

INTERNATIONAL JOURNAL OF LAW,
GOVERNMENT AND COMMUNICATION
(IJLGC)
www.ijlgc.com



UNVEILING HOLIDAY PACKAGE SCAMS: A LEGAL ANALYSIS UNDER MALAYSIAN LAW

Nur Khalidah Dahlan^{1*} & Hadi Affendy²

¹ Faculty of law, The National University of Malaysia (Universiti Kebangsaan Malaysia), Selangor, Malaysia.
Email: nurkhalidahdahlan@ukm.edu.my

² Faculty of Information and Science Technology, The National University of Malaysia (Universiti Kebangsaan Malaysia), Selangor, Malaysia.
Email: had86@ukm.edu.my

* Corresponding Author

Article Info:

Article history:

Received date: 16.06.2025

Revised date: 22.07.2025

Accepted date: 20.08.2025

Published date: 11.09.2025

To cite this document:

Dahlan, N. K., & Affendy, H. (2025).
Unveiling Holiday Package Scams: A
Legal Analysis Under Malaysian Law.
*International Journal of Law,
Government and Communication*, 10
(41), 397-408.

DOI: 10.35631/IJLGC.1041026

This work is licensed under [CC BY 4.0](https://creativecommons.org/licenses/by/4.0/)



Abstract:

Tourists are sometimes unaware of any act of fraud that may be contained in their holiday or travel packages, which are usually handled by the travel agents. These types of fraud are being identified as civil offenses. The purpose of this fraud act is to con their victims. One of the most common ways is by promoting fraudulent holiday or travel packages to them. This article used qualitative methodology, which is a doctrinal and comparative research method through which, it compared the pertinent literature on the relevant laws in terms of fraud cases. It also discusses relevant legal provisions in Malaysia which are enforced against these illegal activities. Three significant statutes are relevant to acts of fraud i.e. the Consumer Protection Act 1999, the Contracts Act 1950, and the Penal Code. Relevant cases are also cited to enable readers to understand and further analyze these illegal activities under civil and criminal jurisdictions

Keywords:

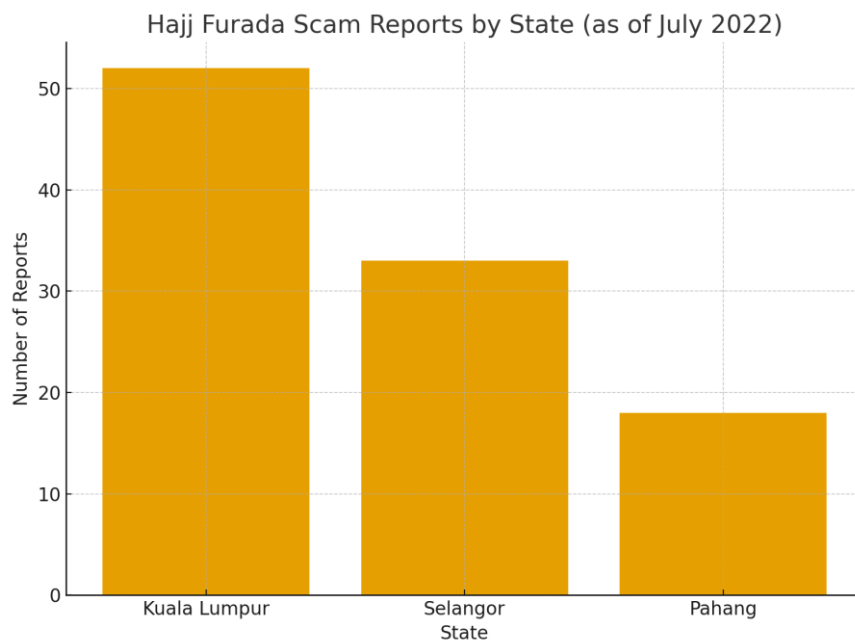
Fraud, Tourism Law, Consumer Protection, Contract, Criminal Offence

Introduction

In 2022, the Malaysian Ministry of Tourism, Arts, and Culture (MOTAC) is serious and concerned about the Hajj Package scams Furada by a travel agency on Malaysian families stranded at KLIA which occurred on 8th July 2022. Based on the Ministry's review, the travel agency is licensed with MOTAC. MOTAC enforcement team also monitored and interviewed company representatives at KLIA and were informed if potential pilgrims do not get flights as scheduled, money will be refunded in stages and passports returned. In addition, if Malaysians

are a victim in the case of not getting back the money as promised, they are advised to make a police report at the KLIA Main Terminal Building (MTB) Police Station or any nearby police station (MOTAC, 2022).

Table 1. Hajj Furada Scam Reports and Losses by State (as of July 2022)



The case was far-reaching: police reports revealed that by the end of July 2022, 132 complaints had been recorded nationwide, involving over 336 victims, with estimated losses exceeding RM 5.6 million (Malay Mail, 2022; Astro Awani, 2022). Kuala Lumpur alone accounted for 52 reports, amounting to RM 2.3 million, followed by Selangor (33 reports, RM 966,100) and Pahang (18 reports, RM 1.2 million). Early investigations were initiated under the Tourism Industry Act 1992, particularly Section 8(1)(d), which empowers the Ministry to suspend or revoke licenses if the agency's activities are deemed harmful to the public interest (Therakyatpost, 2022).

| State | Number of Reports | Estimated Losses (RM) |
|--------------|-------------------|-----------------------|
| Kuala Lumpur | 52 | 2,300,000 |
| Selangor | 33 | 966,100 |
| Pahang | 18 | 1,200,000 |

Figure 1. Number of Scam Reports by State (July 2022)
(Bar chart showing Kuala Lumpur, Selangor, and Pahang as the most affected states.)

Source: Malay Mail (2022); Astro Awani (2022).

Tourists fly for several reasons (Jaswir & Ramli, 2017; Mohd Zahir et al., 2021; Alsharif et al., 2023). One of the goals is for a holiday, to release the stressful work and seek a peaceful environment which is away from their routine life. However, problems that occur in the tourism sector are often associated with fraud, misrepresentation, and contractual disputes (Rahim et al., 2021; Yusof et al., 2022). Such cases expose tourists, especially vulnerable groups such as elderly pilgrims, to exploitation. Addressing these issues requires reliance on a combination of statutes, including the Tourism Industry Act 1992, Contracts Act 1950, Consumer Protection

Act 1999, and others, which collectively provide the legal framework for consumer redress, contractual enforcement, and regulatory oversight. This case highlights the systemic vulnerabilities in Malaysia's tourism sector despite existing licensing regulations. It also underscores the urgent need for stricter monitoring, consumer education, and coordinated enforcement to ensure that tourism, especially faith-based travel like Hajj and Umrah, remains safe and trustworthy for all Malaysians.

Methodology

This study employs a qualitative methodology that combines both doctrinal and comparative research methods. The doctrinal approach was adopted to analyze legal sources such as statutes, regulations, case law, and policy documents relevant to tourism fraud and consumer protection in Malaysia. This method enables a systematic interpretation of the law, particularly in relation to the Tourism Industry Act 1992, the Contracts Act 1950, and the Consumer Protection Act 1999, as well as the extent of their applicability in addressing fraud in the tourism sector. The comparative approach, on the other hand, allowed the study to evaluate how similar issues of fraudulent tourism practices are addressed in other jurisdictions such as Indonesia and Saudi Arabia, thereby offering insights into best practices that could inform reforms in the Malaysian legal framework.

The data relied upon in this article were drawn entirely from secondary sources. These included legislation and related legal instruments, official government documents such as enforcement reports and press releases issued by the Ministry of Tourism, Arts, and Culture (MOTAC), police reports made available through the Royal Malaysian Police (PDRM), as well as tribunal decisions from the Tribunal for Consumer Claims Malaysia (TTPM). In addition, annual reports, scholarly literature, and verified media coverage from outlets such as *Malay Mail*, *Astro Awani*, and *The Rakyat Post* were also examined. The focus of the population was Malaysian consumers, particularly pilgrims affected by fraudulent Hajj packages, but given the doctrinal nature of this research, the analysis relied on aggregated data rather than individual accounts. For example, as of July 2022, police confirmed 132 reports involving 336 victims, with financial losses exceeding RM 5.6 million.

The study did not utilize surveys or interviews as data collection instruments, but instead adopted a document analysis protocol. Following Krippendorff's (2018) conception of content analysis, the study treated documents as data, extracting and coding information to identify recurring themes and legal issues. Content analysis ranged from basic quantitative measures, such as tracking the frequency of terms like "fraud," "license," or "refund," to more complex thematic and conceptual analysis, which helped to highlight patterns across different sources. This approach was particularly relevant because the research examined the substance of statutory provisions, tribunal rulings, and enforcement practices to evaluate the strengths and weaknesses of the existing regulatory framework.

The analysis proceeded in several stages. First, the relevant laws, regulations, and literature were reviewed to establish the conceptual and legal background of tourism fraud. Second, data were collected from statutes, reports, tribunal records, and media coverage, and coded into themes relating to types of fraud, the legal provisions most frequently invoked, and the enforcement responses taken by authorities. Third, doctrinal legal analysis was carried out to interpret the statutory framework and assess how it has been applied in actual cases. Fourth, comparative analysis was conducted by examining how other jurisdictions regulate fraudulent

practices in the tourism sector, which provided points of contrast and suggested areas for improvement in the Malaysian context. Finally, triangulation was used to cross-check findings across multiple sources such as the statutes, government statements, police statistics, and media reports. This is to strengthen the reliability of the conclusions drawn.

The overall research process can be illustrated as a sequence of steps beginning with the identification of the problem, followed by the review of laws and literature, the collection of secondary data, the coding and thematic analysis of documents, doctrinal and comparative legal analysis, triangulation of findings, and finally, the formulation of discussions and recommendations. This process ensured that the study maintained academic rigor while also capturing both the legal and practical dimensions of tourism fraud in Malaysia.

Development of Tourism and Law

Tourism comes under the Federal List of Federal Constitution in Malaysia. The federal government is responsible for overall tourism planning and development. This falls under the jurisdiction of the Ministry of Tourism and Culture (MOTAC), which has state offices that coordinate tourism planning and development in various states. The federal government regulates the tourism sector in various ways. The federal government lays down policies that affect the tourism sector. Although policies and guidelines do not have the force of law, government officials and the private sector tend to conform to them, as they embody the directions of the government.

Malaysian laws may be written or unwritten. Written laws generally refer to the statutes enacted by Parliament. Examples of statutes that directly affect the tourism or hospitality industry are the Innkeepers Act 1952, The Food Act 1983, the Tourism Industry Act 1992, and others.

Definition of Fraud

Fraud is committed when a person makes an untrue statement, conceals a fact, has no intention to perform the promise he makes, or performs any act to deceive. Where a person must speak, or where his silence amounts to speech, fraud could result from his silence.

Fraud is the use of deception to dishonestly obtain one's own benefit and/or to cause harm to another (Arowosaiye, 2012; Achim et al., 2021; Saddiq & Abu Bakar, 2019). Even though definitions vary, most definitions are based on this general theme which is the intention to defraud other people. The reasonable and acceptable definition in the context of evidence relies on the circumstances of the case and the degree required for evidence admissibility; it should be highlighted that fraud can arise in cases of forgery and falsification (Abdul Hadi & Paino, 2016; Hussin et al., 2023).

Under the law, fraudulent activity can be an offence either in civil or criminal offence. It depends on the evidence and the circumstances of the case. Fraud cases under civil jurisdictions are usually related to contracts that deal with goods and services. Provisions of the statutes that are connected with any act of fraud include section 53 of the Consumer Protection Act 1999 (CPA), section 17 of the Contracts Act 1950, and section 17 of the Trade Description Act 2011. Whereas fraud cases under criminal jurisdictions usually refer to sections 415, 417, and 420 of the Penal Code.

Legal provision related to fraud cases under the civil jurisdiction

Sustainable tourism as defined by The World Tourism Organization (UNWTO) is tourism that takes full account of current and future economic, social and environmental impacts...

(TNR, 12, single spacing, justify)

Section 3 of the Consumer Protection Act 1999 (CPA) defined “services” as the granting of contractual rights, benefits, privileges, or facilities that excluded rights, benefits, or privileges involving the supply of goods or work performance. For instance, Hajj and Umrah travel agency services were apparently within the section definition. On another note, CPA defines “consumer” as an individual who:

- (a) acquired or employed services for personal, domestic, or household reasons and consumption; and
- (b) failed to personally acquire or utilize the trade services resupplies and consumption during the manufacturing process.

As such, consumers were not necessarily buyers or contracting parties. Moreover, Part II of CPA (legal provisions that eliminated student parties’ victimization by service providers) managed deceptive conduct, false representations, and unfair implementations. For example, the duty to provide services with reasonable care and skill, in which a package tour contract is considered a contract or supply of services. Section 53 of the CPA implies that a contract between a supplier and a customer is a guarantee that the services will be carried out with reasonable care and skill. For instance, when a travel agent sells a customer accommodation in a hotel that he knows to be infested with cockroaches, he has not exercised reasonable care and skill.

Regarding dissatisfactory services given by the tour operator, we can look at the case of (*Hello Holidays Sdn Bhd v Phang Lai Sim and Other Applications* (2014), n.d.). The court decided that section 53 of the CPA was applicable and relevant when concerning a dispute in a tour package carried out by a tour operator or travel agent. The court also agreed with the award made by the Consumer Claims Tribunal, which was the Tribunal awarded the respondents a sum of RM5,045.

Besides CPA, the Contracts Act 1950 indicates a relevant statute for contractual issues. Essentially, the legislation offered standard contract-based terms and conditions between travel and tour operators and holidaymakers. For example, section 17 of the Contracts Act 1950 defined “fraud” as any act committed to contractually bind another party with misleading statements. Such fraudulent contracts could be terminated. In this disposition, the Contracts Act 1950 is another legislation that offered tourists protection against fraud, representations, and unfair implementations.

In the case of (*Hotel Travel Ltd & Anor v Chong Chung Yee* (2021), 2021) the judge had mentioned the necessity to prove any act of fraud that involves documentation. The elements to prove fraud must comprise a wilful act; with the intent to deprive another of his lawful entitlement; brought forth vide illegal or inequitable means; and had caused damage and losses. With agency law, a tour operator enters into an agency relationship with a travel agent when he engages the travel agent to sell his tour packages. Importantly, an agent owes the principal a fiduciary duty such as a duty to act in the best interest of the principal. This means that, among other things, a travel agent should act following the tour operator’s instruction, exercise his

duty with reasonable care and skill, and where relevant, inform the tour operator of information vital to the performance of a package tour.

In preventing fraudulent practices among travel agents, the Tourism Industry Act 1992 (TIA) decreed mandatory travel agency registrations. Travel agencies operating without a valid license was an offence under section 5(3) of TIA 1992. The primary aim of travel agency registration involved monitoring agency activities that ensured the protection of consumer interests. Moreover, license holders must be members of the Malaysian Travel and Tour Association (MATTA) or other relevant counterparts endorsed by the Commissioner of Tourism Industry (Tour Operating Business and Travel Agency Business Regulations 1992), such as the Malaysian Chinese Travel Association (MCTA) and Bumiputra Travel and Tour Agents Association (Bumitra).

Thus, it can be summed up that there are few relevant legislations about the commission of fraud under civil jurisdiction. The main legislations are the Consumer Protection Act 1999, Contracts Act 1950, and Tourism Industry Act 1992 which regulate issues relating to fraud within the ambit of the law. Other than these legislations, other laws can be used in fraud cases, including the criminal law.

Legal provision related to fraud cases under the criminal jurisdiction

The word “fraud” is not described in the Penal Code of Malaysia. Nevertheless, the statute adopts the word “cheating”, which is equivalent to fraud. The general provision of section 415 Penal Code states:

“Whoever by deceiving any person, whether or not such deception was the sole or main inducement,

- a. fraudulently or dishonestly induces the person so deceived to deliver any property to any person, or to consent that any person shall retain any property; or*
- b. intentionally induces the person so deceived to do or omit to do anything which he would not do or omit to do if he were not so deceived and which act or omission causes or is likely to cause damage or harm to any person in body, mind, reputation, or property, is said to “cheat”.*”

Now, if we look closely at the wording of section 415, the pre-requisite for the act of cheating is that a person must be deceived. The punishment for cheating is provided for in section 417 of the Penal Code. Section 417 states:

“Whoever cheats shall be punished with imprisonment for a term which may extend to five years or with fine or with both.”

In addition to the general provisions, several specific provisions are also provided for in the Penal Code. For example, about cheating and dishonestly inducing delivery of property, section 420 of the Penal Code states:

“Whoever cheats and thereby dishonestly induces the person deceived, whether or not the deception practiced as the sole or main inducement, to deliver any property to any person, or to make, alter, or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security, shall be punished with imprisonment for a term which shall not be less than one year and not more than ten years and with whipping, and shall also be liable to fine.”

There was an unreported case that touched the issue under section 420 of the Penal Code. The case involved an investment in Umrah activities. The case is *Umi Nusmayah Binti Mohd Yusof v Pendakwa Raya* (2019). The facts of the case were the respondent in this case appealed to the High Court regarding her charges of cheating. The respondent is accused of cheating by way of the respondent promising the victim the lease investment of Hotel Durat Al-Andalus in Medina which does not exist. The charges were made under an offence punishable under section 420 of the Penal Code. The court's decision, in this case, was that it was clear that what happened was not a breach of contract but a criminal offence of fraud. The accused's actions claim that he is a licensed agent to arrange hotel leases in Mecca and Medina and also based on trust in a friend known for 20 years and known as a person who manages Hajj and Umrah affairs, is an encouragement by the accused to the victim to hand over money to the accused. The victim was tricked into handing over the money based on the encouragement made by the accused.

Nonetheless, there are not many available fraud cases related to tourism in Malaysia being prosecuted under criminal jurisdiction (Muslim & Harun, 2023; Othman, Harun, & Nazeer, 2018; Shukri et al., 2019; Wong, 2021). In the case of *Sinnaiyah & Sons Sdn Bhd v Damai Setia Sdn Bhd* (2015), the Federal Court distinguished the standards of proof for fraud cases under civil and criminal claims.

The Federal Court found that Malaysian courts had at different times applied one of three standards of proof when the fraud was alleged in civil claims, i.e.:

- a) the “beyond reasonable doubt” standard as applied in criminal cases; or
- b) the “balance of probabilities” standard but with the requirement of a higher degree of probability of the fraud depending on how serious the allegation of fraud was; or
- c) the standard applied varied with the nature of the fraud alleged.

After the case of *Sinnaiyah & Sons Sdn Bhd v Damai Setia Sdn Bhd*, the three standards of proof are abolished by the Federal Court. There are only standards of proof for criminal cases and standards of proof for civil cases. No more third standard of proof. If it was criminal fraud, such as conspiracy to defraud or misappropriation of money or criminal breach of trust, the standard of proof applied was “beyond reasonable doubt” but where it was purely civil fraud (e.g. acts of fraud and misrepresentation under sections 17 and 18 of the Contracts Act 1950), and did not involve criminal conduct or offence, the standard applied was the “balance of probabilities.” The elements of “beyond reasonable doubt” being applied in the facts of the case must be present for any fraud cases in tourism related to criminal activities to be brought to trial.

Nevertheless, the practices of prosecuting criminal fraud relating to tourism in New York are much broader than our practice. A client's/tourist's rights to be protected from any criminal activities are being upheld. A hotel or other innkeeper (“inn” remains the legal term for a hotel, motel, bed, and breakfast, or other lodging places) must use due care to protect its guests against foreseeable hazards, including criminal acts (Fanelli, 2016; Théolier et al., 2021; Visciano & Schirone, 2021). The practical terms that mean a hotel must take precautions that are reasonable concerning the likelihood that without them, guests will be victims of criminal acts (*Shadday v. Omni Hotels Mgmt. Corp.*, 2007). In addition to that, in the district of Virginia, an innkeeper has an elevated duty of “utmost care and diligence” to protect a guest from criminal acts of

third parties (Taboada v. Daly Seven Inc, 2006). However, Fanelli (2016) further described that these legal rules are only applicable to domestic crimes and not internationally.

Further when it is involved with 'falsification of documents', we will be referring to section 477A of the Penal Code and it was also extended under section 89 Anti-Money Laundering and Anti-Terrorism Act 2001. The provision is as stated:

"A person, with intent to deceive, in respect of a document to be produced or submitted under any provision of this Act, who makes or causes to be made a false entry, omits to make, or causes to be omitted, any entry, or alters abstracts, conceals or destroys, or causes to be altered, abstracted, concealed or destroyed, any entry, forges a document, or makes use of or holds in his possession a false document, purporting to be a valid document, alters any entry made in any document, or issues or uses a document which is false or incorrect, wholly or partially, or misleading. The section punished a fine not exceeding one million ringgit or a term of imprisonment not exceeding one year or both, and, in the case of a continuing offence, to a further fine not exceeding one thousand ringgit for each day during which the offence continues after conviction."

However, to prosecute under these provisions, the evidence required for example any books, papers, writings, or valuable security must be destroyed, altered, mutilated, or falsified with the intent to defraud. The fact that this part exclusively discusses a few limited vocations is one of its crucial elements. It is because the accused individual must possess the documents to commit the crime of falsification.

For instance, in the case of Public Prosecutor v. Ong Seh Seng (2010), the appellant was charged under section 4(1) of the Anti-Money Laundering and Anti-Terrorism Act 2001 for having forged 75 invoices belonging to a company owned by him. This case shows the act of forgery and falsification of documents is not only limited to the meaning and sentencing jurisdiction of the Penal Code but also includes other statutory provisions. The fact is that the standard of proof for criminal prosecution is "beyond reasonable doubt" while, for civil claims, the required standard to prove is a "balance of probabilities." However, in a civil claim, before the decision of Sinnayah & Sons Sdn Bhd v. Damai Setia Sdn Bhd (2015), the court will adopt "beyond reasonable doubt" when there is a question of criminals in nature such as the allegation of fraud, falsification, and cheating but except for forgery cases (Abdul Hadi & Paino, 2016).

Nonetheless, most criminal fraud cases are not best connected with any illegal tourism activities. Even though forgery, fraud, and falsification all share the same nature, which is the accused person's desire to cheat others (Abdul Hadi & Paino, 2016; Ghafoor et al., 2019). Most instances that the court decided included altering original documents to mislead others. Legal action is necessary due to the different standards of evidence that apply to forgery, fraud, and falsification. This intervention requires the adoption of a common legal framework to simplify concerns with evidence, regulations, and the burden of proof, as well as an interpretation section that can precisely define the terms forgery, falsification, and fraud including when discussing fraud in holiday or travel packages.

Challenges and Recommendations for Strengthening Legal Enforcement Against Tourism Fraud

Fraud in holiday and travel packages poses significant challenges to Malaysia's tourism industry and the legal system tasked with protecting consumers. Despite existing statutes such

as the Consumer Protection Act 1999, the Contracts Act 1950, the Tourism Industry Act 1992, and criminal provisions under the Penal Code, enforcement remains constrained by practical and structural weaknesses (Muslim & Harun, 2023; Othman, Harun, & Nazeer, 2018).

One prominent challenge is the lack of public awareness among tourists regarding their rights and the legal remedies available when fraud occurs. Many victims perceive fraudulent packages as mere breaches of contract rather than possible criminal offences, leading to underreporting and weak evidence collection (Hussin et al., 2023). Furthermore, the burden of proving fraud to the standard of “beyond reasonable doubt” in criminal proceedings discourages victims from pursuing criminal redress, especially when their losses appear minor compared to the complexity of legal processes (*Sinnaiyah & Sons Sdn Bhd v. Damai Setia Sdn Bhd*, 2015).

Another challenge lies in insufficient coordination between regulatory bodies. While the Ministry of Tourism, Arts and Culture (MOTAC) oversees licensing, monitoring, and policy formulation, the police and prosecution authorities handle criminal fraud investigations. Without robust inter-agency collaboration, unscrupulous travel agents can exploit regulatory gaps, such as operating under expired licences or misrepresenting services despite being registered agencies (MOTAC, 2022).

Additionally, inadequate penalties and outdated legislative provisions hamper effective deterrence. Some statutes, while relevant, do not specifically address modern forms of fraud that exploit online booking platforms and cross-border transactions (Fanelli, 2016; Ghafoor et al., 2019). The rise of digital platforms has enabled fraudsters to operate beyond national borders, complicating detection and prosecution.

To address these issues, several measures are recommended. First, strengthening consumer education is crucial. Public awareness campaigns led by MOTAC and consumer associations can inform tourists of their legal rights, the importance of written contracts, and steps to report fraudulent activities. Clear, accessible information should be available at points of sale and in digital booking environments (Shukri et al., 2019).

Second, improving inter-agency cooperation is necessary to close enforcement loopholes. Establishing dedicated task forces that link MOTAC, the police, the Consumer Claims Tribunal, and the Attorney General’s Chambers can facilitate prompt investigation and prosecution. Shared databases of blacklisted agencies and fraud reports should be developed and made accessible to industry players and consumers alike.

Third, updating and harmonising legislative provisions to cover emerging fraud tactics is vital. For example, amendments could introduce specific offences for online travel fraud, clearer evidentiary rules for digital transactions, and higher penalties for repeat offenders. Comparative insights from jurisdictions such as the United States, where hotels and travel operators bear explicit duties to prevent foreseeable fraud (Fanelli, 2016; *Shadday v. Omni Hotels Mgmt. Corp.*, 2007; *Taboada v. Daly Seven Inc.*, 2006), could guide local reforms.

Finally, capacity building for law enforcement officers and prosecutors must be prioritised. Specialised training on fraud detection, evidence gathering in digital contexts, and prosecution strategies can raise the success rate of criminal cases and enhance public trust in the justice system (Abdul Hadi & Paino, 2016).

In short, combating tourism fraud requires a holistic approach involving legal reform, institutional synergy, and proactive consumer empowerment. By addressing these challenges and implementing targeted recommendations, Malaysia can better safeguard tourists, sustain industry credibility, and uphold its reputation as a safe and reliable travel destination.

Conclusion

In conclusion, combating tourism fraud requires a holistic approach involving legal reform, institutional synergy, and proactive consumer empowerment. By addressing these challenges and implementing targeted recommendations, Malaysia can better safeguard tourists, sustain industry credibility, and uphold its reputation as a safe and reliable travel destination.

The law provides that a duty to the tourist is attached when there is an actual contract being created between the tourist and their travel agent. When an act of fraud occurs, the relevant contract is terminated, and the injured party may seek compensation from the accused under civil or criminal offence in Malaysia. Still, the interpretation of an act of fraud committed by the accused usually will not be convicted under the criminal jurisdiction. This is due to a lack of standard of proof — beyond reasonable doubt.

Acknowledgements

The authors acknowledge the Fundamental Research Grant Scheme (FRGS), grant number: FRGS/1/2022/SSI12/UKM/02/11 funded by the Ministry of Higher Education (MOHE), Malaysia.

References

- Abdul Hadi, K. A., & Paino, H. (2016). Legal perspectives towards forgery, fraud, and falsification of documents: Recent development. *Management & Accounting Review*, 15(2), 1–17.
- Achim, M. V., Borlea, S. N., Văidean, V. L., Florescu, D. R., Mara, E. R., & Cuceu, I. C. (2021). Economic and financial crimes and the development of society. In *Improving Quality of Life: Exploring Standard of Living, Wellbeing, and Community Development* (pp. 25). [Publisher if available].
- Alsharif, A. H., Mohd Isa, S., Md Salleh, N. Z., Abd Aziz, N., & Abdul Murad, S. M. (2023). Exploring the nexus of over-tourism: Causes, consequences, and mitigation strategies. *Journal of Tourism and Services*, 16(30), 99–142. <https://doi.org/10.29036/jots.v16i30.524>
- Arowosaiye, Y. I. (2012). Fighting economic and financial crimes for national development: The Malaysian vision 2020. *Current Law Journal*, 1.
- Astro Awani. (2022, August 2). Haj scam cases involving losses of over RM5 mln recorded as of July. *Astro Awani*. <https://international.astroawani.com/malaysia-news/haj-scam-cases-involving-losses-over-rm5-mln-recorded-july-374121>
- Fanelli, C. L. (2016). Protecting hotel industry business from liability for terrorist attacks. *Real Estate Finance*, 32(4), 147–153.

- Ghafoor, A., Zainudin, R., & Mahdzan, N. S. (2019). Corporate fraud and information asymmetry in emerging markets: Case of firms subject to enforcement actions in Malaysia. *Journal of Financial Crime*, 26(1), 95–112. <https://doi.org/10.1108/jfc-11-2017-0107>
- Hello Holidays Sdn Bhd v. Phang Lai Sim and Other Applications, 8 MLJ 478 (2014).
- Hotel Travel Ltd & Anor v. Chong Chung Yee, MLJU 505 (2021).
- Hussin, H., Rashid, I. M. A., Borhanordin, A. H., Shafiai, S., Nasir, N. M., Rahman, S. A., Elsiefy, E., Samah, I. H. A., & Hamzah, H. (2023). Perceptions of phishing information access on e-commerce in Malaysia. *Advances in Fracture and Damage Mechanics XX*. <https://doi.org/10.1063/5.0127914>
- Jaswir, I., & Ramli, N. (2017). Study on Muslim-friendly hospitality in Malaysia. In *Contemporary Issues and Development in the Global Halal Industry: Selected Papers from the International Halal Conference 2014* (pp. 59–66). Springer.
- Krippendorff, K. (2018). *Content analysis: An introduction to its methodology* (3rd ed.). Sage Publications.
- Malay Mail. (2022, August 2). Police: Haj scam cases involving losses of over RM5m recorded as of July. *Malay Mail*. <https://www.malaymail.com/news/malaysia/2022/08/02/police-haj-scam-cases-involving-losses-of-over-rm5m-recorded-as-of-july/20615>
- Ministry of Tourism, Arts and Culture Malaysia (MOTAC). (2022). *Statement on Hajj Package scams Furada*. Retrieved from <https://www.motac.gov.my/>
- Mohd Zahir, M. Z., Tengku Zainudin, T. N. A., Rajamanickam, R., Mohd Shariff, A. A., Abd Rahman, Z., Ishak, M. K., Sulaiman, S., & Mohamad Nor, N. H. (2021). Prospect and legal challenges of medical tourism about the Advance Medical Directive (AMD) in Malaysia. *Pertanika Journal of Social Sciences and Humanities*, 29(S2). <https://doi.org/10.47836/pjssh.29.s2.02>
- Muslim, A. K., & Harun, A. (2023). Challenges and opportunities in developing Malaysian Umrah tourism: Implication of social media application among Umrah consumers and Umrah travel agents. *Res Militaris*, 13(1), 3908–3920.
- Othman, B. A., Harun, A. B., & Nazeer, S. (2018). Issues and challenges faced by Malaysian Umrah travel agencies in providing excellent marketing mix services to Umrah pilgrims. *The Journal of Social Sciences Research*, 611–618.
- Public Prosecutor v. Ong Seh Sen, 7 CLJ 233 (2010).
- Saddiq, S. A., & Abu Bakar, A. S. (2019). Impact of economic and financial crimes on economic growth in emerging and developing countries: A systematic review. *Journal of Financial Crime*, 26(3), 910–920. <https://doi.org/10.1108/jfc-10-2018-0112>
- Shadday v. Omni Hotels Mgmt. Corp., 477 F.3d 511 (7th Cir. 2007).
- Shukri, A. N. M., Set, K., & Yaakop, A. Y. (2019). Muslim travellers' perception on quality of service by Umrah and Hajj travel agencies in Malaysia. *Universiti Malaysia Terengganu Journal of Undergraduate Research*, 1(1), 18–23.
- Sinnaiyah & Sons Sdn Bhd v. Damai Setia Sdn Bhd, 5 MLJ 1 (2015).
- Suffian, M. T. M., Mad, S., Abd Rashid, M. Z., & Zakaria, N. B. (2022). Assessing the impact of corporate fraud on firm performance in Malaysian tourism sector: Pre-and during Covid-19 pandemic. *International Journal of Academic Research in Economics and Management Sciences*, 11(1), 16–27.
- Taboada v. Daly Seven Inc., 271 Va. 313, 326 (2006).
- Théolier, J., Barrere, V., Charlebois, S., & Godefroy, S. B. (2021). Risk analysis approach applied to consumers' behaviour toward fraud in food products. *Trends in Food Science & Technology*, 107, 480–490.

- Umi Nusmayah Binti Mohd Yusof v. Pendakwa Raya, MLJU 1625 (2019).
- Visciano, P., & Schirone, M. (2021). Food frauds: Global incidents and misleading situations. *Trends in Food Science & Technology*, 114, 424–442.
- Wong, H. S. (2021). Inadequacies of legal framework of mosque tourism towards development of tourism industry in Malaysia: A review. *Journal of Tourism, Hospitality and Environment Management*, 6(23), 71–78. <https://doi.org/10.35631/jthem.623008>
- Zulkaflee, I. (2022, July 8). MOTAC: Taking action on travel agency for Hajj scam; Will suspend license if found guilty. *The Rakyat Post*. <https://www.therakyatpost.com/news/2022/07/08/motac-taking-action-on-travel-agency-for-hajj-scam-will-suspend-license-if-found-guilty>