The first railroad network was built in 1898 by a Dutch-owned railway company called Madoera Stoomstram Maatschappij. However, during the Japanese colonization, many railroad tracks were dismantled to be used as weapons during independence, so that the only remaining railroad network was the Pamekasan-Kamal route. As time progressed, the mode of rail transportation in Madura began to be abandoned and switched to other forms of transportation. In 1987, the railway network in Madura was officially closed.

Transportation in Madura now only relies on the road network. This network is the only route that can connect Kamal sub-district, Bangkalan district to Kalianget sub-district, Sumenep district. Based on the Bangkalan Regency Regional Spatial Plan for 2009-2029, there is a plan to develop land transportation infrastructure, especially the development of rail transportation, especially to serve regional and national mass transportation, both accommodating people and goods.

Musyarakah Mutanaqishah (MMQ) is a derivative product of the musyarakah contract, which is a form of cooperation agreement between two or more parties. The



basic word for musyarakah is syirkah which comes from the words syaraka-yusyriku-syarkan-syarikan-syirkatan (syirkah) which means cooperation, company or group. Syirkah is a collaboration between capital and profit. Musyarakah Mutanaqishah (MMQ) can be interpreted as musyarakah or syirkah in which the ownership of assets (goods) or capital of one party (syarik) is reduced due to gradual purchases by the other party. Musyarakah Mutanaqishah is a form of cooperation between two or more parties for ownership of an item or asset. Where this collaboration will reduce the ownership rights of one party, while the other party's ownership rights increase. The musyarakah mutanaqishah agreement is regulated in the Fatwa of the National Sharia Council (DSN) No:73/DSN-MUI/XI/2008 concerning Musyarakah Mutanaqishah. In this case, although the feasibility and technicalities of musyarakah mutanaqishah contracts are stated in the DSN-MUI fatwa, in practice these contracts have not been widely used, so Bank Indonesia needs to encourage the use of musyarakah mutanaqishah contracts (Akmal, 2018).

In developing halal tourist attraction areas using the musyarakah mutanaqishah agreement. Sharia banks need to ensure that the implementation of the development of halal tourist attractions is in accordance with sharia compliance, as has been implemented in various provisions of Islamic law including the DSN-MUI fatwa. Musyarakah mutanaqishah is used as a concept in developing halal tourist attractions, namely collaborating to develop infrastructure where these assets become joint property. The ownership of an asset can be determined according to the amount of capital or funds included in the cooperation contract. Next, the customer will pay the capital or funds owned by the sharia bank. However, the amount of sharia bank capital will become smaller over time, inversely proportional to the amount of customer capital which is increasing day by day. This is because the installment payments are made every month. At the end of the infrastructure development, the total capital of the sharia bank has been taken over 100% by the customer so that ownership of the infrastructure is transferred to the customer's name (Putri, 2015).

The musyarakah mutanaqishah contract is a contract that is claimed to use a sophisticated contract because it can be used for various purposes for sharia banking products. According to Agustianto Mingka, president director of Iqtishad Consulting, musyarakah mutanaqishah can be used for dozens of schemes and products, especially infrastructure financing. Musyarakah mutanaqishah has many advantages and sophistications, but in practice this contract has not been widely used and implemented. Even though there are those who already understand the technical aspects of the contract, the musyarakah mutanaqishah contract has not been widely practiced as a sharia banking product. So Indonesian banks need to encourage the use of this contract. Therefore, Bank Indonesia (BI) issued circular letter (SE) Number 14/33/DPBs concerning the implementation of mortgage product implementation policies for sharia commercial banks and sharia units. This circular means that the musyarakah mutanaqishah contract will become an attractive option for Islamic financial institutions in Indonesia.

With this circular letter, it is a positive legal effort to discuss various issues related to musyarakah mutanaqishah, so that it can be properly practiced in sharia banking. It is hoped that there will be a musyarakah mutanaqishah (MMQ) agreement in the development of halal tourist attraction areas in Madura which previously was only based on DSN-MUI Fatwa No:73/DSN-MUI/XI/2008 concerning musyarakah mutanaqishah (MMQ).

Research that examines the potential of musyarakah mutanaqishah agreements in developing halal tourist attractions through an infrastructure approach is still limited. Therefore, this research aims to fill the knowledge gap by taking informants/opinions from department heads and community figures so that they can be used as examples or illustrations in supporting the development of halal tourism through an infrastructure approach.

## **TINJAUAN PUSTAKA**

### **Mutanaqishah Musyarakah Agreement**

Musyarakah Mutanaqishah is a derivative product of the musyarakah contract, which is a form of cooperation contract between two or more parties. Musyarakah or syirkah is cooperation between capital and profit, while mutanaqishah means reducing gradually. Musyarakah Mutanaqishah is a musyarakah with the provisions that one partner's share of the funds will be transferred gradually to the other partner so that his share of the funds will decrease and at the end of the contract period the other partner will become the full owner of the business.

Partnership-based products with profit sharing such as musyarakah as a competitive superior product in sharia banking are Home Ownership Credit (KPR) Products. In this case, if the musyarakah mutanaqishah contract can be used as an alternative to apply to home or vehicle ownership financing products, then the musyarakah mutanaqishah contract can also be used as an alternative for developing tourist attractions through an infrastructure approach. Considering that the development of tourist attractions through an infrastructure approach is indeed a basic need for all communities.

### **Halal Tourism**

We often encounter halal terminology on food and drink labels, namely something that is permitted to be consumed by Muslims. Meanwhile, the etymology of halal comes from Arabic which means permitted, acceptable, permitted or not permitted. According to (Hall, Razak, and Prayag, 2020) the terms Halal Hospitality and Islamic Tourism are two similar things with the aim of providing comfort for Muslim tourists. Meanwhile, according to (Lisma, Yonaldi and Zulbahri, 2016) halal tourism places more emphasis on providing halal products that can be enjoyed by Muslim and non-Muslim tourists. Apart from that, (Sofyan, 2012) stated that apart from being safe, halal and comfortable, this halal tourism provides healthy products because it is in accordance with what Islam commands.



In this case, halal tourism is a guarantee of comfort for Muslims and non-Muslims, where halal tourism makes it easy for Muslims to fulfill obligations such as prayer and access daily needs for holidays such as safe and halal food and drink. Meanwhile, for non-Muslims, it can give a positive perception of halal tourism to non-Muslims.

### **Infrastructure**

Infrastructure is all structures and basic facilities, both physical and social, such as buildings, electricity supply, irrigation, roads, bridges and so on that are needed for operational activities of communities and companies. According to (Meersman & Nazemzadeh, 2017) infrastructure can be defined as the services and facilities needed for the economy to function well, such as infrastructure that supports roads, railway networks, airports, ports and so on. Apart from infrastructure facilities, it can also support the smooth running of community activities, such as roads which can facilitate transportation for the delivery of raw materials. Furthermore, transportation infrastructure can make other existing inputs more productive, such as well-designed roads allowing goods to be delivered more quickly and reducing transportation costs in the production process (Amni, 2018).

In this case, if infrastructure is related to halal tourism, then one of the things related is transportation infrastructure. Infrastructure that is considered important to support the continued development of halal tourist attraction areas is the provision of adequate transportation infrastructure so that it can support tourists from one tourist attraction to another.

### **METODE PENELITIAN**

The research method used is a qualitative-descriptive research method which aims to describe the condition of the subject and object of research. The subject is the person who is considered to know best about what we expect, making it easier for the researcher to explore the object or social situation being studied. The researcher chose the head of the Pamekasan transportation service, the head of the cooperative and micro small business service, the head of the Pamekasan industry and trade service, the PT KAI service manager. Bank Syariah Indonesia and local community leaders as research subjects.

The research object is the objective approach or scientific approach applied in research. The object of this research is the Madura area, especially the cities of Bangkalan and Pamekasan. This research focuses on infrastructure in the Madura area and transportation access for tourists, as well as the impact on the surrounding community and the Madura area.

This type of research produces information in the form of notes and descriptive data contained in the text being studied. And the data classification in this research is classified into two types, primary data and secondary data. Primary data was obtained by direct interviews and documentation. Meanwhile, secondary data was obtained from official websites and print media.



Primary data: To obtain the data needed in research, primary data is based on direct observation of the object under study. The field study carried out in this research was to go directly to the location of the object being studied by conducting interviews with research subjects. Secondary data is data that is used as a complement to facilitate the research process. This secondary data is carried out through official websites and print media. Documentation study is a data collection technique using notes or documents at the research location. Then the data obtained from interviews and documentation are processed using the NVIVO application to obtain more measurable results.

In research, data collection is something that is very important, so patience and skills are needed in collecting data in order to obtain valid data. The techniques used in collecting data for this research were interviews and documentation. Data collection uses two methods, the first is using the interview method. An interview is a conversation conducted by both parties with a specific purpose. The type of interview used in this research is an unstructured interview where the interviewer determines the problem and questions to be asked himself and the approach uses general interview instructions. The aim of this research is to obtain accurate data.

The second method is documentation, documentation is a data collection method that produces important notes related to the problem being studied, so complete, real data will be obtained and not based on estimates. This data collection method with documentation is in the form of photos and recordings or is available in document records which can later be used as data validity material in testing. The first thing the researcher did was to collect data using a documentation method about events in the field, namely by interviewing, then the researcher processed it into writing as a result of the written interview. Second, taking photos related to activities in the field as a form of visualization. Third, namely collecting document records related to the development of halal tourism in the Madura area through an infrastructure approach.

## **HASIL DAN PEMBAHASAN**

### **Description and Concept of Research Locations**

Bangkalan Regency is one of the districts in the Madura Region which has an area of 1,260.14 km<sup>2</sup> and is divided into 18 sub-districts, 273 villages and 8 sub-districts. Meanwhile, Pamekasan Regency has an area of 79,230 hectares and is divided into 13 sub-districts, 11 sub-districts and 178 villages.

Pamekasan Regency is one of the areas in the eastern part of Madura. Pamekasan Regency has a social and cultural system that is almost the same as the Madura area in general. Local wisdom in Pamekasan Regency has emerged from several new tourist attractions so that many tourists enjoy the beauty of Pamekasan Regency.

Pamekasan Regency also has several tourism destinations which are an attraction for tourists. Starting from religious tourism, historical tourism, cultural tourism, natural tourism and so on. From this, the tourism sector is able to have a positive impact on infrastructure in the Madura area.

### **Halal Tourism Development Through an Infrastructure Approach**

Halal tourism is not only limited to having halal food, but what is more important is the availability of Muslim-friendly accommodation, communication, environment and



services, namely all components that make it easier and provide comfort for Muslim tourists to carry out their worship (Battour & Ismail, 2016) Tourism in the Madura Region Especially Pamekasan and Bangkalan districts have many types of tourism ranging from religious tourism, natural tourism and so on. The more and more unique tourist attractions the Madura region has, the more likely it is that this tourist area will get lots of visitors. In this case, there is a need for railway infrastructure to develop transportation access for tourists visiting the Madura area. Based on the opinions of figures in the Madura region, with the development of infrastructure, especially the railway network, there are pros and cons, where the existence of railway infrastructure as access to halal tourism development is now less productive because land transportation in the Madura region is now sufficient.

In 1897, the Madura area had a railway network built by Madoera Stroomtram Maatschappij which stretched 225 km from Kamal Harbor in Bangkalan City to the eastern tip of Sumenep Regency, Kalianget Harbor. Then in 1987, the infrastructure built by the Dutch was no longer operational, due to demolition carried out by Japanese residents so that the railway network in Madura was officially closed and now only traces of the railway remain.

Tourism in the Madura region now has many visitors, the existence of natural tourism, religious tourism and even well-managed cultural tourism. Therefore, facilities such as a train network are needed to develop transportation access for tourists. Considering that transportation in the Madura area now only relies on the road network. Therefore, the existence of a railway network in the Madura area will have an impact on effectiveness and efficiency on the economy. However, now that the railway network has officially closed, goods transportation often uses large vehicles. With the development of existing railway infrastructure in Indonesia, it is now possible to reactivate the railway network in Madura. In accordance with data from the 2011 National Railway Master Plan, in realizing the implementation of the national railway in 2020, it is necessary to think about railway development. Khoirul Komar (2023) believes that current conditions are not possible because the railway has become a public facility, unless there is a change in route. However, obstacles occur if there is a change in route due to land acquisition and so on. So if there is development of railway network infrastructure, it is better to build toll road infrastructure.

The development of halal tourist attractions in the Madura area has several positive and negative impacts on the development of railway network infrastructure. Khoirul Komar (2023) further explained the positive impact of having rail network infrastructure only around stations, while in the industrial sector it is only the food industry, because other industries mostly use trucks rather than public transport, let alone the rail network. So with the railway network infrastructure back in operation it cannot support halal tourist attractions in the Madura area. This can be seen from several aspects such as the availability of facilities for prayer, halal food and drinks. So the existence of rail network infrastructure does not affect access to land transportation. Muttaqin (2023) believes that private transportation in the Madura area is much more widely used than public transportation. So the existence of railway infrastructure in the Madura area has less influence on halal tourism, because halal tourism in the Madura area, especially religious tourism, means tourists use public transportation such as buses in groups.

### **The Influence of Halal Tourism Development in the Madura Region Through an Infrastructure Approach**

The development of halal tourism is now being carried out by various countries, both Muslim and non-Muslim majority countries (Iflah & Kinkin, 2019). Halal tourism is now a trend in the tourism industry, even in its progress halal tourism has increased significantly. According to (Global Muslim Travel Index, 2018) in 2014 there were 108 million Muslim tourists who traveled, then it increased in 2015 to reach 117 million Muslim tourists, in 2016 it reached 121 million and also increased in 2017 to reach 131 million tourists. Muslim.

It is hoped that the development of this mode of transportation will be a major driver in the national economy. For this reason, it is necessary to improve the quality and quantity of the railway facilities themselves (Shara, 2015). However, the influence of the existence of railway network infrastructure is less influential, especially since there is a connection with making halal tourism. This is because transportation in the Madura area is sufficient. Regarding the development of halal tourism, the existence of railway infrastructure in the Madura area is very unsupportive because goods sent from outside Madura mostly use public transportation such as trucks. Hasyim (2023) is of the opinion that the development of railway network infrastructure in the Madura area does not agree, because there is land acquisition. This could turn off local transportation such as taxis and there could be pros and cons to the activation of the railway network in the Madura area.

### **The Potential of the Mutanaqishah Musyarakah Agreement as a Halal Tourism Development Through an Infrastructure Approach**

Musyarakah Mutanaqishah is musyarakah or syirkah in which the ownership of assets (goods) or capital of one party (syarik) is reduced due to gradual purchases by the other party. Implementation in sharia banking operations is cooperation between sharia banks and customers to purchase an item, then the assets of the item become joint property.

The potential of the musyarakah mutanaqishah contract will have an impact on the development of halal tourism in the Madura area with infrastructure development using sharia bank products including the musyarakah mutanaqishah contract, this contract is less significant so that there is a bottleneck in financing between sharia banks and the government. Muttaqin (2023) further argues that the development of halal tourism through infrastructure development uses smaller loans, whereas for sharia bank products it is the same as conventional banks, a sharia system but in reality an interest or percentage system.

### **KESIMPULAN**

The results of this research have a less significant effect on the potential of musyarakah mutanaqishah in developing halal tourism through an infrastructure approach. These results indicate that community leaders in the Madura area do not yet have a good understanding of the potential of the musyarakah mutanaqishah contract. Most of the interviewees were of the opinion that the musyarakah mutanaqishah agreement produced by sharia banks was the same as conventional banks. The





development of halal tourism does not affect the infrastructure approach. This is because there are several obstacles, including land acquisition. So if there is development of railway network infrastructure, it is better to build toll road infrastructure. Even transportation access in the Madura area now uses the highway network and is sufficient. So tourists use private transportation and public transportation.

The implication of the results of this research for the industry can be used as a reference that the potential of the musyarakah mutanaqishah contract being carried out is not significant, so it is necessary to think about other approaches so that the development of halal tourism can use the potential of the musyarakah mutanaqishah contract. Another implication for academics is that the results of research II can be continued as further research.

This research has limitations, namely the opinion of the sources who are still far from studying the potential of the musyarakah mutanaqishah agreement to support the development of halal tourism in the Madura area and a general picture of the development of halal tourism through an infrastructure approach. This research only uses two types of research, thus providing opportunities for further research.

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