

Bridging National and Islamic Criminal Law in Addressing Online Gambling; A Criminological Case Study from Deli Serdang

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Article history:

Received in revised form: 26 July 2025

Acceptance date: 06 August 2025

Available online: 14 August 2025

Keywords:

Online Gambling; Islamic Criminal Law;
Crime Prevention; Criminology.

How to Cite:

Muhammad Saropi Satria Komba, & Rajin Sitepu. (2025). Bridging National and Islamic Criminal Law in Addressing Online Gambling: A Criminological Case Study from Deli Serdang. *Al-Risalah Jurnal Ilmu Syariah Dan Hukum*.
<https://doi.org/10.24252/al-risalah.vi.60559>

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Abstract

The advancement of internet infrastructure and digital services has facilitated easier access to online gambling, including in Deli Serdang Regency, North Sumatra. This study aims to analyze the regulation of online gambling under national criminal law and Islamic criminal law, as well as to examine the social phenomena surrounding offenders in the region. The research employs a juridical-empirical approach, combining a literature review of relevant laws and academic works with interviews involving stakeholders and online gambling offenders. The findings reveal that most offenders are male, aged 18–35, from lower-middle economic backgrounds, and access online gambling platforms via mobile devices. The primary motivations include the pursuit of instant financial gain and the desire to escape life pressures. The impacts encompass family financial losses, psychological stress, and the potential involvement in other criminal activities. Under national criminal law, online gambling constitutes a prohibited offense subject to criminal sanctions, whereas under Islamic criminal law, it is subject to ta'zīr punishments determined by the government or judicial authorities. Law enforcement at the local level remains limited due to inadequate digital monitoring and public awareness efforts. The study recommends enhancing synergy between local governments, law enforcement agencies, educational institutions, and religious leaders through education programs, digital monitoring, strict enforcement of sanctions, and social assistance for vulnerable individuals.

INTRODUCTION

The current advancement of technology has brought about rapid and profound changes in the world across various aspects. Over time, technology has continued to evolve toward greater sophistication, driven by human innovation and creativity.¹ One of the most significant positive impacts of technological progress is in the field of communication. Today, distance and time are no longer major obstacles to interaction, as technological advancements enable people to communicate effortlessly through a mobile phone and a SIM card, allowing those separated by great distances to remain connected.²

However, as technology becomes increasingly advanced, modern, and sophisticated—originally intended to provide benefits for its users—it can also be misused by certain individuals or groups to gain profit through deviant activities that exploit technological innovations.³ The advent of the internet has accelerated and facilitated daily human activities, as almost everything can now be done online. Nevertheless, alongside these technological benefits, digital crimes have become more prevalent, perpetrated by irresponsible segments of society.

Gambling is a form of game that involves placing bets, conducted either face-to-face or directly between two or more participants.⁴ It contains elements of interest, heightened expectations, and tension stemming from uncertainty, which together create strong stimuli that encourage persistent engagement.⁵ This, in turn, fuels an uncontrollable desire to gamble, often resulting in individuals becoming professional gamblers who lack any sense of deterrence. It is often difficult to draw a clear distinction between gambling and other games or activities. Gambling has become a popular activity among the public, serving either as a form of entertainment or a livelihood for certain individuals worldwide. Despite its widespread occurrence, including in Indonesia, gambling is known to cause addiction, which can lead to social, health, and financial problems,

¹ Muhamad Danuri, "Perkembangan Dan Transformasi Teknologi Digital," *Jurnal Ilmiah Infokam* 15, no. 2 (2019).

² Daryanto Setiawan, "Dampak Perkembangan Teknologi Informasi Dan Komunikasi Terhadap Budaya," *JURNAL SIMBOLIKA Research and Learning in Communication Study* 4, no. 1 (2018): 62–72.

³ Qadir Gassing, "Manfaat Dan Mafsadat Teknologi Modern Perspektif Masalah," *UNES Law Review* 6, no. 2 (2023): 6782–89.

⁴ Uswatun Hasanah and Citra Pertiwi Isroyo, "Fenomena Judi Online Terhadap Kecenderungan Pemahaman Hadis Di Era Disrupsi Digital," *Jurnal Riset Agama* 2, no. 3 (2022): 949–63.

⁵ Fariz Eben Ezel Sagala and Siti Mahmudah, "Perjudian Dalam Sudut Pandang Hukum Perdata," *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam* 5, no. 2 (2023): 2363–70.

bankruptcy, depression, and even suicide following losses. Its effects extend beyond the gambler to impact their family, friends, and the broader community.⁶

Under Indonesia's positive criminal law, gambling is categorized as a criminal offense as stipulated in Article 303 paragraph (3) of the Criminal Code (KUHP), which includes any game or bet whose outcome depends solely on chance, player skill, or competition results, including bets not directly participated in by the bettor. The development of information technology has given rise to a new form of gambling—online gambling (internet gambling)—which has become widespread due to the ease of internet access. To strengthen law enforcement, Article 2 paragraph (2) of Law No. 1 of 1974 amended the sanctions under Article 542 of the Criminal Code: the maximum sentence of one month's detention was increased to four years' imprisonment or a fine of up to ten million rupiah (paragraph 1), and the maximum sentence of three months' detention was increased to six years' imprisonment or a fine of up to fifteen million rupiah (paragraph 2). Furthermore, Article 542 was renumbered as Article 303 bis as part of regulatory adjustments.⁷

In criminal law, there is a discipline that studies crime known as criminology. According to Moeljatno, criminology involves understanding the causes behind criminal behavior—whether such acts stem from an inherent criminal disposition, are driven by environmental, social, and economic conditions, or are influenced by other factors.⁸ Once the causes are identified, in addition to punishment, preventive measures can be taken to ensure others do not engage in similar conduct. Gambling has been a problem throughout thousands of years of human civilization and remains an issue in Indonesia—from illegal lottery games (togel) to the recent surge of online gambling. For some, gambling is perceived as a quick way to gain wealth, prompting them to try their luck.⁹ Gambling has evolved alongside human habits, and now numerous online gambling platforms offer ease of access and the illusion of quickly earning money upon winning. Psychologically, online gambling addiction brings not only psychological consequences but also physical

⁶ Wahfidz Addiyansyah, "Kecanduan Judi Online Di Kalangan Remaja Desa Cilebut Barat Kecamatan Sukaraja Kabupaten Bogor," *MANIFESTO Jurnal Gagasan Komunikasi, Politik, Dan Budaya* 1, no. 1 (2023): 13–22.

⁷ Isyatur Rodhiyah, Ifahda Pratama Hapsari, and Hardian Iskandar Iskandar, "Pertanggung Jawaban Pelaku Tindak Pidana Perjudian Online Di Indonesia," *Al-Manhaj: Jurnal Hukum Dan Pranata Sosial Islam* 4, no. 2 (2022): 591–600.

⁸ A Rajamuddin, "Tinjauan Kriminologi Terhadap Timbulnya Kejahatan Yang Diakibatkan Oleh Pengaruh Minuman Keras Di Kota Makassar," *Al-Daulah: Jurnal Hukum Pidana Dan Ketatanegaraan* 3, no. 2 (2014): 181–92.

⁹ Rila Kusumaningsih and Suhardi Suhardi, "Penanggulangan Pemberantasan Judi Online Di Masyarakat," *ADMA: Jurnal Pengabdian Dan Pemberdayaan Masyarakat* 4, no. 1 (2023): 1–10.

and social harm. Those suffering from such addiction may experience depression, stress, feelings of hopelessness and helplessness, and may even resort to self-harm or harming others. This condition, known as gambling disorder, poses significant risks to mental health.¹⁰

In recent decades, advancements in information technology have brought significant changes to various aspects of life, including the social and economic sectors. One negative consequence of technological progress is the emergence of online gambling, which has shifted gambling practices from physical spaces to digital platforms. Easy access through mobile devices and internet-based applications has fueled the growth of online gambling across various segments of society.¹¹

Although it offers convenience, online gambling presents serious problems, including addiction, financial loss, psychological disorders, and the potential involvement in other criminal acts. This activity violates not only social and moral norms but also Indonesian law. The government has imposed strict prohibitions on all forms of gambling, yet law enforcement faces significant challenges due to the ease of access and anonymity in cyberspace.¹²

In Deli Serdang Regency, online gambling continues to grow, affecting both the social and economic lives of the community. Reports from law enforcement agencies, particularly the Deli Serdang Police Department, indicate an increase in online gambling cases despite ongoing eradication efforts. This situation necessitates a more in-depth study to understand its causes, impacts, and the effectiveness of law enforcement in the region.

This research focuses on a criminological analysis of online gambling practices in Deli Serdang Regency, examining their social, psychological, and legal impacts from the perspective of both national criminal law and Islamic criminal law. This approach is expected to provide a comprehensive understanding and strategic recommendations for policymakers and law enforcement officials in formulating more effective prevention and mitigation measures.

¹⁰ Alya Miftahul Jannah, Muhammad Osmar Zaidan Al Wafi, and Sibiyana Aliyan, "Perilaku Judi Online Pada Masyarakat Beragama Di Indonesia," *Islamic Education* 1, no. 3 (2023): 348–57.

¹¹ Enik Isnaini, "Tinjauan Yuridis Normatif Perjudian Online Menurut Hukum Positif Di Indonesia," *Jurnal Independent* 5, no. 1 (2017): 23–32.

¹² Marselinus Raja, Syamsiawan Syamsiawan, and Harry Yulianto, "Determinan Sosio-Ekonomi Dan Teknologi Penyebab Kecanduan Judi Online Pada Generasi Muda Di Wilayah Urban," *Jurnal Intelek Insan Cendikia* 2, no. 2 (2025): 4066–73.

METHODS

This study employs an empirical juridical approach, which examines the law not only as written norms (*law in the books*) but also as it functions and is implemented in social reality (*law in action*).¹³ Through this approach, the research aims to comprehensively understand the legal provisions governing the criminal act of online gambling, as well as the application of these provisions by law enforcement authorities and their impact on society. The types of data used comprise both primary and secondary data. Primary data were obtained through interviews with law enforcement officials (police and prosecutors), online gambling perpetrators, and affected community members. Secondary data were sourced from a review of relevant legislation, such as the Indonesian Criminal Code (KUHP), the Law on Electronic Information and Transactions (UU ITE), and the Law on Money Laundering Crimes (TPPU), as well as court decisions, scholarly journals, and other relevant literature.

Data collection methods included library research (for primary, secondary, and tertiary legal materials), semi-structured interviews (to elicit in-depth and contextual information), observation (to monitor enforcement processes or legal proceedings against offenders), and documentation (to obtain official records such as case reports, arrest statistics, and copies of court judgments). The data were analyzed using a descriptive qualitative method with a thematic approach, involving the processes of data reduction, data presentation, and conclusion drawing. Data from various sources were compared to identify patterns, similarities, and differences in the application of the law to online gambling cases. To ensure data validity and reliability, the study applied source and technique triangulation, verifying information by comparing the results of interviews, observations, and official documents.

The research was conducted within the jurisdiction of the Deli Serdang Police Department (Polresta Deli Serdang) in Lubuk Pakam Regency, North Sumatra. The site selection was based on 2024 Polresta Deli Serdang data, which recorded a 27% increase in online gambling cases compared to the previous year, making this area representative for examining the phenomenon under investigation.

¹³ S H I Jonaedi Efendi, S H Johnny Ibrahim, and M M Se, *Metode Penelitian Hukum: Normatif Dan Empiris* (Prenada Media, 2018).

RESULTS AND DISCUSSION

1. Gambling and Online Gambling in the Perspective of Criminal Law

Gambling constitutes an act prohibited in Indonesia pursuant to the prevailing legislation, which forbids games containing elements of wagering.¹⁴ Article 303 of the Indonesian Criminal Code (*Kitab Undang-Undang Hukum Pidana* - KUHP) regulates gambling, as reinforced by Article 2 of Law No. 7 of 1974 concerning the Control of Gambling. Initially, the regulation of gambling was contained in Articles 303 and 542 of the KUHP. However, with the enactment of Law No. 7 of 1974, several provisions of the KUHP were amended, resulting in increased criminal sanctions for gambling offenses. The amendments are as follows:

- a. The criminal sanction in Article 303 paragraph (1) KUHP was increased to a maximum imprisonment of ten years or a fine of up to twenty-five million rupiah.
- b. Article 542 KUHP was elevated to the status of a criminal offense and reclassified as Article 303 bis KUHP, with increased sanctions as follows: paragraph (1) carries a maximum imprisonment of four years or a fine of up to ten million rupiah, and paragraph (2) carries a maximum imprisonment of six years or a fine of up to fifteen million rupiah.
- c. For online gambling offenders, Article 27 paragraph (2) of the Law on Electronic Information and Transactions (Law No. 11 of 2008 - UU ITE) applies. Violators may be sentenced to a maximum imprisonment of six years and/or a fine of up to one billion rupiah. For operators or facilitators, Article 27 paragraph (2) in conjunction with Article 45 paragraph (2) of the UU ITE is applicable.
- d. Under Article 303 paragraph (1) KUHP, gambling offenders may face a minimum imprisonment of ten years or a maximum fine of twenty-five million rupiah, while Article 303 bis paragraph (1) KUHP prescribes a maximum imprisonment of four years or a maximum fine of ten million rupiah.

The criminal provisions on gambling stipulated in Article 303 bis KUHP are as follows:

- a. A maximum imprisonment of four years or a fine of up to ten million rupiah shall be imposed on:
 - 1) Any person who engages in gambling organized in violation of Article 303;
 - 2) Any person who participates in gambling on public roads, the roadside, or in any place accessible to the public, unless authorized to do so.

¹⁴ Rodhiyah, Hapsari, and Iskandar, "Pertanggung Jawaban Pelaku Tindak Pidana Perjudian Online Di Indonesia."

- b. If the offense is committed within two years after a previous conviction for the same offense has become final, the maximum penalty is increased to six years' imprisonment or a fine of up to fifteen million rupiah.

Online gambling is specifically regulated under Article 27 paragraph (2) of the UU ITE. Based on these provisions, gambling – whether conducted conventionally or via the internet – is a criminal offense in Indonesia, with offenders subject to the penalties prescribed by law.¹⁵

The constituent elements of the offense under Article 27 paragraph (2) UU ITE are as follows:

- a. Subjective element:
 - 1) Fault element: "intentionally."
- b. Objective elements:
 - 1) Illegality: "without right";
 - 2) Conduct:
 - a) Distributing; and/or
 - b) Transmitting; and/or
 - c) Making accessible;
 - 3) Object:
 - a) Electronic information; and/or
 - b) Electronic documents containing gambling content.

Based on the elements stipulated in Article 303 paragraph (1) KUHP and Article 27 paragraph (2) UU ITE, along with the available evidence, the defendant's actions fall within the definition of online gambling as regulated by Article 27 paragraph (2) UU ITE, since the factual circumstances fulfill the statutory elements of the offense.

Gambling is explicitly prohibited in Indonesia under Article 303 KUHP in conjunction with Article 2 of Law No. 7 of 1974, which imposes harsher criminal sanctions on perpetrators, both conventional and online. Article 303 bis KUHP prohibits any person from engaging in gambling without proper authorization, while Article 27 paragraph (2) UU ITE specifically prohibits the distribution, transmission, or provision of access to electronic information containing gambling content. For online gambling offenders,

¹⁵ Hery Sulistyono and Lindu Ardjayeng, "Tinjauan Yuridis Tentang Perjudian Online Ditinjau Dari Undang-Undang No 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik," *Dinamika Hukum & Masyarakat* 1, no. 2 (2018).

criminal sanctions may reach six years' imprisonment and/or a fine of up to one billion rupiah.¹⁶

Normatively, these regulations reflect the state's firm stance in addressing gambling as conduct that undermines public order and societal morality. However, from a criminological perspective, there is a notable gap between the normative framework (*law in the books*) and its implementation in practice (*law in action*).¹⁷ In Deli Serdang Regency, despite clear regulations and severe sanctions, online gambling remains prevalent, suggesting that the threat of punishment alone is insufficient as an effective deterrent.

One contributing factor is the transnational and elusive nature of cybercrime. Online gambling platforms often operate using foreign servers, anonymous digital payment methods, and intermediary networks that obscure the identities of primary operators. From a criminological standpoint, this aligns with opportunity theory, which posits that crime occurs when opportunities are high and deterrent barriers are low. Easy internet access, limited digital oversight, and the allure of quick financial gain are major driving factors.

Interviews with Deli Serdang Police officers revealed that law enforcement faces obstacles such as limited tracking technology, low public legal awareness, and the involvement of transnational actors. Although routine enforcement operations are carried out, prosecutions often target end-users or local agents, while major operators remain beyond reach. This has fostered a public perception that enforcement fails to address the root of the problem, potentially eroding trust in law enforcement agencies.

From the perspective of crime prevention theory, addressing online gambling requires a combination of preventive measures (public education, digital literacy campaigns, cyber patrols) and repressive measures (arrests, website blocking, prosecutions). However, without consistent and transparent enforcement, the deterrent effect anticipated by the sanctions in the KUHP and UU ITE will be difficult to achieve. In the context of Deli Serdang, the greatest challenge lies not in the availability of legal norms, but in the optimization of resources, technology, and inter-agency coordination to ensure that the law functions effectively as an instrument of social control.

¹⁶ Naila Ainaiya, Alya Hadziqo Sae Saiffy, and Revienda Anita Fitrie, "Analisis Pengambilan Keputusan Kebijakan Dalam Penanganan Perjudian Online," *Eksekusi: Jurnal Ilmu Hukum Dan Administrasi Negara* 2, no. 2 (2024): 505–18.

¹⁷ Izzah Farahiya, "Tinjauan Kriminologi Terhadap Peningkatan Tindak Pidana Judi Online" (UIN Ar-Raniry, 2023).

2. Gambling and Online Gambling from the Perspective of Islamic Criminal Law

The Qur'an explicitly prohibits gambling, which in Islamic criminal law is referred to as *jarimah maisir*. This prohibition is stated in the Qur'an, as follows:

"O you who have believed! Indeed, intoxicants, gambling, [sacrificing on] stone alters [to other than Allah], and divining arrows are but defilement from the work of Satan, so avoid them that you may be successful. (Qur'an, Al-Māidah [5]: 90)."

The prohibition against gambling in Islamic criminal law, known as *jarimah maisir*, is further reinforced in Al-Māidah (5): 90–91 and Al-Baqarah (2): 219. Theologically, gambling is considered an act that corrupts morals, fosters hostility, and distracts individuals from the remembrance of Allah SWT. Within the framework of Islamic law, such acts are subject to *ta'zīr* punishment—sanctions determined by the ruler or judge in accordance with the severity of the offense and its societal impact.¹⁸

From a criminological perspective, perpetrators of online gambling are often driven by criminogenic factors such as economic hardship, the desire for instant profit, peer or environmental influence, and weak digital surveillance. The ease of internet access, transactional anonymity, and aggressive promotion on social media significantly increase the likelihood of such crimes, aligning with opportunity theory, which posits that crime thrives when opportunities are high and the risk of apprehension is low.

In Islamic criminal law, the effectiveness of *ta'zīr* sanctions depends heavily on the policies of judges and the authorities enforcing them. In theory, the flexibility of *ta'zīr* allows penalties to be tailored to the offender's level of culpability, personal background, and potential for rehabilitation. This approach is consistent with the principle of *crime prevention through individual deterrence*, which aims to prevent recidivism through punishments that are both educative and repressive. However, in practice, if *ta'zīr* is imposed merely in the form of light penalties without follow-up supervision, its deterrent effect is diminished.¹⁹

By contrast, Indonesia's positive law, through Article 303 bis of the Criminal Code (KUHP) and the Law on Electronic Information and Transactions (UU ITE), prescribes severe sanctions in the form of imprisonment and substantial fines for online gambling offenses. Normatively, these penalties reflect the principle of *general deterrence*, intended to discourage the wider public from engaging in such activities.²⁰ Nevertheless, case

¹⁸ Wilda Lestari, "Ta'zir Crimes in Islamic Criminal Law: Definition Legal Basis Types and Punishments," *Al-Qanun: Jurnal Kajian Sosial Dan Hukum Islam* 5, no. 1 (2024): 22–32.

¹⁹ Lestari, "Ta'zir Crimes in Islamic Criminal Law: Definition Legal Basis Types and Punishments," Loc.,cit.

²⁰ Muhammad Ariq Fauzan, "Tinjauan Kriminologis Terhadap Jenis Kejahatan Yang Termasuk Dalam Operasi Pekat Di Tempat Hiburan Malam Di Wilayah Hukum Polsek Wajo (Studi Kasus Di Kota Makassar Tahun 2017-2019)" (Universitas Hasanuddin, 2021).

studies in Deli Serdang reveal that despite the imposition of heavy penalties, the prevalence of online gambling remains high, indicating that formal legal threats alone are insufficient – especially when opportunity structures and economic incentives persist.

In Islam, divine commands and prohibitions are to be observed as prescribed by Allah SWT. One such prohibition is *jarimah maisir* (gambling), for which offenders may be subjected to *uqubah* (punishment).²¹ In today's technological era, the rapid development of digital infrastructure has facilitated the emergence of cybercrime, including online gambling, which relies on the internet as its operational medium.²² Despite the technological distinction, the legal ruling for online gambling is identical to that of conventional gambling – both are prohibited (*harām*) due to their shared elements of chance and wagering.²³ The Qur'an clearly commands Muslims to avoid gambling, as stated in Al-Māidah (5): 90–91, which emphasizes that gambling is among the deeds of Satan, fostering enmity and distracting believers from the remembrance of Allah and prayer. Consequently, this prohibition extends to all forms of betting, including online gambling, with the only distinction being the use of the internet as a medium.²⁴

Crimes punishable by *ta'zīr* are those for which specific punishments are not explicitly stipulated in the Qur'an or Hadith, whether they involve violations of the rights of Allah or of human beings.²⁵ Muhammad Abu Zahrah defines *ta'zīr* as a punishment determined by the ruler to prevent harm and deter crime.²⁶ Thus, *ta'zīr* serves as a corrective measure for acts of disobedience that harm public welfare, including cybercrimes such as online gambling.²⁷

From a doctrinal perspective, Islamic punishments (*uqubah*) can be classified into two categories: those explicitly stated in the Qur'an and Hadith – namely *hudūd*, *qisās*, *diyāt*,

²¹ Dedi Arisandi Ritonga, Syaiful Asmi Hasibuan, and T Riza Zarzani, "Sanksi Hukum Fasilitator Judi Dadu Dalam Analisis Hukum Pidana Islam Dan Hukum Positif (Studi Kasus Di Kecamatan Dolok Kabupaten Padang Lawas Utara)," *JIIP-Jurnal Ilmiah Ilmu Pendidikan* 7, no. 2 (2024): 1587–97.

²² *Ibid.*

²³ Ferry Irawan Febriansyah, Alfalachu Indiantoro, and Afiful Ikhwan, "Model Kejahatan Dunia Maya (Cybercrime) Sebagai Upaya Pembentukan Hukum Nasional," *Legal Standing: Jurnal Ilmu Hukum* 7, no. 2 (2023): 242–55.

²⁴ Irwan Ritonga et al., "Judi Online Dalam Perspektif Hukum Islam Dan Undang-Undang Di Indonesia," *Tabayyun: Journal Of Islamic Studies* 3, no. 01 (2025).

²⁵ Eka Novianty Wahyuni Ekaa, "Diversion for Children Perpetrating Narcotics Crimes Perspective of Jinayah Fiqh and the Juvenile Criminal Justice System Law," 2024.

²⁶ Eka Novianty Wahyuni Ekaa, "Diversion for Children Perpetrating Narcotics Crimes Perspective of Jinayah Fiqh and the Juvenile Criminal Justice System Law," 2024.

²⁷ Alfitra Alfitra, "Pemiskinan Terhadap Pelaku Tindak Pidana Korupsi Dalam Perspektif Hukum Pidana Positif Dan Hukum Pidana Islam," *MIQOT: Jurnal Ilmu-Ilmu Keislaman* 39, no. 1 (2015): 94–109, <https://doi.org/10.30821/miqot.v39i1.41>.

and *kaffārah*—and those not explicitly mentioned, which are referred to as *ta'zīr*.²⁸ Gambling falls into the latter category; hence, the specific punishment is determined by the judge or ruler.²⁹ *Ta'zīr* applies universally, regardless of gender, age, or faith, to any individual who commits an act of immorality or harm without legitimate justification.³⁰ Since computer and internet technologies did not exist during the Prophet's era, no explicit scriptural reference addresses cybercrime; nonetheless, online gambling is legally analogized to conventional gambling and punished accordingly under *ta'zīr*.³¹

Comparatively, both legal systems—Islamic and positive law—have their strengths and weaknesses. Positive law excels in the clarity of penalties and standardized enforcement procedures but is often less adaptive to offender motivations and social context. Conversely, Islamic law, through *ta'zīr*, offers flexibility to adjust sanctions based on the offender's circumstances and the extent of harm caused, though it requires strong institutional commitment to ensure consistency and effectiveness.

From an applied criminology standpoint, efforts to curb online gambling in Deli Serdang would be more effective if both systems were integrated—combining the certainty and severity of positive law with the moral, religious, and rehabilitative dimensions of *ta'zīr*. Such an integrated approach could address criminogenic factors while enhancing both deterrence and long-term behavioral reform.

3. Case Study of Gambling in Deli Serdang

Several sub-districts within the jurisdiction of Deli Serdang Regency have been identified as areas affected by online gambling activities. The regency consists of 15 sub-districts, namely: Batang Kuis, Beringin, Biru-Biru, Galang, Gunung Meriah, Lubuk Pakam, Namorambe, Pagar Merbau, STM Hilir, STM Hulu, Tanjung Morawa, Labuhan Deli, Hamparan Perak, Pantai Labu, and Bangun Purba. In addition, certain areas within Deli Serdang fall under the jurisdiction of the Medan Metropolitan Police (Polrestabes Medan), including Patumbak, Deli Tua, Sunggal, Kutalimbaru, Pancur Batu, Sibolangit, Percut Sei Tuan, and Tuntungan.

In Deli Serdang Regency, online gambling has emerged as an increasingly prevalent issue, influencing both the social and economic conditions of the community. Reports of online gambling cases have been on the rise, with the Deli Serdang Resort Police (Polresta

²⁸ Azhari Akmal Tarigan, "Ta'zir Dan Kewenangan Pemerintah Dalam Penerapannya," *AHKAM: Jurnal Ilmu Syariah* 17, no. 1 (2017).

²⁹ 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.

³⁰ Farahiya, "Tinjauan Kriminologi Terhadap Peningkatan Tindak Pidana Judi Online."

³¹ Tarigan, "Ta'zir Dan Kewenangan Pemerintah Dalam Penerapannya."

Deli Serdang) actively attempting to address the matter. However, despite ongoing law enforcement efforts, online gambling practices remain widespread and challenging to eradicate entirely.

The following table summarizes notable cases:^{32,33}

Year	Location/Sub-District	Number of Perpetrators	Modus Operandi	Main Evidence	Special Notes
2022	Percut Sei Tuan	-	Online gambling office	VPS server, 21 websites	Daily turnover approx. IDR 1 billion
2024	Tanjung Morawa	2	Lottery (togel) via mobile phone	Cash, mobile phones, lottery records	Sydney, SGP, Kim
2024	Namorambe	1	Lottery (togel) agent	Mobile phone, numerical records	Involvement of village head
2025	Namorambe	1	Lottery (togel) writer	Mobile phone, numerical records	Arrested at lottery purchase site
2024	Deli Tua	7	Online gambling via internet café	CPUs, monitors, mobile phones, cash	Domino Island & Mega88 websites
2024	Medan Helvetia	1	Online gambling operator	Mobile phone, account data	Female, 20 years old

³² Aris Rinaldi Nasution, "Kejari Medan: Berkas Perkara Narkotika Turun, Judi Online Meningkatkan Di 2024," *Antara Sumut*, November 2024, <https://sumut.antaranews.com/berita/600369/kejari-medan-berkas-perkara-narkotika-turun-judi-online-meningkat-di-2024>.

³³ Finta Rahyuni, "Polrestabes Medan Gerebek 4 Lokasi Judi Online, 7 Pelaku Ditangkap," *Detiksumut*, November 2024, <https://www.detik.com/sumut/hukum-dan-kriminal/d-7622178/polrestabes-medan-gerebek-4-lokasi-judi-online-7-pelaku-ditangkap>.

4. Factors Influencing the Engagement of Deli Serdang Residents in Online Gambling

The rapid advancement of technology has brought about significant changes in societal lifestyles. While these advancements have facilitated positive developments across various sectors, they have also generated adverse impacts, one of which is the ease of internet access and the ability to conduct transactions through financial technology services. This convenience has significantly accelerated the spread of online gambling. Such convenience is only one of several driving factors, which are categorized as follows.³⁴

a. Internal factors among online gambling offenders:³⁵

1) Economic Factors

Economic hardship constitutes a primary motivator for engaging in online gambling. Issues such as unemployment, rising food prices, inflation, and wages below the living standard create difficulties for individuals in meeting their daily needs. The perception that online gambling requires minimal sacrifice yet offers potentially substantial monetary rewards further drives individuals to participate in such activities.

2) Perceptions of Gambling Games

This factor is shaped by a strong belief in the likelihood of winning. For beginners, online gambling platforms often grant initial wins to encourage continued participation. This fosters the perception that one's chances of winning and personal luck will eventually yield success, even if losses are incurred in earlier rounds. Such beliefs contribute to addiction and make it difficult for individuals to disengage from the practice.

3) Legal Awareness

Many members of the community lack awareness regarding the illegality of online gambling. Some are unaware of existing prohibitions, while others, even if aware, do not fear legal consequences due to the relatively light penalties for mere participation and the difficulty of gathering conclusive evidence against players.

b. External factors:³⁶

1) Technological Advancement

³⁴ Septu Haudli Bakhtiar and Azizah Nur Adilah, "Fenomena Judi Online: Faktor, Dampak, Pertanggungjawaban Hukum," *Innovative: Journal Of Social Science Research* 4, no. 3 (2024): 1016–26.

³⁵ Zekel Calvin Ginting and Bengkel Ginting, "Faktor Penyebab Meningkatnya Pe'laku Judi Online Pada Pelajar Di Masa Pandemi Covid-19 (Studi Kasus Di Kelurahan Mangga)," *SOSMANIORA: Jurnal Ilmu Sosial Dan Humaniora* 2, no. 1 (2023): 20–25.

³⁶ *Ibid.*

Technological developments facilitate access to online gambling sites. Despite numerous site closures, gambling operators continually devise new methods to create platforms that evade detection by authorities. Additionally, financial technology services, ranging from e-wallets to mobile banking, enable seamless gambling transactions. Data protection measures in fintech systems further complicate law enforcement's ability to trace and obtain evidence of such transactions.

2) Environmental Influences

An individual's behavior and decision-making are often shaped by their social environment. Peer groups or communities engaged in online gambling can exert significant influence, prompting others to participate. Furthermore, the proliferation of gambling promotions through mass media and endorsements by influencers—who often highlight the promise of lucrative returns—serves as a powerful external driver.

One form of information technology crime is online gambling, which in Indonesia constitutes a criminal offense subject to legal sanctions. In essence, gambling contravenes religious principles, moral values, and Pancasila ethics, posing a threat to societal well-being, national stability, and state integrity.³⁷ Article 303(3) of the Indonesian Criminal Code defines gambling as any game in which the chance of winning is generally determined by luck alone, although skill and experience may also play a role.

Based on available information, the *modus operandi* of online gambling offenses can be classified into two main categories according to their transactional systems:³⁸

a. Direct Transaction System

In this form, gambling is conducted via online gaming applications that resemble conventional gambling activities in the physical world. While such applications are ostensibly designed for entertainment without gambling elements, offenders exploit legal loopholes to use these platforms for illicit betting activities.

b. Deposit System

Emerging around 2010, this type of online gambling does not involve physical currency circulation but rather virtual currency within the gaming platform. Players transfer funds to an administrator's account, which are then converted into in-game

³⁷ Reza Suharya, "Fenomena Perjudian Dikalangan Remaja Kecamatan Samarinda Seberang," *Sosiatri-Sosiologi* 7, no. 3 (2019): 326–40.

³⁸ Elpin Sulingo and Vifi Swarianata, "Analisis Modus Operandi Kejahatan Perjudian Online," *Jaksa: Jurnal Kajian Ilmu Hukum Dan Politik* 1, no. 3 (2023): 14–21.

currency for gambling purposes. This model is more popular as it is explicitly intended for gambling.

Online gambling has become a widespread social issue, raising serious concerns for the nation's future. Once individuals become deeply involved in such activities, the consequences extend beyond personal loss, posing risks to the surrounding community. Desperate to recover losses, some offenders resort to criminal acts such as theft to fund continued gambling, thereby exacerbating social harm.

In this study, the authors interviewed ten online gambling offenders, all over the age of 20. Of these, five individuals – AM, FK, SY, NI, and FG – consider online gambling their primary source of income. Four others – FR, RZ, HR, and JB – engage in gambling as a habitual activity, while one individual, MJ, participates due to peer influence. Most offenders gamble either from internet cafés or their own homes, having learned about online gambling from friends or the internet. The majority lack awareness or understanding of Indonesia's Information and Electronic Transactions Law (UU ITE).³⁹

These findings align with Travis Hirschi's (1969) Social Control Theory, which posits that an individual's propensity to violate the law is strongly influenced by the weakness of their social bonds. In the case of online gambling in Deli Serdang, weak emotional ties with family and community are reflected in the lack of household supervision over members' activities. Low commitment to investing time and energy in constructive endeavors increases the likelihood of engaging in illicit activities such as gambling. Moreover, diminished participation in productive activities creates greater opportunities for such offenses. Another significant factor is the erosion of moral and legal values, leading to the normalization of gambling as an acceptable and unproblematic behavior.

5. Efforts to Combat Online Gambling in Deli Serdang Regency

After identifying the factors that hinder the handling of online gambling offenses, appropriate measures must be undertaken to suppress such activities in Deli Serdang Regency. These measures involve enhancing the quality and competence of law enforcement officers (the police) and fostering public awareness, concern, and active participation in providing information to the authorities. When criminal law instruments are employed to address an offense, criminal law policy is thereby implemented – namely, the selection of legislative measures aimed at achieving results consistent with prevailing and future societal conditions. Article 13 of Law Number 2 of 2002 concerning the Indonesian National Police stipulates that the principal duties of the National Police

³⁹ Muhammad Saropi Satria Komba, "Wawancara Dengan Pelaku Judi Online" (Medan, Sumatera Utara, 2025).

are to maintain public security and order, enforce the law, and provide protection, guidance, and services to the community. Efforts to combat online gambling consist of several approaches:⁴⁰

a. Pre-emptive Measures

Pre-emptive measures refer to early prevention strategies aimed at identifying root causes through educational initiatives designed to dissuade the public from engaging in online gambling. These measures require the participation of all members of society. Based on interviews with online gambling offenders, while they acknowledge that gambling is morally wrong, many are unaware that online gambling constitutes a criminal offense punishable by imprisonment.

b. Preventive Measures

Preventive measures aim to deter the occurrence of criminal acts and create a conducive social environment to minimize the growth of such activities, thereby reducing crime rates. This approach emphasizes preventing crimes before they occur and does not rely on criminal sanctions. Non-penal or preventive policies primarily involve the use of social instruments to improve specific social conditions, which indirectly contribute to crime prevention (Arief, 2019).

In the context of online gambling, the police adopt preventive measures such as public advisories regarding the dangers of gambling and cyber monitoring through the internet. These advisories are delivered directly to communities via warnings and counseling sessions, during which the police explain the nature of online gambling and the associated harms, including potential economic and psychological losses (Swardhana, 2019).

c. Repressive Measures

Repressive measures are undertaken when pre-emptive and preventive efforts fail to prevent offenses. These involve taking firm legal action against offenders. The police may also issue warnings emphasizing that gambling, including its online forms, is a criminal offense subject to sanctions under Articles 303 and 303bis of the Indonesian Criminal Code. Law enforcement efforts target the root causes within communities, implementing decisive measures to ensure deterrence (Fadul, 2019). The enactment of Law Number 7 of 1974 on the Regulation of Gambling is one of the government's concrete measures to combat gambling. This law classifies gambling as a criminal offense punishable by up to ten years' imprisonment or a fine of up to twenty-five million rupiah. Furthermore, the

⁴⁰ I Gusti Ngurah Agus Eka Yudha, "Analisis Kriminologi Terhadap Kejahatan Perjudian Online Di Wilayah Hukum Kepolisian Daerah Bali," *Kerta Dyatmika* 18, no. 2 (2021): 20–32.

police collaborate with the Ministry of Communication and Information Technology to block access to online gambling sites, thereby preventing players from accessing such platforms.

According to Brigadier Jaurat Silaban, S.H., efforts to combat online gambling form part of social policy, which is essentially inseparable from community protection efforts. These can be carried out through two channels:⁴¹

a. Penal Measures

Penal measures involve the application of criminal law. Prompt enforcement action is essential, with the police playing a central role by acting on reports from the public. Upon receiving such reports, the police conduct investigations in accordance with the procedural provisions of Law Number 8 of 1981 on the Criminal Procedure Code (KUHAP) and relevant articles of the Criminal Code.

The effectiveness of the criminal justice system – comprising the police, prosecution, judiciary, and correctional institutions – depends on the capacity of each component to handle online gambling offenses.

b. Non-Penal Measures

Non-penal crime prevention is primarily preventive in nature, aiming to address the social conditions and causal factors that directly or indirectly contribute to criminal activity. Such measures include improving public mental health, strengthening moral values, and enhancing religious education.

Based on the interview with Brigadier Jaurat Silaban, S.H., the police in Deli Serdang have implemented several educational strategies to combat online gambling:⁴²

- a. Community-Based Outreach – This approach involves local community leaders and stakeholders in disseminating information through seminars, workshops, and group discussions. Engagement of respected local figures enhances message credibility and reduces public resistance.
- b. Digital Media Education – Utilizing websites, social media, and mobile applications to extend outreach. Online campaigns incorporating interactive content—such as educational videos, infographics, and quizzes—can attract attention and raise awareness of online gambling risks.
- c. School and Educational Programs – Integrating gambling prevention content into school curricula to inform youth before they are exposed to such activities. Lessons include the risks, consequences, and avoidance strategies.

⁴¹ Muhammad Saropi Satria Komba, "Wawancara Dengan Brigaadir Jaurat Silaban,S.H, "Upaya Penanggulangan Judi Online Merupakan Bagian Dari Kebijakan Sosial" (Medan, Sumatera Utara, 2025).

⁴² Komba.

- d. Training for Health Workers and Counselors – Providing training to healthcare professionals, counselors, and other practitioners to recognize signs of gambling addiction and offer appropriate interventions or referrals.

Outcomes of Online Gambling Prevention Education in Deli Serdang

- a. Increased Public Awareness – Participants reported greater awareness of the dangers of online gambling, particularly its negative economic, psychological, and social impacts.
- b. Improved Legal Understanding – Many participants, previously unaware of the illegality of online gambling, gained knowledge of its legal consequences, including fines and imprisonment.
- c. Reduced Participation in Online Gambling – Following the campaign, a significant decline in online gambling participation was observed, with former players discontinuing their involvement.
- d. Enhanced Family Communication – The program encouraged open dialogue within families, enabling early detection of gambling addiction and preventive action.
- e. Increased Engagement in Positive Activities – The initiative motivated the public to engage in productive activities such as sports, community work, and skill development, thereby diverting attention from online gambling.

CONCLUSION

This study demonstrates that online gambling in Deli Serdang Regency constitutes a criminal offense that is explicitly prohibited under both national criminal law and Islamic criminal law, with far-reaching negative implications for the social, economic, and moral dimensions of society. This phenomenon not only reflects the weaknesses in law enforcement but also indicates the influence of environmental, economic, and information technology developments that reinforce tendencies toward legal violations, as explained in Hirschi's Social Control Theory. From the perspectives of legal studies and criminology, this research makes an important contribution by illustrating the interrelationship between legal norms, social context, and the effectiveness of law enforcement in addressing technology-based crimes. It further underscores the necessity of a countermeasure model that simultaneously integrates pre-emptive, preventive, and repressive approaches, with the active involvement of all elements of society. For future research, it is recommended to conduct a comparative study between regions with varying degrees of success in eradicating online gambling, as well as a more in-depth

analysis of the effectiveness of digital regulations in addressing cross-jurisdictional online gambling. An interdisciplinary approach that combines perspectives from law, criminology, and information technology could also enrich strategies for combating this crime in the future.

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