

The Inclusion Of Force Majeure Clause in The Umrah Contract Agreement in The Purview of Consumer Protection

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Abstract

In March 2020, thousands of Umrah packages were cancelled by the local tour operators and travel agents due to the decision made by the government of Saudi Arabia who banned the entry to Mecca and Medina due to the fast spread of COVID-19. Consequently, tour operators and travel agents respond differently to this extraordinary circumstance. Some of Umrah tour operators relied on the force majeure clause that included in their Umrah contract which waived them from the performance of the contract due to COVID-19 pandemic. Nevertheless, there were few companies which did not provide any force majeure clauses in their Umrah package contract which give rooms to the Umrah tour operators excusing themselves from the performance of Umrah contract. And even, there were companies which cancelled the Umrah contract without giving any compensation to the Umrah pilgrims. This paper attempts to provide better protection to the Umrah pilgrims when extraordinary circumstances happen and prevent the contracting parties performing the contract as agreed. Thus, this article is based on doctrinal research that adopts a qualitative approach where the data is collected through library research. The study concludes that there is no standard practice that has been followed by the Umrah tour operators and travel agencies in cases where there is a force majeure event that affects the performance of Umrah contract. Urgently, there should be a standard practice among the Umrah travel agents to include force majeure clauses in their Umrah package contract.

Keywords: Consumer Protection, COVID-19, Extraordinary Circumstances, Force Majeure, Umrah Pilgrims