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Halal Tourism Policy in the Contemporary Era: A *Maqāṣid al-Sharī'ah* Perspective on Regulatory Gaps

Abstract: This study examines the implementation of *halal* tourism policies in Indonesia in the contemporary era, which has developed amid regulatory fragmentation and regional-level differences in interpretation, due to the absence of a comprehensive national legal umbrella. *Halal* tourism is not placed solely as an economic and branding instrument, but as a public legal policy issue related to legal certainty, normative authority, and the achievement of benefits. This research employs normative legal methods, including legislative and conceptual approaches. The analysis was carried out qualitatively through doctrinal interpretation and critical legal reasoning of laws and regulations, regional policies, DSN-MUI fatwas, and relevant academic literature. The results of the study show that the absence of national regulations has given rise to a plurality of *halal* tourism policy models, ranging from the binding formalisation of Sharia in Aceh, a pragmatic market-based approach in West Nusa Tenggara, to the rejection of *halal* terminology in Bali, based on the protection of cultural identity. In this context, the DSN-MUI fatwa functions as a normative and ethical authority that is a *soft law* without juridical binding, so it has not been able to guarantee the consistency of *halal* tourism governance nationally. An evaluation based on *maqasid shari'ah*, especially the protection of religion, intellect, and property, shows that *halal* tourism policies across regions still tend to be symbolic and pragmatic and have not fully realized the benefits or increased the utility of tourists in worldly and ukhrawi (*falah*) ways. This study concludes that a national policy framework for *halal* tourism is needed, based on adaptive, inclusive minimum national standards that ensure legal certainty while respecting the plurality of regional cultures. The academic contribution of this research lies in the formulation of a *halal* tourism legal framework based on *maqasid shari'ah* that integrates Islamic normative values with the principles of decentralisation and pluralism of Indonesian law.

Keywords: Implementation; *Halal*, *Maqashid Sharia*; Regulation; Tourism.

INTRODUCTION

The development of *halal* tourism over the past decade has marked an important transformation in the global public policy landscape. The growth of the world's Muslim population, which is estimated to reach around 2.2 billion by 2030¹, accompanied by increased cross-border mobility, has driven the need for tourism services that not only cater to the recreational aspect, but also align. In this context, *halal* tourism can no longer be understood as an individual's religious preference but has developed into a strategic economic-political sector that demands the active involvement of the state through regulations, standardisation, and policy governance.² The Global Muslim Travel Index (GMTI) consistently ranks *halal* tourism among the fastest-growing markets, even surpassing conventional tourism.³ The projected economic value is estimated to reach 341.4 billion US dollars by 2030.⁴ This shows that this sector is not only relevant for Muslim-majority countries but also attracts the interest of non-Muslim countries such as Japan, South Korea, Hong Kong, and Thailand, which pragmatically adopt *halal* certification and Muslim-friendly services as national tourism policy strategies.⁵ This phenomenon shows an important shift: *halal* tourism moving from normative-religious discourse into the realm of public policy and administrative law, where the state plays a central role in ensuring certainty, fairness, and consistency in services.

¹ Zaiful Anas and M. Asri Setiawan, 'Analisis Potensi Dan Peluang Industri Halal Presidensi G-20 Terhadap Peningkatan Awareness Ekonomi Dan Keuangan Syariah Indonesia', *Al-Iqtisodiyah: Jurnal Ilmu Ekonomi Dan Ekonomi Islam* 2, no. 1 (2026): 96.

² Ahmad Dahlan and Muhammad Wildan, 'Analisis Ekonomi Politik Terhadap Kebijakan Pemerintahan Jokowi Pada Sektor Kawasan Industri Halal (KIH) Dan Perbankan Syariah', *ELJizya: Jurnal Ekonomi Islam* 10, no. 2 (2022): 105-122, <https://doi.org/10.24090/ej.v10i2.6165>.

³ Asri Noer Rahmi, 'Perkembangan Pariwisata Halal Dan Pengaruhnya Terhadap Pertumbuhan Ekonomi Indonesia', *ISLAMICONOMIC: Jurnal Ekonomi Islam* 11, no. 1 (2020): 1-22, <https://doi.org/10.32678/ijei.v11i1.226>.

⁴ Hilda Ansariah Sabri, 'Pasar Pariwisata Halal Global Diperkirakan Capai US\$ 341,4 Miliar Pada Tahun 2030', *Bisniswisata.Co.Id* (Jaipur, India), 1 November 2024.

⁵ Muhammad Imam and Ali Muhyidin, 'Kebijakan Di Sektor Wisata Halal Di Jepang, Korea Selatan, Taiwan Dan Hong Kong', *NUSANTARA: Jurnal Ilmu Pengetahuan Sosial* 11, no. 4 (2024): 1393-1404, <https://doi.org/DOI%2520:%252010.31604/jips.v11i4.2024>.

International literature also shows that one of the fundamental problems in implementing *halal* tourism is the lack of universally agreed-upon definitions and conceptual standards.⁶ Some countries understand *halal* tourism only in terms of products such as food and beverages, while other countries emphasise Muslim-friendly tourism experiences more broadly, including worship facilities, hotel governance, and a conducive social environment. This unity of conception has direct implications for policy fragmentation, legal uncertainty, and implementation gaps, especially in countries with decentralised governance structures.⁷ Indonesia, as a country with the largest Muslim population in the world, which is 244-245 million people in 2025, with a percentage of 87% of the total Indonesian population,⁸ presents an interesting policy paradox. On the one hand, the potential of *halal* tourism is huge and politically often positioned as an instrument of national economic development. On the other hand, to date, Indonesia has not had a national-scale legal policy that comprehensively regulates *halal* tourism through laws or government regulations. The existing policies are still sectoral, fragmented, and based on the fatwa of the National Sharia Council-Indonesian Ulema Council (DSN-MUI), which is juridically soft law and lacks the binding force of positive law.⁹

The absence of a national legal umbrella in *halal* tourism policy has led to differences in interpretation at the regional level, where each local government defines "*halal* tourism" in accordance with the configuration of economic interests, political sensitivities, and local socio-cultural contexts. These differences in interpretation are concretely reflected in regional policy practices such as Aceh, which formalises *halal* tourism through Sharia-based regional regulations with *halal* certification obligations, NTB, which adopts a global market-oriented economic branding approach, West Sumatra, which internalises *halal* principles

⁶ Fahad Salim Bahammam, *Panduan Wisatawan Muslim* (Jakarta: Pustaka AlKautsar, 2012), 10.

⁷ Bahammam, *Idem.*, 11.

⁸ Laila Nadhrotan Naim, 'Pengaruh Literasi Keuangan Syariah Dan Lingkungan Sosial Terhadap Niat Menabung di Bank Syariah Pada Generasi Z', *Indonesia Economic Journal* 1, no. 2 (2025): 671-685, <https://doi.org/10.63822/66h8hj96>.

⁹ Neni Hardiati, 'Fatwa Majelis Ulama Indonesia (MUI) Dan Fatwa Dewan Syariah Nasional (DSN) Perspektif Hukum Islam Dan Hukum Nasional', *Jurnal Ad Dustur* 1, no. 1 (2024): 34-41, <https://doi.org/10.58326/jad.v1i1.164>.

through local wisdom of the traditional *basandi syara'*, *syara'* *basandi* Kitabullah without formal labels, and Bali, which rejects *halal* terminology to maintain cultural identity and chooses the concept of "universal hospitality". This fragmentation is not just a difference in administrative policies; it reflects a regulatory vacuum that creates legal uncertainty and inconsistent public services.¹⁰ The absence of national legal standards also opens up space for the commodification of the "*halal*" label as a mere marketing instrument. *Halal* claims that are not accompanied by a clear certification and supervision mechanism have the potential to mislead consumers and reduce the meaning of *halal* itself.¹¹ Hotels can claim to be "*halal* hotels" but still provide alcoholic beverages in certain areas, restaurants claim to be *halal* without certified kitchens, and tourist destinations promote themselves as Muslim-friendly without providing proper worship facilities. This situation creates tensions between the branding of the economy and the substance of Sharia values, and risks eroding the trust of Muslim tourists.

From a political and legal perspective, this condition reveals the state's failure to transform ethical-religious norms into operational, enforceable legal norms. The DSN-MUI fatwa serves as a moral authority, but it lacks executive authority in tourism administration.¹² When the state does not assume the role of guarantor of legal certainty, a sharia grey area arises in the national legal system, where *halal* standards become relative, fluid, and vulnerable to manipulation. This emphasises that the problem of *halal* tourism in Indonesia is not just a religious or economic issue, but also a matter of legal governance and the legitimacy of public policy. It is in this context that the *Maqashid Shari'ah* approach becomes relevant as a normative-critical analysis framework. *Maqashid Sharia* allows the evaluation of *halal* tourism policy not only based on formal adherence to Sharia symbols,

¹⁰ Ghifari Yuristiadhi Masyhari Makhasi and Muhammad Thohir Yudha Rahimmadhi, 'Ramai-Ramai Menolak Wisata Halal: Kontestasi Politik Identitas Dalam Perkembangan Wisata Halal di Indonesia', *Jurnal Sosiologi Reflektif* 14, no. 2 (2020): 373-388, <https://doi.org/10.14421/jsr.v14i2.1767>.

¹¹ Abdul Halim Nasution, Desi Andri Syafitri, and Dandy Wira Ganda, 'Regulasi Wisata Halal (Analisis Pro Dan Kontra Penerapan Wisata Halal Di Danau Toba)', *Altafani* 2, no. 1 (2022): 46-58, <https://doi.org/10.59342/jpkm.v2i1.82>.

¹² Neil Hardiati, 'Fatwa Majelis Ulama Indonesia (MUI) Dan Fatwa Dewan Syariah Nasional (DSN) Perspektif Hukum Islam Dan Hukum Nasional', Loc.,cit.

but also based on the substantial objectives of Islamic law, in particular the protection of religion (*hifz al-din*), the protection of reason (*hifz al-aql*), and the protection of property (*hifz al-mal*).¹³ *Halal* tourism that does not guarantee a proper place of worship, allows practices that are destructive to reason, or exploits consumers through pseudo-*halal* claims, is fundamentally contrary to the spirit of *Maqashid* itself.

Through the lens of *Maqasid al-Sharia*, *halal* tourism should be directed toward achieving *falah*, namely worldly and ukhrawi welfare, as stated in contemporary Islamic welfare theory.¹⁴ Tourism activities are not positioned as hedonistic pursuits separate from spiritual values, but rather as a space for integrating recreational needs, consumption ethics, and moral responsibility. Thus, the implementation of *Maqashid* values in *halal* tourism policies has the potential to comprehensively increase tourist utility, both in material and non-material dimensions. Various previous studies have shown that the issue of *halal* tourism in Indonesia has received significant academic attention, but still leaves an analytical space that has not been adequately filled. The research conducted by Lukman Santoso and Yutisa Tri Cahyani, titled "*Halal* Tourism Arrangements for Regional Development: *Halal* Industry Transformation in the Era of Disruption," places *halal* tourism within the framework of regional development and *halal* industry transformation in the era of disruption.¹⁵ The research identified national regulatory gaps and proposed a synergistic model of legal transformation between Islamic law and regional law as an instrument of development. Nevertheless, the study still focuses on the role of regional regulations as the main engine of development, without deeply problematising the implications of regulatory fragmentation across regions.

¹³ Suhaimi Suhaimi, Muhamad Rezi, and Maman Rahman Hakim, 'AL-MAQASHID AL-SYARI'AH', *Sahaja: Journal Sharia and Humanities* 2, no. 1 (2023): 153-170, <https://doi.org/10.61159/sahaja.v2i1.13>.

¹⁴ Nufi Mu'tamar Almahmudi, 'Konsep Kesejahteraan Dan Implementasinya Dalam Perspektif Hukum Islam', *Khuluqiyya: Jurnal Kajian Hukum Dan Studi Islam* 1, no. 2 (2019): 1-19, <https://doi.org/10.56593/khuluqiyya.v1i2>.

¹⁵ Lukman Santoso and Yutisa Tri Cahyani, 'Pengaturan Wisata Halal Untuk Pembangunan Daerah: Transformasi Industri Halal Di Era Disrupsi', *Supremasi Hukum: Jurnal Kajian Ilmu Hukum* 9, no. 1 (2020): 57-75, <https://doi.org/10.14421/sh.v9i1.2130>.

The research conducted by Temmy Wijaya et al, entitled "*Halal* Tourism in Indonesia: A Study of the Fatwa of the National Sharia Council of the Indonesian Ulema Council (DSN-MUI)", focuses explicitly on the position of the DSN-MUI Fatwa in the regulation of *halal* tourism and its relationship with government regulations and regional regulations. This study confirms the normative conformity between the DSN-MUI fatwa and the NTB Regional Regulation on *halal* tourism, but the analysis is descriptive-conceptual and stops at the level of normative harmonisation. This study has not critically examined the limitations of fatwa as soft law within the national legal system, nor has it placed the issue in the context of Indonesia's decentralised governance and socio-cultural plurality.¹⁶ Meanwhile, the research of Abdul Halim Nasution et al., entitled "*Halal* Tourism Regulations (Analysis of Pros and Cons of the Implementation of *Halal* Tourism in Lake Toba)", highlights the sociological dimension and cultural conflict in the implementation of *halal* tourism in Lake Toba. The primary focus of this study is the pros and cons of implementing *halal* tourism in non-Muslim-majority areas, with an approach based on the *Halal* Product Assurance Law. Despite making an important contribution to understanding local resistance, this study did not develop a national legal framework capable of bridging the tension between *halal* normative obligations and the systemic protection of local wisdom.¹⁷

From the studies described above, no research has comprehensively constructed *halal* tourism as a national legal policy issue, using *maqāṣid syarīah* as an evaluative and prescriptive framework. Previous studies tend to be fragmented among regional development approaches, normative harmonisation of fatwas, and local cultural conflicts. This gap is filled by this study, which offers a formulation of a *halal* tourism legal framework grounded in minimum national standards derived from *maqāṣid syarīah*. This approach not only strengthens legal certainty regarding the normative authority of DSN-MUI but

¹⁶ Temmy Wijaya, 'Pariwisata Halal di Indonesia: Kajian Terhadap Fatwa Dewan Syariah Nasional Majelis Ulama Indonesia (DSN-MUI)', *TRILOGI: Jurnal Ilmu Teknologi, Kesehatan, Dan Humaniora* 2, no. 3 (2021): 289-299, <http://dx.doi.org/10.33650/trilogi.v2i3.3078>.

¹⁷ Nasution, Syafitri, and Ganda, 'Regulasi Wisata Halal (Analisis Pro Dan Kontra Penerapan Wisata Halal Di Danau Toba)'.

also provides room for adaptation to regional cultural diversity in Indonesia's decentralised system. Using the *Maqashid Shari'ah* approach, this study seeks to offer a conceptual framework for understanding *halal* tourism in a more substantial, contextual, and objective-oriented manner, while opening space for reflection on the formulation of national policies that are adaptive, inclusive, and legally certain.

METHOD

This research is a normative legal study oriented towards legal policy analysis,¹⁸ to critically examine the regulatory gap in the implementation of the *halal* tourism policy in Indonesia and to assess its conformity with the principles of *Maqasid Syari'ah*. Normative legal research was chosen because the study's focus is not on the empirical behaviour of tourism actors but on the structure of legal norms, public policies, and conceptual frameworks that regulate and shape *halal* tourism practices at the national and regional levels. The research approaches used include a statutory approach and a conceptual approach.¹⁹ The legislative approach is used to systematically examine the absence, fragmentation, and disharmony of regulations related to *halal* tourism at the national and regional levels, including laws and regulations in the tourism sector, sectoral policies, and relevant regional regulations. A conceptual approach is used to analyse the concept of *halal* tourism, the normative authority of the DSN-MUI fatwa, and the principles of *Maqasid Sharia* as an evaluative framework for public policy, especially in relation to the protection of religion, intellect, and property. This approach allows research to move beyond textual readings of norms toward critical analysis of the rationality, goals, and implications of legal policy.

The research data are entirely secondary, in accordance with the character of normative legal research.²⁰ Primary legal materials include laws and regulations directly related to tourism, government decentralisation, and regional regulations on *halal* tourism.

¹⁸ Nanda Dwi Rizkia and Hardi Fardiansyah, *Metode Penelitian Hukum (Normatif Dan Empiris)* (Penerbit Widina, 2023), 22.

¹⁹ Rizkia and Fardiansyah, *Idem.*, 33.

²⁰ Rizkia and Fardiansyah, *Ibid.*

Secondary legal materials include reputable scientific journals, academic books, policy reports, and prior research on *halal* tourism, public policy, *Maqasid Sharia*, and legal governance. Tertiary legal materials are used on a limited basis as conceptual supports, such as legal dictionaries, legal encyclopedias, and scientific indexes, to clarify the terms and concepts used in analysis. The selection of legal materials is based on their relevance to the research focus, the scientific authority of the source, and their contribution to strengthening legal arguments.

Data collection with systematic tracing of relevant academic publications and legal documents.²¹ This study applies inclusion criteria for sources that substantively discuss *halal* tourism policies, regulatory fragmentation, and the *Maqasid Sharia* approach, as well as exclusion criteria for sources that are descriptive-popular, lack a strong academic base, or are not relevant to legal policy issues. Data analysis was carried out qualitatively using the normative-critical analysis method.²² The analysis process begins with the identification and mapping of legal norms and *halal* tourism policies at the national and regional levels, then proceeds to an evaluation of their consistency, coherence, and normative implications. Furthermore, the principles of *Maqasid Sharia* are used as an evaluative framework to assess the extent to which *halal* tourism policies have fulfilled the substantive objectives of Islamic law, not only at the symbolic level but also in protecting public values and benefits. Through this analysis, the research seeks to build a legal argument that is reflective and prescriptive, by placing *halal* tourism as a public legal policy issue that requires a national regulatory framework that is adaptive, inclusive, and oriented towards legal objectives.

RESULTS AND DISCUSSION

Regulatory Ambiguity and Plurality of Interpretation of *Halal* Tourism in Indonesia's Decentralised System

The implementation of the *halal* tourism policy in Indonesia takes place within a legal framework characterised by the absence of binding, comprehensive national

²¹ Rizkia and Fardiansyah, Ibid.

²² Rizkia and Fardiansyah, Ibid.

regulations. The state's reliance on DSN-MUI fatwas, such as DSN-MUI Fatwa Number 108/DSN-MUI/X/2016 concerning Guidelines for the Implementation of Tourism Based on Sharia Principles, creates a moral-religious normative basis that lacks juridical force in the hierarchy of laws and regulations. The position of fatwa as *soft law* makes it an ethical reference, not a regulatory instrument that can be imposed administratively or enforced through a public legal mechanism.²³ This condition creates regulatory ambiguity, providing broad discretion for local governments while weakening the state's ability to ensure uniformity of standards and legal certainty in the implementation of *halal* tourism.

This ambiguity is exacerbated by the conceptual problems inherent in the term '*halal* tourism'.²⁴ The global literature shows that this concept lacks a single, agreed-upon definition, but instead falls within a spectrum of interpretations that oscillate between doctrinal purity and market pragmatism. Terms such as "*Islamic tourism*", "*halal tourism*", and "*Muslim-friendly tourism*" are used interchangeably with different normative content, resulting in policy incoherence and standardisation difficulties.²⁵ In the Indonesian context, the absence of a national legal definition has led local governments to adopt terminology and conceptual frameworks that are aligned with economic interests, cultural sensitivities, and local political calculations.²⁶ This discursive plurality transformed *halal* tourism from a mere concept of religious services to an arena for contesting policy and legal authority.

The decentralised structure of government further emphasises this fragmentation. The absence of a *Halal* Tourism Law that explicitly establishes principles, minimum standards, and implementation mechanisms forces local governments to develop regulatory

²³ Hardiati, 'Fatwa Majelis Ulama Indonesia (MUI) Dan Fatwa Dewan Syariah Nasional (DSN) Perspektif Hukum Islam Dan Hukum Nasional', Loc.,cit.

²⁴ Muslimin et al., 'Contemporary Approaches to Halal and Sustainable Eco-Tourism: A Study of Community-Based Tourism in Ganoang and Puncak Mas', *MILRev: Metro Islamic Law Review* 4, no. 2 (July 2025): 761-796, <https://doi.org/10.32332/milrev.v4i2.10120>.

²⁵ Bahammam, *Panduan Wisatawan Muslim*, Loc.,cit.

²⁶ Atie Rachmiatie et al., 'Strategi Komunikasi Pariwisata Halal Studi Kasus Implementasi Halal Hotel Di Indonesia Dan Thailand', *Amwaluna: Jurnal Ekonomi Dan Keuangan Syariah* 4, no. 1 (2020): 56-74, <https://doi.org/10.29313/amwaluna.v4i1.5256>.

frameworks independently.²⁷ Regional autonomy, designed to strengthen policy responsiveness, actually widens the interpretive gap in this context. National legal norms no longer determine the implementation of *halal* tourism; instead, it is determined by local political will, bureaucratic communication, and the socio-cultural acceptance of the community. As a result, *halal* tourism is evolving into a non-uniform mosaic of policies, with service standards and certification mechanisms varying across regions.

Aceh represents the most explicit form of legal institutionalisation in *halal* tourism practices in Indonesia.²⁸ Under the Sharia government regime, as regulated in the Qanun, a derivative of Law Number 11 of 2006 concerning the Government of Aceh (UUPA), *halal* tourism is recognised as an integral part of the binding local legal system. The existence of the Sharia Court and *Wilayatul Hisbah* provides a real enforcement instrument, converting religious norms into legal obligations that can be subject to sanctions. This legal framework enables Aceh to consistently apply *halal* standards across the accommodation, culinary, and tourism promotion sectors. However, Aceh's position is singular because it is supported by constitutional specificity that other provinces do not have.²⁹ This model cannot be replicated nationally without fundamental changes in Indonesia's constitutional law framework.

West Nusa Tenggara takes a contrasting approach to Aceh, placing *halal* tourism within the framework of economic governance and market competitiveness, as outlined in the West Nusa Tenggara Daerah Government and West Nusa Tenggara Provincial Regulation Number 2 of 2016 concerning *Halal* Tourism.³⁰ Local governments rely on voluntary certification and partnerships with MUI and tourism industry players to build

²⁷ Wahyu Abdul Jafar, 'Legality of Halal Food Certification on Masalah Mursalah Perspective', *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 9, no. 1 (April 2024): 96-118, <https://doi.org/10.29300/mzn.v9i1.2888>.

²⁸ Asep Saefullah et al., 'Religious Moderation and Halal Governance in Indonesia: A Wasatiyyah-Maslahah Framework', *Al-Istinbath: Jurnal Hukum Islam* 10, no. 2 (November 2025): 948-75, <https://doi.org/10.29240/jhi.v10i2.14554>.

²⁹ Muis Muis, 'Perkembangan Peluang Dan Tantangan Wisata Halal Di Aceh', *Jurnal Adabiya* 22, no. 1 (2020): 41-55, <https://doi.org/DOI:%252010.22373/adabiya.v22i1.7456>.

³⁰ Santoso and Cahyani, 'Pengaturan Wisata Halal Untuk Pembangunan Daerah: Transformasi Industri Halal di Era Disrupsi', Op., cit. 65.

the image of *halal* destinations. Policy legitimacy does not come from the formalisation of religious law, but from market acceptance and international recognition. This approach reflects a shift from theological authority to consumer-based governance, where *halal* is positioned as an improvement in service quality. The absence of legal coercion, however, makes compliance highly dependent on the private sector's willingness, thereby opening the door to inconsistency and opportunistic *halal* claims.

Bali stands as the antithesis of both models, showing how resistance to *halal* tourism serves as a strategy to protect cultural sovereignty and economic interests. Studies have shown that the rejection of the terminology of "*halal* tourism" is not driven by anti-Islamic sentiment, but rather by concerns over the erosion of Hindu identity and dilution of established cultural branding. Tourism in Bali is not seen as a purely economic sector but rather as part of a symbolic order integrated with rituals, sacred spaces, and cultural heritage. In this context, the imposition of specific religion-based terminology is perceived as a symbolic distraction from Bali's "civic religion", where tourism serves as a medium of expression of collective identity. This attitude suggests that regulative rejection can be an instrument of affirmation of local identity in a decentralised system, while exposing the limitations of a national approach that ignores cultural and symbolic dimensions.³¹

The plurality of interpretations that emerge from these different approaches shows that the main problem of *halal* tourism in Indonesia does not lie in the absence of practice, but in the lack of a national regulatory framework that can bridge Sharia values, market logic, and the reality of decentralisation.³² Regulatory ambiguity encourages *halal* tourism to develop as a discrete sectoral policy, rather than as a coherent public law regime.³³ This

³¹ Amalia Fiqia Wandhini, Astri Dwi Dayanti, and Iskandar Lailatul Nafiah, 'Halal Tourism in Bali: Pengaruh Dan Tantangan Mengembangkan Wisata Halal Di Bali', *Activa: Jurnal Ekonomi Syariah* 2, no. 2 (2019): 1-21.

³² Khusniati Rofiah et al., 'Legal Awareness of Halal Products Certification among East Java Business Operators and Society', *JURIS (Jurnal Ilmiah Syariah)* 23, no. 1 (June 2024): 55-65, <https://doi.org/10.31958/juris.v23i1.10467>.

³³ Musataklima Musataklima, 'Self-Declare Halal Products for Small and Micro Enterprises: Between Ease of Doing Business and Assurance of Consumer Spiritual Rights/Self Declare Produk Halal Usaha Kecil Mikro: Antara Kemudahan Berusaha dan Jaminan Hak Spiritual Konsumen', *De Jure: Jurnal Hukum dan Syariah* 13, no. 1 (July 2021), <https://doi.org/10.18860/j-fsh.v13i1.11308>.

condition underscores the need for a national legal framework that is not homogenistic but capable of establishing minimum standards and fundamental principles, while providing room for adaptation for local cultural and political diversity. Without this foundation, plurality of interpretations will continue to be a source of legal uncertainty and weaken the legitimacy of *halal* tourism policies in Indonesia.

The Position of DSN-MUI Normative Authorities in *Halal* Tourism Governance

DSN-MUI Fatwa Number 108/DSN-MUI/X/2016 concerning Guidelines for the Implementation of Tourism Based on Sharia Principles is the result of normative articulation between the sources of Islamic law and the practical needs of modern society. This fatwa was prepared with a strong theological foundation, referring to some Qur'anic verses such as Al-Mulk verse 15, Noah verse 19–20, Al-Rum verse 9, Al-Ankabut verse 20, and Al-Jumu'ah verse 10, which substantially affirms the legitimacy of travel activities as part of human efforts in prospering the earth and contemplating the signs of the power of Allah SWT. The normative reinforcement is complemented by the hadith of the Prophet Muhammad SAW, the rules of fiqh, and the views of scholars, all of which are the basis for *ijtihad* in formulating the concept of *halal* tourism. This is important considering that the Qur'an and Hadith do not explicitly regulate the definition, limits, and implementation mechanisms of *halal* tourism, so the elaboration of its meaning and scope must be done through contextual *fiqhiyyah* reasoning. At this point, a fatwa not only explains the law but also serves as a guideline for ethical values in *halal* tourism for both organisers and tourists, ensuring that all tourism activities are carried out in accordance with the principles of civilisation, justice, and submission to Allah SWT.³⁴

Within the institutional framework, the Indonesian Ulema Council's role as a fatwa issuer is both strategic and limited.³⁵ Based on Presidential Regulation Number 151 of

³⁴ Ro'fah Setyowati, Nurdeng Deuraseh, and Nor Surilawana Sulaiman, 'Basic Themes Toward Halal Sustainability Management In Brunei Darussalam And Indonesia', in *Hasil Penelitian Kerjasama* (Semarang: Yoga Pratama, n.d.), 46.

³⁵ Dedi Sunardi, Azri Bhari, and Muhammad Najib Bin Abd Wakil, 'Legal Awareness of Micro and Small Enterprise Operators Regarding Halal Certification: A Maslaha Perspective', *Ijtihad : Jurnal Wacana Hukum Islam Dan Kemanusiaan* 24, no. 1 (July 2024): 23–45, <https://doi.org/10.18326/ijtihad.v24i1.23-45>.

2014, MUI is a forum for deliberation by Muslim scholars, whose function is to protect the ummah and serve as a partner of the government in developing national life based on Islamic values. Consequently, the MUI lacks regulatory authority like state institutions, but rather serves as a moral and religious authority that provides normative legitimacy in the public sphere.³⁶ This character presents the DSN-MUI Fatwa, including in the field of *halal* tourism, as a religious norm that is persuasive and ethical, rather than binding in a general juridical sense. However, this is precisely where the significance lies, because fatwas function as a bridge between the value of revelation and social practice, as well as a substantive reference for the state in formulating a more comprehensive and equitable *halal* tourism legal policy in the national legal system.³⁷

In the Islamic legal tradition, a fatwa is the product of *ijtihad*, the collective reasoning of scholars through mechanisms such as *ijma'* and *qiyas*, aimed at providing legal guidance for Muslims in addressing contemporary problems.³⁸ Fatwas do not have a coercive character, but rather are persuasive and argumentative, depending on the scientific authority and the beliefs of the community that follows it. This epistemological character places fatwas as an ethical-religious norm, not as a positive law that the state can impose. When fatwas are positioned in the public policy space, there is a shift in function from individual moral guidance to collective normative reference, with implications for governance.³⁹

In Indonesia's legal system, the MUI fatwa is not included in the hierarchy of regulations with binding legal force, as stipulated in Law Number 15 of 2019. State institutions do not issue fatwas with legislative authority, do not follow the procedures for

³⁶ Endeh Suhartini et al., 'Analysis of Halal Certification for Micro and Small Business Actors from the Perspective of Maslahah Principles and Legal Certainty', *Al'Adalah* 21, no. 2 (December 2024): 401-426, <https://doi.org/10.24042/adalah.v21i2.23442>.

³⁷ Neil Hardiati, 'Fatwa Majelis Ulama Indonesia (MUI) Dan Fatwa Dewan Syariah Nasional (DSN) Perspektif Hukum Islam Dan Hukum Nasional', Loc.,cit.

³⁸ Mahmood Alaloosh, Ali Shaker Mahmood, and Sabir Hussien Eliwy, 'Securing Digital Trade: A Techno-Legal Analysis of E-Commerce Safeguards in Iraq's Regulation No. 4/2025', *NUSANTARA: Journal Of Law Studies* 5, no. 1 (February 2026): 44-60, <https://doi.org/10.5281/zenodo.18452737>.

³⁹ Ibnu Elmi Achmat Slamet Pelu and Jefry Tarantang, 'Fatwa Majelis Ulama Indonesia Sebagai Solusi Permasalahan Umat Islam di Indonesia', *Al-Manahij: Jurnal Kajian Hukum Islam* 14, no. 2 (2020): 307-316, <https://doi.org/10.24090/mnh.v14i2.3927>.

the formation of laws and regulations, and are not accompanied by a sanction mechanism. This position emphasises that, if it falls outside the complex law regime, the MUI fatwa can only serve as guidance. From a constitutional perspective, the MUI falls under the socio-political infrastructure, not the state's superstructure, so the fatwa it issues lacks the legal authority to bind all citizens.⁴⁰ Tensions arose when the DSN-MUI fatwa was used as the primary reference in *halal* tourism governance without any conversion into state legal policy. DSN-MUI Fatwa Number 108 of 2016, concerning Guidelines for Tourism Implementation Based on Sharia Principles, provides a relatively detailed normative framework for *halal* standards in the tourism sector. However, the absence of legislative codification has left the fatwa operating in a grey space between moral authority and regulatory needs. Local governments and industry players often adopt such fatwas selectively, both as a basis for policy legitimacy and as a branding instrument, without a clear legal obligation.

In the context of *halal* tourism governance, the DSN-MUI fatwa's position is ambivalent. On the one hand, fatwas provide normative standards that are important for maintaining the integrity of Sharia values and providing a sense of religious security for Muslim tourists. On the other hand, over-reliance on fatwas without state regulatory support creates implementation fragmentation and legal uncertainty. Fatwas are too weak a norm to enforce, but strong enough to be used as a symbol of policy legitimacy. This situation opens space for non-standardised *halal* claims, where business actors can take advantage of the moral authority of a fatwa without fully committing.⁴¹

From a public policy perspective, this condition reveals an institutional gap between religious and state authorities. The state leverages the moral legitimacy of the MUI to answer the demands of the Muslim tourism market, but is reluctant to take over regulatory responsibilities through the establishment of strict positive laws. As a result, *halal* tourism

⁴⁰ Dirga Achmad and Azlan Thamrin, 'Anomali Fatwa Majelis Ulama Indonesia Dalam Sistem Hukum Indonesia: Telaah Hukum Responsif', *Al-Qisthu: Jurnal Kajian Ilmu-Ilmu Hukum* 22, no. 1 (2024): 23-42, <https://doi.org/10.32694/qst.v22i1.3011>.

⁴¹ Nasution, Syafitri, and Ganda, 'Regulasi Wisata Halal (Analisis Pro Dan Kontra Penerapan Wisata Halal Di Danau Toba)', Loc.,cit.

governance relies on informal relations among the government, MUI, and industry players rather than on a transparent, accountable legal framework. The position of the DSN-MUI fatwa in this context serves more as a supporting normative instrument than as the primary legal foundation.⁴² This analysis confirms that strengthening *halal* tourism governance cannot be achieved by simply expanding the role of fatwas, but requires reconstructing the relationship between religious authorities and the state. The DSN-MUI fatwa should be positioned as a source of value and ethical guidance, integrated into national legal policy, rather than as a substitute for state regulations. Without such integration, *halal* tourism will continue to be in tension between moral authority and legal vacuum, ultimately undermining legal certainty and the effectiveness of public policy.

Evaluation of *Halal* Tourism Policy Based on *Maqasid Sharia*

Maqasid Shari'ah provides a more substantive evaluative framework than the normative-formal approach for assessing *halal* tourism policies. This framework does not stop at symbolic adherence to *halal* attributes. However, it assesses the extent to which public policies actually realise *maslahah* and direct tourism activities toward achieving *falah*. In this context, *halal* tourism cannot be reduced to mere market differentiation but must be understood as a socio-economic practice subject to fundamental Sharia objectives. Religious protection (*hifz al-din*) is the leading indicator for assessing the authenticity of *halal* tourism policies. This protection is not only realised through the provision of worship facilities or *halal* labelling of consumer products, but also through the creation of a tourist environment that allows Muslim tourists to practice their beliefs without normative or commercial pressures. *Halal* tourism practices that stop at visual symbols or administrative certification have the potential to experience a reduction in meaning, because religion is treated as an identity commodity, not as a normative value that guides behaviour. Under such conditions, policy loses its ethical orientation and turns into a morally neutral marketing instrument.

⁴² Achmad and Thamrin, 'Anomali Fatwa Majelis Ulama Indonesia Dalam Sistem Hukum Indonesia: Telaah Hukum Responsif', Loc.,cit.

The dimension of intellectual protection (*hifz al-aql*)⁴³ demands a more critical evaluation of the structure of tourism activities and ecosystems. This principle concerns not only the prohibition of alcohol, narcotics, and destructive entertainment but also the creation of social spaces that do not encourage moral banality and excessive consumerism. *Halal* tourism that removes prohibited elements without building meaningful recreative alternatives risks creating minimalist compliance. The protection of reason requires the design of policies that support reflective, educational, and ethical tourism experiences, so that tourism becomes a means of strengthening rationality and moral awareness rather than just escapism.

Property protection (*hifz al-mal*)⁴⁴ shifts evaluation towards economic justice and rationality of benefit distribution. Commercially oriented *halal* tourism policies often concentrate profits on large industrial actors, while local actors are placed as symbolic complements. The *maqasid perspective* rejects this kind of extractive model because wealth in Islam is not only protected from haram practices, but also from inequality and exploitation. *Halal* tourism aligned with *hifz al-mal* should strengthen the local economy, ensure price transparency, and prevent opportunistic practices that exploit religious sentiments to increase selling prices without improving service quality.

These three dimensions show that *maqasid shari'ah* serves as a tool for critiquing the tendency toward symbolism and pragmatism in regional *halal* tourism policies. This approach exposes the gap between normative claims and the reality of implementation, while challenging the assumption that an increase in the number of Muslim tourists automatically reflects policy success. Utility in the Islamic perspective is not measured solely by consumptive satisfaction or destination loyalty, but by achieving a balance between material and spiritual preferences.⁴⁵ *Halal* tourism that fails to realise this balance results only in administrative compliance, not sustainable *maslahah*. *Maqasid*-based evaluation

⁴³ Suhaimi, Rezi, and Hakim, 'Al-Maqashid Al-Syari'ah', Ibid.

⁴⁴ Suhaimi, Rezi, and Hakim, Ibid.

⁴⁵ Almahmudi, 'Konsep Kesejahteraan Dan Implementasinya Dalam Perspektif Hukum Islam', Loc.,cit.

ultimately places *halal* tourism as an ethical arena, not just an economic sector or an instrument of identity. Regional policies are judged not by how strong the *halal* narrative is promoted, but by the extent to which tourism practices really protect religion, intellect, and property in an integrated manner. This framework emphasises that the success of *halal* tourism does not lie in the intensity of Islamic symbols, but in the capacity of policies to improve the quality of life of tourists and local communities within *a comprehensive* falah horizon.

Towards an Adaptive and Inclusive National Policy Framework for *Halal* Tourism

The fragmentation of *halal* tourism regulations in Indonesia shows the limitations of policy approaches that rely on sectoral initiatives and regional discretion without an adequate national legal foundation. The absence of a clear normative framework is not just a problem of regulatory vacuum, but a problem of policy design that fails to bridge the gap between the demands of legal certainty, cultural plurality, and Islamic normative values.⁴⁶ In this context, the need for national policies cannot be understood as an effort to standardise, but instead s the preparation of a legal architecture capable of managing.

The approach to *minimum national standards* offers a more rational middle ground by incorporating it into the formulation of comprehensive, centralist laws and regulations on *halal* tourism. The minimum standard establishes basic principles that cannot be negotiated, especially regarding the protection of religion, intellect, and property as the core of maqasid shari'ah, without intervening excessively in cultural expressions and local preferences. Through this model, the state ensures legal certainty and protection for Muslim consumers, while avoiding the logic of homogenisation that has the potential to cause social resistance and identity conflicts in non-Muslim areas.

An adaptive legal framework of laws and regulations requires a strict separation between substantive norms and implementable instruments. Substantive norms include guarantees of Muslim tourists' rights to access services that align with their beliefs,

⁴⁶ Santoso and Cahyani, 'Pengaturan Wisata Halal Untuk Pembangunan Daerah: Transformasi Industri Halal Di Era Disrupsi', Loc.,cit.

transparency in *halal* information, and protection from misleading commercialisation practices.⁴⁷ Implementable instruments are handed over to local governments for adjustment to each region's social, cultural, and economic context. This design allows Aceh to maintain its legal institutionalisation model, NTB to develop a managed market approach, and Bali to maintain

The integration of *maqasid shari'ah* into the legal framework of laws and regulations functions as an ethical compass that limits the tendency to symbolise and reduce *halal* to mere market labels. This approach shifts the policy orientation from formal compliance to measurable achievement of *maslahah*. Religious protection is realised through the guarantee of freedom of worship and clarity in service standards, not through the imposition of religious symbols. The protection of reason is reflected in regulations that do not encourage moral degradation or consumptive excesses. Property protection is articulated through fair, transparent, and empowering economic governance of tourism.

The prescriptive implications of this framework demand a repositioning of the state's role from a single normative controller to a facilitator of multi-actor governance. The state functions to set standards, ensure accountability, and oversee *halal* claims, while religious authorities, industry players, and local communities play a role in the operationalisation of values. This relationship prevents the co-optation of religion by market logic while avoiding the sanctification of public policies that are insensitive to social plurality.

This study aims to provide a recommendation for formulating *halal* tourism as an adaptive and inclusive *maqasid shari'ah*-based policy regime, rather than a project of formalising Islamic law or a mere economic branding strategy. The legal framework, in the form of minimum national standards oriented towards *maqasid*, allows Indonesia to build a contextual, fair, and sustainable *halal* tourism model. This approach not only addresses

⁴⁷ Faizul Abrori, *Pariwisata Halal Dan Peningkatan Kesejahteraan* (Jawa Timur: Literasi Nusantara, 2021), 24.

regulatory inconsistencies but also affirms *halal* tourism's position as an ethical, plural, and responsive public policy in line with national realities.

CONCLUSION

This study concludes that the main problem of *halal* tourism in Indonesia does not lie in the absence of practice. However, the lack of a national legal framework to manage the plurality of interpretations across Aceh, West Nusa Tenggara, and Bali shows that *halal* tourism is understood contextually, in accordance with each region's legal configuration, economic interests, and cultural identity. This condition reflects Indonesia's social reality, but at the same time creates legal uncertainty and inconsistency in service standards for Muslim tourists. The DSN-MUI fatwa's position as a normative authority is ethical and persuasive, but it does not have juridical binding force within the system of laws and regulations. Policy dependence on *soft law instruments* without national codification widens the space for fragmentation and encourages reducing *halal* tourism to an administrative symbol or a market commodity. Based on an evaluation of sharia *maqasid*, this study confirms that many *halal* tourism policies remain symbolic and pragmatic, not fully oriented towards protecting religion, intellect, and property as the basis for benefits. Therefore, this study recommends the establishment of a legal framework in the form of laws and regulations on *halal* tourism based on minimum national standards based on *maqasid shari'ah*, to ensure legal certainty while providing space for regional cultural adaptation. This approach is the main contribution of the research, offering a *halal* tourism policy model that is adaptive, inclusive, and in line with Indonesia's pluralism.

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AUTHOR CONTRIBUTIONS STATEMENT

Farid Wajdi (University of Muhammadiyah North Sumatra) acted as the main initiator of the research, the designer of the conceptual framework, and the principal author of the manuscript. Rizki Firmanda Dardin and Ummi Salamah (University of Muhammadiyah North Sumatra) contributed to strengthening legal analysis and literature review. Mhd Nurhusein Daulay (State Islamic University of North Sumatra) contributed to methodological aspects and normative argumentation. Kholidah (Imam Bonjol University, Padang) plays a role in improving conceptual analysis and argument consistency. All authors are actively involved in the process of writing, reviewing, and final approval of the manuscript.

CONFLICT OF INTEREST

The authors state that there are no conflicts of interest, either financial or non-financial, in the research and writing of this article.

AI USAGE STATEMENT

Artificial Intelligence (AI) tools were utilized exclusively for language editing, grammar refinement, and formatting assistance. These tools did not contribute to the conceptualization of the study, research design, data collection, analysis, interpretation of findings, or formulation of conclusions. All intellectual content, arguments, and scholarly judgments presented in this work are entirely the responsibility of the authors. Furthermore, every AI-assisted output was carefully reviewed, verified, and revised by the authors to ensure accuracy, originality, and compliance with academic integrity and ethical research standards.

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