

CHAPTER ONE

INTRODUCTION

A. Background

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:*

- a. *Islamic Bank*
- b. *Sharia microfinance institution*
- c. *Sharia insurance*
- d. *Sharia reinsurance*
- e. *Sharia mutual funds*
- f. *Sharia bonds and sharia medium-term securities*
- g. *Sharia securities*
- h. *Sharia financing*
- i. *Sharia pawnshops*
- j. *Pension funds for sharia financial institutions*
- k. *Sharia business.*¹

¹ Law Number 3 of 2006 concerning Amendments to Law Number 7 of 1989 concerning Religious Courts.

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.² 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.

Originally, halal tourism activities are based on Law No. 10 of 2009 on Tourism. This law regulates tourism in general but it does not clearly regulate halal tourism. According to the law, tourism is a variety of tourism activities supported by various facilities and services provided by the community, businessmen, the Central and Regional Government. Tourism business covers many sectors including tourism transportation services, tourist travel services, food and beverage services, organizing entertainment and recreational activities, organizing meetings, incentive trips, conferences and exhibitions, spas, and many others. Although in that article the term “halal tourism” is not explicitly mentioned; the word ‘various kinds of tourism activities’ in the

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

definition of tourism indicates that it is permissible to carry out tourism activities based on sharia principles.

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. This Ministerial Regulation was issued based on a Memorandum of Understanding between the Ministry of Tourism and Creative Economy and the National Sharia Board-Indonesian Ulema Council (DSN-MUI, the abbreviation of *Dewan Syariah Nasional-Majelis Ulama Indonesia*) Number NK.11/KS.001/W.PEK/2012 and Number B-459/DSN-MUI/XII/2012 concerning the Development and Dissemination of Sharia Tourism.³ In general, the Ministerial Regulation above provides guidelines and standardization of sharia hotel business operations.⁴ 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.

³ Fahadil Amin Al Hasan, "Penyelenggaraan Pariwisata Halal di Indonesia (Analisis Fatwa DSN-MUI tentang Pedoman Penyelenggaraan Pariwisata Berdasarkan Prinsip Syariah)", *Jurnal Ilmu Syari'ah dan Hukum*, Vol. 2 No 1, ISSN: 2527-8169 (January, 2017), Page 3.

⁴ Irfan Setia Permana, "Penerapan Peraturan Pemerintah tentang Hotel Syariah", *Jurnal Ilmiah Berkala TEDC*, Vol. 12 No 3, ISSN: 1978-0060 (September, 2018), Page 2.

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.⁵ Tourism 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.

⁵ 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.

The development of Sharia-based hotels has been considered a promising market. The increasing number of tourists should be anticipated by the provision of hotel services that match the market demand. Basically, Islamic hoteling service and management offers visitors with security and comfort. Thus sharia-based hotels are not only good for muslim visitors but also for non-muslim visitors.⁶

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.⁷ 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

⁶ Hanik Fitriani, "Proyeksi Potensi Pengembangan Pariwisata Perhotelan dengan Konsep Syariah", *Muslim Heritage*, Vol. 3 No 1, ISSN: 2502-5341 (May, 2018), Page 56.

⁷ 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.

to change the negative stigma that hotels are places that facilitate negative behavior.

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”**.

B. Statement of Problem

1. How does Namira Hotel Syariah Yogyakarta apply Sharia principles in its products, service, and management?
2. Are the products, service, and management of Namira Hotel Syariah Yogyakarta compliant with Sharia principles?

C. Objective of Research

The objectives of this research are:

1. To understand how the Namira Hotel Syariah Yogyakarta applies Sharia principles in its products, services, and management.
2. To understand whether the products, services, and management of Namira Hotel Syariah Yogyakarta have been in compliant with Sharia principles.

D. Benefit of Research

There are some benefits of this research, namely:

1. Theoretical Aspect

The research would give theoretical understanding on application of sharia principles.

2. Practical Aspect

The practical benefit for the community is to provide knowledge about hotels labeled sharia that are in accordance with the norms and rules that apply in society and religion.