


Online Gambling In The Perspectives of Islamic Law and Criminal Law: A Critical Analysis of Current Cases In Indonesia

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Article Info	ABSTRACT
<p>Keywords: Criminal Law; ITE Crimes; Islamic Law; Online Gambling</p>	<p>In Indonesia, changes in the order of people's lives are greatly felt due to the presence of the influence of science and technology, namely the internet. Various groups of people have already gained access to this technology. Teenagers, as one of the largest users, often struggle to identify beneficial internet activities. They tend to be easily influenced by the social environment without first considering the positive and negative impacts that will be received in the future when using the internet. The technology that is currently developing is a problem in Indonesia. This is often misused by someone for online gambling games; this action is categorized as a criminal act of information and electronic transactions, as well as a criminal act of gambling. According to data from the Financial Transaction Reports and Analysis Center, the turnover of money from online gambling throughout 2023 reached IDR 327 trillion, approaching 10 % of the state budget. From an Islamic legal perspective, online gambling is declared haram because it does not bring benefits and causes a lot of harm. Meanwhile, in positive Indonesian law, online gambling is prohibited because it can lead to other crimes such as theft and fraud and has the potential to damage the common sense of perpetrators who often look for instant ways to fulfill their gambling desires. Data shows that online gambling perpetrators come from lower social strata, who are vulnerable to debt traps, fraud, and even suicide. The Indonesian government has made efforts to raise public awareness of the dangers of online gambling through various socializations. This study emphasizes the need for firm policies to minimize the negative impacts of online gambling that disturb the community.</p>
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INTRODUCTION

The current era's technological advancements have a significant impact on society, fostering adaptation and the generation of both positive and negative outcomes. The internet, social media, and other technologies are most frequently utilized by adolescents. Even kindergarten children will be accustomed to using touch screen devices by 2024. This environment is vastly different from that of the 1990s and 2000s, when children of this age engaged in more conventional games and directly socialized with their peers. Currently, various digital devices provide easy access to a wide range of games. Supported by sophisticated features on digital devices, the development of information and digital media is happening at an accelerating pace. The video call feature of smartphones now allows for effortless access to thousands of

games, providing both entertainment and interaction.

The advancement of science and technology in Indonesia has been accompanied by the advancement of the times, particularly with the introduction of artificial intelligence and internet access. This advancement enables humans to perform various tasks and activities. Conversely, the advancement of IPTEK and the internet has also resulted in challenges, particularly in Indonesia. Many individuals utilize social media and the internet in an inappropriate manner, without taking into account the potential benefits and drawbacks (Adelina Sitanggang, 2023).

People are compelled to seek money quickly and instantly through digital devices due to the escalating prices of basic necessities and the rapid advancement of technology and digital access. One illustration is the emergence of gambling websites, which demonstrate society's failure to use technology prudently, thereby presenting challenges to the digital ecosystem of the present day (Andri Sahata Sitanggang, 2023).

Consequently, the evolution of digital systems and technology has led to a shift from direct or face-to-face gambling to online forms. This increasingly easy access allows users to gamble anywhere and anytime without time constraints. Among teenagers, especially junior high school, high school, and college students, interest in digital games is increasing. Parties exploit this trend by recruiting new users for online gambling and packaging it in the form of interesting games. They use various strategies, such as offering paid games, where users must pay an initial balance or top up their balance according to the provisions set. In this way, online gamblers have succeeded in reaching more users, including young people who are interested in games on their devices, without fully realizing the risks and consequences.

Gambling is a form of wagering property or value, where the loser must pay a specific amount to the winner. This activity is risky because a failed bet can lead to losing money. In this context, gambling refers to the act of wagering a specific amount of money or property on a game that is contingent upon luck or chance, with the objective of accumulating a greater sum of money or property than the initial investment (Ines Tasya Jadidaha, 2023).

Although online gambling is a form of gambling that is conducted through the use of the internet, it enables players to virtually place bets and engage in various games, including poker, blackjack, and slot machines. The primary benefit of online gambling over traditional gambling is its accessibility; players can access it at any time and from any location by using an electronic device that is connected to the internet without needing to visit a designated gambling location. Nevertheless, to commence gameplay, players must register on a reputable online gambling site and establish an account. Online gambling offers convenience and a diverse selection of games, but there are security risks to consider. These risks include the potential for fraud from untrusted sites and the risk of addiction, which can disrupt social and financial life (Alya Miftahul Jannah, 2023).

Although there is a view that online gambling is a good choice for gambling, the practice is still not justified because it can have a negative impact on a country's economy and an individual's reputation. Online gambling often asks for personal information, such as an identity card (KTP), as a registration requirement. The use of this personal identity is risky because it can be used by individuals to commit fraud, including registering an ID card for an

online loan without the owner's knowledge. Therefore, the risks associated with online gambling can harm not only the gamblers but also have a wide impact on society and the country's financial system. In Indonesia, online gambling is prohibited under Law No. 7 of 1974 concerning the Regulation of Gambling, Article 303 of the Criminal Code concerning gambling, and, for online gambling, the regulations are contained in Article 27 Paragraph (2) of the 2024 ITE Law, but there are still many illegal gambling sites that can be accessed. Therefore, players in Indonesia must be careful and ensure that they play on legal and trusted sites (Ibrahim, 2024).

Poverty is the primary factor that significantly impacts the prevalence of gambling. Poverty frequently influences an individual's involvement in online gambling. Online gambling is perceived as an appealing alternative, despite its high risk, by many individuals who are seeking a quick way to earn money in challenging economic times. Financial instability drives them to hope for luck, with the expectation that they can instantly change their destiny. Nevertheless, in the real world, this gambling practice frequently exacerbates their financial situation, resulting in a more severe debt cycle and an increased psychological toll. They are willing to forgo their possessions to achieve substantial profits. Certain games, including gambling, have the potential to generate substantial profits. Gambling has become a pervasive issue in society, leading to substantial adverse effects.

As previously stated, those who engage in online gambling violate the Criminal Code, or KUHP. Consequently, poverty encourages individuals to engage in gambling and increases the likelihood of experiencing more severe losses, including those that are financial, psychological, and economic. Such behaviors can have a significant impact on society (Ibrahim, 2024).

Not only that, but the desire to participate in trends or hits and try something that is considered cool is a driving factor for many individuals, especially teenagers, to engage in online gambling. In today's digital era, where information and social influence are effortlessly accessible, many people feel compelled to follow their friends or social groups who are involved in this activity. The sensation and adrenaline presented by online gambling, as well as the impression that this activity can provide instant benefits, further strengthen their motivation to try it. As a result, many people, without considering the risks and long-term consequences, get caught up in online gambling games that can harm themselves and those around them.

There are several views on gambling or online gambling, from the perspective of Islamic law and positive law in Indonesia. Online gambling, from the perspective of positive law in Indonesia, is an activity that is prohibited because it can harm the morals and mentality of society and is considered against the law. Based on the Criminal Code's (KUHP) Article 303 and Article 303bis, all forms of gambling, including online gambling, are criminal acts that can be punished with criminal penalties, namely imprisonment or fines. In addition, the Electronic Information and Transactions Law (UU ITE), Article 27, paragraph (2), also strengthens this prohibition by stating that everyone is prohibited from distributing or disseminating electronic information containing gambling content (Andri Sahata Sitanggang, 2023).

Meanwhile, from the perspective of Islamic law, gambling or online gambling is an act that is prohibited by Allah SWT. In the Al-Qur'an, the word for gambling is "maisir." Gambling is an act that is prohibited in Islam, as explained in the Al-Qur'an in three verses, namely Surah Al-Baqarah verse 219 and Surah Al-Maidah verses 90 and 91. In these verses, Allah SWT states that gambling (*maisir*), along with alcohol (*khamr*), sacrificing to idols (*al-anshab*), and drawing lots with arrows, is a harmful habit that has grown and been present since the time of ignorance (*al-azlam*) (ISLAMI, PERBANDINGAN PERSPEKTIF HUKUM ISLAM DAN HUKUM POSITIF TENTANG JUDI ONLINE DI ERA DIGITAL, 2022).

The history of gambling has existed for thousands of years—since the beginning of human civilization—and it is considered a social disease that can harm the morals and mentality of society with wide-ranging negative impacts. Despite ongoing efforts to eradicate gambling, its prevalence remains strong. In the past, gambling was limited to small circles, but now it is widespread, supported by internet technology that facilitates access. Previously, people engaged in gambling directly through gatherings, but modern technology now enables online gambling through games (Pasaribu, 2022).

Today's digital era makes it easy to gamble without gathering; players can gamble anytime and anywhere by simply using a smartphone. Gambling can be said to be online gambling. Gambling variations have become more diverse, including activities like soccer betting and card games involving money bets. These are essentially forms of gambling presented as games. This approach causes the development of gambling to be faster and difficult to eradicate even though religious and legal norms clearly prohibit it.

METHOD

This research method used a normative legal method, namely a research method that refers to the study of laws and regulations, principles, laws, and relevant legal doctrines. The data used in this study were secondary data, namely data obtained from laws and regulations, official documents, previous research results, academic journals, and legal literature. The data was categorized into three forms, namely primary, secondary, and tertiary legal materials. The data needed was collected by library research and analyzed using analytical descriptions.

RESULTS AND DISCUSSION

Online Gambling Concept

The Ministry of Communication and Informatics noted that online gambling practices are a serious threat to the development of Indonesia's young generation. In response to this, Minister of Communication and Informatics Budi Arie, since being inaugurated on July 17, 2023, has ordered the termination of access to more than three million online gambling content. At the peak of the 23rd anniversary of the Ministry of Communication and Informatics on September 20, 2024, he said that within one year and two months, his party had succeeded in closing 3.4 million online gambling content. Minister Budi Arie emphasized that the eradication of online gambling must be carried out firmly and consistently by involving all government officials in the ministry. The government has taken various strategic steps, including cooperation with government agencies, the private sector, community

organizations, and community groups, to increase the effectiveness of the campaign against the dangers of online gambling. In addition, the ministry has developed technology to detect and block gaming sites more effectively, thereby reducing the negative impacts of gambling. In this 23rd Anniversary event, the Minister of Communication and Information invited all academicians to collaborate in facing new challenges and encouraging national digital transformation to achieve the Vision of Digital Indonesia 2045 and realize Golden Indonesia 2045 (Alya Miftahul Jannah, 2023), (Arie, 2024).

According to the Great Indonesian Dictionary, gambling is an activity in which something of value is consciously wagered in the hope of getting a certain result, either in a game or a competition. Online gambling involves playing a game through an easily accessible online platform. From a religious and legal perspective, gambling is a prohibited act. The prohibition of gambling has been regulated in Article 303 of the Criminal Code, while for online gambling, the regulation is contained in Article 27 Paragraph (2) of the ITE Law, which states that "Any person intentionally and without the right to distribute, transmit, and/or make accessible Electronic Information and/or Electronic Documents that have gambling provisions." The government has introduced the Electronic Information and Transactions Law to regulate the activities of the wider community in using digital systems and to protect them from violations and crimes based on ITE (Bahasa, 2008).

Gambling is often considered a quick way to make big profits. In the current economic situation, where the price of basic necessities such as rice is soaring and the circulation of money in the market is weakening, many people are encouraged to get involved in online gambling. Unfortunately, this activity can be addictive and make the perpetrators justify any means to keep playing. This makes online gambling a social disease that transforms into a criminal act that often encourages other crimes. There have been many cases where online gambling perpetrators have taken company money up to hundreds of millions due to addiction, such as in the case of Irfan Maulana (25), who embezzled 87.5 million from a shop in the Tasikmalaya area for online gambling. The money was lost in a short time, and as a result, the perpetrator was sentenced to 5 years in prison in accordance with Article 374 of the Criminal Code.

Online Gambling in the Perspective of Indonesian Criminal Law

The meaning of the word gambling in the Criminal Code is defined as "all bets on the winner or loser of a horse race or other competition, or all bets in competitions held between two people who do not participate in the competition themselves, for example, totalisator and others" (Mutiarra, 2010). The Great Indonesian Dictionary defines gambling as a game where players wager money or valuables, such as in a game of dice or cards. In a broad sense, online gambling can be understood as a form of gambling that is done online with bets of money or valuables through electronic media such as websites or applications. Online gambling is any form of game involving betting property or material. The winning party takes possessions or material from the losing party. These games are available on various websites and platforms, allowing play anywhere and anytime without visiting a special gambling place (Bahasa, 2008).

The definition of gambling according to experts is:

Online gambling, according to Eddy OS Hiariej, a leading legal expert, is any form of gambling carried out through electronic means with an internet connection or online-based. He emphasized that online gambling involves personal risk and violates the law in Indonesia because it is related to the distribution of electronic information containing elements of gambling.

The Indonesian government is committed to protecting its citizens from the risks of addiction, economic loss, and violations of the law related to free access to online gambling platforms. In relation to online gambling, the ITE law aims to protect the public from negative influences that have the potential to damage or leak personal data, including the threat of addiction and financial loss. This law is here to regulate and limit the circulation of dangerous information, including that related to gambling, to maintain the social and economic stability of the community.

Legal regulations in Indonesia respond firmly to this problem by establishing and designing it through the Electronic Information and Transactions Law (UU ITE). Article 27, Paragraph 2, of Law No. 19 of 2016 concerning Electronic Information and Transactions reads, "Any person intentionally and without the right to distribute, transmit, and make accessible electronic information or documents that contain gambling content." This law applies to individuals who intentionally and without rights distribute, transmit, or make accessible Electronic Information or Documents that contain gambling elements. This law is present in Indonesia in response to the rapid development of digital technology related to online gambling, increased internet access, and platforms that facilitate various forms of illegal and hard-to-control online gambling. If an action or deed meets the elements of this ITE violation, then it can be said to be a criminal act of online gambling. The punishment for this crime is explained in Article 45, paragraph (2), of Law No. 19 of 2016 about ITE, which says, "Anyone who knowingly and unlawfully shares or makes available Electronic Information and Electronic Documents with gambling content, as mentioned in Article 27, paragraph (2), can be sentenced to up to 6 years in prison and fined up to IDR 1 billion." When viewed from the regulations on sanctions for online gambling perpetrators, with a maximum sentence of 6 (six) years, it is lighter than the sanctions in the KUHP, which reach 10 (ten) years. However, sanctions against online gambling perpetrators often rely on general rules from the Criminal Code alongside specific regulations in the ITE Law. The government applies this sanction as a mandatory punishment, which includes a warning, fine, imprisonment, and even certain physical punishments, depending on the level of violation and its impact on society, to eradicate gambling, both directly and online.

In gambling, both parties bet property or material, play a game to determine the winner, and the winner takes the property while the loser loses it (Pasaribu, *Permainan GameOnline Berbasis Perjudian dalam Perspektif Hukum Pidana*, 2022). Online gambling has various types that are developing in society. PP No. 9 of 1981 categorizes gambling into three main types. The first type is casino gambling, which encompasses games like roulette, blackjack, baccarat, craps, keno, pachinko, poker, and kiu-kiu. Online platforms or gambling websites typically host these games, each providing unique betting opportunities. For example, roulette involves betting on a certain number on a spinning wheel, while blackjack refers to the skill and

strategy used by the player to win the game. Baccarat, craps, keno, pachinko, poker, and kiu-kiu games are also increasingly accessible online and virtually, making them increasingly popular among players, especially among young people and teenagers who want to bet without having to go to a live casino (Indonesia, 1981).

Second, there is gambling that takes place in crowded places by packaging and designing traditional games such as throwing sand, throwing bracelets, throwing coins, and animal fights such as chickens, buffaloes, and sheep. These games are usually held during big events or certain festivals, where participants bet on the results of the game or the results of the animal fights. The third type of gambling is associated with certain customs or habits in village communities, such as cockfighting, horse racing, bull racing, pigeon fighting, and others. In several regions in Indonesia, some of these types of gambling have even become traditional practices.

In addition to the forms of gambling that have been mentioned in government regulations, there are still many other forms of gambling that are developing, such as dove racing gambling, where the winner is determined by the dove that reaches the finish line first. This type of gambling is also increasingly widespread, especially during big events such as the World Cup, where many people bet on their favorite teams, whether in their villages, offices, or cafes. Additionally, Indonesians frequently engage in gambling activities such as playing cards, dominoes, roulette, and dice. The most widespread form of gambling among Indonesians is lottery gambling, known as *toto gelap*, where players bet by guessing certain numbers. If the guess is correct, the player will win a prize that is many times the amount wagered (Rafel Maita, 2024).

Here is the spike or increase in online gambling in Indonesia. PPATK revealed a spike in online gambling in Indonesia with around 2.76 million active users, of which 2.19 million are low-income people such as students, laborers, farmers, housewives, and private employees. In the first three months of 2024 alone, online gambling transactions have reached IDR 100 trillion, indicating a continuing trend from the previous year. In response to this phenomenon, the Ministry of Communication and Information, together with the Financial Services Authority (OJK), is actively carrying out prevention and eradication efforts. Chairman of the OJK Board of Commissioners, Mahendra Siregar, stated that his party had blocked 5,000 accounts related to online gambling activities from the beginning of the year to March 2024. (EditorialKaltim.com, 2024)

Elements of the Criminal Act of Gambling in Indonesia

Elements of the Criminal Act of Gambling in Indonesia Criminal acts are elements and basic concepts in criminal law that are essential to determine an action that is considered unlawful and worthy of being sanctioned by the perpetrator. Moeljatno, a criminal law expert, defines a criminal act as "an act prohibited by the rule of law, which, if violated, the perpetrator will be subject to certain criminal sanctions." (Moeljatno, Azas-Azas Hukum Pidana, 2002) According to him, the elements of a criminal act include:

- a. Behavior and consequences (actions).
- b. Circumstances accompanying the action.
- c. Additional circumstances that aggravate the crime.

- d. Elements against objective law.
- e. Subjective unlawful elements. (Moeljatno, Azas-Azas Hukum Pidana, 2002)

Another opinion was conveyed by Simmons, as quoted by Sudarto, who divided the elements of a crime into two, namely objective and subjective elements. Objective elements include: (Sudarto, 1990)

- a. A person's actions.
- b. The consequences of these actions.
- c. Circumstances accompanying the act.

Meanwhile, subjective elements include: (Moeljatno, 2002)

- a. The perpetrator's ability to take responsibility.
- b. There is an inherent error in the act.

According to Van Hamel, as quoted by Moeljatno, a crime or "*strafbaar feit*" is human behavior that is formulated in law, is against the law, deserves to be punished, and is done wrong. This view emphasizes that a crime must include points of human action that are against the law, be in accordance with the formulation of the law that has been ratified, and meet the criteria for being able to be punished because of the element of error. (Moeljatno, Azas-Azas Hukum Pidana, 2002)

Driving Factors of Online Gambling

Subjective factors originate from an individual's innate traits, which they carry from birth. Meanwhile, objective factors are external factors that come from the surrounding environment. For example, a disharmonious household situation, such as a less harmonious relationship between parents and children, can be an objective factor that influences a person's development. The combination of internal and external factors can shape a person's behavior and character in facing various life situations.

- a. Human Resources

Human resources in this context refer to the internal factors of an individual that can cause someone to commit a crime, especially gambling. Gambling behavior has a major impact on a person's mental condition. People who are accustomed to gambling tend to have a low mentality, such as laziness, carelessness, a tendency to speculate on something, and a desire to quickly take risks without considering the future impacts in depth. An attitude focused on immediate gratification and a continuous desire to win fuels gambling, along with a disregard for the surrounding environment. Such an attitude makes it difficult to eradicate criminal acts of gambling, both direct and online. (Frisnanda Krisna Murti, 2024)

- b. Economic Factors

Economic factors are the main driving force that makes many people involved in online gambling. Various economic problems, such as the difficulty of getting a job, poverty, rampant unemployment, rising food prices, inflation, and below-average salaries, make it increasingly difficult for people to meet their daily needs. Amid the current economic pressures, online gambling attracts the attention of many people because it is considered to provide convenience and the opportunity to make large amounts of money with relatively small sacrifices. This belief is what drives some people to try and get involved in online gambling activities. (Bakhtiar, 2024)

c. Adequate facilities

The advancement of technology and information is currently growing rapidly in society. Almost everyone has a smartphone, but unfortunately not everyone uses it positively. Many people actually misuse this technological advancement, such as participating in online gambling. The crime of online gambling shows how the development of technology and information can be misused for illegal activities. The availability of easy access to online gambling sites allows anyone to access them freely, while inadequate government supervision worsens this situation so that internet access to online gambling is increasingly open to the public.

Not only that, the lack of legal awareness in society is a major factor driving gambling crimes. Society often complies with some policies but does not comply with other policies, including those that prohibit gambling. With the habit of this activity, many do not realize or do not care that gambling is a social disease that arises as a violation of the law. Weak law enforcement related to the difficulty of tracking ITE and minimal socialization of gambling regulations worsen this situation. On the other hand, cultural factors also play a role, because gambling has become a hereditary habit that is considered normal, for example, during a football match where spectators bet to prove who will be likely to win. Although often considered entertainment, this activity is still against the law. In addition, the trial factor motivates some people to try online gambling in the hope that they will win later. Curiosity and belief in the chances of winning make them continue to follow and keep betting with gambling groups. (Frisnanda Krisna Murti, 2024)

Impact of Online Gambling

Online gambling in Indonesia has a very influential impact in terms of economy, social, and psychology, especially for low-income people. From an economic perspective, many people are trapped in online gambling because they are tempted by instant profits, which often end in giant losses and even dependency, triggering debt problems that burden the family's economy. Not only that, online gambling will give birth to a new social disease, namely the dangers of online loans with the intention of paying off unpaid debts from the results of online gambling by players to their colleagues. Psychologically and socially, online gambling addiction has an impact on mental health, triggering stress, depression, and behavioral changes that can isolate perpetrators from their surroundings, damage their personal relationships and professional nature, and potentially increase crime rates or criminal acts. Dependence on online gambling even encourages some people to commit crimes, such as theft or fraud, to meet their gambling needs, which in turn worsens security in society and burdens law enforcement. From a cultural perspective, online gambling tends to damage positive values by fostering attitudes or stigmas against gambling, which can be contagious and influence the younger generation and adolescents due to simple access through internet platforms. However, from the culture, someone also legalizes gambling, such as pigeon fighting, which is a habit or tradition of playing and betting. Online gambling can ruin a family, as the husband or wife may not be able to pay for the loss if the bet is lost and the family is financially unstable. (Bakhtiar, 2024)

Online Gambling Prevention Strategies

To enforce the law and provide protection for the community, it is important to implement a strategic and effective online gambling prevention strategy. This action is in line with the provisions stipulated in Article 303 of the Criminal Code and Article 27, paragraph (2), of the ITE Law, which emphasizes the role of the police in protecting the community, especially teenagers and young people, from the dangers of online gambling. To address this issue, the government must be active in socializing law enforcement through webinars or outreach activities and providing information about the legal consequences for online gambling perpetrators. Socialization can be carried out through legal institutions, law enforcement, and social media to increase public awareness of the negative impacts of online gambling. From the district, city, and provincial levels. Like village heads, RT sub-districts coordinate with the police to eradicate gambling, which is now increasingly rampant thanks to simple access via the internet.

With an emphasis on violations stipulated in Article 303 of the Criminal Code and Article 27, paragraph (2), of the ITE Law, which can result in imprisonment and fines. Regarding legal regulations, online gambling in Indonesia is prohibited under Law No. 11 of 2008 concerning Electronic Information and Transactions (UU ITE) and its revision in Law No. 19 of 2016. Article 27, paragraph (2), prohibits anyone from distributing, transmitting, or making electronic information containing gambling accessible, with the threat of criminal penalties in Article 45, paragraph (2), namely a maximum of six years in prison and a maximum fine of IDR 1 billion. These sanctions are a form of government concern and seriousness in addressing the negative impacts of online gambling and blocking public access to gambling sites and platforms. However, the regulation of these rules still requires stronger supervision and law enforcement in order to eradicate online gambling in Indonesia as a whole. In addition, repressive efforts such as arresting online gambling perpetrators need to be carried out to provide a deterrent effect on the perpetrators. In addition to these steps, other government efforts to address these problems are carried out through criminal policies (Criminal Policy) consisting of penal efforts to prosecute crimes that have occurred and non-penal efforts, which emphasize prevention. Penal policy aims to be preventive, prioritizing the aspect of the threat of criminal punishment to create a deterrent effect on the perpetrators, as regulated in Article 10 and Article 103 of the Criminal Code, and is implemented through the criminal justice system in Indonesia. The government must also implement policies to restrict access to online gambling sites and platforms, thereby limiting public access and halting the proliferation of harmful gambling practices. (Frisnanda Krisna Murti, 2024)

Online Gambling in the Perspective of Islamic Law

Islam strictly forbids all forms of crime, including gambling, which can cause harm, which is a "loss" for individuals, society, and the environment. Violations of these norms must be faced with appropriate sanctions, considering that the purpose of Islamic law is to create peace and prevent harm to life, property, and honor. Islamic law not only upholds justice, but also aims to improve individuals and maintain social order through punishment. (Djazuli, 1996) The term "gambling" comes from the Arabic word الميسر "maysir," which refers to obtaining property in an easy way, so Islam prohibits this activity because it can potentially

harm both parties. The word maysir comes from the word Al-yasr (اليسر), which literally means "something that is obligatory on its owner" and also comes from the word Al-yusr, which means easy. (al-Qur'an, 1372 H)

Maqasid al-Syariah, as defined by scholars, is the goal of Islamic law to benefit people in this life and the next. Maqasid sharia comes from the words maqashid and sharia. Maqasid is the plural form of the singular form maqashid, which means goal, while sharia, in terms, is the laws of Allah that are set to be a guideline for humans. Thus, maqasid sharia is the goal in every law that has been set by Allah SWT. The Qur'an has long condemned gambling, as do Indonesia's criminal laws. The message prohibiting gambling is written in the Qur'an, Surah Al Ma'idah, verses 90-91, where Allah Ta'ala says:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رِجْسٌ مِنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ إِنَّمَا يُرِيدُ الشَّيْطَانُ أَنْ يُوقِعَ بَيْنَكُمُ الْعَدَاوَةَ وَالْبَغْضَاءَ فِي الْخَمْرِ وَالْمَيْسِرِ وَيَصُدَّكُمْ عَنْ ذِكْرِ اللَّهِ وَعَنِ الصَّلَاةِ فَهَلْ أَنْتُمْ مُنْتَهُونَ

Meaning: "O you who believe, indeed (drinking) wine, gambling, (sacrificing to) idols, and drawing many fortunes with arrows are rijsun, including the actions of the devil. So stay away from these actions so that you will get good luck. Verily, the devil intends to cause enmity and hatred among you because of (drinking) wine and gambling and prevent you from remembering Allah and praying, so stop (doing your work)". (Al-Qur'an, 7)

Gambling is considered detrimental because it can cause loss of common sense and distance the perpetrator from prayer and dhikr. People who are trapped in the scope of gambling tend to hope to win later and do not feel deterred, so they have the potential to do actions that are detrimental to others in order to obtain capital to gamble again. In the analysis of responding to gambling, the chances of winning in gambling are very small, and the losses caused are greater than the profits that might be obtained. So, gambling is banned due to its immediate effects and its possible long-term risks to people and society. (RI, 2011)

There is another view on gambling in ta'zir crimes, where, linguistically, jarimah is another term for jināyah, which refers to acts that violate the provisions of sharia and are threatened with certain punishments, such as ḥad, qisas, or ta'zir. The word al-jināyāt is the plural form of al-jināyah, which comes from the root word janā-yajnī-jināyātan, which means 'picking,' while ta'zir is a punishment whose type and form are left to the judge or ruler. In Islamic law, jināyah is related to criminal acts or violations that are considered detrimental to oneself or others, so that sanctions are needed to provide a deterrent effect and justice. (Ibnu Hajar al-Asqalani, 1992). In Islamic jurisprudence terms, jarimah is any forbidden act because it has a bad or dangerous impact on five main things that must be protected, namely: the Islamic religion, human life, reason, good character (morals), and property. (Dahlan, 2003)

Jarimah, also in the Indonesian sense, means a crime or criminal act, namely an act prohibited by sharia, where the perpetrator is threatened with a certain punishment such as ḥad (punishment with a predetermined form) or ta'zir (punishment whose type and form are left to the judge or ruler). This sharia prohibition includes committing prohibited acts or ignoring ordered acts. (Dahlan, 2003). From this understanding, it can be concluded that the term jarimah or jinayah is the meaning of the word "criminal act," which is an act that is

prohibited by Allah in the form of a crime or violation of a person's physical or mental health, where the perpetrator is subject to sanctions (uqubat or punishment). The punishment can be hudud or ta'zir, depending on the type of crime committed by the perpetrator.

Hudud crimes come from the word hudud (Arabic), which is the plural form of had, which means limitation, torture, or provision. In the teachings of Islamic jurisprudence, "had" refers to punishments that have been strictly determined for certain types of crimes, both physical and moral, the basis of which is derived from the text, namely the provisions of Allah contained in the Qur'an and also the practices carried out by the Messenger of Allah. Individuals cannot abolish these punishments, which are the provisions of Allah with no upper or lower limits. (Djazuli, 1996)

However, in its application, the Prophet Muhammad did not enforce the law only according to the text but also considered the conditions and situations that existed with the implied conscience by looking at the good and bad aspects for the perpetrators of the crime. The provisions of Allah that have been exemplified by the Prophet now apply as Islamic law to this day, which aims to maintain the peace of the people and the security and order of society. Penalties for Gamblers . Ta'zir crimes include gambling offenses. In the teachings of Islamic jurisprudence. All types of crimes not explicitly regulated by the Qur'an or hadith are considered ta'zir crimes. The punishment for ta'zir crimes is left to the authority of the judge or ruler, who has the discretion to determine the form and level of punishment based on the interests and principles of justice. (ISLAMI, 2022). The provisions in ta'zir crimes do not have fixed or standard rules like hudud crimes, so the determination of punishment in this case is left to the government or court. In this case, the judge has the authority to determine the type and level of punishment that is considered appropriate. The purpose of this understanding is so that legal regulations can be adjusted to the development of times and conditions in society, allowing the application of relevant and effective sanctions while maintaining public order. (ISLAMI, 2022)

Analys and Discussion

Online gambling is a problem and disease in society that involves ethics or morals, law, and various social impacts. Islamic law prohibits gambling due to its significant harm to individuals and society. This prohibition is in line with the principle of maqasid al-syariah, which prioritizes protection of five main things: religion, life, reason, morals, and property. The definition of maysir in Islam shows that gambling is not only prohibited because of its detrimental nature but also because of the potential for greater damage in society. The Qur'an, in Surah Al-Ma'idah, mentions gambling as a satanic act that can cause hostility and divert attention and obedience from worship. In addition, gambling is categorized as a ta'zir crime, where sanctions are determined by the judge based on conscience and the situation. This shows the flexibility and dynamics of Islamic law in upholding justice and order in society. Online gambling is growing along with technological advances, presenting a challenge for Islamic law and the state, given the easy access and risk of mental addiction. The Electronic Information and Transactions Law (UU ITE) in Indonesia aims to address this issue with clearly designed provisions. Although the sanctions in the ITE Law appear lighter than those in the Criminal Code, this reflects the debate over law enforcement that must be in line with

developments in society regarding the dangers of gambling. Key elements in gambling, such as betting, games, and distribution of assets, show that gambling is not just a game but also presents risky transactions with wide impacts. In addition, traditional forms of gambling, such as cockfighting and pigeon betting, are part of local culture, so eradicating gambling requires legal negotiations that take into account cultural values, customs, and interactions in society. Therefore, insight, education, and awareness are important in efforts to prevent gambling.

CONCLUSION

In conclusion, the rapid development of technology and internet access has changed the way gambling is done; online gambling is now a worrying, problematic phenomenon, especially among teenagers and young people. Online gambling, which was initially carried out directly and face-to-face in a forum or special place, has now shifted to a digital platform. This can facilitate access, which can increase the risk of addiction and future losses. Although gambling in Indonesia is prohibited by positive law, including the Criminal Code and the ITE Law, many illegal gambling sites can still be accessed on websites, and poverty factors and the desire to follow social trends are the main triggers for someone to get involved in this gambling. From the perspective of Islamic law, gambling is also considered a prohibited act, as supported by various verses of the Qur'an that emphasize its negative impacts. Overall, although technology provides convenience, the challenges posed by online gambling require serious attention from the community and government to educate and prevent wider abuse.

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