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# HALAL TOURISM IN WEST NUSA TENGGARA: A LEGAL AND ECONOMIC PERSPECTIVE

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#### **Abstract**

This research aims to find out the implementation forms of halal tourism through establishment of local law as well as to find out it impact toward economic development in Nusa Tenggara Barat. This article examines several questions namely what is the implementation forms of the local laws regarding halal tourism and what are the impact of the local law toward economic development in West Nusa Tenggara. The problem formulations are examined using qualitative research method which applying document studies and in-depth interviews with relevant informant. Research result indicates that the implementation of the Perda is not fully strict due to business consideration and calculation. Halal tourism brought positive economic effect especially in terms of job variety and income improvement. It can be concluded that halal tourism concept in NTB is not fully implement Syariah compliance and there is an increase trend of tourists visit to NTB after halal tourism was introduced.

Keywords: Halal; tourism; legal; economic; Indonesia

#### INTRODUCTION

In Islam, traveling or moving from one place to another (*i.e* tourism) considered as a basic right and therefore rely on regulation and boundaries stated in Al Qur'an. Nowadays, the topic on halal tourism has more intensively discussed, since Islamic law has become an un-separated part of Indonesians life<sup>1</sup>. In business context, halal tourism is an alternative variant over existed conventional tourism. Besides, the increasing

<sup>&</sup>lt;sup>1</sup> Faisal. M, 2017, The existence of religion court in economic Sharia dispute settlement in Indonesia, Jurnal IUS, Vol 5, No.3, pg 399

number of Muslim population throughout the world<sup>2</sup> can be viewed as a potential and promising market segment for tourism industry<sup>3</sup>. Therefore, the needs and requirements of Muslim customer (tourists) getting more noticed in the global tourism industries, as it offer various goods and services as well as supporting facilities to adjust the above needs.

One of the halal tourism pioneers in Indonesia is the province of West Nusa Tenggara (NTB). Halal tourism concept developed in NTB is the first differential tourism model in Indonesia. It is important to note that for Muslims Islam is viewed not only as a belief but also as a way of life providing guidelines on how to conduct business. Such movement is inline with tourism principles as regulated in Indonesian law number 10 of 2009, Article 5 concerning tourism which stated that tourism activities is conducted by having regard to the religion, culture and local wisdoms which in turn may distribute benefits for local welfare, justice, consciousness and public proportionality especially in the form of local economic empowerment.

Legal basis of halal tourism in NTB is local act (*Peraturan Daerah/ perda*) number 2 of 2016 concerning halal tourism. According to this law halal-ness shall covers various aspects including destinations, marketing and promotion, industry, institution, development and supervision and financing.<sup>5</sup> Establishment of this law is expected to be able to convince Muslim tourists to visit NTB and contribute to local economy, as world wide Muslims spent approximately US 185 billion or 7.7 percent of global spending for recreation and media in 2013 and predicted to grow. Based on the above background several research questions are formulated as follows:

- 1. What are the implementation forms of local law concerning tour ism in Nusa Tenggara Barat?
- 2. What are the impacts of the implementation of halal tourism in Nusa Tenggara Barat to local economic development?

To achieve the above aims, qualitative research method is conducted by means of collecting and analyzing related regulations in national and local level. As well as analyzing reports, surveys and other documents related to economic challenge and opportunities and interviewing those who concern in the subject matter.

<sup>&</sup>lt;sup>2</sup> Battour, Mohamed. & Ismail, Mohd, Nazari, 2018, Halal tourism: concept, practices, challenges and future, Tourism management perspective, Proceedings of the 3<sup>rd</sup> International Halal conference (INHAC) 2016, Springer nature, pg 2

<sup>&</sup>lt;sup>3</sup> Battour, Mohamed, & Ismail, Mohd, Nazari, 2014, The role of destination attributes in Islamic tourism. SHS Web of Conferences, 12, 01077. http://dx.doi.org/10.1051/shsconf/20141201077

<sup>&</sup>lt;sup>4</sup> Sulhaini, *et.al*, 2017, Developing halal tourism destination: investigating Lombok's potentials from destination marketing perspective, Proceeding of the tourism outlook conference 2015, Springer, Nature, pg 68-69

#### **DISCUSSION**

#### BASIC CONCEPT OF HALAL TOURISM

According to Rinschede<sup>6</sup>, there is a strong connection between religious institutions and tourism, bearing in mind that religion is people's dominant motivation to travel. Moreover, Vuconic<sup>7</sup> described human being as *homo turisticus religious* since religious motivated traveling has generally accepted and become a significant discussion in tourism literatures whether in consumption or offer topic. In such a circumstance, religion is no longer a matter of private the existence of halal tourism is an advance form of pilgrimage and cemetery travel which has known for centuries by Islam community around the world. In other word, religion is no longer a private matter since it gradually took bigger part in public's social and political space.

Meanwhile, "halal" is an Arabic origin which generally can be defined as all that is allowed. Al-Qaradawy<sup>8</sup> described that halal term refers to "that which is permitted, with respect to which no restriction exist and the doing of which the law-giver Allah, is allowed". Nevertheless, halal tourism is not meant to be exclusively designed for Muslim. The non believer may also receive such Islamic-ethic services. Therefore, Indonesian Ministry of tourism uses the term "family friendly tourism" for above services for the sake of promotion.

Farahani dan Anderson emphasize that "Islamic tourism can be defined as traveling activities of Muslim when moving from one place to another or when residing at one place outside their place of normal residence for a period less than one year and to engage in activities with Islamic motivations". It should be noted that Islamic activities must be in accordance with generally accepted principles of Islam, i.e. "halal". Basically, halal tourism concept must guarantee the availability of worship facilities, halal food and beverages as well as vice-free services and facilities.

In term of practice, the "halal tourism" term is often used interchangeable with Islamic tourism and syariah tourism due to the proximity of meaning. Therefore it can be concluded that halal tourism refers to activities related to tourism which based on Islamic rules. Therefore, every event and dispute settlement related to the implementation of halal tourism shall be referred to Al-Qur'an and al Hadist as the main resources of Shariah law.

<sup>&</sup>lt;sup>6</sup> Rinschede G, 1992, Form of religious tourism, annals of tourism research Volume 19, pg 51

<sup>&</sup>lt;sup>7</sup> Vuconic B 1996, Tourism and religion, Oxford: pergamon, pg 77

<sup>8</sup> Loc.cit, Battour (1), pg 3

<sup>&</sup>lt;sup>9</sup> Farahani Z and Anderson H, Islamic tourism and managing tourism development in Islamic societies: the cases of Iran and Saudi Arabia, International Journal of Tourism Research Volume 12, No.12 (2009), pg 1-8 http://www.onlinelibrary.wiley.com/doi/10.1002/jtr.741/full

Reflected from Malaysia's concept of Syariah tourism, elements of the industry shall notice guidance as follow:

Table 1: Malaysia Halal tourism services guidelines

Object of arrangement	Location	Points of arrangement	Exception
Food, beverages	Hotel, chalet, home-	No alcohol and non halal-	Non Muslim are
and drugs	stay, restaurant, etc	contained food, beverages and	allowed in the
		drugs	"permitted zone"
Entertainment	Hotel, café, etc	Forbidden to inappropriate	-
		entertainment to be performed	
		to domestic and international	
		tourists. Foreign artist who	
		perform or involve in any	
		entertainment should conducted	
		good ethical manners of dressing	
		and attitude with audience.	
Dressing	, 11	Proper Muslim dresses, female	
	1	tourists should cover their	
		"aurah". No sexy dressing, bikini	proper outfit.
Activities in the	places	or half naked cloths.	Non Muslims
lobby	noter or restaurant	No gambling activities and alcohol drink	Non Muslims are allowed to
ЮББУ		alconor drink	consume the non
			halal products
			upon request in
			thenonhalalzone
Sexual-related	Public area	Nokissing, makinglove, smoking	-
activities		and nuisance	
Attitude toward	Any tourism	Local, national and international	-
local culture and	destination	tourist are advised to respect to	
customs		local culture and customs	
Attitude toward	Any tourism	Local, national and international	-
tourism objects	destination	tourists should have the	
		responsibility to keep tourism	
		spot or destination clean, well-	
		maintained, and free from illegal	
		or immoral activities.	

~			<u> </u>			- 0	
Conversat	ion or	Any tourism	It is	recomn	nended	for	-
Communi	cation	destination	foreign	visitors	to int	eract	
			or com	municate	in the	local	
	language with local people as a						
		token of appreciation					
All	tourists	Indoor and outdoor	Should	be	condi	ıcted	-
program	or		harmoniouslybothinindoorand				
activities			outdoor	activities			

Extracted from N.Sabtu, et.all (2016)<sup>10</sup>

Notably, halal tourism concept implemented in Indonesia is principally similar to Malaysia's. In Indonesia, every aspect of halal tourism activities unseparately from halal certification which must be accomplished by businesess that carrying halal label<sup>11</sup>. Indonesian Ministry of tourism developed halal tourism brand that consist of 4 main business components namely, hospitality, restaurant, travel beaureau or service and spa<sup>12</sup>. The above products considered as an expantion of Indonesian tourism that adopting Islamic values which accomodated specific characteristic and uniqueness of each region.

# Legal Construction On Halal Tourism In The Province Of Nusa Tenggara Barat (NTB)

One of tourism innovation initiated by the province of NTB is the halal concept. An important infrastructure of this concept is the establishment of Local Act (*Perda*) No.2 of 2016 concerning halal tourism. Halal tourism in this *Perda* covers destination and tourism supporting industries which provide facilities, products, tourism services and management corresponding with syariah law. Such policy was taken to address global trend in terms of halal product evolution as it business field expanded to financial service and lifestyle including tourism.

According to Perda No2 of 2016, halal tourism destination consists of natural and cultural tourism objects. Detail arrangement regarding the destination was set forth in other regulation called the regulation of the Governor (*Pergub*) of West Nusa Tenggara Province Number 51 of 2015. It arranged that halal tourism destination components covers: (1) accommodation; (2) food and beverages supplier; (3) spa, sauna and service and (4) travel agent. Further, this *Pergub* regulated that to meet criteria of halalness

 $<sup>^{10}</sup>$  Sabtu N, et.all, 2016 Formulating Shariah compliant ethical code for tourist in Malaysia, proceedings of third international Halal conference, pg 140-141

<sup>&</sup>lt;sup>11</sup> Widagdyo. K, 2015, Analysis of Indonesia's tourism market, The Journal of Tauhidnomics, Volume 7, No.3, pg 70

<sup>&</sup>lt;sup>12</sup> Final report of Syariah tourism development study, 2015, Deputy of tourism institution development, Ministry of Tourism of the Republic of Indonesia, pg 3-6

the destinations shall provide several basic infrastructures such as worship facilities, halal food and beverages, Syariah compliant show/ performance and environmental cleanliness and sanitation.

The differences between conventional and halal tourism industry described in below table:

Table 2: the differences between conventional and halal tourism industry

Point of arrangement	Conventional	Halal
Room facility	Providing the qibla direction	Qibla direction and Al Qur'an
Sanctuary facility	- '	Providing adequate worship facilities, tools and instrument compliant to syariah standard
Sanitizing facility	Separated wudhu (ablution) spot and urinoir between men and women	Providing sanitizing facilities compliant to syariah standard.
Food and beverages	Providing product information whether its halal or not	Only serving halal food and beverages Makanan guaranteed by Indonesian <i>Ulama</i> Board (MUI) certificate.

summarized from Perda No.2 of 2016, counsel (fatwa) of MUI No.108/ DSN-MUI/X/ 2016 concerning the guidance of tourism providence based on syariah principles and interview with Alip, former head of tourism business section of NTB's tourism office.

Related to hotel accommodation, an interesting enactment found in the counsel (fatwa) of National Syariah Board - the Indonesian Council of Ulama (MUI)<sup>13</sup>. It basically regulate that syariah hotel shall be operated based on Islamic rules. In particular, the hotel shall not provide or facilitate adultery and immoral contents. Moreover, it have to provide praying itineraries and facilities as well as it food and beverages shall be certified by MUI, the staff shall wear Islamic outfit and all in-house transaction shall be under the Syariah financial service system.

<sup>&</sup>lt;sup>13</sup> Fatwa of Dewan Syariah Nasional-Majelis Ulama Indonesia No:108/DSN-MUI/X/2016 concerning the guidelines of tourism organization based on Syariah principles.

## Implementation Of Perda On Halal Tourism In Nusa Tenggara Barat

Through *Perda* No.2 of 2016, the local government of NTB attempted to provide legal certainty toward the activities and services of tourism business entities such as hotel, restaurant, spa, etc which measured by halal certification. Nevertheless, the implementation can not be strictly and suddenly imposed since it related to business strategy and calculation of the above entities. Alip<sup>14</sup>, the head of tourism business section in NTB's tourism office emphasized that in the beginning, the industry actors such as hotel, restaurant, spa, etc refused to implement halal standard due to income consideration. They were worried that the implementation will reduce their income which usually generated from non-Muslim tourist, caused by their rejection toward Islamic rules.

NTB's halal tourism is not only provides syariah hotels but also made classification of it. Syariah hotel in NTB is classified into two types namely *hilal* 1 and *hilal* 2. Hotels categorized as hilal 1 are those which applying minimum halal standard. Whereas hilal 2 those which fully compliant syariah rules as enacted in Fatwa or counsel of Assembly of Indonesian Ulama (MUI). In fact, there are 79 star hotels existed in NTB and at least eighty percent or 63 of it applied minimum or partially halal standard in their services, like providing ablution (*wudhu*) corner, praying tools and qiblah direction in each room. Meanwhile some more specific provisions such as wearing syar'ie or Islamic dress for staff and guess and separation between men and women not applied yet.

In other words, only a fraction of it has fulfill fully halal criteria or categorized as hotel syariah hilal 2. One of it is Grand Madani hotel, located in the city of Mataram, which has obtain halal certificate issued by MUI<sup>15</sup>. The hotel service includes whole syariah standard rooms, lounge and restaurant serving halal food and beverages, Islamic-nuance room and services. The syariah standard also applied toward room facilities which includes sheath (*sarung*), veil, praying mat, Al Qur'an, praying schedule, in house music airing asmaul husna and 5 times *adzan* or call to pray.

In a syariah hotel the "halal guarantee system" must be applied. So far in NTB, such a system only focus on food and beverage supply. Beside have to ensure the halalness of the dishes, it also will have to ensure the halalness of the food process and sources. The Grand Madani hotel for instance, not only declare the halalness of it foods and drinks as it final products, but also supervised the kitchen, pantry, food processing as well as it raw materials such as meet, milk etc that must halal certified by MUI.

<sup>14</sup> Interviewed on August 27 2018 in the Tourism office of West Nusa Tenggara

<sup>&</sup>lt;sup>15</sup> Loc.cit https://www.islampos.com/tantangan-bisnis-syariah-wisata-halal-100606/ , accessed on December 15, 2019

Nevertheless, this policy is aimed to be implemented gradually as businesses require acceleration time to adjust their product with the brand. The policy must be supported with adequate media and public spread as well as infrastructure<sup>16</sup>. To support the attempt, since the last three years Mataram, the capital of NTB is declared as alcohol free city which also marked with the largest Islamic center in the eastern part of Indonesia.

Untill the mid of 2018, implementation of above Perda focused on the area of Lombok island. Eventhough, actually the NTB province consists of two main islands namely Lombok and Sumbawa. According to A. Basuki<sup>17</sup>, staff of cooperation section in NTB's tourism office, the pace taken due to centralization reason as the island has already well known as "an island of thousand mosques". As for Sumbawa the step currently is at socialization stage. In the future more promotion will be taken to introduce Sumbawa as the island of the sultans (Islamic leader).

On the other hand, the local government also preparing long term syariah tourism plan which named "specialized economic zone" (KEK). Such zone will be placed in "mandalika", a giant tourism complex in the regency of Central Lombok. Islamic and cultural theme tourism facilities and services will be constructed in this area as a part of the master plan of Indonesia Tourism Development Corporation (ITD)<sup>18</sup>. To that extend, some preliminary steps has taken, such as making the blue print of the construction of the largest mosque in NTB, formulating legal measures toward land requirement and preparing the muslimah (female) exclusive zone.

Nonetheless, several endeavors taken to sound the brand, like incentive offers and socialization. A.Basuki<sup>19</sup> described that incentive offers in the form of stimulant fee for halal certificate establishment. The local government collaborated with the agency of food, medicines and cosmetics study of MUI (LPPOM-MUI) offers a half-price waiver toward halal certificate application. So far, such program only apply for restaurant business and not yet touched other forms like spa, sauna etc. In term of socialization, several activities has committed such as (1) involve in halal tourism-themed event including international halal travel fair, muharram festival, international halal food and fair; (2) launch tourism guide including halal guide book and website www.wonderfullomboksumbawa.com; (3) held national seminar regarding halal tourism involving stakeholders i.e. government, public and businesses since 2016; (4) Arabic language debriefing and training for tour

<sup>16</sup> http://makassar.tribunnews.com/2017/12/10/ntb-jadi-destinasi-wisata-syariah-mengapa-tamsil-linrung-disebut-perjuangan-di-lombok?page = 2, accessed on march 30 2020

<sup>17</sup> Staff of cooperation section in NTB's tourism office, Interviewed on August 27 2018 in Mataram, NTB
18 Permadi, Adi, et.all, persepsi dan sikap masyarakat terhadap dikembangkannya wisata syariah (halal tourism) di provinsi Nusa Tenggara Barat, Anwaluna, Volume 2, N0.1 (2017): 41

guide in 2016 and 2017 and (5) direct promotion to other countries and Indonesian region.

# Impact Of The Implementation Of Halal Tourism Policy In Ntb Toward Economic Development

Tourism is an essential supporting element of economic development, as it may creates significant number of jobs vacancies, improve local income, payment balance, incomes from foreign exchange and export-import transaction. Meanwhile, Muslim tourists are the most promising segment due to its progressive growth every year. Start from 117 million people in 2014 that spent 154 billion US Dollars, it grows approximately 10 thousands people per year. In 2026 it predicted that Muslim tourists spending will be about 300 billion US dollars.<sup>20</sup>

According to Arief Yahya, Indonesia's Minister of tourism, before appointed as halal tourism destination, NTB's tourism development runs slowly as it only grow 2 percent.<sup>21</sup> But since the appointment especially after receiving world best halal award, international and domestic tourist visit figure leap to 32 and 47 percent respectively. There are (at least) four ways that halal tourism influences local economy namely (1) availability of various job options from street vendors, hotels or restaurants staff to rubbish maintenance; (2) increase of locals income from tourist spending; (3) economic growth around tourism objects by the arise of local business such as food stall or hotels; (4) increased of commodity price around tourism object.

It is evident that halal tourism impacted positively toward local economy. NTB's tourism office released that local economic growth (excluded mining sector) in 2016 was about 5.72 percent per year and improved more that 2 percent to 7.10 percent in subsequent year and slightly increased to 7.23 percent in 2018.<sup>22</sup> This improvement is in-line with the increased number of tourist visit to NTB. As a comparison in 2015 before Perda halal was set forth there was about 2.1 million tourist visits, but after the Perda implemented the number rose 3.1 and 3,4 million people in 2016 and 2017. Even though there is a slight decrease in 2018 due to earthquake disaster, the figure still higher that that in 2015. <sup>23</sup>

The direct impact can be seen in North Lombok Regency. Economic welfare of local in the three Gilis (small islands i.e Gili Trawangan, Gili Meno and Gili Air) are lifted

<sup>&</sup>lt;sup>20</sup> AR Subarkah, 2018, Potensi dan prospek wisata halal dalam meningkatkan ekonomi daerah (studi kasus: Nusa Tenggara Barat), Jurnal sospol, vol 4, no 2. Pg 59

<sup>&</sup>lt;sup>21</sup>https://www.gatra.com/detail/news/450453/ekonomi/pariwisata-halal-dunia-kunjungan-wisa-tawan-di-ntb-meningkat% 20Gatra% 2011% 20Oktober% 202019, accessed on August 21 2020

 $<sup>^{22}\,</sup>$ https://pdki-indonesia.dgip.go.id/index.php/hakcipta/RzBTc25iMUxRUHVjclgrYU5zYkxVZz09?q = open + micindonesia&type = 1&skip = 14730 , accessed on December 21, 2019

<sup>&</sup>lt;sup>23</sup> Asmunianto, 2020, Implementasi Pasal 12 Peraturan Daerah NTB No 2 tahun 2016 tentang Pariwisata Halal (studi kasian di Kabupaten Lombok Utara), Thesis, Universitas Muhamadiyah Malang, pg 30.

by tourism activities. For example, street vendors can make at least 500.00 Rupiah per day only by selling fruit juice which can be doubled in the weekend and even become five times bigger during new year holiday.<sup>24</sup> The diversification to halal tourism has managed to attract more tourists from middle-east. The Saudia Arabians for example, spent around 2.226 USD individually during their stay for average 10.47 days.<sup>25</sup> It can be said tourism is the main economic booster of this region.

However, during the covid 19 outbreak all activities in tourism sector are paused. It also forced major supporting facilities such as restaurants, hotels and ticketing service to stop operating. As a result, more that 4.000 staffs of hotels and restaurants around Lombok are being suspended. Nevertheless, the government committed to continue halal tourism exercise in NTB which will be adjusted with "new normal" order. Therefore, health protocol based on CHSE (Clean, Healthy, Safety and environment) principles must be strictly implemented. There are four zones has been CHSE standardized namely the three Gilis and Senggigi in north Lombok, Rinjani mountain area in east Lombok and KEK Mandalika area in central Lombok. Currently, the government focused on attracting domestic tourists instead of foreigners due to the pandemic situation worldwide.

#### **CONCLUSION**

Perda No 2 of 2016 concerning halal tourism is implemented gradually by taking serious consideration on economic calculation and business strategy of the business actors. Hotels and restaurant around Lombok has provided basic facilities and tools of Muslim tourists for worship. In terms of economic, the halal tourism has brought significant positive impact for locals from various job options to income improvement.

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<sup>&</sup>lt;sup>27</sup> https://ihram.co.id/berita/qgvyeb327/wisata-halal-yang-sudah-ada-di-ntb-akan-tetap-dilanjutkan, accessed on August 21 2020

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