

**THE APPLICATION OF SHARIA PRINCIPLES IN THE NAMIRA**

**HOTEL SYARIAH YOGYAKARTA**

**PUBLICATION MANUSCRIPT**



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## **The Application of Sharia Principles in the Namira Hotel Syariah Yogyakarta**

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### **ABSTRACT**

The majority of the Populations in Indonesia are Muslim. It makes the demand for halal tourism services keeps increasing and becomes a necessity among muslim community. Sharia-based hotel business becomes a new brand of halal tourism service. Sharia-based hotel integrates conventional hoteling business into Islamic principles (laws, values) its every product, service and management. This research was conducted to investigate the implementation of sharia principles in the products, services and the management of Namira Hotel Syariah Yogyakarta. In addition, this research also looked into the law and regulations of sharia-based hotel according to DSNMUI No. 108/DSN-MUI/X/2016. This empirical research was conducted in the form of legal research. The data both primary and secondary data were directly obtained from the field through interviews with hotel management, from documentation and references from various resources or media. The data were then analyzed by using descriptive qualitative method. The results of this research showed that sharia principles in sharia-based hotel business were the basis of this business that should be implemented in the management, services and products offered by the hotel. The implementation of Islamic laws was based on Al-Qur'an and Hadith. Namira Hotel Syariah Yogyakarta could not yet fulfill the legal-formal requirements of a sharia-based business since as the hotel has not yet received the halal certification from *Dewan Syari'ah Nasional-Majelis Ulama Indonesia (DSN-MUI)*.

**Keywords:** sharia-based hotel, sharia principles, product, service, management.

## I. Background of Research

The development and trend of Sharia based economy in Indonesia have been increasing as so many companies apply Sharia principles in their business activities including accommodation business. Based on Law Number 3 of 2006 regarding Amendments to Law Number 7 of 1989 concerning Religious Courts article 49 point I, it is stated that “*Sharia Economics is a business activity carried out according to sharia principles, such as Islamic Bank, Sharia microfinance institution, Sharia insurance, Sharia reinsurance, Sharia mutual funds, Sharia bonds and sharia medium-term securities, Sharia securities, Sharia financing, Sharia pawnshops, Pension funds for sharia financial institutions, and Sharia business.*”<sup>1</sup>

Many hotels have started to apply Sharia principles in running their business. A brand of Sharia hotel is a concept that integrates the values and principles of Islam into conventional hotel business activities. In the operational activities, Sharia-based hotels adjust their business activities with the principles and law in Islam by fulfilling the classification and qualification set by the National Sharia Council-Indonesia Ulema Council (DSN-MUI) about the standards of Sharia based hotel.<sup>2</sup> The Sharia label requires the hotels to provide hotel services based on certain regulations and procedures. This concept is considered as a new breakthrough but it has not yet received positive responses from the muslim community.

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<sup>1</sup> Law Number 3 of 2006 concerning Amendments to Law Number 7 of 1989 concerning Religious Courts.

<sup>2</sup> Muhammad Rayhan Janitra, 2017, *Hotel Syariah: Konsep dan Penerapan*, Depok, Raja Grafindo Persada, Page 13.

In order to facilitate and support halal tourism business activities, the Ministry of Tourism and Creative Economy issued Ministerial Regulation Number 2 of 2014 on Guidelines for the Implementation of Sharia Hotel Businesses. In general, the Ministerial Regulation above provides guidelines and standardization of sharia hotel business operations.<sup>3</sup> However, in 2016, Ministerial Regulation No. 2 of 2014 on the Guidelines for Implementing Business of Sharia Hotels was revoked by the Minister of Tourism Regulation Number 11 of 2016 because it was deemed no longer in line with the current demands and developments in tourism.

In addition, the Minister of Tourism had issued Regulation No. 1 of 2016 on the Implementation of Tourism Business Certification. This regulation regulates the certification of halal tourism businesses. However, the Article concerning halal tourism business certification in that regulation was revoked by the issuance of Ministerial Regulation Number 12 of 2016 on Amendment to the Ministerial Regulation Number 1 of 2016 on the Implementation of Tourism Business Certification. With the removal of several Ministerial regulations above, there are practically no regulations governing halal tourism.

In 2016, the Indonesian Sharia Board of Indonesian Ulema Council (DSN-MUI) issued a Fatwa Number 108/DSN-MUI/X/2016 on Guidelines for the implementation of tourism based on Sharia principles.<sup>4</sup> Tourism

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<sup>3</sup> Irfan Setia Permana, "Penerapan Peraturan Pemerintah tentang Hotel Syariah", *Jurnal Ilmiah Berkala TEDC*, Vol. 12 No 3, ISSN: 1978-0060 (September, 2018), Page 2.

<sup>4</sup> Elan Jaelani, "Perlindungan Hukum Terhadap Wisatawan dalam Rangka Pemanfaatan Produk dan Jasa Pariwisata Syariah (Halal Tourism)", *Jurnal Ekonomi dan Syariah*, Vol. 3 No 1, ISSN: 2528-5610 (September 2018), Page 3.

aspects regulated it, including hotels, spas, saunas, massages, tourist attractions, and travel agencies. However, the fatwa will not be in effect if it is not positively set into a tourism minister regulation. Therefore, a legal formulation is needed to guarantee legal certainty, justice, equality, professionalism, and security for parties involved in sharia tourism (halal tourism) activities including rules relating to the protection of the rights and interests of tourists.

Some people mistakenly associate hotel business as a business that is identical to parties and hedonism, drug abuse, infidelity, and prostitution. People also share negative stigma about this business. Therefore, some businessman of this business started to think and make some attempts to create a new concept of hoteling business that regards the norms and regulation among the society and religion values. Hoteling business provide accommodation in the form of rooms in a building that is supported by hoteling service, food and drink services, entertainment and other daily services to obtain some profit.<sup>5</sup> With Sharia label, a Sharia hotel has to conform the regulation and principle of Islam in its daily activities and in all products and service offered based on Al-Qur'an and Al-Hadith. In fact, Sharia-based hotel receives positive responses, especially from muslim communities because people find comfort, security, and excellent services from sharia based hotels. Therefore, this business should be enhanced in order to change the negative stigma that hotels are places that facilitate negative behavior.

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<sup>5</sup> Abdul Mujib, "Analisis terhadap Konsep Syariah pada Industri Perhotelan di Indonesia". *Jurnal Ilmu Syari'ah dan Hukum*, Vol. 50 No 2, ISSN:2443-0757 (December, 2016), Page 5.

The presence of Namira Hotel Syariah Yogyakarta in the midst of the community is to meet the society needs by combining the concepts of beauty, cleanliness, and Islamic nuances. Namira Hotel Syariah Yogyakarta is located on Jalan Raya Magelang KM 4.5, Sinduadi, Mlati, Sleman, Yogyakarta. Judging from its name, Namira Hotel Syariah operates based on the principles and rules of Islam. Therefore, it is interesting to research this phenomenon in order to find out the application carried out by the Namira Hotel Syariah Yogyakarta. For this reason, the researcher conducted a research under the title **“THE APPLICATION OF SHARIA PRINCIPLES IN THE NAMIRA HOTEL SYARIAH YOGYAKARTA”**.

## **II. Research Method**

### **A. Type of Research**

This research is categorized into empirical research. The empirical research method is a legal research which obtains its data from a primary source.<sup>6</sup>

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<sup>6</sup> Depri Liber Sonata, “Metode Penelitian Hukum Normatif dan Empiris: Karakteristik Khas dari Metode Meneliti Hukum”, *Jurnal Ilmu Hukum*, Vol.8 No 1, ISSN: 1978-5186 (January, 2014), Page 27.

## B. Type of Data

There were two types of data sources used in this research, namely:

### a. Primary Data

Primary data were data obtained through direct research in the field in order to obtain data related to the problem of the research.<sup>7</sup> The data were obtained through interviews using interview guidelines to the manager hotel of Namira Hotel Syariah Yogyakarta and General Secretary of MUI DIY, and Deputy Chairperson of PHRI DIY.

### b. Secondary Data

Secondary data were data obtained through other parties or indirectly obtained by the researcher from the research subjects.<sup>8</sup> In legal research, secondary data were also based on the binding strength of their content. It can be distinguished as primary, secondary and tertiary as described below:

#### 1) Primary Data

- a) Law Number 3 of 2006 concerning Amendments to Law Number 7 of 1989 concerning Religious Courts.
- b) Fatwa of National Sharia Council-Indonesia Ulema Council (DSN-MUI) Number 108/DSN-MUI/X/2016 on The Guidelines for Organizing Sharia based Tourism.

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<sup>7</sup> Muhammad Iqbal Hasan, 2002, *Pokok-Pokok Materi Metodologi Penelitian dan Aplikasinya*, Jakarta: Ghalia Indonesia, Page 82-83.

<sup>8</sup> *Ibid*, Page 82.



- c) Law Number 10 of 2009 concerning Tourism.
- d) The Minister of Tourism and Creative Economy Regulation of the Republic of Indonesia No. 2 of 2014 Concerning Guidelines for Implementing Sharia Hotel Business.
- e) The Minister of Tourism Regulation of the Republic Indonesia No. 11 of 2016 Concerning “Revocation of the Regulation of the Minister of Tourism and Creative Economy No. 2 of 2014 Concerning “Guidelines for Implementing Sharia Hotel Business.
- f) The Minister Tourism of Regulation No. 1 of 2016 about “ The Implementation of Tourism Business Certification.”
- g) The Minister of Tourism Regulation of the Republic Indonesia No. 12 of 2016 Concerning Amendment to the Ministerial Regulation Number 1 of 2016 on the Implementation of Tourism Business Certification.
- h) The Regulation of Minister of Tourism and creative economy Number 53 of 2013 concerning hotel business standards.

## 2) Secondary Data

- a) Scientific journals;
- b) Books related to the issue;
- c) Others related document
- d) Trusted internet sites and;
- e) Other non-legal documents related to this research

### 3) Tertiary material

a) Encyclopedia

b) English dictionary

c) Indonesian dictionary

## **C. Data collection**

In this research, the data were collected by the researcher using several methods as follows:

### a. Interview Method

The interviews were conducted to the manager and staff of the Namira Hotel Syariah located Yogyakarta in order to find the desired data or information in accordance with the topic of this research.

### b. Documentation Method

Documentation is a method of collecting data in form of a document such as notes, books, newspapers, magazines, internet, agenda, and so on related to the subject of the research.<sup>9</sup>

### c. Library Study

The author uses library study for searching various sources of media that have been published and used as a theoretical foundation for writing a research.

## **D. Data Analysis**

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<sup>9</sup> Sugiyono, 2013, *Metode Penelitian Pendidikan*, Bandung: Alfabeta, Page 240

After the data from the field were completely collected, the next step was managing and analyzing. In this research, the data were analyzed using the descriptive qualitative method in form of data presentation in written form and data explanation in accordance with the data obtained from the research. Usually, the data were analyzed manually.<sup>10</sup> Therefore, the author described everything related to sharia business law including the principles in this sharia hotel business in applying to sharia-compliant hotels.

### **III. Finding and Analysis**

#### **A. The application of sharia principles on product, service, and management in Namira Hotel Syariah Yogyakarta**

The implementation of sharia system in hoteling business requires the application of Islamic regulations and law (sharia) in the business operational activities. The implementation of this system should refer to the predetermined criteria of Sharia-Based Hotel that includes product, service and management criteria.<sup>11</sup> The application of sharia principles in Namira Hotel Syariah Yogyakarta namely:

##### **1. The Implementation of Sharia Principles to product at Namira Hotel Syariah Yogyakarta**

Namira Hotel Syariah Yogyakarta offers the following products:

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<sup>10</sup> Haris Herdiansyah, 2010, *Metodologi Penelitian Kualitatif*, Jakarta: Salemba Humanika, Page 48.

<sup>11</sup> Fatwa of National Sharia Council-Indonesia Ulema Council (DSN-MUI), *Op. Cit*, General Provision.

a. Guest Room

Namira Hotel Syariah Yogyakarta provides facilities based on sharia principles starting from the facilities in the guest rooms. Prayer mat and *Qibla* sign are provided in every guest room to facilitate guests when doing prayers. Guest visitors who are not guests' relatives (*muhrim*) are only allowed to meet the guests in the lobby and they are not allowed to enter the guest rooms.

b. Guests' Bathroom

Namira Hotel Syariah Yogyakarta provides toiletries for guests to clean their bodies in guests' bathroom. Every bathroom has toilet seat, shower, sink, and fragrant soap. Water tap is also provided for guests to take *wudlu* before they can pray in their rooms.

c. Praying Room

A clean and well-maintained praying room or *musalla* is available for guests to pray in Namira Hotel Syariah Yogyakarta. There is one praying room on the first floor. The *wudlu* room also separates the women from men.

d. Meeting Rooms

The meeting rooms at Namira Hotel Syariah Yogyakarta are located on the first and second floor. They are provided for

office or agency association activities as well as Islamic entertainment activities.

## **2. The Implementation of Sharia Principles to Services at Namira Hotel Syariah Yogyakarta**

To maintain the concept of sharia, Namira Hotel Syariah Yogyakarta also implements the principles of sharia in every service it provides.

### **a. Front Office**

Employees who are in charge of being the hotel receptionists are required to do data confirmation for every guest. Every couple who wants to stay in the hotel should show their ID and should have single address to show that they are married couple.

### **b. Housekeeping**

Namira Hotel Syariah Yogyakarta applies sharia-based housekeeping as explained below.

- 1) Provision of clean and proper praying necessities
- 2) Provision of AlQur'an

### **3. The Implementation of Sharia Principles to Management at Namira Hotel Syariah Yogyakarta**

These followings are the sharia principles applied by Namira Hotel Syariah Yogyakarta management.

#### **a. Business Management**

The management of Namira Hotel Syariah Yogyakarta gives the halal-guarantee. This can be seen from the restriction that applies for unmarried or non-relatives couple to stay in this hotel. Guests are also forbidden to bring alcohol and illegal drugs. Every room is completed with praying necessities; even the guests can also go to the praying room which has more complete facilities.

#### **b. Human Resource**

Namira Hotel Syariah Yogyakarta also requires all of its staffs to wear polite costumes based on the principles of Sharia. Namira Hotel Syariah Yogyakarta requires employees to be Muslim.

## **B. The product, service and management of Namira Hotel Syariah Yogyakarta complaint with sharia principles**

Currently, there is no regulation which regulates the implementation of Sharia hotel business guidelines in Indonesia after the revocation of regulations concerning Guidelines for Implementing Sharia Hotel Business specifically both in the form of Laws and Ministerial Regulations.

Therefore, the implementation of the Islamic tourism business (halal tourism) in Indonesia still refers to the National Sharia Council-Indonesia Ulema Council (DSN-MUI) Number 108/DSN-MUI/X/2016 concerning guidelines for the implementation of tourism based on Sharia principles. This fatwa regulates the whole of Sharia tourism activities such as the terms of the contract (agreement) carried out, the provision of Sharia hotels, tourist destinations, SPA, sauna massage, travel agency, as well as provisions regarding tour guides.

Hence, this regulation should be used by sharia-based hotels in applying their hoteling management process based on DSN-MUI Number 108/DSN-MUI/X/2016, namely:<sup>12</sup>

1. Sharia hotels are forbidden to provide access to pornographic content and any amoral action

Namira Hotel Syariah Yogyakarta with Islamic concept gives ease of access for Muslim families and other community to stay in a hotel that provides *halal* facilities and service. Guests are selected, and only

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<sup>12</sup> *Ibid*, provisions regarding sharia hotels.

official married couple are allowed to stay in the hotel as they are required to fill in the registration forms and show their ID card, family card or marriage book. The screening is an effort to prevent Namira Hotel Syariah Yogyakarta from getting involved in problems related to access to pornographic content or amoral actions.

2. Sharia hotels must not provide entertainment facilities that lead to polytheism, immoralities, pornographic content and other amoral action

Namira Hotel Syariah Yogyakarta object to the consumption of alcoholic drinks, the hotel forbids any alcoholic drinks to be sold in the hotel, and the hotel also bans the guests from bringing alcoholic drinks from outside.

3. Food and beverage provided by sharia hotel must possess halal-certificate given by MUI

Namira Hotel Syariah Yogyakarta has neither restaurant nor shared-kitchen. The food provided by the hotel is supplied by other parties such as from *Padang* or *Gudeg* restaurants. Every morning, the guests of Namira Hotel Syariah Yogyakarta enjoy their *halal* breakfast provided by the hotel for free. However, Namira Hotel Syariah Yogyakarta do not pay attention to food that has halal certificates or not. After being traced it turned out that the Padang and Gudeg restaurants also did not have a halal certificate from LPPOM MUI. Supposedly, processed food and beverages taken from outside should be food must have a halal certificate. Indeed, Padang food stalls and warm-hearted meals are generally halal,



but it is better if eaten by a warm-up that has been approved by the MUI. Hopefully, the halal is not a claim, but it has been approved carefully.

4. Provides facilities, necessities and equipment needed for praying and cleaning

Namira Hotel Syariah Yogyakarta provides the facilities for praying activities including *musala* as the praying room completed with other praying necessities such as *sajadah*, *sarong*, and *mukena* or women's praying dress. *Al-Qur'an* is also available in the *musala*, and the *wudlu* room separates women from men.

5. Managers and staffs are required to wear outfit that conforms with the principle of sharia

It is required for the staffs of Namira Hotel Syariah Yogyakarta to dress accordingly. They have to wear official outfit from the hotel. Men wear short-sleeved shirt and long trousers, while female employees wear loose outfit with long sleeves, long skirt and *hijab* or veil that covers their chest.

6. Sharia hotel must fulfill the guidelines and procedure of hotel service to apply the sharia-based hotel concept

Namira Hotel Syariah Yogyakarta only applied the standard operating system within its management in general. The hotel has not yet employed specific standard procedure guidelines regarding its service in order to guarantee that every service offered is based on the principles of sharia.

7. Sharia hotels should use the services of sharia financial institution

The financial management of Namira Hotel Syariah Yogyakarta has not yet been facilitated by sharia-based banks as the hotel is not yet able to manage its own fund.

According to the regulation of DSN-MUI Number 108/DSN-MUI/X/2016, the rules and regulations regarding the related parties and initial agreement should be done based on *ijarah* agreement.

Transactions in the hotel are made based on *ijarah* contract, through which guests can stay in the rooms provided by the hotel. With the lease agreement, guests have to pay all the bills including the cost of room rent based on the number of days they stay at Namira Hotel Syariah Yogyakarta. There are several types of rooms in the hotel; family room 4 people for a maximum of 4 people, family room 3 people for a maximum of 3 people, and standard room 2 people a maximum of 2 people. In case the guests bring friends that exceed the maximum number, they will be charged. In a lease transaction, an agreement must be made by both parties, in which the guest agrees with the regulations in Namira Hotel Syariah Yogyakarta, including willing to have their data checked, agree not to bring non-relative friends, and checking out as schedule, etc. Likewise, hotel staffs will give the guests their best service by patiently give services and being polite to all of the guests.

Sharia hotels are one of the pillars of the development of the halal tourism industry. However, such hotels are still difficult to find in Yogyakarta. Many hotels call themselves sharia hotels but have not obtained

halal certificates. Deputy Chairperson of PHRI DIY Herman Tony said through an interview,

*"Until now, there are no 10 percent of the total star hotels in DIY that apply the sharia system or are halal certified. In addition, there is no awareness of hotel managers to order certificates and also the minimum results as assessors of Business Certification Institutions (LSU) that have specifications in the field of sharia. Things that need to be considered in hospitality in Yogyakarta are just just completing food and drinks".<sup>13</sup>*

So, in Yogyakarta today, there is no hotel that has obtained the Shariah conformity certification obtained from DSN-MUI. The halal certification obtained by a hotel in Yogyakarta is currently only a halal certificate that includes food and beverages issued by LPPOM MUI. In fact, every hotel that provides sharia principles or call it a sharia hotel should have certification of the hotel management provided by the DSN-MUI. Hotels that wish to apply for Shariah conformity certification and / or DPS recommendations are required to submit a request letter by including supporting documents. To get sharia certification, DSN-MUI has made a guideline for sharia compliance certification.

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<sup>13</sup> Herman Tony (Deputy Chairperson of PHRI DIY), Interview result, February 15<sup>th</sup>, 2019

## IV. Closing

### A. Conclusion

Based on the research that has been done on the Namira Hotel Syariah Yogyakarta, it can be conclude that:

1. The Implementation of Sharia Principles at Namira Hotel Syariah Yogyakarta can be seen from providing prayer equipment in each guest room; the roof of the guest room has a Qibla direction sign, providing utensils for practical purification in the guest bathroom, the hotel mosque on the first floor. Then the ablution place is next to the hotel mosque separates men and women. Guest visitors who are not guests' relatives (*muhrim*) are only allowed to meet the guests in the lobby and they are not allowed to enter the guest rooms. The implementation of sharia principles to services at Namira Hotel Syariah Yogyakarta, also can be detected from the rule for guests who at least can show husband and wife Identity Cards and have the same address, providing prayer equipment, al-quran and food. The implementation of sharia principles in management at Namira Hotel Syariah Yogyakarta, namely implementing a halal guarantee system. This can be seen from the restriction that applies for unmarried or non-relatives couple to stay in this hotel, It is forbidden to bring alcoholic drinks and carry illegal drugs in the hotel. And employees Namira Hotel Syariah Yogyakarta are required to wear a uniform that is polite and in accordance with Sharia principles and is requires employees to be Muslim.

2. The application of sharia principles in products, services, and management at Namira Hotel Syariah Yogyakarta were based on the DSN-MUI Fatwa No 108/DSN-MUI/X/2016, the hotel still does not have a halal certificate from DSN-MUI. Namira Hotel Syariah Yogyakarta has not fully implemented sharia principles because it is not yet equipped with Islamic ornaments on hotels, does not yet have SOP (Standards Operational Product) / guidelines and / or guidelines on hotel service procedures to ensure the implementation of hotel services in accordance with sharia principles, Namira Hotel Syariah Yogyakarta has neither restaurant nor shared-kitchen. The food provided by the hotel is supplied by other parties such as from *Padang* or *Gudeg* restaurants. However, Namira Hotel Syariah Yogyakarta do not pay attention to food that has halal certificates or not. Namira Hotel Syariah Yogyakarta have not used banking sharia in performing services and financial managers. However, this Namira Hotel Syariah Yogyakarta, may name the hotel as a sharia hotel even though the application implemented by the Namira Hotel Syariah Yogyakarta is still in the process stage or not fully, because in Yogyakarta to become a sharia hotel is not required to have a halal certificate.

## **A. Recommendation**

After getting conclusions from the research of this description, the following suggestions or inputs recommended by the author:

1. Increasing the quality of hotel products and services must always be prioritized and developed, so that sharia-based hoteling businesses are more popular and well-known.
2. Hotels that want to apply sharia principles should be supported with Islamic nuances such as displaying religious images, calligraphy or religious figures on the walls of the hotel.
3. Sharia hotels must have sharia certificates from DSN-MUI.
4. Regarding the development of sharia tourism in Indonesia, you should have a positive regulation regarding the standardization of sharia hotels, so that hotels that wish to name it as sharia hotels have guidelines and legal consequences.
5. The guidelines for sharia hotels stipulated in the DSN-MUI fatwa Number 108/DSN-MUI/X/2016 have found many provisions that must be discussed again. In addition, there are several provisions in this fatwa that might cause multiple interpretations in understanding it so that it requires further explanation.

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