

Harmonization of the Legal Framework for Hajj and Umrah Administration under Law Number 8 of 2019 and Law Number 14 of 2025

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Abstrak

Kajian ini membandingkan kerangka normatif penyelenggaraan haji dan umrah dalam Undang-Undang Nomor 8 Tahun 2019 dan perubahan ketiganya melalui Undang-Undang Nomor 14 Tahun 2025. Penelitian hukum normatif menerapkan pendekatan perundang-undangan dan konseptual dengan analisis pasal demi pasal. Temuan utama menunjukkan bahwa undang-undang tahun 2025 mengubah pembagian kewenangan kepada Kementerian Haji dan Umrah, tata kelola kuota, mekanisme pembahasan biaya, pengawasan penyelenggara haji khusus dan umrah, serta sistem informasi kementerian. Ketentuan yang tidak diubah tetap berlaku; oleh karena itu perubahan ini bukan pencabutan menyeluruh atas Undang-Undang Nomor 8 Tahun 2019. Artikel membedakan kewajiban normatif yang dapat ditelusuri ke pasal dengan standar pelayanan, indikator audit dan interoperabilitas sistem yang masih berupa usulan kebijakan. Implikasinya adalah perlunya peraturan pelaksana mengenai layanan bagi jemaah rentan, pengaduan, pembagian tanggung jawab pengelola dan pengelola dana, serta transparansi evaluasi.

Kata Kunci: regulasi haji dan umrah; pembaruan hukum; kepastian hukum; tata kelola; perlindungan jemaah.

Abstract

This doctrinal article compares Indonesia's Law Number 8 of 2019 on Hajj and Umrah Administration with its third amendment, Law Number 14 of 2025. Through statutory and conceptual interpretation, it identifies amendments governing ministerial responsibility, allocation of Hajj quotas, adjustment of pilgrimage costs, supervision of special Hajj and Umrah operators, and the Ministry Information System. The amendment does not repeal the 2019 law in its entirety: provisions not amended remain in force. The article distinguishes statutory duties supported by specific provisions from proposed indicators concerning service standards, archiving, integrated digital governance, and pilgrim complaints. It argues for article-based implementation guidance, explicit coordination with the Hajj Financial Management Agency, traceable oversight decisions, and stronger accessible remedies for vulnerable pilgrims. Its contribution lies in a verifiable mapping of institutional responsibilities and legal consequences rather than an unsupported claim of wholesale replacement.

Keywords: Hajj and Umrah regulations; legal reform; legal certainty; governance; pilgrim protection.

INTRODUCTION

The administration of Hajj and Umrah is not only concerned with fulfilling the spiritual needs of Muslims but also constitutes part of the state's responsibility to guarantee freedom of religion, provide public services, and protect citizens' rights. This responsibility has a constitutional basis, as reflected in Article 28E paragraph (1) and Article 29 of the 1945 Constitution of the Republic of Indonesia. Fulfilling this responsibility requires a system for administering Hajj and Umrah that ensures legal certainty, clear institutional governance, effective supervisory mechanisms, and adequate protection for pilgrims¹. Accordingly, regulations governing Hajj and Umrah should not be understood merely as administrative instruments but also as a legal foundation for ensuring that religious services are delivered fairly, transparently, and accountably.

The growing enthusiasm among Indonesian Muslims for performing Hajj presents various challenges for the government, particularly regarding limited quotas, lengthy waiting periods, equitable access to departure opportunities, and the readiness of services for pilgrims². Furthermore, Fathuurrahmaan³, in a study entitled *Meta-Analysis of the Policy on Increasing Hajj Quotas by the Indonesian Government*, explains that the imbalance between the number of prospective pilgrims and the available quota constitutes a structural problem in the national Hajj administration system. The study also emphasizes that increasing the quota cannot be separated from issues of distributive justice, transparency, and service quality. These findings demonstrate that quota policy is not merely a technical matter of determining the number of pilgrims permitted to depart but also forms part of public governance that must be accountable in accordance with the principles of justice and legal certainty.

Governance challenges are also evident in the relationship between legal provisions and their implementation in practice. In their study entitled *Reconstructing the Governance of Hajj and Umrah Administration in Indonesia*, Aljawi and Santiago identify several challenges in Indonesia's Hajj and Umrah administration, including illegal brokerage practices, inadequate service infrastructure, quota uncertainty, and weak bureaucratic oversight⁴. Their study indicates that the existence of a legal framework does not automatically guarantee effective service delivery unless it is accompanied by clearly defined authority, transparency, accountability, and equitable service provision. Therefore, Hajj and Umrah administration should be examined not only in terms of the existence of legal norms but also in terms of their capacity to establish governance that responds effectively to pilgrims' needs.

¹ Adiyatma Firman Mahadi and Muh. Jufri Ahmad, "Analisis Kepastian Hukum Dan Perlindungan Hukum Jamaah Umrah Mandiri (Berdasarkan Undang-Undang Nomor 14 Tahun 2025 Tentang Penyelenggaraan Ibadah Haji Dan Umrah)," *Media Hukum Indonesia* 4, no. 3 (2026): 222, <https://ojs.daarulhuda.or.id/index.php/MHI/article/view/3840>.

² Rian Rusmana Putra et al., "Analisis Yuridis Terhadap Tindak Pidana Penipuan Dalam Penyelenggaraan Pemberangkatan Haji Dan Umroh Di Indonesia," *Petita* 8, no. 1 (2026): 1–20.

³ Amma Fathuurrahmaan, "Meta Analisis Kebijakan Penambahan Kuota Haji Oleh Pemerintah Indonesia," *Arus Jurnal Sosial Dan Humaniora (AJSH)* 6, no. 1 (2026): 799–804.

⁴ Muhammad Farid Aljawi and Faisal Santiago, "Reconstructing the Governance of Hajj and Umrah Administration in Indonesia," *Greenation International Journal of Law and Social Sciences* 3, no. 3 (2025): 822–32, <https://doi.org/10.38035/gijlss.v3i3.567>.

The legal protection of pilgrims becomes increasingly important when Hajj and Umrah administration involves multiple actors, different departure arrangements, and service models with distinct legal characteristics. In this regard, Quaium et al. in their study entitled *Towards Associating Negative Experiences and Recommendations Reported by Hajj Pilgrims in a Mass-Scale Survey*, analyze pilgrims' experiences based on a large-scale survey involving 988 respondents⁵. The study identifies seven categories of negative experiences, 21 types of negative experiences, and 20 types of recommendations for improving Hajj administration. Although the study does not specifically examine Indonesia's legal system, its findings provide a useful perspective for assessing Hajj administration in terms of pilgrims' experiences and administrators' capacity to respond to service-related problems. This perspective is relevant to evaluating whether regulatory reform can effectively connect administrators' obligations with mechanisms for protection and accountability.

Legal protection issues are also evident in the administration of Hajj Furoda. The study entitled *Legalitas Perlindungan Hukum Haji Furoda: Studi Kasus Haji Tahun 2025* examines the uncertainty surrounding pilgrims' legal protection when visa mujamalah is not issued, preventing their departure⁶. The study highlights issues concerning legal certainty, supervision of organizers, transparency, accountability, and the refund of pilgrims' payments. These findings indicate that legal protection cannot rely solely on the recognition of a particular form of pilgrimage administration. It also requires clarity regarding the respective responsibilities of the state and service providers, as well as mechanisms for resolving situations in which pilgrims' rights are not fulfilled. Accordingly, regulatory reform in Hajj and Umrah administration should be assessed according to its capacity to provide legal protection that can be effectively implemented in practice.

Within Indonesia's national legal framework, Law Number 8 of 2019 concerning the Administration of Hajj and Umrah serves as a principal legal basis governing both forms of pilgrimage⁷. The law regulates various aspects, including guidance, services, pilgrims' protection, quota management, and the administration of Umrah travel services. However, evolving societal needs, increasingly complex service arrangements, changes in the policies of the Government of Saudi Arabia, and growing demands for accountability raise questions regarding the adequacy of the existing legal framework. These issues require careful legal analysis to distinguish weaknesses in implementation from deficiencies in legal norms, ambiguities in the allocation of authority, and the need to establish new legal provisions.

The enactment of Law Number 14 of 2025 concerning the Third Amendment to Law Number 8 of 2019 provides an important context for examining the direction of regulatory reform in Hajj and Umrah administration in Indonesia. This regulatory change needs to be examined by considering its underlying legal basis, substantive

⁵ Adnan Quaium et al., "Towards Associating Negative Experiences and Recommendations Reported by Hajj Pilgrims in a Mass-Scale Survey," *Heliyon* 9, no. 5 (2023): e15486, <https://doi.org/10.1016/j.heliyon.2023.e15486>.

⁶ Ahmad Zaki Muntafi, "Legalitas Perlindungan Hukum Haji Furoda: Studi Kasus Haji Tahun 2025," *Journal of Contemporary Law Studies* 2, no. 4 (2025): 413–26, <https://doi.org/10.47134/lawstudies.v2i4.3875>.

⁷ Republic of Indonesia, Law Number 8 of 2019 concerning the Administration of Hajj and Umrah, 2019.

amendments, and implications for legal certainty, institutional governance, quota management, supervision, and pilgrims' protection. From the perspective of administrative law, regulatory amendments should not be assessed solely on the basis of the introduction of new legal provisions but also in terms of the coherence of authority arrangements, the clarity of responsibilities among institutions, and their conformity with the principles of good governance. Therefore, an analysis of the enactment of new regulations should examine legal considerations and governance improvement objectives within an integrated analytical framework.

Previous studies have examined various issues in Hajj and Umrah administration from different perspectives. Aljawi and Santiago focused on reconstructing Hajj and Umrah governance; Quaium et al. examined pilgrims' negative experiences and recommendations for service improvement; Fathuurrahmaan investigated Hajj quota expansion policies from the perspectives of public policy and distributive justice; while Muntafi addressed the legal protection of *Hajj Furoda* pilgrims. These four studies provide a conceptual foundation for understanding the complexity of Hajj and Umrah administration. However, their respective focuses have not specifically addressed the legal analysis of the enactment of Law Number 14 of 2025 through a comparison with Law Number 8 of 2019. Accordingly, a research gap remains concerning the relationship between governance challenges, the need to protect pilgrims, and the considerations underlying the reformulation of legal norms in the enactment of new legislation.

In response to this research gap, this article aims to analyze the regulatory framework governing Hajj and Umrah administration under Law Number 8 of 2019 and examine the legal basis and direction of the enactment of Law Number 14 of 2025. The novelty of this study lies in its attempt to connect the analysis of changes in legal norms with issues of administrative governance, quota allocation, supervision, and pilgrims' protection addressed in previous studies. This study employs normative legal research using the statutory and conceptual approaches. The legal materials are analyzed qualitatively to assess regulatory consistency, the need for legal reform, and the implications of legal changes for Hajj and Umrah administration in Indonesia. Through this approach, the study is expected to contribute to the academic development of legal scholarship on Hajj and Umrah administration and provide a basis for evaluating regulatory formulation in terms of legal certainty, accountability, and pilgrims' protection.

RESEARCH METHOD

This study employs normative legal research, focusing on the analysis of legal norms, legal principles, and the basis for the formulation of regulations governing Hajj and Umrah administration in Indonesia. This method was selected because the primary object of the study is the relationship between Law Number 8 of 2019 and Law Number 14 of 2025, particularly concerning the rationale for enacting new legislation, changes in regulatory substance, and their implications for governance and pilgrims' legal protection⁸. Rather than empirically measuring service effectiveness, this study evaluates the adequacy, consistency, and direction of legal reform based on relevant legal materials.

⁸ Sukurma and Ferdian, "Tanggung Jawab Hukum Agen Travel Dalam Kegagalan Keberangkatan Haji Dan Umrah: Perspektif Perlindungan Konsumen," *SEIKAT: Jurnal Ilmu Sosial, Politik Dan Hukum* 3, no. 4 (2024): 201–7, <https://doi.org/10.55681/seikat.v3i4.1518>.

The study adopts the statutory approach and the conceptual approach. The statutory approach involves examining legislation related to Hajj and Umrah administration, particularly Law Number 8 of 2019 and Law Number 14 of 2025. The examination focuses on the rationale for regulatory formulation, the scope of regulation, the allocation of institutional authority, quota management, supervisory mechanisms, and pilgrims' protection. Meanwhile, the conceptual approach is employed to analyze these regulations through the concepts of legal certainty, accountability, good governance, and legal protection. A historical approach is also applied to trace the development of Hajj and Umrah regulations and the background to regulatory changes, insofar as these can be substantiated by legislative records and other relevant historical sources.

The legal materials used in this study consist of primary, secondary, and tertiary legal materials. Primary legal materials include legislation directly related to Hajj and Umrah administration, particularly the two laws under examination. Secondary legal materials comprise legal books, scholarly journal articles, research findings, and academic documents relevant to Hajj and Umrah governance, quota policies, regulatory formulation, and pilgrims' protection. Articles addressing the reconstruction of Hajj and Umrah governance in Indonesia, pilgrims' negative experiences, policies on increasing Hajj quotas, and the legal protection of pilgrims undertaking *Hajj Furoda* are used as supporting materials to identify the issues underlying the need for legal reform. Tertiary legal materials consist of legal dictionaries and other reference sources that assist in clarifying the legal terms and concepts used in this study.

Legal materials were retrieved from the official legislative databases of the Republic of Indonesia and cross-checked against Law Number 8 of 2019, its intervening amendments, Law Number 14 of 2025 (effective 4 September 2025), and Presidential Regulation Number 92 of 2025. Search terms included "penyelenggaraan ibadah haji dan umrah", "perubahan ketiga", "kuota haji", "BPIH", "Sistem Informasi Kementerian", and "pengawasan PPIU". Primary law controlled where secondary descriptions disagreed. Newspaper allegations, unaudited mortality comparisons, and organizational claims without identifiable legal provisions were not accepted as independently verified findings. The legal cut-off date for this analysis is 16 October 2026.⁹

A change log was established by locating the specific original provision, the amendment number and revised article, the competent institution, and the resulting right or duty. The terms "changed", "retained", "deleted", and "newly inserted" are used only where supported by the enacted text. Explanatory memoranda and parliamentary reports were treated as contextual legislative history, not as substitutes for statutory text. The comparison evaluates certainty of responsibility, enforceability of pilgrim rights, traceability of fiscal decisions, and accessible supervision. Where a primary audit report, official complaint register or implementing instruction was unavailable, no claim of established national non-compliance was drawn.

⁹ Idrus Ruslan, Mawardi Mawardi, and Ahmad Afnan Anshori, "Religious: Jurnal Studi Agama-Agama Dan Lintas Budaya Deconstruction of the Policy for the Establishment of Houses of Worship in Indonesia" 7249 (2022).

RESULTS AND DISCUSSION

1. Regulatory Continuity and the Scope of the Third Amendment

a. Background to the Enactment of Law Number 8 of 2019

Law Number 8 of 2019 was enacted on the premise that the administration of Hajj and Umrah should be regulated within an integrated legal framework, as the two forms of pilgrimage are normatively interconnected¹⁰. The law recognizes that Hajj and Umrah constitute important expressions of Islamic religious practice and must be administered properly to improve the quality of worship and services provided to pilgrims¹¹. This principle indicates that regulations governing Hajj and Umrah are not merely administrative in nature but also have religious significance and reflect the state's responsibility to facilitate the religious obligations of its citizens.

The enactment of Law Number 8 of 2019 was preceded by an extensive process of academic review and legislative deliberation. The academic paper prepared by the Expertise Agency of the House of Representatives of the Republic of Indonesia identified several reasons for reforming the existing legal framework: (1) Law Number 13 of 2008 did not adequately regulate Umrah administration, despite the number of Umrah pilgrims having exceeded that of regular Hajj pilgrims; (2) normative gaps existed in the regulation of Special Hajj Organizers (*Penyelenggara Ibadah Haji Khusus*, PIHK) and Umrah Travel Organizers (*Penyelenggara Perjalanan Ibadah Umrah*, PPIU); (3) robust legal guarantees for the protection of Umrah pilgrims had not been adequately established; and (4) regulatory adjustments were necessary to accommodate developments in information technology, particularly in pilgrim registration and monitoring systems¹².

Structurally, Law Number 8 of 2019 consists of 27 chapters and 188 articles, making it one of the most comprehensive legislative instruments governing Hajj and Umrah in Indonesia. Its scope covers general provisions; principles, objectives, and scope; pilgrims' rights and obligations; Hajj administration; Umrah administration; Hajj financing; the Hajj Financial Management Agency; supervision; and penal and concluding provisions¹³.

b. Substantive Provisions on Hajj and Umrah under Law Number 8 of 2019

Regarding Hajj administration, the law establishes the government's responsibility as the principal authority for organizing the pilgrimage, encompassing three main pillars: guidance, services, and pilgrims' protection. These three pillars are implemented through a more structured system than that established under the previous legislation, including the Integrated Hajj Computerized System (*Sistem Komputerisasi Haji Terpadu*, SISKOHAT), which integrates registration, quota allocation, and pilgrims' departure processes digitally. With respect to the Hajj waiting-list system, the law applies a portion-number-based queue determined by

¹⁰ Republic of Indonesia, Law Number 8 of 2019 concerning the Administration of Hajj and Umrah.

¹¹ Rizaldi Mochammad Alfin and Rosalinda Elsin Latumahina, "Perlindungan Hukum Terhadap Konsumen Agen Travel Atas Kegagalan Keberangkatan Haji Dan Umrah," *SEIKAT: Jurnal Ilmu Sosial, Politik Dan Hukum* 3, no. 2 (2024): 152–57, <https://doi.org/10.55681/seikat.v3i2.1270>.

¹² Dewan Perwakilan Rakyat Republik Indonesia, "Naskah Akademik Rancangan Undang-Undang Tentang Penyelenggaraan Ibadah Haji Dan Umrah (Pengganti Undang-Undang Nomor 13 Tahun 2008)" (Jakarta, 2018).

¹³ Ombudsman Republik Indonesia, "Laporan Hasil Pemeriksaan Atas Penyelenggaraan Ibadah Umrah Tahun 2017--2018" (Jakarta, 2018).

chronological registration. Under this system, pilgrims who register earlier are generally scheduled to depart earlier, subject to exceptions provided for under applicable legal provisions, including special arrangements for elderly pilgrims and persons with disabilities. In several regions, waiting periods have exceeded 30 years, making the queue system a critical issue that directly affects millions of prospective Hajj pilgrims.

Another significant development introduced by Law Number 8 of 2019 is the comprehensive and substantive regulation of Umrah, which represented an important milestone in the history of Indonesian legislation. Previously, Umrah administration was regulated only partially through various regulations issued by the Minister of Religious Affairs, which offered limited legal protection for pilgrims¹⁴. The law subsequently established detailed provisions concerning the requirements for Umrah Travel Organizers (*Penyelenggara Perjalanan Ibadah Umrah*, PPIU), licensing procedures, minimum service standards, PPIU obligations toward pilgrims, supervisory mechanisms, and sanctions for violations. Specifically, regarding the protection of Umrah pilgrims, Law Number 8 of 2019 requires every PPIU to ensure that pilgrims depart in accordance with the packages promised and agreed upon, provide competent religious guides, arrange pilgrims' return journeys, and compensate pilgrims for losses resulting from the PPIU's negligence or breach of contract¹⁵. These provisions represent a significant advancement in consumer protection within the Umrah travel services sector.

2. Accountability and the Limits of the Pre-Amendment Institutional Model

a. Institutional Fragmentation and Unclear Allocation of Authority

The existence of several bodies with roles in pilgrimage administration does not itself establish a conflict of competence. The Ministry, the Hajj Financial Management Agency (BPKH), financial institutions, health authorities and service providers perform legally distinct functions. Any allegation of overlap must identify a particular decision entrusted to more than one actor by operative law. This article therefore separates policymaking, registration and provision of pilgrim services, custodianship of pilgrimage funds, regulatory supervision and independent audit; it does not infer institutional dysfunction merely by counting organisations.¹⁶

Before the 2025 amendment, the distribution of implementation duties and fund-management functions already required interagency coordination. An empirically established bottleneck would require a dated authorisation record, an administrative complaint, or a relevant audit finding. The available reviewed manuscript does not provide a verifiable nationwide register of such incidents. Institutional fragmentation is therefore discussed as a possible coordination risk and

¹⁴ Juliana Arani et al., "Brilliant: Journal of Islamic Economics and Finance Reformasi Legislasi Penyelenggaraan Haji Dan Umrah: Analisis Akuntabilitas Dan Perlindungan," *Brilliant: Journal of Islamic Economics and Finance* 4, no. 1 (2026): 495–516.

¹⁵ Dede Elfando and Muhammad Zamzam, "Al-Jinan: Jurnal Studi Islam Tata Kelola Keuangan Biro Perjalanan Haji Dan Umrah: Analisis Fakultas Dakwah Dan Komunikasi Universitas Islam Negeri (UIN) Raden Fatah Palembang," *Al-Jinan: Jurnal Studi Islam* 1, no. 2 (2026): 52–64, <https://ejournal.pancapublishing.com/index.php/al-jinan> E-ISSN:

¹⁶ Dewan Perwakilan Rakyat Republik Indonesia, "Naskah Akademik Rancangan Undang-Undang Tentang Penyelenggaraan Ibadah Haji Dan Umrah (Pengganti Undang-Undang Nomor 13 Tahun 2008)."

a problem for normative design, rather than an independently proven general failure.¹⁷

b. Problems in Hajj Financial Governance

Hajj financial governance is one of the most critical issues attracting scrutiny from various stakeholders. By the end of 2023, funds managed by the Hajj Financial Management Agency (BPKH) had reached IDR 166.01 trillion, making it one of Indonesia's major public-trust-based financial institutions¹⁸. However, the management of such substantial funds has also raised concerns regarding investment governance and its implications for the Hajj Pilgrimage Cost (*Biaya Penyelenggaraan Ibadah Haji*, BPIH) borne by pilgrims.

The manuscript referred to an audit finding on investments without the requisite supervisory approval, but did not identify its report number, precise finding, relevant period or formal response. That allegation is excluded from this article's verified findings pending inspection of the original BPK audit document. The legally relevant inquiry is instead which institution holds funds under the applicable Hajj financial management legislation, who proposes and approves their use, and which information must be disclosed to the public. An audit qualification should never be converted into an adjudication of illegality without examining its basis and legal effect.¹⁹

c. Ineffectiveness of Umrah Administration Supervision

Although Law Number 8 of 2019 establishes stricter requirements and supervisory mechanisms for Umrah Travel Organizers (*Penyelenggara Perjalanan Ibadah Umrah*, PPIU) than those provided under previous regulations, its implementation remains far from ideal²⁰. Data from the Ministry of Religious Affairs indicate that, during the 2019–2023 period, dozens of cases involving problematic PPIUs continued to occur, ranging from departure delays and the provision of facilities that did not conform to agreed travel packages to the abandonment of pilgrims in Saudi Arabia.

Existing secondary literature describes complaints relating to Umrah service providers, but the reviewed materials lack a case register, sampling criteria or inspection records permitting any numerical national conclusion. The relevant doctrinal question is whether authorities have express powers to inspect, monitor, evaluate, impose administrative consequences and refer suspected criminal conduct. Law Number 14 of 2025 expressly introduces a more detailed supervisory framework in Articles 119A–119L, with the Minister responsible for special Hajj and Umrah supervision.²¹

¹⁷ Soerjono Soekanto and Sri Mamudji, *Penelitian Hukum Normatif* (Jakarta: RajaGrafindo Persada, 2019).

¹⁸ Badan Pengelola Keuangan Haji, "Laporan Keuangan Haji Tahun 2023" (Jakarta, 2024).

¹⁹ Badan Pemeriksa Keuangan Republik Indonesia, "Laporan Hasil Pemeriksaan Atas Pengelolaan Dana Haji Pada Badan Pengelola Keuangan Haji Tahun 2022" (Jakarta, 2023).

²⁰ Randi Alfian and Fitri Rafianti, "Problematics Of The Implementation Of Hajj And Umrah (Study Of Law Number 8 Of 2019 Concerning The Implementation Of Hajj And Umrah)," *International Journal of Management, Economic and Accounting* 1, no. 2 (2023): 112–25, <https://doi.org/10.61306/ijmea.v1i2.18>.

²¹ Mahadi and Ahmad, "Analisis Kepastian Hukum Dan Perlindungan Hukum Jamaah Umrah Mandiri (Berdasarkan Undang-Undang Nomor 14 Tahun 2025 Tentang Penyelenggaraan Ibadah Haji Dan Umrah)."

d. Weaknesses in the Protection of Pilgrims' Rights

A study by the National Commission on Human Rights identified significant normative gaps in the mechanisms for protecting pilgrims under Law Number 8 of 2019²². In particular, the study highlighted inadequate protection for vulnerable groups, including elderly pilgrims and pilgrims with disabilities, who may not receive specialized services appropriate to their needs during Hajj and Umrah.

Reported pilgrimage mortality is a serious policy issue but is not, without date-specific figures, population denominators and a causal analysis, proof of a breach of a particular statutory duty. The claim of more than 700 deaths per season is therefore not relied upon as an established result. Normative protection should be assessed through specific rights, accessible reporting and referral channels, enforceable service obligations, and the availability of reasons and remedies where assistance is refused.

e. Challenges of Digital Transformation and Changes in Saudi Arabian Policy

Through its Vision 2030 framework, the Government of Saudi Arabia has undertaken a fundamental transformation of Hajj and Umrah administration, including the digitalization of licensing, visa processing, and pilgrim services through the *Nusuk* application. The Saudi government has set a target of accommodating 30 million Umrah pilgrims annually by 2030. This objective requires Indonesia, one of the largest countries of origin for Umrah pilgrims, to develop regulatory and technological systems that are compatible with the evolving arrangements in Saudi Arabia²³.

Changes in Saudi Arabian policy also include the implementation of the Masyariq system, which has altered the role traditionally performed by *muassasah* institutions, as well as the introduction of Hajj coordination arrangements that affect cooperation between the Indonesian government and Saudi Arabian authorities²⁴. These developments require adjustments to Indonesia's national regulatory framework. Such adjustments may require a statutory legal basis rather than relying exclusively on implementing regulations, particularly where institutional authority, legal obligations, and pilgrims' rights are affected.

Law Number 8 of 2019 was drafted before the COVID-19 pandemic and the subsequent acceleration of digital transformation. Consequently, questions have arisen regarding the adequacy of its normative framework for accommodating technological innovation in pilgrimage administration²⁵. The provisions governing Hajj information systems remain relatively general and may require further development to support the legal and institutional requirements associated with

²² Agil Syarifatul Mashohih and Abdul Rozaq, "Differentiation Treatment of KBIHU According to the Law on Hajj and Umrah Management," *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam* 8, no. 1 (2026): 135–48, <https://doi.org/10.37680/almanhaj.v8i1.8871>.

²³ Saudi Arabia Ministry of Hajj and Umrah, "Annual Report on Hajj Operations 2023" (Riyadh, 2023).

²⁴ Fani Ruusul Masail, "Legal Protection of Hajj and Umrah Pilgrims Under Indonesia's Amended Pilgrimage Law: A Doctrinal Analysis," *Sinthop: Media Kajian Pendidikan, Agama, Sosial Dan Budaya* 5, no. 2 (2026): 295–309, <https://doi.org/10.69548/sinthop.v5.i2.144.295-309>.

²⁵ Hani Alnabulsi, John Drury, and Anne Templeton, "Predicting Collective Behaviour at the Hajj: Place, Space and the Process of Cooperation," *Philosophical Transactions of the Royal Society B: Biological Sciences* 373, no. 1753 (2018), <https://doi.org/10.1098/rstb.2017.0240>.

artificial intelligence, big data, and integrated information systems in modern Hajj and Umrah administration²⁶.

3. Verifiable Institutional, Financial and Digital Changes under Law Number 14 of 2025

Law Number 14 of 2025 is officially titled the Third Amendment to Law Number 8 of 2019 concerning Hajj and Umrah Administration (State Gazette 2025 No. 139, Supplement No. 7132), and took effect on 4 September 2025. It amends specified sections and inserts new provisions; unchanged sections of the principal law remain effective. A historical label such as “complete replacement” is legally misleading without a repeal clause. The amended provisions must be read as a consolidated framework together with the principal law and subsequent implementing regulations.²⁷

The enacted changes should be assessed at three levels: the legal holder of a function; the administrative procedure by which it is discharged; and whether the right of a pilgrim can be identified, exercised and reviewed. Philosophical expectations of fairness and transparency do not by themselves prove that a numeric service ratio or travel-distance standard has been enacted. Those standards require a particular implementing instrument and should otherwise be identified as policy proposals.²⁸

The central institutional development is the statutory assignment of national Hajj and Umrah implementation to the Ministry under Article 106A, introduced by Law Number 14 of 2025. Presidential Regulation Number 92 of 2025 establishes the Ministry of Hajj and Umrah and addresses its governmental tasks and functions. The superseded organisational terminology “BPHU as an independent non-ministerial agency” is not an accurate description of the post-amendment authority. The Minister has functions relating to administration, pilgrimage services, development and supervision; BPKH remains a distinct financial-management actor under the relevant law.²⁹ This institutional separation does not automatically prove either an overlap or an improvement in performance.³⁰

On pilgrimage costs, amended Article 48 identifies the process for presidential determination of BPIH after parliamentary approval, while newly inserted Article 48A deals with adjustments during the pilgrimage year. Amended Article 49 distinguishes initial, instalment and final pilgrim payments and prescribes their placement and transfer to BPKH. These are ascertainable procedural changes. The draft's earlier assertions regarding newly mandated “investment-return subsidy formulas” are not retained because no matching operative provision was established.

²⁶ Randi Alfian and Fitri Rafianti, “Problematics Of The Implementation Of Hajj And Umrah (Study Of Law Number 8 Of 2019 Concerning The Implementation Of Hajj And Umrah).”

²⁷ Alfin and Latumahina, “Perlindungan Hukum Terhadap Konsumen Agen Travel Atas Kegagalan Keberangkatan Haji Dan Umrah.”

²⁸ Udin Latif and M. Akbar Hidayat, “Tinjauan Yuridis Undang-Undang Nomor 8 Tahun 2019 Tentang Penyelenggaraan Ibadah Haji Dan Umrah Oleh Kemenag Kabupaten Sorong,” *Muadalah* 3, no. 1 (2024): 54–66.

²⁹ Mashohih and Rozaq, “Differentiation Treatment of KBIHU According to the Law on Hajj and Umrah Management.”

³⁰ Quaium et al., “Towards Associating Negative Experiences and Recommendations Reported by Hajj Pilgrims in a Mass-Scale Survey.”

Budget control, external audit and investment accountability should be studied separately under financial-management laws and implementing regulations.³¹

Law Number 14 of 2025 uses the statutory term “Sistem Informasi Kementerian”, defined in Article 1 and used in amended Article 12(3) for public quota announcements and Article 119J for supervision, monitoring and evaluation. The reviewed manuscript’s claim that the statute establishes a system called “SIHUTAN” has not been substantiated and is withdrawn. Interoperability, open data, identity security and complaint tracking are desirable elements of implementing-system design; they are not asserted to be fully operational merely because the law requires a ministerial information system.³²

The reviewed draft also attributed specific hotel distances, ratios of medical personnel to pilgrims and other precise technical benchmarks to Law Number 14 of 2025. The amendments examined here do not substantiate these numbers. They have been removed as binding statutory standards. Such requirements may be proposed as measurable indicators, but an enforceable minimum must be supported by a named implementing regulation, a responsible authority and a verification procedure. The appropriate prescriptive focus is on publishing service standards, documenting deviations and providing remedies.

Pilgrim protection must be assessed through the amended legal entitlements rather than rhetorical promises of accessibility. Amended Article 6 sets out rights of Hajj pilgrims; the administration should map each entitlement to its duty holder, intake channel, time limit and avenue of review. Reasonable accommodation for older persons and persons with disabilities calls for accessible registration, health assistance, information formats and complaints. Specific measurable accommodations should be prescribed by relevant subsidiary rules and evidence of their implementation, not attributed to the statute without citation.³³

4. Article-by-Article Comparison and Implementable Implications

The contrast between the principal law and the 2025 amendment yields several specific conclusions. First, the executive authority for implementation is organised under the Ministry (Article 106A). Second, the quota decision and public announcement are made traceable through Article 12. Third, changes in Hajj costs are subjected to the process established in Articles 48 and 48A. Fourth, Articles 119A –119L specify ministerial supervision and related procedural mechanisms. Fifth, the legally defined information system is the “Sistem Informasi Kementerian”. Each conclusion refers to an identifiable amended provision rather than an asserted wholesale replacement.

A third amendment is neither a free-standing new code nor an explicit repeal of all of Law Number 8 of 2019.³⁴ The earlier description of “total law reform” is replaced here by a differentiated approach: a provision may be amended, newly inserted, deleted, or remain in effect unchanged. Regulatory continuity remains decisive for legal certainty. Remaining institutional and technical details must be

³¹ Randi Alfian and Fitri Rafianti, “Problematics Of The Implementation Of Hajj And Umrah (Study Of Law Number 8 Of 2019 Concerning The Implementation Of Hajj And Umrah).”

³² Elfando and Zamzam, “Al-Jinan : Jurnal Studi Islam Tata Kelola Keuangan Biro Perjalanan Haji Dan Umrah : Analisis Fakultas Dakwah Dan Komunikasi Universitas Islam Negeri (UIN) Raden Fatah Palembang.”

³³ Elfando and Zamzam.

³⁴ Republik Indonesia, “Undang-Undang Nomor 14 Tahun 2025,” 2025.

assessed in applicable implementing regulations, including Presidential Regulation Number 92 of 2025, rather than attributed to the amendment without source support.³⁵

Table 1 identifies operative provisions supported by the amended statute. The “previous framework” column describes the subject regulated by Law Number 8 of 2019; the final column states the legal or implementational difference documented by the amendment. No unverified service-ratio, mortality or audit statistics are included.

Table 1. Selected Operative Amendments to the Hajj and Umrah Framework

Subject	Principal law / baseline	Amended provisions	Duty holder	Documented consequence
Institutional authority	Law 8/2019: pre-amendment implementing arrangements	Art 106A (2025): Ministry is responsible	Ministry; coordination Art 108	Specified allocation of executive functions
Quota allocation	Regular quota arrangements under principal law	Art 12(1)–(3), as amended	Minister	Public determination and announcement in Ministry system
Cost determination	BPIH procedures in principal law	Art 48 and new Art 48A	President, DPR, Minister	Explicit amendment process during a pilgrimage year
Pilgrim deposits	Previous deposit framework	Art 49, as amended	Minister, BPS Bipih, BPKH	Prescribed transfer of deposited pilgrim funds
Information system	Prior pilgrimage information arrangements	Art 1 and Art 119J, as amended	Ministry	Named Ministry Information System for oversight
Supervision	Pre-amendment control and monitoring rules	New Arts 119A–119L	Minister; other state agencies	Detailed oversight and referral framework

³⁵ Republic of Indonesia, Presidential Regulation Number 92 of 2025 concerning the Ministry of Hajj and Umrah, September 8, 2025.

Subject	Principal law / baseline	Amended provisions	Duty holder	Documented consequence
Pilgrim rights	Previously recognised rights and duties	Arts 6–7, as amended	Minister and service providers	Updated statutory rights and registration duties

These comparisons also reveal which matters require further implementing instruments. Ministry-level information systems must be accompanied by access controls, reporting formats and auditable publication obligations. Ministerial supervision requires complaint procedures and a transparent escalation route for operators and pilgrims. Coordination with BPKH needs a document trail recording who initiates, transfers, manages and oversees funds. These are reform priorities, not additional statutory obligations asserted without legal basis.

Institutional tasks should be distinguished explicitly: the Ministry handles administrative implementation and supervision under the amended pilgrimage law; BPKH manages pilgrimage finances under its own enabling framework; financing banks process payments within applicable legal procedures; and the DPR and the President have distinct roles in BPIH decisions under Article 48. The Ministry's coordination duty is established in Article 108. The legal issue is whether these mandates are adequately connected through procedures and accountability, not simply how many institutions participate.

Quota administration is a concrete reform area because amended Article 12 assigns determination of Indonesian and provincial regular pilgrimage quotas to the Minister under transparency, proportionality and fairness principles and requires public announcement through the Ministry Information System. Further changes regarding additional, remaining and non-quota arrangements require consultation of their respective amended provisions and accompanying regulations. This inquiry therefore avoids inventing a uniform quota algorithm from general policy statements.

For supervisory enforcement, Articles 119A–119L set out ministerial monitoring and evaluation; Articles 119C, 119D and 119F expressly cover special Hajj and Umrah provider activities; Article 119B provides for referral of suspected crimes; and Article 119K links certain evaluations to accreditation and sanctions. Public access to complaint mechanisms and reviewable decision-making are the practical safeguards that should be specified at the implementation level.

The digital governance provisions refer to the Ministry Information System, not "SIHUTAN". The immediate operational task is to define the relevant data controller, authorisation levels, publication obligations, retention policies and auditability. Where information is used to allocate quotas, to support oversight or to receive complaints, its integrity and correction procedure become relevant to pilgrims' legal protection and to administrative accountability.

The evaluation uses four criteria: identifiable authority, clear procedures, enforceable pilgrim entitlements and traceable accountability. A norm is classified as binding where it appears in operative law; service improvements are classified as recommendations where an implementing rule is still needed. This distinction also prevents the finding of a possible coordination risk from being presented as proven institutional illegality or operational failure.

The concrete legislative outcome is a selective but significant restructuring of administration, quota transparency, cost adjustment, information management and supervisory powers. The legal contribution of this study is a provision-linked mapping of those changes and of the regulatory tasks still required for implementation. Detailed conditions for transport and accommodation, medical ratios, complaint time limits and digital interoperability should be verified against further regulations before being declared existing entitlements.

The distinction between Ministry responsibility and BPKH financial management requires implementing coordination protocols that respect each institution's enabling legislation. A memorandum or technical standard cannot lawfully transfer core statutory powers. Proposed priorities are an allocation-of-authority chart, public disclosure rules for quota and cost decisions, accessible complaints for older and disabled pilgrims, and a supervision register supporting parliamentary and public oversight.

CONCLUSION

Law Number 14 of 2025 is the third amendment—not a wholesale repeal—of Law Number 8 of 2019. The documented changes include ministerial responsibility under Article 106A, quota determination and publication under Article 12, BPIH decision and adjustment mechanisms under Articles 48 and 48A, the Ministry Information System, and the oversight powers in Articles 119A–119L. Provisions not amended retain their place in the consolidated regulatory framework. The legal consequence is clearer executive allocation of specific tasks, but effectiveness still depends on subsidiary regulations and evidence of implementation.

Priority implementation measures are: (1) issue a public crosswalk of amended articles and operational responsibilities; (2) distinguish Ministry implementation and supervision from BPKH fund management; (3) publish verifiable quota, cost and oversight decisions through the legally named information system; and (4) provide accessible complaint and review pathways for pilgrims, particularly older persons and persons with disabilities. Unverified mortality figures, audit allegations and precise service ratios are excluded from the legal findings. The study cannot conclude that institutional performance improved nationally without relevant implementation data.

REFERENCES

- Alfin, Rizaldi Mochammad, and Rosalinda Elsin Latumahina. "Perlindungan Hukum Terhadap Konsumen Agen Travel Atas Kegagalan Keberangkatan Haji Dan Umrah." *SEIKAT: Jurnal Ilmu Sosial, Politik Dan Hukum* 3, no. 2 (2024): 152–57. <https://doi.org/10.55681/seikat.v3i2.1270>.
- Alnabulsi, Hani, John Drury, and Anne Templeton. "Predicting Collective Behaviour at the Hajj: Place, Space and the Process of Cooperation." *Philosophical Transactions of the Royal Society B: Biological Sciences* 373, no. 1753 (2018). <https://doi.org/10.1098/rstb.2017.0240>.
- Arani, Juliana, Zakiul Fuady, Ilmu Syariah, Pasca Sarjana, and Aceh Tengah. "Brilliant : Journal of Islamic Economics and Finance Reformasi Legislasi Penyelenggaraan Haji Dan Umrah : Analisis Akuntabilitas Dan Perlindungan." *Brilliant: Journal of Islamic Economics and Finance* 4, no. 1 (2026): 495–516.

- Badan Pemeriksa Keuangan Republik Indonesia. "Laporan Hasil Pemeriksaan Atas Pengelolaan Dana Haji Pada Badan Pengelola Keuangan Haji Tahun 2022." Jakarta, 2023.
- Badan Pengelola Keuangan Haji. "Laporan Keuangan Haji Tahun 2023." Jakarta, 2024.
- Dewan Perwakilan Rakyat Republik Indonesia. "Naskah Akademik Rancangan Undang-Undang Tentang Penyelenggaraan Ibadah Haji Dan Umrah (Pengganti Undang-Undang Nomor 13 Tahun 2008)." Jakarta, 2018.
- Elfando, Dede, and Muhammad Zamzam. "Al-Jinan: Jurnal Studi Islam Tata Kelola Keuangan Biro Perjalanan Haji Dan Umrah: Analisis Fakultas Dakwah Dan Komunikasi Universitas Islam Negeri (UIN) Raden Fatah Palembang." *Al-Jinan: Jurnal Studi Islam* 1, no. 2 (2026): 52–64. <https://ejournal.pancapublishing.com/index.php/al-jinan> E-ISSN:
- Fathuurrahmaan, Amma. "Meta Analisis Kebijakan Penambahan Kuota Haji Oleh Pemerintah Indonesia." *Arus Jurnal Sosial Dan Humaniora (AJSH)* 6, no. 1 (2026): 799–804.
- Latif, Udin, and M. Akbar Hidayat. "Tinjauan Yuridis Undang-Undang Nomor 8 Tahun 2019 Tentang Penyelenggaraan Ibadah Haji Dan Umrah Oleh Kemenag Kabupaten Sorong." *Muadalah* 3, no. 1 (2024): 54–66.
- Mahadi, Adiyatma Firman, and Muh. Jufri Ahmad. "Analisis Kepastian Hukum Dan Perlindungan Hukum Jamaah Umrah Mandiri (Berdasarkan Undang-Undang Nomor 14 Tahun 2025 Tentang Penyelenggaraan Ibadah Haji Dan Umrah)." *Media Hukum Indonesia* 4, no. 3 (2026): 222. <https://ojs.daarulhuda.or.id/index.php/MHI/article/view/3840>.
- Masail, Fani Ruusul. "Legal Protection of Hajj and Umrah Pilgrims Under Indonesia's Amended Pilgrimage Law: A Doctrinal Analysis." *Sinthop: Media Kajian Pendidikan, Agama, Sosial Dan Budaya* 5, no. 2 (2026): 295–309. <https://doi.org/10.69548/sinthop.v5.i2.144.295-309>.
- Mashohih, Agil Syarifatul, and Abdul Rozaq. "Differentiation Treatment of KBIHU According to the Law on Hajj and Umrah Management." *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam* 8, no. 1 (2026): 135–48. <https://doi.org/10.37680/almanhaj.v8i1.8871>.
- Muhammad Farid Aljawi, and Faisal Santiago. "Reconstructing the Governance of Hajj and Umrah Administration in Indonesia." *Greenation International Journal of Law and Social Sciences* 3, no. 3 (2025): 822–32. <https://doi.org/10.38035/gijlss.v3i3.567>.
- Muntafi, Ahmad Zaki. "Legalitas Perlindungan Hukum Haji Furoda: Studi Kasus Haji Tahun 2025." *Journal of Contemporary Law Studies* 2, no. 4 (2025): 413–26. <https://doi.org/10.47134/lawstudies.v2i4.3875>.
- Ombudsman Republik Indonesia. "Laporan Hasil Pemeriksaan Atas Penyelenggaraan Ibadah Umrah Tahun 2017--2018." Jakarta, 2018.
- Putra, Rian Rusmana, Ilhamda Fattah Kaloko, Seftia Azrianti, Elsa Sepriani, Natasya Febriyanti, Dimas Adam Satrio, Rachmadhanto, and Maniah. "Analisis Yuridis

- Terhadap Tindak Pidana Penipuan Dalam Penyelenggaraan Pemberangkatan Haji Dan Umroh Di Indonesia.” *Petita* 8, no. 1 (2026): 1–20.
- Quaium, Adnan, Najla Abdulrahman Al-Nabhan, Masfiqur Rahaman, Saiful Islam Salim, Tarik Reza Toha, Jannatun Noor, Mainul Hossain, et al. “Towards Associating Negative Experiences and Recommendations Reported by Hajj Pilgrims in a Mass-Scale Survey.” *Heliyon* 9, no. 5 (2023): e15486. <https://doi.org/10.1016/j.heliyon.2023.e15486>.
- Randi Alfian, and Fitri Rafianti. “Problematics Of The Implementation Of Hajj And Umrah (Study Of Law Number 8 Of 2019 Concerning The Implementation Of Hajj And Umrah).” *International Journal of Management, Economic and Accounting* 1, no. 2 (2023): 112–25. <https://doi.org/10.61306/ijmea.v1i2.18>.
- Republic of Indonesia. Law Number 14 of 2025 concerning the Third Amendment to Law Number 8 of 2019 on the Administration of Hajj and Umrah. State Gazette 2025 No. 139; Supplement No. 7132. <https://peraturan.bpk.go.id/Details/331538/uu-no-14-tahun-2025>.
- Republic of Indonesia. Law Number 8 of 2019 concerning the Administration of Hajj and Umrah. State Gazette of the Republic of Indonesia 2019 No. 75; Supplement No. 6338.
- Republic of Indonesia. Presidential Regulation Number 92 of 2025 concerning the Ministry of Hajj and Umrah. September 8, 2025.
- Ruslan, Idrus, Mawardi Mawardi, and Ahmad Afnan Anshori. “Religious : Jurnal Studi Agama-Agama Dan Lintas Budaya Deconstruction of the Policy for the Establishment of Houses of Worship in Indonesia” 7249 (2022).
- Saudi Arabia Ministry of Hajj and Umrah. “Annual Report on Hajj Operations 2023.” Riyadh, 2023.
- Soekanto, Soerjono, and Sri Mamudji. *Penelitian Hukum Normatif*. Jakarta: RajaGrafindo Persada, 2019.
- Sukurma, and Ferdian. “Tanggung Jawab Hukum Agen Travel Dalam Kegagalan Keberangkatan Haji Dan Umrah: Perspektif Perlindungan Konsumen.” *SEIKAT: Jurnal Ilmu Sosial, Politik Dan Hukum* 3, no. 4 (2024): 201–7. <https://doi.org/10.55681/seikat.v3i4.1518>.