

Toward Sustainable And Ethical Governance Of Religious Tourism: A Sharia Economic Law Approach To Umrah Service Enforcement In Indonesia

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Abstract

The governance of Umrah pilgrimage services in Indonesia, particularly in West Java, has faced persistent challenges due to regulatory inconsistencies, weak institutional enforcement, and rising cases of consumer fraud. Despite the existence of Law No. 8 of 2019 and related ministerial regulations, their implementation remains ineffective in curbing the proliferation of unlicensed Umrah providers. This study aims to examine the enforcement dynamics of Umrah service governance through the lens of Sharia Economic Law (HES), focusing on ethical principles such as justice ('adl), trust (amanah), and public welfare (masalah). Employing a juridical-empirical approach, data were collected through document analysis, in-depth interviews with key stakeholders, and field observations in West Java. The findings reveal significant gaps between normative legal frameworks and operational practices, driven by low legal awareness, insufficient institutional capacity, and the commodification of religious services. Furthermore, the current enforcement model is largely procedural, lacking integration with Sharia-based ethical governance. This study proposes a hybrid enforcement framework that combines statutory instruments with the normative values of HES, aiming to enhance institutional legitimacy, consumer protection, and ethical accountability. The proposed model contributes to the broader discourse on sustainable and inclusive governance in religious tourism, offering policy relevance for other Muslim-majority societies facing similar regulatory challenges.

Keywords: Umrah governance; Sharia Economic Law; legal enforcement; consumer protection; religious tourism; ethical accountability

1. INTRODUCTION

The increasing demand for Umrah pilgrimage services in Indonesia—particularly in West Java, which records among the highest departure rates nationwide—has created a thriving market for religious travel operators (Kharisma, 2021). However, this growth is not without its challenges. Numerous cases involving unlicensed or non-compliant *Penyelenggara Perjalanan Ibadah Umrah* (PPIU) have emerged, raising serious concerns about consumer protection, regulatory enforcement, and ethical governance in religious tourism. In 2024 alone, over 345 PPIUs had their licenses suspended due to violations of certification regulations issued by the Ministry of Religious Affairs. Despite these measures, many agencies continued operations clandestinely, reflecting systemic weaknesses in regulatory enforcement.

At the core of this issue lies a governance gap between formal legal regulations and their practical enforcement. While Law No. 8 of 2019 on the Organization of Hajj and Umrah provides a comprehensive legal framework, its implementation suffers from insufficient supervision, unclear sanction mechanisms, and limited public legal awareness (X. Luo et al., 2021). These shortcomings pose a threat to the rights and safety of Umrah pilgrims, many of whom fall victim to fraudulent practices, lack of transparency, and substandard services.

This problem is further exacerbated by the limited capacity of monitoring institutions, bureaucratic inefficiencies, and, in some cases, political interference. Consequently, law enforcement efforts often fail to achieve deterrent effects, allowing repeated violations and undermining public trust in regulatory institutions (Grazzini et al., 2021). Such a situation contradicts not only the principle of legal certainty enshrined in

national law but also the ethical mandates of Sharia Economic Law (Hukum Ekonomi Syariah—HES), which emphasizes *amanah* (trust), *'adl* (justice), and *maslahah* (public benefit).

This study argues that reintegrating Sharia economic principles into the enforcement of religious travel governance can offer an ethical and culturally contextualized model of law enforcement—especially in Muslim-majority societies. Drawing on empirical findings from West Java and grounded in the *Theory of Rule of Law*, *Law Enforcement Theory*, and *Legal Certainty*, this paper examines how governance failures in the Umrah sector can be addressed through a hybrid legal model that combines normative regulations with Sharia-based ethical accountability (Ringe & Ruof, 2020).

Given the increasing international interest in sustainable and inclusive governance models—particularly in pluralistic legal environments—this paper seeks to contribute to the global discourse on religious tourism governance by offering a conceptual model that aligns administrative enforcement with ethical legal standards rooted in Islamic economic jurisprudence. In doing so, it also addresses broader themes relevant to the *International Journal of Environmental Sciences*, including institutional accountability, consumer protection, and social justice within the framework of sustainable public service delivery (Wang et al., 2020).

2. LITERATURE REVIEW

2.1. Sharia Economic Law and Governance Ethics in Religious Tourism

Sharia Economic Law (Hukum Ekonomi Syariah—HES) comprises a body of legal and moral norms derived from Islamic jurisprudence (*fiqh muamalah*) aimed at ensuring fairness, trust, and public welfare (*maslahah*) in economic activities (van Marle, 2022). The application of HES in the context of Umrah service provision includes principles such as *amanah* (trust), *'adl* (justice), *as-syafafiyah* (transparency), and *mas'uliyah* (responsibility). These values demand a holistic approach to governance that integrates compliance, ethics, and accountability.

Several studies affirm the relevance of HES in contemporary economic governance. Nica et al. (2025) highlighted how HES provides a sustainability-oriented framework for managing pilgrimage logistics in environmentally and socially responsible ways. Likewise, Ruhullah & Ushama, (2024) emphasized the role of ethical service operations in enhancing consumer trust and institutional credibility within Umrah travel agencies. However, these studies rarely address the operationalization of HES within legal enforcement systems—a gap this study seeks to address.

2.2. Rule of Law, Legal Enforcement, and Consumer Protection

The concept of *Rule of Law* asserts that laws must be publicly promulgated, equally enforced, and independently adjudicated. As outlined by Carroll (2022), the triadic values of law—justice, expediency, and certainty—must be pursued simultaneously to ensure effective governance. In the Indonesian context, these principles are enshrined in Article 1(3) and Article 28D(1) of the 1945 Constitution.

Sueb et al. (2025) identifies three critical elements in law enforcement: the structure of law (institutions), substance of law (regulations), and legal culture (public attitudes and awareness). Weakness in any of these domains—especially in regulatory enforcement—can lead to gaps between normative expectations and actual practice. Studies such as Sebhata & Enquist, (2022) and van den Berge et al., (2022) have shown that inconsistent enforcement and limited institutional capacity remain key obstacles to regulatory effectiveness in the Indonesian religious tourism sector.

2.3. Governance Failures in Umrah Management

Empirical evidence suggests that governance failures in Umrah service provision in Indonesia are systemic. According to data from the Ministry of Religious Affairs, over 400,000 pilgrims in 2024 may have traveled through unregistered agencies, indicating substantial regulatory leakage. Areneke et al. (2022) found that poor monitoring systems and political interference undermine enforcement, while L. Luo & Tang, (2023) revealed how Umrah pilgrimage has become commodified, with profit motives eclipsing ethical service principles.

Moreover, Starr et al. (2020) noted that consumer dissatisfaction often arises from information asymmetry, low transparency, and unprofessional service delivery, all of which reflect violations of both HES and national consumer protection laws. Yet despite the legal framework—Law No. 8 of 2019 and related ministerial regulations—there is a persisting disjuncture between regulatory intent and enforcement reality.

2.4. Theoretical Synthesis and Research Gap

Although previous studies have explored service quality, consumer trust, and religious commodification in the Umrah industry, few have integrated Sharia Economic Law principles into a concrete model of legal enforcement (Robina Ramírez & Fernández Portillo, 2020). This study contributes to bridging that gap by proposing an ethical-legal enforcement model grounded in HES and harmonized with national law. It further contextualizes enforcement challenges in a real-world case—West Java Province—offering empirical insights relevant to broader discourse on sustainable, accountable governance in religious tourism.

3. METHODS

This study employed a juridical-empirical research approach to investigate the gap between the formal legal framework and the actual implementation of Umrah pilgrimage governance in West Java, Indonesia. This dual approach enabled the author to explore not only the normative dimensions of national law and Sharia economic principles but also the practical challenges encountered by institutions and consumers in the field (Huang et al., 2020). The qualitative nature of the research, rooted in an interpretive paradigm, allowed for an in-depth exploration of the interaction between statutory regulations, ethical-legal norms of Sharia, and the dynamics of enforcement within the religious tourism sector.

West Java Province was purposively selected as the research setting due to its status as one of the most active Umrah departure hubs in Indonesia, characterized by a high density of *Penyelenggara Perjalanan Ibadah Umrah* (PPIU), both licensed and unlicensed. The region also reports a substantial number of violations related to Umrah service fraud and mismanagement, making it an appropriate context for examining institutional responses, consumer protection, and regulatory compliance (Patwardhan et al., 2020). Moreover, West Java represents a diverse sociocultural and demographic landscape, offering insights into varying levels of legal awareness and access to recourse mechanisms among pilgrims.

Data were collected over a five-month period, from January to May 2024, using a combination of document analysis, in-depth interviews, and field observations (Othman et al., 2021). Legal documents reviewed included Law No. 8 of 2019 on the Organization of Hajj and Umrah, Ministerial Regulation No. 5 of 2021, internal enforcement reports from the Ministry of Religious Affairs, and related judicial decisions. To enrich the empirical depth, interviews were conducted with twenty key informants comprising legal scholars, regional regulatory officials, Umrah service providers, victims of Umrah-related fraud, and representatives from consumer protection agencies (Campos et al., 2022). These interviews provided firsthand accounts of regulatory failures, institutional constraints, and the practical application—or lack thereof—of Sharia-based values in service provision. In addition, direct field observations at service offices, regional ministries, and informal consumer networks contributed to contextualizing the regulatory and cultural dimensions of Umrah governance.

The collected data were analyzed using the interactive model proposed by Miles and Huberman, which involves data reduction, data display, and conclusion drawing. This model facilitated systematic identification of patterns, gaps, and contradictions in law enforcement practices (Romanelli et al., 2021). Legal interpretation was also undertaken using a combination of normative and philosophical perspectives, particularly Gustav Radbruch's tripartite values of justice, certainty, and expediency; Soerjono Soekanto's framework on the effectiveness of law (legal structure, substance, and culture); and the ethical pillars of Sharia Economic Law, including *amanah* (trust), *'adl* (justice), and *maslahah* (public benefit).

To ensure credibility and research rigor, the study adopted several validation strategies. Data triangulation was applied across sources and methods, member checking was used by confirming interview-based findings

with the participants, and peer debriefing was conducted through consultations with academic experts in the fields of Islamic law, administrative law, and public governance (Atikah & Yunus, 2021). Ethical considerations were rigorously upheld throughout the research process, with informed consent obtained from all participants, and confidentiality protected through the anonymization of identities. This study was approved by the Legal Research Ethics Committee of the author's institution.

4. RESULTS

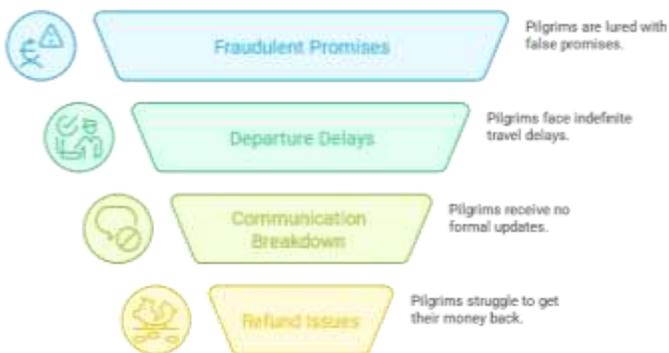
The field investigation revealed a series of regulatory, institutional, and socio-cultural challenges in the enforcement of Umrah governance in West Java. These findings are derived from a combination of interviews with key stakeholders, document analysis, and field observations conducted over the course of five months. One of the most salient findings concerns the gap between legal norms and implementation practices. Despite the formal structure provided by Law No. 8 of 2019 and supporting ministerial regulations, their enforcement at the regional level remains inconsistent. Many local offices of the Ministry of Religious Affairs reported limited institutional capacity, including insufficient personnel, lack of routine monitoring protocols, and inadequate digital oversight systems to track PPIU compliance. This institutional fragility has allowed some travel operators to continue their operations even after their official licenses were revoked or suspended.

Figure 1. Legal Norms vs. Implementation Practices in PPIU Compliance



Another major finding relates to the proliferation of unregistered Umrah providers. Data from 2023 to early 2024 show that numerous unauthorized PPIUs have emerged, operating either informally through social media or in coordination with intermediary agents in rural and peri-urban communities. In several documented cases, these unregistered operators offered packages at below-market prices, which attracted economically vulnerable pilgrims but often resulted in service failures, overbooking, or total loss of funds.

Figure 2. Pilgrim Fraud Process



Interviews with victims and consumer protection officers confirmed a recurring pattern of fraud, lack of transparency, and absence of formal contracts. In at least six reported cases, pilgrims were promised departure within a specific period but experienced indefinite delays with no formal communication. Furthermore,

refund processes were often delayed or denied entirely, indicating a lack of regulatory safeguards to ensure financial accountability on the part of the PPIU. The findings also identified a deficiency in public legal awareness. Many pilgrims were unaware of their rights as consumers or the legal status of the PPIU with which they engaged. This was particularly evident in semi-rural areas where trust is built more on religious or community-based relationships than formal institutional verification. Such conditions make communities more susceptible to unethical practices and reduce the effectiveness of deterrent legal measures. From the regulatory side, local officials acknowledged that sanctions against non-compliant PPIUs lacked enforcement power. Although administrative actions such as revocation of permits were issued, follow-up supervision was rarely conducted. In some instances, sanctioned operators simply re-registered under a different name or in a different province, exploiting loopholes in the national licensing system. This reflects a regulatory fragmentation that impedes sustained enforcement. Finally, the field observations revealed a misalignment between regulatory logic and Sharia-based ethical expectations. Several informants, including legal scholars and members of the Muslim clergy, expressed concern that the prevailing legal enforcement mechanisms do not sufficiently incorporate Islamic ethical values such as *amanah* (trustworthiness) and *maslahah* (public benefit). Instead, the enforcement process remains procedural and reactive, rather than preventive and ethically grounded.

5. DISCUSSION

The empirical findings of this study highlight critical gaps between regulatory norms and actual practices in the governance of Umrah services in West Java (Wahyudi & Ramadhan, 2023). These gaps are not merely administrative or technical in nature, but reflect deeper structural and normative dissonances. In this context, a meaningful discussion must address how legal enforcement in religious tourism intersects with institutional capacity, legal culture, and the ethical mandates of Sharia Economic Law (HES).

The persistence of unlicensed *Penyelenggara Perjalanan Ibadah Umrah* (PPIU) and the limited capacity of regional regulators underscore what Soerjono Soekanto conceptualized as a disruption of legal effectiveness. According to his tripartite model—structure, substance, and legal culture—the enforcement of law fails when institutional mechanisms are under-resourced and unsupported by public compliance behavior (Solehudin et al., 2024). The data from this study confirm that many local offices of the Ministry of Religious Affairs lack the manpower and digital infrastructure needed to supervise hundreds of PPIU actors, especially when operators exploit informal networks or move across administrative jurisdictions. From the standpoint of the Rule of Law, as theorized by Gustav Radbruch, the Indonesian Umrah regulatory framework theoretically upholds legal certainty and procedural justice. However, its expediency and moral justification remain questionable when sanctions lack deterrent power and victims have limited avenues for recourse. Radbruch's principle that "an unjust law is no law at all" becomes relevant here, as formal compliance mechanisms appear ethically insufficient in the absence of accountability and transparency (Hak & Jannah, 2023). This suggests a need for reconceptualizing enforcement models to include moral legitimacy, not merely procedural conformity. The discussion also brings to light the misalignment between legal enforcement and the ethical values embedded in Sharia Economic Law (HES). As a normative framework, HES demands governance that is not only efficient but also just (*adl*), trustworthy (*amanah*), and beneficial to the public (*maslahah*). However, the empirical data suggest that the current legal system treats Umrah as a transactional commodity rather than a religious obligation deserving special regulatory sensitivity (Pratama et al., 2025). The commodification of Umrah, as noted by Mtimet et al. (2021), not only dilutes its sacred character but also exposes pilgrims to exploitative practices masked by religious rhetoric.

The lack of preventive mechanisms and the reactive nature of existing sanctions suggest that the Indonesian system remains rooted in formal-legal positivism, with limited integration of ethical reasoning. This presents an opportunity to propose a hybrid enforcement model that combines statutory instruments with the ethical infrastructure of HES (Elgammal & Alhothali, 2021). Such a model would emphasize anticipatory regulation,

moral screening of service providers, and stronger community-based legal awareness programs, especially in regions where informal trust networks override institutional due diligence. Furthermore, the findings regarding public legal unawareness point to a weak legal culture—a factor that, according to Soekanto, critically impairs the function of law. Pilgrims' inability to distinguish between licensed and unlicensed PPIUs, and their lack of access to complaint mechanisms, highlight an urgent need for legal literacy programs rooted in both state law and Islamic ethical education (Kayal, 2023). This aligns with global discourse on inclusive governance, which advocates empowering communities to become co-participants in regulatory processes, particularly in sectors involving vulnerable populations. Lastly, the failure of enforcement mechanisms to incorporate Sharia values raises questions of cultural legitimacy and pluralistic governance. In a Muslim-majority nation like Indonesia, the effectiveness of legal intervention in religious sectors cannot be separated from its alignment with spiritual norms and communal values (Nugraha & Widyaningsih, 2022). A purely secular approach to law enforcement risks being perceived as distant or illegitimate, particularly when dealing with institutions that operate under the banner of religious service. Thus, integrating HES into national legal mechanisms can enhance the social acceptability, ethical legitimacy, and functional sustainability of governance in the Umrah sector.

6. CONCLUSION

This study has revealed significant regulatory and ethical challenges in the enforcement of Umrah pilgrimage governance in West Java, Indonesia. While the statutory framework—particularly Law No. 8 of 2019 and its supporting regulations—provides a formal basis for oversight, the empirical findings demonstrate that enforcement remains fragmented, inconsistent, and often reactive. Weak institutional capacity, lack of deterrent sanctions, and low public legal awareness contribute to the proliferation of unlicensed Umrah service providers and recurring consumer victimization. The study also finds a structural disconnect between state-based enforcement mechanisms and the ethical imperatives of Sharia Economic Law (HES), which emphasize justice, trust, and public benefit as foundational principles of economic conduct. These findings confirm the need to move beyond procedural legality and embrace a more ethically grounded, culturally contextualized model of governance in religious tourism.

Based on these findings, this paper advocates for a hybrid enforcement framework that integrates statutory regulation with the normative ethics of HES. Such an approach would strengthen institutional legitimacy, promote anticipatory regulatory mechanisms, and improve legal literacy among consumers—particularly in rural and religiously conservative communities. The conceptual shift from rule compliance to value-driven accountability can offer a pathway toward sustainable, inclusive governance in religious services. The contribution of this study lies not only in exposing institutional gaps but also in proposing a governance model that is adaptable to other Muslim-majority contexts facing similar challenges in regulating faith-based economic activities. Future research may extend this model through quantitative validation, comparative cross-regional analysis, or integration into broader policy instruments for ethical public service delivery.

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