

# Deconstructing the Narrative of “Scatter Investment” in Online Gambling: The Perspective of Maqashid Sharia and a Review of Indonesian Digital Investment Law

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## Abstract

The massive growth of online gambling platforms in Indonesia, particularly games like Higgs Domino Island popularly framed as “Scatter Investment” where “Scatter” refers to a special in-game symbol that triggers bonus rounds or free spins and is often associated with large monetary rewards, reflects a dangerous linguistic and legal distortion that normalizes gambling as an investment activity. This article critically examines the phenomenon of “Scatter Investment” through the dual lenses of Maqashid Sharia and Indonesian investment law. Using a normative-juridical and qualitative approach, this research analyzes classical and contemporary fiqh literature, relevant fatwas of the Indonesian Ulema Council, and Indonesian positive law, including Law No. 25 of 2007 on Investment, the Criminal Code (KUHP), the Electronic Information and Transactions Law (UU ITE), and Qanun Aceh No. 6 of 2014 on Jinayat Law. The study finds that online gambling labeled as investment fails to meet the essential characteristics of investment under both positive law and Islamic economics because it lacks productive activity, creates no real economic value, depends on pure chance, and structurally exploits players. From the Maqashid Sharia perspective, “Scatter Investment” severely violates all five fundamental objectives of the law (*al-kulliyat al-khamsah*): protection of religion, life, intellect, lineage, and wealth, as it undermines religious observance, damages mental health, destroys rational decision-making, disintegrates families, and causes severe financial harm. The article concludes that the term “Scatter Investment” is a misleading narrative that must be deconstructed theologically, legally, and linguistically, and that online gambling should be treated as a criminal and moral offense rather than an economic opportunity. Policy recommendations include strengthening law enforcement, tightening financial and digital regulations, and mainstreaming Maqashid-based literacy in public education.

**Keywords:** Online gambling, scatter investment, maqashid sharia, investment law, higgs domino.



## Introduction

The development of digital technology has brought about significant transformations in various aspects of life, including in the economic and financial spheres. However, technological advances that are not accompanied by an adequate understanding of ethics and regulations have given rise to a worrying phenomenon: the proliferation of online gambling practices disguised as “investments.” One of the most popular forms is application-based games such as Higgs Domino Island, which are euphemistically referred to as “*Scatter*” or “scatter.” (Anisa, 2024).

Amid this phenomenon, the popular term “*Scatter Investment*” has emerged, particularly among Higgs Domino Island players, to refer to the practice of buying chips, placing bets on the scatter/slot feature, and expecting quick profits. The term “investment” here suggests that this activity is a rational, modern form of capital investment rather than gambling, which is prohibited. The use of the term “investment” and technical terms such as chips, top-ups, RTP (Return to Player), and scatter is a euphemistic strategy that blurs the line between halal investment and gambling (*maisir*) (ANTARA News, 2022).

The term “*Scatter Investment*” is a dangerous semantic manipulation because it creates an illusion of legitimacy for activities that are prohibited by law and Sharia. The use of the term “investment,” which connotes productivity, legality, and rationality, to rationalize online gambling reflects an epistemological crisis in understanding the essence of Islamic *mu’amalah* and sound economic principles (Arispan & Moulia, 2023). This phenomenon is not merely an individual problem but has become a structural threat to national socioeconomic stability. In 2024, the Minister of Micro, Small, and Medium Enterprises stated that online gambling is among the leading causes of the decline in the purchasing power of the Indonesian public. Data from the Indonesian National Police recorded 1,050 cases of crime related to online gambling in 2023, indicating an alarming escalation. Meanwhile, based on PPATK data, online gambling transactions from 2017 to 2024 have reached more than Rp200 trillion.

Table 1: Growth of Online Gambling 2017-2025

No	Year	Transaction Value	Growth
1	2017	Rp2 trillion	Baseline
2	2018	Rp3,8 trillion	+90%
3	2019	Rp6,1 trillion	+60%
4	2020 (Covid-19)	Rp15 trillion	+145%
5	2024/2025	Rp286,84 trillion	101%

*Data Source: BBC News, 2024 and PPATK, 2026*

The exponential growth in transaction values shows that online gambling is not just an entertainment phenomenon, but an accelerating economic and

social crisis. The significant surge during the COVID-19 period, when people were forced to stay at home, shows that online gambling is very accessible and highly addictive. The continuation of this trend into 2024/2025, with transaction values reaching Rp286.84 trillion, indicates that online gambling has become embedded in Indonesia's digital economy at an unprecedented scale. This sustained increase far beyond pandemic-era spikes suggests not only widespread user engagement but also sophisticated financial flows that resemble organized economic activity rather than isolated leisure behavior (PPATK, 2025).

From the perspective of Islamic law, gambling (*maisir*) has been explicitly declared haram in the Qur'an (Surah Al-Baqarah [2] 219; Surah Al-Ma'idah [5] 90–91) and in the Hadith, and scholars have agreed on its haram status. Contemporary studies based on the Maqashid Sharia emphasize that online gambling has a destructive impact on the five main objectives of Sharia: *hifz al-din*, *hifz al-nafs*, *hifz al-aql*, *hifz al-nasl*, and *hifz al-mal* (Anisa, 2024). On the other hand, Indonesian positive law considers gambling a criminal offense. Articles 303 and 303 bis of the Criminal Code criminalize gambling organizers and players with a maximum penalty of 10 years imprisonment and a fine. The Electronic Information and Transactions Law reinforces this by prohibiting the distribution of and access to gambling content through Article 27 paragraph (2) and Article 45 paragraph (3), with fines of up to Rp10 billion (Mawei et al., 2025). In Aceh, Qanun No. 6 of 2014 on *Jinayat* Law criminalizes *maisir*, punishable by flogging, gold fines, and imprisonment, in accordance with the principles of Islamic criminal law (Yuhasnibar & Wati, 2022).

Unlike gambling, investment under Law No. 25 of 2007 on Investment is understood as capital investment in lawful productive business activities that contribute to national economic growth and are subject to the principles of legal certainty, transparency, accountability, fairness, and sustainability (Al-Mustafa Muhammad, 2023). From an Islamic economic perspective, sharia-compliant investments must be free from *riba*, *gharar*, and gambling, and oriented toward *maslahah* and sustainability, as emphasized in various fatwas issued by the DSN-MUI and in studies on *maqashid* based investments (Fikriawan, 2018). Thus, the use of the term “investment” in online gambling practices (*Scatter Investment*) raises serious epistemological and juridical questions: how can an activity that essentially fulfills the elements of *maisir* and is prohibited by law be represented as an investment that is ideally productive, halal, and legal?

Several previous studies have examined online gambling from various perspectives. Anisa, for example, analyzed online gambling from the perspective of *Maqashid Sharia* and concluded that online gambling damages all five aspects of *maqashid* (religion, soul, intellect, wealth, and lineage) (Anisa, 2024). Another study discusses the prohibition of online gambling using a *Maqashidi* interpretation of verses from the Qur'an. Some studies focus on the impact of

online gambling on family resilience and divorce from the perspective of *Maqashid* al-Syatibi. On the other hand, research on investment from the standpoint of *Maqashid Sharia* generally highlights the criteria and functions of ideal investment, the importance of avoiding excessive speculation, and the need to incorporate the dimensions of *maslahah* and sustainability in the assessment of modern investment instruments. However, these studies discuss instruments such as stocks, sukuk, and mutual funds, rather than “investments” in the form of online gambling. Studies on Higgs Domino and its chip transactions have been conducted from the perspective of Islamic criminal law and positive law, which generally conclude that the game and the sale and purchase of chips contain elements of *maisir* and are therefore haram and punishable by law (Alfian Izzat El Rahman, 2023; Yuhasnibar & Wati, 2022). However, these studies have not explicitly examined the narrative of “*Scatter Investment*” or linked it to the investment legal regime (Investment Law) and the *maqashid*-based investment paradigm.

Thus, the gap addressed by this study is the absence of a specific, systematic review that critically examines the use of the term “investment” in online gambling practices (*Scatter Investment*) from the simultaneous perspectives of *Maqashid Sharia* and Indonesian investment law. Furthermore, there has been no analysis linking this distorted narrative of investment with its implications for public perception of sharia investment and the consistency of gambling eradication policies with the development of a halal investment ecosystem. Based on this, this study contributes by compiling an integrative analysis of the phenomenon of “*Scatter Investment*” as a discursive, normative, and structural problem with implications for *maqashid*, criminal law, and investment law.

## Method

This study employs a normative juridical and qualitative doctrinal design. Normative juridical research examines statutory regulations and fatwas related to investment and gambling. In contrast, doctrinal analysis is applied to classical and contemporary Islamic legal texts regarding *Maqashid Sharia* and Fiqh al-Muamalah (Muhaimin, 2020; Sugiyono, 2021). Primary data sources include the Quran, Hadith, MUI fatwas, Law Number 25 of 2007 concerning Investment, the Criminal Code (KUHP), the ITE Law, and Aceh Qanun Number 6 of 2014 concerning *Jinayat* Law. Secondary data sources include classical and contemporary *fiqh* literature, scientific journals, and empirical research reports on the impact of online gambling. Data are collected through documentary study and literature review sources published between 2014 and 2025, focusing on legal texts, fatwas, and scholarly discourse. Content analysis is applied to identify key legal elements, conceptual definitions, and *maqashid*-based evaluations in the texts. The analysis proceeds in three stages: 1) Descriptive analysis of the

technical and economic structure of “*Scatter Investment*” (e.g., chip systems, algorithms, payment flows). 2) Normative analysis comparing this practice with the legal definitions and criteria of investment in Indonesian law and Islamic economic principles. 3) *Maqashid*-based evaluation identifying the extent to which online gambling violates or aligns with the protection of religion, life, intellect, lineage, and wealth discovery.

No human subjects are directly involved, so ethical clearance is not required. However, the research adheres to ethical standards in citing sources and respecting existing legal processes.

## Results and Discussion

### Structure and Mechanism of “*Scatter Investment*”

#### 1. Chip-Based Economy and Off-Platform Trading

The Higgs Domino Island ecosystem operates on a chip-based virtual economy, in which chips serve as the primary currency for all game activities, particularly modes that include gambling elements such as slots, fafa, duo fu duo cai, and similar features. New players typically receive a limited amount of free chips through daily rewards, login bonuses, or mission rewards. Still, the game design encourages players to continue purchasing chips (top-ups) when their chip balance is low or depleted (Ramadhani & Syukur, 2021). In practice, chip purchases take place through two primary channels. First, there are official in-app purchases using payment features connected to Google Play, the App Store, or specific payment gateways. Second, and far more problematic, is the trading of chips outside the application (off-platform) via a network of agents and unofficial chip sellers. It is this second channel that has developed into a semi-formal market with characteristics similar to those of an illegal commodity market. Various studies and field reports indicate that Higgs Domino chips are traded at approximately Rp60,000–70,000 per 1 billion chips, with prices varying by region, agent reputation, and transaction medium. Chips are packaged in specific units (e.g., 200M, 1B, 5B) and offered through: (ANTARA News, 2022).

- a. WhatsApp and Telegram groups specifically for Higgs Domino players
- b. Facebook and Instagram accounts that openly advertise “Selling MD/UNGU Chips.”
- c. Online marketplaces that use ambiguous terms in product descriptions.
- d. The transaction scheme generally proceeds as follows:
- e. The buyer contacts the agent via private chat.
- f. The agent provides information on the chip denomination, price, and the account number/e-wallet to which the payment should be made.

- g. Buyers transfer funds via bank transfer (BCA, BRI, Mandiri, etc.) or digital wallets (OVO, DANA, GoPay, ShopeePay).
- h. After payment is confirmed, the agent sends chips to the buyer's Higgs Domino account using the gift feature or account ID method in the app.

Conversely, players who win large and have a surplus of chips can sell them back to the dealer or other players. The chips in account A are sent to account B, and the owner of account A receives cash or a transfer in the agreed amount. This pattern makes chips a virtual asset that can be converted in two directions: real money → chips → real money (Alfian Izzat El Rahman, 2023). Thus, chips are no longer merely “game points” but serve as a medium of exchange within the online gambling ecosystem. The existence of the “gift feature,” which allows users to transfer chips to other players outside the formal in-game reward structure, fundamentally transforms the platform from a closed entertainment system into a mechanism for transferring value. The operation of the gift feature plays a crucial role in sustaining this off-platform trading structure. By allowing users to transfer chips directly to other accounts, the platform effectively facilitates the circulation of chips as transferable economic value rather than mere in-game rewards. This mechanism enables the completion of the “real money → chips → real money” cycle and transforms virtual chips into de facto monetary instruments (Saad et al., 2025). From the perspective of Islamic law, such a structure fulfills the essential elements of *maisir*, as it involves monetary stakes, uncertainty of outcome, and gain derived from chance-based gameplay (Annisa Laras et al., 2025). Furthermore, the presence of this transferable value mechanism challenges the platform's classification as “entertainment-only” under digital regulatory frameworks, revealing a substantive economic function that exceeds its formal designation.

## 2. Algorithmic Control, RNG, and RTP

From a technical standpoint, Higgs Domino and similar platforms do not run “naturally” like traditional games. Still, they are controlled by computer algorithms that use Random Number Generators (RNGs) and Return-to-Player (RTP) parameters. RNG is a program that generates pseudo-random numbers to determine the combination of symbols or cards in each round, so that players cannot accurately predict the outcome of a single round of play. However, “random” here does not mean without control; it is subject to parameters set by the game developer (Barboianu, 2024).

RTP (Return to Player) is the theoretical percentage of total bets that are “returned” to players in the long run. For example, if the RTP is set at 85%, then, statistically, out of every 100 rupiah wagered by all players, only 85 rupiah will be returned to players as winnings. At the same time, 15 rupiah constitutes the operator's permanent profit margin. In other words, from the outset, this system

is a negative-sum game; no player can profit, as the algorithm ensures a persistent advantage for the provider.

Player experiences documented in various blogs, forums, and YouTube channels show a relatively consistent pattern in the Higgs Domino slot game:

- a. Early phase: Players often experience a series of small wins, sometimes even hitting mini-jackpots, creating the perception that “this game is easy to win” and boosting their confidence.
- b. Middle phase: when players start to raise their bets because they feel that the strategies and patterns they have learned are “effective,” a series of consecutive losses begins to appear, which erodes their chips more quickly.
- c. Escalation phase: occasionally, the game gives a big win (jackpot) that recovers some of the losses, so players believe that if they continue playing in the “same pattern,” they will be able to recoup their losses and make a profit.

### 3. Network of Operators, Agents, and Influencers

Behind the game’s simple appearance lies a hierarchical ecosystem that makes online gambling an industry with its own value chain. In general, this structure can be mapped into several levels (Kamanas, 2021).

#### a. Operator/Developer Platform

These parties are usually corporations that develop, manage, and maintain game servers. There are many indications that the servers and the legal entities that manage them are located outside Indonesian jurisdiction, such as in Cambodia or the Philippines, which complicates cross-border law enforcement. These operators govern the RNG–RTP algorithm, bonus systems, events, and the game’s overall technical infrastructure.

#### b. Master Agen and Sub-Agen

At the national or regional level, parties act as master agents, serving as intermediaries between foreign operators and local agent networks. They manage large-scale chip supply, set wholesale pricing schemes, and recruit sub-agents across regions. These sub-agents then liaise with lower-level agents, organize chip distribution, and coordinate promotions in specific areas.

#### c. Local Agent / Chip Seller

Local agents serve as the “face” of online gambling at the grassroots level. They are typically individuals with strong social networks within their neighborhoods, such as shop owners, cafe managers, drivers, or trusted local figures. Their duties include:

- 1) Selling chips to players (either directly or online);
- 2) Assisting with unofficial top-up and withdrawal processes;

- 3) Act as the contact person in case of technical problems or complaints;
- 4) Organizing a community of players in one area (e.g., one village or one subdistrict).

#### d. Influencers and Content Creators

Social media influencers (YouTubers, TikTokers, Instagram celebrities) play a significant role in expanding the reach of online gambling. They create content that includes:

- 1) Watch “live spin” or “live slot” shows featuring big wins;
- 2) Tutorial on “how to win the latest patterns” and “*gacor* scatter settings”;
- 3) Review the site or app that claims to give the most often

Many reports indicate that these influencers receive commissions per referral or a percentage of the value of bets placed by players they refer to the platform, making them integral to the online gambling marketing network. Their content is often packaged with light language and humor, making it appealing to young people, including minors.

#### e. End Users

At the bottom layer are millions of players who are the source of funds flowing upwards. International media studies show that online gambling addiction has infected elementary school children to university students in Indonesia, with various social and psychological consequences. Players are not only victims but, in some cases, are also encouraged to become small-time agents (e.g., by selling chips to their friends), thereby indirectly recruiting them into the distribution network (BBC News, 2023).

- 1) This layered network makes online gambling:
- 2) It is difficult to eradicate simply by blocking websites or prosecuting players;
- 3) Has extensive geographical penetration, including remote villages;

Able to normalize gambling through creative content and language that appears “cool” or “professional,” for example, by calling themselves “slot traders,” “scatter investors,” and the like.

## **Investment Criteria in Indonesian Law and Islamic Economics**

### **1. Legal Definition and Principles of Investment**

Law No. 25 of 2007 on Investment defines investment as “all forms of capital investment, both by domestic and foreign investors, to conduct business in the territory of the Republic of Indonesia” (Article 1 paragraph 1). This definition contains several essential elements: First, investment is a productive economic activity that involves allocating resources (capital) to produce goods or services that benefit society. Second, investment is long-term in orientation, with

expectations of asset value growth based on economic fundamentals. Third, investment is conducted within a clear legal framework and is subject to regulatory oversight. Article 3, paragraph (1) of Law No. 25 of 2007 stipulates ten principles of investment that must be fulfilled:

1. Legal certainty: Investment must be made within a clear and predictable regulatory framework.
2. Openness and transparency of information to relevant parties.
3. Accountability, Responsibility to stakeholders.
4. Equal treatment and non-discrimination based on country of origin: The principle of non-discrimination.
5. Togetherness, synergy between the government, business actors, and the community.
6. Equitable efficiency: Optimizing resources with fair distribution of benefits.
7. Sustainable, long-term orientation with consideration for future generations.
8. Environmentally conscious, does not damage the ecosystem.
9. Independence, Enhancing national capacity.
10. Balance between progress and national economic unity, without creating regional disparities.

These principles clearly indicate that legitimate investments must meet high ethical, economic, and social standards. Online gambling clearly does not meet these principles because it is exploitative, destructive, and makes no productive contribution. Meanwhile, Article 15 of Law No. 25 of 2007 regulates Investor Obligations by stipulating that every investor is responsible for “ensuring the availability of capital from sources that do not conflict with the provisions of laws and regulations.” This provision implicitly prohibits investments whose sources originate from illegal activities such as gambling, narcotics, or money laundering. Although the Investment Law does not explicitly regulate criminal sanctions for illegal investment, the practice of “bogus investment” or investment fraud can be charged under Article 378 of the Criminal Code or Article 492 of Law Number 1 of 2023 on fraud. Perpetrators can be subject to imprisonment and significant fines. Sharia investment is a form of capital investment conducted in accordance with Islamic principles, whose implementation does not conflict with the Quran and Hadith. According to contemporary scholars, Sharia investment must fulfill two main dimensions: (Al-Mustafa Muhammad, 2023).

1. Material/Financial Dimension: Investments must generate competitive financial benefits and asset value growth.
2. Halal Dimension: Investments must be made in places and through processes that are halal and generate halal and blessed profits.

Sharia investment is based on Islamic ethical and moral principles, which include: (Inayah, 2020).

1. The principle of Halal Investment is that it must be carried out in halal businesses and not support activities that Islam prohibits. Fatwa DSN-MUI Number 40/DSN-MUI/X/2003 explicitly prohibits investment in issuers engaged in gambling, usurious financial institutions, the production of haram food/beverages, pornography, or morally destructive activities.
2. Free of Usury Investments must not contain elements of interest (usury), which is prohibited in Islam.
3. Free of *Gharar* : Does not contain excessive ambiguity or uncertainty that could harm either party.
4. Free from *Maisir* : Does not contain elements of gambling or speculation that are speculative in nature without productive effort.
5. Principle of Value Addition (Profit Margin): Investments must generate asset value growth while still paying attention to moral, halal, and blessing aspects (Al-Mustafa Muhammad, 2023).
6. Realistic Principle: Investments should be based on realistic expectations derived from fundamental analysis, not mere speculation or wishful thinking (Al-Mustafa Muhammad, 2023).
7. Principle of Fairness (*Ta'adu*) Transactions are conducted based on fairness, transparency, and willingness (*ta'aradhin*) without coercion or exploitation (Inayah, 2020).

Every Islamic investment transaction must be governed by an agreement (contract) that complies with Islamic principles. Fatwa DSN-MUI Number: 40/DSN-MUI/X/2003 explains several agreements that are often used, including:

1. *Mudharabah*: A partnership between the capital owner (*shahibul maal*) and the business manager (*mudharib*) with a profit-sharing system.
2. *Musyarakah*: A partnership between two or more parties that pool their capital and share profits and losses in proportion to their contributions.
3. *Ijarah*: A lease agreement for the use of assets.
4. *Wakalah*: Representative agreement in fund management.

These agreements ensure transparency, fairness, and the absence of manipulative elements that could undermine the blessings of investment. To understand why online gambling cannot be considered a form of investment, we must distinguish among three concepts that are often conflated: investment, speculation, and gambling. Investment is the commitment to allocate resources, such as capital, time, and energy, to generate future value. This activity is conducted through thorough fundamental analysis and risk management. Long-term investments are usually made for years or even decades and are based on an understanding of business performance, industry prospects, and macroeconomic conditions. In addition, investments are productive because they generate goods and services that benefit society and contribute to the real

economy by creating jobs and driving economic growth (Al-Mustafa Muhammad, 2023).

Unlike investing, speculation focuses on short-term profits from price fluctuations, without regard to the asset's intrinsic value. Speculators usually make decisions based on technical analysis, market sentiment, or even rumors. The risks involved in speculation are substantially higher due to extreme market volatility and leverage, which can magnify both potential profits and losses. Although unproductive, speculation still involves analysis and does not rely entirely on chance. However, from an Islamic economic perspective, this practice is still considered problematic because it involves elements of *maisir* (gambling) and *gharar* (excessive uncertainty).

Meanwhile, gambling is fundamentally different because it lacks productive or analytical elements. Gambling is an activity of betting a certain amount of money in the hope of winning more, purely based on luck. In gambling, there is no creation of added value; one party's gain is identical to another party's loss (zero-sum game). This activity is also exploitative because it takes other people's money without fair compensation and can stifle rational thinking. The impact is destructive, both psychologically, socially, and economically. Online gambling, such as Higgs Domino Island, fulfills all of these characteristics. Therefore, terms such as "*Scatter Investment*" are merely a form of misleading language manipulation and have no academic or Sharia basis.

## 2. Online Gambling and the Failure to Meet Investment Criteria

Online gambling does not meet the criteria for investment for several fundamental reasons.

### a. No Production Process or Added Value

True investment involves allocating capital to a production process that generates goods or services of value. Online gambling simply transfers money from one player to another (or to the bookmaker), without creating any new economic value. (Annisa Laras et al., 2025)

### b. Zero-Sum Game or Negative-Sum Game

In gambling, the total winnings of one player equal the total losses of another player. Even worse, most of the profits are absorbed by the platform or bookmaker, making it a negative-sum game. In contrast, productive investment is a positive-sum game in which all parties can benefit from economic growth (Anisa, 2024).

### c. Not Fundamentally Based

Decisions in gambling are not based on fundamental business analysis, economic conditions, or financial projections, but rather on the hope of luck alone.

#### d. No Legal Protection

Online gambling platforms operate without official permission from Indonesian financial authorities (OJK or BAPPEBTI). Participants have no legal protection for their “investments.” (Mawei et al., 2025).

### Legal Qualification of Online Gambling in Indonesian Law

#### 1. Criminal Code (KUHP)

Several articles regulating sanctions related to online gambling, such as Article 303 paragraph (1) of the Criminal Code, regulate sanctions for gambling operators:

*“Any person who, without obtaining a license, commits any of the following acts shall be punished with imprisonment for a maximum of ten years or a fine of up to twenty-five million rupiah: 1) intentionally offering or providing opportunities for gambling and making it a source of income, or intentionally participating in a company for that purpose; 2) intentionally offering or providing opportunities for the general public to gamble or intentionally participating in a company for that purpose; 3) makes participation in gambling a livelihood.”*

Article 303, paragraph (3) of the Criminal Code defines gambling: *Gambling is any game in which a player’s expectations of profit are based solely on luck or chance, and which may also depend on the player’s skill.*

Meanwhile, Article 303 bis of the Criminal Code, Article 303 bis paragraph (1) of the Criminal Code regulates sanctions for gamblers:

*“Any person who uses an opportunity to gamble, which is held in violation of the provisions of Article 303, shall be punished with imprisonment of up to four years or a fine of up to ten million rupiah. Any person who participates in gambling held on public roads or on the side of public roads or in places accessible to the general public shall be punished with imprisonment of up to four years or a fine of up to ten million rupiah.”*

This provision indicates that both organizers and gamblers are subject to criminal penalties. However, the penalties for organizers are much more severe (up to 10 years in prison) than those for gamblers (up to 4 years in prison).

#### 2. UU ITE and Electronic Distribution

Article 27, paragraph (2) of Law Number 1 of 2024 (second amendment to the ITE Law) regulates the prohibition of online gambling content:

*“Any person who intentionally and without authorization distributes and/or transmits and/or makes accessible Electronic Information and/or Electronic Documents containing gambling content.”*

Criminal sanctions for violations are also stipulated in Article 27, paragraph (2) and Article 45, paragraph (3):

*“Any person who fulfills the elements referred to in Article 27 paragraph (2) shall be punished with imprisonment of up to 10 (ten) years and/or a maximum fine of Rp10,000,000,000.00 (ten billion rupiah).”*

This provision demonstrates the state’s seriousness about combating online gambling by imposing very severe penalties. These penalties are higher than those under the Criminal Code because they recognize that online gambling has a broader reach and impact.

The difference between the Criminal Code and the Electronic Information and Transactions Law is that the Electronic Information and Transactions Law is *lex specialis* (special law) for criminal acts committed through electronic media. At the same time, the Criminal Code is *lex generalis* (general law). In law enforcement practice, the article used depends on the *modus operandi*. If gambling is conducted conventionally (offline), Article 303 of the Criminal Code is used. Meanwhile, if gambling is conducted online or involves the distribution of gambling content via the internet, Articles 27 paragraph (2) and 45 paragraph (3) of the ITE Law apply.

### 3. Qanun Aceh No. 6 of 2014 on *Jinayat* Law

The province of Aceh, as a special autonomous region that implements Islamic law, has its own regulations on gambling, as set out in Aceh Qanun No. 6 of 2014 concerning *Jinayat* Law. As stated in Article 18 of the Qanun *Jinayat*:

*“Any person who deliberately commits the crime of gambling with a bet and/or profit of no more than 2 (two) grams of pure gold shall be punished with ‘Uqubat Ta’zir of up to 12 lashes or a fine of up to 120 grams of pure gold or imprisonment for up to 12 months.”*

In Article 19 of the Qanun *Jinayat*:

*“Any person who deliberately commits Jarimah Maisir with a bet and/or profit of more than 2 (two) grams of pure gold shall be punished with ‘Uqubat Ta’zir of up to 30 (thirty) lashes or a fine of up to 300 (three hundred) grams of pure gold or imprisonment for up to 30 (thirty) months.”*

The implementation of Aceh Qanun No. 6 of 2014 on *Jinayat* Law in Aceh, including in West Aceh Regency, reflects efforts to harmonize the Indonesian positive law system with Islamic law, which is embraced by the majority of the region’s community. The *Qanun Jinayat* provides a normative basis for regulating and punishing *jarimah*, such as *maisir* (gambling), which in this qanun is described as an act involving betting and/or gambling carried out between two or more parties with an agreement that the winning party will receive payment from the losing party (Articles 1 and 18–22 of the Qanun

*Jinayat*). The punishment that can be imposed on perpetrators is more than imprisonment or a standard fine; it includes *'uqubat ta'zir*, such as flogging, fines in the form of pure gold, or imprisonment for a specified period, in accordance with the severity of the offense. In practice, law enforcement against online gambling operators, such as Higgs Domino Island in West Aceh, involves several empirical stages identified through field research.

- a. The first stage consists of appeals and prevention, in which officials such as "*Bhabinkamtibmas*" instruct village heads to put up banners prohibiting online gambling because it violates the Qanun *Maisir* and is punishable by law, as part of a preventive approach to the local community.
- b. The next stage is direct action by the police; for example, several research reports note the arrest of several perpetrators by security forces in response to online gambling practices in Aceh and surrounding areas. Empirical data from other case studies in Aceh also show that law enforcement officials have arrested online gamblers and chip dealers operating illegally. However, not all perpetrators have been caught, and the practice continues (Arispan & Moulia, 2023).
- c. The third stage is the formal legal process in the Sharia court, as described in empirical research in several areas of Aceh, where perpetrators are tried and sentenced in accordance with the provisions of the Qanun *Jinayat* by the local Sharia judge.

Although the Qanun provides a strict legal framework, other studies indicate that law enforcement remains suboptimal due to various obstacles, including limited resources, insufficient interagency coordination, technological challenges related to digital evidence and human resources, and the persistence of many perpetrators despite legal prohibitions (Rusnan Dinata, Mohd. Din, & Teuku Saiful, 2025). The phenomenon of "scatter investment" as a form of online gambling requires an adaptive interpretation of hudud law with regard to digital evidence, as it has been analyzed that Islamic principles can be integrated with modern criminal justice to ensure procedural justice in the collection of electronic evidence (Jawad, 2025). This reinforces the classification of online gambling not only as a violation of positive law, but also as a substantive violation of sharia law in Aceh.

Overall, although the Qanun *Jinayat* provides a strong legal basis for cracking down on online gambling in accordance with local values and Islamic law applicable in Aceh, its enforcement in West Aceh Regency, as in other parts of Aceh, still faces significant practical challenges. Therefore, it requires the incorporation of enforcement strategies, public education, and synergy among legal institutions.

## *Maqashid Sharia* Assessment of “*Scatter Investment*”

### 1. Controversy with *Hifz al-Din* (Preservation of Religion)

Gambling (*maisir*) is strictly prohibited in the Quran using the strongest form of prohibition (*nahyu tahrimi*). Allah SWT says:

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

“O you who believe, intoxicants, gambling, sacrificing to idols, and divining with arrows are abominations devised by Satan. Avoid them so that you may prosper.” (Surah Al-Ma'idah [5] 90).

The use of the word “*rijs*” (رِجْسٌ), which means “unclean” or “vile,” indicates that gambling is not merely a minor prohibition, but something that is fundamentally destructive to the spirit. Gambling is equated with *khamar* (alcoholic beverages), idols, and *azlam* (practices of shirk) as acts that must be avoided completely (*fajtanibuhu*).

Allah SWT continues in the next verse:

إِنَّمَا يُرِيدُ الشَّيْطَانُ أَنْ يُوقِعَ بَيْنَكُمُ الْعَدَاوَةَ وَالْبَغْضَاءَ فِي الْخَمْرِ وَالْمَيْسِرِ وَيَصُدَّكُمْ عَن ذِكْرِ اللَّهِ وَعَنِ الصَّلَاةِ فَهَلْ أَنتُمْ مُنْتَهُونَ

“Indeed, Satan intends to stir up enmity and hatred among you through intoxicants and gambling, and to prevent you from remembering Allah and from prayer. So will you not desist?” (Surah Al-Ma'idah [5] 91)

This verse reveals three destructive effects of gambling on religion:

- Causing hostility and hatred (*al'adawah wa al-baghdha*). In the context of online gambling, this manifests itself in the form of conflicts between players, family quarrels due to financial losses, and even criminal acts. Prevents them from remembering Allah (*yasuddukum 'an dzikr Allah*).
- Online gambling addiction causes a person to become obsessed with the game, constantly thinking about how to win, and neglecting their spiritual obligations.
- The dopamine produced by the game creates a psychological addiction that is stronger than the motivation to worship. Prevents them from praying (*wa 'an al-shalah*). Psychological studies show that online gamblers often skip prayer times because they are engrossed in playing, or pray without focus because their minds are still preoccupied with gambling.

Gambling is intrinsically contrary to the principle of faith in Allah as Ar-Razzaq (the Provider) and the principle of *tawakkal* (surrendering to Allah after striving lawfully). Gambling teaches that wealth can be obtained through luck alone, without hard work and prayer. This undermines the Islamic work ethic and fosters an unhealthy materialistic attitude. Gambling encourages

dishonesty, fraud, manipulation, and exploitation. Gamblers are often tempted to commit other unlawful acts (such as stealing, taking usurious loans, or embezzling money) to finance their gambling habits. This creates a spiral of moral degradation that is contrary to Islam's goal of forming noble character.

## 2. Contradiction with *Hifz al-Nafs* (Preservation of the Soul)

Psychological research cited in the East Java MUI Fatwa includes findings by Aji Bagus Priyambodo explaining that online gambling works on the central nervous system by triggering excessive dopamine spikes in the brain's reward center, thereby creating an addiction pattern similar to that of narcotics abuse. This uncontrolled dopamine activity correlates with the emergence of symptoms such as agitation, severe anxiety, false euphoria, hedonistic tendencies, hyperactivity, sleep disorders such as insomnia, severe stress, and paranoid symptoms, making it increasingly difficult for perpetrators to stop their behavior even though they are aware of its negative effects. Several mental health studies also show that a large proportion of online gamblers experience serious psychological disorders in the form of anxiety and depression, triggered by financial uncertainty, guilt, and loss of control over gambling behavior, and in certain cases leading to thoughts or desires of suicide (Arnit Kurnia Sari et al., 2024).

In the context of anxiety and depression disorders, various studies have concluded that online gambling addicts exhibit significantly higher levels of anxiety, stress, and depression than the general population, due to being constantly caught in a cycle of hope for winning, fear of losing, and mounting debt pressure. The psychological burden of shame, regret over financial losses, and family conflicts exacerbates their mental condition, causing some individuals to develop severe mental disorders such as major depression and chronic sleep disorders, which weaken their ability to make rational decisions and seek appropriate help. In extreme cases, the combination of deep depression, economic pressure, and despair can trigger suicide attempts, something that clearly contradicts the Qur'an's strict prohibition against killing oneself as stated in Surah An-Nisa verse 29. Therefore, from a Sharia perspective, online gambling is not only considered haram but also paves the way for the destruction of the soul and life (Munandar et al., 2025).

In the social sphere, the emotional turmoil and psychological instability that accompany online gambling addiction often lead to increased aggression and conflict in social relationships, especially within families. Various field data and law enforcement reports indicate a link between losses due to online gambling and an increase in domestic violence, heated arguments, and other aggressive acts that damage marital and parent-child relationships. Frustration over losing money, debt pressure, and feelings of helplessness are often vented in the form of

anger, verbal abuse, or physical violence, so that online gambling not only damages the perpetrator but also creates a cycle of violence that hurts those closest to them.

From a physical health perspective, the lifestyle of online gambling addicts is generally characterized by sleep deprivation, prolonged late-night gaming, irregular eating patterns, lack of physical activity, and chronic stress exposure, which cumulatively increase the risk of various metabolic and cardiovascular diseases. Various health articles and medical reports explain that the combination of prolonged stress, sleep deprivation, and a sedentary lifestyle among online gamblers can trigger or exacerbate hypertension, heart disease, stomach disorders, diabetes, and other health issues related to the cardiometabolic system. This situation indicates that online gambling is not merely a moral and economic issue but a serious risk factor for mental and physical health, necessitating a comprehensive approach to prevention and management that integrates religious, psychological, medical, and social perspectives.

### 3. Contradiction with *Hifz al-aql* (Preservation of Reason)

#### a. Killing Critical Thinking Skills

As stated in the MUI Fatwa, online gambling is “based on luck and kills reason.” When someone engages in gambling, their mind is no longer used for rational analysis, but is instead surrendered to empty hopes for luck. This contradicts Islamic principles, which emphasize the use of reason (*ta’aqul*) as a gift from Allah that must be preserved.

#### b. Concentration and Cognitive Function Disorders

Psychological research shows that online gambling addiction damages the executive functions of the brain responsible for planning, decision-making, and impulse control. Gamblers often have difficulty concentrating on important tasks such as work or study.

#### c. Irrational Decision

Gambling encourages irrational decision-making. Psychological phenomena such as the gambler’s fallacy (the mistaken belief that a winning streak will follow a losing streak) and loss aversion (the tendency to continue playing to “break even”) cause players to take unreasonable risks.

#### d. Loss of Mental Toughness

Online gamblers tend to be less resilient in dealing with real-world problems because they are accustomed to instant solutions (quick wins) in games. This undermines the character and mental resilience that should be built through hard work and patience.

## Deconstructing the Narrative of “Investment”

The narrative of “*Scatter Investment*” functions as a discursive strategy that shifts public perception from “online gambling” to “high-risk but legal financial activity” by exploiting ignorance of the correct concept of investment, both under positive law and Sharia law. In Islamic economic discourse, investment presupposes several key elements: the investment of capital in productive business activities; a process of value creation; the existence of a valid contract (such as *mudharabah* or *musyarakah*); the fair distribution of risk and profit; and the absence of *riba*, *gharar*, and *maisir*. (Akther, 2015). Meanwhile, Law No. 25 of 2007 stipulates that investment is linked to business activities that have “added value and benefits for the national economy” and are subject to the principles of legal certainty, transparency, accountability, and sustainability. In the practice of “*Scatter Investment*,” none of these elements is fulfilled. The capital spent by players does not enter the productive sector; rather, it fuels an algorithm that returns a small portion to players in the form of random wins, while the rest becomes permanent profits for operators and agent networks. There is no production of real goods or services; what occurs is merely the exploitative redistribution of wealth from many players to a few top actors in the network. This contradicts the essence of investment, which is intended to preserve and develop wealth (*hifz al-mal*) through productive, fair, and sustainable means, rather than to destroy it through gambling (Afridawati, 2014; Fikriawan, 2018).

The deconstruction of this narrative needs to highlight how language and symbols are used to manipulate perceptions of risk and morality. Terms such as “capital,” “profit,” or “scatter pattern” are used in place of words such as “bet,” “lose,” or “loss,” so that participants feel they are conducting business maneuvers rather than gambling. In fact, the term “dividend” is sometimes used to refer to periodic winnings, even though, in Islamic jurisprudence and modern corporate law, dividends denote the distribution of profits from real business activities, not algorithmic prizes from random games (Ramadhani & Syukur, 2021). In this way, the psychological mechanism of guilt is reduced because the perpetrator feels that they are “simply investing with high risk” rather than committing an act that is clearly prohibited by Islamic law. From a Sharia investment law perspective, this narrative is dangerous because it blurs the line between speculation and investment. Some contemporary scholars distinguish between moderate speculation inherent in normal business activities (such as price risk in trading) and extreme speculation that treats uncertainty as the primary commodity, as seen in gambling, binary options, and derivative instruments with no underlying assets (Thinker, 2018).

“Scatter investing” clearly falls into the second category, as it is not based on fundamental information, does not produce anything, and relies entirely on luck and opaque algorithm design. Thus, the deconstruction of the narrative of “investment” here is not merely a play on words, but a reaffirmation of the epistemological boundary between legitimate economic activity and invalid speculative games in the context of *maqashid* and positive law. Returning the term “investment” to its original

productive and beneficial meaning is part of the effort to maintain *hifz al-mal* and *hifz al-aql*, while closing the space for the normalization of gambling through pseudo-financial rhetoric.

### ***Maqashid Sharia* as a Framework for Digital Economic Governance**

*Maqashid Sharia*, formulated by al-Ghazali and systematized by al-Syafi'i, posits five main objectives of Sharia (*al-kulliyat al-khamsah*) as normative standards for all aspects of life, including the digital economy. In the context of "*Scatter Investment*" (Afridawati, 2014), the application of *maqashid* allows for a deeper reading than simply attaching haram–halal labels textually. *Maqashid* requires the question: to what extent does this practice preserve or damage religion (*din*), soul (*nafs*), reason (*aql*), offspring (*nasl*), and wealth (*mal*) at the individual and social structure levels? (Ahmad, 2014).

First, the aspect of *hifz al-din*. Online gambling has been shown to distract people from worship, both in terms of time (delaying or abandoning prayer because they are engrossed in play) and in terms of orientation (dependence on luck and algorithms rather than on lawful efforts and *tawakkal*). Discursively, the narrative of "*Scatter Investment*" reduces the Qur'an's strict prohibition against *maisir* (Surah Al-Ma'idah [5] 90–91) to merely "business risk," thereby undermining sharia awareness of the limits set by Allah. Within the framework of *maqashid*, this phenomenon constitutes a form of *tashayyub fi al-din* (the blurring of religious boundaries) that threatens Islamic identity and the moral integrity of society.

Second, in terms of *hifz al-nafs*, online gambling poses a significant risk to mental health and safety. Recent studies report high levels of anxiety, depression, and even suicidal ideation among online gamblers, accompanied by an escalation in domestic conflict and violence triggered by financial losses. Addiction to online gambling not only consumes time and energy but also drives individuals to take extreme measures when they feel trapped in a cycle of debt and shame. From a *maqashid* perspective, the state and religious scholars have an obligation to close the doors to mafsadah that threaten life and mental health in this way (Zaura Zahira Soffa & Tajul Arifin, 2025). Haider (2023) reinforces this position by arguing that the Islamic penal system functions not merely as punitive mechanism, but as a deterrent framework against organized deviance, including digitally mediated forms such as "Scatter Investment" thereby analogizing the state's obligation to suppress *mafsadah* with the broader objectives of Islamic criminal justice.

Third, *hifz al-aql*. Islam honors reason as the primary instrument for knowing God and managing the world, so anything that impairs reason, such as alcohol and drugs, is forbidden. Online gambling, especially that designed with addictive algorithms, reprograms the way the mind works: players are trained to respond to visual and auditory stimuli of winning, chasing dopamine rushes, and ignoring rational calculations of risk and statistics of defeat. In the long run, this creates a

generation that tends to look for financial shortcuts, loses work discipline, and is vulnerable to various forms of investment fraud.

Fourth, *hifz al-nasl*. *The impact of online gambling on families is not only in the form of a decline in the quality of livelihood, but also an increase in conflict, divorce, and child neglect.* Children who witness their parents gambling and going into debt for the sake of “chip investments” learn that speculation and lies are a normal part of economic life. This threatens the reproduction of a righteous generation, which is one of the objectives of *maqashid* (Rafiqah & Rasyid, 2023).

Fifth, *hifz al-mal*. From the perspective of *maqashid*, wealth is not merely an instrument of consumption, but a trust that must be managed for the benefit of oneself, one’s family, and society. Online gambling causes substantial wealth leakage, both at the household level (depleted savings, asset sales, mounting debt) and at the national level (funds flowing to foreign operators without contributing to the real economy) (Annisa Laras et al., 2025). The phenomenon of “*Scatter Investment*” adds another layer of damage: assets that could have been directed toward halal investments, such as micro businesses, productive zakat, or sharia-compliant capital market instruments, are instead channeled into sectors that are *maqashidi* obligatory to close.

### **Implications for Legal and Regulatory Policy**

The discussion is the main part of the article, in which the research results are analyzed using the primary theory and supporting theories to identify novelty relative to prior studies. The discussion also presents theories that assist researchers in analyzing data, producing summaries or syntheses of the data and relationships, and suggesting new approaches or even generating new theories. There are at least three functions of theory that have been agreed upon by scientists, namely: (a) describing, (b) explaining, and (c) predicting.

### **Limitations and Directions for Future Research**

This study is primarily normative and doctrinal, relying on textual and documentary analysis. While it incorporates secondary empirical data, it does not present primary fieldwork or statistical modeling. Future research could:

1. Conduct quantitative surveys to measure the prevalence and socio-demographic distribution of “*Scatter Investment*” among specific populations such as students, informal workers, or housewives.
2. Employ qualitative interviews and ethnographic methods to explore the lived experiences, motivations, and moral reasoning of online gamblers.
3. Develop *maqashid*-based policy evaluation tools for digital financial products and platforms beyond gambling, including high-risk trading apps and speculative crypto-assets.

## Conclusion

“*Scatter Investment*” is essentially structured online gambling, not a form of investment in the legal or Sharia sense. This activity does not involve capital investment in productive businesses, does not create real added value, operates with a zero/negative-sum mechanism, and is rife with elements of *maysir*, *gharar*, and *tadlis*, thus contradicting the principles of investment according to Law No. 25 of 2007 and the DSN-MUI fatwa on sharia investment. Under positive law, this practice constitutes a criminal offense of gambling as stipulated in Articles 303 and 303 bis of the Criminal Code, Article 27(2) in conjunction with Article 45(3) of the ITE Law, as well as the provisions on gambling in Aceh Qanun No. 6 of 2014, with a network that utilizes banking and digital payment infrastructure to trade chips in the shadow financial market outside the supervision of the OJK and BI. Technically, the use of RNG and RTP algorithms below 100% ensures structural profits for operators and systemic losses for the majority of players. In contrast, the narrative of “winning patterns” and “instant profits” merely fosters the illusion of control. From the perspective of *Maqashid Sharia*, “*Scatter Investment*” simultaneously undermines *hifz al-din*, *hifz al-nafs*, *hifz al-aql*, *hifz al-nasl*, and *hifz al-mal*: neglecting worship and blurring the boundaries of *Maisir* prohibitions, causing addiction and mental disorders, distorting the function of reason through addictive designs, tearing apart families, draining wealth without productive benefits, and funneling funds abroad. Therefore, the prohibition and eradication of online gambling, including those disguised as “*Scatter Investments*,” is a normative requirement to uphold the five fundamental objectives of Sharia law. The state, financial authorities, religious institutions, and digital industry players must collaborate to deconstruct misleading investment narratives, crack down on online gambling networks, secure financial systems, and provide accessible Sharia-compliant investment alternatives oriented toward public welfare, ensuring that the digital economy develops in alignment with the noble objectives of Sharia law.

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## Conflict of Interest

The author declares that there is no conflict of interest, whether financial, personal, or institutional, that could influence the objectivity, integrity, or outcomes of this article.

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