

ABSTRAK

Tingginya minat masyarakat Indonesia dan Malaysia terhadap ibadah umrah menciptakan peluang kejahatan penipuan paket umrah dengan modus yang terus berulang. Kasus-kasus besar seperti First Travel, Abu Tours, PT HMS Yogyakarta, dan PT Annuqa Sumenep di Indonesia, serta Hejira Travel & Tours di Malaysia, menunjukkan bahwa ribuan korban mengalami kerugian materiil besar namun belum sepenuhnya memperoleh pemulihan hak. Penelitian ini bertujuan mengkaji apakah penyelesaian perkara penipuan paket umrah melalui jalur pidana telah memberikan perlindungan yang cukup bagi korban, serta merumuskan kebijakan hukum pidana yang ideal untuk mengoptimalkan perlindungan korban di Indonesia berdasarkan perbandingan dengan sistem hukum Malaysia.

Penelitian ini menggunakan metode yuridis normatif dengan pendekatan komparatif normatif dan konseptual, membandingkan sistem *civil law* Indonesia dan *common law* Malaysia. Bahan hukum primer meliputi Undang-Undang Nomor 1 Tahun 2023 tentang KUHP, Undang-Undang Nomor 4 Tahun 2025 tentang Penyelenggaraan Ibadah Haji Khusus dan Umrah, *Penal Code Act 574*, *Contracts Act 1950*, dan *Consumer Protection Act 1999*. Bahan hukum tersebut dianalisis secara deskriptif komparatif, yaitu menguraikan pengaturan dan praktik penyelesaian perkara di kedua negara, kemudian membandingkan persamaan, perbedaan, serta keunggulan dan kelemahan tiap sistem dasar perumusan rekomendasi kebijakan.

Hasil penelitian menunjukkan bahwa penyelesaian perkara di Indonesia belum dapat memberikan perlindungan terhadap korban karena gugatan perdata kerap terhambat dan cacat formil dan merumuskan formulasi guna mengoptimalkan perlindungan korban dimasa yang akan datang. Simpulan penelitian merekomendasikan kewajiban *escrow account* dan pengetatan pengawasan PPIU, serta pembentukan tribunal sengketa jasa perjalanan ibadah dan penguatan mekanisme restitusi bagi korban.

Kata Kunci: Penipuan Paket Umrah, Perlindungan Korban, Perbandingan Hukum Pidana, Indonesia, Malaysia

ABSTRACT

The high level of interest among the people of Indonesia and Malaysia in performing the Umrah pilgrimage has created opportunities for fraud involving Umrah packages using recurring schemes. Major cases such as First Travel, Abu Tours, PT HMS Yogyakarta, and PT Annuqa Sumenep in Indonesia, as well as Hejira Travel & Tours in Malaysia, demonstrate that thousands of victims have suffered significant financial losses but have not yet fully had their rights restored. This study aims to examine whether the resolution of umrah package fraud cases through criminal proceedings has provided adequate protection for victims, as well as to formulate an ideal criminal law policy to optimize victim protection in Indonesia based on a comparison with the Malaysian legal system.

This study employs a normative legal methodology with a comparative, normative, and conceptual approach, comparing the civil law system of Indonesia and the common law system of Malaysia. Primary legal sources include Law No. 1 of 2023 on the Criminal Code, Law No. 4 of 2025 on the Administration of Special Hajj and Umrah Pilgrimages, the Penal Code Act 574, the Contracts Act 1950, and the Consumer Protection Act 1999. These legal materials are analyzed using a descriptive-comparative approach, which involves outlining the regulations and practices for case resolution in both countries, then comparing the similarities, differences, and strengths and weaknesses of each system to formulate policy recommendations.

resolution of cases in Indonesia has not yet been able to provide protection for victims, as civil lawsuits are often delayed and marred by procedural defects; the study also proposes measures to optimize victim protection in the future. The study's conclusions recommend mandating the use of escrow accounts and tightening oversight of PPIUs, as well as establishing a tribunal for disputes regarding religious travel services and strengthening restitution mechanisms for victims.

Keywords: *Umrah Package Fraud, Victim Protection, Comparison of Criminal Laws, Indonesia, Malaysia*