

# From Discretion to Corruption: A Normative Study of the Justification and Legitimacy of the Determination of Suspects in the Hajj Quota Corruption Case

**Muhammad Fikri Aufa**

*Sekolah Tinggi Ilmu Hukum Sultan Adam, Indonesia, [fikri@stihsa-bjm.ac.id](mailto:fikri@stihsa-bjm.ac.id)*

Article History	Submitted	Revised	Accepted
	2026-02-24	2026-03-08 & 2026-03-19	2026-03-24

## Abstract

This normative study examines the transition from legitimate discretionary authority to alleged corruption in Indonesia's Hajj quota allocation, focusing on the 2023–2024 case investigated by the Corruption Eradication Commission (KPK). Employing doctrinal legal research, the analysis scrutinises primary sources, including Law No. 8 of 2019 on the Organisation of Hajj and Umrah and the Anti-Corruption Law (Law No. 31 of 1999 as amended), as well as UNCAC standards and judicial precedents. While Article 9 empowers the Minister of Religious Affairs with flexibility for quota adjustments, Ministerial Decree No. 130/2024's 50:50 distribution of the additional 20,000 slots deviated from Article 64's 92:8 proportionality mandate, potentially enabling undue benefits for private organisers and state losses exceeding IDR 1 trillion. The KPK's January 2026 designation of former Minister Yaqut Cholil Qoumas and aide Ishfah Abidal Aziz as suspects under Article 2, justified by unlawful acts causing enrichment and harm, aligns with evidentiary thresholds yet reveals interpretive tensions between administrative pragmatism and criminal liability. The findings highlight systemic vulnerabilities in oversight mechanisms for discretionary powers in religiously sensitive sectors.

**Keywords:** Discretionary authority, hajj quota corruption, corruption eradication commission.



© The Author(s) 2026. Published by CV. Strata Persada Academia.

This is an Open Access article distributed under the terms of the [Creative Commons Attribution 4.0 International \(CC BY 4.0\)](https://creativecommons.org/licenses/by/4.0/)

## INTRODUCTION

Corruption within public administration remains a pervasive challenge in many developing nations, undermining governance, eroding public trust, and impeding socioeconomic development.<sup>1</sup> In Indonesia, where corruption scandals frequently dominate headlines,<sup>2</sup> the abuse of discretionary powers by high-ranking officials exemplifies a critical intersection between administrative authority and criminal liability.<sup>3</sup> This phenomenon is particularly acute in sectors involving religious and cultural affairs, such as the management of Hajj pilgrimages, which not only carry significant financial implications but also profound social and spiritual significance for the world's largest Muslim-majority population. The Hajj quota system, governed by national laws and international agreements with Saudi Arabia, allocates limited pilgrimage slots amid high demand, creating opportunities for misuse that can result in substantial state losses and inequities. This study delves into one such emblematic case, exploring how legitimate discretion can morph into alleged corruption, thereby highlighting systemic vulnerabilities in legal oversight.

The Hajj quota corruption case, which surfaced prominently in early 2026, centers on the Indonesian Corruption Eradication Commission's (KPK) determination of suspects, including former Minister of Religious Affairs Yaqut Cholil Qoumas and associated aides.<sup>4</sup> The allegations stem from the purportedly irregular allocation of an additional 20,000 Hajj quotas for the 2023–2024 period, divided under a 50:50 policy that deviated from the proportional framework stipulated in Law No. 8 of 2019 on the Organization of Hajj and Umrah.<sup>5</sup> This deviation is claimed to have facilitated undue benefits for select private organizers, potentially causing state financial losses exceeding IDR 1 trillion through inflated fees and bypassed waiting lists. The KPK's invocation of Articles 2 and 3 of the Anti-Corruption Law underscores the tension between ministerial discretion – intended for adaptive policymaking – and actions deemed unlawful enrichment or abuse of power. This case not only reflects broader patterns of graft in public resource distribution but also raises questions about the evidentiary thresholds and normative justifications employed in suspect designations.

---

<sup>1</sup> Самудра Азхари Азиз, "Integration Of Public Administration And Governance Theory To Combat Corruption In Indonesia," *Public Administration Issues*, no. 6 (September 27, 2025): 117–40, <https://doi.org/10.17323/1999-5431-2025-0-6-117-140>.

<sup>2</sup> Ratnida Rahmasari, Unti Ludigdo, and Ali Djamhuri, "Pancasila Accountability As A Criticism of Public Accountability Constructions In Indonesia," *The International Journal of Accounting and Business Society* 32, no. 1 (April 20, 2024): 112–27, <https://doi.org/10.21776/ijabs.2024.32.1.701>.

<sup>3</sup> Nabila Ihza Nur Muttaqi and Iqbal Arpanuddin, "Discretionary Criteria Used by Government Officials as Corruption: The Connection of Criminal Law and State Administrative Law," *Mendapo: Journal of Administrative Law* 6, no. 1 (February 1, 2025): 1–21, <https://doi.org/10.22437/mendapo.v6i1.39014>.

<sup>4</sup> Arief Gunawan, "Analysis of the Implementation of Law Number 8 of 2019 in the 2024 Hajj Quota Corruption Case Analisis Implementasi Undang-Undang Nomor 8 Tahun 2019 Dalam Kasus Korupsi Kuota Haji 2024 ( Istitha ' Ah ), Sebuah Amanat Yang Tertuang Dalam Al-Qur ' an [ 1 ],," *Smart: Journal of Criminal Law Review and Analysis* 1, no. 1 (2025): 56–72.

<sup>5</sup> Gunawan.

Discretionary authority in public office is a double-edged sword: essential for efficient governance in dynamic contexts, yet susceptible to exploitation when unchecked by robust accountability mechanisms.<sup>6</sup> Normative legal theory posits that discretion must align with statutory intent and public interest,<sup>7</sup> as articulated in principles of good governance under frameworks like the United Nations Convention Against Corruption (UNCAC), to which Indonesia is a signatory. However, the transition from discretion to corruption often hinges on interpretive ambiguities in law, where actions perceived as innovative policymaking by officials are reframed as criminal by enforcers. In the Hajj quota scandal, the ministerial decision to reallocate quotas outside legislative ratios exemplifies this gray area, prompting debates on whether such moves constitute legitimate administrative flexibility or deliberate circumvention of legal safeguards. This normative ambiguity amplifies the need for analytical scrutiny of how anti-corruption bodies legitimize suspect status, balancing prosecutorial zeal with due process rights.

Despite extensive literature on corruption in Indonesia, including studies on KPK's enforcement strategies and sectoral graft in education or infrastructure, there remains a notable gap in normative analyses of discretion-to-corruption transitions within religious administration. Existing research often adopts empirical or comparative approaches, overlooking the jurisprudential underpinnings of suspect determinations in high-profile cases. This oversight is particularly evident in the context of Hajj management, where cultural sensitivities intersect with economic incentives, yet few works dissect the legitimacy of legal constructions applied by anti-corruption agencies. By employing a normative lens, this study addresses this lacuna, drawing on doctrinal analysis of relevant statutes, judicial precedents, and international anti-corruption standards to evaluate the justificatory basis for suspect designations. Such an inquiry is timely, given rising concerns over potential overreach in anti-corruption efforts that may politicize administrative decisions.

This research aims to normatively assess the justification and legitimacy of the KPK's suspect determination in the Hajj quota corruption case, elucidating the boundaries between discretionary policymaking and corrupt conduct. Through a structured doctrinal examination, it will outline the legal foundations, identify interpretive challenges, and propose reforms to enhance transparency in quota allocations. The subsequent sections will first review the theoretical framework of discretion and corruption, followed by a detailed case analysis, normative evaluation, and policy recommendations. Ultimately, this study contributes to the discourse on strengthening

---

<sup>6</sup> Despan Heryansyah and Desmalinda, "Intended to Fail: The Problems of Regulating and Reviewing Discretion in Indonesia (An Empirical Study)," *Legal Standing : Jurnal Ilmu Hukum* 10, no. 1 (February 22, 2026): 153–66, <https://doi.org/10.24269/lis.v10i1.13414>.

<sup>7</sup> Hadi Mustopa, Metty Sander, and Franciscus Xaperius Wartoyo, "Discretion of the Minister of Trade in the Sugar Import Case of 2015–2016 and the Limits of Authority and Accountability in State Administrative Law," *Journal of Social Research* 4, no. 10 (October 11, 2025): 2926–38, <https://doi.org/10.55324/josr.v4i10.2823>.

anti-corruption mechanisms in Indonesia, ensuring that discretion serves public welfare rather than private gain.

## METHOD

This study employs a normative legal research approach, also known as doctrinal research, which is particularly suited for analyzing the justification and legitimacy of legal determinations in corruption cases. The methodology focuses on examining primary legal sources, including Indonesia's Anti-Corruption Law (Law No. 31 of 1999 as amended by Law No. 20 of 2001), Law No. 8 of 2019 on the Organization of Hajj and Umrah, and relevant KPK procedural guidelines, alongside secondary sources such as judicial precedents from the Corruption Court, scholarly books and articles from reputable journals and international standards like the United Nations Convention Against Corruption (UNCAC). Data collection involves systematic document review and library research, utilizing databases such as HeinOnline, Westlaw, and Indonesian legal repositories (e.g., JDIH and Hukumonline) to gather materials on discretionary powers, suspect determination processes, and corruption elements. To ensure comprehensiveness, the study incorporates a chronological case analysis of the Hajj quota scandal, drawing from official KPK reports and media documentation released post-January 2026, while adhering to ethical standards by anonymizing sensitive details where necessary.

The analysis adopts a qualitative normative framework, employing hermeneutic interpretation to dissect the transition from ministerial discretion to alleged corruption, with a focus on legal principles such as abuse of power (under Articles 2 and 3 of the Anti-Corruption Law) and proportionality in suspect designations. This involves deductive reasoning to evaluate the legitimacy of KPK's evidentiary thresholds—such as proof of state losses exceeding IDR 1 trillion and deviation from quota allocation ratios—against normative benchmarks from comparative anti-corruption jurisprudence. Triangulation is achieved by cross-referencing statutory texts with doctrinal commentaries and expert opinions to mitigate bias, ensuring the study's validity and reliability.

## RESULT AND DISCUSSION

### Discretionary Authority in Hajj Quota Allocation by the Ministry of Religious Affairs

Discretionary authority in public administration represents a foundational element of governance, enabling officials to adapt statutory mandates to dynamic circumstances while adhering to principles of legality and public interest.<sup>8</sup> In the context of Indonesia's Hajj management, such discretion is particularly salient given the intersection of religious obligations, international diplomacy, and resource constraints. The Ministry of Religious Affairs (Kemenag), as the primary executive body, exercises this authority under a normative framework designed to balance efficiency with accountability. This discretion is not unbounded but is circumscribed by legislative provisions that aim to prevent arbitrariness, ensuring that allocations serve the broader societal goal of equitable access to pilgrimage opportunities for the nation's Muslim population, which constitutes the largest globally. Normative legal theory underscores that

---

<sup>8</sup> M. Ikbar Andi Endang, "Diskresi Dan Tanggung Jawab Pejabat Pemerintahan Menurut Undang-Undang Administrasi Pemerintahan / Discretion And Responsibility Of Government Officials Based On Law Of State Administration," *Jurnal Hukum Peratun* 1, no. 2 (October 17, 2018): 223–44, <https://doi.org/10.25216/peratun.122018.223-244>.

discretionary powers must align with statutory intent, as deviations risk undermining the rule of law and fostering perceptions of inequity.

The legal foundation for discretionary authority in Hajj quota allocation is enshrined in Law No. 8 of 2019 on the Organization of Hajj and Umrah, which delineates the principles guiding pilgrimage administration, including justice, transparency, and proportionality.<sup>9</sup> Article 9 of the law vests the Minister of Religious Affairs with the prerogative to determine quota distributions, particularly for additional allocations beyond the baseline quota negotiated with Saudi Arabia. This provision reflects a doctrinal recognition of administrative flexibility, allowing the Minister to respond to exogenous factors such as diplomatic negotiations or unforeseen increases in slots. Comparative analysis with international anti-corruption standards, such as those in the United Nations Convention Against Corruption (UNCAC), highlights that such discretion must be exercised with safeguards against abuse, emphasizing procedural transparency and documentation to mitigate risks of malfeasance.<sup>10</sup> The law's emphasis on sharia-compliant principles further integrates ethical dimensions into discretionary decision-making.<sup>11</sup>

In operationalizing this authority, the Minister issues decrees that operationalize quota policies, as exemplified by Ministerial Decree No. 130/2024, which addressed the allocation of an additional 20,000 Hajj slots granted by Saudi Arabia for the 2023–2024 period. This decree adopted a 50:50 distribution ratio between regular and special Hajj categories, ostensibly to accommodate diverse stakeholder needs, including private pilgrimage organizers. Doctrinal interpretation of Article 64 of Law No. 8/2019 suggests that additional quotas should mirror the proportional framework of the primary quota—typically 92 percent for regular pilgrims and 8 percent for special ones—yet the decree's deviation illustrates the interpretive latitude afforded to the executive. This exercise of discretion underscores the tension between statutory rigidity and administrative pragmatism, where the Minister's role is pivotal in harmonizing national policy with bilateral agreements.

The rationale underpinning such discretionary allocations lies in enhancing accessibility and efficiency in Hajj organization, particularly amid Indonesia's extended waiting lists, which can span decades for regular pilgrims.<sup>12</sup> By enabling adjustments to quota distributions, the authority facilitates the integration of special Hajj services, which often involve premium arrangements through licensed private entities, thereby diversifying pilgrimage options. Normative scholarship posits that this flexibility promotes substantive justice, aligning with the law's objectives of benefit and equity as articulated in Articles 2 and 3. However, it necessitates rigorous oversight mechanisms, such as parliamentary review or judicial scrutiny, to ensure compliance with

---

<sup>9</sup> Taopik Paturohman et al., "Analisis Terhadap Praktik Kecurangan Kuota Haji Dalam Kacamata Hukum Ekonomi Syariah," *Jurnal Ilmiah Multidisiplin Ilmu* 2, no. 6 (December 15, 2025): 56–64, <https://doi.org/10.69714/k4z6pk31>.

<sup>10</sup> United Nation, *Technical Guide To The United Nations Convention Against Corruption* (Vienna: United Nations Office on Drugs and Crime, 2009).

<sup>11</sup> Muhammad Khavindra Tamam, "Analisis Yuridis Tentang Kewenangan Diskresi Oleh Kepolisian," *Prosiding Seminar Nasional Pendidikan, Bahasa, Sastra, Seni, Dan Budaya* 3, no. 2 (December 26, 2024): 295–311, <https://doi.org/10.55606/mateandrau.v3i2.2894>.

<sup>12</sup> Madalia Faza, "Legal Noncompliance in Indonesia Additional Hajj Quota Allocation," *Academia Open* 11, no. 1 (January 26, 2026), <https://doi.org/10.21070/acopen.11.2026.13134>.

accountability standards. Empirical precedents from prior Hajj cycles demonstrate that well-exercised discretion can mitigate bottlenecks, yet it demands empirical validation of outcomes to affirm legitimacy.

Ultimately, the discretionary framework in Hajj quota management embodies a normative equilibrium between empowerment and restraint, fostering adaptive governance while safeguarding against potential overreach. In the 2024 case, the Minister's authority under Law No. 8/2019 provided a legal conduit for reallocating the supplementary quota, reflecting a policy-oriented approach to pilgrimage administration. This sub-section establishes the baseline for subsequent analysis, illustrating how discretion, when normatively grounded, serves as a tool for public welfare rather than personal aggrandizement. Future reforms could enhance this authority through explicit guidelines on proportionality, thereby reinforcing the doctrinal integrity of Indonesia's anti-corruption regime in religious affairs.

### **Deviation from Legal Provisions: Non-Compliance with Law No. 8 of 2019 in Hajj Quota Distribution**

Normative legal analysis reveals that deviations from statutory provisions in public resource allocation can undermine the principles of legality and equity, particularly in sensitive sectors like religious pilgrimage management. In the Hajj quota case, the ministerial decision to implement a 50:50 distribution for the additional 20,000 slots in the 2023–2024 period exemplifies such non-compliance, as it contravenes the proportional framework mandated by Law No. 8 of 2019 on the Organization of Hajj and Umrah.<sup>13</sup> This law establishes a doctrinal imperative for transparency and proportionality to ensure that pilgrimage opportunities are distributed justly, reflecting Indonesia's constitutional commitment to religious freedom and administrative accountability. The deviation not only disrupts established ratios but also raises jurisprudential questions about the boundaries of executive interpretation, potentially eroding public trust in governance mechanisms. Doctrinal scholarship emphasizes that such non-adherence constitutes a *prima facie* violation of the rule of law, warranting scrutiny under anti-corruption lenses.

Article 64 of Law No. 8/2019 explicitly prescribes that Hajj quotas,<sup>14</sup> including additional allocations, must adhere to a baseline proportion of approximately 92 percent for regular pilgrims and 8 percent for special categories, derived from the primary quota negotiations with Saudi Arabia. This provision embodies a normative safeguard against favoritism, ensuring that the majority of slots prioritize ordinary citizens on extended waiting lists, thereby promoting substantive justice. Hermeneutic interpretation of the article indicates that its applicability extends to supplementary quotas, as no explicit exemption is provided for incidental increases, aligning with teleological approaches in statutory construction. Comparative reference to international standards, such as those in the UNCAC, reinforces that quota distributions must prioritize public interest over private gains, mitigating risks of oligopolistic control by licensed

---

<sup>13</sup> Faza.

<sup>14</sup> Lailatul Qadariyah and Umar Faruq, "Legal and Human Rights Violations in the Hajj Quota Diversion Policy in Indonesia," *At-Tafkir* 18, no. 1 (December 12, 2025): 91–102, <https://doi.org/10.32505/at.v18i1.12543>.

organizers. The law's emphasis on sharia-compliant equity further underscores the imperative for strict compliance, framing deviations as antithetical to both legal and ethical norms.

The contested Ministerial Decree No. 130/2024, which allocated 10,000 slots each to regular and special Hajj categories, represents a clear departure from this statutory ratio, effectively inflating the special quota to 50 percent. This policy shift, justified ostensibly for operational flexibility, disregards the law's intent to maintain proportionality, potentially privileging private Hajj and Umrah organizers (PIHK) who manage premium services. Normative evaluation posits that such reallocations facilitate undue economic advantages, as special quotas command higher fees, bypassing the regulated pricing for regular pilgrims. Doctrinal analysis highlights that this non-compliance creates systemic inequities, exacerbating waiting times for low-income applicants and contravening the law's objective of inclusivity. Empirical precedents from prior quota cycles demonstrate that adherence to ratios mitigates such disparities, underscoring the decree's deviation as a normative anomaly.

The implications of this non-compliance extend to financial ramifications, with estimates from the Corruption Eradication Commission (KPK) indicating state losses exceeding IDR 1 trillion through foregone revenues and inflated costs.<sup>15</sup> This quantification aligns with normative frameworks in anti-corruption law, where deviations from legal provisions are assessed for their causative link to economic harm. Jurisprudential discourse on "unlawful acts" under Article 2 of the Anti-Corruption Law interprets such discrepancies as deliberate circumventions, transforming administrative errors into potential criminal liabilities. The deviation's impact on resource equity further illustrates a breach of fiduciary duties, as public officials are doctrinally bound to steward national assets in accordance with legislative directives. This analysis reveals a tension between policy innovation and statutory fidelity, where unchecked deviations risk normalizing exceptions that erode institutional integrity.

Critics of the deviation argue that interpretive ambiguity in Law No. 8/2019's application to additional quotas may afford ministerial leeway, yet normative legal theory counters that ambiguity does not license wholesale disregard of explicit ratios. Teleological and systematic interpretations affirm that Article 64's proportionality clause governs all quota increments to prevent abuse, supported by judicial precedents in administrative law cases emphasizing strict construction in public welfare matters. The 50:50 model's favoritism toward special quotas, which often benefit affluent participants or connected entities, exemplifies a normative failure in upholding egalitarian principles embedded in the law. International comparative insights from pilgrimage management in other Muslim-majority nations, such as Malaysia's Tabung Haji system, highlight the efficacy of rigid adherence to ratios in curbing corruption vulnerabilities. Thus, the deviation not only contravenes domestic law but also deviates from global best practices in transparent resource allocation.

The normative nexus between this non-compliance and corruption allegations lies in the potential for enrichment of private actors at the state's expense, as the inflated special quota

---

<sup>15</sup> Fajar Adi and Winfrey Oktavian, "From Mandate to Metrics: Journalism and the Crisis of Moral Credibility in Indonesia's Hajj Quota Scandal," *Media Asia* 53, no. 1 (January 2, 2026): 299-308, <https://doi.org/10.1080/01296612.2025.2589234>.

enables premium pricing without commensurate public benefits. Doctrinal scrutiny reveals that such deviations fulfill the elements of "acts against the law" in corruption jurisprudence, providing a foundational basis for suspect designations. This sub-section's analysis underscores that while discretion permits adaptation, it does not authorize overrides of core provisions, necessitating enhanced regulatory clarity to preempt similar infractions. The case illustrates broader doctrinal challenges in Indonesian administrative law, where sectoral sensitivities amplify the consequences of non-adherence.

In conclusion, the deviation from Law No. 8/2019 in the Hajj quota distribution constitutes a paradigmatic example of normative misalignment, with far-reaching implications for legal accountability and public equity.<sup>16</sup> This establishes the evidentiary groundwork for evaluating enforcement actions, highlighting how statutory non-compliance transitions discretionary authority into realms of potential illegality. Future normative reforms should prioritize explicit guidelines for quota adjustments, integrating oversight mechanisms to align executive actions with legislative intent. Such measures would fortify the doctrinal resilience of Indonesia's Hajj governance framework against recurrent deviations.

### **KPK's Justification in Designating Suspects in the Hajj Quota Corruption Case**

The Corruption Eradication Commission's (KPK) designation of suspects in the Hajj quota corruption case exemplifies a normative application of anti-corruption jurisprudence, where administrative deviations are reframed as criminal acts to safeguard public resources. In January 2026, the KPK formally designated former Minister of Religious Affairs Yaqut Cholil Qoumas and his special staff, Ishfah Abidal Aziz, as suspects based on preliminary investigations revealing systematic irregularities in the allocation of the additional 20,000 Hajj slots. Vice Chairman Fitroh Rohcahyanto articulated the justification as rooted in "unlawful acts" that enriched individuals, others, or corporations, resulting in state financial losses, aligning with the doctrinal thresholds for suspect status under Indonesia's anti-corruption regime. This process underscores the KPK's mandate under Law No. 30 of 2002 to preemptively intervene in graft, yet it invites normative scrutiny regarding the evidentiary rigor and interpretive latitude employed. Jurisprudential analysis posits that such designations must balance prosecutorial efficiency with procedural safeguards to prevent overreach, particularly in politically sensitive domains like religious administration.

Central to the KPK's justification is the invocation of Article 2 of Law No. 31 of 1999 on the Eradication of Corruption Crimes (as amended), which criminalizes acts against the law that confer undue benefits and cause state harm. The commission's rationale hinges on the ministerial decree's deviation from the proportional mandates of Law No. 8 of 2019, construing the 50:50 quota split as a deliberate circumvention facilitating private gains through inflated special Hajj fees. Doctrinal interpretation of "unlawful acts" in this context extends beyond mere administrative errors to encompass fiduciary breaches, supported by forensic audits estimating losses over IDR 1 trillion from bypassed revenues and inequitable distributions. Comparative jurisprudence from analogous cases, such as those involving sectoral quotas in infrastructure,

---

<sup>16</sup> Qadariyah and Faruq, "Legal and Human Rights Violations in the Hajj Quota Diversion Policy in Indonesia."

affirms that such quantifications bolster legitimacy, provided they adhere to objective metrics like those endorsed by the Supreme Audit Agency (BPK). This normative framing transforms discretionary policy into a culpable offense, highlighting the anti-corruption law's expansive scope in curbing executive excesses.

Normative evaluation of the suspect designation process reveals a reliance on sufficient preliminary evidence, including witness testimonies, financial trails linking quota allocations to private organizers, and documentary proof of non-compliance with statutory ratios. The KPK's procedural adherence to Article 184 of the Criminal Procedure Code ensures that designations are predicated on at least two forms of evidence, mitigating risks of arbitrariness. However, hermeneutic analysis discloses potential vulnerabilities in constructing "enrichment" elements, where indirect benefits—such as enhanced partnerships with PIHK entities—must be causally linked to the deviation. International benchmarks from the UNCAC emphasize proportionality in suspect labeling, cautioning against premature actions that could politicize enforcement. In this case, the justification's strength lies in its alignment with post-2018 amendments to the Anti-Corruption Law, which broadened the definition of state losses to include opportunity costs, thereby legitimizing the KPK's aggressive stance.

Critiques of the KPK's justification often center on the doctrinal tension between ministerial discretion and criminalization, with scholars arguing that the 50:50 policy may fall within interpretive ambiguities of Law No. 8/2019's Article 9. Pre-trial challenges, such as those initiated by Yaqut, underscore perceptions of over-criminalization, where adaptive policymaking is retroactively deemed corrupt absent direct evidence of personal gain. Normative discourse highlights that such designations risk eroding executive confidence, particularly in sectors intersecting with cultural imperatives, potentially deterring innovative governance. Empirical precedents from KPK cases indicate a high conviction rate post-designation, yet this success metric must be weighed against due process concerns, as articulated in Constitutional Court rulings on anti-corruption provisions. The justification's legitimacy thus depends on transparent evidentiary disclosure, ensuring compliance with human rights standards under the International Covenant on Civil and Political Rights.

The broader implications of the KPK's approach in this case extend to systemic reforms in anti-corruption enforcement, advocating for enhanced guidelines on discretion in public allocations to preempt normative ambiguities. By designating suspects based on deviation-induced losses, the commission reinforces a zero-tolerance paradigm, yet it necessitates interdisciplinary oversight involving legal, economic, and religious experts to refine loss calculations. Jurisprudential evolution suggests integrating alternative dispute resolutions for administrative infractions, reserving criminal pathways for egregious abuses. This case illustrates the normative equilibrium required in Indonesia's dual legal system, where sharia-influenced policies must harmonize with secular anti-graft mechanisms. Ultimately, the justification serves as a doctrinal precedent for scrutinizing sectoral discretions, promoting accountability without stifling administrative efficacy.

The KPK's justification for suspect designations in the Hajj quota case embodies a robust normative strategy against corruption, grounded in statutory violations and quantifiable harms.

This sub-bab's analysis affirms the legitimacy of the process while identifying areas for doctrinal refinement, such as clearer thresholds for transitioning discretion to criminality. Future normative studies should explore comparative models to bolster Indonesia's framework, ensuring that enforcement actions enhance public trust and governance integrity. Such reforms would mitigate recurrent vulnerabilities in pilgrimage management, aligning executive authority with legislative intent for sustainable equity.

## CONCLUSION

This normative study elucidates the precarious transition from legitimate discretionary authority in Hajj quota allocation to potential corruption, as evidenced in the 2023–2024 Indonesian case involving the Ministry of Religious Affairs' deviation from Law No. 8 of 2019. The analysis demonstrates that while Article 9 grants ministerial flexibility for quota adjustments, the 50:50 distribution of additional 20,000 slots contravened Article 64's proportionality mandate (92:8 ratio),<sup>17</sup> fostering inequities, undue benefits for private organizers, and estimated state losses exceeding IDR 1 trillion. The KPK's suspect designation of former Minister Yaqut Cholil Qoumas and aides, justified under Article 2 of the Anti-Corruption Law for "unlawful acts" causing enrichment and harm, aligns with doctrinal thresholds emphasizing evidentiary sufficiency and procedural adherence, yet highlights interpretive tensions between administrative pragmatism and criminalization. Ultimately, this underscores the need for balanced governance to prevent discretion from morphing into malfeasance, reinforcing anti-corruption jurisprudence in religiously sensitive sectors.

Despite its contributions, this study is limited by its reliance on publicly available normative sources and doctrinal interpretations, potentially overlooking classified investigative details or empirical data on actual financial flows, which could refine loss quantifications and enrichment linkages. Future research should incorporate comparative empirical analyses from other jurisdictions to validate findings. To address these gaps, reforms are recommended, including explicit statutory guidelines for quota deviations, enhanced interdisciplinary oversight integrating legal, economic, and sharia expertise, and alternative resolutions for minor infractions to mitigate over-criminalization risks, thereby strengthening Indonesia's anti-corruption framework while preserving administrative efficacy.

## REFERENCES

- Adi, Fajar, and Winfrey Oktavian. "From Mandate to Metrics: Journalism and the Crisis of Moral Credibility in Indonesia's Hajj Quota Scandal." *Media Asia* 53, no. 1 (January 2, 2026): 299–308. <https://doi.org/10.1080/01296612.2025.2589234>.
- Aljawi, Muhammad Farid, and Faisal Santiago. "Reconstructing the Governance of Hajj and Umrah Administration in Indonesia." *Greenation International Journal of Law and Social Sciences* 3, no. 3 (November 17, 2025): 822–32. <https://doi.org/10.38035/gijlss.v3i3.567>.

---

<sup>17</sup> Muhammad Farid Aljawi and Faisal Santiago, "Reconstructing the Governance of Hajj and Umrah Administration in Indonesia," *Greenation International Journal of Law and Social Sciences* 3, no. 3 (November 17, 2025): 822–32, <https://doi.org/10.38035/gijlss.v3i3.567>; Abdul Khakim, "The 2024 Hajj Special Committee: Analyzing the Complexities of Social and Media Realities through the Lens of Social Construction Theory," *Islamic Perspective on Communication and Psychology* 2, no. 1 (February 28, 2025), <https://doi.org/10.61511/ipercop.v2i1.2025.1645>.

- Endang, M. Ikbar Andi. "Diskresi Dan Tanggung Jawab Pejabat Pemerintahan Menurut Undang-Undang Administrasi Pemerintahan / Discretion And Responsibility Of Government Officials Based On Law Of State Administration." *Jurnal Hukum Peratun* 1, no. 2 (October 17, 2018): 223-44. <https://doi.org/10.25216/peratun.122018.223-244>.
- Faza, Madalia. "Legal Noncompliance in Indonesia Additional Hajj Quota Allocation." *Academia Open* 11, no. 1 (January 26, 2026). <https://doi.org/10.21070/acopen.11.2026.13134>.
- Gunawan, Arief. "Analysis of the Implementation of Law Number 8 of 2019 in the 2024 Hajj Quota Corruption Case Analisis Implementasi Undang-Undang Nomor 8 Tahun 2019 Dalam Kasus Korupsi Kuota Haji 2024 ( Istitha ' Ah ), Sebuah Amanat Yang Tertuang Dalam Al-Qur ' an [ 1 ]." *Smart: Journal of Criminal Law Review and Analysis* 1, no. 1 (2025): 56-72.
- Heryansyah, Despan, and Desmalinda. "Intended to Fail: The Problems of Regulating and Reviewing Discretion in Indonesia (An Empirical Study)." *Legal Standing : Jurnal Ilmu Hukum* 10, no. 1 (February 22, 2026): 153-66. <https://doi.org/10.24269/lv10i1.13414>.
- Khakim, Abdul. "The 2024 Hajj Special Committee: Analyzing the Complexities of Social and Media Realities through the Lens of Social Construction Theory." *Islamic Perspective on Communication and Psychology* 2, no. 1 (February 28, 2025). <https://doi.org/10.61511/ipercomp.v2i1.2025.1645>.
- Mustopa, Hadi, Metty Sander, and Franciscus Xaperius Wartoyo. "Discretion of the Minister of Trade in the Sugar Import Case of 2015-2016 and the Limits of Authority and Accountability in State Administrative Law." *Journal of Social Research* 4, no. 10 (October 11, 2025): 2926-38. <https://doi.org/10.55324/josr.v4i10.2823>.
- Muttaqi, Nabila Ihza Nur, and Iqbal Arpanuddin. "Discretionary Criteria Used by Government Officials as Corruption: The Connection of Criminal Law and State Administrative Law." *Mendapo: Journal of Administrative Law* 6, no. 1 (February 1, 2025): 1-21. <https://doi.org/10.22437/mendapo.v6i1.39014>.
- Nation, United. *Technical Guide To The United Nations Convention Against Corruption*. Vienna: United Nations Office on Drugs and Crime, 2009.
- Paturohman, Taopik, Achmad Ru'yat Alfarizi, Rizki Akmal, Jaenudin Jaenudin, and Dian Herdiana. "Analisis Terhadap Praktik Kecurangan Kuota Haji Dalam Kacamata Hukum Ekonomi Syariah." *Jurnal Ilmiah Multidisiplin Ilmu* 2, no. 6 (December 15, 2025): 56-64. <https://doi.org/10.69714/k4z6pk31>.
- Qadariyah, Lailatul, and Umar Faruq. "Legal and Human Rights Violations in the Hajj Quota Diversion Policy in Indonesia." *At-Ta'fikir* 18, no. 1 (December 12, 2025): 91-102. <https://doi.org/10.32505/at.v18i1.12543>.
- Rahmasari, Ratnida, Unti Ludigdo, and Ali Djamhuri. "Pancasila Accountability As A Criticism of Public Accountability Constructions In Indonesia." *The International Journal of Accounting and Business Society* 32, no. 1 (April 20, 2024): 112-27. <https://doi.org/10.21776/ijabs.2024.32.1.701>.
- Tamam, Muhammad Khavindra. "Analisis Yuridis Tentang Kewenangan Diskresi Oleh Kepolisian." *Prosiding Seminar Nasional Pendidikan, Bahasa, Sastra, Seni, Dan Budaya* 3, no. 2 (December 26, 2024): 295-311. <https://doi.org/10.55606/mateandrau.v3i2.2894>.

Азхари Азиз, Самудра. "Integration Of Public Administration And Governance Theory To Combat Corruption In Indonesia." *Public Administration Issues*, no. 6 (September 27, 2025): 117-40. <https://doi.org/10.17323/1999-5431-2025-0-6-117-140>.