

## THE ROLE OF ISLAMIC FINANCIAL INSTITUTIONS IN PREVENTING ONLINE GAMBLING PRACTICES

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### Abstract

Islamic Financial Institutions, especially Islamic banks, are a form of business in the financial sector based on sharia principles, and are currently showing a positive growth trend in Indonesia. However, this poses a challenge for the Islamic banking industry to ensure compliance with applicable sharia provisions. Based on current facts, there are several online gambling sites that provide payment and withdrawal options through Islamic bank accounts. This is the problem and purpose of the research, namely how efforts to prevent online gambling practices through Islamic banks, the mechanism of the online gambling system and the elements contained in it, as well as the steps that can be used by Islamic banks to reduce the number of online gambling. The research method used is *library research* which collects various references from journal articles as reference material, *library research* relies on literature such as books, notes, or research reports from studies. Based on the results of the research, that in this problem there are two ways that can be used by Islamic banks to prevent online gambling practices, namely by using modern technology owned by the Islamic bank (internal) and cooperating with other authorities (external).

**Keywords:** Aceh, Islamic Financial Institutions, Online Gambling, and Legal Prevention

### Abstrak

Lembaga Keuangan Syariah, khususnya bank syariah, merupakan salah satu bentuk usaha di bidang keuangan yang berlandaskan pada prinsip-prinsip syariah, dan saat ini menunjukkan tren pertumbuhan yang positif di Indonesia. Namun, hal ini menjadi tantangan tersendiri bagi industri perbankan syariah untuk memastikan kepatuhan terhadap ketentuan syariah yang berlaku. Berdasarkan fakta yang ada saat ini, ada beberapa situs judi online yang menyediakan opsi pembayaran dan penarikan dana melalui rekening bank syariah. Hal inilah yang menjadi permasalahan dan tujuan penelitian, yaitu bagaimana upaya pencegahan praktik perjudian online melalui bank syariah, mekanisme sistem perjudian online dan unsur-unsur

yang terdapat di dalamnya, serta langkah-langkah yang dapat digunakan oleh bank syariah untuk menekan angka perjudian online. Metode penelitian yang digunakan adalah *penelitian kepustakaan (library research)* yang mengumpulkan berbagai referensi dari artikel jurnal sebagai bahan rujukan, penelitian *kepustakaan* mengandalkan literatur seperti buku-buku, catatan-catatan, atau laporan hasil penelitian dari penelitian-penelitian. Berdasarkan hasil penelitian, bahwa dalam permasalahan ini terdapat dua cara yang dapat digunakan oleh bank syariah untuk mencegah terjadinya praktik perjudian online, yaitu dengan menggunakan teknologi modern yang dimiliki oleh bank syariah tersebut (internal) dan melakukan kerja sama dengan pihak otoritas lain (eksternal).

**Kata kunci:** Aceh, Lembaga Keuangan Syariah, Perjudian Online, dan Pencegahan Hukum

## INTRODUCTION

Islam encourages its people to carry out muamalah activities that must be in line with the basic principles of Islam which are an important basis for running a business. Islamic banks are one form of business in the sharia-based financial sector that continues to record positive growth in Indonesia. However, this is also a challenge for the Islamic banking industry to consistently comply with sharia provisions while following the rules of applicable business law.<sup>1</sup> As the sharia-based economy develops in Indonesia, more and more *fintech* companies are adopting the sharia system.

*Fintech* itself is a technology-based financial services industry that offers various innovations to facilitate financial services outside conventional financial institutions. The presence of *fintech* provides easier access for the public to financial products and facilitates various transactions.<sup>2</sup> As an Islamic financial institution, Islamic banks have an obligation to ensure that every transaction does not violate Islamic principles, including the prohibition against gambling practices. In addition, every transaction must also pay

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<sup>1</sup>M D Lestari et al., 'Analisa Peran DPS Dalam Pengawasan Perbankan Syariah Di Indonesia', *Peran Perbankan Syariah Dalam Mengimplementasikan Keuangan Inklusif Di Indonesia* 1, no. 1 (2019).

<sup>2</sup>Kornelius Benuf, Siti Mahmudah, and Ery Agus Priyono, 'Perlindungan Hukum Terhadap Keamanan Data Konsumen Financial Technology Di Indonesia', *Refleksi Hukum: Jurnal Ilmu Hukum* 3, no. 2 (2019), <https://doi.org/10.24246/jrh.2019.v3.i2.p145-160>.

attention to ethical aspects to maintain fairness and integrity in accordance with sharia values.<sup>3</sup>

Islamic banks are also responsible for ensuring that their activities do not support or facilitate online gambling practices that may harm the public as well as violate sharia provisions.<sup>4</sup> Currently, online gambling shows a significant increase at the global level, supported by the use of electronic payment methods such as credit cards and bank transfers. These transactions often involve online platforms, which directly or indirectly involve financial institutions in providing fund transfer facilities. A key challenge facing many countries is regulating the legality of cross-border online gambling and responding to the evolving dynamics of the technology. This situation raises issues of legal and ethical accountability, particularly in the context of Islamic finance.

Online gambling systems work through a combination of software technology, computer algorithms, and internet infrastructure to provide users with betting game services. The process begins with users registering for an account on the gambling platform by filling in personal data and, in some cases, performing identity verification to fulfil regulations. After registering, users can deposit funds into their accounts through various payment methods, such as bank transfers, credit cards, digital wallets, or *cryptocurrencies*. The deposited funds will appear as a balance on that can be used to place bets on the different types of games available, such as online casino (poker, blackjack, roulette), sports betting, lottery, or skill-based games.

Each game is powered by software that uses a *Random Number Generator* (RNG) to ensure fair and random results, or through live broadcasts with human dealers for certain games. In sports betting, the outcome is determined by the results of real matches. Users select a game type, place a bet, and the system automatically determines the outcome and updates the user's account balance based on the win or loss. If users wish to withdraw funds from their winnings, the withdrawal process is done through a request on the platform,

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<sup>3</sup> Wahyu Akbar et al., 'Optimization of Sharia Banking Regulations in Developing the Halal Cosmetic Industry in Indonesia', *Jurnal Ilmiah Al-Syir'ah* 22, no. 1 (2024): 1–12, <https://journal.iain-manado.ac.id/index.php/JIS/article/view/2611>.

<sup>4</sup> Achmad Tarmidzi Anas and Ahmad Andry Budianto, 'Analisi Bisnis Waralaba Dalam Perspektif Hukum Ekonomi Islam', *ANAYASA : Journal of Legal Studies* 1, no. 1 (2023), <https://doi.org/10.61397/ays.v1i1.2>.

usually accompanied by identity verification to prevent fraud, and the funds will be transferred to the user's account via the chosen method.<sup>5</sup>

To maintain security, online gambling platforms use encryption technology to protect user data and financial transactions. Most operators are also regulated by authorised gambling authorities that ensure the platform is operating within the law, such as the *Malta Gaming Authority* or the *UK Gambling Commission*. These mechanisms are designed to provide users with a safe, fast, and transparent gaming experience, although these systems are still designed to provide operators with the ultimate profit through setting certain odds or margins. Although *riba*, *gharar* and *maysir* are prohibited in Islamic law, many people in various countries still use these practices in their daily economic and financial activities. One of the main reasons is the lack of understanding or education regarding the prohibition and negative implications of these practices. The conventional financial system that dominates the modern world is also often difficult to avoid, especially for individuals and businesses that need quick access to loans or capital. Usury, for example, remains a major component of the global banking system, where interest on loans and credit is the primary way for banks to make profits, leaving people in need of funds often with no choice but to borrow at interest. In addition, *gharar* and *maysir* often appear in the form of conventional insurance, derivative contracts, and various forms of gambling that are still popular in many countries. This dependence on the conventional financial system creates challenges for Islamic banking.

Table 1: Number and Value of Online Gambling Related Transactions in Indonesia per Year (2017-2023)

Year	Number of	Transaction Value (IDR)
2020	5.634.499	15.768.525.166.418
2021	43.597.112	57.910.725.296.081
2022	104.791.427	104.417.674.955.287
2023	168.000.000	327.000.000.000.000

Annual Report of the Transaction Reports and Analysis Centre

<sup>5</sup> Muhammad Siddiq Armia et al., 'Post Amendment of Judicial Review in Indonesia: Has Judicial Power Distributed Fairly?', *Journal of Indonesian Legal Studies* 7 (2022): 525, <https://heinonline.org/HOL/Page?handle=hein.journals/jils7&id=529&div=&collection=>.

The table above shows the total and value of online gambling-related transactions in Indonesia per year from 2020 to 2023. In 2020, both the number and value of transactions were still low. However, there was a significant increase starting in 2021, with the number of transactions exceeding 40 million and the transaction value reaching IDR 57 trillion. This increase continued until 2022, where the number of transactions was more than 100 million and the transaction value also jumped to more than 100 trillion Rupiah. The peak occurred in 2023, with the number of transactions reaching around 168 million and the transaction value of almost 350 trillion Rupiah. This data shows the rapid growth of the online gambling industry in Indonesia, with significant economic impact. For Islamic banking, this increase adds urgency to tighten policies and supervision of transactions related to online gambling to ensure compliance with sharia principles.<sup>6</sup>

Islamic banks bear a great responsibility in ensuring the supervision of transactions made by their customers. This is due to the sharia principles that prohibit all forms of activities that are contrary to Islamic law, including transactions related to online gambling.<sup>7</sup> Therefore, compliance with sharia principles and strict supervision of every transaction are crucial in Islamic banking operations. In addition, Islamic banks must also collaborate with relevant authorities to monitor suspicious activities and prevent online gambling practices that can harm customers and damage the reputation of the Islamic financial industry. Islamic banks also need to strengthen transaction monitoring and reporting systems to be able to detect potential violations quickly and take appropriate steps to deal with them. In addition to supervision, Islamic banks are responsible for ensuring that all transactions made by customers are in line with sharia principles and do not violate Islamic law. As part of this compliance effort, Islamic banks should also actively

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<sup>6</sup>Candra Munif Pratama, 'Sanksi Pidana Bagi Pendistribusian Judi Online Menurut Perundang-Undangan Di Bidang Informasi Dan Transaksi Elektronik', *Lex Et Societatis* 6, no. 5 (2020).

<sup>7</sup>M. Taufiq, 'Konsep Dan Sumber Hukum: Analisis Perbandingan Sistem Hukum Islam Dan Sistem Hukum Positif', *Istidlal: Jurnal Ekonomi Dan Hukum Islam* 5, no. 2 (2021), <https://doi.org/10.35316/istidlal.v5i2.348>.

educate their customers on the prohibition of transactions that contravene Islamic law.<sup>8</sup>

In order to raise awareness, Islamic banks also need to educate customers about the dangers of online gambling and encourage them to be cautious in conducting financial transactions. With these measures, Islamic banks can ensure that all transactions remain within the framework of Islamic law, safeguard the reputation of the Islamic finance industry, and ensure integrity and compliance with sharia principles. Thus, Islamic banks are able to provide safe, reliable, and Islamic-compliant financial services to all their customers.

In this context, it is important to pay attention to the role of Islamic banking in supervising transactions related to online gambling. As an activity that is prohibited by sharia principles, Islamic banks have the responsibility to ensure that any transactions carried out do not contravene these provisions. Therefore, this study aims to analyse whether there are prevention efforts through Islamic banking against transactions related to online gambling. This research is expected to provide an in-depth understanding of the challenges faced and measures that can be implemented by Islamic banks.

## RESEARCH METHODS

The object of this research is the role of Islamic financial institutions, namely Islamic banks on transactions related to online gambling. In this context, the research will explore how sharia principles can influence banking decisions related to online gambling transactions. In addition, the research will also highlight the steps that the institutions involved should take in preventing online gambling transactions.

This research method is a type of qualitative research using *library research*, also known as *library research*, which is carried out by collecting various references in the form of research journal articles. *Library research* is a research method carried out by utilising available literature, either in the form of books, notes, or research reports from previous studies. In this study, the main data sources were obtained from literature in the form of journals that have been indexed and have ISSN (International Standard Serial Number). The data is accessed electronically through the internet network using the E-ISSN code. In addition, additional data sources available on the internet were

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<sup>8</sup>Krisna Sudjana and Rizkison Rizkison, 'Peran Baitul Maal Wat Tamwil (BMT) Dalam Mewujudkan Ekonomi Syariah Yang Kompetitif', *Jurnal Ilmiah Ekonomi Islam* 6, no. 2 (2020), <https://doi.org/10.29040/jiei.v6i2.1086>.



also used to strengthen the arguments and findings generated from the journal literature. Various other supporting sources were also utilised to increase the validity and ensure the accuracy of the research results.

## **RESULTS AND DISCUSSION**

### **A. Online Gambling Mechanism**

Online gambling has become a global phenomenon that presents various problems, especially in social, economic, and legal aspects. One of the main issues is the increasing cases of gambling addiction, which often takes a toll on individuals and their families. With easy access through mobile phones and the internet, many people, including teenagers, fall into gambling without adequate supervision. The impacts include significant financial losses, mental health disorders such as stress and depression, and the breakdown of social relationships due to impulsive or manipulative behaviour that often accompanies gambling addiction.<sup>9</sup>

In addition, online gambling also poses major challenges in terms of oversight and regulation. Many platforms operate from jurisdictions with little or no legal oversight, making it difficult for governments to control illegal activities such as money laundering and fraud. In some countries, unsettled laws lead to a dilemma between gambling tax revenues and the social risks posed. This is exacerbated by aggressive advertising that often targets vulnerable groups, encouraging them to gamble without realising the long-term consequences. This combination of issues makes online gambling a complex problem that requires a multidimensional approach to tackle.

In Indonesia, online gambling is a complex issue due to its high popularity amidst strict legal restrictions. Under Islamic law and Indonesian law, all forms of gambling, including online gambling, are prohibited. However, easy access through the internet and mobile devices makes this activity prevalent, especially with many gambling sites based overseas and difficult to reach by local authorities. The Indonesian government has attempted to block online gambling sites through the Ministry of Communication and Information, but gambling operators continue to find ways to circumvent the block by changing domains or using encryption technology. In addition, the lack of public awareness of the risks posed, coupled with the lack of supervision at the

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<sup>9</sup> Chairul Fahmi, 'The Impact of Regulation on Islamic Financial Institutions Toward the Monopolistic Practices in the Banking Industrial in Aceh, Indonesia', *Jurnal Ilmiah Peuradeun* 11, no. 2 (30 May 2023): 667–86, <https://doi.org/10.26811/peuradeun.v11i2.923>.

community level exacerbates the situation. With the increasing popularity of online gambling, the issue requires serious attention, including more effective legal approaches, public education on the dangers of gambling, as well as strengthening international collaboration to address cross-border gambling operators.

Gambling according to the Big Indonesian Dictionary refers to games using money or valuables as bets.<sup>10</sup> Where gambling can be interpreted as an activity in which individuals or groups of people place bets or take financial risks with the aim of making a profit. In this context, bets can be in the form of money, valuables, or other assets. Gambling activities generally involve random outcomes or luck, and the outcome cannot be predicted with certainty.

In Arabic, gambling is often referred to as *maysir* (الميسر). The Qur'an mentions the word *maysir* with the meaning of gambling three times. However, in the Prophetic hadith, the term gambling is more often referred to by the name of the game, such as *nard* (النرد) and *shathranj* (الشطرنج). Both are games that are popular in Persia so that the name also uses Persian which is then Arabised. Gambling is also often referred to as *qimar* (القمار). Ibn Umar and Ibn Abbas radhiyallahu anhuma said that *maysir* is *qimar*.<sup>11</sup> According to Abdul Yusuf Ali, gambling (*maisir*) literally means getting a profit without working. From here the meaning of gambling is the basis for gambling being prohibited.<sup>12</sup>

Meanwhile, online gambling is a gambling game played through electronic media by accessing the internet as an intermediary. Online *gambling* is currently rife, according to Onno W. Purbo, what is referred to as online *gambling* or gambling via the internet (internet *gambling*) usually occurs because of the placement of bets on the gambling via the internet. Gamblers will be required to make an upfront deposit before they can gamble online. This means that you have to transfer some money to the admin of the gambling website as an initial deposit.<sup>13</sup>

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<sup>10</sup>Asnawi Abdullah, 'Judi Dan Bahayanya', *Liwa'ul Dakwah: Jurnal Kajian Dakwah Dan Masyarakat Islam* 12, no. 2 (2022).

<sup>11</sup>A Sarwat and M A Lc, *Ensiklopedia Fikih Indonesia 3: Shalat*, PT. Gramedia Pustaka Utama, 2019.

<sup>12</sup>Azhari Akmal Tarigan, 'Tafsir Ayat-Ayat Ekonomi: Tela'ah Atas Simpul-Simpul Ekonomi Dan Bisnis Dalam Al-Qur'an', *Febi Uin-Su Press*, 2017.

<sup>13</sup>O W Purbo and T Wiharjito, *Buku Pintar Internet : Keamanan Jaringan Internet*, PT Elex Media Komputindo, Jakarta, 2002.



In Islam, games in which there is gambling, the law is haram. While what is called gambling, namely a game that contains profit and loss for the player. Someone who is used to gambling, he will justify all means to be able to gamble, and make people want to continue gambling out of curiosity. If he loses, he will continue to try to win. If he wins, he will continue to try to win this game again. Therefore, gambling is highly forbidden because there is no benefit, in fact, it brings many disasters to the perpetrators and their families.

أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رَجْسٌ مِّنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ ٩

Meaning: O you who believe, verily intoxicants, gambling, (sacrificing to) idols, and casting lots with arrows are abominable (and) among the deeds of the devil. So, avoid them so that you may prosper. <sup>14</sup>

The above verse states unequivocally that alcohol and gambling, as well as the betting of fortunes by lottery are abominable and barbaric.

The basis for knowing what gambling is, this gambling is one of the criminal acts. The criminal acts in question are actions against the laws and regulations whose sources are from the Qur'an and Hadith. By participating in someone playing gambling he also plays an active role in enlivening gambling itself.<sup>15</sup> And the conditions of a thing said to be gambling according to religion are:

- 1) There is property at stake.
- 2) The existence of a game that is used to determine the winning and losing parties.
- 3) The winning party will take the property (which is the bet) from the losing party (lose the property). <sup>16</sup>

Meanwhile, in positive law in Indonesia there are several legal regulations that prohibit gambling practices. As follows:

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<sup>14</sup>Wida Hikmatul Lisa and Anisatun Muthi'ah, 'Resepsi Mushaf Al-Quran Dan Terjemahnya Terbitan Syamil Al-Quran Edisi Special For Woman: Studi Terhadap Mahasiswi IAIN Syekh Nurjati Cirebon', *Diya Al-Afkar: Jurnal Studi al-Quran Dan al-Hadis* 7, no. 01 (2019), <https://doi.org/10.24235/diyaafkar.v7i01.4534>.

<sup>15</sup>Zainuddin Ali, 'Hukum Islam – Pengantar Ilmu Hukum Islam Di Indonesia', *Program* 4, no. 1 (2015).

<sup>16</sup>Siti Sahara and Meta Suriyani, 'Efektifitas Penghukuman Bagi Pelaku Maisir (Perjudian) Di Kota Langsa', *Jurnal Hukum Samudra Keadilan* 13, no. 1 (2018), <https://doi.org/10.33059/jhsk.v13i1.697>.

1) Article 27 paragraph (2) of the ITE Law 2024

The House of Representatives has passed the Second Amendment Bill to the ITE Bill Article 27 paragraph (2) of the ITE Bill contains new criminal sanctions against perpetrators of distributing, transmitting, and/or making accessible electronic information and/or documents containing gambling.<sup>17</sup>

2) Article 303 of the Criminal Code (KUHP) regulates the prohibition of gambling. This article states that anyone who, without the right, intentionally offers or provides opportunities to play gambling, or intentionally participates in gambling games as a profit seeker, shall be punished by a maximum imprisonment of ten years or a maximum fine of twenty-five million rupiah.<sup>18</sup>

3) Qanun No. 6 Year 2014 on Jinayah Law

Gambling is also prohibited under sharia law in Aceh Province. The local government implements qanun (sharia-based local regulations) that prohibit and provide harsher sanctions against gambling offenders.<sup>19</sup>

Table 2. Number of Online Gambling Players Detected in Indonesia by Age Group (June 2024)

Age	Tota
<10 years	80,000 people
10-20 years	440,000 people
21-30 years	520,000 people
31-50 years	1,640,000 people
>50 years	1,350,000 people

report of the coordinating minister for Political, Legal and

In Indonesia, there are many legal regulations to strictly prohibit gambling practices. However, there are still a number of people who actively participate in this practice, explaining that legal prohibitions have not been

<sup>17</sup>Adelina Sitanggang et al., 'Penegakan Undang-Undang ITE Terhadap Kasus Judi Online', *Mediation: Journal of Law* 2, no. 4 (2023).

<sup>18</sup>Mutmainna Putri et al., 'Critical Review Of The Legal Regulation Of Microtransaction "Gacha"', *Al-Risalah Jurnal Ilmu Syariah Dan Hukum*, 2023, <https://doi.org/10.24252/al-risalah.vi.39934>.

<sup>19</sup>Junisa Whusta and Mohd. Din, 'Upaya Penegakan Hukum Terhadap Tindak Pidana Perjudian Dalam Tradisi Pacuan Kuda (Pacu Kude) Di Aceh Tengah', *Jurnal Ilmiah Mahasiswa Bidang Hukum Pidana* 3 (1), no. 1 (2019).

efficient in controlling this phenomenon.<sup>20</sup> As the table above shows during June 2024. In line with the demographic data of online gambling players, the age under 10 years old is 2%, a total of 80 thousand people detected, then those aged 10-20 years are 11% (440 thousand players), 21-30 years old 13% (520 thousand players), 31-50 years old 40% (1.64 million players), and age over 50 years old 34% (1.35 million players). It can be said that the current legal regulations are not sufficient to eradicate online gambling practices. This is a serious challenge for Islamic financial institutions in monitoring and preventing the use of Islamic bank accounts for online gambling purposes. Stricter supervision of financial transactions and strengthened regulations are needed to ensure compliance with Shariah principles.<sup>21</sup> In the Criminal Code Article 303 there are provisions regarding the criminal offence of gambling. there are 3 paragraphs in article 303 of the Criminal Code regarding Gambling.<sup>22</sup> Article 303 Paragraph (1) of the Criminal Code on gambling:

"Shall be punished by a maximum imprisonment of ten years or a maximum fine of twenty-five million rupiahs, any person who without obtaining a licence:"

- a. intentionally offering or providing opportunities for gambling games and making a living out of it, or intentionally participating in such a business activity;<sup>23</sup>
- b. intentionally offering or providing an opportunity for the public to play gambling or intentionally participating in the business activity, regardless of whether the use of the opportunity is conditional or the fulfilment of a procedure;
- c. make participating in gambling games their livelihood.

#### Paragraph (2)

"If the offender commits the offence in the exercise of his profession, he may be deprived of the exercise of that profession".

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<sup>20</sup>Rila Kusumaningsih and Suhardi Suhardi, 'Penanggulangan Pemberantasan Judi Online Di Masyarakat', *ADMA : Jurnal Pengabdian Dan Pemberdayaan Masyarakat* 4, no. 1 (2023), <https://doi.org/10.30812/adma.v4i1.2767>.

<sup>21</sup> Chairul Fahmi and Wira Afrina, 'Analysis of Legal Aspects on Debt Transfer from Conventional Bank to Sharia Bank Post the Application of Qanun Aceh No. 11 Of 2018', *Al-Mudharabah: Jurnal Ekonomi Dan Keuangan Syariah* 4, no. 1 (2023): 28-39, <http://journal.ar-raniry.ac.id/index.php/mudharabah/article/view/3047>.

<sup>22</sup>Christy Prisilia Constantia Tuwo, 'Penerapan Pasal 303 Kitab Undang-Undang Hukum Pidana Tentang Perjudian', *Lex Crimen* 5, no. 1 (2016).

<sup>23</sup>mustika justice and David David, 'Mekanisme Yuridis Atas Penetapan Tersangka Pada Pelaku Tindak Pidana Perjudian Yang Dilakukan Secara Online Berdasarkan Pasal 303 KUHP Dan Pasal 27 Ayat 2 UU ITE', *Mustika Justice: Jurnal Ilmu Hukum* 2, no. 1 (2022).

### Paragraph (3)

"Gambling is any game in which the probability of profit generally depends on sheer luck, as well as on the fact that the player is better trained or more skilful. It includes all bets on the decision of a race or other game which are not made between those participating in the race or game, as well as all other bets".<sup>24</sup>

Article 303 of the Criminal Code contains at least subjective and objective elements. The subjective element relates to everything that is inherent in the perpetrator, while the objective element relates to the circumstances in which the criminal act occurred. Article 303 paragraph (1) number 1, Subjective element: Intentionally organising or offering gambling games, or being involved in the business of organising gambling. In addition, "intentionally" participates as a business in the business of offering or providing opportunities to play gambling. Objective element: Whoever, without having the right to do so, engages as a business, offers, or provides opportunities to play gambling. In addition, any person who, without having the right to do so, participates by doing something in the business of another person, who without having the right to do so, offers or provides an opportunity to play gambling.

Article 303 paragraph (1) number 2, Subjective element: Intentionally, without having the right, offers/provides an opportunity to the public to play gambling. In addition, intentionally participating in the act of offering or providing opportunities to the public to play gambling by doing something. Objective element: Whoever, without having the right, offers or provides an opportunity to play gambling to the public. In addition, whoever, without having the right, participates by doing something, in the act of another person, namely, without the right to offer or provide opportunities to play gambling to the public.

Article 303 paragraph (1) number 3 contains an objective element only: "whoever, without having the right, participates in gambling games as a business." Although there is no formulation of subjective elements at this point, it is clear that the criminal offence in question is an act that must be committed intentionally

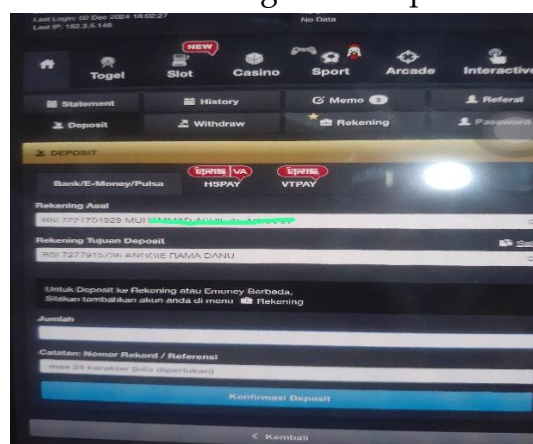
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<sup>24</sup>M M Al-Qifari, T Tanudjaja, and ..., 'Kepastian Hukum Penggunaan Pasal 27 Ayat (2) UU ITE Daam Perjudian Online: Studi Putusan Nomor: 95/Pid. P/2021/Pn. Sby', ... *Journal of Law* ... 3, no. 1 (2023).

In practice, online gambling is different from ordinary gambling, where online gambling needs a platform that accommodates fund transactions between the player (gambler) and the bookie, namely the financial institution. the involvement of financial institutions in it cannot be separated from online gambling because in the absence of financial institutions, players and bookies cannot transact funds into their respective accounts, both funds deposited by players to the bookie or funds obtained by players from the results of playing gambling. Therefore, financial institutions have a strategic role in efforts to prevent the rampant practice of online gambling that occurs today.<sup>25</sup>

In Aceh Province all conventional financial institutions are no longer allowed to operate in accordance with the regulation of Qanun No. 11 of 2018 concerning Sharia Financial Institutions regulating all activities of financial institutions in Aceh based on sharia principles. Thus, all Acehnese who are involved with online gambling are definitely using sharia financial institutions in their transactions. According to the facts in the field, there are still Acehnese people who practice online gambling. This has an impact on the image of Islamic financial institutions because it is still found that the people of Aceh use Islamic financial institutions or Islamic banks in the process of fund transactions both for depositing deposit funds and withdrawing funds for gambling winnings (*withdraw*).

Figure 1. Online Gambling Fund Deposit Transaction



The picture above explains that there are still and maybe many more Acehnese out there who still practice online gambling using the largest Islamic

<sup>25</sup>Ady Riyansyah and Miswan Ansori, 'Implikasi Hukum Dan Etika Perbankan Syariah Terhadap Transaksi Yang Terkait Dengan Judi Online', *AKUNTANSI* 45 5, no. 2 (2024): 262–81.

bank account in Indonesia, namely Bank Syariah Indonesia, which researchers got from an interviewee as a result of the interview. This further confirms to Islamic banks to evaluate the current regulations to be better and more secure in order to achieve the objectives of the establishment of Islamic banks themselves, namely to avoid activities that contain *maisir* and others.

## **B. Sharia Financial Institutions' Efforts to Prevent Online Gambling Practices**

Islamic banks apply strict controls to every customer transaction to ensure compliance with Shariah principles and avoid involvement in prohibited activities. Islamic banking systems are equipped with advanced technology and strict procedures designed to detect and block suspicious transactions, including those related to online gambling activities. Through the implementation of this system, Islamic banks endeavour to maintain operational integrity and ensure that all transactions are conducted in accordance with sharia requirements.<sup>26</sup> In addition to supervising, Islamic banks must ensure that every transaction carried out by their customers is in line with sharia principles and does not violate Islamic law. In an effort to maintain compliance with sharia principles, Islamic banks must also continue to socialise to their customers regarding the prohibition of transactions that violate Islamic law.<sup>27</sup> So that Islamic banks also need to educate their customers about the dangers of online gambling and invite them to be careful in choosing financial transactions. Thus, Islamic banks can ensure that the transactions carried out remain in the corridors of Islamic law and maintain the reputation of the Islamic financial industry as a whole, Islamic banks can ensure that integrity and compliance with sharia principles are maintained, so as to provide safe and reliable financial services for all customers.<sup>28</sup>

Islamic banking law is based on the basic principles of Islamic law, including the prohibition of *riba* (interest), *gharar* (uncertainty), and *maisir*

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<sup>26</sup>Ayu Anisa et al., 'Ancaman Pidana Cambuk Dalam Qanun Aceh Nomor 6 Tahun 2014 Tentang Hukum Jinayat Terhadap Kasus Tindak Pidana Maisir', *Locus Journal of Academic Literature Review*, 2022, <https://doi.org/10.56128/ljoalr.v1i5.74>.

<sup>27</sup>Aldi Nugraha, Nova Naysila Pargianto, and Sella Aprillia, 'Kajian Literatur: Penerapan Prinsip Syariah Dalam Mengatasi Masalah Riba Pada Bank Syariah', *Jurnal Religion: Jurnal Agama, Sosial, Dan Budaya* 1, no. 4 (2023).

<sup>28</sup>Chairul Fahmi and Syarifah Riyani, 'ISLAMIC ECONOMIC ANALYSIS OF THE ACEH SPECIAL AUTONOMY FUND MANAGEMENT', *Wahana Akademika: Jurnal Studi Islam Dan Sosial* 11, no. 1 (2024): 89–104, <https://doi.org/10.21580/wa.v11i1.20007>.



(gambling). The prohibition of usury emphasises that any form of addition in loans or credit is not allowed, as it is considered unfair exploitation. Instead, Islamic banking uses contracts such as *murabahah* (sale and purchase), *ijarah* (rental), and *mudharabah* (profit sharing). The prohibition of *gharar* avoids transactions with elements of uncertainty or speculation that can harm one party, such as buying and selling that is unclear about the goods or services being traded. Transactions that contain *maisir*, which is any form of gambling, are also prohibited because they contain uncertainty and unfairness. Therefore, Islamic banking ensures that all transactions and financial products offered adhere to these principles in order to maintain Shariah compliance.

However, the current facts have shown that Islamic bank accounts are still being used to conduct online gambling transactions, even though Islamic banks generally have strict systems and policies to prevent such activities. However, the increasingly sophisticated *modus operandi* of online gambling players can blur the trail of transactions making it difficult to be detected by such systems. In addition, compliance procedures at Islamic banks usually include thorough checks on the origin of funds and the purpose of transactions, but there may be loopholes in the system that criminals can exploit to carry out online gambling activities undetected. This fact shows that although Islamic banks strive to maintain the integrity of transactions in accordance with sharia principles, the challenge of dealing with new technologies and methods used by criminals such as online gambling remains a major concern that requires serious and sustained handling.

From the above problems, Islamic banks can take steps to prevent online gambling practices in two ways, namely, internal and external. The internal method is a step or effort from the Islamic Bank itself to prevent online gambling practices that are rampant with the use of modern technology today. for example, applying *web crawling* technology to identify online gambling sites that use Islamic Bank accounts, analysing unusual transactions by utilising anomaly detection algorithms and *machine learning* techniques, blocking accounts that are proven to be involved, utilising advanced analytical technology (AI), monitoring suspicious online game balance replenishment, and applying the *Know Your Customer* (KYC) principle to monitor suspicious customer transaction activities.

While the external method is an effort by Bank Syariah to collaborate or ask for assistance from other agencies to protect the practice of online gambling, namely collaborating with authorised institutions such as the

Financial Services Authority (OJK), the Ministry of Communication and Information Technology (Kemenkominfo) and the Financial Transaction Reporting and Analysis Centre (PPATK) which aims to identify accounts involved in online gambling activities, strengthen supervision and ensure compliance with applicable regulations in the financial sector.<sup>29</sup>

## CONCLUSIONS

Islamic banking in Indonesia faces a major challenge in handling online gambling transactions, as sharia principles strictly prohibit activities that contain elements of *maysir* (gambling). The legal and ethical systems implemented in Islamic banking are essential to ensure that bank operations are run in accordance with sharia principles, which prohibit the practices of *riba* (interest), *gharar* (uncertainty) and *maysir*. The strict supervision of the Shariah Supervisory Board as well as the existing regulatory framework ensure the bank complies with various shariah contracts such as *mudharabah* and *musyarakah*. In its efforts to prevent online gambling practices that occur, Islamic banks can take two ways, namely internal and external methods. By using modern technology and cooperating with other authorities allows the initially rapid number of online gambling to be reduced. This research makes a significant contribution in increasing the understanding of the steps that Islamic banking can apply to transactions related to online gambling. By highlighting the prohibition of gambling in Islam and its application in the digital context, this research presents a new perspective that integrates religious values with the challenges of modern technology. The focus on fairness, transparency and social responsibility in Islamic banking also provides a basis for developing better policies and practices in the future.

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