

**SUPERVISION OF THE MALANG CITY COMMUNICATION AND
INFORMATION SERVICE IN HANDLING ONLINE GAMBLING BASED
ON ARTICLE 27 PARAGRAPH 2 OF LAW NO 1 OF 2024 CONCERNING
ITE IN THE PERSPECTIVE *OF SADDU ADZARI'AH***

THESIS

BY:

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NIM 200203110070



CONSTITUTIONAL LAW PROGRAM (*SIYASAH*)

FACULTY OF SHARIA

MAULANA MALIK IBRAHIM STATE ISLAMIC UNIVERSITY

MALANG

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STATEMENT OF AUTHENTICITY OF THESIS

Half Allah

With full awareness and a sense of scientific responsibility

The author stated his thesis with the title:

**SUPERVISION OF THE MALANG CITY COMMUNICATION AND
INFORMATION SERVICE IN HANDLING ONLINE GAMBLING
BASED ON ARTICLE 27 PARAGRAPH 2 OF LAW NO 1 OF 2024
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MOTTO

يَا أَيُّهَا الَّذِينَ ءَامَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رِجْسٌ مِّنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ
لَعَلَّكُمْ تُفْلِحُونَ

"O you who believe, indeed, (drinking) khamar, gambling, (sacrificing for) idols, drawing fortune with arrows, are among the deeds of the devil. So stay away from these deeds so that you may have good luck."

(Q.S Al-Maidah : 90)

FOREWORD

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Alhamdulillahillobbil alamin. All praise and gratitude are unceasing for His blessings, graces and gifts that have been given, so that the researcher can complete the writing of a thesis entitled **SUPERVISION OF THE MALANG CITY COMMUNICATION AND INFORMATION SERVICE IN HANDLING ONLINE GAMBLING BASED ON ARTICLE 27 PARAGRAPH 2 OF LAW NO 1 OF 2024 CONCERNING ITE IN THE PERSPECTIVE OF SADDU ADZARI'AH** has been completed well. We pray and greetings to the Prophet PBUH who has given uswatun hasanah to his people to live a life according to sharia. May we become a people who always follow his teachings and may we be classified as believers and get his intercession on the last day. *Amen.*

The writing of this thesis is intended to meet one of the requirements for obtaining a Bachelor of Law degree in the Constitutional Law Studies Program (Siyasah) of the State Islamic University of Maulana Malik Ibrahim Malang.

With all the teaching, guidance/direction, and service assistance that has been provided, it is with all humility that the author expresses his incomparable gratitude to:

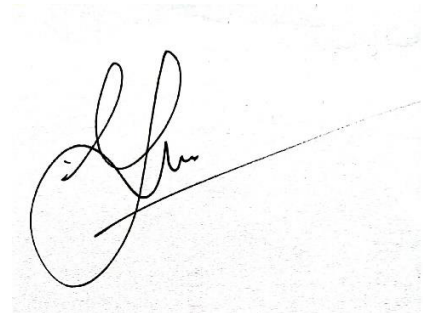
1. Prof. Dr. H. M. Zainuddin MA, as the Rector of Maulana Malik Ibrahim State Islamic University Malang.
2. Prof. Dr. Sudirman, M.A., CAHRM. as the Dean of the Faculty of Sharia, Maulana Malik Ibrahim State Islamic University, Malang.
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7. To the author's parents, the author would like to express his infinite gratitude for all the things that have been given prayers, support and sacrifices that cannot be mentioned one by one. Hopefully in the future the author's ideals and dreams can be realized and send both parents to the Holy Land. Not forgetting my sister, my older sister who has given me encouragement and support. May Grace, Ridha and the protection of ALLAH SWT always be with and guard.
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10. As well as all parties who cannot be mentioned one by one who have helped the author to be able to complete this thesis. Thank you for all the kindness and generosity of his hands, may Allah give the best reward for you.

The author realizes that this thesis is still far from perfect, both in terms of material, and in terms of presentation because of the limitations and abilities of the author. The author hopes that this thesis can be useful for the writer in particular, especially for the readers. With the completion of this thesis, it is hoped that the knowledge gained during lectures and outside lectures will provide benefits both in this world and in the hereafter, considering that the purpose of education is to produce an attitude that is full of social considerations and scientific responsibilities. As a human being who is never far from mistakes, the author really hopes for forgiveness as well as criticism and suggestions from all parties for the sake of good efforts in the future.

Preach, 30 May 2024

Writer

A handwritten signature in black ink, appearing to read 'Kukuh', with a long horizontal line extending to the right.

Kukuh Ahmad Hasanuddin
NIM 200203110070

TRANSLITERATION GUIDELINES

A. Common

Transliteration is the transfer of Arabic into Indonesian or Latin, not Arabic to Indonesian translation. Included in this category are Arabic names from Arabs, while Arabic names from non-Arabic nations are written according to the spelling of their national language, or as written in books as a reference. Writing book titles in *footnotes* and bibliographies, still use this transliter.

There are many options and transliterative provisions that can be used in writing scientific papers, both those with international and national standards, as well as provisions that are specifically used by certain publishers. The transliteration used by the Faculty of Sharia, State Islamic University (UIN) Maulana Malik Ibrahim Malang uses EYD plus, which is a transliterator based on the Joint Decree (SKB) of the Minister of Religion and the Minister of Education and Culture of the Republic of Indonesia, dated January 22, 1987 No. 158/1987 and 0543.b/U/1987, as stated in the Arabic Transliteration Guidebook *A Guide Arabic Transliteration*.

B. Konsonan

A list of Arabic letters and their transliteration into Latin letters can be found on the following page:

Arabic Letters	Name	Latin Letters	Name
alif	Alif	Not symbolized	Not symbolized
in	Ba	B	Baby
t	Ta	T	Te
W	S a	S	Ice (with dot on top)
C	Jim	J	Them
Going to	H{a	H{	Ha (with the dot above)
X	Kha	Kh	Ka and Ha
of	From	D	Of
L	Z al	With	Zet (with the dot above)
t	Go out	R	There
G	Sa'd	With	Move
Going to	Without	S	Is
U	Considerations	I mean, I am	It's dan ye
AM	S{ad	S{	Ice (with

			dots below)
Z	D}ad	D{	De (with a dot below)
I	T{a	T{	Te (with a dot below)
Z	Z}a	Z{	Zet (with dot below)
on	‘Ain	‘ _____	Inverted Apostoof
G	Gain	G	Ge
f	Ago	F	If
s	Someone	Q	Qi
as	Kaf	Towards	Ka
for	Lam	L	The
M	Me	M	In
nun	Now	N	In
and	Wade	W	We
H	Ha	H	Ha

A/E	Hamzah	—'	Apostrof
Y	Yes	Y	Ye

Hamzah (أ) which is located at the beginning of the word follows its vowel without being given any signs. If it is located in the middle or at the end, then it is written with a sign (').

C. Vowels, Length and Diphthongs

Each Arabic writing in the form of vocal *fathah* is written with "a", *kasrah* with "i", *dlommah* with "u", while the long readings are written in the following way:

The vowel (a) length = â e.g. قال becomes qâla

Vowel (i) length = i e.g. قيل becomes qîla

Long vowel (û) = û e.g. أدون becomes dûna

Especially for the reading of "yes" nisbat, it should not be replaced with "i", but it should still be written with "iy" so that it can describe "yes" nisbat at the end. Likewise for the sound of diphthong, wawu and ya" after *fathah* is written with "aw" and "ay". Consider the following example:

Diphthong (aw) = e.g. قال becomes qawlun

Diphthong (ay) = e.g. خير becomes an imaginary

D. Ta'marbitah (ة)

Ta'marbutah is transliterated with a "t" in the middle of a sentence, but if the ta'marbutah is at the end of a sentence, then it is transliterated using

an "h" e.g. الرسالة المدرسة into al-risalat li al-mudarrisah, or if it is in the middle of a sentence consisting of the order of *mudlaf* and *mudlaf ilayh*, then it is transliterated using a "t" connected with the next sentence, for example في رحمة الله becomes *fi rahmatillâh*.

E. Said Sandang and Lafadz al-jalâlah

The suffix in the form of "al" is written in lowercase letters, except at the beginning of the sentence, while the "al" in the lafadh jalalah that is in the middle of the sentence is leaned *against (idhafah)* and is omitted. Consider the following example example:

1. Al-Imâm Al-Bukhâriy says...
2. Al-Bukhâriy in his muqaddimah explains...
3. *Missi "Allah Kana wa Lam Yasya" Lam Yakun.*
4. *Billah,, azza wa may.*

F. Indonesian Arabic Names and Words

In principle, every word that comes from Arabic must be written using the transliteration system. If the word is an Arabic name from an Indonesian or an Arabic language that has been Indonesian, it does not need to be written using a transliteration system. Consider the following example: "... Abdurahman Wahid, the former fourth president of the Republic of Indonesia, and Amin Rais, former chairman of the People's Consultative Assembly (MPR) at the same time, have made an agreement to eliminate nepotism, collusion and corruption from the face of Indonesia, one of the ways is through intensifying prayers in various government offices, but..."

Pay attention to the writing of the names "Abdurahman Wahid", "Amin Rais" and the word "salat" written using Indonesian writing procedures that are adjusted to the writing of the name. Although the word comes from Arabic, it is in the form of a name from the Indonesian people and has been Indonesian, for that it is written in the way of "Abd al-Rahman Wahid", "Amin Rais", and not written "shalât".

G. Capital Letters

Although the Arabic writing system does not recognize capital letters (All Caps), in transliteration these letters are subject to provisions on the use of capital letters based on the applicable Indonesian spelling guidelines (EYD). Capital letters, for example, are used to write the first letter of one's name (person, place, month) and the first letter at the beginning of a sentence. If the self-name is preceded by the word sandang (al-), then the one written with capital letters remains the initial letter of the personal name, not the initial letter of the preface. If it is located at the beginning of the sentence, then the letter A of the adjective uses a capital letter (Al-). The same applies to the initial letter of a reference title preceded by the slangword al-, both when it is written in the text and in the reference note (CK, DP, CDK, and DR). Example:

O mā Muḥammadun illā rasul

What's the meaning of the following sahih of the sahih?

Ramaḍān al-laẓī unzila fīh al-Qur 'ān

Naṣīr al-Dīn al-Ṭūs Abū Naṣr al-Farābī Al-Gazālī

Al-Munqiz min al-Dalāl

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ABSTRACT

Kukuh Ahmad Hisnuddin, 200203110070, 2024. *Pengawasan Dinas Kominfo Kota Malang Dalam Penanganan Judi Online Berdasarkan Pasal 27 Ayat 2 Undang Undang No 1 Tahun 2024 Tentang ITE Perspektif Saddu Adzari'ah*. Skripsi. Progam Studi Hukum Tata Negara (Siyasah). Fakultas Syariah, Universitas Islam Negeri Maulana Malik Ibrahim Malang. Pembimbing : Prayudi Rahmatullah, M.HI.

Kata Kunci : Pengawasan; Judi Online; Saddu Adzari'ah

Penyalahgunaan teknologi digital untuk kegiatan perjudian online telah menjadi tantangan serius bagi pemerintah, termasuk Dinas Komunikasi dan Informatika (Kominfo) Kota Malang. Undang-Undang Informasi dan Transaksi Elektronik (ITE) Pasal 27 Ayat 2 telah menjadi landasan hukum bagi upaya penindakan terhadap praktik judi online yang meresahkan masyarakat. Penelitian ini bertujuan untuk menganalisis strategi yang digunakan oleh Dinas Kominfo Kota Malang dalam menangani perjudian online. Perspektif yang digunakan dalam penelitian ini adalah *Saddu Adzari'ah* dimana berarti menutup jalan atau Langkah preventif yang diambil. Tujuan penelitian ini sendiri adalah untuk mengkaji bagaimana strategi dan peran Dinas Kominfo Kota Malang dalam penanganan judi online. Peneliti ini menggunakan metode yuridis empiris dengan pendekatan yuridis sosiologis. Lokasi penelitian yang di pilih adalah Dinas Kominfo Kota Malang, data yang digunakan dari data primer dan data sekunder data primer diperoleh dari proses wawancara, data sekunder diperoleh dari buku-buku, jurnal dan peraturan perundang-undangan yang membahas tentang objek penelitian. Hasil penelitian menunjukkan bahwa Dinas Kominfo Kota Malang menerapkan strategi yang berbasis pada pendekatan pencegahan dan penegakan hukum. Pendekatan pencegahan dilakukan melalui edukasi masyarakat tentang bahaya judi online, kampanye anti-judi, dan pembentukan kerja sama dengan lembaga terkait, kepolisian, Lembaga keuangan dan Lembaga hukum lainnya untuk meningkatkan efektivitas penanganan perjudian. Sementara itu, pendekatan penegakan hukum dilakukan melalui monitoring dan pengawasan aktivitas judi online berdasarkan pasal 303 KUHP, serta penindakan terhadap para pelaku melalui proses hukum yang sesuai dengan Pasal 27 Ayat 2 Undang-Undang ITE

ABSTRACT

Kukuh Ahmad Hisnuddin, 200203110070, 2024. **Supervision of the Communication and Information Office of Malang City in Handling Online Gambling Based on Article 27 Paragraph 2 of Law No. 1 of 2024 concerning ITE in the Perspective of *Saddu Adzari'ah***. Thesis. Constitutional Law (Siyasah) Study Program. Faculty of Sharia, Maulana Malik Ibrahim State Islamic University Malang. Advisor: Prayudi Rahmatullah, M.HI.

Keywords: Supervision; Online Gambling; Saddu Adzari'ah

The misuse of digital technology for online gambling activities has become a serious challenge for the government, including the Communication and Informatics Office (Kominfo) of Malang City. The Electronic Information and Transaction Law (ITE) Article 27 Paragraph 2 has become the legal basis for efforts to take action against online gambling practices that disturb the community. This research aims to analyze the strategies used by the Office of Communication and Information Technology of Malang City in handling online gambling. The perspective used in this research is *Saddu Adzari'ah* which means closing the road or preventive steps taken. The purpose of this research is to examine the strategy and role of the Office of Communication and Information of Malang City in handling online gambling. This research uses empirical juridical methods with a juridical sociological approach. The research location chosen is the Malang City Communication and Information Office, the data used from primary data and secondary data primary data obtained from the interview process, secondary data obtained from books, journals and laws and regulations that discuss the object of research. The results showed that the Office of Communication and Information Malang City implemented a strategy based on prevention and law enforcement approaches. The prevention approach is carried out through public education about the dangers of online gambling, anti-gambling campaigns, and the establishment of cooperation with related institutions, the police, financial institutions and other legal institutions to increase the effectiveness of handling gambling. Meanwhile, the law enforcement approach is carried out through monitoring and supervision of online gambling activities based on Article 303 of the Criminal Code, as well as prosecution of the perpetrators through a legal process in accordance with Article 27 Paragraph 2 of the ITE Law.

الملخص

كوكوه أحمد حسن الدين، 200203110070، 2024. الإشراف على مكتب الاتصالات والمعلومات في مدينة مالانج في التعامل مع المقامرة عبر الإنترنت استناداً إلى الفقرة ٢ من المادة ٢٧ من القانون رقم ١ لعام ٢٠٢٤ بشأن تكنولوجيا المعلومات والاتصالات في منظور سادو أدزاريه. الأطروحة. (السياسة). كلية الشريعة، جامعة مولانا مالك إبراهيم الإسلامية الحكومية مالانج. المشرف: برايو دي رحمة الله، المماجستر

الكلمات المفتاحية الإشراف؛ القمار عبر الإنترنت؛ صدو أدزاريه

أصبح سوء استخدام التكنولوجيا في أنشطة المقامرة عبر الإنترنت تحدياً خطيراً لمكتب الاتصالات في مدينة مالانج. وقد أصبحت الفقرة ٢ من المادة ٢٧ من قانون المعلومات (Kominfo) والمعلوماتية أساساً للجهود المبذولة لاتخاذ إجراءات ضد ممارسات المقامرة عبر (ITE) والمعاملات الإلكترونية الإنترنت التي تزعم المجتمع. المنظور المستخدم في هذا البحث هو سدو دزاريه الذي يعني إغلاق الطريق أو الخطوات الوقائية المتخذة. الغرض من هذا البحث هو دراسة استراتيجية ودور مكتب الاتصالات ويستخدم هذا البحث المنهج القانوني. والمعلومات في مدينة مالانج في التعامل مع المقامرة عبر الإنترنت التجريبي مع المنهج القانوني السوسيولوجي. موقع البحث هو مكتب الاتصالات والمعلومات في مدينة مالانج، والبيانات المستخدمة من البيانات الأولية والبيانات الثانوية البيانات الأولية التي تم الحصول عليها من عملية المقابلة، والبيانات الثانوية التي تم الحصول عليها من الكتب والمجلات والقوانين واللوائح التي تناقش موضوع البحث. بقصد دراسة تنفيذ منتج قانوني مع ما يحدث في الواقع في المجتمع كموضوع وتظهر النتائج أن مكتب الاتصالات والمعلومات في مدينة مالانج ينفذ استراتيجية تقوم على تنظيمه نصح الوقاية وإنفاذ القانون. ويتم نصح الوقاية من خلال تثقيف الجمهور حول مخاطر المقامرة عبر الإنترنت، وحملات مكافحة المقامرة، وإقامة تعاون مع المؤسسات ذات الصلة. وفي الوقت نفسه، يتم إنفاذ القانون من خلال مراقبة أنشطة المقامرة عبر الإنترنت والإشراف عليها، فضلاً عن مقاضاة الجناة وفقاً للفقرة ٢ من المادة ٢٧ من قانون مكافحة القمار عبر الإنترنت

CHAPTER I

INTRODUCTION

A. Background

In today's era of globalization, there is a great transformation in society triggered by the rapid development of information and communication technology. This triggered significant growth in globalization. Advances in transportation and telecommunications infrastructure, as well as the emergence of the internet, are the main drivers for the development of globalization which results in dependence on people's social, cultural, and economic activities.¹

The presence of the internet has also significantly expanded global connectivity and communication, covering various important aspects such as politics, economy, social, culture, and others. In addition, internet technology is not only limited to hardware such as computers and software used to process and store information, but also includes communication technologies used to transmit information.²

Interconnection networking or better known as the Internet is a network system that connects various types of computer devices and networks around the world, although they differ in their operating systems and applications. The network relies on advances in telephone and satellite communications, using a

¹ Reza Hermanu W, "Law Enforcement Against the Abuse of Online Gambling Applications in Cyberspace by the Surakarta Police" (Surakarta: University Research Colloquium, 2020), 180.

² Widodo, "Criminal Law in the Field of Information Technology" (Yogyakarta: Aswaja Pressindo, 2013), 6.

communication protocol standard known as TCP/IP (*Transmission Control/Internet Protocol*).³ Actually, the internet was introduced in 1970 where it was developed from a software called *Advanced Research Project Agency Network* (ARPANET) by the United States military.⁴

The presence of the internet in the midst of society has opened up a new world in human life. Indirectly, the internet is changing the way humans communicate by introducing a computer-based borderless world that offers *virtual* reality. However, the impact of the internet is not only positive, but also negative, with the emergence of new crimes related to internet use.

With the development of time and technology, the internet not only has a positive impact on the use of information technology and makes it easier for humans to do various jobs. However, one of the negative impacts of the presence of the internet is the transformation of crime that was initially conventional into technology-based crime. Various types of crimes have emerged, such as online gambling, the spread of pornographic content, *Automated Teller Machine* (ATM) break-ins, theft of company data over the internet, and fraud through electronic media.⁵

There are various characteristics of diverse internet users. According to data from a poll study by the Association of Internet Service Providers (APJII), in 2018

³ Aji Supriyanto, "Introduction to Information Technology" (Jakarta: Salemba Infotek, 2008), 2.

⁴ Muhammad Rustam, "The Internet and Its Use", *Journal of Communication and Media Studies* Vol. 21 No. 1, (2017).

⁵ O.C Kaligis, *Koin Peduli Prita: Indonesia Against Injustice* (Jakarta: Indonesia Against Injustice, 2010), 3.

the number of internet users in Indonesia has reached 171.17 million people⁶, while the latest data from the APJII survey in 2024 shows that the number of internet users in Indonesia has increased to 221,000 million people⁷. As time develops, the internet can also be likened to a double-edged sword, because in addition to providing benefits for the advancement of human civilization, it is also a means to commit crimes. Crimes that often appear on computer networks, cyberspace known as *Cybercrime*.⁸ Crimes in the field of information technology can be categorized as *white collar crimes*, because the perpetrators are often people who are experts in the field.⁹

One form of criminal crime that has reached the modern era is gambling. The Criminal Code (KUHP) has regulated criminal prohibitions and sanctions for the perpetrators of these crimes. These prohibitions and sanctions are regulated in Chapter XIV regarding crimes against morality, namely Article 303 and Article 303 bis. In addition, Law of the Republic of Indonesia Number 7 of 1974 also regulates Gambling Control. Broadly speaking, the content of this regulation states that anyone who gambles will be subject to a maximum penalty of 10 years in prison, or a fine of Rp. 25 million, unless permission is obtained from the authorized authorities.

⁶ Cnbcindonesia.com. Survey: Internet Users in Indonesia Reached 171.17 Million People. Thursday, May 16, 2019. <https://www.cnbcindonesia.com/tech/20190516191935-37-73041/survei-pengguna-internet-di-ri-tembus-17117-juta-jiwa>. Retrieved 2 February 2024.

⁷ Survei.apjii.or.id. Survei Internet APJII 2024. <https://survei.apjii.or.id/survei>. Diakses senin, 4 Maret 2024.

⁸ Widodo, "Criminal Law in the Field of Information Technology" (Yogyakarta: Aswaja Pressindo, 2013), 9.

⁹ Budi Suhariyanto, *Information Technology Crime (Cybercrime): The Urgency of Regulation and Legal Loopholes*, (Jakarta: Rajawali Pers, 2012), 12.

Indonesia has issued a law regulating the implementation of business activities that are contrary to the public interest, morality, or public order. The law is Law of the Republic of Indonesia Number 36 of 1999 concerning Telecommunications. In addition, there is also a law that regulates cybercrime, namely Law of the Republic of Indonesia Number 19 of 2016 Amendments to Law of the Republic of Indonesia Number 11 of 2008 concerning Information and Electronic Transactions. This law prohibits gambling crimes committed through internet network facilities and information technology. This prohibition is regulated in Article 27 paragraph (2), while sanctions are regulated in Article 45 paragraph (1) of Law of the Republic of Indonesia Number 19 of 2016 Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions. Which was then updated again in Article 27 paragraph (2) of the Electronic Information and Transaction Law No. 1 of 2024 where it reads, "*Every Person intentionally and without the right to distribute, transmit, and/or make accessible Electronic Information and/or Electronic Documents that have gambling content*".

In Article 33 paragraph (2) of the 1945 Constitution of the Republic of Indonesia states: "*The wealth of the earth contained in it is controlled by the state and used for the greatest prosperity of the people. (3) The earth and water and the natural resources contained therein are controlled by the state and used for the greatest possible prosperity of the people.*"

Although it does not directly regulate gambling, the principles in the 1945 Constitution, especially related to the management of resources and the welfare of the people, can be interpreted to regulate or prohibit gambling practices that can

harm society. Governments and legal institutions often use these principles as a basis for taking steps related to gambling. In addition, Law Number 7 of 1974 concerning Gambling Regulation is also an important legal basis related to gambling regulations in Indonesia.

Gambling is a term used to refer to the practice of betting with money or goods, where the outcome is uncertain, with the main goal of making a double profit or getting certain goods. According to the Great Indonesian Dictionary, gambling or gambling games are activities that involve betting money, while gambling refers to the act of gambling itself.¹⁰ In today's modern era, gambling is not only limited to covert activities and difficult processes. With the presence of online gambling through various internet sites, perpetrators can do this activity anytime and anywhere.

The Ministry of Communication and Information Technology (Kominfo) is a government agency in Indonesia that has the authority to set policies and regulate the communication and information sector. Established in 2009, this institution has a crucial role in regulating telecommunications, broadcasting, internet, as well as data and information protection policies in Indonesia. The goal is to develop the communication and information sector as the main driver of economic growth and social progress in Indonesia. Kominfo was formed due to the rapid growth of information and communication technology (ICT) in Indonesia in the early 2000s. Significant developments in the use of the internet, mobile phones, and other digital

¹⁰ Center for Language Development and Development. Great Dictionary of Indonesian, (Jakarta: Balai Pustaka, 1999), 419.

communication technologies require government involvement in regulating, supervising, and advancing the ICT sector in order to provide maximum benefits to society and the economy.

As an effort to encourage healthy and sustainable growth in the ICT sector, good regulation and effective supervision are needed. The presence of Kominfo aims to formulate and implement policies and regulations related to communication, informatics, and media. The goal is to maintain order, security, and quality of service in these sectors. Along with the growing growth of the internet and the use of digital technology, data protection and user privacy are becoming increasingly important. Kominfo has a role in regulating personal data protection policies, as well as supervising practices that have the potential to harm consumers in the digital world.

In modern times, gambling is a serious problem that needs to be dealt with massively. At first, gambling that was usually done offline along with the development of the times and increasingly advanced technology, now gambling is not only done offline but also online. With the rise of *online* gambling on various internet sites and the variety of types of games and youth, it has become a serious problem for KOMINFO.¹¹ In accordance with Law Number 39 of 2008 concerning State Ministries, the Ministry of Communication and Informatics is an apparatus of the Government of the Republic of Indonesia in charge of affairs whose scope is

¹¹ Siswanto Sunarso, *Information Law and Electronic Transactions* (Jakarta: Rineka Cipta, 2009), 40.

mentioned in the Constitution of the Republic of Indonesia in 1945, namely information and communication.

Based on data until October 2018, pornographic sites remained the most frequently blocked by the Ministry of Communication and Informatics throughout the year. A total of 106,466 sites containing pornographic content were closed due to complaints from the public or government agencies. The second and third places in the number of blocks are occupied by gambling and fraud sites, as many as 63,220 and 2,639, respectively.¹² However, these measures do not completely prevent the existence of gambling sites, as the owners of these sites often provide alternative links and applications on smartphones to make it easier for gamblers to access online anywhere. Although there have been legislative efforts, it has not been proven to be effective enough in tackling the rise of online gambling. As reported by Detik Jatim, from January to September 2022, the Malang Police have uncovered 19 gambling cases, both conventional and online, and have arrested 27 suspects who are currently undergoing legal proceedings.¹³

Until now, there is still no strict regulation regarding the mechanism for dealing with online gambling sites that are still widely circulated in the cyberspace. Therefore, it is important for the Ministry of Communication and Informatics to take steps in dealing with the abuse of applications that contain online gambling.

¹² Kominfo.go.id, Ferdinandus Setu, "The Most Exploited Pornography, Gambling and Fraud Sites. December 21, 2018. https://www.kominfo.go.id/content/detail/15737/siaran-pers-no-322hmkominfo122018-tentang-situs-pornografi-perjudian-dan-penipuan-paling-banyak-blocked/0/siaran_pers. Retrieved 11 December 2023.

¹³ Muhammad Aminudin, Malang Police Brush 19 Gambling Cases Until This Month, 27 People Become Suspects. <https://www.detik.com/jatim/hukum-dan-kriminal/d-6310110/polres-malang-sikat-19-kasus-judi-hingga-bulan-ini-27-orang-jadi-tersangka>. Accessed February 2, 2024.

This is related to Article 27 Paragraph 2 of the Electronic Information and Transaction Law (UU ITE), which prohibits actions related to gambling

On the other hand, gambling is a complex social problem and has existed since time immemorial throughout the history of human civilization. Gambling can be defined as the activity of betting money or treasure in a game based on luck, in the hope of earning a greater profit than originally wagered.¹⁴

In Islam, gambling is not something new, and it has long been considered a prohibited act. The Qur'an clearly prohibits gambling, describing it as an act owned by the devil. The prohibition against gambling is explained in Surah Al-Maidah (5:90).

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رِجْسٌ مِّنْ عَمَلِ الشَّيْطَانِ
فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ

It means: "O you who believe, Indeed, (drinking) khamar, gambling, (sacrificing) idols, and drawing fortunes with arrows, are heinous acts and include the deeds of Satan. So stay away from them so that you may be lucky.

Verse 90 of Surah Al-Maidah in the Qur'an conveys the prohibition against acts that are detrimental and contrary to the principles of justice. In it, Allah SWT teaches His people about the importance of staying away from destructive acts, including gambling and drinking khamr (liquor), because these two things can cause strife and ugliness among humans. So, this verse teaches Muslims to stay

¹⁴ Ministry of Education and Culture, KBBI, (Balai Pustaka: Jakarta, 1989), 367.

away from acts that damage themselves and society, as well as to seek blessings in living life by following the right teachings in accordance with Islamic teachings.

In the fiqh itself, it is explained about *saddu addzari'ah*, according to al-Qarafi, *saddu addzari'ah* is cutting the path of damage (*mafsadah*) as a way to avoid such damage. Even though an act is free from the element of damage (*mafsadah*), if the act is a way or means of causing damage (*mafsadah*), then we must prevent the act. With the same expression, according to as-Syaukani, *adz-dzari'ah* is a problem or matter that is permissible at birth but will lead to prohibited acts (*al-mahzhur*).¹⁵ With this definition, researchers are interested in using the precursor of *saddu addzari'ah* as a research blade in an Islamic perspective to overcome the spread of online gambling.

Against this background, the Ministry of Communication and Information plays an important role in directing the development of information and communication technology in Indonesia, as well as safeguarding the interests of the community and the state in facing challenges and opportunities in the digital era. With this, the researcher is interested in researching with the title "Strategy of the Malang City Communication and Informatics Office in Handling Online Gambling Based on Article 27 Paragraph 2 of the 2024 ITE Law Perspective *Saddu Adzari'ah*" (Study at the Malang City Communication and Informatics Office)

B. Problem Formulation

¹⁵ Muhamad Takhim, "Saddu al-Dzari'ah in Islamic Muamalah ": Journal of Economics and Business, No.1 (2019), 19-20.
<https://publikasiilmiah.unwahas.ac.id/index.php/AKSES/article/download/3264/3075>

Based on the above background, the author formulates the following
maalah:

1. How is the supervision of the Malang City Communication and Informatics Office in handling online gambling based on Law Article 27 paragraph 2 of the 2024 ITE Law?
2. What is the role of the Malang City Communication and Informatics Office in handling *Saddu Adzari'ah Perspective Online Gambling*?

C. Research Objectives

Based on the formulation of the problem above, the objectives of this research are:

1. To describe and analyze the Supervision of the Communication and Informatics Office in tackling online gambling based on Law Article 27 paragraph 2 of the 2024 ITE Law
2. To describe and analyze the role of the Communication and Informatics Office in tackling online gambling based on *Saddu Adzariah's perspective*

D. Research Benefits

From this research, several benefits can be known, both theoretically and practically.

1. Theoretically,

Theoretically, this research is expected to be able to benefit the development of constitutional science, especially in the field of UUIITE, and can be used for future research, as well as as a reference for the

relevance of the theory used to the development of existing legal products.

2. In practical terms

It is hoped that the results of this research will provide benefits and understanding for constitutional law practitioners and policy makers, by providing an explanation of how legal products are assessed from various theories related to legal principles. It is also expected to provide insight for the general public and other researchers to better understand the issue and contribute to the development of further research. In addition, in its implementation, this research is expected to contribute to the strategy of the Malang City Communication and Information Service in handling online gambling in accordance with Article 27 Paragraph 2 of the ITE Law, with the perspective of Saddu Adzariah. Through this research, it is hoped that there will be an increase in scientific treasures and understanding of laws and related information.

E. Operational Definition

The operational definition is an explanation of the research concept contained in the title of the study. This explanation aims to ensure a clear understanding of the purpose of the research for both researchers and readers.

1. Supervision

The word supervision according to the Great Dictionary of the Indonesian Language (KBBI) supervision is awareness that is focused on certain events or

facts as a method in research.¹⁶ According to expert Robert J. Mockler, supervision is a systematic effort to establish an implementation standard with the purpose of planning, designing a feedback information system, comparing real activities with standards, determining and measuring deviations and taking corrective actions that ensure that all resources owned have been used effectively and efficiently¹⁷

Meanwhile, in terms of state administrative law, supervision is defined as "a process of activities that compares what is carried out, carried out, or held with what is wanted, planned, or ordered". Sujamto argued that supervision is all efforts or activities to find out and assess the true reality of the implementation of duties and activities, whether they are in accordance with what they should or not.

2. ITE

The Electronic Information and Transaction Law is a legal instrument that summarizes the rules that regulate various aspects related to information and electronic transactions in Indonesia. With technological advancements, the existence of the Electronic Information and Transaction Law has become increasingly significant in maintaining the security and orderliness of cyber use. According to the book Introduction to Information Technology, the ITE Law was formed due to the influence of globalization and the rapid development of

¹⁶ 1 Language Center of the Ministry of National Education, Kamus Besar Indonesian, Jakarta, 2008, p.47

telecommunication technology. These changes affect the way we view and manage telecommunications.¹⁸

3. Judi Online

According to KBBI gambling/*ju-di/* ngames using money or valuables as bets (such as playing dice, cards). While gambling is betting a certain amount of money or property in a guessing game based on chance, with the aim of getting a greater amount of money or property than the original amount of money or property.¹⁹ While the word *Online* means connected to, served by, or made available through a system and in particular a computer or system Telecommunications (like the internet). So basically Online Gambling itself is a gambling game in general through electronic media with internet access as an intermediary.

4. Saddu Adzariah

According to Arabic, the word *saddu dzari'ah* is a combination of two equivalents in the form of *mudhaf-mudhaf ilaih*. Which *saddu* means the opposite of opening. While the word *adz-dzari'ah* means means, purpose, willpower and way. So the meaning of *saddu dzari'ah* is a way in an effort to explore Islamic law to prevent, prohibit, close the road or testament a work that

¹⁸ Ministry of Communication and Informatics, "Electronic Information and Transaction Law". <https://www.kominfo.go.id/>. Retrieved 30 April 2024.

¹⁹ The Great Dictionary of the Indonesian Language (KBBI). Gamble. [The meaning of the word gambling - Great Dictionary of Indonesian Language \(KBBI\) Online](#). Retrieved 2 February 2024.

was originally allowed, and can cause something that causes damage or something that is prohibited.²⁰

F. Systematics of Discussion

The systematics of the discussion is a framework or structure that outlines the discussion that will be used in this research which starts from the first chapter of the introduction to the closing chapter, conclusions and suggestions. In this writing, the author presents in five chapters, including:

CHAPTER I: INTRODUCTION. This chapter consists of several sub-sections, including the background of the problem why the author took the research "Strategy of the Malang City Communication and Informatics Office in Handling Online Gambling Based on Article 27 Paragraph 2 of the *Saddu Adzariah Perspective ITE Law*". Then the formulation of the problem which contains the role of the Malang City Communication and Informatics Office in handling and spreading *online gambling* based on Article 27 paragraph 2 of the ITE Law, what is the role of the Malang City Communication and Informatics Service in handling *Sadd Adzariah Perspective Online Gambling*. In the next sub-chapter, there is an explanation of the benefits of research, which includes theoretical and practical benefits.

CHAPTER II: LITERATURE REVIEW. In the second chapter, it is explained about previous research that is relevant to this research topic, and briefly conveys the similarities and differences with current research. Furthermore, a theoretical

²⁰ Intan Arafah, "The Sadd Adz-Dzari'ah Approach in Islamic Studies," *Al-Muamalat: Journal of Sharia Law and Economics* 5, no. 1 (2020): 68–86, <https://doi.org/10.32505/muamalat.v5i1.1443>.

framework consisting of juridical thoughts or concepts is prepared. The information gathered from previous research can be the theoretical basis for analyzing the problems studied in this study.

CHAPTER III: RESEARCH METHODS. This third chapter describes research methods, which are methods or techniques for obtaining data. This method is needed to direct the author to the next chapter to determine the method to be applied in the research process.

CHAPTER IV: RESULTS OF DISCUSSION. The fourth chapter will present an analysis of research results based on data obtained by researchers from the field. This analysis aims to answer the formulation of the problem that has been proposed in the research.

CHAPTER V: CLOSING. The final section of this chapter will contain conclusions and suggestions. The conclusion will provide a summary of the research that has been conducted, while the suggestions will be in the form of proposals or recommendations for further action.

CHAPTER II

LITERATURE REVIEW

A. Previous Research

To help carry out this research, previous research is needed as a test for the validity of the research and there is no coercion from anyone, as well as a comparative benchmark. So the researcher explained several other related studies, including the following:

1. Astrid Pane, Melisa, Journal: 2023²¹, Journal of Islamic Law, Economics and Education, Islamic State University of North Sumatra Medan, with the title "Analysis of the Impact of Online Slot Gambling on the Community of Sebrang Trading City in the Perspective of Fiqh Muamalah", This research is focused on the impact of online slot gambling on the community in the Sebrang City of Commerce in the perspective of fiqh muamalah. In addition, the study also explores the impact of the online gambling phenomenon on the realization of social values in the city of Sebrang Commerce.

This study describes the negative impact of online slot gambling on the community in the Sebrang Trade City in the perspective of fiqh muamalah. The research uses a qualitative approach with phenomenological design and finds that online gambling leads to a decline in social value, especially material

²¹ Astrid Pane, Melisa, *"Analysis of the Impact of Online Gambling on the Community of the Sebrang Trading City in the Perspective of Fiqh Muamalah"* (State Islamic University of North Sumatra, Medan, 2023)
<https://ejournal.staipancabudi.ac.id/index.php/tabayyun/article/download/166/152/646>

value, in society. Online gamblers lose money and fall into debt, which can lead to other crimes such as theft. Online gambling cases involve various groups of society, from young people to the elderly, and have negative impacts such as a decline in life values, criminal acts, and weakening religious values. Fiqhi scholars also emphasized that gambling is haram, and law enforcement efforts and public awareness are considered important in overcoming the problem of online gambling.

2. Dinda Wafiqah, Thesis: 2023²², a student of the Faculty of Sharia and Law, University of Sharia and Law, Ar-Raniry State Islamic University, Banda Aceh with the title "*Wilayatul Hisbah's Efforts in Countering Domino Chip Online Gambling (Case Study in Central Aceh Regency)*". Where this study discusses how Uapaya Wilayatul Hisbah Aceh Tengah in tackling *domino chip online gambling* and what are the factors that make Wilayatul Hisbah Aceh Tengah understand in tackling *domino chip online gambling* perpetrators.

The type of research used in this study is the field, where the researcher uses a method based on the author's initial goal in compiling the research, namely to find out Wilayatul Hisbah's efforts in tackling *domino chip online gambling* in Central Aceh district. Then it is supported by secondary references related to the above problems as a complete and accountable analysis support. This research can be associated with sociological research, which is a research that

²² Dinda Wafiqah, "*The Efforts of Wilayatul Hisbah of Central Aceh in Countering Domino Chip Online Gambling (Case Study in Central Aceh Regency)*" (Ar-Raniry State Islamic University Banda Aceh, 2023)

is carried out carefully and directly into the field, to obtain a number of data sources by means of interviews and documentation for data collection.

3. Rila Kusumaningsih, Suhardi, Journal: 2023²³, Journal of Community Service and Empowerment of Sultan Ageng Tirtayasa University with the title "Countermeasures for the Eradication of Online Gambling in the Community" (Case study in East Karang Asem Village, Citeurup District, Bogor Regency). Where this type of research is a qualitative research that discusses "*Eradication of Online Gambling in Indonesian Society*" which discusses the prohibition and efforts to eradicate online gambling in Indonesia. This research discusses the challenges in eradicating gambling, the negative impact of gambling, as well as the government's efforts in combating *online gambling*.

Where the data collection method used in this study is through legal counseling activities related to tackling the eradication of *online gambling* in the community to provide insight and knowledge about countermeasures. In addition, this study also uses direct observation methods and analysis of documents related to government regulations, laws, scientific journals, and other sources that support the argument about the ban on *online gambling* in Indonesia.

²³ Rila Kusumaningsih, Suhardi, "Countermeasures for the Eradication of Online Gambling in the Banten Community: Journal of Community Service and Empowerment," ADMA Vol, 4 No. 1 (2023), 1-10.

4. Havid Zul Aswad, Nandang Sambas, Journal: 2023²⁴, Journal of Bandung Conference Series: Law Studies Law Study Program, Faculty of Law, Islamic University of Bandung, Indonesia with *the title* "Criminological Analysis of Online Gambling Crimes Committed by Children in the Perspective of Law No. 11 of 2012 concerning SPPA (Juvenile Criminal Justice System). This research discusses the issue of *online* gambling, especially the involvement of children in it, in Indonesia. The study highlights the negative impact of gambling on the younger generation and efforts to impose criminal sanctions on children involved in *online* gambling. The study uses Juridis-Normative research methods and emphasizes the need for restorative justice in dealing with children involved in *online* gambling. This article also provides data on the increasing number of online gambling cases and the blocking of online gambling content by the Indonesian government.

Where this research uses a normative legal method with a literature study approach which includes primary legal materials, secondary legal materials, and tertiary legal materials. The data collection technique was carried out through a literature study which was then analyzed in a normative juridical manner. The research method used is a Juridis-Normative research method that emphasizes legal science or secondary data.

²⁴ Havid Zul Aswad, Nanang Sambas "Criminological Analysis of Online Gambling Crimes Committed by Children in the Perspective of Law No. 11 of 2012 concerning SPPA (Juvenile Criminal Justice System): Bandung Conference Series: Law Studies," Vol. 3 No. 2 (2023), 948-953.

5. Ignasius Yasanda Nono, Anak Agung Sagung Laksmi Dewi and I Putu Gede Saputra, Journal: 2021²⁵, Faculty of Law, Warmadewa University, Denpasar, Bali Indonesia with the title "Law Enforcement of Celebrity Celebrities Who Promote Online Gambling Sites". In this study, law enforcement against celebrities who promote online gambling sites through Instagram social media is discussed. This study uses literature study techniques to collect legal materials related to the issue. This study also uses a qualitative approach in analyzing applicable laws and regulations. The formulation of the problem in this study includes law enforcement regarding the promotion of online gambling sites and criminal sanctions against celebrities who promote online gambling sites. In addition, this study also discusses the influence of promotions carried out by celebrities through Instagram accounts, as well as the development of information technology that raises the problem of *cybercrime*.

In this study, data collection was carried out using library *research* techniques to collect legal materials related to the problem. After the legal materials are collected, this study uses a qualitative approach in analyzing the applicable laws and regulations.

6. Aman Syukur, Putri Ramadhani, Journal: 2021²⁶, Journal of the Ganesha Medan Polytechnic Institution with the title "*Criminal* Elements in the Higgs

²⁵ Ignasius Yosanda Nono, Anak Agung Sagung Laksmi Dewi and I Putu Gede Seputra "Law Enforcement Against Celebgrams Who Promote Balinese Online Gambling Sites: Journal of Legal Analogy," Vol. 3 No. 2 (2021), 235-239.

²⁶ Aman Syukur, Putri Ramadhani "Criminal Elements in the Higgs Domino Online Game that Chips/Coins Are Sold and Sold in Review from the Perspective of Islamic Criminal Law and

Domino Online Game that Chips/Coins Are Sold and Sold in Review from the Perspective of Islamic Criminal Law and Positive Law". This research discusses the criminal element in the *Higgs Domino* online game where *chips/coins* can be traded, as well as the perspective of Islamic criminal law and positive law related to online gambling. The research method used is normative juridical with data sources in the form of the Quran, Hadith, the Criminal Code, Laws, and books on Islamic Criminal Law. Data collection is carried out through literature research, namely by reading, studying, studying, understanding, analyzing, and compiling information from various literature and regulations relevant to the problem being studied. In addition, a field study was also carried out to collect data related to *the Higgs Domino* online game

Table 1 Previous Research

No.	Name/Title/College/Year	Problem Formulation	Research Results	Difference
1.	Astrid Pane, Melisa/ Analysis of the Impact of Online Slot Gambling on the Community of the Opposite Trade City in the Perspective of Fiqh Muamalah/ Journal of Islamic Law, Economics and Education, North Sumatra State Islamic University Medan, Indonesia/ Volume 6 Number 2/ 2023	1. What is the impact of online slot gambling on the community in the city of Sebrang Trade in the perspective of fiqh muamalah?	The results of the study show that online slot gambling has a negative impact on the community in the Sebrang Trading City, especially in terms of decreasing social values, material values, and religious values. Online gamblers are vulnerable to	Previous research focused on how the impact of online slot gambling on the community in the city of Sebrang Trade in the perspective of Fiqh muamalah. Meanwhile, this research focuses more

Positive Law Medan: Journal of Ganesha Political Institutions Medan," Vol. 4 No. 2 (2021), 331-341.

			<p>financial crises, disruptions in academic activities, declining health, personality changes, and can fall into debt. In addition, online gambling can also lead to stress, anxiety, depression, and loss of interest in other activities outside of gambling. These negative impacts also include community unrest, violations of the law, and weakening of religious values. Therefore, law enforcement and public awareness are considered important in addressing the problem of online gambling</p>	<p>on how the Malang City Communication and Informatics Office handles and spreads online gambling based on Law Article 27 paragraph 2 of the ITE Law Based on the Perspective of Saddu Addzari'ah</p>
2.	<p>Rila Kusumaningsih, Suhardi/Countermeasures to Eradicate Online Gambling in the Community, Journal of Community Service and Empowerment/Sultan Ageng Tirtayasa University/2023</p>	<p>1. The formulation of the problem in this study is how the Indonesian government makes efforts to eradicate online gambling, as well as the negative impact of</p>	<p>The Indonesian government has regulated the ban on online gambling and provided criminal sanctions for the perpetrators. Efforts to eradicate online gambling are carried out through cooperation</p>	<p>This previous research discussed several challenges in eradicating gambling, the negative impact of gambling, and the government's efforts in combating <i>online</i></p>

		<p>online gambling on society, nation, and state.</p> <p>2. In addition, this study also finds out what challenges are faced in eradicating online gambling and how public service methods related to legal education and online gambling control are carried out.</p>	<p>between the government and the police, law-making, and the threat of severe punishment for online gamblers. Public service methods related to legal education and online gambling control are also used as an effort to combat online gambling in the community.</p>	<p><i>gambling</i>, while this research focused on how the handling carried out by the Malang City Communication and Informatics Office in the Handling and Distribution of Online Gambling.</p>
3.	<p>Dinda Wafiqah/Wilayahul Hisbah's Efforts in Countering Domino Chip Online Gambling (Case Study in Central Aceh Regency)/Faculty of Sharia and Law, Ar-Raniry State Islamic University, Banda Aceh/2023</p>	<p>1. How is the Effort of Wilayahul Hisbah Central Aceh in Handling Domino Chip Online Gambling</p> <p>2. What are the inhibiting factors of Wilayahul Hisbah Central Aceh in tackling online gambling perpetrators</p>	<p>That Wilayahul Hisbah has made efforts by warning people not to carry out activities that are encroaching on gambling, preventing the opening of places that are usually used for immorality and conducting patrols as a form of supervision of violations of Islamic shari'a qanun, especially among gambling users. For the obstacles themselves, they are the lack of the operational budget of Wilayahul</p>	<p>Previous research discussed the efforts of Wilayahul Hisbah in handling online gambling in Central Aceh Regency, while this research focuses more on how the Malang City Communication and Informatics Office Handles and Spreads Online Gambling Based on Law Article 27 paragraph 2 of the ITE Law Based on the</p>

			Hisbah and the lack of human resources themselves.	Perspective of Saddu Addzari'ah
4.	Havid Zul Aswad, Nandang Sambas/Criminological Analysis of Online Gambling Crimes Committed by Children in the Perspective of Law No.11 of 2012 concerning SPPA (Juvenile Criminal Justice System)/Journal of Bandung Conference Series: Law Studies Law Study Program, Faculty of Law, Islamic University of Bandung/Volume, 3 Number 1/2023	<ol style="list-style-type: none"> 1. How is online gambling crimes committed by children reviewed from a criminological perspective? 2. How is the application of criminal sanctions committed by children reviewed from Law No. 11 of 2012 concerning the juvenile justice system? 	The results of this study show that factors such as association, lack of legal awareness, education, and religion influence children to commit online gambling crimes. In handling children involved in criminal acts, the diversion approach or transfer of the settlement of children's cases from the criminal justice process to processes outside the criminal justice court is prioritized. This is done to achieve peace between victims and children, resolve children's cases outside the judicial process, avoid children from deprivation of independence, encourage community participation, and instill a sense of responsibility in children. In addition, this	Previous research has highlighted the negative impact of gambling on the younger generation and efforts to implement appropriate criminal sanctions for the children involved, while this research focuses more on how the Strategy carried out by the Malang City Communication and Information Service in Handling and Spreading Online Gambling Based on Law Article 27 paragraph 2 of the ITE Law Based on the Perspective of Saddu Adzari'ah

			study also provides data on the increase in online gambling cases and the blocking of online gambling content by the Indonesian government.	
5.	Ignasius Yasanda Nono, Anak Agung Sagung Laksmi Dewi and I Putu Gede Saputra/Law Enforcement Featuring Celebgram Who Promotes Online Gambling Sites/Faculty of Law, Warmadewa University, Denpasar, Bali Indonesia/Volume 2, Number 3/2021	1. The formulation of the problem in this study includes questions regarding law enforcement against the promotion of online gambling sites by celebrities and criminal sanctions against celebrities who carry out the promotion.	Based on this research, it can be concluded that law enforcement against celebrities who promote online gambling sites through Instagram social media can be carried out based on Law Number 11 of 2008 concerning Electronic Information and Transactions and the Criminal Code. Celebgrams involved in the promotion of online gambling sites can be subject to criminal sanctions in accordance with applicable legal provisions, such as Article 27 paragraph (2) of the ITE Law jo Article 55 of the Criminal Code. However, criminal liability can only be imposed if all elements of the	Previous research discussed the influence of online gambling promotions carried out by celebrities through Instagram accounts, as well as technological developments that give rise to <i>cybercrime problems</i> , while this research focuses more on how to Handle the Malang City Communication and Informatics Service in Handling and Spreading Online Gambling Based on Law Article 27 paragraph 2 of the ITE Law Based on the Perspective of

			<p>fault are met. Therefore, law enforcement against celebrities in this case needs to be carried out carefully and in accordance with applicable legal procedures.</p>	<p>Saddu Adzari'ah</p>
6.	<p>Aman Syukur, Putri Ramadhani/ Criminal Elements in the Higgs Domino Online Game that Chips/Coins Are Sold and Sold Reviewed from the Perspective of Islamic Criminal Law and Positive Law/Journal of Ganesha Medan Polytechnic Institution/Volume4, Number 2/2021</p>	<p>1. The formulation of the problem in this study is how the criminal element in the Higgs Domino online game whose chips/coins can be traded, as well as the perspective of Islamic criminal law and positive law related to online gambling.</p>	<p>The result of this study is the discovery that the Higgs Domino online game has elements of gambling and evidence in cybercrime cases. In the perspective of Islamic criminal law, this game is considered haram. Therefore, it is advisable to avoid these games and for the authorities to take action related to gambling-laden games. This research also highlights the importance of paying attention to the perspective of Islamic criminal law and positive law in studying the phenomenon of online gambling.</p>	<p>In the previous study, it discussed the criminal element in online games where chips/coins can be traded and the perspective of Islamic criminal law, while this research focuses more on how the Malang City Communication and Informatics Office Handles and Spreads Online Gambling Based on Law Article 27 paragraph 2 of the ITE Law Based on the Perspective of Saddu Adzari'ah</p>

Based on some of the previous research above, the author concludes that there is no specific agreement with the author's discussion, where the author here emphasizes more on how the strategy and role of the Malang City Communication and Informatics Office in Handling Online Gambling Based on Article 27 Paragraph 2 of the Perspective ITE Law *Saddu Adzari'ah*.

B. Literature Review

1. Judi online
 - a. Understanding

This type of gambling has evolved from traditional forms to utilizing advanced technology through the internet. This happens because of the freedom to create and access websites, as well as because law enforcement has not been able to fully reach crime in the internet realm. As a result, the types of gambling are increasingly varied and increasingly accessible to a wide range of people, including younger ones. This triggered the rapid growth of criminality in gambling which can affect different levels of society.

The meaning of online gambling in Dutch can be found in the dictionary of legal terms "*Fockema Andrea*" which mentions as "*Hazardspel*" or another word from "*Kansspel*", namely a gambling game, or a game of chance that can be punished with existing regulations.²⁷

²⁷ Mr. N.E. algra and Mr. HRW. Gokkel, *Dictionary of Fockma Andrea's Legal Terms*, translated by Saleh Adiwinatadkk, (Jakarta: Bina Cipta, 1983), 186.

According to *Onno W. Purbo*, *online* gambling or gambling through the internet generally occurs by placing bets on sports activities or casino games through *online platforms*. The process includes all betting activities, games, and the collection of results carried out through the internet. Generally, gamblers will be required to make a payment or deposit upfront before they can transfer a certain amount of money to the *website administrator* of the game provider or online gambling. After making an upfront payment, they will receive a certain amount of coins or tokens to use in online gambling games. If they win, the money from the bet will be sent via bank transfer, while if they lose, the coins or deposit will be reduced.²⁸

b. Types of online gambling

Some of the types of online gambling are:

1) *Sports gambling*, Sports gambling includes different types of sports that can be betted, and the way to bet is adjusted to the rules of each sport being contested. Types of sports that are often bet on include *badminton, boxing, motorcycle racing, tennis, football, basketball*, and many more. However, among the various sports that exist, football is the most popular to be used as an object of online gambling.

Because it was indeed the most popular sport before there was online gambling, football has long been used as a bet among the public either in the

²⁸ Zulrahman Rasyid, "Online Gambling among Yogyakarta Students" (Undergraduate, Sunan Kalijaga State Islamic University Yogyakarta, 2017), http://digilib.uin-suka.ac.id/id/eprint/27139/1/10230052_BAB-I_IV-atau-V_DAFTAR-PUSTAKA.pdf

amount of bets that have been agreed with others or through distribution services or also known as soccer bookies, in this soccer gambling is a little more detailed, that is, the perpetrators can analyze the statistics of the club first that they want to be used as a player so that they feel confident in their choices do.

2) *Casino Gambling*, in this gambling, the way of masturbation is like guessing the image that he believes. Casino gambling has many kinds of games so that they can play with what they understand or are experts in the game, including;

- a. *Slot*
- b. *Blackjack*
- c. *Roulette*
- d. *Zeus' grandfather, etc.*

3) *Poker*, a poker game is indeed famous among teenagers, at first this game was just for ordinary fun but as the times progressed this game became online gambling using real money and the same style of play. In online poker there are a lot of different games and names but the way of playing is still the same, and all of them can be visited on internet networking sites.

c. Gambling in the Criminal Code and ITE Law

1. Gambling in the Criminal Code

In Article 303 paragraph (1) of the Criminal Code, it is explained as follows²⁹; *Threatened with imprisonment for a maximum of ten years or a fine of up to twenty-five million rupiah, whoever without permission:*

- 1) *knowingly offer or provide an opportunity for gambling games and make them a search, or knowingly participate in a company for it;*
- 2) *deliberately offering or giving an opportunity to the general public to play gambling or knowingly participating in the company for that purpose, regardless of whether to use the opportunity of a condition or the fulfillment of a procedure;*
- 3) *making participation in gambling games a search.*

Meanwhile, in Article 303 paragraph (3) of the Criminal Code, it is explained that "what is called a gambling game is each game, where in general the possibility of making a profit depends on mere luck, also because the player is more trained or more skilled. It includes all rules about the decision of the race or other games that are not held between those who participate in the race or play, as well as all other rules."

2. Online Gambling in ITE Law

In Article 27 paragraph (2) of Law 1/2024 concerning the second amendment to the ITE Law, it is specifically prohibited "*any person who deliberately and without rights performs the act of distributing, transmitting,*

²⁹ Article 303 paragraph 1 of Law Number 1 of 2023 concerning the Criminal Code (KUHP)

and/or making accessible Electronic Information and/or Electronic Documents that have gambling content". The explanation of the elements in this article can be detailed as follows:³⁰

- a. *"Distributing"* refers to the act of transmitting and/or disseminating information and/or electronic documents to many people or various parties through an electronic system.
- b. *"Transmitting"* refers to the transmission of information and/or documents electronically to other parties through an electronic system.
- c. *"Making accessible"* refers to any action other than *distributing* and *transmitting* through an electronic system that causes information and/or electronic documents to be known to other parties or the public.

Then, Article 27 paragraph (2) of Law 1/2024 mentioned above refers to gambling activities that include offering or providing opportunities for gambling games, taking them as a source of income, providing opportunities for the general public to gamble, and engaging in such businesses. Persons who violate this provision can be subject to a maximum prison sentence of 10 years and/or a fine of up to IDR 10 billion, as stipulated in Article 45 paragraph (3) of Law 1/2024.

2. Supervision Theory

³⁰ Law of the Republic of Indonesia Number 1 of 2024, Supplement to Statute Book of the Republic of Indonesia Number 6905.

As a nation that upholds the concept of a Welfare State, Indonesia does need supervision of state institutions. *The Welfare State* has the responsibility to administer general welfare and serve the public interest. Thus, in accordance with the mandate of the 1945 Constitution, the functions of the state of the Republic of Indonesia can be described as follows:³¹

- a. The first function is to maintain security, sovereignty, and domestic order (*defense, security and protectional function*)
- b. The second function is to ensure the welfare of the people (*welfare function*)
- c. The third function is to provide education for all people (*educational function*)
- d. The fourth function is to play a role in realizing world *peace and human welfare*

The word "watch," meaning "watchful," is the root of the term "watchful." In management and administrative science, the phrase "supervision" refers to one of the components of managerial operations. Muchsan emphasized that the purpose of supervision is to evaluate how a task is de facto carried out, and cannot be used to determine whether the actions taken are in line with predetermined benchmarks (plans).³²

³¹ Muchsan, *Supervision system for state apparatus and state administrative judiciary* (Yogyakarta: Liberty, 2007), 8.

³² Muchsan, *The Supervision System for the Conduct of Government Officials and the State Administrative Court*, (Yogyakarta: Liberty, 2007), 38.

According to *Sondang P. Siagian*, supervision is an observation process rather than the implementation of all organizational activities to ensure that all work that is being carried out runs according to the predetermined plan. The purpose of supervision is to support the individual or group responsible in completing their tasks by using the available resources in an appropriate and effective manner. This is done to prevent errors and irregularities that can harm related institutions or organizations.³³

Supervision itself is a preventive tool that aims to ensure citizens' compliance with legal regulations made by the government.³⁴ Every institution or organization, whether large or small, needs a level of supervision that is appropriate to the complexity of its activities. Large institutions such as government agencies with complex activities require this type of supervision that involves human resources who are experts and have special knowledge in the field of supervision. Functional supervision relates to institutions that have the main duties and functions in carrying out supervision. In state administration, supervision is intended to ensure that power is used in accordance with orders and receives support and approval from the people. In addition, supervision also aims to protect human rights guaranteed by law from acts of abuse of power. Supervision in state administration aims to ensure that:

- a. To ensure that power is used in accordance with the mandated purpose and receives support and approval from the people.

³³ Prosperous *Effectiveness of Supervision Policy* (Bandung: PT. Refika Aditama, 2011), 176.

³⁴ Ridwan HR, *State Administrative Law* (Jakarta: PT RajaGrafindo Persada, 2014), 122.

- b. To protect human rights (*human rights, mensenrechten, droit de l'home*) that have been guaranteed by the Law from abuse of power.

3. Crime prevention strategies

Basically, crime prevention efforts are an important component of social *defense* and social *welfare*. In order to improve the welfare of the community, the main goal of this crime prevention policy effort is to protect the community. One of the components of law enforcement policy is criminal policy. Legal policy, commonly referred to as law enforcement policy, includes crime prevention policy, and social policy also includes legal policy.³⁵ Basically, social policya program intended to achieve social welfare includes criminal policy as a fundamental component.³⁶

According to Barda Nawawi Arief, rational efforts to control or overcome crime (criminal) can be carried out using two means, namely:

1. Criminal policies using penal punitive measures are methods used to fight crime by applying criminal law. There are two main issues in the approach to this crime, namely: the main issues, in particular:
 - a. Acts that should be made criminal acts. Actions that violate the law and harm the interests of the community or individuals.
 - b. What punishment should be imposed on violators is an effective, fair, and deterrent punishment. This can include according to each

³⁵ Prayudi Rahmatullah, *Fiqh Siyasaah; contextualization of Constitutional Law in Islamic Perspective* (Malang: Faculty of Sharia'ah UIN Malang, 2024)

³⁶ Bard Nawawi Arief, *Bunga Potpai Criminal Law Policy Development of the Draft of the New Criminal Code* (Jakarta: Kencana Prenada Media Group, 2008), 2.

level of crime committed and can provide a preventive effect for violators and provide justice for victims.

2. Criminal policies that use non-penal actions. Policies to prevent crime
The use of social measures to improve certain social circumstances is the only aspect of a non-penal crime prevention program that has an indirect impact on crime prevention. indirectly impacting crime prevention initiatives.³⁷

There are several ways that can be taken in an effort to overcome crime, according to G.P Hoefnagels, that method is:

- 1) Application of *criminal law (criminal law application)*
 - 2) Prevention without *punishment*
 - 3) Influencing the public's view of crime and criminalization through mass media.
4. Saddu Adzari'ah
- a. Understanding

According to al-Qarafi, *sadd adz-dzari'ah* is cutting off the path of damage (mafsadah) as a way to avoid such damage. Even though an act is free from the element of damage (mafsadah), if the act is a way or means of causing damage (mafsadah), then we must prevent the act. With the same expression, according to as-Syaukani, *adz-dzari'ah* is a problem or matter that is permissible at birth

³⁷ Barda Nawawi Arief, *Comparative Criminal Law*, (Jakarta: Rajawali Pers, 2015), 77–78.

but will lead to prohibited acts (al-mahzhur).³⁸ According to Mukhtar Yahya and Fatchurrahman, sadd-addzari'ah is to eliminate or close the path that leads to forbidden deeds. Meanwhile, according to Ibn al-Qayyim al-Jauziyyah, the road or intermediary can be in the form of something that is forbidden or allowed.

From some examples of the above understanding, it appears that some scholars such as Ash-Shathibi and Ash-Shaukani narrow the adz-dzariah as something that was initially allowed. However, al-Qarafi and Mukhtar Yahya mention adz-dzari'ah in general and do not narrow it down to just what is permissible. In addition, Ibn al-Qayyim also revealed the existence of adz-dzari'ah which was initially forbidden. Meanwhile, according to Abdul Hamid, *sadd adz-dzari'ah* is to establish a prohibition law on a certain act that is basically allowed or prohibited to prevent the occurrence of other prohibited acts. From sharing the above view, *sadd adz-dzari'ah* is a preliminary or preventive action to prevent something unwanted from happening (something worse).

b. Legal Basis

1) Al-Quran

وَلَا تَسُبُّوا الَّذِينَ يَدْعُونَ مِنْ دُونِ اللَّهِ فَيَسُبُّوا اللَّهَ عَدْوًا بِغَيْرِ عِلْمٍ ۗ كَذَلِكَ زَيَّنَّا لِكُلِّ
أُمَّةٍ عَمَلَهُمْ ثُمَّ إِلَىٰ رَبِّهِمْ مَرْجِعُهُمْ فَيُنَبِّئُهُمْ بِمَا كَانُوا يَعْمَلُونَ

Means:

"And do not curse the offerings they worship other than Allah, for they will curse Allah beyond the limits without knowledge. Thus we make every ummah think well of their work. Then they returned to

³⁸ Muhamad Takhim, "Saddu al-Dzari'ah in Islamic Muamalah Islam," *Journal of Economics and Business*, no. 1 (2019): 20.

<https://publikasiilmiah.unwahas.ac.id/index.php/AKSES/article/download/3264/3075>

the Lord, and he preached to them what they had done before." (QS. al-An'am: 108).

In the verse above, insulting God or other religious worship is *adz-dzari'ah* which will cause something mafsadah that is forbidden, namely insulting God. According to the psychological theory of *the defense mechanism*, people whose God is reproached are likely to retaliate against God who was believed by the previous person to reproach. Therefore, before the reply to the insult occurs, the prohibition of insulting the gods of other religions is a preventive measure (*saddu adz-dzari'ah*).

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَقُولُوا رَاعِنَا وَقُولُوا انظُرْنَا وَاسْمَعُوا وَلِلْكَافِرِينَ عَذَابٌ أَلِيمٌ .

It means: "O you who believe, do not say (to Muhammad): "Raa'ina", but say: "Unzhurna", and "Listen". And for the disbelievers the torment is painful." (QS. al-Baqarah: 104)

In surah al-Baqarah verse 104 above, it can be understood that there is a form of prohibition on an act because there is a concern about the negative impact that will occur. The word *raa 'ina* (رَاعِنَا) means: "Be willing to pay attention to us." When the Companions used this word against the Prophet, the Jews also used this word in a mocking and insulting tone. They use it with the meaning of the word *raa'inan* (رَاعِنًا) as an isim *file* form of Masdar, the word *ru'unah* (رُحُونَةٌ) which means stupid or stupid. Therefore, God also told the companions of the Prophet PBUH to replace the word *raa'ina* which they usually

use with unzhurna which also means the same as raa'ina. From this background and understanding, this verse according to al-Qurthubi is used as the basis of the sadd adz-dzari'ah.

2) Sunnah

عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو رَضِيَ اللَّهُ عَنْهُمَا قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِنَّ مِنْ أَكْبَرِ الْكِبَائِرِ أَنْ يَلْعَنَ الرَّجُلَ وَالِدَيْهِ قِيلَ يَا رَسُولَ اللَّهِ وَكَيْفَ يَلْعَنُ الرَّجُلُ وَالِدَيْهِ قَالَ يَسُبُّ الرَّجُلُ أَبَا الرَّجُلِ فَيَسُبُّ آيَاهُ وَيَسُبُّ أُمَّهُ

Means: *From Abdullah bin Amr RA, he said, the Prophet PBUH said: "Among the great sins of a man cursing his parents." He was then asked, "How can a man curse his parents?" He replied, "A man insults someone else's father; then the person who is insulted then insults the man's father and old mother."*

This hadith was used by Imam Syathibi as one of the legal bases for the concept of *sadd adz-dzari'ah*. Based on the hadith, according to the Spanish jurist, conjecture (*zhann*) can be used as a basis for the determination of law in the context of *sadd adz-dzari'ah*.

3) Kaidah Fiqih

Among the fiqh rules used by the policy are

مَا آدَا إِلَى الْحُرَامِ فَهُوَ حَرَامٌ

It means: *"What leads to the unclean, it is also unlawful".³⁹*

دَرْءُ الْمَفَاسِدِ أَوْلَى مِنْ جَلْبِ الْمَصَالِحِ

It means: *"Rejecting evil (mafsadah) is more important than gaining good (maslahah)."*

³⁹ Djazuli, Rules of Fiqh, 32.

This rule is a basic rule that can include derivative problems under it. Various other rules also rely on this rule. Therefore, *saddu adz-dzari'ah* can also be relied on him. This can also be understood, because in *saddu adz-dzari'ah* there is an element of *mafsadah* that must be avoided⁴⁰.

Shaykh Abdullah bin Yusuf al-Jadi' explained *saddu dzari'ah* as a concept that can influence the direction of the law of an action, both towards haram and goodness. In this definition, there are two important elements: **First**, damage (*mafsadah*), which refers to actions that are actually permissible but can lead to things that are prohibited because of the potential damage contained in them. **Second**, goodness (*maslahah*), which refers to actions that are bad but are encouraged because of the potential for good that can be produced. From this explanation, we can conclude that the most important thing in taking a bad action is to pay attention to the impact. If the impact is positive, then the action is recommended, but if the impact is detrimental, then the law is haram. More emphatically, Shaykh Abdullah said:⁴¹

أَنَّ مَا أَدَّى إِلَى الْمَشْرُوعِ فَهُوَ مَشْرُوعٌ، وَمَا أَدَّى إِلَى الْمَمْنُوعِ فَهُوَ مَمْنُوعٌ

It means: "Actually, every media (*mubah*) that leads to something that is recommended, the law is also encouraged, and every media that leads to something that is prohibited, the law is also prohibited."

From some of the explanations above, it can be seen that *the saddu dzari'ah* method emphasizes more on evaluating or discussing the impact of an action. If

⁴⁰ Muhammad Takhim, 21.

⁴¹ Syekh Abdullah al-Jadi', *Taisîri 'Ilmi Ushûlil Fiqhi lil Jadi'*, (Beirut: Dârul Minhâj, juz II). 58. <https://islam.nu.or.id/syariah/ushul-fiqih-metode-saddudz-dzari-ah-dan-klasifikasi-hukumnya-LCjrT>

the media used in an action leads to what is recommended in the Shari'ah, then the action is encouraged. However, if the impact will lead to things that are forbidden, such as the appearance of danger and damage, then the action is not allowed (haram).

CHAPTER III

RESEARCH METHODS

The method is a stage used by researchers to collect data. The researcher used several research methods which include:

A. Type of Research

This research is a type of empirical juridical research. The purpose of empirical juridical research is research that will directly go to the place to be researched along with the informants that have been determined⁴². Empirical juridical research that has the object of study on community behavior, research with empirical juridical methods is research that explores (*Expotor*), explains and also describes (*Descriptive*) and explains (*explanatory*). Empirical research is sociological research, in other words field research, in which this study uses primary data based on facts from research results in the field⁴³. With data taken from the Informants. Where is the figure in question at the Malang City Communication and Informatics Office, the data obtained from this study is more focused on primary data that has been obtained from the Malang City Communication and Information Service

⁴² Amiruddin and Zainal Asikin, *Introduction to Legal Research Methods* (Jakarta: PT. Raja Grafindo Persada, 2004), 30.

⁴³ Suharsimi Arikunto, *"Legal Procedures in Practice"* (JAKARTA: Sinar Grafika, 2005).15.

B. Research Approach

A research approach is a method or strategy used to collect information from various perspectives to answer the question or issue being researched. In this study, the approach used is a juridical-sociological approach, which aims to combine legal aspects and social aspects in problem solving. This approach utilizes empirical data, such as the results of interviews with informants, as well as observations of legal behavior in society.

The juridical-sociological approach looks at the reality of law in the social context of society. Through this approach, legal aspects are studied in social interactions involving community participation. The sociology approach of law is used to analyze how law operates in a social context, as well as to identify and clarify relevant non-legal findings in legal research or writing.⁴⁴

C. Location

The location used by the researcher is at the Malang City Communication and Information Service which is located at Jl. Mayjen Sungkono (Integrated Accounting Building A 4th Floor) Postal Code 65132. The determination of the location of this research is based on the researcher having conducted a pre-survey with the location and found that the location has characteristics that match the problem to be researched and this Agency has met the criteria to obtain research data.

⁴⁴ Aminuddin, *"Introduction to Legal Research Methods"* (JAKARTA: PT. Raja Grafindo Persada, 2006) ,30.

D. Types and Sources of Data

The types and sources of data used in this study are primary data sources, secondary data, and tertiary data.

a. Data Primer

Primary data is information obtained through direct conversations with research subjects, to collect data where the data will be the source of primary data⁴⁵. The primary data source in this study will be obtained by the interview and observation process at the Malang City Communication and Informatics Office.

b. Data seconds

Secondary data is additional data used to support analysis and research. Secondary data sources serve as a tool to explore and explain the information found in primary data sources. This secondary data is in the form of laws, books, literature, journals, and other scientific works that are relevant to the research topic being carried out.⁴⁶

c. Data tersier

Tertiary data sources are reference materials that provide explanations and interpretations of primary and secondary data sources. This includes sources such as dictionaries, encyclopedias, and various other references that support the understanding of the information contained in primary and secondary data. This tertiary data source serves

⁴⁵ Muhaimin, *Legal Research Methods* (Mataram: Mataram University Press, 2020), 89

⁴⁶ Zainuddin, *Legal Research Methods*, (Jakarta, Sinar Graf, 2019), 11.

as a supporting material to enrich the analysis in the research or study that is being conducted.

E. Data Collection Methods

The data collection method applied is an empirical research method, which relies on direct observation and practical experience to obtain information. In this context, the method includes the use of interviews and observations as the main components of data collection, such as those used by the researchers in this study.

- a. Observation is a method that uses observation as the main tool in collecting data. The role of resource persons is very important to help researchers understand the legal picture⁴⁷ in society. The tools used in this study include field notes, voice recordings, hand notes, and computer notes. This study will combine documentation data, interview results, and observation results for further analysis.
- b. Interview, is a process of interaction and communication. Interviews are data collection techniques that are carried out face-to-face through questions and answers. The type of interview used is semi-structured, where the researcher has determined the problem more openly, where the informant is asked for his ideas, in conducting an interview a researcher listens to it and notes what has been explained by the interviewee⁴⁸ is taken from the figure of the authorized agency.

⁴⁷ Tutik Rachmawati, *Data Collection Methods in Qualitative Research* (UNPAR Press 1, 2017), 17.

⁴⁸ Zuchri Abdussamad, *Qualitative Research Methods* (Makassar: Syakir Media Press, 2021), 39.

- c. Documentation, documentation is a method used to present documents that contain valid evidence from various special sources of information such as writings, books, laws, and so on. This method allows researchers to collect and record relevant information from specific sources for use in analysis and research.⁴⁹ Furthermore, to obtain data, the researcher documented by taking pictures related to the research. Coupled with the data available at the Malang City Communication and Information Service.

F. Data Management Methods

The data collection method used in this study is through several stages, namely as follows:

- a. Editing is the first step in research data processing where the data is carefully studied to ensure its accuracy and consistency. During the editing process, data checks and corrections are also carried out to facilitate further data processing more smoothly.
- b. Classification, classification is the process of grouping data based on research needs to facilitate management. This step aims to organize data so that it is neatly arranged and can be managed more efficiently. Classification also helps in limiting irrelevant or inappropriate issues that should not be included in the study⁵⁰. Then researchers must be

⁴⁹ Ajat Rukajat, *Qualitative Research Approach* (Yogyakarta: Deepublish, 2018)

⁵⁰ Ajat Rukajat, *Qualitative Research Approach* (Yogyakarta: Deepublish, 2018)

careful in understanding all the information that has been obtained in order to be able to group between primary, secondary and tertiary data.

- c. *Analysis (Analyzing)*, is a process carried out by researchers in simplifying data so that it is easy to understand and read so that researchers can easily complete their analysis. At this stage, simplify the data obtained from figures in the Malang City Communication and Information Service in accordance with the research theme.
- d. *Concluding*, is the final stage in data processing where the results of the analysis are announced into conclusions that can provide solutions or answers to the formulation of the problem proposed. At this stage, the processed data will be presented in sentences that are clear and easy for readers to understand, resulting in a comprehensive picture of the final results of the research⁵¹.

⁵¹ Ahmad Rijali, "Qualitative Data Analysis," *Alhadharah: Journal of Dakawah Science* 17, No. 33 (2019), 81.

CHAPTER IV

DISCUSSION

A. Overview of Research Objects

1. Overview of Malang City

The city of Malang, a city that adorns the top of the mountain with its splendor, is a magnet for tourists looking for natural beauty and fresh air. Situated at an alluring height, between 440 and 667 meters above sea level, the city makes every corner a mesmerizing nature painting. With impressive astronomical coordinates, Malang is located between 112.06° - 112.07° East Longitude and 7.06° - 8.02° South Latitude, making it an ideal place to look at the blue sky or observe the twinkling stars at night. Not only is it known as a paradise for nature lovers. With all its charm, Malang has become an icon of the beauty and wealth of East Java, inviting tourists from all over to enjoy its unforgettable charm.

Malang City has an area of 110.06 Km². According to data from the Central Statistics Agency (BPS), the total population in 2023 in this city amounted to 847.182 thousand people.⁵² The Malang City area is spread into 5 sub-districts and 57 sub-districts. Malang is one of the largest cities in East Java, second only to Surabaya. Together with Malang Regency and Batu City, Malang forms a regional

⁵² Malang City Statistics Agency, "Number of Population by District and Gender in Malang City (Jiwa), 2021-2023," *malangkota.bps.go.id*, accessed May 6, 2024, <https://malangkota.bps.go.id/indicator/12/48/1/jumlah-penduduk-menurut-kecamatan-dan-jenis-kelamin.html>

unity called Malang Raya, an unparalleled center of economic, cultural, and tourism activities.

The boundaries of the Malang City area are as follows:

1. North : Singosari District and Karangploso District (Malang Regency)
2. West Side : Wagir District and Dau District (Malang Regency)
3. South : Tajinan District and Pakisaji District (Malang Regency)
4. East : District and Tumpang District (Malang Regency)

The ethnic people of Malang are known to be dynamic, religious, hardworking, straightforward and proudly declare their identity as AREMA (Arek Malang). The majority of the population comes from the Javanese tribe, however, has a slightly different character from Javanese society in general. They tend to have a slightly harsher and *egalitarian temperament*. Some say that one of the reasons is the distance of Surabaya from the "palace" which is seen as the center of Javanese culture. In addition to the Javanese tribe, there are also a number of minority tribes such as Chinese, Arabs, Madura, and others. Malang is also an education city where students from all over Indonesia are present, which then forms a forum for its own communities in this area.

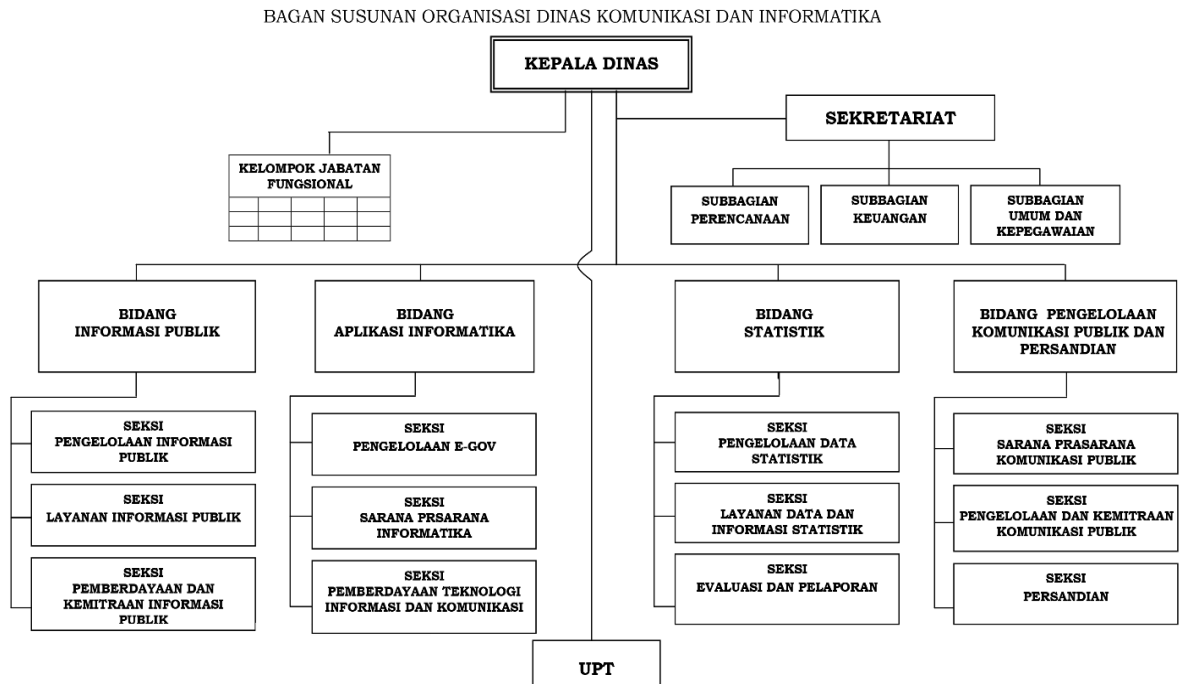
Javanese is the daily language of the people of Malang, especially the East Javanese dialect and Madura language. However, among the younger generation, it is common to use a typical Malang dialect called '*boso walikan*' where words are spelled and pronounced upside down, for example: like Malang becomes *Ngalam*, you become *umak*. The language style in Malang tends to be rigid without many polite expressions like those found in rough Javanese in general. This reflects the attitude of its citizens who are firm, straightforward and do not know small talk.⁵³

2. Malang City Communication and Information Service

The location that I researched was the Malang City Communication and Informatics Office which is located at Jl. Mayjen Sungkono (Integrated Accounting Building A 4th Floor) Postal Code 65132. The determination of the location of this research is based on the researcher having conducted a pre-survey with the location and found that the location has characteristics that match the problem to be researched.

⁵³East Java Provincial Trust, Jatim.bpk.go.id. <https://jatim.bpk.go.id/kota-malang/#:~:text=Kota%20Malang%20merupakan%20kota%20terbesar,memiliki%20luas%20110%2C06%20Km%C2%B2>. Accessed May 6, 2024.

Chart 1. 1 Organizational Structure



The legal basis for the implementation of the Malang City Communication and Informatics Service is Malang Mayor Regulation No. 41 of 2021 concerning the Position, Organizational Structure, Duties and Functions and Work Procedures of the Communication and Information Service. Where the main task is "The Communication and Informatics Service has the task of carrying out government affairs in the fields of Communication, Informatics and Statistics and Cryptography which are the authority of the Region and the task of assistance".⁵⁴

⁵⁴ Malangkota.go.id, List of Malang City Offices. <https://malangkota.go.id/dinas/#1648701132256-2bc7d3a3-47ef>. Retrieved 7 May 2024.

**B. Supervision of the Malang City Communication and Informatics
Office in Handling Online Gambling Based on Article 27 Paragraph 2
of the 2024 ITE Law**

The word "watch," meaning "watchful," is the root of the term "watchful." In management and administrative science, the phrase "supervision" refers to one of the components of managerial operations. Muchsan emphasized that the purpose of supervision is to evaluate how a task is de facto carried out, and cannot be used to determine whether the actions taken are in line with predetermined benchmarks (plans).⁵⁵

According to *Sondang P. Siagian* , supervision is an observation process rather than the implementation of all organizational activities to ensure that all work that is being carried out runs according to the predetermined plan. The purpose of supervision is to support the individual or group responsible in completing their tasks by using the available resources in an appropriate and effective manner. This is done to prevent errors and irregularities that can harm related institutions or organizations.⁵⁶

It has been explained that in Article 4 paragraph 1 of the Mayor of Malang Regulation No. 41 of 2021 concerning Position, Organizational Structure, Duties and Functions, as well as Official Work Procedures, Communication and Informatics. *"The Service has the task of carrying out government affairs in the*

⁵⁵ Muchsan, *The System of Supervision of the Acts of the Government and the State Administrative Court*, (Yogyakarta: Liberty, 2007), 38

⁵⁶ Prosperous *Effectiveness of Supervision Policy* (Bandung: PT. Refika Aditama, 2011), 176.

*fields of Communication, Informatics and Statistics and Cryptography which are the authority of the Region as well as the task of assistance".*⁵⁷ Based on the article above, the Malang City Communication and Informatics Office has one of the functions to supervise various problems in the field of communication and informatics in the city of Malang, in this case including the rise of online gambling sites spread in cyberspace.

However, the Malang City Communication and Information Service does not have the authority to block gambling sites and applications, this is in accordance with the statement of one of the speakers we interviewed, Mr. Edwin, ST. as an employee of the Malang City Communication and Informatics Office is to explain, namely:

*"Yes, indeed, since the change of Minister to the current Mr. Budi Arie Setiadi (the current Minister of Communication and Information), he has declared to combat online gambling, even within a certain period of time making announcements related to websites and applications that smell of gambling and pornography that have been successfully blocked. This is to provide information to the public officially, as well as to build trust, give awards to law enforcement, and promote public safety awareness. He further explained that "indeed to combat online gambling, it cannot be 100% completely clean considering that there are many aspects that must be improved" Basically, declaring the community must still be done, it will be useless if we do a large-scale destruction of online gambling. However, if the people themselves tend to still be addicted or there is a demand on these sites, it will still not be 100% lost. Therefore, the improvement of human resources (human resources) must also be encouraged considering that humans themselves are actors and users. Therefore, we are also trying to strengthen people's literacy through social media campaigns and seminars on campus and school.*⁵⁸

⁵⁷ Article 4 Paragraph 1 of the Regulation of the Mayor of Malang No. 41 of 2021 concerning Position, Organizational Structure, Duties and Functions, as well as Official Work Procedures, Communication and Informatics, Regional News of Malang City in 2021 Number 42.

⁵⁸ Edwin, interview, (Malang, May 6, 2024)

Furthermore, Mr. Edwin explained that Kominfo itself has also collaborated with the Financial Services Authority (OJK) and *Internet Service Providers* (ISPs). Based on press release number SP 129/GKPB/OJK/IX/2023, the Financial Services Authority (OJK) has an important role in maintaining the integrity of the financial system. One of the actions taken by the OJK is to order financial institutions, including banks, to block accounts involved in illegal activities, such as *online gambling*. OJK aims to keep all activities in the financial sector running in an orderly, fair, transparent, and accountable manner. This is expected to support the sustainable and stable growth of the financial system, as well as protect the interests of consumers and society as a whole. OJK carries out its duties through an integrated regulatory and supervisory system for all activities in the financial services sector, including through cooperation with other institutions.

"We welcome this form of inter-institutional cooperation to be more intensified in the future to help eradicate economic crimes committed by utilizing bank accounts and the Indonesian payment system. Efforts to uphold the integrity of the banking system are the responsibility of all relevant parties," said OJK Chief Executive of Banking Supervision Dian Ediana Rae. Previously, the OJK had received a letter from the Ministry of Communication and Information Technology (Kominfo) regarding a request to block a number of accounts involved in online gambling activities. According to him, the OJK continues to

coordinate with Kominfo and orders banks to block accounts involved in online gambling activities.

Based on Article 36A paragraph (1) letter c, number 33 in Article 14, and Article 52 paragraph (4) letter c number 42 in Article 15 of Law Number 4 of 2023 concerning the Development and Strengthening of the Financial Sector (P2SK Law), the OJK has the authority to order banks to block certain accounts in the context of carrying out supervisory duties. In an effort to continue to strengthen the integrity of the financial services sector, on June 14, 2023, the OJK has issued OJK Regulation (POJK) Number 8 of 2023 concerning the Implementation of the Anti-Money Laundering Program, Prevention of Terrorism Financing, and Prevention of Financing of the Proliferation of Weapons of Mass Destruction in the Financial Services Sector (POJK APU-PPT). This step reflects OJK's commitment to maintaining the integrity of the financial services sector. This POJK is an improvement of the previous POJK APU-PPT, namely Number 12/POJK.01/2017 which has been amended through POJK Number 23/POJK.01/2019.

In addition, to strengthen the implementation of governance in the banking sector, OJK has also issued OJK Regulation Number 17 of 2023 concerning the Implementation of Governance for Commercial Banks. This is done considering the importance of governance in the management of bank business activities so that they can develop in a healthy and sustainable manner, by prioritizing values, ethics, principles, and maintaining integrity. Furthermore, Dian also emphasized that cooperation between OJK, Kominfo, and other institutions will continue to

be improved to overcome problems that are troubling the community, such as online gambling and illegal loans. One of the concrete steps taken was to conduct an audit of the accounts in two banks that were abused for illegal activities, and then order the blocking of these accounts.⁵⁹

Based on the Press Release issued, basically the Financial Services Authority (OJK) has a limited role in handling online gambling directly, this is because online gambling is not a financial problem related to the capital market or financial institutions. Nevertheless, the OJK has several roles that can be related to the financial aspects related to online gambling:

- 1) Financial Institution Supervision: The OJK is responsible for supervising financial institutions in Indonesia, such as banks and non-bank financial institutions. Although it is not directly related to online gambling, the OJK can ensure that the operating financial institutions are not involved in transactions related to illegal gambling.
- 2) *Anti Money Laundering (AML)*: If it is found that a financial institution is involved in suspicious transactions related to online gambling, the OJK can play a role in implementing AML protocols to prevent money laundering related to such illegal activities.
- 3) Educational Campaigns: Although not the main focus, the OJK can participate in educational campaigns to raise public awareness about the

⁵⁹ Ojk.go.id, Press Release: OJK Orders Banks to Block Accounts Involved in Online Gambling Activities. <https://ojk.go.id/id/berita-dan-kegiatan/siaran-pers/Pages/OJK-Memerintahkan-Bank-untuk-Memblokir-Rekening-yang-Terlibat-dalam-Kegiatan-Judi-Online.aspx>. Retrieved 21 May 2024.

financial risks associated with online gambling. This can be done as part of broader financial risk prevention efforts.

- 4) Coordination with Related Parties: The OJK can coordinate with government agencies and other law enforcement agencies, such as the Ministry of Communication and Information Technology, the Police, and the Indonesian Broadcasting Commission (KPI), to combat online gambling holistically, although its role will be more as a partner or coordinator than as the main implementer.

In general, the handling of online gambling in Indonesia is more of the responsibility of law enforcement agencies and other relevant government agencies such as the Ministry of Communication and Information, the Police, and KPI. OJK continues to play a role in ensuring that financial activities involved in online gambling do not violate existing financial regulations.

Not only that, Kominfo also collaborates with third parties such as *Internet Service Providers* (ISPs) to participate in the fight against online gambling, this is in accordance with the call for a letter issued by the Minister of Communication and Informatics, Budi Arie Setiadi⁶⁰

"We remind mobile operators and *Internet Service Providers* and *stakeholders* between the communication and information sectors to work together to fight against online gambling. All those who facilitate online gambling

⁶⁰ Ministry of Communication and Informatics. "Invite Cooperation to Fight Online Gambling, the Minister of Communication and Information will send a letter to cellular operators and ISPs". <https://aptika.kominfo.go.id/2023/09/ajak-kerja-sama-perangi-judi-online-menkominfo-bakal-surati-operator-seluler-maupun-isp/>. Retrieved 21 May 2024.

must be closed," said the Minister of Communication and Information at the Ministry of Communication and Informatics Office, Central Jakarta, Thursday (21/09/2023).

The Ministry of Communication and Informatics continues to combat online gambling because it has a direct impact on the community in economic and social aspects. In accordance with the Instruction of the Minister of Communication and Informatics No.1 of 2023, the Ministry of Communication and Informatics always coordinates with ministries and institutions to eradicate online gambling. The Minister of Communication and Information has also written to the Chairman of the Board of Commissioners of the Financial Services Authority to block accounts related to gambling and online gambling activities. Furthermore, the Ministry of Communication and Informatics is coordinating with Bank Indonesia regarding the payment system allegedly used for online gambling.

In the field of law enforcement, the Ministry of Communication and Information Technology coordinates closely with the Indonesian National Police. Minister Budie Arie Setiadi stated that they are cooperating with the Police in law enforcement efforts. Instruction of the Minister of Communication and Informatics No. 1 of 2023 contains strategic and measurable steps to clean up online gambling content in Indonesia's digital realm.⁶¹

⁶¹ Instruction of the Minister of Communication and Informatics Number 1 of 2023 concerning the Eradication of Online Gambling and/or Slot Gambling. https://jdih.kominfo.go.id/produk_hukum/view/id/874/t/instruksi+menteri+komunikasi+dan+informatika+nomor+1+tahun+2023. Retrieved 21 May 2024.

The instruction from the Minister of Communication and Information Technology is the implementation of Article 27 paragraph (2) of Law No. 11 of 2008 concerning Information and Electronic Transactions, which has been amended by Law No. 19 of 2016 concerning Amendments to Law No. 11 of 2008. The article regulates the prevention of the use of electronic information and/or electronic documents containing gambling. The instruction is also in line with Articles 426 and 427 of Law No.1 of 2023 concerning the Criminal Code which affirms criminal provisions for anyone who offers or provides an opportunity to gamble or participate in gambling activities.

For more completeness, the author has summarized the contents of the Instruction of the Minister of Communication and Information of the Republic of Indonesia No. 1 of 2023 concerning the Eradication of Online Gambling / or Slot Gambling. This Instruction Letter is intended for the **first** : Specifically the Chief Director General of Informatics Applications

- a) The Ministerial Instruction stipulates that within 7 days of this Instruction being established, preventive and proactive efforts must be made to remove online gambling and slot gambling content from all digital platform channels, social media, and other media platforms. Furthermore, periodic evaluations should continue to be carried out on all platforms to prevent the re-emergence of content related to online gambling.
- b) Carrying out the Ministerial Instruction that has been stipulated that within 7 days from the issuance of the instruction, preventive and

proactive efforts must be made to eradicate all forms of online gambling and slot gambling content that penetrate various Ministries/Institutions/Regional websites. Furthermore, periodic evaluations must continue to be carried out on all Ministries/Institutions/Regional websites to prevent the re-emergence of content related to online gambling and slot gambling.

- c) Take steps to periodically identify all account numbers and mobile phone numbers used to support or facilitate online gambling and slot gambling activities.
- d) Make efforts with extensive and effective education and socialization to convey the message of anti-online gambling and slot gambling to all Indonesian people.
- e) Instruct Electronic System Operators, including Internet Service Providers, to comply with laws and regulations and Government policies governing content moderation, and ensure that their Electronic Systems do not facilitate the dissemination of prohibited Electronic Information and/or Electronic Documents,
- f) In order to carry out the matters referred to in letters a to e, Carry out innovative policy measures and strong coordination with Electronic System Operators, Law Enforcement Officials, Ministries/Institutions/Regions, Indonesian Internet Domain Name Operators, Banking Authorities, Internet Service Providers, National Movement for Digital Literacy, and other relevant parties to overcome

the problem of online gambling and/or slot gambling comprehensively up to Its roots.

Then the **second** is intended for: All Senior Officials, Primary High Officials, State Civil Apparatus, and employees in units and work units within the Ministry of Communication and Information Technology:

1. Not interact with any individuals or entities that are suspected of being involved or likely to be involved in online gambling activities,
2. Not engage in any act or activity that promotes, supports, or facilitates activities related to online gambling and/or slot gambling in any form;
3. Participate in efforts to fight for the rejection of online gambling and/or slot gambling through anti-slot gambling campaigns.

Mr. Akhmad Sholeh Arifin also explained that basically the Regional DISKOMINFO is not authorized to block websites and applications containing gambling.

"So for our own blocking, we the Communication and Informatics Service in the Regions do not have the authority and authority to block, even we can't have the tools and don't have it because it's the central authority, we are only limited to detecting and receiving reports from the community which we then report to the Central Ministry to take down and block. So yes, back to our mas in the region to meet the current limit of strengthening literacy through social media government websites, and conducting seminars." ⁶²

"Oh yes, we also have new tools to detect things that are loaded with gambling, only the mas masi is about 1 monthly, so the way it works is to detect through keywords, even though it is still the tools cannot be made to block, but with the tools it is easier, the problem is directly connected to the

⁶² Akhmad Sholeh Arifin, interview (Malang, May 6, 2024)

system at the center; so if it is detected in the area, it is directly connected to the Central Communication and Informatics.

So, that is one of the strategies from ourselves, including strengthening literacy, seminars and strengthening devices that are used by agencies in the city of Malang, right, we have access to all websites and applications of the Malang City Government, so far the content of online gambling is only a promotion or sticking to government websites or applications, sometimes even if someone infiltrates the website of the campus and school.⁶³

Based on the data that the author has collected, both from the results of interviews and from other supporting documents and data, the Malang City Communication and Informatics Office has indeed done its duty as a supervisor in line with the supervision theory that the author uses for this research. According to *Sondang P. Siagian*, supervision is an observation process rather than the implementation of all organizational activities to ensure that all work that is being carried out runs according to the predetermined plan.

The purpose of supervision is to support the individual or group responsible in completing their tasks by using the available resources in an appropriate and effective manner. This is done to prevent errors and irregularities that can harm related institutions or organizations.⁶⁴

Supervision itself is a preventive tool that aims or is used to ensure citizens' compliance with laws and regulations made by the government.⁶⁵ As is known, every institution or organization, both large and small, needs a level of supervision that is appropriate to the complexity of its activities. Large institutions such as

⁶³ Darfian Ardiansyah, interview (Malang, May 6, 2024)

⁶⁴ Prosperous *Effectiveness of Supervisory Policies*, (Bandung: PT. Refika Aditama, 2011), 176.

⁶⁵ Ridwan HR, *State Administrative Law*, (Jakarta: PT RajaGrafindo Persada, 2014), 122.

government agencies with complex activities require this type of supervision that involves human resources who are experts and have special knowledge in the field of supervision. Functional supervision relates to institutions that have the main duties and functions in carrying out supervision. In state administration, supervision is intended to ensure that power is used in accordance with orders and receives support and approval from the people. In addition, supervision also aims to protect human rights guaranteed by law from acts of abuse of power. Supervision in state administration aims to ensure that:

- 1) To ensure that power is used in accordance with the mandated purpose and receives support and approval from the people.
- 2) To protect human rights (*human rights, mensenrechten, droit de l'home*) that have been guaranteed by the Law from abuse *of power*.

However, if it is associated with the Crime Prevention Strategy where basically, crime prevention efforts are an important component of social defense and welfare. In order to improve the welfare of the community, the main goal of this crime prevention policy effort is to protect the community. One of the components of law enforcement policy is criminal policy. Legal policy, commonly referred to as law enforcement policy, includes crime prevention policy, and social

policy also includes legal policy.⁶⁶ In essence, social policy is a program intended to achieve social welfare including criminal policy as a fundamental component.⁶⁷

Meanwhile, according to *G.P Hoefnagels* , there are several ways that can be taken in efforts to overcome crime, including:

1) Application of *criminal law (criminal law application)*

In this study, the government is clear about the implementation of sanctions for online gambling perpetrators. The Criminal Code (hereinafter referred to as the Criminal Code) has regulated the prohibition and criminal sanctions against the perpetrators of criminal acts, which are included in Chapter XIV concerning crimes against morality Article 303 and Article 303 bis and Law of the Republic of Indonesia No. 7 of 1974 concerning Gambling Control. The summary of the substance is that "whoever gambles, is threatened with a criminal sentence of 10 years in prison, or a fine of Rp. 25 million, unless he has permission from the authorized authorities. It is clear that the government has regulated sanctions for online gambling perpetrators in the Criminal Code.

2) Prevention without *punishment*

As in the results of interviews and observations at the Malang City Communication and Informatics Office, non-criminal prevention is carried out in many ways such as, strengthening services at the Communication and

⁶⁶ Prayudi Rahmatullah, *Fiqh Siyasa; contextualization of Constitutional Law in Islamic Perspective* (Malang: Faculty of Sharia'ah, UIN Malang, 2024)

⁶⁷ Bard Nawawi Arief, *Bunga Potpourri Criminal Law Policy Development of the Draft of the New Criminal Code*, (Jakarta: Kencana Prenada Media Group, 2008), 2.

Informatics Office itself, strengthening literacy both through cyberspace and seminars, even the Communication and Informatics Office itself collaborates with third parties such as the Financial Services Authority (OJK) for blocking accounts that are indicated to be abetted with online gambling, and with *Internet Service Providers* (ISPs) and *Stakeholders* to jointly fight against online gambling.

- 3) Influencing the public's view of crime and criminalization through mass media.

The Communication and Informatics Office is aggressively encouraging the public not to participate in gambling and online loan cases because they are very detrimental. The Communication and Informatics Office also conducts a campaign to jointly combat online gambling through social media.

C. The Role of the Malang City Communication and Informatics Office in Handling *Saddu Adzari'ah* Perspective Online Gambling

According to Arabic, the word *saddu Adzari'ah* is a combination of two equivalents in the form of *mudhaf-mudhaf ilaih*. Which *saddu* means the opposite of opening. While the word *adz-dzari'ah* means means, purpose, willpower and way. So the definition of *saddu Adzari'ah* is a way in an effort to explore Islamic law to prevent, prohibit, close the road or testament a work that was originally allowed, and can cause something that causes damage or something that is prohibited.⁶⁸

⁶⁸ Intan Arafah, "The Sadd Adz-Dzari'ah Approach in Islamic Studies," *Al-Muamalat: Journal of Sharia Law and Economics* 5, no. 1 (2020), 68–86. <https://doi.org/10.32505/muamalat.v5i1.1443>.

Shaykh Abdullah bin Yusuf al-Jadi' explained *saddu Adzari'ah* as a concept that can influence the direction of the law of an action, both towards haram and goodness. In this definition, there are two important elements: **First**, damage (mafsadah), which refers to actions that are actually permissible but can lead to things that are prohibited because of the potential damage contained in them. **Second**, goodness (maslahah), which refers to actions that are bad but are encouraged because of the potential for good that can be produced. From this explanation, we can conclude that the most important thing in taking a bad action is to pay attention to the impact. If the impact is positive, then the action is recommended, but if the impact is detrimental, then the law is haram.

As we know in Islam itself, the law of making websites or social media is not explicitly stipulated in the Qur'an or Hadith. However, the principles related to information technology and digital interaction can be applied in the context of Islamic law. Here are some perspectives that can help in understanding the law of creating a website in Islam such as, creating a website in Islam must consider principles such as information disclosure, digital ethics, openness and transparency, copyright and intellectual property rights, as well as the obligation to share knowledge. Thus, the website created can be a useful tool and in accordance with Islamic values. More emphatically, Shaykh Abdullah said:⁶⁹

أَنَّ مَا أَدَّى إِلَى الْمَشْرُوعِ فَهُوَ مَشْرُوعٌ، وَمَا أَدَّى إِلَى الْمَمْنُوعِ فَهُوَ مَمْنُوعٌ

⁶⁹ Syekh Abdullah al-Jadi', *Taisîri 'Ilmi Ushûlil Fiqhi lil Jadi'*, (Beirut: Dârul Minhâj, juz II), 58. <https://islam.nu.or.id/syariah/ushul-fiqih-metode-saddudz-dzari-ah-dan-klasifikasi-hukumnya-LCjrT>

It means: *"Actually, every media (mubah) that leads to something that is recommended, the law is also encouraged, and every media that leads to something that is prohibited, the law is also prohibited."*

In general, from the explanation above, it can be concluded that *the saddu Adzari'ah* method is more about discussing the impact of a media. The media that was originally mubah if it is recommended by the Shari'a, then it is encouraged, but if the impact on something that is forbidden, such as danger and damage will arise, then the law is not allowed (haram). In this case, the example of making a website or application is not explicitly regulated in Islam, if it is associated with the above rules, then the law in making a website or application changes, but back to the effect of making the media bad or not. In this regard, the concept of *Saddu Adzari'ah* is present as a closing of the way for deeds that can lead to *mafsadat* (damage). *Saddu Adzari'ah* is also set as a postulate in taking preventive measures against the evil that will occur.⁷⁰

مَا لَا يُدْرِكُ كُلُّهُ لَا يُتْرَكُ كُلُّهُ

It means: *"Something that cannot be done in its entirety should not be left entirely". The point is that if we can't do a practice perfectly, then it's okay for us to do only part of it according to our ability. Because actually carrying out some righteous deeds is more noble than abandoning them altogether. It's better to be late than not the same i.*⁷¹

⁷⁰ Kawakib, Yusuf, and Shuhud, "Sadd al-Dzariah as a Evidence of Islamic Law (Comparative Study of Ibn al-Qayyim Al-Jauziyah and Ibn Hazm)", *Sadd Al-Dzariah*, 79.

⁷¹ *Kitab-e-Mubadi, Awliyyah fi Ashul al-Fiqh wa'l-Niyam al-Fiqhiyyah*

In this case, it means that if the Malang City Communication and Informatics Office cannot abolish or block online gambling because it is the central authority, then it is okay for the Malang City Communication and Informatics Office to take preventive or preventive measures.

From the perspective of *Saddu Adzari'ah*, the role of the Malang City Communication and Informatics Office in handling online gambling can be seen, among others, through Supervision and Law Enforcement: The Communication and Informatics Office plays an important role in supervision and law enforcement of online gambling activities in Indonesia. They work closely with relevant parties, such as the Police and Ministries, to identify and stop websites that contain online gambling content.

Content Blocking: The Communication and Informatics Service has recorded significant achievements in efforts to eradicate online gambling. They have cut off access to more than 800,000 online gambling content, including sites, IPs, applications, and file sharing, and have removed hundreds of thousands of content related to online gambling. The Regional Communication and Informatics Service in this case usually reports to the Central Communication and Informatics Office for blocking and deletion actions.⁷² In addition to blocking online gambling content, Minister Budi Arie also revealed that more than 5,000 bank accounts and e-wallet accounts that were indicated to be used for online gambling activities

⁷² The Ministry of Communication and Informatics Decides to Access More Than 800 Thousand Online Gambling Content, Press Release No. 01/HM/KOMINFO/01/2024. <https://diskominfo.sukoharjokab.go.id/berita/kementerian-kominfo-memutus-akses-lebih-dari-800-ribu-konten-judi-online>. Retrieved 21 May 2024.

were successfully blocked. Kominfo collaborates with the Financial Services Authority (OJK) in blocking accounts related to online gambling.

Handling of Content on Social Media. In handling online gambling, the Communication and Informatics Office also plays an important role in stopping the spread of gambling content on social media. They block online gambling content on social media platforms such as Facebook, Instagram, Twitter, and others, and report the content to law enforcement for further action. Thus, promoters who promote online gambling content on social media have the potential to be arrested by the police and prosecuted in accordance with the applicable laws in Indonesia. In addition, the Communication and Informatics Office also seeks to increase public awareness about the dangers of online gambling by holding educational and socialization campaigns through social media, so that people can be more careful in accessing and participating in online gambling activities.

Socialization and Education. In an effort to prevent the spread of online gambling in Indonesia, the Communication and Informatics Office also plays an important role in socialization and public education about the dangers of online gambling. They hold various activities to raise public awareness about the importance of avoiding online gambling addiction and provide accurate information on how to identify and stop websites that contain online gambling content. One example of such activities is through educational campaigns carried out through social media, radio, and television, as well as through activities held in schools and community communities. In these activities, the Communication

and Informatics Office provides information about the dangers of online gambling, including its negative impact on society, mental and financial dangers, and ways to avoid online gambling addiction.

In addition, the Communication and Informatics Office also collaborates with non-governmental organizations and the public to raise awareness about the dangers of online gambling and provide assistance to those who have fallen into online gambling addiction. Thus, the Communication and Informatics Office seeks to prevent the spread of online gambling and prevent the younger generation from becoming addicted to online gambling.

CHAPTER V

CLOSING

A. Conclusion

Based on the results of research that has previously been described by researchers related to the Supervision of the Malang City Communication and Informatics Office in Handling Online Gambling, Based on Article 27 Paragraph 2 of the ITE Law *Saddu Addzari'ah* Perspective (Study at the Malang City Communication and Informatics Office) that the Regional Communication and Informatics Office, especially Malang City, does not have the right to block or delete websites or applications with online gambling mutants. Even so, the Malang City Communication and Informatics Office continues to take preventive steps to cooperate with other agencies to emphasize and handle online gambling. Based on SP 129/GKPB/OJK/IX/2023, the Financial Services Authority (OJK) participates in maintaining the integrity of the financial system and ordering banks to block a number of accounts used in illegal activities, including online gambling.

Not only that, Kominfo also collaborates with third parties such as Internet *Service Providers* (ISPs) to participate in the fight against online gambling. This was followed by the Instruction of the Minister of Communication and Informatics No. 1 of 2023 containing strategic and measurable steps in sweeping online title content in Indonesia's digital space. The role of the Malang City Communication and Information Service itself is in accordance with the perspective of *Saddu Addzari'ah*. Because the Communication and Informatics Office itself has carried out its function after the existing regulations to carry out preventive measures or preventive steps to close the road in accordance with the meaning of *Saddu Addzari'ah*, everything related to the content of online gambling is closed.

B. Suggestion

Suggestions from the author are Strengthening Technology Supervision. The Office of Communication and Information needs to continue to improve its technical capabilities in detecting and blocking online gambling sites. This involves the development and implementation of advanced technology to identify and handle these sites effectively, given that there are no tools and capabilities in the Regional Kominfo Office to block all must be done by the Central Kominfo. Kominfo can also strengthen cooperation with relevant agencies, to improve the effectiveness of handling online gambling. This cross-sectoral cooperation is important to ensure a comprehensive and coordinated approach. This includes taking firm action against the perpetrators of online gambling, this includes tracking and prosecuting all those involved in the operation of illegal gambling sites.

Public Education. In addition to blocking online gambling sites, the Office of Communication and Information also needs to focus on educating the public about the dangers of online gambling and how to avoid it. This can be done through public campaigns, seminars, and other educational programs that target various levels of society. The Office can also collaborate with online platforms such as social media and internet service providers to proactively identify and remove online gambling content. This collaboration can help reduce the spread of illegal gambling content online.

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Law Number 1 of 2023 concerning the Criminal Code (KUHP)

Law of the Republic of Indonesia Number 7 of 1974 concerning the Control of Gambling

ATTACHMENTS

Attachment 1 : Interview Transcript

Guidelines for Interviews with the Malang City Communication and Informatics Office

Biodata informed. : EDWIN ARDIANSYAH BASKARA PUTRA, A. Md

Position : Statistics & Cryptography

Biodata informed. : AKHMAD SOLEH ARIFIN

Position : Password and Telecommunications Operator

Biodata informed. : DARFIAN ARDIANYAH, S. Kom.

Position : Expert Staff in Statistics & Cryptography

Question:

1. What do you think about the rise of online gambling in Indonesia?
2. Who is responsible for the rise of online gambling in Indonesia?
3. What factors affect online gambling that is still widely circulated in Indonesia?

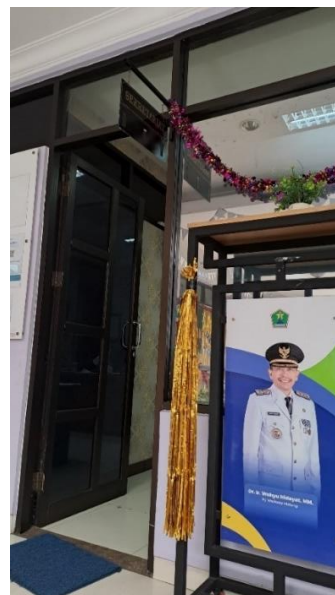
4. What is the mechanism for blocking websites/applications containing gambling by the Communication and Informatics Office?
5. What is the strategy of the Communication and Informatics Office in dealing with the spread of online gambling that continues to exist?, considering that criminal sanctions are also clear
6. For the city of Malang itself, what websites/applications are often used for online gambling
7. What are the strategies carried out by the Malang City Communication and Information Service to handle the spread of online gambling?
8. So far gambling sites are still circulating a lot on social media, is blocking still not effective why?
9. Has the Malang City Communication and Informatics Service played a role in accordance with the applicable regulations?
10. In your opinion, what should the Central Communication and Informatics do to suppress/eliminate prohibited websites, websites or applications?
11. Your advice to us as the general public regarding the many websites loaded with online gambling and fraud

Attachment 2 : Photos & Documentation

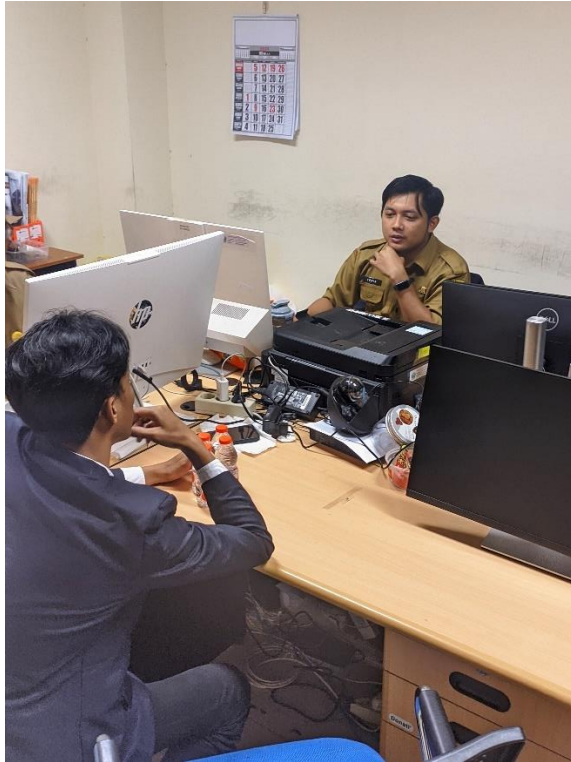
1. Documentation when managing research permits at the Malang City Manpower, Investment and One-Stop Integrated Services Office, on April 30, 2024 with Mukhamad Dwiky. Location on the 3rd floor of Ramayana Mall, Malang City.



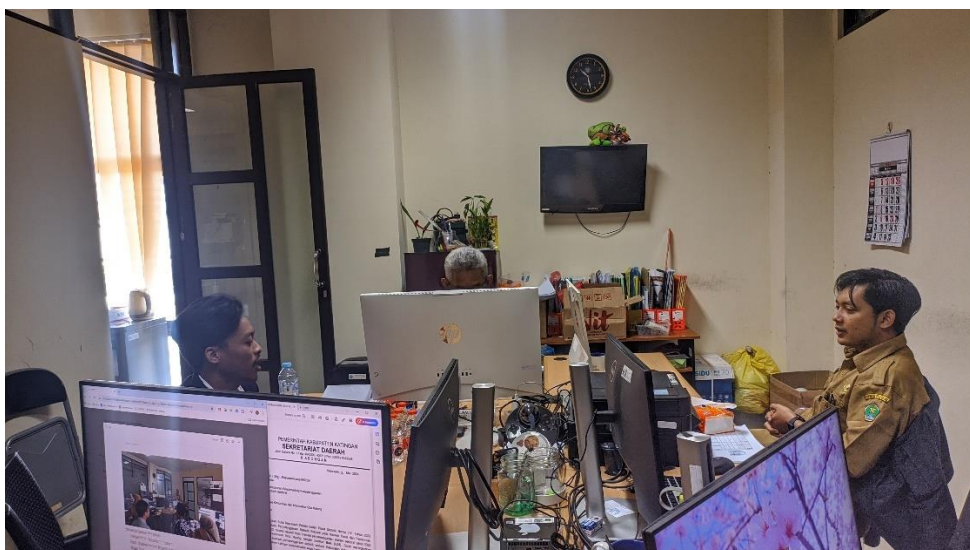
2. Documentation at the Malang City Communication and Informatics Office, on May 2 when the submission of the Research Permit



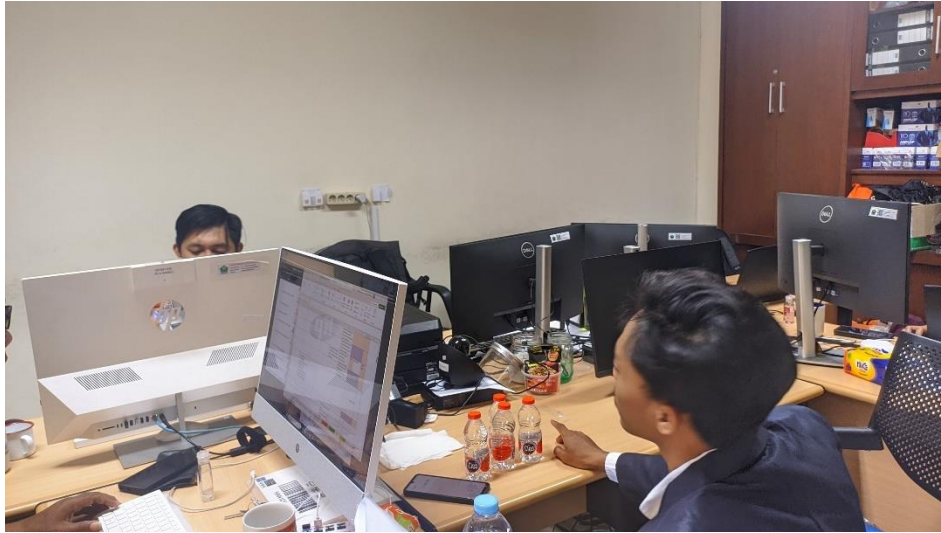
3. Documentation during the interview process with resource persons at the Malang City Communication and Informatics Office on May 6, 2024



Interview with EDWIN ARDIANSYAH BASKARA PUTRA, A.Md the position of Statistics & Cryptography on May 6, 2024



Interview with Mr. AKHMAD SHOLEH ARIFIN Cryptography and Telecommunications Operator and with Mr. DARFIAN ARDIANYAH, S. Kom. Expert Staff in Statistics & Cryptography on May 6, 2024



Attachment 3 : Research Permit

1. Pre-Research Letter



KEMENTERIAN AGAMA REPUBLIK INDONESIA
UNIVERSITAS ISLAM NEGERI MAULANA MALIK IBRAHIM MALANG
FAKULTAS SYARIAH
Jl. Gajayana 50 Malang 65144 Telepon (0341) 559399 Faksimile (0341)559399
Website: <http://syariah.uin-malang.ac.id> E-mail: syariah@uin-malang.ac.id

Nomor : B- 6655 /F.Sy.1/TL.01/09/2023

Malang, 26 Oktober 2023

Hal : **Pra-Penelitian**

Kepada Yth.
Kepala Dinas Kominfo Kab Malang
JL. KH. Agus Salim No 7, Kota Malang

Assalamualaikum wa Rahmatullah wa Barakatuh

Dalam rangka menyelesaikan tugas akhir/skripsi mahasiswa kami:

Nama : KUKUH AHMAD HISNUDDIN
NIM : 200203110070
Fakultas : Syariah
Program Studi : Hukum Tata Negara

mohon diperkenankan untuk mengadakan *Pra Research* dengan judul :
**STRATEGI DINAS KOMINFO KOTA MALANG DALAM PENANGANAN
JUDI ONLINE BERDASARKAN PASAL 27 AYAT 2 UU ITE PRESPEKTIF
SADDU ADZARIAH**, pada instansi yang Bapak/Ibu Pimpin.

Demikian, atas perhatian dan perkenan Bapak/Ibu disampaikan terima kasih.

Wassalamualaikum wa Rahmatullah wa Barakatuh

Scan Untuk Verifikasi



Rektor
n. Dekan
Wakil Dekan Bidang Akademik,
Muhammad Mahmudi

Tembusan :

1. Dekan
2. Ketua Prodi Hukum Tata Negara
3. Kabag. Tata Usaha

2. Pre-Research Reply Letter



PEMERINTAH KOTA MALANG DINAS KOMUNIKASI DAN INFORMATIKA

Jl. Mayjen Sungkono (Perkantoran Terpadu Gedung A Lt.4) Telp/Fax:0341-751550
www.malangkota.go.id e-mail : kominfo@malangkota.go.id

MALANG

Kode Pos 65132

Malang, 9 November 2023

Nomor : 070/1883/35.73.411/2023
Sifat : Segera
Lampiran : -
Hal : Pemberitahuan Penelitian
a.n. Sdr. Kukuh Ahmad

Kepada
Yth. Dekan Bidang Akademik Fak. Syariah
UIN MALIKI Malang
di
MALANG

Menindaklanjuti Surat Saudara Nomor: B-6655/F.Sy.1/TL.01/09/2023 tanggal 26 Oktober 2023 Perihal Pra-Penelitian, bersama ini disampaikan mahasiswa sebagai berikut:

Nama : Kukuh Ahmad Hisnuddin;
NIM : 200203110070;
Jenis Kelamin : Laki-Laki;
Program Studi : Hukum Tata Negara;
Judul Penelitian : Strategi Dinas Kominfo Kota Malang dalam Penanganan Judi Online Berdasarkan Pasal 27 Ayat 2 UU ITE Prespektif Saddu Adzariah.

dapat diizinkan melakukan penelitian pada Dinas Komunikasi dan Informatika Kota Malang dengan menyesuaikan jadwal dan selanjutnya mahasiswa sebagaimana dimaksud agar melakukan pengurusan Surat Keterangan Penelitian terlebih dahulu yang diterbitkan oleh Dinas Tenaga Kerja, PMPTSP Kota Malang.

Demikian untuk menjadikan periksa.



MUHAMMAD NUR WIDIANTO, S.Sos.
Pembina Utama Muda
NIP. 19700206 199602 1 001

3. Research Letter



KEMENTERIAN AGAMA REPUBLIK INDONESIA
UNIVERSITAS ISLAM NEGERI MAULANA MALIK IBRAHIM MALANG
FAKULTAS SYARIAH
Jl. Gajayana 50 Malang 65144 Telepon (0341) 559399 Faksimile (0341)559399
Website: <http://syariah.uin-malang.ac.id> E-mail: syariah@uin-malang.ac.id

Nomor : B- 2252 /F.Sy.1/TL.01/04/2024
Hal : **Permohonan Izin Penelitian**

Malang, 25 April 2024

Kepada Yth.
Kepala PMPTSP Kota Malang
Jl. Mayjen Sungkono (Perkantoran Terpadu Gedung A Lt.4) Kode Pos 65132

Assalamualaikum wa Rahmatullah wa Barakatuh

Dalam rangka menyelesaikan tugas akhir/skripsi mahasiswa kami:

Nama : KUKUH AHMAD HISNUDDIN
NIM : 200203110070
Program Studi : Hukum Tata Negara

mohon diperkenankan untuk mengadakan penelitian dengan judul :
**Strategi Dinas Kominfo Kota Malang dalam Penanganan
Judi Online Berdasarkan Pasal 27 Ayat 2 UU ITE Prespektif
Saddu Adzari'ah.**
, pada instansi yang Bapak/Ibu Pimpin.

Demikian, atas perhatian dan perkenan Bapak/Ibu disampaikan terima kasih.

Wassalamualaikum wa Rahmatullah wa Barakatuh

Scan Untuk Verifikasi




Mengetahui,
Dekan
Fakultas Syariah
Universitas Islam Negeri Maulana Malik Ibrahim Malang
Menul Mahmudi

Tembusan :

1. Dekan
2. Ketua Prodi Hukum Tata Negara
3. Kabag. Tata Usaha



4. Research Permit

**PEMERINTAH KOTA MALANG**
DINAS TENAGA KERJA, PENANAMAN MODAL
DAN PELAYANAN TERPADU SATU PINTU
Jl. Mayjen Sungkono, Perkantoran Terpadu Gedung A, Telp.(0341) 751942, Faks (0341) 754116
www.disnakerpmpmsp.malangkota.go.id email : disnakerpmpmsp@malangkota.go.id
M A L A N G Kode Pos 65132

SURAT KETERANGAN PENELITIAN
Nomor : 100.3.12/260.0179/35.73.406/2024

Yang bertanda tangan di bawah ini Kepala Dinas Tenaga Kerja, Penanaman Modal dan Pelayanan Terpadu Satu Pintu dengan ini menerangkan bahwa:

Berdasarkan surat dari : WAKIL DEKAN BIDANG AKADEMIK;
Nomor : B- 2252 /F.SY 1/TL.01/04/2024;
Tanggal : 25 APRIL 2024;
Perihal : PERMOHONAN IZIN PENELITIAN.

Dapat diberikan Surat Keterangan Penelitian (SKP) kepada:

NO	NAMA	NIK	NIM	PRODI
1	KUKUH AHMAD HISNUDDIN	35050313040100 01	200203110070	HUKUM TATA NEGARA

Judul Penelitian : STRATEGI DINAS KOMINFO KOTA MALANG DALAM PENANGANAN JUDI ONLINE BERDASARKAN PASAL 27 AYAT 2 UNDANG UNDANG ITE PRESPEKTIF SADDU ADZARI&AMP;AMP;AMP;AMP;AMP;AMP;AMP;AMP;RSQUO;AH (STUDI DI DINAS KOMINFO KOTA MALANG);


Lokasi Penelitian : DINAS KOMUNIKASI DAN INFORMATIKA
JL. MAYJEN SUNGKONO, KEL. ARJOWINANGUN, KEC. KEDUNGKANDANG.

Dengan ketentuan – ketentuan sebagai berikut:


1. Penelitian yang dilaksanakan harus sesuai dengan judul yang tertera dalam SKP ini;
2. Menaati tata tertib yang berlaku pada lokasi penelitian;
3. Mematuhi peraturan perundang-undangan yang berlaku;
4. Menyampaikan hasil penelitian kepada Badan Kesatuan Bangsa dan Politik Kota Malang;
5. Berlaku mulai tanggal 6 Mei 2024s.d. 8 Juli 2024.

Ditetapkan di : Malang
Pada tanggal : 6 Mei 2024

KEPALA DINAS TENAGA KERJA, PENANAMAN MODAL
DAN PELAYANAN TERPADU SATU PINTU,



F742F1




DOCUMENT IN TELAH
DI TANDATANGAN DIGITAL
ARIF TRI SASTYAWAN, S.STP, M.Si.
PEKERJA TETAP
NIP. 1976079 198610 1 001

Demikian SKP ini dibuat untuk digunakan sebagaimana mestinya.
Tembusan disampaikan Yth. :

1. Sdr. Kepala Bakesbangpol Kota Malang;
2. Sdr. Kepala Dinas Komunikasi dan Informatika Kota Malang

Catatan :

- ✓ **UU ITE No 11 Tahun 2008 Pasal 5 ayat 1**
- ✓ **"Informasi Elektronik dan/atau Dokumen Elektronik dan/atau hasil cetaknya merupakan alat bukti hukum yang sah."**
- ✓ **Dokumen ini telah ditandatangani secara elektronik menggunakan sertifikat elektronik yang diterbitkan BSrE.**
- ✓ **Surat ini dapat dibuktikan keasliannya terdapat di <https://izol.malangkota.go.id>**

 Balai Sertifikasi Elektronik

LIST OF LIFE EVENTS



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EDUCATION

Education	Name of Agency	Year
Kindergarten/RA	Al-Hidayah Kindergarten 3	2006-2008
SDN	SDN 1 Maron	2008-2014
Junior High School/MTS	MTsN 3 Blitar	2014-2017
High School/MA	MAN 1 Blitar City	2017-2020
S1	UIN Maulana Malik Ibrahim Malang	2020-2024