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FORMULATING A SHARIA-BASED LEGAL FRAMEWORK FOR SWIMMING POOL OPERATIONS IN INDONESIA

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ABSTRACT

The need of Muslim communities for swimming facilities that uphold modesty requirements (*awrah*), regulate gender interaction (*ikhtilat*), ensure privacy, and support religious observance has not been fully accommodated in the operation of swimming pools in Indonesia. This issue reflects not only the absence of a specific fatwa concerning Sharia-compliant swimming pools but also the lack of a Sharia governance standard for water-based recreational facilities. This study aims to develop a normative academic framework for the operation of swimming pools based on Sharia principles in Indonesia. This research employs a normative Islamic legal approach, utilizing statutory, conceptual, *maqāsid*-based, and fatwa approaches. Data were collected through a literature review of Islamic legal sources, fatwas issued by the National Sharia Council of the Indonesian Council of Ulama (DSN-MUI), environmental health regulations, and halal tourism literature. The findings demonstrate that a Sharia-compliant swimming pool should be constructed through three principal dimensions: the normative-religious dimension, the operational-managerial dimension, and the environmental health and safety dimension. These dimensions are grounded in *fiqh al-mu'āmalāt*, *maqāsid al-sharī'ah*, and public health standards, particularly with respect to the protection of religion, life, and human dignity. This study contributes by proposing an academic framework of Sharia norms encompassing definitions, legal status, operational principles, user regulations, privacy protection, facility standards, contractual arrangements, supervisory mechanisms, and complaint-handling procedures. The proposed framework is not intended to serve as an official fatwa; rather, it is designed to provide an academic foundation for fatwa-issuing institutions, regulators, and operators of water-based recreational facilities in formulating standards for swimming pools based on Sharia principles.

Keywords: *sharia compliant swimming pools; fatwa; maqāsid al-sharia; halal tourism.*

ABSTRAK

Kebutuhan masyarakat Muslim terhadap fasilitas renang yang menjaga aurat, mengatur ikhtilāt, menjamin privasi, serta mendukung ibadah belum sepenuhnya diakomodasi dalam penyelenggaraan kolam renang di Indonesia. Persoalan ini tidak hanya menunjukkan kekosongan fatwa khusus tentang kolam renang syariah, tetapi juga kekosongan standar tata kelola syariah *(sharia governance standard)* bagi fasilitas rekreasi air. Penelitian ini bertujuan menyusun kerangka akademik normatif bagi penyelenggaraan kolam renang berbasis prinsip syariah di Indonesia. Penelitian ini merupakan penelitian hukum Islam normatif dengan pendekatan perundang-undangan, konseptual, *maqāsidī,* dan fatwa. Data diperoleh melalui studi kepustakaan terhadap sumber hukum Islam, fatwa DSN-MUI, regulasi kesehatan lingkungan, dan literatur pariwisata halal. Hasil penelitian menunjukkan bahwa kolam renang syariah perlu dikonstruksi melalui tiga dimensi utama: dimensi normatif-keagamaan, dimensi operasional-manajerial, dan dimensi kesehatan-keselamatan lingkungan. Ketiga dimensi tersebut berlandaskan fikih muamalah, maqāsid al-sharī'ah, serta standar kesehatan publik, terutama dalam perlindungan agama, jiwa, dan kehormatan. Penelitian ini berkontribusi dengan menawarkan kerangka akademik norma syariah yang mencakup definisi, status hukum, prinsip penyelenggaraan, pengaturan pengguna, perlindungan privasi, standar fasilitas, akad transaksi, pengawasan, dan mekanisme pengaduan. Kerangka ini tidak dimaksudkan sebagai fatwa resmi, tetapi sebagai dasar akademik bagi lembaga fatwa, regulator, dan pengelola fasilitas rekreasi air dalam merumuskan standar kolam renang berbasis prinsip syariah.

Kata Kunci: *kolam renang Syariah; fatwa; maqasid al-shari'ah; pariwisata halal.*

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INTRODUCTION

Swimming constitutes both a recreational tourism activity and a form of sport (Alam et al., 2024, p. 1). From a tourism perspective, swimming pools are regarded as one of the standard facilities that should be provided by hotels in tourist destinations (Khotimah & Darsin, 2019, p. 207). Meanwhile, from a sports perspective, swimming is widely recognized as a physical activity offering numerous health benefits, including increased muscular strength, improved cardiovascular function, and weight reduction (Salahudin et al., 2023, p. 17). Islam, swimming is regarded as one of the three recommended sports alongside horse riding and archery (R. Dewi, 2024, p. 2752; Hardianto & Ratnasari, 2015, p. 92). Swimming is both a recreational tourism activity and a sport (Alam et al., 2024a, p. 1). From a tourism perspective, swimming pools constitute one of the standard facilities commonly provided by hotels in tourist destinations (Khotimah & Darsin, 2019, p. 207). From a sports perspective, swimming offers various health benefits, including improving muscle strength, enhancing cardiovascular function, and supporting weight loss (Salahudin et al., 2023, p. 17). In Islam, swimming is also recognized as one of the recommended sports, alongside horse riding and archery (R. Dewi, 2024, p. 2752; Hardianto & Ratnasari, 2015, p. 92). Accordingly, swimming pools should not be viewed merely as recreational facilities but also as public facilities associated with health promotion, tourism needs, and the religious expression of Muslim communities. In this context, the operation of swimming pools for Muslim users should take into account Sharia compliance, safety, health, comfort, and equitable access as integral components of public facility ethics.

Despite the recreational, health, and religious values associated with swimming, the operation of public swimming pools continues to present several challenges for Muslim communities. Among the most common concerns are the absence of gender segregation between male and female users (Yunus & Irwansyah, 2022), the use of swimwear particularly by women that exposes *awrah* and may conflict with Islamic standards of modesty (R. Dewi, 2024, p. 2752), limited availability of worship facilities, and inadequate guarantees of user privacy. In fact, the provision of gender-segregated swimming facilities has been identified as one of the essential requirements within Islamic tourism (Adinugraha et al., 2021, p. 667). Based on a brief interview with Mrs. Euis Kurniawati, the founder of Muslimah Swimming Squad, a Muslim women's swimming community operating across 68 cities in Indonesia and Malaysia, it was found that many Muslim women continue to encounter difficulties in

accessing swimming facilities that meet Sharia requirements. These challenges include Sharia-compliant swimming pools that are available only on certain days, the absence of adequate worship facilities, and the existence of Sharia hotels whose swimming pool facilities do not yet provide separate arrangements for male and female users (personal communication, February 2, 2025). These findings indicate that the issue of Sharia-compliant swimming pools extends beyond gender segregation. It also encompasses the protection of *awrah*, the regulation of *ikhtilāt* (intermingling between unrelated men and women), the safeguarding of privacy, the provision of worship facilities, and the establishment of service standards that ensure safety and comfort for users.

From a normative perspective, the concept of Sharia-compliant swimming pools in Indonesia has thus far been largely associated with the regulation of halal tourism or Sharia tourism. One of the primary references in this regard is DSN-MUI Fatwa No. 108/DSN-MUI/X/2016 concerning Guidelines for the Implementation of Tourism Based on Sharia Principles (Yunus & Irwansyah, 2022). The fatwa establishes several fundamental principles for Sharia-based tourism, including the obligation to avoid polytheism (*shirk*), sinful conduct, harmful activities (*mafsadah*), wastefulness (*tabdhīr* and *isrāf*), pornography, pornographic acts, alcoholic beverages, narcotics, and immoral behavior (National Sharia Council of the Indonesian Council of Ulama, 2016). Nevertheless, the fatwa does not explicitly regulate the operation of Sharia-compliant swimming pools. The more specific provisions contained therein relate primarily to Sharia hotels, as well as Sharia spas, saunas, and massage services (National Sharia Council of the Indonesian Council of Ulama, 2016). Consequently, a normative gap exists with respect to the operation of swimming pools based on Sharia principles. This gap concerns not only the absence of a specific fatwa governing Sharia-compliant swimming pools but also the lack of a Sharia governance standard for water-based recreational facilities that integrates Sharia compliance, environmental health, safety, privacy protection, and public service considerations.

Previous studies on Sharia-compliant swimming pools have generally been situated within the broader discourse of halal tourism and Sharia hospitality. A substantial body of research on halal tourism conducted by Mohsin et al. (2016), Oktadiana et al. (2016), Razzaq et al. (2016), Battour and Ismail (2016), Khan and Callanan (2017), Battour (2018), Battour et al. (2018), Isa et al. (2018), Azam et al. (2019), Han et al. (2019), Battour et al. (2019), Fajriyati et al. (2020), and Jia and Chaozhi (2020) has highlighted the need for Muslim-friendly facilities, including gender-segregated services, the availability of prayer facilities, the

use of Sharia-compliant swimwear such as the burkini, family-oriented swimming pools, and the prohibition of activities that are inconsistent with Islamic ethical values. Similarly, studies on Sharia hotels conducted by Saad et al. (2014) and Rachmiatie et al. (2022) identify swimming pools as facilities that should take into account the separation of male and female users. More specifically, research by Brayson (2021) and Alam et al. (2024a) has examined the management of swimming facilities based on Islamic values, including the scheduling of separate swimming sessions for men and women, regulations concerning swimwear, the provision of prayer facilities, and the rental of Muslim women's swimwear. However, these studies have largely focused on management practices, consumer satisfaction, or particular case studies. There remains a limited body of scholarship that specifically develops a normative framework for the operation of Sharia-compliant swimming pools by integrating *fiqh al-mu'āmalāt*, *maqāsid al-shari'ah*, fatwa principles, public facility ethics, environmental health standards, and operational governance. This gap underscores the need for a more comprehensive normative model capable of serving as a reference for the development and governance of Sharia-compliant swimming pool facilities.

Based on the foregoing discussion, this article aims to develop a proposed normative framework for the operation of swimming pools based on Sharia principles in Indonesia. Through the formulation of this framework, the article offers an academic construct that may serve as a point of reference for the development of fatwas, Sharia governance standards, or operational guidelines for Sharia-compliant swimming pools.

From a theoretical perspective, this study contributes to the advancement of Islamic legal scholarship and halal tourism studies by positioning swimming pools as public facilities that require a distinct Sharia-based regulatory framework. From a practical perspective, the proposed framework may serve as an initial reference for swimming pool operators, halal tourism businesses, Sharia hotels, Muslim communities, and policymakers in designing and managing swimming facilities that comply with Sharia principles while simultaneously ensuring health, safety, comfort, privacy, and equitable access for users.

RESEARCH METHOD

This study constitutes normative Islamic legal research employing a qualitative prescriptive approach. A normative approach is adopted because the primary objective of the study is to examine and construct applicable Islamic legal norms for the operation of swimming pools based on Sharia principles in Indonesia. Consistent with this orientation,

the research is not intended to measure public behavior, perceptions, or preferences through empirical methods. Rather, it seeks to develop a normative framework for the operation of Sharia-compliant swimming pools based on Islamic legal sources, fatwas, principles of Islamic jurisprudence (*qawā'id fiqhiyyah*), the objectives of Islamic law (*maqāsid al-sharī'ah*), and relevant state regulations.

The research employs several approaches, namely the statutory approach, conceptual approach, *maqāsidī* approach, and fatwa approach. The statutory approach is utilized to examine state regulations governing the operation of swimming pools, particularly those relating to environmental health, water quality, sanitation, and the safety of public facilities. The conceptual approach is employed to develop the concept of a Sharia-based swimming pool by integrating the notions of public facilities, halal tourism, *fiqh al-mu'āmalāt*, the protection of *awrah*, the regulation of *ikhtilāt*, privacy safeguards, and service ethics. The *maqāsidī* approach is applied to assess whether the proposed norms are consistent with the fundamental objectives of Islamic law, particularly the protection of religion (*hifẓ al-dīn*), life (*hifẓ al-nafs*), honor and dignity (*hifẓ al-'ird*), intellect (*hifẓ al-'aql*), and lineage (*hifẓ al-nasl*). Meanwhile, the fatwa approach is used to examine the structure, substance, and patterns of legal reasoning reflected in relevant fatwas, particularly DSN-MUI Fatwa No. 108/DSN-MUI/X/2016 concerning Guidelines for the Implementation of Tourism Based on Sharia Principles, in order to identify Sharia values that may be further elaborated and applied within the context of swimming pool operations.

The data sources employed in this study are library-based and consist of primary and secondary legal materials. The primary legal materials include the Qur'an, Hadith, principles of Islamic jurisprudence (*qawā'id fiqhiyyah*), DSN-MUI Fatwa No. 108/DSN-MUI/X/2016 concerning Guidelines for the Implementation of Tourism Based on Sharia Principles, Government Regulation No. 66 of 2014 on Environmental Health, Minister of Health Regulation No. 32 of 2017 concerning Environmental Health Quality Standards and Water Health Requirements for Hygiene and Sanitation Purposes, Swimming Pools, *Solus Per Aqua* (SPA) Facilities, and Public Bathing Facilities, as well as Minister of Health Regulation No. 2 of 2023 concerning the Implementing Regulation of Government Regulation No. 66 of 2014 on Environmental Health. The secondary legal materials consist of national and international journal articles, books, and research reports addressing halal tourism, Sharia hotels, *fiqh al-mu'āmalāt*, *maqāsid al-sharī'ah*, public facilities, environmental health, and Sharia-compliant swimming pools.

The data were analyzed using a normative-prescriptive method consisting of several stages. *First*, a process of normative inventory was conducted by identifying and collecting Islamic legal provisions, fatwas, and state regulations relevant to the operation of swimming pools based on Sharia principles. *Second*, the collected legal sources and norms were classified according to key issues, including *awrah*, *ikhtilāt*, public space ethics, worship facilities, contractual transactions, environmental health, safety, and user privacy. *Third*, an analysis of *qawā'id fiqhiyyah* was undertaken to identify the general legal principles applicable to the subject matter, including the presumption of permissibility in *mu'āmalāt*, the prevention of harm, the promotion of public benefit (*maslahah*), and legal concessions in cases of necessity. *Fourth*, a *maqāsid al-sharī'ah* analysis was conducted to ensure that the proposed norms are consistent with the protection of religion (*hifẓ al-dīn*), life (*hifẓ al-nafs*), honor and dignity (*hifẓ al-'ird*), intellect (*hifẓ al-'aql*), and lineage (*hifẓ al-nasl*). *Fifth*, a harmonization process was carried out between Sharia norms and environmental health regulations to ensure that the proposed framework is not only normatively valid from a religious perspective but also compliant with standards governing health, sanitation, and the safety of public facilities. Finally, the results of these analyses were systematically organized into a proposed framework for the operation of Sharia-compliant swimming pools that is academic in nature, normative in orientation, and practical in application.

FINDINGS AND DISCUSSION

The Absence of Specific Norms Governing the Operation of Sharia-Compliant Swimming Pools

The discussion of Sharia-compliant swimming pools in Indonesia cannot be separated from the development of halal tourism and the growing demand among Muslim communities for public facilities that conform to Sharia principles. In general, swimming constitutes both a recreational tourism activity and a sport (Alam et al., 2024a). From the perspective of *fiqh al-mu'āmalāt*, swimming is fundamentally a permissible activity, provided that it is not accompanied by elements prohibited under Islamic law. This is consistent with the legal maxim *al-asl fī al-mu'āmalāt al-ibāhah mā lam yarid dalīl 'alā tahrīmihā*, which holds that all transactions and social dealings are presumed permissible unless there is evidence establishing their prohibition. The permissibility of swimming is further supported by narrations encouraging the learning and practice of swimming (al-Nasā'ī, 2001). Nevertheless, such permissibility is not absolute. Swimming activities must still comply with

Sharia norms concerning *awrah*, *ikhtilāt*, public space ethics, safety, and the promotion of public welfare (*maslahah*) for users.

In practice, many swimming pool facilities currently available to the public continue to operate under conventional models that do not fully accommodate the needs of Muslim users. The issues commonly encountered include the mixing of male and female users, the use of swimwear that does not adequately cover *awrah*, the absence of worship facilities, insufficient protection of user privacy, and the lack of operational standards that integrate Sharia principles with health and safety requirements. Yunus and Irwansyah (2022) demonstrate that one of the persistent challenges in Sharia-based tourism is the inadequate segregation of male and female users. Similarly, Dewi (2024, p. 2752) highlights concerns regarding swimwear, particularly for women, which does not always conform to the Islamic principle of preserving *awrah*. These conditions indicate a gap between the normative values of Islamic law and the actual operation of public facilities. Consequently, the concept of a Sharia-compliant swimming pool has emerged as a response to the demand for swimming facilities that are not only healthy and safe but also supportive of religious observance and Sharia compliance (Alam et al., 2024a).

From a legal perspective, swimming pools are regulated as public facilities that must comply with requirements relating to water quality, sanitation, environmental health, and user safety. Minister of Health Regulation No. 32 of 2017 classifies swimming pools as public facilities consisting of water-filled structures whose water has been treated and is intended for swimming or recreational activities (Ministry of Health of the Republic of Indonesia, 2017). This provision is significant because it affirms that the management of swimming pools involves not only the provision of recreational services but also responsibilities concerning public health and safety. However, the existing regulatory framework has not addressed the ethical and religious dimensions that constitute important concerns for Muslim communities, including the protection of *awrah*, the regulation of *ikhtilāt*, privacy safeguards, the provision of worship facilities, the availability of halal food, and standards governing interactions among users.

On the other hand, DSN-MUI Fatwa No. 108/DSN-MUI/X/2016 concerning Guidelines for the Implementation of Tourism Based on Sharia Principles has provided a general framework for the operation of Sharia compliant tourism. The fatwa stipulates that tourism activities must be free from polytheism (*shirk*), sinful conduct, harmful practices (*mafsadah*), wastefulness (*tabdhīr* and *isrāf*), pornography, pornographic acts, alcoholic

beverages, narcotics, and immoral behavior (National Sharia Council of the Indonesian Council of Ulama, 2016). These principles are highly relevant to the operation of Sharia compliant swimming pools. Nevertheless, the fatwa does not explicitly regulate Sharia compliant swimming pools as water-based recreational facilities. Instead, it provides more detailed provisions concerning Sharia hotels, spas, saunas, and massage services, while swimming pools have yet to be accorded a specific and operational normative framework (National Sharia Council of the Indonesian Council of Ulama, 2016).

This normative gap indicates that the issue of Sharia compliant swimming pools extends beyond the absence of a specific fatwa. It also reflects the lack of a comprehensive Sharia governance standard for water-based recreational facilities. In fact, the governance of halal tourism requires a regulatory and institutional framework capable of operationally integrating Sharia principles, industry needs, and the experiences of Muslim users (Bahrudin, 2022). Within the context of hotels and tourist destinations, Muslim-friendly standards are not limited to the provision of halal food; they also encompass facilities, services, privacy protection, worship convenience, and the management of spaces in accordance with the needs of Muslim travelers (Suci et al., 2021). Accordingly, Sharia compliant swimming pools should be positioned as an integral component of the halal tourism ecosystem, particularly within Sharia hotels, Muslim family-oriented tourist destinations, sports facilities, and water-based recreational venues.

Studies on halal tourism have demonstrated that the needs of Muslim travelers extend beyond the availability of halal consumption. They also encompass access to worship facilities, a Muslim-friendly environment, the regulation of gender interactions, and services that are consistent with Islamic principles (Battour & Ismail, 2016; Mohsin et al., 2016; Oktadiana et al., 2016; Han et al., 2019). Accordingly, Sharia standards for swimming pool facilities should not be confined to the provision of halal food or prayer facilities alone. Rather, they should also encompass the regulation of space, scheduling, dress codes, privacy protection, safety measures, service standards, contractual arrangements, and supervisory mechanisms.

The need for a normative framework governing Sharia compliant swimming pools is therefore significant, as it involves the integration of Islamic law, state regulations, industry requirements, and the rights of Muslim users to access public facilities that are compatible with their religious convictions. Nevertheless, it must be emphasized that this study does not purport to issue an official fatwa. The authority to issue fatwas remains vested in competent

institutions, such as the Indonesian Council of Ulama (MUI), the National Sharia Council of the Indonesian Council of Ulama (DSN-MUI), or other duly authorized fatwa-issuing bodies. Accordingly, this study is limited to the development of an academic framework and a proposed set of normative standards that may serve as a reference for fatwa institutions, regulators, business operators, and public facility managers in formulating standards for the operation of swimming pools based on Sharia principles.

Constructing the Three Dimensions of Sharia-Compliant Swimming Pool Governance

Based on an analysis of Islamic legal sources, fatwas, halal tourism literature, and environmental health regulations, a Sharia-compliant swimming pool may be conceptualized as a public facility founded upon three principal dimensions: the normative religious dimension, the operational-managerial dimension, and the environmental health and safety dimension. These three dimensions are interrelated and ultimately oriented toward the objectives of *maqāsid al-sharī'ah*, particularly the protection of religion (*hifẓ al-dīn*), life (*hifẓ al-nafs*), honor and dignity (*hifẓ al-'ird*), intellect (*hifẓ al-'aql*), and lineage (*hifẓ al-nasl*) (Latheef, 2024; Musa, 2021).

The normative-religious dimension constitutes the fundamental foundation of a Sharia-compliant swimming pool. This dimension encompasses the principle of the permissibility of swimming activities, the obligation to preserve *awrah*, the regulation of *ikhtilāt*, the prohibition against conduct that may lead to *zinā* (unlawful sexual relations), standards of modest dress, and the prohibition of behavior that is inconsistent with Islamic moral values. From the perspective of Islamic jurisprudence, swimming falls within the domain of *mu'āmalāt* and is therefore presumed permissible unless accompanied by elements prohibited under Islamic law. This permissibility is further supported by narrations encouraging the learning and practice of swimming (al-Nasāʾī, 2001). Nevertheless, swimming activities may expose *awrah* and increase both physical and visual interaction between men and women. Consequently, an activity that is originally permissible (*mubāḥ*) must be regulated to prevent it from becoming a means of violating Sharia principles.

With regard to *awrah*, the use of swimwear that adequately covers the body in accordance with Islamic requirements constitutes a normative consequence of the obligation to preserve personal honor and dignity. In Islamic law, *awrah* refers to those parts of the body that must be concealed from the view of others (Robbi & Yunus, 2024). Within the context

of swimming pools, this requirement is particularly significant because conventional swimwear often fails to conform to Islamic standards of modesty. Research on Muslim women's participation in aquatic activities indicates that issues relating to clothing, privacy, and social acceptance are among the most important factors influencing their involvement in swimming activities (Soltani, 2021). Accordingly, the use of modest swimwear that covers *awrah* such as the burkini for women or garments covering the area between the navel and the knees for men constitutes one of the essential elements of a Sharia-compliant swimming pool. In contemporary discourse, the burkini is also understood as a form of negotiation between the practical requirements of swimming, religious identity, and the ethics of modest dress for Muslim women in public spaces (Davis, 2023; R. D. R. Dewi & Soiman, 2024).

The regulation of *ikhtilāt* likewise represents a key component of the normative-religious dimension. Interactions between men and women are not categorically prohibited in Islam; however, such interactions must be regulated when they create the potential for temptation (*fitnah*), violations of *awrah*, or conduct that is inconsistent with Sharia ethics. In the context of swimming, the provision of women-only spaces is not merely a matter of restricting gender interaction but also of creating safe, inclusive, and comfortable environments in which women can engage in physical activities (Lenneis et al., 2022). Studies on the regulation of Muslim bodily practices in various organizations, including swimming facilities, demonstrate that public institutions are often required to balance principles of service neutrality with the needs of Muslim minorities and the effective governance of public facilities (Apelt et al., 2023). Accordingly, the segregation of swimming spaces or the allocation of separate usage schedules may be understood as an application of *sadd al-dhari'ah*, namely a preventive measure intended to block pathways that may lead to harm.

This principle is consistent with the prohibition against approaching *zinā* as set forth in Qur'an 17:32 (QS. Al-Isrā': 32). Therefore, gender segregation in Sharia-compliant swimming pools should not be viewed merely as a technical management policy but rather as a normative instrument designed to safeguard personal honor and uphold moral standards within public spaces. In practice, swimming pools operated in accordance with Sharia values commonly implement gender segregation through either separate swimming facilities or designated schedules for male and female users (Alam et al., 2024; R. D. R. Dewi & Soiman, 2024).

The operational-managerial dimension serves to translate Sharia principles into concrete facility governance. This dimension encompasses user regulation, facility design,

human resource management, supervision, privacy protection, services for vulnerable groups, and complaint-handling mechanisms. Accordingly, a Sharia-compliant swimming pool cannot merely identify itself as a "halal" or "Sharia-compliant" facility; it must also be supported by clear and enforceable operational standards. This approach is consistent with the development of halal tourism literature, which emphasizes that Sharia compliance in tourism services encompasses facilities, service delivery, the surrounding environment, and the overall user experience (Battour & Ismail, 2016; Isa et al., 2018; Rosli et al., 2024).

From the perspective of public facility ethics, Sharia standards should operate alongside the principles of safety, comfort, privacy, accessibility, and the protection of vulnerable groups. The quality of a public facility is determined not only by its physical functions but also by its ability to ensure users' sense of security, dignity, and equitable access. Studies on public facilities indicate that safety, spatial design, and user protection constitute essential components of managing facilities that accommodate large numbers of people (Kim, 2024; Kim & Bendak, 2021). Therefore, Sharia-compliant swimming pools should be designed as public facilities that integrate Sharia compliance, safety standards, service quality, and user protection.

First, operators should regulate the segregation of male and female users through separate swimming pools, designated schedules, or restrictions on visual access between different areas. Where physical separation is not feasible, temporal segregation may serve as a practical alternative. Women-only areas should be shielded from male visual access through architectural design, barriers, curtains, or appropriate staffing arrangements. Monitoring compliance with *awrah* requirements should be conducted in a persuasive, educational, non-invasive, and non-humiliating manner. Any corrective guidance should preferably be provided by staff members of the same gender and should be based on prior communication of the applicable rules through information boards, tickets, official social media platforms, or preentry briefings. This educational approach is consistent with the practices of several Sharia-oriented swimming pool operators that emphasize awareness and guidance rather than formal sanctions (Alam et al., 2024b; R. D. R. Dewi & Soiman, 2024).

Second, privacy protection constitutes a crucial element of Sharia-compliant swimming pool operations. Operators should prohibit photography and videography within swimming areas, changing rooms, bathrooms, and other locations where *awrah* may be exposed or user privacy may be compromised. The use of cameras in public spaces invariably raises ethical and information-governance concerns relating to data protection, consent,

security, and the potential misuse of recorded material (Benton et al., 2023). At the same time, video surveillance may contribute to safety and security objectives but must be balanced against users' privacy rights (Dobos et al., 2024). Consequently, CCTV systems should be installed only in non-sensitive public areas, such as entrances, cashier counters, parking areas, lobbies, and public corridors, and should not be placed in women-only swimming areas, changing rooms, toilets, or shower facilities. This principle is essential for safeguarding users' honor (*hifẓ al-'ird*) while preventing the misuse of images or recordings. From a *maqāsid al-shari'ah* perspective, privacy protection may be regarded as an integral aspect of preserving human dignity and honor (Latheef, 2024; Musa, 2021).

Third, operators should provide supporting facilities that reflect both Sharia requirements and the ethical standards of public facilities. These facilities include prayer rooms (*musholla*), ablution facilities, enclosed changing rooms, private toilets, secure shower facilities, informational signage regarding Sharia regulations, storage facilities, separate waiting areas where feasible, first-aid facilities, and emergency evacuation routes. The provision of prayer facilities, ablution facilities, and halal food constitutes an important attribute of halal tourism and Muslim-friendly services (Battour & Ismail, 2016; Han et al., 2019; Qureshi et al., 2025). In several Sharia-oriented swimming pool operations, prayer facilities and the rental of Muslim women's swimwear have also become important supporting services (Alam et al., 2024b; R. D. R. Dewi & Soiman, 2024). Food and beverages offered within the facility should comply with the principle of *ḥalālan ṭayyiban*, while prohibited products should not be sold on the premises.

Fourth, human resource management should be aligned with both Sharia principles and safety requirements. In women only areas, staff members, instructors, and lifeguards should preferably be female, while male personnel should serve in areas designated for men. Such arrangements are important for preserving *awrah*, minimizing the potential for *fitnah*, and ensuring users' comfort and security. However, in emergency situations, the preservation of life must take precedence, consistent with the objective of *hifẓ al-nafs* and the legal maxim *al-darūrāt tubīh al-mahẓūrāt*, which recognizes that necessity may permit otherwise prohibited actions to the extent required by the emergency. Research on aquatic safety demonstrates that drowning risks, swimming competence, exposure to aquatic activities, and participation in swimming lessons are critical factors in preventing drowning-related fatalities (Clemens, 2024). Accordingly, in cases of drowning, loss of consciousness, or serious injury, available personnel are obligated to provide immediate assistance while maintaining Sharia ethics to

the greatest extent possible. This principle demonstrates that Sharia standards must not compromise safety considerations, as the preservation of life constitutes one of the primary objectives of *maqāsid al-sharī'ah* (Latheef, 2024; Musa, 2021).

Fifth, Sharia-compliant swimming pools should be inclusive in nature. Such facilities may be accessed by non-Muslims, provided that they comply with applicable rules concerning dress requirements, gender segregation, recording restrictions, and standards of conduct. This inclusivity is consistent with the character of halal tourism, which is not exclusively intended for Muslim consumers but may also be enjoyed by non-Muslim visitors, provided that service principles are implemented proportionately (Battour et al., 2018; Jia & Chaozhi, 2020). Inclusivity should likewise extend to children, women, families, older persons, and persons with disabilities. For children, operators should establish rules concerning parental or guardian supervision, age limits for access to gender-specific areas, and protection from harassment and abuse. For persons with disabilities, facilities should ensure accessibility through disability friendly entrances, handrails, accessible toilets, safe zones, and appropriate assistance arrangements that respect privacy and gender considerations.

Inclusivity for persons with disabilities should be realized through a universal design approach. As public facilities, swimming pools must provide safe access routes, handrails, accessible toilets, adequate changing facilities, and assistance mechanisms that preserve users' privacy and dignity. Research on universal design in sports and aquatic facilities underscores the importance of designing environments that enable individuals with diverse needs to access services safely and with dignity (Bacon & Petersen, 2022). Furthermore, the provision of appropriate changing rooms and toilet facilities is closely linked to human dignity and users' rights to receive public services that do not undermine their physical condition or special needs (Treiman, 2023). Accordingly, Sharia-compliant swimming pools should not be oriented solely toward ritual compliance but also toward equitable access and the protection of vulnerable groups as part of the broader ethics of public facilities.

Sixth, operators should establish effective user complaint mechanisms. Such mechanisms may include complaint channels, designated reporting officers, incident recording procedures, follow-up measures, and protections for complainants. This is particularly important because violations occurring within swimming pool facilities may involve sensitive issues such as harassment, privacy breaches, unauthorized image capture, or violations of *awrah* requirements. Personnel should also receive training on Sharia service

ethics, pool safety, child and women's protection, user privacy, inclusive service delivery, and emergency response procedures. Within the context of halal service management, the quality of human resources and the consistency of governance practices are essential to ensuring that Sharia principles are not reduced to symbolic representations but are genuinely reflected in service delivery (Qureshi et al., 2025; Rosli et al., 2024).

The third dimension is **environmental health and safety**. A Sharia-compliant swimming pool should not be understood merely as a facility that regulates *awrah* and gender segregation; it must also comply with standards of health, sanitation, safety, and user security. From the perspective of *maqāsid al-shari'ah*, this dimension is directly linked to the protection of life (*hifẓ al-nafs*) (Latheef, 2024; Musa, 2021). Unhygienic pool water, unsafe facilities, or the absence of qualified lifeguards may expose users to significant risks. Therefore, compliance with environmental health standards is not merely an additional requirement but an integral component of Sharia principles.

Minister of Health Regulation No. 2 of 2023 establishes environmental health quality standards, including requirements relating to water quality, physical, biological, and chemical parameters, as well as the obligation of facility operators to maintain the environmental quality of public facilities (Ministry of Health of the Republic of Indonesia, 2023). Within the context of Sharia-compliant swimming pools, these standards should be integrated into the broader framework of Sharia governance. Operators are required to maintain water cleanliness, conduct regular inspections, provide adequate sanitation facilities, control visitor capacity, and ensure that the swimming environment is protected from health hazards and safety risks. Previously, Minister of Health Regulation No. 32 of 2017 had likewise emphasized the importance of environmental health standards and water quality requirements for swimming pools, *solus per aqua* facilities, and public bathing facilities (Ministry of Health of the Republic of Indonesia, 2017).

In addition to water quality, safety standards must also be clearly established. Operators should pay close attention to pool depth, warning signage, the separation of children's and adults' swimming areas, the availability of lifeguards, safety equipment, first-aid facilities, evacuation routes, maximum user capacity, and accident-response protocols. Studies on safety risks in public facilities, particularly those involving water and wet surfaces, indicate that surface design, slip resistance, cleanliness, and facility maintenance systems significantly influence user safety (Kim, 2024; Kim & Bendak, 2021). In the context of aquatic activities, drowning prevention and emergency preparedness constitute essential

components of swimming pool safety management (Clemens, 2024). Accordingly, safety standards must operate in tandem with Sharia standards. Requirements relating to gender segregation and privacy protection should never impede rescue operations or emergency interventions when human life is at risk.

Through this three-dimensional framework, a Sharia-compliant swimming pool may be understood as a public facility that integrates spiritual, social, health, and safety values. This framework also broadens the understanding of halal tourism. Halal tourism is not confined to the provision of halal food and worship facilities; rather, it encompasses the governance of public facilities in a manner that preserves users' dignity, protects privacy, ensures safety, and delivers fair and inclusive services.

Proposed Normative Framework for the Operation of Sharia-Compliant Swimming Pools

Based on the foregoing discussion, this study proposes a normative framework for the operation of swimming pools based on Sharia principles. This framework is not intended to constitute an official fatwa; rather, it is designed as an academic model or a proposed fatwa/governance framework that may serve as a reference for fatwa institutions, regulatory authorities, swimming pool operators, Sharia-compliant hotels, and stakeholders in the halal tourism industry. Accordingly, any format within this article that resembles the structure of a fatwa should be understood solely as an academic simulation aimed at formulating normative standards, rather than as an act of issuing a fatwa. This clarification is essential because a fatwa carries institutional authority and legal-religious legitimacy, whereas academic research is limited to offering legal reasoning, normative constructions, and scholarly recommendations. In broad terms, the proposed normative framework may be systematized as follows:

Table. 1. Normative Framework for the Operation of Sharia-Compliant Swimming Pools

Aspect	**Legal Sources/References**	**Normative Substance**	**Analysis**	**Normative Formulation**
Definition	Minister of Health Regulation No. 32 of 2017; DSN-MUI Fatwa No. 108 of 2016	Swimming pools as public facilities; tourism must comply with Sharia principles	The legal definition of swimming pools does not yet incorporate a Sharia dimension, thereby	A Sharia-compliant swimming pool is a swimming facility that fulfills health and safety

			requiring the integration of health, safety, and Sharia compliance standards	standards and is operated in accordance with Sharia principles
Legal Status	Hadith encouraging swimming; the legal maxim *al-aṣl fī al-mu'āmalah al-ibāḥah*	Swimming is fundamentally permissible and provides beneficial value	Swimming constitutes a form of *mu'āmalah* that is permissible so long as it does not involve prohibited elements	The use of swimming pools is permissible provided that Sharia principles are observed
Operational Principles	DSN-MUI Fatwa No. 108 of 2016	Free from sinful conduct, harmful practices, *tabdhīr*, *isrāf*, pornography, pornographic acts, and immoral behavior	The principles of Sharia tourism may be elaborated within the context of water-based recreational facilities	Swimming pool operations must be free from elements contrary to Sharia and should promote public welfare (*maslahah*)
Position within Halal Tourism	Bahrudin (2022); Suci et al. (2021); DSN-MUI Fatwa No. 108 of 2016	Halal tourism requires Muslim-friendly facilities	Sharia-compliant swimming pools constitute part of the halal tourism ecosystem, including Sharia hotels, Muslim family destinations, and water-based recreation	Sharia-compliant swimming pools are positioned as supporting facilities within halal tourism that integrate recreational services and Sharia compliance
Awrah and Dress Code	Qur'an 24:31; Robbi & Yunus (2024); Soltani (2021); Davis (2023)	Obligation to cover *awrah*	Swimming activities may expose *awrah* and therefore require specific dress standards	Users must wear swimwear that covers *awrah* in accordance with Sharia requirements

Ikhtilāt	Qur'an 17:32; principle of *sadd al-dharī'ah*; Lenneis et al. (2022); Apelt et al. (2023)	Prohibition against approaching *zinā* and prevention of *fitnah*	Gender segregation serves as a preventive measure to preserve dignity and create safe spaces for female users	Operators must regulate the segregation of male and female users through spatial or temporal separation
Privacy	*Maqāsid* principle of *hifẓ al-'ird*; Benton et al. (2023); Dobos et al. (2024)	Users' honor and privacy must be protected	Cameras and recording devices in public spaces must be restricted to prevent privacy violations, particularly in sensitive areas such as swimming pools, changing rooms, and shower facilities	Photography and videography are prohibited in private areas; CCTV may only be installed in non-sensitive public areas
Worship Facilities	Qur'an 62:9; halal tourism literature	Obligation to perform prayer; provision of Muslim-friendly facilities	Public facilities should support the performance of religious obligations	Operators should provide prayer rooms, ablution facilities, and respect prayer times
Food and Beverages	Qur'an 2:168; Battour & Ismail (2016); Han et al. (2019)	Obligation to consume what is lawful and wholesome	Consumption forms part of the broader halal ecosystem	Food and beverages provided within the facility must be *ḥalālan ṭayyiban*
Environmental Health	Minister of Health Regulation No. 32 of 2017; Minister of Health Regulation No. 2 of 2023	Water quality, sanitation, and environmental health standards	User health forms part of *hifẓ al-nafs*	Water quality, sanitation, and the pool environment must comply with

				environmental health standards
Safety	Principle of *hifẓ al-nafs*; Kim & Bendak (2021); Kim (2024); Clemens (2024)	Protection of users' lives	Swimming pools involve risks of drowning, slipping, injury, and accidents, thereby requiring comprehensive safety standards	Operators must provide depth markers, safety equipment, lifeguards, first-aid facilities, evacuation routes, and emergency protocols
Gender-Based Lifeguards	Principles of *awrah* protection; *hifẓ al-nafs*; Clemens (2024)	Protection of *awrah* and safety must be balanced	Women-only areas require female personnel, although emergencies require prioritization of life-saving measures	Women-only areas should be supervised by female staff and men's areas by male staff whenever feasible; in emergencies, the preservation of life takes precedence
Children and Women	*Maqāsid*: *hifẓ al-nafs*, *hifẓ al-'ird*, *hifẓ al-nasl*	Vulnerable groups must be protected	Children and women may face risks of harassment, privacy violations, or safety negligence	Operators must provide protection measures for children and women, including supervision, safe spaces, and mechanisms for preventing harassment
Persons with Disabilities	Bacon & Petersen (2022); Treiman (2023)	Public facilities must be accessible in a safe and dignified manner	Sharia principles should operate alongside accessibility and the protection of	Operators must provide disability-friendly access, handrails, accessible

			dignity for persons with disabilities	toilets, appropriate changing facilities, and assistance that respects privacy and gender considerations
Non-Muslims	Principle of Islam as *raḥmatan lil-'ālamīn*; Battour et al. (2018); Jia & Chaozhi (2020)	Sharia principles may be implemented inclusively	Sharia-compliant swimming pools are not exclusive facilities provided that users comply with applicable rules	Non-Muslims may use the facilities provided that they comply with requirements concerning dress, privacy, gender segregation, and service ethics
Contracts and Transactions	Principles of *mu'āmalah*; prohibition of *ribā*, *gharar*, and *maysir*	Transactions are permissible provided they do not contain prohibited elements	Swimming pool transactions cannot be reduced to a single contractual form of *ijārah*	Admission tickets constitute *ijārah* of benefits; swimwear rental constitutes *ijārah al-'ayn* or *ijārah al-manfa'ah*; food sales constitute *bay'*; swimming lessons constitute service-based *ijārah*; memberships constitute recurring service contracts
Financial System	Principles of halal financial transactions	The use of Islamic financial	A mandatory requirement may be	Operators are encouraged to utilize Islamic

		services is recommended	difficult to implement in all regions	financial services whenever available and feasible
Supervision	Principle of *amr bi al-ma'rūf wa nahy 'an al-munkar*; service ethics	Compliance should be monitored proportionately	Monitoring should not be invasive or humiliating	Supervision should be educational, persuasive, conducted by same-gender personnel, and based on rules communicated in advance
Complaint Mechanism	Public service ethics; user protection	Users are entitled to protection	Privacy violations, harassment, and safety incidents require formal response mechanisms	Operators must provide complaint channels, incident-recording procedures, follow-up measures, and protections for complainants
Staff Training	Sharia service ethics; public safety	Human resources are central to implementation	Personnel must understand Sharia principles, privacy protection, safety standards, and inclusive service delivery	Staff must receive training on Sharia ethics, safety, privacy, child protection, and emergency response procedures

Based on the foregoing matrix, this study formulates a proposed normative framework for the operation of Sharia-compliant swimming pools as follows:

Tabel. 2. Proposed Normative Framework for the Operation of Sharia-Compliant Swimming Pools

Proposed Normative Framework for the Operation of Sharia-Compliant Swimming Pools

First;	**General Provisions** (1) Swimming pool is a public facility used for swimming, sports, and recreation. (2) A Sharia-compliant swimming pool is managed based on Islamic principles, health, safety, privacy, comfort, and equitable access. (3) Sharia principles derive from the Qur'an, Sunnah, ijmā', qiyās, fiqh maxims, and maqāsid al-sharī'ah. (4) Managers are responsible for operations, supervision, health, safety, and Sharia compliance. (5) Users include both Muslims and non-Muslims who comply with facility regulations.
Second;	**Legal Status** (1) Swimming is fundamentally permissible (mubāḥ) in Islam. (2) Use of swimming facilities is allowed provided that Sharia principles are observed. (3) Sharia-compliant swimming pools aim to realize public welfare (maslahah) and protect religion, life, honor, health, and user comfort.
Third;	**Operational Principles** Management shall avoid shirk, immorality, pornography, extravagance, and misconduct; protect modesty and privacy; regulate gender interaction; facilitate worship; ensure environmental health and sanitation; guarantee user safety; and provide fair access for women, children, older persons, persons with disabilities, and non-Muslims.
Fourth;	**User Regulations** (1) Gender segregation shall be implemented through separate pools, designated areas, or time allocation. (2) Users shall wear Sharia-compliant swimwear. (3) Female swimwear shall cover the body according to Islamic standards while ensuring safety and comfort. (4) Male swimwear shall cover at least the area between the navel and knees. (5) Harassment, indecent behavior, unauthorized recording, and other unethical conduct are prohibited. (6) Non-Muslims may use the facilities subject to compliance with applicable rules.
Fifth;	**Facilities and Services** (1) Managers shall provide prayer facilities, including prayer rooms and ablution areas. (2) Facilities shall include private changing rooms, toilets, shower areas, and storage facilities. (3) Written information regarding dress code, privacy, gender segregation, and safety rules shall be displayed. (4) Food and beverages shall be ḥalālan ṭayyiban. (5) Prohibited products shall not be sold. (6) Facilities shall comply with environmental health regulations. (7) Water quality, sanitation, hygiene, and user capacity shall be regularly monitored. (8) Safety infrastructure, including lifeguards, first-aid facilities, safety equipment, warning signs, and evacuation routes, shall be provided.
Sixth;	**Privacy and Supervision**

(1) User privacy and dignity shall be protected.
(2) Photography and video recording are prohibited in private and sensitive areas.
(3) CCTV may only be installed in non-sensitive public areas.
(4) CCTV is prohibited in women-only areas, changing rooms, toilets, and shower rooms.
(5) Monitoring shall be educational, non-invasive, and respectful.
(6) Female areas should be supervised by female staff and male areas by male staff whenever possible.
(7) In emergencies, life-saving measures take precedence.

Seventh; Protection of Vulnerable Groups

(1) Special protection shall be provided for children, women, older persons, and persons with disabilities.
(2) Children shall be accompanied by parents or guardians where required.
(3) Harassment, violence, bullying, privacy violations, and unauthorized recording shall be prevented.
(4) Women-only areas shall be protected from male visual access.
(5) Accessibility measures shall be provided in accordance with universal design principles.

Eighth; Staff and Human Resources

(1) Staff shall dress modestly and comply with Sharia principles.
(2) Female areas should be served by female staff and lifeguards, while male areas should be served by male staff and lifeguards.
(3) Emergency situations require immediate life-saving intervention regardless of gender considerations.
(4) Staff shall receive training on Sharia service ethics, safety, privacy, child and women protection, disability inclusion, and emergency response.

Ninth; Contracts and Transactions

(1) Transactions shall be free from ribā, gharar, maysir, fraud, and injustice.
(2) Entry tickets constitute *ijārah al-manfa'ah*.
(3) Equipment rental constitutes *ijārah al-'ayn* or *ijārah al-manfa'ah*.
(4) Food and beverage sales constitute *bay'*.
(5) Swimming lessons constitute service-based *ijārah*.
(6) Membership schemes may be structured as recurring service contracts.
(7) The use of Islamic financial services is encouraged where available.

Tenth; Complaints and Incident Resolution

(1) Managers shall establish complaint mechanisms.
(2) Complaints may be submitted through designated officers, service channels, forms, or digital platforms.
(3) Reports concerning harassment, privacy violations, accidents, loss of property, or rule violations shall be documented and addressed.
(4) Whistleblower confidentiality shall be protected.
(5) Incident resolution shall be fair, prompt, educational, and victim-oriented.

Eleventh; Final Provision

This framework constitutes an academic model for Sharia-compliant swimming pool governance and does not have the status of an official fatwa. It may serve as a reference for fatwa institutions, regulators, halal tourism stakeholders, Sharia hotels, Muslim communities, and swimming pool operators in developing comprehensive governance standards.

CONCLUSION

This study finds that the governance of swimming pools based on sharia principles in Indonesia still faces a normative gap, particularly in the absence of specific regulations, fatwas, or sharia governance standards for aquatic recreational facilities. Fatwa of the National Sharia Council–Indonesian Council of Ulama (DSN-MUI) No. 108/DSN-MUI/X/2016 provides general principles for sharia-compliant tourism, yet it does not explicitly regulate sharia-based swimming pool management. From a normative legal analysis, sharia swimming pools can be constructed through three interrelated dimensions: the normative-religious dimension, the operational-managerial dimension, and the health and environmental safety dimension. The normative-religious dimension encompasses the preservation of modesty (*'awrah*), the regulation of gender interaction (*ikhtilāt*), ethical conduct in public spaces, and the protection of dignity. The operational-managerial dimension translates these principles into concrete policies, such as gender segregation, swimwear standards, the provision of prayer facilities, privacy protection, proportional supervision, complaint mechanisms, staff training, and regulated access for children, women, non-Muslims, and persons with disabilities. Meanwhile, the health and environmental safety dimension emphasizes that sharia-compliant swimming pools must also comply with water quality standards, sanitation requirements, user safety measures, lifeguard preparedness, first aid facilities, and emergency protocols.

Theoretically, this study contributes to the expansion of Islamic legal studies, fatwa discourse, and halal tourism scholarship by positioning swimming pools as public facilities that require a distinct sharia governance framework. A sharia swimming pool should not be understood merely as a facility that separates men and women or enforces specific swimwear regulations, but rather as a public facility that integrates sharia compliance with health, safety, comfort, privacy, and equitable access. Accordingly, this study offers a conceptual development that the principles of *maqāsid al-sharī'ah* particularly the protection of religion (hifz al-dīn), life (hifz al-nafs), and dignity (hifz al-'ird) can serve as a foundation for formulating a more comprehensive governance framework for aquatic recreational facilities.

Practically, this study produces a draft normative framework for the governance of sharia-based swimming pools, encompassing definitions, legal provisions, governance principles, user regulations, facility and service standards, privacy protection, safeguards for vulnerable groups, provisions for staff and lifeguards, contractual arrangements, and complaint mechanisms. This framework may serve as an initial reference for swimming pool operators, sharia hotels, halal tourism stakeholders, Muslim communities, and policymakers

in developing operational standards for swimming facilities that comply with sharia principles while also meeting public health and safety standards. However, this framework is not intended as an official fatwa, but rather as an academic model that may inform consideration by fatwa institutions or relevant authorities.

This study has limitations due to its normative Islamic legal approach and reliance on literature-based analysis. Consequently, it does not empirically examine user perceptions, managerial readiness, cost feasibility, industry acceptance, or variations in sharia swimming pool practices across different regions. In addition, several technical aspects such as building design standards, security systems, CCTV regulation, disability accessibility, and safety protocols require interdisciplinary investigation involving experts in environmental health, facility architecture, risk management, and tourism industry practitioners.

Future research should focus on testing and validating this normative framework through empirical studies and multi-stakeholder forums. In particular, the proposed framework should be evaluated through focus group discussions (FGDs) involving scholars, fatwa institutions, swimming pool operators, Muslim women's communities, environmental health experts, aquatic safety specialists, halal tourism stakeholders, and user representatives. Such multi-stakeholder validation is essential to ensure that the resulting framework is not only normatively robust but also practically feasible as a basis for official fatwas, governance standards, or operational guidelines for sharia-based swimming pools in Indonesia.

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