



## RESEARCH ARTICLE

## Exploring Halal Tourism: The Role of Islamic Jurisprudence (Usul Fiqh) and Religious Moderation in Enhancing the Tourism Sector of Indonesia

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**ABSTRACT**

The objective of this study is to analyze the alignment of Usul al-Fiqh principles, religious moderation, and the expansion of halal tourism in Indonesia. The author of the study examines the impact of Islamic law on the ethical principles of halal tourism, with a specific focus on promoting social responsibility and inclusivity in the industry. It adopts an interdisciplinary approach to investigate this matter. An interdisciplinary approach examines Islamic jurisprudence principles and halal tourism in Indonesia using insights from various sources. Qualitative interviews, legal analysis, and literature studies help researchers gather and interpret varied data. The findings underscore Indonesia's proactive efforts to incorporate halal tourism into its tourism sector, underscoring the importance of achieving a harmonious equilibrium between commercial pursuits and cultural conservation. The author highlights the significance of religious moderation in promoting social cohesion in Indonesia's multicultural society and presents halal tourism as a driving force for beneficial societal and economic transformation. This research also has important implications for researchers, politicians, and industry stakeholders. It emphasizes the need to carefully address the ethical aspects of halal tourism to promote inclusion and social responsibility.

**INTRODUCTION**

Halal tourism has become a prominent aspect of the worldwide travel business, especially in nations with a largely Muslim population like Indonesia. Halal tourism, defined as travel activities that conform to Islamic principles and values, has gained recognition for its ability to meet the requirements and desires of Muslim visitors while endorsing ethical and culturally aware tourism practices (Rhama, 2022). Indonesia,

known for its rich Islamic heritage and diverse natural landscapes, encounters both opportunities and challenges in the development of halal tourism, impacting stakeholders within and beyond the tourism sector. Indonesia, with its large population and strong economy, is strategically positioned to emerge as a prominent player in the global tourism industry, particularly in the field of halal tourism. However, the presence of infrastructure problems, regulatory obstacles, and cultural sensitivities, as

highlighted by the author in the relevant section below, continue to impede Indonesia's halal tourism from realizing its maximum potential.

Nevertheless, the development of halal tourist endeavors cannot be separated from the wider context of Islamic legal theory (Ushul Fiqh) and the norms of religious moderation (Wasatiyyah) (Hassan, 2011). Islamic jurisprudence is the fundamental framework used to derive legal rulings and ethical principles within the Islamic tradition. Questions of divinity, the maintenance of ethics, and the application of rules to everyday life are all fundamental components of Islamic jurisprudence or fiqh. It offers a comprehensive technique for tackling modern challenges, including tourism. The concept of religious moderation is fundamental to legal theory because it promotes a middle ground between two competing visions of religion and society, one that rejects extremism while valuing human worth and fair treatment (Arifinsyah et al., 2020).

Many also believe that more moderate and tolerant forms of religion can be achieved through religious moderation. Leading Islamic scholars of the modern era have formulated the principles of halal tourism, which include openness, acceptance, and mutual respect. They have discovered Islam's core ideas by applying *ijtihad* to the Quran and Sunnah alone while also paying respect to the work of previous scholars. This method gives indigenous practices more weight and encourages locals to get involved in providing inclusive and tolerant tourist experiences for people of all faiths. Sobari et al. (2022) state that a moderate attitude and behavior, the promotion of tolerance and justice, and the breaking of strict mental boundaries can improve religious moderation in halal tourism. The ultimate goal is to ensure that all visitors have pleasant, secure, and comfortable experiences while also respecting religious ideals and contributing to society's well-being.

From an ambiguous idea to an all-encompassing strategy, religious moderation in Indonesia has been rapidly expanding in the past few years (Riyanto, 2023). The Unitary State of the Republic of Indonesia is being built upon the foundation of a diverse state that encompasses numerous ethnicities, races, beliefs, and more. There needs to be religious moderation in the country, which aims to find a happy medium

between religious orthodoxy and religious fanaticism. An analysis of the relationship between Islamic law and halal tourism is crucial for comprehending the ethical, cultural, and social aspects of tourism in Muslim-majority nations such as Indonesia. Daheri et al. (2023) argue that "all Indonesians should practice fiqh, the capacity to utilize religion for the sake of peace and concord, by adopting a moderate religious attitude." Islamic jurisprudence prioritizes the importance of honoring and adhering to the customs, traditions, and beliefs of a particular locality, hence influencing the development of halal tourist practices. This encourages culturally sensitive tourism that respects Islamic beliefs and advocates for social responsibility and equitable treatment of persons. According to Wijayanti et al. (2019), halal tourism is an emerging approach to fostering the growth of Indonesian tourism by promoting and preserving Islamic culture and principles. Halal tourism encompasses a wider scope than religious tourism despite the underlying premise being similar. The purpose of this research is to examine how Islamic law and the rise of halal tourism in Indonesia are related, with a focus on how religious moderation could provide a moral framework for such tourism. The two key points that serve as the problem formulation for this research are: First, what is the construction of the material of moderate religious jurisprudence (*fiqh moderasi beragama*) in Indonesia? Second, how is the construction of *usul al-fiqh* and the application of strengthening halal tourism jurisprudence based on religious moderation in Indonesia?

The article will examine the perspectives of Islamic scholars on *ijtihad* and its role in promoting halal tourism. This study aims to analyze how religious doctrine, cultural norms, economic interests, and environmental sustainability interact with each other to discover methods for promoting a more comprehensive, morally upright, and environmentally sustainable tourism business in Indonesia and worldwide. The study will investigate the development of halal tourist jurisprudence in Indonesia, focusing on religious moderation. It aims to explore the creation of *usul al-fiqh* and the execution of measures to enhance halal tourism jurisprudence based on religious moderation in Indonesia. The

findings of this study will be essential for developing the framework of *usul al-fiqh* in enhancing the jurisprudence of halal tourism, grounded in religious moderation, in Indonesia. This research holds great importance as a strategic national study, with favorable consequences for institutions, scientific endeavors, social features, and legal considerations.

## LITERATURE REVIEW

Religion has had a crucial role in influencing the development of travel and has had a profound influence on how people decide to spend their free time. Islam is a versatile and accommodating religion that emphasizes truth and a virtuous way of life (Kamali, 2012). Hamzah et al. (2022) have cited passages from the Quran and Hadith to bolster their argument in favor of tourism. They argue that Allah underscores the importance of faith and adhering to His direction in the Quran. As a committed Muslim, it is important to consider one's intentions (*niyyah*) when participating in activities like tourism. Is the purpose of the tour solely for worldly pleasure or leisure, or is it an opportunity to worship Allah? The Prophet Muhammad (SAW) stressed the importance of intentions, stating that actions are evaluated based on motives. Therefore, a migration or action undertaken solely for the sake of Allah and His Messenger holds genuine merit in Islam.

According to Timothy and Olsen (2006), the rise in the number of travelers seeking religious experiences has garnered the interest of scholars, government officials, and tourism organizations, leading to the development of religious tourism. With its roots in Islam's ideas of what is lawful (*halal*) and what is banned (*haram*), the phrase Islamic tourism has emerged in the Muslim world. This kind of is consistent with Islamic ethics and principles. Some common names for this type of travel are "Syariah tourism," "halal tourism," halal travel, and places that are inviting to Muslims. Businesses, communities, and governments all have a role in this form of tourism by providing a range of services and amenities that are in line with Islamic law and ideals (Muhajir et al., 2023). What is forbidden is called *haram*, whereas what is allowed is called *halal* only (Duman, 2011).

Beyond only visiting mosques, Islamic tourism encompasses discovering new places, cultures, and

forms of expression that are in harmony with Islamic ideals. To be classified as Islamic tourism, as highlighted by Jaelani (2017), however, "they must adhere to Shariah principles and norms."

Ensuring adherence to religious traditions is of utmost importance in Islamic tourism. This involves the creation of tourism products that adhere to Shariah principles and cater specifically to devout Muslims. Hoteliers, travel agents, and airlines must have a thorough understanding of as mentioned by Lan (2023), the rich religious and cultural legacy of Indonesia, together with its diverse demographics, offers abundant prospects for tourism. Due to its predominantly Muslim population, the country presents exclusive attractions such as palaces, mosques, historical landmarks, and culinary experiences, enhancing its tourism offerings and highlighting its distinctive culture. However, Widagdyo (2015) highlighted that there is a dearth of comprehensive rules and criteria for Islamic tourist projects in Indonesia. The current attempts to provide a clear definition of Islamic tourism are incomplete, highlighting the need for a comprehensive understanding rooted in Islamic principles. The establishment of social interaction standards in Islamic tourism can offer advice to those involved. The objective of these criteria is to cater to the requirements of Muslim travelers who are interested in tour packages that focus on religious aspects.

In his study, Furqan (2019) extensively discussed the development of halal tourism in Indonesia. He highlighted that halal tourism in Indonesia has significant economic potential within the country's tourism industry. Not only does it provide advantages for tourists, but it also leads to a rise in government revenue. Halal tourism is a form of tourism that is open and accepting to both Muslim and non-Muslim travelers. Halal tourism fundamentally emphasizes the implementation of Shariah principles in the administration and provision of services, guaranteeing courteousness and amicability towards all tourists and the environment (Effendi et al., 2021). Sholehuddin et al. (2021) talk about one of the charms of halal tourism, and according to them, the Islamic culture has a significant influence on the global halal tourism business. The Islamic culture is a major

attraction for halal tourism. It has a significant role in the halal tourism business, particularly in the development of tour packages and the creation of halal tourist sites. However, Halal tourism can only flourish and provide benefit to society as a whole when religious practices are moderated. As highlighted by Arifinsyah et al. (2021), religious moderation is crucial not just for fostering positive relationships between different religions outside but also for promoting harmony within different factions within a single religion. Internal religious conflicts are equally significant as foreign wars. Thus, it is crucial to cultivate religious moderation by implementing strategic measures that involve the government and enhance the influence of interfaith leaders.

It is important to address the interconnectedness between religious moderation and the growth of Halal tourism. And what is the foundation around which this entire paradigm has been built? The author has chosen to explore this previously unexplored area of research on Indonesian Halal tourism.

## **INSTRUMENT AND METHODS**

### **Type, form, method, and approach of research**

This research involves literature review and field research, utilizing data from both literature and the field as primary sources. The type of research is analytical descriptive, focusing on elaborating on literary data in jurisprudence by employing the methodology of Islamic law. In other words, this is an applied jurisprudence research. Various cases of halal tourism jurisprudence based on religious moderation are analyzed using jurisprudential principles and Islamic legal evidence. The method employed is qualitative, utilizing both inductive and deductive approaches. This is implemented to conclude the role of jurisprudential principles in strengthening halal tourism jurisprudence based on religious moderation in Indonesia. The researcher directly enters the field, collecting data comprehensively in line with the research problem under investigation.

### **Research location**

This research is conducted in the North Sumatra Province (Samosir Regency, Lake Toba Tourism Destination), Jakarta, Yogyakarta, Makassar, Batam, NTB, and Aceh. The selection of areas is divided into two groups: areas that have formally rejected the

concept of developing halal tourism, such as Samosir Regency, the destination of Lake Toba tourism, and areas that have already implemented the concept of halal tourism, reinforced by Regional Regulations on halal tourism, such as Jakarta, NTB, Aceh, and others.

### **Data collection techniques**

The data collection process involves several stages: (i) Orientation involves gathering general and extensive data on topics that are interesting, important, and beneficial for in-depth research. (ii) Exploration focuses on more targeted data collection according to the research focus, identifying competent sources or informants with sufficient knowledge about the subject. (iii) In-depth research is conducted on the implementation of halal tourism based on religious moderation.

Subsequently, data is collected by (i) collecting primary sources from Islamic jurisprudence books and works. (ii) Interviews will be conducted to gather evidence and cases on tourism, religion, local wisdom, and other topics in Indonesia. Interviews are flexible and dependent on informant answers. Unstructured, open-ended interviews are conducted. Religious groups (the Indonesian Council of Ulama (MUI), Nahdlatul Ulama (NU), Muhammadiyah, and others), religious figures, traditional leaders, community figures, local government officials, tourism business practitioners, hotel managers, and others relevant to the research object are informants. (iii) Document studies examine records, interpretations, and other documents linked to Indonesian halal tourism based on religious moderation and Islamic jurisprudence.

### **Quranic perspective on travel and explorations**

The Quran, as the primary source for the fiqh of tourism, extensively discusses tourism. Examples of this can be found in various verses such as Al-Tawbah: 2, Al-Tawbah: 112, Al-Mulk: 15, An-Naml: 69, Ali Imran: 137, Al-An'am: 11, Nuh: 19-20, Ar-Rum: 9, Al-Ankabut: 20, and Al-Jumu'ah: 10. In these verses, the concept of tourism is referred to with terms such as "as-sayru, as-safar, as-siyahah, az-ziarah, ar-rihlah." For example, the term "as-siyahah" is mentioned in several places, including Al-Tawbah: 2 and Al-Tawbah: 112. In Al-Tawbah: 2, Allah states: "So travel freely, [O disbelievers], throughout the land [during] four months but know that you cannot cause failure to Allah and that Allah will disgrace the disbelievers."

(Quran, Al-Tawbah: 2)

Next, in Quran, Al-Tawbah: 112, Allah said, "They are the ones who repent, worship, praise, visit, bow, prostrate, enjoin what is right, and forbid what is wrong, and observe the laws of Allah. So give good tidings to the believers." (Quran, Al-Tawbah: 112), Then Allah also said "Say, "Travel throughout the land and observe how He began creation. Then Allah will produce the final creation. Surely Allah has power over all things." (Quran, An-Naml: 69)

From the explanation of the above verses, the Quran not only affirms the legal basis of tourism but also correlates it with noble purposes. Therefore, in Islam, tourism is considered a strengthening of worship that requires Muslims to travel (*syafar*) to perform the pilgrimage (Quran, Ali Imran: 97). The concept of tourism is also positioned as part of the process of seeking knowledge and disseminating it (Quran, At-Taubah: 12).

Furthermore, the concept of tourism teaches to engage in preaching, and finally, the essence of Islamic tourism instructs humans to appreciate the beauty of the Creator's creation, thereby fostering devotion to Allah SWT (Quran, Al-Ankabut: 20). Additionally, tourism is recognized as part of business and business development (Quran, Al-Quraaisy: 1-4). From the meaning and purpose of tourism, it can be concluded that Islam encourages tourism to observe and record the truly positive values that can be experienced in life through the process of tourism travel.

#### **Objectives of sharia (Islamic laws) in the context of halal tourism**

The ultimate aims and purposes of Islamic law (Shariah) are known as "maqashid al-Shariah." It includes the ideals and goals that are meant to help people in both their spiritual and material lives. Islamic legal rulings should serve to fulfill basic human wants and ideals, according to scholars, and Maqashid al-Shariah provides the necessary foundation for this to happen (Aziz, 2019).

Al-Syatibi adds that Maqashid al-Shariah is "Laws are legislated for the believers' benefits." Maqashid al-Shariah is a utility-oriented legal excavation process, according to al-Syatibi, directed towards God's and the individual's objectives (Ikhlas et al., 2021).

The essence of Maqashid al-Shariah encompasses the basic objectives, which are to ensure the well-being

of persons in both their worldly and hereafter lives. (ii) Shariah should be intelligible, with a focus on the language aspect, to attain its inherent advantages. (iii) Shariah is a mandatory legal framework that must be implemented to achieve its advantages, taking into account the ability of individuals to adhere to it. (iv) Shariah seeks to incorporate humanity into the realm of legal principles, emphasizing the imperative for humans to adhere to the laws prescribed by Allah.

The achievement of well-being entails the preservation of five essential aspects, known as Ushul al-Khamsah: religion, life, progeny, intellect, and property. Al-Syatibi classifies Maqashid into three tiers: Maqashid al-Dururi, which refers to fundamental essentials; Maqashid al-Hajiyat, which denotes things that are necessary but not vital; and Maqashid al-Tahsiniyat, which pertains to desirable improvements. All levels strive to uphold or achieve the five essential needs, with varying degrees of importance. Maqashid al-Shariah's principles play a crucial role in strengthening legal arguments in the context of Islamic law and the growth of halal tourism. They provide legal support in dealing with new legal challenges that arise from the development of tourism. Consistent with the development of religious moderation and the expansion of halal tourism in Indonesia, the objective to uphold the essence of the objectives of Islamic Laws emphasizes the well-being of individuals in both the religious and secular spheres (Ismanto et al., 2020). A moderate interpretation of Islamic principles, guided by Sharia Laws, can help bring people of different backgrounds together in harmony.

In simple words, travel experiences that are in line with Islamic teachings and meet the needs of Muslim guests are what halal tourism is all about. This aligns with the objective of Islamic Laws, which is to provide safety by defending fundamental elements like religion, life, and property.

The idea of halal tourism is to accommodate all types of tourists, but especially Muslim tourists, by offering places of worship and food that adhere to Islamic law. According to Nugraha et al. (2020), "the initiative of the Indonesian government, spearheaded by Sharia Laws, provides a framework for lawmakers and industry players to address potential legal issues and challenges in the expanding halal tourism sector."

Religious tourism is unrelated to halal tourism. Halal tourism offers customized services to Muslim guests while also catering to the wider public. Through the broader objectives of Sharia, this approach ensures that the promotion of halal tourism is in line with Islamic principles and improves the well-being of both individuals and communities.

### **Islamic jurisprudence principles (usul fiqh)**

From an Islamic point of view, religion reflects a Muslim's worldly lifestyle, following the rules laid out in the Holy Quran and the Hadith to ensure their eternal salvation. Muslims' consumption habits and vacation choices are influenced by their religious beliefs, which they use to evaluate all aspects of their daily life. Modern understandings of Islamic law and Sharia law support the idea of Halal tourism, which is firmly based on usul fiqh. As stressed by Imam al-Ghazali, the main focus of usul fiqh philosophy is the evidence-based foundation of legal rulings (Adinugraha, 2021). As Abdul Wahab Khallaf explains it, usul fiqh means knowing the basic concepts and how to use them to determine the Islamic sharia laws that deal with human actions.

Usul al-Fiqh, the fundamentals of Islamic jurisprudence, is important because of its wide breadth and benefits to the study and application of Islamic law. Usul al-Fiqh encompasses Islamic law and its interpretation, its sources and evidence, Sharia evidence analysis, and ijtiḥad, or independent reasoning, for legal rulings. Scholars and practitioners learn about the core concepts and procedures mujtahids (jurists) utilized to form legal decisions by studying Usul al-Fiqh (Mudawam et al., 2021). This improves understanding and recognition of Islamic Fiqh opinions. Usul al-Fiqh also teaches how to interpret and infer laws from the Quran and the Prophet's traditions, enabling a deep understanding of these sources and their practical application in legal circumstances. Usul al-Fiqh also allows for comparative evaluations of fiqh's views among Islamic legal schools (Firdaus and Azwar, 2020). Usul al-Fiqh increases one's understanding of Islamic law and helps translate legal ideas into clear, precise, and relevant modern contexts.

Javed Ahmad Ghamidi, a renowned Islamic scholar from Pakistan, explores the core concepts that regulate Islamic law in the field of Usul al-Fiqh. In

his book *Meezan*, Ghamidi asserts that the Quran and Sunnah hold sole authority in Islam, guiding things pertaining to faith, morals, and practical conduct (Yasir et al., 2023). He stresses the idea that when the Quran and Sunnah do not offer clear advice and remain silent on particular issues, the possibility for ijtiḥad, or independent reasoning, emerges. According to Ghamidi, the objective of ijtiḥad is two fold: first, to keep the Quran and Sunnah relevant in dealing with contemporary situations, and second, to purify the knowledge and practical applications of such knowledge by the Muslims (Amin, 2012). Javed Ahmad Ghamidi, on the other hand, adds that ijtiḥad does not mean generating wholly new principles that have no basis in the Quran or Sunnah, nor does it allow the repeal of the laws specifically mentioned in the Quran and Sunnah. Instead, it seeks to clarify and apply the divine lessons found in these sources. Ijtiḥad thus serves as a process for interpreting and extrapolating the meanings of Quranic and Prophetic texts, ensuring their ongoing relevance and applicability to Muslim countries' changing settings. The process of developing the methodology for a moderate religious-based concept of tourism within the framework of usul fiqh establishes the legal basis or methodology for fiqh tourism, which is based on evidence from the Quran and hadith, as well as the scholarly interpretation (ijtiḥad). This methodology is then further supported by fiqh regulations to create a national legal framework for tourism. The aforementioned serves as the legal basis for the establishment and growth of halal religious-oriented moderate "Halal Tourism" in Indonesia (Arnoldy et al., 2022).

Consequently, scholars universally concur that the Quran is the principal and paramount authority for Islamic law, acting as the fundamental and underlying source for the establishment and progression of laws/fiqh. This encompasses its influence in shaping the fiqh (Islamic jurisprudence) of religious-based moderate tourism.

### **Integration of usul fiqh in halal tourism**

Islamic law exhibits a dynamic nature by constantly adapting to changes in time, location, and social dynamics, guided by the notion of legal flexibility. Every legal matter is subject to the domain of law itself; each new law must be formulated and

developed in response to legal requirements while considering the evolving nature of the legal system. Anything that is created and built by the law is considered a product of legal reasoning. Black et al. (2013) highlight that “Islamic legal thought has produced five distinct products over time: fiqh texts, fatwas by scholars, court rulings, legislation, and compilations of Islamic law.” It is necessary to prioritize these five items of Islamic legal philosophy accurately to implement Islamic law effectively. Authors argue that Islamic legal thought is the result of intellectual contemplation and can be categorized into six pairs of opposing concepts: unity and diversity, universalism and particularism, revelation and reason, stability and change, idealism and realism, and authoritarianism and liberalism.

Based on the explanations above, it is clear that Islamic law is an endeavor, born out of the dynamic between revelation and the juristic reaction to societal, political, and cultural challenges. It is necessary to revise, update, or replace Islamic law with a new set of rules if it is unable to address the community's needs in light of modern challenges (Jackson, 2015). What this means is that the law needs to be changed whenever there is a shift in society or with time. For example, new legal cases may arise as a result of societal or historical shifts, necessitating the creation of brand-new legal frameworks.

It becomes necessary to construct a legal discourse within the context of studying Islamic moderate tourism law in Indonesia. As a component of the fiqh-oriented legal thought product, this is a crucial subject. The Muslim community must have halal tourism jurisprudence that is based on religious moderation to implement halal tourism. An approach to religious tourism, including halal tourism, in Indonesia that is neither liberal nor conservative can be achieved through religious moderation, which acts as a mediator, negotiator, and facilitator. Religious moderation, in its capacity as a mediator, will mediate disputes between individuals seeking to establish halal tourism and communities that are resistant to the idea. As a means of bridging the gap between the local, mostly non-Muslim population and the establishment of halal tourism at popular tourist spots, the concept of religious moderation has developed.

Jurisprudence, as a discipline that studies Islam's legal sources and evidence, is necessary for the development of a moderate religious framework for halal tourism. The role of jurisprudence, according to Santoso et al. (2022), is to identify the key features of Shari'ah evidence and jurisprudence as a whole, whether it be evidence or principles applied globally. After jurisprudence formulates broad principles, a mujtahid applies those principles to specific evidence found in the sources, such as the Quran and Hadith. Jurisprudential rules pertaining to the conduct of a mukallaf (responsible person) are directly derived from the ijthad activities of a mujtahid. That is to say, jurisprudential studies provide the necessary foundational legal evidence for the development of halal tourism jurisprudence grounded in religious moderation (Effendi et al., 2021). As a result, you can rest assured that any legal documents pertaining to religious tourism that promote moderation have been thoroughly vetted through a judicial process. Indonesia advocates for halal tourism by implementing several concepts of Usul al-Fiqh, which form the basis for creating legal frameworks and regulations that are in accordance with Islamic values. Several fundamental principles include:

*Ijthad (independent reasoning):*

Ijthad is a crucial element of Islam due to its dynamic and global nature. Ijthad allows Islam to adapt and evolve in response to changing circumstances and contexts, thus ensuring its relevance in everyday life. Indonesian and Muslim scholars utilize the concept of ijthad to analyze Islamic texts and derive rulings that pertain to halal tourism (Amin et al., 2023). This fosters flexibility in addressing present difficulties while being rooted in Islamic principles.

*Maslahah (public interest):*

The term “maslaha” or “maslahah” refers to a fundamental principle in Islamic divine law, Sharia. It is one of the expanded methodological principles of Islamic law (uṣūl al-fiqh) and indicates whether something is forbidden or permitted based on whether it serves the public interest of the Muslim community (ummah), taking into account necessity and specific circumstances. Halal tourism, as highlighted by Saparwadi (2017), “is regarded as a means of fulfilling the requirements of Muslim tourists

and stimulating economic growth in the tourism industry, so helping the general welfare.” Indonesian officials stress the significance of *maslahah* in developing legislation that endorses halal tourist ventures.

*Urf (customary practice):*

To promote halal tourism that preserves Indonesia's cultural diversity, it is of the utmost importance to take into account the local customs and practices (*urf*). It is possible to modify the notions of *Usul al-Fiqh* to include local customs while still adhering to the Islamic criteria for halal approval.

### **Halal tourism in Indonesia**

According to Chapter I of the Law of the Republic of Indonesia Number 10 the Year 2009 on tourism, tourism is defined as the act of traveling by an individual or a group of individuals to a specific location for leisure, personal growth, or to experience the distinctive tourist attractions of that place within a certain timeframe. Tourism encompasses a diverse array of activities and is facilitated by a vast range of amenities and services offered by communities, businesses, governments, and local authorities (Jaelani, 2017). Tourism encompasses a wide range of activities associated with the travel industry. It is a complex and diverse field that arises from the desire of individuals and nations to explore new places and interact with various stakeholders such as tourists, local communities, fellow travelers, government authorities, local governments, and employers. In modern tourism studies, the idea of halal tourism is still in its infancy. As a notion that promotes Islamic principles, halal tourism makes many people uncomfortable. While at first glance, halal tourism may seem like a terrifying monster, a closer look reveals that it merely serves to supplement more traditional forms of travel (Muhamad et al., 2019). Halal tourism offers an alternative for Muslim travelers who seek to satisfy both their material and spiritual requirements while on vacation. The concept of halal tourism is not exclusive to Muslims; in fact, it is open to all travelers. One way to look at the history of halal tourism is through the lens of religious tourism, which in turn led to sharia tourism and, finally, halal tourism itself.

Given that Indonesia is home to more Muslims than any other country, it stands to reason that the

country might soon become a world leader in halal tourism. This is because a halal lifestyle has essentially taken root in Indonesian culture. Many aspects of Indonesian society have long been based on Islamic principles. Muslims now make up 88% of Indonesia's population. As mentioned by Tatomir in her writing on the web journal Study.com, there are more than 800,000 mosques in this area, and the populace speaks 746 different languages and dialects. There are also hundreds of ethnic groups represented.

The basis of halal tourism is Islamic law, the highest legal code in Islam. The Islamic mosaics of Indonesia are eye-catching due to their varied forms and vivid hues. The region's diverse array of ethnic groups, which number in the hundreds, contribute to its distinct Islamic character, making it an attractive choice for Muslim tourists from around the globe (Lan, 2023). A new reputation as a “Muslim-friendly tourism” destination is beginning to take root. Right now, Indonesia's national branding would benefit greatly from re-establishing the moderate, amiable, tolerant, and peace-loving character of Islam as a cultural capital.

Indonesia practices Islam-Javanese, also known as Islam-Kejawen, which represents the Islamic culture of the Javanese ethnic group. Additionally, there is the Islamicate Sunda Wiwitan, which is commonly perceived as a synonym for Islam within the Sundanese ethnic group. In Bugis-Makassar, Islam continues to uphold the indigenous tradition of *surommaca* or *abaca*, which serves as a means of venerating and honoring ancestors (Rubaidi, 2019). Except for the Sasak ethnic group, also referred to as Islam Wetu Telu, there are no other exceptions. And so on. Hence, it is anticipated that the tourism industry would make a substantial contribution to the expansion of the economy while also effectively establishing a route for cultural diplomacy for Indonesia, which holds the distinction of being the largest Muslim nation globally. Islam is a diverse phenomenon that encompasses a broad range of beliefs and practices. Its true essence can be understood as “*rahmatan lil 'alamin*,” which translates to “mercy to all creation” (Apriani et al., 2018).

The Muslim population in Indonesia has a moderate, amicable, and tolerant disposition while also embracing a peaceful nature. Indonesia is renowned



among international social-humanities scholars for its prominent Islamic influence (Sya'bani, 2021). Islam is a religion that promotes compassion and mercy towards all of humanity. It guides individuals to become morally upright, cultured, and competent individuals. By consistently performing good deeds, followers of Islam strive to create a progressive and compassionate society. To ensure the relevance and adaptability of Islamic teachings in addressing contemporary difficulties, it is imperative to advance and diversify Islamic da'wah efforts, including exploring opportunities within the tourism industry. Efficiently managed tourism can result in many social consequences. Islamic tradition in halal tourism encompasses all aspects that originate from, are associated with, or foster the essence of halal tourism. The integration of several Javanese traditions into halal tourism can encompass the Grave Pilgrimage Tradition, Kliwonan Tradition, Sekaten Tradition, Suroan Tradition, Selamatan Tradition, and Mauludan Tradition (Sholehuddin et al., 2021).

#### **Initiatives for advancing religious moderation within Indonesia's tourism sector**

An essential part of the connection between religious moderation and jurisprudence is the role that jurisprudence plays in re-establishing religious moderation (Wibowo and Khoiruddin, 2022; Chaiyakot et al., 2022). The development of a religiously moderate body of law is of paramount relevance and strategic worth for several reasons. First and foremost, it promotes a moderate view of Islamic law in Indonesia, helping people to avoid extremes in their religious knowledge and attitudes. Second, it serves as a noteworthy tool for academic advancement and practical application, both nationally and inside Islamic universities. As a third function, it ensures that human and divine values are in harmony by providing a framework for establishing and maintaining a genuine knowledge of religious topics in one's thoughts and actions. As a bonus, it's crucial to elucidate religious views and make sure they align with scientific realities and Islamic principles. Finally, it promotes a sense of tolerance, fairness, equilibrium, and mutual respect by bringing the country together, providing answers to disagreements, and working as a unified front against any issues.

To enhance the scholarly aspects and practical applications of religiously moderate jurisprudence, it is necessary to expand its substance. Religious moderation should be fostered in all aspects of life (Abror et al., 2019). The primary subject of this study is the tourist industry in Indonesia. In this particular context, tourism comprises all aspects of travel or leisure, such as tourist attractions, the administration of tourist locations, and the necessary development of linked enterprises. Enhancing religious moderation in the tourism industry is crucial for the following reasons:

#### *Motivating a moderate perspective:*

Religious moderation will encourage a balanced viewpoint and conduct among local governments, tourists, and the local community, highlighting the significance of the tourism sector and its diverse aspects as valuable resources for local governments and communities that require additional advancement to attract a wider array of tourists. It is imperative to change established ways of thinking to fully develop all the current possibilities in the tourism industry.

#### *Breaking cultural barriers:*

Religious moderation acts as a means to dismantle conventional barriers of thought within the local community, affirming that all current tourism potentials are integral to the mature and enduring local wisdom (Kawangung, 2019). This viewpoint questions the notion that progress has the potential to disturb the current physical components, which, as per local beliefs, could result in dire consequences for the local community.

#### *Educational role of religious moderation:*

Religious moderation in education fosters early understanding and reciprocal understanding among pupils of diverse religious faiths. School curricula and publications should promote plurality and religious tolerance. The religious moderation paradigm in Islamic education promotes harmony amongst religions by reducing radicalism and intolerance.

#### **Steps for establishing halal tourism in Indonesia**

The growth of halal tourism in Indonesia is based on modern religious interpretation by placing vital weight on the Quran and Sunnah (Adinugraha et al., 2021). Many influential scholars, such as Javed Ahmad Ghamidi, have given Muslims a fresh perspective

on the claims made by traditional Islamic leaders. These fresh viewpoints provide a more nuanced understanding of the many facets of tourism, from ethics and processes to activities. This rests on this religious understanding, which promotes tolerance and understanding among believers and between faiths. Everyone has the right to practice their religion freely without interference or pressure, and this idea supports that ideal in the context of tourism. A sense of national pride, an absence of aggressive behavior, an increase in tolerance, and conformity to social norms are all goals.

Religious moderation plays a crucial role in the advancement of halal tourism by acting as a facilitator and a proactive mediator in addressing potential challenges. Religious tourism should never entail the infliction of harm or damage. In this context, as highlighted by existing literature, “religious moderation catalyzes a cognitive transformation, altering individuals’ thoughts and actions about religious comprehension, ensuring it remains balanced and avoids extreme positions within the tourism setting.” It is important to adopt impartial and equitable perspectives while considering all matters, including internal affairs and interactions among religious groups. Additionally, there should be fairness in how varied religious communities are treated in the context of tourism. This encapsulates the authentic core of religious moderation in tourism, grounded in the principles of fiqh.

Developing tourism in Indonesia can be facilitated by implementing fiqh-based religious moderation. The indicators of religious moderation in tourism encompass the values of justice, balance, promotion of noble human values, preservation of public welfare and order, adherence to agreements and constitutional compliance, national dedication, tolerance, and opposition to violence. These values serve as a solid basis for implementing religious moderation in the tourism industry.

All religions should promote religious moderation in the tourism sector through the implementation of principles that are in line with the values of moderation and tolerance. To be a devout religious individual, it is imperative to observe one’s faith with modesty and sagacity, refraining from zealotry and bigotry that may jeopardize the security of

local communities and the nation. All religions fundamentally impart the same concepts. As explained by Moussalli (2005), “within the framework of Islam, it offers an interpretation of Islamic doctrines that are in harmony with contemporary needs, presenting suitable resolutions to the diverse challenges encountered by society.” Consequently, individuals belonging to both the Muslim community and other religious groups are required to jointly uphold the dedication towards enhancing religious moderation in all domains, including the tourism industry.

In an interview with Muhammad Razakin, one of the Vice-Rectors of UIN Sunan Kalijaga, he emphasized the urgent need to develop fiqh-based halal tourism with a strong emphasis on religious moderation. The legal structure of its regulation is based on the notion of fiqh, fatwas, and regulations (laws and regional rules). While certain areas in Indonesia have implemented local laws for halal tourism, there has been no explicit focus on enhancing religious moderation within the tourism sector. Before proceeding, it is important to ascertain the composition of its material. Religious moderation must be firmly established as a fundamental element in the advancement of halal tourism in Indonesia.

The above explanation stresses the need to develop the idea of halal tourism that is grounded in religious moderation. The core principles of fiqh are derived from its formulation. It is an all-inclusive list of tourist-related processes and their connections to: There are seven parts to the tourism industry: (i) Tourism, (ii) Tourists, (iii) Tourist Attractions, (iv) Tourism Businesses, (v) Tourism Industry, (vi) Tourism Business (vii) Strategic Tourism Areas.

#### **Legislative and regulatory frameworks for promoting halal tourism**

Indonesia has implemented a range of laws and regulations to bolster its reputation as a top choice for Muslim tourists, with a particular focus on promoting halal tourism. These legislations include various measures aimed at guaranteeing the availability of halal products and services, supporting the creation of halal-friendly infrastructure, and advertising Indonesia’s cultural and natural assets to Muslim tourists.

*Indonesian law no. 33 of 2014 pertains to the assurance of halal products:*

This legislation sets the juridical foundation for guaranteeing the halal certification of products and services in Indonesia. The establishment of the “Halal Product Assurance Organizing Agency” (BPJPH) is required to supervise and regulate the halal certification procedures and criteria in many industries, including tourism (Hakim, 2015).

*Fatwa and guidelines by the Indonesian council of ulama (MUI):*

The principles of shariah Islamic law as stipulated by fatwas and/or approved by the Indonesian Ulama Council (Majelis Ulama Indonesia [MUI]) are referred to in Article 1 of Law of the Ministry of Tourism No. 2 Year 2014 on guidelines for the implementation of shariah hotel business, which is relevant to the development of halal tourism (MTRI, 2014).

*Provincial and regional regulations:*

Various provinces and areas in Indonesia have implemented legislation to facilitate the advancement of halal tourism. These policies may encompass inducements for enterprises certified as halal, zoning strategies for areas dedicated to halal tourism, and mandates for the labeling of halal products in hospitality places.

*Ministry of tourism and creative economy initiatives:*

The Ministry of Tourism and Creative Economy spearheads nationwide endeavors to enhance halal tourism through several programs and projects. This includes the establishment of halal tourism sites, educational initiatives for halal accreditation, and promotional endeavors aimed at attracting Muslim tourists.

*Global Muslim Travel Index (GMTI) standards:*

Indonesia's halal tourism initiatives are following worldwide standards established by organizations such as CrescentRating and Mastercard, as evidenced by the Global Muslim Travel Index (GMTI). By adhering to these guidelines, Indonesia can uphold its status as a premier choice for Muslim travelers and guarantee uniformity in halal offers throughout the country.

*Public-Private Partnerships (PPP) and industry collaboration:*

The cooperation of government agencies, corporate sector entities, and civil society organizations is

crucial in promoting the development of halal tourism in Indonesia. Public-Private Partnerships (PPPs) enable collaborative efforts in areas such as infrastructure development, marketing campaigns, and capacity-building programs to successfully address the requirements of Muslim tourists (Musthofa et al., 2023).

In general, these laws and regulations establish a favorable setting for the advancement of halal tourism in Indonesia, thereby assisting the nation's objective of becoming a worldwide center for Muslim-friendly travel opportunities.

### **Breakthrough and challenges**

Indonesia is a nation characterized by an unparalleled level of ethnic, cultural, linguistic, and religious diversity. Almost nowhere else on Earth will you find such a wide range of languages, religions, cultures, and ethnicities as in Indonesia, along with the six major faiths practiced by the local population: Islam, Christianity, Hinduism, Buddhism, Confucianism, and Hindu. Furthermore, Indonesia is home to hundreds of distinct ethnic groups, each with its language, script, and set of beliefs. In light of the foregoing, tolerance is essential for sustaining and fostering diversity-based peace. In religious, cultural, and social contexts, tolerance refers to behaviors and attitudes that do not discriminate against or reject members of marginalized groups. Indonesia has achieved remarkable strides in recent years in establishing and promoting the idea of Halal Tourism (Kawangung, 2019; Bariscil, 2017). This has paid off, as Indonesia has remained the leading global destination for halal tourism since 2019, outranking other Muslim-majority nations like the UAE, Turkey, and Malaysia, according to the Global Muslim Travel Index (GMTI). Halal tourism has been a top priority for Indonesia's Ministry of Tourism for the last five years. Based on the GMTI 2019 data, it is anticipated that the global number of Muslim visitors will reach 230 million by 2030 (Winarti, 2017). This projection includes Indonesia, which will attract visits from Muslim tourists. This offers a substantial prospect for growth.

The Ministry of Tourism and Creative Economy has implemented initiatives to enhance and promote halal tourism destinations in many regions, including Aceh, Riau, West Sumatra, Jakarta, Central Java,

Yogyakarta, South Sulawesi, and others, in accordance with GMTI criteria (Furqan, 2019; Hor, 2016; Jam et al., 2016). This indicates that the growth of the tourist industry, namely halal tourism, extends beyond economic improvement for the country, regions, and communities. The tourism sector's contribution to economic growth in Indonesia is undeniable, as it not only focuses on developing infrastructure and attracting more tourists but also on promoting the notion of halal tourism, which aims to cater to the needs of Muslim travelers.

Halal tourism in Indonesia is on the rise because it prompts people to think about the benefits and drawbacks. Some places where Muslims do not make up the majority, such as Bali, Lake Toba in North Sumatra, and Labuan Bajo in East Nusa Tenggara, are against the idea of halal tourism. The reason is that it treats other faiths as though they are inherently evil and calls for their legalization, which is deeply offensive. Additionally, they claim that halal tourism will convert a destination into a religious mecca and wipe out indigenous knowledge. Our nation's inability to leave our comfort zones is one of the major challenges we confront when it comes to embracing change (Peristiwo, 2023).

From a financial standpoint, it is problematic that Islamic financial institutions do not have specific funding targets for the halal industry, particularly halal tourism (Ameraldo et al., 2019). There are several issues surrounding halal tourism in Indonesia, including a lack of research into consumer preferences and a lack of a consistent national curriculum (Abror et al., 2019). Discussions of halal tourism in regions of Indonesia where Muslims do not make up the majority have sparked worries about possible conflicts between religious groups and the principles of Indonesian nationalism, which include tolerance, equality, and respect for religious diversity. Some see a religiously nuanced halal tourism plan as an affront to tolerance, multiculturalism, variety, and the many interpretations of Indonesian nationality.

One factor that contributes to religious conflict is the continuation of an exclusive religious paradigm that ignores religious moderation. Disregarding the wants and interests of the minority in favor of creating complicated general norms for the majority faith weakened the fundamental principles of a globally

applicable unified law. Regardless, halal tourism's fundamental principle is to provide Muslim tourists with the amenities they specifically seek. Therefore, tolerance must be woven into the very fabric of halal tourist management techniques. Tolerance, as explained by Asmara (2018), in this context, means "being open to and accepting of different points of view, provided that they do not infringe upon anyone's religious convictions. Living in peace, harmony, mutual respect, and tolerance with people of other religions is what we mean when we talk of religious harmony." An essential part of this balance is tolerance.

## **CONCLUSION**

Religion exists as a tangible expression of the Creator's affection for societies. A society in which individuals can live in accordance with their religious beliefs and uphold their dignity as a reflection of the divine creator. Religion serves as a compass for achieving unity in society through the principles of love and fairness. It denotes the practice of religious moderation, which involves attaining the ability to live in harmony while upholding the dignity of one's humanity. By adopting progressive approaches to the contemporary global system and carefully evaluating and revising the legislation enacted by past Muslim leaders, Indonesia has established a rational and equitable framework for regulating Halal tourism. The Quran, Hadith, and Ijtihad provide the Islamic legal proof that forms the basis of halal-based tourist regulations. Qiyas, *maslahah al-mursalah*, and *urf* are all parts of this religious moderation. The results of this approach are reflected in legislative documents such as Law No. 33 of 2014 on Halal Product Assurance, Minister of Tourism and Creative Economy Regulation No. 11 of 2016, and the Fatwa of the National Sharia Board (DSN-MUI) No. 108/DSN-MUI/X/2016.

Indonesia, known for its religious and cultural diversity, has a rich heritage of history and culture that is deeply intertwined with religious characteristics and the religious activities of its people. The cultural and religious legacy, along with the diversity of race, ethnicity, language, and customs, can be harnessed as a valuable asset for the growth of tourism. Consequently, to establish Indonesia as a global hub

for halal tourism, the country's development plan is focused on meeting the main indicators of the tourism competitiveness index. This includes, among other things, enhancing infrastructure, promoting the industry, training human resources, and boosting the capacity of tourism businesses. The goal of religious moderation is to find a middle ground where Islamic teachings and ethical concerns are in perfect harmony. If halal tourism is to succeed in the long run, it is essential to create a halal ecosystem that incorporates transportation, lodging, restaurants, and tour operators. All aspects of this setting must adhere strictly to halal norms, which forbid idolatry, immorality, and violation while promoting material and immaterial gains. The commitment of the Indonesian government, especially the Ministry of Tourism and Creative Economy, has led to the country's rise to prominence in the global tourism industry. Among the many initiatives, such as the push for halal tourism, is the government's dedication to turning its natural attractions into a boon for the economy.

The operations of halal tourist locations are greatly influenced by Islamic heritage and religious culture, which are vital to halal tourism. Following Sharia law, these features not only showcase Islamic traditions but also serve as an educational experience for tourists, helping them to better understand spiritual concepts that contribute to human flourishing. A new framework called halal tourist jurisprudence, founded on religious moderation, is fundamentally needed for the formalization of halal tourism. Economically, halal tourism in Indonesia is a promising sector of the country's tourism business. The tourism business has helped boost government coffers while also harming visitors both financially and emotionally. Anyone, Muslim or not, is welcome to participate in halal tourism. At its heart, halal tourism is about making sure that both visitors and locals are treated with kindness and respect according to the tenets of Shariah law.

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