The Legal System of the All-You-Can-Eat Ticket System at Tlogo Argo-Tourism, Indonesia: A Maṣlaḥah al-Mursalah Perspective

Sistem Hukum Tiket Makan Sepuasnya pada Agrowisata Perkebunan Tlogo di Indonesia Perspektif Maṣlaḥah al-Mursalah

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Abstract: This article analyzes the legal system in the all-you-can-eat ticket system of Tlogo argo-tourism in Central Java, Indonesia. This research is based on recent concerns over the system’s implementation, specifically regarding its lack of clarity (gharar). The study employs a qualitative approach, combining legal-empirical analysis with the legal system theory of Lawrence Friedman and the concept of maṣlaḥah al-mursalah (public interest). The findings show that the all-you-can-eat ticket system in Tlogo argo-tourism has three components required by Lawrence Friedman’s legal system theory: legal structure, legal substance, and legal culture. The legal culture component is crucial in implementing the all-you-can-eat ticket system internally and externally. Moreover, the system also fulfills the three elements of maṣlaḥah al-mursalah: maṣlaḥah ḍaruriyyah (primary public interest), maṣlaḥah ḥajjīyyah (tertiary public interest), and maṣlaḥah tахsiniyyah (tertiary public interest). Therefore, this study contributes to a wider and more comprehensive view of buying and selling practices from the legal system’s perspective and maṣlaḥah al-mursalah.

Keywords: Tlogo Argo-Tourism, Buying and Selling, Maṣlaḥah al-Mursalah, Legal System, Lawrence Friedman.

Kata Kunci: Agrowisata Perkebunan Tlogo, Jual Beli, Maṣlaḥah al-Mursalah, Sistem Hukum, Lawrence Friedman.

A. Introduction

The all-you-can-eat system at Tlogo Argo-Tourism, Semarang Regency, has been based on recent concerns over the system’s implementation, specifically regarding its lack of clarity (gharar) committed by the manager and theft by visitors.¹ Gharar, in this case, referred to uncertainty in the object of sale and purchase.² This system is standard in many tourism sites to provide visitors with a unique and fun experience.³ However, the cases of violence and theft raise questions about the legal system surrounding the practice of all-you-can-eat and the responsibility of managers and visitors to ensure its safe and orderly operation. Both cases resulted in losses on the part of the management estimated at eight million rupiahs in 2011.⁴ Normatively, business practices (mu’āmalah) that contain elements of uncertainty and theft are prohibited. Buying and selling in Islam is

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¹ Guntur, Visitor of the Tlogo Fruit Garden, April 16, 2022.
² Rahmat Hidayat, Pengantar Fikih Muamalah (Medan: UIN Sumatera Utara, 2020), 36.
permitted. However, Syaifullah explained that buying and selling are prone to manipulation, including, in this case, the all-you-can-eat ticket system at Tlogo Argo-Tourism. Therefore, it is essential to study the management of Tlogo orchard tourism and the extent to which the regulations at the Tlogo orchard are applied to protect the rights of managers and consumers.

Several researchers have researched Tlogo Agro-tourism. Kurniasari raised the issue of branding design and promotion of Tlogo Agro-tourism. Nugroho discussed the marketing strategy of Tlogo Agro-tourism. Kristianti studied the institutional management of Tlogo garden natural tourism. Widyastuti analyzes the production function and cost function at Perusda Perkebunan Tlogo-Tuntang. Suciarto studied the implementation of green business in ecotourism in Central Java, including Tlogo agritourism. The difference between this research and the previous research is the dimension of the sale and purchase of all-you-can-eat tickets that occur in Tlogo Agro-tourism using Lawrence Friedman’s legal system theory and maṣlaḥah al-mursalah (public interest).

This research is fieldwork research conducted from March to June 2022. The author uses data collection techniques through observation and depth interviews. The author made direct observations of the activities carried out by managers and visitors at Tlogo Agro-tourism. The informants in this study are Marsono (43 years old), the manager and tenant of the Tlogo fruit garden; Rohmat (38 years old), the head of the resort division; Daryanto (62 years old) as the head of the Tlogo fruit garden division, Parmin (65 years old), Rohmi (56 years old) and Murni (61 years old) as employees of the Tlogo Fruit Garden, Fitri (26 years old) as the Cashier of the

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Resort Division, Della (19 years old) and Guntur (21 years old) as visitors to the Tlogo fruit garden.

B. Tlogo Argo-Tourism and the Practice of All-You-Can-Eat Ticket System

The location of Tlogo Tuntang Argo-Tourism in Tlogo Argo-Tourism, Delik Village, Tuntang District, Semarang Regency, Central Java. Tlogo Argo-Tourism is a Dutch government heritage farm established in 1838, and the first commodity was cocoa plants. At first, the Tlogo plantation belonged to NV Culture Maatschappy in Amsterdam.11 Tlogo Plantation in 1994 decreased prices for plantation products, and then Tlogo Argo-Tourism was made to maintain it. Tlogo Argo-Tourism 1996 began building cottages (villas) as tourist facilities. On October 30, 1999, the Governor of Central Java, Mardiyanto, opened Tlogo Argo-Tourism.12 Then, Tlogo Argo-Tourism made various facilities such as cottages (villas), meeting rooms, restaurants, swimming pools, and fishing ponds. Over time, Tlogo Argo-Tourism developed rapidly with the increasing number of tourists who came, which impacted the Regional Original Income (PAD) of Central Java Province and the income of the surrounding community.13

The Central Java Provincial Government managed Tlogo Argo-Tourism in 2012 with two objects, the tourist area and the Tlogo orchard area. The total area of Tlogo agro-tourism is 414 ha, with 97 ha of coffee plantation, 233 ha of rubber plantation, 64 ha of clove plantation, and 20 ha of tropical fruit plantation (banana, durian, rambutan, papaya, mango, and so on). The area of 414 ha is divided into two tourism sides: a 402 ha tourist area and a 12 ha orchard. The Tlogo argo-tourism area currently has an area of 402 ha with 22 Garden Cottage facilities and 15 standard hotel rooms, swimming pools, billiards, fishing ponds, restaurants, and outbound areas between coffee plantations and tropical fruit gardens. The 12 ha Tlogo orchard is planted with fruits such as (durian, banana, rambutan, papaya,

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mango, salak, jackfruit, and so on). The Tlogo orchard has a durian fruit icon and already has around 400 durian trees and other fruits.\(^{14}\)

The Central Java Provincial Government owns Tlogo argo-tourism. Currently, Tlogo argo-tourism is making various changes (revitalization) and developing various facilities for Tlogo argo-tourism.\(^{15}\) One tourist site in Tlogo argo-tourism is the Tlogo fruit garden, which is a tourism destination by implementing an all-you-can-eat ticket system. The purpose of the all-you-can-eat ticket system is that visitors can enjoy existing facilities with an IDR 150,000 person entrance ticket.\(^{16}\)

Since January 2022, one of the tourist sites, Tlogo fruit garden, has been transitioning in management. The management of the Tlogo fruit garden has now switched to a third party or has been leased to Marsono. This all-you-can-eat ticket system has not been applied or replaced by the usual fruit-buying and selling system. Therefore, this transition has been agreed upon between the two parties, and officially the management of the Tlogo fruit garden is not the responsibility of the Central Java Provincial Government.\(^{17}\)

In practice, buying and selling at the Tlogo fruit garden tourism side is a cash buying and selling (direct payment in cash). Visitors who enter the Tlogo fruit garden are charged a ticket of IDR 150,000 per person. At this price, visitors can already enjoy the facilities and all the fruit by picking them themselves. This buying and selling are different from what is done in general, such as in markets, shopping centers, and so on, because this buying and selling are wrapped in the tourism sector. The tourism sector provides ample space for intensive capital entry into a tourist area and will provide economic and social benefits while preserving natural and biological wealth.\(^{18}\)

\(^{14}\) Marsono, Manager and Tenant of the Tlogo Fruit Garden, April 24, 2022.


\(^{16}\) Daryanto, Head of the Tlogo Fruit Garden, April 21, 2022.

\(^{17}\) Marsono, Manager and Tenant of the Tlogo Fruit Garden, May 2, 2022.

C. Legal System in Tlogo Argo-Tourism

Tlogo argo-tourism is an economic development in the field of tourism. Agritourism development is packaged with various farm activities to create a unique selling point to be used as a tourism destination.\(^\text{19}\) Tlogo argo-tourism is generally packaged into one tour package with an all-you-can-eat ticket system with an IDR 150,000/person entrance ticket to enjoy one tour package.\(^\text{20}\)

Tlogo argo-tourism is packaged with an agritourism system model, which is one of the effective vehicles for promoting agricultural and plantation products there. In the management, Tlogo argo-tourism needs a law and binding rules that are used as guidelines and handle should be done and should not be done.\(^\text{21}\) None of the legal regulations are made without having a purpose.\(^\text{22}\) Lawrence Friedman requires a legal system in three components for the operation of law in the community: legal structure, legal substance and legal culture.\(^\text{23}\) First is the legal structure. As of March 12, 1996, Tlogo Plantation was under the control of the Perusda Level I Central Java Board of Directors. Then in 2012, Tlogo Argo-Tourism was managed by the Central Java Provincial Government and was part of the Tlogo Argo-Tourism Regional Company, Citra Mandiri Central Java.\(^\text{24}\)

Regarding ownership and regulations, the Tlogo argo-tourism area is an asset owned by the Regional Company Citra Mandiri Central Java, Tlogo Plantation Unit. All regulations are a guideline that must be followed by every party (stakeholders) in Tlogo argo-tourism, both managers and visitors. This regulation is based on Regional Regulation Number 2 of 2009 concerning the Establishment of Citra Mandiri Regional Company of Central Java.


\(^{22}\) Pujirahayu, 1–9.


The entire Tlogo argo-tourism area since 2012, the tourism side area is managed by the Central Java Provincial Government. In January 2022, one of the tourism sides in Tlogo argo-tourism is the Tlogo fruit garden area that shifted in management from the Central Java Provincial Government to a third party (tenant) Marsono. This management shift is official and based on the agreement of both parties. Although the shift in the management of the Tlogo fruit garden is still relatively new, the progress has been better than before.

Currently, the management of the Tlogo fruit garden does not implement an entrance ticket system for visitors. It was different when the Regional Government still managed it. Suppose the assets of the Tlogo fruit garden are managed properly and correctly. In that case, this can increase the income of PAD (Regional Original Income) of Central Java Province and the income of the surrounding community. However, due to the lack of stable management, the Tlogo orchard has decreased and caused losses. Until January 2022, the management of the Tlogo orchard has been transferred to a third party or has been leased. The transfer of the Tlogo orchard manager was contained in the substance of the law.

Second, the substance of the law. The substance of the law can be interpreted that a regulatory product is needed that contains the permitted or unpermitted of doing something for all parties involved, in this case at the Tlogo argo-tourism. The regulation contains the obligations of managers and employees. This regulation is based on Regional Regulation No. 2 of 2009 on the Establishment of Citra Mandiri Regional Company of Central Java, inaugurated on January 30, 2009. Based on these regulations, Tlogo argo-tourism is a distributary or business unit owned by Citra Mandiri Regional Company of Central Java. The other regulations are based on the Articles of Association of Citra Mandiri Regional Company of Central Java in the Notarial Deed of Prof. Dr. Liliana Tedjosaputro, S.H., M.H., M.M. Number 28 Dated April 13, 2009, Central Java Governor Regulation Number 23 of 2011 Dated April 26, 2011, Regulation of the Board of Directors of Citra Mandiri Regional Company of Central Java No. 539/144.A/V/2013 on the replacement of the Regulation of the

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25 Marsono, Manager and Tenant of the Tlogo Fruit Garden, May 2, 2022.
26 Murni, Employee of the Tlogo Fruit Garden, May 16, 2022.
27 Rohmi, Employee of the Tlogo Fruit Garden, May 16, 2022.
Board of Directors of Citra Mandiri Regional Company of Central Java No. 539/049/V/2011.28

Tlogo argo-tourism has two tourism sites managed by the Central Java Provincial Government. However, since January 2022, the Tlogo fruit garden has shifted management from the Central Java Provincial Government to a third party (tenant), Marsono.29 Both parties agreed upon this management shift. It is based on an agreement between the Central Java Provincial Government and Marsono. The transfer of management of the Tlogo orchard will continue for three years, from 2022 to 2025. Before Marsono managed the Tlogo orchard, the Tlogo orchard seemed to have no maintenance at all, like a forest. But since this management has switched, Marsono, as the manager, continues to improve and care for plants in the Tlogo orchard. Tlogo orchard has an area of 12 ha which is planted with 400 various types of trees such as durian, banana, rambutan, papaya, mango, salak, jackfruit etc. Tlogo fruit garden has a fruit icon as its hallmark, durian fruit. Visitors who want to come to Tlogo fruit garden must pay attention to the existing rules so that visitors can feel comfortable traveling.30

The things that need to be considered by tourists are the operating hours of the Tlogo fruit garden from 08.00-20.00 WIB with the obligation to maintain order and cleanliness in the Tlogo fruit garden and maintain the comfort of other fellow tourists well. In addition to some of the obligations that must be carried out, some prohibitions should not be done while traveling in the Tlogo fruit garden, such as littering, damaging existing facilities, committing unlawful acts, etc.31 However, the regulations do not form a penalty for registered in-disciplinary tourists or violating the rules. However, that made the tourists feel comfortable traveling and did not harm many parties.32

Third, legal culture. The law must be obeyed and implemented, which means the laws or rules that have been made are expected to become a community

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28 Sri Nurhayati Qodriyatun et al, eds., Pengembangan Pariwisata Berkelanjutan melalui Ekowisata (Jakarta: Published by the Expertise Agency Research Center, DPR RI in Collaboration with Intelligence Intrans Publishing, 2018), 1–152.
29 Marsono, Manager and Tenant of the Tlogo Fruit Garden, May 2, 2022.
30 Della, Visitor of the Tlogo Fruit Garden, May 27, 2022.
31 Marsono, Manager and Tenant of the Tlogo Fruit Garden, May 2, 2022.
32 Rohmat, Head of the Resort Division, April 3, 2022.
Legal culture is also an essential element in the legal system because legal culture is the attitudes and values related to law and the legal system, such as behavior, thoughts and ideas related to law. In this Tlogo, agro-tourism is also inseparable from the legal culture because the legal culture is nothing but derived from all the factors that determine how the legal system is implemented.

This legal culture, Friedman divides into two, which are internal legal culture and external legal culture (community or visitors). First, the internal legal culture, in this case, the Tlogo argo-tourism, has two tourist sites, the tourist area and the Tlogo orchard, which must obey all the rules in the Tlogo argo-tourism. One of the tourist sites at Tlogo argo-tourism is the Tlogo fruit garden, which is a tourist destination by implementing an all-you-can-eat ticket system. This all-you-can-eat ticket system is only paying once for visitors. But, this all-you-can-eat ticket system did not last long; after January 2022, the Tlogo orchard experienced a change of manager.

Tlogo fruit garden tourism site has been managed well by the Central Java Provincial Government. It can be seen from the increasing PAD (Regional Original Revenue) income of Central Java Province at that time. But, due to the irregularity of the management process, it causes losses by visitors. Some of the things that occur in the practice of buying and selling in the Tlogo fruit garden are the lack of clarity by the Tlogo fruit garden manager regarding the actual condition of the fruit to visitors. It resulted in losses by visitors to the Tlogo fruit garden, and there was no responsibility or reduction in the price of admission by the manager for these losses. It means that the management of the Central Java Provincial Government’s Tlogo orchard is still lacking in management, maintenance, security, development etc. It needs more attention from the Central Java Provincial Government and more
attention from it. Due to this incident, the current Tlogo fruit garden manager no longer applies the all-you-can-eat ticket system.

Second, the external legal culture, in this case, is the visitors or tourists of the Tlogo fruit garden. Visitors to the Tlogo orchard mostly come from the Semarang area, Salatiga, Banyumanik, and Getasan. Visitors come from various institutions such as schools, universities and public and private companies. Judging from the data on visitors to the Tlogo Argo-tourism in 2010-2012, there were already around 39 institutions and more than 20,000 visitors who came. The following is the data of visitors to Tlogo Argo-tourism, are Bernadus Elementary School Semarang, PIP Semarang, Al Azhar Elementary School Salatiga, BPR Nusamba, Karang Turi Elementary School Semarang, UKSW Salatiga, Getasan Junior High School, Accelerated Junior High School Semarang, BPR Gunung Kawi, and so on. The visitors who come to the Tlogo argo-tourism also come from the general public who want to travel with an unusual system.

The legal culture in the Tlogo orchard applies an all-you-can-eat ticket system. The visitors only need to pay once to enjoy the facilities and eat as much as they want in the Tlogo fruit garden. But this system did not last long due to a lack of management from the Central Java Regional Government. Until January 2022, the Tlogo fruit garden had been shifted in management to a third party (tenant), Marsono. Although in current management, Tlogo orchard is still in the process of reorganizing and improving the land. According to Della, one of the visitors to the Tlogo fruit garden said that the Tlogo fruit garden tour management was quite suitable for recreation with family. The comfortable and cool conditions in the Tlogo fruit garden make every visitor feel at home here. Although relatively new, this does not make visitors feel bored because the manager tries his best to provide friendly service and to provide existing facilities.

So, buying and selling this all-you-can-eat ticket system is understood as a form of a system or its characteristics. In the process, the Tlogo fruit garden

39 Daryanto, Head of the Tlogo Fruit Garden, May 9, 2022.
40 Della, Visitor of the Tlogo Fruit Garden.
experienced a change of manager, which changed the buying and selling system. Tlogo fruit garden no longer uses the all-you-can-eat ticket system but applies the usual buying and selling system.\textsuperscript{41} It makes the buying and selling activities of the Tlogo fruit garden a tourist spot and a place of recreation. Thus, the current legal culture in the Tlogo fruit garden is carried out in the context of the usual fruit buying and selling process but wrapped in an Argo-tourism system and included in the tourism sector.

D. The Practice of the All-You-Can-Eat Ticket System from the Perspective of Maṣlaḥah al-Mursalah

Basically, maṣlaḥah al-mursalah aims to bring benefits or goodness to humans and avoid damage to human beings.\textsuperscript{42} Maslahah is all interests that promote human survival, fulfillment of life as a whole, and the acquisition of physical and intellectual qualities needed for them.\textsuperscript{43} Imam Malik defined maṣlaḥah al-mursalah as a benefit that is neither invalidated by Nash nor clearly mentioned by Nash. Still, it must not contradict Nash as the primary source. This purpose must also exist in the practice of business. Buying and selling regulate economic transactions under an applied system to provide benefits, which can reduce badness or damage if done correctly.\textsuperscript{44}

The division of maṣlaḥah al-mursalah in terms of strength, quality and importance. In terms of quality, uṣhūl fiqh scholars divide it into three levels.\textsuperscript{46} First, maṣlaḥah ḍaruriyyah (primary public interest), which is everything essential to human life (primary needs), must exist for their benefit.\textsuperscript{47} It can be said that this maṣlaḥah is a benefit related to the basic needs of humankind in this world and the

\textsuperscript{41} Arida, Ekowisata: Pengembangan, Partisipasi Lokal, dan Tantangan Ekowisata, 45–48.
\textsuperscript{43} Abd Hakim Abd Razak, "Multiple Sharia’ Board Directorship: A Maslahah (Public Interest) Perspective," Journal of Islamic Marketing 11, no. 3 (July 18, 2019): 753.
\textsuperscript{44} Andi Herawati, “Maslahat Menurut Imam Malik dan Imam Al-Ghazali (Studi Perbandingan),” Diktum 12, no. 1 (2014): 42–54.
\textsuperscript{47} Herawati, "Maslahat Menurut Imam Malik dan Imam Al-Ghazali (Studi Perbandingan)," 40–46.
In fact, this research must have a benefit clearly, and if the benefit that occurs in the Tlogo argo-tourism is lost, then unwanted problems will arise in practice. The buying and selling of an all-you-can-eat ticket system at the Tlogo argo-tourism are seen from two sides that are the manager’s side and the visitor’s side. First, the manager of Tlogo argo-tourism needs to prepare various things such as facilities and infrastructure, facilities, regulations and other needs. Second, visitors must also pay attention to the ethics and regulations in the Tlogo argo-tourism area, such as not littering, damaging existing facilities, committing unlawful acts, etc. However, the rules do not form a punishment for visitors who are declared indisciplinary or violate the rules but so that visitors can feel comfortable traveling.

Second, maṣlahah ĥajīyyah (tertiary public interest), which humans highly desire to eliminate difficulties and reject all obstacles. This maṣlahah al-mursalah is a form of benefit as a secondary need. The neglect of maṣlahah ĥajīyyah does not threaten human survival but will create difficulties and constraints. The secondary needs in this research include: First, the ethics and responsibilities of managers towards the visitors. Second, the manager of Tlogo argo-tourism helps the surrounding community’s economic sustainability by employing them. Third, the manager must have financial records to calculate the incoming and outgoing funds while buying and selling all-you-can-eat tickets.

Third, maṣlahah taḥsiniyyah (tertiary public interest) is a complementary benefit in the form of flexibility that can complement the previous benefit. In essence, the three benefits need to be distinguished, the ḍaruriyyah benefit takes precedence over the ĥajīyyah benefit, and the ĥajīyyah benefit takes precedence over the taḥsiniyyah benefit. In this regard, the application of maṣlahah ḍaruriyyah has not met the requirements of maṣlahah al-mursalah. The result of this

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49 Rohmat, Head of the Resort Division.
50 Herawati, “Maslahat Menurut Imam Malik dan Imam Al-Ghazali (Studi Perbandingan),” 42–43.
51 Alaiddin Koto, Ilmu Fiqh dan Ushul Fiqh (Jakarta: Raja Grafindo Persada, 2004), 23–27.
53 Herawati, “Maslahat Menurut Imam Malik dan Imam Al-Ghazali (Studi Perbandingan),” 42–43.
uncertainty is that the lives and property of visitors cannot be protected. The facts on the ground show that the manager has not fulfilled the maṣlaḥah ʿdaruriyyah (basic needs) due to the loss of visitors and the lack of comfort and honesty.

E. Conclusion

Buying and selling the all-you-can-eat ticket system at the Tlogo orchard has three components of the legal system described by Lawrence Friedman: a legal structure, legal content, and legal culture. The legal culture component is the main key in buying and selling at the Tlogo Argo-Tourism, both internal legal culture and external legal culture. Meanwhile, the implementation of maṣlaḥah al-mursalah in the Tlogo orchard tourism object is to realize benefits for humans, refuse badness, and eliminate human distress. Maṣlaḥah al-mursalah has three components, one of which is maṣlaḥah ʿdaruriyyah, but the application of maṣlaḥah ʿdaruriyyah has not met the requirements of maṣlaḥah al-mursalah. From these components, Tlogo argo-tourism has all internal and external components.

Based on the findings above, the authors recommend that tourists pay more attention to the rules and restrictions that apply to tourism sites. For the manager of the Tlogo fruit garden tourism site, it is hoped that in the future, it will have a standard operational scale that supports tourism activities in the Tlogo fruit garden. For the Central Java Provincial Government, it is hoped that in the future, it can provide regular supervision and direction to the management of the Tlogo fruit garden. In addition, this research can provide a more comprehensive view of the practice of buying and selling an all-you-can-eat ticket system from the perspective of the legal system and maṣlaḥah al-mursalah.

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