

The Standards to Implement Halal Tourism in Indonesia

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ABSTRACT: The purpose of this study is to analyze the indicators for the implementation of halal tourism based on the legislation and regulation in Indonesia, along with the ideal standards for the implementation of halal tourism. The research method used in this study is a normative juridical, namely research conducted by researching library material by analyzing statutory rules, literature and revealing documents. The result of this study shows that the indicators of the implementation of halal tourism based on the legislation and regulation in Indonesia are only obtained in National Sharia Council Fatwa of Indonesian Council of Ulama (DSN-MUI) No. 108/DSN-MUI/X/2016 on Guidelines for the Implementation of Tourism based on Islamic Principles, including the terms of sharia hotel; spa, sauna and massage, travel agency, tourist obligations, tourist destination and sharia tour guide. On the other hand, there are several halal tourism provisions in the regulation of tourism minister have been revoked, and have been declared invalid because it was considered incompatible with tourism development. Thus, the ideal standards for the implementation of halal tourism are using sharia principles management; using sharia financial service; not allowing the immoral activities, pornography, porno-action, and immoral acts; halal certified food and drink, providing proper worship facilities, providing separate male and female toilets, providing changing room; and wearing Islamic clothing. Furthermore, it is suggested to the government to make halal tourism rules immediately which can be used as national guidelines, considering there are some shortcomings in National Sharia Council Fatwa (Fatwa DSN), and if only in the form of fatwa, the implementation of halal tourism cannot run effectively.

Keyword: Standards, Halal Tourism, Indonesia

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I. INTRODUCTION

Along with the development of the times, tourism has become a necessity for the community. Although these needs are not the same as the needs of food, clothing, and shelter. However, in general, the community plans a certain schedule for doing tours.

Given that almost all people are interested in doing tourism, the tourism industry is a high-prospect business. If it is well developed it can improve the economy. Therefore, countries that have the potential continue to develop tourism both from aspects of natural, historical, religious, cultural and technological resources.

Tourism is one of the development sectors that is currently being developed by the government, for it has a very important contribution to Indonesia's development, especially as one of the country's foreign exchange earners. Tourism in Indonesia is one of the important economic sectors.¹

One of the tourism concepts currently being promoted is halal tourism. Halal tourism is the implementation of tourism based on sharia or Islamic law provisions. It means that tourism must be based on Islamic legal principles both in terms of providing tourist destinations, food, and other facilities.

Indonesia is one of the countries that is developing halal tourism. This is supported by Indonesia's beautiful natural conditions, diverse cultures, and has the largest Muslim population in the world. In 2016, Indonesia won 12 awards from 16 categories which were contested at the World Halal Tourism Awards.² This year (2019) Indonesia ranks first as the world's halal tourist destination version of GMTI (Global Muslim Travel

¹Takariadinda Diana Ethika, "Pengembangan Pariwisata Berbasis Budaya Berdasarkan Undang-Undang Nomor 10 Tahun 2009 di Kabupaten Sleman," [Development of Culture-Based Tourism Based on Law Number 10 of 2009 in Sleman Regency], *Jurnal Kajian Hukum*, Volume 1, Number 2, Year 2016, p. 133.

²Fahadil Amin Al Hasan, "Penyelenggaraan Pariwisata Halal di Indonesia (Analisis Fatwa DSN-MUI tentang Pedoman Penyelenggaraan Pariwisata Berdasarkan Prinsip Syariah)," [Organizing Halal Tourism in Indonesia (Analysis of DSN-MUI Fatwa on Guidelines for Organizing Sharia-Based Tourism)], *Jurnal Ilmu Syariah dan Hukum*, Volume 2, Number 1, January-June 2017, p. 60.

Index) 2019 alongside with Malaysia, third place won by Turkey, fourth place Saudi Arabia, and the United Arab Emirates in the fifth position. In addition, other countries included in the world's top 10 halal tours were obtained by Qatar, Morocco, Bahrain, Oman, and Brunei Darussalam. In Indonesia, the top 5 Indonesian priority 2019 halal tourist destinations were won by Lombok (West Nusa Tenggara), Aceh, Riau and Riau Islands, DKI Jakarta and West Sumatra.³Based on these facts, it can be seen that Indonesia has great potential to advance the halal tourism sector.

As a country that is advancing halal tourism, of course, it must be supported by complete regulations in Indonesia. Not only from the aspect of promotion that must be improved but also from aspects of the applicable law. It is intended that the implementation of halal tourism can be carried out easily. Tourism entrepreneurs who want to develop halal tourism have standards and concepts that can be guided so that the implementation of halal tourism is not confusing according to the employers' own interpretation.

The implementation of halal tourism that does not have a standard certainly makes the value of halal tourism decline, where visitors have no confidence in tourism on behalf of halal tourism because its implementation is inconsistent as a result of not having standards. Of course, it has a negative impact on the image of halal tourism.

If referring to the applicable rules, in Indonesia there is Law Number 10 of 2009 concerning Tourism. However, the law is not regulated regarding halal tourism, moreover, the implementation system is not explained at all. Therefore, a more in-depth study is needed regarding the standards for implementing halal tourism, so that it can become a guideline for business owners and become a recommendation for relevant government parties.

In this study, the indicators of the implementation of halal tourism will be examined based on the prevailing laws and regulations in Indonesia, and how the ideal standards for implementing halal tourism are.

II. RESEARCH METHOD

This study uses a normative juridical research method, namely research conducted by researching library material by analyzing statutory rules, literature and revealing documents about standards for implementing halal tourism in Indonesia.

III. DISCUSSION

1. Indicators of the Implementation of Halal Tourism Based on Provisions of Legislation in Indonesia

Tourism is defined as a trip that is carried out many times or in circles, from one place to another with specific aims and objectives.⁴ According to Article 1 point 3 of the Tourism Law, tourism is a variety of tourism activities and is supported by various facilities and services provided by the community, businessmen, government.

Based on Article 14 of the Tourism Law, tourism businesses include tourist attractions; tourism area; tourist transportation services; tourist travel services; food and beverage services; provision of accommodation; organizing entertainment and recreational activities; organizing meetings, incentive trips, conferences and exhibitions; tourism information services; tourism consulting services; tour guide services; water tourism; and spa.

The law above is a provision of tourism in general in Indonesia. Halal tourism is tourism that has certain characteristics, in which tourism activities are integrated with Islamic values, or tourism activities are organized based on the provisions of Islamic law. That is, traveling is not only fun but also must pay attention to the provisions stipulated in Islamic law. Halal tourism is a tourism concept that is specifically intended for Muslims to more easily fulfill their spiritual needs while traveling.

In the Tourism Law it is not regulated regarding halal tourism, but in terms of tourism as contained in Article 1 number 3 of the Tourism Law there is a sentence "various kinds of tourism activities and supported by various facilities and services provided", it can be understood various kinds of tourism activities as well including halal tourism.

Because it is not explicitly regulated about halal tourism in the Tourism Law, the Ministry of Tourism and Creative Economy issued Ministerial Regulation Number 2 of 2014 concerning Guidelines for Implementing Sharia Hotel Businesses. The regulation was issued on the basis of a memorandum of understanding between the Ministry of Tourism and Creative Economy with the National Sharia Council of the Indonesian Ulema Council (DSN-MUI) Number NK.11/ KS.001/ W.PEK/ 2012, and Number B-459/ DSN-MUI / XII/ 2012 concerning the Development and Dissemination of Sharia Tourism. However, the regulation was

³https://kominfo.go.id/index.php/content/detail/18069/5-tahun-kembangkan-pariwisata-halal-indonesia-akhirnya-raih-peringkat-pertama-wisata-halal-dunia-2019/0/artikel_gpr. Accessed on Date 18 April 2019.

⁴Bungaran Antonius Simajuntak, et al, *Sejarah Pariwisata Menuju Perkembangan Pariwisata Indonesia [History of Tourism Towards the Development of Indonesian Tourism]*, Pustaka Obor Indonesia, Jakarta, 2015, p. 1.

later revoked through the Minister of Tourism Regulation Number 11 of 2016 concerning Revocation of Minister of Tourism and Creative Economy Regulation Number 2 of 2014 concerning Guidelines for Implementing Sharia Hotel Businesses. The reason was revoked because the Minister of Tourism and Creative Economy Regulation Number 2 of 2014 was considered to be no longer in line with the current demands and development of tourism

After revoking the regulation above, the tourism minister then issued Regulation Number 1 of 2016 concerning the Implementation of Tourism Business Certification. In Article 6 of the Minister of Tourism Regulation Number 1 of 2016, it is regulated regarding certification of halal tourism businesses. However, the article governing the certification of halal tourism businesses was also revoked by the Minister of Tourism Regulation Number 12 of 2016 concerning Amendments to Regulations on Minister of Tourism Regulation Number 1 of 2016 concerning Implementation of Tourism Business Certification. With the revocation of a number of tourism minister regulations above, it shows that there are no fixed regulations related to the implementation of halal tourism in Indonesia.

In 2016, the National Sharia Council of the Indonesian Ulema Council (DSN-MUI) issued Fatwa Number 108/ DSN-MUI /X/ 2016 concerning Guidelines for Implementing Sharia-Based Tourism (hereinafter abbreviated as MUI DSN Fatwa on Guidelines for Implementing Sharia Tourism). In General Provision number 4 that sharia tourism is tourism in accordance with sharia principles. The general principle of organizing sharia tourism is to avoid polytheism, immorality, obedience, tabzir/ israf, and ignorance; then create benefits and benefits both materially and spiritually.

Tourism businesses have many types as mentioned above in Article 14 of the Law on Tourism. In the MUI DSN Fatwa on Guidelines for the Implementation of Sharia Tourism only describes several types of tourism businesses, including sharia hotels, spas, saunas, massages, and sharia travel agencies. While some other types of tourism businesses are not included in it.

Provisions regarding the implementation of sharia hotels in the fatwa are as follows: sharia hotels are not justified in providing facilities for pornography access and immoral acts; may not provide entertainment facilities that lead to acts of shirk, immorality, pornography and immorality; food and beverages provided by the halal-certified mandatory from the MUI, providing facilities, proper worship equipment, including washing facilities, managers and employees in hotels must use clothing that complies with the provisions of Islamic law; Hotels must have guidelines regarding service procedures in accordance with sharia; and hotels must use the services of Islamic financial institutions.

The provisions or standards for organizing spas, saunas, and massages in the DSNMUI Fatwa (religious decree) on Guidelines for the Implementation of Sharia Tourism, namely the materials used must be halal, not unclean and guaranteed by the MUI certificate; avoid pornography; the honor of tourists is maintained; male therapists may only do spas, saunas, and massages for male tourists and vice versa female therapists are only for female tourists; and available facilities to facilitate worship.

Provisions regarding the Sharia Tourism Travel Bureau include: carrying out tour packages that are in accordance with sharia principles; have a list of accommodations, tourist destinations, food and beverage providers in accordance with sharia principles, using the services of sharia financial institutions; manage investment funds with sharia principles; must have a tourist guide that prevents acts of shirk, khurafat, immorality, adultery, porno-action, pornography, liquor, drugs and gambling.

In addition, the fatwa also stipulates provisions for tourists, tourist destinations and sharia-based tourist guides. Tourists have several obligations, among others, to cling to sharia principles; keep worship while traveling; maintain noble character, and avoid visiting tourist destinations that are contrary to sharia principles.

Every tourist destination is required to have a worship facility that is feasible, easily accessible and meets sharia requirements; the food and drinks provided must be guaranteed halal with the MUI Halal certificate. Then, the destination must avoid polytheism, khufarat, immorality, pornography, performing arts and culture that are contrary to sharia principles. The provisions related to sharia tour guides are understanding and implementing Islamic values in carrying out their duties; noble, communicative, friendly, honest and responsible, having work competencies in accordance with applicable professional standards proven by certificates; look in accordance with sharia principles.

The above is a provision contained in the DSN-MUI Fatwa concerning Guidelines for Implementing Sharia Tourism. If further reviewed, these provisions are also inadequate and do not cover all types of tourism businesses, such as provisions relating to restaurants, water tourism, exhibitions, tourism information services, organizing entertainment activities, tourism consulting services not contained in the fatwa. Then, the implementation process, the supervision is also not detailed. So that the fatwa is also not effective if it is not supported by the regulations of the tourism ministry at least It will be very good if the provisions of halal tourism are in a separate law so that it becomes a guideline for implementing halal tourism nationally in Indonesia.

2. Ideal Standard for Implementing Halal Tourism

Given that halal tourism developments are not directly proportional to the regulations on halal tourism in Indonesia, in this section the writer tries to outline the ideal standards for implementing halal tourism. Halal tourism is tourism based on the provisions of Islamic law. Travel tours, according to Islamic teachings, can not be separated from the motivation (intention) concerned. If the intention is to tune into the universe as God's creation, then it is not impossible that a tourist trip will have a dual value, namely for refreshing and having fun, while having the value of worship. This is what is meant by the main characteristic of halal tourism which is inseparable between worldly values and divinity.⁵

In essence, tourism aims for fun, as well as for worship (ghairumahdhah). Of course, it depends on the intention to do it. Therefore how to protect the interests of tourists in their capacity as consumers need to be done, especially those related to religious safety (dien). In addition to the safety of his soul (nafs), his logical safety ('aql), the continuity of his offspring (nasl) and the safety of the property (maal).⁶

Following are the ideal standards for organizing halal tourism, in general, tourism is managed in accordance with sharia principles; avoiding things that cause immorality, adultery, pornography, porno-action, and other immoral acts; and use Islamic financial services.

The standards for implementing halal tourism specifically in accordance with the type of tourism business, are detailed as follows. First, **Travel Destinations/ Attractions**, some ideal standards which according to the author must be fulfilled, among others, 1) Management of tourism objects in accordance with sharia principles; 2) Not providing facilities that can support the occurrence of immoral acts, pornography, and pornography; 3) Providing appropriate religious facilities with a size that is representative of the number of visitors and the area of tourist sites; 4) Providing halal certified food and beverages; 5) Provide separate toilets between men and women.

Second, **Sharia Hotels**, some ideal standards that must be met include, 1) Using a hotel management system in accordance with sharia principles; 2) Using sharia financial services, 3) Residents of the opposite sex are halal partners (proven by a marriage book or other information); 4) Available facilities or facilities for worship are appropriate; 5) Food and beverages provided at the hotel must be halal certified; 6) Not providing facilities that can support the occurrence of immorality; 7) Providing adequate water and purification facilities; 8) Managers, employees and hotel residents use clothing that complies with Sharia provisions.

Third, **Restaurant/ Culinary Tourism**, some standards that must be met are, 1) Management of the restaurant business in accordance with sharia principles; 2) Providing halal food and beverages as evidenced by halal certificates from MUI; 3) Include a halal label in the restaurant name pamphlet; 4) Food and beverage processing that meets sanitary and hygienic standards; 5) Providing proper worship facilities; 6) Provide separate toilets between men and women.

Fourth, **Water Tourism**, some standard provisions that must be fulfilled are: 1) Providing a pool or bathing place that is separate between men and women; 2) Providing decent and separate dressing rooms between men and women; 3) Providing proper worship facilities; 4) Bathing water meets sanitation and hygienic standards; 5) Providing representative worship facilities; 6) Food and beverages provided must be halal certified 7) Use bathing suits that are in accordance with Sharia provisions.

Fifth, **Spas, Saunas, and Massage**, some ideal standards that must be fulfilled are, 1) Spa, sauna and massage places that are separated between men and women, 2) Male therapists only for men and female therapists only for women, 3) using ingredients or soap made from halal materials, 4) Maintaining the confidentiality and respect of consumers.

Sixth, **Tourist Travel Services**, ideal standards that must be met as follows: 1) Using a management system based on sharia principles, 2) Providing comfort to tourists on their way, 3) Not providing facilities that support immorality in travel; 4) Having a list of tourist visits that do not have the potential for immorality; 5) have a list of accommodations managed in accordance with sharia principles; 6) Prioritizing tourist worship in travel; 7) Providing halal food and beverages.

Seventh, **Tourist Information Services and Tourism Consultant Services**, some provisions that must be fulfilled, that is, 1) provide clear, honest and accurate information to prospective tourists; 2) Having a list of tourist destinations that are in accordance with sharia principles; 3) Not taking sides in providing information and consultation to prospective tourists; 4) Responsible for all information provided.

Eighth, **Entertainment and Recreation Activities Organizer**. Entertainment activities referred to here include entertainment games. Some ideal standards must be met: 1) The entertainment activities provided do not lead to polytheism, immorality, gambling, pornography, and porno-action; 2) Providing proper worship facilities; 3) Do not provide entertainment activities that can cause a mixture of men and women.

⁵ Muhammad Djakfar, *Pariwisata Halal Perspektif Multidimensi [Halal Tourism Multidimensional Perspective]*, UIN-Maliki Press, Malang, 2017, p. 30

⁶ *Ibid.*, p. 34.

These standards should be standardized in certain rules in order to be a guideline for business people so that the implementation of halal tourism can run effectively. In addition to the existence of ideal standards, so that halal tourism can run as expected, it also requires supervision so that these standards can be implemented properly and perfectly.

IV. CONCLUSION

From the description of the discussion above, some conclusions can be drawn, firstly, indicators of the implementation of halal tourism according to the provisions of the laws and regulations in Indonesia are only contained in the MUI DSN Fatwa on Guidelines for Implementing Sharia Tourism, including consisting of provisions and standards regarding sharia hotels; spas, saunas, and massages, travel agencies, tourist obligations, tourist destinations and sharia guides. While some provisions of halal tourism in the tourism minister's regulation have been revoked and declared invalid because they are deemed incompatible with the times and development of tourism. Second, the ideal standards for implementing halal tourism, among others, tourism management use principles that are in accordance with sharia, use sharia financial services, do not provide tourism facilities that support the occurrence of immorality, adultery, pornography, porno-action, and other immoral acts, food and drinks provided must be halal certified from the MUI, and meet sanitary and hygienic standards, the availability of appropriate religious facilities, toilets separated between men and women, available dressing room facilities for water tourism, and use of clothing or clothing in accordance with Sharia provisions . It is recommended to the government to immediately establish halal tourism rules that can be used as guidelines nationally, given the provisions in the DSN Fatwa there are still shortcomings, and if only in the form of fatwa the implementation of halal tourism cannot run effectively.

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