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Muksalmina, Mukhlis, Joelman Subaidi, Muksalmina, Nabhani Yustisi

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Muksalmina^{1*}, Mukhlis², Joelman Subaidi³, Muksalmina⁴, Nabhani Yustisi⁵

¹²³⁴⁵Faculty of Law, Universitas Malikussaleh

*Correspondent Author, e-mail: Munaz@unimal.ac.id

Abstract

Aceh is one of the provinces in Indonesia that is given the privilege to carry out Islamic law, the privilege of Aceh which is regulated in Article 16 paragraph (2) of Law no. 11 of 2006 concerning the Government of Aceh (UUPA) includes: 1) organizers of religious life for adherents in Aceh, 2) organizers of traditional life, 3) providers of education in accordance with Islamic law, 4) the role of Ulama. So everything that is carried out in Aceh must be based on Islamic law, including in the field of tourism. Halal tourism is tourism that is carried out in accordance with the provisions of Islamic law. The implementation of halal tourism must be specifically regulated so that its implementation is as expected. The purpose of this study is to analyze Qanun No. 8 of 2013 regarding tourism. The research method used is a normative juridical research method. The results show that the Aceh Qanun Number 8 of 2013 concerning Tourism has not specifically regulated halal tourism which contains in detail the basic elements in the development of halal tourism.

Keywords

tourism, halal, Aceh, Qanun

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1. Introduction

Aceh is one of the 37 provinces in Indonesia which is given the privilege to carry out Islamic law, the privilege of Aceh which is regulated in Article 16 paragraph (2) of Law no. 11 of 2006 concerning the Government of Aceh (UUPA) includes: 1) organizers of religious life for adherents in Aceh, 2) organizers of traditional life, 3) providers of education in accordance with Islamic law, 4) the role of Ulama. So everything that is carried out in Aceh must be based on Islamic law, including in the field of tourism. Halal tourism in its implementation must be in accordance with Islamic Shari'a both in terms of facilities and infrastructure, food and other facilities. Halal tourism is the latest breakthrough as a selling point to attract tourists to enjoy the natural beauty of the creator without violating the legal provisions set by the almighty. Because now tourism is often interpreted for fun with the aim of eliminating fatigue and burdens in a way that is not in accordance with Islamic law. So there are those who think that halal tourism is to curb tourists with a number of provisions or regulations that cause the basic purpose of traveling to be lost, namely for fun.

The concept of halal tourism that is offered is actually not like that (restraining tourists). However, halal tourism is more oriented towards making tourists feel comfortable and at ease in accordance with the concept of Islamic law, namely Rahmatan lil 'alamiin. The application of halal tourism is actually to further strengthen the faith of a Muslim in his creator, as contained in the Qur'an (QS: Al-Jatsiyah: 3)

لِّلْمُؤْمِنِينَ آيَاتٌ وَالرُّزْقَ وَسَاءَ مَا وَآتَا فِي إِنَّ

Meaning: "Surely in the heavens and the earth there are signs (the greatness of Allah) for the believers."

Thus, Aceh has great potential in developing halal tourism, it is supported by residents of Aceh and other provinces in Indonesia who are Muslim. The concept of halal tourism is not only specifically for domestic people but also foreign people such as Malaysia, Brunei Darussalam and other countries will also be interested in the implementation of halal tourism. Besides, non-Muslims are also made curious so they want to feel how halal tourist destinations are.

However, in carrying out development in the implementation of halal tourism it must be supported by clear regulatory regulations, so that it is achieved as expected. Because special regulations regarding halal tourism are needed so that they are more directed, guaranteed and carried out properly. The absence of special regulations regarding halal tourism has led to a lack of direction in its implementation. So with the rules, it will be clear regarding the standards that must be met so that this tour can be called halal tourism, so that there are no claims by business actors that their business is halal because there are no standards that must be met.

In Law Number 10 of 2009 concerning Tourism, however, the law does not regulate the implementation of halal tourism. In addition, tourism in Aceh is regulated in Aceh Qanun No. 8 of 2013 concerning tourism, there are no rules governing halal tourism. After the search has been carried out, it is not yet in the ministerial regulation and the governor's regulation regarding halal tourism. Based on the description above, actually the province of Aceh, which has a specificity in carrying out Islamic law, should have made rules about halal tourism, as a special feature to attract tourism interest by making standards on halal tourism so that it becomes a reference for other provinces in Indonesia. Thus, researchers are interested in studying halal tourism in Aceh in terms of regulations and maqasidu al-Shari'ah.

2. Methodology

The research method used is a normative juridical method, meaning that research is carried out by referring to legal norms, legal principles contained in statutory regulations (Peter Mahmud Marzuki. 2007). This study uses primary, secondary and tertiary legal materials. All legal material obtained is used as an analytical tool which is described descriptively to reach conclusions.

3. Discussion

3.1 Halal Tourism Arrangements in Aceh

In Indonesia, the general foundation of tourism is regulated in Law Number 10 of 2009 concerning Tourism (hereinafter abbreviated as the Tourism Law). The tourism law was born against the following background:

1. The condition of nature, flora and fauna as a gift from God Almighty as well as ancient relics, historical relics, arts, and culture owned by the Indonesian people are the resources and capital for tourism development to increase the prosperity and welfare of the people as contained in the Pancasila and the preamble to the 1945 Constitution;
2. Freedom to travel and to take advantage of free time in the form of traveling is part of human rights; third, tourism is an integral part of national development which is carried out in a systematic, planned, integrated, sustainable and responsible manner while still providing protection for religious values, culture that lives in society, environmental sustainability and quality, as well as national interests; Fourth, tourism development is needed to encourage equal distribution of business opportunities and gain benefits and be able to face the challenges of changing local, national and global life (Sarsiti and Muhammad Taufiq, 2012).

Tourism is one of the development sectors that is currently being promoted by the government, this is because tourism has a very important role in Indonesia's development, especially as one of the country's foreign exchange earners. Tourism in Indonesia is one of the important economic sectors (Takariadinda Diana Ethika, 2016).

According to Article 1 number 1 of the Tourism Law, tourism has a definition as a travel activity carried out by a person or group of people by visiting certain places for recreational purposes, personal development, or studying the uniqueness of tourist attractions visited in a temporary period. In the provisions of the law, it is not regulated regarding halal tourism, so there is no standard definition of halal tourism based on the law. What is meant by halal tourism here is tourism whose implementation does not conflict with the provisions of Islamic law. Halal tourism is tourism which in its implementation still fulfills the rights of visitors as Muslims, both in the provision of facilities, food, and the provision of other facilities at tourism objects. So, when a Muslim travels to halal tourism objects, he does not need to worry if his obligations as a Muslim are neglected due to tourism, this is because there are facilities that can support tourists to carry out their obligations even when they are traveling. These facilities can be in the form of proper worship facilities, locker rooms for men and women, separate toilets, separate baths, food that is guaranteed to be halal and hygienic, and so on. In addition, halal tourism has a main characteristic by not separating worldly and ukhrawi values. In halal tourism, it will have a double value, namely for refreshing and having fun, as well as having the value of worship (Muhammad Djakfar, 2017).

In Indonesia, the statutory provisions related to halal tourism that have been formed are Law Number 33 of 2014 concerning Guarantees for Halal Products. The law supports the implementation of halal tourism, especially in the food sector. However, even so, it cannot be denied that halal tourism is not only related to food, but also other things that must also be accommodated in a special regulation that has a wider scope. In addition, in Indonesia there is an MUI DSN Fatwa Number 108/2016 concerning Guidelines for Organizing Tourism Based on Sharia Principles. However, because it is in the form of a fatwa, this provision is not binding.

From the description above, it can be seen that Indonesia does not yet have a strong and permanent legal umbrella that can accommodate the implementation of halal tourism in Indonesia. The omission of halal tourism regulations within the scope of Indonesia, of course, does not also make local governments such as the Aceh province not form special legislation related to halal tourism. Such regulatory provisions should be established if conditions require in the local area. Moreover, Aceh, where the majority of the population is Muslim, of course, regulations regarding halal tourism in Aceh are a must to be stipulated in more detail, so that the implementation can be carried out in accordance with the provisions and standards, then so that the people of Aceh who travel feel comfortable without worrying that traveling will make it difficult. he carried out his duties as a Muslim. For the province of Aceh, provisions related to tourism are regulated in Aceh Qanun Number 8 of 2013 concerning Tourism. In this Qanun not found a single word that mentions the term halal tourism or halal tourism. However, after reviewing, there are several provisions that lead to halal tourism from the Qanun, including: related to the principles of Aceh tourism implementation, one of which is based on faith and Islam (Article 2 of Aceh Qanun on Tourism). From this it can be understood that the implementation of tourism in Aceh must be based on faith and Islam.

Article 4 also states that the implementation of tourism in Aceh has a function, one of which is to be grateful for the blessings of Allah SWT. These provisions indicate that the function of tourism leads to Islamic values, one of which is to be grateful for the blessings of Allah through the implementation of tourism. Then in Article 10 it is mandated that research and development of tourism in Aceh is carried out by taking into account the potential and resources possessed, both natural resources, human resources, as well as historical values and Islamic local wisdom. The word Islamic local wisdom shows that in tourism development it also refers to Islamic values.

In the Aceh Qanun on Tourism it is explained that tourism businesses are classified into 3 types, namely tourism service businesses; business object and tourist attraction a; and tourism facilities business. Tourism service businesses have several types, one of which is sharia tourism services. Shari'a services are tour services for pilgrimage and remembrance, attractions of Sufi arts, traditional medicine, and other Islamic sharia tours.

Furthermore, related to the business of tourism objects and attractions, the Aceh Qanun on Tourism also states that the exploitation of tourist objects and attractions is carried out by taking into account: Islamic values; customs, as well as local wisdom; economic and sociocultural life; preservation of culture and quality of the environment; and the continuity of the tourism business (Article 17). In this provision, important points can be found indicating that the regulation is directed towards halal tourism, namely that the implementation of business objects and tourist attractions must pay attention to Islamic values. Then in Article 24 it is stated again that one of the obligations of business actors in tourism objects and attractions is to provide a mushalla (a place to pray for Muslims).

Article 37 of the Aceh Qanun on Tourism states that star hotel managers have an obligation, one of which is to protect the use of star hotels from activities that could disrupt security and public order and violate Islamic law. Then Article 47 paragraph (2) states that restaurant services when organizing entertainment or performances by artists/singers must comply with Islamic law and Qanun. Article 48 states that restaurant managers are obliged to

provide comfort to guests, prevent activities that can disrupt security and order and violate Islamic law.

Regarding prohibitions on tourist attractions, the Aceh Qanun on Tourism stipulates this in Article 82, namely that in tourist areas it is prohibited to: a) drink liquor and consume other intoxicating goods; b) committing immoral acts; c) gambling/maisir; and/or d) damage part or all of the physical objects and tourist attractions. These provisions are things that are prohibited to be done on tourism objects. Furthermore, Article 83 states several provisions, namely 1) Domestic and international tourists are required to dress modestly in tourist attractions; 2) Muslim tourists are required to dress in accordance with Islamic law; 3) Bathing in public places is separated between men and women; 4) For people who watch shows/entertainment, men and women are separated. 5) Entrepreneurs, community groups or government apparatus and business entities are prohibited from providing facilitation facilities and/or protecting people from committing lewdness, drinking/drinking and maisir/gambling; 6) Everyone, both individually and in groups, is obliged to prevent immoral acts.

Based on the description above, it can be seen that there are several provisions in the Aceh Qanun on Tourism that contain halal tourism values, including in the section:

- a. Tourism function
- b. The direction of tourism research and development in Aceh
- c. Type of tourism business
- d. Values that must be considered in the exploitation of tourist objects and attractions
- e. Obligations of tourism object business actors
- f. Obligations of star hotel managers
- g. Terms for restaurant managers
- h. Prohibitions on tourist attractions
- i. Conditions that must be met for foreign tourists

Some of the provisions in the Aceh Qanun on Tourism above already contain some of the values of halal tourism although they have not been able to accommodate them as a whole, especially regarding the technical aspects so that the implementation of halal tourism can run well. According to the author, the provisions contained in the Aceh Qanun on Tourism are not adequate if they are used as a basis for the implementation of halal tourism in Aceh, this is because it does not contain standards or indicators that must be met in order for a tourism object (part of tourism to become a tourism object).) can be called as halal tourism. The Qanun only mentions the obligations that must be fulfilled, the prohibitions, without mentioning other, more detailed provisions. Of course, so that the implementation of halal tourism can run as expected, it is necessary to establish special regulations on halal tourism in the form of other Qanun, as well as in the form of a Governor's Regulation. It is important to have special regulations regarding halal tourism, given that there are many technical matters or standards that must be regulated in the implementation of halal tourism. For example, related to the facilities of worship provided at tourism objects, the standards for providing religious facilities, provisions for hygienic and sanitation standards for food at tourist attractions, standards for providing tourist facilities that do not violate the Shari'a, and so on.

1.2 Concept of Ideal Halal Tourism Arrangement in Aceh

Whether or not a statutory provision is ideal can be seen from the scope of the substance of the regulation and the effectiveness in its application. The concept of an ideal halal tourism arrangement includes all the ins and outs of halal tourism, has standards/indicators, and sanctions if the provisions in the regulation are not implemented.

Some of the main provisions that must exist in the regulation of halal tourism, among others: The principles and objectives of the implementation of halal tourism, The principle of implementing halal tourism is the main foundation that is used as the basis for determining the implementation of halal tourism. So, the implementation of halal tourism must be based on Islamic values, which in practice are not justified in conflicting with the provisions of Islamic law. These Islamic principles must be included in the regulation of halal tourism.

Classification of Halal tourism destinations the classification of halal tourism destinations is an important thing to regulate in halal tourism arrangements, so that it can be clearly identified the types of tourist destinations that must apply the principles of halal tourism. Some of these destinations include natural attractions, man-made attractions, hotels, restaurants/culinary, spas/saunas, baths/water baths, and historical and cultural tourism. All of these tourist destinations in their implementation must comply with the principles of halal tourism.

Standards for each type of halal tourism destination Standards or indicators are fundamental things that must be regulated in the provisions of laws and regulations regarding halal tourism. This will be the basis or guideline in the implementation of halal tourism. These standards are regulated respectively based on the characteristics of the type of halal tourist destination. For example, for natural tourism objects, standard provisions relating to halal tourism must be regulated, namely the obligation to provide representative worship facilities, not to provide facilities in nature tourism that can lead to acts that violate Islamic law, and provide food within the scope of halal nature tourism. For water attractions/public baths, safety standards for water used for bathing can be regulated, then separate baths for men and women, appropriate and separate changing rooms are provided, proper worship facilities are provided, separate ablution places, and adequate food is provided. lawful. For culinary tourism objects/restaurants, standards can be determined in the form of halal certification for the food. As for sauna/spa tourism objects, standards must be determined, those who do women's spas must be female workers, and conversely those who treat men's spas must be male workers, then separate and closed places are provided for women's spas and men's spas. man. Furthermore, for accommodation facilities such as hotels or inns, halal tourism standards must apply in the form of provisions that can stay in one room only for those of the same sex or who are already husband and wife. Then there are proper worship facilities in hotels/inns, and the food provided is produced in a halal manner.

Halal tourism certification; Halal tourism certification is an acknowledgment of a tourism that has met the standards of the implementation of halal tourism. Evidence that a tourism has been certified can be provided in the form of a certificate issued by the agency in charge of providing halal tourism certification. The provisions regarding halal certification must be contained in the halal tourism arrangement, in order to guarantee the implementation of halal tourism in accordance with the standards. Halal tourism certification can also be carried out through several stages/processes that are not much different from the halal product certification process which within the scope of Aceh is regulated in Aceh Qanun Number 8 of 2016 concerning the Halal Product Assurance System, which consists of the stage of submitting an application, then examining both documents and field, as well as other advanced stages that must be carried out.

Promotion and Marketing

Promotion and marketing of halal tourism should also be regulated in the provisions of laws and regulations to ensure the sustainability of halal tourism. In terms of promotion and marketing, the subject and object of promotion can be determined as well as ways to promote and conduct marketing.

Supervision; Regarding supervision, it is very important to regulate it in the provisions of halal tourism, considering that at the implementation level it is very possible for irregularities to occur. Supervision can be carried out by the government, halal tourism management associations, and the community. This supervision aims to ensure that the implementation of halal tourism can be carried out properly in accordance with the provisions and standards. Supervision can be carried out in terms of tourism standards, the process of halal tourism certification, and also the commitment of managers of halal tourism objects in carrying out halal tourism standards that have received recognition through halal tourism certification.

Sanctions, Sanctions are one of the important elements to be regulated in the provisions of the laws and regulations on halal tourism. This sanction aims to enforce the provisions that have been regulated in the provisions of laws and regulations relating to halal tourism. The sanction may be given in the form of an administrative sanction in the form of a verbal warning; written warning; temporary suspension of activities, permanent suspension of activities; temporary revocation of license; permanent revocation of license; and/or administrative fines.

4. Concluding

Halal tourism is tourism that in its implementation and provision does not conflict with the provisions of Islamic law. Halal tourism does not intend to curb the movement of tourists when traveling, but rather to organize tourism that guarantees the fulfillment of the rights and comfort of Muslim tourists when traveling. The provisions of the laws and regulations in Aceh that regulate tourism are contained in the Aceh Qanun Number 8 of 2013 concerning Tourism. In terms of nomenclature, the term halal tourism is not found in the qanun, but in terms of its substance there are several provisions that contain halal tourism values, including the tourism function section, the direction of tourism research and development in Aceh, the tourism business, the values that must be considered in the exploitation of tourist objects and attractions, the obligations of tourism business actors, the obligations of star hotel managers, the provisions for restaurant managers, the prohibition on tourist attractions, and the provisions that must be met for foreign tourists. The concept of regulating halal tourism that is ideal to be implemented in Aceh, including in the regulation, must contain details regarding the principles and objectives of implementing halal tourism, the classification of halal tourism destinations, the standards for each type of halal tourism destination, halal tourism certification, promotion and marketing, supervision, and sanctions.

From the description above, it can be suggested to establish special legislation related to halal tourism in Aceh so that the implementation and provision can be carried out optimally. The formation of these laws and regulations can be in the form of forming other qanuns or in the form of qanun derivatives such as governor regulations. The aim is to become a guideline and standard reference for implementing halal tourism in all regions in Aceh Province. In addition, with the existence of special provincial regulations, the implementation of halal tourism can be uniform in all districts/cities in Aceh, meaning that there are no districts/cities

in Aceh that do not implement the implementation of halal tourism if they already have special regulations at the provincial level.

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