

IMPLEMENTATION OF CONSUMER LEGAL PROTECTION AGAINST PILLAGES OF HAJJ/UMRAH

Ida Rosida

*Universitas Borobudur
rosiemkarim@gmail.com*

ABSTRACT

Consumer protection is crucial in ensuring the fulfillment of consumer rights, especially as the modern economy expands, leading to increased needs in daily life. Intense competition among businesses can result in some consumers falling victim to fraudulent practices. A notable example is the growing number of travel agencies organizing Umrah pilgrimages, some of which engage in unlawful activities, causing significant losses for prospective pilgrims. The introduction of Regulation No. 8 of 2018 by the Minister of Religion has established a solid foundation for safeguarding Umrah pilgrims' interests. This regulation covers essential aspects such as health protection, life insurance guarantees, incident management, and the handling of missing pilgrim documents during the pilgrimage journey. It has significantly improved the protection offered to Umrah pilgrims. To further enhance consumer protection, it is advisable for the government to reevaluate its policies regarding the organization of the Hajj/Umrah pilgrimage. Specifically, there should be a thorough examination of the separation of roles between regulators and operators in this sector. Such separation would help ensure transparency, fair practices, and a higher level of accountability, thereby enhancing the overall protection of consumers' rights and interests.

Keywords: *legal protection, hajj/umrah pilgrims, muslims*

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INTRODUCTION

Indonesian society as a country with the largest Muslim majority population, has provided a way for its people to carry out their obligations to worship in accordance with the provisions of the pillars of Islam. Where one of them is the last provision of the pillars of Islam which is the implementation of the pilgrimage and Umrah. The implementation of this worship does not have coercion on every community because the worship is carried out by every community that is able to carry it out (Kurniawan, 2021). Carrying out the Umrah pilgrimage is the dream of every person who is Muslim, Muslims around the world flock to go for Umrah, including Muslims in Indonesia. Umrah is one of the worships of Muslims whose implementation is carried out in the holy lands of Mecca and Medina. Umrah is recommended for Muslims who are able and able to do it at any time, except on the day of Arafah on the 9th of Dzhulhijjah, Nahr on the 10th of Dzhulhijjah, and Tasyriq day on the 11th, 12th, 13th of Dzhulhijjah. Umrah literally means pilgrimage or visiting a certain place. Umrah in the meaning of syar'i is visiting the baitullah in Mecca-mukarramah to do thawaf, sa'i, between the shafa and marwa, then shave or tahallul (Cahyani, 2020).

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 (Fauzi, 2019). 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 (Nawawi, 2021).

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 (Hakim et al., 2021). Of course, this is a sad thing for Muslims all over the world. The longing for Baitullah hangs in the hearts of the Muslims. But now there is good news, little by little the Arab countries are starting to open their doors to Allah's guests. Even though they have to be limited and must follow the new normal protocols and regulations that have been set by the Arab countries and Indonesia. Several countries around the world have made new regulations for Muslims who want to visit Baitullah, before leaving, all pilgrims and Umrah pilgrims must take 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 pilgrimages for other countries. Now that Covid-19 cases are starting to return to normal in various countries, the Saudi Arabian government has finally opened the Hajj and Umrah services in 2022, including in Indonesia (Hakim et al., 2021).

To the congregation as consumers. Basically the legal protection divided to:

1. Preventive protection: This is a protection that is carried out before consumers use a product or goods and services. This protection is basically an effort to prevent the occurrence or emergence of disputes or problems.
2. Repressive protection. As a protection that is carried out after consumers use products or goods and services so as to cause a legal effect. Then it can also be said that as protection after the occurrence of a problem or dispute. ([Http://Cpratanto.Blogspot.Co.Id/2012/Perlindungan-Konsumen.Html](http://Cpratanto.Blogspot.Co.Id/2012/Perlindungan-Konsumen.Html)) the government has basically provided a policy to provide protection for every community for its activities, namely by passing Law Number 8 1999 concerning Consumer Protection. Where according to Az Nasution consumer protection is a rule regarding broader consumers. Definitively, he stated: "Consumer protection law is part of consumer law which contains regulatory principles or rules, and also contains the nature of protecting consumer interests". (Kristiyanti, 2009: 13)

There are several rules for organizing Hajj that have been issued by the government of the Republic of Indonesia. Because 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 journey, Indonesia has enacted various laws and regulations regarding the implementation of the pilgrimage which are influenced by the socio-political conditions between the two countries (Andi Salman Maggalatung, 2017). Changes to these regulations were made in order to achieve a certain satisfaction for pilgrims. The Indonesian government has implemented the latest regulations for the implementation of the 2022 Hajj pilgrimage regarding the age limit for prospective pilgrims. 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 (Amelya, 2021).

The main purpose of the existence of consumer protection law is to prevent arbitrary action from any legal action. So that on this matter the government made a policy to implement the Consumer Protection Act. These rules are manifested for every community so that they can understand and understand the fulfillment of the rights that must be received from every entrepreneur who carries out their activities. So that the target of the regulation is to increase the appreciation or position of consumers as users of goods and services (Riyadi & Santiago, 2021).

Umrah in Indonesia shows a significant increase every year, so a government policy is needed according to the quota determined by the Saudi Arabian government while the quota for Umrah pilgrims 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. Based on the problems that occur, the author has

interest in carrying out research in the form of scientific writing, namely: "Implementation of Consumer Protection for Umrah Pilgrims Based on Law Number 8 of 1999 concerning Consumer Protection and Regulation of the Minister of Religion Number 8 of 2018 concerning Organizing Umrah Pilgrimage Travels.

METHOD

The method is the main strategy in collecting the data needed to answer the problems at hand. Basically something that is sought in this research is nothing but "knowledge" or more precisely "correct knowledge", where this correct knowledge can later be used to answer certain questions or ignorance.

The method used in this research is normative law, namely research referring to the norms and legal 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: the Civil Code (Code of Civil Code), Law number 8 of 1999 concerning Consumer Protection. The data collection technique used 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 laws and court decisions.

RESULTS AND DISCUSSION

Definition of Consumer Protection

The term consumer comes from the translation of the word consumer (American English), literally the meaning of the word consumer is (as opposed to a producer) everyone who uses goods. The purpose of using goods or services later determines which group of consumers the user belongs to. Likewise, the English-Indonesian Dictionary gives the meaning of the word consumer as a user or consumer (Shella Novirizdya, Suradi, 2016).

In terminology, the word protection according to the Big Indonesian Dictionary is a place to take refuge/protective actions. Meanwhile, the word law according to the legal dictionary,

law is coercive regulations that determine human behavior in a social environment, which are made by official bodies with the authority, and violations of these rules are the result of taking actions (Nasution, 2017; Yuwati, 2022). Based on this elaboration, legal protection can be interpreted as an act that is protective based on protective regulations, protects based on coercive regulations then determines human behavior in a social environment made by authorized institutions according to law. According (Fadhila & Tricahyono, 2020) said that 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 that protection is given 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 (Apandy et al., 2021), In the opinion of (Nasution, 2017) 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 (Fadhila & Tricahyono, 2020), consumer protection law is the overall principles and legal rules 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 I, article I explains that "Consumer protection is all efforts that guarantee legal certainty to provide protection to consumers." 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 consumer law it is explained that the definition of consumers can be divided into 3 parts:

1. Consumers in the general sense are users, users, and/or utilization of goods and/or 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 meet 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 activities 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 to 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.

Provisions of the Consumer Protection Act

In connection with the civil law aspect of consumer protection, it turns out that it has been regulated in the new Consumer Protection Act of the Republic of Indonesia. With the

enactment of the Consumer Protection Act, some of the "weaknesses" mentioned above, including the public legal aspects, seem to be able to be overcome. Provisions regarding objectives, rights and obligations, actions that are prohibited for business actors, provisions for the inclusion of standard clauses, responsibilities of business actors, guidance and supervision of the National Consumer Protection Agency, and the Non-Governmental Organization for 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, consumer safety and security, and legal certainty. The following is the sound of article 3 of the Consumer Protection Act, which aims to protect consumers:

1. Increasing consumer awareness, ability, and independence to protect themselves.
2. Raising the dignity of consumers by preventing them from negative excesses in the use of goods and or services;
3. Improving consumer empowerment in choosing, determining, and demanding their rights as consumers;
4. Creating a consumer protection system that contains elements of legal certainty and information disclosure and access to information;
5. Growing awareness of business actors regarding the importance of consumer protection so that honest and responsible attitudes grow in doing business;
6. 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 protection, 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 being interrelated with one another so that the goal of welfare for society broadly can be achieved (Zuhairi, 2016). Legal protection is part of the rights granted by the state to its citizens. Sajjipto Rahardjo gave his views on legal protection. The law covers the rights that every human being has when harmed by another person. So that through this protection all levels of citizens can feel the rights available from applicable law. The law can be aimed at realizing protection that is not only adaptive and flexible but also predictive and anticipatory. In its function, the 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. Masihor (2022) conveyed the view that legal protection is an effort or action taken to provide protection to the community so that it avoids bad deeds. (arbitrary) of the owners of power, for the sake of realizing security, order, and a sense of calm in society so that they can enjoy the dignity of being human.

Principles of Consumer Protection

The principle or principle of law is more general and broad in nature than the law. Due to the legal principle, its operationalization or implementation can be formulated or regulated in various laws and regulations, or in articles of law. Taking into account the subsection of Article 2 of the Consumer Protection Act, it appears that its formulation refers to the philosophy of

national development, namely the development of a complete Indonesian human being based on the philosophy of the Republic of Indonesia (Maharani & Darya Dzikra, 2021).

Purpose of Consumer Protection

The government in forming a policy certainly has a goal or that will be realized in order to create an orderly situation. Likewise, government policies in providing consumer protection, where this protection is something that is aimed at making it happen. So the consumer protection that you want to realize also has a natural goal of carrying out every action or action of every consumer (Kurniawati & Yunanto, 2022). The following can be known in general regarding the purpose of the existence of consumer protection, namely:

1. Increasing consumer awareness, ability, and independence to protect themselves.
2. Raising the dignity of consumers by preventing them from negative excesses in the use of goods and/or services.
3. Increasing consumer empowerment in choosing, determining, and demanding their rights as consumers.
4. Creating a consumer protection system that contains elements of legal certainty and information disclosure and access to information
5. Growing awareness of business actors regarding the importance of consumer protection so that honest and responsible attitudes grow in doing business.
6. 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. (Article 3 of Law No. 8 of 1999 concerning consumer protection).

Consumer Rights and Obligations

Consumer Rights

1. The right to comfort, security, and safety in consuming goods and/or services.
2. The right to choose goods and/or services and obtain said goods and/or services according to the exchange rate and conditions of the goods and/or services guarantee.
3. The right to correct, clear and honest information regarding the conditions or guarantees of goods and/or services
4. The right to hear opinions and complaints about the goods and/or services used
5. The right to obtain proper advocacy, protection, and efforts to resolve consumer protection disputes.
6. The right to obtain consumer guidance and education
7. The right to be treated or served properly and honestly and not discriminatively.
8. The right to receive compensation, compensation, and/or reimbursement if the goods and/or services received are not in accordance with the agreement or not as they should be.
9. The rights are regulated in the provisions of other laws and regulations.

Consumer Obligations

1. Read or follow information instructions and procedures for using or utilizing goods and/or services, for security and safety
2. Have good faith in conducting transactions for the purchase of goods and/or services.
3. Pay according to the agreed exchange rate

4. Participate in proper legal settlement of consumer protection disputes.

Protecting Consumers (Indonesian Umrah Congregation)

In the current era of globalization, economic activity is growing and creating openness in business competition in offering goods and/or services for Umrah pilgrims or consumers who vary in offering a service, where most haj and Umrah travel agents state that the company's goals are concern is to satisfy the customer. The diverse way is formulating by providing everything that is expected every customer is king, customer satisfaction is our goal.

The intended physical interests of consumers are the interests of consumer bodies related to the security and safety of their bodies or souls in using goods and services. In this case, the main concern in an effort to protect consumers is the interests of consumers. The Consumer Protection Act is consumer rights granted by law as a consequence of the rights of all people.

In fact, all people are consumers (users or users of goods/services necessities of life), so there is no doubt that all the rights and interests of the people related to the users of consumer goods or services are the rights and interests of consumers. Ali Mansyur explained the interests of consumers. Consumer interests are grouped into 4 (four) interests, including (1) Physical Interests, (2) Social and Environmental Interests, (3) Economic Interests, and (4) Legal Protection Interests.

The legal protection in question is how consumers (umrah pilgrims) obtain justice. It is very important to pay attention to the interests of legal protection, considering that there is increasing harassment of consumers, that is, there is a lot of disturbance to the consumer's physical, mental, or property, and optimum benefits are not obtained from users of consumer economic resources and consumer protection laws cannot be enforced which are truly in favor of the consumer. This disruption to the legal interests of consumers is the result of unfair competition practices carried out by Hajj and Umrah travelers who want to reap huge profits from consumers in the case of Hajj/Umrah pilgrims.

The objectives of the protection of the law itself are:

1. Creating a consumer protection system (umrah pilgrims) which contains elements of open access and information, as well as providing legal certainty;
2. Protect the interests of consumers (umrah pilgrims) in particular and the interests of all business actors in general;
3. Provide legal protection for consumers (Umrah pilgrims) from deceptive and misleading business practices.
4. Improving the quality of goods and services, and;
5. Integrate the implementation of the development and regulation of legal protection with other fields.

Sources of Consumer Law

In addition to the Consumer Protection Act, consumer law is "found" in various applicable laws and regulations. Previously, it was explained that the Consumer Protection Act was effective one year after its enactment (20 April 2000). Thus and added to the provisions of Article 64 (Transitional provisions) of this law, it means that in order to "defend" the interests of consumers, all applicable general laws and regulations must still be studied. But the general laws and regulations that apply also contain rules regarding consumer relations and issues.

Even if the legislation is not issued specifically for consumers or consumer protection, at least it is also a source of consumer law and/or consumer protection law. Some of them:

1. Basic laws and MPR decrees
2. Consumer law and civil law
3. Consumer law in public law

Definition of Umrah

As for Umrah according to the language means 'pilgrimage'. Meanwhile, according to syara' umrah is visiting the Kaaba, umrah is taken from the word I'timar which means pilgrimage, namely visiting the Ka'bah and circumambulating it, then praying between the Safa and Marwah, and shaving the hair (tahallul) without standing in the Arafah (Nawawi, 2021). 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 day (10 Dzulhijjah), and tasyriq days. Not all Hajj and Umrah travel organizations 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 travelers who already have high flying hours still have problems in providing services and protection for pilgrims, the following forms of providing services and protection for pilgrims in the registration process include: (1) Passport, still valid for at least 7 months and above counting from the D day of departure, (2) Passport photo, recent color photo, size 4x6 as many as 5 sheets, face close up of 80% of clothing in bright colors and white background. For women with headscarves without glasses, headscarves other than white and men without glasses (not wearing tip/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.

Conditions for Performing Umrah.

The conditions for performing Urah worship are:

1. Islamic (Muslim): Diversity of Islam is an absolute requirement for people who will perform Umrah. Because of this, infidels are not required to perform Umrah worship because they are not experts in worship as prescribed in Islam.
2. Baligh: As for young children, they are not burdened with the obligation to perform Umrah because the requirements for reaching puberty have not been fulfilled.
3. Reasonable: People who have no sense like crazy people are not required to perform Umrah
4. Independent: Fiqh experts agree that a person who is obligated to perform umrah is an independent person
5. Ability: One of the conditions for Umrah is the ability to travel to the Baitullah

Pillars of Umrah

Umrah is the provisions of the deeds that must be done in the pilgrimage if left, even if only one of them, the pilgrimage or umrah is invalid. The pillars of Hajj and Umrah are as follows:

1. Ihram

Is the condition of someone who has intended to perform the Hajj or Umrah pilgrimage. Those who enter ihram are called by the singular term 'muhrim' and the plural 'muhrimun'. Prospective pilgrims and Umrah pilgrims must perform it before miqot and end with tahalul. The one-piece ihram for men consists of two pieces of white cloth that are not sewn together and are not connected like a sarong. One strand is used for the long shawl and the other for the long cloth that is wrapped around to cover the genitals. While the ihram cloth for women is clothing that covers the genitals like ordinary clothing (sewn clothes) with the face and palms still open.

2. Wukuf in Arafah

Namely living in Arafah, after the inclination of the sun (to the west) falls on the 9th day of the month of Dzulhijjah until dawn on the day of the sacrifice, namely the 10th of Dzulhijjah.

3. Tawaf

What is meant by tawaf is circling the Kaaba seven times, starting from the Black Stone (black stone) right on the brown floor line with the Kaaba positioned to the left of itself (counterclockwise).

4. Sa'i between Safa and Marwa

Sai is jogging seven times starting from the hill of Safa and ending at the hill of Marwah which is about 400 meters away, to preserve the experience of Hajar, the mother of the Prophet Ismail who paced back and forth when she was looking for water for herself and her son, because of her efforts and trust in Allah, finally Allah gives favors in the form of flowing zam-zam springs.

5. Tahalul/Shave

Tahalul is making lawful for himself what was previously forbidden for him because he is in ihram. Tahallul is marked by cutting a few strands of head hair or shaving it off (more afdol).

6. Orderly/sequentially

While the pillars of Umrah are the same as Hajj, the difference is that during Umrah there is no wukuf. Jamaah who register with travel parties varies widely, ranging from office employees, teachers, lecturers, campus officials, entrepreneurs, pedicab drivers, laborers and even farmers, 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 from a KTP, (b) no birth certificate, (c) a marriage book with a different KTP, (d) no diploma, (e) a different KTP from a family card, (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 Indonesian Journey to Saudi Arabia. Protection carried out by the organizers of the Umrah pilgrimage continues to Saudi Arabia, but during the trip there

are several cases that often occur, 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 save money for a long time, while on the other hand some people see this as a promising business opportunity, there are lots of travel agents or travel agencies that provide services in the form of religious or ordinary travel packages. known as haj or umrah travel packages. All information by the ministry regarding the management of Umrah pilgrimage travel is guaranteed to be conveyed to the community, 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 regarding the implementation of the Hajj or Umrah pilgrimage from deciding on the selected travel package and other 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, and proper consumer protection. However, not all of these Umrah travel agents made the same mistake. In addition, there are still travel agents who are well-managed and offer decent service, but 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 an Umrah pilgrimage encourages people to save money by requiring quite a long time, whereas from the view of many travel agencies and travel agents provide packages of choice of Umrah travel services. Meanwhile, from another perspective, it intends to provide convenience for the needs of other people's worship, but tends to aim at making a profit that focuses on the emergence of marketing methods and marketing systems. Marketing or marketing is a partnership goal as well as several procedures 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 consumers, it is important to have consumer protection rights (umrah pilgrims) as a form of satisfaction for pilgrims who want to carry out the pilgrimage. The rights of Umrah pilgrims based on Article 7 of Law Number 13 of 2008 concerning the Implementation of the Hajj/Umrah Pilgrimage are to receive guidance, service and protection in carrying out the Hajj. Umrah pilgrimage includes:

1. Guidance on Hajj/Umrah rituals or other materials, both at home, on trips, and in Saudi Arabia.
2. Accommodation, consumption, transportation, and health services are marking, both at home, while traveling, and in Saudi Arabia
3. Protection as an Indonesian citizen
4. The use of ordinary passports and other documents required for the implementation of the pilgrimage, and
5. Provision of comfortable transportation and accommodation while in the homeland, in Saudi Arabia, and when returning to the homeland.

The protection and management of the Hajj and Umrah pilgrimages 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 (Ritonga & Ida Nadirah, 2022). 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 (Rosyadi, 2021).

Based on the explanation above, it can be concluded that one of the functions of law is to protect the public from events that 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 this 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 PPIU travels, because it does not fulfill the rights 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) mentioned 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, congregational service operational activities, obedience and/or control of provisions of laws and regulations.

At present a new regulation from the Ministry of Religion issued in 2018, namely Minister of Religion Regulation No. 8 of 2018 as a revision to Minister of Religion Regulation No. 18 of 2015. In this regulation there is a system that was 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, the travel party and the organization of 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 periodic 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. 18 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 the reach 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 is required to 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 send Umrah pilgrims no later than 6 months after the pilgrims register as Umrah pilgrims. Other provisions are regarding PPIU's obligation to report pilgrims who have registered to the Directorate General of the Implementation of Hajj and Umrah 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 system (a body or foundation established as a substitute for the sheik 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 receive a registration number as proof of the registration process carried out according to regulation. That is, the final process of registration is the issuance of the Umrah registration number (a type of portion number in the registration of the pilgrimage). With this registration number, the congregation can monitor the departure preparation process carried out by PPIU, starting from procuring tickets and monitoring the entire process of arranging the Umrah pilgrimage from registration to returning to the country.

Those are some of the Hajj organizing regulations that have been set by the government. Hajj/Umrah pilgrims must also receive legal protection, even though the Constitution has

stipulated regarding the protection of pilgrims, there are still many rogue travel services so there are still many victims of irresponsible travel. The government must be more assertive in eradicating irresponsible travel services so that there are no more victims

CONCLUSION

The analysis of the research and discussion highlights a significant challenge in the policy governing the organization of Hajj and Umrah services. These services, which hold immense spiritual and cultural importance for millions of Muslims worldwide, face a complex dual role. They serve as both regulators, responsible for setting rules and guidelines, and operators, involved in executing the logistical aspects of these pilgrimages.

One key observation is the inadequacy of legal protection for the interests of the congregation. The multifaceted nature of this arrangement creates potential conflicts of interest. While acting as regulators, the authorities should ideally prioritize the safety, comfort, and equitable treatment of pilgrims. However, their role as operators might inadvertently lead to decisions influenced by financial considerations, potentially compromising the well-being of the pilgrims.

Striking the right balance between regulation and operation is crucial. The policy framework should ensure that the interests of the congregation remain at the forefront, even as the operators handle the practical aspects of these religious journeys. Implementing transparent and robust oversight mechanisms can help mitigate conflicts of interest and prioritize the welfare of pilgrims.

Furthermore, continuous review and improvement of the policy are essential. As patterns of pilgrimage evolve and new challenges emerge, the policy must adapt to address these issues effectively. This adaptability can enhance legal protections for the congregation and maintain the integrity of these religious practices.

In conclusion, the dual function of the organization of Hajj and Umrah services poses challenges to ensuring comprehensive legal protection for the interests of the congregation. By carefully addressing potential conflicts of interest, implementing transparent oversight, and fostering policy adaptability, the authorities can enhance their ability to safeguard the pilgrims' well-being and preserve the sanctity of these spiritual journeys.

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