

## CHAPTER II

### LITERATUR REVIEW

#### A. Hotel Business

Hotel is one of the type of accomodation that affects part or all of the parts for lodging service, food and beverage providers as well as other services for general of citizen that are managed commercially.<sup>1</sup> One of the types of accomodation that uses part or all of the parts to service provider of lodging, food, and beverge and other services for the general public which is manage commercially (Parpostel Ministers decision No.94/HK 103 Km/MMPT 1987). The building is managed commercially by providing lodging facilities for the general public with facilities as follow:

1. Lodging service
2. Service of food and beverage
3. The service of luggage
4. Washing clothes
5. Use of the facility of furnishing and decoration in it. Means a place to stay travelers by providing public service rooms, food and beverage as well as provider of accommodation with the payment.

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<sup>1</sup>.R.I., Minister of Tourism Decree of Postal and Telecommunication No.KM/94HK103/MMPT 1997 about Business Condition "Business Condition and Hotel Class Classification.

According to Sulistiyono, the hotel is a commercial venture that provides a place to stay, food, and other general service.<sup>2</sup> According to the statement of the America Association, the hotel is a place that is internationally provider for the purpose of lodging, eating and drink, as well as other service in the form of other hotel facilities.<sup>3</sup>

## **B. Management Hotel**

The Hotel management divides management into two parts:

1. Service provider as profit center
2. Maintenance of facilities and infrastructure as a cost center

In terms of status, the manager of the hotel can be divided into three namely :

1. Hotel Owner
2. Hotel Operator
3. Hotel Franchisor

In practice, the status of the managers of the hotel can be separated as the above categories but it is possible that one party has a combination of the three statuses. The organizational structure can be defined as a formal organizational framework within which frameworks work tasks are divided, grouped, and coordinated.<sup>4</sup> Here is a description of positions that are

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<sup>2</sup>Agus Sulistiyono. 2006. *Management Penyelenggaraan Hotel*. Badung: Alfabeta,p.13

<sup>3</sup>C . Y. Gree, 1995, *Resort Development and Management, Michigan*, The Education Institute The America and Hotel Association.

<sup>4</sup>Gibson, Ivancevich dan Donnelly. 2002. " *Organisasi* ", Edisi Kedelapan, Jilid I, jakarta, Binarupa Aksara,p.284.

generally found in big hotels: The development of the Hospitality and Tourism Industry does have a significant impact in various fields. Therefore we need to know more in the position of public office contained in big hotels. As in the description below:

1. General Manager

The General Manager is the culmination of the organizational structure of the hotel. He is responsible for the overall organization of the hotel and the performance of all its employees.

2. Assistant General Manager or Executive Assistant Manager.

The second of the hotel organization structure is: Assistant General Manager or Executive Assistant Manager is the deputy General Manager. This position generally exists in big hotels where General Manager needs to be assisted and supported by Assistant General Manager. Handling of management tasks that have been formulated and directed by the General Manager implemented and communicated to the Assistant General Manager. Subsequently forwarded to the Heads Department.

a) Controller

The controller is the hotel's internal accountant. Controller is responsible for the effectiveness of administrative management and presentation of financial data prepared every day. He will be consulted and his views on the hotel's finances.

b) Plant Engineer

Plant Engineer is the official responsible for the maintenance, management and improvement of all assets including: hotel building, mechanical and electronic equipment, and hotel energy. The management of electricity, gas, and water is the responsibility of the plant engineer.

c) Executive Housekeeper

Executive Housekeeper is a department leader who has the ability to plan, organize, and evaluate work in the field of housekeeping. He is responsible for the cleanliness of the guest rooms and public areas of the hotel.

1) Human Resources Development Manager

HRD Manager is an official in charge of managing human resources for the success of the hotel. HRD Manager must master the laws and regulations related to manpower, whether local, national, or international. He is tasked with accepting and appointing new employees, organizing all personnel administration and employee activities, as well as training employees.

2) Recreation Director

Recreation Director is an official in charge of managing hotel activities related to recreational activities in the hotel area.

3) Marketing and Sales Director

Marketing and Sales Director is the official who determines the success of Hotels in selling hotel products to consumers.

4) Food & Beverage Manager

Food and Beverage Manager is an official in charge of managing the Food and Beverage Department To be able to serve food and drink quality that favored the guests. Plan the menu, ensuring that every downtime can serve food fast and friendly, and control the cost of the Food and Beverage Department.

5) Front Office Manager

Front Office Manager is a hotel official in charge of front office management.

6) Security Director

Security Director is responsible for the security of the hotel as a whole. The hotel's security scope includes employees, guests, and hotel assets. Security needs to create a safe condition so that guests feel at home in the hotel and employees work comfortably.

### **C. Concept of Tourism in Islam**

In its history, Tourism the Islamic tradition begins with the emergence of Islam itself as a universal religion, namely when the concept of “*ziyarah*” its introduced which means literally to visit, as a result, the

culture of *ziyarah* was born in various forms of Islamic social institution guided by ethics and law. Furthermore, the concept of *dhiyah* was born, which was visiting hospitality which regulated ethich and manners in social relations between guests (*dhaif*) with the host. The concept of *ziyarah* experience development and gave birth to its various form. The term “Islamic Tourism / Halal Tourism” was first introduced to the public in the 2000 at the OIC meeting. He was introduced as an alternative to met the demand that there is a tour based on a lifestyle that suits the needs of a Muslim when traveling. To describe the tourism, many term are used. Among them are sharia tourism, Islamic Toursm, halal friendly Tourism destination, halal travel, Muslim-friendly destination, halal lifestyle, and several orther terms that are adjusted to the policies of the countries that develop them. In the Islamic tradition there are several terms related to Tourism. Among the are *syiar*, *safar*, *al-siyahah*, *al-ziyarah*, or *al-rihlah*. Contemporary Arabic language prefers the term *al-siyahah* to the concept of Tourism. In general, the *syihahah* is energetic with whatever motive. The Qur’an mentions the world *al-siyahah* in several places. There are several view in Islam regarding travel and Tourism, including :

- a. Travel is regarded as worship, because it is ordered to do one obligation from the pillarsm of Islam, namely the pilgrimage in the particular month and the umrah carried out throughout the year to the temple.
- b. Tourism is closely to the concepts of knowledge and learning

- c. The purpose of Tourism in Islam is to learn science and the way a Muslim is to live up to this creation. The command to travel on the earth appears in several places in the Quran
- d. Another great goal is to show the majesty of God and His Messenger.

In the term of industry, halal Tourism is complementary product convention Tourism as a new way to develop Tourism that uphold Islamic culture and values without losing the uniqueness and originality of areas that are Tourist destinations.<sup>5</sup>

#### **D. Regulation of the Minister Tourism of the Republic Indonesia No. 1 of 2016 Concerning Management of Tourism Business Certification**

The Government through the Regulation of the Minister Tourism of the Republic Indonesia No. 1 of 2016 Concerning Management of Tourism Business Certification, sharia hotel business in Indonesia in the order to improve the competitiveness of Tourism destination in Indonesia which have the beautiful natural, cultural diversity and the largest muslim population in the world , and make Indonesia the destination of world tourists. The scope of the Regulation of the Minister of the Republic of Indonesia No.1 of 2016 Concerning Management of Tourism Business Certification in section III (three) covers about

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<sup>5</sup>Fahadil Amin Al Hasan, “ Penyelenggara Pariwisata Halal di Indonesia (Analisis Fatwa DSN-MUI Tentang Pedoman Penyelenggaraan Pariwisata Berdasarkan Prinsip Syariah”, *Jurnal Ilmu Syariah dan Hukum*, vol.2, No 1, Januari Juli 2017,p.63.

Article 6<sup>6</sup>

**Paragraph 1**

*“in the event that a Halal Tourism Business Certification is required, in order to fulfill the provisions in accordance with the halal Tourism Business Guidelines, the implementation of Halal Tourism Business Certification is carried out by the National Sharia Council Indonesia Ulema Council.”*

**Paragraph 2**

*“Halal Tourism Business and Halal Tourism Business Guidelines as referred to in paragraph (1) are stipulated in a separate Ministerial Regulation.”*

**Paragraph 3**

*“The requirements and procedures for the implementation of the applicable with this Ministerial Regulation mutatis mutandis apply to the implementation of certification by the National Sharia Council – Indonesia Ulema Council as referred to in paragraph (1).”*

Regulation of the Minister of the Republic of Indonesia No.1 of 2016 Concerning Management of Tourism Business Certification in chapter III (three) part 1 article 6 state that a Halal Tourism Business Certification is required, in order to fulfill the provisions in accordance with the Halal Tourism Business Guidelines, the implementation of Halal Tourism Business Certification is carried out by the National Sharia Council

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<sup>6</sup> R.I.,Minister Tourism of Regulation No.1 of 2016 about The Implementation of Tourism Business Classification Chapter III Paragraph 1,2, and 3.



Indonesia Ulama Council and Halal Tourism Business and its guidelines are regulated in separate Ministerial Regulation.

**E. Fatwa DSN-MUI No. 108 / DSN-MUI / X / 2016 Concerning Guidelines on Implementation Tourism Based on Sharia Principle.**

1. Understanding of MUI Fatwa

Fatwa according to language means the answer to an event. While the fatwa according to *syara* is to explain syara law in a matter as an answer to a question, whether the questioner is clear or not, both individually and collectively.<sup>7</sup> Fatwas should be referred as a modern scientific encyclopedias which is certainly needed by every Muslim who pays attention against the time and all the problems. However does not mean that everything writing in the book of fatwas is true in all, the errors in it are forgiven, even will be rewarded as long as it is done as an effort of *ijtihad*.<sup>8</sup> The MUI fatwa commission also has its own definition regarding fatwa, which is an explanation of Islamic law or teaching concerning the problem faced or ask by the community, and is a guideline is carrying out religious teaching.

2. Understanding of DSN

The National Sharia Council (DSN) is device organization specifically tasked to handle issues related to the activities of financial institution Sharia, the formation of DSN is a step of efficiency and coordination the scholar in responding to issues related to the problem economy

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<sup>7</sup> Yusuf Qardawi, *Al-Fatwa Binal Indibhat was-tasayyub "fatwa anatara ketelitian dan kecerobohan"*, Cet. 1 (Jakarta: Gema Insani Press, 1997), p.5.

<sup>8</sup> *Ibid.*, 14.

and finance. DSN is directed as a driving agency application of Islamic teachings in economic life. Therefore, DSN play a productive role in economy and financial life in Indonesia.<sup>9</sup>

a) Duties of National Sharia Council (DSN)

- 1) To develop the application of Sharia values in general economic activities and finance at especially.
- 2) Issue a fatwa on the types of financial activities.
- 3) Issue fatwas on Islamic financial product and service.
- 4) Oversee the application of the fatwa issued.

b) DSN authority

- 1) issue a fatwa that binds the Sharia Supervisory Board (DPS) in each Islamic financial institution and become the basis related party legal actions.
- 2) Issue a fatwa which is the basis for provisions or regulating issued by the competent agency, such as Ministry of Finance and Bank Indonesia.
- 3) Provide recommendation and / or revoke the recommendation of the names of those who will sit as Sharia Supervisory Board (DPS).
- 4) Invite experts to explain a problem needed in Sharia economic discussions, including authority monetary or domestic and foreign financial institution.

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<sup>9</sup> M. Asrorum Ni'am Sholeh, *Metodologi Penetapan Fatwa Majelis Ulama Indonesia: Penggunaan Prinsip Pencegahan dalam Fatwa*, Jakarta: Emir, 2016, p, 96.

- 5) Give a warning to Islamic Financial Institution to stop irregularities from the fatwa by National Sharia Board (DSN).<sup>10</sup>

3. Background of the DSN-MUI No.108/DSN-MUI/X/2016

Consideration of DSN-MU issued fatwa N0.108/DSN-MUI/X/2916 About Guidelines for Organization Tourism Based Sharia principle are due to the fact that currently the tourism sector is based Sharia began to develop in the world including Indonesia, and has not been regulated in fatwa so that the implementation requires provisions that can be used as guidelines.

Fatwa of DSN-MUI No.108/DSN-MUI/X/2016 About the Guidelines Organizing Sharia Based Tourism in the result *ijtihad* ulama which was stated in the plenary meeting of the board of the Sharia Board National on October 1, in Jakarta. The implementation of the DSN-MUI fatwa is further regulated in the Guidelines implementation of Fatwa. In the event of a dispute between the parties Tourism management based on Sharia Principles, then the settlement is done through a dispute resolution institution based on Sharia according to applicable laws and regulation after no agreement is reached through deliberation. Among the provisions issued by National Sharia Council of the Indonesian Ulama Council (DSN-

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<sup>10</sup> Dewan Syariah Nasional, *Himpunan 6*

MUI) About the Guidelines for Implementing Tourism Based on Sharia Principles, as follow:<sup>11</sup>

a. General Provision

1. Terms in the Organization of Halal Tourism

The general provisions contained in this fatwa are explained regarding terms relating to the Tourism industry based on the DSN-MUI perspective, as for some of those terms are as follows:

- a) Tourism is a travel activities carried out by a person or group of people by visiting place for recreational, personal development, or learning uniqueness goals tourism attraction visited in the interim period,
- b) Sharia tourism is accordance with sharia principle.
- c) Tourism is a variety of tourism activities and is supported by various facilities and service provided by the community, businessmen, government and regional government.
- d) Sharia tourism is tourism in accordance with sharia principle.
- e) Sharia tourism destination are geographical areas that are within one or more administrative regions within them.

There are tourism attractions, worship facilities and public

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<sup>11</sup> DSN-MUI (2016), National Sharia Council Fatwa No.108/DSN-MUI/2016 about The Implementation of Tourism Guidelines based on Sharia Principle.

facilities and public facilities tourism, accessibility, and interrelated communities complement the realization of tourism in accordance with the Sharia principle.

- f) Tourism are people who carry out tours.
- g) Sharia Travel Bereau (BPWS) is a commercial business that regulates, and provides service for someone or group of people, to do travel with the main purpose with main purpose of traveling in accordance with sharia principle.
- h) Tour Guide is a person who guides in sharia tourism.
- i) Tourism Entrepreneurs are people or group of people who carry out tourism business activities.
- j) Sharia Hotel Business is the provision of accommodation in the form of rooms in a building that can be equipped with service eating and drinking service, entertainment activities and or facilities others on daily basis with the aim of making a profit run according to sharia principles.
- k) Criteria for Sharia Hotel Business are formulation of qualification and/or classifications that cover aspect of product, service, and management.
- l) Therapists are parties who do spas, saunas, and/or massages
- m) The contract of *ija rahadalah* is the contract of transfer of use right (benefits) for an item or service in a certain time with payment or wages.

- n) The contract of *wakalah bil ujah* is a power a attorney contract accompanied by *ujarah* from hotel Sharia to BPWS to do marketing.
- o) The contract of *ju'alah* a promise or commitment (*iltizam*) of the company to provide certain reward to workers for achievement of result determined a job.<sup>12</sup>

b. Fatwa Legal Provisions

in this fatwa it is explained that all forms of administration tourism based on Sharia principle can be done on condition follow the condition contained in this fatwa. Therefore, all forms of tourism arrangements must refer to the provisions of this fatwa.

c. General Principle of Sharia Tourism

1. Avoid polytheism disobedience
2. Create benefit both materially and spiritually

d. Provisions relating to Sharia Hotel

Given Sharia Hotel are hotels that must heed Islamic value stipulated in the regulations of the National Sharia Council (DSN) as the regulator of Sharia Hotels which provides that following rules:

1. Sharia hotel may not provide pornographic acces and action facilities immoral.
2. Sharia Hotel shall not provide entertainment facilities that lead to polytheism, immorality, pornography, and immoral act.

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<sup>12</sup> *ibid*

3. Food and beverages provided compulsory sharia hotel have earned halal certificate from MUI.
4. Provide adequate facilities, equipment and facilities for implementation worship, including laundry facilities.
5. The managers and employees of the hotel shall be obliged to wear appropriate clothing with sharia. DSN-MUI. (2016). Council fatwa Sharia Nasional No.108/DSN-MUI/X/2016 concerning guidelines for implementing tourism based on sharia principle.
6. Sharia hotel are required to have guidance and / or guidance on hotel service procedures to ensure proper hotel service.
7. Shsaria hotel are obliged to use the service of sharia financial institutions within doing service.<sup>13</sup>

## **F. Hotel Sharia**

### **1. Understanding of Sharia Hotel**

Understanding Sharia Hotel is a hotel that applies Islamic Sharia to hotel operations. The hospitality of the hotel is highlighted by management with bringing up moto, logo, ornaments, interior, room facilities, hotel facilities and uniforms or clothing worn by hotel employees. Sharia hotels are also one of the hotels that offer facilities

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<sup>13</sup> *ibid*

that are in accordance with Islamic values, so as to minimize the practice of adultery, liquor, prychotropic and gambling.<sup>14</sup>

## 2. Criteria Hotel Sharia

The establishment of sharia hotel must fulfill several characteristics so that they can be called sharia hotel, as follow :

- a. obligation of the workers and employees wearing Islamic clothing and cover nakedness.
- b. Interior of the hotel and the room designer rooms Islami
- c. Cultivate greetings where special guess
- d. Used food serving halal as well as useful for health.
- e. Drinks excluded from the alcohol content.
- f. Worship facilities availability in hotels such as the mosque or masjid and supplies the service in every room.
- g. Does not provide facilities that give rise to justifiable, such as :
- h. bar, discotic, night club.
- i. Rules that area selective for couples who stay.

## G. The Sharia Supervisory Board According To The Law No. 40 Of 2007

### Article 109 Concerning Limited Liability Company (PT)

In general business entities can divided into two (2), legal entities and business entities that are not legal entities. The hotel is a legal entity that is a Limited Liability Company (PT). In the Sharia business, it has been regulated in the law No. 40 of 2007, which contain in accordance with the

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<sup>14</sup> Aditya Pratomo, "Analisis Konsep Hotel Syariah Pada Hotel Sofyan Sebagai World Best Family Friendly Hotel," *Krakteristik Hotel Syariah*, No.3, Vol 2, Oktober, 2017, p,9.



development of business activities based on sharia principles, this law requires the Company that runs business activities based on Sharia principle in addition to having a Board of Commissioners also has a Sharia Supervisory Board. The task of the Sharia Supervisory Board is to provide advice to the Directors and oversee the activities of the company in accordance with Sharia principles. Regulated in article 109 for companies that run their business with Sharia principle, in this provision, this council is a kind of board of Commissioners. His job is to give advice to the directors and oversee the running of the company. Members of this institution are appointed by the RUPS on the recommendation of the Indonesia Ulama Council (MUI) article 109<sup>15</sup>.

#### **Paragraph 1**

*“The company that runs business activities based on the Sharia principles in addition to having a board OF Commissioners must have a Sharia Supervisory Board.”*

#### **Paragraph 2**

*“The Sharia Supervisory Board consist of one or more experts appointed by the RUPS on the recommendation of the Indonesia Ulama Council (MUI).”*

#### **Paragraph 3**

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<sup>15</sup> R.I The Law No.40 of Limited Liability Company (PT)

*“The Sharia Supervisory Board is in charge of providing advice and advice to the director and overseeing the activities of the company in accordance with Sharia principle.*

Sharia Supervisory Board duties and function :

1. Ensuring operational standards in accordance with sharia principle
2. Ensure that the contract / contract form is in accordance with sharia principle
3. Monitor from the application side or practice, especially at the branch