The Game of Dice on People's Entertainment Performance Islamic Perspective (Study in The District Juwana, Central Java)

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Abstract

Introduction: Gambling is an act that has a speculative element, without which is there is no hard work. Purposes of the Research: The research aims areto describe dice game as a form of gambling from an Islamic perspective, moreover, to explain why Indonesian prohibits gambling. Methods of the Research: This manuscript is library research and empirical as an example to explain gambling as a habitin the community. Results / Findings / Novelty of the Research: The research results point out that firstly The Islamic prohibit gambling chance in the conventional forms (like this dice game) or online gambling. And Islam also forbids gambling has become a habit. second, the prohibition is as in the Word of God Al Baqarah/2:219, Al Maidah /5 90 – 91,and Hadith of the Prophet Muhammad SAW which was narrated by Imam Bukhari and Muslim. Thirdly, the Penal Code defines gambling as a crime, however, the gamble is without permission. The novelty of the research is ambiguous in the formulated with the consideration of Law Number 7 of 1974 on Controlling Gambling

I. Introduction

Individual as member public in undergo life and life no could release withsocial norms (norms) decency, norms habit, norm law) that exist in society that, in addition to the religious norms that become base his belief . This social norm will Becomes guidelines in carry out social processes so that in interact no occurinteractions that are dissociative.

Habit or the usual called custom that will Becomes norm, there condition certain that is if habitor custom that already is obligation from public that . Even norm habit that will Becomes law habit or law custom if is obligations and if abandoned by members public local will cause sanctions, that one originated from public local too. that limit something said as a law depending on determination rights and obligations. This means habit will changed Becomes law habits can also seen from determination right his obligations.

In Indonesia there are a number of the tribe that occupies various Island including Ethnic group Java in the Province of Central Java also has how much different habits. Surakarta and Yogyakarta areas are customary will different with Semarang, Pati, Pekalonagan, Juwana and other areas. Party people or party culture as entertainment people in Solo and Yogyakarta are called with name sekaten , which is held every month Mulu on the calendar Java or month Rabiul Awal on the calendar Hijri. In society Juwana is also there partyentertainment the people who are also the the habits of the people the in skeleton day so village in the district Juwana.

districts Juwana consist of the 29 majority villages in commemorate day so village do performance the people, in which there is a number of entertainment and games. One game called with dice or roulette. People think that dice or roulette that only a game no is gambling that has been there is since before if there is performance people in form banquet puppet and or dangdut show. Although in game it's the players with do money bet, who wins is the one at stake in accordance with number rolled dice and will get bet money all.

Game thereby this no only happened in Indonesia, almost whole parts of the world know game that . As examples in Europe also know game this , just the difference since century middle game the dice which is culture public no considered as gambling , but only considered as game or recreation public in the sense of entertainment society. because of it's the perpetrators game this will get forgiveness it means they no will sentenced penalty criminal. Apart from European countries, in Canada, gambling is not considered again as deed sin and crime but as an entertainment mode society, so that in 1969 and 1985 there was a very important amendment to the Penal Code related with gambling (gambling) whose interpretation is no again universal, but submitted to the regional/ provincial area. This means there is discretion in each province in look at the gambling as a crime or no.

Condition thereby this different In Indonesia, gambling games are

considered as gambling and based formulation law applicable criminal is a crimes that can charged penalty criminal, as set in Articles 303 and 303 bis of theCriminal Code, which article this has experience change with Law no. 7/1974 about Control Gambling . because of that although game that only there is when there is performance entertainment people, however permanent just considered as crime and can charged penalty criminal for the perpetrators. considered as entertainment and distribution hobby, even as eye livelihood additional. This thing happened in Nganjuk. But on the other hand, according to Jinghui (Jove) Hou et al, that online gambling is can bother habits that have been institutionalized in society even can Becomes habit new for individualperpetrator online gambling . So with progress technology change the habits that exist in society _ good that both negative and positive.

Our research is different with study before, as described in the previous paragraph. As for the difference that study no see game dice from socio- cultural side as study Kridawati Sadhana and research Yayi Putri Dwi Wahyuni. However study this more focus on aspects Islamic view of gamble, and try study reasons that game it's considered in Indonesia as gambling . in relation with that destination from this manuscript try explain game dice from an Islamic perspective, besides explaining Indonesian reasons for prohibiting game dice as form gambling in HK the positive.

II. Research Method

These Manuscripts drip focus on doctrinal or normative methods, however noclose possibility the author also presents empirical data from field as an exemplar about game dice in Juwana. This doctrinal or normative method used for realize destination main research. Destination study this, is explain game dice as gambling from Islamic perspective, the Quran and Hadith this as doctrine that is not can being sued by anyone, two Thing that as base main analysis . Whereas fiqh as interpretation of experts as well as base footing for add interpretation of the doctrine. Required data in study this is secondary data obtained with method study against doctrine (Al Quran & Hadith), interpretation and/ or expert opinion Islamic law, as well as journals and documents relevant law with researched problem. Besides it also explains reasons gambling prohibited in Indonesia. Study results inventoried and categorized, which is then explained with the basics of the doctrine as form analysis autho.

III. Results and Discussion

The Dice Game of Islamic Perspective

The concept of the game in this manuscript is a contest, for amusement or for aprize, whose outcome depends on the skill, strength, or luck of the game based on luck is usually called is game of chance, namely a game whose outcome is determined by luck rather than skill. [1]This is not different from gambling. The dice game is gambling the same as. This game in Islam commonly called is ma isir . *Maisir* or *Qimar* (wagering) is one of the required forms of play, if one player wins, then he will take advantage of the losing player and vice versa. An example of this maisir is gambling. Both are gamblingof chance or gambling. [2]The concept of experiencing development is not only limited to conventional games; but also modern games of luck such as the stock market and foreign exchange transactions. Both have elements of economic manipulation.

Hussin Bin Salamon et al said that gambling of chance is not only a game based on luck but also included speculative business transactions in the stock market because this game is forming gambling chance new.[3] Furthermore, he explains that Islam prohibits everyone from exercising speculative judgment in any business transaction and working. Hope and luck in Islam must be obtained. Thus, gambling has the following elements (1) participants at least two people making a batch; (2) the object at stake in the form of property can be in the formof money or goods that have economic value; (3) there is a win-lose determination based on luck; (4) the winning participant will get the money or property at stake.Gambling is historically known since the *Jahiliyyah* period, those are *al - mukhatharah* and at - *tajzi'ah.*[4] *Al- mukhatarah* is the game carried out by two menor more with a bet is property or his wife, whereas in tajziah is a card game in a randomized way, the losing player pays a camel, whose meat will be given to the poor. The player who wins will be proud of himself which results in squabbles

[1] Henry Campbell Balck and Bryan A Garner, 2004, *Black's Law Dictionary*, ST Paul MN: Thomson/West , pp 1996

[2] Bank Muamalat , " Understanding " Maysir , Gharar , and Riba **",** *Consumer & Retail Banking: Article* , 2020, 2, 19, Available at https://www.bankmuamalat.co.id/article/pengertian-maysir-gharar-dan-riba , Accessed 2022, February, 25.

[3] Hussin bin Salamon et al, "Speculation: The Islamic Perspective; A Study on Al- Maisir (Gambling), Mediterranean Journal of Social Sciences · January 2015, Vol 16, No. 1, pp 371 – 378, DOI: 10.5901/ mjss.2015.v 6n1s1.

[4] Atikullah Abdullah, "Islamic Law on Gambling and Some Modern Business Practices", *International Journal of Academic Research in Business and Social Sciences,* Vol. 7, No. 11, 2017, pp738 – 750, DOI : 10.6007/IJARBSS/v7-i11/3512

and disputes and even killing each other. [5]Currently, gambling as a game that is a cultural heritage still exists in the community. The form of the game has developed such as dice, cards, round clock, lottery gambling/ *lottery* gambling *and* others, the wager has also changed, no longer camels, and wives but the property is more important.In the majority Juwana District, there is the dice game, namely in the village of Agungmulyo , Growong Lor, Growong South , Bendar , Tluwuk , Bajomulyo , Bangsalrejo , Geneng mulyo and others. The dice game in the village is still traditional. In here, one of the players is the owner of the dice game, commonlycalled *bandar* . The goods at stake are in the form of cash and not much, namely a minimum of one thousand rupiahs and a maximum of five thousand rupiahs. [6]

The informants said that the dice game in the folk entertainment show was nota gamble, but only as a game to relieve fatigue, a sense of solidarity, and gather with friends and neighbors to connect brotherhood and friendship. [7]In connection with knowing and understanding of the community, in public entertainment performances, there is always a dice game that cannot be overcome because it has become a habit and even community culture. Michael Eger and Virve Marinneau said that gambling is a harmless pastime when gambling only uses a small amount of money and is unbudgeted. This happened in Finland . [8]Cultural values that live in society can affect individual behavior, but also vice versa that behavior can also affect culture, so that cultural values will experience a shift. [9]Although the culture in Juwana does not consider the game of dice as gambling and has become a tradition, Islam forbids all forms of games that claim luck andbegins with betting, even if only a small amount of money is at stake.

This islike God's word *Al Maidah* / 5 : 90 & 91 and *Al Baqarah* /2:219. These two verses of the Quran contain: 1) prohibition of gambling and drinking liquor (khamr);(2) God's affirmation that gambling and room drinking are mortal sins; (3) Allah's affirmation even though gambling and drinking alcohol have become a habit

[5] Abdul Azis Dahlan, 1997, *Encyclopedia of Islamic Law,* Jakarta: PT Ichtiar New van Hoeve, pp . 1053.

[6] The results of the researchers' observations during folk entertainment performances in several villages such as Agungmulyo , Growong Lor, Growong Kidul , Juwana District, Pati Regency.

[7] Results of Interviews with Informants (Supri , Suwarno , Galang), on January 25, 2022.

[8] Michael Eger and Virve Marinneau , " Cultures and spaces of convenience gambling ", *Nordic Studies on Alcohol and Drugs Journal, Vol 6, Issue 2, 9, April 2022, pp 125 – 139, DOI: https://doi.org/10.1177/1455072518807792*

[9] Elena Karahanna , et al, "Levels of Culture and Individual Behavior: An Integrative Perspective", *Journal of Global Information Management,* Vol. 13, Issue 2, April 2005, pp 1 – 20, Doi: 10.4018/jgim.2005040101

but must be stopped; (4) The harm is greater than the benefit; (5) Spending wealth is of greater benefit; (6) The harm of the two actions is to cause enmity and hatred between humans (wife, children, relatives, neighbors and friends); (7) prevent people from remembering Allah as the Creator who is theonly one to be worshipped; (8) makes the mind tangled, the heart dull and thesoul dirty. In addition, there is a hadith narrated by Imam Bukhari and Imam Muslim as follows: In addition, there is a hadith narrated by Imam Bukhari and Imam Muslim as follows:

Meaning: From Abu Hurairah Radhiyallahu anhu , he said: The Prophet sallallaahu ' alaihi wa sallam said: Whoever swears by saying 'By Latta and 'Uzza, then say, 'La ilâha illa Allah'. And whoever says to his friend, 'Let me invite you to gamble', then give charity." (HR. Al- Bukhâri , no. 4860; Muslim, no. 1647).[10]

The two verses of the Qur'an and the hadith above clearly say that even though gambling is a hereditary habit, and/or only as a game because the batch given are only minimal, it is still prohibited as a sin. The result of gambling is unlawful (*haram*)income, even though it is spent in the way of Allah such as building a mosque or giving alms to the poor and orphans, it is still unlawful.In Islam is said that good intentions cannot give up what is forbidden, meaning that gambling whose intention is only as a means to gather friends and solidarity, cannot make gambling by playing dice an act that is not prohibitedor lawful. Something that has been confirmed by Allah as an unlawful act, then forever the act will remain unlawful, even though the intentions and goals are good and even very good.[11]

Ibn Qayyim said that "All the muamalah that the Prophet sallallaahu ' alaihi wa sallam prohibit were sometimes included in usury and sometimes entered in almaisir (gambling)." Likewise, the same thing was expressed by Ibn Taimiyah ,"Indeed, the majority of muamalah that are prohibited in the Qur'an and Sunnah return to the realization of justice and the prohibition of doing injustice whether small or large -, such as: consuming other people's property with vanity, and the like of usury and al - maisir (gambling)."[12] Furthermore, Ibn Taimiyah also said that maisir brings harm, namely (1) eating forbidden

[10] Bacaanmadani.com, "Verse of the Qur'an and Hadith About Prohibition of Gambling and Alcohol ", Available at https://www.bacaanmadani.com/2017/08/ayat-al-quran-dan-hadits-about_4.html , accessed March 1, 2022

[11] Yusuf al Qaradawi , 2013, *The Lawful and Prohibited in Islam,* Translated Kemal El Helbawi et al, Kuala Lumpur: Islamic Book Trust, pp 8 -9.

[12] Abdullah al -Mushlih & Salah ash-Shawi , " Akhlaq Muslim Entrepreneurs ", *Islamic Economics - Wisdom of the Quran & Hadith Pearls* , Available at https://www.alsofwah.or.id/printekonomi.php?id=130&idjudul=1 , accessed March, 6, 2022.

treasures, (2) falling into forbidden games. (3) makes people forget their obligations to God, namely prayer .[13] Based on these two views, mu'amalah in the form of misir or gambling is strictly prohibited in Islamic teachings, because gambling is the same as taking other people's property in a way that is not trueor false. Every good deed that is allowed/halal or forbidden must have the wisdom or be behind the prohibition or the permissibility of an action.

The Reasons Gambling Is Prohibited In Indonesia

The prohibition of gambling in Indonesia can be studied from the cultural values and philosophical values of the nation. The culture of the Indonesian nation is diverse, but it has one similarity, which is based on divine values. First, the diverse Indonesian culture has a unique characteristic that it is harmonious in maintaining the social processes that exist in the community. This is commonly referred to as *gotong royong*, which contains the meaning of prioritizing hard work, which still prioritizes caring for others, for the realization of a harmonious collective life.[14] Therefore, in *gotong royong* which is the main principle of Indonesian society, there are values of equality, togetherness in every community activity so that the activity becomes effectiveand efficient.[15]

Thus, *gotong royong* is (1) the morality of togetherness; (2) active participation of community members; (3) self-will means that in *gotong royong* there is an attitude of devotion and volunteerism (In Gotong Royong, there is a service and voluntary attitude); (4) social integration, that mutual cooperation is a practice of living together based on volunteerism according to the limits of one's ability so that this is a form of caring for one another; (5) togetherness with the aim of realizing the benefits of the people . According to the author, the value of gotong royong is the divine values or spiritual values of the Indonesian people. The development of these values in social life can maintain the harmony of life so that social welfare can be realized (physical, mental - spiritual).[16] The results of research in China on the lives of students whose majority are not Muslim

[13] Muhammad Abduh Tuasikal , " Betting and Gambling in Contest ", *Rumasho.com,* Available at https://rumaysho.com/2126-tangan-dan-judi-dalam-lomba.html , Accessed March, 6, 2020.
[14] Muh Mufid , 2021, *Philosophy of Sharia Economic Law : Study Ontology , Epistemology and Axiology Contracts Mu'amalah Contemporary* , Jakarta: Kenacana , pp 58.
[15] Indonesian Ulema Council, "MUI Fatwa No. 9/2008 regarding SMS with Prizes ", Available at http://mui.or.id/wp-content/uploads/files/fatwa/44.-SmS-Berharga.pdf , accessed 1 March 2022.
[16] Nicholas Simarmata , et al, "Gotong Royong in Indonesia History ", *Proceedings of The 10th International Conference of Indigenous and Cultural Psychology 2019* , pp. 1 – 15, DOI: https://doi.org/10.29037/digitalpress.45341

communities show that individuals who develop spiritual values in their lives, these individuals can find meaning and purpose in life so that they find prosperity in life.[17]

Clifford Geertz, said that religion is a cultural system consisting of rituals, symbols, beliefs, which are created by humans to give meaning to their lives .[18] Inna Reddy Edara , differs from Clifford Gertz that culture is part of religion, so this culture is an expression of religious values because culture is created constructively based on collective beliefs, which collective beliefs are religion .[19] Based on data on June 30, 2021, the population of Indonesia is 272.23 millionpeople, which when viewed from the religion that is their belief that there are 86, 88% of the population are Muslims, the remaining 7.49% of other religions (Christian , Catholic, Hindu). and Buddhists and adherents of the faith).[20] The fact shows that Islam as the majority religion gives a dominant color to local cultural values, although other beliefs/religions also have an influence on that culture such as Hinduism and Buddhism, so it can be said that the cultural values of the Indonesian people are cultural acculturation.

This means that in Indonesian culture there are divine values, especially Islam, because as the majority religion, and they are of the view that Islam as teaching that regulates life and human life is able to adapt to the local culture of society, which will later become a national culture. Divine values always and definitely contain the values of goodness, truth, and justice for all humans. Divinity values as a manifestation of religious values will affect the way individuals think and act. The results showed that religious individuals were much more resistant to utilitarian thinking than those who were less religious. Those who are religious will not only think based on their benefits, but they will also think on the basis of divine commands (God) that binds them .[21] Thus the

[17] Kaili Chen Zhang, et al, "Personal Spiritual Values and Quality of Life: Evidence from Chinese College Students", *Journal of Religion and Health,* Vol. 53, No 4, March 2013, pp 1 – 37, DOI: 10.1007/s10943- 013-9686-1

[18] John A. Rees, "Religion and Culture", Available at https://www.e-ir.info/2017/01/08/religion-and-culture/ , Accessed March, 5, 2022.

[19] Inna Reddy Edara , " Religion: A Subset of Culture and an Expression of Spirituality", *Advances in Anthropology Journal,* Vol 7, No. 4, November 2017, pp 273 – 288, DOI:10.4236/aa.2017.74015

[20] Data Book, " A total of 86.88% of the Indonesian population is Muslim ", Available at https://databoks.katadata.co.id/datapublish/2021/09/07/dukcapil-sum-penresident-indonesia-27223-juta- jiwa-pada-30-juni-2021 , accessed March 3, 2022.

[21] Jared Piazza, and Justin F. Landy, "Lean not on your own understanding": Belief that morality is founded on divine authority and non-utilitarian moral judgments", *Judgment and DecMaking Journal,* Vo. 8 No. 6, November 20213, pp 639 -661

value of truth, goodness, and justice will be the main orientation to act towards the benefit and happiness of life.Based on the description above, it can be seen from the cultural values of the nation that are based on divine values, the dice game is not a community culture, which can maintain the harmony of social processes. Because this gamecan actually cause fights between them, especially for those who lose and don'taccept their loss.

Brittany Kenn et al in their research in East and Southeast Asia said that there was a relationship between gambling and family violence, which was significantly related, which was inseparable from patriarchal culture. As aresult of this gambling, women and children in the family will suffer theconsequences, because it is related to the health and welfare of the family .[22] *Secondly,* the nation's philosophy, namely Pancasila, which for the Indonesiannation it has several positions, namely Pancasila as a view of life, this meansPancasila which is the result of very deep human thought about the relationshipbetween humans and the universe as a creation of the Creator (Allah SWT),which later becomes the individual guideline. in good behavior as individuals, family members, and community members. In the current, which is said to bethe postmodern era, Pancasila as a way of life can adapt to life, resolvedisturbances and obstacles and challenges faced by the nation without having to humiliate one party. Furthermore, Pancasila is the nation's philosophy,meaning that Pancasila reflects the essential values of the relationship betweenthe Indonesian nation and the Creator, thus realizing that the Indonesian nationis a religious nation.

He as a nation's philosophy has five principles, namely (1)a harmonious blend of various religions and beliefs that reflect harmony in life; (2) a combination of social-transcendental ideas and national ideals, meaning that the ideals of the Indonesian nation as referred to in the Preamble to the 1945 Constitution do not leave spiritual values rooted in God; (3) a combinationof several ethnic groups, tribes that form one unit as the Indonesian nation; (4) understanding of the people that the people are the main authority holders inall actions towards the ideals of the nation; (5) the principle of social-economic justice which is based on an ideological trilogy, namely religious ideology, nationalist ideology, and social ideology. The

[22] Brittany Kenn et al, "Problem Gambling and Family Violence", *Asian Journal of Gambling Issues and Public Health,* Vol 5 No. 3, July 2015, DOI: https://doi.org/10.1186/s40405-015-0008-2 , Available at https://ajgiph.springeropen.com/articles/10.1186/s40405-015-0008-2#article -info , Accessed March, 6, 2022.

embodiment of this trilogy is mutual cooperation.[23] The Indonesian nation is a religious nation, but on the one hand, it also has a strong nationalism, so these two things, a religious attitude and an attitude of nationalism, support and strengthen each other to lead to national unity and integrity. Indonesia does not recognize one of religion as the state religion in the constitution, in this is like Malaysia Country, which is in the constitution declare that Islam is federate religion.Explanation of Article 1 of Presidential Decree No.1 of 1965 on Prevention, Abuse and/or Blasphemy of Religion acknowledges that there are six religions that live in Indonesia (Islam, Christianity, Catholicism, Hinduism, Buddhism, and Confucianism). These religions recognize the existence of God Almighty as the Creator and the source of goodness and truth to lead to prosperity, peace, and harmony. Arief Hidayat said that there is no room for the Indonesian Nation and Society to be anti-God.[24] This points out God's teaching that contains the value of truth, goodness, and honesty must be a guide in the life of every Indonesian.Based on the religion that lives and is recognized in Indonesia, in viewing gambling, whether in the form of dice games, turning clocks, or other things, it is a forbidden act. The following are religious prohibitions against gambling, including the following:

1. Hinduism as in its Reg Veda X. 34.13 states " *Aksair tna divyah krsim it krsasva , Vitte ramasvabahu trustful tatmgawh kitavah tatra jada tan me viscate savitayam aryah " it means O gamblers, don't gamble/plow the land, always be satisfied with your own income, think that it is enough. Agriculture provides cows and with that, your wife remains happy. The God of Sawita , the God of the Senresla Realm, has advised you to do .*[25]
2. Catholicism in the Catechism of the Catholic Church CCC 2413 Gambling/game of chance teaches its people that gambling is not morally justified, because it harms someone in what is needed for his life needs and the needs of others people's lives, cheating in games is big.[26]

[23] Yudi Latif, " The Religiosity, Nationality, and Sociality of Pancasila: Toward Pancasila through Soekarno's Way", *Study Islamika , Indonesian Journal for Islamic Studies,* Vol. 25, No. 2, 2018, pp. 207 – 242, DOI: 10.15408/ sdi.v 25i2.7502

[24] Arief Hidayat , "Indonesia is a Godhead ", *Paper* , Available at https://www.mkri.id/public/content/infoumum/article/pdf/article_14_02_arief_hidayat.pdf , Accessed, March, 12, 2022.

[25] I Gusti Agung Oka l Warta Hindu DharmaParisada " Hindu Religion 's View of Gambling in Indonesia " Relation with Tabuh Rah", in Hindu Dharma Indonesia Center (Hindu Dharma Council of Indonesia), Available at https://phdi.or.id/article.php?id=pandangan-agama-hindu-terhadap-judi-dalam- kaitannya-with -tabuh-rah , Accessed March, 12, 2022.

[26] Katolisitas.org, "Gambling and Stocks", Available at https://katolisitas.org/judi-dan-saham/ , Accessed

3. In Christianity, the Bible at Genesis 3:17 states that "Because you listened to your wife's words and ate from the fruit of the tree, which I command you: You shall not eat of it, the earth will be cursed for you; with difficulty, you will seek your sustenance from the ground for as long as you can. you live." Furthermore, the Bible explains that everyone is commanded to seek sustenance by painstaking effort not by profiteering such as gambling by playing cards or dice or by guessing numbers.[27]
4. Buddhism, the Buddha teaches about happiness, there are four states of happiness which is one of *atthisukha* , namely the happiness of having wealth. Those who have this wealth will avoid evil thoughts that aim to get wealth such as robbery, fraud, corruption, and others. Hereinafter *Walubi* emphasized that Buddhist teachings of negative are alcohol drinking, gambling, wandering the streets untimely, associating with comfort women.

Reasons For Prohibiting Gambling In Legislative Policies

The Criminal Code has been amended by Law Number 7 of 1974 on Gambling Control, where Articles 303 and 303 bis prohibit all forms of gambling. This lawstipulates that (1) all gambling is a crime, hence the act can be punished; (2) Changes to the threat of punishment by extending the prison term from two years and eight months to a maximum of ten years, which alternatively is a fine which was originally only ninety thousand rupiahs to a maximum of twenty- five rupiahs. Formulation the nature of unlawfully gambling is (1) without permission; (2) on a public road or the side of the road public or in a place that can be visited by the public without permission. In short unlawful nature, there is without permission, so that unlawful element should be fulfilled. The element without permission according to criminal law is teaching of the formalunlawful nature.[28]

However, when viewed from the consideration of Law no. 7 of 1974

March 12, 2022.

[27] Al Kitab Sabda , " Genesis 3:17 – 19", Available at https://alkitab.sabda.org/passage.php?passage=Kej%203:17-19,23&tab=text# , Accessed March, March 12, 2022.

[28] Ibnu Hasyim, "Judi According to Christianity, Hinduism, Hinduism, Buddhism and Islam", *Paper 13 February 2022,* Available at http://www.ibnuhasyim.com/2014/05/judi-menurut-kristian-hindu-buddha-islam. html , Accessed March, 12, 2022.

concerningGambling Control letter a states that "gambling is against the religion, decency, and morals of Pancasila." All religions recognized in Indonesia prohibit gambling, this is a bad/evil act. Islam also strictly forbids this act and is a sin. Furthermore, in these considerations, it is also said that gambling is Contrary to the decency and morals of Pancasila, this is very appropriate because Pancasila contains divine values, namely the values of goodness and truth. These divine values are the basis in all dimensions of life so in the formulation and implementation and/or implementation of policies, they must also be based on these values. Gambling is something that is contrary to religion and the values of Pancasila and which has an impact on human life both in society, families, and the individual itself is appropriate if gambling is prohibited by the state.This Consideration that has transcendental value becomes less meaningful if it is associated with the formulation of Article 303 of the Criminal Code, because in the formulation of that article it is required that there must be an unlawful nature of the act, namely the act of gambling is carried out without permission.

IV. Conclusion

Gambling has existed since the days of ignorance, which from time to time has developed following the flow of technological developments. Therefore, currently known as online gambling. In Arabic, gambling is *al maisiru* , this is often equated with *al qimar* (wagering). Both are speculative elements. Maisir has elements of at least (1) a minimum of two participants; (2) the wagering in the form of money or goods that have economic value; (3) the determination of losing and winning is determined by luck; (4) the winning participant will get the bet money or the goods. However, in criminal law, it is an element of gambling that is not the case, the act must be against the law in the form of without permission.

The Islamic forbids gambling in any form whether it is with permission or not, with the result that there is no need for an element of unlawful. This like statedin the Qur'an Baqarah/ 2 : 219, Al Maidah /5 : 90 – 91, and Hadith of the Prophet Muhammad SAW which was narrated by Imam Bukhari and Muslim , to explain " if someone invited to gamble then it should give charity". Gambling has become a habit of society that has been institutionalized, such as in Juwana . The Islamic prohibits consistently the act, ven all religions also prohibit it. In Indonesia, gambling is prohibited, which is the act is a crime that can be sentenced to imprisonment for a certain time or a fine. The prohibition is not odd, because

the values of the One Godhead are the main basis that animates every behavior of Indonesian people, both as leaders of the state and as people.However, this prohibition against gambling is not optimal or it can be said to be imperfect because the Penal Code has been amended with Law number 7 of 1974 on the Gambling Control, which formulates that gambling is prohibited is gambling without a permit. It can be said that gambling if it has a license, is not a crime. However, if it is related to the basic considerations of the Law concerning gambling controlling, it is ambiguous, because the law states that gambling is against the religion, decency, and morals of Pancasila. Therefore, it is appropriate to review Law No. 7/1974 on Gambling Control, especially in terms of the "weighing" dictum.

Refrences

Book

Abdul Azis Dahlan, 1997, *Encyclopedia of Islamic Law,* Jakarta: PT Ichtiar

New van Hoeve

Henry Campbell Balck and Bryan A Garner, 2004, *Black's Law Dictionary,*

ST Paul MN: Thomson/West.

Muh Mufid , 2021, *Philosophy of Sharia Economic Law : Study Ontology ,*

Epistemology and Axiology Contracts _ _ Mu'amalah Contemporary , Jakarta :Kenacana .

Edy OS Hariej, 2016, *Principles of Criminal Law , Yogyakarta* : Light AtmaLibrary

Soetandyo Wignjosoebroto , 2012 *Legal Concepts and Methods* , Malang:Press equivalent .

Sudikno Mertokusumo , 2019, *Knowing the Law of a Introduction ,*

Yogyakarta : CV Maha works ..

Yusuf al Qaradawi , 2013, *The Lawful and Prohibited in Islam,* TranslatedKemal El Helbawi et al, Kuala Lumpur: Islamic Book Trust

Journal

Adam Perry, "Law Boundaries", *Legal Theory,* Vol. 26, issue 2, 24 August2020, pp 103 – 123, doi:10.1017/S1352325220000087

Andrew Brown, "Passing the Time: The Role of the Dice in Late MedievalPardon Letters", *Speculum Journal,* Vol 96, No. 3, July 2021, pp 699 – 725, DOI: https://doi.org/10.1086/714427

Atikullah Abdullah, "Islamic Law on Gambling and Some Modern Business Practices", *International Journal of Academic Research in Business and Social Sciences,* Vol. 7, No. 11, 2017, pp 738 – 750, DOI : 10.6007/IJARBSS/v7-i11/3512

Elena Karahanna , et al, "Levels of Culture and Individual Behavior: An Integrative Perspective", *Journal of Global Information Management,* Vol. 13, Issue2, April 2005, pp 1 – 20, Doi: 10.4018/jgim.2005040101

Hussin bin Salamon et al, "Speculation: The Islamic Perspective; A Study on Al-Maisir (Gambling), Mediterranean Journal of Social Sciences · January 2015, Vol 16, No. 1, pp 371 – 378, DOI: 10.5901/ mjss.2015.v 6n1s1.

Inna Reddy Edara , " Religion: A Subset of Culture and an Expression of Spirituality", *Advances in Anthropology Journal,* Vol 7, No. 4, November 2017, pp273 – 288, DOI:10.4236/aa.2017.74015

Jared Piazza, and Justin F. Landy, "Lean not on your own understanding": Belief that morality is founded on divine authority and non-utilitarian moral judgments", *Judgment and Decision Making Journal,* Vo. 8 No. 6, November 20213, pp 639 -661

Jinghui (Jove) Hou, et al., " Disrupting Unwanted Habits in Online Gambling Through Information Technology", *Journal of Management Information Systems,* Vol. 26, Issue 4, October 2019, pp 1213 – 1247, DOI:

https://doi.org/10.1080/07421222.2019.1661088 .

Kaili Chen Zhang, et al, "Personal Spiritual Values and Quality of Life: Evidence from Chinese College Students", *Journal of Religion and Health,* Vol. 53, No 4, March 2013, pp 1 – 37, DOI: 10.1007/s10943-013-9686-1

Kridawati Sadhana, et al, "Game Community Construction in Local Communities of Nguwok Village and Sidodowo Village, Modo District, Lamongan Regency, East Java ", *International Journal of Recent Technology and Engineering (IJRTE)* , Vol. 8, Issue 2S, July 2019, pp 272 – 278.

Michael Eger and Virve Marinneau , " Cultures and spaces of convenience gambling", *Nordic Studies on Alcohol and Drugs Journal,* Vol 6, Issue 2, 9, April 2022, pp 125 – 139, DOI: https://doi.org/10.1177/1455072518807792

Nicholas Simarmata , et al, "Gotong Royong in Indonesia History ", *Proceedings of The 10th International Conference of Indigenous and Cultural Psychology 2019* , pp. 1 – 15, DOI: https://doi.org/10.29037/digitalpress.45341

Yayi Putri Dwihayuni & Agus Machfudz Fauzi , "The motive for the action of online gambling as an additional livelihood during social restrictions due to the Covid-19 pandemic", *Jurnal Sociology Dialectics* , Vol 16, Issue 2, 2021, pp 108 – 116, DOI: https://dx.doi.org/10.20473/jsd.v16i2.2021.108-116 .

Yudi Latif, " The Religiosity, Nationality, and Sociality of Pancasila: Toward Pancasila through Soekarno's Way", *Study Islamika , Indonesian Journalfor Islamic Studies,* Vol. 25, No. 2, 2018, pp. 207 – 242, DOI: 10.15408/ sdi.v 25i2.7502

Internet

Abdullah al -Mushlih & Salah ash-Shawi , " Akhlaq Muslim Entrepreneurs ", *Islamic Economics - Wisdom of the Quran & Hadith Pearls* , Available at https://www.alsofwah.or.id/printekonomi.php?id=130&idjudul=1 , accessed

March, 6, 2022

Al Kitab Sabda , " Genesis 3:17 – 19", Available at https://alkitab.sabda.org/passage.php?passage=Kej%203:17-19,23&tab=text# , Accessed March, March 12, 2022.

Arief Hidayat , "Indonesia is a Godhead ", *Paper* , Available at https://www.mkri.id/public/content/infoumum/article/pdf/article_14_02_a rief_hidayat.pdf , Accessed, March, 12, 2022.

Bank Muamalat , " Understanding " Maysir , Gharar , and Riba **",** *Consumer & Retail Banking: Article* , 2020, 2, 19, Available at https://www.bankmuamalat.co.id/article/pengertian-maysir-gharar-dan-riba

, Accessed 2022, February, 25.

Bacaanmadani.com, "Verse of the Qur'an and Hadith About Prohibition of Gambling and Alcohol ", Available at https://www.bacaanmadani.com/2017/08/ayat-al-quran-dan-hadits-about_4.html , accessed March 1, 2022.

Brittany Kenn et al, "Problem Gambling and Family Violence", *Asian Journal of Gambling Issues and Public Health,* Vol 5 No. 3, July 2015, DOI: https://doi.org/10.1186/s40405-015-0008-2 , Available at https://ajgiph.springeropen.com/articles/10.1186/s40405-015-0008-2#article -info , Accessed March, 6, 2022.

Colin S. Campbell, Ph.D. , Timothy F. Hartnagel , Ph.D. , and Garry J. Smith, Ph. D, "The Legalization of Gambling In Canada", Available at https://publications.gc.ca/collections/collection_2008/lcc-cdc/JL2-64- 2005E.pdf , accessed 25 February 2022.

Data Book, " A total of 86.88% of the Indonesian population is Muslim ", Available at

https://databoks.katadata.co.id/datapublish/2021/09/07/dukcapil-sum-penresident-indonesia-27223-juta-jiwa-pada-30-juni-2021 , accessed March 3,

2022.

Gusti Agung Oka 1 Warta Hindu Dharma Parisada " The View ofHinduism on Gambling in Indonesia " Relation with Tabuh Rah", in Hindu Dharma Indonesia Center (Hindu Dharma Council of Indonesia), Available athttps://phdi.or.id/article.php?id=pandangan-agama-hindu-terhadap-judi- dalam-kaitannya-with -tabuh-rah , Accessed March, 12, 2022.

Ibnu Hasyim, "Judi According to Christianity, Hinduism, Hinduism,

Buddhism and Islam", *Paper 13 February 2022,* Available at http://www.ibnuhasyim.com/2014/05/judi-menurut-kristian-hindu-buddha-islam. html , Accessed March, 12, 2022.

John A. Rees, "Religion and Culture", Available at https://www.e-ir.info/2017/01/08/religion-and-culture/ , Accessed March, 5, 2022.

Katolisitas.org, "Gambling and Stocks", Available at

https://katolisitas.org/judi-dan-saham/ , Accessed March 12, 2022.

Ulema Council, "MUI Fatwa No. 9/2008 regarding SMS with Prizes ", Available at http://mui.or.id/wp-content/uploads/files/fatwa/44.-SmS- Berharga.pdf , accessed 1 March 2022.

Muhammad Abduh Tuasikal , " Betting and Gambling in Contest ", *Rumasho.com,* Available at https://rumaysho.com/2126-tangan-dan-judi- dalam-lomba.html , Accessed March, 6, 2020.