

**LEGAL ANALYSIS OF BUSINESS LICENSING BY UMRAH PILGRIMAGE
ORGANIZERS AS A FORM OF LEGAL PROTECTION FOR PROSPECTIVE UMRAH
PILGRIMAGES**

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ABSTRACT

Umrah is a series of worship activities that include tawaf, sa'i, and tahallul which are regulated by the guidelines of the Qur'an and Sunnah. This study analyzes legal protection for prospective Umrah pilgrims and licensing regulations for Umrah Pilgrimage Travel Organizers (PPIU) based on the Regulation of the Minister of Religion Number 5 of 2021 concerning Standards for Umrah Pilgrimage Travel Organization Business Activities and Special Hajj Pilgrimage Organizations (PMA No. 5 of 2021). PPIU must comply with regulatory standards including obtaining business permits, maintaining transparent financial practices, and providing legal protection for pilgrims to avoid fraud or illegal bureaus. The increasing cases of Umrah travel fraud require strengthening regulations so that pilgrims receive legal protection. This study uses a normative legal approach with a qualitative analysis method. The results of this study indicate that legal protection for Umrah pilgrims consists of preventive and repressive aspects. This regulation regulates the legal requirements for PPIU, monitoring mechanisms, and administrative sanctions. Preventive protection is realized through information transparency and supervision of PPIU, while repressive protection is provided through complaint mechanisms and dispute resolution. This study offers a specific analysis of the legal protection of prospective pilgrims based on the latest regulations, differentiating it from previous, more general studies. This regulation is expected to minimize the risk of fraud and increase the professionalism of Umrah travel organizers.

Keywords: Legal Protection, Business Licensing, PPIU.

INTRODUCTION

Umrah is carrying out a series of worship activities, *tawaf*, *sa'i*, and *tahallul* with the terms and conditions stipulated in the Al-Qur'an or the sunnah of the Prophet Muhammad.¹ In the evidence for Umrah, many are found in the Qur'an, hadith and several opinions of scholars. Some of the evidence for Umrah found in the Qur'an are:

عَلَيْكُمْ God bless you يَطُوفُ God bless you إِنَّ الصَّفَا وَالْمَرْوَةَ مِن شَعَائِرِ

“Indeed, Safa and Marwah are among the signs of Allah. So whoever makes the pilgrimage to the House or performs the Umrah, there is no sin on him for him to do the Sa'i between them. Whoever does good deeds willingly, then surely Allah is All-Appreciative, All-Knowing.” (Surah Al-Baqarah:158)

وَاتِمُّوا الْحَجَّ وَالْعُمْرَةَ لِلَّهِ

"Perfect the Hajj and Umrah for the sake of Allah." (Surah Al-Baqarah verse 196)

Umrah Pilgrimage Travel Organizer is an institution that has played a role in organizing and arranging Umrah pilgrimage trips that have received permission from the Minister of Religion of the Republic of Indonesia.² Umrah organizers or bureaus are now widely available in various cities. Of course, in opening an Umrah bureau, a business license is required by the Umrah Pilgrimage Travel Organizer, hereinafter referred to as PPIU. Based on Law Number 8 of 2019 which is explained in Articles 4 to 12 of the Regulation of the Minister of Religion Number 5 of 2021 or hereinafter referred to as PMA No. 5 of 2021 concerning Umrah Pilgrimage Travel Organizers. Umrah organizers are run with the principles of professionalism, responsibility, and in accordance with the teachings of Islamic law. Umrah travel can be run by private companies that have obtained a business license from the Minister of Religion.

PPIU functions as the main intermediary responsible for managing all aspects of the Umrah pilgrimage, starting from visa processing, providing flight tickets, accommodation,

¹ Amana Tour & Travel. Pengertian Umroh, Hukum, Syarat, dan Rukun, Serta Wajib Umroh [Internet]. 2022. Available from: <https://www.Amanatour.co.id/pengertian-umroh-hukum-syarat-dan-rukun-serta-wajib-umroh/>

² Ekuallindo Artha Sinergi. Peran Sertifikasi PPIU dan PIHK dalam Penyelenggaraan Haji dan Umroh [Internet]. 2024. Available from: <https://ekualindo.com/peran-sertifikasi-ppiu-dan-pihk/>

transportation, to ensuring that the implementation of worship runs according to religious guidance and providing legal protection for pilgrims through insurance mechanisms and safe fund management. In carrying out its duties, PPIU is required to follow the regulations set by the government to ensure high standards of service and prevent abusive practices that could harm the congregation.³

The Ministry of Religion is tasked with supervising and controlling the organizers of the Umrah pilgrimage in accordance with Law No. 8 of 2019 concerning Hajj and Umrah Pilgrimage Organizers, which stipulates that:⁴

Article 99:

The Minister has the authority to supervise and evaluate the organizers of the Umrah pilgrimage. The supervision and evaluation are carried out by central and/or regional level apparatuses who are responsible for the implementation, guidance, services, and protection provided by the PPIU to its congregation. In carrying out the supervision and evaluation function, the Minister can form a coordination team tasked with preventing, supervising, and taking action on problems in the organization of the Umrah pilgrimage. In addition, supervision of the Umrah pilgrimage is carried out in an integrated manner with related ministries and institutions to ensure effectiveness and compliance in its implementation.

According to Philipus M. Hadjon, Legal protection is an effort to provide a sense of security and certainty for individuals or groups of people so that their rights are not violated by other parties, whether by fellow individuals, groups, or the state. Hadjon has distinguished between preventive and repressive legal protection, where preventive protection is an effort to prevent violations of rights through appropriate regulations and preventive measures, while repressive protection is steps taken after a violation occurs, such as imposing sanctions or legal action to enforce violated rights. In this case, legal protection functions not only as a tool to prevent violations, but also as a means to provide justice and restoration of rights for those who

³ Syahputra F. Efektivitas Pelaksanaan Peraturan Menteri No. 8 Tahun 2018 Tentang Penyelenggaraan Perjalanan Ibadah Umrah (Studi Kantor Kementerian Agama Provinsi Sumatera Utara). Universitas Islam Negeri Sumatera Utara; 2019.

⁴ Rizky D. Efektivitas Implementasi Peraturan Pengawasan Penyelenggara Perjalanan Ibadah Umrah Menurut PMA Nomor 5 Tahun 2021 (Studi Kasus: Kantor Kementerian Agama Kota Tangerang). Universitas Islam Negeri Syarif Hidayatullah Jakarta; 2023.

are harmed.⁵Legal protection itself has the concept of being able to provide justice, order, certainty, benefit and peace.

Preventive protection aims to avoid disputes, while repressive protection functions to resolve disputes and improve the situation after a violation occurs.⁶The rampant cases that often occur are due to the many organizers of umrah bureaus that are not legitimate or illegal. Therefore, the Ministry of Religion has the task and responsibility to supervise the organizers of umrah bureaus. Cases that fail in the departure of prospective umrah pilgrims are usually found in embezzlement of funds carried out by the umrah bureau to visa rejection.

Cases of failed departures of prospective Umrah pilgrims in Indonesia are very diverse. This once happened in Kudus Regency, as a result 189 pilgrims failed to depart and the owner of the bureau was named a suspect in a case of embezzlement of Umrah funds with a loss value reaching Rp. 4.92 billion.⁷The next case that occurred was none other than because the visa was rejected to enter Saudi by the Saudi Arabian Government, related to the visa used was a fake visa or not an Umrah visa. The difference between an Umrah visa and a tourist visa lies in the sponsor, the Umrah visa itself has a company muassasah that has been appointed by the Saudi Arabian Ministry of Hajj as the person in charge. While on a tourist visa, there are several categories of granting, including having a US visa, Schengen or countries that are valid and have been used. Therefore, the congregation is required to use an Umrah visa so that the congregation is more secure.⁸The most frequent case of failed departure of Umrah pilgrims is because the bureau used is an illegal or unauthorized bureau. This happened to a West Sumatra resident who had reported an Umrah pilgrimage travel bureau to the West Sumatra Regional Police for failing to perform the Umrah pilgrimage and losing hundreds of millions. The losses experienced by prospective pilgrims are estimated to reach IDR 401.5 million. It started with the victims who were persuaded and promised by the bureau owner to register for Umrah at a cost of IDR 25

⁵ Bediona K, Herliansyah MRF, Nurjaman RH, Syarifuddin D. Analisis Teori Perlindungan Hukum Menurut Philipus M Hadjon Dalam Kaitannya Dengan Pemberian Hukuman Kebiri Terhadap Pelaku Kejahatan Seksual. *Das Soll J Kaji Kontemporer Huk dan Masy.* 2022;(1)1-:1-19.

⁶ Fahmi MY. *Perlindungan Terhadap Hak Mereka dalam Perspektif Hukum Positif dan Fikih.* Universitas Islam Indonesia; 2022.

⁷ Redaksi - *Bisnis.com Kasus Umroh Gagal Berangkat di Kudus, Begini Perkembangannya.* Kabar Jateng & DIY. 2024.

⁸ *Kumparan News. KJRI: 50 Jemaah Umrah Ditolak Masuk Saudi karena Pakai Visa Wisata Palsu.* News. 2024.

million per person. However, over time the bureau did not send off its prospective pilgrims and there were bureaus that were unauthorized or illegal.⁹

PPIU must have a business permit in the special religious travel sector issued through the system *Online Single Submission* (OSS). PPIUs must also have formal cooperation with partners in Saudi Arabia. All of this is designed to ensure that operating PPIUs have sufficient capacity to provide quality services and protect pilgrims from the risk of abuse.¹⁰ Business licensing is the legality that has been granted to run a business.¹¹

PPIU is required to provide periodic reports on the implementation of the Umrah trip to the Ministry of Religion, which includes the number of pilgrims, departure schedules, and compliance with service standards. The government must continue to improve the quality of service for prospective Umrah pilgrims at each travel agency in order to reduce the level of fraud that harms many victims. Therefore, in accordance with the Laws and Regulations explained, only PPIUs who have met the terms and conditions set by the government can organize the Umrah trip in accordance with Law No. 8 of 2019 and PMA No. 5 of 2021.

From the presentation above, the research will focus on discussing the formulation of the problem 1) Regulations on business licensing for Umrah Pilgrimage Travel Organizers reviewed in PMA No. 5 of 2021 and 2) What form of legal protection is provided for prospective Umrah pilgrims?

METHOD/IDEA

This study uses several methods for data collection. First, the approach method used is the law approach.-statute approach and conceptual approach. The statute approach focuses on the

⁹ Solusi Perizinan Indonesia. *Gagal ke Tanah Suci Karena Ditipu Biro Travel Ilegal, Begini Cara Cek Legalitasnya!* [Internet]. 2023. Available from: <https://solusiperizinan.com/gagal-ke-tanah-suci-karena-ditipu-biro-travel-ilegal-begini-cara-cek-legalitasnya/>

¹⁰ Rizki D. *Efektivitas Implementasi Peraturan Pengawasan Penyelenggara Perjalanan Ibadah Umrah Menurut PMA Nomor 5 Tahun 2021 (Studi Kasus: Kantor Kementerian Agama Kota Tangerang)*. Universitas Islam Negeri Syarif Hidayatullah Jakarta; 2023.

¹¹ Maya I, Nunik N. *Efektivitas Hukum Perizinan Berusaha Terhadap UMKM Pengrajin Payun Lukis Pasca Undang-Undang Nomor 6 Tahun 2023 Tentang Cipta Kerja Di Desa Tanjung, Kecamatan Juwiring, Kabupaten Klaten*. Universitas Muhammadiyah Surakarta; 2024.

use of regulations and legislation as the basis for analysis, while the conceptual approach is carried out by building concepts as a reference for research based on legal principles and doctrines from the perspectives of legal scholars in various countries. Second, the type of research conducted is normative legal research. According to Peter Mahmud, normative legal research or legal research aims to find the truth through coherence between rules and norms, and to assess whether the prohibitions and orders in the rules are in accordance with legal principles. In this study, the focus of the discussion is on the legal certainty of the positive fictitious principle in the issuance of business licenses through the OSS RBA system.

The data used in this study is secondary data consisting of primary, secondary, and tertiary legal materials. Primary legal materials include laws and regulations such as Law No. 8 of 1999, Law No. 6 of 2023, Government Regulation (PP) No. 38 of 2021, and Regulation of the Minister of Religious Affairs No. 5 of 2021. Secondary legal materials are obtained from literature that includes scientific journals, articles, papers, legal research results, literacy books, and relevant news media. Tertiary legal materials include supporting sources such as the Great Dictionary of the Indonesian Language (KBBI), encyclopedias, and reputable websites. Data collection was carried out using the library research method which according to Bruggink as quoted by Johnny Ibrahim, involves collecting legal material data by reading and analyzing primary, secondary, and tertiary legal materials. Furthermore, the data that has been collected is analyzed using the deductive method, namely by drawing conclusions from general issues which are then linked to the concrete problems being studied.

RESULTS AND DISCUSSION

Business Licensing Regulations for Umrah Pilgrimage Travel Organizers Based on PMA No. 5 of 2021

Terms and procedures Business for Umrah Pilgrimage Organizers (PPIU) is comprehensively regulated in the Regulation of the Minister of Religious Affairs (PMA) No. 5 of 2021. One of the keys to this licensing is the fulfillment of business legality criteria which aims to ensure that PPIU has the capacity and integrity to organize Umrah pilgrimages

professionally. This business legality criterion requires that PPIU must be in the form of a legal entity in the form of a Limited Liability Company (PT) that has been legally registered in Indonesia. PPIU is also required to have sufficient business capital, as stipulated in the regulations, to guarantee their operational capabilities in providing services to prospective pilgrims. In addition, PPIU is required to have a deed of establishment approved by the Ministry of Law and Human Rights (Kemenkumham) and a Business Identification Number (NIB) obtained through the Online Single Submission System (OSS).¹²

Other legality criteria include the obligation to have an operational permit issued by the Ministry of Religious Affairs. To obtain this permit, PPIU must meet a number of administrative and technical requirements, such as providing supporting documents in the form of financial reports that have been audited by a public accountant, having an adequate operational office, and having competent human resources in the field of organizing Umrah trips. PPIU is also required to collaborate with official partners in Saudi Arabia, such as accredited accommodation, transportation, and catering service providers. In addition, PPIU must provide protection guarantees to prospective pilgrims by providing insurance that covers risks during the trip.

This criterion also involves transparency in the management of pilgrim funds. PPIUs are required to use a separate account (segregated account) for pilgrim funds, so that the funds are not mixed with the company's operational finances. This is intended to prevent misuse of pilgrim funds and provide a sense of security to them. By fulfilling these strict business legality criteria, the government through the Ministry of Religion aims to ensure that only PPIUs that meet quality and reliability standards can operate, thus providing maximum protection for prospective Umrah pilgrims.

The Online Single Submission (OSS) System is an integrated digital platform designed to simplify the business licensing process, including in terms of licensing for Umrah Pilgrimage Travel Organizers (PPIU). OSS is regulated through Government Regulation Number 5 of 2021 concerning the Implementation of Risk-Based Business Licensing, which aims to simplify and accelerate the licensing process by integrating various related agencies into one centralized

¹² Alwaly A. Efektivitas dan Efisiensi Sistem Perizinan Operasional Penyelenggara Perjalanan Ibadah Umrah (PPIU) Secara Elektronik Tahun 2021 (Studi Kasus Subdirektorat Perizinan, Akreditasi dan Bina PPIU Direktorat Bina Umrah dan Haji Khusus Kementerian Agama RI). Universitas Islam Negeri Syarif Hidayatullah Jakarta; 2022.

system. In PPIU, OSS is an important instrument that allows business actors to take care of all stages of licensing online, starting from registering a business entity, issuing a Business Identification Number (NIB), to submitting an operational permit from the Ministry of Religion. With this system, business actors no longer have to go through a manual process that often takes a long time and is prone to corruption or abuse of authority.¹³

Through OSS, prospective PPIUs can upload required documents electronically, such as a company deed of establishment that has been approved by the Ministry of Law and Human Rights (Kemenkumham), audited financial statements, and other documents required by regulations. OSS also facilitates communication between agencies, such as the Ministry of Religious Affairs and related institutions, to ensure that all legal and technical requirements are met before a permit is issued. In addition, OSS provides transparency because business actors can monitor the status of their applications in real-time, so they have certainty about the ongoing licensing process. This not only saves time but also reduces the administrative burden that has been an obstacle in the conventional licensing system.

The OSS system also supports the implementation of risk-based licensing principles, where the level of supervision and requirements are adjusted to the risk of business activities. In the case of PPIU, which is classified as a high-risk activity because it involves large amounts of pilgrim funds and has a direct impact on the public interest, supervision and evaluation are carried out strictly. OSS ensures that operational permits are only given to PPIUs that meet the criteria for business legality according to the standards set by the Ministry of Religion. With the presence of OSS as a modern and integrated licensing instrument, the government seeks to increase the efficiency of the licensing process, strengthen supervision, and provide legal certainty for business actors as well as a sense of security for prospective Umrah pilgrims.

Supervision and evaluation of Umrah Pilgrimage Travel Organizers (PPIU) by the Ministry of Religion is carried out through two main approaches, namely preventive and repressive supervision stages. Preventive supervision aims to prevent potential violations from the start by ensuring that PPIUs comply with all established regulations and service standards. In

¹³ Rohilah Y. Efektivitas Kebijakan Kementerian Agama RI Terhadap Penyelenggara Perjalanan Ibadah Umrah (PPIU) Dan Perlindungan Jemaah. Universitas Islam Negeri Syarif Hidayatullah Jakarta; 2018.

this stage, the Ministry of Religion conducts periodic verification and audits of legal documents, financial reports, and PPIU operational systems. Preventive supervision also includes coaching and socialization of regulations to PPIUs so that they understand their obligations and responsibilities, including providing transparent information to prospective pilgrims, ensuring departures on schedule, and providing facilities in accordance with the contract. Meanwhile, repressive supervision is carried out when violations are found by PPIUs, either through reports from pilgrims or direct supervision results. This stage includes investigations to identify the type of violation, such as fraud, embezzlement of funds, cancellation of departures without clear reasons, or services that do not comply with the contract. Based on the results of the investigation, the Ministry of Religion can impose administrative sanctions according to the level of seriousness of the violation. These sanctions include written warnings, administrative fines, freezing of operational permits, to revocation of permits as PPIUs. In cases of serious violations containing criminal elements, such as fraud of pilgrim funds, PPIU can also be reported for legal processing by the authorities. This repressive supervision is not only intended to provide a deterrent effect to PPIUs who violate, but also to ensure protection and justice for pilgrims who are harmed. With preventive and repressive supervision running side by side, the Ministry of Religion seeks to create transparent and accountable governance of the implementation of the Umrah pilgrimage. This effective supervision system is expected to prevent violations, provide security guarantees for pilgrims, and build public trust in official and credible PPIUs.

Administrative sanctions for Umrah Pilgrimage Travel Organizers (PPIU) who violate the provisions stipulated in the regulations are regulated in the Regulation of the Minister of Religious Affairs (PMA) No. 5 of 2021, which provides a legal framework for enforcing discipline and accountability of PPIU. These administrative sanctions aim to ensure that the implementation of the Umrah pilgrimage is carried out in accordance with the principles of fairness, transparency, and professionalism, as well as to protect the rights of pilgrims. PPIUs who violate can be subject to several types of administrative sanctions, depending on the level of violation committed. Minor violations, such as non-compliance with administrative obligations or untimely reporting, can be subject to sanctions in the form of a written warning or warning so that the PPIU immediately corrects the error within the specified time.

However, if the violations are more serious, such as fraud of pilgrims' funds, cancellation of departures without clear reasons, or non-compliance with the service contract agreed with the pilgrims, administrative sanctions can be more severe, including administrative fines. This fine is imposed to provide a deterrent effect and to force the PPIU to immediately make improvements in its operations. In addition, PPIUs that are proven to have violated can be subject to a suspension of their operational permits, which means that the PPIU cannot organize Umrah trips temporarily until they can prove that they have corrected the existing violations. In cases of more severe violations that significantly harm the pilgrims, such as embezzlement of funds or abuse of authority involving elements of fraud, revocation of the operational permit can be applied as a final sanction. This revocation of the permit will permanently stop the PPIU's operational activities and prevent it from operating in the future.

Regulation of the Minister of Religious Affairs (PMA) No. 5 of 2021 concerning the Organization of Umrah Pilgrimage Travel has an important role as a preventive legal instrument that aims to protect prospective Umrah pilgrims before potential violations or losses occur. This regulation is designed to prevent unprofessional practices and irregularities that can harm pilgrims through clear and firm regulations regarding the legality and obligations of Umrah Pilgrimage Travel Organizers (PPIU). One important aspect of this PMA is the obligation of PPIU to meet certain standards, such as having a valid operational permit from the Ministry of Religious Affairs, sufficient business capital, and competent human resource capacity to organize Umrah pilgrimage trips. Through this provision, PMA No. 5 of 2021 functions as a preventive measure by ensuring that only qualified organizers can operate, so that prospective pilgrims can feel safer and their rights are guaranteed.¹⁴

In addition, PMA No. 5 of 2021 also regulates the transparency of information that must be provided to prospective pilgrims, including details of travel costs, facilities provided, and the rights and obligations of pilgrims as stated in the contract. This aims to avoid misunderstandings or fraud that often occur due to unclear information. This regulation also requires PPIU to provide insurance that protects pilgrims during the trip, as well as regulate the mechanism for

¹⁴ Kosasih MF. Evaluasi Pengelolaan Pegawai Dalam Meningkatkan Kinerja Pada Asrama Haji Embarkasi Jakarta. Universitas Islam Syarif Hidayatullah Jakarta; 2023.

managing pilgrim funds which must be separated from the company's operational funds, so that the risk of misuse of funds can be minimized. With these strict regulations, PMA No. 5 of 2021 not only regulates how the Umrah pilgrimage must be carried out, but also provides a legal basis for prospective pilgrims to demand their rights if violations occur.¹⁵

As a preventive legal instrument, this PMA plays a role in reducing potential problems that may arise during the Umrah journey. By regulating all aspects of PPIU operations, from business legality to service transparency, PMA No. 5 of 2021 ensures that the implementation of Umrah takes place according to high, safe, and accountable standards. This creates a safer environment for pilgrims and strengthens the legal protection system from the start, before violations or losses occur, which in turn also helps maintain public trust in the implementation of Umrah worship in Indonesia.

The effectiveness of regulations in providing a sense of security for prospective Umrah pilgrims is highly dependent on how the existing regulations are implemented consistently and strictly supervised. In this case, the Regulation of the Minister of Religion (PMA) No. 5 of 2021 is a very important legal basis in creating security guarantees for Umrah pilgrims. This regulation not only regulates the legality of the business for Umrah Pilgrimage Travel Organizers (PPIU), but also sets high standards regarding information transparency, fund management, insurance protection, and the quality of services provided to pilgrims. One important aspect of this regulation is the obligation for PPIU to provide clear and accurate information regarding costs, facilities, and the rights and obligations of pilgrims, which can prevent misunderstandings and fraudulent practices. With the existence of strict provisions on transparency, prospective pilgrims feel safer because they have complete information regarding the Umrah trip they will undertake.

In addition, this regulation also emphasizes the obligation of PPIU to manage pilgrims' funds in a safe manner, namely by separating pilgrims' funds from the company's operational finances. This aims to prevent misuse of funds and provide a sense of security to pilgrims that their money is managed with transparency and accountability. The implementation of this system

¹⁵ Hilmi MR. Tinjauan Viktimologi Terhadap Korban Tindak Pidana Penipuan Travel Umrah (Studi Putusan Pengadilan Negeri Banda Aceh Nomor 34/Pid.B/2020/PN BNA). Universitas Islam Negeri Ar-Rainiry Banda Aceh; 2023.

also ensures that the funds are only used for purposes agreed upon in the contract, such as travel costs, accommodation, and transportation. Regulations that require organizers to provide travel insurance for pilgrims also add a layer of legal protection for prospective pilgrims, as this provides a guarantee against risks that may occur during the Umrah trip, such as accidents or health problems. Therefore, through comprehensive regulations and effective supervision, prospective Umrah pilgrims can feel more protected and confident that their pilgrimage will be carried out safely, in accordance with high standards, and without any detrimental risks.

Legal Protection for Prospective Umrah Pilgrims

Legal protection can be given verbally or in writing to the legal subject and serves to prevent a dispute from occurring. Therefore, legal protection can be preventive. This is implemented in accordance with the regulations that have been in effect for the congregation when establishing a working relationship so that the rights and obligations of the congregation will be realized.¹⁶ Legal protection for prospective Umrah pilgrims in preventive protection has a very important role to ensure that the rights of pilgrims are protected before they perform the pilgrimage. One of the main aspects of preventive protection is ensuring the legality of the Umrah Pilgrimage Travel Organizer (PPIU). In this case, the government through applicable regulations, such as Law Number 8 of 2019 concerning the Implementation of the Hajj and Umrah Pilgrimage, regulates the legal requirements for PPIU. Each PPIU is required to have a valid operational permit from the Ministry of Religion, meet service standards, and have a commitment to consumer protection. This legality aims to minimize the potential for fraud that often occurs due to the practices of irresponsible Umrah organizers. Legal PPIUs are also required to provide protection guarantees in the form of insurance for pilgrims and manage pilgrim funds safely according to sharia principles.¹⁷

In addition, transparency of information to prospective pilgrims is also crucial in preventive protection. PPIU must clearly and honestly provide information related to travel

¹⁶ Adellia FG, Nunik N. Tinjauan Yuridis Ketentuan Perjanjian Kerja Waktu Tertentu (PKWT) Pasca UU No. 6 Tahun 2023 Tentang Cipta Kerja Dalam Perlindungan Hukum Tenaga Kerja Di Indonesia. Universitas Muhammadiyah Surakarta; 2024.

¹⁷ Mukhlis S. Perlindungan Hukum Jemaah Umrah dalam Penyelenggaraan Perjalanan Ibadah Umrah. *Asy-Syariah*. 2018;20(1):49-58.

packages, cost details, facilities to be received, departure schedules, and pilgrims' rights and obligations. Transparent information allows prospective pilgrims to make rational and informed decisions, while minimizing the risk of disappointment or loss due to information that is not in accordance with reality. In practice, this transparency must be stated in official documents such as a written agreement contract between PPIU and pilgrims, which also contains a dispute resolution mechanism if problems arise in the future. These steps are part of the preventive efforts of the government and organizers to create a safe, reliable system that upholds the principle of consumer protection in the implementation of the Umrah pilgrimage.

Repressive legal protection for prospective Umrah pilgrims includes efforts to handle problems after violations of the rights of pilgrims. One important mechanism in repressive protection is complaints and dispute resolution. Prospective pilgrims who feel disadvantaged by PPIU can file a complaint with the authorities, including the Ministry of Religion, the National Consumer Protection Agency (BPKN), or other consumer complaint institutions. This mechanism aims to provide space for pilgrims to submit complaints regarding breaches of contract, inappropriate services, or even fraud. Dispute resolution can be done through mediation, conciliation, or arbitration as non-litigation steps that are faster and more efficient. However, if a peaceful resolution is not reached, pilgrims have the right to take the case to litigation through the courts. In this process, the signed contract document becomes important evidence to strengthen the pilgrims' claims to their rights.¹⁸

On the other hand, the role of supervision by the Ministry of Religion as a regulator is also very important in the repressive aspect. The Ministry is responsible for ensuring that PPIUs that violate regulations are given strict sanctions in accordance with applicable provisions. This supervision involves periodic audits of PPIUs, including checking financial reports, compliance with service standards, and management of congregation funds. If violations are found, the Ministry can revoke the PPIU's operational permit, impose administrative fines, or report criminal acts if fraud or embezzlement of congregation funds occurs. In addition, supervision is also carried out to ensure that the congregation funds that have been deposited are managed with

¹⁸ Ariani EF. *Perlindungan hukum terhadap pembatalan keberangkatan calon jamaah umrah ditinjau dari Undang-Undang No. 8 Tahun 1999 tentang perlindungan konsumen (Studi kasus PT. Utsmaniyah Hannien Tour)*. Universitas Islam Negeri Syarif Hidayatullah Jakarta; 2019.

the principle of prudence so that the risk of loss can be minimized. With a combination of effective complaint and supervision mechanisms, repressive protection aims to provide justice for congregations who are harmed while preventing similar violations from occurring in the future.

According to the theory of legal protection put forward by Philipus M. Hadjon, there are two main approaches, namely preventive and repressive protection, in protecting individual rights from arbitrary actions. In the context of protecting prospective Umrah pilgrims, these two elements are applied synergistically to create an effective legal system. Preventive protection is implemented through clear and firm regulations regarding the implementation of the Umrah pilgrimage, as regulated in Law Number 8 of 2019 concerning the Implementation of the Hajj and Umrah Pilgrimage and the related Regulation of the Minister of Religion. This regulation includes the legal requirements for PPIU, the obligation of organizers to provide transparent information, and the obligation to provide protection in the form of insurance and written contracts containing the rights and obligations of each party. This effort aims to prevent violations from the start by building an accountable and transparent management system, while providing guarantees to pilgrims so that they can carry out their worship without worry.¹⁹

Meanwhile, repressive protection focuses on handling violations that have already occurred, with the aim of providing justice for the aggrieved pilgrims. This approach is realized through a complaint mechanism, dispute resolution, and the imposition of sanctions on PPIUs that violate the law. Dispute resolution can be carried out through non-litigation channels, such as mediation or arbitration, or through the courts if necessary. In addition, the government through the Ministry of Religion has a strategic role in supervision and law enforcement. By implementing Philipus M. Hadjon's theory, preventive and repressive not only ensure compliance with the law but also provide comprehensive protection guarantees for Umrah pilgrims, both before and after violations occur.

¹⁹ Syarief E, Junaidi J. Perlindungan Hukum Pemegang saham Minoritas Terhadap Implikasi Praktik Insider Trading dalam Perdagangan Saham di Pasar Modal. *J Law Policy Transform.* 2021;6(1):72-89

CONCLUSION

Minister of Religious Affairs Regulation No. 5 of 2021 comprehensively regulates the licensing requirements and procedures for Umrah Pilgrimage Organizers (PPIU) to ensure professional, safe, and transparent Umrah implementation. This regulation emphasizes the importance of business legality, transparency in fund management, the obligation to cooperate with official partners in Saudi Arabia, and guarantees of protection for prospective pilgrims through insurance and strict service standards. The Online Single Submission (OSS) system is implemented to simplify the licensing process and increase efficiency and transparency in PPIU supervision. Supervision is carried out preventively and repressively to prevent and prosecute violations, with sanctions ranging from warnings to revocation of operational permits. With the consistent implementation of this regulation and strict supervision, prospective Umrah pilgrims receive better legal protection, reduce the risk of fraud, and increase public trust in the implementation of Umrah pilgrimages in Indonesia.

Legal protection for prospective Umrah pilgrims is divided into two main aspects: preventive and repressive. Preventive protection aims to prevent violations through strict regulations, ensuring the legality of Umrah Pilgrimage Organizers (PPIU), transparency of information, and guarantees of protection such as insurance and written contracts. Meanwhile, repressive protection will focus on resolving violations through complaint mechanisms, mediation, arbitration, or legal channels if necessary, as well as strict supervision by the Ministry of Religion to impose sanctions on PPIUs that violate the rules. With this approach, prospective Umrah pilgrims receive more comprehensive and fair legal protection.

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