Author's name: Meta Syarah. Title: "Law and Accountability in Hajj Fund Reporting: Addressing Regulatory Disharmony in Indonesia." South-East Asian Journal of Advanced Law and Governance 2 no. 2 (2025): 3062-7907.

SEAJ-ALGOV
South East Asian Journal of Advanced Law and Governance
Volume 2 Issue 2, 2025
E-ISSN: 3062-7907

Law and Accountability in Hajj Fund Reporting: Addressing Regulatory Disharmony in Indonesia

Meta Syarah

Badan Pengelola Keuangan Haji. Email: metasyarah85@gmail.com

Received: July 11, 2025 | Revised: October 27, 2025 | Published: November 1, 2025

Abstract: This study analyzes the inefficiencies and ineffectiveness of Hajj fund reporting in Indonesia arising from regulatory disharmony between Law Number 34 of 2014 on Hajj Financial Management and Law Number 8 of 2019 on the Organization of Hajj and Umrah. Such inconsistency has created unclear reporting authority between the Hajj Financial Management Agency (BPKH) and the Ministry of Religious Affairs (Kemenag), resulting in weak oversight, transparency, and accountability in Hajj fund management. A normative legal approach based on statutory and literature analysis is employed. Through this method, the study finds that Kemenag is not legally required to report its fund utilization to BPKH, despite BPKH's accountability. This asymmetry undermines transparency and oversight, while BPKH's limited access to Kemenag's reports and differing interpretations by Audit Board of Indonesia (BPK) and Finance and Development Supervisory Agency (BPKP) impair supervisory effectiveness. The study suggests regulatory harmonization institutional realignment and integrated reporting as necessary reforms. The Indonesian experience shows that institutional reform without regulatory coherence risks creating fragmented authority and accountability gaps. Countries with similar governance structures may draw important lessons learned from Indonesia's case, the urgency of legal clarity, inter agency coordination, and integrated reporting as prerequisites for accountable and transparent Hajj fund governance.

Keywords: Accountability; Hajj Fund Management; Regulatory Harmonization

1. Introduction

Hajj is one of the pillars of Islam which, that requires physical, and financial capability (*istitha'ah)*.[1] The Government of Indonesia plays an active role for its Hajj pilgrims by managing these aspects through the establishment of the Hajj Financial Management Agency (BPKH) as the fund manager to support the financing of Hajj operations (BPIH),[2] under the mandate of Law Number 34 of 2014 concerning Hajj Financial Management (Law No. 34/2014),[3] and by appointing the Ministry of Religious Affairs (MoRA/Kemenag) as the technical organizer of Hajj implementation pursuant to Law Number 8 of 2019 concerning the Organization of Hajj and Umrah (Law No. 8/2019).[4]

In its implementation, Kemenag has a direct dependence on the availability of BPIH provided and received from BPKH, thereby creating a functional relationship between the fund manager and the technical implementer, thereby creating a functional relationship between the fund manager and the technical implementer.[5] However, this relationship is governed by separate laws BPKH under Law No. 34/2014 and Kemenag under Law No. 8/2019 which in practice creates complexities in the reporting and accountability of Hajj fund utilization by both institutions. To clarify further, please see the following table. It examines the provision of each Law regarding the regulation of accountability reporting.

1 Komisi Fatwa Majelis Ulama Indonesia, *Himpunan Fatwa Majelis Ulama Indonesia: Istitha`ah dalam Melaksanakan Ibadah Haji* (Jakarta: MUI, 1979).

2 Article 20 paragraphs (2) and (3) in conjunction with Article 5 and Article 24 of Law Number 34 of 2014 concerning Hajj Financial Management.

3 BPKH was established through Presidential Regulation Number 110 of 2017 concerning the Hajj Financial Management Agency, pursuant to the mandate of Law Number 34 of 2014 concerning Hajj Financial Management.

4 Article 1 point 26 in conjunction with Article 21 of Law Number 8 of 2019 concerning the Organization of Hajj and Umrah.

5 Article 10 letter a in conjunction with Article 11 paragraph (2) of Law Number 34 of 2014 concerning Hajj Financial Management.

Table 1. Comparative Provisions on Accountability Reporting of BPKH and Kemenag

Article 52 of Law No. 34/2014	Article 52 of Law No. 34/2014
(2) The accountability reports on the implementation of Hajj Fund management as referred to in section (1) consist of performance reports and financial statement.	(1) The Minister shall submit the financial accountability report on the administration of the Hajj to the President and the House of Representatives of the Republic of Indonesia (DPR RI) within no later than sixty (60) days as of the completion of the Hajj.
(3) The financial statement as referred to in section (2) includes budget realization reports, operational reports, cash flow statements, balance sheets, and notes to the financial statements.	
(5) BPKH is obligated to submit accountability reports on the implementation of Hajj Fund management to the President and DPR through the Minister every 6 (six) months.	
(7) BPKH is obligated to submit the accountability reports on the implementation of Hajj Fund management already audited by the Audit Board of the Republic of Indonesia to the President and DPR through the Minister not later than June 30th in the following year.	

In the table, it is stated that BPKH is required to submit an accountability report on all funds it manages to the President and the House of Representatives (DPR) through the Minister of Religious Affairs. Conversely, Meanwhile, Kemenag is required to report to the President and DPR without any obligation to report back to BPKH regarding the use of the BPIH funds it receives. Ironically, although the funds are disbursed by BPKH to Kemenag, the provision of Article 52 instead requires BPKH to submit its accountability report through Kemenag. This regulatory asymmetry reflects a clear disharmony, whereby BPKH remains legally bound to account for the funds it disburses, while Kemenag has no reciprocal obligation.

The absence of a legal obligation for Kemenag to submit reports to BPKH has created a separation between implementation and reporting, even though BPKH is legally mandated to exercise control and oversight over the funds it disburses to ensure the achievement of the objectives of Hajj financial management, particularly the rationality and efficiency of BPIH utilization.[6] data on BPIH expenditures, BPKH can only record the transfer of funds in aggregate form without knowing their actual realization.[7] In fact, public financial reports are only meaningful when the information presented aligns with the needs of decision-making and organizational accountability.[8] Reporting should as the primary instrument in realizing transparent and accountable financial governance.[9] However, regulatory inconsistencies have

6 Article 3 letter b in conjunction with Article 23 of Law Number 34 of 2014 concerning Hajj Financial Management.

7 Auditorat Utama Keuangan Negara V, Laporan Hasil Pemeriksaan Atas Kepatuhan Terhadap Ketentuan Peraturan Perundang-Undangan Badan Pengelola Keuangan Haji Tahun 2019 Number 32.C/LHP/XVIII/05/2020, (Jakarta: BPK, 2020), 44.

8 Bram Faber & Tjerk Budding, *What drives usability of public sector online reporting?, Public Money & Management,* (2025), 2. https://doi.org/10.1080/09540962.2025.2477042.

9 S.P. Nogueira, S. Jorge, dan A. Silva, *The Use of Public Sector Financial and Nonfinancial Information by Politicians: A Bibliometric Analysis, Journal of Applied Accounting Research*, (2025).

blurred this function.

This situation is reflected in the reporting of efficiency funds derived from Hajj operational financing. The lack of access by BPKH to data on the use of BPIH by Kemenag hinders its ability to assess the reasonableness and effectiveness of fund utilization, including in the calculation and return of efficiency funds. According to Minister of Religious Affairs Regulation No. 28 of 2019, efficiency funds should be returned to BPKH after the audit results from the Audit Board of Indonesia (BPK). [10] In practice, however, these funds cannot be received by BPKH as required, since the audit results indicate that Kemenag had not presented any report on efficiency funds at the time the audit was conducted. BPK has repeatedly recorded this issue without any follow up action from Kemenag. As a result, BPKH has no basis for taking further action other than waiting for Kemenag's report to be completed and to formally include the efficiency fund figures in its financial statements. [11] The delay in report submission directly postpones the return of funds to BPKH. Ultimately, this condition reduces the effectiveness of Hajj financial management and risks diminishing the benefit value that should be further developed for the interests of the pilgrims.

The circumstances described above are further exacerbated by differing interpretations between supervisory bodies, namely BPK and the Financial and Development Supervisory Agency (BPKP) regarding the status of BPIH funds transferred from BPKH to Kemenag. BPK considers that these funds remain the responsibility of BPKH and therefore must be recorded and reported by BPKH.[12] In contrast, BPKP views the disbursed funds as grants, and thus the reporting responsibility lies with the grant recipient, namely Kemenag.[13] This discrepancy creates an accountability gap that risks certain Hajj funds going unaudited.[14]

From the perspective of accountability theory, Bovens emphasizes that institutional relationships must be clearly designed so that actors can be held accountable through mechanisms of reporting, evaluation, and sanctioning.[15] However, in the context of Hajj financial management, the accountability chain is broken because there is no legal obligation requiring Kemenag to report its fund utilization to BPKH. This lack of institutional clarity hinders oversight and accountability over public funds. Within the framework of agency theory, this condition creates risks of information asymmetry and potential Kemenagl hazard, as the agent operates with relative autonomy without adequate control mechanisms. [16]

10 Article 16 Article 16 of the Regulation of the Minister of Religious Affairs Number 28 of 2019 concerning the Management of Operational Finance for the Organization of the Hajj.

11 Auditorat Utama Keuangan Negara V, Laporan Hasil Pemeriksaan Kepatuhan Atas Pertanggungjawaban Penyelenggaraan Ibadah Haji Tahun 1444H/2023M Pada Kementerian Agama dan Instansi Terkait Lainnya di DKI Jakarta dan Arab Saudi (Jakarta: BPK, 2023).

12 Direktorat Penelitian dan Pengembangan KPK, *Laporan Hasil Kajian Sistem Penyelenggaran Ibadah Haji:* (Jakarta: KPK, 2019), 26.

13 *Ibid*

14 *Ibid*

15 Mark Bovens, *Analyzing and Assessing Accountability: A Conceptual Framework*, *European Law Journal* 13, no. 4 (2007): 447–468,450

16 Michael C. Jensen & William H. Meckling, *Theory of the Firm: Managerial Behavior, Agency Costs and Ownership Structure, Journal of Financial Economics* 3, no. 4 (1976): 305–360.

Recent studies also highlight that clarity of institutional roles, transparency, and the integration of public reporting constitute the foundation of effective accountability and are prerequisites for achieving efficient governance oriented toward good governance principles.[17]

In line with institutional policy developments, the government established the Hajj Organizing Agency (BP Haji) through Presidential Regulation No. 154/2024 to replace Kemenag in organizing the Hajj.[18] However, since the 2025 Hajj implementation still refers to Law No. 8/2019, the organization remains under Kemenag. This situation raises questions regarding the clarity of reporting and accountability roles between BPKH and the organizing body. Existing academic studies have largely discussed BPKH's accountability in general, but specific analyses on the regulatory disharmony between BPKH and Kemenag in Hajj financial reporting remain limited. Moreover, previous research has not offered concrete strategies for regulatory harmonization and inter agency coordination to strengthen accountability. This research gap underlies the present study, which therefore seeks to examine why inefficiencies and ineffectiveness in Hajj financial reporting persist despite existing regulations, and to explore what measures of harmonization and coordination are needed to align Hajj financial reporting with the principles of good governance.

2. Methodology

This research is a normative legal study conducted using secondary data through a literature review.[19] It is descriptive in nature, aiming to provide a detailed depiction of the inefficiencies and ineffectiveness in Hajj financial reporting within a specific scope.[20] The purpose of this study is to evaluate the conformity of the reporting and accountability mechanisms for Hajj funds by BPKH and the Ministry of Religious Affairs with prevailing legal provisions, as well as to formulate improvement measures to promote transparency and accountability in line with the principles of good governance.

The legal materials used consist of primary, secondary, and tertiary legal sources. Primary legal sources include relevant laws and regulations, particularly Law No. 34 of 2014 and Law No. 8 of 2019. Secondary legal sources comprise the explanatory notes of laws, research findings, academic manuscripts, and other relevant scholarly literature. Tertiary sources consist of legal dictionaries, encyclopedias, mass media, and supporting online sources. All legal materials were collected through a systematic literature review and analyzed based on their relevance to the formulated research questions. The data obtained were analyzed qualitatively using statutory, historical,

17 M. Patty, *Forensic Leadership: Investigating Power, Truth, and Kemenagl Responsibility in Times of Crisis*, SSRN, 2025, 21; Hasan Tutar & Ahmet Kaya, *The Transformation of Organizational Culture through Artificial Intelligence: Rebuilding Digital Ethics, Transparency and Behavioral Norms* (Istanbul Gelisim University, 2024),18,

18 Article 1 point 1, Presidential Regulation Number 154 of 2014 concerning the Hajj Management Agency.

19 Yati Nurhayati, et al. *Metodologi Normatif dan Empiris dalam Perspektif Ilmu Hukum*, *Jurnal Penegakan Hukum Indonesia*, 2 (1), (2021), 8

20 Solimun, Armanu, Adji Achmad Rinaldo Fernande. *Metodologi Penelitian Kuantitatif Perspektif sistem Mengungkap Novelty dan Memenuhi Validitas Penelitian*, (Malang: UB Press, 2018), 6.

and case approaches. The analysis was conducted by sorting and classifying the legal materials based on their quality and relevance, and then presented in a structured, narrative descriptive manner.

3. Inefficiency and Ineffectiveness in Hajj Financial Reporting under Law No. 34/2014 and Law No. 8/2019 and Its Impact on Hajj Fund Management Accountability.

Financial reporting and accountability of Hajj funds are essential to ensure transparency and accountability in managing pilgrims' funds. This mechanism involves two main institutions, BPKH and Kemenag which have distinct yet interdependent authorities, creating challenges in implementing effective reporting mechanisms. According to Arens and Loebbecke, a report is a written communication that conveys information clearly and systematically for purposes of evaluation, decision-making, and performance monitoring In the context of Hajj fund management, transparent financial reporting not only strengthens inter agency coordination but also serves as a prerequisite for good governance, in line with Mardiasmo's view that transparency and accountability are the main pillars of sound public governance.[21]

3.1. The Dualism of Roles and Positions between BPKH and Kemenag

Before the enactment of Law Number 34 of 2014, the management of Hajj funds in Indonesia was entirely under the authority of the Ministry of Religious Affairs based on Law Number 13 of 2008.[22] However, this legal framework was deemed inadequate for Hajj fund management[23] because it did not clearly regulate: [24]

a. the legal status of Hajj funds, whether classified as state funds or not;

b. detailed aspects of financial management; and

c. the institutional structure for Hajj fund supervision.

Therefore, a stronger legal framework was needed to ensure legal certainty, protect pilgrims, and optimize as well as rationalize Hajj funds for the benefit of the pilgrims.[25]

In addition to the push for regulatory reform, public pressure arose to establish an independent institution following allegations of corruption in Hajj

21 Mardiasmo, *Akuntasi Sektor Publik*, (Yogyakarta: Andi, 2018), 27

22 Article 21 of Law Number 13 of 2008 concerning the Organization of the Hajj Pilgrimage (now repealed by Law Number 8 of 2019).

23 Suryadharma Ali, "Penjelasan Menteri Agama Republik Indonesia pada Rapat Kerja dengan Komisi VIII DPR RI mengenai Rancangan Undang-Undang tentang Pengelolaan Keuangan Haji", (3 Maret 2014): 3.

24 Suryadharma Ali, "Penjelasan Menteri Agama kepada DPR mengenai Rancangan Undang-Undang tentang Pengelolaan Keuangan Haji", (8 Juli 2014): 1.

25 Article 59 of Law Number 34 of 2014 concerning Hajj Financial Management.

administration.[26] KPK ound that the corruption stemmed from the Ministry of Religious Affairs' extensive authority as regulator, operator, supervisor, and evaluator, which created conflicts of interest. Therefore, the KPK urged for a clear separation of these functions to improve accountability.[27]

Indonesia Corruption Watch (ICW) and the Hajj Reform Forum also advocated reform by submitting evidence of alleged corruption to the KPK and proposing the creation of an independent body to end the Ministry's dominance.[28] This public pressure led to the enactment of Law Number 34 of 2014 and the establishment of BPKH. However, since the bill was initiated by the Ministry of Religious Affairs, the initial design of BPKH still reflected ministerial control.[29]

Although BPKH was established as an independent entity, Kemenag continues to exert significant control over financial reporting and accountability mechanisms. This legacy cannot be separated from the historical context in which, prior to the formation of BPKH, all Hajj funds were held in bank accounts managed directly by the Minister of Religious Affairs.[30] This is affirmed by Achmad Muchaddam Fahham from the DPR RI's Legislative Expert Body, who explained that Law No. 34/2014 was initiated by the government (specifically Kemenag), which at the time, still sought to keep BPKH under its institutional control. According to him, all forms of reporting had to be directed to Kemenag out of deference to the Minister at the time, given that the Hajj funds were previously under the minister's personal control. As a historical witness in the formation of the law, he emphasized that Kemenag's control over BPKH reporting was not only a matter of regulatory design, but also driven by historical and symbolic factors tied to Kemenag's longstanding role in managing Hajj finances. [31]

In this context, the establishment of BP Haji (Hajj Organizing Body) as a new entity through Presidential Regulation to replace Kemenag in Hajj implementation[32] complicates the institutional structure, especially since Law No. 8/2019 still designates Kemenag as the organizer. This creates a dualism

26 Ade Irawan, "Korupsi dalam Penyelenggaraan Haji", Koran Tempo, https://www.bpk.go.id/assets/files/attachments/2010/10/22-Koran-Tempo1.pdf, (diakses pada 9 Februari 2025).

27 Direktorat Penelitian dan Pengembangan KPK, *Laporan Hasil Kajian Sistem Penyelenggaran Ibadah Haji,* (Jakarta: KPK, 2019), 5.

28 Indonesia Corruption Watch "Laporan Tahunan Indonesia Corruption Watch 2009", https://antikorupsi.org/sites/default/files/dokumen/Laporan%2520Akhir%2520Tahun%2520ICW%25202009.pdf, (diakses 9 Februari 2025): 26

29 Kementerian Agama Republik Indonesia, "Naskah Akademik Rancangan Undang-Undang tentang Pengelolaan Keuangan Haji", (2012),77.

30 Article 21 of Law Number 13 of 2008 on the Organization of Hajj Pilgrimage in conjunction with Article 13 of Government Regulation Number 79 of 2012 on the Implementation of Law Number 13 of 2008 on the Organization of Hajj Pilgrimage.

31 Achmad Muchaddam Fahham, in a Focus Group Discussion on the Review of Law Number 34 of 2014 concerning Hajj Financial Management, held on January 24, 2025.

32 Shinta Milenia, "Presiden Prabowo Bentuk BP Haji Gantikan Fungsi Ditjen PHU Kemenag Mulai 2026!", *Kompas*, 1 Maret 2025 https://www.kompas.tv/regional/577315/presiden-prabowo-bentuk-bp-haji-gantikan-fungsi-ditjen-phu-kemenag-mulai-2026 (diakses 18 Juni 2025)

of authority that potentially causes legal uncertainty[33] and weakens the effectiveness of public policy.[34]

According to the theory of administrative power separation[35] and the principles of good governance,[36] overlapping authority without clear role boundaries may trigger conflicts of interest, hinder efficiency, and weaken accountability. In this regard, Kemenag's monopoly over regulation, operations, and oversight if not clearly addressed during BP Haji's activation risks policy incoherence.[37] Without regulatory clarity, the roles of BP Haji and Kemenag may collide. If BP Haji is given ministry-level status, the potential for inter-agency conflict will increase, with risks of competition in policymaking and program execution. The imbalance between the regulator (Kemenag) and the operator (BP Haji) creates implementation confusion and delays decision-making processes, as previously occurred during the transition of Hajj financial management from Kemenag to BPKH.[38]

Based on the above description, the dualism in Hajj administration in Indonesia potentially arises from unclear regulation and distribution of authority. With the emergence of BP Haji, this risk may escalate into a triadic power structure unless mitigated through: (a) clear delineation of authority among Kemenag, BP Haji, and BPKH; (b) the establishment of transparent coordination mechanisms in line with good governance principles; (c) the prevention of Kemenag's dominance over BP Haji to preserve operational independence; and (d) the development of comprehensive, effective, efficient, and accountable regulations. Without proper management, the complexity of Hajj governance will continue to worsen.

The fragmented and overlapping authority between BPKH and Kemenag reflects what Bovens conceptualizes as the institutional breakdown of accountability.[39] According to Bovens, accountability is a structured relationship in which an actor has the obligation to inform, explain, and justify his or her actions to a legitimate forum that can question and impose consequences.[40] In the context of current Hajj financial governance, this actor forum relationship becomes blurred because Kemenag is not legally required to report its fund utilization to BPKH, while BPKH remains accountable to the President and the House of Representatives. The absence of such a reporting mechanism disrupts the flow of information and evaluation that constitutes

33 Jimly Asshiddiqie, *Perkembangan & Konsolidasi Lembaga Negara Pasca Reformasi*. (Jakarta: Setjen dan Kepaniteraan MKRI, 2006), 102-110.

34 Ridwan HR, *Hukum Administrasi Negara.* (Jakarta: PT Raja Grafindo Persada, 2020), 78-85.

35 *Ibid*

36 United Nations Development Programme (UNDP). "Governance for Sustainable Human Development". *UNDP Publications*, (1997): 22-30.

37 Nurhadi. "Tumpang Tindih Kewenangan dalam Pengelolaan Haji di Indonesia: Studi Regulasi dan Implementasi," *Jurnal Hukum Tata Negara* 10, No. 1, 88-95.

38 *Ibid*

39 Mark Bovens, The Quest for Responsibility: Accountability and Citizenship in Complex Organisations (Cambridge: Cambridge University Press, 1998), 25-26.

40 Mark Bovens, "Analysing and Assessing Accountability: A Conceptual Framework," European Law Journal 13, no. 4 (2007), 450.

the essence of accountability, thereby creating a governance vacuum.

This situation illustrates what Bovens and Thompson refer to as the "problem of many hands" a condition in which responsibility is so widely dispersed among multiple actors that no single institution can be held fully accountable throughout the policy cycle of funding, implementation, and reporting.[41] As Bovens notes, "when no one can be held accountable afterwards, no one feels responsible beforehand."[42] Such diffusion of responsibility generates institutional opacity and erodes public trust, particularly in managing public funds that bear Kemenagl and religious significance such as the Hajj Fund.

Recent studies reaffirm the relevance of Bovens' accountability framework in multi-actor governance systems. Lee and Ospina emphasize that in collaborative governance, fragmented accountability demands often create tensions between vertical and horizontal accountability, making coordination across institutions difficult without a clearly defined accountability forum.[43] These findings collectively indicate that the fragmented authority between BPKH and Kemenag requires institutional realignment to restore clear reporting lines, enforce answerability, and strengthen the legitimacy of public financial governance.

3.2. Regulatory Disharmony in Hajj Implementation

The problems in Indonesia's Hajj financial reporting and accountability stem from regulatory disharmony between Article 52 of Law No. 34 of 2014 and Article 51 paragraph (1) of Law No. 8 of 2019. As the Hajj fund manager, BPKH is responsible for disbursing BPIH funds to Kemenag for hajj operational purposes. BPKH must also report these disbursements to the President and DPR through the Minister of Religious Affairs. However, although the funds are transferred to and utilized by Kemenag, neither Law No. 34 of 2014 nor Law No. 8 of 2019 requires Kemenag to report the use of such funds back to BPKH, even though detailed utilization data form part of BPKH's financial statements. This inconsistency results in inefficient reporting, as BPKH and Kemenag prepare their reports separately, increasing the risk of data discrepancies.

This disharmony has had a direct impact on financial reporting practices. The 2019 audit by BPK recorded the following findings: [44]

a. There was a discrepancy in BPIH data between BPKH and Kemenag. BPKH reported a transfer of IDR 14.63 trillion to Kemenag, while Kemenag recorded IDR 14.93 trillion, adding IDR 305.91 billion

41 Dennis F. Thompson, "Kemenagl Responsibility of Public Officials: The Problem of Many Hands," American Political Science Review 74, no. 4 (1980): 905–916.
42 *Opcit*, 29
43 Soonhee Lee and Sonia M. Ospina, "Managing Accountability Demands in Collaborative Governance," Journal of Public Administration Research and Theory 32, no. 4 (2022): 641–658.
44 Auditorat Utama Keuangan Negara V, *Laporan Hasil Pemeriksaan Atas Kepatuhan Terhadap Ketentuan Peraturan Perundang-Undangan Badan Pengelola Keuangan Haji Tahun 2019 Nomor 32.C/LHP/XVIII/05/2020*, (Jakarta: BPK, 2020), 44.

from untransferred efficiency balances from 1438H/2017 and 1439H/2018.

b. BPKH did not include Kemenag's operational expenditures sourced from the transferred BPIH in its own financial report.

c. BPKH made transfers not based on actual Hajj expenditure realization but on Kemenag's fund transfer requests.

d. Efficiency calculations were made on an accrual basis recording rights and obligations when they arise rather than on a cash basis as required. This created the risk of idle funds remaining with Kemenag due to recording differences.

BPKH stated that as of the completion of its 2019 financial statements, it had not yet received information on the efficiency funds from Kemenag. Nevertheless, BPK still addressed these findings to BPKH because, under Article 3(b) of Law No. 34 of 2014, BPKH is mandated to enhance the rationality and efficiency of BPIH utilization, even though it lacks direct access to Kemenag's fund management.

Regarding Kemenag's reporting, BPK noted that the Operational Financial Report on Hajj Implementation (LPKOPIH) dated 26 September 2023 did not include the 2023 BPIH efficiency balance. Instead, it only showed an ending balance as of 31 August 2023 amounting to IDR 1.21 trillion, since certain rights and obligations had not yet been settled when the Hajj Operational Financial Report (LKOPIH) was prepared as of 31 December 2023. Ideally, the efficiency balance should already have been recorded in the LPKOPIH. As a result, the 2023 BPIH efficiency remains unknown and cannot yet be returned to the Hajj Fund. The Directorate has also failed to follow up on similar findings from previous years, weakening oversight and evaluation of the Hajj operational budget. [45]

The lack of integration between BPKH's and Kemenag's financial reporting, as described above, directly undermines transparency and accountability in Hajj fund management. The public also lacks sufficient access to information on the use of operational Hajj funds, even though the government, as a public entity, has an obligation to ensure such transparency.[46] Within the framework of Agency Theory, Hajj pilgrims act as the principals who delegate authority to the agents (BPKH and Kemenag) to manage and implement Hajj operations. [47] However, differences in authority between the two institutions create information asymmetry and a risk of Kemenagl hazard, as BPKH bears financial accountability but lacks direct supervisory control

45 Auditorat Utama Keuangan Negara V, *Laporan Hasil Pemeriksaan Kepatuhan Atas Pertanggungjawaban Penyelenggaraan Ibadah Haji Tahun 1444H/2023M Pada Kementerian Agama dan Instansi Terkait Lainnya di DKI Jakarta dan Arab Saudi* (Jakarta: BPK, 2023).

46 Agustinus Salle, "Makan Transparansi dalam Pengelolaan Keuangan Daerah", Jurnal kajian Ekonomi dan Keuangan Daerah, https://core.ac.uk/download/pdf/229203944.pdf (diakses 20 Desember 2024).

47 Agus Defri Yando dan Mortigor Afrizal Purba, *Kecenderungan Kecurangan Akuntansi,* (Batam: Batam Publisher, 2020), 59.

over Kemenag.[48]

In contrast, Malaysia's Lembaga Tabung Haji (LTH) demonstrates an integrated governance model in which all financial and operational functions are managed within a single audited reporting framework. This integration shortens the accountability chain, reduces information asymmetry, and strengthens public trust. The comparison between Indonesia and Malaysia highlights fundamental differences in their legal design, institutional structure, and accountability mechanisms in Hajj financial reporting, as shown in the following table.

Table 2. Comparative Analysis of Hajj Financial Reporting and Accountability Systems in Indonesia and Malaysia

Aspect	Indonesia BPKH – MoRA/BP Haji	Malaysia Lembaga Tabung Haji
Legal basis	Law No. 34 of 2014 on Hajj Financial Management and Law No. 8 of 2019 on the Organization of Hajj and Umrah (dual legal entities).	Tabung Haji Act 1995 (Akta 535), which governs integrated fund collection, management, investment, and Hajj operations.
Institutional Structure	Separate bodies: BPKH manages funds, while MoRA/BP Haji handles operations.	A single independent institution managing savings, investments, and Hajj operations comprehensively.
Financial Reporting Mechanism	BPKH prepares the LP3KH (Hajj Financial Management Accountability Report), while MoRA prepares the LPKOPIH (Operational Financial Accountability Report); no cross-reporting obligation exists.	A consolidated financial report audited by the Auditor General and submitted directly to Parliament and the public through the Annual Report
Accountability Chain	BPKH reports to the President and Parliament through the Minister of Religious Affairs, while MoRA reports separately.	Tabung Haji maintains a single accountability line directly to Parliament and the pilgrims as stakeholders.
Transparency and Digitalization	Reporting systems between agencies are not digitally integrated; the public only accesses separate reports from BPKH and MoRA.	Financial and operational reports are digitally published through the e-THiJARI Portal and audited annually by external auditors.[50]
Regulatory and Supervisory Cohesion	Disharmony between Law 34/2014 and Law 8/2019 creates overlapping authority and audit gaps.	A single regulatory framework under the Tabung Haji Act 1995, supervised by the Auditor `General Malaysia and Bank Negara Malaysia.

Source: compiled from Law No. 34 of 2014 on Hajj Financial Management, Law No. 8 of 2019 on the Organization of Hajj and Umrah, Tabung Haji Act 1995 (Act 535), and Statutory Bodies (Accounts and Annual Reports) Act 1980 (Act 240).

Malaysia's model reflects strong institutional integration and centralized reporting. Within the Institutional Theory framework, LTH exemplifies coercive and normative pressures through mandatory public reporting and direct oversight by the national audit body, resulting in a clearer and more efficient accountability chain. Conversely, Indonesia's dual-law framework continues to

48 Neni Sri Imaniyati, dkk, *Pengelolaan Dana Haji Indonesia Kajian Dari Perspektif Ekonomi Syariah,* (Jakarta: Damera Press, 2022), 205.

cause regulatory fragmentation, where reporting obligations and supervisory authority remain disconnected.

Accordingly, Malaysia's experience provides valuable lessons for Indonesia to develop a more integrated reporting mechanism. Strengthening institutional coordination and establishing a unified digital reporting system between BPKH and the Hajj organizer (Kemenag/BP Haji) would harmonize accountability practices and align Hajj financial governance with the principles of transparency, efficiency, and good governance.

3.3. Inconsistencies in the Presentation of Financial Reports

To illustrate the regulatory inconsistencies in Hajj financial management reporting between BPKH Kemenag, the following table summarizes the differences in their respective legal bases, reporting obligations, and submission mechanisms as stipulated in Law No. 34 of 2014 and Law No. 8 of 2019.

Table 3. Comparison of Reporting Obligaton in Hajj Financial Management between BPKH and Kemenag

Aspect	BPKH (Law No. 34/2014)	MoRA (8/2019 and PMA No. 28/2019)	Inconsistency
Legal basis	Article 52 of Law No. 34/2014 concerning Hajj Financial Management.	Article 51(1) of Law No. 8/2019 concerning Hajj and Umrah Implementation; Articles 18–24 of PMA No. 28/2019.	Different laws regulate financial and operational reporting separately, causing fragmented accountability.
Reporting obligation	Must prepare the *Hajj Financial Management Accountability Report (LP3KH)*, audited by BPK.	Must prepare two reports: *Operational Financial Accountability Report (LPKOPIH)* and *Operational Financial Report (LKOPIH)*.	BPKH reports fund management, while MoRA reports operational use of funds; no reciprocal reporting between the two.
Reporting recipient	President and DPR through the Minister of Religious Affairs.	President and DPR (without reporting obligation to BPKH).	BPKH must report *through* MoRA, while MoRA is not required to report *back* to BPKH.
Audit mechanism	Audited by *BPK*.	Also audited by *BPK* but limited to compliance and operational expenditure.	Dual audit objects under different scopes create overlap and inefficiency.
Reporting content	Includes financial statements: realization, operational, cash flow, balance sheet, and notes to financial statements.	Includes operational budget realization and cash flow for each Hajj period.	No integrated format linking financial data (BPKH) and operational realization (MoRA).
Submission deadline	To MoRA by 20 July, then to President and DPR by 31 July each year.	Within 60 days after Hajj completion (LPKOPIH), and by year-end for LKOPIH.	Different reporting timelines hinder synchronization and consolidation.
Accountability relationship	Accountable for fund management, disbursement, and investment outcomes.	Accountable for operational implementation and fund utilization.	No direct accountability link BPKH bears responsibility for funds disbursed, while MoRA's fund usage is not reported back.

This comparison shows that the separation of reporting mandates between BPKH and the Ministry of Religious Affairs (Kemenag), as regulated under two different legal frameworks, creates accountability gaps, inconsistencies in reporting timelines, and overlapping audit responsibilities. These differing legal bases also reflect overlapping regulatory authorities that directly contribute to inefficiencies and fragmented accountability in Hajj financial reporting. The inconsistency in reporting stems from regulatory disharmony between Law No. 34 of 2014 and Law No. 8 of 2019, which have yet to establish an integrated reporting mechanism between BPKH and Kemenag. As a result, the reporting relationship between the two institutions does not function effectively, and the accountability for fund utilization cannot be fully verified.

This situation demonstrates that although BPKH is legally responsible for managing Hajj funds, its access to data on fund utilization by Kemenag remains limited. Such limitations weaken internal oversight and create gaps in the public accountability mechanism. In other words, the current reporting system has yet to ensure integrated information flow and effective fund utilization throughout the Hajj financial management cycle.

From the perspective of Legal Compliance Theory, this condition reflects weak normative compliance resulting from a regulatory framework that fails to establish synergy in inter agency reporting. More fundamentally, it indicates the absence of an effective accountability relationship as theorized by Bovens, who defines accountability as an institutional arrangement in which an actor is required to inform, explain, and be evaluated by a forum authorized to judge and impose consequences. In this case, the absence of a formal reporting obligation from Kemenag to BPKH undermines such a relationship and results in fragmented oversight that weakens transparency and trust in public financial governance.[49]

Under Article 53(3) of Law No. 34 of 2014, BPKH's reporting is regulated differently. The Executive Body and the Supervisory Board report directly to the President and DPR. Therefore, BPKH's reporting should no longer pass through the Ministry. This situation illustrates overlapping bureaucracies among institutions, leading to inefficiency. As an independent agency directly under the President, BPKH's relationship should be functionally coordinated rather than subordinated, enabling it to optimally carry out its duties in accordance with its legal mandate.

3.4. Self-Management Approach and Authorization Issues in the Accountability of Hajj Funds

Presidential Regulation No. 16 of 2018 concerning Government Procurement of Goods/Services (Perpres No. 16/2018) classifies the implementation of self-management (swakelola) Type I self-management is

49 M. Bovens. "Analyzing and Assessing Accountability: A Conceptual Framework". European Law Journal, 13(4).(2007): 447-468

carried out entirely by ministries/agencies/regional apparatus responsible for the budget. Type II is conducted by another government institution upon request from the authorizing entity, with control remaining in the hands of the authorizer. Type III involves community organizations (ormas) as implementers, with planning and supervision still under government institutions. Type IV is conducted by community groups, based on government planning or their own proposals, with implementation and supervision carried out by the group itself. [50]

Within this framework, the management of operational Hajj funds positions BPKH as the authorizing entity and Kemenag as the implementing party. Structurally, this authority arrangement closely resembles a Type II self-management scheme. However, problems arise when Kemenag is not formally obliged to report the fund utilization to BPKH, whereas BPKH continues to bear full legal responsibility for all managed funds, including those transferred to Kemenag.

The absence of a feedback mechanism from Kemenag to BPKH renders the Type II self-management scheme substantively ineffective, as BPKH is unable to exercise its control function. In such a scenario, the reporting responsibility borne solely by BPKH over funds it does not operationally control makes it resemble Type I self-management in practice albeit without authority over the actual implementation creating a legal and accountability anomaly.

The divergence in interpretation between BPK and the Financial and BPKP concerning Hajj fund reporting has led to different accountability approaches. BPK holds that since the funds originate from BPKH, their entire utilization must be recorded in BPKH's reports. This interpretation aligns substantively with a Type I self-management model, where transferring the funds does not release BPKH from accountability. Conversely, BPKP views the fund transfer as a full delegation (analogous to Type III self management), thereby assigning accountability to the implementer, i.e., Kemenag even though Type III in regulation refers to community organizations, the researcher draws a process analogy in this context.

The researcher argues that BPK's approach is more consistent with agency theory and the principles of public accountability, whereby BPKH retains reporting responsibility despite Kemenag being the executor. Accordingly, fund utilization reports by Kemenag must be an integral part of the BPKH Accountability Report (LP3KH). Placing reporting responsibility solely on Kemenag, as interpreted by BPKP, would eliminate BPKH's supervisory control and hinder BPK's audit access over public funds. Therefore, the researcher firmly maintains that every rupiah of Hajj funds utilized even when executed by another institution remains under BPKH's formal reporting obligation and must be accounted for through mechanisms aligned with the principles of transparency and public financial accountability.

50 Article 18 paragraph (6) of Presidential Regulation Number 16 of 2018 concerning Government Procurement of Goods/Services.

4. Recommendations for Improving the Hajj Financial Reporting Mechanism Based on Legislative Analysis

The financial reporting and accountability mechanisms for Hajj funds continue to face challenges such as role dualism, reporting inconsistencies, and potential Kemenagl hazards that hinder transparency and accountability. Therefore, the following improvement measures are required:

Building upon the above analysis, improving the efficiency and accountability of Hajj financial reporting requires restoring clarity of institutional roles and establishing a single chain of accountability. Consistent with the Principal–Agent framework, harmonizing Law No. 34 of 2014 and Law No. 8 of 2019 should realign BPKH's authority as the financial agent with the organizer's operational mandate (Kemenag or BP Haji), including a mandatory reporting obligation from the organizer to BPKH to close the information gap and strengthen supervisory control. Furthermore, adopting an integrated digital reporting system connecting BPKH, Kemenag/BP Haji, and audit institutions (BPK and BPKP) would minimize the diffusion of responsibility described in Bovens's "problem of many hands," thereby enhancing transparency, compliance, and public trust in Hajj fund governance.

4.1. Regulatory Harmonization

An analysis of Law No. 34 of 2014 and Law No. 8 of 2019 reveals regulatory gaps that require alignment to ensure legal certainty.[51] The following provisions require harmonization:

a. Article 9 of Law No. 34 of 2014

This article defines and regulates the placement of efficiency funds in the BPKH account.[52] However, it does not stipulate a reporting mechanism regarding the use of BPIH, which is the basis for the formation of such funds. Therefore, an additional provision is required to grant BPKH the authority to review financial reports submitted by the Hajj organizer. This proposal would strengthen accountability and transparency, while also providing a legal foundation for BPKH to evaluate the effectiveness of fund utilization. Accordingly, BPKH would not only act as a fund provider, but also as a supervisor of its usage accountability.

b. Article 24 of Law No. 34 of 2014

This article regulates BPKH's authority to place and invest Hajj

51 A.A. Oka Mahendra, "Harmonisasi Peraturan Perundang-Undangan." ditjenpp.kemenkumham.go.id. http://ditjenpp.kemenkumham.go.id/htn-dan-puu/421-harmonisasi-peraturan-perundang-undangan.html (diakses 16 Maret 2025).

52 Article 9 of Law No. 34 of 2014: "(1) The unutilised sum from the Organisation of the Hajj budget as referred to in Article 5 point c is generated from the proceeds of the unutilised operational cost from the Organisation of the hajj; (2) The unitilised sum from the Organisation of the Hajj budget as referred to in section (1) is placed on the Hajj Account"

funds based on sharia principles, benefit, security, and prudence.[53] However, it does not explicitly grant BPKH the right to receive reports on the use of BPIH funds that are transferred to the Hajj organizer. The absence of such provision creates an information gap and limits BPKH's role in comprehensive fund management.

Therefore, it is necessary to affirm that BPKH has the authority to receive and review reports on the use of BPIH funds by the organizer. This is vital to support accountability, efficiency, and the achievement of the goals of Hajj fund management as mandated by the law.[54]

c. Articles 26 (e) and 28 of Law No. 34 of 2014

These articles require BPKH to submit financial management reports to the Minister and the DPR every semester.[55] However, the phrase "through the Minister" contradicts BPKH's status as an independent public legal entity. This provision reinforces structural dependence on the Ministry of Religious Affairs and undermines BPKH's institutional autonomy. Therefore, the phrase "through the Minister" should be removed to align the regulation with the agency's independent character and to avoid overlapping bureaucratic layers.

Alternatively, the law could clarify that the report may be copied to the Minister or submitted after a joint discussion with the Hajj organizer, as a form of harmonized inter-agency reporting. A similar revision should also be applied to other provisions, including Article 28 paragraph (3)(d),[56] to ensure regulatory consistency.

d. Article 52 of Law No. 34 of 2014

Hajj financial reports by BPKH as stipulated in this article include reports on budget realization, operations, cash flow, balance sheets, and notes to financial statements.[57] However, they do not yet include an operational report on Hajj implementation. In fact, as per Article 3(b) of the same Law, one of the objectives of Hajj financial management is to improve the rationality and efficiency of BPIH usage. Therefore, operational financial reports from the Hajj organizer should be integrated into the BPKH report.

53 Article 24 of Law No. 34 of 2014: " In carrying out the duties as referred to in Article 22, BPKH has the authority to: a. place and invest the Hajj Fund in accordance with the principles of shariah, prudential, security, and profit; and b. cooperate with other institutions in relation to the Hajj Fund management."

54 Article 3 letter a of Law Number 34 of 2014 on Hajj Financial Management.

55 Articles 26 (e) of Law No. 34 of 2014: "To carry out the duties and functions as specified in Article 22 and Article 23, BPKH is obligated: (e) to report the implementation of Hajj Fund management periodically every six months to the Minister and DPR."

56 Article 28 paragraph (3)(d) of Law No. 34 of 2014: "In carrying out the duties as referred to in section (2), the executive board has the authority: (d) to propose to the President through the Minister the honorarium of the supervisory board and the executive board."

57 Article 52 paragraph (3) of Law No. 34 of 2014: "The financial statement as referred to in section (2) includes budget realization reports, operational reports, cash flow statements, balance sheets, and notes to the financial statements."

The 2019 audit by BPK revealed that BPKH's report merely reflects the amount transferred to the Ministry of Religious Affairs, without details on its usage. Hence, Article 52 paragraph (3) should be amended to include financial accountability reports on Hajj implementation. Consequently, the Hajj organizer's report must be submitted to BPKH, and the phrase "through the Minister" in paragraphs (5) and (7) should be removed to strengthen reporting integration and ensure consistency with the principle of accountability.

e. Article 51 of Law No. 8 of 2019

From the perspective of the Hajj organizer, the provisions of Article 51 of Law No. 8 of 2019 must be harmonized with Article 52 of Law No. 34 of 2014.[58] as the absence of a formal obligation for the Ministry of Religious Affairs to report the use of BPIH funds received from BPKH is one of the main causes of inefficiency in Hajj financial reporting. Harmonization can be achieved by adding a provision requiring the Ministry to submit financial accountability reports to BPKH.

In addition, derivative regulations, such as a Presidential Regulation or Ministerial Regulation, are needed to specify the report format, accountability mechanisms, and inter-agency data integration. This alignment would create coercive pressure, as explained in Institutional Theory, encouraging more comprehensive and accountable reporting.

The harmonization of these two laws is an essential step to resolve the overlapping roles between BPKH and the Ministry of Religious Affairs. The proposed amendment would clarify the division of roles, granting BPKH full control over the funds it manages, including oversight of their utilization, while strengthening normative compliance in line with Legal Compliance Theory, which emphasizes the importance of accountability and transparency.

4.2. Strengthening the Reporting Mechanism

An integrated operational financial reporting system between BPKH and the Ministry of Religious Affairs must be established to allow real-time data sharing. This system would enable monitoring of fund utilization and the preparation of more transparent and accountable reports, in line with the principles of good governance. Therefore, digitalization of reporting should be implemented to support efficient and error minimized reporting.

The digitalization of reporting would also enhance efficiency and public access to information, encouraging greater public participation in overseeing Hajj funds. In addition, this system would strengthen audit mechanisms by BPK and other supervisory bodies, thereby increasing trust in Hajj fund management. As

58 Article 51 paragraph (3) of Law No. 8 of 2019: "(1) The Minister shall submit a financial accountability report on the implementation of the Hajj to the President and the House of Representatives of the Republic of Indonesia no later than 60 (sixty) days from the completion of the Hajj implementation."

emphasized by Perry, digital governance initiatives not only improve efficiency but also enhance institutional accountability by enabling continuous oversight and access to financial information.[59]

This aligns with Glukh and Yefimenko, who highlight the necessity of digital analytics and reporting tools in reinforcing transparency and accountability within public financial control frameworks.[60]

Diamond also stresses that integrated reporting mechanisms are essential for aligning budget outcomes with institutional performance in public financial management.[61] This view is reinforced by Iacuzzi, Garlatti, and Fedele, who found that integrated reporting enables a holistic understanding of institutional performance by linking financial and non-financial data, thereby facilitating outcome-based strategic decision-making.[62]

4.3. Implementation of Good Governance Principles

The implementation of Good Governance principles must begin with greater transparency through the publication of financial reports that are easily accessible and understandable to the public. As the Hajj fund manager, BPKH is required to publish the LP3KH annually; however, its format should be presented more informatively to encourage public participation in monitoring Hajj fund management.

Accountability can be strengthened through independent oversight, involving BPK and other external institutions to ensure that financial reports accurately reflect actual conditions. From the perspective of Institutional Theory, independent supervision creates coercive pressure that drives improvements in accountability.

The application of transparency, accountability, efficiency, and participation plays a strategic role in enhancing public trust in Hajj fund management. Ensuring openness at every stage of reporting will strengthen the position of BPKH and the Ministry of Religious Affairs as credible and trustworthy public institutions.

5. Conclusion

Hajj financial reporting in Indonesia faces structural challenges due to the dual authority of BPKH and Kemenag. The disharmony between Law No. 34/2014 and Law No. 8/2019 has led to overlapping reports, unclear responsibilities, and

59 J. L. Perry. Electronic Government and Organizational Change. International Journal of Public Administration, 27(7), (2004): 489–513.

60 Maryna V. Glukh, & Yefimenko, V.O. (2025). Directions for Improving the Legal Status of the Accounting Chamber of Ukraine as a State External Financial Control Body. Journal of European Law, HeinOnline

61 J Diamond, Performance Budgeting: Managing the Reform Process. IMF Working Paper. (2003).

62 S. Iacuzzi, A. Garlatti, dan P. Fedele, *"Integrated reporting and change: Evidence from public universities," Journal of Public Budgeting, Accounting & Financial Management*, vol. 32, no. 3 (2020): 405–427.

audit blind spots. BPKH is still required to submit its reports through Kemenag, even though Kemenag is the fund recipient and has no obligation to report back. Differing interpretations between BPK and BPKP further weaken accountability, while the establishment of BP Haji risks adding fragmentation if institutional roles are not clearly defined.

These circumstances demand comprehensive corrective measures. Regulatory harmonization is essential to clarify the division of roles between BPKH, Kemenag, and BP Haji. In addition, Kemenag should be required to provide detailed reports on fund utilization, supported by an integrated digital reporting system, a permanent coordination forum, and unified audit interpretations among supervisory bodies.

Such reforms would strengthen transparency and accountability in Hajj fund management in line with the principles of good governance.

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