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Legal Noncompliance in Indonesia Additional Hajj Quota Allocation

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Abstract

General Background The administration of the Hajj pilgrimage in Indonesia is governed by Law Number 8 of 2019, which mandates fairness, transparency, and prioritization of regular pilgrims in quota management. **Specific Background** In 2024, Saudi Arabia granted Indonesia an additional Hajj quota intended to address prolonged waiting lists, yet its domestic distribution generated controversy due to allocations favoring special pilgrims. **Knowledge Gap** Existing studies largely emphasize Hajj diplomacy and servicemanagementwhileinsufficiently examining legalcompliance in the domestic allocation of additional quotas resulting from bilateral agreements. **Aims** This study examines the Indonesian government's noncompliance with Law Number 8 of 2019 in distributing the additional 2024 Hajj quota from an international relations and governance perspective. **Results** The findings reveal discrepancies between statutory provisions and policy practices, marked by the diversion of additional quotas to special pilgrims, limited transparency in decision-making, and weak accountability mechanisms. **Novelty** This research integrates national interest theory and good governance principles to connect bilateral diplomacy outcomes with domestic legal adherence in Hajj administration. **Implications** The study underscores that diplomatic achievements in securing additional Hajj quotas must be accompanied by lawful and transparent domestic implementation to preserve public trust, uphold pilgrims' rights, and ensurecoherentgovernance within Indonesia's Hajj administration framework.

Highlights:

- Allocation practices diverged from statutory priority for long-waiting regular pilgrims.
- Decision-making procedures lacked public transparency and administrative accountability.
- Diplomatic gains were not consistently aligned with domestic legal obligations.

Keywords: Noncompliance, Hajj Quota Distribution, Good Governance

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Introduction

The pilgrimage to Mecca is one of the religious obligations that has important religious, social, and political dimensions for Muslims in Indonesia.[1] As the country with the largest Muslim population in the world, Indonesia has a strong national interest in organizing the Hajj, including managing quotas, providing services to pilgrims, and protecting the rights of prospective Hajj pilgrims. To ensure that the Hajj is conducted fairly, transparently, and accountably, the Indonesian government has enacted Law Number 8 of 2019 on the Implementation of Hajj and Umrah as the main legal framework.[2] In 2024, the Saudi Arabian government granted Indonesia additional Hajj quotas as a response to the long waiting list of pilgrims. However, in the practical distribution of these additional quotas, various controversies and public criticisms emerged, with some arguing that the Indonesian government did not fully comply with the provisions set out in the Hajj and Umrah Management Law.[3] This non-compliance is mainly evident in the aspect of distributing additional Hajj quotas, which is considered not to reflect the principles of fairness, proportionality, and priority as mandated by law.[4]

The distribution of the additional 2024 Hajj quota has sparked debate because part of the quota is allocated to special Hajj pilgrims and certain groups, while there are still millions of regular Hajj candidates who have been waiting for a very long time.[5] This situation creates the impression of a discrepancy between government policy and the primary objective of the law, which is to ensure justice and the protection of pilgrims' rights. Non-compliance with these national regulations has the potential to undermine public trust in the governance of Hajj administration.[6] From the perspective of International Relations, the issue of the Hajj quota is not only related to domestic policy, but also a result of the bilateral relationship between Indonesia and Saudi Arabia.[7] Hajj quotas are the result of negotiation and diplomacy between countries, so the distribution policy reflects how the Indonesian government manages its national interests after gaining diplomatic benefits in the form of additional quotas. The discrepancy between national legal commitments and the implementation of this policy indicates challenges in translating the results of international diplomacy into lawful domestic policy.[5]

Based on this background, this research becomes important to examine the non-compliance of the Indonesian government with the Hajj and Umrah Administration Law in the distribution of the additional 2024 Hajj quota provided by Saudi Arabia, as well as its implications for Hajj governance and Indonesia's national interests. This study is expected to provide a more comprehensive understanding of the relationship between national law, public policy, and the dynamics of international relations in the administration of the Hajj pilgrimage.[8] In addition, non-compliance with Law Number 8 of 2019 in the distribution of additional Hajj quotas also raises issues of governance and public policy accountability. The law explicitly emphasizes the principles of fairness, transparency, and the protection of pilgrims' rights, especially for regular Hajj pilgrims who have been waiting for a very long time. When quota distribution policies are not aligned with these principles, the implementation of the Hajj has the potential to deviate from the legal mandate established by the state.[9]

Furthermore, the controversy over the additional 2024 Hajj quota highlights tensions between political interests, economic considerations, and the country's legal obligations. In this context, the government is not only expected to succeed in diplomacy with Saudi Arabia but also responsible for ensuring that the results of that diplomacy are implemented consistently with national law. Failure to maintain this consistency can impact policy legitimacy, public trust, and Indonesia's image as a nation governed by law in managing religious affairs at the international level. [10]. Thus, the study of the Indonesian government's non-compliance in the distribution of the additional 2024 Hajj quota is relevant not only from a legal and public policy perspective, but also from the perspective of International Relations, particularly in examining how a country manages the outcomes of bilateral diplomacy to remain in line with national interests and the principles of a legal state.

Method

This study uses a descriptive qualitative approach, which according to Sugiyono aims to gain a deeper understanding of phenomena by explaining the conditions of the research object in a natural, contextual, and holistic manner. [11] A descriptive approach is used to analyze the non-compliance of the Indonesian government with the Hajj and Umrah Administration Law in the distribution of additional Hajj quotas provided by Saudi Arabia, including legal, policy, social, and political factors that influence quota distribution decisions. The decision-making process, the role of government actors, and the implementation of additional Hajj quotas are explained in detail in this approach[12] [13].

Results and Discussion

Based on an analysis of Law Number 8 of 2019 concerning the Implementation of Hajj and Umrah, government policy documents, and the dynamics of the distribution of additional Hajj quotas for 2024, this study found a discrepancy between national legal provisions and government policy practices in the distribution of additional Hajj quotas provided by the Saudi Arabian Government. [14]

First, the distribution of the additional Hajj quota for 2024 does not fully adhere to the principles of fairness and priority for regular Hajj pilgrims as mandated by Law No. 8 of 2019. Some of the additional quota is allocated to special Hajj pilgrims, while millions of prospective regular Hajj pilgrims still face very long waiting periods. This indicates that the quota distribution policy is not entirely focused on protecting the rights of regular pilgrims as the majority group.[15]

Second, this study found a lack of transparency and accountability in the decision-making process regarding the allocation of additional quotas. The mechanism for determining the proportion of regular and special quotas is not openly explained to

the public, causing controversy, public criticism, and scrutiny from legislative institutions. This situation indicates a weak implementation of good governance principles in the administration of the Hajj pilgrimage.[16].

Third, the research results indicate that the policy of distributing additional Hajj quotas is more influenced by administrative and short-term political considerations than by compliance with national legal norms. Although the government succeeded in obtaining additional quotas through diplomatic channels with Saudi Arabia, the implementation of this policy has not fully reflected a commitment to the applicable regulations. [17].

From the perspective of the National Interest theory, a country's foreign and domestic policies are essentially aimed at protecting and maximizing national interests. The Hajj quota is part of Indonesia's national interests because it concerns religious services for the majority Muslim population as well as domestic social and political stability. Indonesia's successful diplomacy in obtaining additional Hajj quotas from Saudi Arabia reflects the country's efforts to advocate for national interests at the international level [18] However, the theory of national interest also emphasizes that the success of diplomacy must be accompanied by the management of domestic policies that are consistent and comply with the law. In the case of the distribution of the additional 2024 Hajj quota, the inconsistency between government policy and Law No. 8 of 2019 indicates a failure on the part of the state to translate the results of international diplomacy into fair domestic policies. As a result, the national interest that is supposed to protect the rights of regular Hajj pilgrims is potentially neglected.[19]

Furthermore, when analyzed from the perspective of Good Governance in International Relations, the organization of the Hajj requires the principles of transparency, accountability, public participation, and the rule of law. In this context, non-compliance with the Hajj and Umrah Administration Law reflects weak state governance in managing the results of bilateral cooperation with Saudi Arabia. In fact, good governance is an important prerequisite for a state to maintain the legitimacy of its policies, both in the eyes of the domestic public and the international community.[20].

Moreover, this phenomenon also shows the existence of tension between domestic political interests and the legal obligations of the state. The government is faced with pressure to accommodate various interests, including special pilgrimage groups and economic actors involved in organizing the Hajj. Within the framework of international relations theory, this condition illustrates how foreign policy and diplomatic outcomes do not stand alone, but are influenced by complex domestic political dynamics.

Thus, the Indonesian government's non-compliance with the Hajj and Umrah Implementation Law in the distribution of the additional Hajj quota for 2024 is not only an administrative legal issue but also reflects structural challenges in managing national interests and public policy governance in the era of modern international relations. Although previous studies have discussed the organization of Hajj pilgrimage in Indonesia, most research tends to focus on the aspects of Hajj service management, the quality of pilgrim services, and Indonesia–Saudi Arabia diplomatic relations in determining the Hajj quota. These studies generally view Hajj diplomacy as a foreign policy achievement without thoroughly examining how the results of that diplomacy are implemented in domestic policies that comply with national law. Moreover, studies that specifically examine the government's compliance with Law Number 8 of 2019 in the context of additional Hajj quota distribution are still very limited. Some research only mentions the regulation as a normative background, without conducting a critical analysis of potential deviations between the provisions of the law and government policy practices. As a result, the dimension of legal non-compliance in Hajj administration has not received adequate academic attention.

Furthermore, from the perspective of International Relations, there is still a gap in studies that link the outcomes of Indonesia–Saudi Arabia bilateral diplomacy with domestic governance and the principles of good governance. In fact, the distribution of additional Hajj quotas represents a meeting point between foreign policy and domestic public policy. The lack of studies that integrate national interest theory and good governance in analyzing the distribution of Hajj quotas results in a partial understanding of the dynamics of Hajj management. Based on this gap, this study aims to fill the academic void by analyzing the Indonesian government's non-compliance with the Hajj and Umrah Administration Law in the distribution of the additional 2024 Hajj quotas granted by Saudi Arabia, using the perspective of International Relations. This study not only assesses the success of Hajj diplomacy but also emphasizes the importance of consistency between the outcomes of international diplomacy and compliance with national law as part of sustainable management of national interests.

Conclusion

Based on the results and discussion of the research, it can be concluded that the Indonesian government has not fully complied with Law Number 8 of 2019 concerning the Implementation of Hajj and Umrah in the practice of distributing the additional 2024 Hajj quota provided by the Saudi Arabian Government. This non-compliance is particularly reflected in the aspects of quota distribution that do not fully prioritize the principles of fairness, proportionality, transparency, as well as priority for regular Hajj pilgrims as mandated by the law. The study shows that a portion of the additional Hajj quota is allocated to special Hajj pilgrims and certain groups, while the majority of prospective regular Hajj pilgrims still face very long waiting periods. This situation creates a discrepancy between the normative objectives of the law and the implementation of government policy, while also sparking public controversy and weakening public trust in the management of Hajj services. From the perspective of International Relations, Indonesia's success in obtaining an additional hajj quota from Saudi Arabia reflects the country's efforts to advocate for national interests at the international level. However, this study finds that this diplomatic success has not been accompanied by consistent and law-abiding domestic policy management. This indicates a gap between the results of bilateral diplomacy and the implementation of national policies, which ultimately has the potential to obscure the primary objective of national interest, namely the protection of the rights of hajj pilgrims.

Furthermore, within the framework of good governance, non-compliance with the Hajj and Umrah Administration Law reflects weak implementation of the principles of transparency, accountability, and the rule of law in managing the outcomes of international cooperation. This study also reveals a tension between short-term political and administrative interests and the legal obligations of the state, which affects the decision-making process in the distribution of additional Hajj quotas. Therefore, this study confirms that the issue of distributing the additional Hajj quota for 2024 is not only an administrative or technical matter but also a strategic issue that reflects the challenges faced by the state in managing national interests, complying with national laws, and maintaining good public policy governance amid the dynamics of international relations. Therefore, consistency between the outcomes of international diplomacy and compliance with national regulations becomes an important prerequisite for organizing the Hajj pilgrimage in a fair, transparent, and sustainable manner.

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