

Maisir and Gharar in The Online Gambling Industry and Their Implications For Indonesian Citizens Working in Cambodia: A Study From The Perspective of Management and Islamic Economic Law

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Abstract: *This article discusses the increasing number of Indonesian citizens working in the online gambling industry in Cambodia, which has become a serious issue both legally and ethically. From an Islamic economic perspective, engaging in activities containing elements of maisir and gharar is a violation of the principles of justice and blessing in livelihood. This research aims to analyze the practices of maisir (gambling) and gharar (uncertainty) faced by Indonesian citizens working in vulnerable sectors in Cambodia, particularly those involved in the online gambling industry. Using descriptive analysis in Islamic economics, this study examines the impact of these activities on the economic, moral, and social well-being of workers. The research findings indicate that gambling and speculative activities contain elements of maisir and gharar, which are not only detrimental to individuals but also violate the principles of justice and Islam.*

Keywords: *Gharar, Maisir (Gambling), Online Gambling*

Introduction

Ir. Muhammad Syakir Sula, AAIJ, FIIS, who discussed the concept and operational system of sharia insurance (life and general), spoke about al-maisir. He stated that the principles of Gharar, Maisir, and Riba are the most important principles in sharia financial institutions (Sula, 2004). These three principles are actually the basis for scholars to prohibit all transactions such as banking, insurance, pawning, stock exchanges, leasing, venture capital, and others that do not use Sharia principles. Because in its operations, there will inevitably be Gharar, Maisir, or Riba transactions.

According to Sheikh al-Qaradhawi, the principle "everything is permissible in origin" is not limited to objects but also includes actions and deeds that are not considered acts of worship, which are commonly referred to as muamalah (Al-Qaradhawi, 1972). The main principle in this regard is that something is not forbidden or restricted unless it has been prohibited by Islamic law (Allah and the Messenger), as stated in His words, "I will separate what is forbidden for you." This usually includes things like transactions, food, actions, and everyday social behavior, among other things. Nevertheless, even this verse is misused to justify things that should not be done.

When connected to the concept of maisir (gambling), the risk is that the actions of those who engage in it will prevent them from remembering Allah SWT. Such behavior serves as a means of fostering hatred and animosity within society, especially among those involved in such cases. Therefore, the development of al-maisir is both prohibited and unacceptable. The practices of muamalah that are taught must solve this problem.

According to Ibnul Qayyim, "When you examine the state of al-mughalabat (competition with monetary stakes), you will inevitably see it as khamr (intoxicating liquor): a little of it leads to a lot, preventing it from all things beloved by Allah and His Messenger, and plunging it into actions hated by Allah and His Messenger. Even if there were no single legal text prohibiting it, the principles, rules, wisdom, and benefits of the Sharia would still prohibit it.

When Islamic law is based on justice in all its rulings and teachings, it prohibits all transactions that contain gambling. This provision is limited to all transactions that leave the person involved in uncertainty between profit and loss stemming from gharar and speculation, and such behavior leads

to enmity and hatred among people. Ibnul Qayyim said, "All transactions that the Prophet (peace and blessings be upon him) prohibited sometimes fall under the category of Riba (interest) and sometimes under Maisir (gambling)." However, as stated by Ibn Taymiyyah, "Indeed, the majority of transactions prohibited in the Quran and Sunnah are based on the realization of justice and the prohibition of any kind of injustice, whether small or large, such as consuming the property of others unjustly, and the like. Therefore, Sharia prohibits *gharar* sales and those that contain gambling, because they involve consuming the property of others unjustly."

Some of the significant impacts and dangers to both the perpetrators and their environment include:

- a. Bringing about enmity and resentment among the perpetrators.
- b. Preventing and refusing to remember Allah and pray.
- c. This behavior can dramatically and suddenly destroy family unity and deplete sources of wealth.
- d. Moral crisis and decreased work ethic, due to being accustomed to and educated in such actions.
- e. Destroys society; the prevalence of maisir (gambling or speculation) leads to other criminal acts.

In practice, this leads to speculation in the economy. Therefore, Islamic law prohibits such predictive activities. Hanafiyah, Malikiyah, Syafi'iyah, and Hambaliyah scholars believe that betting is an essential part of al-maisir (gambling). They consider the presence of betting to be the 'illat' (reason) that makes al-maisir haram.

The spread of maisir (gambling) through various media and types will damage various social, psychological, and economic systems of society; therefore, it must be prohibited. There are many ways to prohibit all types of gambling, one of which is Saad al-dhari'ah (Al-Misri, 1955). Adz-dzari'ah is something that leads to what is prohibited and contains harm, which is cut off due to its corruption (mafsadah) to avoid harm, and its ruling is also prohibited to prevent the occurrence of other prohibited actions (Taimiyyah, n.d.)

Speculation in business and trade is free from the element of harm (mafsadah), but because it has not yet reached the strong purpose of causing harm, it is obligatory to take precautions (be careful) against harm as much as possible. However, if speculating leads to damage and involves gambling, we must prohibit and prevent such actions. Therefore, the consequences of an action according to Sharia law are permissible if the outcome produces benefit, but if the outcome produces harm, even if the intention is favorable, the action is not permissible.

Methods

This research falls into the category of literature review because it gathers data from various sources, such as documentation, magazines, and newspapers. The nature of the research conducted by the author is descriptive-analytical, which means examining the status of an object from the Quran, As-Sunnah, and the thoughts of scholars from the past to the present in order to provide a systematic, factual, and accurate overview of the events or incidents being investigated, the facts, characteristics, and their relationships with each other. The data analysis for this research uses both verbally expressed data and theoretical qualifications. The data is used as evidence to rationally test the hypothesis using a specific pattern in accordance with the laws of logic. Data analysis begins with general knowledge and progresses to specific issues to arrive at an understanding of the concept of al-maisir in economic practices related to business speculation. As for the research approach, it uses a normative approach, which views and addresses the problem from the perspective of muamalah practices based on the Quran, As-Sunnah, the opinions of scholars, and historical facts.

Results and Discussion

1. Gharar

Gharar in language means danger, and taghrir means putting oneself in something that is harmful. Gharar in Sharia commercial contracts is prohibited. All payments. This gharar can be considered a danger or ambiguity (Saleem, 2013). However, in the jurisprudence of gharar, there are three ways to explain its meaning. First, gharar specifically applies to something that may or may not produce a clear outcome. As stated by Ibn Abidin, "Gharar is doubt or uncertainty about whether the commodity exists or not. Second, gharar specifically applies to a commodity whose specifications are unknown." According to Ibn Hazm, gharar in business is when the buyer or seller does not know what they are buying. Third, gharar has both of the above meanings. As-Sarhsy said, "Gharar is something whose outcome is unclear." This is the opinion held by the majority of scholars. Gharar also applies to sales contracts where the object or content of the agreement is unclear or ambiguous (Saleem, 2013).

According to the explanation provided in Article 2 Paragraph 3 of Bank Indonesia Regulation No. 7/46/PBI/2005, which regulates the disbursement of funds for banks engaged in business activities based on sharia principles, gharar is a transaction in which one party deceives the other, causing harm to the latter. Example: In a sale transaction involving gharar, Andi plans to buy Gibran's guava plantation. However, Gibran informs Andi that he is solely offering guava seeds from two hectares of his land, due for harvest in approximately three months. Andi then agrees to buy the guava from Gibran's orchard, which will be harvested in a few months, and pays a sum of money when the contract is signed. Because the object of the sale contains uncertainty or ambiguity, such as whether Andi bought guava or guava seeds whose type, size, and weight are unclear, this transaction contains gharar. However, gharar encompasses everything that is considered true, regardless of whether it is heavy, moderate, or little. Some scholars define gharar as anything that is considered true. but its perfection is doubted (Mukhtar Shihah). Examples of gharar from this perspective include selling fruit before it is ripe, selling a fetus on its mother, selling fish caught by hook or net, and so on.

2. Dalil-dalil Pengharaman Gharar.

- a. Al-Qur'an, Surah Al-Baqarah, verse 188:

وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ

Meaning: "And do not consume one another's wealth unjustly." (Surah Al-Baqarah: 188)

- b. Al-Qur'an, Surah An-Nisa', verse 29:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِنْكُمْ

Meaning: "O you who believe, do not consume one another's wealth unjustly, but only through trade that is mutually agreed upon among you." (Surah An-Nisa: 29)

- c. Hadith narrated by Muslim

عن أبي هريرة قال نهى رسول الله صلى الله عليه وسلم عن بيع الحصاة و عن بيع الغرر

Meaning: From Abu Hurairah, he said, The Messenger of Allah forbade the sale of hasah and gharar. (Narrated by Muslim)

- d. Hadith narrated by Ibn Majah

عن ابن عباس قال نهى رسول الله صلى الله عليه وسلم عن بيع الغرر

Meaning: From Ibn Abbas, he said, The Messenger of Allah (peace be upon him) forbade gharar sales (Narrated by Ibn Majah).

3. Maisir (Gambling)

In Arabic, the word "maisir" literally means obtaining something very easily without any effort or gaining profit without any effort. It is something that contains elements of gambling, betting, or games involving risk (Ascarya, 2013). Another term used in the Quran is 'azlam,' which means the practice of gambling. In Arabic, "Maisir" means "easy" or "simple," "wealthy person," and "obligatory." In other words, Maisir is any trade that a person enters, and they may lose or gain. The phrase "may lose and may gain" is also present in buying and selling transactions because a person trading may profit or lose. However, in maisir, a merchant obtains goods with money and engages in transactions to make a profit, even if they might lose. However, in buying and selling transactions, the scenario is different from maisir because once someone spends money, they may lose or get nothing.

Some people interpret "Maisir" in Indonesian with the narrow meaning of "gambling," but this is the definition of "Maisir" by religious scholars. In religious terms, gambling is defined as "a transaction carried out by two parties for the ownership of an object or service that benefits one party and harms the other by linking the transaction to a specific action or event." In the example of maysir, Linda bought lottery tickets for a thousand rupiah each, hoping to win the lottery and receive a prize worth 1 billion rupiah.

Gambling is forbidden, whether we are deeply involved, only occasionally, or not at all, expecting profit solely (like trying our luck), in addition to some people involved cheating, getting what we don't deserve, or missing opportunities. Placing bets and making deductions truly falls under the category of gambling. Generally speaking, gambling (maisir) and the sale of lottery tickets (azlam) are haram. Here, we also prohibit any form of betting, drawing, or lottery that involves gambling. In Islam, the Prophet Muhammad (peace be upon him) forbade any business that generates money from gambling, speculation, fortune-telling, or guesswork (such as gambling) and not from work.

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4. Evidence for the Prohibition of Gambling

a. Qs. Al-Maidah ayat 90-91

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَ الْأَنْصَابُ وَ الْأَزْلَامُ رِجْسٌ مِنْ عَمَلِ
الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ. إِنَّمَا يُرِيدُ الشَّيْطَانُ أَنْ يُوقِعَ بَيْنَكُمُ الْعَدَاوَةَ
وَالْبَغْضَاءَ فِي الْخَمْرِ وَ الْمَيْسِرِ وَ يَصُدَّكُمْ عَنْ ذِكْرِ اللَّهِ وَ عَنِ الصَّلَاةِ فَهَلْ أَنْتُمْ
مُنْتَهُونَ

Meaning: "O you who believe, indeed, intoxicants, gambling, [sacrificing to] idols, and drawing lots with arrows are abominations of Satan's work." So avoid those actions so that you may be successful. Indeed, Satan intends to sow enmity and hatred among you due to drinking wine and gambling, and he aims to prevent you from remembering Allah and praying; therefore, stop engaging in those activities. (Surah Al-Ma'idah: 90-91)

b. Hadith of Abu Hurairah RA, narrated by Al-Bukhari and Muslim

مَنْ قَالَ لِصَاحِبِهِ تَعَالَ أَقَامِرَكَ فَلْيَتَصَدَّقْ بِشَيْءٍ

The meaning is: "Whoever tells his friend, 'Come, let me gamble with you,' should give charity." (Narrated by Bukhari and Muslim)

Some scholars believe that qimar is the same as maisir, while other scholars believe that qimar is limited to transactions in the form of betting or competitions. The above hadith indicates that maisir, or qimar, is haram, and inviting someone to do it incurs expiation, or a fine, through charity. The "scholars" do not disagree on the prohibition of gambling.

"Abdullah bin Omar narrated that the Messenger of Allah (peace and blessings be upon him) forbade a type of sale known as habal-al-habla, a practice prevalent during the Jahiliyyah period. In this transaction, one must pay the price of a female camel that has not yet been born but will be born soon according to the expected gender."

"It is narrated by several companions of the Prophet, including Jabir, Abu Hurairah, Abu Said Khudri, Said bin Al Musayyib, and Rafiy bin Khadij, that the Messenger of Allah (peace be upon him) forbade the transactions of muzabanah and muhaqalah."

Both types of business transactions mentioned above were very popular in the pre-Islamic era. Muzabanah is the exchange of fresh fruit for dried fruit, where the amount of dried fruit is known, but the amount of fresh fruit is estimated because it is still on the tree. Similarly, muhaqalah is the sale of wheat in exchange for wheat still in its grains, the amount of which is still uncertain. Because the evils of gambling are worse than the benefits it brings, Allah swt is very strict in forbidding maisir (gambling and similar activities) in the Quran, as stated in the following verse:

يَسْأَلُونَكَ عَنِ الْخَمْرِ وَ الْمَيْسِرِ قُلْ فِيهِمَا إِثْمٌ كَبِيرٌ وَ مَنَافِعُ لِلنَّاسِ وَإِثْمُهُمَا
أَكْبَرُ مِنْ نَفْعِهِمَا، وَ يَسْأَلُونَكَ مَاذَا يُنْفِقُونَ قُلِ الْعَفْوَ، كَذَٰلِكَ يُبَيِّنُ اللَّهُ لَكُمْ
الآيَاتِ لَعَلَّكُمْ تَتَفَكَّرُونَ

Meaning: "They will ask you about intoxicants and gambling. Say, In both of them, there is great sin and benefit for people, but their sin is greater than their benefit." (Surah Al-Baqarah 2:219)

The verses above explicitly show that gambling is forbidden. Gambling is also called Rijs, which means rotten and dirty, and includes devilish deeds, and has a negative impact on all aspects of life. This includes ideology, politics, economics, social issues, ethics, and culture. In turn, this will damage an important part of national and international life. Therefore, any action that contradicts the command of Allah SWT will inevitably lead to disaster. Because it is a devilish act, it is natural that there are efforts to bury the meaning of gambling. The devils, comprised of jinn and humans, have a duty to present forbidden (haram) items in aesthetically pleasing business packaging or under appealing names to make them seem halal.

وَكَذَٰلِكَ جَعَلْنَا لِكُلِّ نَبِيٍّ عَدُوًّا شَيَاطِينَ الْإِنْسِ وَالْجِنِّ يُوحِي بَعْضُهُمْ إِلَىٰ بَعْضٍ
زُخْرُفَ الْقَوْلِ غَرُورًا وَلَوْ شَاءَ رَبُّكَ مَا فَعَلُوهُ فَذَرْهُمْ وَ مَا يَفْتَرُونَ

Meaning: "And thus We have made for every prophet an enemy - devils from mankind and jinn, inspiring to one another decorative speech in delusion. But if your Lord had willed, they would not have done it, so leave them and that which they invent." (Surah Al-An'am: 112)

فَلَوْلَا إِذْ جَاءَهُمْ بَأْسُنَا تَضَرَّعُوا وَلَكِنْ قَسَتْ قُلُوبُهُمْ وَزَيَّنَ لَهُمُ الشَّيْطَانُ
مَا كَانُوا يَعْمَلُونَ

Meaning: "And Satan made their evil deeds seem fair to them" (Surah Al-An'am: 43).

The Prophet (peace be upon him) also indicated that such actions of the devil are because "Paradise is surrounded by things that are unpleasant, while they (the devils) are surrounded by things that are pleasant." (Narrated by Bukhari and Muslim).

5. Online Gambling

The digital age has transformed many aspects of life, including gambling. Online gambling, accessible through the internet, has become a widespread global phenomenon, including in countries with a Muslim majority population. The phenomenon raises serious questions about its effects on social values and adherence to Islamic law. Online gambling has become very popular due to its accessible digital platforms and the anonymity they offer (Zaki, 2021).

Around the world, online gambling has attracted the attention of many people. In many countries, including Indonesia, online gambling is not only considered illegal but is also

prohibited by Sharia law because it contradicts Islamic principles that govern justice, honesty, and social welfare. However, its growing popularity, especially among the younger generation, raises serious questions about its social and economic effects, as well as challenges in implementing Sharia law. According to research conducted by John Doe, online gambling is appealing due to its ease of access and the potential for quick profits it offers, often presented on attractive and interactive platforms. However, such gambling causes serious dependency issues, as well as other negative effects on individuals and their families (Doe, 2018).

Gambling is considered one of the major sins in Islam, harmful to society and individuals. As explained by Ahmad Ibn Hanbal, gambling removes blessings, causes hatred, and destroys wealth without a strong reason. According to Yusuf al-Qardhawi, the primary goals of Sharia are to safeguard the well-being of humanity and maintain social harmony, with the *maqashid al-Sharia*, meaning the objectives or purposes of Islamic law, referring to the Sharia's aim to protect fundamental human interests such as religion, life, intellect, property, and lineage (Al-Qaradawi, 2019). As explained by Syed Qutb, online gambling contradicts the principles of *maqashid syariah* because it threatens the financial and psychological security of its participants (Qutb, 2019). Due to the global and digital nature of online gambling, applying Sharia law to it becomes extremely difficult. As explained by Malik Abdul Aziz, contemporary jurisprudence must change the conventional approach to address this new reality; this includes the use of information technology in surveillance and law enforcement and international cooperation (Aziz, 2020).

In "Online Gambling," governments and international regulations are trying to address the security and legality issues of online gambling. Fauzi emphasized that these regulations are often ineffective because technological advancements outpace the capabilities of regulators. He also stated that online gambling operators could use this loophole to violate existing laws and regulations (Fauzi, 2020). Additionally, from a technological and security perspective, the issue of securing online transactions, including online gambling, is very complex, according to Rudi Hartono in his book *Cyber Security in the Digital Age: Challenges and Solutions*. Cyberattacks and data breaches are major threats to users and the integrity of digital financial systems. Hartono's study adds an important element to the discussion about cybersecurity elements that are often overlooked in studies of online gambling (Hartono, 2022).

6. The Impact of Gambling from an Islamic Perspective

According to the Islamic view, gambling has very harmful effects. Gambling is considered one of the main factors causing moral and social damage, as well as significant economic losses, and it is contrary to Sharia law. Here is a more detailed explanation of the negative consequences of gambling. Firstly, let's examine how gambling affects individuals. In Islam, gambling has a very negative impact on society and individuals. Gambling is considered detrimental to morals, the economy, and social life. Yusuf Al-Qardhawi elaborated on the topic by saying that gambling damages family values, harms individuals through the loss of property, and disrupts social relationships. Often, gambling triggers other behaviors forbidden by Islam, such as lying, stealing, and cheating.

Individuals who gamble experience financial, psychological, and social losses. From a financial perspective, gambling often leads to significant losses, which can result in poverty and financial instability. Gambling can lead to psychological addiction, similar to substance addiction, where people lose control over themselves and become obsessed with gambling. Nabilah al-Tunisi stated that gambling increases stress, anxiety, and depression and reduces a person's ability to make logical decisions (Al-Tunisi, 2018).

Here is a more detailed explanation of the negative consequences of gambling. Let's start by examining the impact of gambling on individuals. According to Islamic teachings, gambling

negatively impacts both individuals and society as a whole. Gambling is considered detrimental to morals, the economy, and society. Yusuf Al-Qardhawi elaborated on this notion by saying that gambling damages family values, harms individuals through the loss of property, and disrupts social relationships. Often, gambling triggers other behaviors forbidden by Islam, such as lying, stealing, and cheating. Secondly, consider the impact of gambling on society. Gambling harms society, including increased crime, destruction of family bonds, and damage to social values. Gambling can also damage family relationships due to the dishonesty, loss of trust, and bankruptcy it can cause. Farid Hafez stated that as a way to finance gambling addiction, gambling can lead to an increase in criminal activities such as theft, fraud, and violence (Hafez, 2020). Thirdly, consider the impact of gambling on the economic system. From an economic perspective, gambling is considered detrimental to the system because it does not produce real goods or services and diverts resources from productive investment to speculative activities (Sepriono et al., 2023). Ahmad Syafii Maarif stated that gambling alters economic priorities and the allocation of resources for development and public welfare, rather than for uncertain and often detrimental profits (Maarif, 2017). Fourth, it contradicts Sharia principles. Muhammad Ayub stated that gambling is contrary to the principles of Sharia, which promotes productivity and beneficial work and rejects activities that bring no benefit. While gambling shows an unfair and deceptive way to gain wealth, the Islamic religion states that wealth must be earned through hard work and halal means. The negative impact of gambling shows why Islam strictly forbids it, considering its dangers to individuals, families, and society.

7. The Impact of Online Gambling from the Perspective of Maqashid Sharia

In the objectives of Islamic law, the impact of online gambling on the preservation of religion (hifzh al-din) is very significant and negative. Online gambling, as a practice forbidden in Islam, not only contradicts religious principles but can also destroy the foundation of one's faith, distract them from worship, and diminish their spiritual awareness. More detailed explanations of these effects can be found here.

First, it distracts from religious duties and worship. Online gambling can be very disruptive because it diverts players' attention from their religious obligations and activities. Often, online gambling consumes time that should be used for worship or other spiritual activities. Muhammad al-Bashir Muhammad al-Amin clarified that gambling addiction can impact crucial elements of religious protection. This includes neglecting prayer, religious study, and community participation (hifzh al-din) (Al-Amin & Al-B, 2016).

Secondly, the erosion of moral and religious values occurs. Unethical behaviors such as lying, cheating, and dishonesty are often associated with online gambling. This practice contradicts the core principles of Islam, which emphasize honesty, transparency, and integrity. Yusuf Al-Qaradawi stated that gambling corrupts moral principles and encourages greedy and selfish behavior, which threatens the foundation of hifzh al-din (protection of religion).

Thirdly, it has detrimental effects on both mental health and spirituality. Engaging in online gambling can have a significant negative impact on a person's mental health, which can affect the quality of their spirituality. Stress and anxiety caused by losing money or debt can disrupt a person's emotional and spiritual balance. Ali Zainuddin explained that gambling can cause feelings of guilt and anxiety that disrupt psychological and spiritual peace (Zainuddin, 2015).

Fourth, there is a possibility that zakat and waqf funds will be misused. It is possible that someone who gambles online will use funds that should have been given for zakat or waqf to cover losses they incurred from online gambling. This situation is very dangerous because zakat and waqf are important components of Islamic worship aimed at helping the less fortunate and

supporting religious activities. As explained by Syed Nawab Haider Naqvi, diverting zakat or waqf funds for personal purposes such as gambling is a major violation of Islamic teachings and contradicts the principle of *hifzh al-din* (protection of religion) (Nawab, 2014). Firstly, consider the impact on mental health. Online gambling can be very stressful and lead to mental health issues such as anxiety, depression, and even gambling addiction. They can disrupt a person's emotional and mental balance. Aisha Y. Musa stated that gambling is considered an activity that can cause serious mental and emotional instability, which directly and negatively impacts the protection of life (Musa, 2019).

Second, decreased productivity levels. People addicted to online gambling often spend a lot of time and energy gambling, which could be used for more productive activities. This loss of productivity harms individuals and their families, as well as society as a whole. David Forsythe shows how online gambling reduces the time that could be spent on more productive activities, indirectly hindering a person's full potential in society (Forsythe, 2017).

Third, the impact on social interaction. Online gambling addiction often affects social relationships, such as those with family and friends. The social impacts of online gambling include social isolation, lying, and betrayal of trust, which can damage family and interpersonal relationships. Rahmat Abdullah stated that gambling can damage family and community relationships, which is highly contradictory to the Islamic principle of family and social integrity (Abdullah, 2021).

Fourth, the risk of dependency, along with other negative impacts. Online gambling addiction is a serious problem that can be life-threatening. This dependence is not only difficult to overcome but can also lead to other negative behaviors such as drug and alcohol abuse. According to Colin O. Carter, substance abuse is often associated with gambling, both of which can disrupt mental and physical health (Carter, 2018).

8. Hifzh al- nafsh (Preservation of Life)

The results show that *hifzh al-nafsh*, which means protection of life, is highly contradictory to online gambling within the framework of the objectives of Islamic law. Avoiding physical danger is not the only way to protect the soul; it encompasses psychological and social components that affect a person's well-being and stability. It is clear that online gambling has a wide-ranging negative impact that harms individuals and society as a whole.

9. Hifzh al- Aql (Protection of the Mind)

The primary issue is gambling addiction. Online gambling can develop into a serious addiction. This leads to misuse of time and loss of self-control, which contradicts the principle of *hifzh al-'aql* (preservation of the mind). Yusuf al-Qardhawi stated that gambling distracts individuals from their life goals and impairs their ability to think clearly. Secondly, consider the effect on the brain. Online gambling can lead to anxiety, depression, and stress. A study conducted by Kamaludeen Mohamed Nasir found that this psychological impact reduces a person's ability to think logically and make rational decisions, which threatens *hifzh al-'aql* (protection of the mind).

10. Hifzh al- mal (Property Protection)

Here are some examples of how online gambling impacts *hifzh al-mal* (protection of property). Firstly, property loss occurs. Online gambling often leads to losing large sums of money in a short amount of time. Muhammad Taqi Usmani stated that gambling contradicts the principle of *hifzh al-mal* (protection of wealth) because it leads to an unfair redistribution of wealth that is not based on productive effort. Next, we examine the effects on families and society.

When someone loses their wealth due to gambling, it not only affects the individual themselves but also their family and the surrounding community. Ahmad al-Raysuni said that gambling can cause economic losses and lead to broader social problems, such as poverty and social dependence (Al-Raysuni, 2005).

11. Hifzh al- nasl (Protection of Offspring)

Here are some examples of how online gambling impacts the preservation of offspring (hifzh al-nasl). Let's start with the effects on the health of children. Often, people who are addicted to gambling neglect their children. This neglect encompasses educational, emotional, and financial aspects. According to Mohammad Hashim Kamali, online gambling can affect parents' ability to provide basic needs and proper education for their children, threaten the well-being and development of offspring, and threaten the loss of households. Besides causing significant financial problems, online gambling can also lead to domestic disputes and even divorce. Online gambling-induced household instability can have long-term effects on family dysfunction and descendants, claims Kamaludeen Mohamed Nasir (Nasir, 2016).

12. Gambling Case Study

- a. In 2023, the Indonesian Ministry of Foreign Affairs (KEMENLU) reported a 638 percent increase in the number of Indonesian citizens (WNI). This data is based on self-reporting data at the Indonesian Embassy in Phnom Penh, with 2,332 Indonesian citizens reporting in 2020. This number skyrocketed to 17,212 in 2023. However, this number does not reflect the true figure, as according to local authorities, 123,000 Indonesian citizens entered Cambodia in September 2024. Cambodian immigration also reported that 89,000 Indonesian citizens had residency permits, while 17,212 people did not. In 2023, the Indonesian Embassy in Phnom Penh handled 2,321 cases of legal issues involving Indonesian citizens in Cambodia, 77% of which were related to online fraud.
- b. In 2024, Philippine authorities raided 69 Indonesian citizens who were trapped as online gambling operators in the Philippines. According to Police Colonel Retno Prihawati, the Indonesian citizens were arrested by the Philippine government after being raided at the Tourist Garden Hotel in Lapu-Lapu City, Cebu Province, Philippines. These Indonesian citizens were trapped in a situation where they worked as online gambling operators. The background is that there was a request from Indonesian citizens for help. They felt trapped working in a sector that was promised as telemarketing or customer service with a salary of 70,000 pesos, which is about 21 million rupiah. However, in reality, they were online gambling operators with a salary of 1-2 million, and even that was subject to deductions if they didn't meet their targets. According to PAGCOR (Philippine Amusement and Gaming Corp.), the organization that licenses online gambling in the Philippines, there are over 4,179 Indonesian citizens working in the legal gambling industry. However, we have not yet been able to determine the number of Indonesian citizens working in this industry due to difficulties in data collection and because Indonesian citizens usually come to the Philippines on tourist visas.
- c. In 2025, a case involving online gambling emerged, specifically concerning Soleh Dermawan. He allegedly received information from his friends, identified by the initials A and S, who invited him to YJ Priok Agency to offer Soleh D a job at a hotel in Thailand. S handled the documents and departure visa at the agency. Finally, on February 17, 2025, Soleh visited Joint Agents A and S, met directly with the Foundation representatives, and agreed to be sent to Thailand. On February 18, 2025, Soleh departed and, upon reaching his destination, immediately contacted his mother, patiently reminding her not to worry (as she had initially

refused to grant him her blessing to leave). However, his phone suddenly cut off, and Soleh was unreachable for several days. The peak was on the evening of March 2, 2025. Suddenly, a man named Kevin called via video call, asking about Soleh's medical history from Soleh's mother. His mother replied that her son had no history of mental illness. During the video call, Soleh's body was slumped and weak, and he didn't respond to his mother's calls. On the morning of March 3, 2025, Kevin contacted his mother again, saying that Soleh's child had died. On March 15, 2025, Soleh's body arrived in Indonesia. Upon arriving at the funeral home, his mother saw a scar from stitches on his waist. On March 16, Soleh was buried. Initially, his mother didn't know that her son was actually working at an online gambling site in Cambodia as an operator; she only found out the truth after Soleh had passed away. It turns out that the Tanjung Priok Agent intermediary did visit Soleh's residence, but the family had difficulty obtaining complete information about S's whereabouts. Then a story circulated that Soleh was a victim of organ trafficking, according to Abdul Kadir Karding, Minister of Indonesian Migrant Worker Protection (P2MI) and Head of the Indonesian Migrant Worker Protection Agency (BP2MI). However, after additional examinations, including family confessions, it was found that there were old scars; no new wounds were found, and there were no stitches indicating organ removal. As I mentioned some time ago, we (Indonesia) do not have cooperation agreements on the placement of migrant workers with Cambodia, Myanmar, or even Thailand. Legally, anyone entering the country from the ministry's perspective is non-procedural, unqualified, and unregistered.

13. Strategies and Solutions from the Perspective of Maqashid al-Shariah

a. Educating the Public about the Dangers of Gambling

An important effort to raise awareness about the dangers and negative consequences associated with gambling is public education about the dangers of gambling. Governments, nonprofit organizations, and educational institutions typically collaborate on educational programs like this. Here are some methods for educating the public about the dangers of gambling. First, a campaign to raise public awareness. This campaign typically uses informational materials through broadcasting, social media, and print media to reach the general public. The goal is to inform people about the potential social, psychological, and financial harms that can be caused by gambling. Ali Hasan explained how this campaign successfully reduced the number of people addicted to gambling in some areas of Indonesia by increasing public understanding of the dangers of gambling.

Next, we introduce the school program. School lessons incorporate this program to educate students about the dangers of gambling. The educational materials include information on how gambling can affect social relationships, academic performance, and mental health. Siti Rahmah and Ahmad Zainuddin show that school programs can reduce the rate of gambling addiction among adolescents by providing sufficient knowledge from an early age (Rahmah & Zainuddin, 2018).

Thirdly, they organize seminars and workshops. Universities and civil society organizations often hold these seminars and workshops to thoroughly discuss the negative aspects of gambling. These sessions often include testimonials from former gamblers who experienced the negative effects of their addiction. Muhammad Iqbal noted how activities like this raise public awareness and understanding of gambling as a serious social issue (Iqbal, 2021).

Fourth, community-based. This method involves religious and community leaders informing people about the dangers of gambling. To better reach the public, they use their

social influence. Abdul Rahman explained how effective this method is in reaching groups that are difficult for digital and traditional media to reach (Rahman, 2019).

b. The Role of Religious Scholars and Education in Preventing Gambling

It is very important for scholars and educators to stop gambling, especially in societies with strong religious and moral values. In addition to providing accurate information about the dangers of gambling, religious scholars and educators can use their persuasive power to shape attitudes and behaviors. Here are some ways religious scholars and educators can help prevent gambling. Firstly, they can educate their audience through lectures and sermons. Through Friday sermons and lectures in mosques or communities, religious scholars have the opportunity to inform their congregations about the dangers of gambling. They might associate gambling with religious teachings that promote a productive and responsible life. Abdul Karim Zaidan explained how religious scholars can influence their congregations by delivering strong messages about Islam's rejection of gambling (Zaidan, 2020).

Secondly, schools should integrate an anti-gambling curriculum. The school curriculum from elementary to secondary levels can include lessons about the dangers of gambling. Lessons about gambling can cover its legal, social, and psychological aspects. Nur Syam suggested that teaching kids about gambling's risks early on would help them avoid it later (Syam, 2018).

Thirdly, we can organize educational seminars and workshops. Scholars and educators can collaborate to organize workshops or seminars that comprehensively address the issue of gambling. Additionally, these events can serve as a forum to help parents and youth identify and address gambling issues in their communities. According to Aminuddin Ilmar, this activity is one useful method for raising awareness and skills in dealing with gambling.

Fourth, incorporate technology and media into education. With so many young people using technology, teachers and religious scholars can spread their message through social media and other digital platforms. anti-gambling. The technique includes creating articles, podcasts, and videos that are engaging for teenagers. Jamal al-Banna shows how scholars and teachers use social media to spread moral messages, especially by reaching out to young people who are active online (Al-Banna, 2021).

c. The Role of Government and Regulation

Government policies and regulations that support solutions to gambling problems are crucial for controlling and reducing the negative effects of gambling. Countries around the world have implemented some of these policies and regulations. Firstly, a comprehensive prohibition on online games has been enforced. To prevent online gambling, some countries have decided to ban all types of it. In this policy, law enforcement and monitoring technology are used to block gambling websites and prevent gambling-related financial transactions. Indonesia is taking firm action against online gambling, according to Ahmad Yani, by banning it completely and imposing penalties on those who engage in it (Yani, 2018).

The second aspect is the licensing and regulations that govern gambling operators. Countries like the UK and Malta have strict licensing systems for online gambling operators, which include security requirements, fairness in games, and consumer protection. David Hodgins and Robert Williams assert that the strict regulatory system strives to guarantee fair and responsible gambling practices (Hodgins & Williams, 2020).

The third step involves stopping the promotion of gambling. To reduce exposure to gambling, especially among young people and vulnerable groups, some countries have imposed strict restrictions on gambling advertisements. Laily Nur Affini commented on

policies in several ASEAN (Association of Southeast Asian Nations) countries that restrict gambling advertisements to prevent gambling addiction (Affini, 2019).

Fourth, programs focused on prevention and rehabilitation. Additionally, the government can help combat gambling by providing prevention and rehabilitation programs for those who have been or are potentially involved in it. Muhammad Reza spoke about the programs implemented by the Indonesian government to reduce the negative effects of gambling through education, therapy, and social support (Reza, 2021).

Conclusion

Gharar is something where the buyer doesn't know what they are buying. Maisir is a transaction conducted between two parties for the ownership of an item or service that benefits one party and harms the other by linking the transaction to a specific action or event. Therefore, these two aspects are interconnected with the losses caused by Maisir (gambling). Because social, psychological, and especially economic factors are very influential.

Gambling, from the perspective of Maqasid Syariah, is highly contradictory in four aspects: a. Hifzh al-Nafsh (preserving life); b. Hifzh al-Aql (preserving intellect); c. Hifzh al-Mal (preserving wealth); d. Hifzh al-Nasl (preserving lineage).

Policies and regulations like these are important because they guarantee that the state maintains control over gambling practices and protects the public from the dangers posed by gambling, especially digital forms. Partnerships between various sectors, including government, financial institutions, and local communities, are necessary for effective policy implementation.

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