

LEGAL DYNAMICS OF HOTEL BUSINESS STANDARDIZATION IN INDONESIA'S HALAL TOURISM INDUSTRY

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Abstract

This study examines the legal development of hotel business standardization within Indonesia's halal tourism industry. It focuses on the transformation of regulatory orientation from a sharia-compliant hotel standardization model to a more flexible Muslim-friendly tourism service model. This research uses normative legal research with statutory and conceptual approaches, analyzed qualitatively through descriptive-analytical and prescriptive methods. The findings show that the revocation and amendment of previous regulations have changed the position of sharia hotel standards from binding regulatory norms into more flexible service guidelines. This transformation creates two main implications: the weakening of normative binding force, referred to as regulatory dilution, and the imbalance between economic interests, religious values, and legal certainty, referred to as regulatory imbalance. To respond to these issues, this study proposes a hybrid regulatory model that combines compliance-based regulation and service-based flexibility. This model maintains sharia principles as the normative foundation of hotel business standardization while allowing business actors to adapt to market dynamics and the needs of Muslim tourists. The study contributes to the development of halal tourism law by offering a regulatory model that balances industry competitiveness, legal certainty, and the integrity of sharia values.

Keywords: halal tourism, hotel standardization, Muslim-friendly tourism, hybrid regulation model

Introduction

Accommodation is an important sub-sector in the halal value chain in the halal tourism industry (Rahmi, 2017; Sukoso et al., 2020). The halal value chain is not an isolated system, but is connected with several supporting sectors,

including tourism destinations, airlines and transportation hubs, hotels and accommodation, restaurants and cafés, travel services, micro, small and medium enterprises, Islamic finance, modest fashion, and the food and beverage industry (Sukoso et al., 2020; Webber & Labaste, 2009; Wulandari & Pradesyah, 2023). As illustrated in Figure 1, hotels and accommodation are positioned as one of the important nodes in the halal tourism ecosystem, because they interact with transportation, food and beverage services, tourism destinations, and travel services.

Tourism Destinations	Means of transportation	Hotels & Accommodation	Restaurants & Cafe	Travel & Tour
• Media & Recreation • Halal Food and Beverages • Modest Fashion • Hotels • MSMEs • Renewable Energy • Islamic Finance Industry	• Media & Recreation • Halal Food & Beverages • Modest Fashion • MSMEs • Islamic Finance Industry	• Media & Recreation • Halal Food & Beverages • Modest Fashion • MSMEs • Islamic Finance Industry	• Halal Food & Beverages • MSMEs • Islamic Finance Industry	• Halal Food & Beverages • Hotels • Airlines • MSMEs • Islamic Finance Industry

Figure 1. Value Chain Relationship in the Halal Tourism Industry

Source: KNEKS (2018)

In this context, halal tourism refers to tourism activities and services designed to meet the needs of tourists through products, facilities, and management that comply with sharia principles. These services include accommodation and hotel businesses, which are required to provide not only general hospitality services but also facilities and operational standards that support Muslim tourists' religious needs (Clinton & Tsabita, 2022; Ekka, 2024).

The application of sharia principles in hotel and accommodation businesses generally includes several aspects. Hotels are expected to prevent activities related to pornography, immorality, idolatry, and other actions contrary to sharia values. Food and beverages provided by hotels must also be halal-certified. In addition, hotel management is required to provide prayer facilities, ablution areas, service guidelines based on sharia principles, and, in certain models, the use of sharia-compliant financial institutions in business activities (Al Hasan, 2017; Baharuddin & Al Hasan, 2018). These principles were later translated into hotel business standards that regulate product, service, and management aspects in the accommodation sector.

The standardization of sharia hotel businesses obtained formal recognition through the Minister of Tourism and Creative Economy Regulation

Number 2 of 2014 concerning Guidelines for the Implementation of Sharia Hotel Businesses. This regulation introduced standards and certification mechanisms for sharia hotel businesses as part of halal tourism governance in Indonesia (Hafizi & Rimbodo, 2019). The regulation shows that religious norms were transformed into operational standards for hotel businesses, especially in determining whether a hotel could be classified as a sharia-compliant hotel.

The preparation of hotel business standards and hotel business certification in the halal tourism industry as regulated in the Ministerial Regulation above, is a mandate of Article 26 and Article 54 of Law 10 of 2009 concerning Tourism, Article 18 of Government Regulation Number 52 of 2012 concerning Competency Certification and Business Certification in the Tourism Sector, and Article 5 of the Regulation of the Minister of Tourism and Creative Economy Number: PM.53/HM.001/MPEK/2013 concerning Hotel Business Standards. To ensure compliance with the standards and quality of products, services, and management of hotel businesses in the halal tourism industry, tourism business certification is carried out by the Business Certification Institute as regulated in Article 19 of Government Regulation Number 52 of 2012 concerning Competency Certification and Business Certification in the Tourism Sector, and Article 5 of the Regulation of the Minister of Tourism and Creative Economy Number 1 of 2014 concerning the Implementation of Tourism Business Certification.

For the purposes of certification and issuance of hotel business certificates in the halal tourism industry, hoteliers must meet the basic requirements as stipulated in Article 7 of the Regulation of the Minister of Tourism and Creative Economy Number: PM.53/HM.001/MPEK/2013 concerning Hotel Business Standards. Meanwhile, to meet the requirements and assessment of the sharia aspect, hoteliers must meet and implement the absolute criteria as stipulated in Article 7 of the Regulation of the Minister of Tourism and Creative Economy Number 2 of 2014 concerning Guidelines for the Implementation of Sharia Hotel Businesses. Thus, every hotelier who has obtained a hotel business certificate issued by the Tourism Business Certification Institute can operate a sharia hotel business. As for hotel business certification in the halal tourism industry, it is carried out by the National Sharia Council-Indonesian Ulema Council (Subarkah, 2018).

Based on the explanation above, the government, through the Ministry of Tourism and Creative Economy, has explicitly regulated the standardization and certification of hotel businesses in the halal tourism industry in Indonesia. However, this regulation was only in effect for less than two years. The provisions

regarding the standardization of sharia-compliant hotel businesses, stipulated in Ministerial Regulation No. 2 of 2014, were subsequently revoked through Ministerial Regulation No. 11 of 2016, considering that the regulation no longer aligns with the development and needs of businesses in the tourism sector (Mahardika, 2020). Likewise, the provisions regarding certification of sharia or halal tourism businesses which were previously regulated in the Regulation of the Minister of Tourism and Creative Economy Number 1 of 2014 were removed through the Regulation of the Minister of Tourism Number 12 of 2016.

Regulations regarding the standardization and certification of hotel businesses in the halal tourism industry in Indonesia demonstrate legal dynamics within a relatively short period of time. The revocation and amendment of regulations that previously served as the legal basis for the organization and certification of sharia-compliant hotels, without clear replacement regulations, have the potential to raise legal and sociological issues related to legal certainty and legal order in society. Sociologically, legal dynamics are inevitable and can be influenced by changes in time, social conditions, and societal needs. In the treasury of Islamic legal thought, Ibn Qayyim al-Jawziyyah emphasized that legal changes can occur in line with changes in time, place, circumstances, intentions, and customs (Al-Jauziyyah, 1423a; Haidar, 2003a). The existence of changes in fatwas and changes in laws according to Ibn Qayyim refers to the essence of sharia, namely public welfare (Al-Jauziyyah, 1423a). However, these legal changes should still be directed towards realizing broader public welfare.

From the perspective of modern legal theory, especially the thinking of Mochtar Kusumaatmadja, law not only functions as an instrument of social control, but also as a means of development (Latipulhayat, 2014a; Salman & Damian, 2002a). Law is positioned as both a guideline and a tool for correction in the development process, with the aim of creating order and encouraging targeted change. If the essence of development is planned change, then law cannot be understood as a static or passive norm that simply follows social dynamics (Saputra et al., 2025).

Based on this framework, changes in hotel business standardization regulations in halal tourism cannot be understood solely as administrative adjustments, but rather as part of a shift in the legal paradigm. This shift indicates that the law no longer functions solely as a guiding norm but is beginning to transform into an instrument of economic facilitation. Therefore, this study aims to analyze the dynamics of hotel business standardization regulations in the halal tourism industry, examine their legal implications, and formulate a more adaptive regulatory model that maintains the integrity of Sharia values.

Several previous studies in Indonesia have examined halal tourism from various perspectives. Jaelani's research shows that halal tourism development in Indonesia has significant economic potential, but still faces challenges in terms of regulation and standardization (Jaelani, 2017). Meanwhile, research by Satriana and Faridah emphasized that the success of halal tourism is highly dependent on the readiness of the industry, especially in providing facilities and services that suit the needs of Muslim tourists (Satriana & Faridah, 2018). Another study conducted by Siregar found that halal tourism in Indonesia has significant potential as a new economic sector, particularly through the development of halal hotels, halal food, and Sharia-compliant tourism services. However, this research also showed that this development is still driven more by market logic than by strengthening regulations (Siregar et al., 2024). From the implementation side in the hotel sector, research by Alatas on sharia hotels in Yogyakarta shows that the application of sharia principles in hotel operations is still varied and is not fully supported by uniform standards (Alatas et al., 2023). The study conducted by Mujib provides a critical perspective on the concept of sharia hotels in Indonesia, where the criteria for sharia hotels applied tend to be exclusive and more oriented towards the Muslim tourist segment. (Mujib, 2016).

Nevertheless, previous studies have not sufficiently examined the legal dynamics of hotel business standardization as a form of regulatory transformation. Most existing studies tend to focus on economic potential, marketing strategies, destination development, and practical implementation in the tourism industry. Limited attention has been given to how changes in hotel business standardization regulations affect legal certainty, the binding force of norms, institutional authority, consumer protection, and the balance between economic interests and religious values. This shows a research gap in the legal analysis of halal tourism regulation, especially in the accommodation and hotel sector.

This article addresses that gap by analyzing the legal dynamics of hotel business standardization in Indonesia's halal tourism industry. The novelty of this study lies in its argument that the transformation from sharia-compliant hotel regulation to Muslim-friendly tourism is not merely an administrative or terminological adjustment, but a regulatory shift that has legal implications. This study conceptualizes the shift as producing two main consequences: regulatory dilution, namely the weakening of the binding force of norms; and regulatory imbalance, namely the imbalance between economic interests, religious values, and legal certainty. Furthermore, this article proposes a hybrid regulatory model

that integrates compliance-based regulation and service-based flexibility as an alternative framework for future hotel business standardization.

Based on this background, this study aims to: first, analyze the dynamics of hotel business standardization regulations in Indonesia's halal tourism industry; second, examine the legal implications of regulatory changes for legal certainty, institutional authority, consumer protection, and the integrity of sharia values; and third, formulate a more adaptive and sustainable regulatory model for hotel business standardization in the halal tourism industry. Through this analysis, the article contributes to the development of halal tourism law by offering a regulatory framework that balances industry competitiveness, legal certainty, consumer protection, and the normative substance of sharia values.

Methodology

This study employs normative legal research to analyze the dynamics of hotel business standardization regulations in Indonesia's halal tourism industry and to formulate a more adaptive regulatory model (Zaini, 2011). It applies statutory and conceptual approaches (ND & Achmad, 2010). The statutory approach examines the development, substance, institutional authority, and binding force of the relevant legal norms, while the conceptual approach analyzes the regulatory shift from a compliance-based sharia hotel model to a service-based Muslim-friendly tourism model (Muhaimin, 2020).

The study uses primary and secondary legal materials collected through library research (Bowen, 2009). Primary legal materials include laws, government regulations, ministerial regulations, and policy guidelines concerning tourism, hotel business standardization, certification, and Muslim-friendly tourism services. Secondary legal materials consist of books, journal articles, legal doctrines, and other scholarly works relevant to halal tourism and legal development.

The legal materials were analyzed qualitatively using descriptive-analytical and prescriptive methods (Marzuki, 2014). The analysis involved identifying and classifying the relevant legal instruments, comparing the sharia hotel standardization framework under Minister of Tourism and Creative Economy Regulation Number 2 of 2014 with the subsequent regulatory framework, and evaluating the implications of these changes for legal certainty, institutional authority, Muslim consumer protection, and the integrity of sharia values. The Hybrid Regulatory Model was then conceptually formulated through a prescriptive synthesis of the strengths and weaknesses of the compliance-based and service-based models. The proposed model combines mandatory minimum sharia standards with service flexibility and collaborative institutional arrangements between the state and religious authorities.

Ibn Qayyim al-Jauziyyah's theory of legal change was used to assess regulatory adaptability and public welfare (Al-Jauziyyah, 1423b; Haidar, 1991); Mochtar Kusumaatmadja's theory of development law examined the role of law in directing tourism development and maintaining legal certainty (Atmadja, 1996a; Salman & Damian, 2002b); and Roscoe Pound's concept of law as social engineering evaluated the balance between economic interests, religious values, and Muslim consumer protection (Latipulhayat, 2014c; Tanya et al., 2013a). These theories provide the evaluative and prescriptive basis for formulating the Hybrid Regulatory Model.

Results and Discussion

Dynamics of Hotel Business Standardization Regulations in the Halal Tourism Industry

The development of hotel business standardization in Indonesia's halal tourism industry cannot be separated from the broader transformation of national tourism policy. The transition from *sharia tourism* to *halal tourism* and subsequently to *Muslim-friendly tourism* reflects more than a terminological change. It also indicates a shift in the state's regulatory orientation in managing the relationship between religious values, tourism governance, consumer needs, and market development. As an important component of the halal tourism value chain, hotel businesses have consequently experienced changes in regulatory substance, certification mechanisms, institutional authority, and patterns of supervision.

The formal standardization of sharia hotels at the national ministerial-regulation level was established through Minister of Tourism and Creative Economy Regulation Number 2 of 2014 concerning Guidelines for the Implementation of Sharia Hotel Businesses. This regulation incorporated sharia principles into hotel products, services, and management and translated religious norms into identifiable operational business standards. It expressly covered the classification of sharia hotels, assessment for certification, implementation of certification, and governmental supervision. Under this framework, the use of the sharia hotel designation was not based solely on a hotel's voluntary claim, but was connected to specified criteria, an auditing process, and a formal certification mechanism (Shifa Akhsanty et al., 2023).

Minister of Tourism and Creative Economy Regulation No. 2 of 2014 concerning Guidelines for the Implementation of Sharia Hotel Businesses classified sharia hotels into Hilal-1 and Hilal-2 categories. Under Articles 5–8 and

the annex to the regulation, Hilal-1 referred to hotels satisfying all criteria required to serve the minimum needs of Muslim tourists, whereas Hilal-2 referred to hotels satisfying the criteria required to serve the moderate needs of Muslim tourists.

A substantial regulatory change occurred in 2016 with the enactment of Minister of Tourism Regulation Number 11 of 2016 concerning the Revocation of Minister of Tourism and Creative Economy Regulation Number 2 of 2014 concerning Guidelines for the Implementation of Sharia Hotel Businesses. The revoking regulation stated that the former regulatory framework was no longer compatible with contemporary tourism demands and developments. This change was accompanied by Minister of Tourism Regulation Number 12 of 2016 concerning the Amendment to Minister of Tourism Regulation Number 1 of 2016, which deleted Article 6 governing halal tourism business certification. Together, these measures removed the specific ministerial framework that had previously regulated the classification and certification of sharia hotels. However, the revocation was not accompanied by the enactment of an equivalent regulatory instrument comprehensively governing the same subject matter. Consequently, the 2016 regulatory changes created a normative gap in the national regulation of sharia hotel classification, certification, and institutional oversight.

The resulting condition should not be understood as an absolute legal vacuum because general regulations governing tourism businesses, hotel operations, risk-based licensing, consumer protection, and halal products continued to apply. Under the current regulatory structure, general hotel business standards, supervision, and administrative sanctions are governed through Government Regulation Number 28 of 2025 concerning Risk-Based Business Licensing and Minister of Tourism Regulation Number 6 of 2025 concerning Business Activity Standards, Supervision Procedures, and Administrative Sanctions in the Tourism Sector. Meanwhile, the halal status of particular products and services is principally governed by the halal product assurance regime, including Government Regulation Number 42 of 2024 concerning the Implementation of Halal Product Assurance. Consequently, hotels remain legally regulated as tourism businesses, while particular products provided by hotels, especially food and beverages, may remain subject to halal certification obligations and procedures (Shifa Akhsanty et al., 2023).

Nevertheless, those general frameworks do not necessarily replace the former integrated system for comprehensive sharia hotel standardization. The halal product assurance regime principally provides legal certainty regarding the halal status of specified products and services, whereas general tourism regulations govern hotel licensing, business standards, supervision, and

administrative compliance as accommodation enterprises. Neither framework automatically determines whether the hotel's overall products, services, management, financial practices, entertainment facilities, guest policies, and institutional governance comply with a comprehensive sharia hotel model. The revocation therefore created what may be characterized as a sector-specific regulatory gap rather than a complete absence of law.

The legal problem concerns not only the absence of an equivalent replacement regulation, but also the loss of normative continuity. Under the former model, sharia hotel standards were incorporated into a formal regulatory and certification framework. Following the revocation, business actors could continue operating hotels, obtaining general tourism business authorization, certifying particular halal products, and providing services for Muslim tourists. However, there was no equally comprehensive state-based mechanism for assessing whether the overall hotel operation complied with the former integrated conception of sharia hotel products, services, and management. The distinction between product-based halal certification and the comprehensive assessment of a sharia hotel is important because certification of a restaurant or food product does not necessarily establish the sharia compliance of the hotel's entire operation (Shifa Akhsanty et al., 2023).

From the perspective of the form and hierarchy of regulatory instruments, the principal issue does not lie merely in the formal revocation of one ministerial regulation by another instrument at the ministerial level. The more significant problem concerns the different normative character and regulatory coverage of the former and subsequent instruments. The previous framework was established through a ministerial regulation containing formal classifications, assessment criteria, certification arrangements, institutional responsibilities, supervisory mechanisms, and consequences for hotels that failed to satisfy the mandatory criteria. By contrast, the later Muslim-friendly tourism framework was introduced through Ministerial Guideline Number PDM/5/HK.01.04/MK/2024 concerning Basic Muslim-Friendly Tourism Services.

The Ministerial Guideline of the Minister of Tourism and Creative Economy/Head of the Tourism and Creative Economy Agency Number PDM/5/HK.01.04/MK/2024 concerning Basic Muslim-Friendly Tourism Services principally emphasizes the provision of essential services needed by Muslim tourists. These services include the provision of halal food and beverages, clean and appropriate worship facilities, and clean and adequate sanitation facilities. Unlike Minister of Tourism and Creative Economy Regulation Number 2 of 2014,

the 2024 Ministerial Guideline does not appear to re-establish a comprehensive system for classifying sharia hotels, issuing dedicated sharia hotel certificates, or allocating certification responsibilities among specialized institutions. This regulatory transformation may therefore be interpreted as a shift from a relatively formal and status-based compliance model toward a more flexible, facilitative, and service-oriented approach to governance. Under this approach, regulatory attention is directed primarily toward the practical availability and quality of services required by Muslim tourists rather than toward requiring tourism businesses to adopt a comprehensive sharia identity. Such an interpretation is consistent with the broader development of Muslim-friendly tourism, which prioritizes the accommodation of Muslim travelers' religious needs while preserving the inclusive and generally accessible character of tourism services (Mahliza et al., 2021).

The revocation also resulted in regulatory fragmentation and the potential for overlap among the remaining legal and normative instruments. General hotel business standards continue to regulate administrative, technical, operational, safety, and commercial aspects of accommodation services. Halal product regulations principally govern the halal status of particular products and services. Fatwa Number 108/DSN-MUI/X/2016 continues to provide normative guidance concerning the implementation of tourism based on sharia principles, while the Muslim-friendly tourism guideline focuses on practical services for Muslim travelers.

These instruments do not necessarily contradict one another because they regulate different dimensions of hotel and tourism activities. However, they are not fully integrated into a unified standardization system. Research on halal tourism ecosystems indicates that the development of Muslim-friendly destinations depends on coordination among tourism products, government support, human resources, infrastructure, religious authorities, and tourism business actors (Rahtomo, 2018; Sutono, Tahir, Hernowo, et al., 2021). When these components are governed separately, uncertainty may arise regarding which requirements are legally mandatory, which represent voluntary service commitments, which institution is authorized to verify compliance, and what consequences apply when a hotel uses the designation "sharia," "halal," or "Muslim-friendly." The main issue is therefore not a proven conflict between regulations, but regulatory fragmentation and the absence of a clear coordination mechanism among tourism standards, halal product assurance, business certification, consumer information, and religious validation.

The direction of regulatory policy became clearer with the introduction of Ministerial Guideline Number PDM/5/HK.01.04/MK/2024 concerning Basic Muslim-Friendly Tourism Services. Unlike the former sharia hotel framework, the Muslim-friendly concept does not primarily emphasize the formal labels “sharia” or “halal” for the entire tourism business. It focuses instead on ensuring the availability of facilities and services that accommodate practical Muslim religious needs. Within this framework, hotel standardization is no longer principally positioned as an instrument for measuring comprehensive sharia compliance, but as a service framework through which accommodation businesses may provide specified Muslim-friendly facilities.

This transformation reflects a shift from a predominantly normative-religious orientation toward a more functional and market-responsive approach. It enables hotels to provide halal food, prayer facilities, information on prayer times, appropriate sanitation, and access to places of worship without necessarily reorganizing the hotel’s entire operation according to a comprehensive sharia model. The Muslim-friendly concept may therefore be applied in a wider range of Muslim-majority and non-Muslim-majority destinations because it focuses on service accessibility and the accommodation of religious needs rather than an exclusive tourism identity (Mahliza et al., 2021; Rahtomo, 2018). Such flexibility may broaden industry participation and support the competitiveness of Indonesian tourism in the global Muslim travel market.

However, the transition also raises questions concerning the principles of legal certainty, fairness, and utility. In terms of legal certainty, a service model without sufficiently uniform, detailed, and publicly understandable indicators allows the concept of Muslim-friendly accommodation to be interpreted differently by government authorities, hotel businesses, certification bodies, and consumers. Research examining Muslim-friendly hotels confirms that there remains a lack of consensus regarding their operational standards and that Muslim consumers may associate the concept with a wide range of religious and service attributes rather than a single facility or product (Yasin et al., 2025). Business actors may therefore lack a uniform reference for determining the minimum services that must be provided, while consumers may have difficulty identifying the actual scope of the commitments represented by the Muslim-friendly designation.

For example, one hotel may use the Muslim-friendly designation merely because it provides prayer mats and information on prayer times, whereas another hotel may additionally provide halal-certified food, dedicated worship

facilities, appropriate sanitation, privacy arrangements, service procedures, and management practices aligned with sharia principles. Research based on textual consumer reviews has identified seventeen Islamic attributes associated with consumer evaluations of Muslim-friendly hotels, demonstrating that Muslim-friendly hospitality cannot be reduced to one religious facility or a single halal product (Mulyani et al., 2025). Without a clear classification, verification, and disclosure mechanism, substantially different levels of service may therefore be communicated through the same designation.

Consequently, the Muslim-friendly concept provides flexibility but does not necessarily ensure certainty regarding the extent of services or sharia-related commitments offered by an accommodation business. This problem is especially significant because tourism services contain characteristics that consumers may not be able to verify completely before making a reservation. Consumers often depend on labels, hotel descriptions, digital platforms, certification marks, and other representations made by business actors. When the meaning of a designation is unclear, the risk of an expectation gap and information asymmetry increases.

From the perspective of fairness, the Muslim-friendly approach creates broader opportunities for hotel businesses to participate in the Muslim tourism market without adopting a comprehensive sharia operational system. This can reduce regulatory burdens and allow businesses to adjust their services according to financial capacity, location, market demand, and consumer characteristics. Such an approach may be particularly useful for hotels that serve diverse groups of travelers and do not intend to adopt an exclusively religious identity.

Nevertheless, the same flexibility may create unequal conditions between hotels that invest in comprehensive sharia compliance and hotels that provide only limited facilities while using a similar religiously sensitive designation. A hotel that maintains halal-certified food preparation, dedicated prayer facilities, privacy arrangements, sharia-compliant financial practices, restricted entertainment, staff training, and internal supervision bears substantially different compliance costs from a hotel that merely provides a prayer mat. When both are represented through the same Muslim-friendly terminology without adequate disclosure, the more compliant business may receive no clear regulatory or reputational distinction. This condition may disadvantage businesses that make more extensive investments and may prevent consumers from distinguishing different service levels (Mulyani et al., 2025).

The principle of utility also involves competing considerations. A flexible approach may expand market participation, encourage service innovation,

accommodate diverse consumer preferences, and allow tourism businesses to develop Muslim-friendly services progressively. An ecosystem approach may also enable destinations to coordinate food services, accommodation, prayer facilities, information, infrastructure, and government support without requiring every individual business to adopt an identical organizational model (Rahtomo, 2018; Sutono, Tahir, Sumaryadi, et al., 2021).

However, regulatory utility cannot be measured solely by economic growth or the number of hotels entering the Muslim tourism market. A useful regulatory framework must also strengthen consumer confidence, prevent misleading service claims, reduce interpretive disputes, provide predictable standards for business actors, and protect the credibility of Muslim-friendly tourism. Flexibility that is not accompanied by minimum requirements, transparent disclosure, and reliable verification may provide short-term advantages while weakening the long-term credibility of the industry. The need for operational standardization is particularly important where consumer expectations encompass numerous Islamic attributes and cannot be satisfied through a single uniform facility (Mulyani et al., 2025).

The regulatory transformation also changed the institutional configuration of hotel standardization. Under the former framework, the government, Tourism Business Certification Bodies, and the DSN-MUI performed distinct but interconnected functions. The general tourism certification system established the hotel's basic business status, the DSN-MUI assessed the mandatory sharia criteria and issued the Sharia Hotel Business Certificate, and the Ministry and MUI jointly carried out guidance and supervision.

Following the revocation, the government's role became oriented toward general hotel business licensing and standards, halal product assurance, and the facilitation of Muslim-friendly services. The current tourism licensing framework contains general standards, supervision, and administrative sanctions for hotel businesses, but the role of tourism certification bodies in assessing comprehensive sharia hotel compliance is no longer defined through a specific state-based sharia hotel regulation. Halal certification may remain relevant to products or service units within a hotel, especially restaurant and food-service operations, but such certification does not necessarily assess the hotel's entire management and operational structure (Shifa Akhsanty et al., 2023).

The DSN-MUI continues to have an important normative role in interpreting and safeguarding sharia principles. Fatwa Number 108/DSN-MUI/X/2016 provides substantive guidance concerning sharia-based tourism,

including provisions relevant to hotels, tourists, tourism businesses, destinations, and financial transactions. However, its involvement is no longer integrated into the same specific state-based classification and certification framework that existed under Minister of Tourism and Creative Economy Regulation Number 2 of 2014. Religious guidance may remain substantively relevant, but it does not independently establish state administrative licensing procedures, governmental supervisory authority, or public-law sanctions unless its norms are incorporated into, recognized by, or connected with the applicable regulatory framework. The transformation therefore weakened the formal institutional connection between state tourism regulation, business certification, and religious validation.

This institutional change directly affects legal protection for Muslim consumers. Under the former framework, the sharia hotel designation was connected to identifiable product, service, and management standards, an assessment mechanism, and certification by a designated religious institution. The regulation also prohibited hotels that failed to satisfy the mandatory criteria from representing themselves as Hilal-1, Hilal-2, or sharia hotels. It further provided consequences where a certified hotel no longer fulfilled the applicable criteria.

Under the Muslim-friendly approach, the designation principally indicates that particular facilities or services are available to accommodate Muslim needs. It does not necessarily guarantee that the hotel's entire operation complies with comprehensive sharia principles. The Muslim-friendly designation may not, without further disclosure, communicate the status of entertainment facilities, financial transactions, guest policies, privacy arrangements, staff conduct, management systems, or other operational aspects that were relevant under the broader sharia hotel framework. Given the absence of consensus on Muslim-friendly hotel standards and the multiplicity of Islamic attributes expected by consumers, different consumers may assign substantially different meanings to the same designation (Mulyani et al., 2025).

Without a clear classification and disclosure mechanism, consumers may be unable to determine whether a Muslim-friendly claim refers only to the availability of prayer equipment, to halal-certified food, to a broader package of religious facilities, or to comprehensive organizational compliance. This ambiguity limits consumers' ability to make informed choices and may weaken the protection of their legitimate expectations. The problem is not necessarily that every Muslim-friendly hotel must become a comprehensive sharia hotel, but that the scope of the hotel's commitment must be communicated accurately, transparently, and verifiably.

The rationale for this transformation can be examined through Ibn Qayyim al-Jauziyyah's theory of legal change, according to which legal rules or legal opinions may change in response to changes in time, place, circumstances, intentions, and customs (Al-Jauziyyah, 1423b; Haidar, 2003b). From this perspective, the development of hotel business standards may be understood as a form of adaptation to transformations in the global tourism industry, increasing Muslim tourist mobility, changing destination competition, and evolving consumer preferences (Crescentrating, 2025; Ekka & Bhardwaj, 2024; Mahliza et al., 2021; Mastercard, 2025).

Changes in consumer expectations are especially relevant. Muslim tourists do not necessarily depend exclusively on the formal designation of a sharia hotel. They may instead evaluate the actual availability of halal food, worship facilities, privacy, sanitation, service information, and other Islamic attributes. The identification of numerous Islamic hotel attributes in consumer reviews supports the view that Muslim travelers' preferences are diverse and service-specific rather than limited to a single formal label (Mulyani et al., 2025). The transition toward Muslim-friendly services may therefore be understood as an attempt to respond to changing consumer behavior and to develop a more inclusive tourism service model.

The need to expand tourism markets and avoid an exclusive image also encourages an inclusive service model that can be applied by a wider variety of tourism businesses and destinations (Battour et al., 2010; Mahliza et al., 2021; Solehudin et al., 2024). The Muslim-friendly approach may accommodate Muslim religious needs while keeping tourism destinations accessible to non-Muslim visitors. In this sense, the provision of Muslim-friendly services does not necessarily transform a destination into an exclusively religious space. Rather, it adds facilities and service attributes to the broader destination ecosystem (Rahtomo, 2018).

These developments provide a contextual justification for changing the regulatory approach from comprehensive sharia hotel compliance toward Muslim-friendly services. Nevertheless, Ibn Qayyim's theory does not justify legal change solely because it accommodates market development. Legal change must remain directed toward justice and public welfare. Therefore, the transition can only be regarded as normatively justified when it continues to protect religious values, consumer expectations, legal certainty, and social order. A change that improves market flexibility but substantially weakens accountability and

consumer protection cannot be considered fully consistent with the objective of public welfare.

The transformation must also be assessed through Mochtar Kusumaatmadja's theory of development law. Law may function as an instrument for promoting tourism development, institutional transformation, and industrial competitiveness, but it must also guide change, maintain order, and guarantee legal certainty. Revoking a specific standardization framework without establishing an equivalent integrated mechanism weakens the capacity of law to direct the development of halal and Muslim-friendly tourism. In such circumstances, law risks shifting from a guiding normative instrument into a mechanism primarily intended to facilitate economic participation.

From Roscoe Pound's perspective, the regulatory framework should balance economic interests in tourism growth, religious interests in maintaining sharia values, business interests in regulatory flexibility, and social interests in protecting Muslim consumers. A regulatory approach that prioritizes flexibility without establishing minimum standards, reliable verification, differentiated classification, and transparent disclosure may allow economic interests to dominate other legally protected interests. Regulatory adaptation must therefore preserve a reasonable balance between industry competitiveness and the normative and protective functions of law.

Accordingly, the transition from sharia hotel standardization to Muslim-friendly tourism represents a legitimate attempt to respond to changing social, economic, and market conditions. The development of Muslim-friendly tourism can broaden access to services, encourage the participation of conventional hotels, and integrate Muslim needs into the general tourism ecosystem (Mahliza et al., 2021; Rahtomo, 2018). Nevertheless, its present legal design remains incomplete because it does not clearly integrate minimum service standards, differentiated levels of commitment, substantive sharia principles, institutional authority, certification or verification, supervision, and consumer disclosure.

The previous norms have not entirely disappeared. General hotel regulation, halal product assurance, consumer protection law, and DSN-MUI religious guidance remain applicable within their respective scopes. However, their binding force, institutional support, and enforceability are divided among different regulatory fields. The standards governing general hotel operations cannot automatically certify comprehensive sharia compliance; halal product certification does not automatically cover the entire hotel business; and religious fatwas do not independently create state administrative sanctions. This division

confirms the fragmented character of the post-revocation regulatory environment.

This condition may be characterized as *regulatory dilution*, namely the weakening of the normative force, institutional integration, and enforceability of comprehensive sharia hotel standards during the transition from a compliance-based regulatory framework to a flexible service-oriented model. Regulatory dilution does not mean that Muslim-friendly tourism is inherently incompatible with sharia principles. Rather, it indicates that the flexibility introduced by the new approach has not yet been supported by a sufficiently clear legal and institutional structure to maintain certainty, accountability, fair competition, consumer protection, and the substantive integrity of sharia values.

Implications of Changes to Hotel Business Standardization Regulations on the Halal Tourism Industry

The shift in regulations from Sharia-based hotel standards to the concept of Muslim-friendly tourism essentially reflects the legal dynamics as part of the tourism development process in Indonesia. This change not only demonstrates policy adjustments but also illustrates how the law is transforming in response to the increasingly complex and competitive needs of the tourism industry (Makruf et al., 2025).

From the perspective of the theory of development law put forward by Mochtar Kusumaatmadja, this change can be understood as a manifestation of the function of law as a means to direct social change (Atmadja, 1996b; Salman & Damian, 2002a). Law is no longer viewed as a rigid and static norm, but rather as a flexible instrument to encourage growth and competitiveness in the tourism sector. In this context, the shift from the "Sharia" label to "Muslim-friendly" can be interpreted as a legal strategy to expand market segmentation without explicitly asserting a religious identity that could potentially be perceived as exclusive.

However, upon closer examination, these changes also raise complex issues. When law is overly geared toward market interests, there is a risk that its normative function as a guardian of values is weakened. At this point, law has the potential to shift from a guiding instrument to a mere facilitator of economic interests. This shift is important to observe, as it could reduce the binding power of norms in upholding the substance of Sharia values in halal tourism practices.

This view aligns with Roscoe Pound's idea, which emphasizes that law must be able to balance various interests within society (Latipulhayat, 2014d;

Tanya et al., 2013b). In the context of halal tourism, there are at least three primary interests that must be balanced: economic interests in industrial development, religious interests in upholding sharia values, and social interests in protecting Muslim consumers. When one of these interests dominates, the balance intended by the law can potentially be disrupted.

From an institutional perspective, regulatory changes also impact the distribution of authority. While in the previous model, religious authorities played a relatively strong role in the standardization and certification process, under the concept of Muslim-friendly tourism, the state's role becomes more dominant. While this shift can improve efficiency and policy coordination, it also has the potential to diminish the normative legitimacy of the standards applied. From the perspective of development law theory, this situation demonstrates the importance of maintaining a balance between norms, institutions, and processes to ensure that legal changes do not create inequities in their implementation.

Another equally important implication concerns legal certainty. Changes in terminology that are not accompanied by clear classifications and indicators have the potential to create ambiguity in the application of standards. In practice, the concept of "Muslim-friendly" can be interpreted differently by business actors, opening up room for inconsistencies. This situation not only makes it difficult for businesses to determine service standards but also has the potential to undermine consumer trust.

In Mochtar Kusumaatmadja's framework, legal certainty is a crucial prerequisite for creating order in development (Prayogo, 2016; Wantu, 2007; Wijayanta, 2014). When standards are not clearly formulated, the law loses its function as a guiding principle. Consequently, implementation on the ground becomes highly dependent on individual interpretations, which can ultimately hinder the investment climate in the halal tourism sector.

From the perspective of justice and expediency, this change presents two intertwined sides (Harjono, 2021; Prakoso, 2022). On the one hand, a Muslim-friendly tourism approach provides a more inclusive space for businesses to participate in the halal tourism industry without being bound by rigid Sharia standards. This undoubtedly benefits economic growth and expands industry participation.

However, on the other hand, this flexibility also opens the potential for Sharia values to be reduced to mere commercial attributes. When the concept of halal or Muslim-friendly is understood solely as a marketing strategy, the underlying values that should be preserved are at risk of being neglected. In such

circumstances, Muslim consumers are the most vulnerable, as they no longer have clear assurances that services comply with Sharia principles.

Furthermore, if law is understood as a means of societal renewal, then these regulatory changes are actually an effort to establish new patterns of halal tourism practices that are more flexible and contextual. However, as Mochtar Kusumaatmadja argues, the success of law as a development instrument depends heavily on the alignment of established legal norms with the living law of society (Budhijanto, 2014; Salman & Damian, 2002a). Therefore, the level of public acceptance, particularly among Muslim tourists, is a key factor in determining the effectiveness of this policy.

Therefore, the implications of changes to hotel business standardization regulations are not limited to technical regulatory aspects but also reflect a shift in the function of the law itself. On the one hand, the law is becoming more adaptive and responsive to market dynamics. However, on the other hand, there is a tendency to weaken the normative dimension that should be the primary foundation of halal tourism. At this point, these changes indicate a regulatory imbalance, a condition where the law fails to maintain a balance between economic interests, religious values, and legal certainty.

Reformulation of the Hotel Business Standardization Regulatory Model in the Halal Tourism Industry

The dynamics of hotel business standardization regulations in Indonesia's halal tourism industry demonstrate the need to reformulate the existing regulatory framework. Although the transition toward Muslim-friendly tourism provides greater flexibility for business actors, it also reveals several weaknesses, particularly unclear service standards, fragmented institutional authority, and weakened normative binding force (Shaleh et al., 2025; Susilawati, 2023; Wajdi et al., 2026). Reformulation is therefore not merely a policy option, but a conceptual and regulatory necessity for maintaining legal certainty, consumer trust, and the sustainability of halal tourism development (Al-Ansi & Han, 2019; Hamzah et al., 2024).

Reformulation should not, however, be interpreted as an attempt to restore the former compliance-based model in its entirety. An exclusively formal and rigid framework may limit business participation, restrict service innovation, and reduce the competitiveness of the tourism industry. The primary challenge is therefore to reconcile market demands for flexibility with normative demands for

legal certainty, Muslim consumer protection, and the integrity of sharia values (Pamukcu & Sariisik, 2021; Papastathopoulos et al., 2020).

From the perspective of Ibn Qayyim al-Jauziyyah's theory of legal change, law must remain responsive to changes in time, place, social conditions, customs, and public needs (Al-Jauziyyah, 1423b; Zaelani, 2020). Nevertheless, legal change must remain oriented toward public welfare. In the context of halal tourism, public welfare cannot be reduced solely to economic growth or industry competitiveness, but must also include the protection of religious values and the legitimate expectations of Muslim consumers. Accordingly, the reformulation of hotel business standards should maintain a balance between *hifz al-din*, or the protection of religion, and *hifz al-mal*, or the protection and development of economic interests (Akmal et al., 2021; Nurjannah et al., 2023).

Based on these considerations, this study proposes a Hybrid Regulatory Model as a conceptual-prescriptive framework for redesigning hotel business standardization in the halal tourism industry. The model integrates compliance-based regulation and service-based flexibility through six interrelated components. The normative foundation comprises sharia principles, legal certainty, public welfare, consumer protection, and industry competitiveness (Akmal et al., 2021). Mandatory compliance standards establish the minimum requirements for hotels using sharia-compliant or Muslim-friendly designations, while flexible service standards allow businesses to develop additional services according to their capacity and the evolving needs of Muslim tourists. Collaborative institutional governance distributes responsibilities among the government, certification bodies, and the DSN-MUI (Suharko et al., 2018). The assurance mechanism includes assessment, verification, classification, certification, disclosure, supervision, and periodic review (Shaleh et al., 2025). The expected regulatory outcomes are legal certainty, sharia integrity, consumer protection, institutional accountability, business flexibility, and industry competitiveness.

The mandatory compliance standards function as the regulatory baseline of the model. Hotels using sharia-compliant or Muslim-friendly designations should, at a minimum, provide halal-certified food and beverages, adequate prayer and ablution facilities, accurate religious service information, and basic service procedures consistent with sharia principles (Sulaiman et al., 2022). These minimum requirements ensure that religiously sensitive designations are not used merely as promotional claims without identifiable substantive commitments. The original model proposed in this study similarly maintains mandatory requirements

concerning halal products, prayer facilities, and fundamental principles of sharia-compliant services.

Above this mandatory baseline, hotel businesses should be permitted to develop additional services according to their capacity, market segment, and the changing needs of Muslim tourists. These services may include enhanced privacy arrangements, more comprehensive worship facilities, family-oriented recreational services, sharia-compliant financial practices, and broader conformity of hotel management with sharia principles. Flexibility therefore functions as an adaptive layer that supports innovation and competitiveness without replacing minimum sharia requirements.

The relationship between mandatory and flexible standards should be implemented through a semi-tiered classification system. The basic tier would represent compliance with mandatory Muslim-friendly service standards, while subsequent tiers would indicate increasingly comprehensive levels of sharia conformity in products, services, and management. Unlike a rigid classification system, this approach permits gradual compliance while retaining clear, measurable, and publicly accessible indicators. It would also enable consumers to distinguish between hotels providing basic Muslim-friendly facilities and hotels implementing comprehensive sharia-compliant operations.

The institutional dimension of the model is based on collaborative governance involving the government, tourism business certification bodies, and the DSN-MUI. The government should establish the regulatory framework, determine administrative obligations, coordinate supervision, and guarantee legal certainty. Certification bodies should conduct technical assessments and compliance audits, while the DSN-MUI or another legally authorized sharia body should validate the substantive sharia criteria. This division of functions integrates state authority, professional certification, and religious legitimacy without concentrating the entire standardization process within a single institution.

In this arrangement, the institutions perform complementary functions. The government guarantees the legality and enforceability of the system, religious authorities safeguard the normative substance of sharia standards, and certification bodies verify their implementation at the business level. This collaborative structure addresses the diminished role of religious authorities under the Muslim-friendly approach while avoiding institutional domination by either the state or religious institutions. It is consistent with the article's proposal that the state should act as the system manager and guarantor of legal certainty, while religious authorities preserve the substance of sharia values.

The model should be implemented through an assurance mechanism consisting of standard setting, self-assessment, independent verification, tiered classification, certification, public disclosure, supervision, and periodic review. Hotels should disclose the scope and level of their certification so that consumers can understand the services provided and the extent of their sharia compliance. This disclosure is essential because the terms “Muslim-friendly” and “sharia-compliant” may represent different levels of operational commitment.

Monitoring and periodic review should serve as a feedback mechanism. Certification results, consumer complaints, changes in business practices, and developments in Muslim tourist preferences should be considered when updating the standards (Papastathopoulos et al., 2020). Through this process, the model remains responsive to market developments without sacrificing legal certainty or the substantive integrity of sharia principles. Flexibility is therefore managed through measurable standards and continuous evaluation rather than being left entirely to the discretion of individual businesses (Pamukcu & Sariisik, 2021).

The effectiveness of the proposed model may be evaluated through indicators such as the clarity and measurability of standards, consistency of certification, compliance with minimum requirements, accuracy of business claims, transparency of consumer information, institutional coordination, and adaptability of hotel services (Muharam & Asutay, 2019; Papastathopoulos, 2022). These indicators transform the model from a general regulatory concept into a structured framework that can subsequently be tested through empirical research.

The Hybrid Regulatory Model is consistent with Mochtar Kusumaatmadja's theory of development law, which positions law not merely as a response to social and economic change but as an instrument for directing that change (Aulia, 2018; Latipulhayat, 2014b; Salman & Damian, 2002b). Regulatory flexibility should therefore remain within a framework that provides certainty, guidance, and accountability. Law must facilitate tourism development while ensuring that development does not weaken legal order or the values that the regulatory system is intended to protect.

From Roscoe Pound's perspective, the model can also be understood as a form of social engineering aimed at balancing economic, religious, and social interests (Latipulhayat, 2014c; Muttaqin, 2021). Mandatory standards protect religious values and consumer expectations, while flexible services accommodate market diversity and business innovation. Collaborative governance and the assurance mechanism maintain the balance among these interests by connecting normative standards with institutional implementation. The model thus operates

as a deliberate policy design rather than merely as a partial response to regulatory change. The proposed model is also intended to prevent the commodification of sharia values. When halal or Muslim-friendly designations are reduced to marketing strategies, they risk losing their substantive meaning and may create misleading expectations among consumers (Slamet et al., 2022).

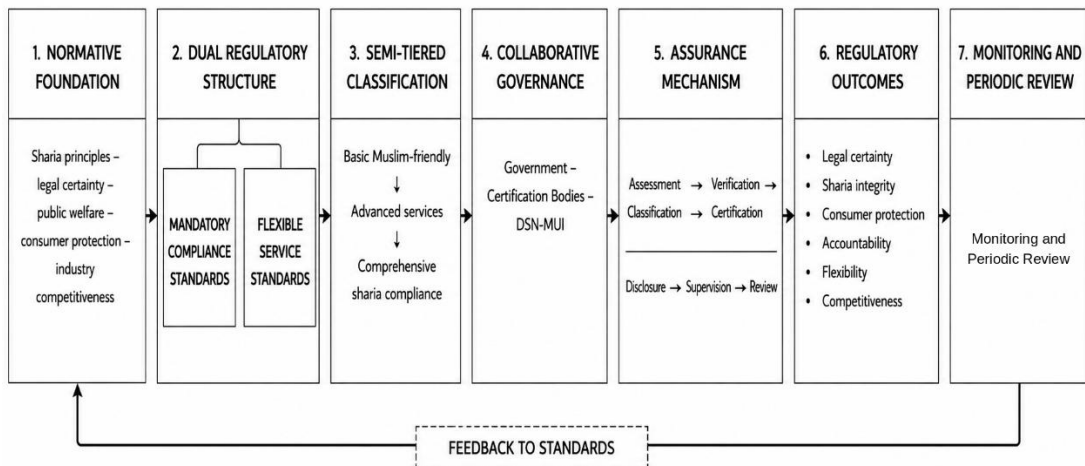


Figure 2. Hybrid Regulatory Model for Hotel Business Standardization in the Halal Tourism Industry

The Figure 2 demonstrates that the Hybrid Regulatory Model is not merely a compromise between normative and market-oriented approaches. It is a conceptual-prescriptive regulatory model in which mandatory sharia standards constitute the legal baseline, flexible services provide the adaptive layer, semi-tiered classification distinguishes levels of compliance, collaborative governance establishes the institutional structure, and certification and disclosure serve as assurance instruments.

Accordingly, reformulating hotel business standardization is not merely a technical response to regulatory deficiencies. It provides a conceptual framework for integrating flexibility, legal certainty, sharia integrity, consumer protection, and market responsiveness within a sustainable regulatory system. The future of halal tourism does not depend on choosing between normative compliance and a market-oriented approach, but on the capacity of law to manage both in a balanced and accountable manner.

Conclusion

The dynamics of hotel business standardization regulations in the halal tourism industry in Indonesia indicate a paradigm shift from a Sharia-compliant

model to a more flexible and market-oriented approach through the concept of Muslim-friendly tourism. While this shift increases industry inclusivity and competitiveness, it also raises issues such as regulatory dilution, a regulatory imbalance between economic interests and religious values, and a lack of legal certainty. To address these issues, this study proposes a hybrid regulatory model that integrates compliance-based and service-based approaches. This model positions Sharia principles as the minimum standard that must be met while simultaneously providing flexibility for business actors, thus creating a balance between legal certainty, value integrity, and industry competitiveness. This study is limited by its normative approach and lacks empirical implementation in the field. Therefore, further research is recommended to test the effectiveness of the proposed model through an empirical approach and develop comparative studies across countries to enrich the construction of more applicable regulations.

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