

Identifying the Halal Tourism Regulatory Paradox: Integrating Regulatory Impact Assessment and *Maqāṣid al-Sharī'ah* for Sustainable Development in Madura, Indonesia

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Abstract

Although Indonesia is globally recognized as a leading halal tourism destination, its regulatory framework remains fragmented and unevenly institutionalized at the regional level. Madura presents a critical legal case study of this fragmentation: despite its deeply embedded Islamic socio-cultural normative structure, local governments exhibit significant reluctance to formalize halal tourism into regional regulations (*Perda*). This empirical study investigates this regulatory hesitation by operationalizing a novel analytical model that integrates Regulatory Impact Assessment (RIA) with *Maqāṣid al-Sharī'ah*. Employing a qualitative research design, the researchers collected data through semi-structured interviews with six key stakeholders, including regional policymakers, tourism agency officials, Islamic scholars (*ulama*), and local business operators, as well as a thematic analysis of 12 regional policy documents. The analytical integration is operationalized by mapping RIA indicators (cost-benefit assessment, regulatory burden, and administrative compliance) against core *Maqāṣid* dimensions, specifically safeguarding religion (*ḥifẓ ad-dīn*) and public wealth (*ḥifẓ al-māl*). The findings reveal a regulatory paradox: while stakeholders conceptually embrace halal tourism, local governments hesitate to formalize it due to fears of socio-political backlash, administrative redundancy, and uncertain economic yields in a society where Islamic norms are already culturally enforced. Ultimately, the integrated RIA *Maqāṣid* model demonstrates that normative justification alone is insufficient without empirical policy effectiveness. This study contributes an actionable analytical tool for evaluating legal policy in decentralized Islamic governance contexts.

Keywords: *Halal Tourism Governance; Regulatory Impact Assessment; Maqāṣid al-Sharī'ah; Decentralized Governance; Islamic Legal Policy.*

Abstrak

Meskipun Indonesia diakui secara global sebagai destinasi wisata halal terkemuka, kerangka regulasi pariwisata halal masih terfragmentasi dan belum terinstitusionalisasi secara merata di tingkat daerah. Madura merupakan kasus hukum yang krusial terkait fragmentasi tersebut. Meskipun memiliki struktur normatif sosial-budaya Islam yang

kuat, pemerintah daerah di Madura menunjukkan keengganan untuk memformalkan pariwisata halal ke dalam peraturan daerah (perda). Penelitian empiris ini bertujuan menganalisis keengganan regulasi tersebut dengan mengoperasionalkan model analitis yang mengintegrasikan *Regulatory Impact Assessment* (RIA) dan *maqāṣid asy-syarī'ah*. Dengan menggunakan desain penelitian kualitatif, peneliti mengumpulkan data melalui wawancara semiterstruktur dengan 6 pemangku kepentingan kunci yang meliputi pembuat kebijakan daerah, pejabat dinas pariwisata, ulama, dan pelaku usaha lokal, serta analisis tematik terhadap 12 dokumen kebijakan daerah. Operasionalisasi integrasi dilakukan dengan memetakan indikator RIA (analisis biaya-manfaat, beban regulasi, dan kepatuhan administratif) ke dalam dimensi utama *maqāṣid*, khususnya perlindungan agama (*ḥifẓ ad-dīn*) dan pengembangan ekonomi (*ḥifẓ al-māl*). Hasil penelitian mengungkapkan adanya paradoks regulasi: meskipun pemangku kepentingan secara konseptual mendukung pariwisata halal, pemerintah daerah enggan mengkodifikasikannya karena kekhawatiran akan timbulnya resistensi sosial-politik, tumpang tindih regulasi, dan ketidakpastian manfaat ekonomi dalam masyarakat yang telah menerapkan nilai-nilai Islam secara kultural. Model terpadu RIA *maqāṣid asy-syarī'ah* membuktikan bahwa pembenaran normatif tidak cukup tanpa efektivitas kebijakan secara empiris. Penelitian ini berkontribusi menyediakan kerangka analitis praktis untuk mengevaluasi kebijakan hukum Islam dalam konteks tata kelola yang terdesentralisasi.

Kata Kunci: *Tata Kelola Pariwisata Halal; Regulatory Impact Assessment; Maqāṣid Asy-Syarī'Ah; Tata Kelola Terdesentralisasi; Kebijakan Hukum Islam.*

INTRODUCTION

Why do societies with a deeply embedded Islamic normative structure often resist the formal legal codification of Sharia-compliant practice, even where the underlying norms are already observed culturally? This question sits at the center of a recurring puzzle in law and religion¹: religious legitimacy and legal legitimacy do not automatically reinforce one another, and in many Muslim-majority jurisdictions informal religious authority appears to substitute for, rather than complete, formal legal codification.² Indonesia's halal tourism sector offers an unusually clear empirical setting in which to examine this puzzle³, because it combines strong Islamic normative

¹ Harold Joseph Berman, *The Interaction of Law and Religion*, vol. 1971 (SCM Press London, 1974).

² Abdul Kadir Jaelani et al., "Sustainable Halal Tourism Regulation Based on Local Wisdom in Indonesia and Uzbekistan," *Journal of Human Rights, Culture and Legal System* 5, no. 1 (2025): 351–77.

³ Kurnia Sari Kasmiarno et al., "Bridging Inclusivity in Halal Tourism: A Comparative Analysis of Muslim and Non-Muslim Perspectives in Indonesia," *Journal of Islamic Marketing*, 2026, 1–23.

embeddedness with persistent local-government reluctance to formalize halal tourism into regional regulation (Perda).⁴

The GMTI 2024 named Indonesia the world's best halal tourism destination. This achievement gives the halal industry a significant opportunity to grow rapidly, as the number of Muslims worldwide continues to rise.⁵ Experts project the global Muslim population will reach 2.47 billion by 2034.⁶ This condition opens opportunities for the tourism and economic sectors and can capture the attention of governments in many countries, especially in Muslim-majority nations like Indonesia⁷, offering a tremendous opportunity to develop the halal tourism sector.⁹ Halal tourism is a rapidly expanding segment of the industry,¹⁰ referring to the provision of travel-related goods and services that uphold Islamic principles.¹¹ "Sharia tourism" and "halal tourism" are frequently used interchangeably.¹² Hope for the future, alternative

⁴ Raddana Raddana and Ida Surya, "Implementation of Local Regulations Of West Nusa Tenggara Province Number 2 of 2016 About Halal Tourism In West Nusa Tenggara," *The International Journal Of Social Sciences* 62, no. 01 (2018): 15–28.

⁵ The Mastercard-Crescentrating, "Global Muslim Travel Index 2025: 10 Th Edition," June 2025, <https://www.crescentrating.com/global-muslim-travel-index-gmti.html>.

⁶ The Mastercard-Crescentrating, "Global Muslim Travel Index : BRIDGING JOURNEYS Spotlight on RIDA Framework and Accessible Travel in GMTI," May 2024, <https://www.crescentrating.com/global-muslim-travel-index-gmti.html>.

⁷ Awani Irewati and Hayati Nufus, "Indonesia's Efforts in Developing Halal Tourism through the Indonesia-Malaysia-Thailand Growth Triangle (IMT-GT)," *SUVANNABHUMI* 16, no. 1 (January 1, 2024): 229–69, <https://doi.org/10.22801/SVN.2024.16.1.229>.

⁸ Chairul Lutfi, "Critical Review of Halal Industry Policy in Indonesia," *Ascarya: Journal of Islamic Science, Culture, and Social Studies* 5, no. 1 (January 27, 2025): 1–12, <https://doi.org/10.53754/ISCS.V5I1.717>.

⁹ Rindi Astika Yuliana et al., "Evaluasi Implementasi Sertifikasi Halal Terhadap Pelaku Usaha Mikro Dan Kecil," *Berajah Journal: Jurnal Pembelajaran Dan Pengembangan Diri* 4, no. 3 (June 30, 2024): 683–90, <https://doi.org/10.47353/BJ.V4I3.357>.

¹⁰ Farah Hida Sharin et al., "Reshaping Tourism Industry in Indonesia: The Attraction of Halal Tourism Practices and the Drive of Digitainability," *Emerging Technology and Crisis Management in The Halal Industry*, 2024, 105–21, https://doi.org/10.1007/978-981-97-1375-2_7.

¹¹ Asad Mohsin, Noriah Ramli, and Bader Abdulaziz Alkhulayfi, "Halal Tourism: Emerging Opportunities," *Tourism Management Perspectives* 19 (July 1, 2016): 137–43, <https://doi.org/10.1016/J.TMP.2015.12.010>.

¹² Faiza Khan and Michelle Callanan, "The 'Halalification' of Tourism," *Journal of Islamic Marketing* 8, no. 4 (November 13, 2017): 558–77, <https://doi.org/10.1108/JIMA-01-2016-0001>.

attractions, and Sharia compliance are key factors that attract tourists to halal tourism,¹³ and government plays a primary role as initiator and policymaker in determining the ecosystem's success.¹⁴

Despite Indonesia securing the top rank as the world's best halal tourism destination, the existing regulatory framework has not fully covered crucial aspects. Policymakers therefore need more specific, integrated regulations to ensure the sector's growth aligns with Sharia principles and delivers optimal economic benefits to the community,¹⁵ consistent with the national development goal of a just and prosperous society.¹⁶ Halal tourism currently refers to Law Number 10 of 2009 concerning tourism. To support regulatory strengthening, the Indonesian Ulema Council (MUI) issued Fatwa Number 108/DSN-MUI/X/2016, marking a breakthrough for halal tourism development in Indonesia. The Government, however, has not followed up on its implementation with specific statutory regulations, and local governments cannot freely design halal tourism development without first creating specific local regulations to govern it.¹⁷

Only a few local governments have made breakthroughs by creating regulations related to halal tourism. For example, the Regional Regulation of West Nusa Tenggara Province,¹⁸ the *Qanun* of Aceh Jaya

¹³ Yan Putra Timur et al., "Exploring Tourist Switching Intention to Halal Tourism with The Push-Pull-Mooring Theory," *Journal of Islamic Marketing* ahead-of-print, no. ahead-of-print (January 1, 2025), <https://doi.org/10.1108/JIMA-09-2024-0415>.

¹⁴ Atie Rachmiate et al., "Halal Tourism Ecosystem: Networks, Institutions and Implementations in Indonesia," *Journal of Islamic Marketing* 15, no. 11 (January 1, 2024): 3247–65, <https://doi.org/10.1108/JIMA-09-2023-0286>.

¹⁵ Abdul Halim Nasution et al., "Regulasi Wisata Halal (Analisis Pro Dan Kontra Penerapan Wisata Halal Di Danau Toba)," *Altafani* 2, no. 1 (October 20, 2022): 46–58, <https://doi.org/10.59342/JPKM.V2I1.82>.

¹⁶ Achmad Jaka and Santos Adiwijaya, "Menyongsong Pemberlakuan Kewajiban Sertifikasi Halal Di Indonesia," *JURNAL ILMIAH LIVING LAW* 11, no. 1 (March 18, 2019): 1–12, <https://doi.org/10.30997/JILL.V11I1.1641>.

¹⁷ Neni Ruhaeni, Efik Yusdiansyah, and Eka An Aqimuddin, "Revisiting Indonesia Halal Tourism Policy in Light of GATS," *Journal of International Trade Law and Policy* 23, no. 2/3 (January 1, 2024): 154–67, <https://doi.org/10.1108/JITLP-12-2023-0064>.

¹⁸ "Perda No. 2 Tahun 2016 | JDIH Prov NTB," accessed March 25, 2025, <https://jdih.ntbprov.go.id/content/perda-no-2-tahun-2016>.

Regency,¹⁹ the Regional Regulation of Bandung Regency,²⁰ the Regional Regulation of Banjarmasin City,²¹ the Governor's Regulation of Riau Province,²² and the Regional Regulation of Muara Enim Regency.²³ With regulatory reform, halal tourism can develop sustainably, attract more Muslim tourists worldwide,²⁴ and boost Indonesia's reputation as a preferred destination, potentially creating jobs and improving local economies.²⁵ Policymakers must therefore work in synergy to support halal tourism growth while maintaining cultural integrity and local values-especially in Madura, a region with a strong, devout Muslim base.²⁶

Madura, comprising the Regencies of Bangkalan, Sampang, Pamekasan, and Sumenep, has significant potential to develop into a halal tourism destination. Its Muslim-majority population and integration with Sharia principles help it attract Muslim tourists.²⁷ This potential includes religious tourism, such as the tombs of scholars; beautiful natural attractions, including beaches and hills; and culinary tourism, featuring distinct Madurese halal dishes.²⁸ Stakeholders

¹⁹ "Peraturan Daerah Kabupaten Aceh Jaya Nomor 10 Tahun 2019 Tentang Pariwisata Halal," 2019, <https://jdih.acehprov.go.id/dih/detail/ee3d43d0-334e-42f2-b698-eff03fe475d3>.

²⁰ "PERDA Kab. Bandung No. 6 Tahun 2020," accessed March 25, 2025, <https://peraturan.bpk.go.id/Details/172677/perda-kab-bandung-no-6-tahun-2020>.

²¹ "PERDA Kota Banjarmasin No. 2 Tahun 2021," accessed March 25, 2025, <https://peraturan.bpk.go.id/Details/228764/perda-kota-banjarmasin-no-2-tahun-2021>.

²² "PERGUB Prov. Riau No. 18 Tahun 2019," accessed March 25, 2025, <https://peraturan.bpk.go.id/Details/250133/pergub-prov-riau-no-18-tahun-2019>.

²³ "PERDA Kab. Muara Enim No. 15 Tahun 2019," accessed March 25, 2025, <https://peraturan.bpk.go.id/Details/122479/perda-kab-muara-enim-no-15-tahun-2019>.

²⁴ R Tri Ratnasari et al., "Halal Food Certification to Improve the Competitiveness of East and Middle Business in Indonesia," *KnE Social Sciences* 3, no. 13 (March 31, 2019): 1044, <https://doi.org/10.18502/kss.v3i13.4266>.

²⁵ Muhammad Suradin, "Halal Tourism Promotion in Indonesia: An Analysis on Official Destination Websites," *Journal of Indonesian Tourism and Development Studies* 6, no. 3 (September 30, 2018): 143–58, <https://doi.org/10.21776/ub.jitode.2018.006.03.01>.

²⁶ Ahmed M Adel et al., "Halal Strategies on Official Government Tourism Websites: An Extension and Validation Study," *Tourism and Hospitality Research* 21, no. 2 (April 27, 2021): 229–44, <https://doi.org/10.1177/1467358420986236>.

²⁷ Fredy Kurniawan et al., "Pemetaan Potensi Wisata Halal Di Kabupaten Sumenep, Jawa Timur, Indonesia," *Dinar: Jurnal Ekonomi Dan Keuangan Islam* 5, no. 2 (September 6, 2018): 59–70, <https://doi.org/10.21107/DINAR.V5I2.5002>.

²⁸ Kemenparekraf/ Baparekraf RI, "Siaran Pers: Menparekraf Dukung Pengembangan Wisata Halal Di Bangkalan," kemenparekraf.go.id, April 2022,

consider Bangkalan to have met five components: halal hotels, halal transportation, halal food, halal tour packages, and halal finance. In Sampang Regency, the optimal utilization of Lon Malang beach also shows enthusiasm for developing halal tourism.²⁹ However, regulations have not supported these halal tourism development efforts in Madura, resulting in suboptimal implementation. The development faces obstacles, including minimal cooperation, changes in official positions, insufficient budget, lack of a flagship destination, individually managed tourist spots, and the absence of detailed regulations from the Ministry of Tourism.³⁰

Existing scholarship converges on a shared premise: that a Muslim-majority, culturally Islamic region should, in principle, translate its normative alignment into regulatory formalization. Faraby's identification of Bangkalan as a halal tourism destination.³¹ Rahman discussed the development of halal tourism in East Java and the obstacles to its achievement,³² and Soleha's analysis of Islamic-economic benefits all treat regulatory lag as an implementation problem (a matter of insufficient budget, coordination, or political will) rather than as a theoretically meaningful outcome in its own right.³³ Ramadhani's account of regulatory dilemmas, the fiqh siyasah-based land-reform study³⁴, and the *maqāṣid al-sharī'ah* Al-Najjar analysis of eco-halal

<https://kemenparekraf.go.id/berita/siaran-pers-menparekraf-dukung-pengembangan-wisata-halal-di-bangkalan>.

²⁹ Pemkab Sampang, "Pantai Lon Malang Sampang Diinisiasi Sebagai Kawasan Wisata Dan Industri Kreatif Halal Madura," sampangkab.go.id, 2022, <https://sampangkab.go.id/berita/pantai-lon-malang-sampang-diinisiasi-sebagai-kawasan-wisata-dan-industri-kreatif-halal-madura/>.

³⁰ Khoirun Nasik, Ahmad Musadad, and Firman Setiawan, "Implementation of the Halal Ecosystem in Bangkalan Regency from a Maqashid Syariah Perspective," *Ijtihad* 18, no. 2 (December 1, 2024), <https://doi.org/10.21111/IJTIHAD.V18I2.12590>.

³¹ Muhammad Ersya Faraby, "Potensi Kabupaten Bangkalan Menjadi Destinasi Wisata Halal," *Jurnal Ilmiah Ekonomi Islam* 7, no. 1 (2021): 67–74.

³² Faiz Auliya Rahman, "Analisis Perkembangan Wisata Halal Di Jawa Timur Sebagai Tempat Destinasi Muslim Global," *Journal of Islamic Tourism Halal Food Islamic Traveling and Creative Economy* 3, no. 1 (2023): 56–66.

³³ Soleha Soleha, "Potensi Pariwisata Halal Di Indonesia Dalam Menarik Wisatawan Internasional," *Journal of Islamic Tourism Halal Food Islamic Traveling and Creative Economy* 3 (2023), https://www.paperdigest.org/paper/?paper_id=doi.org_10.21274_ar-rehla.v3i2.8316.

³⁴ Abdul Kadir Jaelani, Anila Rabbani, and Muhammad Jihadul Hayat, "Land Reform Policy in Determining Abandoned Land for Halal Tourism Destination Management Based on Fiqh Siyasah," *El-Mashlahah* 14, no. 1 (2024): 211–38, <https://doi.org/10.23971/EL-MASHLAHAH.V14I1.8051>.

tourism in Asta Tinggi diverge on one point: whether the missing ingredient is better economic instrumentation (Ramadhani, land reform) or a more complete normative framework (the Al-Najjar-based study).³⁵ Neither strand, however, asks why a society that already enforces Islamic norms culturally would treat their legal codification as costly or risky rather than redundant.

Closing this gap requires more than combining two frameworks that happen not to have been combined before. RIA and *maqāṣid al-sharī'ah* are integrated here because each corrects a specific limitation of the other. RIA is a technocratic instrument: it can measure regulatory burden, compliance cost, and projected economic yield, but it is normatively silent benefit test may still be resisted on religious-legitimacy grounds, or why administrative redundancy is experienced as a threat to religious authenticity rather than as mere inefficiency. *Maqāṣid al-sharī'ah*, conversely, supplies the normative account of why religion (*hifẓ ad-dīn*) and wealth (*hifẓ al-māl*) must be safeguarded, but on its own it offers no operational metric for testing whether a given Perda actually achieves that safeguarding in practice. Integrating the two therefore does not simply add a religious lens to a policy tool; it lets normative justification be tested against empirical policy effectiveness, and lets empirical policy effectiveness be evaluated against a normative standard the community itself recognizes as legitimate.

Framed this way, the regulatory paradox in Madura also speaks to broader debates in legal theory.³⁶ It illustrates a form of legal pluralism, in which an operative Islamic normative order governs everyday conduct alongside, rather than through, the formal state legal order-formalization is resisted not because the underlying norm is contested, but because state law is seen as a parallel, potentially redundant authority. Situating the RIA-*maqāṣid* model within these debates moves the analysis from a policy-oriented account of implementation gaps toward a jurisprudential account of why formal law and lived normative order can diverge even under conditions of strong cultural consensus.

These are questions of meaning-making and perceived legitimacy rather than measurable frequency, which is why the study adopts a

³⁵ Firman Setiawan, "Pengembangan Eco-Halal Tourism Dengan Pendekatan Maqasid Al-Shariah Al-Najjar (Studi Di Asta Tinggi Sumenep Madura)" (UIN Sunan Ampel, 2022).

³⁶ Mohsi Mohsi et al., "Harmonizing Legal Pluralism in Marriage Laws: Policy Challenges on Child Marriage in Madura," *Al-Ahkam: Jurnal Ilmu Syari'ah Dan Hukum* 10, no. 2 (2025): 100–118.

qualitative design.³⁷ Madura is selected not as a representative case but as a theoretically strategic one: it is a setting where normative embeddedness is unusually high and formalization is unusually low, which sharpens rather than dilutes the puzzle under investigation. A comparative design was deliberately set aside at this stage; the priority here is within-case depth rather than cross-case generalization, which is better pursued once the RIA *maqāṣid* model has been validated in a single, theoretically rich setting.

The integration is operationalized by mapping each RIA indicator onto the *maqāṣid* dimension it is best positioned to inform, and by treating the two as interacting at each stage of the regulatory decision (from problem identification, through drafting, to anticipated implementation) rather than as two separate checklists applied side by side, as summarized in Figure 1.

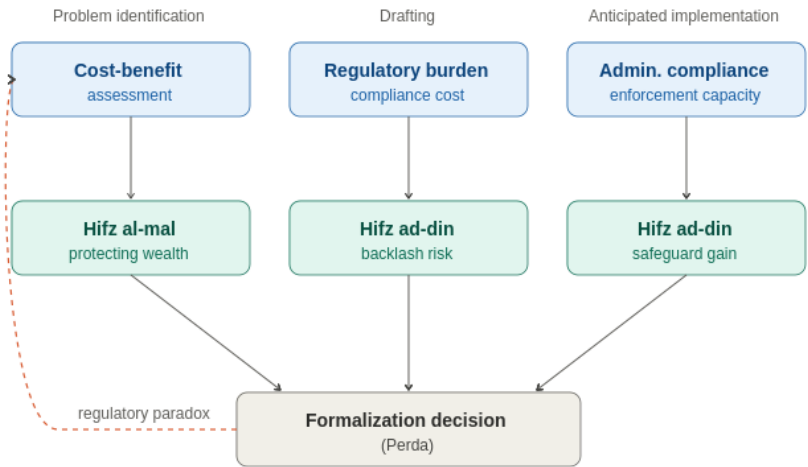


Figure 1. Conceptual Model Mapping RIA Indicators To Maqāṣid Dimensions Across The Regulatory Process.

Existing studies provide valuable insight into halal tourism's economic impacts, stakeholder roles, and adherence to Islamic principles, but none systematically explains why regulatory formalization is resisted where normative alignment is already strong, nor evaluates regional regulation against a combined empirical–normative standard. Addressing this gap matters beyond Madura: it tests whether normative justification is sufficient on its own to drive legal

³⁷ Guang Yang and Yu Zhang, “Who Tells the Policy Story? Exploring the Citizen Policy Narrative Framework and Feedback Mechanisms in China’s Healthcare Reform,” *Policy Sciences* 59, no. 1 (2026): 101–30.

formalization, or whether formalization additionally requires demonstrated empirical effectiveness before culturally Islamic communities will accept it. This study therefore evaluates Indonesian halal tourism regulation in Madura through an integrated RIA *maqāṣid al-sharī'ah* model, offering both an answer to the theoretical question posed at the outset and a practical, replicable analytical tool for policymakers operating in decentralized Islamic governance contexts.

RESEARCH METHOD

This study employs a qualitative method³⁸ with a descriptive-analytical approach.³⁹ To investigate the regulatory paradox of halal tourism in Madura, this study employed an empirical qualitative research methodology combining semi-structured in-depth interviews, Focus Group Discussions (FGDs), and thematic document analysis. The empirical data collection was conducted across three regencies in Sumenep, Sampang, and Pamekasan to capture the decentralized policy dynamics and local implementation challenges. Primary data were gathered from six key stakeholder groups categorized into two main clusters: government officials and local tourism operators. The institutional cluster comprised officials from four regional government agencies (Organisasi Perangkat Daerah): the Department of Culture, Youth, Sports, and Tourism of Sumenep Regency; the Department of Youth, Sports, Culture, and Tourism of Sampang Regency; the Department of Youth, Sports, and Tourism of Pamekasan Regency; the Department of Youth, Sports, Culture, and Tourism of Kabupaten Regency, and the Department of Community and Village Empowerment (DPMD) of Sumenep Regency. To complement the institutional perspective, field data and FGDs were conducted at three representative halal tourism destinations, involving site managers and local business operators from Bukit Tawap Pagar Batu Tourism in Sumenep Regency.

The primary data collection was triangulated with a rigorous examination of 12 secondary policy documents, including regional tourism master plans (RIPPARKAB), regional medium-term development plans (RPJMD), and relevant local regulations. Data analysis was executed through an integrated analytical framework merging Regulatory Impact Assessment with *Maqāṣid al-Sharī'ah*

³⁸ Kornelius Benuf and Muhamad Azhar, "Metodologi Penelitian Hukum Sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer," *Gema Keadilan* 7, no. 1 (April 1, 2020): 20–33, <https://doi.org/10.14710/gk.2020.7504>.

³⁹ Sugiyono, *Metode Penelitian Pendidikan: Pendekatan Kualitatif, Kuantitatif, Dan R&D* (Bandung: Alfabeta, 2015).

principles. Methodologically, the RIA framework was operationalized to evaluate the socio-economic impacts, administrative costs, potential regulatory overlaps, and compliance burdens of formal halal tourism codification. Concurrently, the *Maqāṣid al-Sharī'ah* framework provided the normative legal lens, mapping stakeholder perspectives and policy indicators against core Shariah objectives, specifically the protection of faith (*ḥifẓ ad-dīn*), public health and safety (*ḥifẓ an-nafs*), cultural heritage (*ḥifẓ al-‘aql*), and economic welfare (*ḥifẓ al-māl*). All qualitative data were transcribed, coded, and synthesized using thematic content analysis to systematically identify why local authorities hesitate to formalize halal tourism despite widespread normative alignment.

RESULTS AND DISCUSSION

Halal Tourism Theory

Halal tourism has emerged as a significant segment within the global tourism industry,⁴⁰ defined by services and environments that comply with Islamic principles, catering especially to Muslim travelers. In Indonesia, halal tourism encompasses not only halal-certified products but also consists of values derived from Qur’anic principles and sunna that encompass safety, comfort, morality, and cultural respect for Muslim tourists.⁴¹ Halal tourism has increasingly emerged as a strategic segment within the global tourism industry, characterized by the provision of services, facilities, and environments that comply with Islamic principles while remaining accessible and inclusive to non-Muslim travelers. In the Indonesian context, halal tourism transcends the narrow understanding of halal certification and instead embodies a broader value-based framework derived from Qur’anic injunctions and the Prophetic tradition, encompassing principles of safety, comfort, moral integrity, and respect for sociocultural diversity. This value-oriented approach reflects Indonesia’s endeavor to harmonize religious norms with universal tourism standards, thereby positioning halal

⁴⁰ Masruroh Masruroh et al., “Halal Tourism Based on Local Culture: Maqāṣid Al-Syarī’Ah Analysis of the Views of Yogyakarta Scholars,” *Mawaddah: Jurnal Hukum Keluarga Islam* 3, no. 2 (2025).

⁴¹ J M Muslimin et al., “Halal Tourism and Muslim Family Well-Being: A Maqāṣid Based Socio-Legal Analysis In Indonesia,” *Mawaddah: Jurnal Hukum Keluarga Islam* 4, no. 1 (2026): 591–607.

tourism not merely as a market-driven initiative but as an ethical and culturally grounded development paradigm.⁴²

Halal tourism has evolved conceptually from the earlier notion of sharia tourism into a more institutionalized and operationalized framework. This transition signifies a deliberate shift towards integrating Islamic ethical values with contemporary tourism practices, including environmental stewardship, social inclusivity, and cultural sensitivity. Such an evolution underscores the recognition of halal tourism as an inclusive model capable of appealing to a broader global audience while simultaneously addressing the specific religious needs of Muslim travelers. Consequently, halal tourism is increasingly conceptualized not as a peripheral niche but as a strategic vehicle for leveraging Indonesia's Muslim-majority demographic and abundant natural resources to enhance destination competitiveness and sustainable economic growth.⁴³

Beyond formal legal structures, the integration of *maqāṣid al-shari'ah*, the higher objectives of Islamic law, offers a substantive ethical and normative foundation for halal tourism development. The *maqāṣid* framework, which prioritizes the protection of religion, life, intellect, lineage, and wealth, provides a holistic lens through which halal tourism can be evaluated not only in terms of compliance but also in terms of societal welfare and ethical integrity. Empirical studies in Indonesia illustrate that operationalizing *maqāṣid al-shari'ah* across key tourism sectors, including accommodation, food and beverage services, travel operations, and wellness facilities, enables a more comprehensive translation of Islamic values into industry standards. Nevertheless, halal tourism practices in Indonesia often remain confined to symbolic branding and market-oriented labelling, rather than being substantively anchored in *maqāṣid*-driven objectives.

Review of Halal Tourism Regulation in Indonesia through the Regulatory Impact Assessment (RIA) Approach

In the context of legislative drafting, Regulatory Impact Assessment (RIA) serves as a structured, evidence-based policy framework designed to evaluate the practical necessity and potential

⁴² Mohamed Battour and Mohd Nazari Ismail, "Halal tourism: Concepts, practices, challenges and future." *Tourism Management Perspectives*, 19, (2016):150–154. <https://doi.org/10.1016/j.tmp.2015.12.008>

⁴³ Joan C. Henderson, "Muslim travellers, tourism industry responses and the case of Japan." *Tourism Recreation Research*, 41 no. 3 (2016), 339–347. <https://doi.org/10.1080/02508281.2016.1215090>

consequences of new legal interventions before they are enacted.⁴⁴ Rather than relying on political momentum or unverified normative assumptions, RIA requires lawmakers to systematically identify problem roots, consider non-regulatory alternatives, and rigorously quantify socio-economic benefits alongside compliance burdens.⁴⁵ When applied to regional governance, this analytical process mitigates the risk of enacting redundant or overly restrictive ordinances that could inadvertently disrupt local economies or create administrative bottlenecks.⁴⁶ In the study of halal tourism development, RIA becomes particularly instructive; it offers a empirical mechanism to assess whether formal codification actually delivers added institutional value or merely duplicates pre-existing cultural practices.⁴⁷ By embedding meaningful stakeholder consultation early in the drafting process, RIA bridges the gap between top-down legislative goals and ground-level operational realities, ensuring that legal frameworks foster sustainable regional development rather than regulatory friction.⁴⁸

Indonesia's halal industry, particularly within the tourism sector, has achieved significant growth, securing the top spot in the 2023 Global Muslim Travel Index. This achievement cements its position as the world's premier halal tourism destination.⁴⁹ Rising demand from global Muslim travelers and a shift in preferences toward destinations that facilitate Sharia requirements (such as halal food and prayer facilities) drive this expansion.⁵⁰ In regions like Lombok, the positive experiences of non-Muslim tourists with halal services demonstrate that the concept

⁴⁴ Claudio M Radaelli and Fabrizio de Francesco, "Regulatory Impact Assessment," 2010.

⁴⁵ Claire A Dunlop and Claudio M Radaelli, *Handbook of Regulatory Impact Assessment* (Edward Elgar Publishing, 2016).

⁴⁶ Scott H Jacobs, *Regulatory Impact Analysis in Regulatory Process, Method, and Co-Operation* (Policy Horizons Canada, 2006).

⁴⁷ Colin Kirkpatrick, David Parker, and Yin-Fang Zhang, "Regulatory Impact Assessment in Developing and Transition Economies: A Survey of Current Practice," *Public Money & Management* 24, no. 5 (2004): 291–96.

⁴⁸ Claire A Dunlop et al., "The Many Uses of Regulatory Impact Assessment: A Meta-analysis of EU and UK Cases," *Regulation & Governance* 6, no. 1 (2012): 23–45.

⁴⁹ Yan Putra Timur et al., "Exploring Tourist Switching Intention To Halal Tourism With The Push-Pull-Mooring Theory," *Journal of Islamic Marketing* 16, no. 8 (October 24, 2025): 2347–71, <https://doi.org/10.1108/JIMA-09-2024-0415>.

⁵⁰ Lalu Supardin et al., "A Bibliometric Analysis Of Halal Tourism: Future Research Agenda," *Journal of Islamic Accounting and Business Research* 16, no. 3 (February 25, 2025): 566–84, <https://doi.org/10.1108/JIABR-01-2023-0028>.

offers an inclusive appeal that transcends religious boundaries.⁵¹ However, stakeholders still face challenges regarding service standardization and limited Sharia financial literacy among business owners. Evidence shows that improving Sharia financial awareness and skills is a decisive factor in strengthening business performance and the sustainable development of the halal tourism ecosystem.⁵² Consequently, harmonizing ethical values, environmental sustainability, and regulatory support is crucial to ensuring the long-term competitiveness of Indonesia's halal tourism industry.^{53,54}

Regulatory Impact Assessment is a systematic analysis method used to evaluate the benefits and costs of proposed or existing regulations or policies.⁵⁵ Its primary goal is to provide empirical, data-based information to decision-makers to enable them to create policies that are more effective, efficient, and oriented towards public interest, by considering alternative options and the potential positive and negative impacts that may arise.⁵⁶ In the context of halal tourism regulation in Indonesia, the RIA approach is a crucial tool for evaluating the

⁵¹ Muaidy Yasin et al., "How Non-Muslim Tourists Experience Halal Tourism In Lombok, Indonesia," *Current Issues in Tourism*, May 27, 2025, <https://doi.org/10.1080/13683500.2025.2510446>;WGROU:STRING:PUBLICATION.

⁵² Siti Mujiatun et al., "The Effects Of Islamic Financial Literacy On Entrepreneurial Venture Performance And Halal Tourism Ecosystem Development," *Journal of Small Business and Enterprise Development* 32, no. 6 (October 8, 2025): 1250–84, <https://doi.org/10.1108/JSBED-03-2023-0108>.

⁵³ Yan Putra Timur et al., "Mapping Halal Tourism as Sustainable Tourism Through the Lens of the Triple Bottom Line: Insights and Lessons Learned from a Scopus-Based Bibliometric Review (2017-2024).," *International Journal of Sustainable Development & Planning* 20, no. 7 (July 1, 2025): 2843, <https://doi.org/10.18280/IJSDP.200709>.

⁵⁴ Damien Bazin et al., "From Halal Tourism To The Sharia Economy: The Case Of Lombok Honeymoon Halal Tourism," *Tourism and Hospitality Research* 25, no. 4 (October 1, 2025): 699–717, <https://doi.org/10.1177/14673584241257085>;SUBPAGE:STRING:ABSTRACT;ISSUE:ISSUE:DOI.

⁵⁵ Ricardo Sousa da Cunha and Sara Luís Dias, "Regulatory Impact Assessment of Tax Policies in the Legislative Procedure of the State Budget: The Case of the Tax Benefit Granted to 'Non-Habitual Residents' in Portugal," *Https://Services.Igi-Global.Com/Resolvedoi/Resolve.aspx?Doi=10.4018/979-8-3693-3908-4.Ch008*, January 1, 2025, 247–72, <https://doi.org/10.4018/979-8-3693-3908-4.CH008>.

⁵⁶ Colin Kirkpatrick and David Parker, "Regulatory Impact Assessment: An Overview," in *Regulatory Impact Assessment* (Edward Elgar Publishing, 2007), <https://doi.org/10.4337/9781847208774.00007>.

effectiveness and efficiency of various regulations, from the national law level down to local regulations. This analysis can not only identify benefits but also potential losses or obstacles, such as the burden of administrative costs for MSME actors or regulatory overlaps between institutions. By applying RIA, stakeholders can review existing policies, identify gaps, and formulate more targeted improvements so that the halal tourism sector can develop optimally, inclusively, and sustainably.

These regulations, ranging from national to local levels, are an important foundation for the growth of the halal tourism industry in Indonesia. However, analysis using the RIA approach also highlights critical areas that require improvement.⁵⁷

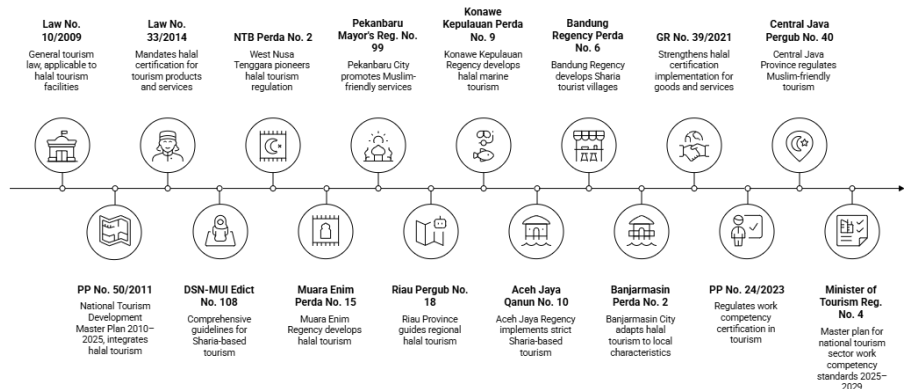


Figure 2. Key Halal Tourism regulations in Indonesia

From a *Regulatory Impact Assessment* (RIA) perspective, Indonesia’s halal tourism regulatory framework reveals a sectoral, incremental, and weakly integrated policy structure. At the national level, key regulations such as Law No. 10 of 2009 on Tourism and Government Regulation No. 50 of 2011 on the National Tourism Development Master Plan do not explicitly recognize halal tourism as a distinct regulatory regime. Consequently, halal tourism remains a derivative policy domain, highly dependent on administrative interpretation. In RIA terms, this reflects insufficient policy clarity, which undermines implementation consistency at the subnational level.

Regulatory reinforcement of halal principles is primarily driven by the halal product assurance regime, particularly Law No. 33 of 2014 and Government Regulation No. 39 of 2021. These instruments generate

⁵⁷ Ricardo Sousa da Cunha and Sara Luís Dias, “Regulatory Impact Assessment of Tax Policies in the Legislative Procedure of the State Budget,” 2024, 247–72, <https://doi.org/10.4018/979-8-3693-3908-4.ch008>.

positive regulatory impacts by enhancing legal certainty and consumer trust among Muslim tourists. However, RIA analysis also reveals unintended consequences, notably increased compliance costs for tourism-related MSMEs. The uniform application of halal certification standards, without sector-specific impact differentiation has the potential to constrain local business participation and reduce regulatory efficiency.

In the area of workforce and institutional capacity, Government Regulation No. 24 of 2023 and Ministerial Regulation No. 4 of 2025 represent forward-looking regulatory initiatives aimed at standardizing tourism competencies. From an RIA standpoint, these measures offer long-term benefits in service quality and professionalization of halal tourism ecosystems. Nevertheless, their effectiveness depends on fiscal support, training infrastructure, and alignment with local labor market conditions. Without such support, these regulations risk becoming symbolic rather than impactful.

At the regional level, halal tourism regulations exhibit significant variation, ranging from comprehensive local laws to softer policy instruments such as governor or mayoral regulations. RIA analysis suggests that this fragmentation stems from differing regulatory risk perceptions, including concerns over social resistance, market exclusion, and regulatory overlap. In Madura, the absence of a specific halal tourism regulation illustrates a regulatory paradox: strong cultural compliance exists without formal legal institutionalization.

Overall, RIA-based analysis indicates that the core challenge of halal tourism regulation in Indonesia lies not in normative absence but in the lack of context-sensitive, phased, and impact-oriented regulatory design. Accordingly, policy reform should prioritize adaptive and evidence-based regulation that balances legal certainty, economic feasibility, and socio-cultural legitimacy within Indonesia's decentralized governance framework.

Halal Tourism Regulation in Indonesia through the Maqāṣid al-sharī'ah Approach

Halal tourism in Indonesia has become a strategic sector supported by various regulations. However, to evaluate its effectiveness, a deeper analytical framework than mere economic benefits is needed. The *maqāṣid al-sharī'ah* approach, or the objectives of Islamic law.⁵⁸

⁵⁸ Khoirun Nasik and Ahmad Musadad, "Maqashid Syari'ah and Its Role in Economic Development and Sharia Economic Law in Indonesia," *Proceeding International Conference on Law, Economy, Social and Sharia (ICLESS)* 2 (April 30, 2024): 691–711, [https://doi.org/10.21927/jesi.2020.10\(1\).23-35](https://doi.org/10.21927/jesi.2020.10(1).23-35).

Becomes a relevant tool to review this regulation. *Maqāṣid al-sharī'ah* focuses on five primary goals:⁵⁹ protection of religion (*hifzh al-din*), protection of life (*hifzh al-nafs*), protection of intellect (*hifzh al-aql*), protection of progeny (*hifzh al-nasl*), and protection of property (*hifzh al-mal*).⁶⁰ This analysis can be used to see whether halal tourism regulation truly aligns with the main objectives of Sharia, not only in ritual aspects but also in broader social and economic impacts.

From the perspective of the protection of religion (*hifzh al-din*), halal tourism regulations such as the Halal Product Assurance Law and the DSN-MUI Edict have played an important role. These rules provide assurance of the halal status of products and services, from food to accommodation, which is crucial for Muslim tourists to practice their worship and beliefs peacefully. The existence of halal certification provides certainty and eliminates doubt, ensuring there are no spiritual barriers for tourists. However, challenges arise in on-the-ground implementation, where less strict supervision can reduce the credibility of the system. Thus, regulations must be strengthened to ensure that the *maqāṣid al-sharī'ah* in the protection of religion is truly realized and does not merely become a formality.

More than just religion, this regulation is also closely related to the protection of life (*hifzh al-nafs*) and intellect (*hifzh al-aql*). By setting standards for cleanliness, safety, and health, halal tourism regulation ensures that the products and services offered are safe for consumption. For example, food guaranteed to be halal must also be hygienic and not harmful to health, in line with the Sharia command to protect the body. On the other hand, the prohibition of alcohol and the promotion of non-immoral activities in halal destinations contribute to the protection of intellect, safeguarding tourists from things that can damage the mind and awareness. These regulations not only create an environment that is physically clean but also mentally and socially conducive.

Furthermore, from the viewpoint of the protection of progeny (*hifzh al-nasl*) and property (*hifzh al-mal*), halal tourism regulation also demonstrates its relevance. This sector encourages family tourism,

⁵⁹ Nuryamin Nuryamin et al., "Artificial Intelligence in Islamic Family Law: Ethical Challenges and Maqāṣid Al-Sharī'ah Perspectives," *Mawaddah: Jurnal Hukum Keluarga Islam* 4, no. 1 (2026): 717–42.

⁶⁰ Meti Astutih, Alumni STEI Hamfara Yogyakarta, and Mahasiswa Program Doktor Ekonomi Islam UIN SUKA Yogyakarta, "Maqashid Syariah Pada Pariwisata Halal Konsep Masalah Dharuri Imam Syatibi," *Youth & Islamic Economic Journal*, vol. 2, n.d.

where a child-friendly atmosphere and the absence of immoral activities create a safe environment for educating the next generation. This aligns with the Sharia objective of maintaining family morality and progeny. Meanwhile, the protection of property (*hifzh al-mal*) is clearly seen in the economic aspect. This regulation creates a structured and transparent industry, reducing the risk of fraud and ensuring fair transactions. With clear standards, business actors have legal certainty, encouraging investment, and opening halal and sustainable economic opportunities, which ultimately prosper the community broadly.

An interview with a local manager in Madura Mr. F, said that:

*“In practice, many halal tourism principles are already implemented in Madura. Halal food is the norm, worship facilities are available, and activities contradicting Islamic values are generally absent. However, these practices are not yet systematically managed, as there is no specific regulatory framework or standardised guideline governing halal tourism.”*⁶¹

The interview with a local tourism manager in Madura indicates that halal tourism practices in the region are predominantly embedded in local culture rather than formally regulated. Core halal elements, such as the availability of halal food, access to worship facilities, and the absence of activities conflicting with Islamic values, are naturally integrated into daily tourism practices, reflecting the strong Islamic socio-cultural context of Madura. However, these practices remain informal and fragmented due to the absence of a specific regulatory framework or standardised guidelines governing halal tourism management. This finding highlights a critical governance gap, suggesting that while Madura has substantial de facto potential as a halal tourism destination, its competitiveness and sustainability are constrained by the lack of institutionalised policies and coordinated management mechanisms.

Assessing the Need for Regulation in Halal Tourism Development in Madura

Although Madura has great potential in halal tourism, the fact is that until now there is no specific regulation formally governing this sector in Bangkalan, Sampang, Pamekasan, and Sumenep regencies.⁶² This great potential is still managed informally and partially, relying on

⁶¹ Interview with Mr.F, a local manager, 2025

⁶² Deni Yuherawan, Eny Suastuti, and Uswatun Hasanah, “Problematika Pengaturan Pariwisata Halal Di Kabupaten Pamekasan-Madura,” *Rechtidee* 18, no. 1 (June 22, 2023): 1–23, <https://doi.org/10.21107/ri.v18i1.19375>.

the awareness of business actors and prevailing social norms. The absence of this legal umbrella is a gap that needs to be filled so that the development of halal tourism in Madura can proceed in a more directed, standardized, and professional manner. Specific regulation will be key to transforming natural and cultural potential into an organized economic force, providing assurance to tourists, and strengthening Madura's identity.⁶³

The empirical findings reveal a complex debate regarding the urgency of establishing dedicated local regulations (*Peraturan Daerah*) for halal tourism across the Madura region. Data gathered from the institutional cluster demonstrate that explicit halal tourism ordinances are not currently perceived as an immediate legislative priority. Government officials across the island consistently argue that regional socio-religious norms, deeply rooted in Islamic values and enforced by local *kiai*, already provide a natural, self-regulating framework for tourism activities.

This administrative consensus is reflected across the respective regional departments. In Pamekasan Regency, the primary focus has shifted toward public order and licensing enforcement rather than specific halal policies. A representative from the Department of Youth, Sports, and Tourism of Pamekasan Regency explained:

*“As for specific regulations on halal tourism, we feel it is not yet urgent. Even without a dedicated local regulation, Islamic values and societal norms in Madura operate naturally. What is far more urgent for us right now is updating the Local Regulation on Entertainment and business licensing to ensure legal certainty in field enforcement.”*⁶⁴

A similar perspective emerges from Bangkalan Regency, where institutional governance relies heavily on informal religious authorities to maintain cultural and sharia compliance in major pilgrimage sites. An official from the Department of Youth, Sports, Culture, and Tourism of Bangkalan Regency stated:

“In Bangkalan, we are not directly heading toward a specific Halal Tourism Local Regulation. Our approach focuses more

⁶³ Mohamad Nur Efendi et al., “Omnibus Law Sentiment and Its Impact on The Halal Certification Program in Indonesia,” *Justicia Islamica* 20, no. 1 (July 14, 2023): 37–58, <https://doi.org/10.21154/JUSTICIA.V20I1.5829>.

⁶⁴ Khoirul Komar (Head of Tourism Division, Department of Youth, Sports, and Tourism of Pamekasan Regency), interview by author, Pamekasan, East Java, August 12, 2025.

on strengthening the regional master plan (RIPPDA) and synchronizing local cultural norms. The role of religious scholars is very dominant; their approval and value standards serve as the primary foundation before any tourism facility or event is executed."⁶⁵

In Sampang Regency, regulatory priorities emphasize managing public entertainment and community-based events over formal halal certification frameworks. An official from the Department of Youth, Sports, Culture, and Tourism of Sampang Regency noted:

*"Our current focus is on facilitating tourism and creative economy activities so that they remain orderly and culturally appropriate. The people of Sampang are already very religious, so criteria for halal or decency in tourism are already a general standard without needing to be forced through a special local regulation."*⁶⁶

Meanwhile, in Sumenep Regency, where tourism promotion is actively expanding, local government agencies focus on general destination governance and rural economic empowerment. An official from the Department of Culture, Youth, Sports, and Tourism of Sumenep Regency highlighted:

*"We encourage destination development based on regional potential and local wisdom. The Muslim-friendly or halal concept is already inherent in our destination governance, so what we need is the optimization of master tourism regulations and the readiness of site managers on the ground."*⁶⁷

Supporting this rural tourism integration, an official from the Department of Community and Village Empowerment (DPMD) of Sumenep Regency emphasized the role of village-owned enterprises (BUMDes):

"Tourism development in villages through BUMDes emphasizes economic empowerment and village norms."

⁶⁵ Achmad Faji (Head of the Department of Youth, Sports, Culture, and Tourism of Bangkalan Regency), interview by author, Bangkalan, East Java, September 12, 2025.

⁶⁶ Endah Nursiskawati (Head of Tourism Division, Department of Youth, Sports, Culture, and Tourism of Sampang Regency), interview by author, Sampang, East Java, September 9, 2025.

⁶⁷ Andri Zulkarnain (Head of Tourism Division, Department of Culture, Youth, Sports, and Tourism of Sumenep Regency), interview by author, Sumenep, East Java, August 11, 2025.

Existing Village Regulations (Perdes) usually already cover public order and local decency rules, so county-level halal tourism regulations are not yet an urgent need at the village level.”⁶⁸

Conversely, field data and Focus Group Discussions (FGDs) with the local operators cluster, specifically site managers and business operators at Bukit Tawap Pagar Batu Tourism in Sumenep Regency reveal a practical demand for operational clarity. A representative from the destination's management expressed:

“In practice, we certainly maintain Islamic values and decency because this is our own community. However, if there were clear government guidelines or regulations regarding halal tourism standards, we would have an official reference for requesting support, micro-enterprise halal certification, and developing Muslim-friendly facilities.”⁶⁹

This divergence highlights the core of the regulatory paradox in Madura: while government institutions perceive standalone halal tourism regulations as redundant due to prevailing socio-religious norms, local tourism operators require formal legal mechanisms to secure standardization, legal certainty, and institutional support.

However, implementing halal tourism regulation in Madura is not easy and is full of unique challenges rooted in the local social and cultural context. First, the stigma that the halal concept is irrelevant to tourism. Many parties, including some of the community, still view tourism as an activity synonymous with free entertainment, not as a means of worship or drawing closer to God. They worry that if tourism is labeled “halal”, the essence of a vacation will be lost and become rigid. This stigma creates resistance among industry players and the community, who feel that the “halal” concept will limit their creativity and freedom. Second, challenges come from local clerics and religious figures. Kyai and clerics have great influence in Madura. Some of them still hold the conservative view that the potential for madharat (evil or harm) from tourism is very high. They worry that the influx of tourists who are not bound by local norms could damage the morality, traditions, and deeply rooted Islamic values. This view makes them reluctant to

⁶⁸ Anwar Syahroni Yusuf (Head of the Department of Community and Village Empowerment of Sumenep Regency), interview by author, Sumenep, East Java, August 11, 2025.

⁶⁹ Ahmad (Site Manager of Bukit Tawap Pagar Batu Tourism), focus group discussion by author, Sumenep, East Java, August 11, 2025.

fully support tourism initiatives, let alone those packaged in a modern way. Therefore, a persuasive approach is needed to explain that halal tourism aims to minimize *madharat* and, in fact, strengthen religious values.

Third, concerns about a decrease in the number of tourists if labeled as halal tourism. There is a fear among business actors that this labeling will only attract the Muslim tourist segment and actually drive away non-Muslim tourists. They worry that if the regulation is implemented, destinations will lose their universal appeal, leading to a decrease in income. This concern, although not necessarily founded, is a real psychological barrier. In reality, however, halal tourism offers quality and cleanliness that is valued by all segments of tourists, regardless of their religious background. Halal tourism regulation can be a tool to improve overall quality, not the opposite.⁷⁰

Despite the significant internal challenges, the existence of national regulations such as Law Number 33 of 2014 concerning Halal Product Assurance and DSN-MUI Edict Number 108 concerning Guidelines for Organizing Tourism Based on Sharia Principles can be a strong foundation for local governments in Madura. This regulation already provides a clear legal framework regarding halal standards, which can be adopted and adjusted to the local context. Regency governments in Madura can refer to these national regulations to draft regional regulations that provide legal certainty and guidelines for business actors. By referring to this national framework, local governments can build a credible and convincing certification system, while simultaneously educating the community and clerics that halal tourism is not a new concept but the implementation of existing Sharia principles within state regulations.

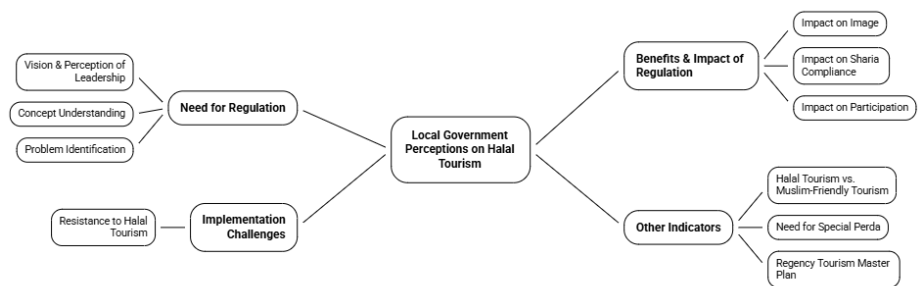


Figure 3. Local Government Perceptions on Halal Tourism Development in Madura

⁷⁰ Setiawan, “Pengembangan Eco-Halal Tourism Dengan Pendekatan Maqasid Al-Shariah Al-Najjar (Studi Di Asta Tinggi Sumenep Madura).”

Halal tourism governance in Indonesia is fundamentally shaped by the dynamic interaction between Islamic legal norms and institutional compliance mechanisms operating within a decentralized governance framework. This study demonstrates that the effectiveness of halal tourism development is closely contingent upon the degree to which regulatory frameworks are substantively aligned with the principles of *maqāṣid al-sharī'ah*, particularly in balancing the protection of religious values with the promotion of socio-economic welfare, inclusivity, and public benefit (*maṣlahah*). Consistent with the regulatory perspective, the findings affirm that legal certainty and formal regulatory instruments play a pivotal role in fostering stakeholder trust, coordinating institutional actors, and safeguarding the rights of Muslim tourists. Nevertheless, the study also reveals that regulatory effectiveness is highly context-dependent, as uniform legal approaches often fail to adequately capture local socio-cultural dynamics and institutional realities.

The findings also resonate with, while substantially advancing, earlier scholarship on halal tourism governance. Halal tourism primarily as a developmental and managerial framework, emphasizing institutional coordination and value-based management to enhance destination competitiveness and Muslim-friendly services. While their study offers valuable insights into governance ideals, it remains largely descriptive and prescriptive, with limited interrogation of regulatory instruments or political constraints affecting policy implementation. In contrast, the present study moves beyond managerial optimization by critically examining regulatory willingness and institutional reluctance at the subnational level.

Rather than treating regulation as an unproblematic solution, it demonstrates that political actors may deliberately avoid legal codification despite normative compatibility, revealing a regulatory paradox absent. Similarly, sector-focused studies employing *maqāṣid al-sharī'ah* as a guiding framework for halal tourism development across hotels, restaurants, travel, and SPA services contribute significantly to operationalizing the five universals (*al-kulliyāt al-khams*). These studies conclude that halal tourism should integrate both *Shariah* labelling and substantive ethical objectives. However, they implicitly treat regulation as a technical instrument of implementation, without critically assessing its socio-political feasibility or impact. By contrast, the present study problematizes this technocratic assumption through the

integration of RIA with *maqāṣid al-sharī'ah*. The findings indicate that even when sectoral practices and community values already align with Islamic principles, formal regulation may be perceived as redundant or politically risky, particularly in culturally homogeneous Muslim regions such as Madura. This challenges the linear policy logic that equates normative validity with regulatory necessity.

Partial convergence is also evident with a study which emphasize legal compliance and constitutional grounding as key determinants of halal tourism governance,⁷¹ particularly in Bandung Regency and West Java Province.⁷² These studies foreground regulatory clarity and formal adherence to sharia-based economic principles as mechanisms for ensuring inclusivity, legal certainty, and institutional legitimacy. However, the present study departs from this regulatory-legal emphasis by demonstrating that formal compliance is neither the sole nor always the dominant driver of halal tourism practices. In Madura, halal tourism is predominantly sustained through the internalization of religious norms rather than formal legal codification, highlighting a critical divergence between regulatory-driven governance and culturally embedded religiosity.

This divergence becomes more pronounced when contrasted with a study on the Pentahelix governance model in Aceh, emphasize regulatory synergy among government, industry, academia, communities, and media. Their findings suggest that the strong formalization of Islamic law in Aceh enables effective alignment between halal tourism regulations and the protection of tourism rights.⁷³ The present study complicates this regulatory-centric perspective by demonstrating that deeply institutionalized Islamic norms do not automatically produce effective governance outcomes. In Madura, informal religious governance enhances tourist satisfaction and Muslim tourist arrivals, yet simultaneously results in weak policy synergy,

⁷¹ Solehudin, Ending and Hisam Ahyani. "Legal Compliance on Sharia Economics in Halal Tourism Regulations." *Petita: Jurnal Kajian Ilmu Hukum dan Syariah* 9, no. 1 (2024): 58–79. <https://doi.org/10.22373/petita.v9i1.224>.

⁷² Imron Hamzah, Hisam Ahyani, Naelul Azmi, Indra Utama Tanjung & Sérgio António Neves Lousada "Legal Foundations for Inclusive Halal Tourism in West Java: Between Constitutional Principles and Practical Challenges," *Syariah: Jurnal Hukum dan Pemikiran* 24, no. 2 (2024): 503–29, <https://doi.org/10.18592/sjhp.v24i2.15513>.

⁷³ Sri Walny Rahayu and Syahrizal Abbas, "A Synergy of Halal Tourism Regulations and Tourism Rights Protection in Aceh: Pentahelix Model," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 8, no. 3 (2024): 1454–75, <https://doi.org/10.22373/sjhc.v8i3.23495>.

limited inter-agency coordination, and suboptimal long-term tourism performance.

Comparative insights are further enriched through engagement with a study whose study in Bali illustrates how halal governance in non-Muslim-majority contexts relies on negotiated interactions among religious norms, state regulation, and dominant local culture. Unlike Madura, where Islamic norms are socially hegemonic, Bali's pluralistic setting necessitates adaptive regulatory interventions to address minority Muslim needs.⁷⁴ By integrating *maqāṣid al-sharī'ah* with RIA, the present study provides a multi-level explanatory framework capable of capturing how halal governance mechanisms vary across regions with differing degrees of religious institutionalization and cultural plurality.

The engagement situates halal tourism governance at the intersection of law, culture, and tourist behavior.⁷⁵ A previous study focus on perceived value, satisfaction, and trust as drivers of Muslim tourist loyalty, the present study demonstrates that regulatory effectiveness is mediated by cultural embeddedness and tourist perception. Legal compliance alone does not guarantee positive tourism outcomes unless it resonates with locally institutionalized Islamic practices and is experienced by tourists as ethical consistency and added value. The integration of *maqāṣid al-sharī'ah* with Regulatory Impact Assessment advances a nuanced, context-sensitive framework for halal tourism governance. It reframes halal tourism not merely as a matter of value alignment or legal compliance, but as a strategic regulatory choice shaped by political economy, institutional capacity, cultural embeddedness, and public acceptance within decentralized governance systems.

The findings of this study both converge with and extend by shifting the analytical focus from destination level compliance to governance level regulatory dynamics.⁷⁶ They demonstrate that selected

⁷⁴ Suaidi Suaidi, Rehana Anjum, Muhamad Nasrudin, Maksum Maksum, Sriyati Dwi Astuti, "Halal Food Development in Bali: Dynamics of Muslim Beliefs, State Regulations, and Local Culture," *Al-Ahkam*, 35, no. 1 (2025): 147–78, <https://doi.org/10.21580/ahkam.2025.35.1.25732>

⁷⁵ Fitry Primadona, Hartoyo Hartoyo, Lilik Noor Yulianti & Laily Dwi Arsyianti, "Perceived Value, Satisfaction, Trust, and Tourist Loyalty in Halal Tourism: An Islamic Legal Perspective from Lombok," *Syariah: Jurnal Hukum dan Pemikiran*, 25, no. 1 (2025): 23–42, <https://doi.org/10.18592/sjhp.v25i1.16346>.

⁷⁶ Shofiyun Nahidloh, Lailatul Qadariyah, Firman Setiawan, Tricha Relanda Putra, and Tri Pujiati, "Evaluating Halal Certification Assessment on Madurese

tourism destinations in Madura have substantially internalized halal tourism principles despite the absence of formal halal tourism designation. Drawing on *maqāṣid al-sharī'ah*, *fiqh mu'āmalah*, and *fiqh al-ādāt*, the study shows that operational practices, such as the provision of halal food, worship facilities, cleanliness, and the avoidance of non-halal activities, reflect substantive alignment with Sharia objectives in safeguarding religious observance, public welfare, moral integrity, and economic justice. The present study corroborates this finding by confirming that halal tourism in Madura is largely sustained through culturally embedded Islamic norms and religious authority rather than through explicit regulatory instruments.

However, the two studies diverge in their explanatory scope and policy implications. While the primarily identifies technical and institutional gaps at the destination level, such as partial halal certification, limited disability-friendly infrastructure, and fragmented Islamic information systems, and implicitly views regulatory formalization as a pathway to sustainability, the present study problematizes this assumption at the governance level. By integrating Regulatory Impact Assessment with *maqāṣid al-sharī'ah*, this study reveals a regulatory paradox in which strong normative and practical compliance coexists with political reluctance to institutionalize halal tourism through regional legislation. It argues that in contexts where Islamic values are already deeply internalized, formal regulation does not automatically enhance effectiveness or legitimacy, thereby underscoring the need for a gradual and context-sensitive regulatory approach that aligns normative objectives with political feasibility and public acceptance.

CONCLUSION

This study highlights a striking regulatory gap in Indonesia's decentralized halal tourism sector, using Madura as an instructive case. By bridging Regulatory Impact Assessment (RIA) with Maqāṣid al-Sharī'ah, our analysis shows that the reluctance to enact specific local regulations (*Peraturan Daerah*) does not stem from ideological pushback. Instead, it comes down to a prevailing belief among local officials that formal codification is simply unnecessary. Regional agencies across Pamekasan, Bangkalan, Sampang, and Sumenep consistently prioritize general destination management, public order, and

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business licensing over dedicated halal policies. Officials across these regencies contend that Madura's deeply rooted Islamic culture, informally sustained by local *kiai* and community norms, already creates a naturally compliant environment for Muslim-friendly tourism.

However, field evidence points to a clear disconnect between high-level policy assumptions and ground-level realities. While local governments view formal regulations as redundant, destination managers and small business owners express a pressing need for concrete operational rules. For these frontline stakeholders, official regulations offer much-needed legal clarity, practical service standards, access to government support, and streamlined halal certification for micro-enterprises. Viewed through the combined RIA–Maqāṣid framework, while the moral and normative justification (*ḥifẓ ad-dīn*) for halal tourism is widely accepted, the lack of operational legal ground hampers tangible economic progress (*ḥifẓ al-māl*).

These findings suggest that normative alignment alone cannot justify new legislation without clear proof of its practical utility and policy effectiveness. For decentralized Islamic governance, this combined analytical approach offers a balanced model to evaluate legal interventions before they are written into law. Rather than getting bogged down in all-or-nothing debates over standalone halal ordinances, regional authorities in Madura would be better served by adopting incremental, context-sensitive measures. Implementing practical operational guidelines and refining existing local frameworks can effectively bridge the divide between bureaucratic priorities and the everyday needs of local tourism operators.

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