

Conference Paper

The Preliminary Study on a Legal Framework Acceptance Relate to Halal Tourism in Lake Toba

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Abstract.

Halal tourism is one form of tourism development and promotion that is anticipated to boost local economic growth and state revenue. Halal tourism aims to instill trust in Muslim visitors so that they are not hesitant to visit tourist destinations like Lake Toba where the majority of the population is non-Muslim and is one of the most popular tourist destinations. This is done to convince the tourists that these destinations welcome Muslim visitors even if Lake Toba's population is primarily comprised of non-Muslims. The government must enact rules if halal tourism is to be practiced properly and lawfully. This study used normative and empirical research methods. Examining the rules and laws governing halal goods and tourism is done as normative research. Following surveys and interviews with villagers and business owners in the Lake Toba region, empirical research was conducted. The findings demonstrate that halal tourism is a concept that ensures the provision of the services and infrastructure required by Muslim travelers during their journey, including halal food, prayer spaces, and so forth. However, halal tourism currently has legal loopholes. Halal tourism in Lake Toba thus has advantages and disadvantages. In reality, local residents and business owners in the Lake Toba region are sympathetic to the notion, as long as it does not obliterate traditions and local culture, and does not act as a campaign to Islamize them. As a tourism marketing tactic, Indonesia can model its halal tourism policies after those of Malaysia.

Keywords: preliminary study, legal frameworks, halal tourism

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1. INTRODUCTION

The tourism industry is a source of state revenue that has the potential to continue to be developed.[1] One of the concrete forms of tourism development in Indonesia is to provide halal tourism in every tourist destination in Indonesia, especially national strategic tourism areas.[2] Halal tourism is a tourism concept that makes it easy for Muslims to be able to carry out their religious law while traveling.[3] The

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concrete form of the implementation of this halal tourism is the availability of several supporting infrastructures in the form of a clean prayer room, Qibla directions, ablution places, halal restaurants, sharia hotels, and other infrastructure.[4] Implementation of halal tourism is expected to give confidence and trust to tourists, especially those who are Muslim so they don't hesitate to travel to areas with a non-Muslim majority population. As a world-class tourist destination, Lake Toba has the potential to grow the halal tourism because it attracts visitors from a variety of ethnic backgrounds, including those from nations where Muslims make up the majority of the population. As a result, it is only natural for business actors to provide the facilities and infrastructure that visitors require in order to make them stay comfortable.

The availability of halal food, as well as infrastructure for praying, such as prayer mats, Qibla directions, prayer rooms, etc., are necessities for travelers who are different types of Muslims. The National Sharia Council-Indonesian Ulema Council Fatwa of the National Sharia Council-Indonesian Ulema Council No: 108/DSN- MUI/X/2016 Concerning Guidelines for Organising Tourism Based on Sharia Principles ("MUI DSN Fatwa No.108/2016") was released by the Indonesian Ulema Council (MUI). It's crucial to recognise that the DSN MUI fatwa is not a requirement that positive laws be upheld. As a result, laws and regulations are required to provide a legal foundation for controlling the introduction of halal tourism in Indonesia.[5]

It is significant to emphasize that the idea of halal tourism is, in theory, universal. Therefore, the application of the halal tourism concept is acceptable to tourists who are not Muslims. As a result, it is incorrect to claim that halal tourism is an exclusive tourist idea that exclusively takes into account the interests of one specific faith.[6] In addition, it is not true that halal tourism is classified as a symbol of a certain religion which will erode local cultural values and other religions that have long existed in the destination area tour.[6]

Regulations pertaining to halal tourism could eventually serve as a legal framework for stakeholders in the tourism industry to organize halal tourism. So that there won't be any more misconceptions that can lead to trouble in the neighborhood. Stakeholders should first investigate and take in people's aspirations before creating legislation. The goal is to make sure that the community and other stakeholders accept and implement the regulations that have been enacted.

This article will discuss the findings of research that was done by delving more deeply into community and homestay industry actors' objectives connected to adoption of the notion of halal tourism or Moslem-friendly tourism on Lake Toba. This is intended

to help stakeholders, particularly the central and local governments, while they are creating rules for halal tourism in Indonesia, particularly in the Lake Toba region. As a result, the major goal of this essay is to clearly explain the broad concept of halal tourism, the factual requirements for its implementation in Indonesia, and the level of acceptability of the concept among the community and business actors in Lake Toba. It is hoped that the findings of the study and the ideas presented in this article can help the government when it is creating rules for halal tourism in Indonesia.

2. METHODOLOGY

This study uses normative and empirical research methods. Normative research was carried out by conducting a study of Law Number 10 of 2009 Concerning Tourism (“UU No. 10/2009”), Government Regulation Number 50 of 2011 concerning the National Tourism Development Master Plan 2010 – 2025 (“PP No.50/2011”), Regulation of the Minister of Tourism and Creative Economy Number 11 of 2016 concerning Revocation of Regulation of the Minister of Tourism and Creative Economy Number 2 of 2014 concerning Guidelines for Implementing Sharia Hotel Business (“Permenparekraf No.11/2016”), Regulation of the Governor of West Nusa Tenggara Number 51 2015 concerning Halal Tourism (“NTB Governor Regulation No. 51/2015”), Regional Regulation of West Sumatra Province Number 1 of 2020 concerning Implementation of Halal Tourism (“West Sumatra Regional Regulation No. 1/2020”), and DSN-MUI Fatwa Number 08/ DSN-MUI/X/2016 concerning Guidelines for Organizing Tourism Based on Sharia Principles (“FATWA DSN-MUI No.08/2016”), related encyclopedias and journals. Empirical research was conducted by conducting a survey which was attended by 60 (sixty) respondents consisting of 27 (twenty-seven) men and 34 (thirty-four) women. In addition, this research also conducted interviews with the Tourism Office of North Sumatra Province, Simalungun Regency, Toba Regency, and Samosir Regency, as well as 21 (twenty-one) homestay owners/managers. A Focus Group Discussion (FGD) with representatives from the Regional Government and business organizations for the tourism industry was used to validate the data. The collected facts and information were qualitatively analyzed in order to develop a framework for regulating halal tourism that may serve as a model for legislators creating halal tourism rules.[7]

3. RESULTS AND DISCUSSION

3.1. General Overview on Halal Tourism

The meaning of the Muslim-friendly concept is to ensure that every tourist who is Muslim is facilitated to carry out a tour that is following sharia principles. This halal tourism concept can be implemented in the following ways:[8]

1. the availability of a clean prayer room free from uncleanness;
2. the availability of Qibla directions that make it easier for tourists to pray 5 (five) times a day;
3. the availability of clean and well-functioning ablution places;
4. the availability of halal restaurants or guides that can provide information regarding halal and non-halal food and beverages;
5. Availability of sharia hotels that prevent tourists from dealing with immorality;
6. the availability of artistic and cultural events as well as attractions that do not contravene the standard requirements for sharia tourism;

implement environmental sanitation hygiene, and so on.

Furthermore, the National Sharia Council - Indonesian Ulema Council issued DSN-MUI Fatwa Number 08/DSN-MUI/X/2016 concerning Guidelines for Organizing Tourism Based on Sharia Principles ("DSN-MUI FATWA No.08/2016"). It is important to understand that the fatwa is not a positive law that applies in Indonesia and is not binding in general. However, the substance of the Fatwa can be used as a reference for business actors who will implement halal tourism in an area. The fatwa determines a series of indicators related to halal tourism as follows:

- (a) Halal tourism is organized with the principle that it prevents tourists from things that smell of polytheism, immorality, tabdzir/israf, kamafsadatan, and munkar. Organizing halal tourism must be able to create benefit and benefit for various parties materially and spiritually;
- (b) Parties related to halal tourists, Sharia Tourism Travel Bureaus (BWPS), tourism entrepreneurs, sharia hotels, tour guides, therapists, and other parties who are subject to various contracts all make up the tourism industry.
- (c) Business actors in the sharia hotel sector must comply with special conditions determined by the MUI;

- (d) Tourists who travel to places that have implemented halal tourism must comply with the provisions regarding sharia;
- (e) Spa, sauna, and massage managers who apply sharia principles in carrying out their business activities;
- (f) The Sharia Tourism Travel Bureau must comply with the sharia provisions determined by the MUI;
- (g) Sharia tour guides must comply with the sharia provisions determined by the MUI;

The regional government or authority agency that manages these tourist destinations must ensure that several things related to facilities and infrastructure at tourist destinations are available and can be utilized properly.

Although the Fatwa has not become positive law in Indonesia, several regional regulations in Indonesia make the fatwa as one of the references in its preparation. Therefore, these indicators can be used as a guide for stakeholders organizing tourism on Lake Toba in developing halal tourism concepts that can be applied to Lake Toba.

3.2. Acceptance of the Lake Toba Community

As a tourist destination, the people who live around Lake Toba are the Toba Batak people. Based on the data shown in the Central Agency of Statistics (BPS) Data in Figures for 2020, the majority of the Toba Batak people in the area are Protestant Christians and Catholics with the following numbers:[9]

TABLE 1: Total population by religion.

Religion	Amount
Christian Protestan	270 206
Catholics	21 987
Moslem	Data Unavailable

The Toba Batak people in their daily lives cannot be separated from livestock such as pigs and buffalo. This livestock is often used in various traditional ceremonies such as marriage, death, and so on.[10] In addition, these animals are also used for daily consumption by the community which is processed into special culinary delights such as roast pork, saksang, lomok-lomok, and so on. Apart from food, the Toba Batak people are also familiar with palm wine, which is a type of alcoholic drink that comes from the palm sugar palm tree. These drinks are also consumed in traditional ceremonial activities or in daily life.[11]

Given that Indonesia now has a tourism policy, it is vital to pay attention to the situation and conditions in the Lake Toba region. First, Government Regulation of the Republic of Indonesia Number 50 of 2011 concerning the 2010-2025 National Tourism Development Master Plan. Second, Regional Regulation (Perda) No. 5 of 2018 concerning the 2017-2025 North Sumatra Provincial Tourism Development Master Plan. These two regulations are the foundation for tourism development to ensure an increase in people's welfare, especially in tourist destination areas such as Lake Toba.

It is important to know that the situations and conditions related to the daily life of local people contradict the daily life of some tourists, especially tourists who are Muslim. This is because foods and drinks that are commonly consumed by local residents cannot be consumed because Islamic teachings prohibit adherents from consuming that.[12] In order to suit Muslim tourists' needs, such as providing halal food and beverages, Lake Toba tourism stakeholders must be involved with the organization of tourism there. By implementing the idea of halal tourism on Lake Toba, this need can be met in a practical way. By making halal-certified food and beverage options available, making places of worship accessible, and other measures, this principle can be put into practise. The implementation of halal tourism in the Lake Toba area is opposed by the majority of community and business actors, according to the findings of interviews with local community and homestay company actors in the region. This is due to worries that halal tourism is a part of Islamization, which will supplant Batak cultures and mores and alter Christianity's standing in society. This was made worse by the North Sumatra Governor's statement that halal tourism would be introduced in the Lake Toba region. In the community of Lake Toba, this has led to turmoil. This is due to worries that the introduction of halal tourism may outlaw the keeping of pigs and other swine livestock. Despite the fact that these creatures are utilized in a variety of ceremonies, marriages, funerals, and other events, they are very intimately associated with Batak culture.

This is clearly untrue and a misinterpretation of the notion of halal tourism if it is examined in light of the previously outlined halal tourism concept. This is so that tourists will not be hesitant to travel to tourist destinations where the majority of the people are non-Muslims, as halal tourism is not a product of Islamization nor a representation of Islam. This is accomplished by offering the amenities and infrastructure that Muslim tourists require. Furthermore, it is untrue that halal tourism will cause indigenous cultures, particularly Batak culture, to be damaged by other civilizations if it is adopted in the Lake Toba Region. This is also guaranteed by Law No. 10/2009's regulations and the guiding principles of tourism, which state that the development of tourism must respect the community's original culture and traditional knowledge.

Due to a lack of socialization and the absence of clear regulations governing halal tourism in Indonesia, there have been misunderstandings and unrest in the community regarding the idea of halal travel. Interviews with representatives of the homestay industry have shown that there has never been any halal tourism socialization by government organizations, particularly the Tourism Office, at the provincial and regency/city levels. As a result, the community and corporate actors in the Lake Toba area had a limited knowledge of this notion and tended to be anticipatory. The majority of business players ultimately accepted and agreed with the concept of halal tourism, even after being provided an explanation of it. However, there are a number of factors to consider while using this idea, such as:

1. Halal tourism is not Islamization;
2. Muslim-friendly tourism is now referred to as halal tourism.
3. do not label Lake Toba as halal tourism;
4. the government provides real support to business actors in providing the infrastructure needed in implementing the halal tourism concept;
5. There are clear rules governing halal tourism.

Therefore, a soft approach and good communication need to be carried out so that businesses and the people of Lake Toba have a good understanding of halal tourism. The government must be able to make this happen. The government can cooperate with universities in providing a thorough understanding related to halal tourism through the Higher Education Tri Dharma program and other programs that can synergize various parties.

3.3. Comparison of Halal Tourism Arrangements with Malaysia

This paper chooses Malaysia as a comparison. Apart from having geographic similarities, they are both located in the Southeast Asia region, Malaysia's position which ranks 1st as a destination country for halal tourism is the strongest reason that lessons can be taken from Indonesia's neighboring countries. Due to the creation of halal standards and a comprehensive national halal assurance system, the halal business in Malaysia is growing successfully.[13]

It should be mentioned that Malaysia has led the way in the development of halal standards. Up until this point, Malaysia has released roughly 10 Malaysian Standards (MS), which are regarded as benchmarks both locally and internationally. In fact, 2

(two) of the 10 (ten) MS 1500:2009 (Halal Food - Production, Preparation, Handling, and Storage - General standards) and MS 2424 (General Guidelines for Halal Pharmacy 2012) have come to serve as the first halal standards for pharmaceuticals in the entire globe. Apart from that, Malaysia's other achievements in the halal industry are the recognition of the certification, production, and distribution of halal food from Malaysia to many non-Muslim countries (Ngui, 2014). Food producers in Malaysia are urged to adopt and uphold standards that meet international benchmarks like ISO 9000, Codex Alimentarius, Quality Assurance Programme, Hazard Analysis and Critical Control Points (HACCP), Good Hygiene Practises (GHP), and Sanitation Standard Operating Procedures (SOP), in addition to adhering to Halal regulations. The Malaysian Standards Department, which falls under the Ministry of Science, Technology, and Innovation (MOSTI), together with SIRIM and JAKIM, has a key role to play in Malaysia's success in the halal market.[14]

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Regarding the halal tourist industry, Malaysia has the same rules and regulations that are used for halal food products. The development and implementation of standards like those implemented by Malaysia are crucial because they help the government of that country establish its credibility in the international halal trade and tourist sector. The existence and observance of standards and guidelines in a nation are crucial and unavoidable if it wants to draw Muslim tourists because they boost consumer confidence in the nation's goods and services, increasing the country's appeal and value as a travel destination.

The writing team has conducted benchmarking related to halal tourism in the city of Penang, Malaysia, where homestay owners pay attention to Muslim-friendly standards set out in terms and conditions that must be obeyed by every homestay visitor. For example, it is not permissible to bring pets such as dogs and there is a separation of cutlery for Muslim and non-Muslim visitors. Furthermore, there is a special homestay area in Aur City which consists of community houses that are rented out to tourists, both local and foreign. The homestay area applies halal standards and this is evidenced by the existence of a plaque from the Malaysian government service which guarantees

cleanliness, service, and hospitality. Homestay owners are given training and outreach about attracting tourists, and the Government of Malaysia is also providing incentive funds for homestay repairs to homestay owners. The Malaysian Government's support for halal tourism has been regulated with good regulations and is also manifested in providing support as concrete evidence.

Seeing Malaysia's success in implementing the concept of Moslem Friendly Tourism is expected to be a stimulus for Indonesia as a country with a majority Muslim population to help improve the implementation of halal tourism. One of the concrete manifestations of this is carried out by compiling regulations as a legal basis and continuous socialization regarding Moslem Friendly Tourism. The existence of regulations governing halal tourism or Moslem Friendly Tourism in Indonesia will be the basis for encouraging stakeholders in the tourism sector to play an active role in adjusting their hotels or homestays to be comfortably occupied by Muslim tourists. Several regions in Indonesia, such as West Sumatra and West Nusa Tenggara, already have regional regulations governing halal tourism. However, for regions in Indonesia where the majority of the population is non-Muslim, such as North Sumatra, the legal vacuum of regulations related to halal tourism is a stumbling block in making a profit from tourism activities.

In Indonesia, the lack of rules that have an effect on misinterpretations of the term "halal tourism" can lead to conflict between social and commercial actors. If this is allowed to go on, tourists, particularly those who are Muslims, may be unwilling to visit tourist locations with a non-Muslim majority population, such as Lake Toba. The government must be careful in developing laws that regulate halal tourism in Indonesia so that this does not happen.

4. CONCLUSION AND RECOMMENDATION

Halal tourism is a concept that ensures that Muslim visitors will have access to the infrastructure and services they require throughout their travels, such as halal food, places of worship, and other necessities. However, there is currently no law governing halal tourism. Thus, there are pros and cons to halal tourism in Lake Toba. In reality, as long as halal tourism does not eradicate customs and local culture and does not serve as an endeavor to islamize, community and business players in the Lake Toba region are open to the idea. As a tourism marketing technique, Indonesia can take a lesson from Malaysia's book and control the introduction of halal tourism in its nation.

References

- [1] Saint Akadiri S, Akairi AC, Alola UV. Is There Growth Impact of Tourism? Evidence from Selected Small Island States. *Curr Issues Tour.* 2019;22(12):1480–98.
- [2] Hermawan E. “Strategi Kementerian Pariwisata Indonesia Dalam Meningkatkan Branding Wisata Halal.” *J Ilmu Manaj. dan Akunt.*, vol. 7, no. 2, pp. 87–95, 2019.
- [3] Mahardika R. Strategi Pemasaran Wisata Halal. *Mutawasith J. Huk. Islam.* 2020;3(1):65–86.
- [4] D. S. N. M. U. INDONESIA. FATWA DEWAN SYARIAH NASIONAL MAJELIS ULAMA INDONESIA NO: 108/DSN-MUI/X/2016, vol. 108, no. 2016. 2016, p.
- [5] Rosmiati R, Soumena MY, Said Z. Strategi Dinas Kepemudaan, Olahraga dan Pariwisata Kota Parepare dalam Pengembangan Wisata Syariah. *Shi’ar Sharia Tour. Res.* 2022;1(1):43–60.
- [6] Rachmiatie A, Fitria R, Suryadi K, Ceha R. “Strategi Komunikasi Pariwisata Halal Studi Kasus Implementasi Halal Hotel di Indonesia dan Thailand,” *Amwaluna J. Ekon. dan Keuang. Syari’ah.* 2020;4(1):56–74.
- [7] Christiani TA. Normative and Empirical Research Methods: Their Usefulness and Relevance in the Study of Law as an Object. *Procedia Soc Behav Sci.* 2016;219:201–7.
- [8] Subarkah AR. Potensi dan Prospek Wisata Halal dalam Meningkatkan Ekonomi Daerah (Studi Kasus: Nusa Tenggara Barat). *Sospol J. Sos. Polit.* 2018;4(2):49–72.
- [9] Badan Pusat Statistik. “No Title,” 2016. <https://tobasamosirkab.bps.go.id/statictable/2017/09/28/261/number-of-religiouspeople-by-district-year-2016.html> (accessed Apr. 22, 2022).
- [10] Hutagaol FO, Prayitno ISP. “Perkembangan Ritual Adat Mangongkal Holi Batak Toba dalam Kekristenan di Tanah Batak,” *Anthr. J. Antropol. Sos. dan Budaya*, vol. 6, no. 1, pp. 84–92, 2020. <https://doi.org/10.24114/antro.v6i1.16822>.
- [11] Ikegami S. “Tuak dalam Masyarakat Batak Toba: Laporan Singkat tentang Aspek Sosial-Budaya Penggunaan Nira,” 1997.
- [12] Yanggo HT. “Makanan dan Minuman dalam Perspektif Hukum Islam,” *Tahkim J. Huk. dan Syariah*, vol. 9, no. 2, pp. 1–21, 2013.
- [13] Mastercard. “Crescent Rating Global Muslim Travel Index 2016,” 2016. [Online]. Available: <https://www.crescentrating.com/reports/mastercard-crescentrating-global-muslim-travel-index-gmti-2016.html>
- [14] Latiff JA, Abbas S, Armia MS. “A Study on Halal Certification Procedure: Progressive Transition Towards Halal Pharmaceutical Products in Malaysia and Indonesia,” in

1st International Conference on Contemporary Islamic Studies (ICIS 2021), 2021, pp. 3–12.