

Trend of Islamic Dwelling in Indonesia and Its Differences with Conventional Dwelling

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Abstract—*Dewan Syariah Nasional - Majelis Ulama Indonesia* (The National Sharia Council of the Indonesian Ulama Council) has set regulations regarding the provisions that must be fulfilled by Islamic hotels in Fatwa Number 108 of 2016 about Islamic Tourism, but the fatwa has not regulated the phenomenon of Islamic dwelling in the form of houses or boarding houses that have started to appear in Indonesia. So this research is run with the aim to analyze how the community understands, especially the developers and occupants of Islamic houses regarding the definition of Islamic dwelling itself, along with the criteria that distinguish it from ordinary residential or conventional occupancy. This is a qualitative field research type with data sourced from Islamic dwellings in the city of Banjarmasin, to be analyzed inductively. Inductive analysis results from research data indicate that Islamic dwelling is a house and/or rental house and/or boarding house that is run based on Islamic principles and values. There are at least four criteria that need to be obeyed by an Islamic dwelling: Islamic contract; separation of men and women without any blood or marital relations, Islamic environment, and not to use the services of conventional financial institutions.

Keywords—*Islamic boarding house; Islamic dwelling; Islamic housing*

I. INTRODUCTION

The House is one of the basic human needs [1], which in terms of price is the most expensive asset compared to other consumptive goods. The House generally serves as a place for taking shelter from weather changes as well as a place to rest your body and soul [2].

Along with the increasing Muslim population in Indonesia, then, housing with the concept of sharia began to develop, as an answer to the wishes of the Muslim community towards an Islamic environment [3]. In addition to form ownership of the house, dwellings with Islamic principles are also offered in the form of boarding house. Boarding House offers mid temporary residence services, which consist of several rooms, and each room has several facilities which are offered or provided and also have a price set by the owner room, while the period of rental is determined by the tenant of the rooms [4].

Both of these properties can be classified into the category of "dwellings," which means a residence inhabited in a long period [5]. The characteristics of this residence are certainly

different from hotels, guesthouses, and the like which only inhabited temporarily [6].

National Sharia Council of Indonesian Ulama Council as an institution that is authorized to issue fatwas on Islamic economy [7], has published Fatwa No. 108 year 2016 on Islamic tourism that rules on matters that should met by the Islamic hotel. Unfortunately, the fatwa has been not regulated about Islamic housing in the form of housing or boarding houses that have started to appear in Indonesia. Based on these facts, a research that analyzes the understanding of the community, especially the developers and occupants of Islamic houses, regarding the definition of Islamic dwellings itself, along with the criteria that distinguish it from ordinary residential or conventional housing, needs to be done.

To our best knowledge, this is the first research that discusses about Islamic dwellings in Indonesia, whereas in the other countries the research on another aspect of this subject has been done. For example, scholars from Egypt published a study entitled "Contemporary Islamic Dwelling in Egypt between Form and Content", which traces the footsteps of the classic architecture of Egypt as a reference an Islamic residential design development [8]. Scholars of Malaysia also conducted research to formulate Islamic home interior design characteristics based on the teachings of the Qur'an and the Hadist in the study entitled "Guidelines for the Internal Arrangement of Islamic House" [9]. A similar study was done back in the year of 2015 with the title "Shariah Compliance Hospitality Building Design: A Malay Muslim Oriented Architecture" which discusses the Sharia compliance aspect in the architectural style of the house that was used by the Muslim Malay community [10]. Thus, it can be concluded that the difference in this research compared to the previous articles is that the three studies above discussed more about architecture and Islamic residential design, while the research we conducted here focused on the Islamic dwelling's compliance to the Islamic values and its characteristics. The results of this research are further expected to become one of the references for the DSN to formulate a fatwa concerning Islamic dwellings.

A. *The Criteria of Islamic Hotels in the DSN MUI's Fatwa Number 108 of 2016*

In the last few years, the concept of sharia tourism or halal hospitals has become popular among the public. This concept

is almost similar to the halal label on food that has been recognized for a long time in various countries [11], including Indonesia. The labeling of "Islam", "Sharia", or "halal" is called by Yusof and Jusoh as "Islamic Branding", which is a product or service that complies with sharia determinate, and is closely monitored by an official institution that has the authority to grant inclusion permits of these Islamic labels [12].

The development of these labels in Indonesia has also spread to various sector, one of them is sharia tourism, or commonly called "Halal Tourism" in the international world [13]. Based on this development, the National Sharia Council of the Indonesian Ulama Council (*Dewan Syariah Nasional-Majelis Ulama Indonesia/DSN-MUI*) as the regulator in the field of Islamic economy in Indonesia publish the fatwa No. 108 of 2016 about Islamic tourism. This fatwa regulates various aspects of sharia tourism, including hotels, which are one of the important elements in a tourism sector, and this fatwa is the closest theory to the Islamic dwellings model in Indonesia.

Islamic hotel can be defined as a business that provide accommodation in the form of rooms in a building which may be equipped with food and beverage services, entertainment activities and/or other daily facilities with the aim of obtaining profits that are carried out according to sharia principles. The provisions regarding sharia hotels contained in the fatwa are as follows:

- Sharia hotels must not provide facilities for accessing pornography and immoral acts;
- Sharia hotels may not provide entertainment facilities that lead to polytheism, immorality, pornography and / or immoral acts;
- Food and beverages provided by sharia hotels must have received halal certificates from the MUI;
- Providing equipment and facilities adequate for worshipping needs, including purification facilities;
- Hotel managers and employees must wear sharia clothing;
- Sharia hotels must run on hotel service procedures to ensure the implementation of hotel services in accordance with sharia principles;
- Sharia hotels must use the services of Islamic Financial Institutions in performing services.

The first and second provisions give similar prohibition that the Islamic hotel is not allowed to provide entertainment facilities or any access to polytheism, immorality, pornography, and immoral acts. Regarding polytheism Allah explicitly forbids it as stated in the Quran surah Luqman verse 13:

وَإِذْ قَالَ لُقْمَانُ لِابْنِهِ وَهُوَ يَعِظُهُ يَا بُنَيَّ لَا تُشْرِكْ بِاللَّهِ إِنَّ الشِّرْكَ لَظُلْمٌ عَظِيمٌ

“And (remember) when Luqman said unto his son, when he was exhorting him: O my dear son! Ascribe no partners

unto Allah. Lo! to ascribe partners (unto Him) is a tremendous wrong”

The Prophet also stated about wickedness that when a Muslim commits it, in fact he was out of the religion of God, as mentioned in the hadith:

حَدَّثَنَا سَعِيدُ بْنُ عُفَيْرٍ، قَالَ: حَدَّثَنِي اللَّيْثُ، حَدَّثَنَا عُقَيْلٌ، عَنْ ابْنِ شِهَابٍ، عَنْ أَبِي بَكْرٍ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ، قَالَ: قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «لَا يَزْنِي الزَّانِي حِينَ يَزْنِي وَهُوَ مُؤْمِنٌ، وَلَا يَشْرَبُ الخَمْرَ حِينَ يَشْرَبُ وَهُوَ مُؤْمِنٌ، وَلَا يَسْرِقُ حِينَ يَسْرِقُ وَهُوَ مُؤْمِنٌ، وَلَا يَنْتَهَبُ نَهْبَةً، يَرْفَعُ النَّاسُ إِلَيْهِ فِيهَا أَبْصَارَهُمْ حِينَ يَنْتَهَبُهَا وَهُوَ مُؤْمِنٌ»

“When an adulterer commits illegal sexual intercourse, then he is not a believer at the time, he is doing it...” [14]

The Hadith above also mentions the prohibition of zina, which is also found in the Qur'an surah an-Nur verse 2:

الرَّانِيَةُ وَالزَّانِي فَاجْلِدُوا كُلَّ وَاحِدٍ مِنْهُمَا مِائَةَ جَلْدَةٍ وَلَا تَأْخُذْكُمْ بِهِمَا رَأْفَةٌ فِي دِينِ اللَّهِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَلَيْسَ لَهُمَا عَذَابٌ طَائِفَةٌ مِنَ الْمُؤْمِنِينَ

“The adulteress and the adulterer-whip each one of them a hundred lashes, and let no pity towards them overcome you regarding God's Law, if you believe in God and the Last Day. And let a group of believers witness their punishment.”

The third provision on halal food, that the hotel is obligated to only provide food or drinks that already has halal certificate from the MUI. The concept of halal food itself has been implemented in various countries, including Malaysia [15]. Halal certificate issuer in Indonesia is The Institution for Food, Drugs, and Cosmetics Studies (*Lembaga Pengkajian Pangan, Obat-Obatan, dan Kosmetik /LPPOM*) which is a division of MUI. Allah mentions the obligation to consume halal food and drink for Muslims in the Al-Qur'an surah al-Baqarah verse 168:

يَا أَيُّهَا النَّاسُ كُلُوا مِمَّا فِي الْأَرْضِ حَلَالًا طَيِّبًا وَلَا تَتَّبِعُوا خُطُواتِ الشَّيْطَانِ إِنَّهُ لَكُمْ عَدُوٌّ مُبِينٌ

“O people! Eat of what is lawful and good on earth, and do not follow the footsteps of Satan. He is to you an open enemy.”

The fourth, fifth, and seventh provisions are intended to be unique characteristics of Islamic hotels to distinguish it from conventional hotel. The first characteristics is the availability of infrastructure and facilities for the worship needs. Generally, the worship facilities provided by Islamic hotels consist of Qibla directions in each room, the washing facilities in the form of taps for ablution, including other worship equipment such as prayer mats and Quran.

The second characteristic of Islamic hotels as regulated by DSN is the obligation for the employee to wear Islamic clothing that men must wear clothes that cover their genitals from the navel to the knees, and women must wear clothes that cover their whole body except the face and end of their hands

and feet. The Qur'an mentions about these limitations in surah an-Nur verse 30-31:

قُلْ لِلْمُؤْمِنِينَ يَغُضُّوا مِنْ أَبْصَارِهِمْ وَيَحْفَظُوا فُرُوجَهُمْ ذَلِكَ
أَزْكَى لَهُمْ إِنَّ اللَّهَ خَبِيرٌ بِمَا يَصْنَعُونَ (30) وَقُلْ لِلْمُؤْمِنَاتِ
يَغْضُضْنَ مِنْ أَبْصَارِهِنَّ وَيَحْفَظْنَ فُرُوجَهُنَّ وَلَا يُبْدِينَ
زِينَتَهُنَّ إِلَّا مَا ظَهَرَ مِنْهَا وَلَا يَضْرِبْنَ بِخُمُرِهِنَّ عَلَى جُيُوبِهِنَّ
وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا لِبُعُولَتِهِنَّ أَوْ آبَائِهِنَّ أَوْ آبَاءِ
بُعُولَتِهِنَّ أَوْ أَبْنَاءِ بُعُولَتِهِنَّ أَوْ إِخْوَانِهِنَّ أَوْ بَنِي
إِخْوَانِهِنَّ أَوْ أَخَوَاتِهِنَّ أَوْ نِسَائِهِنَّ أَوْ مَا مَلَكَتْ أَيْمَانُهُنَّ
أَوْ التَّابِعِينَ أَوْ جُلُودَ الَّذِينَ يَخْتَفُونَ لَمْ يَظْهَرُوا
عَلَى عَوْرَاتِ النِّسَاءِ وَلَا يَضْرِبْنَ بِأَرْجُلِهِنَّ لِيُعْلَمَ
مَا يُخْفِينَ مِنَ زِينَتِهِنَّ وَتُوبُوا إِلَى اللَّهِ جَمِيعًا أَيُّهَ الْمُؤْمِنُونَ
لَعَلَّكُمْ تُفْلِحُونَ (31)

“And tell the believing women to restrain their looks, and to guard their privates, and not display their beauty except what is apparent thereof, and to draw their coverings over their breasts, and not expose their beauty except to their husbands, their fathers, their husbands' fathers, their sons, their husbands' sons, their brothers, their brothers' sons, their sisters' sons, their women, what their right hands possess, their male attendants who have no sexual desires, or children who are not yet aware of the nakedness of women. And they should not strike their feet to draw attention to their hidden beauty. And repent to God, all of you believers, so that you may succeed.”

The third distinctive feature is the use of the services of Islamic financial institutions for the purposes of payment, technical administration of employee salaries, insurance, and other needs related to finance. This provision is also intended to increase the market share of Islamic banking, which is only 8% in Indonesia based on the Financial Services Authority's (Otoritas Jasa Keuangan/OJK) press release dated 27th October 2017 [16], and to prevent sharia hotels from coming into contact with conventional banks that are full of *riba* (interest/usury). Allah said about the prohibition of *riba* in the Qur'an surah Ali Imran verse 130:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا الرِّبَا أَضْعَافًا مُضَاعَفَةً وَاتَّقُوا
اللَّهَ لَعَلَّكُمْ تُفْلِحُونَ

“O you who believe! Do not feed on usury, compounded over and over, and fear God, so that you may prosper.”

The sixth provision that requires Islamic hotels to have clear guidelines, as in the form of Standard Operating Procedures, is a form of Islamic hotel quality guarantee for the implementation of services that offered.

The six conditions above are the minimum expediency standard of hotels in order to obtain the right to get the Islamic label. Thus, it can be inferred that this rule was issued so that the Islamic label does not just become a promotion or branding media, but rather as a guideline to implemented Islamic values in a modern business.

II. RESEARCH METHODS

This is a qualitative research that uses the juridical sociological approach. Juridical sociological approach is a study that emphasizes the practices of legal regulations [17]. The primary data in this study comes from direct observations to one Islamic housing, three Islamic boarding houses, and one Islamic rental house marketed in the city of Banjarmasin through interviews with local communities to get a general representation of the way of these residential in actualizing Fatwa DSN No. 108 about halal tourism. The reliability of the primary data is also checked by the triangulation technique through observation to a residential location, and observations on the documents and brochures-shaped ads published by developers or homeowners.

Data that has been collected will be analyzed inductively, and juxtaposed with the Islamic economy perspective through the fatwa of DSN as the representation of Islamic law in the field of economics. These regulations will be the base of *qiyas* as a comparison against the Islamic dwelling business, which is a main study in this research.

III. FINDINGS AND ANALYSIS

The research team conducted research on five different Islamic dwellings, consisting of two Islamic houses and three Islamic boarding houses. These five Islamic dwellings were found through online sale and purchase site. Each object was questioned about factors that distinguish them from the conventional occupancy.

Al-Mumtaz Residence, located on Hikmah Banua Street Banjarmasin, is a new Islamic dwelling promoted at the end of 2018. Even though it is new, al-Mumtaz Residence seems to have high idealism in building Islamic housing.

Al-Mumtaz Residence define Islamic housing as a house where there is no interest or usury. Some of the Islamic facilities and characteristics offered by al-Mumtaz Residence include:

- Not collaborating with any banking institutions, both conventional and Islamic bank. The developer considers that the buying and selling contract in Islam only involves two parties, which are buyers and sellers, so that the existence of banking institutions as third parties is not justified. However, the developers still accept installments payments. This means that the installment payments will be managed by the developer on their own, with additional promises that billing models commonly practiced by banking institutions such as BI checking, fines, and seizures will not be carried out. If there is a buyer that does not pay installments normally, he will be called to conduct a discussion with the seller in a special assembly to state a solution.
- The buyer must be a Muslim, and is obliged to go through the interview process to find out the buyer's commitment in terms of realizing the Prophet's Sunnah in the form of friendship, attending *majlis*, and wearing clothes that perfectly cover certain body parts according to the Islamic law.

- Provision of Islamic facilities and activities like *tahfiz* houses, mosque, routine studies, archery, CCTV, and security for 24 hours.

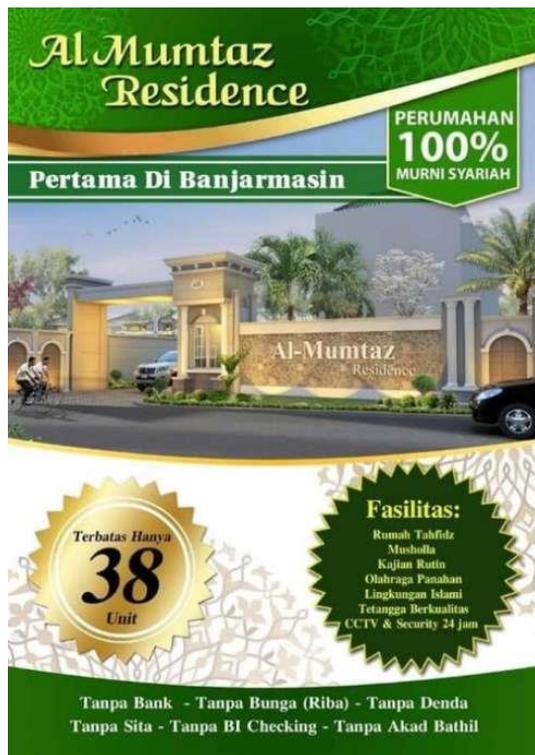


Fig. 1. Al-Mumtaz Residence's Brochure [18].

The second object is an Islamic house for rent located on Meranti Madinah Kayutangi Banjarmasin. This Islamic house defines itself in a very simple concept, that Islamic house is a house that does not allow men and women to live together without any blood or marriage relationship. Therefore, couples who want to rent the house are required to show their marriage book. In addition, the rented location near the Hasanuddin Majedi mosque and Madinaturrاملah Islamic Primary School, which are claimed as its' Islamic facility [19].

Islamic Boarding House Anggrek Putri, a girl only boarding house, which is located on Anggrek Street Kebun Bunga Banjarmasin, offers simpler Islamic facilities and rules. The location of the boarding house which is in front of a mosque is the only Islamic facility available, while in terms of regulations there are only restrictions on the night out for boarding residents and the prohibition of bringing men to enter the room.



Fig. 2. Anggrek Pondokan Puteri Syariah's Brochure [20].

The forth object is an Islamic boarding house located near the Trisakti Harbor Banjarmasin. This boarding house concerns more about the regulation rather than the facility. These Islamic regulations include: an obligation to show a marriage book for a married couple; prohibition on carrying liquor, drugs and sharp weapons; a night out restrictions; an obligation to open the room door if there are guests entering; separation of floors between male and female boarders, where men are centered on the second floor and women on the first floor; and direct supervision of the boarding house owner, while the Islamic facilities offered by the boarding house is only limited to: providing prayer equipment; Qibla direction instructions; and a special living room outside the room. As an additional service, this Islamic boarding has collaborated with online reservation site to make it more accessible to prospective visitors [21].

The boarding owner stated that the difference between an Islamic boarding house and a conventional boarding house is that conventional boarding houses tend not to care about *ikhtilat* or mixing between men and women, while in Islamic boarding houses it must be limited properly.

The last object, Islamic Boarding House Putri Rahayu, is located in Kayutangi Banjarmasin. Similar to the boarding house located near Trisakti Harbour previously, Putri Rahayu also gladly accept non-muslim residents, but the Islamic rules implemented are only limited to not accepting male occupants. The lack of religious rules makes local residents assume that the boarding house is not an Islamic boarding house, because the local residents think that the difference between the Islamic boarding house and a regular boarding house is the implementation of Islamic rule. The essential facilities offered

by boarding house are free sahur for boarding house residents during the month of Ramadan [22].

Based on the data obtained from the five Islamic dwellings above, it can be concluded that the public's understanding of sharia housing is quite simple, that the sharia house is a house that is traded without usury, while the Islamic boarding house is a boarding house that prevents mixing between men and women without any blood or marriage relations. If this simple understanding compared to the meaning of Islamic hotels from DSN, it can be concluded that Islamic dwelling is a residence and / or rental house and / or boarding house that is run based on Islamic principles. What is meant by Islamic principles here includes buying and selling without usury and preventing *ikhtilat*.

In contrast to the definition, the criteria or qualifications of Islamic dwellings are quite difficult to match with the criteria for Islamic hotels as intended by the DSN [23]. Entertainment facilities, food and drink, provision of equipment, employee clothing, as well as operational standards and procedures [24], would not be fully regulated in a dwelling house or boards which is very private in nature [25]. However, if the data of the five Islamic dwellings studied in this article are drawn inductively, it can be concluded that the criteria for sharia occupation practiced by the community are as follows:

- Agreements made by sellers and buyers in terms of housing, or tenants and homeowners in terms of boarding houses, must use Islamic contracts such as *Taqsih* for sale and purchase [26], and *Ijarah* for rent [27].
- Not accepting men and women to live in one home or one room except they have blood or marriage relations, which can be proofed by Family Card or Marriage Book [28].
- Has an Islamic environment. For example, it is close to Islamic education facilities or a mosque.
- Using the services of an Islamic Financial Institution in conducting transactions, or not using the services of a conventional financial institution if the transaction is carried out without involving the bank.

These four criteria can then be a distinguishing feature between Islam and conventional occupancy. This conclusion is certainly very different from the results of research in Egypt and Malaysia which have been mentioned in the introduction, or research from Nurul Hidayati entitled "Implementation of the Concept of Islamic Houses on Housing at Martapura", that the characteristics or uniqueness of sharia occupancy lies in its architecture, design and spatial planning [29]. We are more convinced that Islamic dwelling is not merely about the form of occupancy, but rather is about the extent to which the occupancy implements Islamic principles and values.

IV. CONCLUSION

Islamic dwellings are not only a building with a certain architecture that distinguishes it from other dwellings. The

concept of Islamic dwellings is better defined as a house and / or rental house and / or boarding house that is run based on Islamic principles and values. There are at least four criteria that need to be adhered to by an Islamic dwelling: using Islamic contract in their transaction, separation of men and women who are not *mahram*; Islamic environment; and not using the services of conventional financial institutions.

This research indeed only views at Islamic dwellings in terms of compliance. Other study to obtain information about the needs and feasibility of Islamic dwellings may also be needed. Legislation regarding compliance with Islamic dwelling may also need to be done, so that the embedding of the term "Islam" in a dwelling is not only for the sake of mere branding and promotion, but also as an attempt to integrate economic activity with religious values. Prophet Syu'aib also teaches the Madyans to not separate between religious values and economic aspects [30].

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