

Analysis Of The Policy Of Organizing The Hajj/Umrah Pilgrimage In The Context Of Legal Protection For The Interests Of The Congregation

Ida Rosida

rosiemkarim@gmail.com

Universitas Borobudur, Indonesia

ABSTRACT

*The policy for organizing the Hajj and Umrah pilgrimages in Law no. 13 of 2008 has not guaranteed legal protection for the interests of pilgrims. Policies in positive law apply the principle of *iedereen wordt geacht de wet te kennen*. The substance of a regulation is often incomplete, unclear, does not regulate or regulates not in accordance with social justice. The results of the study show that the substance of the policy on the implementation of Hajj/Umrah has not guaranteed legal protection for interests, namely: (1) The implementation of the Hajj/Umrah pilgrimage has a strong hegemony that interests of Hajj/Umrah pilgrims; (2) The interests of legal protection for the interests of the Hajj/Umrah pilgrims are formal in the nature so that they do not fully provide legal protection for the interests of the Hajj/Umrah in the field of the finance, rituals of the Hajj/Umrah pilgrims, bureaucracy, community participation and security; (3) a new analysis of the policies regarding the implementation of the Hajj/Umrah pilgrimage in the context of legal protection for the interests of the Hajj/Umrah pilgrims includes institutional regulations in a holistic manner. Based on the government review policies on the implementation of the Hajj/Umrah pilgrimage, especially in terms of separating the functions of regulator and operator of the Hajj/Umrah pilgrimage, especially in terms of separating the functions of regulation and operator.*

Keywords : Public Policy, Hajj/Umrah Implementation, legal protection

ABSTRAK

Kebijakan penyelenggaraan ibadah haji dan umrah dalam praktiknya tidak sesuai dengan UU No. 8 Tahun 2019 tentang Penyelenggaraan Ibadah Haji/Umrah belum memberikan jaminan perlindungan hukum bagi penyelenggaraan ibadah Haji dan Umrah secara aman, nyaman, tertib, dan sesuai ketentuan syariat. pada peraturan perundang-undangan dan praktiknya masih ditemukan kelemahan, baik pada aspek regulasi dan tata kelola, kebijakan, pembinaan, pelayanan dan perlindungan jamaah, serta pengawasan penyelenggaraan ibadah haji dan umrah. Hasil kajian menunjukkan bahwa substansi kebijakan penyelenggaraan layanan haji dan umrah belum memberikan jaminan perlindungan hukum. Berdasarkan kesimpulan tersebut, disarankan agar pemerintah meninjau ulang pelanggaran yang dilakukan oleh biro perjalanan wisata yang tidak sesuai dengan undang-undang.

Kata Kunci : Kebijakan Publik, Penyelenggaraan Haji/Umrah, Perlindungan Hukum

A. Preliminary

Hajj and Umrah are holy activities whose implementation is required by Allah SWT for all Muslims who visit the Baitullah, which is the peak activity as proof of obedience to the Creator, both physically, materially and spiritually. Many Muslims from various countries in the world, especially Indonesia, which dominates the number of adherents, have flocked to register themselves, to be able to worship and face directly in front of the Kaaba as the center of worship and fulfill their pillars of obligation for those who can afford it.

In 2020, Indonesia was hit by an outbreak of the Covid-19 pandemic, which is an infectious disease caused by a new type of virus that appeared in Wuhan, china, and has spread to several countries including Saudi Arabia and Indonesia, so it has greatly affected Muslims who want to visit the city of Mecca Al Mukaramah, for Hajj and Umrah . arab countries make regulations to close visits for pilgrims and Umrah due to the Covid-19 pandemic. Of crouse, this is a sad thing for Muslims all over the world. The longing for Baitullah hangs in the heartsof the Muslims. But now there is good news, little by little the Arab Countries are strating toopen their doors to Allah’s guests. Even though they have to be limited and are obliged to follow the new normal protocols and regulations that habve been set by the Arab countries and Indonesia. Several countries around the world have made new regulations fot Muslims who want to visit Baitullah, before leaving, all pilgrims and Umrah pilgrims mus tae a swab test to ensure that no one has contracted the Covid-19 virus. Since the Covid-19 pandemic hit a number of countries in the world, the Saudi Arabian government had temporarily closed access to the Hajj and Umrah that theCovid-19 cases are strating to normalize in various countries, the Saudi Arabian govermen has finally openen the Hajj and Umrah services in the 2022, including to Indonesia. Director General of Hajj and Umrah organizers of the Ministry of Religion (Kemenag) Hilman Latief said the determinations of the year’s Hajj quota was carried out differently compared to previous years. According to him, the amount of the regular and special hajj quotas has been determined from the start by the Government of Saudi Arabia through the Saudi e-Haj.

The are several rules for organizing Hajj that have been issued by the government of the Republic Indonesia. Beacuase the pilgrimage is carried out in Saudi Arabia, the rules that are made must be based on an agreement that is adhered to by the two countries. In its jouney, Indonesia has anacted various laws and regulations regarding the impelementations of the pilgrimage which are influenced by the socio-political conditions between the two countries. Changes to these regulations were made in order to achieve a certain satisfaction for pilgrams. The Indonesia government has implemented the latest regulations for the implementations of the

2022 Hajj pilgrimage regarding the age limit for prospective pilgrim. The government has decided that it will only send prospective pilgrims to the Holy land of Mecca in 2022 with an age limit of under 65 years and have received vaccine services according to the provisions applied by Saudi Arabia. Age restrictions for prospective pilgrims apply to all prospective pilgrims, both regular and special pilgrims.

Minister of Religion (Menag) Yaqut Cholil Qoumas issued Minister of Religion Decree (KMA) number 405 of 2022 concerning Indonesia Hajj Quotas for 1443/H2022M with a total of 100.051, consisting of 92,825 regular Hajj quotas and 7,226 plus Hajj quotas. For both regular and special Hajj pilgrimages, the 1443H/2022M quota is intended for pilgrims who have paid off the expenses for the 1441H/2020M Hajj pilgrimage, and are at most 65 years old as of July 8, 2022 according to the order of portion numbers.

Presiden Joko Widodo issued government Regulation (PP) Number 8 of 2022 concerning Coordination of the Implementation of the Hajj. This regulation is an implementation of the provisions of Article 109 of Law (UU) Number 8 of 2019 concerning the Implementation of Hajj and Umrah Pilgrimage. Coordination of organizing the pilgrimage aims to improve the quality of guidance, service and protection for pilgrims; and realize the effectiveness and efficiency of organizing the pilgrimage; (Article 2 PP 2022). Government regulations emphasize the holding of Hajj as a national duty and is the responsibility of the government. The implementation task is carried out by the minister of regulation affairs.

Hajj and Umrah pilgrims in Indonesia show a significant increase every year, so a government policy is needed according to the quota determined by the Saudi Arabian government while the Umrah pilgrimage quota has no limit. The interests of pilgrims and Umrah pilgrims are protected by laws and regulations. However, there are times when the law is incomplete and unclear, even though it is complete or unclear, a law must be implemented. Based on legal studies in the form of laws and regulations on social reality, the phenomena arising from the laws of the state are studied. The problems are : 1) why the policy of implementing the Hajj and Umrah

services has not been able to guarantee legal protection for the interests of the pilgrims; 2) how the policy for organizing the Hajj and Umrah services provides legal guarantees for the interests of the congregation, and 3) How is the the implementations, of new policies for organizing the Hajj and Umrah services which can guarantee legal protection for the interests of the pilgrims.

B. Research Methodology

The method used in this study is normative law, namely research referring to legal norma and principles contained in laws and regulations and court decisions and conducting literature studies (Soekanto, & Mamudji, 2009). The specification in the research used is analytical descriptive. Data collection obtained from primary data. Secondary data, including: Civil Code (Code of civil Code), Law Number 34 of 2009 concerning the Stipulation of Government Regulations in Lieu Of law number 2 of 2009 regarding amendements to the law Number 13 of 2008 concerning the Implementation of the Hajj. The data collection technique use in this study is through legal studies with applicable norms, legal studies adhering to applicable norms are studies that emphasize norms and legal principles that can be found in law and regulations.

C. Results And Discussion

In the language "hajj" means; intent or purpose or intent. In terminology , it means the purpose or intention of Muslims to come to the Baitullah to carry out the pilgrimage as a form of getting closer to Allah SWT, Meanwhile, according to Islamic jurisprudence scholars, the definition of Hajj is deliberately going to the Kaaba to perform certain practices, or visiting certain places at certain times. Meanwhile, etymologicall, Hajj comes from the Arabic al-Hajj which means to visit . Hajj is one of the pillars of Islam that must be carried out by those who have fulfilled the bligatory requirements (able to do it). People who deny their obligations include kufr or apostasy form the religion of Islam. Islam is changer of educating the human spirit, purifying the human soul, and freeing human beings from lust.

With sincere worship and pure aqidah according to Allah's will, God willing, you will be a lucky person. There are many kinds of worship in Islam. Hajj and Umrah is one of them. Hajj is the fifth pillar of faith after the creed, prayer, zakat, and fasting. Hajj is a good worship because it not only restrains one's passions and uses energy to do it, but also enthusiasm and wealth (Zarkasyi, 1995).

The definition of pilgrimage in Law Number 13 of 2005 concerning the Implementation of Hajj is the fifth pillar of Islam which is once-in-a-lifetime obligations for every Muslim who is able to perform it. Organizing the Hajj pilgrimage aims to provide the best possible guidance, service, and protection for the Hajj Pilgrimage so that the Hajj Pilgrimage can perform their pilgrimage in accordance with the provisions of Islamic teachings. Then Hajj or Umrah is still valid, but the person concerned must carry out the sanctions that have been determined. For example, the obligation to throw jumrah, if he ignores it, then he must pay compensation by paying a dam (fine). In organizing the pilgrimage, it is necessary to have a foundation, namely the principles and objectives of organizing the pilgrimage.

1. Basis for Hajj Organizers Law No.17 of 1999 states that the Hajj pilgrimage is based on the principle of justice for opportunity, protection, protection for certainty in accordance with Pancasila and the 1945 Constitution. Meanwhile, Law No.13 of 2008 concerning the organization of the pilgrimage in article 2 it is stated that the pilgrimage is carried out based on the principles of fairness, professionalism and accountability with the principle of non-profit.

2. Purpose of Hajj Organizer The purpose of organizing the pilgrimage is contained in law No.13 of 2008 article 3. It is stated that the purpose of organizing Hajj is to provide the best guidance, service and protection for pilgrims can perform their worship in accordance with the provisions of Islamic teachings.

The State of Indonesia is responsible for providing service for prospective pilgrims to carry out worship in the Holy Land. In Article 3 it is stated that the State

provides guidance and services so that all prospective pilgrims can go to the Holy Land, get accommodation when they stay at Arafah, and be returned to the country. This is the minimum service that must be met by the government. In law No. 13 of 2008 article 5 states the obligations that must be fulfilled by every Indonesia citizen who will perform the pilgrimage in the Holy Land. These obligations include:

1. Register with the Hajj organizing committee at the local city/regency religious department office
2. Pay the BPIH deposited at the bank receiving the deposit
3. Fulfill and comply with the various terms and conditions that apply in organizing the pilgrimage.

Several regulations regarding the implementation of the Hajj relating to the requirements and conditions that must be fulfilled by the regular and special Hajj pilgrims are regulated in Minister of Religion Regulation No.

1. Organizing the regular Hajj

The regulation of the Minister of Religion number 14 of 2012 concerning the organization of the regular pilgrimage, several things are stated, including;

- a. Regular Hajj registration can be done on every working day throughout the year
- b. Registration of pilgrims is carried out at the district/city Ministry of Religion office where pilgrims live according to KTP
- b. Hajj registration must be carried out by the person concerned to take photos and fingerprints

2. Organizing the Special Hajj

The organizing of the special Hajj is regulated in Minister of Religion Regulation No.29 of 2016 concerning the organization of the special Hajj in article 14. These regulations include:

- a. Special pilgrimage registration can be done on every working day throughout the year

- b. Registration for special Hajj is carried out by the person concerned.
Registration of prospective pilgrims is carried out at the local Ministry of Religion office

As for Umrah according to the language means 'pilgrimage'. Meanwhile, according to syara, umrah is visiting the Ka'bah, Umrah is taken from the word I'timar which means pilgrimage, namely visiting the Ka'bah and circumambulating it the praying between the safa and Marwah, and shaving the hair (tahallul) without standing in the di Arafah (Muhammad Baqir Al-Habsi,1999). Umrah can be carried out at any time, except for certain times when it is disallowed to carry out Umrah for pilgrims, namely when pilgrims stand in the Arafah field on Arafah day, Nahar dat (10 Dzulhijjah) and tasriq days. Not all travel arrangements for Hajj and Umrah carry out such arrangements. There are still many that are well managed and provide a facility that is the right of the congregation, so that the congregation gets good service. However, in order to be able to provide maximum service for customers, even those who already have high flying hours, still have problems in providing service and protection for pilgrims in the registration process include: (1) Passport, still valid for at least 7 months and over starting from the day of departure, (2) Passport photo, recent color photo, size 4x6 as many as 5 sheets, face close up of 80% of clothes in bright colors and backgrounds white back. For women with headscarves without glasses, headscarves other than white and men without glasses (not wearing tipu/cap), (3) Meningitis injection, (4) Photocopy of KTP, (5) Photocopy of Family Card, (6) Birth certificate, (7) Marriage certificate, (8) Covid vaccine dose 1 to booster.

Pilgrims who register with travel parties vary widely, ranging from office employees, teacher, lecturers, campus officials, entrepreneurs, pedicab drivers, laborers and even farmer, with various educational backgrounds. This makes the process of collecting requirements carried out by travel parties varied in behavior, some are easy in the data collection process and some are difficult. Problems that often arise at this stage include: (a) a different certificate form a KTP, (b) no birth certificate, (c) a marriage book with a different KTP, (d) no diploma, (e) No Covid Vaccine. For time effectiveness, the travel party helps to complete these

requirements, with the aim of providing the best service to the congregation. Furthermore, when booking travel tickets and long days, namely 3 (months) before departure, you are required to provide a down payment (DP) to the airline, hotel and transportation in Saudi Arabia. Meanwhile, for repayment at the latest within 1 (one) month before departure according to the number of pilgrims booked at least 53-45 people per booking. If payment is not fulfilled, the initial down payment will be forfeited. Process of Indonesia Journey to Saudi Arabia. The protection carried out by the party organizing the Umrah pilgrimage continued to Saudi Arabia, but during the trip there several cases that were often encountered, including the following: (a) Travel to Jakarta International Airport, (b) Slow flight/Delay, (c) Obstacles faced in Saudi Arabia.

The desire to perform one of these obligatory prayers has encouraged many people to have money for a long time, while on the other hand some people see this as a promising business opportunity, there are many travel agents or travel agencies that provide services in the form of religious tour packages or the usual. Known as Hajj and Umrah travel packages. All information by the ministry regarding the arrangement of Umrah pilgrimage travel is guaranteed to be conveyed to the public, especially in rural areas which until now have only been limited to summoning sub-district representatives, therefore the data and information conveyed is not extensive about the implementation of the Hajj or Umrah pilgrimage from deciding on the selected travel package and other information, information until they get the appropriate portion. Due to the lack of socialization, so little information can be obtained by Umrah pilgrims. Regulations drawn up by the government to manage Hajj/Umrah pilgrimage travel are intended to provide optimal service to people who wish to perform the Umrah pilgrimage. However, as time went on, various new problems arose which prevented this goal from being fully fulfilled. Article 4 UUPK states consumer rights, in this case the congregation, namely: the right to obtain comfort, peace, security, advocacy, proper, consumer protection. However, not all Hajj and Umrah travel agents make the same mistake. In addition, there are still travel agents who are well managed and offer decent service, but so that travel

agents can provide good and proper service to consumers. It is undeniable even though there are still many agents who have experience.

The purpose of carrying out a Hajj or Umrah pilgrimage encourages people to save their money by requiring quite a long time, whereas from the view of some many travel agencies and travel agents provide packages of choice of Umrah or Hajj travel services. While from another point of view, it intends to provide convenience for the needs of other people's worship, but tends to aim at making a profit which focuses on the emergence of marketing methods and marketing systems. Marketing or marketing is a partnership goal as well as several steps for creating, connecting and conveying views to customers as well as managing customer contracts through procedures for obtaining profits for the partnership and organizing interests (Kolter 2009). As consumer protection rights (Umrah pilgrims) as a form of satisfaction for pilgrims who want to perform the Hajj or Umrah pilgrimage. Law number 13 of 2008 concerning the implementation of the Hajj Pilgrimage was originally the result of reform to overcome various problems in the management of the pilgrimage that had not been resolved. Law number 17 of 1999 concerning the Implementation of the Hajj Pilgrimage needs to be replaced and adapted to the needs and legal developments in society so that it guarantees legal certainty and order and provides protection for people who will perform the Hajj and Umrah pilgrimages. Article 6 of Law Number 13 of 2008 concerning the Implementation of the Hajj Pilgrimage states that the government is obliged to provide guidance, service and protection by providing administrative services, Hajj guidance, Accommodation, Transportation, Services, Health, Security, and other matters required by the Pilgrims. The rights of pilgrims based on article 7 of Law number 13 of 2008 concerning the Implementation of the Hajj are to obtain guidance, service and protection in carrying out the Hajj including: (a) Guidance on Hajj/Umrah rituals or other materials, both at home, on trips, and in Saudi Arabia, (b) Accommodation, consumption, transportation, and health services are marked, both at home, while traveling and in Saudi Arabia, (c) Protection as an Indonesia citizen, (d) the use of ordinary passport and other documents required for the implementation of the pilgrimage, and (e) Provision of comfortable transportation

and accommodation while in the homeland, in Saudi Arabia, and when returning to the homeland.

Law Number 34 of 2009 concerning the Stipulations of Government Regulation in Lieu of law number 2 of 2009 concerning Amendments to Law Number 13 of 2008 concerning the Implementations of the Hajj Pilgrimage to Become an Act was born because of a policy by the Government of Saudi Arabia which stipulates that starting in 1430 Pilgrims and all countries that will carry out the pilgrimage must use ordinary passports that apply internationally, including Indonesia pilgrims who have been using Hajj passports for pilgrims as stipulated in Law Number 13 of 2008 concerning the Implementation of the Hajj Pilgrimage needs to be issued by the Government to ensure legal certainty in the implementation of the Hajj pilgrimage, especially regarding the use of ordinary passport, the provisions amended from law number 13, 2008 concerning the implementation of the pilgrimage Article 1, article 7, article 32 and article 40.

The protection and management of the Hajj and Umrah pilgrimage is the task of the Ministry of Religion (Kemenag) in line with Regulation no. 18 of 2015, article 20 paragraph 1 and paragraph 2 states; (1) protection is carried out by the Director General on behalf of the Minister, (2) The protection or supervision referred to in paragraph 1 includes protection of the service concept, service operational work for pilgrims, compliance with reforms regarding statutory provisions. Based on article 1 paragraph 1 UUPK, 'consumer protection is all efforts that guarantee the existence of law to provide protection to consumers'. Legal certainty represents all efforts to empower consumers to obtain or make choices about goods and services according to their needs, as well as trying to defend and defend their rights if they are harmed by business actors providing consumer needs. Law is needed by those who are weak and not yet established, both economically, politically and socially in an effort to get justice (Hartono, 1991). The primary role of law is to protect the people from the risk of acts of loss and misery of their lives to other people, society or the government. Besides that, it also aims to fulfill a sense of justice by making efforts for instruments to create peace for all citizens (Supanto, 2010).

In terminology, the word protection according to the Big Indonesia Dictionary is a place for protection/acts of protection. While the word law according to the legal dictionary is coercive regulations that determine human behavior in a social environment, which are made by authorized official bodies, and violations of these regulations as a result of taking actions. Based on this elaboration, legal protection can be interpreted as an act that is protective based on coercive regulations, protection based on coercive regulations then determines human behavior in a social environment made by an institution authorized by law. According to Gautama Sudargo, legal protection is one manifestation of the function of law to achieve the goal of administering justice and order. All laws must fulfill and realize these functions. Thus the law will really be useful and able to meet the demands of justice, and can guarantee legal certainty.

Legal protection is to provide protection for human rights (HAM) that are harmed by other people and this protection is given to the community so that they can enjoy all the rights granted by law. The function of the law is to create protection that is not only adaptive and flexible, but also predictive and anticipatory. Law is needed for those who are weak and not yet strong socially, economically and politically to obtain social justice. (Satjipto Rahardjo 2000). According to Setiono's opinion (2004), legal protection is an action or effort to protect society from arbitrary actions by authorities that are not in accordance with the rule of law, to create order and tranquility so as to enable humans to enjoy their dignity as human beings. Meanwhile, according to (Az Nasution 1999), consumer protection law is the overall principles and legal principles that regulate and protect consumers in their relationships and problems with providers of consumer goods and/or services.

Law number 8 of 1999 concerning consumer protection, in chapter 1, article 1 explains that "consumer protection is all efforts that guarantee legal certainty to provide protection to consumer". Consumer protection has a broad scope, covering consumer protection for goods and services, which starts from the stage of activities to obtain goods and services up to the consequences of using the goods and/or

services. In the consumer law it is explained that the definition of a consumer can be divided into 3 parts:

1. Consumers in the general sense are users, users and/or utilization of good and/services for specific purposes.
2. Intermediate consumers, namely users, users and/or utilization of goods and/or services for production into other goods/services to trade them, with commercial purposes. These consumers are all business actors.
3. Final consumers, namely users, users and/or beneficiaries of consumer goods and/or services to fulfill their own, family or household needs not for re-trading

Consumer protection is a goal and at the same time an effort to be achieved or a situation to be realized. The objective of consumer protection itself includes or includes the activity of creating and implementing a consumer protection system. Article 3 of this consumer protection law is the content of national development because the objective of existing consumer protection is the ultimate goal that must be achieved in carrying out development in the field of consumer protection. As for maintaining the implementation of consumer protection so as not to deviate from the objective of consumer protection, its implementation must be based on the principles or legal principles of consumer protection. In article 2 of the consumer protection law number 8 of 1999 concerning consumer protection there are principles or legal principles of consumer protection, so as not to deviate from the objectives of consumer protection, which states that consumer protection is based on benefits, fairness, balance security and consumer safety and legal certainty. The following is the sound of article 3 of Consumer Protection Act, which aims to protect consumers: (a) Increasing consumer awareness, ability and independence to protect themselves, (b) Raising the dignity of consumers by preventing them from negative excesses in the use of goods and or services, (c) Improving consumer empowerment in choosing, determining and demanding their rights as consumers, (d) Creating a consumer protection system that contains elements of legal certainty and information disclosure and access to information, (e) Growing awareness of business actors regarding the importance of consumer protection so that honest and

responsible attitudes grow in doing business, (f) Improving the quality of goods and/or services that guarantee the continuity of the business of producing goods and/or services, health, comfort, security and consumer safety.

The law on consumer protection gets enough attention because it involves rules for the welfare of the community, not only the community as consumers who receive protections, each of them has rights and obligations. The government has the role of regulating, supervising, and controlling, so as to create a system that is conducive to interrelationship with one another so that the goal of welfare for society broadly can be achieved (Celina Tri Kristiyani, 2008). Legal protection is part of the rights granted by the state to its citizens. Satjipto Rahardjo gave his views on legal protection. The law overshadows the rights possessed by every human being when harmed by another person. So that through this protection all levels of citizens can feel the rights available from applicable law. Law can be aimed at realizing protection that is not only adaptive and flexible, but also predictive and anticipatory. In its function, law is needed by people who are weak and not yet strong from a social, political and economic point of view in order to realize social justice. Setiono expressed the view that legal protection is an effort or action taken in order to provide protection to the public, so as to avoid bad actions (arbitrary) by those in power, for the sake of realizing security, order and a sense of calm from the people so that they can enjoy the dignity of being man.

Based on the explanation above, it can be concluded that one of the functions of law can harm and suffer the lives of other people, the community and those in power. In addition, the law functions to realize the welfare of all people. As for ways to carry out protection through certain things, including: (a) Forming a rule (by giving regulation), (b) Enforcing rules (by law enforcement).

Regulations were enacted by the government to regulate the Umrah pilgrimage, with the hope of providing the best service for the people who will perform the Umrah pilgrimage to the holy land. However, with the passage of time new problems emerged which prevented these hopes from being fully realized. Article 4 UUPK

states that the rights of consumers, in the right case the congregation, are : the right to comfort, security and safety and the full right to receive advocacy, protection and efforts to resolve consumer protection disputes properly. Many cases have occurred at this time, starting from pilgrims who were stranded in Malaysia and pilgrims who were stranded in Saudi Arabia, because of services and violations of agreements that must be fulfilled by the travel party. This is only a small part of the existing PPIUtravels, because it does not fulfill the right of pilgrims. Supervision and control of the implementation of Umrah is one of the duties of the Ministry of Religion in accordance with Minister of Religion Regulation No. 18 of 2015 Article 20 paragraph (1) and Paragraph (2) it states that: (1) Supervision is carried out by the Director General on behalf of the Minister, (2) Supervision as referred to in paragraph (1), includes supervision of travel plans, operational activities of congregation services, compliance and/or control of provisions of laws and regulations.

At present a new regulation from the Ministry of Religion was issued in 2018, namely Ministry of Religion Regulation No.8 of 2018 as a revision to Minister of Religion Regulation No.8 of 2015. In this regulation there is a system built to strengthen supervision which is useful as a form of consumer protection in the form of surveillance intensively towards all parties, be it the congregation, travel parties and organizing the Umrah and Hajj pilgrimages. Before this regulation was revised, there were several problems that occurred because one of them was the lack of supervision from related parties, some of which were:

1. There is no regular supervision of travel organizers of the Umrah pilgrimage and supervision from the center is passive, meaning that the government will act when there is a report from the congregation. Thus causing cases from the PPIU travel party which harmed the Umrah congregation.
2. The law on the organization of the pilgrimage and the regulation of the Minister of Religion No.8 of 2015 prior to regulating PPIU obligations. To ensure the certainty of the departure of Umrah pilgrims and standard Umrah fees.

3. Weak supervision of the Minister of Religion regarding the implementation of Umrah worship. This weakness, for example, can be seen from the unavailability of data on congregations and agencies for the implementation of Umrah services that are properly recorded at the Ministry of Religion.
4. Prospective Umrah pilgrims do not have the same knowledge and experience in choosing the Umrah travel agency or in this case the PPIU, due to the lack of access to public media publications regarding Umrah travel agency information. Especially for thereach of rural areas.

The new Minister of Religion Regulation regulates the Umrah worship fee (BPIU) for reference, namely the referral fee for organizing the Umrah pilgrimage. This reference BPIU is periodically determined by the Minister of Religion. If PPIU determines BPIU under Reference BPIU, said PPIU must report in writing to the Government, namely the Director General of Hajj and Umrah Organizers. In addition, the PMA also regulates PPIU's obligation to depart Umrah pilgrims no later than 6 months after the pilgrims register as Umrah pilgrims. Another regulation concerns PPIU's obligation to report registered pilgrims to the Directorate General of Hajj and Umrah pilgrimages through an electronic reporting system. This system is called SIPATUH, an acronym for Integrated Umrah and Special hajj Supervisory Information System which is built on an electronic basis to provide services in an integrated system. SIPATUH was developed in order to strengthen supervision of the implementation of Umrah in Indonesia and expand the scope of supervision from registration to return. This system contains a number of information, including; (a) Registration of Umrah pilgrims, (b) Travel packages offered by PPIU, (c) Package prices, (d) Monitoring of the provision of tickets that are integrated with the muassasah sytem (a body or foundation established as a substitute for the sheikh of the Hajj congregation in Makkah) in Saudi Arabia.

In addition, SIPATUH also contains a flow of visa orders that is integrated with the Saudi Arabian Embassy, identity validation of pilgrims that is integrated with Dukcapil and monitoring of departures and returns that is integrated with

Immigration. Through SIPATUH, the congregation will obtain a registration process carried out according to regulations. That is, the final process of registration is the issuance of the Umrah registration number 9a type of portion number in the registration of the pilgrimage). With this registrations number, the congregation can monitor the departure preparation process carried out by PPIU, strating form procuring tickets, monitoring the entire process of arranging the Umrah pilgrimage form registration to returning to the country.

Those are some of the regulation for organizing Hajj that have been set by the government. Hajj/Umrah pilgrims must also receive legal protection, even though the protection has stipulated regarding the Constitution has stipulated regarding the protection of pilgrims, there are still many rogue travel services so that there are stillmany victims of irresponsible travel. The government must be more assertive in eradicating irresponsible travel services so that there are no more victims.

D. Conclusion

Based on the analysis of the results of the research and discuassion above, it can be stated that the policy of organizing the Hajj and Umrah services has not been fully able to provide legal protection for the interests of the congregation as a result of the hajj and Umrah services, namely as a regulator and operator.

Reference /Library :

Al-Habsi, Muhammad Baqir (1999) *Fiqh Praktis*, Bandung: Mizan

Az Nasution (1999) *Hukum perlindungan konsumen Suatu Pengantar*, Jakarta: Daya Widya

Celin Tri Kristiyani (2008). *Hukum Perlindungan Konsumen*, Sinar Grafika, Jakarta.

Hartono, S. (1991). *Politik Hukum Menuju Satu Sistem Hukum Nasional*. Bandung: Alumni.

Gautaman, Sudargo, (1994) Hak Milik Intelektual dan Perjanjian Internasional: TRIPS, GATT, Putaran Uruguay, Bandung: Citra Aditya Bhakti

Kolter, P. dan K. L. K (2009). Manajemen Pemasaran. Jakarta: Erlangga.

Sayyed Hawwas, Fiqh Ibadah, (2009) Jakarta: Sinar Grafika Offset

Satjipto Rahardjo (2000) Ilmu Hukum, Bandung: PT Citra Abadi Bakti

Setiono (2004). Rule Of Law (Supermasi Hukum). Surakarta: Magister Ilmu Hukum Program Pascasarjana Universitas Sebelas Maret.

Simonrangki, J.C.T, (1987) Kamus hukum, Aksara Baru, Jakarta.

Supanto (2010) Perlindungan hukum Wanita

Zarkasyi, Imam (1995). Pelajaran fiqih, Ponorogo: Trimurti Pres

Perundang-Undangan

Undang-Undang Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen

Undang-Undang Nomor 13 Tahun 2008 Tentang Penyelenggaraan Haji

Undang-Undang Nomor 13 Tahun 2005 Tentang Penyelenggaraan Ibadah Haji

Undang-Undang Nomor 34 Tahun 2009 Tentang Penetapan Peraturan Pemerintah

Undang-Undang Nomor 8 Tahun 2019 Tentang Penyelenggaraan Ibadah Haji dan Umrah

Peraturan Menteri Agama Nomor 14 Tahun 2012 Tentang Penyelenggaraan Ibadah Haji Reguler

Peraturan Menteri Agama Nomor 8 Tahun 2015 Tentang Penyelenggaraan Ibadah Umrah

Peraturan Menteri Agama Nomor 29 Tahun 2016 Tentang Penyelenggaraan Haji Khusus

Peraturan Pemerintah Nomor 8 Tahun 2022 Tentang Koordinasi Penyelenggaraan Haji