

ABSTRAK

Skripsi ini berjudul “Analisis Pertimbangan Hakim dalam Perkara Mempromosikan Judi *Online* Slot Ditinjau dari Prespektif Hukum Pidana Islam (Studi Kasus Putusan No55 Pid.Sus/2023/PN bkt)” yang ditulis oleh Muhammad Toriq Okto Dwi Putra, NIM 1420.029, Program Studi Hukum Pidana Islam, Fakultas Syariah, Universitas Islam Negeri (UIN) Sjech M. Djamil Djambek Bukittinggi.

Skripsi ini dilatar belakangi oleh perkembangan teknologi informasi dan komunikasi telah mendorong kemunculan judi *online* sebagai salah satu kejahatan siber yang marak terjadi di Indonesia. Promosi judi *online* melalui media sosial, seperti yang dilakukan oleh selebgram, menjadi tantangan serius bagi penegakan hukum. Meskipun Undang-Undang Nomor 19 Tahun 2016 tentang Informasi dan Transaksi Elektronik (ITE) telah mengatur larangan dan sanksi atas perbuatan tersebut, implementasi hukum di lapangan dinilai belum menimbulkan efek jera yang memadai. Salah satu contohnya adalah Putusan No.55/Pid.Sus/2023/PN Bkt, di mana terdakwa hanya dijatuhi pidana penjara selama 10 (sepuluh) bulan dan denda Rp100.000.000,00 (seratus juta rupiah).

Berdasarkan hal ini penulis ingin mengetahui secara utuh tentang Penelitian ini bertujuan untuk menganalisis pertimbangan hukum hakim dalam putusan tersebut serta meninjau perspektif hukum pidana Islam terhadap promosi judi *online*. Penelitian menggunakan metode kepustakaan (*library research*) dengan pendekatan kualitatif, dan teknik analisis deskriptif-deduktif berdasarkan data primer berupa putusan pengadilan, perundang-undangan, Al-Qur'an, dan hadis, serta data sekunder berupa literatur ilmiah terkait.

Hasil penelitian ini pertama, menunjukkan bahwa terdakwa secara sah terbukti mempromosikan situs judi *online* ROBOSLOT melalui Instagram, dengan menerima bayaran atas aktivitasnya. Majelis hakim mempertimbangkan unsur-unsur hukum sesuai ketentuan Pasal 27 ayat (2) jo. Pasal 45 ayat (2) UU ITE, Dari Majelis Hakim menyatakan terdakwa terbukti mempromosikan judi online berdasarkan bukti, keterangan saksi, pengakuan, dan ahli, serta menjatuhkan hukuman 10 (sepuluh) bulan penjara dan denda Rp100.000.000 (seratus juta rupiah) dengan mempertimbangkan sikap sopan, kooperatif, dan tanpa riwayat kriminal. putusan hakim telah sesuai prosedur, namun hukuman yang dijatuhkan dinilai belum memberikan efek jera yang memadai, mengingat dampak sosial dan ekonomi dalam perjudian *online* yang luas. Kedua, dalam perspektif hukum pidana Islam. Promosi judi *online* termasuk dalam kategori jarimah *ta'zir*, di mana hakim memiliki kewenangan penuh untuk menentukan hukuman yang adil dan proporsional berdasarkan kerugian sosial dan moral. Putusan hakim mencerminkan keadilan, nilai edukatif, dan kemaslahatan umat, namun perlu dimaksimalkan untuk mencegah kerusakan moral dan sosial.

ABSTRACT

This thesis is entitled "*Analysis of the Judge's Involvement in the Case of Promoting Online Slot Gambling in Review from the Perspective of Islamic Criminal Law (Case Study of Decision No55 Pid.Sus/2023/PN bkt)*" written by Muhammad Toriq Okto Dwi Putra, NIM 1420.029, Islamic Criminal Law Study Program, Faculty of Sharia, State Islamic University (UIN) Sjech M. Djamil Djambek Bukittinggi.

The development of information and communication technology has encouraged the emergence of *online* gambling as one of the rampant cybercrimes in Indonesia. The promotion of *online gambling* through social media, such as that done by celebrities, is a serious challenge for law enforcement. Although Law Number 19 of 2016 concerning Information and Electronic Transactions (ITE) has regulated prohibitions and sanctions for these acts, the implementation of the law in the field is considered to have not caused an adequate deterrent effect. One example is Decision No. 55/Pid.Sus/2023/PN Bkt, where the defendant was only sentenced to 10 (ten) months in prison and a fine of Rp100,000,000.00 (one hundred million rupiah).

This study aims to analyze the judge's legal considerations in the verdict as well as review the perspective of Islamic criminal law on *the promotion of online gambling*. The research uses library research methods with a qualitative approach, and descriptive-deductive analysis techniques based on primary data in the form of court decisions, legislation, the Qur'an, and hadith, as well as secondary data in the form of related scientific literature.

The results of the investigation show that the defendant was legally proven to be promoting *the ROBOSLOT online gambling site* through Instagram, by receiving payment for his activities. The panel of judges considered the legal elements in accordance with the provisions of Article 27 paragraph (2) jo. Article 45 paragraph (2) of the ITE Law, the Panel of Judges stated that the defendant was proven to promote online gambling based on evidence, witness statements, confessions, and experts, and sentenced him to 10 (ten) months in prison and a fine of Rp100,000,000 (one hundred million rupiah) by considering his polite, cooperative, and no criminal history. From a positive legal perspective, the judge's decision has been procedural, but the sentence imposed is considered not to have an adequate deterrent effect, given the social and economic impact on *online gambling* extensively. The author recommends a minimum prison sentence of 3 (three) years and a fine of more than Rp300,000,000.00 (three hundred million rupiah) for a stronger deterrent effect. From the perspective of Islamic criminal law, gambling (*maisir*) is a heinous act that is prohibited by the Shari'a (QS. Al-Maidah: 90-91). Online gambling promotion falls under the category of jarimah *ta'zir*, where judges have full authority to determine fair and proportionate punishments based on social and moral harm. The judge's decision reflects justice, educational values, and the benefit of the people, but it needs to be maximized to prevent moral and social damage