

THE IMPLEMENTATION OF TRAVELS OF UMROH WORSHIP AND THE POTENTIAL BREACH OF CONSUMER RIGHTS

Nurul Fibrianti

ABSTRACT

A variety of problems colors the organization of the pilgrimage in Indonesia. Starting from the aspect of implementation where there is widespread fraud by agents of pilgrimage companies that result in the failed departure of prospective pilgrims, as well as problems from the aspect of supervision namely supervision of the Ministry of Religion of the Republic of Indonesia for the organization of Umrah pilgrimage is not comprehensive. All of that has a part in injuring consumer rights, namely pilgrims to Umrah. Therefore, the author will explain the results of research in the form of models that can protect consumers from registration to the return of pilgrims to Indonesia to minimize violations of consumer rights that have been rife and can provide security, comfort, and safety as regulated in the Law of Protection Consumer. This model was base on information disclosure that can provide preventive protection to consumers because information on the stages of organizing pilgrimage can be accessed and monitored by prospective pilgrims in real-time through an information system created by researchers and applied to the website owned by the Pilgrimage Pilgrimage Company (PPIU). This model is said to be a new model in the implementation of consumer protection / prospective pilgrims to Umrah because previously, there was no such protection model. The information system owned by the Ministry of Religion called SIPATUH is only used to oversee PPIU companies that have an operating license of the Ministry of Religion of the Republic of Indonesia. While PPIU company agents who have been in contact with consumers are apart from the supervision of the Ministry of Religion of the Republic of Indonesia, even though PPIU companies need PPIU company agents to streamline and streamline marketing services

Keywords: Information Systems Model, Consumer Protection, Organizing Travel Umrah Pilgrimage.

INTRODUCTION

The organization of Umrah pilgrimage in Indonesia is organized by a travel bureau company that has received an operational permit from the Ministry of Religion of the Republic of Indonesia in the form of a Decree of the Ministry of Religion and is called the Umrah Pilgrimage Organization (PPIU).

Travel agencies that do not have a Ministry of Religion decree are not permitted to send pilgrims to Saudi Arabia. Therefore, travel agencies that do not have a Ministry of Religion decree seek business opportunities by collaborating with PPIU in the form of partnerships that have commonly referred to as PPIU agents.

The fact is, the agency form allows for irresponsible behavior on the part of the agent and PPIU as the principal if the pilgrims' Umrah pilgrimage fails. No responsibility for both parties occurs because the agent commits fraud by offering a package of pilgrimage services owned by PPIU, but the agent makes his price to benefit from the difference in the price of PPIU with the selling price to prospective pilgrims. Also, the agent requests payment to has made through an agent's account, not a PPIU company account. Because PPIU feels they do not accept payment from consumers in this case as prospective pilgrims, PPIU is not willing to be responsible for losses suffered by prospective pilgrims even though the services offered are services owned by PPIU companies.

The existence of these events is the background of the writers to make an article with the title Model of Protection of Consumers in the Implementation of Information-Based Umrah Pilgrimage.

METHOD

The method in this study is a sociological juridical approach that has the aim of getting an empirical understanding of the law. The way to do this is by going directly to the object of research to obtain information about problems in organizing the pilgrimage in Central Java Province.

This type of research is qualitative, which hopes to provide a systematic picture of legal events.

1. Research Focus
This research focuses on analyzing the problems in organizing pilgrimage trips in Central Java Province.
2. Research Location
The location of the study is in 1 company organizing the Umrah pilgrimage (PPIU) in the Special Region of Yogyakarta which has a case of failing to dispatch prospective pilgrims, six samples of pilgrimage companies (PPIU) in Central Java Province, and the Ministry of Religion Central Java Regional Office.
3. Data Sources
Primary Data Sources
The primary data used by the author is using field surveys as the main data and interviews of sources or informants who can provide information by the conditions in the field.
Secondary Data Sources

The data comes from library materials

- a. Regulation of the Minister of Religion Number 8 the Year 2018
- b. Books related to legal protection of consumers, including journals, theses, and legal theses.

4. Data Collection Techniques

Data collection techniques that will have used in researching data are:

a. Observation

The observation was carried out by observing and recording the problems that exist related to the organization of the pilgrimage.

b. Interview

Interviews were conducted by asking respondents about information regarding the organization of the pilgrimage, its supervision, and the understanding of consumers in determining the pilgrimage travel agency.

c. Literature Study

Done by reading the literature. The author looks for literature that has a connection with the discussion of problems in this study.

RESULTS AND DISCUSSION

1. The Practice of Organizing a Pilgrimage by the PPIU Company

From the results of the study with a sample of 6 (six) Umrah Travel Organizers (PPIU), 1 (one) Umrah Travel Organizers Company that has a case of not sending prospective Umrah pilgrims, and combining the results of Focus Group Discussion (FGD) with consumers, it appears that company Umrah Travel Organizer (PPIU) does not have good management in organizing Umrah pilgrimage because the relationship between the principal namely PPIU with the company called an agent is not in accordance with the provisions in the agency relationship. The agency relationship with the Commercial Law is the relationship between the principal and the assistants of entrepreneurs outside the company in which the relationship is of regular service, and there is a fee given by the principal to the agent. In an agency relationship, the agent is not allowed to make their prices.

With the gap in PPIU's corporate relations with marketing agents outside the company, this will have an impact on the emergence of individuals who can harm or violate the rights of consumers by utilizing existing loopholes in the umrah departure contract (Husni, 2018: 323).

From the Practice of Implementing Umrah Pilgrimage Organizations, there are weaknesses in the form of partnership relationships between PPIU companies and partners in marketing the services of organizing Umrah worship. PPIU says the relationship that occurs as a relationship between PPIU companies and agents. The practice of the relationship is carried out by the PPIU Company allowing the agent to make the price of organizing the pilgrimage and taking advantage of the price difference made by PPIU with the price offered by the agent to prospective pilgrims. Payment can also be made by transfer or cash to the agent's account, and the PPIU Company also leaves this because if the agent is too bound by the PPIU Company's provisions, then the agent can leave the PPIU Company and work with other PPIU. This practice is not by the provisions in company law regarding company agents and also does not comply with the Regulation of the Minister of Trade of the Republic of Indonesia Number 11 / M-DAG / PER / 3/2006. The agency relationship regulated in company law explained that the work agent of the company on behalf of and the mandate of the principal, so that here the company agent is not allowed to make their prices accompanied by payment using the agent's account. The Minister of Trade Regulation also stipulates that company agents must have a Registration Certificate (STP) as an agent. This is not by what happened in the field that partners who have referred to as agents do not have STP so that the agents of a Pilgrimage Travel Company Company cannot have categorized as company agents. This shows the importance of systems and management to be perfected in the implementation of the Umrah pilgrimage trip (Mamonto et al, 2019: 88). The enormous number of victims expected the government to accelerate improvements by the system (devices, protection principles) and by caretakers (organizers) (Arif, 2019: 22).

2. Consumers' understanding of the organization of Umrah pilgrimage

The results of the Consumer Focus Group Discussion (FGD) show that consumers have difficulty seeing an Umrah travel company that has good credit because the agent uses the name of the PPIU company that has permission from the Ministry of Religion to compare its promos. When consumers search for information on organizing Umrah worship services by using the Umrah Smart application or searching through Google, the information obtained is information that shows that the company is a company with good credit so that consumers trust and are sure to depart for Umrah using the services offered by Umrah travel agents. Lack of publications makes prospective worshippers lack information (Mukhlis, 2018: 57)

This gap has used by unscrupulous people from the travel agency Umrah who are not responsible for tricking and cheating consumers. According to the literature, knowledge has been positively related to attitude formation. Not all consumers of Umrah worship providers are smart consumers who are well educated and who are literate about their rights and obligations. In particular, brain wave changes can create many emotions and affect decision-making

Based on the social contract view of privacy, we establish that consumers who consider privacy as a social contract, despite concerns for their privacy, will continue to disclose their information relying on procedural, hypothetical contracts and moral norms, expecting that their information will be used within minimal contract standards.

When the payment for Umrah worship is paid by the consumer using an agent's account (because the PPIU company does not require payment using a PPIU company account, and it turns out the funds has not deposited into the PPIU company account, the consumer is at risk of failing to go on pilgrimage.

The approach emphasizes the importance of an optimal fit between consumers' needs and the new product. Consumers also believe that products with a perceived image complementary to the one they hold about themselves will meet their symbolic needs. Finally, consumer preferences for farm-to-table traceability and region of origin are significantly influenced by consumer confidence.

3. Supervision of the Organization of Umrah Pilgrimage

Preventive and corrective supervisory functions (Etriana et al, 2018: 198) must be enforced in monitoring the implementation of Umrah pilgrimage trips.

Results of Interviews with resource persons from the Ministry of Religion Drs. H. Zaenal Fatah, as Head of Hajj and Umrah Guidance Regional Office of the Ministry of Religion of Central Java Province, explained that the regulations regarding the implementation of Umrah have regulated in Minister of Religion Regulation No. 8 of 2018. Regarding the supervision of PPIU companies, the Ministry of Religion conducts supervision through the existing system, and also the bureau conducts reports to the Ministry of Religion for each pilgrimage. For the supervision of a branch / representative office of a PPIU company, it is the same as overseeing a PPIU. While the supervision of PPIU company agents has not supervised, this is evident from the results of interviews that the Ministry of Religion does not have a list of organizers of pilgrimage pilgrims who do not have an operational Decree for organizing pilgrimage from the Ministry of Religion, which is owned by the Ministry of Religion only registered bureau data at the Ministry of Religion.

In terms of the responsibility of the Ministry of Religion for violations committed by companies that run the pilgrimage committed by the Ministry of Religion is to conduct surveillance. Supervision is carried out in a tiered way, starting from the central Ministry of Religion, then to the Central Java regional office and then at the district/city level.

According to information from informants, legal problems that often occur related to the organization of pilgrimage are in the form of fraud. So what often happens is pilgrims register to an unregistered agent or pilgrim collectors who have not registered, and then the money is taken away. Or it could be with cheap offers. For example, umroh 10 million tempted pilgrims and tempted pilgrims have to get another pilgrimage (like MLM).

The form of supervision through an information system conducted by the Indonesian Ministry of Religion is supervision through SIPATUH. Although there is an information system that is owned by the Ministry of Religion, this system has not been able to accommodate the protection for consumers because this system can be accessed to provide information if the pilgrimage file for Umrah is complete and inputted by the PPIU company. Though the input can have done after the prospective pilgrims pay payment (maximum one month before departure), enter visa, passport, and others.

Within one month, there is an opportunity for irresponsible parties to misuse funds for pilgrimage payments that have been deposited by prospective pilgrims.

Supervision of the Ministry of Religion is conducted only for PPIU companies that have operational licenses in the form of the Ministry of Religion Decree. Thus, agents who partner with PPIU companies are free from the Ministry of Religion supervision, whereas the form of security in marketing the services of organizing pilgrimage is very helpful, efficient and effective for PPIU companies.

Thus, weaknesses in terms of supervision contained in the supervision of the Ministry of Religion were not carried out optimally and comprehensively in the organization of the pilgrimage.

4. Protection Model for Consumers in Organizing Travel Pilgrimage

The definition of legal protection as written in the Contemporary Indonesian dictionary is "an effort to ensure legal certainty to obtain protection based on regulations or laws"(Salim dkk, 1991: 897)

In this study information / data were obtained from 1 company organizing Umrah pilgrimage (PPIU) in Yogyakarta Special Region which has a case of failing to send prospective pilgrims, from 6 samples of pilgrimage pilgrimage companies (PPIU) in Central Java Province, from the Focus Group Discussion consumers, and information related to supervision from the Ministry of Religion Regional Office of Central Java.

From the results of this information, it has found that the problems in the field were:

1. Payments through PPIU company agents (where PPIU company agents do not have operational licenses, so they are not under the supervision of the Ministry of Agama) cannot be avoided because if a PPIU company prohibits PPIU company agents from receiving payment of the cost of organizing pilgrimage from pilgrims, the PPIU company agent will withdraw and move into with other PPIU companies that are not too binding. In this case it is necessary to have a financial audit at the PPIU as a measure to prevent violations of consumer rights (Fauzi, 2019: 77).

2. Providing good facilities is the task of the government in organizing Umrah pilgrimage trips (Andi Salman Maggalatung, 2017: 172) The government in this case is the Ministry of Religion. Supervision from the Ministry of Religion (Kemenag) is only carried out on PPIU companies, while PPIU company agents are released from supervision even though the potential violation of consumer rights is one of the relationships between PPIU companies and PPIU company agents. Another supervision is carried out through information systems owned by the Ministry of Religion, namely SIPATUH. This is an information system in which the PPIU company technically has to input the data of prospective pilgrims who will have dispatched after inputting; prospective pilgrims can access it. However, in practice, the input of prospective pilgrims data is done by PPIU companies, usually approaching the date of departure because that's when the data and completeness of the requirements for new pilgrim candidates have met. The gap between payment of the cost of organizing a pilgrimage and the input of data at SIPATUH becomes a potential gap in harming consumer rights.
3. Consumers do not have adequate literacy and education related to the determination of the Umrah travel agency. Consumers tend to choose the Umrah travel agency without seeing further the potential problems that will occur. The relationship between PPIU Company agents and PPIU companies is not a particular concern for consumers. Consumers only see that the name PPIU that will dispatch it is PPIU, which already has SJ Ministry of Religion. Consumers have limitations in accessing information that there is a certainty that he will be dispatched to perform the pilgrimage on a predetermined date.

The existence of problems from business actors, the government, and consumers shows that the implementation of the pilgrimage is not in good condition (Nasution, 1995: 21). The fact that there were several cases in organizing pilgrimage was an answer that a model of protection for consumers has needed in organizing pilgrimage (Hartono, 2007: 97).

This information system has expected to be owned by every PPIU company so that each branch, partner or agent that helps in marketing PPIU company services can be well-coordinated so that supervision from the Ministry of Religion will be easier because it can have detected through an information system which will minimize violations to consumers. This system can also increase the credibility, professionalism of PPIU so that it has an impact on increasing consumer confidence in the PPIU.

A. System display fields:

Name of Prospective Pilgrims:

Date of birth :
NIK :
Gender :
Date of departure :
Return date :

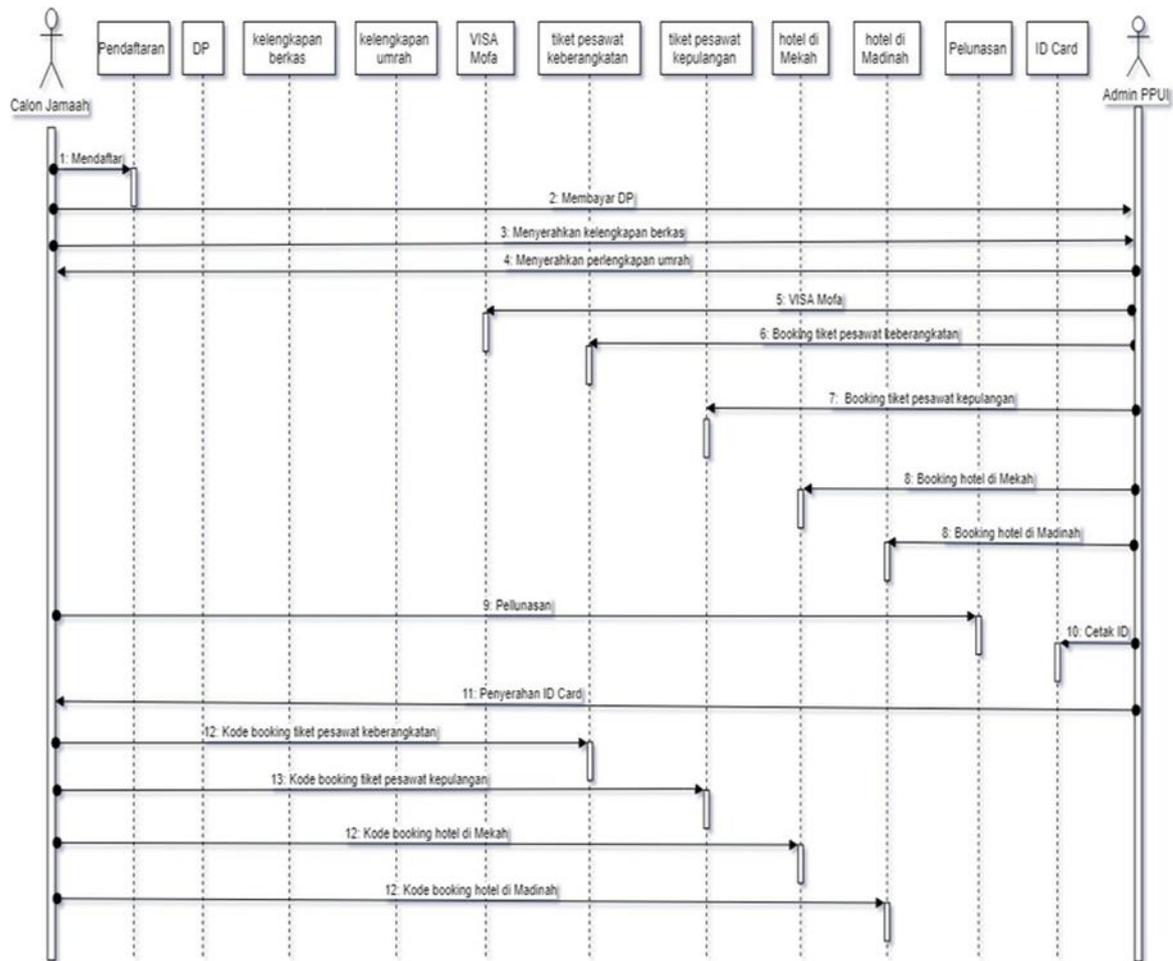
B. Stages of organizing pilgrimage trips filled by PPIU

1. Payment of DP
2. Completeness of files (Passport, VFS, information on meningitis injection, 3 x 4 photos and 4 x 6 photographs)
3. Submission of Umrah Supplies (Batik Fabrics, Suitcases, Bags, Prayer Books,
4. Visa Mofa
5. Visa Stamp
6. Departure Plane Booking Code
7. Return Airplane Booking Code
8. Hotels in Makkah
9. Hotels in Medina
10. Repayment
11. Print an Umrah Umrah ID Card
12. Issued Departure Plane
13. Issued Return Aircraft

C. Display column:

1. Description of the stages
2. Date
3. Information (in the form of a checkmark)
4. Upload proofs

Picture 1: Information Systems Protection Model for Consumers in Organizing Travel Pilgrimage Services Based on Information Openness



From the design of the model, it can have explained that the protection to consumers is carried out by implementing preventive protection, namely the protection provided to anticipate and prevent or minimize the occurrence of violations of consumer rights. Prevention of violation of consumer rights in this case prospective Umrah pilgrims is to implement an information system that has been designed by researchers in all PPIU companies that already have an operating permit from the Ministry of Religion. With this information system implemented, prospective pilgrims who register to become prospective pilgrims, both registering and paying through the PPIU Company directly or through partners or agents, can access information on the stages of organizing the pilgrimage from starting to pay Down Payment (DP) to return pilgrims to Indonesia.

This information can be accessed in real-time so that prospective pilgrims or families get security peace and comfort in carrying out the pilgrimage because they are not afraid of a failed departure or displacement in the State of Saudi Arabia. So that the various weaknesses that exist in the organization of pilgrimage that has the potential to harm pilgrims that consumers can have minimized by using this information system model.

CONCLUSION

The model of protection for consumers in organizing pilgrimage has based on information disclosure protection where consumers can access information from PPIU companies from registering to returning home. The model that has been made by researchers is in the form of information system design to be used by PPIU as a means of preventive protection for consumers based on information disclosure

REFERENCE

- Arif, Firman Muhammad. 2019. *Penyelenggaraan Ibadah Umrah Berbasis Maslahat*. Jurnal Al-Amwal: Journal of Islamic Economic Law. Vol 4 No. 1. Maret.
- Etriana, Etty dkk. 2018. *Implementasi Fungsi Pengawasan kepada Penyelenggara Perjalanan Ibadah Umrah (PPIU) oleh Kantor Wilayah Kementerian Agama D.I Yogyakarta*. Jurnal MD. Vol 4. No 2. Juli-Desember.
- Fauzi, Engrina. 2019. *Konsep Perlindungan Hukum Terhadap Calon Jemaah Panitia Penyelenggara Ibadah Umrah*. Jurnal Lex Librum Vol. VI No. 1. Desember.
- Hartono, Sri Redjeki. 2007. *Hukum Ekonomi Inonesia*. Malang: Bayumedia.
- Husni, Rizaldi Malkan. 2018. *Perlindungan Hukum Calon Jemaah Umrah Sebagai Kreditor dalam Kepailitan Biro Perjalanan Umrah*. Jurnal Jurist-Diction. Vol. 1 No. 1 September.
- Maggalatung, Andi Salman. 2017. *Legal Protection Against Indonesian Umrah Jemaah*. Jurnal Cita Hukum Vol 5 No 1, Juni. ISSN 2356-1440.
- Mamonto, Moch Andry Wikra Wardana dkk. 2019. *Kebijakan Perlindungan Jemaah Haji Khusus dan Umrah di Sulawesi Selatan*. Jurnal Petitum. Vol. 7 No. 2. Oktober. ISSN 2716-0017.
- Mukhlis, Sihabudin. 2018. *Perlindungan Hukum Jemaah Umrah dalam Penyelenggaraan Perjalanan Ibadah Umrah*. Jurnal Asy-Syariah Vol 2 No 1 Agustus.
- Nasution, Az. 1995. *Konsumen dan Hukum Tinjauan Sosial, Ekonomi dan Hukum pada Perlindungan Konsumen Indonesia*. Jakarta: Pustaka Sinar Harapan.
- Salim, Peter dan Salim, Yenny. 1991. *Kamus Bahasa Indonesia Kontemporer*. Jakarta: Modern English Press.
- Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen
- Undang-Undang Nomor 8 Tahun 2019 tentang Penyelenggaraan Ibadah Haji dan Umroh

Nurul Fibrianti
Faculty of Law
Universitas Negeri Semarang, Indonesia
Email: nurulfibrianti@gmail.com