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Consumer Legal Protection Against Investment Practices Under the Guise of Hajj and Umrah: A Review of Law Number 8 of 1999 Concerning Consumer Protection

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Abstract

This study aimed to analyze the forms of legal protection available to consumers and the legal liability of business actors in investment practices disguised as Umrah service offerings, based on Law Number 8 of 1999 concerning Consumer Protection. This research employed a normative legal method using statutory and conceptual approaches, supported by primary, secondary, and tertiary legal materials. The results showed that consumer protection in such practices consists of two forms: preventive protection through consumer education, regulatory supervision, and transparency of information, and repressive protection through the imposition of sanctions and the provision of compensation for consumers. However, in practice, such protection has not been effectively implemented, as demonstrated by the case of PT Global Insani, which revealed an imbalance between consumers and business actors, as well as limitations in the fulfillment of consumer rights. The legal liability of business actors includes civil, administrative, and criminal liability. Although business actors are normatively required to compensate consumers for losses suffered, such obligations have often not been optimally fulfilled in practice. Therefore, strengthening supervision, law enforcement mechanisms, and consumer awareness is necessary to achieve effective consumer legal protection.

Keywords: consumer protection; fraudulent investment; Umrah; legal liability; Consumer Protection Law.

INTRODUCTION

The implementation of Hajj and Umrah constitutes a religious activity with both legal and economic dimensions; therefore, its regulation falls under the responsibility of the state (Alfian & Rafianti, 2023; Aljawi, 2024; Bhatti et al., 2026; Mustafa, 2026; Naufal & Rozaq, 2026). In practice, the implementation of the Umrah pilgrimage does not only involve religious aspects but also establishes a legal relationship between organizers and pilgrims as service users. This legal relationship places pilgrims in the position of consumers who are entitled to legal protection (Aryaningsih & Nurhayati, 2025; Ghapa et al., 2025; Setiawan & Soewarno, 2024).

As public interest in Hajj and Umrah services continues to increase, various business practices have emerged that deviate from the objectives of legitimate Hajj and Umrah organization, including investment schemes disguised as Hajj and Umrah services. These practices generally offer financial benefits to the public by using religious labels or the pretext of financing Hajj and Umrah, thereby creating potential risks of financial loss for pilgrims.

Law Number 8 of 1999 concerning Consumer Protection provides a legal basis for protecting consumers from misleading business practices (Duivenvoorde, 2025; Fibrianti et al., 2023; Harjono et al., 2024; Peterson & Steinbaum, 2023; Subagyono et al., 2022; Yuanitasari et al., 2023). Meanwhile, Law Number 8 of 2019 concerning the Implementation of Hajj and Umrah regulates the governance and administration of Hajj and Umrah services. However, these legal instruments do not explicitly regulate investment practices conducted under the guise of Hajj and Umrah, resulting in legal issues concerning the effectiveness of consumer protection and the accountability of business actors. Previous studies indicate that legal protection for victims of illegal investment schemes continues to face various challenges, particularly regarding loss recovery and law enforcement (Kasim et al., 2025; Ramma, 2026; Rifai & Tisnanta, 2022; Sudarwanto & Kharisma, 2023; Susanto et al., 2023). Purba, Sany, and Christian Samuel LH (2024) found that compensation mechanisms for victims of illegal investments have not been optimally implemented, causing victims to frequently pursue independent civil claims. Anshori and Saka (2025) explained that investor protection against fraudulent investment schemes consists of preventive measures through education and public awareness campaigns, as well as repressive measures through restitution, compensation, and criminal sanctions. Dharma, Budiartha, and Arini (2024) emphasized the importance of strict regulations for technology-based investments to ensure legal certainty and effective government supervision. Meanwhile, Waluyo, Prawesthi, and Amiq (2025) highlighted that protection against illegal investment practices is based on the Consumer Protection Law, Capital Market Law, and Financial Services Authority Law, with the Financial Services Authority (Otoritas Jasa Keuangan or OJK) playing an important role in preventing and addressing illegal investments. Similarly, Clarence and Sugiyono (2024) concluded that legal protection for victims of illegal multi-level marketing (MLM)-based investments relies on these legal frameworks, along with class action mechanisms for obtaining compensation. In general, these studies focus on legal protection for victims of illegal investments; however, they have not specifically examined consumer protection and the legal liability of business actors involved in investment practices disguised as Hajj and Umrah services, which is the focus of this research.

This condition demonstrates the absence of explicit regulations governing investment practices under the guise of Hajj and Umrah services, as well as the existence of normative gaps within the current legal framework that may potentially harm consumers. Therefore, normative legal research is necessary to examine the forms of consumer legal protection against such practices and analyze the legal liability of business actors based on the Consumer Protection Law.

The urgency of this research is reinforced by the increasing prevalence of fraudulent investment schemes that exploit religious activities, causing significant consumer losses and weakening public trust in legitimate Umrah service providers. Data from the Financial Services Authority (Otoritas Jasa Keuangan or OJK) indicates the continued growth of illegal investment cases in Indonesia, with several schemes utilizing religious and social identities to attract public participation (OJK, 2025). The Financial Services Authority has identified that many illegal investment schemes operate through religious and social channels by exploiting public trust in religious values and institutions to legitimize their activities. This phenomenon highlights the need for stronger consumer protection mechanisms and regulatory reforms to address existing legal gaps and prevent further consumer victimization.

The novelty of this research lies in its specific examination of the construction of legal liability for business actors involved in investment schemes based on religious services, particularly Umrah, which has not been extensively studied from the perspective of the Consumer Protection Law. This study aims to analyze the forms of consumer legal protection against investment practices disguised as Hajj and Umrah services based on Law Number 8 of 1999 concerning Consumer Protection. Furthermore, this study examines the forms of legal accountability of business actors involved in such practices based on applicable laws and regulations. The research questions addressed in this study are: (1) To what extent does Law Number 8 of 1999 concerning Consumer Protection provide legal protection for consumers against investment practices under the guise of Hajj and Umrah services? (2) What are the forms and obstacles associated with the legal liability of business actors in recovering consumer losses arising from investment practices under the guise of Hajj and Umrah services?

METHOD

The research employed a normative legal research method with statutory and conceptual approaches. The statutory approach was conducted by examining relevant legal regulations concerning consumer protection and investment practices under the guise of Umrah, including Law Number 8 of 1999 concerning Consumer Protection, the Civil Code (Kitab Undang-Undang Hukum Perdata), the Criminal Code (Kitab Undang-Undang Hukum Pidana), Law Number 8 of 2019 concerning the Implementation of Hajj and Umrah, and regulations issued by the Financial Services Authority (Otoritas Jasa Keuangan or OJK). The conceptual approach was applied by referring to relevant legal theories, including Philipus M. Hadjon's (1987) theory of legal protection, consumer protection theory, and Hans Kelsen's (1961) theory of legal liability, to analyze consumer protection and the responsibilities of business actors in investment practices under the guise of Umrah.

The data used in this research consisted of secondary legal materials obtained through literature studies, including primary, secondary, and tertiary legal materials. Primary legal materials comprised relevant laws and regulations, while secondary legal materials included legal books, scientific journals, previous research findings, court decisions, and official publications. Tertiary legal materials consisted of legal dictionaries, legal encyclopedias, and other supporting references. The legal materials were analyzed using a normative juridical approach by interpreting and examining applicable legal provisions to identify the forms of consumer legal protection and the legal liability of business actors in investment practices under the guise of Umrah.

RESULTS AND DISCUSSION

To what extent Law Number 8 of 1999 concerning Consumer Protection provides legal protection for consumers in investment practices under the guise of Hajj and Umrah

Legal protection for consumers in investment practices under the guise of Hajj and Umrah based on Law Number 8 of 1999 concerning Consumer Protection basically includes two main forms, namely preventive and repressive legal protection. Preventive protection is carried out through education, socialization, and supervision by institutions such as the Financial Services Authority (OJK), while repressive protection is realized through the imposition of criminal sanctions and the provision of restitution or compensation to victims.

Preventive protection is an effort to prevent consumers from suffering losses through the regulation of rights and obligations, information transparency, and supervision of business actors. In this case, the law aims to create a consumer protection system that guarantees legal certainty, information disclosure, and increases consumer awareness in protecting their rights. Theoretically, preventive protection is realized through the establishment of legal norms and supervision mechanisms before violations occur.

Preventive legal protection against investment practices under the guise of Umrah is carried out through education, socialization, and supervision activities carried out by the Financial Services Authority (OJK), the Ministry of Religion, and the Task Force for the Eradication of Illegal Financial Activities (Satgas PASTI). OJK plays a role in improving people's financial literacy and providing warnings against illegal investments, while the Ministry of Religion provides guidance and supervision for Umrah travel organizers. Thus, preventive efforts aim to prevent consumer losses before violations of the law occur.

In the context of the UUPK, preventive protection is also reflected in Article 7 which requires business actors to be in good faith in running their businesses and provide true, clear, and honest information about the conditions of services offered to consumers. This obligation is very important in investment practices under the guise of Umrah because in general business actors offer big profits or cheap Umrah fees to attract public interest. If business actors do not provide correct and transparent information, it is a form of violation of consumer rights that can cause losses to the public as consumers of investment services.

On the other hand, repressive protection is provided after the occurrence of losses through dispute resolution mechanisms and the provision of compensation to consumers. In the journal Commerce Law, it is explained that repressive protection is carried out through the imposition of legal sanctions in the form of fines, prison sentences, and additional punishments in accordance with the provisions of laws and regulations. Based on the provisions of the UUPK, business actors are legally responsible to provide compensation for losses experienced by consumers, which can be in the form of refunds, replacement of equivalent goods or services, or other forms of compensation in accordance with the provisions of laws and regulations. In addition, dispute resolution can be pursued through out-of-court mechanisms such as mediation, conciliation, and arbitration, as well as through the courts as a last resort in enforcing consumer rights. Thus, normatively the UUPK has provided a fairly complete instrument in protecting consumers from adverse business practices, including in the context of investment under the guise of Umrah.

Although normatively Law Number 8 of 1999 concerning Consumer Protection has provided a fairly comprehensive protection instrument through the regulation of consumer rights, business actors' obligations, and compensation mechanisms, the effectiveness of its application in investment practices under the guise of Umrah still faces various obstacles. The ineffectiveness is caused by several factors.

First, low legal literacy and financial literacy of the public cause consumers to tend to be easily influenced by investment offers wrapped in religious legitimacy. Second, weak preventive supervision from the authorized institutions causes the practice of collecting public funds to often be detected after causing mass losses. Third, the mechanism for recovering consumer losses is often hampered by the limited assets of business actors so that legal rulings do not always provide effective recovery for victims. This condition shows that normative protection in the UUPK has not been fully followed by the effectiveness of implementation in the field.

One form of legal protection provided by the UUPK is the recognition of consumer rights as stipulated in Article 4, which includes the right to comfort, security, and safety in consuming services, the right to get true, clear, and honest information, and the right to have their complaints heard and get proper dispute resolution. In the practice of investment under the guise of Umrah, consumers often do not get clear information about the investment risk, the products offered, or the payment structure. However, because of a profit-sharing scheme that recognizes itself as a legitimate investment. Many consumers are interested in such schemes without knowing they have fallen victim to fraud, and this shows a weakness in law enforcement with regard to transparent and correct information. This makes it difficult to enforce the law under the Consumer Protection Act because the services sold are not clearly defined in the legal context and profit-sharing investments often misuse information to attract consumers, which are supposed to be protected by the Consumer Protection Act.

From a normative perspective, there is a normative gap related to the supervision of investment practices that use the guise of Umrah travel services. The UUPK does regulate consumer protection in general, but it does not specifically regulate the characteristics of covert investment based on religious services.

Meanwhile, Law Number 8 of 2019 concerning the Implementation of Hajj and Umrah focuses more on the technical aspects of the implementation of pilgrimage trips and has not explicitly regulated the scheme to raise public funds through the Umrah investment model.

This gap creates a legal loophole that can be exploited by business actors to offer programs that formally appear to be worship travel services, but are substantially a fundraising scheme that risks harming the community.

However, in practice, the legal protection often does not run optimally. This can be seen from the position of consumers who are generally weaker than business actors, both in terms of information, economy, and the ability to claim their rights. Investors in investment practices, including Umrah investments, are basically also positioned as consumers so that they are entitled to the same legal protection. This weakness in position makes consumers vulnerable to becoming victims of fraudulent practices or illegal investments that take advantage of public trust, especially in religious activities such as Hajj and Umrah.

This condition is reflected in the case of PT Global Insani, where based on the results of a personal interview with Advocate Debby Eko Prasetyo, S.H., the ideal form of legal liability should be the reimbursement of all customer losses (repressive). This is in line with the provisions of the UUPK which requires business actors to provide full compensation for consumer losses. However, in reality, the return of losses is carried out gradually and only 50% of the total losses. In fact, there was an agreement between the company and the customer in 2017 which stated that the return was made only half of the loss and after that the customer could no longer sue. This condition shows an imbalance of position between business actors and consumers, where consumers tend to accept the deal due to limited options and concerns about not getting a return at all.

In addition, obstacles in the implementation of legal protection are also influenced by the limited assets of business actors which are not proportional to the total losses experienced by consumers. This results in the process of recovering losses running slowly and incompletely, so that the goal of legal protection to provide justice and legal certainty for consumers is not fully achieved. Theoretically, legal protection does aim to provide a guarantee of justice and certainty for the aggrieved party, especially consumers as a weak party in legal relations, but in practice the effectiveness of such protection depends on the ability of business actors to fulfill their responsibilities and the effectiveness of law enforcement by the state.

What are the forms and obstacles to legal liability of business actors in recovering consumer losses in investment practices under the guise of Umrah

The form of legal liability of business actors in investment practices under the guise of Hajj and Umrah based on applicable laws and regulations includes civil, administrative, and criminal liability. This responsibility arises because business actors take actions that are detrimental to consumers through the offer of investment programs and Umrah trips that are not in accordance with the promises given to customers. In the case of PT. Global Insani, consumers suffer material losses because the deposited funds are not used according to the provisions, so that the departure of Hajj and Umrah and the promised profits are not realized.

Normatively, the liability of business actors is regulated in Law Number 8 of 1999 concerning Consumer Protection (UUPK). Article 7 of the UUPK states that business actors must be in good faith in running their business, convey true, clear, and honest information regarding the conditions of the services offered, and provide compensation or compensation if the services are not in accordance with the agreement. In the practice of investment under the guise of Hajj and Umrah, business actors who neglect this obligation can be held legally liable for violating consumer rights as stated in Article 4 of the UUPK, namely the right to correct information, the right to comfort and security, and the right to compensation. This shows that every business actor who does not fulfill the agreement or provides misleading information is obliged to account for his actions, both civil and criminal. In practice, this legal responsibility is not only limited to the return of losses, but also includes the moral and legal obligation to act honestly and transparently in running a business.

In addition to violating the obligations of business actors, the disguised investment practices of Hajj and Umrah can also be classified as a violation of Article 8 of the UUPK because business actors offer services that are not in accordance with the conditions, guarantees, or promises promoted to consumers. In the case of PT. Global Insani, consumers are promised Umrah departures and certain investment benefits, but in reality it is not realized according to the agreement, causing losses for customers. Therefore, business actors are obliged to be responsible for the losses experienced by consumers.

The main form of liability in the case is the provision of compensation in accordance with Article 19 paragraph (1) of the UUPK, which states that business actors are obliged to provide compensation for damage or loss to consumers due to the use of the services offered. The compensation can be in the form of refunds, reimbursement for similar services, or other compensation in accordance with laws and regulations. Based on the results of a personal interview with Advocate Debby Eko Prasetyo, S.H., PT. Global Insani returns losses to customers in stages due to the company's limited assets. However, the return has not fully fulfilled the rights of consumers, because some customers have not received a complete replacement.

From the civil aspect, business actors have an obligation to recover losses experienced by consumers through a compensation mechanism. This compensation can be in the form of a refund that has been deposited by the consumer or other forms of compensation that are proportional to the losses incurred. In the context of illegal investment, recovery of losses is often the main focus because it is directly related to the economic rights of the victim.

However, in practice, the fulfillment of compensation does not always run optimally, especially if business actors do not have adequate assets to cover all consumer losses.

In addition to civil liability in the form of compensation, business actors can also be held accountable based on the concept of default or unlawful acts in civil law. Default occurs when business actors do not carry out their obligations as agreed, for example not dispatching Umrah pilgrims according to the agreement. In addition to default, investment practices under the guise of Umrah can also be qualified as unlawful acts (PMH) as stipulated in Article 1365 of the Civil Code, because the actions of business actors have contradicted legal obligations and caused losses to consumers. The element of PMH can be seen from the actions of business actors who offer investment programs and Umrah services that are not in accordance with reality, causing material losses for customers. Thus, consumers have the right to demand legal accountability against business actors through litigation and non-litigation channels in order to obtain legal certainty and restoration of their rights. In the context of modern consumer protection, it is even known as the principle of strict liability which emphasizes that business actors remain responsible for consumer losses without the need to prove the elements of fault. This shows that the law provides stronger protection to consumers as weak parties.

In addition, business actors can also be subject to administrative and criminal sanctions if proven to violate the provisions of laws and regulations. The UUPK stipulates that business actors who do not fulfill their obligations or violate the prohibition can be subject to administrative sanctions, civil sanctions, or criminal sanctions. In the practice of investment under the guise of Hajj and Umrah, if elements of fraud, embezzlement, or misleading information are found, business actors can be charged with the applicable criminal provisions, both in the Law and the Criminal Code. In this case, criminal law functions as a repressive instrument that aims to provide a deterrent effect to the perpetrator while maintaining order in society. The imposition of criminal sanctions does not remove the obligation of the perpetrator to continue to compensate the victim, so that the two forms of liability can run simultaneously. In addition, if the business actor does not meet the obligation to compensate, the consumer can file a lawsuit through the Consumer Dispute Resolution Agency (BPSK) or through the court.

When associated with investment practices, investors in online investment or Umrah investment are seen as consumers who are entitled to the same legal protection. Therefore, business actors are obliged to provide true, clear, and honest information and be responsible for any losses incurred due to their business activities. However, in practice, there are often irregularities where business actors do not carry out these obligations in full. This is reflected in the case of PT Global Insani, where based on the results of a personal interview with Advocate Debby Eko Prasetyo, S.H., the form of legal liability that should be carried out is the reimbursement of all customer losses. However, in its implementation, the return of losses is carried out in stages and only 50% of the total loss, which is based on an agreement between business actors and customers in 2017.

Normatively, the Consumer Dispute Resolution Agency (BPSK) is an out-of-court dispute resolution forum designed to provide fast, simple, and low-cost access to resolution for consumers. However, in the context of investment under the guise of Umrah, the effectiveness of BPSK is still limited.

These limitations are due to the complexity of cases that not only concern ordinary consumer disputes, but also often contain criminal elements such as fraud and embezzlement. In addition, the limitation of the executive authority of BPSK decisions is an obstacle in ensuring effective recovery of consumer losses.

Therefore, in the case of investments under the guise of Umrah that cause large losses, the litigation mechanism through the courts is often more relevant than settlement through BPSK.

This condition shows that although normatively business actors have an obligation to compensate all consumer losses, in practice this liability is not carried out optimally. Partial loss refund agreements even have implications for the loss of consumers' right to further sue, which essentially reflects an imbalance of positions between business actors and consumers. In addition, the main obstacle in the implementation of legal liability is the limitation of business actors' assets that are not proportional to the total losses of consumers, so that the process of recovering losses is slow and not fully fulfilled. This shows that the effectiveness of legal accountability is not only determined by the existence of the rule of law, but also by the ability of business actors to fulfill their obligations and the effectiveness of law enforcement by the state.

The problem of investment under the guise of Umrah shows the need for regulatory harmonization between the Consumer Protection Law, the Law on the Implementation of Hajj and Umrah, as well as regulations on the supervision of public fund collection by the Financial Services Authority.

This harmonization is needed so that there is clarity in the division of supervisory authority, a more integrated prevention mechanism, and a more effective legal protection system for consumers. Without regulatory harmonization, the potential for overlapping authority and weak supervision will continue to open up space for illegal investment practices based on religious sentiments.

The case of PT Global Insani shows that there is a gap between normative legal protection and factual implementation. Normatively, Article 19 of the UUPK requires business actors to provide full compensation. However, the reality of the return on losses which only reaches about 50% shows that the effectiveness of the norm is highly dependent on the financial ability of business actors and the effectiveness of law enforcement by the state. Thus, the main problem does not lie in the absence of norms, but in the weak preventive supervision mechanism and the execution of consumer rights restoration.

CONCLUSION

Based on the research findings, it can be concluded that Law Number 8 of 1999 concerning Consumer Protection has normatively provided a comprehensive legal framework for protecting consumers against investment practices under the guise of Umrah services through preventive and repressive protection mechanisms. Preventive protection is implemented through the obligation of business actors to act in good faith and provide accurate, clear, and honest information to consumers. Meanwhile, repressive protection is realized through compensation mechanisms, dispute resolution procedures, and the imposition of sanctions against business actors who cause consumer losses. However, in practice, such legal protection has not been effectively implemented due to limited public legal and financial literacy, weak supervision of public fund collection practices, and regulatory gaps concerning investment schemes conducted under the guise of Umrah services.

The legal liability of business actors includes civil, administrative, and criminal liability, which in principle requires business actors to compensate consumers for losses suffered. However, as reflected in the case of PT Global Insani, the implementation of such liability has not been carried out optimally due to limitations in the assets and financial capacity of business actors, resulting in consumer compensation being fulfilled only partially and gradually. Therefore, strengthening supervisory mechanisms, harmonizing regulations, improving public literacy, and enhancing law enforcement effectiveness are necessary to ensure stronger legal protection and optimal restoration of consumer rights.

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