

Research Article

The Application of Qanun Jinayat Law in Handling Online Gambling Cases at West Aceh Syar'iyah Court Jurisdiction

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Abstract: The phenomenon of online gambling has become a serious problem in various regions, including West Aceh Regency. data on cases handled by the West Aceh District Syar'iyah Court in the period 2021 to 2024 shows a significant increase in cases. Online gambling as part of *jarimah maisir* has different characteristics from conventional forms of gambling, namely digital, hidden, cross-regional, and difficult to detect by the naked eye by law enforcement officials and the general public. The problems in this study are How is the application of qanun jinayat law against online gambling offenders in the jurisdiction of the West Aceh District Syar'iyah Court, What are the obstacles faced in applying the law to online gambling offenders based on qanun jinayat law, and What are the efforts to prevent online gambling violations in the West Aceh area. This research uses empirical legal methods with a field research approach and case studies. The results showed that the application of Aceh Qanun Number 6 of 2014 concerning Jinayat Law against online gambling offenders was in accordance with the procedures of jinayat law, but its implementation was still not optimal. The Syar'iyah Court has handled a number of cases, but the number is not proportional to the potential violations. The main obstacles include limited regional authority in blocking sites, lack of digital forensic experts, absence of district-level cyber units, and weak coordination between agencies. Prevention is carried out through digital education by DISKOMINSA, thematic dakwah by the Islamic Sharia Office, as well as the Gampong Tolak Judi Online programme involving the community and the formation of the Gampong Pageu Task Force.

Keywords: Qanun Hukum Jinayat; Online Gambling; Law Enforcement; Syar'iyah Court; Law.

1. Introduction

Aceh Province is the only province in Indonesia that implements Sharia law that refers to the provisions of Islamic criminal law, also known as jinayat law. Although most secular Indonesian laws continue to apply in Aceh, the provincial government can implement some additional regulations derived from Islamic criminal law. The Indonesian government officially allows each province to implement local regulations, but Aceh was granted special autonomy with the additional licence to implement laws based on Islamic sharia as formal law (Maulidia, 2023).

It is known that the implementation of Islamic shari'a in the context of the nation state had been requested by Teungku M. Daud Beureueh on 17 June 1948 to President Soekarno when he came to Aceh, but this request was not granted. Daud Beureueh was disappointed and culminated in a fight with Jakarta which later established DI/TII. In 1959 Aceh was given the title "special", this was based on the Decree of the Prime Minister of the Republic of Indonesia No. 1/Missi/1959. Based on this regulation, the Aceh Region was given permission to organise privileges in three fields, namely in the fields of religion, worship, and education. This decision gives Aceh a special status in the sense that it can implement the widest possible regional autonomy, especially in these three fields (Nuridin, A, 2020).

The general explanation of Law No. 44/1999 on the Implementation of Aceh's Privileges, among others, explains that the people of Aceh have made Islam part of their lives. From this long historical background, the people of Aceh have made Islam a guide to their lives, Islam has become part of them. With all its advantages and disadvantages, the people

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of Aceh are very submissive to the teachings of Islam and they obey and pay attention to the fatwa of the ulama because it is the ulama who are the heirs of the Prophet, the appreciation of the teachings of Islam in the long term gave birth to Acehnese culture which is reflected in customary life. The custom was born from the musings of the scholars, then practised, developed, and preserved, then summarised as "Adat bak Po teumeureuhom, Hukom bak Syiah Kuala, Qanun bak Putroe Phang, Reusam bak Laksamana." This means that customary law is in the hands of the government, and sharia law is in the hands of the ulama. These words are a reflection of the realisation of Islamic law in the daily practice of life for the people of Aceh (Ali Abubakar, 2019).

Law Number 11/2006 on the Governing of Aceh in its explanation in Article 125 paragraph (1) states that, Islamic sharia is implemented in Aceh covering aspects in the fields of aqidah, sharia, and morals. Then in paragraph (2) it is explained again, Islamic sharia as referred to in paragraph (1) includes the fields of worship, ahwal alsyakhshiyah (family law), muamalah (civil law), jinayah (criminal law), qadha' (justice), tarbiyah (education), da'wah, syiar, and defence of Islam.

One of the crimes regulated in Aceh Qanun No. 6/2014 is the crime of gambling. In the order of Islamic law, gambling is a form of jarimah (criminal offence) which has a clear haram law but has not been detailed regarding the punishment (Adami Chazawi, 2005).

Gambling is regulated in the Qur'an in Surah Al Maidah verses 90-91 which means: O you who believe, verily drinking wine, gambling, sacrificing to idols, casting lots with arrows, are abominable deeds and are among the deeds of the devil, so avoid those deeds so that you may have good fortune. Verily, the devil intends to cause enmity and hatred among you by drinking alcohol and gambling, and to prevent you from remembering Allah and praying, so stop doing that.

Based on the above arguments and there is also a hadith of the Prophet Muhammad SWT about maisir, including those narrated by Abu Musa Al-Asyari, the Prophet said which means "whoever plays gambling, then indeed he has disobeyed Allah and his Messenger. Therefore, the scholars argue that maisir (gambling) is forbidden, as stated by one of the scholars, Yusuf Qardawi, according to him, games that contain betting are forbidden as for the sanctions of maisir are also included in the act of prohibited acts that can be threatened with ta'zir, in the form of flogging punishment given to the perpetrator for committing maisir (Muhammad Syafii Hadzami, 2010). Jarimah according to the qanun of Aceh Province is a prohibited act that is threatened with qishas-diat, hudud and ta'zir.

One that is rampant in circles in this modern era is Online Gambling, where some people take advantage of technology that is deviant. this gambling is difficult to overcome, according to the view of the law itself, gambling is also a crime that can disturb the community (Hendri Saputra Manalu, 2019).

Online gambling is an undeniable phenomenon in society, this game can be played with various mechanics from time to time In its form, gambling is generally considered a crime and can disrupt the order of social life. With the rapid development of technology and information, gambling has also experienced a shift to online gambling which is more practical and safer, even in the community, especially in internet cafes or using laptops when doing these activities, or through smartphones with supporting facilities. One of the conveniences of online gambling is that it can be played anytime, anywhere, because online betting companies spread across the Internet operate around the clock, and the game runs in internet cafes, places with wifi or via smartphones (Madaniyyah., 2024).

The phenomenon of online gambling has become a serious problem in various regions in Aceh, including West Aceh District. Data on cases handled by the West Aceh District Syar'iyah Court in the period 2021 to 2024 shows a significant increase in cases.

In 2024 in particular, the sharp increase to 17 cases reflects the widespread practice of online gambling in the community. This number is thought to not represent the real conditions because not all cases were successfully revealed and handled to the trial stage. There are still many perpetrators who escape prosecution due to the limitations of the digital monitoring system and the difficulty of proof in cyberspace.

The impact of gambling is very broad, which leads to the denial of aqidah, increased criminality, moral crisis, and the spread of community economic practices that have elements of usury and other crimes. Whereas the impact of this gambling game is very dangerous, in this context, the role of law enforcement agencies such as Wilayatul Hisbah (WH), the Police, and the Syar'iyah Court becomes very crucial. WH as sharia police has the task of supervising, arresting, and transferring cases to authorised agencies.

The development of information technology in the digital era has further expanded the scope of gambling, where gambling practices can now be carried out online or online. The ease of internet access, the massive use of technological devices, and the lack of control in

cyberspace make online gambling increasingly difficult to control. Online gambling is not only economically detrimental, but also has social and psychological impacts, including disruptions in household and community life. (Rif'at. R.A & Yazid. I, 2025). In this context, the existence of law becomes very important to provide protection and ensure order.

The problems that will arise as a result of this gambling are that people will become addicted to playing gambling, they cannot stop gambling and will eventually lose property and even wives on the side of men. So, gambling will harm yourself, and can damage the economy of the community itself. Apart from losing money, health and mentality, it can also make people who gamble become lazy, and in the end will commit crimes such as stealing, robbing, and even killing. Thus, gambling can cause a person to commit crimes, cause poverty, make people lazy to work, and even make gamblers mentally ill, stressed, and crazy due to the desire to get a lot of money.

2. Research Method

This type of research uses empirical juridical, namely, research on the role of law enforcers in carrying out their functions, which discusses how the law works in society. The data used are primary data and secondary data. Data collection techniques using interview techniques and reviewing documents and laws related to this research. Furthermore, the data is processed and analysed with qualitative descriptive analysis techniques (Soerjono Soekanto, 2014). Based on the background above, the problem formulation in this research focuses on the application of qanun jinayat law to online gambling cases in the jurisdiction of the West Aceh Syar'iyah Court.

3. Results and Discussion

Implementation of Qanun of Jinayat Law against Online Gambling Offenders in the Legal Area of the West Aceh District Shari'iyah Court

The implementation of Aceh Qanun Number 6 Year 2014 on Jinayat Law against online gambling offenders in the jurisdiction of the West Aceh District Syar'iyah Court is a concrete form of the implementation of Islamic Sharia that has been formally institutionalised in the Aceh legislative system. This Qanun was born as a form of special autonomy granted to Aceh through Law No. 11/2006 on the Government of Aceh, which gives authority to the region to compile and apply Islamic law in social life, including the field of criminal jinayat. One of the jinayat offences expressly prohibited in the qanun is maisir or gambling, which in the social practice of Acehnese society, has become one of the problems that continues to grow along with technological advances.

Online gambling itself is a contemporary form of maisir crime that utilises digital technology to conduct gambling activities, such as domino chip games, online slots, ball betting, and other internet-based betting games. Although not as visible as conventional gambling, these activities both contain elements of betting and profits obtained by unlawful means according to Islamic law. Unfortunately, until now, the online form of gambling has not been explicitly regulated in Aceh Qanun No. 6/2014, thus posing challenges in its enforcement.

This research found that the implementation of the qanun against online gambling offenders in West Aceh has begun, but has not run optimally. This is due to limitations in several important aspects, including technical regulations that have not been adaptive, weaknesses in law enforcement structures, especially in the field of digital forensics, and the legal culture of people who are not fully aware of the negative impact of online gambling.

In accordance with the Law Enforcement Theory proposed by Soerjono Soekanto, law enforcement is not only about the content of the law (legal substance), but also the enforcement structure and legal culture of society (Soerjono Soekanto, 2008). Factors Affecting Law Enforcement, Rajawali Pers, Jakarta, 2008, pp. 5-12 In the context of West Aceh, the substance of the qanun already exists, but it is incomplete in regulating modern forms of crime. In terms of structure, there is still a lack of technical and institutional readiness to deal with technology-based crimes. Meanwhile, the legal culture of the community still treats online gambling as a 'light' or less harmful activity, different from the perception of conventional gambling.

a. Perspective of the West Aceh Shari'iyah Court

The West Aceh Syar'iyah Court is an Islamic judicial institution that has absolute authority in adjudicating jinayat cases, including maisir cases, based on the results of interviews with Judge Ansarullah, from the Meulaboh Syar'iyah Court, the application of Aceh Qanun Number 6 of 2014 concerning Jinayat Law against online gambling perpetrators has been carried out in accordance with the flow of the jinayat

criminal justice system, as regulated in the Jinayat Procedure Qanun. Each case handling process is carried out in stages, starting from investigation, determination of suspects, prosecution, to examination and verdict by judges in court (Anasrullah, 2025).

In practice, the elements of jarimah maisir as stipulated in Article 18 and Article 20 of Qanun Jinayat are considered to have covered online gambling. The judge asserted that there are no restrictions on media or methods in these articles; as long as there is an element of betting, intention to gain profit, and win-lose agreement, then the act has fulfilled the elements of maisir. Online gambling is generally carried out by downloading an application, topping up the digital money balance, and then playing a betting-based game (Anasrullah, 2025).

Evidence in online gambling cases generally consists of witness testimony, electronic evidence such as mobile phones or digital accounts, and the confession of the defendant. In many cases, the perpetrators are caught red-handed by the authorities while playing in public places, such as coffee shops, which facilitates the proof process. In addition, testimony from the arresting witness and supporting documents such as a letter from a gold shop to determine the value of the bet based on the price of gold, also strengthen the criminal elements (Anasrullah, 2025).

The judge also explained that cases charged with Article 18 Qanun Jinayat must be resolved within a maximum of 15 working days after the submission of the case to the court, because it is included in the category of minor jarimah with a maximum penalty of 12 lashes. Delay in completing the case within the time limit can cause the defendant to be released by law (Anasrullah, 2025).

In handing down the verdict, the Meulaboh Syar'iyah Court has used the main forms of takzir punishment, namely flogging, imprisonment and gold fines, in accordance with the provisions of the qanun. For Article 18, the maximum penalty is 12 lashes, a fine of 125 grams of gold, or imprisonment for 12 months. In addition, the judge also imposed additional takzir, such as confiscation of evidence in the form of mobile phones used for gambling. The booty can be destroyed or confiscated for the state if it is considered to have use value or as an instrument of crime (Anasrullah, 2025).

However, there is a technical legal lacuna in the implementation of the coaching punishment, which is also part of the additional takzir. According to the judge, this form of punishment is very important to foster the offender psychologically and morally so as not to repeat his actions. However, until now there is no implementing regulation or technical guidance that explains how the form of coaching is carried out and by whom. From the perspective of corrective and rehabilitative theories, coaching is an important part of modern criminal justice (Anasrullah, 2025).

In terms of legal certainty, the judges assessed that the Qanun Jinayat has clearly and in detail regulated the elements of jarimah maisir, the limit of betting value, and the punishment for perpetrators and parties who provide or facilitate gambling. Although it does not mention the term "online gambling", substantially the elements of maisir in the Qanun already cover digital practices, so it can still be applied (Anasrullah, 2025).

The final verdict handed down by the judge usually considers two sides: aggravating and mitigating circumstances. Aggravating circumstances include the defendant's awareness of the prohibition of gambling in Islamic law, as well as the negative impact on community morale. Meanwhile, mitigating circumstances include the defendant's cooperative attitude during the trial, having never been convicted before, and confessing his actions without being convoluted (Anasrullah, 2025).

b. The Role of the Police in Investigation

In the context of implementing Qanun Aceh Number 6 of 2014 concerning Jinayat Law, the police, in this case the West Aceh Police, play an important role as an institution that carries out the function of investigating the perpetrators of jinayat criminal offences, including jarimah maisir (gambling), especially those conducted through online media or online gambling.

Based on interviews with Bripka Fuadi and Briptu Mudini, who served in the General Criminal Unit of the West Aceh Police, it was explained that every handling of online gambling cases handled by the police still refers to the applicable legal provisions in Aceh, namely qanun jinayat, not using the Criminal Code or ITE Law. In this case, the entire law enforcement process carried out by the police, from investigation, investigation, filing, to submission to the Public Prosecutor (JPU), is

directed to support the implementation of qanun as a legal positive law in Aceh (Fuadi & Mudini, 2025).

After the investigation process is carried out and the file is considered complete, the police continue the submission to the prosecutor's office. If it is declared complete by the prosecutor (P-21), the case will be submitted to the Syar'iyah Court for trial and judgement. This means that although the handling of cases is within the realm of sharia law, the law enforcement process still involves police officers as part of an integrated justice system in Aceh.

c. The Role of Wilayatul Hisbah West Aceh

In the jinayat justice system in Aceh, Wilayatul Hisbah (WH) is an Islamic sharia enforcement institution that normatively has the authority to investigate sharia criminal offences (jarimah), including jarimah maisir, as regulated in Aceh Qanun Number 6 of 2014 concerning Jinayat Law and Aceh Qanun Number 7 of 2013 concerning Jinayat Procedure Law. However, in the context of handling online gambling cases, Wilayatul Hisbah in West Aceh District faces various significant limitations, both in terms of institutional and technical operations.

Based on an interview with Ansari who serves as an officer in the field of Enforcement of Qanun Sharia Islam, it is explained that until now Wilayatul Hisbah has never handled direct investigation of online gambling cases. The prosecution of gambling offenders, especially those conducted online, is always handled by the police, both from the raid stage to the initial investigation process. The WH is only involved in a limited way, such as in joint raid activities, or when asked to accompany police officers in field operations (Ansari, 2025).

Ansari stated explicitly that Wilayatul Hisbah did not have a special unit that specifically handled gambling cases, including online gambling. The handling carried out by WH is still general and has not focused on digital crime.

With all the limitations that exist, WH still plays a vital role in maintaining the values of Islamic law in society. This role is in line with the Theory of Crime Prevention proposed by Barda Nawawi Arief, that crime prevention is not only done through punishment, but also through social, educational, and cultural approaches as part of a holistic prevention effort.

Obstacles Faced in the Application of Law Against Online Gambling Offenders Based on Qanun Jinayat Law

The implementation of Qanun Aceh Number 6 of 2014 concerning Jinayat Law is part of the Aceh Government's efforts to realise a comprehensive enforcement of Islamic Shari'ah-based law. One of the offences regulated in the qanun is jarimah maisir or gambling, which has expanded its scope to adapt to modern forms of crime, including online gambling practices. However, in its implementation in West Aceh District, the handling of online gambling offences cannot run optimally because it faces a number of complex obstacles. These obstacles do not only originate from technical aspects in the field, but are also related to the limitations of institutional structure, legal substance, technological support facilities, and the lack of coordination between institutions that should be actively involved in the jinayat justice system.

a. Limited Authority to Block Online Gambling Sites

One of the most basic obstacles and often an obstacle in handling online gambling is the absence of legal authority for local governments to take action to block gambling sites or applications that are widely accessed by the public. In an interview with Firman, Plt. Head of the Application and Information Division of the Communication, Information and Signage Office (DISKOMINSA) of West Aceh District, it was explained that the administrative and technical authority to block is fully within the authority of the Ministry of Communication and Information (Kominfo) of the Republic of Indonesia, through a technical implementing agency known as Cominfo Digital Indonesia (Comdiji). Thus, the role of DISKOMINSA at the district level is limited to submitting recommendations or appeals to local internet service providers (ISPs) to install DNS filtering systems, which can prevent access to negative content including online gambling sites on public networks such as schools, government offices, and other community service facilities (Firman, 2025).

b. Difficulty of Proof and Detection of Violations

The next obstacle that is no less crucial is the difficulty of the evidentiary process in online gambling cases, which is a big challenge for law enforcement officials in the regions. Unlike conventional forms of gambling that can be witnessed directly and

- caught by officers, online gambling practices tend to be private, hidden, and anonymous, so they are not easily detected or reported by the public. The Head of the West Aceh District Islamic Sharia Office, Muhammad Isa, revealed that many online gambling players carry out their activities in private rooms, using personal mobile phones, and without the involvement of other parties, making it very difficult for families and the surrounding environment to notice. In fact, some of the perpetrators are teenagers or students who conduct online gambling secretly without parental supervision (Muhammad Isa, 2025).
- c. Weaknesses in Technical Evidence in the Syar'iyah Court
Another obstacle that is very important to be observed in the context of the application of Qanun Jinayat against online gambling offenders is the issue of proof in the realm of trial, especially at the judicial stage in the Syar'iyah Court. As a sharia judicial institution that handles jinayat cases in Aceh, the Syar'iyah Court has the authority to impose verdicts on violations of the law based on valid and convincing evidence. However, in practice, the Court often faces difficulties in proving the elements of actions in the criminal offence of online gambling which are digital, invisible, and based on information technology.
 - d. Inter-Agency Coordination is Not Optimal
Another systemic obstacle in the application of law against online gambling offenders in West Aceh is the lack of coordination between authorised institutions. The handling of jinayat cases, especially online-based jarimah maisir, involves a number of agencies, including the Syar'iyah Court, Polres, Wilayatul Hisbah (WH), the Islamic Sharia Office, and DISKOMINSA. Each of these institutions has different functions and roles in the law enforcement process, but in practice there has not been a structured synergy and communication in the form of a coordination forum or cross-sector SOP (Firman, 2025).

Efforts to Prevent Online Gambling Offences in the West Aceh Region

Prevention of online gambling practices in the West Aceh Regency area is an integral part of efforts to implement Qanun Aceh Number 6 of 2014 concerning Jinayat Law. Given the characteristics of this crime which is hidden, invisible, flexible, and crosses geographical and juridical boundaries through the digital medium, the repressive approach through arrest and prosecution alone is not effective enough to reduce the number of violations. Online gambling crimes are not only committed by individuals with criminal intentions, but also involve ordinary users who are tempted by the lure of instant profits, including students, university students, and ordinary people (Afifah & Nabila, 2020).

For this reason, prevention strategies are very important, even essential, in tackling this cybercrime. The local government, together with a number of related institutions in West Aceh, has begun to develop an approach that targets the root of the problem through education, preaching, utilising digital technology, and empowering local communities as the frontline in social monitoring. This approach not only focuses on blocking access to gambling sites or applications, but also aims to foster collective awareness of the dangers of online gambling, both legally, morally and socially. The following is a description of the strategic steps that have been taken.

- a. Public Counselling and Education by DISKOMINSA
The Department of Communication, Informatics and Signage (DISKOMINSA) of West Aceh Regency plays an important role in preventing the rampant violation of jarimah maisir in the form of online gambling. This role is not only related to the regulation of access to digital content, but also touches on aspects of education, technological literacy, and community involvement as prevention actors. DISKOMINSA realises that online gambling is a digital crime that is difficult to detect physically, so information technology-based anticipatory steps and public awareness are needed.
- b. Da'wah and Syiar Islam by the Islamic Sharia Office
As an institution responsible for the development and implementation of Islamic values in the West Aceh District, the Islamic Sharia Office takes a very strategic role in efforts to prevent violations of jarimah maisir, especially in the form of online gambling. This role is not carried out through a repressive approach or direct action, because the Islamic Sharia Office does not have legal authority in criminal enforcement. However, the main strength of this office lies in its educative and persuasive functions, namely through da'wah and Islamic propagation activities that target various levels of society.
- c. "Gampong Tolak Judi Online" programme

One of the most prominent and innovative efforts to prevent violations of Islamic law in West Aceh District is the launch of the "Gampong Tolak Judi Online" programme. This programme is a form of participatory and community-based approach that is an important breakthrough in the context of comprehensive enforcement of sharia at the grassroots level. This initiative was initiated by the West Aceh District Government as part of a strategic response to the increasing practice of online gambling that not only undermines the legal order, but also harms social and religious values in the life of the gampong (village) community. In particular, the programme was designed as a cultural approach to strengthen the collective awareness of the community towards the dangers of digital gambling that has now penetrated into remote villages.

4. Conclusions

The implementation of Qanun Aceh Number 6 Year 2014 against online gambling offenders has been carried out in accordance with the procedures of jinayat law, but its implementation in the field has not run optimally. The Syar'iyah Court has tried a number of online gambling cases, but the number is still very limited compared to the high potential of violations that occur. This is due to various obstacles, including: the limited authority of local governments to block online gambling sites or applications directly; the limited ability of the authorities to detect and prove digital gambling activities; the lack of investigators with expertise in digital forensics; the absence of a special cyber unit at the district level; and weak coordination and integration of work between law enforcement agencies. Prevention efforts against online gambling have begun to be developed through various strategic approaches. DISKOMINSA runs digital education and literacy programmes through counselling and the implementation of DNS filtering in educational institutions. The Islamic Sharia Office conducts religious propagation and thematic preaching about the dangers of online gambling through Friday sermons, youth recitation, and lectures in dayah and meunasah. In addition, the West Aceh District Government also launched the Gampong Tolak Judi Online programme which involves the gampong community as the main actor in preventing and monitoring sharia values through the formation of the Gampong Pageu Task Force.

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