

Jakarta, August 24 2026

**ACADEMIC ACCEPTANCE LETTER
PRIVIET SOCIAL SCIENCES JOURNAL
(PSSJ)**

Volume 6, Issue 9, 2026

Title: CRIMINAL LIABILITY OF INSTAGRAM CELEBRITIES IN CASES OF ONLINE GAMBLING PROMOTION ON SOCIAL MEDIA FROM THE PERSPECTIVE OF ISLAMIC CRIMINAL LAW AND THE ELECTRONIC INFORMATION AND TRANSACTIONS LAW

To: Khairul Umami, Mizaj, Muslem Abdullah

Universitas Islam Negeri Ar-Raniry

We are pleased to inform you that your manuscript entitled "CRIMINAL LIABILITY OF INSTAGRAM CELEBRITIES IN CASES OF ONLINE GAMBLING PROMOTION ON SOCIAL MEDIA FROM THE PERSPECTIVE OF ISLAMIC CRIMINAL LAW AND THE ELECTRONIC INFORMATION AND TRANSACTIONS LAW" has been accepted for publication in the Priviet Social Sciences Journal (PSSJ).

This acceptance is granted based on the journal's editorial and review process. However, publication will proceed only after the authors have completed all required final editorial revisions.

The manuscript is scheduled for publication in Volume 6, Issue 9, September 2026. Please note that failure to complete the required revisions or editorial requirements within the specified timeline may result in the postponement or rescheduling of publication.

With kind regards,

**Jakarta, August 24 2026
Founder PRIVIETLAB**

Dr Mochammad Fahlevi, S.Pd.I., M.M., M.A., M.Ud., AWP



CRIMINAL LIABILITY OF INSTAGRAM CELEBRITIES IN THE CASE OF ONLINE GAMBLING PROMOTION ON SOCIAL MEDIA FROM THE PERSPECTIVE OF ISLAMIC CRIMINAL LAW

Khairul Umami¹, Mizaj², Muslem Abdullah³

^{1 2 3} Ar-Raniry State Islamic University, Banda Aceh

¹ E-mail: 220104085@student.ar-raniry.ac.id

² E-mail: mizaj@ar-raniry.ac.id

³ E-mail: muslem.abdullah@ar-raniry.ac.id

ABSTRACT

The promotion of online gambling through social media by Instagram celebrities raises the issue of criminal liability for parties who do not directly gamble, but play a role in disseminating information and directing the public to gambling sites. This problem is becoming increasingly important because celebrities have a wide influence and reach through the number of followers on social media. This study aims to analyze the criminal liability of celebrities in the case of online gambling promotion based on the concept of *al-mas'uliyah al-jina'iyah* in the perspective of Islamic criminal law. This research uses normative juridical methods with a conceptual approach and a case approach. The legal materials used consist of primary and secondary legal materials collected through literature studies and analyzed qualitatively by descriptive-analytical methods. The results of the study show that the criminal liability of celebrities cannot be charged solely based on their status as a celebrity or their relationship with gambling activities. The imposition of liability must be based on the existence of prohibited acts, the perpetrator's knowledge of the object being promoted, the will and intentionality in carrying out promotions, the ability to be responsible, and the form of involvement of the perpetrator in these activities. Analysis of the case of Aceh celebrities and Decision Number 123/Pid.Sus/2023/PN. Pyh and Decision Number 509/Pid.Sus/2024/PN.Srg show the use of personal social media accounts as a means of promotion, relationships with parties offering gambling promotions, promotional actions carried out actively and repeatedly, and the existence of economic benefits or rewards. From the perspective of Islamic criminal law, the promotion of online gambling that is carried out consciously can be seen as a form of contribution to the spread of *maisir* and related to the principle of prohibition of *ta'awun 'ala al-itsm*. Therefore, if the element of criminal responsibility is met, the act can be sanctioned by *ta'zir* while still paying attention to the principles of justice, legal certainty, and benefit.

Keywords: criminal liability, celebrity, online gambling, *al-mas'uliyah al-jina'iyah*, Islamic criminal law

1. INTRODUCTION

The development of information technology has brought major changes in the communication and interaction patterns of society. Social media is no longer only used as a means of communication, but also has developed into a marketing and promotional medium as a product and service. One of the social media that is widely used in promotional activities is Instagram. This development has created the profession of *instagram* or *celebgram* celebrities who have the ability to influence followers through published content. The number of followers and the level of public trust in celebrities make them have a strategic position in conveying information and influencing the behavior of social media users. However, the development of the function of social media also raises problems when it is used to promote activities that are contrary to legal and religious norms, one of which is online gambling. In practice, online gambling promotion can be carried

out through uploading photos, videos, Instagram stories, and links that direct users to gambling sites. This condition shows that technological developments not only provide benefits to the community, but can also be used as a means of expanding gambling practices.

In Islamic criminal law, gambling or *Sāo Paulo* is an act that is strictly prohibited. The prohibition is as affirmed in Q.S.Al-Ma'idah verses 90-91, which explains that gambling is a heinous act and is a satanic act that must be avoided because it can cause hostility and prevent people from remembering Allah SWT. The prohibition against gambling is not only important to study for people who directly gamble, but also for those who play a role in introducing, encouraging, or facilitating these activities (Wardi Muslim, 2004). In the context of online gambling promotion, celebrities do not always play the role of players or gambling organizers, but rather as parties who disseminate information or direct the public to access gambling sites. This raises questions about the position and accountability of the party who conducts the promotion from the perspective of Islamic criminal law.

This problem has been found in practice, including in Aceh. In 2023, the police arrested a celebrity from Aceh who allegedly promoted an online gambling site through an Instagram account. The case shows that gambling promotion through social media is not only carried out by gambling organizers or players, but also involves parties who have influence over their followers on social media (Kusbiantoro & Fajri, 2023). In addition to these cases, there are also cases that have been processed in court, one of which is Decision Number 123/Pid.Sus/2023/PN. Pyh related to the promotion of online gambling through Instagram social media (Aizara, 2026), as well as Decision Number 509/Pid.Sus/2024/PN.Srg related to the promotion of gambling through social media (Khairun Nissa & Hasuri, 2025). The existence of this case shows that the promotion of online gambling is not only a normative issue, but has become an act that occurs in practice and has been processed through law enforcement. Therefore, it is important to study these cases to see how Islamic criminal law assesses the involvement of a person who does not directly gamble, but also promotes gambling activities to the community.

Based on these issues, a study of *al-mas'uliyah al-jina'iyah* or criminal liability in Islamic criminal law is needed to determine whether the acts of celebrities who promote online gambling can give rise to criminal liability. The assessment is not enough based only on the existence of promotional acts, but it is necessary to pay attention to the elements of intentionality, knowledge, will, responsible ability, and the form of involvement of the perpetrator in gambling activities. Thus, this study is directed to analyze the criminal liability of celebrities in the case of online gambling promotion based on the concept of *al-mas'uliyah al-jina'iyah* in Islamic criminal law.

2.LITERATURE REVIEW AND THEORETICAL FRAMEWORK

Al-mas'uliyah al-jina'iyah It is the concept of criminal liability in Islamic criminal law that is related to the imposition of legal consequences on a person for acts that are prohibited by sharia. Criminal liability is not only based on the existence of prohibited acts, but also considers the circumstances of the perpetrator, the will, and the knowledge of the perpetrator of the acts he committed. In the study of Islamic criminal law, criminal liability is basically related to the existence of prohibited acts, carried out of their own volition, and the perpetrator knows the consequences of his actions. Thus, the elements of acts, will, and knowledge are important bases in determining whether or not a person can be burdened with criminal liability. This concept becomes relevant in the case of online gambling promotion because celebrities can be involved in the spread of gambling without being a player or gambling organizer directly. Study of *Al-Mas'uliyah Al-Jina'iyah* It also shows that the intention and circumstances of the perpetrator are an important part of determining criminal liability (Mubarok & Arif Faizal, 2004).

Criminal liability in Islamic criminal law is also related to a person's ability to account for his actions. The perpetrator must have the ability to think and will that allows him to understand and choose the act committed. Therefore, the assessment of liability is not enough to only look at the outward act, but also needs to pay attention to the condition of the perpetrator when the act is committed (Wardi Muslim, 2004). In the context of online gambling promotion, this aspect is important to see whether a celebrity knows that something he is promoting is a gambling activity, whether the promotion is carried out consciously, and whether there is a will to profit from the activity. This becomes even more relevant with the case of an Aceh celebrity who was reportedly arrested for allegedly promoting an online gambling site through his Instagram

account. In this case, the police said that there was alleged knowledge and promotional activities carried out through the perpetrator's personal account.

Research on online gambling promotion has been carried out from various perspectives. Hunafa Nafila through her research examines the actions of *Endorse* online gambling by comparing positive criminal law and Islamic criminal law. The research shows that the promotion of online gambling can give rise to criminal liability and in the perspective of Islamic criminal law is related to the prohibition of gambling (Nafila, 2022). Furthermore, Affandi and Adrian Bima Putra examined the application of elements of online gambling crimes against celebrities through Instagram with a study of Decision Number 56/Pid.Sus/2023/PN Bkt. The research uses a normative juridical approach and focuses more on the application of positive criminal law provisions against celebrities who promote online gambling (Affandi & Bima Putra, 2024). Both studies provide an important basis for this research, but have not specifically conceptualized *Al-Mas'uliyah al-Jina'iyah* as the main focus to determine the accountability of celebrities.

A more recent study was conducted by Nur Amelia, Yuswalina, and Jon Heri by examining the Promotion of Online Gambling through Social Media A Study on Law Enforcement and Islamic Criminal Law. The research has included the perspective of Islamic criminal law and concluded that the promotion of online gambling that is not specifically determined in the form of sanctions in the Qur'an and Hadith can be subject to the punishment of *ta'zir*. However, the study discusses Islamic criminal law in the context of online gambling promotion in general and still relates it to the provisions of the ITE Law (Amelia et al., 2025). Furthermore, Ramadhan Ridwansyah through the research on Criminal Responsibility *Influencer* on Online Gambling Endorsement Cyber Crime Study in Indonesia, discussing influencer accountability for online gambling promotion using the Criminal Code and the ITE Law and highlighting the issue of proof in law enforcement against influencers (Ramadhan Ridwansyah et al., 2025). Then Hanna Sajidah's research on Criminal Liability for Celebgrams in the Case of Promoting Online Gambling Sites via Instagram (Case Study Number 65/Pid.Sus/2024/PN Bir) also discusses the criminal liability of celebrities based on concrete cases, but uses a positive legal framework and focuses on the application of the ITE Law and judges' considerations (Sajidah et al., 2025). Meanwhile, Farhan Adiyatma Putra discussed the criminal liability of perpetrators of online gambling promotion by focusing on forms of promotion that can be qualified as criminal acts based on laws and regulations (Adiyatma Putra et al., 2025).

Based on the previous research, it can be seen that research on the promotion of online gambling by celebrities has discussed positive legal aspects, the comparison of positive laws and Islamic law, the application of *ta'zir sanctions*, and the accountability of *influencers* and celebrities based on laws and regulations. However, previous research has not specifically focused on the concept of *al-mas'uliyah al-jina'iyah* as a basis for determining the criminal liability of celebrities in online gambling promotion. This research is not directed to compare positive law with Islamic criminal law, but uses Islamic criminal law as the main perspective by focusing on the responsible ability, knowledge, will, and intentionality of the perpetrator. This study also uses the case of celebrities in Aceh as a context of the problem and relates it to the case of online gambling promotion that has been processed through the courts as supporting material for the analysis. Thus, this study is expected to provide a more specific understanding of the limits of criminal liability of celebrities in the promotion of online gambling based on the concept of *al-mas'uliyah al-jina'iyah* in Islamic criminal law.

3.METHOD

This research uses a normative juridical method, namely legal research conducted through the study of legal norms, concepts, and principles related to research problems. This research focuses on the criminal liability of celebrities in promoting online gambling based on Islamic criminal law. The approach used is a conceptual approach (*conceptual approach*) and case approach (*case approach*). Conceptual approaches are used to study concepts *Al-Mas'uliyah al-Jina'iyah*, *Maisir*, *Ta'awun 'ala al-Itsm*, *Jarimah Ta'zir*, and *Squirtsid al-syar' Ah*. Meanwhile, the case approach is used to examine the facts and circumstances in the case of online gambling promotion by celebrities, including the case of Aceh celebrities and other cases that have been processed through the courts (Scott, 2019).

The legal materials in this study consist of primary legal materials and secondary legal materials. Primary legal materials include the Qur'an, especially Q.S. Al-Mā'idah verses 90–91 as the basis for the prohibition of gambling, as well as court decisions related to the promotion of online gambling which are the

object of study. Secondary legal materials include books, scientific journals, previous research, and academic sources related to criminal liability in Islamic criminal law. Information about the case of Acehese celebrities obtained from the news is used as supporting data to illustrate the initial facts of the case. All of these materials were collected through literature studies and analyzed qualitatively by descriptive-analytical methods, namely by relating the facts of the case to the concept of *al-mas'uliyah al-jinā'iyah*, especially regarding the knowledge, will, intentionality, responsible ability, and form of involvement of the perpetrator in the promotion of gambling.

4. RESULT AND DISCUSSION

4.1. Results

The case of online gambling promotion by celebrities in Aceh is one of the relevant cases to see the development of gambling promotion practices through social media. In August 2023, the Banda Aceh Police Satreskrim arrested a celebrity from Nagan Raya with the initials SRC and her husband HF for allegedly knowing and promoting online gambling sites through SRC's Instagram account. The handling of the case began with a public report through the Banda Aceh Police Chief's WA Curhat service regarding the Instagram account used to promote gambling sites. The police then conducted an investigation into @srsuci_syam's Instagram account and confiscated mobile phones, ATM cards, and screenshots of Instagram accounts used for promotion (Kusbiantoro & Fajri, 2023).

Based on police information reported by ANTARA, SRC's Instagram account has around 174 thousand followers. SRC is said to have received offers from online gambling site admins, including MAXGACOR, CLICK and ROBOSLOT, and received a bonus of IDR 2.5 million every month. These activities are said to have lasted for approximately eight months. This fact shows that promotions are not only carried out through personal communication with certain parties, but also using social media accounts that have a large range of followers. Thus, social media in this case serves as a means of disseminating gambling information to a wider audience.

The case also shows that there is a problem regarding the knowledge of the parties around the perpetrator. In the news about the case, SRC's husband, HF, was initially also secured because he was suspected of knowing the promotional activities carried out by his wife. However, after further examination, the police stated that HF was not proven to be involved and was released because he thought the activity was a promotion of beauty products. Meanwhile, SRC was designated as a suspect and was not detained due to his pregnancy and health conditions. The difference in treatment shows that in handling the case, the involvement of a person in the perpetrator's environment does not automatically indicate responsibility; the knowledge and involvement of each party must still be examined.

The second case is contained in Decision Number 123/Pid.Sus/2023/PN Pyh which involves Monika Oktavia Ningrum as a perpetrator of online gambling promotion through Instagram. Based on the source who discussed the case, Monika received a promotional offer through *Direct Message* Instagram and then directed to join a WhatsApp group related to the promotion of MVPSLOT88 site. In its implementation, promotion is carried out by uploading images or gambling game content through Instagram Stories and including links that direct users to gambling sites. This pattern indicates that there are promotional activities that are actively carried out through the perpetrator's personal account, not just the dissemination of information without a specific purpose (Aizara, 2026).

The third case is Decision Number 509/Pid.Sus/2024/PN Srg involving Bunga Resti Amalia or Restybungaa. Based on the research that discussed the verdict, the defendant used his personal Instagram account to promote a number of online gambling sites, including ZIGZAGSLOT and DAM77. In the case, promotional activities were found on several gambling sites and the profits obtained by the defendant from these activities. Based on the verdict summarized in the study, the defendant was found guilty and sentenced to 10 months in prison, accompanied by fines and confiscation of evidence. The study also noted that the profits obtained by the defendant from promotional activities reached around IDR 41 million (Khairun Nissa & Hasuri, 2025).

The three cases show a relatively similar pattern, namely the use of personal social media accounts as a means of promoting gambling, the existence of a relationship between the promoter and the party offering or providing promotion, and the existence of profits or rewards in these activities. However, there are important differences in the legal status and information strength of each case. The SRC case in Aceh originated from the

news about the arrest and investigation process so that it cannot be treated as a case that has obtained a verdict of legal force. On the other hand, cases Number 123/Pid.Sus/2023/PN Pyh and Number 509/Pid.Sus/2024/PN Srg have gone through a trial process so as to provide more complete facts and legal considerations. These differences are important in this study because the Aceh case is used to show concrete phenomena in the research area, while the two court decisions are used as comparative material in examining criminal liability based on Islamic criminal law.

Based on the three cases studied, it was found that the involvement of celebrities in online gambling promotions has a pattern that does not stop at the dissemination of information alone. Promotions are carried out through social media accounts that are under the control of the perpetrator, either in the form of uploads, Instagram Stories, images, or links that direct followers to gambling sites. This shows that social media functions as an active means to expand the reach of gambling to the public. The position of celebrities is important because the existence of a large number of followers provides the potential for a wider promotional reach than promotions carried out by ordinary users. In the case of Aceh, for example, the SRC account is reported to have around 174 thousand followers, while in the court case under review, promotions are also carried out using the perpetrator's personal social media accounts.

The next finding shows that there is a relationship between the promoter and the party that provides or offers gambling promotion services. In case Number 123/Pid.Sus/2023/PN Pyh, the perpetrator obtained a promotional offer through communication on social media and was then directed to promote the gambling site. A similar pattern was seen in the case of Aceh, when SRC was said to have received an offer to promote an online gambling site and get a bonus from the activity. Meanwhile, in case Number 509/Pid.Sus/2024/PN Srg, promotional activities were also related to several gambling sites. These findings show that online gambling promotion by celebrities has a transactional relationship pattern, namely there are parties who need promotions and parties who provide access to social media audiences as promotional targets.

From the aspect of economic benefits, the three cases show that rewards are one of the factors related to promotional activities. In the case of Aceh, SRC reportedly received a bonus of IDR 2.5 million every month and the activity was said to have lasted for approximately eight months. In case Number 509/Pid.Sus/2024/PN Srg, the perpetrator is also said to have benefited from the promotional activities of several gambling sites. The existence of rewards shows that promotions are not always carried out for free, but can be activities that provide economic benefits to promoters. These findings are important because profits can be one of the facts that need to be considered when assessing whether promotional actions are carried out consciously and have a specific purpose, although the existence of profits alone does not automatically prove a person's criminal liability.

In terms of the perpetrator's knowledge, there is an important difference between the party who is suspected of knowing about gambling activities and the party who is not proven to know about it. In the Aceh case, SRC was named as a suspect, while her husband, who was initially also secured, was later released after the police stated that they did not find sufficient involvement and knowledge about the online gambling promotion activities. These differences show that law enforcement against the promotion of online gambling not only considers a person's relationship with the main perpetrator or his or her presence around the promotional activity, but also considers whether the person really knows the object being promoted. Thus, knowledge about the nature of gambling is an important finding that distinguishes the level of involvement between one party and another.

Furthermore, it was found that the intensity and repetition of actions are important characteristics in several cases. Promotions carried out repeatedly through personal accounts show a pattern of activity that is different from actions that occur spontaneously or unintentionally. In the case of Aceh, promotional activities are said to have lasted for about eight months, while court cases show that there is a promotion of gambling sites through the perpetrator's social media accounts. This repetition gives an idea that online gambling promotion can be a form of activity that is carried out continuously as long as there is a relationship between the promoter and the gambling site. However, the repetition of acts must still be read together with other facts, especially the knowledge and will of the perpetrator, because the frequency of actions alone is not enough to determine criminal liability.

Based on the overall case, the study found four main characters of celebrity involvement in online gambling promotion, namely the use of personal social media accounts as a means of promotion, the existence of relationships with parties who offer or provide gambling promotions, the existence of economic benefits or rewards, and the existence of knowledge and willingness that need to be proven individually. These four characters show that the position of celebrities in online gambling promotion has a different form of involvement from players and gambling organizers. This finding is the basis for the next stage of discussion, which is to assess whether these characteristics can meet the elements of criminal liability based on the concept of *al-mas'ulīyyah al-jinā'īyyah* in Islamic criminal law.

4.2. Discussion

Concept *Al-Mas'ulīyyah al-Jinā'īyyah* In Islamic criminal law, criminal liability is placed as a consequence that cannot be imposed solely because a person has a relationship with a prohibited act. Liability must be associated with the perpetrator's ability to understand his actions, the existence of a will in doing the act, and knowledge of the nature of the act. Thus, the position of a celebrity as a party promoting online gambling needs to be distinguished from the position of a player or gambling organizer. A celebrity may not play gambling directly, but if he knows that the object being promoted is gambling and of his own volition continues to disseminate the promotion, then there is a question of accountability that must be analyzed based on the level of his involvement (Wardi Muslim, 2004).

From the perspective of the element of knowledge, the fact that a celebrity received a promotional offer from a party related to a gambling site is an important thing to analyze. In the case of Aceh, the police said that SRC knew and promoted the online gambling site through his Instagram account. He was also said to have received bonuses regularly from the promotional activities for about eight months. If these facts can be adequately proven, the situation can be an indicator that the promotional activity is not an act carried out accidentally. However, because the SRC case that is available in public sources is still in the stage of handling the case and not a court decision, this study cannot state that the element of responsibility has been definitively proven. Academically, these facts can only be used as a basis to test how the concept of *Al-Mas'ulīyyah al-Jinā'īyyah* applied to the alleged act (Geno Berutu, 2016).

The issue of will and intentionality can be seen more clearly in cases that have obtained a verdict. In Decision Number 123/Pid.Sus/2023/PN Pyh, the perpetrator not only has an Instagram account, but receives promotional offers, joins a communication group that provides promotional instructions, and then uploads gambling content accompanied by a link to a gambling site. The pattern of actions that are carried out repeatedly indicates the existence of a series of active actions. From the perspective of *al-mas'ulīyyah al-jinā'īyyah*, this series can be used to assess the existence of a will in carrying out an act, especially if the perpetrator understands the object being promoted and continues to promote after knowing its nature. Thus, the intentionality aspect is not only seen from one upload, but from the entire series of actions and circumstances that accompany it.

The same perspective can be applied to Decision Number 509/Pid.Sus/2024/PN Srg. In the case, the defendant used his personal Instagram account to promote several gambling sites and profited from these activities. The research that discussed the verdict noted that the defendant deliberately promoted the ZIGZAGSLOT and DAM77 sites and profited from promotional activities. The court then sentenced him to 10 months in prison, in addition to fines and confiscation of evidence. If these facts are placed within the framework of *al-mas'ulīyyah al-jinā'īyyah*, there are several indicators that can be observed, namely the use of personal accounts, active promotional actions, the existence of profits, and the recurrence of activities. All of these indicators are stronger to indicate a conscious action than a person's circumstances that are only inadvertently related to gambling activities.

From perspective *São Paulo*, online gambling promotion needs to be seen not only based on whether the celebrity gambles directly, but also on its contribution to the sustainability and dissemination of gambling activities. Q.S. Al-Mā'idah verses 90–91 place *maisir* as an act that should be avoided because it has an impact on social relations and religious life of humans. Social media then gives a special character to promotional acts because an upload can reach many people in a relatively short time. Therefore, if a celebrity consciously promotes a gambling site to his followers, his actions can be seen as related to the spread of *maisir*, even though he himself does not play the gambling game (Wardi Muslim, 2004).

This can be strengthened through the perspective of *ta'awun 'ala al-itsm*, which is the principle of the prohibition of aiding or abetting sins and enmity. Gambling promotion can have a character as a form of contribution to prohibited activities if it is done with awareness and the will to introduce or direct others to gambling. In this context, celebrities have a different position from ordinary players because the social influence they have can expand the reach of information. However, this principle does not mean that everyone who has a relationship with gambling activities is automatically responsible. It is necessary to prove in advance that there is a relationship between the perpetrator's actions, knowledge of the gambling object, and the will to contribute to the activity. The difference in the case of SRC and her husband HF shows the importance of this principle: according to the police, HF was finally declared not involved because he admitted that he did not know that what was being promoted was a gambling site.

The next perspective is *Squirtsid al-yari'ah* and benefits. Islamic criminal law is not only oriented towards retaliation against the perpetrators, but also aims to prevent harm and safeguard basic human interests. In the context of online gambling promotion, *hijz Al-Māl* become relevant because gambling has the potential to lead to the loss of property; *hijz al-'aql* related to the protection of humans from behaviors that can cause dependency and damage to the mindset; while *hijz Al-Dīn* related to the prohibition of gambling as part of efforts to maintain religious life. The character of social media makes this issue even more important because promotions carried out by accounts with a large number of followers have the potential to expand the reach of gambling. In the case of Aceh, for example, the SRC account is reported to have around 174 thousand followers, so the dimension of benefit is not only related to the perpetrator but also to the community that is the target of the promotion (Jamal, 2021).

Based on perspective *ta'zir*, online gambling promotion can be studied as an act that needs to receive a legal response when it meets the basis of criminal liability in Islamic law. *Ta'zir* Provide space for the competent authorities to determine the form of sanctions for acts that are not specifically specified in the type and extent of the offence by Nash, taking into account the benefits and objectives of prevention (Angellina & Prasetyo, 2024). In the context of this study, sanctions are not solely understood as a form of retaliation, but also as an instrument to prevent the perpetrator from repeating his actions and reduce the spread of gambling in society. Therefore, the determination of accountability must still be preceded by proving the elements of the perpetrator, especially knowledge, will, and ability to be responsible. This approach also maintains that the concept of *ta'zir* not excessively applied to people who have not been proven to have a conscious involvement in gambling activities.

Thus, based on these various perspectives, the criminal liability of celebrities in the promotion of online gambling according to the concept of *al-mas'uliyah al-jina'iyah* must be determined based on the quality of the perpetrator's involvement, not solely his status as a celebrity. The case of Aceh shows the importance of proving whether promotion is carried out with knowledge and will, while Decision Number 123/Pid.Sus/2023/PN Pyh and Decision Number 509/Pid.Sus/2024/PN Srg provide an overview of the pattern of promotion that is actively carried out through social media. If a person knows that the object being promoted is gambling, consciously chooses to promote it, profits from the activity, and his actions contribute to the spread of malice, then there is a stronger basis for imposing criminal liability from the perspective of Islamic criminal law. On the other hand, if such knowledge and will are not proven, the imposition of liability cannot be based solely on the existence of a person around the perpetrator or his relationship with the account used. Thus, the concept of *al-mas'uliyah al-jina'iyah* requires an individual, proportional, and justice-oriented and benefit-oriented judgment.

CONCLUSION

Based on the results of the research, the criminal liability of celebrities in the case of online gambling promotion according to the concept of *al-mas'uliyah al-jina'iyah* in Islamic criminal law is determined based on the knowledge, will, and awareness of the perpetrator in committing prohibited acts. Analysis of the Aceh celebrity case as well as Decision Number 123/Pid.Sus/2023/PN Pyh and Decision Number 509/Pid.Sus/2024/PN Srg show that promotion is carried out through personal social media accounts, a relationship with gambling providers, active promotional actions, and benefits or rewards. If the celebrity knows that the object being promoted is gambling and consciously continues to promote so as to contribute to the spread of maize, then there is a basis for imposing criminal liability. These acts can be studied through the

principle of *ta'awun 'ala al-itsm* and are subject to *ta'zir* sanctions while still paying attention to justice, legal certainty, and benefits. On the other hand, if the elements of knowledge and will are not proven, criminal liability cannot be imposed solely based on a person's status or relationship with gambling activities.

REFERENCES

BOOKS

- Mubarok, J., & Arif Faizal, E. (2004). *Rules of Fiqh Jinayah: The Basics of Islamic Criminal Law*. Library of Bani Quraish.
- Sugiyono. (2019). *Quantitative, Qualitative, and R&D Research Methods*. Alfabeta.
- Wardi Muslim, A. (2004). *Islamic Criminal Law*. SINAR GRAFIKA.
- Jamal, A. (2021). *Maqasid al-Syariah: In the Dynamics of Indonesian Islamic Law*. Lhee Sagoe Press.

ARTICLE

- Adiyatma Putra, F., Basri, B., & Kurnniaty, Y. (2025). Analysis of Criminal Liability for Perpetrators of Online Gambling Promotion. *Borobudur Law and Society Journal*, 4(5). <https://doi.org/10.31603/14281>
- Affandi, A., & Bima Putra, A. (2024). THE APPLICATION OF ELEMENTS OF ONLINE GAMBLING CRIME ON CELEBRITIES WHO PROMOTE ONLINE GAMBLING SITES ON INSTAGRAM. *STAATRECHTS Law Journal*, 7(2). <https://doi.org/10.52447/sr.v7i2.8200>
- Aizara, E. (2026). Criminal Liability to Perpetrators of Online Gambling Promotion through Instagram Social Media (Study of Decision Number 123/Pid.Sus/2023/PN Pyh). *Indonesian Journal of Law*, 3(5). <https://jurnal.intekom.id/index.php/inlaw/article/view/2086>
- Amelia, N., Yuswalina, Y., & Heri, J. (2025). Online Gambling Promotion through Social Media: A Study on Law Enforcement and Islamic Criminal Law. *Journal of Sharia and Legal Science*, 3(2). <https://doi.org/10.61994/jsls.v3i2.1147>
- Angellina, P., & Prasetyo, B. (2024). Criminal Liability for Perpetrators Who Promote Online Gambling. *Domain Research: Journal of Multidisciplinary Research and Development*, 7(2). <https://doi.org/10.38035/rj.v7i2.1395>
- Geno Berutu, A. (2016). IMPLEMENTATION OF QANUN MAISIR (GAMBLING) FOR THE PAK-PAK TRIBE COMMUNITY IN SUBULUSSALAM CITY ACEH. *Aristo Journal*, 4(2). <https://doi.org/https://doi.org/10.24269/ars.v4i2.187>
- Guna Siregar, A., Nur, M., & Husni. (2024). Law Enforcement Against Gambling Crimes (Maisir) in Horse Racing Activities in Central Aceh. *CENDEKIA: Journal of Law, Social and Humanities*, 2(3). <https://doi.org/https://doi.org/10.5281/zenodo.12699971>
- Khairun Nissa, R., & Hasuri. (2025). Criminal Liability of Celebgrams for Online Gambling Promotion on Social Media (Study of Decision Number 509/Pid.Sus/2024/PN Srg). *Scientific Journal of Advocacy*. <https://doi.org/10.21070/ijler.v21i3.1570>
- Nafila, H. (2022). A Comparative Study of Online Gambling Endorsement (Promotion) in the Perspective of Positive Criminal Law and Islamic Criminal Law. *Bandung Conference Series: Law Studies*, 2(1). <https://doi.org/10.29313/bcsls.v2i1.633>
- Ramadhan Ridwansyah, M., Naja, F., Aisah, S., & Nugraha Saputra, D. (2025). Criminal Liability of Influencers for Online Gambling Endorsements: A Study of Cybercrime in Indonesia. *Lex Generalis Law Journal*, 6(7). <https://doi.org/10.56370/jhlg.v6i7.1173>
- Sajidah, H., Zulfan, & Nur Aksa, F. (2025). CRIMINAL LIABILITY FOR CELEBRITIES IN THE CASE OF PROMOTING ONLINE GAMBLING SITES THROUGH INSTAGRAM (CASE STUDY NUMBER 65/PID. SUS/2024/PN BIR). *Student Scientific Journal of the Faculty of Law, Malikussaleh University*, 8(3). <https://doi.org/10.29103/jimfh.v8i3.22635>

WEBSITE

- Kusbiantoro, D., & Fajri, R. (2023). Police arrest Aceh celebrities promoting online gambling sites. *ANTARA: Indonesian News Agency*. <https://www.antaranews.com/berita/3702024/polisi-tangkap-selebgram-aceh-promosikan-situs-judi-online>