

## ONLINE GAMBLING PROMOTION FROM THE PERSPECTIVE OF POSITIVE LAW AND ISLAMIC CRIMINAL LAW: A CASE STUDY OF THE JAMBI REGIONAL POLICE

**Habbibi<sup>1</sup>, Ruslan Abdul Gani<sup>2</sup>, Rahmi Hidayati Al Idrusiah<sup>3</sup>**

<sup>1,2,3</sup> UIN Sulthan Thaha Saifuddin Jambi, Indonesian

Email: <sup>1</sup>[habibiejambi2020@gmail.com](mailto:habibiejambi2020@gmail.com), <sup>2</sup>[ruslanabdulgani@uinjambi.ac.id](mailto:ruslanabdulgani@uinjambi.ac.id),  
<sup>3</sup>[rahmihidayati@uinjambi.ac.id](mailto:rahmihidayati@uinjambi.ac.id)

### Abstrak

Penelitian ini berangkat dari maraknya promosi judi online yang memanfaatkan media sosial dan platform digital sebagai sarana penyebaran konten bermuatan perjudian. Aktivitas ini tidak hanya melanggar hukum nasional, tetapi juga bertentangan dengan prinsip syariat Islam yang melarang segala bentuk perjudian (maisir) karena berdampak pada kerusakan moral dan sosial. Tujuan penelitian ini adalah menganalisis pengaturan hukum positif Indonesia terkait tindak pidana promosi judi online, mengidentifikasi pandangan hukum pidana Islam terhadap tindakan tersebut, serta mengevaluasi penerapan hukum positif di wilayah Polda Jambi. Penelitian menggunakan pendekatan kualitatif dengan jenis penelitian lapangan yang dipadukan dengan studi kepustakaan. Data diperoleh melalui observasi, wawancara dengan Tim Cyber Ditreskrimsus Polda Jambi, dan dokumentasi, kemudian dianalisis secara deskriptif-kualitatif dengan membandingkan norma hukum positif dan prinsip hukum pidana Islam. Hasil penelitian menunjukkan bahwa hukum positif Indonesia melalui Pasal 303 KUHP dan UU ITE secara tegas melarang promosi perjudian dalam bentuk apa pun. Penerapan hukum dilakukan melalui kerja sama lintas lembaga, namun masih dihadapkan pada kendala teknis dan yurisdiksi. Dalam perspektif hukum pidana Islam, promosi judi dikategorikan sebagai jarimah ta'zir yang haram dan dapat dikenai hukuman demi mencegah kerusakan sosial.

Kata Kunci: Promosi Judi Online; Hukum Positif; Hukum Pidana Islam; Penegakan Hukum; Polda Jambi.

Corresponding Author	<b>Habbibi</b>		
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### Abstract

This study stems from the rise of online gambling promotion through social media and digital platforms as a means of disseminating gambling-related content. Such activities violate national law and contradict Islamic principles that prohibit gambling (*maisir*) due to its moral and social harm. The research aims to analyze the Indonesian positive law concerning the criminal act of online gambling promotion, identify Islamic criminal law perspectives on the issue, and assess the law enforcement efforts within the Jambi Regional Police. A qualitative approach was employed, combining field research and literature study. Data were collected through observation, interviews with the Cyber Crime Unit of the Jambi Regional Police, and documentation, then analyzed descriptively and comparatively between positive law norms and Islamic criminal principles. The findings reveal that Indonesian law, through Article 303 of the Penal Code and the Electronic Information and Transactions Law, strictly prohibits all forms of gambling promotion. Enforcement is carried out through inter-agency cooperation, though constrained by limited regulations, digital tracking capacity, and extraterritorial challenges. In Islamic criminal law, gambling promotion is classified as a *ta'zir* offense, deemed unlawful, and punishable to prevent social harm.

Keywords: Online Gambling Promotion; Positive Law; Islamic Criminal Law; Law Enforcement; Jambi.

### INTRODUCTION

Online gambling has become increasingly prevalent in society due to its unrestricted accessibility across time and space, as well as the massive scale of promotion conducted through social media platforms. This phenomenon is academically significant as it relates to broad social, economic, and legal implications, while also posing practical threats to social norms and public order. Promotional activities carried out by online gambling operators and social media influencers have become a major driver of the widespread dissemination of gambling content, particularly among younger generations who are highly vulnerable to its negative effects (Aruan, 2024; Fathor, 2024; Laras, 2024). Recent studies indicate that exposure to digital gambling content encourages addictive behaviors, impulsive decision-making, and the erosion of community economic well-being (Kim & Park, 2022; Armstrong et al., 2023; Xiao et al., 2023).



This situation creates serious challenges for law enforcement and the protection of societal moral values. Therefore, comprehensive scholarly inquiry is required to generate applicable recommendations for the more effective handling of online gambling activities. Several studies have examined the positive legal aspects of online gambling promotion, particularly the criminal liability of promoters under the provisions of the Electronic Information and Transactions Law (UU ITE). However, comprehensive research integrating Islamic criminal law as a complementary framework to positive law remains limited. Earlier studies have not sufficiently examined how Islamic criminal law conceptualizes gambling and promotional activities as prohibited acts that violate the objectives of Islamic law (maqāsid al-sharī'ah), particularly in safeguarding property (ḥifz al-māl) and preserving public morality (Manaroinsong, 2024; Putrawan, 2023; Anisa, 2024). Contemporary literature also affirms that online gambling elevates the risk of moral and social degradation, indicating that the preventive and educational nature of Islamic legal principles may offer added value to national law enforcement efforts (Rahman, 2021; Hidayat, 2020; Ahmed et al., 2021).

The purpose of this study is to compare and examine the regulation and enforcement of online gambling promotion from the perspectives of positive law and Islamic criminal law. More specifically, this research analyzes the definitions, legal protections, and sanctions applied under both legal systems to online gambling promotional activities conducted through social media. The study also explores the implementation of positive law in practice, particularly cases of online gambling promotion handled by the Jambi Regional Police (Polda Jambi), and investigates how Islamic criminal law can function as a complementary system emphasizing moral guidance and spiritual development (Aruan, 2024; Muslim, 2020; Manaroinsong, 2024). Recent scholarship demonstrates that hybrid approaches combining national legal norms with Islamic legal principles significantly enhance the effectiveness of criminal policies through moral-based prevention strategies (Islami et al., 2022; Latief, 2021; Mohamed & Fauzi, 2022).

The hypothesis of this research posits that Islamic criminal law can serve as an effective complement to positive law in addressing online gambling promotion, considering that national law primarily emphasizes retributive sanctions, whereas Islamic law foregrounds educational, preventive, and corrective principles that nurture public moral awareness. Online gambling promotion through social media has the potential to cause moral and economic harm due to increased public participation in gambling activities. This aligns with studies showing that online gambling



exacerbates mental health issues, heightens criminal risks, and triggers social dysfunction (Brooks & Clarke, 2021; Sun et al., 2022; Li et al., 2023). Therefore, the integration of both legal approaches is expected to produce a law enforcement system that is more just, effective, and supportive of building a socially and spiritually healthy society (Aruan, 2024; Al-Mawardi, 2020; Anisa, 2024).

## LITERATURE REVIEW

Online gambling has become increasingly widespread in society due to its unrestricted accessibility across space and time, as well as the massive scale of its promotion through social media. This phenomenon holds significant academic importance because it is closely linked to comprehensive social, economic, and legal implications, while also posing practical threats to social norms and public order. Promotional activities for online gambling conducted by business operators and social media influencers have become a major driver of its widespread dissemination, particularly among young people who are highly vulnerable to its negative effects (Aruan, 2024; Fathor, 2024; Laras, 2024). Recent studies show that exposure to digital gambling content encourages addictive behavior, impulsive decision-making, and the deterioration of community economic well-being (Kim & Park, 2022; Armstrong et al., 2023; Xiao et al., 2023).

This situation presents serious challenges for law enforcement and the protection of public morality. Therefore, an in-depth academic inquiry is necessary to produce applicable recommendations for more effective handling of online gambling. A number of studies have highlighted the positive law aspects concerning online gambling promotion, particularly the criminal liability of promoters under the ITE Law. However, comprehensive studies integrating Islamic law as a complementary legal framework remain limited. Previous research has not sufficiently explored how Islamic criminal law views gambling and the promotion of gambling as *ḥarām* acts that violate the *maqāṣid al-syarī'ah*, especially the protection of wealth (*ḥifẓ al-māl*) and public morals (Manaroinsong, 2024; Putrawan, 2023; Anisa, 2024). Contemporary studies also emphasize that online gambling elevates risks of moral and social corruption, thereby positioning Islamic law's preventive and educational approach as highly valuable in complementing national law enforcement (Rahman, 2021, SINTA 3; Hidayat, 2020; Ahmed et al., 2021).

The objective of this research is to compare and analyze the handling of online gambling promotion from the perspective of positive law and Islamic criminal law. Specifically, it examines definitions, legal protections, and sanctions applied within both legal systems toward promotional



activities conducted via social media. The study also investigates the implementation of positive law in practice, focusing particularly on cases of online gambling promotion within the jurisdiction of the Jambi Regional Police, while exploring how Islamic criminal law can serve as a complementary system emphasizing moral guidance and spiritual development (Aruan, 2024; Muslim, 2020; Manaroinsong, 2024). Recent research indicates that hybrid legal approaches combining national law with Islamic legal values significantly enhance the effectiveness of criminal policy through morally grounded preventive measures (Islami et al., 2022; Latief, 2021; Mohamed & Fauzi, 2022).

The research hypothesis posits that Islamic criminal law can effectively complement positive law in addressing online gambling promotion, as national law tends to focus on retributive sanctions, whereas Islamic law emphasizes educational, preventive, and corrective measures that foster moral awareness within society. Online gambling promotion via social media has the potential to produce moral and economic harm by increasing public participation in gambling activities. This aligns with studies showing that online gambling worsens mental health, elevates crime risks, and triggers social dysfunction (Brooks & Clarke, 2021; Sun et al., 2022; Li et al., 2023). Thus, integrating both legal approaches is expected to produce a law enforcement system that is more just, effective, and capable of nurturing a socially and spiritually healthy society (Aruan, 2024; Al-Mawardi, 2020; Anisa, 2024).

## RESEARCH METHODS

The unit of analysis in this study is focused on individuals and institutions involved in the phenomenon of online gambling promotion, particularly actors connected to the Jambi Regional Police (Polda Jambi) and social media users who become targets of such promotional activities (Setiawan et al., 2022; Nugroho & Sari, 2021; Sari et al., 2023). The study employs a qualitative design with an empirical approach, meaning that the research is conducted through a series of scientific activities in real-world settings to obtain factual data from field realities (Creswell & Poth, 2018; Sari et al., 2023; Sitorus et al., 2022). The qualitative method is selected because it enables detailed description of societal social behavior, promotional processes, and the resulting impacts through structured interviews, direct observation, and examination of key documents related to regulation and law enforcement policies (Setiawan et al., 2022; Nugroho & Sari, 2021; Sitorus et al., 2022; Sari et al., 2023). The study also incorporates experimental techniques and document analysis to enrich the findings, allowing social behavior patterns and promotional processes to be



understood comprehensively from multiple sources (Sitorus et al., 2022; Nugroho & Sari, 2021; Sari et al., 2023).

The primary data sources include both primary and secondary data. Primary data are collected through site visits, structured interviews with police investigators, community members exposed to online gambling promotion, and relevant literature tracing (Setiawan et al., 2022; Sari et al., 2023; Nugroho & Sari, 2021). Secondary data are obtained from library research such as books, journal articles, statutory regulations, and documents or archives related to online gambling promotion (Sitorus et al., 2022; Sari et al., 2023; Nugroho & Sari, 2021). Data collection is conducted using three main techniques: observation, interviews, and documentation (Creswell & Poth, 2018; Sitorus et al., 2022; Sari et al., 2023). Observation involves direct monitoring at relevant locations and institutions following pre-established observation guidelines (Setiawan et al., 2022; Sari et al., 2023). Interviews are conducted systematically and participatively according to structured interview guides to ensure data validity and reliability (Nugroho & Sari, 2021; Sitorus et al., 2022; Sari et al., 2023). Documentation is used to examine written artifacts, images, as well as legal-historical documents relevant to the research issue (Sitorus et al., 2022; Sari et al., 2023).

The stages of data analysis begin with systematic data collection, categorization, description, and synthesis of field observations and document findings (Creswell & Poth, 2018; Sitorus et al., 2022; Sari et al., 2023). The analytical technique employed is qualitative descriptive analysis, which narratively organizes data to illustrate relationships among categories and identify factual patterns or reinforce existing interpretations (Setiawan et al., 2022; Nugroho & Sari, 2021; Sari et al., 2023). Analysis is conducted by summarizing findings, organizing them into analytical templates, and drawing conclusions in a clear and comprehensible format (Sitorus et al., 2022; Sari et al., 2023). The results are expected to provide a comprehensive understanding of online gambling promotional patterns, the effectiveness of law enforcement, and the best strategies for addressing the issue (Setiawan et al., 2022; Nugroho & Sari, 2021; Sari et al., 2023).

## RESULTS AND DISCUSSION

### Forms and Patterns of Online Gambling Promotion

The findings of this study indicate that online gambling promotion in Indonesia has become increasingly sophisticated and diverse. Key evidence obtained from interviews with the Cyber Unit of the Special Criminal Investigation Directorate (Ditreskrimsus) of the Jambi Regional Police reveals four dominant promotional patterns: covert advertising on



social media through influencers and short videos, banner placements on illegal entertainment/game/film websites, promotion via instant messaging platforms (WhatsApp, Telegram, SMS), and affiliate marketing systems (Setiawan et al., 2022; Sari et al., 2023; Wang & Dickinson, 2024). Visual data were collected from screenshots of Instagram advertisements and a matrix analysis of promotional pathways involving video content, digital banners, and referral links using linktree or QR codes (Bilz et al., 2023; Sitorus et al., 2022). These promotional forms operate pervasively and covertly, often escaping the attention of both the public and law enforcement (Cross, 2023; Sari et al., 2023). In-depth analysis identifies three major tendencies: (a) perpetrators are increasingly adaptive in utilizing digital technologies to disguise promotional activity; (b) promotions are conducted not only by primary operators but also by ordinary users acting as affiliates; and (c) perpetrators exploit high-traffic platforms and public trust in influencers to attract social media audiences (Wang & Topalli, 2024; Sari et al., 2023).

### **Law Enforcement and Legal Application Against Online Gambling Promotion**

Data on enforcement processes show that perpetrators of online gambling promotion are charged under the Criminal Code (KUHP), the Electronic Information and Transactions Law (UU ITE), and Government Regulation No. 71 of 2019 (Nugroho & Sari, 2021; Sari et al., 2023). Interviews with the Cyber Unit indicate that law enforcement involves technology-based criminal procedures supported by cross-institutional collaboration involving the Ministry of Communications and Informatics (Kominfo), the Criminal Investigation Agency (Bareskrim), and the Financial Transaction Reports and Analysis Center (PPATK) (Setiawan et al., 2022; Sitorus et al., 2022). Visual data include inter-agency coordination tables, sketches of reporting and enforcement flows, and screenshots of site-blocking processes (Suarez-Tangil et al., 2019). Law enforcement aims not only to deter perpetrators but also to protect society from the social and economic impacts of online gambling (Sorell & Whitty, 2019; Sari et al., 2023). Three dominant patterns emerge: (a) enforcement is comprehensive and supported by multidimensional regulations; (b) regulatory-technological collaboration is essential for tracing and blocking websites; (c) enforcement effectiveness is heavily influenced by technological dynamics (e.g., domain switching) and digital public awareness (Wang & Topalli, 2024; Sari et al., 2023).

### **Real Cases and Dynamics of Criminal Prosecution**

This study also presents evidence from a 2024 case in which the Indonesian National Police (Bareskrim Polri) uncovered an online gambling



promotion network involving public-figure endorsements (Sari et al., 2023; Dickinson & Wang, 2023). The data include trial documentation, social media promotional screenshots, and transaction-flow matrices generated by PPATK (Soares et al., 2025). Public figures involved in these promotions may be criminally liable even if not directly operating gambling platforms, as they can be deemed facilitators of criminal promotion (Sari et al., 2023; Cross, 2023). Three tendencies emerge from this case: (a) public endorsement is now recognized as a form of criminal promotion; (b) tracing systems and law enforcement increasingly focus on covert promotional content and inter-agency cooperation; (c) technological developments and cross-border domains pose major enforcement challenges (Wang & Topalli, 2024; Sari et al., 2023).

### **Practical Challenges in Law Enforcement**

Several practical challenges arise in applying the law to online gambling promotion, including the absence of specific regulatory provisions, limited cyber-tracing capacity, low levels of digital literacy, and international jurisdictional barriers (Sitorus et al., 2022; Sari et al., 2023; Bilz et al., 2023). Effective enforcement requires regulatory updates, institutional collaboration, and the adoption of AI-based automated detection (Suarez-Tangil et al., 2019; Wang & Dickinson, 2024). Three dominant patterns were identified: (a) current regulations remain limited and require refinement; (b) digital tracing is highly affected by perpetrators' concealment techniques; and (c) community participation is crucial in preventing illegal promotion (Sari et al., 2023; Setiawan et al., 2022).

### **Effectiveness of Legal Enforcement and Its Implementation**

Although Indonesia's enforcement against online gambling promotion is supported by the Criminal Code, the ITE Law, and PP No. 71/2019, its effectiveness remains constrained by institutional and societal challenges – such as perpetrators' rapid technological adaptation, limited law enforcement capacity, and low public legal awareness. Measures taken include website blocking, account freezing, and prosecution, yet obstacles such as domain migration, VPN use, and cryptocurrency transactions undermine deterrence effects (Harahap, 2025; Ahyani et al., 2024; Aziza, 2023; Bentara et al., 2025). Reductions in online gambling promotion depend on multidisciplinary synergy, consistent regulatory updates, and sustainable digital surveillance (Ahyani et al., 2024; Permana et al., 2024; Bentara et al., 2025).

### **Comparison Between Positive Law and Islamic Criminal Law**

Both Indonesian positive law and Islamic criminal law prohibit and criminalize online gambling promotion. Positive law emphasizes public



order and social protection, while Islamic criminal law emphasizes preventing moral and spiritual corruption (Harahap, 2025; Pancasilawati, 2025; Azzuhri, 2025). Positive law prescribes criminal sanctions (imprisonment, fines), whereas Islamic law applies ta'zīr sanctions (moral, social, and rehabilitative punishment) (Harahap, 2025; Pancasilawati, 2025). Integrating both legal systems may enhance deterrence and prevention, producing a more comprehensive legal framework (Harahap, 2025; Pancasilawati, 2025; Ahyani et al., 2024).

### **Application of Islamic Legal Principles**

The principles of justice, prevention, public benefit (maṣlaḥah), responsibility, and proportionality in Islamic criminal law may strengthen positive law enforcement. The implementation of these principles – such as restorative justice and moral rehabilitation – can improve legal effectiveness and reduce recidivism (Harahap, 2025; Solehudin et al., 2025; Ahyani et al., 2024). An integrative approach also promotes value-based legal education and cooperation between state institutions and religious authorities (Solehudin et al., 2025; Ahyani et al., 2024; Permana et al., 2024).

### **Synergy and Cross-System Collaboration**

Synergy between positive law and Islamic criminal law strengthens prevention and enforcement through moral education, digital surveillance, and social rehabilitation. Collaboration between state institutions and religious authorities is proven to be more effective in reducing repeat offenses and strengthening the legitimacy of national law (Harahap, 2025; Solehudin et al., 2025; Ahyani et al., 2024; Permana et al., 2024).

### **Relevance of National Legal Reform**

The application of Islamic criminal law principles is philosophically, sociologically, and juridically relevant to national legal reform. Integrating Pancasila values, positive law, and Islamic ethics can produce a more equitable legal system aligned with Indonesian societal character (Harahap, 2025; Solehudin et al., 2025; Ahyani et al., 2024; Permana et al., 2024; Azzuhri, 2025). Public consensus also supports the increasing incorporation of Islamic norms in regulating online gambling (Solehudin et al., 2025; Ahyani et al., 2024).

## **CONCLUSION**

The key finding of this study is that online gambling promotion in Indonesia exploits the sophistication of digital technology and various dissemination patterns, making its presence increasingly difficult to detect and control by law enforcement agencies or the general public. The main insight drawn from these findings is the necessity of an adaptive,



collaborative, and educational enforcement strategy; a purely repressive approach is no longer sufficient. Effective eradication of online gambling promotion requires multi-actor synergy involving the government, police, regulatory bodies, positive-content influencers, and the public as a form of digital social control. This experience underscores the importance of digital literacy, legal awareness, and preventive monitoring to ensure that communities do not become victims—or unknowingly participate in—illegal activities that undermine social morality, economic stability, and public order.

The primary scholarly contribution of this research lies in offering updated empirical data on emerging patterns of online gambling promotion, the involvement of ordinary citizens within affiliate systems, and the practical challenges of law enforcement in the digital era. This study broadens the analytical perspective by integrating two legal frameworks—Indonesian positive law and Islamic criminal law—and proposing an alternative moral-religious and multidisciplinary approach for combating digital crime. Furthermore, this research opens new theoretical avenues regarding the effectiveness of educational and rehabilitative approaches in cyber law enforcement, contributing to the discourse on integrating national and religious legal principles to counter increasingly adaptive and pervasive forms of cybercrime.

The limitations of this study mainly concern the scope of the unit of analysis and data sources, which are largely focused on law enforcement institutions and criminal cases within the Jambi jurisdiction. Moreover, the mapping of promotional patterns and the analysis of enforcement effectiveness remain descriptive and have not quantitatively measured the broader social and psychological impacts of online gambling on the wider community. This study also does not fully examine the involvement of international digital platforms nor deeply explore the direct role of religious institutions in policy-level regulation. Therefore, further research is needed with expanded analytical depth—assessing multidimensional impacts, evaluating the effectiveness of digital literacy campaigns, and developing cross-national and cross-institutional collaborative strategies—to comprehensively address the promotion of online gambling.

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