
THE PRACTICAL IMPLICATIONS OF THE PROHIBITION OF GAMBLING IN SHARIA PRINCIPLES AND ECONOMICS

**Asep Ridwan Lubis, Ghania Wardani Luthfiyyah, Amanda Febriliyanti S.P,
Dzakira Syawalia, Hanada Sabilal K**

Program Studi Pendidikan Bisnis Universitas Pendidikan Indonesia, Jl. Dr. Setiabudi No.229 Bandung

E-mail: asep.ridwan@upi.edu, ghaniawardani@upi.edu, amandafebriliyanti@upi.edu,
hanadasabilal.20@upi.edu, dzakirass03@upi.edu

ABSTRACT

This article reviews the practical implications of banning gambling in Islamic economics and how this principle helps maintain economic order and social responsibility. The prohibition of gambling in Islam is based on the principles of tawhid, justice, maslahat, ta'awun, and balance. This article explains how gambling bans encourage fair economic practices, avoid exploitation, and promote wealth redistribution. In addition, the prohibition of gambling also contributes to the establishment of an ethical and socially responsible society through a more equitable distribution of income. The practical implications of this gambling ban can be seen in the implementation of Islamic economic principles, which focus on justice, economic empowerment, and the welfare of society as a whole.

Key words: Maisir, Gambling, Sharia Principles, Islamic Economics, Implications

INTRODUCTION

Islam as ad-din comprehensively and completely contains (syumul). Islam regulates all aspects of human life, not only worship but also through muamalah, especially Islamic economics. The Quran explicitly reveals the perfection of Islam in many verses, including QS. 5:3, QS.6:38, and QS. 16:89. The abundance of Islamic teachings in the field of economics shows that Islam's concern for economic issues is very high. The longest verse in the Quran discusses economic matters, not worship (mahdhah) or creed (aqidah) issues. This verse is verse 282 of Surah al-Baqarah, which contains 52 questions of economic law/issues according to Ibn Arabi.

Islam grants freedom to individuals in terms of behavior according to their needs. Therefore, the basis of transactions is allowed before there is evidence to prohibit them. In contrast to the basic principles of worship, it is forbidden to perform them before there is an order to do so. Scholars unanimously agree that free will is the basis of all contracts. It is clear that Allah SWT prohibits the act of consuming each other's wealth except through mutually agreed trade.

Islamic economics is defined as an economic science derived from the Quran and the Hadith of Prophet Muhammad SAW. The teachings within Islamic economics are inseparable from the goals of well-being and justice. Islamic economics is an economy free from injustice, which is in line with one of the principles of Islamic economics, namely the prohibition of harming oneself and others, including actions such as fraud, gambling, and usury. The Quran clearly and emphatically permits trade and prohibits usury. Gharar (excessive uncertainty) and gambling are transactions prohibited in Islam because they have harmful effects and lead to division. Regarding this matter, there is evidence in the Quran that forbids maisir (gambling) in Surah Al-Maidah:90, which states: 'O you who have believed, indeed, intoxicants, gambling, [sacrificing on] stone altars [to other than Allah], and divining arrows are but defilement from the work of Satan, so avoid it that you may be successful

METHOD

The method used in the preparation of this article is literature review. In this method, the author extracts important information or ideas from various different articles and combines them into one more comprehensive and thorough article.

RESULTS AND DISCUSSION

A. PROHIBITION OF GAMBLING

The word "gambling" is generally equated with al-maisir (رَسَيْمِلًا), and the word maisir originates from the root word al-yasr (رَسَيْمِلًا), which means "something obligatory for its owner." Another root word, al-yasar, which means wealth, also derives from the word al-yusr, meaning youth (Al-Qurthubiy, 1372, p. 53).

Maisir literally means acquiring something or gaining profit very easily without working hard. It refers to something involving gambling, risky games, or betting (Ascarya, 2013, p. 20). In the Quran, another term used is the word "azlam," which means the practice of gambling (Rudiansyah, 2020, p. 102). Similarly, maisir

is a form of game where one party has to bear the burden of the other due to the game's outcome (al Mashri, 2001).

Some meanings contained in the word *maisir* include: soft, submissive, easy, obligation, wealth, distribution, and others. Some also say that the word *maisir* comes from the word *yasara* (رسي), which means obligation. An obligation for someone who loses in gambling is to surrender the stakes to the winner. Some argue that *al-maisir* (رسي) comes from the word *yusrun* (رسي), which means easy. That *maisir* or gambling is an effort and way to easily acquire sustenance, without hardship (Rohim, 2020, p. 19). In terminology, gambling is any form of game involving stakes (money, goods, etc.), where the loser must pay the winner. In more detail, Hamidi explains that gambling can be understood as the transfer of property through chance or luck. In this regard, there are three fundamental elements underlying gambling (Hamidi, 2012, p. 223)."

1. Placing money or something of value as a bet.
2. Involves to some extent random chance events that may or may not be calculable.
3. The prizes contested come from a portion of the money or goods placed as bets.

B. BASICS LAW OF MAISIR

Allah swt. and the Prophet saw. have prohibited all forms of gambling. This is reflected in the Quran, in Surah *al-Ma'idah*, verses 90-91.

Verse 90:

ذَٰلِكَ يُبَيِّنُ اللَّهُ لَكُمْ آٰلُونَكَ مَا ذَا يُنْفِقُونَ قُلِ الْعَفْوَ كَفَعِهِمَا وَيَسْأَلُونَكَ عَنِ الْخَمْرِ وَالْمَيْسِرِ قُلْ فِيهِمَا إِثْمٌ كَبِيرٌ وَمَنَافِعُ لِلنَّاسِ وَإِنَّهُمَا أَكْبَرُ مِنَ الْآٰتِيَٰتِ لَعَلَّكُمْ تَتَفَكَّرُونَ

"O you who believe, indeed, intoxicants, gambling, [sacrificing on] stone altars [to other than Allah], and divining arrows are but defilement from the work of Satan, so avoid it that you may be successful." (Quran, *Al-Ma'idah* [5]:90)

Verse 91:

إِنَّ اللَّهَ لَا يَهْدِي الْقَوْمَ الْمُفْسِدِينَ وَالَّذِينَ يُنْفِقُونَ قُلِ الْعَفْوَ وَيَسْأَلُونَكَ عَنِ الْبَيْتَامِ قُلْ إِصْلَاحٌ لَهُمْ خَيْرٌ وَإِنْ تُخَالطُوهُمْ فَلَا جُنَاحَ عَلَيْكُمْ فِي شَيْءٍ مِّنْهُمَا إِذَا كُنْتُمْ فِي سُلُوكِكُمْ بِعِلَّةٍ مِّنَ اللَّهِ عَزِيزٍ حَكِيمٍ

"Indeed, Satan only wants to cause between you animosity and hatred through intoxicants and gambling and to avert you from the remembrance of Allah and from prayer. So will you not desist?" (Quran, *Al-Ma'idah* [5]:91)

Another verse that prohibits the practice of *Maisir* is found in Surah *Al-Baqarah*, verse 219:

ذَٰلِكَ يُبَيِّنُ اللَّهُ لَكُمْ وَإِنَّهُمَا أَكْبَرُ مِنَ نَّفْعِهِمَا وَيَسْأَلُونَكَ مَا ذَا يُنْفِقُونَ قُلِ الْعَفْوَ كَيْسَآلُونَكَ عَنِ الْخَمْرِ وَالْمَيْسِرِ قُلْ فِيهِمَا إِثْمٌ كَبِيرٌ وَمَنَافِعُ لِلنَّاسِ "الآٰتِيَٰتِ لَعَلَّكُمْ تَتَفَكَّرُونَ"

"They ask you about wine and gambling. Say, 'In them is great sin and [yet, some] benefit for people. But their sin is greater than their benefit.' And they ask you what they should spend. Say, 'The excess [beyond needs].' Thus Allah makes clear to you the verses [of revelation] that you might give thought." (Quran, *Al-Baqarah* [2]:219)

From the *Sunnah*, there is a saying of the Prophet Muhammad (SAW), "Whoever says to his brother, 'Let's make a bet,' then he should give in charity" (Narrated by Bukhari and Muslim). In this hadith, Prophet Muhammad (SAW) made an invitation to gambling, whether in betting or transactions, a reason to give charity, which indicates the prohibition of gambling.

Based on the presentation of the above verses prohibiting *maisir* (gambling) and *khamr* (intoxicants), it is clear that the prohibition of *maisir* and *khamr* goes hand in hand. This is because these two activities are inseparable from each other; where there is gambling, there is also the consumption of intoxicants, and vice versa. Gambling and alcoholic beverages are bundled together because both of these were common practices in the *Jahiliyyah* (pre-Islamic) society. Furthermore, the prohibition of gambling and intoxicants was also implemented gradually. This was because gambling and excessive drinking had become entrenched traditions in the *Jahiliyyah* society, so a phased strategy and method were needed to enforce strict prohibitions (*haram*) on both. In other words, the prohibition of consuming *khamr* and gambling was gradually introduced because, for the Arab people, these two practices had become customary since the time of ignorance (*jahiliyah*). If they were banned all at once, it was feared that it would be too burdensome for them (*Al-Ma'idah* - المائدة | Qur'an Kemenag, n.d.). The *Encyclopedia of Islam* also describes that gambling, or more commonly known as *qimar* in the time of *Jahiliyyah*, had already become an endemic culture practiced in various forms everywhere (Hamidi, 2012, p. 244).

As mentioned in Surah *Al-Baqarah*: 219, Allah has not yet prohibited gambling and the consumption of alcohol (*khamr*). The Quran considers the cultural context of the local community. It is only stated there that both (gambling and *khamr*) have several benefits, not just one benefit, but they also have harms, and indeed their harms outweigh their benefits. In other words, the Quran has introduced a risk-return or cost-benefit methodology.

Furthermore, in Surah *Al-Maidah*: 90 and 91, it is mentioned that *khamr* and gambling are the works of Satan and must be avoided. Both (*khamr* and gambling) always lead to hatred and hostility among people,

and the more fatal consequence is forgetting Allah. Thus, in Surah Al-Maidah: 90-91, the Quran explicitly states that alcoholic beverages (khamr) and gambling (maisir) are prohibited (haram).

C. SHARIA ECONOMICS

Islamic economics can be explained as the science that studies human activities using resources (production) to produce goods and fulfill their desires for themselves and distribute them to others following the rules set by the Islamic religion with the hope of God's satisfaction. The introduction of Islamic economics as a scholarly system is based on Islamic values so that society, as entrepreneurs, can achieve the wealth and well-being they seek, both in this life and the hereafter. As economic agents, people are viewed as holistic beings, as individuals and as social beings, so in economics, it cannot be separated from the roots of religious morality and faith.

Etymologically, the term Islamic economics in Arabic is called "iqtishad," derived from the root letters qaf, shad, and dal, which then become "qashada," meaning to go towards. From the root letters in, it becomes "iqtishad," meaning thrift, "qashad," meaning purpose/intention, "al-qashd," meaning hunger, "iqtishad," meaning economics, and so on.

Meanwhile, various experts define Islamic economics, such as Hasanuzzaman and Metwally, who define Islamic economics as a science derived from the teachings of the Quran and Sunnah. Any economic thought or practice not derived from the Quran and Sunnah cannot be considered as Islamic economics. Mannan, Ahmad, and Khan argue that Islamic economics is a system of Islamic economic ethics aimed at developing societal morality. Islamic economics not only provides a legal framework for existing economic phenomena but also emphasizes the importance of the Islamic spirit in all economic activities. On the other hand, Shiddiqie and Naqvi interpret Islamic economics as representing Islamic economic behavior to comprehensively implement Islamic teachings. In this regard, Islamic economics is nothing more than the interpretation and practice of Islamic economics that are not free from errors and weaknesses. Economic analysis is conducted from at least three perspectives: Islamic fundamental norms and values, economic constraints and legal status, and historical application and analysis.

Dawam Rahardjo divides the term Islamic economics into three possible meanings: First, Islamic economics is an economy based on Islamic values or teachings. Second, Islamic economics refers to a system. The system is related to the regulation of economic activities in a society or country in a certain way or method. Meanwhile, the third meaning is Islamic economics in the sense of Islamic economics. These three fields, namely Islamic theory, economic systems and activities, are three pillars that must work together. In this case, Islamic economics can be interpreted the same as sharia economics or vice versa. Sharia economics, or Islamic economics, is an attempt to solve economic problems through Islamic methods. Sharia economics is represented in economic analysis based on Al Quran and Hadith.

Based on the definition of economists in above, it can be concluded that Islamic economics is a science that studies human behavior as economic creatures (Homo Economicus) but also as social creatures (Homo Socius) in a value-based economy. and Islamic Sharia standards to understand the welfare of human life in this world and the world to come and avoid practices that harm other people. Apart from that, Islamic economics is often replaced by the term sharia economics in Indonesian society.

There are three basic values (Misanam, et.al., 2011:58) which differentiates sharia economics from other economies, namely: (a) Adl. Justice (adl) is a core value of Islamic teachings. The protection of justice and the elimination of injustice is the main goal of the message of His apostles. Justice is often placed alongside virtue and piety (Misanam, et al., 2011: 59); (b) Caliphate. The rank of caliphate generally means responsibility as a caliph or messenger of Allah in the universe. Allah created humans on earth as caliphs, namely Allah's representatives for the welfare of the earth and the universe (Misanam, et.al., 2011: 62); and (c) Takaful. Community guarantee (takaful) is assistance provided by the community to its members who experience a disaster or are less fortunate. This community guarantee is not only material, but also immaterial.

D. SHARIA PRINCIPLE

The fundamental principles in Islamic economics are largely similar to other economic systems, such as capitalism, in terms of the pursuit of profit. However, there are significant differences in several aspects of finance, Islam has several principles that differentiate it from other economic systems:

1) Principle of Tauhid

The verses of the Koran relating to the principle of Tauhid in economic activities emphasize that human efforts must depend on Allah. This principle of Tauhid underlies all aspects of life, including economics, with the belief that wealth belongs to Allah. This belief is motivating somebody to integrate principles sharia in its economic activities, resulting in accountability and integrity. Awareness of Tauhid also prevents the pursuit of profit alone, encourages the avoidance of exploitation of fellow humans, and prohibits transactions with elements of usury, theft and fraud. The principle of Tauhid also has a positive impact by avoiding monopoly and concentration of wealth, as well as canceling societal traditions that limit the distribution of wealth. The government, in this case, can intervene to control the prices of basic necessities for the benefit of society.

2) Principle of Justice

One of the main messages of the Koran is the upholding of justice, which refers to the principles of impartiality and equality. The upholding of justice is expressed in Arabic as 'adl, which means impartiality and siding with the truth. Scholars have paid serious attention to the concept of justice in Islam, using words such as al-'adl, al-qisth, and al- mizan. The Koran itself underlines the importance of justice and balance in surah ar-Rahman/55: 7-9, which reminds us not to ignore the balance of justice. In the context of sharia economics, balance is the key to achieving victory and luck (falah). Justice in fiqh is defined as appropriate placement, giving what is due, and treating something according to its position (wadh' al-syai fi mahallih). Implementation of justice in Sharia economic activities include principles that prohibit elements of usury and masyhir to ensure the sustainability of a just and balanced economy.

3) Principle of Benefits

Benefits in an economic context Sharia refers to the concept of taking advantage and avoiding harm. Benefits involve goodness and benefits in worldly and spiritual, material and spiritual, as well as individual and social dimensions. Economic activity is considered to fulfill benefits if it fulfills two important elements: obedience (halal) and providing benefits and bringing goodness (thayyib) in an integral manner. Thus, these activities must not cause damage.

In the context of sharia economics, All activities must provide benefits and goodness for human life individually, in groups and in the wider community, including the environment. The theory of benefit is considered the ultimate goal of establishing sharia norms according to fiqh experts.

Legal provisions in Islam, especially in an economic context, it can change if the 'illat (benefit or harm) has changed. For example, something that was initially permitted (not prohibited), in certain situations or conditions can be prohibited. Umar bin al-Khattab gave a controversial example regarding the distribution of zakat to converts. Initially, zakat was given to converts to soften their hearts, but Umar argued that the 'illat had been lost, so it was no longer needed. This illustrates how understanding benefits can influence legal provisions in Islam to maintain the welfare and benefit of the people.

4) Ta'awun principles

Human ideology regarding wealth includes two extreme poles: materialism, which worships money as the main goal of life, and spiritualism, which rejects worldly possessions and pleasures. Islam takes a middle position between the two. The Koran emphasizes the importance of seeking happiness in the afterlife while not forgetting the pleasures of this world. Islam teaches that earthly assets are a trust, not private property, with a synthesis between individual and community interests. Zakat and alms are used for a fairer distribution of income and sharing feelings with others. Money in an Islamic economy must meet needs and serve as a test for gratitude or disbelief. The goal of Islamic economics is to create an ethical and egalitarian society through economic activities that have a positive impact on everyone and through ethical and egalitarian contracts. If economic activity causes harm, then the contract will be void and contrary to Islamic principles.

5) Principle of Conceptual

Balance economy sharia emphasizes the importance of balance in various aspects. This includes the balance between the financial sector and the real sector, risk and profit, business and humanity, as well as the use and conservation of natural resources. The objectives of sharia economics are not only focused on corporate development, but also on the development of small and micro businesses to ensure overall economic development.

E. ORDER LAW IN SHARIA ECONOMICS

The implementation of legal order in sharia economics regarding the prohibition of maysir (gambling) is very important to maintain justice and security in economic transactions. In sharia economics, every transaction must be carried out with full sincerity and honesty from both parties. In addition, every transaction must provide benefits for all parties involved and does not harm other parties. Therefore, the prohibition on maysir is one of the basic principles of sharia economics that must be obeyed by all society.

In implementing legal order in sharia economics regarding the prohibition of maysir, there are several things that must be considered, including:

- 1) Transactions must be carried out with full sincerity and honesty from both parties. This means that every transaction must be carried out with good intentions and there is no element of fraud.
- 2) Transactions must provide benefits for all parties involved. This means that every transaction must done with consider interest all parties involved, not just the interest of certain party.
- 3) Transactions must be carried out by rationally considering risks and potential profits. This means that every transaction must done with consider risk and rational profit potential and shout not take unreasonable risks.
- 4) Transactions must be carried out in compliance with sharia principles which prohibit all forms of fraud, and injustice in transaction economy.

In implementing legal order in the sharia economy regarding the prohibition of maysir, the government and economic authorities also have an important role. The government and economic authorities must ensure that every economic transaction is carried out in compliance with sharia principles and does not violate maysir prohibitions. Apart from that, the government and economic authorities must also ensure that every economic transaction provides benefits for all parties involved and does not harm other parties.

In maintaining legal order in the sharia economy regarding the prohibition of maysir, the community also has an important role. The public must understand and comply with maysir prohibitions in every economic transaction carried out. Apart from that, the community must also ensure that every economic transaction is carried out in compliance with sharia principles and does not violate maysir prohibitions.

CONCLUSION

The ban on gambling (maisir) in sharia economics has several practical implications that contribute to maintaining economic order and encouraging social responsibility. The ban on gambling encourages fair economic practices by emphasizes principles such as justice, cooperation, and balance. This ensures that transaction are carried out sincerely, honestly and provide benefits for all parties involved. Gambling prohibitions help avoid exploitation and wealth accumulation by promoting the redistribution of wealth. This contributes to a fairer distribution of resources and forms a socially responsible society. In addition, the implementation of sharia economic principles, which are based on Tauhid, public interest, and ethical values, further strengthens the prohibition on gambling and supports the overall welfare of society. Overall, the prohibition of gambling in a sharia economy serves as a basis for ethical economic practices, social justice, and sustainable development.

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