



The Importance of Legal Framework in the Development of Halal Tourism in Indonesia

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Abstract. Muslim tourists may take advantage of a variety of Muslim-friendly tourism options, including halal tourism. A growing number of nations are considering expanding their halal tourist offerings, thanks to the industry's meteoric rise since 2018. Among 130 countries, Indonesia topped the 2019 Global Muslim Travel Index as the top halal tourist destination. This success has encouraged Indonesia to increase its efforts in developing halal tourism, taking use of the country's vast potential in this area. Indonesia's advantage in halal tourism must be complemented by particular legislation implementations governing halal tourism to enable structured and orderly implementation. With appropriate regulations, it is hoped that the optimization of halal tourism may become more structured in terms of standards in the promising halal tourism sector, acting as a benchmark for other nations to adopt halal tourism practices. This study aimed to provide additional information on the importance of adopting legislative standards for enforcing halal tourism legislation in Indonesia. This study used normative methodology. In addition to the need for special regulations concerning halal tourism management, careful preparation in terms of adequate scientific and technological updates is required to ensure that halal tourism in Indonesia is well received in the global market. Moreover, there must be a regular control in updating halal tourism regulations in Indonesia between authorized institutions

Keywords: Halal Tourism, Development of Halal Tourism in Indonesia, Implementation of Law

1. INTRODUCTION

The tourism business is an aspect of tourism activities that focuses on providing tourism services required by tourists visiting a specific country, such as travel, transportation, housing, gastronomic, recreation, and so on. As a result, the tourism sector has a great potential to increase employment opportunities and economic growth, particularly in the domestic and international tourism industries, so it is important enough to be concerned about developing it so that it can continue to advance in response to the growing needs of the global community. The tourism business creates a wide range of opportunities, including job creation, infrastructure development, income generation, cultural and heritage promotion in the context of opening up chances for the creative economy, and economic diversification. The growth of tourism, particularly in Indonesia, which is very diverse and can be explored by both domestic and international tourists, good management is required so that Indonesia's tourism sector can become a strong and sustainable economic growth engine for many countries around the world. With the enactment of Law Number 10 of 2009 on Tourism, tourism-related arrangements in Indonesia must be founded on intrinsic principles as well as the standards outlined in the law and implementing regulations. With the implementation of Law 10/09, tourism has a goal that is based on many principles, including the practice of religious norms and cultural values as a manifestation of the concept of social life, the provision of people's welfare, the protection of

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human rights, cultural diversity, and local wisdom, among others. Thus, in order to promote principled tourism, it must be governed in a systematic manner that is consistent with the country's goals (Sunaryo. 2013). As we all know, tourism is correlated with having fun, but it is also intended to provide wisdom or benefits to individuals as well as society, nation, and state. However, in order to improve tourism, it is vital to consider tourist trends such as halal tourism or halal tourism that is popular among travelers, particularly Muslim tourists. Indonesia has risen to second place among the top destinations for halal tourism. This demonstrates both the growing Muslim tourism business in Indonesia and the fact that Muslim-friendly places are most sought-after by Muslim visitors. In light of this, the Indonesian government and other stakeholders in the tourism industry are receptive to the idea of halal tourism, which is especially timely given the increasing demand from urban centers for entertainment options that may help them unwind and recharge. So, in this situation, the question is whether Indonesia can capitalize on prospects while also facing worldwide challenges in managing the halal tourism business that are becoming increasingly competitive. .

2. METHODS

Bagian ini This study used normative juridical method that examines principles, systematics, levels of synchronization, history and comparative law. Normative legal research usually only involves document studies, namely using legal sources in the form of statutory regulations, court decrees or decisions, agreements or contracts, legal theories, and the opinions of scholars. Normative juridical research is also called doctrinaire legal research, library research, or documentary study. which positions the law as a fundamental norm system in the development of halal tourism in Indonesia. The normative juridical approach in this study also examines the norms or rules of law as a system structure applicable. to specific legal events, specifically the development of halal tourism. A wide variety of primary, secondary, and tertiary legal resources were consulted for this research, including books, journals, statutes, regulations, and other similar sources. In terms of methodology, the author employs a statutory approach and a conceptual approach to delve further into the research that has been conducted in light of pertinent laws and in tandem with evolving legal theory.

3. RESULTS

The Development of Halal Tourism in Indonesia: Challenges and Future Prospect

Various forms of tourism supported by community, entrepreneurial, national, and regional government facilities and services are defined in Article 1 number 3 of Law Number 10 of 2009 concerning Tourism in Indonesia. From a linguistic perspective, tourism may be defined as an individual's or a group's journey to a distant location with the express purpose of passing the time and enjoying one's surroundings.

Tourism is a potential sector in Indonesia and in the world today. This. The increase in tourism destinations and investment is encouraging this sector to become the main factor in foreign exchange earnings, employment and development business and infrastructure. Also, when compared to other industries, tourism is growing at a faster rate and is one of the biggest. One of the most rapidly expanding subsets of the travel industry is the halal tourism sector. The worldwide economic sector is expected to get a projected 35% boost, or \$300 million, from halal tourism in 2020 (Asri, 2020). As long as it follows the laws provided by Allah SWT, tourism language in an Islamic setting is acceptable. In this light, halal or sharia tourism the practice of Islamic travel based on the teachings of the Quran and the Hadith is essential. Worldwide halal tourism, and Indonesia in particular, stands to benefit greatly from a solid grounding in the Al-Quran and Hadith.

Meanwhile, from an Islamic perspective on tourism, there are several view, that is (Jaelani, 2017):

1. Traveling is seen as a kind of worship since it is mandated to carry out one of the Islamic pillars' requirements, namely the Hajj in a certain month and the Umrah conducted all year round to Baitullah.
2. The Islamic worldview likewise associates tourism with study and knowledge. In the early days of Islam, this was the greatest pilgrimage ever undertaken in pursuit of knowledge and its dissemination.
3. Islamic Islamic tourism aims to teach visitors about the importance of science and technology. Throughout the Alqur'an, you will see the directive to travel on Earth.
4. The fourt and foremost goal of Islamic Tourism is to share the human teaching of Islam that were revealed to the prophet Muhammad and to bring others to Allah. It is the task of the Apostle and his friends to deal with this situation. As they traveled the globe, the companions of the prophet Muhammad preached righteousness and encouraged people to live by the truth. Aims were formed around the notion of tourism. Lastly, Islamic tourism encompasses travel activities that allow people to contemplate the miraculous works of

God and to appreciate the beauty of the natural world. This, in turn, is meant to strengthen one's confidence in the unity of Allah and assist in the fulfillment of one's responsibilities in life.

With a Muslim majority, Indonesia has big potentials for halal tourism, especially due to its climate and cultural variety. The increasing population as well as the advancement of technology, provide chances for the tourism sector to provide travelers with convenient access to tourism-related information, which will have an impact on the tourism business (Rahman, 2023).

The government has created a National Priority Halal Tourism and Development Acceleration Team to promote halal tourism across the country. This team uses the GMTI (Global Muslim Tourism Index) to determine which areas, including Lombok, Aceh, Riau Islands, DKI Jakarta, West Sumatra, West Java, Yogyakarta, Central Java, Malang, and Makassar, should receive special attention (Maryati, 2019). In order for halal tourism to gain popularity, dominance, and competition, the Ministry of Tourism and Creative Economy is anticipated to provide local governments more control over their areas' tourist potential. The expansion of halal tourism in Indonesia is now reaching a critical mass, necessitating the creation of halal tourist services in order to position Indonesia as a frontrunner in the global expansion of Muslim tourism. The Global Muslim Travel Index (GMTI) ranked Indonesia as the top halal tourism destination in the world in 2019. This was followed by a number of other countries, including Turkey at #3, Saudi Arabia at #4, and the United Arab Emirates at #5.

This accolade is a testament to the five years of hard work by Indonesia's Ministry of Tourism and Creative Economy to increase the number of visitors who adhere to halal diets. In 2018, the halal tourism industry in Indonesia grew by 18%, attracting 2.8 million Muslim tourists from across the world to the country's most popular halal tourist spots and bringing in about Rp 40 trillion in foreign currency (Kominfo, 2019). Establishing regulations governing halal tourism, standardizing halal tourism, creating a visitor guide, conducting research for development, marketing halal tourism, understanding halal tourism, monitoring and evaluating the Indonesia Muslim Travel Index (IMTI), and the Design, Strategy, Action Plan (DSRA) are all important considerations in halal tourism management.

Indonesia has a big potential for tourism development, with its wealth, Muslim majority population, and good climate. However, tourism entrepreneurs play an important role in improving the facilities and services of tourist attractions in accordance with Islamic law, as well as meeting international halal tourism standards such as supporting facilities and competitiveness, in order to attract tourists to visit (Hasan, 2022). In addition to tourism

entrepreneurs, the entire community and all parties are expected to contribute to the creation of a sharia economy through halal tourism in order to achieve a prosperous Indonesia.

In addition to the potential for the development of halal tourism in Indonesia, there are other unresolved problems, including rules that need to be further regulated, particularly in order to elevate halal tourism to the world level. One of the challenges is a lack of rules, as well as Indonesian people's socio-cultural issues. With Indonesia's great potential to become a motor for mobilizing Muslim tourism, this must be balanced with strong regulations to make halal tourism a global pioneer, especially as tourism development attracts the attention of the community, particularly those who require a psychic atmosphere of refreshing and entertainment (Djakfar, 2017). In addition to regulation, advertising and marketing are crucial components in ensuring that halal tourism in Indonesia meets the needs of travelers. Another problem is identifying the disparities between Muslim and non-Muslim tourism demands. This is a significant difficulty for tourism companies that want to provide services to non-Muslim tourists while adhering to Sharia norms.

Legal Protection for Muslim Tourists in the Development of Halal Tourism

To be protected legally is to have one's honor and dignity preserved, as well as one's human rights recognized and protected against arbitrary action or harm by means of a set of laws and regulations (Hadjon, 1998). Even if the notion for its formulation comes from the West, whose conceptual focus is on human rights protection, any legal protection in Indonesia is founded on Pancasila as the ideal foundation. This means that, at its core, Muslim legal protection in Indonesia is still about upholding the human rights of workers their rights as Muslims and as individuals—and, more specifically, about ensuring that they are legally protected when it comes to halal tourism.

A growing trend in the travel sector, halal tourism is gaining popularity throughout the globe. Nations like Malaysia, Japan, and Thailand have come up with a lot of halal tourist ideas. The promotion of halal tourism as a means to attract more visitors has the potential to boost the country's revenue.

Many gaps remain in the expansion of halal tourism. One of them is the lack of a legally binding framework that may serve as a benchmark for halal tourism among both businesses and visitors. When it comes to building a halal tourism business that can provide Muslim travelers with legal protection and confidence, the nation is still lacking a solid foundation. At the same time, sharia tourism has proliferated, proving that halal tourism has emerged as a viable choice for Muslim populations, particularly those in the middle class. Consequently, it

is the responsibility of the government to create, collect, modify, and oversee the execution of such rules.

Proper regulation should be the starting point for Indonesia's future endeavors in controlling halal tourism, which presents both opportunities and problems. The definition of tourism is upheld by Law No. 10 of 2009. Article (a) of Law Number 10 of 2009 concerning Tourism states that as a balance between human relations with God Almighty, other humans, and the environment, religious and cultural values must underpin the development and operation of tourism (Putri, 2023), but the law is otherwise general in nature.

The expansion of the tourist industry is based on the legal framework of Law No. 10 of 2009. In theory, these regulations support religious standards and the meaning of life by guiding people to live in harmony with God, one another, and the natural world.

Unfortunately, the Tourism Law fails to address the fundamental concern of Muslim visitors, since it does not address the processing and development of tourist attractions in accordance with sharia principles. Consequently, these rules do not provide the legal protection that is required by the constitution. According to Fatwa of DSN MUI No. 108 / DSN-MUI / X / 2016, which addresses the Sharia-compliant implementation of tourism, Halal tourism in Indonesia has been developed so far. By regulating various aspects of halal tourism, including Sharia Travel Bureau (BPWS), Sharia Hotels, Therapist Tour Guides, and tourist destinations that must have sufficient worship facilities and halal food and drinks according to the MUI Halal Certificate, this fatwa provides clearer and more detailed confirmation of the reference of halal tourism in Indonesia. Regulating halal tourism extensively, DSN MUI Fatwa No. 108/DSN-MUI/X/2016 is regrettably not legally enforceable. According to Indonesia's constitutional legal system, Fatwa is a morally authoritative aspirational rule that a society may choose to follow or reject. Since fatwas are not legally recognized as positive law, they should not be used as a weapon to coerce other communities or groups with different values and beliefs into conforming to the fatwa's own arrangements. This implies that fatwas do not have any legal force; rather, they are obligatory only on Muslims' religion. Since fatwas are not recognized as legal products under Law No. 12 of 2011, the assertion that they are not binding takes on more weight when seen through the lens of law. , although fatwas in Indonesia have tightly regulated halal tourist standards, the absence of a halal tourism legislation serves as a formidable obstacle to the industry's growth in the country. After the issuance of the Regulation of the Minister of Tourism of the Republic of Indonesia Number 11 of 2016, concerning the Revocation of the Regulation of the Minister of Tourism and Creative Economy Number 2 of 2014 concerning Guidelines for the Implementation of Sharia Hotel Business, the regulations

were deemed irrelevant with the demands and development of tourism today. As a result, till now, regulations pertaining to the development of the halal tourism sector have been virtually nonexistent in government regulations. The legal efforts solely rely on the Fatwa of DSN MUI No. 108/DSN-MUI/X/2016 as their guidelines. As a result, regions that are supportive of halal tourism development make transformative efforts by creating their own regional regulations, which they then use to develop within the framework of halal tourism.

By not formalizing the Fatwa of DSN MUI No 108/DSN-MUI/X/2016 into a regulation in the form of a law, the relationship between the parties involved in halal tourist activities lacks clear direction and regulation, resulting in weak operations. The awareness of conducting halal certification in Indonesia still has many weaknesses, start from the preparation of human resources who are not yet qualified to manage halal tourism, and there is no obligation for Islamic banking to provide financing for the halal tourism industry or open cooperation opportunities to support the sustainability of the Islamic economy in Indonesia. Actually, the Fatwa of DSN MUI No. 108/DSN-MUI/X/2016, which has been used as a reference, may be considered the most comprehensive regulation since it controls the products and services that must be provided in the implementation of halal tourism in Indonesia. The provisions in the Fatwa of DSN MUI No. 108/DSN-MUI/X/2016 itself are also sufficient to cover the rules of the parties, including the tourists, tourism entrepreneurs, tour guides, governments and local governments. There are also regulations regarding certification obligations, contracts, provisions related to the obligation to use sharia financial institutions, provisions for sharia hotels, halal food and beverages, BPWS (Sharia Travel Bureau), tour guides, provisions for spas and therapists, and provisions regarding the criteria for tourist destinations. However, because Indonesia adheres to a civil law legal system in which legal positivism is a form of regulation as outlined in the law, the existence of DSN MUI Fatwa No. 108/DSN-MUI/X/2016 is ineffective in regulating and protecting tourists because it has not been formalized into legislation.

Legal protection in every aspect including providing legal protection to Muslim tourists during the travelling is a necessary. With Sharia-based tourism that is starting to be in demand and becoming a trend among local and foreign tourists so that security and comfort during the tourism activities, especially for Muslim tourists must be fulfilled. Moreover, Indonesian with its largest Muslim population and a large number of sharia-based tourism, pays attention by providing in-depth legal protection for now and in the future so that it does not just become a fad to follow the ongoing trend at the global level (Antariksa, 2018). So the government needs

to issue laws and regulations for sharia tourism to protect local and foreign tourists because the interests of tourists as consumers must be a priority of the state (Azizah, 2022).

The most important form in providing legal protection for tourists is that the government is obliged to provide legal certainty to create a conducive climate for the development of the halal tourism business. In addition to the state's role in providing legal certainty, tourist entrepreneurs have an obligation to apply business and competency standards in compliance with the provisions of applicable laws and regulations. However, sharia tourist regulations remain the state's responsibility and duty because policymakers in this country find it difficult to identify legal certainty for halal tourism. Due to the Indonesia's diversity of religions, races, tribes, and cultures, a legal regulation must be built on justice for all Indonesian citizens, both Muslims and non-Muslims, despite the fact that Islam is the predominant religion. Moreover, the lack of education and socialization of sharia tourism, which will lead to wild opinions, where some individuals with different beliefs feel it is a form of injustice as citizens. The presence of Sharia-based halal tourism remains a form of Islam for some other religious adherents, as does the concern of the extinction of precious local cultural values. This halal tourism development plan has finally become uncertain if there is no strong legal role, because the establishment of a tourism destination with a halal label and sharia value must be balanced by public supporting facilities that meet the standard and eligible to compete with other countries (Zaki et al., 2021).

4. DISCUSION

The natural beauty, wealth, and quantitu of natural resources of Indonesia give the country great potential to become a prominent tourism destination. The Ministry of Tourism and Creative Economy's statistics shows that there was a 98.3% increase in international visitors from January to December, with 11.68 million visits, which is in line with this (Hendriyani, 2023).

This potential offers an alternate path forward for Indonesia's halal tourism industry, which is sure to become more popular in the coming years. This will entice investors and provide entrepreneurs, especially those running small and medium-sized enterprises (SMEs), with an opportunity to expand their businesses (Fadlan et al., 2022).As a subset of traditional tourism, halal tourism is becoming popular among Muslims visiting nations and regions that adhere to Islamic law. Muslims and non-Muslims alike may enjoy halal tourism, which caters to the requirements, wants, and wishes of tourists by providing them with a variety of extra amenities, services, and attractions.

5. CONCLUSION

Indonesia might be a world leader in halal tourism management, but it falls short due to a weak regulatory framework. To ensure that halal tourism in Indonesia is not left unregulated, it is necessary to amend Law Number 10 Year 2009 on Tourism by including articles that specify related to halal tourism management in all of its binding elements. This will serve as both a standard reference for halal tourism management in Indonesia and a legal protection for tourists. The complete and effective implementation of the legislation or fatwas issued by MUI concerning halal tourism by the Ministry of Tourism in Indonesia is connected to this.

Some such recommendations are: To guarantee that halal tourism in Indonesia is well-received on the worldwide market, unique legislation for halal tourist management are necessary, but suitable scientific and technology upgrades also need to be prepared. Also, the Indonesian Ulama Council (MUI) and the Ministry of Tourism and Creative Economy need to keep an eye on each other when it comes to halal certification and standardization, so that Indonesia's halal tourism standards may be kept up to date

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