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Bias or Reality: Rethinking of Halal Tourism in Indonesia

Muhammad

Fakultas Syariah, Universitas Islam Negeri Maulana Malik Ibrahim
Malang, Indonesia

email: muhammadlc@syariah.uin-malang.ac.id

Syabbul Bachri

Fakultas Syariah, Universitas Islam Negeri Maulana Malik Ibrahim
Malang, Indonesia

email: syabbulb@uin-malang.ac.id

M. Husnaini

Department of Curriculum and Instruction,
International Islamic University Malaysia (IIUM)

email: hus_surya06@yahoo.co.id

Abstract

Lately, the term *halal* or *sharia* has become a trend in Indonesia caused that the term is identical to Islam and most Indonesian citizens are Muslim. Besides being a weapon to sell commodities on the market, *halal* labels are also used to promote tourism resorts. Indonesian Council of Religious Scholars (MUI) issues fatwa to regulate *halal* tourism and has the authority to issue *halal* tourism certificates. This study addresses academic anxiety, whether tourism that has received a *halal* certificate following the MUI fatwa is natural *halal* tourism or it is only a formality



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of marketing bias. This article uses the field study method that results from direct observation and literature study to ascertain the meaning of *halal*. The study results showed that no tourism in Indonesia deserves a *halal* label even though it has obtained a *halal* certificate from the MUI. It is observed that in many tourism locations, disobedience and neglect occur. The term *halal* is a tourist object limited to marketing bias and is not confirmed in the field.

[Dewasa ini istilah halal atau syariah sedang menjadi trend di Indonesia, karena istilah tersebut identik dengan Islam dan sebagian besar warga negara Indonesia beragama Islam. Selain sebagai senjata untuk menjual komoditas di pasaran, label halal juga digunakan untuk mempromosikan tempat wisata. Majelis Ulama Indonesia (MUI) mengeluarkan fatwa untuk mengatur wisata halal dan berwenang menerbitkan sertifikat wisata halal. Kajian ini membahas tentang kecemasan akademik, apakah pariwisata yang telah mendapat sertifikat halal mengikuti fatwa MUI merupakan wisata halal alami atau hanya bias pemasaran formalitas. Artikel ini menggunakan metode studi lapangan yang dihasilkan dari observasi langsung dan studi pustaka untuk memastikan makna kehalalan. Hasil kajian menunjukkan bahwa tidak ada pariwisata di Indonesia yang layak mendapatkan label halal meskipun telah mendapatkan sertifikat halal dari MUI. Terlihat bahwa di banyak lokasi wisata terjadi ketidaktaatan dan penelantaran. Istilah halal merupakan objek wisata terbatas pada bias pemasaran dan tidak terkonfirmasi di lapangan.]

Keywords: *halal* tourism; marketing bias; reality

Introduction

Halal tourism labels have become a binding force for tourists both from domestic and abroad. The use of the term *halal* tourism illustrates to the listeners that this tour follows the system and principles set out in the Islamic religion, especially after the emergence of the decision of the Indonesian Council of Religious Scholars (MUI), which has provided *halal* tourism standardization.¹ The existence of Fatwa

¹ Fatwa of the National *Sharia* Council-Indonesian Council of Religious Scholars No: 108 / DSN-MUI / X / 2016, Regarding Guidelines for Organizing Tourism Based on *Sharia* Principles. <https://tafsirq.com/fatwa/dsn-mui/pedoman-penyelenggaraan-pariwisata-berdasarkan-prinsip-syariah>.



MUI is the only certification agency in the field of halal tourism business, so halal tourism must meet the outcome of the ruling. Thus, tourism in Indonesia can be categorized as halal tourism if it complies with the requirements and procedures set forth. If it is inappropriate, it cannot be called a halal trip. Halal tourism in Indonesia is different from halal tourism in other States, where it is possible that halal tourism in other countries does not have the exact requirements as in Indonesia. Therefore, it is not surprising that in one of their articles, Ahmed and Akbaba explained that there are misconceptions and misunderstandings among stakeholders and scholars on the concept of Halal tourism. Neither a clear definition is given for Halal tourism. Moreover, the study also approved that Ethiopia has potential opportunities and challenges to develop Halal tourism.² Multi-interpretive definition of halal tourism in Ethiopia does not apply in Indonesia, as it is in Indonesia against the authority that certifies halal tourism.

Halal tourism means the location has no immorality or forms of haram. It seems very difficult to realize, so in writers' minds, *halal* tourism is just a term to attract tourists or just limited to marketing. Siti Halimah Ab Hamid explains the importance of halal words in tourism: "The Halal concept has become a market force, quality manifestation, and choices for Muslims as it provides a sense of security that they have followed what is asked by *Sharia*."³

The term *halal* is the opposite of the word *haram*. Something can be said *haram* if it violates the principles of *sharia*, not only limited to the existence of worship facilities, *halal* food locations, and hotels that have *halal* standards.⁴ If the standardization of *halal* tourism is limited

² Mohammed Jemal Ahmed and Atilla Akbaba, "The Potential of Halal Tourism in Ethiopia: Opportunities, Challenges, and Prospects," *International Journal of Contemporary Tourism Research* 1 (2018): 13.

³ Siti Halimah Ab Hamid and Yuhannis Abdul Aziz, "Implementing Bing Scale Halal Tourism in Malaysia," *International Journal of Academic Research in Business and Social Sciences* 8, no. 16 (2018): 308.

⁴ iNews.id, *Ma'ruf Amin: Wisata Halal Bukan Mengubah Destinasi Menjadi Halal (Halal Tourism Is Not Changing Destinations Into Halal)*, 12 October 2019.



to the availability of places of worship, *halal* food, or hotels with a *halal* standard, then the term *halal* tourism is not appropriate, and even the term *halal* tourism can damage the essence of *halal* itself. The words *halal* and *sharia* have become a trend lately to be a charmer in the marketing world, like the emergence of the term *sharia* housing, *sharia* schools, *sharia* tourism, and others. Therefore, it is not wrong if Firdausa Sari explained, “the better the attitude of the community towards *halal* tourism, the higher the public interest in *halal* tourism.”⁵ From Firdausa’s explanation, something that is *halal* is expressed as limited to human perception, even though the word *halal* does not indicate the essence of *halal* or *sharia* itself. The term *halal* tourism illustrates tourism consisting of *halal* food, proper worship facilities, services during Ramadan, toilets that provide water, recreational facilities that provide privacy, and no non-*halal* activities.⁶

It is feared that the improper use of the *halal* or *sharia* label will lead to the lowering or even loss of the *halal* essence or the *sharia* itself. Moreover, in the *hadith*, the Prophet Muhammad has explained that something lawful (*halal*) is clear and that which is forbidden (*haram*) is also clear. In between, there is something called *mutasyabih*.⁷

In principle, Islam comes with the vision of eliminating neglect and disobedience. Therefore, Islam imposes limits on humanity. The purpose of formatting tourism with this *halal* concept is a step aspired by the teachings of Islam when tourism follows the corridors set in the Islamic religion.⁸ However, if *halal* tourism, in reality, is just a term and

<https://www.inews.id/news/nasional/maruf-amin-wisata-halal-bukan-mengubah-destinasi-menjadi-halal>

⁵ Firdausa Kumala Sari et al., “Persepsi, Sikap dan Minat Pariwisata *Halal* di Daerah Istimewa Yogyakarta,” *Jurnal of Islamic Econo-mics, Finance, and Banking* 2, no. 2 (2019): 153.

⁶ Soraya Ratna Pratiwi et al., “Communication Strategies in Building *Halal* Tourism Awareness in the City of Bandung,” *Journal Kajian Komunikasi* 6, no. 1 (2018): 89.

⁷ Al-Bayhaqî Ahmad bin al-Ḥusain bin ‘Alî, *Al-Sunan al-Kubrâ* (Bairût: Dâr al-Kutub al-‘Ilmiyah, 2003), 5/433.

⁸ Shofwan Karim, “Pembangunan Pariwisata dalam Perspektif Islam,” *Jurnal Tadjid* 16, no. 1 (2013): 126.



marketing bias, then this needs to be justified and needs to be corrected regarding the existence of the term.

Research from 2015 to 2019 regarding *halal* or *sharia* tourism focused on regional economic development issues, except for a study by Fahadil Amin Al Hasan. In this study, Fahadil analyzed the MUI fatwa on the concept of *halal* tourism, which resulted in the conclusion that the MUI fatwa needed to be discussed again. MUI fatwa, according to Fahadil, has not provided clarity because many sentences are multiple interpretations, and many terms are used without clarity or limitation.⁹ Likewise, with articles written by Riyan Pradesyah and Khairunnisa in 2018. They tried to re-analyze the MUI fatwa on *halal* tourism with the concept of *sharia* hotels in Medan. In conclusion, they explained that the hotels in Medan met the *halal* standards, as stated in the MUI fatwa.¹⁰

Besides, two articles discuss the issue of *halal* tourism written by Sri Wahyulina and Sri Darwini. They concluded that *halal* tourism was sufficient with the availability of toilet facilities, rubbish bins, and places of worship.¹¹ Likewise, the results of research conducted by Firdausa Kumala Sari and Novita Safitri explained that *halal* tourism lies in its facilities, according to the people's perception.¹² The last two writings show *halal* tourism is only limited to the existence of facilities or infrastructure. Whereas the word *halal* should cover all aspects that do not contain haram. Therefore, a question arises as to whether *halal* tourism is only limited to marketing labels or whether the nature of

⁹ Fahadil Amin Al Hasan, "Penyelenggaraan Pariwisata *Halal* di Indonesia (Analisis Fatwa DSN-MUI tentang Pedoman Penyelenggaraan Pariwisata *Halal* Berdasarkan Prinsip Syariah)," *Jurnal Al-Ahkam* 2, no. 1 (2017): 75.

¹⁰ Riyan Pradesyah and Khairunnisa, "Analisis Penerapan Fatwa MUI Wisata *Halal* (Studi Kasus Hotel Syariah Medan)," *Jurnal Intiqad* 10, no. 2 (2018): 347.

¹¹ Sri Wahyulina et al., "Persepsi Wisatawan Muslim Terhadap Sarana Penunjang Wisata *Halal* di Kawasan Desa Sembalun Lawang Lombok Timur," *Jurnal Magister Manajemen Universitas Mata-ram* 7, no. 1 (2018): 41.

¹² Firdausa Kumala Sari and Novita Safitri, *Persepsi, Sikap dan Minat Pariwisata Halal*, 137.



tourism that is genuinely Islamic or *halal* brand is limited to using mere terminological meanings?

From the elaboration above, it is necessary to re-examine the term *halal* tourism, especially those in Indonesia, from the perspective of Islamic law. This research is essential; lately, the term *halal* or *sharia* is massive. It is expected from this research that the notion of *halal* is used appropriately, especially in marketing, since the term has been standardized in the teachings of Islam.

Methods

There are two methods of completing this article to bring up accurate results: the field research method. The purpose of this method is that researchers observe directly. Simply put, observations can now define this research to obtain the necessary information. The second is the method of library research. These two methods are needed in this article because the first method can be found in actual conditions in tourist destinations labeled *halal*, and the second method serves as a differentiator of the term *halal* in the view of Islamic Sharia.

Result

The Term *Halal* or *Sharia* Tourism

Most previous studies regarding *halal* or *sharia* tourism include the definition of *halal* or *sharia*. From all the reviews that contain the meaning of the word *halal*, it boils down to the sense of “going on a tour by upholding the principles of Islamic teachings.”¹³ Besides this, another study revealed by Rahmat Soleh that “*halal* tourism is basically offering and promising everything that reflects Islamic values, from even the smallest to the availability of Muslim-friendly services and

¹³ M. Indra Dewa Puspita et al., “Analisis Pengembangan Pulau Santen dengan Konsep Wisata Syariah,” *Journal Administrasi Bisnis* 55, no. 1 (2018): 144. See also, Hendri Hermawan Adinguraha et al., “Desa Wisata *Halal*: Konsep dan Implementasinya di Indonesia,” *Jurnal, Human Falah* 5, no. 1 (2018): 31. See also, Muhammad Jeffry Maulidi, “Wisata *Halal* dan Identitas Islami: Studi Kasus Lombok, Nusa Tenggara Barat,” *Jurnal Pemikiran Sosiologi* 6, no. 1 (2019): 19.



facilities.”¹⁴ On the other hand, some articles explain in detail the different definitions of *halal* and Islamic tourism from researchers. The authors’ conclusion explains that all of the definitions of *halal* tourism have the same meaning: “conformity with Islamic teachings.”¹⁵

Not as a Muslim-friendly destination as Alfonso Vargas-Sánchez and Mirko Perano stated in one of their articles.¹⁶ One of the articles written by Mohamed Battour emphasizes that Muslim-friendly destinations do not fall into the halal tourism category. Muslim-friendly destinations offer plenty of ‘halal’ services (such as Halal food and beverages, sex-segregated swimming pools, and others) and comfortable places for Muslims to perform their daily prayers. Finally, the case of non-Muslims traveling to destinations in Muslim countries to visit Islamic historical religious and cultural sites could be an argument. Is it Islamic tourism? It is suggested not to be referred to as Islamic tourism but rather ‘Islam- related tourism.’¹⁷

The definition that the most recent researchers have revealed, as listed above, is in no way contrary to the terms of *halal* or *sharia*, which Muslim scholars have defined. Al-Marâghî defines *halal* as “everything that is legalized by Allah and His Messenger, while *haram* is something

¹⁴ Rahmat Soleh and Nur Anisah, “Pariwisata *Halal* di Aceh: Gagasan dan Realitas di Lapangan,” *SAHAFA Journal of Islamic Communication* 1, no. 2 (2019): 81.

¹⁵ Eka Dewi Satriana and Hayyun Durrotun Faridah, “Wisata *Halal*: Perkembangan, Peluang, dan Tantangan,” *Jurnal of Halal Product and Research* 1, no. 2 (2018): 34. See also, Reni Yuliviona, et al., “The Relationship of Halal Tourism, Islamic attributes, Experiential Value, Satisfaction, and Muslim Revisit Intentionin Framework: A Systematic Literature Review,” *International Journal of Tourism & Hospitality Reviews* 6, no. 2 (2019): 55.

¹⁶ Alfonso Vargas-Sánchez and Mirko Perano, “Halal Tourism through the Lens of Generation Z in a Muslim Majority Country: Implications on Tourist Services,” *International Journal of Business and Management* 13, no. 9 (2018): 44.

¹⁷ Mohamed Battour, “Muslim Travel Behavior in Halal Tourism,” In *Mobilities, Tourism and Travel Behavior Contexts and Boundaries*, ed. Leszek Butowski (Polandn: University of Technology Poland. 2018), 7.



that is forbidden by both.”¹⁸ Ayyûb al-Ainusainî defines *halal* as “something which has obtained permission from al-Syâri’ (Allah). While haram is an act that the culprit is entitled to get sin.”¹⁹ Besides, there is also a definition stating that *halal* is everything that contains no disobedience to God.²⁰ Some other Muslim scholars interpret *halal* more simply as the opposite of the meaning of haram. To arrive at the definition of *halal*, one must first understand the meaning of haram itself. According to the term, Haram is everything that is demanded by *Shâri’* from the *mukallaf* to leave it clearly and compulsorily either by using the language of prohibition, impunity, or orders to leave it.²¹

From the above explanation, it can be concluded that *halal* tourism is tourism that follows Islamic teachings or does not violate the principles of Islamic teachings. From here, a question arises on whether tourism in the form of beaches, mountains, markets, and parks can be principled with Islamic teachings or not violate Islamic ethics? The tour is worth getting a *halal* or *sharia* tour label if it can be realized. However, if that does not happen, then it can be said that language and terms are abused. Thus, it can be said that *halal* or *sharia* in tourism is only a marketing bias to reap profits, not applying Islamic principles. It is necessary to have a re-study of tourism to solve this problem that falls into *halal* or *sharia* tourism following the Islamic legal perspective.

Tourism that can be categorized as *halal* tourism in the perspective of Islamic law

There is no doubt that the religion of Islam legalizes sightseeing and tourism to nourish the body from business and fatigue in the soul. Tourism, in the eyes of Islamic law or *fiqh*, has two legal provisions.

¹⁸ Al-Marâghî, Aḥmad bin Mushthafâ, *Tafsîr al-Marâghî* (Egypt: Maktabah al-Ḥalabî, 1946), 2/41. See also, al-Zuḥaylî, Wahbah bin Mushthafâ, *al-Tafsîr al-Munîr fî al-‘Aqîdah wa al-Syarî‘ah wa al-Manhaj* (Bairût: Dâr al-Fikr: 1418), 2/72.

¹⁹ Al-Ḥusainî, Ayyûb bin Mûsâ, *Kitâb al-Kulliyât* (Bairût: Muassasah al-Risâlah, 1998), 1/400.

²⁰ Al-Bayhaqî, *al-Zuhd al-Kabîr li al-Bayhaqî* (Bairût: Dâr al-Kutub al-‘Ilmiyah, 1990), 2/432.

²¹ Al-Zuḥaylî, Muhammad Mushthafâ, *al-Wajîz fî Ushûl al-Fiqh al-Islâmî* (Damascus: Dâr al-Khayr li al-Ṭhaba‘ah wa al-Nasyr, 2006), 349.



First, the law of tourism universally. The law of tourism universally is allowed (*ibâḥah*). It is reviewed that the fundamental law of traveling is permissible. The provision is based on the principles of *fiqh* state that the fundamental law of everything is permissible until there is an argument forbidding it,²² does not violate the objectives of establishing law (*al-Maqâd al-Syarî'ah*), or it is not related to something al-Shâri has forbidden. The legality of tourism is explained in the Koran as it is stated in Surah al-Ankabût [29]: 20.

قُلْ سِيرُوا فِي الْأَرْضِ فَانظُرُوا كَيْفَ بَدَأَ الْخَلْقَ ثُمَّ اللَّهُ يُنشِئُ النَّشْأَةَ
الْآخِرَةَ إِنَّ اللَّهَ عَلَىٰ كُلِّ شَيْءٍ قَدِيرٌ

“Say (O Muhammad): Travel in the land and see how He originated creation, then Allah bringeth forth the later growth. Lo! Allah can do all things”.²³

Regarding the above verse, Sa'îd Ḥawwâ interprets that “this verse shows a command to walk on God’s earth to take a lesson.”²⁴ Thus, the wisdom of this verse is a command to walk all over the world to take advantage of every beauty that God has created. The legality of this excursion is expected that humanity can draw closer to its creator in gratitude for the pleasure that God has created for all humans.

Second, the law on tourism in detail. The purpose of this second legal discussion is the legal position of *sharia*, which is determined by the nature of the tourist, the location to which it is headed, the accommodation used, and the event attended. Judging from these aspects, the law of tourism, according to Muhammad Khâlid Manshûr is divided into three provisions: 1) if the aim is to preach, seek knowledge, expand knowledge, and others, then the law is *sunnah*

²² Zayin al-‘Âbidîn bin Ibrâhîm, *al-Asybah wa al-Nazhâir ‘alâ Madzhab Abî Hanifah al-Nu‘mân* (Bairût: Dâr al-Kutub al-‘Ilmiyah, 1980), 1/66.

²³ Departemen Agama RI, *Al-Qur’an dan Terjemahnya* (Bandung: CV Diponegoro, 2008), 398.

²⁴ Sa’îd Ḥawwâ, *Al-Asâs fî Tafsîr* (Kairo: Dâr al-Salâm, 1424), 8/4196.



(recommended). 2) if the objective is to just joke around without any purpose to gain knowledge, then the law of it is wrong. 3) if the destination location is a place that often indicates forbidden things such as drinking alcohol, prohibited entertainment, mixing the opposite sex, opening genitals (*aurat*), and containing disobedience, then the tour is *haram* (forbidden).²⁵

Judging from the legal division of tourism as explained above, it can be concluded that all tourism and tourism objects are *halal*. However, if in the tourist location there are things that cause interdiction, then the law turns to *haram*. This law also applies to tourism, which is fundamentally legal, but if it is polluted with things that cause it to be *haram*, then the law is also *haram*. It is known by the term *ushûl fiqh* (principles of Islamic jurisprudence) with *ḥarâm lighairihi*. Wahbah al-Zuhaylî defines *ḥarâm lighairihi* as something which is legalized by the *sharia* because there is no *mafsadah* (damage) and *mudarat* (harms). But other things cause it *haram* because of *mudarat* (harms) and *mafsadah* (damage).²⁶

Traveling to these locations is fundamentally legal if tourist sites include beaches, mountains, and parks. However, suppose there is disobedience in the tourist sites such as mixing the opposite sexes, opening genitals, and other types of disobedience. In that case, the tour cannot be categorized as *halal* tourism. Tourism in the perspective of the principles of Islamic Jurisprudence can be categorized as a tourist destination called *ḥarâm lighairihi*; for that basis, the tour is not feasible to use the term “*halal* or *sharia* tourism”.

MUI, in its fatwa decision, explained that to be categorized as *halal* tourism must have two criteria, namely: 1) avoid polytheism, disobedience, neglect, and *isrâf* (extravagance). 2) create advantage and benefit both materially and spiritually.²⁷ Besides, MUI

²⁵ Muhammad Khâlid Manshûr and Khâlid Syujâ‘, “The Rules of the Recreational Tourism in Islamic Jurisprudence,” *Internasional Refereed Research Journal* 36 (2009): 766-767.

²⁶ Al-Zuhaylî, *al-Wajîz fî Ushûl al-Fiqh*, 355.

²⁷ Fatwa of the National *Sharia* Council-Indonesian Council of Religious Scholars No: 108/DSN-MUI/X/2016. Regarding Guidelines for Organizing Tourism Based on *Sharia* Principles, 6.



also requires tourist destinations to avoid polytheism, immorality, adultery, pornography, liquor, drugs, and gambling and to avoid cultural arts contrary to Islamic principles.²⁸ Whereas relating to tourists, MUI provides requirements to categorize tourism as *halal* tourism. There are four conditions, namely: 1) adhere to the principles of *sharia* by avoiding *shirk*, immorality, *munkar* (evils), and damage. 2) Maintain worship obligations. 3) Maintain a noble character. 4) Avoid tourist destinations that are contrary to Islamic principles.²⁹

From the criteria and requirements that the MUI has decided, both are related to tourist destinations or tourists above. The anxiety arises in whether or not all of that may be realized in a tourist location. The criteria and conditions set by the MUI are, of course, difficult to realize or even impossible to fulfill, especially if the tourist destination is in the form of a beach, mountain, or park. Regarding this MUI fatwa, Fahadil Amin al Hasan, in his article, responded by stating that the two general principles of the MUI fatwa in organizing Islamic tourism could result in the limited space for *halal* tourism actors in Indonesia.³⁰

The criticism of Fahadil at the MUI was not only limited to the general principles of the implementation of *sharia* tourism but also criticized almost all provisions. However, unfortunately, the critic seems not to understand the diction expressed by the MUI “for the sake of preserving *sharia* tourism”, as stated in the MUI fatwa. It is illustrated that Fahadil wants a more loose *fatwa*. Thus, Fahadil does not understand the definition of *halal* or *sharia* tourism itself.

Apart from the discussion above, long before the issuance of the MUI fatwa regarding *halal* tourism, there was research discussing the legality of traveling for Muslims. In the study, several criteria must be met for Muslim tourists. These criteria are divided into two parts, namely, general and particular criteria. General criteria are as follows: 1) adhering to *sharia* principles. 2) Consistently maintaining obligations

²⁸ Fatwa of the National *Sharia* Council-Indonesian Council of Religious Scholars, 7-8.

²⁹ Fatwa of the National *Sharia* Council-Indonesian Council of Religious Scholars, 7.

³⁰ Fahadil Amin, *Penyelenggaraan Pariwisata Halal di Indonesia*, 72.



as Muslims. 3) Well-Behaving ethically. 4) The tour results produce benefits for the goodness in the world and the hereafter. While specific criteria are: 1) do not spend time on unuseful things. 2) There is no *isrâf* (extravagance). 3) The destination is in the Islamic state. 4) The location is not a place known for immorality. 5) The purpose of traveling is to gain knowledge. 6) The purpose of traveling is to get closer to God. 7) Travel with good friends.³¹ Fauzi al-Shâdiq agrees with these criteria in his article published in 2017.³²

There is a difference between the MUI fatwa ruling with the two articles above. In the MUI *fatwa*, it seemed to insist on giving a *halal* label to tourist sites without thinking about reality in the field. Thus, *halal* tourism is only limited to certificates and is not happen in the field. Khâlid Manshûr who try to regulate Muslims when they travel and are required to meet the correct criteria.

Judging from the existing tourism in Indonesia, which has been categorized as *halal* tourism, no single tourism meets the requirements set by the MUI regarding *sharia* tourism. Thus, it is not wrong if the writers believe that Islamic tourism *fatwa* is limited to political fatwa and marketing bias. The authorities should not have given the *halal* label by request without carefully reviewing the conditions on the ground. It is not enough to provide training within a few days or hours regarding the sectors supporting *halal* tourism, then give a *halal* certificate regardless of the tourism location's disobedience or neglect. Written criteria for *halal* tourism should not contain disobedience and neglect.

The immorality and evil that often occur in tourism sites, especially beaches, mountains, and parks, which include opening genitals and mixing non-mahram sexes and others, are clearly in conflict with Islamic principles, as previously explained. Therefore, it is no exaggeration if Hafizah Awaliah, in his article, raises the question, "Is it true that the government will commit to creating a religious and *halal*

³¹ Muhammad Khâlid Manshûr dan Khâlid Shujâ', al-Dlawâbith al-Syar'iyah li al-Siyâḥah al-Tarwîḥîyah, 777.

³² Fauzî al-Shâdiq Aḥmad al-'Umawrî, "The Truth of Tourism Concept in the Holy Quran and its Legal Controls," *Jurnal of Islamic Studies and Thought for Specialized Researches* 3, no. 4 (2017): 83-87.



tourism environment or just jargon or a term modified by interest groups?”³³ and this question arises due to the existence of not the following reality.

The argument for rejecting the term *halal* tourism cannot be blamed because of the many previous studies concerning *halal* tourism more focused on the discussion of improving the regional economy and attracting domestic and foreign tourists. Also, the existence of a *halal* or *sharia* label that MUI has given to tourism sites may not necessarily meet the standards in its fatwa decision. Thus, it can be guessed that the course of the emergence of *halal* tourism is only limited to the marketing bias, not occurs in real.

Regional Regulations (PERDA) regarding the provisions of *halal* tourism, in principle, return to the policy of the MUI fatwa, which has the authority to issue *halal* tourism certificates. The PERDA Konawe Kepulauan Regency, for example, is stated in chapter 1, article 1 Number 14, which reads that the National Sharia Council-Indonesian Council of Religious Scholars. In the future, referred to as DSN-MUI, is part of the MUI institutional structure, which acts as a Certification institution in halal tourism affairs.³⁴ Likewise, it is expressed using the same statement in Regional Regulations (PERDA) of the Province of West Nusa Tenggara (NTB) listed in chapter 1, article 1, number 6.³⁵ *Halal* tourism depends on the MUI's decision, which has exclusive rights in its authority. Logically, the MUI cannot issue a *halal* certificate if the tourism proposed as a *halal* tourism destination does not meet the conditions set by the MUI in its fatwa. Suppose the MUI issues a *halal* certificate at one of the tourist destinations, even though the tourist site does not meet the criteria. In that case, MUI violates the regulations that it has made. If that happens, then the MUI fatwa is only limited to formalities that are merely seen to exist. Thus, in the end, it can be

³³ Hafizah Awaliah, “Komudifikasi Pariwisata *Halal* NTB dalam Promosi Destinasi Wisata Islami di Indonesia,” *Jurnal Studi Komunikasi* 1, no. 1 (2017): 20.

³⁴ PERDA of Konawe Kepulauan Regency, No. 9, 2019, Regarding *Halal Tourism*, 4.

³⁵ Regional Regulation of the Province of West Nusa Tenggara, Number 2, 2016, Regarding *Halal Tourism*, 2.



ascertained that the MUI fatwa is useless, and each tourist destination can categorize itself as *halal* tourism without passing the MUI formality.

If what is meant by *halal* tourism is just a tourist destination that is friendly to Muslim tourists,³⁶ then clearly, this statement does not review the MUI fatwas and the Regional Regulation (PERDA) on existing *halal* tourism. Thus, after considering that the *halal* tourism requirements in the MUI fatwa must adhere to the principles of Islamic law.

The Reality of *Halal* Tourism in Indonesia

Several tourist destinations are well-known as *halal* tourist destinations in Indonesia. Tourist destinations that have been famous for *halal* tourism are divided into several sections in the form of beaches, markets, parks, mountains, mosques, and others. As in West Nusa Tenggara (NTB), which is famous as a *halal* tourist destination for its beaches, either in the west, east, or central Lombok.

The term *halal* tourism in tourist attractions such as beaches, mountains, and parks in NTB and Banyuwangi is undoubtedly inappropriate because of the non-fulfillment of specified standards. The MUI standard's statement "there is no disobedience and evil deeds" regarding *halal* tourism will be hard to achieve because it is impossible for tourists who visit the beach to wear clothing without exposing genitals (*aurat*). Seeing that the purpose of tourists to the beach is to play water and sunbathe, it is clear that there are elements of immorality and disobedience. It is different if the MUI argument regarding the limitation of genitalia follows the opinion of Muhammad Shahrūr, which only needs to cover up to two genital organs.³⁷

Besides, it is unavoidable in tourist sites to eliminate the element of *ikhtilâth* or mixing of the opposite sexes. *Ikhtilâth* is a natural thing for tourists. Even since leaving for tourist destinations, most tourists have committed *ikhtilâth*, especially when tourists are from the youth

³⁶ Gigih Prayitno, "Salah Kaprah Orang Indonesia Memahami Konsep Wisata halal," *Kompasian* (2019): <https://www.kompasiana.com/gigih98582/5d6cc745097f362d34323a82/salah-kaprah-orang-indonesia-memahami-konsep-wisata-halal?page=all>.

³⁷ Muhammad Syaḥrūr, *Al-Kitâb wa al-Qur'ân* (Siria: al-Ahâlî li al-Thabâ'ah wa al-Nasyr wa al-Tawzî', n.d), 604.



groups. All fiqh schools hold that *ikhtilâth* is *haram* (forbidden).³⁸ If sharia principles are indeed applied, then there should be a barrier or boundary between the locations of men and women. Even As much as possible, the opposite sexes can not see and hear each other. In addition, tourist destinations such as beaches, mountains, parks, and other identical sites, are strategic locations to visit for dating people.

Thus, evil and disobedience occur in the tourist site and no longer meet the requirements of *sharia* principles. Some steps that can be taken to prevent these are the presence of guards or supervisors who always supervise and separate the two different gender with no marital bond. However, the existence of these guards is not found in tourist sites labeled as *halal* or *sharia* because if this is realized, then the tourist destinations will have no visitors. Therefore, it is not excessive if the *halal* or *sharia* label is limited to marketing, not reality.

If *halal* tourism with the definitions and conditions that have been set cannot be realized correctly, then it is very inappropriate for such a tour to be called *halal* tourism. Thus, the word *halal* in tourism can impact two factors: abuse of the term *halal* in Islamic law and fraud against tourists for being motivated by Islamic terms. So, it can be ascertained that the term *halal* tourism is only limited to the sale of the *halal* brand as a lure and makes people curious, but inappropriate with reality. The argumentation is based on research observations. Moreover, research explains that the *halal* tourism sector in the types of sites in NTB has not fully implemented the concept of *sharia* tourism.³⁹ It is because *halal* tourism will not increase tourists but rather be the cause of customers away.

The emphasis point on the discussion of *halal* or *sharia* tourism that emerged and was widely discussed by researchers was more inclined to the discussion of the regional economic sector and the

³⁸ Wahbah al-Zuhaylī, *Al-Fiqh al-Islāmī wa Adillatuh* (Bairūt: Dār al-Fikr, 1985): 7/223.

³⁹ Adrian Adi Hamzana, “Pelaksanaan Standarisasi Pelayanan Pariwisata *Halal* dalam Pengembangan Pariwisata di Nusa Tenggara Barat,” *Jurnal Pena Justisia*, 17, no. 2 (2017): 6.



increase in tourists rather than on the discussion of *sharia* principles. The purpose of *halal* tourism is not to implement tourism based on *sharia* principles but to sell the word *halal* or *sharia* to captivate tourists and improve the local economy. Thus, the term *halal* tourism is only a marketing bias.

Discussion

Popular in Indonesia is the inclusion of Islamic-based terms such as school places. Not to be missed from the inclusion of the term Islami in Indonesian tourist destinations. Areas with natural beauty and tourist places are vying to include the term Islami as the tail of the destination name. MUI is a policy holder in issuing fatwas, providing criteria, rules, and restrictions in naming tourist destinations in Indonesia that fall into the category of halal tourist destinations. Tourism criteria categorized as halal tourist destinations must meet stringent requirements. On the other hand, a tourist destination is termed halal tourism if late to get certification from MUI.

From here comes academic anxiety to research more deeply about tourist destinations that have obtained halal certificates from MUI. The question in this article is How is the concept of halal in the Islamic perspective? Is halal tourism that has obtained a certificate following the MUI fatwa, or certificate is limited to formalities only? These two questions are often the source of polemics between scholars, researchers, and intellectuals.

A uniqueness when looking at scientific journals published when researching halal tourist destinations is more likely to be the discussion of improving the economy and the number of tourists. The results of the study ruled out that the criteria of a destination can be categorized as a halal tourist destination as stated in the regulations set by MUI. From this comes the suspicion that *halal* labels in tourist destinations are only limited to marketing bias, not following the conditions set.

Mohamed Battor wrote an article that reveals that what is meant by halal tourist destinations does not mean halal in Islamic terms but is interpreted as a tourist destination suitable for Muslims. Thus, it can be ensured that there are no halal tourist destinations and the only tourism that remains suitable for Muslims. In the end, after conducting field



observations found that tourist destinations labeled halal in Indonesia do not meet the criteria of halal tourist destinations as stipulated in the MUI fatwa. Is evidenced by the no difference between tourist destinations that are not halal certified and tourist destinations that have been certified halal; in other words, sin and evil are still found. As stated in the MUI fatwa, sin and evil are the essential points that must be avoided in halal tourist destinations. It also reinforced that researchers focus more on improving the economy and are open to regulatory substances.

Conclusion

There is no single *halal* tourism in Indonesia, especially when discussing tourist destinations like beaches, mountains, and parks. Even though some of the tourist sites have been named *halal* or have received a *halal* tourism certificate from the MUI, in reality, those sites do not match the given standard of MUI regarding *halal* tourism. The tourist sites still have a lot of disobedience and immorality.

Tourism must be avoided from immorality and disobedience to be categorized as halal. The emergence of the term *halal* or *sharia* tourism is only a marketing bias to attract the hearts of visitors. It can be proven from the many previous studies that examine *halal* tourism, which only focus on improving the economy, not on the standardization of *halal* tourism.

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