

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

### Sistem Hukum Tiket Makan Sepuasnya pada Agrowisata Perkebunan Tlogo di Indonesia Perspektif *Maşlahah 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 *maşlahah 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 *maşlahah al-mursalah*: *maşlahah  aruriyyah* (primary public interest), *maşlahah  ajiyyah* (tertiary public interest), and *maşlahah tahsiniyah* (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 *maşlahah al-mursalah*.

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

**Abstrak:** Artikel ini menganalisis sistem hukum dalam jual beli sistem tiket makan sepuasnya di agrowisata perkebunan Tlogo, Jawa Tengah, Indonesia. Hal ini dilatarbelakangi sistem jual beli di agrowisata perkebunan tersebut telah menjadi perhatian baru-baru ini karena adanya laporan kasus ketidakjelasan (*gharar*) dalam implementasinya. Riset ini merupakan penelitian kualitatif dengan pendekatan yuridis-empiris (*non-doctrinal*) yang dianalisis dengan teori sistem hukum Lawrence Friedman dan *maṣlaḥah al-mursalah*. Hasil penelitian ini menunjukkan bahwa implementasi jual beli sistem tiket makan sepuasnya di Agrowisata Perkebunan Tlogo mempunyai tiga komponen yang disyaratkan oleh Lawrence Friedman: struktur hukum, substansi hukum dan budaya hukum. Komponen budaya hukum menjadi kunci utama dalam jual beli sistem tiket makan sepuasnya di agrowisata perkebunan Tlogo, baik budaya hukum internal ataupun eksternal. Sementara itu, jual beli sistem tiket makan sepuasnya juga memenuhi tiga unsur dalam tinjauan *maṣlaḥah al-mursalah*: *maṣlaḥah ḍaruriyyah*, *maṣlaḥah ḥajiyyah*, dan *maṣlaḥah taḥsiniyyah*. Oleh karena itu, penelitian ini berkontribusi dengan memberikan pandangan yang lebih luas dan menyeluruh tentang praktik jual beli dalam perspektif sistem hukum dan *maṣlaḥah al-mursalah*.

**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 in Semarang Regency has recently come under scrutiny due to concerns about its implementation, particularly regarding managerial uncertainty (*gharar*) and incidents of theft by visitors.<sup>1</sup> *Gharar*, in this context, pertains to uncertainty surrounding the nature of items being exchanged.<sup>2</sup> Although this system is a common feature in many tourist sites aimed at providing an enjoyable experience,<sup>3</sup> instances of violence and theft have raised questions about the legal framework governing all-you-can-eat practices and the shared responsibilities of managers and visitors in ensuring its safe and orderly operation. These issues have resulted in estimated losses of eight million rupiahs for the management in 2011.<sup>4</sup> Normatively, Islamic economics generally prohibits business transactions (*mu'āmalah*) involving elements of uncertainty and theft.

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<sup>1</sup> Guntur, Visitor of the Tlogo Fruit Garden, April 16, 2022.

<sup>2</sup> Rahmat Hidayat, *Pengantar Fikih Muamalah* (Medan: UIN Sumatera Utara, 2020), 36.

<sup>3</sup> Ike Janita Dewi, *Implementasi dan Implikasi Kelembagaan Pemasaran Pariwisata yang Bertanggung Jawab (Responsible Tourism Marketing)* (Jakarta: Pinus Book Publisher, 2011), 236–39.

<sup>4</sup> Nurulitha Andini, "Pengorganisasian Komunitas dalam Pengembangan Agrowisata di Desa Wisata Studi Kasus: Desa Wisata Kembangarum, Kabupaten Sleman," *Journal of Regional and City Planning* 24, no. 3 (2013): 173.

While Islam permits buying and selling, it recognizes their susceptibility to manipulation,<sup>5</sup> exemplified by the challenges posed by the all-you-can-eat ticket system at Tlogo Argo-Tourism. Therefore, a comprehensive examination of Tlogo Argo-Tourism's management practices and the enforcement of regulations is essential to protect the rights of both managers and consumers within this context.

Several studies related to tourism have been conducted, addressing various aspects of the tourism industry and its associated legal issues. In the context of tourism regulation, it has been found that a higher quality legal system, especially judicial independence and strong contract enforcement, can enhance the tourism sector.<sup>6</sup> Case studies in China illustrate that the implementation of tourism laws can establish dominant representations among stakeholder groups while also giving rise to conflicts requiring additional management.<sup>7</sup> Furthermore, in the context of marine tourism in Antarctica, there is an ongoing debate about the need for further international regulations to address sustainable tourism growth.<sup>8</sup> The utilization of European models in developing the tourism industry in Russia, with a focus on marketing national tourism products, underscores that excessive government regulation can hinder entrepreneurial initiatives within the tourism sector.<sup>9</sup>

Other studies delve into the ethical aspects of tourism legislation, emphasizing the importance of respecting ethical pluralism<sup>10</sup> and suggesting a more flexible approach to regulating personal ethical issues such as reproduction.<sup>11</sup> Islam

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<sup>5</sup> Syaifullah Syaifullah, "Etika Jual Beli dalam Islam," *HUNafa: Jurnal Studia Islamika* 11, no. 2 (2014): 371-87.

<sup>6</sup> Giray Gozgor et al., "The Effectiveness of the Legal System and Inbound Tourism," *Annals of Tourism Research* 76 (May 2019): 24-35.

<sup>7</sup> Wan-Fei Wang, Yao Chang, and Philip L. Pearce, "China's First Tourism Law: Representations of Stakeholders' Responses," *Journal of Tourism and Cultural Change* 16, no. 3 (May 27, 2018): 309-27.

<sup>8</sup> Erik Jaap Molenaar, "Sea-Borne Tourism in Antarctica: Avenues for Further Intergovernmental Regulation," *The International Journal of Marine and Coastal Law* 20, no. 2 (2005): 247-95.

<sup>9</sup> Sayyora Rikhsibaevna Safaeva et al., "Economic and Legal Aspects of Tourism Regulation in the New Economy: International Practice," *Journal of Environmental Management and Tourism* 10, no. 2 (June 5, 2019): 459-63.

<sup>10</sup> Guido Pennings, "Legal Harmonization and Reproductive Tourism in Europe," *Human Reproduction* 19, no. 12 (December 1, 2004): 2689-94.

<sup>11</sup> Dongoh Joo et al., "Considering Tobler's First Law of Geography in a Tourism Context," *Tourism Management* 62 (October 2017): 350-59.

supports and deems tourism permissible while critiquing potential controversies arising from non-Muslims' lack of understanding of Islamic religion and law.<sup>12</sup> Additionally, research on Tlogo Agro-tourism references previous studies conducted on various aspects of tourism, including branding,<sup>13</sup> marketing strategies,<sup>14</sup> institutional management,<sup>15</sup> and economic analysis.<sup>16</sup> This research adds a dimension by integrating Lawrence Friedman's legal system theory and the principle of public interest (*maṣlahah al-mursalah*) into the analysis of all-you-can-eat ticket sales at Tlogo Agro-tourism. This demonstrates an innovative approach to examining legal aspects within the tourism industry.

This research constitutes a fieldwork study conducted between March and June 2022. The author employed data collection techniques involving observation and in-depth interviews. The author directly observed the activities conducted by both managers and visitors at Tlogo Agro-tourism. The informants for this study include Marsono (43 years old), who serves as the manager and tenant of the Tlogo fruit garden; Rohmat (38 years old), responsible for the resort division; Daryanto (62 years old), who heads the Tlogo fruit garden division; Parmin (65 years old), Rohmi (56 years old), and Murni (61 years old), who are employees of the Tlogo Fruit Garden; Fitri (26 years old), the Cashier of the Resort Division; and Della (19 years old) and Guntur (21 years old), who are visitors to the Tlogo fruit garden. All informants willingly consented to having their names included in this article. Subsequently, all gathered data were qualitatively analyzed.

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<sup>12</sup> Hassan Saad Sanad, Ayman Mounier Kassem, and Noel Scott, "Chapter 2 Tourism and Islamic Law," in *Bridging Tourism Theory and Practice*, ed. Noel Scott and Jafar Jafari, vol. 2 (Emerald Group Publishing Limited, 2010), 17–30.

<sup>13</sup> Pratitis Kurniasari, "Perancangan Branding dan Promosi Agrowisata Perkebunan Tlogo Kabupaten Semarang" (Thesis, Surakarta, Universitas Sebelas Maret, 2013).

<sup>14</sup> Jatmiko Nugroho, "Strategi Pemasaran Agrowisata Tlogo di Kabupaten Semarang" (Thesis, Yogyakarta, Universitas Gadjah Mada, 2004).

<sup>15</sup> Hady Kristianti, "Studi Manajemen Pengembangan Kawasan Wisata Alam Kebun Tlogo, Tuntang Kabupaten Semarang" (Thesis, Yogyakarta, Universitas Gadjah Mada, 2006).

<sup>16</sup> See: Sentot Suciarto and Agatha Ferijani, "Implementasi Green Business dalam Ekoturisme di Jawa Tengah (Studi pada Tiga Obyek Wisata)," *Jurnal Ekonomi, Manajemen Akuntansi dan Perpajakan (Jemap)* 3, no. 1 (2020): 72–94; Widyastuti Windiari Dwi, "Analisis Fungsi Produksi dan Fungsi Biaya pada Perusda Perkebunan Tlogo–Tuntang" (Thesis, Semarang, Program Pascasarjana Universitas Diponegoro, 1998).

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

Tlogo Argo-Tourism is situated in Delik Village, Tuntang District, Semarang Regency, Central Java, Indonesia. It has historical significance as a Dutch government heritage farm dating back to 1838, initially focusing on cocoa plant cultivation. Initially, the Tlogo plantation was owned by NV Culture Maatschappij in Amsterdam.<sup>17</sup> However, in 1994, due to declining prices for plantation products, Tlogo Argo-Tourism was established to sustain the plantation's legacy. In 1996, Tlogo Argo-Tourism began constructing cottages (villas) as tourist accommodations, and on October 30, 1999, it was officially inaugurated by the Governor of Central Java, Mardiyanto.<sup>18</sup> Subsequently, Tlogo Argo-Tourism expanded its amenities to include cottages (villas), meeting facilities, restaurants, swimming pools, and fishing ponds, experiencing rapid development with an increasing number of tourists. This growth has positively impacted the Regional Original Income (PAD) of the Central Java Province and the income of the local community.<sup>19</sup>

In 2012, the Central Java Provincial Government assumed management of Tlogo Argo-Tourism, dividing it into two sections: the tourist area and the Tlogo orchard area. The total area of Tlogo Agro-tourism encompasses 414 hectares, featuring 97 hectares of coffee plantation, 233 hectares of rubber plantation, 64 hectares of clove plantation, and 20 hectares of tropical fruit plantation (including banana, durian, rambutan, papaya, mango, and more). This extensive area is split into two tourism segments: a 402-hectare tourist area and a 12-hectare orchard. The tourist area includes 22 Garden Cottage accommodations, 15 standard hotel rooms, swimming pools, billiards, fishing ponds, restaurants, and outbound areas set amidst coffee plantations and tropical fruit gardens. Meanwhile, the 12-hectare Tlogo orchard is dedicated to the cultivation of fruits such as durian, banana, rambutan, papaya, mango, salak, jackfruit, and more. The Tlogo orchard is

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<sup>17</sup> Yuli Nur Afni, "Strategi Pengembangan Agrowisata Durian (Studi Kasus Agrowisata Durian di Bukit Sege Indah Desa Adisana Kecamatan Bumiayu)" (Thesis, Purwokerto, Islam Institut Agama Islam Negeri Purwokerto, 2020), 107.

<sup>18</sup> Andini, "Pengorganisasian Komunitas dalam Pengembangan Agrowisata di Desa Wisata Studi Kasus: Desa Wisata Kembangarum, Kabupaten Sleman," 34-39.

<sup>19</sup> Admin Perkebunan Tlogo, "Selamat Datang di Perkebunan Agrowisata Tlogo," 2021.

particularly known for its iconic durian trees, boasting around 400 durian trees in addition to other fruit varieties.<sup>20</sup>

Tlogo Argo-Tourism is currently owned by the Central Java Provincial Government, and it is undergoing various changes (revitalization) and facility developments to enhance its offerings.<sup>21</sup> One of the tourist attractions within Tlogo Argo-Tourism is the Tlogo fruit garden, which implements an all-you-can-eat ticket system. The purpose of this system is to allow visitors to enjoy the existing facilities for a fixed entrance fee of IDR 150,000 per person.<sup>22</sup>

Starting in January 2022, the management of one of the tourist sites, the Tlogo fruit garden, transitioned to a third party and was leased to Marsono. This transition saw the discontinuation of the all-you-can-eat ticket system, which was replaced by the conventional fruit-buying and selling system. This transition was mutually agreed upon by the involved parties, officially relieving the Central Java Provincial Government of responsibility for the management of the Tlogo fruit garden.<sup>23</sup>

In practice, transactions at the Tlogo fruit garden tourism site involve direct cash payments. Visitors are charged an entrance fee of IDR 150,000 per person, which includes access to facilities and the opportunity to personally pick and enjoy a variety of fruits. This buying and selling process differs from the conventional market or shopping center transactions, as it is integrated within the tourism sector. The tourism sector offers significant opportunities for capital investment in tourist areas, resulting in economic and social benefits while concurrently preserving natural and biological resources.<sup>24</sup>

### **C. Legal System in Tlogo Argo-Tourism**

Tlogo Argo-Tourism represents economic development in the tourism sector, blending agritourism activities to create a unique selling point as a tourist

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<sup>20</sup> Marsono, Manager and Tenant of the Tlogo Fruit Garden, April 24, 2022.

<sup>21</sup> I Nyoman Sukma Arida, *Ekowisata: Pengembangan, Partisipasi Lokal, dan Tantangan Ekowisata* (CAKRA PRESS: Bali, 2017), 56–102.

<sup>22</sup> Daryanto, Head of the Tlogo Fruit Garden, April 21, 2022.

<sup>23</sup> Marsono, Manager and Tenant of the Tlogo Fruit Garden, May 2, 2022.

<sup>24</sup> Desna Kurniati, "Potensi Pengembangan Agrowisata sebagai Eduwisata Lokal di Agrowisata Cilangkap Jakarta Timur" (Thesis, Jakarta, Universitas Islam Negeri Syarif Hidayatullah, 2015), 56–72.

destination.<sup>25</sup> Typically, Tlogo Argo-Tourism is packaged as a comprehensive tour experience, incorporating an all-you-can-eat ticket system with an entrance fee of IDR 150,000 per person.<sup>26</sup>

The successful management of Tlogo Argo-Tourism necessitates a robust legal framework, including regulations and guidelines that define permissible and prohibited actions for all stakeholders involved, from managers to visitors.<sup>27</sup> None of the legal regulations are made without having a purpose.<sup>28</sup> Legal regulations are purpose-driven and can be divided into three components according to Lawrence Friedman: legal structure, legal substance, and legal culture.<sup>29</sup>

Firstly, the legal structure of Tlogo Argo-Tourism has evolved over time. Initially, as of March 12, 1996, Tlogo Plantation was under the control of the Perusda Level I Central Java Board of Directors. In 2012, Tlogo Argo-Tourism came under the management of the Central Java Provincial Government and became part of the Tlogo Argo-Tourism Regional Company, Citra Mandiri Central Java.<sup>30</sup> Ownership and regulations of the Tlogo Argo-Tourism area are vested in the Regional Company Citra Mandiri Central Java, specifically, the Tlogo Plantation Unit. All regulations are binding guidelines for all parties involved in Tlogo Argo-Tourism, including managers and visitors, and are based on Regional Regulation No. 2 of 2009 concerning the Establishment of Citra Mandiri Regional Company of Central Java.

Continuing from the previous section, since 2012, the entire Tlogo Argo-Tourism area, including its tourism side, has been under the management of the Central Java Provincial Government. However, in January 2022, there was a significant shift in management within Tlogo Argo-Tourism, particularly in the

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<sup>25</sup> Arini Wresta et al., "Economic Analysis of Cow Manure Biogas as Energy Source for Electricity Power Generation in Small Scale Ranch," *Energy Procedia* 68 (2015): 122-31.

<sup>26</sup> I Putu Danu Swastika, Made Kembar Sri Budhi, and Made Henny Urmila Dewi, "Analisis Pengembangan Agrowisata untuk Kesejahteraan Masyarakat di Kecamatan Petang, Kabupaten Badung," *E-Jurnal Ekonomi dan Bisnis Universitas Udayana* 12, no. Social (2017): 4103.

<sup>27</sup> Esmi Warassih Pujirahayu, *Pranata Hukum: Sebuah Telaah Sosiologis*, 1st ed. (Semarang: Badan Penerbit Universitas Diponegoro, 2011), 17-65.

<sup>28</sup> Pujirahayu, *Pranata Hukum*, 1-9.

<sup>29</sup> Muhammad Chairul Huda, Sukirno Sukirno, and Sukron Ma'mun, "Pesantren and Takzir in Indonesia: Lawrence Friedman's Legal System Perspective," *Jurnal Penelitian* 17 (2020): 6-10.

<sup>30</sup> Andini, "Pengorganisasian Komunitas dalam Pengembangan Agrowisata di Desa Wisata Studi Kasus: Desa Wisata Kembangarum, Kabupaten Sleman," 56-61.

Tlogo fruit garden area, which transitioned from the Central Java Provincial Government's control to a third-party tenant, Marsono.<sup>31</sup> This management shift was officially documented and based on an agreement reached between both parties. Despite being relatively recent, this change has shown promising progress compared to the previous management.<sup>32</sup>

Under the current management, the Tlogo fruit garden no longer implements an entrance ticket system for visitors, which was a departure from the previous arrangement when it was under the Regional Government's management. Proper and effective management of the Tlogo fruit garden has the potential to boost the Regional Original Income (PAD) of the Central Java Province and contribute to the income of the local community. However, due to the lack of stable and effective management, the Tlogo orchard experienced a decline, resulting in financial losses.<sup>33</sup> Consequently, the management of the Tlogo orchard was transferred to a third party, signifying a significant shift in the legal framework.

The second component of the legal system in Tlogo Argo-Tourism relates to the substance of the law. This encompasses regulatory products that define what actions are permitted or prohibited for all parties involved in Tlogo Argo-Tourism, including managers and employees. These regulations are grounded in Regional Regulation No. 2 of 2009, which pertains to the Establishment of Citra Mandiri Regional Company of Central Java and was inaugurated on January 30, 2009. Based on these regulations, Tlogo Argo-Tourism is considered a distributary or business unit owned by Citra Mandiri Regional Company of Central Java. Additional regulations stem from the Articles of Association of Citra Mandiri Regional Company of Central Java, as outlined in the Notarial Deed of Prof. Dr. Liliana Tedjosaputro, S.H., M.H., M.M., dated April 13, 2009. These regulations are further supplemented by Central Java Governor Regulation No. 23 of 2011, issued on April 26, 2011, and Regulation of the Board of Directors of Citra Mandiri Regional Company of Central

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<sup>31</sup> Marsono, Manager and Tenant of the Tlogo Fruit Garden, May 2, 2022.

<sup>32</sup> Murni, Employee of the Tlogo Fruit Garden, May 16, 2022.

<sup>33</sup> Rohmi, Employee of the Tlogo Fruit Garden, May 16, 2022.

Java No. 539/144.A/V/2013, which replaced the previous Regulation No. 539/049/V/2011.<sup>34</sup>

Tlogo Argo-Tourism comprises two tourism sites managed by the Central Java Provincial Government. However, since January 2022, the management of the Tlogo fruit garden has shifted from the Central Java Provincial Government to a third party, Marsono.<sup>35</sup> This transition is the result of an agreement between the Central Java Provincial Government and Marsono and is expected to continue for three years, spanning from 2022 to 2025. Before Marsono assumed management of the Tlogo orchard, it had been relatively neglected, resembling a forest. However, under the new management, Marsono, as the manager, has taken the initiative to improve and maintain the plants in the Tlogo orchard. Spanning an area of 12 hectares and featuring around 400 diverse tree types such as durian, banana, rambutan, papaya, mango, salak, jackfruit, and more, the Tlogo orchard is best known for its iconic durian fruit. Visitors who intend to visit the Tlogo fruit garden must adhere to existing rules to ensure a comfortable and enjoyable experience.<sup>36</sup>

Visitors are obliged to observe the Tlogo fruit garden's operating hours, which run from 08:00 to 20:00 WIB. They are also responsible for maintaining order and cleanliness within the garden and ensuring the comfort of fellow tourists. While there are several obligations that visitors must fulfill, there are also prohibitions, such as littering, damaging existing facilities, and engaging in unlawful activities.<sup>37</sup> Notably, the regulations do not prescribe penalties for undisciplined tourists or rule violators, but this approach has contributed to making visitors feel comfortable and ensuring the well-being of all parties involved.<sup>38</sup>

The third component of the legal system in Tlogo Argo-Tourism pertains to legal culture. Legal culture encompasses the attitudes and values associated with law and the legal system, including behaviors, thoughts, and ideas related to the

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<sup>34</sup> 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.

<sup>35</sup> Marsono, Manager and Tenant of the Tlogo Fruit Garden, May 2, 2022.

<sup>36</sup> Della, Visitor of the Tlogo Fruit Garden, May 27, 2022.

<sup>37</sup> Marsono, Manager and Tenant of the Tlogo Fruit Garden, May 2, 2022.

<sup>38</sup> Rohmat, Head of the Resort Division, April 3, 2022.

law.<sup>39</sup> It plays a pivotal role in shaping how laws and rules are adhered to and implemented within a community. In the context of Tlogo Argo-Tourism, the legal culture is inseparable from the overall framework governing the legal system and is influenced by various factors that dictate how the system operates.

Lawrence Friedman, an influential legal scholar, categorizes legal culture into two main facets: internal legal culture and external legal culture,<sup>40</sup> referring respectively to the legal norms and attitudes within the community (in this case, Tlogo Argo-Tourism) and those of external parties such as visitors or tourists.

First, internal legal culture. Within Tlogo Argo-Tourism, consisting of both the tourist area and the Tlogo orchard, there exists an internal legal culture that necessitates compliance with all the rules established within the facility.<sup>41</sup> One prominent example of this internal legal culture can be observed at the Tlogo fruit garden, which was initially known for its all-you-can-eat ticket system. Under this system, visitors paid a single fee for unlimited access to facilities and consumption of fruits. However, this system underwent a significant change after January 2022, when the Tlogo orchard's management was altered.<sup>42</sup>

The Tlogo fruit garden was managed efficiently by the Central Java Provincial Government, as reflected in the increased Regional Original Revenue (PAD) of Central Java Province during that period.<sup>43</sup> Nevertheless, issues arose due to irregularities in the management process, leading to financial losses for visitors. Some of the problems that surfaced in the buying and selling process included a lack of transparency by the Tlogo fruit garden manager regarding the actual condition of the fruits available to visitors. Consequently, visitors incurred losses, and the manager did not take responsibility or offer admission fee reductions for these losses. These challenges underscored the need for better management, maintenance, security, and development of the Tlogo orchard, which requires more

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<sup>39</sup> Muhammad Chairul Huda et al., "Pesantren dan Takzir dalam Perspektif Sistem Hukum Lawrence Friedman," 253-63.

<sup>40</sup> Huda et al., "Pesantren dan Takzir dalam Perspektif Sistem Hukum Lawrence Friedman," 9-10

<sup>41</sup> Kurniasari, "Perancangan Branding dan Promosi Agrowisata Perkebunan Tlogo Kabupaten Semarang," 43-46.

<sup>42</sup> Rohmat, Head of the Resort Division, April 3, 2022.

<sup>43</sup> I Ketut Suwena and I Gst Ngr Widyatmaja, *Pengetahuan Dasar Ilmu Pariwisata* (Udayana University Press, 2010), 252.

attention from the Central Java Provincial Government. Consequently, the current manager of the Tlogo fruit garden discontinued the all-you-can-eat ticket system.

Second, external legal culture. The external legal culture in this context pertains to the attitudes and values of the visitors or tourists who frequent the Tlogo fruit garden. These visitors primarily originate from the Semarang area, including Salatiga, Banyumanik, and Getasan. They come from various institutions such as schools, universities, and public and private companies. Notably, the data on visitors to Tlogo Argo-Tourism from 2010 to 2012 revealed that approximately 39 institutions and over 20,000 visitors participated in the tourism activities.<sup>44</sup> Visitors often included groups from entities like 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, among others.

The legal culture experienced by visitors at the Tlogo fruit garden was characterized by an all-you-can-eat ticket system, allowing visitors to pay a single fee to enjoy the facilities and consume fruits to their heart's content. However, this system saw a significant change due to the transition in management from the Central Java Regional Government to a third party, Marsono, effective January 2022.<sup>45</sup> Under the new management, the Tlogo orchard is currently undergoing reorganization and land improvement.

Della, one of the visitors to the Tlogo fruit garden, highlighted that the tour management there was highly suitable for family recreation. The comfortable and refreshing conditions at the Tlogo fruit garden make it a welcoming environment for visitors. Despite being relatively new, the manager has made considerable efforts to provide friendly service and maintain existing facilities.<sup>46</sup>

In essence, the transformation in the buying and selling process, transitioning away from the all-you-can-eat ticket system to the conventional buying and selling approach,<sup>47</sup> has become a defining characteristic of the legal

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<sup>44</sup> Kurniasari, "Perancangan Branding dan Promosi Agrowisata Perkebunan Tlogo Kabupaten Semarang," 45-48.

<sup>45</sup> Daryanto, Head of the Tlogo Fruit Garden, May 9, 2022.

<sup>46</sup> Della, Visitor of the Tlogo Fruit Garden, May 27, 2022.

<sup>47</sup> Arida, *Ekowisata: Pengembangan, Partisipasi Lokal, dan Tantangan Ekowisata*, 45-48.

culture in the Tlogo fruit garden. This change has transformed the Tlogo fruit garden from a place centered around the all-you-can-eat ticket system to a tourist destination and recreational spot, all within the framework of agritourism and the broader tourism sector.

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

In the realm of Islamic economics, the practice of the all-you-can-eat ticket system at Tlogo Argo-Tourism can be analyzed through the lens of *maṣlaḥah al-mursalah*. Essentially, *maṣlaḥah al-mursalah* is a concept aimed at facilitating benefits and well-being for humans while preventing harm or damage.<sup>48</sup> *Maṣlaḥah* encompasses all interests that contribute to human survival, the fulfillment of life in its entirety, and the acquisition of physical and intellectual attributes required for a prosperous existence.<sup>49</sup> Imam Malik defined *maṣlaḥah al-mursalah* as a form of benefit that is neither explicitly invalidated nor expressly mentioned in religious texts (*nash*). However, it must not contradict *nash*, which serves as the primary source of guidance.<sup>50</sup> This principle of *maṣlaḥah* also holds significance within the realm of business practices, where buying and selling transactions are regulated under a practical system to deliver benefits and mitigate potential harm when executed correctly.<sup>51</sup>

The concept of *maṣlaḥah al-mursalah* can be further classified based on its strength, quality, and importance. In terms of quality, scholars of *uṣhūl fiqh* (the principles of Islamic jurisprudence) categorize it into three levels:<sup>52</sup>

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<sup>48</sup> Ahmad Sarwat, "Fiqh Jual-Beli," *Journal of Chemical Information and Modeling* 53, no. 9 (2013): 1689–99.

<sup>49</sup> Abd Hakim Abd Razak, "Multiple Sharia' Board Directorship: A Maslahah (Public Interest) Perspective," *Journal of Islamic Marketing* 11, no. 3 (July 18, 2019): 753.

<sup>50</sup> Andi Herawati, "Maslahat Menurut Imam Malik dan Imam Al-Ghazali (Studi Perbandingan)," *Diktum* 12, no. 1 (2014): 42–54.

<sup>51</sup> Hanik Khofifah et al., "Tinjauan Hukum Islam terhadap Praktik Jual," *Ekonomi Syariah* 2, no. 1 (2020): 274.

<sup>52</sup> Muhammad Yusuf, "Pendekatan al-Maṣlaḥah al-Mursalah dalam Fatwa MUI tentang Pernikahan Beda Agama," *AHKAM: Jurnal Ilmu Syariah* 13, no. 1 (February 1, 2013): 102.

First, *maṣlaḥah ḍaruriyyah* (primary public interest). This level pertains to everything essential for human life, addressing primary needs that are indispensable for human well-being, both in this world and the hereafter.<sup>53</sup> In the context of Tlogo Argo-Tourism, clear benefits must be realized. Any disruption to these benefits could lead to undesirable consequences. The implementation of the all-you-can-eat ticket system at Tlogo Argo-Tourism involves two key aspects: the managerial responsibilities and the ethical conduct of visitors. Managers are tasked with ensuring the provision of necessary facilities, infrastructure, regulations, and other prerequisites. Similarly, visitors are expected to adhere to ethical standards and regulations within the Tlogo Argo-Tourism area, which include refraining from littering, damaging existing facilities, or engaging in unlawful activities.<sup>54</sup> It is noteworthy that these regulations aim to maintain visitor comfort rather than imposing penalties for disciplinary infractions.

Second, *maṣlaḥah ḥajiyyah* (tertiary public interest). This level concerns benefits that individuals highly desire to alleviate difficulties and overcome obstacles. *Maṣlaḥah ḥajiyyah* addresses secondary needs that, while not essential for human survival, play a crucial role in reducing challenges and constraints.<sup>55</sup> Within the scope of this research, it encompasses the ethical and managerial responsibilities concerning visitors, as well as the economic sustainability of the surrounding community through employment opportunities provided by the manager. Additionally, the manager must maintain financial records to track incoming and outgoing funds associated with the all-you-can-eat ticket system.<sup>56</sup>

Third, *maṣlaḥah taḥsiniyyah* (tertiary public interest). This level introduces complementary benefits that offer flexibility and enhancement to the previously mentioned benefits.<sup>57</sup> It's important to distinguish between these three levels, with *Ḍaruriyyah* taking precedence over *Ḥajiyyah*, and *Ḥajiyyah* taking precedence over

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<sup>53</sup> Sri Fajar Umiyati, "Tinjauan Hukum Islam terhadap Praktik Jual Beli Singkong dengan Sistem Tebas (Studi Kasus di Desa Lemahireng Kecamatan Bawen Kabupaten Semarang)" (Thesis, Salatiga, Universitas Islam Negeri Salatiga, 2021), 12–15.

<sup>54</sup> Rohmat, Head of the Resort Division, April 3, 2022.

<sup>55</sup> Alaidin Koto, *Ilmu Fiqh dan Ushul Fiqh* (Jakarta: Raja Grafindo Persada, 2004), 23–27.

<sup>56</sup> Shobirin Shobirin, "Jual Beli dalam Pandangan Islam," *BISNIS: Jurnal Bisnis dan Manajemen Islam* 3, no. 2 (2016): 239.

<sup>57</sup> Herawati, "Maslahat Menurut Imam Malik dan Imam Al-Ghazali (Studi Perbandingan)," 42–43.

Tahsiniyyah. In this context, the application of *maṣlaḥah ḍaruriyyah* has not fully met the requirements of *maṣlaḥah al-mursalah*. This uncertainty has implications for the safety and property of visitors, as evidenced by the loss of visitors and the absence of comfort and transparency in the manager's practices.

## **E. Conclusion**

The process of buying and selling the all-you-can-eat ticket system at the Tlogo Orchard involves three components of the legal system, as defined by Lawrence Friedman: a legal structure, legal content, and legal culture. The crucial element in this process is the legal culture, encompassing both internal and external aspects at Tlogo Argo-Tourism. Furthermore, the application of *maṣlaḥah al-mursalah* in the context of Tlogo orchard tourism aims to achieve benefits for humanity, prevent harm, and alleviate human distress. *Maṣlaḥah al-mursalah* consists of three components, with a focus on *maṣlaḥah ḍaruriyyah*; however, its implementation does not fully align with the requirements of *maṣlaḥah al-mursalah*. From these components, it can be observed that Tlogo argo-tourism encompasses both internal and external facets.

Based on the aforementioned findings, the authors recommend that tourists carefully adhere to the rules and regulations governing tourism sites. Additionally, it is hoped that the management of the Tlogo fruit garden tourism site will establish standardized operational procedures to enhance the overall tourism experience. For the Central Java Provincial Government, it is advisable to provide consistent oversight and guidance to the management of the Tlogo fruit garden in the future. Moreover, this research contributes to a comprehensive understanding of the practice of buying and selling an all-you-can-eat ticket system from the perspectives of the legal system and *maṣlaḥah al-mursalah*.

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