



A Synergy of Halal Tourism Regulations and Tourism Rights Protection in Aceh: Pentahelix Model

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Abstract: Aceh has tourism regulations and guarantees of halal food products. This sector can potentially grow the regional economy and develop Aceh. Utilizing the tourism sector should allow the Aceh region to develop regional potential and increase regional income. However, in practice, the regulations do not optimally accommodate strategic issues that can support regional development from tourism sources. Still, the regulations have guaranteed protection for all consumers and tourists visiting Aceh as a halal destination. This study examines tourism regulatory policies and guarantees of halal food products using the pentahelix model. This study uses normative juridical methods and then analyzed descriptively and comprehensively. The data comes from literature studies, namely studies of theoretical documents in the form of articles, legal regulations, books, and various studies related to the discussion. The results of the study showed that tourism regulatory policies and guarantees of halal food products in Aceh have not yet synergized with the pentahelix model in determining technical policies regarding tourism management and halal food product guarantees. This may lead to neglected protection of basic consumer rights, low quality and diversity of tourist attractions, and limited availability and quality of accessibility services and tourism facilities to reach potential markets. On the other hand, Aceh is a region that applies Islamic law and has strong religious characteristics, so the role of ulama can be used in making halal food policies to support the development of Islamic tourism.

Keywords: Pentahelix, Islamic tourism, halal products, consumer rights

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Abstrak: Aceh memiliki peraturan pariwisata dan jaminan produk makanan halal. Sektor ini berpotensi menumbuhkan perekonomian daerah dan membangun Aceh. Pemanfaatan sektor pariwisata hendaknya memungkinkan daerah Aceh mengembangkan potensi daerah dan meningkatkan pendapatan daerah. Namun dalam praktiknya, peraturan tersebut belum secara optimal mengakomodasi isu-isu strategis yang dapat mendukung pembangunan daerah dari sumber pariwisata. Meski begitu, regulasi tersebut telah menjamin perlindungan bagi seluruh konsumen dan wisatawan yang berkunjung ke Aceh sebagai destinasi halal. Penelitian ini mengkaji kebijakan regulasi pariwisata dan jaminan produk makanan halal dengan menggunakan model pentahelix. Penelitian bertujuan untuk mengeksplorasi regulasi pariwisata dan jaminan produk halal berdasarkan model sinergi pentahelix dalam implementasi penataan dan pemantauan jaminan produk halal bagi konsumen di Aceh. Kajian tersebut menggunakan metode yuridis normatif kemudian dianalisis secara deskriptif dan komprehensif, data berasal dari studi literatur, yaitu kajian dari dokumen teoritis berupa artikel, aturan hukum, buku dan berbagai kajian yang terkait dengan pembahasan. Hasil penelitian menunjukkan bahwa kebijakan regulasi pariwisata dan jaminan produk pangan halal di Aceh belum disinergikan dengan model pentahelix dalam menentukan kebijakan teknis mengenai pengelolaan pariwisata dan jaminan produk pangan halal. Hal ini dapat mengakibatkan terabaikannya perlindungan terhadap hak-hak dasar konsumen, rendahnya kualitas dan keragaman daya tarik wisata, serta terbatasnya ketersediaan dan kualitas layanan aksesibilitas dan fasilitas pariwisata untuk menjangkau pasar potensial. Pada sisi lain, Aceh sebagai wilayah yang menerapkan syariat Islam dan memiliki karakteristik keagamaan yang kuat, maka peran ulama dapat digunakan dalam pengambilan kebijakan pangan halal untuk mendukung pengembangan pariwisata Islami.

Kata Kunci: Pentahelix, wisata Islami, produk halal, hak konsumen

Introduction

Tourism, in essence, is based on uniqueness, distinctiveness, locality, and authenticity, thus placing diversity as a fundamental principle. Based on this understanding, tourism development ideally reinforces and preserves the nation's identity, always protecting the natural environment. The realization of tourism development is carried out by paying attention to local wisdom, diversity, uniqueness, and distinctiveness of culture and nature, as well as human needs for tourism.¹ The scope of tourism includes "Tourism Destinations, Tourism Marketing, Tourism Industry, and Tourism Institutions." Law Number 10 of 2009

¹Eva Achjani Zulfa, et. al., "Regulation and Law Enforcement on the Protection of Halal Products in Indonesia," *Cogent Social Sciences* 9, no. 2 (2023). Lukman Santoso, et. al., "Halal Tourism Regulations in Indonesia: Trends and Dynamics in The Digital Era," *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 2, No. 1 (2022).

concerning Tourism has positioned tourism as an integral part of national development conducted systematically, planned, integrated, sustainably, and responsibly, providing protection for religious values, living cultures in society, environmental sustainability and quality, as well as national interests.

In Aceh, the potential of tourism refers to the implementation of Islamic sharia comprehensively (*kaffah*) as a special privilege regulated by Article 18B paragraph (1) of the 1945 Constitution, which states that the governance of Aceh Province is regulated by Law Number 44 of 1999 concerning the implementation of Aceh's special status as a special province. Therefore, as a province that applies Islamic sharia, Aceh is obligated to ensure that all products circulated are halal-certified before being consumed by the public.²

Tourism promotion cannot be separated from the rapidly growing food industry worldwide, including Indonesia. Varied types of foods with attractive appearances and aesthetic values create a unique appeal that entices consumers to buy and enjoy. Safe and healthy food begins with the food production process, encompassing the selection of raw materials, food processing, food quality testing, packaging, and distribution processes. All of these stages must be properly controlled to ensure that the final product is safe and suitable for consumption.³

The responsibility and obligation of the Aceh Government, according to Qanun Number 8 of 2016 concerning the Halal Product Guarantee System, are to oversee the circulation and trade of all halal food products in the market, both produced in Aceh and outside of Aceh. The Government's obligation to protect consumer rights is also regulated in Law Number 8 of 1999 concerning Consumer Protection and Law Number 33 of 2014 concerning Halal Product Guarantee. The health standards for food processing and serving are also regulated in Law Number 36 of 2009 concerning Health.

In practice, the position of businesses and consumers is imbalanced. Consumers sometimes become the objects for businesses to maximize profits.⁴ Despite numerous regulations set by the Indonesian Government, manipulations

²Sri Walny Rahayu, "Alternative Dispute Resolution Through Customary Tribunal in The Context of Legal Pluralism in Aceh," *International Journal of Civil Engineering and Technology (IJCIET)* 9, no. 1 (2018), p. 476–83. Sailendra Wangsa, et. al., "Analisis Terhadap Kendala Perlindungan Konsumen Oleh Majelis Permusyawaratan Ulama Aceh Terhadap Sertifikasi Label Halal Produk," *Jurnal Magister Hukum Udayana* 8, no. 4 (2019), p. 480–83.

³Rizal Darwis et al., "Consumer Legal Protection of Culinary Products in Realizing Sharia Tourism in Gorontalo City," *International Journal of Social Science and Human Research* 6, no. 12 (2023), p. 7847–55. Sri Walny Rahayu and T. Ahmad Yani, "The Implementation of Legal Protection And Certainty Principles For Consumer of Food and Beverage Related To Micro and Small Businesses in Aceh," *Hamdard Islamicus Journal* 42, no. 2 (2020), p. 650–57.

⁴Adrian Sutedi, *Tanggung Jawab Produk Dalam Hukum Perlindungan Konsumen* (Bogor: Ghalia Indonesia, 2008). A A Fahmi and M Jufri, "The Availability of Regional Legal Products on Sharia Tourism in Madura," *Proceedings of the International Joined Conference on Social Science (ICSS 2021)*.

often occur between the ideal and the reality, leading to weaknesses in the fundamental rights of consumers, particularly regarding halal guarantee. In this context, it is crucial to have quality standards for food processing that benefits both physical and mental/psychological health, as well as consumer intelligence. Food hygiene is key to ensuring safe and healthy food. This condition is the responsibility of businesses to fulfill.

Banda Aceh, the capital of Aceh Province, has been promoted as a halal tourism destination based on Banda Aceh Mayor's Regulation Number 17 of 2016 concerning the Implementation of Halal Tourism. However, the supervision of its implementation has not been optimal. There should be a synergy within a pentahelix model, considering the importance of forming a supporting system for the development of the halal food industry in Aceh to promote halal tourism in accordance with the prevailing norms in Aceh.

Moreover, at least ten strategic issues related to tourism in Aceh are present. These include the low image of Aceh tourism as a friendly halal tourist destination, limited support and readiness of the community as the main actor of tourism in Aceh Province, limited awareness and commitment from stakeholders (i.e., the government, businesses, and community) towards developing the potential of high-value natural and cultural resources to increase the competitiveness of Aceh tourism, lack of international standards of tourism human resources competence, low quality and diversity of tourist attractions, limited availability and quality of accessibility and tourism amenities, limitations in reaching potential markets, low investment in the tourism sector, lack of a strong Aceh tourism identity that upholds religious norms and cultural values, lack of synergy in the development of Aceh tourism, and lack of disaster mitigation and environmental awareness in the development and management of the tourism sector.⁵

In light of these discussions, this study aims to examine the pentahelix synergy model in tourism for the arrangement and supervision of halal product guarantee for consumers in Aceh, as well as the obstacles and challenges of Islamic tourism promotion in Aceh. This study uses normative juridical methods and then analyzed descriptively and comprehensively.⁶ The data comes from literature studies, namely studies of theoretical documents in the form of articles, legal regulations, books and various studies related to the discussion. The study focused on the aspects of the pentahelix synergy model in the tourism sector for halal food product guarantee as a conceptual legal framework, and the obligations

⁵<https://disbudpar.acehprov.go.id/rancangan-induk-pembangunan-kepariwisataan-aceh-di-bahas-di-dpra/>

⁶Johnny Ibrahim, *Teori Dan Metodologi Penelitian Hukum Normatif*, 3rd ed. (Malang: Bayu Media, 2007). Jonaedi Efendi and Johnny Ibrahim, *Penelitian Hukum: Normatif Dan Empiris* (Jakarta: Kencana, 2016). Matthew B. Miles, A. Michael Huberman, and Johnny Saldaña, *Qualitative Data Analysis: A Methods Sourcebook* (California: SAGE Publications, Inc., 2014).

and responsibilities of business actors in the halal food industry, as well as the obstacles and challenges of Islamic tourism promotion in Aceh.

Pentahelix Model in Tourism: A Conceptual Legal Framework

The Aceh Culture and Tourism Agency recorded 1.7 million domestic and international tourists visiting the province in 2022. The number of visitors to Aceh in 2022 had increased dramatically compared to 2021. Sabang was the most visited destination for foreign tourists in Aceh throughout 2022 with 2,363 visitors, followed by Greater Aceh with 1,244 visitors, and Banda Aceh with 711 visitors. The highest number of domestic tourists in 2022 was recorded in Banda Aceh with 327,458 visitors, followed by North Aceh with 303,296 visitors, and Sabang with 251,685 visitors. The number continued to rise in January 2023, reaching 2,257,000 visitors. However, it began to decline in February, with 2,034,000 visitors, and in March 2023, with 1,903,000 visitors.⁷

Such circumstances certainly have an impact on the growth and improvement of the food industry sector, both for MSMEs and large-scale industries. Aceh Province has cultural and tourism potentials consisting of 739 tourist attractions, 1,137 cultural heritage building sites, 535 tour guides, 172 tourism awareness groups, 619 star and non-star hotels, 112 travel agencies, 126 souvenir businesses, 1,779 restaurants and cafes, as well as travel agencies and souvenir shops. Tourism management based on the pentahelix concept is a synergy between five elements: the Aceh Government as a tourism stakeholder, academics, the business/industry sector, the community, as well as media and publications. They are building tourism in Aceh.

The development of tourism based on local wisdom cannot be separated from collaboration among actors involved in tourism. To engineer social change, it must be performed together synergistically, involving various parties that enable a community to continue to advance and develop.⁸ Local wisdom is needed to address development holistically so that there is equitable progress in economic, ecological, and social justice. The dynamics of the nation's life today are greatly influenced by the global conditions of tourism development, and so the nation is required to be able to face all adverse conditions, such as the impacts of political turmoil, economic crises, and other issues. The support of all parties is necessary so that tourism development is not only the responsibility of the Aceh government alone.

The pentahelix model involves multiple stakeholders. The development of halal food tourism is said to have a long-term impact on economic, ecological,

⁷<https://aceh.bps.go.id/indicator/16/202/1/jumlah-wisatawan-mancanegara.html>

⁸Tri Yuningsih, et.al., "Model Pentahelik Dalam Pengembangan Pariwisata Di Kota Semarang," *JPSI (Journal of Public Sector Innovations)* 3, no. 2 (2019), p. 84-93.

and socio-cultural aspects.⁹ The involvement of stakeholders results in well-accepted tourism strategy planning, avoiding conflicts during policy implementation, and uniting those who are directly and indirectly involved in tourism.¹⁰ The relationship and coordination of various stakeholder roles in a destination form a quality tourism product and a recognizable halal destination image, achieving long-term advantages and competitiveness, as well as the development of sustainable halal tourism destinations.¹¹ The role of stakeholders is important in tourism development, as it not only produces tourism strategy planning that represents many interests, but it also creates an effective tourism management system and realizes sustainable tourism.¹²

Every policy process always involves multiple actors. Actors are an important consideration in the success of implementation and in policy, consisting of elected officials, appointed officials, interest groups, research organizations such as universities and groups of experts or policy consultants, and the mass media. The development of Halal Food Tourism in Aceh can be seen in the pentahelix model scheme below.¹³

⁹Slamet, et.al., "The Contestation of the Meaning of Halal Tourism," *Heliyon* 8, no. 3 (2022). Abdul Kadir Jaelani, et.al., "Land Reform Policy in Determining Abandoned Land for Halal Tourism Destination Management Based on Fiqh Siyasah," *El-Mashlalah* 14, No. 1 (2024).

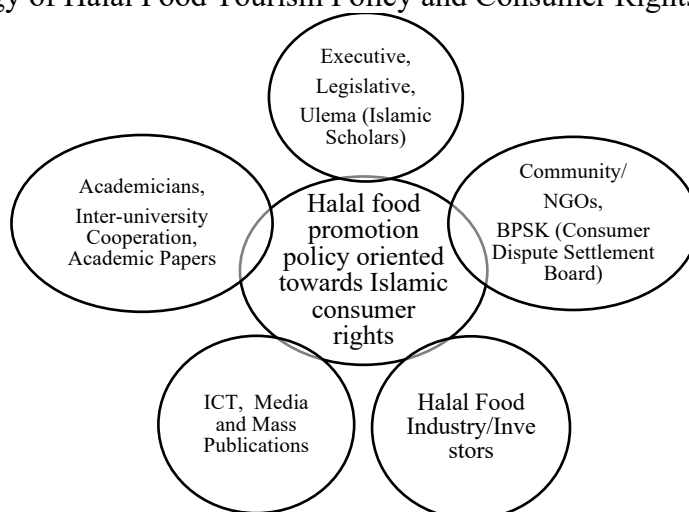
¹⁰Lukman Santoso, et.al., "Halal Tourism Regulations in Indonesia, p. 73-94. Afif Muamar, et.al., "Family and Creative Economy in Sunan Gunung Djati Religious Tourism Area, Cirebon, Indonesia," *El-Usrah: Jurnal Hukum Keluarga* 7, No. 1 (2024). Mohamad Anton Athoillah, et.al., "The Historicity of the Economic Verses on Fatwa of DSN-MUI about Sharia Electronic Money," *Jurnal Ilmiah Peuradeun* 9, No. 1 (2021).

¹¹Erose Sthapit et al., "Memorable Halal Tourism Experience and Its Effects on Place Attachment," *International Journal of Hospitality and Tourism Administration* 25, no. 3 (2024).

¹²Berto Mulia Wibawa et al., "Discovering the Importance of Halal Tourism for Indonesian Muslim Travelers: Perceptions and Behaviors When Traveling to a Non-Muslim Destination," *Journal of Islamic Marketing* 14, no. 1 (2023), <https://doi.org/10.1108/JIMA-07-2020-0210>.

¹³Budiman Mahmud Musthofa et al., "Institutional Dynamics of Halal Tourism Development In Indonesia and Malaysia," *Journal of ASEAN Studies* 11, no. 1 (2023). Supriyadi Supriyadi, et.al., "Legal Effectiveness of Halal Product Certification in Improving Business Economics in Indonesia and Malaysia," *Ahkam* 24, No. 1 (2024).

Figure 1. Pentahelix Model
Synergy of Halal Food Tourism Policy and Consumer Rights in Aceh



Source: Library research and fieldwork results processed by the authors, 2024.

The elements within the pentahelix scheme in Figure 1 above are further explained as follows:

1. Executive (Government)

As a government organization, bureaucracy is seen as the most responsible administrative agent for policy implementation. One of the backward mapping components that supports implementation is the executive structure in both developed and developing countries.¹⁴ Bureaucracy has extensive authority to fully control the “area” of policy implementation within its operational area due to a mandate from the legislative body. While bureaucracy is the primary actor in public policy implementation, the legislature is also involved. The legislature is involved in implementation when it participates in determining various specific regulations and plays a role in legislation, budgeting, and controlling.

The Aceh Government, in the context of social change, must act as both a regulator and controller with regulations and responsibilities for social change, such as planning, implementation, monitoring, control, promotion, financial allocation, licensing, development and knowledge, public innovation policy, support for innovation networks, and partnerships between the public and private sectors/halal food industry. The Government also has a role as a coordinator for stakeholders who contribute to the social change that society wants to achieve.

Regional government bureaucracies expected to be involved in the pentahelix model of tourism development in Aceh include the Tourism

¹⁴Richard F Elmore, “Backward Mapping: Implementation Research and Policy Decisions,” *Political Science Quarterly* 94, no. 4 (1979), p. 601–616.

Department, or Technical Regional Institutions that have a role in tourism, culture, and arts; tourism development planning outlined in the Aceh Provincial Strategic Plan, to provide access and infrastructure related to tourism; facilitating the halal food industry and trade; facilitating agriculture; facilitating investment and one-stop integrated services; law enforcement and order in the area around tourist attractions; and departments or technical institutions that manage borders, given that some tourist attractions are located in border areas between districts/cities or even between provinces.

2. The Role of Academics, Inter-University Cooperation with the Halal Food Industry

Academics, as actors frequently involved in drafting academic papers as a basis for legislation, are involved in policymaking and possess expertise in tourism development. Academics produce research funded by university research institutions or receive grant funding as research sponsors, playing a crucial role in shaping a knowledge-based society. Innovation is the key word in the involvement of academics, both in the dissemination of information and the application of technology, entrepreneurship through beneficial collaborations and partnerships between academics, government, halal food business actors/industry, communities, tourism activists, media, and the mass public.

K.H. Ma'ruf Amin mentions the roles that universities can play in developing the national halal product industry. Firstly, universities are expected to become centers for providing human resources for the halal industry, such as halal supervisors and halal auditors. Secondly, the establishment and development of Halal Inspection Bodies (*Lembaga Pemeriksa Halal/LPH*).¹⁵ The ease of obtaining halal certification with the availability of many LPHs will encourage businesses to certify their products as halal. Indonesia currently has four LPHs, namely the Food, Drugs, and Cosmetics Assessment Institute of the Indonesian Ulema Council (LPPOM MUI), the Food, Drugs, and Cosmetics Assessment Institute of the Aceh Ulema Consultative Council (LPPOM MPU Aceh), LPH Surveyor Indonesia, and LPH Sucofindo. According to secondary data (Ministry of Religious Affairs, 2022), there have been 19 LPHs that have received accreditation certificates, one of which is the LPH of Syiah Kuala University.

Thirdly, higher education institutions must be able to develop halal product research and business incubation. Universities with laboratory infrastructure, human resources, and scientific knowledge can be pioneers in innovation and halal product research, especially to support the development of halal product business incubation for Micro, Small and Medium Enterprises.

¹⁵Nurjaya, et. al., "Halal Tourism in Indonesia: Regional Regulation and Indonesian Ulama Council Perspective," *International Journal of Criminology and Sociology*, 2021.

Fourthly, universities conduct education and literacy for the public as consumers regarding the halal food industry.

Cooperation between universities, both locally, nationally, and internationally, as well as cooperation between universities and the halal food production industry, is very important in creating an inclusive and quality learning environment. Universities have a major role in providing quality education and research, as well as preparing graduates who are ready to work and understand the industrial world. In addition, the industry has a responsibility to help create jobs and strengthen the national economy.

3. Halal Food Industry

The halal food business is a crucial key in developing tourism in Aceh, serving as an enabler. The halal food product industry is an entity that conducts business processes to create an added value for Islamic tourism in Aceh. Its role as an enabler in providing technological infrastructure, capital, and various other functions related to the development of halal food products and marketing of Islamic-based goods and services in accordance with the Aceh Special Region Law and Law Number 11 of 2006 concerning Aceh Governance is the subject of social change itself.

The abundance of tourist attractions in Aceh presents an opportunity for the halal food industry to drive the regional economy. The halal food business is a vital component for tourists. In this condition, the role of social media is necessary to promote the existing tourist destinations. Halal business products that can be developed in this case are the services provided to consumers including tourist attractions as the main product offered, transportation (e.g., tour & travel agencies providing airline tickets, vehicle rentals/transportation providers), tour guides (e.g., business owners can employ people around tourist attractions to be tour guides), accommodation or lodging based on Islamic sharia (e.g., providing prayer equipment, *qibla* direction, separate toilets for men and women, separate *wudhu* and prayer places for men and women), and culinary businesses as well as services or food products that are halal certified according to the Qanun Halal Product Assurance System.

4. Community, Consumer Protection Agency, and Consumer Dispute Resolution Board

In the context of social change, the community of Non-Governmental Consumer Protection Agency (LPKSM) acts as an accelerator. A community is a group of people who share common interests and are relevant to the development of potential that will be developed. The community acts as an intermediary or becomes a link between stakeholders to assist the public in the overall process of social change and facilitate their business processes. In addition, the community also plays a role in promoting products or services produced by the community.

Community/public is one of the stakeholders and has a role in the development of the halal food and tourism business industry. The role of the community starts from planning to the implementation of tourism development in Aceh.

The concept of Community-Based Tourism explains the role of the community in tourism, which is placed as the main actor through empowerment, so that the priority of tourism benefits is intended for the greatest welfare of the Acehnese people. The inseparable relationship between the indigenous community in Aceh and natural resources, as a means of maintaining, preserving life and cultural identity as a spiritual aspect, a source of economic life and the development of other lives, reinforces the concept of developing tourism destinations with the concept of local wisdom based on Islamic sharia in Aceh. The community in question is the Acehnese people or can involve indigenous communities as customary land owners, groups formed such as regional art councils, NGOs, or groups based on interests or hobbies, which aim to explore or promote tourism in Aceh.

The role of and Non-Governmental Consumer Protection Agency (LPKSM) in accordance with the Consumer Protection Law and Government Regulation Number 59 of 2001 is to help consumers fight for their rights. LPKSM can carry out advocacy or empowerment of consumers so that they are able to fight for their rights independently, both individually and in groups. On the other hand, the role of the Consumer Dispute Settlement Board (BPSK) in resolving consumer disputes is a solution to avoid resolving consumer disputes through general courts. Litigating in general courts takes a long time and costs a lot of money, whereas in resolving consumer disputes, fast and cheap procedural law is needed.

Local wisdom as the cultural superiority of local communities is related to geographical conditions in a broad sense and as a product of past culture. The value system that has been running in cultural and community life forms patterns that may be biased or even completely lost in the process of Acehnese community life. The system of cultural values and all aspects contained in the form of local wisdom of Acehnese customs can be preserved. Aceh Province has the Aceh Customary Council (*Majelis Adat Aceh/MAA*), which regulates and becomes a guideline for the community in carrying out every activity of the customary law community. The source of customary law in Aceh is not only limited to regulating and becoming a guideline, but also positive law regulated by Article 98 of Aceh Government Law Number 11 of 2006. Furthermore, it is stipulated in Qanun Number 9 of 2008 concerning the Development of Customary Life and Customs, Qanun Number 10 of 2010 concerning Customary Institutions, Qanun Number 8 of 2019 concerning the Aceh Customary Council and Governor Regulation Number 60 of 2013, which becomes a reference for customary institutions in

Aceh as an institution for resolving disputes in the form of minor criminal offenses.¹⁶

The Aceh Customary Council also contributes at the policy level in Aceh in the development of sustainable tourism, which is an effective effort, while also empowering the local customary community. Groups formed, such as regional art councils, NGOs, or groups based on interests or hobbies, aim to explore or promote tourism in the region. These groups have a role in providing ideas, concepts and input to potential sectors that can act as drivers of other sectors or are called leading sectors. In addition, groups or communities such as bloggers, YouTubers, photography communities, and other tourism activists promote halal food and tourism destinations in Aceh.

5. Information, Communication and Technology, Media and Mass Publication

The Industry 5.0 era has reformed the segmentation of various human needs. The emergence of Information, Communication, and Technology (ICT) has made it easier for every activity to become more effective and efficient, including the halal food and tourism industry. According to Warmayana, ICT is a tool that assists the tourism world and has become a basic need in organizations, companies, government agencies, educational institutions, and in the tourism world, it serves as an infrastructure to promote tourism electronically or through digital marketing.¹⁷ The development of technology or ICT has become an important aspect of modernization, especially in the tourism industry of halal product guarantee, as it can support the formation of a better tourism ecosystem management. Buhalis (2020) describes that tourism has evolved with technology through the integration of ICT towards an E-Tourism ecosystem and the formation of Ambient Intelligence.

Tourism development also requires mass media. Mass media serves as a means of socialization and communication of policies, as well as a link between the government and the public. The development of social media such as Facebook, Instagram, Twitter, YouTube, Telegram, Line, and others is a medium that can combine all the characteristics of media, making it a very effective communication and promotion tool for tourism. The role of the media and its publications is as an expander. Its role supports publication in promoting halal food products provided by the Acehnese community who wanted to make social

¹⁶Wangsa, Rahayu, and Jafar, "Analisis Terhadap Kendala Perlindungan Konsumen Oleh Majelis Permusyawaratan Ulama Aceh Terhadap Sertifikasi Label Halal Produk." Sitti Mawar, "Perkembangan Sistem Hukum Peradilan Adat Aceh," *Legitimasi: Jurnal Hukum Pidana Dan Politik Hukum* 10, no. 1 (2021). Abdurrahman, *Peradilan Adat Di Aceh Sebagai Sarana Kerukunan Masyarakat* (Banda Aceh: Majelis Adat Aceh, 2009).

¹⁷I. G. A. K. Warmayana, "Pemanfaatan Digital Marketing Dalam Promosi Pariwisata Pada Era Industri 4.0," *Jurnal Pariwisata Budaya* 3, no. 2 (2018), p. 81–92.

change. Moreover, the media also functions to build a brand image of social change.

The use of the pentahelix cooperation model in halal food products and tourism utilizes collaboration in developing and changing society. The form of collaboration of the pentahelix model is a collaborative activity across fields, starting with stakeholders in the tourism sector, academics, the halal food business/industry, communities, NGOs, LPKSM, as well as media and media publications, which are also assisted by ICT. This is in accordance with the Regulation of the Minister of Tourism of the Republic of Indonesia Number 14 of 2016 concerning Guidelines for Sustainable Tourism Destinations.

Obligations and Responsibilities of Halal Food Industry/Business Actors

Business actors are obligated to protect the rights of consumers in good faith, provide accurate, clear, and truthful information, treat or serve consumers fairly and without discrimination, guarantee the quality of food and beverages traded based on applicable food and beverage quality standards, provide compensation, damages, and/or replacement for losses resulting from the use, consumption, and utilization of food and beverages traded, and provide compensation, damages, and/or replacement if the food and beverages received or used do not comply with the agreement.¹⁸ These obligations are detailed in the business actor's responsibility for the presentation of food traded, providing compensation for damage, contamination, and/or consumer losses resulting from the consumption of goods and/or services produced or traded.¹⁹

The potential for food contamination occurs at every stage of food processing. Improper food handling can lead to health problems for consumer.²⁰ Unhygienic and unsanitary food and beverage handling can cause health problems for consumers. Hygiene standards are regulated by Law Number 7 of 2014 concerning Trade, Law Number 23 of 2014 concerning Regional Government, Law Number 18 of 2012 concerning Food, and Law Number 36 of 2009 concerning Health as well as the Minister of Health Regulation Number 1098/Menkes/SK/VII/2003 concerning Hygiene Sanitation Requirements for Eateries and Restaurants.

¹⁸Article 7 Law Number 8 of 1999 concerning Consumer Protection

¹⁹Article 19 (1) Law Number 8 of 1999 concerning Consumer Protection

²⁰Wijayanti Dewi Prabandari, et.al., "The Effect of Hygiene and Sanitation on Customer Satisfaction in the Canteen of Trisakti Institute of Tourism, Jakarta," *European Modern Studies Journal* 7, no. 1 (2023).

Arrangement, Supervision, and Obligations of Halal Food Business Actors in Aceh

1. Consumer Protection and Business Actor Obligations

Consumer protection is regulated in Article 1 paragraph (1) of the Consumer Protection Law of 1999, which states that, “consumer protection is any effort to guarantee legal certainty to provide consumer protection.” Consumer protection is organized as a joint effort based on 5 (five) relevant principles in national development as stipulated in Article 2 of the Consumer Protection Law of 1999, namely the principles of benefit, justice, balance, safety, and legal certainty of consumer protection, and the state guarantees legal certainty.²¹ The purpose of consumer protection law is to serve as a strong legal basis for the Government and self-supporting protection institutions for the community as representatives of consumers from business actors who carry out economic activities that are detrimental to the interests of consumers.²²

The enactment of Law Number 23 of 2014 concerning Regional Government has resulted in a shift in the authority for sub-matters of standardization and consumer protection to the authority of Provincial Governments. Based on this, the Aceh Provincial Government is obliged to pay special attention to trade activities related to consumer protection in the field of halal food that meet food safety and quality standards, as stipulated in Article 111 of the Health Law, which states that, “food and beverages used for the community must be based on standards and/or health requirements”. The importance of these standards is to fulfill the rights of consumers, i.e., the rights to comfort, safety, and security in consuming goods and/or services.²³

The basis for regulating an economy based on Islamic Sharia is stated in Article 155 paragraph (1) of Law Number 11 of 2006 concerning the Government of Aceh. This condition becomes the basis for regulating the economy in Aceh, aimed at increasing productivity and competitiveness in order to achieve the prosperity and welfare of the people by upholding Islamic values, justice, equity, people’s participation, and efficiency in sustainable development patterns.

The enactment of Qanun Aceh Number 8 of 2014 concerning the Principles of Islamic Sharia has led to this obligation, “The Aceh Provincial Government is obliged to implement a halal guarantee system for goods and services produced and circulated in Aceh, to protect the community from consuming food, beverages, and medicines and using cosmetics, chemical biological products, and genetic engineering products to ensure their halal status.”

²¹Ahmadi Miru and Sutarman Yodo, *Hukum Perlindungan Konsumen* (Jakarta: Raja Grafindo Persada, 2004).

²²Nasution AZ, *Hukum Perlindungan Konsumen* (Jakarta: Diadit Media, 2006).

²³Wangsa, Rahayu, and Jafar, “Analisis Terhadap Kendala Perlindungan Konsumen Oleh Majelis Permusyawaratan Ulama Aceh Terhadap Sertifikasi Label Halal Produk.”

The implementation of consumer protection by the Aceh Provincial Government is in accordance with Islamic Sharia Qanun (regional bylaws) for Muslims and all people who reside in Aceh regardless of religion and ethnic group. Islamic Sharia Qanun is the basis for the formation of the issuance of the Qanun of Halal Product Guarantee System.²⁴

2. Arrangement, Supervision of Business Actors and Authority of LPPOM MPU Aceh

The arrangement and supervision of Halal Products are carried out by LPPOM MPU Aceh as a permanent autonomous body of the MPU Aceh. The arrangement and supervision can be performed at any time, in a planned and systematic manner. LPPOM MPU Aceh can involve a joint team in conducting the arrangement and supervision of Business Actors and Halal Products. The Joint Team consists of elements of Aceh Working Units that handle government affairs in the fields of, industry, trade, cooperatives, and small and medium enterprises, health, agriculture and food crops; maritime affairs and fisheries, Islamic law, Civil Service Police Unit (*Satuan Polisi Pamong Praja*) and Sharia Police (*Wilayatul Hisbah*), Aceh Regional Police, Aceh High Prosecutor's Office, Aceh Province Office of the Ministry of Law and Human Rights, Aceh Province Office of the Ministry of Religious Affairs, Banda Aceh BBPOM, and other related institutions/agencies/bodies. Further provisions regarding the authorities, duties, functions, and personnel of the joint team are stipulated in the Governor's Decree. The Joint Team, in carrying out its duties, may cooperate with government/non-government agencies. The Joint Team may take action against Business Actors and products as appropriate in accordance with the applicable laws and regulations.²⁵

LPPOM MPU Aceh is functionally under and accountable to the Head of MPU Aceh and administratively accountable to the Head of the MPU Aceh Secretariat. LPPOM MPU Aceh is located in the provincial capital, Banda Aceh. The Aceh Provincial Government provides human resources, facilities and infrastructure, funding sources, cooperation, and information system of halal product guarantee for LPPOM MPU Aceh. LPPOM MPU Aceh carries out the implementation of the tasks, functions, and authorities of the Halal Product Assurance Organizing Body in Aceh.²⁶

The duties of the LPPOM MPU Aceh are to carry out the registration, certification, and labeling of Halal products, conduct training and development for the implementation of the Halal Product Assurance System, disseminate and

²⁴Wangsa, Rahayu, and Jafar, "Analisis Terhadap Kendala Perlindungan Konsumen Oleh Majelis Permusyawaratan Ulama Aceh Terhadap Sertifikasi Label Halal Produk."

²⁵Article 10, Aceh Qanun Number 8 of 2016 concerning Halal Product Guarantee System

²⁶Article 11, Aceh Qanun Number 8 of 2016 concerning Halal Product Guarantee System.

raise awareness of halal products to the public and businesses, provide guidance to the public and businesses on the implementation of halal products, encourage other institutions and agencies to disseminate halal products, and develop an information technology system and halal product database that is easily accessible to the public.²⁷

The functions performed by the LPPOM MPU Aceh include the registration, certification, and labeling of halal products, the implementation of training and development for the Halal Product Assurance System, the socialization and dissemination of information about halal products to the public and businesses, the guidance of the public and businesses regarding the implementation of halal products, and the management of the information technology system and halal product database.²⁸

The authorities of the Aceh MPU LPPOM include formulating and establishing guidelines for the Halal Product Assurance System, issuing Halal Product certificates for products declared to have passed certification, implementing halal norms, standards, procedures, and criteria and the Halal Product Assurance System, issuing and revoking halal certificates, halal registration numbers, and halal labels on products, announcing a list of Halal Products periodically, appointing halal auditors as needed, accrediting and certifying halal auditors, supervising the Halal Product Assurance System, determining the form of the Aceh Halal logo, cooperating with domestic and foreign institutions in the implementation of the Halal Product Assurance System, conducting training and/or coaching on the Halal Product Assurance System for Business Actors, conducting periodic or ad-hoc monitoring and evaluation of products produced and distributed in Aceh, and disseminating information on Halal Products, products not guaranteed halal, and haram products (Article 14 of the Qanun Halal Product Assurance System). The Aceh MPU LPPOM may cooperate with other institutions/agencies in carrying out its functions, duties, and authorities in the areas of halal standardization, implementation of the Halal Product Assurance System, *fatwa* (ruling) determination, halal auditor certification, and/or product inspection (Article 15 of the Qanun Halal Product Assurance System).

In practice, the arrangement and supervision of halal products and hygiene sanitation carried out by the Regional Government, LPPOM MPU Aceh, and other institutions/LPKSM have not been aligned and coordinated. Although dissemination and education for the public regarding consumer protection have

²⁷Article 12, Article 11, Aceh Qanun Number 8 of 2016 concerning Halal Product Guarantee System.

²⁸Article 13 Article 11, Aceh Qanun Number 8 of 2016 concerning Halal Product Guarantee System. Hatoli Hatoli, "Halal Certification of the Indonesian Ulema Council on Electronic and Non-Consumer Products from the Maslahah Perspective," *Journal of Islamic Law* 1, No. 2 (2020).

been conducted, the programs are still partial and not sustainable. Data as a basis for policy programs is an essential aspect that every institution should have, yet not all institutions and agencies have sorted data that are accessible to the public as consumers.

The National Consumer Protection Agency (*Badan Perlindungan Konsumen Nasional/BPKN*) has not yet shown optimal benefits in Aceh. The role of BPKN has not given a direct impact on consumer protection, and so no existing regulations, both national and local Aceh laws, can be said to protect consumers in the food sector. Although all products traded and circulated should fulfill the National Standard of Indonesia (*Standar Nasional Indonesia/SNI*), meet hygiene and sanitation requirements, and have halal product guarantee; in practice, however, violations of these legal norms are still found. Business actors referred to in the Qanun of Halal Product Guarantee System include all business activities from upstream to downstream. Upstream business actors are directly and/or indirectly related to the required halal raw materials. Downstream business actors include all businesses whose activities produce and market, both local processed products and packaged products.²⁹

The Qanun on the Halal Product Guarantee System of 2016 is a form of the Aceh Government's responsibility in providing legal protection for Muslims in particular and all Aceh society in general, regardless of religion and group. The primary object of regulation is related to halal products, in addition to all product goods/services that must meet hygienic standards. Every adherent of religion is guaranteed the right to worship and carry out his or her religious teachings. The state and the region have the obligation to provide protection and guarantee the halal status of products consumed and used by the community. Guarantee on halal products should be carried out in accordance with the principles of protection, justice, legal certainty, accountability and transparency, effectiveness and efficiency, and professionalism.

Aside from implementing a set of regulations on consumer protection, food safety guarantee, consumer-protective Trade Law, Halal Product Guarantee Law, Health Law, and various regulations under these laws, including the *qanun* (regional bylaws) applicable in the region, Aceh Province also regulates business opportunities based on Islamic principles and provides protection for consumers, ensuring halal products from production to consumption. These regulations govern the obligations of the regional government and the Aceh MPU LPPOM, and the obligations and responsibilities of business actors to implement hygiene and sanitation standards and guarantee halal food products. The regulations also stipulate sanctions for violators, including civil damages, criminal penalties, and administrative sanctions. Moreover, for Islamic business actors, there is the

²⁹Article 32, Aceh Qanun Number 8 of 2016 concerning Halal Product Guarantee System.

additional sanction of *uqubat ta'zir* (discretionary punishment), which involves public caning. To ensure halal products and food hygiene and sanitation in Aceh Province, a high level of commitment, synergy, and continuous education and dissemination are required, involving various sectoral elements within the pentahelix model.³⁰

Obstacles to Promoting Islamic Tourism in Aceh

From a sociological perspective, tourism development should not solely rely on economic growth without considering the harmony between economic benefits and environmental, social, and cultural balance, while also taking into account the diverse needs of tourist groups. Tourism, as a valuable resource, should be developed comprehensively, considering the balance of ecosystems and sustainable environments. However, there are various obstacles in its implementation, such as the failure to meet hygiene standards. This is due to inadequate sanitation and a lack of understanding among food and beverage business operators regarding sanitation,³¹ insufficient capital, the absence of standard operating procedures for customer service, the need for a proper system and procedures for business management, including control functions,³² and a lack of awareness among business operators to maintain customer loyalty.³³ Other obstacles include weak supervision and a lack of synergy among institutions, as the benefits of national consumer protection have not been truly felt by businesses, and consumer dispute resolution agencies have not functioned optimally.³⁴

Challenges in Promoting Islamic Tourism in Aceh

Aceh, as a region that implements Islamic law in managing Islamic tourism, must prioritize halal-certified services such as the provision of halal foods, the implementation of hygiene and sanitation, and representative places of worship. Information about the nearest mosques and the absence of alcoholic beverages in restaurants and hotels where tourists stay are essential.

³⁰Sri Walny Rahayu and T. Ahmad Yani, *Kebijakan Dan Permasalahan UMKM Pangan Di Aceh* (Banda Aceh: Bandar Publishing, 2019). Nasruddin Yusuf, et.al., "The Difficulty of Finding Halal Food for Muslim Minorities: Analysis of Maqashid Shariah," *al-Istinbath: Jurnal Hukum Islam* 8, No. 2 (2023).

³¹Article 70 paragraph (1) of the 2012 Food Law.

³²Susanto Sukarto, "Kiat Mengelola Bisnis Restoran", <<http://kulinologi.co.id/>> [accessed on 22/01/2024]. Husni Teuku Ahmad Yani, "A Strategic Concept for Policy on Local Processed Food Mie Aceh for Costumer-Friendly and Halal Food," *Journal of Talent Development and Excellence* 12, no. 1 (2020).

³³Teuku Meldi Kesuma, et. al., *Hak-Hak Dasar Perlindungan Konsumen Tren Milineal Aceh* (Banda Aceh: Syiah Kuala University Press, 2022).

³⁴Rahayu and Yani, *Kebijakan Dan Permasalahan UMKM Pangan Di Aceh*.

Halal tourism arises from the needs of Muslim tourists in accordance with Islamic teachings, namely in accordance with the Qur'an and Hadith. Thus, the concept of halal tourism is an actualization of the concept of Islam, wherein the values of *halal* (lawful) and *haram* (unlawful) are the main benchmarks. This indicates that all aspects of tourism activities are inseparable from halal certification, which must be a reference for every tourism actor.³⁵ Halal tourism prioritizes halal and safe products for Muslim tourists to consume. However, this does not mean that non-Muslim tourists cannot enjoy Islamic tourism. For Muslim tourists, Islamic tourism is part of *da'wah* (propagation to Islam). For non-Muslims, Islamic tourism with halal products is a guarantee of health.

Food business operators in Aceh are not limited to Muslims, but also include non-Muslims. All food business operators who have obtained halal certification must comply with the provisions stipulated in the Qanun on Halal Product Assurance. Hence, all business operators must ensure that their products are guaranteed to be halal. Halal is quite important for human health because consuming non-halal foods or drinks can have consequences for the individuals.³⁶

Islamic tourism must also pay attention to public infrastructure, which is the basic physical equipment of an environment that allows it to operate and function as it should. Public facilities are basic physical service facilities in an environment intended for the general public, with consideration for people with disabilities, in carrying out daily life activities. This includes the provision of separate toilets for men and women, attention to hygiene and sanitation, separate areas for men and women, separate *wudhu* (ablution) areas for men and women, a prayer room with a direction indicator, and the necessary prayer facilities and equipment. Tourism facilities are all types of resources specifically designed to provide ease, comfort, cleanliness, and safety for tourists visiting tourist destinations. Additionally, supporting facilities should be provided for people with disabilities, that also take into account gender differences, the elderly, and children.

Conclusion

Aceh has implemented a number of regulations concerning tourism and halal food product guarantee; however, the effectiveness of the protection

³⁵Mohammad Zaini Yahaya Muhammad Adib Samsudin and Mohd Izhar Ariff Mohd Kashim, "An Analysis of Muslim Friendly Hotel Standards in Malaysia According to the Maqasid Syariah Perspective," *International Journal of Islamic Thought* 18 (2020). Samsudin and Kashim.; S. Chookaew et al., "Increasing Halal Tourism Potential at Andaman Gulf in Thailand for Muslim Country," *Journal of Economics, Business and Management* 3, no. 7 (2015), p. 739–41.

³⁶Supriadi, et.al., "Criminal Accountability for Businesses That Do Not Implement the Halal Food Product Warranty System in Aceh Based On," *Baltic Journal of Law & Politics* 15, no. 7 (2022), p. 1123–35. Rahayu and Yani, "The Implementation of Legal Protection And Certainty Principles For Consumer of Food and Beverage Related To Micro and Small Businesses in Aceh."

provided to consumers/tourists remains suboptimal. The enforcement of legal sanctions for violations of halal food industry regulations, as outlined in the Halal Guarantee Regulation, has not been effectively implemented, leading to a lack of deterrence for offenders. The pentahelix model in tourism, aimed at guaranteeing halal food products as a fundamental consumer right in Aceh, has not been fully optimized, indicating a lack of synergy among the various actors involved. There is also a dearth of Islamic tourism initiatives that leverage information, communication, and technology in synergy with media and mass publications. Research conducted by academics in Aceh regarding tourism and halal food remains scarce. Consumer Dispute Settlement Board (BPSK) and Non-Governmental Consumer Protection Agency (LPKSM) are still insufficient and have not been optimally involved in enforcing the law and advocating for consumer dispute resolution in Aceh. The role of *ulema* as a vital element in halal food policymaking is crucial for Islamic tourism, although their influence has not been fully realized to date. Further, internal obstacles to promoting Islamic tourism in Aceh include a lack of understanding among businesses regarding halal food hygiene and sanitation, insufficient capital, the absence of standard operating procedures for customer service, and a lack of awareness among businesses about maintaining customer loyalty. External obstacles include weak supervision and synergy among institutions, a lack of involvement from the National Consumer Protection Agency (BPKN) in dissemination and education, and an incomplete role of Consumer Dispute Resolution Board. The development and growth of tourism in Aceh have provided impacts on transportation, construction of tourism facilities, operation of tourism industries, and socio-cultural aspects.

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