

Behind Online Gambling Endorsements: The Accountability of Celebrities from an Islamic Legal Perspective

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Abstrak: Pesatnya perkembangan platform digital telah mengubah peran influencer media sosial, khususnya selebgram, menjadi aktor yang berpengaruh dalam praktik pemasaran digital. Namun, perkembangan tersebut juga menimbulkan persoalan hukum dan etika, terutama ketika selebgram terlibat dalam endorsement situs judi online. Penelitian ini bertujuan untuk menganalisis konstruksi pertanggungjawaban pidana selebgram dalam endorsement judi online ditinjau dari perspektif hukum Islam. Penelitian ini menggunakan metode yuridis normatif dengan pendekatan konseptual dan pendekatan hukum Islam, yang berfokus pada prinsip *maisir*, *taklif*, *ta'awun 'ala al-ithm*, *sadd al-dzari'ah*, *maqashid al-syari'ah*, dan *jarimah ta'zir*. Hasil penelitian menunjukkan bahwa selebgram yang mempromosikan judi online tidak dapat dipandang semata-mata sebagai pelaku promosi komersial, melainkan dapat dimintai pertanggungjawaban karena turut memfasilitasi dan memperluas akses masyarakat terhadap perbuatan yang dilarang dalam hukum Islam. Meskipun selebgram tidak secara langsung ikut melakukan perjudian, aktivitas endorsement yang dilakukan dapat menimbulkan persuasi, normalisasi, dan paparan publik terhadap praktik *maisir*, yang bertentangan dengan tujuan hukum Islam dalam menjaga agama, akal, harta, moralitas, dan kemaslahatan masyarakat. Penelitian ini juga menunjukkan bahwa apabila selebgram secara sadar mempromosikan judi online dan memperoleh keuntungan ekonomi dari aktivitas tersebut, maka unsur pertanggungjawaban sebagai subjek hukum yang cakap atau *mukallaf* telah terpenuhi. Oleh karena itu, endorsement judi online oleh selebgram dapat dikategorikan sebagai perbuatan yang dapat dikenai sanksi dalam ranah *ta'zir*, karena meskipun bentuk perbuatannya merupakan fenomena kontemporer, substansinya jelas berkontribusi terhadap kemudaratatan (*mafsadah*) dan mendukung perbuatan yang dilarang. Penelitian ini memberikan kontribusi terhadap pengembangan wacana hukum pidana Islam dalam merespons praktik ekonomi digital, sekaligus menjadi dasar normatif untuk memperkuat pertanggungjawaban hukum dan etika influencer di era digital.

Kata Kunci: Hukum Pidana Islam; Judi Online; Selebgram; Endorsement; *Maisir*; *Ta'zir*; Pertanggungjawaban Digital.

Abstract: The rapid growth of digital platforms has transformed social media influencers, particularly Instagram celebrities (selebgram), into influential actors in digital marketing. However, this development has also created legal and ethical concerns, especially when influencers are involved in endorsing online gambling platforms. This study aims to analyze the construction of criminal responsibility of selebgram in online gambling endorsement from the perspective of Islamic law. This research employs a normative juridical method with a conceptual and Islamic legal approach, focusing on the principles of *maisir*, *taklif*, *ta'awun 'ala al-ithm*, *sadd al-dzari'ah*, *maqashid al-syari'ah*, and *jarimah ta'zir*. The research results show that selebgram who promote online gambling cannot be viewed merely as commercial promotion actors, but can be held accountable because they facilitate and expand access for the community to acts prohibited in Islamic law. Although selebgram do not directly participate in gambling, endorsement activities can lead to persuasion, normalization, and public exposure to *maisir* practices, which contradict the objectives of Islamic law in maintaining religion, intellect, wealth, morality, and public welfare. This research also shows that if selebgram consciously promotes online gambling and obtains economic benefits from these activities, the elements of legal responsibility as a competent or *mukallaf* subject have been fulfilled. Therefore, online gambling endorsement by selebgram can be categorized as an act that can be sanctioned in the *ta'zir* realm, because although the form of the act is a contemporary phenomenon, its substance clearly contributes to *mafsadah* (harm) and supports prohibited acts. This research contributes to the development of Islamic criminal law discourse in responding to digital economic practices, and also serves as a normative basis to strengthen legal and ethical accountability of influencers in the digital era.

al-dzari'ah, maqashid al-syari'ah, and jarimah ta'zir. The findings indicate that selebgram who promote online gambling cannot be regarded merely as commercial advertising actors, but may be held responsible for facilitating and expanding access to an act prohibited under Islamic law. Although they may not directly participate in gambling activities, their endorsement creates persuasion, normalization, and public exposure to maisir, which contradicts the objectives of Islamic law in protecting religion, intellect, wealth, morality, and public welfare. The study further argues that when a selebgram knowingly promotes online gambling and obtains economic benefit from such activity, the elements of responsibility as a legally accountable subject (mukallaf) are fulfilled. Therefore, online gambling endorsement by selebgram can be categorized as a punishable act under ta'zir, as its form is contemporary but its substance clearly contributes to harm (mafsadah) and supports prohibited conduct. This research contributes to the development of Islamic criminal law discourse in responding to digital economic practices and provides a normative basis for strengthening legal and ethical accountability of influencers in the digital era.

Keywords: *Islamic Criminal Law; Online Gambling; Selebgram; Endorsement; Maisir; Ta'zir; Digital Accountability.*



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A. INTRODUCTION

The development of information and communication technology in the era of the industrial revolution 5.0 brought about significant changes in various aspects of people's lives, particularly in communication patterns, social interactions, and economic activities.[1] Advances in digital technology have made society increasingly dependent on the internet as a new platform for obtaining information, building social relationships, conducting transactions, and even conducting business activities. In this context, social media is no longer understood solely as a means of personal communication, but has evolved into a digital public space with a broad influence on the formation of opinions, lifestyles, and consumer behavior.[2] One such influential social media platform is Instagram, as it combines visual elements, interaction, and promotion in a fast and easily accessible way for a wide range of audiences. Instagram has been widely utilized by highly popular individuals known as "celebrities" (grams) to build their self-image, expand their audience reach, and conduct commercial activities through promotions or endorsements of various products and services.[3]

In the digital economy, "celebrities" are no longer simply ordinary social media users but have transformed into digital economic actors with significant commercial value and influence. Their popularity enables them to influence the perceptions, interests, and even consumption decisions of their followers.[4] This is inseparable from the trust built between Instagram celebrities and their followers through content uploads, interactions in the comments section, live broadcasts, daily stories, and personal communication.[5] A high number of followers, likes, comments, and other engagement indicators indicate that Instagram celebrities have a broad reach and are effective as a marketing medium. Therefore, many businesses use Instagram celebrities as a

promotional strategy because they are perceived as closer to consumers, more persuasive, and able to build trust in the products or services they offer.[6]

The phenomenon of Instagram celebrity endorsements is essentially part of the development of a legitimate digital marketing strategy when applied to products or services that are legal, not misleading, and do not conflict with legal and moral norms. However, the practice of endorsements has not always been conducted within the proper framework. The increasing economic value of promotional activities on social media has opened up opportunities for some Instagram celebrities to accept promotional partnerships without considering the legality, social impact, or moral responsibility of the products or services being promoted. This situation demonstrates that technological and social media developments not only create economic opportunities but also pose the risk of misuse of digital space for interests that conflict with the law and social values.[7]

One form of irregularity that has garnered serious attention is the involvement of Instagram celebrities in promoting online gambling sites. Online gambling is a form of gambling that utilizes the internet as its primary medium. Unlike conventional gambling, online gambling is more difficult to control because it can be accessed anytime, anywhere, and is often packaged in attractive digital displays.[8] In practice, online gambling promotion through Instagram celebrities is carried out in various ways, such as inserting gambling site links into Instagram posts or stories, using referral codes, winning testimonials, offering registration bonuses, giving away giveaways, and even live broadcasts that covertly show gambling activities. This form of promotion tends to be persuasive and manipulative because it presents gambling as entertainment, an opportunity for quick profits, or even part of a modern lifestyle.[9]

The involvement of Instagram celebrities in online gambling endorsements is a serious issue because they wield significant social influence over their followers. When an Instagram celebrity promotes an online gambling site, the promotion not only conveys information about a service but also can shape the perception that online gambling is a normal, attractive, and worthwhile activity.[10] This is especially dangerous for young people who are active social media users and tend to be easily influenced by digital public figures. The more frequently online gambling promotional content appears on social media, the greater the potential for normalizing gambling practices in society. Therefore, online gambling endorsements by Instagram celebrities cannot be viewed as ordinary promotional activities, but rather as actions with legal, social, moral, and religious consequences.

Normatively, gambling, including online gambling, is prohibited under Indonesian law. This prohibition is stipulated in Article 303 of the Criminal Code (KUHP), which regulates gambling crimes. Furthermore, in the digital context, the prohibition on the dissemination or distribution of gambling content is also regulated in Article 27 paragraph (2) in conjunction with Article 45 of the Electronic Information and Transactions Law (UU ITE). This provision indicates that actions related to the dissemination, promotion, or facilitation of access to gambling content through electronic media can be held legally accountable. Thus, Instagram celebrities who promote online gambling sites not only potentially violate social norms but can also be constructed as parties who disseminate or facilitate access to gambling content in the digital space.

In addition to being contrary to Indonesian positive law, the practice of online gambling is also expressly prohibited under Islamic law. From an Islamic legal perspective, gambling is known as *maisir*, an act containing elements of speculation, chance, uncertainty, and unfair advantage over others. The prohibition against *maisir* is affirmed in Surah Al-Ma'idah, verse 90 of the Quran, which states that alcohol, gambling, idols, and drawing lots with arrows are abominable acts, belonging to Satan and must be avoided. This prohibition is based not only on religious aspects but also on considerations of social welfare, as gambling has the potential to cause moral decay, hostility, negligence, and economic loss for individuals and society.[5]

In Islamic law, an act is judged not only by its final consequences, but also by the process, intention, and one's contribution to the occurrence of sin or harm. Therefore, the involvement of Instagram celebrities in promoting online gambling must be analyzed not only as a commercial act, but also as a form of assistance, support, or facilitation of prohibited acts. Islamic principles prohibit individuals from assisting one another in sin and enmity, as is in line with the concept of *ta'awun*, which should be directed towards goodness and piety. If Instagram celebrities gain economic benefits from promoting online gambling, this also raises questions regarding the legitimacy of income derived from activities that violate Sharia law. Therefore, from an Islamic legal perspective, Instagram celebrities' accountability relates not only to formal legal aspects but also to moral, ethical, and religious responsibilities.

The phenomenon of online gambling endorsements by Instagram celebrities demonstrates a shift in values in digital economic practices. Promotional activities that should be used to support legal and beneficial business activities are instead exploited to expand the reach of prohibited practices.[1] This reflects an imbalance between economic interests and social responsibility. Some Instagram celebrities prioritize financial gain over considering the negative impacts of the content they promote. However, as digital public figures, Instagram celebrities have a moral responsibility to ensure that the content they convey to the public does not harm, mislead, or encourage behavior that conflicts with the law and religious values.

Empirical data shows that online gambling practices have increased significantly in recent years. Technological developments, ease of internet access, the use of digital payment systems, and promotion through social media are factors accelerating the spread of online gambling in society.[2] The government, through law enforcement and related institutions, has implemented various efforts, such as blocking websites, prosecuting perpetrators, and monitoring digital content. However, online gambling practices continue to thrive, employing various new methods, including the use of public figures or Instagram celebrities as promotional tools. This situation demonstrates that tackling online gambling is not sufficient by simply blocking websites; it also requires targeting the actors involved in expanding promotions and attracting new users.[7] The impacts of online gambling are complex and multidimensional. From a legal perspective, online gambling is a crime that disrupts public order. From a social perspective, online gambling can lead to behavioral changes, decreased productivity, family conflict, and even increased crime due to economic pressures. From an economic perspective, gambling can cause significant financial losses because perpetrators are often driven to continue playing in pursuit of illusory winnings. Meanwhile, from a psychological perspective, online gambling can lead to addiction, stress, anxiety, depression, and impaired self-control. These impacts demonstrate that online gambling is not simply digital entertainment, but a serious problem that can harm individuals, families, and society at large.[5]

From an Islamic legal perspective, these negative impacts can be categorized as a form of *mafsadah* (harmful deeds), or harm that must be prevented.[7] One of the primary objectives of Islamic law, or *maqasid al-shari'ah*, is to safeguard religion, life, intellect, descendants, and property. Gambling contradicts this objective because it can corrupt the mind through addiction, destroy property through economic loss, destroy families through social conflict, and weaken a person's religious values. Therefore, the promotion of online gambling by Instagram celebrities can be viewed as an act that expands *mafsadah* (harmful deeds) within society. The greater the influence of an Instagram celebrity, the greater the potential negative impact of such promotion.

Based on this description, it is important to examine in-depth the structure of accountability for Instagram celebrities involved in online gambling endorsements, particularly from an Islamic legal perspective. This study is relevant because the phenomenon of Instagram celebrities as digital economic actors represents a new development that has not yet been fully anticipated by conventional law enforcement models. This research not only focuses on the prohibition of gambling as a forbidden and unlawful act, but also examines the position of Instagram celebrities as parties who promote, facilitate, or assist in the spread of online gambling practices. Therefore, this research needs to examine the concept of individual responsibility in Islamic law, the principle of *taklif* (religious obligation), the prohibition on assisting in sinful acts, and the principle of *amar ma'ruf nahi munkar* (enjoining good and forbidding evil) in the context of digital activities.[8]

Furthermore, this research is also crucial for understanding that digital economic activity cannot be separated from the principles of ethics, social responsibility, and legal compliance. As digital public figures, Instagram celebrities should be aware that every piece of content they upload can influence the wider community. Therefore, a more comprehensive study is needed regarding the limitations, responsibilities, and legal consequences for Instagram celebrities involved in online gambling promotions. This study is expected to provide theoretical contributions to the development of contemporary Islamic law, particularly in responding to digital phenomena, as well as provide practical contributions for society, the government, and law enforcement officials in formulating a more effective approach to online gambling endorsement practices on social media.

B. METHOD

This research is a normative legal research (doctrinal legal research) that focuses on the analysis of legal norms related to the phenomenon of online gambling endorsements by Instagram celebrities, both within the framework of positive Indonesian law and the perspective of Islamic law. This approach is used to examine the construction of legal accountability conceptually and normatively by relying on primary, secondary, and tertiary legal materials.[11] The analysis is conducted through several integrated approaches, namely a legislative approach by examining the provisions in the Criminal Code (KUHP) and the Information and Electronic Transactions Law (UU ITE) regarding the prohibition of gambling, a conceptual approach that examines the doctrine of criminal liability such as *mens rea*, *actus reus*, and *deelneming*, as well as concepts in Islamic law such as *taklif*, *maisir*, and *sadd al-dzari'ah*. In addition, a historical approach is also used to trace the development of gambling regulations from conventional to digital forms, as well as a comparative approach to analyze the conformity and differences between positive law and Islamic law in viewing accountability for gambling promotions. Legal materials are

collected through literature studies and analyzed qualitatively using descriptive-analytical methods to produce legal arguments that are systematic, logical, and in accordance with the research focus.

C. DISCUSSION

1. Construction of Criminal Liability of Celebgrams in Online Gambling Endorsements from an Islamic Law Perspective.

From an Islamic legal perspective, the criminal liability of Instagram celebrities for online gambling endorsements cannot be understood solely as a commercial relationship between the gambling site owner and the digital public figure.[12] These actions must be viewed as a series of actions encompassing legal, moral, social, and religious dimensions. Instagram celebrities who accept online gambling promotional partnerships are essentially not only showcasing a product or service, but also introducing, disseminating, and influencing the public to engage in activities expressly prohibited by Islamic law. Therefore, the role of Instagram celebrities in this case is not merely that of "advertisers," but rather that of those who contribute to opening access and expanding the spread of gambling practices in the digital space.[13]

In Islam, gambling is known as *maisir*, an act involving elements of chance, speculation, uncertainty, and the taking of profit through unjustified means. The prohibition against *maisir* is affirmed in Surah Al-Ma'idah, verse 90 of the Quran, which states that alcohol, gambling, idols, and drawing lots are abominable acts, belonging to Satan and must be avoided. This prohibition demonstrates that gambling is not only a morally reprehensible act, but also one that harms the order of human life, both individually and socially. The interpretation of Al-Ma'idah verse 90 also explains that gambling, in any form, is seen as contrary to common sense and conscience, and has negative impacts on personal and social life.

When linked to online gambling endorsements, Instagram celebrities who promote gambling sites cannot be separated from this prohibition. Although Instagram celebrities do not always participate directly in gambling, the act of promoting online gambling sites is still closely linked to the spread of forbidden acts. In Islamic law, a person is not only prohibited from directly engaging in forbidden acts, but also from assisting, facilitating, or encouraging others to commit sinful acts. This principle aligns with Surah Al-Ma'idah verse 2 of the Quran, which commands humans to help one another in righteousness and piety, and prohibits helping one another in sin and enmity. Therefore, online gambling endorsements can be viewed as a form of assistance to sinful acts, as Instagram celebrities use their influence, popularity,[14] and public trust to direct their audiences towards gambling activities.[15]

The construction of Instagram celebrity accountability from an Islamic perspective can be constructed through the concept of *taklif*, which is the imposition of legal responsibility on someone who has fulfilled the requirements as a legal subject. In Islamic law, a person can be held accountable if they are considered *mukallaf* (a person of sound mind, mature, and able to understand the consequences of their actions). Instagram celebrities are generally adults who consciously manage social media accounts, understand the function of posts, are

aware of promotional relationships with certain parties, and derive economic benefit from endorsement activities. Therefore, if an Instagram celebrity knows that the site being promoted is an online gambling site, then under Islamic law they can be considered to have the awareness and will to engage in an act that violates sharia.[15]

In Islamic jurisprudence (jurisprudence), an act can be considered a crime if it meets the formal, material, and moral elements. The formal element relates to the existence of sharia provisions prohibiting an act. In this context, the prohibition against gambling is clearly stated in the Quran and the principles of Islamic law. The material element relates to the actual actions taken by the perpetrator.[15] In the case of Instagram celebrities, this element is evident in the form of promotional posts, the distribution of gambling site links, the use of referral codes, testimonials of wins, invitations to play, or other content aimed at attracting followers to access online gambling.[16] Meanwhile, the moral element relates to the perpetrator's fault or awareness. If the Instagram celebrity knows that the content being promoted relates to online gambling but still accepts it for payment or economic gain, then the element of fault can be deemed fulfilled. The division of elements of crime in Islamic criminal law includes formal, material, and moral elements, with the moral element relating to the perpetrator's ability to be legally accountable for their actions.[17]

Thus, the responsibility of Instagram celebrities for online gambling endorsements is not only based on the direct consequences of gambling, but also on the role of the Instagram celebrity in creating opportunities, encouragement, and access to gambling. In Islamic law, an act that becomes a means to sin can also be prohibited through the principle of *sadd al-dzari'ah*. [18] This principle means blocking paths or means that have the potential to cause harm. Online gambling endorsements are a means that opens up wider opportunities for the public to learn about, access, and try gambling. Therefore, even if such promotions are packaged as entertainment, testimonials, or light-hearted content on social media, their substance still leads to the spread of forbidden acts. In this context, Islamic law looks not only at the outward form, but also at the purpose, consequences, and potential harm caused by such acts. The concept of *sadd al-dzari'ah* itself is understood as a method to prevent something that becomes a medium or cause of harm.[19]

The responsibility of Instagram celebrities can also be linked to the principles of *mafsadah* and *maslahah*. Islamic law aims to realize the benefit and prevent harm. Online gambling clearly carries numerous harmful consequences, such as property loss, addiction, psychological disorders, family conflict, decreased productivity, and moral decay. When Instagram celebrities promote online gambling to thousands or even millions of followers, this action has the potential to further expand these harmful consequences. The influence of Instagram celebrities makes online gambling promotions seem more legitimate, appealing, and more readily accepted by society. This is dangerous because it can lead to the normalization of acts prohibited by religion and law.

From an Islamic legal perspective, earning income from online gambling promotions also poses its own problems. Income derived from activities related to haram (forbidden) acts cannot be considered good income. Instagram celebrities who accept payment from online gambling sites are essentially profiting from destructive and prohibited activities. This contradicts the principle of *halal* (permissible) livelihood. Islam not only assesses the final

result, in the form of money or profit, but also assesses the process and source of its acquisition. If the source of income comes from activities that support gambling, then such income contains elements that are inconsistent with sharia principles.

The Islamic criminal code for online gambling endorsements by celebrities is more appropriately classified as ta'zir crimes. This is because the promotion or endorsement of online gambling, as a contemporary digital phenomenon, does not specifically mention the form of sanctions in the texts, but its substance clearly contradicts the sharia prohibition on gambling and the prohibition on assisting in sinful acts. In Islamic criminal law, ta'zir is a form of sanction for reprehensible acts or violations for which sanctions are not specifically specified in the Quran and Hadith. Therefore, determining the form of punishment is left to the competent authorities for the benefit of the community.[20] Islamic criminal law literature explains that ta'zir crimes differ from hudud and qisas-diyat because the sanctions are not defined by sharia but can be determined as needed to uphold justice and the public interest.[21]

By being classified as a ta'zir crime, the accountability of the celebrity is not solely directed at punishing the perpetrator, but also at preventing recurrence, providing a deterrent effect, and protecting society from the negative impacts of gambling. Sanctions within the ta'zir framework are educational, preventive, and corrective. This means that Islamic law does not merely view punishment as retribution, but also as a means of reforming perpetrators and maintaining social order. In the case of online gambling endorsements, sanctions against Instagram celebrities can be understood as an effort to emphasize that digital space should not be used as a means of spreading immorality and social harm.

When linked to Indonesian positive law, this construction of responsibility also has a strong basis. Gambling has long been considered a criminal offense under Indonesia's criminal law regime. Law No. 7 of 1974 concerning the Regulation of Gambling stipulates that all gambling crimes are classified as crimes. The new national Criminal Code (KUHP) regulates gambling, including Articles 426 and 427 of Law No. 1 of 2023. Meanwhile, in the digital context, Law No. 1 of 2024, the second amendment to the ITE Law, prohibits the distribution, transmission, and/or access of electronic information or electronic documents containing gambling content, with criminal penalties stipulated in Article 45 paragraph (3).

However, the primary focus from an Islamic perspective is that the accountability of Instagram celebrities extends beyond formal proof under state law to encompass moral and spiritual responsibility. As digital public figures, Instagram celebrities wield significant influence over the behavior of their followers. When this influence is used to encourage society to engage in destructive activities, they have abused the social trust inherent in their popularity. In Islam, every form of influence and ability possessed by an individual is accountable. Therefore, the greater a celebrity's influence, the greater the moral responsibility they must bear for any content they disseminate.

Therefore, the construction of Instagram celebrities' criminal liability for online gambling endorsements from an Islamic legal perspective can be formulated based on several key principles. First, online gambling is a form of gambling (maisir) that is haram and strictly prohibited in Islam. Second, online gambling endorsements constitute a form of assistance or facilitation of sinful acts because they help expand public access to gambling. Third,

Instagram celebrities, as legally competent individuals, can be held accountable if they demonstrate awareness, will, and economic benefit from the promotion. Fourth, the act gives rise to widespread harm and can therefore be prevented through the principle of *sadd al-dzari'ah*. Fifth, the sanction for this act can be categorized as *ta'zir* because the form of the act is a contemporary phenomenon for which no specific sanction is specified in the text, but its substance contradicts the objectives of sharia.

Based on this description, endorsement of online gambling by Instagram celebrities, from an Islamic perspective, is not a neutral act or merely a digital marketing activity. Such actions carry legal and moral responsibility because they contribute to the spread of practices prohibited by religion and harmful to society. Instagram celebrities who promote online gambling can be seen as parties contributing to the spread of harm, whether through direct invitations, the distribution of links, testimonials, or the creation of a positive image of gambling. Therefore, criminal liability for Instagram celebrities in cases of online gambling endorsements is crucial, not only to uphold the law, but also to uphold sharia values, protect society from harm, and ensure that the development of digital technology remains within the corridors of ethics, law, and public welfare.

2. Analysis of Celebrity Accountability from an Islamic Law Perspective.

The analysis of Instagram celebrity accountability from an Islamic legal perspective essentially focuses not only on whether the celebrity participated in online gambling, but also on assessing whether their actions contributed to the spread of acts prohibited by sharia. In the context of online gambling endorsements, Instagram celebrities do not always act as organizers or direct gamblers. However, through promotional activities on social media, Instagram celebrities can play a role in introducing, directing, influencing, and even persuading people to access online gambling sites.[20] Therefore, accountability from an Islamic legal perspective must be viewed in terms of the relationship between the promotional act, the perpetrator's awareness, the profits obtained, and the social consequences of the act.

In Islamic law, gambling, or *maisir*, is strictly prohibited because it contains elements of speculation, uncertainty, and unfair profit-making. The prohibition on *maisir* extends not only to direct gambling activities but also to all forms of behavior that support, facilitate, or direct others to gambling practices. This demonstrates that Islamic law assesses actions not only based on their outward appearance but also on their substance, purpose, and consequences. If an act becomes a means for the spread of immorality, then the act can also be seen as part of an action that is contrary to the Shari'a.[21]

Instagram celebrities who endorse online gambling can be seen as having a responsibility because they are using their popularity and social influence to promote something prohibited. In the digital space, the influence of Instagram celebrities cannot be underestimated. Their large following, high level of interaction, and the audience's trust in them mean that each post has significant potential to shape societal behavior. When this influence is used to promote online gambling sites, the Instagram celebrity not only conveys information but also contributes to the perception that online gambling is attractive, easy, and potentially

profitable.[1] From an Islamic perspective, such actions contradict the principle of moral responsibility, as one should not use their influence to induce others to harm.

The responsibility of Instagram celebrities can also be analyzed through the concept of taklif (obligation) in Islamic law. Taklif is a legal obligation imposed on someone who meets the requirements for legal subjects: being sane, mature, and able to understand the consequences of their actions. Instagram celebrities are generally individuals who consciously manage their social media accounts, understand the function of promotional content, and are aware that endorsements are intended to influence their audience. Thus, if a celebrity knows that the site they are promoting is an online gambling site, they can be considered a legal subject capable of being held accountable. [16] Awareness and the ability to understand the consequences of their actions are crucial in determining responsibility under Islamic law.

In this context, the element of fault, or al-khatha', is also crucial. If a celebrity knowingly accepts payment to promote an online gambling site, includes a link, uses a referral code, provides a winning testimonial, or encourages their followers to try the game, then these actions demonstrate an element of intent. This intent does not necessarily have to involve the intention to harm society, but simply requires knowledge that the object being promoted is online gambling and continues to do so for economic gain.[13] In other words, if a celebrity knows the prohibition and harmful effects of online gambling but still promotes it, their responsibility is stronger from an Islamic legal perspective.

However, if the celebrity claims ignorance that the site they are promoting is an online gambling site, this reason still needs to be critically examined. In Islamic law, ignorance does not necessarily absolve responsibility if that ignorance arises from negligence. As a promoter, a celebrity on Instagram should exercise caution when accepting endorsement deals. They need to ensure that the product or service being promoted does not conflict with the law, religion, or societal moral values.[9] If they fail to conduct any investigations into the promotional material, even though there are strong indications that the content is related to online gambling, this could be considered negligence. From an Islamic perspective, negligence regarding something that clearly has the potential to cause sin and harm can still give rise to moral and legal responsibility.

The responsibility of celebrities in online gambling endorsements is also closely related to the principle of prohibiting mutual assistance in sin. Islam teaches that humans should help one another in goodness and piety, not in sin and hostility. Online gambling endorsements constitute a form of assistance against sin because celebrities help gambling site owners expand their promotional reach and attract more users. Although this assistance is packaged in the form of advertising, entertainment content, or digital promotions, the substance still leads to the spread of gambling. Therefore, celebrities can be seen as parties supporting the continuation of online gambling practices through their powerful social influence.[4]

Furthermore, the actions of Instagram celebrities can also be analyzed using the principle that means to something forbidden can be considered forbidden. In this context, online gambling is forbidden, while promotion or endorsement serves as a means of encouraging others to learn about and access online gambling. Therefore, such promotion cannot be considered neutral. Promotional content that displays benefits, bonuses, winnings, or ease of play constitutes an indirect invitation that can lead audiences to gambling. Therefore, from

an Islamic legal perspective, online gambling endorsements can be viewed as prohibited because they constitute a pathway to forbidden behavior.

The principle of *sadd al-dzari'ah* is also relevant in analyzing the accountability of Instagram celebrities. *Sadd al-dzari'ah* means blocking paths that can lead to harm. Online gambling endorsements are one of the gateways that open public access to gambling. The greater the influence of an Instagram celebrity, the greater the potential for audiences to be encouraged to try online gambling. Therefore, such promotional activities must be prevented because they can contribute to the spread of deviant behavior in society. In Islamic law, preventing the means of corruption is crucial to prevent society from falling into actions that harm religion, reason, property, and social life.

From the perspective of *maqasid al-shari'ah* (obligatory principles of Islamic law), endorsements of online gambling clearly contradict the primary objectives of *sharia*. One of the objectives of Islamic law is to safeguard religion, life, reason, posterity, and property. Online gambling has the potential to harm all of these aspects. From a religious perspective, gambling distances a person from obedience and encourages sin. From a rational perspective, gambling can lead to addiction and impair one's ability to make rational decisions. From a material perspective, gambling can lead to economic loss, debt, and even bankruptcy. From a family and social perspective, gambling can lead to conflict, violence, and the breakdown of domestic harmony. If Instagram celebrities promote online gambling, they are creating a space for the destruction of these objectives of *sharia*.^[1]

The income earned by Instagram celebrities from online gambling endorsements is also an important part of Islamic legal analysis. Islam not only mandates that a person must seek sustenance but also emphasizes that this sustenance must be obtained through lawful and good means.^[3] Money received from online gambling promotions is problematic under Islamic law because it originates from activities that support forbidden acts. Although the income is externally obtained through promotional services, the object being promoted remains prohibited. Therefore, the economic benefits obtained by Instagram celebrities from online gambling endorsements cannot be separated from the issue of the *halal* source of income.

The responsibility of Instagram celebrities can also be seen in the resulting social impact. Instagram celebrities hold positions as digital public figures often looked to as role models by their followers. When an Instagram celebrity promotes online gambling, they have the potential to normalize prohibited acts. Online gambling can appear to be a normal, modern, fun, and profitable activity. However, behind such promotion lies significant risks of addiction, financial loss, mental distress, and social harm. Under Islamic law, actions that cause society to normalize a sin are a serious problem because they can weaken moral and religious sensitivity.

Within the framework of Islamic jurisprudence (*fiqh jinayah*), the actions of Instagram celebrities promoting online gambling can be categorized as a violation that falls within the realm of *ta'zir*.^[16] This is because online gambling endorsements are a contemporary phenomenon for which no specific sanctions are specified in the texts, but their substance clearly contradicts *sharia* prohibitions. *Ta'zir* is applied to acts that involve sin or harm, but do not have specific sanctions provisions, such as those in *hudud* or *qisas* crimes. Therefore,

the accountability of Instagram celebrities under Islamic law can be left to the competent authorities to determine the appropriate sanctions, taking into account the severity of the offense, the extent of the perpetrator's influence, the resulting impact, and the intended benefit of society.[14]

Sanctions within the concept of ta'zir are not solely intended to punish, but also to educate, prevent, and reform. In the context of online gambling endorsements, sanctions imposed on Instagram celebrities aim to provide a deterrent effect, deter others from engaging in similar behavior, and protect the public from exposure to online gambling promotions. This aligns with the goal of Islamic law, which not only punishes perpetrators after harm has occurred but also prevents harm before it spreads.[6] Therefore, the responsibility of Instagram celebrities, from an Islamic perspective, is not merely individual but also has a social dimension, as it relates to protecting society from the harmful influence of digital media.[13]

Therefore, an analysis of Instagram celebrity responsibility from an Islamic legal perspective shows that the act of endorsing online gambling is not an act to be taken lightly. Instagram celebrities who knowingly promote online gambling sites can be held accountable for aiding the spread of gambling, using their social influence to encourage harm, profiting from illicit activities, and potentially damaging societal moral values. Even if the Instagram celebrity claims they are simply carrying out a promotional collaboration, this does not absolve them of responsibility if they knew or should have known that the object of the promotion was online gambling.

Based on this explanation, the responsibility of Instagram celebrities from an Islamic legal perspective can be understood as encompassing legal, moral, and social aspects. From a legal perspective, Instagram celebrities can be categorized as parties who assist or facilitate illicit acts. From a moral perspective, Instagram celebrities have abused their influence and popularity for interests that are detrimental to society. From a social perspective, their actions can expand the normalization of online gambling and have a negative impact on their followers. Therefore, celebrities involved in online gambling endorsements are not only responsible for the content they upload, but also for the consequences and influence that this content has on the wider community.

D. CONCLUSION

Based on the two sub-discussions above, it can be concluded that the responsibility of Instagram celebrities for online gambling endorsements from an Islamic legal perspective is not only seen from whether the celebrity directly participates in gambling, but also from their role in promoting, facilitating, and expanding public access to maisir practices, which are clearly prohibited by sharia. Instagram celebrities, as digital public figures, have significant social influence. Therefore, when this influence is used to promote online gambling sites, their actions can be constructed as a form of assistance to sin, a violation of the principle of prohibition of mutual assistance in sin, and an act that causes harm to society. From an Islamic legal perspective, Instagram celebrities who have fulfilled the requirements as legal subjects or mukallaf can be held accountable if there are elements of awareness, will, and economic benefit from the promotion. Therefore, online gambling endorsements by Instagram celebrities can be categorized as actions that deserve accountability in the realm of ta'zir, because although the

form of the act is a contemporary phenomenon in the digital space, its substance still contradicts the objectives of sharia, particularly in protecting religion, reason, property, and the welfare of society.

E. REFERENCE

- [1] F. A. Ningsih, S. N. Sumantri, S. A. Fachri, A. Setiawan, S. Luthfie, and A. Ghaffar, “Analisis Jarimah Judi Online Dalam Perspektif Fiqh Jinayah Fakultas Syariah dan Hukum Universitas Islam Negeri Sumatera Utara,” vol. 10, no. 36, pp. 132–142, 2025.
- [2] M. Romdoni, R. Aulia, and R. Ms, “Online Gambling In The Perspectives of Islamic Law and Criminal Law : A Critical Analysis of Current Cases In Indonesia,” vol. 15, no. 02, pp. 535–548, 2025, doi: 10.58471/justi.v15i02.
- [3] F. Akbar, M. Shafira, E. Susanti, D. Achmad, and D. R. Monica, “Pertanggungjawaban Hukum Terhadap Pelaku Promotor Perjudian Online Universitas Lampung , Indonesia Teknik dalam melakukan promosi dengan menggunakan sosial media yang cukup dikenal adalah Instagram yaitu pemilik situs akan membayar pemilik akun sosial yang memiliki pengikut banyak untuk memposting tentang informasi situs judi online tersebut dalam,” no. 5, 2024.
- [4] A. Kosasih, T. Setiady, and S. Karawang, “AKIBAT HUKUM ARTIS PROMOSIKAN SITUS SLOT JUDI ONLINE PENANGGULANGNYA,” vol. 12, no. 1, pp. 67–78, 2025.
- [5] P. D. Humaniora *et al.*, “Enforcement of the ITE Law and the Impact of Online Gambling Promotion by Influencers on the Youth in Tomohon,” vol. 8, no. 2, pp. 2268–2279, 2024, doi: 10.36526/js.v3i2.
- [6] P. Studi, I. Hukum, and U. P. Ganesha, “PENYEBAR KONTEN JUDI ONLINE DI KABUPATEN BULELENG e-Journal Komunikasi Yustisia Universitas Pendidikan Ganesha,” vol. 6, no. November, 2023.
- [7] L. Sciences, U. S. Raya, O. Gambling, and J. Online, “Effectiveness of Law Enforcement on Online Gambling Promotion Among Influencers,” vol. 19, no. 1, pp. 260–271, 2025.
- [8] O. Judol and M. Media, “PERTANGGUNGJAWABAN PIDANA PELAKU PROMOSI SITUS JUDI ONLINE (JUDOL) MELALUI MEDIA SOSIAL,” no. 19, 2016.
- [9] M. R. Syafaatullah, “Kajian Normatif tentang Pertanggungjawaban Pidana Terhadap Selegram dalam Promosi Judi Online Berdasarkan ketentuan Hukum Di Indonesia,” vol. 03, no. 02, pp. 92–106, 2024.
- [10] Rika Khairun Nissa, “PERTANGGUNGJAWABAN PIDANA SELEBGRAM ATAS PROMOSI JUDI ONLINE DI MEDIA SOSIAL (Studi Putusan Nomor : 509/Pid.Sus/2024/PN. Srg),” vol. 1, no. 2337, 2025.

- [11] M. F. Ramadhan, S. Nawi, H. Khalid, and I. Abbas, “The Nature of Legal Regulations on The Merauke Integrated Food and Energy Plantation Project,” vol. 11, no. 1, pp. 3001–3006, 2026.
- [12] M. S. R. Ventry Faomassi zega, Hernita Aruan, Roni Dear A Purba, “Pertanggungjawaban Pidana Selebgram Dalam mempromosikan Judi Menurut UU ITE,” vol. 5, no. 3, pp. 494–504, 2021, doi: 10.36312/jisip.v5i3.2194.
- [13] J. Wielki, “Analysis of the Role of Digital Influencers and Their Impact on the Functioning of the Contemporary On-Line Promotional System and Its Sustainable Development,” 2020.
- [14] W. Gong, W. Ye, and S. Yu, “Facilitating Endorsement Efficacy : The Interplay of Parasocial Interaction , Product Placement , and Influencer Type,” pp. 3214–3228, 2024.
- [15] R. Rossi, A. Nairn, J. Smith, and C. Inskip, ““ Get a £ 10 Free Bet Every Week !”— Gambling Advertising on Twitter : Volume , Content , Followers , Engagement , and Regulatory Compliance,” vol. 40, no. 4, pp. 487–504, 2021, doi: 10.1177/0743915621999674.
- [16] G. Aonso-diego, Á. García-pérez, and A. Krotter, “Impact of Spanish gambling regulations on online gambling behavior and marketing strategies,” vol. 7, 2025.
- [17] E. A. Killick and M. D. Griffiths, “Sports Betting Advertising : A Systematic Review of Content Analysis Studies,” *Int. J. Ment. Health Addict.*, vol. 21, no. 5, pp. 3076–3102, 2023, doi: 10.1007/s11469-022-00775-4.
- [18] J. Enrique, J. D. Barquero-cabrero, D. Caldevilla-dom, and A. Barrientos-b, “Tipsters and Addiction in Spain . Young People ’ s Perception of Influencers on Online Sports Gambling,” 2021.
- [19] J. Torrance, B. John, J. Greville, M. O. Hanrahan, N. Davies, and G. Roderique-davies, “Emergent gambling advertising ; a rapid review of marketing content , delivery and structural features,” pp. 1–13, 2021.
- [20] R. Rossi and A. Nairn, “New Developments in Gambling Marketing : the Rise of Social Media Ads and Its Effect on Youth,” *Curr. Addict. Reports*, pp. 385–391, 2022, doi: 10.1007/s40429-022-00457-0.
- [21] R. J. E. James, “The Use of Social Media in Research on Gambling : a Systematic Review,” pp. 235–245, 2021.