

Regulating Halal Tourism: The Role of Islamic Organisational Fatwas in the Shariatization of Indonesia

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Abstract: This article explores the regulation of halal tourism in Indonesia, focusing on the roles of the main Islamic organizations in Indonesia, namely the Indonesian Ulema Council (Majelis Ulama Indonesia, MUI), Nahdlatul Ulama (NU), and Muhammadiyah. Prompted by the ongoing debates surrounding the relationship between modernity and Islam in the context of halal tourism, this research analyses fatwas issued by these organizations and various local regulations in Indonesia. The study finds that the three organizations respond to halal tourism issues with differing approaches, with MUI dominating the discourse. MUI and NU tend to adopt exclusive stances, while Muhammadiyah demonstrates a more inclusive and flexible approach. The dominance of MUI fatwas is reflected in their frequent citation and integration into various local regulations related to halal tourism, indicating significant influence in shaping regional policies. Drawing on Michel Foucault's theory of power/knowledge, this article concludes that the dominance of MUI fatwas in shaping the discourse of halal tourism regulation leads to a more exclusive society through the process of shariatization. This phenomenon reflects the influence of knowledge and policy control by Islamic institutions, directly or indirectly impacting the landscape of halal tourism regulation in Indonesia.

Keywords: *fatwa; Islamic organisations; halal tourism; local regulations; shariatization*

Abstrak: Artikel ini mengeksplorasi regulasi pariwisata halal di Indonesia dengan memfokuskan pada peran organisasi Islam utama di Indonesia, yakni Majelis Ulama Indonesia (MUI), Nahdlatul Ulama (NU), dan Muhammadiyah. Penelitian ini dipicu oleh kompleksitas perdebatan terkini seputar hubungan antara modernitas dan Islam dalam konteks pariwisata halal. Melalui analisis fatwa dari ketiga organisasi Islam dan sejumlah peraturan daerah di Indonesia, penelitian ini menemukan bahwa ketiga organisasi tersebut merespons isu pariwisata halal dengan pendekatan yang berbeda, di mana MUI mendominasi diskursus tersebut. MUI dan NU cenderung mengadopsi sikap eksklusif, sementara Muhammadiyah menunjukkan

pendekatan yang lebih inklusif dan fleksibel. Dominasi fatwa MUI tercermin dalam seringnya fatwa tersebut dirujuk dan diintegrasikan ke dalam berbagai peraturan daerah terkait pariwisata halal. Hal itu menandakan pengaruh yang signifikan dalam pembentukan kebijakan daerah. Dengan merujuk pada teori kuasa pengetahuan Michel Foucault, artikel ini berkesimpulan bahwa dominasi fatwa MUI dalam membentuk diskursus regulasi pariwisata halal mengarah pada masyarakat yang lebih eksklusif melalui proses syariatisasi. Fenomena ini mencerminkan pengaruh kontrol pengetahuan dan kebijakan oleh lembaga-lembaga Islam, yang secara langsung atau tidak langsung memengaruhi lanskap regulasi pariwisata halal di Indonesia.

Kata kunci: *fatwa; organisasi Islam; pariwisata halal; peraturan daerah; syariatisasi*

Introduction

The halal-oriented phenomenon in modern Muslim behaviour is becoming increasingly attractive to discuss.¹ Halal tourism has added complexity to the debate regarding the relationship between modernity and Islam.² In the contemporary world, this phenomenon is considered part of the positivization of Islamic law because it transforms halal as part of religious teachings into positive law (formalization of *sharia*).³ Contestation between the state and society regarding the halal labelling of goods is part of the dynamic process toward shariatization.⁴ Some groups view that such positivization of religious rules can hamper religious commitment among society⁵ and can lead to injustice and discrimination against non-Muslims.⁶ This phenomenon of

¹ Arisy Abror Dzukroni, "Debates on Halal Issues as Indonesian Contemporary Religious Social Phenomena," *Khazanah: Jurnal Studi Islam dan Humaniora* 21, no. 2 (2023): 155.

² Intan Purwandani and Mohamad Yusuf, "Localizing Indonesian Halal Tourism Policy within Local Customs, *Qanun*, and Marketing," *Journal of Policy Research in Tourism, Leisure and Events* (October 28, 2021): 1–19.

³ Ayang Utriza Yakin and Louis-Léon Christian, *Rethinking Halal: Genealogy, Current Trends, and New Interpretations* (Leiden; Boston: Brill, 2021): 1-5.

⁴ Syafiq Hasyim, "The Politics of 'Halal': From Cultural to Structural Shariatization in Indonesia," *Australian Journal of Asian Law* 22, no. 1 (March 1, 2022): 81–97.

⁵ Rodney Stark and Roger Finke, *Acts of Faith: Explaining the Human Side of Religion* (Berkeley: University of California Press, 2000): 257.

⁶ Syafiq Hasyim (ed.), *The Halal Project in Indonesia: Shariatization, Minority Rights and Commodification* (Singapore: ISEAS–Yusof Ishak Institute Singapore, 2022): 1–20.

positivization of Islamic law is not only related to commodities. Previously, this phenomenon had also taken place in other fields of Islam, such as family law, *zakāh*, and *waqf*.⁷

In the Indonesian context, the massive halal formalization project undertaken by the government can be understood, considering the potential economic and market benefits that can be obtained.⁸ Since the halal issue was formalized in the 1990s, there have been no regulations regarding halal tourism at the national level.⁹ There are only several regulations at the regional level (local regulations) that specifically regulate it.¹⁰ The absence of regulations at the national level regarding halal tourism has received a response from several mainstream Islamic organizations in Indonesia. The Indonesian Ulema Council (MUI) has issued Fatwa No. 108/DSN-MUI/X/2016, which provides guidelines on sharia tourism.¹¹ However, there have been debates about whether tourism that has received a halal certificate is truly halal or just marketing bias.¹² It is the main problem analyzed in this article.

Previous studies examined Halal tourism from various disciplinary perspectives by describing four recent landscapes in halal tourism studies: general concepts or terminology, management,

⁷ Asep Saepudin Jahar, "Bureaucratizing Sharia in Modern Indonesia: The Case of Zakat, Waqf and Family Law," *Studia Islamika* 26, no. 2 (August 13, 2019): 207–45.

⁸ Syaifiq Hasyim (ed.), *The Halal Project in Indonesia: Shariatization, Minority Rights and Commodification* (Singapore: ISEAS–Yusof Ishak Institute Singapore, 2022): 2.

⁹ At the national level, the government only issued regulations regarding halal certification. See: Aminudin Yakub and Fitriyani Zein, "Halal Certification in Government and Non-Governmental Organizations: A Comparative Analysis of Indonesia, Malaysia, and Thailand," *Jurnal Cita Hukum* 10, no. 1 (April 30, 2022): 153–76; B. J. Sujibto and Fakhruddin M., "Non-Muslim Voices on Halal Certification: From Sectoral-Religious Tendencies to State-Mandated Regulations," *Jurnal Ilmu Sosial dan Ilmu Politik* 26, no. 3 (March 14, 2023): 258–70.

¹⁰ See: "Panduan Penyelenggaraan Pariwisata Halal" (Deputi Bidang Pengembangan Industri dan Kelembagaan Kementerian Pariwisata, 2019): 55–62.

¹¹ "Fatwa Dewan Syariah Nasional Majelis Ulama Indonesia No. 108/DSN-MUI/X/12016 tentang Pedoman Penyelenggaraan Pariwisata Berdasarkan Prinsip Syariah."

¹² M. Muhammad, Syabbul Bachri, and M. Husnaini, "Bias or Reality: Rethinking of Halal Tourism in Indonesia," *KARSA Journal of Social and Islamic Culture* 30, no. 1 (June 21, 2022): 34–54.

innovation, and Islamic law.¹³ In the Indonesian context, relatively many studies examine halal tourism,¹⁴ but those that discuss the response of Islamic organizations to the halal tourism phenomenon still need to be revised. Hermawan et al. focus on studying halal tourism from the MUI perspective.¹⁵ Nurjaya et al. found differences in the terminology used by the MUI and local governments: sharia tourism and halal tourism.¹⁶ Apart from these differences in terminology, the facts found by Alim et al. reveal that the management of halal tourism in villages has not fully implemented the Sharia tourism indicators set

¹³ See: Amr Al-Ansi, Hossein Olya, and Heesup Han, “Two Decades of Research on Halal Hospitality and Tourism: A Review and Research Agenda,” *International Journal of Contemporary Hospitality Management* 35, no. 6 (January 1, 2022): 2017–2055; Mohamed M. Battour, Mohd Nazari Ismail, and Moustafa Battor, “Toward a Halal Tourism Market,” *Tourism Analysis* 15, no. 4 (December 1, 2010): 461–70; Geetanjali Ramesh Chandra, “Halal Tourism; a New Goldmine for Tourism,” *International Journal of Business Management & Research* 4, no. 6 (2014): 45–62; Noga Collins-Kreiner and Geoffrey Wall, “Tourism and Religion: Spiritual Journeys and Their Consequences,” in *The Changing World Religion Map* (Netherlands: Springer, n.d.); Hatem El-Gohary, “Halal Tourism, Is It Really Halal?,” *Tourism Management Perspectives* 19 (July 2016): 124–30; C. Michael Hall and Girish Prayag, (eds.), *The Routledge Handbook of Halal Hospitality and Islamic Tourism*, 1st ed. (Abingdon, Oxon; New York, NY : Routledge, 2019.: Routledge, 2019); Junaidi Junaidi, “Halal-Friendly Tourism and Factors Influencing Halal Tourism,” *Management Science Letters*, (2020): 1755–62; Silma Lafifa Sunarya and Sabiq Al Qital, “A Mapping Halal Tourism Management Research: Text Mining Using NVivo,” *Jurnal Parwisata Nusantara (JUWTTA)* 1, no. 2 (August 18, 2022): 98–107.

¹⁴ Yuliani Dwi Lestari, Faridatus Saidah, and Aghnia Nadhira Aliya Putri, “Effect of Destination Competitiveness Attributes on Tourists’ Intention to Visit Halal Tourism Destination in Indonesia,” *Journal of Islamic Marketing* 14, no. 4 (February 10, 2022): 937–65; Nora Zulvianti, Hasdi Aimon, and Abror Abror, “The Influence of Environmental and Non-Environmental Factors on Tourist Satisfaction in Halal Tourism Destinations in West Sumatra, Indonesia,” *Sustainability* 14, no. 15 (January 2022): 9185; Lukman Santoso, Agus Triyanta, and Jawahir Thontowi, “Halal Tourism Regulations in Indonesia: Trends and Dynamics in the Digital Era,” *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 22, no. 1 (August 1, 2022): 73–94.

¹⁵ Hendri Hermawan Adinugraha et al., “Halal Tourism in Indonesia: An Indonesian Council of Ulama National Sharia Board Fatwa Perspective,” *The Journal of Asian Finance, Economics and Business* 8, no. 3 (2021): 665–73.

¹⁶ Nurjaya et al., “Halal Tourism in Indonesia: Regional Regulation and Indonesian Ulama Council Perspective,” *International Journal of Criminology and Sociology* 10 (February 22, 2021): 497–505.

by the MUI.¹⁷ The compatibility of halal tourism with the MUI fatwa is essential because its management and implementation must be distinct from the sources of Islamic law.¹⁸ Even though the MUI fatwa is considered exclusive,¹⁹ Awaliyah argues that halal tourism is a sacralization of everyday life, and this shows how religion continues to be an inspiration for modern society.²⁰ In contrast to these studies, this article finds that several Islamic organizations respond to halal tourism laws from Islamic law perspectives. This diversity of religious attitudes is due to the different approaches they use in formulating fatwas related to halal tourism.

This article aims to analyze the fatwas on halal tourism and legal *istinbat* used by three mainstream Islamic organizations in Indonesia: Muhammadiyah (founded 1908), Nahdlatul Ulama (NU, founded 1926), and Indonesian Ulema Council (MUI, founded 1975). This article uses a normative approach and analyzes the contents of several fatwas issued by the three Islamic organizations as primary data. Apart from that, several regional regulations and the official websites of the four Islamic organizations were also analyzed. This article analyzes the data using Michel Foucault's theory of power and knowledge. Foucault argues that knowledge is crucial in determining what is considered right or wrong in society. In other words, knowledge can control what policies will be implemented by power.²¹ Therefore, it is essential to

¹⁷ Mohammad Nizarul Alim et al., "Halal Tourism in Rural Tourism Context: Field Study in Madura-Indonesia," *International Journal of Professional Business Review* 8, no. 2 (March 1, 2023): e01546.

¹⁸ Moh Bahrudin, "Halal Tourism Governance Based on the Fatwa of the National Sharia Council on Tourism Improvement," *Journal of Environmental Management and Tourism* 13, no. 7 (December 2, 2022): 2058–68.

¹⁹ Moh Rasyid, "Fikih Pariwisata Indonesia (Studi Fatwa DSN-MUI Nomor 108 Tahun 2016 tentang Pedoman Penyelenggaraan Pariwisata Berdasarkan Prinsip Syariah dalam Kerangka Islam Rahmatan lil 'Alamin)" (Yogyakarta: Universitas Islam Negeri Sunan Kalijaga, 2021): 180.

²⁰ Shiyamil Awaliah, "Sakralisasi Kehidupan Sehari-Hari: Muslim Kelas Menengan dan Diskursus Pariwisata Halal" (Yogyakarta: Universitas Islam Negeri Sunan Kalijaga, 2020): 6.

²¹ Michel Foucault and Colin Gordon, *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977*, 1st American ed (New York: Pantheon Books, 1980): 60 and 93.

know the actors (the human sciences) behind the emergence of a discourse.²²

Halal Tourism Fatwas: Response of Islamic Community Organizations

Six Islamic community organizations have fatwa institutions that answer various problems of Muslims in Indonesia, namely the MUI, which has a Fatwa Commission and the National Sharia Council (DSN); Muhammadiyah, which has the Majelis Tarjih wa Tajdid; Nahdlatul Ulama (NU), which has the Bahtsul Masail Institute (LBM); Persatuan Islam (Persis), which has a Hisbah Council; Al-Jam'iyah Al-Wasliyyah, which has a Fatwa Council; Mathlaul Anwar, which has a Fatwa Council; and Perhimpunan Al-Irsyad, which has a Fatwa Council. Of the many institutions, only fatwa institutions under the auspices of the MUI, Muhammadiyah, and NU are most often highlighted by academics and the public in general. It is inseparable from the status of the three Islamic organizations as organizations with the most significant number of members in Indonesia.²³

The authors only found three fatwa institutions that responded to the halal tourism phenomenon: MUI, Muhammadiyah, and NU. MUI became the first institution to respond to the halal tourism phenomenon in 2016, a year after the issuance of the first regulation on halal tourism in Indonesia through NTB Governor Regulation Number 51 of 2015. The MUI fatwa on halal tourism was then often narrated as an exclusive fatwa,²⁴ different from the Halal tourism fatwa issued by Muhammadiyah, which tends to be progressive. It can be seen from how the two mass organizations define halal tourism and formulate critical concepts. NU, as the most prominent Islamic community organization, has yet to fully conceptualize halal tourism like other organizations. They only provide a few essential principles that need to be fulfilled by halal tourism, such as the concept of correct contracts and prohibitions on things that contain immoral elements.

²² Michel Foucault, *Discipline and Punish (The Birth of the Prison)*, trans. Alan Sheridan (New York: Pantheon Books, 1978): 23.

²³ Abdi Wijaya, "Respon Lembaga Fatwa terhadap Isu Fikih Kontemporer (Studi Komparatif Lembaga Fatwa MUI, Majelis Tarjih Muhammadiyah dan Bahtsul Masail NU)," *Mazhabuna: Jurnal Perbandingan Mazhab* 1, no. 2 (2019): 196.

²⁴ Moh Rasyid, *Fikih Pariwisata Indonesia: Dialektika Fatwa Pariwisata Syariah dan Paradigma Islam Rahmatan lil 'Alamin*, 1st ed. (Sukoharjo: Diomedia, 2022): 7.

1. Majelis Ulama Indonesia and Halal Tourism Exclusivity

MUI was the first Islamic organization to issue a fatwa on halal tourism in 2016. In DSN Fatwa No. 108/DSN-MUI/X/2016 concerning Guidelines for Organizing Tourism Based on Sharia Principles, MUI stipulates six points. First, MUI uses the term Sharia tourism. Second, the Sharia tourism element consists of tourists, the community, entrepreneurs (persons in charge of tourism, tour guides, Sharia hotels, and therapists), the government, and local governments. Third, the contracts used by Sharia tourism are *ijārah*, *wakālah bi al-ijrah*, and *ju'alah*. Fourth, Sharia tourism must avoid polytheism, immorality (pornography, pornoaction, alcohol, drugs, and gambling), excess, and evil. Fifth, tourists must maintain rituals of worship (*'ibādah*) and noble morals while travelling. Sixth, tourist destinations must respect socio-cultural values and local wisdom that do not violate Sharia principles, not display art and culture or attractions that conflict with Sharia principles, and the food and drinks provided must be halal certified.²⁵

From the fatwa above, the terminology used by the MUI is sharia tourism, not halal tourism.²⁶ It has implications for several articles in the fatwa. Although a person must maintain relations with socio-cultural values and local wisdom, the fatwa prohibits artistic and cultural displays and attractions that contradict Sharia principles. This needs to be reviewed because not all socio-cultural and local wisdom in society is in accordance with Sharia principles. Moreover, several places that have the potential to become tourist destinations are inhabited by non-Muslim communities.²⁷ Even though the nature of the fatwa is not binding,²⁸ several fatwas issued by the DSN-MUI are

²⁵ “Fatwa Dewan Syariah Nasional Majelis Ulama Indonesia No. 108/DSN-MUI/X/12016 tentang Pedoman Penyelenggaraan Pariwisata Berdasarkan Prinsip Syariah.”

²⁶ Moh Bahrudin, “Halal Tourism Governance Based on the Fatwa of the National Sharia Council on Tourism Improvement,” *Journal of Environmental Management and Tourism* 13, no. 7 (December 2, 2022): 2058–68.

²⁷ Muhammad Akbar and Syahrir Mallongi, “Prospek dan Strategi Pariwisata Halal pada Masyarakat Mayoritas Non-Muslim,” *Jurnal Iqtisaduna* 8, no. 2 (October 27, 2022): 112–14.

²⁸ See: Ichwan, “Towards A Puritanical Moderate Islam: The Majelis Ulama Indonesia and the Politics of Religious Orthodoxy,” 73; Khadijatul Musanna and Ali Sodikin, “Debates in Modern Economic Transactions: Assessing the Gopay Agreement in the Perspective of Indonesian Ulama,” *Asy-Syir'ab: Jurnal Ilmu Syari'ah dan Hukum* 55, no. 2 (June 15, 2022): 334.

considered to be relied upon by the government, especially fatwas relating to Sharia financial issues.²⁹

The DSN-MUI fatwa has raised many pros and cons among the public. The pro parties include the West Nusa Tenggara (NTB) regional government, which then issued new regulations regarding halal tourism, namely Regional Regulation No. 2 of 2016, which accommodated many points of MUI's fatwa on Sharia tourism s after issuing a Governor's Regulation in 2015. Many opposing parties came from academic circles who sharply criticized the MUI's fatwa on Sharia tourism, calling it an exclusive fatwa.³⁰ This is partly due to the MUI's non-inclusiveness in formulating fatwas regarding halal tourism. The MUI's orientation as a servant of the Muslim community (*khādim al-ummah*) has influenced the process of making fatwas.³¹ The hegemony of the MUI, which rejects religious pluralism, liberalism, and secularism, is also manifested in the exclusivity of the DSN fatwa. Therefore, it is not surprising that DSN fatwas tend to be exclusive. Structurally and ideologically, DSN is under the auspices of the MUI. The fatwa is also considered very normative and does not involve sociological arguments.³²

2. Nahdlatul Ulama and Unfinished Halal Tourism Fatwa

NU began discussing halal tourism in 2017, a year after the MUI fatwa on Sharia tourism was issued. Halal tourism was addressed at the NU National Conference (Munas) and Grand Conference (Konbes) held in NTB, a province that is intensively developing halal tourism. Only on March 31, 2019, did LBM-PCNU Pasuruan Regency discuss tourism from an Islamic perspective.³³

The results of the *bahtb al-masā'il* held by LBM-PCNU Pasuruan Regency concluded in four points. First, the contract used by tourists

²⁹ See: Ichwan, "Towards A Puritanical Moderate Islam," 74; Akhmad Faozan, "Implementasi Shariah Governance di Bank Syari'ah," *Jurnal Asy-Syir'ah* 49, no. 2 (2015): 349.

³⁰ See: Rasyid, "Fikih Pariwisata Indonesia," 7; Dzukroni, "Diskursus Halal dan Dilema Agama di Ruang Publik," 110.

³¹ Ichwan, "Towards A Puritanical Moderate Islam," 63.

³² Moh Rasyid, "Fikih Pariwisata Indonesia", 201.

³³ LBM PCNU Pasuruan, "Rumusan Bahtsul Masail LBM PCNU Kabupaten Pasuruan Seputar Pariwisata" (Pondok Pesantren Al-Yasini, Pasuruan: LBM PCNU Kab. Pasuruan, March 31, 2019).

and halal tourism managers is the *ibahah al-intijā' bi al-'iwad* or *idhn bi al-'iwad*, which allows someone to use the goods they own and exchange them for a reward. The fatwa emphasizes that the contract in halal tourism is not an *ijārah* contract like the DSN-MUI fatwa. Second, income obtained from halal tourism is legal as long as it is not used for immoral purposes. Third, waiters or staff working at tourism destinations are not allowed to assist in immoral acts (*i'ānah alā al-ma'ṣiyah*), and all parties involved in organizing tourism are not allowed to participate in immoral acts. Fourth, the permissibility of performing *qasr* prayers as long as one does not intend to commit disobedience.³⁴

The formulation of halal tourism carried out by NU is not complete. Unlike MUI, NU only provides substantial points that need to be considered in implementing halal tourism without providing clear definitions and boundaries. Apart from that, NU's concept of halal tourism is in a particular form that is not necessarily related to one another. At the same time, the MUI fatwa rigidly provides an integrative concept, starting from services and moving to the substance of tourist destinations.

3. Muhammadiyah and Halal Tourism Inclusivity

In contrast to NU, Muhammadiyah seems more active and enthusiastic in welcoming the halal tourism discourse. Sandiaga Uno, Minister of Tourism and Creative Economy (Menparekraf), also collaborated with Muhammadiyah in developing halal tourism.³⁵ This is inseparable from the Muhammadiyah Movement's building of a halal tourism ecosystem through the Muhammadiyah Tourism Network institution. This institution targets various public segments ranging from hospitals, universities, schools and other institutions that annually need tourism services.³⁶ Apart from that, studies on halal tourism have begun to become popular in Muhammadiyah academic circles. Some of those who have taken part in the halal tourism discourse within Muhammadiyah are the Majelis Tarjih and Tajdid in 2022, the Economic and Entrepreneurship Council represented by Heri

³⁴ LBM PCNU Pasuruan.

³⁵ *detikjateng*, "Sandiaga Uno Gandeng Muhammadiyah Kembangkan Wisata Halal," 01 2022, <https://www.detik.com/jateng/wisata/d-6157782/sandiaga-uno-gandeng-muhammadiyah-kembangkan-wisata-halal>.

³⁶ "Jaringan Wisata Muhammadiyah," n.d., <https://wisatamu.id/d41d8-about-us/>.

Zudianto, and Haedar Nasir as General Chair of the Muhammadiyah Central Leadership.

From the Muhammadiyah perspective, there are four primary points related to halal tourism. First, halal tourism must be flexible, and there is no need to overdo it in creating parameters or indicators and prioritizing priorities based on the rules of *taqdim al-aham min al-mubim* (prioritizing the most important among the important ones). Second, by basing its fatwa on *al-'illah al-ghā'iyah* (final cause), Muhammadiyah allows musical performances and visiting temples in tourist attractions as long as they provide benefits.³⁷ This second point shows that “non-Muslim” destinations can also become halal tourism destinations. Third, halal tourism does not focus on Islamic symbols but on service. Muhammadiyah also emphasizes the Muslim-friendly concept, prioritizing service aspects rather than symbols. Fourth, halal tourism is not only for Muslims but also for non-Muslims.³⁸

Haedar Nashir said that Muhammadiyah views halal tourism as not only for the benefit of Muslims but also for the general public. This statement from Muhammadiyah’s highest leadership, in general, shows the inclusiveness of the orientation brought by Muhammadiyah. Nadratuzzaman Hosen, the Principal Director of the Halal Inspection and Halalan Thayyiban Study Institute (LPH-KHT), also said that halal tourism is a *mu‘āmalah* issue that must be opened to the public.³⁹ Halal tourism, included in *mu‘āmalah duniyāwiyah* domain (secular), should be flexible.⁴⁰ Therefore, it can be concluded that Muhammadiyah emphasizes the importance of inclusiveness and flexibility in

³⁷ “Al-'Illah al-Gha'iyah untuk Hukum Musik dan Wisata Candi,” *Muhammadiyah.or.Id* (blog), March 2022, <https://muhammadiyah.or.id/al-illah-al-ghaiyyah-untuk-hukum-musik-dan-wisata-candi/>.

³⁸ *muhammadiyah.or.id*, “Akibat Salah Paham dan Salah Memahami tentang Wisata Halal,” March 2022, <https://muhammadiyah.or.id/akibat-salah-paham-dan-salah-memahami-tentang-wisata-halal/>.

³⁹ “Pariwisata Halal Indonesia Belum Mampu Rajai Wilayah Asean, Peran Muhammadiyah Ditunggu,” *Muhammadiyah.or.Id* (blog), May 2022, <https://muhammadiyah.or.id/pariwisata-halal-indonesia-belum-mampu-rajai-wilayah-asean-peran-muhammadiyah-ditunggu/>.

⁴⁰ “Berada di Wilayah Muamalah, Pariwisata Halal Jangan Malah Lebih Banyak Larangannya,” *Muhammadiyah.or.Id* (blog), May 2022, <https://muhammadiyah.or.id/berada-di-wilayah-muamalah-pariwisata-halal-jangan-malah-lebih-banyak-larangannya/>.

implementing halal tourism because it is oriented towards good tourism services for Muslim and non-Muslim tourists.

***Istinbath* and Halal Tourism Fatwa Debate: Between Exclusivity and Inclusivity**

Many fatwa institutions actively respond to current issues in Muslim society, including the issue of halal tourism. Understanding the law-making methods these Islamic organizations use to gain a deeper understanding of the various fatwas on halal tourism is essential. Mainstreaming these methods will facilitate a more comprehensive understanding of the cognitive and reasoning framework (episteme) adopted by each organization. This section discusses the methods of *ijtihad* (legal reasoning) used by several fatwa institutions of Islamic organizations.⁴¹

1. DSN-MUI and Fatwa Insyā'ī

Asrorun Ni'am Sholeh, Chair of the MUI Fatwa Commission, classified the functions of MUI fatwas into four: *ta'yidī*, *iṣlāhī*, *tashhīhī*, and *insyā'ī*. *Ta'yidī* fatwa functions to strengthen state policies made for the benefit of society. *Iṣlāhī* fatwa serves to enhance the substance of public policy and to provide corrections and justifications for the policy to comply with Islamic law. *Tashhīhī* fatwa serves to correct, justify, and provide normative comparisons for public policies that do not follow Islamic law. *Inshā'ī* fatwa serves to guide the public and public policy on a specific issue.⁴²

In extracting laws and making fatwas, the Fatwa Commission uses three approaches, namely the *naṣṣ qat'ī*, *qawli*, and *manhajī* approaches. These three approaches are the basis for formulating fatwas. The *naṣṣ qat'ī* approach is making fatwas based on the Quran and hadith. This use of primary sources applies to more general problems, as not all questions have explicit answers in the *naṣṣ*.

⁴¹ For methods of establishing law by Persis, Muhammadiyah, NU and MUI, see M. B. Hooker, *Indonesian Islam: Social Change through Contemporary Fatawā*, (Crows Nest, NSW: Asian Studies Association of Australia in association with Allen & Unwin and University of Hawai'i Press, Honolulu, 2003); Ahmad Fathan Aniq, "Discovering Indonesian Islam through Fatāwā," *Ulumuna* 12, no. 2 (2007): 393–408.

⁴² Delivered by Asrorun Ni'am Soleh at the Open Senate Session for Inauguration of Professors & Scientific Oration entitled "Living Fatwa, Transformasi Fatwa dalam Perilaku dan Kebijakan Publik di Era Milenial" in UIN Syarif Hidayatullah Jakarta, February 22, (2023).

Therefore, the Fatwa Commission relies on verses from the Quran and hadith, which have universal values relevant to the issue.⁴³

The second approach is *qawli*, namely formulating and establishing fatwas based on the opinions of ulama and scholars from certain schools of law (*madzhab*). If the issue in question is explicitly discussed in a scholar's opinion, then it is sufficient to quote it. However, if the ulama has no opinion on the issue, then re-research is carried out by understanding the *'illat* (cause) of the existing law. As for the third approach (*manhaj*), the settlement of legal issues relies on the rules and principles established by the ulama. These rules and principles serve as the basis for the Fatwa Commission's thinking in establishing laws. In other words, the Fatwa Commission uses the basis and way of thinking of previous ulama to answer current problems.⁴⁴

The MUI's fatwa on Sharia tourism can be categorized as an *insbā'i* fatwa, which is used as a guide for society and the government in dealing with actual issues. As an *insbā'i* fatwa, several regional governments have accommodated this fatwa as Regional Regulations regarding halal tourism. In formulating Sharia tourism fatwas, the MUI is quite complete in attaching various reference sources, from the Quran, hadith, and Islamic law, to the opinions of the ulama.

By referring to the Quran, MUI quotes several verses that show recommendations for travelling to Earth to take lessons. The MUI also refers to the hadith in its fatwa, showing the advantages of travelling. One interesting hadith explains a warning to a Muslim who travels to a place of doom. With this hadith, the MUI wants to show that there are tourist attractions that are not worth visiting because they are not in accordance with Islamic teachings. In other words, the exclusivity of MUI fatwas can be seen from how the MUI selects the reference sources used in formulating fatwas. Therefore, it is not surprising that the sixth and seventh points of the MUI's fatwa on Sharia tourism prohibit tourist destinations that conflict with Sharia principles and contain elements of polytheism or *keburafāt*. As we know, several of the leading tourist destinations in Indonesia display customs that are not always in accordance with the principles of Islamic teachings, such as

⁴³ Heri Fadli Wahyudi and Fajar, "Metode Ijtihad Komisi Fatwa Majelis Ulama Indonesia dan Aplikasinya dalam Fatwa," *Cakrawala: Jurnal Studi Islam* 13, no. 2 (2018): 126–27.

⁴⁴ Heri Fadli Wahyudi and Fajar, 127–28.

Balinese traditional dances and the hanging tombs of Tana Toraja. Referring to the MUP's fatwa on Sharia tourism, these two tourist destinations cannot be categorized as halal tourism even though the services provided meet the needs of Muslim tourists.

2. LBM-NU: Mainstreaming the Taqir and Ilhāq Method

At the 34th Congress of NU in 2021, the NU's Bahtsul Masail agenda focused not only on the context of everyday jurisprudence but was much broader and divided into three commissions.⁴⁵ The three commissions were the *Bahth al-Masā'il Dīniyah Waqī'iyah* Commission (contextual), *Mauḍu'iyah* (thematic), and *Qanuniyyah* (Legislation). The themes discussed are the confiscation of people's land, people with mental disorders (Orang Dengan Gangguan Jiwa/ODGJ), the position of legal entities in Islam, the Law Draft (Rancangan Undang-undang/RUU) for the Protection of Domestic Workers (Perlindungan Pekerja Rumah Tangga/PPRT), recommendations to the People's Representative Council (DPR) to make laws on climate change.⁴⁶

Abdul Moqshit Ghozali, the then Deputy Chairman of the Bahtsul Masail Body of Nahdlatul Ulama, classified the law-making methodology in Bahtsul Masail into three steps. First, if an issue already existed in *al-kutub al-mu'tabarab*,⁴⁷ it is sufficient to quote the opinion of the scholars in the book without conducting *istinbāt* (legal excavation). This method is commonly called *taqrīr* (determination) method. Second, if the issue is not explicitly addressed in the previous sources, the *ilhāq* method is used. It is by analogizing the condition of the current problems with legal products in previous books that have the same legal cause (*'illat*). Third, if the issue is a new matter that cannot be found in the previous sources or texts, *istinbāt jamā'i* is carried out (namely legal excavation, which is carried out jointly).

⁴⁵ The Mukhtamar is NU's most extensive agenda, which contains the election of Rais 'Aam and the General Chair, Bahtsul Masail Nasional, up to the reading of the Recommendations.

⁴⁶ "Kaledioskop 2021: Mukhtamar ke-34 NU dan Beberapa Putusan Bahtsul Masail," *NUOnline* (blog), December 30, 2021, <https://www.nu.or.id/nasional/kaledioskop-2021-mukhtamar-ke-34-nu-dan-beberapa-putusan-bahtsul-masail-Bps7B>.

⁴⁷ *Kutub Mu'tabarab* are books about Islamic teachings that are in accordance with the *aqidab*, *sharia* and sufism of *Ahlussunnah Waljama'ab*. In the context of *bahtsul masail*, the *kutub mu'tabarab* is a reference that recognized as a source in law making.

Furthermore, Ghozali explained that the *istinbāt jamā'ī* method has three models.⁴⁸ The first is *istinbāt bayānī*, which is based on the Quran and hadith. The second is *istinbāt qiyāsī*, analogizing a case with other cases that have been mentioned in primary sources. The third is *istinbāt maqāṣidī*, analogizing a problem with one of the five elements in *maqāṣid al-sharī'ah* (goals of Sharia), namely *hifẓ al-dīn* (guarding religion), *hifẓ al-nafs* (guarding the soul), *hifẓ al-'aql* (guarding reason), *hifẓ al-nasl* (guarding offspring), and *hifẓ al-māl* (guarding wealth).⁴⁹ Ghozali's statement was further confirmed by Afifuddin Muhajir, one of the chairs of the steering committee (*shūriah*) of *Nahdlatul Ulama*.⁵⁰

As stated in the previous sub-chapter, LBM NU Pasuruan focuses the discussion of halal tourism on four substantial points, namely the contract (*'aqd*) or transaction model used by tourism organizers and visitors, the income status of tourism organizers, the status of working at tourist attractions, and the problem of prohibitions in tourism. In formulating the halal tourism fatwa, NU uses *taqrīr* (determination) and *ilhāq* (analogy) methods. For the first point, for example, NU made an analogy of a halal tourism contract with a contract for the use of public toilets. Both have the same characteristics, namely using something (goods or services) in exchange for money, called an *ibābat al-intifā' bi al-ivād* contract. The formulation of this fatwa refers to *Tuhfat al-Muhtaj*.

In the second point, NU uses the *taqrīr* method by quoting directly from a classical *fiqh* book that discusses the problem of income from a tourism business, which is suspected to be used by visitors to commit immorality. NU breaks down the law into three, namely *syubhat qonīyah* (strongly recommended to be avoided) if it is strongly suspected that visitors are using it to commit immorality, *syubhat kbhofifah* (recommended to be avoided) if there is still suspicion that it is being

⁴⁸ Delivered by Abdul Moqsih Ghozali and Afifuddin Muhajir at the Bahtsul Masail School entitled "Genealogi, Metodologi, dan Kontekstualisasi: Sejarah, Dinamika, dan Relevansi Bahtsul Masail" in South Tangerang, September 18 2021.

⁴⁹ For the significance of *maqāṣid ash-Sharī'a* in the excavation of Islamic law, see Ahmad Fathan Aniq, "Maqāṣid Al-Syariah Wa Makānatuhā fi Istinbāt al-Aḥkām al-Syāriyyah," *Al-Qanun* 12, no. 1 (2009): 1–24.

⁵⁰ Arisy Abror Dzukroni, "The Polemic of Pig Kidney Xenotransplantation for Human Life Sustainability: An Overview of Islamic Legal Thoughts between Halal-Haram Principle and the Concept of Mashlahah," *Mazabib: Jurnal Pemikiran Hukum Islam* 21, no. 1 (2022): 84.

used to commit immorality, and the last one is halal if there is no such suspicion at all. The formulation of the fatwa in this second point is then related to the third and fourth points. These last two points relate to the organizers and workers involved in it. Using the *taqrir* method, NU concluded that providing facilities which support immoral acts (*i'anab alā al-ma'siat*) cannot be called halal tourism. Moreover, organizers and workers can incur sin if they are deliberately involved in providing immoral facilities.

Even though this NU's fatwa on halal tourism does not provide a clear and complete concept and definition of halal tourism, it gives an exclusive impression. In other words, this fatwa cannot be applied to several leading destinations, such as Bali and Tana Toraja, which have an image as traditional and cultural destinations affiliated with certain religions other than Islam and are certainly not in accordance with Islamic teachings. This fatwa is still oriented towards the interests of Muslim tourists without considering the interests of non-Muslims as a whole.

3. **Majelis Tarjih Muhammadiyah: Bayani, Burhani, Irfani**

Muhammadiyah has a special institution with the authority to issue fatwas. The institution, initially called the Majelis Tarjih, was founded in 1928. The name was then changed to the Majelis Tarjih and Development of Islamic Thought in 1995 and then changed again to the *Tarjih* and *Tajdid* Council in 2005. Muhammadiyah believes that *tarjih* is no longer interpreted only as strengthening or sorting out and selecting an existing argument and opinion but more than that which is almost identical to *ijtihad*. *Tarjih* of Muhammadiyah responds to social and humanitarian issues from the perspective of Islamic law and other broader perspectives of Islam.⁵¹

To understand the Muhammadiyah *ijtihad* model, Syamsul Anwar, one of the Muhammadiyah leaders, divided the model into four parts. First, the basic principles used in *tarjih* such as understanding, *tajdid*, tolerance, openness, and not being affiliated with any sect. Second, the source of religious teachings, namely the Quran and *as-*

⁵¹ Syamsul Anwar, *Manhaj Tarjih Muhammadiyah* (Yogyakarta: Gramasurya, 2018): 1–5.

sunnah al-maqbūlah. Third, approach, namely *bayānī*, *burhānī*, and *irfānī*.⁵² Fourth, technical procedures. The *tarjih* method is divided into two assumptions: integral assumptions and hierarchical assumptions.⁵³ The Majelis Tarjih of Muhammadiyah is an institution with limited freedom in formulating fatwas. It is said to be free because it is not affiliated with a school of thought or *madzhab*, and it is limited because it has its own fatwa methodology.

In formulating the concept of halal tourism, Muhammadiyah tends to use a *burhani* approach, namely responding to a problem using a general scientific approach. One of the tools used in formulating fatwas is *ushūl al-fiqh* and *maqāshid al-sharia*, which prioritize human reason. One exciting thing was when they came up with the theory of *taqdīm al-aham min al-muhim* (prioritizing the more important among the important ones). This theory is closely related to priority *fiqh*, whose basic building is *maqāshid al-sharia*.⁵⁴ By using this theory as a framework for thinking, Muhammadiyah concluded that halal tourism projects must be implemented according to a priority scale. This conclusion then gave rise to the idea that halal tourism is not always intended for Muslim tourists but also for non-Muslims.

By providing basic facilities that are necessary for Muslims when travelling, such as places of worship, ablution facilities, and halal food and drinks, a tourist destination is worthy of being a halal tourist destination or Muslim-friendly tourism. It is based on the consideration that providing these facilities is more important than neutralizing tourist destinations from immoral acts, even polytheism and *khurafāt*. Especially if what is called polytheism and *khurafāt* are customs and culture that are at the core of tourist destinations. If these customs and cultures are removed, it is feared that the destination in question will lose its appeal and value. Therefore, this Muhammadiyah halal tourism fatwa can be categorized as an inclusive fatwa.

After exploring the legal deriving methods used in formulating the concept of halal tourism, it is not surprising that each institution has a different opinion. The MUI's legal decision-making method is

⁵² Afifi Fauzi Abbas, "Integrasi Pendekatan Bayani, Burhani, dan Irfani dalam Ijtihad Muhammadiyah," *Abkam: Jurnal Ilmu Syariah* 12, no. 1 (2012): 52–54.

⁵³ Anwar, *Manhaj Tarjih Muhammadiyah*, 6–18.

⁵⁴ Yusuf al-Qaradhawi, *Fī Fiqh al-Aulawīyyat wa Dirāsah Jadīdah fī Dhon' Al-Qurān wa as-Sunnah* (Kairo: Maktabah Wahbah, 1996), 35.

quite comprehensive, starting from tracing the Quran and Hadith directly and applying the rules of jurisprudence to sort out the opinions of the ulama. However, the MUI has failed to produce a comprehensive fatwa that considers various aspects, thus giving birth to an exclusive fatwa. NU, keeping ties to previous schools of thought and ulama, does not provide many innovations in the fatwas that have been formulated. The results show that NU is less able to offer a comprehensive halal tourism concept and, again, is still oriented towards the interests of Muslim tourists. Hence, it tends to become an exclusive fatwa. Muhammadiyah is an institution that has succeeded in providing a comprehensive concept of halal tourism. The *burhāni* method helps them to produce inclusive fatwas.

The Domination of MUI Fatwa in Regulating Halal Tourism

Differences in backgrounds, perspectives, and law enforcement models make the fatwa institutions in Indonesia produce diverse fatwas. This kind of contest is what Stark calls a contest that can improve the quality and quantity of religious organizations.⁵⁵ Following Stark and Finke, these differences do not necessarily constitute conflict but are the beginning of healthy religious competition.⁵⁶ By competing, each party will continue to improve themselves. The fatwa institution is no exception.

Despite the quite diverse differences of opinion among Islamic mass organizations, the MUI is still the institution most often considered by the government in policy-making. It cannot be separated from the historical factors of the MUI, an institution formed by the government. Soeharto formed MUI to increase its political power in 1975 as a semi-official institution and act as *khādīm al-hukūmah* (government assistant). MUI is also Indonesia's most authoritative Islamic organization and a semi-official religious authority.⁵⁷ Moch. Nur Ichwan emphasized that the MUI, which is said to represent all Islamic organizations in Indonesia and is considered a moderate

⁵⁵ Rodney Stark, "Economics of Religion," in *The Blackwell Companion to the Study of Religion*, ed. Robert Alan Segal, Blackwell Companions to Religion (Malden, MA: Blackwell Pub, 2006), 63.

⁵⁶ Roger Finke and Rodney Stark, "The Dynamics of Religious Economies," in *A Handbook of the Sociology of Religion*, ed. Michele Dillon (New York: Cambridge University Press, 2003), 109.

⁵⁷ Ichwan, "Towards a Puritanical Moderate Islam," 61.

Islamic group, is, in fact, a puritanical moderate Islamic organization, namely an organization or group that is oriented towards moderation but tends to purify Islamic teachings so that it is classified as conservative.⁵⁸ MUI's moderate orientation can be seen from several aspects, including rejection of radicalism and terrorism, acceptance of modernity, and acceptance of the form of the Unitary State of the Republic of Indonesia, which is based on Pancasila and democracy, not Islam.⁵⁹

In addition, the presence of traditional ulama in the highest leadership of MUI does not necessarily influence MUI's religious attitudes. Likewise, although the MUI adopted the slogan "softening the hardliners, hardening the soft-minded," it still leaned toward a radical orientation. Several factors that caused this condition were the voices of radical groups more significant than moderate ones, the MUI's inclination towards reformist puritans rather than mainstream traditionalists, and the absence of liberal groups in the council and their failure to gain the sympathy of the MUI.⁶⁰

One of the functions of the MUI fatwa is *insyā'ī*, as a guide for society or the government in dealing with actual issues. Unlike MUI, which has more privileges in interacting with the government, other Islamic organizations such as NU and Muhammadiyah do not have formal relations with the government. Even though the MUI has transformed from a semi-governmental institution to a civil society organization in the post-New Order era, it still maintains its privileges towards the government.⁶¹ One of the MUI's special features is its influence in drafting laws.⁶² Sahal Mahfudz, the then chairman of MUI and the then chairman of NU's steering committee, argued that the results of the NU *baḥṡh al-masā'il* decision had no structural function. In other words, it does not need to be conveyed to the government as

⁵⁸ Moch Nur Ichwan and Nina Mariani Noor, "The New Direction of the Indonesian Ulama Council (MUI)," in *Ulama and The Nation-State: Comprehending the Future of Political Islam in Indonesia* (Banten: PPIM UIN Jakarta, 2019): 55-58.

⁵⁹ Ichwan, "Towards A Puritanical Moderate Islam," 63.

⁶⁰ Ichwan, 61-65.

⁶¹ Martin van Bruinessen, "Overview of Muslim Organizations, Associations, and Movements in Indonesia," in *Contemporary Development in Indonesian Islam: Explaining the Conservative Turn* (Singapura: ISEAS Publishing, 2013), 30.

⁶² Moch Nur Ichwan, "'Ulamā', State and Politics: Majelis Ulama Indonesia after Suharto," *Islamic Law and Society Brill* 12, no. 1 (2005), 72.

advice in making policy but rather has a cultural function or community religious guidance. This was not done to turn Indonesia into a religious state.⁶³

Regulating *Halal* Tourism in Indonesia: Towards an Exclusive Society

Besides MUI, NU and Muhammadiyah have promoted the issue of halal tourism through legal excavation work, which has resulted in fatwas and recommendations. The MUI's and NU's fatwa can be categorized as exclusive fatwas. Even though they both can be considered exclusive, the NU fatwa provides more flexible insights. In other words, the MUI fatwa is exclusive-procedural, and the NU fatwa is exclusive-substantive. However, the Muhammadiyah fatwa that emerged recently provided a new, more inclusive and flexible insight on the issue of halal tourism in Indonesia.

Furthermore, the MUI fatwa is the most often referred to fatwa in forming regional regulations. NTB Regional Regulation (Perda) No. 2 of 2016 is the first regional-level regulation to accommodate the MUI fatwa regarding halal tourism. Article 13, paragraph (2) explicitly explains that the halal tourism industry management follows the provisions set by DSN-MUI, namely DSN-MUI Fatwa No. 108/DSN-MUI/X/2016. This data shows that the previously non-binding MUI fatwa later became the legal basis in NTB Regional Regulation No. 2 of 2016. In addition, Article 14, paragraphs (1) and (2) state that the implementation of halal tourism must comply with sharia standards in the form of certification carried out by DSN-MUI. Article 18, part C also indicates that the organization of tourist trips must comply with the DSN-MUI Standard Operating Procedures (SOP).

In addition to NTB Regional Regulation No. 2 of 2016, Riau Governor Regulation No. 18 of 2019, Pekanbaru Mayor Regulation No. 59 of 2019, Muara Enim Regency Regional Regulation No. 15 of 2019, Aceh Jaya Regency Qanun No. 10 of 2019, and Bandung Regency Regional Regulation no. 6 of 2020 also make the MUI fatwa a benchmark and reference in regulating halal tourism. In addition, several crucial articles in these regulations even have the same editorial as NTB Regional Regulation No. 2 of 2016 when referring to halal tourism standards formulated in the MUI fatwa. One of the same

⁶³ Ghozali and Muhajir, "Genealogi, Metodologi, dan Kontekstualisasi".

editorial statements is stated explicitly in Article 11 of Riau Gubernatorial Regulation No. 18 of 2019 and Article 12 of NTB Regional Regulation No. 2 of 2016. The two articles state, “The halal tourism industry is tourism businesses that sell tourism services and products based on Sharia principles as determined by the DSN-MUI.”

Foucault stated that knowledge determines the direction of policy taken by the government (power).⁶⁴ In the context of *halal* tourism, knowledge is generated by many groups and institutions, ranging from Islamic community organizations such as MUI, NU, Muhammadiyah, and Persis, to authoritative institutions such as the Ministry of Tourism, Ministry of National Development Planning, Indonesian Bank, and The National Committee for Sharia Economics and Finance (KNEKS). Each of these groups and institutions produces different knowledge about *halal* tourism. Stark, who views religious phenomena from an economic perspective, identifies supply and demand as the main variables in the religious derivation discourse. While religious teachings (products) are equivalent to supply, people’s need for religious beliefs is equivalent to demand. Stark stated that the significant variation in demand (need for religion) indicates the diversity of supply (religious teachings). In other words, according to Stark, the diversity of religious teachings carried out by various organizations will further increase the involvement of religion in society. In the context of halal tourism, the DSN-MUI concept has “monopolized” the halal tourism discourse.

For Stark and Finke, competition among religious communities to interpret Islamic law will not occur once religious principles are formalized, as it has been done with halal tourism in several regional regulations. Stark and Finke have written extensively on the impact of religious regulations and the importance of religious competition. The following are some of the claims they made. First, as long as religion is not regulated, plurality will be maintained. Second, if religion is unregulated and competitive, then overall levels of religious involvement will be high. Third, even though competition is limited, religious groups can maintain high levels of religious involvement as long as they can manage social conflict in society. Based on the three theses above, the legalization of religion inhibits the growth of religious involvement in society. The affirmation of halal tourism discourse in

⁶⁴ Foucault and Gordon, *Power/Knowledge*, 60.

Indonesia is a form of eliminating religious competition. It differs from the claim that halal tourism is committed to incorporating religious values into people's daily lives (sacralization of daily life). However, when religious diversity does not exist, the religious communities involved must always try to provide solutions to conflicts that occur in society.

Conclusions

In the context of halal tourism regulations in Indonesia, each Islamic organization has a different approach to responding to the issue. Fatwa discourse on halal tourism, carried out by MUI, NU, and Muhammadiyah, can be divided into two categories: exclusive and inclusive fatwas. MUI, considered to represent all Islamic organizations in Indonesia, uses a comprehensive legal approach by referring to the Quran, Hadith, Islamic law, and the opinions of previous ulama. MUI fatwas, especially those issued by the DSN-MUI, tend to be exclusively procedural by setting rigid standard operating procedures. On the other hand, NU, affiliated with *madhhabs*, relies more on the opinions of previous ulama in its fatwas, although it remains exclusive but with a substantial touch. Muhammadiyah, not affiliated with a *madhhab*, tends to produce substantive-inclusive fatwas because it uses the more flexible *bayani* method.

The dominance of MUI fatwas is reflected in the wide integration and acceptance of various regional regulations related to halal tourism. The process of Indonesian shariatization through MUI fatwas into several regional regulations resulted in a form of formalization of sharia, which shows an exclusive orientation towards the interests of Muslims. Thus, the development of halal tourism in Indonesia tends to lead to exclusivity, especially if it only adheres to the MUI fatwa. This phenomenon emphasizes the importance of knowledge and policy control by Islamic institutions in the regulatory landscape of halal tourism in Indonesia. Finally, this research provides further insight into the issue of halal tourism and the role of fatwas in Indonesia. Meanwhile, the literature approach used in this research provides a basis for further empirical research in the same context.

Conflicts of Interest

The authors have no conflict of interest with any party in writing this article.

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