



CONSUMER PROTECTION IN BEACH TOURISM OBJECTS FROM THE PERSPECTIVE OF MAQASHID SHARIA (STUDY IN THE SUB-DISTRICT OF MIRROR BEACH, SERDANG BEDAGAI DISTRICT)

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Abstrak: Activities in tourist attractions pose a risk of danger for tourists, which can impact safety and security, including beach tourism. It must be backed by infrastructure that promotes safety and security in these tourist locations to reduce current risks. Visitors' rights to safety, security, and clear information are guaranteed by Law No. 8 of 1999 on consumer protection and Law No. 10 of 2009 on tourism, specifically Article 20. This study aims to investigate how the Pantai Cermin District's beach attractions' facilities, their consumer protection policies, and the notion of consumer protection as seen through the lens of Maqashid Sharia. This study employs a conceptual framework, a statute-based methodology, and an empirical case-study approach to the law. The results of this study indicate that the facilities at beach attractions in Pantai Cermin Subdistrict still need to fulfil safety and security aspects, such as the unavailability of health clinics, watchtowers, and luggage storage for tourists. In the perspective of maqashid sharia, consumer protection of security and safety in beach tourism is the application of the principles of Hifz al-Nafs (protecting the soul) and Hifz al-Mal (protecting property), so beach tourism managers must provide security, health, and safety facilities for beach visitors.

Keywords: *Beach Tourism, Consumer Protection, Maqashid Syariah*

A. Introduction

Thanks to its fascinating cultural diversity, abundant natural riches, and thrilling tourist attractions, Indonesia is rapidly rising to the ranks of the most visited countries in the world. The archipelago boasts a plethora of unique cultural experiences, from traditional dances and ceremonies to diverse culinary delights that reflect the nation's rich heritage. Indonesia's natural beauty is equally impressive, with stunning beaches, lush rainforests, and majestic volcanoes that attract nature lovers and adventure seekers alike. Moreover, the country's vibrant cities blend modern amenities and historical



landmarks, making them popular tourist destinations. As a result, Indonesia has become a famous tourism destination, drawing millions of visitors each year eager to explore its many wonders (Koesfardani, 2021).

Indonesia has the second longest coastline after Canada; various sectors, including marine tourism, can be developed to advance and prosper the country's economy. Beach tourism is one of the tourism options that is very often visited by the community. Some activities that can be done in beach tourism include swimming, beach sports, fishing and enjoying the beach panorama. (Arianto, Saptadi, & Rifai, 2022)

Law No. 10 of 2009 concerning Tourism has been present in connection with tourism. Firstly, the Preamble of the 1945 Constitution and Pancasila both state that God Almighty bestowed Indonesia's natural conditions, flora, and wildlife. Furthermore, it is a fundamental human right to travel for the sake of tourism. Third, a country's progress must be connected to responsible tourism. Finally, the preservation of national interests, religious values, cultural practices, and the environment are all negatively impacted by tourism.

The following principles are fundamental to the tourist industry: Honouring human rights, cultural variety, and traditional knowledge (Kementerian Pariwisata dan Ekonomi Kreatif/Badan Parekraf, 2021). Honouring religious and cultural standards as symbols of a well-rounded human life in connection to God Almighty, fellow people, and the natural world (Suhaimi, 2023) ensures that individuals get benefits that are fair, equitable, and commensurate to their needs. Nature and the environment must be protected. The framework of regional autonomy in conjunction with sectors, regions, the centre, and the regions. Adherence to the WTO's ethical standards for the tourist industry and global agriculture policies.

One of the leading tourist destinations in Indonesia is North Sumatra Province. North Sumatra has several potentials and attractions, both natural, cultural and artificial. The potential and attractions are located in various cities and districts in North Sumatra, one of which is in Serdang Bedagai Regency. Serdang Bedagai Regency has the potential and exciting tourist attractions, including the Pantai Cermin District's tourist area. (Tauhid, 2022).

In the tourist area in Pantai Cermin District, several beach attractions have become marine tourism objects. Tourists often visit them, namely the attractions of Cermin Asli Beach, Bali Lestari Beach, Pondok Permai Beach, and Wong Rame Beach. The four attractions have several tourist facilities, but these facilities need to meet the needs and desires of tourists and provide security and safety to tourists. Besides that, the facilities in the tourist area need to be according to existing guidelines, such as the unavailability of health clinics, watchtowers and luggage storage for tourists. Every tourist pays an entrance fee of 10,000 / person, and parking is 5000 / motorbike and 10,000 / car. Supposedly, with the retribution paid, tourists get their rights at the attraction.

Consumers have the right to safety, comfort, and security when consuming goods and services, as stated in Article 4 of Law No. 8 of 1999 concerning Consumer Protection (UUPK). These restrictions are put in place to ensure the protection of visitors. (Darfur in 1999, Indonesia) As stated in Article 20 letter c of the Tourism Law, No. 10 of 2009, this complies with the restrictions for visiting privileges. Companies in the tourist sector are responsible for providing customers with comfort, hospitality, safety, and security

per Article 26, letter d. Date: [INDONESIA] Moreover, the responsibility for the safety of tourists and their access to information about tourism, legal protections, and related subjects is with the central and regional governments, as stated in Article 23 paragraph (1) letter an of the Tourism Law.

Based on the phenomenon of beach conditions in Pantai Cermin Sub-district, the safety and security of tourists are essential aspects that must be of concern to tourism managers. In its implementation, everything related to the safety and security of tourists must be conveyed as well as possible. Information delivery is done by providing signs, information boards, and socialisation.

The phrase "visitor safety and security" describes the precautions used to guarantee that all visitors are entirely protected from the time they arrive at the location until they leave. (Br Sembiring, 2020) Facilities and infrastructure are essential indicators in tourism development and can attract tourists to visit tourist attractions. In general, safety aspects, namely the infrastructure, facilities, facilities and rescue personnel, at many tourist sites still need to be improved (Wiratami & Bhaskara, 2018). The suitability of safety and security infrastructure facilities in tourist attractions must follow the applicable guideline criteria. (Surahman, 2021)

Indeed, every policy must pay attention to several aspects; in Islamic law, it is commonly called maqashid sharia. According to Maqashid Sharia, Allah wants humanity to benefit from sharia since He is its creator. Fulfilling one's dharuriyah, hajiyah, and tahsiniyah obligations is essential for a good life and being an outstanding servant of Allah.

The enactment of law in Islam aims to maintain social stability and make humans more organised. (Muliawati, A, Fatmala, & Shabah, 2023) Al-Ghazali divided maqashid sharia to maintain five things (al-dharuriyat al-khamsah): religion, soul, mind, offspring and property.

.....وَمَنْ أَحْيَاهَا فَكَأَنَّمَا أَحْيَا النَّاسَ جَمِيعًا ۗ وَلَقَدْ جَاءَتْهُمْ رُسُلُنَا بِالْبَيِّنَاتِ ثُمَّ إِنَّ كَثِيرًا مِّنْهُمْ بَعْدَ ذَلِكَ فِي الْأَرْضِ لَمُسْرِفُونَ

Allah SWT says: "And whoever preserves the life of a human being, it is as if he has preserved the life of all human beings" (Qs. Al-Maidah: 32).

Allah SWT praises the one who protects his or her soul from harm. One of the primary aims of religion (hifz al-nafs) is to safeguard the soul because of its very valued place in people. Whether it is a familial bond or a social network, every human being has connections to other people.

That is why protecting the life of a human being is of equal value to protecting the entire life of humanity because its essence is the same as maintaining the existence of human life. Security and safety at beach tourism objects are closely related to hifz al-nafs (preserving the soul) and hifz al-mal (preserving property), so efforts to find benefits for humanity can continue through this methodology.

Some previous studies used as references in this research include Julian et al. (2022), who examined the suitability of tourist safety and security infrastructure at Parangtritis and Baron beaches, focusing on traffic, beach, tsunami disaster safety, and public toilet infrastructure. Dina Auliana (2023) highlighted that legal protection for

tourists is regulated under Law Number 10 of 2009 concerning Tourism, with managers responsible for compensating tourists for accidents. These studies underscore the importance of ensuring safety and legal protection for tourists, aligning with the religious principle of *hifz al-nafs* (protecting the soul).

Previous research relevant to this study includes Syakina Mardayanti et al. (2023) on the implementation of Article 20 of Law Number 10 of 2009 concerning Tourism at Jakat Beach, Bengkulu, which identified obstacles such as a lack of specialised human resources, inadequate government regulation, and insufficient promotion and infrastructure. Additionally, Rut Wiratami and Gde Indra Bhaskara (2018) examined occupational safety and health (K3) at the Aling-Aling Sambangan Waterfall, noting good practices but limited by funding and expertise. These studies highlight the need for improved tourism management, promotion, and safety measures.

Based on previous research, this study differs by aiming to (1) identify the form of consumer protection facilities at beach attractions, (2) examine the regulation of consumer protection in beach tourism, and (3) explore the concept of consumer protection at beach tourism sites from the perspective of Maqashid Shariah. Studying this theme through the lens of Maqashid Shariah is essential because it integrates religious principles with practical safety measures, ensuring a holistic approach to consumer protection that addresses both spiritual and physical well-being. This method involves analysing existing facilities and regulations against the principles of Maqashid Shariah to provide comprehensive recommendations for enhancing tourist safety and satisfaction.

B. Methods

Empirical legal research, such as this study, seeks to answer research questions by investigating real-world societal phenomena to uncover relevant facts (Benuef & Azhar, 2020). This research employs a case approach (living case studies) to examine legal facts in the community, specifically the inadequate facilities at beach tourism objects in Pantai Cermin District. First, the study examines relevant statutes and regulations from a statutory perspective. Next, a conceptual approach is used to understand how consumer protection and Maqashid Shariah apply to beach tourism. This study is characterised by descriptive and analytical methods, utilising document analysis for consumer protection and field data collection through interviews and observation. Qualitative approaches are used to process the data, and deductive reasoning is employed for analysis.

To ensure comprehensive research, specific indicators and categories are established according to existing laws and the concept of Maqashid Shariah. These indicators include legal framework compliance, assessing facilities against national tourism regulations and consumer protection laws; consumer protection facilities, evaluating the availability and quality of safety measures, emergency services, and public amenities; regulation and enforcement, examining the effectiveness of local government in enforcing tourism regulations and measures taken by beach management to comply with legal standards; and Maqashid Shariah compliance, ensuring the protection of life, property, and the promotion of well-being. The categories for analysis encompass safety and security infrastructure, health and hygiene facilities, accessibility and inclusivity, regulatory oversight, and public awareness and education. By establishing these indicators and categories, the research aims to provide a

comprehensive analysis of consumer protection in beach tourism within the framework of existing laws and Maqashid Shariah, ensuring that the study addresses legal compliance while aligning with broader ethical and religious principles that promote the welfare and safety of tourists.

C. Result and Discussions

1. Consumer Protection

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In addition, research conducted by Syakina Mardayanti et al. (2023) on the implementation of Article 20 of Law Number 10 of 2009 concerning Tourism at Jakat Beach, Bengkulu, identified obstacles such as a lack of specialised human resources, inadequate government regulation, and insufficient promotion and infrastructure. Furthermore, Rut Wiratami and Gde Indra Bhaskara (2018) examined occupational safety and health (K3) at the Aling-Aling Sambangan Waterfall, noting good practices but limited by funding and expertise. These studies highlight the need for improved tourism management, promotion, and safety measures.

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2. Form of Facilities at Beach Tourism Objects in Pantai Cermin Sub-district

Cermin is one of the districts in Serdang Bedagai Regency. Cermin Beach is on the east coast of Sumatra, facing the Malacca Strait. The coastal location makes this district well-known for its beach attractions. The beauty of the beach tourism area in Cermin Beach attracts many tourists. However, beach tourism has a relatively higher risk of accidents than inland tourism (Dikara, Taofiqurohman, & Iskandar, 2022). It aligns with the Regulation of the Minister of Tourism, which states that beach tourism is categorised as low to medium risk tourism. Low to medium risk beach tourism businesses are categorised based on occupational safety and health, public health, environmental hazards (K3L), and the probability of potential K3L hazards.

K3L in the tourism industry must be prioritised to ensure everyone involved's security, safety, and comfort. This includes protecting the workforce, especially tourists, during tourism activities. Therefore, the implementation of HSE must be supported by facilities and infrastructure regulated in Permen Parekraf No. 4 of 2021.

Based on the results of observations and interviews conducted with beach officers at several beach attractions in Pantai Cermin District regarding the completeness of HSE facilities and infrastructure, it can be explained in the following table:

Tabel 1. Observation and Interview Results
Beach Tourism Facilities in Pantai Cermin Sub-district

Facilities and Infrastructure	Original Mirror Beach	Bali Lestari Beach	Pondok Permai Beach	Wong Rame Beach
Light fire extinguisher (apar) and first aid kit (P3K)	x	✓	✓	✓
Electrical installations that are safely installed and meet eligibility requirements	x	✓	✓	✓
Clean water installations that meet sanitary hygiene requirements	x	✓	✓	✓
Parking facilities are clean, safe, and easily accessible to visitors;	x	✓	✓	✓

Facilities and Infrastructure	Original Mirror Beach	Bali Lestari Beach	Pondok Permai Beach	Wong Rame Beach
Readable and understandable signage, assembly points, and maps of beach locations, hazardous areas, and evacuation routes;	x	x	x	x
Clean and safe luggage storage	x	x	x	x
Service outlets are equipped with tables and chairs and a clean and safe storage area for goods.	x	✓	✓	✓
A watchtower that can easily reach the beach tourism area	x	✓	x	x
The medical room/area is equipped with oxygen units, beds, and first aid kits;	x	x	x	x
Safe and proper life jackets;	x	✓	x	x
Safety and security signage for beachgoers that is easily visible and clearly legible.	x	x	x	✓
Safe, clean, and easily accessible eating and drinking areas or venues for visitors	x	✓	✓	✓
Sales of food and beverages that meet sanitary hygiene requirements	x	✓	✓	✓
Visitor toilets that are clean, well-maintained, and easily accessible to visitors	x	✓	✓	✓
Directions that show beach tourism facilities, which are easily visible and legible	x	x	x	x
Emergency health service information available	x	x	X	x

Source: *Primary Data (2024)*

It is evident from the aforementioned data, which is based on the findings of observations and interviews, that the facilities at beach tourism destinations in Pantai Cermin Sub-district do not provide visitors protection or safety. However, if evaluated in compliance with the standards for the standardisation of beach tourist business amenities and based on the availability of facilities, Bali Lestari Beach is categorized as better in providing security and safety facilities than the other three beaches, although not yet fully available. Likewise, Pondok Permai Beach and Wong Rame, the availability of facilities is also good but has not fulfilled the security and safety aspects as regulated in Permen Parekraf No. 4 of 2021. However, it is very unfortunate with the condition of Cermin Beach. Original facilities at beach tourism sites can be categorized as poor, even though tourists also pay entrance tickets at the same price as the other three beaches.

This condition is certainly influenced by several factors, including external factors, namely the absence of special rules made by the Regional Government, namely the Tourism and Culture Office regarding appeals to tourism managers to provide a sense of security, clear information, and health services to tourists. In addition, there are no officers assigned to supervise tourist attractions, no insurance and experiencing budget shortages in meeting the needs of managers to protect the rights of tourists.

3. Regulation of Consumer Protection at Beach Tourism Attractions

Law No. 8 of 1999 Concerning Consumer Protection provides the legal foundation that the government uses to protect consumers (UUPK). Consumer protection encompasses all

actions to guarantee legal stability and safeguard consumers. The realisation of the concept of consumer protection in beach tourism objects, according to the GCPL, is the inherent rights of consumers when they are in these tourist attractions. These consumer rights include: (Article 4 of GCPL).

1. The right to convenience, safety, and security while using products and/or services.
2. The right to accurate, transparent, and truthful information on the terms and assurances given.
3. The right to reimbursement, reimbursement, and/or replacement if the products and/or services are not as described or fulfil contractual obligations.
4. The rights are outlined in other laws and regulations' provisions.

The consumer above rights may be achieved if corporate entities fulfil their responsibilities in compliance with the GCPL Law's directives. The following are the business actors' responsibilities (Article 7 of GCPL).

1. Give accurate, straightforward, and honest information on the state and guarantee of the items and services, as well as directions for using, fixing, and maintaining them.
2. Assure that the products and services that are produced or exchanged meet the quality standards that are in place for them.
3. Ensure that any losses incurred due to the usage, consumption, or utilisation of traded products and services are compensated for in some way.

Consumer protection in beach tourism items is also inextricably linked to Tourism Law No. 10 of 2009. According to Article 1, paragraph (3) of the Tourism Law, the term "tourism" encompasses a wide range of pursuits tourists enjoy, with the help of many public and private entities, including businesses, the federal government, and state and regional governments. Travellers and those in charge of tourism are both protected by the law. The right to correct information about tourist sites, services that meet standards, security, health care, and protection of personal rights is guaranteed to tourists under Article 20 of the Tourism Law. Furthermore, Article 21 of the Tourism Law guarantees the right to specific facilities for visitors with physical restrictions, children, and the elderly, by their requirements.

Meanwhile, tourism managers/entrepreneurs must provide accurate and responsible information and comfort, hospitality, security, and safety protection for tourists (Article 26 of the Tourism Law). Section 4 of the Regulation of the Minister of Tourism and Creative Economy / Head of the Tourism and Creative Economy Agency of the Republic of Indonesia, Number 4 of 2021, Regulating Business Activity Standards in Risk-Based Business Licencing in the Tourism Sector, addresses consumer rights to obtain security and safety facilities by standardisation.

The regulation explains that low-medium risk beach tourism. The low-medium risk beach tourism business is a tourism business that has a low-medium risk category based on the criteria of occupational safety and security, public health and the environment (K3L), and the probability of potential K3L hazards. Therefore, beach tourism must provide facilities that meet these K3L aspects.

4. The Concept of Consumer Protection at Beach Tourism Objects in the Perspective of Maqashid Sharia

Law No. 8 of 1999 Concerning Consumer Protection (UUPK) provides Indonesia's legal foundation for consumer protection. It ensures legal stability to safeguard consumers, granting them rights such as convenience, safety, security, accurate information, and reimbursement for unsatisfactory products or services (Article 4 of GCPL). These rights can be upheld if businesses fulfil their responsibilities, including providing honest information, ensuring product quality, and compensating for losses (Article 7 of GCPL).

Consumer protection in beach tourism is also governed by Tourism Law No. 10 of 2009, which guarantees correct information, standard-compliant services, and specific facilities for those with physical restrictions (Articles 20 and 21). Tourism managers must provide accurate information and ensure safety and comfort (Article 26). The Minister of Tourism and Creative Economy Regulation No. 4 of 2021 further mandates that low-medium risk beach tourism businesses meet occupational safety, public health, and environmental hazards (K3L) criteria, ensuring appropriate facilities are in place.

Maqashid sharia has a philosophy and wisdom of all the Islamic law's purpose, intention, essence, and secret stipulated by Allah SWT to humanity. (Anshari & Permata, 1907) Security and safety at beach attractions, if not considered by the manager or government, can threaten human welfare. It shows that the condition of the facilities on the beach tourism is not in line with maqashid sharia because it does not fulfil two of the five objectives of sharia (al-dharuriyat al-khamsah), which are as follows:

1. Hifz al-Nafs (preserving the soul)
All activities of beach tourism visitors can be at risk to life safety if the manager does not provide supervision facilities and health services; it can undoubtedly endanger the lives of tourists when accidents occur. So, based on the UUPK and the Tourism Law, beach tourism object managers are required to provide security and safety facilities for tourists. By the requirements of Permen No. 4 of 2021, which lays forth the standards for business activities in the tourist sector's implementation of risk-based licensing, the following types of facilities are required to be provided: a watchtower that can easily reach the beach tourism area, a medical room/area equipped with oxygen units, beds, and First Aid for Accidents (P3K) and life jackets that are safe and meet eligibility;
2. Hifz al-Mal (maintaining property)
The tourism manager is responsible for guaranteeing security for the luggage of tourist visitors. Humans are ordered to guard property from disturbances such as seizure and theft. Allah has forbidden theft so that the thief is punished by cutting hands, forbidding fraud, eating other people's property incorrectly, and eliminating other people's property and usury. The unavailability of security facilities at beach attractions can certainly harm tourists because the tourist management needs to provide facilities that guarantee that tourists' luggage will be safe while at tourist attractions. Therefore, the tourism manager should provide a clean and safe place to store goods.

These two aspects, according to the researcher, have a significant impact if the beach tourism object does not provide security and safety facilities because if the beach tourism object does not provide facilities that guarantee the safety of tourists' lives, such as the existence of watchtowers, buoys, and health clinics, it is indeed perilous for the safety of tourists lives. Likewise, the guarantee of security for tourists' goods/property while in tourist sites also needs to be provided so that tourists feel safe from harmful disturbances such as theft and so on.

As the idea of the role of the state for al-maslahah al-dauliyyah addressing the condition of beach tourism objects that do not meet standardisation, therefore the government needs to take firm action and impose sanctions on the Regional Government (Tourism and Culture Office) and tourism managers who do not provide facilities under beach tourism business standards because they have violated the provisions of Article 26 letter n of the Tourism Law that every tourism entrepreneur is obliged to "apply business standards and competency standards by statutory provisions." Article 63 of the Tourism Law states:

- 1) Any tourism entrepreneur who fails to comply with the provisions in Article 15 and Article 26 is subject to administrative sanctions.
- 2) Administrative sanctions, as referred to in paragraph (1), are in the form of:
 - a) written warning;
 - b) restriction of business activities; and
 - c) temporary suspension of business activities.
- 3) A written warning, as referred to in paragraph (2)(a), shall be issued to the entrepreneur up to 3 (three) times.
- 4) The sanction of restricting business activities shall be imposed on entrepreneurs who do not comply with the warnings in paragraph (3).
- 5) The sanction of temporarily suspending business activities shall be imposed on entrepreneurs who do not comply with the provisions in paragraphs (3) and (4).

This view is also reinforced by the rule, "Where there is a benefit, there is Allah's law". (Zulham, 2018) In this context, the government is responsible for ensuring that every beach tourism object manager runs his business by the provisions of laws and regulations. The Central and Regional Governments must impose strict sanctions on beach tourism object managers who do not comply with applicable regulations to provide safety guarantees for the lives and property of tourists. Both civil, administrative and even criminal sanctions.

Article 63 paragraph (2) of the Tourism Law, if examined from the concept of maqashid sharia, should contain one more sanction, namely revocation of business licenses as an ultimum remedium for business actors in the field of beach tourism objects that ignore the safety, security and comfort of consumers.

In addition, local and central governments must work together to enforce rules for managing beach tourism objects. Based on the researcher's search, until now, the Regional Government, especially the Provincial Government of North Sumatra and Serdang Bedagai Regency, does not have a Regional Regulation (Perda) governing the safety standards of the implementation of beach tourism objects; there is only a Perda on tourism-related levies. Based on Maqashid Sharia, the Government of North Sumatra Province or Serdang Bedagai Regency should make a Regional Regulation on Tourism

Object Management Standards. So that consumer protection in the field of beach tourism is maximised.

D. Conclusion

From the results of the author's research, several conclusions can be drawn, which align with the research objectives of assessing consumer protection facilities, regulatory compliance, and the application of Maqashid Shariah in beach tourism:

1. Assessing Consumer Protection Facilities: Facilities at beach attractions in Pantai Cermin Sub-district still need to fulfil the security, health, and safety and beach tourism business standards. Examples include the unavailability of a watchtower to monitor the beach area, a health clinic, life jackets, and other essential safety measures.
2. Regulatory Compliance: One of the customers' rights is to acquire comfort, security, and safety, as stated in Law No. 8 of 1999 concerning Consumer Protection, which establishes regulations on consumer protection. Similarly, according to Law No. 10 of 2009, which governs the tourism industry, visitors have the right to safety and legal protection. The current state of facilities at Pantai Cermin needs to comply with these laws.
3. Violation of Standards: Beach tourism objects in Pantai Cermin Sub-district have violated the rights of tourists to obtain security and safety and have not complied with the Minister of Tourism and Creative Economy Regulation No. 4 of 2021 concerning Business Activity Standards in Tourism Sector-Based Business Licensing. The standardisation of beach tourism facilities has yet to be regulated.
4. Application of Maqashid Shariah: In Maqashid Shariah, safety and security at beach tourism objects are efforts to preserve the soul (Hifz al-Nafs) and safeguard property (Hifz al-Mal). However, the condition of facilities at beach tourism objects in Pantai Cermin District must follow the UUPK, Tourism Law, and Permen Parekraf No. 4 of 2021. This lack of compliance is not in line with the objectives of Shariah (Hifz al-Nafs and Hifz al-Mal). Therefore, to ensure the benefit of the people, the state has the right to take firm action against tourism managers who do not provide facilities by statutory regulations by imposing administrative sanctions.

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