

**Legal Review of Marketing Strategy Through the Concept of FOMO
(Fear of Missing Out) in the Perspective of Islamic Law and Positive Law**

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ABSTRACT

The development of digital technology has given rise to various modern marketing strategies, one of which is through the concept of FOMO (Fear of Missing Out). This strategy takes advantage of consumer concerns to encourage quick purchasing decisions. This study aims to examine marketing strategies through the concept of FOMO (Fear of Missing Out) from the perspective of Islamic law and positive law, with a normative approach through literature analysis, especially Law No. 8 of 1999 concerning Consumer Protection. The results of the study indicate that in positive law, the FOMO (Fear of Missing Out) strategy is acceptable as long as it does not mislead consumers and does not violate basic consumer rights as regulated in Articles 4, 8, and 9 of the Consumer Protection Law. Meanwhile, in Islamic law, this strategy is valid if it is based on correct information and does not contain elements of gharar (uncertainty) or tadlis (fraud). If the FOMO (Fear of Missing Out) strategy is used with information manipulation, then in addition to violating positive law, it also contradicts the principles of justice and honesty in Islam.

Keywords : Marketing Strategy, and FOMO (Fear of Missing Out)

A. INTRODUCTION

The rapid development of information and communication technology has significantly transformed consumption patterns in the digital era. This phenomenon is marked by the emergence of various modern marketing strategies that leverage technological advancements to influence consumer behavior. One increasingly prevalent strategy is marketing based on the concept of FOMO (Fear of Missing Out). FOMO is a psychological condition characterized by feelings of anxiety or worry when individuals feel left out of important experiences or events that others are engaging in (Yunarti, 2024).

In line with this, Al-Fiyah defines FOMO as a behavioral tendency where a person becomes anxious or uneasy upon realizing they have missed out on popular information or trending events that many people are discussing (Al-Fiyah, 2025). In marketing, FOMO refers to a deliberately designed approach aimed at evoking anxiety or concern in

consumers, particularly the fear of missing out on opportunities, products, or experiences perceived as exclusive or rare. This strategy is widely employed by businesses across digital platforms such as social media, e-commerce apps, and online shopping sites (Yunarti, 2024).

Fundamentally, the FOMO concept exploits the human tendency to avoid being left behind or missing out on valuable opportunities. In marketing, FOMO is implemented through techniques such as time-limited promotions, messages about low stock, viral testimonials, or advertisements emphasizing urgency. Examples include messages like “today only!”, “only 2 left!”, or “don’t miss out!”, which are concrete applications of this concept.

In Indonesian positive law, particularly Law Number 8 of 1999 concerning Consumer Protection (UUPK), every business actor is obliged to provide accurate, clear, and honest information regarding the condition of goods and/or services offered. Article 10 of the UUPK explicitly prohibits misleading advertising or promotional practices. Therefore, FOMO-based marketing strategies must not involve deception, misinformation, or manipulation that could harm consumers.

From the perspective of Islamic law, FOMO-based marketing strategies must also be critically examined. Islamic Economic Law emphasizes the principles of justice (al-‘adl), honesty (ash-shidq), and the prohibition of fraud (gharar) as well as exploitation of consumer vulnerability (istighlal). Islam commands business actors to uphold honesty and avoid practices that may harm consumers. Allah SWT states in Surah Al-Baqarah (2):188:

وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ

“And do not consume one another’s wealth unjustly.”

The use of FOMO in marketing has intensified alongside the rise in consumerist behavior in society. Consumerism can be defined as spending patterns focused on acquiring non-urgent goods, especially secondary items that serve more as complements rather than primary needs (Aenun, 2024). This consumerist culture is exacerbated by the massive promotion through digital media, creating an illusion of necessity for goods or services that are not actually urgent. Ultimately, consumers are driven to make purchases not based on real need but due to psychological pressure from the fear of missing out. Such a situation clearly contradicts the objectives of consumer protection in both positive law and Islamic law, both of which advocate for fair, honest, and transparent transactions.

This research is significant because, until now, studies on FOMO-based marketing strategies have been dominated by economic and psychological perspectives, while legal analyses particularly those integrating Islamic and positive legal frameworks remain scarce. In fact, this phenomenon deeply affects the everyday lives of Indonesia's predominantly Muslim population. Therefore, it is crucial to further examine how FOMO-based marketing strategies align with the standards of state law (positive law) and Islamic law, which governs the moral and ethical dimensions of economic transactions.

Moreover, this legal analysis is highly relevant given that Indonesia's consumer protection policies are, in principle, aligned with Islamic values—namely, the avoidance of dishonest, deceptive, and exploitative business practices. In today's digital age, FOMO-driven marketing practices are increasingly difficult to control due to the borderless, rapid, and massive nature of digital platforms. This poses significant challenges to the effectiveness of regulatory oversight.

This study aims to clarify the boundary between lawful FOMO-based marketing strategies and those that violate Islamic or positive legal norms. Thus, the research holds not only academic value but also practical relevance, serving as a reference for business actors, regulators, and consumers in realizing a fair and dignified transactional ecosystem.

In the context of digital economic development, FOMO-based strategies are often linked with aggressive digital marketing practices. Businesses are not only selling products or services but also experiences, images, and even social status. FOMO becomes a powerful tool as it can trigger emotional and psychological responses, pushing consumers to make impulsive purchases without rationally considering their actual needs. From a legal perspective, this condition raises the risk of consumer rights violations, as decisions may be made under psychological pressure rather than free and informed consent.

Article 4 of Law Number 8 of 1999 grants fundamental rights to consumers, one of which is the right to receive accurate, clear, and honest information about the condition and guarantees of goods and/or services. If FOMO marketing strategies involve manipulative information, this clearly violates such rights. Furthermore, Article 8 of the same law prohibits the distribution of goods that do not match the information presented in advertisements or promotions. FOMO strategies unsupported by factual data or actual product conditions may be considered deceptive practices that mislead consumers.

In Islamic law, business ethics as governed by fiqh muamalah place great emphasis on honesty and fairness in every transaction. Misleading implementation of FOMO may fall under the category of gharar, which refers to transactions involving uncertainty or deception (Susanti, 2024). Surah Al-Mutaffifin (83):1–3 explicitly addresses fraudulent acts in measurements and weights, yet the moral principle it conveys is also relevant to the honesty of information. Allah SWT says:

وَيْلٌ لِّلْمُطَفِّفِينَ ﴿١﴾ الَّذِينَ إِذَا اكْتَالُوا عَلَى النَّاسِ يَسْوِفُونَ ﴿٢﴾ وَإِذَا كَالُوهُمْ أَوْ وَزَنُوهُمْ يُخْسِرُونَ ﴿٣﴾

"Woe to those who give less [than due], those who, when they take a measure from people, take in full. But if they give by measure or by weight to them, they cause loss."

This principle does not only apply to physical measurements but also to the obligation to provide truthful information to consumers. Misleading information, including in FOMO-based marketing strategies, constitutes a denial of consumers' right to honesty and fairness in commercial dealings.

FOMO in marketing also often intersects with unethical advertising practices. In the social media era, endorsements by influencers are frequently used to enhance the appeal of FOMO strategies. These influencers often promote products with language that triggers fear of missing trends. However, if the information they provide is inaccurate or exaggerates the benefits of a product, it raises legal concerns.

Therefore, this research becomes increasingly urgent in response to the growing prevalence of FOMO in Indonesia's digital society. A legal analysis of this marketing strategy is expected to clearly delineate between lawful and unlawful practices. From the Islamic legal perspective, the study also reinforces the importance of honesty and the prohibition of deception in all digital economic activities. The research findings are expected to contribute not only to academic discourse but also to provide practical guidance for business practitioners and policymakers in formulating regulations that are more responsive to the realities of digital marketing.

On the other hand, the FOMO marketing phenomenon also raises important social dimensions. Consumerist culture triggered by this strategy may lead to issues such as wasteful spending, hedonistic lifestyles, and the risk of indebtedness from purchasing unnecessary goods or services. Given the increasingly complex problems associated with FOMO-based strategies, a holistic research approach is needed. This study combines legislative analysis to examine prevailing legal norms with conceptual approaches to

understand the foundational ideas in consumer protection law and Islamic economic law. Therefore, it provides a comprehensive understanding of how both legal systems view marketing practices that exploit the fear of missing out.

B. METHOD

The type of research employed in this study is normative legal research or library research. Normative legal research is conducted by examining legal materials, including statutory regulations, court decisions, legal doctrines or expert opinions, and other relevant literature (Maiyestati, 2022). This study is categorized as normative legal research because the author examines legal literature and sources related to Islamic law and positive law.

The research approaches used are the statute approach and the conceptual approach. The statute approach involves examining and analyzing existing legal provisions, both from Islamic law and positive law, relevant to the issue under study (Muhaimin, 2020). The positive law examined is Law Number 8 of 1999 concerning Consumer Protection. Meanwhile, the Islamic law aspect of the study focuses on the principles of sharia economic law.

The conceptual approach involves exploring relevant concepts related to the research problem, whether from legal studies, Islamic economics, or other supporting disciplines (Muhaimin, 2020). This approach is used to analyze the meaning, scope, and implications of key concepts related to marketing strategies based on the concept of FOMO (Fear of Missing Out).

The legal materials used in this research consist of primary, secondary, and tertiary legal sources. Primary legal materials include statutory regulations, particularly Law Number 8 of 1999 on Consumer Protection, as well as Islamic law. Secondary legal materials consist of literature, books, and journals that support the analysis of the issue. Tertiary legal materials are used as supplementary sources, including legal dictionaries, encyclopedias, and other resources that help strengthen the understanding of legal terms and concepts discussed.

Legal material collection was carried out through library research, which involves tracing, inventorying, and reviewing legal materials relevant to the research problem. The analysis of legal materials in this study was conducted qualitatively, by interpreting, examining, and processing the collected legal sources to answer the formulated research

questions. The statutory provisions and principles of Islamic law were analyzed to assess whether marketing strategies based on the concept of FOMO (Fear of Missing Out) align or conflict with the prevailing legal norms.

C. ANALYSIS/DISCUSSION

A study of marketing strategies that utilize the concept of FOMO (Fear of Missing Out) from both Islamic law and positive law perspectives yields several important findings regarding the conformity of such practices with legal norms and business ethics.

1. FOMO-Based Marketing Strategy in the Perspective of Islamic Law

From the perspective of Islamic law, the findings indicate that FOMO strategies which emphasize urgency without clear factual basis fall under the categories of *gharar* (uncertainty) and *tadlis* (fraudulent misrepresentation) in transactions. *Gharar* refers to elements of ambiguity or uncertainty that may lead to disputes between parties (Syarqawie, 2025), while *tadlis* is understood as deceitful conduct by concealing defects or shortcomings in a transaction object, thereby harming the other party (Azhari, 2015).

Both elements are prohibited in *fiqh muamalah* because they can lead to injustice and loss in commercial transactions. Islam strongly emphasizes that every transaction must be conducted with *ṣidq* (truthfulness) and *‘adl* (justice), and must be free from coercion or information manipulation (Mansyur, 2024).

FOMO-based strategies may be deemed acceptable in Islamic law only if the promotions are based on verifiable facts—for example, when product stock is genuinely limited or promotional periods are clearly defined. These findings align with the principle of *al-maslahah*, which emphasizes the importance of ensuring benefit for society and avoiding harm (Ayu, 2024). In this context, *al-maslahah* implies that business strategies should bring benefit and not cause harm to either consumers or business actors.

2. FOMO-Based Marketing Strategy in the Perspective of Positive Law

FOMO marketing strategies are widely found in modern digital marketing practices, especially through limited-time offers, claims of low stock, and urgency-based messages. A review of Law No. 8 of 1999 on Consumer Protection reveals that these strategies have the potential to violate Article 8(1), which prohibits the distribution of goods or services that are misleading or non-compliant with applicable standards, and

Article 9, which prohibits false advertising or promotion.

Findings indicate that some business actors use FOMO as a tool to pressure consumer decisions with information that is not entirely truthful, such as falsely claiming that a product is almost out of stock. Such practices are considered misleading and may be subject to administrative, civil, or criminal sanctions as regulated under Article 62 of the Consumer Protection Law.

The study also finds weaknesses in the implementation of oversight and enforcement mechanisms regarding such marketing practices. Many business actors exploit this regulatory gap, while consumers are often unaware of their rights when engaging in FOMO-based transactions.

Overall, the findings show that both Islamic law and positive law may accept FOMO-based strategies when implemented honestly and transparently. However, when conducted in a misleading manner, such strategies not only violate the law but also conflict with moral values and the ethical standards of both legal systems.

These findings provide a foundation for critical analysis of the legal and ethical standing of FOMO-based marketing strategies within both legal frameworks. Under positive law, FOMO marketing strategies are part of the recognized right to conduct business, provided that they adhere to the principles of honesty and do not infringe upon consumer rights. Articles 8 and 9 of the Consumer Protection Law provide clear guidelines prohibiting the dissemination of false or misleading information. Analysis of these provisions suggests that positive law seeks a balance between marketing innovation and consumer protection.

However, weak enforcement and low consumer awareness of their rights allow FOMO strategies to often become tools of manipulation. This highlights a fundamental issue: while legal norms are adequate on paper, their practical implementation remains suboptimal. Sanctions intended to create deterrence are rarely applied consistently. Therefore, there is a need to strengthen the role of regulatory institutions and legal education for the public so that consumers are not victimized by manipulative FOMO marketing strategies.

In Islamic law, the analysis shows that FOMO strategies may be considered lawful if they are carried out in accordance with the principles of transparency, honesty, and justice. Problems arise when business actors exploit consumers' psychological vulnerabilities using false or misleading information. The analysis of gharar and tadlis reveals that Islam views transactions not merely as economic activities but as acts of worship that must be free from manipulation.

Misleading FOMO strategies not only result in the loss of barakah (blessing) in transactions but also impose moral and spiritual accountability on the perpetrators. This is in line with the principle of al-maslahah, which dictates that any business innovation must bring legitimate benefits and avoid harm. The analysis reaffirms that in Islam, business success is not solely measured by material gain but also by adherence to ethics and social responsibility.

The integration of both legal perspectives reveals a point of convergence: both positive law and Islamic law reject deceptive marketing strategies and emphasize the importance of transparency in all promotional activities. Both legal systems advocate that marketing innovation should remain within ethical and legal boundaries that uphold justice and protect consumers from fraudulent practices.

As part of a comprehensive analysis, a synergistic approach is necessary—combining strong regulation, consistent legal enforcement, and strengthened business ethics—to ensure that FOMO-based marketing becomes a legitimate and beneficial innovation, rather than a manipulative tactic. Additionally, consumer education is a crucial factor so that the public can critically assess promotions and avoid baseless psychological pressure.

D. CONCLUSION

Marketing strategies based on the concept of FOMO (Fear of Missing Out) are acceptable from both the perspective of positive law and Islamic law, provided that they are implemented honestly, transparently, and do not mislead consumers. Under positive law, such strategies must comply with the provisions of Articles 4, 8, and 9 of Law No. 8 of 1999 on Consumer Protection, which emphasize the obligation to provide accurate, clear, and non-deceptive information. In Islamic law, FOMO-based strategies must be free from elements of gharar (uncertainty) and tadlis (fraud), and must uphold the principles of justice

(al-‘adl) and honesty (ash-shidq). Misleading FOMO practices not only violate legal provisions but also contravene business ethics and Islamic moral values. Therefore, it is essential to strengthen regulations, ensure effective oversight, and promote consumer education so that FOMO-based marketing becomes a legitimate and beneficial innovation rather than a tool for manipulation.

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