

Halal Tourism Legal Policies of Some Regions in Indonesia

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Abstract: This writing is motivated by the existence of halal tourism legal policies in several provinces in Indonesia. This research aims to analyze how legal policies in several provinces, such as Aceh, West Sumatra, Riau, West Java, Yogyakarta, Bali and West Nusa Tenggara. The results of his research that halal tourism legal policy in some of these provinces is in the form of regulation. Some gave birth to regional regulations or pergub, and there are also provinces whose legal policies have not specifically regulated, but still refer to existing regulations because in general the province applies Islamic law. Then there are also provinces that reject it because it is not in accordance with their regional culture. Therefore, it is recommended that halal tourism legal policies be followed by all provinces in Indonesia. Then nationally, it is necessary to issue special regulations in the form of laws or Government Regulations regarding halal tourism, so that these regulations become guidelines and references for all provinces in Indonesia to develop halal tourism. In addition, the regulation is also an effort to equalize the perception or understanding of the concept of halal tourism so that halal tourism can be developed in all provinces in Indonesia.

Keywords: Policy, Law, Tourism, Halal.

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A. INTRODUCTION

The state has a role to establish Legislation on halal tourism guidelines which is a manifestation of the implementation of Article 27 paragraph (1) of the 1945 Constitution of the Republic of Indonesia (UUD 1945), namely "All citizens are equal before the law and government and shall uphold the law and government with no exception". The article should be the basis of justice for the existence of halal tourism guidelines in Indonesia, because existing tourism can no longer meet the needs of Muslim tourists (Rully Putra Jaya, 2023). The implementation of halal tourism guidelines based on laws and regulations is a form of implementation of the mandate of Article 29 Paragraph (2) of the 1945 Constitution, namely "The state guarantees the freedom of each resident to embrace their respective religions and to worship according to their religion and belief." The value of worship in Islam is broad, including traveling with good intentions in a good place without any violation of Islamic law is worship in its implementation can be rewarded (Rully Putra Jaya, 2023).

Indonesia's prospects in developing halal tourism have been recognized worldwide. Although some countries in the world such as Malaysia, Singapore, Thailand, Japan and other countries have first developed halal tourism in their countries. In Indonesia, halal tourism began to be developed in 2013, where in that year the Ministry of Tourism set 13 (thirteen) provinces to become leading tourist destinations, such as West Nusa Tenggara, Bali, South Sulawesi, East Java, Yogyakarta, Central Java, West Java, DKI Jakarta, Banten, Lampung, Riau, West Sumatra, and Aceh.

Based on regulations, halal tourism in Indonesia still refers to Law Number 10 of 2009 concerning Tourism. However, the law does not specifically regulate halal tourism. According to the tourism law, tourism is a variety of tourist activities and is supported by various facilities and services provided by the community, entrepreneurs, Government, and Local Government (Article 1 Point 3). Looking at the article above, although the tourism law does not mention the word halal, the words "various kinds of tourism activities" in article 1 number 3 mean that it is allowed to carry out tourism activities in accordance with sharia principles or called halal tourism.

As an effort to increase the role of halal tourism development in the region, the development of Muslim-friendly tourism is one of the most important driving forces. The Ministry of Tourism has determined several leading Muslim-friendly tourism destinations as an effort to initiate the development of Muslim-friendly tourism. In addition, since 2018 a review of its development readiness has been carried out using indicators of regional progress in developing Muslim-friendly tourism (Riyanto Sofyan, et al., 2020).

Decentralization of government and regional autonomy aims to realize the independence of government and welfare in the region. Of the several priority areas set by the government in developing halal tourism, several regions have responded variously. Some have responded massively by forming regional regulations, structuring zones, formulating policies, and some have not responded (Lukman Santoso, 2021). Thus, based on the description above, the author is interested in further examining how halal tourism legal policies are in several regions in Indonesia.

B. RESEARCH METHODS

A research cannot be said to be research if it does not have a research method (Ismail Koto, 2021). Research method is a process of collecting and analyzing data carried out systematically, to achieve certain goals. Data collection and analysis are carried out naturally, both quantitative and qualitative, experimental and non-experimental, interactive and non-interactive (Ismail Koto, 2020). The research method used is normative juridical research, which is legal research conducted by examining library materials or secondary data (Ismail Koto, 2022). Analysis of legal materials is carried out using a qualitative analysis method used to explain legal events, legal materials or legal products in detail to facilitate legal interpretation (Zainuddin & Rahmat Ramadhani, 2021). Analysis of legal materials is carried out using the content analysis method (*content analysis method*) which is carried out by describing the material of legal events or legal products in detail to facilitate interpretation in discussion (Rahmat Ramadhani, 2020). This research was conducted using a problem approach, namely by approaching the results of theoretical empirical studies by looking at various opinions of experts, authors and studies of laws and regulations relating to problems based on legal principles and formulating legal definitions (Rahmat Ramadhani, 2021). In qualitative research, the process of obtaining data in accordance with research objectives or problems, studied in depth and with a holistic approach (Rahimah & Ismail Koto, 2022).

C. RESULTS AND DISCUSSION

Aceh Province is a province that has developed halal tourism for foreign Muslim tourists quite well. Aceh Province, which is dubbed as Serambi Mekkah, has an Islamic culture that is quite thick and strong compared to other regions (Saifuddin Dhuhri, 2017). This can be seen from a socio-cultural point of view, Acehnese society basically displays customs and Islam as dominant elements in controlling the movement of society. Islam has shaped the identity of Acehnese society since the early days of its spread outside the Arabian peninsula (M. Jakfar Puteh, 2012). The values of customary laws and norms that have been integrated with Islam are a *way of life* for the people of Aceh (Abidin Nurdin, 2013). B. J Bollan, a Dutch anthropologist said "being an Acehnese is equivalent to being a Muslim" which means being an Acehnese is synonymous with being a Muslim (Hasnil Basri Siregar, 2008).

Related to halal tourism in Aceh Province is regulated in Aceh Qanun Number 8 of 2013 concerning Tourism. The presence of the tourism qanun policy is a legal umbrella in guarding tourism trips in Aceh Province. Although the tourism qanun does not mention the word halal, the qanun explains that tourism is organized based on Islamic faith, comfort, justice, populism, cleanliness, sustainability, openness as well as customs, culture, and local wisdom (Article 2 Qanun Aceh Number 8 of 2013). Based on this qanun, the Aceh government clearly signaled that Aceh tourism has an Islamic concept (Fadhil Surur, 2020).

Aceh Qanun Number 8 of 2013 concerning Tourism although it does not include the word halal, but has contained Islamic values in its articles. However, it is not enough to implement halal tourism if it only relies on the foundation of the qanun. Qanun on tourism only explains in general and includes Islamic values in tourism without explaining how the technical implementation, so if you only rely on this qanun alone in implementing halal tourism, it is feared that it will result in uncertainty in its application. Qanun on Tourism currently does not regulate how to implement it or its implementation, so there is currently no clear standard or technical in organizing halal tourism in Aceh Province. Based on the above reality, the Aceh Ulema Consultative Assembly (MPU Aceh) which is a collection of Muslim scholars and scholars in Aceh Province issued an MPU Aceh Taushiyah Number 5 of 2022 concerning Halal Tourism in the Perspective of Islamic Sharia. One of the stipulations is "The Government of Aceh together with related institutions and agencies are expected to develop a regional halal tourism master plan", then "The Government of Aceh is expected to produce regulations related to non-Muslim tourists traveling in the jurisdiction of Aceh, including considering the gender of foreign language translators". Although this taushiyah or fatwa of MPU Aceh is not a positive law, but as a partner of the local government in upholding Islamic law in Aceh Province, it is obliged to remind and provide advice to the local government.

Then West Sumatra is one of the provinces that is a priority for the development of halal tourism. As one of the provinces that has superior tourism in Indonesia, its nature is dominated by mountainous areas and rainforests. In addition to nature, there are also historical, cultural, culinary and surfing tours such as in Mentawai (KNEKS, tt). Minangkabau people as the majority tribe in West Sumatra have a philosophy of life *Adat Basandi Syara', Syara' Basandi Kitabullah*. In summary, this philosophy of life can be interpreted that the customs of the Minangkabau tribe are based on sharia rules, and sharia comes from the Book

of God, namely the Qur'an and Hadith. Minangkabau customs and culture still strongly influence the daily life of the people of West Sumatra in various fields of life, including tourism. Minangkabau customs and culture still strongly influence the daily life of the people of West Sumatra in various fields of life, including tourism (Muhammad Ghafur Wibowo, 2020).

Legal policy regarding halal tourism, starting from efforts to strengthen the vision of regional tourism development, in 2019 the Regional House of Representatives (DPRD) of West Sumatra Province amended Regional Regulation (Perda) Number 3 of 2014 concerning the Master Plan for Tourism Development of West Sumatra Province 2014-2025. The changes resulted in West Sumatra Province Regional Regulation Number 14 of 2019 concerning Amendments to Regional Regulation Number 3 of 2014 concerning the Master Plan for Tourism Development of West Sumatra Province 2014-2025. In the explanation of the regulation, it is stated that the latest development of regional tourism development requires policy changes with the emergence of strategic tourism issues in West Sumatra Province including: (a) Halal Tourism; (b) Earth Park (*geopark*); (c) Digital-based *tourism* and creative economy; (d) Strengthening the tourist *experience* through attractions and destination *atmosphere* design, so that changes and adjustments to the West Sumatra Provincial Tourism Development Master Plan are needed (Lukman Santoso, 2021).

To support the strategic issue of tourism development in West Sumatra, a local regulation plan (Ranperda) for halal tourism was drafted which was approved on June 9, 2020. According to the Chairperson of the working team discussing the halal tourism regional regulation, Muchlis Yusuf Abit, emphasizing halal tourism or Muslim-friendly tourism in tourist destinations is more about easy access to worship facilities, to guaranteed halal food. The term halal tourism is not related to certain beliefs. But rather an *extended service* in improving the quality of regional tourism. However, West Sumatra needs concrete steps so that regulations can be implemented properly (Lukman Santoso, 2021). This concrete step was realized with the birth of a legal umbrella as well as the basis for the management and development of halal tourism in West Sumatra. The DPRD together with the provincial government established Regional Regulation Number 1 of 2020 concerning the Implementation of Halal Tourism in West Sumatra. Furthermore, two years later, the West Sumatra regional government issued an implementing regulation in the form of Governor Regulation (Pergub) of West Sumatra Number 19 of 2022 concerning Regulations for the Implementation of Regional Regulation Number 1 of 2020 concerning the Implementation of Halal Tourism, which this governor's regulations (pergub) is a technical standard in implementing halal tourism in West Sumatra.

Another Sumatra region that is also developing halal tourism is Riau Province. In addition to West Sumatra, Riau Province is also included in one of the priorities for the development of halal tourism destinations. This selection is certainly not without reason, as the *Home of Malay*, Riau has a culture, customs, and literature (Malay Arabic letters and Malay Tunjuk Ajar books) that are very thick with Islamic teachings. In addition, several historical heritage sites of the Malay kingdom of Riau (such as the kingdom of Siak) also strengthen the role of Islam in social life, government and organizations in the Riau province. Geographically, the location of Riau province which is directly adjacent to Malaysia, Brunei Darussalam and Singapore allows it to be developed in various economic cooperation, including the tourism industry (Susie Suryani

& Narwati Bustamam, 2021).

As an effort to develop halal tourism, Riau Province organized halal *tour guide* training and signed a contract for all regional heads to participate in increasing halal tourism. Riau Province is the second province to conduct this training after DKI Jakarta (Fandy Adly, 2021). Regarding halal tourism legal policies in Riau Province, it can be said that it is slow, because previously Siak Regency, which is part of Riau Province, gave birth to Siak Regency Regional Regulation Number 2 of 2017 concerning Halal Tourism. Riau Province only gave birth to regulations related to halal tourism two years later in the form of Governor Regulation Number 18 of 2019 concerning Halal Tourism. This regulation is also supported by an MoU between the Riau provincial government and the ministry of Tourism, which was signed by the governor of Riau and the minister of Tourism in May 2019 (Susie Suryani & Narwati Bustamam, 2021).

Not only in the Sumatra region, the development of halal tourism also occurred on the island of Java. West Java is one of the provinces on the island of Java that is aggressively developing halal tourism. The West Java Provincial Government has a vision to maximize tourism potential. West Java Province has 1,924 tourist destinations with different characteristics (Gita Amanda, 2024). West Java develops halal tourism through the footing of the West Java Tourism Development *master plan* which consists of three main strategies, namely: (1) improving aspects of accessibility and infrastructure to tourist attractions, (2) developing potential tourist destinations, and (3) developing tourism-based Special Economic Zones (SEZs). In the context of implementing the *master plan*, the halal tourism program is the main breakthrough program (Lukman Santoso, 2021). In an effort to develop halal tourism, the West Java Government issued the West Java Halal Tourism Guidelines book. The issuance of the halal tourism guidelines aims to (Dedi Taufik, et al., 2019):

- a. Optimizing the tourism potential of West Java through the development of halal tourism destinations in a more progressive, directed, and sustainable manner.
- b. Provide substantive, applicable and comprehensive directions for *stakeholders* in developing halal tourism destinations in West Java.
- c. Synergize and optimize all resources and halal tourism activists in West Java.

Regarding regulations, West Java Province does not yet have specific regulations related to halal tourism. The legal basis for implementing halal tourism refers to West Java Governor Regulation Number 1 of 2022 concerning Sharia Economic and Financial Development, which is stated in Article 1 number 15 that the halal industry is a business in the upstream and downstream industries that sell services and halal product goods based on sharia principles as determined by the Halal Product Guarantee Organizing Agency (BPJPH). In addition, Article 1 point 11 explains that Muslim-friendly tourism is a set of additional services of amenity, attraction, and accessibility aimed at fulfilling the experience, needs and desires of Muslim tourists. Furthermore, Article 3 paragraph (1) states that the scope of the halal industry development includes 2 categories, namely: 1) halal products; and 2) Muslim-friendly tourism and halal industrial areas (Hisam Ahyani, et al., 2022).

Similar to Riau Province, whose regencies first have special regulations related to halal

tourism, West Java Province is also the same, where the regencies under the provincial government have special regulations related to halal tourism. The district in question is Bandung Regency, namely by issuing Bandung Regency Regional Regulation Number 6 of 2020 concerning Halal Tourism. Another Java island region that develops halal tourism is the Special Region of Yogyakarta (DI Yogyakarta). Yogyakarta is considered as one of the cities in Indonesia that has considerable halal tourism market potential (Adminwarta, 2024). DI Yogyakarta is an area that has superior tourism potential, both cultural tourism, natural tourism, and educational tourism (Abd. Halim & Nurdhin Baroroh, 2021).

As a tourist city that tends to have a lot of enthusiasts and become a desirable tourist destination. Of course, DI Yogyakarta is still included in the nomination of Halal Tourism Packages. Yogya Halal Tourism Packages are widely provided by tour package service providers or official *travel agents* in Yogyakarta. The principle that tourism should be unpretentious and should not be out of the values and principles of the existing Islamic religion. DI Yogyakarta is still included as a halal tourist destination because Yogyakarta has several things that support the direction of halal tourism. In addition, some local restaurants that contain elements of pork and the like will usually openly write about their products that have pork elements. Another thing is that most of the people in the city of Yogyakarta are Muslim so that access to mosques and Islamic values is quite good.

The Yogyakarta City Government has issued a series of local regulations that restrict the sale of alcoholic beverages specifically for three-star hotels and above in order to create comfort for tourists staying. This policy is taken in order to ensure the availability of halal culinary tourism for tourists visiting Yogyakarta City. The government also needs to think about the ease of issuing halal certification for entrepreneurs in the tourism industry. In addition to increasing turnover for entrepreneurs, halal certificates at the macro level will also encourage foreign exchange earnings nationally (Adminwarta, 2024). However, efforts to strengthen halal tourism in Yogyakarta have not been supported by a special regional regulation or gubernatorial regulation on halal tourism that can be used as a legal basis in implementing halal tourism.

In contrast to DI Yogyakarta, Bali refuses to develop the concept of halal tourism, although the Ministry of Tourism includes Bali destinations as a priority in developing halal tourism. Potentially, Bali Island is considered to have many attractions that can invite tourists to vacation in Bali. Bali's natural beauty is also still an attraction that is almost as strong as Balinese culture. Likewise, culinary, Balinese history and prices are still an attraction for tourists. Balinese tourism that shows the style of cultural tourism, in its development essentially involves various aspects of Balinese life: the environment, nature, economy, religion, art and social life (Wayan Geriya, 1996).

There was a rejection of the implementation of halal tourism in Bali. According to the Deputy Governor of Bali, Tjokorda Oka Artha Ardana Sukawati or often called Cok Ace, the concept of halal tourism is not in accordance with the potential, character, and *branding* of Bali tourism which has been worldwide. If the concept is forced, it will actually cause the decline of Bali tourism. The character of tourism in Bali is known as cultural tourism and is also known as the local wisdom of the Balinese people, and philosophically based on Hindu teachings

(Ujang Suyatman, et al., 2019).

In line with Cok Ace's statement, I Nyoman Sukma Ariada, Deputy Dean of the Faculty of Tourism at Udayana University Bali, emphasized that tourism developed in Bali is cultural tourism based on Balinese Hindu values which are closely related to the *Tri Hita Karana* philosophy (Lilik, 2021), as stated in the Bali Tourism Regional Regulation. Therefore, it cannot be forced that there is halal tourism in Bali. However, even without the halal appendage, Bali is considered friendly to Muslim tourists. For example, it is very easy to find mosques or halal restaurants in Bali (Ujang Suyatman, et al., 2019).

Thus, Bali's position is very clear by carrying out cultural tourism that maintains cultural values and is based on Hinduism. This is also reinforced by the existence of special regulations that have been issued, namely the Bali Provincial Regulation Number 5 of 2020 concerning Standards for the Implementation of Balinese Cultural Tourism. Based on the basis of this regional regulation, the Bali regional government refuses to make Bali a halal tourism as initiated by the Ministry of Tourism and Creative Economy.

Of the several regions that have participated in developing halal tourism including the regions described above, West Nusa Tenggara (NTB) is a province that is very serious in developing halal tourism. Even the Indonesian Government pays attention to NTB's tourism potential than other regions because it has many beautiful beach and natural destinations and is an attraction in developing halal tourism (Abdul Rachman, 2020). Muslim tourists from several countries have a major influence in improving the regional economy through halal tourism (Nat Luxchaigul, et al., 2016), because more than 50 Muslim countries and around 1.6 billion Muslims are potential and profitable markets (Abdul Rachman, 2020). This effort was made to be able to accelerate development in NTB Province (Waslul Abrial, 2017).

In general, the development of halal tourism is driven predominantly by political encouragement at the provincial government level, and also driven by the desire to make NTB, especially Lombok, a tourist destination that is different from conventional tourist destinations, for example Bali (Suharko, et al., t.t.). The choice of halal tourism is based on the uniqueness and characteristics of NTB, which is an archipelago with cultural diversity and a majority Muslim population (Lukman Santoso, 2023). With these advantages, in 2015 the NTB government formed a halal tourism regulation through a gubernatorial regulation, and one year later the halal tourism regulation was refined by issuing NTB Regional Regulation Number 2 of 2016 concerning Halal Tourism. In contrast to Bali, which rejects halal tourism and is based on culture, NTB is the same as Aceh, which actually tends to posit religious norms in the form of regional regulations with a sharia economic dimension, namely halal tourism (Lukman Santoso & Yutisa Tri Cahyani, 2020), and NTB is the first province in Indonesia to have a regional regulation on halal tourism.

The acceleration of halal tourism policies in NTB is also in line with the international recognition Lombok received as the *World Best Halal Tourism Destination* at the *World Halal Travel Summit 2015*. Then the *Global Muslim Travel Index* (GMTI) report in 2019 showed that Lombok NTB was ranked first for Muslim-friendly tourist destinations in Indonesia (Lukman Santoso, 2021). With the existence of halal tourism regulations in NTB, NTB has become a *role model* for other regions to participate in the birth of halal tourism regulations in their respective

regions. Although the birth of halal tourism regulations in these regions was not preceded by regulations from the central government that specifically regulate halal tourism.

D. CONCLUSIONS

From the discussion above, it can be concluded that the development of halal tourism in Indonesia can be seen from several provinces that have participated in developing halal tourism in their regions. This can be seen from the legal policies that were born by local governments in an effort to develop halal tourism in their provinces. The legal policy is a legal regulation. There are those who gave birth to regional regulations or governor's regulations, and there are also provinces whose legal policies have not specifically regulated, but still refer to existing regulations because in general the province applies Islamic law. Then there are also provinces that reject it because it is not in accordance with their regional culture. Therefore, it is recommended that halal tourism legal policies be followed by all provinces in Indonesia. Then nationally, it is necessary to issue special regulations in the form of laws or Government Regulations regarding halal tourism, so that these regulations become guidelines and references for all provinces in Indonesia to develop halal tourism. In addition, the regulation is also an effort to equalize the perception or understanding of the concept of halal tourism so that halal tourism can be developed in all provinces in Indonesia.

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