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DEFINING SHARĪʿAH-COMPLIANT TOURISM

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Abstract

The increasingly lucrative Muslim market has caught much attention from Muslim and non-Muslim tourism service providers. They have begun offering services and products that suit the demands and needs of Muslims, while still maintaining their non-Muslim clienteles. Different qualifiers have been used to terms such kind of tourism, including halal, Islamic, Sharīʿah, and Muslim-friendly. There is currently a large disparity among stakeholders of such tourism in the understanding of the meaning and scope of these terms, which could lead to severe misunderstandings among them. This paper attempts to elucidate the similarities and differences of those terms and promote the appropriate usage for each term. It also discusses the implications of each term and how it may affect the perception of Muslim and non-Muslim travelers.

Keywords: Halal tourism, Islamic tourism, Muslim-friendly tourism, Shārīʿah tourism

INTRODUCTION

As the global Muslim population continues to rise, marketers have begun targeting the Muslim audience, making them their niche (Temporal, 2011). Both service providers and producers have begun to take into consideration the demands and needs of Muslims, as evidenced by the increasing awareness on halal certification and standards. Non-Muslim countries have started to provide Muslim-friendly accommodations and restaurants, while also attending to the religious needs of Muslims by providing prayer rooms and ablution areas. Certainly, the tourism industry has begun catering more and more to Muslims.

Various reports and researches have used different terms to describe tourism that caters to Muslims, treating them as synonyms. These terms include halal (e.g. El-Gohary, 2015), Islamic (e.g. Henderson, 2009), Shārīʿah (e.g. Widagdyo, 2015), and Muslim-friendly (e.g. COMCEC, 2016) tourism. The variety of terms could mislead tourists, tourism agencies, and the government, as each implies dissimilar contents. The terms should be used according to their intended meaning and scope to minimize misunderstanding among stakeholders. Though each term may share some common traits with the others, it has its own definition and scope. As such, they should be distinguished from each other to promote clarity. This exercise is not merely a philosophical exercise; the blurry demarcation between terms must be clarified to facilitate mutual understanding of concepts (Magretta, 2002).

Halal and Islamic Tourism

Defining Halal Tourism

The term "halal" in Islam denotes permissibility and lawfulness, and it is used mainly for goods and services. In the realm of *muʿāmalāt* (Islamic commercial law), halal is the default legal status for products and transactions, as exemplified by a well-known Islamic legal maxim, "the original ruling for everything (i.e. in the case of *muʿāmalāt*, not worshipping matters) is permissible" (Al-Zuhaili, 2006, p. 190). Halal simply means that an activity is not in contravention with Islamic laws and guidelines. However, it does not mean that the religion promotes it; it simply has a neutral stance toward said activity. Any permissible activity, nonetheless, can turn into something that invites religious rewards (*ajr*), should it be accompanied by an intention to seek God's blessings. For example, sleeping is in and of itself lawful, but accompanying the activity with the intention of resting one's body to later perform night prayer (*tahajjud*) earns the individual religious rewards. This is the basis on which Battour and Ismail (2015) build upon in distinguishing between halal and Islamic tourism. It is also the same foundation on which Duman (2012) establishes his definition of Islamic tourism. Both proposals will be discussed in this section.

On differentiating between halal and Islamic tourism, scholars can be divided into two groups: Those who differentiate, and those who do not. The first group realizes that these terms carry different meanings and leave dissimilar impressions; the second, meanwhile, regards both as some of the

many terms that denote tourism that complies with Sharīʿah guidelines.

El-Gohary (2015) is of the former, and he lists numerous terms used by different authors to label such tourism. Without attempting to distinguish them in detail, he declares that halal and Islamic tourism should not be understood as synonymous, since using the term 'Islamic' could imply that such tourism is for Muslims only, and that the activities carried out or products used during the travel are all fully-compliant to Sharīʿah. Halal tourism, in his view, is travel for religious purposes. A more in-depth review of this author's view is available in Section 4 of this paper.

The notion of halal tourism as religious-purpose tourism is rejected, at least indirectly, by Battour and Ismail (2015). They define halal tourism as any Islamically permitted tourism object or action used or engaged by Muslims in the tourism industry. The authors see that relative to Islamic tourism, halal tourism is more suitable for branding purposes. Their arguments for this are the terminological definitions of both terms. Halal relates to the practices that are permissible in Islamic laws, while Islamic to the faith and doctrines of Islam. In addition, a lawful activity also becomes Islamic when it is done for the sake of receiving God's blessings.

The authors introduce five dimensions that must be considered when defining halal tourism: (1) Islamic law, (2) target customers, (3) products and services offered, (4) location of activity, and (5) purpose of travel. Since they perceive halal tourism as more relevant than Islamic tourism, they provide no definitions for the latter: The discussion on "Islamic" ends after their clarification of its terminological definition. Similarly, the type of activities conducted by tourists are not taken into consideration. This point, particularly, is the most evident differentiating point between Islamic and halal tourism—and halal tourism and the two other commonly used terms—as will be discussed later in Section 2.3. The purpose of travel in the above definition is also left undisclosed, insinuating that halal tourism is not necessarily performed for religious purposes. Indeed, this contradicts the views of some scholars (e.g. El-Gohary, 2015; Henderson, 2009).

Islamic Tourism

Henderson (2009), quoting Al-Hamarneh (2008) and the OIC (2008), regards Islamic tourism as activities undertaken predominantly by Muslims for leisure purposes, although she added that it may also be performed by those interested in Islam. The author does not propose any new definition. Though she confirms that Islamic and halal tourism are used interchangeably, she asserts that Islamic tourism is the more appropriate term, as halal implies that the purpose of travel is religious (Henderson, 2009). She founds her assertion on Euromonitor's (2008) definition of halal tourism, which is "a form of religious tourism defined as activities permissible under the Islamic law". In a later writing, Henderson (2015) maintains that motivations for Islamic and halal travel, excepting hajj and *ʿumrah*, are not necessarily spiritual. This statement suggests the author's stance on the similarity between Islamic and halal tourism, though she may have changed her position on halal tourism's purpose of travel.

Since Islamic tourism is placed under the broader religious tourism umbrella (Rinschede, 1992), it takes up some characteristics of religious tourism. Religious tourism is defined as traveling for the purpose of visiting religious locations and fulfilling religious duties (Usta, 2001, in Kartal et al., 2015). Through this definition, one can understand that Islamic tourism differs from halal tourism in at least two aspects: objective of travel and type of activities conducted during the travel. Extrapolating on the definition, Islamic tourism is performed for religious purposes, and consists largely of activities that are Islam-specific, such as visiting and observing Islamic heritage sites and culture, as well as conducting Islamic rituals. By this definition, as well, non-Muslims are unexempted; in fact, they are implicitly included in the definition.

On the nature of Islamic tourism, an early writing by Al-Hamarneh and Steiner (2004) describes it as a tourism embedded with Islamic concepts. Manifestation of these concepts comes in the form of Islamic accommodations, destinations, and programs. Alcohol-free accommodation and gender-segregated sports facilities are some examples of this tourism. In addition, the main selling point of the tour would be Islamic heritage sites and culture. The authors make no mention on whether the travelers are Muslims or non-Muslims, though it may be inferred from the context that both form the target market.

Motivation of Travel

Duman (2012) defines Islamic tourism as "activities of Muslims travelling to and staying in places outside their usual environment for not more than one consecutive year for participation in those activities that originate from Islamic motivations which are not related to the exercise of an activity remunerated from within the place visited". These Islamic motivations are those referenced in the Qur'ān and Sunnah, such as building and

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maintaining good relationships with others (*ṣilah ar-raḥim*) and education. He considers halal tourism as the categorization of tourism-related products and services that are Sharīʿah compliant. He stresses that participants of Islamic tourism are exclusively Muslims, and that the travel is done for general, Islamically acceptable purposes.

In our view, the element of intention (*niyyah*) of tourists is a moot point. It is virtually impossible to discern it unless it is outwardly expressed by the intention bearer. One can argue that every traveling Muslim embeds Islamic intention within themselves. Going by this, thus, every travel is a form of Islamic tourism. However, for the sake of categorization and labeling, it is better to define motivation in Islamic tourism as the purpose of travel itself, that is, the main intention of travelers to go to a certain destination. For example, a Muslim going to Cordoba, Spain, to look at historical Islamic sites can be said as undertaking Islamic tourism, because his or her main purpose of going to the country in the first place is to see religious sites. Compare this to, say, a Muslim who goes to Turkey for leisure purposes. The main intention is leisure, but there should be some intention to enjoy the beauty of God's creation. We can say that this, too, is Islamic tourism, but formally labeling it as such can induce ambiguity. A clear definition for each term is required to allow tourism stakeholders to work with achievable and measurable variables. For the first type of tourist, tourism agencies can develop a package that suits their demand e.g. visiting historical Islamic sites, but for the second type, religious intention takes a backseat. By defining the purpose as such, the definition, scope, limitation, and categorization of Islamic tourism can be demarcated much more clearly.

The main argument against using Islamic tourism lies with the impression of exclusivity surrounding the term. To illustrate, Carboni et al.'s (2014) definition of Islamic tourism includes the phrase "involving people of the Muslim faith", insinuating that such travels are exclusively for Muslims. The same can be said about Zamani-Farahani and Henderson's (2010) claim that Islamic tourism is used to label Muslims who prefer to remain in a familiar culture when traveling. Much of this "feeling of exclusivity" surfaces from the fact that Islamic tourism promotes Islamic activities and is driven by Islamic intentions.

There is an argument to be made that the scope of Islamic tourism has gone from being merely tourism of religious nature into a more extensive one. This can be illustrated by the Islamic Tourism Center of Malaysia's (2013) definition: "any activity, event, experience or indulgence undertaken in a state of travel that is in accordance with Islam". Hassan (2007) likewise argues that Islamic tourism in its widest sense is a type of tourism that adheres to the values of Islam. Even so, the phrase Islamic tourism still has an inherent connotation to its original meaning, that is, traveling for Islamic activities and or visiting Islamic sites. On this point, Hassan (2007) contends that in the narrowest sense, Islamic tourism may mean religious tourism (visiting religious sites all over the Islamic world). Halal tourism, on the other hand, promotes no such connotation: it is not necessarily done for religious purposes—in fact, it is more often than not performed for reasons other than religion—but it is bound by religious guidelines. Halal tourism pertains to the permissibility of activities and objects used and interacted by Muslims throughout their travel. Indeed, it can be said that halal tourism restricts, or rather protects, Muslims from interacting with those activities and objects that are not permitted by Sharīʿah since the beginning up to the end of the tourism supply chain.

The divergent points between these two concepts, thus, are minute, and their difference largely rests on the emphasis given by each term and its definition. Halal tourism accentuates more on the permissibility of the products and services offered before, during, and after the tour (COMCEC, 2016), while Islamic tourism more on the objectives and activities of the travel. In most aspects, though, they overlap with one another; after all, it is unconceivable that halal and Islamic tourism activities comprise haram products and services. To illustrate this point, consider Mohsin et al.'s (2016) definition. They consider halal and Islamic tourism to be synonymous in meaning, defining them as the provision of tourism products and services that satisfy the needs of Muslim travelers by facilitating worship and providing halal repast. Based on previous discussions, it would be more appropriate to promote this definition for halal tourism, as it stresses the permissibility of products and services and omits the motivation of travel.

Sharīʿah Tourism

Sharīʿah tourism is used mainly in Indonesia. When the Indonesian government first launched its halal tourism initiative in 2013, it did so by launching the program internationally as Sharīʿah tourism ("Indonesia Bidik Wisatawan", 2013). Sharīʿah tourism is quite commonly treated as a synonym for halal, Islamic, and even Muslim-friendly tourism (Jaelani, 2017). These three terms not only carry different meanings but also different scopes and emphases. Using Sharīʿah tourism as a

catch-all term would only inflict adversities among the various stakeholders of tourism, and as such, it is advisable to use the most appropriate of the three. There is currently no agreed definition on Sharīʿah tourism yet, though there have been some attempts at doing so. So far, however, there has been no satisfactory definition. Presented below are four definitions proposed by different authors.

In a research report prepared for the Indonesian Ministry of Tourism (MOT), Kemenpar (2015, p. 18) defines Sharīʿah tourism as an activity supported by various facilities and services provided by society, entrepreneurs, and the national and local governments that comply with the guidelines of Sharīʿah. This definition is apparently a modification of the Indonesian Tourism Act's (Act No. 10/2009) definition of tourism: "the various activities and supported by various facilities and services provided by the community, society, entrepreneurs, and the national and local governments". The report further adds that conventional and Sharīʿah tourism share similar objects, purposes, products, and services, so long as they are not in contravention with Sharīʿah values and ethics. Sharīʿah tourism, it suggests, is not necessarily limited to religious tourism. This definition implies that Sharīʿah tourism is synonymous with halal and Islamic tourism, as the main criteria include the Sharīʿah compliance of products, services, purposes, and objects.

In its Fatwa on Guidelines for Sharīʿah-based Tourism, the National Sharīʿah Board of the Indonesian Council of Ulema (DSN-MUI) shares a similar interpretation of Sharīʿah tourism as the above report, identifying it as a type of tourism that conforms with the principles of Sharīʿah (DSN-MUI, 2016). DSN-MUI's description of tourism is similarly quoted from Act No. 10 of 2009 on Tourism. Overall, the fatwa proposes an identical view of Sharīʿah tourism as the above MOT report.

Sofyan (2012, p. 33) states that Sharīʿah tourism is a type of tourism that is founded on Islamic values, and it is more extensive than religious tourism. This statement suggests that Sharīʿah tourism has a broader scope compared to religious tourism, that is, it not only involves visiting religious sites and or performing religious rituals, but also other kinds of activities and purposes. There is an emphasis on Islamic values placed on Sharīʿah tourism, which could mean that the entire tourism ecosystem is surrounded by Islamic principles and guidelines, and not necessarily limited to the discussion of halal or haram products and services. If that is the case, Sharīʿah tourism, then, shares most of its features with both halal and Islamic tourism, at least in Sofyan's perspective. Additionally, there is also a contention that Sharīʿah tourism deals with both the material and spiritual aspects of tourism (UNWTO, 2017).

Another definition comes from Widagdyo (2015), who asserts that Sharīʿah tourism is a culture-based tourism that establishes itself on Islamic values and norms. It as a process of integrating Islamic values into every aspect of a tourism activity. Furthermore, halal should encompass every part of the tourism activities, including in hotels, transportation, consumption, financial system, facilities, and the tour provider itself. This definition is more or less similar to Sofyan's.

Going by the four definitions above, there seems to be some agreement on what exactly constitutes Sharīʿah tourism, particularly on the halal-ness of the services and products. Additionally, the last two definitions agree that the principles and values of Sharīʿah should be embedded in the activities, facilities, and other aspects of such tourism. This statement, though, is too abstract, and both assertions do not provide a concrete, perceptible example on how to implement these values.

Based on two focus group discussions and interviews in Aceh and Manado, Indonesia, most of the tourism stakeholders object to the use of Sharīʿah tourism for branding purposes (Kemenpar, 2015, p. 108). The reason is because Sharīʿah tourism is still ambiguous in its scope, and it leaves an impression of extremism or fanaticism, resulting in some difficulty in promoting tourism. Using such a term would also narrow the target market to only Muslims. Halal tourism is seen as the more apt term for such tourism as it denotes the availability of amenities and facilities that cater to the demands of Muslim travelers. It should be brought to attention, though, that the implementation of Sharīʿah itself does not necessarily deter foreign investments, and extrapolating on that, inbound travels (Tambak, 2017; Jalimin, 2017).

While not denying the above claim, there is perhaps an appropriate use for Sharīʿah tourism. For example, when the main value proposition of a tour package is, say, the 'Sharīʿah experience', using this term helps to communicate the proposition. Of course, this term will only attract Muslims, though one can argue that a small number of non-Muslims may be interested. This Sharīʿah experience can come in the form of Eid celebration or enjoying the Ramaḍān atmosphere in a Muslim-majority country or region. Both have been carried out by

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stakeholders in Aceh, Indonesia (Octaviyani, 2017). Still, we can argue that this package fits better into the Islamic tourism mold, as the main purpose is to experience and indulge in Islamic culture. Sharīʿah tourism is by no means a popular term outside of Indonesia, and so using Islamic tourism would be more relevant.

Muslim-friendly Tourism

Muslim-friendly tourism is popularized mainly by industry professionals and media outlets. It refers to services and products that are Sharīʿah compliant (COMCEC, 2016). For instance, a hotel that appeals to Muslim travelers by providing halal food and praying area can be labelled as Muslim-friendly. It caters to the demands and religious needs of Muslims, but not in a full and comprehensive scale. The same case can be said for other service providers and producers within the tourism ecosystem. COMCEC (2016) raises the issue that the degree of Muslim-friendliness cannot be measured due to the absence of a unified standard. For Muslim-friendly hotels, a similar concern has been raised by Salleh (2014).

El-Gohary (2015) indirectly proposes a pseudo-scale to rate halal tourism. This can be inferred from his claim that tourism providers cannot call themselves halal-tourism providers if they fail to fully comply with the guidelines of Sharīʿah. At best, they can be labeled as Muslim-friendly. If there were a scale rating the compliance level of tourism providers, one end would be "less compliant" and the other would be "fully compliant". In such a scale, providers of partially halal products and or services would be placed either at the lower-, middle-, or upper-end of the scale. They would be called 'Muslim-friendly'. The "halal" label is only reserved for those who fully comply with Sharīʿah guidelines. Samori et al. (2016) agree, and they argue that halal tourism should be fully Sharīʿah compliant. The most important prerequisite of halal tourism is, in their view, the adherence to religious obligations.

Aside from the degree of compliance, another point perhaps often overlooked is the halal certification aspect. In halal tourism, service and product providers in the tourism supply chain should all be halal certified, given that the emphasis of this type of tourism is to provide amenities and accommodations that are fully halal. The halal tourism supply chain should espouse the guidelines of halal consumer goods and abattoir supply chains: Both the supplies and goods should be halal. Supporting facilities, such as financial services, used before, during, and after the travel activities should be halal. If one or more parts of the tourism supply chain is not halal, can it really be said that the tourism is fully halal?

The answer depends on the existing standards of halal and Muslim-friendly tourism. These standards will determine at which degree of compliance does a Muslim-friendly tourism becomes a halal one. If, for argument's sake, that only full compliance in the whole supply chain sanctions halal tourism, then, following El-Gohary's (2015) argument above, the answer to the question is that such tourism is more suited to be labelled as Muslim-friendly tourism. While this seems more of a philosophical exercise, the practical answer to the question may have already been given, at least partially, by several Muslim-friendly accommodation and tourism standards presented below.

Presently, there are some standards governing Muslim-friendly accommodations, such as Turkey's TS 13683-Halal Management System-Hotels; Croatia's Rulebook of Certifying and Categorization of Hospitality Services; Taiwan's MFT Certification; and Spain's Instituto Halal Internal Standard (COMCEC, 2017). Malaysia has also introduced a Muslim-friendly Accommodation (MFA) rating based on the guidelines of the Ministry of Tourism and Culture Malaysia and MS2610:2015. The rating is divided into silver, gold, and platinum, depending on the type and amount of facilities provided by the accommodation (Said, 2017).

The Malaysian government has also introduced Muslim-friendly hospitality standards that not only include accommodation, but also tour package and tourist guides. The standard, MS2160:2015 Muslim-friendly Hospitality Services - Requirements, ensures that the products and services catered to Muslims are in accordance with the principles of Sharīʿah. This standard shows the minimum criteria that these three service providers must comply with in order to be labelled as Muslim-friendly. Under each section, the standard details what should be fulfilled in order to make the given section Muslim-friendly. For instance, under the tour package section, there is a requirement for tour packages to allocate scheduled time for prayers, *saḥūr*, and *iftār* in their itinerary (Malaysia Standards, 2015). However, the adoption of this standard is voluntary, and certification is not granted for those who comply with the standard. Nonetheless, this is the first of many steps in the provision of halal-ness rating of tourism as a whole. The existence of this standard, along with the accommodation standards above, can become a yardstick to separate between halal and Muslim-friendly tourism.

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CONCLUSION

To summarize the discussions above, Table 1 presents a comparison of the four widely used terms.

Dimension	Halal	Islamic	Sharīʿah	Muslim-friendly
Objective	General	Religious purposes	Religious purposes	General
Scope	Every aspect of tourism supply chain (prayer, financials, accommodation, consumption, etc.)	Every aspect of tourism supply chain	Every aspect of tourism supply chain	Accommodation, consumption, prayer amenities
Target market	Muslims and non-Muslims	Muslims and non-Muslims, but promotes exclusivity to Muslims	Muslims; promotes exclusivity	Muslims as a niche, not the main target
Halal Certification	Full	Full	Full	Partial
Availability of halal facilities	High	High	High	Small
Provider	Muslims and non-Muslims	Mostly Muslims	Muslims	Muslims and non-Muslims
Location	Muslim and non-Muslim-majority countries	Presently or historically Muslim-majority countries	Muslim-majority countries	Non-Muslim majority countries
Standards	Halal certification standards	None	None	On accommodation, tour package, and tour operators: MS2610:2015 On accommodation: TS13683 (Turkey); Taiwan MFT Certification (Taiwan), etc.

Table 1. Similarities and differences of the four terms

What do these differences imply, then? It is not a great secret that halal tourism cannot sustain on Muslim tourists alone; tourists of other religious or socio-cultural backgrounds are also targets. As argued before, the use of the term "Islamic" may leave the impression that the activities are strictly for Muslims, when in reality they may not be so. Islamic culture and heritage—and in certain locations, the aesthetical combination of Islamic and local culture—can be a selling point of Islamic tourism, but the use of such term may discourage non-Muslims from participating. Therefore, the use of Islamic tourism is more apt when selling the Islamic experience for Muslims and non-Muslims who are interested in visiting Islamic sites or experiencing its culture.

The products and services of halal tourism can still be utilized by non-Muslims. Furthermore, they are likely to embed added values, as halal denotes not only permissibility but also good manufacturing and hygiene practice. Essentially, though these products and services are designed for the consumption of Muslims, they can also be easily accepted and consumed by non-Muslims. Halal accommodation and food, for instance, are clearly marketable to non-Muslim travelers, as some of the demands of both Muslims and non-Muslims may overlap. In their provision, the products and services need not only be Islamically lawful but also materially beneficial and useful.

As for Sharīʿah tourism, its use is limited to Indonesia, and the continuous usage of the term could slow down the halal tourism initiative in the country. The concept of Sharīʿah tourism is fairly unknown globally, and since the term is understood to be synonymous with both halal and Islamic tourism, Sharīʿah tourism should be changed with either one of halal or Islamic, depending on the characteristics and nature of tourism. By doing this, the government can also promote Indonesia's halal and or Islamic tourism more effectively, and tourism stakeholders in the country can also be satisfied with the clarity of the concepts. Using Sharīʿah tourism could also potentially drive away non-Muslims, as the term, in the non-Islamic world, unfortunately bears a negative connotation.

Muslim-friendly indicates that a tour is not fully Sharīʿah-compliant. Promoting oneself as a Muslim-friendly country would imply that only a

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small part of the tourism supply chain is halal-certified—or if not certified, at least does not contain unlawful materials and or items—and praying area is not found in every destinations, but in select locations. A Muslim-majority country, by definition, should not promote itself with this term, as it creates a negative perception to external parties.

Government agencies and tourism service providers, thus, should take into consideration the meaning of each term, so as to establish clear communication with other stakeholders. To conclude, it is best to contemplate the following quote:

> *It's true that any attempt to draw sharp boundaries around abstract terms involves some arbitrary choices. But unless we're willing to draw the line somewhere, these concepts will remain confusing and difficult to use. Definition brings clarity.* (Magretta, 2002)

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