



Criminal Liability for Online Gambling Promotion Perpetrators Through Sports Streaming Services According to Islamic Criminal Law

Nanda Bagus Sumantoro¹, Abd. Mukhsin²

^{1,2}Faculty of Sharia and Law, State Islamic University of North Sumatra, Medan, Indonesia

Abstract: This article discusses the criminal responsibility of individuals promoting online gambling through sports streaming services according to Islamic criminal law and positive law in Indonesia. The background of the problem includes the obligation of streaming service providers to monitor and control promotional content that violates the law and the criminal liabilities that may be imposed on them. The aim of this study is to analyze the mechanisms of content monitoring and control in both positive law and Islamic law, and compare them with regulations in other countries. The method used includes literature review and case analysis. The results indicate that Islamic criminal law prohibits gambling with severe penalties for both perpetrators and facilitators, while Indonesian positive law through the Penal Code and the ITE Law also prohibits online gambling promotion, requiring platform providers to moderate content. However, legal implementation faces technical challenges in detection and enforcement. In conclusion, there is a need for enhanced monitoring systems and stricter law enforcement, along with closer collaboration between service providers and legal authorities to effectively prevent online gambling promotion.

Keywords: Islamic Criminal Law, Indonesian Positive Law, Islamic Criminal Law, Online Gambling Promotion.

1. Introduction

The rise of online gambling promotions has become a serious concern in recent years. One of the media often used for this promotion is sports streaming services. (A'dam, nd), (Siregar, 2021). The service is increasingly popular and often becomes a means of spreading illegal content, including the promotion of online gambling. In the context of Islamic criminal law, gambling is an act that is strictly prohibited and perpetrators can be subject to severe sanctions. (JINAYAH, 2016), (Berutu, 2019). However, the reality on the ground shows that many sports streaming service providers have not fully complied with the applicable regulations. (Ananda, 2020) (Miska Irani Br Tarigan, La Diu Samiu, & Mohamad Sajili, 2024).

In this research, a case study was conducted on Facebook, a very popular social media platform and widely used for sports streaming. Facebook has become one of the main platforms where online gambling promotions are disseminated. (Zein, 2019), (In, Ainia, & Prakoso, 2023). Such promotional content often appears in the form of advertising or sponsorship during live sports broadcasts. This raises fundamental questions about the responsibility of streaming service providers, such as Facebook, to police and control unlawful content. (Khairunisa, 2023), (Ginting et al., 2021).

It is important to note that Facebook has a policy prohibiting the promotion of gambling, but the implementation and monitoring of this policy remains a challenge. Although Facebook has automated detection systems and a team of moderators to monitor content, there are still many users of the app who live stream sports to promote online gambling that still slip through and appear on the platform. (Munir, 2023), (Nindita & Umasugi, 2022). This creates a gap between existing policies and practices in the field. (Rachmawati, Mulyono, & Maryani, 2024), (Anastasia, Nurohman, Zaidan, & Mubarok, 2024).

Correspondence:

Name: Nanda Bagus Sumantoro

Email: nandabagussumantoro@uinsu.ac.id

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The question that arises is how Islamic criminal law regulates the accountability and sanctions for perpetrators of online gambling promotion through sports streaming services. This aspect includes an assessment of the intentions and actions of the perpetrators, as well as the impact of the promotion on society. (Simatupang, 2018), (Angela, 2023). In addition, the classification of online gambling promotion actions is also a major focus, where Islamic criminal law needs to identify whether such actions fall into the category of *maysir* (gambling) which is prohibited. (Arisa, 2022), (Arisetyanto, 2023). Therefore, it is important to explore how Islamic law assesses and responds to the promotion of online gambling in the modern context as well as the role of sanctions in maintaining moral and ethical values in society. (Zubair, 2023), (Bahtiar Efendi et al., 2024).

The purpose of this study is to identify the criminal liability of sports streaming service providers in the context of online gambling promotion, analyze the mechanisms for monitoring and controlling unlawful content, and outline the criminal liability of sports streaming service providers according to Islamic criminal law. (Agustina, 2023), (Miska Irani Br Tarigan et al., 2024). Through this research, it is expected to provide a clear and comprehensive picture of the legal responsibilities that must be borne by sports streaming service providers and the steps that need to be taken to comply with applicable regulations, especially from the perspective of Islamic criminal law. (Superani, nd), (Ananda, 2020).

2. Materials and Methods

This research is a normative legal research that focuses on the analysis of Islamic legal norms related to criminal liability and sanctions for perpetrators of online gambling promotion through sports streaming services. The approaches used include conceptual approaches and approaches to relevant laws and regulations in Islamic law. This study aims to understand and explore how Islamic law classifies and punishes online gambling promotion actions in a modern context.

The subject of the study is Islamic criminal law, which is sourced from the Qur'an, Hadith, *ijma'* (consensus of scholars), and *qiyas* (analogy). This study also involves an analysis of various opinions of contemporary scholars that are relevant to the issue of online gambling promotion. The data collected mainly comes from literature studies, including Islamic law books, academic journals, articles, and books that discuss Islamic criminal law and the issue of online gambling promotion.

The research procedure begins with the identification and collection of relevant primary and secondary legal sources. Next, the texts are analyzed to identify how Islamic criminal law regulates the accountability and sanctions for online gambling promoters. This analysis is carried out through legal interpretation based on the principles contained in the Qur'an and Hadith, as well as an assessment of various opinions of scholars.

The analysis technique used is descriptive-analytical, which allows researchers to describe in depth how Islamic criminal law regulates this issue and provide recommendations regarding its application in a modern context. This study also considers social, cultural, and technological aspects that influence the application of Islamic criminal law, especially related to the development of information technology that changes the way illicit activities such as gambling are promoted and disseminated through digital media.

3. Results and Discussion

In the results section of this study, data is analyzed regarding audience responses to online gambling promotions that appear during live football match broadcasts. This study aims to identify patterns of audience engagement with these promotions, especially through the number of respondents who provide responses in the comments column. Data collected from several matches between January and May 2024 show significant variations in the number of viewers and respondents, reflecting the potential influence of gambling promotions on a wider audience.

| Date | Match | Running Time | Viewer | Respondents |
|-------------------|---|--------------|--------|-------------|
| January 15, 2024 | Indonesia vs Thailand | 1h35M | 1600 | 24 |
| January 22, 2024 | Vietnam vs Indonesia | 1h40M | 1000 | 39 |
| February 10, 2024 | Indonesia vs Japan | 1h45M | 1200 | 18 |
| February 24, 2024 | Indonesia vs Australia | 1h30M | 1100 | 30 |
| March 2, 2024 | Manchester United vs Manchester City | 1h45M | 2200 | 52 |
| March 10, 2024 | Atlético Madrid vs Real Madrid | 1h45M | 2000 | 45 |
| April 13, 2024 | Manchester United vs Chelsea | 1h50M | 1000 | 41 |
| April 21, 2024 | Atlético Madrid vs Real Madrid | 1h50M | 2100 | 87 |
| May 4, 2024 | Chelsea vs Manchester City | 1h40M | 1000 | 39 |
| May 5, 2024 | Barcelona vs Real Madrid | 1h50M | 1,3000 | 61 |

The table above shows that online gambling promotions through football streaming services have their own appeal to viewers, as evidenced by the number of respondents who responded to online gambling advertisements in the comments column during the match. Based on data from several matches analyzed between January and May 2024, the number of respondents varied depending on the popularity of the match and the number of viewers. For example, in the Manchester United vs Manchester City match (March 2, 2024), with 2,200 viewers, there were 52 respondents who responded to online gambling promotions, while in the Atlético Madrid vs Real Madrid match (April 21, 2024), with 2,100 viewers, there were 87 respondents.

Overall, matches involving major football clubs tend to have more viewers and respondents, indicating a significant influence of major events in drawing attention to illegal promotions. These results are important material in looking at the aspect of criminal responsibility for online gambling promoters in Islamic criminal law, which emphasizes a strict prohibition on gambling activities and their distribution, including through digital media such as sports streaming services. This study provides an empirical basis for understanding the effectiveness of such promotions and the importance of stricter regulation of advertisements that violate Islamic law (Anzward et al., 2023).

3.1 Discussion

The Concept of Criminal Responsibility in Islamic Criminal Law

a. Definition of Criminal Responsibility (Al-Mas'uliyah Al-Jina'iyah)

Criminal liability in Islamic criminal law, or known as al-mas'uliyah al-jina'iyah, refers to an individual's obligation to be accountable for actions that have been committed that violate Islamic criminal law norms. This definition includes the understanding that every individual who commits a crime will be held accountable both in this world and in the hereafter.

In the context of Islamic criminal law, criminal responsibility has several important aspects: (a) Individuality: Every person is responsible for his own actions, without any transfer of responsibility to others. (b) Moral Quality: This responsibility is not only related to the actions taken but also to the intention behind the action. In Islam, intention (niyyah) is a fundamental aspect that influences the value and punishment of an action.

(c) Justice: Islamic law emphasizes justice in law enforcement, where everyone has the right to be tried fairly and proportionally based on his actions. (d) Basic Principles of Criminal Responsibility in Islamic Criminal Law

Criminal responsibility in Islamic criminal law is based on several basic principles, including:

1) Intention (Mens Rea)

Intention in the context of Islamic law refers to a person's desire or will to carry out an action. Intention is very important because in Islam, an action cannot be considered legitimate or sinful without a clear intention. Some things that need to be understood regarding intention in Islamic law are: (a) Intention as a Prerequisite: Intention is considered a prerequisite for making an action a crime. For example, in the case of murder, if a person does not have the intention to kill (as in the case of involuntary manslaughter), then his criminal responsibility will be different compared to someone who intentionally commits murder. (b) Differentiation of Actions: In Islam, intention also serves to distinguish between legitimate and illegitimate actions. Actions carried out with good intentions can be considered as charity, while the same action with bad intentions will be considered a sin (Permana & Saefudin, 2023).

2) Actus Reus

Actus reus in Islamic criminal law refers to a physical act committed by an individual that results in a violation of the law. This includes: (a) Physical Involvement: The act committed must be identifiable and provable. Without the act, there is no criminal liability. For example, if a person plans to commit a crime but does not take the actual action, there is no criminal liability. (b) Impact of the Act: The actual act must have clear consequences. For example, if a person steals, the act of stealing must result in harm to another party. In this context, Islamic law takes the consequences of the act seriously and provides appropriate sanctions.

b. The Relationship Between Intention and Action

In Islamic criminal law, the relationship between intention and action is crucial. Both must be present to establish criminal responsibility. Without intention, an action cannot be categorized as a legitimate offense. For example: (a) Example of Murder: If a person kills another person with a clear intention to kill, then he can be sentenced to death. However, if he commits murder without intention, for example due to negligence, the punishment will be different. (b) Example of Theft: Theft committed with clear intention and action, such as taking someone else's belongings intentionally, will be subject to a heavier punishment compared to someone who takes things with good intentions but without understanding the consequences.

The concept of criminal responsibility in Islamic criminal law emphasizes the individual as a legal subject who is responsible for his actions, where intention and actual action are two inseparable elements. Understanding these two principles is essential to uphold justice and maintain legal norms in Muslim society. Through clear regulations regarding criminal responsibility, Islamic criminal law seeks to create order and encourage good behavior among individuals (Suriani, et al., 2024).

3.2 Classification of Online Gambling Promotion Violations as Prohibited Acts

Gambling, in the context of Islamic law, is known as maysir, which literally means obtaining something in an unlawful way. In the Qur'an, maysir is strictly prohibited. One of the verses that is often referred to is Surah Al-Ma'idah (5:90), which reads:

فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ love God willing يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ

"O you who believe, indeed, drinking alcohol, gambling, (sacrificing to) idols, and drawing lots of fortunes are dirty (unclean) and belong to the actions of Satan. So stay away from these actions so that you will be lucky."

In this context, gambling is considered a source of harm, both for individuals and society.

In addition to the Qur'an, the hadith also provides confirmation regarding gambling. The Messenger of Allah SAW said, "Whoever gambles, it is as if he dipped his hand in the flesh and blood of pigs." This hadith illustrates how serious Islam's view is towards gambling, which is considered a despicable and dangerous act. The criteria for gambling include activities involving bets or games that result in profit for one party and loss for the other, without any justice in the process.

Online gambling promotion can be classified as part of *maysir*, considering that this action supports and encourages the practice of gambling which has been prohibited. Gambling promotion means disseminating information that invites or persuades others to engage in gambling activities. In this context, the act of promotion is not only directly supporting gambling, but also becomes part of activities that damage the morals and integrity of society.

Promotion of gambling can also be seen as a form of collaboration in sinful acts, which is prohibited in Islam. In Surah Al-Ma'idah (5:2), Allah says, "And help you in (virtue and piety), and do not help you in sins and transgressions." Thus, promoting gambling not only violates the basic principles contained in the Koran and hadith, but also goes against the moral values held in Muslim society.

In the modern context, especially with the presence of digital media, many scholars pay more attention to the issue of online gambling promotion. Their opinions vary, but generally emphasize the dangers and negative impacts caused by gambling promotion (Prayitno et al., 2024).

Some scholars argue that online gambling promotion should be taken more seriously due to its higher accessibility. In an increasingly digitally connected society, this promotion can reach a wider audience and include people who may not have been exposed to gambling before. Therefore, this action can be considered a form of spreading slander and social harm.

However, there are also more moderate opinions that take into account the cultural and economic context. Some scholars argue that to combat the negative effects of gambling, educational and preventive approaches are more effective than strict prohibitions. They suggest increasing public awareness of the dangers of gambling and providing better alternatives to avoid gambling.

However, despite the variation in the opinions of scholars, the majority agree that promoting gambling, whether through traditional or digital media, remains a prohibited act. They believe that anything that supports prohibited activities and has the potential to damage public morals must be avoided and fought.

Online gambling promotion, based on the definition and criteria contained in the Qur'an and hadith, falls into the category of *maysir* and is a prohibited act in Islam. Considering the negative impacts of this promotion, both on individuals and society, it becomes clear that such actions not only violate the basic principles of Islam but can also damage the social order. In dealing with this issue, a holistic approach, including education, prevention, and strict law enforcement, is essential to maintain the morality and welfare of society (Bakhtiar & Adilah, 2024).

3.3 Types of Sanctions Applied

In Islamic criminal law, sanctions can be grouped into three main categories: *hadd*, *ta'zir*, and *kaffarah*. Each category has different characteristics and applications. *Hadd* is a sanction that is clearly specified in the Qur'an and hadith for certain violations that are considered serious, such as theft, adultery, and drinking alcohol. This sanction is permanent and cannot be changed, so that its enforcement is expected to provide a deterrent effect on violators and society. Examples of *hadd* sanctions include cutting off hands for thieves or stoning for adultery (Ghazali, 2018).

Ta'zir is a sanction that is not explicitly specified in Islamic legal sources. Instead, *ta'zir* gives the judge the discretion to determine the type and level of punishment based on the context, nature of the offense, and the circumstances of the perpetrator. *Ta'zir* is used for offenses that do not fall into the category of *hadd*, such as fraud or ethical viola-

tions. Ta'zir sanctions can be in the form of fines, imprisonment, or rehabilitation measures.

Kaffarah is a sanction related to eliminating sins or mistakes through certain actions. Kaffarah is usually applied in the context of ritual or religious violations, such as fasting or giving alms. For example, someone who breaks their fast in the month of Ramadan without a valid reason is required to pay kaffarah by fasting for two consecutive months or feeding a number of poor people (Al-Azhar, 2017).

a. Discussion on the Right Type of Sanctions for Online Gambling Promoters

Online gambling promoters can be categorized in the context of Islamic criminal law sanctions, and the appropriate sanctions for this action need to be carefully considered. Given that gambling promotion directly supports prohibited practices, the sanctions imposed may be closer to the category of ta'zir. This is because there are no hadd provisions that directly regulate gambling promotion actions, so judges have the freedom to determine appropriate sanctions (Yuhasnibar & Wati, 2022).

Possible sanctions for online gambling promoters may include fines, imprisonment, or rehabilitation measures. In the digital context, perpetrators may be subject to more severe sanctions if they are proven to have carried out promotions massively and repeatedly, indicating that their actions have the potential to damage public morals and expand the reach of gambling among the younger generation.

The sanctions given must also consider the prevention and education aspects. For example, the perpetrators can be required to participate in educational programs on the negative impacts of gambling and how to avoid them, as well as conducting public awareness campaigns.

b. Examples of Cases or Precedents (rules) in Islamic Criminal Law Regarding Sanctions for Perpetrators Who Promote Prohibited Activities

Although there is no specific precedent in the history of Islamic criminal law that directly addresses the promotion of online gambling, there are several cases that are relevant in the context of promoting illicit activities. For example, in some contexts where gambling or other illicit activities are promoted, the perpetrators may be subject to sanctions based on the principle of ta'zir.

One relevant example is the case of law enforcement against drug offenders or the distribution of other illicit goods. In several decisions, judges impose sanctions on individuals involved in the promotion or distribution of these illicit goods, even though they are not the direct perpetrators of the crime. The sanctions given vary, from imprisonment to significant fines, depending on the impact and scale of the promotional activities (Darmawan, 2023).

In some countries with stricter implementation of Islamic criminal law, the act of promoting gambling through advertising or social media can result in the parties concerned being subject to administrative or criminal sanctions, such as revocation of business licenses or imprisonment. This shows that the Islamic criminal law system, although it does not have a specific precedent for online gambling, remains adaptive and responsive to the challenges of the times.

The grouping of sanctions in Islamic criminal law includes hadd, ta'zir, and kaffarah, where each type of sanction has a different application according to the characteristics of the violation. For perpetrators of online gambling promotion, the appropriate sanction will most likely be in the ta'zir category, given the absence of specific hadd provisions. This sanction must be chosen carefully, considering the social and moral context of the community, as well as the expected deterrent effect. Although there is no direct precedent governing online gambling promotion, the principles of Islamic criminal law can be applied to deal with this prohibited act effectively.

3.4 Implementation of Islamic Criminal Law in a Modern Context.

The application of Islamic criminal law in a modern context, especially in cases involving technology such as sports streaming services, faces several challenges. One of the main challenges is the changing way people access information and entertainment. In the digital age, many activities that were previously easily monitored now take place online, often anonymously. This makes it difficult to enforce illicit acts such as online gambling and gambling promotions hidden behind streaming services.

Another challenge is the complexity of the law. Islamic criminal law has profound and very specific principles related to gambling (*maysir*). However, the application of these principles in a modern context, such as in the digital environment and streaming platforms, often requires more flexible interpretation. For example, how do you determine whether a streaming service directly promotes gambling, or whether the advertisements appearing on the platform meet the criteria for promoting gambling?

The internationalization and cross-border regulation aspects are also challenges. Sports streaming services often operate in different countries with different laws. This makes it difficult to enforce local Islamic criminal law. For example, if a streaming service operates in a country that does not apply Islamic law, how can it enforce the law against perpetrators outside the jurisdiction?

Furthermore, there are social and cultural challenges. The younger generation today is more open to the use of technology and may view gambling as a less harmful activity, even though it is clearly prohibited from an Islamic perspective. Educating the public about the negative impacts of gambling in this new form is a challenge in itself.

In addressing these challenges, the role of government and religious authorities is very important. The government has a responsibility to establish and enforce clear regulations regarding gambling activities and online gambling promotions. This includes strict regulation of digital platforms operating in their territory. For example, the government can create policies that prohibit gambling advertisements on digital media, as well as impose sanctions on service providers who violate these provisions (Ali & Kholiq, 2023).

In addition, the government needs to work with internet service providers and digital platforms to monitor and take action against content that promotes gambling. With this cooperation, violations of the law related to gambling can be detected and handled more quickly.

Religious authorities also have an important role in providing education and understanding of Islamic criminal law regarding gambling. They can conduct outreach campaigns in the community about the dangers of gambling and promote positive values that are in accordance with Islamic teachings. By providing a better understanding, it is hoped that the community will be more sensitive to the dangers of gambling, both in traditional and modern forms.

One real-life example is the initiative taken by several Muslim-majority countries to ban online gambling altogether. Countries like Saudi Arabia and the United Arab Emirates have strict regulations on gambling and the promotion of gambling, even banning all forms of gambling. On the other hand, countries like Indonesia have implemented a ban on gambling but also face challenges in enforcing laws related to activities conducted online.

In this context, collaboration between government, religious authorities, and civil society is key to creating a safer and healthier environment. Comprehensive policies and ongoing education will help reduce the risks and negative impacts of gambling, and ensure that Islamic legal principles can be effectively applied in the ever-evolving modern world (Ramadaniar, et al., 2024).

The implementation of Islamic criminal law in the modern context, especially in facing the challenges related to technology and online gambling, requires a multifaceted approach. The challenges faced include changes in access methods, legal complexity, cross-border regulations, and social perceptions of gambling. Therefore, the role of government and religious authorities is very important in regulating and enforcing laws re-

lated to the promotion of online gambling. Through collaboration and education, it is hoped that Islamic law can be implemented effectively in modern society, maintaining morals and social integrity in accordance with Islamic principles.

3.5 Classification of Online Gambling Promotion Actions Through Sports Streaming Services According to Islamic Criminal Law.

a. Definition and Scope of Gambling Promotion in Islamic Criminal Law

Gambling promotion, including online gambling, can be categorized as part of *maysir* in the context of Islamic criminal law. *Maysir*, which means gambling, is an act involving unfair and detrimental bets, where one party gains while the other party suffers a loss. In the Qur'an, gambling is considered a form of harm that must be avoided, as stated in Surah Al-Ma'idah (5:90).

Online gambling promotion not only supports the gambling activity itself, but also expands its reach and accessibility. In this case, promotion can include various forms of communication, such as advertising, marketing campaigns, and endorsements on social media, which aim to attract more people to engage in gambling activities. Thus, these promotional actions contribute to the normalization and acceptance of gambling in society.

From the perspective of Islamic criminal law, all forms of support for prohibited activities, including promotion, are considered as collaboration in sin. In Surah Al-Ma'idah (5:2), Allah SWT commands His people not to help each other in sin and transgression. Therefore, the promotion of gambling, whether directly or indirectly, falls into the category of *maysir* because it supports and encourages prohibited practices (Hidayatullah et al., nd).

Promotion plays a significant role in reinforcing prohibited activities, including gambling. In the context of online gambling, promotion not only creates awareness about the existence of gambling platforms but also influences the behavior of the community, especially the younger generation. Here are some ways in which promotion plays a role in reinforcing gambling activities: (a) Normalization of Gambling Activities: Massive promotion can cause gambling to become something that is considered normal in society. When gambling is promoted through attractive advertisements or entertaining content, people tend to consider it a legitimate and acceptable activity, even though Islamic law clearly prohibits it. (b) Accessibility and Convenience: With strong promotion, online gambling platforms become more accessible. Many advertisements offer easy registration, attractive bonuses, and various tempting features, so that more and more people are interested in trying it. This accessibility is very dangerous, especially for individuals who may not have sufficient knowledge about the risks and consequences of gambling. (c) Influencers and Social Media: The use of influencers in online gambling promotions has become a phenomenon. When idolized individuals promote gambling, the message can be more influential and accepted by their followers. This shows that promotions can change public perceptions of gambling and encourage more people to get involved (Ramadaniar, et al., 2024). (d) Economic Impact: Gambling promotions often promise attractive financial rewards. This can inspire people to try their luck, in the hope of making quick profits. However, in reality, many end up losing, and this creates a detrimental cycle. (e) Education and Awareness: When online gambling promotions are not balanced with education and awareness of their negative impacts, people can be trapped in the illusion that gambling is a legitimate way to earn money. Therefore, uncontrolled promotions have the potential to result in an increase in the number of individuals involved in gambling activities, which in turn can lead to greater social and economic problems.

Online gambling promotion can be categorized as part of *maysir* in Islamic criminal law, because it supports and encourages gambling activities that are clearly prohibited. The influence of promotion in strengthening prohibited activities is very large, ranging from normalizing gambling to creating greater accessibility and influencing people's behavior. Thus, it is important to be aware of and address the negative impacts of gambling promotion to maintain moral and social integrity in Muslim society. Proper prevention

and education efforts are needed to address this problem and protect individuals from the risks associated with gambling (Amri & Marpaung, 2024).

b. Legal Classification of Gambling Promotion

Gambling promotions can be classified into several categories based on their severity and social impact. This classification is important to determine the appropriate sanctions and to understand how each form of promotion can affect society. (a) Direct Promotion: This includes actions that explicitly invite or encourage individuals to participate in gambling. Examples include advertisements that directly offer gambling services, whether on social media, television, or print media. This type of promotion tends to have a high social impact because it can directly attract the public's attention and invite them to engage in prohibited activities. The severity of this action is very high, as it can expand the gambling participant base and potentially increase social problems related to gambling. (b) Indirect Promotion: This form includes the use of symbols, references, or language that encourage gambling without explicitly mentioning the activity. For example, the use of catchy slogans or tempting graphic displays. Although indirect, this type of promotion can still have a significant impact on public perception of gambling, and is therefore also included in the category of actions that need to be monitored. (c) Influencer Endorsement: When influencers or public figures promote gambling platforms, they can create an illusion of legitimacy and trust among their followers. The social impact of this action is quite large, because followers tend to imitate the behavior promoted by the people they idolize. In this case, the impact can be as severe as direct promotion. (d) Community-Based Promotion: In some cases, gambling promotion can be done through community activities, such as tournaments or social events organized to attract people to gambling activities. The social impact of this type of promotion is quite significant, because it can create social norms that support gambling in certain communities (Hafidu, et al., 2023). (e) Online Content Distribution: This includes the creation and distribution of content that contains information or stories related to gambling, such as blog articles, videos, or podcasts. Although not always intended to promote gambling, this type of content can normalize gambling and create greater interest among readers or viewers. The social impact can vary, but the potential to influence behavior remains.

3.6 Difference between Main Actors and Supporting Actors

In the context of gambling promotion, it is important to distinguish between primary actors and secondary actors, as both have different roles and responsibilities.

a. Main Actors:

Definition: Principal actors are individuals or entities directly involved in the provision of gambling services. These include gambling platform operators, casino owners, and online gambling application developers. **Responsibility:** Principal actors are responsible for ensuring that their operations comply with applicable laws and regulations. They also have a significant role in designing and implementing promotional strategies that attract public attention. Because they have direct control over gambling activities, the sanctions that can be imposed on them tend to be more severe, including large fines, license revocation, or even imprisonment, depending on applicable laws. **Social Impact:** Principal actors have a direct and significant social impact, because they are the main providers of prohibited services. When they carry out promotions, the impacts they cause can create social norms that support gambling, which can exacerbate social problems related to gambling (Fanani & Tritasyah, 2023).

b. Supporting Actors:

Definition: Supporters include individuals or entities that are not directly involved in the provision of gambling services, but play a role in promoting them. This includes promoters, influencers, and advertisers who collaborate with gambling platforms to attract more users. **Responsibility:** Supporters have a responsibility to understand the implications of their promotional actions. Although they are not responsible for the gam-

bling operation itself, their actions can have an equally large impact in attracting individuals to prohibited activities. Possible sanctions for supporters can include fines, bans from operating in certain industries, or significant reputational damage. Social Impact: The social impact of supporters is often indirect but still significant. Promotion by influencers or public figures can change people's views about gambling, and this can lead to increased participation in activities that should not be (Jadidah et al., 2024).

The legal classification of gambling promotion includes grouping promotional actions based on their severity and social impact, which is essential to understanding the consequences of each form of promotion. In addition, the distinction between primary and secondary actors creates a more complete picture of how gambling promotion operates and how law enforcement can be carried out effectively. By understanding the roles of each, more appropriate prevention and law enforcement measures can be designed to reduce the negative impact of gambling in society.

3.7 Application of Sanctions Based on Classification of Actions

Classification of acts in the context of gambling promotion plays an important role in determining the type and level of sanctions to be applied. In Islamic criminal law, sanctions are regulated based on the severity and social impact of the act. Therefore, understanding the classification of acts is crucial in implementing the law fairly and in accordance with sharia principles. (a) Direct Promotion Acts: These acts are usually considered the most serious because they explicitly invite people to engage in gambling. Direct promotion, such as gambling advertisements on television or social media, tends to have a large and direct impact on society. In these cases, the sanctions applied are usually more severe, such as large fines, prohibitions from operating, or even imprisonment for the main perpetrators. Supporting actors involved in direct promotion can also be subject to significant sanctions, although usually not as severe as the main perpetrators. (b) Indirect Promotion Acts: Although not explicitly inviting people to gamble, these acts still have the potential to influence society. An example of indirect promotion is the use of symbols or references that can trigger interest in gambling. The sanctions imposed for these acts tend to be lighter than direct promotion, but are still serious. For example, perpetrators may be fined or required to undergo educational programs about the negative impacts of gambling. (c) Influencer Endorsement: Influencers who promote gambling can have significant impacts, so their actions are often treated as direct promotion, even if done in a more subtle way. If influencers regularly promote gambling platforms, they may face more severe sanctions, especially if they have a large influence among their followers. Sanctions can include fines, loss of reputation, or boycotting by sponsors. (d) Community-Based Promotion: Promotional actions carried out in the context of community events can have broad social impacts. In this case, sanctions can vary depending on the impact caused. If the event leads to increased participation in gambling, the perpetrators who organized the event may face more severe sanctions, including large fines or a ban on operating in a particular community. (e) Online Content Distribution: Content that disseminates information about gambling can have long-term impacts that are difficult to measure. However, if the content is considered to promote gambling, individuals involved in the creation and distribution of the content may be subject to sanctions, although these sanctions are usually lighter than direct promotion (Fauzi & Harahap, 2022).

In applying sanctions, Islamic criminal law also considers the nature of the promotion, whether it is carried out openly or covertly. This consideration has a significant influence on the type and level of sanctions to be applied. (a) Overt Promotion: Promotion that is carried out openly and clearly, such as advertising in the mass media, will usually be considered more serious by legal authorities. In this case, the sanctions applied tend to be more severe because overt promotion creates the normalization of gambling in society. This action can be seen as an active attempt to attract people into prohibited behavior, and therefore, the perpetrator may face harsher sanctions. (b) Covert Promotion: On the other hand, promotion that is carried out covertly or indirectly—such as the use of content containing elements of gambling without explicitly stating it—may be considered less

harmful. However, this does not mean that sanctions are irrelevant. The sanctions applied for covert promotion remain, but may be more preventive in nature, such as a warning or a lighter fine. In this case, legal authorities may consider the perpetrator's intention and the extent to which the promotion has affected society. (c) Impact on Society: Another consideration taken into account in Islamic law is the social impact caused by promotion, whether overt or covert. If promotion, even if done covertly, is proven to have significantly increased participation in gambling, this may lead to stricter law enforcement. Therefore, social impact is a key factor in determining sanctions. (d) Degree of Awareness of the Perpetrator: In Islamic law, intention (*niyyah*) is also an important aspect. If promotion is done consciously and deliberately to encourage people to gamble, the sanctions imposed may be more severe. Conversely, if promotion is done without awareness of the impact it will have, there may be further consideration in determining sanctions.

The application of sanctions based on the classification of gambling promotion actions is greatly influenced by the severity and social impact of the action. The type and level of sanctions can vary, from fines to imprisonment, depending on the nature and method of promotion carried out. In addition, Islamic law considers the nature of overt or covert promotion and the impact it has on society. These considerations are important to ensure that the application of the law is not only fair, but also effective in preventing gambling practices and maintaining community morality (Handoko & Marlina, 2023).

3.8 Factors Influencing the Implementation of Sanctions

The application of sanctions against perpetrators of gambling promotion in Islamic criminal law cannot be separated from various factors that influence it. The three main factors that play a role in this are intention (*mens rea*), the context of the perpetrator's knowledge and awareness, and social and economic considerations. The following is a detailed discussion of each factor.

a. The Role of Intention (*Mens Rea*) in Determining Sanctions for Promotion Actors

Intention or *mens rea* is one of the basic principles in the legal system, including in Islamic criminal law. Intention not only determines whether an act is done intentionally or not, but also affects the level of moral culpability of the perpetrator. In the context of gambling promotion, the perpetrator's intention can be divided into several categories: (a) Evil Intention: If the perpetrator clearly and intentionally promotes gambling with the aim of attracting as many people as possible to the activity, the sanctions imposed tend to be more severe. In this case, the perpetrator is considered to have full awareness of the consequences of their actions, which contribute to the harm of individuals and society. (b) Unconscious Intention: If the perpetrator is not aware of the impact of the promotion they are doing, for example, due to a lack of knowledge or understanding of the prohibition of gambling in Islam, the sanctions imposed may be lighter. In this situation, law enforcement may consider education and rehabilitation as part of the sanctions, rather than just giving punishment. (c) Unclear Intention: In some cases, the perpetrator may not have evil intentions but is involved in gambling promotion due to pressure from the environment or habit. In this case, sanctions can be seen as an opportunity to provide education and change behavior, rather than just giving punishment. (d) Contextual Influences, such as the Actor's Level of Knowledge and Awareness.

The context in which the promotional action is carried out is also very important in determining the sanctions. Some aspects that need to be considered in this context are: (a) Level of Knowledge: Perpetrators who have good knowledge of the prohibition of gambling in Islamic law but still carry out promotions can be subject to heavier sanctions compared to perpetrators who do not know. Education and training regarding Islamic law and the negative impacts of gambling can influence the judge's decision in imposing sanctions. (b) Awareness of the Prohibition: Awareness of the perpetrator about the prohibition of gambling also plays an important role. If the perpetrator shows an attitude of indifference or underestimates this prohibition, the sanctions imposed may be heavier. On the other hand, if the perpetrator shows an intention to understand and obey the law,

they may be given the opportunity to improve themselves. (c) Environmental Influence: The social and cultural environment in which the perpetrator is located can also influence their actions. If gambling is considered normal in that society, the perpetrator may not realize that they are violating Islamic law. In this situation, law enforcement may focus more on education than punishment. (d) Social and Economic Considerations in Imposing Punishment

In imposing sanctions, social and economic considerations are important factors that cannot be ignored. The impact of gambling and gambling promotion on the wider community must be a primary consideration in the legal process. Some aspects that need to be considered are: (a) Social Impact: Gambling promotion can contribute to increased social problems, such as addiction, increased crime rates, and family breakdown. Therefore, the sanctions applied need to consider the potential for wider social impacts. For example, if gambling promotion results in increased crime rates, the perpetrator can be subject to heavier sanctions. (b) Economic Impact: Gambling can often affect the economy of society, both positively and negatively. Although gambling can generate income for some individuals, it can also cause significant economic loss for many people. Therefore, when imposing a sentence, the judge can consider how much economic impact the gambling promotion has on society. If the perpetrator of gambling promotion contributes to widespread economic loss, they may face heavier sanctions. (c) Preventive Purpose: Sanctions in Islamic law also have a preventive purpose. By imposing strict punishments on perpetrators of gambling promotion, it is hoped that it can prevent others from engaging in similar activities. Therefore, harsher sanctions may be applied in situations where there is a high risk of increasing the spread of gambling in society.

Factors influencing the application of sanctions against perpetrators of gambling promotion in Islamic criminal law include intention (*mens rea*), the context of the perpetrator's knowledge and awareness, and social and economic considerations. Clear intention can increase the severity of the sanction, while the level of knowledge and awareness of the perpetrator can influence the approach taken by legal authorities. On the other hand, consideration of the social and economic impacts of gambling plays a key role in determining the appropriate sanctions, with the aim of protecting society from the harm caused by prohibited activities. Therefore, the application of the law must be fair and responsive to the existing social context and reality (Nugroho & Radyawanto, 2024).

4. Conclusions

Based on the analysis of criminal liability for perpetrators of online gambling promotion through sports streaming services according to Islamic criminal law and positive law in Indonesia, several conclusions can be drawn.

Islamic criminal law provides comprehensive guidance in regulating the accountability and sanctions for perpetrators of online gambling promotion through sports streaming services. First, in the context of criminal responsibility (*al-mas'uliyah al-jina'iyah*), Islamic law emphasizes the importance of intention (*mens rea*) and real actions (*actus reus*) as the basis for determining responsibility. Perpetrators involved in online gambling promotion, with the intention of directing others to prohibited practices, can be held legally accountable.

Second, the act of promoting online gambling can clearly be categorized as *maysir* (gambling) based on the criteria set out in the Qur'an and Hadith. This is reinforced by the opinions of various scholars who state that promoting gambling, especially in the modern and digital context, strengthens access and participation in prohibited activities. This classification also takes into account the difference between the main actors, such as gambling platform operators, and supporting actors, such as promoters or influencers.

Third, Islamic criminal law regulates sanctions for online gambling promoters by grouping sanctions into *hadd*, *ta'zir*, and *kaffarah*. The type of sanctions applied depends on the classification of the actions taken. Heavier sanctions may be imposed on the main perpetrators who actively operate the gambling platform, while lighter sanctions may be applied to supporting perpetrators who are not directly involved.

Finally, the application of Islamic criminal law in the modern context faces challenges, especially in regulating cases involving advanced technology, such as sports streaming services. Governments and religious authorities have an important role in enforcing the law and ensuring that online gambling promotion does not undermine social norms and values held by society. Thus, legal awareness and education about the prohibition of gambling in Islam are key to overcoming this problem and maintaining the integrity of society.

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