

## Halal Tourism Fatwa and the Development of Halal Tourism Regulations in Indonesia

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**Abstract:** This study aims to analyze Fatwa DSN-MUI No. 108/DSN-MUI/X/2016 on Halal Tourism as a basis for developing regulations for sharia service providers, with reference to the principles and legal principles in Law No. 10 of 2009 on Tourism. The research employs a normative legal method with a qualitative and deductive approach. Data was collected through literature review and legal regulations, then analyzed argumentatively based on primary legal materials and legal doctrines. The main findings indicate that: (1) The DSN-MUI fatwa establishes specific norms not accommodated in the Tourism Law, such as the requirement for tour guides to have an understanding of Islamic jurisprudence and noble ethics; (2) Sharia principles such as permissibility, cultural preservation, justice, and sustainability are not explicitly accommodated in the Law; (3) there is potential for normative conflict between the fatwa and the Law, which could confuse business actors; and (4) formal integration is needed so that the fatwa can become a *lex specialis* norm in sharia tourism regulations. The resulting regulatory framework proposes coordination between the government, DSN MUI, business actors, certification bodies, and halal consultants.

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**Keywords:** Fatwa DSN-MUI, Halal Tourism, Tourism Regulation, Law Number 10 of 2009, Legal Principles and Principles

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### A. INTRODUCTION

Regulations relating to the provision of halal tourism services in Indonesia generally refer to Law Number 10 Year 2009 on Tourism. In this case, if service provider platforms such as Traveloka and Tiketcom that provide halal tourism services must comply with the provisions regarding halal products, especially in the aspects of accommodation and food offered in tourist destinations. (Rosyadi et al., 2012) The *ijarah* approach in Islamic law emphasizes the importance of clear agreements to avoid disputes and maintain the sustainability of the sector, 2022) The *ijarah* approach in Islamic law emphasizes the importance of clear agreements to avoid disputes and maintain the sustainability of the sector, both in agriculture and halal tourism Non-compliance with this regulation can damage the reputation of halal tourism because it reduces consumer confidence, especially Muslim tourists who prioritize halal status in choosing services and service products. Branding halal tourism without real implementation of halal services can lead to negative perceptions and rejection from local tourism actors. Therefore, compliance with regulations and halal certification is not just a legal obligation, but also the key to trust and sustainability of the halal tourism industry in Indonesia (Abdullah S Quma, 2022).

There are a number of studies related to this topic, including research by Abdul Kadir

Jaelani (2024), Said Bambang Nurcahya (2024), Ambiyar (2023), Shofi'unnafi (2020). However, overall the research focuses on the effect of policies and regulations related to halal products on the competitiveness and development of the halal tourism sector. The research approach generally uses economic and sociological approaches, with a small part using *maqāṣid al-Sharī'ah* theory to analyze the relationship between halal tourism development and environmental sustainability. The results of this approach found the fact that halal policies can affect the improvement of the quality of life of the community and its impact on social and economic aspects, such as improving the quality of education and health which are the main components in the human development index. So it also needs utilitarianism-based policies that are real, inclusive, sustainable, and contextual to encourage the economy and maintain social and environmental justice (Santoso S Wahid, 2023).

Other studies that are aligned with this topic include research by Kholis Roisah (2022), Iskandar (2023), Ambiyar (2020), Nidya Waras Sayekti (2019). These studies mostly highlight the imbalance between the development of the halal tourism sector and environmental protection so that further research is needed that can fill the gap between service providers and halal tourism through a holistic and in-depth juridical analysis perspective. By investigating the causal relationship between halal regulations and service providers, the Norm Concept of Regulation of Halal Tourism service providers in the perspective of Law number 10 of 2009 concerning Tourism will be found. Because halal regulation is not only symbolic, but really provides broad and sustainable benefits (Santoso S Wahid, 2023).

Meanwhile, to examine the relationship between halal regulation and halal tourism development, previous studies generally use quantitative and qualitative methods. For example, research on Law 10 of 2009 uses linear regression analysis to assess the effect of halal policies on attracting Muslim tourists and research on Law 10 of 2009 on tourism market competitiveness. The main findings show that halal certification policies can increase consumer confidence and strengthen the competitive position of the halal tourism sector. However, these studies are still limited to examining the relationship between halal regulations and the sustainability of the halal tourism sector in the long term. Halal tourism must be based on real services in accordance with sharia, not just branding, and adapted to the local context (Abdullah S Quma, 2022).

The main shortcoming of previous studies is that there has been no in-depth discussion of how to use legal principles and legal principles in Law Number 10 of 2009 concerning Tourism as a reference for designing a regulatory framework for sharia service providers. so that legal analysis is needed to design halal tourism regulations that are in accordance with the principles of justice and sharia principles (Juliana et al., 2024). This shows the need for a more focused study on how to use legal principles and legal principles in Law Number 10 of 2009 concerning Tourism as a reference for designing a regulatory framework for halal tourism service providers.

Previous research has also often discussed the causal relationship between variable X (halal regulation in the tourism sector) and variable Y (consumer confidence and competitiveness of the halal tourism sector) in the context of *maqāṣid al-Sharī'ah*. This suggests that improving halal regulations will increase consumer confidence, which in turn

strengthens the competitiveness of the sector in the global market. The relationship between the two can be considered as a functional relationship, because strengthening halal regulatory capacity directly affects the competitiveness and sustainability of the halal tourism sector. The study of halal tourism still lacks legal aspects, so regulatory research is needed to support competitiveness and sustainability (Supardin S Wijaya, 2023).

This research focuses on the relationship between service provider applications and halal tourism development by considering legal principles, legal principles in Law Number 10 of 2009 concerning Tourism as a reference for designing a sharia-based service provider regulatory framework. This approach focuses on how halal regulations can influence the development of service provider applications that are in-line with the halal tourism sector so that service providers not only consider economic elements but also halal ethics. Strong regulations strengthen accountability and reduce the negative impact of decentralization, making it relevant as a basis for designing ethical and transparent halal tourism service provider regulations (Din et al., 2022).

The conceptual framework used to design the regulatory framework for sharia service providers is developed configuratively from the legal principles in the Fatwa of DSN-MUI and Law Number 10 Year 2009. Applicatively, operational legal principles become an important foundation in daily service provision activities. The principle of *ibahah* or *halal* (إباحة) ensures that all transactions in the tourism sector must comply with religious provisions, including preventing harm (عدم إضرار) and paying attention to the ethical dimension of benefit taking. The law of traveling in Islam also reinforces that tourism activities have spiritual and socio-economic value. The principle of fairness and equity also directs that service provider products can be accessed by all groups without discrimination, while the principle of sustainability ensures that business operations consider the sustainability of future benefits (N. S. Handayani et al., 2023) DSN-MUI fatwas play a strategic role as normative guidelines in ensuring sharia compliance in the economic sector, including halal tourism.

The principle of balance and environmental sustainability emphasizes that the provision of tourism services must maintain harmony between the exploitation of natural resources and conservation, in line with Qur'anic values that encourage sustainable development. (N. S. Handayani et al., 2023) . This principle is in line with religiosity in halal consumption which emphasizes moral responsibility towards the environment, making it relevant to support sharia-compliant and sustainable halal tourism (Ashfahany, 2024).

From the social side, the principle of kinship demands that service providers build harmonious relationships between business actors, communities, and tourists, so that mutually beneficial collaborations are established and encourage mutual growth. This principle is important in creating a halal tourism ecosystem that does not only focus on profit, but also fosters human values and polite interactions. The principle of benefit emphasizes that service providers must have a real impact on people, both socially and environmentally, by referring to the Qur'anic principles regarding the wise use of the earth. (Supardin S Wijaya, 2023) The development of halal tourism must be based on sharia that prioritizes benefits, with Muslim-friendly services and creating sustainable tourism that is socially beneficial.

Regulations must provide sufficient space for the provision of services to grow within the framework of sharia, as well as provide an institutional structure capable of ensuring compliance, supervision, and guidance. The principle of equality and unity completes this framework by emphasizing that all elements in the halal tourism ecosystem have an equal role and equal rights to contribute to the development of tourism products that are fair, inclusive, accountable, and in line with sustainable development goals (Scientific S Islamic, 2024).

## **B. METHOD**

This research uses normative juridical research with a qualitative approach aimed at analyzing the concept of regulatory norms for the provision of halal tourism services based on Law Number 10 of 2009 concerning Tourism. The data used in this study are secondary in nature sourced from written law such as regulations, fatwas, and other related literature. Data analysis techniques are carried out using deduction techniques by connecting legal principles and legal principles contained in Law Number 10 of 2009 concerning Tourism. The conclusion of the deduction technique of principles, principles and objectives of the promulgation of halal regulations will be used as a regulatory framework that supports the development of Islamic service provision in the halal sector. The regulatory framework for halal service providers aims to provide a strong legal basis for the development of halal tourism service providers in line with halal products regulated in halal product regulations in Indonesia. (Karya et al., 2025) government support through regulation is very important in shaping halal tourist behavior and strengthening a credible and sustainable ecosystem.

## **C. RESULTS AND DISCUSSION**

The integration of halal tourism service provider norms in the national legal framework is a response to the increasing needs of Muslims for sharia-compliant tourism services. Fatwa DSN MUI No. 108/DSN-MUI/X/2016 outlines the operational principles of halal tourism services specifically, while Law Number 10/2009 is more general in nature but contains maqashid sharia values. Therefore, synchronization between the two is needed so that the halal principle can be transformed into a formal regulation that is applicable in the national tourism sector. (N. S. Handayani et al., 2023) DSN-MUI plays a strategic role in preparing applicable fatwas as a legal basis for the sharia sector, including tourism, which is integrated with national regulations.

As a first step to harmonization, the economic aspect is the common thread that connects the fatwa and the law. Law No. 10/2009 emphasizes tourism as a driver of the national economy. This is parallel to the spirit of the DSN MUI fatwa which emphasizes benefits, blessings, and social justice in economic activities. Thus, the sharia approach to the tourism economy does not contradict, but rather enriches the substance of the law through ethical and spiritual orientation in the tourism business. (Alam, Mellinia, et al., 2023)

In addition to the economy, the preservation of cultural values and religiosity is the next integration space. Law No. 10/2009 regulates the preservation of cultural and natural resources, in line with the DSN fatwa that prohibits tourism activities that are contrary to

Islamic morals. Through the example of the success in Pamekasan, it can be seen that the preservation of local and religious values not only maintains identity, but also strengthens the attractiveness of community-based tourism. Halal tourism brings these values together for development strategies (Ismail et al., 2025). Next, from the perspective of consumer protection and national branding, the integration of fatwa norms contributes greatly. The DSN MUI fatwa sets halal standards that support service certainty, strengthening Indonesia's image as a global halal tourism destination. This is where the law and fatwa complement each other: one outlines macro goals, while the other provides micro details (Alam, Sukmana, et al., 2023).

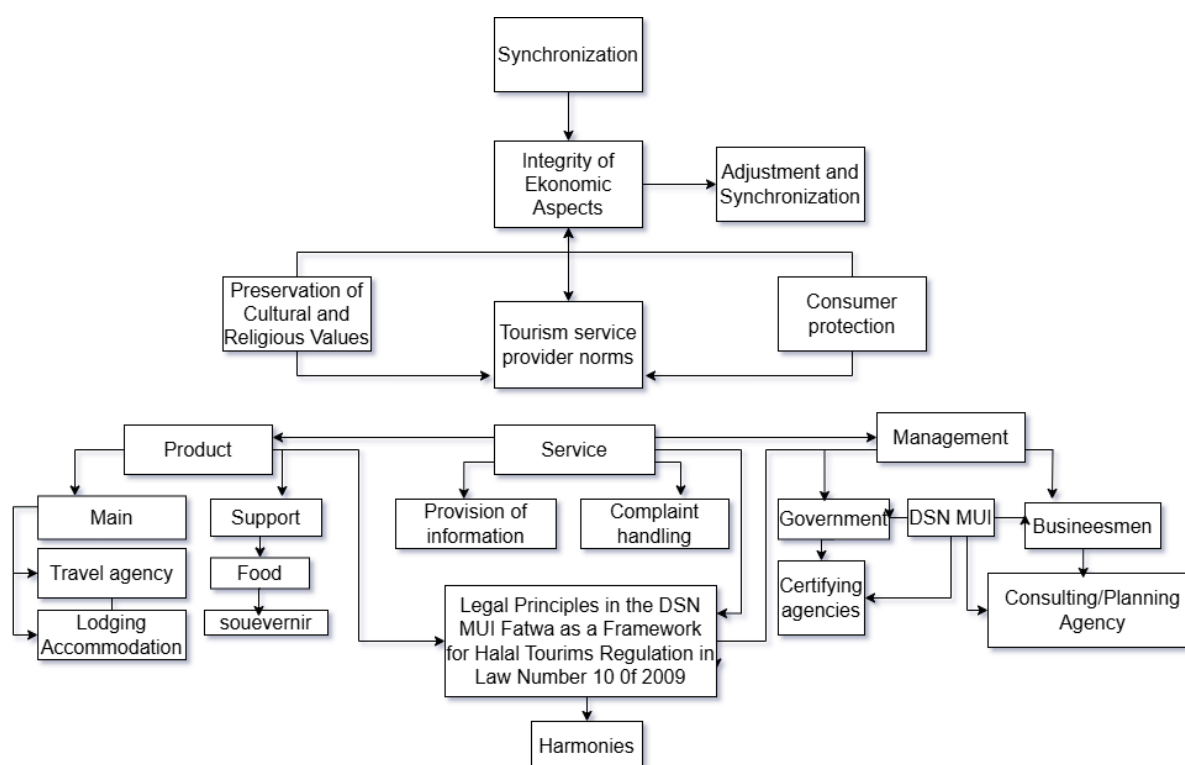
To deepen the analysis, the norms of tourism service providers can be grouped into three: products, services, and management. The DSN Fatwa and Law No. 10/2009 both contain provisions regarding services, but the fatwa elaborates in more detail, for example in the provision of halal food and worship spaces that strengthen the quality of sharia-based services. This provides a concrete direction for strengthening the quality of a more comprehensive and sharia-oriented destination in developing service standards in halal tourist destinations. (Pattaray S Sumaryadi, 2024)

The division of services into main and supporting services clarifies the operationalization of the norm. Main services such as Qibla direction and halal food must be provided, while supporting services such as cleanliness and comfort contribute to the loyalty of Muslim tourists. This shows that the success of management is not only from the provision of facilities, but also professionalism in service. Because the professionalism of human resources in service is also an indicator of the success of halal destinations. (Pattaray S Sumaryadi, 2024) At the management level, the DSN fatwa provides a reference on how each element of the destination, including tourism service providers, adopts sharia principles. This makes it clear that regulation is not enough to stop at administrative standards, but must regulate sharia-compliant operationalization. This is where Law No. 10/2009 can be enriched with the substantive spirit of the fatwa. so that the DSN-MUI fatwa becomes the key in shaping trust and preference for tourism services that comply with sharia values (Timur et al., 2025).

Research by Ulya and Asyhari (2020) and Yuliana (2021) shows that the application of sharia principles increases tourist trust and satisfaction. This data reinforces the urgency of harmonizing the two regulations so that Indonesia can compete in the international halal tourism market. With this empirical evidence, fatwa can be positioned as a national technical standard that binds fatwa has a strategic role in strengthening the global competitiveness of Indonesia's halal tourism (Timur et al., 2025). Halal products, Sharia-compliant services, and destination management are the three main pillars of providing halal tourism services. This is in line with the scope of business described in article 14 of Law Number 10 Year 2009. Harmonization between the two will create a comprehensive and sustainable tourism governance. destination management is reinforced by findings in Trenggalek, which supports halal tourism (Octavia et al., 2024).

The juridical analysis shows that the fatwa provides details that are not spelled out in the law. On the one hand, the law is administrative and provides an outline, while the fatwa penetrates the technical aspects. The principle of non-contradiction in law demands that

regulations do not contradict each other. In this context, the DSN fatwa and Law No. 10/2009 must be positioned as two pillars that complement each other, not contradict each other. Thus, harmonizing the two is a strategic solution to form a competitive, quality, and sustainable halal tourism ecosystem at the national and global levels. The lack of uniformity of understanding and regulation is a major obstacle to the development of halal tourism, so synchronization of norms and operational clarity are needed to build a competitive and trusted ecosystem for Muslim tourists (Ekka, 2023).



**Figure 1.** Regulatory Framework and Principles of Halal Tourism Services Based on Fatwa DSN MUI and Law Number 10 of 2009

The halal tourism regulatory framework depicted in the diagram above shows a synergy between various elements that work in a coordinated manner to regulate and ensure that the tourism sector operates in accordance with Shariah principles. Through proper synchronization and adjustment, the entire sector is kept consistent with religious values and supports sustainable economic growth as well as regulative-operational coordination that forms the basis of tourist satisfaction and sustainability of the halal tourism ecosystem (*Halal Food Image with Relevance to Tourist Satisfaction in the Asian Region: A Systematic Review*, 2022)

The diagram shows the concept of synchronization that includes the integrity of economic aspects. Here, all economic aspects involved in the tourism sector must have integrity, which means tourism businesses need to adhere to Shariah principles in every economic transaction conducted. This includes avoiding practices that go against Islamic values, such as transactions involving haram goods or services (e.g. alcohol). (Ekka, 2023)

There is the principle of preservation of cultural values and religiosity, which indicates that tourism should not only focus on economic benefits, but also on preserving local cultural values in accordance with Islamic teachings. Here, it is important to develop tourism that is not only financially profitable, but also promotes respect for local traditions and prevailing religious values. (Alam, Sukmana, et al., 2023)

An important part of this framework is the tourism service provider norm that sets the standards to be followed by all parties involved in providing tourism services. Fatwa DSN MUI serves as the main guideline that determines what is allowed and what is not allowed in the halal tourism sector. These norms include, for example, ensuring that the products and services provided do not contain haram elements and operate with transparency and accountability. (N. S. Handayani et al., 2023)

Tourism products are divided into two main categories, namely main products and supporting products. The main products include essential services for tourists, such as travel agencies that manage tourist trips, lodging accommodations that must comply with sharia standards, and food that must be halal. While supporting products include items such as souvenirs sold to tourists, which must also comply with halal principles. (*Halal Food Image with Relevance to Tourist Satisfaction in the Asian Region: A Systematic Review*, 2022)

Services in the context of halal tourism include two main aspects, namely information provision and complaint handling. Information provision aims to provide clear information to tourists regarding the products and services they receive, ensuring that all information is presented in a transparent and accountable manner. Meanwhile, complaint handling is very important to maintain tourist satisfaction, by ensuring that any complaints are handled in accordance with sharia principles, fair, and non-discriminatory this becomes part of an innovative strategy to build trust and satisfaction of Muslim tourists (Battour et al., 2020)

The diagram above shows the coordination between the various institutions involved in managing halal tourism. First, the government has a role in formulating policies and regulations that support the development of halal tourism, as well as conducting supervision and law enforcement. . The government plays an important role not only in drafting regulations, but also encouraging regions and coordinating between institutions to build a directed and sustainable halal tourism ecosystem (Wiryanto et al., 2024)

Second, DSN MUI functions as an authority that provides fatwa and halal certification, ensuring that all tourism products and services are in accordance with sharia principles. Business actors are responsible for implementing halal standards in their business operations, including the provision of products and services that comply with established regulations. (Wiryanto et al., 2024)

Third, the certification agency has the task of verifying and providing halal certification to tourism products and businesses. The consulting / planning agency plays a role in providing advice and planning to business actors to ensure that the tourism businesses they manage can operate in compliance with halal principles. (Wiryanto et al., 2024)

Grouping tourism service businesses, the classification can be divided into three main categories, namely product-based tourism businesses, services, and management. First,

product-based tourism businesses include business units that offer concrete goods or services that can be enjoyed directly by tourists. Examples include travel agencies and travel agents (Article 14 letter D of Law No. 10/2009 on tourism), which provide tour packages and ticket bookings; food and beverage services (Article 14 letter E of Law No. 10/2009 on tourism), such as restaurants, cafes, and catering services; and provision of accommodation (Article letter F of Law No. 10/2009 on tourism), including hotels, villas, and campgrounds. Other products also include souvenirs and tourism support components such as spas (article 14 letter M of Law No. 10/2009 on tourism) and water tourism (article 14 letter I of Law No. 10/2009 on tourism). The entire tourism business unit must be sharia-compliant, from food, accommodation, transportation, to ancillary services, to support the Islamic lifestyle of Muslim tourists (Vargas-sánchez, 2020)

Second, service-based tourism businesses include businesses that provide non-physical support in the form of information or comfort for tourists, such as tourism information services (Article 14 letter I of Law No. 10/2009 on tourism), which provide data and educational media, and tour guide services (Article 14 letter K of Law No. 10/2009 on tourism), which coordinate tour guides. In addition, complaint handling and service communication are also part of this segment. Halal tourism includes non-physical needs such as sharia-compliant information and communication, making religious value-based services the key to Muslim-friendly tourist destinations (Vargas-sánchez, 2020).

Third, management-based tourism businesses include entities involved in planning, supervising, and developing tourism systems, such as tourism consulting services (article 14 letter J of Law No. 10/2009 on tourism) that provide feasibility studies, market research, and planning, as well as certification bodies that ensure the quality of service standards and compliance with tourism regulations. This classification provides a conceptual framework to understand the role of each type of business in the national tourism ecosystem in a more structured and functional manner. (Adham S Nasir, 2024) asserts that systematic professional and managerial management, including logistics and halal certification, is key in realizing halal tourism that is feasible, sharia compliant, and sustainable.

**Tabel 1.** Halal Regulation Reference Table Based on Noncontradiction Logic

No.	Tourism business category	Business Example (Law Number 10 Year 2009)	Noncontradiction Analysis S Necessity of Halal Regulation
1.	products	1. Travel agencies S agents (Article 14 letter D of Law Number 10 Year 2009 on tourism) 2. Food S beverage services (article 14 letter e) 3. Accommodation or hotel (Article 14 letter F of Law Number 10 Year 2009 concerning tourism)	Fatwa DSN-MUI requires the halalness of sharia products and facilities (e.g. worship facilities, prohibition of immoral content). Law Number 10 of 2009 has not regulated this detail. Harmonization is needed to avoid norm conflicts in tourism products.



	4. Water tourism (article 14 letter l of Law No. 10/2009 on tourism)	
	5. Spa (Article 14 letter M of Law No. 10/2009 on tourism)	
2. Services	1. Tourism information services (Article 14 letter I of Law Number 10 Year 2009 on tourism) 2. Tourist guide (Article 14 letter K of Law Number 10 Year 2009 on tourism) 3. Grievance handling (practice)	The fatwa requires tour guides to understand tourism fiqh and have noble character. The law only regulates administrative functions. Potential conflicts in the field require additional regulation based on religious values.
3. Management	1. Tourism consulting services (Article 14 letter J of Law Number 10 Year 2009 on tourism) 2. Certification body (implicit)	There is no explicit mechanism in the Law for halal control and supervision. Fatwa can be a <i>lex specialis</i> reference. Need for synchronization so that there is no dualism of norms in licensing, guidance, and auditing.

Answering how the legal principles in the Fatwa DSN MUI can be a regulatory framework for halal tourism in the context of Law Number 10 Year 2009, then first juridically analyze the misalignment between the DSN fatwa and the Tourism Law. Analysis of the misalignment between the Fatwa DSN MUI on the provisions of sharia tour guides from the general standards listed in Law Number 10 Year 2009, the religious dimension that is not accommodated in the law, such as the obligation of tour guides to have an understanding of tourism fiqh, noble character, and compliance with sharia principles. These exceptions create a normative space that needs to be considered in the implementation of halal tourism in Indonesia. (Kurniawan et al., 2025) highlights that the integration of sharia values in tourism regulations and professions, such as sharia tour guides, is still minimally explored, so it needs to be bridged so that regulations are more substantively inclusive of Islamic values. (Apriantoro et al., 2024) halal research is still focused on products and has not studied many services such as tourism.

Through the rule of subsumption, Fatwa DSN MUI can be seen as a *lex specialis* norm that applies specifically to the sharia tourism sector. In this case, the fatwa can be subsumed within the framework of positive law, becoming a complement to the more general Tourism Law. This integration is important so that sharia norms can function without negating the general rules that already exist in the law. Fatwa DSN-MUI complements national law and becomes a legal guideline for the sharia sector without contradicting administrative rules (N. S. Handayani et al., 2023)

The derogation rule shows that there are no norms in Law Number 10/2009 that explicitly

invalidate fatwas, even though fatwas do not have direct binding legal force in the national legislative system. This absence of formal integration provisions can lead to potential conflicts, especially in the practice of halal tourism, which is not legally integrated in the legislative system. (Repelita et al., 2024) asserts that the imposition of formal halal regulations is often rejected by local communities, so the value of *maqāṣid al-sharī'ah* is more effective if it grows from public awareness without official labels.

The non-contradiction rule demands that there is no conflict between the fatwa and the law. In this context, the potential for conflict arises if sharia tourism service providers comply with the DSN MUI fatwa but do not fulfill the administrative and professional provisions in Law Number 10 Year 2009. Therefore, harmonization between the fatwa and the Law becomes very important to avoid confusion of service providers in following two conflicting norms. (Aysan S Syarif, 2025) digital innovation in the halal industry must be inclusive and based on local values so as not to cause social resistance.

Based on Article 14 letter (k) paragraph (1) of Law Number 10 Year 2009, the scope of the tour guide service business includes the provision of tour guides who play a role in providing information during the trip. This involves the provision of guides who have the knowledge to ensure an educational and enjoyable tourism experience. In this regard, Law No. 10/2009 on tourism regulates administrative and operational matters related to the provision of tour guide services, but does not regulate in detail the religious obligations for Islamic tour guides. (Repelita et al., 2024) The practice of sharia tour guiding can develop from local awareness without formal rules, so regulations need to adjust to the religious values of the community.

According to DSN MUI Fatwa No. 108/DSN-MUI/X/2016, there are more specific and religious normative provisions. This fatwa regulates the obligations for sharia tour guides, including the understanding of tourism fiqh and the prohibition against immoral acts. Therefore, this fatwa should be accepted as a specific norm applicable in the sharia tourism segment, which still requires adjustment to the general provisions in the Tourism Law. (Wiryanto et al., 2024) DSN-MUI Fatwa No. 108 fills the technical void of tourism regulation and needs to be recognized as a national complementary guideline.

The provisions in Article 14 of the Tourism Law related to the provision of accommodation and tour guide services, including the obligation of halal certification for products and services, have the potential to be synchronized with fatwas governing sharia hotels and sharia tour guide services. However, halal certification in Law Number 10 Year 2009 has not regulated in detail the operational obligations of Islamic hotels, such as the provision of sharia-compliant worship facilities and the prohibition of facilities that are not in accordance with sharia. Therefore, it is necessary to have more detailed arrangements to harmonize between the two. (Afnarius et al., 2023) It is necessary to integrate worship facilities and halal services that have not been regulated in detail in the Law so that they are in line with sharia principles.

In examining the provisions regarding sharia hotels, there is a discrepancy between the Fatwa DSN MUI and Law Number 10 Year 2009 regarding the management of sharia-compliant facilities. The provisions in the DSN fatwa regulate the prohibition of providing entertainment that is not in accordance with sharia principles, while the Tourism Law is more general and does not explicitly regulate this matter. Therefore, normative integration between

the fatwa and the Law is an important step to prevent dualism of rules that confuse business actors and supervisors. (Alam, Mellinia, et al., 2023) It is necessary to integrate sharia norms in hotel regulations to prevent confusion due to the absence of standardized standards for sharia hotel management.

This research shows that sharia compliance in the halal tourism industry is very important to distinguish between halal and conventional tourism. Therefore, to strengthen the halal tourism industry, it is necessary to develop clearer regulations and harmonize the Fatwa of DSN MUI with Law Number 10 Year 2009, so that sharia compliance can be implemented effectively. (Afnarius et al., 2023)

A juridical analysis of DSN-MUI Fatwa No. 108/DSN-MUI/X/2016 on Halal Tourism and Law No. 10/2009 on Tourism reveals a misalignment, especially in the religious dimension that is not explicitly accommodated by the law. For example, in the context of sharia tour guides, MUI's fatwa sets additional standards such as understanding tourism fiqh, noble character, and compliance with sharia principles, which go beyond the general administrative and professional standards stipulated in the law. This mismatch creates a normative space that needs to be bridged so that the implementation of halal tourism can run effectively without causing confusion. (D. L. Handayani et al., 2024) emphasizes the need for integration of fatwa and formal regulations so that sharia norms in halal tourism do not overlap and provide legal certainty.

The identified misalignment between DSN-MUI Fatwa No. 108/DSN-MUI/X/2016 and Law No. 10/2009, especially in the religious dimension, is an important starting point for building a halal tourism regulatory framework. The legal principles in the MUI fatwa, which emphasize additional standards such as understanding fiqh, noble character, and sharia compliance for tour guides, can be used as a basis for enriching the definition and criteria of halal tourism products. Regulations that refer to this principle will ensure that the products offered not only meet general standards, but also reflect Islamic values and principles, thus providing confidence and comfort for Muslim tourists. (Battour et al., 2023) emphasizes the need to strengthen the religious dimension in halal tourism regulations to be in line with the expectations of Muslim tourists.

Despite the misalignment, the Fatwa DSN-MUI has the potential to be integrated into Indonesia's positive legal framework. Through the rule of subsumption, the fatwa can be viewed as a *lex specialis* that applies specifically to the Islamic tourism sector, complementing the general provisions in the Tourism Law. Furthermore, the derogation rule indicates that there is no norm in the law that explicitly abrogates the fatwa. However, the absence of formal integration can lead to potential conflicts, especially if Islamic tourism service providers comply with the fatwa but do not fully fulfill the administrative and professional provisions in the law. (Athoillah et al., 2021) asserts that the DSN-MUI fatwa can be integrated into positive law because it has a strong sharia basis and fills the technical-operational void in the regulation.

To avoid dualism and confusion for business actors, harmonization between Fatwa DSN-MUI and Law No. 10/2009 is crucial. The principle of non-contradiction demands that there

is no conflict between the two norms. Research shows that shariah compliance is an essential differentiator between halal and conventional tourism. Therefore, the development of clearer regulations and synchronization between the MUI fatwa and tourism laws are needed to strengthen the halal tourism industry, ensure sharia compliance can be implemented effectively, and provide legal certainty for sharia service providers. (Martaleni et al., 2025) The importance of regulations that are aligned with sharia principles to strengthen halal tourism and increase tourist loyalty.

The urgency of harmonization between Fatwa DSN-MUI and Law Number 10/2009, based on the principle of non-contradiction, is very relevant in the management of halal tourism. The principle of sharia compliance which is an essential differentiator of halal tourism can be operationalized through clear and synchronous regulations. The regulatory framework built on this principle will ensure that the management of halal tourism destinations and facilities is carried out in accordance with Islamic principles, including in financial aspects, business ethics, and environmental preservation. Thus, sharia compliance is not just a label, but internalized in all aspects of management. (Hakim et al., 2023) Religiosity affects Muslim consumer preferences, so sharia values need to be fully internalized in tourism regulations.

Regarding the tour guide service business, Article 14 of Law Number 10 Year 2009 regulates the administrative and operational aspects of providing tour guides, but does not specifically cover religious obligations as stated in the Fatwa of DSN-MUI. This fatwa provides more in-depth normative provisions related to the understanding of fiqh and the prohibition of immoral acts for sharia tour guides. Therefore, this fatwa should ideally be accepted as a special norm in the Islamic tourism segment, which requires further adjustment with the general provisions in the tourism law in order to create harmony. (Abdullah S Quma, 2022) Fatwas need to be used as guidelines for sharia-compliant halal tourism and integrated into formal regulations to maintain norm harmony.

The additional standards outlined in the Fatwa DSN-MUI, such as an understanding of tourism fiqh and the prohibition of immoral acts, can be the foundation for strengthening regulations related to service providers. The legal principles in this fatwa can be used to formulate competency and ethical requirements for Islamic tour guides. A regulatory framework that adopts these principles will ensure that tour guides not only have technical knowledge, but also a deep religious understanding, so that they are able to provide accurate and relevant information for Muslim tourists and maintain the image of halal tourism in accordance with sharia principles. (Afnarius et al., 2023) emphasizes the importance of integrating religious values in tourism services, including the sharia competence of tour guides as part of the halal tourism management system.

Similarly, in accommodation services, although Article 14 of the Tourism Law has the potential to be synchronized with fatwas related to sharia hotels, the current law does not yet regulate in detail the operational obligations of sharia hotels such as the provision of appropriate worship facilities and the prohibition of facilities that are not sharia-compliant. The research findings also highlight the discrepancy between the MUI fatwa and the law regarding the management of sharia-compliant facilities, where the fatwa explicitly prohibits entertainment that does not comply with sharia principles, while the law is more general in

nature. More detailed normative integration is needed to prevent dualism of rules that can confuse business actors and supervisors in the implementation of halal tourism. (Battour et al., 2023) emphasizes the importance of integrating halal standards into formal regulations to avoid dualism of rules in the practice of Islamic tourism.

The legal principles in the fatwa, such as the obligation to provide appropriate worship facilities and the prohibition of non-shariah compliant facilities, can be the basis for establishing operational standards for Islamic hotels. A regulatory framework that refers to these principles will ensure that hotel management not only meets general standards, but also provides a conducive environment for Muslim travelers to worship and avoid things that are contrary to sharia principles. (Juliana et al., 2024) sharia facilities play an important role in tourist satisfaction, so it needs to be regulated operationally according to the fatwa to support sharia hotel standards.

#### **D. CONCLUSIONS AND SUGGESTIONS**

This research shows that DSN-MUI Fatwa No. 108/DSN-MUI/X/2016 on Halal Tourism has an important position in shaping halal tourism regulations in Indonesia based on Law Number 10/2009 on Tourism. Fatwa DSN-MUI regulates specific religious norms that have not been accommodated in detail in the Law, such as the requirement for tour guides to understand tourism fiqh and have noble character, provision of worship facilities, prohibition of non-shariah entertainment, and halal standards for tourism products.

The juridical analysis shows that Fatwa DSN-MUI can be positioned as a *lex specialis* that complements the Law, through the rules of subsumption and derogation, without contradiction (non-contradiction). The absence of detailed arrangements in the Law causes potential dualism of norms and confusion for business actors, so harmonization of the two is a must. The proposed new regulatory framework categorizes tourism businesses into product-based, service-based, and management-based, all of which must comply with sharia principles. This harmonization will form a national halal tourism ecosystem that is more competitive, quality, integrated, and sustainable according to maqāṣid al-syarī'ah.

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