

# The Political Law of Commodification of Umrah Travel in Indonesia

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## Abstract

Umrah is a very promising market in terms of economy. Umrah is not only used as a means of worship, but as a tourist trip, which is used as a commodity by travel businessmen. The change in the meaning of Umrah by business people has an impact on the shift in meaning in society. Umrah is used as a sign of lifestyle improvement. The Commodification of Umrah is part of the commodification of religion. In running the business of Umrah, religious leaders are often clashed with various forms of problems that lead to legal issues. This research uses a multidisciplinary approach that uses two branches of science in solving problems, this research is classified in cross-field studies, between law and religious sciences. This research focuses on the study of The Political Law of Commodification of Umrah Travel and Aspects in the Implementation of Umrah. The problem of commodification of Umrah can be raised after finding the visible impact during and or after the implementation of the activity. The impact of commodification is divided into two kinds, namely direct and indirect impacts. The dimensions of Umrah activities can be divided into two, namely religious and non-religious dimensions. The religious dimension is a very dominant dimension can be seen in the implementation of Umrah. Religion or worship is the reason for performing Umrah. The non-religious aspect is a secondary aspect but cannot be eliminated in the implementation of Umrah. Non-religious aspects are socio-cultural, economic, and political dimensions.

**Keywords:** commodification, travel, Umrah, legal politics, business

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## Introduction

Nowadays, Umrah trip is not only used as a means of worship, but also as a tourist trip, so that the destination is used as a commodity by travel businessmen. Travel businesses provide various forms of services in the form of facilities in accordance with the price and length of travel and present evidences about the virtues of Umrah delivered by religious leaders as partners.<sup>1</sup> The involvement of religious leaders in Umrah business activities is interesting to discuss, because the business leads to the commodification of religion. Commodification comes from the word commodity which means goods or services that become business objects. In this case, religion is used as an object of product or business strategy which one of the products is Umrah. Umrah is becoming a business commodity at this time that is inseparable from the use of religion as a business strategy.

In business competition, travel parties strive to set high targets through various promotions. To obtain a good image, the travel party includes religious leaders as an instrument to attract the trust of pilgrims. Therefore, religion becomes a proportion of morality, so that the congregation trusts religious leaders more than business people who do not have a religious background.<sup>2</sup>

This is in addition to the financial losses as well as the collapse of religious authority. Religion is used as an instrument of strategy that is considered effective in instilling trust, so that mistakes made by individuals have an impact on the institution.<sup>3</sup> In this case religious leaders are seen as figures who have the depth of religious knowledge, noble ethics, and broad influence.<sup>4</sup> Therefore, the study of utilitarianism on the commodification of Umrah travel sees religious leaders as determinants that have an impact on society as prospective Umrah pilgrims. The commodification of Umrah contains two legal subjects, namely travel agents and Umrah practitioners. Travel agents sell Umrah services, while Umrah actors can use the Umrah experience as a commodity.

In running Umrah travel business, religious leaders are involved in the guidance of worship rituals. The reputation of religious leaders is influential on the level of travel promotion. The charisma of religious leaders has a significant influence in addressing issues outside of religion.<sup>5</sup> Moreover, religious leaders are involved in

<sup>1</sup> Riwayat Al-Bukhari Nomor 1650 Kitab al-Hajj Bab Kewajiban Umrah dan Keutamaannya; Muslim Nomor 2403; al-Nasai Nomor 2582

<sup>2</sup> Muchsin Muthohar dan Amin Ramadhan Triatmaja, 2013, "Pengaruh Endorser Ulama terhadap Sikap dan Minat Beli Konsumen, *The Influence of Islamic Preacher toward the Attitude and Consumers Purchase Intention*," Jurnal Bisnis dan Ekonomi 19, No. 1, p. 87.

<sup>3</sup> Roger Friedland, 2009, *Institution, Practice, and Ontology: Toward Religious Sociology, Research in Sociology of Organization* 27, No. 6: p. 45-48

<sup>4</sup> Zainal Abidin, 2015, *The Jihad of Economic: The Spirit of Islamic Economic Movement by Kyai in Madura*", Jurnal Share, Volume 4, Nomor 2 (July-December 2015), p. 166-186.

<sup>5</sup> Yanwar Pribadi, 2011, *Strongmen and Religious Leaders in Java: Their Dynamic Relationship in Search of Power*", *Al-Jami'ah* 49, No. 1.

the search for pilgrims as well as the receipt of initial deposits. This offer went lively and was enthusiastically welcomed by Muslims. In some areas, there is a tradition of celebrating and welcoming Umrah pilgrims which is likened to pilgrims.<sup>1</sup> Umrah is not a mandatory worship but can be performed during hajj or outside the hajj period. Long queues in the waiting for Hajj require some Muslims to perform Umrah before hajj. Umrah can be performed repeatedly, so that the Commodification of Umrah is inevitable.

Umrah is a ritual of worship to the Masjid al-Haram. Before traveling, there are several service factors that must be done, including, managing the administration of licensing, transportation, lodging, guidance, travel attributes, and consumption. Although these factors do not include Umrah rituals, it can determine the continuity of Umrah rituals. The fiqh rule that applies to this is "the point of ritual that cannot be carried out without a factor making it a fundamental part of the ritual". Services outside of Umrah rituals require a small fee as well as complex procedures. Therefore, the perpetrators of Umrah rituals must prepare a considerable amount of funds. This is considered as a market opportunity for business people. Umrah business competition gave rise to the commodification of Umrah. As a result, business people change Umrah rituals with a form of religious tourism, so that Umrah rituals are only carried out in some time the rest of Umrah travel businessmen provide some tourist destinations both in the region and outside Saudi Arabia.<sup>2</sup>

The change in the meaning of Umrah by business people has an impact on the shift in meaning in society. Umrah can be used as a sign of improved lifestyle and prestige.<sup>3</sup> This is evident from the priority of service compared to the essence of Umrah ritual. Umrah ritual can be interpreted as demonstrating one's religiosity, namely the change in religious behavior after Umrah, especially the use of religious attributes.<sup>4</sup>

The Commodification of Umrah is part of the commodification of religion. In carrying out the business of Umrah, religious leaders are often clashed with various forms of problems that lead to legal issues, such as related to the resentful promise (*wanpretasi*) that can be judged as an act that is against the law when accompanied by motives and consequences. Both are difficult to quantified, so they are often debated and ignored. Motives have something to do with intentionality (*dolus*) and abandonment (*culpa*), which have a characteristic and are indated in several clauses of the legislation.<sup>5</sup> The commodification of Umrah travel has a huge impact on the victims (pilgrims) both materially and non-materially. Commodification undermines the reputation of religious leaders and religious institutions. Therefore, the implementation of Umrah has been regulated through a separate law (*lex specialist*), while the judge's decision on the case of commodification of Umrah travel uses criminal and civil laws as a general legislation (*lex generalis*). The commodification of Umrah can turn into an act against the law if there is a dispute between the travel party and the pilgrim's consumer. This can happen if there is an element of fraud, embezzlement, or other crimes so that in this case the commodification of Umrah falls into the realm of criminal law with the usual *delik* category, but it relies on complaints from victims to law enforcement.

## Methods

In problem solving, this study uses a multidisciplinary approach that uses two branches of science in conducting problem solving, this research is classified in crossdisciplinary studies that combine legal science with religious science.<sup>6</sup> This research focuses on the study of The Politics of The Law of Commodification of Umrah Travel and Aspects in the Implementation of Umrah.

In terms of the object of the study, this study uses library research.<sup>7</sup> The data and legal materials studied in the study are in the form of literature resources in the form of laws, government regulations, regulations related to Umrah and hajj, decrees, books, journals, research results, newspapers, encyclopedias, internet, and other literature media.<sup>8</sup> Field data is research support data that is used as a complement to the library data as the primary source, as well as validation of the library data.

After all the materials are collected, the next activity is to analyze the primary and secondary legal materials that have been obtained. The analysis techniques in the research were conducted in an analytical prescriptive manner, which aims to produce a description of what should be the essence in legal research that adheres to the

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p. 159-190

<sup>1</sup> Shofia Tidjani dan Pawianti Patmi, 2015, *Analisis Persepsi Jemaah Umrah dalam Penerapan Prinsip Syariat Islam pada Pelayanan di PT. Cahaya Azami Wisata Jakarta*, Jurnal Islamonomic 6, No. 2 (Agustus 2015): p. 97-110

<sup>2</sup> Dewi Masitah, 2015, *Dinamika Bisnis Travel Umrah Se Kota Pasuruan di Era Globalisasi*, Iqtishadia 2, No. 2 (Desember 2015): p. 342-261

<sup>3</sup> Hartini Tahir, 2016, *Haji dan Umrah Sebagai Gaya Hidup: Pertumbuhan Bisnis Perjalanan Suci di Kota Makassar*, Jurnal Al-Qalam 22, No. 2 (Desember 2016): p. 127-139.

<sup>4</sup> Al Makin, 2016, *Antara Ziarah Religius dan Kapitalisasi di Era Globalisasi: Catatan Etnografis Umrah*, Jurnal Afkaruna 12, No. 1 (Juni 2016): p. 114-134.

<sup>5</sup> Teguh Prasetya, 2006, *Hukum Pidana*, Jakarta: Rajawali Pers, p. 95-115.

<sup>6</sup> Nur Syam, 2010, *Twin Towers: Arah Baru Pengembangan Islamic Studies Multidiscipliner*, Surabaya: SAP, p.11-14.

<sup>7</sup> Rianto Adi, 2010, *Metodologi Penelitian Hukum dan Sosial*, Jakarta: Granit, p.61.

<sup>8</sup> Earl Babbie, 1998, *The Practice of Sosial Research*, Belmont: Wadsworth Publishing Company, p.328

character of legal science as an applied science.<sup>1</sup> The results of the analysis using legal logic, legal arguments and legal principles that will produce conclusions or conclusions as answers to problem formulations in this study.<sup>2</sup>

## Discussion

### A. Impact of Umrah Travel Commodification

The commodification of Umrah is aimed at travel and all businesses that use Umrah as an opportunity. These business activities require a written agreement. This agreement involves many parties. As a modern business institution, all transactions ('aqd) on the travel side are done administratively. In addition, the legality of travel is also a guarantee of trust in the community. This legality can be seen on the virtual media website of the Ministry of Religious Affairs. Therefore, the motive of crime in the business is easily tracked. The existence of Umrah travel is a representative of the country, considering the government does not organize the implementation of Umrah as in hajj. The case of Umrah commodification case can be filed after finding the visible impact after the implementation of the act or activity. The duration is calculated at the time when the action is done to a predetermined extent, namely the perfection of the completion of the deed. Proof is required that relates the impact to an action if the action appears after the completion of the work for a long period of time. Therefore, the impact is divided into two kinds, namely direct and indirect impacts.<sup>3</sup>

The impact of the act of commodification of Umrah is direct meaning, the loss can arise while the Umrah activity is running. For example, the type of aircraft and hotel is not in accordance with the promotion, so the impact of this loss can be felt by pilgrims while on the plane or hotel. The impact of these losses can be mitigated by the compensation offered by the travel party. Eventually, the lawsuit's plans were scrapped. The indirect impact is manifested in the loss of Umrah services. This loss can be calculated after the implementation of Umrah is completed perfectly while the congregation that failed to depart from the promised date. Pilgrims are harmed non-materially because of public humiliation including material losses in the form of preparation costs and payment costs.

Material losses can be calculated objectively, while subjective non-material losses cannot be calculated. Umrah failure can be replaced with a refund, but psychic losses cannot be measured by matter. Therefore, non-material losses are calculated unilaterally by the victim. In Islamic law, material damages can be analogous to the payment of compensation for murder (diyah). The impact of losses due to the commodification of Umrah travel is widespread with many victims as well as large losses, so the commodification of Umrah travel can not be entangled with criminal law fraud. In this case, the travel party can be ensnared with a corporate criminal in order for the refund of compensation to be realized then the Consumer Protection Act needs to be used. Umrah travel parties can be entangled with civil law if the relationship between travel and consumers is tied to the agreement.

Commodification of Umrah travel is an act of exchange between the commodity services of Umrah implementation by Umrah travel with the satisfaction expected by the pilgrim consumers. In addition to motives, other elements that are exchanged are units of analysis, benefits or benefits, as well as social confirmation.<sup>4</sup> Social exchanges are directed from economic or business exchanges with redistribution or reciprocity. Redistribution is the shift of objects or services from parties that are politically in a lower position so that those at the top of the position as holders of economic and political power.<sup>5</sup> Redistribution requires asymmetric relationships. If the relationship is symmetrical, then the reciprocal exchange is called reciprocity. In completing the commodification of Umrah, Umrah travel can conduct economic exchange with the pilgrim consumers as an object of service.

Adagium utilitarianism contains three components of impact, namely the number of casualties, material losses, and non-material losses. In the context of the law, the theory of utilitarianism is embodied in hedonistic utilitarianism which teaches, "Funding is only acceptable, if it gives hope to prevent greater evil".<sup>6</sup>

The impact of the commodification of Umrah travel is also explored from the judge's consideration data contained in a copy of the court's decision therefore the positivistic paradigm is more appropriate to be used as a foothold. The positivistic paradigm contains the assumption that the written law is a tool of power that forces citizens to comply. The state has the authority to establish regulations and issue legal decisions. These regulations and legal decisions are formulated according to the cases raised. Law No. 18 of 2018 concerning the Implementation of Umrah and the rule of law derived from it is inseparable from the previous case of Umrah

<sup>1</sup> Purnadi Pubacaraka dan Soerjono Soekanto, 1978, *Perihal Kaedah Hukum*, Bandung: Alumni, p.9.

<sup>2</sup> Peter Mahmud Marzuki, 2011, *Penelitian Hukum*, Jakarta: Kencana, p. 47.

<sup>3</sup> Ahmad Sofian, 2018, *Ajaran Kausalitas Hukum Pidana*, Jakarta: Prenada, p.64.

<sup>4</sup> I.B. Wirawan, 2015, *Teori-teori Sosial dalam Tiga Paradigma: Fakta Sosial, Definisi Sosial, dan Perilaku Sosial*, Jakarta: Prenada Media, p.174-176.

<sup>5</sup> Sjafrir Sairin, Pujo Semedi, dan Bambang Hudayana, 2002, *Pengantar Antropologi Ekonomi*, Yogyakarta: Pustaka Pelajar, p.70

<sup>6</sup> Lili Rasjidi dan Ira Thania Rasjidi, 2012, *Pengantar Filsafat Hukum*, Bandung: Mandar Maju, p. 61

travel commodification. The positivistic paradigm not only examines the content of the written rule of law, it also examines the background of the emergence of the rule.

In accordance with the positivistic paradigm, the regulation and decision of judges on Umrah is issued by the state as legal sovereignty. Both contain orders, obligations, sanctions, and sovereignty. Legal certainty is directed by the thought of positivism for public order. The judge's regulations and decisions are value-free and closed from interpretation. According to **Hans Kelsen**, a law is judged purely when it is released from interpretation outside the law.<sup>1</sup> To that end, **Alkostar** formulated a legal analysis of **Helene S. Shapo** on the judge's decision. This analysis includes the legal, regulatory or legal events used, the statement of award, legal considerations, and legal purposes.<sup>2</sup> Legal rulings should take into account the legal hierarchy, so that the rule of law at the top is stronger than the rules under it. The supreme rule as the strongest rule is referred to by Hans Kelsen as groundnorm. With this conception, the judge's decision should consider a stronger law as the basis for decision making.

## B. Aspects of Umrah

Umrah is a worship that has a very strong religious dimension and is inherent in Indonesian society, although in its implementation Umrah is inseparable from the nonreligious dimension.<sup>3</sup> This makes the implementation of Umrah has its own rhythm or dynamics in religious life. Umrah is related to many things in its implementation, namely related to security, service, culture, economy, politics, and so on. If separated into several parts, then the dimensions of Umrah activities can be divided into two parts, namely the religious dimension and the non-religious dimension. The religious dimension is certainly a very dominant dimension can be seen in the implementation of Umrah. Religion or worship is the main motor' as the reason for performing Umrah. The non-religious aspect is a secondary aspect but cannot be eliminated in the implementation of Umrah. The non-religious aspects can then be explained in three parts, namely the socio-cultural, economic, and political dimensions.

### 1. Socio-Cultural Aspects

The social and cultural dimension is the thing that dominates the civility in Indonesia, after the religious dimension. Like a social activity, the implementation of Umrah is inseparable from the variety of cultures of each region. That is, the implementation of Umrah for Indonesian people is very thick when viewed from the socio-cultural dimension. **Christian Snouck Hurgronje and Martin Van Bruinessen**, that the Muslim community performs hajj rituals (Umrah) to Mecca for several reasons, among others to obtain honor, study, disillusionment with world affairs, or because of saturation of daily life. All of these things can be related to the social and cultural aspects of Indonesian society.<sup>4</sup>

The socio-cultural aspects of the Indonesian community can be seen from the people in some areas who perform certain rituals, both before and after traveling to the holy land. Javanese people generally hold a safe event before departure and are usually combined with manasik events. In Sulawesi is known for the tradition of pilgrimage and reading barzanji, even some pilgrims hold special events such as grave pilgrimages and visit certain families or relatives before visiting the holy land of Mecca. Families in Indonesia held an event for safety when the congregation was in the holy land, until after returning to the motherland. Indonesian pilgrims are still there performing certain rituals as a symbol of gratitude has survived arriving in the country.

Culture and culture is a comprehensive lifestyle. Culture and culture are complex, abstract, widespread, and formed from various elements. Indonesian culture in performing Umrah is a lifestyle that is formed from the complexity of people's lives and also grows from various elements. These include understanding religion, politics, customs, language, economics and education levels. On an applicative level, the complexity of the various elements that make up the social understanding of the community also affects Umrah pilgrims, both before and after arriving back to the country, into a mabrurah Umrah.

The conditions of religious understanding of people who perform Umrah are not all the same. Most of the pilgrims are middle class with low educational standards or not yet undergraduates. Pilgrims are strongly influenced by the understanding or madzhab of Shafi'iah that dominates in Indonesia. Large organizations such as Muhammadiyah and Nahdatul Ulama influence the understanding of Indonesian people's worship so that it is not uncommon, when in Saudi Arabia Umrah pilgrims are surprised by some different worship practices than those performed in Indonesia.

During the departure of Umrah, Indonesian pilgrims look striking in travel uniforms. The majority of travel organizers have prepared uniforms as part of Umrah equipment. It is very easy to identify between Indonesian pilgrims and pilgrims from other countries by only looking at the uniform of the congregation. Indonesian pilgrims use batik in the procession of departure, pilgrimage, or even when around the Grand Mosque. Umrah pilgrims who when in the pilgrimage place of Jeddah City will look striking by wearing special Indonesian batik.

<sup>1</sup> Hans Kelsen, 2011, *Teori Hukum Murni*, Bandung: Nusa Media, p.2.

<sup>2</sup> Artidjo Alkostar, 2018, *Metode Penelitian Hukum Profetik*, Yogyakarta: FH UII, p. 31-32.

<sup>3</sup> Nurholish Madjid, 2008, *Umrah dan Haji Perjalanan Religius*, Cet. III, Jakarta: Dian Rakyat, p. 4

<sup>4</sup> Achmad Nidjam and A. Latief Hannan, 2001, *Manajemen Haji*, Jakarta: Zikrul Hakim, p. 4.



The purpose is in addition to the promotion of batik culture that becomes typical of Indonesia, guides or guides will also be easier to control the congregation dressed in uniform. The wearing of special uniforms is also used as a tactical step for businesses for organizers.

Thus, human beings as social and cultured beings cannot be separated from religious activities, including in the implementation of Umrah. Religion itself does not limit local wisdom to participate in shia religion as long as it is not contrary to the fundamentals of Islamic beliefs. A Muslim must put religious teachings above culture unless it violates the Islamic creed. the hope when praying Umrah is nothing but to achieve a mabrur 'Umrah.

## 2. Economic Aspects

Umrah is a journey of worship that requires not only mental readiness but also material or financial ability. In the fiqh of Hajj it has been explained that for Muslims who do not have the cost is not obliged to perform Umrah. Therefore, it has not fulfilled one of the conditions of 'Umrah, namely istitha'ah (able). Being able to materially is a requirement because the cost of Umrah requires a large fee. The existing economic capability for financing and while in the holy land must be owned for Umrah pilgrims.

Umrah, apparently not only talking about religion and implementation in the field. The promising economic sector is also very influential on the country's development. The departure of pilgrims to Saudi Arabia is a wetland for a great profit.<sup>1</sup> Organizers with only a mere profit count, collecting money pilgrims without careful calculation. The sale of cheap packages at irrational prices becomes an offense because it will cause losses even the abandonment of Umrah pilgrims.

Umrah activities become a lucrative business land because income from the economy is very promising. The management of Umrah given intact management to the private sector makes Umrah travel services bureau develop. The increase in travel is one of the reasons for the increase in pilgrims, the increase in pilgrims means an indicator of an increase in the nominal amount of money that is rotated and will certainly affect the state's income through taxes and other rotational sectors such as ticket costs, airports, equipment, manasik and so on.

The average cost of financing Umrah per Indonesian pilgrim in accordance with the price standards set by the association and the Ministry of Religious Affairs is estimated at USD 1700, or in a matter of rupiah around Rp. 22.100.000 (Exchange Rate Rp 13,000 per US dollar). The value is multiplied by the total number of Umrah pilgrims in 2015 for example as many as 636,000 pilgrims, then there will be about 14 trillion rupiah of money to be rotated. A nominal that will be able to revive the market and a definite income for state revenues.

The cost of Travel Umrah (BPIU) paid by prospective Umrah pilgrims is a sum of money that will be used by the organizing agency for Umrah trips and accommodation while in Saudi Arabia. In the event of cancellation from the congregation due to a matter, BPIU must return BPIU after deducting the costs that have been incurred in accordance with the agreement agreed by both parties.<sup>2</sup> In the reality in the field, the organizers mostly give restrictions to the return of canceled departures with the following conditions: for those who cancel departure before one month of departure will be deducted administration fees and also the cost of discounted flight prices, usually refund up to 75% of the total cost of Umrah. For cancellations a month to two weeks before departure, pilgrims will be charged 50% of the total cost of Umrah. If the congregation resigns in two weeks until the day of departure then the congregation will be refunded only 25% of the BPIU fee, some will not even be refunded at all. This is because the process of departure of Umrah is highly dependent on the accommodation that must be paid before departure. If the visa has already come out, the flight ticket has been purchased, the hotel and accommodation in Saudi Arabia have been paid off by the organizer, then the cancellation will usually be cut off very much. Therefore all financing and departure of pilgrims related to each other so that the recapitulation of the total price and cancellation is very affecting.

After the organizer agrees with the prospective Umrah pilgrims on the price and package that has been promised, then the Umrah travel operator is obliged to provide services to Umrah pilgrims in the form of: guidance of Umrah (Manasik), transportation services of pilgrims ranging from flights to transportation while in the holy land, hotel accommodation and also food consumption during the trip, providing health facilities for Umrah pilgrims by providing doctors or medical teams of at least one person in one Umrah group, protection of Umrah pilgrims and Umrah officers in the form of insurance during the trip, as well as administration and documentation of Umrah in the form of completeness of visa documents, passports, vaccines, and other documents needed.

## 3. Political Aspects

The system of Umrah in Indonesia is experiencing a dynamic that is colored by economic and political dimensions. The economics and politicization of religion are things that seem very difficult to separate. Even in the historical sphere of Indonesian kenegaraan began in the colonial period, after independence, the old order, the new order until now the political element is always present in the implementation of hajj and Umrah. During

<sup>1</sup> Istimawan Dipohusodo, 1997, *Pergi Haji Sesuai Sunnah Rasul*, Yogyakarta: Pustaka Pelajar, p. 49

<sup>2</sup> Kemenag RI, Peraturan Menteri Agama RI Nomor 18 Tahun 2015 Tentang Penyelenggaraan Perjalanan Ibadah Umrah, Bab 4, Pasal 11

the colonial period, for example, the policy of hajj and Umrah by the Dutch colonial government was intended to take the hearts of the people and to ensure the preservation of their power. Regulations on the departure of pilgrims to the holy land are often revoked and established in accordance with the interests of the colonial government in Indonesia, under the pretext of protecting pilgrims from disease, theft, fraud, and so on.

The dynamics and problems in the field over the implementation of Umrah are mostly due to the prevailing laws and regulations between the two countries and differences in political views related to the socio-cultural side as well as differences in the madzhab embraced. Changes in the surrender system are strongly influenced by the policies set by the Kingdom of Saudi Arabia and then implicate the improvement of the law by the Indonesian government which will then be followed by all aspects related to the implementation of Umrah.<sup>1</sup>

In Indonesian politics, the regulations set by the state determine the direction of Umrah. Many rules in Hajj and Umrah were influenced by the political conditions of the time. Starting with Pelgrims Ordonnantie Stb in 1922 number 689, Pelgrims Verordering Year 1938, Presidential Decree No. 22 of 1969, Presidential Instruction No. 6 of 1969, Presidential Decree No. 53 of 1981, Presidential Decree No. 119 of 1998, and finally more strengthened by Act No. 17 of 1999 which authorizes the Minister of Religious Affairs as the full responsibility for Hajj and Umrah.

**Sucipto** explained the politics in the submission can be seen from a case in Jambi. Many Jambi politicians perform Umrah rituals, has reaped the assumption of some people that Umrah politicians are 'political Umrah'. The assumption is stronger with the news on television that airs the Umrah of politicians and public officials. Umrah activities get more boisterous when celebrities are also involved and become the constant spotlight of journalists and reported continuously.<sup>2</sup>

For political circles, all parties in the party or between parties compete and impose the interests of the group, has made some politicians perform Umrah rituals to treat the saturated feeling of his work. Complain to the All-Knowing and pray in droves in front of the Kaaba. Thus the expression of **Asghar Ali** engeneer in this case may be true, that religion is indeed a place of complaining and a place of solace. Religion becomes a place of escape in the heartache due to the problems of the world with all its complexity.

Discussion of the regulation of Umrah activities in Indonesia covers several phases, from year to year to produce a regulation contained in the Decree of the Minister of Religious Affairs No. 8 of 2018. Historical analysis that researchers conducted to see the birth of the regulation of Umrah in Indonesia. In the colonial era, regulations were established to supervise and control people who wanted to perform hajj / Umrah for colonial purposes. In the age of independence regulations were established for the protection and ease of congregation. Problems continue to arise in the implementation of Umrah from time to time. In general, this is due to the actions of certain parties who want to take advantage of the implementation of Umrah in a way that harms the congregation.

Umrah activities in Indonesia are crowded in recent years, precisely since 2008, that the buildup of hajj waiting lists increased, and then the establishment of the Decree of the Minister of Religious Affairs No. 8 on the Implementation of Umrah. It can be certain that it is a synthesis of long regulations that change over time according to the situations and demands of the times. The regulation of Umrah by the Minister of Religious Affairs of the Republic of Indonesia is a remarkable breakthrough to provide solutions to the problem of Hajj with a very long waiting list and become a legal law against the community from all manipulative acts committed by certain persons by utilizing the services and implementation of hajj to deceive and profit from the people in the country.

The Regulation of the Minister of Religious Affairs related to the regulation of Umrah clarifies the meaning of Umrah which is intended not Umrah in conjunction with Hajj, but Umrah that is intended to be a journey of worship that is carried out outside the hajj season. In the regulation explained that the implementation of Umrah is a series of activities that include the construction, service, and protection of pilgrims that must be carried out by the government and the organizers of Umrah.

Umrah Travel Operator (PPIU) in the rules of regulation of the submission is a travel agency that has obtained permission from the minister to perform Umrah with the terms and conditions set by the Ministry of Religious Affairs and implemented on the basis of justice, professionalism, transparency, and accountability. With the aim to be able to provide the best development, service, and protection to the congregation, so that the congregation can perform its worship in accordance with the provisions of Islamic Law.

## Conclusion

The dynamics and problems in the field over the implementation of Umrah are mostly due to the prevailing laws and regulations between the two countries and differences in political views related to the socio-cultural side as well as differences in the madzhab embraced. Changes in the surrender system are strongly influenced by the

<sup>1</sup> Achmad Subianto, 2016, *Menata Kembali Manajemen Haji Indonesia*, Jakarta: Yakamus, p. 240

<sup>2</sup> Sucipto, 2013, *Umrah sebagai Gaya Hidup, Eksistensi Diri dan Komoditas Industri*, Kontekstualita 28, No. 1, p.12

policies set by the Kingdom of Saudi Arabia and then implicate the improvement of the law by the Indonesian government which will then be followed by all aspects related to the implementation of Umrah. The commodification of Umrah travel has a huge impact on the victims (pilgrims) both materially and non-materially. Commodification undermines the reputation of religious leaders and religious institutions. Commodification of Umrah travel is an act of exchange between the commodity services of Umrah implementation by Umrah travel with the satisfaction expected by the pilgrim consumers. In addition to motives, other elements that are exchanged are units of analysis, benefits or benefits, as well as social confirmation.

## References

### Al Quran

- Al Makin, 2016, Antara Ziarah Religius dan Kapitalisasi di Era Globalisasi: Catatan Etnografis Umrah”, Jurnal Afkaruna 12, No. 1 (Juni 2016)
- Achmad Nidjam and A. Latief Hannan, 2001, Manajemen Haji, Jakarta: Zikrul Hakim
- Ahmad Sofian, 2018, Ajaran Kausalitas Hukum Pidana, Jakarta: Prenada, 2018
- Achmad Subianto, 2016, Menata Kembali Manajemen Haji Indonesia, Jakarta: Yakamus
- Artidjo Alkostar, 2018, Metode Penelitian Hukum Profetik, Yogyakarta: FH UII
- Dewi Masitah, 2015, Dinamika Bisnis Travel Umrah Se Kota Pasuruan di Era Globalisasi, Iqtishadia 2, No. 2 (Desember 2015)
- Earl Babbie, 1998, The Practice of Sosial Research, Belmont: Wadsworth Publishing Company
- Hartini Tahir, 2016, Haji dan Umrah Sebagai Gaya Hidup: Pertumbuhan Bisnis Perjalanan Suci di Kota Makassar, Jurnal Al-Qalam 22, No. 2 (Desember 2016)
- Hans Kelsen, 2011, Teori Hukum Murni, Bandung: Nusa Media
- I.B. Wirawan, 2015, Teori-teori Sosial dalam Tiga Paradigma: Fakta Sosial, Definisi Sosial, dan Perilaku Sosial, Jakarta: Prenada Media
- Istimawan Dipohusodo, 1997, Pergi Haji Sesuai Sunnah Rasul, Yogyakarta: Pustaka Pelajar
- Lili Rasjidi dan Ira Thania Rasjidi, 2012, Pengantar Filsafat Hukum, Bandung: Mandar Maju
- Kemenag RI, Peraturan Menteri Agama RI Nomor 18 Tahun 2015 Tentang Penyelenggaraan Perjalanan Ibadah Umrah
- Muchsin Muthohar dan Amin Ramadhan Triatmaja, 2013, “Pengaruh Endorser Ulama terhadap Sikap dan Minat Beli Konsumen, The Influence of Islamic Preacher toward the Attitude and Consumers Purchase Intention,” Jurnal Bisnis dan Ekonomi 19, No. 1
- Nur Syam, 2010, Twin Towers: Arah Baru Pengembangan Islamic Studies Multidiscipliner, Surabaya: SAP
- Nurcholish Madjid, 2008, Umrah dan Haji Perjalanan Religius, Cet. III, Jakarta: Dian Rakyat
- Peter Mahmud Marzuki, 2011, Penelitian Hukum, Jakarta: Kencana
- Purnadi Pubacaraka dan Soerjono Soekanto, 1978, Perihal Kaedah Hukum, Bandung: Alumni
- Rianto Adi, 2010, Metodologi Penelitian Hukum dan Sosial, Jakarta: Granit,
- Roger Friedland, 2009, Institution, Practice, and Ontology: Toward Religious Sosiology, Research in Sociology of Organization 27, No. 6
- Sjafri Sairin, Pujo Semedi, dan Bambang Hidayana, 2002, Pengantar Antropologi Ekonomi, Yogyakarta: Pustaka Pelajar
- Shofia Tidjani dan Pawianti Patmi, 2015, Analisis Persepsi Jemaah Umrah dalam Penerapan Prinsip Syariat Islam pada Pelayanan di PT. Cahaya Azami Wisata Jakarta, Jurnal Islamonomic 6, No. 2 (Agustus 2015)
- Teguh Prasetya, 2006, Hukum Pidana, Jakarta: Rajawali Pers
- Sucipto, 2013, Umrah sebagai Gaya Hidup, Eksistensi Diri dan Komoditas Industri, Kontekstualita 28, No.
- Yanwar Pribadi, 2011, Strongmen and Religious Leaders in Java: Their Dynamic Relationship in Search of Power”, Al-Jami’ah 49, No. 1.
- Zainal Abidin, 2015, The Jihad of Economic: The Spirit of Islamic Economic Movement by Kyai in Madura”, Jurnal Share, Volume 4. Nomor 2 (July-December 2015)