

The Effectiveness Of Legal Protection For Prospective Hajj Pilgrims Who Are Victims Of Illegal Visa Use: A Study At The South Sulawesi Provincial Police Department

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Abstract

This study aims to identify and understand the effectiveness of legal protection for prospective Hajj pilgrims who are victims of illegal visa use within the jurisdiction of the South Sulawesi Regional Police. This study employs an empirical legal research method (socio-legal research) with an empirical juridical approach that emphasizes the application of law in practice (law in action). Data were collected through interviews, questionnaires, and document analysis involving law enforcement officials, relevant agencies, community leaders, and victims. The results indicate that the effectiveness of legal protection is influenced by five factors according to Soerjono Soekanto's theory: legal factors, law enforcement, infrastructure, society, and culture. All of these factors remain in the "less effective" category, with percentages of 54.11% for legal factors, 52.94% for law enforcement, 56.48% for facilities and infrastructure, 58.82% for society, and 51.77% for culture. This study recommends strengthening inter-agency coordination, improving legal education for the public, enforcing the law firmly and consistently, and optimizing surveillance facilities and technology to prevent the use of illegal visas in the administration of the Hajj.

Keywords: *Legal Protection, Hajj Pilgrims, Illegal Visas, Effectiveness, South Sulawesi Regional Police.*

INTRODUCTION

The Hajj is the fifth pillar of Islam and is obligatory for every Muslim who is capable (istitha'ah) physically, mentally, and financially. This pilgrimage not only has a spiritual dimension but also requires legal certainty and protection, as emphasized in the Quran, Surah Al-Imran, verse 97. In Indonesia, the administration of the Hajj is regulated by Law No. 8 of 2019, which affirms the state's obligation to provide services and protection to Hajj pilgrims. (Ahmad Nabilul Maram, et al., 2024). However, in practice, issues such as the use of illegal Hajj visas still occur, leading to the failure of prospective pilgrims to depart. (Ahmad Hidayat dan Muhammad Abdul Karim, 2021).

From a legal standpoint, the use of illegal Hajj visas constitutes a violation of immigration regulations and the rules governing the Hajj pilgrimage, which is subject to legal sanctions. Law No. 8 of 2019 stipulates that the Hajj pilgrimage must be conducted in an official, transparent, and accountable manner.

The administration of the Hajj, as part of public service, has both religious and legal dimensions; therefore, the state is obligated to provide legal protection to every citizen, through both preventive and repressive measures. (M. Ilham Arisaputra, 2020) However, the practice of prospective pilgrims using illegal visas highlights weaknesses in the monitoring and law enforcement systems, where non-Hajj visas such as tourist or work visas are misused to perform the Hajj. This situation not only violates applicable laws but also causes harm to pilgrims, who are generally affected by low legal literacy and a lack of understanding of the official procedures for performing the Hajj (Fauzi Ahmad, 2021).

Normatively, the state is obligated to provide protection to Hajj pilgrims as stipulated in Articles 3, 4, and 6 of Law No. 8 of 2019 on the Organization of the Hajj and Umrah, which

affirm the pilgrims’ right to protection and the government’s responsibility to ensure their security and safety. Furthermore, Articles 18 and 19 also emphasize that protection encompasses aspects of security, safety, and the prevention of harm to pilgrims. However, in practice, violations such as the use of illegal visas which actually harm pilgrims are still observed, indicating a gap between legal norms and on-the-ground realities.

However, on-the-ground practices reveal a significant gap between legal norms and reality. One phenomenon reflecting this is the widespread use of illegal visas by prospective Hajj pilgrims, such as pilgrimage visas or work visas that are misused to perform the Hajj. This practice not only violates national laws and international regulations but also places prospective pilgrims in a vulnerable position as victims, both materially and immaterially. Many of them experience fraud, fail to depart, or even face legal problems in the destination country.

In reality, there remains a serious problem involving the widespread use of illegal visas by prospective Hajj pilgrims, such as pilgrimage visas or work visas that are misused to perform the Hajj. Many prospective pilgrims fall victim to fraud by unscrupulous, unlicensed travel agents who promise quick departures, but ultimately fail to enable them to perform the Hajj legally, resulting in financial losses. This indicates that legal protections are not yet functioning optimally.

In South Sulawesi, the handling of cases by the South Sulawesi Regional Police indicates that law enforcement actions against perpetrators have been taken; however, there are still limitations in terms of prevention and victim protection. This situation is exacerbated by the public’s low level of legal literacy and a lack of oversight of travel agencies, resulting in legal protections for prospective Hajj pilgrims who are victims of illegal visas remaining suboptimal.

Under ideal circumstances, the misuse of non-Hajj visas for the purpose of performing the Hajj should not occur, as it violates national laws and the regulations of the destination country. Law enforcement officials should be able to prevent this through oversight of travel agencies, enforcement against perpetrators, and legal education for the public, while the public is expected to exercise legal awareness in choosing official channels. Thus, the legal system should ideally function effectively so that victims can be prevented, perpetrators are dealt with firmly, and the rights of Hajj pilgrims are fully protected.

In addition, strengthening preventive legal mechanisms is essential to address the root causes of illegal visa misuse in Hajj administration. Preventive measures should not only rely on post-incident law enforcement, but also include stricter regulation and supervision of Hajj and Umrah travel operators, including routine audits, licensing verification, and the imposition of administrative sanctions for non-compliant agencies. Furthermore, digitalization of Hajj registration systems integrated with immigration databases can enhance transparency and reduce opportunities for fraud. Public awareness campaigns involving religious leaders, community organizations, and local government institutions are also crucial in improving legal literacy among prospective pilgrims, ensuring that individuals are able to distinguish between official Hajj pathways and illegal offers. Through these combined efforts, the legal protection framework can shift from being predominantly reactive to becoming more preventive and sustainable in safeguarding prospective Hajj pilgrims.

Table 1: Data on Hajj-related cases in 2024 handled by the Special Crimes Investigation Directorate of the South Sulawesi Regional Police of the Republic of Indonesia.

No	2024 Hajj Police Report	Section Violated
	Police Report No.: LPB / 555 / VII / 2024 / SPKT South Sulawesi Regional Police, dated July 6, 2024;	Section 62(1) in conjunction with Section 8(1)(a) and (f) and Section 9(1)(j) of Law No. 8 of 1999 on Consumer Protection.

	Police Report No.: LPB / 559 / VII / 2024 / SPKT South Sulawesi Regional Police, dated July 9, 2024;	Article 121 in conjunction with Article 114 of Law No. 8 of 2019 on the Organization of the Hajj and Umrah Pilgrimages, in conjunction with Article 11 of Regulation of the Minister of Religion of the Republic of Indonesia No. 6 of 2021 on the Organization of Umrah Pilgrimage Travel and the Organization of Special Hajj Pilgrimages.
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DATA SOURCE: The data was obtained from field research conducted from February to March 2026 through visits to the South Sulawesi Regional Police of the Republic of Indonesia.

Table 2: Data on Hajj-related cases in 2025 handled by the Special Crimes Investigation Directorate of the South Sulawesi Regional Police of the Republic of Indonesia.

No	2025 Hajj Police Report	Section Violated
2.	Police Report No.: LPB / 754 / VIII / 2025 / SPKT South Sulawesi Regional Police Headquarters Date: August 5, 2025;	Section 62(1) in conjunction with Section 8(1)(a) and (f) and Section 9(1)(j) of Law No. 8 of 1999 on Consumer Protection and Article 121 in conjunction with Article 114 of Law No. 8 of 2019 on the Organization of the Hajj and Umrah Pilgrimages, in conjunction with Article 11 of Regulation of the Minister of Religion of the Republic of Indonesia No. 6 of 2021 on the Organization of Umrah Pilgrimage Travel and the Organization of Special Hajj Pilgrimages
3.	Police Report No.: LPB / 1077 / X / 2025 / SPKT South Sulawesi Regional Police Headquarters Dated October 20, 2025;	
	Police Report No.: LPB / 1199 / XI / 2025 / SPKT South Sulawesi Regional Police Headquarters Dated November 19, 2025;	

DATA SOURCE: The data was obtained from field research conducted from February to March 2026 through visits to the South Sulawesi Regional Police of the Republic of Indonesia.

Based on case data from 2024 and 2025 handled by the Special Crimes Investigation Directorate of the South Sulawesi Regional Police, it is evident that law enforcement regarding illegal Hajj visa cases consistently relies on Article 62(1) in conjunction with Articles 8 and 9 of the Consumer Protection Act, as well as provisions in the Act on the Administration of Hajj and Umrah Pilgrimages. This indicates that, normatively, legal protection has been applied through a criminal approach against business operators who provide substandard and misleading services. However, the increase in the number of reports in 2025 compared to 2024 indicates that the effectiveness of legal protection is still not optimal, as violations continue to recur despite the threat of criminal sanctions. Thus, it can be concluded that law enforcement is underway but has not yet fully provided a deterrent effect or preventive protection for prospective Hajj pilgrims.

Cases involving prospective Hajj pilgrims who are unable to perform the Hajj due to the use of illegal Hajj visas may be examined based on the following legal provisions:

1. Consumer Protection, in accordance with:
 - a. Article 8(1)(a) of Law No. 8 of 1999 on Consumer Protection: Business entities are prohibited from producing and/or trading goods and/or services that do not meet or comply with required standards and legal provisions.

- b. Article 8(1)(f) of Law No. 8 of 1999 on Consumer Protection: Business entities are prohibited from producing and/or trading goods and/or services that do not conform to the promises stated on the label, tag, description, advertisement, or sales promotion of such goods and/or services.
 - c. Article 62(1) of Law No. 8 of 1999: Business entities that violate the provisions of Article 8 shall be punished by imprisonment for a maximum of 5 (five) years or a fine of up to Rp2,000,000,000.00 (two billion rupiah).
2. The conduct of the Hajj and Umrah pilgrimages, in accordance with: Pasal 114 UU Nomor 8 Tahun 2019 tentang Penyelenggaraan Ibadah Haji dan Umrah: Setiap orang dilarang tanpa hak bertindak sebagai Penyelenggara Ibadah Haji Khusus (PIHK) dengan mengumpulkan dan/atau memberangkatkan jemaah haji khusus.
 3. Pasal 121 UU Nomor 8 Tahun 2019: Setiap orang yang melanggar ketentuan Pasal 114 dipidana dengan pidana penjara paling lama 6 (enam) tahun atau pidana denda paling banyak Rp. 6.000.000.000,00 (enam miliar rupiah).

A case handled by the South Sulawesi Regional Police reveals the practice of sending prospective Hajj pilgrims using non-Hajj visas by parties that do not hold a license as Special Hajj Organizers (PIHK).

In the first case, the victim, A.M., handed over a sum of money to the accused, who offered a complete special Hajj package with amenities. However, after the payment was made, the departure did not take place. It was discovered that the accused did not possess an official license as a PIHK, despite having collected funds and made preparations for the departure, including the use of improper visas.

In the second case, the victim, N., and his wife paid Rp350,000,000 to the accused to participate in the 2025 Hajj. The victim had completed the pre-Hajj training and was sent to Saudi Arabia, but upon arrival at Jeddah Airport, he was denied entry because he was using a work visa instead of a Hajj visa, so he was sent back to Indonesia. The accused was also found to lack a license as a Hajj and Umrah Travel Agent (PIHK) and could not be reached after the incident.

Cases involving prospective Hajj pilgrims who were unable to depart due to the use of non-Hajj (illegal) visas have drawn the attention of law enforcement officials at the South Sulawesi Regional Police Headquarters. In two cases in Makassar, the victims were offered special Hajj packages by parties that did not hold a license as Special Hajj Organizers (PIHK), with promises of full services including Hajj rituals. However, upon departure for Saudi Arabia, the pilgrims used inappropriate visas, such as pilgrimage and work visas, and were consequently denied entry by immigration authorities and sent back to Indonesia, resulting in financial losses and the failure to perform the Hajj.

According to expert testimony, both incidents constitute criminal offenses as defined in Article 121 in conjunction with Article 114 of Law No. 8 of 2019, as the perpetrators acted as PIHKs without official authorization and used invalid visas. This case underscores legal violations in the administration of the Hajj that have caused material harm to pilgrims and highlights the weakness of consumer protection, thereby necessitating stricter oversight and law enforcement. These cases will be described in detail as the following empirical data:

First Case, On February 15, 2024, on Jalan Perintis Raya, Rappocini District, Makassar City, the victim, A.M., along with a friend, met with the accused, S.M., who offered a Special Hajj program along with related services and visa processing. The victim then handed over a sum of

money to cover departure and administrative fees. However, the promised departure did not materialize, and the accused is suspected of not holding an official license as a Special Hajj Pilgrimage Organizer (PIHK). In response to this incident, the victim reported the matter to the police via Police Report No.: LP/555/VII/2024/SPKT dated July 6, 2024.

Case Two: In 2024, the coordinator of Travel 88 allegedly collected approximately Rp1.675 billion from nine special Hajj pilgrims without going through an official Hajj travel agency, promising them a Hajj departure; however, the pilgrims were not sent on the trip and suffered financial losses. Based on an investigation by the South Sulawesi Regional Police, the perpetrator was named a suspect for violating Law No. 8 of 2019 and the Consumer Protection Law; however, the case may be dropped because the suspect passed away before legal proceedings could continue.

Third Case: In March 2025, the victim, Nuryadi, S.Sos., M.Ap., and his wife paid Rp300,000,000 to AN NASR Tour and Travel for the cost of the Hajj pilgrimage; however, upon arriving in Jeddah on May 19, 2025, it turned out that the visa they were using was a work visa, so neither of them was able to perform the Hajj and they were sent back to Indonesia. Based on an investigation by the South Sulawesi Regional Police, the perpetrator, Andi Baso Kone Tantu, was named a suspect for alleged violations of the Hajj and Consumer Protection Laws; however, on November 7, 2025, the case was resolved through Restorative Justice with a settlement, restitution of losses, and the withdrawal of the complaint by the victim.

RESEARCH METHODS

This study is an empirical legal study (socio-legal research) employing an empirical legal approach that examines the application of law (law in action) regarding legal protection for prospective Hajj pilgrims from the use of illegal Hajj visas within the jurisdiction of the South Sulawesi Regional Police Headquarters in Makassar. According to Soerjono Soekanto, empirical legal research focuses on legal realities in society, (Soerjono Soekanto, 2014) whereas according to Peter Mahmud Marzuki, the empirical juridical approach examines the alignment between written law and its implementation in practice. (Peter Mahmud Marzuki, 2017). The research data consists of primary data collected through interviews and questionnaires with 100 respondents, as well as secondary data from literature, regulations, and related documents. The study employed purposive sampling, targeting law enforcement officials, the Ministry of Religious Affairs, Hajj officials, community leaders, and victims, and the data was analyzed both qualitatively and quantitatively.

RESULTS AND DISCUSSION

Results:

Based on research conducted on the factors affecting the effectiveness of legal protection for prospective Hajj pilgrims regarding the use of illegal Hajj visas which has resulted in the failure to perform the Hajj within the jurisdiction of the South Sulawesi Regional Police it can be concluded that such legal protection has not been effectively implemented. This ineffectiveness is based on empirical findings in the field, which reveal the following conditions:

1. Substance of the Law

The results of data collected through interviews and questionnaires administered to respondents regarding the factors affecting the effectiveness of legal protection for prospective Hajj pilgrims against illegal Hajj visas which lead to the failure to perform the Hajj at the South Sulawesi Regional Police Headquarters, based on legal factors, are presented in the table below.

Table 1. The Effect of the Legal Factor Itself

No	Statement/Category	Frequency	Presentation
1.	Effective	39	45.89%
2.	Less Effective	46	54.11%
3.	Ineffective	0	0%
quantity		85	100%

Source: Results of the 2025–2026 Questionnaire

The table above shows that 39 people, or 48.75% of the total respondents, stated that it was effective; 46 people, or 57.5%, stated that it was less effective; while no respondents stated that it was ineffective. It can be concluded that the effectiveness of legal protection for prospective pilgrims regarding illegal Hajj visas, which result in the failure to perform the Hajj, as assessed by the South Sulawesi Regional Police based on legal factors alone, remains insufficient.

2. Law Enforcement Factors

The legal framework for protecting prospective Hajj pilgrims from illegal Hajj visas at the South Sulawesi Regional Police Headquarters involves synergy among law enforcement agencies such as the Police, the Prosecutor's Office, the Ministry of Religious Affairs, and Immigration, which play a role in the integrated prevention, enforcement, and handling of cases. The effectiveness of legal protection is largely determined by interagency coordination, the quality and integrity of law enforcement officials, and patterns of cooperation within the integrated criminal justice system. Without optimal coordination and professionalism, law enforcement tends to be fragmented, making legal protection less effective in preventing the failure of the Hajj pilgrimage due to illegal visas. Next, respondents' responses regarding the influence of legal structural factors on the effectiveness of legal protection are presented in the following table:

Table 2. The Influence of Law Enforcement Factors

No	Statement/Category	Frequency	Presentation
1.	Effective	40	47.06%
2.	Less Effective	45	52.94%
3.	Ineffective	0	0%
quantity		85	100%

Source: Results of the 2025–2026 Questionnaire

The table above shows that 40 people, or 47.06% of the total respondents, stated that it was effective; 45 people, or 52.94%, stated that it was less effective; while no respondents stated that it was ineffective. It can be concluded that the effectiveness of legal protection for prospective pilgrims against illegal Hajj visas, which result in the failure to perform the Hajj, as assessed by the South Sulawesi Regional Police based on law enforcement factors, remains insufficient.

The investigative procedures carried out by the police in handling this case are as follows: (Andi Arfanto, 2026)

1. Investigation Process:
 - a. Receiving complaints from the public or direct findings related to alleged criminal offenses;
 - b. Issuing an investigation warrant;
 - c. Developing an investigation plan;

- d. Collecting statements, conducting interviews, gathering evidence, and/or other forms of evidence;
 - e. Coordinating with officials from the Ministry of Religious Affairs / Ministry of Hajj, Immigration, and relevant agencies;
 - f. Verifying the permits of travel agencies and/or agents that recruit and/or transport pilgrims suspected of using illegal Hajj visas;
 - g. Verifying the visas held by the pilgrims;
 - h. Conduct an initial case review; if criminal elements are found, the case may be escalated to the investigation stage.
2. Investigation Process:
- a. Issue an Investigation Order;
 - b. Develop an Investigation Plan;
 - c. Prepare and send a Notice of the Commencement of Investigation (SPDP) to the High Prosecutor's Office or District Prosecutor's Office;
 - d. Conduct examinations of witnesses, experts, and suspects;
 - e. Coordinating with officials from the Ministry of Religious Affairs / Ministry of Hajj, Immigration, and other relevant ministries / agencies;
 - f. Seizing evidence related to the criminal offense;
 - g. Submitting the case file to the Public Prosecutor (JPU);
 - h. Handing over the suspect along with the evidence if the case file has been declared complete or P-21.

3. Factors related to adequate facilities and infrastructure

Next, respondents' views on the impact of adequate facilities and infrastructure on the effectiveness of legal protection are presented in the following table.

Table 1. The Effect of Adequate Facilities and Infrastructure

No	Statement/Category	Frequency	Presentation
1.	Effective	37	43.52%
2.	Less Effective	48	56.48%
3.	Ineffective	0	0%
quantity		85	100%

Source: Results of the 2025–2026 Questionnaire

The table above shows that 37 people, or 43.52% of the total respondents, stated that it was effective; 48 people, or 56.48%, stated that it was less effective; while no respondents stated that it was ineffective. It can be concluded that the effectiveness of legal protection for prospective pilgrims against illegal Hajj visas, which result in the failure to perform the Hajj, as assessed by the South Sulawesi Regional Police based on law enforcement factors, remains insufficient.

4. Social factors

Next, respondents' responses regarding the influence of societal factors on the effectiveness of legal protection are presented in the following table.

Table 4. The Influence of Social Factors

No	Statement/Category	Frequency	Presentation
1.	Effective	35	41.18%
2.	Less Effective	50	58.82%
3.	Ineffective	0	0%
quantity		85	100%

Source: Results of the 2025–2026 Questionnaire

The table above shows that 35 people, or 41.18% of the total respondents, stated that it was effective; 50 people, or 58.82%, stated that it was less effective; while no respondents stated that it was ineffective. It can be concluded that the effectiveness of legal protection for prospective pilgrims against illegal Hajj

visas, which result in the failure to perform the Hajj, as assessed by the South Sulawesi Regional Police based on community factors, remains insufficient.

5. Cultural factors

Next, respondents' views on the influence of cultural factors on the effectiveness of legal protection are presented in the following table:

Table 5. The Influence of Cultural Factors

No	Statement/Category	Frequency	Presentation
1.	Effective	40	47.05%
2.	Less Effective	44	51.77%
3.	Ineffective	1	1.18%
quantity		85	100%

Source: Results of the 2025–2026 Questionnaire

The table above shows that 40 people, or 47.05% of the total respondents, stated that the measures were effective; 44 people, or 51.77%, stated that they were somewhat effective; and 1 person, or 1.18%, stated that they were ineffective. It can be concluded that the effectiveness of legal protection for prospective pilgrims against illegal Hajj visas, which result in the failure to perform the Hajj, as assessed by the South Sulawesi Regional Police based on community factors, remains insufficient.

This view is supported by Police Sergeant Andi Nur Anshari, S.H., M.H., who stated that the factors affecting the effectiveness of legal protection for Hajj pilgrims using illegal visas at the South Sulawesi Regional Police Headquarters are as follows:

a. The legal factors themselves (laws and regulations)

Legal factors indicate that protections for Hajj pilgrims using illegal visas remain weak, particularly in terms of enforcement on the ground. Although there is a legal basis for authorities to take action against perpetrators, enforcement still faces challenges, such as the difficulty of balancing the high demand for the Hajj with Saudi Arabia's strict regulations. As a result, existing regulations have not been effective, particularly in preventing such incidents and compensating victims for their losses.

b. Law Enforcement Factors

From the perspective of law enforcement, the police play a crucial role in providing legal protection through preventive and repressive measures. The competence and professionalism of law enforcement officials are critical to the effectiveness of case handling. The investigation and inquiry processes have been conducted in accordance with procedures, from the receipt of a report through to the transfer of the case to the prosecutor. However, in practice, challenges remain, particularly due to the transnational nature of the crimes and limitations in evidence.

c. Adequate facilities and infrastructure

Facilities and infrastructure also influence the effectiveness of legal protection. Current facilities and infrastructure are still insufficient to optimally handle cases of illegal Hajj visas. Support from technology and information systems is also limited, making data tracking and collection difficult. Additionally, limitations in human resources both in terms of numbers and capacity pose obstacles in the case handling process.

d. Social Factors

From a societal perspective, the level of awareness and compliance with official Hajj departure procedures is generally quite good; however, there remains a tendency among some members of the public to take non-procedural routes. This is influenced by the public's limited understanding of the rules and the risks associated with using illegal visas. Furthermore, public participation in reporting or assisting with the investigation of cases remains low, making it difficult for law enforcement officials to take full enforcement action.

e. Cultural Factors

Cultural factors indicate that, in general, the public holds a negative view of the use of illegal Hajj visas. However, a pragmatic mindset still persists among some members of the public, such as the desire to depart sooner without having to wait in long lines and the consideration of lower costs. This mindset contributes to the prevalence of the practice of using illegal visas. To address this issue, law enforcement has implemented various measures, such as strict monitoring at airports, cyber patrols, cross-sectoral cooperation, as well as public awareness campaigns and law enforcement.

Discussion:

To determine whether a legal sanction is effective or not, one must consider the effectiveness of the law itself. Achmad Ali states that to assess the effectiveness of the law, one must first examine the extent to which the legal regulations are complied with or disregarded by the public. Furthermore, the effectiveness of a legal regulation is also significantly influenced by the professionalism and optimal performance of the roles, authority, and functions of law enforcement officials, both in carrying out their assigned duties and in consistently enforcing legal regulations. (Achmad Ali, 2009).

To measure the effectiveness of law enforcement, including the application of sanctions, Soerjono Soekanto states that whether a law is effective or not is determined by five interrelated factors, namely: (Soerjono Soekanto, 2008)

1. The law itself, which encompasses the substance of legislation;
2. Law enforcement actors, namely the parties that formulate and enforce the law;
3. Factors related to the resources or facilities supporting law enforcement;
4. Societal factors, namely the social environment in which the law applies and is enforced; and
5. Cultural factors, namely the values embedded in society that relate to social behavior and compliance with the law. These five factors determine the extent to which the law can function effectively in practice.

Based on the discussion of the factors affecting the effectiveness of legal protection for prospective Hajj pilgrims regarding the use of illegal Hajj visas, which has resulted in the failure to perform the Hajj within the jurisdiction of the South Sulawesi Regional Police, it can be concluded that such legal protection has not been effectively implemented. This ineffectiveness is based on empirical findings in the field that reveal the following conditions:

1. Substance of the Law

The substance of the law is a key factor in the effectiveness of legal protection, encompassing the clarity of rules, consistency, and the adequacy of sanctions. (Soerjono Soekanto, 2019) Although regulations governing the Hajj have been in place, there are still shortcomings in terms of the clarity of standards, the harmonization of rules, and the enforceability of sanctions; as a result, these regulations have not been fully effective in preventing illegal Hajj visa practices or protecting victims, particularly with regard to prevention and compensation for losses. Thus, in this study, the legal substance is examined through indicators of regulatory clarity, the comprehensiveness of legal norms, consistency among regulations, and the adequacy of legal sanctions in combating illegal Hajj visa practices, which have implications for the failure to perform the Hajj. (Andi Arfanto, 2026)

According to Soerjono Soekanto, the first factor can be measured by: (Soerjono Soekanto, 1983)

- a. Existing regulations concerning certain areas of life are sufficiently systematic;
- b. Existing regulations regarding certain areas are sufficiently consistent; there are no conflicts, either hierarchically or horizontally;
- c. Qualitatively and quantitatively, the regulations governing certain areas of life are sufficient;
- d. The issuance of certain regulations is in accordance with existing legal provisions.

Based on the research findings, the effectiveness of legal protection for prospective Hajj pilgrims against illegal Hajj visa practices at the South Sulawesi Regional Police Headquarters is influenced by legal substance that is essentially in place but still faces challenges regarding clarity, consistency, and the enforcement of sanctions. The lack of firmness in enforcing sanctions is a major factor undermining the effectiveness of the law, thereby creating opportunities for repeated violations. Conceptually, the effectiveness of the law is largely determined by compliance with norms and the coercive power of sanctions that serve as a deterrent; thus, the more firm and consistent the enforcement, the more effective the legal protection provided to prospective Hajj pilgrims against illegal visa practices.

2. Law Enforcement Factors

The legal framework is a key factor in the effectiveness of legal protection, encompassing law enforcement agencies and institutions such as the police, the prosecutor's office, relevant ministries, and immigration authorities. (Sutan Remi Sjahdeini, 2014) In the South Sulawesi Regional Police's efforts to protect prospective pilgrims from illegal Hajj visas, effectiveness depends heavily on professionalism, integrity, and interagency coordination in law enforcement. (Ardi Hajuan, et.al., 2025) A lack of synergy and suboptimal performance among law enforcement officials can undermine the effectiveness of legal protection, whereas effective coordination and consistent law enforcement will strengthen prevention and enforcement efforts. (Lailan Shafina & Muhammad Arif Sahlepi, 2024) This is consistent with studies in the legal literature that emphasize that the effectiveness of law enforcement is influenced by institutional structure, the quality of law enforcement personnel, and coordination within the integrated criminal justice system. (Ayu Wulandari, 2024)

3. Factors related to adequate facilities and infrastructure

Soerjono Soekanto argues that resources and facilities are essential for ensuring the smooth implementation of law enforcement: (Soerjono Soekanto, 2016)

“Without certain resources and facilities, it is impossible for law enforcement to proceed smoothly. Such resources or facilities include, among other things, educated and skilled personnel, good organization, adequate equipment, sufficient funding, and so on. If these conditions are not met, it is impossible for law enforcement to achieve its objectives.”

Specifically regarding resources and facilities, the following steps need to be taken:

- a. those that are not yet available must be provided;
- b. those that are damaged or not functioning properly must be repaired;
- c. those that are insufficient must be expanded;
- d. those facing obstacles must be streamlined;
- e. those experiencing deterioration or a decline in quality must be restored;
- f. those that already exist must have their quality and capacity improved.

According to Soerjono Soekanto's theory, infrastructure and facilities are key factors in the effectiveness of law enforcement, as they encompass personnel, equipment, technology, and other support facilities. In providing legal protection for prospective Hajj pilgrims against illegal visa practices at the South Sulawesi Regional Police Headquarters, resources such as information systems, verification technology, and reporting facilities are urgently needed to support monitoring, prevention, and enforcement. However, the current limitations of available resources and infrastructure mean that case handling processes are not yet running optimally, so legal protection has not been maximally effective. (Soerjono Soekanto, 2014)

4. Social factors

There are also factors that measure effectiveness stemming from societal conditions, namely:

- a. Factors that cause the public to disregard a rule, even though the rule itself is well-designed;
- b. Factors that cause the public to disregard regulations even though the regulations are very good and the authorities are authoritative;
- c. Factors that cause the public to disregard regulations even though the regulations are good, the officials are authoritative, and facilities are adequate.

5. Cultural factors

Cultural factors influence the effectiveness of legal protection for prospective Hajj pilgrims who fall victim to the use of illegal visas, as the public still places a high degree of trust in religious leaders, family members, or certain parties without verifying the legitimacy of the Hajj organizers. Furthermore, a societal culture that views the Hajj as a symbol of social status leads some prospective pilgrims to be more easily tempted by offers of expedited departures using non-procedural visas. Low levels of legal literacy also result in the public having a limited understanding of the official procedures for organizing the Hajj and the risks associated with using illegal visas, thereby rendering legal protection less effective. (Soerjono Soekanto, 2014).

CONCLUSION

The results of the study indicate that the effectiveness of legal protection for prospective Hajj pilgrims who are victims of illegal visas is influenced by five factors, as outlined in Soerjono Soekanto's theory: legal factors, law enforcement, infrastructure or facilities, society, and culture. Based on the data analysis, all factors indicate a level of effectiveness that is still suboptimal. The legal factor scored 54.11% as less effective, the law enforcement factor 52.94% as less effective, the infrastructure and facilities factor 56.48% as less effective, the societal factor 58.82% as less effective, and the cultural factor 51.77% as less effective. Recommendations The government and law enforcement agencies need to strengthen inter-agency coordination such as between the Police, the Ministry of Religious Affairs, and Immigration in overseeing the administration of the Hajj. Additionally, there is a need to enhance legal education for the public regarding official Hajj departure procedures to prevent the use of illegal visas. Law enforcement must also be strengthened decisively and consistently to deter offenders, accompanied by improvements in monitoring facilities and technology to enable more effective early detection of Hajj fraud.

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