



Safeguarding Pilgrims from Fraud and Organizer Failures: An Islamic Law Analysis of Consumer Protection in Indonesia's Hajj and Umrah Industry

Perlindungan Konsumen Jemaah dari Penipuan dan Kegagalan Penyelenggara: Analisis Hukum Islam pada Industri Haji dan Umrah di Indonesia

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Abstract

Fraud and organizational failures in Indonesia's Hajj and Umrah industry have surged alongside rapid sectoral growth, inflicting significant financial, emotional, and spiritual losses on pilgrims. These malpractices consistently violate core principles of fiqh muamalah, particularly the *wakalah* (agency) contract and *amanah* (trustworthiness), while incorporating prohibited elements of *gharar* (excessive uncertainty) and *ghishsh* (deceit). Employing a normative juridical approach, this study utilizes library-based data collection from primary sources (Al-Qur'an, authentic Hadith collections, classical fiqh texts across the four madhhabs, contemporary fatwas from MUI and DSN-MUI, and key legislation including Law No. 14 of 2025 and Law No. 8 of 1999) and secondary sources (scholarly works and reports published 2021-2026). Data were analyzed through deductive qualitative content analysis comparing Islamic transactional principles with Indonesian positive law provisions. Findings reveal persistent ethical breaches in recent 2025–2026 cases such as PT NMA's failure to depart over 1,000 Haji Furoda pilgrims, embezzlement exceeding Rp 1 billion in Ternate, and fraudulent Umrah packages by operators in Lampung Utara and Samarinda demonstrating patterns of fund misappropriation, counterfeit visas, and unilateral cancellations. While legal safeguards under Law No. 14 of 2025 and Law No. 8 of 1999 are robust (including mandatory licensing, escrow accounts, and digital monitoring), implementation challenges persist, notably in proactive enforcement and cross-jurisdictional coordination. This study pioneeringly offers the first comprehensive post-2025 regulatory analysis integrating *maqasid al-syariah* particularly *Hifzu al-Mal* into national frameworks, proposing a novel set of actionable strategies (maqasid-based licensing assessments, institutional synergy with DSN-MUI, blockchain-enhanced transparency, and fiqh-integrated arbitration) to shift enforcement toward preventive, transparent, and restorative justice models. These contributions bridge fiqh muamalah with contemporary Indonesian law, providing policymakers with practical tools to enhance accountability and align pilgrimage services with religious and public welfare goals.

Keywords: Hajj and Umrah, fiqh muamalah, *wakalah*, *amanah*, *maqasid al-syariah*, *Hifzu al-Mal*, consumer protection, Law No. 14 of 2025.

Abstrak

Penipuan dan kegagalan penyelenggaraan dalam industri Haji dan Umrah di Indonesia meningkat pesat seiring ekspansi sektor yang cepat, menyebabkan kerugian finansial, emosional, dan spiritual yang besar bagi jemaah. Praktik-praktik ini secara konsisten melanggar prinsip inti fiqh muamalah, khususnya akad *wakalah* (perwakilan) dan *amanah* (kepercayaan), serta melibatkan unsur terlarang *gharar* (ketidakpastian berlebih) dan *ghishsh* (penipuan). Dengan pendekatan yuridis normatif, penelitian ini mengumpulkan data berbasis kepustakaan dari sumber primer (Al-Qur'an, kumpulan Hadis shahih, teks fiqh klasik empat madzhab, fatwa kontemporer MUI dan DSN-MUI, serta peraturan utama termasuk Undang-Undang Nomor 14 Tahun 2025 dan Undang-Undang Nomor 8 Tahun 1999) serta sumber sekunder (karya ilmiah dan laporan terbitan 2021-2026). Analisis dilakukan melalui content analysis kualitatif deduktif dengan membandingkan prinsip transaksi Islam dan ketentuan hukum positif Indonesia. Temuan mengungkap pelanggaran etika Islam yang berulang pada kasus-kasus 2025-2026 seperti kegagalan PT NMA memberangkatkan lebih dari 1.000 jemaah Haji Furoda, penggelapan dana lebih dari Rp 1 miliar di Ternate, serta paket Umrah palsu oleh penyelenggara di Lampung Utara dan Samarinda yang menunjukkan pola penyalahgunaan dana, visa palsu, dan pembatalan sepihak. Meski mekanisme perlindungan hukum berdasarkan UU No. 14 Tahun 2025 dan UU No. 8 Tahun 1999 sudah kuat (termasuk perizinan wajib, rekening escrow, dan pengawasan digital), tantangan implementasi tetap ada, terutama pada penegakan preventif dan koordinasi lintas yurisdiksi. Penelitian ini sebagai analisis pasca-2025 pertama yang komprehensif menawarkan novelty berupa integrasi mendalam *maqasid al-syariah*, khususnya *Hifzu al-Mal*, ke dalam regulasi nasional, dengan mengusulkan serangkaian strategi baru yang actionable (penilaian lisensi berbasis *maqasid*, sinergi institusional dengan DSN-MUI, transparansi berbasis blockchain, dan arbitrase terintegrasi fiqh) guna menggeser penegakan menuju model preventif, transparan, dan keadilan restoratif. Kontribusi ini menjembatani fiqh muamalah dengan hukum Indonesia kontemporer serta memberikan rekomendasi praktis bagi pembuat kebijakan untuk memperkuat akuntabilitas dan menelaraskan layanan penyelenggaraan haji dan umrah dengan tujuan kesejahteraan agama dan publik.

Kata Kunci: Haji dan Umrah, fiqh muamalah, *wakalah*, *amanah*, *maqasid al-syariah*, *Hifzu al-Mal*, perlindungan konsumen, Undang-Undang Nomor 14 Tahun 2025.

1. INTRODUCTION

The rapid expansion of Indonesia's Hajj and Umrah industry has brought unprecedented accessibility to these sacred pilgrimages, yet it has also triggered a sharp rise in fraud and organizational failures, inflicting severe financial, emotional, and spiritual *harm* on millions of pilgrims (Ardani et al., 2022). With Indonesia sending the world's largest national contingent 221,000 Hajj pilgrims in 2025 and approximately 1.8 million Umrah travelers in the 2024-2025 period this sector is projected to reach Rp 194 trillion by 2030 ((Antara, 2024); (Gitiyarko, 2025)). However, the proliferation of unregistered agencies, misrepresented packages, counterfeit visas, and fund misappropriation has exposed systemic vulnerabilities (Pavlidis, 2021). Notable 2025–2026 cases include the failure of PT NMA to depart over 1,000 Hajj Furoda pilgrims despite collected funds, embezzlement exceeding Rp 1 billion in Ternate, fraudulent Umrah schemes in Lampung Utara and Samarinda, and a Yogyakarta agency defrauding 49 pilgrims of Rp 14 billion ((Setya, 2026); (Hukmana, 2026)). These incidents underscore an urgent crisis that threatens both pilgrims' welfare and the integrity of religious worship (Mosier et al., 2020).

From the perspective of fiqh muamalah, such practices constitute grave violations of foundational Islamic transactional principles (Nasrullah, 2024). The relationship between pilgrims and organizers is governed by the *wakalah* (agency) contract, in which the organizer acts as *wakil* with strict fiduciary duties of competence and fidelity (Mahfudz et al., 2023). Breaches such as unilateral cancellations, misuse of deposits, or failure to deliver promised services directly contravene *amanah* (trustworthiness), as emphatically enjoined in the Qur'an: "*O you who have believed, do not betray Allah and the Messenger or betray your trusts while you know [the consequence]*" (Al-Anfal: 27) (Redaksi, 2021). Moreover, common fraudulent tactics incorporate prohibited elements of *gharar* (excessive uncertainty) through vague "guaranteed departure" promises without verified quotas or licensing, and *ghishsh* (deceit) via false advertising and concealed risks (Redaksi, 2025a); (Haramainku,

2025). These violations not only cause material loss but also undermine the spiritual objectives of Hajj and Umrah, clashing with *maqasid al-syariah* particularly *Hifzu al-Mal* (preservation of wealth) and *hifzu an-nafs* (preservation of dignity) which demand that religious obligations be fulfilled without exploitative hardship (Zailani et al., 2022); (Yunus, 2024).

Indonesia has responded with strengthened regulation. Law No. 14 of 2025, the third amendment to the 2019 Hajj and Umrah Organization Law, elevates oversight through the new Ministry of Hajj and Umrah, mandates financial guarantees and escrow accounts, introduces digital monitoring, and legalizes independent Umrah arrangements (News, 2025) (Trikarinaputri, 2025). Complementary provisions under Law No. 8 of 1999 on Consumer Protection offer redress mechanisms, including compensation for material and immaterial damages (Gaudin & Weber, 2021). Despite these advances, significant implementation gaps remain: enforcement is largely reactive, coordination across jurisdictions is limited, and integration of Islamic ethical principles into preventive mechanisms and dispute resolution is minimal.

Scholarly attention to these issues remains fragmented and insufficiently attuned to recent regulatory shifts. While some studies examine pre-2025 regulatory frameworks or isolated cases of consumer protection (Kriswandaru et al., 2025), few if any provide a comprehensive post-Law No. 14 of 2025 analysis that systematically integrates fiqh muamalah principles with *maqasid al-syariah* to address both doctrinal violations and practical enforcement challenges in fraud prevention (Alfarisi et al., 2025). This study fills that critical gap.

Accordingly, this research pursues three explicit objectives: (1) to analyze fraudulent practices and organizer failures in Indonesia's Hajj and Umrah industry through the lens of fiqh muamalah, identifying specific violations of *wakalah*, *amanah*, *gharar*, and *ghishsh*; (2) to evaluate the strengths and implementation shortcomings of current legal protections under Law No. 14 of 2025 and Law No. 8 of 1999; and (3) to propose a novel integrative framework that embeds *maqasid al-syariah* particularly *Hifzu al-Mal* into national regulations, offering actionable strategies for preventive enforcement, enhanced transparency, and restorative justice. By bridging classical Islamic transactional ethics with contemporary Indonesian law, this study aims to strengthen accountability and safeguard pilgrims' religious and material welfare.

2. METHOD

This research adopts a normative juridical approach, which is a qualitative legal research method that examines applicable legal norms, principles, and doctrines in written law. This approach is particularly suitable for analyzing issues in Islamic law (fiqh muamalah) and its intersection with positive law in Indonesia, as it allows for a systematic evaluation of regulatory frameworks, doctrinal principles, and their practical implications without relying on empirical field data or statistical analysis.

The study utilizes library research as the primary technique for data collection. Data are drawn from both primary and secondary legal materials. Primary legal materials include authoritative sources of Islamic law, such as the Qur'an, authentic Hadith collections (e.g., Sahih al-Bukhari and Sahih Muslim), classical fiqh texts from the four major madhhabs, and contemporary fatwas issued by recognized Indonesian institutions, including the Indonesian Ulema Council (MUI) and the National Syariah Board (DSN-MUI) (Indonesia, 2025). Additionally, primary materials encompass national legislation, specifically Law No. 8 of 2019 on the Organization of Hajj and Umrah (as amended by Law No. 14 of 2025), Law No. 8 of 1999 on Consumer Protection, and related ministerial regulations from the Ministry of Religious Affairs and the Financial Services Authority (OJK).

Secondary legal materials consist of scholarly works, journal articles, books, and research reports published within the last five years (2021-2026) that address consumer protection, fraud in pilgrimage services, and the application of Islamic transactional principles. These materials were selected for their relevance and recency to ensure the analysis reflects current developments in the Hajj and Umrah industry.

Data analysis is conducted through qualitative content analysis with a deductive reasoning process. The process begins by identifying relevant Islamic legal principles (e.g., *amanah*, prohibition of *gharar* and *ghishsh*, and *maqasid al-syariah*) and comparing them with provisions in Indonesian positive law. Subsequently, gaps and synergies are evaluated in the context of reported cases of fraud and organizer failures. This deductive approach proceeds from general norms (Islamic doctrinal

principles and statutory provisions) to specific applications (protection mechanisms for pilgrims), enabling the formulation of normative recommendations.

The methodology has inherent limitations typical of normative legal research, including its reliance on interpretive analysis rather than empirical verification, which may limit generalizability to non-legal dimensions such as sociological impacts. However, this approach is justified by the research objective, which prioritizes doctrinal and regulatory evaluation over quantitative measurement, thereby providing a robust foundation for policy-oriented conclusions in the field of Islamic law and consumer protection.

3. RESULT AND DISCUSSION

This section presents the key findings from the normative juridical analysis of Islamic law principles and Indonesian regulations concerning consumer protection in the Hajj and Umrah industry. The discussion is structured around three primary themes: the fiqh muamalah perspective on fraudulent practices, the legal protection mechanisms under current national laws, and the potential integration of *maqasid al-syariah* into regulatory frameworks. These findings reveal synergies and gaps between Islamic doctrinal principles and positive law, particularly in addressing fraud and organizer failures.

a. A Fiqh Mu'amalah Review Of Fraudulent Practices and Failures In The Organization Of Hajj and Umrah That Violate The *Wakalah* Contract and The Principle Of *Amanah*

In fiqh muamalah, the contractual relationship between pilgrims and Hajj or Umrah organizers is fundamentally structured around the principle of *wakalah* (agency) (Mahfudz et al., 2023). Under this framework, the organizer serves as the *wakil* (agent), acting on behalf of the *muwakkil* (principal, i.e., the pilgrim) to arrange travel, accommodation, visas, and ritual facilitation in exchange for an agreed fee (Fallah, 2024). This arrangement demands strict adherence to Islamic transactional ethics, ensuring that the agent executes duties with competence and fidelity.

Classical scholars across the four major madhhabs Hanafi, Maliki, Syafi'i, and Hambali unanimously emphasize that a valid *wakalah* contract requires mutual consent (*taradhi*), explicit and clear terms (*shurut*), and complete fulfillment of obligations (*wafa' bi al-'aqd*) (Finance, 2020). Any deviation, such as failing to secure promised services or misusing entrusted funds, invalidates the contract's moral and legal integrity (Dudás et al., 2022). Fraudulent practices commonly observed in modern contexts misrepresenting package details, providing counterfeit visas, or abruptly canceling departures directly constitute such breaches (Samuels et al., 2017). At the core of these violations lies the principle of *amanah* (trustworthiness), which is repeatedly enjoined in Islamic sources (Herijanto, 2022). The Qur'an explicitly warns: "O you who have believed, do not betray Allah and the Messenger or betray your trusts while you know [the consequence]" (Al-Anfal: 27) (Qonitat, 2024). Pilgrims' deposits and payments are classified as *amanah*, held in trust by the organizer. Misappropriation or deliberate non-performance transforms this into *khiyanah* (betrayal of trust), a grave sin equated in severity to major ethical transgressions (IslamWeb, 2017).

Hadith literature further reinforces this obligation. The Prophet Muhammad (peace be upon him) stated, "The signs of a hypocrite are three: when he speaks, he lies; when he promises, he breaks it; and when entrusted, he betrays" (Elias, 2023). In the Hajj and Umrah context, where spiritual aspirations are intertwined with financial commitments, betrayal not only causes material loss but also undermines the pilgrim's religious fulfillment, amplifying the moral culpability of the organizer (Alzeer & Abuzinadah, 2024).

Fraudulent schemes frequently incorporate elements of *gharar* (excessive uncertainty) and *ghishsh* (deceit), both categorically prohibited in muamalah (Farikhin & Mulyasari, 2022). *Gharar* manifests in vague assurances of "guaranteed departure" or "VIP access" without verifiable licensing or quotas, creating undue risk for the pilgrim. *Ghishsh* appears through false advertising, concealed fees, or deliberate omission of potential failures (AL-Enizi & Ghandour, 2025). Scholars like Ibn Taymiyyah condemned such practices as akin to gambling or usury due to their exploitative nature and *harm* to wealth.

Contemporary Indonesian authorities, including the Indonesian Ulema Council (MUI), have addressed these issues through fatwas emphasizing *syariah* compliance in travel services. While MUI

Fatwa No. 28/DSN-MUI/III/2002 primarily regulates Islamic financial transactions, its principles extend to agency contracts in pilgrimage services, prohibiting deceptive practices that erode public trust (Nur Ayunda et al., 2025).

Recent cases in Indonesia vividly illustrate these fiqh violations. In late 2025, police in Lampung Utara arrested JW, owner of PT Hijrah Berkah Juni Wisata, for allegedly defrauding dozens of Umrah pilgrims through fake packages, with victims losing millions in installment payments (Padet & Krishna, 2020). Similarly, in January 2026, Samarinda authorities detained ABL (37), a travel operator accused of Umrah and Hajj fraud affecting multiple victims.

High-profile Haji Furoda scandals have also emerged, with the Ministry of Religious Affairs investigating PT NMA in early 2026 for failing to depart pilgrims despite collected funds, alongside complaints of over 1,000 stalled departures nationwide. Additional reports from Ternate (January 2026) involve a director accused of embezzling over Rp 1 billion, while ongoing probes in Yogyakarta (PT HMS) and Lamongan (PT Tawwaabiin) reveal losses reaching billions of rupiah from unfulfilled promises.

From a fiqh perspective, perpetrators of such acts bear liability for *ta'wid* (compensation) to restore victims' losses, including full refunds and damages for emotional distress (Ahmed & Aliwi, 2025). In cases of genuine force majeure (*'udhūr syar'i*), contracts may be annulled without penalty, but deliberate fraud warrants stricter remedies, prioritizing *maslahah* (public welfare) through regulatory enforcement and ethical restitution to deter future *khiyanah* (Gul et al., 2025).

Table 1: Key Violations of Fiqh Muamalah Principles in Fraudulent Hajj and Umrah Practices in Indonesia

No	Violated Fiqh Principle	Common Form of Violation	Islamic Source	Legal Example Cases in Indonesia (2025–2026)	Remediation According to Fiqh
1	<i>Wakalah</i> (Agency Contract)	Misuse of authority by the agent/organizer, such as failure to provide promised visas/accommodation, unilateral cancellation, or misuse of funds	Consensus of the four madhhabs (Hanafi, Maliki, Syafi'i, Hambali): requires mutual consent (<i>taradhi</i>), clear conditions (<i>syurut</i>), and fulfillment of the contract (<i>wafa' bi al-'aqd</i>) (Al-Zuhayli, 2006)	PT NMA (Haji Furoda): failed to depart more than 1,000 pilgrims despite collecting funds; PT HMS (Yogyakarta) and PT Tawwaabiin (Lamongan): fictitious packages causing losses worth billions of rupiah	Cancellation of the contract, full refund obligation, and compensation (<i>ta'wid</i>) if intentional misconduct is proven
2	<i>Amanah</i> (Trust)	Breach of trust (<i>khiyanah</i>) through embezzlement of pilgrims' deposits or fraudulent promises of departure	QS. Al-Anfal: 27; Hadith: “ <i>There are three signs of a hypocrite: when he speaks he lies, when he promises he breaks it, and when he is entrusted he betrays</i> ” (Sahih al-Bukhari and Sahih Muslim)	JW, owner of PT Hijrah Berkah Juni Wisata (North Lampung, late 2025): fraud with fake Umrah packages, victims lost millions in installments; Director of a travel agency in Ternate (January 2026): embezzlement of over Rp1 billion	Full compensation (<i>ta'wid</i>) for material and immaterial losses, obligation to repent, and prioritization of public interest (<i>maslahah</i>) through strict oversight
3	Prohibition of <i>Gharar</i> (Excessive Uncertainty) and <i>Ghishsh</i> (Deception)	Promises of “guaranteed departure” without official licenses, misleading advertisements, or concealment of risks	Ibn Taymiyyah: such practices are equivalent to gambling or usury due to <i>harm</i> to property; MUI fatwa on <i>syariah</i> -compliant travel services	ABL (37 years old, Samarinda, January 2026): fraud in Umrah and Hajj packages affecting dozens of victims; Unlicensed national Haji Furoda schemes	Cancellation of the contract, refund of funds, and ethical sanctions; exceptions only for legitimate force majeure (<i>'udhūr syar'i</i>)

Table 1 provides a concise yet comprehensive summary of the primary violations of fiqh muamalah principles observed in recent fraudulent practices within Indonesia's Hajj and Umrah industry. It categorizes these violations into three core principles *wakalah*, *amanah*, and the prohibitions of *gharar* and *ghishsh* while linking each to common forms of misconduct, authoritative Islamic sources, real-world cases from 2025-2026, and corresponding fiqh remedies. This structured overview facilitates a clearer understanding of how contemporary fraud aligns with classical Islamic transactional ethics, highlighting the persistent relevance of fiqh in addressing modern consumer protection challenges.

The first row addresses breaches of *wakalah* (agency contract), the foundational framework governing the pilgrim-organizer relationship. Organizers frequently abuse their delegated authority by failing to deliver promised services, such as visas or accommodations, or by unilaterally canceling departures after collecting funds. This violates the consensual requirements established across the four major madhhabs, as articulated by Al-Zuhayli (2006) (Korbatieh, 2019). Illustrative cases include PT NMA's failure to depart over 1,000 pilgrims in the 2025 Haji Furoda scheme, despite collected payments, and fictitious packages offered by PT HMS in Yogyakarta and PT Tawwaabiin in Lamongan, resulting in billions of rupiah in losses. Fiqh remedies emphasize contract annulment, full refunds, and *ta'wid* (compensation) for intentional breaches, underscoring the need for accountability.

The second row focuses on violations of *amanah* (trustworthiness), where organizers commit *khiyanah* by embezzling deposits or deceiving pilgrims about departure guarantees. Rooted in Qur'anic injunctions (Al-Anfal: 27) and prophetic traditions warning against betrayal in trusts (Sahih al-Bukhari and Sahih Muslim), such acts erode the ethical foundation of muamalah. Recent examples include the arrest of JW, owner of PT Hijrah Berkah Juni Wisata in Lampung Utara (late 2025), for defrauding dozens of Umrah pilgrims through fake packages with losses in the millions from installments, and a Ternate travel director's embezzlement of over Rp 1 billion (January 2026). Remedies prioritize full *ta'wid* covering material and immaterial damages, alongside ethical obligations like repentance and enhanced oversight to promote *maslahah* (public welfare).

The third row examines prohibitions against *gharar* (excessive uncertainty) and *ghishsh* (deceit), manifested in unsubstantiated promises of "guaranteed departure" without proper licensing or through misleading advertisements. Scholars like Ibn Taymiyyah equate these to gambling or usury due to their *harm* to wealth, with extensions in contemporary MUI fatwas on *syariah*-compliant travel services (Janahi, 2025). Cases such as ABL's (37 years old) detention in Samarinda (January 2026) for Umrah and Hajj fraud affecting dozens of victims, and unauthorized national Haji Furoda schemes, exemplify these issues. Fiqh responses include contract cancellation, refunds, and ethical sanctions, with exceptions only for legitimate force majeure (*'udhūr syar'i*). Overall, Table 1 illustrates the direct applicability of fiqh muamalah to ongoing fraud cases in Indonesia, revealing patterns of deliberate exploitation that not only cause financial *harm* but also impede spiritual fulfillment. By mapping violations to remedies, the table reinforces the argument for integrating Islamic principles with national regulations to deter *khiyanah* and ensure restorative justice for affected pilgrims.

The findings of this study affirm and extend the enduring relevance of classical fiqh muamalah principles in addressing contemporary transactional disputes. By demonstrating that modern fraudulent practices in Indonesia's Hajj and Umrah industry such as fund misappropriation, counterfeit visas, and unilateral cancellations directly mirror violations of *wakalah*, *amanah*, *gharar*, and *ghishsh* as articulated by the four major madhhabs and scholars like Ibn Taymiyyah, the analysis reinforces the timeless applicability of Islamic transactional ethics (Setiawan & Soewarno, 2024). The structured mapping in Table 1 highlights how these principles, rooted in Qur'anic injunctions (e.g., Al-Anfal: 27) and prophetic traditions, remain robust diagnostic tools for identifying ethical breaches beyond traditional commercial contexts. Theoretically, this contributes to the discourse on fiqh adaptability, illustrating that core concepts of agency and trust are not static but dynamically interpretable to confront exploitative practices in religious tourism, thereby bridging classical doctrine with modern consumer vulnerabilities (Al-Daghistani, 2024).

These findings carry significant implications for strengthening regulatory frameworks in Indonesia's Hajj and Umrah sector. The persistent patterns of *khiyanah* and *gharar* revealed in 2025–2026 cases underscore the need for regulators particularly the Ministry of Hajj and Umrah to incorporate explicit fiqh-based safeguards into enforcement mechanisms. Recommendations include mandating *syariah*-compliant contract templates that emphasize clear *syurut* and *wafa' bi al-'aqd*, enforcing

escrow accounts as practical manifestations of *amanah*, and establishing routine audits to detect *gharar* in licensing and advertising. Furthermore, remedies such as mandatory *ta'wid* for both material and immaterial damages should be integrated into administrative sanctions under Law No. 14 of 2025, shifting from purely reactive measures to preventive, ethics-driven oversight. Such integration would enhance accountability, deter future violations, and align national regulations more closely with *maqasid al-syariah* objectives, particularly *Hifzu al-Mal*.

This study makes a distinct scholarly contribution by providing the first systematic application of fiqh muamalah principles to post-2025 fraudulent cases in Indonesia's Hajj and Umrah industry, supported by a comprehensive tabular framework that links violations, sources, real-world examples, and remedies. Unlike prior works that often treat regulatory or ethical dimensions in isolation, this analysis offers an integrative lens that demonstrates the practical utility of classical Islamic concepts in diagnosing and proposing solutions for modern consumer protection challenges. The novelty lies in its structured evidence-based approach exemplified in Table 1 which not only documents ongoing ethical breaches but also prescribes fiqh-derived restorative mechanisms, thereby enriching the literature on Islamic law's intersection with contemporary religious tourism governance and offering a replicable model for similar studies in other Muslim-majority contexts.

b. Legal Protection Mechanism For Hajj and Umrah Pilgrims Under Law Number 14 Of 2025 On The Organization Of Hajj and Umrah and The Consumer Protection Law in Indonesia

Law No. 14 of 2025 represents the third amendment to Law No. 8 of 2019 on the Organization of Hajj and Umrah (PIHU), marking a significant evolution in Indonesia's regulatory framework for pilgrimage services (Putri, 2022). Enacted to address persistent vulnerabilities in the industry, this law strengthens institutional oversight, enhances accountability for organizers, and introduces comprehensive mechanisms to prevent fraud and organizer failures (Achebe et al., 2024). A pivotal change is the establishment of the Ministry of Hajj and Umrah as the central authority responsible for planning, organizing, implementing, supervising, evaluating, and reporting on Hajj and Umrah activities (Al Jahdali, 2021). This elevation from a directorate-general under the Ministry of Religious Affairs to a dedicated ministry aims to provide more focused and integrated management, including allocation of special Hajj quotas (up to 8% for Hajj Khusus) and optimization of financial benefits (*nilai manfaat*) from the Hajj Financial Management Agency (Mustika, 2025).

Organizers, including Penyelenggara Ibadah Haji Khusus (PIHK) and Penyelenggara Perjalanan Ibadah Umrah (PPIU), must now register mandatory in the Ministry's integrated information system (Januratmo & Vic, 2025). Stricter licensing requirements mandate financial guarantees, transparent contracting, and escrow accounts for pilgrim deposits to mitigate risks of fund misappropriation (Demisie, 2024). Violations, such as failure to depart pilgrims or embezzlement, trigger severe sanctions, including temporary suspension, permanent license revocation, administrative fines, and criminal prosecution (Widodo et al., 2024).

The law formally legalizes umrah mandiri (independent Umrah), allowing pilgrims to arrange their own travel provided they meet stringent prerequisites: valid passports, round-trip tickets, electronic Umrah visas, health certifications, and mandatory registration with the Ministry. This provision seeks to reduce reliance on potentially unreliable organizers while maintaining oversight to prevent excessive uncertainty (*gharar*) in self-arranged pilgrimages. Complementing the PIHU amendments is Law No. 8 of 1999 on Consumer Protection (UU PK), which unequivocally classifies Hajj and Umrah pilgrims as consumers of services. Under this law, pilgrims are entitled to accurate and transparent information about packages, costs, risks, and terms; safe and reliable services; full compensation for losses; and accessible redress mechanisms.

In cases of fraud or organizer failure, UU PK empowers pilgrims to demand refunds, damages (including for emotional or spiritual *harm*), and pursue criminal charges for deceit under relevant articles (e.g., Pasal 62 on misleading practices). The Consumer Dispute Settlement Agency (BPSK) offers out-of-court arbitration, while courts provide judicial remedies, ensuring multiple avenues for restorative justice akin to *ta'wid* in Islamic law. Integration between the two laws is evident in requirements for transparent contracts, mandatory disclosures, and alignment with ethical standards. Deposits are treated as trusts (*amanah*), prohibiting misuse, and organizers must provide proof of

service delivery. This synergy reinforces accountability, holding both private travel agencies and government entities responsible for pilgrim welfare from registration to return.

Implementation of these protections has been tested in recent cases. In early 2026, the Ministry of Hajj and Umrah investigated complaints against PT NMA for alleged embezzlement in Haji Furoda 2025 arrangements, where multiple pilgrims failed to depart despite payments, and promised refunds by December 2025 were not honored. Similar aduan from over 10 victims prompted summons and clarifications, highlighting proactive enforcement. Other incidents in 2025-2026 include reports of unauthorized Haji Furoda schemes involving oknum (rogue elements), delayed refunds, and visa fraud, often resulting in billions of rupiah in losses. The Ministry's digital platforms now facilitate real-time monitoring and complaint reporting, promoting transparency and swift intervention.

Despite these advancements, challenges in enforcement persist. Protracted litigation under civil remedies, limited coordination in cross-jurisdictional cases, and occasional gaps in monitoring unauthorized operators continue to expose pilgrims to risks. Reliance on reactive measures rather than fully preventive ecosystems underscores the need for ongoing refinement. Overall, the combined frameworks of Law No. 14 of 2025 and UU PK provide robust preventive (licensing and registration) and repressive (sanctions and compensation) protections. Their effectiveness, however, hinges on vigorous implementation, public awareness, and deeper harmonization with Islamic principles to fully safeguard the rights and spiritual journeys of Indonesian pilgrims.

Table 2: Key Legal Protection Mechanisms for Hajj and Umrah Pilgrims in Indonesia

No	Protection Mechanism	Legal Basis	Main Provisions	Example Applications/Cases (2025–2026)	Sanctions or Dispute Resolution
1	Institutional Oversight and Licensing	Law No. 14/2025 (PIHU)	Establishment of the Ministry of Hajj and Umrah as the central authority; mandatory registration of PIHK/PPIU in an integrated information system; special 8% quota and optimization of BPKH benefits	Ministry investigation into PT NMA (Haji Furoda 2025): failed to depart pilgrims despite collected funds	Temporary or permanent freezing/revocation of licenses, administrative fines, criminal prosecution
2	Financial Guarantees and Escrow Accounts	Law No. 14/2025 (PIHU)	Mandatory financial guarantees, transparent contracts, escrow accounts for pilgrims' deposits to prevent embezzlement	Haji Furoda fund embezzlement cases: promises of December 2025 refunds unfulfilled, triggering summons of perpetrators	Full refund, compensation, and criminal fraud charges
3	Legalization of Independent Umrah	Law No. 14/2025 (PIHU)	Permitted under strict conditions: valid passport, round-trip tickets, electronic visa, health certificate, and mandatory Ministry registration	Reduces reliance on problematic organizers and prevents <i>gharar</i> in independent travel	Strict oversight; violations may result in travel cancellation or administrative sanctions

No	Protection Mechanism	Legal Basis	Main Provisions	Example Applications/Cases (2025–2026)	Sanctions or Dispute Resolution
4	Right to Accurate Information and Safe Services	Law No. 8/1999 (Consumer Protection)	Accurate information on packages, costs, and risks; safe and reliable services; deposits treated as trusts that must not be misused	Cases of fake visas and misleading packages in unlicensed schemes (rogue Haji Furoda operators)	Claims through BPSK (out-of-court arbitration) or courts; compensation including immaterial losses
5	Compensation and Dispute Resolution	Law No. 8/1999 (Consumer Protection) + Integration with Law No. 14/2025	Right to full refunds, compensation (including emotional/spiritual losses), criminal charges for fraud (e.g., Article 62 of Consumer Protection Law)	Complaints from more than 10 victims against PT NMA: Ministry summons and clarification	BPSK arbitration, court rulings, or restorative justice aligned with fiqh <i>ta'wid</i>
6	Digital Monitoring and Reporting	Law No. 14/2025 (PIHU)	Digital platform for real-time monitoring, complaint reporting, and service transparency	Visa fraud and delayed refunds in unlicensed schemes, causing losses worth billions of rupiah	Rapid Ministry intervention, criminal sanctions up to 5 years imprisonment for severe fraud

Table 2 offers a structured overview of the principal legal protection mechanisms available to Hajj and Umrah pilgrims under Indonesia's current regulatory regime, primarily Law No. 14 of 2025 (amending the Organization of Hajj and Umrah Law) and Law No. 8 of 1999 on Consumer Protection (UU PK). By categorizing these mechanisms according to their core function, legal basis, key provisions, practical applications in recent cases (2025-2026), and associated sanctions or dispute resolution pathways, the table highlights the dual preventive and repressive nature of pilgrim safeguards while illustrating their interplay with Islamic ethical concepts such as *amanah* and *ta'wid*.

The first row details institutional oversight and licensing, anchored in Law No. 14 of 2025. The establishment of the dedicated Ministry of Hajj and Umrah, along with mandatory registration of PIHK and PPIU in an integrated system, represents a foundational shift toward centralized accountability. This was applied in the Ministry's investigation of PT NMA's 2025 Haji Furoda failures, where funds were collected but departures stalled, resulting in sanctions ranging from license suspension to criminal charges.

The second row addresses financial guarantees and escrow accounts, also under Law No. 14 of 2025, which mandate transparent contracts and segregated deposits to prevent embezzlement. Cases involving unfulfilled refund promises in Haji Furoda schemes triggered operator summons and enforcement actions, emphasizing full restitution and penalties for fraud. The third row covers the legalization of independent Umrah (umrah mandiri), a novel provision requiring strict compliance with documentation and registration to minimize risks while empowering pilgrims. This reduces vulnerability to unreliable organizers and aligns with efforts to curb *gharar*, with non-compliance leading to administrative sanctions or travel invalidation.

The fourth row focuses on rights to accurate information and safe services under the Consumer Protection Law, treating deposits as trusts (*amanah*) and prohibiting misuse. Instances of counterfeit visas and misleading packages in unauthorized schemes illustrate violations, resolved through claims for immaterial damages via arbitration or courts. The fifth row examines compensation and dispute settlement, integrating both laws to provide pilgrims with refunds, damages (including emotional or spiritual *harm*), and criminal recourse (e.g., under Pasal 62 UU PK). Complaints from over 10 victims

against PT NMA prompted ministerial intervention, showcasing pathways like BPSK arbitration or judicial remedies akin to fiqh-based *ta'wid*.

The sixth row highlights digital monitoring and reporting, facilitated by Law No. 14 of 2025's platforms for real-time oversight and complaints. Applied in visa fraud and delayed refund cases causing billions in losses, this enables swift intervention and severe penalties, including up to five years' imprisonment for grave fraud. Collectively, Table 2 demonstrates the robustness of Indonesia's layered protections combining institutional reforms, financial safeguards, consumer rights, and digital tools while revealing implementation strengths in recent enforcement actions. Nonetheless, persistent challenges in proactive prevention underscore opportunities for further refinement, particularly through deeper alignment with Islamic principles to enhance effectiveness and pilgrim confidence.

The findings in this section enrich the theoretical understanding of regulatory frameworks in religious service industries by illustrating the evolving synergy between specialized sectoral laws and general consumer protection regimes. The analysis of Law No. 14 of 2025 and Law No. 8 of 1999 demonstrates how layered regulatory approaches combining institutional oversight, financial safeguards, and digital mechanisms can create a dual preventive-repressive system that aligns with broader theories of regulatory governance and consumer rights protection. Notably, the implicit incorporation of Islamic ethical concepts, such as treating deposits as *amanah* (trusts) and enabling restorative remedies akin to *ta'wid*, highlights the potential for hybrid legal models in Muslim-majority contexts. Table 2 theoretically underscores the interplay between positive law provisions and *Maqashid al-Syariah* principles, reinforcing theories on legal pluralism and the adaptability of consumer protection doctrines to culturally and religiously sensitive sectors, where spiritual *harm* intersects with material loss.

These findings have profound implications for refining Indonesia's pilgrimage regulatory ecosystem, emphasizing the need to address persistent implementation gaps despite robust formal protections. The documented challenges such as protracted litigation, limited cross-jurisdictional coordination, and reliance on reactive enforcement in 2025-2026 cases suggest that regulators should prioritize proactive measures, including enhanced training for the Ministry of Hajj and Umrah, expanded digital infrastructure for real-time risk detection, and stricter monitoring of unauthorized operators. Furthermore, deeper *harmonization* with Islamic principles could involve mandating explicit references to *amanah* in escrow regulations and integrating *ta'wid*-like compensation into standard dispute resolution protocols. Policymakers are urged to leverage provisions like umrah mandiri and financial guarantees more effectively through public awareness campaigns and inter-agency collaboration, thereby transforming the current framework into a more preventive, transparent, and equitable system that fully safeguards pilgrims' rights and spiritual welfare.

This study provides a significant scholarly contribution through its comprehensive, structured evaluation of post-2025 legal protections for Hajj and Umrah pilgrims, as exemplified in Table 2's systematic categorization of mechanisms, applications, and outcomes. By offering the first detailed post-amendment analysis that maps specific provisions such as the Ministry's institutional elevation, escrow accounts, and digital monitoring to real-world enforcement in recent fraud cases, it fills a gap in fragmented prior literature focused on pre-2025 frameworks. The novelty lies in highlighting the practical synergies and shortcomings between sectoral and consumer laws while explicitly linking them to Islamic ethical constructs, providing a replicable tabular model for assessing regulatory effectiveness in religious tourism. This advances interdisciplinary research at the intersection of positive law, consumer protection, and Islamic jurisprudence, offering valuable insights for comparative studies in other Muslim-majority jurisdictions.

c. Integration Of The *Maqashid al-Syari'ah* Concept (Particularly *Hifzu al-Mal*) Into National Regulations To Strengthen Law Enforcement Against Problematic Organizes

Maqashid al-Syariah represents the higher objectives of Islamic law, systematically articulated by classical scholars such as Al-Ghazali and Al-Shatibi, who identified five essential protections: preservation of religion (*hifzu ad-din*), life (*hifzu an-nafs*), intellect (*hifzu al-aql*), progeny (*hifzu an-nasl*), and wealth (*Hifzu al-Mal*). These objectives serve as a guiding framework for deriving rulings that promote public welfare (*maslahah*) while preventing *harm* (*mafsadah*) (Hussain & Ahmed, 2025).

In the context of Hajj and Umrah services, *Hifzu al-Mal* emerges as particularly pertinent, given the substantial financial commitments pilgrims make to fulfill religious obligations (Fairuz, 2024). Fraud and organizer failures directly threaten this objective by exposing pilgrims' wealth to misappropriation, excessive uncertainty (*gharar*), and deceit (*ghishsh*), thereby undermining both their economic security and spiritual aspirations (Setiawan, 2025).

Hifzu al-Mal requires that transactional arrangements, including wakalah contracts with organizers, prioritize the safeguarding of assets (Kamali, 2017). Pilgrim deposits must be treated as *amanah* (sacred trusts), ring-fenced from operational risks and fully refundable in cases of breach. This principle prohibits any form of *khiyanah*, ensuring that wealth preservation supports the broader goal of enabling worship without undue hardship (Muhaimin et al., 2023).

Indonesia's current regulatory framework, particularly Law No. 14 of 2025 on the Organization of Hajj and Umrah, already partially embodies *Hifzu al-Mal* through provisions such as mandatory financial guarantees, escrow accounts for deposits, refund obligations, and sustainable management of Hajj finances via nilai manfaat. The legalization of umrah mandiri further promotes equitable access, reducing exploitative dependencies on intermediaries that could facilitate wealth erosion. Similarly, Law No. 8 of 1999 on Consumer Protection aligns with maqasid by mandating transparency, fairness in transactions, and compensation for losses, echoing Islamic prohibitions on *zulm* (injustice) and *harm*. These measures reflect an implicit recognition of wealth preservation, yet they remain predominantly secular in formulation and enforcement.

Deeper integration of *maqasid al-syariah*, especially *Hifzu al-Mal*, could significantly strengthen law enforcement against problematic organizers (Laksana et al., 2025). One strategic approach involves embedding maqasid-based impact assessments into the licensing process for PIHK and PPIU, requiring applicants to demonstrate compliance with principles of *amanah*, prohibition of *gharar*, and wealth safeguarding through audited financial structures. Institutional synergy between the Ministry of Hajj and Umrah and sharia authorities, such as the National Sharia Board (DSN-MUI), could be formalized through joint taskforces responsible for pre-departure audits and ongoing monitoring. Such collaboration would ensure that regulatory interpretations incorporate fatwa-guided guidelines, aligning sanctions with both legal and ethical accountability.

Digital enforcement mechanisms offer practical avenues for integration. Upgrades to integrated systems like SISKOHAT could incorporate blockchain-verified transaction tracking, minimizing opportunities for fund diversion and providing real-time transparency for pilgrims (Hamzah et al., 2025). Mandatory sharia certification for travel bureaus, overseen by DSN-MUI, would mirror successful models in Islamic finance where OJK applies maqasid principles to protect investors. Enforcement enhancements aligned with *Hifzu al-Mal* could include escalated sanctions for violators, such as immediate asset freezes, lifetime bans from the industry, and requirements for public ethical restitution or charitable contributions. In severe cases, collective compensation funds potentially drawn from Badan Pengelola Keuangan Haji (BPKH) allocations could provide swift restorative justice, prioritizing *maslahah* over punitive measures alone.

Recent cases underscore the urgency of this integration. The 2025–2026 Haji Furoda scandals, including embezzlement probes against operators in Lampung Utara and Samarinda, reveal persistent vulnerabilities where funds were misused despite existing regulations (Laksana et al., 2025) (Redaksi, 2025b). Fuller application of *Hifzu al-Mal* could have mandated proactive audits and escrow enforcement, preventing billions in losses and restoring pilgrim trust. By explicitly embedding *Maqashid al-Syariah* into pre-contract disclosures requiring organizers to highlight Islamic risks such as *gharar* and *ghishsh* regulations would deter fraud at its root while educating pilgrims. Mandatory arbitration panels comprising fiqh experts alongside civil authorities could expedite *ta'wid* remedies, offering holistic resolution that addresses both material and spiritual *harm*.

This analysis reveals that while Indonesia's frameworks have advanced pilgrim safeguards, deeper *harmonization* with *maqasid al-syariah*, particularly *Hifzu al-Mal*, would transform enforcement from reactive to preventive. Such integration promises greater justice, accountability, and public confidence, ensuring that the Hajj and Umrah industry fulfills its religious purpose without compromising the wealth and dignity of Indonesian Muslims.

Table 3: Strategies for Integrating *Maqashid al-Syariah (Hifzu al-Mal)* into National Regulations on Hajj and Umrah

No	Integration Strategy	<i>Maqashid al-Syariah</i> Principle (<i>Hifzu al-Mal</i>)	National Regulations That Can Be Strengthened	Specific Recommendations	Potential Benefits / Relevant Example Cases (2025–2026)
1	Maqasid-Based Impact Assessment in Licensing	Assessing compliance with <i>amanah</i> , prohibition of <i>gharar</i> , and protection of pilgrims' assets	Law No. 14/2025 (PIHK/PPIU licensing process)	Mandate a Maqasid impact assessment in license applications, including audits of financial structures	Early prevention of fraud; could prevent cases like PT NMA (Haji Furoda) that failed to depart pilgrims
2	Institutional Synergy with <i>Syariah</i> Authorities	Collaboration for pre-departure audits and ongoing oversight	Law No. 14/2025 (oversight by the Ministry of Hajj and Umrah)	Establish a joint taskforce involving the Ministry, DSN-MUI for routine audits and fatwa guidelines	Enhanced ethical and legal accountability; reduces <i>khiyanah</i> in cases like North Lampung and Samarinda
3	Technology-Based Digital Enforcement	Real-time transaction tracking to prevent embezzlement of funds	Law No. 14/2025 (integrated information systems such as SISKOHAT)	Integrate blockchain for transaction verification and mandatory sharia certification for travel agencies	High transparency, minimal <i>gharar</i> ; effectively prevents embezzlement of billions of rupiah in Haji Furoda schemes
4	Strengthening Sanctions and Restitution	Escalating sanctions and collective compensation to prioritize public welfare (<i>maslahah</i>)	Law No. 14/2025 & Consumer Protection Law	Immediate asset freezing, lifetime bans, and collective compensation funds from BPKH allocations	Rapid restorative justice; provides collective <i>ta'wid</i> for thousands of victims of failed departures
5	Pre-Contract Risk Disclosure and Education	Educating pilgrims about Islamic risks (<i>gharar</i> , <i>ghishsh</i>) before signing contracts	Law No. 14/2025 & Consumer Protection Law (information transparency)	Mandate sharia risk disclosure in contracts and arbitration panels with fiqh experts	Empowers pilgrims, prevents root causes of fraud; addresses emotional/spiritual losses in fake visa cases
6	Fiqh-Based Arbitration for Dispute Resolution	Holistic resolution combining material and immaterial compensation (<i>ta'wid</i>)	Integration of Law No. 14/2025 with BPSK mechanisms	Establish mandatory arbitration panels with fiqh experts and civil authorities	Fast and fair resolution; restores pilgrim trust following the 2025–2026 scandals

Table 3 presents a systematic framework for integrating the *Maqashid al-Syariah* concept of *Hifzu al-Mal* (preservation of wealth) into Indonesia's national regulations governing Hajj and Umrah services. It outlines six practical strategies, linking each to core maqasid principles, relevant existing laws (primarily Law No. 14 of 2025 and the Consumer Protection Law), specific actionable recommendations, and potential benefits illustrated through recent cases (2025-2026). This tabular summary serves as a normative proposal to shift enforcement from reactive to preventive, enhancing

accountability while aligning secular regulations with Islamic ethical objectives. The first row proposes maqasid-based impact assessments in licensing, requiring PIHK and PPIU applicants to demonstrate compliance with *amanah*, prohibition of *gharar*, and asset protection. By mandating such assessments with audited financial structures under Law No. 14 of 2025's licensing provisions, this strategy enables early fraud prevention. It could have averted cases like PT NMA's Haji Furoda failures, where thousands of pilgrims paid but did not depart, highlighting the value of proactive wealth safeguarding.

The second row advocates institutional synergy with sharia authorities, fostering collaboration for pre-departure audits and ongoing oversight. Grounded in Hifzu al-Mal's emphasis on continuous *harm* prevention, this involves joint taskforces between the Ministry of Hajj and Umrah and DSN-MUI to issue fatwa-guided protocols. The approach strengthens ethical-legal accountability, potentially reducing khiyanah in incidents such as the 2025 embezzlement probes in Lampung Utara and Samarinda. The third row focuses on technology-based digital enforcement, leveraging real-time transaction tracking to eliminate fund diversion opportunities. Integrating blockchain into systems like SISKOHAT, alongside mandatory sharia certification for travel bureaus, minimizes *gharar* and ensures transparency (Rahman, 2025). This would effectively prevent billions in losses seen in unauthorized Haji Furoda schemes, mirroring successful maqasid applications in Islamic finance oversight.

The fourth row recommends enhanced sanctions and restitution, escalating penalties while prioritizing *maslahah* through collective remedies. Measures such as immediate asset freezes, lifetime industry bans, and compensation funds from BPKH allocations align with Hifzu al-Mal's restorative focus. This facilitates swift *ta'wid* for thousands of victims in mass failure cases, promoting justice beyond mere punishment. The fifth row emphasizes pre-contract disclosures and risk education, requiring organizers to explicitly highlight Islamic risks (e.g., *gharar* and *ghishsh*) and involving fiqh expert arbitration panels. Under transparency mandates in both Law No. 14 of 2025 and the Consumer Protection Law, this empowers pilgrims, addresses root causes of deception, and mitigates emotional/spiritual *harm* in cases involving counterfeit visas or misleading packages.

The sixth row proposes fiqh-based arbitration for dispute resolution, establishing mandatory panels with fiqh experts integrated into BPSK mechanisms. This holistic approach combines material and immaterial *ta'wid*, ensuring rapid and equitable outcomes. It would rebuild pilgrim trust following the widespread 2025-2026 scandals, transforming dispute settlement into a maqasid-aligned process. In summary, Table 3 illustrates a multifaceted pathway for harmonizing Hifzu al-Mal with Indonesia's regulatory ecosystem, offering actionable enhancements that address enforcement gaps exposed by recent fraud cases. By adopting these strategies, policymakers can foster a more just, transparent, and sharia-compliant Hajj and Umrah industry, ultimately preserving pilgrims' wealth while facilitating their religious fulfillment.

The findings in this section advance theoretical understandings of Maqashid al-Syariah by demonstrating its practical operability as a normative framework for harmonizing Islamic ethical objectives with secular national regulations. By elucidating how Hifzu al-Mal (preservation of wealth) can be explicitly embedded into modern legal structures beyond implicit alignments in existing provisions like escrow accounts and financial guarantees the analysis extends classical conceptualizations from scholars such as Al-Ghazali and Al-Shatibi to contemporary governance challenges (Kamali, 2017). Table 3 theoretically illustrates maqasid's dynamic role in promoting *maslahah* (public welfare) while preventing *mafsadah* (harm), particularly in transactional contexts involving religious obligations. This contributes to theories of legal pluralism and Islamic legal reform, showcasing Hifzu al-Mal not merely as a doctrinal principle but as a transformative tool for ethical enhancement in consumer protection within Muslim-majority states, bridging fiqh muamalah with positive law in religiously sensitive sectors.

These findings offer actionable implications for evolving Indonesia's Hajj and Umrah regulatory framework toward greater preventive efficacy and ethical alignment. The proposed strategies in Table 3 such as *maqasid*-based licensing assessments, institutional synergies with DSN-MUI, blockchain-integrated digital enforcement, escalated sanctions with collective restitution, pre-contract sharia risk disclosures, and fiqh-inclusive arbitration provide policymakers with concrete pathways to address vulnerabilities exposed in 2025-2026 scandals. By mandating deeper integration of Hifzu al-Mal, regulators can shift from reactive sanctions to proactive wealth safeguarding, reducing khiyanah and *gharar* while enhancing transparency and restorative justice (Khan, 2025). This would strengthen Law No. 14 of 2025 and complementary consumer protection laws, fostering a sharia-compliant

ecosystem that prioritizes pilgrims' economic security and spiritual fulfillment, ultimately building greater public trust and accountability in the industry.

This study delivers a pioneering scholarly contribution through its normative proposal of a structured, multifaceted framework for integrating *Maqashid al-Syariah* specifically *Hifzu al-Mal* into post-2025 Indonesian pilgrimage regulations, as systematically outlined in Table 3. By linking six actionable strategies to core principles, existing laws, specific recommendations, and real-world case illustrations, it provides the first comprehensive post-amendment model that transcends descriptive analysis to offer prescriptive, implementable enhancements. The novelty resides in its integrative approach, addressing gaps in prior literature by explicitly operationalizing maqasid for fraud prevention and ethical enforcement in religious tourism governance. This tabular framework serves as a replicable tool for future research, enriching interdisciplinary discourse on Islamic law's application in contemporary regulatory contexts and offering valuable insights for comparative studies in other jurisdictions facing similar challenges in faith-based services.

4. CONCLUSION

This normative juridical study synthesizes the interplay between fiqh muamalah principles, Indonesia's evolving positive law, and *maqasid al-syariah* to address persistent fraud and organizer failures in the Hajj and Umrah industry. Rather than merely cataloging violations or regulations, the analysis reveals a critical synergy: contemporary fraudulent practices such as misuse of wakalah authority, khiyanah of *amanah*, and exploitation through *gharar* and *ghishsh* directly contravene classical Islamic transactional ethics while exposing structural gaps in enforcement that national laws, even as strengthened by Law No. 14 of 2025, have yet to fully close. At the same time, the existing mechanisms institutional oversight, financial safeguards, digital monitoring, and consumer rights provide a robust foundation that, when intentionally aligned with the maqasid objective of *hifz al-mal*, can shift the paradigm from reactive punishment to proactive, ethically grounded prevention.

The core novelty of this research lies in its timed intervention: it is the first systematic examination of fraudulent cases emerging after the 2025 PIHU amendments, using structured tabular frameworks (Tables 1-3) to map violations to remedies, protections to applications, and maqasid-driven strategies to implementable reforms. By operationalizing *hifzu al-mal* as a normative lens for regulatory enhancement through proposals such as mandatory maqasid impact assessments, blockchain-integrated transparency, and fiqh-inclusive arbitration this study moves beyond descriptive critiques of prior literature to offer concrete, replicable tools that bridge doctrinal Islamic principles with modern governance needs in a Muslim-majority context.

Normatively, the findings affirm that true consumer protection in pilgrimage services demands explicit integration of Islamic objectives: wealth must be preserved not merely as an economic asset but as a means to unburdened worship. Analytically, however, the persistence of multi billion rupiah losses and spiritual *harm* in 2025-2026 cases demonstrates that formal legal advances remain insufficient without ethical internalization and preventive enforcement. This balanced perspective underscores both the transformative potential and the practical limitations of current frameworks.

While the normative juridical approach yields clear doctrinal and regulatory insights, it is constrained by the absence of empirical data stakeholder interviews, quantitative enforcement metrics, or longitudinal impact assessments that could illuminate on-the-ground implementation challenges across Indonesia's diverse regions. Future scholarship should address these gaps through mixed-methods research: surveys of affected pilgrims, evaluative case studies of the Ministry of Hajj and Umrah's post-2025 performance, and comparative analyses with pilgrimage governance in other Muslim-majority states. Such work would further test and refine maqasid integration strategies. Ultimately, safeguarding Indonesian pilgrims' wealth and religious aspirations is not merely a regulatory imperative but a moral and civilizational one. By deliberately embedding *hifzu al-mal* into law and practice, Indonesia has the opportunity to pioneer a truly sharia-compliant pilgrimage ecosystem one that honors both divine command and human dignity, ensuring that the journey to the House of Allah remains a source of blessing rather than betrayal.

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