

Halal tourism regulations in Indonesia: trends and dynamics in the digital era

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The halal tourism industry is an emerging sector that has recently become a global trend in economic development in many countries. However, in various regions in Indonesia, halal tourism triggers anomalies and raises pros and cons. This article aims to explore the construction of halal tourism development in five regions in Indonesia. It seeks to formulate a sustainable halal tourism regulatory model that is based on plurality and local wisdoms of the local community. This study uses a legal research method, with a critical-constructive approach. The findings from this study conclude that the development of halal tourism regulations in various regions shows a positive and dynamic direction in line with the configuration of regional tourism policies, which needs to be continuously encouraged and accelerated. As such, amid these positive trends and dynamics, regional halal tourism development needs to adopt a sustainable halal tourism regulatory model that is based on community plurality and is responsive to local wisdoms. This article supports the realization of a sustainable halal tourism policy following the Covid-19 pandemic in the midst of a plurality of regional communities.

Industri pariwisata halal merupakan sektor baru yang menjadi trend global dalam pengembangan ekonomi di banyak negara. Namun, di berbagai daerah di Indonesia pariwisata halal memicu anomali dan menimbulkan pro-kontra. Artikel ini bertujuan mengeksplorasi konstruksi pengembangan pariwisata halal di 5 daerah di Indonesia. Sehingga kemudian dapat dirumuskan model regulasi pariwisata halal yang berkelanjutan berbasis pluralitas dan kearifan lokal masyarakat daerah. Kajian

ini menggunakan metode *legal research*, dengan pendekatan kritis-konstruktif. Temuan dari kajian ini menyimpulkan bahwa pengembangan regulasi pariwisata halal di berbagai daerah menunjukkan arah yang positif sekaligus dinamis seiring konfigurasi kebijakan pariwisata daerah, sehingga perlu terus di dorong dan diakselerasi. Maka, ditengah tren dan dinamika positif tersebut pengembangan pariwisata halal daerah perlu mengadopsi model regulasi pariwisata halal berkelanjutan berbasis pluralitas masyarakat dan responsif terhadap kearifan lokal. Kontribusi artikel ini dapat menunjang perwujudan kebijakan pariwisata halal yang *sustainable* pasca pandemi di di tengah pluralitas masyarakat daerah.

Keywords: *halal tourism; regional autonomy; regulation*

Introduction

The tourism industry, in recent decades, has become the world's leading sector. In Indonesia, the Jokowi government regime also makes tourism a leading sector which is considered capable of being a mainstay foreign exchange-generating instrument (Damanik, 2017), triggers economic growth, absorbs labor (Subarkah, 2018), and is able to accelerate local governments in building and maintaining infrastructure. The government's interest in tourism is marked by the preparation of a blueprint for the tourism sector and the development of 88 strategic national tourism areas since 2015 spread across all provinces in Indonesia with 10 super-priority destinations or the so-called "New Bali".

Meanwhile, one of the tourism segments that is currently becoming a global economic trend in many countries, especially among Organisation of Islamic Cooperation (OIC) countries (Komalasari & Afrizal, 2017), is halal tourism or Muslim-friendly tourism. Countries such as Japan, Germany, South Korea, Singapore, Qatar, and Thailand (Rahmah & Tapotubun, 2020) have been developing halal tourism for quite some time. For the Indonesian context, according to Lalu Gita Ariadi, Muslim-friendly tourism has actually started to be intensified since 2010 in Lombok, West Nusa Tenggara. However, it seems that Muslim-friendly tourism in Indonesia has not found a solid economic development vision and has not showed a consistent progress (Ramadhian, 2021).

Satriana and Faridah conducted various research in Malaysia, Indonesia, Japan, and South Korea regarding halal tourism and concluded that there was no uniformity regarding the concept of halal tourism across these countries. Each country had its own definition and concept to halal tourism. Differences were apparent in the criteria for halal tourism.

Nevertheless, they noted that the availability of halal food that did not contain pork, non-alcoholic drinks, adequate prayer spaces with ablution facilities, the Quran and prayer equipment in hotel rooms, Qibla directions and polite staff clothing were all essential amenities that indicated a Muslim-friendly atmosphere (Satriana & Faridah, 2018).

Studies on the halal industry in Indonesia have been published by many researchers (e.g., Jaelani, 2017; Waluyo, 2020; Zarkasyi, Kurniawan & Darma, 2021). Many studies which mainly discuss topics related to the development of halal tourism have been conducted by researchers such as Faisal, et.al., Ujang Suyatman, et. al., Makhrus and Ahmad Bahiej, Ilham Mashuri, Ahmad Izudin, and Abdurrohman Kasdi (Faisal, Asriani & Pane, 2018; Suyatman, Ruminda & Ika Yatmikasari, 2019; Munajat & Bahiej, 2020; Mashuri, 2020; Izudin, Sriharini & Khuluq, 2022; Kasdi et al., 2021).

These various studies underline that in addition to halal tourism has the potential to be developed in Indonesia, these also indicate that halal tourism raises issues that trigger anomalies and pros and cons (Santoso, Cahyani & Suryani, 2020). These issues revolve around aspects such as concepts, values, and branding (Khoriaty et al., 2018; Rahmawati et al., 2021), thus creating various understandings of halal tourism in various regions. Some consider it as the Islamization of tourism, others respond with a more moderate and inclusive view, while some are even more pragmatic. Regions such as the islands of Lombok, Riau, West Sumatra, West Java, Aceh, and Banjarmasin continue to focus on preparing various regional regulations and policies (Santoso, Cahyani & Suryani, 2020). Resistance to halal tourism is also inevitable, as happened in Labuan Bajo, Bali, Lake Toba, and Toraja, which continue to reject it because it is considered synonymous with sharia or Islamic tourism (Makhasi & Rahimmadhi, 2020). This problem, in addition to having an impact on the development of halal tourism, which is not yet accommodating to local culture, has not maximally impacted on increasing welfare for the wider community (Jaelani, 2017; Subarkah, 2018).

Meanwhile, studies by Effendi, et.al. (2021), Nurjaya et al. (2020), and Jaelani (2021) suggest that a comprehensive regulation is the main aspect that must be fulfilled regarding the development of halal tourism in Indonesia. In other words, halal tourism needs to have a clear legal and ethical footing that will shape its development paradigm (Djakfar, 2017). In

addition to the legal aspect, concept strengthening (Surwandono et al., 2020), institutional strengthening (Suharko et al., 2016), comprehensive policy development strategies and the role of competent human resources (Fahham, 2017), as well as adequate infrastructure support and ecosystem support (Saepudin, 2021) are all needed for the development of more sustainable halal tourism in various regions in Indonesia (Yuliaty, 2020).

Based on these previous studies, this study takes a stand through exploring the urgency of regulation in the development of halal tourism, as well as offering the formulation of a model for sustainable halal tourism regulation in the midst of the plurality of Indonesia. This study aims to formulate the construction of halal tourism regulations in the digital era as well as to formulate a model of sustainable halal tourism regulation based on the regional plurality.

Method

This study uses a legal research method (Yasid, 2010), with a conceptual and policy approach. Data collection technique was carried out by collecting legal sources and materials related to halal tourism regulations in Indonesia, especially in the five areas that were the focus of study. Sources and materials related to the study theme were collected using a critical-constructive approach. The data in this study were obtained from various sources related to halal tourism, both in the form of printed and electronic documents with a snowball sampling pattern (Nawawi & Martini, 1996). Analysis of legal data related to halal tourism was carried out by organizing, sorting, grouping, systematizing, and interpreting it so as to find patterns, categories, units of description, and meaning according to the focus of the problem being studied (Alkostar, 2018).

The urgency of legislating (*taqin*) regulations in the regions

In the terminology of Islamic law, the effort to formulate legal policies into official state law is called *taqin* or also understood as legislation (law making). The term *taqin* has the same root as the word *qanun* which comes from the Greek *canon*, or *kaneb* in Hebrew (Hamzah, 2018), which means legal norms, rule, statute, regulation (Amsori & Jailani, 2017).

In modern era, the term *taqin* or legislation can be interpreted as the process of drafting legal products by involving the legislature, which refers to a parliamentary government

system (Nafis, 2011). The main objective of legislation is not limited to presenting the codification of norms and values of life that have grown in society, but also to create modifications or engineering of people's lives that are increasingly secular towards a socio-religious and civilized order (Mudzakir, 2011).

In the context of this *taqin* (legislation), according to Jasser Auda, *fiqh* (Islamic jurisprudence) and *'urf* (custom) must both contribute to *qanun* (laws) in addition to giving legislators the freedom to convert principles in *'urf* and *fiqh* into regulations that are most in line with the community and their needs (Auda, 2015).

Additionally, it is also important to look at legislating regulations from the perspective of Legis Prudence, an approach that considers aspects of wisdom as well as social participation in the process of forming legislation. Legis Prudence was first introduced by Luc J. Wintgens to examine the formation of legislation in terms of its openness and participation in public access, the responsiveness to protecting the interests of citizens' rights (fundamental rights), as well as the effectiveness and benefits for social justice (Wintgens, 2006).

Taqin or legislation in the region must sociologically pay attention to benchmarks, objectives, and be in line with the socio-religious conditions of the community so as to avoid multiple interpretations. Legislation of regional regulations increasingly has strategic meanings in the era of the digital industry. One of them is to bolster a social transformation and democracy as the embodiment of local communities that are able to respond to rapid changes and challenges of globalization. Another meaning is to realize the creation of good local governance as part of sustainable development in the region in the context of tourism development. On this basis, the establishment of halal tourism regulations can be a means of accelerating the improvement of community welfare, spurring regional economic growth, and increasing investment and regional empowerment (Lesmana, 2019).

Dynamic models of regional halal tourism regulations

In the context of halal tourism regulations, the ten priority areas of halal tourism in Indonesia respond differently. For example, West Nusa Tenggara Province issued a governor regulation in 2015 and a regional regulation in 2016 (Baihaqi, 2019). West Sumatra

Province had prepared academic studies since 2016 and by mid-2020 was able to release a Halal Tourism Regional Regulation. Likewise, Siak Regency in Riau Province, formed a regional regulation in 2017 which was followed by a governor regulation for halal tourism in Riau Province in 2019. Muara Enim, Aceh Jaya, and Konawe Islands regencies both formed a regional regulation in 2019 subsequently. The issuance of these regulations was then followed by Aceh Province, South Kalimantan Province, and West Java Province, in which they have started drafting a regional regulation on halal tourism since 2018.

Despite all these regulations, when compared to several countries in Southeast Asia such as Malaysia, Thailand, and Singapore, Indonesia's halal tourism development is still lagging behind in terms of number of visitors, regulations, institutions, infrastructure, and ecosystems. Malaysia, for instance, has twenty halal industrial areas to support the success of its tourism promotion. Meanwhile, Indonesia has only two halal industrial areas, the Modern Cikande Industrial Estate in Serang, Banten Province, and the Safen Lock Halal Industrial Park in Sidoarjo, East Java Province.

Another substantial aspect that needs to be scrutinized and reformulated regarding Indonesian halal tourism to become more comprehensive is how to clearly define the concept of halal tourism through various regulations and policies. Ideally, the halal aspect in business departs from forging multiple values and ethics as the substance, instead of limiting it to certain values such as sharia tourism parameters determined by the Indonesian Ulema Council (MUI) through its National Sharia Board (DSN) (Al Hasan, 2017). It is contended that excellent service, halal product, and hygienic and safe product can be packed based on the agreed standardization.

Such challenges to halal tourism certainly cannot be separated from the typology of society. Plurality that exists in Indonesia has not been fully managed to be used as a synergy for the common good and welfare. Plurality that is mismanaged can cause value clashes in a society that is considered as immature in responding to differences of beliefs. Halal tourism is a segment of the tourism industry that is inclusive and does not need to create a value 'war' so that it causes a counter brand of 'unlawful tourism'. For example, when an Islamic scholar in Lombok discredited sacred ancestral tombs that become religious tourism sites, it indicates a resistance to plural local culture. This clash of values can be

managed by increasing the legal literacy culture and tolerance in society.

The following will review the regulations and policies of halal tourism in five priority areas to better understand the trends and dynamics of the development of halal tourism regulations in these regions. **First** is Aceh Province, which has the official name Nanggroe Aceh Darussalam (NAD) and is a province at the westernmost tip of the island of Sumatra. This province is the only region in Indonesia that is given the authority to implement Islamic law through special autonomy status based on Law No. 44 of 1999 and Law No. 11 of 2006. The authority to implement Islamic law was then translated by the Aceh government by forming various *qanun* (equivalent to regional regulations) by prioritizing aspects of specificity in terms of governance (Amsori & Jailani, 2017).

Qanun, as an elaboration of the Aceh government law, provides a more specific portion in terms of setting religious policies, customs, laws, education, and the role of *ulama* (Islamic scholars and leaders) in Aceh. One thing that is quite different in terms of determining government policy is the role of the Aceh Ulama Consultative Council (MPU) through its various *fatwa* (legal ruling on a point of Islamic law) in overseeing government regulations.

Halal tourism is one sector that is of important concern to the Aceh government. Aceh's achievements in the halal industry are proven by winning two awards at the 2016 World Halal Tourism Awards held in Abu Dhabi, UAE. Aceh won the World's Best Halal Cultural Destination category and Sultan Iskandar Muda Airport (SIM) Blang Bintang, Aceh Besar won the World's Best Airport for Halal Travelers.

However, since specified in 2015 as one of the ten priority areas for halal tourism, Aceh Province has not produced a blueprint as the basis for developing halal tourism. Instead, the development of halal tourism has been based on tourism *qanun* and Islamic sharia *qanun* as part of the Islamization of the tourism sector. Regulations related to tourism were formed by the Aceh government in 2013 through *Qanun* No. 8 of 2013 concerning Tourism which in general regulates the implementation of tourism in Aceh. Meanwhile, MPU's concern to the tourism sector is indicated by the enactment of MPU Fatwa No. 7 of 2014 about Tourism from an Islamic View as a guideline for the Aceh government in organizing tourism that is in accordance with Islamic law. In addition, the fatwa also contains instructions for the Aceh government to develop Islamic sharia-based tourism

guidelines by involving *Wilayatul Hisbah* (sharia enforcement unit) in enforcing tourism *qanun* (Swesti, 2019; Sandela, Trisna & Tariq, 2021).

Second is West Sumatra Province. As one of the priority areas for halal tourism, West Sumatra Province adheres to a local philosophy of *Adat Basandi Syara, Syara Basandi Kitabullah* (custom adheres to sharia, sharia adheres to the Qur'an). This philosophy is used as a reference in the development of planned, directed, and integrated halal tourism. West Sumatra Province has also won world-class awards, namely the World's Best Halal Destination and the World's Best Halal Culinary Destination. These awards were received when representing Indonesia in the event of "The World Halal Tourism Award 2016" which was held in Abu Dhabi (Mina, 2016; Susilawati, 2019).

To strengthen the vision of West Sumatra's tourism development, in 2019 the Regional People Representative Council (DPRD) of West Sumatra Province amended Regional Regulation No. 3 of 2014 concerning RIPPARDA of West Sumatra Province 2014-2025. In this amended regulation, it is stated that the latest regional tourism developments require policy changes by raising strategic issues such as: a) halal tourism; b) geopark; c) digital-based tourism and creative economy; and d) enhancing the tourist experience through attractions and destination space design.

To support the tourism development, a Halal Tourism Regional Regulation Plan was drafted and was ratified as a Regional Regulation on June 9, 2020. According to Muchlis Yusuf Abit, the head of the special team for arranging the halal tourism regional regulation, the focus of Muslim-friendly tourism in tourist destinations in West Sumatra Province was on providing easy access to worship facilities and the guarantee of halal food. He added that the term halal tourism was not related to any particular belief, but more to the extended services in improving the quality of regional tourism (Chaniago, 2020). In short, halal tourism that West Sumatra Province envisions is to develop more adaptive tourism to local wisdoms and cultural diversity of tourists, and not Islamization of tourism or sharia tourism as in Aceh.

The Public Order Enforcers Police (Satpol PP) functions as a unit that enforces the law related to halal tourism in West Sumatra Province at the district/city level through a special task force namely the Satpol PP for tourism. This task force is made of one team with 30

to 35 officers that are recruited from bachelors with religious major backgrounds. This is a new task force that is specifically formed to realize halal tourism in West Sumatra Province. To date, the formation of this task force has only been carried out in Pariaman City, Padang City, and Bukittinggi City. The Satpol PP for tourism is formed with the aim of promoting halal tourism in West Sumatra Province, as well as providing education to the public and prospective tourists (Rozalinda, Nurhasnah & Ramadhan, 2019).

Third is Riau Islands Province. This area is ranked as the 3rd best halal tourism in Indonesia after West Nusa Tenggara Province and Aceh Province. The halal tourism sector is a priority program for Riau Islands Province in order to buttress competitive tourism that is able to contribute to regional development. Tourism is multi-sectoral or related to other sectors, therefore, Penta helix which consists of academics, business groups – such as low and medium business groups, media, communities, and the government are required to work collaboratively to implement and support the development of halal tourism in Riau Islands Province. In other words, the realization of halal tourism requires excellent and reliable human resources and products.

In the context of Riau, the regulation of halal tourism was firstly initiated by Siak Regency in 2017 through Regional Regulation No. 2 of 2017 concerning Halal Tourism. The presence of this regulation became the basis for legal certainty for the realization of halal tourism in Siak Regency. Meanwhile, Riau Islands Province in general issued halal tourism regulations two years later through the Governor Regulation No. 18 of 2019. This regulation oversees several areas of halal tourism development, namely: halal destinations, marketing, the tourism industry, institutions, guidance and supervision, and financing.

The development of halal tourism in Riau Islands Province began by making the city of Pekanbaru a pilot area for halal tourism zone. This was marked by the issuance of the Pekanbaru's Mayor Decree No. 59 of 2019 concerning the Establishment of the Halal Tourism Acceleration Zone in Pekanbaru City. Efforts made by the government included preparing halal certification, providing facilities in a friendly environment for Muslims, giving friendly services for Muslims, and maintaining tolerance for adherents of other religions as a part of Malay culture.

In addition to those efforts, Penyengat Island in Riau became a pilot for halal tourism

projects. This island is potential as it is the center of the famous Islamic Malay study. Penyengat Island is also the birthplace of Malay grammar (the basis of Malay language). Penyengat Island became a national cultural heritage area through the Decree of the Minister of Education and Culture Number 112/M/2018 in 2018. The development of cultural tourism on the island of Penyengat is specifically regulated through the Regional Regulation of Tanjung Pinang City No. 8 of 2018 concerning the Management of Cultural Tourism on the Island of Penyengat. Some cultural heritage sites on this island include the Sultan of Riau Mosque (Old Mosque) and the tomb of scholars, *habaib* (descendants of Prophet Muhammad), and Malay kings (Destiana, Kismartini & Yuningsih, 2020).

Fourth is West Java Province, which is the only area on the island of Java that is quite massive in developing halal tourism. It is not surprising when West Java Province won the 2016 World Halal Tourism Awards which was held in Abu Dhabi, United Arab Emirates in the category of World's Most Luxurious Family Friendly Hotel, which was obtained by The Trans Luxury Hotel Bandung.

Through the explanation of Regional Regulation No. 15 of 2015 concerning the Master Plan for West Java Tourism Development for 2015-2025, it was emphasized that the tourism sector is expected to be one of the means to improve the welfare of the West Java community, as well as the preservation of tourist attractions and the environment and culture of the local community. Given the complexity of regional tourism development, integrated planning is needed among related sectors and regional tourism stakeholders.

The West Java government is currently taking a number of steps to accelerate halal tourism. According to Ridwan Kamil, Governor of West Java Province, the government encourages the realization of the excellent tourism program of 2019-2023 through the West Java Tourism Development Master Plan which consists of three main strategies, namely: 1) improving accessibility and infrastructure aspects to tourist attractions; 2) developing the potential of tourist destinations; and 3) developing special economic zones (KEK) based on tourism. In order to implement the master plan, halal tourism is one of the main priorities.

The development of West Java halal tourism uses a 'phased' model, namely the implementation of halal tourism in stages in accordance with the readiness of providers of tourism goods and services. This halal tourism phasing model consists of three stages. The

first stage is 'need to have', which adheres to Muslim-friendly tourism standards. The second stage is 'good to have', which aims at fulfilling to tourism standards that are conducive to the needs of Muslim tourists. The third stage is 'nice to have', which conforms tourism standards that meet Islamic tourism rules.

The first area in West Java Province that formulates halal tourism regulation is Bandung Regency. Through Regional Regulation No. 6 of 2020 concerning Halal Tourism, the implementation of halal tourism in Bandung regency is carried out with clear principles, comprehensive managerial efforts, ease, affordability, graduality, priority, and inclusivity (Octaviany et al., 2020).

Fifth is East Java Province. The potential for developing East Java halal tourism stems from several factors, such as: the dominance of the Muslim population in East Java; cultural diversity, where East Java Province is known as an area that is thick with Muslim culture, in addition to the historical heritage of the development of Islam in the archipelago which is centered in East Java through *Wali Songo* (the Nine Saints); the existence of religious tourism objects, including historical mosque buildings, places of pilgrimage for prominent Islamic figures in Java, Islamic boarding schools that are hundreds of years old, as well as natural attractions such as beaches, mountains, and waterfalls; available halal-certified accommodation and other services needed by tourists such as hotels and restaurants as well as the availability of Islamic financial institution facilities, and adequate Islamic hospitals (Mufli, 2018).

In the East Java area, such as in Malang City, Banyuwangi Regency, and Jombang Regency, halal tourism has been developed quite some time. In early 2017, Malang City Tourism Official (Dispar) intensively conducted socialization to tourism industry actors about halal tourism. The development of halal tourism in Malang City is also carried out by accelerating halal certification for restaurants, business actors, hotel services, and collaboration with halal centers at various campuses in Malang (Umiyati & Tamrin, 2020). The development of halal tourism destinations in Malang ranges from urban tourism, nature, history, education, to Islamic boarding schools.

Meanwhile, the focus of developing halal tourism in Banyuwangi Regency has started since 2017 with the inauguration of Santen beach as a sharia beach (Mashuri, 2021). The

commitment of the Banyuwangi Government is based on the existence of many potential halal tourist destinations such as urban tourism, family tourism, nature tourism, religious tourism, conservation tourism, beach tourism, and history and culinary tourism (Anas, 2020).

Halal tourism in Jombang Regency, known as the city of *santri* (Islamic students), encompasses religious, educational, and culinary tourism as the leading icons of halal tourism. Religious and educational tourism appears in the development of the graves of national hero clerics and major Islamic boarding schools in Jombang (Jannah et al., 2021). Meanwhile, the culinary potential and various information on halal tourism in Jombang Regency are available on a digital platform called 'Jombang Halal Tourism'. This application can be downloaded on smartphones and provides information about facilities, prices, and detailed information about halal tourism in Jombang (Fitriana, 2018). Since 2021, Jombang has also had a legal basis for developing halal tourism with the issuance of Regional Regulation No. 2 of 2021 concerning the Implementation of Tourism.

An overview of halal tourism regulations in five regions can be seen in the following table:

Table 1. halal tourism regulations in five regions

Region	Regulation	Note
1. Aceh Province	<ul style="list-style-type: none"> - <i>Qanun</i> No 8 of 2013 on Tourism - MPU's <i>Fatwa</i> No. 07 of 2014 concerning Tourism in Islamic View - Aceh Jaya Regency <i>Qanun</i> No 10 of 2019 concerning Halal Tourism - Regulation of Mayor of Banda Aceh regarding Halal Tourism in 2021 	<ul style="list-style-type: none"> - Aceh has a regional halal tourism acceleration team - The tourism concept developed is more identical to sharia tourism
2. West Sumatra Province	<ul style="list-style-type: none"> - West Sumatra Provincial Regulation Number 14 of 2019 concerning Amendments to West Sumatra Regional Regulation 	<ul style="list-style-type: none"> - RIPPARDA has integrated halal tourism - Incorporating the local wisdom of West Sumatra in the regulation of halal

	<p>Number 3 of 2014 concerning RIPPARDA of West Sumatra Province 2014-2025</p> <p>- West Sumatra Regional Regulation No. 1 of 2020 concerning the Implementation of Halal Tourism</p>	<p>tourism</p> <p>- Forming a Satpol PP task force for tourism</p>
3. Riau Islands Province	<p>- Riau Governor Regulation No. 18 of 2019 about Halal Tourism</p> <p>- Siak Regency Regional Regulation No. 2 of 2017 concerning Halal Tourism</p> <p>- Pekanbaru Mayor Decree No. 59 of 2019 concerning Establishment of Halal Tourism Acceleration Zone in Pekanbaru City</p>	<p>- RIPPARDA has not regulated the development of halal tourism</p> <p>- The governor issues a gubernatorial regulation as a legal basis</p> <p>- Establishing halal tourism acceleration zones in several cities</p>
4. West Java Province	<p>- Regional Regulation No. 15 of 2015 concerning RIPPARDA of West Java in 2015-2025</p> <p>- West Java Halal Tourism Guidelines 2019</p> <p>- Bandung Regency Regional Regulation No. 6 of 2020 regarding Halal Tourism</p>	<p>- RIPPARDA has not specifically regulated, but West Java Province has compiled a fairly complete halal tourism guidebook as a reference for regional halal tourism development</p> <p>- Bandung Regency has started by forming a regional regulation</p>
5. East Java Province	<p>- Regional Regulation No. 6 of 2017 concerning RIPPARDA of East Java Province in 2017-2023</p> <p>- Jombang Regency Regional Regulation No. 2 of 2021 regarding the Implementation of Tourism</p>	<p>- RIPPARDA has not specifically regulated, but several areas in East Java have developed halal tourism, such as Malang, Banyuwangi and Jombang</p>

Construction of plurality-based sustainable halal tourism regulations

Based on the trends and dynamics of the development of halal tourism in the five regions above, it can be said that each region has advantages and disadvantages in developing regional halal tourism. However, the important point of developing halal tourism in these areas is regulations that should be in line with regional characteristics. This alignment is the most critical point in the development of halal industry in Indonesia. Therefore, efforts to explore the potential and advantages of each region as a ‘comparative advantage’ are important in developing halal tourism that is based on regional characteristics.

First, Aceh Province has advantages in terms of regional halal tourism acceleration teams and effective law enforcement with the existence of *Wilayahul Hisbah* (Swesti, 2019). Efforts to bring out Aceh’s Islamic culture in tourism are also realized through the slogan of ‘The Light of Aceh’ which was launched in 2016. Second, West Sumatra Province has advantages in terms of comprehensive regulations that adopt local wisdom and special local regulations enforcement institutions, such as the existence of Satpol PP for tourism. Third, Riau Islands Province has the advantage of establishing halal tourism zones and providing annual rewards for districts/cities that establish halal tourist destinations. Fourth, West Java Province has advantages in terms of the commitment of regional leaders, phasing models of tourism, synergy between stakeholders, and the creation of a Halal Tourism Guidebook as a guide for all stakeholders in developing halal tourism. Fifth, East Java Province has advantages in collaboration aspect and the internet-based multi-platform halal tourism, as exemplified by Malang City, Banyuwangi Regency, and Jombang Regency.

Based on the description of the ‘comparative advantage’, there are options regarding halal tourism regulations which serve as an instrument for regional economic development. It is expected that emerging or existing regulations can accelerate regional economic growth, increase investment, develop small and middle business, reduce unemployment, and finally improve people’s welfare. The diversity of halal tourism concepts can be adapted and combined with the characteristics of each region to make them more comprehensive.

Predicated on the development of halal tourism in Indonesia and ‘comparative advantages’ in various regions, there are at least three formulations of halal tourism models. First is sharia tourism for special areas that apply Islamic law such as in Aceh. Second is

halal tourism for areas with a Muslim majority population. Third is Muslim-friendly tourism for areas with diverse religions. Each model certainly has advantages and disadvantages. In addition to the influence of the synergy, the vision, and the leadership of the regional heads, the development of halal tourism will also be faced with the tension of political dynamics in each region, both internal and external tensions. This means that any model that is accommodated in the development of halal tourism regulations will face challenges, have different juridical and sociological implications, and require different formulation models. As Feener (2014) said that "...the reconstruction of Islam and society in Indonesia thus remains very much an unfinished project".

As such, it becomes essential to change the paradigm of tourism development in the post-pandemic era. The paradigm used in the development of the tourism sector thus far refers to the model of modernization and economic growth that is based on mass tourism. In practice, modernization tends to disrespect, undermine, or disregard local traditions that are rich in knowledge and wisdom. Modernization tends to sacrifice and burden future generations with environmental pollution and ecosystem damage that in turn threaten natural resources. Through large-scale industrialization, economic development has an impact on the marginalization of local economy that long maintains the legacy of local traditions.

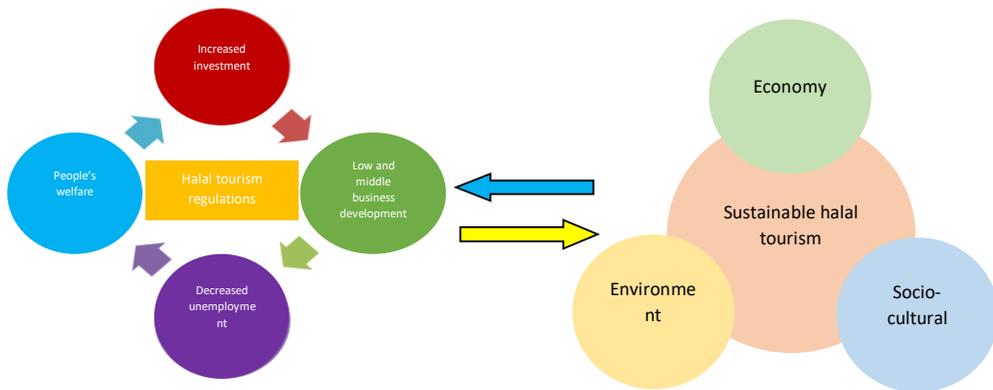
According to Sofyan, the Covid-19 pandemic has shaped a global tourism with a more humanistic approach, namely caring for the environment and prioritizing human health. This is in line with halal tourism, which is characterized as maintaining the ethics of hospitality, prioritizing health, caring for the environment, respecting cleanliness, promoting local wisdom, and carrying out sustainable tourism (El-Gohary, 2020). The halal concept that prioritizes health and safety is also in line with the CHSE (cleanliness, health, safety, environmental sustainability) protocol, which was prepared by the government to revive and increase tourist confidence in Indonesian tourism. Thus, the new normal pattern and travel style in the post-pandemic era are apparently part of the substance of halal tourism (Baharuddin et al., 2015).

Halal tourism policy is a multi-sectoral as well as multi-regional policy. It takes the formulation of a sustainable and integrated halal tourism policy. In other words, sustainable

halal tourism is tourism that the more it is increasingly preserved, the more prosperous and beneficial for many people. In the tourism ecosystem, regulation exists not only for individuals but also for wider communities and stakeholders (Sutono et al., 2021).

The following is a model for developing sustainable halal tourism regulations in the regions:

Picture 1. model for developing sustainable halal tourism regulations



Source: Author adaptation, 2022

The design for developing halal tourism regulations includes three main areas, namely: the realm of regulations and related rules, the realm of institutional strengthening and expansion, and the realm of internalizing halal values in the industrial and business ecosystem. Moreover, the government thus far does not have a law that specifically regulates the halal tourism industry sector as its legal umbrella. The new halal tourism regulatory draft appeared in the 2020-2024 *Prolegnas* (priority national legislative program) through the Bill on the Sharia Economy and the Bill on Tourism Destinations. Therefore, the regulation of halal tourism must substantively become a law that reflects the crystallization of values that exist in society, as well as reflects the legal needs of the community (Umar, 2014).

The construction of this sustainable halal tourism regulation is also in line with the 2020-2024 National Medium-Term Development Plan (RPJMN) in the tourism sector, with a target based on a quality tourism. The quality tourism program's main targets include increasing tourism foreign exchange, increasing the number and skills of tourism human

resources, and obtaining added value from the tourism sector. In the quality tourism experience exists main values such as sustainable tourism, experience satisfaction, special interests, skilled human resources, and technology adoption.

The presence of effective regulations in tourism development in the era of regional autonomy is a challenge for the government and all stakeholders to understand and balance between effective law enforcement and supervision, protection of consumers, and facilitation of industry for the growth and development of local values to reach global communities. Reflecting on the implementation of tourism decentralization, which to this day is still chaotic, the development of halal tourism in the regions requires an asymmetric approach based on the characteristics of each region. Regions need to be given space to bring out their uniqueness, local wisdoms, and characteristics.

Conclusion

Based on the discussion, it can be concluded that halal tourism as a new segment of tourism needs deliberate regulatory support and political will from the central to regional governments, especially through a comprehensive set of regulations. Local governments need to be encouraged to accelerate the realization of the halal industry ecosystem so as to give impacts to the community and welfare. Second, in the development of halal tourism, local governments need to adopt a regulatory model that prioritizes plurality and collaborative aspects by involving all stakeholders (business actors, private parties, government, etc.) as well as adheres to the sustainable national development framework. In short, it is imperative that the central and regional governments create regulations that are responsive to pluralism and local wisdoms.

Bibliography

- Al Hasan, F.A. (2017) 'Penyelenggaraan Parawisata Halal di Indonesia (Analisis Fatwa DSN-MUI tentang Pedoman Penyelenggaraan Pariwisata Berdasarkan Prinsip Syariah)', *Al-Abkam Jurnal Ilmu Syari'ah dan Hukum*, 2(1).
- Alkostar, A. (2018) *Metode Penelitian Hukum Profetik*. Yogyakarta: UII Press.
- Amsori and Jailani (2017) 'Legislasi Qanun Jinayat Aceh Dalam Sistem Hukum Nasional', *Ar Raniry: International Journal of Islamic Studies*, 4(2). Available at: <http://dx.doi>.

org/10.22373/jar.v4i2.7549.

- Anas, A.A. (2020) *Creative Collaboration: 10 Tahun Perjalanan Transformasi Banyuwangi*. Jakarta: Expose.
- Auda, J. (2015) *Membumikan hukum islam melalui maqasid syariah*. Bandung: Mizan.
- Baharuddin, K. *et al.* (2015) 'Understanding the halal concept and the importance of information on halal food business needed by potential Malaysian entrepreneurs', *International Journal of Academic Research in Business and Social Sciences*, 5(2), pp. 170–180.
- Baihaqi, Muh. (2019) 'Wisata Halal di Gili Trawangan Lombok Utara', *Jurnal Ekonomi dan Bisnis Islam*, 4(2), pp. 1–18. Available at: <https://doi.org/10.32505/v4i2.1257>.
- Chaniago, F. (2020) 'Tim Pembahas: Perda Pariwisata Halal Pacu Daya Saing Destinasi Wisata Sumbar', *Padang Media*, 10 June. Available at: <https://padangmedia.com/tim-pembahas-perda-pariwisata-halal-pacu-daya-saing-destinasi-wisata-sumbar/> (Accessed: 14 August 2021).
- Damanik, J. (2017) *Pariwisata Indonesia: Antara Peluang dan Tantangan*. Yogyakarta: Pustaka Pelajar.
- Destiana, R., Kismartini, K. and Yuningsih, T. (2020) 'Analisis Peran Stakeholders Dalam Pengembangan Destinasi Pariwisata Halal Di Pulau Penyengat Provinsi Kepulauan Riau', *Jurnal Ilmu Administrasi Negara ASLAN (Asosiasi Ilmuan Administrasi Negara)*, 8(2), pp. 132–153.
- Djakfar, M. (2017) *Pariwisata Halal Perspektif Multidimensi : Peta Jalan Menuju Pengembangan Akademik & Industri Halal di Indonesia*. Malang: UIN Maliki Press.
- Effendi, D. *et al.* (2021) 'Preparing Halal Tourism Regulations in Indonesia', *International Journal of Religious Tourism and Pilgrimage*, 9(1). Available at: <https://doi.org/10.21427/gt5w-sy51>.
- El-Gohary, H. (2020) 'Coronavirus and Halal Tourism and Hospitality Industry: Is It a Journey to the Unknown?', *Sustainability*, 12(21), pp. 1–26.
- Fahham, A.M. (2017) 'Tantangan Pengembangan Wisata Halal Di Nusa Tenggara Barat', *Aspirasi*, 8(1).
- Feener, R.M. (2014) 'Social Engineering Through Shari'a: Islamic Law and State-Directed Da'wa in Contemporary Aceh', *Indonesia Law Review*, 3(3), p. 285. Available at: <https://>

doi.org/10.15742/ilrev.v3n3.42.

- Fitriana, W.D. (2018) 'Digitalisasi Kuliner dan Wisata Halal Daerah Jombang Melalui Aplikasi "Jombang Halal Tourism"', *Dinar: Jurnal Ekonomi dan Keuangan Islam*, 5(2), pp. 108–116. Available at: <https://doi.org/10.21107/dinar.v5i2.5004>.
- Hamzah, A. (2018) *Ide Taqin Ibn Al-Muqaffa dan Kodifikasi Hukum Islam di Indonesia*. Bandung: Alfabeta.
- Jaelani, A. (2017) 'Halal Tourism Industry in Indonesia: Potential and Prospects', *International Review of management and Marketing*, 7(3), pp. 23–34. Available at: <https://doi.org/10.2139/ssrn.2899864>.
- Jaelani, A.K. (2021) *Model Pengaturan Kepariwisata Halal Berbasis Bhineka Tunggal Ika*. Disertasi. Universitas Sebelas Maret.
- Kasdi, A. *et al.* (2021) 'Potential of Kudus as a New International Pilgrimage Destination in Indonesia: Halal Tourism Optimising Local Wisdom', *International Journal of Religious Tourism and Pilgrimage*, 9(1). Available at: <https://doi.org/10.21427/6a93-zn19>.
- Kemenpar (2015) *Kajian Pengembangan Wisata Syariah*. Laporan Akhir. Jakarta: Kementerian Pariwisata.
- Khoiriati, S.D. *et al.* (2018) 'Debating Halal Tourism Between Values and Branding: A Case Study of Lombok, Indonesia', *KnE Social Sciences*, 3(5), pp. 494–515. Available at: <https://doi.org/10.18502/kss.v3i5.2352>.
- Komalasari, I. and Afrizal (2017) 'Upaya Indonesia Meningkatkan Daya Saing Muslim Friendly Tourism (MFT) Diantara Negara-Negara OKI', *Jurnal Online Mahasiswa (JOM) Bidang Ilmu Sosial dan Ilmu Politik*, 4(2), pp. 1–12.
- Lesmana, I. (2019) 'Urgensi Pembentukan Peraturan Daerah Di Era Otonomi Daerah', *Jurnal Gagasan Hukum*, 1(02), pp. 198–215. Available at: <https://doi.org/10.31849/jgh.v1i02.7700>.
- Makhasi, G.Y.M. and Rahimmadhi, M.T.Y. (2020) 'Ramai-Ramai Menolak Wisata Halal: Kontestasi Politik Identitas dalam Perkembangan Wisata Halal di Indonesia', *Jurnal Sosiologi Reflektif*, 14(2), pp. 373–388. Available at: <https://doi.org/10.14421/jsr.v14i2.1767>.
- Mashuri, I. (2021) *Reformulasi Sharia Compliance Pada Industri Pariwisata Syariah di Indonesia*.

Disertassion. Universitas Islam Indonesia.

- Mina (2016) 'Sumatera Barat Raih Dua Penghargaan Halal Terbaik Dunia', *Kantor Berita MINA*, 8 December. Available at: <https://minanews.net/sumatera-barat-raih-dua-penghargaan-halal-terbaik-dunia/> (Accessed: 14 August 2021).
- Mudzakir, M. (2011) 'Legislasi hukum Islam dalam perspektif produk perundang-undangan di Indonesia: integrasi antara maqasid al-shari'ah dengan tujuan legislasi', *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan*, 11(1), pp. 21–39. Available at: <https://doi.org/10.18326/ijtihad.v11i1.21-39>.
- Mufi, M. (2018) 'East Java Halal Tourism Outlook: Potential Analysis and Strategy for East Java Halal Tourism Development', *East Java Economic Journal*, 2(2), pp. 187–209. Available at: <https://doi.org/10.53572/ejavec.v2i2.19>.
- Nafis, M.C. (2011) *Teori Hukum Ekonomi Syariah*. Jakarta: UI Press.
- Nawawi, H. and Martini, M. (1996) *Penelitian Terapan*. Yogyakarta: Gajah Mada University Press.
- Nurjaya, N. *et al.* (2020) 'Halal Tourism in Indonesia: Regional Regulation and Indonesian Ulama Council Perspective', *International Journal of Criminology and Sociology*, 10, pp. 497–505. Available at: <https://doi.org/10.6000/1929-4409.2021.10.58>.
- Octaviany, V. *et al.* (2020) 'Potret Wisata Halal di Indonesia: Analisis Kesiapan Stakeholder dalam Penyelenggaraan Wisata Halal di Kota Bandung', *Jurnal Ilmiah Pariwisata*, 25(1), pp. 66–75. Available at: <https://doi.org/10.30647/jip.v25i1.1336>.
- Rahmah, H. and Tapotubun, H.H. (2020) 'Narasi Industri Pariwisata Halal Di Jepang dan Jerman', *Jurnal Sosiologi Reflektif*, 14(2), pp. 287–306. Available at: <https://doi.org/10.14421/jsr.v14i2.1830>.
- Rahmawati, R. *et al.* (2021) 'Is it true that Lombok deserves to be a halal tourist destination in the world? A perception of domestic tourists', *GeoJournal of Tourism and Geosites*, 34(1), pp. 94–101.
- Rifa'i, M.N. (2019) 'Integrasi Pariwisata Halal di Kota Malang', *Falab: Jurnal Ekonomi Syariah*, 4(2), pp. 194–201.
- Rozalinda, Nurhasnah and Ramadhan, S. (2019) 'Industri Wisata Halal di Sumatera Barat: Potensi, Peluang dan Tantangan', *Maqdis: Jurnal Kajian Ekonomi Islam*, 4(1), pp. 45–56.

- Saepudin, E. (2021) *Integrasi Value Chain Pariwisata Halal Terhadap Pembiayaan Bank Syariah Dalam Ekosistem Pariwisata Halal Di Lombok*. Disertasi. UIN Syarif Hidayatullah.
- Saleh, R. and Anisah, N. (2018) 'Pariwisata Halal di Aceh : Gagasan dan Realitas di Lapangan', *Sabafa Journal of Islamic Communication*, 1(2), p. 79. Available at: <https://doi.org/10.21111/sjic.v1i2.2849>.
- Sandela, I., Trisna, N. and Thariq, P.A. (2021) 'Konsep Pengaturan Pariwisata Halal di Aceh', *Ius Civile: Refleksi Penegakan Hukum dan Keadilan*, 5(1). Available at: <https://doi.org/10.35308/jic.v5i1.3540>.
- Santoso, L., Cahyani, Y.T. and Suryani, S. (2020) 'Dilema Kebijakan Wisata Halal Di Pulau Lombok', *Jurnal Sosiologi Reflektif*, 15(1), pp. 23–44. Available at: <https://doi.org/10.14421/jsr.v15i1.1968>.
- Satriana, E.D. and Faridah, H.D. (2018) 'Halal tourism: development, chance and challenge', *Journal of halal product and research (JPHR)*, 1(2), pp. 32–43. Available at: <https://doi.org/10.20473/jhpr.vol.1-issue.2.32-43>.
- Subarkah, A.R. (2018) 'Potensi dan Prospek Wisata Halal Dalam Meningkatkan Ekonomi Daerah (Studi Kasus: Nusa Tenggara Barat)', *Jurnal Sospol*, 4(2), pp. 49–72. Available at: <https://doi.org/10.22219/sospol.v4i2.5979>.
- Suharko *et al.* (2016) *Strategi Pengembangan Kelembagaan Kepariwisata Berorientasi pada Halal Tourism: Studi di Destinasi Pariwisata Nasional Lombok-Gili Tramena*. Policy Brief. Yogyakarta: Asean Studies Center UGM, pp. 1–4. Available at: <http://asc.fsisipol.ugm.ac.id/product-details/policy-brief/>.
- Surwandono *et al.* (2020) 'Polemik Kebijakan Wisata Halal di Indonesia serta Tinjauannya dalam Maqashid Syariah', *TSAQAFAH*, 16(1), pp. 91–108.
- Susilawati, C. (2019) *Regulasi dan Penerapan Pariwisata Halal di Indonesia*. Disertasi. UIN Sunan Gunung Djati.
- Sutono, A. *et al.* (2021) 'The Implementation of Halal Tourism Ecosystem Model in Borobudur Temple as Tourism Area', *Indonesian Journal of Halal Research (IJHAR)*, 3(1), pp. 13–20. Available at: <https://doi.org/10.15575/ijhar.v3i1.11119>.
- Swesti, W. (2019) 'Dampak Pariwisata Terhadap Kondisi Sosial Budaya Masyarakat di Banda Aceh', *Jurnal Kepariwisata Indonesia: Jurnal Penelitian dan Pengembangan Kepariwisata*

Indonesia, 13(2), pp. 49–65. Available at: <https://doi.org/10.47608/jki.v13i22019.49-65>.

Tetty Yuliaty (2020) *Model Wisata Halal Sustainable di Indonesia*. Disertassion. UIN Sumatera Utara.

Umar, N. (2014) ‘Konsep Hukum Modern: Suatu Perspektif Keindonesiaan, Integrasi Sistem Hukum Agama dan Sistem Hukum Nasional’, *Walisongo: Jurnal Penelitian Sosial Keagamaan*, 22(1), pp. 157–180.

Waluyo, A. (2020) ‘The developmental policy of halal product guarantee in the paradigm of maqāṣid shari’ah in Indonesia’, *Ijtihad : Jurnal Wacana Hukum Islam dan Kemanusiaan*, 20(1), pp. 41–60. Available at: <https://doi.org/10.18326/ijtihad.v20i1.41-60>.

Wintgens, L.J. (2006) ‘Legisprudence as a New Theory of Legislation’, *Ratio Juris*, 19(1), pp. 1–25. Available at: <https://doi.org/10.1111/j.1467-9337.2006.00315.x>.

Yasid, A. (2010) *Aspek-Aspek Penelitian Hukum*. Yogyakarta: Pustaka Pelajar.

Zarkasyi, M.R., Kurniawan, D.A. and Darma, D.C. (2021) ‘Urgency of “Halal Tourism”: Religiosity, Awareness, and Interest from Stakeholders’, *Journal of Environmental Management and Tourism*, 12(4), pp. 968–976. Available at: [https://doi.org/10.14505/jemt.v12.4\(52\).11](https://doi.org/10.14505/jemt.v12.4(52).11).