



Analysis of Online Gambling and Family Resilience Strategies in the Perspective of Islamic Family Law

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Abstract

Background. This article examines in depth the phenomenon of online gambling (al-qimār al-'ilikrūnī) as a systemic threat to the resilience of Muslim families, as well as formulates a resilience strategy framework based on Islamic Family Law (al-ahwāl al-shakhṣiyyah).

Method. Using descriptive-analytical qualitative research methods and Islamic jurisprudence (fiqh) approaches oriented to maqāṣid al-sharī'ah (especially ḥifz al-māl, al-nasl, wa al-'aql), this study conducts a critical examination of the qaṭ'ī (definite) postulates that prohibit gambling and its destructive impact on the family structure.

Result. The findings of the study show that online gambling paralyzes the main pillars of the Islamic family: qiwāmah (leadership), nafaqah (nafkah), and tarbiyah (education). In response, this article offers a multi-layered model of resilience strategies that include preventive (al-wiqāyah), curative (al-'ilāj), and restorative (al-i'ādah) aspects that are sourced from the internal mechanisms of the family (shūrā, muḥāsabah), communal intervention (taḥkīm), to final legal protection (fasakh).

Conclusion. The conclusion of the article emphasizes that the resilience of Muslim families in the digital era can only be built by consistently implementing sharia values comprehensively in family life, supported by a collective awareness of the dangers of online gambling.

Keywords: Online Gambling, Qimār, Family Resilience, Islamic Family Law, Maqāṣid al-Sharī'ah, Qiwāmah, Dharar.



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INTRODUCTION

The development of information technology has brought a paradox: on the one hand, it has made life easier; on the other hand, it has opened the door to new forms of vice. Online gambling, or *al-qimār al-'ilikrūnī*, is a contemporary manifestation of *maisir* that has been expressly forbidden in the *nash*¹. Accessibility, anonymity, and the appeal of instant victory make them a serious threat that undermines the fundamental joints of the Muslim family institution². Damage is not only individual but also widespread, creating multidimensional crises at the family level: economic crises due to the loss of property (*iḍā'at al-māl*), psychological crises due to stress and addiction, and social crises due to the disintegration of roles and responsibilities³.

Within the framework of Islamic Family Law (*al-ahwāl al-shakhṣiyyah*), the family is not just a biological-sociological bond, but a micro-institution built based on divine values (*mu'assasah dīniyyah*) to achieve serenity (*sakīnah*), affection (*mawaddah wa raḥmah*), and protection (*ri'āyah*)⁴. Therefore, any threat to the family is a threat to the realization of *maqāṣid al-sharī'ah*. This study aims to: (1) deconstruct the law (*taḥqīq al-manāṭ al-fiqhī*) on online gambling through the analysis of *nash* and *ijmak ulama*, (2) unravel its destructive impact on every function and relationship in the Muslim family based on the principles of family *fiqh*, and (3) formulate a holistic and operational family resilience strategy, sourced from the treasures of family *fiqh* with a *maqāṣidī* approach. This article is expected to fill a gap in the literature, which remains limited in linking contemporary *fiqh* studies with Islamic family psychology.

The state of the art of this research lies in the effort to connect the phenomenon of online gambling as a digital crime with the dynamics of Islamic Family Law through the framework of *maqāṣid al-sharī'ah*. Although *fiqh* studies have established the haram of *Maisir* in *qaṭ'ī*, there have been few studies that view online gambling as a destructive factor that undermines family pillars such as *qiwāmah*, *Nafaqah*, and *Tarbiyah*. On the other hand, studies of online gambling from a psychological and sociological perspective have not explored its legal consequences in Muslim family structures. This article offers an integrative approach by developing a sharia-based family resilience model that includes preventive, curative, and restorative strategies. This model enriches scientific discourse because it not only assesses the prohibition of online gambling but also explains the family law mechanisms that can be used to prevent, handle, and restore family damage due to online gambling. Thus, this article presents a new and significant perspective in the contemporary Islamic Family Law literature.

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METHOD

This research is a library *research* with a descriptive-analytical-critical nature. The main approach is Islamic jurisprudence (*al-fiqh al-islāmī*) with the theoretical framework of *maqāṣid al-sharī'ah*, specifically the pillars of the protection of property (*ḥifẓ al-māl*), heredity (*ḥifẓ al-nasl*), and reason (*ḥifẓ al-'aql*). Primary data sources include the Qur'an, the authentic Sunnah of the Prophet, the fiqh masterbooks of the four schools (*al-madhāhib al-arba'ah*), and the works of contemporary scholars. Secondary data sources include scientific journals, research reports, and authoritative body fatwas related to online gambling and family dynamics. The data analysis technique uses the methods of *al-tahlīl al-ma'nawī* (content analysis) and *al-qiyās al-maqāṣidī* (sharia goal-oriented analogy) to infer the law and formulate strategies.

DISCUSSION

Research on online gambling has so far focused more on psychological and social aspects such as addiction, economic stress, and domestic violence. At the same time, fiqh studies only affirm its haram without comprehensively analyzing its impact on the family structure. In addition, the study of Islamic Family Law has not developed a sharia-based settlement mechanism for digital addiction cases, nor has it offered an operational family resilience model. Thus, there is a research gap in the integration between nash, maqāṣid al-sharī'ah, digital phenomena, and Muslim family dynamics. This article presents a novelty by combining the analysis of nash and maqāṣid to assess online gambling as a systemic disruptor of the family, to formulate a multi-layered resilience model (preventive-curative-restorative), and to construct family law mechanisms such as nusyūz, fasakh, and ḥakam as instruments of protection against ḍharar caused by online gambling. This integrative and operational approach is a new contribution to the study of contemporary Islamic Family Law.

Deconstruction of Online Gambling Law: Nash Qaṭ'ī and Ijmak Agree on the Fuqaha

The basis for banning gambling in Islam is fundamental and definitive. Allah SWT said:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رَجْسٌ مِنْ 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, drinking, gambling, (sacrificing to) idols, and casting lots with arrows are abominable acts and include the deeds of Satan. So stay away from them so that you may be lucky. Satan only wants to stir up enmity and hatred among you through hard drinking and gambling, and to prevent you from remembering Allah and performing prayers. Then don't you want to stop?" (QS. Al-Ma'idah: 90-91)⁵.

The above verse uses the redaction *inna-mā* (actually only/only) which in *'ilm al-balāghah* indicates the limitation and affirmation (*ḥaṣr wa ta'kīd*) that everything mentioned is *rijs* (dirty/abominable). Prohibition with *the command of ijtānibūh* (stay away) indicates a total prohibition⁶. The Prophet PBUH also emphasized with his words:

عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ قَالَ لِصَاحِبِهِ تَعَالَ أَقَامِرَكَ فَلْيَتَصَدَّقْ.

From Abu Hurairah RA, he said: The Prophet PBUH said: "Whoever says to his companion, 'Come here, I will gamble with you,' then let him give alms (as a ransom)." (HR. Al-Bukhari)⁷.

This hadith shows that simply inviting gambling is considered a sin that needs to be redeemed with alms, let alone doing it. The fuqaha of all sects have affirmed the illegality of gambling. Imam Ibn Qudamah al-Maqdisi (d. 620 AH) of the Hanbali school stated:

"وَأَجْمَعَ أَهْلُ الْعِلْمِ عَلَى تَحْرِيمِ الْمَيْسِرِ"

"The scholars have agreed on the haram of maisir (gambling)"⁸. Imam al-Nawawi (d. 676 H) of the Shafi'i school in al-Majmū' defines maisir as:

"كُلُّ عَقْدٍ بَاطِلٍ يَتَخَاطَرُ بِهِ الْمُتَعَاقدَانِ بِغَلْبَةٍ وَغَرَضُهُمَا الْمَالُ"

"Every void contract that is waged by both parties who enter into a contract with an element of speculation, and their purpose is property"⁹.

This definition very aptly describes the essence of online gambling: 'aqd bāṭil (a broken contract), *yatakhāṭaru bih* (risking each other), *ghalabah* (speculation/luck), and *gharaḍuhumā al-māl* (the goal is wealth).

Contemporary fatwa institutions have also affirmed this haram status for online form. Majma' al-Fiqh al-Islāmī under the OIC in its Decision No. 197 (21/5) states:

"القمار بجميع صورته وأشكاله حرام شرعاً، سواءً كان عن طريق الإنترنت أو غيره"

"Gambling in all its forms and images is haram according to the Shari'a, whether through the internet or otherwise"¹⁰.

They assert that a change in the medium (*wāsitah*) does not change the law as long as the 'illat (legal reason) remains.

The prohibition of online gambling is *qaṭ'ī al-tsubūt wa al-dalālah* (definitely the source and designation of its meaning). The main illat of the prohibition includes: (1) *Gharar Fāḥish* (extreme uncertainty), which is prohibited in all muamalah contracts. (2) *Iḍā'at al-Māl* (wasting wealth), which is contrary to the commandment to guard wealth (QS. Al-Baqarah: 188) and the prohibition of extravagant disposal of property (QS. Al-Isra': 26-27). (3) Triggering *'adāwah wa baghdā'* (hostility and hatred), damaging social relations. (4) *Ta'īl al-'aql* (paralyzing the intellect) from productive thinking and remembering Allah. Online gambling actually exacerbates these ills because of the ease of access and the potential for more massive losses.

The Destructive Impact of Online Gambling on the Pillars of Islamic Family Law

The damage to online gambling is systemic, crippled every pillar of the Islamic family's building.

Violation of the Principle of *Qiwāmah al-Rajul* (Husband's Leadership).

Qiwāmah are the responsibilities of leadership, maintenance, and regulation (*Ri'āyah wa siyāsah*) imposed on the husband, provided that the BI is implemented *Al-Ma'rūf* (in a good way) and based on excess in the context of responsibility (QS. An-Nisa': 34)¹¹.

Imam al-Qurṭubi (d. 671 AH) explained:

"الرَّعَايَةُ وَالْقِيَامُ بِمَصَالِحِ الْبَيْتِ مِنْ نَفَقَةٍ وَكَسْوَةٍ وَغَيْرِ ذَلِكَ"

"*Qiwāmah is the maintenance and fulfillment of household benefits, in the form of sustenance, clothing, and other things*"¹².

Online gambling causes the husband to fail in fulfilling *qiwāmah*. Assets that should be for *nafaqah* (food, clothing, shelter), education, and health are actually at stake. This is *the husband's nusyūz* (disobedience) to Allah's commands, because he neglects his primary duty. According to many scholars, the wife has the right to assert her rights or even file a lawsuit.

Betrayal of Amanah Nafaqah (Fulfillment of Maintenance),

Nafaqah is a binding material obligation of the husband (*wājib mu'aqqat*). Fuqaha stipulate that sustenance must come from lawful property. Imam al-Kasani (d. 587 H) of the Hanafi school said:

"وَلَا يَجُوزُ أَنْ يُنْفِقَ عَلَيْهَا مِنْ كَسْبِ حَرَامٍ"

"*And it is not permissible for him to provide for his wife from unlawful income*"¹³.

Money from gambling is haram, and using it for sustenance does not relieve obligations, and even tarnishes family life with haram elements. Worse, online gambling often spends existing assets for a living, causing families to live in uncertainty (*'isywah dīqah*) and poverty (*faqr*). This is a form of **ḍharar** (harm) that the Shari'a prohibits.

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Dissolution of *Maqāsid al-Zawāj* (Purpose of Marriage)

Marriage aims to achieve *Sāo Paulo* (serenity), (love), and *raḥmah* (affection) (QS. Ar-Rum: 21). Online gambling destroys all of these goals. A husband who is addicted to gambling will be overwhelmed with anxiety, irritability, and withdrawal (*Inḡkirād*), the opposite of *sakīnah*. Fraud and the resulting debt are devastating *to Mawaddah and Raḥmah, replacing them with suspicion, slander, and hatred.*

Furthermore, the Prophet PBUH said about the rights of children:

"وَحَقُّ الْوَالِدِ عَلَى الْوَالِدِ أَنْ يُحَسِّنَ اسْمَهُ وَيُحَسِّنَ أَدَبَهُ"

"And the right of a child to his parents is to give him a good name and to educate him well"¹⁴.

Parents who are addicted to gambling will *ghāfil* (neglect education (*taḥsīn al-adab*), even becoming *qudwah sayyi'ah* (bad examples) who may normalize gambling for children.

The impact is chain and mutually reinforcing. Online gambling not only violates one rule, but it destroys the entire ecosystem of the Islamic family that is built on trust (*thiqqah*), responsibility (*mas'ūliyyah*), and tranquility. He transformed the house (*manzil*) from a place of refuge into a source of threat, thereby eliminating the family's primary function as *ḥiṭāb Allāh al-awwal* (the primary environment for the cultivation of divine values).

Family Resilience Strategy: Sharia-Based Model of Prevention, Healing, and Restoration

The resilience of Muslim families must be actively built, not just a reaction in times of crisis. Here is a layered strategy sourced from family fiqh.

Preventive Strategies (*Istirātjiyyat al-Wiqāyah*): Building Family Immunity

· *Maqāsidī Education on Property (al-Tarbiyyah al-Maqāshadiyyah li al-Māl)*: The family needs to understand the philosophy of property in Islam. Ibn al-Qayyim (d. 751 AH) said:

"فَإِنَّ اللَّهَ سُبْحَانَهُ أَنْزَلَ الْمَالَ أَمَانَةً عِنْدَ صَاحِبِهِ وَوَدِيعَةً لِيُنْفِقَهُ فِي حُقُوقِهِ"

"Indeed, Allah SWT has sent down wealth as a trust on the side of its owner and a trust for him to enforce his rights"¹⁵.

Family financial education should emphasize that wealth is a means (*wasīlah*) for obedience, not an end. The practice of *muhāsabah māliyyah usariyyah* (family financial evaluation) can routinely become a fortress.

- Reactualization *Qiwāmah* The Participatory: *Qiwāmah* needs to be reinterpreted as leadership that involves *Shurā* (deliberation). Husband and wife together make transparent financial planning (*khiṭāṭ māliyyah*). The concept of *ʿurf* (good habits) in the Maliki school can serve as a reference for setting a reasonable standard of living and preventing the desire to take shortcuts through gambling.

Curative Strategies (*Istirātījiyyat al-ʿIlāj*): Intervention in the Event of Addiction

- Internal Mechanisms: Advice, *Ishlah*, and *Hijrah*: The first step is *Al-Nuṣḥ* (advice) in the form of *Mawʿiẓah ḥasanah* (QS. An-Nahl: 125). If it doesn't work, activate the mechanism *Islāḥ Dhāt al-Bayn* (improvement between the two) by involving the extended family of both parties, as instructed by QS. An-Nisa': 35 about *ḥakam*¹⁶. Families also need to undergo digital migration: block access to gambling sites, control gadget use, and seek new social environments.

- Spiritual and Psychological Rehabilitation (*al-iʿādat al-taʿhīl al-rūḥī wa al-naḥsī*): Gamblers must immediately repent of their sins. Repentance from gambling means: (1) stopping it immediately, (2) regretting the deed, (3) determined not to repeat it, and (4) returning stolen property/gambling if there is a particular victim. Psychological rehabilitation is necessary to cope with *Al-iʿtiyād* (addiction). Rehabilitation costs are a priority for the use of halal family property.

Restorative and Legal Strategies (*Istirātījiyyat al-Iʿādah wa al-Ḥimāyah al-Qaḍāʾiyyah*): *The Last Refuge*

If internal efforts and mediation fail, and the wife/child suffers *ḍarar* (harm), Islamic Family Law provides a mechanism of final protection.

- Lawsuit based on *Nusyūz* and *Dharar*: The wife can file a lawsuit with the Religious Court. Contemporary scholars such as Prof. Dr. Wahbah al-Zuhaili (d. 2015) state that the neglect of alimony is a form of *nusyūz* heavy husband¹⁷. In Indonesia, the Compilation of Islamic Law (KHI) Article 116, letters (c) and (f), recognizes *nusyūz* and *dharar* as grounds for divorce. The judge may decide to compel the husband to provide alimony or, in extreme circumstances, grant the right to divorce (*tafrīq*) to his wife.

· Fasakh because *Sāo Paulo* (confusion) and *'ayb* (defect): Some scholars think that severe gambling addiction can be categorized as *'ayb* (defect) in the husband who obstructs the purpose of the marriage, or *Sāo Paulo* (mistakes/defects) that cancel the contract, give the right *Fasakh* (cancellation) for the wife¹⁸.

· Preservation of Children's Rights: The Court is obliged to ensure the rights of child support (*Nafaqat al-Atfāl*) is still fulfilled from the husband's halal property, even after divorce. This is the implementation of *ḥifẓ al-nasl*.

This strategy is *marḥaliyyah* (gradual) and *tadārujiyyah* (gradual), prioritizing *ishlah* (reconciliation) at each stage, and using only the legal option as *ākhir al-darā'ī* (the last resort). This approach is in line with the rules of fiqh:

"دَرْءُ الْمَفَاسِدِ أَوْلَى مِنْ جَلْبِ الْمَصَالِحِ"

"Resisting harm takes precedence over extracting benefits"¹⁹. Family damage due to online gambling must be stopped, while trying to regain the benefits of restoring family integrity.

CONCLUSION

Online gambling is not a matter of ordinary crime, but rather an attack on the foundations of Islamic civilization that begins with its smallest unit: the family. Through a critical analysis of the nash, ijmak ulama, and the principles of maqāsid al-sharī'ah, this study confirms that the law of online gambling is absolutely haram and qaṭ'ī. The impact paralyzes all family functions: qiwāmah, nafaqah, tarbiyah, and the achievement of sakīnah. In response, a comprehensive and proactive resilience strategy is needed. The model offered, including prevention through maqāsidī education, healing through internal intervention and rehabilitation, and restoration/law as a final protection, is an operational derivation of the rich treasure trove of Islamic Family Law. Its success depends on the synergy of three parties: the individual (repentance awareness), the family (commitment to values), and the state community (systemic support through education, regulation, and access to rehabilitation).

The policy implication of this study is to encourage auto-religious and government to not only issue haram fatwas, but also promote *al-wa'y al-usarī al-maqāsidī* (maqāsid-oriented family awareness) and provide sharia-based family counseling and mediation services. For further

research, a quantitative-qualitative empirical study is recommended to test the effectiveness of this strategy model in affected Muslim communities, as well as a comparative analysis with secular family counseling models to refine the integrative approach.

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FOOTNOTES:

¹ See: Griffiths, M. D. (2019). *The Psychology of Gambling and Digital Media. Current Opinion in Behavioral Sciences*.

² See the Global Gambling Statistics (2023) report on the significant increase in online gambling players during and after the pandemic.

³ Ministry of Women's Empowerment and Child Protection of the Republic of Indonesia. (2021). *Report on the Impact of Online Gambling on Domestic Violence*.

⁴ See QS. Ar-Rum (30): 21 and the interpretation of Al-Sa'di in *Taysīr al-Karīm al-Raḥmān*.

⁵ Qur'an, 5:90-91. Translation: Ministry of Religion Team of the Republic of Indonesia.

⁶ See Ibnu'Āshūr's linguistic analysis in *al-Taḥrīr wa al-Tanwīr*, Volume 6, p. 321.

⁷ Al-Bukhārī, *Ṣaḥīḥ al-Bukhārī, Kitāb al-Buyū', Bāb Yukrah min al-Muqāmarah*, No. 2083.

⁸ Ibn Qudāmāh, *Al-Mughnī*, Juz 7, p. 450.

⁹ Al-Nawawī, *Al-Majmū' Sharḥ al-Muhadhdhab*, Juz 9, p. 300.

¹⁰ Majma' al-Fiqh al-Islāmī, *Qarārāt wa Tawṣiyyāt*, p. 215 (Session 21).

¹¹ الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ (النساء: ٣٤)

¹² Al-Qurṭubī, *Al-Jāmi' li Aḥkām al-Qur'an*, Volume 5, p. 168.

¹³ Al-Kāsānī, *Badā'i' al-Ṣanā'i'*, Volume 4, p. 191.

¹⁴ HR. Al-Baihaqi in *Shu'ab al-Īmān*. Considered hasan by Al-Albani.

¹⁵ Ibn al-Qayyim, *I'lām al-Muwaqqi'īn*, Volume 4, p. 11.

¹⁶ وَإِنْ جُفَّتُمْ شِفَاقَ بَيْنَهُمَا فَابِعْتُوا حَكْمًا مِنْ أَهْلِهِ وَحَكْمًا مِنْ أَهْلِهَا إِنْ يُرِيدَا إِصْلَاحًا يُوَفِّقُ اللَّهُ بَيْنَهُمَا (النساء: ٣٥)

¹⁷ Al-Zuḥaylī, *Al-Fiqh al-Islāmī wa Adillatuhu*, Volume 9, pp. 7122-7123.

¹⁸ See, for example, the view in the Ḥanafī school of *'ayb al-junūn* (madness) which can be expanded in meaning. See also *Mausū'ah al-Fiqhiyyah al-Kuwaitiyyah*, Volume 32, p. 112 on fasakh.

¹⁹ This rule is well known in the books of ushul fiqh, see Al-Suyūṭī, *Al-Ashbāh wa al-Nazā'ir*, p. 89.