



Online Gambling, Legal Prohibition, and Digital Da'wah: An Islamic Sociological Jurisprudence Approach to Behavioral Legal Reform

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Abstract. The rapid advancement of digital technology has transformed gambling practices from conventional activities into online platforms that are increasingly difficult to regulate and control. This phenomenon creates legal challenges as well as serious social and moral concerns in Muslim-majority communities. In Indonesia, more than 2.37 million active online gambling users were recorded in 2023, with cumulative transactions exceeding IDR 327 trillion, highlighting the urgency of a comprehensive and multidimensional response. This study aims to analyze the prohibition of online gambling in Islamic law and Indonesian positive law, examine the gap between normative prohibition and practical effectiveness, and formulate a behavioral legal reform strategy through the Islamic Sociological Jurisprudence approach by integrating digital da'wah as a transformative instrument. This research uses a qualitative method with a normative-sociological approach by analyzing primary legal sources, including the Qur'an, Hadith, juristic opinions, and national legislation, as well as secondary sources such as academic literature and policy documents. The findings show that although online gambling is clearly prohibited in Islamic and positive law, enforcement remains limited due to weak value internalization, high digital accessibility, and low public legal literacy. Digital da'wah is therefore positioned as a strategic bridge between legal norms and digital society.

Keywords: Digital Da'wah; Islamic Law; Legal Reform; Online Gambling; Positive Law.

1. INTRODUCTION

Online gambling has become one of the most pressing socio-legal challenges of the digital age. Globally, the online gambling market was valued at approximately USD 63.53 billion in 2022 and is projected to reach USD 153.57 billion by 2030, growing at a compound annual growth rate of 11.7% (Grand View Research, 2023). In Indonesia, the phenomenon has assumed alarming proportions: the Financial Transaction Reports and Analysis Centre (PPATK) reported that in 2023, more than 2.37 million Indonesians were actively engaged in online gambling, with total transaction flows exceeding IDR 327 trillion (PPATK, 2023). The participants span all socioeconomic strata, with a notable concentration among young adults and low-income groups who are most vulnerable to financial and psychological harm.

From the perspective of Islamic law, gambling ('maysir') is unambiguously prohibited. The Qur'an explicitly forbids it in Surah Al-Baqarah (2:219) and Surah Al-Ma'idah (5:90–91), characterizing it as an abomination (rijs) and a work of Satan that sows enmity and distracts believers from the remembrance of God. Indonesian positive law reinforces this prohibition through Article 27 paragraph (2) of Law No. 11 of 2008 on Electronic Information and Transactions (ITE Law), as amended by Law No. 19 of 2016, and through Government

Regulation No. 71 of 2019 on the Implementation of Electronic Systems and Transactions. The Indonesian Ulema Council (MUI) further affirmed the prohibition through its Fatwa No. 11 of 2012 on Electronic Gambling.

Despite this robust normative framework, the effectiveness of legal prohibition has remained limited. The proliferation of virtual private networks (VPNs), cryptocurrency-based payment systems, and offshore gambling platforms has rendered conventional enforcement mechanisms largely ineffective. Sociological analyses of legal behavior suggest that the mere existence of legal norms is insufficient to produce compliance; what is required is the internalization of those norms within the moral and cultural consciousness of individuals and communities (Pound, 1942; Friedman, 1975). This gap between legal prescription and social reality constitutes the central problematic of this study.

Existing scholarship has explored Islamic jurisprudence on gambling (Al-Qaradawi, 1994), the sociology of law in Muslim societies (Mir-Hosseini, 2011), and the role of digital media in Islamic education (Bunt, 2018; Fakhruroji, 2019). However, no study to date has systematically integrated Islamic Sociological Jurisprudence with digital da'wah as a coherent framework for behavioral legal reform in the specific context of online gambling. This research gap motivates the present inquiry.

This study therefore pursues three objectives: first, to analyze the legal prohibitions governing online gambling under Islamic law and Indonesian positive law; second, to diagnose the sociological factors that undermine the effectiveness of those prohibitions; and third, to develop an integrative model of behavioral legal reform grounded in the Islamic Sociological Jurisprudence framework, with digital da'wah as its primary operative instrument. The significance of this research lies in its contribution to both Islamic legal theory and applied social policy, offering a paradigm that is simultaneously normatively grounded and empirically responsive.

2. Research Methods

This research employs a qualitative methodology with a normative-sociological approach. The normative dimension involves systematic analysis of primary legal sources the Qur'an, authenticated Hadith, classical and contemporary juristic opinions (fiqh), Indonesian statutory law, and MUI fatwas in order to establish the doctrinal foundations of the prohibition of online gambling. The sociological dimension involves analysis of empirical data and secondary literature to understand the social, economic, and psychological dynamics that shape legal behavior in relation to online gambling in Indonesian Muslim communities.

Data collection proceeded through two complementary channels. First, documentary analysis was conducted on a corpus of primary and secondary sources, including Qur'anic exegesis (tafsir), books of Islamic jurisprudence (fiqh), Indonesian legislation and court decisions, MUI fatwas, government reports (particularly from PPATK and Kominfo), academic journal articles, and international reports on online gambling trends. Second, a focused review of digital da'wah literature and practice was undertaken to assess the existing landscape of Islamic digital communication and its potential as an instrument of legal behavior change.

Data analysis followed a three-stage process adapted from Miles, Huberman, and Saldaña (2014): (1) data reduction, involving systematic selection, coding, and summarization of relevant material; (2) data display, involving the organization of findings into thematic clusters corresponding to the study's three objectives; and (3) conclusion drawing and verification, in which the emergent theoretical model was tested for internal consistency and alignment with established frameworks in Islamic jurisprudence and sociological jurisprudence.

The theoretical framework integrates three intellectual traditions. From Islamic jurisprudence, the study draws on the maqāṣid al-sharī'ah framework specifically the protection of the intellect (ḥifẓ al-'aql), wealth (ḥifẓ al-māl), and lineage/social fabric (ḥifẓ al-nasl) as articulated by Al-Ghazālī and developed by Al-Shāṭibī. From Western jurisprudence, the study employs the sociological jurisprudence of Roscoe Pound (1942), which understands law as a means of social engineering oriented toward the satisfaction of human wants. These traditions are synthesized within the Islamic Sociological Jurisprudence paradigm, which holds that Islamic legal norms must be understood and applied in dynamic engagement with social reality, not merely as abstract textual commands.

3. RESULTS AND DISCUSSION

Legal Prohibition of Online Gambling: Islamic Law and Indonesian Positive Law

The prohibition of gambling in Islamic law rests on unambiguous Qur'anic authority. Surah Al-Ma'idah (5:90–91) categorizes 'maysir' alongside intoxicants, idolatrous practices, and divination as abominations (rijs) to be avoided, framing the prohibition in terms of both individual moral corruption and collective social harm. Classical jurists across the four major Sunni schools (Hanafi, Maliki, Shafi'i, and Hanbali) unanimously affirm this prohibition, extending it by analogical reasoning (qiyas) to any transaction premised on chance and financial risk without productive exchange (Al-Qaradawi, 1994). In the framework of maqāṣid

al-sharī'ah, gambling violates the protection of wealth (ḥifẓ al-māl) by enabling its unjust redistribution, the protection of the intellect (ḥifẓ al-'aql) by fostering addiction and distorted judgment, and the protection of social bonds (ḥifẓ al-nasl) by generating enmity and family breakdown.

Indonesian positive law mirrors this prohibition through a complementary regulatory architecture. The ITE Law (No. 11/2008, amended by No. 19/2016) prohibits the electronic distribution or accessibility of gambling content, with criminal penalties of up to six years' imprisonment and fines of IDR 1 billion. The Criminal Code (KUHP) provides supplementary coverage through Article 303 on conventional gambling offences. The Ministry of Communication and Information Technology (Kominfo) has operationalized these provisions by blocking more than 846,000 online gambling links between 2018 and 2023, yet new platforms continuously re-emerge through mirror sites and offshore servers (Kominfo, 2023). MUI Fatwa No. 11/2012 provides additional normative grounding within the Islamic institutional framework, explicitly extending the classical prohibition to digital and electronic forms of gambling.

Sociological Gap: Why Legal Prohibition Falls Short

Despite this robust normative architecture, empirical evidence consistently demonstrates a significant gap between legal prohibition and behavioral compliance. Roscoe Pound's (1942) concept of 'law in action' as distinct from 'law in books' provides the most parsimonious theoretical account of this gap. Three interrelated sociological factors explain the limited effectiveness of online gambling prohibition in Indonesia.

First, weak value internalization. Friedman's (1975) legal culture theory holds that the efficacy of legal norms depends on their absorption into the values, beliefs, and expectations of the population they govern. PPAK's (2023) data reveals that a substantial proportion of online gamblers in Indonesia are aware of the legal prohibition but do not regard it as morally binding a phenomenon consistent with the gap between 'formal' and 'operative' legal culture. Without deep moral internalization, legal prohibition functions as an external constraint rather than an internalized norm, and is therefore readily circumvented when the cost of detection appears low.

Second, technological accessibility. The architecture of the internet systematically undermines territorial law enforcement. VPNs enable users to bypass geo-blocked websites; cryptocurrency transactions obscure financial flows; and the rapid proliferation of mirror sites ensures that any blocked platform re-emerges within hours. Kominfo's (2023) own data shows that despite blocking more than 846,000 URLs, new gambling sites emerge at a rate faster than

they can be removed. This creates what Lessig (1999) terms a structural gap between ‘code’ (technological architecture) and ‘law’ (legal architecture), in which the former systematically defeats the latter.

Third, insufficient public legal literacy. Research on legal awareness in Indonesia (Rahardjo, 2010) demonstrates that large segments of the population particularly in rural areas and among younger cohorts have limited knowledge of either the legal prohibitions or the practical harms associated with online gambling. This literacy deficit reduces both deterrence (individuals do not know they risk prosecution) and moral suasion (individuals do not understand the harms they risk). Addressing this deficit requires not merely formal legal enforcement but an educative strategy capable of reaching communities through channels they already use and trust.

Digital Da‘wah as an Instrument of Behavioral Legal Reform

Islamic Sociological Jurisprudence, as a theoretical synthesis of maqāṣid-based Islamic legal reasoning and Poundian sociological jurisprudence, provides the conceptual architecture for this study’s proposed reform model. It holds that legal norms must be understood not as self-executing commands but as instruments for the realization of social goods that can only be achieved when norms are effectively internalized within the moral consciousness of the community. On this view, the failure of online gambling prohibition is not a failure of the norms themselves but a failure of the mechanisms through which those norms are communicated, taught, and embedded in social life.

Digital da‘wah defined as the use of digital communication platforms (social media, mobile applications, podcasts, video streaming) to convey Islamic teachings and values emerges from this analysis as the most promising instrument for closing the gap between legal prescription and social behavior. Fakhruroji (2019) documents the rapid growth of digital da‘wah in Indonesia, noting that platforms such as YouTube, Instagram, and TikTok have enabled Islamic scholars and educators to reach audiences numbering in the tens of millions. Bunt (2018) similarly identifies digital da‘wah as a defining feature of contemporary Islamic life, one that has democratized religious communication and created new modalities of religious authority and community formation.

The proposed model integrates digital da‘wah with behavioral legal reform through four operationally distinct but mutually reinforcing strategies. The first is normative communication: systematic dissemination of content explaining the Islamic and legal prohibitions on gambling, the harms it causes, and the values it violates, delivered through platforms and formats appropriate to target audiences. The second is testimonial narrative:

sharing of authentic personal testimonies from individuals who have experienced the harmful consequences of online gambling, leveraging narrative persuasion to make abstract prohibitions emotionally salient. The third is economic empowerment messaging: promotion of productive and halal economic alternatives, addressing the economic vulnerability that often drives gambling behavior and aligning with the Pancasila principle of social justice (keadilan sosial). The fourth is institutional collaboration: coordination between digital da'wah actors, government agencies (Kominfo, PPATK), educational institutions, and civil society organizations to create a coherent and mutually reinforcing ecosystem of legal awareness and behavioral change.

Pancasila as an Integrative Framework

The integration of Pancasila values into this reform model is not merely symbolic but substantively necessary. As Indonesia's foundational state philosophy and the ultimate source of its legal system, Pancasila particularly its first principle (Belief in the One God, *Ketuhanan Yang Maha Esa*) and fifth principle (Social Justice for All Indonesians, *Keadilan Sosial bagi Seluruh Rakyat Indonesia*) provides a normative bridge between Islamic values and the secular legal order. The first principle affirms the moral authority of religious prohibitions within the Indonesian constitutional framework; the fifth principle situates the prohibition of exploitative economic practices (including gambling) within a broader commitment to distributive justice and collective welfare.

This Pancasila framework also addresses the economic dimension of online gambling vulnerability. The predominance of low-income participants in PPATK's data suggests that economic insecurity is a significant driver of gambling behavior, as individuals facing limited opportunities for legitimate income generation are disproportionately attracted to the prospect of rapid financial gain. A reform model grounded in Pancasila's social justice principle must therefore complement legal prohibition and digital da'wah with structural interventions aimed at expanding productive economic opportunities, particularly for at-risk communities.

Toward a Global Dimension: Online Gambling as Transnational Crime

Online gambling also presents a significant challenge at the level of international law and transnational governance. The majority of platforms accessible to Indonesian users are operated from jurisdictions where online gambling is legal or insufficiently regulated including Malta, Gibraltar, Curaçao, and various Southeast Asian territories. This transnational architecture systematically defeats the application of Indonesian national law, since the servers, operators, and financial flows are located beyond the reach of Indonesian enforcement authorities.

Addressing this dimension requires engagement with mechanisms of international legal cooperation, including mutual legal assistance treaties (MLATs), extradition agreements, and financial intelligence sharing arrangements (such as the Egmont Group network, of which PPATK is a member). It also requires advocacy within regional forums such as ASEAN for the development of harmonized regulatory frameworks for online gambling. The Islamic Sociological Jurisprudence framework supports this global engagement by grounding it in universal principles of justice, human welfare, and the protection of vulnerable populations principles that resonate across both Islamic and international human rights discourse.

4. CONCLUSION

This study has examined the legal prohibition of online gambling through the integrative lens of Islamic Sociological Jurisprudence, revealing both the normative robustness and the practical limitations of existing prohibition frameworks. Three principal conclusions emerge from the analysis.

First, the prohibition of online gambling in Islamic law is doctrinally clear and internally coherent, grounded in Qur'anic authority, juristic consensus, and the maqāsid al-sharī'ah framework. Indonesian positive law provides a complementary regulatory structure that is formally adequate. The problem is not normative inadequacy but enforcement and internalization failure, driven by the structural affordances of digital technology and the sociological dynamics of legal culture in a rapidly digitalizing society.

Second, the Islamic Sociological Jurisprudence framework provides a theoretically coherent and practically actionable account of why legal prohibition falls short and what must be done to close the gap. By treating law not as a self-executing text but as an instrument of social engineering oriented toward the realization of Islamic values (maqāsid) and human welfare (maslahah), this framework redirects attention from punitive enforcement to the educative, communicative, and cultural dimensions of legal behavior change.

Third, digital da'wah represents the most strategically appropriate instrument for operationalizing this framework in the contemporary Indonesian context. Its reach, cultural resonance, and capacity for normative communication combined with institutional coordination and Pancasila-grounded social justice interventions constitute a reform model that is simultaneously Islamic, constitutional, and empirically responsive.

This research contributes to the academic literature by proposing a novel interdisciplinary model that integrates Islamic jurisprudence, sociological legal theory, digital communication studies, and Pancasila-based constitutionalism. Future research should

empirically test the effectiveness of digital da'wah interventions on gambling-related attitudes and behaviors through experimental or quasi-experimental designs, and should explore the potential for regional and international legal cooperation in addressing the transnational dimensions of online gambling. Practitioners in government, civil society, and religious institutions are encouraged to operationalize the four-strategy model proposed in this study as a coherent, evidence-informed approach to behavioral legal reform.

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