



LEGAL HARMONIZATION OF ONLINE GAMBLING: INDONESIAN CRIMINAL CODE, ITE LAW, AND ISLAMIC LAW

Yasykur Ridho,*¹ Fenny Bintarawati¹

¹Universitas Islam Negeri Walisongo Semarang, Semarang-Indonesia

*Corresponding author, email: mohndor.mn@gmail.com

Abstract: The rapid advancement of information technology has given rise to new forms of cybercrime, one of which is online slot gambling. This article provides an in-depth analysis of the criminal elements involved in online gambling offenses under Article 303 of the Indonesian Penal Code (KUHP) and Article 27(2) of Law No. 19 of 2016 on Electronic Information and Transactions (ITE Law). Additionally, this study explores the Islamic legal perspective on gambling practices and highlights the social and juridical implications arising from such activities. Employing a normative juridical method, the research is based on statutory approaches, legal literature, and comparative analysis of six reputable international journals. The findings reveal a normative disharmony between the Penal Code and the ITE Law in addressing online gambling offenses, as well as weak law enforcement that has failed to significantly curb the proliferation of cases. From an Islamic legal perspective, online slot gambling is a prohibited act (*ḥarām*) with severe spiritual and social consequences. This study recommends regulatory reform, increased digital literacy, and stronger institutional synergy as strategic measures to combat online gambling crimes.

Keywords: Online Gambling; Article 303 KUHP; ITE Law; Islamic Law; Cybercrime

Abstrak: Perkembangan teknologi informasi telah memunculkan bentuk-bentuk baru kejahatan siber, salah satunya adalah praktik perjudian slot online. Artikel ini menganalisis secara mendalam unsur-unsur tindak pidana judi online berdasarkan Pasal 303 Kitab Undang-Undang Hukum Pidana (KUHP) dan Pasal 27 ayat (2) Undang-Undang Nomor 19 Tahun 2016 tentang Informasi dan Transaksi Elektronik (ITE). Selain itu, penelitian ini juga menelaah perspektif hukum Islam terhadap praktik perjudian serta menyoroti implikasi sosial dan yuridis yang ditimbulkan. Penelitian menggunakan metode yuridis normatif dengan pendekatan peraturan perundang-undangan, literatur hukum, serta kajian komparatif terhadap enam jurnal internasional bereputasi. Hasil kajian menunjukkan adanya disharmoni normatif antara KUHP dan UU ITE dalam penanganan tindak pidana judi online serta lemahnya penegakan hukum yang belum mampu menekan angka kasus. Dari perspektif hukum Islam, judi slot online merupakan perbuatan haram yang berdampak negatif secara spiritual dan sosial. Penelitian ini merekomendasikan pembaruan regulasi, peningkatan literasi digital masyarakat, dan sinergi antar-lembaga sebagai langkah strategis untuk memerangi kejahatan judi online.

Kata Kunci: Judi Online; Pasal 303 KUHP; UU ITE; Hukum Islam; Kejahatan Siber

A. INTRODUCTION

The advancement of information and communication technology has brought about significant transformations in societal interaction patterns, including the migration of illegal activities into the digital sphere. The Internet, as a primary medium for information exchange, not only facilitates communication and transactions but also serves as a fertile ground for the proliferation of cybercrime, among which online gambling has been increasing both in quantitative terms and in the sophistication of its *modus operandi*. One of the most popular and concerning forms is online slot games, which target various segments of society, ranging from adolescents to adults, due to their high accessibility and addictive mechanisms.¹

Online gambling represents an evolution of conventional gambling activities that have long existed in Indonesian society.² According to Article 303 paragraph (3) of the Indonesian Criminal Code (KUHP), gambling is defined as a game that relies solely on luck and does not significantly involve skill. Technological developments have digitalized this activity, complicating legal supervision due to its covert and cross-jurisdictional nature. Online gambling, including slot games, not only triggers addiction but also contributes to secondary criminal acts such as theft, fraud, and other legal violations.³

From a legal perspective, the government has established a legal framework prohibiting gambling in both conventional and electronic forms. Law No. 19 of 2016, as an amendment to Law No. 11 of 2008 on Electronic Information and Transactions (ITE), particularly Article 27 paragraph (2), explicitly prohibits the distribution, transmission, and access to gambling-related content through electronic media. This provision functions as a *lex specialis* complementing Article 303 of the KUHP, aiming to counter gambling in the digital realm. Nevertheless, issues persist regarding the

¹ Sandy Kelvin Anugrah, Diding Rahmat, and Sudarto Sudarto, "Law Enforcement against Online Gambling Offenders Based on the Theory of Justice," *LITERATUS* 7, no. 1 (April 8, 2025): 145–53, <https://doi.org/10.37010/lit.v7i1.1990>; Ahmad Muzacky and Muhammad Roy Purwanto, "Digital Families and the Threat of Online Gambling: Legal Challenges in Protecting Children in Indonesia," *International Journal of Science and Society* 7, no. 2 (July 28, 2025): 559–77, <https://doi.org/10.54783/ijssoc.v7i2.1470>; Ragma Adhamianda, Anwar Hidayat, and M Abas, "The Crime Of Online Gambling In The Slots Type Among Teenagers In A Social Practice That Contradicts Article 303 Of The KUHP (Case Study In Karawang District)," *De Lega Lata: Jurnal Ilmu Hukum* 9, no. 2 (2024), <https://doi.org/10.30596/dll.v9i2.20366>.

² Sigid Suseno et al., "Cybercrime in the New Criminal Code in Indonesia," *Cogent Social Sciences* 11, no. 1 (December 31, 2025), <https://doi.org/10.1080/23311886.2024.2439543>.

³ Merwan Abdullah, Iseu Lismiati, and Asep Sapsudin, "The Task of Legal Protection for Indonesian Citizens from Online Gambling Exploitation in the Perspective of Law Enforcement in the Digital Era," *Journal of Law, Politic and Humanities* 5, no. 5 (July 11, 2025): 3876–86, <https://doi.org/10.38035/jlph.v5i5.1947>.

effectiveness of its implementation due to technical limitations, weak supervision, and low public legal awareness.

From an Islamic legal perspective, gambling falls under the category of *al-maysir*, which encompasses any form of game or transaction containing speculative elements that may harm one party without equivalent compensation.⁴ The prohibition of gambling is emphasized in the Qur'an, in Surah Al-Baqarah (2:219) and Al-Ma'idah (5:90–91), which describe gambling as an abominable act associated with Satan, undermining intellect, inciting hostility, and obstructing remembrance of God and prayer. Moreover, from the perspective of *maqāsid al-sharī'ah*, gambling violates the principles of property protection (*ḥifẓ al-māl*) and intellect protection (*ḥifẓ al-'aql*), as it leads to material loss and moral corruption.⁵ Therefore, in both positive law and Islamic law, gambling is positioned as a reprehensible act that must be systematically prevented and eradicated.

Despite the existence of regulations, the prevalence of online slot gambling indicates gaps in law enforcement and low levels of digital and religious literacy within society.⁶ Consequently, this study is both relevant and urgent, aiming to conduct an in-depth analysis of the criminal elements in Article 303 of the KUHP and Article 27 paragraph (2) of the ITE Law, as well as to explain the Islamic legal perspective on online gambling practices, particularly slot games, as a complex form of digital crime with far-reaching impacts.

Previous studies have critically examined various legal aspects of online gambling from both positive law and Islamic law perspectives. Samosir et al. (2023) conducted a normative juridical analysis of the criminal responsibility of online gambling perpetrators, focusing on Article 27 paragraph (2) of the ITE Law. They highlighted the challenges in proving unlawful elements and the obstacles of law enforcement in the digital realm, especially for cross-regional perpetrators.⁷ This study bears

⁴ Dewi Maliha Maliha, Mahdalina Nanda Alhusna, and Ahmad Zaidanil Kamil, "Meaning of Al-Maysir from the Perspective of Middle Eastern Mufasirs and Its Context," *An-Nur International Journal of The Quran & Hadith* 2, no. 2 (November 30, 2024): 11–23, <https://doi.org/10.62032/aijqh.v2i2.53>.

⁵ Mohd Harifadilah Rosidi, Ahmad Wifaq Bin Mokhtar, and Mohd Nasir Bin Abdul Majid, "The Role of Maqasid Al-Shari'ah as a Fundamental Ethics in Social Media Use," *International Journal of Academic Research in Business and Social Sciences* 12, no. 4 (April 16, 2022), <https://doi.org/10.6007/IJARBS/v12-i4/13044>; Muhammad Nooraiman Zailani, Nurulhuda Mohd Satar, and Roza Hazli Zakaria, "A Review of Indicators for the Preservation of Wealth (Hifz Al-Mal) Based on Maqasid Al-Shariah," *Journal of Islamic Philanthropy and Social Finance* 5, no. 1 (March 1, 2023): 23–29, https://doi.org/10.24191/JIPSF/v4n12022_23-29.

⁶ I Made Indra et al., "The Phenomenon of Online Gambling Under the Guise of Online Games among the Younger Generation," *International Journal of Multidisciplinary Research and Literature* 4, no. 1 (January 1, 2025): 53–69, <https://doi.org/10.53067/ijomral.v4i1.294>.

⁷ Joko Christopher Samosir, Suci Ramadani, and Ismaidar Ismaidar, "Legal Review of the Responsibility of Online Gambling Criminal Acts in Indonesia," *International Journal of Sociology and Law* 2, no. 2 (May 22, 2025): 71–82, <https://doi.org/10.62951/ijsl.v2i2.603>.

similarity to the present research in its juridical approach and focus on violations of Article 27 paragraph (2) of the ITE Law; however, it differs in that it only addresses legal responsibility in general terms without specifically examining online slot gambling as a particular object.

Furthermore, Lewiandy et al. (2024) highlighted the prohibition of online gambling from both legal and economic perspectives. They combined a review of statutory regulations (KUHP and ITE Law) with an analysis of the socio-economic impact of online gambling activities.⁸ This study differs from the present research as it incorporates economic aspects and their societal impact, whereas the present research focuses on normative juridical aspects and the Islamic legal approach concerning criminal acts of online slot gambling.

Frislidia (2024) developed a sociological study on the increasing practice of online gambling as a consequence of technological advancements. This research positions online gambling behavior as a social outcome of digital transformation and weak social control.⁹ Although it shares a thematic focus on online gambling, the approach differs because Frislidia employs a legal sociology perspective, whereas the present study emphasizes the reconstruction of criminal law norms and Islamic law principles.

In an integrative approach, Susantyo et al. (2025) in their study stress the importance of harmonizing positive law and Islamic law in combating online gambling crimes. They recommend strengthening legal education and implementing more inclusive policy reforms.¹⁰ This research is highly relevant to the present study because both adopt perspectives from positive law and Islamic law; however, the distinction lies in the scope: the previous study focuses on prevention and policy, whereas the current research concentrates on the analysis of criminal law norms regarding online slot gambling players.

Hasan and Hossain (2023), in their paper, outline the prohibition of gambling in Islam based on Qur'anic verses and Hadith, as well as examining the moral and social dangers of *maisir* practices. They assert that online gambling, including digital slot

⁸ Lewiandy LewiandyFollow, Ariawan GunadiFollow, and Evan Tjoa Putra, "The Prohibition of Online Gambling in Indonesia: A Law and Economic Analysis," *Indonesia Law Review* 14, no. 2 (2024): 1–22, <https://scholarhub.ui.ac.id/ilrev/vol14/iss2/3>.

⁹ Frislidia Frislidia, "The Deadly Effect of Technological Development Online Gambling as Viewed from the Possibility of Legal Sociology," *JLAST: Journal of Law and Sosial Transformation* 2, no. 1 (2024): 44–49, <https://doi.org/10.62527/jlast.2.1.13>.

¹⁰ Herdy Pratama Susantyo et al., "Analysis of Online Gambling Crime Prevention Policies According to Positive Law and Islam in Indonesia," *Asy-Syari'ah: Jurnal Hukum Islam* 11, no. 1 (2025): 76–84, <https://doi.org/10.55210/assyariah.v11i1.1983>.

games, is absolutely contrary to the principles of *maqāṣid al-sharī'ah*.¹¹ This study reinforces the Islamic theoretical foundation employed in the present research, although Hasan and Hossain's work is more general and conceptual, without direct reference to Indonesia's positive legal framework.

This study presents several unique contributions compared to previous research. First, it focuses on a specific object: criminal acts of online slot gambling, rather than online gambling in general. Second, it applies an explicit dual approach, combining normative juridical analysis (Indonesian positive law) and normative Islamic legal analysis (Islamic criminal law). Third, the focus is on the player (user) as the legal subject, rather than the operator or platform developer. Fourth, it conducts a systematic comparative analysis of legal norms between the KUHP, ITE Law, and Islamic legal principles. Accordingly, this study contributes to filling gaps in the literature by offering cross-system legal analysis specific to the type of game (slots) and considering the legal position of users.

B. METHOD

This study employs a normative juridical method, which relies on library research to examine positive legal norms related to online gambling crimes, particularly in Article 303 of the Indonesian Criminal Code (KUHP) and Article 27 paragraph (2) of Law No. 19 of 2016 on Electronic Information and Transactions (ITE). The legal materials used include primary sources (legislation), secondary sources (legal literature, academic journals, and previous research), and tertiary sources (legal dictionaries and encyclopedias). Data collection was conducted through library research, while data analysis was performed qualitatively using systematic, interpretative, and argumentative legal methods, along with deductive and inductive reasoning, to obtain a comprehensive understanding of the juridical elements in online slot gambling practices.

C. RESULT AND DISCUSSION

1. The Conception of Online Gambling from the Perspective of Indonesian Criminal Law

Gambling is one of the crimes long recognized within the Indonesian criminal law system. From the perspective of positive law, gambling offenses are regulated in the Indonesian Criminal Code (KUHP), particularly in Articles 303 and 303 bis. These

¹¹ Piam Amrul Hasan and Forhad Hossain, "Online Gambling in Islamic Perspective," 2023, https://www.researchgate.net/publication/366839555_online_gambling_in_Islamic_perspective.

articles prohibit any acts related to games involving betting, whether conducted directly or through technological means. With the advancement of information and communication technology, gambling practices have transformed from conventional to digital forms, now widely known as online gambling, including digital slot games.¹²

However, this development poses new challenges for law enforcement. The classical KUHP does not explicitly regulate cybercrimes, necessitating reinforcement through Law No. 19 of 2016 on Electronic Information and Transactions (ITE) as a *lex specialis*.¹³ Article 27 paragraph (2) of the ITE Law explicitly prohibits any individual from distributing, transmitting, or making accessible electronic information containing gambling content.¹⁴ Consequently, online gambling perpetrators can be prosecuted under the provisions of the KUHP, reinforced by sanctions stipulated in the ITE Law.

Nonetheless, the enforcement of law against online gambling still faces multiple obstacles, such as difficulties in identifying perpetrators using virtual private networks (VPNs), foreign-based websites beyond national jurisdiction, and the limited digital capabilities of law enforcement officers.¹⁵ Furthermore, debates arise regarding the legal status of users or online slot players—whether they are merely victims of the system or legal subjects liable for criminal prosecution.¹⁶

In this context, Indonesian criminal law faces a dilemma between repressive efforts through criminal prosecution and the need to develop preventive and restorative criminal policies,¹⁷ such as digital education and online platform monitoring. Therefore, a reassessment of the effectiveness of existing legal norms and

¹² Army Handayani et al., “Penegakan Hukum Terhadap Praktik Judi Online Di Era Digital: Studi Kasus Cybercrime Di Indonesia,” *Al-Zayn: Jurnal Ilmu Sosial Dan Hukum* 3, no. 2 (2025): 207–205, <https://doi.org/10.31227/osf.io/5j9w8>; Reza Ditya Kesuma, “Penegakan Hukum Perjudian Online Di Indonesia: Tantangan Dan Solusi,” *Jurnal Exact: Kajian Kemahasiswaan* 1, no. 2 (2023): 34–52, <https://doi.org/10.18326/ejuridica.v1i1.1-12>.

¹³ Muh Alfikram Azis et al., “Tindak Pidana Judi Online Sebagai Kejahatan Siber: Analisis Normatif Terhadap Efektivitas Regulasi Di Indonesia,” *Innovative: Journal of Social Science Research* 5, no. 4 (2025): 3912–3928, <https://doi.org/10.31004/innovative.v4i6.17305>.

¹⁴ Army Handayani et al., “Penegakan Hukum Terhadap Praktik Judi Online Di Era Digital: Studi Kasus Cyber Crime Di Indonesia,” *Al-Zayn : Jurnal Ilmu Sosial & Hukum* 3, no. 2 (May 1, 2025): 207–15, <https://doi.org/10.61104/alz.v3i2.984>.

¹⁵ Christine Utz et al., “(Un)Informed Consent,” in *Proceedings of the 2019 ACM SIGSAC Conference on Computer and Communications Security* (New York, NY, USA: ACM, 2019), 973–90, <https://doi.org/10.1145/3319535.3354212>.

¹⁶ Jukka Ruohonen, “Recent Trends in Cross-Border Data Access by Law Enforcement Agencies,” *Arxiv*, 2023, <https://doi.org/10.48550/arXiv.2302.09942>.

¹⁷ Sijia Xiao, Shagun Jhaver, and Niloufar Salehi, “Addressing Interpersonal Harm in Online Gaming Communities: The Opportunities and Challenges for a Restorative Justice Approach,” *ACM Transactions on Computer-Human Interaction* 30, no. 6 (December 31, 2023): 1–36, <https://doi.org/10.1145/3603625>.

their harmonization with information technology developments is crucial to ensure that law enforcement is not only symbolic but also substantive and contextual.

2. The Islamic Legal Perspective on Online Gambling

In Islam, gambling is referred to as *maysir* or *qimar*. It is explicitly prohibited in the Qur'an and considered haram because it involves elements of uncertainty (*gharar*), exploitation, and the potential to undermine moral and social values within society.¹⁸ The prohibition of *maysir* is emphasized in several Qur'anic verses, including Al-Baqarah [2]:219 and Al-Maidah [5]:90–91, which assert that gambling is an abominable act associated with Satan, capable of inciting enmity and hatred among humans, and obstructing the remembrance of Allah and the performance of prayer.

Online gambling—including digital slot games—although presented in a modern, technologically mediated format, retains the same substantive elements as conventional gambling: betting, speculation, and gains based purely on chance rather than actual labor or effort. From a *fiqh* perspective, any form of gambling, whether physical or digital, is impermissible because it causes economic injustice, promotes illegitimate consumption of wealth (*akl al-māl bi al-bāṭil*), and generates social harm.¹⁹

Furthermore, from the perspective of *maqāṣid al-sharī'ah* (the objectives of Islamic law), the prohibition of gambling is closely linked to the protection of five fundamental principles of life: religion (*ḥifẓ al-dīn*), intellect (*ḥifẓ al-'aql*), wealth (*ḥifẓ al-māl*), life (*ḥifẓ al-nafs*), and lineage (*ḥifẓ al-nasl*). Online gambling clearly threatens these principles, particularly the protection of wealth and intellect. Numerous cases of online gambling addiction have resulted in mental deterioration, psychological stress, economic collapse of families, and even criminal acts such as theft or fraud.²⁰

From a *ushul fiqh* perspective, online gambling falls into the category of *mafsadah* (harm) that must be prevented. Therefore, a country with a Muslim majority, such as Indonesia, possesses both moral and *shar'i* legitimacy to enact regulations prohibiting

¹⁸ Atikullah Abdullah, "Islamic Law on Gambling and Some Modern Business Practices," *International Journal of Academic Research in Business and Social Sciences* 7, no. 11 (December 16, 2017): 738–50, <https://doi.org/10.6007/IJARBS/v7-i11/3512>; Toheeb Abdulsamod Obasanjo, "Unraveling the Islamic Viewpoint on Gambling and Its Deep Rooted Societal and Religious Implications," legalideasforum.com, 2024, <https://legalideasforum.com/unraveling-the-islamic-viewpoint-on-gambling-and-its-deep-rooted-societal-and-religious-implications.html?>

¹⁹ Baldad Muhammad Syarifati and Maya Panorama, "Maysir Element Analysis in Binary Option Platform Case Study of IQ Option Application," *Indonesian Journal of Multidisciplinary Science* 1, no. 10 (2022): 1202–10, <https://doi.org/10.55324/ijoms.v1i10.182>.

²⁰ Rosidi, Mokhtar, and Abdul Majid, "The Role of Maqasid Al-Shari'ah as a Fundamental Ethics in Social Media Use"; A. Adib Dzulfahmi and Tutik Hamidah, "Online Gaming and Virtual Property Transactions From an Islamic Perspective," *International Journal of Contemporary Islamic Law and Society* 7, no. 1 (2025): 19–28, <https://doi.org/10.24239/ijcils.Vol7.Iss1.121>.

and strictly sanctioning online gambling, including through technological measures and criminal penalties. Islamic law not only encourages the prohibition of such acts but also supports community empowerment and educational approaches as part of long-term strategies to eradicate gambling in any form. Thus, the integration of positive law and Islamic law in the context of online gambling can provide a comprehensive and contextual legal framework, given the evolving digital challenges that require adaptive legal responses while remaining grounded in moral and Islamic ethical principles.

3. Analysis of Criminal Elements in Article 303 of the KUHP and Article 27 Paragraph (2) of the ITE Law

Gambling offenses have long been criminalized in the Indonesian legal system due to their detrimental impact on social, economic, and moral life. In the context of national law, there are two primary regulations forming the basis for combating gambling practices: Article 303 of the Indonesian Criminal Code (KUHP) and Article 27 paragraph (2) of Law No. 19 of 2016 on Electronic Information and Transactions (ITE Law). Both provisions have distinct scopes and characteristics, yet they complement each other in addressing gambling crimes, particularly those that have evolved into digital or online forms. In this section, the elements of both articles are systematically analyzed to examine how criminal law responds to the phenomenon of online slot gambling and to evaluate the effectiveness of law enforcement in practice

Article 303 paragraph (1) of the KUHP states:

"Anyone without permission who intentionally: (1) offers or provides an opportunity to gamble, or participates in a gambling enterprise; (2) offers or provides the public with an opportunity to gamble, or participates in gambling as a means of livelihood; and (3) makes participation in gambling a means of livelihood, shall be subject to imprisonment for a maximum of ten years or a fine of up to twenty-five million rupiahs."

From this provision, the identifiable elements include: (a) the act of offering, providing opportunities, or participating in gambling; (b) intentionality; (c) absence of authorization from competent authorities; and (d) targeting the general public or as a means of livelihood. This implies that anyone managing, providing facilities, or facilitating gambling without legal authorization can be subjected to criminal sanctions.

However, in the context of online gambling, Article 303 of the KUHP is considered insufficient, as it does not explicitly mention acts conducted via electronic media or

the Internet. Here, the ITE Law becomes crucial as a complement or *lex specialis* to the KUHP. Article 27 paragraph (2) of the ITE Law states:

"Any person who intentionally and without rights distributes, transmits, or makes accessible electronic information and/or electronic documents containing gambling content."

The elements of this provision include: (a) the legal subject "any person"; (b) the act of distributing, transmitting, or making electronic information or documents accessible; (c) the presence of gambling content; and (d) intentionality and absence of authorization.

Technically, there is a difference in approach between the two regulations. The KUHP emphasizes the physical aspects of gambling and focuses more on the organizers or operators. In contrast, the ITE Law is more progressive, addressing perpetrators operating in cyberspace, whether as content providers or as intermediaries transmitting gambling information to the public. The ITE Law does not differentiate whether the perpetrator is an operator or merely a user; the key factor is the digital act containing gambling content conducted without authorization.

In the context of online slot gambling, the criminal elements can be established by proving that an individual intentionally facilitates games involving monetary bets through digital platforms, such as websites, applications, or social media networks. For instance, if a person manages an online slot website, uploads promotional content for gambling to social media, or shares links to online gambling games via chat groups, these actions can be classified as "distributing" or "making accessible" electronic information containing gambling content. The element of "intentional and without rights" can be demonstrated by the perpetrator's awareness that the action violates the law and lacks proper authorization from competent authorities.²¹

Despite the availability of these two legal instruments, there are several challenges in their implementation. These include difficulties in tracing identities of perpetrators using fake accounts or foreign servers, limited digital capabilities of law enforcement officers, and overlapping authority between communication regulatory bodies and the police. Enforcement against online slot gambling perpetrators is also not fully consistent. There is a tendency for principal operators (platform owners or organizers) to remain beyond national jurisdiction, while apprehended individuals are

²¹ Kesuma, "Penegakan Hukum Perjudian Online Di Indonesia: Tantangan Dan Solusi."

often users from lower- to middle-income groups, who in many cases are victims of the system.²²

This highlights the importance of strengthening a criminal law approach that is not solely repressive but also restorative and educational. Repressive measures are indeed necessary to deter operators or gambling organizers. However, for users, a rehabilitative, digital-education-oriented, and socially protective approach should be considered. Furthermore, there is a need for harmonization among regulations and an update of the KUHP to cover new technology-based crimes.

In conclusion, Articles 303 of the KUHP and 27 paragraph (2) of the ITE Law normatively provide a sufficient legal basis to combat online gambling. However, in practice, these provisions require reinforcement in technical, institutional, and inter-agency coordination aspects. Criminal regulation should also be accompanied by a comprehensive national strategy, given that online gambling is not merely a legal issue but also involves social, economic, cultural, and technological dimensions.

4. Dualism in Legal Frameworks: Harmonizing Article 303 of the Indonesian Penal Code and Article 27(2) of the Electronic Information and Transactions Law

The rapid advancement of information technology has given rise to new forms of crime that were previously unaddressed within the framework of classical law, including gambling offenses that have now transformed into online gambling. In Indonesia, two primary legal instruments serve as the basis for law enforcement against gambling-related crimes: Article 303 of the Indonesian Penal Code (KUHP) and Article 27(2) of Law No. 19 of 2016 on Electronic Information and Transactions (EIT Law). Although both aim to criminalize gambling activities, differences in scope, legal objects, and normative approaches have created a sense of legal dualism, necessitating further harmonization to ensure legal certainty and effective enforcement.

Article 303 of the Penal Code is a classical provision regulating the prohibition of conventional gambling. Its primary focus is on gambling as a physical activity conducted at a specific place and time, involving direct interaction between the operator and the player. Explicitly, this article prohibits offering, facilitating, or engaging in gambling activities, particularly when conducted as a profession or aimed

²² Azis et al., "Tindak Pidana Judi Online Sebagai Kejahatan Siber: Analisis Normatif Terhadap Efektivitas Regulasi Di Indonesia"; Krisna Indrawan and M. Ruhly Kesuma Dinata, "Analisis Yuridis Tindak Pidana Perjudian Online Di Indonesia Dalam Putusan Nomor 244/Pid.B/2024/PN Kbu," *Arus Jurnal Sosial Dan Humaniora* 5, no. 1 (April 28, 2025): 683–87, <https://doi.org/10.57250/ajsh.v5i1.1108>.

at the general public without lawful authorization. This provision reflects the legal paradigm of the past, wherein crimes were understood as tangible acts occurring directly in the physical world.

In contrast, Article 27(2) of the EIT Law represents a legislative response to cybercrime, where gambling is no longer conducted physically but through digital media. This provision prohibits any person, intentionally and without right, from distributing, transmitting, or making accessible electronic information or electronic documents containing gambling content. Unlike Article 303 of the Penal Code, which focuses on physical actors and gambling locations, the EIT Law emphasizes the medium of distribution, the nature of the content, and its presence in cyberspace. Within this framework, anyone who publishes, shares links, or facilitates access to gambling-related content online may be criminally liable, even if they do not act directly as an operator or player.

This conceptual distinction underlies the legal dualism between the Penal Code and the EIT Law. The Penal Code regulates gambling offenses in a general sense, using a conventional approach that relies on physical evidence, while the EIT Law employs a technological and informational approach by regulating electronic content. In practice, this dualism often leads to overlapping jurisdictions, inconsistencies among law enforcement authorities, and even legal loopholes that offenders can exploit.

Hence, legal harmonization is essential so that the provisions of the Penal Code and the EIT Law can operate in an integrated and complementary manner. Such harmonization should be both normative and practical, involving a shared understanding among law enforcement officials (police, prosecutors, and judges), policymakers, and the public. In this regard, the principle of *lex specialis derogat legi generali* becomes crucial, meaning that the EIT Law as *lex specialis* overrides the Penal Code as *lex generalis* in addressing gambling cases conducted through electronic systems or digital networks. This principle has also been reinforced by the Supreme Court and the Attorney General's Office in several prosecution guidelines concerning cybercrime, including online gambling.

Nevertheless, harmonization does not render Article 303 of the Penal Code irrelevant. In practice, the enforcement of online gambling laws often employs a combination of Article 303 of the Penal Code and Article 27 of the EIT Law. For example, if an individual provides a physical venue to access online gambling (such as an internet café), they may be prosecuted under Article 303 of the Penal Code, while platform providers, site operators, or link distributors can be charged under Article

27(2) of the EIT Law. This strategy allows for more comprehensive enforcement that addresses various actors within the digital gambling ecosystem.

From a substantive law perspective, harmonization must also be supported by regulatory updates. Article 303 of the Penal Code, inherited from the Dutch colonial era, is no longer adequate to address the complexities of modern gambling. Accordingly, the enactment of the new Penal Code through Law No. 1 of 2023 deserves recognition, as it incorporates criminal provisions on gambling in a manner more contextual to technological developments. However, harmonization remains necessary at the technical level, particularly regarding digital evidence, digital asset seizure, and cross-jurisdictional cooperation among institutions.

Harmonization must also consider social justice and human rights protection. Many cases reveal that those apprehended are merely small-scale players or users, while major actors such as website owners, affiliate networks, or principal operators often evade prosecution. Such imbalance risks creating injustice and potentially violating principles of fairness and proportionality in criminal law. Therefore, harmonization should not only align legal norms but also guide law enforcement policies toward fairness and addressing root causes.²³

In conclusion, the legal dualism between Article 303 of the Penal Code and Article 27(2) of the EIT Law should be understood as a differential response to the dynamics of both conventional and digital gambling crimes. Both provisions hold significant roles and are not mutually exclusive. What is required is a synchronized approach and shared understanding in practice so that law enforcement can be effective, just, and responsive to technological developments. Harmonization is thus key to building a criminal justice system that is adaptive to the digital era while safeguarding moral, social, and justice values in society.

5. The Perspective of Islamic Law on Online Slot Gambling

Gambling is one of the activities explicitly prohibited in Islam. This prohibition is not merely normative but also carries profound ethical, moral, and social dimensions. In contemporary contexts, gambling is no longer limited to conventional forms such as dice games or race betting; it has undergone a transformation through digital media, one example being online slot gambling. Online slot gambling is an electronic form of

²³ Rusmita Sari and Sukses Marhasak Panungkunan Siburian, "Efektivitas Hukum Positif Terhadap Tindak Pidana Judi Online Slot Dan Kaitannya Dengan Perspektif Kriminologi," *Jurnal Ilmu Hukum, Humaniora Dan Politik* 4, no. 6 (September 16, 2024): 2573–85, <https://doi.org/10.38035/jihhp.v4i6.2636>; Ervin Kurniawan, Lukman Hakim, and Sugeng Riyadi, "Penegakan Hukum Terhadap Pelaku Kejahatan Judi Online Kasus Judi Slot Gacor," *Syntax Idea* 6, no. 11 (December 3, 2024): 6649–60, <https://doi.org/10.46799/syntax-idea.v6i11.10119>.

gambling that utilizes internet technology and specific software designed to replicate conventional slot machines. From the perspective of Islamic law, this practice remains within the category of *maysir* (gambling) prohibited by the Sharia, despite its digital modification.²⁴

The Qur'an explicitly prohibits all forms of gambling in several verses, notably in Surah Al-Baqarah (2:219) and Surah Al-Ma'idah (5:90–91). These verses affirm that gambling, in any form, is an abomination (*rijs*) and a temptation from Satan that misleads people, fosters enmity and hatred, and distracts them from remembering Allah and performing prayer. Theologically, Islam views gambling as an activity that contradicts the principles of *kasb* (legitimate earning) and *'adl* (justice), since the gains from gambling do not derive from lawful effort but from mere chance, often at the expense of others. In the context of online slots, players wager a certain amount of money in the hope of obtaining large rewards from a machine algorithm—one that statistically favors the operator (*house edge*)—thus embodying high levels of uncertainty (*gharar*) and exploitation.²⁵

From a *fiqh* perspective, the majority of scholars from the four major Sunni schools (Hanafi, Maliki, Shafi'i, and Hanbali) agree that gambling is prohibited (*haram*), whether conducted directly or indirectly. This includes gambling carried out through electronic devices and online media. According to these scholars, the essence of gambling lies in the existence of a wager and the expectation of gain based on luck rather than lawful effort. Accordingly, online slot gambling not only fulfills the elements of *maysir* and *gharar* but also represents the exploitation of technology for purposes explicitly forbidden by the Sharia. Furthermore, within the framework of *maqasid al-shari'ah* (the higher objectives of Islamic law), the prohibition of gambling aligns with the protection of five essential values: religion (*hifz al-din*), life (*hifz al-nafs*), intellect (*hifz al-'aql*), property (*hifz al-mal*), and lineage (*hifz al-nasl*). Online slot gambling directly threatens at least three of these—intellect, property, and life—due to its potential to cause addiction, financial loss, and even psychological harm.²⁶

²⁴ Hussin Bin Salamon, Mansoureh Ebrahimi, and Kamaruzaman Yusoff, "Speculation: The Islamic Perspective; A Study on Al-Maisir (Gambling)," *Mediterranean Journal of Social Sciences* 6, no. 1 (January 1, 2015): 371–78, <https://doi.org/10.5901/mjss.2015.v6n1s1p371>; Khatimul Fitri, Muhammad Fauzi, and Mursal Mursal, "Classification of Gambling in Positive Law and Islamic Law: A Study of the Entertainment Elements of Claw Doll Games," *Jurnal Mediasas: Media Ilmu Syari'ah Dan Ahwal Al-Syakhsyiyah* 7, no. 2 (October 22, 2024): 292–305, <https://doi.org/10.58824/mediasas.v7i2.171>.

²⁵ Fitri, Fauzi, and Mursal, "Classification of Gambling in Positive Law and Islamic Law: A Study of the Entertainment Elements of Claw Doll Games."

²⁶ Abdullah, "Islamic Law on Gambling and Some Modern Business Practices"; Ahmad Rehan, "The Existence of Crypto from the Perspective of Islamic Fiqh," *Al-Fiqh: Journal of Contemporary Islamic Law* 1, no. 1 (2025): 1–10, <https://doi.org/10.31332/fiqh.v18i2.802>.

In the context of contemporary Islamic law, several official fatwas have been issued to affirm the prohibition of digital gambling. For instance, the Indonesian Council of Ulama (Majelis Ulama Indonesia, MUI), through Fatwa No. 1 of 2004 on “Gambling and Betting,” explicitly declares that all forms of gambling, including those conducted online, are *haram* and forbidden in Islam. Globally, institutions such as Dar al-Ifta’ al-Misriyyah and the International Islamic Fiqh Academy (*Majma’ al-Fiqh al-Islami*) have issued similar legal opinions, rejecting the legal permissibility of online gambling, including slot games.

Online slot gambling also contains problematic *iktisadiyyah* (economic) dimensions in Islam. The money spent on gambling is not only considered wasteful (*tabdzir*) but also has the potential to damage the microeconomic structure of families and contribute to social inequality. In the long term, online gambling erodes the work ethic and fosters a culture of consumerism driven by the illusion of instant wealth. The Islamic economic vision, which promotes productive economic activities and equitable wealth distribution, fundamentally contradicts the zero-sum nature of gambling, in which one party’s gain is obtained through another’s loss.²⁷

Moreover, the Islamic legal approach to gambling is not limited to normative prohibition but also emphasizes the principle of prevention (*sadd al-dharā’i*).²⁸ In this regard, Islam encourages the state or public authorities to close all avenues that may lead to gambling, including blocking websites, criminalizing offenders, and providing public education and awareness regarding the dangers of online gambling. This aligns with the principle of *al-amr bi al-ma’ruf wa al-nahy ‘an al-munkar*—enjoining good and forbidding evil—as a collective responsibility.

In conclusion, from the perspective of Islamic law, online slot gambling is an activity that, in its substance, normative framework, and practical implications, contradicts the principles of the Sharia. Its existence should not only be prohibited but also actively countered through a synergy of state regulation, religious decrees (*fatwa*), and community empowerment. In the digital era, Islamic law remains relevant as a moral and legal foundation in confronting new forms of technology-based crimes such as online gambling. Moving forward, it is essential to develop a framework of *fiqh al-hadarah al-raqamiyyah* (jurisprudence of the digital age) capable of addressing

²⁷ Mahmoud A. El-Gamal, “An Economic Explication of the Prohibition of Gharar in Classical Islamic Jurisprudence,” *Islamic Economic Studies* 8, no. 2 (2001): 29–58, <https://ssrn.com/abstract=3164769>.

²⁸ Muḥammad Hishām Al-Burhānī, *Sadd Al-Dharī’ah Fī Al-Sharī’ah Al-Islāmiyyah* (Damaskus: Dār al-Fikr, 1985).

contemporary challenges without losing the spirit of *maqasid al-shari'ah* as its normative foundation.

6. Social and Legal Implications of the Proliferation of Online Slot Gambling in Indonesia

The proliferation of online slot gambling in Indonesia has raised serious concerns across various segments of society. Socially, the widespread presence of online gambling affects not only individual perpetrators but also produces systemic impacts on families, communities, and the broader social order. Legally, the practice of online slot gambling poses a significant challenge to Indonesia's law enforcement system due to its transnational nature, operational flexibility, and difficulty in being traced through conventional methods. The rapid advancement of digital technology not only facilitates access to information and communication but also serves as a new medium for criminal activities, including online gambling. This highlights the urgent need for a more comprehensive examination of the social and legal implications of such practices.²⁹

From a social perspective, online slot gambling has the potential to undermine family stability and social relationships. Numerous cases indicate that digital gambling addiction leads to psychological distress, loss of work productivity, and criminal behavior such as theft, embezzlement, and even domestic violence, all committed to obtain funds for gambling. Social research demonstrates that gambling—particularly in its easily accessible online form—triggers moral degradation and shifts societal mindsets toward an instant, hedonistic, and consumerist lifestyle. Moreover, online slot gambling often targets youth through aggressive advertising on social media and online games infused with betting elements, indirectly normalizing gambling activities in the eyes of younger generations.³⁰

The broader consequences of online gambling are reflected in the increasing social burden borne by both the state and society. For instance, individuals trapped in debt due to gambling may become social dependents, either because they lose their jobs, fall into poverty, or become entangled in criminal networks. In the long term, this can weaken social resilience and disrupt sustainable human development. Such practices also erode collective values such as hard work, responsibility, and

²⁹ Agus Nugroho and An An Chandrawulan, "Research Synthesis of Cybercrime Laws and COVID-19 in Indonesia: Lessons for Developed and Developing Countries," *Security Journal* 36, no. 4 (December 11, 2023): 651–70, <https://doi.org/10.1057/s41284-022-00357-y>.

³⁰ Brittany Keen et al., "Problem Gambling and Family Violence in the Asian Context: A Review," *Asian Journal of Gambling Issues and Public Health* 5, no. 3 (December 25, 2015), <https://doi.org/10.1186/s40405-015-0008-2>.

modesty—values that should serve as the foundation for character building within society.³¹

From a legal standpoint, Indonesia already possesses regulatory instruments to combat gambling, whether in conventional or digital form. Article 303 of the Indonesian Penal Code (KUHP) explicitly criminalizes gambling activities. Furthermore, Law No. 11 of 2008 on Electronic Information and Transactions (ITE Law), as amended by Law No. 19 of 2016, provides the legal basis for prosecuting gambling conducted electronically. Article 27(2) of the ITE Law stipulates that “*Any person who intentionally and without right distributes and/or transmits and/or makes accessible Electronic Information and/or Electronic Documents containing gambling content*” may be subject to criminal penalties.

Nevertheless, despite the availability of these legal provisions, the enforcement of laws against online slot gambling faces multiple obstacles. One of the main challenges lies in the cross-border nature of online gambling platforms, which are typically operated from abroad and utilize overseas servers to evade Indonesian government oversight. The lack of robust international legal cooperation in this domain significantly limits enforcement efforts against online gambling operators. Moreover, the government’s site-blocking measures, implemented by the Ministry of Communication and Information Technology, tend to be reactive and cannot keep pace with the rapid emergence of new gambling sites.³²

Another critical weakness lies in the low levels of digital and legal literacy among the public. Many individuals are unaware that gambling via electronic devices constitutes a criminal act punishable under the law. This lack of legal awareness also results in fewer reports from the community regarding gambling activities within their surroundings. Therefore, a more holistic and integrative approach is required—not only through legal enforcement but also through public education, digital literacy

³¹ Lailan Rafiqah and Harunur Rasyid, “The Dampak Judi Online Terhadap Kehidupan Sosial Ekonomi Masyarakat,” *Al-Mutharahah: Jurnal Penelitian Dan Kajian Sosial Keagamaan* 20, no. 2 (December 31, 2023): 282–90, <https://doi.org/10.46781/al-mutharahah.v20i2.763>; Nasaruddin Nasaruddin et al., “Dampak Judi Online Di Kalangan Masyarakat Modern (Tinjauan QS. Al-Ma’idah: 90-91),” *TAJID: Jurnal Pemikiran Keislaman Dan Kemanusiaan* 8, no. 2 (November 11, 2024): 112–26, <https://doi.org/10.52266/tadjid.v8i2.3444>.

³² Army Handayani et al., “Penegakan Hukum Terhadap Praktik Judi Online Di Era Digital: Studi Kasus Cyber Crime Di Indonesia”; Wido Rahmat Al-Fattah Husain, “Hukum Pidana Judi Online Perspektif Indonesia Dan Perkembangan Aspek Legalitas,” *Journal Of Human And Education (JAHE)* 4, no. 6 (December 31, 2024): 1297–1304, <https://doi.org/10.31004/jh.v4i6.2049>.

initiatives, the strengthening of religious and moral values, and the active involvement of community leaders in anti-gambling campaigns.³³

The legal implications also extend to the burden placed on law enforcement agencies, particularly the police and the prosecutor's office, which must handle the technically complex nature of digital gambling cases. This necessitates the enhancement of human resource capacity within law enforcement institutions, particularly in areas such as digital investigation, online transaction tracing, and the confiscation of digital assets. Furthermore, reformulating criminal law policy on online gambling is crucial to align with contemporary developments, including updating legal terminology in the new Penal Code, improving cross-sector collaboration, and involving banking and information technology authorities in enforcement efforts.

Considering these social and legal dimensions, the proliferation of online slot gambling in Indonesia demands an interdisciplinary and cross-sectoral response. The state must be present not only through firm and adaptive legal policies but also through fostering legal awareness, strengthening family resilience, and creating a healthy digital environment for society. Harmonization between national legal instruments and community social responses is key to reducing and preventing the escalation of digital gambling-related crimes in the future.

D. CONCLUSION

The proliferation of online slot gambling in Indonesia is not merely a legal issue but also a complex and multidimensional social problem. This practice has eroded social and religious values, caused destructive impacts on family structures, and revealed weaknesses in the national law enforcement system. Although Indonesia's positive law has provided a legal framework through Article 303 of the Criminal Code (KUHP) and Article 27(2) of the Electronic Information and Transactions Law (ITE Law), technical challenges, cross-border jurisdiction, and the low level of legal literacy among the public remain the primary obstacles to addressing this crime. In the context of Islamic law, gambling—including online slot games—is strictly prohibited (*haram*) and has detrimental effects on the moral and economic life of the community.

³³ Henri Septanto et al., "Study of the Role of Digital Literacy in Mitigating the Spread of Online Gambling as a Popular Cyber Crime in Indonesia," *Dinasti International Journal of Economics, Finance & Accounting* 5, no. 5 (November 23, 2024): 5048–54, <https://doi.org/10.38035/dijefa.v5i5.3426>; Dimas Arya Aziza, "Information and Technology Law Implementation on Enforcing Criminal Sanctions for Online Gambling," *Indonesian Journal of Multidisciplinary Science* 3, no. 3 (December 25, 2023): 249–55, <https://doi.org/10.55324/ijoms.v3i3.748>.

Therefore, resolving the problem of online gambling requires an integrated approach that encompasses legal, social, cultural, and religious dimensions.

The government needs to strengthen policies and regulations related to online gambling through inter-agency synergy, legal reforms that are responsive to digital developments, and international cooperation to address cross-border platforms. In addition, enhancing the capacity of law enforcement officials in digital technology is imperative, accompanied by large-scale public legal education and digital literacy programs. The involvement of religious leaders and community figures in raising awareness about the dangers of online gambling should also be intensified to reinforce the moral resilience of society. Finally, strengthening the role of families and educational institutions in fostering awareness of the dangers of online gambling is essential as part of a sustainable preventive effort.

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