

# **BPJPH Halal Certification Opportunities in Indonesian Sharia Tourism in the Perspective of *Maqashid Asy-Syari'ah***

**Rahmat Husein Lubis**

[224120200041@mhs.uinsaizu.ac.id](mailto:224120200041@mhs.uinsaizu.ac.id)

UIN Prof. K.H. Saifuddin Zuhri Purwokerto

## **Abstract**

*The 2022 Global Muslim Travel Index data states that Indonesia and Saudi Arabia are in second place after Malaysia which is in the first place. The development of halal tourism or sharia tourism is becoming a trend for Indonesia in developing and increasing the phrase halal, friendly Muslims, religious and sharia tourism. The government strongly supports the progress of Indonesian sharia tourism with the presence of the Halal Product Assurance Organizing Agency (BPJPH) through the Indonesian Ulema Council (MUI) with halal certification as an embodiment to safeguard the benefit of the people so that the aims and objectives of religion (mashed as-shariah) are maintained. This study aims to see the opportunities for Indonesian sharia tourism which has been certified halal from BPJPH whether it is by Maqashid Asy-Syari'ah. This research method is qualitative with an empirical normative approach. Steps to align business activities with Islamic teachings can be done using the Maqashid Syariah approach.*

**Keywords:** *BPJPH Halal Certificate Opportunity, Indonesian Sharia Tourism, Maqashid Asy-Syari'ah*

## **A. Introduction**

Halal tourism or Syari'ah Tourism is a tourism sector with very promising economic and business values. Because of this, business people and even the government pay more attention to halal tourism. The increase in Syari'ah Tourism with the halal concept has increased in recent years (Adinugraha, Sartika, and Kadarningsih, 2018, hlm. 33). Haram and halal are two words that are still a problem in Islam. Haram and halal are categorized as part of the substance of the law and are the subject of problems in Islam. In the end, Islam minimizes the scope of the issue of whether it is haram or not (Studies, 2018, hlm. 23). Haram and halal are a necessity in Islam, and it is very important to discuss them more deeply because it continues to be based on the legal basis of social life (Aminuddin, 2016, hlm. 28). In his research (Bhakti, 2020, hlm. 117), he sees that in 2030 the Muslim population will encourage halal consumption patterns, this shows that halal tourism will experience rapid development in the future. In line with research (Mansyurah, 2019, hlm. 252) the halal tourism industry will become a major economic opportunity if its market share is global.

In religion, it is also quite clear from the words of the Prophet Muhammad saying that some of the obvious things are also vague. At the time

of the Prophet Muhammad SAW, the distinction between what was unlawful and halal was very clear. But this is in contrast to today's era, where a combination of technology and science unites to produce various kinds of drinks, food, cosmetics, and medicines. So that ordinary people cannot recognize more easily what materials are used and how the manufacturing process is (Khairuddin and Zaki, 2014, hlm. 40). Indonesia is a constitutional state, state-regulated by law. The basis of Indonesian legislation is the 1945 Constitution. every citizen has guaranteed constitutional rights such as the right to worship, the right to religion, and the right to obtain a decent life.

Indonesia is a constitutional state, a state-regulated by law. The basis of Indonesian legislation is the 1945 Constitution. every citizen has guaranteed constitutional rights such as the right to worship, the right to religion, and the right to obtain a decent life. Halal food, minimum, and medicines are part of the right to obtain a decent life. Every consumer is obliged to get the right to get that life, especially consumers who are diverse in Islam. Indonesia is a country where the majority are Muslim. So meeting their needs must be in the rules of Islamic teachings. Such rules must be clear in the text and then from legislation (Hermawan, 2019. hlm. 89). Halal trends in Indonesia such as drinks, food, and medicines, even at this time which is experiencing very rapid development is halal tourism or Shari'ah Tourism. Halal food that is available safely is a promising business, therefore through a halal label with certification will invite loyal tourists even though they are not Muslim (Warto and Samsuri, 2020, hlm. 45). The existence of a certified halal label not only provides a sense of security for its own heart but also provides a sense of security for production business actors. The scope of the global market for certified halal labels is urgently needed. The development of this halal trend has moved the government to provide legal regulations for halal products. Halal product legislation regulations from the government provide peace of mind to consumers in choosing halal products (Khairuddin and Zaki, 2014, hlm. 54).

The government's concern is a rule-of-law country, which includes not only positive law but Islamic law. The meaning of Islamic law here is that regulations originating from revelation are then combined into the products of legal thinkers such as fish law, fatwas of scholars, and statutes. The MUI institution or the Indonesian Ulama Council is an institution of the thoughts of Islamic scholars. The MUI or the Indonesian Ulema Council forms an agency in supervising the halalness of food, medicines, and even cosmetics. However, on October 17, 2019, the Government of the Republic of Indonesia issued Law Number 33 of 2014 concerning Guarantees for Halal Products. The issuance of this halal legislation was triggered due to the ineffectiveness of LPPOM-MUI in registering halal certification only voluntarily for those with good intentions. These laws and regulations require all business actors to register their products with BPJPH. This is by Article 4 which contains "Products circulating in Indonesia are required to be halal certified". The validity of this halal label certification is only 5 years from the date this Law came into force by what is stated in Article 4. The obligation to have halal certification is in force now (Sitti and Musyfika, 2021, hlm. 77).

In addition to overseeing the distribution of food in Indonesia, one of the duties and functions of BPJPH or the Halal Product Assurance Agency by Law No. 33 of 2014, namely halal registration, halal verification, halal certification, conducting guidance on product halalness, establishing cooperation with related stakeholders such as halal tourism or Syari'ah Tourism, and determining the halalness of a product. Apart from the duties and functions of the BPJPH or Halal Product Assurance Agency, PPH or Halal Product Process should also be considered which includes processing, supplying goods, packaging, distributing, selling, and presenting products (Indah, 2021, hlm. 74).

BPJPH's halal label certification raises various kinds of negative polemics. This study examines Indonesian Syari'ah Tourism which has received a halal certificate from BPJPH whether it is by Maqashid Asy-Syari'ah. Where we know that Maqashid Asy-Syari'ah is the determination of law by Islamic law. The objectives of Maqashid Ash-Syari'ah are none other than 1. Determination of sharia to obtain the benefit of the ummah in this world and the hereafter, 2. Determination of sharia so that it is easy to understand, 3. Determination of sharia as a law of taklif or the law of giving burdens, and 4. Determination of sharia so that humans are always under the protection of Allah SWT with the provisions of His law (Agus Waluyo, 2018, hlm. 42). While the system for registering BPJPH halal certification is still online and the researcher's value is less effective in providing halal certificates. Not to mention the internal operating system of Indonesian Syari'ah Tourism which is not known in detail.

This study uses qualitative methods with a normative empirical approach. Research with a normative empirical approach is research in which researchers see whether the laws in society are real or not. The primary legal material used in this research is Law no. 33 of 2014 concerning Guaranteed Halal Products. Where the Act has the function and duty to guarantee the halalness of products that are circulated, entered, and traded in Indonesia. While the secondary law in this study is several books related to law, scientific journals about law, and several opinions of sharia economic law experts related to this research. The source of the data is from library research (library research) which examines BPJPH's halal certification policies from books, laws, and previous research.

## **B. Discussion**

### **1. The concept of Indonesian Syari'ah Tourism**

Halal tourism or Syari'ah Tourism is tourism in which the halal status is clear and a type of friendly tourism, providing comfort to non-Muslim tourists. The reason for the push for halal tourism or Syari'ah Tourism to be developed is for various reasons. Halal tourism or Syari'ah Tourism is tourism where the fulfillment of Islamic sharia requirements has been fulfilled, in this tourism, there are no elements of evil, polytheism, excess, evil, or even disobedience. The DSN-MUI Fatwa, Number 08/DSN-MUI/X/2016 regulates the Implementation of Halal Tourism in Indonesia, providing a clear legal umbrella regarding halal tourism. So that

Indonesian halal tourism will no longer have any irregularities in the legal basis of the development process. Legally and specifically stated in the form of regulations formalized by the government nationally (Salman Nasution, 2021, mmm. 253-254). Halal tourism destinations or Syari'ah Tourism provide benefits in terms of spiritual, material and are able to create benefits (Maryati, 2019, hlm. 123) Indonesia itself is the reason for encouraging Halal Tourism or Syari'ah Tourism because firstly Indonesia is a country with a majority of Muslims. The number of Indonesians who are Muslim provides a potential demand for making Indonesia a target tourist destination. Second, the expenditure of the Indonesian Muslim population on the tourism sector is very large, this can be seen from the Idulnnnnnn Fitri holidays. Thus it becomes a concern for the government in developing halal tourism in Indonesia so that it can attract the interest of countries that are predominantly Muslim to visit Indonesian halal tourism. Third, many Muslim tourists in the world like travelers to various halal tours (Jaelani, 2018, hlm. 143). The potential for halal tourism in Indonesia is very promising so in the future halal tourism or Syari'ah Tourism will attract a lot of interest from sharia business people to develop it (Adinugraha, Sartika and Kadarningsih, 2018, hlm. 32). In 2014 Utomo conducted research, from this research he found that the potential for tourism with the concept of halal tourism was of very good value. To lure business people to get involved in the Syari'ah Tourism industry, it is necessary to have a clear introduction to the Halal Tourism market or Syari'ah Tourism (Adinugraha, Sartika and Kadarningsih, 2018, hlm. 34).



Source: kemenparekraf.go.id

The statistical data for foreign tourist arrivals as of September 2022 above shows that Indonesian tourism is the second largest tourist destination in the world. Various countries that term halal tourism use several terms such as halal travel, halal tourism, as a Muslim-friendly destination, and Sharia Tourism. The principle of sharia here is a provision that has been regulated by Islamic law. In Indonesia, sharia principles are regulated by a fatwa from the approval of the Indonesian Ulema Council

(MUI). The word sharia was first used in Indonesia in the banking sector in 1992. Then it has developed to the present day in various sectors such as sharia procurement, sharia insurance, sharia hotels, and sharia tourism. Halal tourism or Syari'ah Tourism is an object of activity provided by businessmen, communities, local governments, and even local governments in fulfilling sharia principles. Halal tourism or Syari'ah Tourism is universal and many people take advantage of tourism (Adinugraha, Sartika, and Kadarningsih, 2018, hlm. 32). In a broad sense that Halal Tourism or Syari'ah Tourism is religious tourism by applying sharia values. Because Halal Tourism or Syari'ah Tourism is a new concept of tourism, there is a need for further understanding related to Islamic values applied in Tourism (Riyanto Sofyan, 2019, p. 34). Here the focus of researchers on Syari'ah Tourism is on halal tourism in Indonesia (Qital, Sunarya and Rusydiana, 2022, hlm. 141).

## **2. The concept of BPJPH Halal Certification**

BPJPH Halal Certificate is a solution from the government in maintaining halal. Through Article 6 of Law No. 33 of 2014 concerning Guarantees for Halal Products (Indah, 2021, hlm. 74).. Broadly speaking, this regulation regulates how to obtain halal certificates from the government through the Halal Product Guarantee Agency (BPJPH) (Fathima, 2020, hlm. 5). The Halal Product Assurance Organizing Agency (BPJPH) is responsible for the duties and functions of the Ministry of Religion. Based on the law, it is explained that the duties of the Halal Product Guarantee Agency (BPJPH) are (1) establishing and formulating JPH regulations (2) Establishing JPH norms, standards, requirements, and procedures (3) Revocation and issuance of halal logos on products that have been certified (4) Registered foreign products in the certification process (5) Implemented halal product publication, education, and socialization (6) Conducted accreditation at LPH (7) Registered Halal Auditor (8) Monitored JPH (9) Conducted fostered by Halal Auditors, and (10) Collaborating with overseas and domestic organizations on aspects of JPH implementation (Mar and Qadariyah, 2022, hlm. 235).

Halal tourism or Syari'ah Tourism who wish to obtain a halal certificate must follow the following process: Halal tourism business actors or Syari'ah Tourism apply for a halal certificate. After the submission process, BPJPH examines the submitted documents within 2 working days. And BPJPH provides an estimate or opportunity of 5 days for incomplete required documents. BPJPH will determine the LPH upon request with a maximum time of 2 working days. Within 15 working days, LPH will conduct an inspection as well as product testing. The results of the LPH inspection will be received by the BPJPH and the MUI will determine the halal status through a halal fatwa assembly within 3 working days. And finally, BPJPH will issue a halal certificate from the results of the MUI Fatwa Session within 1 working day.



Source: <http://www.halal.go.id>

The weaknesses of BPJPH halal certificate registration are: (1) The costs and time needed to fulfill new buildings are very large both at the district/city, province, and central levels. (2) Human Resources or HR prepared to work at BPJPH requires time. (3) The registration process is long because there are many institutions and parties involved in it. (4) Government LPH and private LPH are prone to conflict, as are MUI and LPPOM MUI which wish to become part of the LPH. (5) Halal tourism business actors or Syari'ah Tourism are still subject to fees, even though the government must guarantee the halalness of a product. (6) Transparency and accountability of the work system are still lacking. (7) In implementing it, it still needs derivatives from statutory regulations, both government and regional regulations (Khairuddin and Zaki, 2014, him. 106-107).

### 3. The concept of Maqashid Ash-Syari'ah

Maqashid Asy-Syariah is knowledge in which there is wisdom and goals that have been set by syara' from all of His laws aimed at realizing the benefit of creatures in this world and the hereafter. Classical scholars have not yet found a definite definition of Maqashid Asy-Syariah. Classical scholars are more inclined to blend their meanings, such as Al-Asnawi defines Maqashid Asy-Syariah as legal purposes, Al-Samarqandi defines Maqashid Asy-Syariah as legal meanings, Al-Banani defines Maqashid Ash-Syariah as legal wisdom, different with Ibn Al Hajib, Al-Hamidi, and Al-Ghazali define Maqashid Asy-Syariah as benefit, purpose or intention, and at (Muhammad, 2016, p. 54). Other literature that Maqashid Ash-Syariah is the ultimate goal of sharia and secrets from God in every provision of His law (S.indonesia, 2017, hlm. 80).

From the perspective of As-Syathibi or Allah's purpose, the goal of Maqashid Ash-Syariah has four aspects: (1) The aspect of the goal of

Shari' establishes Maqasid Ash-Syariah as the benefit of the people in the hereafter and the world. (2) The aspect of establishing sharia determines Maqashid Ash-Syariah as something that must be understood. (3) The aspect of determining sharia determines Maqashid Asy-Syariah as taklifi law or law of giving burdens. (4) The aspect of determining sharia establishes Maqashid Ash-Syariah as legal protection. Meanwhile, in terms of Al-Mukallaf or being subject to the obligation to stay away from religious prohibitions, it has four objective aspects, namely: (1) The first aspect discusses benefit, level, understanding, absoluteness, and characteristics. (2) The second aspect discusses the linguistic dimension of the tackling problem without the attention of jurists. (3) The third aspect discusses taklif about difficulties, achievements, and so on. (4) The fourth aspect discusses huzuz about Hawa and ta'abub (Syariah *et al.*, hlm. 79).

### C. Conclusions

Since the government handed over to the Halal Product Guarantee Agency (BPJPH) the duties and responsibilities of issuing halal certificates based on Law Number 33 of 2014 concerning Halal Product Assurance, seen from Maqashid Asy-Syariah in terms of the As-Syathibi aspect it has a positive value in the benefit of the ummah. The goal is very clear in the policy of providing safety, comfort, security, and the availability of halal products for domestic tourists and even foreign tourists when traveling to Indonesia. The purpose of Islamic law in regulating halal food patterns will create benefits for the ummah, both tourists who come, as well as Indonesian Shari'ah Tourism business people.

The benefit according to Maqashid Asy-Syariah of the provision of halal certification by the Halal Product Guarantee Agency (BPJPH) to Indonesian Shari'ah Tourism is the maintenance of the five needs of tourists, such as the maintenance of religion, intellect, soul, property, and offspring. When Indonesian Shari'ah Tourism business actors have carried out a halal certification policy from the Halal Product Guarantee Agency (BPJPH), they have directly carried out a manifestation of syara' law to worship Allah SWT for the benefit of world life and in the hereafter Indonesian Shari'ah business actors Tourism and tourists. Thus, the existence of the Halal Product Guarantee Agency (BPJPH) in providing halal certification has an impact on both domestic and foreign tourists who want to travel halal, Indonesian halal tourism has increased. So that the goal of Maqashid Asy-Syariah is achieved for the benefit of the people in this world and the hereafter.

### REFERENCE

- Adinugraha, Hendri Hermawan, et al. "Desa Wisata Halal: Konsep Dan Implementasinya Di Indonesia." *Jurnal Human Falah*, vol. 5, no. 1, 2018, pp. 28–48.
- Aminuddin, Muh. Zumar. "Sertifikasi Produk Halal: Studi Perbandingan Indonesia Dan Thailand." *SHAHIH: Journal of Islamicate*

- Multidisciplinary*, vol. 1, no. 1, 2016, pp. 27–39, <https://doi.org/10.22515/shahih.v1i1.52>.
- Bhakti, Aditya Dwi Putra. “Mistifikasi Bias Gender Pada Iklan Komersial Untuk Pasar Muslim Di Indonesia.” *Komunitas*, vol. 11, no. 2, 2020, pp. 161–80, <https://doi.org/10.20414/komunitas.v11i2.2673>.
- Jaelani, Abdul Kadir. “Pengembangan Destinasi Pariwisata Halal Pada Era Otonomi Luas Di Provinsi Nusa Tenggara Barat.” *Jurnal Pariwisata*, vol. 5, no. 1, 2018, pp. 56–67, <https://doi.org/10.31311/par.v5i1.3277>.
- Khairuddin, and Muhammad Zaki. “PROGRES SERTIFIKASI HALAL DI INDONESIA Studi Pada Badan Penyelenggara Jaminan Produk Halal ( BPJPH ) Kementerian Agama Dan Lembaga Pengkajian , Obat-Obatan Dan.” *Asas*, vol. 13, no. 1, 2014, pp. 101–21.
- Mahmudah, Umi. "Metode statistika: Step by step." *Pekalongan: Penerbit NEM* (2020).
- Mansyurah, Firqah Annajiyah. “Peluang Dan Tantangan Bisnis Hotel Syariah Pada Masyarakat Kosmopolitan.” *At-Taradhi: Jurnal Studi Ekonomi*, vol. 9, no. 2, 2019, p. 91, <https://doi.org/10.18592/at-taradhi.v9i2.2511>.
- Mar, Diyah, and Lailatul Qadariah. *SERTIFIKASI HALAL PADA PRODUK PANGAN OLAHAN SALAK ANALYSIS OF HALAL PRODUCT ASSURANCE IMPLEMENTATION THROUGH HALAL CERTIFICATION ON PROCESSED SALAK FOOD PRODUCTS*. no. 33, 2022.
- Maryati, Sri. “Persepsi Terhadap Wisata Halal Di Kota Padang.” *Maqdis : Jurnal Kajian Ekonomi Islam*, vol. 4, no. 2, 2019, p. 117, <https://doi.org/10.15548/maqdis.v4i2.250>.
- No Tit. ٢٥٧٤*. <https://www.ptonline.com/articles/how-to-get-better-mfi-results>.
- Pendahuluan, a. “Implementasi Undang-Undang Cipta Kerja Terhadap.” *Majalah Hukum Nasional*, vol. 51, no. 1, 2021.
- Qital, Sabiq Al, et al. “Manajemen Pariwisata Halal.” *Journal of Islamic Tourism, Halal Food, Islamic Traveling, and Creative Economy*, vol. 2, no. 2, 2022, pp. 140–57, <https://doi.org/10.21274/ar-rehla.v2i2.5919>.
- S.indonesia. “D’zerela.” *Al Hikmah: Jurnal Studi Keislaman*, vol. 7, no. 2, 2017, pp. 78–94, <http://ejournal.kopertais4.or.id/pantura/index.php/alhikmah/article/view/3284>.
- Salman Nasution. “Konsep Pariwisata Halal Berbasis Ekonomi Kreatif Dengan Sharia Regulation Dalam Meningkatkan Pendapatan Dan Kesejahteraan Masyarakat Di Sumatera Utara.” *Jurnal Riset Akuntansi Dan Bisnis*, vol. 8, no. September, 2021, pp. 22–47, file:///C:/Users/acer/Downloads/8431-19250-1-PB.pdf.
- Sitti, Nurfaika, and Ilyas Musyfica. “Kewajiban Pendaftaran Sertifikasi Halal Pada Badan Penyelenggara Jaminan Produk Halal; Perspektif Maqāṣid Al-Syarī’ah.” *Shautuna: Jurnal Ilmiah Mahasiswa Perbandingan Mazhab Dan Hukum*, vol. 2, no. 2, 2021, pp. 449–62, <http://journal.uin-alauddin.ac.id/index.php/shautuna/article/view/18842>.
- Studies, Integrative Islamic. *Journal for Integrative Islamic Studies*. no. 2, 2018, pp. 149–65.

Syariah, Maqashid, et al. *LITERATUR KAJIAN MAQASHID SYARI ' AH Oleh: Muchamad Coirun Nizar Abstrak.*

Warto, Warto, and Samsuri Samsuri. "Sertifikasi Halal Dan Implikasinya Bagi Bisnis Produk Halal Di Indonesia." *Al Maal: Journal of Islamic Economics and Banking*, vol. 2, no. 1, 2020, p. 98, <https://doi.org/10.31000/almaal.v2i1.2803>.