

Analysis of Togel Gambling as a Crime from an Islamic Criminal Law Perspective

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Info Article	Abstract
<p>Article History Received: 2025-09-05 Revised: 2025-09-15 Published: 2025-09-30</p> <p>Keywords: <i>Togel Gambling, Crime, Criminal Law Islam.</i></p>	<p>In Indonesian society, gambling remains a controversial issue. Law enforcement has uncovered numerous cases. This demonstrates that gambling in Indonesia has not been eradicated and is a social ill. Gambling involves deliberate wagering, risking a value or something deemed valuable, while acknowledging the risks and expectations inherent in games, matches, competitions, and other events with uncertain outcomes. Verse 90 of QS Al-Maidah clearly forbids gambling, citing its heinous nature as a satanic act. Therefore, we should refrain from engaging in it. Research methodology is a collection of regulations, activities, and procedures employed by practitioners of a discipline. This type of research is normative legal research, also often referred to as library research. Within the framework of the maqāṣid al-syarī'ah (the principles of Islamic law), gambling clearly contains elements of harm that outweigh its benefits. Therefore, prevention and control efforts need to be comprehensive, encompassing legal, social, and religious approaches. In this context, the implementation of legal sanctions for lottery gambling according to the perspective of Islamic criminal law is categorized as ta'zir sanctions, either in the form of caning or other punishments. In addition, sanctions for perpetrators of gambling who use technology, the government can adjust regulations based on applicable laws.</p>

I. INTRODUCTION

In Indonesian society, gambling remains a controversial issue. Law enforcement has uncovered numerous cases. This demonstrates that gambling in Indonesia has not been eradicated and is a social ill. Gambling involves deliberate wagering, risking a value or something deemed valuable, while recognizing the risks and expectations inherent in games, matches, competitions, and events with uncertain or uncertain outcomes. Some people even view gambling as normal and therefore unnecessary. Consequently, numerous lottery and other gambling agencies have opened in various places, which have siphoned off significant amounts of public funds. This situation represents a social dilemma that must be addressed and stopped. Gambling is inherently contrary to religion, morality, and Pancasila morals, and endangers the livelihoods and lives of society, the nation, and the state. The Indonesian National Encyclopedia defines gambling as a betting activity. to gain profit from the outcome of a

game or event whose outcome cannot be predicted in advance.

Gambling from a legal perspective is a criminal act (delict). Article 1 of Law No. 7 of 1974 concerning the Regulation of Gambling states that all acts of gambling are crimes (State Gazette of 1974 Number 54, Supplement to the State Gazette Number 3040). That in essence gambling is contrary to religion, morality and Pancasila morals, and endangers the livelihood and life of society, the nation and the state. This government regulation, which is the implementation of Article 3 of Law No. 7 of 1974 concerning the Regulation of Gambling, regulates the prohibition of granting permits for the organization of all forms and types of gambling, by the central government or regional governments, whether held in casinos, in crowded places, or those associated with other reasons.

The prohibition on granting permits for gambling does not mean that the organization of games that are for sport, entertainment, and customs is prohibited, as long as they do not constitute gambling. Article 2 of Law No. 7 of

1974 states that the criminal threat of gambling is a maximum prison sentence of 10 years or a maximum fine of Rp. 25,000,000.00 (twenty-five million rupiah). Meanwhile, according to Article 303 paragraph (3) of the Criminal Code, what is meant by gambling is every game, which is based on the hope of winning which generally depends on luck alone, and also if the hope becomes greater because of the intelligence and habits of the player. Included in gambling games are bets on the results of competitions or other games, which are not held by them. Meanwhile, in Government Regulation No. 9 concerning the Implementation of Gambling Regulation, it is categorized into three, namely:

Gambling in casinos consists of roulette, blackjack, baccarat, craps, keno, tombala, super ping pong, lotto fair, satan, paykyu, slot machines (jackpot), jisi kie, big six wheel, chuc a luck, throwing a passer or chicken feather at a target or spinning board (paseran), pachinko, poker, twenty one hwahwe, kiu-kiu and others.

Gambling in crowded places consists of throwing sand or chicken feathers at a target or rotating board (paseran), throwing bracelets, throwing money (coins), kim, fishing, shooting at a target that does not rotate, throwing balls, cockfighting, cowfighting, buffalofighting, sheep or goatfighting, horse racing, bull racing, dog racing, mayong or macak and erek-erek.

Gambling related to customs consists of cockfighting, bullfighting, buffalofighting, horse racing, bull racing, sheep or goat fighting.

Throughout the history of gambling, no one has become rich through gambling; on the contrary, many rich people have become poor because of it. Gambling has been known throughout history among people, and since ancient times, gambling has been a reality or a social phenomenon. The only differences are the outlook on life and the methods of playing.

This lottery gambling is a type of gambling originating from Singapore. This lottery gambling is included in...

One of the most popular forms of gambling worldwide, especially in Indonesia, the lottery is played by people of all ages. Its relatively weak security makes it popular among Indonesians. Togel is a form of illegal lottery

(toto gelap), a form of gambling where money is wagered on numbers that will be drawn.

Frequently playing the lottery (toto gelap) can increase dopamine levels, increasing stimulation throughout the brain and the body, leading to addiction. People who frequently win at gambling become addicted to continuing to gamble in order to achieve greater profits. Conversely, people who frequently lose at gambling become addicted to continuing to gamble in order to gain more money.

Gambling is an act that has negative impacts, including:

Problems arise in the household

Faith is damaged

Encouraging in matters of polytheism

Neglecting worship

Waste of time

Lazy to work

Pushing in terms of crime

Befriending the devil

Togel gambling (illegal lottery) is a criminal act that can be punished and in religion gambling is an act of cruelty which is prohibited by Sharia law as contained in the word of Allah in Surah Al-Maidah verse 90:

"O you who believe, indeed alcohol, gambling, sacrificing to idols, drawing lots of fortunes with arrows are heinous acts, including acts of Satan. So stay away from these acts so that you will gain good luck." (QS Al Maidah: 90)

From the QS Al-Maidah verse 90 it is also clear that Islam prohibits gambling because it is a heinous act that is included in the devil's work, so we should avoid it by not doing it. However, the problem is, if the law is clearly prohibited, then why are so many people still gambling. In fact, as explained previously, with the advancement of technology, the occurrence of gambling is increasing. Therefore, law enforcement policies, both in the social field, must be more vigilant and with rational efforts to achieve public welfare. The rise of lottery gambling (toto gelap) that occurs must be immediately addressed to prevent further rampant.

II. RESEARCH METHODS

Research is essentially an effort to explore and simply observe a tangible object. Research methodology is a set of rules, activities, and procedures used by practitioners in a scientific discipline. This methodology is also a theoretical analysis of methods. Research is a systematic investigation to increase knowledge, as well as a systematic and organized effort to investigate a specific problem that requires an answer.

Types of research

This type of research is a normative legal research, also often referred to as library research (Sutrisno Hadi: 1990). This research is conducted in libraries and uses reading materials such as books, magazines, or other sources. This research uses libraries as a source of research data. Researchers attempt to find data from various literature related to the subject they are studying, both through libraries and other places.

Research Approach

The statute approach is an approach used to look at the legal provisions regarding the criminal act of lottery gambling in the Criminal Code and its legal sanctions.

Normative Theological Approach (Syar'i) Syar'i is an approach carried out by studying and examining the verses of the Koran and Hadith related to the criminal act of lottery gambling.

Data source

This research is a library study, so it only uses secondary data as the primary data. This secondary data consists of primary and secondary materials.

Primary materials: the Qur'an and Hadith and the Criminal Code (KUHP)

Secondary materials: in the form of books or legal materials taken from the opinions or writings of experts in legal crimes against the crime of lottery gambling to be used in creating legal concepts related to this research and are considered very important.

Data collection technique

To collect data that is related and very constructive to this research, the data collection technique is used through literature by reading and analyzing several related

literature, both from books, legal journals, magazines, and others.

Data Analysis Techniques

To analyze the data, a comparative analysis method was used, which involves analyzing one source and another. The two sources are then compared, comparing the criminal penalties for lottery gambling in the Criminal Code with Islamic law provisions on gambling, and drawing conclusions. This comparative analysis will be used to analyze the nature of the crime of lottery gambling.

III. RESULTS AND DISCUSSION

A. Research Results

In general, Poerwadarminta (1995: 419) defines gambling as any form of game that involves betting, where the winner gains a profit and the loser suffers a loss. In Indonesian positive law, gambling is defined as the act of risking something of value based on luck.

In the Criminal Code, gambling is described as a game that generally depends on luck, although it can also be influenced by certain skills.

Meanwhile, from the perspective of Islamic criminal law, gambling is known as *maisir*, which is any activity involving betting and speculation for unlawful gain. *Maisir* is prohibited because it contains an element of uncertainty (*gharar*) and causes more harm than good. Forms of Gambling: Gambling takes various forms that are prevalent in society, including:

Conventional gambling, such as cockfighting, card games, and dice

Number gambling (*togel*), which is guessing certain numbers in the hope of winning a prize.

Online gambling, which is done via the internet or digital applications

Betting-based gambling, such as betting on sports or certain games

In the context of this research, lottery (*toto gelap*) is a form of number gambling that relies solely on luck without a clear rational basis.

Here are the Gambling Laws.

Positive Law

Gambling in Indonesia is prohibited and regulated in:

Criminal Code (Articles 303 and 303 bis)

Law Number 7 of 1974 concerning the Regulation of Gambling

These two regulations emphasize that all forms of gambling are criminal acts that can be subject to legal sanctions.

Islamic Criminal Law

In Islamic law, the prohibition of gambling has a strong basis, including:

The Qur'an (QS. Al-Mā'idah verses 90–91) prohibits gambling

Hadith of the Prophet Muhammad SAW which prohibits all forms of betting

This prohibition is strict because gambling is considered to damage morals, the economy and social relations.

Elements of Gambling

To determine whether an act is gambling, there are several key elements, namely: There must be a stake or property at stake. Each party involved risks something of value, such as money.

The presence of certain games or activities

Gambling always involves a certain form of game or mechanism, including in lottery which involves guessing numbers.

Depends on the element of luck

The outcome of gambling is determined more by chance or luck than skill.

There are winners and losers

The winning party gains from the losing party.

From the perspective of Islamic criminal law, this element is strengthened by the existence of:

1. The element of gharar (uncertainty)
2. Element of maisir (speculation/luck)
3. Element of harm (losses greater than benefits)

B. Discussion

Based on community practice, the practice of lottery gambling persists despite being prohibited by both positive and Islamic criminal law. Field findings indicate that this practice is carried out covertly and adapts to technological developments, including through online media.

In terms of impact, lottery gambling has negative consequences, both economically and

socially. Financial losses impact family financial stability. Furthermore, there are indications of addictive behaviors that make it difficult for individuals to break free from gambling. This phenomenon indicates that gambling not only causes material harm but also has the potential to undermine the social and moral fabric of society.

From an Islamic criminal law perspective, the practice of lottery gambling is categorized as *maisir* (unlawful activity), meaning any activity involving betting and speculation that relies solely on luck. The prohibition against *maisir* has a strong normative basis in the Quran and Hadith, which expressly forbid all forms of gambling because they contain elements of *gharar* (uncertainty) and harm that outweigh benefits.

When analyzed using the *maqāsid al-syarī'ah* approach, lottery gambling contradicts several key objectives of sharia. First, it contradicts the principle of *hifz al-māl* (protection of wealth), as gambling tends to lead to economic loss and waste. Second, it contradicts *hifz al-'aql* (protection of reason), as it can lead to addiction and irrational thought patterns dependent on speculation. Third, it contradicts *hifz al-nafs* (protection of the soul), as the economic pressure resulting from losses can trigger stress and conflict in both individual and family life.

Compared to positive law, lottery gambling is also classified as a criminal offense as stipulated in the Criminal Code and Law Number 7 of 1974 concerning the Regulation of Gambling. However, research shows that law enforcement at the community level still faces various obstacles, such as weak oversight, secretive practices, and a certain level of social tolerance.

Thus, it can be concluded that the practice of lottery gambling is not only a violation of positive law but also fundamentally contradicts the principles of Islamic criminal law. Within the framework of the *maqāsid al-syarī'ah* (obligatory purposes of Islamic law), gambling clearly contains elements of harm that outweigh the benefits, so prevention and control efforts need to be carried out

comprehensively through legal, social, and religious approaches.

IV. CONCLUSIONS AND RECOMMENDATIONS

A. Conclusion

It is concluded that the practice of lottery gambling is not only a violation of positive law, but also fundamentally contradicts the principles of Islamic criminal law. Within the framework of *maqāsid al-syarī'ah*, gambling clearly contains elements of harm that outweigh the benefits, so that efforts to prevent and overcome it need to be carried out comprehensively through legal, social, and religious approaches. In this context, the implementation of legal sanctions for lottery gambling according to the perspective of Islamic criminal law is categorized as *ta'zir* sanctions, either in the form of caning or other punishments. In addition, sanctions for perpetrators of gambling who use technology, the government can adjust regulations based on applicable laws.

According to the Criminal Code, lottery gambling is a prohibited act, namely in Article 303 of the Criminal Code with a maximum prison sentence of ten years or a maximum fine of twenty-five million rupiah. The law prohibiting online lottery gambling through internet media technology is contained in Article 27 paragraph (2) of Law 1/2024 concerning the Second Amendment to the ITE Law, potentially carrying a maximum prison sentence of ten years and/or a maximum fine of 10 billion, as regulated in Article 45 paragraph (3) of Law 1/2024.

In Islam, gambling is known as *maisir*. The main element that makes gambling forbidden in Islam is *gharar* (uncertainty). The legal basis for the prohibition of online gambling is found in Surah Al-Maidah, verses 90-91. The sanctions imposed on gamblers are *ta'zir* crimes.

B. Suggestions

To the community and parents out there, be careful not to fall into gambling, especially lottery gambling. Let's work together to eradicate it and report it to the authorities so

that lottery gambling activities do not develop in the wider community.

The government and law enforcement should work together to provide literacy and understanding to the public according to their respective fields of duty and portions regarding the crime of lottery gambling so that the public can better understand and be alert and anticipate if there are indications of online gambling.

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