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Comparative Analysis of Online Gambling Crimes: Perspectives on Islamic Criminal Law

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Abstract: This study offers a comparative analysis of online gambling crimes through the lens of Islamic criminal jurisprudence. Employing a qualitative research methodology with a literature review, it examines the legal frameworks that regulate online gambling in both secular and Islamic legal contexts. The research highlights the key similarities and differences in how these two systems address gambling as a criminal offense, focusing on definitions, sanctions, and preventive measures. From a criminal law perspective, online gambling is typically treated as an economic crime, with penalties designed to serve as deterrents. In contrast, Islamic criminal jurisprudence views gambling as a major sin (haram), with punishments intended to preserve moral and spiritual values. The findings indicate that while both legal systems share the objective of curbing gambling activities, they diverge significantly in their foundational principles and enforcement approaches. Secular criminal law prioritizes societal order and economic stability, while Islamic criminal law focuses on safeguarding religious and ethical values. This study concludes that integrating these two perspectives could offer a more comprehensive approach to combating online gambling crimes, particularly in predominantly Muslim societies. Future research should explore practical strategies for reconciling these legal frameworks to improve their effectiveness in addressing this growing issue.



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Keywords: online gambling, criminal law, comparative analysis, qualitative study

在线赌博犯罪的比较分析：伊斯兰刑法视角

摘要: 本研究通过伊斯兰刑事法学的视角，进行了一项关于在线赌博犯罪的比较分析。采用定性研究方法，结合文献回顾，本研究探讨了世俗和伊斯兰法律框架下对在线赌博的规制。研究重点揭示了这两种法律体系在处理赌博犯罪时的关键相似性和差异，特别是在定义、制裁和预防措施方面。从刑法的角度来看，在线赌博主要被视为一种经济犯罪，其处罚旨在威慑行为。与此不同，伊斯兰刑事法学则将赌博视为一项重大罪行（哈拉姆），其惩罚旨在维护道德和精神价值。研究结果表明，尽管两种法律体系都旨在遏制赌博行为，但它们在基本原则和执行机制上存在显著差异。世俗刑法侧重于社会秩序和经济稳定，而伊斯兰刑法则着重于维护宗教和道德价值。研究结论认为，整合这两种视角可以为打击在线赌博犯罪提供更全面的方法，特别是在以穆斯林为主的社会中。未来的研究应探索如何调和这些法律框架的实际策略，以提高它们应对这一日益严重问题的有效性

关键词: 网络赌博, 刑法, 伊斯兰教法, 比较分析, 定性研究.

1. Introduction

The rapid advancement of technology and the widespread use of the internet have significantly transformed various aspects of human life, including the rise of online gambling. Online gambling has become a global phenomenon, offering convenience and accessibility but also posing serious legal, social, and moral challenges [1]. In many countries, online gambling is considered a criminal act due to its potential to encourage addiction, financial ruin, and other societal harms. From an Islamic perspective, gambling (*maysir*) is explicitly prohibited as it contradicts ethical and spiritual values [2], [3]. This duality in the perspectives of secular criminal law versus *fiqh jinayah* (Islamic criminal jurisprudence) highlights the need for a comprehensive analysis to address the complexities surrounding online gambling crimes.

Despite extensive studies on gambling regulations in both secular and Islamic contexts, limited research has focused on comparing how these two systems address online gambling specifically [4]. Most existing studies either examine gambling laws in isolation or focus on traditional forms of gambling without considering the unique challenges posed by online platforms [5]. This gap underscores the necessity of exploring the intersection between criminal law and *fiqh jinayah* in addressing online gambling crimes.

The increasing prevalence of online gambling necessitates immediate attention from both legal and religious authorities to mitigate its adverse effects [6]. Understanding how secular criminal law and *fiqh*

jinayah approach this issue can provide valuable insights for policymakers, particularly in predominantly Muslim societies where both systems often coexist.

Several studies have examined the legal frameworks governing gambling. For instance, research on criminal law emphasizes its focus on deterrence through penalties and regulations aimed at maintaining public order [7]. Meanwhile, studies on *fiqh jinayah* highlight its emphasis on moral accountability and spiritual well-being [8]. However, these studies rarely intersect to provide a comparative analysis of their approaches to online gambling.

This study offers a novel contribution by conducting a comparative analysis that bridges the gap between secular criminal law and *fiqh jinayah* [9]. This study explores their similarities, differences, and potential synergies in addressing online gambling crimes, providing a unique perspective that has not been extensively explored in previous research.

The primary objective of this study is to analyze how criminal law and *fiqh jinayah* conceptualize and address online gambling crimes. Specifically, it aims to:

1. Identify the key similarities and differences between these two legal frameworks.
2. Evaluate their effectiveness in mitigating online gambling crimes.
3. Propose integrative approaches that combine secular and Islamic perspectives for more comprehensive solutions.

This research is expected to benefit various stakeholders:

- **Academics:** By enriching academic discourse on comparative legal studies involving secular and Islamic jurisprudence.

- **Policymakers:** By providing insights into harmonizing legal frameworks to effectively address online gambling.

- **Society:** By raising awareness about the legal and moral implications of online gambling from both secular and Islamic perspectives.

By addressing these aspects, this study seeks to contribute meaningfully to the ongoing efforts to combat online gambling crimes through a balanced understanding of criminal law and *fiqh jinayah*.

2. Method

This study adopts a qualitative research design, specifically utilizing a literature review approach to explore the comparative analysis of online gambling crimes from the perspectives of criminal law and *fiqh jinayah* (Islamic criminal jurisprudence) [10]. Qualitative research is chosen due to its ability to provide an in-depth understanding of complex social and legal phenomena, focusing on interpretation and contextualization rather than numerical data. The literature review method is particularly suitable for this study as it enables the synthesis of existing knowledge and facilitates a critical examination of the legal frameworks governing online gambling in both secular and Islamic contexts. By analyzing scholarly works, legal documents, and religious texts, this research aims to uncover nuanced insights into the definitions, sanctions, and preventive measures associated with online gambling crimes.

Data Sources

The data sources for this study are primarily secondary in nature, consisting of academic journals, books, legal documents, religious rulings (fatwas), and official reports. These sources were selected based on their relevance, credibility, and contribution to understanding the regulation of online gambling in criminal law and *fiqh jinayah*. Scholarly articles from reputable databases such as JSTOR, SpringerLink, and Google Scholar will be reviewed to gather theoretical and empirical insights. Legal documents such as national laws, penal codes, case law precedents, and international treaties related to gambling crimes will be analyzed to understand how secular criminal law addresses online gambling. Additionally, Islamic texts such as the Qur'an, Hadiths, and classical jurisprudential works will be examined to explore the principles underlying the *fiqh jinayah*. Reports from governmental bodies and non-governmental organizations (NGOs) on gambling-related issues will also serve as valuable sources for contextualizing the societal impacts of online gambling.

Data Collection Techniques

The data collection process involves systematic steps to ensure comprehensive coverage of the relevant literature. First, a structured search strategy will be employed using specific keywords such as “online gambling crimes,” “criminal law,” “fiqh jinayah,” “Islamic jurisprudence,” and “comparative analysis.” This search will target peer-reviewed journals, books, legal repositories, and authoritative reports. Second, inclusion criteria will be applied to select only high-quality sources that directly address the research topic. These criteria include relevance to the study objectives, credibility of the authors or institutions, and publication in reputable outlets. Third, document analysis will be conducted on legal texts (e.g., penal codes) and religious rulings (fatwas) to extract detailed information about the definitions of gambling crimes, prescribed sanctions, and preventive measures in both legal systems.

Methods

The collected data will be analyzed using thematic analysis, a qualitative method that allows for identifying patterns and themes across diverse sources. The analysis process consists of three main stages:

- **Coding:** The initial stage involves categorizing information into smaller units based on recurring concepts or ideas. For example, data related to the definitions of online gambling crimes will be coded separately from data on sanctions or preventive measures.

- **Theme Development:** After coding the data, broader themes will be developed by grouping related codes together. Key themes may include “legal definitions of online gambling,” “sanctions in criminal law versus *fiqh jinayah*,” “ethical implications,” and “preventive strategies.” These themes form the basis for a comparative analysis between secular criminal law and Islamic jurisprudence.

- **Interpretation:** The final stage involves interpreting the identified themes considering the existing literature and theoretical frameworks. This step aims to draw meaningful conclusions about the similarities and differences between the two perspectives while highlighting their strengths and limitations.

Rigor and Validity

To ensure rigor in the research process, triangulation will be employed by cross-referencing findings from multiple sources (e.g., academic articles versus legal documents). Additionally, peer-reviewed literature will serve as a benchmark for validating interpretations derived from religious texts or case law.

By employing this qualitative literature review methodology with systematic data collection and thematic analysis techniques, this study seeks to provide a comprehensive understanding of how criminal law and

fiqh jinayah address online gambling crimes. The findings are expected to contribute valuable insights for policymakers seeking integrative approaches to regulate online gambling effectively while respecting both secular legal principles and Islamic ethical values.

3. Results and Discussion

The analysis of online gambling crimes from the perspectives of both criminal law and *fiqh jinayah* reveals complex intersections between modern legal frameworks and traditional Islamic jurisprudence. In examining these perspectives, it becomes evident that while criminal law focuses primarily on statutory violations and societal harm, *fiqh jinayah* places greater emphasis on ethical and moral transgressions, rooted in the principles of Shariah.

From the viewpoint of criminal law, online gambling is typically categorized as an illegal activity, subject to strict regulations in many jurisdictions. The rapid development of technology has expanded the accessibility of gambling, allowing individuals to participate in various forms of betting and wagering through digital platforms. As such, the legal system has adapted to address the unique challenges posed by these advancements. Online gambling is often regulated by laws of cybercrime, fraud, and financial transactions, with emphasis placed on the protection of vulnerable populations, such as minors and those susceptible to gambling addiction. The penalties for engaging in or facilitating online gambling can range from monetary fines to imprisonment, depending on the severity of the offense and the jurisdiction in question.

However, criminal law alone may not fully capture the societal and ethical concerns associated with online gambling, particularly in predominantly Muslim communities where Islamic law plays a significant role in governance. In this context, *fiqh jinayah* offers a more nuanced and culturally relevant perspective on the issue. *Fiqh jinayah*, which encompasses Islamic criminal jurisprudence, categorically prohibits gambling, considering it a sinful act (haram) as outlined in the Quran and Hadith. The prohibition stems from the view that gambling undermines the moral fabric of society, promotes greed, and leads to social injustices, such as the exploitation of the poor and the vulnerable.

Unlike secular criminal law, which may be more concerned with the procedural aspects of law enforcement and punishment, Fiqh Jinayah emphasizes repentance and moral rectitude. In addressing online gambling, Islamic jurisprudence advocates not only punitive measures but also educational and rehabilitative interventions that encourage individuals to renounce their involvement in such activities and return to a righteous path. This approach reflects the broader Islamic principle of preventing harm (darar) and promoting the common good (maslahah), which are

central to the implementation of Shariah in criminal matters.

In the comparative analysis, both criminal law and Fiqh Jinayah recognize the harmful effects of online gambling, but their approaches to addressing these harms differ in scope and underlying philosophy. Criminal law tends to focus on the practical enforcement of legal prohibitions, often driven by concerns of public order, economic regulation, and consumer protection. In contrast, *fiqh jinayah* is deeply rooted in the ethical imperatives of Islam, emphasizing the spiritual and moral dimensions of crime and punishment. The divergence between these two frameworks is most obvious in the remedies and sanctions prescribed. Criminal law often relies on fines and incarceration as deterrents, while *fiqh jinayah* emphasizes personal accountability, repentance, and community-based reconciliation.

It is also important to note that in some jurisdictions where Islamic law is integrated into the legal system, there is an overlap between these two perspectives. In such cases, the application of *fiqh jinayah* may complement or supplement criminal law, providing a more holistic approach to combating online gambling. For instance, penalties imposed under criminal law may be coupled with religious counseling or community service, aligning the punitive measures with the Islamic values of reform and redemption.

In conclusion, the comparative analysis of online gambling crimes through the lenses of criminal law and *fiqh jinayah* highlights both the convergences and divergences in how these frameworks conceptualize and address the issue. While both recognize the detrimental impact of gambling on individuals and society, their respective approaches reflect the different priorities and principles that guide the secular and religious legal systems. Criminal law is primarily concerned with regulatory enforcement and the imposition of state-sanctioned penalties, whereas *fiqh jinayah* seeks to uphold moral values and promote the well-being of the community in accordance with Islamic teachings. Together, these perspectives provide a comprehensive understanding of online gambling crimes and offer diverse solutions for mitigating their harmful effects on society.

3.1. Legal Frameworks Governing Online Gambling in Criminal Law

The regulation of online gambling under criminal law is grounded in the statutory prohibitions designed to maintain public order and safeguard individuals from financial exploitation and addiction. Many countries have enacted specific laws to address the rise of online gambling, recognizing that the internet has provided new avenues for illicit gambling activities that transcend national borders. These laws often categorize online

gambling as a criminal offense, with particular attention given to illegal operators, the facilitation of gambling services, and the involvement of underage or vulnerable individuals.

Criminal law frameworks typically focus on the licensing and regulation of gambling activities, ensuring that operators comply with national laws that protect consumers from fraud, money laundering, and other forms of financial abuse. The illicit nature of many online gambling platforms complicates law enforcement efforts, as many websites are hosted in offshore jurisdictions, evading local regulatory oversight. This has led to increased international cooperation among law enforcement agencies and the use of advanced technology to detect and shut down illegal gambling operations.

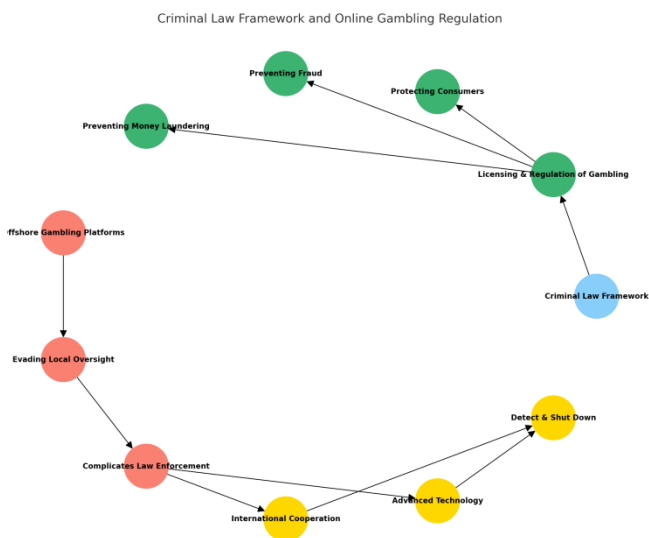


Figure 1. Criminal law frameworks and online gambling regulation

Figure 1 provides a comprehensive representation of how criminal law frameworks address the complex issue of regulating online gambling. At the center of this framework are the licensing and regulation of gambling activities, which are pivotal in ensuring that operators adhere to national laws designed to protect consumers from various forms of financial exploitation, such as fraud and money laundering. These regulatory measures aim to create a controlled and legal environment for gambling, where the rights and safety of consumers are upheld.

The framework also illustrates the challenges posed by offshore gambling platforms, which operate outside the jurisdiction of national regulatory bodies. These platforms are often hosted in countries with lax or unclear gambling regulations, allowing them to evade local oversight. This complicates law enforcement efforts because local authorities may lack the jurisdiction or the technical capacity to shut down these operations. The illicit nature of these platforms often

results in the exploitation of consumers, the facilitation of illegal financial transactions, and an overall increase in gambling-related crimes.

To address these challenges, criminal law has increasingly relied on international cooperation. Given the cross-border nature of online gambling, law enforcement agencies from different countries collaborate to identify, investigate, and prosecute illegal operators. This cooperation often involves sharing information and resources, working with international organizations, and aligning legal frameworks to ensure consistent enforcement.

Furthermore, the diagram highlights the role of advanced technology in detecting and shutting down illegal gambling activities. Law enforcement agencies employ various digital tools, including data analytics, cyber forensics, and artificial intelligence, to trace online transactions, track illegal operators, and prevent the use of cryptocurrencies for unregulated gambling. These technologies have become essential in countering the anonymity and decentralization that characterize many online gambling platforms.

In summary, the criminal law framework for regulating online gambling is multifaceted, involving the integration of licensing regulations, consumer protection measures, and punitive actions against illegal operations. The growing complexity of the issue, particularly due to offshore platforms, necessitates international collaboration and the use of cutting-edge technology to maintain the integrity of legal gambling markets and protect consumers from harm.

Moreover, the penalties for violating online gambling laws vary significantly depending on the jurisdiction. In some countries, engaging in or facilitating online gambling may result in significant fines, imprisonment, or both. The severity of punishment is often proportional to the scale of the operation and the social harm caused by the gambling activities. Law enforcement agencies face challenges in monitoring and prosecuting these crimes due to the anonymity and complexity of digital transactions, particularly with the growing use of cryptocurrencies to facilitate payments.

Additionally, criminal law addresses the social implications of online gambling by implementing measures to prevent gambling addiction and to provide resources for treatment and rehabilitation. These measures often take the form of public awareness campaigns and support systems for individuals suffering from gambling-related problems. The criminalization of online gambling, however, is also met with criticism in certain regions, where it is argued that outright prohibition may drive gambling activities further underground, making them harder to regulate and control.

In sum, the legal framework under criminal law is primarily concerned with controlling the spread of online gambling through regulatory and punitive measures. While these laws seek to protect individuals and the integrity of financial systems, they also face significant challenges in the global and decentralized nature of the internet, which complicates enforcement efforts. The focus remains on criminalizing illegal operators and protecting vulnerable populations, yet there is a growing recognition of the need for more effective regulatory and technological solutions to tackle this issue.

3.2. Ethical and Moral Prohibition of Gambling in Fiqh Jinayah

Fiqh jinayah, the branch of Islamic jurisprudence dealing with criminal matters, unequivocally prohibits gambling (known as maysir or qimar) based on its ethical and moral implications. Islamic law, rooted in the Quran and the Hadith, categorically forbids gambling due to its association with harmful behaviors, including greed, deception, and the unjust transfer of wealth. Gambling is viewed as a major sin (kabira) in Islam, as it undermines both individual character and societal well-being by fostering addiction, financial ruin, and the breakdown of moral values.

From an Islamic perspective, the prohibition of gambling is intended to prevent harm and promote social justice. The concept of *maslahah* (the common good) is central to *fiqh jinayah*, and activities that are deemed to cause harm to individuals or the community are strictly forbidden. Gambling, in this context, is seen as a corrupting influence that leads to exploitation, as the financial gains of one party come at the direct loss of another. This zero-sum nature of gambling is considered inherently unjust, as it fosters an unhealthy reliance on chance and luck rather than productive labor and ethical conduct.

Fiqh jinayah emphasizes the moral and spiritual consequences of gambling, which are seen as more significant than the financial or legal aspects addressed by secular criminal law. Islamic scholars argue that gambling leads to a disconnection from the values of fairness, honesty, and moderation, which are central to the Islamic way of life. Moreover, the addiction and obsession that often accompany gambling are seen as forms of enslavement to material desires, diverting individuals from their religious duties and their responsibility to contribute positively to society.

In terms of enforcement, *fiqh jinayah* prescribes not only punitive measures but also avenues for moral reform and repentance. Islamic law emphasizes *tauba* (repentance) as a way for individuals who engage in gambling to seek forgiveness and return to the path of righteousness. While penalties may include corporal punishment or fines in Islamic states that apply Shariah

law, the broader objective is to restore the individual ethical conduct and ensure that they make amends for the harm caused by their actions.

Thus, the *fiqh jinayah* approach to online gambling is primarily moral and preventive, aiming to protect individuals from the corrupt influence of gambling and to preserve the moral fabric of the Muslim community. The emphasis is on ethical behavior and the avoidance of harm, with the goal of promoting a just and harmonious society.

3.3. Differences in the Punitive Approaches of Criminal Law and the Fiqh Jinayah

A key distinction between criminal law and *fiqh jinayah* in addressing online gambling lies in their respective punitive approaches. Criminal law focuses on deterrence and retribution through formal legal processes, often involving fines, imprisonment, and other state-sanctioned penalties. The objective is to punish offenders and prevent the recurrence of illegal gambling activities by imposing consequences that outweigh the potential benefits of engaging in such activities.

In contrast, the punitive approach of *fiqh jinayah* is more centered on moral correction and spiritual rehabilitation. While punishment in the form of fines or corporal penalties may be prescribed in Islamic jurisprudence, the primary focus is on encouraging offenders to repent and reform. The goal of punishment in Islamic law is not merely to deter future crimes, but to guide individuals back to the path of righteousness. This is reflected in the Islamic principle of *hadd* punishments, which are fixed penalties for specific crimes but also allow for mercy and forgiveness when the offender shows genuine remorse.

The retributive aspect of criminal law is often criticized for its limited focus on external punishment without addressing the underlying moral or psychological issues that contribute to gambling addiction. On the other hand, *fiqh jinayah* takes a more holistic approach, aiming to address both the moral and social dimensions of the crime. Islamic law encourages community involvement in the rehabilitation of offenders, emphasizing the importance of family and social support in helping individuals overcome their destructive behaviors.

Another key difference is the concept of *qisas* (retaliation) and *diyya* (compensation) in *fiqh jinayah*, which emphasizes restorative justice. These principles do not directly apply to gambling crimes; they reflect the broader Islamic approach of seeking reconciliation and restoration of balance within the community. This contrasts with the more adversarial nature of criminal law, where the state acts as the primary enforcer of justice and the focus is on punitive measures rather than reconciliation.

In conclusion, while both criminal law and *fiqh jinayah* impose penalties for online gambling, their approaches are shaped by different underlying philosophies. Criminal law is more punitive and retributive, focusing on deterrence and enforcement, whereas *fiqh jinayah* emphasizes moral correction, repentance, and rehabilitation, reflecting its ethical and spiritual concerns.

3.4. The Role of Technology in Facilitating Online Gambling Crimes

The advent of technology has played a significant role in the proliferation of online gambling crimes, challenging both criminal law and *fiqh jinayah* to adapt to new forms of illegal activity. The Internet provides a global platform that allows gambling operators to reach a wider audience, bypassing traditional regulatory frameworks and exploiting legal loopholes in jurisdictions where enforcement is weak. This has led to a surge in online gambling activities, many of which operate outside the purview of national governments.

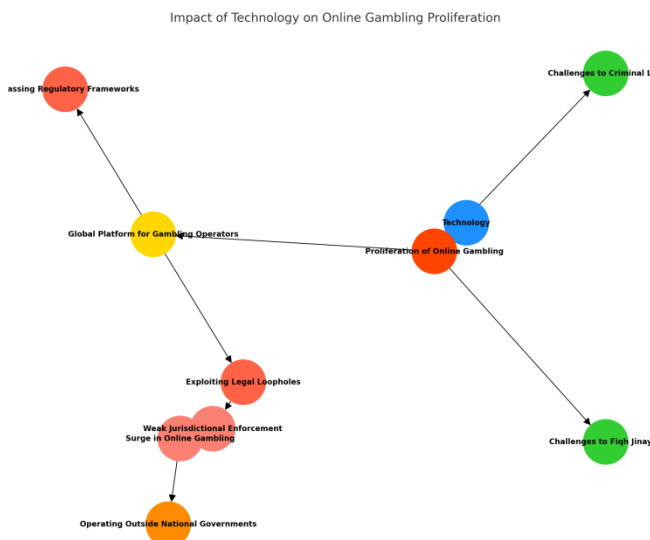


Figure 2. Impact of technology on online gambling proliferation

This illustrates how the advent of technology has significantly contributed to the proliferation of online gambling, presenting challenges to both criminal law and *fiqh jinayah*. At the core is the influence of technology, which facilitates the growth of online gambling by providing operators with a global platform. This allows them to bypass traditional regulatory frameworks and exploit legal loopholes, especially in jurisdictions with weak enforcement.

As a result, online gambling activities have surged, many of which operate outside the control of national governments, further complicating efforts to regulate or shut them down. The diagram emphasizes the interconnected factors ranging from regulatory evasion

to weak legal oversight that have allowed online gambling to flourish in the digital age. Both legal systems, criminal law and *fiqh jinayah*, are challenged to adapt to these new forms of illegal activity driven by technology.

From the perspective of criminal law, technology has both facilitated and complicated the enforcement of gambling regulations. Digital payment systems, including cryptocurrencies, have made it easier for individuals to engage in anonymous transactions, while virtual private networks (VPNs) allow users to access gambling sites from countries where such activities are illegal. These technological advancements have outpaced the regulatory capabilities of many governments, making it difficult to track and prosecute offenders. As a result, law enforcement agencies have had to develop new tools and strategies, such as digital forensics and international cooperation, to combat online gambling crimes.

In *fiqh jinayah*, the use of technology to engage in gambling is seen as an extension of the traditional prohibition on gambling, regardless of the medium through which it is conducted. Islamic scholars have issued fatwas (legal opinions) that explicitly condemn online gambling as a violation of Islamic principles, arguing that the use of technology does not change the moral and ethical nature of the act. However, the global nature of the Internet poses challenges for the enforcement of Islamic law, particularly in countries where Shariah law is not fully integrated into the legal system.

Both criminal law and *fiqh jinayah* recognize the need to address the role of technology in facilitating gambling, but their responses differ. Criminal law focuses on developing regulatory frameworks that can keep pace with technological advancements, while *fiqh jinayah* emphasizes the moral responsibility of individuals to avoid gambling, regardless of the platform. The rapid evolution of technology continues to present new challenges for both legal systems, necessitating ongoing adaptation and innovation.

In summary, technology has both enabled and complicated the regulation of online gambling crimes. While criminal law seeks to address these challenges through legal and regulatory means, *fiqh jinayah* places the responsibility on individuals to uphold ethical principles, highlighting the ongoing tension between secular and religious approaches to the problem.

3.5. Harmonizing Criminal Law and Fiqh Jinayah in Combating Online Gambling

Given the differences in their approaches, there is potential for harmonizing criminal law and *fiqh jinayah* in addressing online gambling crimes, particularly in Muslim-majority countries where Islamic law plays a role in governance. While these two legal frameworks

operate from distinct philosophical foundations, they share common goals in preventing harm and promoting social welfare. Both systems recognize the detrimental effects of gambling on individuals and society and seek to curb its spread through legal and moral means.

One potential avenue for harmonization is the integration of Islamic principles into existing criminal law frameworks, creating a hybrid legal system that incorporates both secular and religious values. This approach has been implemented in countries such as Saudi Arabia and Pakistan, where Shariah law is used in conjunction with secular law to regulate criminal behavior. In such systems, the prohibition of gambling is enforced not only through statutory penalties but also through religious education and moral guidance, providing a more comprehensive approach to crime prevention.

Another area of potential collaboration is development of rehabilitation and treatment programs for individuals suffering from gambling addiction. Criminal law often lacks the moral and spiritual dimension that is central to *fiqh jinayah*, focusing instead on punitive measures. By incorporating the Islamic principles of repentance and moral reform, these programs could provide a more holistic approach to rehabilitation, addressing both the legal and ethical aspects of gambling addiction.

In addition, there is a growing recognition of the need for international cooperation in combating online gambling crimes, particularly given the global nature of the Internet. Muslim-majority countries can play a leading role in this effort by advocating for the inclusion of Islamic values in international legal frameworks, promoting a more ethical and just approach to the regulation of online gambling.

In conclusion, while criminal law and *fiqh jinayah* differ in their approaches to online gambling crimes, there is potential for harmonization through the integration of Islamic principles into secular legal frameworks. By working together, these two systems can provide a more comprehensive and effective response to the challenges posed by online gambling in the modern world.

4. Conclusion

The comparative analysis of online gambling crimes from the perspectives of criminal law and *fiqh jinayah* reveals significant differences in approach, yet both frameworks share a common goal of mitigating the harms caused by gambling. Criminal law emphasizes regulatory control, legal enforcement, and deterrence through punishment, focusing on the protection of societal order and vulnerable individuals from financial exploitation. Conversely, *fiqh jinayah* grounds its prohibition in moral and ethical considerations, viewing gambling as inherently sinful and promoting repentance,

spiritual reform, and community well-being. While criminal law addresses the practicalities of enforcement, *fiqh jinayah* provides a deeper moral dimension, emphasizing the importance of personal responsibility and societal justice. The potential harmonization of these two perspectives, particularly in Islamic-majority countries, offers a comprehensive approach to addressing the challenges posed by online gambling in the modern, digital era.

Declarations

Author Contributions

The author confirms sole responsibility for the conception, design, methodology, analysis, and writing of this article. The author reviewed, edited, and approved the final manuscript, ensuring that it meets academic standards and presents a balanced, evidence-based discussion.

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Conflicts of Interest

The author declares that there are no conflicts of interest regarding the publication of this manuscript. In addition, the ethical issues, including plagiarism, informed consent, misconduct, data fabrication and/or falsification, double publication and/or submission, and redundancies have been completely observed by the authors.

Institutional Review Board Statement

Ethical review and approval were waived for this study, as no new data involving human participants or animals were collected or analyzed.

Informed Consent Statement

Not applicable, as the study did not involve human participants.

References

- [1] ROYAKKERS L, TIMMER J, KOOL L, & VAN EST R. Societal and ethical issues of digitization. *Ethics and Information Technology*, 2018, 20: 127–142. <https://doi.org/10.1007/s10676-018-9452-x>
- [2] LUBIS A. R, PUTRI A. F. S, SYAWALIA D, KHAIRA H. S, & NH N. F. Practical Implications of the Prohibition of Gambling in Islamic Economic Principles. *Mimbar Pendidikan*, 2023, 8(2): 117–128. <https://ejournal.upi.edu/index.php/mimbardik/article/viewFile/81186/30475>
- [3] AL-QARDHAWI Y. *The lawful and the prohibited in Islam*. Islamic Book Trust, 2017.
- [4] LAWN S, OSTER C, RILEY B, SMITH D, BAIGENT M, & RAHAMATHULLA M. A literature review and gap

analysis of emerging technologies and new trends in gambling. *International Journal of Environmental Research and Public Health*, 2020, 17(3): 744. <https://doi.org/10.3390/ijerph17030744>

[5] MACEY J, & HAMARI J. eSports, skins and loot boxes: Participants, practices and problematic behaviour associated with emergent forms of gambling. *New Media & Society*, 2019, 21(1): 20–41. <https://psycnet.apa.org/doi/10.1177/1461444818786216>

[6] NURJANAH S, FERLIADI A. S, JAFAR W. A, FIRDAUS W. Y, & HAMAMAH F. Mitigating the Digital Age Impact: Collaborative Strategies of State and Religious Institutions for Family Harmony in Indonesia. *El-Usrah: Jurnal Hukum Keluarga*, 2024, 7(2): 713–741. <http://dx.doi.org/10.22373/ujhk.v7i2.25754>

[7] ALGHALI M. Regulations and Limitations of Utilitarian Function of Criminal Penalty. *Pakistan Journal of Criminology*, 2025, 17(02): 21–32. https://uot.edu.ly/downloadpublication.php?file=b81i@wW529911739129743_pub.pdf

[8] WIMRA Z, HUDA Y, BUNAIYA M, & HAKIMI A R. The Living Fiqh: Anatomy, Philosophical Formulation, and Scope of Study. *Juris: Jurnal Ilmiah Syariah*, 2023, 22(1): 185. <http://dx.doi.org/10.31958/juris.v22i1.9491>

[9] HARAHA B, HANDAYANI I G A K R, & KARJOKO L. Non-Muslims and Sharia-Based Regional Government; Comparison between Aceh, Indonesia and Selangor, Malaysia. *AL-IHKAM: Jurnal Hukum & Pranata Sosial*, 2023, 18(2): 364–391. <https://doi.org/10.19105/al-lhkam.v18i2.10456>

[10] CHUN-LEUNG J L, MOHD NOR M R, MUSTAFFA K A, & ISA K BIN. Islamic law and its application as penal code by the Islamic State of Iraq and Sham (ISIS). *Cogent Arts & Humanities*, 2024, 11(1): 2382519. <https://doi.org/10.1080/23311983.2024.2382519>

[11] FERLY B. Analisis Dampak Judi Online Slot Dalam Perspektif Fiqih Muamalah. *Jurnal Ekonomi Islam*, 2023, 1(1): 25-33, <https://doi.org/10.56184/jeijournal.v1i1.243> .

参考文献:

[1] ROYAKKERS L, TIMMER J, KOOL L 和 VAN EST R. 数字化的社会与伦理问题。《伦理与信息技术》, 2018, 20: 127-142。 <https://doi.org/10.1007/s100676-018-9452-x>

[2] LUBIS A. R, PUTRI A. F. S, SYAWALIA D, KHAIRA H. S 和 NH N. F. 伊斯兰经济原则中禁止赌博的实际意义。《教育论坛报》, 2023, 8(2): 117-128. <https://ejournal.upi.edu/index.php/mimbardik/article/viewFile/81186/30475>

[3] AL-QARDHAWI Y. 伊斯兰教中的合法与禁忌。伊斯兰图书信托, 2017。

[4] LAWN S, OSTER C, RILEY B, SMITH D, BAIGENT M 和 RAHAMATHULLA M. 新兴技术和赌博新趋势的文献综述和差距分析。国际环境研究与公共健康杂志, 2020, 17(3): 744.

<https://doi.org/10.3390/ijerph17030744>

[5] MACEY J 和 HAMARI J. 电子竞技、皮肤和战利品箱：与新兴赌博形式相关的参与者、实践和问题行为。新媒体与社会, 2019, 21(1): 20–41.

<https://psycnet.apa.org/doi/10.1177/1461444818786216>

[6] NURJANAH S, FERLIADI A. S, JAFAR W. A, FIRDAUS W. Y, 和 HAMAMAH F. 减轻数字时代的影响：印度尼西亚国家与宗教机构为促进家庭和谐所采取的合作策略。El-Usrah：家庭法期刊, 2024, 7(2): 713–741。 <http://dx.doi.org/10.22373/ujhk.v7i2.25754>

[7] ALGHALI M. 刑罚功利功能的规制与限制。《巴基斯坦犯罪学杂志》, 2025, 17(02): 21–32. https://uot.edu.ly/downloadpublication.php?file=b81i@wW529911739129743_pub.pdf

[8] WIMRA Z, HUDA Y, BUNAIYA M 和 HAKIMI A R. 《活生生的教法：解剖学、哲学表述和研究范围》。法学：伊斯兰教法科学期刊, 2023, 22(1): 185. <http://dx.doi.org/10.31958/juris.v22i1.9491>

[9] HARAHA B, HANDAYANI I G A K R 和 KARJOKO L. 非穆斯林和伊斯兰教法地区政府；印度尼西亚亚齐和马来西亚雪兰莪的比较。AL-IHKAM：法律与社会制度杂志, 2023, 18(2): 364–391.

<https://doi.org/10.19105/al-lhkam.v18i2.10456>

[10] CHUN-LEUNG J L, MOHD NOR M R, MUSTAFFA KA 和 ISA K BIN. 伊斯兰法及其在伊拉克和沙姆伊斯兰国 (ISIS) 中作为刑法的应用。令人信服的艺术与人文, 2024, 11(1): 2382519.

<https://doi.org/10.1080/23311983.2024.2382519>

[11] FERLY B. 从伊斯兰教法角度分析在线老虎机赌博的影响。伊斯兰经济学杂志, 2023, 1(1): 25-33, <https://doi.org/10.56184/jeijournal.v1i1.243>

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