



Exploring *Ihtikār* (Hoarding) and Fraud in Football Ticketing: An Islamic Criminal Law Review

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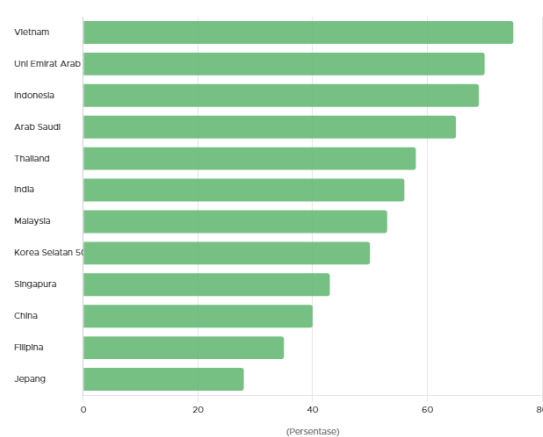
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Abstract

This study investigates the growing phenomenon of ticket hoarding (*Ihtikār*) and counterfeiting in Indonesian football matches, which causes significant harm to both consumers and event organizers. The purpose of this research is to analyse these practices from the perspectives of Islamic criminal law and Indonesian positive law, and to evaluate the legal sanctions applicable to such offenses. Employing a juridical-empirical method with a qualitative approach, data were collected through interviews, observation, and documentation, focusing on cases at Baharoeddin Siregar Stadium, Lubuk Pakam, North Sumatra. The findings reveal that ticket hoarding and forgery constitute *jarimah ta'zīr* and *ihtikār* in Islamic criminal law, due to elements of fraud, injustice, and public harm. Under Indonesian law, these acts violate provisions on trade monopolies and meet the criteria for fraud and forgery as defined in the Criminal Code (KUHP) and Law No. 7 of 2014. This research offers an original contribution by contextualizing Islamic criminal law in economic crime, highlighting the need for policy reform and stronger enforcement to combat illegal ticketing practices.

INTRODUCTION

Football is a sport that enjoys immense popularity across the globe, including in Indonesia. It is widely favored by people from various social strata, age groups, and genders. Moreover, advancements in technology have made football more accessible to the public, whether through live attendance at stadiums or virtual viewing from outside the venue. These factors collectively contribute to football's status as one of the most beloved sports worldwide. In Indonesia, football holds a particularly special place in the hearts of the public due to its flexibility and inclusivity. It can be played by anyone, regardless of age or background—even children and the elderly can participate in the sport. This widespread appeal is largely because football is one of the most familiar and easily recognized sports among the Indonesian population.¹ According to data cited from *data.goodstats.id*, the 2022 *World Football Report* by Nielsen indicates that Indonesia ranks as the third country in Asia with the highest number of football fans.



(Source :*data.goodstats.id*)

The survey indicated that more than half of Indonesia's population enjoys football, with the figure reaching 69%. Vietnam tops the list at 75%, followed by the United Arab Emirates at 70%. Below Indonesia are countries like Saudi Arabia, Thailand, India, Malaysia, South Korea, Singapore, China, the Philippines, and Japan.²

Given this level of enthusiasm, Indonesians are known for their loyalty to football. Various news sources and social media platforms have frequently reported that football

¹ Tunas Medya Latri and Moch Isnaeni, "Perlindungan Hukum Atas Pembeli Tiket Sepakbola Melalui Situs Resmi Online Saat Pertandingan Sepakbola Dibatalkan Oleh Pihak Yang Berwenang Atas Dasar Pertimbangan Keamanan," *Perspektif: Kajian Masalah Hukum Dan Pembangunan* 24, no. 3 (2019): 185–200.

² Fauzi Ibrahim, "Indonesia Masuk Jajaran Negara Penggemar Sepak Bola Terbanyak Di Asia" (Dipublikasi Pada 18 Oktober 2024 13.30 WIB)," *Data.Goodstats.Id*, October 18, 2024, <https://data.goodstats.id/statistic/indonesia-masuk-jajaran-negara-dengan-penggemar-sepak-bola-terbanyak-di-asia-sYRVv>.

match tickets often sell out quickly due to overwhelming demand. Even for local club matches, tickets are often sold out, creating opportunities for scalpers to profit by reselling tickets. Tickets are generally distributed through official outlets to ensure ease of access. However, this initiative often fails in practice due to unscrupulous individuals who hoard tickets and resell them at inflated prices. This practice, commonly seen in football stadiums, has become increasingly troubling. Scalpers not only raise ticket prices exorbitantly but also engage in fraud by selling counterfeit tickets, causing financial losses for organizers and unfair treatment of genuine fans wishing to attend matches.³

In interviews with ticket vendors, it was revealed that repeat buyers—often using different identities—were purchasing tickets in large quantities for unclear purposes. Upon investigation, it was found that these individuals returned before matches to resell the tickets at inflated prices, sometimes even selling fake ones. They would mislead fans by claiming that official tickets were sold out, thus forcing buyers to purchase from them. This monopolistic behavior is deeply concerning, as it deprives genuine spectators of the opportunity to enjoy matches. The difference between the number of tickets sold and the number of attendees often results in financial discrepancies for event organizers.

From an Islamic legal perspective, this practice constitutes a form of *jarīmah ta'zīr*—a punishable offense involving fraud and violations of Islamic ethical conduct.⁴ Hoarding essential commodities, including event tickets, to resell at unjust prices is deemed impermissible. This activity harms fans who are unable to purchase tickets at the official price, resulting in economic injustice. In Islamic criminal law, this is associated with *ihtikār* (hoarding), where the act of stockpiling goods and inflating prices deprives others of fair access and disrupts transactional equity. Research confirms that such conduct is unlawful under Islamic law, especially when tickets are bought in bulk and resold at exorbitant prices close to the event date. The deception and profit-seeking behavior at the expense of consumers constitute fraud. As Allah SWT states in Surah An-Nisā' [4:29]:

Meaning:

"O you who have believed, do not consume one another's wealth unjustly but only [in lawful] business by mutual consent. And do not kill yourselves [or one another]. Indeed, Allah is to you ever Merciful." (An-Nisā': 29).

³ Aziza Zulia Zaini, "Perlindungan Konsumen Dalam Penipuan Transaksi Pembelian Tiket Konser Secara Online," *UNES Law Review* 6, no. 4 (2024): 10443–52.

⁴ Seva Maya Sari and Toguan Rambe, "Delik Culpa Dalam Kajian Fiqh Jinayah (Analisis Terhadap Pasal 359 KUHP Tentang Kealpaan Yang Mengakibatkan Matinya Orang)," *Tazkir: Jurnal Penelitian Ilmu-Ilmu Sosial Dan Keislaman* 6, no. 2 (2020): 249–64.

This verse prohibits unjust enrichment and fraudulent acquisition of wealth. As Al-Shawkānī explains in *Fath al-Qadīr*, "bāṭil" refers to anything that is not right or just.⁵ In the context of transactions, *bāṭil* refers to any dealings prohibited by Islamic law. In Indonesian positive law, this practice constitutes not only an act of business monopoly – prohibited under Law No. 5 of 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition – but also fraud under Article 378 of the Indonesian Penal Code (KUHP). This article criminalizes the use of false identities, deception, or deceitful schemes intended to mislead others into surrendering goods or money.

According to Presidential Regulation No. 71 of 2015 concerning the Designation and Storage of Basic Needs and Important Goods, stockpiling essential goods is strictly prohibited, especially during scarcity, price surges, or distribution barriers. Although this regulation typically applies to essential goods, ticket hoarding for football matches – considered a public good in the context of entertainment and access rights – falls within similar moral and legal parameters.

Ticket hoarding not only results in economic disruption but also creates social injustice. What should be a fair and accessible commodity becomes monopolized by a few individuals for personal gain. This violates distributive justice and infringes upon national legal provisions. As stated in Article 107 of Law No. 7 of 2014 on Trade, anyone hoarding essential goods may face up to five years in prison and/or fines of up to IDR 50 billion.⁶ In cases involving fraud, offenders may also be prosecuted under Article 378 of the KUHP, which prescribes a maximum sentence of four years.

This research is both theoretically and practically relevant. Theoretically, it expands the field of economic and criminal law by examining ticket hoarding as a complex legal phenomenon – beyond mere ethical violations, it constitutes a crime with broader social and economic implications. The study also underscores the need to reassess what constitutes an "essential good" under Indonesian law, to ensure such cases fall within clear regulatory frameworks.

Practically, this research calls for a reformulation of enforcement policies targeting non-essential but socially impactful goods, such as sports event tickets. Without stringent and focused legal action, such practices will continue to harm the public and widen disparities in access to public goods. This study emphasizes the urgency of addressing football ticket hoarding and fraud through the lens of Islamic criminal law, particularly in light of the growing frequency of these offenses on social media and digital platforms.

⁵ Abdullah, *Tafsir Ibnu Katsir Jilid 1*. (Bogor : Pustaka Imam Asy-syafi'i, 2008), hlm.12.

⁶ Bonita Izwany, "Ihtikar Menurut Hukum Islam Dan Hukum Positif," *Jurnal Tahqiqqa: Jurnal Ilmiah Pemikiran Hukum Islam* 15, no. 1 (2021).

While previous studies have addressed related issues, they have not specifically explored the dual nature of ticket hoarding and fraud within the framework of Islamic jurisprudence.

LITERATURE REVIEW

For instance, a study by Putri examined *ihtikār* in football ticket hoarding in Sidoarjo through both Islamic and national legal perspectives.⁷ However, this study remained descriptive-normative and did not delve into fraud or digital enforcement. Manab's research focused on fraud in e-commerce from an Islamic legal standpoint but did not address ticket fraud specifically. Meanwhile, Abdullah's work analyzed illegal broadcasting of football matches on Instagram, focusing on broadcasting rights rather than ticket hoarding or fraud.

Another study was conducted by Manab, which examined the criminal offense of fraud in electronic media from the perspective of Islamic criminal law.⁸ This research primarily focused on general transactions in e-commerce and did not specifically address the practice of football ticket fraud.

Meanwhile, a study by Abdullah highlighted the issue of illegal broadcasting of football matches via the social media platform Instagram.⁹ Although there is some overlap with the context of Islamic criminal law and digital issues in the realm of football, this study mainly concentrated on violations of broadcasting rights and did not address hoarding or ticket fraud as its primary subject.

From these three previous studies, a clear research gap emerges. To date, no study has specifically combined both forms of crime – ticket hoarding and fraud in football – from the perspective of Islamic criminal law, let alone linked them to the evolving methods of crime facilitated by digital platforms. This current research is therefore significant, as it not only examines the normative aspects but also seeks to explore the implementation of Islamic criminal sanctions, such as *ta'zīr* and *dhamān*, on perpetrators and responsible parties. Furthermore, this study incorporates an empirical analysis of real-world cases occurring on social media, which have not previously been the focus of academic investigation. Thus, this research provides a valuable and original contribution

⁷ Meilla Witianti Putri, "Analisis Hukum Islam Dan Hukum Positif Di Indonesia Terhadap Ihtikār Tiket Sepak Bola Di Sidoarjo" (Universitas Islam Negeri Sunan Ampel, 2019).

⁸ Abd Manab, "Perspektif Hukum Pidana Islam Terhadap Tindak Pidana Penipuan Di Media Elektronik," *ASA* 4, no. 1 (2022): 33–49.

⁹ Fadhil Abdullah, "Sanksi Pidana Bagi Penyelenggara Siaran Langsung Pertandingan Sepak Bola Ilegal Melalui Media Instagram Ditinjau Perspektif Hukum Pidana Islam" (UIN Raden Fatah Palembang, 2025).

to the development of Islamic criminal law studies that are contextual, applicable, and responsive to the dynamics of digital economic crimes in the sports sector.

METHODS

This study employs an empirical juridical approach, which combines normative legal analysis with direct field research.¹⁰ This approach was chosen to examine the practice of football ticket hoarding comprehensively, both from the perspective of applicable legal regulations and the actual realities observed in the field. The results of field interviews serve as primary data to illustrate the phenomenon under study, while normative analysis functions as the theoretical foundation that reinforces the interpretation of empirical findings.

The type of research used is qualitative, with a focus on descriptive analysis of legal phenomena occurring in society. This study aims to understand, explain, and analyze the practice of football ticket hoarding from both the perspective of positive law and the broader social context.¹¹

The research was conducted at Baharoeddin Siregar Stadium, located in Lubuk Pakam City, Deli Serdang Regency, North Sumatra. This location was selected due to its frequent use as a public venue and its alleged association with ticket hoarding practices. Data collection was carried out using two primary methods. First, direct interviews were conducted with relevant respondents, including ticket organizers, ticket buyers, and ticket scalpers. These interviews aimed to gather information on the mechanisms of ticket sales, the hoarding practices, and public perceptions of the phenomenon. Second, a literature review was conducted by examining various normative legal sources, such as legal textbooks, scholarly articles, journals, statutes, classical legal texts, and other relevant regulations pertinent to the research problem.

The data obtained from both fieldwork and literature study were analyzed qualitatively. The analysis involved data reduction, presentation of findings in a descriptive format, and drawing of analytical and systematic conclusions. The empirical findings from the field were examined with reference to relevant legal theories, resulting in conclusions that are grounded not only in field-based evidence but also supported by robust theoretical underpinnings.

¹⁰ S H Suyanto, *Metode Penelitian Hukum Pengantar Penelitian Normatif, Empiris Dan Gabungan* (Unigres Press, 2023).

¹¹ Zainuddin Ali, *Metode Penelitian Hukum* (Sinar Grafika, 2021).

RESULTS AND DISCUSSION

1. The Practice of Football Ticket Hoarding at Stadiums: A Legal Perspective

A legal review involves the process of ensuring the concrete enforcement of legal norms as behavioral guidelines within societal and state relationships. Once legal rules are established, they must be implemented in real-life settings, a process known as law enforcement. This is also referred to as the application of the law, or in other terms such as *rechtstoepassing* and *rechtshandhaving* (Dutch), or "law enforcement and application" (American terminology).¹² According to Soerjono Soekanto, law enforcement entails harmonizing values embodied in solid legal principles and actualizing them through actions and attitudes that reflect these values in order to create, maintain, and uphold social order.¹³

Observations and interviews conducted around the stadium reveal the widespread practice of football ticket hoarding. The most common modus operandi used by scalpers is purchasing tickets repeatedly from official booths and then reselling them at significantly inflated prices. These individuals exploit the negligence of organizers and ticket staff who fail to impose strict purchasing limits, allowing scalpers to acquire dozens of tickets in a short time. Additionally, the falsification of tickets by certain scalpers has also been uncovered, with these counterfeit tickets sold to unsuspecting spectators.¹⁴

Interviews with vendors and spectators in the vicinity of the stadium reveal that this practice has caused widespread public concern. Many football fans express frustration at being unable to enter the stadium due to exorbitant ticket prices, and some have fallen victim to fake ticket scams. These losses have resulted in a tense atmosphere around the stadium, frequently marked by commotion caused by spectators being denied entry or feeling cheated. One interviewee reported having to purchase a ticket at double the official price just to attend the match, as official tickets had sold out due to scalpers.¹⁵

This phenomenon highlights a serious weakness in ticket distribution oversight by both organizers and security personnel. The practice not only economically disadvantages the public but also opens avenues for criminal acts such as fraud and ticket counterfeiting. Moreover, this practice reflects an illegal monopoly on a small scale. According to Muhlizar, a monopoly occurs when a single party controls the market,

¹² Abdur Rozak and Triny Srihadiati, "Tinjauan Kriminologis Terhadap Praktik Penipuan Calo Tiket Konser Di Indonesia," *Innovative: Journal Of Social Science Research* 4, no. 1 (2024): 6707-17.

¹³ Rozak and Srihadiati, *Ibid*.

¹⁴ Muhammad Faiz Abdullah, "Wawancara Dengan Penonton Di Stadion Baharoeddin Siregar" (Deli Serdang, 2025).

¹⁵ Muhlizar Muhlizar, "Larangan Praktek Monopoli Barang Dalam Perspektif Hukum Positif Dan Hukum Islam," *Kalam Keadilan* 7, no. 1 (2019).

leaving no alternatives or substitutes for the goods or services sold. In this context, scalpers act as the sole providers of tickets in the black market, leaving consumers with no choice but to purchase from them at inflated prices.

In other words, ticket hoarding is not merely an administrative violation or ethical issue but has evolved into an illegal monopoly that significantly harms consumers. Scalpers create a false market that eliminates fair access to tickets and forces consumers to comply with arbitrarily set prices. This situation reveals that ticket hoarding has become a complex legal issue requiring not only firm law enforcement by police authorities but also integrated oversight from event organizers, competition regulators, and consumer protection bodies.

Interviews conducted with an illegal ticket scalper reveal two primary methods used in hoarding practices. First, scalpers purchase tickets repeatedly from official booths to exhaust the available supply, taking advantage of lax supervision. Once official tickets are sold out, they resell them at higher prices. For instance, tickets initially priced at IDR 40,000 for the west tribune sections were resold for IDR 60,000 to IDR 80,000. VIP tickets priced at IDR 200,000 were marked up to IDR 250,000 or even IDR 300,000, justified by the claim that no tickets remained at official booths, leaving consumers with no alternatives.¹⁶

The second method involves counterfeit tickets. Scalpers collaborate with unauthorized printing agents to produce fake tickets at lower costs. These counterfeit tickets often lack official seat numbers but are still sold to the public, particularly to spectators less familiar with ticket authenticity. This allows scalpers to profit both from hoarded official tickets and the sale of counterfeit ones.

This phenomenon reflects a structured criminal pattern in ticket hoarding practices, where perpetrators not only hoard and manipulate prices but also commit forgery, which clearly constitutes a criminal offense. From a legal standpoint, this practice satisfies the elements of fraud and forgery as defined in Articles 378 and 263 of the Indonesian Criminal Code (KUHP). Furthermore, it illustrates a form of illegal monopoly on a small scale, with perpetrators monopolizing ticket access to control market prices.

Socially, the practice fosters public dependency on scalpers, who appear to be the only source of tickets once official stock runs out. This highlights inadequate oversight of ticket distribution by event organizers and stadium security, and underscores the urgent need

¹⁶ Muhammad Faiz Abdullah, "Wawancara Dengan Pihak Calo Tiket Ilegal, Di Stadion Baharoeddin Siregar" (Deli Serdang, 2025).

for stricter law enforcement against ticket hoarding and counterfeiting. Without serious efforts, this practice will persist and continue to harm the public.

In research conducted by Queenshy Elshadai¹⁷ the penalties for monopolistic practices in Indonesia vary depending on the severity of the offense. The main criminal sanctions are specified in Article 48 of the Anti-Monopoly Law: Article 48(1): Violations of Articles 4, 9–14, 16–19, 25, 27, and 28 are subject to fines ranging from IDR 25 billion to IDR 100 billion or up to 6 months of imprisonment as a substitute. Article 48(2): Violations of Articles 5–8, 15, 20–24, and 26 are subject to fines between IDR 5 billion and IDR 25 billion or up to 5 months of imprisonment. Article 48(3): Violations of Article 41 are punishable with fines ranging from IDR 1 billion to IDR 5 billion or up to 3 months of imprisonment. The principal punishment for monopolistic practices is a monetary fine, targeting assets rather than personal liberty. As noted by Nyoman Bela Putra Atmaja (2022), Indonesian regulations—especially the KUHP—stipulate in Article 378 that acts of fraud can be penalized with up to 4 years of imprisonment.¹⁸

In football ticket hoarding cases, perpetrators often sell tickets illegally outside official sales channels. Scalpers typically buy tickets in bulk and resell them at inflated prices to spectators unable to secure tickets through legitimate means. These activities violate stadium rules and harm authorities by circulating counterfeit tickets. Spectators are advised to purchase tickets through officially designated channels. Field observations reveal that scalpers buy multiple tickets by repeatedly visiting ticket booths. Weak security and oversight allow these purchases to go undetected. Counterfeit tickets go unnoticed by organizers, leading to unauthorized entry into stadiums. Ideally, each person should be limited to purchasing no more than three tickets.

Interviews with event organizers confirm that ticket hoarding is carried out systematically. Scalpers can purchase five to eight tickets per day per person by rotating individuals despite using similar personal information. This pattern indicates a structured network or syndicate aiming to manipulate ticket distribution. Initially, organizers did not suspect any wrongdoing due to the variety of buyers.¹⁹ However, repeated patterns and duplicate identities raised suspicions. Additionally, organizers detected counterfeit tickets, further damaging public trust.

¹⁷ N.Bela Putra.et.al. Atmaja, "Praktik Monopoli Dan Persaingan Usaha Tidak Sehat: Bagaimana Kekhususan Dalam Kebijakan Penyidikan?," *Jurnal Kertha Semaya* 10, no. 9 (2022): 2042–56.

¹⁸ Temmy Wijaya, "Hukum Anti Monopoli Dan Persaingan Usaha Tidak Sehat," *KEADABAN: Jurnal Sosial Dan Humaniora* 2, no. 1 (2020): 22–35.

¹⁹ Muhammad Faiz Abdullah, "Wawancara Dengan Pihak Panitia, Di Stadion Baharoeddin Siregar" (Deli Serdang, 2025).

These findings reveal that ticket hoarding is not merely an economic or administrative violation but a form of organized fraud involving both hoarding and forgery. Legally, this constitutes a violation under Articles 378 and 263 of the KUHP. The practice exposes flaws in the internal monitoring systems of ticket sales, allowing recurring abuse.

Socially, it fosters public unrest, especially among fans denied access or charged inflated prices. In some cases, tensions escalate at ticket booths due to limited availability. Thus, this issue should not be dismissed as a minor offense but recognized as an organized crime requiring strict legal action and comprehensive reform in ticketing oversight.

Ticket hoarding combined with fraud and embezzlement by organizers may result in significant fines and long-term imprisonment, depending on the severity of the offense. Law enforcement seeks to protect consumers and maintain the integrity of the ticketing system. Under Article 36 of the Anti-Monopoly Law, the Business Competition Supervisory Commission (KPPU) is authorized to investigate monopolistic practices. Article 47(2) details administrative sanctions, while Articles 48 and 49 outline principal and additional criminal sanctions.²⁰

2. Legal Review from the Perspective of Indonesian Law and Islamic Criminal Law on Ticket Hoarding and Fraudulent Practices

Interviews conducted with event organizers revealed an ambivalent attitude toward the practice of ticket hoarding by scalpers. On the one hand, the organizers acknowledged that the issue had been reported for a long time but had never truly been eradicated. The recurring justification was that scalpers made it easier for the public to obtain tickets, albeit at a slightly higher price. Some organizers even argued that as long as transactions occurred on the basis of mutual consent, the practice did not constitute a serious violation.²¹

However, these interviews also uncovered a more serious issue: the existence of counterfeit tickets sold by certain scalpers. Organizers admitted that negligence in verifying tickets, particularly in checking seat numbers, had allowed fake tickets to enter stadium premises. This issue often only came to light after the match had ended, when the number of attendees exceeded the number of officially sold tickets. In such cases, organizers began to realize that the actions of scalpers involved not just hoarding or price markups, but also elements of fraud and forgery, both of which are criminal offenses.

²⁰ Queensy Elshadai Kasenda, "Sanksi Hukum Terhadap Pelaku Praktik Monopoli Dan Persaingan Usaha Tidak Sehat Berdasarkan Undang-Undang Nomor 5 Tahun 1999," *Lex Administratum* 9, no. 6 (2021).

²¹ Abdullah, "Wawancara Dengan Pihak Panitia, Di Stadion Baharoeddin Siregar."

These findings indicate serious gaps in the monitoring system and law enforcement concerning ticket sales. Until now, scalpers have generally only faced administrative sanctions, such as being banned from entering stadiums or being required to compensate for losses. However, when these practices include ticket forgery and consumer fraud, criminal provisions should be applied, such as Article 378 of the Indonesian Penal Code (KUHP) on fraud and Article 263 on document forgery. Failure to address these issues not only harms the public but also erodes trust in the ticketing system and event management.

From a legal enforcement perspective, as stated by Soerjono Soekanto, law is not merely a set of rules but also includes institutions and fair procedures.²² Law enforcement should ideally provide certainty, justice, and protection to the public. However, this case reveals a disparity between the existing legal provisions and actual practices. The hoarding and counterfeiting of tickets reflect weak legal implementation, especially in ensuring consumer justice and upholding the integrity of public events.

The hoarding of football tickets in Indonesia is a critical issue that must be reviewed through the lens of both Islamic criminal law and positive law. The unscrupulous individuals who hoard football tickets often buy them in bulk and resell them at significantly higher prices, particularly when official tickets are hard to come by. This practice frequently involves elements of fraud and exploitation and can be categorized as a criminal offense that violates consumer rights and protection laws. In Islamic criminal law, hoarding (*ihtikar*) must be approached with caution by both buyers and sellers. Such practices are prohibited if they contain elements deemed unlawful by Islamic teachings, as emphasized in Surah An-Nisa (4:29): "*O you who have believed, do not consume one another's wealth unjustly but only [in lawful] business by mutual consent. And do not kill yourselves [or one another]. Indeed, Allah is to you ever Merciful.*"²³

This verse clearly prohibits consuming wealth through unjust means. According to Al-Shawkani in his book *Fath Al-Qadir*, the term "batil" (falsehood) is translated as *ma laisa bihaqqin* (anything that is not rightfully due). A transaction is considered *batil* if it involves elements prohibited by Sharia, such as gambling (*maisir*), uncertainty (*gharar*), usury (*riba*), or deceit.

To be valid under Islamic law, the practice of intermediation (*simsar*) or ticket scalping must fulfill several conditions: mutual consent between buyer and seller, clarity regarding the nature and deliverability of the good, legitimacy of the traded item under

²² Soerjono Soekanto, *Faktor- Faktor Yang Mempengaruhi Penegakan Hukum* (Jakarta: UI Press, 2007), hlm.27.

²³ Wahbah al-Fiqh al-Zuhaili, "Islami Wa Adillatuhu, Beirut: Dar Al-Fikr, Vol" (VIII, 1989).

Sharia, and transparency, honesty, and integrity on the part of the seller. Scalping often violates these principles by withholding fair access and deceiving consumers, thereby rendering the practice impermissible. A hadith narrated by Qais ibn Abi Gharazah states: "The Prophet (peace be upon him) came to us while we were known as brokers. He said, 'O merchants, indeed the devil and sin are present in sales, so mix your sales with charity.'" (Reported by Tirmidhi, Nasa'i, and Ahmad).²⁴

This hadith emphasizes the need to balance commerce with ethical and spiritual values, including charity, to avoid sin. Although Islamic law permits certain types of resale under specific conditions, deviation from these rules constitutes a sinful act. Such violations compromise the principles of *muamalah* (commercial dealings) as taught by the Prophet Muhammad (peace be upon him). In Indonesia, such practices may be subject to sanctions under various laws, including Law No. 8 of 1999 on Consumer Protection, which guarantees the right to fair pricing and product quality. Additionally, Law No. 7 of 2014 on Trade replaces the Emergency Law No. 17 of 1951 concerning hoarding.

Nevertheless, there is currently no regulation that penalizes scalpers who obtain tickets using legitimate identification. If a person purchases a ticket using valid identification (such as a national ID or driver's license), the transaction is deemed legal, even if that person later resells the ticket. From a legal standpoint, scalping is not necessarily criminal. However, many scalpers deceive buyers by claiming that official tickets are sold out while offering unauthorized or counterfeit tickets. This practice is partially addressed in Emergency Law No. 7 of 1955 on economic crimes, which seeks to streamline legal procedures and impose stricter penalties.

In practice, ticket hoarding in Indonesia typically involves buying tickets in bulk from official outlets and reselling them through unofficial channels at inflated prices. Observations at stadiums show that scalpers frequently exploit weak oversight by repeatedly purchasing tickets, thereby limiting access for genuine fans. This practice not only harms consumers but also destabilizes the public order at events, often leading to disputes and dissatisfaction.

From the perspective of Islamic criminal law, such actions fall under *jarimah ta'zīr*.²⁵ which refers to offenses not explicitly mentioned in the Qur'an or Hadith but that clearly harm society and violate Sharia principles such as justice, honesty, and prohibition of exploitation. In this case, ticket hoarders engage in deceit (*gharar*) and hoarding (*ihṭikār*) for unlawful gain..

²⁴ Nur Ammi Baits, "Pasar Muslim Dan Dunia Makelar," *Jogjakarta: Pustaka Muamalah Jogja*, 2019.

²⁵ Sari, *Fiqih Jinayah (Pengantar Memahami Hukum Pidana Islam)*, hlm.17.

The inclusion of counterfeit tickets further compounds the offense, as forgery is unequivocally condemned in Islam. The Prophet Muhammad (peace be upon him) stated, "Whoever hoards is a sinner" (Reported by Muslim). Although the original context concerns essential goods, the underlying principle remains: it is forbidden to profit unjustly by depriving others of fair access, including to sports events. Accordingly, perpetrators may be subjected to *ta'zīr* punishments, which can include fines, imprisonment, or social sanctions, depending on the severity of the offense. Thus, ticket hoarding is not merely an administrative violation or economic misconduct but constitutes a breach of Islamic law that involves injustice, fraud, and exploitation—acts unequivocally forbidden under the Sharia through the mechanism of *ta'zīr*.

CONCLUSION

This study finds that the practice of hoarding football tickets in Indonesia constitutes a legal violation from two perspectives. Under Islamic criminal law, this act falls into the category of *jarīmah ta'zīr* due to elements of fraud, exploitation, and its contradiction with the principles of justice and transparency as taught in the Qur'an and Hadith. Meanwhile, in the context of Indonesia's positive law, such practices may be prosecuted under the provisions of Emergency Law No. 7 of 1955 and Article 378 of the Indonesian Criminal Code (KUHP) concerning fraud. Ticket hoarding not only causes economic harm to consumers but also creates unfairness in ticket distribution, and in some cases, it is accompanied by ticket forgery, which clearly constitutes a criminal offense.

These findings reflect the ineffectiveness of legal enforcement against ticket hoarding practices, both from the standpoint of Islamic law and state law. Contributing factors such as low public legal awareness, weak oversight by authorities, and the involvement of unscrupulous actors exacerbate the problem. This condition reveals that the application of legal norms—whether derived from Islamic principles or national legislation—still faces significant challenges in realizing justice and consumer protection effectively.

This research employs a juridical-empirical method that integrates normative legal analysis with field data obtained through interviews. This approach allows for a more comprehensive examination of the issue, both theoretically and in real-world practice. The main contribution of this study lies in presenting empirical insights into ticket hoarding practices and the applicability of relevant legal norms, as well as offering recommendations to encourage stronger synergy between the government, law enforcement agencies, and the public in combating such practices more effectively.

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