



The Problematics of Law Enforcement in Dice Gambling: An Islamic Criminal Law Analysis in Medan, Indonesia

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ABSTRACT

Although formally prohibited, gambling remains a persistent challenge in societies characterized by plural legal systems. In Medan, dice gambling has evolved into a socially tolerated practice despite its clear legal prohibition. This study aims to analyze the problematics of law enforcement concerning such practices and to examine them from the perspective of Islamic criminal law. This research adopts a qualitative socio-legal approach that integrates doctrinal and empirical analyses through statutory, conceptual, and case-based approaches. Data were obtained through library research and a limited number of semi-structured interviews, and were analyzed iteratively through triangulation between legal norms and social realities. The findings reveal that law enforcement remains inconsistent and ineffective, reflecting a significant gap between law in the books and law in action, exacerbated by social normalization and weak institutional responses. From the perspective of Islamic criminal law, gambling (al-maysir) is strictly prohibited as it contravenes the protection of property and religion. Its classification as a ta'zīr offense allows for the development of flexible and context-sensitive enforcement models. This study proposes an integrative approach grounded in maqāṣid al-sharī'ah as a normative framework to enhance adaptive and equitable law enforcement.

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1. Introduction

Gambling has long been recognized as a persistent social problem in Indonesia, reflecting the enduring gap between formal legal prohibition and actual social practice.¹ Among its various forms, dice gambling continues to be widely observed in urban

¹ Ines Tasya Jadidah et al., "Analisis maraknya judi online di Masyarakat," *Jurnal Ilmu Sosial Dan Budaya Indonesia* 1, no. 1 (2023): hlm. 20-27.

communities, particularly in Medan, where it frequently operates openly during public gatherings such as night markets, local festivals, and community entertainment events.² Rather than being a newly emerging phenomenon, this practice has gradually embedded itself within local entertainment culture, fostering a degree of social tolerance that diminishes public resistance. As a result, gambling is increasingly perceived not as a legal or moral violation, but as a normalized component of everyday social life.³

This condition indicates a significant decline in public legal awareness.⁴ Instead of acting as active agents in upholding legal norms, members of society have adopted a permissive attitude, normalizing gambling as part of everyday economic and recreational activities. Such perceptions stand in stark contrast to Indonesian positive law, under which gambling is classified as a criminal offense pursuant to Article 303 of the Indonesian Criminal Code, which unequivocally prohibits all forms of gambling. Moreover, Law Number 7 of 1974 on the Control of Gambling explicitly categorizes all gambling activities as criminal acts subject to prosecution without exception.⁵ This regulatory framework is further reinforced by Article 1 of Government Regulation Number 9 of 1981, which mandates strict state supervision over gambling activities in order to safeguard public order and moral values.

However, empirical realities demonstrate that dice gambling in Medan continues to operate openly, often without decisive intervention from law enforcement authorities. Reports indicate that in Medan Tuntungan District, the practice of dadu kopyok gambling persists in the vicinity of Lau Cih Central Market, despite limited enforcement actions targeting only specific locations. Local residents have expressed concerns regarding selective enforcement, whereby authorities intervene in certain areas while allowing similar activities elsewhere to continue unabated.⁶ This pattern suggests the presence of structured tolerance, potentially driven by economic interests, weakened social control, or patronage relations between gambling operators and elements within law enforcement institutions. Such apparent inaction contributes to a broader crisis of state legitimacy in performing its law enforcement function. When legal norms are enforced inconsistently, public trust in the rule of law deteriorates, thereby enabling the further expansion of law-violating practices.⁷

From the perspective of Islamic criminal law, gambling (*al-maysir*) is unequivocally prohibited, as it is regarded as a source of harm (*mafsadah*) that undermines

² “Aktivitas Perjudian Ilegal di Pasar Malam Komplek MMTTC Harus Ditindak Tegas,” *Harian SIB*, 2024.

³ Ghany Santika Pradana, “EKSISTENSI DAN DINAMIKA TRANSAKSI PERJUDIAN (Studi Kasus Judi Dadu di Stasiun Wonokromo Surabaya),” *Jurnal Ilmiah Mahasiswa FEB* 3, no. 1 (2014).

⁴ Yul Ernis, “Implikasi penyuluhan hukum langsung terhadap peningkatan kesadaran hukum masyarakat,” *Jurnal Penelitian Hukum De Jure* 18, no. 4 (2018): hlm. 477-496.

⁵ Annisa Claudia Br Regar dan Rajin Sitepu, “Upaya Pemberantasan Tindak Pidana Perjudian Oleh Kepolisian (Studi Kasus Polres Tanahkaru),” *UNES Law review* 5, no. 4 (2023): 4070–82.

⁶ Sadam Husin, “Warga Curhat, Diduga Polsek Medan Tuntungan Pilih Kasih Berantas Judi,” *inews*, Oktober 2024.

⁷ Wicipto Setiadi, “Pembangunan hukum dalam rangka peningkatan supremasi hukum,” *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 1, no. 1 (2012): hlm. 1-15.

moral order and social cohesion. It is not merely considered an unlawful appropriation of wealth, but also a practice that erodes moral integrity, weakens work ethics, generates social hostility, and distances individuals from religious devotion. This prohibition is firmly grounded in Qur'anic injunctions, particularly in Surah Al-Ma'idah (5:90–91), which explicitly denounce gambling as a manifestation of satanic influence and call upon believers to abstain from it:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رَجْسٌ مِّنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ إِنَّمَا يُرِيدُ الشَّيْطَانُ أَنْ يُوقِعَ بَيْنَكُمُ الْعَدَاوَةَ وَالْبَغْضَاءَ فِي الْخَمْرِ وَالْمَيْسِرِ وَيَصُدَّكُمْ عَنْ ذِكْرِ اللَّهِ وَعَنِ الصَّلَاةِ فَهَلْ أَنْتُمْ مُنْتَهُونَ

"O you who believe, indeed intoxicants, gambling, sacrificial offerings to idols, and divination by arrows are but a defilement of Satan's handiwork; so avoid them that you may be successful. Indeed, Satan seeks to sow enmity and hatred among you through intoxicants and gambling, and to hinder you from the remembrance of Allah and prayer. So will you not desist?" (Qur'an 5:90–91)."

Furthermore, Prophetic traditions reinforce this prohibition by emphasizing that engagement in games of chance constitutes disobedience to divine authority. From a normative standpoint, therefore, dice gambling represents a clear violation of the objectives of Islamic law (*maqāṣid al-sharī'ah*), particularly in relation to the protection of wealth (*ḥifẓ al-māl*) and religion (*ḥifẓ al-dīn*).⁸

Notwithstanding the convergence between positive law and Islamic legal principles in prohibiting gambling, social realities reveal a persistent gap between normative frameworks and actual practice. This disjunction constitutes the central problem addressed in this study. In Medan, dice gambling has evolved beyond a covert illegal activity into an overt, organized, and socially tolerated phenomenon. It is commonly found in public spaces such as night markets, community festivals, and local entertainment venues, where it functions as a medium of social interaction. In this context, dice gambling has been internalized as part of "popular entertainment culture," particularly among lower- and middle-income groups who perceive it as a benign recreational activity.

The normalization of such practices reflects what can be conceptualized as the normalization of deviance, whereby conduct that is formally classified as criminal is no longer perceived as socially or morally problematic.⁹ Although gambling is clearly prohibited under Indonesian law, including Article 303 of the Criminal Code and subsequent regulatory instruments, it is increasingly treated as a socially legitimate practice. This phenomenon indicates a weakening of social control mechanisms and a declining sensitivity toward legal violations.

⁸ Ahmad Khairul Fajri, Kurniati Kurniati, dan Zulhas'ari Mustafa, "Telaah Sosiologis atas Fenomena Judi Online dan Upaya Pemberantasannya Perspektif Maqashid Syariah," *Shar-E: Jurnal Kajian Ekonomi Hukum Syariah* 11, no. 1 (2025): hlm. 54-63.

⁹ Alvina Faradila dan Amrizal Siagian, "Perilaku Penyimpangan Sosial dalam Praktik Perjudian Online di Kalangan Pengemudi Ojek Online Kawasan Pamulang Tangerang Selatan.," *Jurnal Ilmu Hukum, Humaniora dan Politik (JIHHP)* 4, no. 5 (2024).

Media reports further substantiate the persistence of openly conducted gambling activities in Medan. Several locations, including the Pasar 7 area in Manunggal Village, Labuhan Deli District, have reportedly earned the nickname “Las Vegas” among local residents, reflecting the overt and organized nature of gambling operations within repurposed commercial spaces.¹⁰ In addition, there are indications that numerous gambling sites across the city continue to operate without meaningful law enforcement intervention, despite their widespread public visibility.¹¹ Similar concerns have been raised by residents in Medan Tuntungan, who highlight inconsistencies in enforcement practices, whereby authorities selectively target certain locations while allowing others to function without restraint.¹² These patterns point to a significant gap between the visibility of illegal activities and the effectiveness of institutional responses, suggesting structural weaknesses in law enforcement capacity.

These patterns point to the phenomenon of selective law enforcement, in which legal action is applied sporadically and symbolically rather than systematically and equitably. Such practices raise concerns regarding potential collusion or informal arrangements between gambling operators and certain law enforcement actors. The implications are significant, as they contribute to declining public trust in institutional integrity and foster a broader condition of social apathy, wherein communities no longer perceive the urgency to resist or report openly visible legal violations.¹³

Existing scholarship on gambling in Indonesia has examined the issue from various disciplinary perspectives, including legal, criminological, and socio-cultural approaches. However, these studies remain largely fragmented. For instance, Aryanata (2017) demonstrates how cockfighting (tajen) in Bali has undergone cultural reinterpretation and gained social legitimacy despite its legal prohibition.¹⁴ Erinawati et al. (2020) highlight structural challenges in enforcing gambling laws during the COVID-19 pandemic, particularly in relation to institutional limitations and low legal awareness.¹⁵ Similarly, Hidayatulloh et al. (2021) identify constraints in addressing online gambling due to

¹⁰ Redaksi Radarindo, “Judi di Kota Medan Marak, Polisi Diminta Tertibkan ‘Las Vegas Pasar 7,’” *Radarindo*, 2025.

¹¹ Djoko, “35 Lokasi Judi di Medan Tak Tersentuh Hukum,” *Poskotaonline*, 2021.

¹² Husin, “Warga Curhat, Diduga Polsek Medan Tuntungan Pilih Kasih Berantas Judi.”

¹³ Kadek Setiawan, I Wayan Landrawan, and Ketut Sudiatmaka, “Upaya Kepolisian Dalam Penegakan Hukum Terhadap Pelaku Tindak Pidana Judi Online (Studi Kasus Di Polres Buleleng),” *Jurnal Ilmu Hukum Sui Generis* 3, no. 4 (2023): 194-203.

¹⁴ N Trisna Aryanata, “Budaya dan Perilaku Berjudi: Kasus Tajen Di Bali,” *Jurnal Ilmu Perilaku* 1, no. 1 (2017): 11.

¹⁵ Erinawati, Romi Asmara, dan Muhammad Nur, “UPAYA PENANGGULANGAN TINDAK PIDANA PERJUDIAN TOTO GELAP DI MASA PANDEMI COVID 19 (Studi Penelitian Di Kepolisian Resor Langkat),” *Jurnal Ilmiah Mahasiswa (JIM FH)* VI, no. 2 (2023): 1–14.

evidentiary and technical limitations,¹⁶ while Musa et al. (2022) emphasize the role of Islamic education in enhancing public awareness of gambling prohibitions.¹⁷

Despite these contributions, prior studies tend to adopt partial approaches, separating normative legal analysis, empirical realities, and Islamic legal perspectives. Consequently, they fall short of providing an integrated understanding of the relationship between legal norms, social practices, and religious values in the context of gambling. Moreover, the predominant focus on online gambling or culturally embedded practices has left a significant gap in examining grassroots forms of gambling, such as dice gambling, that occur openly within urban social spaces.

Accordingly, this study addresses both an empirical and theoretical gap by advancing an integrative analytical framework that connects positive law, law enforcement practices, and Islamic criminal law within a unified perspective. It aims to analyze the enforcement of gambling laws in relation to dice gambling practices in Medan, while simultaneously examining the phenomenon through the lens of Islamic criminal law. More specifically, the study seeks to assess the alignment between normative legal provisions and empirical realities, and to formulate a legal analysis that contributes to the development of more effective and equitable law enforcement strategies.

2. Legal Material and Methods

This study adopts a qualitative socio-legal research design, integrating doctrinal legal analysis with empirical inquiry to examine the persistence of dice gambling practices in Medan. Rather than treating law solely as a system of normative prescriptions (law in the books), this approach conceptualizes law as a socially embedded institution whose effectiveness is shaped by patterns of enforcement, public perception, and legal culture (law in action). Within this framework, doctrinal analysis functions as a normative lens through which empirical findings are interpreted, particularly in relation to the prohibition of gambling under both Indonesian positive law and Islamic criminal law.

The study employs three analytical approaches. First, the statute approach is used to examine the Indonesian legal framework governing gambling, including the Criminal Code (KUHP), Law Number 7 of 1974 on the Control of Gambling, and Government Regulation Number 9 of 1981. Second, the conceptual approach is applied to analyze Islamic criminal law doctrines, particularly the concepts of *al-maysir* and *maqāṣid al-sharī'ah*, as normative-ethical frameworks relevant to the prohibition of gambling. Third, the case approach is utilized in a limited capacity to contextualize the phenomenon of dice gambling in Medan as a socially embedded practice in public urban spaces.

¹⁶ Taufiq Hidayatulloh dan Setya Wahyudi, "Efektivitas Penegakan Hukum Tindak Pidana Judi Online di Wilayah Tegal," *Jurnal Ilmu Hukum, Humaniora dan Politik* 5, no. 5 (2025): 4146–56.

¹⁷ Musa Musa et al., "The Role of Islamic Education in Raising Legal Awareness About Online Gambling in Jambi Province," *Jurnal Educative: Journal of Educational Studies* 9, no. 1 SE-Articles (Juni 2024): 1–13, <https://doi.org/10.30983/educative.v9i1.8462>.

The data consist of primary and secondary legal materials obtained through library research. Primary legal materials include statutory regulations as well as foundational Islamic legal sources, namely the Qur'an and Hadith, while secondary materials comprise scholarly books, journal articles, and academic commentaries. To complement doctrinal analysis, the study incorporates limited empirical insights derived from semi-structured interviews with selected informants. These interviews are not intended to generate generalizable findings but function as illustrative evidence to support the identification of patterns in social practice. All informants are anonymized using pseudonyms to ensure confidentiality and ethical compliance.

Data collection techniques include documentary analysis and semi-structured interviews. The data are analyzed qualitatively through iterative processes of data reduction, data display, and conclusion drawing. The validity of the analysis is strengthened through methodological triangulation, namely systematic comparison between normative legal texts and empirically observed social indications. This design enables a critical examination of the gap between law in the books and law in action in the context of dice gambling practices in Medan, while simultaneously constructing an analytical framework grounded in Islamic criminal law for more responsive and equitable law enforcement.

3. Results and Discussion

3.1. The Condition of Dice Gambling Practices in Medan

Dice-based gambling practices in Medan are no longer latent or concealed; rather, they have evolved into an overt and relatively organized socio-economic phenomenon operating within public spaces. Based on secondary documentation and supported by limited field indications, these activities are reported to occur in densely populated urban settings such as traditional markets, local festivals, and public entertainment events that function as arenas of everyday social interaction. Within this context, gambling extends beyond its classification as an illegal economic activity and has undergone a gradual process of social normalization, particularly among lower- and middle-income groups who increasingly frame it as a form of informal entertainment or opportunistic economic engagement.

Limited empirical insights derived from unstructured interviews further support this observed pattern. An informant with direct observational proximity described the presence of dice gambling in market areas such as Pasar Lau Cih, operating through a speculative mechanism involving three modified containers.¹⁸ Participants place bets on selected containers, and correct predictions result in the operator doubling the wager. Another informant indicated that, in certain instances, these practices may involve manipulative arrangements, where operators often assisted by accomplices create distractions and

¹⁸ Informant 1, semi-structured interview by author, Medan, 1 November 2025 (pseudonym used)

covertly reposition game elements to influence outcomes and sustain betting activity.¹⁹ Although these accounts are limited in scope and not intended for statistical generalization, they function as illustrative empirical evidence suggesting both the visibility of the practice and a potentially asymmetric risk structure between operators and participants.

This phenomenon can be analytically understood through the concept of normalization of deviance, referring to a condition in which behaviors formally categorized as deviant gradually become normalized through repeated social exposure and routine interaction. In this case, gambling despite its clear legal prohibition appears to be increasingly perceived not as a serious legal violation, but as a collectively tolerated social practice. Such normalization does not occur solely at the cultural level, but is reinforced by weakened informal social control mechanisms, whereby the community's capacity to function as an effective agent of normative enforcement is gradually diminished, and in some instances, replaced by passive accommodation of deviant practices.

This normalization is further reinforced by symbolic spatial labeling within the local community. One widely cited example is the designation "Las Vegas Pasar 7," used to describe areas where gambling activities are perceived to operate openly and continuously within semi-public commercial spaces.²⁰ The emergence of such labels reflects not only the high visibility of gambling practices, but also the gradual social recognition of these spaces as routine sites of informal economic activity. In this sense, symbolic labeling functions as a form of informal place-branding that inadvertently contributes to the normalization of deviant spatial practices within the urban landscape.

Beyond its cultural and spatial dimensions, dice gambling is also closely embedded in the dynamics of the informal economy. These activities involve multiple actors, including operators, stall managers, and informal security figures, indicating the presence of an organized structure with discernible patterns of profit distribution and operational coordination. Within this configuration, gambling functions not only as a deviant practice, but also as an alternative economic strategy situated within conditions of urban precarity, where limited access to formal employment opportunities encourages reliance on speculative and high-risk income-generating activities.

At the same time, the persistence of these practices indicates patterns of uneven or selective law enforcement. Reports from local media and community accounts suggest that certain gambling locations operate with limited or inconsistent legal intervention,²¹ while others are subject to sporadic enforcement actions.²² Although such conditions cannot be conclusively attributed to institutional intent without further evidentiary support, they may indicate perceived inconsistencies in enforcement practices, thereby contributing to public perceptions of selective enforcement. This situation risks weakening public trust in legal

¹⁹ Informant 2, semi-structured interview by author, Medan, 2 November 2025 (pseudonym used).

²⁰ Radarindo, "Judi di Kota Medan Marak, Polisi Diminta Tertibkan 'Las Vegas Pasar 7.'"

²¹ Djoko, "35 Lokasi Judi di Medan Tak Tersentuh Hukum."

²² Husin, "Warga Curhat, Diduga Polsek Medan Tuntungan Pilih Kasih Berantas Judi."

institutions and fostering social apathy, where communities become increasingly disengaged from formal reporting or resistance mechanisms.²³

From a criminological perspective, the implications of dice gambling extend beyond individual behavior and affect broader social structures. These practices may contribute to social conflict, particularly in disputes over gambling outcomes, alleged cheating, or profit distribution, which in some cases can escalate into interpersonal tensions or localized violence.²⁴ Additionally, gambling-related financial losses may increase vulnerability to secondary forms of illegal coping behavior, such as theft or fraud, although such outcomes should be understood as contingent rather than deterministic consequences.

At the household level, gambling practices may contribute to patterns of family strain and disorganization, particularly when financial resources intended for basic needs are diverted into speculative activities. This condition may increase the risk of domestic conflict, neglect of dependents, and deterioration of household stability. Over time, repeated financial losses may also contribute to the reproduction of structural economic vulnerability, particularly in contexts where gambling becomes socially normalized and integrated into everyday economic survival strategies.

Taken together, dice gambling practices in Medan cannot be reduced to isolated acts of legal violation. Rather, they represent a socio-structural phenomenon shaped by the interaction of cultural normalization, economic pressures, informal economic organization, selective enforcement perceptions, and the gradual erosion of informal social control. This condition highlights a persistent disjunction between law in the books and law in action, thereby raising critical questions regarding the effectiveness of existing enforcement paradigms and underscoring the need for a more context-sensitive and structurally integrative regulatory approach.

3.2. Law Enforcement Analysis under Indonesian Positive Law

Within the framework of Indonesian positive law, gambling is unequivocally classified as a criminal offense subject to penal sanctions. This prohibition is codified in Article 303 of the Criminal Code (KUHP), which criminalizes participation in, organization of, or facilitation of gambling activities.²⁵ The regulatory framework is further reinforced by Law Number 7 of 1974 on the Control of Gambling and Government Regulation Number 9 of 1981, both of which mandate the state to implement preventive and repressive measures against all forms of gambling. From a doctrinal standpoint, these

²³ Kadek Setiawan, I Wayan Landrawan, and Ketut Sudiarmaka, "Upaya Kepolisian Dalam Penegakan Hukum Terhadap Pelaku Tindak Pidana Judi Online (Studi Kasus Di Polres Buleleng)," *Jurnal Ilmu Hukum Sui Generis* 3, no. 4 (2023): hlm. 194-203.

²⁴ I Putu Ady Sugita, La Niasa Faisal, dan Amir, "Penegakan Hukum Terhadap Pelaku Judi On Line (Suatu Studi Di Polres Konawe)," *Jurnal Sultra Law Review* 2, no. 2 (2020): 1073–89.

²⁵ Sari Mahyuni Sitorus dan Budi Sastra Panjaitan, "Penegakan Hukum Terhadap Tindak Pidana Perjudian Online Di Wilayah Polda Sumatera Utara Tahun 2021 – 2024," *JUNCTO: Jurnal Ilmiah Hukum* 7, no. 1 (2025): 153–61, <https://doi.org/10.31289/juncto.v7i1.6177>.

instruments collectively establish a clear and imperative legal foundation for the prohibition and suppression of gambling practices.²⁶

However, when this normative framework is juxtaposed with the empirical realities presented in Subsection 3.1, particularly the overt and socially normalized character of dice-based gambling practices in Medan, a persistent implementation gap becomes evident.²⁷ Despite the clarity and prohibitive nature of statutory provisions, gambling activities continue to operate openly within public and semi-public spaces such as traditional markets and community events. This condition indicates that formal legal norms do not automatically translate into effective enforcement outcomes, thereby revealing a structural disjunction between law in the books and law in action.

This disjunction is further reflected in patterns of uneven and inconsistent enforcement practices. As illustrated by the continued existence of certain gambling locations over extended periods, law enforcement responses tend to vary across contexts, appearing more situational than systematic. Such patterns may be analytically understood through the concept of selective enforcement, referring to the differential application of legal sanctions against similar violations. While available evidence does not allow for definitive attribution of institutional intent, the observable inconsistency in enforcement practices is indicative of structural and operational constraints, including resource limitations, discretionary decision-making, and localized socio-contextual factors that shape enforcement priorities.

Importantly, the implications of such enforcement inconsistency extend beyond procedural irregularities. From a socio-legal perspective, uneven enforcement may contribute to the formation of public perceptions regarding the partiality and unpredictability of legal institutions. When legal prohibitions are enforced selectively, the law risks being interpreted not as a coherent normative system, but as a contingent and negotiable mechanism. This perception may undermine institutional legitimacy and weaken the deterrent function of criminal law, thereby indirectly contributing to the persistence of gambling practices within the community.

Moreover, the effectiveness of law enforcement is closely influenced by the broader socio-cultural environment in which legal norms operate. As indicated in Subsection 3.1, the normalization of gambling within everyday social practices suggests that legal prohibitions have not been fully internalized as binding normative standards. In such contexts, legal compliance tends to be shaped more by situational considerations than by normative commitment. This condition limits the effectiveness of law enforcement, even when formal legal instruments are sufficiently robust.

The enforcement challenge is further compounded by the embeddedness of gambling within informal economic structures. Dice gambling in Medan involves

²⁶ Sitorus dan Panjaitan.

²⁷ Pandam Bayu Seto Aji dan Zain Arfin Utama, "Hukum Sebagai Kenyataan: Teori Sebagai Objek Studi dan Bahan Penelitian," *Al-Zayn: Jurnal Ilmu Sosial & Hukum* 3, no. 4 (2025): hlm. 3681-3694.

interconnected networks of operators, intermediaries, and supporting actors, forming a semi-structured economic system that sustains its continuity. This embeddedness complicates enforcement efforts, as legal interventions are not directed at isolated violations but at socially and economically interdependent practices. Consequently, law enforcement is confronted not only with legal non-compliance, but also with structural socio-economic conditions that reinforce the persistence of the phenomenon.

Taken together, the enforcement of gambling laws in Medan illustrates that the issue extends beyond normative adequacy to encompass institutional consistency, socio-cultural acceptance, and structural economic embeddedness. Although Indonesian positive law provides a strong doctrinal foundation for prohibition, its practical effectiveness remains contingent upon the alignment between legal norms, enforcement practices, and social realities. The persistence of dice gambling practices thus reflects a broader structural tension between law in the books and law in action, underscoring the need for an integrated enforcement framework that is not only legally coherent but also socially responsive and institutionally consistent.

3.3 Islamic Criminal Law Perspective on Dice Gambling

Within the framework of Islamic criminal law (*fiqh al-jināyah*), gambling (*al-maysir* or *al-qimār*) is unequivocally classified as a prohibited act due to its inherent elements of unlawful appropriation of wealth (*akl al-māl bi al-bāṭil*) and speculative gain detached from legitimate productive effort.²⁸ This prohibition is not merely doctrinal but is grounded in a broader socio-ethical rationale, as articulated in the Qur'an, particularly in Surah al-Mā'idah (5): 90–91, which characterizes gambling as a reprehensible act (*rijs*) that generates social hostility, moral degradation, and neglect of spiritual obligations.²⁹ Accordingly, the prohibition operates simultaneously at normative, moral, and social levels.³⁰

From a doctrinal standpoint, gambling is classified as a *jarīmah* within Islamic criminal law. Conceptually, *jarā'im* are generally divided into three principal categories: *ḥudūd* (fixed punishments prescribed by revelation, primarily associated with public interest and the rights of God),³¹ *qiṣās* (retaliatory sanctions addressing violations of

²⁸ H B Salamon, M Ebrahimi, dan K Yusoff, "Speculation: The Islamic perspective; a study on Al-Maisir (gambling)," *Mediterranean Journal of Social Sciences* 6, no. 1S1 (2015): 371–78, <https://doi.org/10.5901/mjss.2015.v6n1s1p371>.

²⁹ M Junaid et al., "Family Roles in Demoralization from an Tafsir Ahkam Perspective: A Framing Analysis of Online Gambling Coverage in Indonesia," *El-Usrah* 8, no. 2 (2025): 1232–53, <https://doi.org/10.22373/ujhk.v8i2.25049>.

³⁰ Hunafa Nafila, "Kajian Komparasi atas Tindakan Endorse (Promosi) Judi Online dalam Perspektif Hukum Pidana Positif dan Hukum Pidana Islam," in *Bandung Conference Series: Law Studies*, vol. 2, 2022, hlm. 183-188.

³¹ Calvin dan Noor Azizah, "Tinjauan Hukum Pidana Islam terhadap Parameter Pemidanaan Hukuman Mati dalam KUHP Nasional," *Mutawasith: Jurnal Hukum Islam* 7, no. 1 (2024): 17–39, <https://doi.org/https://doi.org/10.47971/mjhi.v7i1.923>.

individual rights),³² and ta'zīr (discretionary punishments).³³ However, gambling does not fall within either the ḥudūd or qiṣāṣ categories, as no explicit penal sanction is prescribed for it in the naṣṣ.³⁴ Consequently, the majority of jurists classify gambling as a ta'zīr offense, whereby the determination of punishment is delegated to the discretion of the competent authority (ulū al-amr), guided by considerations of public welfare (maṣlaḥah).³⁵ This classification carries significant implications in contemporary contexts, as it provides a flexible and adaptive legal framework capable of responding to evolving social phenomena, including the openly practiced dice gambling observed in Medan. More broadly, it reflects the non-retributive orientation of Islamic criminal law, which integrates repressive, preventive, and corrective dimensions in its approach to criminal justice.³⁶

When situated within the empirical context outlined in Subsection 3.1, dice gambling practices in Medan not only fulfill the definitional elements of al-maysir, but also exhibit aggravating characteristics associated with deception, including elements of gharar (uncertainty) and tadrīs (fraudulent manipulation). The use of modified gaming mechanisms and indications of coordinated manipulation by operators—as reflected in limited interview-based insights—suggest that these practices are not purely speculative but are structurally engineered to disadvantage participants. From an Islamic legal perspective, the coexistence of gambling and deception intensifies the gravity of the offense, as it entails both unjust enrichment and deliberate exploitation.³⁷

A maqāṣid al-sharī'ah analysis further elucidates the underlying rationale of this prohibition by linking it to the protection of fundamental human interests. First, gambling undermines ḥifz al-māl (the protection of property), as it facilitates the circulation of wealth through non-productive and speculative mechanisms, often resulting in financial instability at both individual and household levels.³⁸ This finding resonates with the socio-

³² M N Irfan, M Rosyid, dan M F Faiz, "MURDER BY TREACHERY IN ISLAMIC AND INDONESIAN CRIMINAL LAW," *Al-Risalah: Forum Kajian Hukum dan Sosial Kemasyarakatan* 25, no. 2 (2025): 164–81, <https://doi.org/10.30631/alrisalah.v25i2.2039>.

³³ W Naro et al., "Shariah assessment toward the prosecution of cybercrime in indonesia," *International Journal of Criminology and Sociology* 9 (2020): 572–86, <https://doi.org/10.6000/1929-4409.2020.09.56>.

³⁴ H Haydar Ali Tajuddin dan N Hussin, "Islamic Criminal Law," in *Islamic Law in Malaysia: The Challenges of Implementation*, 2021, 29–42, https://doi.org/10.1007/978-981-33-6187-4_4.

³⁵ Z A A Harahap, "Reconstruction of Online Gambling Sanctions in Indonesia: A Comparative Analysis of Ta'zir Sanctions and Penalties of the Electronic Information and Transaction Law," *Al-Istinbath: Jurnal Hukum Islam* 10, no. 1 (2025): 130–53, <https://doi.org/10.29240/jhi.v10i1.11314>; M. Ibnu Qodri dan Zaid Alfauza Marpaung, "Tinjauan Hukum Pidana Islam Terhadap Penambangan Pasir Ilegal Untuk Bahan Pembangunan Proyek Di Pasaman Barat," *Ranah Research: Journal of Multidisciplinary Research and Development* 6, no. 5 (2024): 2027–40, <https://doi.org/10.38035/rj.v6i5.1110>.

³⁶ A A Tarigan, "Ta'zir dan Kewenangan Pemerintah dalam Penerapannya," *Ahkam: Jurnal Ilmu Syariah* 17, no. 1 (2017): 153–70, <https://doi.org/10.15408/AJIS.V17I1.6223>.

³⁷ K A S Munawar et al., "Reversed Burden of Proof in Online Gambling Fraud: Consumer Protection Based on Islamic Law in West Java," *Jurnal Hukum Bisnis Bonum Commune* 8, no. 2 (2025): 243–61, <https://doi.org/10.30996/jhbbc.v8i2.12886>.

³⁸ S Kunhibava, "Reasons on the Similarity of Objections with Regards to Gambling and Speculation in Islamic Finance and Conventional Finance," *Journal of Gambling Studies* 27, no. 1 (2011): 1–13, <https://doi.org/10.1007/s10899-010-9201-5>.

economic patterns identified in Subsection 3.1, where gambling operates as an informal redistributive system devoid of productive value. Second, gambling disrupts *ḥifẓ al-dīn* (the protection of religion), as it fosters behavioral patterns that distance individuals from spiritual discipline and ethical accountability,³⁹ contributing to the normalization of conduct that is formally prohibited.⁴⁰

Beyond these dimensions, gambling also implicates *ḥifẓ al-‘aql* (the protection of intellect) and *ḥifẓ al-nasl* (the protection of family and lineage), particularly where it generates addiction-like behavior, social conflict, and domestic instability.⁴¹ As previously discussed, gambling-related disputes, financial distress, and coercive pressures may escalate into broader forms of social disorganization, thereby extending its impact beyond individual misconduct to structural societal harm.

The *maqāṣid al-sharī‘ah* approach also provides an evaluative framework for examining the gaps in law enforcement identified in Subsection 3.2. The persistence of gambling practices despite explicit legal prohibitions indicates that enforcement strategies relying solely on formal legal mechanisms have failed to address the underlying social, economic, and cultural drivers of such activities. This observation is consistent with contemporary empirical findings demonstrating that gambling harm prevention interventions tend to be ineffective when they predominantly emphasize individual responsibility, while system-level measures are often weakened by economic and institutional interests (Selin and Kauppila 2026).⁴² In this context, Islamic criminal law does not merely impose normative prohibitions but advances a more comprehensive approach through preventive and corrective strategies, including moral education, the reinforcement of social norms, and economic interventions, in line with the objectives of *maqāṣid al-sharī‘ah* to safeguard public welfare and prevent systemic harm.⁴³

In this regard, the concept of *ta‘zīr* offers a normative foundation for developing context-sensitive enforcement models that extend beyond punitive sanctions. Rather than relying solely on deterrence, *ta‘zīr* enables the incorporation of proportional penalties, rehabilitative measures, and community-based interventions tailored to the specific nature and impact of the offense. Applied to the context of Medan, such an approach may involve

³⁹ Lina Nur Anisa, “Judi online dalam perspektif maqashid syariah,” *Journal of Islamic Business Management Studies (JIBMS)* 5, no. 1 (2024): hlm. 1-21.

⁴⁰ B M Williams et al., “Protective Action and Risky Beliefs: The Relationship Between Religion and Gambling Fallacies,” *Journal of Gambling Studies* 38, no. 1 (2022): 253–63, <https://doi.org/10.1007/s10899-021-10028-z>.

⁴¹ K Spence et al., “Negative and positive mental health characteristics of affected family members: Findings from a cross-sectional Australian general population gambling study,” *Addictive Behaviors* 155 (2024), <https://doi.org/10.1016/j.addbeh.2024.107998>; D Koompah, E Teye-Kwadjo, dan I A Kretchy, “Problem Gambling and Suicidal Behaviours in Young Adult men in Ghana: A Moderated Mediation Model of Psychological Distress and Social Support,” *Journal of Gambling Studies*, *Journal of Gambling Studies* 40, no. 3 (2024): 1189–1207, <https://doi.org/10.1007/s10899-024-10305-7>.

⁴² J Selin dan L Kauppila, “Context matters: A meta-ethnography investigating barriers and facilitators for the effective implementation of gambling harm prevention and reduction policies,” *PLOS ONE* 21, no. 2 February (2026), <https://doi.org/10.1371/journal.pone.0343595>.

⁴³ Adnin Yusuf dan Mari’e Mahfudz Harahap, “Formulasi Tindak Pidana Siber Menggunakan Malware Menurut Hukum Pidana Islam,” *PUSKAPSI Law Review* 5, no. 1 (2025): 247–62.

not only the prosecution of gambling operators but also targeted efforts to reduce social tolerance, disrupt informal economic networks, and address structural vulnerabilities that sustain the practice.

Classical Islamic thought further reinforces this normative construction. Al-Ghazali, for instance, asserts that any activity predicated upon speculative gain and loss, where participants are inevitably exposed to the possibility of profit or loss, carries an inherent potential to generate social conflict and moral degradation, and therefore ought to be avoided. Within a broader framework, his economic thought does not conceive economic activity as a purely material pursuit, but rather as an ethical and spiritual practice oriented toward the realization of *maṣlaḥah* (public welfare) and moral equilibrium.⁴⁴

This perspective is consistent with contemporary exegetical constructions, particularly as reflected in *Tafsīr al-Muyassar*, which conceptualize gambling as any form of competitive engagement involving reciprocal stakes, irrespective of their magnitude.⁴⁵ From this standpoint, the essence of gambling lies in a mechanism of risk-based wealth transfer detached from legitimate productive effort, thereby creating conditions conducive to exploitation and structural injustice. Furthermore, both classical scholarship and exegetical literature emphasize that, although gambling may yield short-term economic gains, its detrimental consequences, affecting religion, intellect, and property, substantially outweigh any perceived benefits.⁴⁶ This line of reasoning ultimately affirms a foundational principle in Islamic law, namely the prioritization of harm prevention (*dar' al-mafسادah*) over the acquisition of benefit (*jalb al-maṣlaḥah*).⁴⁷

Taken together, the Islamic criminal law perspective demonstrates that dice gambling cannot be reduced to an issue of individual deviance, but must be understood as a structurally embedded phenomenon with significant moral, economic, and social implications. The prohibition of gambling in Islam is therefore inherently preventive and protective in nature, aimed at preserving social equilibrium, safeguarding economic justice, and maintaining ethical integrity within society.

Accordingly, this perspective reinforces the argument that effective regulation of gambling requires more than formal legal prohibition. It necessitates an integrated framework that aligns normative values, institutional enforcement, and social awareness. Without such alignment, legal and religious prohibitions risk remaining abstract

⁴⁴ “Revisiting Al-Ghazali’s Thought: Contemporary Integration of Islamic Spirituality and Economics for Community Development,” *Nusantara: Journal of Law Studies* 3, no. 1 (2024): 36–55, <https://doi.org/10.5281/zenodo.17373640>.

⁴⁵ Shālih bin ‘Abd al-‘Azīz Ālu Al-Syaikh, *Tafsīr al-Muyassar, Jilid 1* (Madinah al-Munawwarah: Mujamma’ al-Malik Fahd li Ṭibā‘at al-Muṣhaf al-Syarīf, n.d.).

⁴⁶ A Gunadi dan E T Putra, “THE PROHIBITION OF ONLINE GAMBLING IN INDONESIA: A LAW AND ECONOMIC ANALYSIS,” *Indonesia Law Review* 14, no. 2 (2024): 1–22, <https://doi.org/10.15742/ilrev.v14n2.1>.

⁴⁷ E Solehudin, M Mudzakkir, dan H Ahyani, “Learning from Malaysia’s Progressive Islamic Law Framework on Online Gambling: Insights for Indonesia,” *Al-Ihkam: Jurnal Hukum dan Pranata Sosial* 20 (2025): 1–27, <https://doi.org/10.19105/al-lhkam.v20i1.14897>.

prescriptions, while gambling persists as a normalized and socially embedded practice within everyday life.

3.4 Law Enforcement Solutions within the Framework of Islamic Criminal Law: Toward a Maqāṣid-Based Integrative Model

Within the framework of Islamic criminal law, the regulation of gambling cannot be reduced to the mere imposition of sanctions, but must be situated within a broader systemic effort to preserve social welfare and public interest (*ḥifẓ al-maqāṣid*). As demonstrated in Subsection 3.3, the classification of gambling as a *taʿzīr* offense provides the state with discretionary authority to formulate enforcement strategies that are adaptive, context-sensitive, and oriented toward social reform. Accordingly, the regulation of dice-based gambling practices in Medan requires an integrative approach that extends beyond punitive intervention to address the structural conditions sustaining its persistence.

First, at the normative-institutional level, strengthening the consistency of law enforcement is essential to overcoming the pattern of selective enforcement identified in Subsection 3.2. Within the *taʿzīr* framework, discretionary authority must be exercised within the bounds of accountability and justice, ensuring that enforcement is systematic, sustained, and non-discriminatory rather than sporadic.⁴⁸ Such consistency is critical not only for restoring the deterrent function of law but also for reinforcing public trust in legal institutions.

Second, at the socio-cultural level, enforcement strategies must directly address the normalization of deviance that characterizes the persistence of gambling practices in everyday social settings. Islamic criminal law emphasizes the importance of normative internalization through educational and persuasive approaches, including context-sensitive religious engagement that links doctrinal prohibitions with their tangible socio-economic consequences.⁴⁹ This approach is essential for transforming compliance from an instrumental response to legal sanctions into a form of normative adherence grounded in moral awareness, thereby restoring the social legitimacy of law.

Third, at the economic-structural level, effective intervention must engage with the underlying drivers that sustain gambling practices. As discussed in Subsection 3.1, dice gambling operates within informal economic networks that provide material incentives for participation. From a *maqāṣid al-sharīʿah* perspective - particularly the protection of property (*ḥifẓ al-māl*) - the state bears responsibility for ensuring that economic systems function in a fair and productive manner.⁵⁰ Consequently, law enforcement efforts should be integrated with broader socio-economic policies, including livelihood diversification,

⁴⁸ T Hajipour, "Statutory Discretionary Punishments (*Taʿzīrat al-Mansus al-Sharʿi*) in the Iranian Criminal Justice System," *Scientific Work* 20, no. 1 (2026): 31–39, <https://doi.org/10.36719/2663-4619/125/31-39>.

⁴⁹ M A Masuwd, "Shariah in Action: Assessing the Impact of Jinayat Law on Social Order in Aceh," *Justicia Islamica* 22, no. 1 (2025): 159–84, <https://doi.org/10.21154/justicia.v22i1.9913>.

⁵⁰ Agus Riwanto et al., "Realizing Welfare State and Social Justice : A Perspective on Islamic Law," *Volksgeist: Jurnal Ilmu Hukum dan Konstitusi* 5, no. 1 (2022): 41–51, <https://doi.org/10.24090/volksgeist.v5i1.6430>.

microeconomic empowerment, and targeted social interventions aimed at reducing structural dependency on gambling-related income.⁵¹

Fourth, within the operational framework of ta‘zīr, sanctioning mechanisms must reflect principles of proportionality and reform-oriented justice (iṣlāḥ).⁵² Sanctions should not be confined to punitive measures such as imprisonment, but may incorporate a calibrated combination of financial penalties, community service, confiscation of gambling instruments, and mandatory participation in moral and social rehabilitation programs. This approach underscores the non-retributive orientation of Islamic criminal law, in which the primary objective of punishment is not merely deterrence, but also prevention and social reintegration.⁵³

Fifth, the dimension of institutional governance and accountability constitutes a foundational prerequisite for effective law enforcement. The indications of tolerance and potential conflicts of interest identified in Subsection 3.2 highlight that enforcement challenges are not solely normative but also institutional. Within the ethical framework of Islamic governance, the exercise of ta‘zīr authority entails a moral obligation to uphold justice with integrity and impartiality.⁵⁴ Accordingly, strengthening oversight mechanisms, ensuring procedural transparency, and enabling public participation in social control are essential measures to prevent abuse of authority and reinforce institutional credibility.

Taken together, these dimensions suggest that law enforcement solutions to dice gambling cannot be approached as isolated interventions, but must be conceptualized as an integrative model that aligns normative, socio-cultural, economic, and institutional elements within a coherent policy framework. This model demonstrates that the effectiveness of law is not determined solely by the strength of its formal provisions, but by its capacity to engage with social realities in an adaptive and responsive manner. In this regard, Islamic criminal law - through its maqāṣid-oriented and ta‘zīr-based approach - offers a holistic paradigm of law enforcement that transcends prohibition and prioritizes social transformation as its ultimate objective.

4. Conclusion

This study demonstrates that the enforcement of laws against dice-based gambling in Medan faces significant structural challenges. Although gambling is explicitly prohibited under Indonesian positive law—particularly Article 303 of the Criminal Code, Law Number 7 of 1974, and Government Regulation Number 9 of 1981—empirical

⁵¹ Selin dan Kauppila, “Context matters: A meta-ethnography investigating barriers and facilitators for the effective implementation of gambling harm prevention and reduction policies.”

⁵² J Sriwidodo, “Ensuring Restorative Justice Through Penal Mediation in Indonesia: An Examination from the Perspective of Iṣlāḥ (Reformation) in Islamic Criminal Law,” *Manchester Journal of Transnational Islamic Law and Practice* 20, no. 3 (2024): 45–57.

⁵³ A M Al-Shaeer dan M.T.S.H. Mohammad, “The Role of Positive and Shari’ah Non-Custodial Sanctions in Addressing Prisoners’ Problems: An Analytical Study,” *Global Journal Al-Thaqafah* 14, no. 2 (2024): 302–16, <https://doi.org/10.7187/GJAT122024-19>.

⁵⁴ Tarigan, “Ta‘zīr dan Kewenangan Pemerintah dalam Penerapannya.”

findings reveal a persistent gap between law in the books and law in action. Gambling practices continue to operate openly and have undergone a process of social normalization, reinforced by patterns of inconsistent enforcement. These findings indicate that the core issue does not lie in the inadequacy of legal norms, but rather in the interaction between legal, socio-cultural, and institutional factors that shape the effectiveness of law enforcement. From the perspective of Islamic criminal law, gambling (al-maysir) is regarded as a practice that contradicts the fundamental objectives of the Sharī'ah (maqāṣid al-sharī'ah), particularly the protection of property and religion. The concept of ta'zīr provides a flexible and context-sensitive normative framework, enabling the formulation of enforcement strategies that are not only punitive, but also preventive, educational, and reform-oriented. Accordingly, this study highlights the importance of a maqāṣid-based integrative model of law enforcement that aligns normative principles, institutional practices, and socio-economic interventions. Academically, the study contributes to the advancement of socio-legal scholarship by integrating positive law and Islamic criminal law within a unified analytical framework, while offering a conceptual foundation for more responsive and context-sensitive law enforcement policies.

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