

**TOURISM IN LOMBOK UNDER PERSPECTIVE OF MAQASID
AL-SHARIAH AND LOCAL REGULATION OF WEST NUSA
Tenggara NO. 2 OF 2016 ON HALAL TOURISM**

THESIS

By:

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**SHARIA BUSINESS LAW DEPARTMENT
SHARIA FACULTY
STATE ISLAMIC UNIVERSITY OF MAULANA MALIK IBRAHIM
MALANG
2017**

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TENGARA NO. 2 OF 2016 ON HALAL TOURISM**

THESIS

Presented to

Sharia Faculty State Islamic University of Maulana Malik Ibrahim Malang

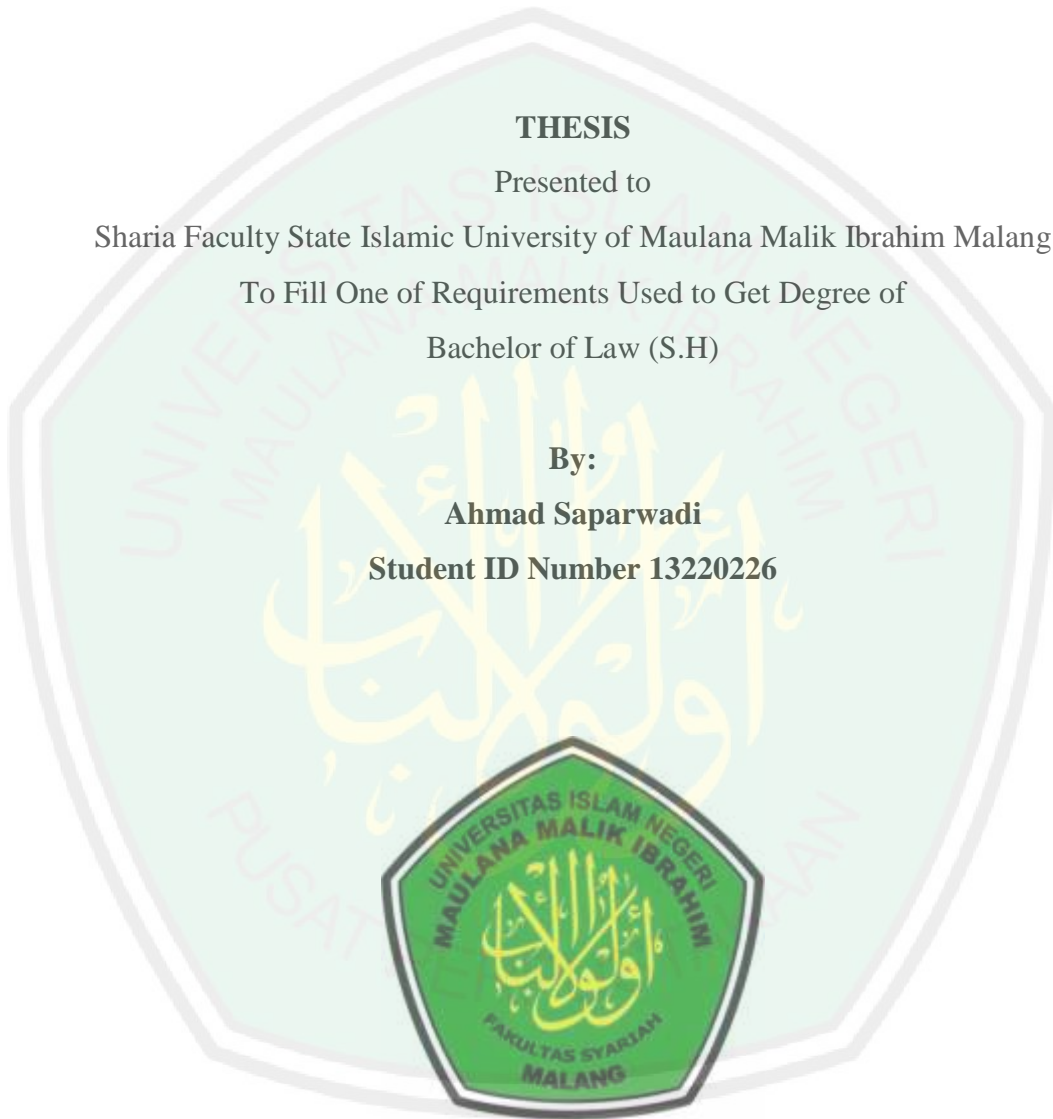
To Fill One of Requirements Used to Get Degree of

Bachelor of Law (S.H)

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MALANG
2017**

STATEMENT OF THE AUTHENTICITY

In the name of Allah SWT,

With consciousness and responsibility towards the development of science, the author declares that the thesis entitled:

**TOURISM IN LOMBOK UNDER PERSPECTIVE OF MAQASID AL-SHARIAH AND LOCAL REGULATION OF WEST NUSA TENGGARA
NO. 2 OF 2016 ON HALAL TOURISM**

Is truly the author's original work. It does not incorporate any material previously written or published by another person. If it is proven to be another person's work, duplication, plagiarism, this thesis and my degree as the result of this action will be deemed legally invalid.

Malang, January 27, 2017

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MOTTO

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

هُوَ الَّذِي جَعَلَ لَكُمُ الْأَرْضَ ذَلُولًا فَامْشُوا فِي مَنَاكِبِهَا وَكُلُوا مِن رِّزْقِهِ وَإِلَيْهِ النُّشُورُ ﴿١٥﴾

“He it is who made the earth smooth for you, therefore go about in the spacious sides thereof, and eat of His sustenance, and to Him is return after death”.¹

¹ Q.S. Al-Mulk (67): 15

APPROVAL SHEET


After examining and verifying the thesis of Ahmad Saparwadi, NIM 13220226, Sharia Business Law Department of Sharia Faculty of State Islamic University of Maulana Malik Ibrahim of Malang entitled:


**TOURISM IN LOMBOK UNDER PERSPECTIVE OF LOCAL REGULATION OF
WEST NUSA TENGGARA NO. 2 OF 2016 ON HALAL TOURISM AND MAQÂSHID
AL-SHARÎ'AH**

The supervisor states that this thesis has met the scientific requirements to be proposed and to be tested by the Thesis Board of Examiners.

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**TOURISM IN LOMBOK UNDER PERSPECTIVE OF MAQASID AL-SHARIAH AND LOCAL REGULATION OF WEST NUSA TENGGARA
NO. 2 OF 2016 ON HALAL TOURISM**

Has passed and certified with grade A (excellent)

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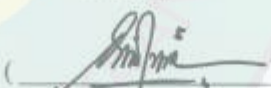
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DEDICATION

This thesis dedicated to:

My beloved parents, Rusdin and Maknunah and also my old sister Syahratul Mubarakah, who always give me support, advises, prayer, zealous, and invaluable attention as long as until now. Thank you so much for everything you have given to me. Hoppuly can useful for everyone especially for my self. I will be proof that I can do happiness to you.

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Ministry of Religion Affairs of Republic Indonesia who given me chance to studying in the university.

TRANSLITERATION GUIDENCE

A. General

The transliteration guide which is used by the Sharia Faculty of State Islamic University, Maulana Malik Ibrahim Malang, is the EYD plus. This usage is based on the Consensus Directive (SKB) from the Religious[“] Ministry, Education Ministry and Culture Ministry of the Republic of Indonesia, dated January 22, 1998, No. 158/1987 and 0543. b/U/1987, which is also found in the Arabic Transliteration Guide book, INIS Fellow 1992.

B. Consonants

=	unsigned	=	sy	=	n
=	b	=	sh	=	w
=	t	=	dl	=	h
=	ts	=	th	=	y
=	j	=	dh		
=		=	‘ (comma facing up)		
=	kh	=	gh		
=	d	=	f		
=	dz	=	q		
=	r	=	k		
=	z	=	l		
=	s	=	m		

The hamzah () which is usually represented by *alif*, when it is at the beginning of a word, henceforth it is transliterated following its vocal pronouncing and not represented in writing. However, when it is in the middle or end of a word, it is represented by a coma facing upwards ("), as oppose to a comma (,,) which replaces the “ ”

C. Vocal, long and Diftong

In every written Arabic text in the *latin* form, its vowels *fathah* is written with “a”, *kasrah* with “i”, and *dlommah* with “u”, whereas elongated vowels are written such as:

Elongated (a) vowel = â for example beomes qâla

Elongated (î) vowel = î for example قِيلَ becomes qîla

Elongated (u) vowel = û for example becomes dûna

Specially for the pronouncing of *ya' nisbat* (in association), it cannot represented by "i", unless it is written as "iy" so as to represent the *ya' nisbat* at the end. The same goes for sound of a diftong, *wawu* and *ya'* after *fathah* it is written as "aw" da "ay". Study the following examples:

Diftong (aw) = for example becomes qawlun

Diftong (ay) = for example خَيْر becomes khayrun

D. Ta' marbûthah (ة)

Ta' marbûthah is transliterated as “ ” if it is in the middle of word, but if it is *Ta' marbûthah* at the end, then it is transliterated as “h”. For example:

will be *al-risala li al-mudarrisah*, or if it happens to be in the middle of a phrase which constitutes *mudlaf and mudlaf ilayh*, then the

transliteration will be using “t” which is enjoined with the previous word, for example *بِإِذْنِ اللَّهِ* becomes *fi rahmatillah*.

E. Definite Article

Arabic has only one article, “al” (اَلْ) and it written in small letters, unless at the beginning of word while “al” in the phrase of lafadh jalalah (speaking of God) which is in the middle of a sentence and supported by and (idhafah), then it is not written. Study the following:

1. Al-Imâm al-Bukhâriy said....
2. Al-Bukhâriy explains in the prologue of his book....
3. *Masyâ’ Allâh kâna wa mâ lam yasya’ lam yakun.*
4. *Billâh ‘azza wa jalla*

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All praise due to Allah (SWT), the Cherisher and Sustainer of all the worlds. There is neither might nor power but with Allah the Great, the Exalted. With only His Garce and Gidance, this thesis entitled “Tourism in Lombok Under Perspective of Local Regulation of West Nusa Tenggara No. 2 of 2016 on Halal Tourism and Maqâshid al-Sharî’ah” could be completed, and also with His benevolence and love, peace and tarnquallity of the soul. Peace be upon the Prophet Muhammad (saw) who had broght us from the darkness into the light, in this life. May we be together with those who believe and recieve intercession from Him in the day of Judgment. Amîn.

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 3. Dr. H. Mohamad Nur Yasin, S.H, M. Ag, as head of the Sharia Business Law Department of the Sharia Faculty of State Islamic University of Maulana Malik Ibrahim of Malang. All at once as the thesis supervisor.
- The author expresses his gratitude for guidance and directional motivation

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13. The Grand Madani Hotel and Erina Hotel who have permitted to the author making research in there. Hopefully become tourism industry that more excellent in the give service to the community.

Hopefully, by imparting what has been learned during the course of study in the Faculty of Sharia of State Islamic University, Maulana Malik Ibrahim, Malang, the benefit will be gotten all readers and the author himself. Realizing the fact that error and weakness is impartial to being human, and that this thesis is still far perfection, the author appreciates constructive criticism and suggestions for the improvement and betterment of this thesis.

Malang, February 1, 2017
Author,

Ahmad Saparwadi
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ABSTRACT

Ahmad Saparwadi, 13220226, *Tourism in Lombok under Perspective of Maqashid al-Shariah and Local Regulation of West Nusa Tenggara No. 2 of 2016 on Halal Tourism*. Thesis, Sharia Business Law Department, Sharia Faculty, State Islamic University of Maulanan Malik Ibrahim of Malang.

Supervisor: Dr. H. Mohamad Nur Yasin, S.H, M.Ag.

Keywords: Tourism, Halal Tourism, Lombok, Local Regulation, Maqâshid al-Sharî'ah.

Showing the halal tourism trend is a phenomenon which developing in Indonesia. Halal tourism is a recreation activity to looking for a happiness based on Sharia principle. Halal tourism that there are new segments or elements in the halal tourism development with provided the facilities and services based on sharia principle. Lombok is one of halal tourism destination in Indonesia has prepared all of necessary that mean in the halal tourism through Local Regulation has been issued by governor of West Nusa Tenggara No. 2 of 2016 on Halal Tourism. Therefore, to demonstrate it's needed to make research study toward tourism in Lombok that is it gains of goals substance in the Local Regulation. In addition, by using *maqâshid al-sharî'ah* concept so that more complete of the halal tourism in Lombok. Thus, both of theory can know the uniformity between in the theory and field.

In this research, there is two problems formulation. *First*, how is the implementation of tourism based on Local Regulation of West Nusa Tenggara No. 2 of 2016 on Halal Tourism in Lombok? *Second*, How is the consideration of *maqâshid al-sharî'ah* toward tourism in Lombok West Nusa Tenggara?

This research includes the empirical law research. The kind of approach is used sosio-legal research. The Technique of data collection is interview, observation, and documentation. In this research, the method of data analysis is descriptive qualitative analysis.

Based on the empirical law research there are two founds. *First*, according to the Local Regulation of West Nusa Tenggara No. 2 of 2016 on Halal Tourism, it has reached suitability with the Local Regulation substance. Such as the service, product, and accommodation including the halal tourism. *The second*, based on *maqâshid al-sharî'ah* almost gain suitability of the fifth *maqâshid al-sharî'ah*. There is fulfills of suitability in among the preservation of religion, human life, lineage, and material wealth. While the goals of *maqasid al-shariah* not yet reach is the preservation of mind on level *tahsiniyyat*. Because it will be disturb of mind moreover child.

ملخص البحث

احمد سفرواد, ٢٠٢٦. ١٣٢٢٠, السياحة في لمبوك عند مقاصد الشريعة و التنظيمة الدائرة نوسا تنغرا الغربية رقم ٢ سنة ٢٠١٦ عن السياحة الشريعة, البحث جامعي بقسم الحكم الإقتصادي الإسلامي في كلية الشريعة بجامعة مولانا مالك إبراهيم الإسلامية الحكومية بمالانج.

المشرف: محمد نور ياسن الدكتور الحاج الماجستير.

الكلمة الرئيسية: السياحة, السياحة الشريعة, لمبوك, تنظيمة المنطقة, مقاصد الشريعة.

نشوء البارعين السياحة السريعة هي ظاهرة تزدهر في إندونسي. سياحة الشريعة هي حركة الترفيه لتطلب السرور بناء على الشريعة إلى سائح. لمبوك التي أهداف في عداد السياحة الشريعة تستعد لتنظيمة الدائرة عن السياحة الشريعة. أما التنظيمة الدائرة الذي يقصد هو تنظيمة الدائرة نوسا تنغرا الغربية رقم ٢ سنة ٢٠١٦ عن السياحة الشريعة. لأن يحتاج أن تنفيذ الأبحاث عن السياحة الشريعة في لمبوك, وهل يبلغ الأهداف المضمون الذي وجد في التنظيمة الاثثة. من أجل ذلك لصدق على لابد تملرس إلى السياحة في لمبوك بناء على التنظيمة الدائرة مع استخدام مقاصد الشريعة لكي يكمل الشريعة على السياحة في لمبوك. بالمدين أن تستطيع معرفتها الموافق بين نظرية وميدانية.

وفي هذا البحث هناك المشكلة وهي ما رأي عن قنون المنطقة نوسا تنغار الغربية رقم ٢ سنة ٢٠١٦ عن السياحة الشريعة إيا السياحة في لمبوك؟ وكيف الرأي عن مقاصد الشريعة إيا السياحة في لمبوك نوسا تنغار الغربية؟.

هذا البحث هو البحث الحكم. إلى ذلك مصادر الإسلام هو مقاصد الشريعة. وأما تقريب البحث يستخدم هو تقريب الحكم الإجتماع (sosio legal aproach). منهج جمع البيانات مقابلة و مراقبة و توثيقة. وفي هذا البحث ومنهج تحليل البيانات هو منهج وصفي نوعي.

ونتيجة البحث تسير أن السياحة في لمبوك هناك نوعان. أولا, تستند التنظيمة الدائرة نوسا تنغرا الغربية رقم ٢ سنة ٢٠١٦ عن السياحة الشريعة بلغ أن يطبق باليوجد في منظمة الدائرة كما إسعافات و المنتجات و الإقامات و تنتمي عن السياحة الشريعة. ثانيا, عند المقاصد الشريعة تقريبا إلى التوافق بين الخامسة المقاصد الشريعة. أما تتفق منها حفظ الدين و حفظ النفس و حفظ النسل و حفظ المال. أما تبلغ من مقاصد الشريعة هي حفظ العقل على الطبقة التحسينات لأنها تزعزع العقل للأطفال.

ABSTRAK

Ahmad Saparwadi, 13220226, *Pariwisata di Lombok Perspektif Maqashid al-Shari'ah dan Peraturan Daerah Nusa Tenggara Barat No. 2 Tahun 2016 tentang Pariwisata Halal*. Skripsi, Jurusan Hukum Bisnis Syariah, Fakultas Syariah, Universitas Islam Negeri (UIN) Maulana Malik Ibrahim Malang.

Pembimbing: Dr. H. Mohamad Nur Yasin, S.H, M.Ag.

Kata Kunci: Pariwisata, Pariwisata Halal, Lombok, Peraturan Daerah, Maqashid al-Shari'ah.

Munculnya trend pariwisata halal merupakan sebuah fenomena yang sedang berkembang di Indonesia. Pariwisata halal merupakan sebuah segmen baru dalam pengembangan pariwisata dengan menyiapkan fasilitas dan pelayanan yang sesuai dengan prinsip syaria terhadap wisatawan muslim. Lombok yang merupakan salah satu destinasi pariwisata halal di Indonesia sudah menyiapkan semua kebutuhan yang dimaksud di dalam pariwisata halal tersebut melalui Peraturan Daerah yang dikeluarkan oleh Pemerintah Daerah Nusa Tenggara Barat No. 2 Tahun 2016 tentang Pariwisata Halal. Oleh karena itu untuk membuktikannya perlu dilakukan sebuah kajian terhadap pariwisata di Lombok berdasarkan Peraturan Daerah tersebut disamping menggunakan konsep *maqâshid al-sharî'ah*. Sehingga dapat diketahui kesesuaian antara yang di teori dengan di lapangan.

Dalam penelitian ini, terdapat dua rumusan masalah. *Pertama*, Bagaimana tinjauan Peraturan Daerah Nusa Tenggara Barat No. 2 Tahun 2016 Tentang Pariwisata Halal terhadap pariwisata di Lombok? *Kedua*, Bagaimana Tinjauan *maqâshid al-sharî'ah* terhadap pariwisata di Lombok Nusa Tenggara Barat?.

Penelitian ini tergolong ke dalam jenis penelitian hukum empiris. Jenis pendekatan yang digunakan adalah pendekatan yuridis sosiologis (sosio legal aproach). Teknik pengumpulan data yang digunakan adalah observasi, wawancara dan dokumentasi . Metode analisis data yang digunakan adalah analisis data deskriptif kualitatif (descriptive qualitative analysis).

Berdasarkan hasil penelitian hukum empiris ada dua temuan yang ditemukan. *Pertama*, berdasarkan Peraturan Daerah Nusa Tenggara Barat No. 2 Tahun 2016 Tentang Pariwisata Halal, sudah terdapat kesesuaian dengan apa yang ada di dalam Peraturan Daerah tersebut seperti dalam hal pelayanan, produk dan akomodasinya termasuk mengenai pariwisata halal itu sendiri. *Kedua*, berdasarkan *maqâshid al-syari'ah* hampir sudah ada kesesuaian diantara kelima maqashid al-syariah tersebut. Adapun yang sesuai seperti memelihara agama, jiwa, keturunan dan harta. Sedangkan yang belum mencapai tujuan dari maqashid al-syariah itu sendiri adalah memelihara akal dalam tingkat *tahsiniyyat*, karena hal ini akan mengganggu akal pikiran orang yang melihatnya lebih – lebih anak yang belum baligh.

CHAPTER I

INTRODUCTION

A. Background of Problem

Basically the human was created by Allah (swt) to worship only. Worship not only perform five times prayer but also can do watch and thankful for all created around the earth with the intent to praise creation. One way to get to watch all of his creation is certainly to makes trips either to puprpose of tourism or other such as study. This is compliance of what is contained in the al-Quran. In among are:

قُلْ سِيرُوا فِي الْأَرْضِ ثُمَّ انظُرُوا كَيْفَ كَانَ عَاقِبَةُ الْمُكْذِبِينَ ﴿١١﴾

It's mean: "Say: Travel in the land, then see what was the end of the rejecters".²

Another verses relating to the command in order to people this earth that is:

قُلْ سِيرُوا فِي الْأَرْضِ فَانظُرُوا كَيْفَ بَدَأَ الْخَلْقَ ثُمَّ اللَّهُ يُنشِئُ النَّشْأَةَ الْآخِرَةَ إِنَّ اللَّهَ عَلَى كُلِّ شَيْءٍ قَدِيرٌ ﴿٢٠﴾

It's mean: "Say: Travel in the earth and see how He makes the first creation, then Allah creates the latter creation; surely Allah has power over all things".³

The both of verses above shows that Allah (swt) command human being to travel with the aim of watching phenomenon that occurred in the past to take wisdom behind so as increase the faithful. In addition ordered to see the

² Q.S. Al-An'âm (6): 11

³ Q.S. Al-'Ankabût (29): 20

story that happened in the past, Allah (swt) command a human to admire the natural beauty that exist on the land in order to strengthen the faith and to motivate ourself to keep the zealous of the obligations of living in the world so that if soul is quiet then the spirit runs of worship more quiet.

In this world many places that have the awesome natural beauty of one of them is in Indonesia. This country many tourism places which has amazing the beauty of nature, cultures and the Muslim largest population in the world. The beauty and unique became a part value to increase Indonesian economic which one of the ways by the tourism. Generally, the understanding of tourism such as cited in article 1 section (3) of Tourism Act No. 10 of 2009, is all sorts of kinds tourism activity and supported by facilities with provided service by the community, businessman, central government and regional government.

To realize the goals of Indonesian country as can be found in the body of 1945 Constitution of the Republic of Indonesia that says:

1. Shall protect the whole people of Indonesia and the entire homeland of Indonesia;
2. To improve the public prosperity;
3. To develop the nation's intellectual life; and
4. To contribute to the implementation of a world order based on freedom, lasting peace, and social justice.

Especially about the ideas Indonesian country on the second point namely “*to improve the public prosperity*” it's can be interpretation, so the government as responsible for increasing the general prosperity by the way of advanced halal tourism.

Halal Tourism is a tour activity that supported by facilities and services based on sharia principle. Halal tourism development has been increased in various sectors, such as halal tourism destination and sharia hotel. Islamic law must move forward to be a principle in every development, including the halal tourism sector so that become a standard of comparison and sharia solution of tourism dynamics in Indonesia.

To develop of Islamic law in order to keep up with the development era, discussing *al maslahah* by the deep manner and implementation is something who very interesting, so can be found the solution of Islamic law in giving a judge every development there is. In Islamic law, the study of *Malahah* divide became two parts. *The first, maslahah* as a *Maq shid al-Shar 'ah* and *the second, maslahah* as *manhaj* (methodology) in *Ushul Fiqh* studies known by called *al maslahah mursalah*. Related to halal tourism, examines of *maslahah* as *maq shid al-Shari'ah* is very important because this due to the tourism which label of sharia must be able to realize five necessary primary by the implementation, in among to protect of religion, mind, soul, descend, and wealth. If this matter can't realize so by the implementation the halal tourism not called success in the applicable of *maslahah* as *maq shid al-Shar 'ah*.

One of the halal tourist destination that can visit is the Lombok West Nusa Tenggara. Lombok is an island famous for its epithet of the island a thousand mosques because the majority of people are Muslim. Besides, the natural beauty likes an attraction for tourists who visit in there. No worry if

confirmed as *Lombok Destination World Best Halal Tourism* and *World Best Halal Honeymoon*, received from the world competition the *World Halal Travel Summit/Exhibition* which was announced in the United Arab Emirates (UAE) in 2015. Then, having again getting awards as the winner on the level of *World's Best Halal Honeymoon Destination*, *World's Best Halal Travel Website* dan *World Best Halal Beach Resort* in competition *World Halal Tourism Awards 2016* held by *International Travel Week* of Abu Dhabi.

Lombok island consist of five regencies are East Lombok, Central Lombok, West Lombok, North Lombok and the last Mataram as a main city of West Nusa Tenggara. Besides, Lombok island is surrounded by many areas of the beach. Then one of the tourist destinations that are very interesting to visit is its beautiful beaches. For example, the beaches frequented by tourists are the Kuta beach, Senggigi beach, and Gili Trawangan. Moreover, which became a tourist attraction for a visit to Lombok is Rinjani mountain which is the third highest mountain in Indonesia. In addition, the cultural tourism that there are also very interesting to visit because it is still holding the original culture of Lombok. Many existing of the tourist destinations in Lombok, means of supporting tourism activities already of significant development as in the case of places of worship for Muslims, a growing shortage of crime, as well as products sold around the tourist destinations, are already assured of the quality and halal.

To support the existence of the halal tourism, infrastructure must be label sharia as tourist destinations, tourism industry and so on. Thus, the

government of West Nusa Tenggara issued of the regional regulation namely Local Regulation No. 2 of 2016 about Halal Tourism. The issues of these regulations would expect to be able to accommodate the operational of halal tourism which is in Lombok West Nusa Tenggara.

Lately, the presence of the halal tourism are phenomenal, everywhere are familiar in the hearing of people. Halal tourism is tourism which must operate in accordance the principles of Shariah. As in it's place or tourist destinations, the tourism industry in this hotel and so on. Not only that, if conventional tourism on all of free either foods, drinks or entertainment. In halal tourism, the services are limited, food and drink are provided entirely guaranteed halal certified from Indonesian Council of Ulama (MUI). But unlike in the conventional that provided the facilities and services by generally because there is no certificate about that. Just having build certificate. Halal tourism concept are not limited to enjoying the facilities and services, everyone can try it. In this thesis, the author tried to prove whether the regulation of those areas already applied thoroughly or not, in addition based on *maqashid al-shariah* thus more known the implementation of aims of *sharî'ah* in Lombok, West Nusa Tenggara.

If refer to applicable Halal Tourism of Local Regulation West Nusa Tenggara no. 2 of 2016, then halal tourism principles as appropriate should be applied based on the Sharia and in accordance with the provisions of the *maqâshid al-sharî'ah* to provide the comfort and satisfaction of its visitors especially Muslim visitors to Lombok, West Nusa Tenggara.

Based on the description above is very important to do a study entitled ***“Tourism in Lombok under Perspective of Maqâshid al-Sharî’ah and Local Regulation of West Nusa Tenggara No. 2 of 2016 on Halal Tourism”***. Research is increasingly important because it will be able to provide clarity about the extent of the regulation implementation in Lombok area, West Nusa Tenggara and also *maqâshid al-sharî’ah* perspective.

B. Problem Formulation

The background of the problem described above, then, it can be taken a few problem formulations which will be the discussion of further material that is as follows:

1. How is the implementation of local regulation of West Nusa Tenggara No. 2 of 2016 on Halal Tourism toward tourism in Lombok?
2. How is the consideration of *maqâshid al-sharî’ah* toward tourism in Lombok?

C. Objective of Research

Based on the outline of issues already presented above, then, it can be known the purpose of the writing of the results of the study is as follows:

1. To reveal the implementation of Local Regulation of West Nusa Tenggara No. 2 of 2016 on Halal Tourism toward Tourism in Lombok.
2. To know the consideration of *Maqâshid al-Sharî’ah* towards Tourism in Lombok.

D. Benefits of Research

There are two benefits in the result of this research include:

1. Practical Benefits

The practical benefits are expected to complete graduation requirements earn on the level of strata one and is expected to be broadening and gaining knowledge for the reader. For the interested parties with the results of this research, the authors hope the benefits of this research can be accepted as a contribution to improving the performance of the service of the community.

2. Theoretical benefits

Theoretical benefits are expected can contribute to the scientific development of sharia business law and constitutional law and also to be a useful reference for students who do study relate to the business law and politics.

E. Definition of the Key Terms

In the discussion is certainly so many terms that are difficult to understand, thus, to make it easier to understand it in this research, the researcher will explain some of the terms that are closely related to this research. In among them are the following:

1. Tourism

In the Longman Dictionary on the sixth edition, the definition of tourism is the business of providing things for people to do, a place for them to stay etc while they are on holiday. Then, according to the WTO

(World Tourism Organization), the tourism is the activities of persons traveling and staying in places outside their usual environment for not more than one consecutive year for leisure, business, and other purposes. The other definition found in article 1 section (3) Tourism Act No. 10 of 2009 the tourism is the activities of tourist and supported by facilities as well as provided service by the community, industrialist, government, and local government.

2. Tourist

Tourist is someone who is visiting a place for pleasure on holiday. *The International Union of Office Travel Organization (IUOTO)* dan *World Tourism Organization (WTO)* gave definition about the tourist is temporary visitors staying only one day in the country visited without staying overnight (include cruise passenger). (include the cruise passenger). In Tourism Act No. 10 of 2009, the tourist is someone who did a tour. Tour is traveling activities who did someone or people with visiting the certainty place to holiday, personal development or learns the uniqueness of visited tourist attraction in the temporary period.

3. Halal Tourism

Halal tourism is a derivation from the term of tourism development that is used in the running of a business based on the Sharia. So be known that halal tourism is tourism activities based on sharia principles. Halal Tourism Local regulation of West Nusa Tenggara No. 2 of 2016 mentioned halal tourism is visiting activities by destinations and tourism

industry are setting up facilities, services, products, and management of the tourism that meet Sharia.

4. Local Regulation

Local Regulation is a constitution was conducted by DPRD (assembly at regional) with the approval of the governor or head of the region.

5. Maq shid al-Shar 'ah

Maq shid al-Syar 'ah is to bring about the *maslahah* in human being and deflected of *mafsadah* form them. *Maq shid al-Shar 'ah* is the objectives of Islamic law that must be implemented for the benefit of human interests. These goals can be accomplished by following the guidelines that are already taught in Islam that is by doing the Quran and sunnah of the Prophet.

F. Structure of Discussion

The structure of discussion used in process of writing the proposal research is mentioning the explained about the illustration of principal discuss so that known and arrange by systematics. In this process of writing the proposal research be found some chapters that each have some sub-chapter in among:

Chapter I Introduction

This chapter contained the background of problem that explained the problems that happened in field and the author reasons held the problem as a material of research. Problem formulation, the points of the problem that

became focus discussing in the writing process of proposal research. Objectives and benefits of research are the result or impact that resulted from research, is it can be given a positive and negative impact either theory or practice.

Chapter II Research Method

This chapter discusses ways of used to search and understand of the problem so arranged by systematics. These parts consist of some sub-chapter in among paradigm of research, the approach of research, type of research, kinds, and sources of data, the technique of data searching, the technique of data analysis, the technique of data validity and systematics writing.

Chapter III Review of Related Literature

This chapter discusses the theory and information already in admitting as valid in the form of a book that's been published nor in the form thesis and dissertations that have relevance to the research discussed in this research. There are two that became a staple in a literature review of previous research and the theory framework.

Chapter IV Findings and Discussion

This chapter discusses about the problems explanation that researched then analyzed with the theory that already exists are in compliance or not with the concepts has described before.

Chapter V Closing

The last part is in the writing of a research. This chapter describes the conclusion containing the points that have been examined in other words is the

answer to a problem formulation already expressed earlier of this research and suggestion is all that can be applied to the existence of the research and the possibility of the existence of a thing that does not exist in this research can be done on the research further. Then, the attachments that function as strengthener toward this research that research is already done right.



CHAPTER II

REVIEW OF RELATED LITERATURE

A. Previous of Research

The writer described some previous research as a theoretical framework, as a result, it is different between the research has done with this research like theoretical study, in among:

1. Research by Rahmawati, 2016, “*Penerapan Peraturan Menteri Pariwisata Dan Ekonomi Kreatif Nomor 9 Tahun 2014 Tentang Standar Usaha Pondok Pariwisata Pada Syariah Guest House Perspektif Maslahah*”, Department of Sharia Business Law, Sharia Faculty, State Islamic University of Maulana Malik Ibrahim Malang.

It's concluded that the result of research is the regulation of minister of tourism and economy creative No. 9 of 2014, in sharia guest house is suitable with certainty in the regulation. Then, in terms of the *maslahah* concept, that Sharia guest house can be used as a model in doing similar business. The similarities of the research by researcher did was on methods used i.e. same approach that is statue approach and concept approach. In addition, there is similarities about the research object i.e. lodging based on sharia principle, because in the researcher of research about halal tourism there is a discussion of Sharia lodging object. The difference of the research's researcher did was about discussion object that is object of the research discuss about tourism, it's means that research of researcher is

generally included talking about the issue of Sharia lodging. Besides, the concept used is also using this *maqashid al-Sharia* which is universal.

2. Thesis by Ariqa Nurwilda Sugiarti, 2015, “*Strategi Pengembangan Pariwisata syari’ah Untuk Meningkatkan Kunjungan Wisatawan Muslim Domestik dan Mancanegara di Kota Bandung*”, Department of Leisure and Resort Management, Social Science Faculty, Education University of Indonesia.

This research resulted in the development strategy of tourism tourist destinations to be Sharia Muslim domestic and foreign tourists. The steps that can be taken by the Government, among others, infrastructure repair the mosques, tourist destinations, transportation, and access to information. After that, the Government is doing the logging to socialization and Sharia tourism potential. Then, make regulations regarding Islamic halal certification tourism businesses in collaboration with MUI (Indonesian Council of Ulama). The similarities of my research is talking about the halal tourism. The differences are on the basis of reference in the development of halal tourism in research. Researchers based on Local Regulation and *maqashid al-shariah* concept while on an earlier talk about strategies that should be pursued to improve the tourist and also make different is the object of research that is Lombok with Bandung.

3. Master thesis by Rozikan, 2014, “*Bisnis Hotel Al-Shari’ah Solo Berdasarkan Peraturan Menteri Pariwisata dan Ekonomi Kreatif No. 2*

Tahun 2014 Tentang Penyelenggaraan Hotel Syari'ah di Indonesia",
Master Program in Islamic Law, State Islamic University Sunan Kalijaga.

It can be concluded that the results of research that found in the Solo Sharia Hotel is sharia hotel of category I (one). The categorization has not officially gets the certificates from the institution business certification (Lembaga Sertifikasi Usaha) and Indonesian Council of Ulama (MUI). Certification from LSU and MUI still in progress, but the standard set of each institution is already fulfilling criteria. Solo Shari'ah Hotel has shortcomings that must be supplied in terms of control. The structure of the Sharia Supervisory Board who have not been listed on the organizational chart of Solo Shari'ah Hotel creates hesitancy the sharia implementation in Solo Shari'ah Hotel. The similarities of my research is method of approach that is statute approach and discuss about the shari'ah lodging. While the differences are talking about the tourism which included about the shari'ah hotel. It's mean that the scope discuss more universal than the previous research. Then, make different is the object of research. My object research is Lombok and previous research in Solo.

To make it easier to identify the differences and similarities between previous research with this research, the following was presented at the comparison table:

Table 1

Similarities and differences of previous research

No	Name/University/ Year	Title	Similarities	Differences
1	Thesis by Enny Rahmawati, Department of Sharia Business Law, Sharia Faculty, State Islamic University of Maulana Malik Ibrahim Malang, 2016.	Penerapan Peraturan Menteri Pariwisata Dan Ekonomi Kreatif Nomor 9 Tahun 2014 Tentang Standar Usaha Pondok Pariwisata Pada Al-Shari'ah <i>Guest House</i> Perspektif Masalahah,	The application of laws-invitation, qualitative empirical research types, used the masalahah perspective	Types of regulation, and object of research
2	Thesis by Ariqa Nurwilda Sugiarti, Department of Leisure and Resort management, Social Science Faculty, Education University of Indonesia, 2015.	Strategi Pengembangan Pariwisata Al-Shari'ah Untuk Meningkatkan Kunjungan Wisatawan Muslim Domestik dan Mancanegara di Kota Bandung	Discuss the Islamic tourism, empirical research, the characteristic of research is descriptive qualitative	Not discuss the implementation of local regulation, an object of research, and based on a review of maqashid Al-Shari'ah.
3	Master thesis by Rozikan, Master Program of Islamic Law, State Islamic University of Sunan Kalijaga, 2014.	Bisnis Hotel Al-Shari'ah Solo Berdasarkan Peraturan Menteri Pariwisata dan Ekonomi Kreatif No. 2 Tahun 2014 Tentang Penyelenggaraan Hotel Al-Shari'ah Di Indonesia	Discuss the implementation of law-invitations, type of empirical research	Type of regulations is different, object of research, and theory analysis of the problem, as well as the source of data, does not use the documentation, not use maqashid Al-Shari'ah

B. Theoretical Framework

1. The Concept of Tourism

a. Definition

Tourism is not a new phenomenon in the world. According to Spillane, tourism has been around since the beginning of human civilization with marked by the movement of the population who make the pilgrimage and religious journey. Humans are aware that tourism is an agent of change who has the power of the great and dreadful, but the study of the social and cultural aspects of tourism is relatively far behind.⁴

In English mentioned by tour who it's mean excursion or trips to see the landscape, whereas by terminology, tourism sourced "sansekerta language" i.e. pari with mean smooth. It's mean having high etiquette and "wisata" with mean visiting or journey to see, listen, enjoy and learn something. Therefore, tourism is a serve something of visiting by etiquette and well behaved.⁵

Then, in Tourism Act No. 10 of 2009, mentioned that tourism is the tour activities and supported by various facilities as well as services provided by the public, employers, Government, and local government.⁶

In addition, the notion of tourism is also contained in the Presidential Instruction No. 19 of 1969 which mentioned that tourism is an activity

⁴ Suryo Sakti Hadiwijoyo, *Perencanaan Pariwisata Pedesaan Berbasis Masyarakat (Sebuah Pendekatan Konsep)*, (1st Published; Yogyakarta: Graha Ilmu, 2012), p. 41

⁵ Inu Kencana Syafii, *Pengantar Ilmu Pariwisata*, (1st Published; Bandung: CV. Mandar Maju, 2009), p. 14

⁶ Article 1 section (3) Tourism Act No. 10 of 2009

utilizing the natural resources and the environment as a result of a typical culture, historical heritage, beautiful scenery and comfortable climate.

Based on the definition of exposure from tourism above, it can be concluded that tourism is an activity or activities carried out by the Government as a ruler or community as commanded to present to guests their to come visit see the beauty of the landscape, the history of the nation and enjoy art and culture by etiquette and well behaved by mean religious. Clearly that the principle of tourism can include all of the kinds trips related vacation.

One thing that really stood out from the limitations of a wide variety of definitions expressed above is that in essence what is characteristic of the tourism that is the same or comparable though somewhat different way of delivering it, namely in terms of tourism, there are several important factors that must exist within the boundaries of understanding of tourism. The factors of that are intended:⁷

1. The journey has been done for a while
2. The journey has been done from one place to another.
3. The journey, although what form should be associated with recreation.
4. People who travel are not earning a living in a sheer and they visit—as consumers in a place visited.

⁷ Oka A. Yoeti, *Pengantar Ilmu pariwisata*, (Bandung: Angkasa, 1982), p. 118

b. Types and kinds of Tourism

In accordance with the potential, or inheritance that belongs to an area, then came the various types of tourism which were developed as the activities, which will have its own characteristics. Up to now, the types and kinds of tourism that are known of which are:

1. According to geographical location, where tourism activities developed.⁸

a. Local tourism

The meaning of this type of tourism is tourism that has a local scope is narrow and limited in certain places only. For example, Mataram city tourism, East Lombok Tourism and so on.

b. Regional Tourism

Tourism is an activity that develops within a place or area that is more general in scope than the space with "Local Tourism", but more narrow when compared to "national tourism". For example, West Nusa Tenggara Tourism, Bali and so on.

c. National Tourism

National tourism is divided into two definitions i.e. in terms of narrow and universal. As for the sense in a sense narrow i.e. the growing tourism activities in the territory of a country. The meaning is synonymous with the notion of "domestic tourism", where the point of severity is the people doing the tour are its own citizens and people

⁸ Oka A. Yoeti, *Pengantar Ilmu pariwisata*, p. 120

who are domiciled in the country. Then, generally meaning, the national tourism is a growing tourism activity in a region of a country, other than the activities of domestic tourism has also developed" foreign tourism "where in it including "in bound tourism " and " out going tourism. So, in addition to the presence of tourist traffic within the country itself, there is also foreign tourist traffic, as well as from domestic to foreign countries.

d. Regional-International Tourism

That is a growing tourism activity in an area of limited international but crossed the line more than two countries in the region. For example, tourism in ASEAN, Middle East, South Asia, West Europe and others.

e. International Tourism

It's mean the synonymous with World Tourism which is a tourism activity throughout who develop the country in the world, including, in addition to the "regional-international tourism" also the activities of "national tourism".

2. According to its effects on the balance of payments. Can be divided into two types:⁹

a. In Tourism or Active Tourism

It's mean the activity of tourism is marked by an indication of the tourist's foreign exchange to a particular country. Called by active

⁹ Oka A. Yoeti, *Pengantar Ilmu pariwisata*, p. 121

tourism because by the entering tourist means income the foreign exchange for the country has visited, by itself will strengthen the position of payment balance in countries that are has been visited by tourist. If are reviewed in terms of its foreign exchange income then this type of tourism should be developed first to get attention for its "quick yielding".

b. Out-going Tourism or Passive Tourism

It's mean the activity of tourism is signed by an indication of discharge of its own citizens traveled abroad as tourists. Called by passive tourism because viewed by income in the country of foreign exchange. This activity is detrimental to the countries of origin of tourists because the money that should be spent in the country brought to a foreign country and there is no sense of the economy for the country itself.

3. According to reason and aims trips¹⁰

a. Business Tourism

Is a kind of tourism where tourist come for the purpose of trade or business, the service that relates to its work, Congress, seminar, convention, Symposium, discussion of work.

b. Vocational Tourism

Is a type of tourism which people tours made up of people who are on vacation, the day of or vacation.

¹⁰ Oka A. Yoeti, *Pengantar Ilmu pariwisata*, p. 122

c. Educational Tourism

That is the kind of tourism where tourist or people who make a tour for purposes of the study (Included in it is to study-tour).

4. According to moment or time visiting¹¹

a. Seasonal Tourism

That is the kind of tourism activities take place on the season. Included in this parts are summer tourism and winter tourism as usually signed by sports activity.

b. Occasional Tourism

That is the kind of tourism where tour travel associated with the incident (occasion) as well as events, like galungan and kuningan in Bali, sekaten in Yogyakarta or pajang jimat in Cirebon, blossom festival in Tokyo or Washington and much more.

5. According to the objects¹²

a. Cultural Tourism

That is the kind of tourism, where the motivation of people to travel due because of the attractiveness of a series a place or area. So the object of its visit was an inheritance of the ancestors to the ancient objects. Often this kind of trip with a chance to take part in a cultural activity itself places has visited.

¹¹ Oka A. Yoeti, *Pengantar Ilmu pariwisata*, p. 123

¹² Oka A. Yoeti, *Pengantar Ilmu pariwisata*, p. 123

b. Recuperation Tourism

That is the kind of tourism that is usually referred to as health tourism. The purpose of the people of tours is to cure a disease, such as a take bath in warm water, mud baths like finding in Europe or milk bath, coffee bath in Japan that it said can make people become ageless.

c. Commercial Tourism

That is the kind of tourism because of the purpose of trade. This trip is associated with national or international trade, which often held Expo, Fair, Exhibition, and so on.

d. Sport Tourism

Namely, tourism related to the sport. The point is the goal of this tourism is to watch a sports party somewhere or certain countries. Such as Olympiade, All England, boxing, football or participated in its activity

e. Political Tourism

Usually called the tourism politics, namely his journey which aims to see or witness an incident or event that is associated with the activities of a country, whether the birthday or anniversary. Such as armed forces day in Indonesia, parade 1 May in Tiongkok, 1 October in Rusia.

f. Social Tourism

Social tourism does not be associated with a tourism that stands alone. This sense is only viewed in terms of its emphasis on not just the profit. Such as study tour, picnic, or youth tourism known by its adolescent tourism.

g. Religion Tourism

That is the kind of tourism where the purpose of the trip is done is to see or witness the ceremony of religious. Such as, the Hajj to Mecca to join Muslims and others.

c. Tourist

So many kinds different opinion on the definition of the tourists but simply put the term can be defined as people who travel. In English, as we know called "Tourist". Understanding of tourists also expressed by G.

A. Schmoll that says:

"Tourist is individuals or group of individuals who considering their purchasing power available for vacation and recreational travel, interest in and motivation for travel in general, past travel behavior, existing knowledge, interest in and awareness concerning the services or destination concerned are likely prospect for future visit".¹³

Definition who expressed by G.A. Schmoll can explain the elements contained in the definition given. As for elements of that question is as follows:¹⁴

¹³ G. A. Schmoll in Oka A. Yoeti, *Pengantar Ilmu Pariwisata*, p. 139

¹⁴ Oka A. Yoeti, *Pengantar Ilmu pariwisata*, p. 140

1. This definition directly brings the promotional planners for ahead with keeping the attention to potential tourists, whether individuals or groups.
2. In the definition of inclusive criteria are key, such as, purchasing power, past experience, attitudes, interest, knowledge, which target the arrival of tourists or the market segment may be determined.

Definition of tourists also expressed by P.W. Ogilive, an expert of tourism United Kingdom which saw tourism in terms of business, giving the defined as follows:

“Tourist is everyone that fulfill two conditions, firstly that it’s left home for a period of less than one year and *secondly* that while they are gone, they are spending money in a place they visit not with making a living at the venue”.¹⁵

Should be to determine who are among the many people who visit entering a country that can be considered as tourists, it should be noted first the existence of certain groups of people as follows, People who enter a country can be classified into four groups, namely:¹⁶

1. Immigrant

That includes this group is foreigners (non-resident) who enters a country with the intention of settling in the country concerned as well as trying to find a job in the country visited.

¹⁵ P.W. Ogilive in Oka Yoeti, *Pengantar Ilmu Pariwisata*, p. 141

¹⁶ Oka A. Yoeti, *Pengantar Ilmu pariwisata*, p. 140

2. Visitor

Is the guest who enters a country for a while (usually in that one year) without a fixed job looking intends in the countries they visit.

3. Resident

Included in this group are either citizens or not of the country, who returned from abroad for a while (usually less than one year).

4. Foreign Diplomatic and Military Personal

That is a member a member of the foreign embassies, military attaches stationed in a country due to its post.

Although the tourists sense given regarding international tourist but can be drawn there from so that can also apply to domestic tourist. The important thing is that the money spent is not obtained in another country or place of origin.

In the development and construction of tourism in Indonesia, the Government has formulated the restrictions on tourists, as published in the President Instruction no. 9 of 1969 that gave the definition as follow:

“The tourists any person who travel from the place of residence to visit other places with travel and enjoy the visit it”.

If formulated regarding the limitations of the tourist's definition, then it will be said of tourists if there are characteristics. A person can be said to be tourists if:

1. The journey more than 24 hours.
2. The journey just for a time.

3. people who journey do not look livelihood in the place or country which visited.

Therefore, it can be said if not fulfill the requirements above, that person cannot be said the tourist. One requirement not there, thus, both requirements became fall, because it's limitation that qualifies the requirement without one left.

d. Types and Kinds of Tourist

Looking at the trip characteristic and scope where that journey is done, then the tourists can be classified as follows:¹⁷

1. Foreign Tourist

A Foreign tourist is a foreigner who travels tours coming entered a different country which is not a country where it usually resides. Foreign tourist for a country can be characterized by the status of nationality was travel documents, and can also be of type currency which shopped. Because generally the tourists almost always to Money Changers before shopping.

2. Domestic Foreign Tourist

Is a person who resides in a country that does the trip in the territory of the country where lives It means the person is not a citizen of where he was, but it was a foreign citizen who because of their job or position is settled and lived in a country with earn original currency or in the currency of the country where lived but in a balanced way.

¹⁷ Oka A. Yoeti, *Pengantar Ilmu pariwisata*, p. 143

For example, an American who works at the United States Embassy in Jakarta who did travel to Lombok.

3. Domestic Tourist

Tourists in the country, that a citizen who do travel within the territory of their own country without passing through the border of the country. So there is nothing at all of the elements were either in the form of currency, nationality etc.

4. Indigenous Foreign Tourism

Is a citizen of a particular country that because of its job or term abroad, returned to his native country and travel tours to the territory of their own country. For example, students who are members of IPPI in Europe return to Indonesia and it was arrived make a trip to Senggigi Beach Lombok.

5. Transit Tourism

Is a tourist who is conducting tours to a particular country aboard by the plane, ship or train was forced call on some places (Harbour, airport, and station), not over preferences themselves. For example, two German citizens travel tour to Lombok pass through Bali.

6. Business Tourist

Are people who travel (whether foreigners or own citizens) who travel to other destinations is not a tour, but the tour will take place after the main objective has been completed. So, the intent was the secondary objective is the tour after the primary goals done.

e. Tourism Industry

In the literature of tourism abroad, the word of “tourism industry” have the same meaning with “travel industry”. Therefore, the aims of these both are the same.

As expressed by R.S. Darmajadi that the tourism industry is a summary of the various of businesses, which collectively make products or services, with other word services that will either directly or indirectly will be needed by tourist during its treatment.¹⁸

Some experts of tourism from abroad give the definitions vary regarding the tourism industry, but nevertheless, there is a similarity in terms of the meaning is generated. As for the experts who means are: Prof. W. Hunziker from Bern University gives the statement of the tourism industry as follows:¹⁹

“Tourism enterprise are all business entities which by combining various means of production, provide goods and service of a specifical tourist nature”.

Almost simultaneously with what has been said by the Hunziker, the Burneker give a formula concerning the tourism industry as follows:²⁰

“Tourism industry are economic entities for the provision of service to satisfy the need for travel and other needs related to it and further make a distinction between “object-oriented” enterprise (hotel, transportation, firm, etc.), “subject-oriented” enterprise (mainly those involved in the promotion and advertising for tourism) and enterprise establishing relation between tourist and tourism object, i.e. Travel Agent, Tour Operator and other intermediaries”.

¹⁸ R. S Darmadji in Oka A. Yoeti, *Pengantar Ilmu Pariwisata*, p. 153

¹⁹ Hunziker in Oka A. Yoeti, *Pengantar Ilmu Pariwisata*, p. 154

²⁰ Burneker in Oka A. Yoeti, *Pengantar Ilmu Hukum*, p. 154

In Indonesian context, the term of tourism as an industry recently began to be known after published President Instruction of Indonesia No. 9 of 1969 on date 6 august 1969, which in chapter II article 3 mentioned:

"Businesses development of tourism in Indonesia are a development of "tourism industry " and is part of the development effort and the development and welfare of society and the State".

The instruction of President above, said again that the purpose of tourism develop in Indonesia are:²¹

1. increase foreign exchange income and State revenue in particular and society in General, expansion of employment and encouraging activities supporting industry and the industry's other side.
2. Introducing and exploring the natural beauty and culture.
3. Improve national and international fraternities.

Others reference, the tourism industry is a group of companies that live and depend on of tourists visit. In other words, when there are no tourists, then it can be said the Group industry will not exist because no one is served.²²

All of the definitions had mentioned above it can be concluded that the tourism industry is a collection or set of firms that produce either in the form of services or goods needed for tourists to travel to a place. As an industry, a collection or a series of the company that means is none other than hotels, lodging, travel agencies, restaurants and entertainment

²¹ Oka A. Yoeti, *Pengantar Ilmu pariwisata*, p. 151

²² Oka A. Yoeti, *Ekonomi Pariwisata (Introduksi, Informasi, dan Implementasi)*, (Jakarta: PT Kompas Media Nusantara, 2008), p. 66

venues. As an example of the tourism industry are hotels, agents of travel, rental transportation and more.

For an example of the tourism industry which will be discussed in more detail is a hotel, because the hotel is something to needed by the tourists in doing a trip to somewhere. Therefore, the hotel is searched first before going to the place of a tourism destination.

The Indonesia which has a very varied tourism destination compared to other countries in the world, the Government implemented the “sapta pesona” in improving tourism in Indonesia including in terms of the provision of hotel services that is as follows:²³

1. Secure interest
2. Orderly interest.
3. Clean interest.
4. Cool interest.
5. Beautiful interest.
6. Friendly interest.
7. memories interest

So, hotels should be safe from the threat of terror, the hotel should be orderly of moral decadence, hotel guests must be clean and fragrant, the hotel must be hospitable to guests, the hotel should have its own religious memories.

²³ Inu Kencana Syafiie, *Pengantar Ilmu Pariwisata*, (1st Published; Bandung: CV. Mandar Maju, 2009), p. 178

In Tourism Act No. 10 of 2009, there are also the rules about the hotel by generally. As for the rules that mean are follow:²⁴

1. Keep up and respect the religious norms, customs, culture, and values that live in the local community
2. Provide information that is accurate and responsible
3. Providing services which are not discriminatory
4. Provide comfort, friendly, protection and safety of tourists
5. Provide protection insurance on tourism industry with high-risk activities
6. develop partnerships with micro-small, local cooperatives, and mutual need, strengthens, and profitable
7. Give priority to the use of local products, domestic products, and provides opportunities to the local worker.
8. Enhancing the competence of the worker through training and education
9. Play an active role in the development efforts and community empowerment program
10. Participate in preventing any acts that violate decency unlawful activities and in its business environment
11. Maintain a healthy environment, clean, and beautiful
12. Maintaining environmental sustainability of nature and culture
13. Keep the image of the country and the nation through business activities in responsible tourism
14. the standards effort and competency standards in accordance with the provisions of the legislation.

The above provisions can take the conclusion that the hotel is essentially a clean attempt because there is no claim or obligation for employers to provide facilities or products in violation of the norms of decency and also no obligation for entrepreneurs engaged in tourism who violates Islamic Sharia norms. It's just that cause the occurrence of prohibited due to the intervention of the hotelier or his guests depending on the direction of the intended by each manager or guest who occupied it. Like trade in knives can be used by the buyer to the benefit or damage, depending on his will. So, the

²⁴ Article 26 Tourism Act No. 10 of 2009

hospitality services is not an effort of illegitimate (haram) or speculation (subhat). Still forbidden and speculation depends on the products and facilities provided and its users.

2. Concept of Halal Tourism in Local Regulation of West Nusa Tenggara No. 2 of 2016

a. Definition of Halal Tourism

Halal tourism can be defined as efforts of travel or recreation to look for happiness that does not conflict and violating the principles of Islamic, as well as from the earliest intends to admire the greatness of Allah's creation. In addition, tour with a specific purpose as well as an intended trip and rituals, at least with recite verses of holy Quran or celebrate admire the beauty of nature around, and other positive practices that comply with Islamic teachings as well as the benefit of human life and the environment.²⁵

In Halal Tourism of local regulation of West Nusa Tenggara No. 2, of 2016, mentioned that the meaning with halal tourism is a tourist destination with activities and tourism industry is setting up facilities, services, products, and management of the tourism that meet Sharia.²⁶

The both definition mentioned above, it can be inferred that the halal tourism is an activity of visiting a place with the objective to see the Majesty of Allah's creation is a beautiful spiritual fulfillment needs so that it can be fulfilled without neglecting obligations as Muslims i.e.

²⁵ Hery Sucipto dan Fitria Andayani, *Wisata Syariah (Karakter, Potensi, Prospek dan Tantangannya)*, (1st Published; Jakarta: Grafindo Books Media, 2014), p. 45

²⁶ Article 1 Section (16) Halal Tourism of Local Regulation of West Nusa Tenggara No. 2 of 2016

like prayers five times. Simply, that halal tourism is tourism which is based on Islamic values.

Especially to non-Muslim tourists, that the halal tourism was conducted based on Islam, also accommodate the needs required by the non-Muslim tourists because in principle the concept of halal tourism is universal and bring peace. Islamic jurisprudence is not like the supposed Western who said that Islam was the religion of the radical, cruel and so forth but instead protects and gives mercy to the universe.

The presence of halal tourism is an attempt to provide comfort and secure against the Muslim tourist's both domestic and foreign tourists. Even non-Muslim tourists are very interested in the concept of halal tourism. Therefore, Lombok as one of the best halal destinations in the world, then the local governments of West Nusa Tenggara in order to provide comfort and protection to the tourists, in particular, are predominantly domestic or foreign tourists. Thus, the West Nusa Tenggara local governments issued a local regulation, namely Halal Tourism of Local Regulation of West Nusa Tenggara No. 2 of 2016, with the hope it can serve as a guide in implementing halal tourism in Lombok West Nusa Tenggara.

b. Development of Halal Tourism

Tourism is a very important factor in to increase the economy of a society, in particular, are there in West Nusa Tenggara so if this can

be applied to it will be created a prosperous society order of life. The concept of tourism that had developed in the community only in terms of conventional tourism is tourism that is based on the income to get as much only without regard to moral aspect.

To solve the problem above, then one solution is to apply the halal tourism. Halal tourism which as mentioned at the outset that his goal to provide comfort, secure against tourists visiting a Muslim in particular either from domestic or foreign tourists, either Muslim or non-Muslim. Be related to halal tourism, apart from aspects of the destinations, things to note as the Shariah standards can be applied to four different types of tourism businesses, including hotels, restaurants, travel agencies tourism and spa. In drawing up this Sharia standard, Economic Creative and Tourism Ministry has employed certification Institution Business (Lembaga Sertifikasi Usaha) and MUI.²⁷

Nevertheless, what became the standard in the halal tourism is in compliance with what is found on Halal Tourism of Local Regulation of West Nusa Tenggara No. 2 of 2016. In the operations, the parties must build public facilities to support the creation of comfort in tourism activity. What is meant here is the public facilities and equipment as well as Muslim travelers worship facilities that meet Islamic standards of purity. Subsequently, to realize the halal tourism,

²⁷ Hery Sucipto and Fitria Andayani, *Wisata Syariah*....., p. 209

in particular, are there in West Nusa Tenggara, so needed support from all parties, from both the Government institutions, the tourism industry and the community.

c. Halal Tourism Accommodation

Basically, the halal tourism industry is a result of the adoption of the tourism industry as it is known, however, there are usually a few extra elements that must exist in the halal tourism industry that is not owned in the tourism industry namely about there are elements based on sharia principles. For example, halal tourism industry that will be discussed is the hotel.

However, when a tourism industry such as hotel provides rooms with the mini mosque (mushalla) that provide halal kitchen, Scriptures, and do not provide the alcohol, then the hotel has implemented sharia principles although no halal certificate. It could be shaped places of entertainment that are free of pornography or provide public facilities such as swimming pool and separate fitness for women and men, it has also implemented the sharia principles.

In Local Regulation of West Nusa Tenggara, There are two forms of tourism industry namely, *the first*; conventional tourism industry, tourism business is selling tourism services and products that are not based on sharia principles.²⁸ In the conventional tourism industry, services and products must be provided:

²⁸ Article 11 Halal Tourism of Local Regulation of West Nusa Tenggara No. 2 of 2016

1. The Qiblah direction in hotel rooms;
2. The information of the nearest mosque;
3. Places of worship for the tourists and employees of Muslims;
4. Description of halal products/not;
5. Place a separate take ablution between men and women;
6. Supporting facilities for performing prayers; and
7. A separate urinal place between men and women and makes it easy for purity.

Halal tourism accommodation is tourism businesses that sell products and services of tourism based on Syariah principles as defined by the DSN-MUI. Is halal tourism here are:²⁹

1) Accommodation

In the provision of accommodations, including the products, services and management should be based on the sharia or already get the halal label of DSN-MUI (National Islamic Council the Assembly of scholars of Indonesia).

In terms of hotel services, standardization of services should be implemented is to glorify, peaceful, transparency to anyone, friendly to everyone and environment, the truthful, trustworthy, consistent, make help to others the goodness.³⁰

2) Agent of Travel

Begin departing from home to destination place, then tourists will need transport, either from one country to another or within a country, therefore it is sure there are three types of transport i.e.

²⁹ Article 12-19 Halal Tourism of Local Regulation of West Nusa Tenggara No. 2 of 2016

³⁰ Riyanto Sofyan, *Bisnis Syariah mengapa tidak? (pengalaman penerapan pada bisnis hotel)*, (Jakarta: PT Gramedia Pustaka Utama, 2011), p. 63

land, sea, and air.³¹ Therefore, every halal Tourism travel agency must be obliged:

- a) Understood the management of halal tourism.
- b) Provide the information about halal tourism package and tourist attitude (code of conduct) on halal tourism destination.
- c) carry out a travel package tours in accordance with halal tourism criteria based on Standard operating procedures (SOP) that refer to the provisions of the DSN-MUI.

Such as has been expressed previously that in halal tourism must have uniformity accommodation by sharia standart either product, service, or managemen. A reseach indicates that there are 10 feautres an sharia hotel that enjoyable of guest. It's become a barometere of the sharia hotel concept.³² *The first*, halal food is a very important of Muslim culture and involves food according Islamic law. It is the first requairement to fulfill the necessary of Muslim tourist. As written in the Muslim Village some time ago that halal food appease of souls.

The second, worship facilities, notice of adhan time, and qiblah direction. According to the site, the existence of this facility is able to make Muslim feel impressed and bound. It also makes it easy of Muslim tourist to perform a obligation.

The third, entertainment facilities, such as swimming pool, spa, entertainment for child. The entertainment sought not only for fun but

³¹ Inu Kencan Syafiie, *Ilmu Pengantar Pariwisata*, p. 179

³² Hery Sucipto dan Fitria Andayani, *Wisata Syariah*, p. 106

also has elements of educate. *The fourth*, woman staff room, Islamic culture need often it for house family for example to change the dress. *The fifth*, there is separated swimming pool and spa between man and woman.

The sixth, there is Middle East menu. It is effective way to increase the Muslim tourist. Hotel will be loved regardless from culture and religion. The delicious food make interesting of Muslim tourist in the world. *The seventh*, no liquor in hotel bar. This kind certainty makes intoxicate. So whatever that intoxicate is haram. *The eighth*, there is Arab channel so that the guest up to date about the Arab information.

The ninth, woman-friendly bath room that is capable of covering woman's bodies when swimming pool, spa, or enjoy the beauty of beach. *The tenth*, the availability of al-Quran in every room. It is the simple way to welcome Muslim guests. And of course in every rooms there are qiblah direction. It will be better if there is prayer mat that provided in every rooms.

d. Potential of Halal Tourism in Lombok

Like the island area that is under the Province of West Nusa Tenggara Indonesia, Lombok certainly has plenty to attract the attention of human being. Lombok island inhabited by a majority of the population is mostly Muslim societies so very many mosques are scattered in almost every district, in among East Lombok, Central

Lombok, West Lombok, North Lombok and Mataram City. Not worry, famous as one thousand islands.

There are a few things that make Lombok as halal tourism. Based on delivered by Siti Alfiyah, representing the head of Tourism Destinations, Department of culture and tourism of the province of West Nusa Tenggara, that the worthy potential obtained by Lombok as halal tourism including:³³

- a) Vision and mission of local governments that are in line with the development of halal tourism. West Nusa Tenggara community embodies the faith, cultural, competitive and prosperous power. Into the direction of the local governments in setting up regional development measures.
- b) Identity of the community of Lombok that close with application of Islamic values
- c) Profile of the governor of the West Nusa Tenggara in line with the development of halal tourism.

3. Maqāshid al-Sharīah

a. Definition

The words of *maqāshid syarī'ah* consist of *maqāshid* and *syarī'ah*. *Maqāshid* from Arabic *maqāshid* having the plural is *maqsad* the meaning purpose, target, foundation, intention, the last aims.³⁴ Then,

³³ <http://bimasislam.kemenag.go.id/post/berita/tiga-alasan-lombok-layak-jadi-destinasi-wisata-halal> accessed on Januari, 25 2017 at 13.31 WIB

³⁴ Jasser Auda, *Maqasid al-Shari'ah as Philosophy of Islamic Law (a System Approach)*, (1st Published; Kuala Lumpur: The International Institute of Islamic thought, 2008), p. 2

al-Sharī'ah from the *syara'a as-syai* the meaning explaining something or taken “*asy-syir'ah* and “*asy-syarī'ah*” by the meaning the source place of water that never stop and people came to there not needed the instrument.³⁵ The both of meaning word can understood that *maqāshid al-Sharī'ah* is the aims became a target of text (al-Quran and Hadits) and law particularly to realized in the human life either of commands or prohibition, and can be for individual, family, group and all of human being. The goals of the Quran can be known through the human mind makes sense because Allah SWT already explain this explicitly in his word, i.e.:

الَّذِينَ يَتَّبِعُونَ الرَّسُولَ النَّبِيَّ الْأُمِّيَّ الَّذِي يَجِدُونَهُ مَكْتُوبًا عِنْدَهُمْ فِي التَّوْرَةِ
وَالْإِنْجِيلِ يَأْمُرُهُمْ بِالْمَعْرُوفِ وَيَنْهَاهُمْ عَنِ الْمُنْكَرِ وَيُحِلُّ لَهُمُ الطَّيِّبَاتِ وَيُحَرِّمُ
عَلَيْهِمُ الْخَبَائِثَ وَيَضَعُ عَنْهُمْ إِصْرَهُمْ وَالْأَغْلَالَ الَّتِي كَانَتْ عَلَيْهِمْ فَالَّذِينَ آمَنُوا بِهِ
وَعَزَّزُوا وَنَصَرُوهُ وَاتَّبَعُوا النُّورَ الَّذِي أُنْزِلَ مَعَهُ أُولَٰئِكَ هُمُ الْمُفْلِحُونَ ﴿١٥٧﴾

It's mean: “those who follow the Apostle-Prophet, the Ummi, whom they find written down with them in the Taurat and Injeel (who) enjoins them good and forbids them evil, and makes lawful to them the good things and makes unlawful to them impure things, and removes from them their burden and shackles which were upon them; so (as for) those who believe in him and honor him and help him, and follow the light which has been sent down with him, these it is that are the successful.”³⁶

³⁵ Yusuf al-Qardhawi, *Dirasah fi Fiqh Maqashid Asy-Al-Shari'ah (Baina al-Maqashid al-Kulliyyah wa an-Nushush al-Juz'iyah)*, Translated. Arif Munandar Riswanto, *Fiqh Maqashid Al-Shari'ah (Moderasi Islam antara Aliran Tekstual dan Aliran Liberal)*, (1st Published; Jakarta Timur: Pustaka al-Kautsar, 2007), p. 17

³⁶ Q.S. al-A'rāf (7): 157

The terminology of *maqashid al-shariah* popularized by Abu Ishak al-Syatibi that contained in his book “*Muwafaqat*” section II as well as expressed follows:

هذه الشريعة وضعت لتحقيق مقاصده الشريعة قيام مصالح في الدين الدنيا معا

It's mean: “Verily, Islam was derived for the realization of Allah in manifesting goodness (maslahah) of religion and the world together”

According to Wahbah al-Zuhaili, the meaning of *maqashid al-shariah* is values and objectives shariah that implied in all or most of its law. the value and goal are seen as objective and confidential jurisprudence established by *al-shara'* (creator of shara') in any legal provisions.³⁷ So that it is understood that *maqashid al-shariah* is an obstetrician value that became the ultimate goal of enforcing the law syara'.

Another opinion expressed by Ibn 'Asyur who saying that *maqashid al-shariah* is a benefit (hikmah) and under the table (secret) and the purpose of the revelation of the jurisprudence in General with no one on the field specifies for certain.³⁸ It can be understood from the definition above, that *maqashid al-shariah* has a very broad coverage with no specific law devoted, but basically, the *maqashid al-shariah* is the value which becomes a reference in the determination

³⁷ Wahbah al-Zuhaili, *Ushul al-Fiqh al-Islami*, Volume II, (14th Published; Beirut: Dar al-Fikr, 2005), p. 307

³⁸ Safriadi, *Maqashid al-Syari'ah Ibnu 'Asyur*, (1st Published; Banda Aceh: CV. Sefa Bumi Persada, 2014), p. 40

of the law and that value still is universal in the sense of not especially on one or two specific laws.

Maqshid al-shariah is *al-ma'anni allati syari'at laha al-ahkam* (the content of the value to which it was commanded by the law). While according to Imam Syatibi, *maqashid al-shariah* is the goals of commanded law by Allah SWT which point of goodness (*maslahah*) for a human being in the world and happiness in the hereafter. Each commanded of law by Allah contains the goals (*maqashid*) i.e. goodness (*maslahah*) for a human being.³⁹

The meaning contains in the *maqashid al-shariah* is goodness. This situation matches with expressing of Ibnu Qayyim al-Jauziah in his book under title "*I'lamu al-Muwaqqi'in*". He says the principle from shariah is for the goodness of human being in the world and hereafter. *Maslahah* by analysis of *maqashid al-shariah* not only are seen in the technical sense but in the legal development dynamics and the effort is seen as something that contains the value of philosophical laws commanded by Allah against to human being.⁴⁰

If try to observe the verses of Allah in the Quran, an awful lot of that can show the law handed down by Allah SWT through the Quran contains the benefit (good) for human as a party shall be obliged to implement the Sharia. It's mean, be loaded of shariah to a human

³⁹ Asafri Jaya bakri, *Konsep Maqashid al-Syariah Menurut al-Syatibi*, (Jakarta: PT Raja Grafindo, 1996), p. 5

⁴⁰ Suyatno, *Dasar – Dasar Ilmu Fiqh & Ushul Fiqh*, (1st Published; Yogyakarta: Ar-Ruzz Media, 2011), p. 154

being is in order to humankind itself. For example, the verse of al-Quran which talks about that is:

مَا أَنزَلْنَا عَلَيْكَ الْقُرْآنَ لِتَشْقَى ﴿٢﴾

It's mean: "we have not revealed the Quran to you that you may be unsuccessful".⁴¹

The above verse is very clear that the Quran was revealed by Allah SWT does not make human life becomes difficult, but was demoted to the best solutions to the problems of human life.

Some statement of ushul fiqh expert above, it's can clearly that in spite of different opinion between one with each other, but all of it begin from almost the same point that the law is not made for the law itself. But another purpose that is made for the benefit of the worshiper because if the law made empty of the benefit, then the real wisdom in the deeds of the Lord, or Allah doing just veins. This is not feasible with the Majesty and wisdom of Allah SWT.

b. Classification of Maqâsid al-Sharî'ah

Maqâshid al-Sharî'ah consists of levels of necessity, namely necessity or emergency (*darurat/daruriyyat*), need or hajiat (*hajiyyat*) and complement or tahsiniat (*tahsiniyyat*).⁴² But, the point of *maqashid Al-Shari'ah* who agreed in sharia consist of five things, such as mentioned and counted by scholar (*ulama*) with names *al-kulliyyat al-khams* (five things universal principle), assumed and

⁴¹ QS. Th ha (20): 2

⁴² Jasser Auda, *Maqasid al-Shari'ah as Philosophy of Islamic Law*...., p. 3

general purpose of sharia must be to keep up, as well as say by Imam al-Ghazali and Imam as-Shatibi.

- 1) *Hifdz Ad-Dîn* (the preservation of religion). *Illat* (reason) required to war and fight (ijtihad), if shown to enemy or the same goals. The preservation based on interesting can divided become three levels:⁴³
 - a. The preservation of religion in *dharuriyyat* level, that is preservation and implement the religion obligation which includes the primary level, such as keep up prayer five times. If it's ignored, therefore threatened of religion existence.
 - b. The preservation of religion in *hajiyyat* level, i.e. implement the religion command with the purpose to avoid difficulty. Such as *jama'* prayer and *qashar* prayer for anyone who traveling. If this certainty not implemented there is no threatened of the religion existence. But only will be made difficult for everyone who keeps up.
 - c. The preservation of religion in *tahsiniyyat* level, i.e. follow the instructions of the religion in order to uphold the dignity of the human being at the same time complement the implementation of the obligations towards Allah. For example close the genitals (aurat), both inside and outside the body, clean the prayer clothes and this third place, often associated with attitudes

⁴³ Mardani, *Ushul Fiqh*, 1st Edition, (1st Published; Jakarta: Rajawali Pers, 2013), p. 338

admirable. If it is not possible to do, then this will not threaten the existence of the religion nor is it more difficult for people who do it

From each of the divisions above, religion is one that must be guarded wherever they are, because it concerns the relationship between man and his God, i.e. Allah SWT. With regard to the rights of religions, Allah SWT said:

الَّذِينَ اتَّخَذُوا دِينَهُمْ لَهْوًا وَلَعِبًا وَغَرَّتْهُمُ الْحَيَاةُ الدُّنْيَا فَالْيَوْمَ نَنْسَاهُمْ كَمَا نَسُوا لِقَاءَ يَوْمِهِمْ هَذَا وَمَا كَانُوا بِآيَاتِنَا يَجْحَدُونَ ﴿٥١﴾

It's mean: "who take their religion for an idle sport and a play and this life's world deceives them, so today we forsake them, as they neglected the meeting of this day of theirs and as they denied our communications."⁴⁴

2) *Hifdz An-Nafs* (the preservation of human life). *Illat* (reason) to required the qhisas punishment, in the between to keep up the magnificence and freedom. The preservation of human life based on interest level which divided become three level:⁴⁵

- a) The preservation of human life in *dharuriyyat* levels, such as to fulfill the daily need like food to life. If the daily need is ignored, then it would be threatening the existence of the human soul.
- b) The preservation of human life in *hajiyyat* levels, such as it is possible to hunt animals and fish at sea to enjoy delicious food

⁴⁴ QS. Al-A'r f (7): 51

⁴⁵ Mardani, *Ushul Fiqh*, p. 339

and halal. If the activity is ignored, then it will not threaten the existence of mankind, but only complicate its life.

- c) The preservation of human life in *tahsiniyyat* levels, such as the establishment of procedures of eating and drinking, this activity is only related to civility and ethics, it will never threaten the existence of the human soul, or undermines a person's life.

As for the evidence for al-Quran that deal with the rights of the soul, Allah SWT said:

وَمَا كَانَ لِمُؤْمِنٍ أَنْ يَقْتُلَ مُؤْمِنًا إِلَّا خَطَاً وَمَنْ قَتَلَ مُؤْمِنًا خَطَاً فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ
وَدِيَّةٌ مُسَلَّمَةٌ إِلَى أَهْلِهِ إِلَّا أَنْ يَصَدَّقُوا فَإِنْ كَانَ مِنْ قَوْمٍ عَدُوٍّ لَكُمْ وَهُوَ مُؤْمِنٌ
فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ وَإِنْ كَانَ مِنْ قَوْمٍ بَيْنَكُمْ وَبَيْنَهُمْ مِيثَاقٌ فَدِيَّةٌ مُسَلَّمَةٌ إِلَى أَهْلِهِ
وَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ فَمَنْ لَمْ يَجِدْ فَصِيَامُ شَهْرَيْنِ مُتَتَابِعَيْنِ تَوْبَةً مِّنَ اللَّهِ وَكَانَ اللَّهُ
عَلِيمًا حَكِيمًا ﴿٩٢﴾

It's mean: "And it does not behoove a believer to kill a believer except by mistake, and whoever kills a believer by mistake, he should free believing slave, and blood-money should be paid to his people unless they remit it as alms, but if he be from a tribe hostile to you and he is believer, the freeing of a believing slave (suffices), and if he is from a tribe between whom and you there is a covenant, the blood-money should be paid to his people along with the freeing of a believing slave, but he who cannot find (a slave) should fast for two months successively: a penance from Allah and Allah is Knowing, Wise."⁴⁶

- 3) *Hifdz Al-'Aql* (the preservation of mind). *Illat* (reason) of forbidden lot of things that intoxicate or narcotic and the like its. The

⁴⁶ QS. Al-Nisa (4): 92

preservation of mind viewed in terms of their significance can be distinguished into three level:⁴⁷

- a) The preservation of mind in *dharuriyyat* levels, such as forbidden to drink the alcohol. If this provision is not above begging, then it would be threatening the existence of sense.
- b) The preservation of mind in *hajiyyat* level, such as the commanded to look for the science. If that is done, then there will be damage, but it will be difficult for a person, in relation to the development of science.
- c) The preservation of mind in *tahsiniyyat* levels, such as prevent ourself from fantasizing or listening to something that is not utilitarian. It is closely related to ethics, would not threaten the existence of the mind directly.

The evidence of al-Quran that talks about maintaining a mind is as follows:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رِجْسٌ مِّنْ عَمَلِ
الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ ﴿٩٠﴾ إِنَّمَا يُرِيدُ الشَّيْطَانُ أَنْ يُوقَعَ بَيْنَكُمْ
الْعَدَاوَةَ وَالْبَغْضَاءَ فِي الْخَمْرِ وَالْمَيْسِرِ وَيَصُدَّكُمْ عَنْ ذِكْرِ اللَّهِ وَعَنِ الصَّلَاةِ فَهَلْ
أَنْتُمْ مُنْتَهُونَ ﴿٩١﴾

It's mean: "O you who believe! Intoxicants and games of chance and (sacrificing to) stones set up and (diving by) arrows are only an uncleanness, the Shaitan's work, shun it therefore that you may be successful. The Shaitan only desires to cause enmity and hatred to

⁴⁷ Mardani, *Ushul Fiqh*, p. 339

spring in your midst by means of intoxicants and games of chance, and to keep you off from the remembrance of Allah and from prayer. Will you then desist?⁴⁸

- 4) *Hifdz Al-Mâl* (the preservation of material wealth). *Illat* (reason) cutting of hands for thieves, illat the prohibition of usury and bribery or consuming the property of others by way of other vanity. Seen in terms of its importance, keeping the treasure can be distinguished into three levels:⁴⁹
- a) The preservation of material wealth in *dharuriyyat* level, such as Shariah about procedures the possession of the property and the prohibition of taking the property of others in a wrong way, if the rules were violated, then be threatening the existence of the treasure.
 - b) The preservation of material wealth in *hajiyyat* levels, such as buying and selling by *salam* way. When this method is not used, then it will not be threatened the existence of the treasure, but it will be difficult for people who need capital.
 - c) The preservation of material wealth in *tahsiniyyat* levels, such as terms of avoiding ourself from monkey business (fraud). It is closely related to ethics or business ethics should deal. It also will be under to the validity and sell it, as the third-level is also a requirement of the existence of the first and second level.

⁴⁸ QS. Al-Mai'dah (5): 90-91

⁴⁹ Mardani, *Ushul Fiqh*, h. 340

While the evidence of the Quran describing so the human preservation of material wealth, Allah SWT said:

وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ وَتَذُلُّوا بِهَا إِلَى الْحُكَّامِ لِتَأْكُلُوا فَرِيقًا مِّنْ أَمْوَالِ النَّاسِ بِالْإِثْمِ وَأَنْتُمْ تَعْلَمُونَ ﴿١٨٨﴾

It's mean: "And do not swallow up your property among yourselves by false means, neither seek to gain access thereby to the judges, so that you may swallow up a part of the property of men wrongfully while you know".⁵⁰

- 5) *Hifdz An-Nasl* (the preservation of family lineage), *illat* (reason) forbidden the adultery and *qadzaf* (accuse of someone to adultery) the preservation of family lineage viewed of part importance level can be distinguished into three level:⁵¹
 - a) The preservation of family lineage in *daruriyyat* levels, such as commanded of marriage and prohibited adultery. If the activity is ignored, then the existence of the off lineage will be threatened.
 - b) The preservation of family lineage in *hajiyyat* levels, such as the establishment of the provisions mentioning the bride price to the husband at the time of marriage and rights assigned to divorce *aqad* of her. If the bridprice was not mentioned at the time of contract (*aqad*), then the husband will have difficulty, because he had to pay the bridprice of *misl* (*Mahar misl*), whereas, in the case of divorce, the husband would have trouble, if he didn't

⁵⁰ QS. Al-Baqarah (2): 188

⁵¹ Mardani, *Ushul Fiqh*, h. 340

use the right divorce (talak), whereas the situation of the by-laws is not harmonious.

- c) The preservation of family lineage in *tahsiniyyat* levels, such as commanded to propose marriage (*khitbah*) and reception (*walimah*) in marriage. This order to complement the activities of the marriage. If this is ignored, then it will not threaten the existence of the lineage, nor is it undermines people doing marriage.

For example, the verse of holy Quran that talks about to preservation of family lineage, Allah SWT said:

الزَّانِيَةُ وَالزَّانِي فَاجْلِدُوا كُلَّ وَاحِدٍ مِّنْهُمَا مِئَةَ جَلْدَةٍ وَلَا تَأْخُذْكُمْ بِهِمَا رَأْفَةٌ فِي دِينِ اللَّهِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَلْيَشْهَدْ عَذَابُهُمَا طَائِفَةٌ مِّنَ الْمُؤْمِنِينَ ﴿٢٠﴾

It's mean: "(As for) the fornicatress and the fornicator, flog each them, (giving) a hundred stripes and let not pity for them detain you in the matter of obedience to Allah, if you believe in Allah and the last day, and let a party of believers witness their chastisement".⁵²

The explanation above, we can understand that goals benefits to commanded of Islamic law (*maqshid al-shariah*) to the realization of goodness (*maslahah*) by the preservation five principle elements are religion, human life, mind, material wealth and family lineage. The ignore this five principles it's mean damage the vision and mission of

⁵² QS. Al-Nûr (24): 2

Islamic law. Thus will reap the unbenefits (*mudharat*) or the misery of life. Not materialize can destroy the *daruriyat* aspects of human life in the world an hereafter as a whole. A waiver against aspects of *hajiyyat*, not to undermine the existence of the five elements, but will to make difficulties for men, being have responsible (*mukallaf*) in the implementation. Whereas the abandonment of *tahsiniyyat* aspect, bring the five elements of principal maintenance efforts are not perfect. For example in the preservation of religion, *dharuriyyat* aspect in among to keep up prayer (sholat). It is a *dharuriyyat* aspect, should be to qiblah (ka'bah) is a *hajiyyat* aspect, and close the genitals is a *tahsiniyyat* aspect.

The exposure to the above, it is understood that the purpose or wisdom of Islamic law is to realize the benefit through the maintenance of the five principal elements, namely religion, soul, mind, lineage, and wealth. Ignoring this same also with corrupting the vision and mission of Islamic law. Thus will reap the misery of life (*mudharat*).

4. Comparison Between Conventional and Halal Tourism

As developing in society, the concept of tourism there are conventional and sharia (halal), as for the comparison are:⁵³

⁵³ Hery Sucipto dan Fitria Andayani, *Wisata Syariah*.....,p. 44

Table 2

No	Comparison Item	Conventional	Sharia (Halal)
1	Object	Nature, culture, heritage, culinary	All lot of
2	Aims	To entertain	Increasing of religious spirit and entertain
3	Target	Just to get satisfaction desire	Fulfill the willingness and religious awareness
4	Guide	Information understanding so can bring about tourist to the destination.	Make tourist feel interested of tour destination while to increase tourist religiosity, be able to explain the function and sharia in to be happiness and satisfaction either soul or body.
5	The facility of worship	Complement	Must be in tour destination
6	Culinary	General	Halal
7	Relation with community in around environment	Complementary and profit	Integration based on sharia
8	Trip agenda	Ignore the time	Keep the time

The comparison on the tables can be known there are a few items that tell the difference between conventional tourism and halal tourism including in regards to food.

CHAPTER III

RESEARCH METHOD

A. Type of Research

The type of research that is taken is empirical law research, as it strives to observe legal facts which occurred in the middle of the community, which must be substantiated with the knowledge to be able to observe and be proved openly.⁵⁴ So in this case, the researcher directly dealing with objects that exist in the field precisely in Lombok, West Nusa Tenggara so that data obtained are accurate and authentic.

B. Approach of Research

Approach is a mindset of meaning broad.⁵⁵ This research using the approach method of the sosio-legal approach is because this research trying to figure out the implementation of law in term of halal tourism of local regulation of the West Nusa Tenggara No. 2 of 2016 in Lombok, West Nusa Tenggara included the law enforcement.⁵⁶ And also based on the *maqâshid al-sharî'ah* concept with the aim to find out already includes *Maqâshid al-Sharî'ah* in whole or only in part.

C. Location of Research

The location of research is a place where research will be conducted, along with the street and the city. In this study, the researcher took the place

⁵⁴ Bahder Johan Nasution, *Metode Penelitian Hukum*, (1st Published; Bandung: CV. Mandar Maju, 2008), p. 125

⁵⁵ Bahder Johan Nasution, *Metode Penelitian Hukum*, p. 126

⁵⁶ Amiruddin and Zainal Asikin, *Pengantar Metode Penelitian Hukum*, (3rd Published; Jakarta: PT Rajagrafindo Persada, 2006), p. 134

of location of tourism and tourism-related things in Lombok West Nusa Tenggara.

Lombok is one of the tourist destinations that are most visited by tourists either domestic or foreign tourists. The election of Lombok as the best halal tourism destination and world's Best Halal Honeymoon Destination in the World Halal Travel Awards on October 2015 and 2016. It will certainly strengthen the increasingly familiar Lombok in the world. This research was conducted in Lombok because given the large number of achievements attained by the West Nusa Tenggara in particular in the field of tourism, besides that it is also the area where reside researchers.

D. Sources of Data

There are three types of sources of data used in this proposal analysis, namely:⁵⁷

1. The primary of data obtained directly from the source first. Referred to in this research such as interviews with respondents either around the place of tourism or another place such as hotels in Lombok and also by the documentation.

The data source called off primary when data is retrieved by researchers directly from the object of his research without any intermediary third party or other.

2. Secondary of data have been processed from primary data. Like the book, the results of research that take the form of a report and so on.

⁵⁷ Amiruddin and Zainal Asikin, *Pengantar Metode Penelitian Hukum*, p. 30

3. Tertiary of data provided instructions or explanations against the primary data and secondary like an encyclopedia, website etc

E. Technique of Data Collection

There are three ways used in the collection of data as research, that are:

1. Interview

The interview is one of the ways of data collection by way of questioning directly where all questions arranged in a systematic, clear and purposeful.⁵⁸ In the interview, there are two parties that have a different position, namely the interviewer and the informant or respondents. Usually, in the interview both parties dealing directly.⁵⁹ As for the parties to be interviewed was the party around the area of tourism and representatives from the official of the hotel as supporters of tourism so that it can be known the real situation in the field.

2. Observation

These ways used with purposing to test the hypothesis by studying and understanding condition and the behavior of Community law that can be observed with the eye of the head. Observation is observing all the changes or social phenomena that grow and develop in the middle of the community and then carried out an assessment of the phenomenon.

3. Documentation

Data collection with the documentation is obtained through data retrieval of documents. It is in the form of personal notes, diary reports,

⁵⁸ Bahder Johan Nasution, *Metode Penelitian Hukum*, p. 167

⁵⁹ Burhan Ashshofa, *Metode Penelitian Hukum*, (Jakarta: Rineka Cipta, 2004), p. 95

video records, and photos.⁶⁰ As for the documents that researchers use is photographs, personal notes, websites and brochures about the election of world halal tourism and grand Madani hotel. The collection of data by documentation is the secondary data while in the interview are classed as primary data because it is viewed directly and face to face with the informant so that data obtained are accurate and authentic.

Viewed directly what is happening at the around of destination tourism by taking pictures so that the authenticity of the data can be more assured the readers.

F. Data Analysis Technique

Before data analysis then needs to be done in first data management processes to separate where the data that are relevant and which are not. Its purpose is to obtain data so that a structured, systematic and well. Data processing starts with editing, classifications, verification, analysis, conclusion. As for the explanation is as follows:

1. Editing

Editing is the first step in data processing techniques performed by researchers. This includes data completeness, readability, clarity of writing data, compliance data, the relevance of data as well as the uniformity of data.⁶¹ In this case, the researchers conducted research back over the data obtained from the field, both primary data or secondary related to tourism that exists in Lombok with the goals of knowing the

⁶⁰ Sukandarrumidi, *Metodologi Penelitian (Petunjuk Praktis Untuk Peneliti Pemula)*, (Yogyakarta: Gajah Mada University Press, 2006), p. 101

⁶¹ Bambang Sugiono, *Metodologi Penelitian Hukum*, (Jakarta: Rajawali Pers, 1997), p. 129

completeness of the data and for compliance with the required data. So in this process is expected to lack or error data will be found. In the process of editing it, researchers combine fact field with existing theories. To produce the appropriate analysis.

2. Classifying

The next process is the classification, where the data are classified based on interview results of certain categories so that the data obtained are really loading the existing problems. In this context, researchers classify into two findings when interviews with tourists visiting Lombok and the results of interviews with tourism industry providers in this Islamic and conventional hotel that exists on the island of Lombok.

3. Verifying

Verification is a confirmed with some questions in order to generate data that are clearly in the know source i.e. tourists from within the country or abroad as well as from the hotel in this interviewed was the manager and employees. It is very important to answer the questions of researchers. Or in other words rechecking the truth of data that has been obtained in order to later in the know in accuracy. In this case, researchers find back the informant who had first interviewed in the hotel, to provide the results of the interview were the first to respond and in reviewed so it can be in the known lack or self-made from interviews after the thorough and clarification.

4. Analyzing

After completion of the process data based on stages above, the next process is the analysis. The analysis is the process of simplification the data into a form that is more easily read on the interpretation. As for the technique of analysis used was descriptive qualitative, i.e. describe and interpret the returned data that has been retrieved. The results of this data collection contain quotes information, whether from interviews with informants either at the hotel or tourism destination and record field observations. Then the data is parsed back into the form of a sentence that is good and right so it will be easy to understand.⁶² This analysis would be use to gain an idea of the application of Local Regulation of West Nusa Tenggara No. 2 of 2016 on Halal Tourism in Lombok. Besides, also in the analysis based on the maqashid al-shariah perspective.

5. Concluding

The last step of the processing of these data is concluding that is taking the conclusions of the data that has been processed to obtain an answer.⁶³ At this stage, researchers had already found the answer from the results of research that has been done that was later used to make the conclusion then produces an idea in a concise, clear and easy to understand.

⁶² Amiruddin and Zainal Asikin, *Pengantar Metode Penelitian Hukum*, p. 170

⁶³ Nana Saudjana and Ahwal Kusumah, *Proposal Penelitian di Perguruan Tinggi*, (Bandung: Sinar Baru Alnesindo, 2008), p. 89

G. Technique of Data Validity

To establish the validity of the investigation techniques required. Application of technique based upon the checkup in a number of specific criteria. There are four criteria used, i.e. credibility, transferability, dependability, and confirmability.⁶⁴

The application of the criteria of credibility in this research are researcher doing some back observation against existing tourism objects in Lombok and its tourism industry so that information can be more valid. In terms of transferability of researchers provide descriptions in detail against the object of the research is on the field so it can be easily understood by all of people. Defendability means after researcher do the research then the research results in data audit by supervisor. Then the last criteria is in terms of confirmability is if the research has been agreed by everyone as a confirmation letter giving that has done research.

⁶⁴ Lexy J. Moleong, *Metode Penelitian Kualitatif*, (24th Published; Bandung: PT Remaja Rosdakarya Offset, 2007), p. 324

CHAPTER IV

FINDINGS AND DISCUSSION

A. Overview of Tourism in Lombok

The Lombok's island name has popular of despair in Indonesia even in the world. When to listen the Lombok's name surely that comes to thinking was about the awesome landscape of its tourism and religion that the majority of the inhabitants are Muslim so that Lombok is also famous for its island of a thousand mosques. The Lombok island in West Nusa Tenggara offers panoramic views that variation. Is an interesting place and has many tourism destinations that attractions which are very expose to the sun, take bath, sailing, surfing, fishing, underwater activities are challenging, adventurous mountain sports or golf international-standard.⁶⁵

Most of the tourism destination in Lombok causes more much of tourists visiting from year to year, it is based on the results of the statistics of visits of tourists both foreign or domestic that reaches more than one million tourists. In addition to many tourism destinations, there is also the tourism industry which is as a means of supporting the presence of tourism in Lombok. The tourism industry in means provides the service or lodging, restaurants, and others. Many hotels that develop because many tourists who visit Lombok for vacation, it is meant to provide comfort and security to the tourists.

⁶⁵ <http://visitlomboksumbawa.com/tentang-lombok>, accessed on Januari, 23 2017 at 16. 20 WIB

Lombok is a beautiful and extraordinary island, having much tourism destination that still nature, culture, and unique traditions. For example, the bustling tourist visit is Senggigi Beach, Kuta Beach and Rinjani Mount. In addition, Lombok also has several small islands that worldwide-famous island called Gili Air, Gili Meno, Gili Nanggu and Gili Trawangan. The small island is very famous for its natural beauty, free air pollution from vehicles, beautiful blue beaches can make hobby by playing water sports, and diving the gilis is one of the best natural tourism in Indonesia that in like tourists. (Observation, 2017)

The development of tourism that exists in Lombok very rapidly since the addition as *The World Halal Tourism Destination* and *The World Best Halal Honeymoon Destination* by competition *The World halal Travel Summit / Exhibition* in Abu Dhabi Uni Emirat Arab on 2015. Then return the awards obtained by 2016 in the same.competition.⁶⁶ Based on the event, Lombok is increasingly known in the world either from Asian countries, the Middle East or Europe. By these awards particularly regional West Nusa Tenggara, Lombok island is getting first settled themselves with improving the infrastructure and facilities associated with the advancement of tourism moreover in terms of halal tourism by providing all facilities either products or services in accordance with Islamic standards.

Lombok is one only have Local Regulations regarding halal tourism. The Local Regulation an effort to support the seriousness of the local government

⁶⁶ <http://itwabudhabi.com/halal-awards/2016-winners.html> accessed on February, 6 2017 at 20. 48 WIB

in developing the halal tourism in the Lombok Island. The seriousness of the Government proved that Lombok became one of the world's best halal tourism.

B. The Kind of Lombok Halal Tourism

Related to the tourism in Lombok, There are two forms of data that will be presented to discuss in this thesis. *The first*, halal tourism destination and *the second*, tourism accomodation. Some of the tourism destination that serves as a sample in this research is for natural tourism destination areas such as Senggigi Beach, Kuta Beach and Sembalun under the Rinjani Mountain. All of the tourism destination will be discuss by clearly the next.

1. Senggigi Beach Area

Senggigi Beach is located on the West coast of Lombok island at the street of Raya Senggigi Km. 6 –10 Batu Layar Subdistrict, West Lombok Regency, West Nusa Tenggara Province with mileage around an hour from Lombok International Airport or 20 minutes from the city center of Mataram.⁶⁷

Based on the observations of the researchers that it is true once the Senggigi Beach is one of the very popular tourist destination for foreign tourists. No surprised when a tourist from many countries who made Senggigi Beach as one of the most favorite tourist destination lists. The natural beauty of Lombok's Senggigi Beach is quite amazing, this area consists of several long Beach in South Beach starting from Batu Layar,

⁶⁷ <http://www.dilombok.com/pantai-senggigi-lombok/48/> accessed on januari, 23 2017 at 20. 45 WIB

Batu Bolong, Senggigi, Kerandangan, and Mangsit. In each of these places has a beauty of its own which can be enjoyed while visiting Senggigi. Some activities that can be conducted in Senggigi Beach. *The first*, enjoying the Sunrise and sunset. Both of these can be enjoyed in Senggigi beach while enjoying the fresh air, the quiet stretch of sea, and viewed the activities of fishing. *The second*, swimming, snorkeling, and surfing.

Besides, according to the researchers, opinions about the Senggigi Beach, also expressed by one in a tourist who came from France to visit Lombok with his friends. He say:

“Lombok is beautiful island, so many tourism place can visited here. For example hiking to Rinjani Mountain, Kuta Beach, Senggigi Beach and other. I like it because still natural. We can do some activities begin surfing, snorkeling and so on. And also I like the community here because they are friendly.”⁶⁸

2. Kuta Beach and Sade Village Area

Kuta Beach is located in Kuta village, subdistrict of Pujut, Central Lombok District. Kuta Beach has beach line long 7, 2 kilometers. West side of the beach there is a hill that name Mandalika Hill.⁶⁹ This beach located not so far from International Airport Lombok located in Central Lombok also.

Based on the result of the researcher that Kuta Beach has been natural beauty, clean beach, and fresh air and cool and also the pure water make the tourist feel at home to stay while enjoying the

⁶⁸ Ottony, interview (West Lombok, January, 9 2017)

⁶⁹ <http://lombokgilis.com/object-wisata-lombok-gilis/122-pantai-kuta-lombok.html>, accessed on Januari, 23 in 2017 at 19.42 WIB

landscape in Kuta beach area. Moreover, some activities can be enjoyed by tourist i.e. sunbathe that is habitual of a foreign tourist, especially from Europe when on a vacation on the beach. And also snorkeling, is diving to see the under sea landscape. In this beach, the researchers did not interview with tourism because of limited time and no one responded who was ready to be interviewed. Therefore, the data used was just documentation and observation only.

Besides Kuta beach, the researcher took myself to visit a traditional home that is located in Central Lombok also. The traditional is called by Desa Sade. It's one of the tourism destinations in Lombok that is frequently visited by tourists either from domestic or abroad. When visited here, the tourist will be greeted by traditional instrument music that is called by "Gendang Belek".

The houses there in Sade Village have the building design materials made from nature. There is a very unique according to the researchers that the floors of the house do not use ceramic or of the kinds, but using cow feces. In the village, lots of souvenirs are on sale to be made by tourists who visit. According to a tourist from Malang, he says:

He feels proud of that Lombok gets awarded as the best halal tourism destination and the best halal honeymoon destination in Abu Dhabi, UEA. But, there is a point that I disagree about the halal tourism here is beach tourism. He's disagree because so many tourists who visit here by using sexy dresses. This is a problem toward halal tourism here. For example in Gili Trawangan and Senggigi Beach who is visited by tourists abroad especially from Europe. According to him, he agrees the halal

tourism when it's about traditional house and natural landscape such as in Sembalun Rinjani Mountain.⁷⁰

3. Sembalun Tourism Area

Sembalun is one of the subdistricts in East Lombok, West Nusa Tenggara. Sembalun has an area of 217 km², 08 which consist of six villages namely: the village of Sembalun Bumbung, Lawang, Sajang, Bilok Petung, Sembalun, and Sembalun Timba Gading. This area has a climate that is cold because it is at a height close to the area of Rinjani mountain.

This subdistrict is evolving into the orchard, which invites local tourists, archipelago, and foreign tourists to enjoy the nature landscape and fresh air condition of the mountains. Sembalun who visited President Soeharto because of growing garlic as a production center in 1986. And have a distance 40 kilometers of Selong, East Lombok's capital, or 90 kilometers from Mataram, the capital of West Nusa Tenggara.⁷¹

a) Pusuk Sembalun Tourism Area

Located in mountains area provide an attraction for tourists who want to see the beautiful natural scenery with a cool climate and see the green mountains dotted with thick of trees. In addition, a cluster of steep cliffs that look beautiful we can see directly from the top of the road or on site Pusuk Sembalun garden. The beauty of Pusuk Sembalun garden like a magnet able to attract tourists

⁷⁰ Agus Wibowo, *interview* (Kuta, Januari, 13 in 2017)

⁷¹ <http://travel.kompas.com/read/2016/02/01/120400927/Sembalun.Wisata.Kesejukan.di.Kaki.Gunung.Rinjani>, accessed on Januari, 23 of 2017 at 21.29 WIB

who are passing in transit. Therefore, tourist often makes it as a drop in place and take a rest, before heading to other attractions destination in the Sembalun, which are for about 15 kilometers. From a highway parking area with ample size, tourist can enjoy the beautiful panorama nature “hills pusuk” integrated with the charm of the Hill flanked or mountains, valleys and rice fields.

Another uniqueness can be witnessed in this place was a flock of wild monkeys is friendly in interacting with tourist. A flock of wild monkeys can be found along Highway Forest Park location to Rinjani Pusuk Sembalun. A herd of monkeys this includes tame if you visit it by him in this area should provide fruits for them, such as banana or others. The natural beauty not only enjoyed by domestic tourist but also abroad tourist. Such as said by tourist from Germany:

He feels enjoyed the recreation with him housewife because the good situation to make disappear of bored and tired. After this he will going to Rinjani Mountain to hiking because it's very challenge and natural beauty is so good if watch from top Rinjani Mountain. As long as stay here, he always eats the vegetarian food that hot because he was tried it when visited India.⁷²

b) Sembalun Traditional House

Tourists visiting the sembalun not only can enjoy the beautiful landscape with a cool atmosphere but can also visit the traditional house who were there. The named traditional house is

⁷² Ralf, *interview* (Sembalun, Januari, 13 of 2017)

Big Village (Desa Belek) which located in Lawang Village, Sembalun. The House is composed of seven buildings that lined up neatly. Beside the House, there is the Hill that also becomes a destination for tourist. Hill's name "Selong Hill" In this place, researcher conduct interviews with the guide chairman of tourist and one of the visitor. As for the quotes of the interview with the Chairman of the travel guides are bellows:

Lombok's award as the best halal destination and halal honeymoon is a a pride for Lombok especially Sembalun which as the winner in the best halal honeymoon destination. Than 58 tourism destination in the world with 50 competitor has losed by tourism destination here. According to him, the victory one of cause is the cool air and fresh, naturaly, landscape and the mountain, friendly of community.

Like halal tourism, a something that needs to give attention is the worships facilities. Just by chance we have helped from tourism agency of East Lombok to building a musholla in each destination. Like in hotel, home stay must be worships facilities. Then, in food term having plan to realize in order to become the halal tourism and cooperated with the Geopark and GIZ (a institution from German) to help tourism develop in Sembalun.⁷³

4. Accommodation of Halal Tourism

As already explained earlier that the tourism industry is one that supports the existence of tourism activities. Like hotels and transportation. As for the industry that will be presented at the data deals with hotels because according to researchers without any lodging the tourist can't rest. Then, which became the focus of researchers is Shariah and conventional hotel.

a. Shariah Hotel

⁷³ Adi Suhendra, interview (Sembalun, Januari, 13 of 2017)

As we know that there is a halal tourism is certainly there must be halal tourism industry so that there is a balance between the both. As for the sample that will be used as Sharia hotel as research material is Grand Madani. This hotel is a hotel of Sharia that is included in the category of Hilal-2.

1) Background of Grand Madani Hotel⁷⁴

Grand Madani Hotel by Prasanthi is the first shariah hotel in Mataram city Lombok which modern shariah concept. Having a strategic location in central Mataram City and near with Islamic Center at Street of Udayana No. 20 Mataram. As the government programs the province of West Nusa Tenggara which Halal Tourism program initiated, Grand Madani Hotel has a mission to be able to give contribute to providing shariah service to the community of Lombok and its surroundings.

After the success of implementing a Soft Opening in June 2016, Grand Madani Hotel has halal accommodation total 58 room with three type that are shariah superior room, shariah deluxe room, and shariah suite room. Other advantages are the spacious rooms are more spacious than other city hotels i.e. 21x6 meter. Managemen of Grand Madani Hotel now on to improve for ready to fight with another hotel in among prepare some shariah products as guest facilities. Few things prepared

⁷⁴ Grand Madani Hotel, File (Mataram, Januari, 17 of 2017)

by management i.e. halal food products, which is provided by the Firdaus Restaurant. the hallmarks of the Firdaus Restaurant is Middle Eastern food and Sasak food as Lombok's typical. The other facility is Safa Marwah Ballroom which has the privilege to provide a large room with a size 37 m x 22 m, capacity up to 2000 person, can be used for weddings and also the graduation events, as well as several other meeting rooms with typical seating range suitable for the conduct of meetings or seminars. In addition, the hotel has Mina Lounge which is at rooftop Hotel Grand Madani and opened to the public facility. Additionally, there is Telaga Kausar Swimming pool which is also opened to the public.

2) Procedure to Get Certificate as Sharia Hotel

Based on interviews conducted by researchers with the hotel manager delegated to the assistant manager that very much procedure which must be crossed to get to be a shariah hotel. For more details below will be presented the results of the interview with the assistant manager of Grand Madani Hotels as follows:

- a) Submit to a National Certification Agency (Lembaga Sertifikasi Nasional) in the broad of tourism.
- b) Registration
- c) The hotel facilities should be based on sharia principle.
- d) There is a separation between men and women of urinoir,
- e) The worship facilities must have completed

- f) Food must have a certificate of halal from Indonesian Council Sholar (Majelis Ulama Indonesia)I Province cooperated with BPOM.⁷⁵

b. Conventional Hotel

Besides carry out the shariah hotel, the researcher makes research in a conventional hotel. The samples used as research material is Erina Hotel. It's located at the street of TGKH. Muhammad Zainuddin Abdul Majid, Selong East Lombok.

According to the researcher that hotel so big which have 3rd floor. Having a completed facility in among air conditioner, television, refrigerator, cool water and warm water but based on observation there is no separated of urinoir between men and women and qiblah direction and other. Then, the researcher make interview with Erina Hotel Manager. She says:

It was builded for about 1975 by Murwantoro from Selong, having 33 rooms which consist of three levels that are exclusive, deluxe and economic. The make different is the facility and the large of room. Become the sharia hotel not thinking because many requirements that fulfill and procedure which must implemented⁷⁶

Erina hotel having some disciplines about the certainties that must be obeyed by guest visiting there. The disciplines are:

1. Every guest must be registered the name's by the show identity card.

⁷⁵ Sigit, *interview* (Mataram, Januari 17 of 2017)

⁷⁶ Erna, *interview* (Selong, Januari 17 of 2017)

2. Every guest forbidden bringing the liquor that intoxicate and carry out gambling in hotel area and take along of other things forbidden.

C. Halal Tourism in Lombok under Persepective of Local Regulation of West Nusa Tenggara No. 2 of 2016

Based on the halal tourism of Local Regulation that the purpose is a guide for tourism manager to give halal tourism service. This regulation mentioned in article 2 and 3 stated that:

Pasal 2

Maksud pengaturan Pariwisata Halal dalam Peraturan Daerah ini adalah untuk memberikan keamanan dan kenyamanan pelayanan kepada wisatawan agar dapat menikmati kunjungan wisata dengan aman, halal dan juga dapat memperoleh kemudahan bagi wisatawan dan pengelola dalam kegiatan kepariwisataan.⁷⁷

The meaning of halal tourism regulation of this Local Regulation is to give security and convenience service to tourist in order to enjoy the visited tourism by peaceful, halal, and be able to obtain the ease for tourist and organizer in tourism activity.

Pasal 3

Tujuan pengaturan Pariwisata Halal adalah sebagai pedoman bagi pengelola pariwisata dalam memberikan pelayanan Pariwisata Halal kepada wisatawan.⁷⁸

The purpose of halal tourism regulation is a guide for a tourism organizer to give halal tourism service for tourist.

These articles indicates that made of the Local Regulation of halal tourism is to give guide how to applicable the halal tourism in Lombok based on sharia principle which not contrary of the sharia. Like security, worship facility, and ease to found the halal food.

⁷⁷ Article 2 on Halal Tourism of Local Regulation of West Nusa Tenggara No. 2 of 2016

⁷⁸ Article 3 on Halal Tourism of Local Regulation of West Nusa Tenggara No. 2 of 2016

1. Halal Tourism Destination

Halal Tourism of Local Regulation of West Nusa Tenggara No. 2 of 2016 has mentioned about the halal tourism destination which on article 6 that are:

- 1) Destinasi Pariwisata Halal meliputi atraksi wisata alam dan wisata budaya.
- 2) Pengelola Destinasi pariwisata halal harus membangun fasilitas umum untuk mendukung kenyamanan aktivitas kepariwisataan halal.
- 3) Fasilitas umum sebagaimana dimaksud pada ayat (2) terdiri atas:
 - a. Tempat dan perlengkapan ibadah wisatawan Muslim; dan
 - b. Fasilitas bersuci yang memenuhi standar syari'ah.

It's mean:

- 1) Halal tourism destinations include the natural attractions and cultural tours.
- 2) Halal tourism destinations manager must build public facilities to support tourism activities comfort halal.
- 3) Public facilities as referred to in section (2) composed of:
 - a. The place and facilities of worship for Muslim, and
 - b. Purification facilities that meet the standards of Shariah.

As we know that Lombok has much tourism destination which amazing. And thus can be found under article mentioned above, the existing tourist destinations in Lombok, West Nusa Tenggara are already there with what is mentioned in this regard as nature destination. For example, Senggigi Beach, Kuta Beach and Pusuk Sembalun Garden. And related to culture destination such as Sade Village (Desa Sade) and Traditional House who called by "Bale Belek" in Sembalun.

Then, talking about the facility regarding tourist destinations have been adequate because since the addition be winners as the World's Best Halal Tourism, Lombok is getting first settled by improving the

infrastructure that supports the advancement of tourism in Lombok. In terms of facilities have been wide of worship place that existed around the destination particularly for the Muslim tourists. Because as we know that Lombok is also famous for its thousand mosques island. So to carry out acts of worship for Muslim tourists is very easy. There are places of worship in everywhere. However, there are some tourist destinations which means devotion to purity exist but are not yet distinguished between men and women. But it is still in the stage work by the local government.

2. Halal Tourism Accommodation

Accommodation has explained in the article 1 paragraph 17 that stated: “Akomodasi adalah segala bentuk hotel bintang dan nonbintang”.⁷⁹ It's can be concluded that the accommodation all of the kinds of stars hotel and non-stars. The meaning is accommodation give a lodging facility to tourist in order to make satisfy and security toward tourist who visited.

The scope of halal tourism accommodation that attached in the Local Regulation of West Nusa Tenggara No. 2 of 2016 on Halal Tourism is two part. *The first*, related to the conventional tourism accommodation and *the second*, halal tourism accommodation.

The first, the rules about conventional tourism industry set in article 11 of the Local Regulation of West Nusa Tenggara. As for the article contains that:

⁷⁹ Article 1 Paragraph 7 on Halal Tourism of Local Regulation of West Nusa Tenggara.

- 1) The conventional tourism industry is tourism businesses that sell products and services of tourism which is not based on the Shariah principle.
- 2) Conventional tourism industry as referred to in section (1) is obligated to provide:
 - a. The Qiblah direction in hotel rooms;
 - b. The information of the nearest mosque;
 - c. Places of worship for the tourists and employees of Muslims;
 - d. Description of halal products/not;
 - e. Place a separate take ablution between men and women;
 - f. Supporting facilities for performing prayers; and
 - g. A separate urinal place between men and women and makes it easy for purity.

If trying attention to what is mentioned in the article above that the conditions which is happened in the field are still not too adequate standards of conventional tourism industry given by local governments about halal tourism. the hotel's tourism industry as exist in Selong, Lombok Timur. Based on the observations of the researchers that proponent facilities for hotel affairs are complete and very luxury but in terms of facilities for worship is still inadequate. For example, there is no separate of urinoir between men and women, ablution place which still becomes one, information about a proximate mosque, Qibla direction.

So it can be inferred that the tourism industry in the field of conventional hotels still has not reached the target with what has become the guidelines in Local Regulation of West Nusa Tenggara No. 2 of 2016 on Halal Tourism.

Halal tourism accommodation is a selling tourism products and services that comply with Sharia principles. There are some requirements should be of sharia tourism accommodation in this case sharia hotel. The

rule of its issues can be found in Local Regulation No. 2 of 2016 on Halal Tourism, that stated:

Pasal 14

- 1) Dalam Pariwisata Halal harus memiliki akomodasi sesuai standar syariah.
- 2) Standar syari'ah sebagaimana dimaksud pada ayat (1) setelah memperoleh sertifikasi dari DSN-MUI.
- 3) Standar syari'ah sebagaimana dimaksud pada ayat (1) meliputi aspek:
 - a. produk;
 - b. pelayanan; dan
 - c. pengelolaan.
- 4) Dalam hal standar syariah sebagaimana dimaksud pada ayat (2) belum terpenuhi, maka akomodasi paling sedikit memenuhi hal-hal sebagai berikut:
 - a. tersedia fasilitas yang layak untuk bersuci;
 - b. tersedia fasilitas yang memudahkan untuk beribadah;
 - c. tersedia makanan dan minuman halal;
 - d. fasilitas dan suasana yang aman, nyaman dan kondusif untuk keluarga dan bisnis; dan
 - e. terjaga kebersihan sanitasi dan lingkungan.⁸⁰

For example of the halal tourism accommodation is Grand Madani Hotel. The correlated between the article above and Grand Madani Hotel, therefore known the explanation as follow that:

1. Halal tourism accommodation has attached above already suitability of Grand Madani Hotel because it has a certificate as sharia hotel from National Certification Agencies (Lembaga Sertifikasi Nasional).
2. The product of Grand Madani Hotel has certification from Indonesian Council of Scholars (Majelis Ulama Indonesia) Province that cooperated with BPOM on halal food.

⁸⁰ Article 4 on Halal Tourism of Local Regulation of West Nusa Tenggara

3. The Grand Madani Hotel service respect each the tourist who visited in there by the greeting “assalamualaikum wr wb”. It’s unifomity of the regulation above.
4. The availability of holy Quran and prayer mat in every rooms.
5. Related by worship facilities, Grand Madani Hotel provide the necessary to doing worship. Such as cleanse place that reasonable and also there is place of enjoyed with family in top-proof of Grand Madani Hotel.

Therefore, it can be concluded that all of the elements mentioned in the regulations of the Local Regulation of West Nusa Tenggara has fulfilled even though is more than that.

D. Halal Tourism in Lombok under Perspective of *Maqâshid al-Shariâh*

Islam was revealed to the earth comes with a good way of life in accordance with Sharia guidance intended to a human being in the form of values religion expressed in textual and in the meaning clearly as a guide directly way for human life either individually or collectively.

To bring into reality for goodness (*maslahah*) to a human being in the world and hereafter. based on the research of experts Usul fiqh, there are five basic elements must be preserved and realized. The principal is the fifth the preservation of religion, human life mind, family lineage, and material wealth. Someone will get the benefits if it is able to the preservation of the five aspects principal. Conversely, if not be able to the preservation, then it will get a damage (*mafsadat*) in the world and hereafter.

Islam is a universal religion, set all the life that exists in this world including about the tourism. The term of tourism that was regulated, but not mention its by specifically. Lots of verses in the Quran which instructs human being to walk this earth while looking at the power of Allah SWT. For example, Allah SWT said:

أَفَلَمْ يَسِيرُوا فِي الْأَرْضِ فَيَنْظُرُوا كَيْفَ كَانَ عَاقِبَةُ الَّذِينَ مِن قَبْلِهِمْ دَمَّرَ اللَّهُ عَلَيْهِمْ وَلِلْكَافِرِينَ أَمْثَالُهَا ﴿١٠﴾

It's mean: "Have they not then journeyed in the land and seen how was the end of those before them, Allah brought down destruction upon them, and the unbelievers shall have the like of it".⁸¹

Another verse of holy Quran discuss the tourism is as below:

قُلْ سِيرُوا فِي الْأَرْضِ فَانظُرُوا كَيْفَ كَانَ عَاقِبَةُ الَّذِينَ مِن قَبْلُ كَانَ أَكْثَرُهُمْ مُشْرِكِينَ ﴿٤٢﴾

It's mean: "say: Travel in the land, then see how was the end of those before, most of them were polytheists."⁸²

the both of verses the holy Quran above, it has been very clear that the human being was ordered to carry out journey on this earth so that people can see the diverse nature, artifacts of civilization in the past life, get acquainted with the various people's others countries etc. His goal was to have a human walking on the Earth that only to thanksgiving of gift who given by Allah SWT. If it is thankful for then favors to be given will b increased and if ignore will be punished very poignant. Such as has been explained in the holy Quran which says:

⁸¹ Q.S. Muhammad (47): 10

⁸² Q.S Ar-Room (30): 42

وَإِذْ تَأَذَّنَ رَبُّكُمْ لَئِنْ شَكَرْتُمْ لَأَزِيدَنَّكُمْ وَلَئِنْ كَفَرْتُمْ إِنَّ عَذَابِي لَشَدِيدٌ ﴿٧﴾

It's mean: "and when your lord made it known, if you are grateful, I would certainly give to you more, and if you are ungrateful, my chastisement is truly severe."⁸³

Lombok's tourism has been developing since getting awards as world's best halal tourism in 2015 and 2016 in Abu Dhabi UEA. Its award because facilities and services who gave based on sharia principle toward tourist who visited. Therefore, the researcher tried to analyze the existing of tourism in Lombok does suitability with the *maqashid al-shariah* in whole, partly, even not appropriate commanded of Islam.

Here below are explanation analysis on existing tourism in Lombok based on five basic element of *maqâshid al-sharî'ah*.

1. The preservation of religion

Islam is right and freedom preservation and the first freedom is conviction and worship freedom. Every religion's have a right of its religion and *mazhab* (groups) its do not forced to leave toward other religion and also do not pressure to move faith. Based on Allah (swt) said:

لَا إِكْرَاهَ فِي الدِّينِ ﴿٢٥٦﴾

It's mean: "there is no compulsion in religion"⁸⁴

Based on the holy al-Quran above, it can be known by clearly that anyone do not to forced someone to embrace the Islamic religion.

⁸³ Q.S. Ibrahim (14): 7

⁸⁴ Q.S. Al-Baqarah (2): 256

Therefore everyone have the right to running who willingness. The problem of come in to Islam up to the guide of Allah (swt)

The religion consists of faith, worship, and law that commanded by Allah (swt) to regulate and organize the relationship between human and Allah. And manage human relationships in which sharia. By purpose to build and establish a religion in the man's soul by following the command of Allah and avoid the attitude and expresses that prohibited by sharia.⁸⁵

Islam is a religion that can give guide to the true path of humanity. Salvation can be achieved if it can execute the commands of God and away from all the restriction. All the commandments should be implemented whenever and wherever we are including when in travel tourism. Not to neglect the commandments as a five time prayers.

Lombok's halal tourism destination gives the ease toward tourist especially Muslim tourism to carry out its obligation that is prayer. Subsequently, based on the observation who did by researcher that almost the tourism destination provides the worship place that decent and comfortable. Although there are the worship place everywhere but the facilities to take ablution not separated.

2. The preservation of human life

The creation of human by Allah (swt) by perfect than to other creature indicates how the perfect of human before Allah. The right to life that given is a gift of infinite therefore msut be thankful for its. No one is

⁸⁵ <http://www.alkhoirot.net/2013/11/5-tujuan-filosofi-syariah-islam.html> accessed on February, 6 2017 at 23. 27 WIB

permitted to disturb of the right person's life because Islam is very high the regard for human right. Allah (swt) said:

وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا ﴿٢٩﴾

It's mean: "and do not kill your people, surely Allah is merciful to you".⁸⁶

Life in the world certainly the human is mutual-need each other to fulfill the daily need. Without any social interaction then living in the world is empty. However, many human beings which kill the another life even himself whereas it was malediction by Allah (swt).

Based on the observation, the researcher revealed that almost was not even something that can harm the human life in Lombok especially in the around of tourism destination area because according to the researcher, the Lombok's community have a good moral, religious and friendly. For example anyone get disaster then the community will be share work to help. While in term of security, there is no keeping in the tourism destination area because no problem, perhaps if any problem then the keeper will be come.

3. The preservation of mind

The preservation of mind is a suggestion that greatly commanded in the al-Quran. Mind is source of knowledge for human life in the world and hereafter. By mind, the command of Allah delivered, the human become the leader in the world, human become perfect by it is and also different with other curse. Its human's get a reward and punishment if it is

⁸⁶ Q.S. An-Nisâ' (4): 29

entitled to abuse it.⁸⁷ By mind the human getting a guide to the right way and worship and obey to Allah.

The preservation of mind can be carried out with care between the mind itself with examinations and disasters that can be debilitating and destructive, or make its owner as a source of crime and garbage in the community or become an intermediate damage inside. One of the examples of acts that may damage the mind was drunk. Hangover causes loss of mind, Dim the light, turn off the minds and removes the morals of his Majesty. Islam strongly prohibits such a feat because it can be a detriment to himself and others. Allah (swt) said:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رِجْسٌ مِّنْ عَمَلِ الشَّيْطَانِ
فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ ﴿٩٠﴾

It's mean: "O you believe! Intoxicants and games of chance and (sacrificing to) stones set up and (dividing by) arrows are only an uncleanness, the shaitan's work, shun it therefore that you may be successful".⁸⁸

On the holy al-Quran is clearly that one of the way to preservation of mind is leave drunks because it will be damage of mind so the finally will doing the something that prohibited by Islam like adultery, robbery, kill and other criminals.

Tourism activities would certainly not be separated from the presence of the party activities undertaken by tourists both domestic or foreign tourists. Many of them celebrate while liquor freely. But this is not

⁸⁷ Ahmad Al-Mursi Husain Jauhar, *Maqashid Asy-Syariah fi al-Islam*, p. 91

⁸⁸ Q.S. al-Maidah (5): 90

the case with what is happening in Lombok. All of it is already a place respectively. For example, in certain places there are Senggigi Beach where celebrated party, and also the Beachs has well known in the world. So it can be concluded that, when developing tourism is certainly a great many challenges to be faced. Therefore, based on the *maqashid al-shariah* of preservation of mind is not suitability with the situation in the Lombok tourism.

4. The preservation of lineage

Islam guarantees the human honor by giving huge attention that can be used to provide specialization to their human rights. This protection is clearly seen in the heavy sanctions on the drop in the matter of adultery, the problem of destroying other people's honor and the problem *qadzaf* (accusing adultery). Islam also provide protection through a prohibition of *ghibah* (Backbiting), pitting, spy-on, swearing, and denounced by using bad calls, also other protections affecting the honor and the glory of the human. Among the kind of protection afforded is by humiliating and provide a threat to makers of sins with torments of very poignant in doomsday.⁸⁹

The relation of the existing tourism in Lombok, maintain a descent in accordance with the guidance of Sharia could be said to be still maintained. The community's there is still maintaining a moral and ethics. Nothing is found about the occurrence of an action that can harm the

⁸⁹ Ahmad Al-Mursi Husain Jauhar, *Maqashid Asy-Syariah fi al-Islam*, p. 131

honor of others. It is so rarely never even happened based on observations of the researcher. Although it never happened but the source stemming from electronic media.

5. The preservation of wealth material

The wealth is primary need to life where humans not apart of it.

Allah (swt) said:

الْمَالُ وَالْبَنُونَ زِينَةُ الْحَيَاةِ الدُّنْيَا ﴿٤٦﴾

It's mean: "wealth and children are an adornment of the life of this world"⁹⁰

Humans are motivated to find the wealth for the sake of maintaining its existence and to sake of adding enjoyment of the material and religious. However, all the motivation it is restricted by the terms, i.e. the wealth collected by right way, used mostly for things that are right, and this must be distributed from the property rights of Allah and the communities where live. The preservation for right wealth in the following two things.⁹¹

The first, have the right to be protected from the enemy, either robbing acts, robbery or other acts that to get wealth by the wrong way like deceice, monopoly and so on.

The second, the wealth is used for that *mubah* activities, without any element of redundant and cheat for things that are permitted by Allah SWT. Then the wealth should not be used to godless, booze or gambling.

⁹⁰ Q.S. al-Kahfi (18): 46

⁹¹ Ahmad Al-Mursi Husain Jauhar, *Maqashid Asy-Syariah fi al-Islam*, p. 161

The explained earlier that the obligation to the preservation is to safeguard the rights of what its owner's from robbers. When people travel is certainly a brought many wealth. For example is the visited Lombok, many travelers who carry possessions in order to meet the needs of his life as long as stay there. Based on the observation either through direct surveys or by using mass media, rarely occurred because of the existence of criminality in Lombok besides the security apparatus is also aware that its people will obey the rule of law. So, visit to Lombok is no problem, everything would be comfortable, safe and peaceful.



CHAPTER V

CLOSING

A. Conclusion

Based on the described in the previous chapter can pointed out two conclusion that:

1. The implementation of tourism in Lombok based on Local Regulation of West Nusa Tenggara No. 2 of 2016 on Halal Tourism has been accordanced with the regulation either destination or accommodation. For example, in terms of facilities in destination, has been provided a place for worship as well as halal food have been already. Then in the field of the tourism industry has been already covering what is contained in the regulations of the area. For example in accommodation, the existing hotel in Lombok is many that have been the certificate as a shariah hotel like Grand Madani Hotel that having a certificate as sharia hotel. There is the conventional hotel not suffice as expressed in the Local Regulation.
2. *Maqâshid al-sharîah* is the goals of Islamic law providing benefits (*maslahah*) for humans and prevent damages (*mafsadat*). The benefit can be achieved in the preservation the five basic elements that are the preservation of religion, human life, mind, family lineage and material wealth. If all five of this principal were fulfilled, then its life will be happy and if on the contrary, it will coming damage.

The application of maqashid al-shariah toward tourism that exists in Lombok has a diverse interpretation of the informant. Some people say that Lombok is indeed deserving the award for world halal tourism, but there's also said only partially course, it means that agree when Lombok was awarded as the word best halal tourism in terms of certainty. Like tourism destinations that are on the sembalun, there are traditional house and others. The point is unless from beach tourism because many tourist using who dress sexy, and it is certainly not halal. Although some people say the beach tourist destinations is not halal and that it is true is, but the local Government will build a coastal area in Mandalika central Lombok where the visitors were separated between men and women. If viewed the maqashid al-shariah context that tourism existing in Lombok was almost agree with the five principles of maqashid al-shariah. Why like that, viewed in terms of religion, the tourism manager is already preparing the worship places with equipment. Similarly, the preservation of the human life, mind, family lineage and material wealth. Everything has been supervision of the Government authorities.

B. Recommendation

The existence of this research results is expected to provide new knowledge in khazanah of science especially in the department of sharia business law and halal tourism. Because one of the ways to pleasures of Allah with makes trips by always sticking to Islamic jurisprudence. Umar Ibn Al-Khattab has said that if a work was finished, then it would seem the

drawback. Thus, the author wants to give a suggestion as a material consideration for the organizer of tourism especially on halal tourism which is in Lombok and Indonesia in General and also to the tourists who will tour so can be used input in order to make tours based on the norm either sharia law or constitutional. As for the suggestions are:

1. Realize the existence of beach are who separated between men and women as a manifestation of the presence of halal tourism in Lombok.
2. Giving a learn about the character (moral) toward guide because will face directly with the tourist either from domestic or abroad. If there realized, the Lombok's name more known with the friendly of community besides the beautiful tourism.
3. Maintain what has owned Lombok as world halal tourism until the next.
4. For the tourists so keep the good name of Lombok as halal tourism by did not something that can damage a good name.
5. Specifically for Muslim tourist in order to run his obligations as a Muslim.

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APPENDIXES

SENGGIGI BEACH AREA TOURISM WEST LOMBOK



SEMBALUN AREA TOURISM EAST LOMBOK



KUTA BEACH AREA TOURISM CENTRAL LOMBOK



TRADITIONAL HOUSE CENTRAL LOMBOK



GRAND MADANI HOTEL MATARAM



ERINA HOTEL EAST LOMBOK



ISLAMIC CENTER MATARAM WEST NUSA TENGGARA





Mataram, 17 Januari 2017

Nomor : 017/AHM/GM/I/2017
Perihal : Pernyataan Telah Melakukan Penelitian

Kepada Yth.

Wakil Dekan Bidang Akademik

Universitas Islam Negeri Maulana Malik Ibrahim Malang
Jalan Gajayana 50 Malang

Assalamualaikum, Wr. Wb.

Dengan ini kami dari Grand Madani Hotel by prasanthi syari'ah, menyatakan bahwa :

Nama Mahasiswa : Ahmad Saparwadi
NIM : 13220226
Fakultas : Syariah
Jurusan : Hukum Bisnis Syariah

Dinyatakan telah melakukan penelitian didaerah/lingkungan Grand Madani Hotel by prasanthi syari'ah untuk menyelesaikan tugas akhirnya, sebagaimana judul yang telah diajukan.
Demikian surat pernyataan ini dibuat. Terimakasih.

Wassalamualaikum.



Sigit Cahyono
Assistant Hotel Manager

Jalan Udayana No. 20, Mataram 83122, Lombok, Nusa Tenggara Barat
T. +62 370 644677 | F. +62 370 644677 | E. reservations@madanihotel.com

www.prasanthi-hotels.com

HOTEL ERINA

TGKH, Muhammad Zainuddin Abdul Majid Street No. 204 Phone Number 0376 – 2921297
Selong East Lombok Regency West Nusa Tenggara Province

Selong, January 16th, 2017

No : 11/Htl. Erina/001/2016
Attachment: -
Subject : Confirmation

To:
Vice-dean of Academic Sharia Faculty
State Islamic University of Maulana Malik Ibrahim Malang

Assalamualaikum wa Rahmatullah wa barakatuh

With respect,

The undersigned below:

Name : Erna Sofiani
Position : Manager

Explain that:

Name : Ahmad Saparwadi
NIM : 13220226
Faculty : Sharia
Department: Sharia Business law

Has approved to make a research at Erina Hotel Selong for finishing a thesis under the title
"Tourism in Lombok Under Perspective of Local Regulation of West Nusa Tenggara
No. 2 of 2016 on Halal Tourism and Maqashid Syariah" as well as the proposal of the
thesis has attached.

Thus to be informed accordingly, in order that to use like surely.

Wassalamualaikum wa Rahmatullah wa Barakatuh

Director of Erina Hotel
Manager

Erna Sofiani



LEMBARAN DAERAH PROVINSI NUSA TENGGARA BARAT

NOMOR 2

TAHUN 2016

PERATURAN DAERAH PROVINSI NUSA TENGGARA BARAT

NOMOR 2 TAHUN 2016

TENTANG

PARIWISATA HALAL

DENGAN RAHMAT TUHAN YANG MAHA ESA

GOVERNUR NUSA TENGGARA BARAT,

- Menimbang :
- a. bahwa pariwisata merupakan salah satu aspek pembangunan di bidang ekonomi yang mampu mempercepat perkembangan perekonomian daerah dan kesejahteraan masyarakat;
 - b. bahwa pemangku kepentingan industri pariwisata, baik Pemerintah, Majelis Ulama Indonesia, swasta dan seluruh elemen masyarakat, bekerjasama untuk mengembangkan usaha Pariwisata Halal;
 - c. bahwa Nusa Tenggara Barat sebagai salah satu destinasi wisata di Indonesia, maka setiap pemangku kepentingan industri pariwisata harus menyiapkan fasilitas dan sarana pariwisata yang memenuhi Pariwisata Halal;
 - d. bahwa usaha Pariwisata Halal merupakan konsep yang mengintegrasikan nilai-nilai syariah ke dalam kegiatan pariwisata dengan menyediakan fasilitas dan pelayanan yang sesuai dengan ketentuan syariah;
 - e. bahwa berdasarkan pertimbangan sebagaimana dimaksud dalam huruf a, huruf b, huruf c, dan huruf d, perlu membentuk Peraturan Daerah tentang Pariwisata Halal;

- Mengingat :
1. Pasal 18 ayat (6) Undang-Undang Dasar Negara Republik Indonesia Tahun 1945;
 2. Undang-Undang Nomor 64 Tahun 1958 tentang Pembentukan Daerah-daerah Tingkat I Bali, Nusa Tenggara Barat dan Nusa Tenggara Timur (Lembaran Negara Republik Indonesia Tahun 1958 Nomor 115, Tambahan Lembaran Negara Republik Indonesia Nomor 1694);
 3. Undang-Undang Nomor 10 Tahun 2009 tentang Kepariwisata (Lembaran Negara Republik Indonesia Tahun 2009 Nomor 11, Tambahan Lembaran Negara Republik Indonesia Nomor 4966);
 4. Undang-Undang Nomor 23 Tahun 2014 tentang Pemerintahan Daerah (Lembaran Negara Republik Indonesia Tahun 2014 Nomor 244, Tambahan Lembaran Negara Republik Indonesia Nomor 5587) sebagaimana telah diubah beberapa kali terakhir

dengan Undang-Undang 9 Tahun 2015 tentang Perubahan Kedua Atas Undang-Undang Nomor 23 Tahun 2014 tentang Pemerintahan Daerah (Lembaran Negara Republik Indonesia Tahun 2015 Nomor 246, Tambahan Lembaran Negara Republik Indonesia Nomor 5589);

5. Peraturan Pemerintah Nomor 50 Tahun 2011 tentang Rencana Induk Pembangunan Kepariwisata Nasional (Lembaran Negara Republik Indonesia Tahun 2011 Nomor 125, Tambahan Lembaran Negara Republik Indonesia Nomor 5262);
6. Peraturan Menteri Pariwisata dan Ekonomi Kreatif Nomor 2 Tahun 2014 tentang Pedoman Penyelenggaraan Usaha Hotel Syariah (Berita Negara Republik Indonesia Tahun 2014 Nomor 74);
7. Peraturan Daerah Nomor 3 Tahun 2008 tentang Rencana Pembangunan Jangka Panjang Daerah Tahun 2005-2025 (Lembaran Daerah Provinsi Nusa Tenggara Barat Tahun 2008 Nomor 32) sebagaimana telah diubah dengan Peraturan Daerah Nomor 1 Tahun 2014 tentang Perubahan atas Peraturan Daerah Nomor 3 Tahun 2008 tentang Rencana Pembangunan Jangka Panjang Daerah Tahun 2009-2029 (Lembaran Daerah Provinsi Nusa Tenggara Barat Tahun 2014 Nomor 1);
8. Peraturan Daerah Nomor 4 Tahun 2009 tentang Rencana Pembangunan Jangka Menengah Daerah Tahun 2009-2013 (Lembaran Daerah Provinsi Nusa Tenggara Barat Tahun 2009 Nomor 14);
9. Peraturan Daerah Nomor 7 Tahun 2013 tentang Rencana Induk Pembangunan Kepariwisata Daerah (Lembaran Daerah Provinsi Nusa Tenggara Barat Tahun 2013 Nomor 7);

MEMUTUSKAN:

Menetapkan : PERATURAN DAERAH TENTANG PARIWISATA HALAL.

BAB I KETENTUAN UMUM

Pasal 1

Dalam Peraturan Daerah ini yang dimaksud dengan:

1. Daerah adalah Provinsi Nusa Tenggara Barat.
2. Pemerintah Daerah adalah Gubernur dan perangkat daerah sebagai unsur penyelenggara pemerintahan daerah.
3. Gubernur adalah Gubernur Nusa Tenggara Barat.
4. Dinas adalah Dinas Kebudayaan dan Pariwisata Provinsi Nusa Tenggara Barat.
5. Pemerintah Kabupaten/Kota adalah Pemerintah Daerah Kabupaten/Kota di Nusa Tenggara Barat.
6. Dewan Syariah Nasional Majelis Ulama Indonesia, yang selanjutnya disebut DSN-MUI adalah bagian dari struktur kelembagaan MUI yang bertindak sebagai Lembaga Sertifikasi di

bidang Usaha Pariwisata Syariah.

7. **Pengelola Pariwisata Halal** adalah setiap orang dan/atau badan yang menyediakan akomodasi, makanan dan minuman, biro perjalanan, SPA pada destinasi halal.
8. Forum Kepariwisata Daerah yang selanjutnya disingkat FKD adalah suatu Forum keikutsertaan setiap pemangku kepentingan terkait, baik lintas sektor, lintas pelaku, maupun lintas wilayah agar dapat mendorong pembangunan kepariwisataan secara terpadu, sinergis, dan berkelanjutan
9. Badan Promosi Pariwisata Daerah yang selanjutnya disebut BPPD adalah badan swasta (nonpemerintah) yang melakukan promosi destinasi pariwisata di daerah Nusa Tenggara Barat secara mandiri.
10. Perhimpunan Hotel dan Restoran Indonesia yang selanjutnya disebut PHRI adalah asosiasi nonprofitt dari pemilik hotel dan restoran serta para profesional yang memfokuskan kegiatannya untuk pengembangan dan pertumbuhan sektor-sektor penting industri pariwisata di Nusa Tenggara Barat.
11. Association of The Indonesian Tours and Travel Agencies yang selanjutnya disebut ASITA Nusa Tenggara Barat adalah organisasi yang mewadahi usaha perjalanan wisata dan agen-agen perjalanan wisata di seluruh Indonesia dan memiliki perwakilan (cabang) di setiap provinsi.
12. Himpunan Pramuwisata Indonesia yang selanjutnya disebut HPI adalah wadah yang menghimpun pramuwisata Indonesia Nusa Tenggara Barat.
13. Wisata adalah kegiatan perjalanan yang dilakukan oleh seseorang atau sekelompok orang dengan mengunjungi tempat tertentu untuk tujuan rekreasi, pengembangan pribadi, atau mempelajari keunikan daya tarik wisata yang dikunjungi dalam jangka waktu sementara.
14. Pariwisata adalah berbagai macam kegiatan wisata dan didukung berbagai fasilitas serta layanan yang disediakan oleh masyarakat, pengusaha, Pemerintah, dan Pemerintah Daerah.
15. Daerah tujuan pariwisata yang selanjutnya disebut destinasi pariwisata adalah kawasan geografis yang berada dalam satu atau lebih wilayah administratif yang di dalamnya terdapat daya tarik wisata, fasilitas umum, fasilitas pariwisata, aksesibilitas, serta masyarakat yang saling terkait dan melengkapi terwujudnya kepariwisataan.
16. Pariwisata Halal adalah kegiatan kunjungan wisata dengan destinasi dan industri pariwisata yang menyiapkan fasilitas produk, pelayanan, dan pengelolaan pariwisata yang memenuhi syariah.
17. Akomodasi adalah segala bentuk hotel bintang dan nonbintang.
18. Sertifikat adalah fatwa tertulis yang diberikan oleh DSN-MUI pada usaha hotel yang telah memenuhi penilaian kesesuaian kriteria Usaha Hotel Syariah.

19. Usaha Jasa Perjalanan wisata adalah usaha biro perjalanan wisata dan usaha agen perjalanan wisata meliputi usaha penyediaan jasa perencanaan perjalanan dan/atau jasa pelayanan dan penyelenggaraan pariwisata, termasuk penyelenggaraan perjalanan ibadah.
20. Usaha Makanan dan Minuman adalah usaha jasa penyediaan makanan dan minuman yang dilengkapi dengan peralatan dan perlengkapan untuk proses pembuatan dapat berupa restoran, kafe, jasa boga, dan bar/kedai minuman.
21. Usaha penyediaan akomodasi adalah usaha yang menyediakan pelayanan penginapan yang dapat dilengkapi dengan pelayanan pariwisata lainnya dapat berupa; hotel, vila, pondok wisata, bumi perkemahan, persinggahan karavan, dan akomodasi lainnya yang digunakan untuk tujuan pariwisata.
22. Usaha jasa pramuwisata adalah usaha yang menyediakan dan/atau mengoordinasikan tenaga pemandu wisata untuk memenuhi kebutuhan wisatawan dan/atau kebutuhan biro perjalanan wisata.
23. Usaha Salus Per Aquan yang selanjutnya disebut Usaha SPA adalah usaha perawatan yang memberikan layanan dengan metode kombinasi terapi air, terapi aroma, pijat, rempah-rempah, layanan makanan dan minuman sehat, dan olah aktivitas fisik dengan tujuan menyeimbangkan jiwa dan raga dengan tetap memperhatikan tradisi dan budaya bangsa Indonesia.
24. Atraksi Wisata adalah obyek-obyek wisata berupa tempat maupun aktivitas yang berada pada suatu destinasi dan menjadi daya tarik bagi destinasi tersebut.

Pasal 2

Maksud pengaturan Pariwisata Halal dalam Peraturan Daerah ini adalah untuk memberikan keamanan dan kenyamanan pelayanan kepada wisatawan agar dapat menikmati kunjungan wisata dengan aman, halal dan juga dapat memperoleh kemudahan bagi wisatawan dan pengelola dalam kegiatan kepariwisataan.

Pasal 3

Tujuan pengaturan Pariwisata Halal adalah sebagai pedoman bagi pengelola pariwisata dalam memberikan pelayanan Pariwisata Halal kepada wisatawan.

Pasal 4

Penyelenggaraan Pariwisata Halal berdasarkan asas:

- a. transparansi;
- b. akuntabilitas;
- c. keadilan; dan
- d. partisipatif;

BAB II RUANG LINGKUP

Pasal 5

Ruang lingkup pengaturan Pariwisata Halal dalam Peraturan Daerah ini meliputi:

- a. destinasi;
- b. pemasaran dan promosi;
- c. industri;
- d. kelembagaan;
- e. pembinaan dan pengawasan; dan
- f. pembiayaan.

BAB III DESTINASI PARIWISATA HALAL

Bagian Kesatu Fasilitas

Pasal 6

- (1) Destinasi Pariwisata Halal meliputi atraksi wisata alam dan wisata budaya.
- (2) Pengelola Destinasi pariwisata halal harus membangun fasilitas umum untuk mendukung kenyamanan aktivitas kepariwisataan halal.
- (3) Fasilitas umum sebagaimana dimaksud pada ayat (2) terdiri atas:
 - a. tempat dan perlengkapan ibadah wisatawan Muslim; dan
 - b. fasilitas bersuci yang memenuhi standar syari'ah;

Bagian Kedua Pemberdayaan dan Peran serta Masyarakat

Pasal 7

- (1) Pemberdayaan masyarakat melalui pariwisata halal meliputi:
 - a. penguatan kesadaran masyarakat;
 - b. peningkatan kapasitas dan peran masyarakat dalam pengelolaan usaha; dan
 - c. peningkatan pendapatan masyarakat.
- (2) Penguatan kesadaran masyarakat sebagaimana dimaksud pada ayat (1) huruf a dilakukan dalam bentuk sosialisasi tentang penyelenggaraan pariwisata halal.
- (3) Peningkatan kapasitas dan peran masyarakat sebagaimana dimaksud pada ayat (1) huruf b meliputi:
 - a. meningkatkan pemahaman, dukungan dan partisipasi masyarakat dalam mewujudkan pengelolaan pariwisata halal;
 - b. meningkatkan motivasi dan kemampuan masyarakat dalam pengelolaan pariwisata halal; dan

c. melibatkan masyarakat dalam perumusan kebijakan-kebijakan yang terkait dengan kepariwisataan halal.

- (4) Peningkatan pendapatan masyarakat melalui usaha pariwisata halal sebagaimana dimaksud pada ayat (1) huruf c meliputi:
- menciptakan kesempatan berusaha dalam aktivitas kepariwisataan halal; atau
 - memberikan insentif.

Bagian Ketiga Pengembangan Investasi Pariwisata Halal

Pasal 8

- (1) Kebijakan pengembangan investasi pariwisata halal meliputi:
- pemberian insentif investasi sesuai dengan peraturan perundang-undangan;
 - peningkatan kemudahan investasi; dan
 - peningkatan promosi.
- (2) Peningkatan insentif investasi sebagaimana dimaksud pada ayat (1) huruf a, meliputi:
- meningkatkan pemberian keringanan pajak secara gradual untuk investasi penanaman modal asing di sektor pariwisata halal; dan
 - meningkatkan perbaikan jasa pelayanan pajak untuk investasi penanaman modal asing di sektor pariwisata halal.
- (3) Peningkatan kemudahan investasi pariwisata halal sebagaimana dimaksud pada huruf b, meliputi:
- mengembangkan debirokratisasi investasi di bidang pariwisata; dan
 - mengembangkan deregulasi peraturan yang menghambat perizinan.
- (4) Peningkatan promosi investasi di bidang pariwisata halal sebagaimana dimaksud pada ayat (1) huruf c, meliputi:
- menyediakan informasi peluang investasi di kawasan pariwisata;
 - meningkatkan promosi investasi bidang pariwisata di dalam negeri dan luar negeri; dan
 - meningkatkan sinergi promosi penanaman modal pariwisata dengan sektor terkait.

BAB IV

PEMASARAN DAN PROMOSI PARIWISATA HALAL

Pasal 9

- (1) Pemerintah Provinsi dan Pemerintah Kabupaten/Kota melaksanakan pemasaran dan promosi penyelenggaraan pariwisata halal.

(2) Strategi yang dilakukan dalam pemasaran dan promosi Pariwisata Halal sebagaimana dimaksud pada ayat (1) dapat dilakukan dalam bentuk kegiatan:

- a. pemetaan dan analisis peluang pasar dan perintisan pemasaran ke pasar potensial;
- b. pengembangan dan pemantapan citra Daerah sebagai destinasi pariwisata halal;
- c. pengembangan citra kepariwisataan Daerah sebagai destinasi pariwisata halal yang aman, nyaman dan berdaya saing;
- d. peningkatan peran media komunikasi pemasaran dalam memasarkan dan mempromosikan pariwisata halal; dan
- e. pengembangan kemitraan pemasaran yang terpadu, sinergis, berkesinambungan dan berkelanjutan.

Pasal 10

Pelaksanaan pemasaran dan promosi pariwisata halal sebagaimana dimaksud dalam Pasal 9 dapat melibatkan BPPD, DSN-MUI, ASITA, FKD, PHRI, dan HPI.

BAB V

INDUSTRI PARIWISATA

Bagian Kesatu

Industri Pariwisata Konvensional

Pasal 11

(1) Industri pariwisata konvensional adalah usaha-usaha wisata yang menjual jasa dan produk kepariwisataan yang tidak berpatokan pada prinsip-prinsip syari'ah.

(2) Industri pariwisata konvensional sebagaimana dimaksud pada ayat (1) wajib menyediakan:

- a. arah kiblat di kamar hotel;
- b. informasi masjid terdekat;
- c. tempat ibadah bagi wisatawan dan karyawan muslim;
- d. keterangan tentang produk halal/tidak halal;
- e. tempat berwudhu yang terpisah antara laki-laki dan perempuan;
- f. sarana pendukung untuk melaksanakan sholat; dan
- g. tempat urinoir yang terpisah antara laki-laki dan perempuan dan memudahkan untuk bersuci.

Bagian Kedua Industri Pariwisata Halal

Paragraf 1 Umum

Pasal 12

Industri pariwisata halal adalah usaha-usaha wisata yang menjual jasa dan produk kepariwisataan yang berpatokan pada prinsip-prinsip syari'ah sebagaimana yang ditetapkan oleh DSN-MUI.

Pasal 13

- (1) Industri Pariwisata Halal sebagaimana dimaksud dalam Pasal 12 terdiri atas:
 - a. akomodasi;
 - b. biro perjalanan;
 - c. restoran; dan
 - d. SPA;
- (2) Pengelolaan industri pariwisata halal mengikuti ketentuan yang ditetapkan oleh DSN-MUI.

Paragraf 2 Akomodasi

Pasal 14

- (1) Dalam Pariwisata Halal harus memiliki akomodasi sesuai standar syariah.
- (2) Standar syari'ah sebagaimana dimaksud pada ayat (1) setelah memperoleh sertifikasi dari DSN-MUI.
- (3) Standar syari'ah sebagaimana dimaksud pada ayat (1) meliputi aspek:
 - a. produk;
 - b. pelayanan; dan
 - c. pengelolaan.
- (4) Dalam hal standar syariah sebagaimana dimaksud pada ayat (2) belum terpenuhi, maka akomodasi paling sedikit memenuhi hal-hal sebagai berikut:
 - a. tersedia fasilitas yang layak untuk bersuci;
 - b. tersedia fasilitas yang memudahkan untuk beribadah;
 - c. tersedia makanan dan minuman halal;
 - b. fasilitas dan suasana yang aman, nyaman dan kondusif untuk keluarga dan bisnis; dan
 - c. terjaga kebersihan sanitasi dan lingkungan.

Paragraf 3

Penyedia Makanan dan Minuman

Pasal 15

- (1) Penyedia makanan dan minuman dalam Pariwisata Halal meliputi restoran, bar (kedai), kafe, dan jasa boga.
- (2) Penyedia makanan dan minuman bersertifikasi halal wajib menjamin kehalalan makanan/minuman yang disajikan, mulai dari penyediaan bahan baku sampai proses penyajian yang dibuktikan dengan sertifikat halal.
- (3) Dalam hal sertifikat halal belum terpenuhi, setiap penyedia makanan dan minuman harus mencantumkan tulisan halal/nonhalal pada setiap jenis makanan/minuman; dan menjaga lingkungan yang sehat dan bersih.
- (4) Makanan dan minuman halal sebagaimana dimaksud pada ayat (2) sesuai standar yang ditetapkan oleh DSN-MUI.

Paragraf 4

SPA, Sauna dan Griya Pijat Halal

Pasal 16

Setiap pengusaha SPA, Sauna dan Griya Pijat (Massage) halal menyediakan:

- a. ruangan perawatan untuk pria dan wanita yang terpisah;
- b. terapi pikiran (*mind therapy*) dan terapi olah fisik tidak mengarah pada pelanggaran syari'ah;
- c. terapis pria khusus untuk pria dan terapis wanita khusus untuk wanita; dan
- d. sarana yang memudahkan untuk sholat.

Pasal 17

- (1) Setiap pengusaha SPA, Sauna dan Griya Pijat halal wajib menggunakan produk berlogo halal resmi.
- (2) Produk berlogo halal resmi sebagaimana dimaksud pada ayat (1) antara lain:
 - a. bahan rempah;
 - b. lulur;
 - c. masker;
 - d. aroma terapi; dan
 - e. bahan-bahan perawatan wajah, rambut, tangan dan kuku.

Paragraf 5
Biro Perjalanan Wisata Halal

Pasal 18

Setiap Pengelola Biro Perjalanan Pariwisata Halal wajib:

- a. memahami pengelolaan destinasi Pariwisata Halal;
- b. menyediakan informasi tentang paket Pariwisata Halal dan perilaku wisatawan (*code of conduct*) pada destinasi pariwisata halal; dan
- c. menyelenggarakan paket perjalanan wisata yang sesuai dengan kriteria Pariwisata Halal berdasarkan Prosedur Operasional Standar (SOP) yang mengacu ketentuan DSN-MUI.

Pasal 19

Setiap pramuwisata pada Biro Perjalanan Pariwisata Halal harus memenuhi persyaratan sebagai berikut:

- a. memahami dan mampu melaksanakan nilai-nilai syariah dalam menjalankan tugas;
- b. berakhlak baik, komunikatif, ramah, jujur dan bertanggung jawab;
- c. berpenampilan sopan sesuai dengan nilai dan etika Islami; dan
- d. memberikan nilai-nilai Islami selama dalam perjalanan wisata.

BAB VI
KELEMBAGAAN

Pasal 20

- (1) Kelembagaan dalam penyelenggaraan Pariwisata Halal terdiri atas:
 - a. kelembagaan Pemerintah Daerah; dan
 - b. nonpemerintah.
- (2) Kelembagaan Pemerintah Daerah sebagaimana dimaksud pada ayat (1) huruf a meliputi Satuan Kerja Perangkat Daerah yang terkait dengan penyelenggaraan kepariwisataan yang dikoordinasikan oleh Dinas.
- (3) Kelembagaan nonpemerintah sebagaimana dimaksud pada ayat (1) huruf b meliputi organisasi yang terkait dengan kegiatan kepariwisataan yang meliputi; DSN, MUI, BPPD, ASITA, PHRI, FKD, dan HPI.

Pasal 21

Pengembangan kelembagaan pariwisata halal harus dilakukan melalui:

- a. koordinasi antar dinas terkait dan dengan kabupaten/kota;
- b. optimalisasi peran organisasi pariwisata nonpemerintah di tingkat provinsi; dan
- c. optimalisasi kemitraan usaha pariwisata halal antara pemerintah provinsi, swasta dan masyarakat.

BAB VII PEMBINAAN, PENGAWASAN DAN PELAPORAN

Bagian Kesatu Pembinaan

Pasal 22

- (1) Pemerintah Daerah melakukan pembinaan terhadap pelaksanaan Pariwisata Halal.
- (2) Pembinaan sebagaimana dimaksud pada ayat (1) dilaksanakan oleh Dinas.

Pasal 23

- (1) Pembinaan sebagaimana dimaksud dalam Pasal 22 ayat (1) harus melibatkan DSN-MUI.
- (2) Selain ketentuan sebagaimana dimaksud pada ayat (1), pembinaan dapat melibatkan BPPD, PHRI, ASITA, FKD, dan HPI.
- (3) Pembinaan sebagaimana dimaksud pada ayat (1) dilakukan dalam bentuk:
 - a. sosialisasi;
 - b. stimulasi; dan
 - c. bimbingan dan pelatihan.

Bagian Kedua Pengawasan

Pasal 24

- (1) Pemerintah Daerah melakukan pengawasan pengelolaan pariwisata halal.
- (2) Pengawasan sebagaimana dimaksud pada ayat (1) dilaksanakan oleh Dinas dan dapat melibatkan DSN-MUI, PHRI, ASITA, HPI FKD, dan BPPD.
- (3) Pengawasan sebagaimana dimaksud pada ayat (2) dilaksanakan dalam bentuk:
 - a. monitoring; dan
 - b. evaluasi.

Bagian Ketiga Pelaporan

Pasal 25

- (1) Hasil pembinaan dan pengawasan sebagaimana dimaksud dalam Pasal 23 dan Pasal 24 dilaporkan kepada Gubernur.
- (2) Laporan sebagaimana dimaksud pada ayat (1) disampaikan 1 (satu) kali dalam 1 (satu) tahun dan sewaktu-waktu apabila diperlukan.

BAB VIII SANKSI ADMINISTRATIF

Pasal 26

- (1) Setiap pengelola yang melanggar ketentuan sebagaimana dimaksud dalam Pasal 11 ayat (2), Pasal 17 ayat (1), dan Pasal 18 dikenakan sanksi administrasi.
- (2) Sanksi Administrasi sebagaimana dimaksud pada ayat (1) dapat berupa:
 - a. teguran lisan;
 - b. teguran tertulis;
 - c. penghentian sementara kegiatan;
 - d. penghentian tetap kegiatan;
 - e. pencabutan sementara izin;
 - f. pencabutan tetap izin; dan/atau
 - g. denda administratif;
- (3) Tata cara pengenaan sanksi administrasi sebagaimana dimaksud pada ayat (2) diatur lebih lanjut dalam Peraturan Gubernur.

BAB IX PEMBIAYAAN

Pasal 27

Pembiayaan atas pengelolaan pariwisata halal oleh Pemerintah Daerah bersumber dari dianggarkan pada:

- a. Anggaran Pendapatan dan Belanja Daerah; dan/atau
- b. sumber lain yang sah dan tidak mengikat.

BAB X KETENTUAN PENUTUP

Pasal 28

- (1) Semua ketentuan yang mengatur mengenai wisata halal yang sudah ada sebelum diundangkan Peraturan Daerah ini, tetap berlaku sepanjang tidak bertentangan dengan Peraturan Daerah ini.
- (2) Pada saat Peraturan Daerah ini mulai berlaku, Peraturan Gubernur Nomor 51 Tahun 2015 tentang Wisata Halal (Berita Daerah Provinsi Nusa Tenggara Barat Tahun 2015 Nomor 51) dicabut dan dinyatakan tidak berlaku.

Pasal 29

Peraturan Gubernur sebagai peraturan pelaksanaan dari Peraturan Daerah ini wajib ditetapkan paling lama 6 (enam) bulan setelah diundangkan Peraturan Daerah ini.

Pasal 30

Peraturan Daerah ini mulai berlaku sejak tanggal diundangkan.

Agar setiap orang mengetahuinya, memerintahkan pengundangan Peraturan Daerah ini dengan penempatannya dalam Lembaran Daerah Provinsi Nusa Tenggara Barat.

Ditetapkan di Mataram
pada tanggal 21 Juni 2016

GUBERNUR NUSA TENGGARA BARAT,

ttd.

H. M. ZAINUL MAJDI

Diundangkan di Mataram
pada tanggal 21 Juni 2016

SEKRETARIS DAERAH PROVINSI NTB,

ttd.

H. ROSIADY H. SAYUTI

LEMBARAN DAERAH PROVINSI NUSA TENGGARA BARAT TAHUN 2016 NOMOR 125

NOREG PERATURAN DAERAH PROVINSI NUSA TENGGARA BARAT: (2/141/2016)

Salinan sesuai dengan aslinya
SEKRETARIS DAERAH PROVINSI NTB
Plt. Kepala Biro Hukum,

Dr. Muhammad Agus Patria, SH. MH.
Pembina Tk. I (IV/d)
NIP. 196108011987101002

**PENJELASAN ATAS
PERATURAN DAERAH PROVINSI NUSA TENGGARA BARAT
NOMOR 2 TAHUN 2016
TENTANG
PARIWISATA HALAL**

I. UMUM

Pembangunan pariwisata merupakan salah satu sektor pembangunan di bidang ekonomi yang dapat menumbuhkembangkan pembangunan ekonomi di daerah dalam rangka mempercepat pertumbuhan ekonomi dan kesejahteraan masyarakat di daerah.

Pembangunan pariwisata bertitik tolak pada 4 (empat) pilar yaitu; destinasi, pemasaran (promosi), industri pariwisata dan kelembagaan. Keempat pilar pembangunan pariwisata tersebut akan menjadi pedoman dasar dalam penyelenggaraan pembangunan di bidang kepariwisataan.

Salah satu subsektor yang sekarang menjadi perhatian pada sektor pembangunan kepariwisataan adalah Pariwisata Halal. Pariwisata Halal merupakan "icon" baru pembangunan pariwisata yang harus dikembangkan dan memerlukan perhatian, karena diharapkan dapat mengundang dan menarik wisatawan, baik wisatawan domestik (nusantara) maupun wisatawan mancanegara.

Pengembangan pariwisata di beberapa negara seperti; Zelandia Baru, Malaysia, Singapura, dan Korea, menjadikan pariwisata halal sebagai salah satu obyek yang dapat dijual untuk menarik wisatawan berkunjung ke negara mereka, di samping pariwisata konvensional yang sudah eksis terlebih dahulu.

Nusa Tenggara Barat sebagai salah satu daerah yang memiliki potensi di sektor kepariwisataan, juga melakukan pengembangan wisata halal ini yang kiranya dapat menarik wisatawan mancanegara dari Timur Tengah dan Asia. Pariwisata Indonesia tengah bergembira, karena *The World Halal Travel Summit/ Exhibition 2015 (WHTS15)* di Abu Dhabi, Uni Emirate Arab (UEA) telah mengumumkan bahwa Indonesia, tepatnya Lombok, menjadi salah satu destinasi wisata halal terbaik, yaitu mendapat penghargaan *World's Best Halal Tourism Destination* dan *World's Best Halal Honeymoon Destination*.

Bertitik tolak dari hal tersebut, maka Pemerintah Daerah Provinsi Nusa Tenggara Barat harus menyikapi untuk pengembangan Pariwisata Halal melalui pembentukan regulasi sebagai pedoman dan legalitas dalam pelaksanaan.

II. PASAL DEMI PASAL

- Pasal 1
Cukup jelas
- Pasal 2
Cukup jelas
- Pasal 3
Cukup jelas
- Pasal 4

Huruf a

Yang dimaksud dengan transparansi adalah proses keterbukaan dari pemerintah daerah dan pengelola kepariwisataan dalam penyelenggaraan pariwisata halal.

Huruf b

Yang dimaksud dengan akuntabilitas adalah asas yang menentukan bahwa setiap kebijakan dalam kegiatan penyelenggaraan pariwisata halal harus dapat dipertanggungjawabkan.

Huruf c

Yang dimaksud dengan asas keadilan adalah

Huruf d

Yang dimaksud dengan partisipatif adalah keterlibatan masyarakat dalam penyelenggaraan pariwisata halal.

Pasal 5

Cukup jelas

Pasal 6**Ayat (1)**

Cukup jelas

Ayat (2)

Cukup jelas

Ayat (3)**Huruf a**

Cukup jelas

Huruf b

Yang dimaksud dengan fasilitas bersuci yang memenuhi standar syari'ah seperti; toilet, tempat berwudlu, dan kamar mandi.

Pasal 7

Cukup jelas

Pasal 8

Cukup jelas

Pasal 9

Cukup jelas

Pasal 10

Cukup jelas

Pasal 11

Cukup jelas

Pasal 12

Cukup jelas

Pasal 13

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Pasal 14

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Pasal 26

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Pasal 27

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Pasal 28

Cukup jelas

Pasal 29

Cukup jelas

Pasal 30

Cukup jelas

TAMBAHAN LEMBARAN DAERAH PROVINSI NUSA TENGGARA BARAT NOMOR 125



KEMENTERIAN AGAMA
UNIVERSITAS ISLAM NEGERI
MAULANA MALIK IBRAHIM MALANG
FAKULTAS SYARIAH

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No	Day / Date	Subject of Consultation	Signature
1	December, 5 2016	Proposal	
2	December, 8 2016	Review of Proposal	
3	January, 31 2017	Chapter I, II, III, IV, & V of Thesis	
4	February, 1 2017	Abstract and Acknowledgement	
5	February, 3 2017	Review of Abstract, Acknowledgement and Chapter I, II, & III	
6	February, 6 2017	Review of Chapter IV & V	
7	February, 7 2017	Review of Thesis & ACC	

Malang, February, 7 2017

Acknowledged by :

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5. State Islamic University Maulana Malik Ibrahim of Malang, Sharia Faculty, Sharia Business Law Department (2013 – 2017).